

Planning Terms

Development Plan - A scale drawing, including a legal or site description, of the real estate involved which shows the location and size of the following, both existing and proposed: all buildings, structures, and yards; topographic map; location and dimension of building lines and easements; widths and lengths of all entrances and exits to and from said real estate; location of all adjacent or adjoining streets, service facilities; and other improvements such as planting areas.

Setback - The minimum distance between the property line and the foundation of the building/structure and an established easement.

Waiver - A specific modification or lessening of the regulations of the Unified Development Ordinance granted by the Plan Commission and Common Council for a specific Planned Development in response to unique site characteristics or development patterns that justify relief from the otherwise regulations.

Procedure

The application was filed on in November for a public hearing at the January 17, 2023 Plan Commission meeting for a proposed amendment to an adopted Planned Development is discussed at a Plan Commission Meeting and where a public hearing is held. The Plan Commission hears the evidence presented by Staff, applicant/owner, and any individuals in the audience wishing to speak for or against the proposed amendment. The Plan Commission then makes a recommendation to the Common Council for either adoption, denial, or amends the applicants' proposal. The Plan Commission has the authority to modify the proposal and/or attach conditions to the recommendation. The Council then hears the proposals, including the Plan Commission's recommendations at two separate Council meetings. At the final Council meeting the proposed amendment is adopted, denied, or modified by the Council. Prior to the public hearing before the Commission, a published legal notice is advertised in the newspaper and public hearing notices are sent to the surrounding property owners by certificate of mailing. Notices were sent to the surrounding property owners as required and publication in the newspapers.

Correspondence

At the time of writing, Staff had received no correspondence.

Summary

The property is a part of the Cumberland Pointe Commercial Park and is located within the Corporate Campus Planned Development zoning district. (Exhibit 1 - Aerial Photograph) The developer of Washington Business Park is proposing to construct another industrial/flex building across the street from the Washington Business Park and within the adopted Cumberland Pointe Commercial Park Planned Development. This particular planned development overlay was originally adopted in 2002 and it included this industrial/flex area, single-family and two-family dwellings within the overall planned development.

This particular area is also governed by the Corporate Campus Planned Development District having a land use category of "Industrial/Office" and a Subdistrict of "Secondary Corridor". Cumberland Road on which this parcel fronts is considered a "primary arterial" per the adopted Thoroughfare map. The proposed building will contain approximately 56,000-SF (Exhibit 2 - Site Plan) for industrial/office uses that could include any type of office use, government buildings, and industrial uses.

Waivers

Based on the plan submitted, Staff can identify two waivers:

1. Front Yard Setback along Arterials. Cumberland Road (arterial roadway) no parking, loading or vehicular used areas may be located between the building and the front property line.
2. Encroachment of pavers/emergency access within the Landscape buffer.

Because this is a corner lot at Cumberland Road and Cumberland Pointe Boulevard and due to the existing ingress/egress to the site, the building layout does not lend itself to meeting the above stated requirement. The Fire Marshall also requires that there be full access around the buildings of this size or greater for emergency purposes as well as a minimum of two ingress/egress points. The applicants have proposed an area entering from Cumberland Road that will be for emergency purposes only. The front building setback line is 50-FT and the actual building setback is an additional 75-FT behind the building setback line.

The second waiver includes the allowance of pervious pavers or whatever else may be required by the Fire Marshall to provide another ingress/egress area for emergency vehicles only and located within the landscaping buffer which is prohibited by the Unified Development Ordinance. The final details are to be worked-out prior to the issuance of an Improvement Location Permit for earth moving activities with the Fire Marshall. This is all completed as a part of the Technical Advisory Committee Review. Planning, Fire, and Engineering had minor comments relating to the Technical Advisory Committee review for this development.

History

- **2002** The adoption of the Corporate Campus Planned Development District
- **2002** The adoption of the Cumberland Pointe Planned Development. There have been several amendments to this particular planned development during the years since the adoption of the original ordinance

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Analysis Table

Item	Description	Analysis
<i>Surrounding Land Uses</i>	<p><i>North – Cumberland Pointe Marketplace and Apartments</i> <i>South – Drainage ponds for Cumberland Pointe</i> <i>East – Cumberland Pointe Commercial Park</i> <i>West – Washington Business Park</i></p>	<p><i>The surrounding land uses include apartments and single-family residential which is a part of the adopted planned development for Cumberland Pointe and includes in the immediate area those same types of the uses proposed for this particular building.</i></p>
<i>Comprehensive Master Plan and Future Land Use</i>	<i>Innovation/Flex MU</i>	<p><i>Assembly facilities, research and design labs, technology, maker spaces, small-scale food distribution, and flex office/commercial are the predominant uses within the Innovation/Flex typology. This typology allows for lower-intensity production and office/retail use that is compatible to the surrounding neighborhood and commercial development. A mix of vertical and horizontal uses are typical to promote campus environments with office space and some residential located within upper levels and retail space generally located on the ground level. Scale varies greatly with mixed-use spaces located along intersections, corridors, and adjacent to surrounding commercial and residential areas.</i></p>
<i>Traffic Circulations and Thoroughfare Plan</i>	<i>Cumberland Road (Primary Arterial)</i>	<p><i>Arterial – These roads serve corridor traffic movements having trip lengths and travel density characteristics indicative of substantial statewide or interstate travel or connects major population center in rural areas or service major center of activity and highest traffic volume corridors with the longest trip desires in urban areas.</i></p>
<i>Environmental and Utility Considerations</i>		<p><i>Water, electricity, gas are all in the immediate area.</i></p>
<i>TAC Comments</i>		<p><i>This item has been reviewed by the Technical Advisory Committee and the applicant is currently addressing any outstanding comments.</i></p>

Attachments

Exhibit 1	Aerial Photograph
Exhibit 2	Site Plan

Recommendation

Staff supports the waiver requests due to the location of the ingress/egress access point already being established, the combining of the two lots into a single lot and a single building being constructed, the encroachment of pervious pavers in the landscaping district to provide a second access for emergency vehicles and as being in compliance with the use as per with the Corporate Campus Planned Development District and the Comprehensive Master Plan. Without the granting of the vehicle use area waiver between the primary arterial and the building setback, it would be very difficult to construct any type of building(s) and meet not only all of the Unified Development Ordinance requirements but fire safety requirements. During 2022, there were at least two other waivers regarding the vehicle used area located between the building setback and the primary arterial granted in the Washington Business Park located directly across the street.

Motions

1. **Motion to approve the requested waivers regarding the vehicle used areas located between the buildings and the front setback line and the granting of pervious pavers within the landscaping buffer easement based on the presentation and Staff Report and forward a favorable recommendation to the Council for adoption as per Application No. 0240-2022.**
2. Motion to deny the requested waivers as per the presentation and Application No. 0240-2022 and forward a do not adopt recommendation to the City Council. (LIST REASONS)
3. Motion to continue Application No. 0240-2022 until the February 21, 2023 meeting.