

ZONING REPORT

Case No.: 0113-02
 HTE No. 13-10000002

Planning Commission Hearing Date: January 30, 2013

Applicant & Legal Description	Applicant/Owner: Jose Luis and Frances Martinez Legal Description/Location: Jackson Woods Subdivision Unit 1, Block G, Lot 17, located on the southeast corner of Gettysburg Street and Peach Tree Street.				
Zoning Request	From: "ON" Office District To: "RS-6" Single-Family 6 District Area: 0.26 acres Purpose of Request: To eliminate the property's nonconforming status.				
Existing Zoning and Land Uses		Existing Zoning District	Existing Land Use	Future Land Use	
	<i>Site</i>	"ON" Office	Low Density Residential	Park	
	<i>North</i>	"RS-6" Single-Family 6	Low Density Residential	Low Density Residential	
	<i>South</i>	"ON" Office	Low Density Residential	Park	
	<i>East</i>	"ON" Office	Low Density Residential	Park	
	<i>West</i>	"RS-6" Single-Family 6	Low Density Residential	Low Density Residential	
ADP, Map & Violations	Area Development Plan: The subject property is located in the Northwest Area Development Plan (ADP) and is planned for park uses. The proposed change of zoning to the "RS-6" Single-Family 6 District is not consistent with the adopted Future Land Use Plan. Map No.: 061049 Zoning Violations: None				
Transportation	Transportation and Circulation: The subject property has approximately 75 feet of frontage along Gettysburg Street and 105 feet of frontage along Peach Tree Street, which are local residential streets. The property is located approximately 490 feet west of McKinzie Road, which is an "A2" Secondary Arterial Divided street.				
Street R.O.W.	Street	Urban Transportation Plan Type	Proposed Section	Existing Section	Traffic Volume (2011)
	Gettysburg St.	Local Residential	50' ROW 28' paved	50' ROW 28' paved	Not Available
	Peach Tree St.	Local Residential	50' ROW 28' paved	50' ROW 28' paved	Not Available

Staff Summary:

Requested Zoning: The applicant is requesting a change of zoning from the “ON” Office District to the “RS-6” Single-Family 6 District in order to conform to current zoning regulations and to be eligible for a mortgage loan. A single-family house was built on the property in 1997 at a time when the former Zoning Ordinance allowed houses in the Office District. When the Unified Development Code (UDC) went into effect, single-family houses were no longer allowed in the “ON” District.

Existing Land Uses & Zoning: South and east of the subject property are single-family houses zoned “ON” Office District. To the north and west of the subject property are single-family houses 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 (ADP) Consistency: The proposed change of zoning is in the Northwest Area Development Plan and is not consistent with the adopted Future Land Use Plan, which slates the property for a park use. The rezoning, however, would be appropriate for this location and it is consistent with the surrounding properties. Additionally, parks are an allowed use in the requested zoning district (“RS-6” District).

Department Comments:

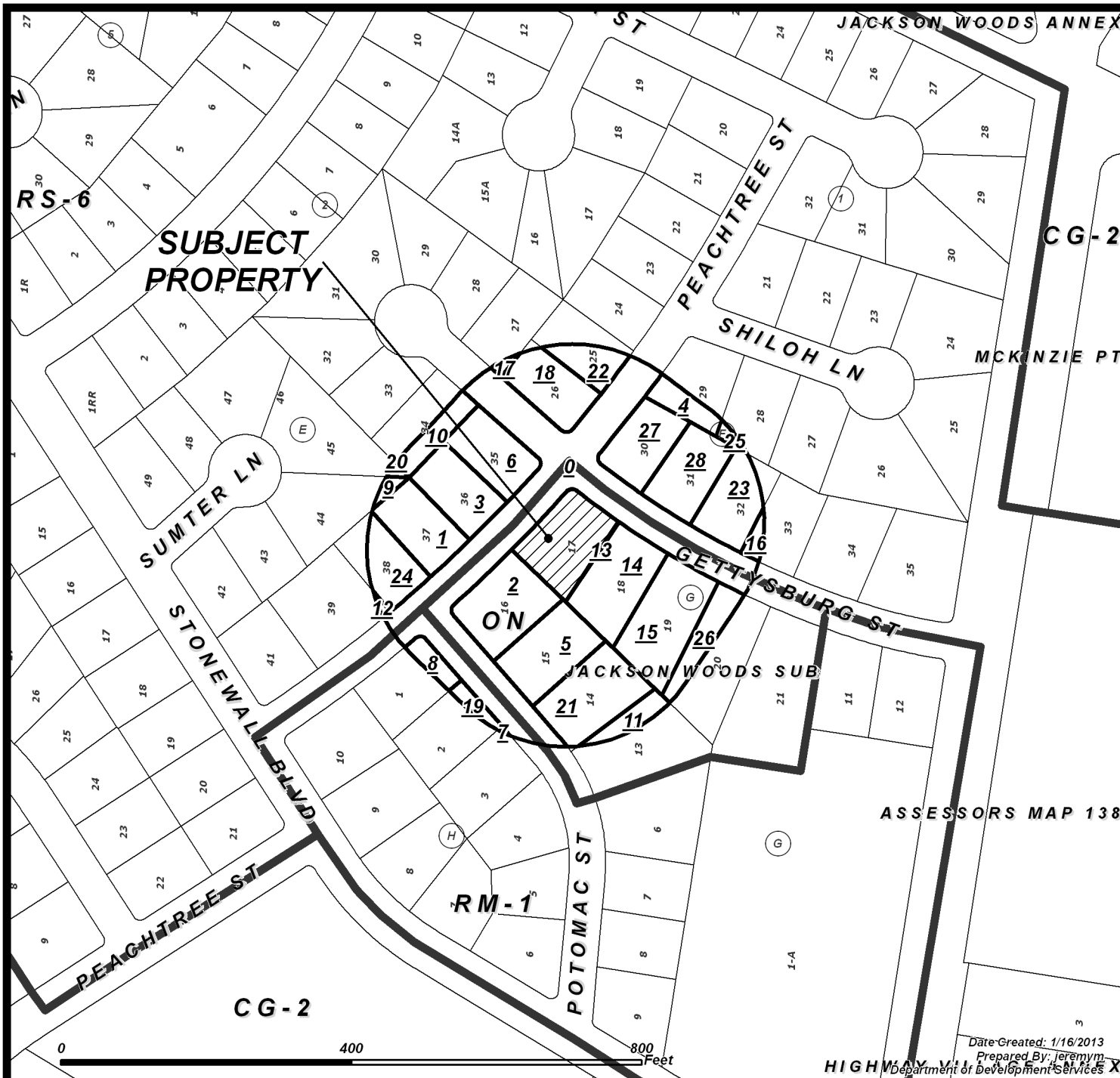
- The subject property is currently occupied by a single-family house. The property is in the middle of the Jackson Woods subdivision and an office use at this location would be incompatible with the surrounding neighborhood.
- A community center was previously on the subject property and was zoned as the Office District. When the community center was demolished and the property was subdivided, a change of zoning was not necessary in order to build out the single-family subdivision because single-family houses were permitted in the office district. Since the UDC became effective, the single-family residences in this subdivision are all considered non-conforming.
- The owners of this house are attempting to receive a mortgage on the property. Because the property does not conform to current code, this house cannot be rebuilt if it were destroyed by more than 50% by a natural event. Therefore, the financial institution will not approve the mortgage.
- The applicant does not have plans to redevelop the property or change its use.

Planning Commission and Staff Recommendation (January 30, 2013):

Approval of the change of zoning from the “ON” Office District to the “RS-6” Single-Family 6 District.

Public Notification	Number of Notices Mailed – 28 within 200' notification area; 3 outside notification area <u>As of January 31, 2013:</u> In Favor – 2 (inside notification area); 0 (outside notification area) In Opposition – 0 (inside notification area); 0 (outside notification area) For 0.00% in opposition.
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Attachments: 1. Location Map (Existing Zoning & Notice Area)



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2. SITE - EXISTING ZONING, NOTICE AREA & OWNERSHIP

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

