

STAFF REPORT

March 21, 2002

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**No. 01RZ054 - Rezoning from Office Commercial District to General Commercial District** **ITEM 54**

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GENERAL INFORMATION:

PETITIONER	Wyss Associates for W.E.B. Partners
REQUEST	<b>No. 01RZ054 - Rezoning from Office Commercial District to General Commercial District</b>
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
DATE OF APPLICATION	9/4/2001
REPORT BY	Blaise Emerson/Marcia Elkins

RECOMMENDATION: Staff recommends that the Rezoning from Office Commercial District to General Commercial District be approved in conjunction with the associated Planned Development Designation.

GENERAL COMMENTS: (All changes shown are shown in bold.) This item was previously continued as R&R Realty, LLP had submitted a letter regarding their concerns with the project. R&R Realty had indicated that they would attend the

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**meeting on March 7, 2002; however, no one appeared at the meeting on behalf of R&R Realty. As a result, the Planning Commission continued the request to allow them the opportunity to appear before the Planning Commission on March 21, 2002. Staff spoke with David A. Westergaard, Corporate Attorney representing R&R Realty. He indicated that R&R Realty stands behind the comments contained in the letter and they do not intend to appear at the Planning Commission meeting on March 21, 2002.**

The applicant has submitted a request for a Planned Development Designation to be considered in conjunction with this rezoning. The Planned Development Designation will provide a review process to insure that the possible impacts of commercial development are mitigated. As noted in the Planned Development Designation, there are a number of serious issues that may limit or restrict the development of this property. The applicant should not assume that all uses allowed in the General Commercial zoning district will be appropriate for the site.

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 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

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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.