

STAFF REPORT

December 6, 2001

No. 01RZ054 - Rezoning from Office Commercial District to General Commercial District **ITEM 9**

GENERAL INFORMATION:

PETITIONER	Wyss Associates for W.E.B. Partners
REQUEST	No. 01RZ054 - Rezoning from Office Commercial District to General Commercial District
LEGAL DESCRIPTION	Beginning from a point 1795.13 feet at a bearing S89d39'0"E from the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM, travel 431.35 feet at a bearing N22d2'42"W, Then travel 310.56 feet along a 230' LHF curve with a chord bearing N16d38'12" E, Then travel 161.93 feet at a bearing N55d19'17"E, Then travel 227.59 feet at a bearing S34d35'20"E, Then travel 300.07 feet at a bearing S45dW, Then travel 305.00 feet at a bearing S34d36'5"E, Then travel 165.44 feet at a bearing S45dW, Then travel 26.8 feet at a bearing N89d39'0"W, to the point of start
PARCEL ACREAGE	Approximately 3.202 acres
LOCATION	West of the western terminus of Fairmont Boulevard and north of Tower Road
EXISTING ZONING	Office Commercial District (PCD)
SURROUNDING ZONING	
North:	Office Commercial District (PCD)
South:	General Agriculture District
East:	General Commercial District (PCD)
West:	Medium Density Residential District (PCD)
PUBLIC UTILITIES	To be extended
REPORT BY	Blaise Emerson/Marcia Elkins

RECOMMENDATION: **Staff recommends that the Rezoning from Office Commercial District to General Commercial District be continued to the January 10, 2002 Planning Commission meeting.**

GENERAL COMMENTS: **(All changes shown are shown in bold.) As the date of writing this report, the applicant has not submitted any additional information. The applicant has indicated that he will submit revised information prior to the December 14, 2001 submittal deadline in order that the item may be acted on at the January 10, 2002 Planning Commission meeting.**

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The applicant is proposing to rezone a 3.2 acre parcel from Office Commercial to General Commercial. The applicant has submitted an associated Comprehensive Plan Amendment to reclassify the land use designation from Office Commercial to General Commercial. The property is located west of the Ridco Development on Fairmont Boulevard. Earlier this year, the applicant rezoned the subject property to Office Commercial with the Planned Commercial Development. The Office Commercial Zoning was established to provide a transition between the General Commercial property to the east and the multi-family and single family residential property to the west. The original plan identified office buildings on the subject property. The applicant has not changed the proposed use from the professional office use originally proposed at this time; however, the applicant has indicated that zoning the property to General Commercial will allow greater flexibility in allowed uses.

Staff has some concerns with the potential impacts of a General Commercial uses on the neighboring properties. The General Commercial District allows for more intense commercial uses than is allowed under the Office Commercial Zoning District requirements. Staff has noted a traffic study will need to be submitted as part of any Final Development Plan. The traffic study must evaluate the impact of the development on the intersection of Fairmont Boulevard and Mount Rushmore Road, as well as, the need for the extension of Fairmont Boulevard to Tower Road. Some of the allowed uses, such as restaurants, hotels/motels and retail establishments, could have a significant impact on the street improvements needed. Also, the subject property is approximately fifty feet higher in elevation than the existing development to the east. The elevation difference could impact the type of uses that would be appropriate on the property. Automotive sales and repair establishments, building materials sale and lumber yard, wholesaling and distribution centers, and filling or convenience stations are some of the types of uses that would be allowed in the General Commercial that would not be appropriate for this site. Staff has concerns with noise and light pollution and the visual appearance of these type of uses sited on the Skyline Ridge hillside.

Due to these concerns, Staff is recommending that the applicant provide information on the type of uses proposed for the site so those specific uses can be evaluated as part of the Planned Commercial Development prior to approval of the rezoning.