



## PLAN COMMISSION STAFF REPORT

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**ITEM NO:** 6 **APPLICATION NO.** 0129-2023

**MEETING DATE:** October 23, 2023

**SUBJECT:** Text Amendment to Planned Development Ordinance

**PETITIONER(S):** Midland Point, LLC

**SUMMARY:** Amendment to permit one package liquor store within an inline tenant building only

**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 October, 2023 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. The Council then hears the proposal, including the Plan Commission's recommendation at two separate Council meetings. 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 received on inquiry after the notices were sent asking about the location of the businesses. The owner did object to the request.

### *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)

The request is to amend the text regarding prohibited uses to allow for one tenant within an inline tenant building to allow one tenant which the principal business is to the sale of alcoholic beverages for consumption off-premises of the inline tenant's location. (Exhibit 2 Preliminary Development Plan)

## History

- Adopted a Preliminary Development Plan and Ordinance in February, 2023.

## Attachments

Exhibit 1	Aerial Photograph
Exhibit 2	Preliminary Development Plan

## 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. 0129-2023 including the following **waivers:**
  
2. Motion to deny the text amendment for Midland Pointe Planned Development as per presentation for Application No. 0129-2023. **(LIST REASONS)**
  
3. Motion to continue Application No. 0129-2023 until the November 20, 2023 meeting.