

To	Planning Commission
Hearing Date	September 09, 2021
Case Number	PUD 130 Rezoning to CS (Commercial Shopping) with a Planned Unit Development overlay
Request	Recommendation of approval of rezoning from AG to CS with PUD 130
Location	9330 S. Elwood Avenue
Applicant	Robert Bell, Bell Land Use

Staff Report

Preparer | Marcaé Hilton; BM

Attachments

- PUD 130 Document
- Public Comments/concerns

Preparer

Robert Bell
Emails | Brandon Macy, City Clerk

Background Information

STAFF COMMENTARY | Robert Bell has submitted a rezoning and PUD application on behalf of Ozgul Development company. Their request is to change the zoning from AG (Agriculture) to CS (Commercial Shopping) and add a Planned Unit Development overlay with prescribed restrictions. Currently the lot has served as a large Agriculture zoned Single-family residence with some livestock from time to time. The Ozgul family reached out to the City several months to discuss the property and their desire to develop a retail/office/warehouse setting.

PLANNING DATA

Current Zoning	AG Agriculture District
Requested Zoning	PUD 130 & CS Planned Unit Development & Commercial Shopping
Intended Use	Commercial Retail, Office, Warehousing
Parcel ID	98223822307380
Property Address	9330 S ELWOOD AV W
General Location	West of Elwood and North of Main Street
Legal	PRT E/2 NE BEG 995N SECR NE TH W543 N401.11 E543 S401.11 LESS S200.56 THEREOF & LESS E50 FOR RD SEC 23 18 12
Gross Acres	2.27
STR	Section 23, Township 18, Range 12

Comprehensive Plan
Plat
Appearance District
Public Comment

Business Park | requested use is compatible with Comprehensive Plan
Unplatted (Platting required)
Corridor Appearance (PUD will serve as ARC approval mechanism)
Staff has received numerous calls regarding opposition for various reasons

Chapter 10 Use Units Sec. 610. - Principal uses permitted in commercial districts.		Districts			
No.	Name	LC	CS	PUD 130	CG
1.	Area wide Uses	X	X	X	X
2.	Area wide Specific Use	S	S	NA	S
4.	Public Protection	X	X	X	X
5.	Community Services and Cultural Facilities	X	X	X	X
8.	Multifamily Dwellings and Similar uses		P	NA	P
10.	Off-Street Parking Areas		X	X	X
11.	Offices and Studios	X	X	X	X
12.	Eating Places Other Than Drive-Ins		X	X	X
13.	Convenience Goods and Services	X	X	X	X
14.	Shopping Goods and Services		X	X	X
15.	Other Trades and Services			X	X
16.	Gasoline Service Stations		X	X	X
17.	Automotive and Allied Activities		E	NA	X
18.	Drive-In Restaurants			NA	X
19.	Hotel, Motel, and Recreation Facilities		X	X	X
20.	Commercial Recreation, Intensive			NA	S
21.	Business Signs and Outdoor Advertising		X	X	X
22.	Warehousing and Wholesaling			X	E
24.	Light Manufacturing and Industrial Research and Development			NA	E
27.	Tattoo and Massage Parlors (Requiring Special Licensing, see Use Unit for Use conditions)			NA	X
28.	(See Use Unit for Special Exception Criteria and Conditions)			NA	E
¹ X = Use by Right.					
E = Special Exception-unless use is specifically identified on Specific Use List.					
S = Specific Use - see Use Unit 2 and Chapter 17.					
P = Requires Planned Unit Development Application due to Mixed Use Requirements.					

Table 2. Bulk and Area Requirements in the Commercial Districts	Districts			
	LC	CS	PUD 130	CG
Frontage (min. ft.) —Arterial ELWOOD SECONDARY ARTERIAL	150	150	200+-	150
Floor Area Ratio (maximum) The floor area of a building or buildings on a lot divided by the lot area.	0.25	0.50	0	0.75
Setback from centerline of abutting street —ELWOOD SECONDARY ARTERIAL	50	50	35 10 5	50
Setback from an abutting R District boundary line (min. ft.)	10 ¹	10 ¹	30++	10 1
Building Height (max. ft.)	35	35	35	35
¹ Plus two feet of setback for each one foot building height exceeding 15 feet, if the property is within an RE, RS, or RD District.				
++ Onsite Detention Rear yard setback cannot be adjusted without a new public hearing				

Screening Fence	Six (6) foot opaque located along North and West Property Lines adjacent to Residential uses
Lighting	Shielded down away from residential <ul style="list-style-type: none"> • Street and Parking no greater than 19 ft. tall • Approved by City Staff
Signage	1 Development sign along Elwood Wall Signs along Elwood Per CS code Interior signage <ul style="list-style-type: none"> • 1 Wall or Canopy Sign Per business • 1 square ft. per linear foot of building wall • Cannot extend above building wall or parapet • Private covenants may exceed PUD restrictions Construction Sign <ul style="list-style-type: none"> • 24 months • Erected along Elwood • 400 sq. ft. max • Less than 15 feet • Constant light • Parking
Parking	Office Warehouse <ul style="list-style-type: none"> • 1/400 square feet of office area • 1/1200 square feet of warehouse area
Elevations	75% Masonry
Storage	Outside Storage is prohibited
Drainage and Utilities	

All public Utilities are available

Stormwater | Email Response 9.3.21 | Marcaé Hilton, City Planner

PC, STAFF, BLIND COPIED

Good Morning Ms. Oakes,

Thank you for the email. Please find the attached PUD and application.

1. As previously stated Staff is aware of the required platting notation. The required language will be included in the Deed of Dedication during the time of platting.

A. This is a zone change request and action will be taken according to our City Code. Staff, PC, CC consideration: Do we believe the proposed use meets the intent of

the Comprehensive Plan and the goals of the City? Developers/land owners rarely spend the money engineering for information/research regarding drainage at this level of conversation (prior to a zoning hearing). Drainage is part of an engineering process and is remedied according to the ordinances and laws that are in place. The drainage discussion is between licensed professional engineers who stamp their documents attesting to the accuracy of their plans.

B. The PC hearing will not entertain drainage conversations during their hearing.

C. Citizens are allowed to present information at this hearing for later review by the City Engineer who will likely share the information to relevant engineers and other staff during the Earth Change permit process and other engineering processes, I do not encourage a response at the PC or CC hearing due to the technical nature and attention to detail required for accuracy.

2. *Aesthetics and other issues:*

a. This property is subject to ARC (Corridor Appearance District) approval due to its location along Elwood, aesthetics will be considered.

b. Screening is required along the perimeter, landscaping will be considered, but there are restrictions from the Fire Department (Public Safety) and utility companies on the type of trees which are allowed.

c. Building Heights, noise and light disturbances will be addressed.

Zoning Surrounding:

North: CS | Commercial Shopping | Partially undeveloped

South: CG | Commercial General | Under development

West: RS-2 | Single-family Residential (South Lakes Villas) | developed

East: AG | Agriculture | Golf Course

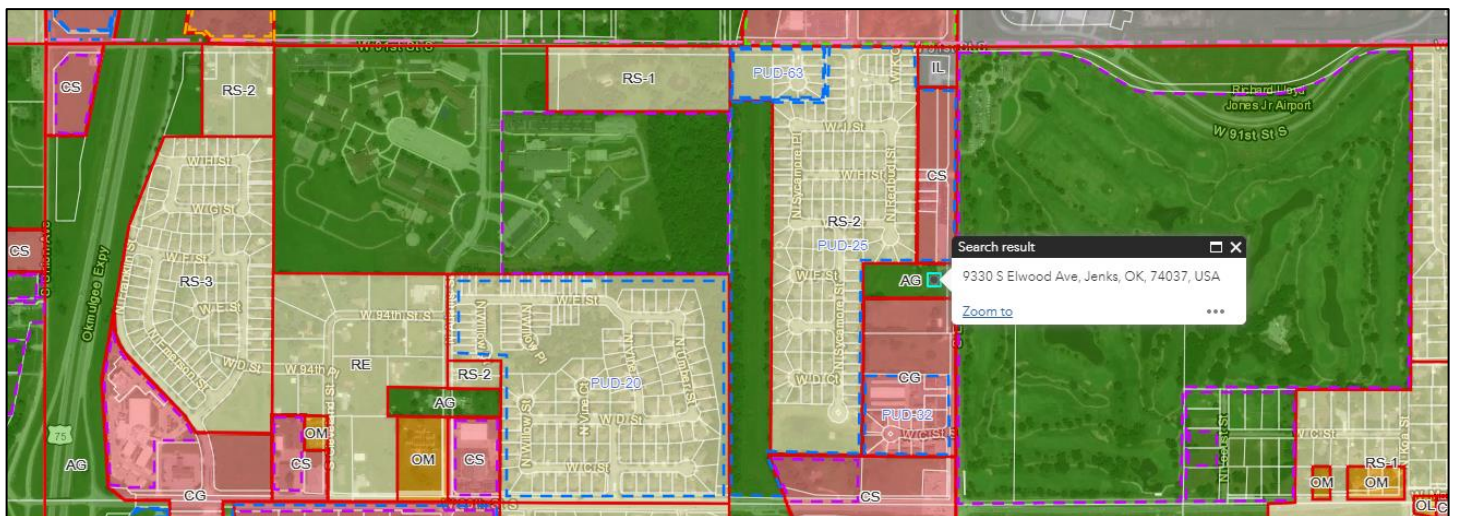


Figure 1: ZONING MAP

EVALUATION | The request fits the current Comprehensive Plan; staff does not believe the use poses an adverse effect to the surrounding properties. The Business Park concept will allow for needed tax-based retail uses along Elwood and office warehouse uses in the rear of the property. The changes in the world economy and the differences in how commerce is being transacted has brought the office warehouse concept to the forefront of land use.

Approving this request will allow the developer to turn an undeveloped AG property into a commercial space allowing retail, office and warehousing.

STAFF COMMENTS

1. Platting is required.
2. Add PUD 130 to front of PUD Document
3. Page 6 | Add the following prohibitions:
 - a. Medical Marijuana grow facilities
 - b. Use Unit 1
4. Page 7 | Correct as follows: No additional ground signs shall be allowed outside of the development sign
5. Landscaping adjacent to Residential Property lines is required including a minimum of One (1) 2-inch caliper (approved) evergreen every 25 feet.
6. Landscaping guidelines shall follow the soon to be adopted UDO.
7. Staff acknowledges the site plan may vary between what was submitted and what is built, but the setbacks as presented along with other standards including but not limited to landscaping, detention etc. shall not be altered without a major amendment to the PUD.

RECOMMENDATION | *Approve PUD 130 and rezoning request per any comments changing the Zoning from AG to CS.*

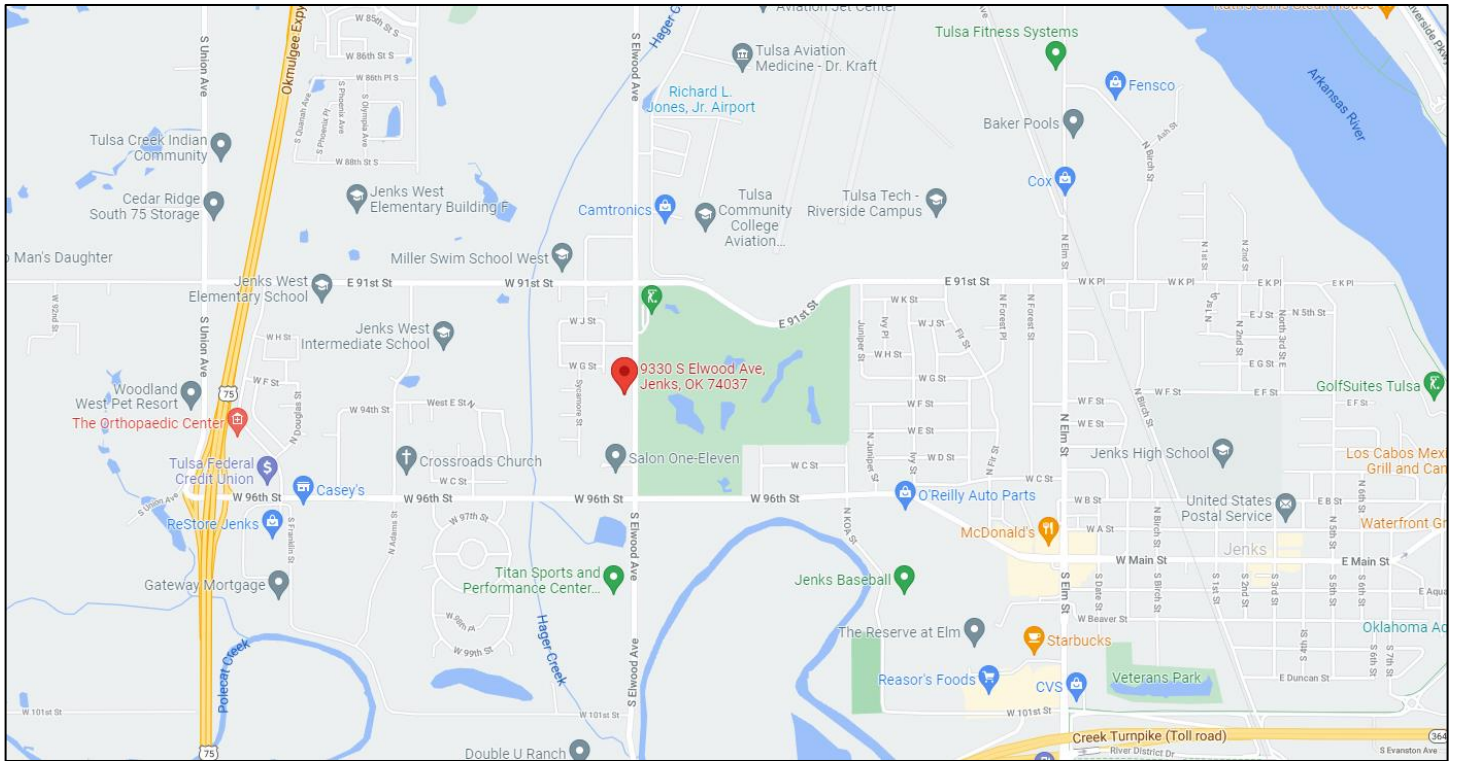


Figure 2: General Area



Figure 3: Pic of homestead