

**REZONING, PUD, SUBDIVISION &
SIDEWALK WAIVER STAFF REPORT**

Date: October 21, 2004

APPLICANT NAME

Edward Negus

DEVELOPMENT NAME

S/C Subdivision, Resubdivision of Lots 1 & 2

SUBDIVISION NAME

S/C Subdivision, Resubdivision of Lots 1 & 2

LOCATION

Rezoning & Sidewalk Waiver: 3975 Demetropolis Road (East side of Demetropolis Road, 2/10 mile± South of Halls Mill Road)

PUD & Subdivision: 3957 and 3975 Demetropolis Road (East side of Demetropolis Road, 850'± South of Halls Mill Road)

CITY COUNCIL

DISTRICT

District 4

PRESENT ZONING

I-1, Light Industrial &
B-3, Community Business

PROPOSED ZONING

I-1, Light Industrial

AREA OF PROPERTY

Subdivision & PUD: 8.1± Acres 2 Lots
Rezoning: 2.86± Acres

CONTEMPLATED USE

Expansion of Existing Boat Storage Facility
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

Immediate

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

Driveway number, sizes, 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 (City Code Chapters 57 and 64 and State Act 61-929).

REMARKS

The applicant is proposing expansion of an existing boat storage facility. As the existing facility is zoned I-1, Light Industrial, the applicant is requesting that a portion of the adjacent B-3 property be rezoned to I-1 and incorporated into the existing development. The remaining 2± acres of B-3 zoned property is to remain a separate lot and remain zoned B-3.

This area is shown on the General Land Use component of the Comprehensive Plan as industrial. 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.

With the exception of the parcel in question and one undeveloped residentially zoned property to the South, all the properties on this side of Demetropolis Road from Halls Mill Road to the city limit line are zoned I-1; and, with the exception of a mobile home park, all of the properties on the West side of Demetropolis Road from Halls Mill Road to the city limit line are zoned I-1. Therefore, the requested rezoning would be compatible with and characteristic of the immediate vicinity.

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.

In general, the plan appears to meet the requirements for PUD approval. The applicant should note, however, that any alterations or modifications to the circulation pattern will require a new PUD.

There are, however, some concerns with the reference on the site plan to “10’ reserved for future r/w” along Demetropolis Road. Reservations for widening ceased many years ago. In cases of commercial development, if additional right-of-way is needed it is typically dedicated via a subdivision or rezoning. In the case of small residential developments (4-5 lots or fewer), a setback from the future right-of-way is generally required.

In this particular instance, future widening should not be required since this section of Demetropolis Road does not appear to be on the Major Street Plan.

With regard to the sidewalk waiver as requested, the Planning Commission approved a waiver for the existing development in December, 1996.

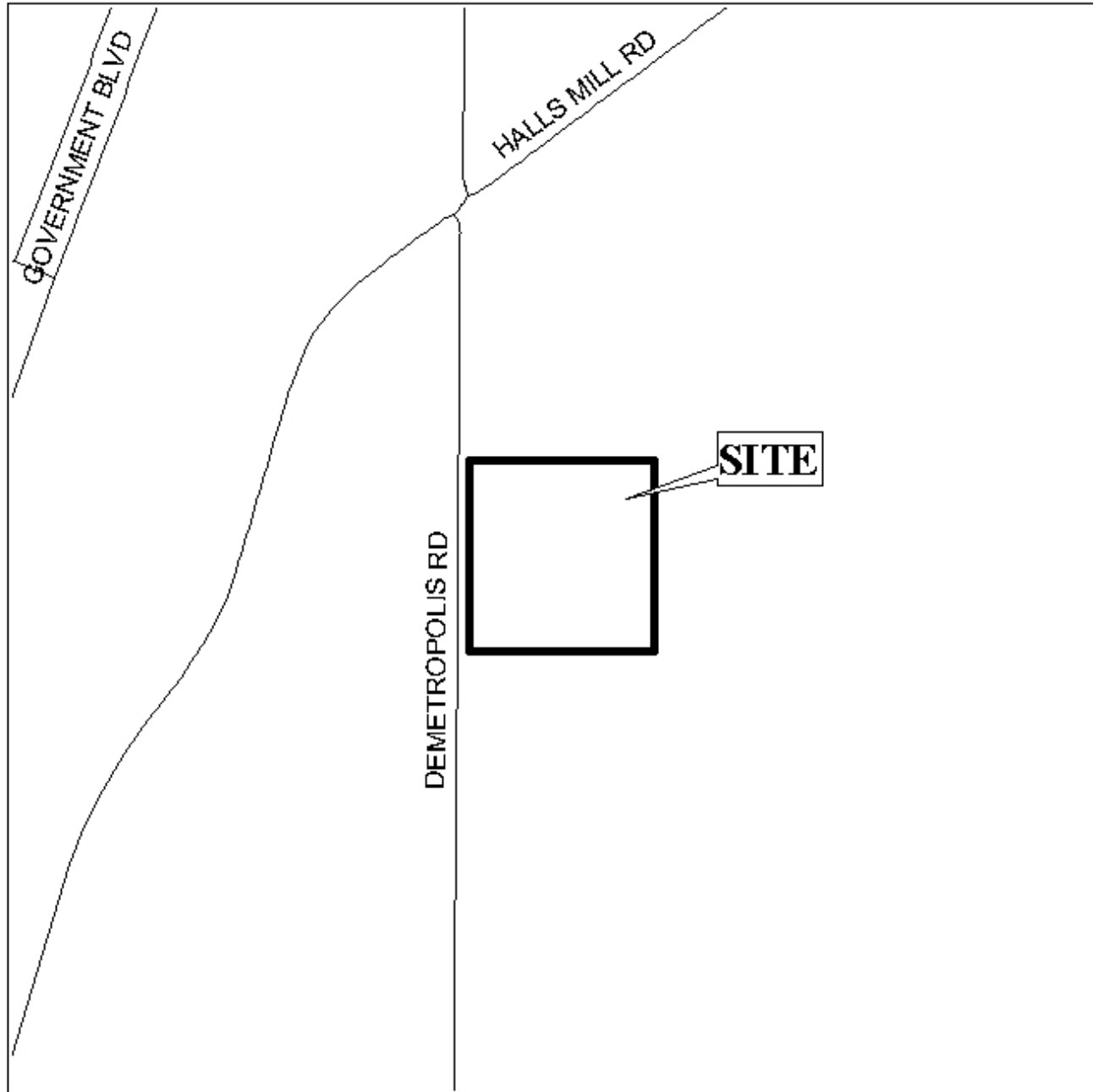
RECOMMENDATION **Rezoning:** based on the preceding, it is recommended that this application be approved subject to the following conditions: 1) completion of the subdivision process prior to the issuance of any permits; and 2) full compliance with all municipal codes and ordinances.

Planned Unit Development: based on the preceding, it is recommended that this application be approved subject to the following conditions: 1) completion of the subdivision process prior to the issuance of any permits; and 2) full compliance with all municipal codes and ordinances.

Subdivision: the plat meets the minimum requirements of the Subdivision Regulations and is recommended for Tentative Approval subject to the following condition: 1) Placement of a note on the final plat stating that access to Demetropolis Road is limited to one curb cut per lot, size, location and design to be approved by the Traffic Engineering Department.

Sidewalk Waiver: based on the granting of the waiver for the existing development, it is recommended that this request be approved.

LOCATOR MAP

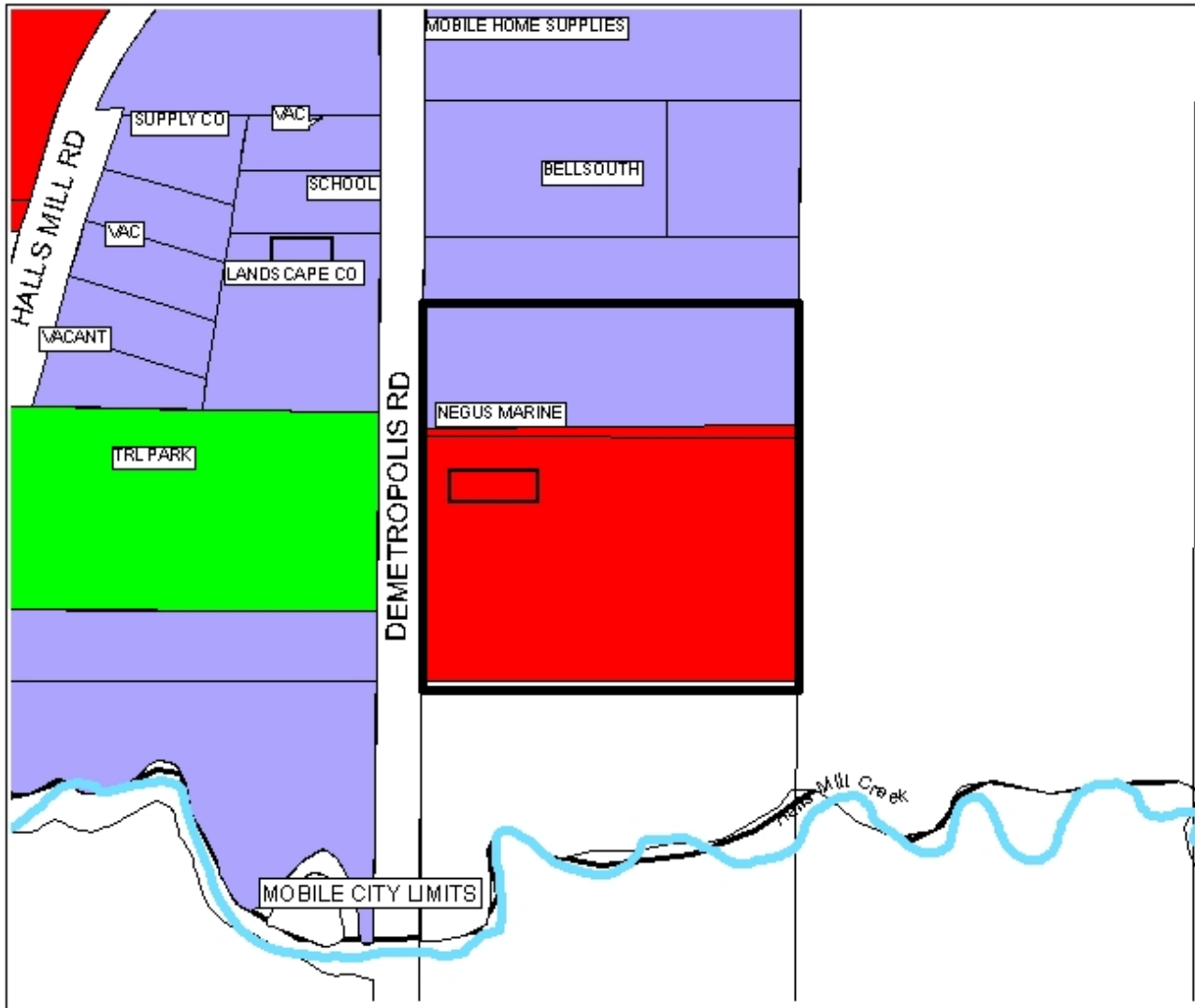


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NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



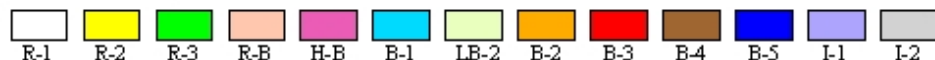
Located to the North and West of the site are miscellaneous businesses and single family residential dwellings; to the East and South are vacant properties.

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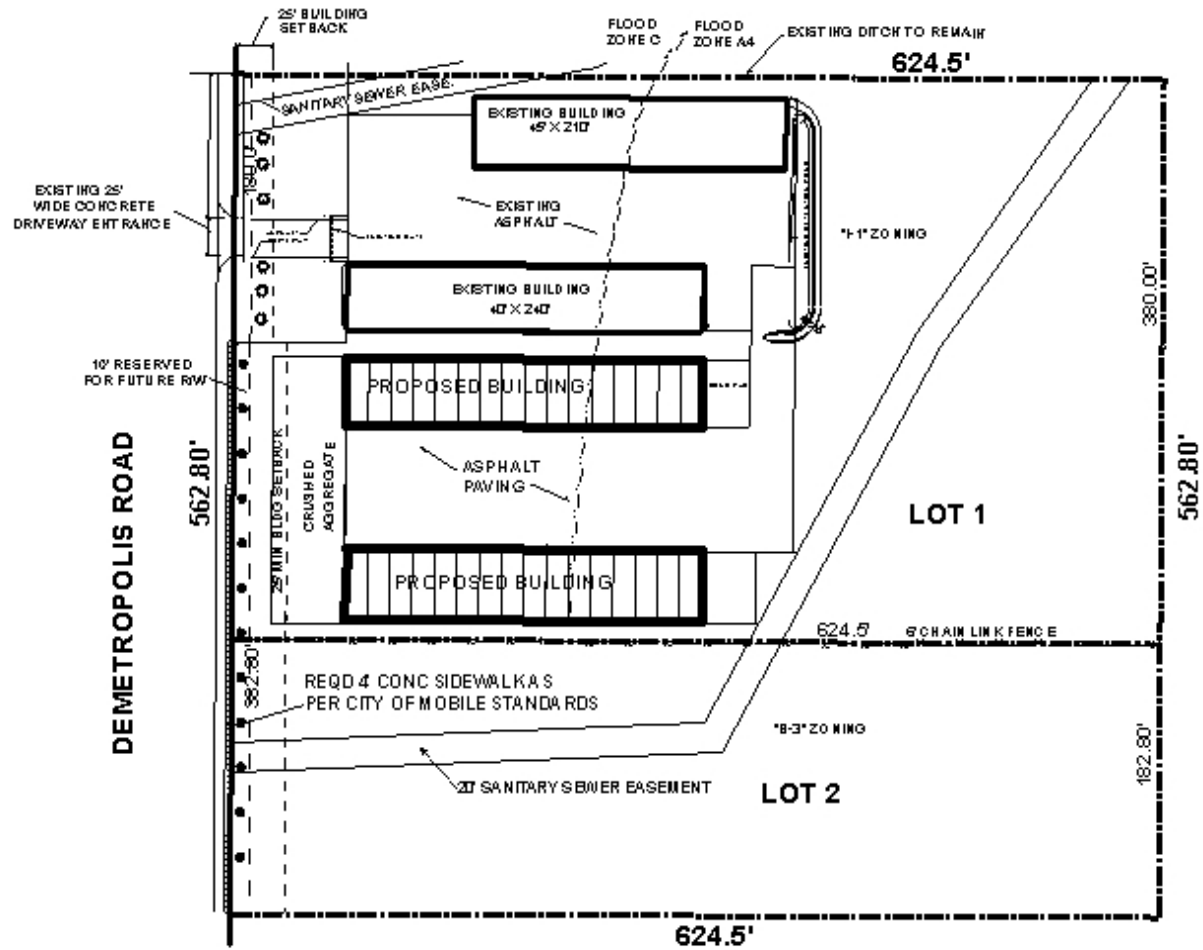
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LEGEND



SITE PLAN



The site is located on the East side of Demetropolis Road, 2/10 mile South of Halls Mill Road. The plan illustrates the existing structures, along with the proposed structures.

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