

**ZONING AMENDMENT
& SUBDIVISION STAFF REPORT****Date: May 2, 2013**

<u>APPLICANT NAME</u>	LLB & B
<u>SUBDIVISION NAME</u>	LLB & B Subdivision
<u>LOCATION</u>	North side of Old Shell Road, 335'± East of Cosgrove Drive
<u>CITY COUNCIL DISTRICT</u>	District 7
<u>PRESENT ZONING</u>	R-1, Single-Family Residential District
<u>PROPOSED ZONING</u>	T-B, Transitional Business District
<u>AREA OF PROPERTY</u>	1 Lot/0.8± Acres
<u>CONTEMPLATED USE</u>	<p>Subdivision to create 1 legal lot of record from a metes and bounds parcel, and Zoning to rezone the site from R-1, Single-Family Residential District to T-B, Transitional Business District to allow a real estate office.</p> <p>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.</p>
<u>REASON FOR REZONING</u>	Applicant is requesting rezoning of the site to allow for future commercial development.
<u>TIME SCHEDULE FOR DEVELOPMENT</u>	None given
<u>ENGINEERING COMMENTS</u>	<p>The following comments should be addressed prior to review, acceptance and signature by the City Engineer: 1. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes); 2. Provide a signature block and signature from the Traffic Engineering Department; and 3. Add a note to the Plat stating that storm water detention will be required for any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045).</p>

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 Subdivision approval to create one legal lot of record from an existing metes and bounds parcel, and Zoning approval to rezone the site from R-1, Single-Family Residential District to T-B, Transitional Business District to eliminate split zoning.

The site currently is undeveloped, is bounded to the South by an existing apartment development in a R-3, Multi-Family District, to the West by an existing apartment development (Use Variance) in an R-1, Single-Family Residential District, to the North by existing residential dwellings in an R-1, Single-Family Residential District and to the East by an undeveloped lot in an R-1, Single-Family Residential District.

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 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. The accuracy of recommended land uses on the General Land Use Component map is limited due to the large scale of the map. 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.

The applicant has not submitted justification for rezoning other than “the owner of LLB & B is experiencing growth and a need for a larger office space that is currently occupied at 5418 Old Shell Road”

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.

The lot size is labeled in square feet or acres, however the proposed lot appears to exceed to minimum size as set forth in Section V.D.2. of the Subdivision Regulations. If approved, the lot size in square feet and acres should be retained on the Final Plat.

The site fronts onto Old Shell Road, a major street, which has a noncompliant right-of-way of 60-feet, making dedications necessary. Therefore, if approved sufficient dedication to provide 50-feet from the centerline of Old Shell Road would be required. Additionally, driveway number, size, location and design should be approved by Traffic Engineering and conform to AASHTO standards.

The 25' minimum building setback line is illustrated. However, the regulations for setbacks within the T-B district encourage the provision of small-scale retail and service uses for nearby residential areas. Uses are restricted in size, number and character to promote a local orientation and to limit adverse impacts on nearby residential areas. Development is intended to be pedestrian-orientated and compatible with the scale of surrounding residential areas. Parking areas are restricted, since their appearance is generally out of character with the surrounding residential development and the desired orientation of the uses. The Ordinance mandates the maximum dimensions of the front yard shall be within two (2) feet of the average front yard of developed lots on the same block face, with a maximum setback of forty-five (45) feet.

While there are B-2 zoned properties to the west of the site, (T-B districts allowed some uses that are allowed in B-2 districts as well), they are separated from the site by Cosgrove Street, which serves as a line of demarcation between B-2 on the west side and B-1 on the east side; a real estate office and a dental office, both of which are zoned B-1; an apartment development, which is zoned R-1 and allowed by variance. To the East of the site is a vacant undeveloped R-1, Single-Family Residential lot, and several single-family dwellings. Three of the single-family dwellings have been constructed within the past several years, indicating a residential trend for this section of Old Shell Road.

Finally, 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.

While the site plan as proposed may comply with the development requirements, the compatibility of the range of uses allowed in a T-B Districts may not be considered appropriate for this location and the neighboring uses.

RECOMMENDATION

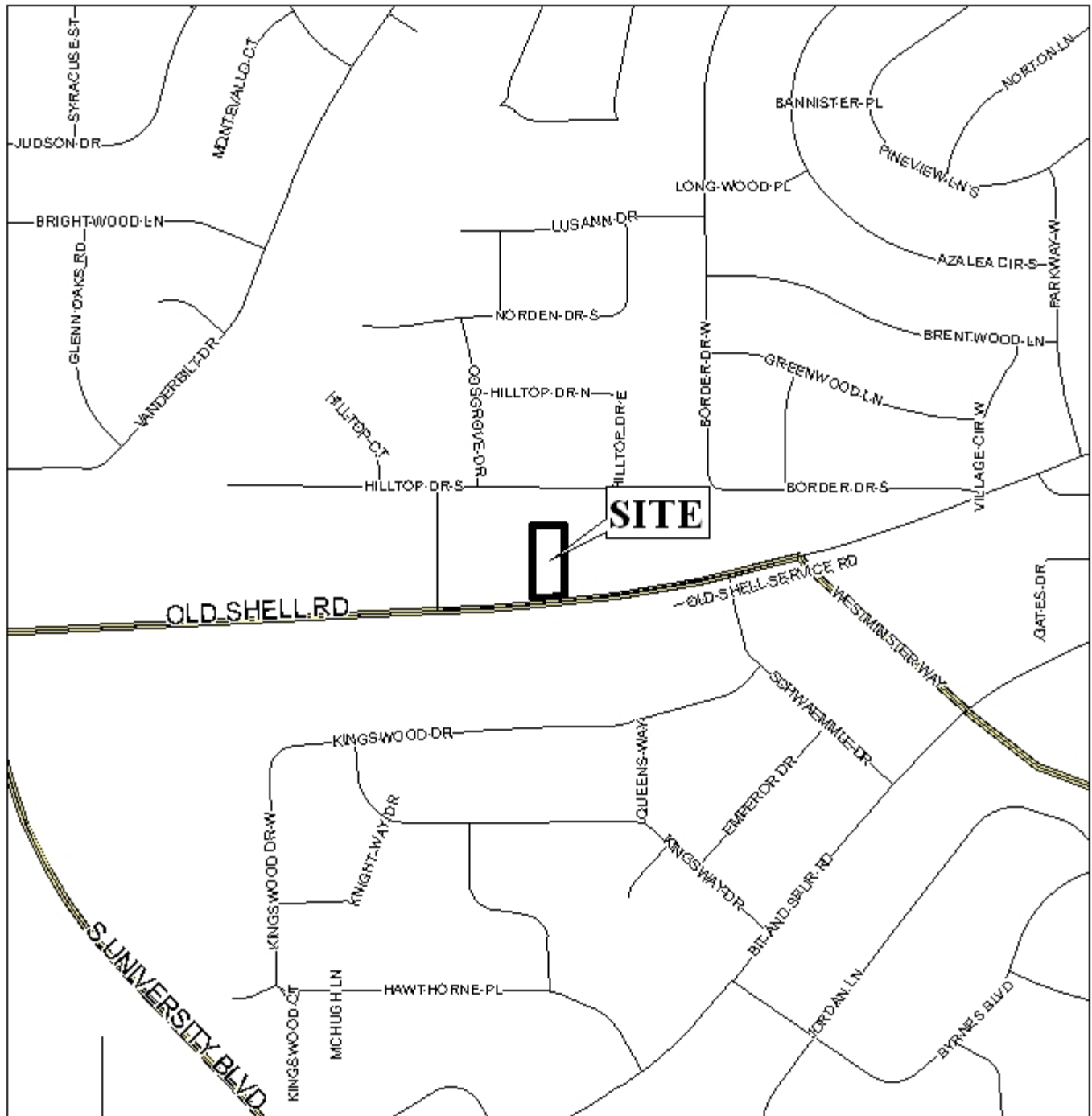
Subdivision: The Subdivision request is recommended for Tentative Approval, subject to the following conditions:

- 1) dedication of sufficient right-of-way to provide 50-feet from the centerline of Old Shell Road;
- 2) placement of the lot area size, in square feet, on the Final Plat or provision of a table on the Final Plat with the same information;
- 3) placement of the 25-foot minimum building line to be depicted along Old Shell Road on the Final Plat;
- 4) limiting the access to one curb cut with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards;
- 5) compliance with Engineering comments: *“1. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes); 2. Provide a signature block and signature from the Traffic Engineering Department; and 3. Add a note to the Plat stating that storm water detention will be required for any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045).”*;
- 6) placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.

Rezoning: Based upon the preceding, this application is recommended for denial for the following reasons:

- 1) rezoning of the site could be considered spot zoning and an inappropriate encroachment into a residential area;
- 2) the justification for rezoning submitted does not correspond with the four reasons specified in Section 64-9 of the Zoning Ordinance; and
- 3) the site is depicted as residential on the General Land Use Map of the Comprehensive Plan.

LOCATOR MAP



APPLICATION NUMBER 19 & 20 DATE May 2, 2013
APPLICANT LLB & B Subdivision
REQUEST Subdivision, Rezoning from R-1 to T-B



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Apartments are located to the west and south of the site.
Single family residences are located to the north and east.

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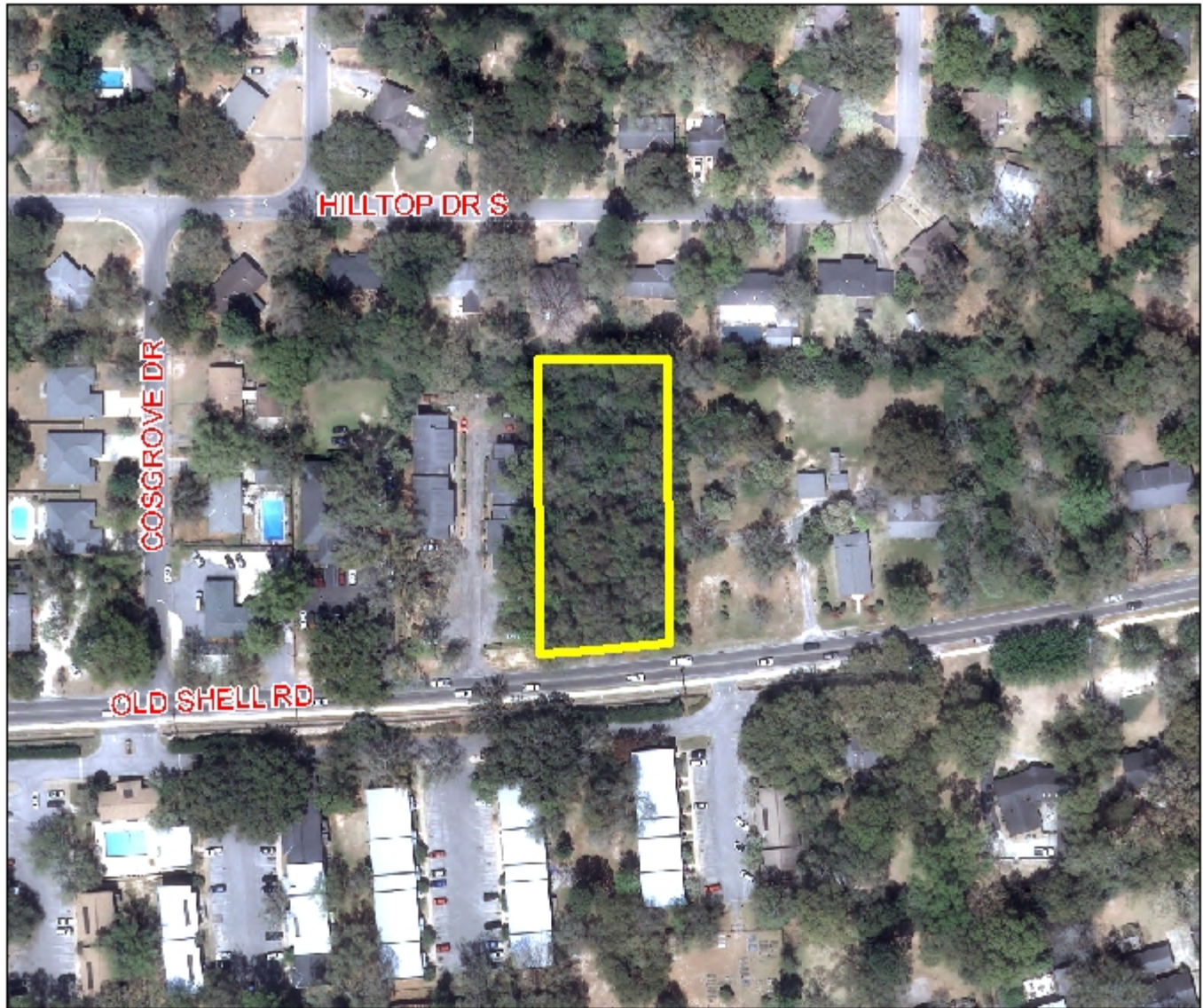
REQUEST Subdivision, Rezoning from R-1 to T-B

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

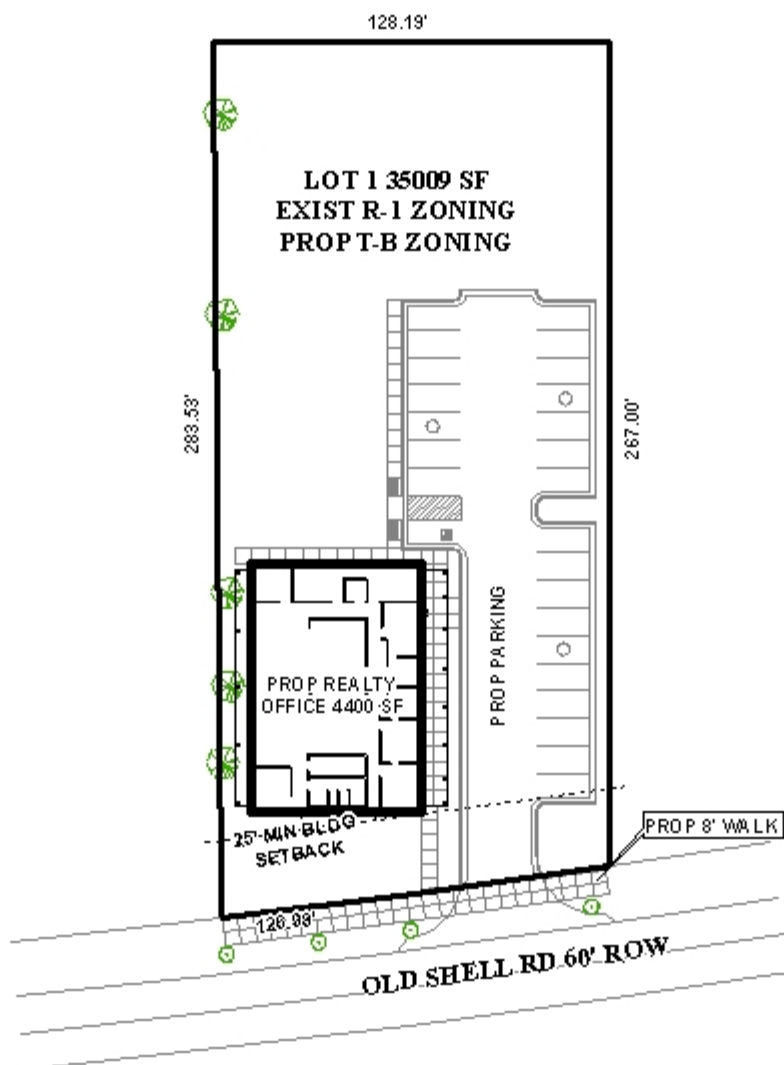


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SITE PLAN



The site plan illustrates the proposed development.

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