

ZONING AMENDMENT STAFF REPORT **Date: February 3, 2005****NAME**

Patricia M. Moulds

LOCATION5113 Overlook Road
(South side of Overlook Road, 170'± East of Forest Dale Drive)**CITY COUNCIL
DISTRICT**

District 7

PRESENT ZONING

R-1, Single-Family Residential

PROPOSED ZONING

LB-2, Limited Neighborhood Business

AREA OF PROPERTY

.3± Acres

CONTEMPLATED USE

Beauty Salon

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**

Upon approval

**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 one-way drive or widen new drive to twenty-four feet and close existing drive upon completion.

**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).

REMARKS

The applicant is requesting rezoning from R-1, Single-Family Residential to LB-2, Limited Neighborhood Business for a beauty salon. Beauty salons are allowed by right in LB-2 districts.

The site is illustrated as residential on the General Land Use Component of the Comprehensive Plan, which is meant to serve as a general guide, not a detailed lot and district plan or mandate for development. Moreover, the General Land Use component allows the Planning Commission and City Council to 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.

The applicant applied for use and parking variances in 2004, the Board of Zoning Adjustment denied the variances. The applicant is now requesting rezoning to LB-2, Limited Neighborhood Business. Streets serve as a logical demarcation between commercial and residential areas and as illustrated on the Vicinity Map, the South side of Overlook Road is zoned residentially. While there are three commercial uses to the East of the site, those uses were allowed by multiple variances dating back to 1965.

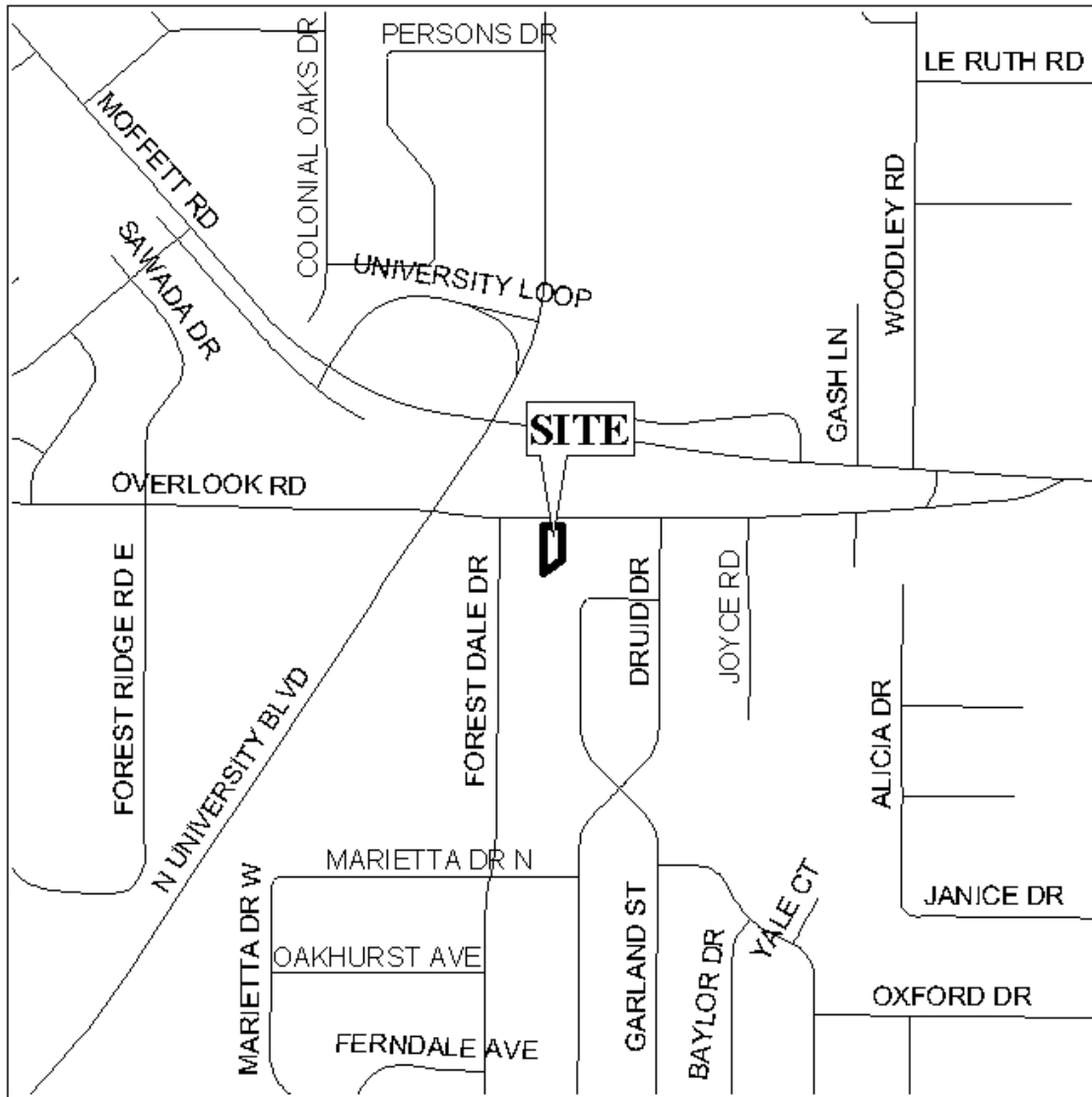
It should be noted that home based beauty salons are allowed; however, home salons are limited to one chair, the stylist must live in the residence, and the business sign is limited to one square foot attached to the dwelling. The site adjoins residential development to the West and South and LB-2 zoning allows many traffic intensive uses such as a restaurant. Rezoning the site from R-1 to LB-2 would place a heavier commercial district adjacent to residential development. Preferably, residential development would be buffered from commercial districts by a B-1, Buffer-Business district; rezoning the site to LB-2 would not provide a buffer district between for the adjoining residential development.

In terms of the site development, the applicant still proposes gravel parking, which is not allowed by the Zoning Ordinance. All parking, access and maneuvering areas must be paved with asphalt or concrete. Additionally, the driveway is only 18-feet wide and thus is inadequate for two-way traffic.

RECOMMENDATION

Based upon the preceding, this application is recommended for denial.

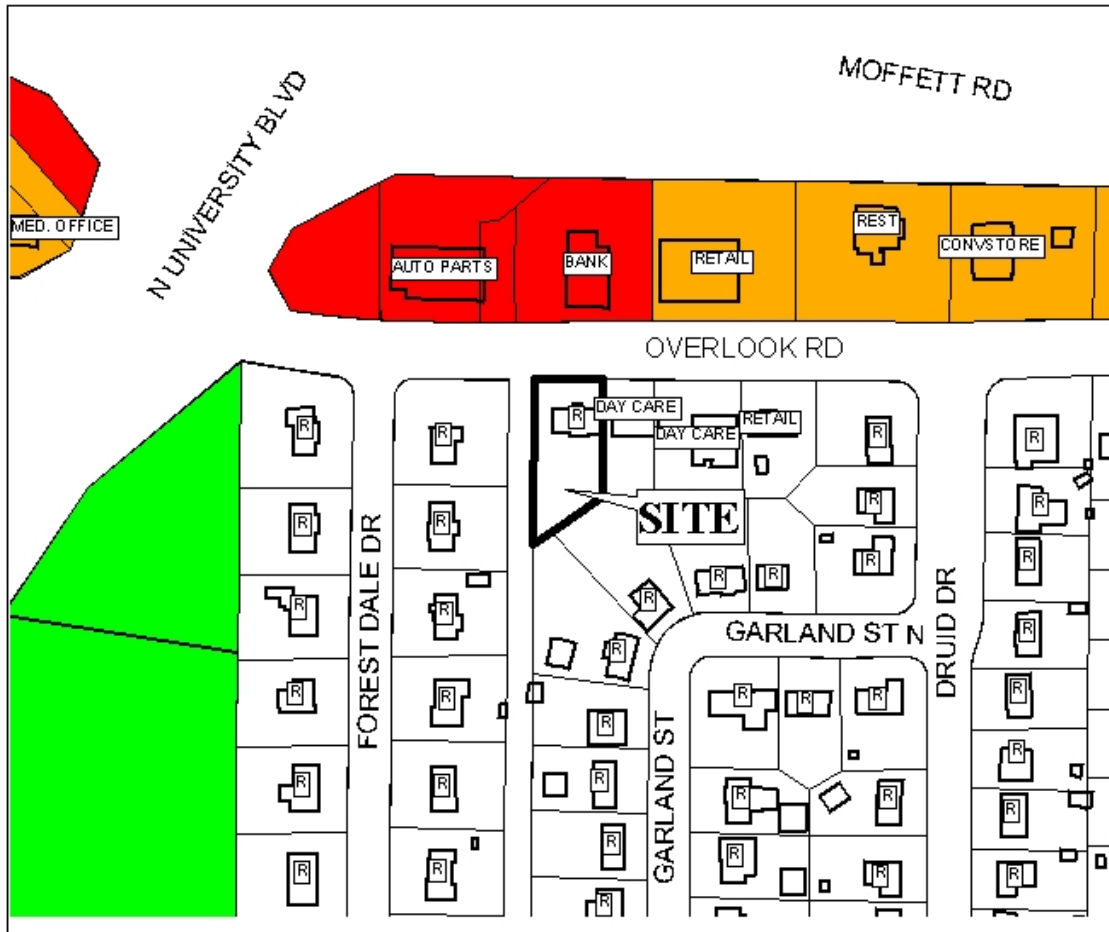
LOCATOR MAP



APPLICATION NUMBER 9 DATE February 3, 2005
APPLICANT Patricia M. Moulds
REQUEST Rezoning from R-1 to LB-2



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Single-family residential dwellings are to the South of the site
and mixed commercial use is to the North.

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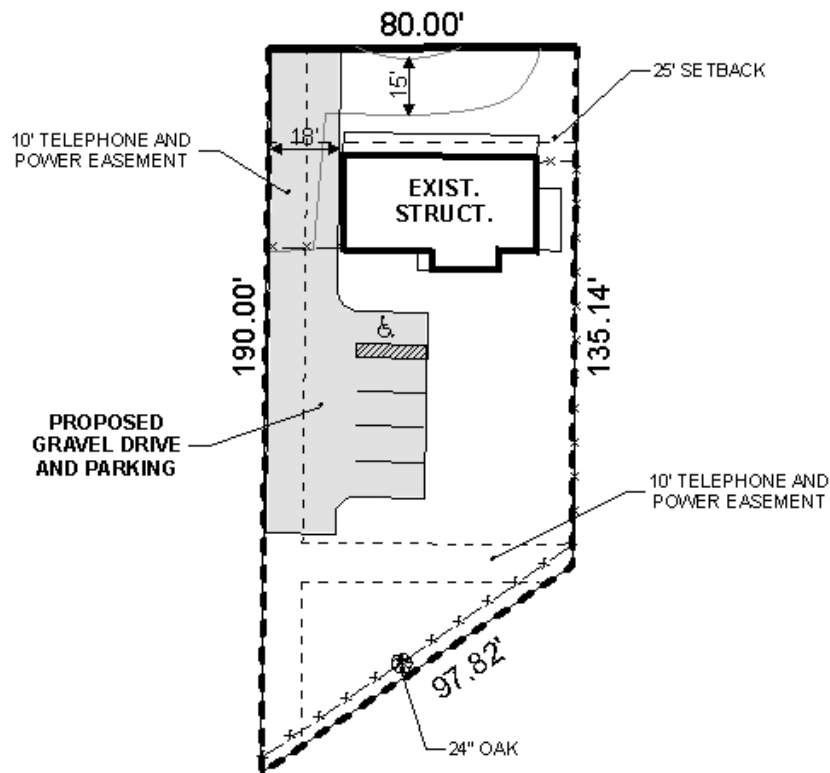
LEGEND

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

OVERLOOK ROAD



The site is located on the South side of Overlook Road, 170' East of Forest Dale Drive.
The plan illustrates the existing structure and proposed parking.

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