

REZONING STAFF REPORT**Date: June 17, 2004****APPLICANT NAME**

Lawler and Company, Inc.

LOCATION

Northwest corner of St Stephens Road and Clinton Street, extending to the Southwest corner of St Stephens Road and Toulmin Avenue.

**CITY COUNCIL
DISTRICT**

District 1

PRESENT ZONINGR-1, Single-Family Residential and
B-3, Community Business**PROPOSED ZONING**

LB-2, Limited Neighborhood Business

AREA OF PROPERTY

1.15± Acres

CONTEMPLATED USE

Restaurant with Drive-Thru Facilities

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.

TIME SCHEDULE

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, sizes, 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 (City Code Chapters 57 and 64 and State Act 61-929). There is an existing 38" Live Oak on City property on the Southwest corner of the lot. Ingress and egress to be coordinated with Urban Forestry and cannot be moved any further to the West than the existing ingress and egress. The dumpster pad and dumpster cannot be under the drip

line of the tree. If the tree is impacted by the development, a permit from the Mobile Tree Commission is required.

REMARKS

The applicant is proposing redevelopment of the site as a fast food restaurant with drive-thru facilities.

St. Stephens Road, which has an existing right-of-way varying from 50' to 66', is a major street as shown on the Major Street Plan, and as such requires a minimum right-of-way of 100'. Additionally, some method of access management would be appropriate, as the site location is proximal to the intersection of St. Stephens Road with Dr. Martin Luther King Jr. Avenue and Craft Highway South.

The front portion of the site, which is currently zoned B-3, Community Business, was previously a restaurant but is now vacant. The proposed development will also include additional property, which is zoned R-1, Single-Family Residential.

Based on the split zoning of the site and "parcel" lines reflected on various maps, it may appear that the site consists of separate parcels, and thus would also require subdivision approval. In actuality, the "parcels" are the result of lease lines and assessment lines for tax purposes. Ownership of the site has consistently been maintained under the original legal description of Lot 33, Lewis Addition to Toulminville. No records have been found to indicate that the property has been divided in fee; therefore, the site is a legal lot of record.

There are, however, a few points relating to the proposed plan that should be addressed. The first relates to dedications. As referenced above, the site is located on St. Stephens Road, which as a major street requires a minimum right-of-way of 100'. Therefore dedication sufficient to provide 50' from centerline should be required.

Additionally, Toulmin Avenue has a substandard right-of-way (46') as shown on the plan submitted. The plan indicates that Clinton Street has a 50' right-of-way, however, there seem to be some possible discrepancies between city and county information, and the right-of-way may be substandard. Therefore dedications sufficient to provide a minimum of 25' from the centerlines of both Toulmin Avenue and Clinton Street should be required. If the Clinton Street right-of-way is currently 50', then no actual dedication will be required.

With regard to access, the Traffic Engineering Department has been working with the developer to provide the most feasible access to the site given the constraints of its proximity to the intersection of St. Stephens Road with Dr. Martin Luther King Jr. Avenue and Craft Highway South. The plan indicates a one-way-in drive near the Northeast corner of the site and a one-way-out drive near the Southeast corner. The Traffic Engineering Department has approved these access points. The plan also indicates drives to Toulmin Avenue and Clinton Street. While commercial access to minor residential streets such as Clinton Street and Toulmin Avenue is typically not recommended, in this instance it is the most practical method to allow for adequate

access and traffic circulation. Additionally, the existing development has access to both streets; therefore, the reconfiguration would not increase the number of commercial access points to the minor residential streets.

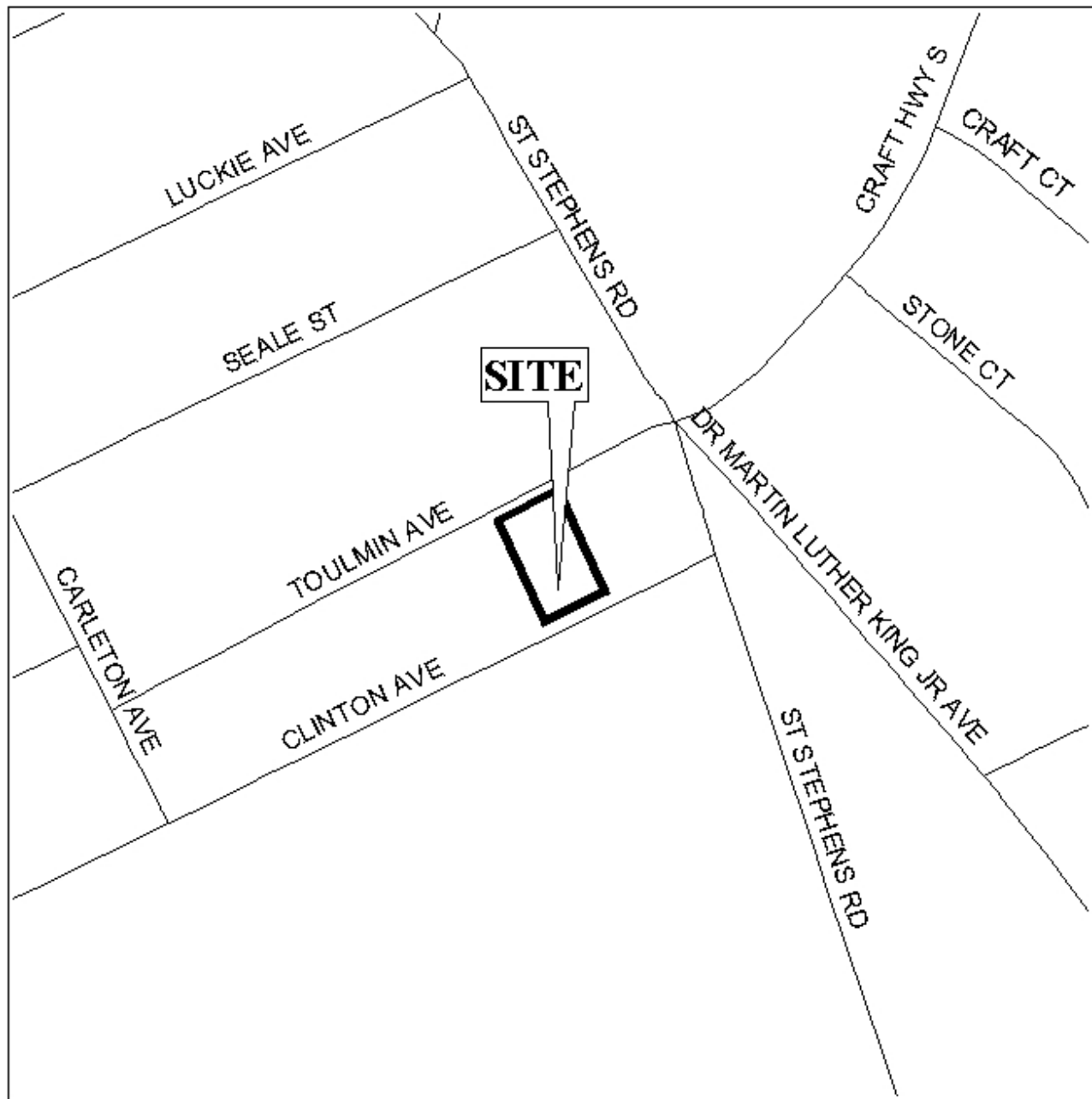
As indicated by the Urban Forestry comments, the location of the proposed dumpster will have to change – not only to accommodate the large live oak at the Southwest corner of the site, but also to meet setback requirements of the Zoning Ordinance.

Other points relate to compliance with landscaping and tree plantings, buffering of parking along Clinton Street and Toulmin Avenue, the provision of buffering along the West property line where the site abuts residential properties and sidewalks.

RECOMMENDATION

Based on the preceding, it is recommended that this application be approved subject to the following conditions: 1) dedication of sufficient right-of-way along St. Stephens Road to provide a minimum of 50' from the centerline of St. Stephens Road; 2) dedications along Toulmin Avenue and Clinton Street to provide a minimum of 25' from centerline, if necessary; 3) access to St. Stephens Road limited to a one-way-in drive near the Northeast corner and a one-way-out drive near the Southeast corner, exact location and design to be approved by Traffic Engineering; 4) access to Toulmin Avenue and Clinton Street limited to one 27' curb cut each, exact location to be coordinated with Urban Forestry, and location and design to be approved by Traffic Engineering; 5) relocation of the dumpster and pad to be clear of the dripline of the 38" live oak at the Southwest corner of the site; 6) provision of buffering of parking as required by Section VI.A.3.i.; 7) provision of a 6' wooden privacy fence along the West property line; 8) provision of sidewalks along all street frontages; and 9) full compliance with all municipal codes and ordinances.

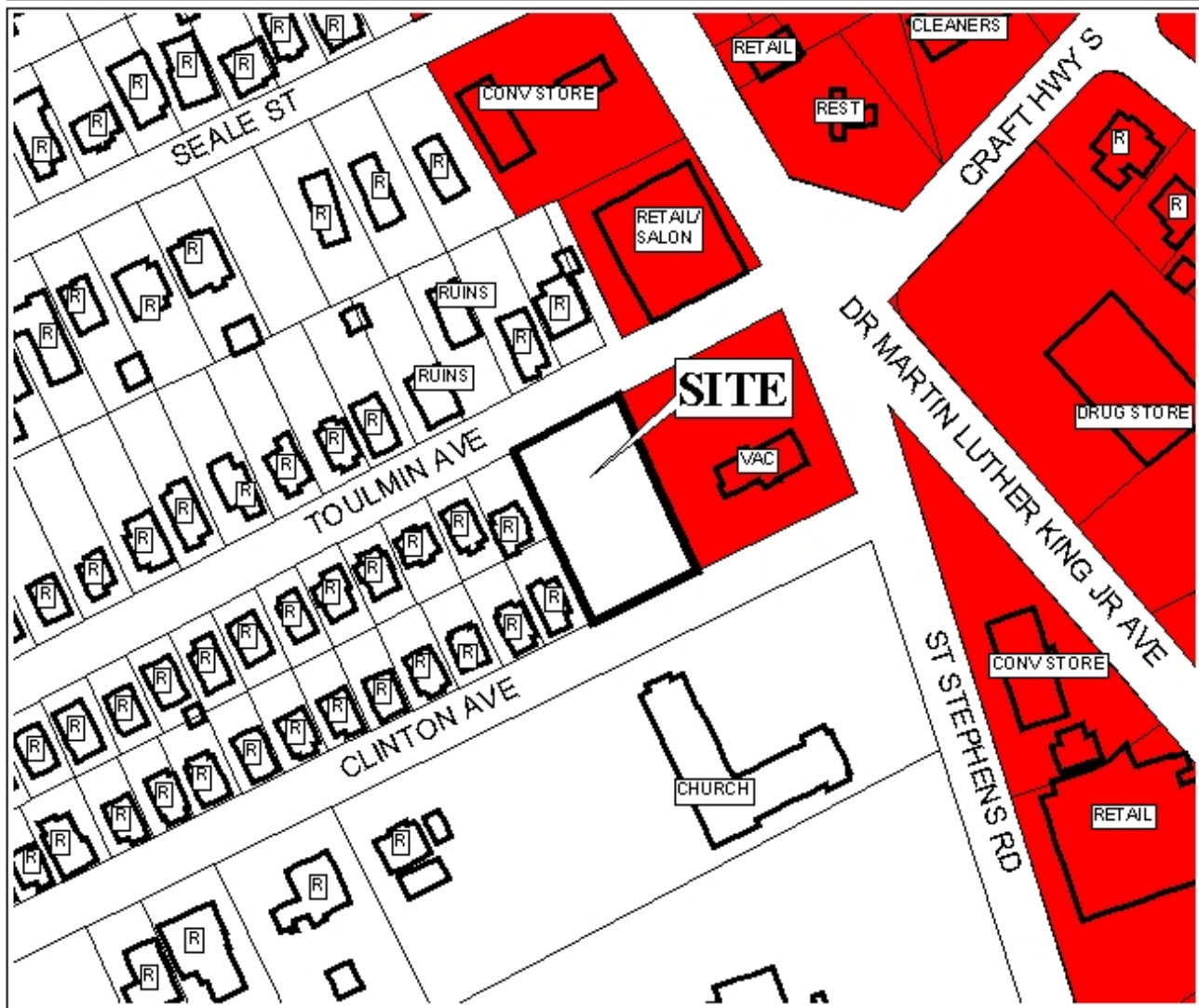
LOCATOR MAP



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APPLICANT Lawler & Company, Inc.
REQUEST Rezoning from R-1 to B-3

N
NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Single-family residential units are located to the west and south of the site. Commercial sites are located to the north and east of the site. A church is located to the south of the site.

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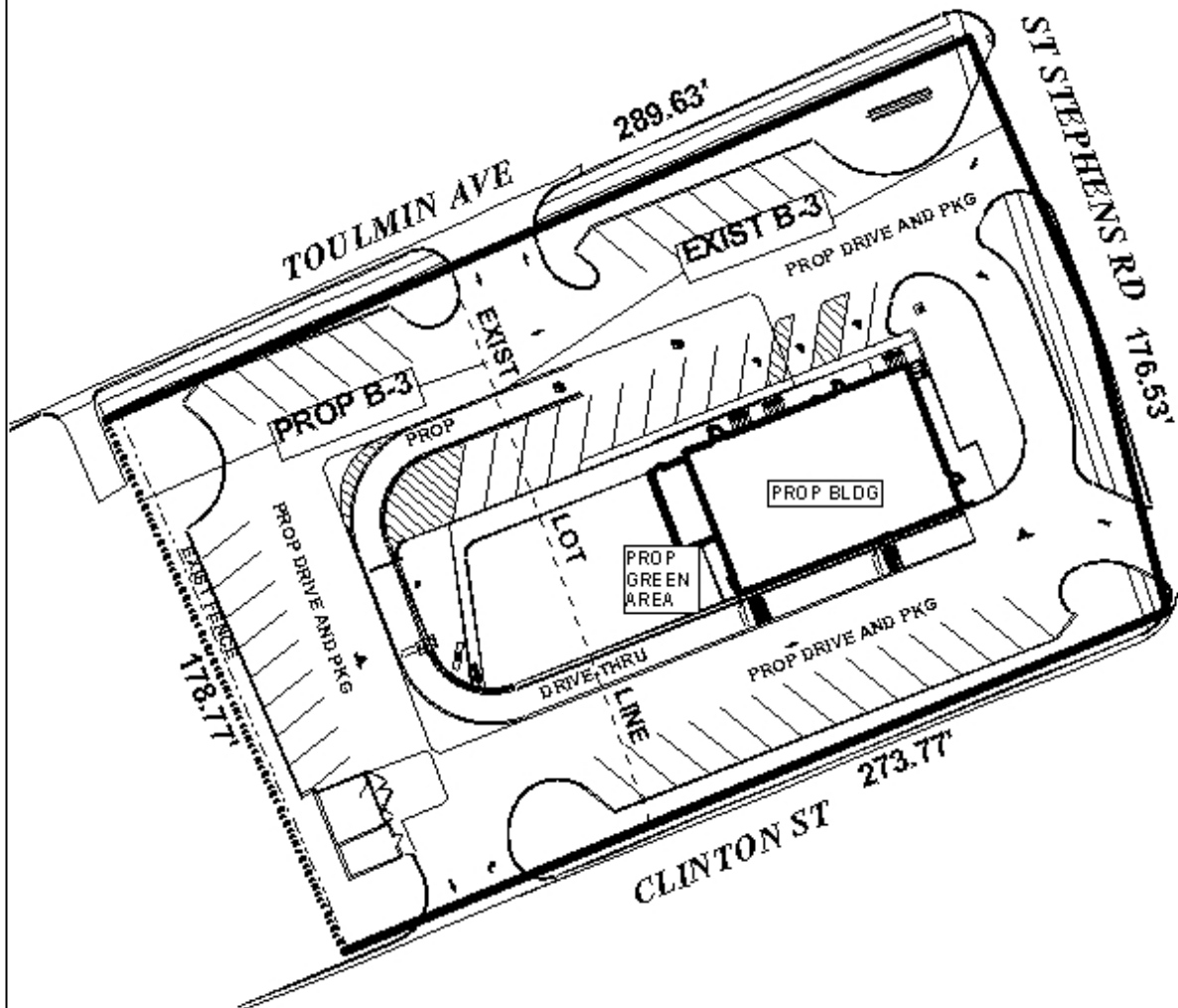
REQUEST Rezoning from R-1 to B-3

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	NTS
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SITE PLAN



The site plan illustrates the proposed building, parking, and drives along with the existing and proposed zoning.

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