

REZONING & SUBDIVISION STAFF REPORT Date: January 5,2005

<u>DEVELOPMENT NAME</u>	Nazaree Full Gospel Church
<u>SUBDIVISION NAME</u>	Nazaree Highlands, Lot 2, Resubdivision of and Addition to
<u>LOCATION</u>	West side of West I-65 Service Road North, 290'± South of First Avenue
<u>CITY COUNCIL DISTRICT</u>	District 1
<u>PRESENT ZONING</u>	B-3, Community Business, and I-1, Light Industry
<u>PROPOSED ZONING</u>	B-3, Community Business
<u>AREA OF PROPERTY</u>	12.2± acres
<u>CONTEMPLATED USE</u>	Church. 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.
<u>REASON FOR REZONING</u>	To eliminate split zoning in a proposed church site
<u>TIME SCHEDULE FOR DEVELOPMENT</u>	Immediate
<u>ENGINEERING COMMENTS</u>	Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit.
<u>TRAFFIC ENGINEERING COMMENTS</u>	Driveway number, sizes, location and design to be approved by Traffic Engineering and conform to AASHTO standards.
<u>URBAN FORESTRY COMMENTS</u>	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 Subdivision Approval, to create a one-lot subdivision from several lots of record and metes and bounds parcels; and Rezoning Approval, from I-1, Light Industry, to B-3, Community Business, to eliminate split zoning on the site.

The plat illustrates the proposed 12.2± acre, 1-lot subdivision which is located on the West side of West I-65 Service Road North, 290'± South of First Avenue, and is in Council District 1. The site is served by public water and sanitary sewer.

The site fronts West I-65 Service Road North, with a 300-foot right-of-way, and First Avenue, with a 50-foot right-of-way. The required 25-foot setbacks are not shown but would be required on the final plat. The site does not include the entire parent parcel; the excluded parcel was created in 1971 by its present owner. That parcel ideally should be included in the subdivision, although this would not be required. The plat otherwise meets the minimum requirements of the Subdivision Regulations.

Regarding the proposed rezoning, the site is partially zoned I-1, Light Industry, and partially B-3, Community Business; there is also a portion of vacated right-of-way. The applicant is requesting B-3 zoning for the entire site to allow the subdivision for a church site. There are B-3 properties adjacent to the North and across the service road from the site, and this proposal does not appear to present any problems. It should be noted, however, that no site plan has been submitted, and that the site would still have to comply with all requirements of the Zoning Ordinance, including landscaping, tree planting, parking, and maneuvering.

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.

It should also be noted that there is a probable error in the legal description and an error in the dimensions on the site plan drawing; these should be corrected on the final plat, and on the legal description presented to City Council for rezoning. Furthermore, although the applicant is requesting rezoning of a portion of the site (the I-1 portion), the entire site should be included in the rezoning amendment, so that the conditions of rezoning are uniform throughout the site.

As a means of access management, the site should be limited to two curb cuts to West I-65 Service Road North.

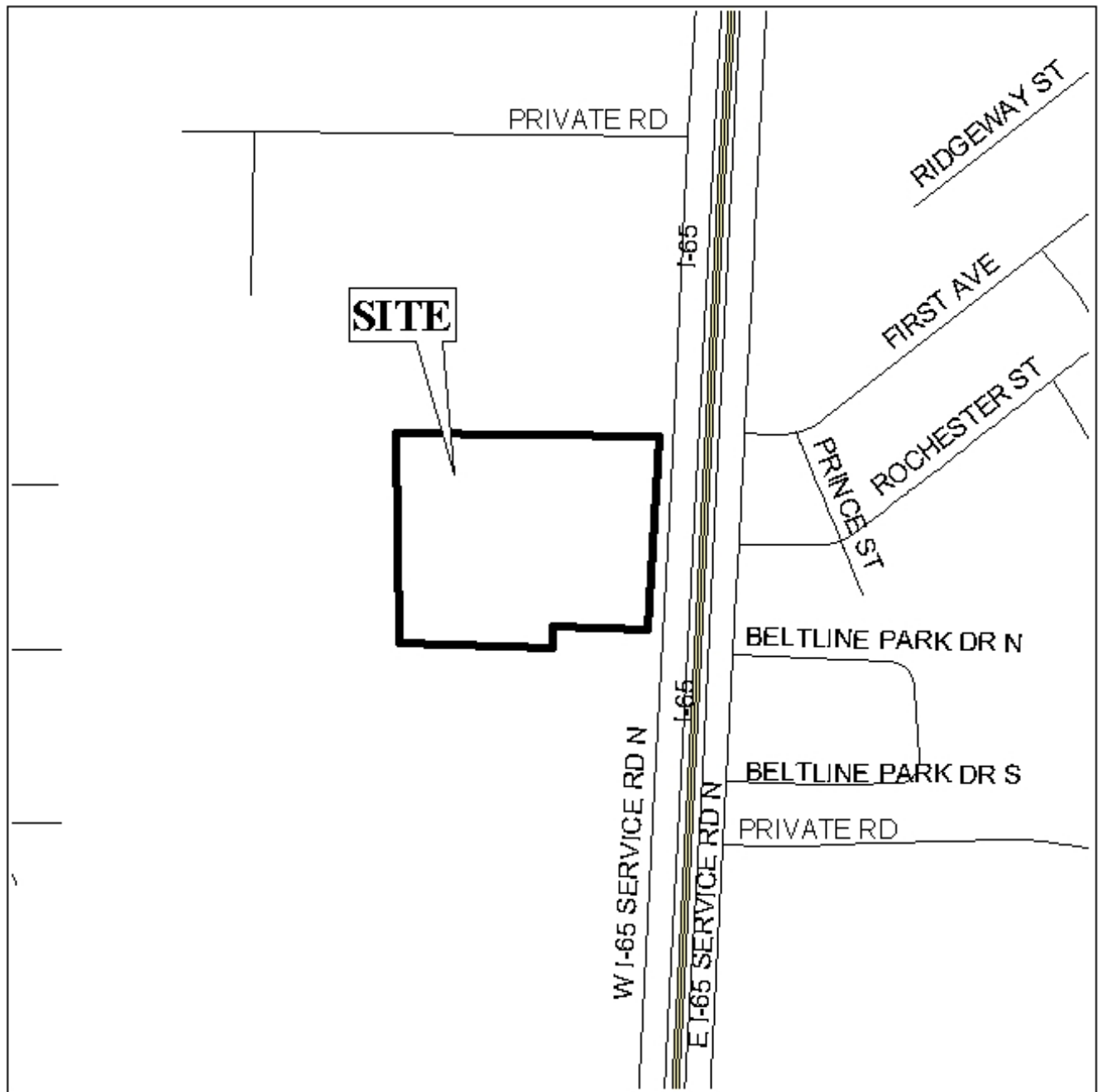
RECOMMENDATION

Subdivision Based on the preceding, this application is recommended for Tentative Approval, subject to the following conditions: 1) the depiction of the 25-foot building setback lines on the final plat; 2) correction of the

legal description prior to recording the final plat; 3) the placement of a note on the final plat stating that the site is limited to two curb cuts to West I-65 Service Road North; and 4) the completion of the rezoning application prior to recording the final plat.

Rezoning Based on the preceding, this application is recommended for approval, subject to the following conditions: 1) correction of the legal description prior to forwarding to City Council, to remove errors, and to include the entire site (not just the I-1 portion); 2) that the site be limited to two curb cuts to West I-65 Service Road North; and 3) full compliance with all municipal codes and ordinances.

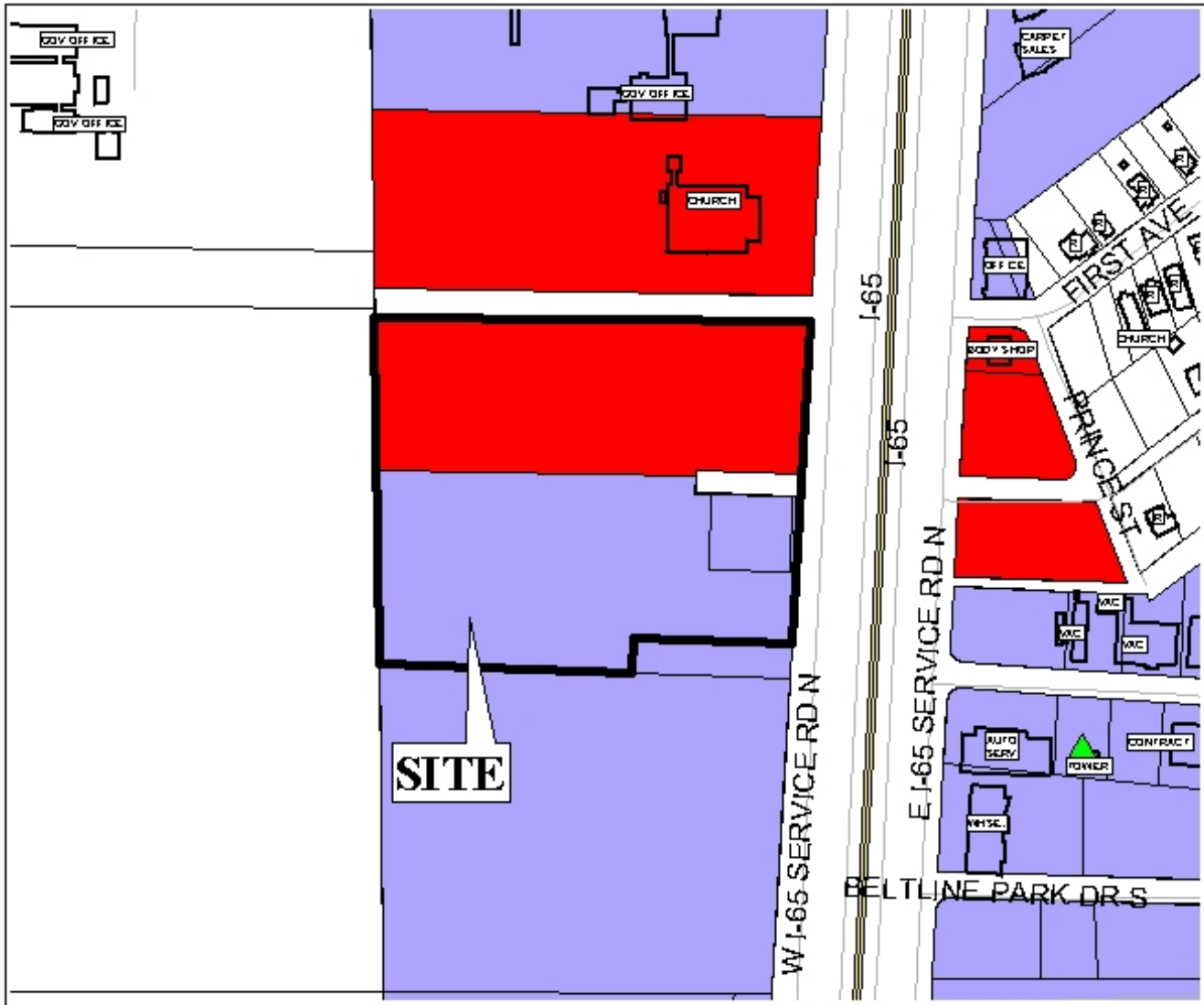
LOCATOR MAP



APPLICATION NUMBER 1 & 2 DATE January 5, 2006
APPLICANT Nazaree Full Gospel Church (Gregory E. Holmes, Agent)
REQUEST Rezoning from I-1 to B-3, Subdivision



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Located to the North and East of the site are miscellaneous businesses and church; to the South and West are vacant properties.

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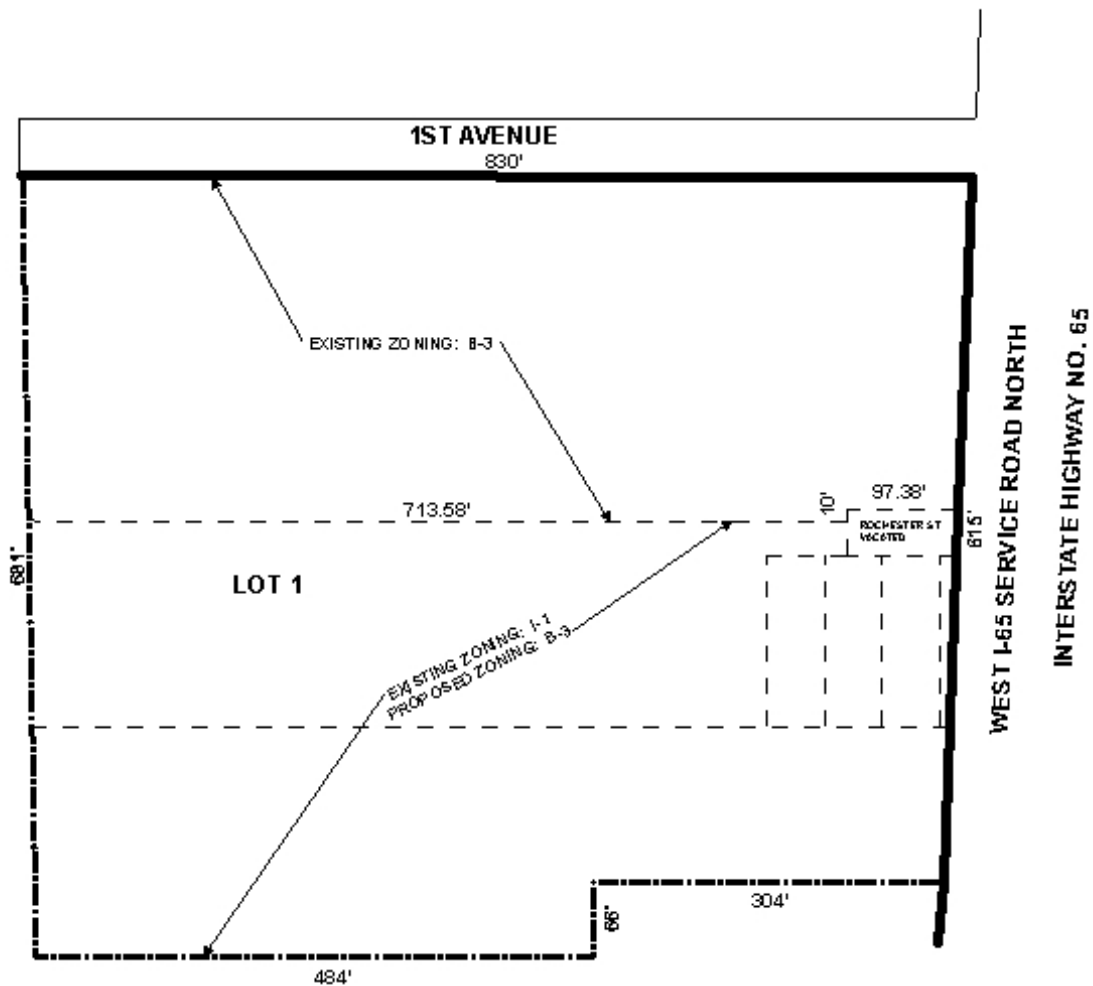
REQUEST Rezoning from I-1 to B-3, Subdivision

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 is located on the West side of West I-65 Service Road North, 290' South of First Avenue. The plan illustrates the proposed rezoning and subdivision.

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 REQUEST Rezoning, Subdivision

