

STAFF REPORT

Case No. 1114-05
HTE No. 14-10000044

Planning Commission Hearing Date: November 19, 2014

Applicant & Legal Description	<p>Applicant/Owner: Old Lipan, Ltd. Representatives: Alan Wahlers Architect Legal Description/Location: Lot 13C, Block 10, Gardendale Subdivision, located at the northwest corner of Holly Road and South Staples Street.</p>			
Zoning Request	<p>From: "CN-1" Neighborhood Commercial and "CN-2" Neighborhood Commercial To: "CG-2" General Commercial Area: 2.644 acres Purpose of Request: The applicant proposes to build a single-story, 18,455 square foot restaurant/bar with an additional 7,695 square feet of exterior deck space.</p>			
Existing Zoning and Land Uses		Existing Zoning District	Existing Land Use	Future Land Use
<i>Site</i>		"CN-1" Neighborhood Commercial and "CN-2" Neighborhood Commercial	Public Semi-Public	Public Semi-Public
<i>North</i>		"RS-6/SP" Single-Family 6 with Special Permit and "CN-1" Neighborhood Commercial	Public Semi-Public	Public Semi-Public
<i>South</i>		"CG-2" General Commercial	Medium Density Residential	Medium Density Residential
<i>East</i>		"CN-1" Neighborhood Commercial	Professional Office	Commercial
<i>West</i>		"CN-2/SP" Neighborhood Commercial with Special Permit	Vacant	Commercial
ADP, Map & Violations	<p>Area Development Plan: The subject property is located within the boundaries of the Southside Area Development Plan and is planned for public semi-public use due to the property's past use as a church. 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. Map No.: 043035 Zoning Violations: None</p>			

Transportation	Transportation and Circulation: The subject property has approximately 500 feet of street frontage along Holly Road, which is an “A1” Minor Arterial Undivided street and 175 feet of street frontage along South Staples Street, which is an “A2” Secondary Arterial Divided street.				
Street R.O.W.	Street	Urban Transportation Plan Type	Proposed Section	Existing Section	Traffic Volume (2013)
	Holly Road	“A1” Minor Arterial Undivided Street	95’ ROW 64’ paved	100’ ROW 83’ paved	15,376 ADT
	South Staples Street	“A2” Secondary Arterial Divided Street	100’ ROW 54’ paved	115’ ROW 75’ paved	36,426 ADT

Staff Summary:

Requested Zoning: The applicant is requesting a change of zoning from the “CN-1” and “CN-2” Neighborhood Commercial District to the “CG-2” General Commercial Districts to allow construction of a single-story 18,455-square foot restaurant/bar with an additional 7,695 square feet of exterior deck space. The existing zoning, “CN-1” and “CN-2” Neighborhood Commercial Districts, do not permit this type of development as the restaurant/bar will exceed the allowable gross floor area limitations.

Development Plan: The applicant plans to develop the 2.644 acres into a restaurant/bar consisting of an 18,455 square foot building with an additional 7,695 square feet of deck area and fenced in children’s play area. The building will be one-story and the development will have all required parking onsite and additional parking available on an adjacent property. The applicant anticipates the business will employ approximately 100 employees, and will operate from 11:00 a.m. to 11:00 p.m., Monday through Thursday, 11:00 a.m. to 2:00 a.m., Friday and Saturday, and 11:00 a.m. to 10:00 p.m., Sunday.

Existing Land Uses & Zoning: North of the subject property is a public semi-public use zoned “RS-6/SP” Single-Family 6 with a Special Permit for mini-storage and “CN-1” Neighborhood Commercial. East of the subject property across South Staples Street is a Professional Office use zoned “CN-1” Neighborhood Commercial District. West of the subject property is vacant and is zoned “CN-2/SP” Neighborhood Commercial District with a Special Permit for mini-storage. South of the subject property across Holly Road is a Medium Density Residential use zoned “CG-2” General Commercial 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 proposed change of zoning is not consistent with the Southside Area Development Plan and is not consistent with the adopted Future Land Use Plan, which slates the property for Public Semi-Public uses. However, the property was designated for public uses because it was originally occupied by a church. Additionally, the following are pertinent elements of the Comprehensive Plan and should be considered:

- New high-intensity commercial developments without adequate transition or buffering should be discouraged from locating directly adjacent to low-density residential areas (Southside Area Development Plan, Policy Statement B.7).
- Rezone residentially zoned properties on Williams Drive and 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).
- Limited commercial expansion will be allowed on either side of Staples Street and Everhart Road (Southside Area Development Plan, Policy Statement B.11).
 - 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). If the mini-storage in the “RS-6/SP” Single-Family 6 with a Special Permit is not developed then the “CG-2” General Commercial District zoning will end up next to “RS-6” Single-Family 6 zoning.

Plat Status: The subject property is platted.

Department Comments:

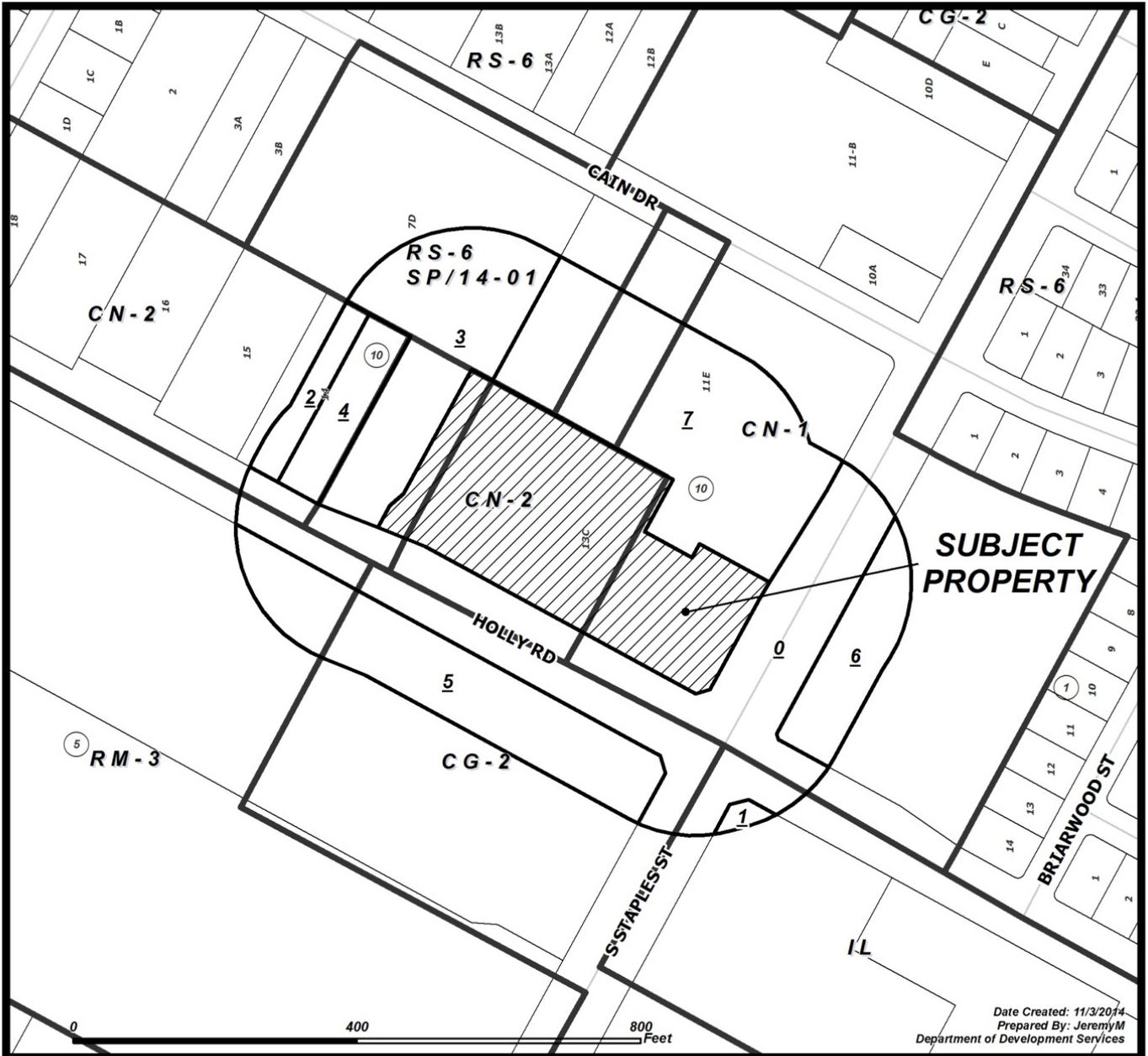
- This rezoning is not consistent with the Southside Area Development Plan and the Comprehensive Plan:
 - Uses typically found in the “CG-2” General Commercial District (formerly “B-4” District) should be prohibited along Holly Road. A rezoning to the “CG-2” District directly contradicts this statement.
- The amendment is compatible with the present zoning and conforming uses of nearby property and to the character of the surrounding area.
- The property to be rezoned is suitable for uses permitted by the zoning district that would be applied by the proposed amendment.
- The proposed rezoning would not have a negative impact on the surrounding neighborhood.
- The property will only have access to two arterial streets (Holly Road and Staples Street). Therefore there will not be any traffic cutting through residential neighborhoods.
- The property does not abut residential uses the “CN-1” and “CN-2” Neighborhood Commercial Districts to the north & west serve as buffers between the nearby residential uses and the proposed “CG-2” District.

Staff Recommendation: Approval of the change of zoning from the “CN-1” Neighborhood Commercial and “CN-2” Neighborhood Commercial to the “CG-2” General Commercial District.

Public Notification	Number of Notices Mailed – 7 within 200-foot notification area 14 outside notification area
	<u>As of November 12, 2014</u>
	In Favor – 0 inside notification area – 0 outside notification area
	In Opposition – 0 inside notification area – 0 outside notification area
	Totaling 0.00% of the land within the 200-foot notification area in opposition.

Attachments:

1. Location Map (Existing Zoning & Notice Area)
2. Site Plan



Date Created: 11/3/2014
 Prepared By: Jeremy M
 Department of Development Services

CASE: 1114-05 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



EXHIBIT A

