

REZONING & SUBDIVISION STAFF REPORT **Date: March 2, 2006**

<u>DEVELOPMENT NAME</u>	Behemoth Six Subdivision
<u>SUBDIVISION NAME</u>	Behemoth Six Subdivision
<u>LOCATION</u>	901 and 907 Duval Street (Southwest corner of South Broad Street and Duval Street)
<u>CITY COUNCIL DISTRICT</u>	District 3
<u>PRESENT ZONING</u>	R-1, Single-Family Residential
<u>PROPOSED ZONING</u>	B-2, Neighborhood Business
<u>AREA OF PROPERTY</u>	0.9± acre
<u>CONTEMPLATED USE</u>	New retail building. 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.
<u>REASON FOR REZONING</u>	Changing conditions in surrounding area
<u>TIME SCHEDULE FOR DEVELOPMENT</u>	Immediate
<u>ENGINEERING COMMENTS</u>	Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit.
<u>TRAFFIC ENGINEERING COMMENTS</u>	Driveway number, sizes, location and design to be approved by Traffic Engineering and conform to AASHTO standards.
<u>URBAN FORESTRY COMMENTS</u>	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 portions of any new structures built or moved onto the property would have to be within 400 ft. of at least one Fire Hydrant, possibly more.

REMARKS

The applicant is requesting Subdivision approval to create one lot from six lots of record, and Rezoning approval to rezone the property from R-1, Single-Family Residential, to B-2, Neighborhood Business.

The plat illustrates the proposed 0.9± acre, 1-lot subdivision, which is located at the Southwest corner of South Broad Street and Duval Street, and is in Council District 3.

The site has frontage on two planned major streets, which would require 100 feet of right-of-way each. The plat shows Duval Street with a 50-foot right-of-way and South Broad Street with a right-of-way varying from 50 to 60 feet; dedication sufficient to provide 50 feet from the centerlines of both roads would be required. Dedication of a 25-foot curb radius would also be required. This dedication would affect the parking and landscaping layout.

While the site appears to have adequate room to accommodate the required parking even after dedication, this should be guaranteed by the developer. Building setback lines should also be adjusted and measured from the dedication. As a means of access management, the site should be limited to a single curb cut to each road. It should also be noted that approval of the Rezoning application would not constitute site plan approval. Prior to development, the site will have to be reviewed for compliance with all municipal codes and ordinances, and approval of the subject applications is no guarantee of future site plan approval.

Regarding the proposed Rezoning, the applicant states that changing conditions in the area—specifically the advent of European Aeronautic Defence and Space Company (EADS) and the expansion of Mobile Aerospace Engineering—make additional retail necessary for the area. The site plan illustrates a new 3000 square-foot commercial building replacing several existing nonconforming apartment buildings. Required parking for retail (not including restaurants) would be ten spaces; the site plan illustrates 47.

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 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.

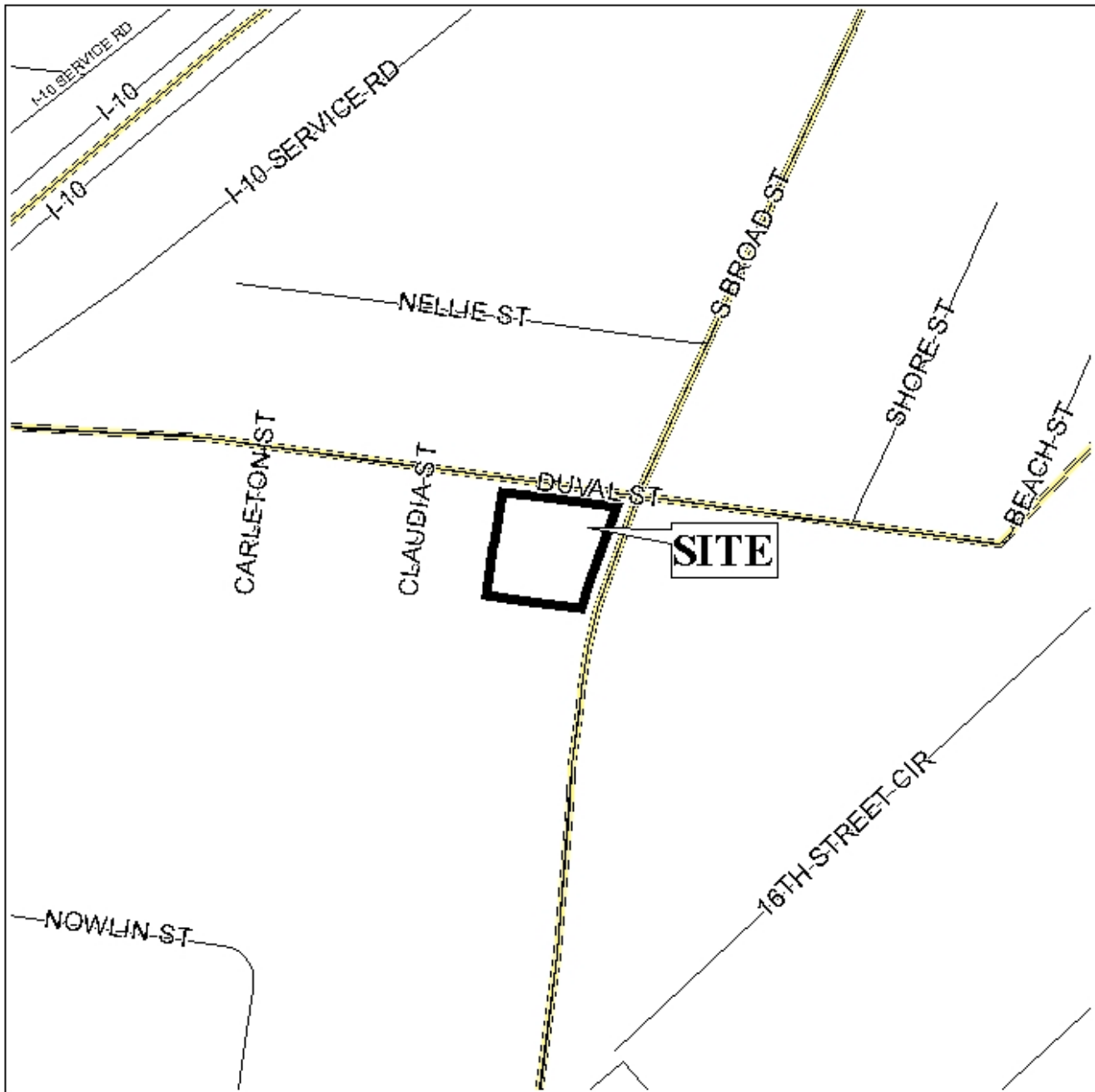
The site adjoins single-family residential property to the West, and a military complex to the South; the site faces residential and office property to the North and undeveloped commercial property (zoned B-3, Community Business) to the East. The site would not adjoin an existing B-2 district, and as there is presently undeveloped commercially zoned property in the area; however, much of the commercial property is owned by the State of Alabama and does not seem likely to be commercially developed in the future. Furthermore, as the site appears somewhat blighted, commercial redevelopment may benefit the neighboring residential community.

Where the site adjoins residential property, a buffer should be required in compliance with Section IV.D.1 of the Zoning Ordinance.

RECOMMENDATION *Subdivision* The plat meets the minimum requirements of the Subdivision Regulations and is recommended for Tentative Approval, subject to the following conditions: 1) the dedication of sufficient right-of-way to provide 50 feet from the centerlines of Duval and South Broad Streets; 2) the dedication of a 25-foot curb radius; 3) the depiction of the 25-foot building setback lines, measured from the dedication; 4) the placement of a note on the final plat stating that the site is limited to a single curb cut to each street; and 5) the provision of a buffer where the site adjoins residential property, in compliance with Section IV.D.1 of the Zoning Ordinance.

Rezoning Based on the preceding, this application is recommended for Approval, subject to the following conditions: 1) dedication sufficient to provide 50 feet from the centerlines of Duval Street and South Broad Street; 2) the dedication of a 25-foot curb radius; 3) compliance with Fire Department comments (All portions of any new structures built or moved onto the property would have to be within 400 ft. of at least one Fire Hydrant, possibly more.); 4) that the site be limited to a single curb cut to each street; 5) the provision of a buffer in compliance with Section IV.D.1 of the Zoning Ordinance; and 6) full compliance with all municipal codes and ordinances.

LOCATOR MAP



APPLICATION NUMBER 1 & 2 DATE March 2, 2006

APPLICANT Nick Stratas

REQUEST Rezoning from R-1 to B-2, Subdivision



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Single-family residential units are located to the north and west of the site. An office and warehouses are located to the north of the site. A military facility is located to the south of the site.

APPLICATION NUMBER 1 & 2 DATE March 2, 2006

APPLICANT Nick Stratas

REQUEST Rezoning from R-1 to B-2, Subdivision

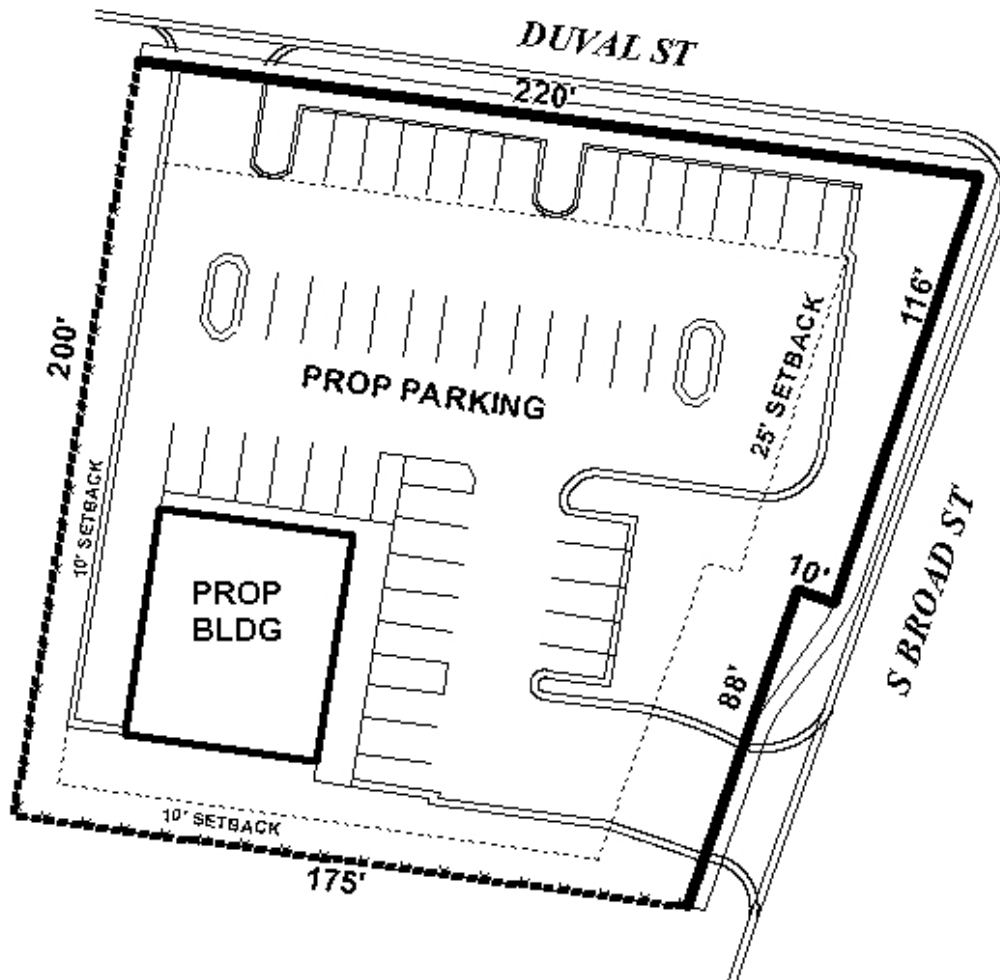
LEGEND

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
-----	-----	-----	-----	-----	-----	-----	------	-----	-----	-----	-----	-----	-----

 NTS



SITE PLAN



The site plan illustrates the proposed building, parking, landscaping, and setbacks

APPLICATION NUMBER 1 & 2 DATE March 2, 2006
APPLICANT Nick Stratas
REQUEST Rezoning from R-1 to B-2, Subdivision



NTS