

REZONING & SUBDIVISION STAFF REPORT **Date: April 6, 2006**

<u>DEVELOPMENT NAME</u>	Ruffin Graham, III
<u>SUBDIVISION NAME</u>	Graham Subdivision
<u>LOCATION</u>	North side of Halls Mill Road, 725'± East of the South terminus of Rochelle Street
<u>CITY COUNCIL DISTRICT</u>	District 4
<u>PRESENT ZONING</u>	R-1, Single Family Residential
<u>PROPOSED ZONING</u>	I-1, Light Industry
<u>AREA OF PROPERTY</u>	0.8± acres
<u>CONTEMPLATED USE</u>	Light warehousing 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>	Would continue existing I-1 district to the East, which is also owned by the applicant.
<u>TIME SCHEDULE FOR DEVELOPMENT</u>	Immediate
<u>ENGINEERING COMMENTS</u>	Development must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit. Any increased and/or concentrated stormwater runoff onto an adjacent property owner will require a Hold Harmless agreement or drainage easement from the affected property owner(s).
<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).

**FIRE DEPARTMENT
COMMENTS**

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REMARKS

The applicant is requesting Subdivision approval to create a lot of record from a metes and bounds parcel, and approval to rezone the property from R-1, Single-Family Residential, to I-1, Light Industry, to allow a warehouse. The site fronts Halls Mill Road, a collector street requiring a 70-foot right-of-way, which has a 50-foot right-of-way along this portion; as such, dedication of sufficient right-of-way to provide 35 feet from the centerline of Halls Mill Road should be required, and the 25-foot building setback should be adjusted to reflect this.

The proposed subdivision is served by public water and sanitary sewer and would meet the minimum requirements of the subdivision. As a means of access management, a note should be required on the final plat stating that the site is limited to a single curb cut to Halls Mill Road, with size, location, and design to be approved by Traffic Engineering. Aerial photos suggest that a structure may overlap the Western property line, although this will not be clear until the property is surveyed; if that is the case, the structure must be removed prior to signing the final plat.

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.

This area is shown on the General Land Use component of the Comprehensive Plan as residential on the North side of Halls Mill Road and industrial on the South side. 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.

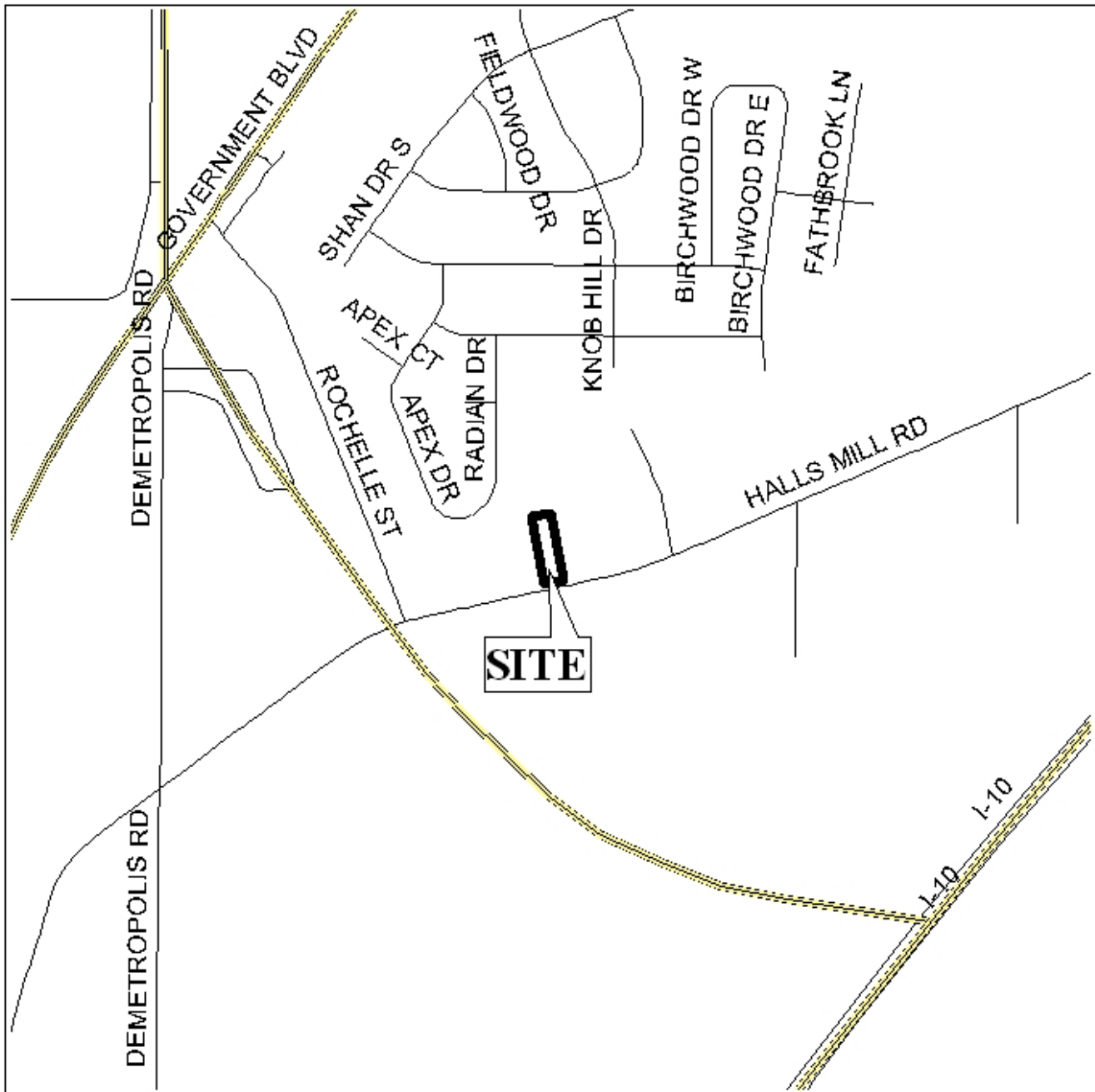
The applicant states that adjoining properties East of the site (which are owned by the applicant), and properties across Halls Mill Road are zoned I-1 and that rezoning would extend the district. However, there are four existing single-family dwellings on two adjoining R-1 properties to the West of the site; there are also large undeveloped R-1 parcels along the Northern boundary of the site and facing the site across Halls Mill Road. While the proposed use, a warehouse, may not be an offensive use, once rezoned, any use allowed in I-1 would be permitted at the site. The applicant has not demonstrated that the proposed change would benefit the surrounding area, and it does not appear to merit approval.

RECOMMENDATION

Subdivision Based on the preceding, this application is recommended for Tentative Approval, subject to the following conditions: 1) dedication of sufficient right-of-way to provide 35 feet from the centerline of Halls Mill Road; 2) the adjustment of the 25-foot setback line to reflect the dedication; 3) the placement of a note on the final plat stating that the site is limited to a single curb cut to Halls Mill Road, with size, location, and design to be approved by Traffic Engineering; and 4) the removal of the structure crossing the property line, if it does cross the property line, prior to signing the final plat.

Rezoning Based on the preceding, this application is recommended for denial, because the applicant failed to demonstrate any of the following conditions meriting approval: 1) a manifest error in the Ordinance; 2) changed or changing conditions in a particular area making a change in the chapter necessary and desirable; 3) an increased need for business or industrial sites making it necessary and desirable to rezone an area or to extend the boundaries of an existing district; or 4) subdivision of land into urban building sites making reclassification necessary and desirable.

LOCATOR MAP



APPLICATION NUMBER 5 & 6 DATE April 6, 2006

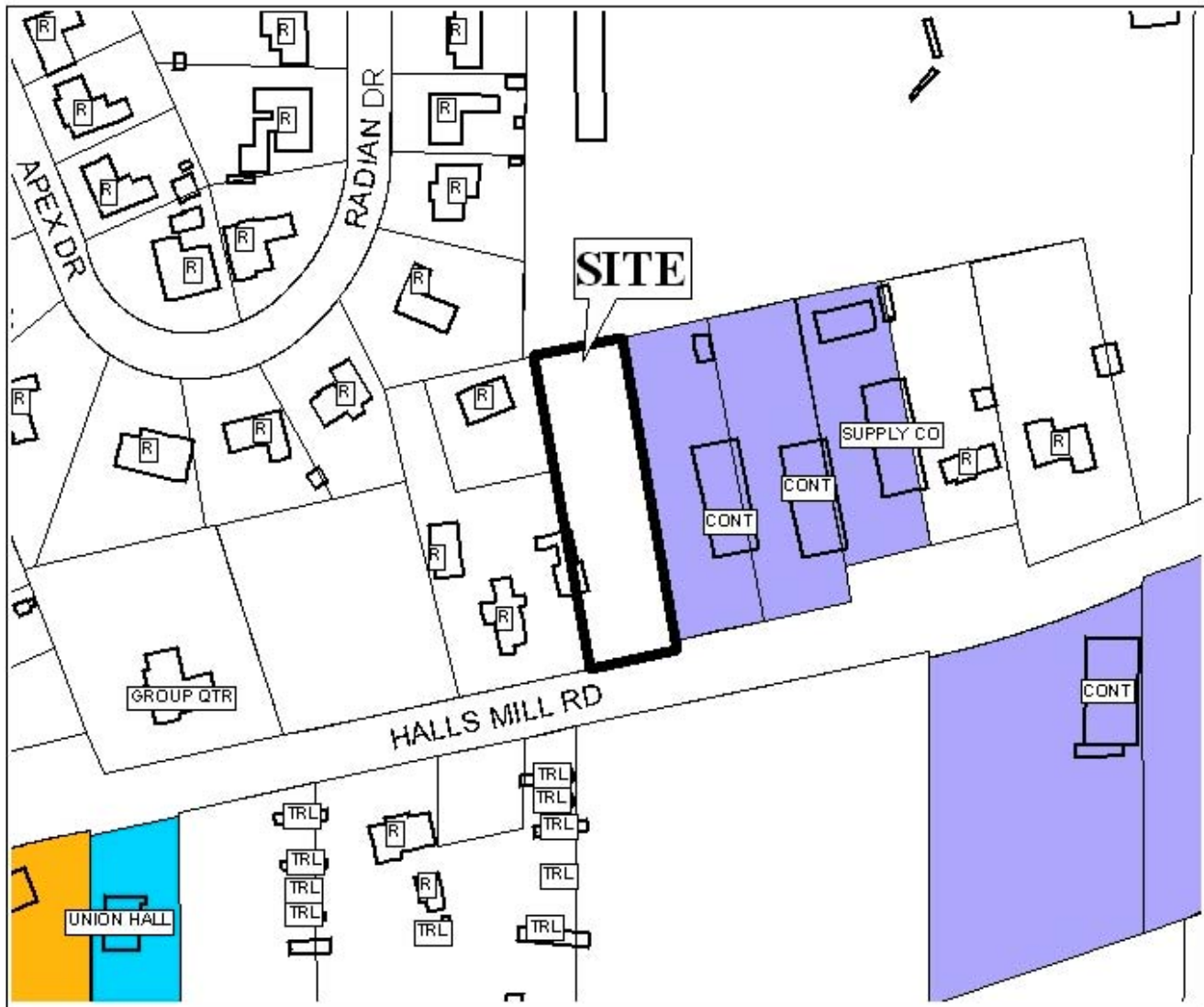
APPLICANT Ruffin J. Graham III

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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REQUEST Rezoning and Subdivision

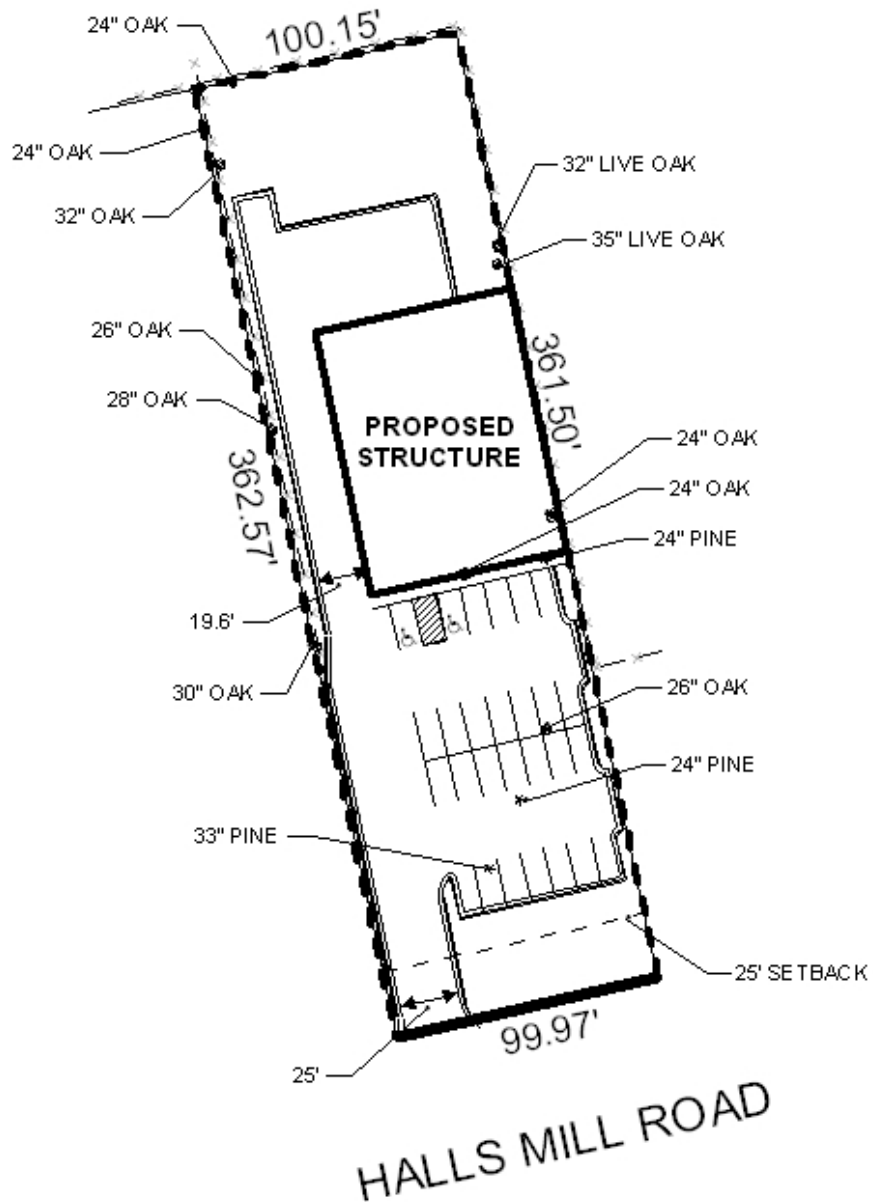
LEGEND

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



NTS

DETAIL SITE PLAN



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REQUEST Rezoning from R-1 to I-1 and Subdivision

