Case 010-24: Rezoning

NW Corner of E 26th St and S Virginia Ave-Rezoning-A request to rezone from District R-1 (Single-Family Residential) to District C-3 (Commercial)-32nd St. Plaza LLC.

Doug Melton, 32nd St. Plaza LLC, spoke on behalf of the property. He stated they requested that lots 116 and 117 at the NW corner of Virginia Ave. and 26th St. The request is made so that the zoning of the whole block would be consistent. Everything except those two blocks is zoned C-3. Those two lots are currently zoned R-1. They would like to make the whole block consistent in anticipation of bringing a development plan to the City. He stated they had worked with City staff since the middle of last year on a development plan and getting everything ready. Once this is completed, they would be presenting development plans.

Ms. Phillips asked if there were any questions from the Commission on Case 010-24.

Mr. Jackson said he noticed the proposed use of the property was a convenience store, and he asked about the traffic easement coming unto the property work.

Mr. Melton stated he was afraid you were going to ask that. He said actually he thought it would work quite well. He said the main access would be on the NW corner of that block off S. Main Street. They were going to leave the alley open and widen it to accommodate traffic and the transports that bring in fuel and supplies and the fire department. They would be able to come in off Main Street and exit on 25th Street and on 26th Street there would be no connection to Virginia Ave.

Mr. Jackson stated so the back of your building would be facing Virginia.

Mr. Melton said that was correct, sir.

Mr. Jackson said so you have the lot there on Main Street as well.

Mr. Melton stated they have all the lots except one and because of that one lot they have had to be creative in their site lay out. He said they would have loved to have that lot but that lot is not available evidently at any price or at any time in the foreseeable future. They have had to work around that lot. That lot would not be encroached upon. It would remain exactly like it is. The grades will stay the same. That lot would have access to all the utilities. It would continue to have access to Main St. as well as to the alley.

Mr. Jackson asked so in terms of signage that you would have; how close would it be to the Virginia block.

Mr. Melton said the signage would be on Main Street. He stated the only thing you would be able to see from Virginia St. would be the back of the store. Those two lots and the next lot north would be where the storm water detention basin would be so it would be sodded. He stated one of the Commissioners had inquired about the corner at Main and 26th there was the remains of a dog wash. Mr. Melton stated that would all be ripped out, demolished and the topsoil brought back in, and they would resod that. There were no plans to do any development on that part of the block right now.

Mr. Rosenberg stated if you look at, he had no problems with the rezoning but there needs to be some sort of buffer to protect the homes on 26th and Virginia. He said if you take a look at the lots south behind where McDonalds and Taco Bell are, we made all those planned districts to keep the traffic down a little bit so it did not exit there and disturb those R-1 homes.

Mr. Melton said he could not imagine why anyone would be going back to Virginia. You would have access off Main Street. You would be able to come in off 25th and 26th. He said the only reason he thought you would have eastbound traffic back toward Virginia would be residents doing business at the store.

Mr. Bellairs stated as far as buffering goes it is your right to make a recommendation to add a plan development layer but with the site plan review if they meet all the City code requirements for their site plan the City had to approve it otherwise the City would be liable on that matter. He said with the buffering requirements the City cannot require buffers if it is along a public right-of-way. The only time they would require buffering for any site plan development would be if they were adjacent to a less intensive zoning district so if they were a C-3 adjacent to a R-3, R-2 or R-1 at that point the City would require a buffer. They would not require it if it fronted Virginia Ave.

Mr. Melton added this is a national client that has approaching 3,000 stores and they do a very good job at presenting a very good landscaping package and they would try to make it harmonious with the neighborhood.

Mr. Jackson asked Mr. Bellairs to repeat the buffer requirements for R-2 and R-1.

Mr. Bellairs said the applicant would be required to provide streetscaping but as far as a buffer to shield from other properties the City could only require that if they are adjacent. If they have right-of-way between them. He said he was talking about a landscape buffer for less intensive uses.

Mr. Jackson thanked him for clarification.

Mr. Rosenberg asked if they were going to maintain the alley open.

Mr. Melton said yes sir. Right now, it is a 20 ft. platted alley. He stated he told Mr. Bellairs they were going to add a 15 ft. access easement so there would be a full 35 ft. three-way driveway through there. He said he did not think they had to do that but if they need to, they would make a mutual access easement so it would remain open to the public.

Mr. Bellairs stated they have not requested a vacation so access and utilities would not be impeded.

Mr. Jackson said back on the signage would there be anything possibly facing northbound because you do have a R-1 off 25th street. Any light protruding signage.

Mr. Melton said the front of the store would be facing west would have the typical store lights but they would not have anything facing north. Whatever sign would be allowed for C-3 is basically a monument sign. It would be at the corner of Main and 25th.

Ms. Phillips asked if there were any further questions from the Commission on Case 010-24.

There were none.

Ms. Phillips asked if there was any one to speak in favor of Case 010-24.

There were none.

Ms. Phillips asked if there was any one to speak in opposition of Case 010-24.

There were none.

MR. JACKSON MOVED THAT CASE 010-24 BE APPROVED AND FORWARDED TO THE CITY COUNCIL FOR APPROVAL. MR. ROSENBERG SECONDED THE MOTION. MOTION CARRIED. (6 IN FAVOR, 0 NAY, 1 ABSENT)