

**REZONING, PUD &  
SUBDIVISION STAFF REPORT**

**Date: June 3, 2004**

<b><u>APPLICANT NAME</u></b>	Raymond McCaffrey
<b><u>DEVELOPMENT NAME</u></b>	Quality Valve
<b><u>SUBDIVISION NAME</u></b>	Quality Valve Subdivision
<b><u>LOCATION</u></b>	2948 and 2950 Mathers Street (Northwest corner of Mathers Street and LeFevre Street)
<b><u>CITY COUNCIL DISTRICT</u></b>	District 1
<b><u>PRESENT ZONING</u></b>	B-1, Buffer Business
<b><u>PROPOSED ZONING</u></b>	B-3, Community Business
<b><u>AREA OF PROPERTY</u></b>	0.4± Acres                      1 Lots
<b><u>CONTEMPLATED USE</u></b>	Light Warehousing, with multiple buildings on a single building site. <b>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.</b>
<b><u>TIME SCHEDULE</u></b>	Immediate

**ENGINEERING  
COMMENTS**

Applicant should provide professionally licensed survey determining stormwater detention available for existing and proposed impervious area. Existing unused driveway apron should be removed and the rights of way should be properly rehabilitated. 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 brought into full compliance with landscape and tree requirements of the zoning ordinance. 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 development of the site to include an existing 3080 sq. ft. office building (which is to remain), demolition of a 2000 sq.ft. office building which is to be replaced with a 4000 sq.ft. warehouse, and reconfigured parking. The site is currently zoned B-1, for office use; therefore the construction of a warehouse facility would require rezoning to B-3. The applicant is also proposing that the two lots be combined into one legal lot of record; thereby creating a lot with two buildings on it. Subdivision Approval is required to combine multiple lots and PUD approval is required to allow more than one building on a single building site

In 1998, after the applicant occupied the 3080 sq.ft. office building, complaints were received about deliveries from transfer trucks and the use of a forklift at the site. After investigations, the scope of operations appeared to exceed what was allowed in a B-1 district. The applicant filed an application to the Board of Zoning Adjustment to request a variance and/or an interpretation. The applicant indicated to the Board that the site would be used primarily for office use, with only approximately 500 sq.ft. (approximately 15%) to be used for storage.

After discussion, the Board interpreted the use as an office use with incidental warehousing. The interpretation was subject a limitation of 5% of the building being used for warehouse space and a restriction against the use of transfer trucks and/or tractor trailers. Based upon the Board's interpretation, the use was allowed in B-1.

The applicant is now requesting that the site be rezoned to B-3 to allow construction of a 4000 sq.ft. warehouse (approximately 30% larger than the entire office building), which will completely change the impact of the use on the surrounding area.

While the properties abutting the site to the North and West are zoned B-3 and B-1, those properties front Old Shell Road and Sage Avenue. The site in question is located at the corner of Mathers Street and LeFevre Street, both of which are minor streets and as illustrated on the Vicinity Map, are predominately developed with residential properties. To rezone a site such as this to B-3, one of the heaviest commercial classifications in the Zoning Ordinance, would be contrary the spirit and intent of the Ordinance.

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.

As stated above, with the exception of the properties fronting Old Shell Road and Sage Avenue, the properties along Mathers Street and LeFevre Street are developed residentially. Given the proposed use of the site and the fact that its only access will be via minor residential streets, it would not be considered compatible with the neighboring uses. Further, as the only access would be via these minor residential streets, all traffic generated by the business would impact the neighbors. Therefore, the proposed development does not appear to meet the general requirements for Planned Unit Development Approval.

With regard to the proposed subdivision, the combining of lots meets the minimum requirements of the Subdivision Regulations. However, if the accompanying applications are not approved, the subdivision would be unnecessary and would create a violation of the Zoning Ordinance by creating a lot with two existing buildings.

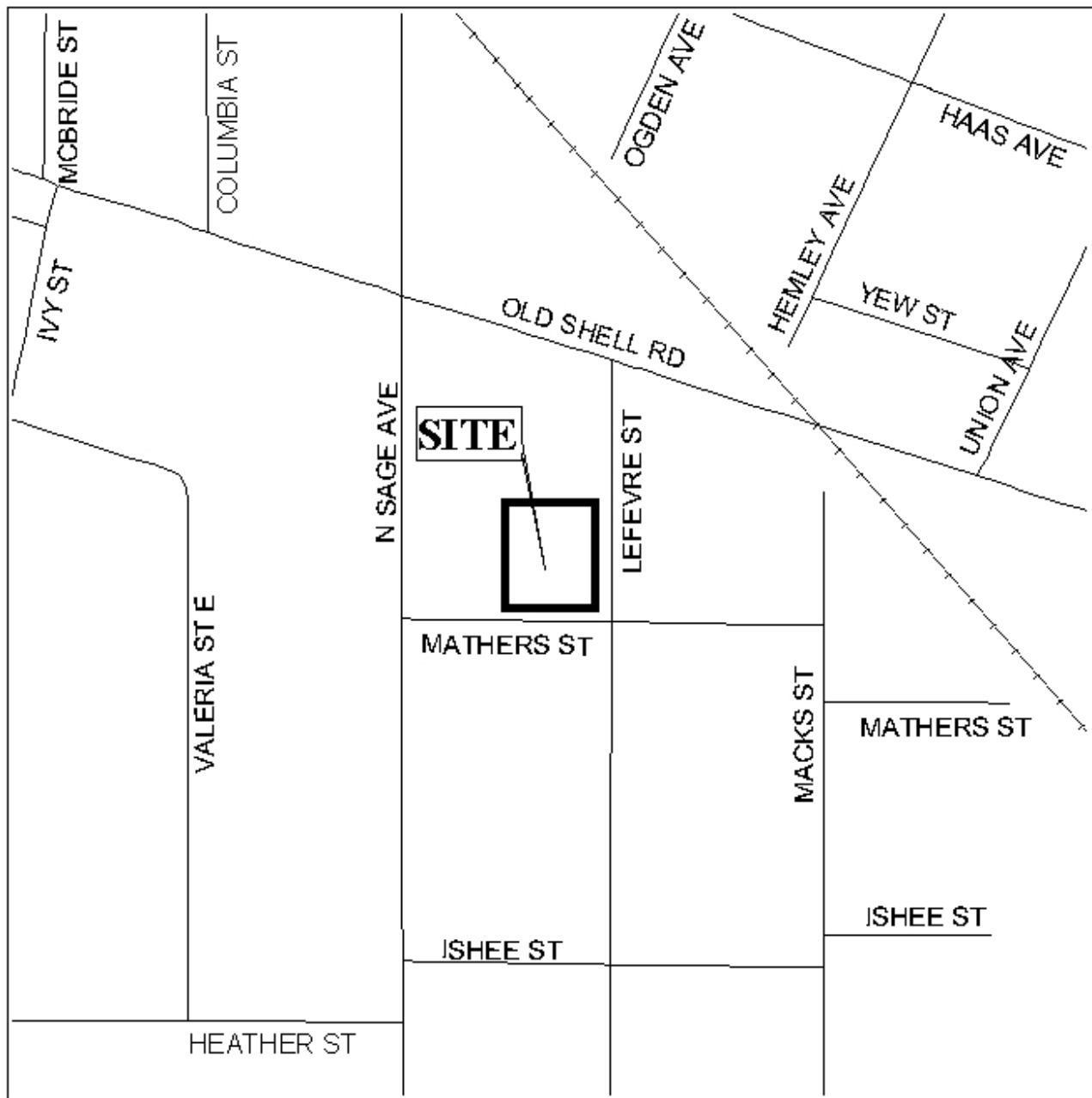
**RECOMMENDATION**      **Rezoning:** based on the preceding, it is recommended that this application be denied.

**Planned Unit Development:** based on the preceding, it is recommended that this application be denied.

**Subdivision:** the subdivision is recommended for denial for the following reason: 1) as recommended, denial of the accompanying applications would create a violation of the Zoning Ordinance by creating a lot with two existing buildings.

*The application was heldover from the June 3 meeting to allow the applicant to submit voluntary use restrictions and conditions, as offered at meeting. While the document has not been submitted, the applicant's attorney has contacted the staff and is in the process of preparing the document. A revised recommendation, which will include the use restriction document, will be prepared for the meeting of June 17.*

## LOCATOR MAP



APPLICATION NUMBER 7 & 8 & 9 DATE June 3, 2004

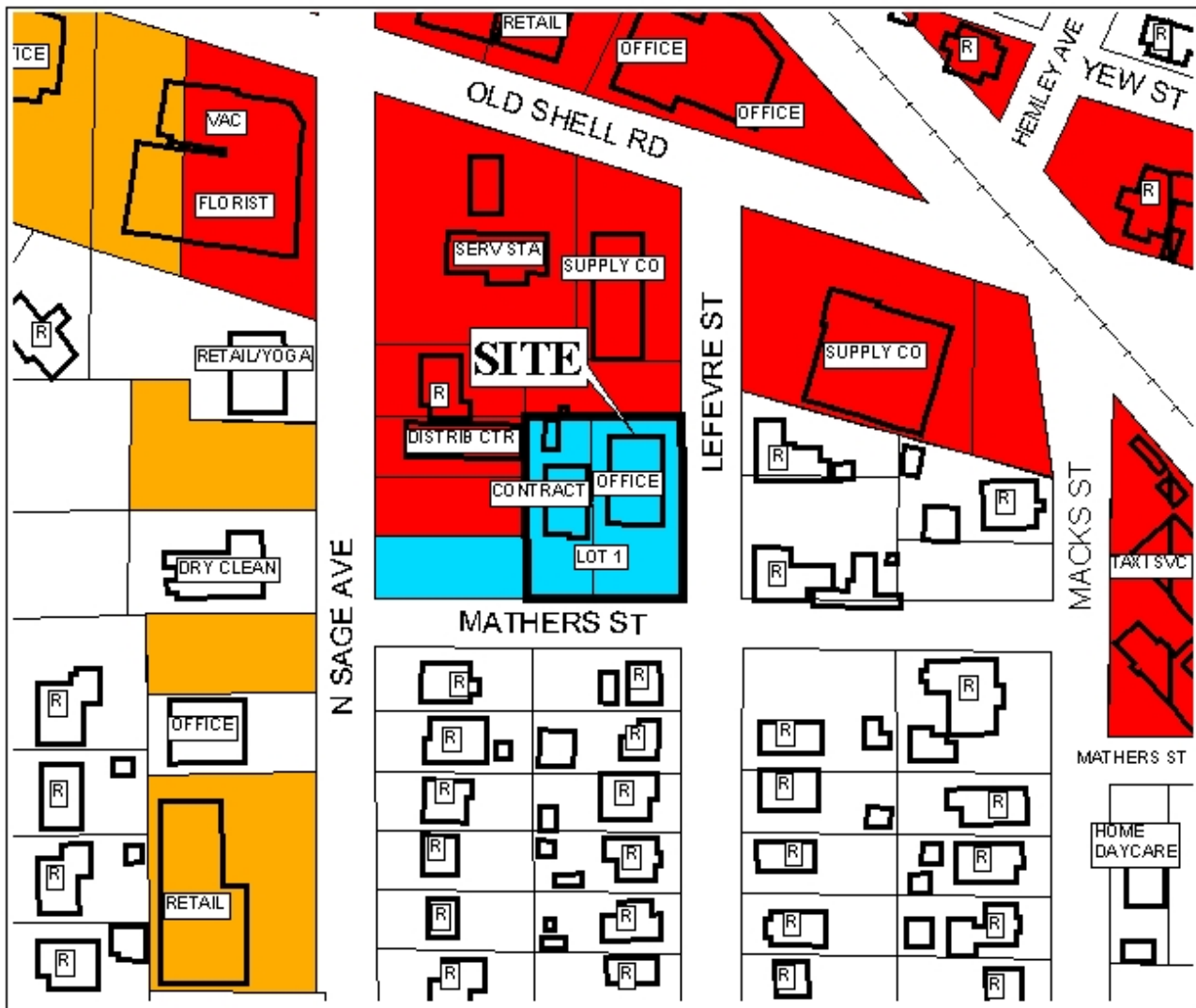
APPLICANT Raymond McCaffrey

REQUEST Rezoning from B-1 to B-3, Planned Unit Development, Subdivision



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# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Commercial sites are located to the west and north of the site. Single-family residential units are located to the south and west of the site. A daycare is located to the south and east of the site.

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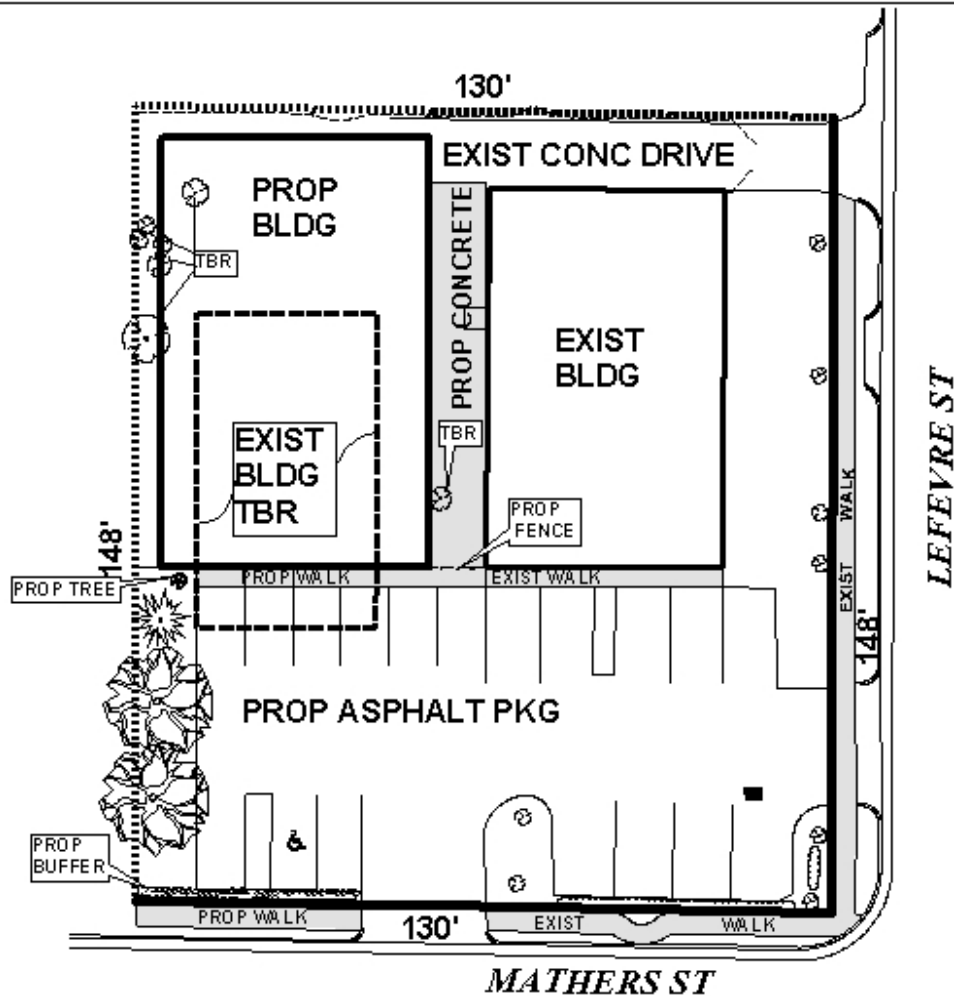
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LEGEND 

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 existing buildings, buildings to be removed, drives and landscaping along with the proposed buildings, walks, and landscaping.

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