

**REZONING STAFF REPORT****Date: January 4, 2006****APPLICANT NAME**

Tommy Brooks

**LOCATION**

North Side of Howells Ferry Road, extending North to Garrow Avenue, and West to Erdman Avenue.

**CITY COUNCIL  
DISTRICT**

7

**PRESENT ZONING**

R-1, Single-Family Residential

**PROPOSED ZONING**

B-1, Buffer Business

**AREA OF PROPERTY**

24,540 sq.ft.

**CONTEMPLATED USE**

Real Estate Office

**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**

Immediate

**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, sizes, 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). Full compliance with landscaping and tree requirements of the Zoning Ordinance to be coordinated with Urban Forestry.

**REMARKS**

The applicant is requesting rezoning of the site from R-1 to B-1 to allow a real estate office.

The site is relatively small triangular property, located in the midst of a predominately residential area. The properties to the North, across Garrow Avenue (a public right-of-way with extremely substandard improvements), are all residential; to the South, across Howell's Ferry Road are single-family dwellings; and to the West, across Erdman (a substandard public right-of-way with substandard improvements) are single-family dwellings and a church.

The site is shown as residential 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.

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.

The applicant has submitted no statement of justification to support the requested rezoning.

The Zoning Ordinance recommends a minimum size of two acres for the creation of a new, free-standing B-1 district. At 25,540 sq.ft. (.56 acre), the site falls well below the minimum recommendation.

The nearest commercially zoned properties are approximately ½ mile to the West, near the City Limit line at the Howell's Ferry, Overlook, Cody intersection.

As a side note, the site plan as submitted does not reflect the provision of a sidewalk along any of the street frontages. The Subdivision Regulations require the provision of sidewalks, thus, if this application is approved, either the sidewalks should be provided or applications for sidewalk waivers should be submitted.

**RECOMMENDATION**

Based on the preceding, the application is

recommended for denial.

# LOCATOR MAP

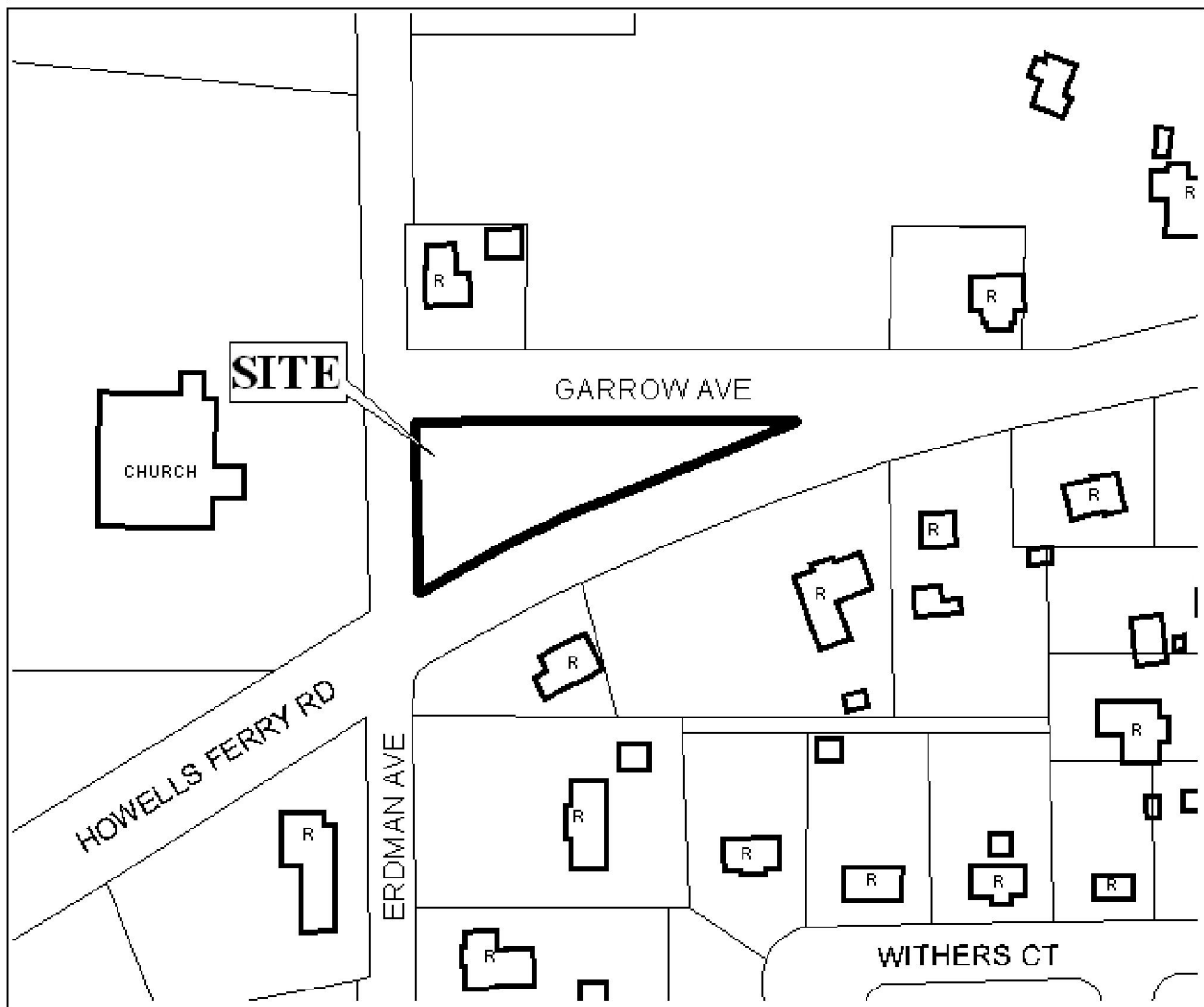


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APPLICANT Tommy Brooks  
REQUEST Rezoning from R-1 to B-1



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# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Single-family residential units are located to the north, east, and south of the site. A church is located to the west of the site.

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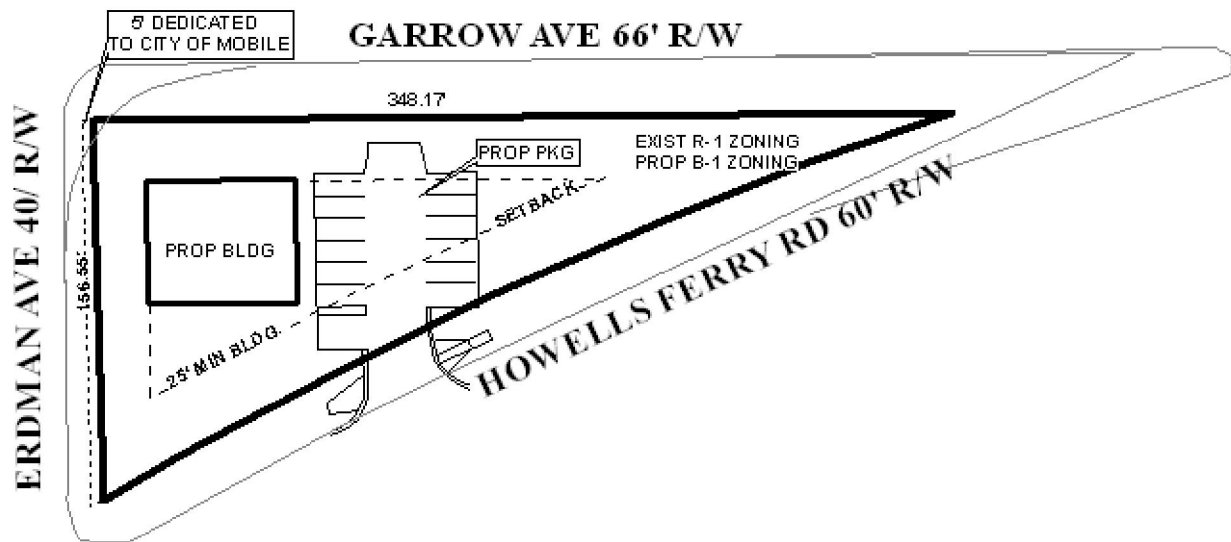
LEGEND

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 plan illustrates the proposed building and parking

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