

**ZONING AMENDMENT &  
SUBDIVISION STAFF REPORT****Date: November 17, 2005**

<b><u>NAME</u></b>	E. L. Giles
<b><u>SUBDIVISION NAME</u></b>	Giles Commercial Complex Subdivision
<b><u>LOCATION</u></b>	West side of Stanton Road, extending from the South side of King Street to the North side of Hart Street
<b><u>CITY COUNCIL DISTRICT</u></b>	District 1
<b><u>PRESENT ZONING</u></b>	R-1, Single Family Residential, and B-2, Neighborhood Business
<b><u>PROPOSED ZONING</u></b>	B-2, Neighborhood Business
<b><u>AREA OF PROPERTY</u></b>	1.0± acre
<b><u>CONTEMPLATED USE</u></b>	Retail shopping center <b>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.</b>
<b><u>REASON FOR REZONING</u></b>	To extend B-2 district to allow retail shopping center
<b><u>TIME SCHEDULE FOR DEVELOPMENT</u></b>	None given
<b><u>ENGINEERING COMMENTS</u></b>	Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit.
<b><u>TRAFFIC ENGINEERING COMMENTS</u></b>	Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Deny access to Hart Street and King Street. Sign and mark all one-way drives MUTCD standards. Minimum aisle widths for ninety-degree parking spaces are twenty-four feet. Adjustments in the parking layout should be made to accommodate this width. Eliminate the two parking stalls perpendicular to the other parking stalls and separate parking stall areas with curbing.

**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 proposing to rezone the site from R-1, Single Family Residential, and B-2, Neighborhood Business, to B-2, Neighborhood Business; and to create a one-lot subdivision from six lots of record; in order to allow development of a retail shopping center.

Four of the six existing lots of record are already zoned B-2, and the applicant requests that the two remaining, R-1 zoned, lots be rezoned to be included in the one-lot subdivision for the shopping center.

The site fronts King Street, with a 50-foot right-of-way; Stanton Road, with a 50-foot right-of-way; and Hart Street, with a substandard 40-foot right-of-way. As such, dedication sufficient to provide 25 feet from the centerline of Hart Street would be required.

Regarding the proposed subdivision, with rezoning approval, the site would meet the minimum requirements of the Subdivision Regulations. The building setback lines are not shown and would be required on the final plat, with 25-foot setbacks from the front street, and 20-foot setbacks from side streets; on the Hart Street side, the setback would be measured from the new property line after dedication. As shown, the dumpsters would encroach on the side street setbacks on both sides, and the building would encroach on the Hart Street side, after dedication; this would need to be addressed in later site planning.

The site plan illustrates a 12,940 square-foot building, which would require 44 parking spaces, if all spaces were used for retail. The site plan only illustrates 42 spaces, which are less than the required amount; it should also be noted that providing the minimum amount of parking would not allow for the inclusion of a more parking-intensive use, such as a restaurant. Traffic Engineering notes several revisions required to meet parking and maneuvering requirements. There also does not appear to be adequate room for trucks to service the back doors and the dumpsters at the rear of the lot. Finally, the site plan does not illustrate the required landscaping, and does not appear to provide adequate space for it. Revisions to the site plan would need to address parking, maneuvering, circulation, and landscaping requirements. While rezoning would not be site plan-specific, the applicant should be aware that these requirements could limit the size of the development that could be approved at the site.

As a means of access management, and to preserve the residential nature of King and Hart Streets, it would be recommended that the site be limited to two curb cuts to Stanton Road, and denied direct access to King and Hart Streets.

This area is shown on the General Land Use component of the Comprehensive Plan as residential. 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 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.

The applicant received Tentative Approval for a similar subdivision and Approval for rezoning in 2003 for a child day care center on the site. While the original proposal was to expand the B-2 district, the applicant had been requested to resubmit as an LB-2 rezoning, and the application was ultimately tabled. That application involved extensive discussion of the residential nature of the block in question, and the applicant was advised to request LB-2 zoning or to complete a voluntary use restriction form limiting the site to LB-2 uses. Thus, while the rezoning was recommended for approval, it was not without recognition that the residential character of the interior of the block required protection. Furthermore, while that application was for the same size lot, the proposed building was smaller and sited farther from the residential district.

If rezoning were approved, it would be recommended that a vegetative buffer be required between the site and residentially zoned properties, per Section V.A.7, including a screen from property across King Street. However, while rezoning would be necessary to complete the subdivision, it is questionable whether the B-2 district should extend more deeply into this residential block. This extension would result in nearly a third of the block being commercial, and would not correspond with the zoning and building orientation of the lots across King Street. The appropriateness of a rezoning is typically considered with regard to facing, as well as adjacent, properties. This area follows a classic urban pattern: properties in the B-2 district are oriented toward Stanton Street, while interior lots facing minor streets have been reserved for residential use; residential lots' adjacency to existing B-2 properties does not merit their inclusion in the district. Approving this rezoning would invite more rezoning applications for adjacent and facing properties, and could erode the residential nature of the block's interior.

In addition, the project's size appears out of scale with "neighborhood" development associated with the B-2 district, and would seem to be more "community" oriented in scale than is appropriate for a neighborhood business district, regardless of the constituent uses.

The applicant's stated reason for pursuing the rezoning is to allow the subdivision of the property for the creation of a strip shopping center. There is not an error in the Ordinance, and the applicant has not demonstrated changed conditions or an increased need for business sites in the area that call for the expansion of the B-2 district. The final case in which rezoning is allowed—with the subdivision of land—would not apply, since the expansion of the B-2 district into the residential block is not "necessary and desirable" for the area. For these reasons, expansion of the B-2 district does not appear appropriate, and it is recommended that a project of smaller scale with appropriate site planning be pursued on the existing commercial lots.

**RECOMMENDATION**

*Rezoning*      Based on the preceding, this application is recommended for denial because the applicant did not demonstrate any of the following conditions justifying rezoning: a manifest error in the ordinance; changes in conditions in a particular area making a change in the ordinance necessary and desirable; an increased need for business or industrial sites in addition to sites that are available, making it necessary and desirable to rezone an area or extend the boundaries of an existing district; the subdivision of land into urban building sites making reclassification necessary and desirable.

*Subdivision*      Based on the preceding, this application is recommended for denial, because the site is split-zoned.

*Revised for the November 17<sup>th</sup> meeting:*

*This application was held over from the November 3<sup>rd</sup> meeting at the applicant's request. The applicant has not submitted any additional information or revisions, so the recommendation remains as follows:*

*Rezoning*      Based on the preceding, this application is recommended for denial because the applicant did not demonstrate any of the following conditions justifying rezoning: a manifest error in the ordinance; changes in conditions in a particular area making a change in the ordinance necessary and desirable; an increased need for business or industrial sites in addition to sites that are available, making it necessary and desirable to rezone an area or extend the boundaries of an existing district; the subdivision of land into urban building sites making reclassification necessary and desirable.

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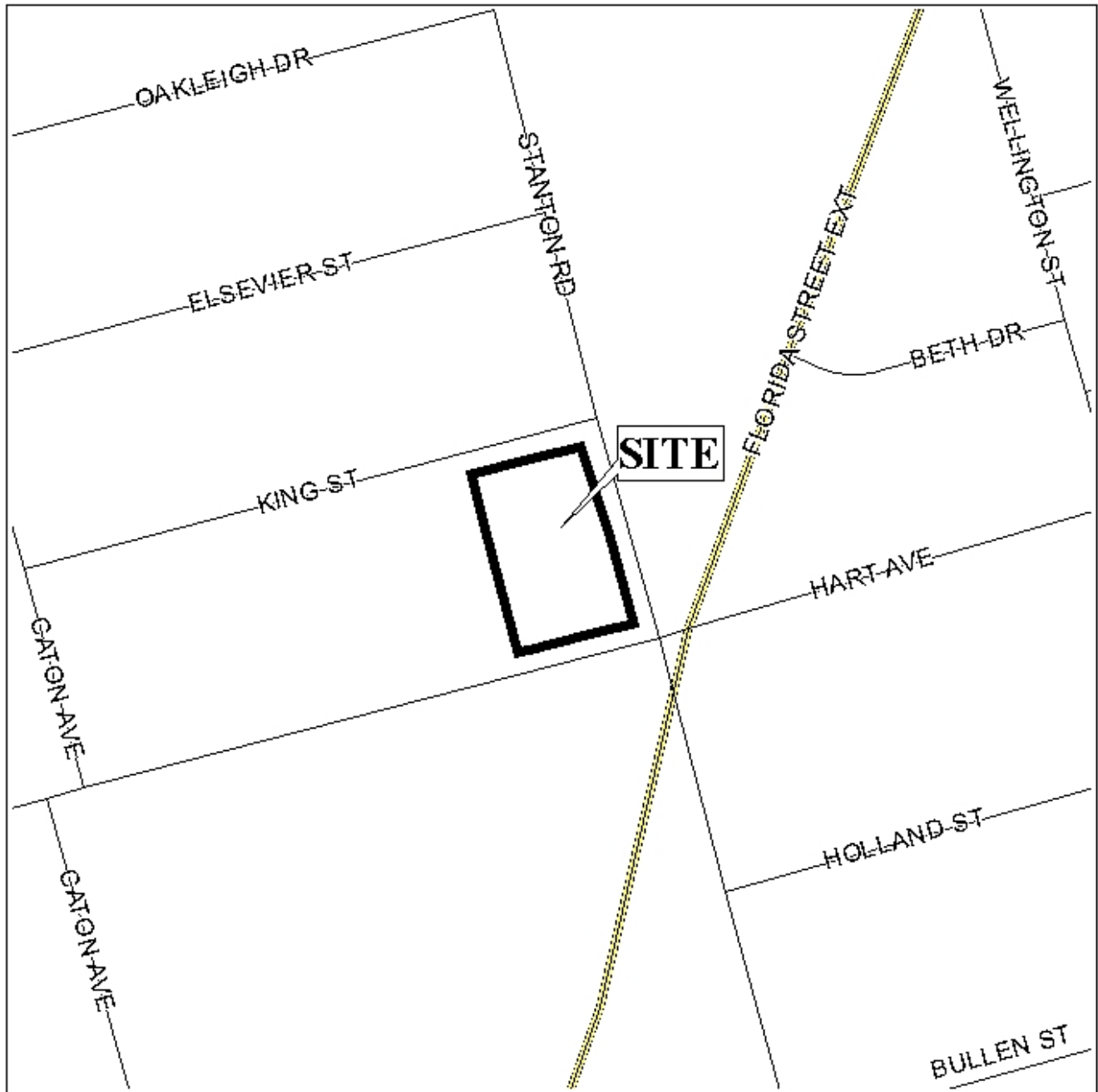
*Revised for the December 15<sup>th</sup> meeting:*

*This application was held over from the November 17<sup>th</sup> meeting at the applicant's request. The applicant has submitted additional unscaled drawings illustrating the landscaping plan. However, the drawings do not address the parking, maneuvering, and setback issues, and the proposed development still encroaches more deeply into a residential area than appears appropriate. It is again recommended that both requests be denied, with justification remaining as follows:*

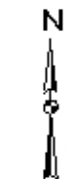
*Rezoning*      Based on the preceding, this application is recommended for denial because the following conditions were not shown: a manifest error in the ordinance; changes in conditions in a particular area making a change in the ordinance necessary and desirable; an increased need for business or industrial sites in addition to sites that are available, making it necessary and desirable to rezone an area or extend the boundaries of an existing district; the subdivision of land into urban building sites making reclassification necessary and desirable.

*Subdivision*      Based on the preceding, this application is recommended for denial, because the site is split-zoned.

## LOCATOR MAP



APPLICATION NUMBER Holdover DATE December 15, 2005  
APPLICANT E. L. Giles, Jr.  
REQUEST Rezoning from R-1 and B-2 to B-2, Subdivision



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# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by mixed land use.

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APPLICANT E. L. Giles, Jr.

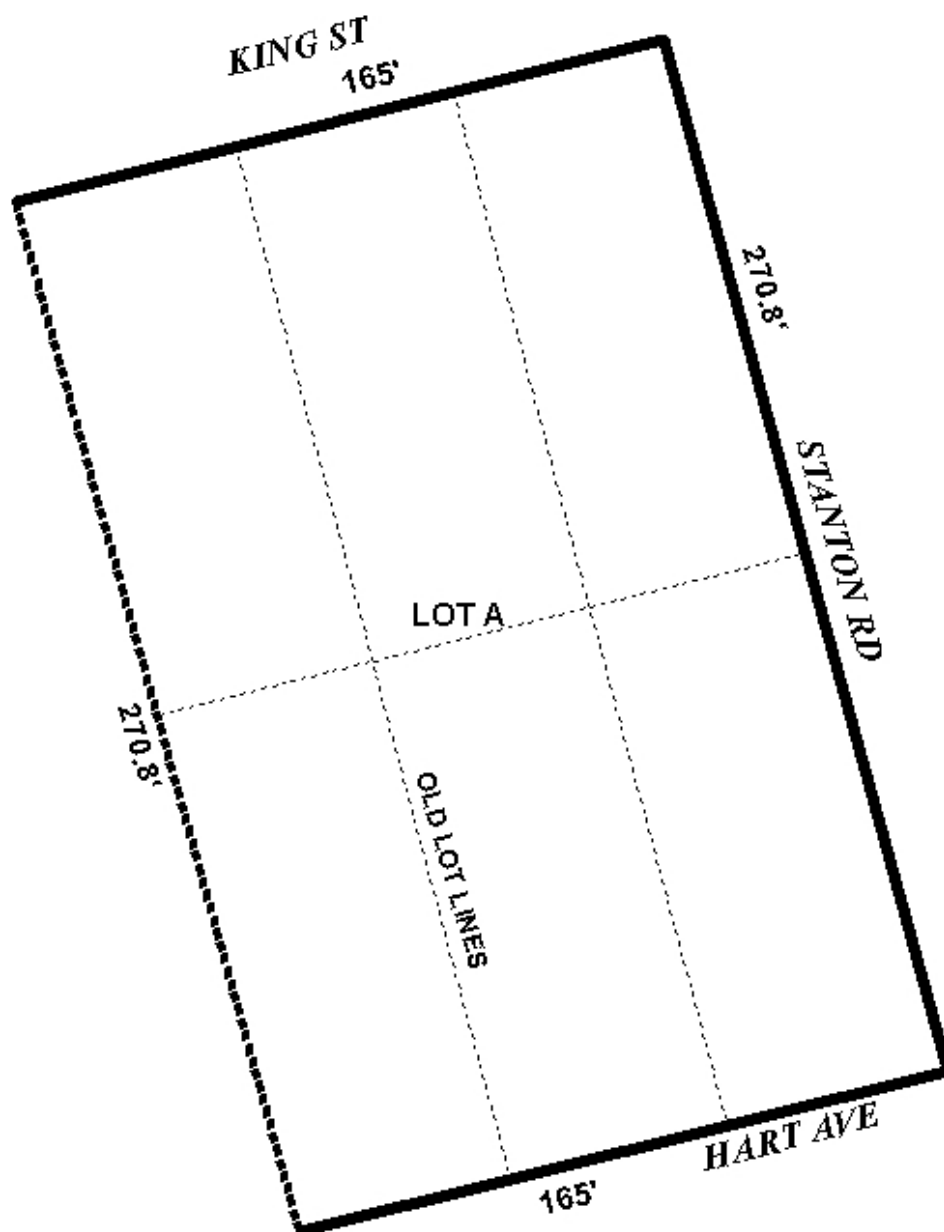
REQUEST Rezoning from R-1 and B-2 to B-2, Subdivision

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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## SUBDIVISION PLAT



APPLICATION NUMBER Holdover DATE December 15, 2005

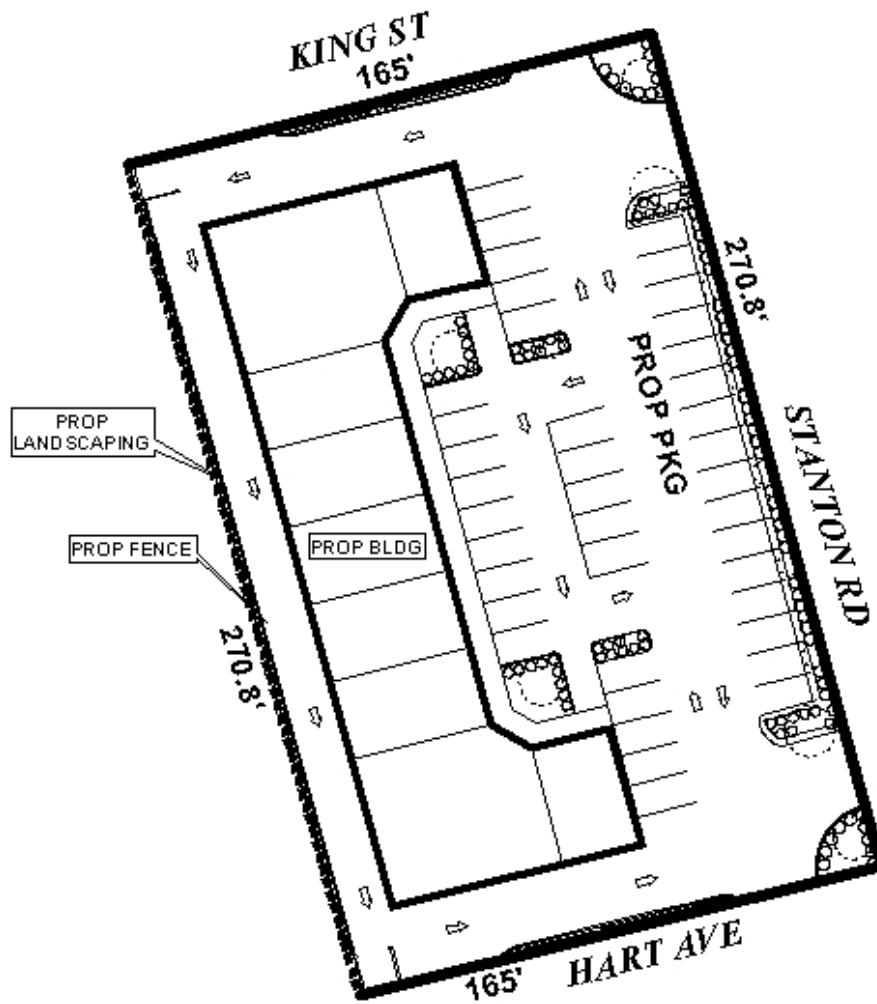
APPLICANT E. L. Giles, Jr.

REQUEST Rezoning from R-1 to B-2, Subdivision



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# SITE PLAN



The site plan illustrates the proposed building, parking, and landscaping

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