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## STAFF COMMENTS FOR PLANNING COMMISSION

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**MEETING DATE:** September 5, 2007

**SUBJECT:** CSP-07-001

**TITLE:** GE Technology Park

**REQUEST:** **CONCEPT PLAN APPROVAL**  
for three office/warehouse buildings

**ADDRESS:** 100 Edison Park Drive

**ZONE:** I-3 (Industrial Office Park)

**Applicant:** AvalonBay Communities – Jonathon Cox

**Owner:** SFHI, LLC c/o Global Exchange Services

**STAFF LIAISON:** Greg Ossont, Director  
Planning and Code Administration

Jacqueline Marsh, Planner

**Enclosures:**

Staff Comments

Memo

**STAFF COMMENTS**

Please see attached memo.

MEMORANDUM TO: Planning Commission

FROM: Greg Ossont, Director  
Planning and Code Administration

DATE: August 16, 2007

SUBJECT: GE Tech Park – CSP-07-001



During the regular meeting on July 25, 2007, the Planning Commission deferred action on the referenced concept plan application. The Commission requested that staff seek further clarification and information on statements made by the applicant that the Master Plan conflicts with the rights guaranteed under the existing annexation agreement.

As the Commission noted, staff recommended that the Planning Commission make a motion to direct staff to prepare a resolution of denial of CSP-07-001. The recommendation is largely based on a fairly straightforward analysis that the proposal does not comply with a special condition from the City's adopted Master Plan. Section 24-170A states:

*The city planning commission may approve a site development plan for properties specifically identified in a master plan or amendment thereto having special conditions or requirements for the development and use thereof, or special conditions and requirements as to availability of public facilities only upon a finding that said site development plan is consistent with the conditions and requirements specified in the master plan or amendment regarding said property.*

The following special condition was adopted by way of resolution R-92-06 on September 5, 2006:

*Map Designation 1 shall be preserved as open space. Rezoning to R-A (Low-Density Residential), recordation of an open space easement and/or covenant, and designation of open space use shall occur at the time of development and/or subdivision of Lot 1 (Map Designation 4).*

There are two aspects to the special condition. First, Map Designation 1, the area in between Lake Placid and Route 28, is to be preserved as open space. Secondly, in order to facilitate the preservation, a covenant, easement, rezoning or open space designation should be applied to this area. Since Lot 1 is not proposed to be subdivided, staff recognizes that it may be problematic to request a rezoning of the map designation because the annexation agreement assures the zoning. Nevertheless, the proposal clearly violates the special condition by not preserving Map designation 1 as open space. This special condition could be complied with without the necessity of rezoning, executing a covenant or granting an easement.

Staff bolsters the recommendation by noting several other characteristics of the proposal which conflict with the “baseline development requirements” outlined in the adopted Master Plan. MP-2-04 was adopted on May 15, 2006 by way of resolution R-53-06, and adopts certain baseline requirements to be implemented at the time of any development in Lot 1. While these baseline development requirements are not special conditions, they are stated in the adopted Master Plan which was developed over a two and half year long public process. The baseline development requirements are not intended to reflect minimum compliance with the zoning and environmental standards or to mirror the annexation agreement. Rather, these baseline requirements were developed to ensure compatibility and harmonious development with adjacent land uses.

Section 24-170 states:

*The city planning commission shall approve the site development plan only upon a finding by it that the buildings, structures and uses proposed will not:*

\* \* \* \* \*

***(d) Be incompatible or inharmonious with other existing uses or with existing and proposed adjacent development.***

Further, Section 24-171 of the City Code states:

*(1) In the review and approval of a site development plan, the planning commission shall have the following powers which shall be exercised for the purpose of avoiding adverse impact on the neighboring properties and public facilities, reducing traffic hazards and improving traffic circulation within or without the property which is the subject of the plan, preserving existing desirable natural features, protecting environmental resources, assuring adequate light and air to buildings within or without the subject property, providing adequate access to such buildings by fire and rescue equipment, providing convenient access to such buildings from off-street parking spaces, avoiding overcrowding of persons and buildings within the development, ensuring the provision or development of recreational and other amenities, and facilitating the creation and maintenance of common or public open space, parking areas and private drainage systems.*

\* \* \* \* \*

***(j) To determine whether the site development plan will achieve a maximum of compatibility, safety and efficiency, considering but not limited to the following functions: Height, building design, arrangement and scale of development; vehicular circulation system, including access and off-street parking and loading; environmental impact, landscaping, screening, buffering, open space, lighting, signage and pedestrian circulation. The fact that a site plan complies with all of the stated general regulations, development standards or other requirements of the zone shall not, by itself, be deemed to create a presumption that the proposed site development plan is, in fact compatible with adjacent land uses and development and, in itself, shall not be sufficient to require approval of the site plan;***

Thus, simply meeting the basic requirements of the zone and adhering to the annexation agreement does not ensure compatibility and harmonious integration into the adjacent land uses. As the Commission will note, few of the baseline development requirements have been minded. Staff is not recommending denial of this proposal only because it does not comply with the baseline development requirements. Rather, because the plan, in addition to not complying with the special condition, is not harmonious and compatible with adjacent land uses as noted in the staff analysis. The baseline development requirements within the Master Plan serve as guide for applicants on how to ensure harmonious integration and compatibility with adjacent land uses. The application before the Commission does not demonstrate harmonious integration or compatibility.

Finally, the applicant's team has included a number of purported conflicts with the existing annexation agreement and the adopted Master Plan. They suggest the Commission ignore staff's recommendation to use the Master Plan as a basis for denial because it is not applicable to this proposal. Staff would like to remind the Commission that the scope of review for applications is clearly stated in Sections 24-170, 24-170A and 24-171. As such, it is not the Commission's charge to evaluate or analyze case law or make legal decisions before ruling on land use proposals. As Chairman Bauer pointed out during the initial deliberations on July 25, 2007, the zoning ordinance is very clear that the Commission cannot approve a plan that does not comply with special conditions. Accordingly, staff is recommending the Commission direct staff to prepare a resolution of denial at the regular Planning Commission meeting on September 5, 2007.

Please contact me directly if you have any questions.

*Distribution:*

L. Pruss  
C. Borten  
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