

REZONING STAFF REPORT**Date: April 19, 2007****APPLICANT NAME**

Jay Fitzpatrick

LOCATION1900 Airport Boulevard
(West corner of Airport Boulevard and Myrtle Avenue)**CITY COUNCIL
DISTRICT**

Council District 2

PRESENT ZONING

R-1, Single Family Residential

PROPOSED ZONING

T-B, Transitional Business District

AREA OF PROPERTY

acres

CONTEMPLATED USE

Rezoning from R-1, Single Family Residential, to T-B, Transitional Business District, to allow an office development

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

None Stated

**TIME SCHEDULE
FOR DEVELOPMENT**

Immediate

**ENGINEERING
COMMENTS**

Dedication of radius at intersection, minimum radius to be determined. 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 (State Act 61-929 and City Code Chapters 57 and 64). Full compliance with landscaping and tree requirements of the Zoning Ordinance to be coordinated with Urban Forestry.

REMARKS

The applicant is requesting rezoning from R-1, Single-Family Residential to T-B, Transitional Business to allow a professional office. The Zoning Ordinance allows professional offices is R-B, T-B, H-B, and B-1 through B-4 by right.

The site in question is located at the intersection of Airport Boulevard and Myrtle Avenue. Myrtle Avenue is a minor residential street, and this section of Airport Boulevard is not on the Major Street Plan, but functions as a collector street – connecting Government Street/Old Government Street/Airport Boulevard.

The site in question previously had nonconforming status based upon a long established interior decorator's shop. However, in 1987 the use changed to a florist, and that year and 1998 variances were granted to allow expansion. Because these variances were related to the use, and one was specifically indicated as a use variance – the nonconforming status was lost and the use of the property was limited to that of a florist. The florist closed in 2005, and the structure on the site was destroyed by fire several months ago.

The new owner now wishes to have the property rezoned to T-B, Transitional Business, to allow redevelopment of the site as a 2,400 sq.ft. office with eight parking spaces.

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.

While the applicant did not specifically address the conditions as stated above, the use history of the site, the unusual configuration and location make it an unlikely residential property. Therefore, one could reason that there have been changes in conditions that make the rezoning necessary and desirable. Rezoning to T-B, Transitional Business, could be considered an appropriate classification given the limitations on uses, hours of operation, etc; as well as the modifications to the building envelope which would make development generally more compatible with the surrounding area, and allow the site to be developed without the necessity of setback variances.

The plan illustrates the closing of two existing curb cuts, one of which accesses Myrtle Avenue (a minor residential street), and one new 24' curb cut to Airport Boulevard. Also illustrated on the plan is the required 10' buffer strip where the site is adjacent to residential property. While the plan illustrates the buffer strip, it does not appear to meet the buffer planning requirements, thus a privacy fence would be required along the West property line. The plan indicates the minimum landscaping requirements, but does not

illustrate the actual square footage of landscaped areas provided, nor does it reflect the tree planting requirements and compliance. While these items will be required prior to permitting, their absence is not sufficient to impact a positive recommendation from the Commission.

RECOMMENDATION

Based on the preceding, the application is recommended for Approval subject to the following conditions:

1. dedication of radius at the intersection of Airport Boulevard and Myrtle Avenue, minimum radius to be determined by City Engineering Department.
2. the site be limited to one curb cut, size, location and design to be approved by Traffic Engineering, and any unused existing curb cuts to be removed and new curbing and landscaping to be installed (right-of-way permits required);
3. provision of a 6' wooden privacy fence along the West property line (must be no higher than 3' in the 10' front setback from both Airport Boulevard and Myrtle Avenue)
4. full compliance with all municipal codes and ordinances.

LOCATOR MAP

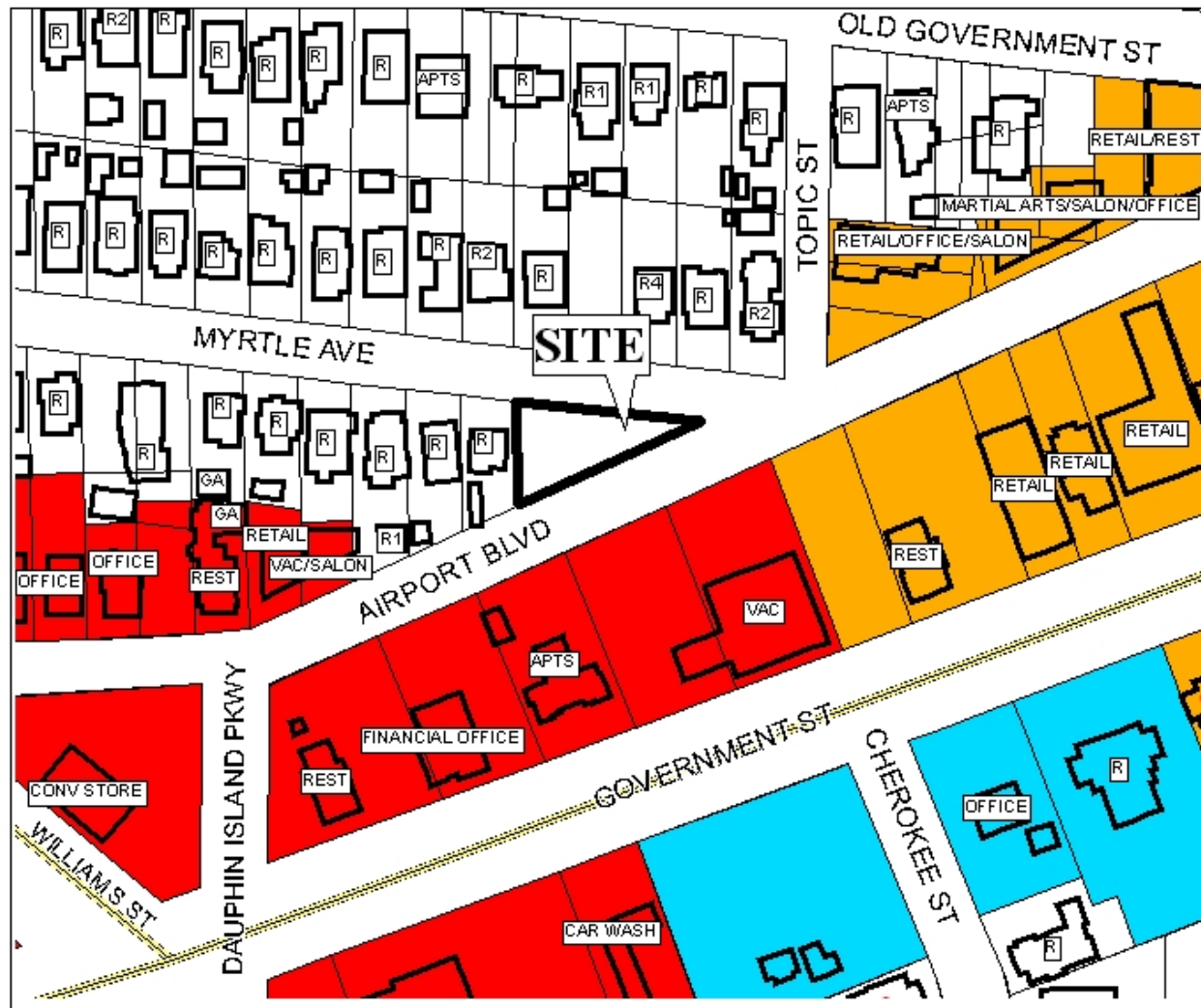


APPLICATION NUMBER 10 DATE April 19, 2007
APPLICANT Jay Fitzpatrick
REQUEST Rezoning from R-1 to T-B



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Single family residential units are located to the north and west of the site, retail and apartments are located to the south.

APPLICATION NUMBER 10 DATE April 19, 2007

APPLICANT Jay Fitzpatrick

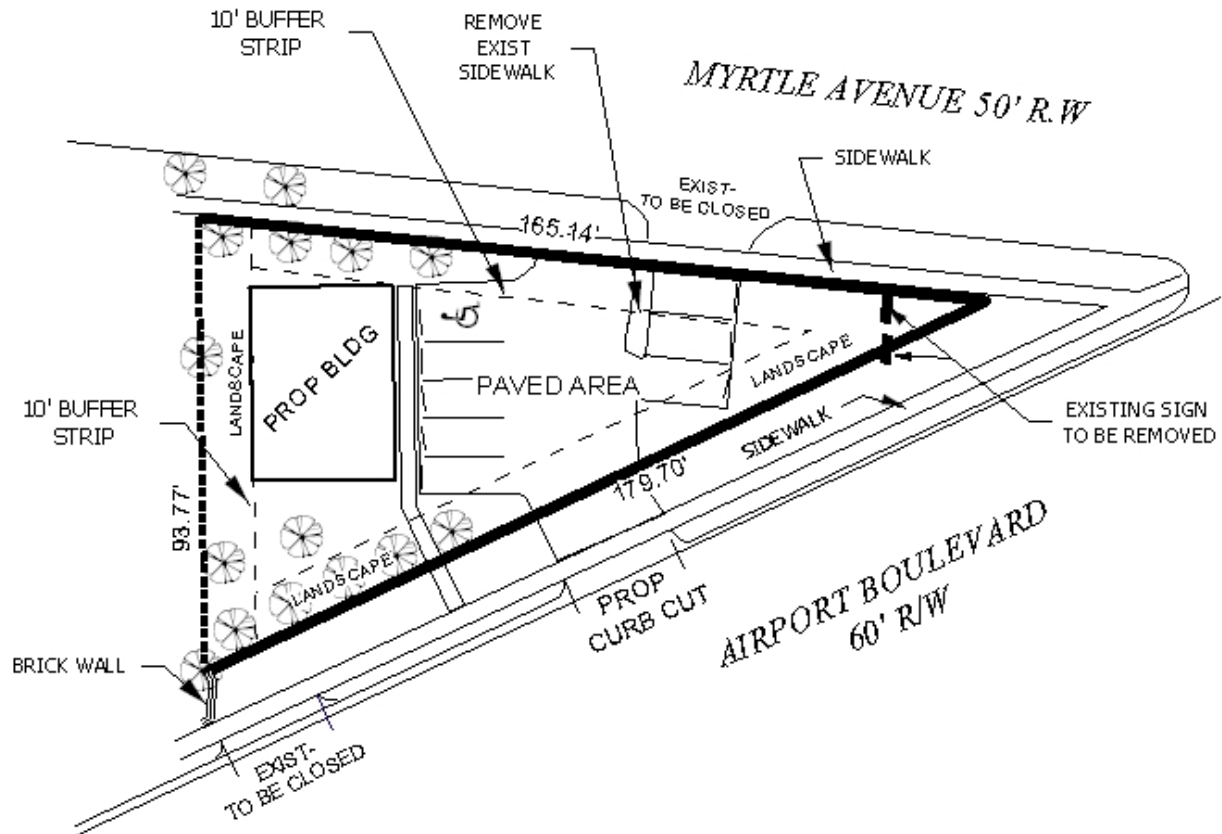
REQUEST Rezoning from R-1 to T-B

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
-----	-----	-----	-----	-----	-----	-----	------	-----	-----	-----	-----	-----	-----

 NTS

SITE PLAN



The site plan illustrates existing curb cuts, sidewalks and buffer. And, proposed curb cut, parking and building.

APPLICATION NUMBER 10 DATE April 19, 2007
 APPLICANT Jay Fitzpatrick
 REQUEST Rezoning from R-1 to T-B



NTS