
RESOLUTION NO. R-2324-11

ITEM NO. 11

STAFF REPORT

ITEM: Alliance Development Group, L.L.C. requests amendment of the NORMAN 2025 Land Use and Transportation Plan from Future Urban Service Area to Current Urban Service Area and from Medium Density Residential Designation to Mixed Use Designation and removal of Special Planning Area 5 (SPA-5) for 60.4801 acres of property generally located at the Northeast corner of 36th Avenue N.W. and Franklin Road.

SUMMARY OF REQUEST: Alliance Development Group, L.L.C. is proposing a mixed use PUD, Planned Unit Development, on a 60.5 acre property. The proposed development will include residential, commercial, office, and industrial uses. This development proposal requires rezoning from A-2, Rural Agricultural District, to PUD, Planned Unit Development. This proposal also requires a NORMAN 2025 Land Use Plan Amendment from Medium Density Residential Designation to Mixed Use Designation, from Future Urban Service Area to Current Urban Service Area, and removal from Special Planning Area 5 (SPA-5).

STAFF ANALYSIS: For changes in classification under the NORMAN 2025 Land Use and Transportation Plan, the following information is forwarded for consideration.

The role of the NORMAN 2025 Plan in the City's ongoing and diverse planning activities states the document must be flexible, and that it is updated and amended periodically. The Plan defines the desired land use patterns for use and development of all private sector properties. This Plan will serve as a policy guide for zoning and planning requests as they are presented to the Planning Commission and City Council.

1. ***Has there been a change in circumstances resulting from development of the properties in the general vicinity which suggest that the proposed change will not be contrary to the public interest?*** Over the years, the west side of Interstate 35 between Franklin Road and Indian Hills Road has changed since the adoption of the NORMAN 2025 Land Use and Transportation Plan. Between 1999 and 2000, the Community Christian Athletic Facility was constructed just north of this proposal. To the south of this proposal sits Ruby Grant Park, a 140-acre community park. Further south is the Jonathan Fowler Development and the Carroll Farm Development; both the Jonathan Fowler Development and the Carroll Farm Development began platting, rezoning and construction in 2005-2007. Jonathan Fowler Development (along Journey Parkway) now consists of two automobile dealerships, a church, and three medical office buildings. The Carroll Farm Development has two banks, a dental office and a restaurant. Across Interstate 35, the York Plant has undergone a substantial expansion, almost doubling the square footage of the facility. Just to the south of the York Plant is the new Cleveland County Jail. In recent years, OEC developed a new solar garden to the east, across Interstate 35. To the west of this proposal, at the southwest corner of Franklin Road and 36th Avenue N.W., the Carrington Place Development and the North Haven Church also began to develop between 2005 and 2007. There still exists a

commercial corner at the southwest corner of Franklin Road and 36th Avenue N.W. The Battison property directly east of the subject property rezoned to a PUD to allow for the development of an automobile dealership and garage.

2. ***Is there a determination that the proposed change would not result in adverse land use or adverse traffic impacts to surrounding properties or the vicinity?*** The proposed uses are similar to surrounding properties. The use of apartments across from a municipal park is recommended to allow space for residents to have recreation opportunities. The current Medium Density Residential Designation implies the intent was to place multifamily developments in this area. The applicant submitted a Traffic Impact Analysis. After review of it, the City Traffic Engineer determined there will be no negative traffic impacts with the proposed development of this area.

Remove Special Planning Area 5:

Special Planning Area 5 is situated between 36th Avenue N.W. and I-35, from Franklin Road north ¼ mile, directly north of Ruby Grant Park. This area is currently designated for Medium Density residential development, if certain conditions are met:

1. A unified overall master development plan that assures appropriate ingress and egress so as to mitigate the potential traffic impacts on 36th Avenue N.W. and Franklin Road.
2. A unified overall master development plan that adequately addresses potential impacts on adjoining residential areas (especially along the northern boundary). This may include landscape treatments and/or setbacks, solid masonry screening walls or fences, and design treatments and building height transitions.
3. Design treatments for building architecture, site design, signage, and landscaping that reflect the importance of this site relative to the community park.
4. Residential uses shall be a minimum of 6 to 8 dwelling units per net acre, with a mixture of housing types and densities encouraged.

The proposed development meets many of the above criteria; however, the first condition requires a unified overall master development plan for the entire SPA-5. This would require either one owner or a partnership of owners. This is not the case, which requires tracts to be removed from the SPA-5 as they individually develop.

Growth Area Boundary Change from Future to Current Urban Service Area:

An integral part of the NORMAN 2025 Land Use and Transportation Plan is the continued designation of various Growth Areas related to the character, density and level of appropriate public services. The Growth Areas are designated as part of the ongoing effort to accomplish the Goals and Policies related to managing the location of growth in relation to infrastructure and the suitability of land for development.

Growth Area Boundary Changes:

The Growth Area boundaries are approximate, and may be modified slightly as a result of detailed engineering or topographic studies at the time of application for a designation change. Such minor adjustments are not considered to be formal Plan amendments. The following criteria shall apply and set requirements for changes in Growth Area Boundaries:

1. ***The area proposed for change is contiguous to the Current Urban Service Area and constitutes a logical and cohesive service area expansion.*** The area directly north of

the proposed development and the Battison property to the east are both in the Current Urban Service Area.

2. ***The request for amendment demonstrates that the subject area has been provided, or will be at the time of development, with complete infrastructure systems. At a minimum, these systems will consist of:***
 - a. ***Additional sanitary sewer collection and treatment capacity needed to serve the expanded area.*** Sewer services for the subject property are adequate for the proposed development.
 - b. ***Water service with adequate pressure for fire-fighting.*** Water services for the subject property are adequate for the proposed development.
 - c. ***Adequate storm drainage to insure that the proposed development will not create downstream drainage problems.*** The applicant has proposed detention ponds and Water Quality Protection Zone to handle stormwater runoff generated by this development.
 - d. ***Access to at least one arterial street connecting the subject area to the Current Urban Service Area.*** 36th Avenue N.W. is a Minor Urban Arterial and connects the property to the Current Urban Service Area to the north and the south.

CONCLUSION: Staff forwards this request for amendment of the NORMAN 2025 Land Use Plan from Medium Density Residential Designation to Mixed Use Designation, from Future Urban Service Area to Current Urban Service Area, and removal from Special Planning Area 5 (SPA-5) as Resolution No. R-2324-11 for consideration by Planning Commission and recommendation to City Council.