

**ZONING AMENDMENT,
PLANNED UNIT DEVELOPMENT &
SUBDIVISION STAFF REPORT**

Date: March 17, 2005

<u>NAME</u>	Ronald D. Yeager, Sr.
<u>LOCATION</u>	5651 Cottage Hill Road (Southwest corner of Cottage Hill Road and Granada Avenue)
<u>CITY COUNCIL DISTRICT</u>	District 4
<u>PRESENT ZONING</u>	R-1, Single-Family Residential
<u>PROPOSED ZONING</u>	B-2, Neighborhood Business District
<u>AREA OF PROPERTY</u>	32,300 square feet / 0.74 acres
<u>CONTEMPLATED USE</u>	Dental equipment sales and service, utilizing multiple buildings on a single site 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.
<u>TIME SCHEDULE FOR DEVELOPMENT</u>	Immediate
<u>ENGINEERING COMMENTS</u>	Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit.
<u>TRAFFIC ENGINEERING COMMENTS</u>	Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Parking aisles should be widened to twenty-four feet to accommodate traffic flow.
<u>URBAN FORESTRY COMMENTS</u>	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).

REMARKS

The applicant is requesting Rezoning, Planned Unit Development, and Subdivision Approvals to allow dental equipment sales and service, multiple buildings on a single site, and to create a legal lot of record. Dental equipment sales and service is allowed by right in a B-2, Neighborhood Business District.

The site fronts Cottage Hill Road to the north, a major street, and has as its eastern boundary Granada Avenue, a minor street. East of the site are medical offices in a B-1, Buffer Business District, while north, south and east of the site are single-family homes in R-1, Single-Family Residential District. A B-2, Neighborhood Business District, is located approximately 300 feet west of the site, at the southwest corner of Cottage Hill Road and Knollwood Drive, and includes a drug store, office and retail space.

The existing primary structure on the site was originally used as a church, and has a ground floor area of approximately 3,800 sf. A second building, approximately 1,225 sf in size, is located along the rear of the property line. In 1993, an application for a use variance for an art gallery, art school and framing shop was approved and was followed with subsequent use variances in 1995 and 1996, for a wedding chapel and a funeral home, respectively. The most recent use variance permitted a funeral home, which normally requires a B-3, Community Business District zoning classification. Use of the site for a single-family residence is unlikely (though not impossible) due to the architectural nature and design of the existing primary structure.

The site is depicted as residential on the General Land Use Component of the Comprehensive Plan, which is meant to serve as a general guide, not a detailed lot and district plan or mandate for development. Moreover, the General Land Use Component allows the Planning Commission and City Council to consider individual cases based on additional information such as the classification request, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and zoning classification.

Section III.A.5.b. of the Zoning Ordinance recommends that a proposed new B-2 district should contain at least 2-acres of gross area; the nearest existing B-2 district is located approximately 300 feet to the west, at the southwest corner of the intersection of Cottage Hill Road and Knollwood Drive, and is approximately 2.5 acres in size. Approval of this rezoning application would “sandwich” existing single-family residences between the site in question and the existing B-2 district at Cottage Hill Road and Knollwood Drive, and could increase the pressure for the existing residences to be converted to commercial uses.

Although the proposed use may be compatible with adjacent residential uses, other uses permitted within a B-2 district, however, would be less desirable for location next to residences, including high traffic-generating uses such as: convenience stores, gas stations, daycares, drug stores, liquor stores, restaurants with drive-thrus, and video stores. Access to Granada Avenue for such high-traffic uses would negatively impact the adjacent residential neighborhood. A B-1, Buffer Business District designation would be more appropriate for this location.

Planned Unit Development 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.

The site is currently vacant, but was most recently used as a funeral home. As previously mentioned, the primary structure was originally developed for use as a church, but use variances were approved for the site in 1993, 1995 and 1996. A large freestanding out-building at the rear of the property necessitates the application for a PUD, as the Zoning Ordinance requires a separate Building Site for each building other than an accessory building. The applicant proposes to use the existing structures for the sales and service of dental equipment. The applicant states that 90% of the service (repair) activities will take place off-site, with the remaining 10% to occur on-site.

The applicant proposes to remove a semi-circular access (hearse) drive that was developed for the funeral home use, and install new landscaping. New parking and additional landscaping will be provided at other locations on the site. A sidewalk is also proposed along Cottage Hill Road and Granada Avenue, however it appears that there may be insufficient room within the existing Cottage Hill Road right-of-way to construct the sidewalk as designed. The applicant proposes to maintain access to Cottage Hill Road and Granada Avenue and proposes 48 parking spaces, which will exceed the 23 spaces required for the proposed use. It should be noted that Board of Adjustment records for the previous use indicate that area residents complained about parking associated with the site, exacerbating traffic along Granada Avenue.

Cottage Hill Road is a major street, as illustrated on the Major Street Plan, and as such a minimum right-of-way width of 100 feet, or 50 feet in each direction as measured from the centerline of the roadway is required. Cottage Hill Road has an existing right-of-way width of 80 feet, and measures 40 feet from the roadway centerline to the property line of the proposed subdivision; thus the right-of-way width is 10 feet short of the required minimum width from the centerline for the proposed major street. Granada Avenue, a minor street, should have a minimum right-of-way width of 50 feet, or 25 feet in each direction as measured from the centerline of the roadway. Granada Avenue has an existing right-of-way width of 35 feet and measures 17.5 feet from the roadway centerline to the property line of the proposed subdivision; thus the right-of-way width is 7.5 feet short of the required minimum width from the centerline for the minor street. The dedication of an additional 10 feet of right-of-way should be required along the Cottage Hill Road frontage, and an additional 7.5 feet of right-of-way should be required along the Granada Avenue frontage, in conformance with the right-of-way width requirements for major and minor streets in Section V.B.14. of the Subdivision Regulations.

Access management is also concern due to the fact that the site fronts a major street, and has access to a minor street with a substandard right-of-way and pavement width. While the proposed use is not likely to generate high volumes of traffic, other uses permitted under the requested zoning category, previously discussed, have the potential to aggravate traffic on both Cottage Hill Road and Granada Avenue. Specifically, turning movements to and from Cottage Hill Road could be increased, and the volume of traffic on Granada Avenue would likely

increase with other uses allowable under a B-2 zoning designation. No new curb cuts appear to be proposed with this application, however, other uses possible with a B-2 designation would likely request additional curb cuts if the site were redeveloped. Therefore, the site should be limited to one curb cut onto Cottage Hill Road, and one curb cut onto Granada Avenue, with any changes to the size or location of curb cuts to be approved by Traffic Engineering.

The site has street corner frontage. According to Section V.B.16., “*Curb radii shall not be less than 20 feet.*” Additionally, according to Section V.D.6., “*Where necessary by reason of curb radii, property lines at street intersection corners shall be arcs having radii of at least 10 feet or shall be chords of such arcs.*” The site does not appear to comply with either Section, thus the plat should be revised to reflect these requirements.

The minimum building setback line required in Section V.D.9. of the Subdivision Regulations is not shown for the lot, but would be required on the Final Plat. The building setback line should be a minimum of 25-feet from the future right-of-way for Cottage Hill Road.

RECOMMENDATION

Rezoning: The rezoning request is recommended for Denial for the following reasons: 1) the range of uses permitted within the B-2 zoning category are not compatible with the existing residential fabric; 2) the B-2 zoning district would not conform to the size guidelines of Section III.A.5.b. of the Zoning Ordinance; 3) the rezoning would increase the rezoning and redevelopment pressure for the single-family residences located between the site and the B-2 district at Knollwood Drive and Cottage Hill Road; and 4) the proposed rezoning would not comply with the General Land Use Component of the Comprehensive Plan.

Planned Unit Development: The PUD request is recommended for Denial based upon the rezoning request.

Subdivision: The Subdivision request is recommended for Tentative Approval, subject to the following conditions: 1) the dedication of 10 feet of right-of-way along Cottage Hill Road and 7.5 feet of right-of-way along Granada Avenue, in accordance with Section V.B.14.; 2) the adjustment of the property line at the corner of Cottage Hill Road and Granada Avenue to reflect a minimum 10 foot radius in accordance with Section V.D.6.; 3) the depiction of the 25-foot minimum building setback line from dedicated right-of-way along Cottage Hill Road; and 4) placement of a note on the Final Plat stating that curb cuts are limited to one curb cut onto Cottage Hill Road, and one curb cut onto Granada Avenue, with any changes to the size or location of curb cuts to be approved by Traffic Engineering.

LOCATOR MAP



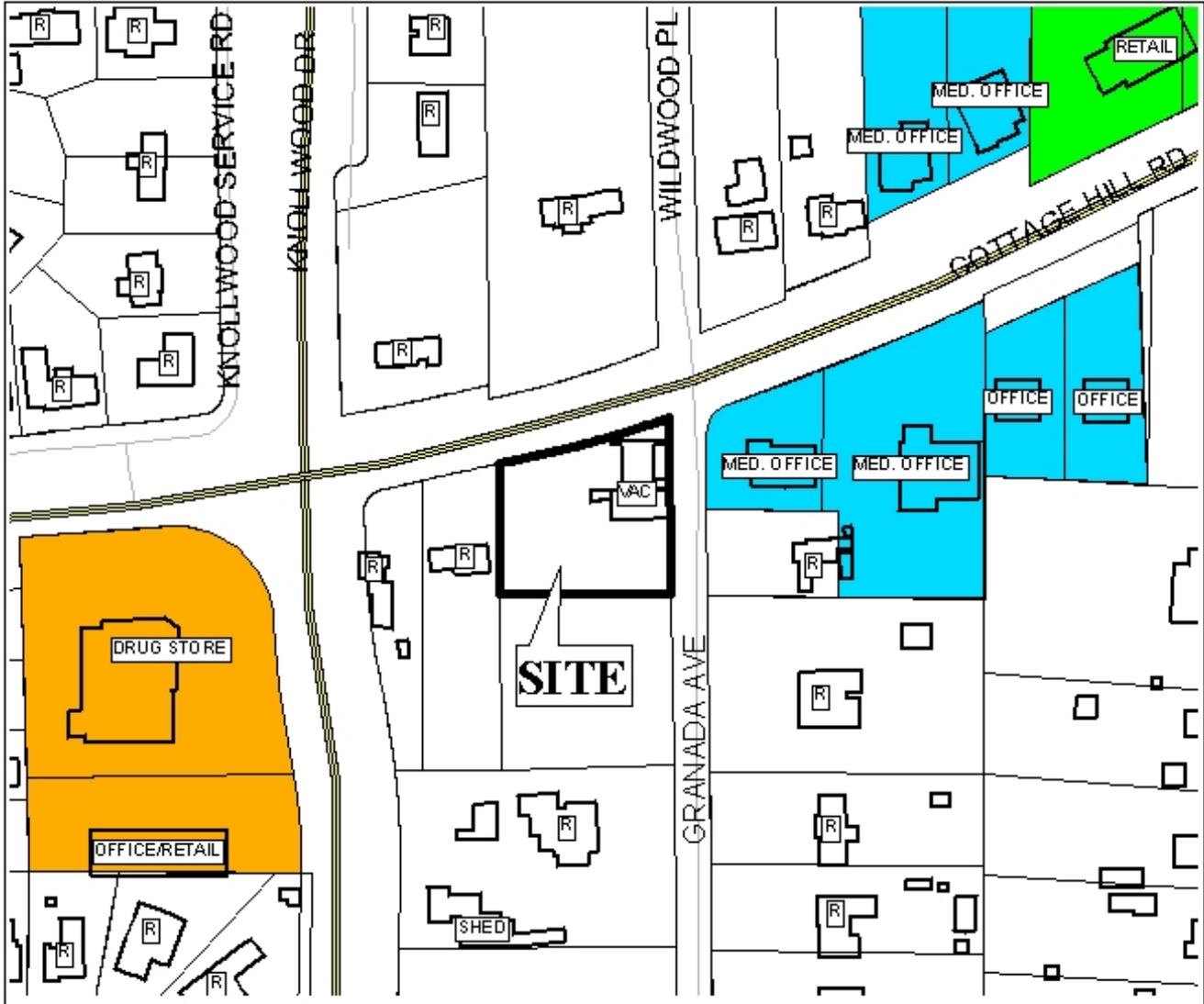
APPLICATION NUMBER 3 & 4 & 5 DATE March 17, 2005

APPLICANT Ronald D. Yeager, Sr.

REQUEST Rezoning, Planned Unit Development, Subdivision



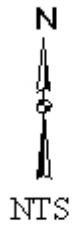
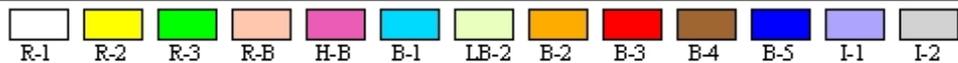
PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



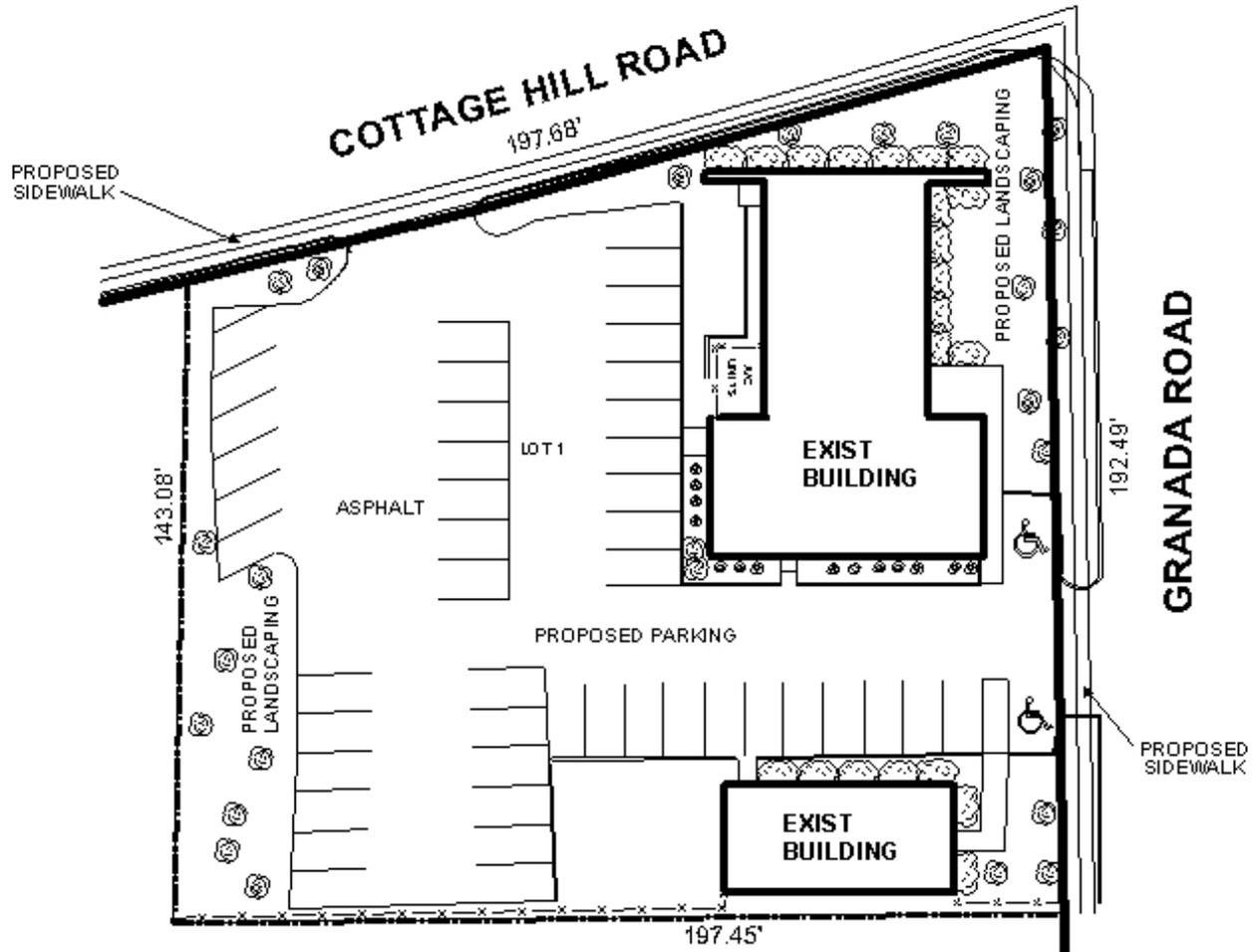
The site is surrounded by single family residential dwellings.

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LEGEND



SITE PLAN



The site is located on the Southwest corner of Cottage Hill Road and Granada Avenue. The plan illustrates the existing structures and parking, along with the proposed parking.

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