

**ZONING AMENDMENT STAFF REPORT****Date: October 20, 2005****NAME**

J. A. Lankford &amp; Co. (Jean Lankford, Agent)

**LOCATION**51 Kenneth Street  
(West side of Kenneth Street, 190 feet  $\pm$  south of Old Shell Road)**CITY COUNCIL  
DISTRICT**

District 1

**PRESENT ZONING**

R-1, Single-Family Residential District

**PROPOSED ZONING**

B-2, Neighborhood Business District

**AREA OF PROPERTY**1,623 SF  $\pm$ **CONTEMPLATED USE**

Shared parking for existing commercial buildings.

**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**

Elimination of split zoning within a proposed commercial subdivision lot, per the conditions of a previously approved Subdivision and Planned Unit Development applications.

**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.

**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 from R-1, Single Family Residential to B-2, Neighborhood Business district, to eliminate split zoning within a proposed commercial subdivision lot. The split zoning was identified during review of their previously submitted Subdivision and Planned Unit Development applications. The Subdivision and PUD applications were approved with conditions that included remedying the split zoning during the September 15, 2005 meeting of the Planning Commission.

The site is illustrated as 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 requested, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and zoning classification.

The property fronts Kenneth Street, a minor street with an adequate right-of-way. East, across Kenneth Street, as well as south of the site are residential uses located in an R-1 district, while west of the site are commercial uses located in a B-2 district.

The site being rezoned is to be used as a shared parking area for existing commercial buildings, according to the approved Subdivision and PUD applications. No new construction is proposed as part of the Zoning or previously approved Subdivision or PUD applications.

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.

Rezoning of the site to B-2, Neighborhood Business, would correct an error in the Zoning Ordinance, and would be in conformance with the previously approved Subdivision and PUD.

Generally, with any rezoning, the site should be brought into full compliance with sidewalk, landscaping and tree planting requirements, as contained in the Zoning Ordinance, as well as the provision of the required buffers between commercial and residential uses. As this rezoning

application applies to only 9%  $\pm$  of the total site, and as no new construction is being proposed, compliance with these requirements at this time may not be appropriate. Should the site be redeveloped, however, compliance with the sidewalk, buffering, and tree and landscaping requirements of the Zoning Ordinance would be required.

**RECOMMENDATION**

With a waiver of Sections IV.D.1. and IV.E. of the Zoning Ordinance, it is recommended that the rezoning of the lot from R-1 to B-2 be Approved, subject to the following conditions: 1) compliance with conditions of the previous Subdivision Application; 2) compliance with the conditions of the previous PUD Application, and; 3) full compliance with all municipal codes and ordinances.

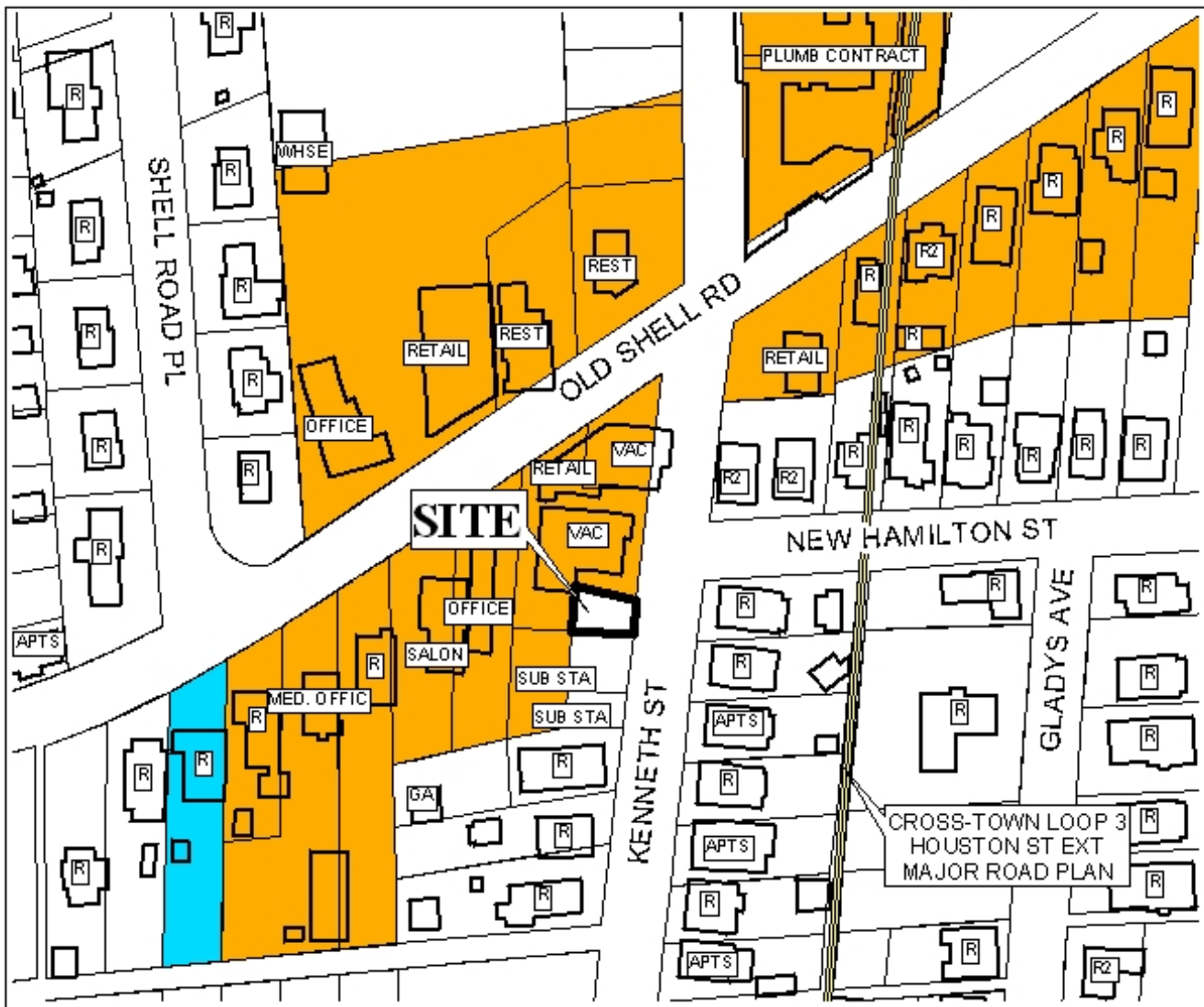
## LOCATOR MAP



APPLICATION NUMBER 7 DATE October 20, 2005  
APPLICANT J.A. Lankford & Co. (Jean Lankford, Agent)  
REQUEST Rezoning from R-1 to B-2



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



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

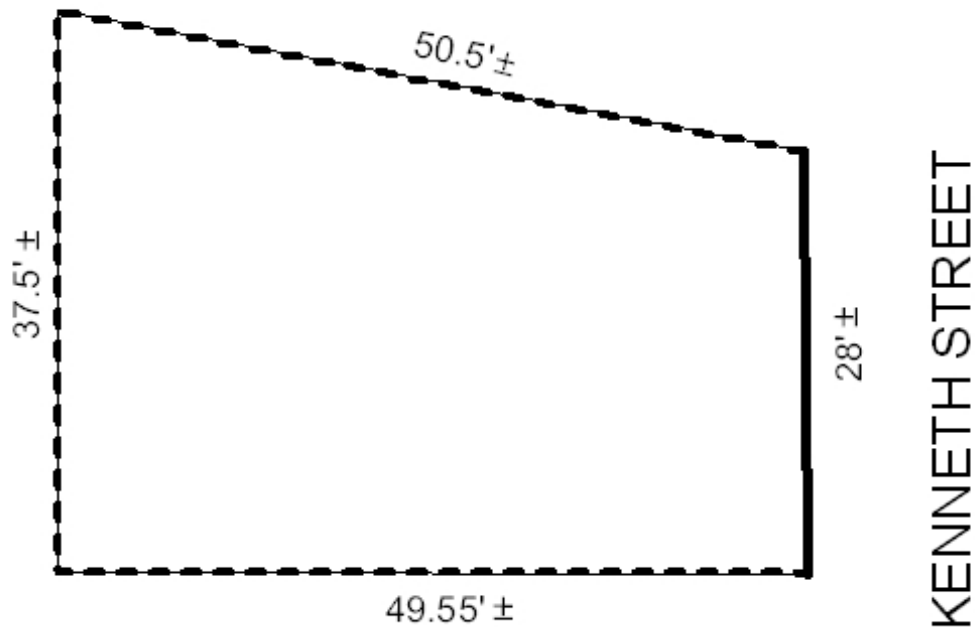
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LEGEND

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 at the Southwest corner of Old Shell Road and Kenneth Street.  
The plan illustrates the existing structures and parking.

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