

**REZONING &
SUBDIVISION STAFF REPORT****Date: June 19, 2003****APPLICANT NAME**

B & L Enterprises, LLC

SUBDIVISION NAME

B & L Bed & Breakfast Subdivision

LOCATION

Subdivision: 115 Providence Street and 118 North Catherine Street (West side of Providence Street, 230'± South of Spring Hill Avenue, extending to the East side of North Catherine Street, 230'± South of Spring Hill Avenue)

Rezoning: 115 Providence Street (West side of Providence Street, 230'± South of Spring Hill Avenue)

PRESENT ZONING

R-1, Single-Family Residential &
B-1, Buffer Business

PROPOSED ZONING

B-1, Buffer Business

AREA OF PROPERTY

Subdivision: 0.4± Acres 1 Lots
Rezoning: 0.4± Acres

CONTEMPLATED USE

Bed & Breakfast

It should be noted, however, that any use permitted in the proposed district would be allowed at this location if the zoning is changed. Furthermore, the Planning Commission may consider zoning classifications other than that sought by the applicant for this property.

TIME SCHEDULE

Immediate

**ENGINEERING
COMMENTS**

Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit.

**TRAFFIC ENGINEERING
COMMENTS**

Driveway number, sizes, location and design to be approved by Traffic Engineering and conform to AASHTO standards.

REMARKS

The applicant is proposing use of the site as a bed and Breakfast. The site consists of multiple lots and parcels that are to be combined into one lot.

This area appears to be shown as residential on the General Land Use component of the Comprehensive Plan. However, the Comprehensive Plan is meant to be a general guide, not a detailed lot and district plan or mandate for development. The Planning Commission and City Council may consider individual cases based on additional information such as the classification requested, the surrounding development, the timing of the request and the appropriateness and compatibility of the proposed use and zoning classification.

While the proposed use of the site as a bed & breakfast may not be a major concern, commercial zoning for this site is. The site is located on Providence Street, which is primarily a minor residential street - - the exceptions being an office and parking at the intersection of Providence and Spring Hill Avenue, and a parochial school at the intersection of Providence and Old Shell. There are ten residential properties on Providence Street and the residential nature and character of Providence Street could be considered fragile. Additionally, the site is located within the Old Dauphin Way Historic District which strives to maintain residential integrity whenever possible.

Another concern with the proposal is the separation between the proposed parking facility and the structure. The parking, which is to be accessed via Catherine Street, is approximately 100' from the structure. Separating the parking facility from Providence Street is understandable, however the practicality of this distance is questionable. Also, no information was provided regarding the surface of the proposed parking facility.

A site visit found that a privacy fence (which was erected without Review Board approvals or permits) either bisects the parking facility as proposed, or exceeds the maximum height allowed in the required 25' setback. Additionally, the fence is not shown on the site plan submitted.

With regard to the proposed subdivision, the plat includes a portion of a parcel which was recently deeded via a metes and bounds legal description. While the applicant submitted a letter from the previous owner of the parcel stating they did not wish to participate in the subdivision, they are the owner(s) that created this situation. In fact, this division is so recent that it is not yet reflected on maps found on the County Revenue Commissioner's web site. These maps are considered current, with "real time" information.

In the past, the Commission has accepted letters from owners who did not wish to participate in applications. However, in those cases, the current owner was not the individual who created the metes and bounds parcel (or portion of a parcel), but rather an owner several times removed. In this instance, since the individuals involved are original to the creation of the metes and bounds parcel, and as the creation of the parcel is so recent, all properties involved must be included.

RECOMMENDATION

Rezoning: based on the preceding, it is recommended that this application be denied.

Subdivision: based on the preceding, the plat is recommended for denial for the following reason: 1) the proposed subdivision does not include the overall parcel—it contains a portion of a parcel which has been only recently deeded via a metes and bounds legal description.

LOCATOR MAP



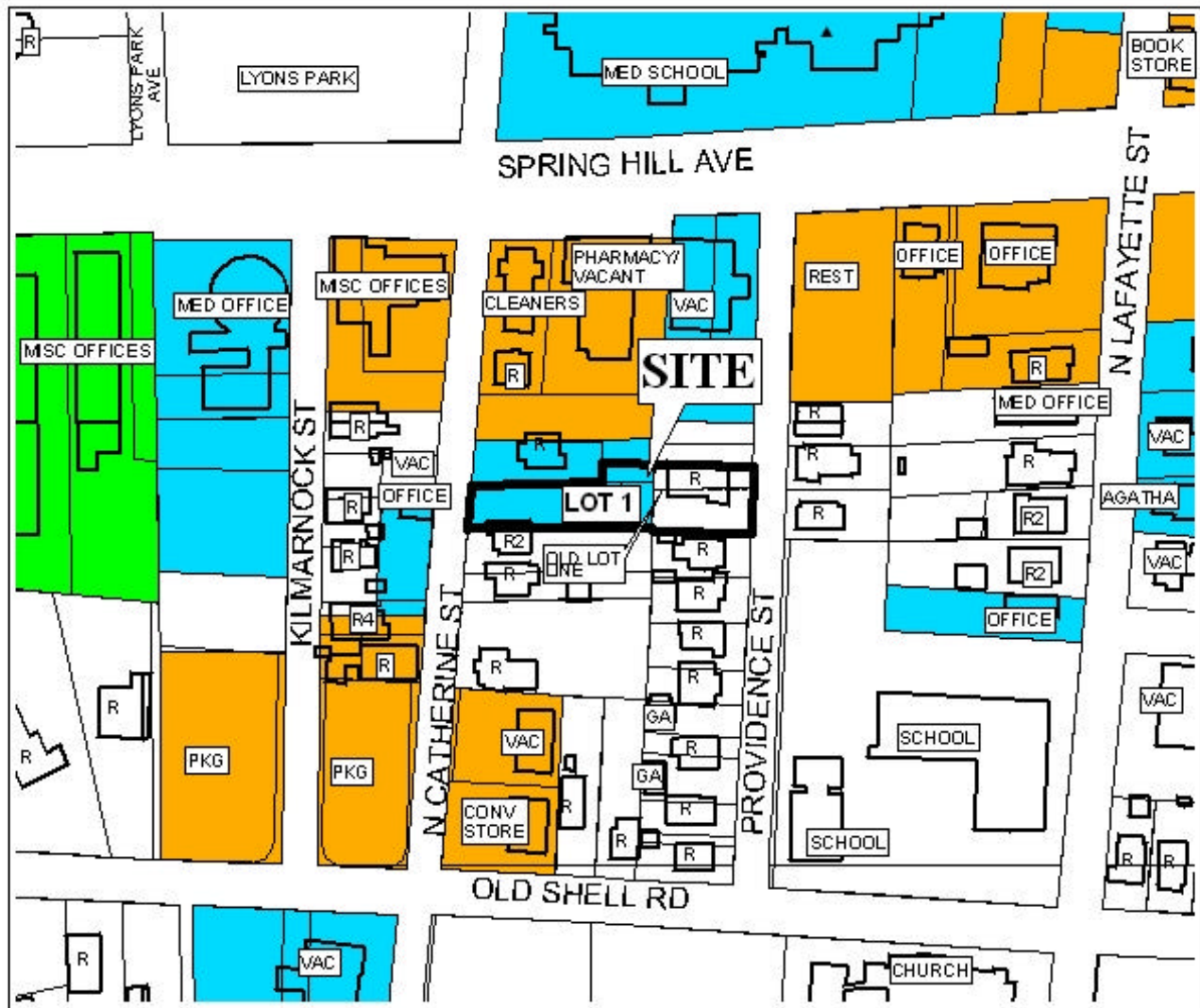
APPLICATION NUMBER 1 & 2 DATE June 19, 2003

APPLICANT B & L Enterprises LLC

REQUEST Rezoning from R-1 to B-1, Subdivision



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



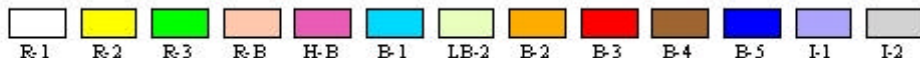
The site is surrounded by single-family residential units and offices. Schools are located to the north and south of the site. A park is located to the north of the site.

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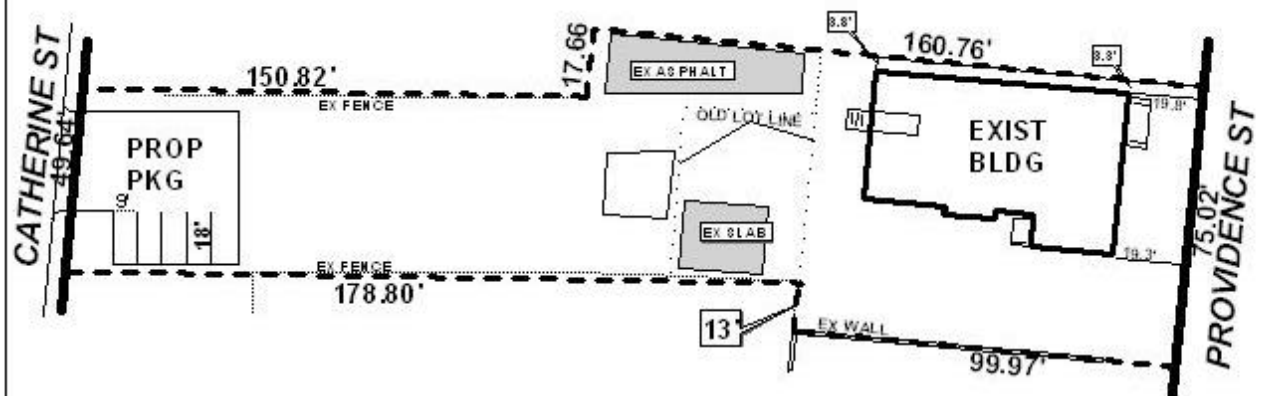
LEGEND



NTS



SITE PLAN



West side of Providence Street, 230' South of Spring Hill Avenue, extending to the east side of North Catherine Street, 230' South of Spring Hill Avenue, the site plan illustrates the existing building, pavement, setbacks, proposed parking, and proposed lot subdivision

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