

ZONING AMENDMENT STAFF REPORT**Date: May 5, 2011****NAME**

Mahmoud Salamat-Talab

LOCATION7480 Old Shell Road
(Northeast corner of Old Shell Road and Fairway Avenue)**CITY COUNCIL
DISTRICT**

District 7

PRESENT ZONING

R-1, Single-Family Residence District

PROPOSED ZONING

B-3, Community Business District

AREA OF PROPERTY

1.49 ± Acres

CONTEMPLATED USE

Rezoning from R-1, Single Family Residential, to B-3, Community Business District, to allow auto sales.

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. Drainage from the site shall tie subsurface to the drainage system on Old Shell Rd. Any work performed in the right of way will require a right of way permit in addition to any required land disturbance permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer. Driveway radii shall not extend beyond the projected property line at the edge of pavement, without written authorization from adjacent property owner to do so.

**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 within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.

REMARKS

The applicant is requesting rezoning from R-1, Single-Family Residential District to B-3, Community Business District, to allow automobile sales. Specifically, the applicant intends to construct a 480 square-foot building for a sales office, as well as associated parking spaces and automobile display areas. The site is currently vacant.

The site is bounded to the North by vacant, R-1, Single Family Residential zoned property; to the West, across Fairway Drive, by R-1 zoned property currently being occupied by two mobile homes; to the East by a R-3, Multiple Family Residential Zoning and R-1, Single Family Residential Zoning, with one of the R-1 zoned parcels being occupied by a non-conforming warehouse building; to the South, across Old Shell Road, is unincorporated Mobile County, and there is a mixture of residences, businesses – including auto sales, and vacant land.

The site fronts Old Shell Road, a planned major street as shown on the Major Street Plan Component of the Comprehensive Plan, and Fairway Avenue, a minor street. Old Shell Road is in the process of being widened to five lanes in this area, between Old Shell Road and Schillinger Road.

The entire site appears to be depicted as residential 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. 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.

The applicant states that there are changing conditions in the area, specifically the previously mentioned widening of Old Shell Road. Section 64-3.E.3. of the Zoning Ordinance states that B-3 Zoning Districts are “[u]sually located on a thoroughfare or near the intersection of two (2) thoroughfares” and that they “are within convenient driving distance of the group of neighborhoods they will serve.” Old Shell Road is a major thoroughfare in this area, as evidenced by the recent widening, and the district is within convenient driving distance of several neighborhoods. It should be noted that Section 64-9.A.2. of the Zoning Ordinance states

that the recommended size of any new B-3 Zoning District is at least 4 acres, though the Planning Commission can consider smaller sized districts where unusual conditions or circumstances justify such a size.

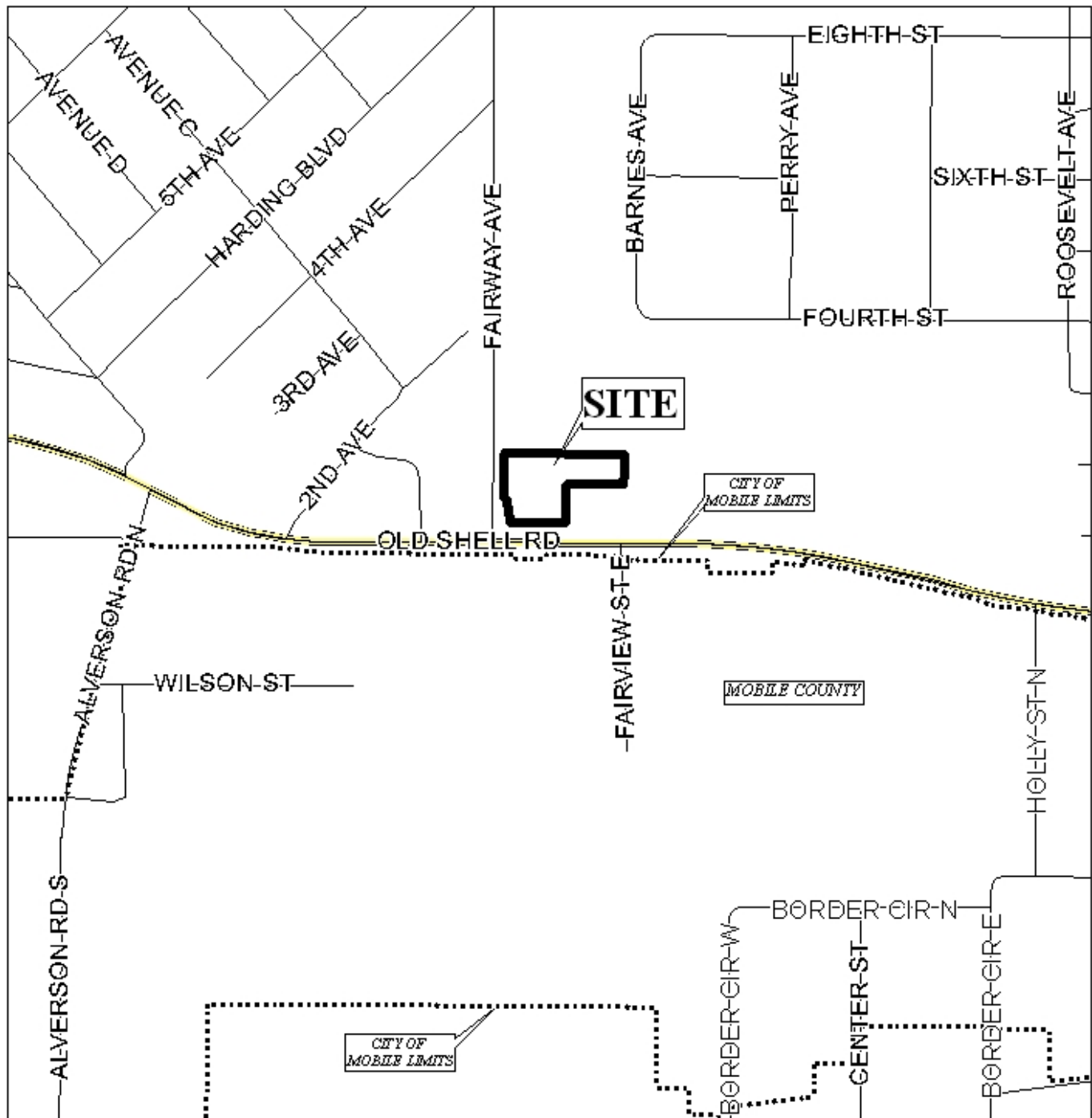
With the widening of Old Shell Road, and the fact that this area has only recently been annexed into the City of Mobile, it is anticipated that more applications for rezoning will be received along Old Shell Road in this area. The site is also located less than 1000 feet from existing B-3 sites. Additionally, the South side of Old Shell Road, being outside the City Limits, is not subject to Zoning Controls, and, as such, can be developed with any land use that is so desired, including existing businesses already in the area. Given these facts, rezoning could be considered appropriate.

It should be noted that the site proposed for rezoning currently consists of three separate parcels. Any rezoning approval should be subject to a one lot subdivision approval.

RECOMMENDATION Based on the preceding, the Rezoning application is recommended for approval subject to the following conditions:

- 1) completion of a one-lot subdivision for the entirety of the property;
- 2) proper buffering from adjacent residential properties; and
- 3) full compliance with all municipal codes and ordinances.

LOCATOR MAP



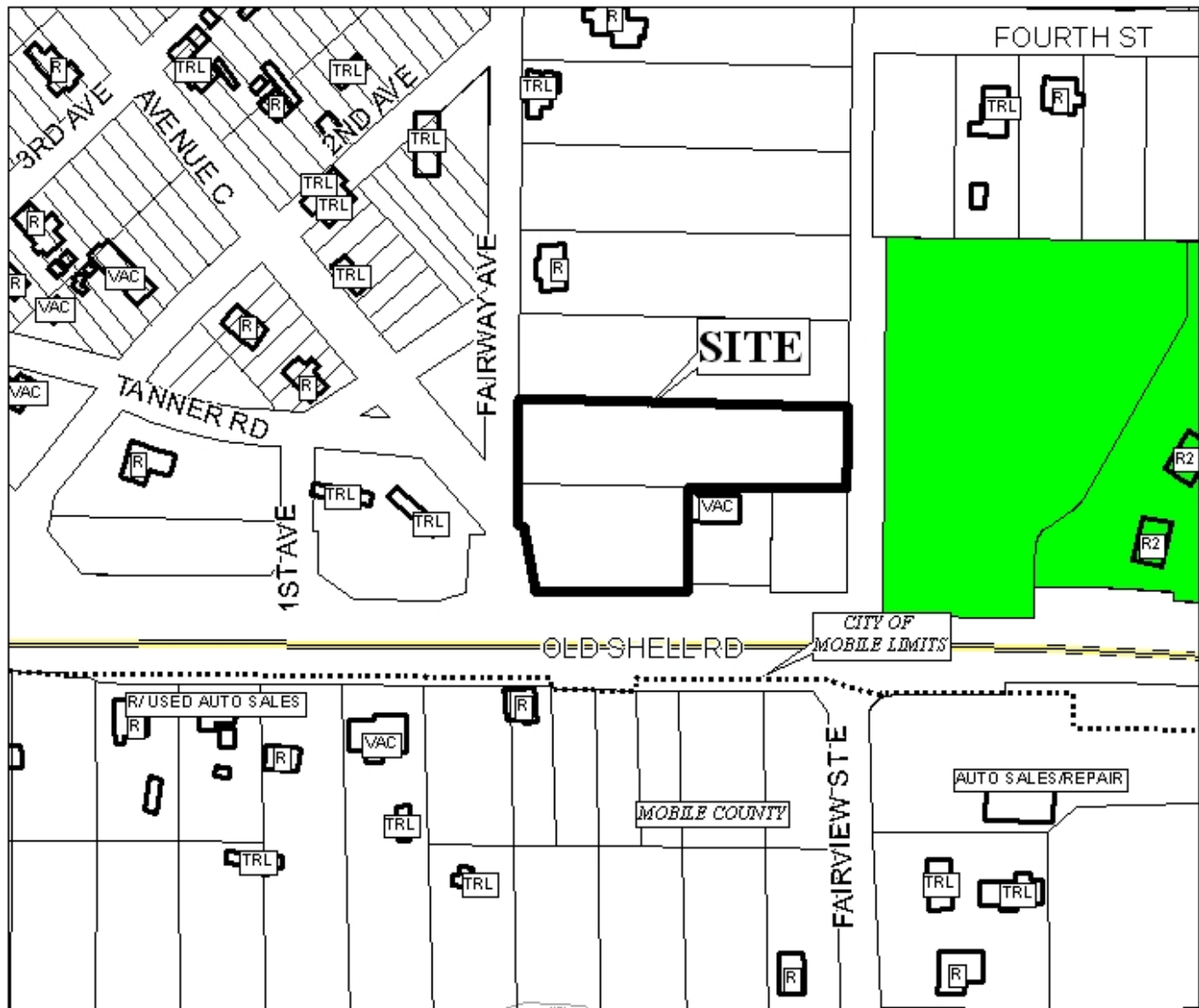
APPLICATION NUMBER 13 DATE May 5, 2011

APPLICANT Mahmoud Salamat - Talab

REQUEST Rezoning from R-1 to B-3

N
NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



There are single family residential units to the south, west, and north. Duplexes are located to the east.

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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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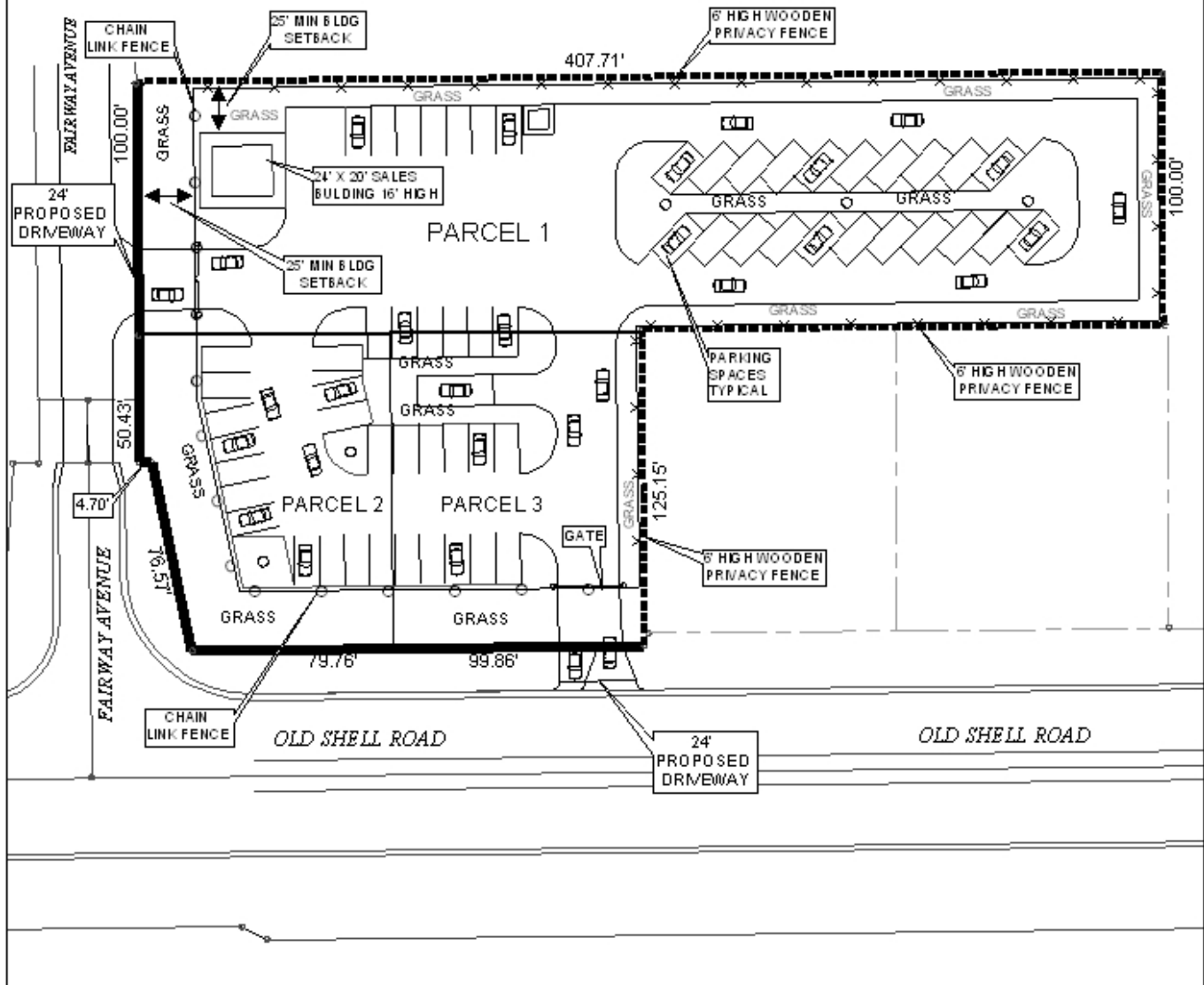
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SITE PLAN



The site plan illustrates the proposed improvements and lot configuration.

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