

**ZONING AMENDMENT &
SUBDIVISION STAFF REPORT**

Date: September 4, 2003

NAME

Ward Properties, Inc.

SUBDIVISION NAME

Marks Furniture Resubdivision Subdivision

LOCATION

5955 Airport Boulevard
(South side of Airport Boulevard, extending from
Linlen Avenue to Pinemont Avenue)

PRESENT ZONING

R-1, Single-Family Residential and B-2,
Neighborhood Business

PROPOSED ZONING

B-2, Neighborhood Business

AREA OF PROPERTY

1.5 ± Acres

CONTEMPLATED USE

Expansion of an existing furniture store
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**

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**

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Sign and mark rear entrance as one-way.

URBAN FORESTRY**COMMENTS**

A permit is required from Urban Forestry to trim or remove trees on existing developed site. These trees are protected under the 1992 Landscaping and Tree Ordinance. 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 requesting rezoning to expand an existing furniture store with associated parking, and subdivision approval to create three legal lots of record.

The site has a fairly extensive zoning history. In the early 1990's an initial request to rezone the property to B-2 was denied by the City Council. The applicant then filed a use variance application that was approved by the Board of Zoning Adjustment; however, nearby residents appealed that decision to circuit court. In the interim, the applicant reapplied for B-2 zoning which was approved by the City Council in September 1992; at that point the variance case was moot and dismissed by the court.

The rezoning would serve as an expansion of the existing B-2 district; specifically the southern line of the existing B-2 district would be moved 27-feet to the South. It should be noted that the new southern boundary of B-2 zoning would "line up" with the existing B-1 district to the West across Pinemont Avenue, and would not extend as deep as the existing B-1 district to the East across Linlen Avenue. Consequently, the B-2 expansion would not be considered an encroachment into the residential neighborhood based on the depth (from Airport Boulevard) of the existing commercial zoning districts to the East and West. Additionally, due to the depth of the existing B-1 districts across Pinemont Avenue and Linlen Avenue the proposed B-2 expansion would not directly face residential development.

The proposed development includes the expansion of the existing furniture store and provision of additional parking. Full compliance with the landscaping and tree planting requirements of the Ordinance for the overall site is proposed, and would be a condition of rezoning. The site adjoins residential properties to the South and the provision of a buffer in compliance with Section IV.D.1., would be required.

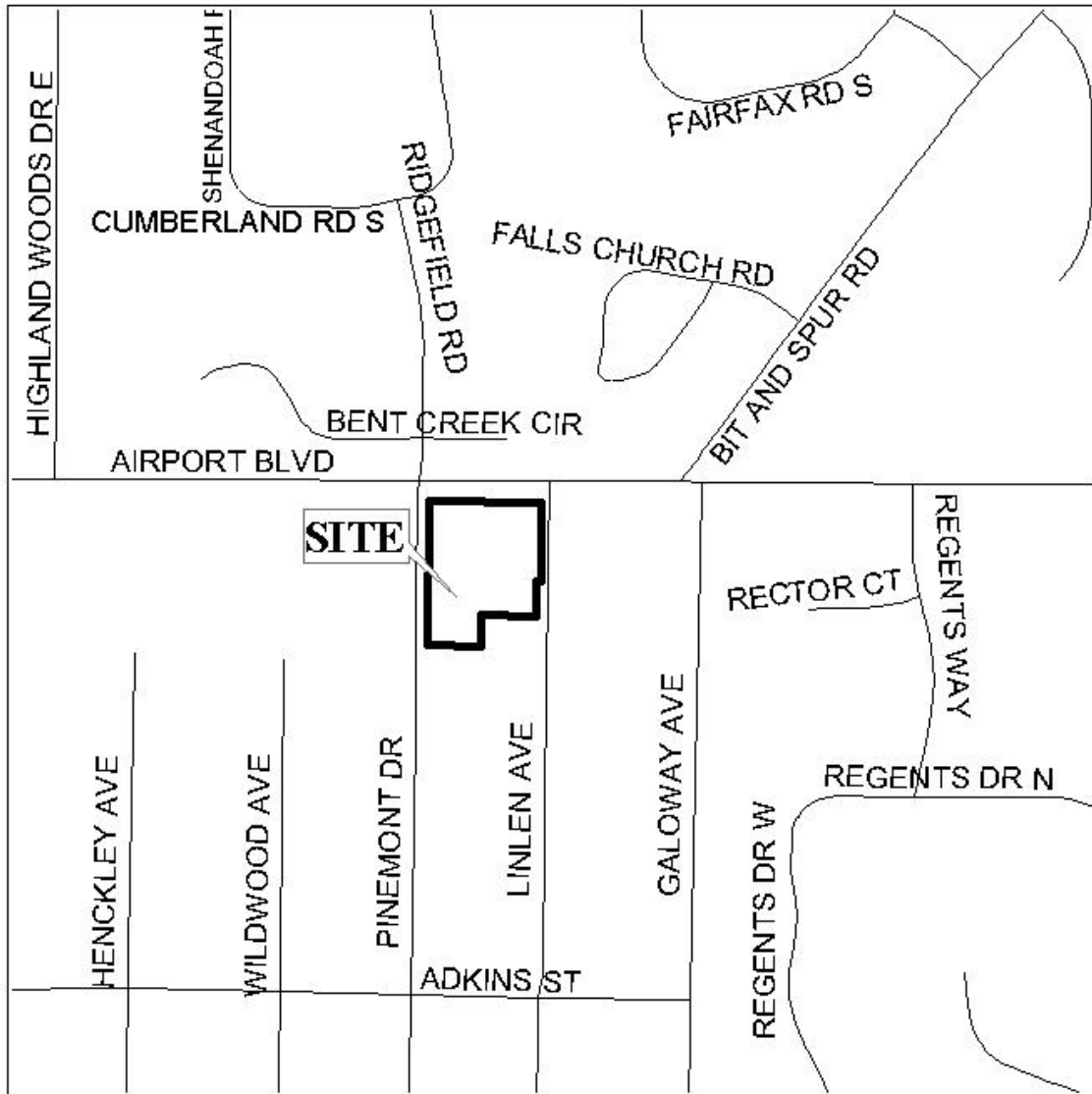
In terms of the Subdivision request, there are unique factors associated with the application. First, adjoining the developed portion of the site, Linlen Avenue has a substandard right-of-way width. When the site was rezoned in 1992, the dedication of additional right-of-way was not required. Second, as proposed, Lot 3 would be only 47-feet wide and contain 5,757 square feet of area, and would thus be substandard in terms of width and area for a new lot. However, the average lot in the overall subdivision (Pinehurst) is 50-feet wide, some as narrow as 25-feet, and many lots are 5000-square feet in area; thus the Commission may waive Section V.D.2. (minimum lot width and area). It should be noted that the new lot configuration may require modifications to the existing residential structures in order to comply with the setback requirements of the Ordinance.

RECOMMENDATION

Rezoning: Based upon the preceding, this application is recommended for approval subject to the following conditions: 1) full compliance with the landscaping and tree planting requirements of the Ordinance for the overall site; 2) that permit(s) be obtained from Urban Forestry to trim or remove trees on the existing developed site as outlined in the Urban Forestry Comments; 3) provision of a buffer in compliance with Section IV.D.1., where the site adjoins residential properties to the South; 4) that the rear entrance be signed and marked as one-way as denoted in the Traffic Engineering Comments; and 5) full compliance with all municipal codes and ordinances.

Subdivision: With a waiver of Section V.D.2. (minimum lot width) the plat will meet the minimum requirements of the Subdivision Regulations and is recommended for Tentative Approval subject to the following condition: 1) that all structure(s) on Lots 2 and 3 comply with the setback requirements of the Zoning Ordinance prior to the recording of the final plat.

LOCATOR MAP



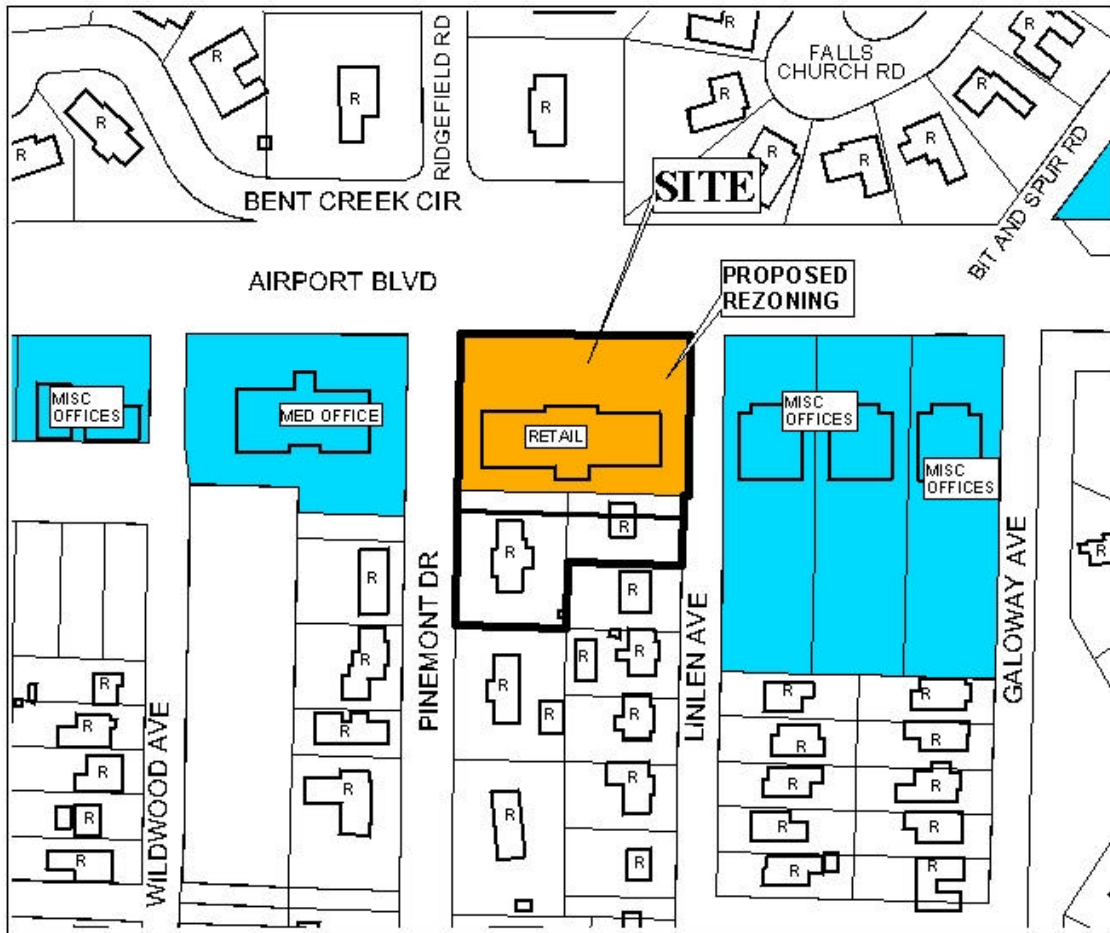
APPLICATION NUMBER 9 & 10 DATE September 4, 2003

APPLICANT Ward Properties, Inc.

REQUEST Rezoning from R-1 to B-2 and Subdivision



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential dwellings, with miscellaneous offices located to the East and West.

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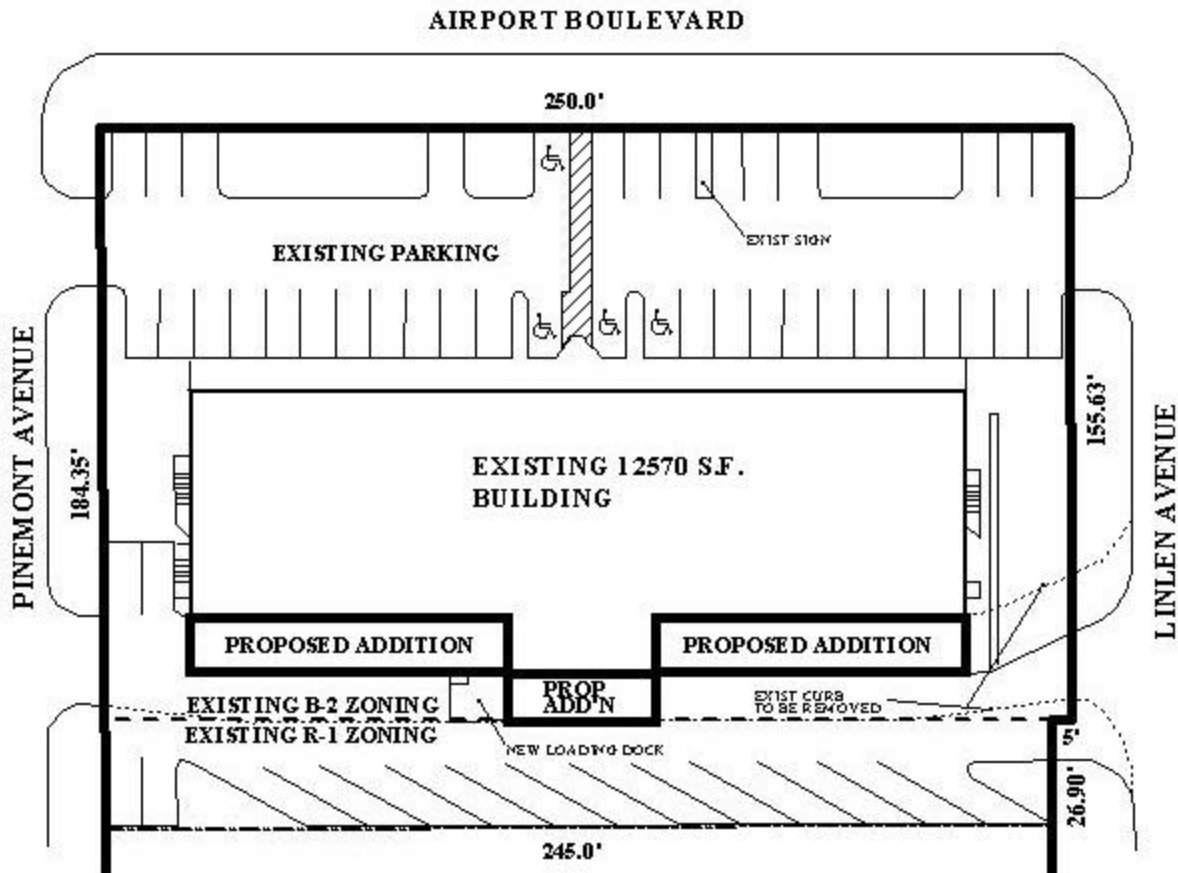
REQUEST Rezoning from R-1 to B-2, Subdivision

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
 NTS



SITE PLAN

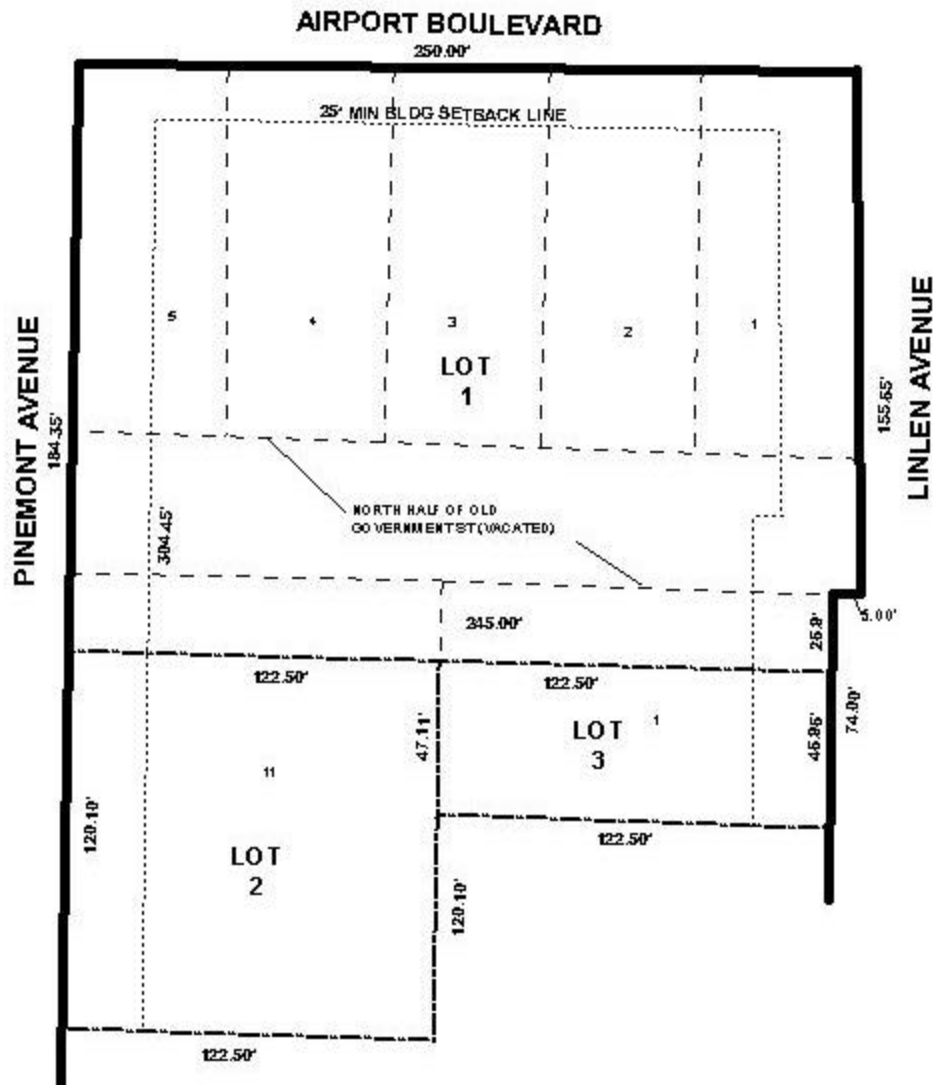


The site is located on the South side of Airport Boulevard, extending from Linlen Avenue to Pinemont Avenue. The plan illustrates the existing building and parking, along with the proposed additions and parking.

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 APPLICANT Ward Properties, Inc.
 USE/REQUEST Rezoning from B-2 and R-1 to B-2, Subdivision

N
 NTS

DETAIL SITE PLAN



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 USE/REQUEST Rezoning from B-2 and R-1 to B-2, Subdivision

