

PETITION NUMBER:	0811-PUD-03	
SUBJECT SITE ADDRESS:	East State Road 32 & Oak Ridge Road (<i>no address assigned</i>)	
PETITIONER:	Nelson & Frankenberger	
REQUEST:	Waiver of notice to reduce extent of mailed legal notice	
CURRENT ZONING:	Oak Ridge PUD	
CURRENT LAND USE:	Unimproved, Single-Family Dwellings	
APPROXIMATE ACREAGE:	1.593	
ASSOCIATED PETITIONS:	None	
EXHIBITS:	1) Staff Report 2) Petitioner's Exhibits	
STAFF REVIEWER:	KMT	
ZONING HISTORY	0710-PUD-04	Oak Ridge PUD

PETITION HISTORY

The October 20, 2008 Public Hearing represents the first appearance of this petition before the Advisory Plan Commission.

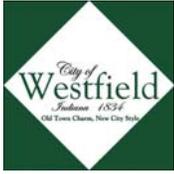
PROCEDURAL

- This petition is not eligible for Public Hearing at the October 20, 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 amendment to the Planned Unit Development ordinance for the property described above. The Public Hearing for this petition is scheduled for November 17, 2008. In addition, the neighborhood meeting required by the terms of the PUD regulations requires mailed notification as well. A component of any Planned Unit Development request 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 Oak Ridge Pointe PUD, which is not necessarily extensive in and of itself. However, the developer maintains an interest in several abutting properties, and would be required to extend the notice envelope beyond those properties, resulting in an extensive notification area. Much of this area would be largely unrelated to and unaffected by the proposed request, as the distance between the proposed PUD amendment and the locations receiving notice would be great.

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.

KMT