

**ZONING AMENDMENT STAFF REPORT**

**Date: April 3, 2003**

**NAME**

D & F L.L.C. (Don Kelly, The Mitchell Company, Inc., Agent)

**DEVELOPMENT NAME**

D & F Subdivision

**LOCATION**

1 North Florida Street  
(Northwest corner of Dauphin Street and Florida Street and extending to the South side of Woodruff Street)

**PRESENT ZONING**

R-1, Single-Family Residential and B-1, Buffer-Business

**PROPOSED ZONING**

LB-2, Limited Neighborhood Business

**AREA OF PROPERTY**

1.7± Acres

**CONTEMPLATED USE**

Pharmacy with drive-through window service, having shared access between two sites  
**It should be noted, however, that any use permitted in the proposed district would be allowed at this location if the zoning is changed. Furthermore, the Planning Commission may consider zoning classifications other than that sought by the applicant for this property.**

**TIME SCHEDULE  
FOR DEVELOPMENT**

Immediately

**ENGINEERING  
COMMENTS**

Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit.

**TRAFFIC ENGINEERING  
COMMENTS**

All driveway widths and locations to be approved by Traffic Engineering; and designed to meet AASHTO Standards

**REMARKS**

The applicant is requesting rezoning from R-1, Single-Family Residential and B-1, Buffer-Business to LB-2, Limited Neighborhood Business for a pharmacy with a drive-thru. The applicant is also requesting Planned Unit Development (PUD) approval to allow shared access between two sites.

The site has an extensive history. In May 1999, the Planning Commission recommended denial of B-2 zoning for the site; the denial was affirmed by the City Council. The site plan was then modified and in December 1999, the Commission recommended approval of B-2 zoning; however, the applicant withdrew the application prior to the City Council public hearing. In September 2000, the Planning Commission again recommended approval of B-2 zoning, but the City Council denied the application. The applicant appealed to Circuit Court, which ordered the City to rezone the site B-2; however, a neighboring property owner appealed the Circuit Court's decision to the State Supreme Court, which upheld the City Council's denial.

The following is a list of modifications to the site plan since the September 2000 application: 1) reduction in parking from 66 spaces to 59 spaces (the Zoning Ordinance requires a minimum of 34 spaces); 2) increased buffer from 10-feet to 15-feet adjacent to residential development along the West side of Lot 1 (Northern lot); 3) provision of an eight-foot high brick wall along Woodruff Street, across from residential development; and 4) removal of all parking that would back into the alley. The applicant has also offered to: prohibit beer and wine sales; prohibit outside telephones; and limit dumpster pick-up and parking lot cleaning to normal daylight business hours.

As outlined above, the three previous applications requested B-2 zoning. However, the current request is for LB-2, which prohibits many B-2 uses that are frequently considered "offensive" and that may be perceived to negatively impact surrounding properties.

In considering rezoning applications, there are numerous criteria to consider. First, the Zoning Ordinance gives four reasons for zoning changes: the existence of an error; changing conditions in an area; increased need for business or industrial sites; or subdivision of land into building sites making reclassification both necessary and desirable. Secondly, Limited Neighborhood Business districts are to be located at or near the intersection of two major streets—Florida Street is not a major street on the City's Major Street Plan, it is a two-lane roadway with a center turn lane. Finally, based on current zoning and land use patterns, the intersection of Dauphin and Florida Streets is an established R-1/B-1 corridor; Woodruff Street is developed residentially.

The site is illustrated as commercial on the General Land Use Component of the Comprehensive Plan; however, a commercial designation encompasses any commercial zoning district from B-1 to B-5. Moreover, the Comprehensive Plan serves as a general guide, allowing the Planning Commission and City Council to evaluate individual applications based upon the surrounding development, as well as the compatibility of the proposed use and zoning classification.

As referenced above, PUD approval is also requested. Planned Unit Development approval reviews sites and site plans for compatibility with neighboring uses and development; and encourages the unified development of land that is compatible in size, location and character with regard to both the proposed use and building(s). The homes along Woodruff Street are moderately sized and oriented to Woodruff Street; the proposed building is over 10,000 square feet and faces Dauphin and Florida Streets.

Additionally, the surrounding commercial uses are primarily located in residential structures or small commercial buildings that are compatible both in scale and use with the existing residences.

The planning principles and location guidelines that apply to Lot 2 (fronting Dauphin Street) are not necessarily the same as those for Lot 1 (located on Woodruff Street). There is a distinction between the development and land use along Dauphin Street (R-1/B-1 corridor), and that on Woodruff Street (residential) —important factors in evaluating the need and appropriateness of rezoning and PUD approval.

**RECOMMENDATION**

**Rezoning:** Based upon the preceding, it is recommended that the Commission consider all elements of this request, including additional information presented at the public hearing, in rendering a decision.

**Planned Unit Development:** Based upon the preceding, it is recommended that the Commission consider all elements of this request, including additional information presented at the public hearing, in rendering a decision.

## LOCATOR MAP



APPLICATION NUMBER 1 & 2 DATE April 3, 2003  
 APPLICANT D & F, L.L.C. (Don Kelly, The Mitchell Company, Inc., Agent)  
 REQUEST Rezoning and Planned Unit Development



# **PLANNING COMMISSION VICINITY MAP - EXISTING ZONING**



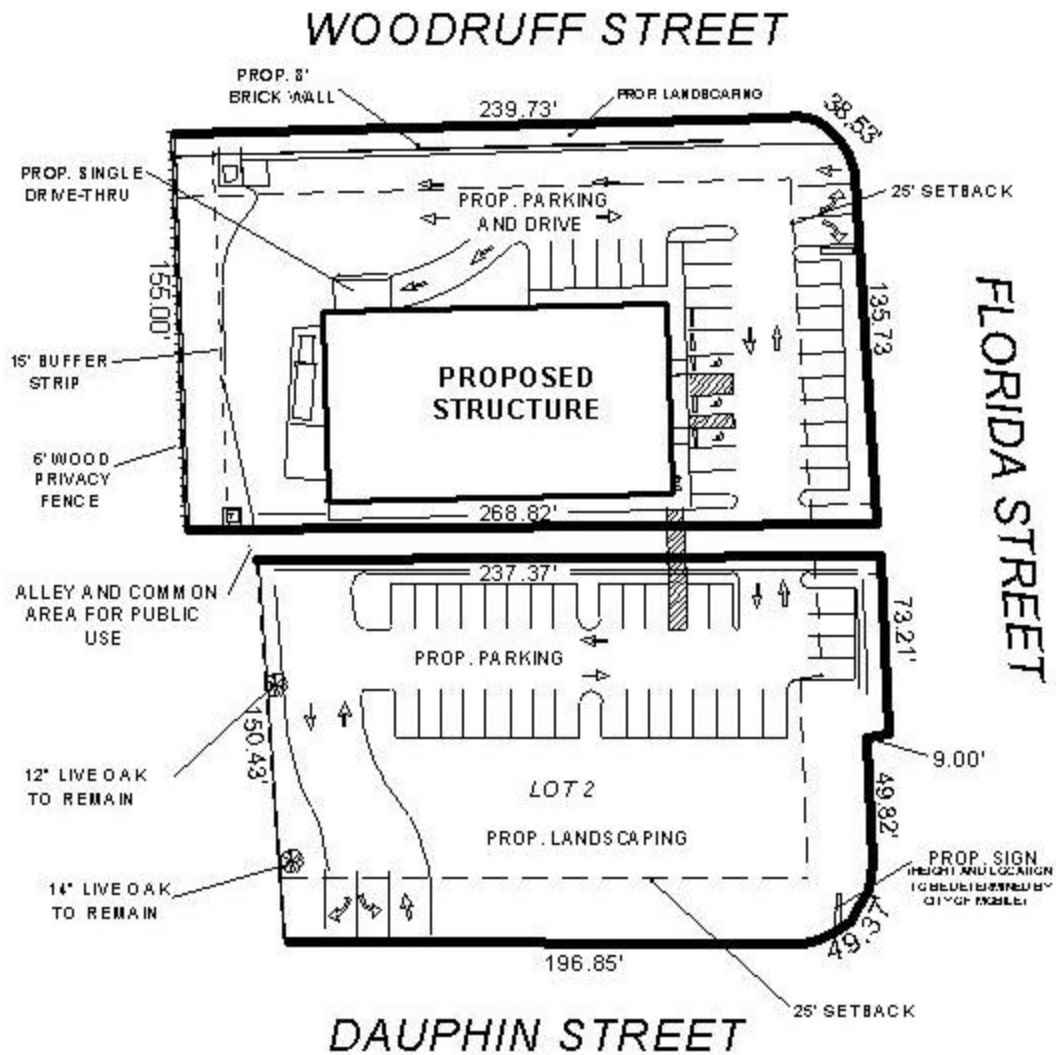
The site is located in an area of mixed land use.

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LEGEND



# SITE PLAN



The site is located at the Northwest corner of Dauphin Street and Florida Street, and extending to the South side of Woodruff Street. The plan illustrates the proposed structure, parking and landscaping.

APPLICATION NUMBER 1 & 2 DATE April 3, 2003  
 APPLICANT D & F, L.L.C. (Don Kelly, The Mitchell Company, Inc., Agent)  
 USE/REQUEST Rezoning and Planned unit Development

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