

**ZONING AMENDMENT,
PLANNED UNIT DEVELOPMENT &
SUBDIVISION STAFF REPORT**

Date: May 17, 2007

DEVELOPMENT NAME

Regal Investments, LLC

SUBDIVISION NAME

Regal Investments, LLC Subdivision

LOCATION

(North side of Government Boulevard Service Road, 560'±
West of West I-65 Service Road South, and extending
Northwest to Lakeside Drive)

**CITY COUNCIL
DISTRICT**

District 4

PRESENT ZONING

B-3, Community Business District

PROPOSED ZONING

I-1, Light Industry

AREA OF PROPERTY

2 Lots / 9.3± Acres

CONTEMPLATED USE

Subdivision Approval to create 2 lots, Planned Unit Development Approval to allow multiple buildings on a single building site, and Rezoning from B-3, Community Business District, to I-1, Light Industry, to allow an office, laboratory, and heavy equipment storage for a geotechnical company.

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**

The applicant is responsible for verifying if the site contains wetlands. The site can be checked against the National Wetlands Inventory on the COM web site Environmental Viewer. If the site is included on the NWI, it is the applicant's responsibility to confirm or deny the existence of regulatory wetlands. If wetlands are present, no work allowed without a Corps of Engineers permit. Show limits of AE flood plain. No fill allowed in AE flood plain without compensation. Show minimum finished floor elevation on any lot touched by AE flood plain. No detention is allowed in the AE flood plain. Must comply

with all storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit.

TRAFFIC ENGINEERING

COMMENTS

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).

FIRE DEPARTMENT

COMMENTS

Must comply with the following sections of the 2003 International Fire Code: 508.1 Where Required (Fire Hydrants); B105.1 Fire Flow Requirements; C103.1 Fire Hydrants Available; D103.4 Dead Ends.

REMARKS

The applicant is requesting Subdivision Approval to create 2-lots, Planned Unit Development Approval to allow multiple buildings on a single building site, and Rezoning from B-3, Community Business District, to I-1, Light Industry District, to allow an office, laboratory, and heavy equipment storage for a geotechnical company.

Regarding the proposed subdivision, the plat illustrates the proposed 9.3± acre, two-lot subdivision, which is located at the Northwest corner of Government Boulevard and Montlimar Creek, extending to the East side of Lakeside Drive, and is located within Council District 4. The site is served by public water and sanitary sewer. The 25-foot building setback lines are not shown but would be required on the final plat.

The purpose of the application is to create two lots of record from a large lot of record and a smaller metes and bounds parcel. The site fronts Government Boulevard, a planned major street and U.S. Highway with a 250-foot right-of-way; Lakeside Drive, with a 50-foot right-of-way; and the Montlimar Creek drainage canal.

A 4-lot subdivision at this site was denied last year because it included flag lots, whereas roads should have been provided. Following discussion with Urban Development and Fire Department staff, another application was submitted in October 2006 approved by the Commission meet the requirements for access to the site. However, because the applicant does not wish to dedicate the streets, a PUD application was required for the private streets.

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.

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.

Due to the site's location on a canal, there is no possibility for provision of a through-street, so there would not be a negative impact on connectivity by allowing access from Lakeside Drive. The present design would satisfy the requirements of the Subdivision Regulations and the Zoning Ordinance and allow the applicant to develop the site as desired.

As PUD approval is site plan specific, a revised site plan should be provided prior to signing the final plat, which provides a table indicating the quantity of landscaping required, and which illustrates the location of the required trees to be planted.

Regarding the zoning application, the site appears to be depicted as commercial 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. The accuracy of recommended land uses on the General Land Use Component map is limited due to the large scale of the map. 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.

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.

The proposed I-1 zoning category for Lot 2 would permit the proposed industrial use. However, no proposed development for Lot 1 has been submitted and at this point I-1 zoning would be purely speculative. Therefore, approval from B-3 to I-1 zoning should be approved for only Lot 2 at this time.

The site illustrates the proposed building, parking spaces, and gravel lay-down area; however, waste receptacles, such as a dumpster, are not reflected on the site plan, nor are any trees or landscaped areas: the site must be brought into compliance with the Zoning Ordinance, including the provision of trees and landscaping.

It should also be pointed out that a gravel lay-down yard is proposed at this location to provide parking and storage of heavy equipment used by the geotechnical firm. However, the applicant must submit a variance application to the board of Adjustment to allow this type of parking surface.

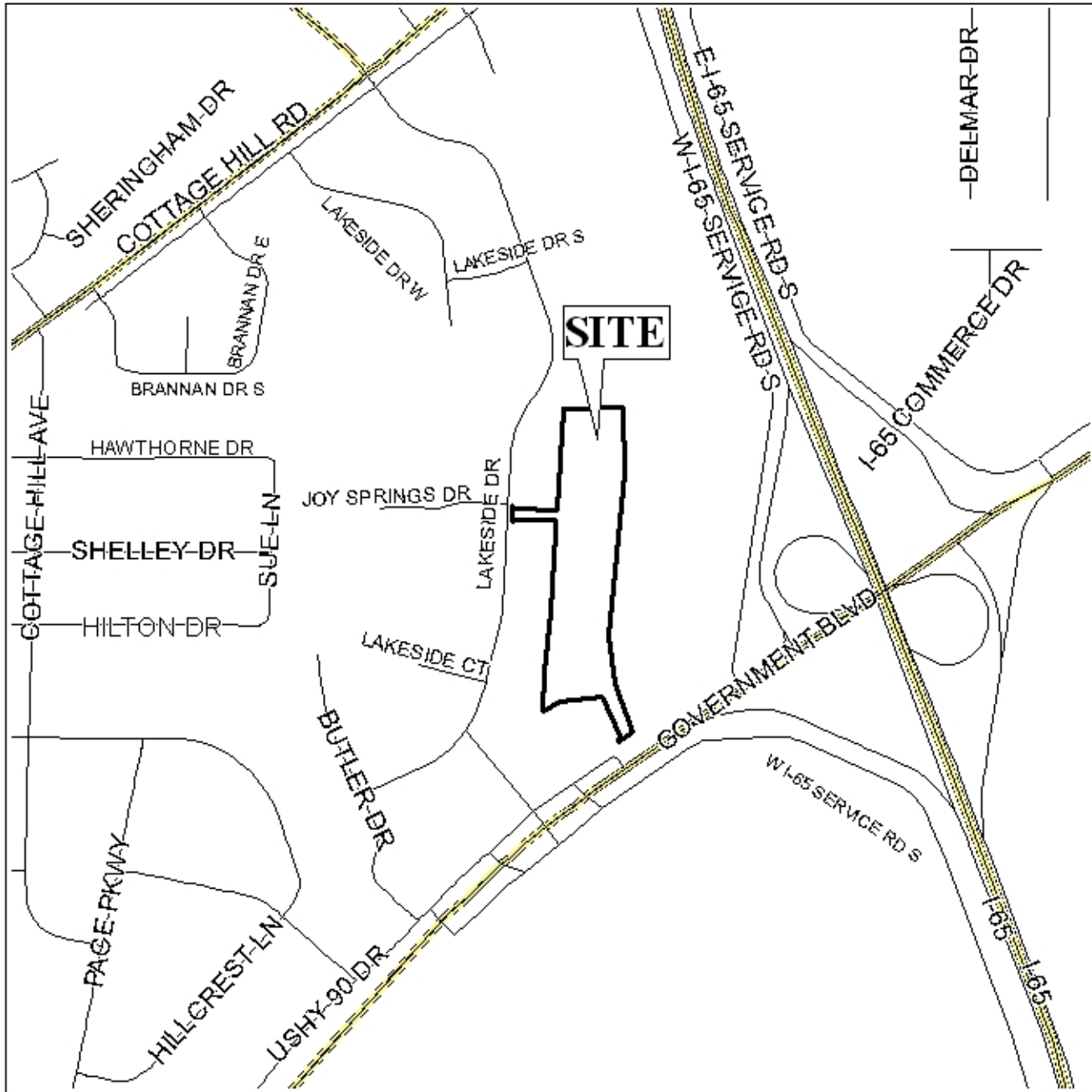
RECOMMENDATION

Subdivision: The plat meets the minimum requirements of the Subdivision Regulations and is recommended for Tentative Approval subject to the following conditions: 1) compliance with Engineering comments (Show minimum finished floor elevation on each lot on the final plat. The applicant is responsible for verifying if the site contains wetlands. The site can be checked against the National Wetlands Inventory on the COM web site Environmental Viewer. If the site is included on the NWI, it is the applicant's responsibility to confirm or deny the existence of regulatory wetlands. Must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit.); and 2) the placement of the 25-foot building setbacks on the final plat.

Rezoning: Based upon the preceding, this application is recommended for approval subject to the following conditions: 1) the rezoning to I-1, Light Industry for only Lot 2; 2) compliance with Engineering comments (Show minimum finished floor elevation on each lot on the final plat. The applicant is responsible for verifying if the site contains wetlands. The site can be checked against the National Wetlands Inventory on the COM web site Environmental Viewer. If the site is included on the NWI, it is the applicant's responsibility to confirm or deny the existence of regulatory wetlands. Must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit.); 3) provision of a revised site plan to include a table indicating the quantity of landscaping required, and to illustrate the location of the required trees to be planted, prior to signing the final plat; 4) the placement of the 25-foot building setbacks on the revised site plan; and 5) full compliance with all other municipal codes and ordinances.

Planned Unit Development: Based upon the preceding, this application is recommended for approval subject to the following conditions: 1) compliance with Engineering comments (Show minimum finished floor elevation on each lot on the final plat. The applicant is responsible for verifying if the site contains wetlands. The site can be checked against the National Wetlands Inventory on the COM web site Environmental Viewer. If the site is included on the NWI, it is the applicant's responsibility to confirm or deny the existence of regulatory wetlands. Must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit.); 2) provision of a revised site plan to include a table indicating the quantity of landscaping required, and to illustrate the location of the required trees to be planted, prior to signing the final plat; 3) the placement of the 25-foot building setbacks on the revised site plan; and 4) full compliance with all other municipal codes and ordinances.

LOCATOR MAP



APPLICATION NUMBER 25, 26, & 27 DATE May 17, 2007

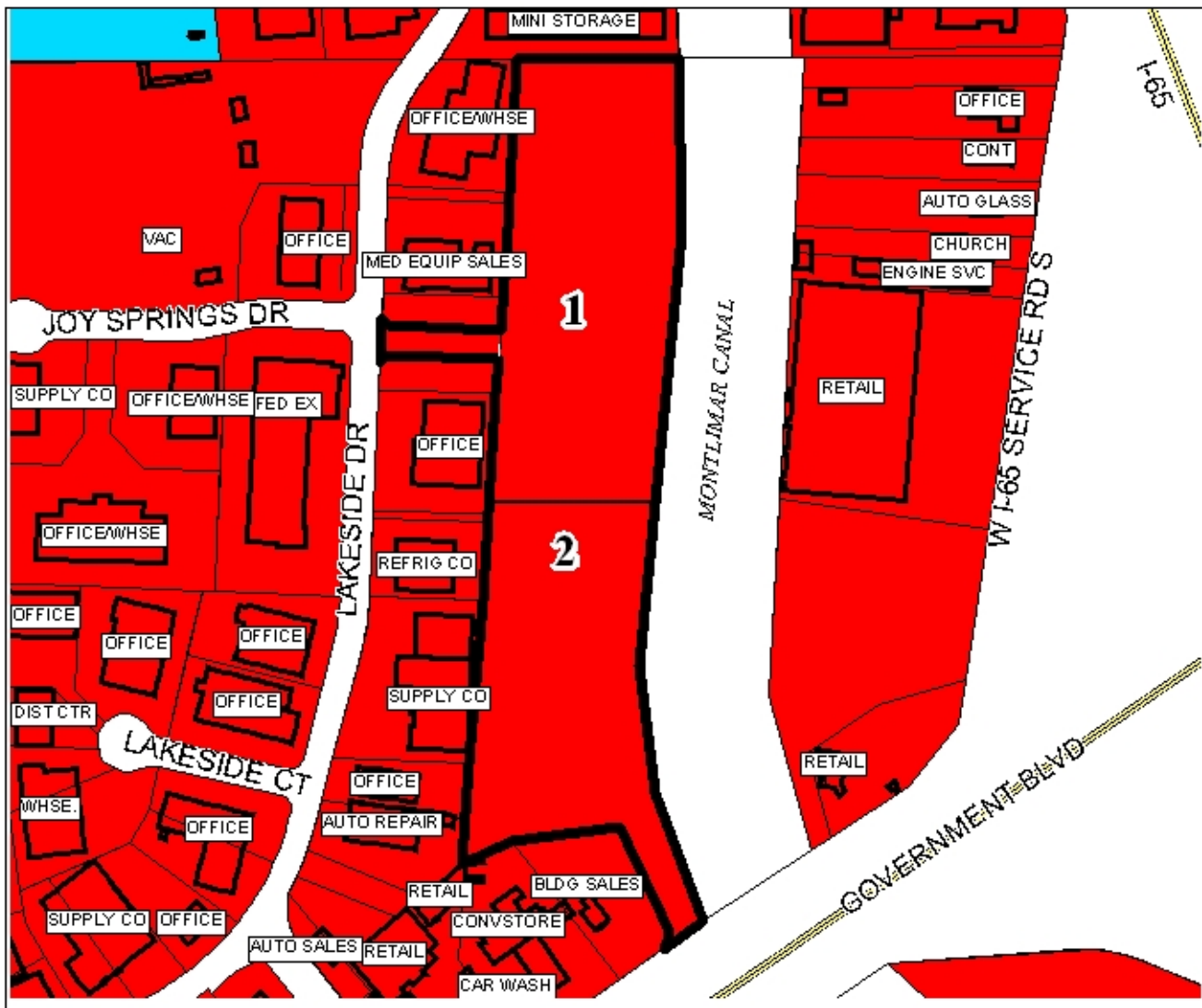
APPLICANT Regal Investments, LLC Subdivision

REQUEST Subdivision, Rezoning, Planned Unit Development



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



There is a variety of commercial landuse to the west, north, and east of the site, and a church and hotel are to the south.

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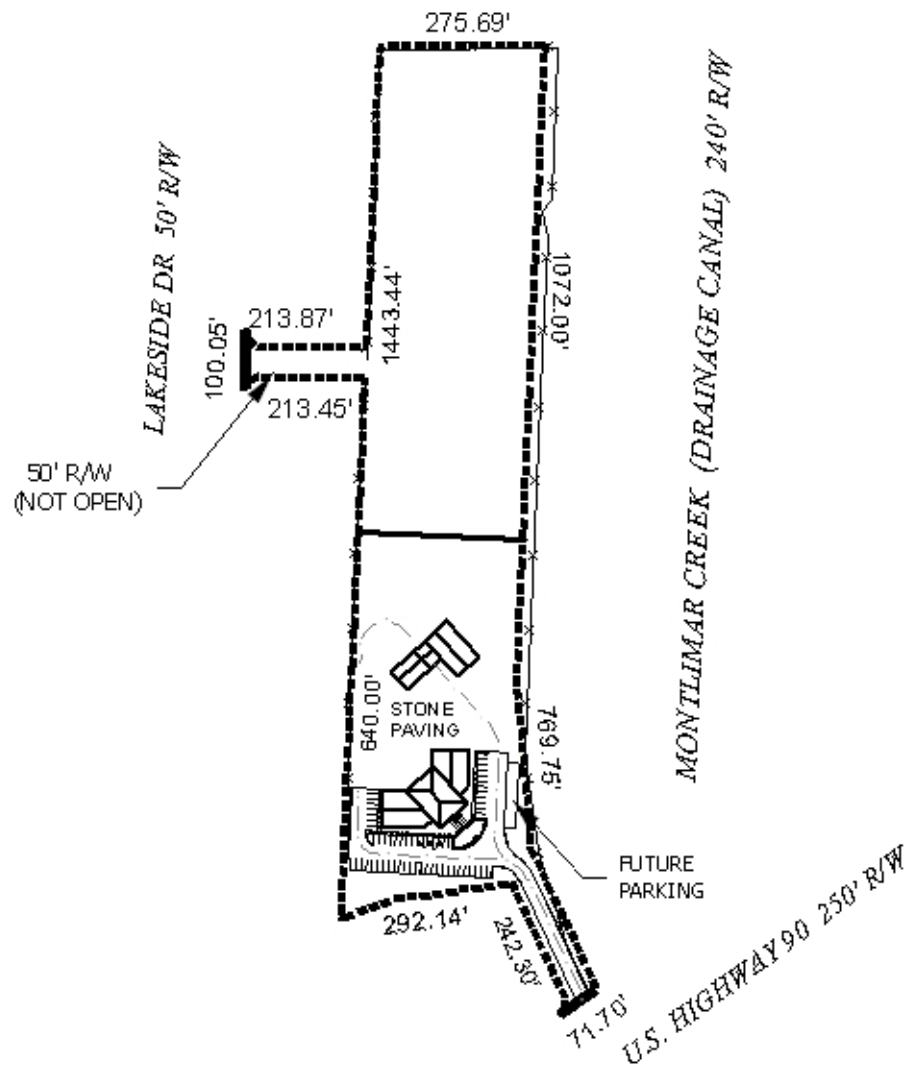
APPLICANT Regal Investments, LLC Subdivision

REQUEST Subdivision, Rezoning from B-3 to I-1, Planned Unit Development

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	NTS
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SITE PLAN



The site plan illustrates proposed buildings, parking and drive.

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NTS