

**ZONING AMENDMENT STAFF REPORT**

**Date: September 2, 2004**

**NAME**

Emma Perryman

**LOCATION**

770 and 772 Sullivan Avenue  
(West side of Sullivan Avenue at the West terminus  
of Fairway Drive)

**CITY COUNCIL  
DISTRICT**

District 5

**PRESENT ZONING**

R-1, Single-Family Residential

**PROPOSED ZONING**

B-1, Buffer-Business

**AREA OF PROPERTY**

.45± Acres

**CONTEMPLATED USE**

Drug counseling, including in-residence services  
**It should be noted, however, that any use permitted in the proposed district would be allowed at this location if the zoning were changed. Furthermore, the Planning Commission may consider zoning classifications other than that sought by the applicant for this property.**

**TIME SCHEDULE  
FOR DEVELOPMENT**

None given

**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 design to meet AASHTO Standards

**URBAN FORESTRY  
COMMENTS**

Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64).

**REMARKS**

The applicant is requesting rezoning from R-1, Single-Family Residential to B-1, Buffer-Business for drug counseling services, including in-residence counseling. Drug counseling, including in-residence services are allowed by right in a B-1, Buffer-Business district.

The applicant states that service will include drug and alcohol education, intervention, vocational development and life skill services for women with addictions. The program consists of two phases, the first phase is a 12-20 week in residence program, and then follow-up care consisting of counseling, case management and group therapy.

As illustrated on the Vicinity Map, the site would be impacted by the proposed extension of Fairway Drive, a planned major street. However, the dedication of right-of-way would require the removal of a portion of the residence on Lot 2, and all of the maneuvering area for the proposed parking stalls would be located in the right-of-way. It should also be noted that the site actually consists of two lots, thus Planned Unit Development (PUD) approval would be required for the shared parking and access; a PUD application was not submitted.

The site is predominately illustrated as residential on the General Land Use Component of the Comprehensive Plan. However, the General Land Use Plan is meant to serve as a general guide, not a detailed lot and district plan or mandate for development. Moreover, the General Land Use component allows the Planning Commission and City Council to consider individual cases based on additional information such as the classification requested, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and zoning classification.

The West side of Sullivan Avenue is predominately residential. While there is B-1 zoning to the South, it consists of only one lot; and the only other commercial use on the West side of Sullivan Avenue is a medical office to the North, which was allowed by a variance in 1964. In general, Sullivan Avenue has served as a demarcation between the commercial district to the East and the residential area along the West side of Sullivan Avenue.

**RECOMMENDATION**

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

*Revised for October 7<sup>th</sup> Meeting:*

*This application was heldover from the Commission's September 2<sup>nd</sup> meeting for the staff to compile recommended conditions and to allow the applicant to submit a Planned Unit Development application to allow shared access and parking between two sites.*

*Planned Unit Development review examines the site with regard to its location to ensure that it is generally compatible with neighboring uses; that adequate access is provided without generating excess traffic along minor residential streets in residential districts outside the PUD; and that natural features of the site are taken into consideration. PUD review also examines the design of the development to provide for adequate circulation within the development; to ensure adequate access for emergency vehicles; and to consider and provide for protection from*

*adverse effects of adjacent properties as well as provide protection of adjacent properties from adverse effects from the PUD.*

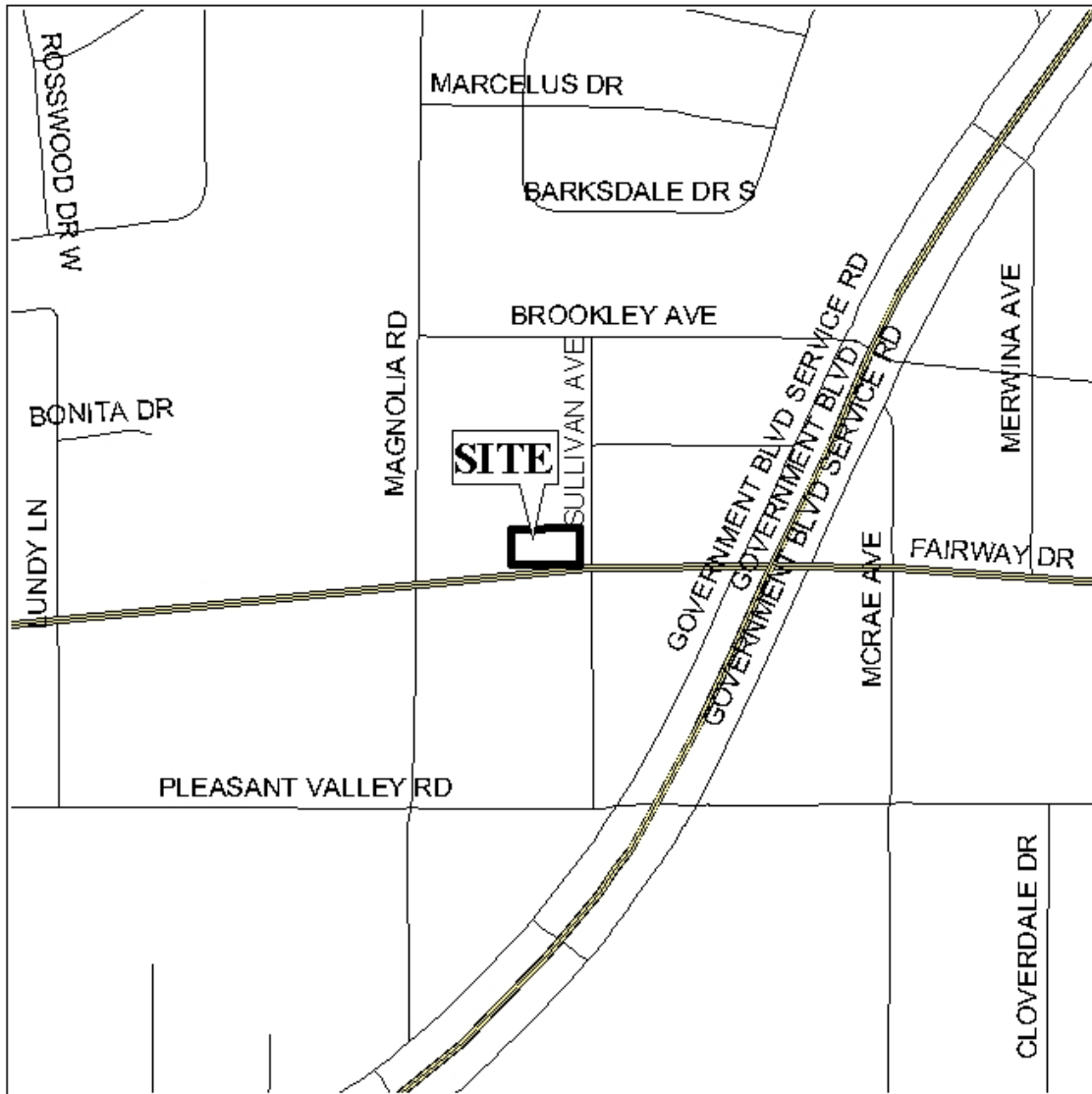
*The site plan illustrates the two existing dwellings, garage, carport, proposed drive and parking. The facility will have eight to ten patients in residence as well as counseling services, and adequate parking is provided. However, in terms of access, the driveway width should be widened to 24-feet in width to allow adequate room for two-way traffic.*

*As with any rezoning, full compliance with the landscaping and tree planting requirements of the Ordinance would be required. Additionally, the provision of a buffer, in compliance with Section IV.D.1. will be required where the site adjoins residential zoning. It should also be noted that with the change in use, compliance with all applicable building codes will be required.*

***Rezoning:*** *Based upon the preceding the application is recommended for approval subject to the following conditions: 1) widening of the driveway to 24-feet to accommodate two-way traffic; 2) full compliance with the landscaping and tree planting requirements of the Ordinance; 3) provision of a buffer, in compliance with Section IV.D.1. where the site adjoins residential zoning; 4) full compliance with all applicable building codes; and 5) full compliance with all municipal codes and ordinances.*

***Planned Unit Development:*** *Based upon the preceding the application is recommended for approval subject to the following conditions: 1) widening of the driveway to 24-feet to accommodate two-way traffic; 2) full compliance with the landscaping and tree planting requirements of the Ordinance; 3) provision of a buffer, in compliance with Section IV.D.1. where the site adjoins residential zoning; 4) full compliance with all applicable building codes; and 5) full compliance with all municipal codes and ordinances.*

## LOCATOR MAP



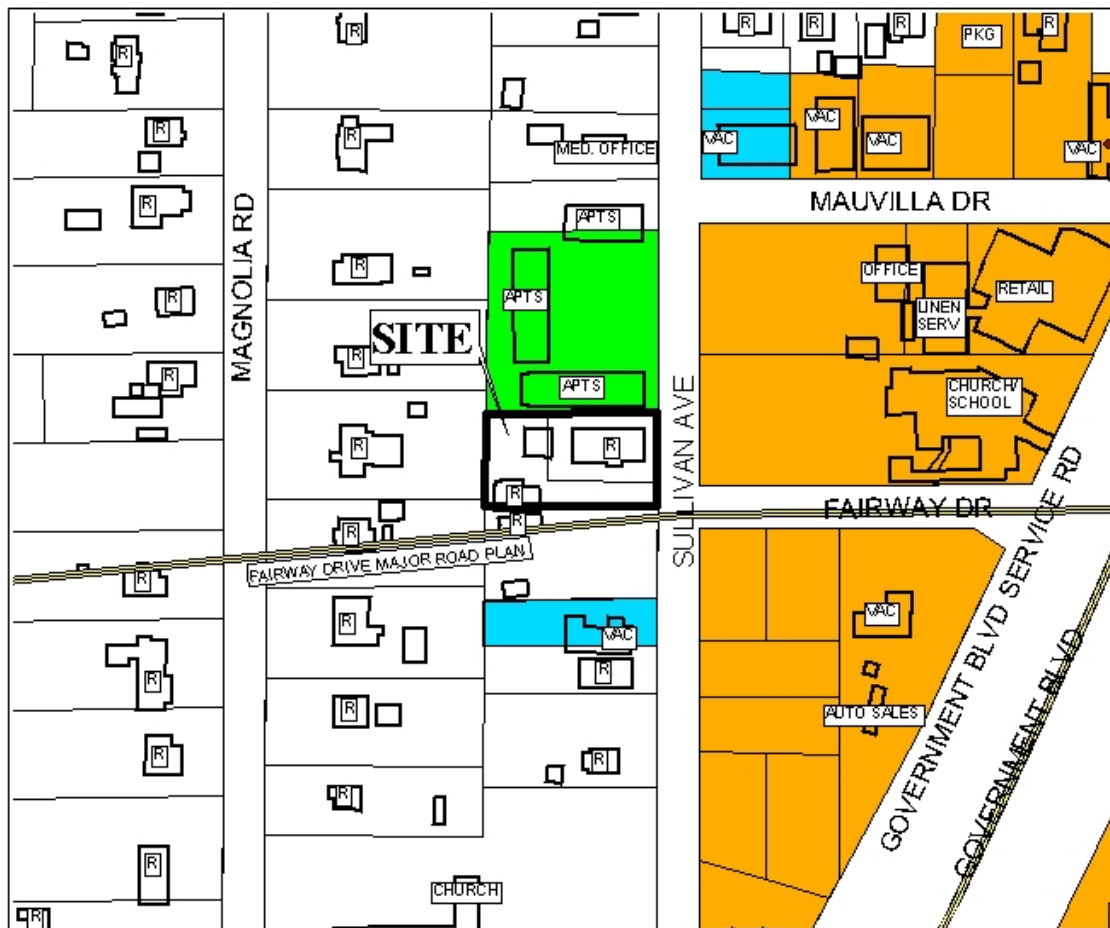
APPLICATION NUMBER 8 DATE September 2, 2004

APPLICANT Emma Perryman

REQUEST Rezoning from R-1 to B-1



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



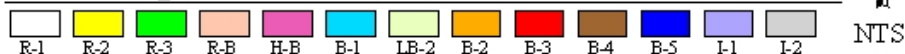
Located to the North of the site are multiple family residential dwellings; to the East is a church. Located to the South and West of the site are single family residential dwellings.

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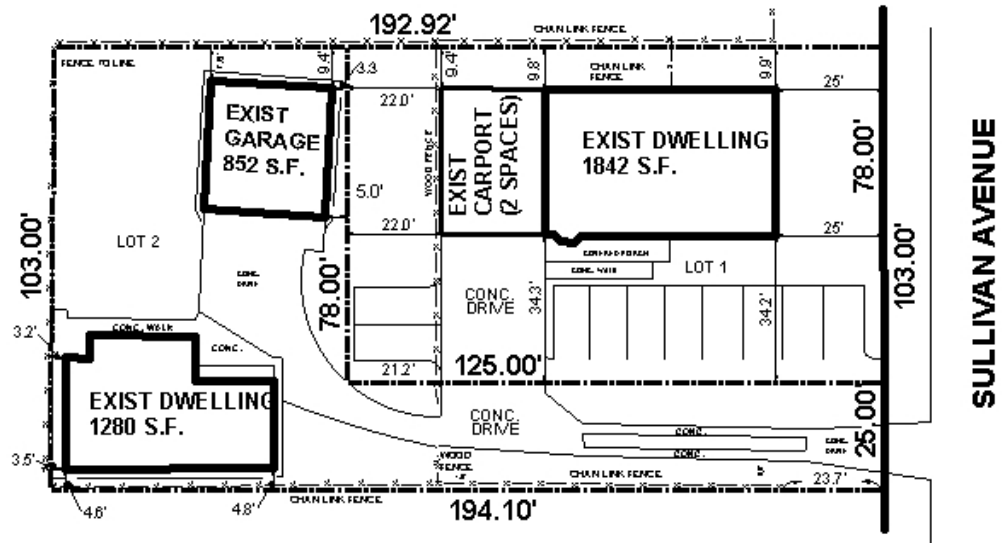
REQUEST Rezoning from R-1 to B-1

LEGEND



N  
NTS

# SITE PLAN



The site is located on the West side of Sullivan Avenue at the West terminus of Fairway Drive. The plan illustrates the existing structures along with parking.

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