

REZONING STAFF REPORT**Date: October 19, 2006****APPLICANT NAME**

MOJO, Inc.

LOCATION

Northwest corner of Moffett Road and Wolf Ridge Road

**CITY COUNCIL
DISTRICT**

District 1

PRESENT ZONINGR-1, Single-Family Residential
B-2, Neighborhood Business**PROPOSED ZONING**

B-2, Neighborhood Business

AREA OF PROPERTY

3.1± Acres

CONTEMPLATED USE

To eliminate split zoning in a proposed commercial subdivision.

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
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, 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 (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.

REMARKS

The applicant is requesting rezoning to correct split zoning of the site in question as a result of vacations and sale of property acquired for future major street improvements.

The site was the subject of a recent two-lot subdivision application that was approved contingent upon correction of the split zoning prior to the issuance of any building permits. One lot is currently developed with a commercial strip center, and the other is vacant.

The site appears to not be depicted on the General Land Use Component of the Comprehensive Plan because it was considerably impacted by the Donald Congress Connector, which has since been removed from the Major Street Plan. The General Land Use Component of the Comprehensive Plan 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 request, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and zoning classification.

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.

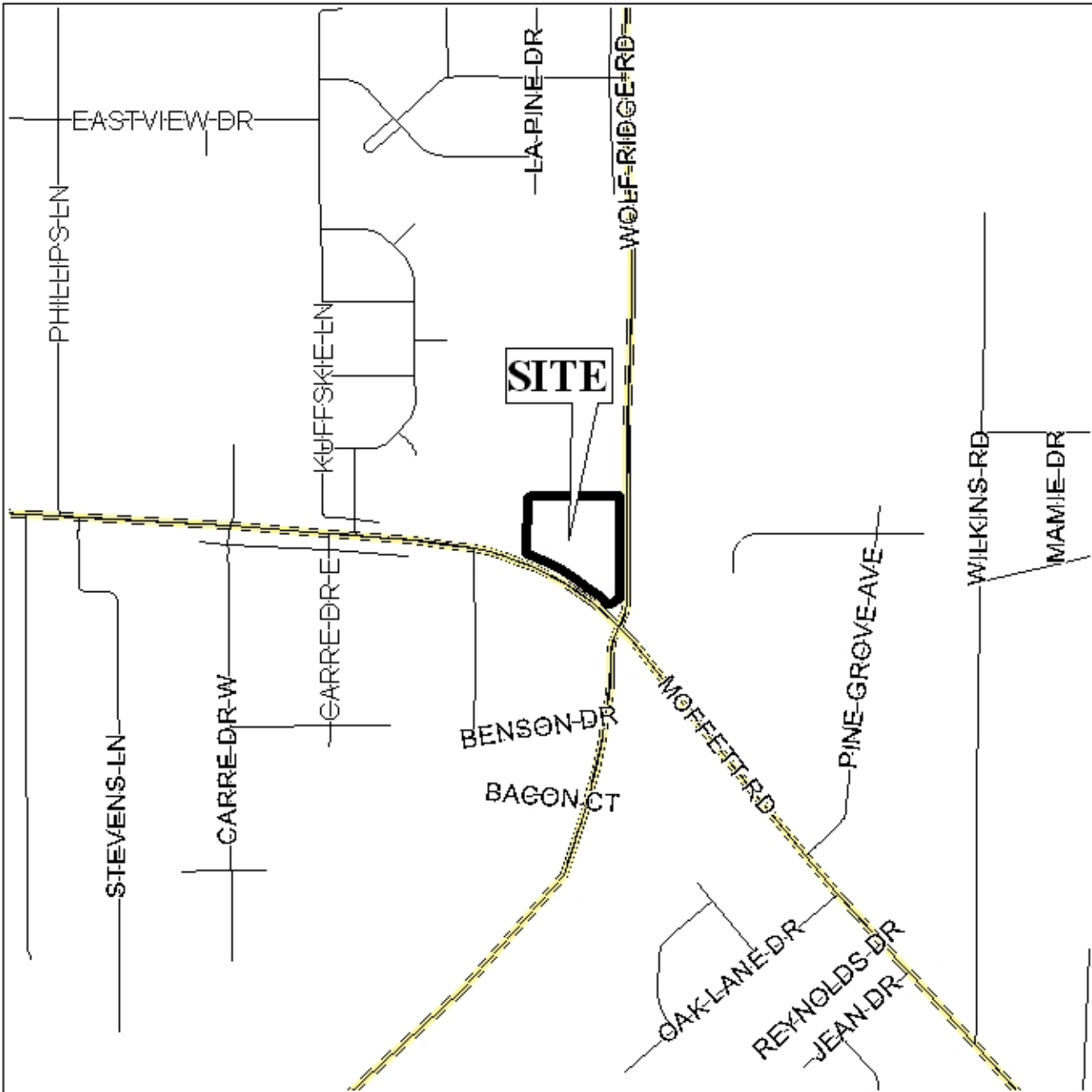
In this instance, due to the removal of the Donald Congress Connector from the Major Street Plan, the vacations and sale of property by the city, creating a split zoned property, and the recently approved subdivision, conditions 1, 2 and 4 seem to be applicable.

As development of the vacant lot will necessitate shared access and potentially shared parking, the applicant has been advised that an Administrative PUD will be required. It should also be noted that development of the vacant lot will require full compliance with landscaping and tree plantings.

RECOMMENDATION

Based on the preceding, the application is recommended for approval subject to the following conditions: 1) the subdivision is limited to two curb cuts to Moffett Road, size, location and design to conform to AASHTO standards, and to be approved by Traffic Engineering and ALDOT; and 2) the subdivision is limited to two curb cuts to Wolf Ridge Road, size, location and design to conform to AASHTO standards, and to be approved by Traffic Engineering.

LOCATOR MAP



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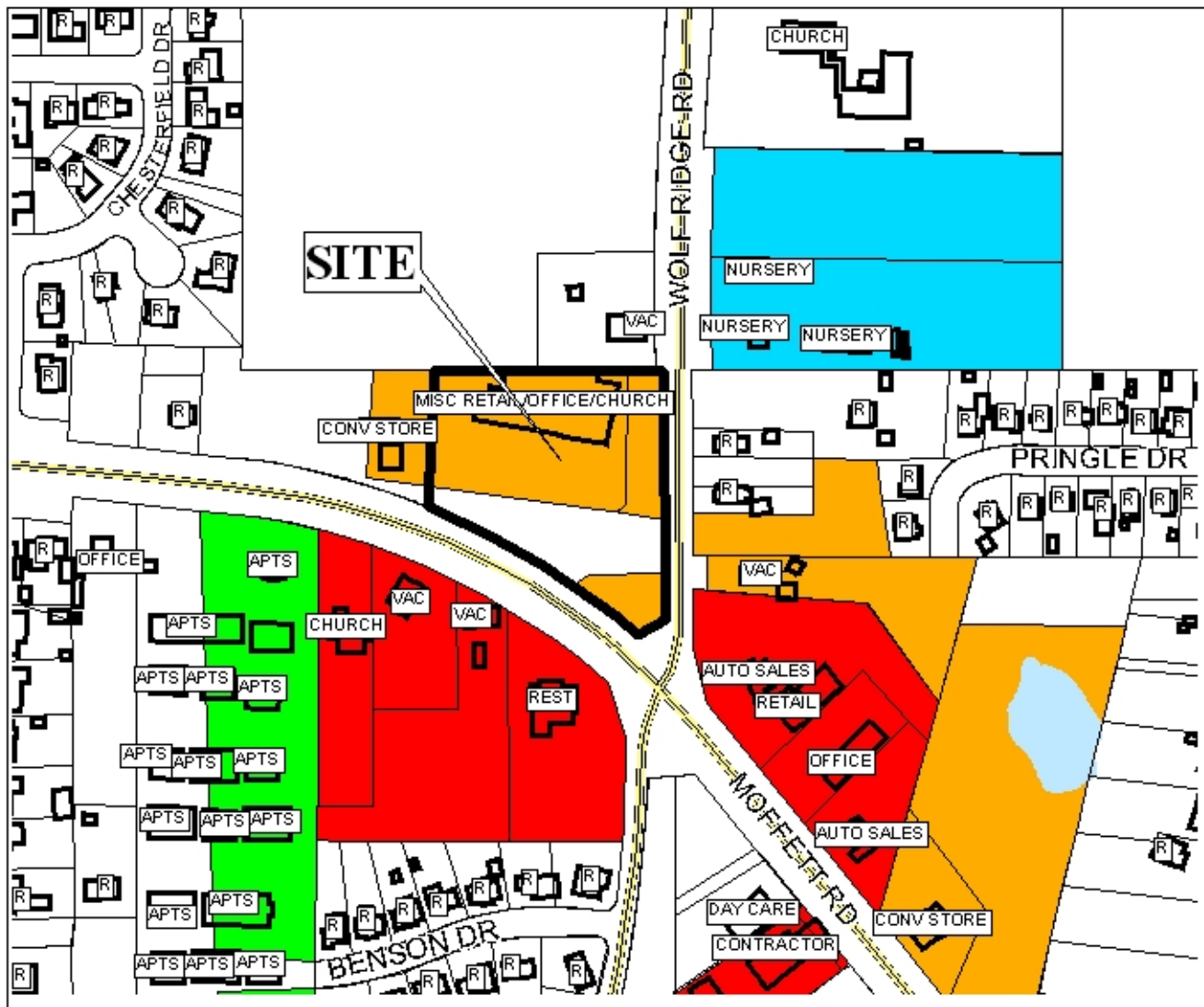
APPLICANT MOJO, Inc.

REQUEST Rezoning from R-1 and B-2 to B-2



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by mixed landuse.

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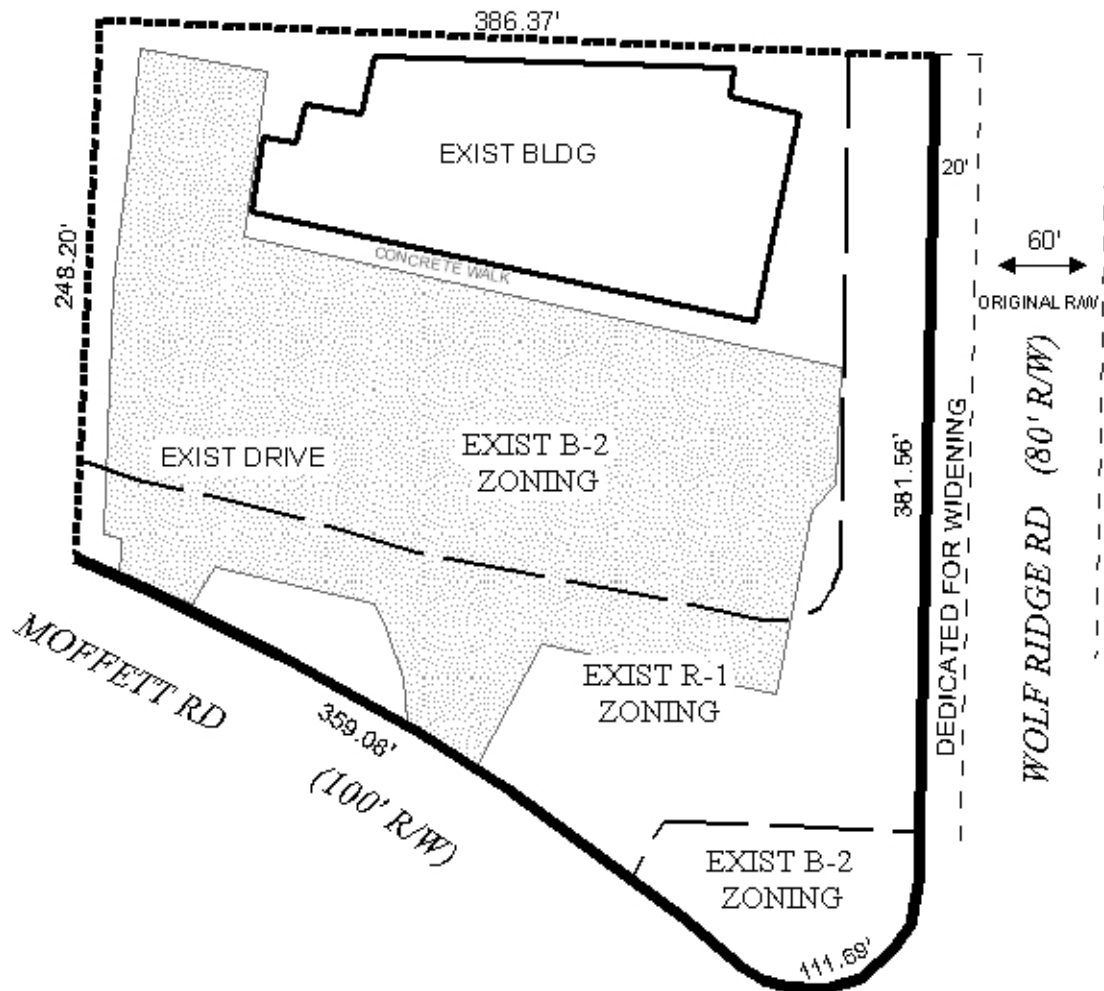
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LEGEND

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	NTS
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DETAIL SITE PLAN



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NTS