

**ZONING AMENDMENT,
& SUBDIVISION STAFF REPORT**

Date: April 19, 2007

APPLICANT NAME

N & K, Inc. and Vidmon & Cordelia M. Betts

SUBDIVISION NAME

University Oaks Office Park Subdivision

LOCATION

West side of University Boulevard, 300'± South of
Boulevard Park South

**CITY COUNCIL
DISTRICT**

District 6

PRESENT ZONING

R-1, Single-Family Residence District

PROPOSED ZONING

B-1, Buffer Business District

AREA OF PROPERTY

2.2+ Acres/1-lot

CONTEMPLATED USE

Professional Office Park

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 uses associated with professional offices.

**TIME SCHEDULE
FOR DEVELOPMENT**

Within 18 months

**ENGINEERING
COMMENTS**

The storm water ordinance does not allow water to be concentrated onto an adjacent property without a hold harmless agreement. 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.

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).

Preservation status is to be given to the 42" Live Oak Tree located on the South West corner of the Lot. Any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.

FIRE DEPARTMENT**COMMENTS**

Building shall comply with 508.5 Fire Hydrant Systems & Appendices B, C & D of the 2003 IFC.

REMARKS

The applicant is requesting Rezoning and Subdivision Approvals to allow professional offices and to create one legal lot of record from three legal lots and two metes and bounds parcels.

The 2.2± acre site is partially developed with one dwelling, and an accessory building on one legal lot. The remaining two legal lots and the two metes and bounds parcels (vacated right-of-way in 2004) appear from the 2002 aerial to be wooded. Adjacent to the North and West of the site are B-1 and B-3 districts with medical and office uses, across University Boulevard is B-3 zoned, while South of the site, is zoned R-1, Single-Family Residential 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.

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 site is depicted as residential and 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. 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.

Conditions are changing in the area. A lot adjacent to the North of the site was approved by the Commission and adopted by the Council from R-1 to B-1 in 1999, and the site across University

Boulevard from the site was approved by the Planning Commission and adopted by the City Council in 2002 for reclassification to B-3 from B-2. It should also be pointed out that the majority of the site has been undeveloped for several years.

A 10-foot buffer strip and privacy fence along the South property line of the site is required by the Zoning Ordinance; however, to further protect the separation of commercial and residential use the proposed parking should also be shifted to provide a 10-foot buffer from the residential property.

The site fronts University Boulevard, a major street on the Major Street Plan component of the Comprehensive Plan, with an existing right-of-way of 160-feet in compliance with the plan. The site also has approximately 74-feet frontage along Logan Avenue, an unimproved road with insufficient (30-feet) right-of-way. However, since a large portion of Logan Avenue north of the site has been vacated in the past, dedication would be an encouragement for access to the site; therefore, dedication of right-of-way would not be required.

The proposed Subdivision will create one lot with approximately 312-feet of frontage onto University Boulevard and approximately 74-feet along Logan Avenue. Due to the frontage and location of the development, it is recommended that the development be limited to one curb-cut onto University Boulevard, with the size, design and location to be approved by Traffic Engineering and conform to AASHTO standards and that access to Logan Avenue be should be denied..

As illustrated on proposed site plan submitted with the application, use of the site, including the demolition of the existing structure, dumpster screening, buffer requirements, landscaping and tree planting requirements must comply with all applicable municipal codes and ordinances.

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) denial of access to Logan Avenue; 3) provision of a 10-foot wide buffer (to include parking) and 6-foot high wooden privacy fence along the South property line; 4) the provision of screening the dumpster with a minimum 6-feet high solid wooden fence; 5) full compliance with the tree and landscaping requirements of Section 64-4.E. of the Zoning Ordinance; and 6) full compliance with all other municipal codes and ordinances.

Subdivision: Based upon the preceding, 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 development is limited to one curb-cut onto University Boulevard, with the size, design and location to be approved by Traffic Engineering, and conform to AASHTO standards; 2) the placement of a note on the Final Plat denying access to Logan Avenue; 3) depiction and labeling of a 10-foot wide buffer (to include parking) and 6-foot high wooden privacy fence along the South property line; and 4) labeling of the lot with its size in square feet; and 8) full compliance with all other municipal codes and ordinances.

Revised for the May 17th, 2007 meeting:

After discussion, it was decided to holdover this change in zoning until May 17th in order to allow property ownership issues to be resolved.

After researching the parcel data and Mobile County Revenue Commission records, staff determined that there are no ownership issues concerning this site.

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LOCATOR MAP



APPLICATION NUMBER 4 & 5 DATE May 17, 2007

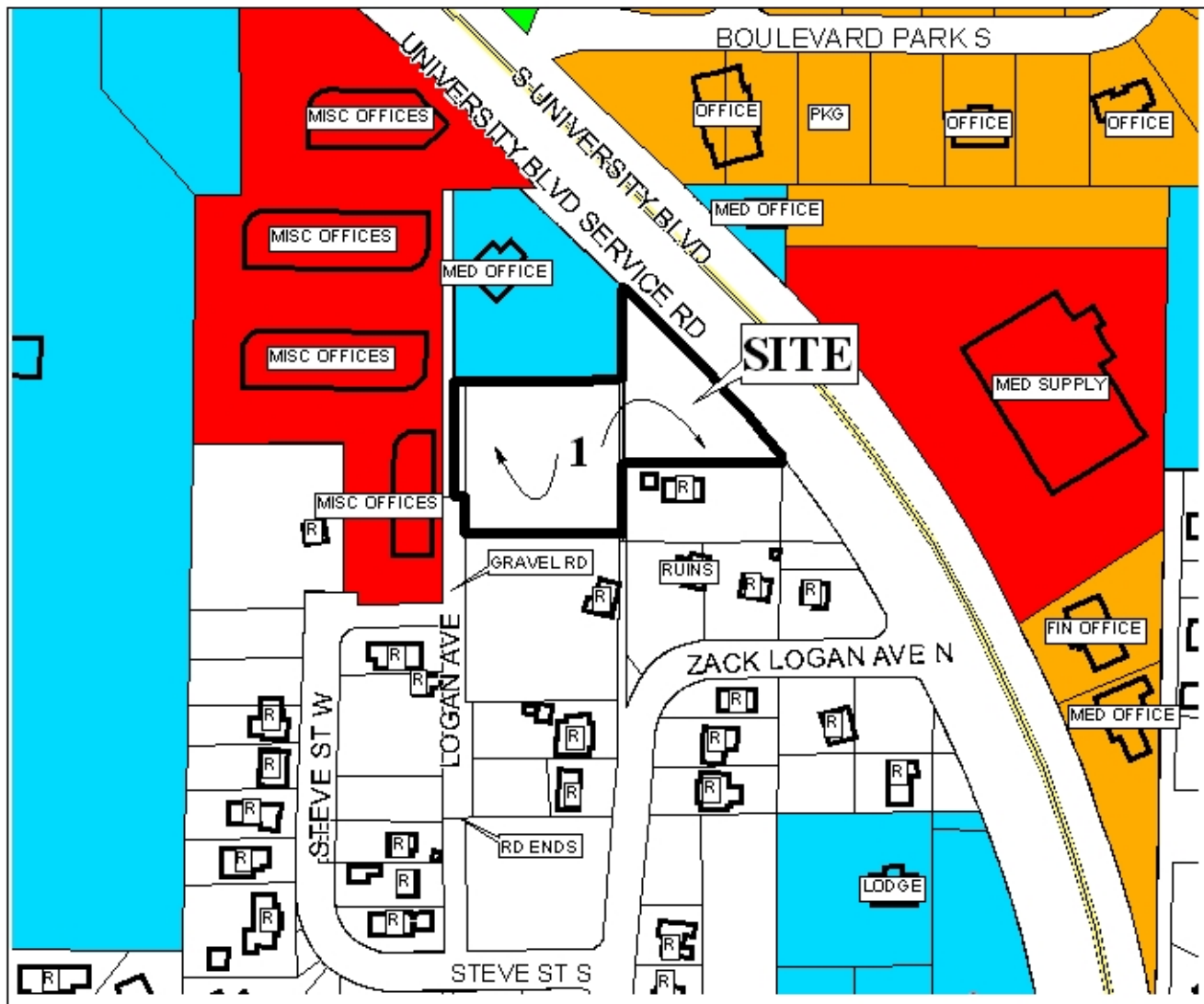
APPLICANT University Oaks Office Park Subdivision

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



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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Medical offices to the west, north, and east of the site,
single family residential units are to the south.

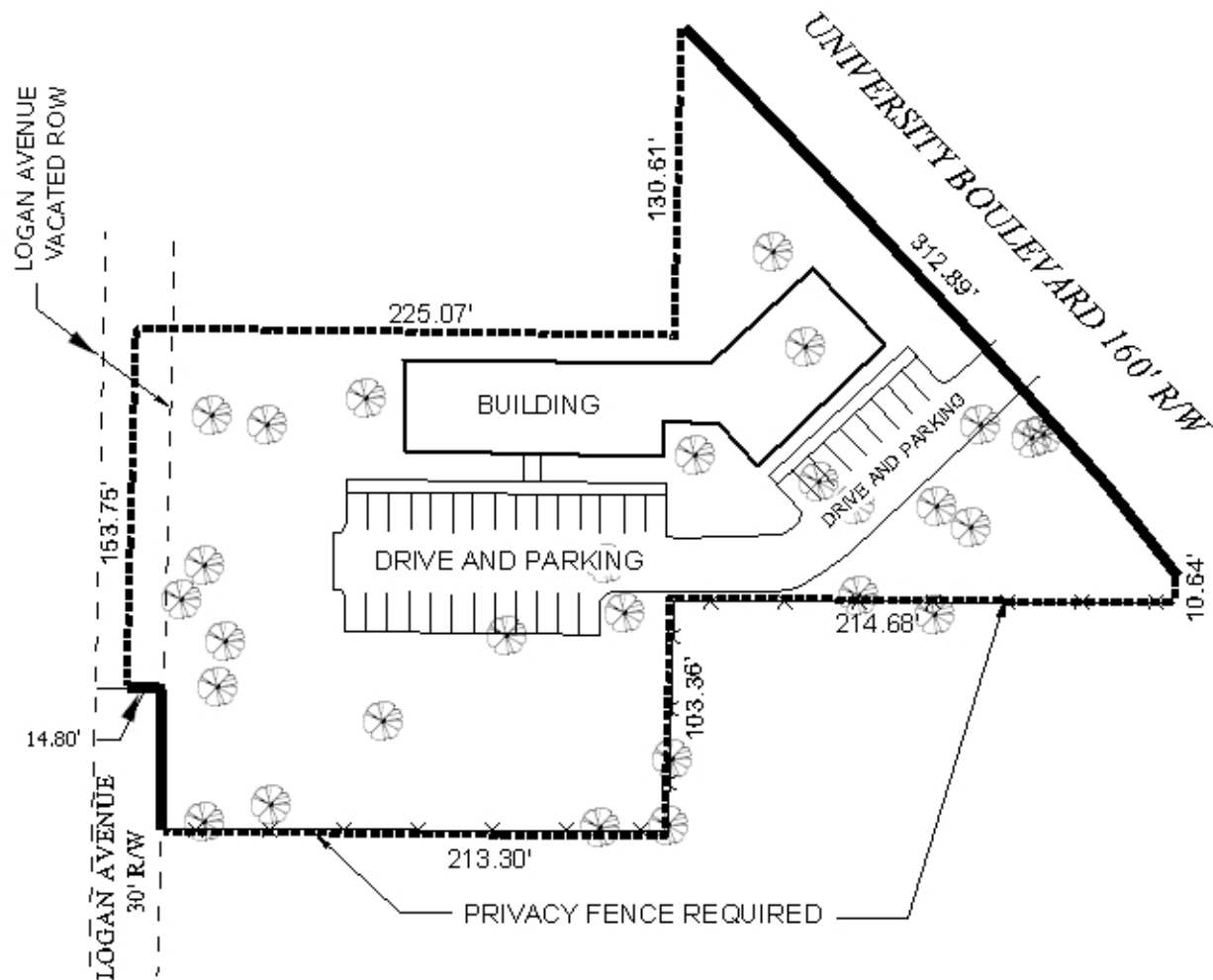
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LEGEND

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 building, drive and parking, existing trees, and vacated right of way.

APPLICATION NUMBER 4 & 5 DATE May 17, 2007

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



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