

STAFF REPORT

Case No. 0317-02
INFOR No. 17ZN1001

Planning Commission Hearing Date: March 22, 2017

Applicant & Legal Description	Owner: VA Kumar Enterprises Applicant/Representative: Ghayur Ahmed Legal Description/Location: Surrey Place, Block 25, Lot 2, located along the north side of Tiger Lane and east of the intersection of Tiger Lane and Kostoryz Road			
Zoning Request	From: "CN-1" Neighborhood Commercial District To: "CG-2" General Commercial District Area: 0.23 acres Purpose of Request: To allow for the operation of a vehicle sales establishment.			
Existing Zoning and Land Uses		Existing Zoning District	Existing Land Use	Future Land Use
	Site	"CN-1" Neighborhood Commercial	Commercial	Commercial
	North	"CN-1" Neighborhood Commercial	Commercial	Commercial
	South	"RS-6" Single-Family 6	Low Density Residential	Low Density Residential
	East	"CN-1" Neighborhood Commercial	Commercial	Commercial
	West	"CN-1" Neighborhood Commercial	Commercial	Commercial
ADP, Map & Violations	Area Development Plan: The subject property is located within the boundaries of the Southside Area Development Plan and is planned for Commercial uses. The proposed rezoning to the "CG-2" General Commercial is inconsistent with the adopted Future Land Use Map and the Southside Area Development Plan. Map No.: 047037 Zoning Violations: Case V079514-020917. The vehicle sales establishment is an illegal use in the "CN-1" Neighborhood Commercial District and has not ceased operation despite notification by code enforcement on 02/08/17.			
Transportation	Transportation and Circulation: The subject property has approximately 175 feet of street frontage along Tiger Lane which is designated as a "C1" Collector Street.			

Street R.O.W.	Street	Urban Transportation Plan Type	Proposed Section	Existing Section	Traffic Volume
	Tiger Lane	"C1" Collector Street	60' ROW 40' paved	60' ROW 40' paved	N/A

Staff Summary:

Requested Zoning: The applicant is requesting a rezoning from the "CN-1" Neighborhood Commercial District to the "CG-2" General Commercial District to allow for a vehicle sales establishment.

Development Plan: The subject property is comprised of 0.23 acres and is proposed to be developed as a vehicle sales establishment.

Existing Land Uses & Zoning: The subject property is zoned "CN-1" Neighborhood Commercial District. On the subject property is a vacant retail space and half of a building that also contains a gas station/convenience store with a drive thru window. To the north are properties zoned "CN-1" Neighborhood Commercial. The properties to the north consist of a Mexican food restaurant with drive thru window, a church, and an auto repair business. In 1999, the auto repair business applied for the "CG-2" General Commercial District. The change of zoning request was denied and in lieu thereof a special permit was granted. To the east is the parking lot for the church and the drive thru window for the restaurant, as well as a row of single-family homes. To the west is a property zoned "CN-1" Neighborhood Commercial and is a gas station/convenience store with a drive thru window. Across Tiger Lane to the south, are single-family residences 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).

Plat Status: The property is platted.

PlanCC & 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 inconsistent with the adopted Southside ADP. The proposed rezoning is inconsistent with the following policies of the Comprehensive Plan:

- Encourage the protection and enhancement of residential neighborhoods (Future Land Use, Zoning, and Urban Design Policy Statement 1).
- Promote a balanced mix of land uses to accommodate continuous growth and promote the proper location of land uses based on compatibility, locational needs, and characteristics of each use (Future Land Use, Zoning, and Urban Design Policy Statement 1).

- Support the separation of high-volume traffic from residential areas or other noise-sensitive land uses (Future Land Use, Zoning, and Urban Design Policy Statement 3).
- The "B-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 (Policy Statement B.4).
- New high-intensity commercial developments without adequate transition or buffering should be discouraged from locating directly adjacent to low-intensity residential areas (Policy Statement B.7).

Department Comments:

- The proposed rezoning is incompatible with PlanCC and the Southside Area Development Plan. The proposed rezoning is also incompatible with neighboring properties and with the general character of the surrounding area.
- The proposed vehicle sales business will prevent the existing convenience store from meeting the required number of parking spaces. Currently the drive thru window does not meet the required number of vehicle stacking spaces as per section 7.2.6.A of the Unified Development Code (UDC). Section 7.2.6.A requires a minimum of four vehicle stacking spaces at a minimum of 8' x 20' in size.
- Three drive thru business exist at the intersection of Kostoryz Road and Sokol Drive. Adding another high traffic use with the potential to another more intensive use due to the proposed "CG-2" District could add more traffic congestion to a busy intersection.
- The "CG-2" District opens the possibility of more intense commercial uses across the street from single-family residences.
- No other "CG-2" District properties are located within 500 feet of the subject property. The closest "CG-2" District property is to the south and is Sokol Hall which has existed for many years.
- Despite the notification by the City's Code Enforcement Department, the business has continued to operate illegally.

Staff Recommendation:

Denial of the change of zoning from the "CN-1" Neighborhood Commercial District to the "CG-2" General Commercial District.

Public Notification	Number of Notices Mailed – 15 within 200-foot notification area 4 outside notification area	
	<u>As of March 17, 2017:</u>	
	In Favor	– 0 inside notification area – 0 outside notification area
	In Opposition	– 0 inside notification area – 0 outside notification area
Totalling 0.00% of the land within the 200-foot notification area in opposition.		

Attachments:

1. Location Map (Existing Zoning & Notice Area)
2. Public Comments Received (if any)

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