

**ZONING AMENDMENT,
& SUBDIVISION STAFF REPORT****Date: March 15, 2007****APPLICANT NAME**

Larry M. Tew

SUBDIVISION NAME

Golden Glow Farm Subdivision, Resubdivision of Lots 5, 6, and the North Half of Lot 4

LOCATION3512 and 3514 Halls Mill Road
(North side of Halls Mill Road, 530' + West of West I-65 Service Road South)**CITY COUNCIL
DISTRICT**

District 4

PRESENT ZONING

R-1, Single-Family Residence District

PROPOSED ZONING

I-1, Light Industry District

AREA OF PROPERTY2.9 acre \pm / 2 lots**CONTEMPLATED USE**

Light Industrial Uses

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.

**REASON FOR
REZONING**

Applicant is requesting rezoning of the site to accommodate unspecified light industrial uses.

**TIME SCHEDULE
FOR DEVELOPMENT**

Immediate

**ENGINEERING
COMMENTS**

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. If wetlands are present, no fill allowed without a Corps of Engineers permit. Must comply with all storm water 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.

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).

FIRE DEPARTMENT**COMMENTS**

No comments.

REMARKS

The applicant is requesting Rezoning and Subdivision Approvals to allow unspecified light industrial uses and to create two legal lots of record.

The 2.9 acre \pm subdivision site is developed with two dwellings, a garage and a carport. The rear portion of the site appears to be wooded. North of the site is a I-1 district with light industrial uses, while Southeast from the site, across Halls Mill Road are heavy commercial uses in a B-3 district. Immediately Southwest of the site is a lounge and single-family residence located in an R-1 district, while West of the site is vacant land in an R-1 district and a proposed I-1 district (approved by the Planning Commission in January 2007, and on the City Council agenda for March 15, 2007). The previously mentioned lounge, a documented non-conforming use, normally requires a minimum B-2 zoning district to operate by right.

As stated in Section 64-9. of the Zoning Ordinance, the intent of the Ordinance and corresponding Zoning Map is to carry out the comprehensive planning objective of sound, stable and desirable development. While changes to the Ordinance are anticipated as the city grows, the established public policy is to amend the ordinance only when one or more of the following conditions prevail: 1) there is a manifest error in the Ordinance; 2) changing conditions in a particular area make a change in the Ordinance necessary and desirable; 3) there is a need to increase the number of sites available to business or industry; or 4) the subdivision of land into building sites makes reclassification of the land necessary and desirable.

Subdivision review examines the site with regard to promoting orderly development, protecting general health, safety and welfare, and ensuring that development is correlated with adjacent developments and public utilities and services, and to ensure that the subdivision meets the minimum standards set forth in the Subdivision Regulations for lot size, road frontage, lot configuration, etc.

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

Conditions are changing in the area. A lot immediately to the West of the site has been approved by the Planning Commission for reclassification to I-1 from B-3, and is awaiting approval from the City Council. The lot immediately to the North of the site was rezoned from R-1 to I-1 in 1996. Much of the property on the North side of Halls Mill Road was rezoned to I-1 in 1978 and 1979. The site in question and the lounge/residential site to the Southwest are the only properties, save one, on the North side of Halls Mill Road between Azalea Road and Interstate 65 that are not within a B-3 or I-1 district, therefore rezoning of the site may be appropriate. It should also be pointed out that much of the B-3 or I-1 property previously mentioned is developed.

In order to protect the single remaining residential use to the Southwest of the site, it is recommended that the proposed 10-foot buffer strip be augmented with a 6-foot high privacy fence. A 10-foot buffer strip and privacy fence along the rear of the proposed lots should also be provided if the R-1 property to the Northwest is ever developed for residential uses.

The site fronts Halls Mill Road, a collector street with an existing right-of-way of 50 feet. As a collector street, the right-of-way should be a minimum of 70 feet, thus sufficient right-of-way should be dedicated to provide 35-feet, as measured from the centerline of Halls Mill Road. The 25-foot minimum building setback line should be adjusted to reflect the dedication.

The proposed Subdivision will create two lots with approximately 125 feet of frontage each onto Halls Mill Road. Due to the limited frontage for each lot, it is recommended that each lot be limited to one curb-cut each onto Halls Mill Road, with the size, design and location to be approved by Traffic Engineering and conform to AASHTO standards.

As no site plan was provided with the application, any future use of the site, including the demolition of the existing structures, must comply with all applicable municipal codes and ordinances.

Finally, wetlands may occur on the site. The potential presence of wetlands indicate that the area may be environmentally sensitive; therefore, the approval of all applicable federal, state and local agencies would be required prior to the issuance of any permits or land disturbance activities.

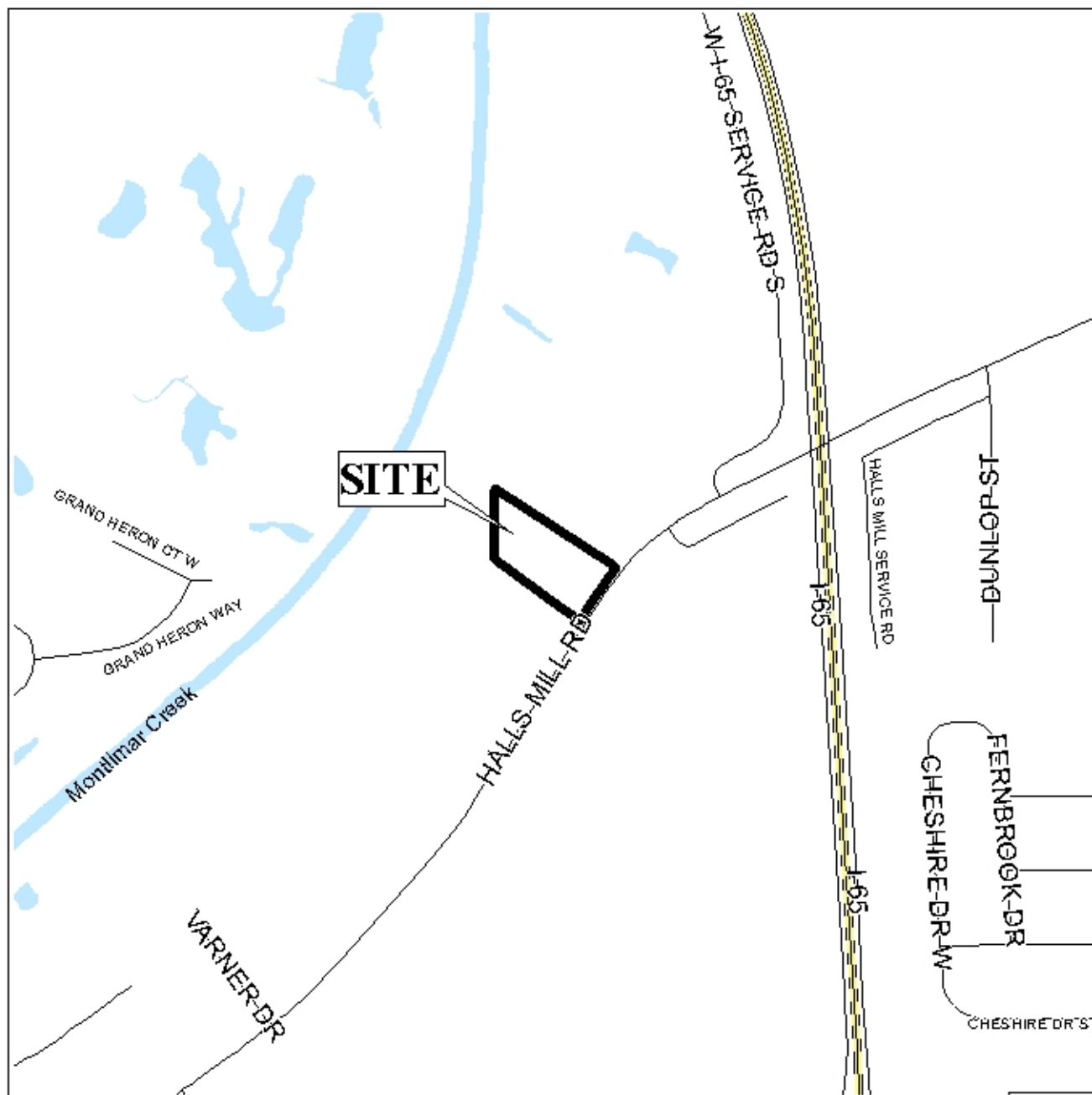
RECOMMENDATION

Rezoning: Based upon the preceding, the Rezoning request is recommended for Approval, subject to the following conditions: 1) completion of the Subdivision process; 2) provision of a 10-foot wide vegetative buffer and 6-foot high wooden privacy fence along the Southwest property line; 3) provision of a 10-foot wide vegetative buffer and 6-foot high wooden privacy fence along the West property line if the residentially-zoned property is developed with residences; 4) full compliance with the tree and landscaping requirements of Section 64-4.E. of the Zoning Ordinance; 5) approval of all applicable federal, state and local agencies prior to the issuance of any permits or land disturbance activities; and 6) full compliance with all other municipal codes and ordinances.

Subdivision: Based upon the preceding, the Subdivision request is recommended for Tentative Approval, subject to the following conditions: 1) dedication of sufficient right-of-way to provide

35-feet, as measured from the centerline of Halls Mill Road; 2) adjustment of the minimum building setback line to reflect the right-of-way dedication; 3) placement of a note on the final plat stating that each lot is limited to one curb-cut each onto Halls Mill Road, with the size, design and location to be approved by Traffic Engineering, and conform to AASHTO standards; 4) depiction and labeling of a 10-foot wide vegetative buffer and 6-foot high wooden privacy fence along the Southwest property line; 5) placement of a note on the plat stating that a 10-foot wide vegetative buffer and 6-foot high wooden privacy fence along the West property line must be provided if the residentially-zoned property is developed with residences; 6) approval of all applicable federal, state and local agencies prior to the issuance of any permits or land disturbance activities; 7) labeling of each lot with its size in square feet; and 8) full compliance with all other municipal codes and ordinances.

LOCATOR MAP



APPLICATION NUMBER 33 & 34 DATE March 15, 2007

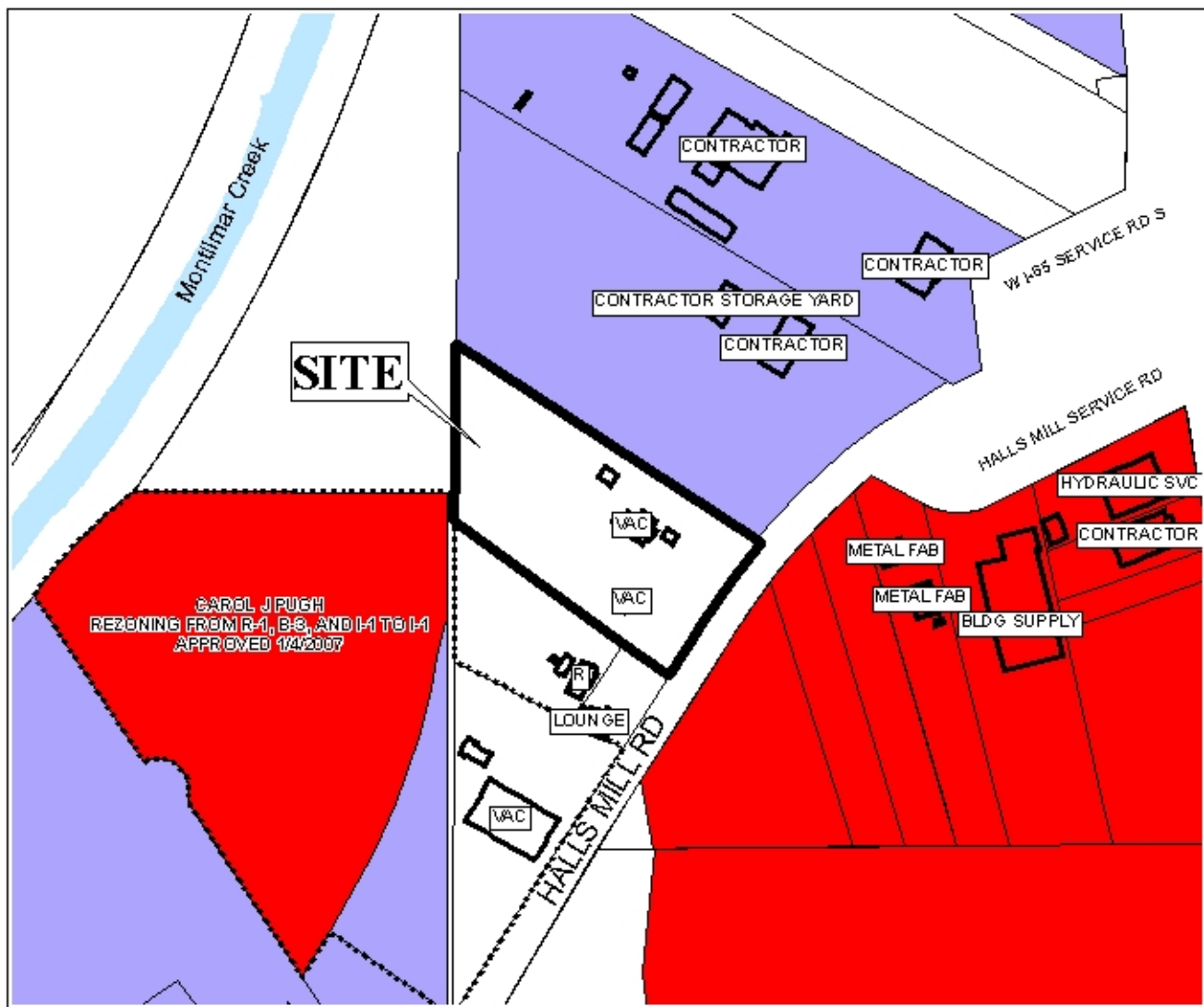
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REQUEST Subdivision, Rezoning from R-1 to I-1



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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial and industrial land use.
Single-family residential units are located to the south of the site.

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REQUEST Subdivision, Rezoning from R-1 to I-1

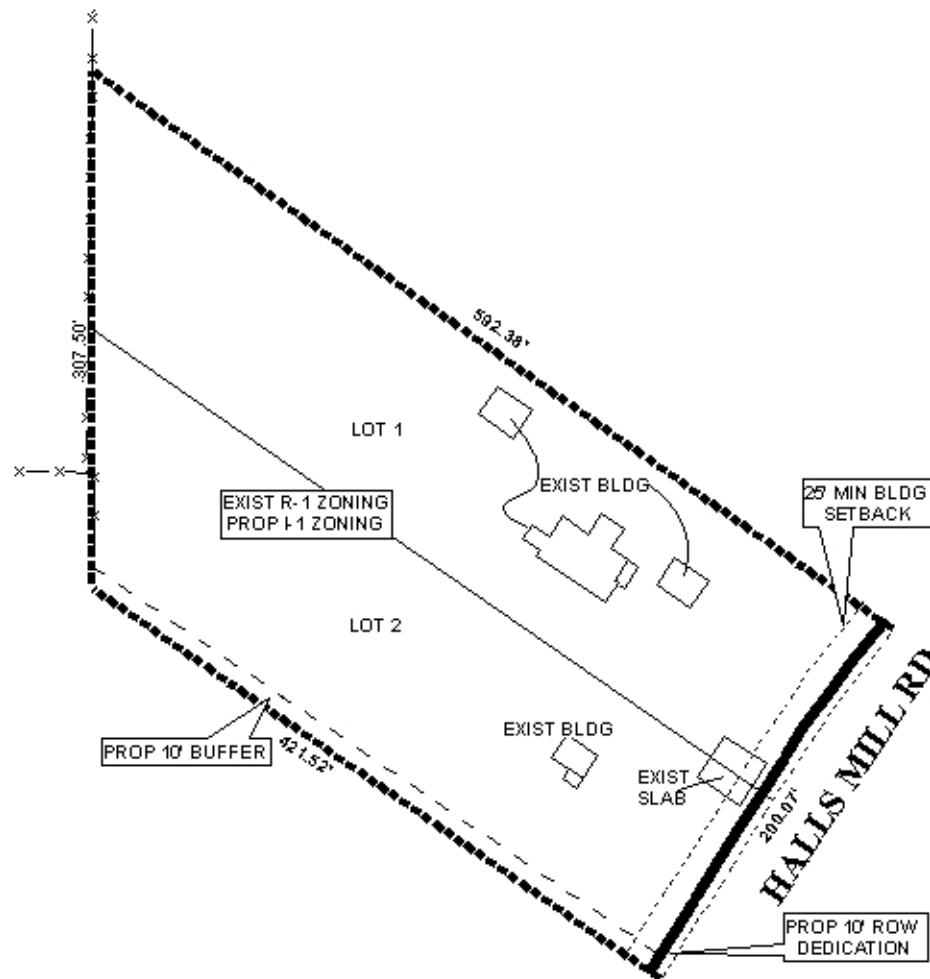
LEGEND

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 plan illustrates the proposed zoning, proposed lot configuration, and existing buildings.

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