

**REZONING &
SUBDIVISION STAFF REPORT**

Date: January 8, 2004

APPLICANT NAME

Ernest Murphy

SUBDIVISION NAME

Murphy's Transmission Subdivision

LOCATION

Subdivision: 1515 St. Stephens Road
(Southeast corner of St. Stephens Road and North Catherine Street)

Rezoning: B-2 to B-3 – 1515 St. Stephens Road
(Southeast corner of St. Stephens Road and North Catherine Street)

Rezoning: B-2 to B-1 – East side of North Catherine Street, 170'± South of St. Stephens Road.

PRESENT ZONING

B-2, Neighborhood Business

PROPOSED ZONING

B-3, Community Business

B-1, Buffer Business

AREA OF PROPERTY

Subdivision: 0.7± Acres 2 Lots

Rezoning (B-3): .5± Acres

Rezoning (B-1): .2± Acres

CONTEMPLATED USE

B-3 – Automobile Transmission Repair

B-1 – Single-Family Residence

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). Full compliance with landscape and trees to be coordinated with Urban Forestry.

REMARKS

The applicant is requesting rezoning and subdivision approval to allow the site to be divided into two lots, one lot is to be rezoned B-3 to accommodate an existing transmission repair shop and the other is to be rezoned B-1 to allow a single-family dwelling.

The existing transmission repair shop is operating under a Use Variance granted in 1993. The application states that the site is in compliance with conditions placed on the Variance Approval [1) a 6' privacy fence along the South and East property lines; 2) an outside work area equal to three work bays be provided and enclosed with a 6' minimum privacy fence; 3) compliance with the landscaping and tree planting requirements], and requests that no additional conditions be imposed.

While there has been some degree of compliance, it does not appear that the site is in full compliance with the Variance conditions or requirements of the Zoning Ordinance. The outside work area is not enclosed with a 6' privacy fence (or other screening); much of the outside work area/parking is not paved (a requirement of the Zoning Ordinance); and it does not appear that the site is in full compliance with the landscaping and tree planting requirements – and still may not be if subdivided into two lots.

In addition, St. Stephens Road has been added to the Major Street Plan in place of Congress Street. Therefore, dedications of sufficient right-of-way to provide 50' from the centerline of St. Stephens Road and an appropriate radius at the intersection of St. Stephens Road and Catherine Street would be appropriate. And, as a method of access management, elimination of the continuous curb cut(s) should be required – with new cut(s) to be approved by the Traffic Engineering Department.

Recently the Southwest corner of St. Stephens Road and Lafayette Street was recommended for rezoning to B-3. The changing conditions/character of the neighborhood, in conjunction with the nearby B-3 district(s) and nonconforming/variance uses indicate that rezoning for the site may be appropriate.

With regard to the applicant's request for B1 for a portion of the site to allow a single-family residence, the ordinance allows single-family dwellings in R-1 through R-3 and B-1 districts. The proposed B-1 lot would be sandwiched between the proposed B-3 corner (B-2 existing) and an R1 property which has a Use Variance for a parking lot for Mobile Area Water and Sever Service.

With modifications to provide for the future major street, including dedications and limitations on curb cuts, the proposed Subdivision will meet the minimum requirements of the Subdivision Regulations.

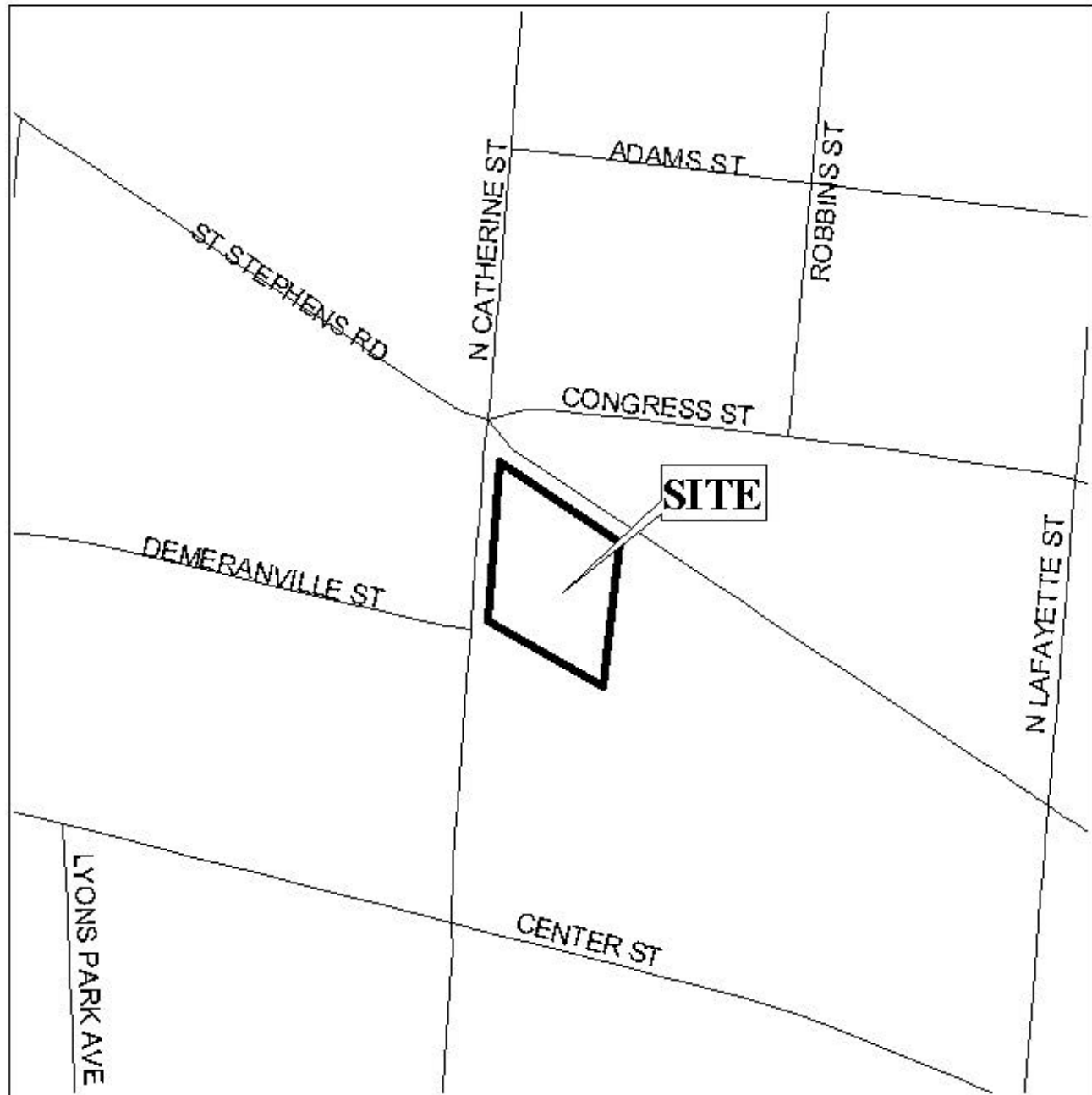
RECOMMENDATION

Rezoning: B-3 - 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 50' from centerline; 2) dedication of an appropriate radius at the intersection of St. Stephens Road and North Catherine Street; 3) elimination of the continuous curb cuts, including installation of curbing and landscaping, with new cuts to be approved by Traffic Engineering; 4) completion of the Subdivision Process prior to the issuance of any permits; 5) all parking areas to be paved; 6) vehicles to be screened from view, as required by the Zoning Ordinance; 7) the site be brought into full compliance with the landscaping and tree planting requirements of the Zoning Ordinance; and 8) full compliance with all municipal codes and ordinances.

Rezoning: B-1 – based on the preceding, it is recommended that this application be approved subject to the following conditions: 1) completion of the subdivision process prior to the issuance of any permits; 2) limited to one curb cut, size, location and design to be approved by Traffic Engineering Department; and 3) full compliance with all municipal codes and ordinances.

Subdivision: with modifications, the plat meets the minimum requirements of the Subdivision Regulations subject to the following conditions: 1) dedication of sufficient right-of-way along St. Stephens Road to provide 50' from centerline; 2) dedication of an appropriate radius at the intersection of St. Stephens Road and North Catherine Street; 3) elimination of the continuous curb cuts, including installation of curbing and landscaping; and 4) placement of a note on the final plat stating that curb cuts are to be approved by the Traffic Engineering Department.

LOCATOR MAP



APPLICATION NUMBER 8 & 9 & 10 DATE January 8, 2004

APPLICANT Ernest Murphy

REQUEST Rezoning, Subdivision



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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



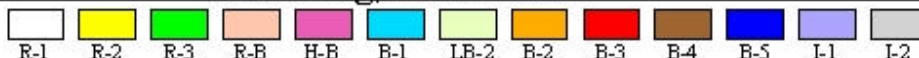
Single-family residential units are located to the north, east, and south of the site. Mobile Water and Sewer is located to the west of the site.

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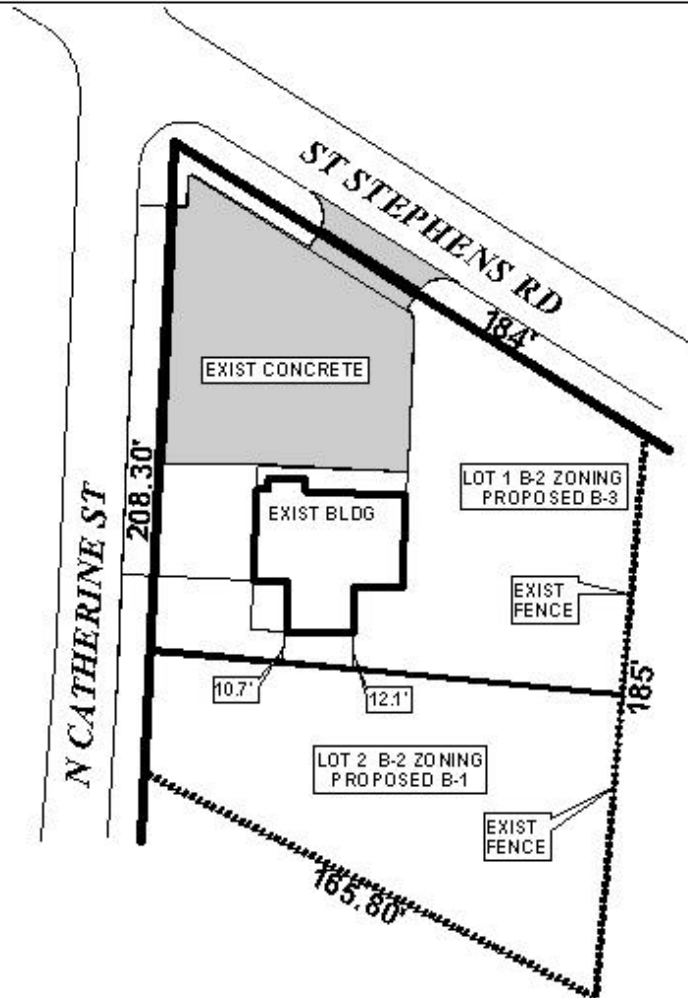
LEGEND



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SITE PLAN



The site plan illustrates the existing building, fencing, and concrete.

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