

**ZONING AMENDMENT &
SUBDIVISION STAFF REPORT****Date: December 2, 2004****NAME**

Syble Watson

LOCATION4175 Halls Mill Road
(East side of Halls Mill Road, 930'± North of Alden Drive)**CITY COUNCIL
DISTRICT**

District 4

PRESENT ZONING

R-1, Single-Family Residential

PROPOSED ZONING

B-3, Community Business

AREA OF PROPERTY

3.3 ± Acres

CONTEMPLATED USE

Lounge

It should be noted, however, that any use permitted in the proposed district would be allowed at this location if the zoning were changed. Furthermore, the Planning Commission may consider zoning classifications other than that sought by the applicant for this property.

**TIME SCHEDULE
FOR DEVELOPMENT**

None Given

**ENGINEERING
COMMENTS**

Engineering will require a drainage easement of approximately 30 feet through lot 2 for a needed drainage outfall. 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, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Typical driveway widths are twenty-four feet. Changes should be made to the existing driveway to allow for a single driveway opening of a more appropriate width than the one shown. The current opening will create multiply conflict points along Halls Mill Road and in the parking lot. Parking which backs into the right-of-way should be eliminated as well as the angled parking next to the building. Parking aisles should be a minimum of twenty-four feet.

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). Full compliance with the landscaping and tree requirements of the Zoning Ordinance to be coordinated with Urban Forestry.

REMARKS

The applicant is requesting rezoning from R-1, Single-Family Residential to B-3, Community Business for a lounge, as well as subdivision approval to create two legal lots of record.

The site is illustrated as industrial on the General Land Use Component of the Comprehensive Plan. However, the plan 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.

The site is developed with a 6500 square foot commercial building and asphalt parking which previously enjoyed a legal nonconforming status. However, the site has not had an active business license in the last two years and thus has lost its nonconforming status; in order to occupy the building with a commercial use, the site must be rezoned.

Based upon the surrounding zoning and land use patterns, the proposed zoning would be compatible with the surrounding area. As illustrated on the Vicinity Map, the area is predominately a mixture of commercial and industrial development—to the North, West and East is zoned I-1, Light Industry; and to the South is B-3, Community Business.

Although the proposed rezoning would be considered compatible with the surrounding area, there are elements of the site plan that must be addressed. First, as illustrated in the Traffic Engineering Comments, the parking lot configuration is somewhat haphazard; therefore, full compliance with the Traffic Engineering Comments should be required.

Additionally, the parking area extends across Lot 2 and onto the adjacent property to the North, which is zoned R-1, Single-Family Residential. While the two individuals that own this site also own the remaining R-1 parcels on the East side of Halls Mill Road, those properties are still zoned residentially, thus no commercial improvements, including parking, would be allowed. Any nonconforming status they may have enjoyed has expired, thus all parking must be removed from the residential properties. Moreover, if a portion of the parking area for business on Lot 1 remains on Lot 2, the submission and approval of a Planned Unit Development application would be required for shared parking and access.

As with any rezoning, full compliance with the landscaping and tree planting requirements of the Ordinance would be required. It should also be noted that the site adjoins residential zoning; therefore, the provision of a buffer, in compliance with Section IV.D.1. should be required when and if the adjoining properties are developed residentially.

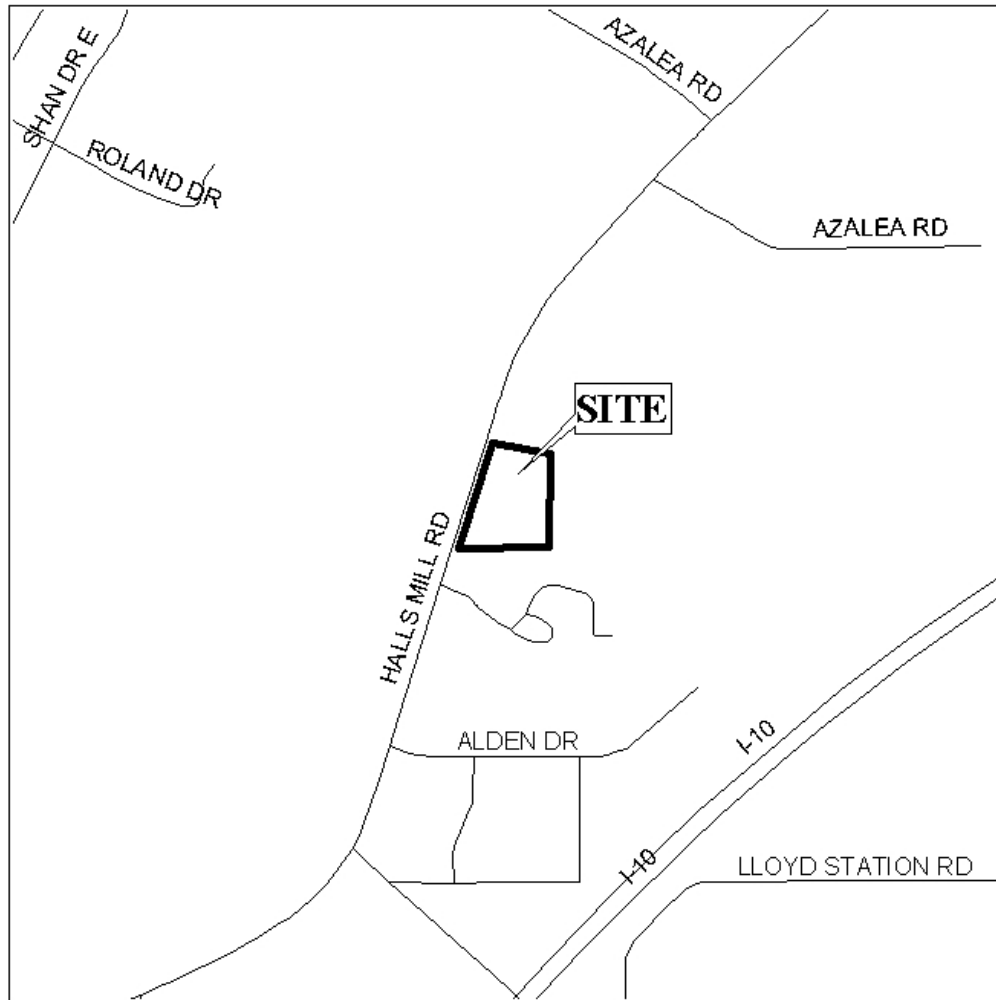
Regarding the proposed subdivision, the site fronts Halls Mill Road, a collector street and as such requires a minimum right-of-way of 70-feet; therefore, the dedication of sufficient right-of-way to provide 35-feet from the centerline of Halls Mill Road should be required.

RECOMMENDATION

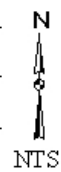
Rezoning Based upon the preceding, this application is recommended for approval subject to the following conditions: 1) that the parking layout be modified, including the removal of all existing parking on residentially zoned properties, in compliance with the parking requirements of the Zoning Ordinance as outlined in Section VI; 2) full compliance with the Traffic Engineering Comments (driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards; changes should be made to the existing driveway to allow for a single driveway opening of a more appropriate width than the one shown, parking which backs into the right-of-way to be eliminated as well as the angled parking next to the building; two-way parking aisles to be a minimum of twenty-four feet in width); 3) the submission and approval of a Planned Unit Development application for any shared parking, access and maneuvering between Lots 1 and 2; 4) full compliance with the landscaping and tree planting requirements of the Ordinance; 5) the provision of a buffer, in compliance with Section IV.D.1., where the site adjoins residential zoning, when and if the adjoining property is developed residentially; and 6) full compliance with all municipal codes and ordinances.

Subdivision With modifications the plat will meet the minimum requirements of the Subdivision Regulations and is recommended for Tentative Approval subject to the following conditions: 1) dedication of any necessary right-of-way to provide 35-feet from the centerline of Halls Mill Road, a collector street; and 2) that the number, location and design of all curb cuts be approved by Traffic Engineering.

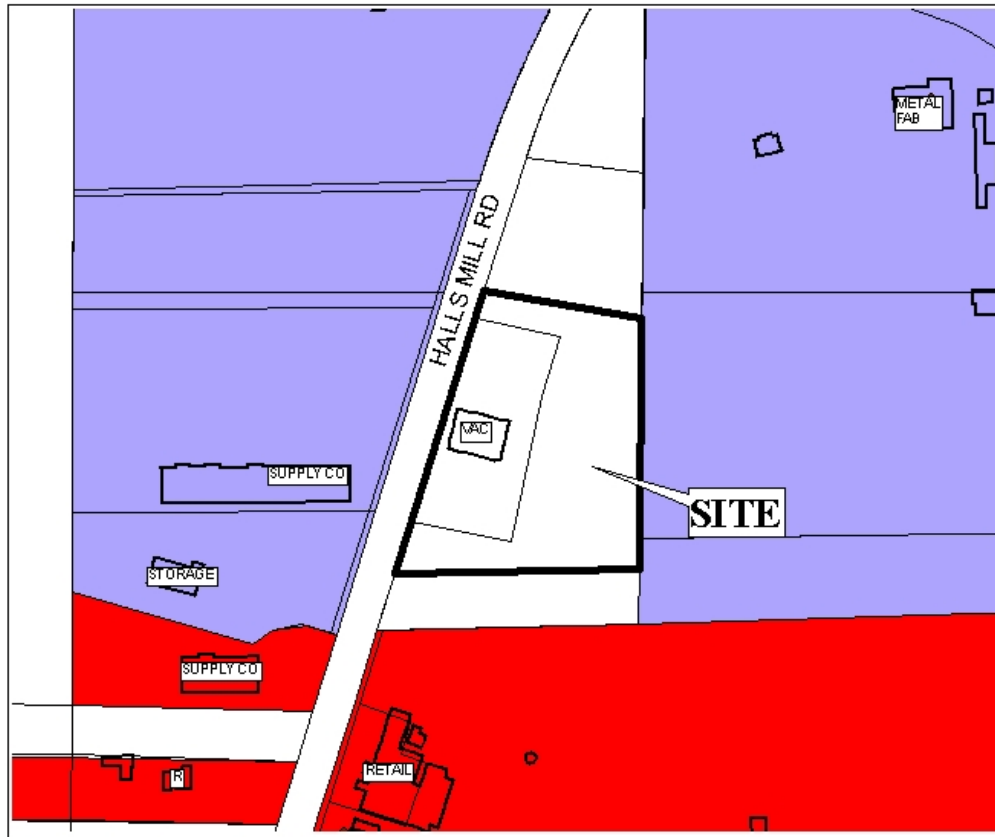
LOCATOR MAP



APPLICATION NUMBER 1 & 2 DATE December 2, 2004
APPLICANT Syble Watson
REQUEST Rezoning, Subdivision



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Located to the North of the site are vacant properties; to the East is a metal fabrication business. Located to the South and West are retail.

APPLICATION NUMBER 1 & 2 DATE December 2, 2004

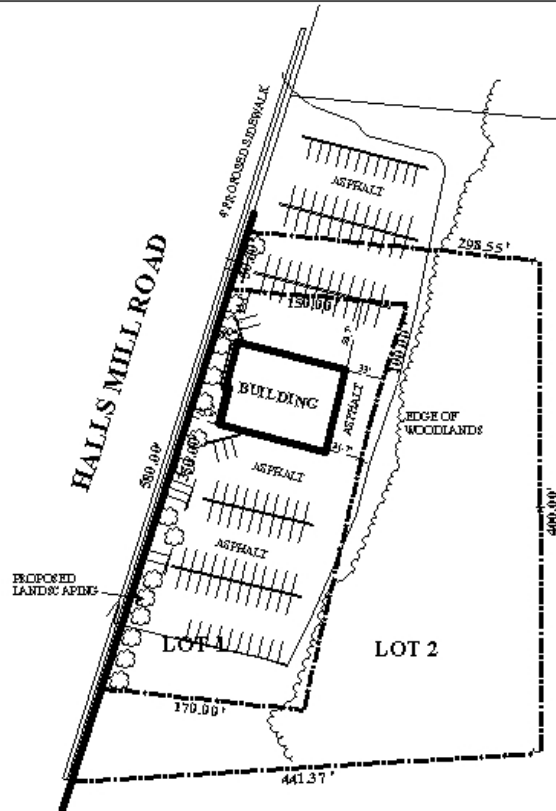
APPLICANT Syble Watson

REQUEST Rezoning, Subdivision

LEGEND



SITE PLAN



The site is located on the East side of Halls Mill Road, 930' North of Alden Drive.
The plan illustrates the existing building and parking.

APPLICATION NUMBER 1 & 2 DATE December 2, 2004
 APPLICANT Syble Watson
 REQUEST Rezoning, Subdivision

