

ZONING AMENDMENT,
PLANNED UNIT DEVELOPMENT &
SUBDIVISION STAFF REPORT

Date: September 18, 2008

<u>NAME</u>	Hillcrest South, LLC
<u>SUBDIVISION NAME</u>	Uniport Subdivision, Resubdivision of and Addition to Lot 2
<u>LOCATION</u>	4616 and 4628 Airport Boulevard (North side of Airport Boulevard, 125'± East of South University Boulevard, extending to the East side of South University Boulevard 118'± North of Airport Boulevard).
<u>CITY COUNCIL DISTRICT</u>	District 5
<u>PRESENT ZONING</u>	R-1, Single-Family Residential, and B-2, Neighborhood Business
<u>PROPOSED ZONING</u>	B-2, Neighborhood Business
<u>AREA OF PROPERTY</u>	1 Lot/1.8± Acres
<u>CONTEMPLATED USE</u>	<p>Rezoning from R-1, Single-Family Residential, and B-2, Neighborhood Business District, to B-2, Neighborhood Business District, to eliminate split zoning and allow retail sales in a proposed commercial subdivision, Planned Unit Development Approval to allow shared access and parking between two building sites, and Subdivision to create a legal lot of record from three legal lots of record.</p> <p>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.</p>
<u>TIME SCHEDULE</u>	Immediately
<u>ENGINEERING COMMENTS</u>	<p>For any public water draining onto the site, need to provide a public drainage easement and construct any required drainage structures within the drainage easement to City standard. Must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit. Must provide detention</p>

for any impervious area added since 1984 in excess of 4,000 square feet. Need to verify that there is sufficient capacity for the receiving drainage system to accept drainage from this property.

TRAFFIC ENGINEERING

COMMENTS

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Final approval for all driveways, proposed and existing will be given upon submittal of final plans. Improve radii of driveways to Airport Boulevard to twenty feet and widths to twenty-four feet. The eight parking stalls on the north side of the existing building are shown as being 9' x 16' and the aisle width at the islands as twenty feet. The stalls and aisle should be the standard size of 9' x 18' with twenty-four feet aisle width. Sign and mark all one-way traffic areas. To avoid conflicts, access to the service road is denied and shall be closed.

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).

FIRE DEPARTMENT

COMMENTS

All projects must comply with the requirements of the 2003 International Fire Code, including Appendices B through D, with local amendments, and the 2003 International Existing Building Code.

REMARKS

The applicant is requesting rezoning from R-1, Single-Family Residential and B-2, Neighborhood Business, to B-2, Neighborhood Business to eliminate split zoning and allow retail sales in a proposed commercial subdivision, Planned Unit Development Approval to allow shared access and parking between two building sites, and Subdivision to create one legal lot of record from three legal lots of record.

The site, which is currently vacant, was the site of Barnhill Restaurant and is bounded to the South by single-family dwellings in an existing R-1, Single-Family Residential District, to the West by commercial uses in a B-2 zoning district, to the North by a B-1, zoning district, and to the East by R-1, Single-Family Residential district.

The proposed 1.8± acre, 1-lot subdivision fronts Airport Boulevard, a major street, which has right-of-way illustrated as varying, and University Boulevard South, a major street, which has right-of-way illustrated as varying. Both, Airport Boulevard and University Boulevard South are major streets, which require 100-feet of right-of-way by the Major Street Component of the Comprehensive Plan. Dedication to provide 50-feet of right-of-way from the centerline of Airport Boulevard and University Boulevard South are required. The standards of the Major Street Component must be reflected on the Final Plat and site plan.

Due to the location and size of the development, access management is a concern. Therefore, the proposed development should be limited to two curb cuts to Airport Boulevard and one curb cut to University Boulevard South as illustrated on the preliminary site plan. Traffic Engineering

comments state “Final approval for all driveways, proposed and existing will be given upon submittal of final plans”; however, Planned Unit Development approvals are site specific and any change to the location, size and design of the proposed curb cuts would require resubmission of the Planned Unit Development application further delaying the project. Therefore, it should be noted that a thorough site plan review and traffic analysis should be completed by Traffic Engineering prior to the Commission approving this site.

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.

Planned Unit Development review, stated in Section 64-5. of the Zoning Ordinance, examines the site with regard to its location to ensure that it is generally compatible with neighboring uses; that adequate access is provided without generating excess traffic along minor residential streets in residential districts outside the PUD; and that natural features of the site are taken into consideration. PUD review also examines the design of the development to provide for adequate circulation within the development; to ensure adequate access for emergency vehicles; and to consider and provide for protection from adverse effects of adjacent properties as well as provide protection of adjacent properties from adverse effects from the PUD. PUD approval is site plan specific, thus any changes to the site plan must be approved by the Planning Commission.

Subdivision review examines the site with regard to promoting orderly development, protecting general health, safety and welfare, and ensuring that development is correlated with adjacent developments and public utilities and services, and to ensure that the subdivision meets the minimum standards set forth in the Subdivision Regulations for lot size, road frontage, lot configuration, etc.

The site is 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’s accompanying Subdivision and PUD applications necessitate the rezoning in order to allow the size of the development.

The applicant is proposing an 11,900 square-foot commercial building and 84 parking spaces. Access to the proposed development will be via two, two-way driveways from Airport Boulevard and one, two-way driveway from University Boulevard South. As stated in Traffic Engineering comments, both accesses from the service roads should be closed to avoid

circulation conflicts. The applicant also illustrates the vacation of an existing service road; therefore, the completion of the vacation should be required prior to the signing of the Final Plat.

The applicant is proposing a “PUD with shared access and parking” PUD commercial development, and consequently, PUD landscape area requirements apply. Since both sites are included in the Planned Unit Development (PUD), information on the site plan indicates that adequate area will be available for compliance with the landscaping requirements of the Zoning Ordinance. Additional information regarding compliance with the tree requirements must be submitted with the request for permits to develop the site.

The site abuts R-1, Single-Family Residential to the South and East; therefore, the site should be required to provide a minimum 6-foot high wooden fence. However, the applicant is proposing a 10-foot buffer to the East as well as the 6-foot high solid privacy fence. As this exceeds the minimum requirements, it should be stated as a condition of approval for both rezoning and PUD, as offered by the applicant. Therefore, the site plan should be revised to provide the 10-foot buffer at the southeast corner of the development.

It should be noted that there is an asphalt parking area within the right-of-way along University Boulevard South that should be removed and grassed.

RECOMMENDATION

Rezoning: The rezoning request is recommended for Approval, subject to the following conditions:

- 1) the provision of an 6-foot high wooden privacy fence, where the site abuts R-1, Single-Family Residential;
- 2) The provision of a 10-foot buffer along the East property line where it abuts R-1, Single-Family Residential;
- 3) the closure of both service road accesses;
- 4) vacation of the service road as illustrated on the proposed site plan; and
- 5) full compliance with all municipal codes and ordinances.

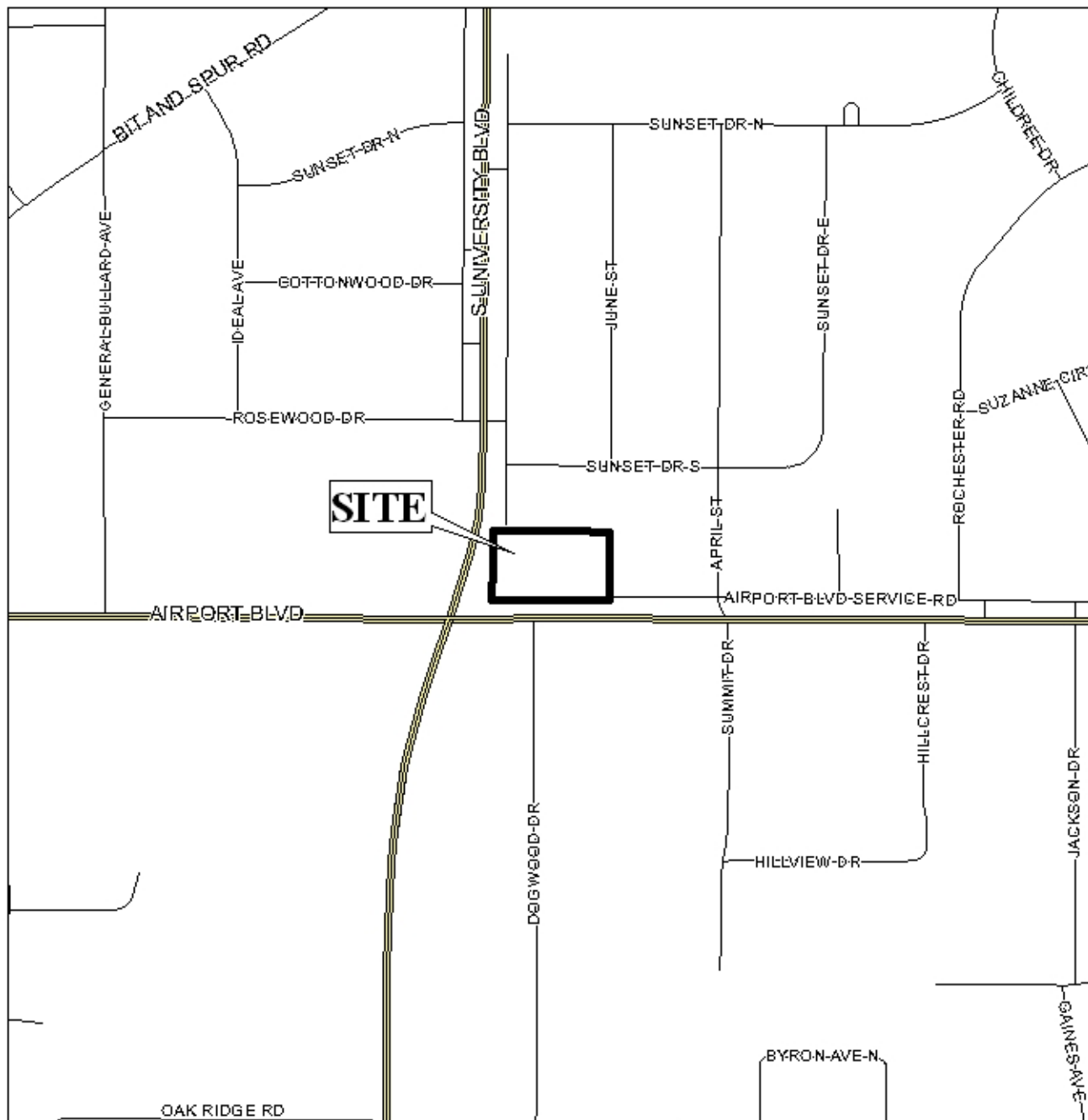
Planned Unit Development: The PUD request is recommended for Approval, subject to the following conditions:

- 1) placement of a note on the site plan stating that PUD approval is site plan specific, and that any changes to the site plan, will require a new application to the Planning Commission;
- 2) revision of the site plan to place the requirements of Section 64-6.A.3.c., *Lighting*, as a note on the site plan: “*If parking areas contain ten (10) or more cars, lighting shall be provided and maintained during their operation, and shall be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic.*”
- 3) revision of the site plan to depict compliance with the tree and landscaping requirements of the Zoning Ordinance;
- 4) the closures of both service road accesses;
- 5) vacation of the service road as illustrated on the proposed site plan; and
- 6) full compliance with all other municipal codes and ordinances.

Subdivision: The Subdivision request is recommended for Tentative Approval, subject to the following conditions:

- 1) the dedication to provide sufficient right-of-way along Airport Boulevard and University Boulevard South 50-feet from the centerline of each street;
- 2) placement of a note on the final plat stating that the development is limited to two, curb-cuts onto Airport Boulevard and one, curb cut to University Boulevard South, with the size, design and location to be approved by Traffic Engineering, and in conformance with AASHTO standards;
- 3) completion of the vacation process prior to the signing of the Final Plat;
- 4) placement of a note on the Final Plat denying access from both service road; and
- 5) revision of the Final Plat to label the lot with its size in square feet.

LOCATOR MAP



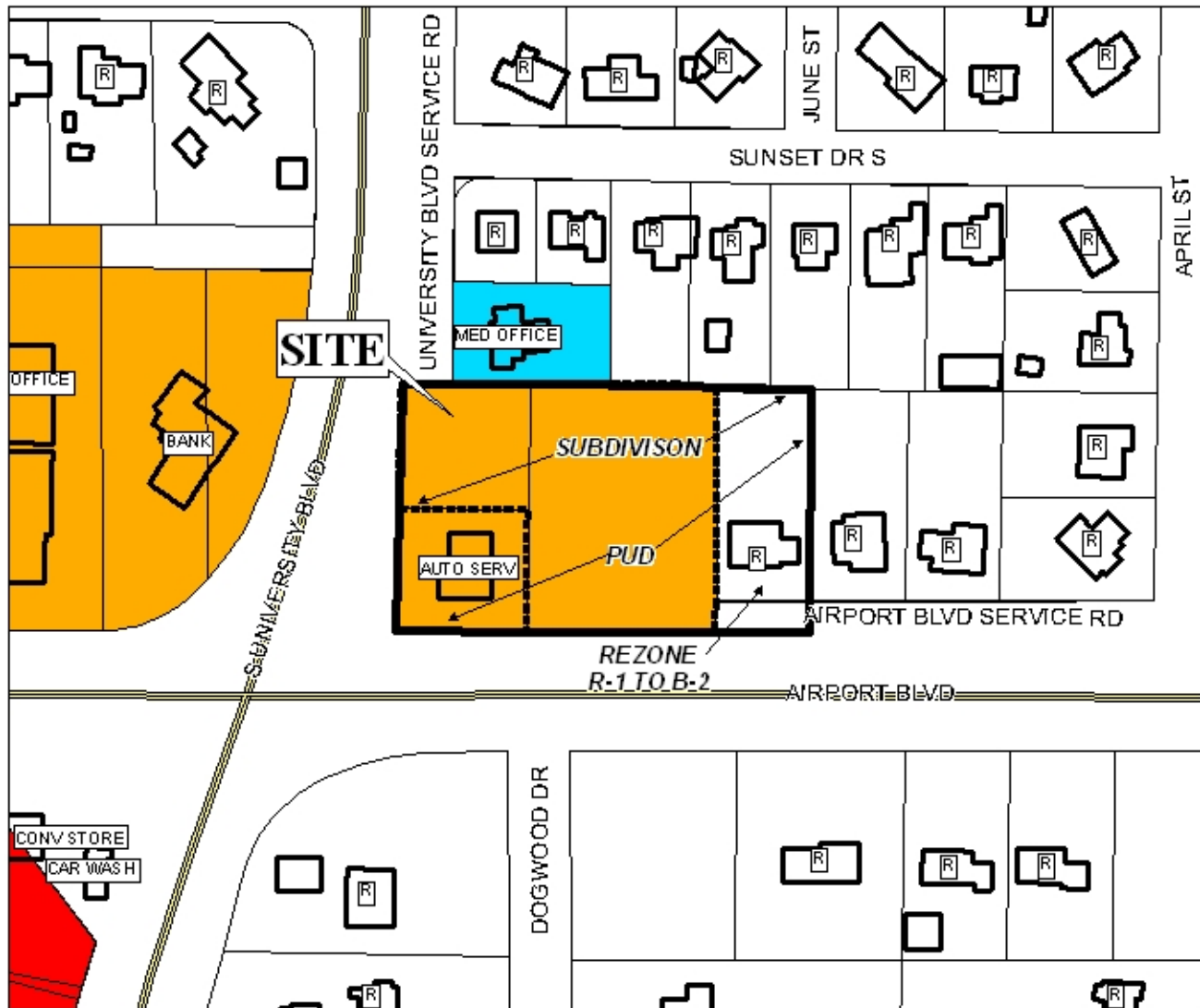
APPLICATION NUMBER 23, 24, & 25 DATE September 18, 2008

APPLICANT Uniport Subdivision, Resubdivision of and Addition to Lot 2

REQUEST Subdivision, Planned Unit Development, Rezoning from R-1 to B-2



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



This site is surrounded by miscellaneous land use.
The planned unit development includes the lot in the
southwest corner of the site, while the subdivision and rezoning do not.

APPLICATION NUMBER 23, 24, & 25 DATE September 18, 2008

APPLICANT Uniport Subdivision, Resubdivision of and Addition to Lot 2

REQUEST Subdivision, Planned Unit Development, Rezoning from R-1 to B-2

LEGEND

R-1	R-2	R-3	R-4	R-B	H-B	T-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2	NTS
-----	-----	-----	-----	-----	-----	-----	-----	------	-----	-----	-----	-----	-----	-----	-----



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



This site is surrounded by miscellaneous land use.

APPLICATION NUMBER 23, 24, & 25 DATE September 18, 2008

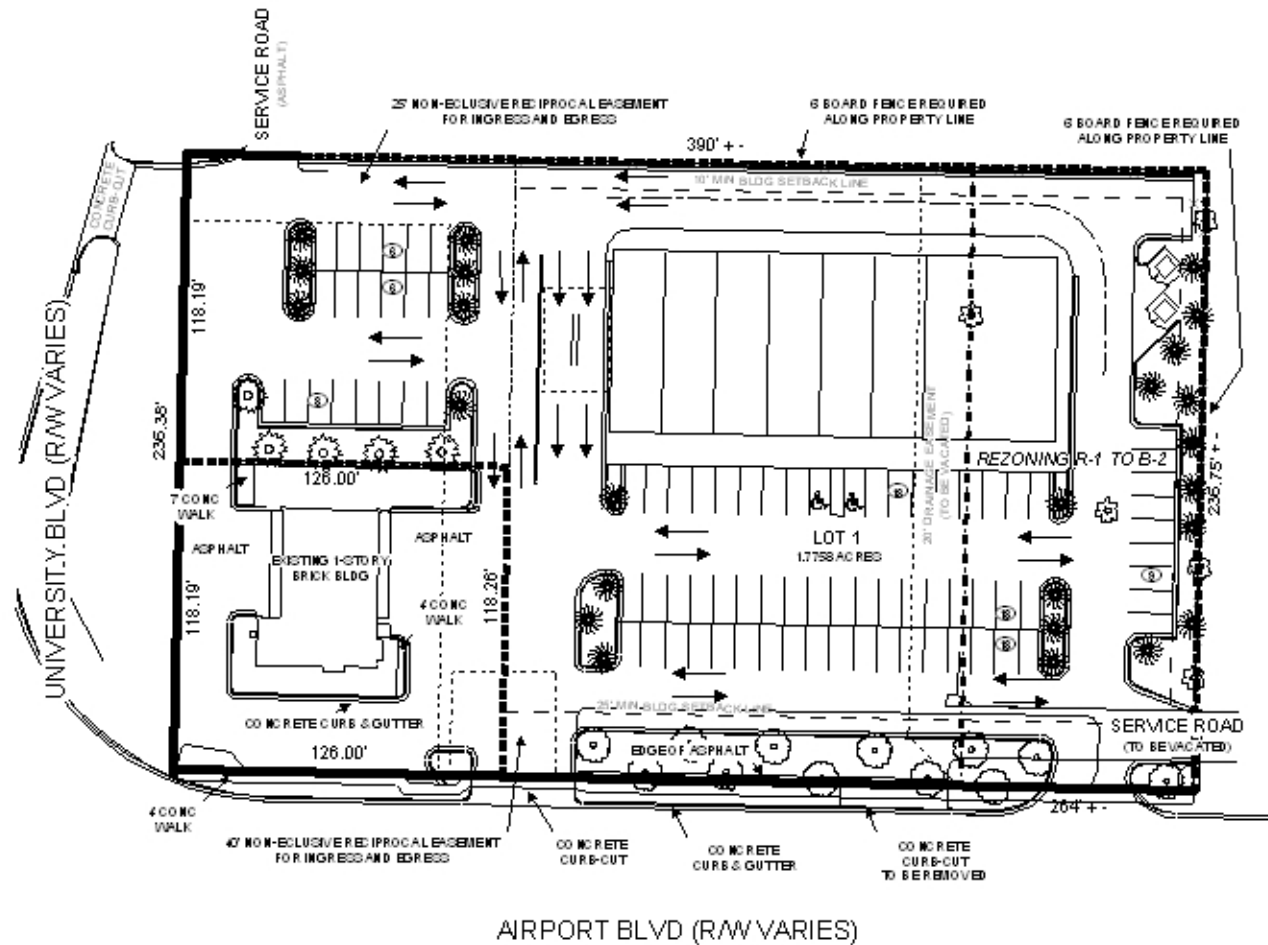
APPLICANT Uniport Subdivision, Resubdivision of and Addition to Lot 2

REQUEST Subdivision, Planned Unit Development, Rezoning from R-1 to B-2



NTS

SITE PLAN



This site plan illustrates proposed parking and lot improvements for the planned unit development. Proposed rezoning from R-1 to B-2 is on the east side of the site. The other lots are currently zoned B-2.

APPLICATION NUMBER 23, 24, & 25 DATE September 18, 2008

APPLICANT Unipart Subdivision, Resubdivision of and Addition to Lot 2

REQUEST Subdivision, Planned Unit Development, Rezoning from R-1 to B-2



NTS