

**ZONING AMENDMENT STAFF REPORT**

**Date: September 1, 2005**

<b><u>NAME</u></b>	David Tunstall & MPT Investments, LLC
<b><u>LOCATION</u></b>	(West side of Cosgrove Drive, 110'± North of Old Shell Road)
<b><u>CITY COUNCIL DISTRICT</u></b>	District 7
<b><u>PRESENT ZONING</u></b>	B-2, Neighborhood Business
<b><u>PROPOSED ZONING</u></b>	R-1, Single-Family Residential
<b><u>AREA OF PROPERTY</u></b>	0.72± Acres
<b><u>CONTEMPLATED USE</u></b>	Single family residences <b>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.</b>
<b><u>REASON FOR REZONING</u></b>	Changes in conditions in surrounding area make it desirable
<b><u>TIME SCHEDULE FOR DEVELOPMENT</u></b>	Within 6 months of approval
<b><u>ENGINEERING COMMENTS</u></b>	Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit.
<b><u>TRAFFIC ENGINEERING COMMENTS</u></b>	Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.
<b><u>URBAN FORESTRY COMMENTS</u></b>	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). Urban Forestry is not requesting preservation status for the 40" Live Oak Tree. The tree is a cluster of multiple smaller Live Oak Trees.

**REMARKS**

The applicant requests approval to rezone three lots of record from B-2, Neighborhood Business, to R-1, Single Family Residential, to allow a single-family residence on each lot.

The site fronts Cosgrove Drive, which has a 50-foot right-of-way.

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.

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 applicant states that the site was originally oriented toward the commercial corridor along Old Shell Road, but that the new orientation toward Cosgrove Drive, a residential street, constitutes changing conditions, which would make rezoning necessary and desirable.

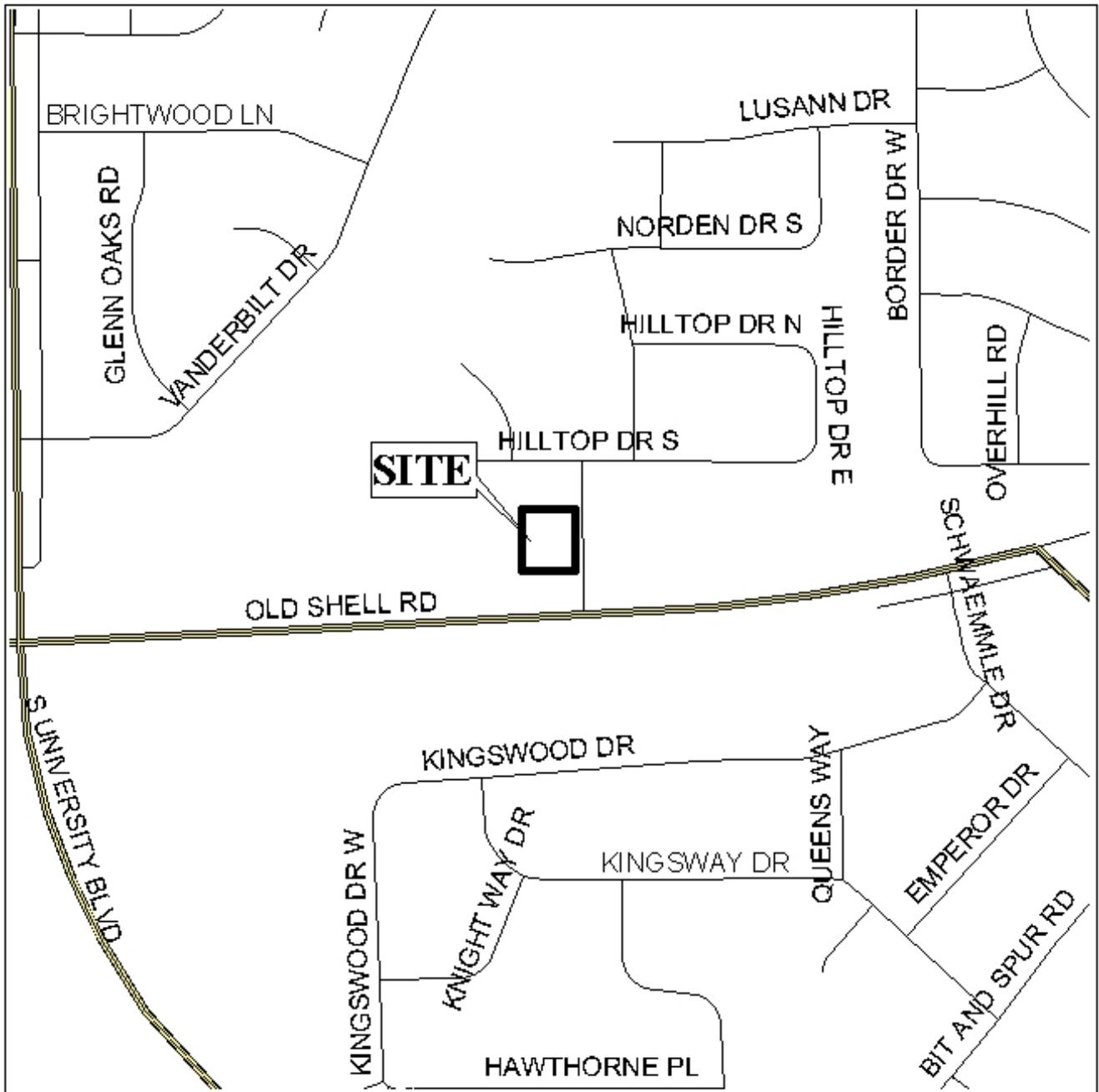
The three lots included in this application are from two resubdivisions of two lots that originally faced Old Shell Road; their B-2 zoning is a vestige of their previous orientation toward a commercial corridor with a significant B-2 district. However, with the subsequent resubdivision approvals in 1994, these lots were oriented toward Cosgrove Drive, which is the Southern tip of a large residential, R-1 zoned, district. A condition of those subdivision approvals was that these three lots "either ... be rezoned to R-1, Single-Family Residential, or be denied access by any commercial development to Cosgrove Drive." As the site is oriented to a residential street with limited (not thoroughfare) access to Old Shell Road, and as this application essentially satisfies a condition of two previous subdivision approvals, rezoning to R-1 would be appropriate.

The site plan does not show the required 25-foot building setback lines, which will have to be observed in residential building plans.

**RECOMMENDATION**

Based on the preceding, this application is recommended for approval, subject to the following condition: 1) full compliance with all municipal codes and ordinances.

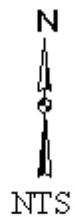
# LOCATOR MAP



APPLICATION NUMBER 1 DATE September 1, 2005

APPLICANT David Tunstall & MPT Investments, LLC

REQUEST Rezoning



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



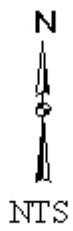
Located to the North and East of the site are single family residential dwellings; to the South and West are miscellaneous retail, restaurants, and offices.

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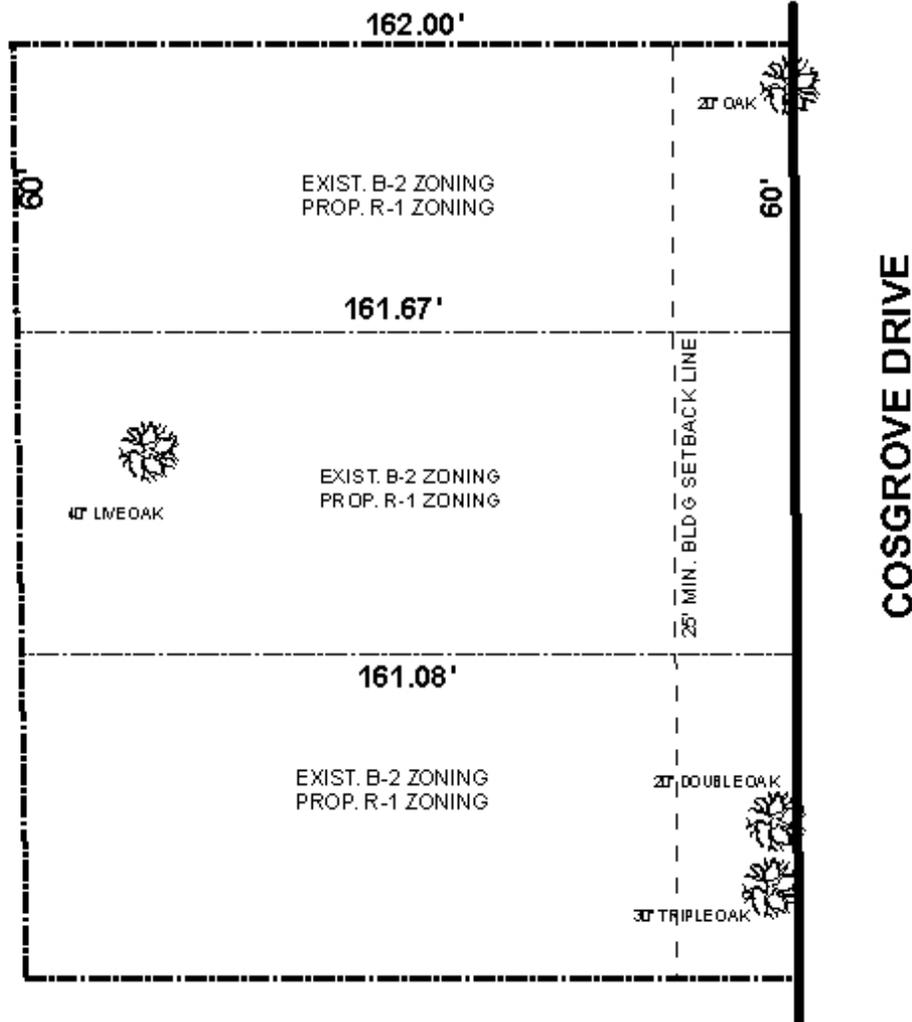
APPLICANT David Tunstall & MPT Investments, LLC

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LEGEND



# SITE PLAN



The site is located on the West side of Cosgrove Drive, 110' North of Old Shell Road. The plan illustrates the proposed rezoning.

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