



PLAN COMMISSION STAFF REPORT

ITEM NO: 6 **APPLICATION NO.** 0139-2024

MEETING DATE: August 19, 2024

SUBJECT: Text Amendment to Planned Development Ordinance

PETITIONER(S): Midland Point, LLC

SUMMARY: Amendment to permit one veterinarian clinic within an inline tenant building

LOCATION: Midland Pointe Planned Development (south of State Road No. 32 and east of Hazel Dell Road)

WAIVERS REQUESTED: NA

RECOMMENDATION: Approval

PREPARED BY: Joyceann Yelton, Development Services Manager
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Planning Terms

Amend or Amendment – Any repeal, modification, or addition to a regulation; any new regulation; any change in the number, shape, boundary, or area of a district, or any repeal or abolition of any map, part thereof, or addition thereto.

Midland Pointe Planned Development – Area bounded by State Road No. 32 (north) and east of Hazel Dell Road containing approximately 30 acres. This planned development includes commercial uses, apartments, and townhomes. It was established in 2023. The property is zoned R5-PB/PD Multi-family residential, planned business planned development.

Procedure

The application was for a public hearing at the August 19, 2024 Plan Commission meeting. The proposed amendment is discussed at a Plan Commission Meeting 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. At the final Council meeting the 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.

Correspondence

Staff has not received any inquiries on this application.

Summary

This request affects the property located south of State Road No. 32 and east of Hazel Dell Road. It is the northern approximately 13 acres of the property which is zoned planned business planned development. (Exhibit 1 Aerial Photograph, Exhibit 4 – Site Plan)

The request is to amend the text regarding prohibited uses to allow for a tenant within an inline tenant building to operate one veterinarian clinic . (Exhibit 2 – Vet Photographs) These photographs are an example of the veterinarian clinic that is being proposed. The exterior of the building will be similar to the elevations associated with Exhibit 3 – Building Elevations) This is the second request made to amend the adopted ordinance within the past year.

History

- Adopted a Preliminary Development Plan and Ordinance in February, 2023.
- Adopted an amendment last quarter of 2023 to allow for a package liquor store within an inline tenant building.

Attachments

Exhibit 1	Aerial Photograph
Exhibit 2	Vet Clinic Photographs
Exhibit 3	Building Elevations
Exhibit 4	Retail inline store locations
Exhibit 5	Amended Exhibit E of original ordinance

Recommendation

Staff recommends approval of the text amendment. With the adoption of this amendment that particular clause is still a part of the approved development agreement which will require discussion before a separate government body.

Motions

1. Motion to approve the text amendment for Midland Pointe Planned Development as submitted per the presentation for Application No. LEGP 0139-2024.
2. Motion to deny the text amendment for Midland Pointe Planned Development as per presentation for Application No. 0139-2024 **(LIST REASONS)**
3. Motion to continue Application No. 0139-2024 until the September 16, 2024 meeting.