

# PLANNING COMMISSION FINAL REPORT

Case No. 0220-04

INFOR No. 20ZN1003

**Planning Commission Hearing Date:** February 19, 2020

<b>Applicant &amp; Legal Description</b>	<b>Owner:</b> Nazari Mohammad Rezaei <b>Applicant:</b> Nazari Mohammad Rezaei <b>Location Address:</b> 5506 Cain Drive <b>Legal Description:</b> Lots 12A and 12B, Block 6, Gardendale, located along the north side of Cain Drive, west of South Staples Street, and east of Burton Lane.			
<b>Zoning Request</b>	<b>From:</b> "RS-6" Single-Family 6 District <b>To:</b> "CN-1" Neighborhood Commercial District <b>Area:</b> 0.91 acres <b>Purpose of Request:</b> To allow for the construction of a professional office (Surveying Company) with an attached storage garage.			
<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 6	Vacant	Medium Density Residential
	<i>North</i>	"RS-6" Single-Family 6	Low Density Residential	Low Density Residential
	<i>South</i>	"RS-6/SP" Single-Family 6 with a Special Permit	Commercial	Low Density Residential
	<i>East</i>	"RS-6" Single-Family 6	Professional Office	Commercial
	<i>West</i>	"RS-6" Single-Family 6	Low Density Residential	Low Density Residential
<b>ADP, Map &amp; Violations</b>	<b>Area Development Plan:</b> The subject property is located within the boundaries of the Southside Area Development Plan and is planned for a medium density residential use. The proposed rezoning to the "CN-1" Neighborhood Commercial District is inconsistent with the adopted Comprehensive Plan (Plan CC). However, the proposed use is generally consistent with the adopted Comprehensive Plan (Plan CC) and warrants an amendment to the Future Land Use Map. <b>Map No.:</b> 043035 <b>Zoning Violations:</b> None			
<b>Transportation</b>	<b>Transportation and Circulation:</b> The subject property has approximately 130 feet of street frontage along Cain Drive which is designated as a "Local / Residential" Street. According to the Urban Transportation Plan, "Local / Residential" Streets can convey up to a capacity of 500 Average Daily Trips (ADT).			

Street R.O.W.	Street	Urban Transportation Plan Type	Proposed Section	Existing Section	Traffic Volume
	Cain Drive	"Local / Residential"	50' ROW 25' paved	60' ROW 22' paved	N/A

**Staff Summary:**

**Requested Zoning:**

The applicant is requesting a rezoning from the "RS-6" Single-Family 6 District to the "CN-1" Neighborhood Commercial District to allow for the construction of a commercial business with a warehouse.

**Development Plan:**

The subject property is 0.91 acres in size. According to the applicant, the proposed use will be a single story office building 4,640 square feet in size. Within the office building will be a 2,880 single story warehouse. The business will have 18 permanent and part-time employees and will operate between the hours of 8:00 am to 5:00 pm Monday through Friday.

**Existing Land Uses & Zoning:**

The subject property is currently zoned "RS-6" Single-Family 6 District, consists of vacant land, and was the site of a former single-family home annexed in 1954. To the north and west is a single-family home subdivision (Gardendale; 1940) zoned "RS-6" Single-Family 6 District. To the south is a mini-storage business zoned "RS-6/SP" Single-Family 6 District with a Special Permit (2014). To the east is a professional office park zoned "CN-1" Neighborhood Commercial 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.

**Utilities:**

**Water:** 6-inch CIP line located along Cain Drive.

**Wastewater:** 8-inch VCP line located along Cain Drive.

**Gas:** 2-inch Service Line located along Cain Drive.

**Storm Water:** Roadside inlets located along Cain Drive.

**Plan CC & Area Development Plan Consistency:**

The subject property is located within the boundaries of the Southside Area Development Plan and is planned for a medium density residential use. The proposed rezoning to the "CN-1" Neighborhood Commercial District is inconsistent with the adopted Comprehensive Plan (Plan CC). However, the proposed use is generally consistent with

the adopted Comprehensive Plan (Plan CC) and warrants an amendment to the Future Land Use Map. 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).
- 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).
- Encourage convenient access from medium-density residential development to arterial roads. (Future Land Use, Zoning, and Urban Design Policy Statement 3).
- Preserve and protect the residential nature of the Gardendale Neighborhood from Curtis Clark south to Cain Drive and from Everhart east to Staples. (Southside ADP, Police Statement B.10).
- Prevent the development of non-residential uses into the interior of the neighborhood. (Southside ADP, Police Statement B.10).
- Limit intrusion of new commercial or expansion of existing commercial development along the western and eastern edges of the neighborhood parallel to Everhart and Staples Streets. (Southside ADP, Police Statement B.10).

**Department Comments:**

- The proposed rezoning is inconsistent with the adopted Comprehensive Plan (Plan CC), incompatible with the adjoining residential properties, and may have a negative impact upon the adjacent residential properties. The property is currently vacant and is a remaining “RS-6” Single-Family 6 District tract.
- The 1989 Southside Area Development Plan specifically addresses limiting further commercial expansion into the Gardendale subdivision. However, the proposed use of a professional office with an attached storage garage is compatible with the adjoining residential properties and will not have a negative impact upon the adjacent properties.
- The subject property is not located at a major intersection and only has access to a “Local” street. Additionally, traffic generated by the use will route through a residential neighborhood. However, the proposed use of a professional office generates little traffic impact to the neighborhood. The generated traffic by the proposed use will generally be associated with the employees of the business.
- This case was originally presented to the Planning Commission on February 19<sup>th</sup>, 2020 with a staff recommendation of denial. After review and deliberation, the Planning Commission voted to table the case so a Special Permit could be drafted to allow the use of a professional office.

**Planning Commission and Staff Recommendation (March 4, 2020):**

Denial of the change of zoning from the “RS-6” Single-Family 6 District to the “CN-1” Neighborhood Commercial District in lieu thereof, approval of the “RS-6/SP” Single-Family 6 District with a Special Permit (SP) with the following conditions.

1. **Uses:** The uses authorized by this Special Permit are all uses permitted by right in the "ON" Neighborhood Office District, including an accessory garage for the purpose of storage.
2. **Hours of Operation:** The hours of operation shall be daily from 6:00 AM to 10:00 PM.
3. **Buffer Yard:** A Type B 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. **Signage:** No pole-mounted signage is allowed on Cain Drive.
5. **Outdoor Storage:** Any outdoor storage is prohibited.
6. **Lighting:** All lighting must be shielded and directed away from adjacent properties and nearby streets. Cut-off shields are required for all lighting. No light projection is permitted beyond the property line.
7. **Noise:** Noise regulations shall be subject to Section 31-3 of the Municipal Code. Outside paging, speakers, telephone bells, or similar devices are prohibited.
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 forty-eight (48) months of this ordinance, unless a complete building permit application has been submitted, and the Special Permit shall expire if the allowed use is discontinued for more than six consecutive months.

<b>Public Notification</b>	Number of Notices Mailed – 13 within 200-foot notification area 5 outside notification area
	<b><u>As of February 7, 2019:</u></b>
	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. Proposed Site Plan
- C. Public Comments Received (if any)



