

**ZONING AMENDMENT &
SUBDIVISION STAFF REPORT**

Date: October 16, 2003

NAME

M. D. Bell III

LOCATION

157 North McGregor Avenue
(West side of McGregor Avenue, 100'± North of
Austill Lane)

PRESENT ZONING

R-1, Single-Family Residential

PROPOSED ZONING

B-1, Buffer-Business

AREA OF PROPERTY

.5± Acres / 1 Lot

CONTEMPLATED USE

Professional Offices

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**

Immediately

**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. Two-way traffic flow in the parking lot requires twenty-four foot wide aisles.

**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 B-1, Buffer Business for office use; and subdivision approval to consolidate two lots into one lot.

This portion of McGregor Avenue is illustrated as a major street on the Major Street Plan, and requires an 80-foot right-of-way. The plat submitted indicates that the right-of-way along this portion of McGregor Avenue is “variable” ranging from 46 to 56-feet wide, and thus would be substandard in width.

The site is surrounded on three sides by residential zoning and uses and the west side of McGregor Avenue, from Austill Avenue to Museum Drive is a solid residential neighborhood, both in regard to zoning and land use. Moreover, at ½ an acre, the site falls well below the two-acre minimum guideline for the creation of a new B-1 district. Additionally, as the site is not adjacent to existing commercial zoning, the rezoning of the property could be considered spot zoning; a practice consistently avoided by the Commission.

The Zoning Ordinance gives four reasons for zoning changes: the existence of an error; changing conditions in an area; increased need for business or industrial sites; or subdivision of land into building sites making reclassification both necessary and desirable. It appears that the site is illustrated as commercial on the General Land Use Plan; however, the Plan is not a detailed lot and district plan, it is meant to serve as a general guide, not a 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.

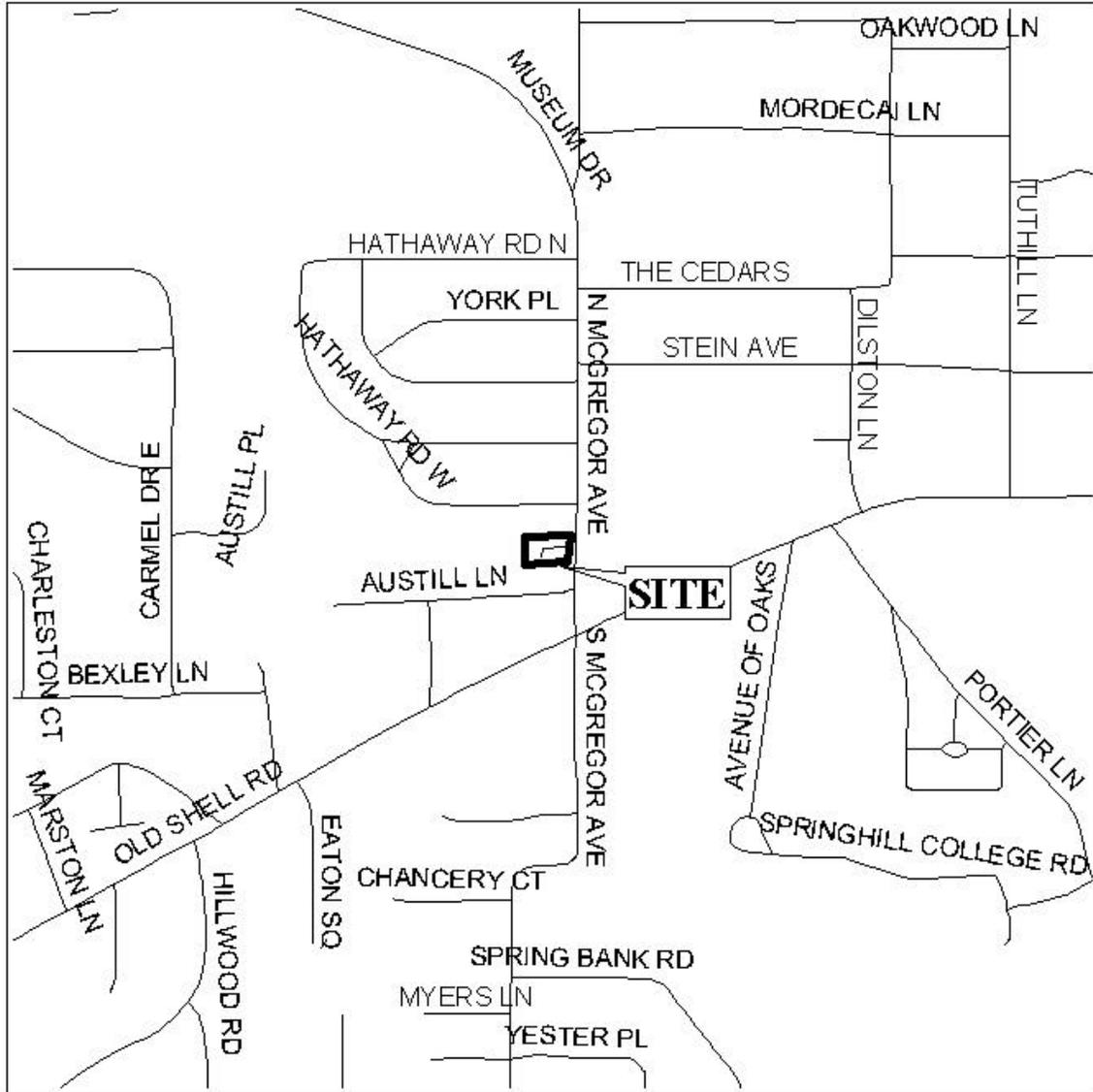
In regard to the Subdivision request, the applicant simply proposes to consolidate two lots into one; and as the site was originally one lot with a residence, reverting to one lot would comply with the Regulations. Additionally, as McGregor Avenue is a planned major street, the site should be limited to one curb cut.

RECOMMENDATION

Rezoning: based upon the preceding, this application is recommended for denial.

Subdivision: with modifications the plat will meet the minimum requirements of Subdivision Regulations and is recommended for Tentative approval subject to the following condition: 1) placement of a note on the final plat stating that the site is limited to one curb cut, with the location and design to be approved by Traffic Engineering.

LOCATOR MAP



APPLICATION NUMBER 4, 5 DATE October 16, 2003
APPLICANT M. D. Bell III
REQUEST Rezoning and Subdivision



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



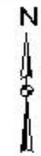
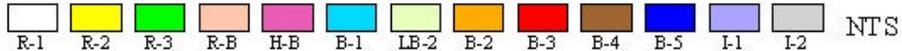
The site is located in an area of mixed land use.

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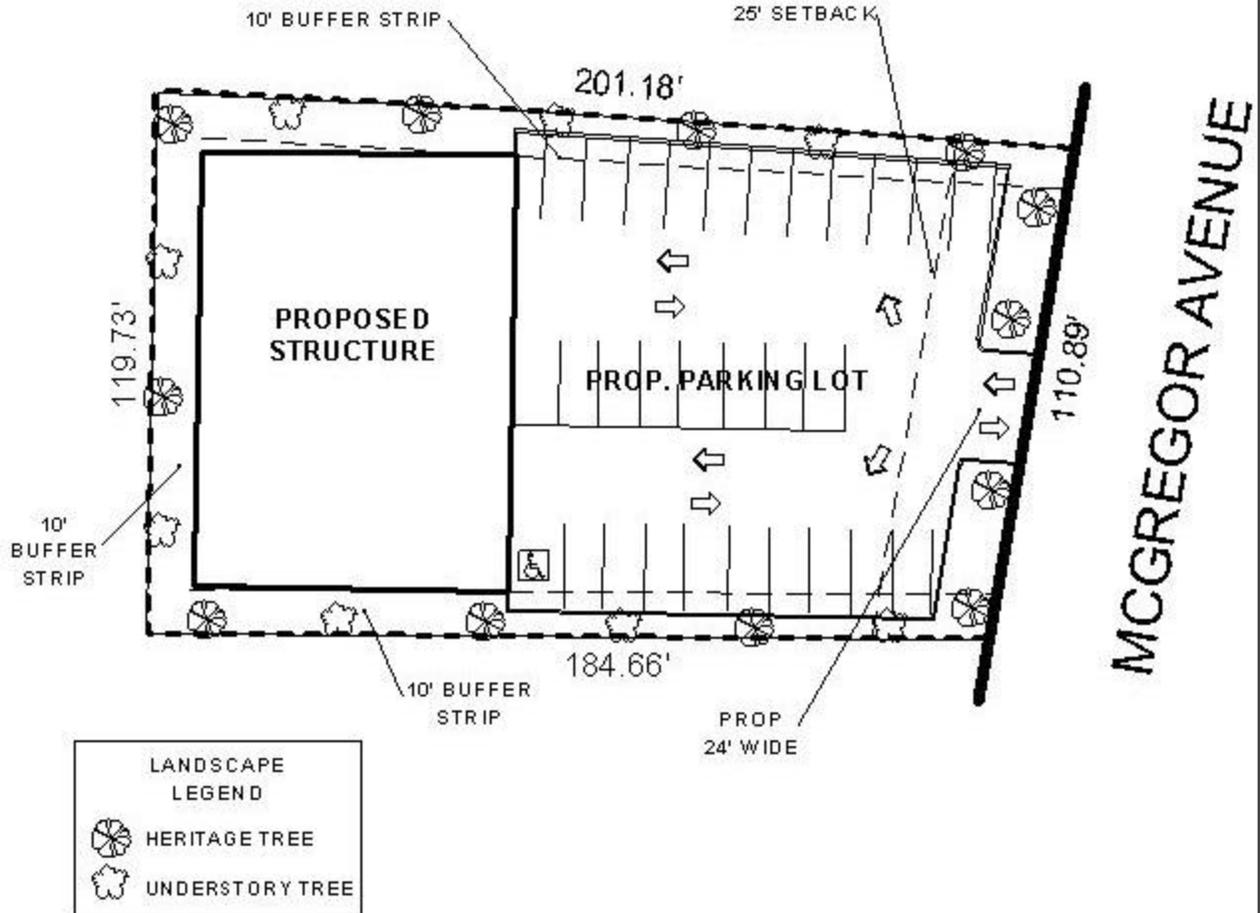
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LEGEND



SITE PLAN



The site is located on the West side of McGregor Avenue, 100' North of Austill Lane. The plan illustrates the proposed structure, parking and landscaping.

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USE/REQUEST Rezoning and Subdivision

