	AGENDA ITEM EXECUTIVE SUMMARY					
	Title:		Recommendation to Approve an Amendment to the Annexation Agreement for the Porter Business Park			
	Presenter:		Matthew O'Rourke			
Please check appropriate box:						
	Government Operations				Government Services	
X	Planning & Development - (11/12/12)				City Council	
	Public Hearing					
Estimated Cost:		NA		Budgeted:	YES	NO
If NO, please explain how item will be funded:						
Executive Summary:						
<p>In 2006 the City Council approved the annexation and Special Use for a Planned Unit Development for a 6-lot industrial business park named the Porter Business Park. In conjunction with this annexation, the City entered into an annexation agreement for the Porter Business Park.</p> <p>The annexation agreement contains provisions that stipulate the timing for the construction or demolition of certain items. Specifically, phase 3 contemplated the demolition of the existing single-family home on lot 5. Subsection 5, Phase 3 of the annexation agreement states the following:</p> <p><i>“Phase 3: The Following work or improvements shall occur on or before December 31, 2010:</i></p> <p><i>1. Demolition and removal of the existing residence on Lot 5.”</i></p> <p>At this time, there has not been a building permit submitted for lot 5 and the single-family home has not been demolished. Mr. Porter does not anticipate developing lot 5 in the near future.</p> <p>Mr. Porter would like to amend the annexation agreement to permit the continued use of the single-family home on lot 5. The proposed amendment would state that the single-family residential unit would be permitted to remain until such time that a building on lot 5 is approved by the City. A demolition permit will be required to be submitted at the same time any permits for construction are filed for lot 5.</p>						
Attachments: <i>(please list)</i>						
Staff Report; dated 9/26/12 Photos of Existing Single-Family Home						
Recommendation / Suggested Action <i>(briefly explain):</i>						
Recommend approval of and direct Staff to draft an amendment to the Porter Business Park annexation agreement to permit the single-family home on Lot 5 to remain until a building permit for Lot 5 is approved by the City; or, until December 31, 2014, whichever comes first.						
For office use only:		Agenda Item Number: 3a				

Community Development
Planning Division

Phone: (630) 377-4443

Fax: (630) 377-4062



Staff Report

TO: Chairman Cliff Carrignan
And the Members of the Planning & Development Committee

FROM: Matthew O'Rourke, AICP
Planner

RE: Porter Business Park Annexation Agreement Amendment

DATE: September 26, 2012

I. APPLICATION INFORMATION:

Project Name: Porter Business Park

Applicant: Richard Porter

Purpose: Amend annexation agreement to extend the period of time an existing single-family residential home is permitted to remain within the business park.

General Information:

Site Information	
Location	East of the Foundry Business Park and 17 th Street, and north of the existing rail road right-of-way.
Acres	8.51

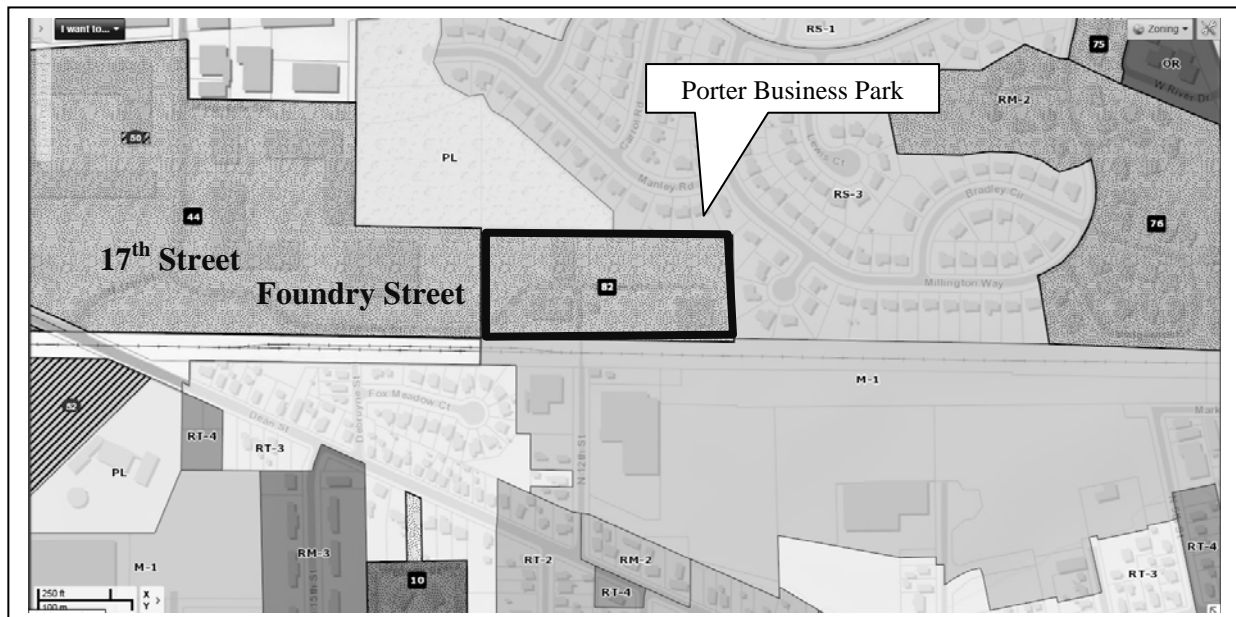
Applications	1) Annexation Agreement Amendment
Applicable Documents	Annexation Agreement (Porter)

Existing Conditions	
Land Use	Single-Family Residential Unit/Porter Business Park
Zoning	M-1 – Special Manufacturing (PUD-Porter Business Park)

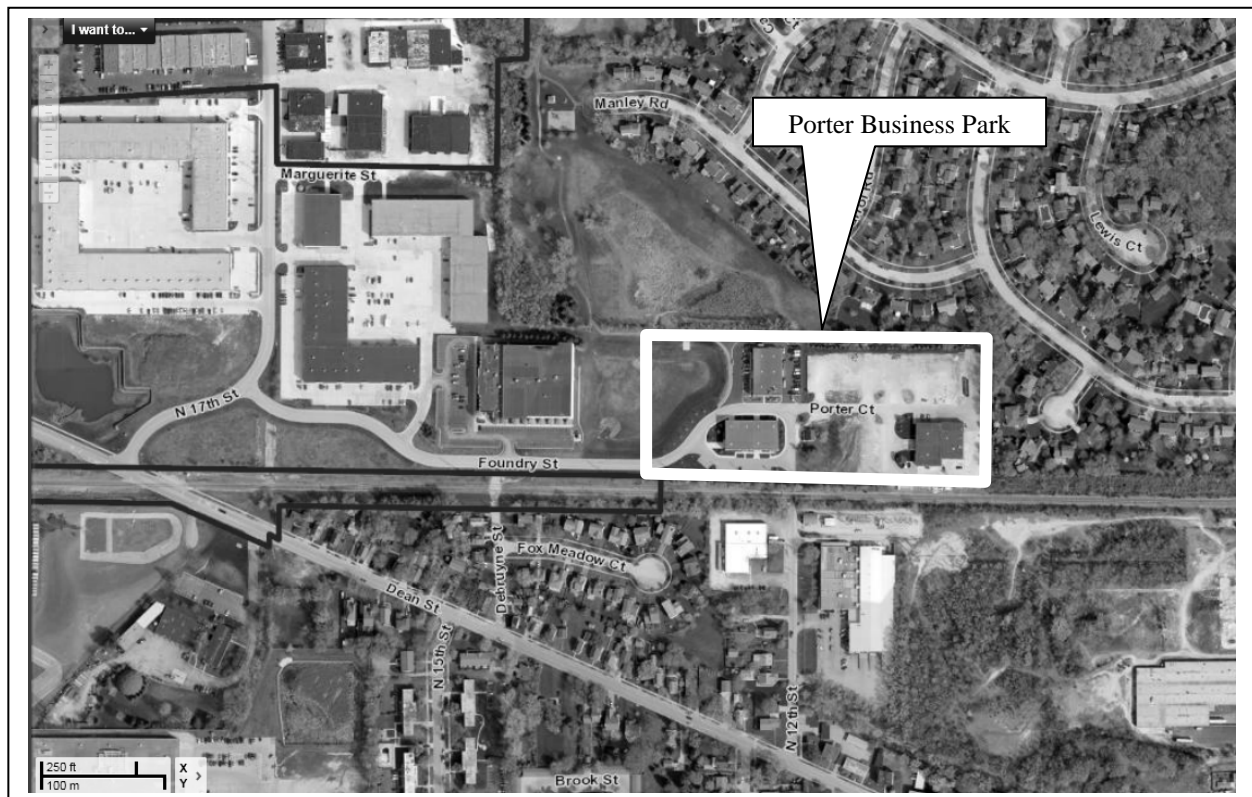
Zoning Summary		
North	RS-3 – Suburban Single-Family/ PL –Public Land	Single-Family Residences/ Public Park
East	RS-3 – Suburban Single-Family	Single-Family Residences
South	M-1 – Special Manufacturing	Manufacturing/Industrial Businesses
West	M-1 – Special Manufacturing (PUD)	Foundry Business Park

Comprehensive Plan Designation
Special Manufacturing

Surrounding Zoning



Aerial Photo



II. BACKGROUND

A. PROJECT HISTORY

In 2006 the City Council approved the annexation and Special Use for a Planned Unit Development for the Porter Business Park. In conjunction with this annexation, the City Council entered into an annexation agreement for the Porter Business Park entitled, “An Annexation Agreement for (Porter Business Park)”.

These documents permitted the development of the Porter Business Park. The details of these approvals are as follows:

- 6 industrial lots ranging from 0.96 to 1.3 acres.
 - Lot 6 accommodates the existing Porter Business that was constructed before this PUD was approved.
- Building envelopes showing possible building square footages ranging from 10,990 to 14,990 square feet.
- Construction of Porter Court.
- Construction of parking areas.
- A landscape buffer along the northern property line.
- A bike path connection through the Porter Business Park to the Timber Trails Park to the north.

B. ANNEXATION AGREEMENT

The annexation agreement contains provisions that stipulate the timing for the construction or demolition of certain items. Specifically, phase 3 contemplated the demolition of the existing single-family home on lot 5. Subsection 5, Phase 3 of the annexation agreement states the following:

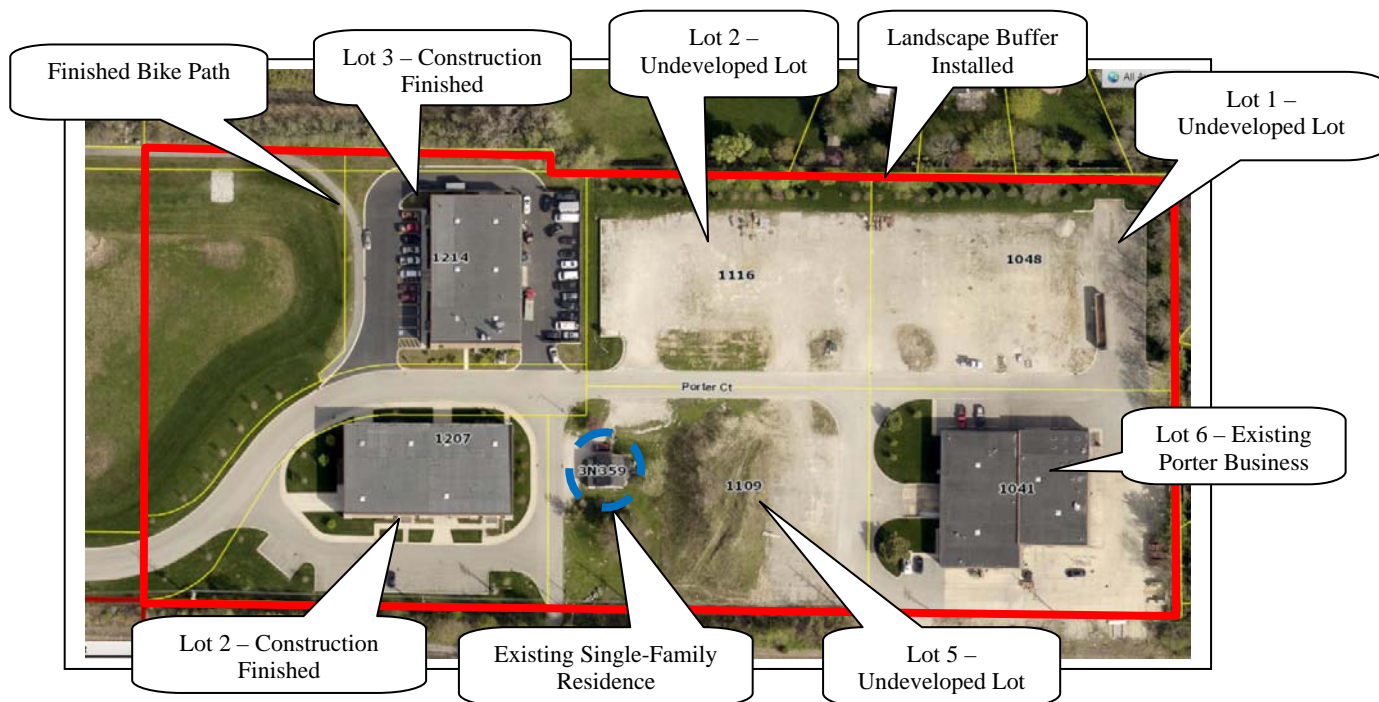
*“Phase 3: The Following work or improvements shall occur on or before
December 31, 2010:*

1. Demolition and removal of the existing residence on Lot 5.”

At this time, there has not been a building permit submitted for lot 5 and the single-family home has not been demolished.

C. CONSTRUCTION STATUS OF PORTER BUSINESS PARK

Unfortunately, due to the downturn in the economy the development schedule has not proceeded as originally contemplated. Staff has included the following illustration to depict the current status of the development and related improvements.



III. PROPOSAL

Mr. Porter does not developing lot 5 in the near future, and there is a renter occupying the residential unit.

Mr. Porter would like to amend the annexation agreement to permit the continued use of a single-family unit on lot 5. The proposed amendment would state that the single-family residential unit would be permitted to remain until such a time that a building on lot 5 is approved by the City. A demolition permit will be required to be submitted at the same time any permits for construction are filed in relation to lot 5.

The Building and Code Enforcement Division and Fire Department have examined the proposal and do not have any concerns with the house remaining on the site for the foreseeable future.

IV. REQUESTED ACTION

Recommend approval of and direct Staff to draft an amendment to the Porter Business Park annexation agreement to permit the single-family home on Lot 5 to remain until a building permit for Lot 5 is approved by the City; or, until December 31, 2014, whichever comes first.

V. ATTACHMENTS

Photos of existing single-family home located on lot 5 in the Porter Business Park.

Cc: Russell Colby, Planning Division Manager
Richard Porter

Photos of Existing Single-Family Home Located on Lot 5 in the Porter Business Park



