

**REZONING STAFF REPORT****Date: July 24, 2003****APPLICANT NAME**

Merrill P. Thomas

**LOCATION**5815 and 5819 Old Shell Road  
(South side of Old Shell Road at the Southern terminus of Jaguar Drive [private street], 210'± West of Long Street).**PRESENT ZONING**

R-1, Single-Family Residential

**PROPOSED ZONING**

B-2, Neighborhood Business

**AREA OF PROPERTY**

3.20± Acres

**CONTEMPLATED USE**

Retail shops, a restaurant, and/or professional offices

**TIME SCHEDULE**

Phase One – Begin Fall 2003, Completion Spring 2004

Phase Two – Market Driven

**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, sizes, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Developer to pay for signal modifications. Modification to be to City standards.

**REMARKS**

The applicant is proposing development of the site as a retail, restaurant, professional office complex. The site is currently zoned R-1, Single-Family Residential and consists of multiple parcels and portions of parcels, and if rezoned, will contain multiple buildings.

Commercial zoning is required to allow the proposed use of the site, and PUD and subdivision approvals will be required to allow development as proposed. The applicant is aware of the other approvals, and has indicated that the intent is to follow-up with those application once the rezoning has been secured. The concern is that previous applications for B-2 in the area were unsuccessful because, at that time, Old Shell Road was not a viable commercial thoroughfare.

This section of Old Shell Road, which has an existing right-of-way in excess of 100', is shown as a major street on the Major Street Plan component of the Comprehensive Plan. A widening project for this section of Old Shell is underway and is nearing completion. As Old Shell Road is a major street, access management is a concern. Development of service roads in the area is highly unlikely, therefore, limitation on curb cuts would be an appropriate method of access management.

This area is shown on the General Land Use component of the Comprehensive Plan as commercial. However, the Comprehensive Plan is meant to be a general guide, not a detailed lot and district plan or mandate for development. The Planning Commission and City Council may consider individual cases based on additional information such as the classification requested, the surrounding development, the timing of the request and the appropriateness and compatibility of the proposed use and zoning classification.

While previous applications in the area may have been unsuccessful, the widening of Old Shell Road makes commercial development more viable. Additionally, the proposal is to group several properties into one development, instead of rezoning individual existing lots with curb cuts to each lot.

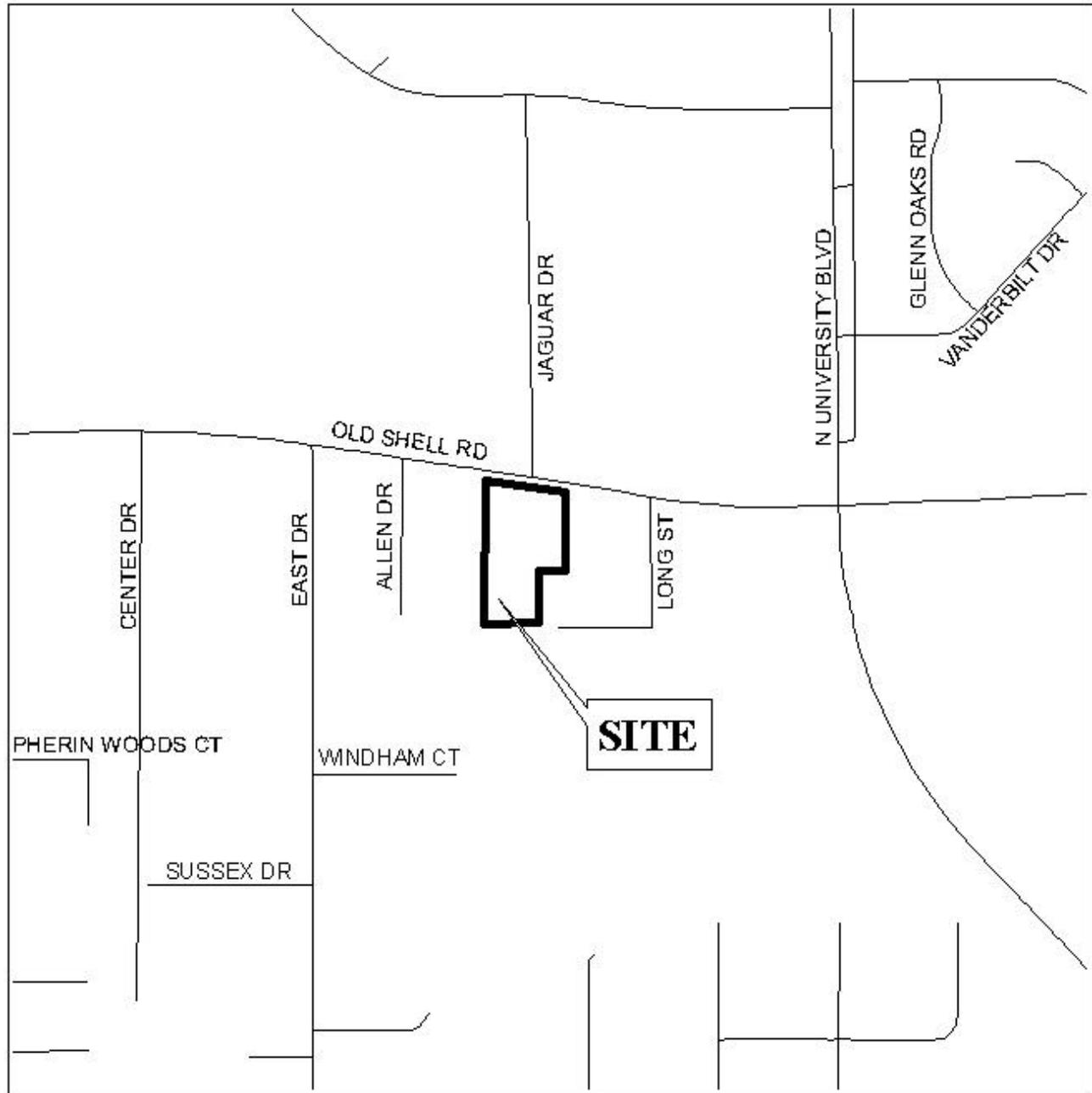
The plan submitted indicates three curb cuts to the site. Typically, a site with only approximately 300' of frontage would be limited to a maximum of one curb cut, or in very unique circumstances two curb cuts to a major street. The number and location of curb cuts is also of concern due to the proximity of curb cuts on the adjacent properties, as well as the sites location at the Southern terminus of Jaguar Drive.

This site is not located at the intersection of two major streets, as recommended as a locational guideline by the Zoning Ordinance; but is located at the intersection of a major street and a private road that functions as a collector street for the University of South Alabama.

As mentioned above, PUD and subdivision approvals will also be required based upon the proposed development. Given the concerns relating commercial development of individual lots, approval of the rezoning should be conditional upon the submission and approval of these applications.

**RECOMMENDATION** Based on the preceding, it is recommended that this application be approved subject to the following conditions: 1) submission and approval of a subdivision application; 2) submission and approval of a PUD application; 3) size, location and design of curb cuts to be approved by the Traffic Engineering Department; and 4) full compliance with all municipal codes and ordinances.

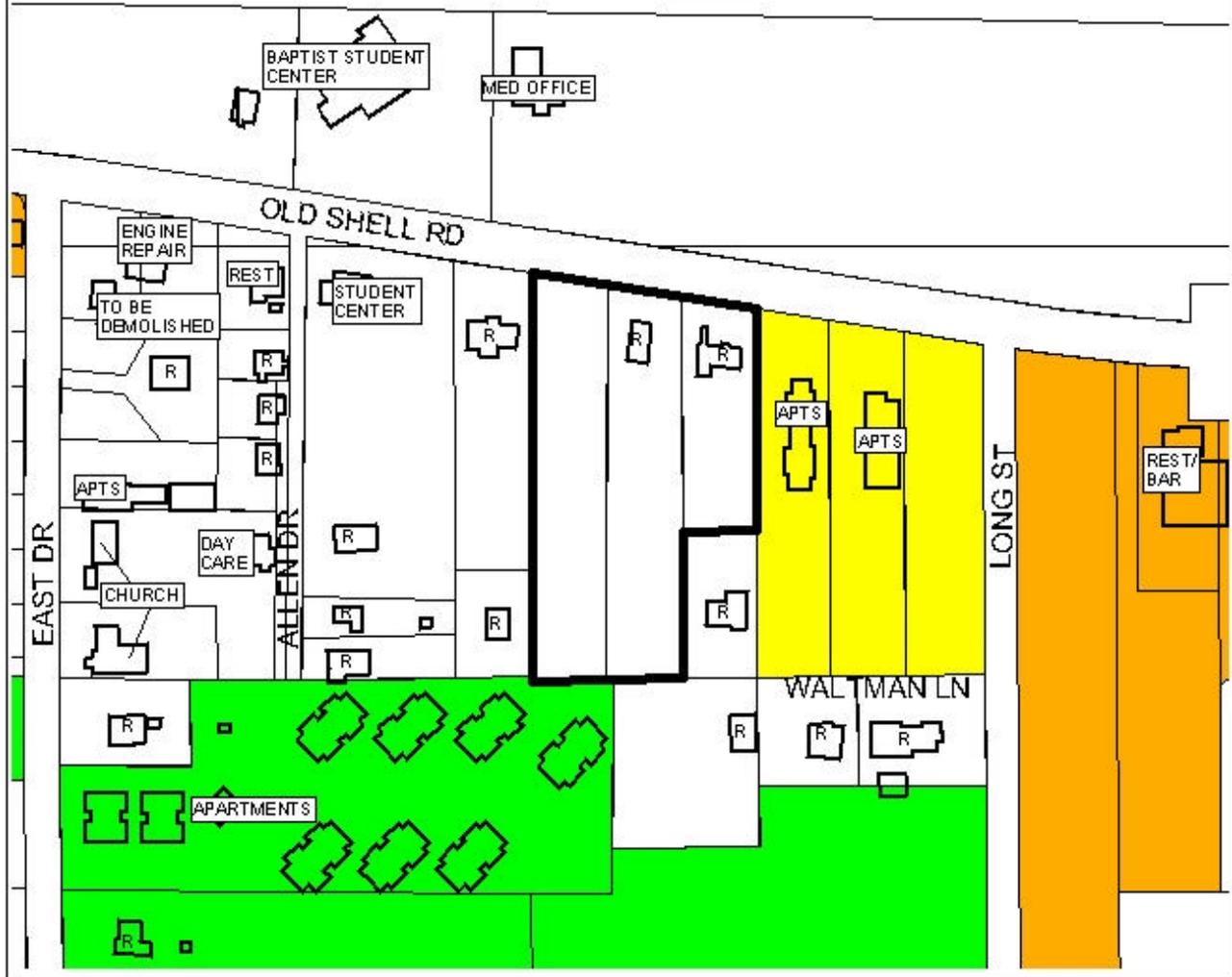
# LOCATOR MAP



APPLICATION NUMBER 6 DATE July 24, 2003  
APPLICANT Merrill P. Thomas  
REQUEST Rezoning From R-1 to B-2



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Located to the North of the site is a medical office; to the East, South, and West are single and multiple family residential dwellings.

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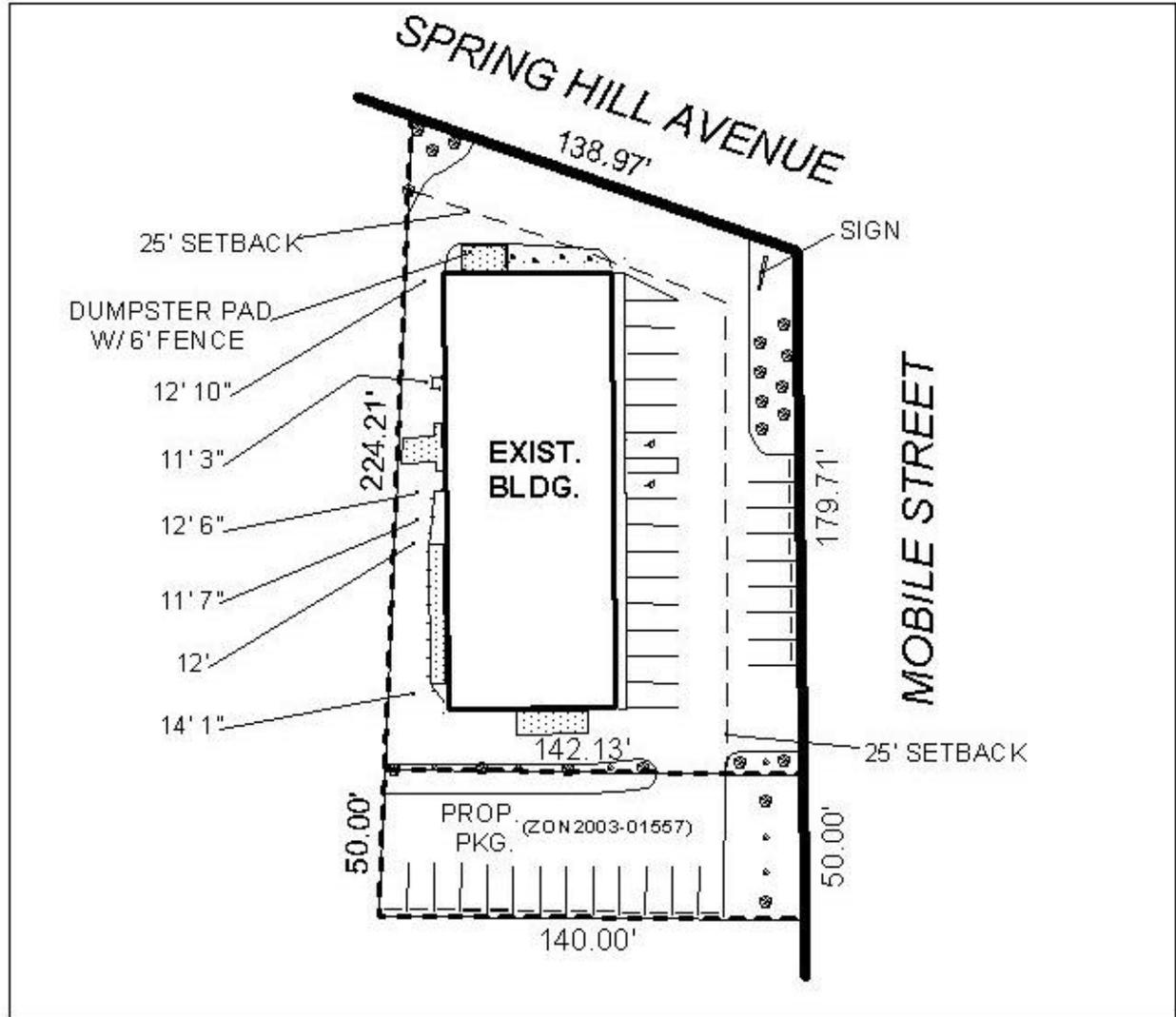
LEGEND 

R-1	R-2	R-3	R-B	H-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2

 NTS



# SITE PLAN



The site is located at the Southwest corner of Spring Hill Avenue and Mobile Street. The plan illustrates the existing and proposed structure, parking and setbacks.

APPLICATION NUMBER 5195 DATE August 4, 2003

APPLICANT Billy Hill and Johnny Nguyen

USE/REQUEST Access/Maneuvering and Landscaping Variances



NTS