

ZONING AMENDMENT STAFF REPORT**Date: February 21, 2008****NAME**

Larry and Deborah Leonard

LOCATION

250'± South of Old Shell Road, 305'± West of Long Street.

CITY COUNCIL**DISTRICT**

District 5

PRESENT ZONING

B-2, Neighborhood Business District

PROPOSED ZONING

R-1, Single-Family Residential District.

AREA OF PROPERTY

1,933± Square Feet

CONTEMPLATED USE

Rezoning from B-2, Neighborhood Business District, to R-1, Single-Family Residential District, to remove the commercial zoning of a portion of property not included in a commercial development.

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**FOR DEVELOPMENT**

Immediately upon approval.

ENGINEERING**COMMENTS**

Discharge from detention pond will require a private drainage easement or release agreement from all affected downstream property owners. Must comply with all storm water 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**

2003 IFC.

Fire hydrants shall comply with Section 508.5.1 of the

REMARKS

The applicant is requesting rezoning from B-2, Neighborhood Business District, to R-1, Single-Family Residential District, to remove the commercial zoning of a portion of property not included in a commercial development. The subject parcel was intended to be a part of the University Square commercial site on the South side of Old Shell Road, but, due to setbacks off an existing accessory structure on the applicants' property to the South of the commercial site, the parcel could not be included in the commercial site and will remain with the applicant's property. However, the subject parcel was rezoned from R-1 to B-2 for the proposed expansion of the University Square site; therefore, since it will not be used as part of the commercial site, and, instead, will be remain part of the applicant's residential site, it must be rezoned back to R-1 to eliminate split zoning on the applicant's property. The associated Subdivision and PUD for the University Square site were approved subject to the submission of a revised plat/site plan to reflect the shift in the property line between the commercial site and the applicant's property, and these have been received by the Planning staff. Another condition of approval of those applications was the submission and approval of a rezoning application for what will become the split zoned property to the South (the current applicant's property), hence this application.

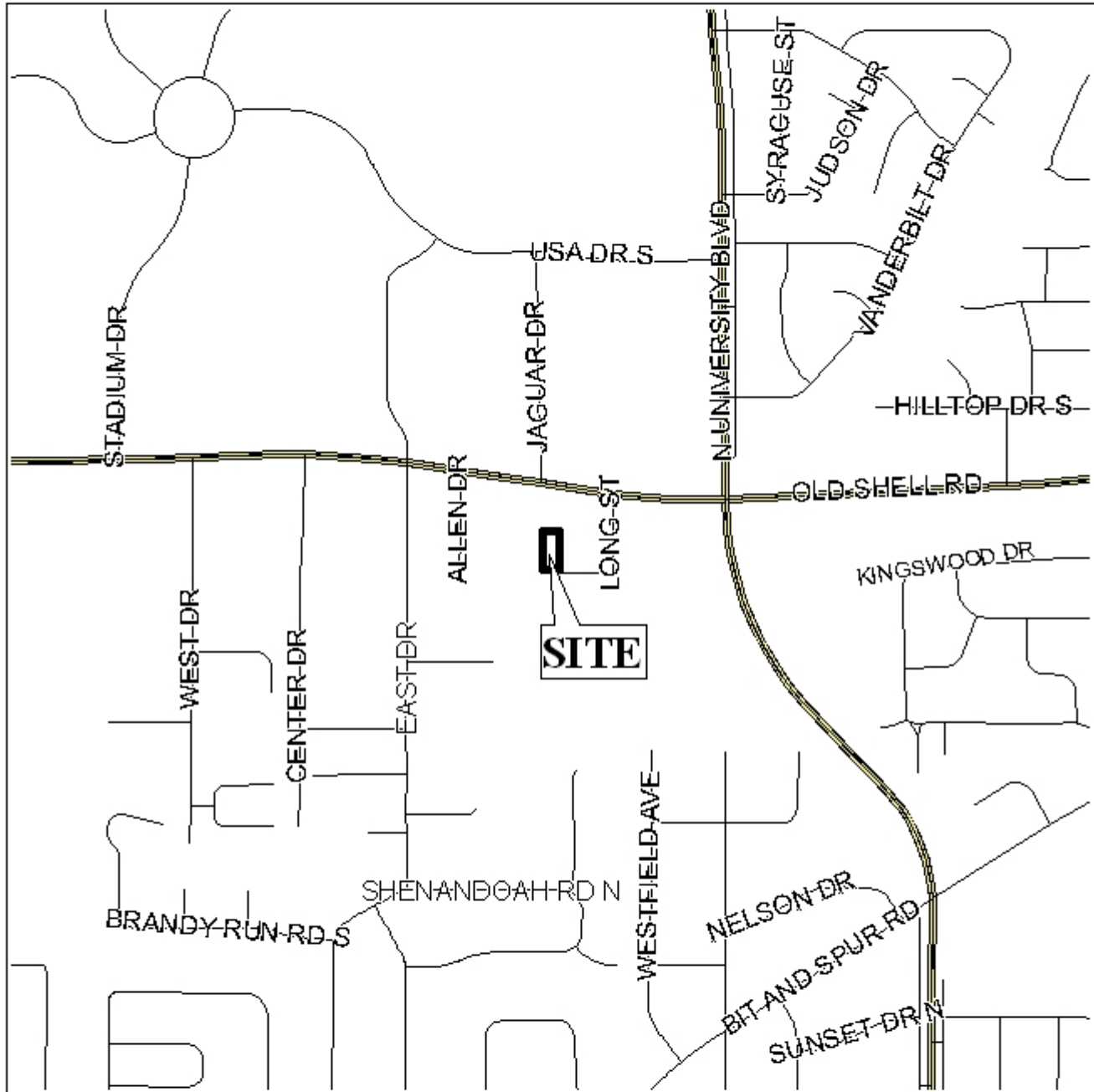
The subject parcel is to become part of Lot 3 of the proposed and approved University Square Subdivision, Resubdivision of Lot 1, and Western Hills Extension Subdivision, Resubdivision of Lot 4. In addition to the two previously mentioned conditions of approval for that subdivision, another condition was the submission of documentation of the prescriptive easement for the applicant's residence fronting Waltman Lane. That documentation should be required for this rezoning as well.

RECOMMENDATION

Based on the preceding, this application is recommended for approval subject to the following conditions:

- 1) submission of documentation of the prescriptive easement along Waltman Lane; and
- 2) full compliance with all municipal codes and ordinances.

LOCATOR MAP



APPLICATION NUMBER 24 DATE February 21, 2008

APPLICANT Larry and Deborah Leonard

REQUEST Rezoning from B-2 to R-1



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



There are retail and mini storage facilities to the west of the site,
and apartments to the south and east.

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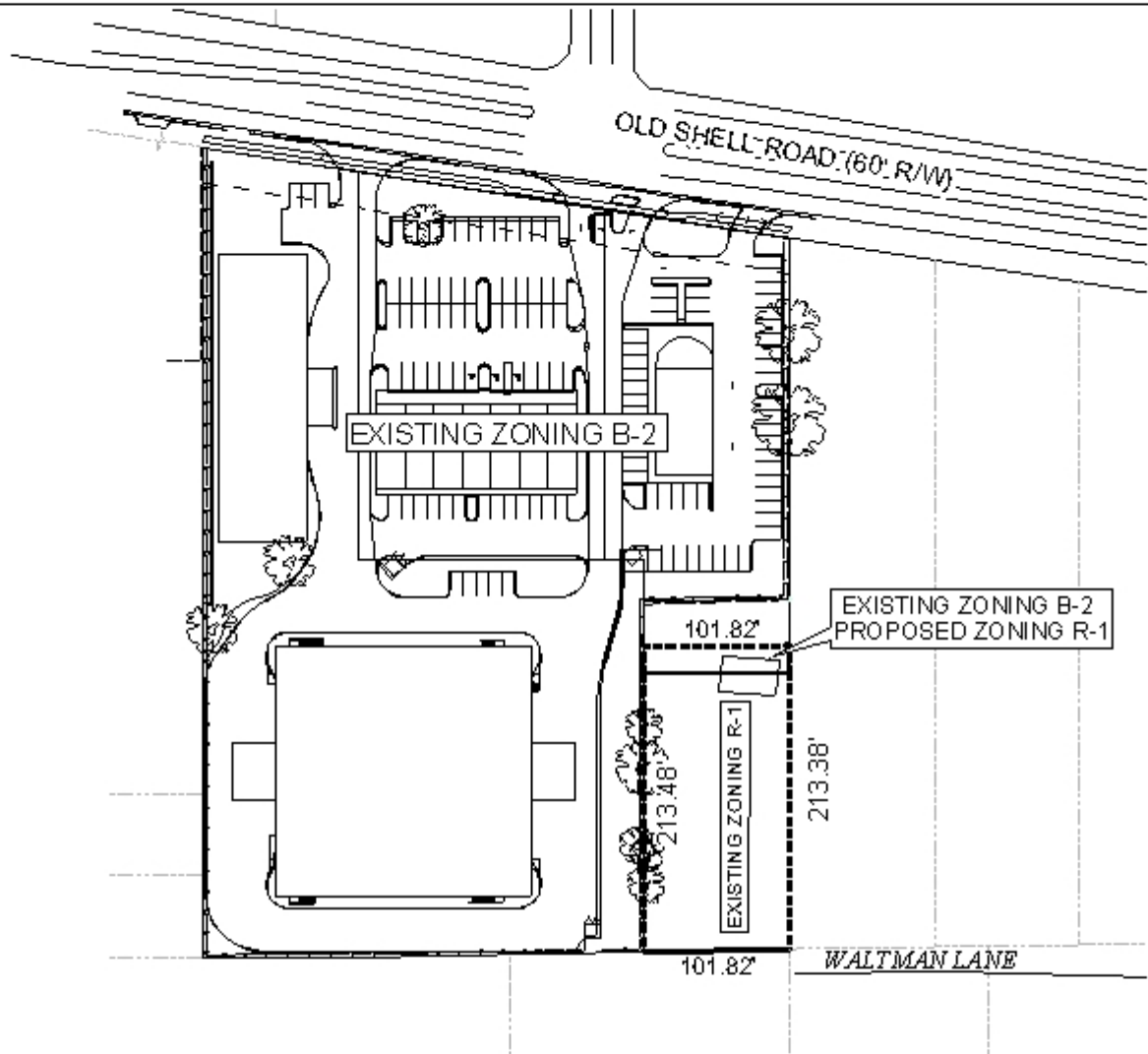
APPLICANT Larry and Deborah Leonard

REQUEST Rezoning from R-1 and B-2 to R-1

LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	T-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 area of existing B-2 zoning, University Square, R-1 Zoning, and proposed R-1 zoning.

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NTS