

**REZONING,
PLANNED UNIT DEVELOPMENT
& SUBDIVISION STAFF REPORT**

Date: August 7, 2008

DEVELOPMENT NAME Suite 5400 Subdivision

SUBDIVISION NAME Suite 5400 Subdivision

LOCATION 5400 Old Shell Road
(North side of Old Shell Road, 460'± East Cosgrove Drive)

CITY COUNCIL

DISTRICT District 7

AREA OF PROPERTY 1 lot / 0.6± acres

CONTEMPLATED USE Rezoning from R-1, Single-Family Residential, to B-2, Neighborhood Business, to allow professional offices; Planned Unit Development Approval to allow two buildings on a single building site; and Subdivision Approval to create 1 legal lot of record from a metes and bounds parcel.

REASON FOR

REZONING “Within a half-mile of the site, there are approximately three-dozen businesses along Old Shell Road, Which are zoned B-2. The proposed rezoning, along with the steady increase of businesses along Old Shell Road will add to the number of small businesses in the area and will help increase the value of the surrounding properties.”

**TIME SCHEDULE
FOR DEVELOPMENT**

None Given.

ENGINEERING

COMMENTS

It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. 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. Need to verify that there is sufficient capacity for the receiving drainage system(s) to accept drainage from this property.

TRAFFIC ENGINEERING

COMMENTS

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Final approval for all

driveways, proposed and existing will be given upon submittal of final plans. Realign the two angled parking spaces to match ninety degree parking spaces in front of the building.

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

All projects must comply with the requirements of the 2003 International Fire Code, including Appendices B through D, as adopted by the City of Mobile, and the 2003 International Existing Building Code, as appropriate. Fire hydrants shall comply with Section 508.5.1 of the 2003 IFC.

REMARKS

The applicant is seeking Rezoning from R-1, Single-Family Residential, to B-2, Neighborhood Business, to allow professional offices; Planned Unit Development Approval to allow two buildings on a single building site; and Subdivision Approval to create 1 legal lot of record from a metes and bounds parcel. The site is located in Council District 7, and according to the applicant is served by public water and sanitary sewer.

This section of Old Shell Road, which has an existing right-of-way of 60', is shown as a major street on the Major Street Plan and as such requires a minimum right-of-way of 100'. Therefore, any rezoning, PUD or subdivision approval would require a dedication sufficient to provide a minimum of 50' from centerline.

The plat meets the minimum size requirement for developments with access to public water and individual septic systems. However, the plat does not identify the proposed lot as such, nor does it illustrate required setbacks or easements.

The site is depicted as residential 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. The accuracy of recommended land uses on the General Land Use Component map is limited due to the large scale of the map. 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 request, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and zoning classification.

As stated in Section 64-9. of the Zoning Ordinance, the intent of the Ordinance and corresponding Zoning Map is to carry out the comprehensive planning objective of sound, stable and desirable development. While changes to the Ordinance are anticipated as the city grows, the established public policy is to amend the ordinance only when one or more of the following conditions prevail: 1) there is a manifest error in the Ordinance; 2) changing conditions in a particular area make a change in the Ordinance necessary and desirable; 3) there is a need to increase the number of sites available to business or industry; or 4) the subdivision of land into building sites makes reclassification of the land necessary and desirable.

The applicant has not submitted justification for rezoning other than “Within a half-mile of the site, there are approximately three-dozen businesses along Old Shell Road, which are zoned B-2. The proposed rezoning, along with the steady increase of businesses along Old Shell Road will add to the number of small businesses in the area and will help increase the value of the surrounding properties.”

While there are B-2 zoned properties to the west of the site, they are separated from the site by Cosgrove Street, which serves as a line of demarcation between B-2 on the west side and B-1 on the east side; a real estate office and a dental office, both of which are zoned B-1; an apartment development, which is zoned R-1 and allowed by variance; and a vacant residentially zoned property. To the East of the site are single family dwellings and a vacant residentially zoned property. Three of the single family dwellings have been constructed within the past several years, indicating a residential trend for this section of Old Shell Road.

At 0.6 acres, the site falls well below the recommended two (2) acre minimum size for the creation of a new free-standing B-2 district. Further, rezoning of the site could be considered spot zoning and an inappropriate encroachment into a residential area.

The geographic area defined by the city of Mobile and its planning jurisdiction, including this site, may contain Federally-listed threatened or endangered species as well as protected non-game species. Development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.

Planned Unit Development review examines the site with regard to its location to ensure that it is generally compatible with neighboring uses; that adequate access is provided without generating excess traffic along minor residential streets in residential districts outside the PUD; and that natural features of the site are taken into consideration. PUD review also examines the design of the development to provide for adequate circulation within the development; to ensure adequate access for emergency vehicles; and to consider and provide for protection from adverse effects of adjacent properties as well as provide protection of adjacent properties from adverse effects from the PUD. Planned Unit Development Approval is site plan and use specific, thus any future changes to the site or operation of the facilities will require additional Planned Unit Development Approval.

With regard to the site plan specificity of PUD Approval, Traffic Engineering Comments have been recently modified to include “Final approval for all driveways, proposed and existing will be given upon submittal of final plans.” Any concerns or issues with driveway design and or location should be addressed with specificity in the Traffic Engineering Comments; otherwise changes made/required after the PUD has been approved could modify the proposal significantly enough to require an amendment to the PUD. In any case where the Commission is considering approval of a PUD and Traffic Engineering has included that modification, clarification with specific comments should be required prior to any action of the Commission.

While the site plan as proposed may comply with the development requirements for PUD, the compatibility of the range of uses allowed in a B-2 District may not be considered appropriate for this location and the neighboring uses.

RECOMMENDATION

Subdivision: Based upon the preceding, it is recommended that the plat be denied for the following reasons:

- 1) the proposed lot is not identified as such;
- 2) required setbacks are not illustrated;
- 3) required easements are not illustrated;

Rezoning: Based upon the preceding, this application is recommended for denial for the following reasons:

- 1) at 0.6 acres, the site falls well below the recommended two (2) acre minimum size for the creation of a new free-standing B-2 district;
- 2) rezoning of the site could be considered spot zoning and an inappropriate encroachment into a residential area;
- 3) the justification for rezoning submitted does not correspond with the four reasons specified in Section 64-9 of the Zoning Ordinance;
- 4) the site is depicted as residential on the General Land Use Map of the Comprehensive Plan.

Planned Unit Development: Based upon the preceding, this application is recommended for denial for the following reasons:

- 1) while the site plan as proposed may comply with the development requirements for PUD, the compatibility of the range of uses allowed in a B-2 District may not be considered appropriate for this location and the neighboring uses;
- 2) if the rezoning is denied as recommended, the PUD would be moot.

Revised for the September 18 meeting.

The application was heldover from the August 7 meeting at the applicant's request. No additional information has been submitted, therefore the recommendations remain unchanged.

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LOCATOR MAP



APPLICATION NUMBER 1 & 2 & 3 DATE September 18, 2008
APPLICANT Cowles, Murphy, Glover & Associates
REQUEST Subdivision, PUD, Rezoning from R-1 to B-2



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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential land use.
Commercial sites are located to the west of the site.

APPLICATION NUMBER 1 & 2 & 3 DATE September 18, 2008

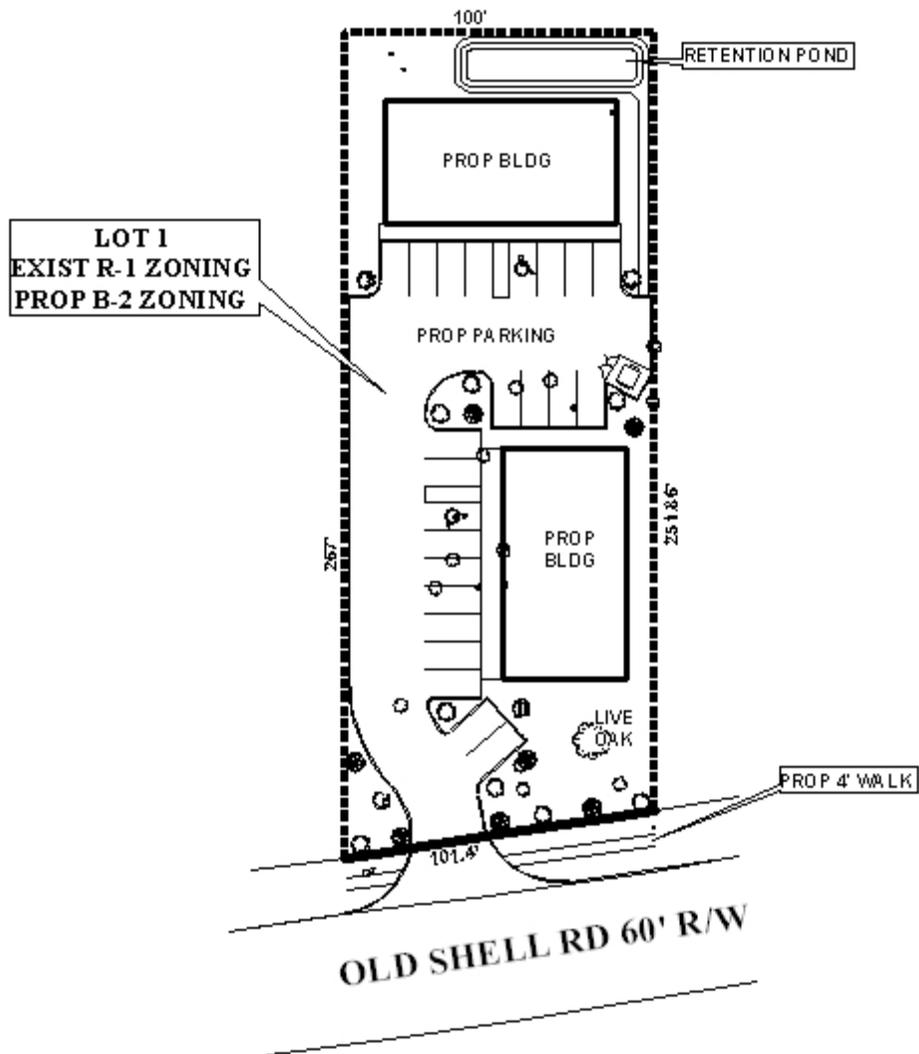
APPLICANT Cowles, Murphy, Glover & Associates

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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



SITE PLAN



The site plan illustrates the proposed development

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