

**REZONING STAFF REPORT****Date: February 17, 2004****APPLICANT NAME**

Kathleen McGuire

**LOCATION**350 Weinacker Avenue  
(West side of Weinacker Avenue, 150'± North of  
Virginia Street)**CITY COUNCIL  
DISTRICT**

District 3

**PRESENT ZONING**

B-2, Neighborhood Business

**PROPOSED ZONING**

R-2, Two-Family Residential

**AREA OF PROPERTY**

0.19± Acres

**CONTEMPLATED USE**

Duplex Dwelling

**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**

Immediate

**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 purpose of this application is to rezone the site from B-2, Neighborhood Commercial to R-2, Two-Family Residential for use as a residential duplex.

The site, along with vacant lot adjacent to the north, was rezoned from R-1, Single-Family Residential to B-2, Neighborhood Business in 1996. No evidence of a business license or Zoning Certificate for commercial use of this property was found, indicating that the property has remained vacant since it was rezoned.

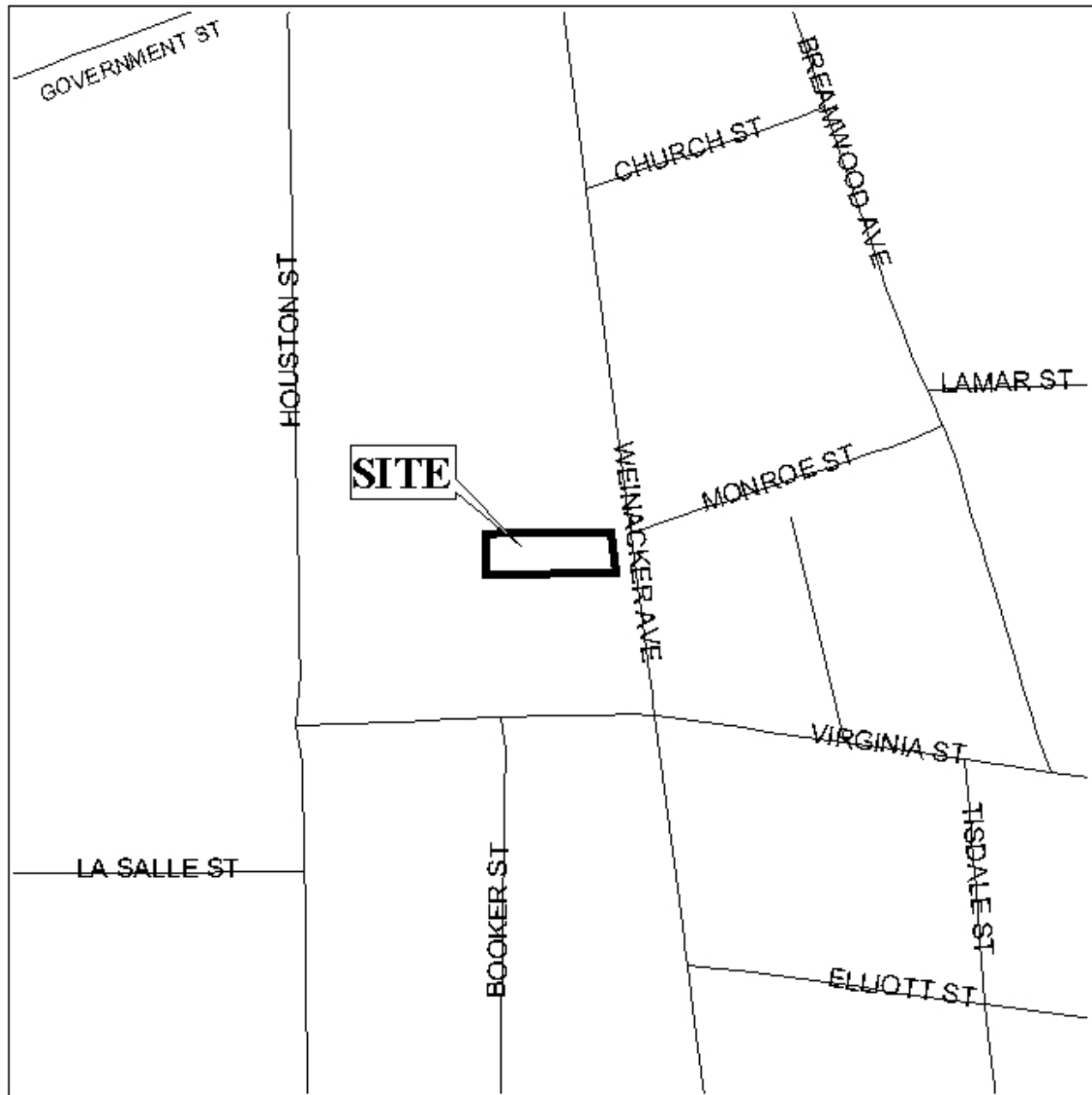
This area is shown on the General Land Use component of the Comprehensive Plan as residential. However, the Comprehensive Plan is meant to be a general guide, not a detailed lot and district plan or mandate for development. The Planning Commission and City Council may consider individual cases based 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 majority of properties in the immediate area are zoned residentially and are developed with either single-family or two-family dwellings. Furthermore, this section of Weinacker Avenue is a minor residential street. Thus, the existing commercial zoning is inappropriate for the area.

### **RECOMMENDATION**

Based on the preceding, it is recommended that this application be approved subject to the following conditions: 1) the site (and building) be brought into full compliance with all municipal codes and ordinances, including but not limited to building, electrical, mechanical, plumbing and fire codes (due to change in occupancy).

## LOCATOR MAP



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APPLICANT Kathleen McGuire

REQUEST Rezoning from B-2 to R-2



NTS

# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential units. Apartments are located to the east of the site. An auto repair facility is located to the south of the site.

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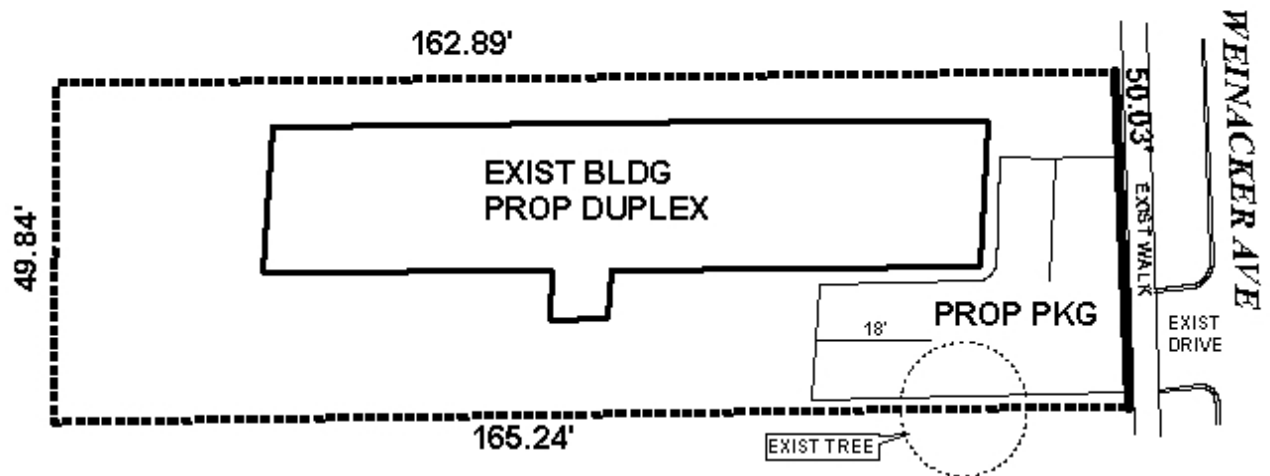
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LEGEND

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 existing building, drive, and landscaping, along with the proposed parking spaces.

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