

**REZONING &
PUD STAFF REPORT**

Date: June 19, 2003

<u>APPLICANT NAME</u>	Trinity Evangelical Lutheran Church
<u>DEVELOPMENT NAME</u>	Trinity Evangelical Lutheran Church
<u>LOCATION</u>	2668 Berkley Avenue (Northeast corner of Berkley Avenue and Main Street)
<u>PRESENT ZONING</u>	I-2, Heavy Industrial
<u>PROPOSED ZONING</u>	B-2, Neighborhood Business
<u>AREA OF PROPERTY</u>	4.22± Acres
<u>CONTEMPLATED USE</u>	Church with multiple buildings on a single building site. 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>TIME SCHEDULE</u>	Immediate
<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, sizes, location and design to be approved by Traffic Engineering and conform to AASHTO standards.
<u>REMARKS</u>	The applicant is proposing expansion of an existing church, which will consist of multiple buildings on a single building site. The Zoning Ordinance does not allow for the location and/or expansion of churches in industrial districts; therefore, rezoning is required. To allow the multiple buildings as proposed PUD approval is also required.

This area is shown on the General Land Use component of the Comprehensive Plan as industrial. 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.

In this particular instance, while rezoning from industrial to B-2 may not be in compliance with the General Land Use Plan, accommodating an existing church that has and is making significant investments in improvements and contributing to the community by making these improvements would be appropriate. Additionally, the B-2 zoning is appropriate for the current and future plans of the church, which include a bookstore and a college.

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.

In 1997, the church received a Use Variance from the Board of Zoning Adjustment to allow an addition to an existing church. There were several conditions placed on the variance, including compliance with the frontage tree requirements and parking requirements of the Zoning Ordinance. The addition was constructed; however, the required trees were not installed. The Board of Zoning Adjustment allowed for compliance to be made in phases, allowing up to three years for all trees to be planted.

Also, the Board allowed parking facilities to be completed in phases, giving up to two years for the applicant to provide the full requirement of 82 spaces. Based on the plan submitted with this application, parking facilities proposed with this addition will complete the parking originally required.

Given what appear to be future plans for the church, compliance with frontage tree requirements would be appropriate at this time, with full compliance at the time of future approvals (since the property will no longer be zoned industrially).

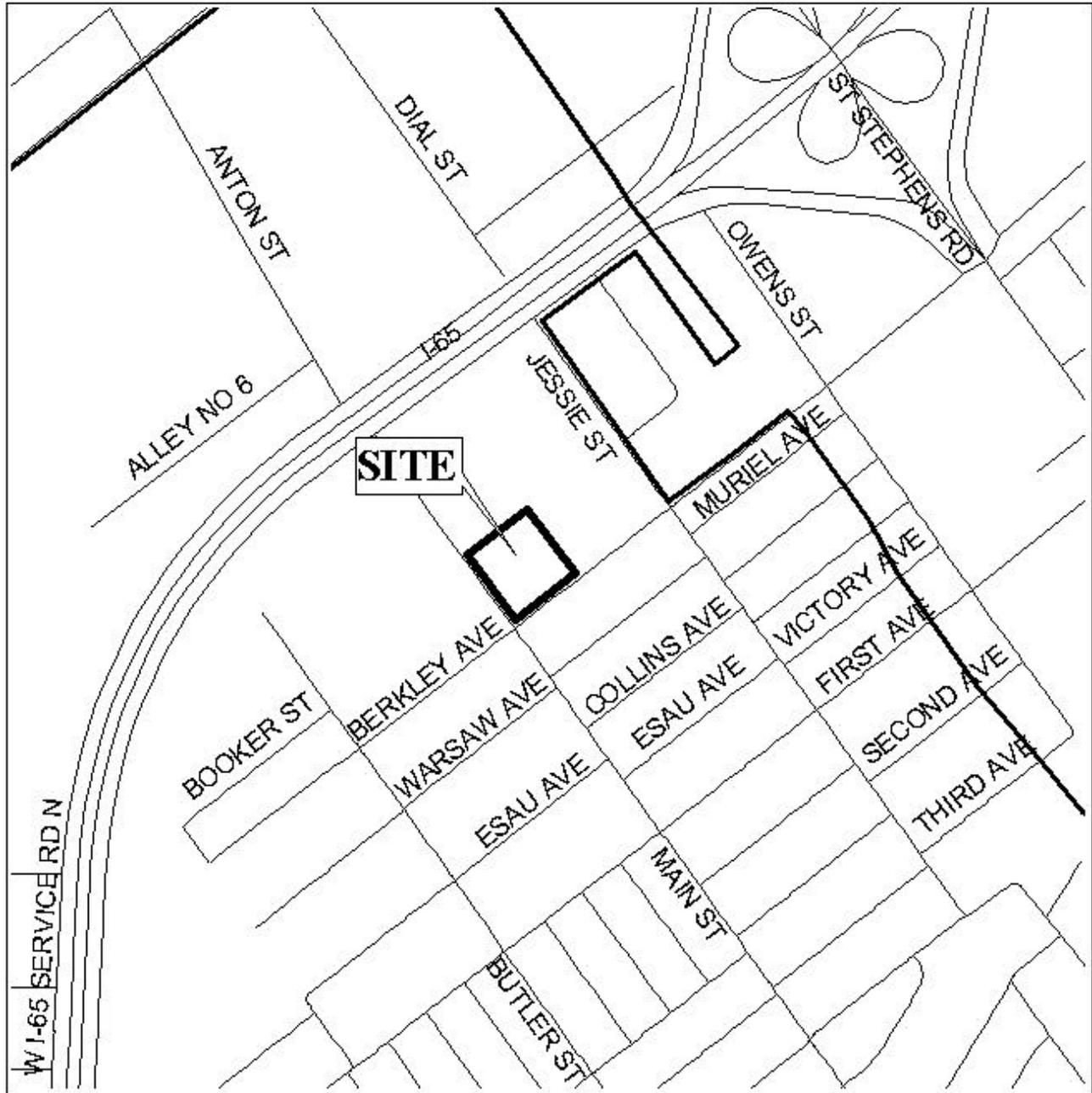
In 1998, the church was granted a sidewalk waiver along Main Street due to the open ditch construction; a sidewalk was, however, required along Berkley Avenue. It appears that the sidewalk was constructed along a portion of Berkley, but not the entire frontage. Completion of the sidewalk would be appropriate.

RECOMMENDATION **Rezoning:** based on the preceding, it is recommended that this application be approved, subject to the following conditions: 1)

subject to the accompanying PUD; 2) the site be brought into compliance with the landscaping and frontage tree requirements; and 3) full compliance with all municipal codes and ordinances.

Planned Unit Development: based on the preceding, it is recommended that this application be approved subject to the following conditions: 1) the site be brought into compliance with the landscaping and frontage tree requirements with this project, with future PUD approvals requiring the site to be brought into full compliance; 2) completion of the required parking, as indicated on the site plan submitted; 3) completion of the sidewalk along the Berkley Avenue frontage; and 4) full compliance with all municipal codes and ordinances.

LOCATOR MAP



APPLICATION NUMBER 7 & 8 DATE June 19, 2003

APPLICANT Trinity Evangelical Lutheran Church

REQUEST Rezoning, Planned Unit Development



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



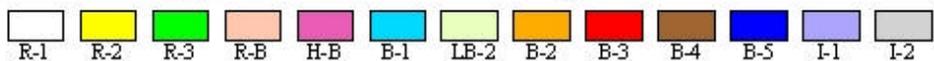
Located to the North of the site are miscellaneous retail; to the East and South are single family residential dwellings. Located to the West of the site is a school.

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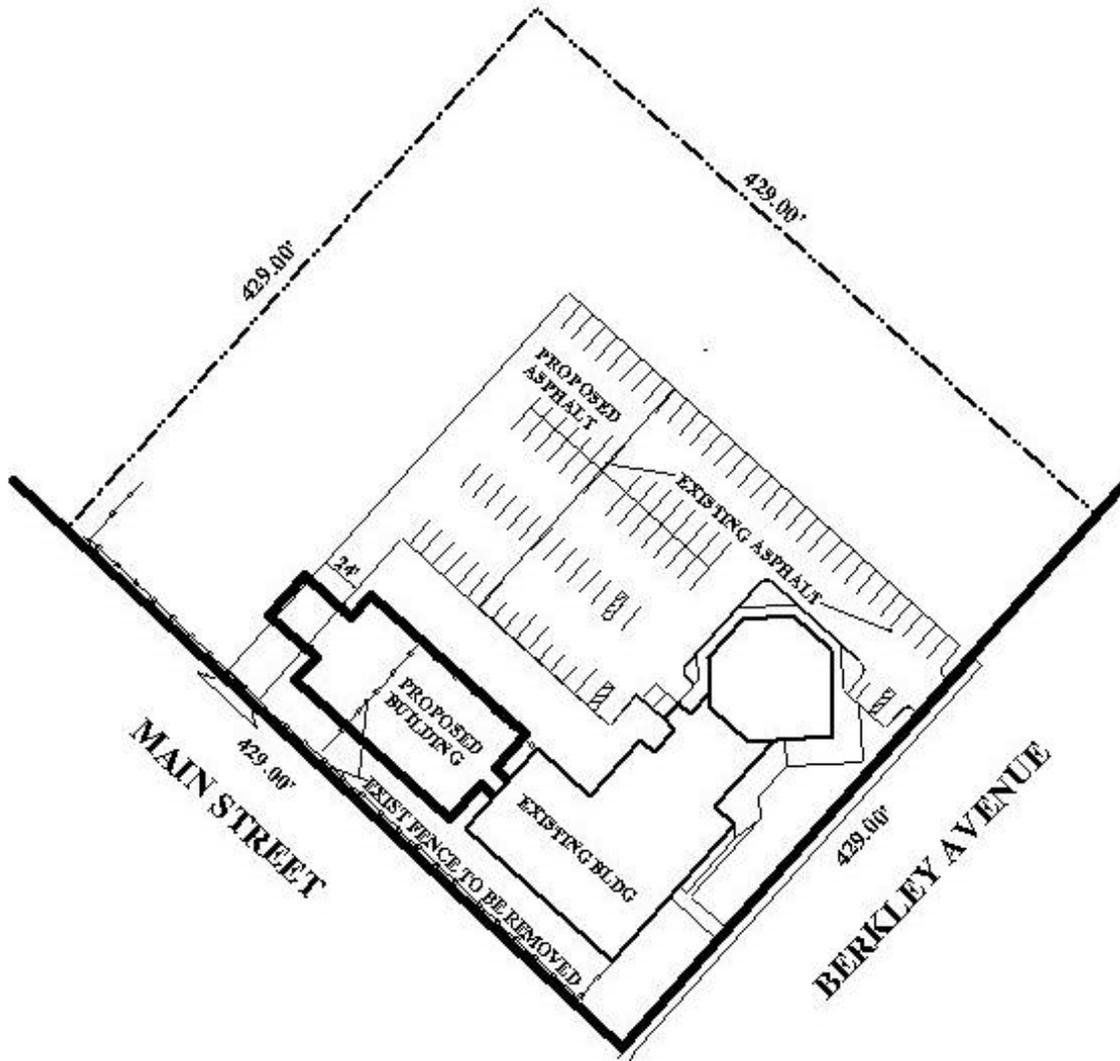
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LEGEND



SITE PLAN



The site is located on the Northeast corner of Berkley Avenue and Main Street. The plan illustrates the existing structure and parking, along with the proposed building and parking.

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USE/REQUEST Rezoning from I-2 to B-2, PUD

