

# PLANNING COMMISSION FINAL REPORT

Case No. 1113-02  
 HTE No. 13-10000036

**Planning Commission Hearing Date:** January 29, 2014 (tabled December 4, 2013)

<b>Applicant &amp; Legal Description</b>	<b>Applicant/Owner:</b> Old Lipan Limited <b>Representative:</b> Mark Adame/ Bill Durrill <b>Legal Description/Location:</b> Lots 4, 5B, 6, 7A, 13, and the west half of Lot 5, Block 10, Gardendale Subdivision, located on Holly Road and Cain Drive, approximately 400 feet west of South Staples Street.			
<b>Zoning Request</b>	<b>From:</b> "RS-6" Single-Family 6 District and "CN-2" Neighborhood Commercial District <b>To:</b> "CG-2" General Commercial District <b>Area:</b> 4.2 acres <b>Purpose of Request:</b> To allow construction of a mini-storage facility.			
<b>Existing Zoning and Land Uses</b>		<b>Existing Zoning District</b>	<b>Existing Land Use</b>	<b>Future Land Use</b>
<i>Site</i>		"RS-6" Single-Family 6 & "CN-2" Neighborhood Commercial	Vacant, Public/Semi-Public	Low Density Residential, Public/Semi-Public & Commercial
<i>North</i>		"RS-6" Single-Family 6 & "CN-1" Neighborhood Commercial	Vacant, Low Density Residential, & Professional Office	Low Density Residential & Commercial
<i>South</i>		"RM-3" Multifamily 3 & "CN-2" Neighborhood Commercial	Medium Density Residential, Commercial, Vacant & Professional Office	Medium Density Residential & Commercial
<i>East</i>		"RS-6" Single-Family 6 & "CN-1" Neighborhood Commercial	Public/Semi-Public	Public/Semi-Public
<i>West</i>		"RS-6" Single-Family 6	Low Density Residential	Low Density Residential
<b>ADP, Map &amp; Violations</b>	<b>Area Development Plan:</b> The subject property is located within the boundaries of the Southside Area Development Plan and is planned for low density residential uses on Cain Drive and neighborhood commercial uses on Holly Road. The proposed rezoning to the "CG-2" General Commercial District is not consistent with the adopted Future Land Use Plan or the Southside Area Development Plan. <b>Map No.:</b> 043035 <b>Zoning Violations:</b> None			

<b>Transportation</b>	<b>Transportation and Circulation:</b> The subject property has approximately 500 feet of street frontage along Cain Drive, which is a local residential street, and 132 feet of street frontage along Holly Road, which is an “A1” Minor Arterial Undivided street. The subject property is located approximately 400 feet west of South Staples Street, which is an “A2” Secondary Arterial Divided street. According to the 9 <sup>th</sup> Edition Trip Generation Manual, the proposed mini-storage would have an average of 140.25 daily weekday trips. If the 3.1-acre property was developed with single-family uses, the daily weekday trips could be a maximum of 147 trips. Other uses allowed in the “CG-2” General Commercial District could increase the trip count.				
<b>Street R.O.W.</b>	<b>Street</b>	<b>Urban Transportation Plan Type</b>	<b>Proposed Section</b>	<b>Existing Section</b>	<b>Traffic Volume (2011)</b>
	Holly Rd.	“A1” Minor Arterial Undivided	95’ ROW 64’ paved	80’ ROW 60’ paved	16,721 ADT
	Cain Dr.	Local Residential	50’ ROW 28’ paved	60’ ROW 28’ paved	N/A

**Staff Summary:**

**Requested Zoning:** The applicant is requesting a rezoning from the “RS-6” Single-Family 6 District and the “CN-2” Neighborhood Commercial District to the “CG-2” General Commercial District to allow the construction of a mini-storage facility. A mini-storage facility is not considered a neighborhood commercial use.

**Development Plan:** The proposed rezoning is within the Gardendale Subdivision. The applicant is proposing a mini-storage facility on a 4.2-acre tract of land. The proposed mini-storage will consist of 500 units, totaling 82,000 square feet of building area. At a minimum, the Unified Development Code would require a 20-foot wide front yard on Cain Drive and Holly Road. A buffer yard of 15 feet with 15 points would be required along the property lines abutting the “RS-6” Single-Family 6 District. The site is proposed to have access from Holly Road and no access is proposed on Cain Drive. Additionally, the applicant proposes to have a setback of 15 feet from the western property line with 2.5-inch caliper trees every 30 feet on center.

**Existing Land Uses & Zoning:** North of the subject property, across Cain Drive, are professional offices and vacant land zoned “CN-1” Neighborhood Commercial District and a single-family dwelling zoned “RS-6” Single-Family 6 District. East of the subject property is a home health and hospice facility zoned “CN-1” Neighborhood Commercial District and “RS-6” Single-Family 6 District. South of the subject property is an office park and commercial facility zoned “CN-2” Neighborhood Commercial District, and an apartment complex across Holly Road zoned “RM-3” Multifamily 3 District. West of the subject property is a single-family dwelling zoned “RS-6” Single-Family 6 District.

**AICUZ:** The subject property is not located in one of the Navy’s Air Installation Compatibility Use Zones (AICUZ).

**Comprehensive Plan & Area Development Plan Consistency:** The subject property is located within the boundaries of the Southside Area Development Plan (ADP). The proposed rezoning to the “CG-2” General Commercial District is not consistent with the Southside ADP or the adopted Future Land Use Plan’s designation of the property as low density residential. Additionally, the following are pertinent elements of the Comprehensive Plan and should be considered:

- Rezone residentially zoned properties on Holly Road between Staples Street and Everhart Road to a neighborhood commercial district consistent with street traffic carrying capacity and protection of the abutting residential neighborhood (Southside Area Development Plan, Policy Statement B.9).
  - o Allow office and commercial uses along Williams and Holly Roads, but prohibit those land uses typically found in the B-4 (CG-2) Zoning District, which are most offensive to residential properties.
- Preserve and protect the residential nature of the Gardendale Neighborhood from Curtis Clark south to Cain Drive and from Everhart east to Staples (Southside Area Development Plan, Policy Statement B.10).
  - o Prevent the development of non-residential uses into the interior of the neighborhood.
- Limited commercial expansion will be allowed on either side of Staples Street and Everhart Road (Southside Area Development Plan, Policy Statement B.11).
  - o Total depth of commercial expansion between Staples and Everhart Roads and the neighborhood shall generally not exceed 300 feet.
- Expansion of commercial uses into or within residential areas may be permitted only if such expansion maintains or improves the residential desirability of the impacted neighborhood (Comprehensive Plan, Commercial Policy Statement d).

**Plat Status:** The subject property is comprised of five platted lots and one half lot. In order to construct the proposed mini-storage facility, the property would need to be replatted.

**Department Comments:**

- The proposed rezoning deviates from the Comprehensive Plan:
  - o Uses typically found in the “CG-2” General Commercial District (formerly “B-4” District) should be prohibited along Holly Road. A rezoning to the “CG-2” District directly contradicts this statement.
  - o The proposed mini-storage is approximately 400 feet from South Staples Street and extends an additional 500 feet along Cain Drive, encroaching into the Gardendale Subdivision approximately 900 feet. The 900 feet exceeds the 300-foot limitation within the Southside Area Development Plan.
  - o Non-residential uses should not be expanded within the interior of the Gardendale Subdivision.
  - o Uses allowed in the “CG-2” District do not increase the residential desirability of a neighborhood.
- It is staff’s opinion that the proposed rezoning would negatively impact the surrounding residential properties and the property to be rezoned is not consistent

with the Future Land Use Plan's designation of the property as a low density residential use.

- A "CG-2" District would allow uses that are not compatible with the surrounding residential subdivision and could potentially increase traffic through residential areas on Cain Drive, which is a local residential street.
- Staff's opinion is that a mini-storage facility does not increase the residential desirability of this neighborhood, which is one of the findings required of the Comprehensive Plan when deciding which commercial uses to allow within residential areas.
- At the Planning Commission's request, staff has developed conditions should Planning Commission desire to recommend a Special Permit in lieu of granting the rezoning to the "CG-2" General Commercial District or denying the applicant's request.
- Staff does not recommend a mini-storage facility be developed on the subject property. Therefore, staff does not recommend a Special Permit be granted to allow the mini-storage use.

**Staff Recommendation:**

- Denial of the rezoning to the "CG-2" General Commercial District.
- Denial of a Special Permit for a mini-storage facility.

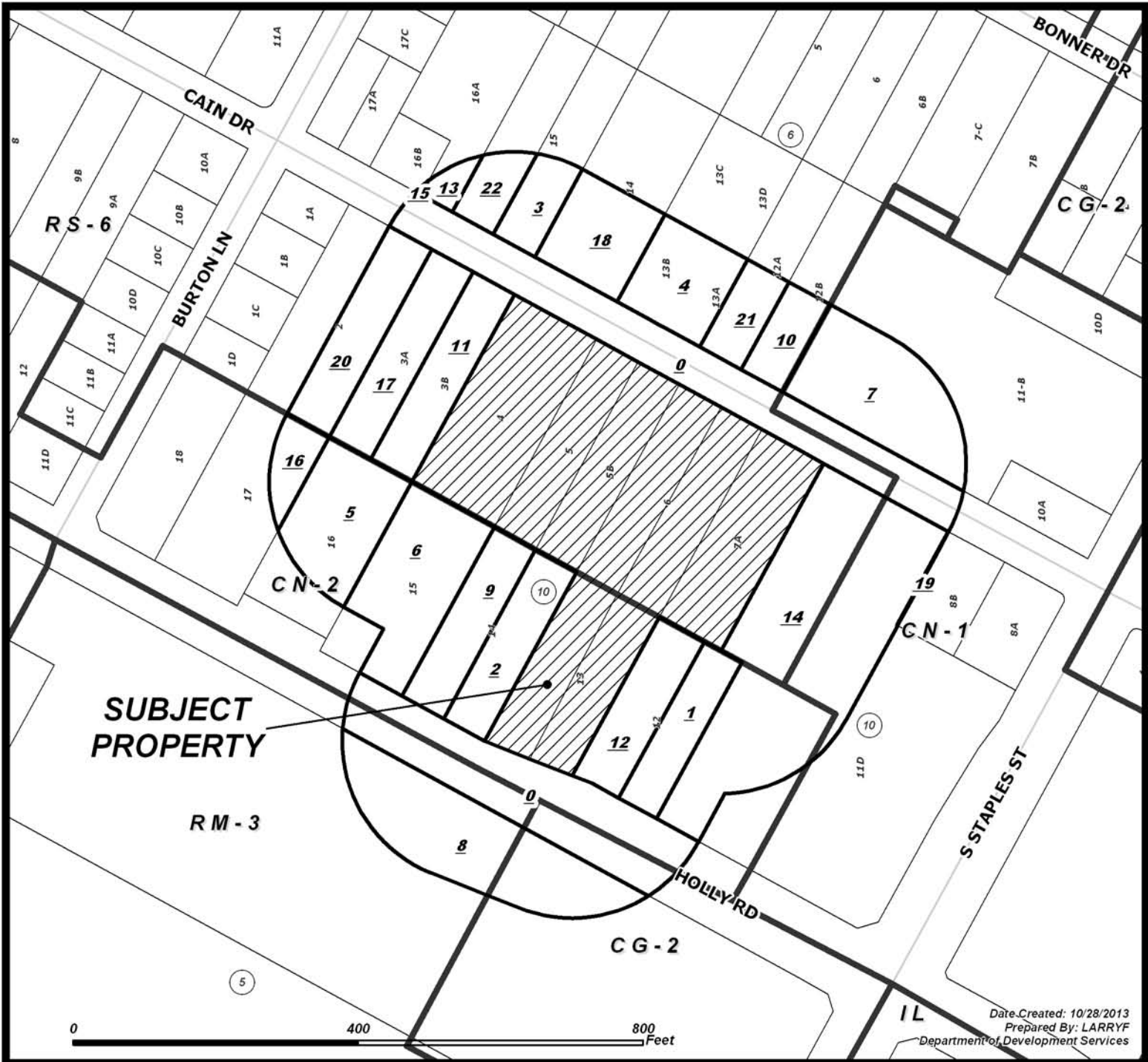
**Planning Commission Recommendation (January 29, 2014):**

- Denial of the rezoning to the "CG-2" General Commercial District
- The Planning Commission recommended at the first hearing that a Special Permit be created by staff. A Special Permit with 10 conditions was developed and Planning Commission entertained a motion to approve the Special Permit at the second hearing. The Planning Commission recommended denial of a Special Permit for a mini-storage facility as a result of a split vote (4-4).

<b>Public Notification</b>	Number of Notices Mailed – 45 within 200-foot notification area 13 outside notification area
	<b><u>As of January 30, 2014:</u></b>
	In Favor – 2 inside notification area; 0 outside notification area
	In Opposition – 2 inside notification area; 54 outside notification area
Totaling 7.55% of the land within the 200-foot notification area in opposition.	

Attachments:

- A. Location Map (Existing Zoning & Notice Area)



## CASE: 1113-02 ZONING & NOTICE AREA

RM-1	Multifamily 1	IL	Light Industrial
RM-2	Multifamily 2	IH	Heavy Industrial
RM-3	Multifamily 3	PUD	Planned Unit Dev. Overlay
ON	Professional Office	RS-10	Single-Family 10
RM-AT	Multifamily AT	RS-6	Single-Family 6
CN-1	Neighborhood Commercial	RS-4.5	Single-Family 4.5
CN-2	Neighborhood Commercial	RS-TF	Two-Family
CR-1	Resort Commercial	RS-15	Single-Family 15
CR-2	Resort Commercial	RE	Residential Estate
CG-1	General Commercial	RS-TH	Townhouse
CG-2	General Commercial	SP	Special Permit
CI	Intensive Commercial	RV	Recreational Vehicle Park
CBD	Downtown Commercial	RMH	Manufactured Home
CR-3	Resort Commercial		
FR	Farm Rural		
H	Historic Overlay		
BP	Business Park		

Subject Property with 200' buffer

Owners in favor

Owners within 200' listed on attached ownership table

Owners in opposition

