

Staff Report

McFarland Clinic Expansion Approvals & Rezoning Correction

October 11, 2011

On October 11 and 25, the City Council will consider several items related to the McFarland Clinic office building to be constructed on 12th Street between Duff and Carroll Avenues. This report summarizes and links those items together.

Rezoning – The first item relates to Council's recent rezoning of eight properties in this area. That ordinance, for which a public hearing was conducted on June 14, was intended to allow McFarland Clinic to construct a new medical use office building at this location.

The maps distributed to Council, the Planning and Zoning Commission, and affected neighbors during that rezoning process were all correct, and all discussion and comment was based on the parcels shown on those maps. However, mistakes were subsequently found in the legal descriptions included in the published notices and ordinance. This led to two of the eight properties being inadvertently omitted when the final ordinance which was adopted. The attached map shows the location of those two properties.

Since those two parcels have only completed a portion of the rezoning process, the final steps to include those parcels in the ordinance need to be repeated. This time, however, the Planning and Zoning Commission does not need to deal with this matter, since the Commission relied upon the maps and not the legal descriptions in its earlier deliberations.

In order to rezone these two properties, staff is recommending that Council set October 25 as the date for first reading of an ordinance to rezone the two lots, and to set 8:00 a.m. on both October 26 and October 27 for the remaining two readings to adopt that ordinance. In addition, Council will also need to correct an erroneous legal description in Ordinance 4073 adopted by the Council on July 12. Expeditious action on this rezoning will allow McFarland Clinic to proceed with plans to award their construction bid the week of October 24, which is vital to get the new building's foundation poured before the ground freezes.

Plats of Survey – Following this report are Council Action Forms describing McFarland requests for approval of two plats of survey. This action is normally presented on the Council's consent agenda, but each of these cases has a unique twist.

The plat of survey request for the southern lot includes a request for waiver of the City's prohibition of double frontages, which is recommended by staff. That waiver would be consistent with approvals and actual practice in many other non-residential situations

across the community. This same agenda includes a proposed ordinance change that would limit this double frontage prohibition to residential properties within the City.

The plat of survey request for the northern lot includes a provision for the City to be granted an electrical easement for an existing underground electric line. There is also an existing electrical easement within the plat which no longer contains electrical lines and is no longer needed. Actions to initiate vacation of the existing easement and acceptance of the new easement are also on this agenda.

Approval of Remote Parking Agreement – One condition for approval of the minor site plan for this building is that a remote parking agreement must be approved by Council. Remote parking agreements are commonly used to provide needed parking in intensively developed portions of the community. An analysis of that request, which is also recommended by staff, follows this report.

Conclusion – After the plats of survey and remote parking agreement are recorded, and after the zoning correction is completed for the two lots, staff will administratively approve the minor site plan.

The process described above will allow the corrected rezoning ordinance to be published and become effective by October 28. Administrative approval of the site plan can then immediately be given. McFarland will then be eligible for issuance of a building permit, subject to appropriate review and approval of the construction plans by the Inspections Division.