

**ZONING AMENDMENT,
& SUBDIVISION STAFF REPORT****Date: August 18, 2005****APPLICANT NAME**

Clear Image Construction, Inc.

SUBDIVISION NAME

Nautical Point (Proposed)

LOCATIONEast side of Dauphin Island Parkway, 770 feet \pm north of Dog River**CITY COUNCIL
DISTRICT**

District 3

PRESENT ZONING

R-1, Single-Family Residential

PROPOSED ZONING

B-1, Buffer Business District

AREA OF PROPERTY0.7 acre \pm **CONTEMPLATED USE**

Residential Condominiums.

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 of the proposed one-lot subdivision in order to permit the construction and sale of residential condominiums.

**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. Dimensions were not shown for the driveways or parking spaces. However, minimum driveway widths for two-way traffic are twenty-four feet. Minimum parking space dimensions are nine foot wide by eighteen foot long with a minimum aisle width of twenty-four feet.

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 with landscaping and tree requirements of the Zoning Ordinance to be coordinated with Urban Forestry.

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 allow construction of residential condominiums on the site. Multi-family dwelling units are allowed by right in a B-1, Buffer Business district.

The 0.7 acre \pm subdivision site is currently vacant. The site fronts Dauphin Island Parkway, a proposed major street, as its western boundary, and has as its eastern boundary Mobile Bay. North of the site is a B-3, Community Business-zoned parcel containing the Mobile Yacht Club, while south of the site is a B-2, Neighborhood Business-zoned parcel containing a dine-in restaurant. West, across Dauphin Island Parkway, are marina and related uses, in R-1 and B-3 districts. It should be noted that Dauphin Island Parkway, at this location, is on a bridge to cross Dog River, and is therefore above the site. Access to the site is via a service road.

The site was the subject of a rezoning, PUD and subdivision application that was approved in September 2001, but that expired before the applicant initiated any subdivision or development action. The 2001 application requested rezoning to R-3, Multi-Family Residence District, to allow a total of 12 residential units in three separate buildings.

The proposed subdivision will create one lot, approximately 0.7 acres in size. The size and width to depth ratio for the proposed lot meets the minimum recommendations contained within the Subdivision Regulations.

Dauphin Island Parkway is a proposed major street with an existing right-of-way width of approximately 160 feet. The right-of-way width at this location exceeds the minimum requirements. As previously mentioned, the roadway is actually located above the site due to the bridge structure necessary to cross Dog River. The site is accessed via a service road that passes underneath the bridge structure.

Due to the width of the lot fronting onto the service road, the site should be limited to a maximum of two curb-cuts, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Furthermore, as Dauphin Island Parkway is a state highway, review of the access by the Alabama Department of Transportation may be required.

It appears that one of the bearings, on the west side of the site, is not consistent with the legal description for the property. The bearing should be in agreement with the legal description on the final plat, if approved.

The site appears to be located in the 100-year floodplain for Mobile Bay, and thus is potentially subject to tidal flooding and storm surge during storm events. Wetlands may occur on the site, or in close proximity to the site. Therefore, the approval of all applicable federal, state and local agencies would be required prior to the issuance of any permits.

Regarding the zoning application, the site appears to be 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 IX. 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.

Construction of the new bridge across Dog River has significantly changed the conditions in the area, in that the roadway is now significantly elevated next to the site; thus use of the site for uses permitted within an R-1 district is unlikely. Furthermore, Mobile, as a waterfront city, has a remarkable lack of higher density housing along the waterfront when compared to other coastal cities, thus there is a theoretical need and increasing market pressure to increase the number of sites available for such use.

The proposed B-1 zoning category for the site will permit the proposed residential condominiums. As the site abuts existing B-2 and B-3 districts, no minimum district size is required, according to Section III.A.5. of the Zoning Ordinance. While the proposed use could be accommodated by an R-3, Multi-Family Dwelling zoning designation, the site is not large enough to meet the minimum district size recommendations of Section III.A.5., and the existing business zoning districts adjacent to the site indicate that continued residential zoning for the site may be inappropriate.

Rezoning from a residential to commercial district will require compliance with the landscaping and tree requirements of the Zoning Ordinance, as well as compliance with the parking requirements of the Ordinance.

RECOMMENDATION

Rezoning: Based upon the preceeding, 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 two curb-cuts, with the size, design and location to be approved by Traffic Engineering, and ALDOT as appropriate, and conform to AASHTO standards; 3) compliance with the tree and landscaping requirements of the Zoning Ordinance; 4) compliance with the parking requirements of the Ordinance; 5) approval of all applicable federal, state and local agencies prior to the issuance of any permits, and; 6) full compliance with all other municipal codes and ordinances.

Subdivision: Based upon the preceeding, 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 two curb-cuts, with the size, location and design to be approved by Traffic Engineering, and ALDOT as appropriate, and conform to AASHTO standards; 2) correction of a bearing to be in agreement with the legal description, and; 3) approval of all applicable federal, state and local agencies prior to the issuance of any permits.

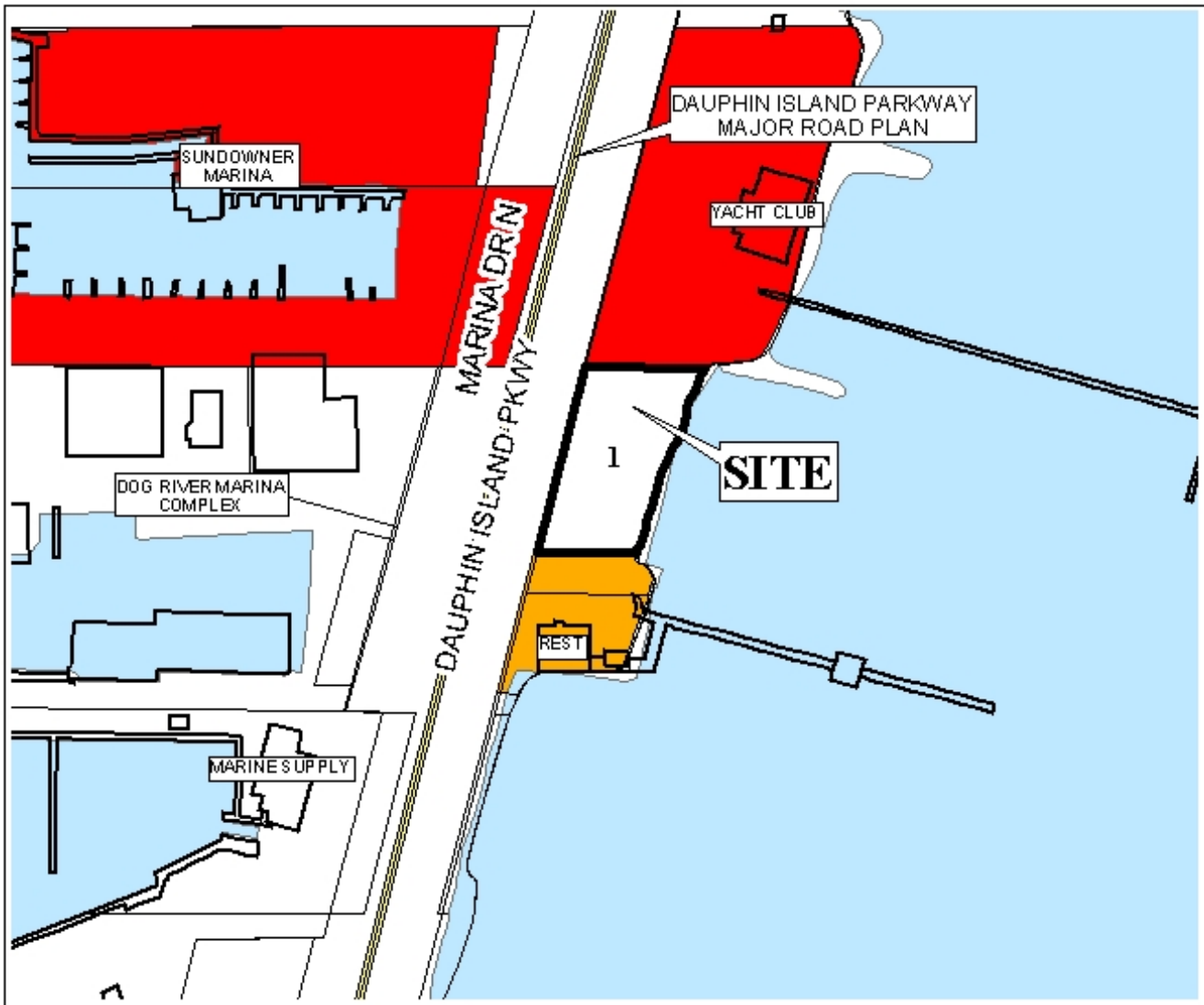
LOCATOR MAP



APPLICATION NUMBER 3 & 4 DATE August 18, 2005
APPLICANT Clear Image Construction, Inc.
REQUEST Rezoning from R-1 to B-1 and Subdivision



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is located in an area of mixed land use.

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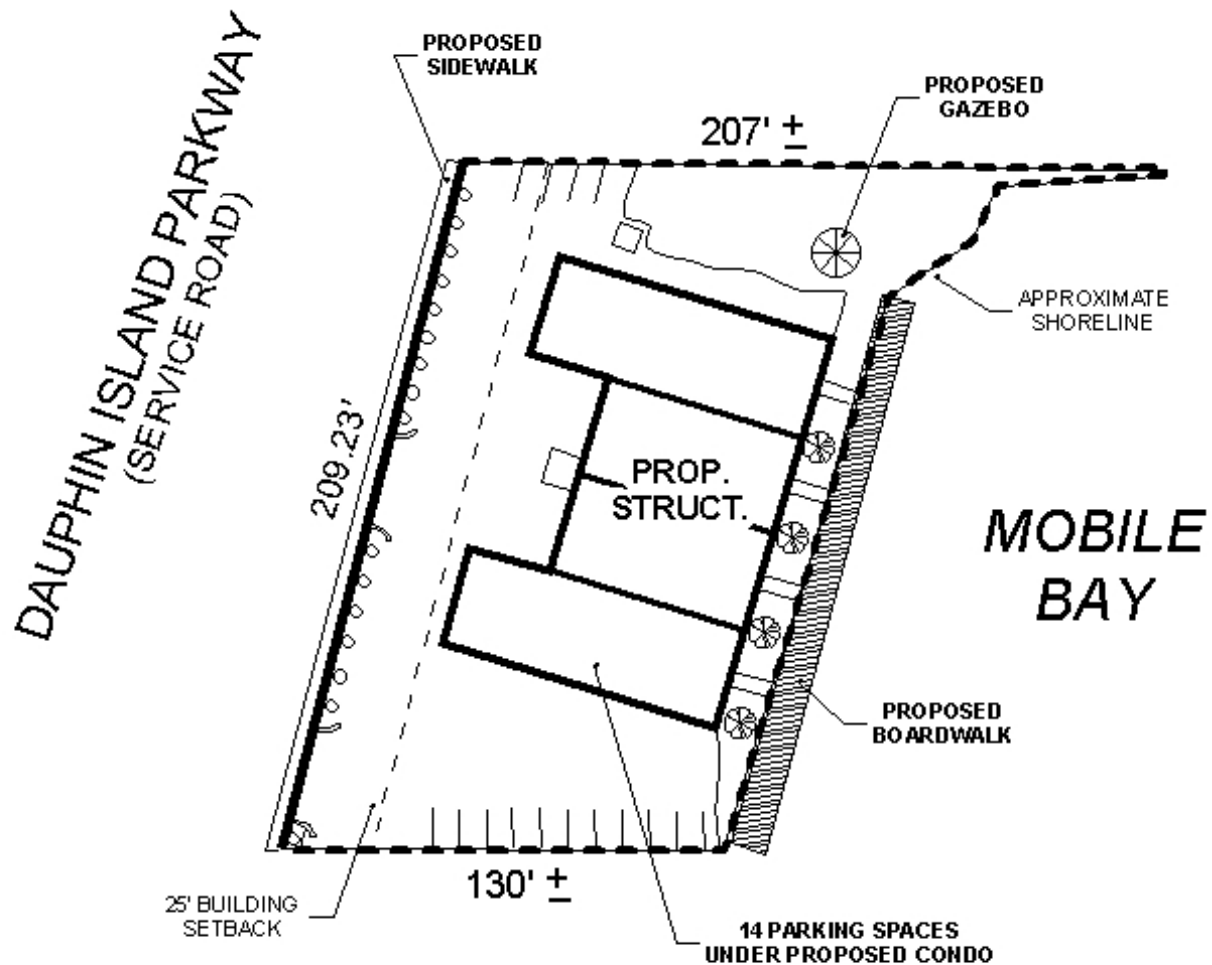
LEGEND

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 is located on the East side of Dauphin Island Parkway, 770' North of Dog River. The plan illustrates the proposed structures and parking.

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