

**ZONING AMENDMENT
& SUBDIVISION STAFF REPORT****Date: January 20, 2011****APPLICANT NAME**

Robert D. & Debra B. Williams

SUBDIVISION NAME

Forest Park Subdivision, Resubdivision of Lot 5 and a Portion of Lot 6

LOCATION1916 Dauphin Island Parkway
(West side of Dauphin Island Parkway, 560'± North of Old Military Road, extending West to Roys Lane)**CITY COUNCIL
DISTRICT**

District 4

PRESENT ZONING

B-2, Buffer Business District

PROPOSED ZONING

R-1, Single Family Residential District

AREA OF PROPERTY2 Lots / 0.8 ± Acres - Subdivision
0.1 ± Acres - Zoning**CONTEMPLATED USE**

Subdivision approval to create 2 lots, and Zoning approval to rezone the site from B-2, Neighborhood Business District, to R-1, Single Family Residential District to eliminate split zoning.

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 due to the fact that the proposed subdivision of the land will create a split-zoning condition for a proposed lot.

**TIME SCHEDULE
FOR DEVELOPMENT**

Immediately

**ENGINEERING
COMMENTS**

Need to provide a 10' dedication along Roys Ln. Must comply with all storm water and flood control ordinances. Any increase in impervious area in excess of 4,000 square feet will require detention. Any work performed in the right of way will require a right of way permit, in addition to any required land disturbance permits.

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**

All projects must comply with the requirements of the 2003 International Fire Code, including Appendices B through D, as adopted by the City of Mobile, and the 2003 International Existing Building Code, as appropriate.

REMARKS

The applicant is requesting Subdivision approval to create 2 lots, and Zoning approval to rezone the site from B-2, Neighborhood Business District, to R-1, Single Family Residential District to eliminate split zoning.

The site is currently developed with a business, and is bounded to the East by Dauphin Island Parkway, to the South by an existing shopping center in a B-2 district, to the West by Roys Lane and residences in an R-1 district, and to the North by residences and businesses in an R-1 district and a B-2 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 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. 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 the proposed subdivision of the land will create a split-zoning condition for a proposed lot. The existing site, a lot and a portion of a lot, is split-zoned, and the applicant wishes to subdivide the property to create an R-1 zoned lot fronting Roys Lane, and a B-2 zoned lot fronting Dauphin Island Parkway.

The front portion of the site has been commercially zoned since prior to the adoption of the current Zoning Ordinance (1967).

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 site fronts onto Dauphin Island Parkway, a major street, and Roys Lane, a minor street. The right-of-way for Dauphin Island Parkway should be 100 feet, according to the Major Street Plan component of the Comprehensive Plan, however, the plat shows that the right-of-way is only 90-feet wide: dedication sufficient to provide 50-feet from centerline should be required. Roys Lane, while a minor street, should have a minimum right-of-way width of 50-feet, however the plat shows that the right-of-way is only 30-feet wide. The Engineering Department has specifically requested the dedication of 10-feet of right-of-way along Roys Lane.

The site has two existing curb-cuts onto Dauphin Island Parkway, however, as the proposed commercial lot will only be 100-feet wide, it is recommended that Lot 1 be limited to one curb-cut, however, the curb-cut reduction should only be implemented at the time that Lot 1 is additionally improved or redeveloped. The size, design and location of any modified curb-cuts for Lot 1 should be approved by Traffic Engineering and ALDOT, and conform to AASHTO standards. Proposed Lot 2, which will be residential, should also be limited to one curb-cut to Roys Lane, however, the size, design and location of any curb-cuts should be approved by Traffic Engineering, and conform to AASHTO standards.

The plat does not depict the 25-foot minimum building setback line, required by Section V.D.9. of the Subdivision Regulations. The setback for Lots 1 and 2 should reflect the required dedications.

Each lot, as proposed, will meet the minimum width and area requirements of the Subdivision Regulations. The plat depicts their size in square feet, and this should remain on the final plat, if approved, adjusted for any required dedication.

Regarding the existing commercial development on Lot 1, the applicant states they have no plans for additional improvements to the site at this time, and in fact request that any buffering requirements between the commercial and residential portions of the site not be required until such time as Lot 2 is developed residentially. The existing development includes gravel parking, no buffering, and no apparent compliance with the tree and landscape requirements of the Zoning Ordinance. Furthermore, it appears that the commercial site shares access with the commercial properties to the North and to the South.

The provision of a 6-foot high wooden privacy fence buffer is typical for rezoning requests, even when dealing with sites that are already developed: the applicant has requested that the buffer fence not be required until Lot 2 is residentially developed. As the size of the existing B-2

district will be reduced, compliance with paved parking, trees and landscaping can be limited to future improvements to the existing commercial site, or redevelopment of the site.

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

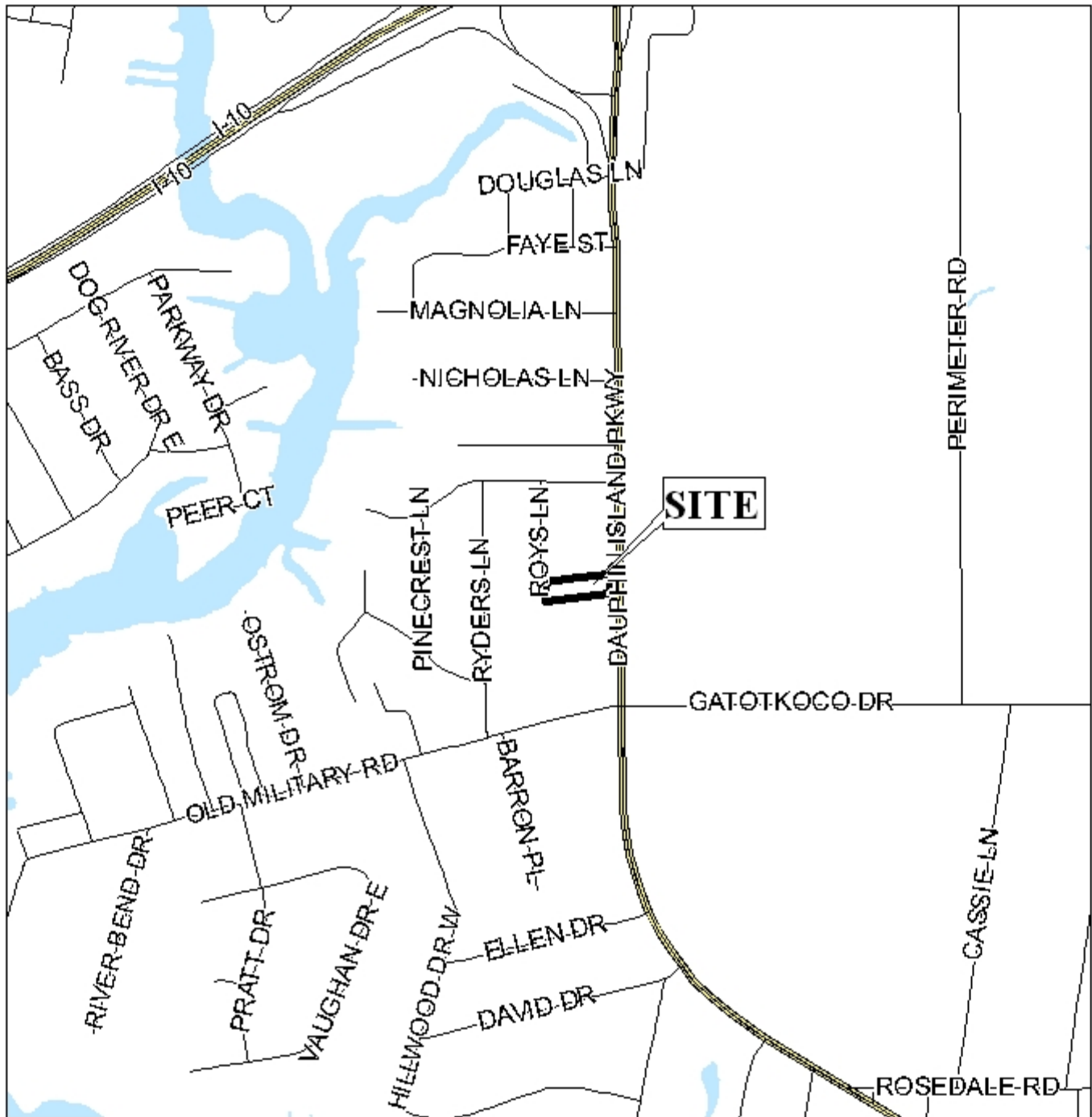
Rezoning: Based upon the preceding, the Rezoning request from B-2 to R-1 is recommended for Approval, subject to the following conditions:

- 1) completion of the subdivision process prior to any requests for permits for residential or commercial uses; and
- 2) full compliance with all municipal codes and ordinances.

Subdivision: The Subdivision request is recommended for Tentative Approval, subject to the following conditions:

- 1) Compliance with Engineering comments (*Need to provide a 10' dedication along Roys Ln. Must comply with all storm water and flood control ordinances. Any increase in impervious area in excess of 4,000 square feet will require detention. Any work performed in the right of way will require a right of way permit, in addition to any required land disturbance permits.*)
- 2) Dedication of right-of-way along Dauphin Island Parkway sufficient to provide 50-feet as measured from the centerline;
- 3) Depiction of the 25-foot minimum building setback line along Dauphin Island Parkway for Lot 1;
- 4) Depiction of a 25-foot minimum building setback for Lot 2 along Roys Lane;
- 5) Placement of a note on the final plat stating that Lot 1 is limited to one (1) curb-cut to Dauphin Island Parkway, with the size, design and location to be approved by Traffic Engineering and ALDOT, and to conform with AASHTO standards, with curb-cut improvements to take place when Lot 1 is additionally improved or redeveloped;
- 6) Placement of a note on the final plat stating that Lot 2 is limited to one (1) curb-cut to Roys Lane, with the size, design and location to be approved by Traffic Engineering, and to conform with AASHTO standards;
- 7) 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;
- 8) Provision of a buffer between Lots 1 and 2, which complies with Section V.A.8. of the Subdivision Regulations; and
- 9) Revision of the plat to depict the lot size in square feet, after any required dedication.

LOCATOR MAP



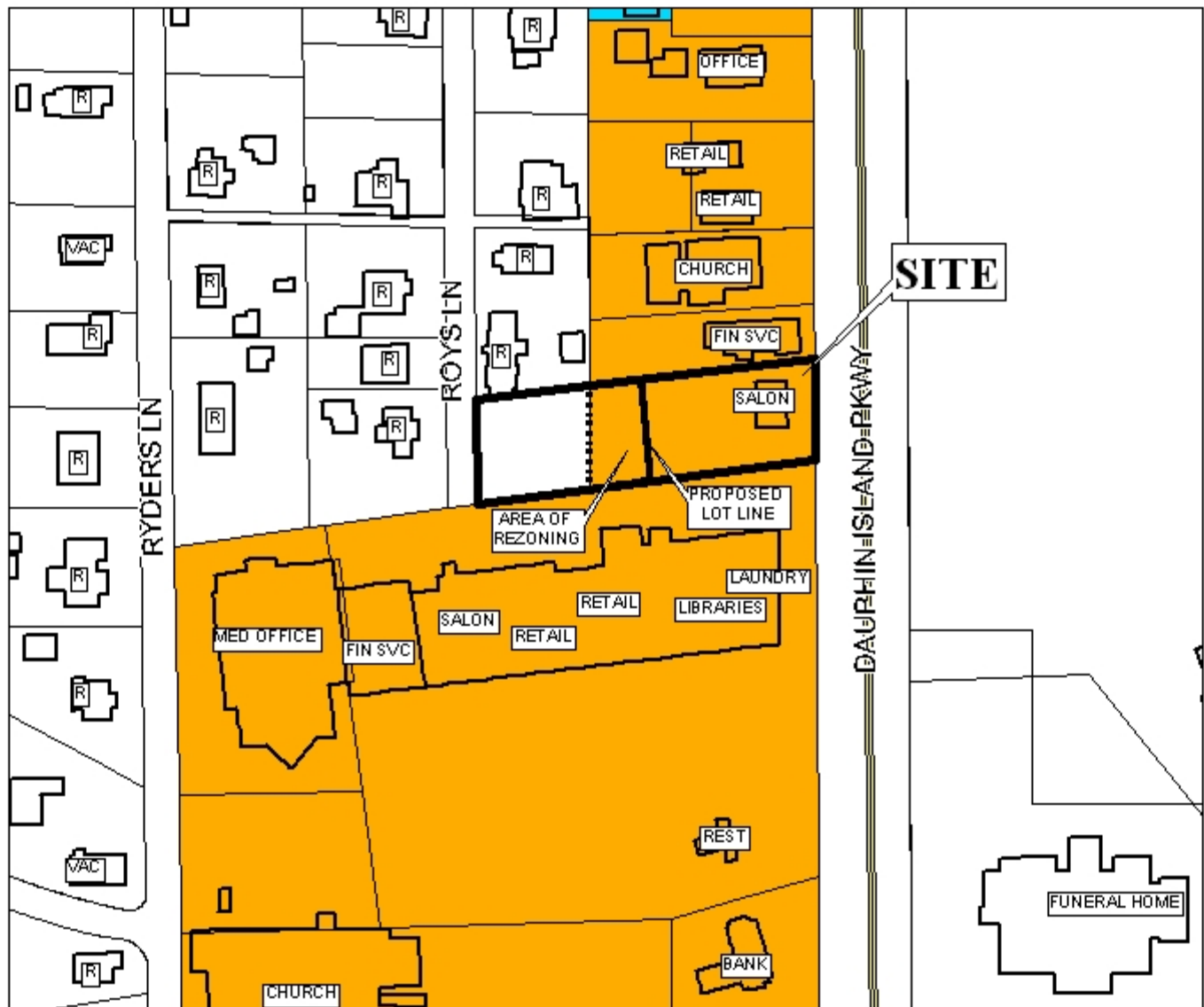
APPLICATION NUMBER 10 & 11 DATE January 20, 2011

APPLICANT Forest Park Subdivision, Resubdivision of Lot 5 and a Portion of Lot 6

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



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Commercial land use exists on the eastern portion of the site and north and south along Dauphin Island Parkway. Residential land use is to the west of the site and north along Roys Lane.

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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	NTS
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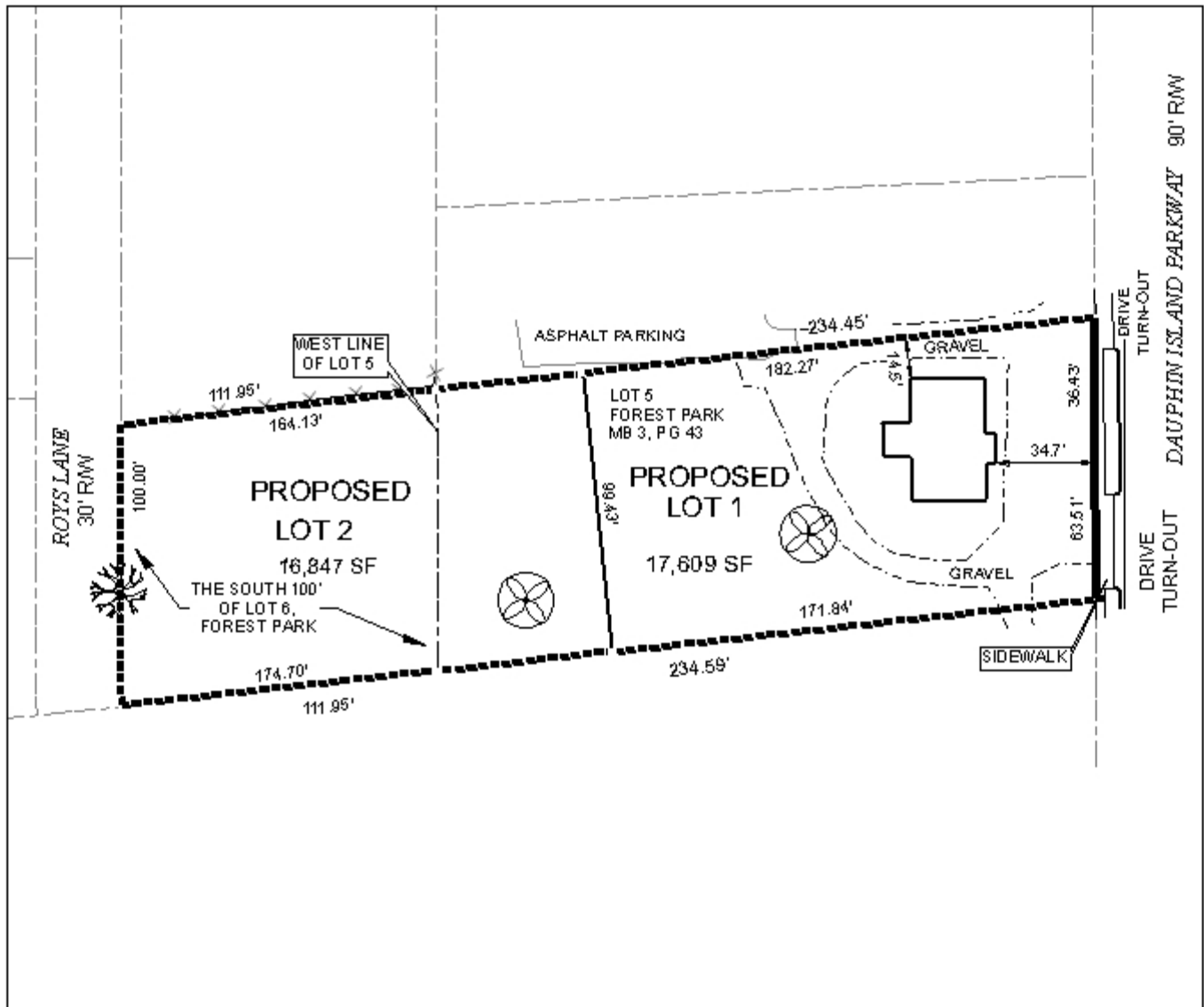
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NTS

SITE PLAN



The site plan illustrates the existing and proposed lot configuration and existing improvements.

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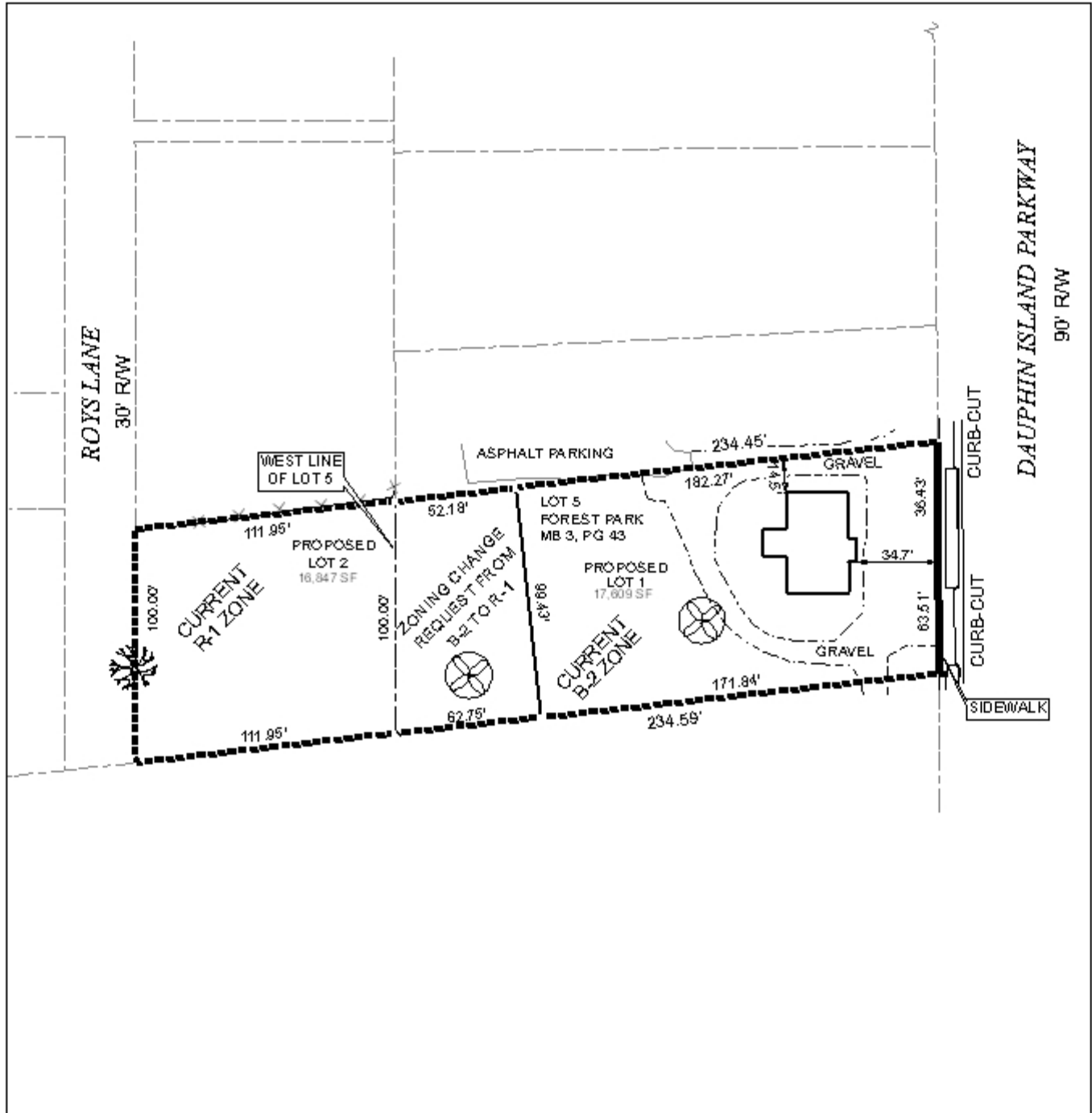
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NTS

ZONING DETAIL



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