

ZONING AMENDMENT STAFF REPORT**Date: March 16, 2006****NAME**

T & T Properties, LLC

LOCATION108 North Catherine Street
(East side of North Catherine Street, 205'± North of Old Shell Road)**CITY COUNCIL
DISTRICT**

District 2

PRESENT ZONING

R-1, Single Family Residential

PROPOSED ZONING

B-1, Buffer Business

AREA OF PROPERTY

0.49± acres

CONTEMPLATED USE

Office space

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.

REASON FOR REZONING

Applicant states that majority of properties on this block of Catherine Street are commercially zoned, and there would be no adverse effect of rezoning the site.

**TIME SCHEDULE
FOR DEVELOPMENT**

Completion within six months of approval

**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, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.

**URBAN FORESTRY
COMMENTS**

Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64).

**FIRE DEPARTMENT
COMMENTS**

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REMARKS

The applicant is requesting Rezoning approval to rezone a metes and bounds parcel from R-1, Single Family Residential, to B-1, Buffer Business, to allow the applicant to lease office space in an existing building, which would not be externally altered.

The site is located on North Catherine Street, which has a 40-foot right-of-way; as such, dedication sufficient to provide 25 feet from the centerline of North Catherine Street would be required.

The Zoning Ordinance states that an amendment is to be made only when one or more of the following conditions prevail: there is a manifest error in the ordinance; changes in conditions in a particular area make a change in the ordinance necessary and desirable; an increased need for business or industrial sites in addition to sites that are available, make it necessary and desirable to rezone an area or extend the boundaries of an existing district; the subdivision of land into urban building sites makes reclassification necessary and desirable.

The applicant notes that North Catherine Street between Spring Hill Avenue and Old Shell Road consists of varied zoning, with a majority of properties zoned B-1 and B-2, Neighborhood Business. For this reason, they state that rezoning the property would have no adverse effect on the neighborhood.

This area is shown on the General Land Use component of the Comprehensive Plan as residential. 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.

This block is quite mixed in zoning and use, with some commercial sites being used as residences. While the site in question would not adjoin an existing B-1 property, it would be located between a B-2 site and an R-1 site; this is an ideal position for a B-1 “buffer” district. Furthermore, as the site in question would appear to benefit from sympathetic redevelopment, rezoning the site for “Buffer Business” appears to be the best response to existing conditions. In fact, the entire block may benefit from a future zoning study.

As the site is not a legal lot of record, submission and approval of a one-lot subdivision application is recommended, to “clean up” the legal description of the property. However, because the parcel was created in 1952, subdivision would *not* be required as a condition of rezoning. It should also be noted that approval of the rezoning application does not constitute site plan approval, and that the site will be subject to review for full compliance with all municipal codes and ordinances. Changes will likely be required by the transition to commercial zoning. In addition, a buffer in compliance with Section IV.D.1 of the Zoning Ordinance will be required where the site adjoins residentially zoned or residentially developed property.

It should also be noted that the site is in a historic district and all exterior work will be subject to approval by the Architectural Review Board.

RECOMMENDATION

Based on the preceding, this application is recommended for Approval, subject to the following conditions: 1) provision of a buffer in compliance with Section IV.D.1 of the Zoning Ordinance; 2) that Architectural Review Board approval be obtained prior to any exterior work; and 3) that the site be brought into full compliance with all municipal codes and ordinances.

LOCATOR MAP



APPLICATION NUMBER 3 DATE March 16, 2006

APPLICANT T & T Properties LLC

REQUEST Rezoning from R-1 to B-1



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is located in an area of mixed land use.

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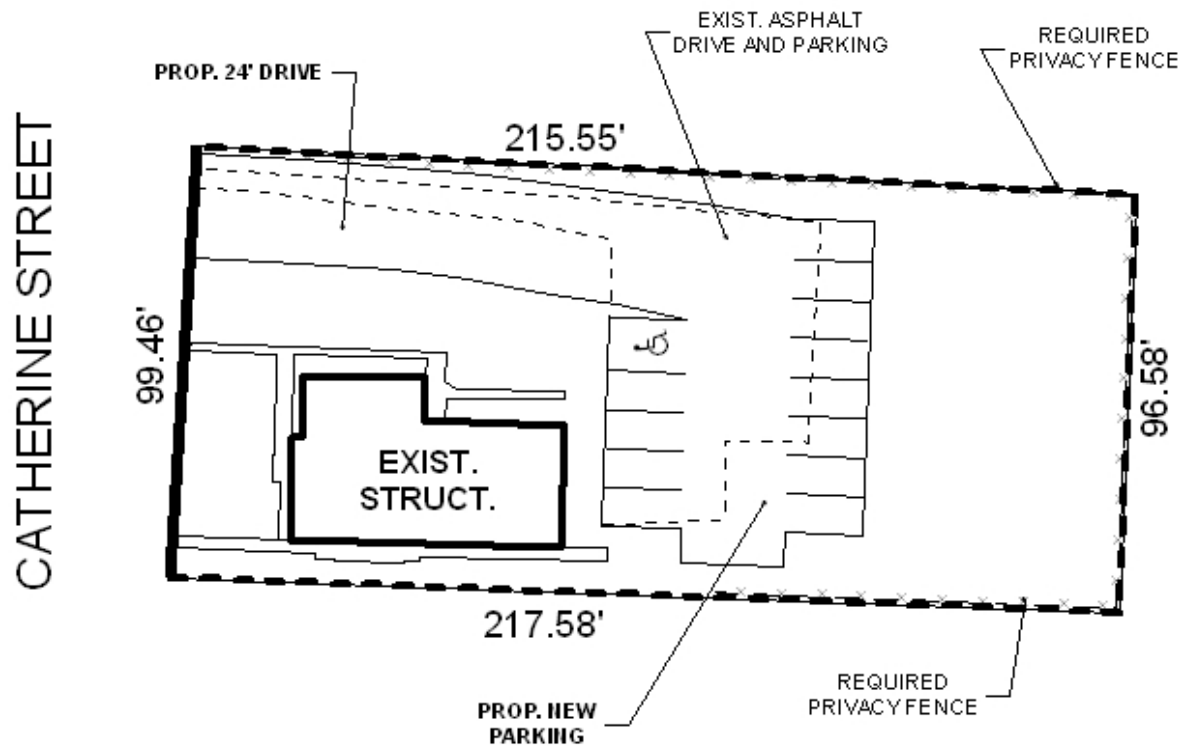
REQUEST Rezoning from R-1 to B-1

LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2
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SITE PLAN



The site is located on the East side of North Catherine Street, 205' North of Old Shell Road. The plan illustrates the proposed development.

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