

**ZONING AMENDMENT STAFF REPORT****Date: April 21, 2005****NAME**

The Mitchell Company, inc.

**LOCATION**

West side of Du Rhu Drive, 235'± North of Dauphin Street

**CITY COUNCIL****DISTRICT**

District 7

**PRESENT ZONING**

B-1, Buffer Business

**PROPOSED ZONING**

B-2, Neighborhood Business

**AREA OF PROPERTY**

9.45± Acres

**CONTEMPLATED USE**

Retail Shopping Center and Offices

**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.**

**REASON FOR REZONING**

The reason for rezoning provided by the applicant reads as follows:

“This area has shown an increased need for retail and business establishments in addition to the site that are available.

The zoning on this parcel requires a change to B-2 in order to allow for the type of facility that would attract the caliber and type of business necessary for a project of this nature to be successful.

Surrounding property values will be affected positively with increase in property values by a change in zoning.”

**TIME SCHEDULE  
FOR DEVELOPMENT**

Begin in Fall 2005

**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. The attached roadway improvements are proposed and a tentative agreement between the City and the developer is being negotiated. The shown changes should be completed prior to the opening of the development.

**URBAN FORESTRY****COMMENTS**

Full compliance with landscaping and tree requirements of the Zoning Ordinance to be coordinated with Urban Forestry. 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 commercial projects shall comply with the 2003 International Fire Code and Appendices B through G as adopted by the City of Mobile on July 6, 2004. All One- or Two-Family residential developments shall comply with Appendices B, C, and D of the 2003 International Fire Code as adopted by the City of Mobile on July 6, 2004. May require private fire hydrants on property. May require approved automatic sprinkler system.

**REMARKS**

The applicant is proposing development of the site as a retail center with offices. The site is currently zoned B-1, which does not permit retail sales; hence this application. While many of the uses that typically locate in a retail center are allowed in LB-2, several potential uses (eg.. delivery service, furniture store, medical supplies) require a minimum of B-2 zoning.

The Zoning Ordinance states that an amendment or rezoning is appropriate 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 applicant indicates that there has been an increased need for retail establishments in the area and that there are no available properties that are appropriately zoned to allow a retail establishment. This increased need for retail properties makes rezoning of the site in question a logical expansion of an existing district.

As illustrated on the vicinity map, the properties in the general area of the intersection of the Dauphin Street Service Road and Du Rhu Drive are zoned B-2, and are occupied by a variety of retail and office uses. Additionally, the properties to the North of the site are occupied by an existing condominium development and are under development as an apartment complex. Therefore, the proposed retail center should be compatible with the surrounding area.

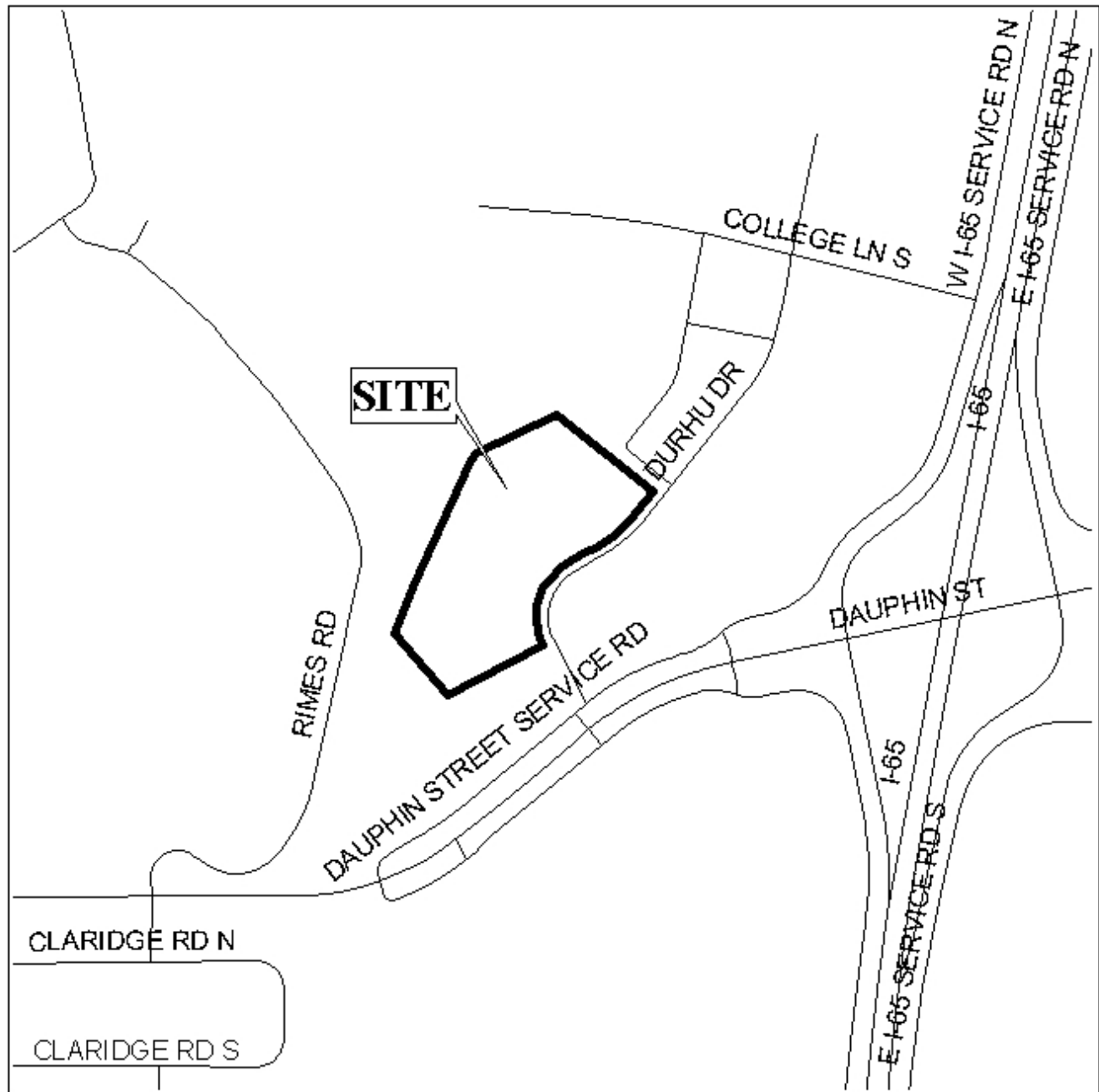
As stated in the Engineering Comments, the developer and the City of Mobile have been working towards an agreement for roadway improvements at the Dauphin Street – Service Road intersection, and access points from the Service Road to Dauphin Street, as well as the Dauphin Street – DuRhu Drive intersection. These improvements are integral to the functionality of these intersections given the potential increase in traffic, and are the result of a traffic study that was performed at the request of the Traffic Engineer. A drawing illustrating the improvements proposed by the study is included in this report packet. Therefore, these improvements should be in place prior to the issuance of any CO's.

While the plan indicates multiple buildings, which would necessitate a PUD, the plan is somewhat conceptual at this time. The applicant is aware that once the plan is finalized, additional approvals (PUD and Subdivision) by the Commission may be necessary. Typically, it is desired that all necessary applications be submitted simultaneously for consideration because conditions for one approval could impact another. In this instance, because the site plan is conceptual and may easily be modified to one building, eliminating the need for a PUD, considering the application without a final plan and accompanying applications should not create a problem.

**RECOMMENDATION**

Based on the preceding, it is recommended that this application be approved subject to the following conditions: 1) submission, approval and recording of a one lot subdivision prior to the issuance of any permits; 2) submission of a PUD application (if the development is to consist of multiple buildings as indicated on the conceptual site plan); 3) proposed improvements as referenced in the Dauphin Street at DuRhu Drive Traffic Study be completed prior to the issuance of any CO's for the project; 3) provision of a 6' (minimum) privacy fence where the site is adjacent to residentially zoned or developed properties; and 4) full compliance with all municipal codes and ordinances, including but not limited to landscaping and tree plantings, and provision of sidewalks.

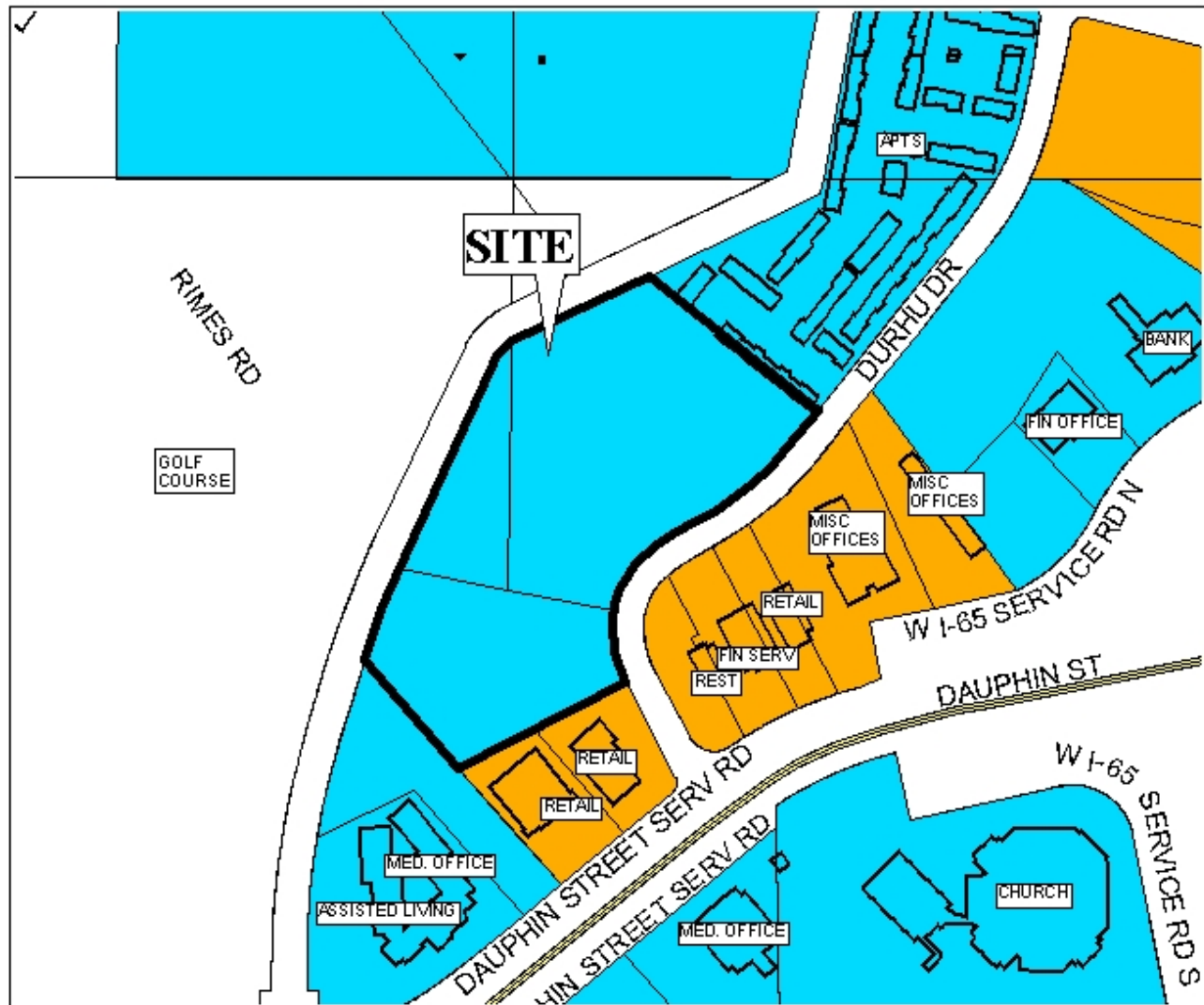
## LOCATOR MAP



APPLICATION NUMBER 16 DATE April 21, 2005  
APPLICANT The Mitchell Company, Inc.  
REQUEST Rezoning



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Located to the North of the site are multiple family residential dwellings; to the East and South are miscellaneous businesses. Located to the West of the site is a golf course.

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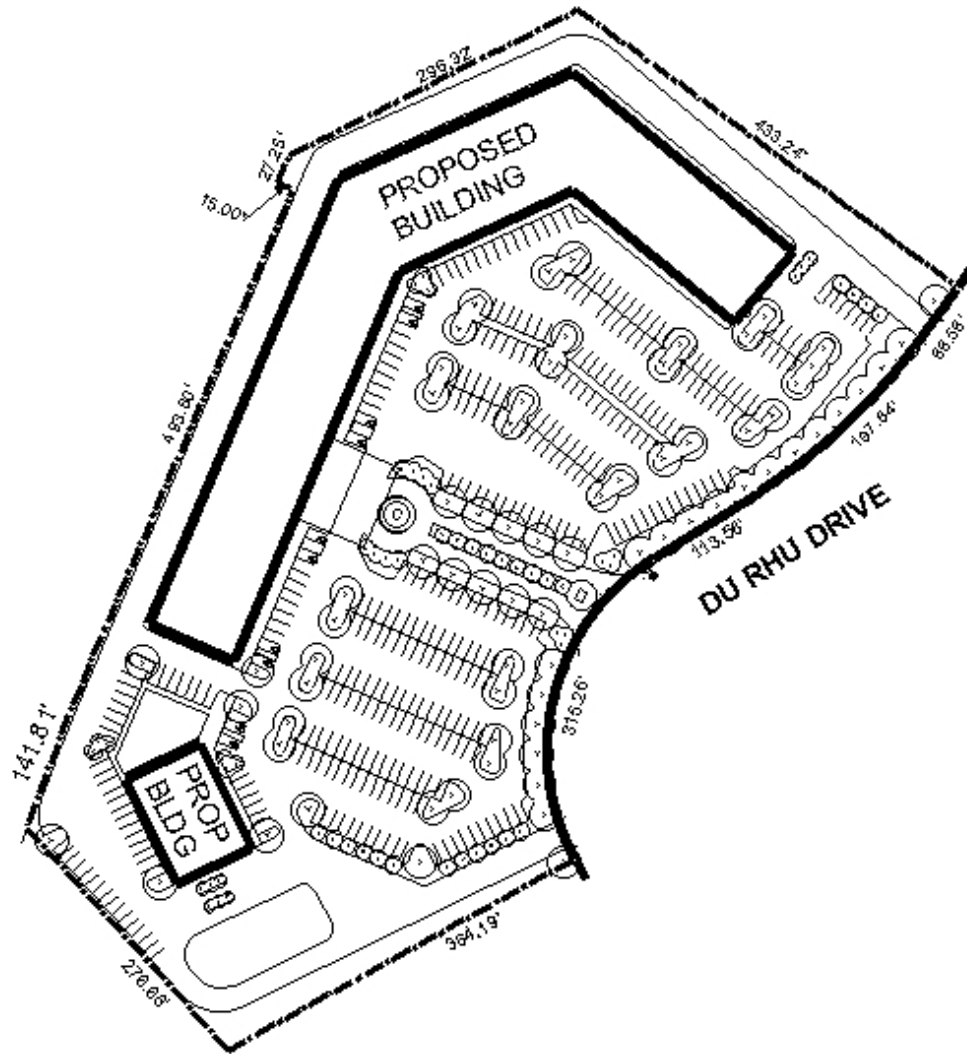
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LEGEND



## SITE PLAN



The site is located on the West side of Du Rhu Drive, 235' North of Dauphin Street. The plan illustrates the proposed buildings and parking.

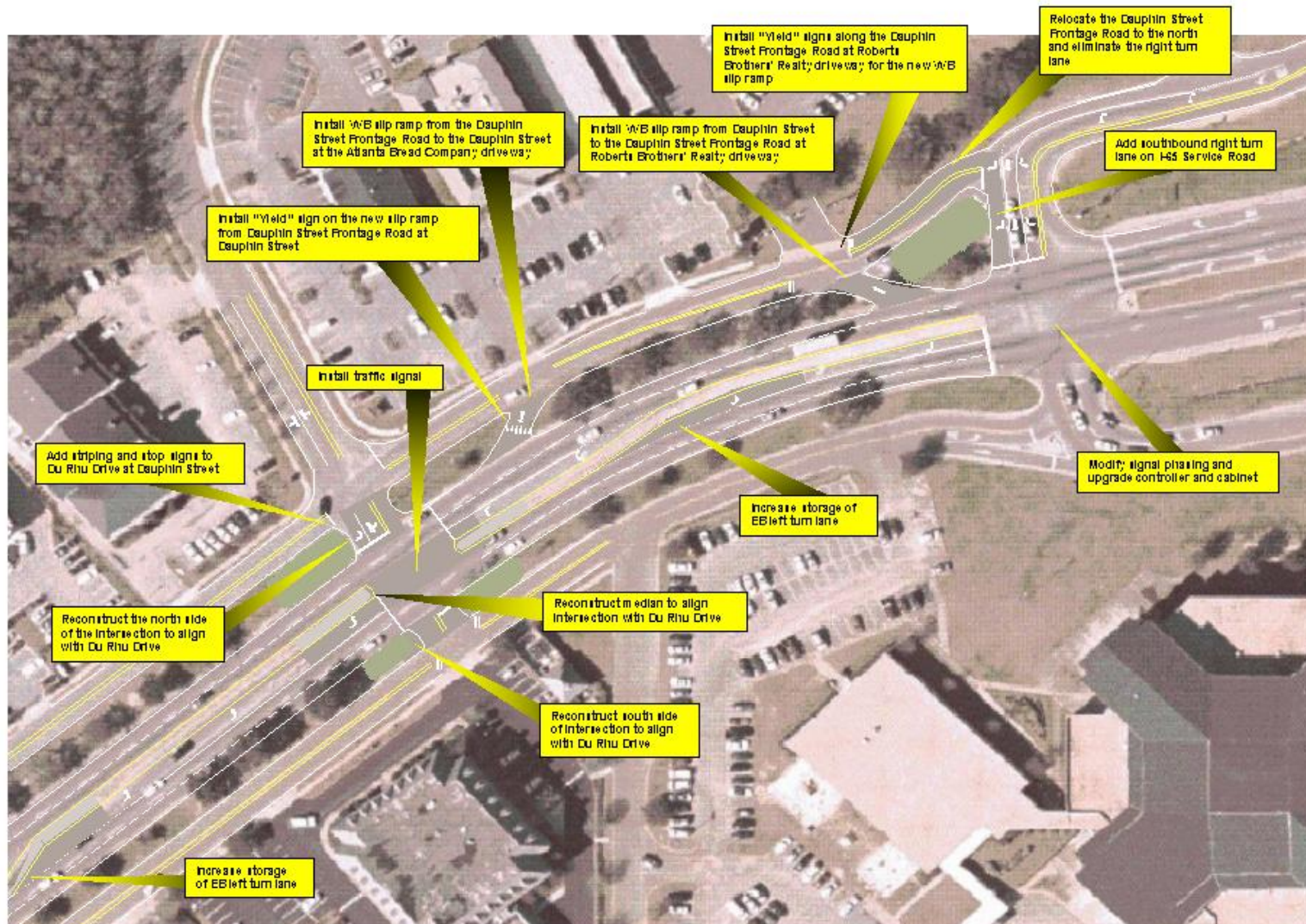
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Dauphin Street at Du Rhu Drive  
Traffic Study

Figure 11 Dauphin Street  
Improvements Sketch

January 2005

