



APRIL 15, 2004

PORTION OF 4715 SUTHERLAND RD

ZONE CHANGE

From: A-R Rural Agriculture		
To: B-4 General Business		
Acreage: 0.064 acres		
Applicant: Jim Hawkins (0404.1555)		
Property Zone Existing Use	to North B-4 Vacant	
to West A-R Cropland	Subject A-R ➔ B-4 Vacant	to East A-R Cropland
	to South A-R Cropland	

GENERAL LAND USE CRITERIA
Apply, if marked below:

Described in Comprehensive Plan on pages 445-448

Environmental ☒

- ☒ **E1** Flood Plains
- E2** Steep Slope
- E3** Historical & Archaeological Sites
- E4** Soils
- E5** Plant & Animal Life

Urban Services ⌘

- ⌘ **U1** Roadway Capacity
- ⌘ **U2** Electricity Supply
- ⌘ **U3** Water Supply
- ⌘ **U4** Stormwater Disposal
- ⌘ **U5** Sanitary Sewage Disposal

Development Patterns ♦

- ♦ **D1** Land-Use Intensity, Clusters and Buffers
- D2** Land Use versus Street Function
- D3** Intersection & Driveway Spacing
- D4** Roadway Buffer Standards
- D5** Lot Sizes & Proportions
- D6** Residential Development
- ♦ **D7** Non-Residential Development
- D8** Building Quality

Proposed Zone & Land Use Plan

The applicant is seeking a B-4 General Business zone. The subject property is located in an Urban Residential Plan Area, where general business uses are appropriate in very-limited locations.

SPECIFIC LAND USE CRITERIA

- (a) **Building and lot patterns; outdoor storage yards** - Building and lot patterns shall conform to the criteria for “**Nonresidential Development**”(D7) and outdoor storage yards, with “**Buffers for Outdoor Storage Yards**”(D1).
- (b) **Logical zoning expansions of proportional scope** - Existing General Business zones may be expanded onto contiguous land that generally abuts the same street(s). The expansion of a General Business zone should not significantly increase the extent of the zone in the vicinity of the expansion and should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

Applicant's Findings

The Comprehensive Plan recommends general business in this area in very limited locations. The proposed 10-foot wide strip rezoning will be consolidated with the 1.093-acre lot currently owned by the applicant. Said rezoning of the 10-foot wide strip (0.064 of an acre) will not significantly increase the general business land use within the area. The 1.093-acre tract was recommended for rezoning to General Business (B-4) In June 2001.

A 2.1-acre site immediately north of the applicant's properties was rezoned to a General Business land use (B-4) in February 2001. Said rezoning approvals were found to be in compliance with the Comprehensive Plan by the OMPC during the respective hearings.

Subject lot rezoning is a logical expansion of the existing B-4 zone. The properties within the 4700 block of Sutherland Road are currently being developed for general business uses. The proposed rezoning will not compromise the established development pattern along Sutherland Road and will be consistent with recent rezoning actions. Existing General Business zones may expand onto contiguous land that generally abuts the same street.

All urban services are available to the site.

The proposed buildings will be elevated above the FEMA

base flood elevation in accordance with the floodplain ordinance.

Planning Staff Review

The subject property is located immediately south of 4715 Sutherland Road. Land use criteria applicable to this proposal are reviewed below.

GENERAL LAND USE CRITERIA

Environment

The property is located in a floodplain, as shown on the Flood Insurance Rate Map #21059CO280C, with a base flood elevation of 392 feet above sea level. The property is located outside of the floodway.

A development plan has been submitted that indicates a finish floor elevation above the base flood elevation at 392.5 feet above sea level. The development plan includes drainage plans to be approved by the County Engineer.

No other important environmental criteria apply to the subject property.

Urban Services

Water and electricity are available to the site. Sanitary sewer and fire protection are also available to the site.

Roadway Capacity

The subject property is located on a rural local road presently serving farming operations and scattered rural residential uses. Sutherland Road has a pavement width of approximately 16 feet with no curb or gutters.

A development plan submitted and approved for 4617 Sutherland Rd, the property just north of 4715 Sutherland Rd, proposed roadway improvements that OMPC accepted to satisfy the traffic capacity requirements of Sutherland Rd. That plan also indicated further improvements to be made as warranted by future development on Sutherland Rd. A subsequent development plan submitted in conjunction with the original rezoning application for 4715 Sutherland Rd showing the subject property to be consolidated with 4715 Sutherland Rd, including the proposed continuation of the initial improvements of widening to a 20-foot wide section with shoulders along the frontage of the subject property. A development plan has been submitted showing the same improvement that would widen the existing 16-foot pavement along the frontage of the consolidated property to 20 feet, with a taper back to 16 feet beyond the property boundary to the south. Responsibility has been accepted by Jim Hawkins,

the applicant, for an ultimate improvement to a 34-foot wide road with curb and gutter should this become warranted as development continues.

Roadway capacity to the subject property is severely compromised during periods of localized heavy rains, when Sutherland Road is often closed due to flooding. The subject property and the roadway lie completely below the base flood elevation of 392 feet.

Development Patterns

The property is located in an area where agriculture and scattered rural residences are the prevalent land uses. The property located across Sutherland Road to the west is zoned A-R Rural Agriculture and in agricultural use. Property to the south and east is zoned A-R and is in agricultural use. Property at 4715 Sutherland Rd, north of the subject property was zoned to B-4 General Business in 2001. The owner of 4617 Sutherland Rd, north of 4715 Sutherland Rd was successful in rezoning the property to B-4 General Business and submitted a development plan in conjunction with the request that addressed improvements on the property, including off-site roadway improvements. A development plan has been submitted in conjunction with this rezoning request continuing the improvements that were proposed in conjunction with the adjacent development. The development plan submitted proposes individual storage buildings, which require a conditional use permit in a B-4 General Business zone.

SPECIFIC LAND USE CRITERIA

Limited expansions of non-residential uses and areas should be accommodated where they reasonably satisfy a set lot logical criteria. Existing general business zones may be extended onto contiguous land that generally abuts the same streets. There does exist General Business zoning to the north of the subject property at 4715 Sutherland Rd to which this 10-foot wide strip is proposed to be consolidated. A development plan and a consolidation plat have been submitted incorporating the subject property into the boundary of 4715 Sutherland Rd, which is currently zoned B-4. Expansion of the B-4 zone to the subject property should not overburden existing roadways, since the development plan proposed for the subject property consolidated with the adjoining property at 4715 Sutherland Rd proposes roadway improvements as required on the Sports Warehouse property.

Planning Staff Recommendations

Staff recommends approval because the request is in compliance with the adopted Comprehensive Plan. This recommendation is made subject to the conditions and findings of fact that follow:

Conditions:

1. Approval of a final development plan by the OMPC.
2. Surety posted or construction completed for initial roadway improvements widening Sutherland Rd to a 20-foot pavement width prior to issuance of building permit.

Findings of Fact:

1. The subject property is located in an Urban Residential Plan Area, where general business uses are appropriate in very-limited locations;
2. Property to the immediate north of the subject property is zoned B-4 General Business;
3. Improvements have been proposed to widen the existing road to maintain an acceptable level of service on Sutherland Road; and,
4. The applicant's proposal is a logical expansion of the B-4 General Business zoning to the north, because it will not significantly increase the extent of general business uses that are located in the vicinity or overburden the capacity of the roadways or other necessary urban services in the affected area, upon completion of the proposed roadway improvements.