

**ZONING AMENDMENT STAFF REPORT**

**Date: February 3, 2005**

**NAME** Michael A. Smith

**LOCATION** 1002 Dauphin Street  
(North side of Dauphin Street, 330'± East of North Pine Street)

**CITY COUNCIL DISTRICT** District 2

**PRESENT ZONING** B-1, Buffer Business, and R-1, Single-Family Residential

**PROPOSED ZONING** B-1, Buffer Business

**AREA OF PROPERTY** 1.072± Acres

**CONTEMPLATED USE** Single-Family Residential  
**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** None Proposed

**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).

Full compliance of the landscaping and tree ordinance to be coordinated with Urban Forestry.

**REMARKS**

The applicant proposes to rezone the entire site from B-1, Buffer Business, and R-1, Single-Family Residential, to B-1, Buffer Business, to eliminate split zoning on a site.

The site is illustrated as commercial on the General Land Use Component of the Comprehensive Plan, which is meant to serve as a general guide, not a detailed lot and district plan or mandate for development. Moreover, the General Land Use component allows the Planning Commission and City Council to 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.

At the Commission’s January 6<sup>th</sup> meeting, the site received subdivision approval to create two lots from several metes and bounds parcels. However, as the site is split-zoned, a condition of the subdivision approval was the rezoning of the entire site to one classification. The site is predominantly zoned B-1, Buffer Business, and the rezoning would simply extend the site’s B-1 classification to the 2174± square-foot parcel.

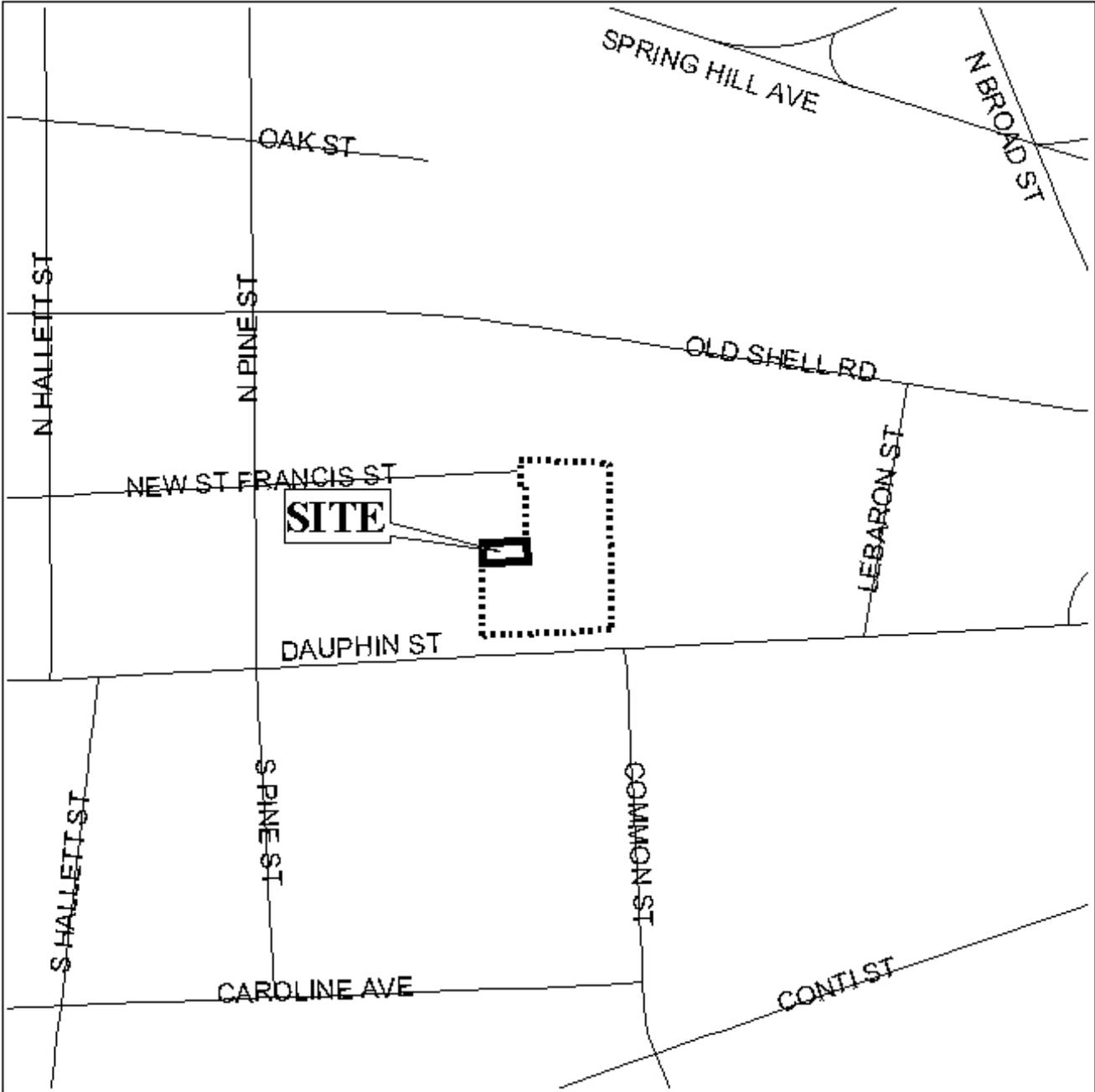
As illustrated on the Vicinity Map, B-1 would be compatible with the surrounding development. The portion of this block facing Dauphin Street is entirely zoned B-1, and includes the various uses allowed in that zoning classification: single-family residential, multi-family residential, and offices. The site abuts five R-1 zoned properties to the rear, three of which are single-family residences facing Old Shell Road, one of which is a non-conforming meeting hall facing Old Shell Road, and one of which is a non-conforming 4-unit apartment complex facing New Saint Francis Street. Rezoning the site would not disturb the pattern of development in the area.

The lot is developed residentially, and the applicant intends to continue using the property as such. However, should the property be converted to commercial use, a buffer complying with Section IV.D.1 of the Zoning Ordinance would be required where the site adjoins residential zoning.

**RECOMMENDATION**

Based upon the preceding, the application is recommended for approval subject to the following conditions: 1) coordination with Urban Forestry for compliance with landscaping and tree planting requirements; 2) provision of a buffer where the site adjoins residential zoning, should the property be converted to a commercial use, per Section IV.D.1 of the Zoning Ordinance; 3) full compliance with all municipal codes and ordinances.

# LOCATOR MAP



APPLICATION NUMBER 12 DATE February 3, 2005  
APPLICANT Michael A. Smith  
REQUEST Rezoning from R-1 and B-1 to B-1



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by various residential and commercial uses.

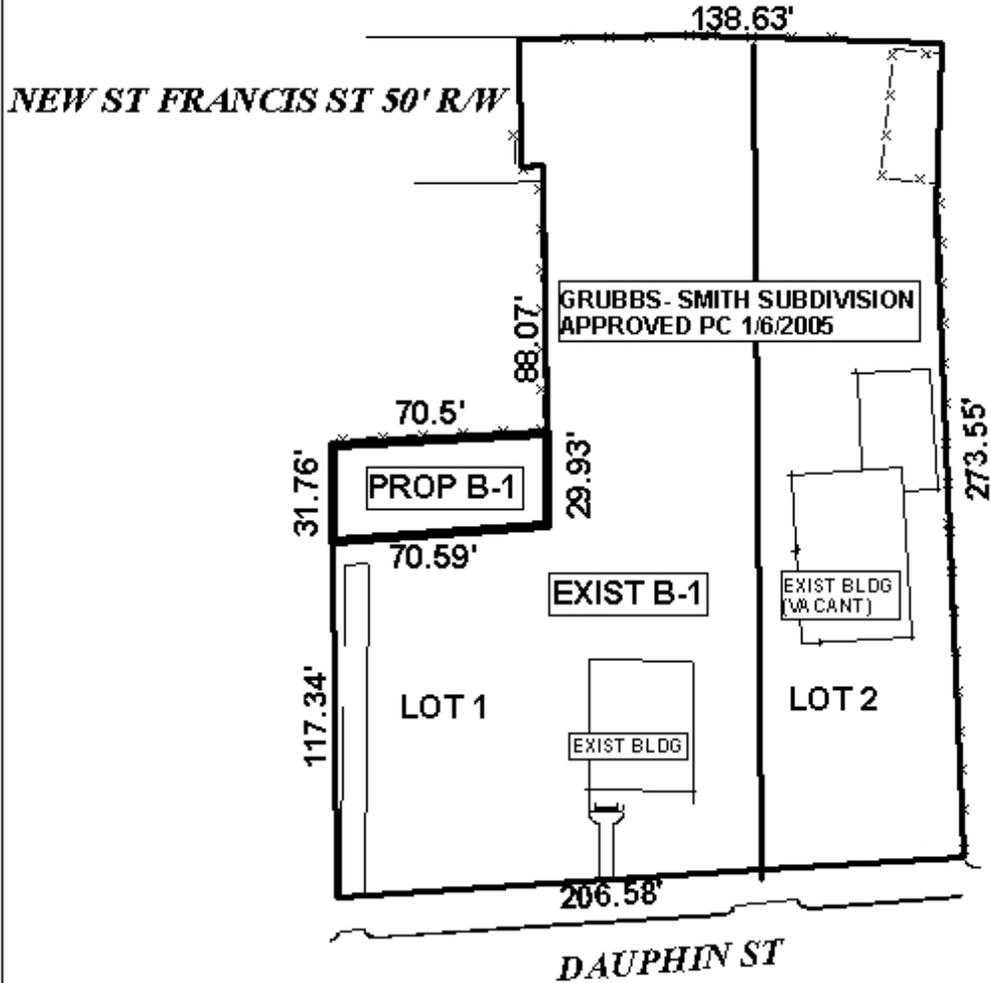
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# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site plan illustrates the proposed area to be rezoned

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REQUEST Rezoning from R-1 and B-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

