

STAFF REPORT

June 10, 2004

No. 04CA025 - Amendment to the Comprehensive Plan to change the future land use designation on a 0.63 acre parcel from Low Density Residential with a Planned Residential Development to Office Commercial with a Planned Commercial Development

ITEM 26

GENERAL INFORMATION:

PETITIONER Wyss Associates, Inc. for Web Real Estate Holdings Company, LLC

REQUEST **No. 04CA025 - Amendment to the Comprehensive Plan to change the future land use designation on a 0.63 acre parcel from Low Density Residential with a Planned Residential Development to Office Commercial with a Planned Commercial Development**

EXISTING LEGAL DESCRIPTION Commencing at the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM; Thence travel 854.51 feet at a bearing S89°27'22"E to a point; Thence travel 692.17 feet at a bearing N00°32'38"E to the Point of Beginning; travel 205.11 feet at a bearing N35°12'36"E to a point; thence travel 70.11 feet at a bearing N00°21'00"E to a point; thence travel 65.15 feet at a bearing N90°00'00"E to a point; thence travel 318.07 feet at a bearing S00°00'00"E to a point; thence travel 93.37 feet at a bearing N30°35'10"W to a point; thence travel 136.33 feet at a bearing S90°00'00"W to a point to the Point of Beginning; said parcel contains approximately 0.63 acres more or less

PARCEL ACREAGE Approximately 0.63 acres

LOCATION West of the western terminus of Fairmont Boulevard along Tower Road

EXISTING ZONING Low Density Residential District w/PDD

SURROUNDING ZONING
North: Low Density Residential District w/PDD
South: Low Density Residential District w/PDD
East: Office Commercial District w/PDD
West: Low Density Residential District w/PDD

PUBLIC UTILITIES To be extended

DATE OF APPLICATION 05/14/2004

STAFF REPORT
June 10, 2004

No. 04CA025 - Amendment to the Comprehensive Plan to change the future land use designation on a 0.63 acre parcel from Low Density Residential with a Planned Residential Development to Office Commercial with a Planned Commercial Development

ITEM 26

REVIEWED BY

Karen Bulman / Curt Huus

RECOMMENDATION: Staff recommends that the Amendment to the Comprehensive Plan to change the future land use designation on a 0.63 acre parcel from Low Density Residential with a Planned Residential Development to Office Commercial with a Planned Commercial Development be approved.

GENERAL COMMENTS: This undeveloped property contains approximately .63 acres and is located west of the western terminus of Fairmont Boulevard and along Tower Road. The property is zoned Low Density Residential District with a Planned Development Designation. The properties located north, south and west of the subject property are zoned Low Density Residential District with a Planned Development Designation. The property located east of the subject property is zoned Office Commercial District with a Planned Development Designation.

The subject property is located within the Skyline Pines East Subdivision, an area proposed for development as residential, office commercial and general commercial land uses. The subject property is a portion of a larger parcel that is to be developed for office commercial uses. The applicant has submitted a request to rezone the subject property from Low Density Residential District to Office Commercial District (04RZ032) in conjunction with this Amendment to the Comprehensive Plan.

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.

Staff has reviewed this proposed comprehensive plan amendment for conformance with the six criteria for review of comprehensive plan amendments established in Section 2.60.160(D). A summary of staff findings are outlined below:

1. *Whether the proposed change is consistent with the policies and overall intent of the comprehensive plan.*

One of the goals of the Future Land Use Plan is to encourage compact and contiguous growth along the City's fringe that is linked to orderly extension and efficient use of public improvements, infrastructure, and services. In-fill development and full utilization of properties currently served by infrastructure are encouraged. The subject property is located within an area that is changing and under development. Several rezoning and land use changes have taken place as the property owner evaluates the best use of the property. This small piece of property is part of a larger area that the applicant proposes to develop as residential, office commercial and general commercial land uses. The property is currently undeveloped. The property owner has identified this small portion of property as part of an

STAFF REPORT
June 10, 2004

No. 04CA025 - Amendment to the Comprehensive Plan to change the future land use designation on a 0.63 acre parcel from Low Density Residential with a Planned Residential Development to Office Commercial with a Planned Commercial Development

ITEM 26

area best suited for office commercial uses. The property is located east of a recently approved area of development that included the extension of water and sewer along Pevans Parkway. The Comprehensive Plan indicates that the property is appropriate for Low Density Residential with a Planned Residential Development land uses. The property owner has indicated that this small parcel will not be used for residential use and has proposed to include this parcel into a larger parcel suited for office commercial land uses. This Amendment to the Comprehensive Plan will revise the Plan to indicate that the subject property is appropriate for Office Commercial land uses. This change is consistent with the intent of the City's Comprehensive Plan to encourage in-fill development within the City limits.

- 2. Whether the proposed change is warranted by changed conditions within the neighborhood surrounding and including the subject property.*

The Skyline Pines East Subdivision is evolving into residential, office commercial and general commercial land uses. The subject property is void of any development. The applicant has proposed that this parcel be developed as office commercial land uses. The applicant has included a request to rezone the subject property from Low Density Residential District to Office Commercial District. Changing the conditions in the area through the extension of water and sewer increases the potential development of the property.

- 3. Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land.*

The property is currently zoned Low Density Residential District with a Planned Development Designation. The property located north, south and west of the subject property is zoned Low Density Residential District with a Planned Development Designation. The property located east of the subject property is zoned Office Commercial District with a Planned Development Designation. The Comprehensive Plan indicates that the subject property is appropriate for Low Density Residential with a Planned Residential Development land use. The subject property is an undeveloped portion of property that the applicant indicates will be included in an office commercial parcel. The Comprehensive Plan Amendment will change the land use from Low Density Residential with a Planned Residential Development to Office Commercial with a Planned Commercial Development. The development of this property is a continuation of the evolving development of an area that includes residential and commercial land uses. The proposed amendment will be compatible with the proposed use surrounding the subject property.

- 4. Whether and the extent to which the proposed amendment would adversely effect the environment, services, facilities, and transportation.*

The proposed increase in density will require a re-evaluation of the drainage and may require on-site detention. The existing sewer and water services are located in Pevans

STAFF REPORT
June 10, 2004

No. 04CA025 - Amendment to the Comprehensive Plan to change the future land use designation on a 0.63 acre parcel from Low Density Residential with a Planned Residential Development to Office Commercial with a Planned Commercial Development

ITEM 26

Parkway and can be extended to the proposed area. With the infrastructure in place to accommodate additional development, the proposed amendment does not appear to have a significant adverse effect on the surrounding properties.

5. *Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.*

The subject property is an undeveloped portion of a larger area that is now ready for development. The extension of water and sewer within Pevans Parkway adjacent to the subject property will allow development to continue. The proposed amendment will allow the continuation of the in-fill development within the proposed area north of Tower Road and west of Fairmont Boulevard.

6. *Whether and the extent to which the proposed amendment adversely affects any other part of the city, or creates any direct or indirect adverse effects.*

The infrastructure is in Pevans Parkway and water and sewer may be extended to the proposed area. The proposed change in land use will require a re-evaluation of the drainage in the area based on the increased density of land use and may require on-site detention. Staff has not identified any significant adverse effects that the proposed Comprehensive Plan Amendment will have on the surrounding area or on the City.

As of this writing, the required sign has not been posted on the property and the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the June 10, 2004 Planning Commission meeting if these requirements have not been met. Staff has received no inquiries or objections regarding the proposed request at the time of this writing.