

**ZONING AMENDMENT STAFF REPORT****Date: May 15, 2003****NAME**

Ashville, Inc. (Michael Friedlander, Agent)

**LOCATION**South side of Cottage Hill Road, 50'± East of  
Blueridge Boulevard**PRESENT ZONING**

R-2, Two-Family Residential

**PROPOSED ZONING**

B-2, Neighborhood Business

**AREA OF PROPERTY**

1.6± Acres

**CONTEMPLATED USE**

Commercial Building

**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**

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**

All driveway widths and locations to be approved by Traffic Engineering; and design to meet AASHTO Standards

**REMARKS**

The applicant is requesting rezoning from R-2, Two-Family Residential to B-2, Neighborhood Business for an 18,000 square foot commercial building.

The 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.

The applicant states that the request is “to offer future [a] future tenant or owner same zoning as that of the property due East of the subject property” and that the zoning would “comply with the B-2 zoning of the property” to the East.

The property to the East is zoned B-2. However, in considering rezoning applications, there are numerous criteria to consider and the Zoning Ordinance gives four reasons for zoning changes: the existence of an error; changing conditions in an area; increased need for business or industrial sites; or subdivision of land into building sites making reclassification both necessary and desirable.

The existing B-2 site to the East was rezoned in 2001 and has not been developed, thus indicating a lack of need for an additional B-2 site in this area. Additionally, as outlined above, the site is shown as residential on the General Land Use Plan, and a residential designation would include any residential classification from R-1 to R-3. Furthermore, as illustrated on the Vicinity Map, this is a strong residential area with single-family and multi-family development; most of the properties that are vacant are zoned commercially.

**RECOMMENDATION**

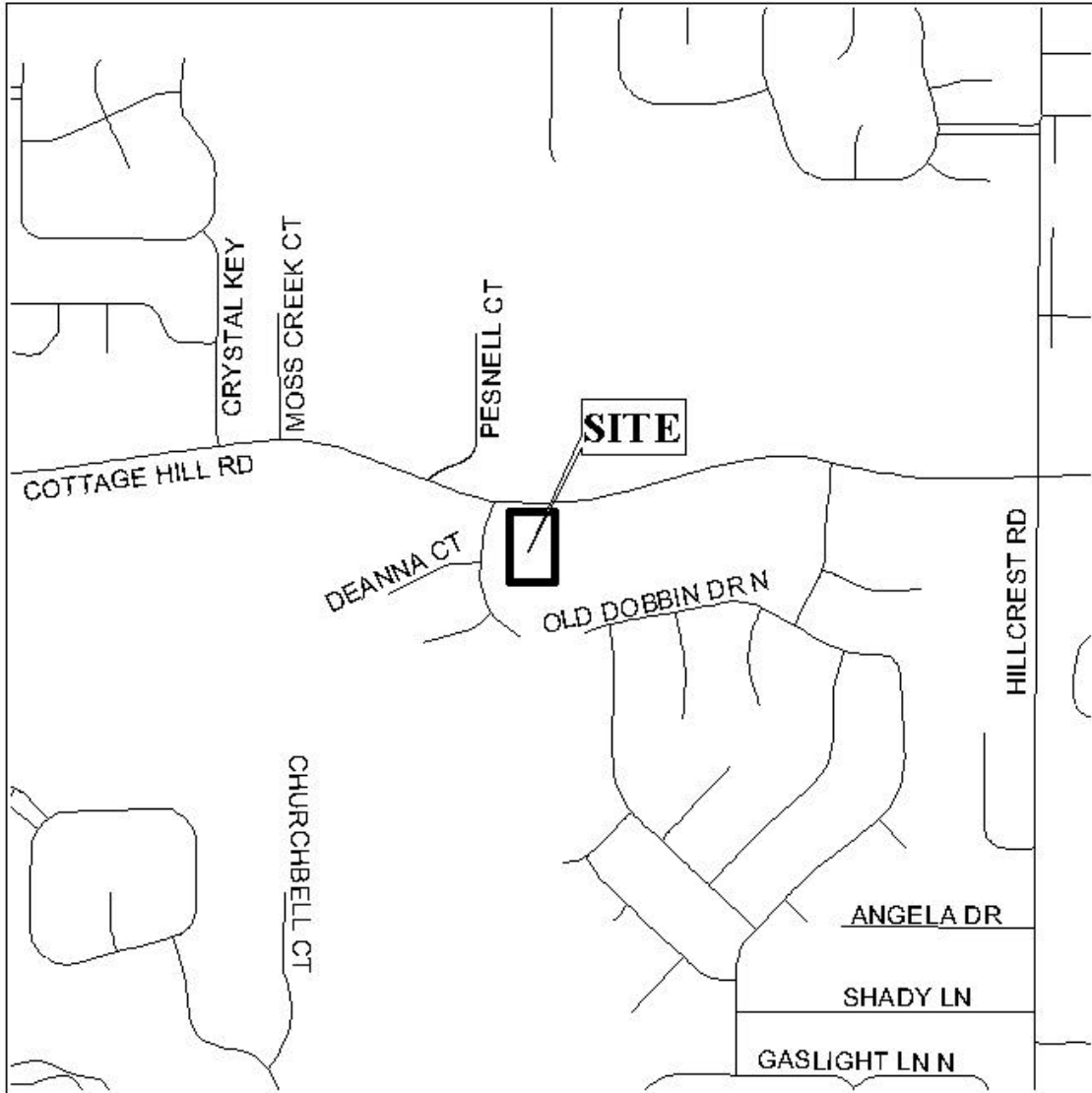
Based upon the preceding, this application is recommended for denial.

*At the Commission’s May 15<sup>th</sup> meeting, the Commission requested that the staff prepare recommended conditions for commercial zoning for this site. The Commission also discussed other issues such as the Voluntary Conditions and Use Restrictions associated with the adjacent B-2 site. The use restrictions associated with the adjacent property are more restrictive than the new LB-2 district (which was approved as a new zoning district after the adjoining site was rezoned). An additional self-imposed condition on the adjoining property was the provision of a 50-foot buffer strip along the South property line, adjacent to residential development.*

*The applicant has submitted Voluntary Conditions and Use Restrictions for this site (see attached); however, B-2 zoning is still requested, and no additional buffer is proposed.*

*Based upon the preceding, the application is recommended for **LB-2 zoning**, subject to the following conditions: 1) provision of a 20-foot buffer along the South and West property lines where the property adjoins residential zoning; 2) full compliance with the landscaping and tree planting requirements of the Ordinance; 3) that the site be limited to one curb cut, with the location and design to be approved by Traffic Engineering; and 4) full compliance with all municipal codes and ordinances.*

## LOCATOR MAP



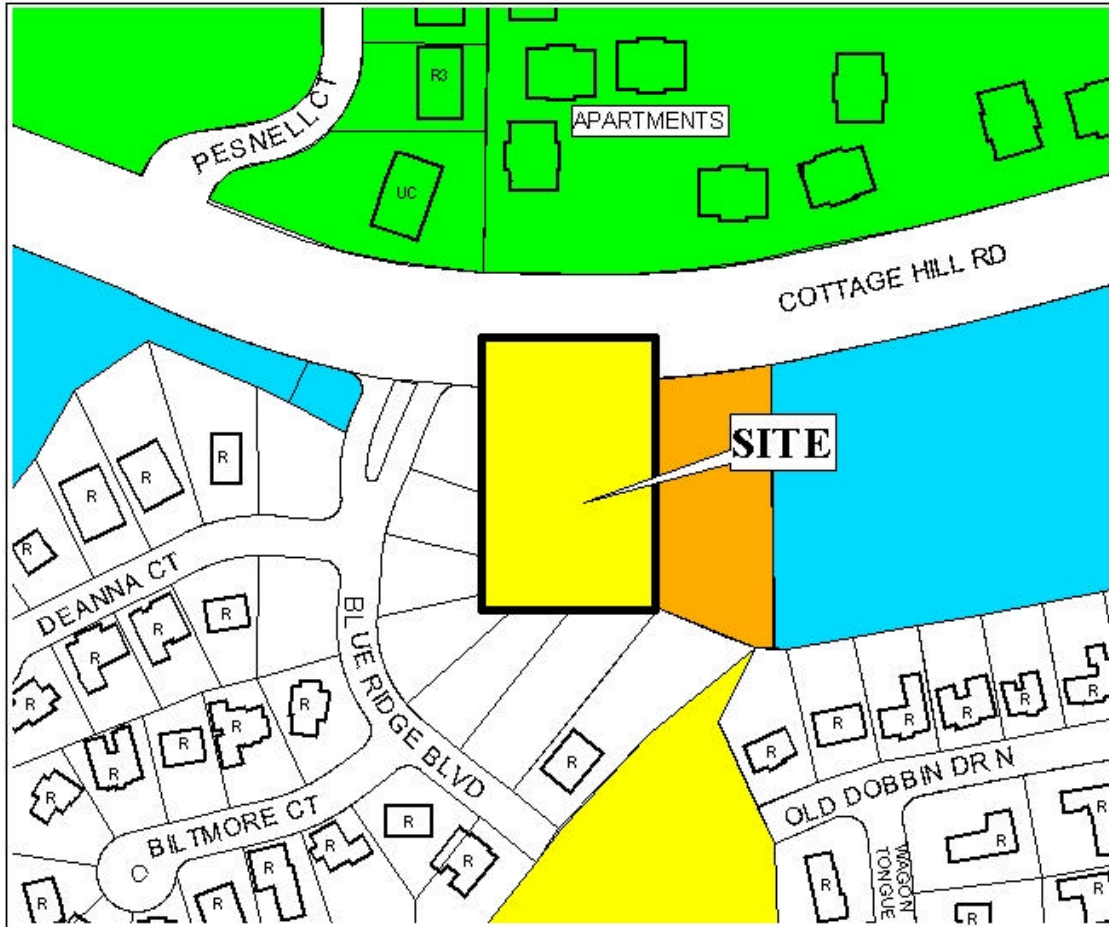
APPLICATION NUMBER 10 DATE May 15, 2003

APPLICANT Ashville, Inc. (Michael Friedlander, Agent)

REQUEST Rezoning from R-2 to B-2



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Located to the North of the site are multiple family residential dwellings; to the South and West are single family residential dwellings.

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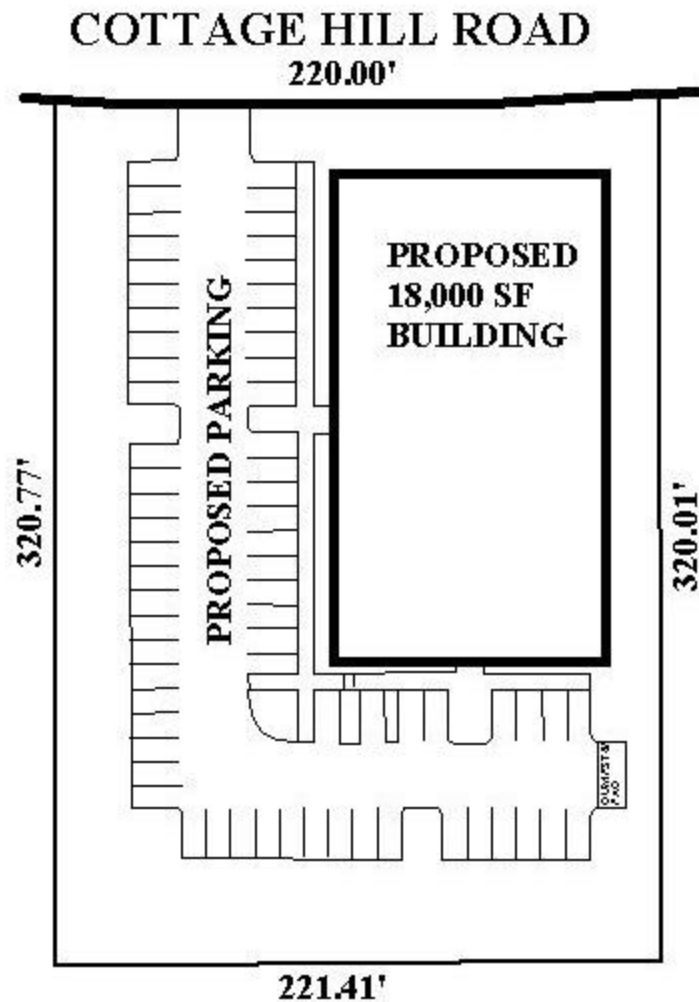
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LEGEND



## SITE PLAN



The site is located on the South side of Cottage Hill Road, 50' East of Blueridge Boulevard. The plan illustrates the proposed building and parking.

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USE/REQUEST Rezoning from R-2 to B-2



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