

STAFF REPORT

April 22, 2004

No. 04CA013 - Amendment to the Comprehensive Plan to change the future land use designation on a 4.8 acre parcel from Residential to Office Commercial with a Planned Commercial Development

ITEM 25

GENERAL INFORMATION:

PETITIONER

Wyss Associates, Inc. for WEB Land Holdings, LLC

REQUEST

No. 04CA013 - Amendment to the Comprehensive Plan to change the future land use designation on a 4.8 acre parcel from Residential to Office Commercial with a Planned Commercial Development

EXISTING
LEGAL DESCRIPTION

From the SW corner of the SE 1/4 of Section 11, T1N, R7E, BHM; travel 235.68 feet at a bearing N0°21'00" East to a point; thence travel along a 398.07 foot radius concave Northwesterly curve with a chord bearing N47°53'49" East, at a chord distance of 499.5 feet to a point; thence travel 106.52 feet at a bearing N07°07'14" East to a point; then travel along a 319.57 foot radius concave Southeasterly curve with a chord bearing N61°26'27" East at a chord distance of 519.17 feet to a point; then travel along a 390.57 foot radius concave Southwesterly curve with a chord bearing S47°12'05" East at a chord distance of 228.86 feet to a point; then travel along a 319.71 foot radius concave Northeasterly curve with a chord bearing S59°15'23" East, at a chord distance of 209.9 feet to a point to a point; then travel 168.12 feet at a bearing S81°57'45" East to a point to a point; then travel along a 266.67 foot radius concave Northwesterly curve with a chord bearing N60°59'38" East, at a chord distance of 321.30 feet to a point; thence travel 81.39 feet at a bearing N36°00'49" East to a point; this is the Point of Beginning; thence travel 35.94 feet at a bearing of N36°18'49" East to a point; thence travel along a 330.29 foot radius Southeasterly curve with a chord bearing N62°48'30" East, at a distance of 343.19 feet to a point; thence travel 11.14 feet at a bearing S08°15'56" West to a point; thence travel 317.84 feet at a bearing S69°5'42" East to a point; thence travel 361.57 feet at a bearing S00°19'15" West to a point; thence travel 140.43 feet at a bearing S46°14'50" West to a point; thence travel 173.7 feet at a bearing N41°26'10" West to a point; thence travel 111.72 feet at a bearing N70°08'07" West to a point; thence travel 60 feet at a bearing N0°20'27" East to a point; thence travel 112.67

STAFF REPORT
April 22, 2004

No. 04CA013 - Amendment to the Comprehensive Plan to change the future land use designation on a 4.8 acre parcel from Residential to Office Commercial with a Planned Commercial Development

ITEM 25

feet at a bearing N89°39'33" West to a point; thence travel 103.3 feet at a bearing N33°19'07" West to a point; thence travel 153.21 feet at a bearing N57°34'25" West to the point of beginning; said area contains approximately 4.8 acres

PARCEL ACREAGE	Approximately 4.8 acres
LOCATION	Along Tower Road
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	Medium Density Residential District w/PRD
South:	Park Forest District
East:	General Commercial District w/PCD
West:	General Agriculture District
PUBLIC UTILITIES	To be extended
DATE OF APPLICATION	03/12/2004
REPORT BY	Karen Bulman

RECOMMENDATION: The Future Land Use Committee recommends that the Amendment to the Comprehensive Plan to change the future land use designation on a 4.8 acre parcel from Residential to Office Commercial with a Planned Commercial Development be approved.

GENERAL COMMENTS: **This staff report has been revised as of April 13, 2004. All revised and/or added text is shown in bold print. The Planning Commission was notified at the April 8, 2004 meeting that the required sign was not posted on the property. Therefore, this application was continued to the April 22, 2004 Planning Commission meeting to allow the required sign to be posted.** The subject property is located on the southwest corner of Tower Road and Mt. Rushmore Road. The property is currently void of any structural development and is zoned General Agriculture District. The property owner has submitted a request to rezone the property from General Agriculture District to Office Commercial District with a Planned Development Designation.

The applicant has submitted several applications for proposals located in the Tower Road area incorporating approximately 57.79 acres. In addition to the Comprehensive Plan Amendment to change the land use designation on the subject property from Residential to Office Commercial with a Planned Commercial Development, the applicant has submitted fifteen applications including: four Planned Development Designations, four Rezoning

STAFF REPORT
April 22, 2004

No. 04CA013 - Amendment to the Comprehensive Plan to change the future land use designation on a 4.8 acre parcel from Residential to Office Commercial with a Planned Commercial Development

ITEM 25

requests, three Comprehensive Plan Amendments, and four Layout Plats. The Layout Plats submitted by the applicant indicate subdividing the property into Tower Road Offices, a Tower Road Retirement Center, and ten Senior Townhomes. (See companion items: 04PL030, 04RZ014, 04PD022, 04PL031, 04RZ015, 04PD019, 04CA012, 04PL032, 04RZ016, 04PD020, 04CA011, 04PL033, 04RZ017, 04CA014, and 04PD021.)

STAFF REVIEW: The adopted Comprehensive Plan is a framework within which development and rezoning proposals are measured and evaluated. The plan is intended to guide the orderly growth of the community. In order for the plans to remain viable and to keep pace with a changing market place, periodic adjustments to reflect changing conditions will be required.

The Comprehensive Plan currently identifies the subject property as appropriate for residential land use(s). On March 26, 2004, the Future Land Use Committee met to review the proposal for the Tower Road area. The area is located adjacent to intense general commercial land uses to the north and east and residential land uses to the west. The property is also located adjacent to US Highway 16 and Mt. Rushmore Road. The Office Commercial land use provides a good transition between the intense general commercial uses and the residential uses. The Future Land Use Committee recommended approval of the Comprehensive Plan Amendment to change the land use on the subject property from Residential to Office Commercial land use(s) with a Planned Commercial Development.

A request to rezone this property from General Agriculture District to Office Commercial District (04RZ016) and a request for a Planned Development Designation (04PD020) have been submitted in conjunction with the Amendment to the Comprehensive Plan. The Planned Commercial Development – Initial and Final Development Plan will address site specific concerns relative to drainage, slope stability, traffic and street improvements on the subject property.

The Future Land Use Committee recommends approval of the Comprehensive Plan Amendment to change the land use on the subject property from Residential to Office Commercial land use(s) with a Planned Commercial Development.

The required sign has been posted on the property and the receipts from the certified mailing have been returned. **Staff has received several inquiries, but no objections regarding the proposed request.**