

**ZONING AMENDMENT,
PUD, & SUBDIVISION STAFF REPORT****Date: August 18, 2005**

<u>NAME</u>	Richard A. Russell
<u>SUBDIVISION NAME</u>	Russell, LLC
<u>LOCATION</u>	4450 Halls Mill Road (North side of Halls Mill Road, 2/10 mile± West of Riviere du Chien Road)
<u>CITY COUNCIL DISTRICT</u>	District 4
<u>PRESENT ZONING</u>	R-1, Single Family Residential
<u>PROPOSED ZONING</u>	B-3, Community Business
<u>AREA OF PROPERTY</u>	3.0± acres, 1 lot
<u>CONTEMPLATED USE</u>	Electrical contractor's office and light warehouse It should be noted, however, that any use permitted in the proposed district would be allowed at this location if the zoning is changed. Furthermore, the Planning Commission may consider zoning classifications other than that sought by the applicant for this property.
<u>REASON FOR REZONING</u>	Changes in conditions in the area make rezoning necessary.
<u>TIME SCHEDULE FOR DEVELOPMENT</u>	None given
<u>ENGINEERING COMMENTS</u>	Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit.
<u>TRAFFIC ENGINEERING COMMENTS</u>	Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.

URBAN FORESTRY**COMMENTS**

Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64).

REMARKS

The applicant is requesting approval to rezone the site from R-1, Single Family Residential, to B-3, Community Business, to allow a contractor's office and light warehouse; Planned Unit Development (PUD) approval, to allow multiple buildings on a single site; and Subdivision approval, to create a one-lot subdivision from an existing metes and bounds parcel.

The Zoning Ordinance states that an amendment is to be made only when one or more of the following conditions prevail: there is a manifest error in the ordinance; changes in conditions in a particular area make a change in the ordinance necessary and desirable; an increased need for business or industrial sites in addition to sites that are available, make it necessary and desirable to rezone an area or extend the boundaries of an existing district; the subdivision of land into urban building sites makes reclassification necessary and desirable.

This area is shown on the General Land Use component of the Comprehensive Plan as residential. However, the Comprehensive Plan is meant to be a general guide, not a detailed lot and district plan or mandate for development. The Planning Commission and City Council may consider individual cases based on additional information such as the classification requested, the surrounding development, the timing of the request and the appropriateness and compatibility of the proposed use and zoning classification.

The applicant states that rezoning is necessary, due to changes in conditions in the surrounding area, which is primarily zoned commercially. This claim is supported by a review of surrounding land uses. The site is currently flanked by B-3 properties on the East and West, and faces B-3 and I-1, Light Industrial, sites across Halls Mill Road. Rezoning the site to B-3 would improve the existing appearance of "spot zoning" along this portion of Halls Mill Road, and contribute to a more unified B-3 district. North of the site is a large, undeveloped residential parcel, which would require a buffer, per Section IV.D.1 of the Zoning Ordinance. Rezoning would also require compliance with all landscaping and tree planting requirements of the Ordinance, as well as compliance with all other municipal codes and ordinances. Typically, rezoning is also subject to conformance with the accompanying PUD.

Regarding the PUD application, the applicant proposes to convert the existing 1,000 square-foot house into an office, and to build a 15,000 square-foot metal warehouse behind the office.

Planned Unit Development review examines the site with regard to its location to ensure that it is generally compatible with neighboring uses; that adequate access is provided without generating excess traffic along minor residential streets in residential districts outside the PUD; and that natural features of the site are taken into consideration. PUD review also examines the design of the development to provide for adequate circulation within the development; to ensure adequate access for emergency vehicles; and to consider and provide for protection from adverse effects of

adjacent properties as well as provide protection of adjacent properties from adverse effects from the PUD.

Parking and circulation provisions satisfy the requirements of the Zoning Ordinance, and having two buildings on the site appears to pose no problem.

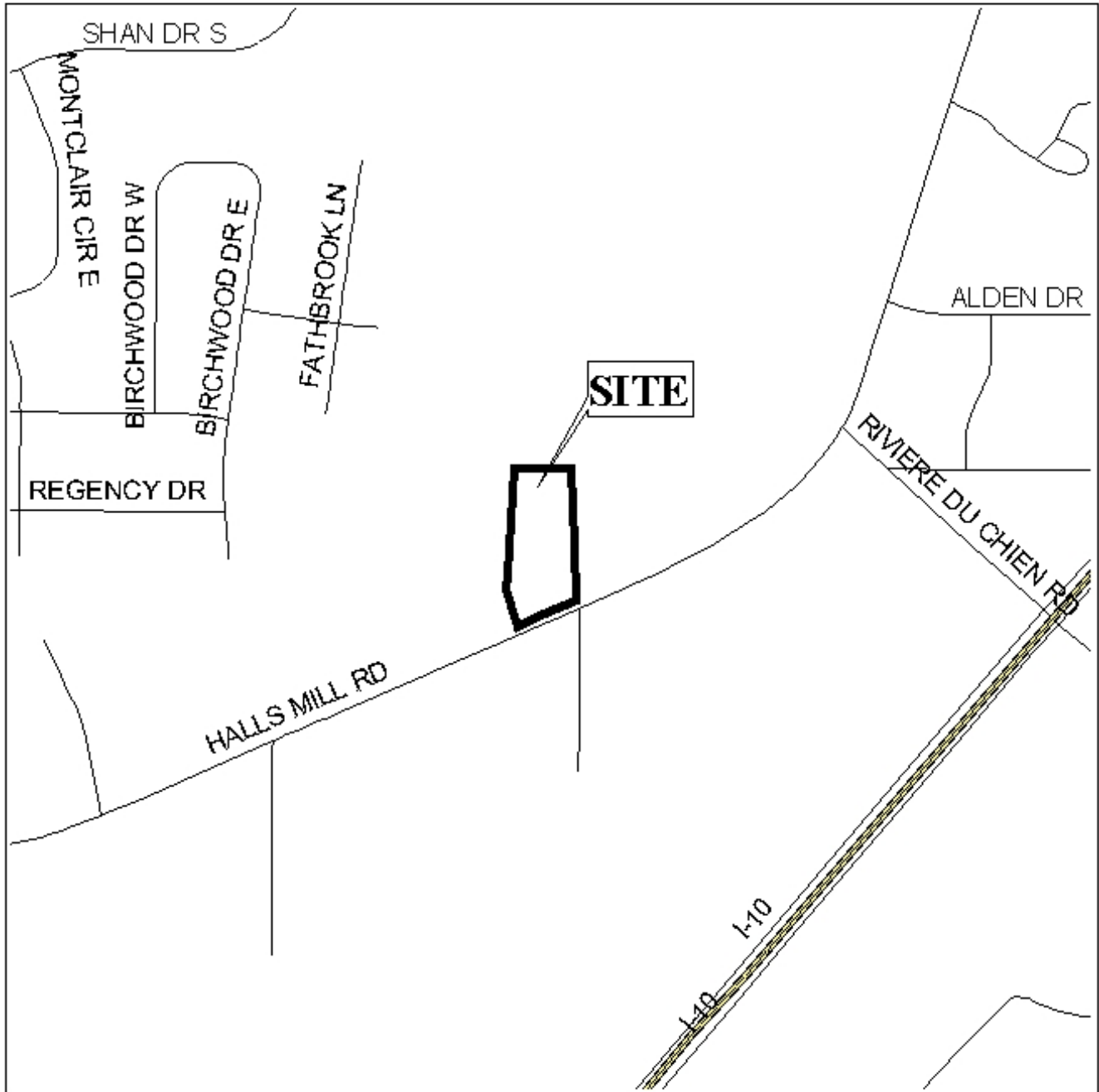
Regarding the request to create a one-lot subdivision from a metes and bounds parcel: the site is served by public water and sanitary sewer, and fronts Halls Mill Road, which has a varying right-of-way, which appears to be approximately 60 feet at the site. Halls Mill Road is shown as a collector street on the Major Street Plan, requiring a 70-foot right-of-way; thus, dedication sufficient to provide 35 feet from the centerline of Halls Mill Road should be required. As the site abuts residentially zoned property, a buffer would be required, per Section V.A.7 of the Subdivision Regulations.

RECOMMENDATION *Rezoning* Based on the preceding, this application is recommended for approval, subject to the following conditions: 1) completion of the Subdivision process; 2) that the site be developed in compliance with the accompanying Planned Unit Development; 3) the provision of a buffer between the site and R-1 zoned property, in compliance with Section IV.D.1 of the Zoning Ordinance; 4) full compliance with the landscaping and tree planting requirements of the Ordinance; and 5) full compliance with all municipal codes and ordinances.

Planned Unit Development Based on the preceding, this application is recommended for approval, subject to the following conditions: 1) the provision of a buffer between the site and R-1 zoned property, in compliance with Section IV.D.1 of the Zoning Ordinance; 2) removal of the 10-foot rock drive; 3) full compliance with the landscaping and tree planting requirements of the Ordinance; and 4) full compliance with all municipal codes and ordinances.

Subdivision The plat meets the minimum requirements of the Subdivision Regulations and is recommended for Tentative Approval, subject to the following conditions: 1) dedication of sufficient right-of-way to provide 35 feet from the centerline of Halls Mill Road; and 2) the provision of a buffer between the site and R-1 zoned property, in compliance with Section V.A.7 of the Subdivision Regulations.

LOCATOR MAP



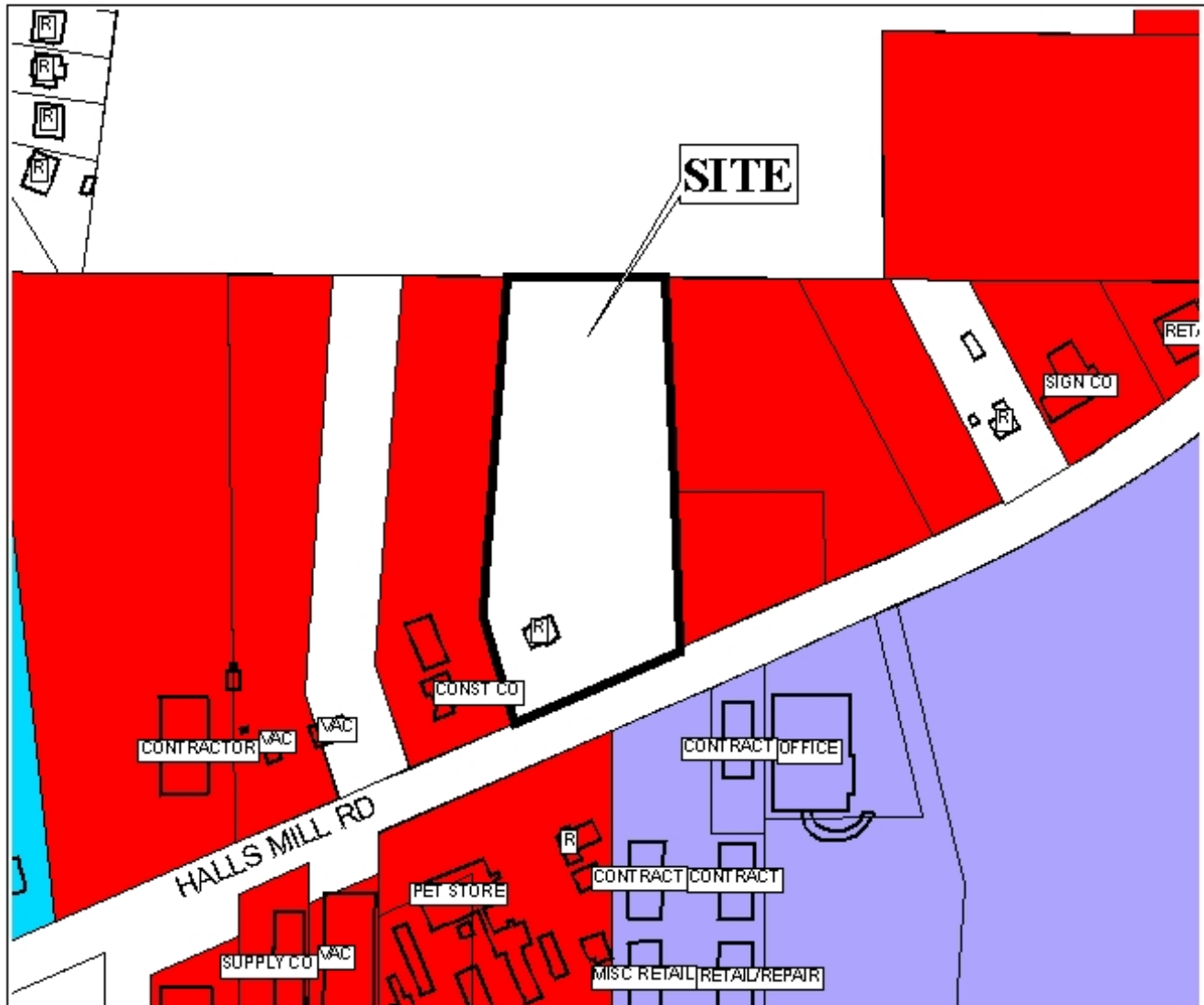
APPLICATION NUMBER 7, 8 & 9 DATE August 18, 2005

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REQUEST Rezoning, PUD, Subdivision



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Located to the North and East of the site is vacant property. Located to the South and West of the site are miscellaneous businesses and single family residential dwellings.

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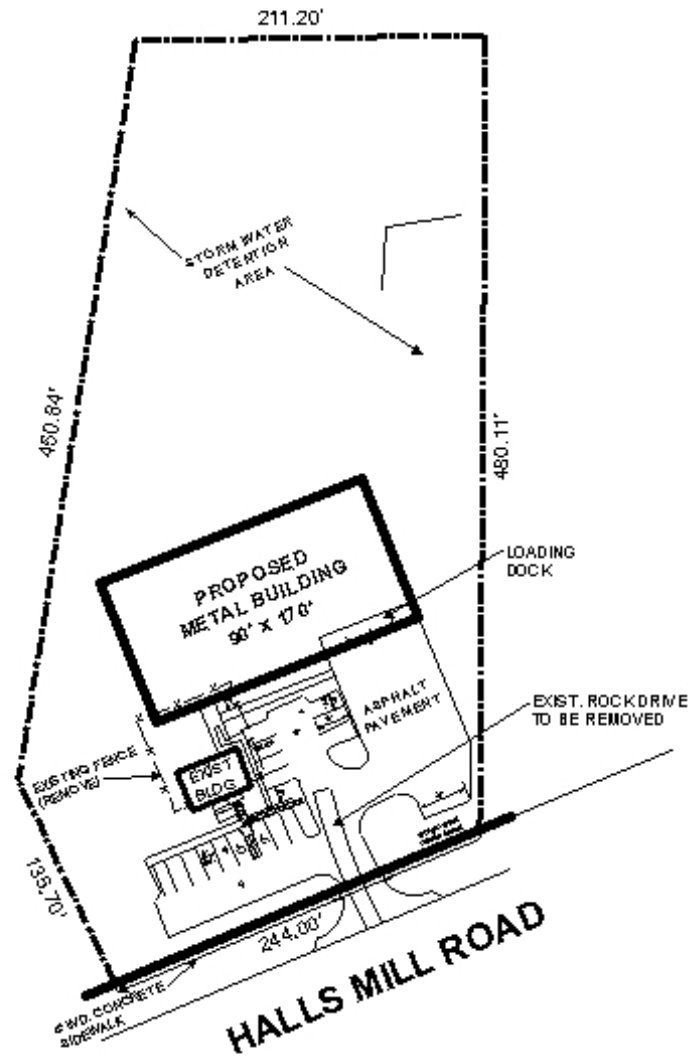
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LEGEND R-1 R-2 R-3 R-A R-B H-B B-1 LB-2 B-2 B-3 B-4 B-5 I-1 I-2



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SITE PLAN



The site is located on the North side of Halls Mill Road, 2/10 mile West of Riviere du Chien Road. The plan illustrates the existing structure and parking, along with the proposed building.

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