

ZONING AMENDMENT STAFF REPORT**Date: May 4, 2006****NAME**

N. Brannan Eubanks

LOCATION

780 Lakeside Drive
(West side of Lakeside Drive, 190'± North of Joy Springs Drive, extending to the North side of Joy Springs Drive, 210'± West of Lakeside Drive, and extending to the West terminus of Joy Springs Drive and along the West shore of an unnamed private lake)

**CITY COUNCIL
DISTRICT**

District 4

PRESENT ZONING

B-1, Buffer Business District, and B-3, Community Business District

PROPOSED ZONING

B-3, Community Business District

AREA OF PROPERTY

10.4± acres

CONTEMPLATED USE

None stated

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.

REASON FOR REZONING To extend the boundaries of the surrounding B-3 district**TIME SCHEDULE
FOR DEVELOPMENT**

None given

**ENGINEERING
COMMENTS**

A portion of the property contains the lake and henceforth, the detention pond for the development. Therefore, that portion of the property should be shown as common area. In addition, any portion of the property that conveys "public" water from public ROW must be shown as drainage easement. Any portion of the property that conveys stormwater from a private property should be shown as private drainage easement. Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit. The applicant is responsible for verifying if the site contains wetlands. The site can be checked against the National Wetlands Inventory on the COM web site Environmental Viewer. If the site is included on the NWI, it is the applicant's responsibility to confirm or deny the existence of regulatory wetlands.

TRAFFIC ENGINEERING**COMMENTS**

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

REMARKS

The applicant is requesting approval to rezone the property from B-1, Buffer Business, and B-3, Community Business, to aid future sale and redevelopment of the property. The applicant states that all properties in the surrounding commercial park are zoned B-3, and that this would extend the existing district and allow future development in character with the surrounding area. The site fronts Joy Springs Drive and Lakeside Drive, each of which has a 50-foot right-of-way.

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.

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.

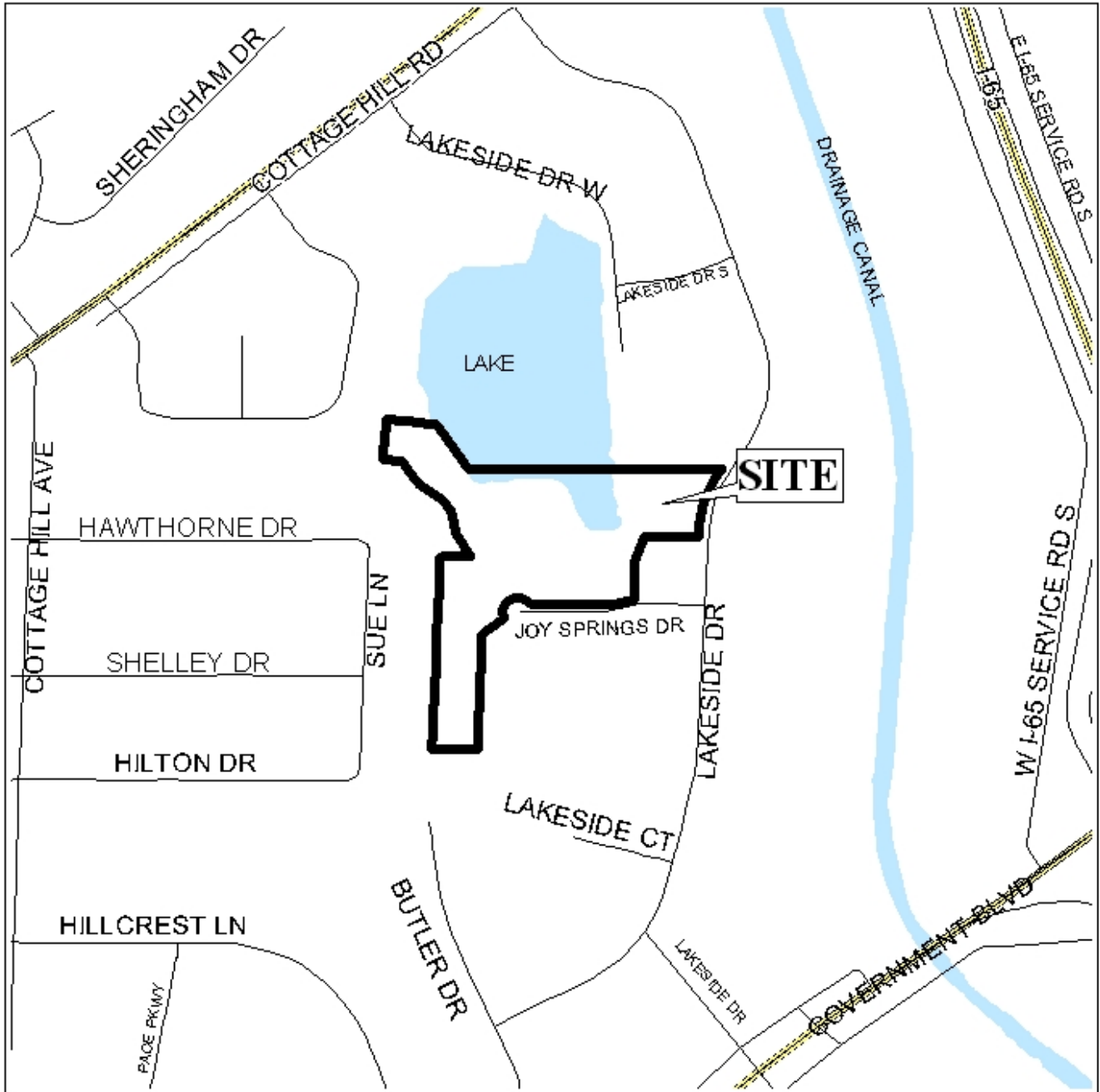
The applicant has shown a 40-foot vegetative buffer where the site adjoins residential property, which should be shown on the final plat. This greatly exceeds the standard buffer required by the Zoning Ordinance and is a significant mitigating feature of the application. Given that the site would be entirely oriented toward other B-3 properties and use only the same streets already serving B-3 properties, this rezoning seems appropriate.

RECOMMENDATION

Based on the preceding, this application is recommended for approval, subject to the following conditions: 1) compliance with City Engineering comments (A portion of the property contains the lake and henceforth, the detention pond for the development. Therefore, that portion of the property should be shown as common area. In addition, any portion of the property that conveys "public" water from public ROW must be shown as drainage easement. Any portion of the property that conveys stormwater from a private property should be shown as private drainage easement. Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of

way permit. The applicant is responsible for verifying if the site contains wetlands. The site can be checked against the National Wetlands Inventory on the COM web site Environmental Viewer. If the site is included on the NWI, it is the applicant's responsibility to confirm or deny the existence of regulatory wetlands.); 2) the 40-foot vegetative buffer along the Western boundary to remain undisturbed and in its natural state; and 3) full compliance with all municipal codes and ordinances.

LOCATOR MAP



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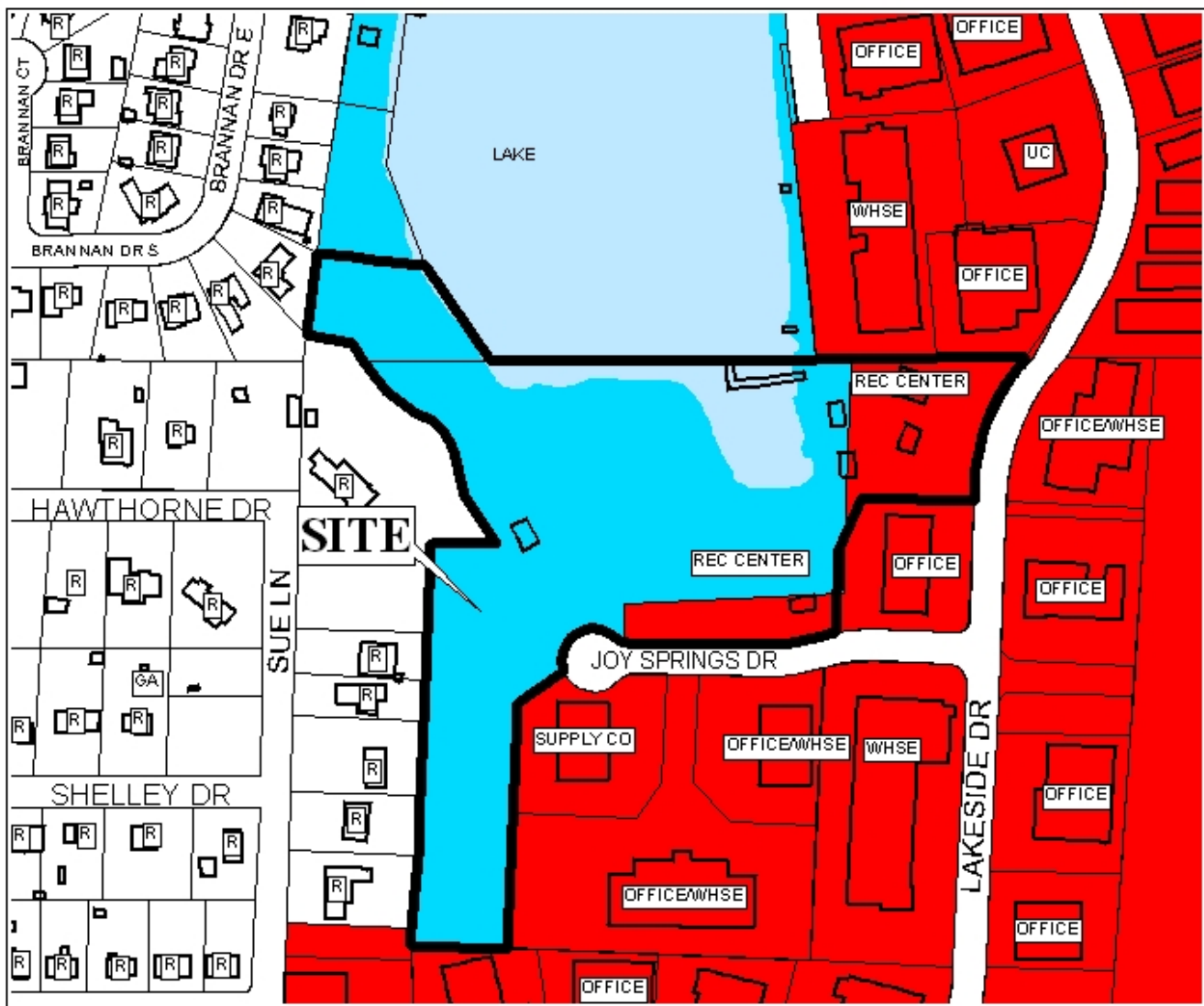
APPLICANT N. Brannan Eubanks

REQUEST Rezoning from B-1 and B-3 to B-3



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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Commercial sites are located to the north, east, and south of the site.
Single-family residential units are located to the west of the site.

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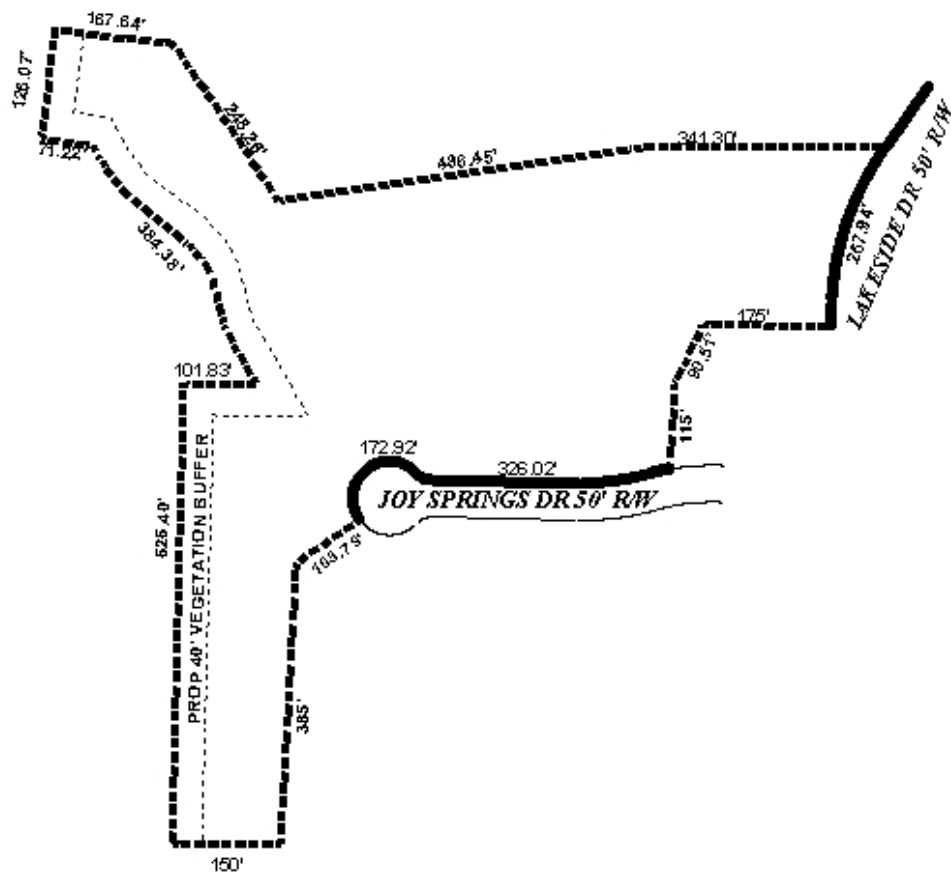
REQUEST Rezoning from B-1 and B-3 to B-3

LEGEND

R-1	R-2	R-3	R-A	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



The site plan illustrates the proposed area to be rezoned

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