

**ZONING AMENDMENT
& SUBDIVISION STAFF REPORT****Date: April 4, 2013****APPLICANT NAME**

D.E.H. Subdivision

SUBDIVISION NAME

D.E.H. Subdivision

LOCATION7747 Old Shell Road
(Southwest corner of Old Shell Road and 5th Avenue).**CITY COUNCIL
DISTRICT**

District 7

PRESENT ZONING

R-1, Single-Family Residential District

PROPOSED ZONING

B-1, Buffer Business District

AREA OF PROPERTY

1 Lots / 0.5± Acres

CONTEMPLATED USE

Subdivision to create 1 lot, and Zoning to rezone the site from R-1, Single-Family Residential, to B-1, Buffer Business, to allow an office 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.**REASON FOR
REZONING**

Applicant is requesting rezoning of the site to allow an office building.

**TIME SCHEDULE
FOR DEVELOPMENT**

None Provided

**ENGINEERING
COMMENTS**

1. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes). 2. Provide a signature block and signature from the Traffic Engineering Department. 3. Add a note to the Plat stating that storm water detention will be required for any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045). 4. Dedicate 5' along 5th Avenue and a 25' radius at the Old Shell Road corner to Public ROW, or as approved by the City Engineer and Traffic Engineer.

TRAFFIC ENGINEERING**COMMENTS**

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO 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 projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.

MAWSS COMMENTS

MAWSS has water and sewer services available, but a Capacity Assurance application for sewer service has not been applied for. MAWSS cannot guarantee sewer service until the Capacity application is approved by Volkert Engineering Inc.

REMARKS

The applicant is requesting Subdivision approval to create a single legal lot of record, and Zoning approval to rezone the site from R-1, Single-Family Residential, to B-1, Buffer Business, to allow an office building.

The site is currently vacant, is bounded to the South by vacant property in a R-1, Single-Family Residential District, to the West by a residence in an R-1, Single-Family Residential District, to the East by a church in an R-1, Residential District, and to the North by commercial businesses in a B-3, Community Business District.

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 site, which 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.

While not specifically stated, the proposed subdivision of the site could make the reclassification of the land desirable. However, Section 64.3.5 of the Zoning Ordinance states that a proposed new B-1, Buffer Business District that is does not abut an existing B-2, B-3, B-4, B-5, I-1, or I-2 district should contain at least two acres. The currently proposed new district is 0.5± acres.

The site plan does not illustrate a residential buffer at all, however there is a note stating that the site will comply with Section V.A.8. of the Subdivision Regulations regarding the provision of a residential buffer. It also appears that the proposed structure would not encroach into the 10' building setback required adjacent to residentially zoned or utilized properties.

The site plan includes a note stating that curbside pickup will be utilized, making the provision of a properly screened dumpster unnecessary.

The site plan states that the required amount of tree plantings and landscaping will be provided, however, the trees are not illustrated on the site plan. Furthermore, the landscaped area calculations are provided in acres, and should be given in square feet.

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 size of the proposed lot is labeled in square feet and acres, and should be retained on the Final Plat if approved.

The preliminary plat states the Lots 1-5 of the West Mobile Terrace Subdivision will be included in the currently proposed Subdivision; however it appears that the East ½ of Lot 6 is also included. This parcel, while illustrated as part of the Subdivision, there is no authorization from the owner of the East ½ of Lot 6. This portion should be removed from the proposed development, or owner authorization should be submitted.

The site fronts onto Old Shell Road, a major street, which should have a right-of-way of 100'. The site plan illustrates dedications to the City of Mobile to provide a compliant 50' from the centerline. The site also fronts onto an unopened right-of-way associated with 5th Avenue. The plat illustrates 5th Avenue as having a right-of-way of 40'. The applicant has illustrated an increased minimum building setback of 30' to provide a possible 25' from the centerline of 5th Avenue should it be constructed. Instead of proposing an increased setback, dedication should be made to provide 25' from the centerline of 5th Avenue. The proposed site plan illustrates an existing curb cut from Old Shell Road which is in the 5th Avenue right-of-way. A note on the site plan indicates that the applicant wishes to access the proposed lot through this existing curb cut and be denied direct access to Old Shell Road. The applicant states that the roadway along 5th Avenue will be constructed to City of Mobile specifications. If approved, a note should be placed on the Final Plat limiting the lot to one curb cut to 5th Avenue and denied direct access to Old Shell Road, with the size, design, and location of the curb cut to be approved by Traffic Engineering and conform to AASHTO standards.

The 25' minimum building setback line is illustrated along Old Shell Road, with a 30' minimum building setback line along 5th Avenue as mentioned previously. If approved, both setback lines should be labeled and illustrated on the Final Plat.

Finally, 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.

RECOMMENDATION

Rezoning: Based upon the preceding, the Rezoning request is recommended for Denial for B-1, Buffer Business District due to the following reasons:

- 1) failure to obtain authorization from the owner of the East ½ of Lot 6, West Mobile Terrace Subdivision; and
- 2) failure of the site to meet size requirements as set forth in Section 64.3.5. of the Zoning Ordinance.

Subdivision: The Subdivision request is recommended for denial due to the following reasons:

- 1) failure to obtain authorization from the owner of the East ½ of Lot 6, West Mobile Terrace Subdivision; and
- 2) denial of the Rezoning request.

Revised for the April 4, 2013 meeting:

This application was heldover at the March 7th meeting at the applicant's request to allow the submittal of authorization from the owner of the East ½ of Lot 6, West Mobile Terrace Subdivision, by March 15th. As no authorization was submitted, the original recommendation would stand.

RECOMMENDATION

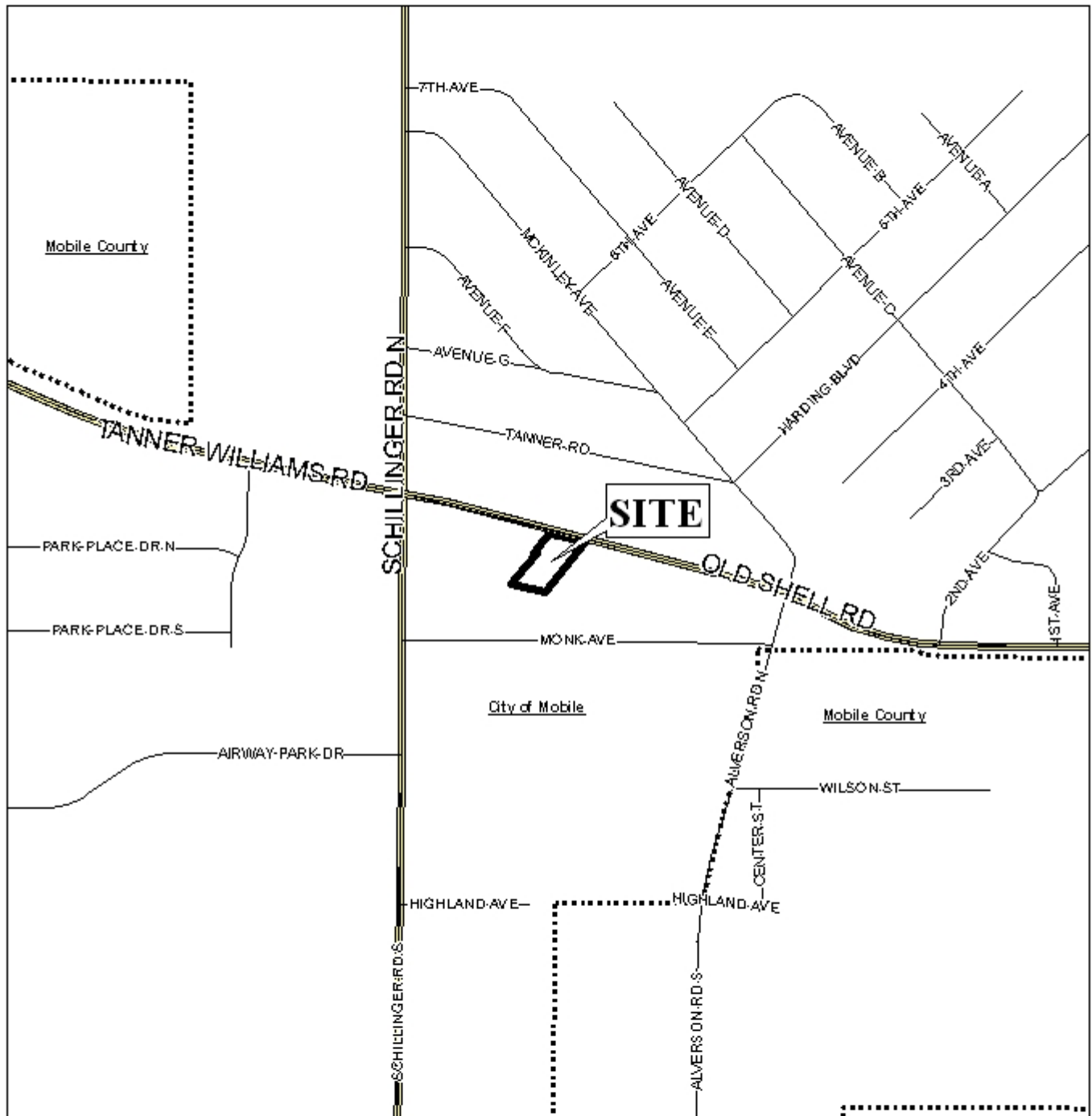
Rezoning: Based upon the preceding, the Rezoning request is recommended for Denial for B-1, Buffer Business District due to the following reasons:

- 3) failure to obtain authorization from the owner of the East ½ of Lot 6, West Mobile Terrace Subdivision; and
- 4) failure of the site to meet size requirements as set forth in Section 64.3.5. of the Zoning Ordinance.

Subdivision: The Subdivision request is recommended for denial due to the following reasons:

- 3) failure to obtain authorization from the owner of the East ½ of Lot 6, West Mobile Terrace Subdivision; and
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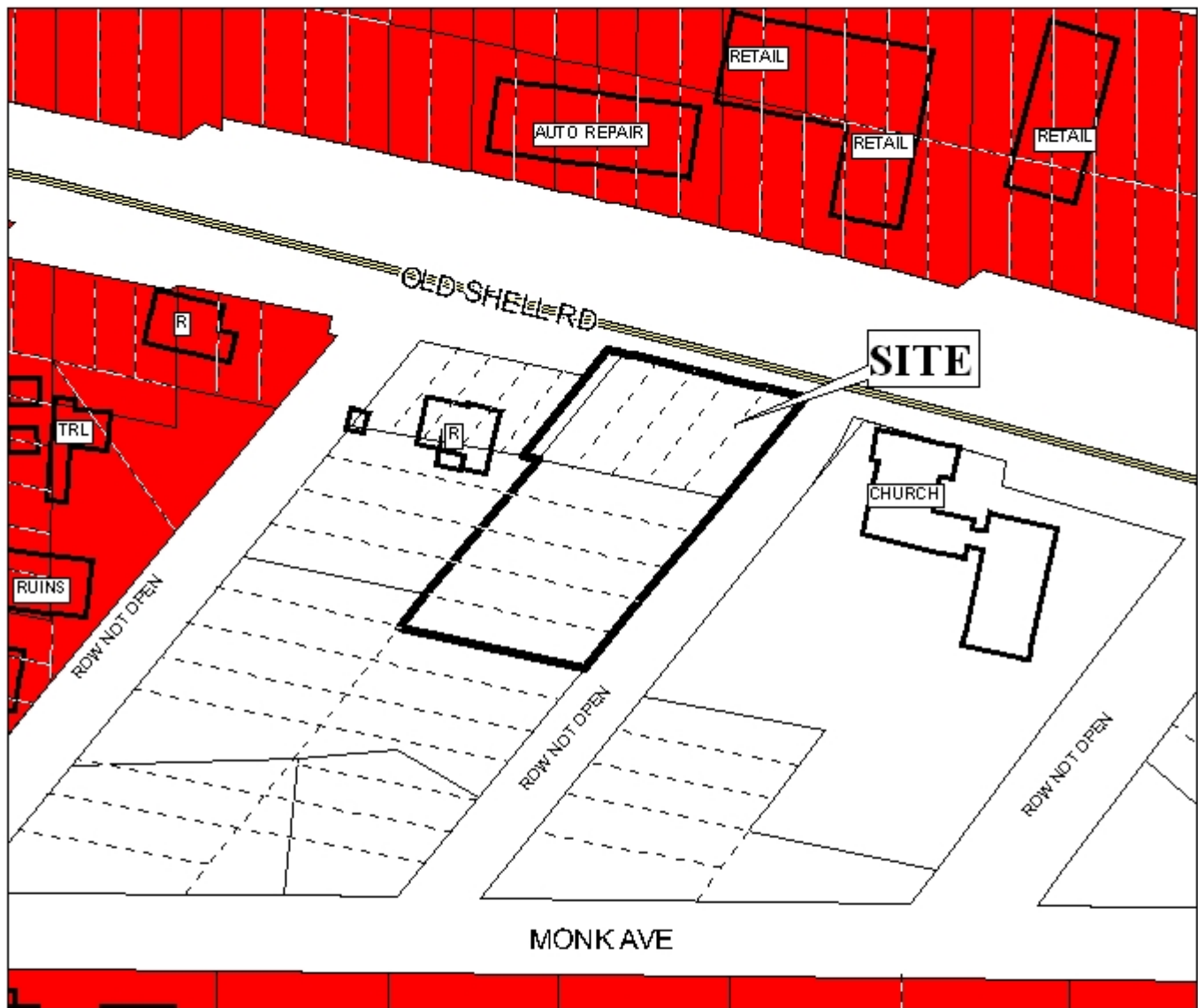
LOCATOR MAP



APPLICATION NUMBER 4 & 5 DATE April 4, 2013
APPLICANT D.E.H. Subdivision
REQUEST Subdivision, Rezoning from R-1 to B-1



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Residential land use is located to the west of the site. Commercial land use is located to the north of the site. 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	T-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2

N

 NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING

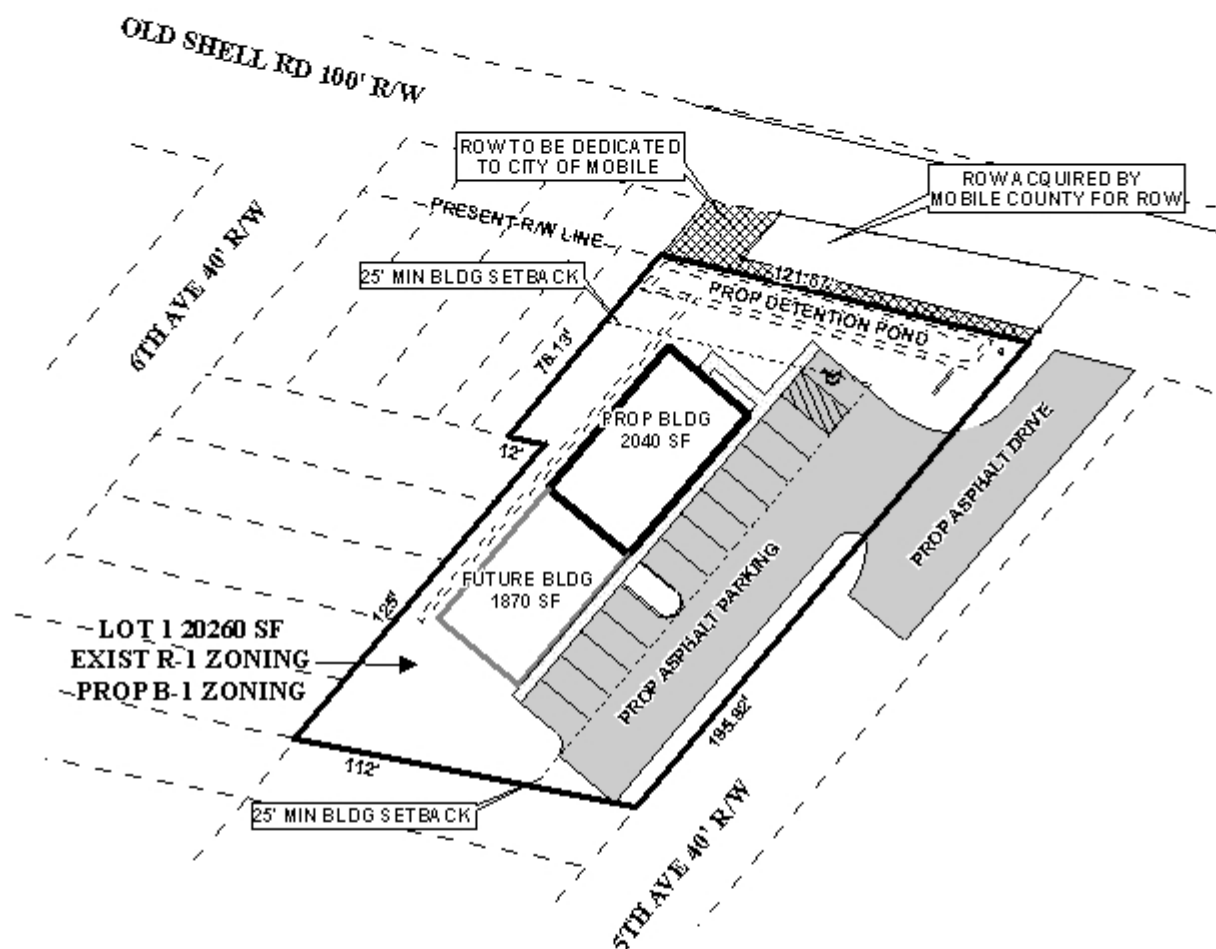


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N
NTS

SITE PLAN



The site plan illustrates the proposed development.

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