

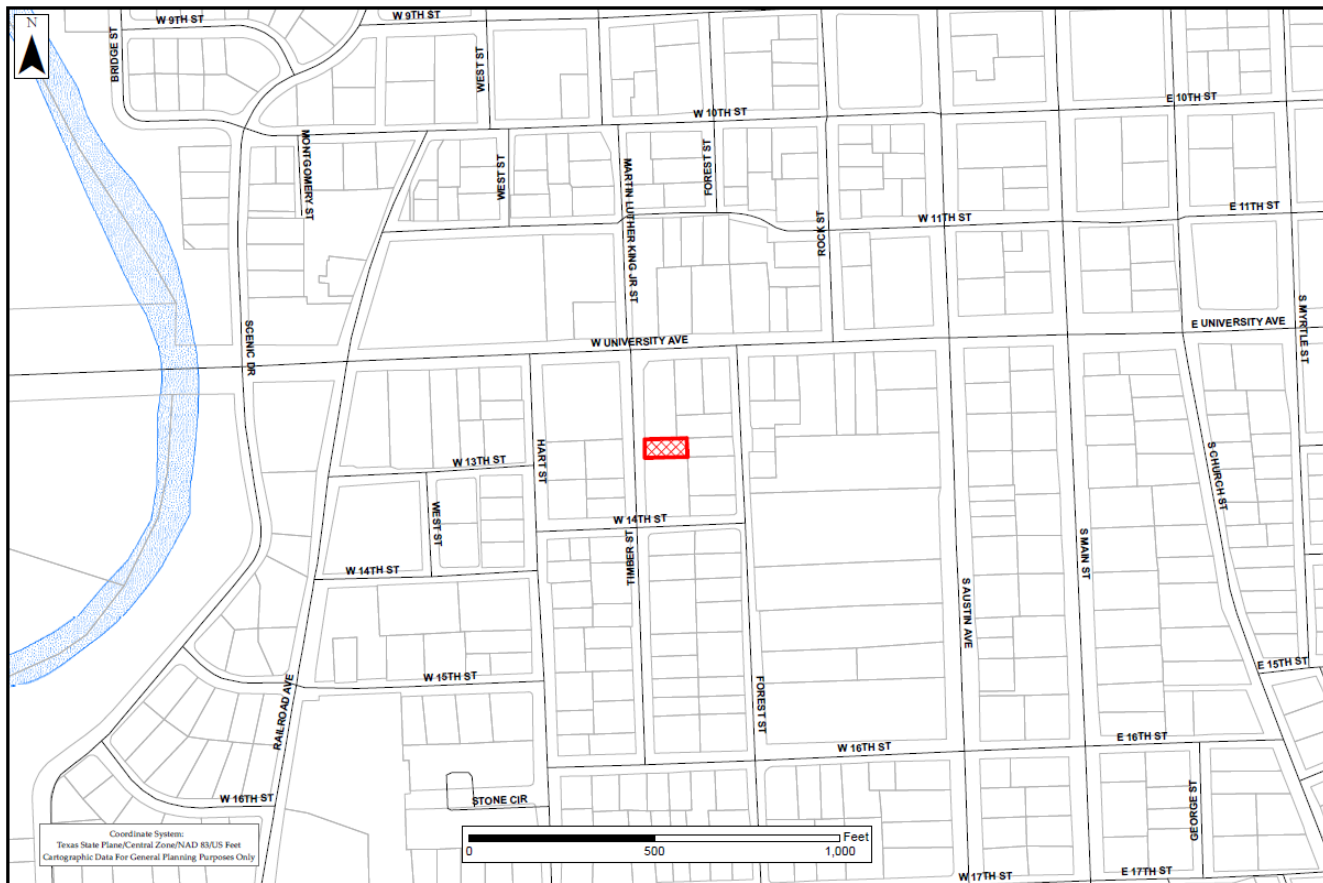


## Planning and Zoning Commission Planning Department Staff Report

**Report Date:** August 30, 2019  
**Case No:** 2019-7-REZ  
**Project Planner:** Chelsea Irby, Senior Planner

### Item Details

**Project Name:** 1217 Timber Rezoning  
**Project Location:** 1217 Timber, within City Council district No. 1.  
**Total Acreage:** 0.14  
**Legal Description:** Dalrymple Addition, BLOCK D, Lot 1  
**Applicant:** Tracey King  
**Property Owner:** Duane Harris and Jay S King  
**Request:** Zoning Map Amendment to rezone the subject property from **Residential Single-Family (RS)** to **Neighborhood Commercial (CN)**  
**Case History:** This is the first public hearing of this request.



*Location Map*

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### Overview of Applicant's Request

The applicant is requesting to rezone a 0.14 lot located at 1217 Timber Street from Residential Single-Family (RS) to Neighborhood Commercial (CN). The applicant's letter of intent states their plans for a spa and salon boutique in the existing structure and to increase the landscaping and aesthetics of the property.

### Site Information

#### Location:

The subject property is located near the southeast corner of Timber Street and University Avenue. The property is currently used as a single-family residence. The property owner rents out the home.

#### Physical and Natural Features:

The subject property contains little natural features and is generally flat.

#### Future Land Use and Zoning Designations:

The subject property has an existing Future Land Use designation of Moderate Density Residential and is currently zoned Residential Single-Family (RS).

#### Surrounding Properties:

The surrounding area is a mix of non-residential and residential. This area is a transitional area into the Downtown area. The properties to the north are in the Downtown Overlay District. There are many houses that have been converted to non-residential uses in this area along the University Avenue corridor.

The current zoning, Future Land Use designation, and existing uses of the adjacent properties to the north, south, east and west are outlined in the table below:

DIRECTION	ZONING DISTRICT	FUTURE LAND USE	EXISTING USE
North	Residential Single-Family (RS). The property owner requesting Local Commercial (C-1).	Specialty Mixed Use Area	Vacant structure (previously residential)
South	RS	Moderate Density Residential	Residential
East			
West (across Timber Street)	RS and C-1		Residential and Automotive



### Property History:

No notable property history.

### Comprehensive Plan Guidance

#### Future Land Use Map:

The Moderate Density Residential category is described in the 2030 Comprehensive Plan as comprising single family neighborhoods that can be accommodated at a density ranging between 3.1 and 6 dwelling units per gross acre, with housing types including small-lot detached and attached single-family dwellings (such as townhomes). This category may also support complementary non-residential uses along major roadways such as neighborhood-serving retail, office, institutional, and civic uses, although such uses may not be depicted on the Future Land Use Map.

#### Growth Tier:

**Tier 1A** is that portion of the city where infrastructure systems are in place, or can be economically provided, and where the bulk of the city's growth should be guided over the near term. Within Tier 1A, the city is called on to conduct assessments of public facility conditions and capacities, and to prioritize short and long term capital investments so as to ensure that infrastructure capacity is

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sufficient to serve development intensities as indicated on the Future Land Use Map and in the zoning districts.

### Utilities

The subject property is located within the City's service area for water, wastewater, and electric. It is anticipated that there is adequate capacity to serve the subject property at this time. A Utility Evaluation may be required at time of Site Development Plan to determine capacity and any necessary utility improvements.

### Transportation

Timber is a Local/Residential Street. These streets are intended to provide access to adjoining properties by collecting the traffic from surrounding areas and distributing it to adjoining collectors or arterial streets. Local streets can access both collector level streets and arterial level streets.

A Traffic Impact Analysis (TIA) will be required at time of Site Development Plan for any development that generates more than two thousand (2,000) average daily trips based upon the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual.

### Proposed Zoning district

The Neighborhood Commercial District (CN) is intended to provide areas for small-scale office and commercial activities such as the sale of convenience goods and personal service businesses that primarily serve adjacent residential areas. No uses that adversely affect the health, safety, welfare, or residential character of neighborhoods are allowed. Neighborhood commercial areas are generally located within neighborhoods and have pedestrian access to adjacent residential areas.

Permitted uses in this district include, but are not limited to assisted living, group home, community garden, and library/museum. Other uses such as bed and breakfast, day care, general retail, general office, personal services, and restaurant are permitted subject to specific design limitations to ensure compatibility with the surrounding properties. Certain land uses including bar/tavern/pub, community center, event facility, inn, and drive-through restaurant uses may be permitted subject to approval of a Special Use Permit (SUP). Exhibit 4 contains a comprehensive list of CN district permitted uses and development standards.

### Intergovernmental and Interdepartmental Review

The proposed rezoning request was reviewed by all applicable City Departments to determine the appropriateness of the requested zoning on the subject property. No comments were issued regarding the zoning request.

### Approval Criteria

Staff has reviewed the request in accordance with the Unified Development Code (UDC) and other applicable codes. Staff has determined that the **proposed request complies with 4 of the 5 established in UDC 3.06.030 for a Rezoning**, as outlined in the chart below.

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REZONING APPROVAL CRITERIA	FINDINGS	STAFF COMMENTS
1. The application is complete and the information contained within the application is sufficient and correct enough to allow adequate review and final action.	<b>Complies</b>	An application must provide the necessary information to review and make a knowledgeable decision in order for staff to schedule an application for consideration by the Planning and Zoning Commission and City Council. This application was reviewed by staff and deemed to be complete.
2. The zoning change is consistent with the Comprehensive Plan.	<b>Partially Complies</b>	<p>The request for Neighborhood Commercial (CN) is partially consistent with the Moderate Density Residential Future Land Use designation.</p> <p>The Moderate Density Residential category is described in the 2030 Comprehensive Plan as supporting “complementary non-residential uses along major arterials such as neighborhood-serving retail, office, institutional, and civic uses, although such uses may not be depicted on the Future Land Use Map.”</p> <p>The request partially complies with the Comprehensive Plan because while CN would provide neighborhood-serving uses, the subject property is not located directly along a major arterial. It is in proximity to a major roadway, approximately 240 feet.</p> <p>Given this proximity and the appropriateness of the adjacent rezoning request to the north, this rezoning to CN is appropriate to create a smooth transition from commercial to residential.</p>
3. The zoning change promotes the health, safety	<b>Complies</b>	The subject property is in between a commercial corridor and a

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REZONING APPROVAL CRITERIA	FINDINGS	STAFF COMMENTS
or general welfare of the City and the safe orderly, and healthful development of the City.		<p>residential area. The property to the north (408 W University) has submitted a rezoning request for Local Commercial (C-1), which is appropriate along University Avenue.</p> <p>The designation of CN on the subject property would create a buffer from the proposed Local Commercial (C-1) zoning to the north and provide a smooth transition of uses into the residential area.</p>
4. The zoning change is compatible with the present zoning and conforming uses of nearby property and with the character of the neighborhood.	<b>Complies</b>	<p>The area to the west has C-1 and General Commercial (C-3) zoning along the major arterial, and C-1 and Office (OF) scattered among the residential to the south.</p> <p>Neighborhood Commercial (CN) is appropriate next to residential zoning because is the least intense commercial zoning district. The UDC contains standards that require a low-level bufferyards to provide screening, as well as greater setbacks that would help to minimize the impact that commercial uses may have on the adjacent residential neighborhood. Additionally, the allowed use in the CN district are intended to serve the neighborhood.</p>
5. The property to be rezoned is suitable for uses permitted by the District that would be applied by the proposed amendment.	<b>Complies</b>	<p>The subject property is 0.14 acres and contains a single-family structure. This property and existing structure are suitable for the uses allowed in the CN district. The existing structure is situated toward the front of the property</p>

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REZONING APPROVAL CRITERIA	FINDINGS	STAFF COMMENTS
		which allows for a small parking area in the rear. Generally, the uses permitted in the CN district would not require large amount of parking because of the floor-to-area ratio requirement of the District. The property would also be able to accommodate the required low-level bufferyard to the south.

Overall, the Neighborhood Commercial (CN) district is appropriate if the property to the north converts to Local Commercial (C-1). This would create a smooth transition of uses into the residential area.

### Meetings Schedule

9/3/2019 – Planning and Zoning Commission

9/24/2019 – City Council First Reading of the Ordinance

10/10/2019 – City Council Second Reading of the Ordinance

### Public Notification

As required by the Unified Development Code, all property owners within a 300-foot radius of the subject property and within the subdivision were notified of the Zoning Map Amendment request (33 notices), a legal notice advertising the public hearing was placed in the Sun Newspaper (August 18, 2019) and signs were posted on-site. To date, staff has received zero (0) written comments in favor, and zero (0) in opposition to the request.

### Attachments

Exhibit 1 – Location Map

Exhibit 2 – Future Land Use Map

Exhibit 3 – Zoning Map

Exhibit 4 – Design and development standards of the CN district

Exhibit 5 – Letter of Intent