

**ZONING AMENDMENT &  
SUBDIVISION STAFF REPORT**

**Date: June 17, 2004**

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|---|---|
| <b><u>NAME</u></b>                          | Darryl Anderson   |
| <b><u>DEVELOPMENT NAME</u></b>              | Everglaze Subdivision   |
| <b><u>LOCATION</u></b>                      | 5358 Moffett Road<br>(North side of Moffett Road, 225'± East of Colonial Circle South)  |
| <b><u>CITY COUNCIL DISTRICT</u></b>         | District 7  |
| <b><u>PRESENT ZONING</u></b>                | R-1, Single-Family Residential  |
| <b><u>PROPOSED ZONING</u></b>               | B-3, Community Business   |
| <b><u>AREA OF PROPERTY</u></b>              | 6.1± Acres  |
| <b><u>CONTEMPLATED USE</u></b>              | Nursery Stock Sales<br><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>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 ALDOT and conform to AASHTO standards.  |
| <b><u>URBAN FORESTRY COMMENTS</u></b>       | Preservation status is to be given to the 60" Live Oak on the West side of Lot 1. 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. 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 requesting rezoning from R-1, Single-Family Residential to B-3, Community Business for nursery stock sales. A plant nursery is allowed by right in a B-3 district.

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

Section III.5. of the Zoning Ordinance recommends that a new B-3 district contain at least four acres of property. However, this is simply a general guide, and while the site exceeds four acres and is located on a major thoroughfare, there are other important factors that indicated this property is not an appropriate B-3 site.

First, as outlined above, the site is illustrated as residential on the General Land Use Plan. Although the plan is a guide for development and not a mandate, it is a long-term statement of policy for the development of the City. Additionally, this site abuts residential development on three sides.

The most important issue in any rezoning is not the proposed use, but rather is the site an appropriate site for the rezoning classification requested. If approved, any use allowed in a B-3 district could locate on the site, including car sales, car repair and warehousing; consequently, if these uses are not appropriate for this site, then it may be inappropriate to rezone the site to B-3.

Additionally, the proposed site plan contains multiple buildings, thus PUD approval would be required. It should also be noted that the proposed shade house does not provide an adequate setback from the adjacent residential property line. Likewise, the walking path around the greenhouses abuts the residential property line to the rear which could infringe upon the privacy of the adjoining residential properties. Furthermore, gravel parking is proposed, but is prohibited in B-3 districts.

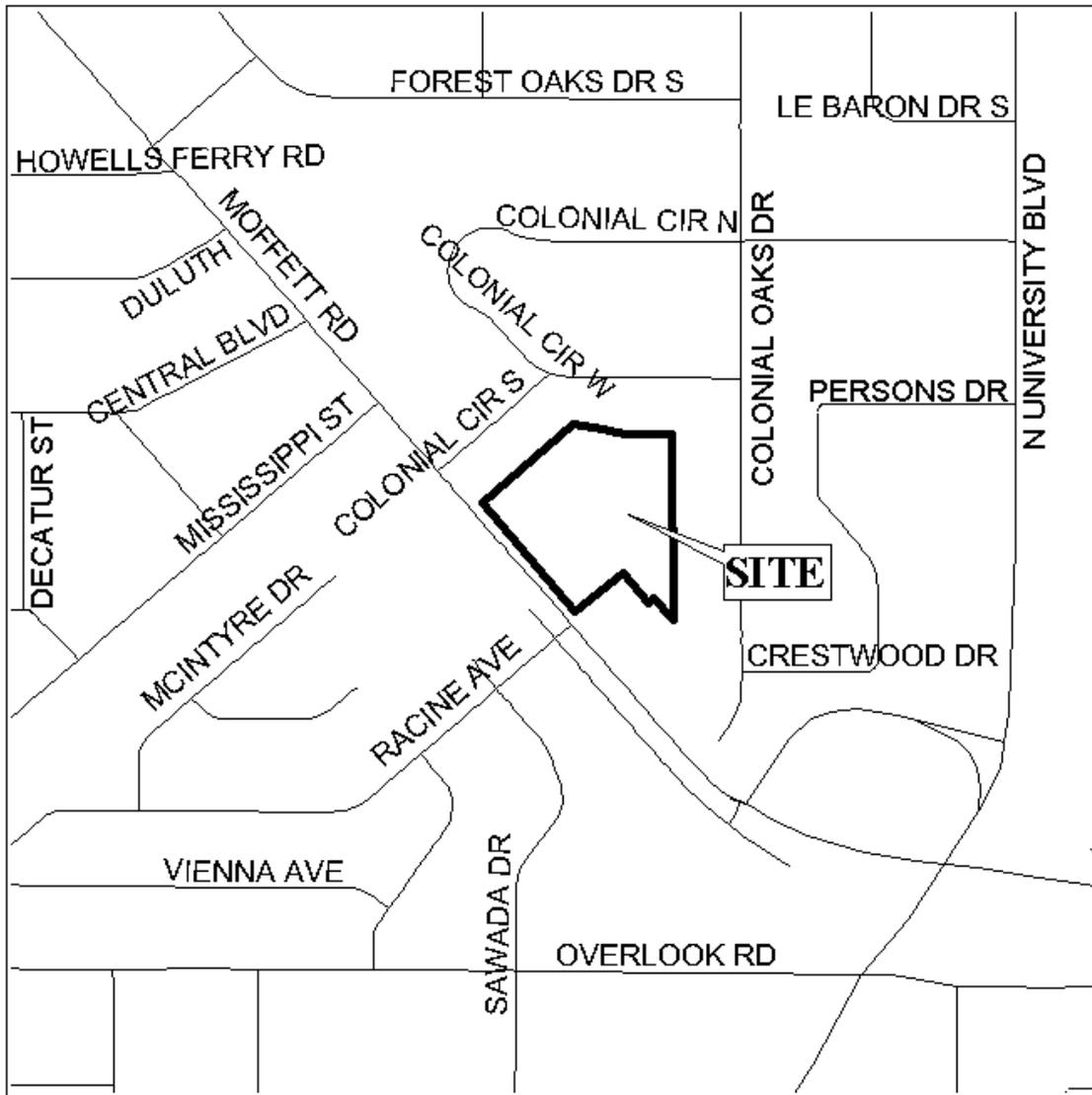
Regarding the request for subdivision, the plat meets the minimum requirements of the Subdivision Regulations.

**RECOMMENDATION**

**Rezoning:** based upon the preceding, this application is recommended for denial.

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

# LOCATOR MAP



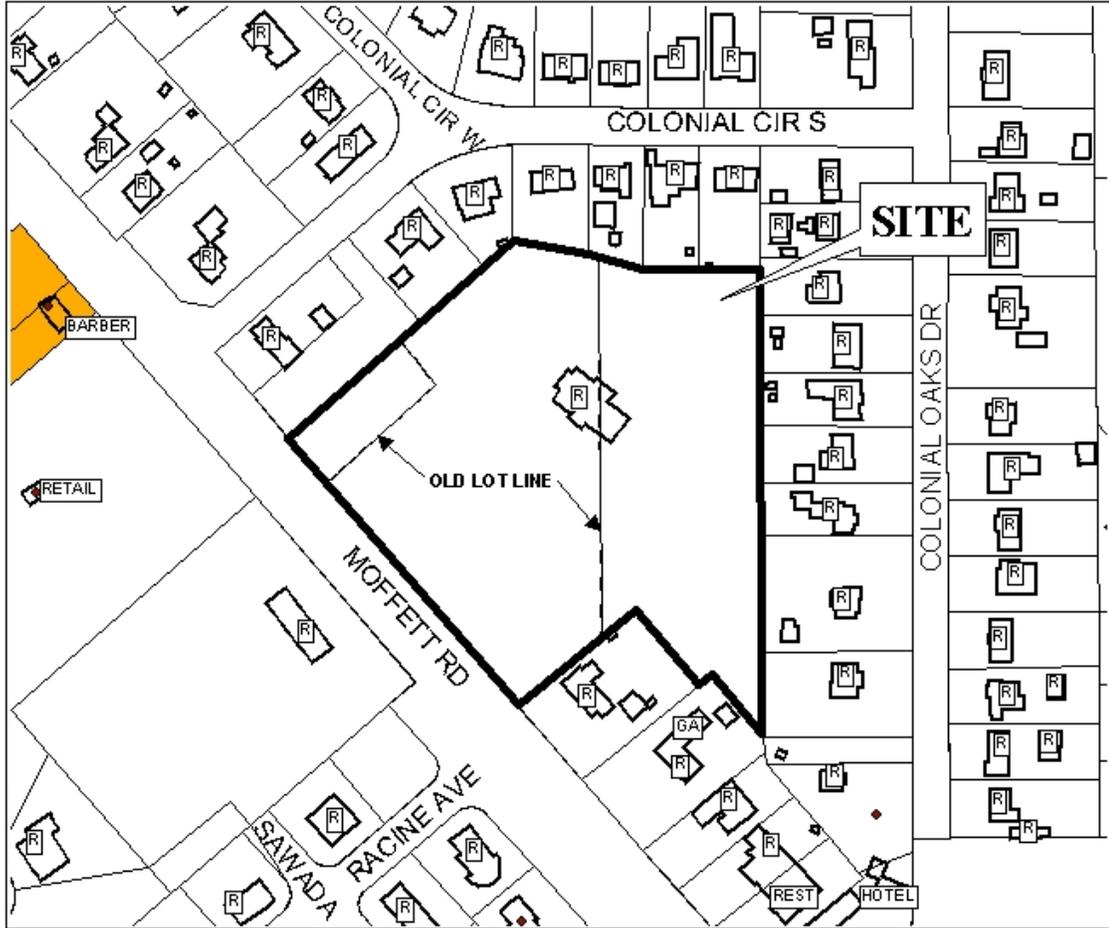
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REQUEST Rezoning from R-1 to B-3, Subdivision



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential dwellings.

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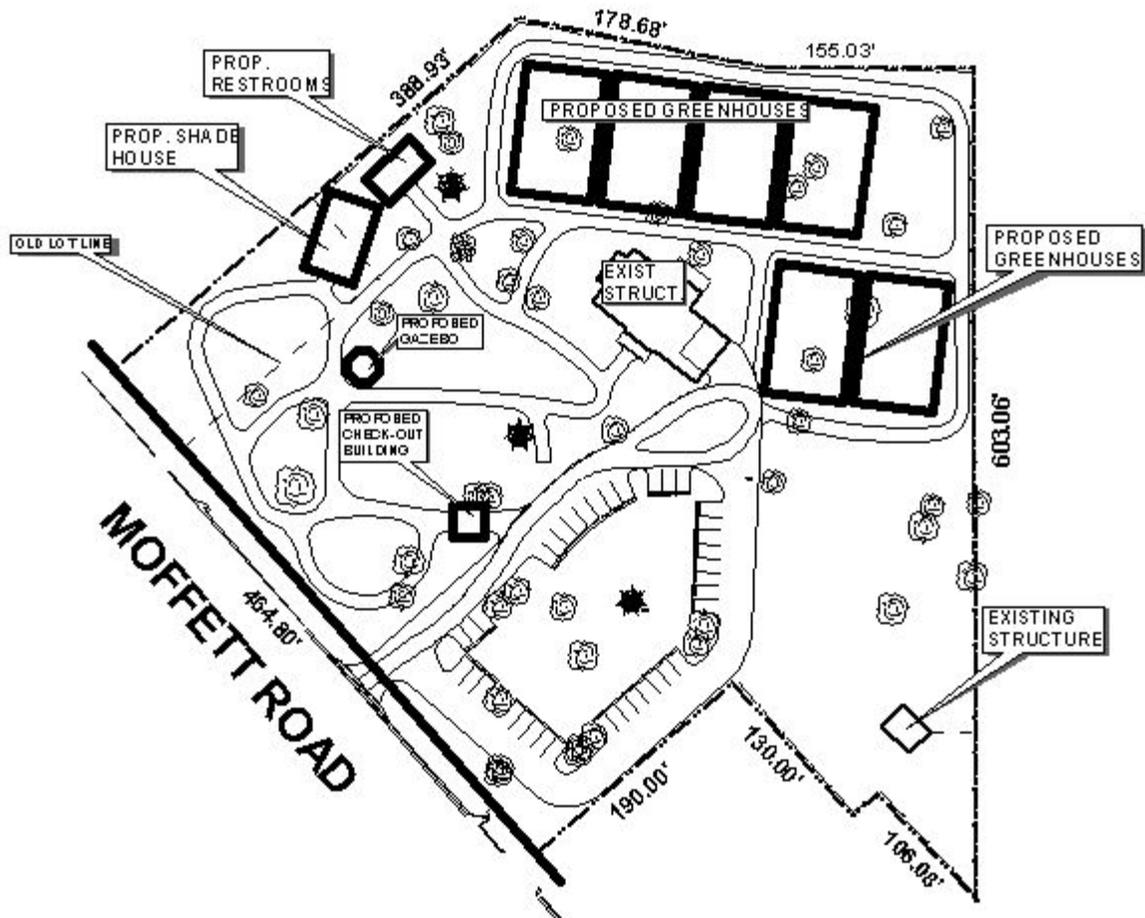
REQUEST Rezoning from R-1 to B-3, Subdivision

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 |



# SITE PLAN



The site is located on the North side of Moffett Road, 225' East of Colonial Circle South. The plan illustrates the existing buildings and drive, along with the proposed structures and drive.

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