

**REZONING &
SUBDIVISION STAFF REPORT****Date: July 1, 2004****APPLICANT NAME**

Gregory J. Darling

SUBDIVISION NAME

Darling Subdivision

LOCATIONNorth side of Cottage Hill Road, 690'± West of
Montlimar Drive**CITY COUNCIL
DISTRICT**

District 5

PRESENT ZONINGR-1, Single-Family Residential &
B-2, Neighborhood Business**PROPOSED ZONING**

LB-2, Limited Neighborhood Business

AREA OF PROPERTY

0.3± Acres 1 Lots

CONTEMPLATED USE

Insurance Office

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

Immediately

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.

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 (City Code Chapters 57 and 64 and State Act 61-929).

REMARKS

The applicant is proposing development of the site as an insurance office. As the site is currently split zoned (R-1 and B-2) and consists of a legal lot of record and a metes and bounds parcel, rezoning and subdivision are required.

The site is located on Cottage Hill Road, which is shown as a major street on the Major Street Plan component of the Comprehensive Plan. The plat submitted reflects the dedication of 20' along Cottage Hill Road, to provide sufficient right-of-way from centerline to comply with the Major Street Plan. Access to the site should be limited to one curb cut, with location and design to be approved by the Traffic Engineering Department.

The site appears to be 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.

In this particular instance, a portion of the site is currently zoned commercially. Additionally, the properties to the East and South (across Cottage Hill Road) are zoned commercially. The site directly across Cottage Hill Road is zoned B-1, and serves not only as a buffer district, but also as the line of demarcation between the commercial and residential properties.

While the applicant has requested LB-2, which is a "down-zoning" for a portion of the property, the proposed use is allowed in a B-1 district. Given the general zoning pattern of the area and the proposed use, B-1 zoning would be considered more appropriate. Additionally, the Commission has generally looked more favorably on rezoning requests that provided the "minimum" zoning classification necessary for the proposed use.

A site plan illustrating the proposed development was not submitted. While a site plan is not absolutely necessary to consider a request for rezoning, it has been the preference of the Commission that a plan be provided. It should be noted that a site visit and review of aerial photographs indicate the site is used for access by the property to the East. Any such cross-access will require Planned Unit Development Approval.

With regard to the proposed subdivision, the metes and bounds parcel does not have frontage on a right-of-way, and is therefore landlocked. Combining it with the existing legal lot of record will create a single lot that meets the minimum requirements of the Subdivision Regulations.

RECOMMENDATION

Rezoning: based on the preceding, it is recommended that the Commission not recommend LB-2 as requested, but consider a recommendation for B-1, Buffer Business, subject to the following conditions: 1)

completion of the Subdivision process prior to the issuance of any permits; 2) dedication of additional right-of-way, as indicated on the plat submitted; 3) the site be limited to one curb cut, location and design to be approved by the Traffic Engineering Department; 4) submission and approval of an Administrative PUD, if cross-access to the property adjacent to the East is to be allowed; and 5) full compliance with all municipal codes and ordinances.

Subdivision: the plat meets the minimum requirements of the Subdivision Regulations and is recommended for Tentative Approval, subject to the following conditions: 1) dedication of additional right-of-way, as indicated on the plat submitted; 2) placement of a note on the final plat stating that the site is limited to one curb cut, location and design to be approved by Traffic Engineering; and 3) completion of the rezoning process prior to the issuance of any permits.

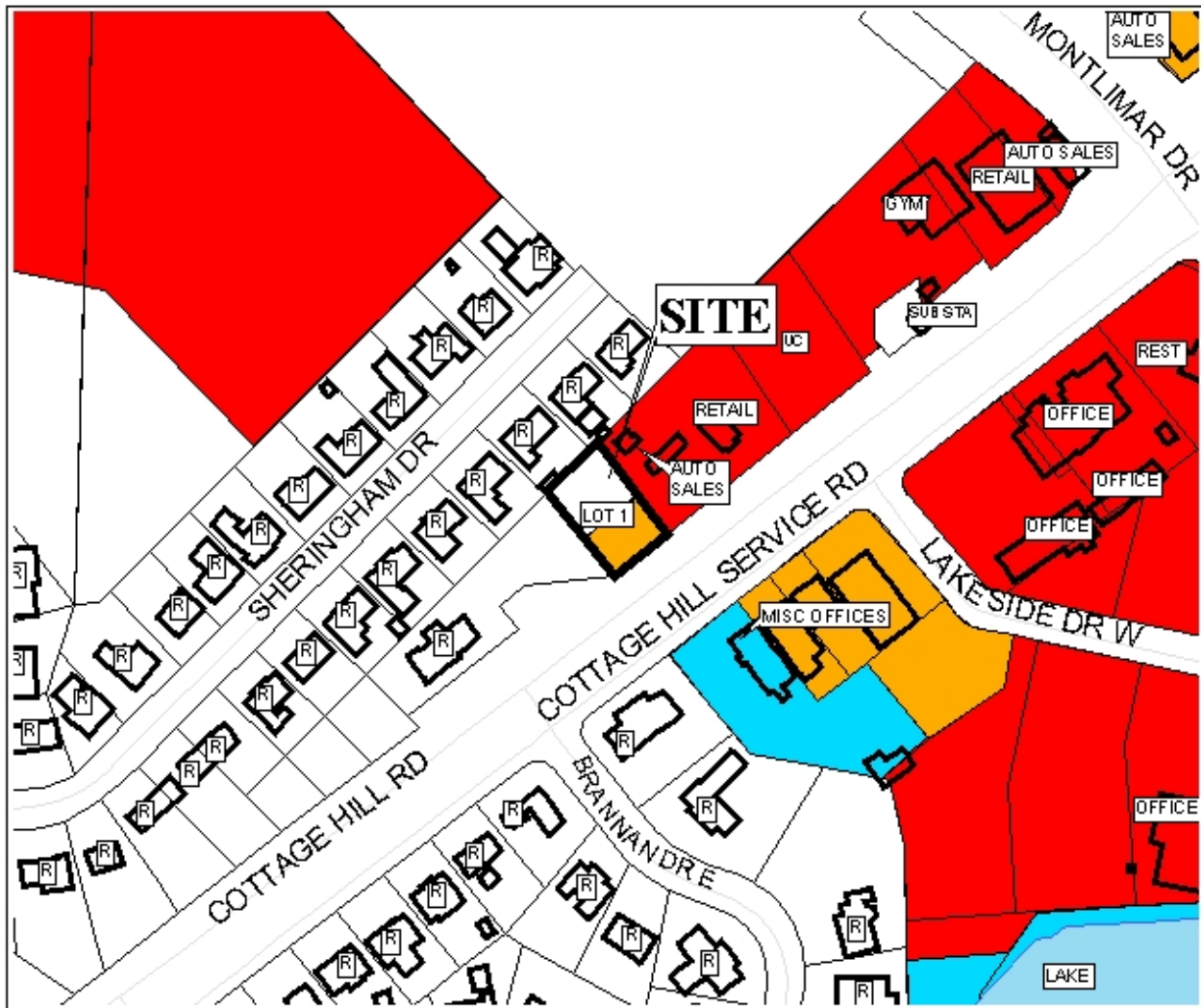
LOCATOR MAP



APPLICATION NUMBER 3 & 4 DATE July 1, 2004
APPLICANT Gregory J. Darling
REQUEST Rezoning from R-1 and B-2 to LB-2, Subdivision

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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Single-family residential sites are located to the west and south of the site. Commercial sites are located to the east, and south of the site.

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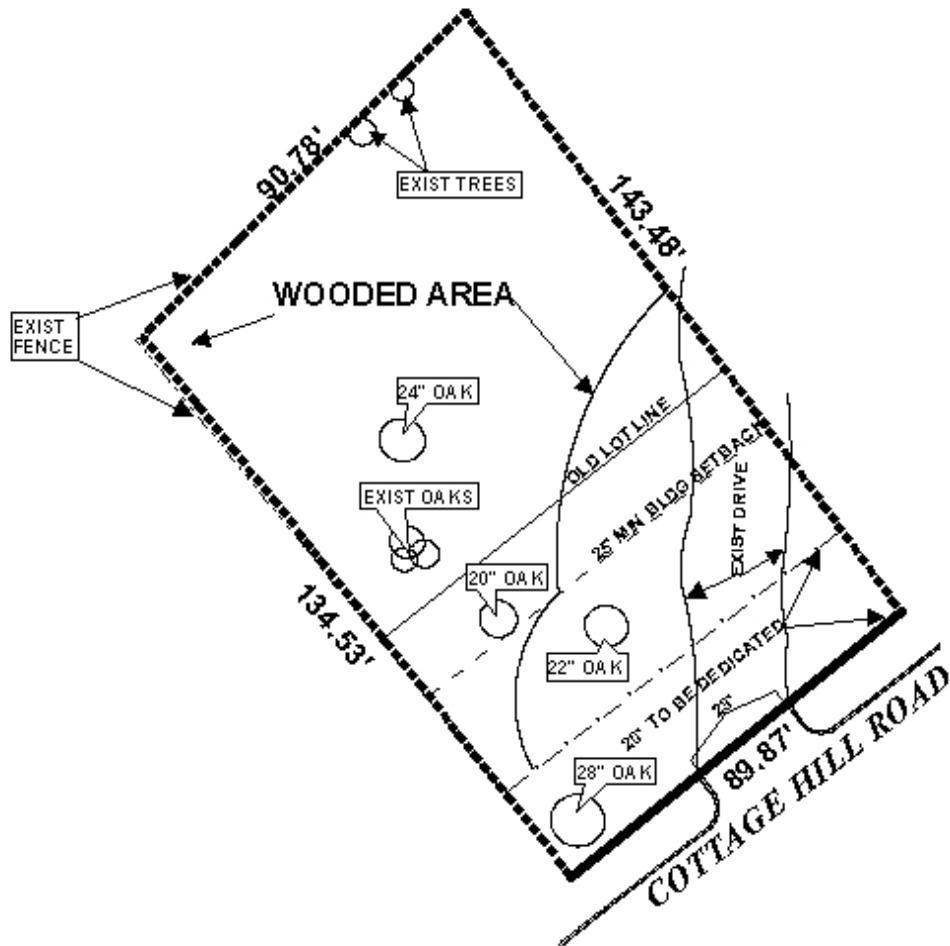
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LEGEND

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 plan illustrates the existing landscaping and drives, along with the proposed lot configuration and setbacks.

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