

**ZONING AMENDMENT &
SUBDIVISION STAFF REPORT**

Date: October 7, 2004

NAME

Clark, Geer, Latham & Associates, Inc.

LOCATION

Southeast corner of Airport Boulevard and Wesley Avenue, extending through Henckley Avenue (unopened right-of-way, to be vacated), to the West terminus of Old Government Street (unopened right-of-way, to be vacated), 150'± East of Wildwood Avenue.

**CITY COUNCIL
DISTRICT**

District 6

PRESENT ZONING

R-1, Single-Family Residential and B-1, Buffer Business

PROPOSED ZONING

LB-2, Limited Neighborhood Business

AREA OF PROPERTY

4.4± acres

CONTEMPLATED USE

Retail sales

It should be noted, however, that any use permitted in the proposed district would be allowed at this location if the zoning were 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.

**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 and B-1, Buffer-Business to LB-2, Limited Neighborhood Business for a retail shopping center. Retail sales are allowed in a LB-2 district.

The site is predominately illustrated as commercial 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 proposes to vacate the existing rights-of-ways, incorporate multiple lots into one lot, and develop the site with a shopping center. The completion of the vacation process would be required prior to the issuance of any permits.

As illustrated on the vicinity map, there is an existing B-2 district to the West, across Wesley Avenue, and the proposed rezoning would not extend the commercial district any deeper into the existing residential development to the South (Pinehurst). Moreover, as illustrated on the site plan, the applicant proposes a 35-foot buffer along the south property line, located West of Henckley Avenue, adjacent to an existing residence, and the required 10-foot buffer is illustrated along all other property lines that adjoin residential zoning. It should be noted that a six-foot wooden privacy or the provision of screening of sufficient density to block visibility will also be required.

As with any rezoning, full compliance with all municipal codes and ordinances, including but not limited to full compliance with the landscaping and tree planting requirements of the Zoning Ordinance; and provision of sidewalks.

The site fronts Airport Boulevard, a planned major street which has existing right-of-way in compliance with the major street plan. With the site fronting a major street, as well as any existing side street, access management is a concern; therefore, the location, number and design of all curb cuts should be approved by the both Traffic Engineering and the Urban Development Department.

Henckley Avenue has an existing right-of-way of 40-feet and as such is substandard in width. The existing pavement for Henckley Avenue terminates where the proposed vacation begins, and with the proposed vacation, the right-of-way for Henckley Avenue would terminate into the site, thus the dedication of additional right-of-way may not be necessary. However, the provision of a turnaround would be appropriate, with the design to be approved by Traffic Engineering. It should be noted that the turnaround may be a modified turnaround such as a T-shaped turnaround.

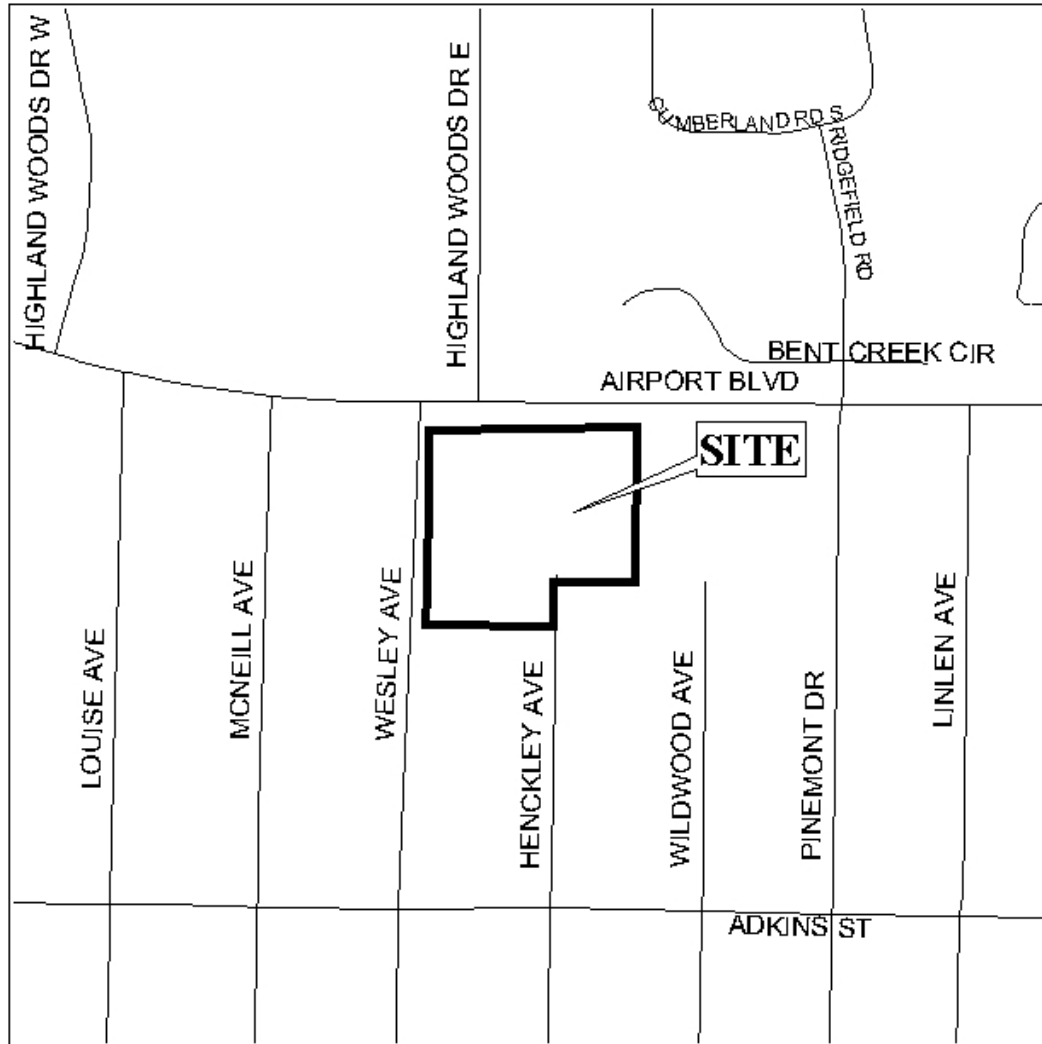
With the provision of a modified turnaround, completion of the vacation process and curb cut approval by Traffic Engineering and Urban Development the plat will comply with the minimum requirements of the Subdivision Regulations.

RECOMMENDATION

Rezoning: Based this application is recommended for approval subject to the following conditions: 1) vacation of the existing rights-of-ways prior to the recording of the final plat or issuance of any permits; 2) the provision of a 35-foot buffer along the south property line, located West of Henckley Avenue, adjacent to the existing residence as illustrated on the site plan submitted; 3) provision of a 10-foot buffer where the site adjoins residential zoning; 4) the provision of a six-foot wooden privacy or vegetative screening of sufficient density to block visibility where the site adjoins residential zoning; 5) full compliance with the landscaping and tree planting requirements of the Ordinance; 6) provision of sidewalks; 7) the approval of Traffic Engineering and Urban Development for the number, location and design of all curb cuts; 8) the provision of a (modified turnaround) at the northern terminus of Henckley Avenue; 9) full compliance with all municipal codes and ordinances.

Subdivision: The plat meets the minimum requirements of the Subdivision Regulations and is recommended for approval subject to the following conditions: 1) completion of the vacation process prior to the recording of the final plat; 2) placement of a note on the final plat stating that the approval of Traffic Engineering and Urban Development is required for the location, number and design of all curb cuts; and 3) the provision of a modified turnaround at the northern terminus of Henckley Avenue.

LOCATOR MAP



APPLICATION NUMBER 11 & 12 DATE October 7, 2004

APPLICANT Clark, Geer, Latham & Associates, Inc.

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



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by single-family residential units. Commercial sites are located to the west, north, and east of the site.

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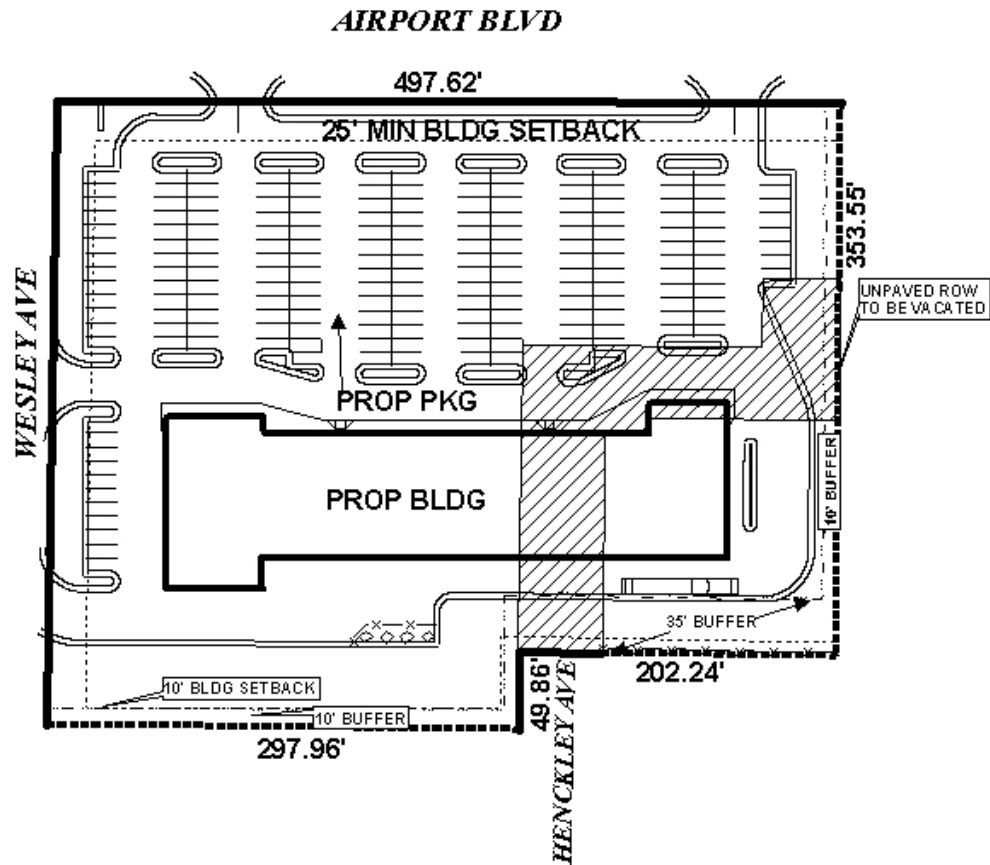
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LEGEND

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
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SITE PLAN



The site plan illustrates the proposed building, parking, landscaping, setbacks, and right of way to be vacated.

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