

STAFF REPORT

June 21, 2001

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**No. 01PD029 - Planned Development Designation**

**ITEM 45**

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GENERAL INFORMATION:

PETITIONER	Centerline for Olsen Development Company
REQUEST	<b>No. 01PD029 - Planned Development Designation</b>
LEGAL DESCRIPTION	Beginning at the southeast corner of Tract 2 of Settler's Landing Subdivision, located in SW1/4-SE1/4, Section 19, T2N, R8E, BHM, thence N00°08'27"E 230.00 feet, thence S89°51'33"E 122.88 feet, thence N00°03'24"E 388.20 feet, thence N85°02'35"E 1043.65 feet, thence N00°02'29"W 588.25 feet, thence N89°57'31"E 255.00 feet, thence S00°02'29"E 1157.00 feet, thence through a right hand curve with a delta angle of 90°10'59" and a radius of 159.49 feet, thence N89°51'33"W 1259.15 feet, thence N00°08'27"E 17.00 feet to the Point of Beginning. Said parcel containing 24.5565 acres more or less
PARCEL ACREAGE	Approximately 24.5565 Acres
LOCATION	Northwest of the intersection of Seger Drive and 143rd Street
EXISTING ZONING	Suburban Residential District (County)
SURROUNDING ZONING	
North:	Suburban Residential District (County)
South:	General Commercial District-Light Industrial District (City)
East:	General Agriculture District-Limited Agriculture District (County) Medium Density Residential District (City)
West:	Suburban Residential District-General Agriculture District-General Commercial District (County)
PUBLIC UTILITIES	To be extended
REPORT BY	Vicki L. Fisher

RECOMMENDATION: Staff recommends that the Planned Development Designation be approved in conjunction with the associated rezoning request with the condition that no sign permits or billboards shall be allowed unless approved as part of a Final Development Plan.

GENERAL COMMENTS: This Planned Development Designation request is the companion item to a request to rezone the subject property from No Use District to General Commercial District. In addition, the applicant has submitted an annexation request to annex 127.0929 acres, a Comprehensive Plan Amendment to the Northeast Neighborhood Area Future Land Use Plan to change the future land use designation on a 24.5565 acre parcel from Office Commercial with a Planned Commercial Development to General Commercial with a

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Planned Commercial Development, and a request to rezone 39.3613 acres from No Use District to Office Commercial District with a Planned Development Designation on the subject property and additional adjacent acreage also owned by the applicant. (See accompanying files 01AN009, 01CA014, 01RZ031, 01PD029 and 01PD030.)

On May 7, 2001, the City Council approved a Comprehensive Plan Amendment to amend the Northeast Neighborhood Area Future Land Use Plan to change the future land use designation on a 15.51 acre parcel from Low Density Residential with a Planned Residential Development to Medium Density Residential with a Planned Residential Development and to change the future land use designation on a 109.19 acre parcel from Mobile Home Residential to Mobile Home Park with a Planned Residential Development and to Office Commercial with a Planned Commercial Development. The subject property, in part, is inclusive of that portion of the Comprehensive Plan Amendment from Medium Density Residential with a Planned Residential Development to Office Commercial with a Planned Commercial Development.

On June 4, 2001, the City Council approved Layout Plat #01PL034 to create an approximate 50 acre lot, inclusive of the subject property, leaving a 77 acre non-transferable balance. Currently, two residences and several accessory structures, including two large barns, are located in the southeast corner of the property adjacent to 143<sup>rd</sup> Avenue. The applicant has indicated that the structures will eventually be removed from the property to allow for the development of a recreational facility, a hotel, a commercial building, dormitory cabins and a travel park. The applicant also indicated that outdoor baseball, soccer and football fields and an outdoor water activity area will be located on additional acreage also owned by the applicant located directly north of the subject property. The applicant submitted a Master Plan in conjunction with the Layout Plat identifying the proposed plat as Phase One of a development to be known as "The Settlers Landing". Additional development on the 77 acre balance will include a single family/multi family development and a mobile home park.

STAFF REVIEW: A number of issues have been identified in conjunction with the proposed Planned Development Designation. These issues must be addressed by the applicant as part of any future Planned Commercial Development Initial and Final Development Plan.

Access: Seger Drive is located along the south lot line and 143<sup>rd</sup> Street is located along the east lot line. The Major Street Plan identifies the roads as a minor arterial road and a collector road, respectively. The Street Design Criteria Manual identifies that a minimum 76 foot wide right-of-way must be provided for a collector road and a minimum 100 foot wide right-of-way must be provided for a minor arterial road. The two roadways are located in section line right-of-way and provide a 66 foot wide right-of-way for each road. As a stipulation of any additional platting of the subject property, an additional 5 foot of right-of-way along 143<sup>rd</sup> Avenue and an additional 17 foot of right-of-way along Seger Drive must be provided. In addition, a traffic impact analysis must be submitted as a part of any future Initial and/or Final Development Plan and/or as a part of any additional platting of the property to determine additional improvements that may be necessary to support the proposed uses.

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Grading Plan and Drainage Plan: The Engineering Division has indicated that a grading plan and a drainage plan must be submitted for review and approval as a part of the Initial Development Plan. The Engineering Division has indicated that a drainage basin development plan does not exist for this area and, as such, site drainage must be maintained to predevelopment flows and the applicant will be required to identify the location of a detention facility. In addition, upstream flows must be considered.

Water System: Plans prepared by a Registered Professional Engineer must be submitted showing the extension of water mains to the property as a part of the Initial Development Plan. In addition, the Engineering Division has indicated that water pressure zone boundaries must be shown. The property may have to be served by two zones. Upon submittal of the Initial Development Plan, a water design must be submitted to the Engineering Division for review and approval as identified.

Wastewater System: The applicant is proposing to utilize an on-site wastewater system to serve Phase One of the development as identified on the previously approved Layout Plat. The Engineering Division has indicated that technical data must be submitted identifying that the soils are appropriate for an on-site wastewater system as a part of an Initial Development Plan. If the soil profile data is appropriate for an on-site wastewater system, the Engineering Division has indicated that the on-site wastewater system will be limited to exclusively serve Phase One of the proposed development. The applicant will be required to connect to City sewer, paying all connection fees, at such time that City sewer is available to the area and prior to any additional development of the property.

Easements: Currently, a 50 foot wide Williston Basin Gas Pipeline Easement and a 50 foot wide Ellsworth Air Force Base Water Main Easement are located on the subject property. The easements lie parallel to each other and run through the middle of the property in an east-west direction. The applicant's site plan identifies a portion of the recreational vehicle park located within the easement. Prior to approval of an Initial Planned Commercial Development to allow the proposed use on the property, Ellsworth Air Force Base and the Williston Basin Gas Company must review and approve the proposed use within the respective easements in writing or the plan must be revised to eliminate the proposed use from the easements.

Impact on Surrounding Properties: Prairie Acres Mobile Home Park is located east of the subject property, across 143<sup>rd</sup> Avenue. In addition, the recently amended Northeast Neighborhood Area Future Land Use Plan identifies the property directly north of the subject property as Mobile Home Park with a Planned Residential Development. In order to mitigate any negative impact the proposed commercial use may have on existing and future residential development within the area, no sign permits or billboards will be allowed unless approved as part of a Final Development Plan. Any lights to be located on the property will be designed so as not to negatively impact the surrounding properties. In addition, landscaping and screening will be required in order to further mitigate the negative impact that the proposed rezoning request may have on the surrounding residential development. Noise limitations, including limiting the hours of operation for any outdoor activities, will also be considered.

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The issues identified above can be addressed through the Planned Commercial Development process so that the development does not adversely affect the infrastructure, adjoining properties, or the community at large.

Staff believes the Planned Development Designation is a useful tool for the current rezoning request. The Planned Development Designation will allow the petitioner to acquire General Commercial zoning for the property but will also allow the City to adequately address site specific issues at the time a development proposal is prepared.

As of this writing, the receipts from the certified mailings have not been returned nor has the sign been posted on the property. Staff will notify the Planning Commission at the June 21, 2001 Planning Commission meeting if these requirements have not been met. Staff has not received any calls or inquiries regarding this proposal.