

**ZONING AMENDMENT
& SUBDIVISION STAFF REPORT****Date: February 7, 2013****APPLICANT NAME**

Jean Savell

SUBDIVISION NAME

Savell Subdivision

LOCATION

West side of Club House Road, 240'± West of Dauphin Island Parkway

**CITY COUNCIL
DISTRICT**

District 3

PRESENT ZONING

R-1, Single-Family Residential District

PROPOSED ZONING

B-1, Buffer Business District

AREA OF PROPERTY

2 Lots / 2.5± Acres

CONTEMPLATED USE

Subdivision to create 2 lots, and Zoning to rezone the site from R-1, Single-Family Residential, to B-1, Buffer Business, to allow an antique shop.

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 antique shop. Adjacent property to the North is already commercially zoned.

**TIME SCHEDULE
FOR DEVELOPMENT**

Within 6 months of approval

**ENGINEERING
COMMENTS**

The following comments should be addressed prior to review, acceptance and signature by the City Engineer: 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).

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.

REMARKS

The applicant is requesting Subdivision approval to create two legal lots of record, and Zoning approval to rezone proposed Lot 1 from R-1, Single-Family Residential, to B-1, Buffer Business, to allow an antique store.

The site currently has a residence, is bounded to the South and West by residences in an R-1, Single-Family Residential District, and to the North and East by commercial businesses in a B-2, Neighborhood Business District and a mobile home park in an 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.

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.

The applicant's justification for rezoning is that they would like to convert the existing residence into an antique store. The applicant states that the adjacent commercial uses make the continued residential use of the site problematic. However, if this were the case, the applicant would

propose to rezone the entire property as commercial instead of only a portion. Further, this justification is not one of four conditions which would make rezoning justified.

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 lot sizes are not labeled in square feet or acres, however the proposed lots appear to exceed to minimum size as set forth in Section V.D.2. of the Subdivision Regulations. If approved, the lot sizes in square feet and acres should be labeled on the Final Plat.

The proposed configuration of the lots will result in Lot 2 becoming a flag lot, of which there is only one in the area, making them an uncommon feature. Furthermore, the proposed Lot 2 does not meet the standards for width-to-depth ratio. Section V.D.3. of the Subdivision Regulations states that lot depth should not exceed 3.5 times the width of the lot at the building setback. As proposed, Lot 2 will be 140' wide at the setback line and 580' deep, resulting in a lot that is approximately 90' deeper than would normally be allowed.

The site fronts onto Clubhouse Road, a minor street with curb and gutter, has a compliant right-of-way of 50', making no dedications necessary.

The site plan illustrates both lots having shared access through a 24' wide curb cut on the proposed Lot 2. Because the applicant is proposing to have shared access between two building sites, a Planned Unit Development will be required. This proposed shared access in combination with the proposed Lot 2 being a flag lot make Lot 2 undevelopable.

The 25' minimum building setback line is not illustrated. If approved, the Final Plat should be revised to illustrate and label the building setback line.

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

Subdivision: The Subdivision request is recommended for Denial for the following reason:

- 1) lot shapes not in compliance with Section V.D.1. of the Subdivision Regulations; and
- 2) lot width-to-depth ratio not in compliance with Section V.D.3. of the Subdivision Regulations.

Rezoning: Based upon the preceding, the Rezoning request is recommended for Denial for the following reason:

- 1) failure to justify rezoning per Section 64-9. of the Zoning Ordinance; and

- 2) failure of the proposed Subdivision.

Revised for the March 7, 2013 meeting:

This application was heldover at the February 7, 2013 meeting by the Commission to allow possible revisions.

The applicant has submitted revised site plans which retain the same lot shapes and sizes; however the proposed shared access between the lots has been removed, with a newly proposed curb cut to serve the proposed commercial lot only. The removal of this shared access means the submission of a Planned Unit Development would no longer be required.

The site plan does not illustrate any tree plantings, and it should be noted that the site will be required to provide full compliance with tree planting and landscaping requirements of Section 64.4.E.3. of the Zoning Ordinance.

There is no dumpster illustrated for the site, nor is there a note stating that curbside pickup will be utilized. If approved, the site plan should be revised to illustrate a dumpster compliant with Section 64-4.D.9.c. of the Zoning Ordinance, or to include a note stating that curbside pickup will be utilized.

The site plan indicates an existing wooded area to the North and West of the site which is indicated to be supplemented to become sufficiently dense to serve as a residential buffer. However, there is no indication of a proposed residential buffer for the property proposed to remain residential to the South. If approved, the site plan should be revised to illustrate either a 6' high privacy fence, or a 6' high 10' wide evergreen vegetative buffer in compliance with Section 64.4.D.1. of the Zoning Ordinance for all adjacent residentially zoned or utilized properties.

The size of the structure proposed to be utilized as an antiques retail business is not provided on the proposed site plan, however, based on City of Mobile aerial photography, the structure appears to be approximately 2,000 square feet, therefore requiring 7 parking spaces. The site plan illustrates a compliant 8 parking spaces including a van accessible handicapped parking space.

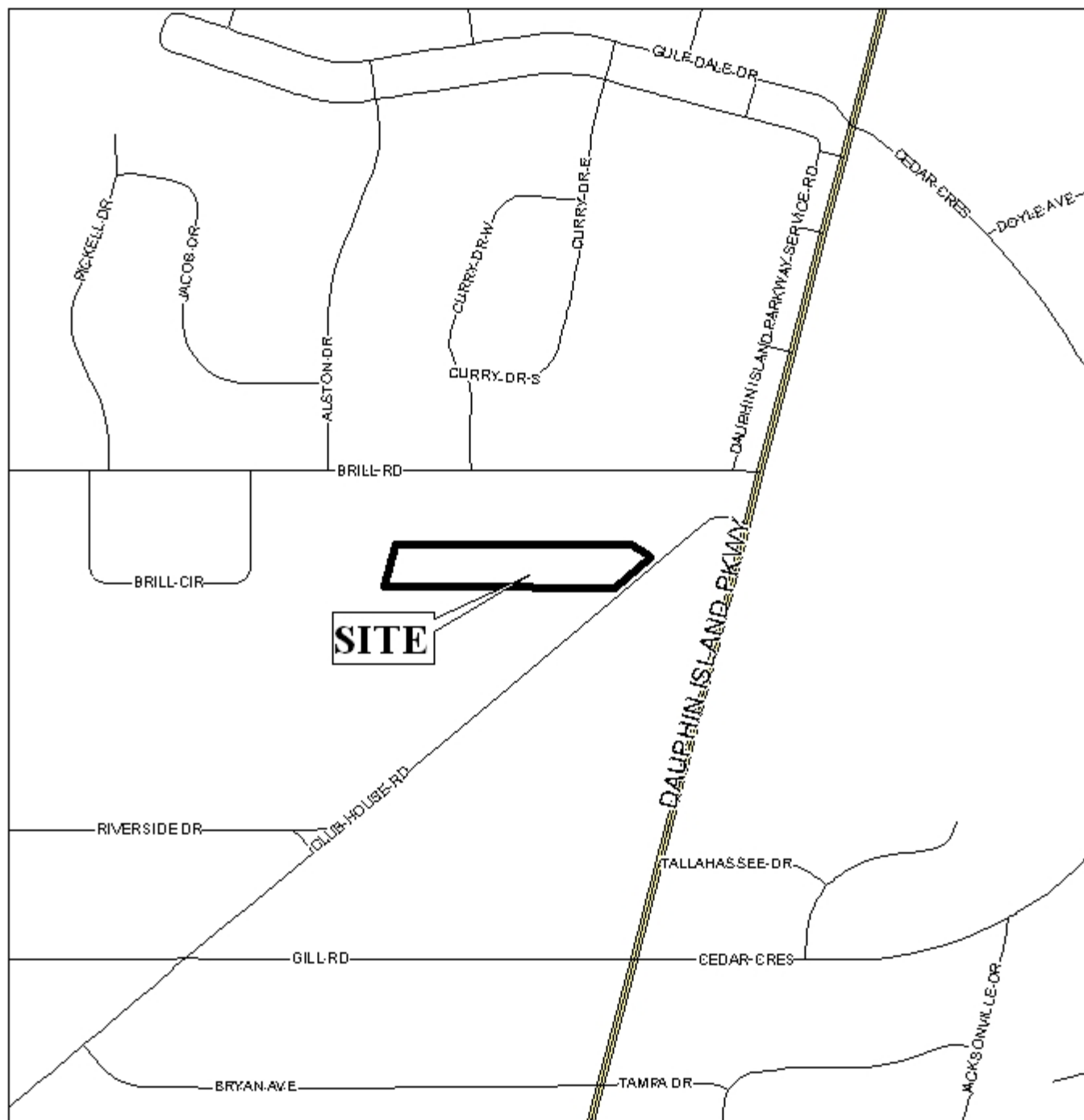
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LOCATOR MAP



APPLICATION NUMBER 6 & 7 DATE March 7, 2013
APPLICANT Savell Subdivision
REQUEST Subdivision, Rezoning from R-1 to B-1



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Single-family residences are located to the south of the site.
A drug store and trailer park are located to the north of the site.

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LEGEND NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



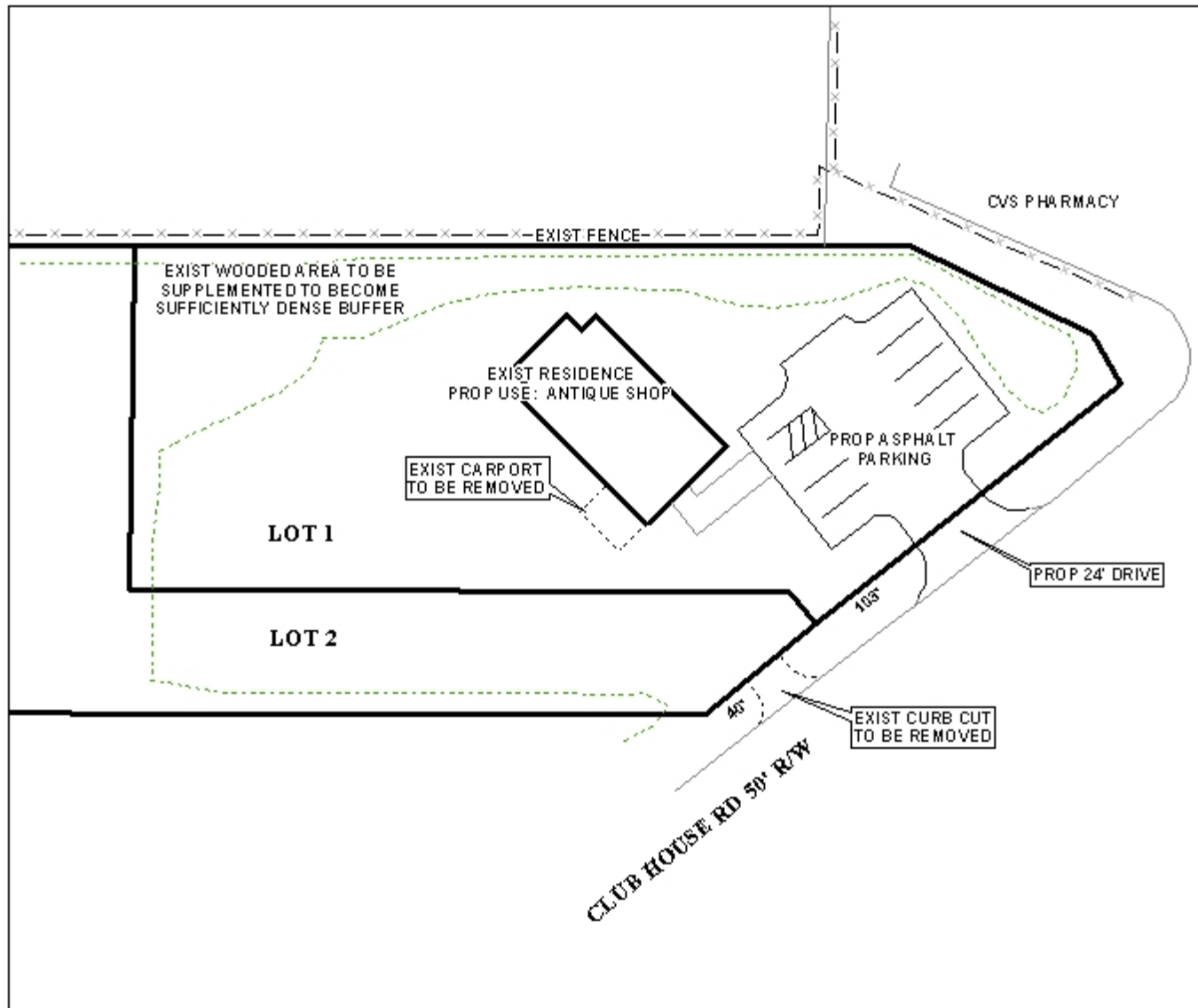
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 NTS

SITE PLAN

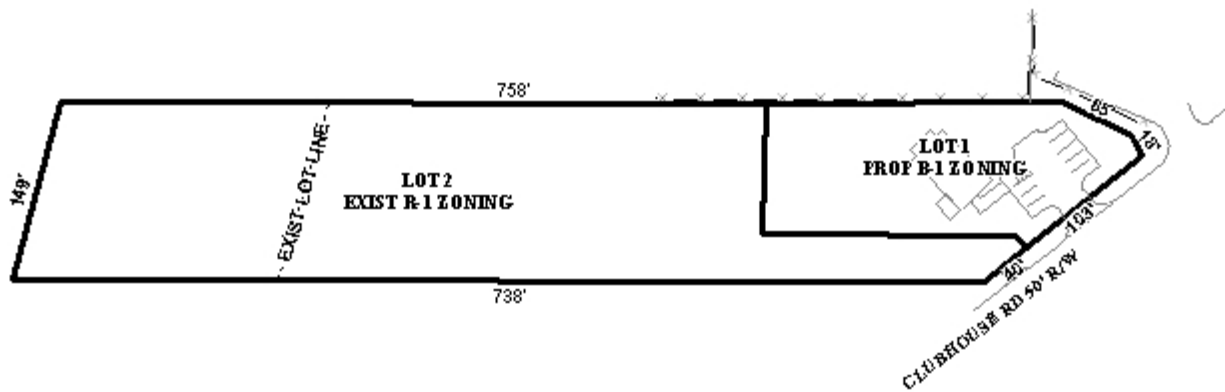


The site plan illustrates the existing building and proposed parking.

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 NTS

DETAIL SITE PLAN



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APPLICANT Savell Subdivision

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

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NTS