

**PLANNED UNIT DEVELOPMENT,
REZONING, & SUBDIVISION STAFF REPORT** **Date: September 7, 2006**

<u>NAME</u>	Blankenship Enterprises
<u>SUBDIVISION NAME</u>	Universal Subdivision
<u>LOCATION</u>	2850 and 2852 Government Boulevard (Northwest corner of Moffett Road and Wolf Ridge Road)
<u>CITY COUNCIL DISTRICT</u>	District 7
<u>PRESENT ZONING</u>	B-2, Neighborhood Business
<u>PROPOSED ZONING</u>	B-3, Community Business
<u>AREA OF PROPERTY</u>	3 Lots / 1.9± Acres
<u>CONTEMPLATED USE</u>	Glass shop, auto repair, and other commercial uses, with shared 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.
<u>REASON FOR REZONING</u>	Changing conditions in the area make a change in zoning necessary and desirable, and eliminating split-zoning in a proposed subdivision.
<u>TIME SCHEDULE FOR DEVELOPMENT</u>	Immediate
<u>ENGINEERING COMMENTS</u>	Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit. The applicant is responsible for verifying if the site contains wetlands. The site can be checked against the National Wetlands Inventory on the COM web site Environmental Viewer. If the site is included on the NWI, it is the applicant's responsibility to confirm or deny the existence of regulatory wetlands.
<u>TRAFFIC ENGINEERING COMMENTS</u>	Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Remove any unused existing driveway cuts.

URBAN FORESTRY**COMMENTS**

All new structures shall comply with Section 508.5 through 508.5.6 and Appendix B, C & D section D101 through D106.2 of the 2003 IFC.

REMARKS

The applicant is requesting approval for Rezoning from B-2, Neighborhood Business, to B-3, Community Business, to allow a glass shop and other commercial uses; for Planned Unit Development, to allow shared access between lots; for Subdivision; to create three lots of record from three existing lots and two metes and bounds parcels.

The plat illustrates the proposed 1.9± acre, three-lot subdivision, which fronts Yeager Court, which has a 50-foot right-of-way; Government Boulevard Service Road, which is part of the 250-foot right-of-way of Government Boulevard, a planned major street; and Magnolia Road, which has a substandard right-of-way of 33 feet. Dedication sufficient to provide 25 feet from the centerline of Magnolia Road would be required. The proposed lots meet the minimum standards; however, proposed Lot 1 would be L-shaped, providing it with frontage on three streets. As a means of access management, a note should be required on the final plat limiting the site to a single curb cut to each street from each lot, with size, location, and design subject to Traffic Engineering approval.

Planned Unit Development (PUD) 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.

PUD approval is requested because several existing parking spaces cross lot lines; thus “shared access” between building sites must be approved. The quantity of parking provided would satisfy the requirements for existing and proposed facilities.

The site currently does not meet the standards of tree planting and landscaping of the Zoning Ordinance, and should be brought into compliance, to the extent possible without negatively impacting circulation or creating a parking deficit. Landscaping and tree planting should be coordinated with Urban Forestry.

Regarding the proposed Zoning Amendment, the applicant is seeking to extend an existing B-3 district, to eliminate split zoning in the proposed subdivision, and to allow glass sales, auto repair, and other commercial uses at the site.

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.

This area is shown on the General Land Use Component of the Comprehensive Plan as commercial. 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 site is currently a non-conforming B-3 use on a B-2 site, with a glass shop and auto repair. The applicant states that changing conditions in the area, including rezoning from R-1 to B-3 across Yeager Court and across Government Boulevard from the site, make rezoning to B-3 appropriate. While there is residential development near the site, it is not oriented toward these businesses. Rezoning would reflect the historic use of the site and provide an opportunity to bring the site into compliance with other requirements, including landscaping and tree planting, without adversely affecting the surrounding area; furthermore, it would be an expansion of an existing B-3 district. To ensure that the entire site is uniformly covered by the conditions of this rezoning, the entire subdivision site, including that which is already B-3, should be part of the rezoning application. To this end, a revised legal description of the boundaries of the *entire* site should be provided to Urban Development to go forward with the Rezoning process.

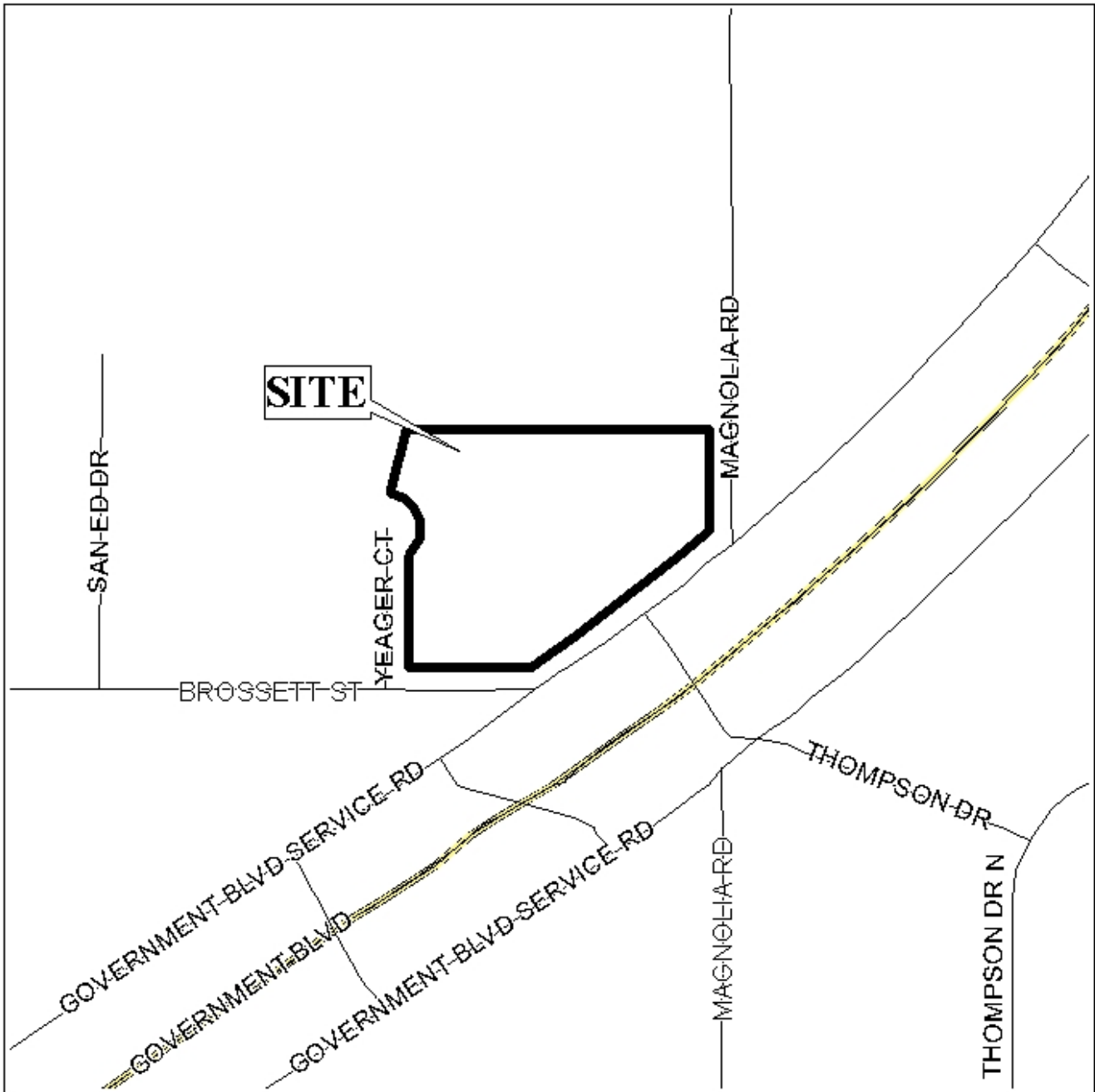
RECOMMENDATION

Subdivision Based on the preceding, this application is recommended for Tentative Approval, subject to the following conditions: 1) dedication of right-of-way sufficient to provide 25 feet from the centerline of Magnolia Road; 2) the placement of a note on the final plat stating that the site is limited to a single curb cut to each street from each lot, with size, location, and design subject to Traffic Engineering approval.; and 3) completion of the Rezoning process prior to signing the final plat.

Planned Unit Development: Based upon the preceding, this request is recommended for Approval, subject to the following conditions: 1) dedication of right-of-way sufficient to provide 25 feet from the centerline of Magnolia Road; 2) installation of landscaping and tree planting to be coordinated with Urban Forestry; 3) full compliance with all other municipal codes and ordinances; and 4) completion of the Subdivision process prior to the issuance of any permits.

Rezoning Based on the preceding, this application is recommended for Approval, subject to the following conditions: 1) dedication of right-of-way sufficient to provide 25 feet from the centerline of Magnolia Road; 2) installation of landscaping and tree planting to be coordinated with Urban Forestry; 3) full compliance with all other municipal codes and ordinances; and 4) completion of the Subdivision process prior to the issuance of any permits.

LOCATOR MAP



APPLICATION NUMBER 21 & 22 & 23 DATE September 7, 2006

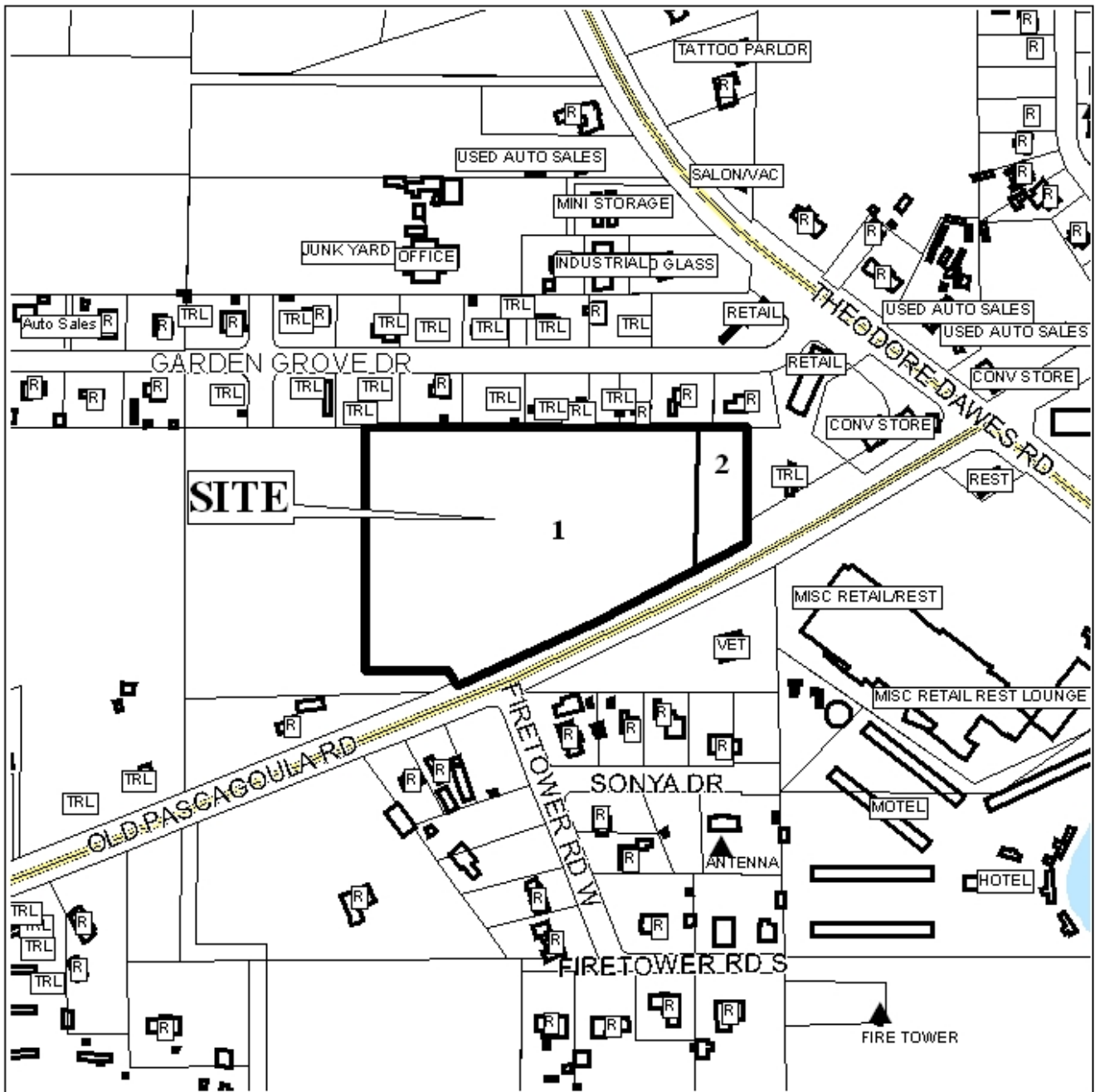
APPLICANT Blankenship Enterprises

REQUEST Rezoning from B-2 and B-3 to B-3, Planned Unit Development, Subdivision



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BENNETT POINTE SUBDIVISION



APPLICATION NUMBER 1 DATE September 7, 2006

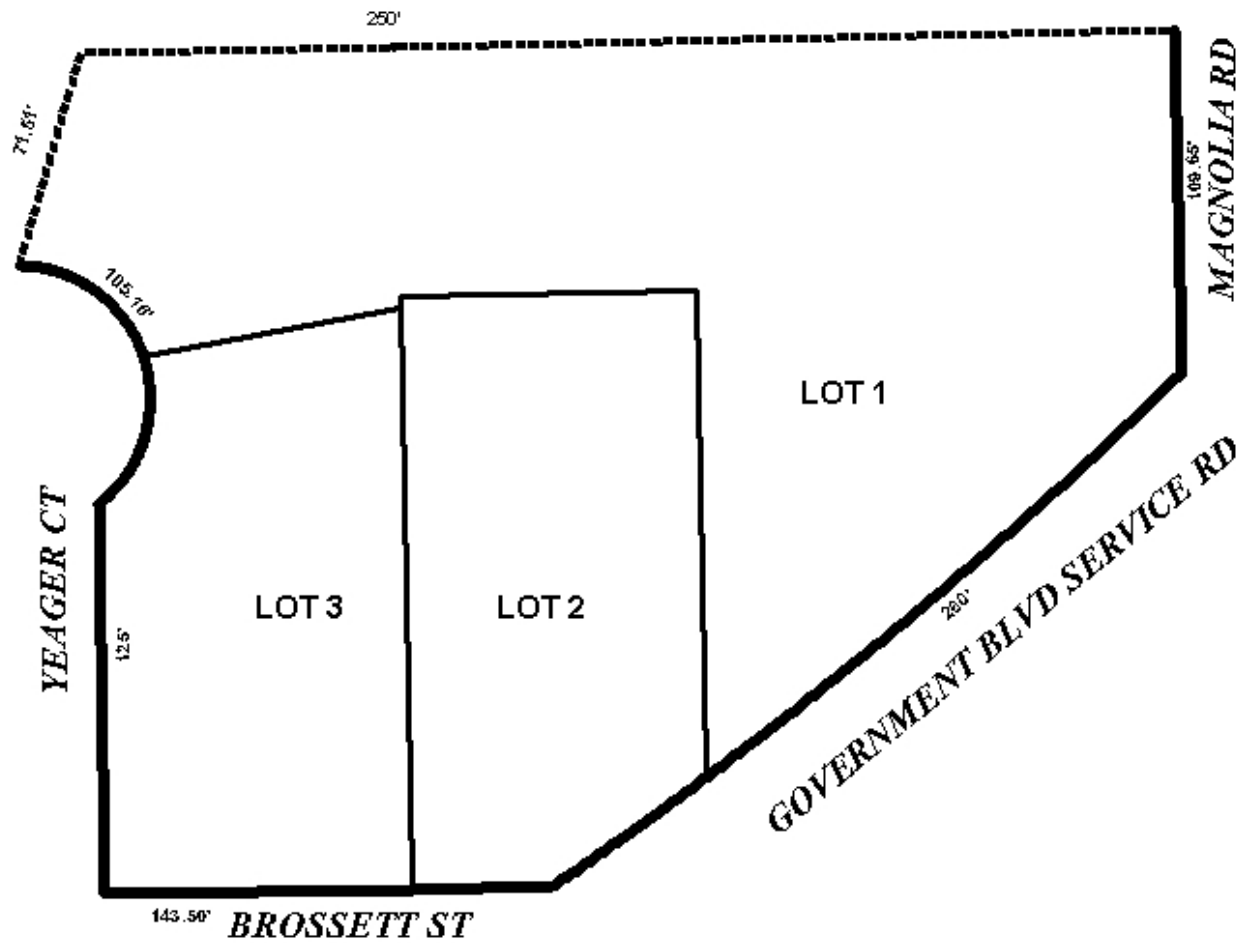
LEGEND

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



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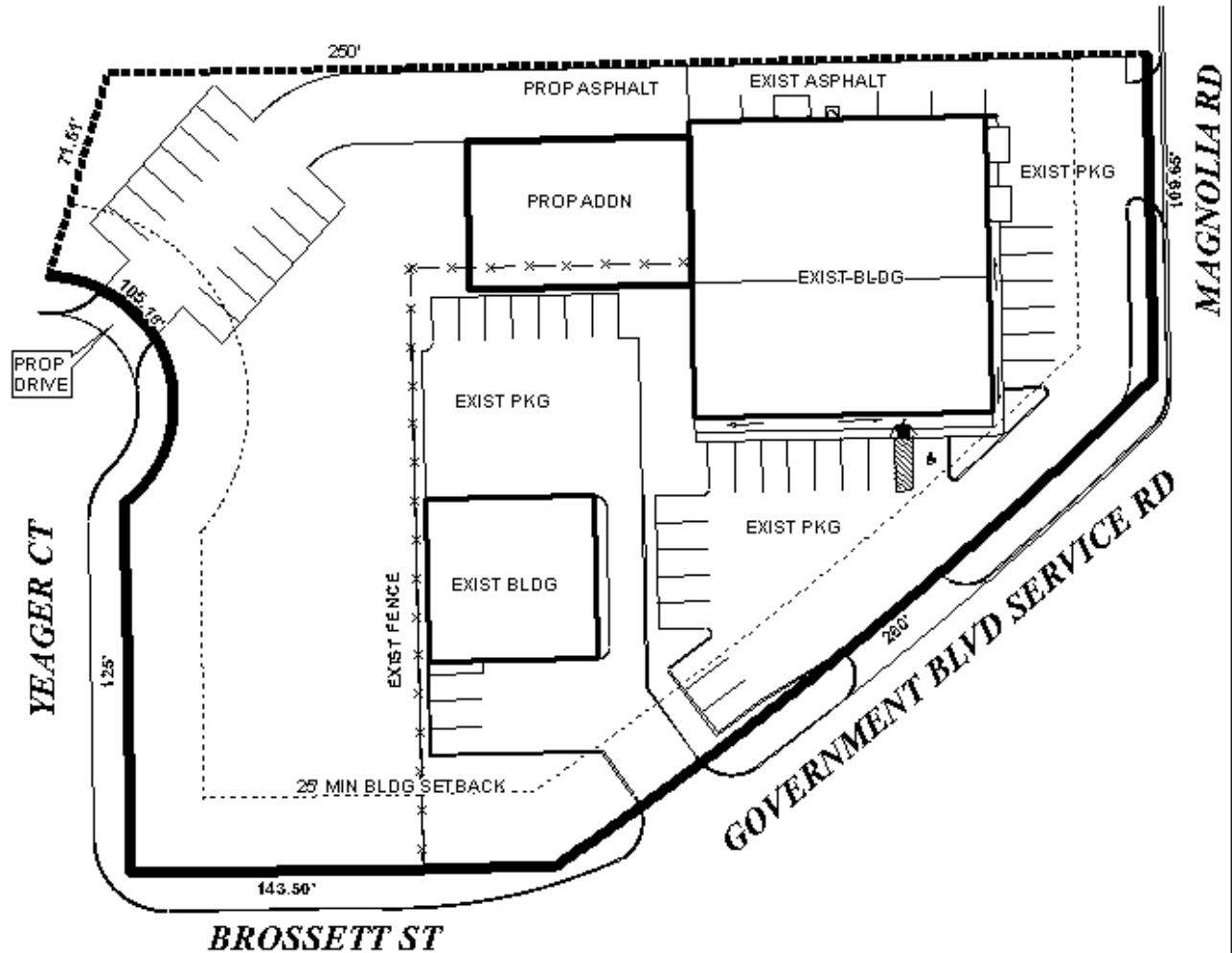
APPLICANT Blankenship Enterprises

REQUEST Rezoning from B-2 and B-3 to B-3, Planned Unit Development, Subdivision



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SITE PLAN



The site plan illustrates the existing buildings, parking, and drives along with the proposed building addition, drive, and parking

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