

**ZONING AMENDMENT,
& SUBDIVISION STAFF REPORT****Date: April 20, 2006****APPLICANT NAME**

Martha J. Carrio d/b/a Harmony House Salon, Inc.

SUBDIVISION NAME

Martha Carrio's

LOCATION320 South Sage Avenue
(West side of South Sage Avenue, 200'± North of Eslava
Creek Parkway).**CITY COUNCIL
DISTRICT**

District 5

PRESENT ZONINGB-1, Buffer Business District, and B-3, Community
Business District**PROPOSED ZONING**

B-2, Neighborhood Business District

AREA OF PROPERTY

0.3 acre ±

CONTEMPLATED USE

Hair Salon.

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.

**REASON FOR
REZONING**

Applicant is requesting rezoning of the site to accommodate the proposed use and to correct the split zone condition.

**TIME SCHEDULE
FOR DEVELOPMENT**

Immediate

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. The plat shows driveway widths and parking stalls lengths below the minimum standard. The minimum driveway width for a commercial site is twenty-four feet and the minimum length of parking stalls as shown is nineteen feet. Changes should be made to accommodate these minimum 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).

FIRE DEPARTMENT**COMMENTS**

All commercial projects shall comply with the 2003 International Fire Code and Appendices B through G, as adopted by the City of Mobile on July 6, 2004. All One- or Two-Family residential developments shall comply with Appendices B, C, and D of the 2003 International Fire Code, as adopted by the City of Mobile on July 6, 2004.

REMARKS

The applicant is requesting Rezoning and Subdivision Approvals to correct a split-zoned situation in order allow the operation of a hair salon on the site. Hair salons are allowed by right in a B-2, Neighborhood Business District.

The 0.3 acre \pm subdivision site is developed with a circa 1967 building and paved parking area. The site fronts South Sage Avenue, a minor street with adequate right-of-way. North of the site is a B-2, Neighborhood Business-zoned property with a general retail use, while South of the site are split-zoned properties (B-1 and B-3), containing a variety of office uses. West, behind the site, is a B-3 district containing a hotel tower and office building. East, across Sage Avenue, are office and general retail uses in B-1 and B-2 districts.

Subdivision review examines the site with regard to promoting orderly development, protecting general health, safety and welfare, and ensuring that development is correlated with adjacent developments and public utilities and services, and to ensure that the subdivision meets the minimum standards set forth in the Subdivision Regulations for lot size, road frontage, lot configuration, etc.

The subdivision application is being undertaken to create a legal lot in support of the rezoning application. The proposed subdivision will create one lot, approximately 0.3 acres in size. The proposed lot's width to depth ratio exceeds the 3.5 ratio recommended by Section V.D.3. of the Subdivision Regulations, however, a waiver of this section may be appropriate due to the fact that the site is surrounded by developed properties on separate parcels.

The 25-foot minimum building setback line, required in Section V.D.9. of the Subdivision Regulations is not shown for the subdivision, but would be required on the Final Plat, if approved.

Due to the width of the proposed lot, the site should be limited to one curb-cut, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. As the applicant is not proposing new construction or redevelopment of the site, the existing curb-cut may count as the permitted curb-cut if approved by Traffic Engineering.

It should also be noted that the width of the site and the existing building do not permit a standard width access drive to the rear of the property, where the majority of parking is located.

The existing drive is approximately 12 feet wide where it is constrained by the existing building. The applicant is not proposing to replace or extensively modify the existing building, therefore the applicant will not be able to correct the access problem. Parking in the rear is depicted as double-loaded, 90 degree parking, however, the site is only wide enough to permit 90 degree parking on one side, with the remainder of the width dedicated to a 24-foot wide access drive. The applicant should consult with Traffic Engineering to ensure compliance with the minimum requirements for parking space and access drive design.

Regarding the zoning application, the site appears to be depicted 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. 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 proposed B-2 zoning category for the site will permit the proposed commercial use and rectify the split-zoning condition on the site. The split-zoning of the site may be considered an error in the Ordinance, thus justifying an application to correct the error. As the site abuts existing B-1, B-2 and B-3 districts, the minimum district size requirements of Section 64-3. of the Zoning Ordinance do not apply.

Finally, the landscaping requirements of Section 64-4.E. of the Zoning Ordinance apply only in so far as any existing landscaping area on the site cannot be reduced below existing levels. Full compliance would be required if the site were being rezoned from residential to commercial, or if the applicant were proposing a 50% or greater increase or decrease in the size of the existing structure.

RECOMMENDATION

Rezoning: Based upon the preceding, the Rezoning request is recommended for Approval, subject to the following conditions: 1) completion of the Subdivision process; 2) the site is limited to a maximum of one curb-cut, with the size, design and location to be approved by Traffic Engineering, and conform to AASHTO standards if the existing curb-cut is replaced; 3) compliance with the tree and landscaping requirements of Section 64-4.E. of the Zoning Ordinance in that the existing landscaped area cannot be reduced in size; 4) consultation with Traffic Engineering to ensure that parking areas and access drives

conform to the fullest extent possible with the minimum design requirements; and 5) full compliance with all other municipal codes and ordinances.

Subdivision: With a waiver of Section V.D.3. of the Subdivision Regulations, the Subdivision request is recommended for Tentative Approval, subject to the following conditions: 1) placement of a note on the Final Plat stating that the lot is limited to a maximum of one curb-cut, with the size, location and design to be approved by Traffic Engineering, and conform to AASHTO standards if the existing curb-cut is replaced; and 2) depiction of the 25-foot minimum building setback line.

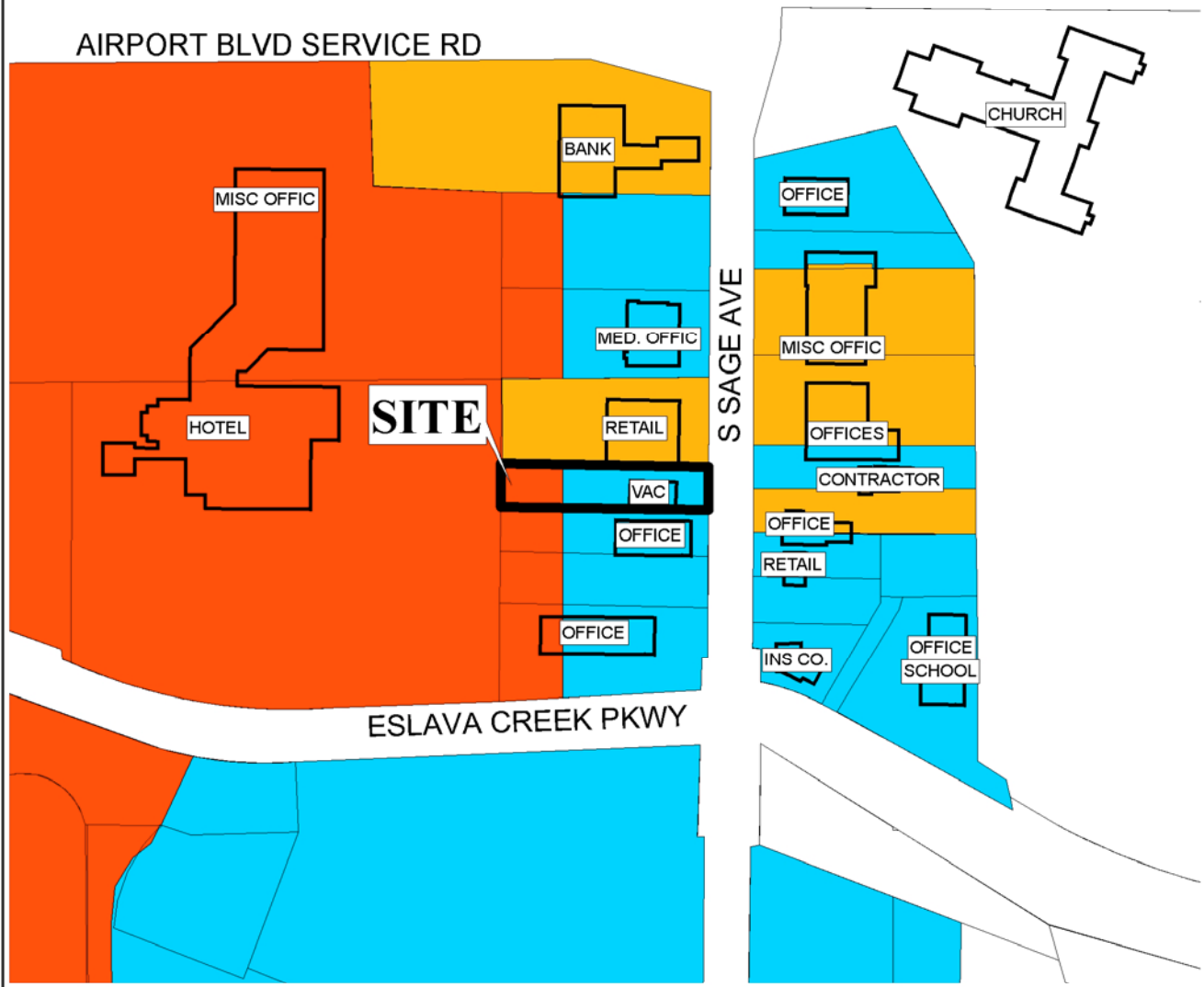
LOCATOR MAP



APPLICATION NUMBER 1 & 2 DATE April 20, 2006
APPLICANT Martha J. Carrio d/b/a Harmony House Salon, Inc.
REQUEST Rezoning from B-1 and B-3 to B-2, Subdivision



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial land use. A church is located to the east of the site.

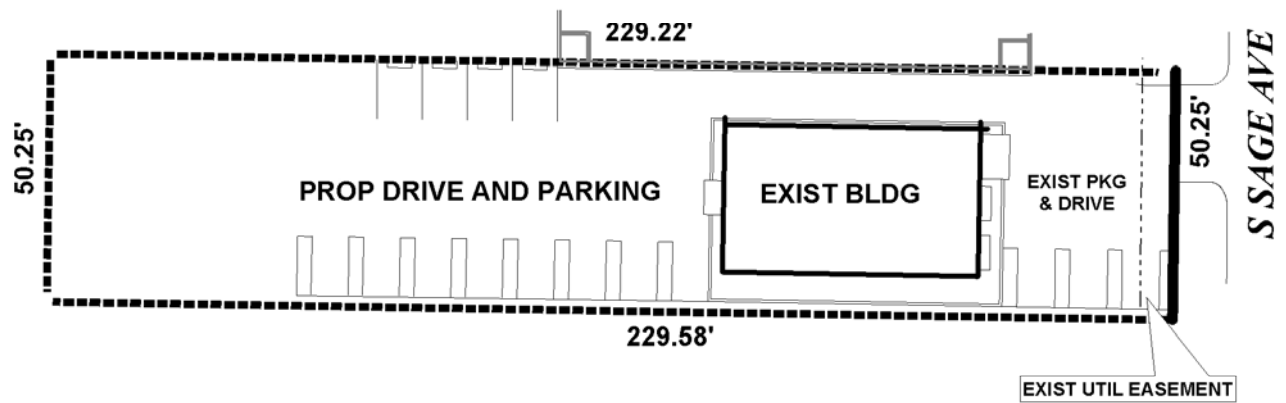
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LEGEND

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 building and proposed parking

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