

STAFF REPORT

April 22, 2004

No. 04CA012 - Amendment to the Comprehensive Plan to change the future land use designation on a 13.06 acre parcel from Residential to Low Density Residential II with a Planned Residential Development

ITEM 22

GENERAL INFORMATION:

PETITIONER	Wyss Associates, Inc. for WEB Land Holdings, LLC
REQUEST	No. 04CA012 - Amendment to the Comprehensive Plan to change the future land use designation on a 13.06 acre parcel from Residential to Low Density Residential II with a Planned Residential Development
EXISTING LEGAL DESCRIPTION	From a point beginning 430.32 feet at a bearing S89°27'02"E from the SW corner of the NW1/4 of the SE 1/4 of Section 11, T1N, R7E, BHM; This is the point of beginning: Thence travel 1390.27 feet at a bearing S89°27'23" East to a point, thence travel 273.91 feet at a bearing S45°09'27" West to a point, thence travel along a 100.11 foot radius concave easterly curve with a chord bearing S04°34'14" East at a distance of 152.68 feet to a point, thence travel 27.01 feet at a bearing S54°22'24" East to a point, thence travel 179.20 feet at a bearing S35°06'11" West to a point; thence travel along a 229.33 foot radius concave southwesterly curve with a chord bearing S65°44'09" West, at a distance of 232.84 feet to a point, thence travel 134.38 feet at a bearing N82°37'26" West to a point, thence travel along a 251.47 foot radius concave Northeasterly curve with a chord bearing N61°51'37" West, at a distance of 178.04 feet to a point, thence travel 82.17 feet at a bearing N36°33'39" West to a point, thence travel along a 379.97 foot radius concave southerly curve with a chord bearing S86°34'59" West at a distance of 638.65 feet to a point; thence travel 490.92 feet at a bearing N07°00'51" East to the point of beginning; said parcel contains approximately 13.06 acres
PARCEL ACREAGE	Approximately 13.06 acres
LOCATION	Along Tower Road
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	Medium Density Residential District w/PRD

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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: Staff recommends that the Amendment to the Comprehensive Plan to change the future land use designation on a 13.06 acre parcel from Residential to Low Density Residential II with a Planned Residential Development be denied without prejudice.

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 approximately 1,250 feet northeast of the Sandstone Lane/Tower Road intersection on the north side of Tower Road and west of Mount Rushmore Road. The property is currently void of any structural development and is zoned General Agriculture District. The applicant has submitted a Layout Plat to create a ten lot townhome development. The property owner has submitted a request to rezone the property from General Agriculture District to Low Density Residential District II with a Planned Development Designation and a related Amendment to the Comprehensive Plan to change the land use from Residential to Low Density Residential II with a Planned Residential Development.

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 Low Density Residential II with a Planned Residential Development, the applicant has submitted fifteen applications including: four Planned Development Designations, four Rezoning 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, 04CA011, 04PL032, 04RZ016, 04PD020, 04CA013, 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.

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The Comprehensive Plan currently identifies the subject property as appropriate for residential land use(s). The requested Comprehensive Plan Amendment to Low Density Residential II is consistent with the adopted land use plan.

A request to rezone this property from General Agriculture District to Low Density Residential II District (04RZ015) and a request for a Planned Development Designation (04PD019) have been submitted in conjunction with the Amendment to the Comprehensive Plan. The Planned Residential Development – Initial and Final Development Plan will address site specific concerns relative to drainage, slope stability, traffic and street improvements on the subject property. On March 26, 2004, the Future Land Use Committee met to review the proposal for the Tower Road area. As the subject property is currently located within the Residential land use on the City's Comprehensive Plan, staff is recommending this application be denied without prejudice.

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.**