

ZONING AMENDMENT STAFF REPORT

Date: August 17, 2006

NAME

J. E. B. Shell

LOCATION

2356 Old Shell Road and 100 Grand Boulevard
(Northeast corner of Old Shell Road and Grand Boulevard)

**CITY COUNCIL
DISTRICT**

District 1

PRESENT ZONING

R-1, Single-Family Residence District

PROPOSED ZONING

LB-2, Limited-Neighborhood Business District

AREA OF PROPERTY

15,224 square feet / 0.35 ± acres

CONTEMPLATED USE

Rezoning from R-1, Single-Family Residential, to LB-2, Limited Neighborhood Business, to allow light retail sales. **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**

Construction to begin November 2006, lasting 10 months

**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. 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 rezoning from R-1, Single-Family Residential, to LB-2, Limited Neighborhood Business, to allow light retail sales. Upon approval, the applicant will demolish the existing residential structures and build a new one-story building that will accommodate two to three light retail spaces.

LB-2, Limited-neighborhood business districts, are intended to be districts of land and structures occupied by or suitable for furnishing retail goods, such as groceries and drugs, and services, such as barbering and shoe repairing, to satisfy the daily household needs of the surrounding residential neighborhoods. Locational guidelines for LB-2 districts are the same as for B-2 districts. Often located on a thoroughfare or near the intersection of two (2) thoroughfares, these districts are small and are within convenient walking distance of most of the areas they will serve. The district regulations are designed to permit the development of the districts for their purpose and to protect the abutting and surrounding residential areas by prohibiting certain commercial uses and requiring certain minimum yard and area standards to be met with standards that are comparable to those called for in residential districts.

The maximum building site coverage allowed in LB-2 is 50% (35% for R-1), with a maximum height of 45 feet (35 feet for R-1). The setbacks for LB-2 (R-1) are as follows: front 25 feet (25 feet), side 0 or 5 feet, or 10 feet where adjacent to residential uses (minimum of 8 feet), and rear of 0 or 5 feet, or 10 feet where adjacent to residential uses (minimum of 8 feet).

The site is bounded to the East, North and West by residential development in an R-1 district. South, across Old Shell Road from the site, are light retail uses in an LB-2 district that was rezoned from R-1 to LB-2 in September 2003. Other uses across Old Shell from the site are non-conforming retail uses and a fire station in an R-1 district, and offices in a B-1, Buffer Business district.

Old Shell Road and Grand Boulevard are minor streets. Grand Boulevard is entirely lined with residential uses, and is unique in that the roadway has a landscaped and curb-edged median. Old Shell Road is lined with a mixture of commercial and residential uses, with commercial uses predominating the make-up of uses West of the site in question, towards Florida Street, with the exception of a single-family residence immediately West of the site.

The entire site appears to be depicted 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 request, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and zoning classification.

The applicant states the following regarding the rezoning request:

“There are many developments currently taking place in this area. One of these developments is the renovation of the seven to ten units at the northeast corner of Old Shell Rd. and Florida Street. Another recent development is across the street from the

proposed properties. This development is called Grand Village and currently has several upscale, retail tenants.

I believe that the quality of life will be improved by this development and will continue (the) trend of re-investment and the revitalization of this area. This will ultimately lead to increasing property values in the surrounding area.”

The applicant intends to replace the two existing residential structures with one commercial structure, one story in height and approximately 2,688 square feet in size. Under R-1 zoning, the site could accommodate a residence with a building site coverage of 5,328 square feet, while maximum building site coverage under LB-2 zoning would be 7,612 square feet. It should be noted that maximum building site coverage under LB-2 is unlikely due to the parking requirement; as proposed, the applicant must provide at least 9 parking spaces if the site is used for general retail – the applicant is provide 15 parking spaces.

The applicant states that the building “*will be designed by an architect and the property will be landscaped to meet or exceed the City’s requirements.*” The applicant goes on to state that “*the driving factor in the development is to have a structure that will not only be utilized by vehicle traffic, but will invite pedestrian traffic from the surrounding neighborhoods to patronize the establishments.*” Outdoor courtyards are depicted along the Old Shell Road frontage of the site, which would encourage pedestrian access to the site.

The site plan indicates a drive-through facility that will exit onto Grand Boulevard. The entrance to the drive through, and the entrance and exit for the parking area will be from Old Shell Road. As previously mentioned, Grand Boulevard has a median, and traffic exiting from the proposed drive through will either turn right onto Grand Boulevard heading North, or will perhaps attempt an illegal left turn into on-coming traffic in an effort to return to Old Shell Road. Urban Develop staff believe it is inappropriate to permit vehicular traffic to exit the site onto Grand Boulevard, thus it is highly recommended that either the drive-through be eliminated, or that the development plan be redesigned to restrict all vehicular movements on and off the site to Old Shell Road.

As stated in Section 64-9. of the Zoning Ordinance, the intent of the Ordinance and corresponding Zoning Map is to carry out the comprehensive planning objective of sound, stable and desirable development. While changes to the Ordinance are anticipated as the city grows, the established public policy is to amend the ordinance only when one or more of the following conditions prevail: 1) there is a manifest error in the Ordinance; 2) changing conditions in a particular area make a change in the Ordinance necessary and desirable; 3) there is a need to increase the number of sites available to business or industry; or 4) the subdivision of land into building sites makes reclassification of the land necessary and desirable.

Renovation of existing commercial structures, new commercial construction, and new residential development is occurring along Old Shell Road between Upham Street and Florida Street, thus the area is experiencing changing conditions. The small-scale commercial development that is occurring is generally compatible with adjacent residential uses, however, there is concern regarding the spread of commercial uses into existing residential areas. The applicant has not

definitively proven the need for additional commercial sites, however, as vacant commercial spaces are still available around the Florida Street and Upham Street intersections.

Finally, it should be noted that the site contains two lots that should be combined into a single lot as part of the rezoning process. Therefore, it is recommended that this rezoning application be supplemented with an application for a one-lot subdivision.

RECOMMENDATION Based on the preceding, the rezoning request is recommended for Holdover until the September 7th meeting, with revisions due by August 28th, to address the following concerns: 1) redesign of the site to eliminate the exit of traffic from the proposed development onto Grand Boulevard; and 2) submission of a Subdivision application by Noon, August 28, 2006.

LOCATOR MAP



APPLICATION NUMBER 17 DATE August 17, 2006
APPLICANT J.E.B. Shell
REQUEST Rezoning from R-1 to LB-2



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING

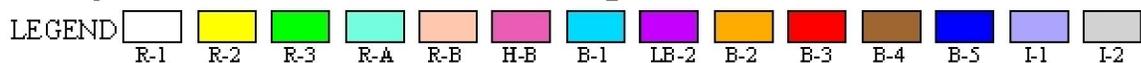


The site is surrounded by single-family residential units. Offices and retail stores are located to the south and west of the site. A fire station is located to the south of the site.

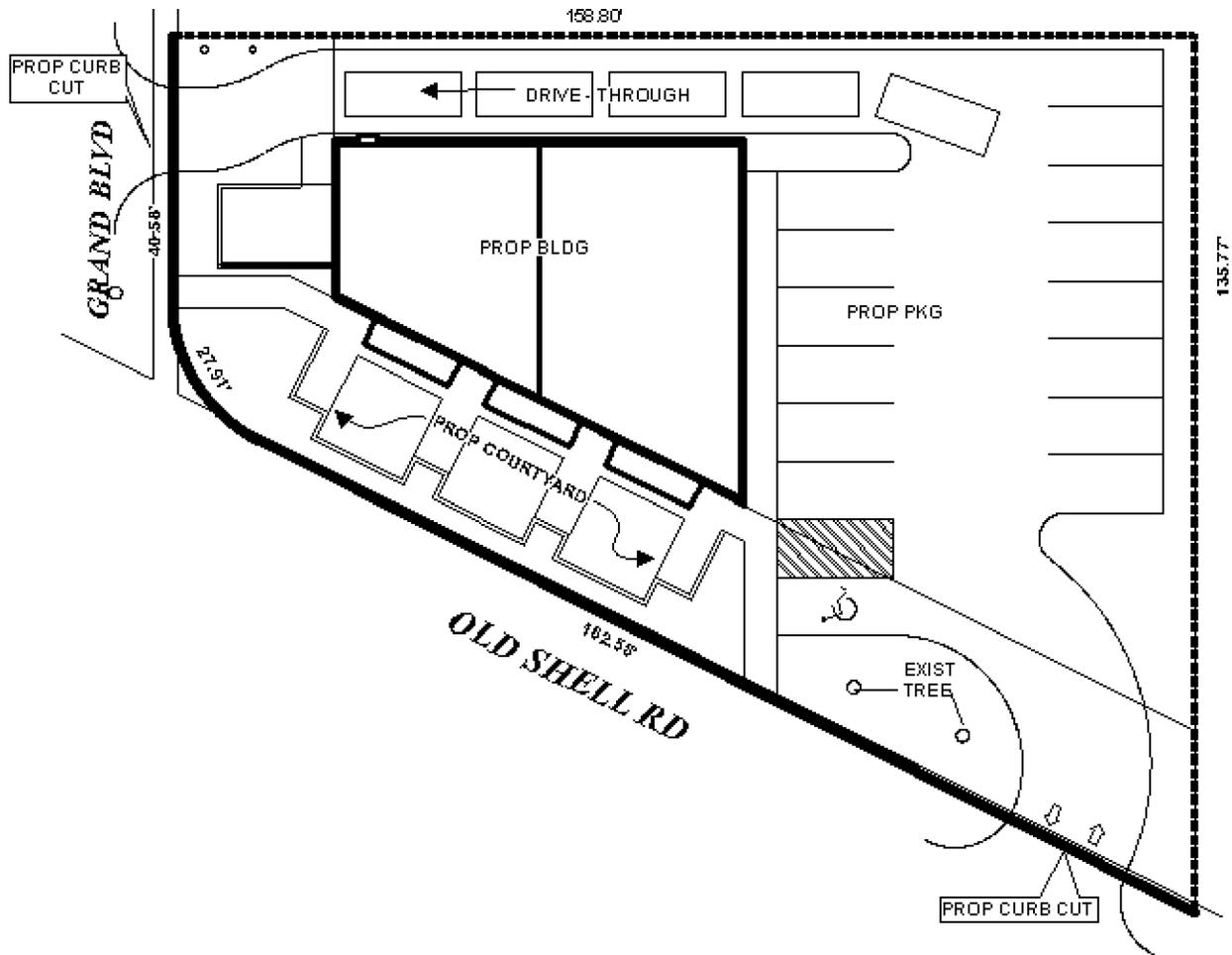
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REQUEST Rezoning from R-1 to LB-2



SITE PLAN



The site plan illustrates the proposed building, parking, and curb cuts

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NTS