

**ZONING AMENDMENT &  
SUBDIVISION STAFF REPORT****Date: October 20, 2005****NAME**

White-Spunner &amp; Associates (Nancy Stone, Agent)

**SUBDIVISION NAME**Shannon Heights Subdivision, First Addition, Resubdivision  
of a Portion of Lots 18, 19, 20, and 21**LOCATION**2648, 2650, and 2652 Government Boulevard  
(Northwest corner of Government Boulevard and Merwina  
Avenue, extending to the South side of Kreitner Street at its  
West terminus)**CITY COUNCIL  
DISTRICT**

District 5

**PRESENT ZONING**R-1, Single-Family Residential, and B-2, Neighborhood  
Business**PROPOSED ZONING**

B-2, Neighborhood Business

**AREA OF PROPERTY**

1.59± acres

**CONTEMPLATED USE**

Warehouses and office space

**It should be noted, however, that any use permitted in the proposed district would be allowed at this location if the zoning were changed. Furthermore, the Planning Commission may consider zoning classifications other than that sought by the applicant for this property.**

**REASON FOR REZONING**

To eliminate split-zoning in a proposed subdivision

**TIME SCHEDULE  
FOR DEVELOPMENT**Not stated, but site is presently developed with  
nonconforming warehouses.**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, 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). Full compliance with frontage tree requirements of the Zoning Ordinance along Kreitner Street to be coordinated with Urban Forestry.

**REMARKS**

The applicant is requesting approval to rezone the property from R-1, Single-Family Residential, and B-2, Neighborhood Business, to B-2, Neighborhood Business, to eliminate split zoning in a proposed subdivision; and subdivision approval, to create a four-lot subdivision from a portion of four lots of record.

The site fronts Kreitner Street, with a 50-foot right-of-way; Merwina Avenue, with a 50-foot right-of-way; and Government Boulevard, with a 236-foot right-of-way. The site is also adjacent to a proposed major street, Crosstown Loop 4 New Connection, the right-of-way of which would be 100 feet, and would impact the site. As such, the final plat should illustrate building setbacks of 50 feet from the centerline of the planned major street.

Regarding the proposed subdivision, the applicant is requesting a four-lot subdivision from two lots of record, and portions of two additional lots of record. The two excluded parcels were sold after 1952, but have changed hands multiple times since the original sale, so may be excluded, according to previous practice by the Planning Commission. The proposed subdivision is organized around existing buildings, and may thus be excused some irregularities in shape and size. Three of the four proposed lots (Lots 1,2, and 4) are less than 60 feet wide at the building setback, and would thus require a waiver of Section V.D.2 (minimum dimensions) of the Subdivision Regulations. Proposed Lot 1 is an L-shaped lot with frontage on both Kreitner Street and Merwina Avenue, and both of its arms exceed the maximum depth-to-width ratio of 3.5, as do proposed Lots 2 and 4; thus a waiver of Section V.D.3 (maximum depth) of the Subdivision Regulations would also be required. The 25-foot building setback line is not shown; however, it should be noted that the existing building on proposed Lot 3 would lie within that setback.

Regarding the proposed rezoning, the majority of the site is presently zoned B-2, Neighborhood Business, with a portion at the Northwest corner zoned R-1, Single Family Residential. The current and proposed use of the site is office and warehouse space, which requires B-3, Community Business, zoning. The site currently enjoys legal nonconforming status, but if the site is to be subdivided and brought into zoning compliance, B-3 zoning should be sought; it is not recommended that the site be rezoned and still continue to operate as a nonconforming use.

The site plan illustrates the existing buildings, which are proposed to remain, as well as proposed parking. Seven of the required parking spaces for proposed Lots 3 and 4 are located in the right-of-way, and thus would not satisfy the parking requirements. It is also unclear how the four spaces for proposed Lot 1 (the portion near Kreitner Street) would be accessed, since no curb cut is proposed to Kreitner Street. As the applicant does not desire Planned Unit Development approval, access to these spaces on Lot 1 would be denied from Lot 4. For the same reason, all vehicular access between the various lots should be denied.

The Zoning Ordinance states that an amendment is to be made only when one or more of the following conditions prevail: there is a manifest error in the ordinance; changes in conditions in a

particular area make a change in the ordinance necessary and desirable; an increased need for business or industrial sites in addition to sites that are available, make it necessary and desirable to rezone an area or extend the boundaries of an existing district; the subdivision of land into urban building sites makes reclassification necessary and desirable.

West of the site, on the other side of the proposed major street, properties are zoned R-1, while the remaining adjoining properties are zoned B-2. B-3 sites may be found approximately 600 feet from the site in either direction along Government Boulevard.

The applicant has chosen not to submit a Planned Unit Development application, to allow for shared parking and access. Therefore, the site plan should illustrate that each lot is self-contained, with adequate parking and maneuvering facilities, and individual curb cuts. Physical separation between the lots would also be required to ensure the self-containment of the lots, and the right-of-way should not be used for backing out or parking. The current site plan shows seven of the required parking spaces located in the right-of-way, does not appear to have adequate room within each lot for maneuvering, and does not show sufficient curb cuts to access parking without encroaching on neighboring lots. If the standards for parking and maneuvering cannot be met, an Administrative Planned Unit Development application will be required to address shared access and parking.

### **RECOMMENDATION**

*Subdivision* This application is recommended for a Holdover until the November 17<sup>th</sup> meeting, to coincide with the rezoning hearing.

*Rezoning* This application is recommended for a Holdover until November 17<sup>th</sup>, to allow the applicant to submit a revised site plan illustrating physical separation of the proposed lots; adequate parking and maneuvering area within each lot; adequate curb cuts to provide access to each lot and its parking. Otherwise, the applicant may submit an Administrative Planned Unit Development application for shared parking and access. It is also recommended that the site be considered for rezoning to B-3, Community Business, rather than B-2, Neighborhood Business, to accommodate the current and proposed use. These documents must be received by October 24<sup>th</sup> to be considered.

*Revised for the October 17<sup>th</sup> meeting:*

*These applications were held over from the October 20<sup>th</sup> meeting to allow the applicant to submit a revised site plan illustrating adequate parking provisions. The revised plan removes the parking spaces from the right-of-way, but still poses issues of maneuvering, and backing into the right-of-way. It does not appear that proposed Lots 1, 2, and 3, as presently developed, can satisfy the requirements for aisle width and maneuvering, as outlined in Section VI of the Zoning Ordinance. However, as noted in the previous report, these issues could be addressed with shared parking and access, by submitting an Administrative Planned Unit Development application.*

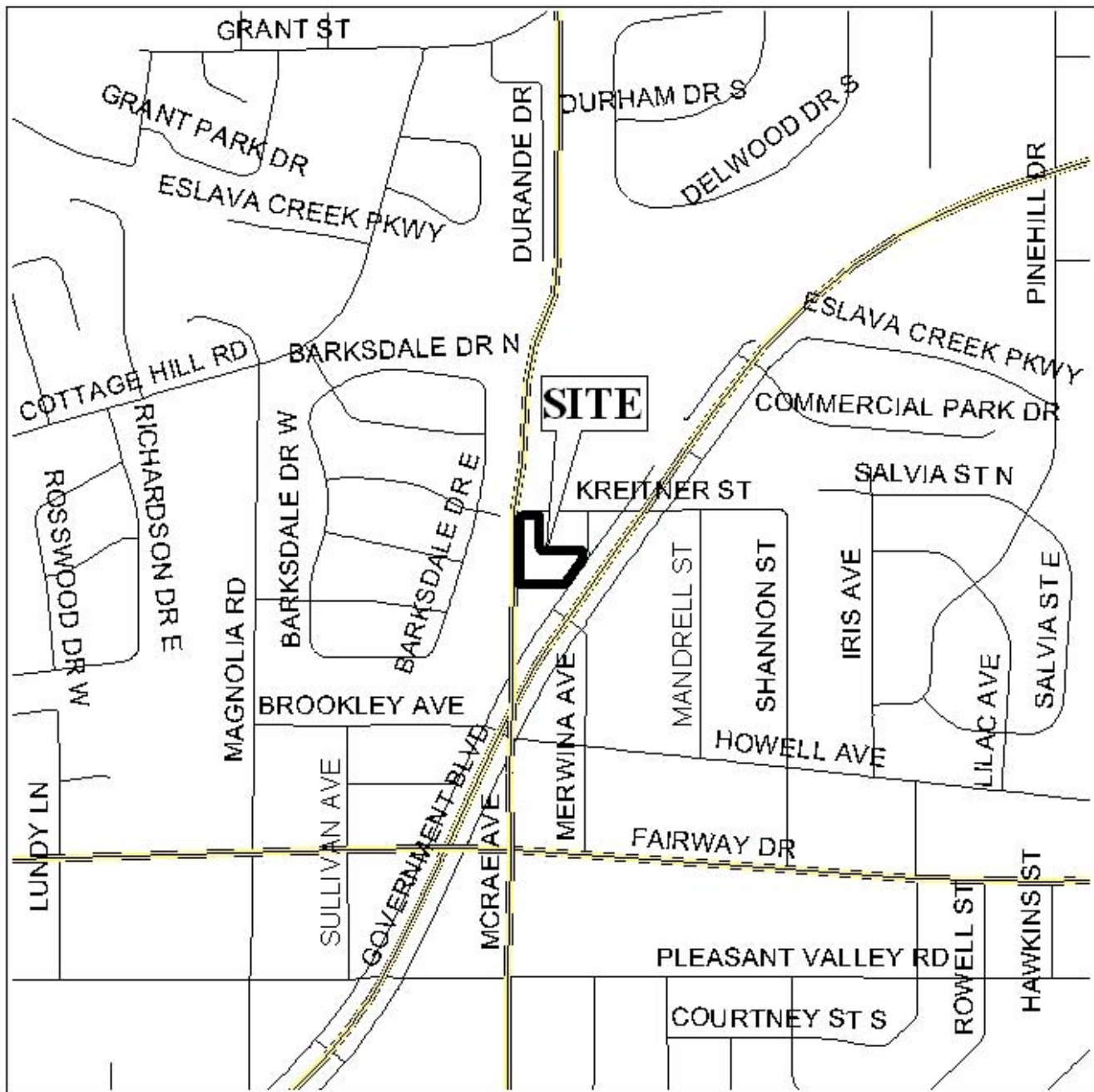
*Traffic Engineering submitted the following comments on the revised plan: "Minimum driveway width for commercial drives with two way traffic is twenty-four feet. Changes should be made to accommodate this width. The parking spaces in front of the buildings on lots 1, 2, and 3 do not have adequate space for maneuvering and should be eliminated. Drives to access rear parking stalls are less than the minimum width required for two-way drives. Changes should be made accommodate the minimum width of twenty-four feet. Traffic Engineering also has some concern of the locations of the proposed driveways on Merwina Avenue and Government Boulevard, which appear to be located*

*at the intersection of the two roads. This site may be better served by the use of shared driveways and parking which will allow for one-way traffic flows and one-way driveways.”*

*Subdivision Based on the preceding, with a waiver of Section V.D.2 (minimum dimensions) and V.D.3 (maximum depth), the plat would meet the minimum requirements of the Subdivision Regulations, and is recommended for Tentative Approval, subject to the following conditions: 1) the depiction of the required 25-foot building setbacks on the final plat; 2) the illustration of 50-foot building setbacks, measured from the centerline of the planned major street (Crosstown Loop 4 New Connection); 3) the completion of the rezoning process, to correct the split-zoning on the site.*

*Rezoning Based on the preceding, this application to rezone the site to B-2, Neighborhood Business, is recommended for approval, subject to the following conditions: 1) full compliance with the frontage tree requirements of the Zoning Ordinance along Kreitner Street, to be coordinated with Urban Forestry; 2) submission and approval of an Administrative Planned Unit Development application for shared parking and access; and 3) full compliance with all municipal codes and ordinances.*

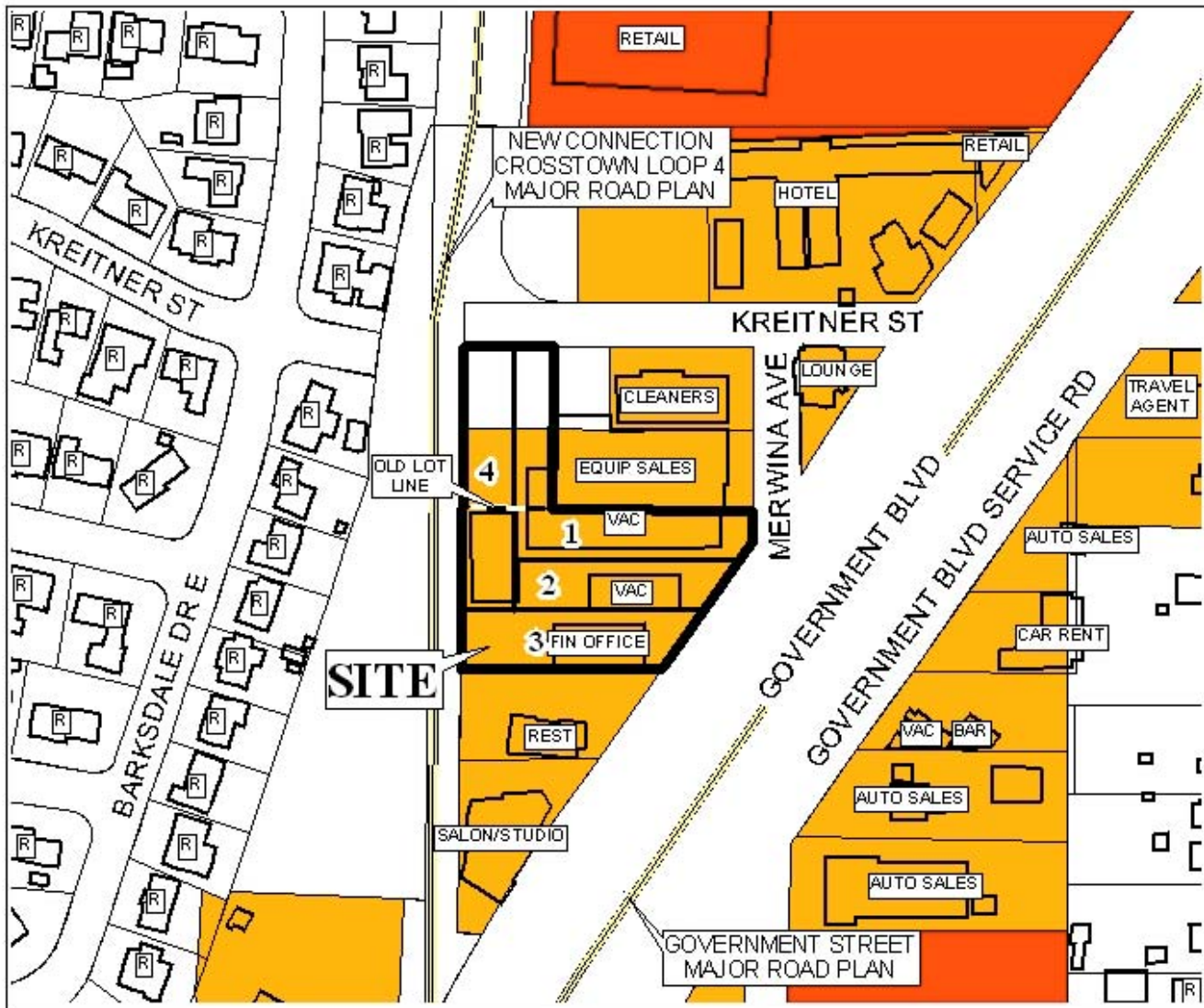
## LOCATOR MAP



APPLICATION NUMBER Holdover DATE November 17, 2005  
APPLICANT White-Spunner & Associates (Nancy Stone, Agent)  
REQUEST Rezoning from R-1 to B-2 and Subdivision



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING

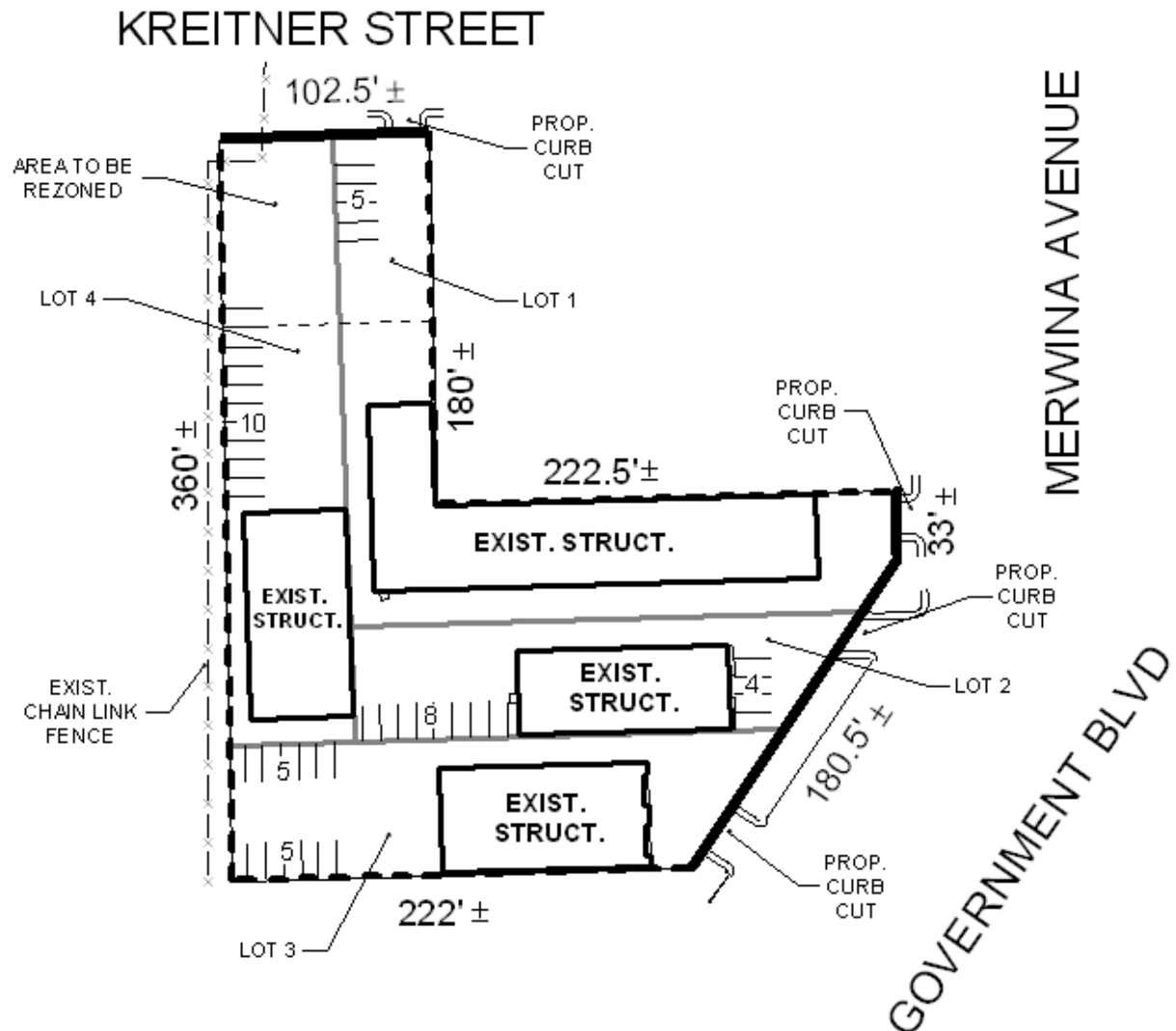


The site is located in an area of mixed commercial land use.

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LEGEND NTS

# SITE PLAN



The site is located on the South side of Kreitner Street at its West terminus.  
The plan illustrates the existing structures and parking.

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NTS