REZONING & SUBDIVISION STAFF REPORT Date: October 2, 2003

APPLICANT NAME Elcan & Associates, Inc.

SUBDIVISION NAME Shoppes of Midtown Subdivision

LOCATION

Rezoning: (proposed LB-2) 1500 Government Street and 211, 213, 217 and 219 South Catherine Street (Northwest corner of Government Street and Etheridge Street, extending to the East side of Catherine Street, 175'± North of Government Street, and to the East side of Etheridge Street, 100'± South of Farmer Street).
Rezoning: (proposed R-1) West side of Etheridge Street, 100'± South of Farmer Street.
Subdivision: 1500 Government Street and 211, 213, 217 and 219 South Catherine Street
(Northwest corner of Government Street and Etheridge Street, extending to the East side of Catherine Street, 175'± North of Government Street, and to the East side of Etheridge Street, 100'± South of Farmer Street)

PRESENT ZONING

R-1, Single-Family Residential
B-1, Buffer Business
B-2, Neighborhood Business (to remain)

PROPOSED ZONING

LB-2, Limited Neighborhood Business
R-1, Single-Family Residential
B-2, Neighborhood Business (existing)

AREA OF PROPERTY

Subdivision:	5.9± Acres		3 Lots
Rezoning:	LB-2	?± Acres	
	R-1	?± Acres	

CONTEMPLATED USE

LB-2 Retail Shopping Center
R-1 Single-Family Dwelling

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 Begin Summer 2004

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 is 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). All ingress and egress from Government Street is to be shared access through Lot 1. (This is due to the size of existing trees on Government Street and the distance between them.) The 40" Live Oak on the West side of the property (on South Catherine Street) is to be given preservation status. All work under the canopy is to be permitted and coordinated with Urban Forestry. All ingress and egress on Government and South Catherine Streets is to be coordinated with Urban Forestry.

REMARKS The overall site is presently developed with a former motel that is currently used for dormitory space, an office building, and three residences. The site is split zoned R-1, Single-Family Residential, B-1, Buffer Business, and B-2 Neighborhood Business. Three of the residentially zoned properties are developed with dwellings, the other is used as a parking facility for the former motel site under a Use Variance.

The applicant is proposing redevelopment of most of the site as a retail shopping center, with one lot on Etheridge Street to be redeveloped residentially (one of the existing houses on Catherine Street is to be relocated to this lot).

This area is shown on the General Land Use component of the Comprehensive Plan as commercial. However, 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.

As stated above, the majority of the site is to redeveloped as a retail shopping center. This proposed development involves incorporating several parcels into one legal lot of record, rezoning those parcels from R-1, B-1 and B-2 to LB-2, demolishing the commercial structures and either relocating or demolishing the residential structures.

The Vicinity Map illustrates the existing parcels, buildings, land use and zoning pattern. One of the residential properties, the Northernmost extent of the development along Catherine Street, is currently a parking facility for the former motel site. The remaining residential properties, also on Catherine Street, are "sandwiched" between a tire store and an office; and, two of the three are directly across the street from an existing B-2 district.

In contrast to the isolation of those residential properties along Catherine Street, the applicant is proposing relocation of one of the dwellings to Etheridge Street, at the northernmost extent of the site, incorporating it into the existing neighborhood. The plan indicates that a privacy fence and landscaped buffer will be provided along portions of the North and West property lines, where the commercial development will abut existing residences. A privacy fence is proposed adjacent to the proposed relocated house on Etheridge Street.

Additionally, no access to Etheridge Street is proposed for the commercial development. Etheridge Street is a minor residential street that is substandard, both in right-of-way width and improvements. While there will be no commercial access to Etheridge Street, the proposed residential property will front on and be accessed via Etheridge Street. It has been the practice of the Commission, when a site abuts a substandard right-of-way, to require dedication sufficient to bring the right-of-way into compliance with minor street standards, to provide 25' from centerline. Additionally, as the properties across Etheridge Street are residential, the provision of buffering would be appropriate.

Portions of the site are located within the Old Dauphin Way Historic District; therefore, the entire site must comply with Architectural Review Board Guidelines and receive ARB approval.

Prior to submission of the application it was suggested to representatives of the applicant that incorporation of some Smart Growth elements into the site design may be appropriate for this location. Specifically, the Urban Development staff suggested moving the building(s) closer to the street with the parking to the rear. This type of design alternative is more pedestrian friendly and provides for a pedestrian/neighborhood-oriented streetscape. Some other smart growth elements that may be appropriate are the provision of sidewalks, both internally and externally, the provision of open/green space, and the provision of alternative surfacing for parking facilities in excess of minimum requirements.

Subsequent to submission of the application, representatives of the applicant met with the Historic Development staff. A letter addressing the results of that meeting will be provided to Commission members.

Rezoning and subdivision approvals are not site plan specific; therefore, design elements such as building location are not included in the staff recommendation.

Urban Forestry has expressed concerns about access to the site and preservation of a large existing tree. Because of the size of existing trees on Government Street and the distance

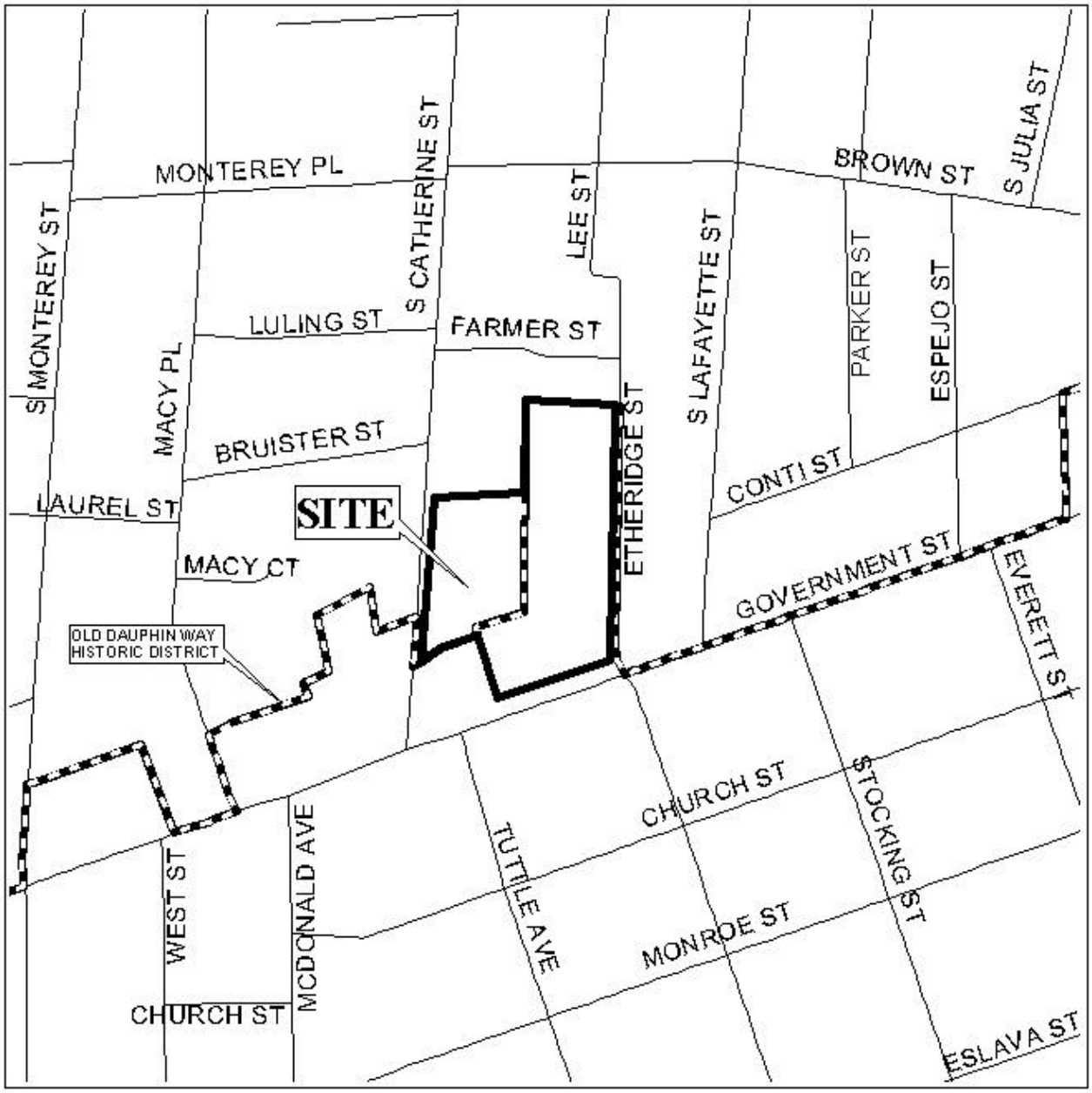
between them, all ingress and egress from Government Street is to be shared access through Lot 1. This will necessitate an Administrative PUD prior to permitting. Also, there is a 40" Live Oak on the West side of the property (on South Catherine Street) which should be given preservation status; all work under the canopy would therefore have to be permitted and coordinated with Urban Forestry. All ingress and egress on Government and South Catherine Streets is to be coordinated with Urban Forestry.

RECOMMENDATION **Rezoning: R-1, B-1, and B-2 to LB-2** - based on the preceding, this application is recommended for approval subject to the following conditions: 1) dedication of sufficient right-of-way along Etheridge Street to provide 25' from centerline; 2) provision of a privacy fence and landscaped buffer (as indicated on the plan submitted) along portions of the North and West property lines, where the site abuts existing residences; 3) the provision of buffering along Etheridge Street, where the site is across from residences, height and type of buffering to be coordinated with the ARB; 4) denial of access to Etheridge Street; 5) because of the size of existing trees on Government Street and the distance between them, all ingress and egress from Government Street is to be shared access through Lot 1 (Administrative PUD will be required prior to permitting); 6) the 40" Live Oak on the West side of the property (on South Catherine Street) be given preservation status; all work under the canopy would therefore have to be permitted and coordinated with Urban Forestry; 7) ingress and egress on Government and South Catherine Streets is to be coordinated with Urban Forestry; and 8) full compliance with all municipal codes and ordinances.

B-1 to R-1 - based on the preceding, this application is recommended for approval subject to the following conditions: 1) dedication of sufficient right-of-way along Etheridge Street to provide 25' from centerline; and 2) full compliance with all municipal codes and ordinances

Subdivision: the plat meets the minimum requirements of the Subdivision Regulations and is recommended for Tentative Approval, subject to the following conditions: 1) dedication of sufficient right-of-way along Etheridge Street to provide 25' from centerline; 2) placement of a note on the final plat stating that all ingress and egress from Government Street is to be shared access through Lot 1; 3) placement of a note on the final plat stating that ingress and egress on Government and South Catherine Streets is to be coordinated with Urban Forestry; 4) placement of a note on the final plat stating that the 40" Live Oak on the West side of the property (on South Catherine Street) be given preservation status and all work under the canopy would therefore have to be permitted and coordinated with Urban Forestry; and 5) provision of a privacy fence and landscaped buffer (as indicated on the plan submitted) along portions of the North and West property lines, where the commercial site abuts existing residences.

LOCATOR MAP



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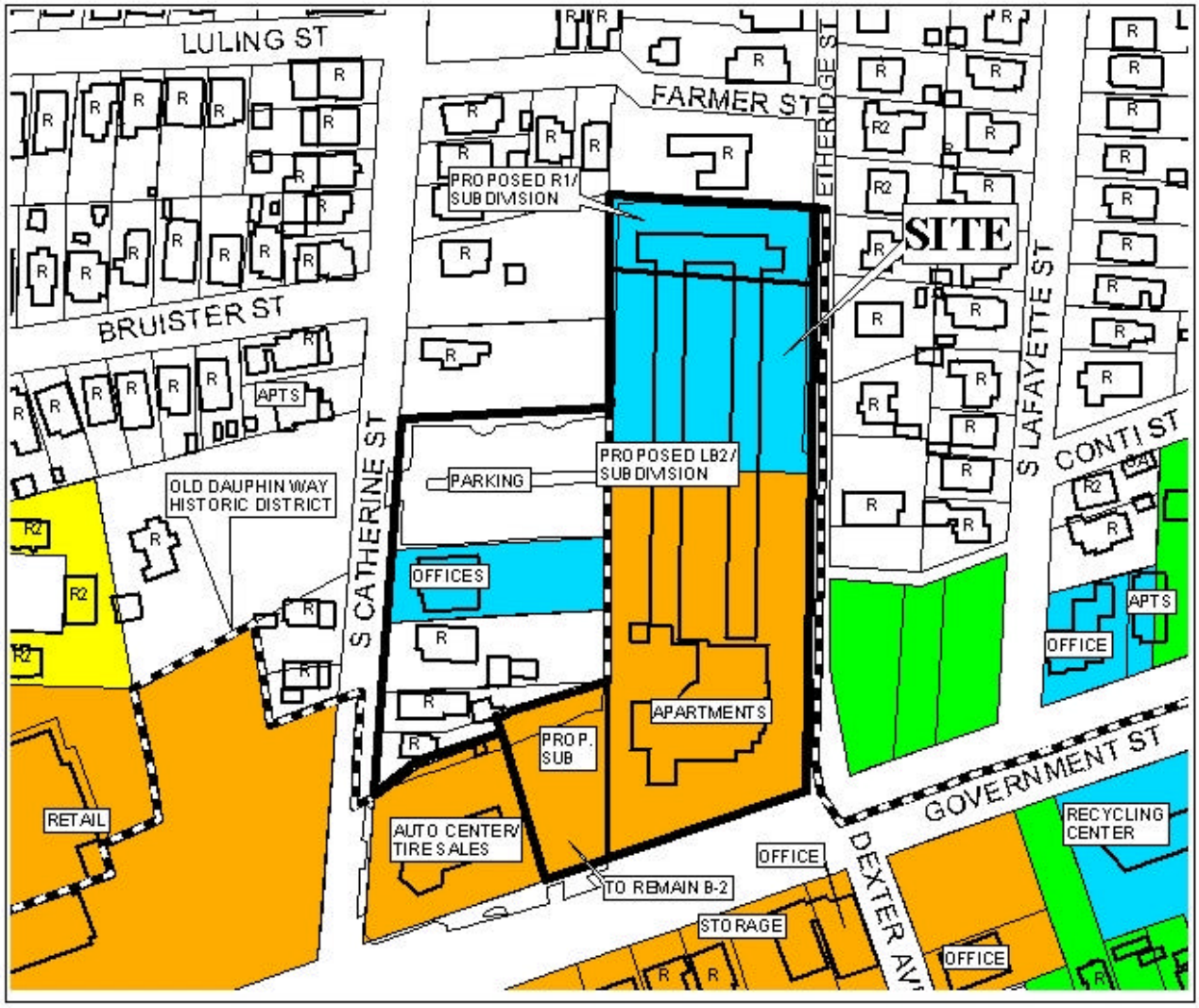
APPLICANT Elcan & Associates, Inc.

REQUEST Rezoning, Subdivision

N

NTS

PLANNING COMMISSION
VICINITY MAP - EXISTING ZONING



Located to the North and East of the site are single family residential dwellings; to the South is an office, cleaners, and single family residential dwellings. Located to the West of the site are single and multiple family residential dwellings and retail.

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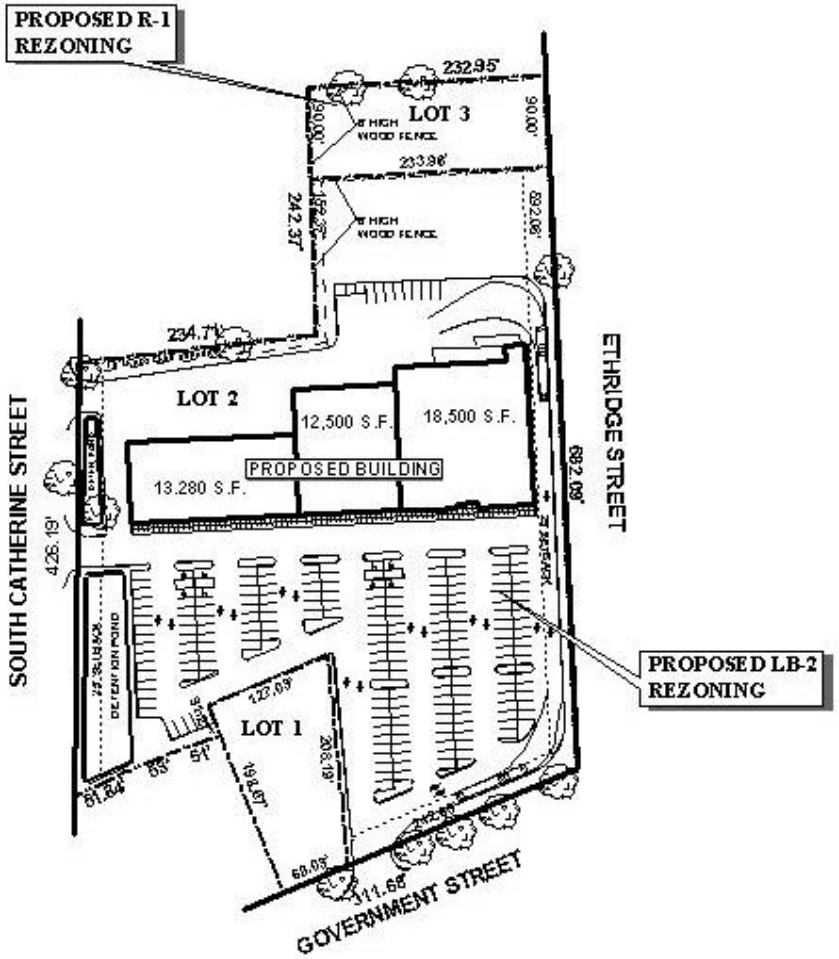
LEGEND

R-1 R-2 R-3 R-B H-B B-1 LB-2 B-2 B-3 B-4 B-5 I-1 I-2

N

NTS

SITE PLAN



The site is located on the Northwest corner of Government Street and Ethridge Street, extending to the East side of Catherine Street, 175' North of Government Street, and to the West side of Ethridge Street, 190' South of Farmer Street. The plan illustrates the proposed building and parking.

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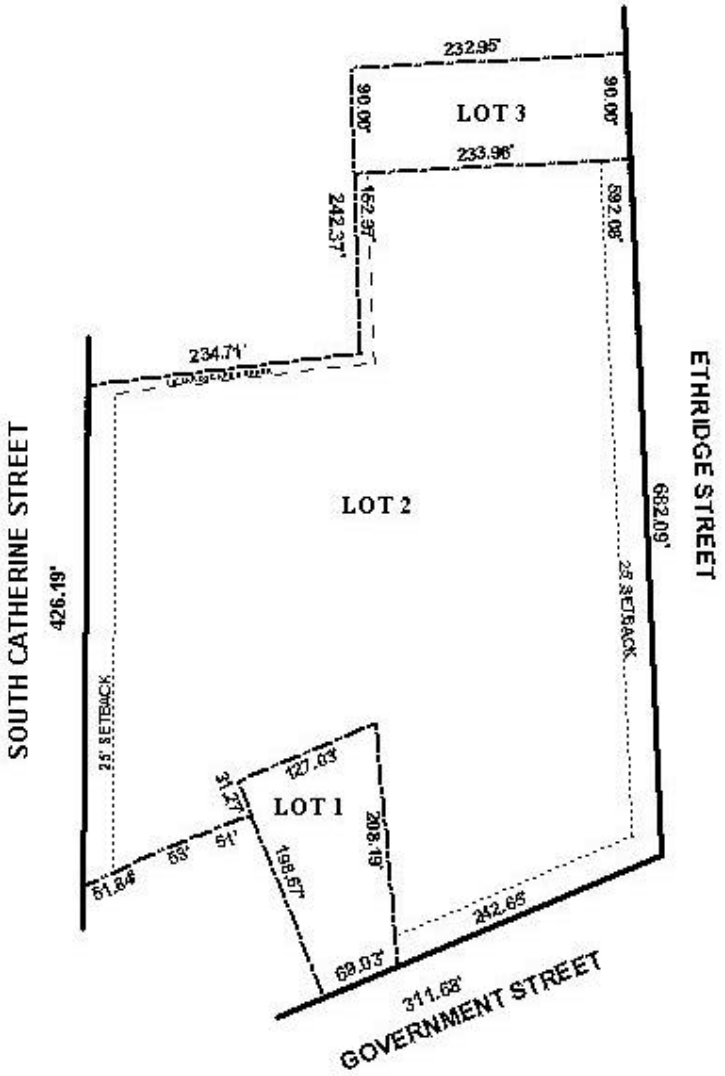
NTS

DETAIL SITE PLAN



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