

**ZONING AMENDMENT,
& SUBDIVISION STAFF REPORT****Date: March 5, 2009****APPLICANT NAME**

Sharon Lee

SUBDIVISION NAME

Ruth's Place Subdivision

LOCATION2950 Lees Lane
(West side of Lees Lane, 490'± North of Gordon John Drive)**CITY COUNCIL
DISTRICT**

Council District 4

PRESENT ZONING

R-1, Single-Family Residential and I-1, Light Industry

PROPOSED ZONING

R-1, Single-Family Residential

AREA OF PROPERTY

2 Lot / 2.6± Acres

CONTEMPLATED USE

Subdivision approval to re-subdivide a legal lot record into two lots, and Zoning approval to rezone the site from R-1, Single-Family Residential and I-1, Light Industry, to R-1, Single-Family Residential to eliminate split zoning in a proposed family 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**

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.

**TRAFFIC ENGINEERING
COMMENTS**

Driveway number, size, 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).

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 re-subdivide a legal lot record into two lots, and Zoning approval to rezone the site from R-1, Single-Family Residential and I-1, Light Industry, to R-1, Single-Family Residential to eliminate split zoning in a proposed family subdivision. The applicant states that the site is served by public water and sanitary sewer facilities.

This area is shown as industrial on the General Land Use component of the Comprehensive Plan. 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 and City Council may consider individual cases based 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.

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.

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.

In 1994, a rezoning application was submitted to the Commission requesting this site be rezoned from R-1, Single-Family Residential to I-1, Light Industry. However, it wasn't illustrated on the application that an existing single-family dwelling was located on a portion of the metes and bounds parcel not included in the rezoning request. Therefore, that portion of the entire parcel (less approximately 1 acre) was approved by the Commission and adopted by City Council to be rezoned from R-1, Single-Family Residential to I-1, Light Industry. This created a split zoned site consisting of a metes and bounds parcel with a single-family dwelling on the portion remaining R-1.

The following year a group application was submitted for this site including the portion omitted in the 1994 rezoning application, consisting of a 4-lot Subdivision, Rezoning (Lots 2 & 4) from I-1, Light Industry to R-1, Single-Family Residential (rectifying the split zoning) and Sidewalk Waiver to waive the sidewalk requirements along Lees Lane. The Final Plat was signed and probated; however, the zoning was not completed, thus the property remained I-1 less the approximately 1 acre where the existing dwelling remains.

The site fronts Lees Lane, a minor street with an illustrated 60-foot of right-of-way; therefore, no dedication would be required. The site illustrates a two lot configuration with Parcel A providing 157-feet of road frontage and Parcel B providing 25-feet of road frontage along Lees Lane. The Subdivision Regulations were amended in April 2008 to generally prohibit panhandle or flag lots; an exception is allowed for family subdivisions. The applicant has furnished documentation that the subdivision would be for a family member. Furthermore, long, narrow lots are not typical of the adjoining residential properties to the North, as originally platted; herefore, a waiver of Sections V.D.1 and V.D.3. would be required.

The plat meets the minimum size requirement for developments with access to public water and sewer. However, it is requested that the applicant revise the preliminary plat to label each lot with its size in square feet (in addition to acreage), or provide a table on the plat with the same information.

Before recording the final plat, it is recommended that the applicant change the labeling of the properties from "Parcels" A and B to "Lots" A and B.

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

Subdivision: With a waiver of Sections V.D.1 and V.D.3 of the Subdivision Regulations, this application is recommended for Tentative Approval, subject to the following conditions:

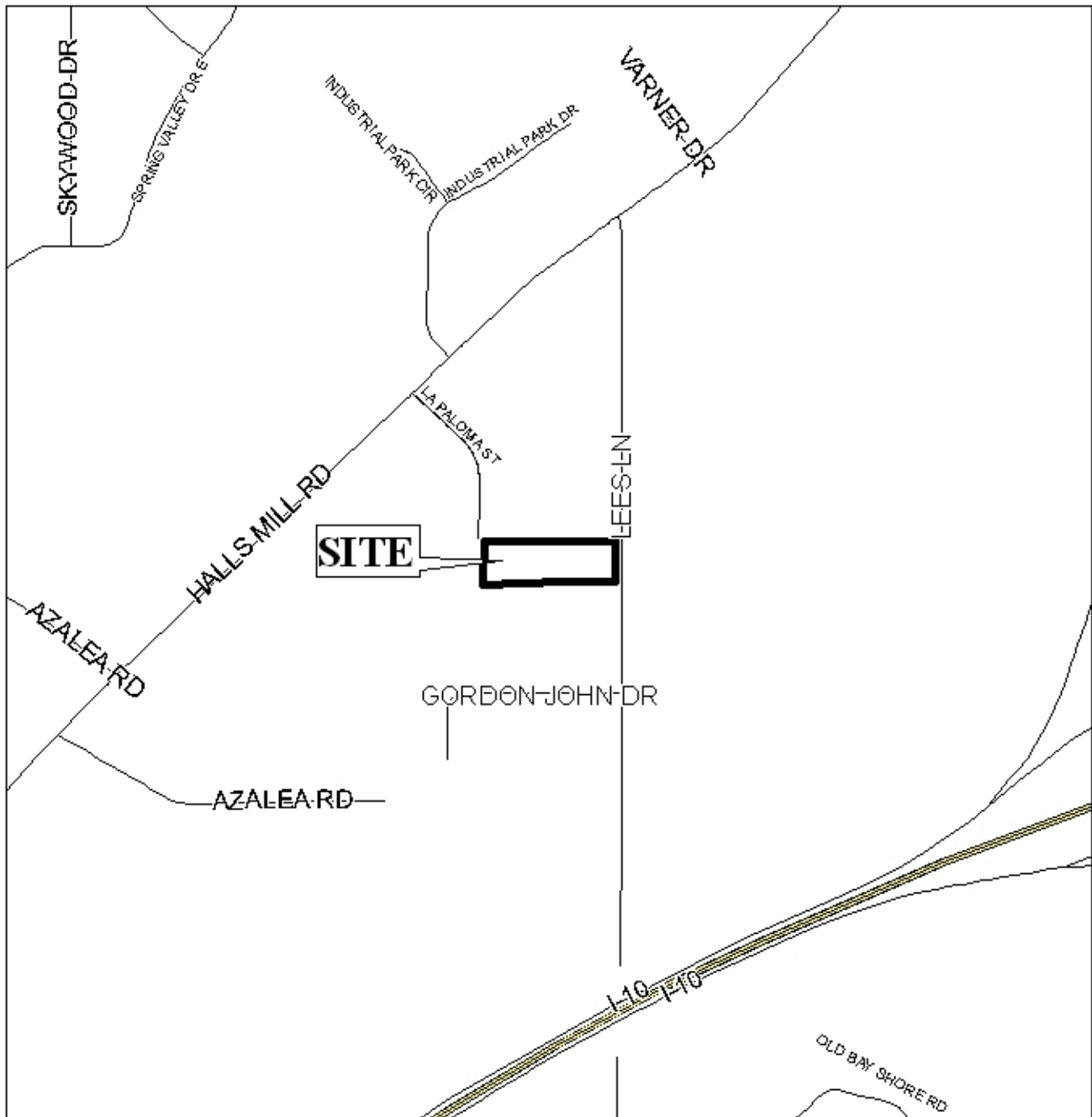
- 1) labeling of the two lots as "Lots" A and B, rather than "Parcels" A and B;
- 2) placement of a note on the final plat stating that each lot is limited to one curb cut onto Lees Lane with the size, design and location of all curb-cuts to be approved by Traffic Engineering and in conformance with AASHTO standards;
- 3) revision of the minimum building setback line on Lot B provide 25' from where the "pole" meets the "flag" portion of the lot;
- 4) placement of a note on the final plat stating that no future subdivision of Parcel B will be allowed until additional adequate frontage on a public street is provided;
- 5) labeling of each lot with its size in square feet (in addition to acreage), or the provision of table on the plat with same information;
- 6) placement of a note on the plat stating that approval of all applicable Federal, state and local agencies is required for endangered, threatened or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities; and

- 7) subject to City 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.)*

Rezoning: Based upon the preceding, this application is recommended for approval, subject to the following conditions:

- 1) completion of the subdivision process;
- 2) approval of all applicable Federal, state and local agencies is required for endangered, threatened or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities;
- 3) full compliance with all other municipal codes and ordinances.

LOCATOR MAP



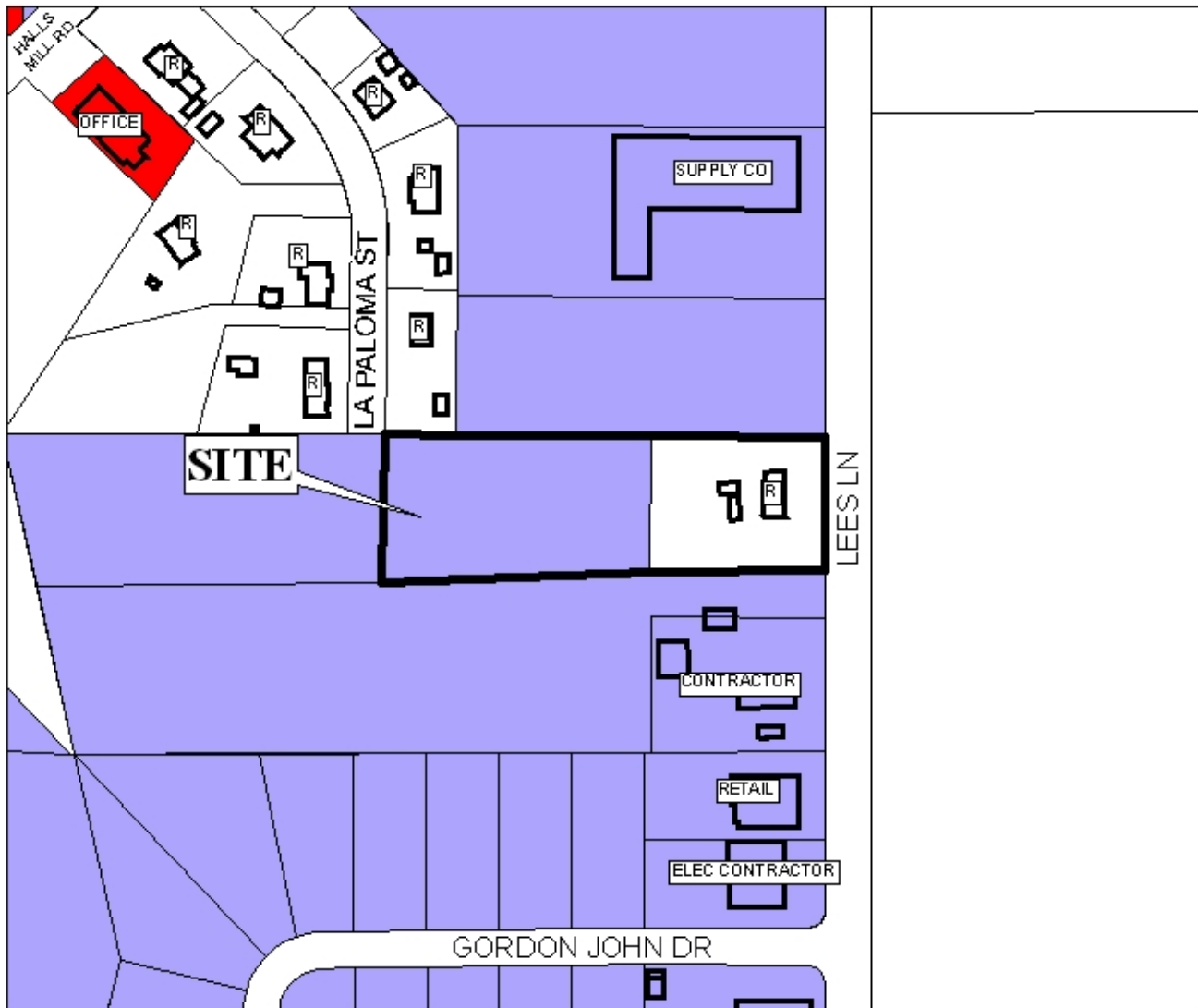
APPLICATION NUMBER 12 & 13 DATE March 5, 2009

APPLICANT Sharon Lee

REQUEST Subdivision, Rezoning from R-1 and I-1 to R-1



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Commercial sites are located to the north, west, and south of the site. Residential sites are located to the northwest of the site.

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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
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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Commercial sites are located to the north, west, and south of the site. Residential sites are located to the northwest of the site.

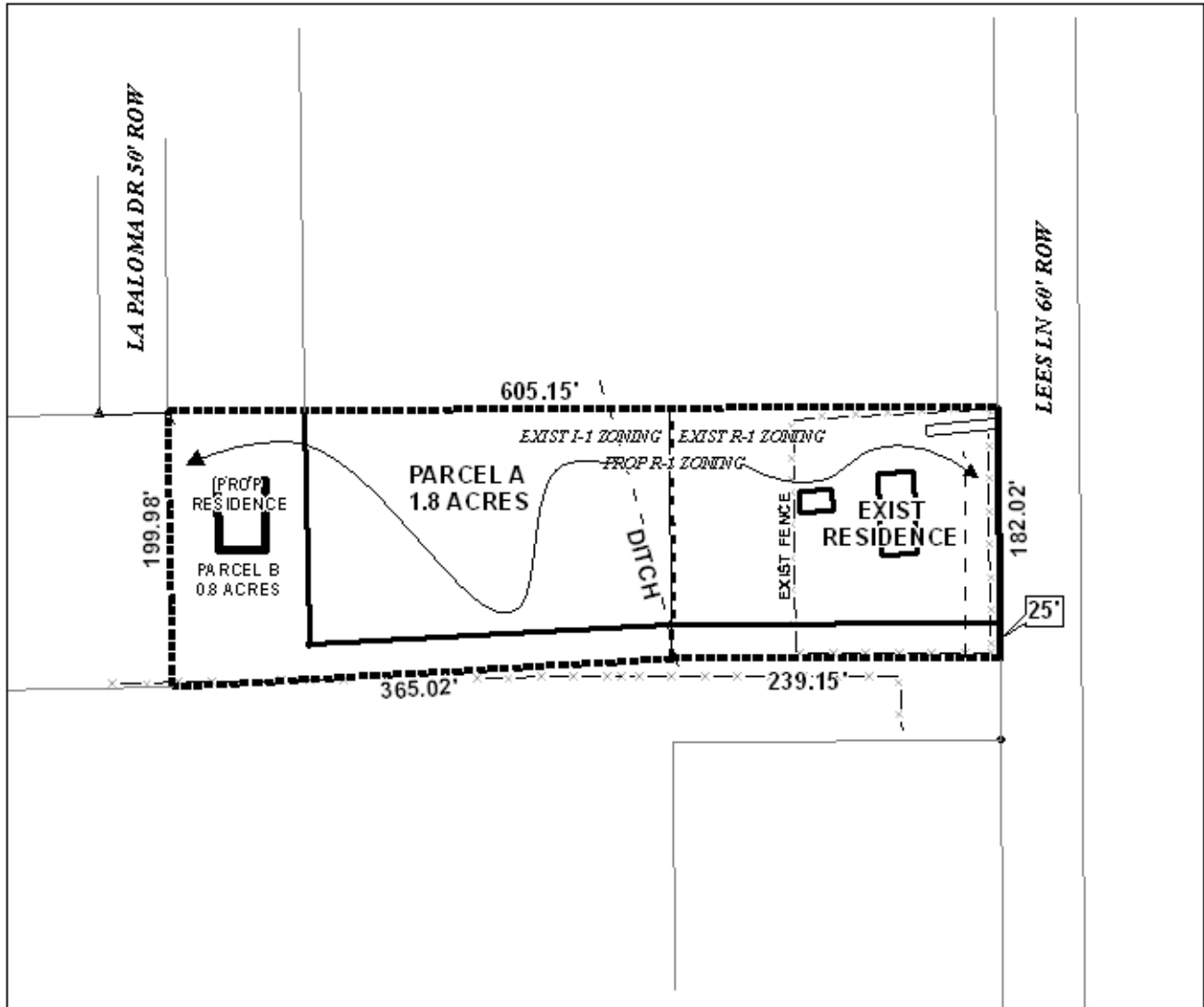
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SITE PLAN



The site plan illustrates the existing residence, proposed residence, proposed lot configuration, and proposed rezoning

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