

REZONING STAFF REPORT**March 17, 2005****APPLICANT NAME**

Betbeze Realty Co., Inc.
(Joseph G. Betbeze, Jr., Agent)

LOCATION

East side of magnolia Road at its South terminus

**CITY COUNCIL
DISTRICT**

District 4

PRESENT ZONING

R-1, Single-Family Residential

PROPOSED ZONING

B-3, Community Business

AREA OF PROPERTY

0.72± Acres

CONTEMPLATED USE

Expansion of existing automotive paint and body shop

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

30-90 Days

**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 as a parking facility expansion for an existing paint and body shop.

The site appears to be residential on the General Land Use Plan component of the Comprehensive Plan; however, given the scale of the maps, it is difficult to make a determination in this particular instance. The plan reflects a general land use pattern based on categories such as residential commercial, industrial, public and semi-public, and does not specify zoning districts for individual lots.

The Zoning Ordinance states that an amendment is to be made only when one or more of the following conditions prevail: there is a manifest error in the ordinance; changes in conditions in a particular area make a change in the ordinance necessary and desirable; an increased need for business or industrial sites in addition to sites that are available, make it necessary and desirable to rezone an area or extend the boundaries of an existing district; the subdivision of land into urban building sites makes reclassification necessary and desirable.

The applicant provided a statement indicating a need for expansion of a nearby business, which is located at 2869 Government Boulevard. The applicant states that the properties adjoining this site and fronting on Government Boulevard are zoned B-3; and that with adequate fencing the residential properties along the rear will not be able to see the parking facility. The applicant contends that the site is the only undeveloped site in the immediate area and that no other site can be used for the proposed purpose. The applicant further states that because the site can be accessed via Magnolia Road, there should be no effect on the surrounding properties.

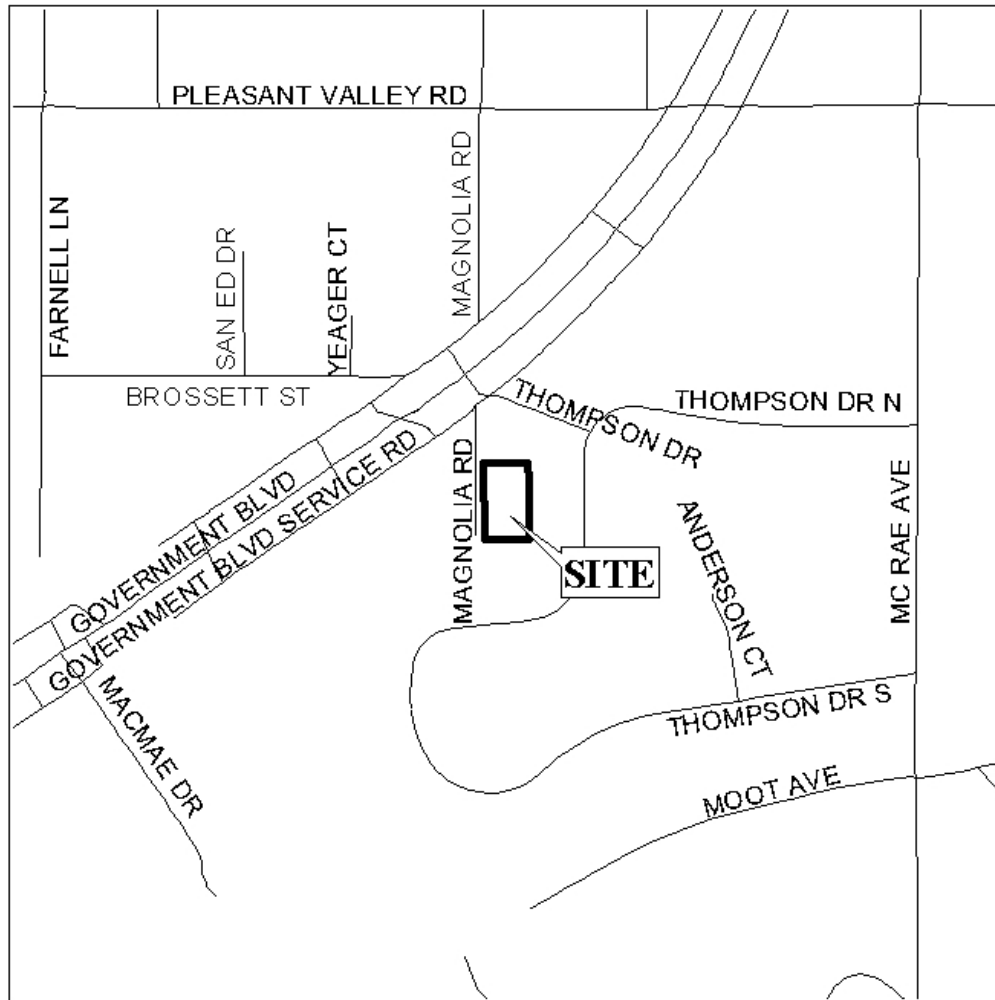
While there may be validity to the need for expansion of the existing paint and body shop, there are several problems relating to the request for rezoning as submitted. First is access to the site. Magnolia Road is an existing city right-of-way. However, it is not improved to city standards, it appears to be more of a parking facility for the adjacent businesses. Furthermore, what paving does exist ends before reaching the site in question. Therefore, the site does not have access via a constructed and maintained city right-of-way.

Other issues relating to the application as submitted are the need for subdivision and possibly PUD approvals; the site consists of two existing lots of record and should be resubdivided into one lot of record, and the use of a separate lot for parking would require PUD approval. As no site plan for development was submitted, it is not possible to determine all requirements or issues relating to this project.

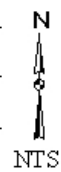
RECOMMENDATION

Based on the preceding, it is recommended that this application be held over until the April 21 meeting to allow the applicant time to submit a site plan, subdivision application, and if necessary an application for PUD (submission must be made by the march 28 deadline). It is also recommended that the applicant be advised the development of this site would require construction of Magnolia Road to city standards.

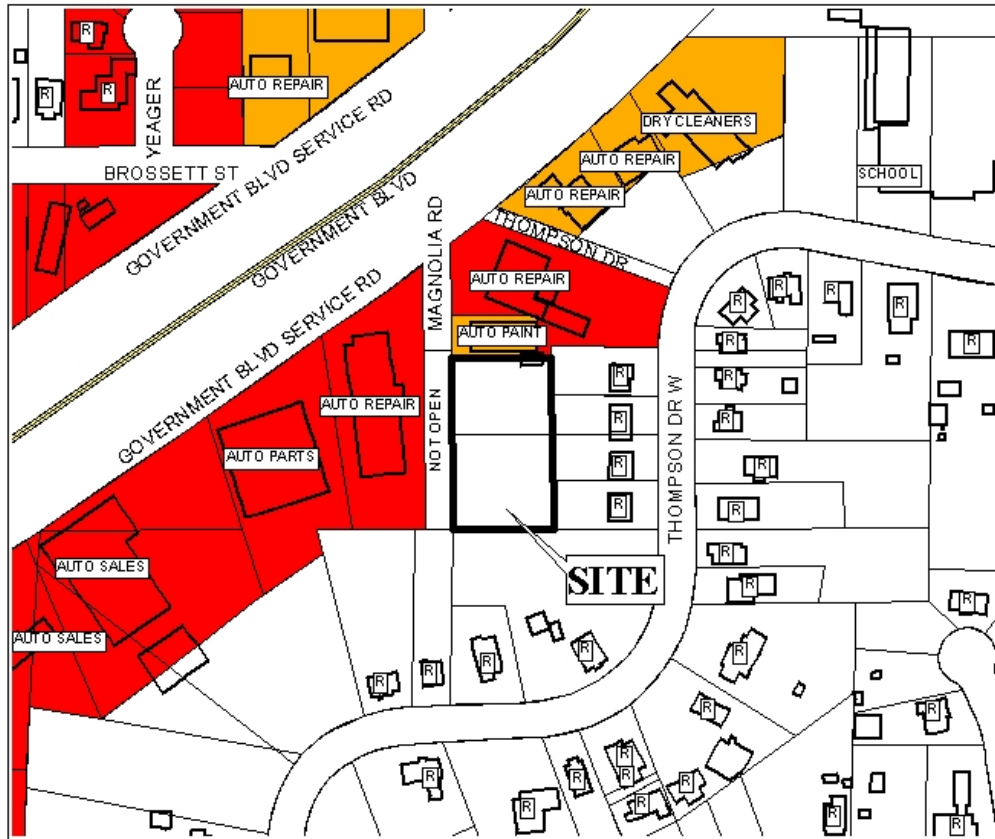
LOCATOR MAP



APPLICATION NUMBER 9 DATE March 17, 2005
APPLICANT Betheze Realty Co., Inc. (Joseph G. Betheze, Jr., Agent)
REQUEST Rezoning



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Located to the North and West of the site are miscellaneous businesses;
to the East and South are single family residential dwellings.

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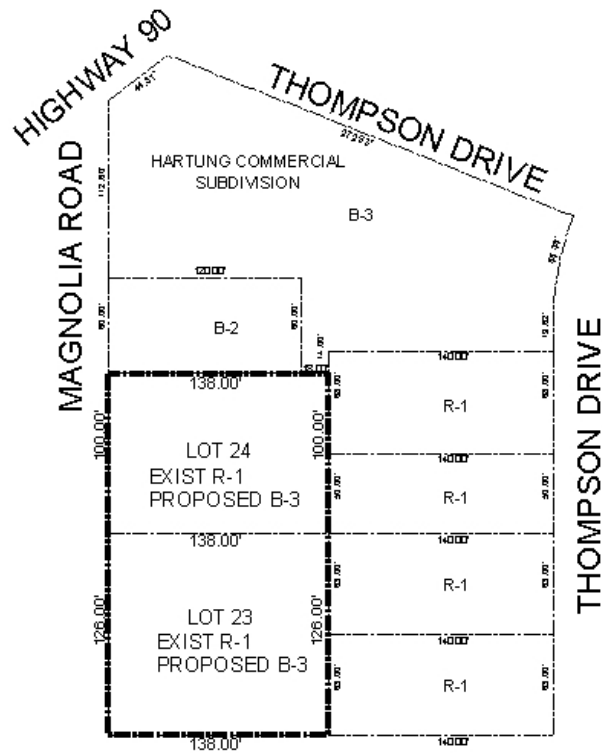
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LEGEND



NTS

SITE PLAN



The site is located on the East side of Magnolia Road at its South terminus.
The plan illustrates the proposed rezoning.

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