

# STAFF REPORT

Case No. 1214-01  
 HTE No. 14-10000042

**Planning Commission Hearing Date:** December 3, 2014

|  |   |   |                          |  |
|--|---|---|--------------------------|--|
| <b>Applicant &amp; Legal Description</b> | <p><b>Applicant/Owner:</b> Maxwell P. Dunne Funeral Service, Inc.<br/> <b>Representatives:</b> Ronald J. Alonzo<br/> <b>Legal Description/Location:</b> Being 2.13 acres out of Lot 20, Section 10, Flour Bluff and Encinal Farm and Garden Tracts.</p>   |   |                          |  |
| <b>Zoning Request</b>                    | <p><b>From:</b> "RS-6" Single-Family 6 District<br/> <b>To:</b> "CN-1" Neighborhood Commercial District<br/> <b>Area:</b> 2.13 Acres<br/> <b>Purpose of Request:</b> To construct a 10,000 square foot building to be used as a funeral home.</p>   |   |                          |  |
| <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                                    | Vacant                   | Low Density Residential                |
| <i>North</i>                             |   | "RS-6" Single-Family and "CN-2" Neighborhood Commercial | Vacant and Commercial    | Low Density Residential and Commercial |
| <i>South</i>                             |   | "RS-6" Single-Family                                    | Vacant                   | Low Density Residential                |
| <i>East</i>                              |   | "RS-6" Single-Family                                    | Low Density Residential  | Low Density Residential                |
| <i>West</i>                              |   | "RS-6" Single-Family                                    | Public Semi-Public       | Low Density Residential                |
| <b>ADP, Map &amp; Violations</b>         | <p><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 use. The proposed change of zoning to the "CN-1" Commercial Neighborhood District is not consistent with the Future Land Use Plan.<br/> <b>Map No.:</b> 044031<br/> <b>Zoning Violations:</b> None</p>   |   |                          |  |
| <b>Transportation</b>                    | <p><b>Transportation and Circulation:</b> The subject property has approximately 225 feet of street frontage along Yorktown Boulevard, which is an "A3" Primary Arterial Divided street. The 415-foot east boundary line of the subject property abuts a 20-foot wide piece of property along Loire Boulevard which is owned by Kings Crossing Realty Ltd., associated with the residential development across Loire Boulevard. Loire Boulevard is classified as a "C1" Minor Residential Collector street.</p> |   |                          |  |

| Street R.O.W. | Street             | Urban Transportation Plan Type | Proposed Section      | Existing Section      | Traffic Volume (2011) |
|---------------|--------------------|--------------------------------|-----------------------|-----------------------|-----------------------|
|               | Yorktown Boulevard | A3 Primary-Arterial Divided    | 130' ROW<br>79' paved | 135' ROW<br>25' paved | 11,648                |
|               | Loire Boulevard    | C1 Minor Residential Collector | 60' ROW<br>40' paved  | 60' ROW<br>40' paved  | N/A                   |

**Staff Summary:**

**Requested Zoning:** The applicant is requesting a change in zoning from the “RS-6” Single-Family 6 District to the “CN-1” Neighborhood Commercial District to allow the construction of a funeral home.

**Development Plan:** The applicant proposes to construct a 10,000 square foot funeral home and associated parking lot. Hours of operation will be from 8:00 a.m. to 9:00 p.m.

**Existing Land Uses & Zoning:** North of the subject property across Yorktown Boulevard is vacant property zoned “RS-6” Single-Family 6 and property with a small shopping center zoned “CN-2” Neighborhood Commercial. East of the subject property across Loire Boulevard is the King’s Crossing Subdivision zoned “RS-6” Single-Family 6. West of the subject property is a church zoned “RS-6” Single-Family 6. South of the subject property is vacant owned by the church zoned “RS-6” Single-Family 6.

**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 consistent with the Southside Area Development Plan and is not consistent with the adopted Future Land Use Plan, which slates the property for Single-Family residential uses. Additionally, the following pertinent elements of the Comprehensive Plan should be considered:

- The intent of the proposed land use plan is to support existing and planned residential neighborhoods and related growth in the Southside ADP areas. The plan provides for a compatible configuration of activities with emphasis on: accommodation of existing zoning patterns; the protection of low-density residential activities from incompatible activities; the placement of commercial activities at locations with good access and high visibility; and the identification of environmental sensitive areas that should be preserved. (Southside Area Development Plan Policy Statement B.1).
- The "CN-1" Neighborhood Commercial and other commercial zoning regulations, in concert with the Comprehensive Plan policies, should be reviewed and revised as necessary to control the size and use of commercial centers so they remain in scale with their surrounding uses and highway carrying capacity. True "neighborhood" commercial activities should be aimed toward meeting the daily convenience retail needs of nearby residents for food, pharmaceuticals, personal

services, etc. Rezoning to new "CN-1" Neighborhood District should occur on limited site areas in existing or new residential development. Higher intensity uses and larger sites should be located away from low density residential and along highway systems with capacities commensurate with their traffic generation. (Southside Area Development Plan Policy Statement B.4).

**Plat Status:** The subject property is not platted.

**Department Comments:**

- The proposed rezoning to the “CN-1” Neighborhood Commercial District is not consistent with the adopted Future Land Use Plan but does reflect conformity with the Southside Area Development Plan Policy Statement B.1 in that “Rezoning to new “CN-1” Neighborhood Commercial District provides for protection of low-density residential activities from incompatible activities and the placement of commercial activities at locations with good access and high visibility.”
- The proposed rezoning does reflect conformity with the Southside Area Development Plan Policy Statement B.4 in that “Rezoning to new “CN-1” Neighborhood Commercial District should occur on limited site areas in existing or new residential development.”
- It is staff’s opinion that the proposed rezoning would not negatively impact the surrounding residential properties.
- 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.

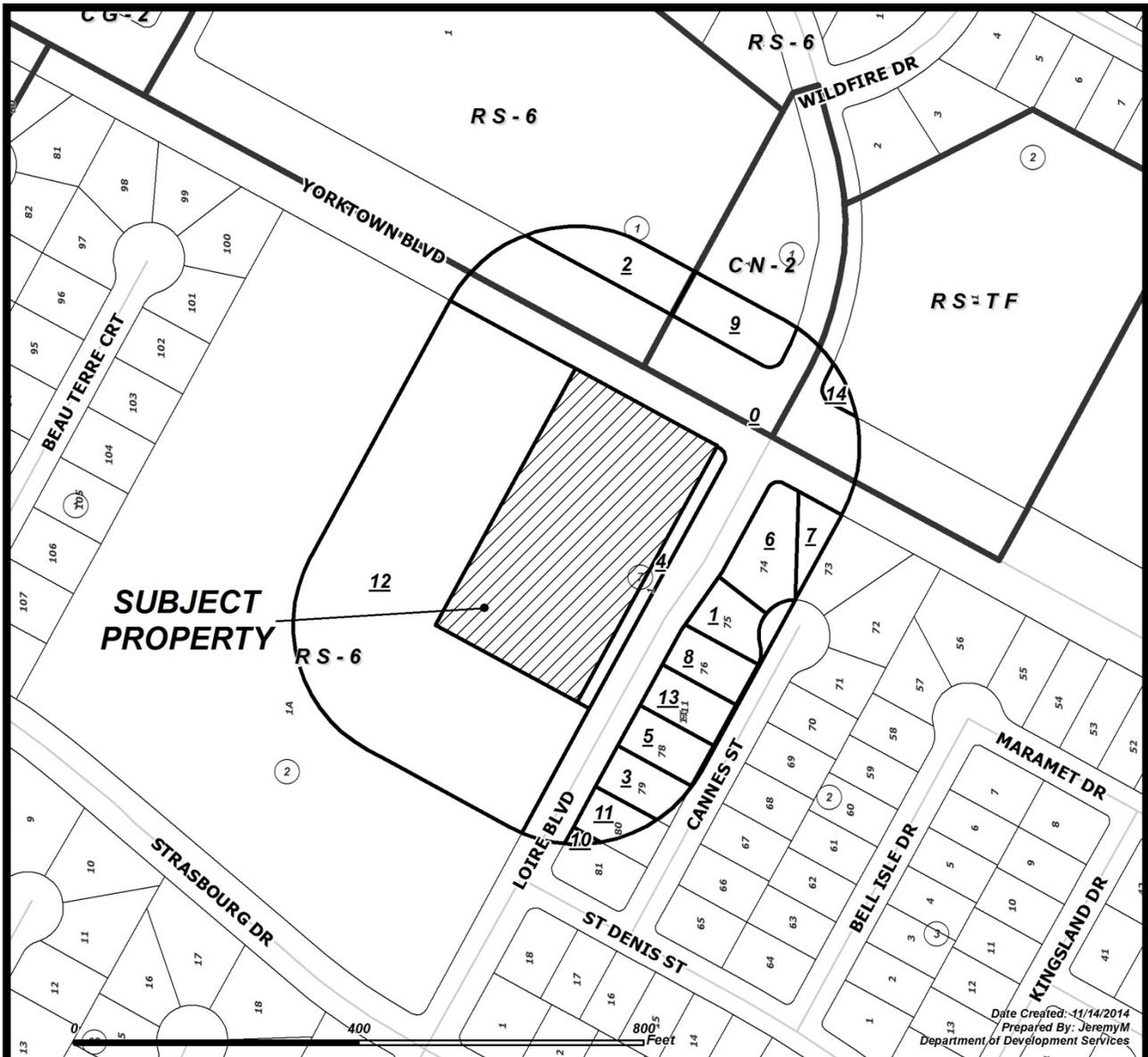
**Staff Recommendation:** Approval of the change of zoning from the “RS-6” Single-Family 6 District to the “CN-1” Neighborhood Commercial District.

|                            |  |
|----------------------------|--|
| <b>Public Notification</b> | Number of Notices Mailed – 14 within 200-foot notification area<br>5 outside notification area |
|                            | <b><u>As of November 26, 2014</u></b>  |
|                            | In Favor – 0 inside notification area<br>– 0 outside notification area                         |
|                            | In Opposition – 0 inside notification area<br>– 0 outside notification area                    |
|                            | Totaling 0.00% of the land within the 200-foot notification area in opposition.                |

**Attachments:**

Location Map (Existing Zoning & Notice Area)





Date Created: 11/14/2014  
Prepared By: Jeremy M.  
Department of Development Services

**CASE: 1214-01**  
**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

