ZONING AMENDMENT & PLANNED UNIT DEVELOPMENT STAFF REPORT Date: February 19, 2004

NAME Thirty-Two Investments (B. White-Spunner, Agent)

LOCATION

Rezoning from B-3, Community Business and B-2, Neighborhood Business to B-2, Neighborhood Business: Southeast corner of Cody Road South and Bruns Drive.

Rezoning from B-2, Neighborhood Business and R-3, Multi-Family Residential to R-3, Multi-Family Residential: South side of Bruns Drive, 200± East of Cody Road South

Planned Unit Development: shared access between multiple sites.

AREA OF PROPERTY Overall site—69 acres

CONTEMPLATED USE

B-2 and B-3 to B-2: eliminate split zoning for a private theater.

B-2 and R-3 to R-3: eliminate spilt zoning for private residence and accessory structures.

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.

TRAFFIC ENGINEERING COMMENTS All driveway widths and locations to be approved by Traffic Engineering; and design to meet 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).

REMARKS

The applications consist of two rezoning requests and one Planned Unit Development application. The site received subdivision approval in December 2003.

The overall 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.

As illustrated on Vicinity Map, most of Lot 2 is zoned B-2, Neighborhood Business; however, a small sliver at the Northwest corner is zoned B-3, Community Business. The applicant is requesting that Lot 2 be rezoned to B-2, Neighborhood Business, to allow the applicant to construct a personal theater; the applicant's primary residence will be located on Lot 1. Theaters are allowed by right in B-2 districts. It should be noted that a buffer, in compliance with Section IV.D.1., is required where the B-2 site adjoins residential property (R-3).

The Vicinity map also illustrates that Lot 1 is split zoned R-3, Multi-Family Residential and B-2, Neighborhood Business. The applicant proposes to develop Lot 1 with a primary residence, observation terrace, gazebo, lake and walking trails. Due to the unique nature of the development, the R-3 rezoning should be subject to an approved PUD; ensuring that a multi-family development such as town-homes and apartments, would require additional approvals.

The Zoning Ordinance requires full compliance with the landscaping and tree planting requirements for B-2 and R-3 sites; and compliance should be coordinated with Urban Forestry as many of the trees may be claimed for credit.

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.

The PUD request would allow for allow for cross access via trials for the lots, as well as the proposed accessory buildings on Lots 2 and 3.

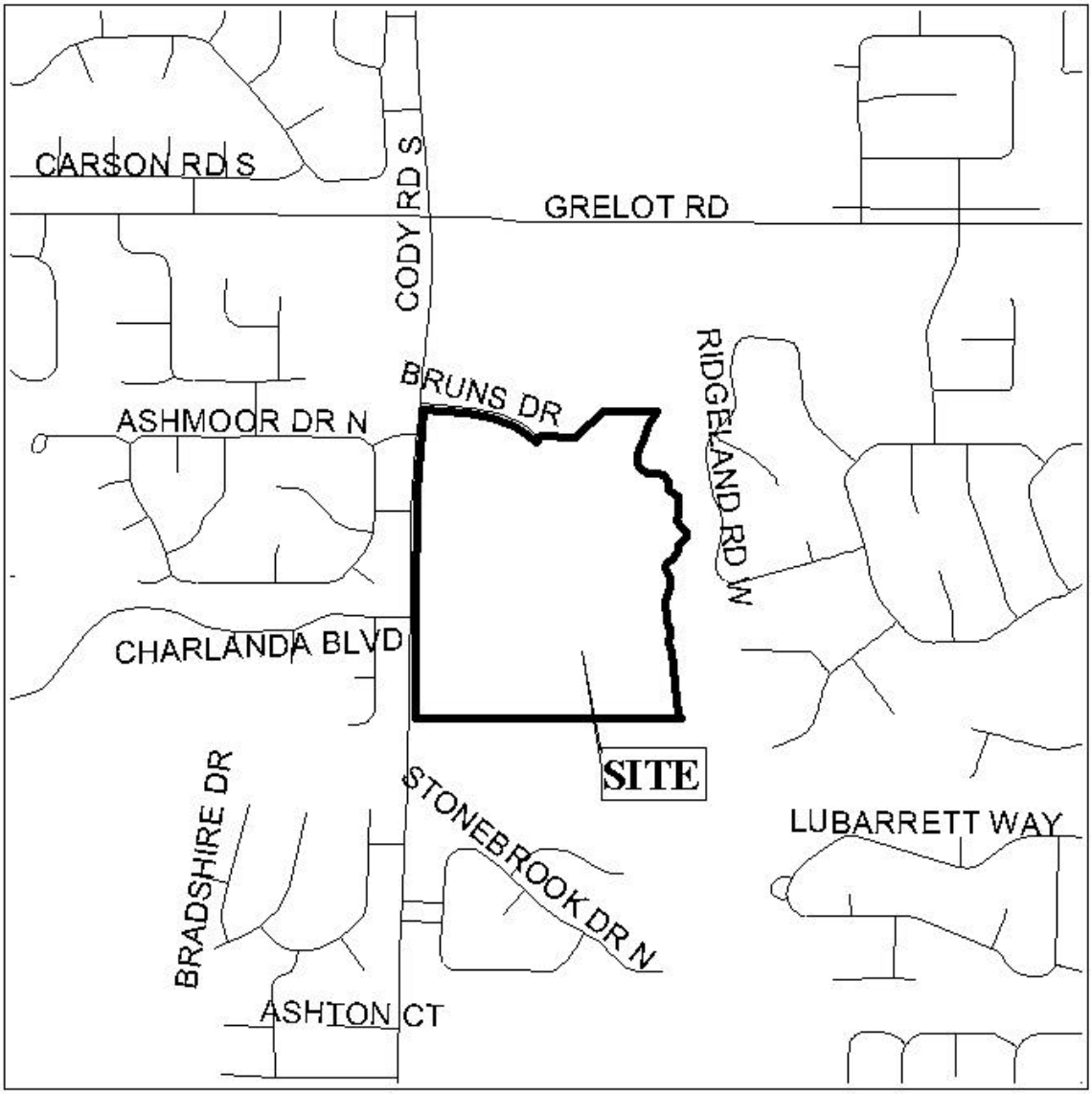
The overall site fronts Cody Road, a planned major street, and the subdivision approval granted by the Commission required the provision of an additional setback on Lot 1 and the dedication of additional right-of-way along Lot 2 (Lot 2 is zoned commercial). The approval also required Traffic Engineering approval for the number, location and design of all curb cuts; and the approval of all federal, state and local agencies due to the water features associated with the site.

RECOMMENDATION **Rezoning from B-3, Community Business and B-2, Neighborhood Business to B-2, Neighborhood Business:** Based upon the preceding, this application is recommended for approval subject to the following conditions: 1) provision of a buffer, in compliance with Section IV.D.1. where the site adjoins residential zoning (R-3); 2) full compliance with the landscaping and tree planting requirements of the Ordinance to be coordinated with Urban Forestry (trees may be claimed for credit); 3) the location, number and design of all curb cuts to be approved by Traffic Engineering; 4) the dedication of any necessary right-of-way to provide 50-feet from the centerline of Cody Road, a planned major street; 5) approval of all applicable federal, state and local agencies; and 6) full compliance with all municipal codes and ordinances.

Rezoning from B-2, Neighborhood Business and R-3, Multi-Family Residential to R-3, Multi-Family Residential: Based upon the preceding, this application is recommended for approval subject to the following conditions: 1) full compliance with the landscaping and tree planting requirements of the Ordinance to be coordinated with Urban Forestry (note trees may be claimed for credit); 2) the location, number and design of all curb cuts to be approved by Traffic Engineering; 3) the provision of an additional setback to provide 75-feet from the centerline of Cody Road, a planned major street; 4) approval of all applicable federal, state and local agencies; 5) an approved PUD; and 6) full compliance with all municipal codes and ordinances.

Planned Unit Development: Based upon the preceding, this application is recommended for approval subject to the following conditions: 1) completion of the rezoning processes; and 2) the site plan as submitted.

LOCATOR MAP



APPLICATION NUMBER 1 & 2 & 3 DATE February 19, 2004

APPLICANT Thirty-Two Investments (B. White-Spunner, Agent)

REQUEST Rezoning, Planned Unit Development

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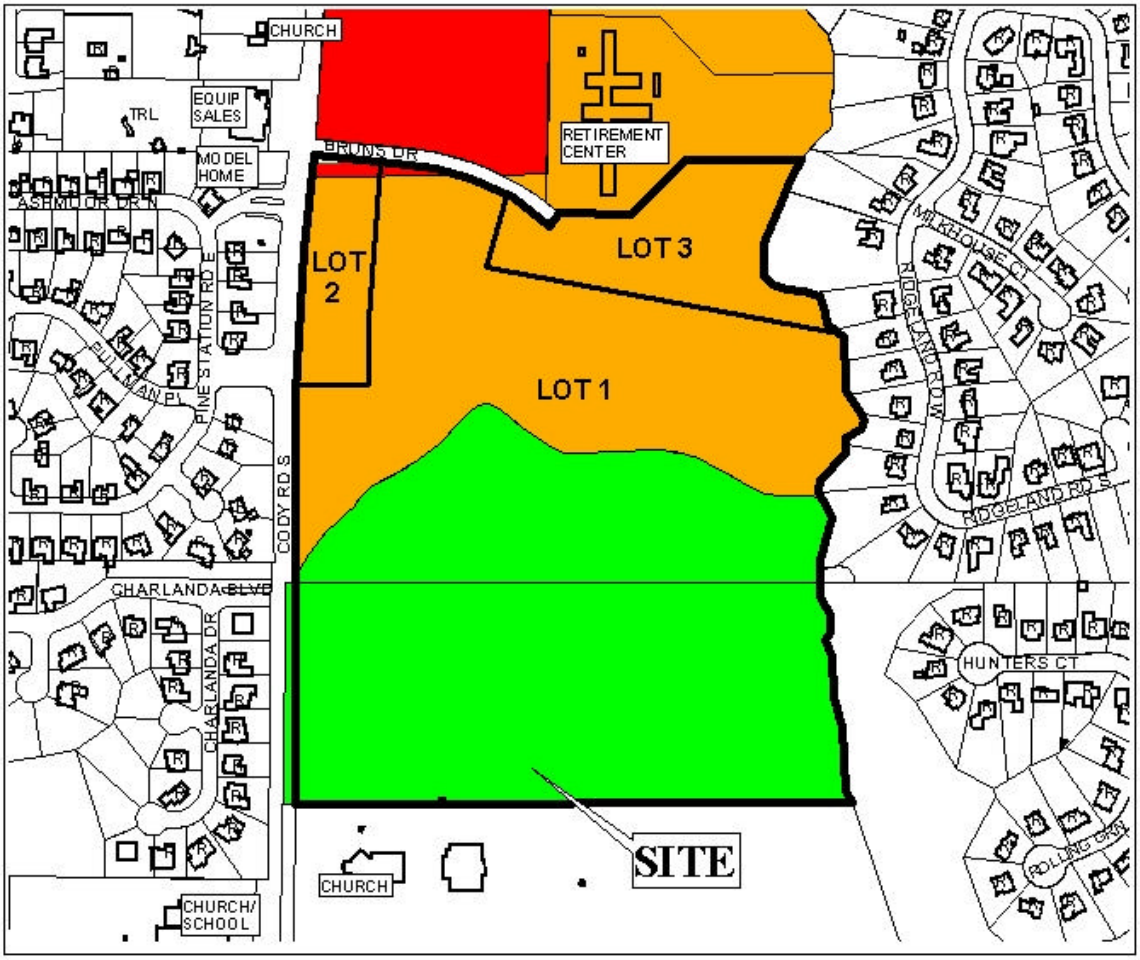
NTS

PLANNING COMMISSION
VICINITY MAP - EXISTING ZONING



Located to the North of the site is a medical office; to the East and West are single family residential dwellings. Located to the South of the site is a church.

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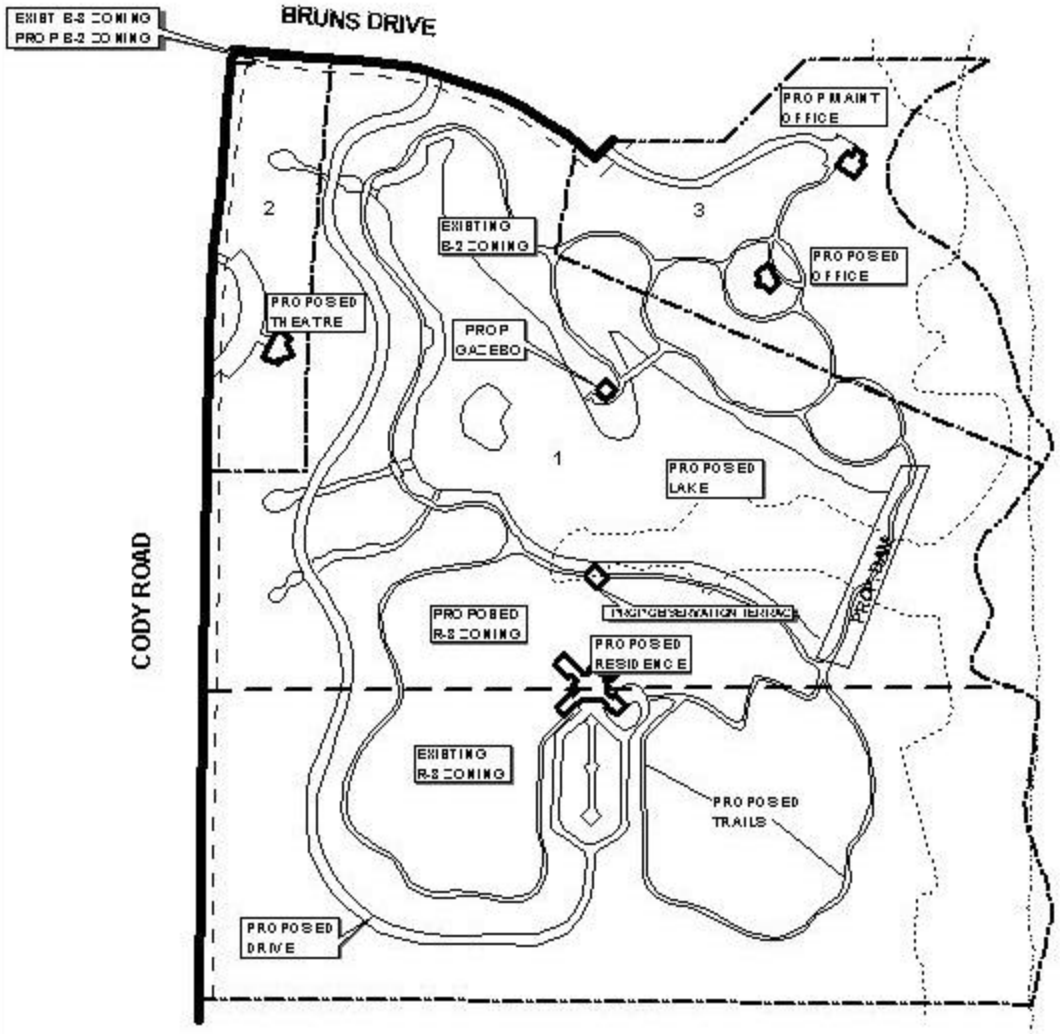
LEGEND R-1 R-2 R-3 R-B H-B B-1 LB-2 B-2 B-3 B-4 B-5 I-1 I-2

N

NTS

SITE PLAN



The site is located on the Southeast corner of Cody Road South and Bruns Drive. The plan illustrates the proposed residential dwelling, office, theatre, maintenance building, drive and trails

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USE/REQUEST Rezoning, Planned Unit Development

N

NTS