

**PLANNED UNIT DEVELOPMENT,  
REZONING, SUBDIVISION,  
& SIDEWALK WAIVER STAFF REPORT**

**Date: July 20, 2006**

**NAME** Louis J. Naman Subdivision, Resubdivision of Lots 2 & 3

**LOCATION** 4125, 4137, 4151, and 4203 Moffett Road  
(Southwest corner of Moffett Road and Wolf Ridge Road)

**CITY COUNCIL  
DISTRICT** District 7

**PRESENT ZONING** R-1, Single-Family Residential, and B-2, Neighborhood  
Business

**PROPOSED ZONING** B-3, Community Business

**AREA OF PROPERTY** 5.57± Acres

**CONTEMPLATED USE** Glass sales and other commercial uses. **It should be noted, however, that any use permitted in the proposed district would be allowed at this location if the zoning is changed. Furthermore, the Planning Commission may consider zoning classifications other than that sought by the applicant for this property.**

**REASON FOR REZONING** Changing conditions in the area, making a change in zoning necessary and desirable.

**TIME SCHEDULE  
FOR DEVELOPMENT** Immediate

**ENGINEERING  
COMMENTS**

No drainage patterns were shown as required by the Subdivision Regulations, therefore, a thorough evaluation of drainage concerns could not be completed. A Hold Harmless agreement will be required if stormwater runoff is increased and/or concentrated onto an adjacent property. All increase in impervious area since the implementation of the COM Stormwater Ordinance must be accounted for and be brought into detention compliance. Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit. The applicant is responsible for verifying if the site contains wetlands. The site can be checked against the National Wetlands Inventory on the COM web site Environmental Viewer. If the site is included on the NWI, it is the applicant's responsibility to confirm or deny the existence of regulatory wetlands. **Please provide the information requested on the application for a sidewalk waiver (specifically, no. 2 on the application. Please provide for each lot and/or site requesting the waiver.**

**TRAFFIC ENGINEERING**

**COMMENTS**

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Remove any unused existing driveway cuts.

**URBAN FORESTRY**

**COMMENTS**

Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64). Preservation status is to be given to the 40" Live Oak Tree located on the West side of Lot 1, the 54" Live Oak Tree located on the North side of Lot 2, the 54" Live Oak Tree located on the West side of Lot 3, and the 60" Live Oak Tree located on the North side of Lot 3. Any work on or under these trees are to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.

**REMARKS**

The applicant is requesting approval for Rezoning from R-1, Single Family Residential, and B-2, Neighborhood Business, to B-3, Community Business, to allow glass sales and other commercial uses; for Planned Unit Development, to allow shared access between lots; for Subdivision; to change the lot line between two existing lots; and waiver of sidewalk construction requirements.

The plat illustrates the proposed 2.8± acre, two-lot subdivision, which would redraw the line between two existing lots, giving more property to the proposed glass sales site. The site fronts Moffett Road, a planned major street that already has the required 100-foot right-of-way. It should be noted that the subdivision does not comprise the entire site being considered for Rezoning and Planned Unit Development approval, and does not have frontage on Wolf Ridge Road.

Regarding the proposed subdivision, proposed Lot 2 would exceed the maximum depth ratio (Section V.D.3) but this is common in the surrounding area and would not seem detrimental. With a waiver of Section V.D.3, and placement of a note on the final plat requiring retention of the existing vegetative buffer, in compliance with Section V.A.7, the site would meet the minimum standards of the Subdivision Regulations. As a means of access management, future redevelopment of the site should be limited to a single curb cut for each lot to Moffett Road, with size, location, and design subject to Traffic Engineering approval.

Planned Unit Development (PUD) review examines the site with regard to its location to ensure that it is generally compatible with neighboring uses; that adequate access is provided without generating excess traffic along minor residential streets in residential districts outside the PUD; and that natural features of the site are taken into consideration. PUD review also examines the design of the development to provide for adequate circulation within the development; to ensure adequate access for emergency vehicles; and to consider and provide for protection from adverse effects of adjacent properties as well as provide protection of adjacent properties from adverse effects from the PUD.

In addition to frontage on Moffett Road, the PUD fronts Wolf Ridge Road, also a planned major street requiring a 100-foot right-of-way. Wolf Ridge Road is currently not in conformance with major street standards, with a right-of-way width of only 40 feet. The City Council previously removed a condition requiring dedication when the corner lot was rezoned; however, dedication of

right-of-way should nevertheless be requested at this time. In addition, a turning radius should be dedicated at the corner of Moffett and Wolf Ridge Roads.

The PUD site plan illustrates shared access between three lots, to allow existing Lot 4 and proposed Lots 1 and 2 shared access to Wolf Ridge Road. The applicant states that the curvature of Moffett Road along the site presents visibility concerns, and that this is a safer alternative outlet for the three sites. Based on this reasoning, the site should be limited to a single curb cut to Moffett Road for each lot (removing the circular drive on proposed Lot 1, as shown on the site plan); and future redevelopment of existing Lots 1 and 4 of the original Louis J. Naman Subdivision (the church and restaurant sites) should be limited to a single curb cut to Moffett Road; with size, location, and design of all curb cuts subject to Traffic Engineering approval.

The site plan shows a future addition at the rear of the proposed warehouse building on proposed Lot 1, which would supplant six parking spaces. To prevent a future parking deficit, an Administrative PUD application would be required at the time of the addition.

It should be noted that parking shown on the plan for the restaurant site (Lot 4) does not mirror that shown in aerial photos of the site; and no striped parking is shown for the church site (existing Lot 1). In addition, landscaping and buffering may not currently meet the requirements of the Zoning Ordinance. Full compliance with all municipal codes and ordinances, including landscaping, buffering, and parking, should be a condition of PUD approval, to be satisfied as soon as practicable. Landscape buffers should be provided as shown on the plat submitted.

Regarding the proposed Zoning Amendment, the applicant is seeking to create a new B-3 district, to allow glass sales and other commercial uses at the site.

The Zoning Ordinance states that an amendment is to be made only when one or more of the following conditions prevail: there is a manifest error in the ordinance; changes in conditions in a particular area make a change in the ordinance necessary and desirable; an increased need for business or industrial sites in addition to sites that are available make it necessary and desirable to rezone an area or extend the boundaries of an existing district; the subdivision of land into urban building sites makes reclassification necessary and desirable.

The applicant states that changing conditions—from residential to commercial—in the area make rezoning to B-3 appropriate. The site is located at the Southwest corner of two major streets, Moffett Road and Wolf Ridge Road, and there is B-3 zoning at the Northeast corner of this intersection. While there is considerable residential zoning and development near the site, the majority is not oriented toward these businesses and the vegetative buffering would appear to satisfy the separation requirements of the Ordinance in a more aesthetically pleasing manner for nearby residences.

This area is shown on the General Land Use Component of the Comprehensive Plan as commercial. However, the Comprehensive Plan is meant to be a general guide, not a detailed lot and district plan or mandate for development. The Planning Commission and City Council may consider individual cases based on additional information such as the classification requested, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and zoning classification.

The applicant is also requesting a waiver of sidewalk construction requirements, citing the absence of sidewalks at neighboring properties and a steep slope at the site.

It should be noted that the Commission has rarely allowed the absence of sidewalks in an area as justification for waiving sidewalk construction requirements. Further, it has been the policy of the Commission to approve sidewalk waivers only in cases where there was an engineering reason or physical barrier that made installation of the sidewalk impracticable.

It should be noted that sidewalks do exist along the Eastern boundary of the site, connecting with the neighborhood to the South, and a sidewalk has been constructed on the North side of Moffett Road, East of the site. Engineering has been unable to comment on the request, stating: "Please provide the information requested on the application for a sidewalk waiver (specifically, no. 2 on the application. Please provide for each lot and/or site requesting the waiver."

**RECOMMENDATION**      **Subdivision** Based on the preceding, this application is recommended for Tentative Approval, subject to the following conditions: 1) compliance with Urban Forestry comments (*Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64). Preservation status is to be given to the 40" Live Oak Tree located on the West side of Lot 1, the 54" Live Oak Tree located on the North side of Lot 2, the 54" Live Oak Tree located on the West side of Lot 3, and the 60" Live Oak Tree located on the North side of Lot 3. Any work on or under these trees are to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.*); 2) compliance with Engineering comments (*No drainage patterns were shown as required by the Subdivision Regulations, therefore, a thorough evaluation of drainage concerns could not be completed. A Hold Harmless agreement will be required if stormwater runoff is increased and/or concentrated onto an adjacent property. All increase in impervious area since the implementation of the COM Stormwater Ordinance must be accounted for and be brought into detention compliance. Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit. The applicant is responsible for verifying if the site contains wetlands. If the site is included on the NWI, it is the applicant's responsibility to confirm or deny the existence of regulatory wetlands.*); 3) the placement of a note on the final plat stating that a buffer is required, in compliance with Section V.A.7, where the site adjoins residentially zoned property, including retention of the landscaped buffer, as shown on the plat; and 4) the placement of a note on the final plat stating that upon redevelopment, the site is limited to a single curb cut to Moffett Road for each lot, with size, location, and design subject to Traffic Engineering approval.

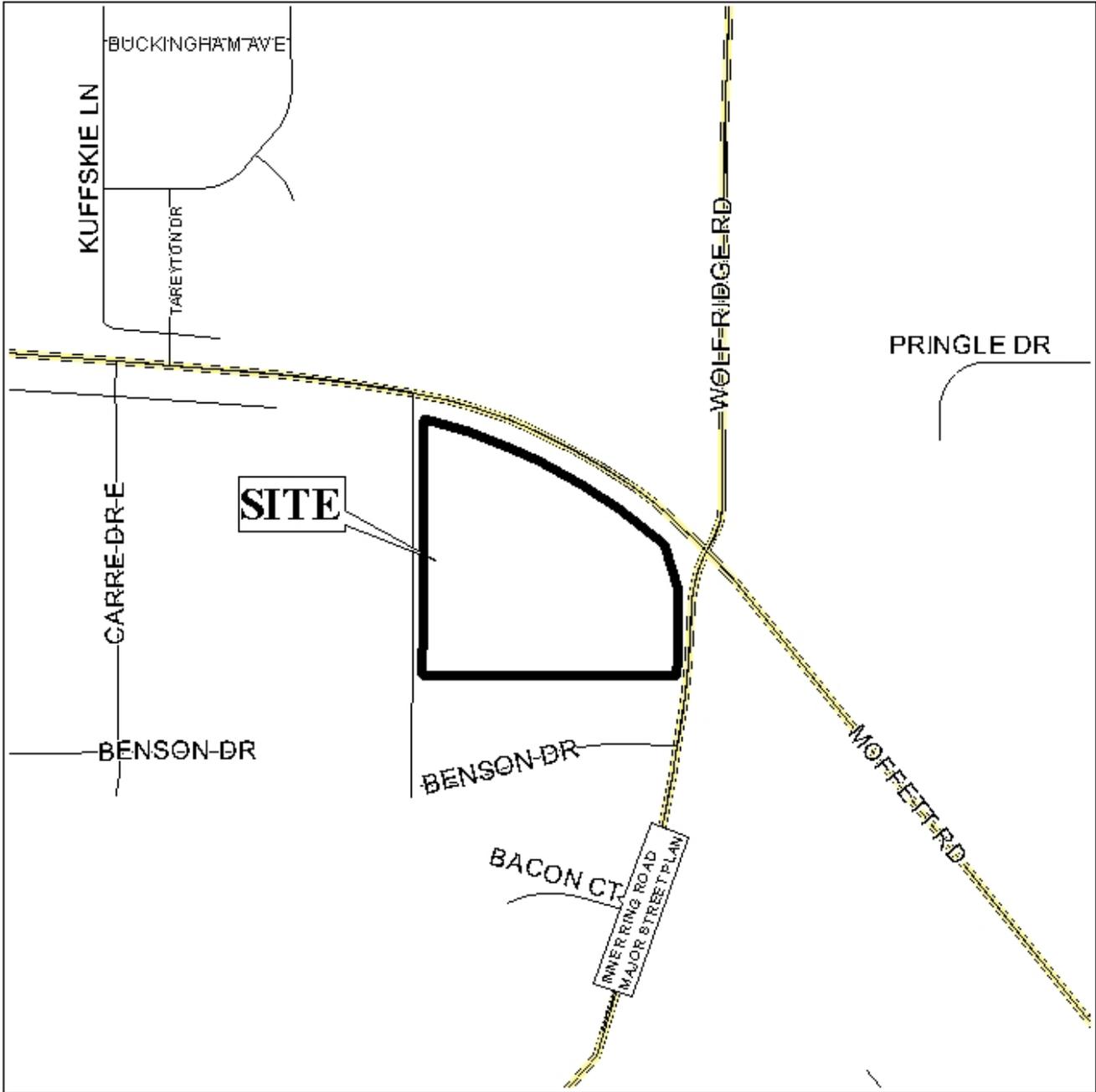
**Planned Unit Development:** Based upon the preceding, this request is recommended for Approval, subject to the following conditions: 1) compliance with Engineering comments (*No drainage patterns were shown as required by the Subdivision Regulations, therefore, a thorough evaluation of drainage concerns could not be completed. A Hold Harmless agreement will be required if stormwater runoff is increased and/or concentrated onto an adjacent property. All increase in impervious area since the implementation of the COM Stormwater Ordinance must be accounted for and be brought into detention compliance. Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit. The applicant is responsible for verifying if the site contains wetlands. If the site is included on the NWI, it is the applicant's responsibility to confirm or deny the existence of regulatory wetlands.*); 2) compliance with Urban Forestry comments (*Property to be developed in compliance with state and*

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**Rezoning** Based on the preceding, this application is recommended for Approval, subject to the following conditions: 1) compliance with Engineering comments (*No drainage patterns were shown as required by the Subdivision Regulations, therefore, a thorough evaluation of drainage concerns could not be completed. A Hold Harmless agreement will be required if stormwater runoff is increased and/or concentrated onto an adjacent property. All increase in impervious area since the implementation of the COM Stormwater Ordinance must be accounted for and be brought into detention compliance. Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit. The applicant is responsible for verifying if the site contains wetlands. If the site is included on the NWI, it is the applicant's responsibility to confirm or deny the existence of regulatory wetlands.*); 2) compliance with Urban Forestry comments (*Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64). Preservation status is to be given to the 40" Live Oak Tree located on the West side of Lot 1, the 54" Live Oak Tree located on the North side of Lot 2, the 54" Live Oak Tree located on the West side of Lot 3, and the 60" Live Oak Tree located on the North side of Lot 3. Any work on or under these trees are to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.*); 3) dedication sufficient to provide 50 feet from the centerline of Wolf Ridge Road, and of a turning radius at the Northeast corner of the site; 4) provision of a buffer, in compliance with Section IV.D.1 of the Zoning Ordinance, where the site adjoins residentially zoned property, including retention of the landscaped buffer, as shown on the subdivision plat; 5) that upon redevelopment, the site be limited to a maximum of four curb cuts to Moffett Road, and a single curb cut to Wolf Ridge Road, with size, location, and design subject to Traffic Engineering approval; and 6) full compliance with all municipal codes and ordinances, including landscaping, tree planting, parking, and buffering, as soon as practicable.

**Sidewalk Waiver** Based on the preceding, this application is recommended for Holdover to the August 17<sup>th</sup> meeting, to allow the applicant to submit typical cross-sections for each lot requesting Sidewalk Waiver.

# LOCATOR MAP



APPLICATION NUMBER 21 & 22 & 23 & 24 DATE July 20, 2006

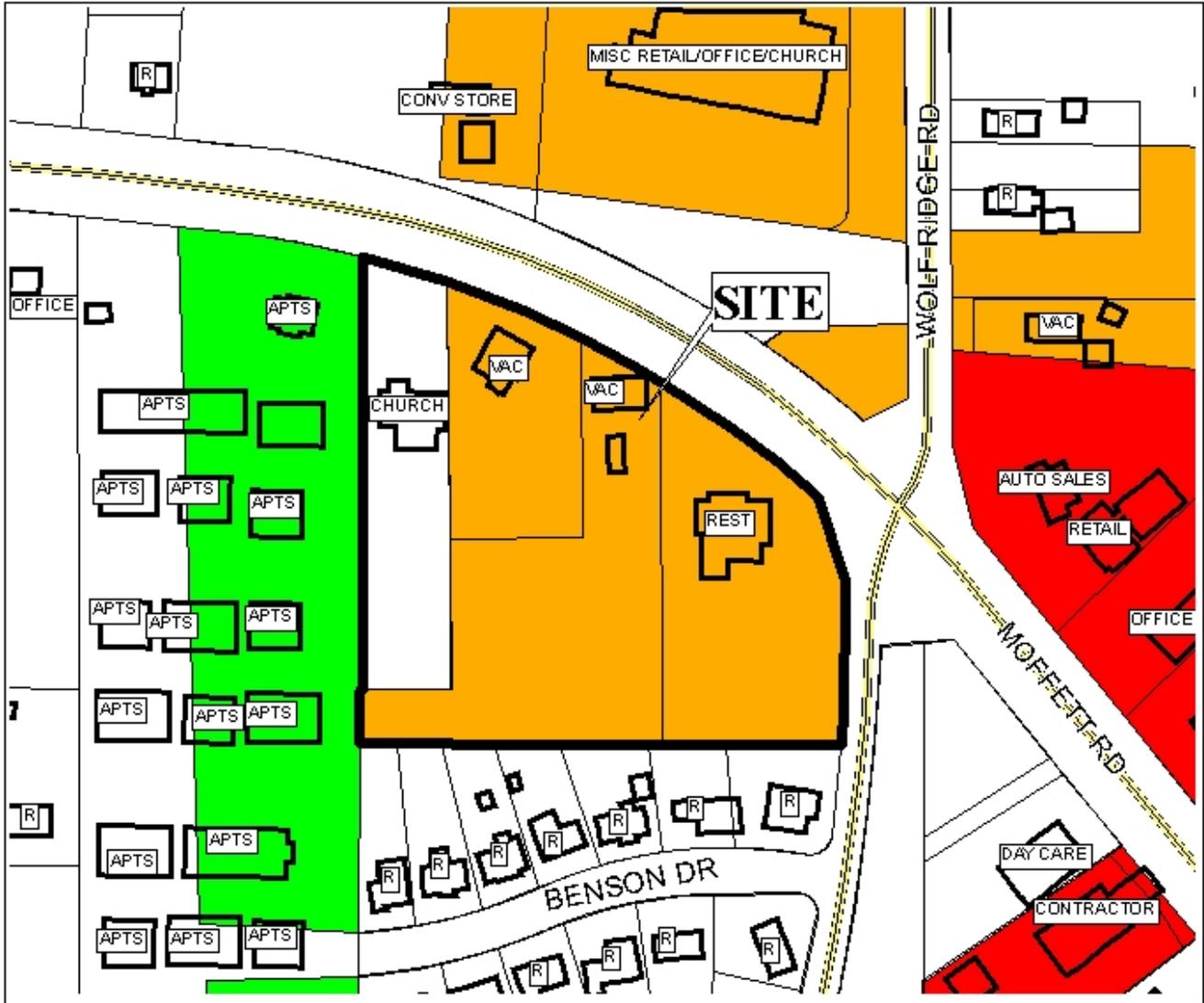
APPLICANT Dr. Louis J. Naman ( Ben Cummings, Agent)

REQUEST Subdivision, Planned Unit Development, Sidewalk Waiver, Rezoning from R-1 and B-2 to B-3



NTS

# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by mixed land use

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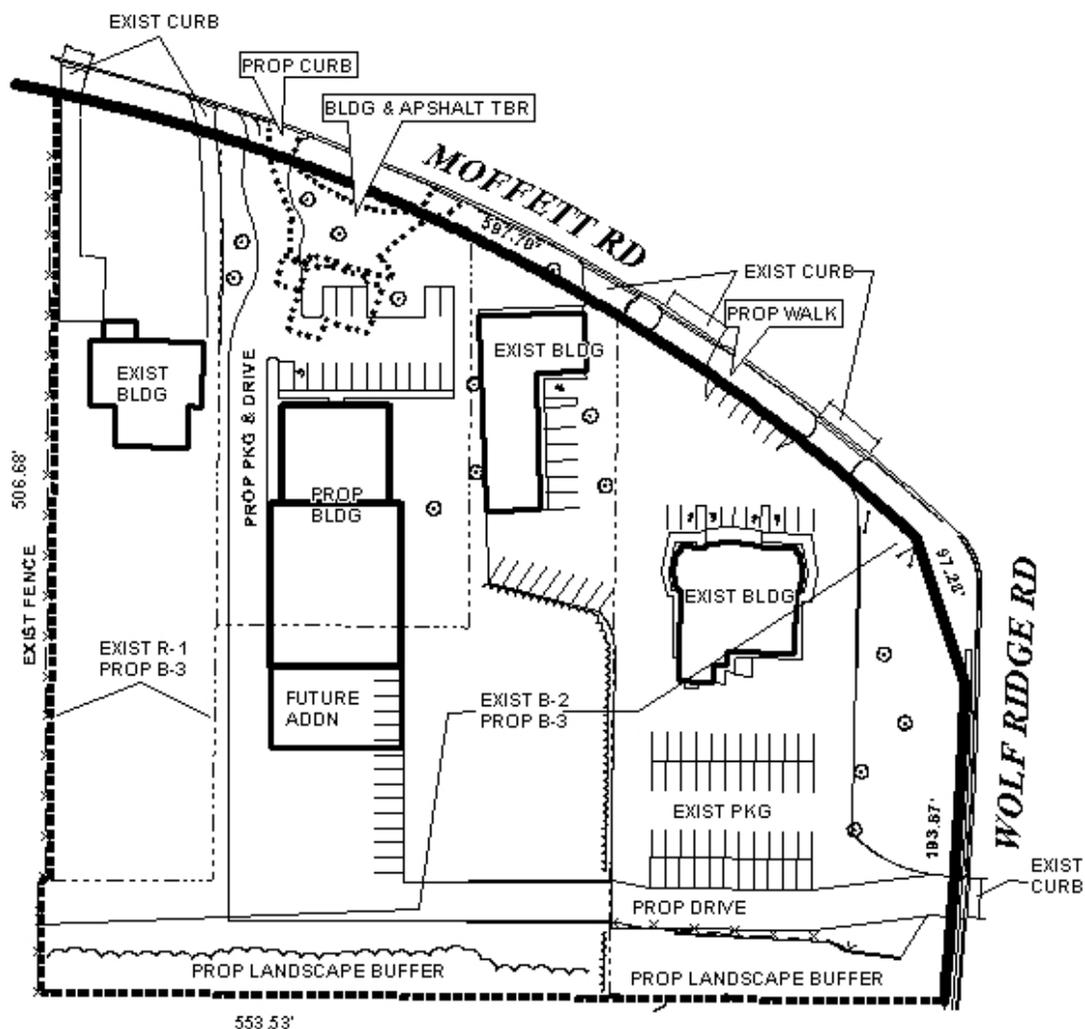
REQUEST Subdivision, Planned Unit Development, Sidewalk Waiver, Rezoning from R-1 and B-2 to B-3

LEGEND  R-1  R-2  R-3  R-A  R-B  H-B  B-1  LB-2  B-2  B-3  B-4  B-5  I-1  I-2 NTS





# SITE PLAN



The site plan illustrates the existing improvements along with the proposed buildings, parking, drives, and structures to be removed

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