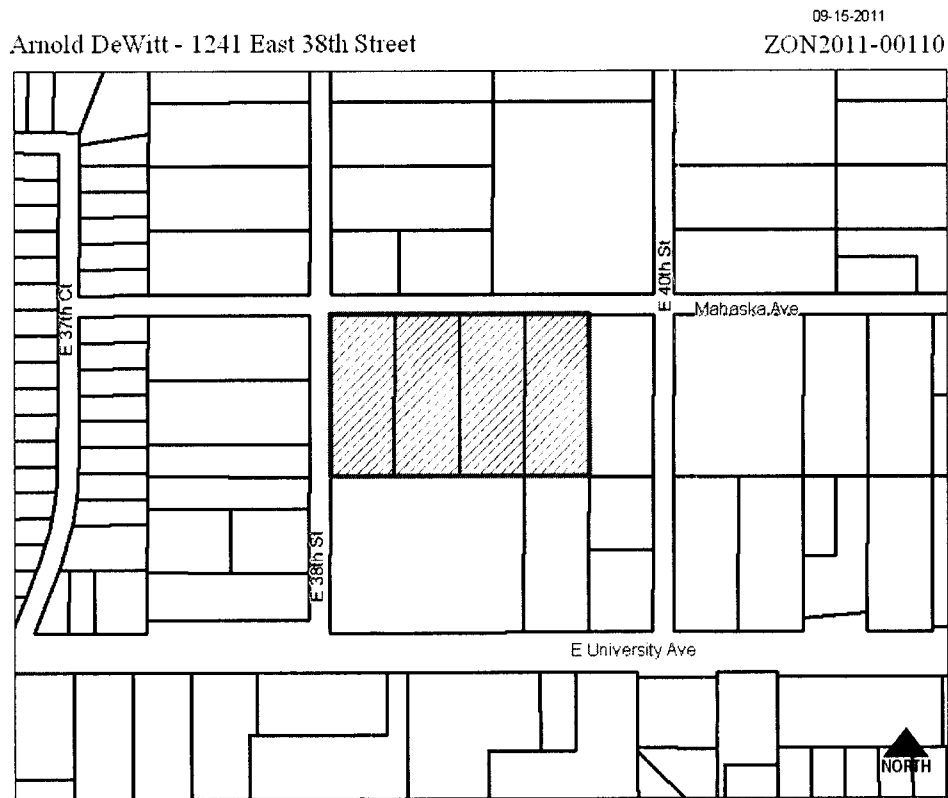


Request from Arnold DeWitt (owner) to rezone property in the vicinity of 1241 East 38 th Street. Additional subject property is owned by EDSM, LLC:		File #			
		ZON2011-00110			
Description of Action	Review and approval to rezone the property from "R1-60" One-Family Low-Density Residential District to "C-2" General Retail and Highway-Oriented Commercial District, to allow for an expansion of the existing miniwarehouse complex.				
2020 Community Character Plan	Low-Density Residential				
Horizon 2035 Transportation Plan	No Planned Improvements				
Current Zoning District	"R1-60" One-Family Low-Density Residential District				
Proposed Zoning District	"C-2" General Retail and Highway-Oriented Commercial District				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	7.5	3.5			
Outside Area					
Plan and Zoning Commission Action	Approval		Required 6/7 Vote of the City Council	Yes	X
	Denial	7-4		No	

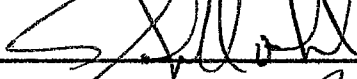
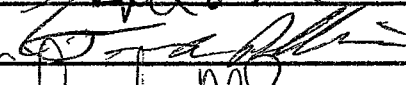
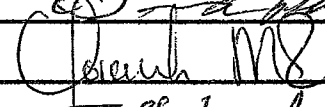
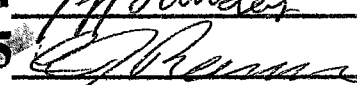
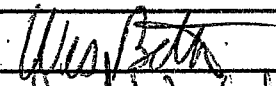
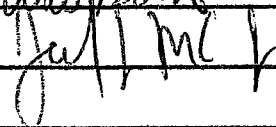
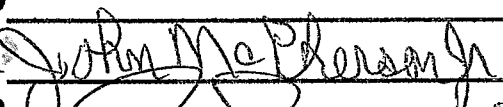
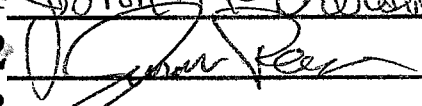
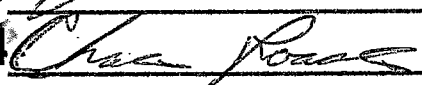


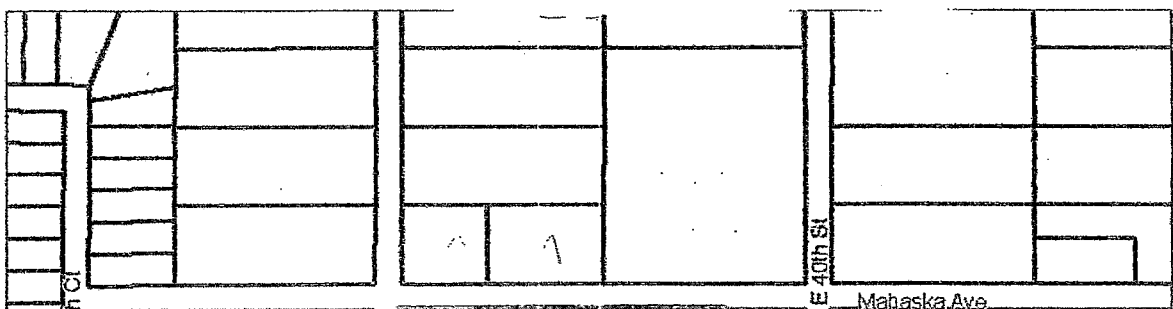
PETITION FOR REZONING From Arnold & Grace DeWitt

Location: 1241 East 38th St. (lots 100,101,102 103 Broadacre) Aprox. 3-1/2 acres.

Request to rezone property from "R1-60" One-family Low-density Residential District to **C-2 Commercial**, to allow for an expansion of existing mini-warehouse complex.

I fully support this request to rezone above property from "R1-60 to C-2 Commercial.

- 1 John Moehle  8-23-11
- 2 Tarrick Robbins  8-23-11
- 3 Yvonda Mendoza  8-27-11
- 4 Jeff Landers Jeff Landers 8-23-11
- 5  Charles J Reeves 8/31/11
- 6
- 7  Wes Botts 8-23-11
- 8  John McCam 8-30-11
- 9
- 10
- 11  John McPherson Jr. John McPherson Jr. 9-5-11
- 12  Jason Reese Jason Reese 8-23-11
- 13
- 14  Charles Roads Charles Roads 8-28-11
- 15
- 16





GWNA

Gray's Woods Neighborhood Association
All American Neighborhood™

PETITION

September 13, 2011

We oppose the rezoning of property in the vicinity of
1241 E. 38th Street from R1-60 One-Family Low-Density Residential
to C-2 Commercial for expansion of the existing mini-warehouse
complex.

Name

Address

1. Robert Anderson 1232 E. 40th St DSM

2. Merle Ray Niman 1320 E. 40th St Des Moines Iowa

3. Marilyn Thomas 4000 E. University D.M. Ia.

4. Don Perry E 38th + Mahaska
PLAT# 135 + 136

5. _____

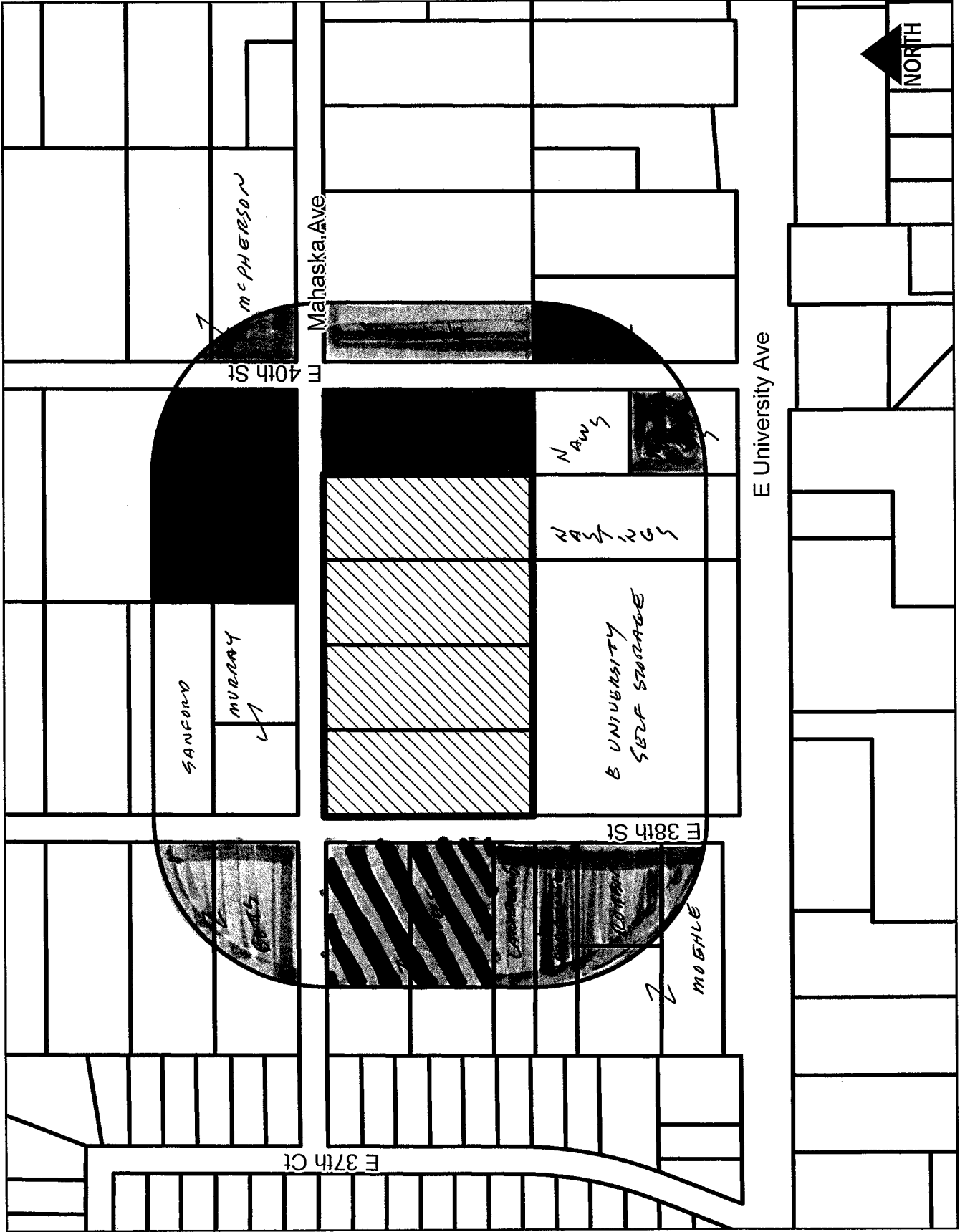
6. _____

7. _____

09-15-2011

ZON2011-00110

Arnold DeWitt - 1241 East 38th Street





Date _____

September 21, 2011

Agenda Item 20

Roll Call # _____

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held September 15, 2011, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0 as follows:



CITY PLAN AND ZONING COMMISSION
ARMORY BUILDING
602 ROBERT D. RAY DRIVE
DES MOINES, IOWA 50309 -1881
(515) 283-4182

ALL-AMERICA CITY
1949, 1976, 1981
2003

Commission Action:	Yes	Nays	Pass	Absent
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley				X
Tim Fitzgerald	X			
Dann Flaherty	X			
John "Jack" Hilmes				X
Joel Huston				X
Ted Irvine	X			
Greg Jones	X			
William Page	X			
Christine Pardee	X			
Mike Simonson	X			
Kent Sovern	X			
CJ Stephens	X			

APPROVAL of a motion to find the property in the vicinity of 1241 East 38th Street not in conformance with the Des Moines' 2020 Community Character Plan. Additional subject property is owned by EDSM, LLC.

By separate motion Commissioners recommended 4-7 as follows:

Commission Action:	Yes	Nays	Pass	Absent
JoAnne Corigliano		X		
Shirley Daniels	X			
Jacqueline Easley				X
Tim Fitzgerald	X			
Dann Flaherty		X		
John "Jack" Hilmes				X
Joel Huston				X
Ted Irvine	X			
Greg Jones		X		
William Page		X		
Christine Pardee	X			
Mike Simonson		X		
Kent Sovern		X		
CJ Stephens		X		

MOTION to approve the requested amendment to the Des Moines' 2020 Community Character Plan to revise the future land use designation from Low-Density Residential to Commercial: Auto-Oriented Small-Scale Strip Development. **(MOTION FAILED)** 21-2011-4.06

Mike Ludwig suggested that since the motion to approve Part B failed that the Commission follow up with a motion to deny. A 6/7 vote of the Council can overturn the Commission's recommendation. If the Commission has additional concerns they should note them for the record.

By separate motion Commissioners recommended 7-4 as follows:

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Absent</u>
JoAnne Corigliano	X			
Shirley Daniels		X		
Jacqueline Easley				X
Tim Fitzgerald		X		
Dann Flaherty	X			
John "Jack" Hilmes				X
Joel Huston				X
Ted Irvine		X		
Greg Jones	X			
William Page	X			
Christine Pardee		X		
Mike Simonson	X			
Kent Sovern	X			
CJ Stephens	X			

MOTION to **DENY** the requested amendment to the Des Moines' 2020 Community Character Plan to revise the future land use designation from Low-Density Residential to Commercial: Auto-Oriented Small-Scale Strip Development.

By separate motion Commissioners recommended 11-0 as follows:

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Absent</u>
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley				X
Tim Fitzgerald	X			
Dann Flaherty	X			
John "Jack" Hilmes				X
Joel Huston				X
Ted Irvine	X			
Greg Jones	X			
William Page	X			
Christine Pardee	X			
Mike Simonson	X			
Kent Sovern	X			
CJ Stephens	X			

MOTION that if the Council chooses to overturn the Commission's recommendation on Part B and to rezone the property to a Limited "C-2" District, they do so subject to the following conditions: ZON2011-00110

- A. Only the uses of structures or land listed below shall be permitted upon the Property:
 - 1. Any use allowed in the "R1-60" Commercial Residential District.
 - 2. Mini-warehouse self-storage complex.
- B. If the Property is developed for use as a mini-warehouse self-storage complex, then such development shall comply with the following additional requirements:
 - 1. The side of any building upon the Property facing East 38th Street shall be in earth tone colors.
 - 2. No storage units within the westernmost building on the site shall be constructed with doors facing East 38th Street.
 - 3. No storage units within the easternmost building on the site shall have doors facing the east property line.
 - 4. All exterior lighting fixtures shall be shielded so as not to illuminate into adjoining residential properties. No lights shall be installed on the east side of the east building.
 - 5. Any signage upon the Property shall comply with the "C-1" Neighborhood Retail Commercial District Regulations. No off-premises advertising signs shall be located upon the Property.
 - 6. The required gate and fencing along East 38th Street shall be of wrought iron or tubular steel construction painted earth tones or black to complement the buildings, with masonry pillars.
 - 7. A minimum 50-foot wide setback shall be maintained along the northern boundary of the property adjoining Mahaska Avenue. The setback area shall be landscaped in accordance with a plan approved by the Planning Administrator.
 - 8. A minimum 25-foot wide setback shall be maintained along the eastern and western boundaries of the Property. The setback area shall be landscaped in accordance with a plan approved by the Planning Administrator.
 - ~~9. A sidewalk shall be installed and maintained along the East 38th Street frontage.~~
 - 10. The hours of operation shall be limited to 6:00 AM to 10:00 PM.
 - 11. No surface water detention shall be released onto any adjoining residential property.
 - 12. Prior to issuance of a Certificate of Occupancy, a design professional shall certify that the site has been developed in accordance with the approved site plan.

Written Responses

7.5 In Favor

3.5 In Opposition

A 6/7th vote of council is required to approve the zoning change based upon the plan and zoning commission recommendation and percentage of opposition.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the requested rezoning be found not in conformance with the existing Des Moines' 2020 Community Character Plan's future land use designation of Low-Density.

Part B) Staff recommends approval of the requested amendment to the Des Moines' 2020 Community Character Plan to revise the future land use designation from Low-Density Residential to Commercial: Auto-Oriented Small-Scale Strip Development.

Part C) Staff recommends approval of rezoning to a Limited "C-2" District, subject to the following conditions:

- A. Only the uses of structures or land listed below shall be permitted upon the Property:
 - 1. Any use allowed in the "R1-60" Commercial Residential District.
 - 2. Mini-warehouse self-storage complex.
- B. If the Property is developed for use as a mini-warehouse self-storage complex, then such development shall comply with the following additional requirements:
 - 1. The side of any building upon the Property facing East 38th Street shall be in earth tone colors.
 - 2. No storage units within the westernmost building on the site shall be constructed with doors facing East 38th Street.
 - 3. No storage units within the easternmost building on the site shall have doors facing the east property line.
 - 4. All exterior lighting fixtures shall be shielded so as not to illuminate into adjoining residential properties.
 - 5. Any signage upon the Property shall comply with the "C-1" Neighborhood Retail Commercial District Regulations. No off-premises advertising signs shall be located upon the Property.
 - 6. The required gate and fencing along East 38th Street shall be of wrought iron or tubular steel construction painted earth tones or black to complement the buildings, with masonry pillars.
 - 7. A minimum 50-foot wide setback shall be maintained along the northern boundary of the property adjoining Mahaska Avenue. The setback area shall be landscaped in accordance with a plan approved by the Planning Administrator.
 - 8. A minimum 25-foot wide setback shall be maintained along the eastern and western boundaries of the Property. The setback area shall be landscaped in accordance with a plan approved by the Planning Administrator.
 - ~~9. A sidewalk shall be installed and maintained along the East 38th Street frontage.~~
 - 10. The hours of operation shall be limited to 6:00 AM to 10:00 PM.
 - 11. No surface water detention shall be released onto any adjoining residential property.

STAFF REPORT

I. GENERAL INFORMATION

- 1. **Purpose of Request:** The applicant is seeking to expand the East University Self Storage mini-warehouse complex onto the undeveloped land to the north. The proposed expansion would include six buildings with storage units. The proposed expansion area would be accessed by an internal driveway from the existing facility. The submitted site sketch demonstrates that the north 87 feet of the site would remain as open space in order to provide a landscaped buffer between the proposed miniwarehouse complex and Mahaska Avenue.

Any commercial development on the site would be subject to administrative approval of a Site Plan by the City's Permit & Development Center.

- 2. **Size of Site:** 496 feet by 308 feet or 152,768 square feet (3.51 acres).

3. **Existing Zoning (site):** "R1-60" One-Family Low-Density Residential District.
4. **Existing Land Use (site):** The site is comprised of four undeveloped lots that include significant natural vegetation along the north site boundary.
5. **Adjacent Land Use and Zoning:**
 - North* - "R1-60", Uses are Mahaska Avenue and low-density residential development.
 - South* - "Limited C-2", Use is the East University Self Storage mini-warehouse complex.
 - East* - "R1-60", Use is a single-family residential dwelling.
 - West* - "R1-60", Uses are East 38th Street and low-density residential development.
6. **General Neighborhood/Area Land Uses:** The subject property is within an area that transitions from a commercial corridor along East University Avenue to a low-density residential area.
7. **Applicable Recognized Neighborhood(s):** Gray's Woods Neighborhood.
8. **Relevant Zoning History:** On April 6, 1998, the property adjacent to the south was rezoned by Ordinance #13,597 to Limited "C-2" General Retail and Highway-Oriented Commercial District from "C-1" District, subject to the following conditions:
 - A. Only the uses of structures or land listed below shall be permitted upon the Property:
 1. Any use allowed in the "C-1" Commercial Residential District.
 2. Mini-warehouse self-storage complex.
 - B. If the Property is developed for use as a mini-warehouse self-storage complex, then such development shall comply with the following additional requirements:
 1. The side facing University Avenue of any building upon the Property shall be of masonry material in earth tone colors. The balance of the building, including doors, shall be of an earth tone color.
 2. No storage units shall be placed with doors facing University Avenue.
 3. All lights shall be shielded so as not to illuminate into adjoining residential properties.
 4. Any signage upon the Property shall comply with the "C-1" Neighborhood Retail Commercial District Regulations. No off-premises advertising signs shall be located upon the Property.
 5. The gate and fencing along University Avenue and E. 38th street shall be of wrought iron or tubular steel construction painted earth tones or black to complement the buildings, with masonry pillars.
 6. A 25 foot wide setback shall be maintained along the eastern, southern and western boundaries of the Property. The setback area shall be landscaped in accordance with a plan approved by the Director of the Community Development Department.
 7. A sidewalk shall be installed and maintained along the E. University Avenue and E. 38th Street frontages. The installation of the sidewalk north of the entrance on E. 38 the Street shall be subject to feasibility with respect to grades.
 8. The hours of operation shall be limited to 6:00 am. to 10:00 p.m.

9. **2020 Community Character Land Use Plan Designation: Low-Density Residential.**
10. **Applicable Regulations:** The Commission reviews all proposals to amend zoning boundaries or regulations within the City of Des Moines. Such amendments must be in conformance with the comprehensive plan for the City and designed to meet the criteria in 414.3 of the Iowa Code. The Commission may make recommendations to the City Council on conditions to be made in addition to the existing regulations so long as the subject property owner agrees to them in writing. The recommendation of the Commission will be forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Gray's Woods Neighborhood Action Plan:** The Gray's Woods Neighborhood Plan was adopted by City Council in March of 1999. A goal of the plan is to "restrict expansion of existing commercial development into existing residential development within the neighborhood". The plan calls for "preventing commercial rezoning of residential property adjacent to existing commercial uses" while "encouraging flexibility in regulations to allow future expansion or improvement of existing conforming commercial uses within their current site".

However, the plan also states that "establishing the future land use is important in the implementation of the Action Plan in that a guideline is provided for future development and redevelopment. It should be considered as a guideline and not as a strict determinant so that it can be flexible enough to allow for changing environments in acceptable development practices and other land use needs which cannot be foreseen at the current time." Staff believes that, in this instance, the site can acceptably be developed for a commercial use so long as the development occurs in accordance with conditional zoning requirements, such as limiting access, requiring adequate buffering and landscaping, and the use of quality building materials.

2. **2020 Community Character Plan:** The requested rezoning to "C-2" General Retail and Highway-Oriented Commercial District would require that the current Des Moines' 2020 Community Character Plan future land use designation be amended from Low-Density Residential to Commercial: Auto-Oriented Small-Scale Strip Development.
3. **Natural Site Features:** The northern portion of the site slopes downward toward Mahaska Avenue, with as much as 30 feet change of grade change. The portion of the site that is steeply slopes contains significant vegetation.

Any site plan submitted for commercial development of the site would be required to comply with the City's Tree Removal and Mitigation Ordinance (Section 42-550 of the City Code). This Ordinance requires mitigation for any tree or tree canopy removed after May 1, 2009. During any future site plan review, a licensed engineer would be required to calculate the area of tree canopy that has been removed since May 1, 2009 to determine the number of trees that need to be planted as mitigation. Staff estimates that as much as 30,000 square feet of canopy has been removed, which would require 15 replacement trees (1 per 2,000 square feet of removed tree canopy). The applicant has indicated that the replacement trees would be planted along the north and east site boundaries in order to provide additional buffering of the development.

- 4. Landscaping & Buffering:** Any site plan submitted for commercial development of the site would be required to comply with the City's Landscape Standards, including provision of perimeter plantings and at least 20% of the site being open space.

The submitted site sketch demonstrates that the north 87 feet of the site would remain as open space in order to provide a landscaped buffer between the proposed miniwarehouse complex and Mahaska Avenue. Since the site sketch is only conceptual, staff recommends that any rezoning be subject to a zoning condition that requires a minimum 50-foot wide setback along the northern boundary of the property adjoining Mahaska Avenue and a 25-foot wide setback be maintained along both the eastern and western boundaries of the Property. These setback areas should be landscaped in accordance with a plan approved by the Planning Administrator.

- 5. Drainage/Grading:** Any site plan submitted for commercial development of the site would be required to comply with the City's stormwater management requirements to the satisfaction of the Permit & Development Center. All grading would be subject to an approved grading permit and soil erosion control plan. The submitted site sketch indicates that stormwater management would be provided within a basin that would be constructed just south of the expansion area on the parcel already containing the miniwarehouse facility. There is no storm sewer available in close proximity. Therefore, the detention of any stormwater will infiltrate into the ground and no surface water detention would be released onto any adjoining residential property.
- 6. Utilities:** There is an existing water main and a sanitary sewer along the west perimeter of the site within the East 38th Street right-of-way. Given the change in grade, it is unlikely that any development on the eastern portion of the site could feasibly connect to this sanitary sewer. The most likely connection to serve this area would be to the sanitary sewer within East 42nd Street right-of-way that is 1,400 feet to the east of the site.
- 7. Traffic/Street System:** The existing miniwarehouse facility is accessed by a drive approach from East 38th Street. The submitted site sketch demonstrates that the expansion area would be accessed by an internal drive approach from the existing facility. The applicant is no longer proposing an access drive from East 38th Street.

The existing miniwarehouse facility at 3800 East University Avenue includes the following zoning condition: "A sidewalk shall be installed and maintained along the East University Avenue and East 38th Street frontages. The installation of the sidewalk north of the entrance on East 38th Street shall be subject to feasibility with respect to grades." The site is currently in violation of this zoning requirement since there is no sidewalk along East 38th Street. Staff recommends that any rezoning to allow expansion of the miniwarehouse shall require provision of a sidewalk along the entire East 38th Street frontage from East University Avenue at the south to Mahaska Avenue at the north.

- 8. Miniwarehouse Requirements:** The Zoning Ordinance limits the length of any miniwarehouse structure to 150 feet in length and requires that structures be at least 10 feet from any other structure. The submitted site sketch demonstrates that none of the six (6) buildings would be greater than 150 feet in length.

SUMMARY OF DISCUSSION

Bert Drost presented staff report and recommendation.

Kent Sovern joined the meeting.

CJ Stephens asked staff why an engineer has to determine the tree canopy and the extent of trees that were removed while there is a very qualified municipal arborist.

Bert Drost stated the applicant would have to hire a consultant to design their project. The municipal arborist would have a chance to review that plan.

CJ Stephens asked about the non conformance of the sidewalk.

Bert Drost stated that separate from this rezoning request there is going to be some zoning enforcement process began on this site to make sure that the current site complies with the landscape standards and to make sure they comply with the previous zoning requirements that requires a sidewalk.

CJ Stephens stated that she is still concerned with an engineer doing that evaluation. She asked what kind of training an engineer has in order to perform that type of work.

Bert Drost stated a design professional would have to certify that is the tree canopy being disturbed and identify would needs to be mitigated.

CJ Stephens asked that can it just state that it takes a qualified person to evaluate that?

Mike Ludwig stated that the canopy is just pure area calculation it is not an identification of individual trees.

CJ Stephens stated that she knows that. She wants somebody that is qualified. She does not know of an engineer that has that qualification, but arborist does.

Mike Ludwig stated that the City code allows the applicant to submit aerial photography and measure the area that was or is it to be removed and staff would normally accept a site plan with an aerial photo over it from an engineer as calculating an area. Staff does not ask them to identify a specific species under that method.

Mike Ludwig asked staff to clarify the concern the applicant had about the fence.

Bert Drost stated that the applicant wanted it further back, so they would have somewhere to push snow in the winter.

Dann Flaherty asked if the Army Corps of Engineer permits are required.

Bert Drost stated he is not aware.

Dann Flaherty asked how that impact drainage off of the site onto the surrounding sites would be affected.

Bert Drost stated that the applicant would be required to provide stormwater detention on this site and not be allowed to direct any stormwater onto any adjoining properties. He showed on the map where they are proposing to put a stormwater detention basin. They have had a preliminary analysis that shows that the soil is sandy enough that the water would be able to percolate down through the soil without going onto any adjoining properties. As part of any site plan they would have to have to be designed by a licensed engineer and reviewed by the City.

Dann Flaherty stated that the Commission is not deciding on any site plan at this time, but he does not see anything in front of them that would indicate anything about a detention basin or retention basin.

Bert Drost stated that the applicant's site sketch does not show that, but during discussions with the applicant they have indicated that they would be constructing the detention basin.

Dann Flaherty stated which means the applicant would be dumping it on their other property but they are not retaining it on the site itself.

Bert Drost stated that is correct. The applicant would need to submit the site plan. The site plan would have to include a portion of the existing site at least if not the entire site.

Mike Ludwig stated that it would be an administrative review of the site plan and would be reviewed by the City's Engineering Department at the time of proposal.

Tim Fitzgerald asked how long has this business been functioning without conforming to the Site Plan that was originally proposed.

Bert Drost stated there is no evidence of full conformance with this site plan. Staff stated that back in 2003 there was some form of administrative waiver. However, staff was unable to locate documentation of that decision. The zoning enforcement officer will have to look and decide if it was ever in conformance and if not was it ever justified.

Christine Pardee asked if there has been a precedence set for a situation like this where there are some non compliance going on currently and despite that fact they have been allowed to go ahead and continue to develop.

Bert Drost stated staff was considering the expansion independent of the zoning violations.

Mike Ludwig asked staff to clarify the site plan was an administrative review to begin with so the landscape standards do have a waiver process. There is no written documentation of that waiver being granted. Staff is still in the process of reviewing and it will be up to the zoning enforcement officer to determine whether there were appropriate waivers granted. Regardless of when a site plan is approved a site plan can be out of conformance at any given time. It is an ongoing zoning enforcement issue that the City has to resolve independent of a zoning hearing.

Kent Sovern stated that it is still a commitment to the Commission that the applicant is going to do what they say.

Dann Flaherty asked about the grading on the current property.

Bert Drost stated yes, grading occurred previously.

Arnold DeWitt East University Self Storage stated that if they have a fence along the drive way they will have no room to push the snow. They have no problem with putting the fence along the southside of any tree or vegetation. His engineer has designed a retention pond that when this site is developed the retention pond will take a 7" rain in an hour and it will flow into the retention pond and dissipates into the ground. Between the front of the proposed buildings and the back of the existing buildings has about 60 to 80 feet of sand, an excellent source to handle all the water flow that comes off of the property. He showed a photograph of what the

property looked like before they developed Phase 1 and pictures of what the property looks like today. He asks that the Commission approve the rezoning of this property. He thinks that it is an excellent plan and believes that it will have a nice economic impact on the City.

CJ Stephens stated that the staff recommendation states that additional subject property is owned by EDSM, LLC. Who is EDSM, LLC?

Arnold DeWitt stated that is he and his wife's new corporation that they would have for the new facility.

Dann Flaherty asked where the water will be retained.

Arnold DeWitt stated yes, they have 35 feet between the lot lines and it is an excellent location for water retention. It has already been engineered and designed. The change was made very quickly so it is not before the Commission tonight.

Dann Flaherty concern is if the applicant decided in the future to sell the property, the water will then be getting dumped on someone else property. Is there any proposal to keep and retain on this property itself.

Arnold DeWitt stated that the retention on the property itself has not been addressed. He and his wife have no plan to sell.

Dann Flaherty asked when the applicant cut down the trees on this property.

Arnold DeWitt stated that they think it was before the tree ordinance. That is debatable, but they are not contesting that. They are willing and able to comply with any of the restrictions that the City puts on them for replacing that canopy. Whatever is not in compliance they will work with the City of Des Moines to work it out.

Mike Ludwig addressed the Chair's concern about the stormwater or access. If the concern is about the southern half being sold, the Commission can recommend a condition that all the parcels be combined as a single parcel.

Arnold DeWitt stated that he and his wife own the property. Last year his competitor went bankrupt, the reason they are doing two LLC is because they are going to have mortgage on each portion and they are taking a huge risk on this expansion. They want to protect themselves if they cannot make it Phase 2 they will still have Phase 1.

Dann Flaherty explained that the zoning runs with the land. Whatever the applicant develops it as may be fine but the Commission has to be concerned about is what somebody else may develop this property as if it does not work out for them.

Mike Ludwig stated that the other option is when the site plan comes in the applicant has to demonstrate they have proper easements for access and the storm water. They would be granting the easement from their own entity to another one of their entities. Those easements would carry with those properties.

