

**ZONING AMENDMENT,
& SUBDIVISION STAFF REPORT****Date: March 20, 2008****APPLICANT NAME**

Cellular South Real Estate, Inc.

SUBDIVISION NAME

Forest Hill Subdivision, Resubdivision of Lot 4

LOCATION

South side of Overlook Road, 215'± West of Moffett Road.

**CITY COUNCIL
DISTRICT**

District 1

PRESENT ZONING

R-1, Single-Family Residence District

PROPOSED ZONING

B-2, Neighborhood Business District

AREA OF PROPERTY

1 Lot/3.2± Acres

CONTEMPLATED USE

Subdivision approval to create one legal lot of record, and Zoning approval to rezone the site from R-1, Single-Family Residential, to B-2, Neighborhood Business, to allow a telephone switching station.

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 a cellular telephone switching station in a commercial subdivision.

**TIME SCHEDULE
FOR DEVELOPMENT**

None given.

**ENGINEERING
COMMENTS**

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. Any drainage not directly discharged to a City of Mobile drainage system or public drainage easement will require a release agreement from all affected property owners or will require a private drainage easement.

TRAFFIC ENGINEERING**COMMENTS**

Driveway number, size, location, and design to be approved by Traffic Engineering and ALDOT 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**

No comments.

REMARKS

The applicant is requesting Subdivision approval to create a legal lot of record, and Zoning approval to rezone the site from R-1, Single-Family Residential, to B-2, Neighborhood Business, to allow a cellular telephone switching facility in a commercial subdivision.

The entire 3.2± acres site is currently undeveloped. The applicant proposes to construct a 36' x 87' (3,132 square feet) building to support automated call processing and call routing for Cellular South wireless network throughout south Alabama and the Florida panhandle.

The site fronts Overlook Road, a minor street with adequate right-of-way. East of the site are a variety of commercial uses (bank, retail, auto repair) in a B-2 district, while South and East of the site are single-family homes in an R-1, Single-Family Residential district. North, across Overlook Road from the site, are commercial uses (retail, restaurant, cleaners) located in R-1 and B-2 districts. A one lot B-2, Neighborhood Business district is located approximately 340 feet West of the site, at the southeast corner of Overlook Road and Calascione Lane, and contains an office.

The site was the subject of a use variance application and a rezoning application in 2006. The use variance application for a mini self-storage facility was denied at the March 6, 2006 meeting of the Board of Adjustment due to a lack of demonstrated hardship. Multiple applications (Rezoning, Planned Unit Development, and Planning Approval) were denied at the May 18, 2006 meeting of the Planning Commission. The Commission recommended denial of this change for the following reasons: 1) the range of uses permitted within the B-2 zoning category are not compatible with the existing residential fabric; 2) the rezoning would increase the rezoning and redevelopment pressure for the single-family residences located between the site and the one-lot B-2 district to the West; and 3) changing conditions within the area have not been identified to justify a change in the Ordinance.

Regarding the proposed rezoning, this area is shown on the General Land Use component of the Comprehensive Plan as residential and 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 or City Council may consider individual cases 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 Zoning Ordinance states that an amendment is to be made only when one or more of the following conditions prevail: there is a manifest error in the ordinance; changes in conditions in a particular area make a change in the ordinance necessary and desirable; an increased need for business or industrial sites in addition to sites that are available, make it necessary and desirable to rezone an area or extend the boundaries of an existing district; the subdivision of land into urban building sites makes reclassification necessary and desirable.

The applicant proposes to expand an existing B-2 district. The applicant states that Cellular South has searched for property in the vicinity for over a year and states that the site meets several qualifications for the needs of the facility, such as the close proximity to the telephone fiber ring and sufficient elevation.

Regarding the use as a telephone switching station, the use is allowed in a B-1, Buffer Business district; therefore, the uses associated with B-1 are consistent with properties adjacent to R-1, Single-Family Residential districts. The Commission has the right to recommend a different zoning classification than what was requested by the applicant, and in this particular case B-1 zoning would be consistent with the adjacent uses.

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.

Regarding the proposed subdivision, the site is served by public water and sewer services and would meet the minimum requirements of the subdivision. The site fronts Overlook Road, a minor street with adequate right-of-way, compliant with the Major Street Plan; therefore, no dedication would be required along Overlook Road.

As a means of access management, the site should be limited to one curb cut to Overlook Road, as close to the East property line as possible, with the size, location and design of the curb cut to be approved by Traffic Engineering and ALDOT and conform to AASHTO standards.

The lot should be labeled with such on the final plat, or a table should be furnished providing the same information.

Also, 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 a 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.

The site is bounded on the West and South by residential zoning. As the site is intended to be developed commercially, the provision of appropriate residential buffers required by Section 64-4.D.1 of the Zoning Ordinance, such as a 6-foot wooden privacy fence or 10-foot wide landscaped buffer should be required.

When considering rezoning, site compliance is a factor of review. The subject site is currently undeveloped; therefore, compliance with the landscaping and tree planting requirements of the Zoning Ordinance would be required. As proposed, site planning has been taken into account where the parking is located within the front of the building and far away from adjacent residential properties.

RECOMMENDATION

Subdivision: Based on 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 site is limited to one curb cut to Overlook Road, as close to the East property line as possible, with the size, location and design of the curb cut to be approved by Traffic Engineering and ALDOT and conform to AASHTO standards;
- 2) labeling of the lot with its size in square feet and acres, or the furnishing of a table on the final plat providing the same information;
- 3) placement of a note on the final plat stating that development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species; and
- 4) placement of a note on the final plat stating the provision of appropriate residential buffers required by Section 64-4.D.1. of the Zoning ordinance, such as a 6' wooden privacy fence or 10'-wide landscaped buffer are required.

Rezoning: Based on the preceding, the Rezoning of the site to B-2 is recommended denial for the following conditions; however, rezoning the site to B-1 would be more appropriate:

- 1) the range of uses permitted within the B-2 zoning category are not compatible with the existing residential fabric;
- 2) the rezoning would increase the rezoning and redevelopment pressure for the single-family residences located between the site and the one lot B-2 district to the West; and
- 3) changing conditions within the area have not been identified to justify a change in the Ordinance.

Revised for the April 17th meeting:

The applications were heldover to allow the applicant to submit revised preliminary plat and site plan to address the conditions of the staff. The applicant submitted revised preliminary plat and site plans addressing concerns of the rezoning of the site to B-2, Neighborhood Business. The applicant submitted a revised preliminary plat and site plan amending the rezoning and subdivision request. The applicant is requesting B-1, Buffer Business zoning for the entire site and is providing a 20-foot natural buffer along the entire western (side) property line and a 35-foot natural buffer along the South (rear) property line.

RECOMMENDATION

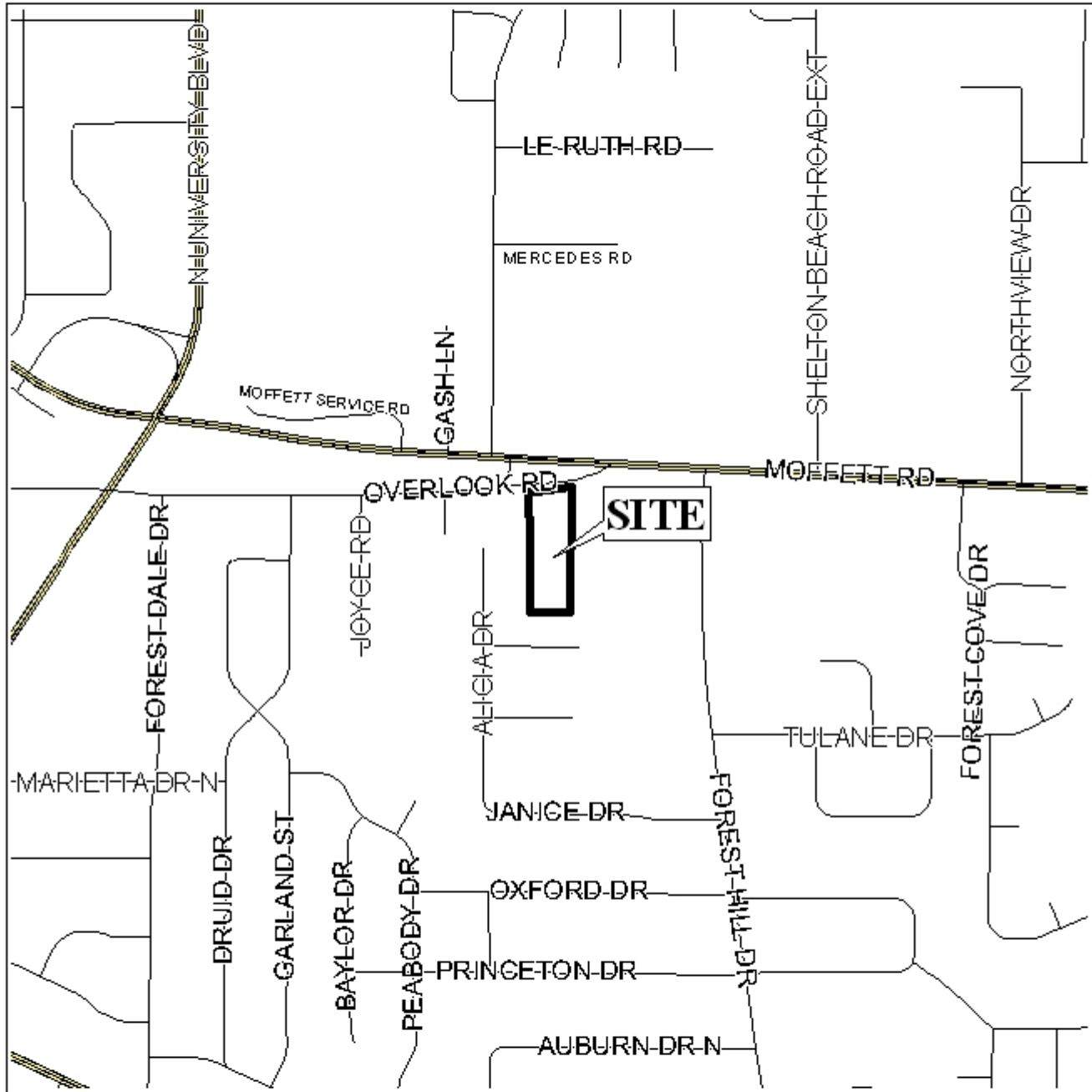
Rezoning: Based on the preceding, the Rezoning to B-1, Buffer Business is recommended for Approval, subject to the following conditions:

- 1) *the site is limited to one curb cut to Overlook Road, as close to the East property line as possible, with the size, location and design of the curb cut to be approved by Traffic Engineering and ALDOT and conform to AASHTO standards;*
- 2) *the provision of a 20-foot natural buffer along the entire West(side) property line, and a 35-foot natural buffer along the South (rear) property line to be approved by the Planning Section of Urban Development;*
- 3) *compliance with the landscaping and tree planting requirements of the Zoning Ordinance, to be coordinated with the Planning Section of Urban Development;*
- 4) *completion of the Subdivision process;*
- 5) *full compliance with all other municipal codes and ordinances.*

Subdivision: *Based on 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 site is limited to one curb cut to Overlook Road, as close to the East property line as possible, with the size, location and design of the curb cut to be approved by Traffic Engineering and ALDOT and conform to AASHTO standards;*
- 2) *placement of a note on the final plat stating that development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species;*
- 3) *placement of a note on the final plat stating the provision of a 20-foot natural buffer along the entire West (side) property line, and a 35-foot natural buffer along the South (rear) property line to be approved by the Planning Section of Urban Development.*

LOCATOR MAP



APPLICATION NUMBER 10 & 11 DATE April 17, 2008

APPLICANT Cellular South Real Estate, Inc.

REQUEST Subdivision, Rezoning from R-1 to B-2



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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



There is a bank to the east of the site, retail and a cleaners to the north, and single family residential units are to the west and south.

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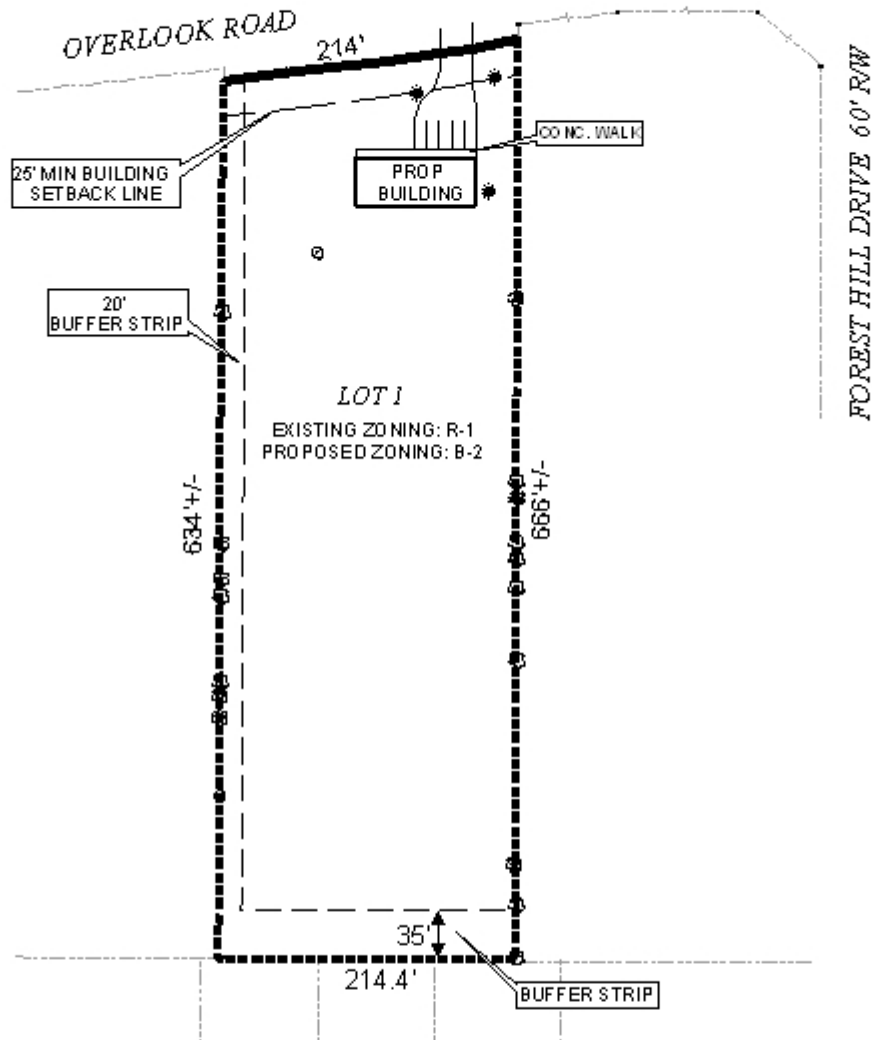
REQUEST Subdivision, Rezoning from R-1 to B-2

LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	T-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 the proposed building, parking, setbacks, and proposed and existing zoning.

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