

STAFF REPORT

Case No. 0519-04

INFOR No. 19ZN1012

Planning Commission Hearing Date: May 15, 2019

Applicant & Legal Description	Owner: Blairtown Energy Center, LLC. Applicant: Saldana Consulting Location Address: 2502 and 2506 Johanna Street Legal Description: Lot 42A and 42B, Block 1, Lexington Subdivision, located at the north side of Johanna Street, east of Ayers Street, and west of Richter Street.			
Zoning Request	From: "ON" Neighborhood Office District To: "CG-2" General Commercial District Area: 0.459 acres Purpose of Request: To allow for the construction of an auto repair facility.			
Existing Zoning and Land Uses		Existing Zoning District	Existing Land Use	Future Land Use
	<i>Site</i>	"ON" Neighborhood Office	Vacant	Commercial
	<i>North</i>	"CG-2" General Commercial	Commercial	Commercial
	<i>South</i>	"RS-6" Single-Family 6	Vacant and Low Density Residential	Commercial and Low Density Residential
	<i>East</i>	"RS-6" Single-Family 6	Vacant	Commercial
	<i>West</i>	"CG-2" General 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 District is generally consistent with the adopted Comprehensive Plan (Plan CC). Map No.: 047038 Zoning Violations: None			
Transportation	Transportation and Circulation: The subject property has approximately 100 feet of street frontage along Johanna Street which is designated as a Local / Residential Street. According to the Urban Transportation Plan, a Local / Residential Street can convey a capacity between 500 Average Daily Trips (ADT).			

Street R.O.W.	Street	Urban Transportation Plan Type	Proposed Section	Existing Section	Traffic Volume
	Johanna Street	Local/Residential	50' ROW 28' paved	50' ROW 28' paved	N/A

Staff Summary:

Requested Zoning: The applicant is requesting a rezoning from the “ON” Neighborhood Office District to the “CG-2” General Commercial District to allow for the construction of an auto repair facility.

Development Plan: The subject property is 0.459 acres in size. The owner is proposing an auto repair facility.

Existing Land Uses & Zoning: The subject property is currently zoned “ON” Neighborhood Office District, consists of vacant land, annexed in 1950, and formerly had two small single-family homes that were demolished in the late 1990s. The subject property was originally zoned “RS-6” Single-Family 6 District, formerly know as the “R-1B” One-Family Dwelling District. In 1999, an application was submitted to rezone the property to the “CG-2” General Commercial District, formerly known as the “B-4” General Business District. The rezoning was denied by the City Council and in lieu, approved as the “ON” Neighborhood Office District, formerly known as the “AB” Professional Office District. To the north is a property zoned “CG-2” General Commercial District and consists of a small retail shopping center. To the south are a single-family residences (Lexington, 1946) and zoned “RS-6” Single-Family 6 District. To the east are vacant single-family residential lots (Lexington, 1946) and zoned “RS-6” Single-Family 6 District. To the west is a property zoned “CG-2” General Commercial District and consists of a modular building business with outdoor display and storage.

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.

Utilities:

Water: 6-inch CIP line located western property line.

Wastewater: 8-inch VCP line located along the rear property line.

Gas: 2-inch Service Line located along the rear property line.

Storm Water: Inlets along Johanna Street.

Plan CC & Area Development Plan Consistency: The subject property is located within the boundaries of the Southside Area Development Plan and is planned for Light Industrial uses. The proposed rezoning to the “CG-2” General Commercial District is generally consistent with the adopted Comprehensive Plan (Plan CC). The following policies should be considered:

- Encourage orderly growth of new residential, commercial, and industrial areas (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).
- Promote interconnected neighborhoods with appropriate transitions between lower-intensity and higher-intensity land uses. (Future Land Use, Zoning, and Urban Design Policy Statement 3).
- 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).
- New high-intensity commercial developments without adequate transition or buffering should be discouraged from locating directly adjacent to low-intensity residential areas. (Southside ADP, Policy Statement B.7).

Department Comments:

- The proposed rezoning is generally consistent with the adopted Comprehensive Plan (Plan CC).
- The proposed rezoning is incompatible with neighboring properties. The proposed use may have a negative impact upon the surrounding neighborhood due to noise and traffic.
- Existing commercial properties to the north and west are zoned “CG-2” General Commercial District. However, properties to the south and east are zoned “RS-6” Single-Family 6 District.
- In 1999, an application was submitted to rezone the property to the “CG-2” General Commercial District, formerly known as the “B-4” General Business District. The rezoning was denied by the City Council and in lieu, approved as the “ON” Neighborhood Office District, formerly known as the “AB” Professional Office District.
- The “CG-2” District opens the possibility of more intense commercial uses such as Mini-Storage, Bars, and Night Clubs adjacent to single-family residences.
- All uses will be subject to the City’s noise ordinance to prevent a nuisance from occurring.
- The applicant is requesting to construct an auto repair shop. The proposed vehicle repair is defined by the Unified Development Code (UDC) as “Vehicle Service, Heavy.” The Unified Development Code (UDC) defines vehicle services as:

Vehicle Service, Limited: Minor repair or replacement of parts, tires, tubes, or batteries, diagnostic services; minor motor services such as grease, oil, spark plug, or filter changing; tune-ups; emergency road services; replacement of starters, alternators, hoses, belts, and points; brake or muffler repair, wheel alignment, automobile washing, automobile upholstery, window-tinting, state inspections and associated minor repairs; routine servicing of air-conditioning systems, or other similar minor repair services. Minor repairs do not include uses listed under “vehicle service, heavy.”

Vehicle Service, Heavy: General repair or overhaul of engines, air-conditioning systems, transmissions, or radiators for motor vehicles; Repair of bodies, frames, or

fenders, painting, undercoating, or rust-proofing; repair of heavy load vehicles such as, tractor trailers, commercial dump trucks, or transit vehicles; customizing; vehicle steam cleaning; and other similar uses. Major repairs do not include uses listed under “vehicle service, limited.”

Staff Recommendation:

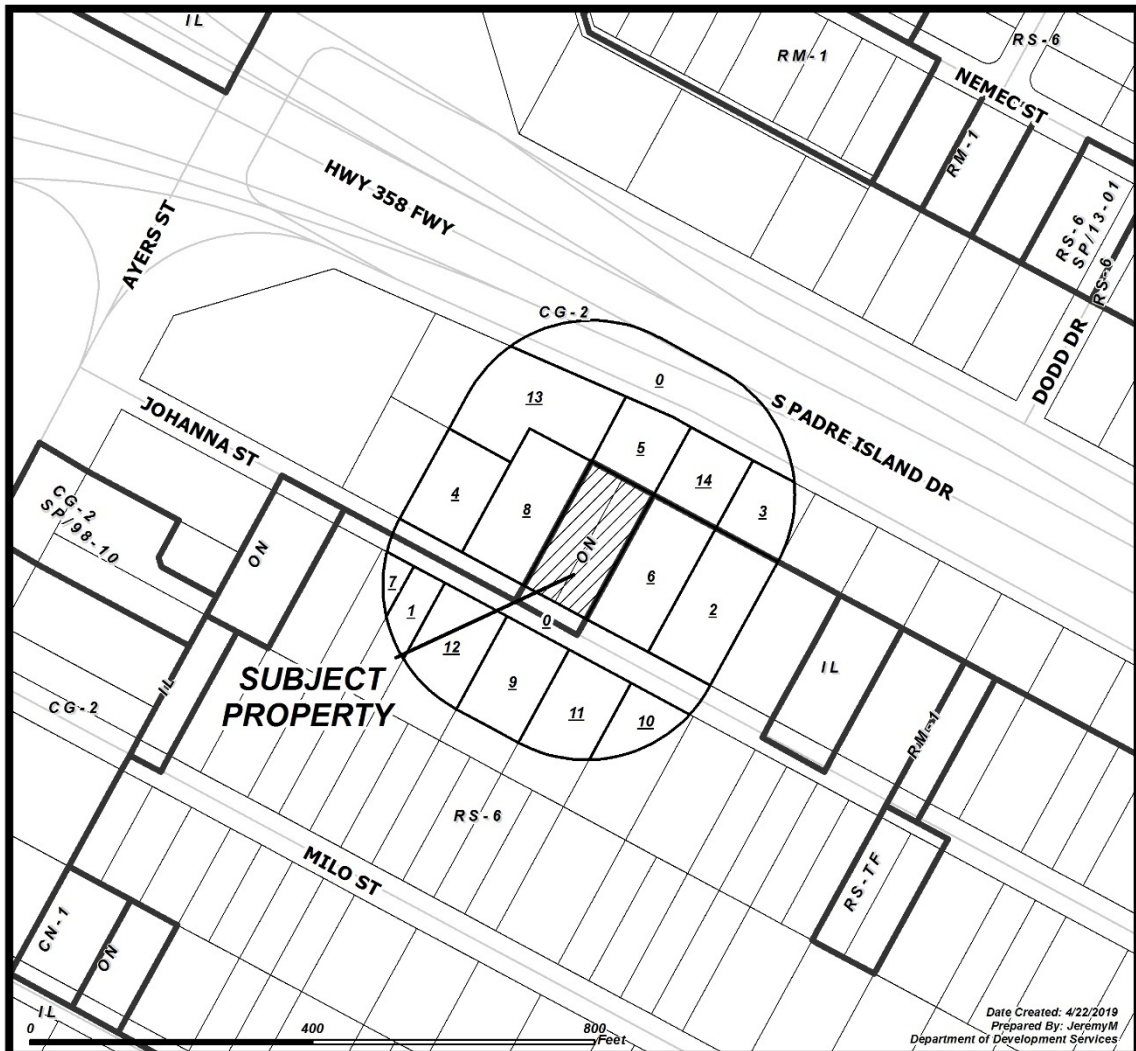
Denial of the change of zoning from the “ON” Neighborhood Office District to the “CG-2” General Commercial District, in lieu thereof, approval of the “ON/SP” Neighborhood Office District with a Special Permit (SP) with the following conditions.

1. **Uses:** The only uses authorized by this Special Permit other than uses permitted by right in the base zoning district is “Vehicle Service, Limited” as defined by the Unified Development Code (UDC).
2. **Hours of Operation:** The hours of operation shall be daily from 8:00 AM to 6:00 PM.
3. **Buffer Yard:** A Type C Buffer Yard as defined by Section 7.9.5.A of the Unified Development Code (UDC) shall be required where the subject property shares a property line with a residential zoning district and/or residential use.
4. **Noise:** Noise regulations shall be subject to Section 31-3 of the Municipal Code. Outside paging, speakers, telephone bells, or similar devices are prohibited.
5. **Lighting:** All security lighting must be shielded and directed away from abutting residences and nearby streets. Cut-off shields are required for all lighting fixtures. No light projection is permitted beyond the property line near all public roadways and residential development.
6. **Indoor Work:** All vehicle service and repairs must be done within an enclosed building and must follow all federal, state, local regulations.
7. **Outdoor Paging Systems/Intercom Systems:** Must not exceed sixty (60) dB at the property line where adjacent to residential properties.
8. **Other Requirements:** The Special Permit conditions listed herein do not preclude compliance with other applicable UDC, Building, and Fire Code Requirements.
9. **Time Limit:** In accordance with the UDC, this Special Permit shall be deemed to have expired within twenty-four (24) months of this ordinance, unless a complete building permit application has been submitted or, if no building permit is required, a certificate of occupancy or UDC compliance has been issued. The Special Permit shall expire if the allowed use is discontinued for more than six consecutive months.

Public Notification	Number of Notices Mailed – 14 within 200-foot notification area 5 outside notification area	
	<u>As of May 10, 2019:</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:

- A. Location Map (Existing Zoning & Notice Area)
- B. Preliminary Site Plan
- C. Public Comments Received (if any)



Date Created: 4/22/2019
Prepared By: Jeremy M
Department of Development Services

CASE: 0519-04 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	

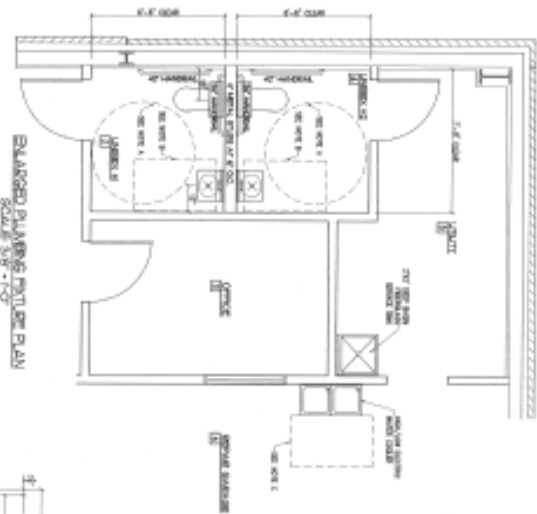
Subject Property with 200' buffer

Owners in favor

Owners within 200' listed on attached ownership table

Owners in opposition



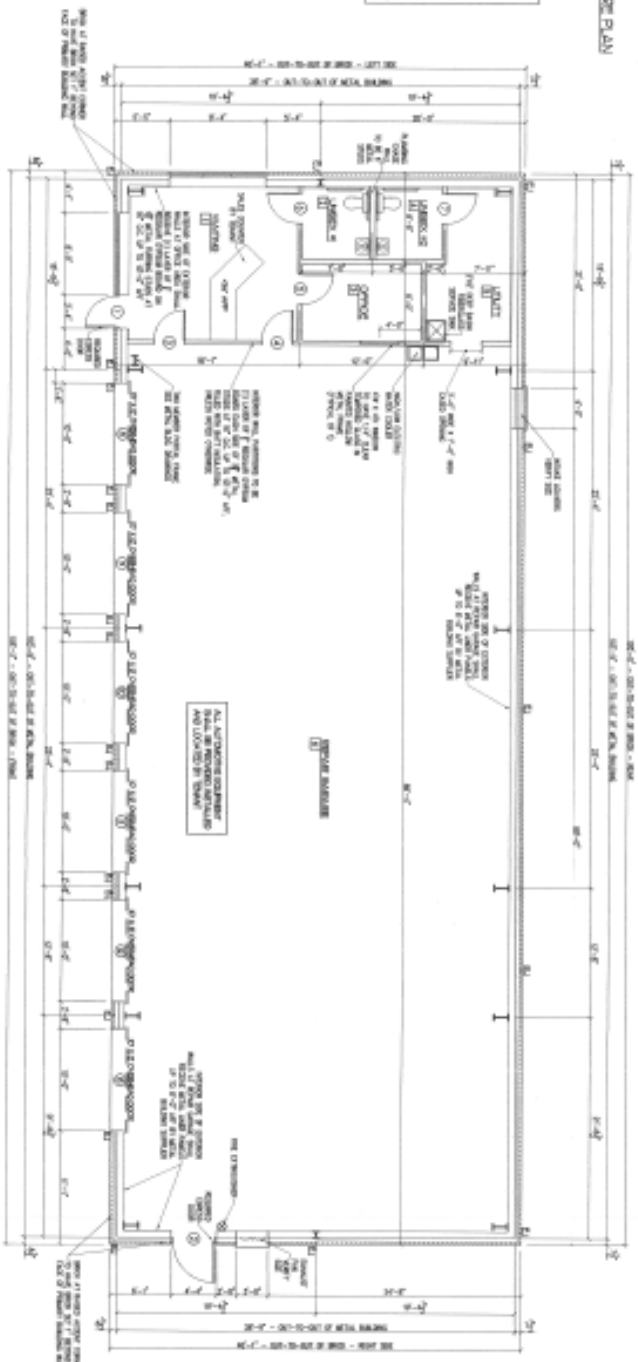


LANDSCAPE ACCESSIBILITY NOTES

NOTE A - OUTLINE OF 5'-0" WALKING CLEARANCE AREA FOR MEDICAL STATION. THIS AREA WILL NOT BE OPENED ON DOOR SWING OR MOVER TRAILER.

NOTE B - OUTLINE OF 5'-0" WALKING CLEARANCE AREA AT WALL. THIS AREA WILL NOT BE OPENED ON DOOR SWING OR MOVER TRAILER.

NOTE C - OUTLINE OF 5'-0" WALKING CLEARANCE AREA AT WALL. THIS AREA WILL NOT BE OPENED ON DOOR SWING OR MOVER TRAILER.



PLUMBING FIXTURE REQUIREMENT CALCULATIONS

FIXTURE	QUANTITY	FIXTURE	QUANTITY
1. LAVATORY	1	1. LAVATORY	1
2. LAVATORY	2	2. LAVATORY	2
3. LAVATORY	3	3. LAVATORY	3
4. LAVATORY	4	4. LAVATORY	4
5. LAVATORY	5	5. LAVATORY	5
6. LAVATORY	6	6. LAVATORY	6
7. LAVATORY	7	7. LAVATORY	7
8. LAVATORY	8	8. LAVATORY	8
9. LAVATORY	9	9. LAVATORY	9
10. LAVATORY	10	10. LAVATORY	10
11. LAVATORY	11	11. LAVATORY	11
12. LAVATORY	12	12. LAVATORY	12
13. LAVATORY	13	13. LAVATORY	13
14. LAVATORY	14	14. LAVATORY	14
15. LAVATORY	15	15. LAVATORY	15
16. LAVATORY	16	16. LAVATORY	16
17. LAVATORY	17	17. LAVATORY	17
18. LAVATORY	18	18. LAVATORY	18
19. LAVATORY	19	19. LAVATORY	19
20. LAVATORY	20	20. LAVATORY	20
21. LAVATORY	21	21. LAVATORY	21
22. LAVATORY	22	22. LAVATORY	22
23. LAVATORY	23	23. LAVATORY	23
24. LAVATORY	24	24. LAVATORY	24
25. LAVATORY	25	25. LAVATORY	25
26. LAVATORY	26	26. LAVATORY	26
27. LAVATORY	27	27. LAVATORY	27
28. LAVATORY	28	28. LAVATORY	28
29. LAVATORY	29	29. LAVATORY	29
30. LAVATORY	30	30. LAVATORY	30
31. LAVATORY	31	31. LAVATORY	31
32. LAVATORY	32	32. LAVATORY	32
33. LAVATORY	33	33. LAVATORY	33
34. LAVATORY	34	34. LAVATORY	34
35. LAVATORY	35	35. LAVATORY	35
36. LAVATORY	36	36. LAVATORY	36
37. LAVATORY	37	37. LAVATORY	37
38. LAVATORY	38	38. LAVATORY	38
39. LAVATORY	39	39. LAVATORY	39
40. LAVATORY	40	40. LAVATORY	40
41. LAVATORY	41	41. LAVATORY	41
42. LAVATORY	42	42. LAVATORY	42
43. LAVATORY	43	43. LAVATORY	43
44. LAVATORY	44	44. LAVATORY	44
45. LAVATORY	45	45. LAVATORY	45
46. LAVATORY	46	46. LAVATORY	46
47. LAVATORY	47	47. LAVATORY	47
48. LAVATORY	48	48. LAVATORY	48
49. LAVATORY	49	49. LAVATORY	49
50. LAVATORY	50	50. LAVATORY	50
51. LAVATORY	51	51. LAVATORY	51
52. LAVATORY	52	52. LAVATORY	52
53. LAVATORY	53	53. LAVATORY	53
54. LAVATORY	54	54. LAVATORY	54
55. LAVATORY	55	55. LAVATORY	55
56. LAVATORY	56	56. LAVATORY	56
57. LAVATORY	57	57. LAVATORY	57
58. LAVATORY	58	58. LAVATORY	58
59. LAVATORY	59	59. LAVATORY	59
60. LAVATORY	60	60. LAVATORY	60
61. LAVATORY	61	61. LAVATORY	61
62. LAVATORY	62	62. LAVATORY	62
63. LAVATORY	63	63. LAVATORY	63
64. LAVATORY	64	64. LAVATORY	64
65. LAVATORY	65	65. LAVATORY	65
66. LAVATORY	66	66. LAVATORY	66
67. LAVATORY	67	67. LAVATORY	67
68. LAVATORY	68	68. LAVATORY	68
69. LAVATORY	69	69. LAVATORY	69
70. LAVATORY	70	70. LAVATORY	70
71. LAVATORY	71	71. LAVATORY	71
72. LAVATORY	72	72. LAVATORY	72
73. LAVATORY	73	73. LAVATORY	73
74. LAVATORY	74	74. LAVATORY	74
75. LAVATORY	75	75. LAVATORY	75
76. LAVATORY	76	76. LAVATORY	76
77. LAVATORY	77	77. LAVATORY	77
78. LAVATORY	78	78. LAVATORY	78
79. LAVATORY	79	79. LAVATORY	79
80. LAVATORY	80	80. LAVATORY	80
81. LAVATORY	81	81. LAVATORY	81
82. LAVATORY	82	82. LAVATORY	82
83. LAVATORY	83	83. LAVATORY	83
84. LAVATORY	84	84. LAVATORY	84
85. LAVATORY	85	85. LAVATORY	85
86. LAVATORY	86	86. LAVATORY	86
87. LAVATORY	87	87. LAVATORY	87
88. LAVATORY	88	88. LAVATORY	88
89. LAVATORY	89	89. LAVATORY	89
90. LAVATORY	90	90. LAVATORY	90
91. LAVATORY	91	91. LAVATORY	91
92. LAVATORY	92	92. LAVATORY	92
93. LAVATORY	93	93. LAVATORY	93
94. LAVATORY	94	94. LAVATORY	94
95. LAVATORY	95	95. LAVATORY	95
96. LAVATORY	96	96. LAVATORY	96
97. LAVATORY	97	97. LAVATORY	97
98. LAVATORY	98	98. LAVATORY	98
99. LAVATORY	99	99. LAVATORY	99
100. LAVATORY	100	100. LAVATORY	100

GENERAL NOTES

1. THE BUILDING HAS 250 SQUARE FEET OF WAITING AREA AND OFFICE SPACE AND 2500 SQUARE FEET OF STAFF GARAGE SPACE FOR A TOTAL OF 3000 SQUARE FEET (VARIABLE ROOM).