

SUPPLEMENTAL STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

MARV 2015-4: JAKE RIORDAN & MARK A. JETER

STAFF REVIEW:

The original zoning development plan submitted in conjunction with this zone change request for this site proposed a layout that was dominated by off-street parking and did not provide an adequate buffer to the established neighborhood. In addition, the petitioner provided no conditional zoning restrictions to lessen the impact of the proposed B-3 zone adjacent to residential land uses. This prompted the staff to recommend postponement of this request at the Zoning Committee meeting (not held due to the snow emergency) three weeks ago.

The petitioner's revised development plan now proposes approximately half the number of off-street parking spaces, and a 15-foot wide buffer adjacent to the R-2 zoning, either on site or through an easement along the rear portion of the lots that front along Dayton Avenue. The revised plan is more respectful of the adjoining neighborhood and creates a more appropriate transition between the commercial and residential land uses.

The petitioner has now offered to restrict the use of the property through conditional zoning to only those uses permitted in the Neighborhood Business (B-1) zone. The staff is agreeable to this proposal, in theory, as it would eliminate the most intense land uses in the B-3 zone; but the clearest way to meet that end is through a list of prohibited uses based on the B-3 zone itself, rather than referring back to a listing of uses in another zone that may change over time. In furtherance of the intent of the B-3 zone, which states that "special consideration should be given to the relationship of the uses in the zone to the surrounding land uses," a permanent landscape buffer should be implemented along the southwest site boundary that is currently the rear yard of three parcels along Detroit Avenue (916, 920 and 922) and the southeast site boundary that is currently the side yard of 922 Detroit Avenue. The buffer should be 15 feet wide, and contain a 6-foot tall private fence, a double row of shrubs and a tree every 40 feet (Group A or B from the Planting Manual). This will guarantee an adequate buffer that will respect the adjoining land use (which, in this case, is a well-established single-family residential neighborhood near downtown).

The staff does not believe the applicant's proposal furthers the recommendations of the Comprehensive Plan specifically, but does agree with the contention that a restricted B-3 zone is appropriate and the existing B-4 and R-2 zones are inappropriate at this location.

The Staff Recommends: Approval, for the following reasons:

1. The restricted Highway Service Business (B-3) zone is appropriate, and the combined Wholesale and Warehouse Business (B-4) and Two-Family Residential (R-2) zoning is inappropriate, for the following reasons:
 - a. The restricted B-3 zone is compatible with the existing zoning along a majority of the Winchester Road corridor inside New Circle Road. The subject site is primarily surrounded by business zoning (B-1, B-3 and B-4).
 - b. The existing B-4 zoning is not generally appropriate for these small lots along an urban arterial corridor along Winchester Road. The possible land uses for these vacant properties in a B-4 zone are not appropriate immediately adjacent to the existing residential neighborhood.
 - c. The existing R-2 zoning is not appropriate, as it is located directly across Detroit Avenue from a business zone, which is currently occupied by an automobile service station with 24-hour lighting and high traffic generation.
 - d. The depth of business zoning along Detroit Avenue will be consistent along both sides of the street at approximately 250' feet from the intersection of Winchester Road.
 - e. The proposed landscape buffer will provide an appropriate transition between the proposed B-3 zone and the adjacent residential neighborhood.
2. This recommendation is made subject to approval and certification of ZDP 2015-20: Liberty Heights Subdivision, Block C, Lots 4-10 & 44-47, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the subject property shall be restricted in the following manner, via conditional zoning:

Prohibited Uses

1. Establishments and lots for the display, rental, sale, service, and minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes, or supplies for such items.
2. Cocktail lounges and nightclubs.
3. Motel or hotel.
4. Indoor amusements, such as billiard or pool halls; dancing halls; skating rinks; miniature golf or putting courses; theaters or bowling alleys.
5. Drive-in restaurants.
6. Carnivals, even on a temporary basis.
7. Business colleges, technical or trade schools or institutions.
8. Pawnshops.
9. Adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers.
10. Advertising signs, also known as billboards, as regulated by Article 17.

Landscape & Buffering Restrictions

1. A 15-foot wide landscape buffer shall be provided along the southwest (rear of 916, 920 and 922 Detroit Avenue parcels) and southeast property boundaries (side of 922 Detroit Avenue parcel). The landscape buffer shall contain a 6-foot privacy fence, shrubs located between the fence and parking areas, and a tree every forty (4) feet on center, selected from Group A or B in the Planting Manual.

These restrictions are necessary and appropriate in order to restrict the most intense land uses on the subject property and to provide an adequate land use transition. Such uses could have a negative impact on the nearby neighborhoods related to noise, lighting and/or traffic congestion.