

ZONING AMENDMENT STAFF REPORT**Date: December 6, 2007****NAME**

Rollie Steele

LOCATION

East side of East Drive, 240'± North of Eastridge Place.

**CITY COUNCIL
DISTRICT**

District 5

PRESENT ZONING

R-1, Single-Family Residential District

PROPOSED ZONINGR-2, Two-Family Residential District.
*(Revised to R-3, Multi-Family Residential District).***AREA OF PROPERTY**

1.7± Acres

CONTEMPLATED USE

Rezoning from R-1, Single Family Residential, to R-2, Two-Family Residential District, to allow a duplex dwelling.

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**

Immediately upon approval.

**ENGINEERING
COMMENTS**

Show minimum finished floor elevation on Lot 22. 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.

**TRAFFIC ENGINEERING
COMMENTS**

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. The minimum driveway width for residential property is thirteen feet. Changes should be made to accommodate this standard.

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.

REMARKS

The applicant is requesting rezoning from R-1, Single-Family Residential District to R-2, Two-Family Residential District, to allow a duplex dwelling. Residential duplexes are allowed by right in R-2 Districts.

The site is currently an undeveloped 1.7±-acre single-family residential lot. The applicant proposes to build a duplex dwelling and associated parking toward the West end of the property, close to East Drive. The remainder of the site is indicated to remain undeveloped.

The Zoning Ordinance states that R-2, Two-Family Residential Districts, are composed of areas containing a mixture of one-family and two-family dwellings and open areas where similar residential development seems likely to occur.

The site is bounded to the North, South, and East by R-1, Single-Family Residential, zoning and/or use. To the West and across East Drive, the zoning is R-2, Two-Family Residential, due to densities in two single-family residential subdivisions. Slightly over 400' to the North of the site is R-3, Multi-Family Residential zoning, but again, this is due to density and the property is used as a single-family residential subdivision. Further North on East Drive is R-3 zoning and apartment use.

The entire 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. 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.

The applicant states that because of the site's proximity to the University of South Alabama, properties on East Drive have a strong demand for multi-family construction. It is further, but erroneously, stated that the property directly across East Drive has been rezoned and is being occupied as R-2. As previously mentioned, that property is indeed zoned R-2 due to density, but is a single-family residential subdivision.

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 attempted to address the changing conditions in the area, but has cited the strong demand for multi-family (R-3) construction, whereas, R-2 is the requested zoning of this application. Section 64-3.A.5.a. of the Zoning Ordinance states that new freestanding R-2 districts "should" contain at least 4 acres of gross area; however, new districts of smaller size may be created where unusual conditions or circumstances justify them in the opinion of the commission. The site in question is only 1.7± acres, well below the recommended minimum district size. Near-by R-2 zonings contain approximately twice the area of the subject property.

As indicated on the site plan provided, sufficient parking and maneuvering area for the proposed duplex would be to the front toward East Drive. However, the existing, substandard driveway is proposed as the site access. A minimum 13'-wide drive is required by Traffic Engineering for residential use. Also, no public sidewalk in the right-of-way was indicated on the site plan, as required for new development. Both an enlarged drive and a public sidewalk should be indicated on future site plans should the rezoning be approved.

RECOMMENDATION

Based on the preceding, the rezoning request is recommended for Denial.

Revised for the January 3, 2007 meeting:

This application was held over from the December 6, 2007 meeting at the applicant's request. There have been no revised site plans or further arguments to justify the rezoning submitted to the Planning staff for review; therefore, this request is recommended for denial.

Revised for the February 7th meeting:

*This application was held over from the January 3rd meeting at the applicant's request. The applicant has subsequently submitted a revised request of rezoning from R-1, Single-Family Residential District, to **R-3, Multi-Family Residential District**. This was done due to staff verbal comments and suggestions submitted at the January 3rd meeting indicating that such would be a more appropriate zoning due to a trend for such in the area. A revised site plan was also submitted, but only with marginal note additions and no actual proposed site changes from the original site plan.*

As now-proposed, the R-3 zoning would be more appropriate, not only due to changing conditions in the area, but also because the applicant proposes to eventually build additional duplex rental units on the single site thereby establishing an R-3 use. The site plan indicates

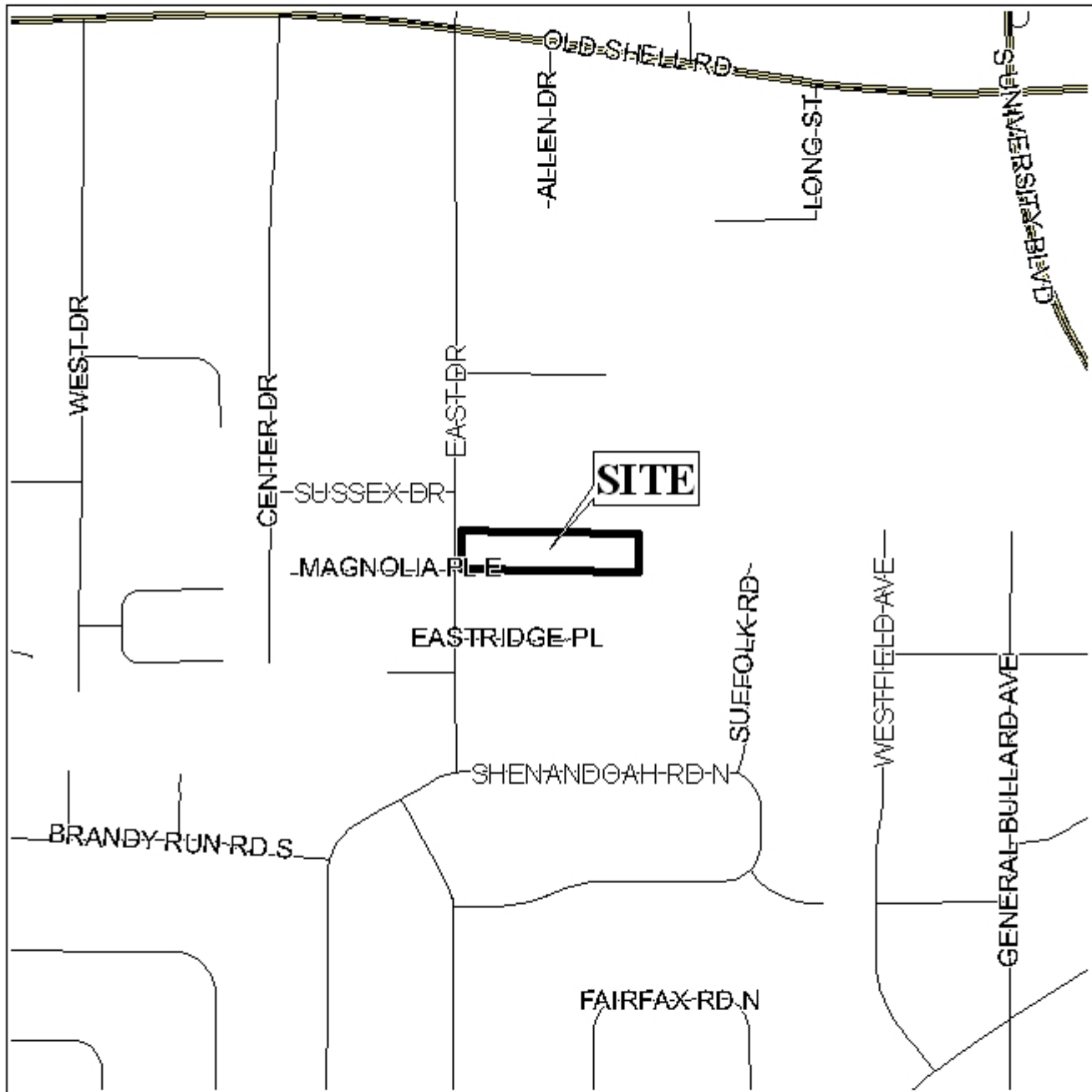
only the initially-proposed one duplex unit toward East Drive centered on the site. Inasmuch as this may be an appropriate location for a single duplex unit, no allowance is made for access to any future units. Due to the 139'± street frontage of the site, only one curb cut to East Drive should be allowed. Therefore, the site plan should be revised to provide a single access to the site which would serve not only the initially-planned duplex unit, but would also allow access to the interior of the site for all future units. Also, any future units would require a Planned Unit Development application and full site compliance. No site compliance would be required for the initial unit, and if this rezoning is approved, site compliance can be postponed until any additional units are built. However, a sidewalk in the public right-of-way would be required.

RECOMMENDATION:

Based on the preceding, this application is recommended for approval, subject to the following conditions:

- 1) the site is limited to one curb cut to East Drive, with the size, location, and design to be coordinated with Traffic Engineering, and conform to AASHTO standards;*
- 2) submission and approval of a Planned Unit Development application for any future units beyond the initial duplex unit;*
- 3) full compliance with the landscaping and tree planting requirements of the Zoning Ordinance;*
- 4) provision of a sidewalk; and*
- 5) full compliance with all municipal codes and ordinances.*

LOCATOR MAP



APPLICATION NUMBER 2 DATE February 7, 2008

APPLICANT Rollie Steele

REQUEST Rezoning from R-1 to R-3



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Single family residential units are located to the west, and
there are single family residential units to the north, south and east.

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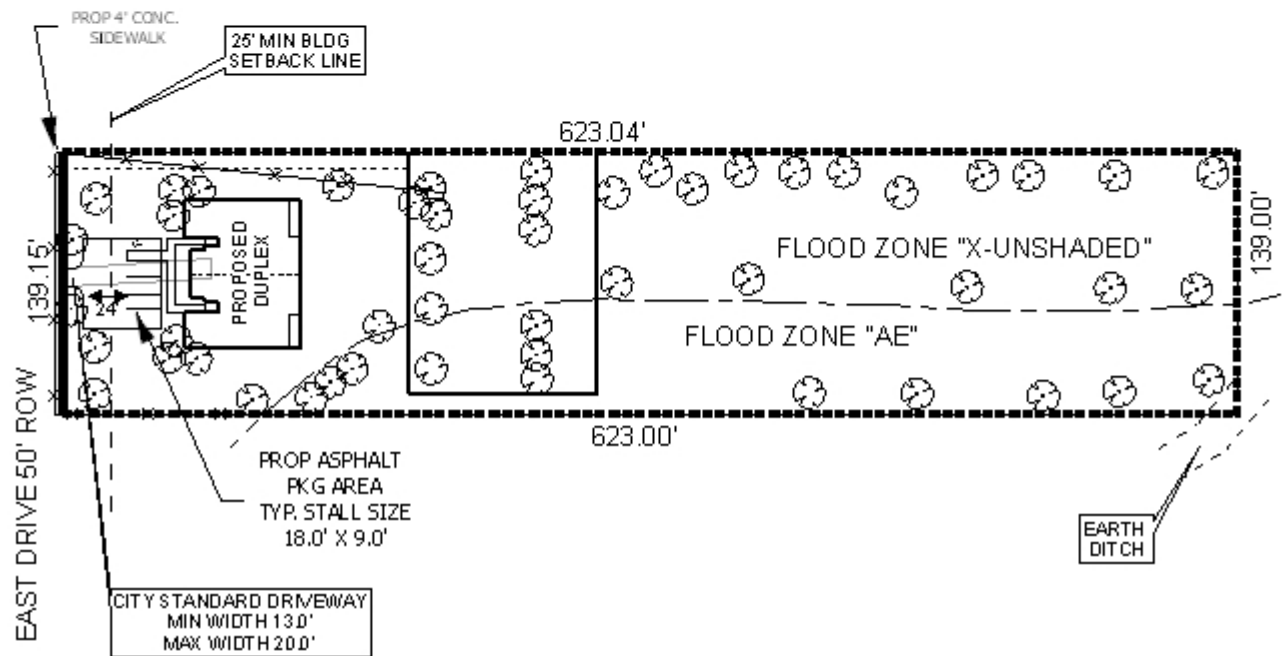
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REQUEST Rezoning from R-1 to R-3

LEGEND

R-1	R-2	R-3	R-4	R-B	H-B	T-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2	NTS
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SITE PLAN



The site plan illustrates easements, setbacks, proposed buildings, and flood zones.

APPLICATION NUMBER 2 DATE February 7, 2008
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 REQUEST Rezoning from R-1 to R-3



NTS