

<b>PETITION NUMBER:</b>	0810-DP-13	
<b>SUBJECT SITE ADDRESS:</b>	601 West State Road 32 ( <i>approximate address</i> )	
<b>PETITIONER:</b>	Gene B. Glick Company	
<b>REQUEST:</b>	Waiver of notice to reduce extent of mailed legal notice	
<b>CURRENT ZONING:</b>	Eagletown PUD	
<b>CURRENT LAND USE:</b>	Unimproved	
<b>APPROXIMATE ACREAGE:</b>	6.75	
<b>ASSOCIATED PETITIONS:</b>	0810-SIT-11	
<b>EXHIBITS:</b>	1) Staff Report	
	2) Petitioner's Exhibits	
<b>STAFF REVIEWER:</b>	Al Salzman	
<b>ZONING HISTORY</b>	0705-PUD-02	Eagletown PUD
	0606-PUD-07	Eagle Station PUD

**PETITION HISTORY**

The September 15, 2008 Public Hearing represents the first appearance of this petition before the Advisory Plan Commission.

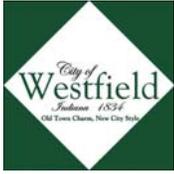
**PROCEDURAL**

- This petition is not eligible for Public Hearing at the September 15, 2008 meeting of the Advisory Plan Commission, as legal notice has yet to be mailed or published.
- The Advisory Plan Commission has the authority to grant waivers for matters governed by the Advisory Plan Commission Rules of Procedure, such as legal notice, on a discretionary basis.

**REQUEST**

The petitioner has submitted a valid application for Development Plan Review for the property described above. The Public Hearing for this petition is scheduled for October 20, 2008. A component of any Development Plan Review is the provision of mailed legal notice alerting abutting property owners to the location, date, and time of the scheduled Public Hearing. The timing and extent of the mailed legal notice are controlled by the Advisory Plan Commission Rules of Procedure.

The terms of the Rules of Procedure require petitioners to extend the legal notice beyond properties under the ownership or control of the petitioner or property owner. In instances where the petitioner or property owner has control of extensive amounts of property, the



application of the Rules of Procedure can result in an extensive legal notice area. When this occurs, the properties required to receive legal notice can have little geographic relation to the site actually undergoing development.

The circumstances that have led to this waiver request are consistent with the scenario described above. The property owner has control of the majority of the property in the Eagletown PUD, which includes approximately 1,000 acres. The boundaries of the Eagletown PUD extend from south of State Road 32 to 139rd Street on the north – a distance of over a mile. The site subject to the filed Development Plan Review abuts State Road 32 and is located in the southernmost portion of the Eagletown PUD, but the terms of the Rules of Procedure would require legal notice to be sent to properties north of the northernmost extent of the PUD boundary.

### **RECOMMENDATIONS**

Approve the requested waiver of notice, reducing the notice area from what the Rules of Procedure require to the area identified by the petitioner.

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*AFS*