

ZONING REPORT

Case No.: 0712-02

HTE No. 12-10000019

Planning Commission Hearing Date: July 18, 2012

Applicant & Legal Description	<p>Applicant/Representative: Hutton Company/ The Clower Company Owner: Mayan Sun Enterprises, LTD and Guadalupe Silva Reyes Legal Description/Location: Laguna Acres, Block 1, Lots 2, 3 and 4, located near the southwest corner of Columbia Street and Horne Road.</p>				
Zoning Request	<p>From: "RS-6" Single-Family 6 District To: "CN-1" Neighborhood Commercial District Area: 1.14 acres Purpose of Request: To allow for the construction of a retail store of approximately 8,500 square feet.</p>				
Existing Zoning and Land Uses		Existing Zoning District	Existing Land Use	Future Land Use	
	<i>Site</i>	"RS-6" Single-Family	Vacant & Low Density Residential	Low Density Residential	
	<i>North</i>	"RS-6" Single-Family	Park & Drainage Corridor	Park & Drainage Corridor	
	<i>South</i>	"RS-6" Single-Family	Low Density Residential	Low Density Residential	
	<i>East</i>	"CN-1" Neighborhood Commercial	Low Density Residential	Commercial & Low Density Residential	
	<i>West</i>	"RS-6" Single-Family	Low Density Residential	Low Density Residential	
ADP, Map & Violations	<p>Area Development Plan: The subject property is located in the Westside Area Development Plan (ADP) and is planned for a low density residential use. The proposed change in zoning to the "CN-1" Neighborhood Commercial District is not consistent with the adopted Future Land Use Plan. Map No.: 049041 Zoning Violations: None</p>				
Transportation	<p>Transportation and Circulation: The subject property has 385 feet of frontage on Horne Road, an "A1" Minor Arterial Undivided street, and 110 feet of frontage on Columbia Street, which is a "C1" Minor Residential Collector street.</p>				
Street R.O.W.	Street	Urban Transportation Plan Type	Proposed Section	Existing Section	Traffic Volume
	Horne Rd.	"A1" Minor Arterial Undivided	95' ROW, 64' paved	100' ROW, 57' paved	Not Available
	Columbia St.	"C1" Minor Residential Collector	60' ROW, 40' paved	70' ROW, 40' paved	Not Available

Staff Summary:

Requested Zoning: The applicant is requesting a change of zoning from the “RS-6” Single-Family 6 District to the “CN-1” Neighborhood Commercial District to allow for the construction of a retail store. The applicant is proposing an approximately 8,500-square-foot freestanding building on a 1.14-acre site. The project site consists of four lots. The corner lot, Lot 1, is already zoned “CN-1” Neighborhood Commercial District and would be included as part of the project. The applicant is requesting this zoning change on the three additional lots.

Existing Land Uses: Located to the north of the subject property is a public golf course and drainage corridor in an “RS-6” District. There are single-family houses located to the south and to the west of the subject property in an “RS-6” District. On the corner of Columbia Street and Horne Road is a low-intensity commercial use and a single-family house in a “CN-1” District. Across Columbia Street is a drainage corridor and a commercial use in a “CG-2” General Commercial District.

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

Buffering & Nuisance Abatement: The following are requirements of the Unified Development Code (UDC):

1. A 10-foot wide buffer yard and 10 buffer points are required between the proposed “CN-1” District and the adjacent “RS-6” District.
2. A seven-foot wall is required when noise generators, such as dumpsters or mechanical equipment (air conditioning units), are located adjacent to a single-family district.
3. Outdoor lighting is limited to a height of 15-feet when located within 50 feet of a residential use, and light trespass shall not exceed one (1) footcandle.
4. Commercial structures must be setback from single-family uses a distance based on the height of the commercial structure.

Comprehensive Plan & Area Development Plan (ADP) Consistency: The proposed change of zoning is not consistent with the adopted Future Land Use Plan, which slates the property for low density residential uses. The rezoning is consistent with other aspects of the Comprehensive Plan, such as:

1. Encouraging infill development on vacant tracts within developed areas (*Comprehensive Plan, Residential Policy Statement H*)
2. Commercial development in residential areas may be allowed in situations where proponents of such change can demonstrate how rezoning changes will benefit the impacted neighborhood (filling vacant land) and the community. (*Comprehensive Plan, Commercial Policy Statement D*); and
3. Commercial activities that generate large volumes of traffic should have direct access to an arterial (Horne Road) without having to traverse low density areas. (*Comprehensive Plan, Commercial Policy Statement F*).

Plat Status: The subject property is currently platted as individual lots and will be replatted to combine four lots into one lot.

Department Comments:

- Approval of the proposed rezoning would encourage infill development, which is a policy stated in the Comprehensive Plan.
- The proposed rezoning is an acceptable expansion of the adjacent “CN-1” Neighborhood Commercial District to the east.
- The Unified Development Code affords protection of the adjacent single-family uses by means of setbacks, buffer yards, screening, and stricter lighting standards.
- The proposed commercial development will have direct access to an arterial roadway (Horne Road).

Planning Commission & Staff Recommendation (July 18, 2012):

Approval of the change of zoning from the “RS-6” Single-Family 6 District to the “CN-1” Neighborhood Commercial District.

Public Notifi cation	Number of Notices Mailed – 22 within 200’ notification area; 7 outside notification area	
	<u>As of August 2, 2012:</u>	
	In Favor	– 0 (inside notification area); 1 (outside notification area)
	In Opposition	– 0 (inside notification area); 0 (outside notification area)
For 0.00% in opposition.		

- Attachments:
1. Site Map (Existing Zoning & Notice Area)
 2. Proposed Development Plan