

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: October 3, 2011****CASE NUMBER**

5712/2444

APPLICANT NAME

454 Azalea Road

West side of Azalea Road, 248'± North of Pleasant Valley Service Road.

VARIANCE REQUEST**ADMINISTRATIVE APPEAL:** Administrative Appeal of a Staff Determination that a Planned Unit Development Approval is required because of a change in use and parking ratio requirements from a general business use to a restaurant use of a property which shares access, maneuvering, and parking with other separate properties in a B-2, Neighborhood Business District.**ZONING**

B-2, Neighborhood Business District

AREA OF PROPERTY

0.5± Acre

TRAFFIC ENGINEERING**COMMENTS**

OK if you're not proposing head in parking on the east side of lot F. If you will be working in the roadway or performing any activities that will affect traffic, you must submit a Traffic Control Plan at least two working days prior to proceeding.

CITY COUNCIL**DISTRICT**

District 5

ANALYSIS

The applicant is requesting an Administrative Appeal of a Staff Determination that a Planned Unit Development Approval is required because of a change in use and parking ratio requirements from a general business use to a restaurant use of a property which shares access, maneuvering, and parking with other separate properties in a B-2, Neighborhood Business District.

The subject site consists of a sign company (452 Azalea Road), a frame shop and gallery (454 Azalea Road), the applicant's Oriental food market (456 Azalea Road), a furniture store (458 Azalea Road), a restaurant (468 Azalea Road), and a church (470 Azalea Road), with each address on a separate property but all sharing a common parking lot with shared access across property lines. The applicant proposes to change the building used for the frame shop and gallery into a restaurant with a portion of the space to be used as a warehouse for the adjacent food market. Collectively, the site is required to have 109 parking spaces for the current uses, but currently provides only 90 spaces. With the proposed additional restaurant use for 454 Azalea Road, the required parking increases to 114 spaces thus creating a shortage of 24 parking

spaces. The site the applicant proposes to start the restaurant on (454 Azalea Road), and his current food market site (456 Azalea Road) do not collectively provide enough parking for just those two uses, and neither site has direct access to Azalea Road; therefore, those two sites must share parking and public street access with the adjacent sites to the North and South.

An application for Parking Ratio, Access, and Tree and Landscaping Variances was submitted by the applicant for 454 and 456 Azalea Road, but has not been placed on an agenda due to the lack of authorization by the current property owner of 456 Azalea Road which is the applicant's current food market location. Following a review of the over-all situation, staff determined that a Planned Unit Development Approval would be required for at least 454 and 456 Azalea Road to allow the shared access and parking due to the change in parking ratio requirements and the fact that they share access, maneuvering and parking with other adjacent sites. Other adjacent property owners, however, have declined to participate in an over-all PUD for the collective site.

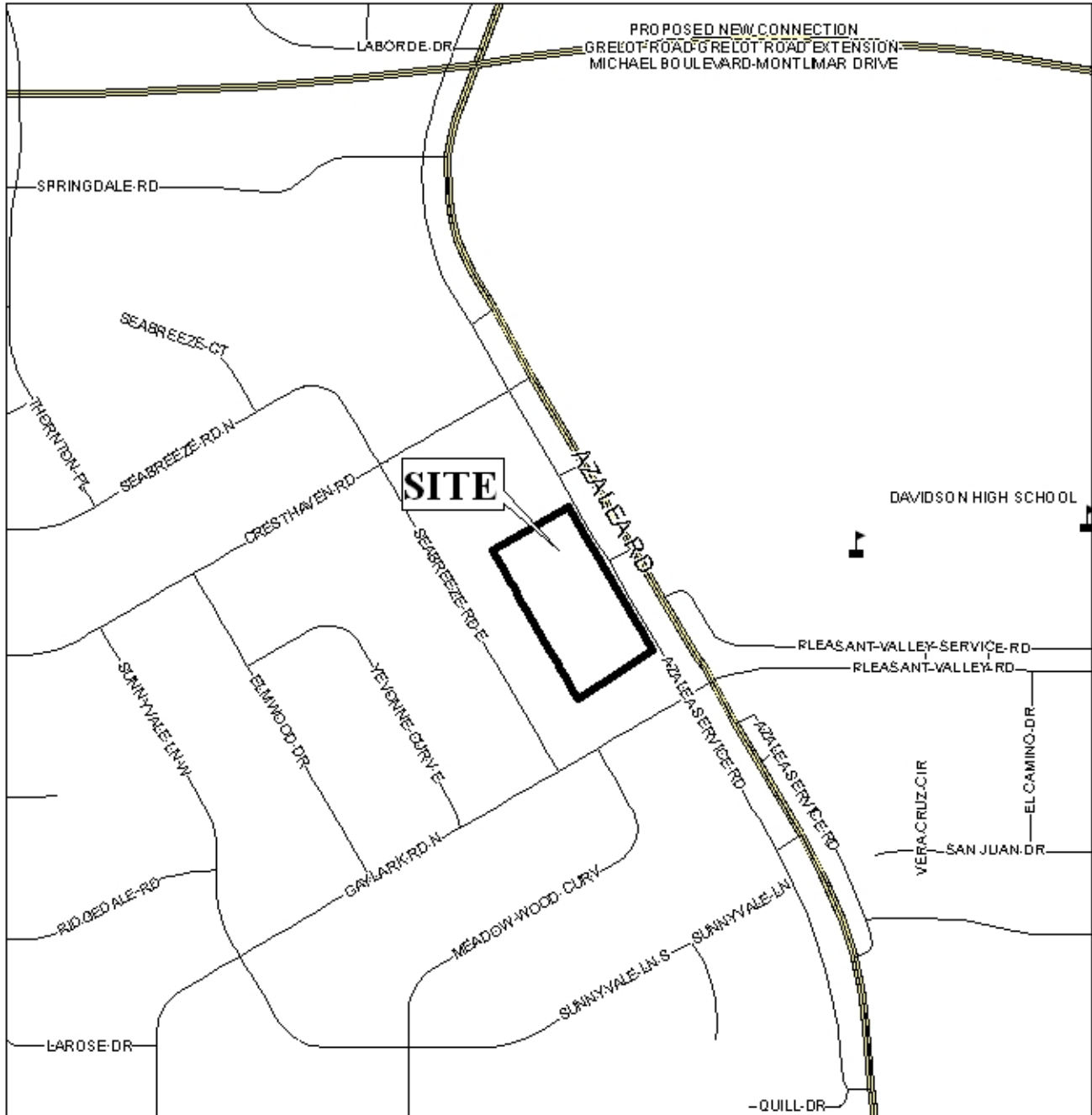
The required PUD was heard with an accompanying two-lot Subdivision at the September 15th Planning Commission meeting. The Subdivision was recommended for denial due to the lack of authorization from the owner of 456 Azalea Road. The PUD was recommended for denial for the same reason and because the proposed PUD would not provide for adequate circulation nor, generally, comply with the basic requirements of the Zoning Ordinance, as variances will be required to address parking, landscape, and shared access issues. The applications were heldover at that meeting to the meeting of October 6th at the applicant's request.

Staff's position is that the required Planned Unit Development Approval is justified based upon the fact that there will be an increased parking ratio requirement for a site which is already short on required parking spaces for its current uses and the fact that the applicant's current business site and proposed additional business site have no direct public street access or adequate circulation. Furthermore, the PUD requirement protects adjacent property owners from potential adverse impacts that would be created by the increased parking demand created by the proposed restaurant. The fact that adjacent property owners do not wish to participate in the PUD does not deny another more compatible use from being located on the site in lieu of the proposed restaurant or a use that does not increase the existing parking deficiency.

RECOMMENDATION

Based upon the preceding, this appeal is recommended for denial.

LOCATOR MAP



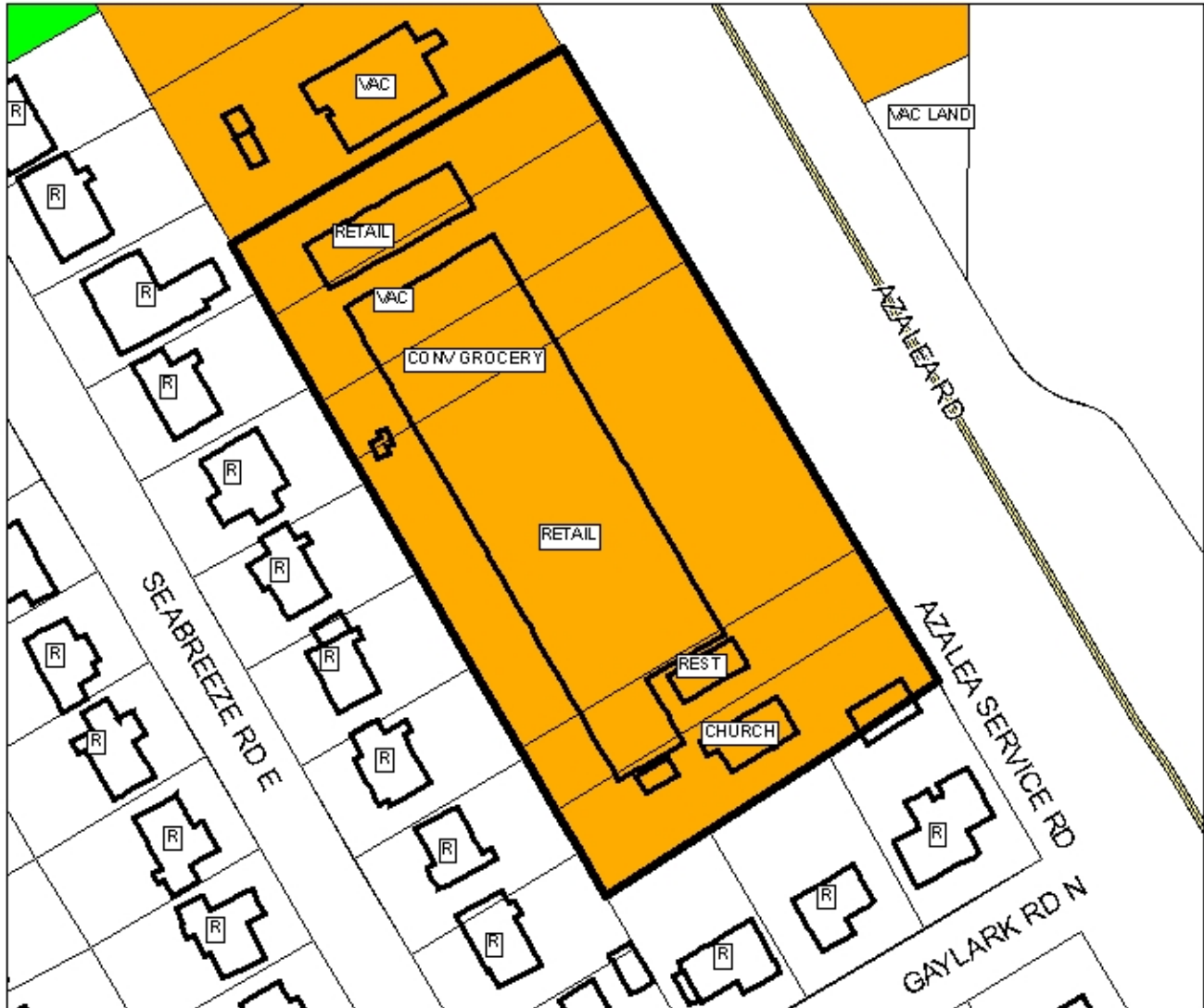
APPLICATION NUMBER 5712/2444 DATE October 3, 2011

APPLICANT Thi Minh

REQUEST Administrative Appeal



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



Commercial land use is located to the north of the site.
Residential land use is located to the west of the site.

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LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	T-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2
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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



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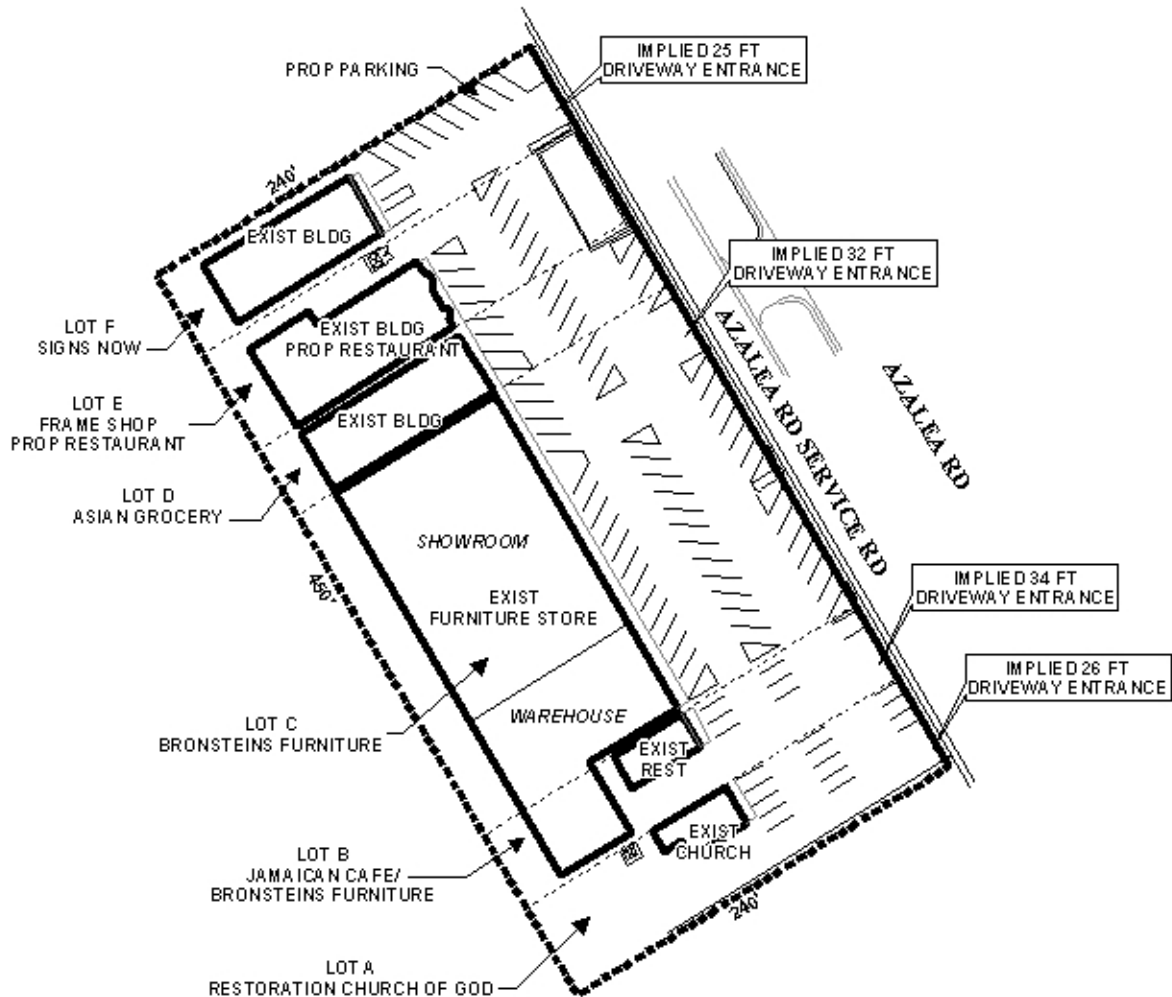
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SITE PLAN



The site plan illustrates the existing development with proposed improvements.

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