

ZONING AMENDMENT STAFF REPORT**Date: February 21, 2008****NAME**

Dennis J. Langan

LOCATION

West side of Hillcrest Road at the West terminus of Girby Road.

**CITY COUNCIL
DISTRICT**

District 6

PRESENT ZONING

B-3, Community Business District

PROPOSED ZONING

B-3, Community Business District.

AREA OF PROPERTY

0.02± Acres

CONTEMPLATED USE

Rezoning from B-3, Community Business District, to B-3, Community Business District, to add further conditions to a previously approved rezoning.

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 upon approval.

**ENGINEERING
COMMENTS**

No comments.

**TRAFFIC ENGINEERING
COMMENTS**

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to 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).

**FIRE DEPARTMENT
COMMENTS**

No comment.

REMARKS

The applicant is requesting rezoning from B-3, Community Business District, to B-3, Community Business District, to add further conditions to a previously approved rezoning. The subject parcel was rezoned from R-1, Single-Family Residential District, to B-3 in November, 2007, subject to the condition of full compliance with all municipal codes and ordinances. The parcel was part of an adjacent residential subdivision's common area which is to be incorporated into a commercial development in order to relocate an access point from Hillcrest Road. The previous rezoning was associated with a Subdivision and Planned Unit Development which were also approved. In this instance, the rezoning is intended to add Voluntary Conditions and Use Restrictions to the associated commercial development to which the parcel is to be added via the Subdivision and not just the parcel itself. The commercial site was originally rezoned from R-A, Residential-Agricultural, to B-3 in 1982, but there were no use conditions associated with that rezoning. Due to the site's proximity to several large existing single-family residential subdivisions, and since the commercial site is under development, concerns have been expressed about the possible uses allowed on the site since it is zoned B-3. The commercial property owner was requested to offer the Voluntary Conditions and Use Restrictions in an effort to limit certain business activities which would not be desirable within the proximity of the residential subdivisions, specifically to prohibit the following: adult bar, night club, tattoo parlor, adult video rental, adult body piercing business, adult novelty store. But the site plan and legal description submitted pertain only to the parcel to be detached from the residential subdivision common area and not the overall commercial site. The parcel is entirely too small for any type of development and any use restrictions would be a mute point. Therefore, the site plan and legal description should be revised to include the entire commercial site to which the further conditions and restrictions are intended to apply. An expanded notification area with additional labels and postage may also be required.

RECOMMENDATION

Based on the preceding, this application is recommended for holdover to the meeting of February 21st to allow the applicant to revise the site plan and legal description to include the entire commercial property intended to be covered by the Voluntary Conditions and Use Restrictions submitted, and to submit any additional labels and postage fees associated with such. All revisions, labels, and postage fees should be submitted by January 22nd.

Revised for the February 21st meeting:

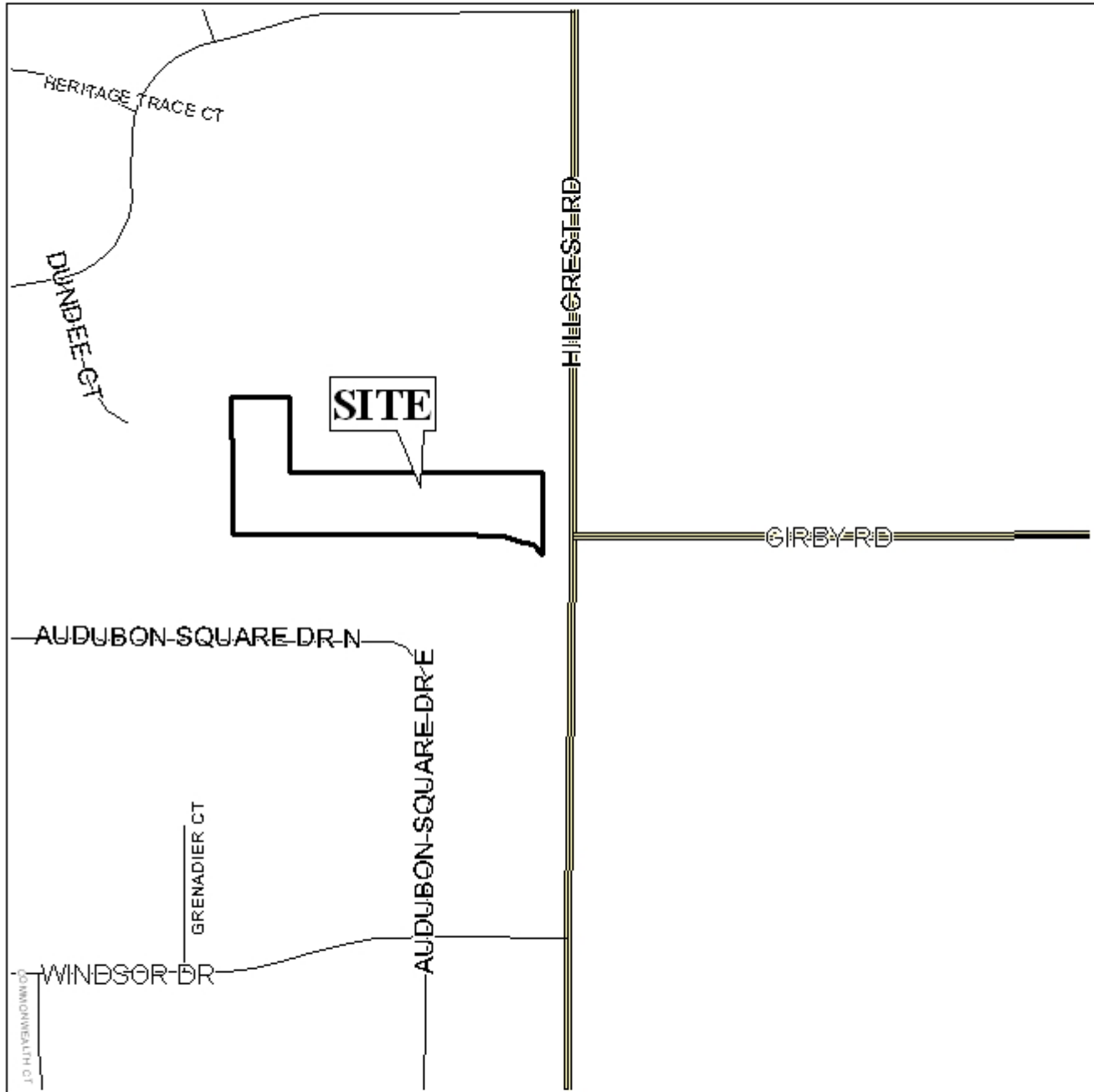
This application was held over from the January 17th meeting to allow the applicant to revise the site plan and legal description to include the entire commercial property intended to be covered by the Voluntary Conditions and Use Restrictions submitted with the application. The required revision was submitted and the entire site is now included. Since the site is currently under development according to the conditions of approval of the previous rezoning, Planned Unit Development, and Subdivision applications, further site specific conditions need not be applied.

Recommendation:

Based upon the preceding, this application is recommended for approval subject to the following conditions:

- 1) subject to the attached Voluntary Conditions and Use Restrictions submitted by the applicant; and*
- 2) full compliance with all municipal codes and ordinances.*

LOCATOR MAP



APPLICATION NUMBER 4 DATE February 21, 2008

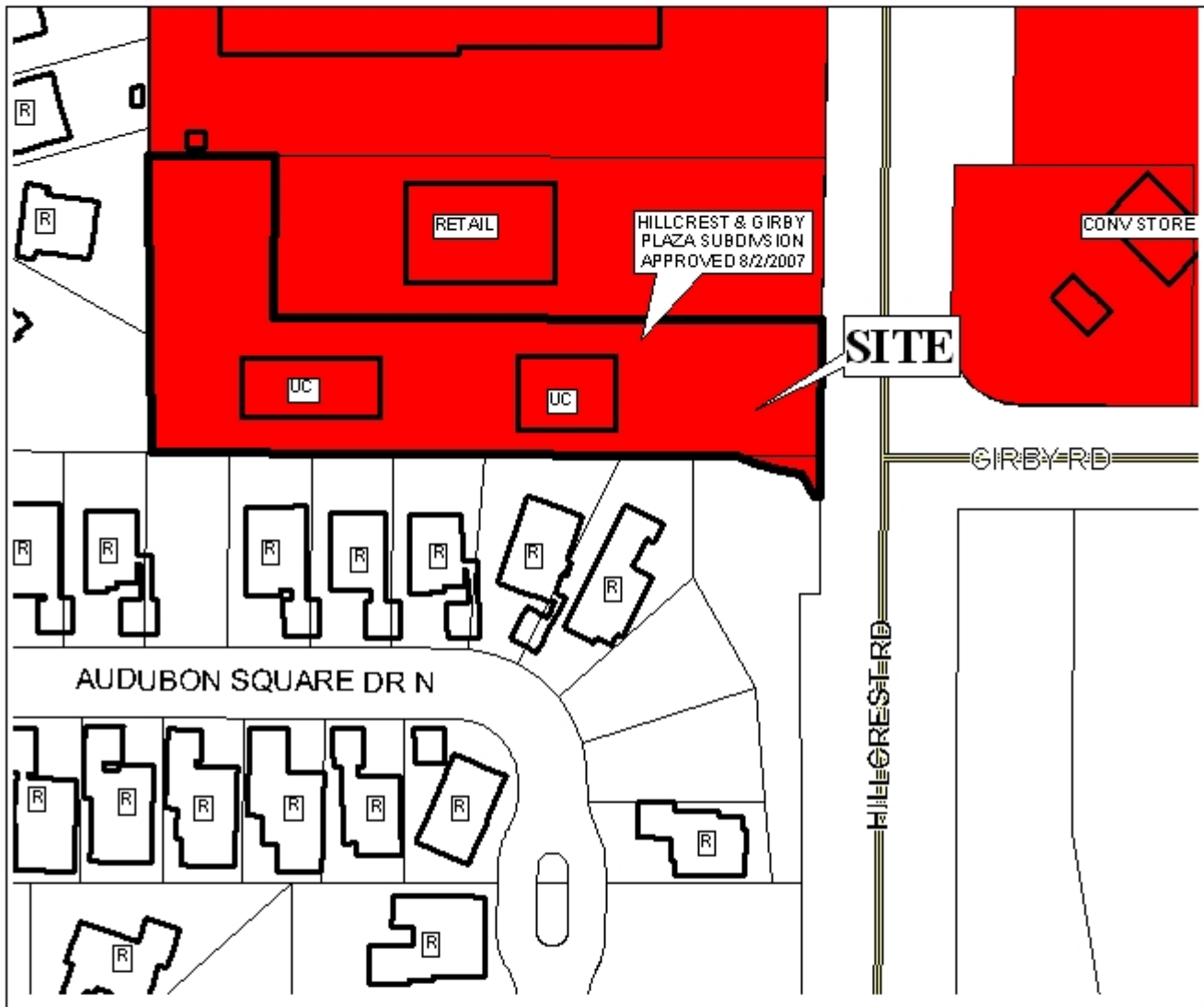
APPLICANT Dennis J. Langan

REQUEST Rezoning from B-3 to B-3



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



There are commercial land uses to the north of the site and single family residential units to the south.

APPLICATION NUMBER 4 DATE February 21, 2008

APPLICANT Dennis J. Langan

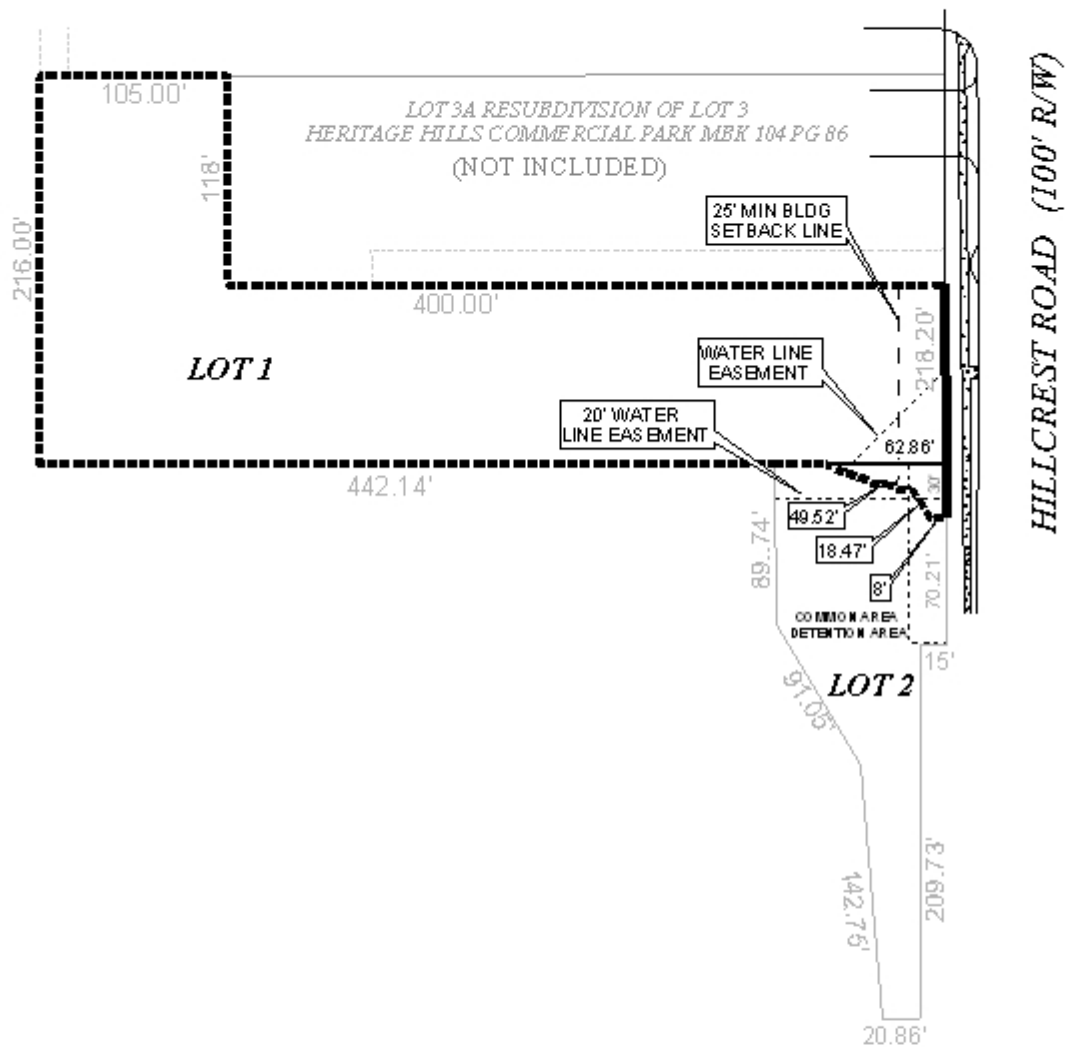
REQUEST Rezoning from B-3 to B-3

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
-----	-----	-----	-----	-----	-----	-----	-----	------	-----	-----	-----	-----	-----	-----

 NTS

SITE PLAN



The site plan illustrates lot lines, setbacks, and easements .

APPLICATION NUMBER 4 DATE February 21, 2008

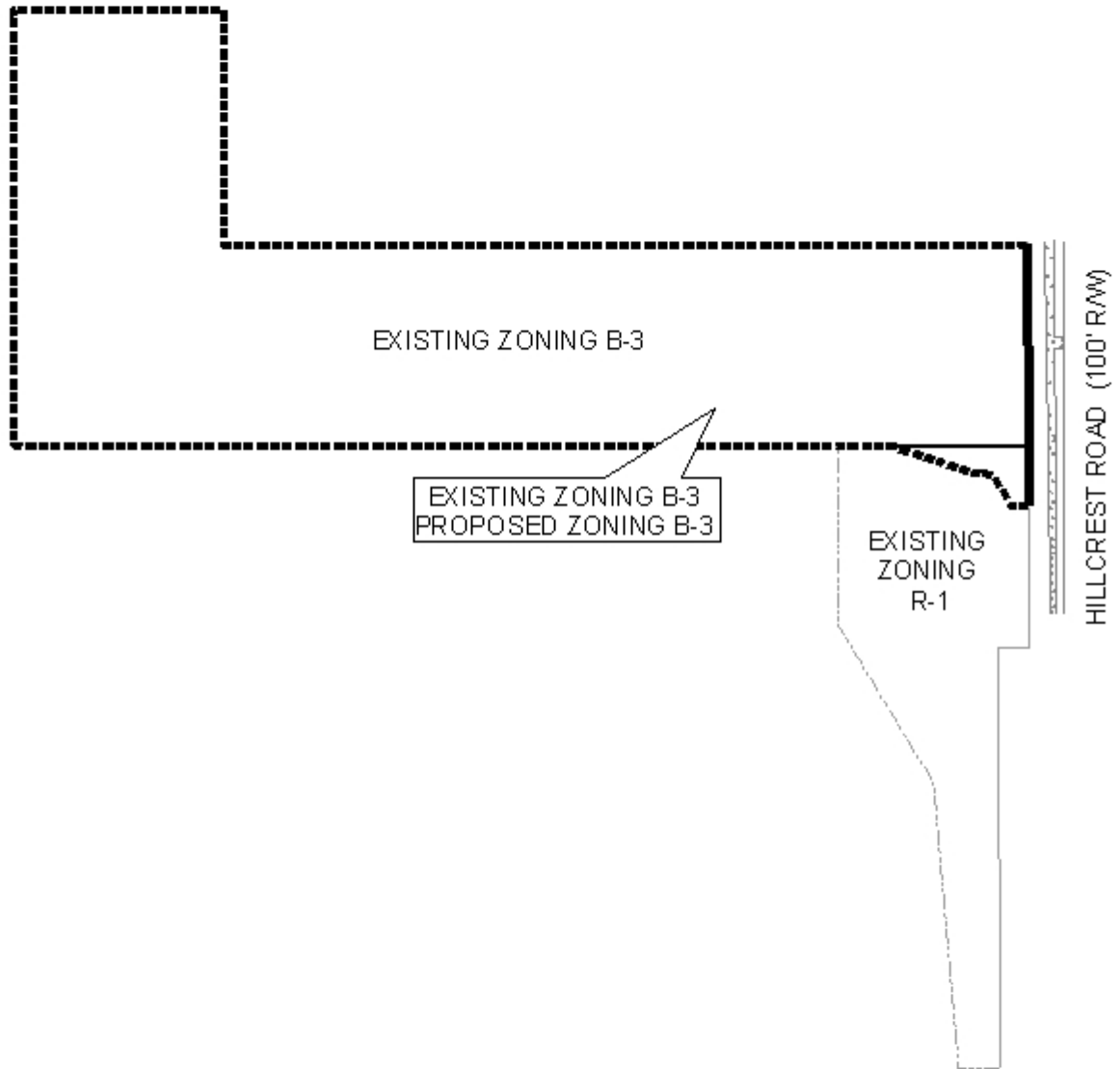
APPLICANT Dennis J. Langan

REQUEST Rezoning from B-3 to B-3



NTS

ZONING DETAIL



APPLICATION NUMBER 4 DATE February 21, 2008

APPLICANT Dennis J. Langan

REQUEST Rezoning from B-3 to B-3



NTS