

**ZONING AMENDMENT  
PLANNED UNIT DEVELOPMENT &  
SUBDIVISION STAFF REPORT**

**Date: July 15, 2004**

**NAME** Brian Walker

**DEVELOPMENT NAME** Western Properties Subdivision

**LOCATION** 709 Western Drive  
(Northwest corner of Western Drive and Northwest Drive)

**CITY COUNCIL DISTRICT** District 1

**PRESENT ZONING** R-1, Single-Family Residential, and I-1, Light Industry

**PROPOSED ZONING** I-1, Light Industry

**AREA OF PROPERTY** 3 Acres

**CONTEMPLATED USE** Expansion of an existing tire recycling facility  
**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** Immediately

**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.

**COMMENTS**

**TRAFFIC ENGINEERING** Driveway number, size, 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). The site is to be developed in compliance with frontage trees only.

**REMARKS**

The applicant is requesting rezoning from R-1, Single-Family Residential and I-1, Light Industry to I-1 Light Industry to expand an existing tire recycling facility; PUD approval to allow multiple buildings on a single building site; and subdivision approval to consolidate multiple properties into one lot.

The applicant states that there is frequently an 18-wheeler parked on the site and that the fire department requires additional access so that a fire truck can reach the rear of the property. The applicant goes on to state that the property has been used industrially for over 50 years and that that there is adequate shell parking.

The site is illustrated as industrial 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 requested, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and zoning classification.

Although the site is illustrated as industrial on the General Land Use Plan, as outlined above, there are other factors to consider; the critical issues of timing, appropriateness and compatibility require careful evaluation. While the request would simply expand an existing I-1 district, the expansion place I-1 zoning and use in the backyard of three additional residences. Furthermore, I-1 zoning would surround an existing single-family residence, an indication that the request is untimely and incompatible with the existing development of this neighborhood.

Planned Unit Development review 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.

As illustrated on the site plan, it appears that the only proposed change to the property is a new access point to Northwest Drive. However, this driveway would be zoned industrially and as such 18-wheelers would be driving between two existing residential structures. While the current zoning would prohibit a second point of access, redesign/renovation of the existing site, or limiting deliveries to smaller vehicles would allow the passage of emergency vehicles.

The subdivision approval is needed to combine multiple parcels of property; however, if the zoning request is denied, the subdivision would create a split zoned lot—a practice the Commission has avoided.

**RECOMMENDATION**  
recommended for denial.

**Rezoning** Based upon the preceding, this application is

**Planned Unit Development** Based upon the preceding, this application is recommended for denial.

**Subdivision** Based upon the preceding, this application is recommended for denial for the following reason: 1) approval of the application would create a split-zoned lot.

*Revised August 19<sup>th</sup> meeting:*

*The applicant has submitted a revised plan excluding the residential lot along Western Drive. While the rezoning would still expand the I-1 district northwardly behind residential properties, all of the access would remain to the South in the commercial/industrial area. Moreover, due to the configuration of the property as well as issues of access, it is improbable that this sliver of property would ever be developed residentially.*

*The site plan illustrates a 10-foot buffer strip adjacent to residential development, which is the minimum buffer required by the Zoning Ordinance; this situation (industrial property adjoining residential) would necessitate a minimum buffer of 15-feet, as well as the provision an eight-foot wooden privacy fence.*

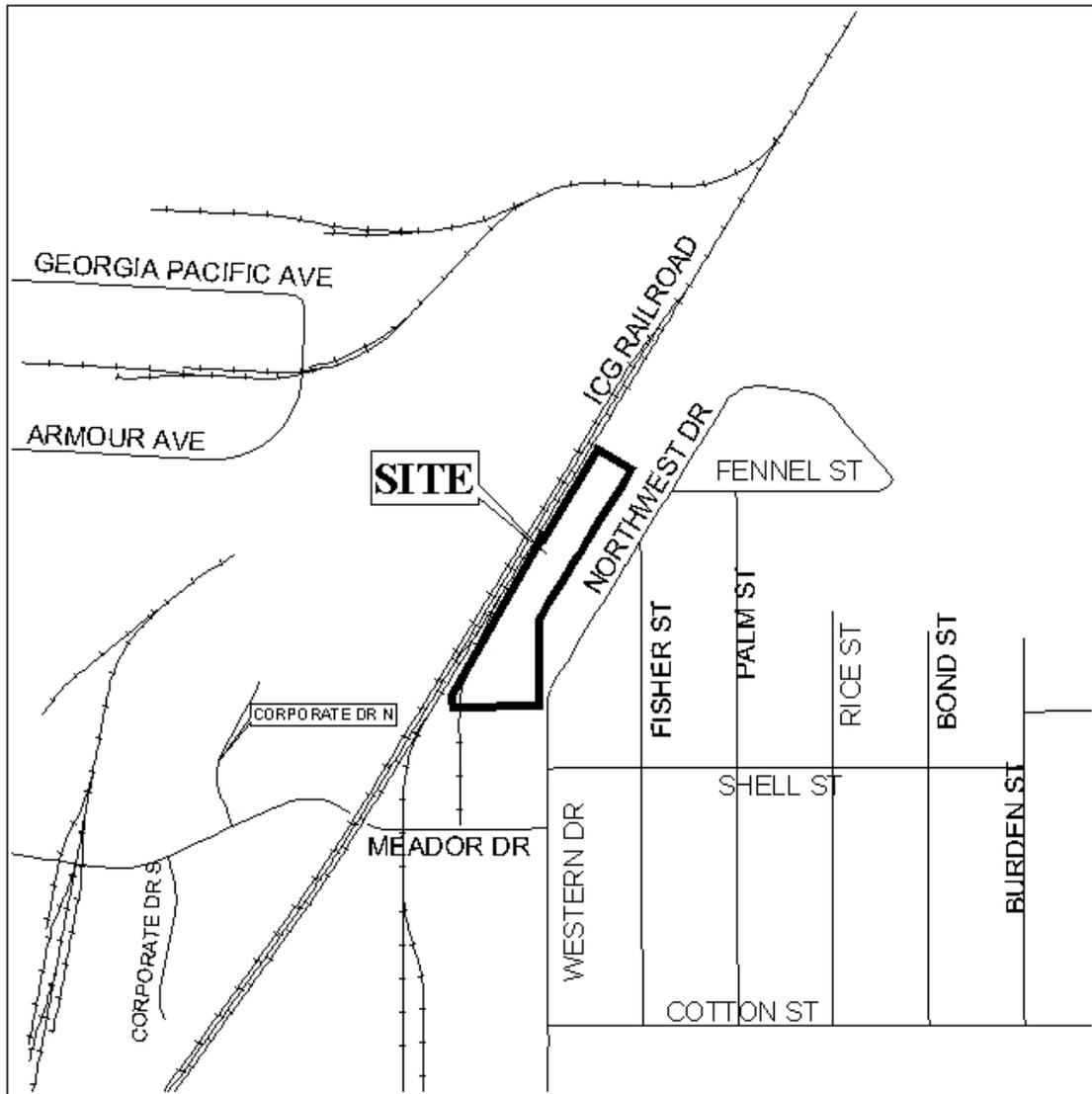
*In regard to the proposed PUD, the existing site would essentially remain as is, however, all the parking, access and maneuvering is illustrated as shell. Typically rezoning and PUD approvals require full compliance with all municipal codes and ordinances, including paved parking and landscaping and tree plantings. It should be noted that as a PUD, any changes to the proposed site plan other than specific conditions placed upon this approval would require a new PUD application.*

**Rezoning:** *Based upon the revised site plan, this application is recommended for approval subject to the following conditions: 1) the provision of a 15-foot vegetative buffer and an eight-foot wooden privacy fence where the site adjoins residential development; 2) the paving of all access, maneuvering and driveways; 3) full compliance with the landscaping and tree planting requirements of the Ordinance; and 4) full compliance with all municipal codes and ordinances.*

**Planned Unit Development:** *Based upon the revised site plan, this application is recommended for approval subject to the following conditions: 1) the provision of a 15-foot vegetative buffer and an eight-foot wooden privacy fence where the site adjoins residential development; 2) the paving of all access, maneuvering and driveways; 3) full compliance with the landscaping and tree planting requirements of the Ordinance; and 4) full compliance with all municipal codes and ordinances.*

**Subdivision:** *The plat meets the minimum requirements of the Subdivision Regulations and is recommended for approval.*

# LOCATOR MAP



APPLICATION NUMBER Holdover DATE August 19, 2004

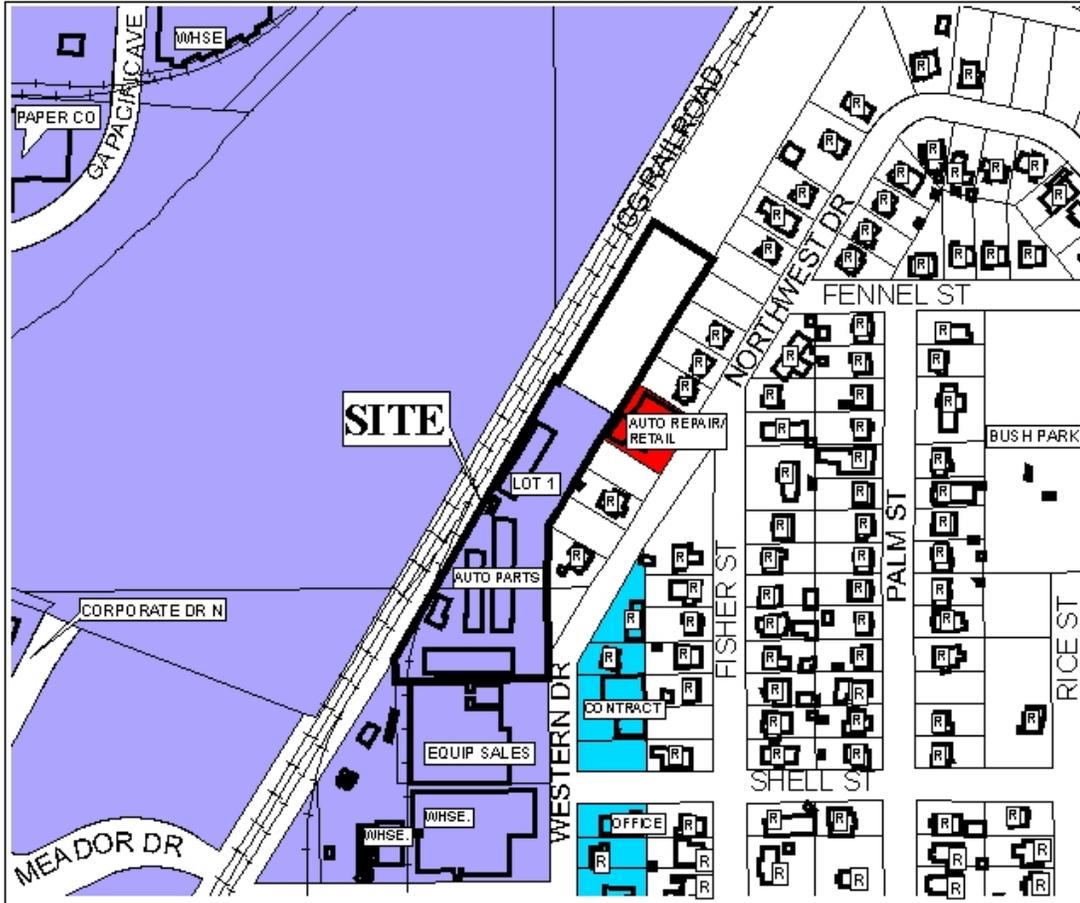
APPLICANT Brian Walker

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



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## PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Single-family residential units and retail establishments are located to the east of the site. Commercial and Industrial sites are located to the west, south, and north of the site.

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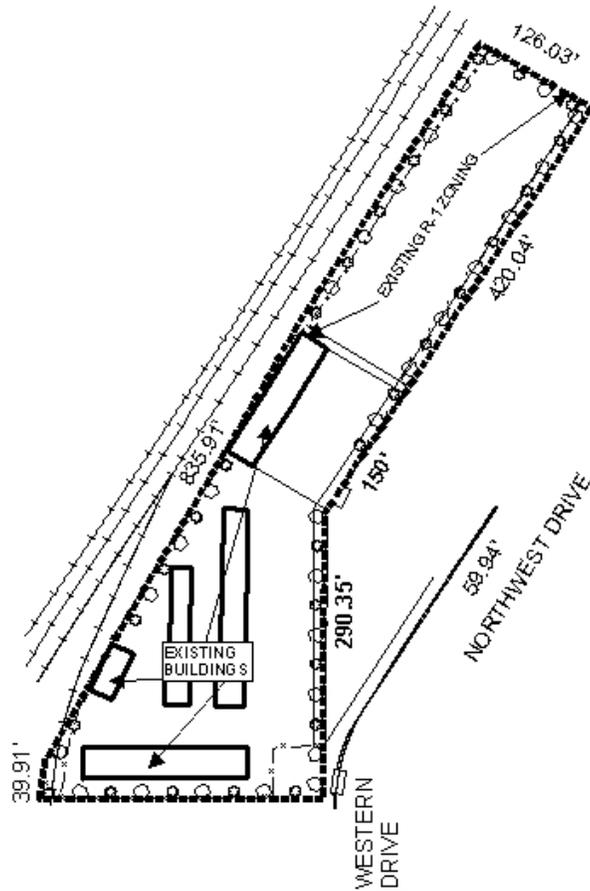
LEGEND 

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 is located on the Northwest corner of Western Drive and Northwest Drive. The plan illustrates the existing structures, parking, and zonings.

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