

**REZONING &
SUBDIVISION STAFF REPORT****Date: May 3, 2007****APPLICANT NAME**

Berg Spiral Pipe Corp.

SUBDIVISION NAME

Berg Pipe Subdivision

LOCATION900 Paper Mill Road
(North side of Paper Mill Road at the North terminus of
McKinley Street)**CITY COUNCIL
DISTRICT**

District 2

PRESENT ZONINGR-1, Single-Family Residential
I-2, Heavy Industry**PROPOSED ZONING**

I-2, Heavy Industry

AREA OF PROPERTY

1 Lot/86.0± Acres

CONTEMPLATED USE

Pipe manufacturing and storage

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.

**TIME SCHEDULE
FOR DEVELOPMENT**

Immediate

**ENGINEERING
COMMENTS**

Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit.

**TRAFFIC ENGINEERING
COMMENTS**

Driveway number, sizes, 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). Full compliance with landscaping and tree requirements of the Zoning Ordinance to be coordinated with Urban Forestry.

REMARKS

The applicant is requesting subdivision approval to combine several metes and bounds parcels into a single lot of record; and, rezoning approval to rezone the site to one zoning classification (I-2), to eliminate split zoning.

The site is shown as industrial on the General Land Use Component of the Comprehensive Plan, which is meant to serve as a general guide, not a detailed lot and district plan or mandate for development. Moreover, the General Land Use Component allows the Planning Commission and City Council to consider individual cases based on additional information such as the classification request, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and zoning classification.

Subdivision review examines the site with regard to promoting orderly development, protecting general health, safety and welfare, and ensuring that development is correlated with adjacent developments and public utilities and services, and to ensure that the subdivision meets the minimum standards set forth in the Subdivision Regulations for lot size, road frontage, lot configuration, etc.

As stated in Section 64-9. of the Zoning Ordinance, the intent of the Ordinance and corresponding Zoning Map is to carry out the comprehensive planning objective of sound, stable and desirable development. While changes to the Ordinance are anticipated as the city grows, the established public policy is to amend the ordinance only when one or more of the following conditions prevail: 1) there is a manifest error in the Ordinance; 2) changing conditions in a particular area make a change in the Ordinance necessary and desirable; 3) there is a need to increase the number of sites available to business or industry; or 4) the subdivision of land into building sites makes reclassification of the land necessary and desirable.

In this particular instance the subdivision and rezoning request are intertwined due to metes and bounds legal descriptions over the history of the property. Therefore, the Subdivision request to incorporate the multiple metes and bounds parcels into one legal lot of record helps to legitimize and clean-up some of the divisions that have occurred. In so doing, the proposed lot would be split zoned (a very small portion of site [one of the inappropriately divided metes and bounds parcels] is zoned R-1). It seems that the R-1 zoned portion of the site was a rail-road spur right-of-way bisecting a large industrial site, was sold to a corporation and used as the industrial site's privately owned spur. When transfers of right-of-way to private corporations, in essence public use to private use, the property is automatically zoned R-1, unless the owner applies for the rezoning and specifies the zoning classification.

The applicant stated that the purpose of the application is to correct split zoning; and, that since the past use and the proposed of the R-1 parcel are the same, rezoning should have no adverse affect on the surrounding area.

While the applicant's statement that the rezoning would eliminate split zoning is accurate, the situation was created by the prior inappropriate divisions discussed above.

As illustrated on the site plan, several buildings will be constructed on site; therefore, the submission of an Administrative Planned Unit Development (PUD) application would be required prior to the approval of any permits.

RECOMMENDATION

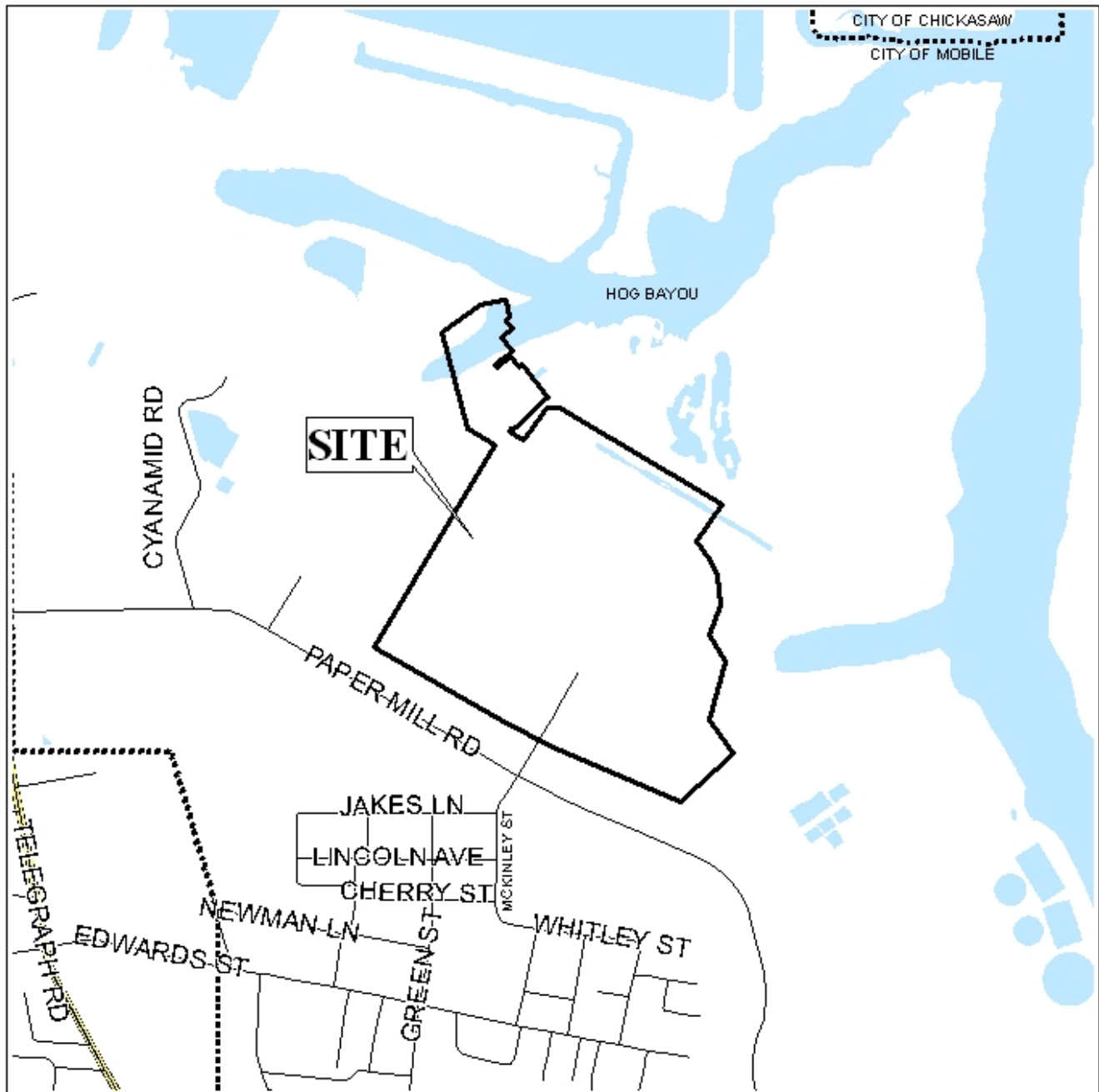
Subdivision Based on the preceding, the application is recommended for Tentative Approval subject to the following conditions:

- 1) placement of a note on the final plat stating the site is limited to two curb cuts to Paper Mill Road, size location and design to be approved by Traffic Engineering; and
- 2) completion of the rezoning process prior to issuance of any building permits.

Rezoning: Based on the preceding, the application is recommended for Approval subject to the following conditions:

- 1) completion of the Subdivision process prior to the issuance of any permits;
- 2) limited to two curb cuts to Paper Mill Road, size location and design to be approved by Traffic Engineering;
- 3) the submission of an Administrative Planned Unit Development (PUD) application prior to the issuance of any permits; and
- 4) compliance with all municipal codes and ordinances, including but not limited to landscaping, tree plantings, signage, sidewalks, and buffering.

LOCATOR MAP



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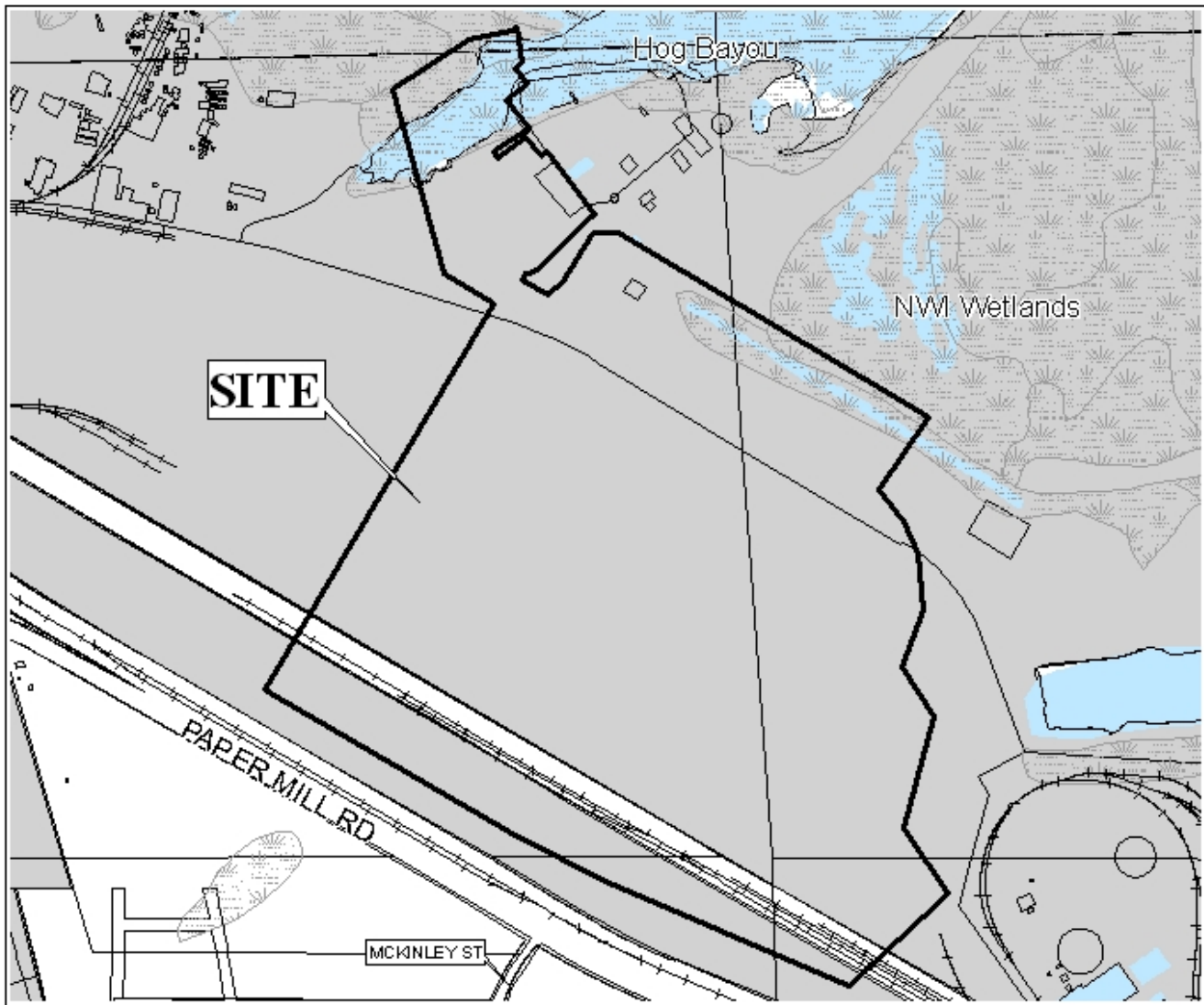
APPLICANT Berg Spiral Pipe Corporation

REQUEST Subdivision, Rezoning from R-1 and I-2 to I-2



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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by industrial land use

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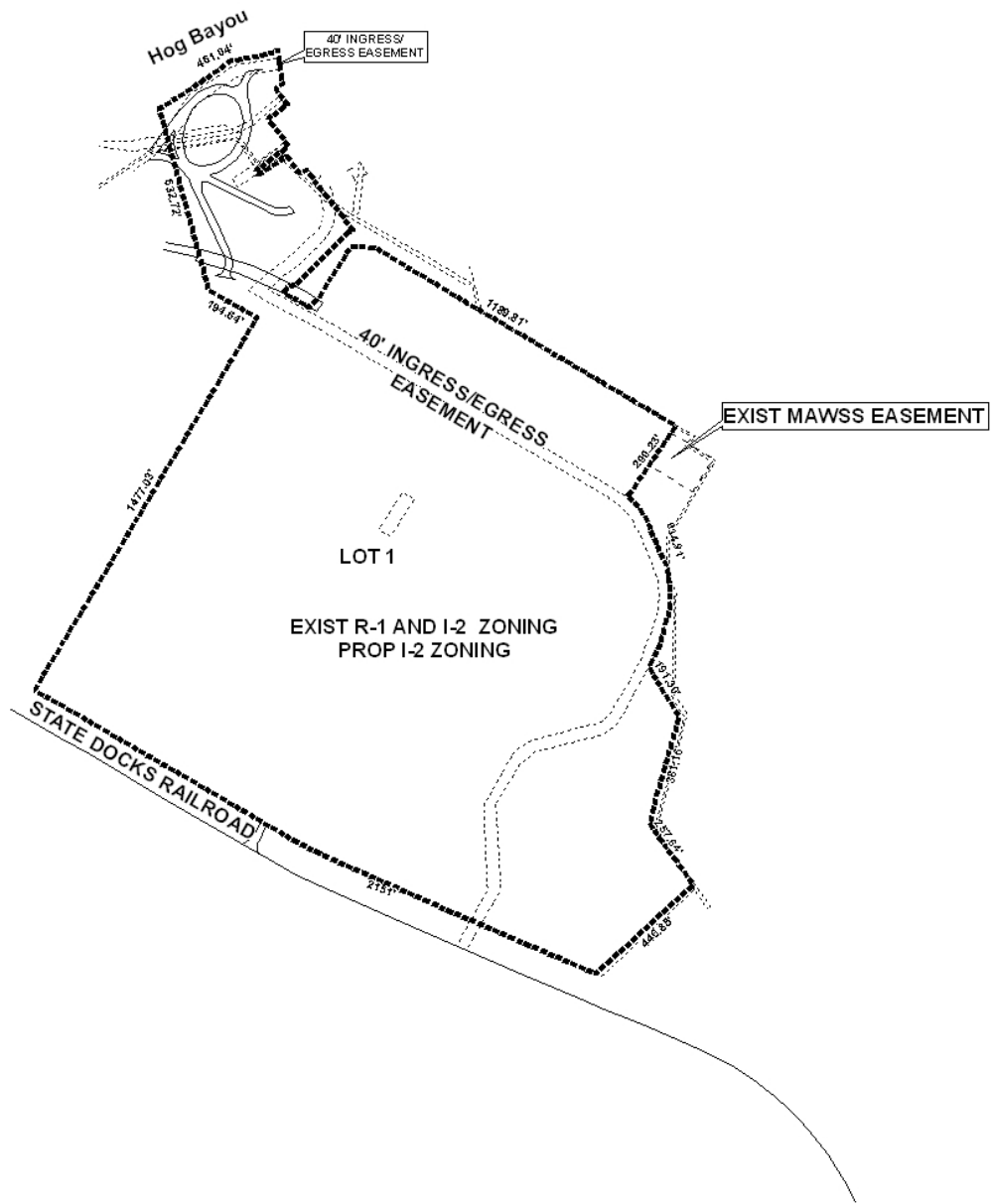
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LEGEND

													
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 plan illustrates the existing easements, proposed zoning, and proposed lot configuration

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