

Owner: Dorothy Ukegbu
Applicant: Chindi Ukegbu
Location: 6706 S. University Avenue
Area: 0.74 Acre
Request: Rezone from R-2 to C-4
Purpose: Auto dealership
Existing Use: Undeveloped

SURROUNDING LAND USE AND ZONING

North – Mixed commercial uses; zoned C-4

South – Mixed commercial uses; zoned C-4

East – Mixed commercial and light industrial uses (across University Avenue);
zoned I-2

West – Undeveloped property and single family residences; zoned R-2

A. PUBLIC WORKS COMMENTS:

1. Mabelvale Pike is classified on the Master Street Plan as a collector street.
A dedication of right-of-way 30 feet from centerline will be required.

B. PUBLIC TRANSPORTATION ELEMENT:

The site is not located on a CATA bus route. Route #17 (Mabelvale – Downtown Route) runs along Mabelvale Pike to the west.

C. PUBLIC NOTIFICATION:

All owners of property located within 200 feet of the site and the South Brookwood Ponderosa, Wakefield and SWLR United for Progress Neighborhood Associations were notified of the public hearing.

D. LAND USE ELEMENT:

This request is located in the 65th Street West Planning District. The Land Use Plan shows Commercial (C) for this property. The Commercial category includes a broad range of retail and wholesale sales of products, personal and professional services, and general business activities. Commercial activities vary in type and scale, depending on the trade area that they serve. The site is at the boundary between an area shown for Residential Low Density to the west and Commercial to the west. The applicant has applied for a rezoning from R-2 (Single-Family Residential District) to C-4 (Open Display Commercial District) to allow for the expansion of an adjacent commercial use.

Master Street Plan:

University Avenue is shown as Principal Arterial on the Master Street Plan. A Principal Arterial is to serve through traffic and to connect major traffic generators or activity centers within the urbanized area. Entrances and exits should be limited to minimize negative effects of traffic and pedestrians on University Avenue since it is a Principal Arterial. This street may require dedication of right-of-way and may require street improvements for entrances and exits to the site.

BICYCLE PLAN:

A Class II Bike Lanes are shown along University Avenue. Bike Lanes provide a portion of the pavement for the sole use of bicycles.

E. STAFF ANALYSIS:

Dorothy Ukegbu, owner of the 0.74 acre property located at 6706 S. University Avenue, is requesting to rezone the property from “R-2” Single Family District to “C-4” Open Display District. The 0.74 acre property is part of a larger ownership (6706 S. University Avenue). The property is located at the rear (west end) of the overall property. The rezoning is proposed in order to incorporate this property into the larger C-4 zoned area for use as an auto dealership.

The property is currently undeveloped and grass covered. Mixed commercial uses on C-4 zoned property are located to the north and south along S. University Avenue (west side). Light Industrial and commercial uses are located across S. University Avenue to the east. R-2 zoned property is located immediately to the west along the east side of Mabelvale Pike. Single Family residences are located along the west side of Mabelvale Pike.

The City’s Future Land Use Plan designates this property as Commercial. The requested C-4 zoning does not require an amendment to the plan.

Staff is supportive of the requested C-4 zoning. Staff views the request as essentially a “clean-up” type issue. The proposed C-4 zoning will fill-in a small

gap in the existing C-4 zoning line, while maintaining the R-2 zoned buffer area along the east side of Mabelvale Pike. There will be approximately 200 feet of R-2 zoning between the proposed C-4 zoning and Mabelvale Pike. The R-2 zoned buffer area extends along the west side of the majority of the C-4 zoning located along the west side of S. University Avenue. Staff believes the rezoning of this 0.74 acre property will have no adverse impact on the adjacent properties or the general area.

F. STAFF RECOMMENDATION:

Staff recommends approval of the requested C-4 rezoning.

PLANNING COMMISSION ACTION:

(JUNE 12, 2014)

The applicants were present. There were several persons present in opposition. Staff presented the item and a recommendation of approval.

The applicant, Chich Okegbu, stated he would reserve his time to address any issues raised by the opposition.

Matt Griffin, of 7025 Mabelvale Pike, spoke in opposition. He read from a petition which the neighbors had presented to the Commission in which the neighbors outlined five (5) conditions which they wanted the applicant to agree to in conjunction with the rezoning. Staff noted that the Commission could not impose conditions but the applicant could offer conditions. Mr. Griffin offered the following conditions:

1. No entrance to the property from Mabelvale Pike
2. All lights on the property must face University Avenue
3. Operating hours must be between normal business hours
4. No salvage of any kind on the property
5. Wood fence and green space on the R-2 zoned property must be maintained.

Director Joan Adcock, of 6808 Mabelvale Pike, addressed the Commission. She stated she had lived at that address since 1960 and had seen the commercial development of University Avenue that began in the 1960's. She stated the relationship between residential and commercial properties could work if the commercial property is a good neighbor. She stated most of the conditions proposed by the neighbors were already required by City Code. Ms. Adcock stated she wanted all parties to work together. Chich Okegbu stated he was very respectful of the neighbors. He stated he had thought the entirety of the property, from University back to Mabelvale Pike, was zoned commercial when he bought it and it was only after he had purchased the property that he discovered that not to be the case. He stated he would not do anything to disrupt the neighborhood and had no problem with most of the suggested conditions. Mr. Okegbu

stated he could not agree to limiting his hours of operation as he typically worked past “normal business hours.”

Deputy City Attorney stated it was up to the applicant to propose any conditions. She suggested going through the proposed conditions one-by-one.

Commissioner Nunnley asked Mr. Griffin if proposed condition No. 2 could be changed to read that lights on the property are to be shielded downward and into the site, which is language that has typically been used by the Commission. Mr. Griffin agreed.

Commissioner Dillon asked what the typical hours of operation were for the car lot. Mr. Okegbu replied the hours were typically 9:00 am – 10:00 pm.

Dana Carney, of the Planning Staff, explained any conditions proposed by the applicant would only apply to this 0.74 acre portion of property. He stated there could be no access across the R-2 zoned portion of the property from Mabelvale Pike onto the commercial property. He stated it was reasonable to allow Mr. Okegbu to place a locked gate in the fence to allow him access from his business onto the R-2 zoned portion so that he could mow and maintain the R-2 zoned rear portion of the property. Mr. Carney stated a salvage yard or salvaging of vehicles would not be permitted. He stated Mr. Okegbu was not proposing to build a structure on this 0.74 acre portion of property; that it would likely be improved for use as part of the car sales lot. Mr. Carney stated no working on vehicles outside of a building would be allowed on the property.

Cindy Dawson reiterated the neighborhood’s proposed conditions that Mr. Okegbu had indicated he would agree to as follow:

1. No entrance to the property from Mabelvale Pike. A gate in the fence will allow access from the commercial zoned property onto the residential zoned portion only to allow for the mowing and maintenance of the R-2 zoned property.
2. All lights on the property are to be shielded downward and into the site.
3. There is to be no salvage of any kind on the property.
4. The wood fence and the green space on the R-2 zoned property must be maintained.

For the record, Mr. Okegbu stated he was amending his application to include those conditions.

A motion was made to approve the application, as amended. The motion was approved by a vote of 10 ayes, 0 noes and 1 absent.