HOLDOVER

 # 3, # 4 & # 5 **File # ZON2004-01255 ZON2004-01254 SUB2004-00122**

REZONING, PUD & SUBDIVISION STAFF REPORT Date: June 17, 2004

APPLICANT NAME BankTrust (Mike Fitzhugh, Agent)

DEVELOPMENT NAME BankTrust Subdivision

SUBDIVISION NAME BankTrust Subdivision

LOCATION **Rezoning:** East side of South McGregor Avenue, 100'± South of Old Shell Road.
Subdivision: 4401, 4403, 4411, 4417 and 4423 Old Shell Road (Southeast corner of Old Shell Road and South McGregor Avenue).

CITY COUNCIL DISTRICT District 7

PRESENT ZONING R-1, Single-Family Residential
B-2, Neighborhood Business

PROPOSED ZONING B-2, Neighborhood Business

AREA OF PROPERTY **Rezoning:** 1,720± Sq.Ft.
Subdivision & PUD: 1.43± Acres 2 Lots

CONTEMPLATED USE Retail and Offices with multiple buildings on multiple building sites with shared parking and access between building sites.
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 Existing/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. Eliminate parking spaces that back into Old Shell Road. Minimum parking aisle width for two-way traffic

flow is twenty-four feet. The three parallel spaces on the northeast corner of the property prevent that full width needed for the eight spaces to the east. Reconfigure parking layout to eliminate spaces that require backing out of the parking area such as the four spaces on the east side of the lot and the spaces on the south side of the lot.

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 (City Code Chapters 57 and 64 and State Act 61-929). Existing trees that are on the West side of Lot 1 require a permit from Urban Forestry to be disturbed. Preservation status for the 46" Live Oak located on the South side of Lot 2. Any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.

REMARKS The applicant is requesting rezoning of a portion of the overall site to eliminate split zoning – creating a cohesive B-2 district. The applicant is also proposing resubdivision of the two existing parcels into two legal lots of record, relocating the interior property line. Because the site will consist of multiple buildings on multiple building sites with shared parking and access, PUD Approval is also required.

McGregor Avenue, which has a 60' right-of-way, is shown as a major street on the Major Street Plan, and requires a minimum right-of-way of 80'. Given the location of the site, a limitation on curb cuts would be an appropriate method of access management. Additionally, while this section of Old Shell Road is not a major street, it functions as a collector street, which requires a minimum right-of-way of 70'. Therefore, a limitation on curb cuts would be appropriate – including the elimination of parking spaces located in the right-of-way and/or back into the lanes of traffic.

As stated above, the purpose of the rezoning is to correct the split zoning of one of the parcels, rezoning a 1,720 sq.ft. triangle from R-1 to B-2. The R-1 portion of the B-2 parcel is currently paved and used as access and parking. Therefore, the rezoning would not create any type of commercial encroachment, nor expand the existing commercially used site.

Initially, no noticeable change is proposed – simply the relocation of an interior lot line. The site development has existed in this configuration for a number of years.

There are future plans to redevelop the properties; however, those plans have not yet been submitted. Because PUD approval is site plan specific, a new PUD will be needed to amend the existing PUD prior to the issuance of any permits. Given the location of this site and the complex issues involved with redevelopment, the new PUD should be reviewed by the Planning Commission. Any necessary reconfiguration of parking and access will be addressed at the time of the PUD application.

Also, it has been the practice of the Commission to require some level of compliance with landscaping and tree plantings, and to require installation of sidewalks when granting applications for PUD approval. In this particular instance, since it is known that

future plans include demolition and new construction, which will necessitate a new PUD approval, it would be more appropriate to require compliance at that time.

As stated above, there are plans for redevelopment of the site. Therefore, dedications along Old Shell Road and McGregor Avenue would be appropriate as conditions of approval of the Subdivision application. Further, given the amount of frontage on each street, limiting the subdivision to one curb cut to McGregor Avenue and a maximum of two curb cuts to Old Shell Road would be an effective method of access management.

The property to the South is zoned R-1, Single-Family Residential, and as such a 10' buffer strip and a 6' privacy fence are required on the site in question. However, that property is developed with a church and associated parking facilities, thus the fence would be buffering parking facilities from parking facilities. While the Commission does not have the authority to waive or grant variances from requirements of the Zoning Ordinance, the Commission has on occasion required installation of the required buffer fence at the time the adjacent residential property was developed residentially. Such a condition would be appropriate with this and future approvals.

With regard to the proposed subdivision, the plat meets the minimum requirements of the Subdivision Regulations.

RECOMMENDATION **Rezoning:** based on the preceding, it is recommended that this application be approved subject to the following condition: 1) completion of the subdivision process prior to the issuance of any permits.

Planned Unit Development: based on the preceding, it is recommended that this application be approved subject to the following conditions: 1) completion of the rezoning process; 2) completion of the subdivision process; 3) provision of the required buffer fence where the site abuts residentially zoned properties at the time those properties are developed residentially; 4) any significant changes to the site development will necessitate a new PUD approval by the Planning Commission, to include all properties involved/effected; and 5) existing trees that are on the West side of Lot 1 require a permit to be disturbed, and the 46" Live Oak located on the South side of Lot 2 to be given preservations status, which requires a permit from Urban Forestry to be disturbed, any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger..

Subdivision: the plat meets the minimum requirements of the Subdivision Regulations and is recommended for Tentative Approval subject to the following conditions: 1) dedication of sufficient right-of-way along McGregor Avenue to provide a minimum of 40' from centerline; 2) dedication of sufficient right-of-way along Old Shell Road to provide a minimum of 35' from centerline; 3) placement of a note on the final plat stating that the subdivision is limited to one curb cut to McGregor Avenue, location and design to be approved by the Traffic Engineering Department; 4) placement of a note on the final plat stating that the

subdivision is limited to a maximum of two curb cuts to McGregor Avenue, location and design to be approved by the Traffic Engineering Department.

LOCATOR MAP

APPLICATION NUMBER Holdover DATE July 1, 2004

APPLICANT Banktrust (Mike Fitzhugh, Agent)

REQUEST Rezoning, Planned Unit Development and Subdivision

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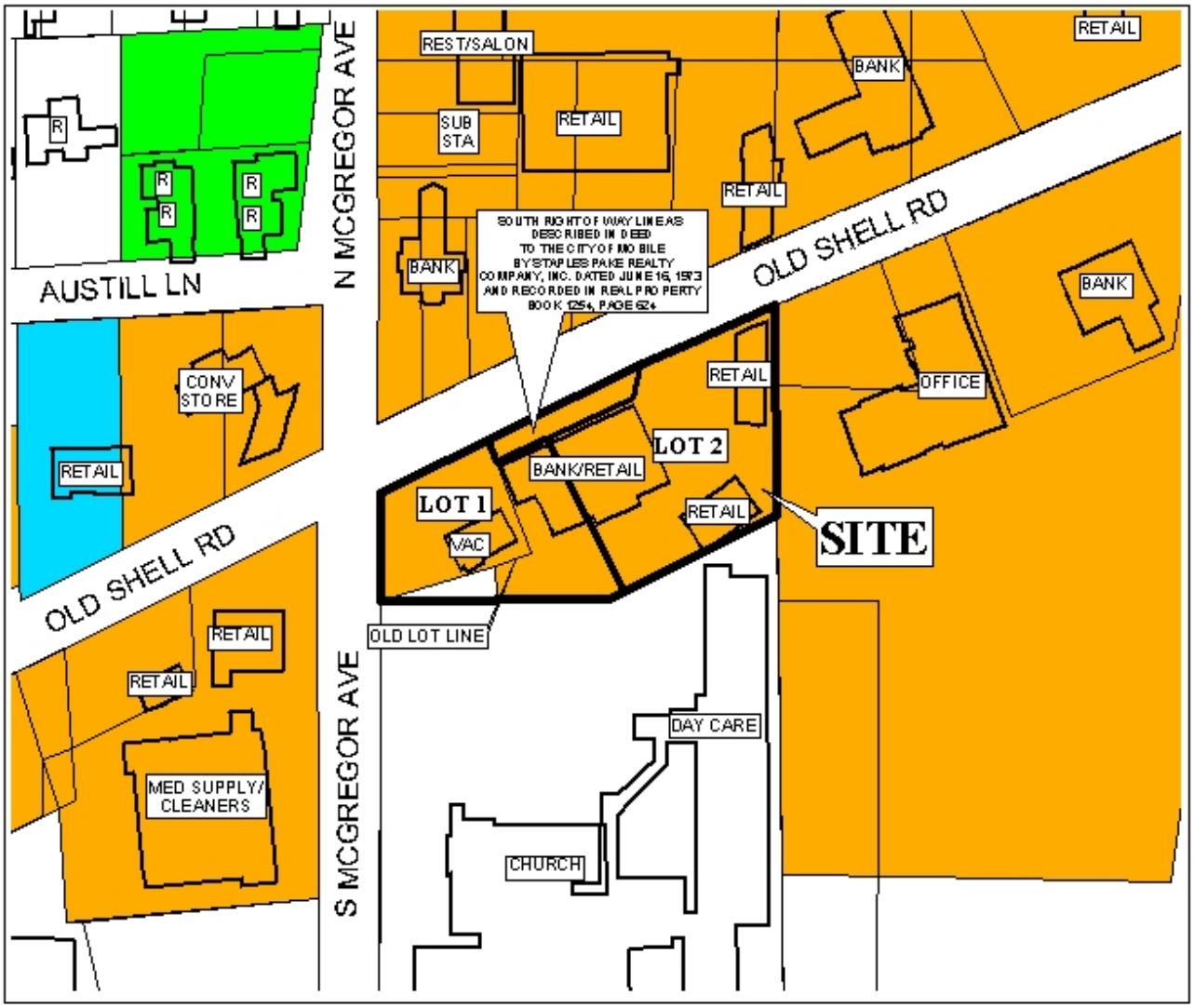
NTS

PLANNING COMMISSION
VICINITY MAP - EXISTING ZONING



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

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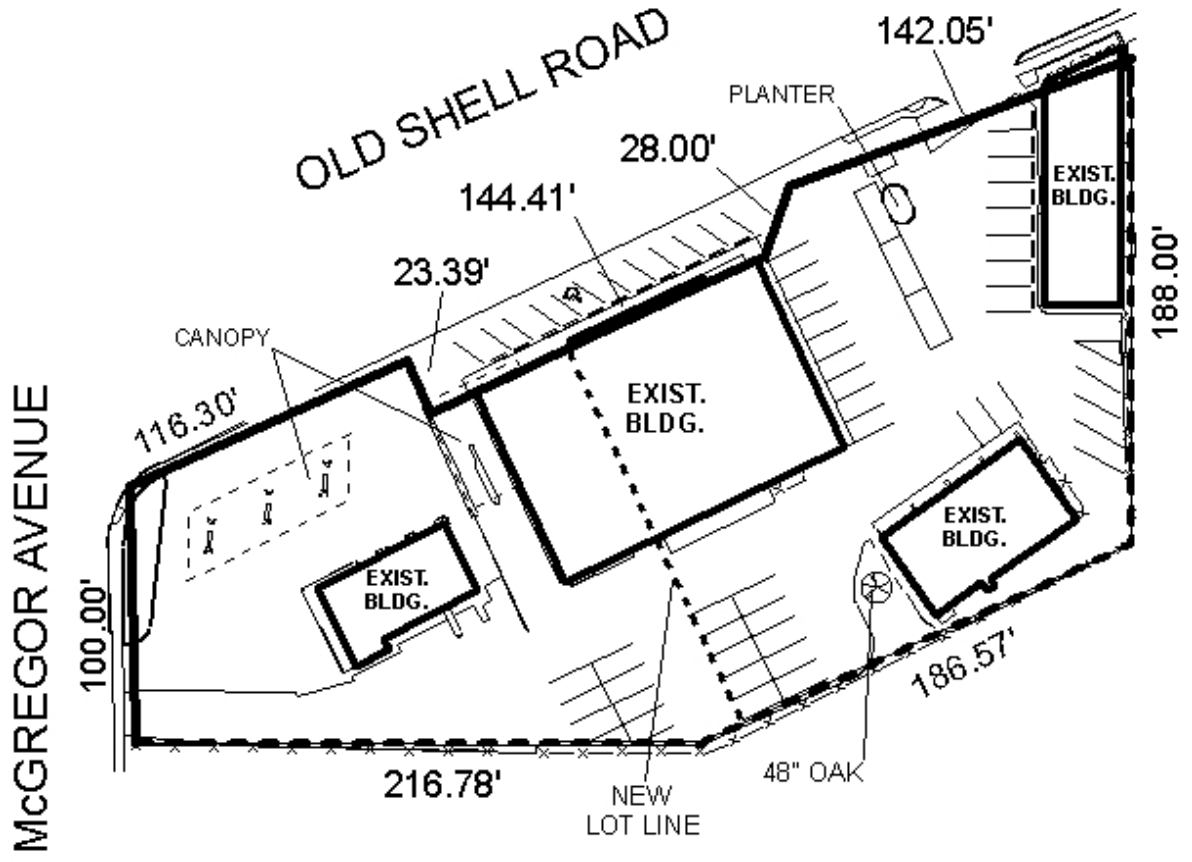
LEGEND R-1 R-2 R-3 R-A R-B H-B B-1 LB-2 B-2 B-3 B-4 B-5 I-1 I-2

N

NTS

SITE PLAN



The site is located at the Southeast corner of Old Shell Road and South McGregor Avenue. The plan illustrates the existing structures and parking along with the proposed subdivision.

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