

Legislation Details (With Text)

**File #:** 2017-1643      **Name:**  
**Type:** Public Hearing - Sworn      **Status:** Filed  
**File created:** 11/9/2017      **In control:** City Council - Regular Session  
**On agenda:** 1/4/2018      **Final action:** 1/4/2018  
**Title:** Continued PUBLIC HEARING - Application #PL2017-203 - REZONING from AG to CP-2 and PRELIMINARY DEVELOPMENT PLAN - approximately 4.3 acres abutting the property at 1850 NE US 40 Hwy; IAC Life, applicant.  
 (Note: The item was to be CONTINUED from December 21, 2017 per the applicant's request.)  
**Sponsors:** Planning and Special Projects

**Indexes:**

**Code sections:**

**Attachments:** 1. Action Report of the December 12, 2017 Planning Commission meeting, 2. Minutes of the November 14, 2017 Planning Commission meeting, 3. Staff Letter, 4. Traffic Impact Analysis, 5. Rezoning Exhibit and Legal Description, 6. Concept Plan, 7. Site Plan - Existing Conditions, 8. Letter from IAC, 9. Rezoning Criteria, 10. Location Map

Date	Ver.	Action By	Action	Result
1/4/2018	1	City Council - Regular Session	read into the record	
12/21/2017	1	City Council - Regular Session	continued	Pass
12/12/2017	1	Planning Commission	recommended for denial	Pass
12/7/2017	1	City Council - Regular Session	continued	Pass
11/14/2017	1	Planning Commission	continued	Pass

Continued PUBLIC HEARING - Application #PL2017-203 - REZONING from AG to CP-2 and PRELIMINARY DEVELOPMENT PLAN - approximately 4.3 acres abutting the property at 1850 NE US 40 Hwy; IAC Life, applicant.  
 (Note: The item was to be CONTINUED from December 21, 2017 per the applicant's request.)

Issue/Request:

*This item was initially heard at the November 14, 2017, Planning Commission meeting. Following the presentation and discussion, the Planning Commission continued the public hearing with the direction that the applicant prepare and present a concept plan depicting the potential development of the subject property to support the requested rezoning. The applicant has provided a concept plan depicting a single 5,600 sq. ft. office/retail building with parking lot. While the office/retail use is consistent with both the abutting parcel to the east and the Comprehensive Plan from a general standpoint, the plan does not provide a level of detail sufficient for staff to evaluate the feasibility of said plan. Even at a conceptual development plan level, the UDO requires that certain information be provided to reasonably demonstrate that existing or future site conditions can support proposed development. Based on the information provided at this time, staff cannot support the requested rezoning.*

The applicant requests to rezone approximately 4.3 acres from AG (Agricultural) to CP-2 (Planned Community Commercial) with no plans at this time to develop the subject property. According to the applicant, consideration will be given to place the property into a conservation area should the applicant choose not to pursue the future development of the property. The applicant owns the abutting 14.5-acre site at 1850 NE US 40 Hwy that is zoned CP-2 and is developed with a two-story office building.

A preliminary development plan application accompanies the rezoning application in accordance with the requirements of the UDO. However, the site plan simply reflects the current undeveloped state of the subject 4.3-acre AG-zoned property and the existing office development on the abutting 14.5-acre parcel; the plan does not include any concept for the future development of any of the property.

It is not the City's practice to rezone property for a commercial purpose without an associated plan for the actual development of said property. Staff does not support the requested rezoning.

Recommendation: Staff recommends **DENIAL** of the rezoning and preliminary development plan.

Committee Recommendation: On motion of Mr. Funk and seconded by Mr. Sims, the Planning Commission voted unanimously by voice vote on December 12, 2017, to recommend **DENIAL** of **Appl. #PL2017-203 - REZONING from AG to CP-2 and PRELIMINARY DEVELOPMENT PLAN - 1850 NE US 40 Hwy; IAC Life**, applicant, subject to staff's letter dated December 8, 2017.