

**ZONING AMENDMENT &
SUBDIVISION STAFF REPORT****Date: September 21, 2006**

<u>NAME</u>	Arthur Smith Real Estate (Arthur Smith, Agent)
<u>SUBDIVISION NAME</u>	Cornell Subdivision
<u>LOCATION</u>	1751, 1757, and 1759 Old Shell Road (Southwest corner of Old Shell Road and Semmes Avenue)
<u>CITY COUNCIL DISTRICT</u>	District 2
<u>PRESENT ZONING</u>	B-2, Neighborhood Business
<u>PROPOSED ZONING</u>	R-1, Single-Family Residential (proposed Lots 2 and 3 only)
<u>AREA OF PROPERTY</u>	0.9± Acre
<u>CONTEMPLATED USE</u>	Retail and restaurant on Lot 1, and single-family residential on Lots 2 and 3. 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.
<u>REASON FOR REZONING</u>	To bring historically residential properties back into residential zoning.
<u>TIME SCHEDULE FOR DEVELOPMENT</u>	None given
<u>ENGINEERING COMMENTS</u>	Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit. The applicant is responsible for verifying if the site contains wetlands. The site can be checked against the National Wetlands Inventory on the COM web site Environmental Viewer. If the site is included on the NWI, it is the applicant's responsibility to confirm or deny the existence of regulatory wetlands.

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).

REMARKS

The applicant is requesting Subdivision approval to expand an existing parking lot, and Rezoning approval to return two historically residential structures to residential zoning.

Regarding the proposed subdivision, the site fronts Old Shell Road and Semmes Avenue, both of which have 50-foot rights-of-way. The plat shows dedication at the corner, to improve the turning radius at that site; dedication of a full 25-foot turning radius would not be feasible with the existing development of the site.

The purpose of the application is to expand the parking lot of an existing commercial structure into the existing rear yards of two other lots developed with houses. Additional parking is needed to meet the requirements for a restaurant of the size proposed. However, this would reduce Lot 2 from approximately 9000 to 3900 square feet and Lot 3 from approximately 6000 to 2800 square feet, well below the 7200 square foot minimum set forth in the Subdivision Regulations. However, as the applicant is requesting rezoning of the site from B-2 to R-1, which would reflect the historic use of these structures, this trade-off of lot size for zoning may be appropriate.

Regarding the proposed rezoning, while the applicant wishes to retain the B-2 zoning of the commercial building and parking area, he is requesting to return the two historically residential structures to R-1 zoning. Under other circumstances, it might have been desirable to maintain commercial zoning in keeping with the pattern in this area. However, commercial use of the subject properties would be impractical, given that they would be unable to provide parking, even if they retained their rear yards.

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

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.

It should be noted that Architectural Review Board approval will be required for the removal of the accessory structures on the site as well as for the parking lot itself.

In addition, approval of the Rezoning request does not constitute approval of the site plan. The landscaping as shown does not show all the trees from the tree data on the plan; landscaping and tree planting should be coordinated with Urban Development. Attention should be paid to the Western boundary of the new parking lot, where no trees are shown, but would be required.

Where the site adjoins residential property, a buffer should be required in compliance with Section IV.D.1 of the Zoning Ordinance.

RECOMMENDATION**Subdivision**

Based on the preceding, this application is recommended for Tentative Approval, subject to the following condition: 1) dedication of the turn radius as shown on the plat.

Rezoning

Based on the preceding, this application is recommended for approval subject to the following conditions: 1) that construction of the parking lot and removal of the accessory structures receive Architectural Review Board approval; 2) coordination of landscaping and tree planting with Urban Development; and 3) full compliance with all other municipal codes and ordinances.

LOCATOR MAP



APPLICATION NUMBER 15 & 16 DATE September 21, 2006
APPLICANT Arthur Smith Real Estate (Arthur Smith, Agent)
REQUEST Subdivision, Rezoning from B-2 to R-1



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by mixed land use

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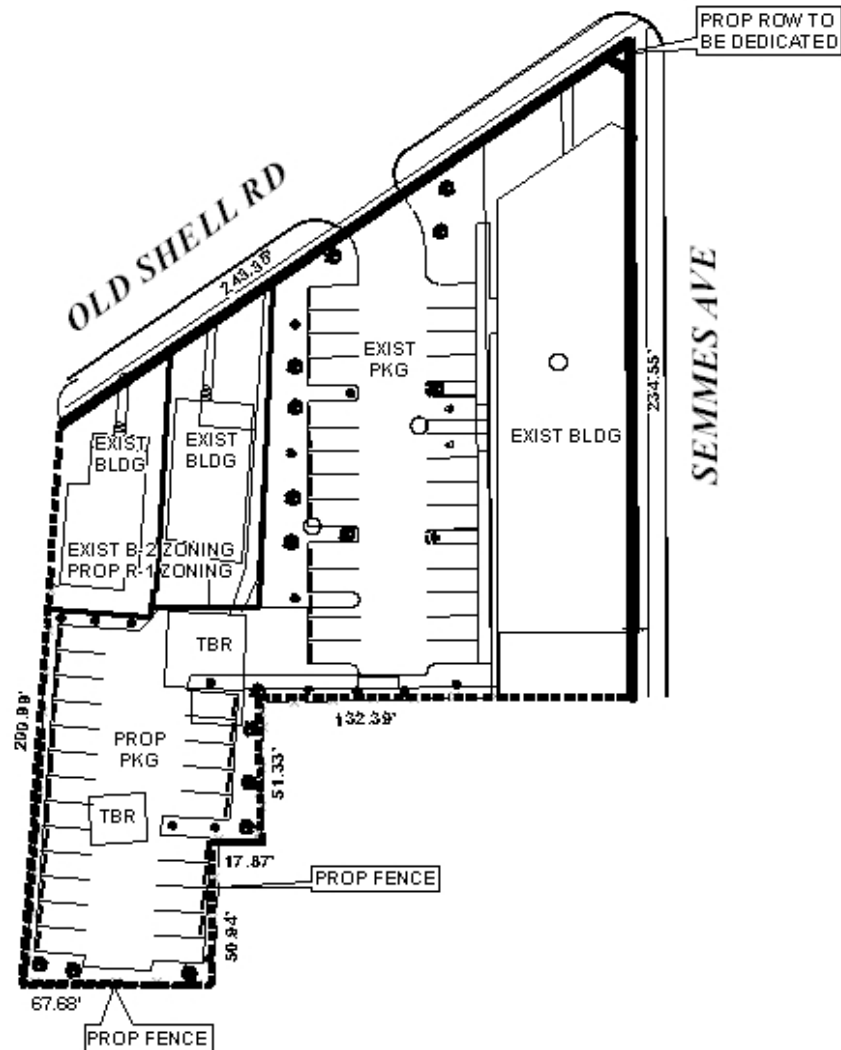
APPLICANT Arthur Smith Real Estate (Arthur Smith, Agent)

REQUEST Subdivision, Rezoning from B-2 to R-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	NTS
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SITE PLAN



The site plan illustrates the existing buildings, parking, buildings to be removed, and proposed parking areas

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