

**REZONING STAFF REPORT****Date: March 1, 2007****APPLICANT NAME**

M.Y.M.S. Inc.

**LOCATION**

(Northwest corner of Dauphin Island Parkway and Webb Avenue).

**CITY COUNCIL  
DISTRICT**

Council District 3

**PRESENT ZONING**

B-1, Buffer Business District

**PROPOSED ZONING**

B-2, Neighborhood Business District

**AREA OF PROPERTY**

acres

**CONTEMPLATED USE**

Rezoning to allow a multi-tenant retail shopping center.

**TIME SCHEDULE  
FOR DEVELOPMENT**

Begin within six months of final approval.

**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, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Standard driveway width is twenty-four feet. Changes should be made to accommodate this standard.

**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 from B-1, Buffer Business to B-2, Neighborhood Business to allow construction of a multi-tenant retail strip center. The site is currently zoned B-1, which does not allow retail sales.

This area is shown on the General Land Use component of the Comprehensive Plan as residential. 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.

The Zoning Ordinance states that an amendment is to be made only when one or more of the following conditions prevail: there is a manifest error in the ordinance; changes in conditions in a particular area make a change in the ordinance necessary and desirable; an increased need for business or industrial sites in addition to sites that are available, make it necessary and desirable to rezone an area or extend the boundaries of an existing district; the subdivision of land into urban building sites makes reclassification necessary and desirable.

The majority of properties to the North of the site are currently zoned B-2, Neighborhood Business. In fact, the property immediately adjacent to the North was rezoned from B-1 to B-2 in 1997. That rezoning, along with the existing pattern to the North illustrate the changing conditions along this section of Dauphin Island Parkway. Additionally, the property to the South, across Webb Avenue, is a church. While churches are allowed in R-1 districts with Planning Approval, it is a non-residential use; further illustrating the non-residential character of this section of Dauphin Island Parkway.

As stated above, the site fronts Dauphin Island Parkway, a planned major street, with an existing right-of-way of 120', which includes a service road on the East side. With the service road included in the 120' right-of-way, additional dedication may be necessary to provide a minimum of 50' from centerline, in compliance with major street standards. , Additionally as the site is located at in intersection, dedication of a radius, exact size to be determined by City Engineering, should be provided.

Further, as the site is located at the intersection of a major street and a minor residential street, access management is a concern. The plan submitted indicates one 30' drive onto Dauphin Island Parkway, and no access to Webb Avenue. As rezoning amendments are not site plan specific, if approved, the site should be limited to one curb cut to Dauphin Island Parkway, with size, location and design to be approved by Traffic Engineering and ALDOT; and, since Webb Avenue is a minor residential street, the site should be denied access to Webb Avenue.

There are several issues with the site plan as submitted that the applicant should address prior to submitting plans for permitting if the rezoning is approved. Those issues relate to location of a detention basin, if required; location and screening of a dumpster; provision of a sidewalk; full compliance with landscaping and tree planting requirements.

The site currently exists as a metes and bounds parcel; therefore, the submission, approval and completion of the subdivision process should be required as a condition, if approved, of this rezoning request.

**RECOMMENDATION**

Based on the preceding, the application is recommended for approval, subject to the following conditions: 1) dedication of sufficient right-of-way to provide 50' from centerline of Dauphin Island Parkway, if necessary; 2) dedication of sufficient right-of-way for a radius at the intersection of Dauphin Island Parkway and Webb Avenue, to be determined by City Engineering; 3) the site be limited to one curb cut to Dauphin Island Parkway, size, location and design to be approved by Traffic Engineering and ALDOT; 4) submission, approval and completion of the subdivision process; 5) provision of a 6' privacy fence along the rear property line; and 6) full compliance with all municipal codes and ordinances.

# LOCATOR MAP



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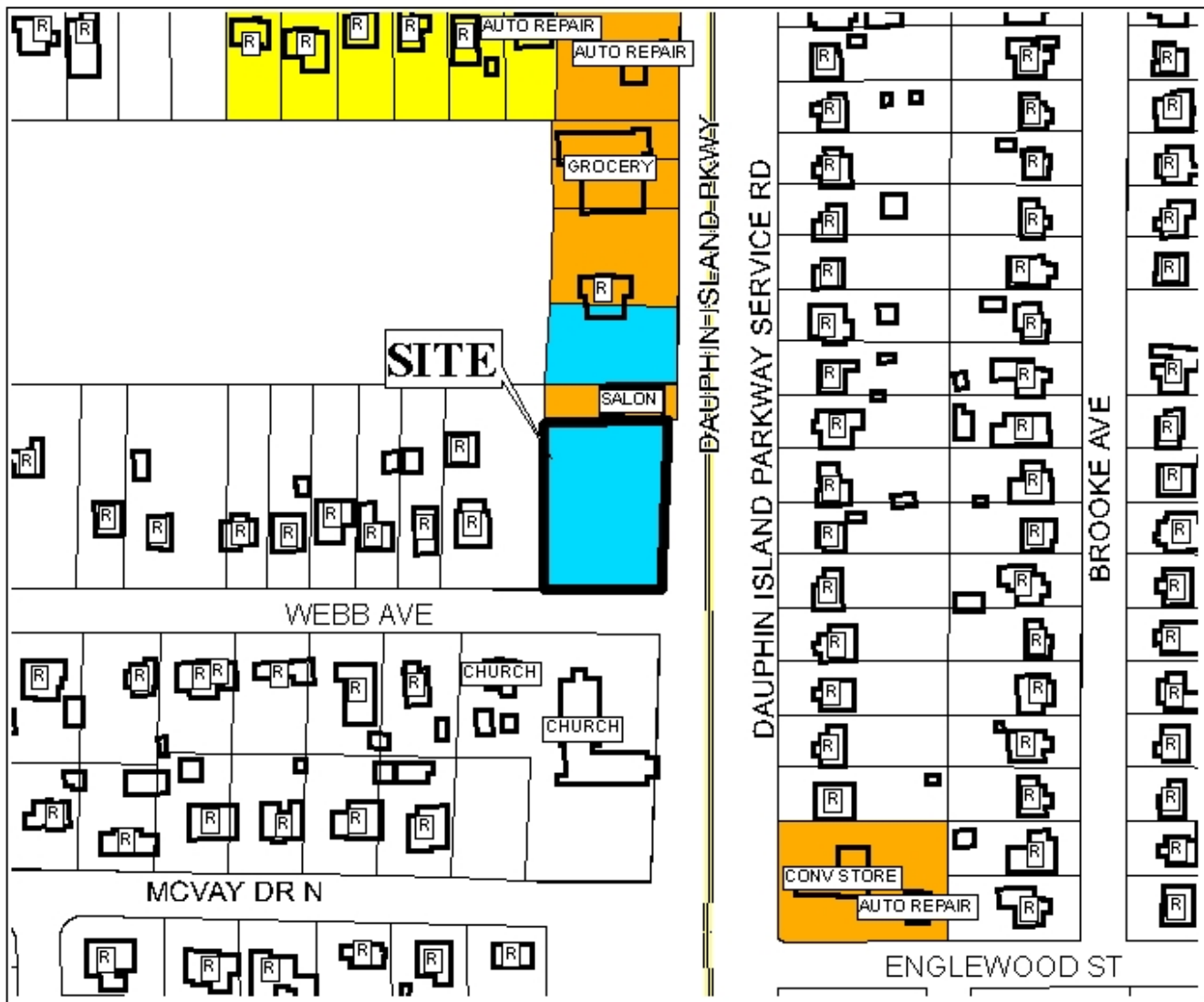
APPLICANT M.Y.M.S. Inc

REQUEST Rezoning from B-1 To B-2



NTS

# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units. Commercial sites are located to the north and south of the site. A church is located to the south of the site.

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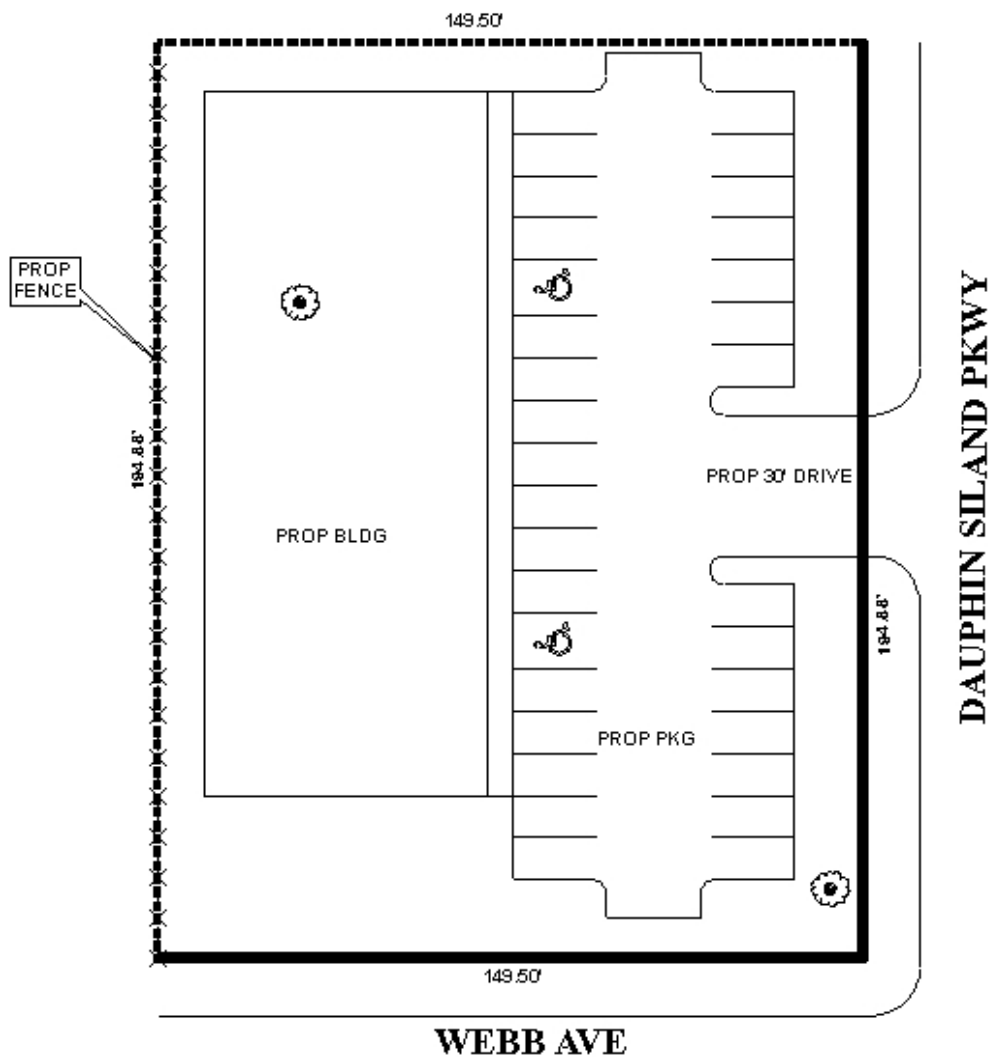
REQUEST Rezoning from B-1 To B-2

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
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# SITE PLAN



The site plan illustrates the proposed building, parking, and drive

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