

REZONING STAFF REPORT**Date: January 6, 2005****APPLICANT NAME**

Blackwood, Inc.
(B. White-Spunner, Agent)

LOCATION

Southeast corner of Hutson Drive and Key Street

**CITY COUNCIL
DISTRICT**

District 5

PRESENT ZONING

I-1, Light Industrial

PROPOSED ZONING

B-3, Community Business

AREA OF PROPERTY

.34± Acre

CONTEMPLATED USE

Church/Temple

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

Immediate

**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**

Driveway number, sizes, 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 (City Code Chapters 57 and 64 and State Act 61-929).

REMARKS

The applicant is proposing development of the site for use as a church/temple. The Zoning Ordinance allows the establishment of churches in residential districts with Planning Approval and by right in commercial districts (B-1 through B-4); however, churches are not permitted in industrially zoned areas.

Churches are more typically located in or near residential districts, serving those neighborhoods in which they are located. However, development of the site as a church would not be incompatible with the nearby uses in that they typically have differing hours of operation. Additionally, the site is one lot within a much larger undeveloped subdivision which has received Tentative Approval, but has not yet been recorded. Dependent upon the development trend of the new subdivision, rezoning of additional lots may be appropriate at that time.

There have been instances over the last several years whereby industrially zoned properties have been rezoned to allow development as a church.

This area is shown on the General Land Use component of the Comprehensive Plan as commercial. The Comprehensive Plan is meant to be a general guide, not a detailed lot and district plan or mandate for development. The Planning Commission and City Council may 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.

There are several minor issues relating to the site plan that will need to be addressed at the time of plan review for permitting, such as recording of the final subdivision plat, building location, landscaping and tree plantings, and sidewalks. For the applicant's convenience we will note those issues in this report.

The issue with building location is that while the Zoning Ordinance may allow a 20' setback along a side street, the Subdivision Regulations require a minimum 25' setback along all street frontages. The Commission frequently waives the 25' side street setback to allow a 20' setback on the subdivision plat, if it is requested at the time of submission. No such waiver was requested or granted, in fact, a condition on the subdivision approval required the placement of the required 25' setback line along street frontages. As the site will be zoned B-3, the building can easily be shifted to the North to allow for the 25' setback and still maintain 5' from the North side property line.

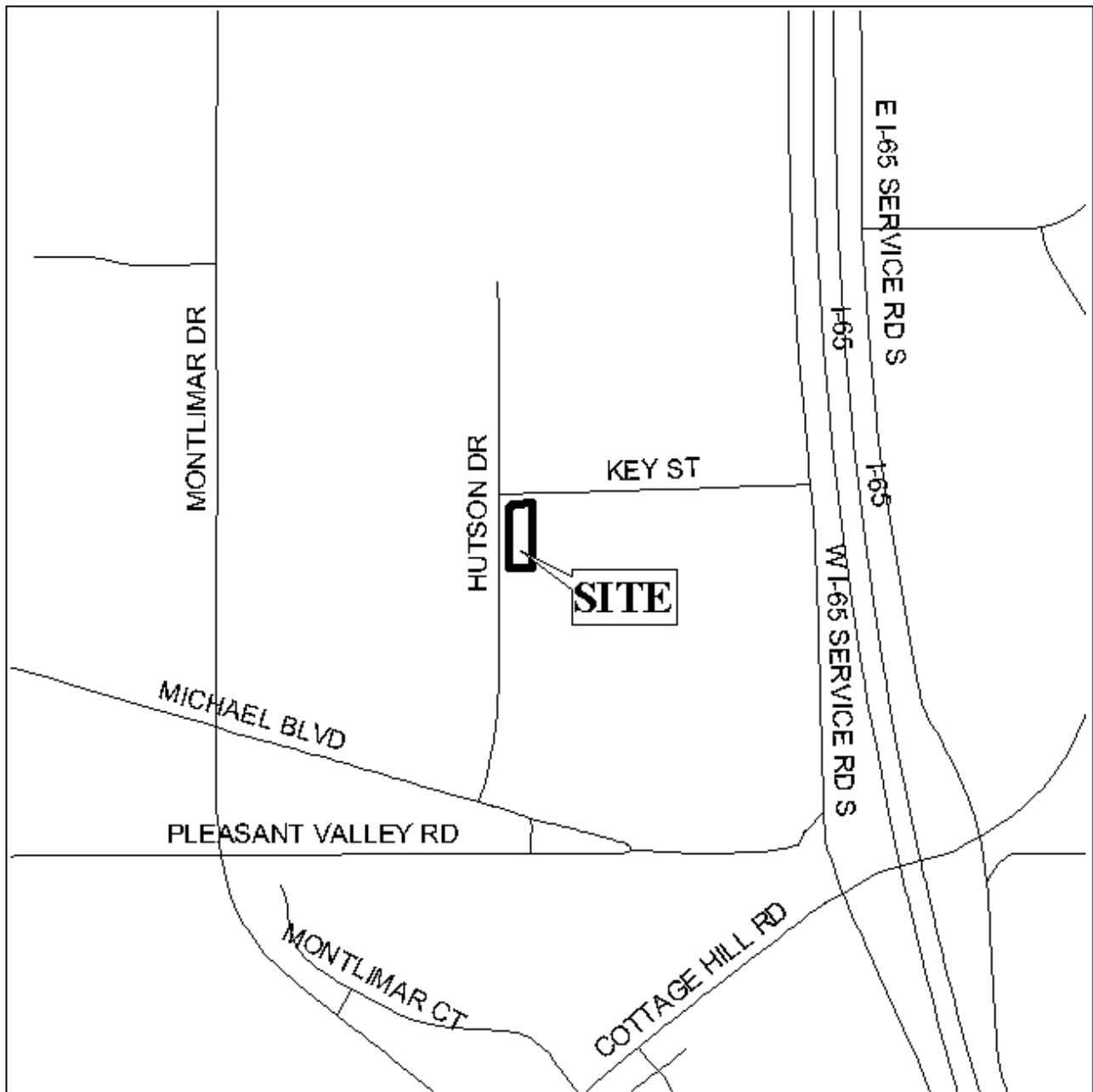
The plan does not reflect the provision of landscaping and trees or the installation of a sidewalk. Development of commercial properties requires full compliance with landscaping and tree plantings. While industrially zoned properties are subject to the same landscaping percentages, they require tree plantings only along street frontages.

The Subdivision Regulations require the provision of sidewalks for all developed lots, regardless of zoning classification. A waiver of this requirement will be necessary if a sidewalk is not to be installed.

RECOMMENDATION

Based on the preceding, it is recommended that this application be approved subject to the following conditions: 1) recording of the final subdivision plat; and 2) full compliance with all municipal codes, ordinances, and regulations.

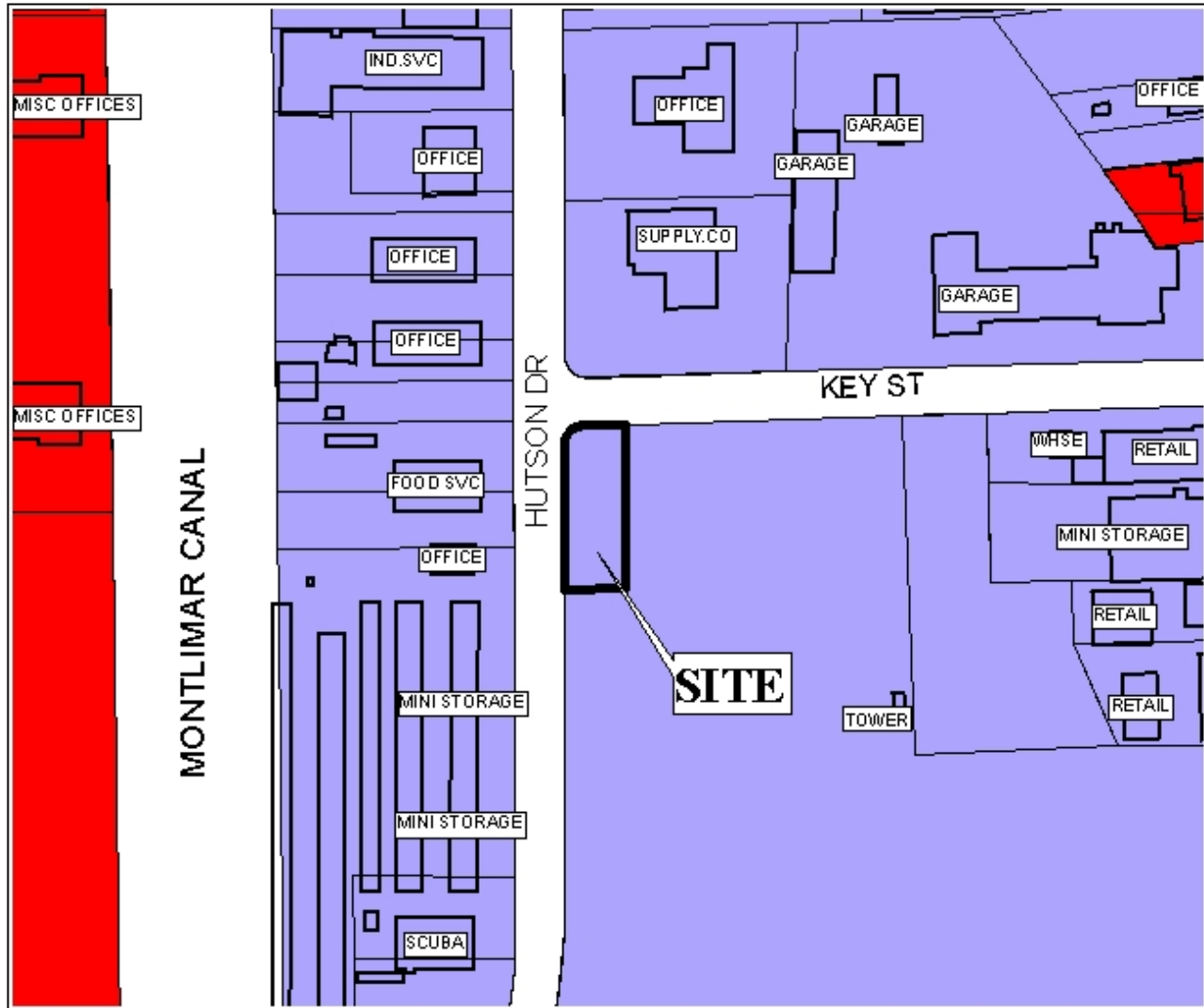
LOCATOR MAP



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REQUEST Rezoning



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



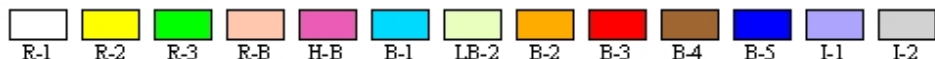
The site is located on the Southeast corner of Hutson Drive and Key Street.
The plan illustrates

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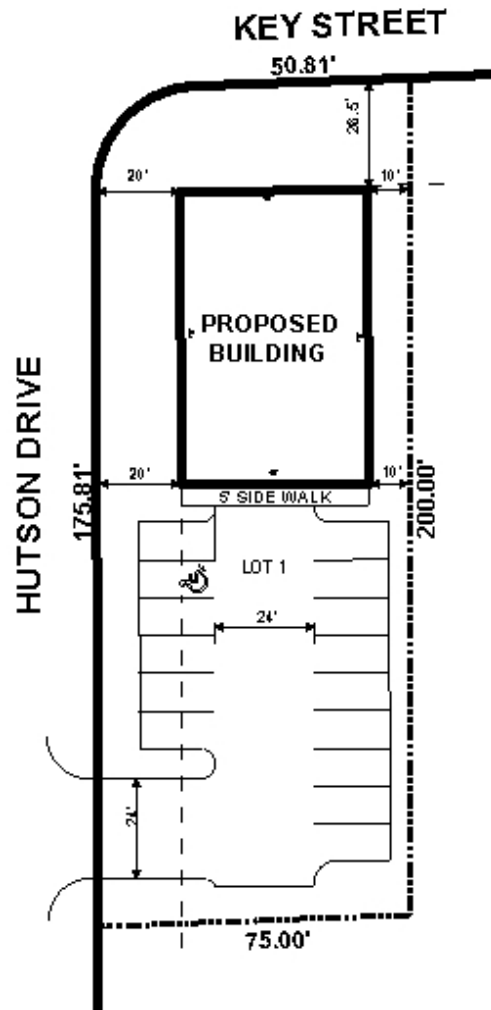
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LEGEND



SITE PLAN



The site is located on the Southeast corner of Hutson Drive and Key Street.
The plan illustrates the proposed structure and parking.

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