

**REZONING STAFF REPORT****Date: May 6, 2010****APPLICANT NAME**

Herman Neese

**LOCATION**5930 Moffett Road  
(East side of Moffett Road at the East terminus of  
Powell Drive)**CITY COUNCIL  
DISTRICT**

Council District 7

**PRESENT ZONING**B-3, Community Business and R-3, Multi-Family  
Residential**PROPOSED ZONING**

R-3, Multi-Family Residential

**AREA OF PROPERTY**

13± Acres

**CONTEMPLATED USE**Rezoning from B-3, Community Business District,  
and R-3, Multiple-Family District, to R-3, Multiple-  
Family District, to eliminate split-zoning and allow  
an apartment complex.**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**

Immediate

**ENGINEERING  
COMMENTS**Must comply with all storm water and flood control  
ordinances. The construction of any new dumpster pads will require connection to  
sanitary sewer, cannot discharge to storm sewer. 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 and ALDOT. A  
traffic impact study is required for this development.

**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 rezoning from B-3, Community Business District, and R-3, Multiple-Family District, to R-3, Multiple-Family District, to eliminate split-zoning and allow an apartment complex.

The site was recently approved by the Commission for a one lot subdivision, subject to a successful rezoning of the property to eliminate the split-zoning created by the subdivision; hence this application. The applicant also intends to construct an apartment complex on the property, as illustrated on the attached site plan. It should be noted that the site was approved for a similar development in 1979, at which time the applicant successfully rezoned the property (Ordinance #458) to B-3, Community Business, B-1, Buffer Business, and R-3 Multi-Family Residential Districts to allow a mixture of residential and commercial uses.

It should be noted that the applicant is aware that Planned Unit Development will be required prior to any attempt to develop the property as proposed; it will be submitted once the official site plan has been completed. It should be further noted that a Traffic Impact Study will also be required with the PUD application.

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 site is depicted as commercial and 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.

It is not uncommon for cases to be presented before the Commission with split-zoned properties. In this instance, while the split-zoning is being self-inflicted, the applicant is

essentially “down-zoning” a large portion of the property from commercial to residential. Furthermore, the proposed apartment complex would be in line with the applicant’s original proposal from 1979, at which time the City Council adopted the current zoning.

**RECOMMENDATION** Based on the preceding, the application is recommended for Approval subject to the following conditions:

- 1) completion of the subdivision process; and
- 2) full compliance with all municipal codes and ordinances.

## LOCATOR MAP



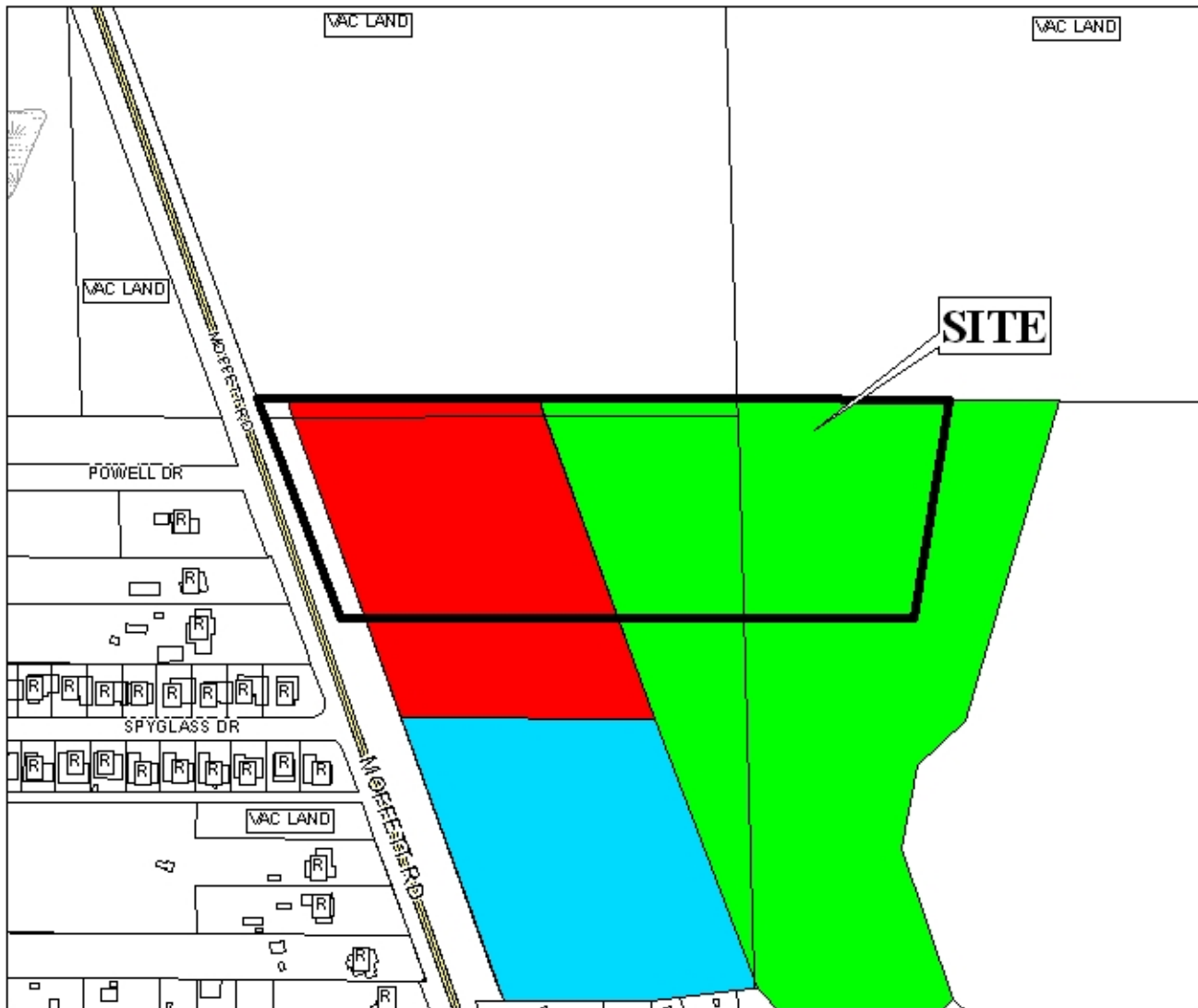
APPLICATION NUMBER 18 DATE May 6, 2010

APPLICANT Herman Neese Subdivision

REQUEST Rezoning from B-3 and R-3 to R-3



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Residential land use is located to the west of the site. Undeveloped land is located to the north, east, and west 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

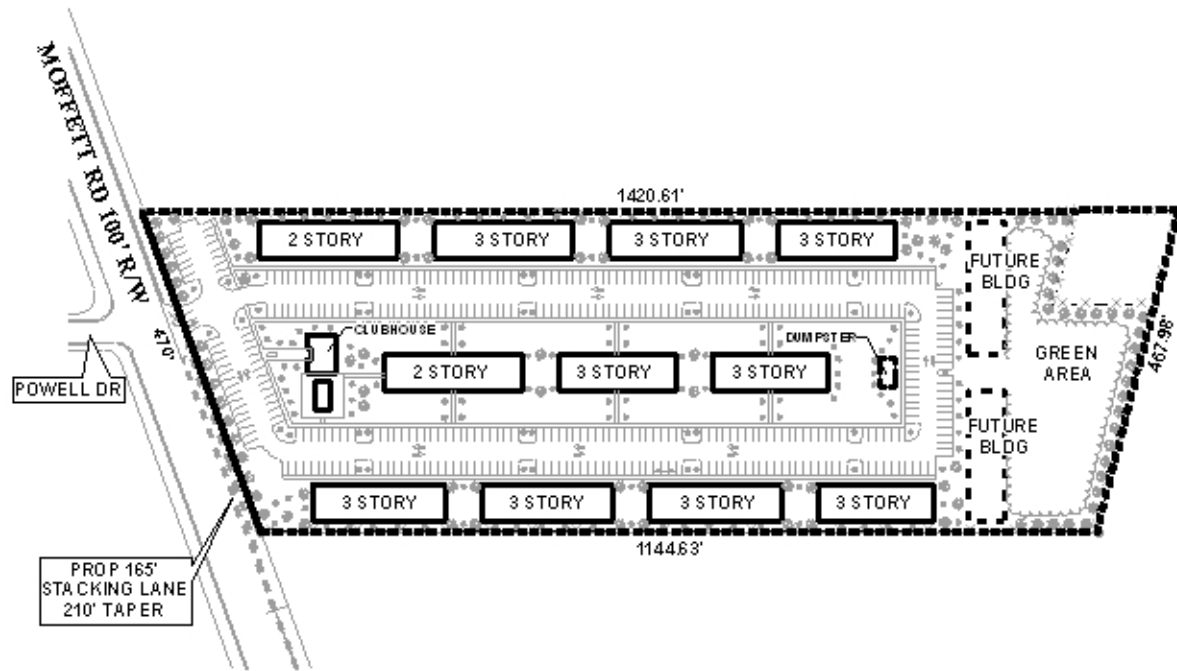


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## SITE PLAN



The site plan illustrates the proposed apartment complex.

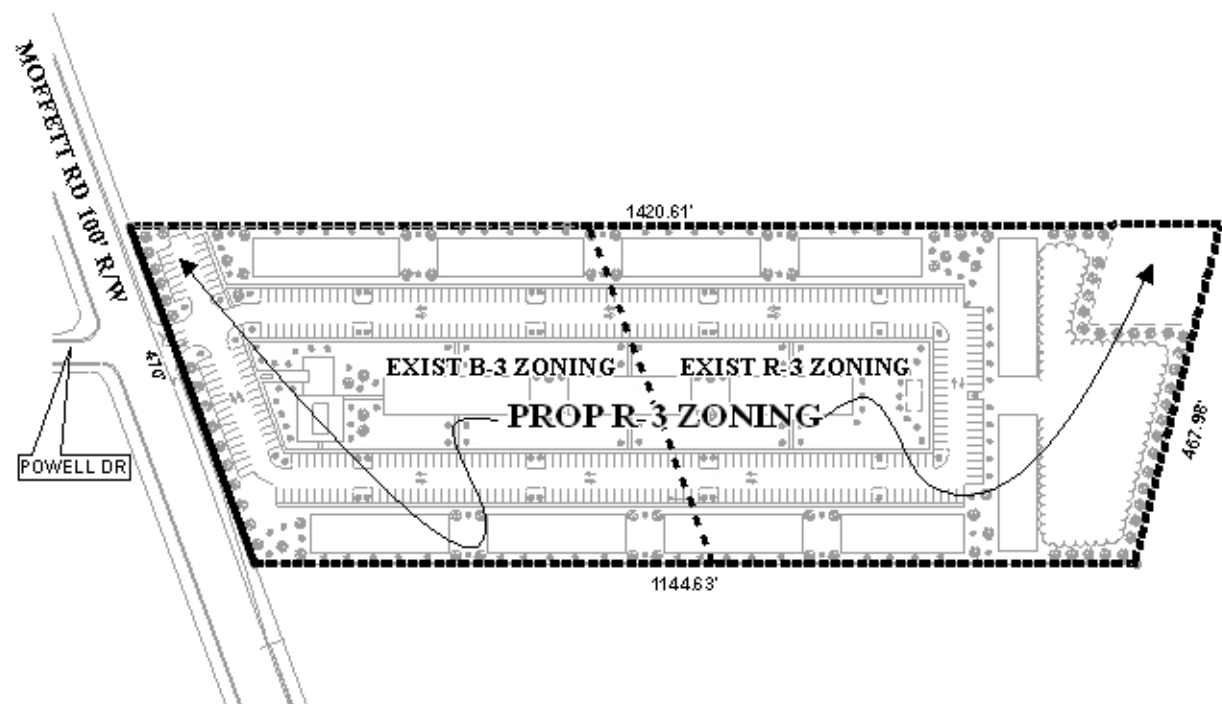
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## ZONING DETAIL



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