

To	Planning Commission
Hearing Date	January 06, 2022
Case Number	PT 22-001
Request	Recommendation of a Plat Waiver for PUD 130
Location	9330 S. Elwood Avenue
Applicant	Robert Bell, Bell Land Use

Staff Report

Preparer | Marcaé Hilton; BM

Attachments

Site Plan

Preparer

Robert Bell

Background Information

STAFF COMMENTARY | In September of 2021, Robert Bell has submitted a rezoning and PUD application on behalf of Ozgul Development company. Their request to change the zoning from AG (Agriculture) to CS (Commercial Shopping) and add a Planned Unit Development overlay with prescribed restrictions was approved by City Council on September 21, 2021 (Ordinance No. 1563). Currently the lot has served as a large Agriculture zoned Single-family residence with some livestock from time to time. The applicant has informed the City the lot will not be developed at this time per the approved PUD 130. The owner has a new buyer who needs an office use immediately upon selling their current office space. The buyer plans to retrofit the existing residential structure and add parking. The details of the site plan are still under consideration.

PLANNING DATA

Current 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 Business Park | requested use is compatible with Comprehensive Plan
 Plat Unplatted (Platting required at full development)
 Appearance District Corridor Appearance (PUD was the ARC approval mechanism)
 Public Comment None | Plat waivers are not advertised

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 (Required)
Lighting	Shielded down away from residential (Required) <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 (No change) Wall Signs along Elwood Per CS code Interior signage (not applicable at this time) <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 (may not be applicable) <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 (Not applicable at this time)
Elevations	75% Masonry (applicable at time of full development)
Storage	Outside Storage is prohibited (No change)

Drainage and Utilities (still applicable)

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

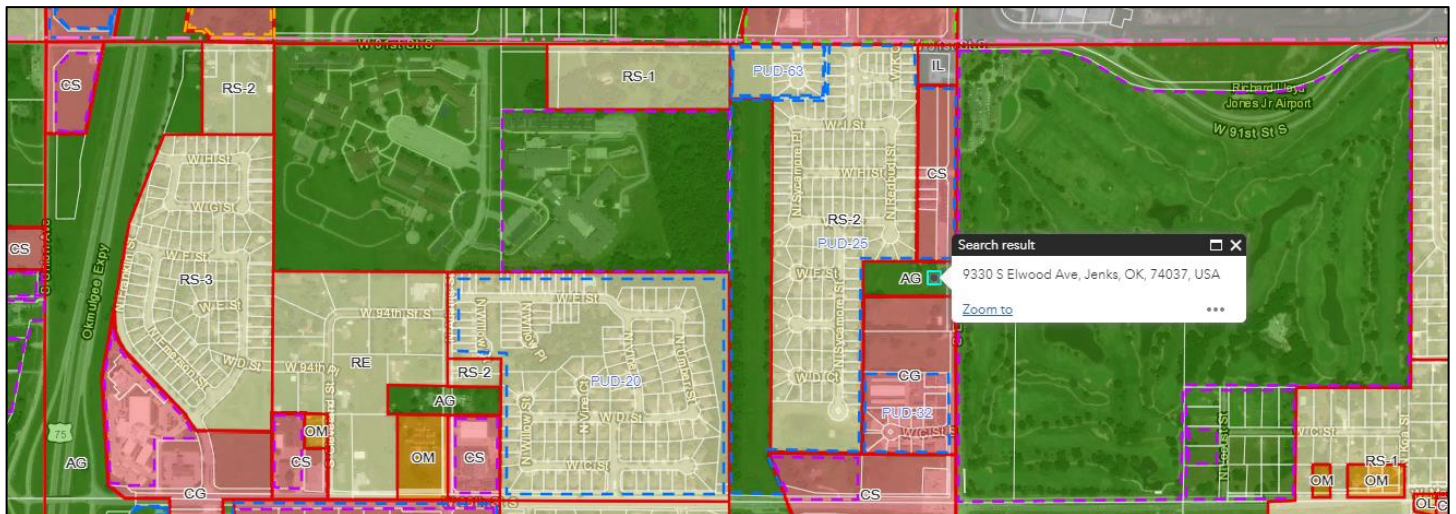


Figure 1: ZONING MAP

EVALUATION | The original PUD 130 request was compatible with the current Comprehensive Plan. The new request to retrofit the residential structure and lot for an office use also fits the Comp Plan; staff does not believe the new requested use will pose an adverse effect to the surrounding properties. The Business Park concept is still an option for future development, but Staff understands the site will not move forward with redevelopment at this time.

Approving this plat waiver request will allow the new owner to use the existing residential structure for an office purpose. This proposed use does not void the approved PUD or any applicable conditions of PUD 130. Staff highlighted some of the impacts of the PUD on the proposed office use.

STAFF COMMENTS

1. This request is a Plat Waiver
 - a. Platting is still required upon issuance of a “new building” permit.
 - b. Platting is still required if the current structure is substantially improved or enlarged.
 - c. Platting is still required for redevelopment.
2. Contact the City staff for next steps on parking and site plan requirements.
3. Landscaping adjacent to Residential Property lines is required including a minimum of One (1) 2-inch caliper (approved) evergreen every 25 feet.
4. Landscaping and signage guidelines shall follow the soon to be adopted UDO.
5. Staff acknowledges the approved PUD 130 site plan is not relevant at this time, this is a retrofit of a residential structure for office uses.

RECOMMENDATION | *Approve the Plat Waiver with conditions as seen in staff comments.*

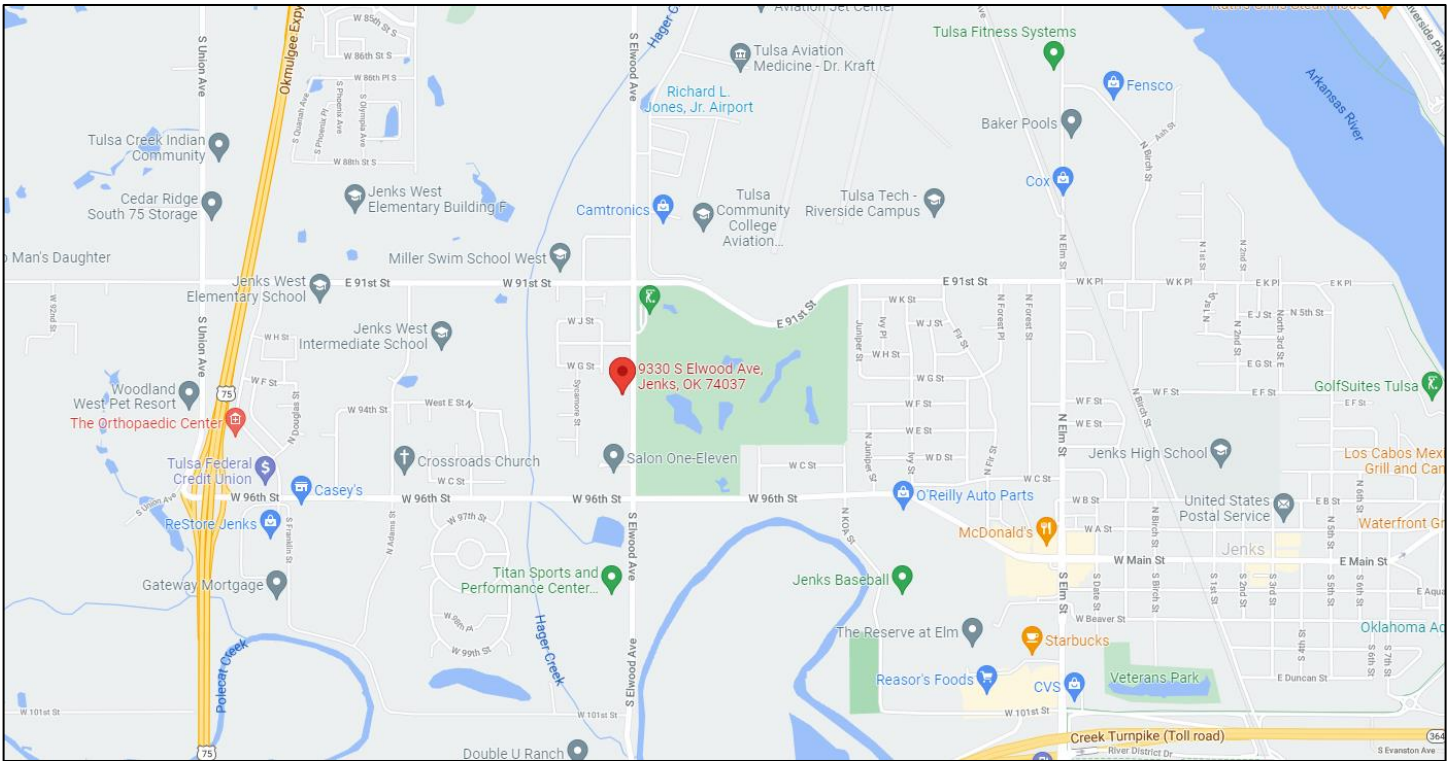


Figure 2: General Area



Figure 3: Pic of homestead