

**ZONING AMENDMENT AND
SUBDIVISION STAFF REPORT****Date: August 4, 2005**

<u>NAME</u>	White-Spunner & Associates (Nancy Stone, Agent)
<u>SUBDIVISION NAME</u>	Lawrence Addition to Dauphin Island Parkway
<u>LOCATION</u>	East side of Rifles Road, extending from Dauphin Island Parkway to Rosedale Road
<u>CITY COUNCIL DISTRICT</u>	District 3
<u>PRESENT ZONING</u>	R-1, Single-Family Residential
<u>PROPOSED ZONING</u>	B-2, Neighborhood Business
<u>AREA OF PROPERTY</u>	1.1± acres
<u>CONTEMPLATED USE</u>	Retail 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.
<u>REASON FOR REZONING</u>	Changes in conditions in the surrounding area make a change from residential to commercial zoning necessary and desirable.
<u>TIME SCHEDULE FOR DEVELOPMENT</u>	Immediate
<u>ENGINEERING COMMENTS</u>	Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit.
<u>FIRE DEPARTMENT COMMENTS</u>	Must be within 400' of a fire hydrant.
<u>TRAFFIC ENGINEERING COMMENTS</u>	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).

REMARKS

The applicant requests approval for a one-lot, 1.1±acre subdivision, and to rezone the site from R-1, Single-Family Residential, to B-2, Neighborhood Business, to allow retail sales.

The site fronts Dauphin Island Parkway, with a 120' right-of-way; Rifles Road, with a 40' right-of-way; and Rosedale Road, with a 60' right-of-way. As Rifles Road is substandard in width, dedication of sufficient right-of-way to provide 25' from the centerline should be required. Furthermore, the 25' building setback line should be measured from the dedication.

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 applicant states that the site has been used commercially since before the Zoning Ordinance; that the site is located on a major highway and surrounded by commercial uses; and that these conditions would make the site inappropriate for residential use. The site was granted a use variance in 1980 to allow a seafood store, and since that time several zoning clearances have been issued for businesses that would have required B-2 zoning. However, as the site has sat vacant for over two years, this legal nonconforming status has expired, and rezoning would be required to continue commercial use.

While the site is adjacent to a residential property, the surrounding area is predominantly commercial in nature, and its location on a major street, with frontage on three roads, would make it more appropriate as a commercial property. The previous use of the site as a tire sales and service shop, a watercraft repair shop, and other such commercial uses further supports this request. However, as the portion of Rosedale Road east of the site is primarily residential, access to this street would not be appropriate and should be denied.

This area is shown on the General Land Use component of the Comprehensive Plan as commercial. 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 site plan illustrates a relocation of curb cuts from the present development; the number, location, and design of curb cuts are to be approved by Traffic Engineering. Furthermore, the site

will need to be brought into compliance with the landscaping and tree planting requirements of the Zoning Ordinance, and with all other municipal codes and ordinances. Parking shown would meet the minimum standards of the Ordinance.

Regarding the proposed subdivision, the applicant is requesting a one-lot subdivision from an existing metes and bounds parcel. The site is served by public water and sanitary sewer. As noted above, dedication of sufficient right-of-way to provide 25 feet from the centerline of Rifles Road would be required, and the building setback line should be measured from the dedication.

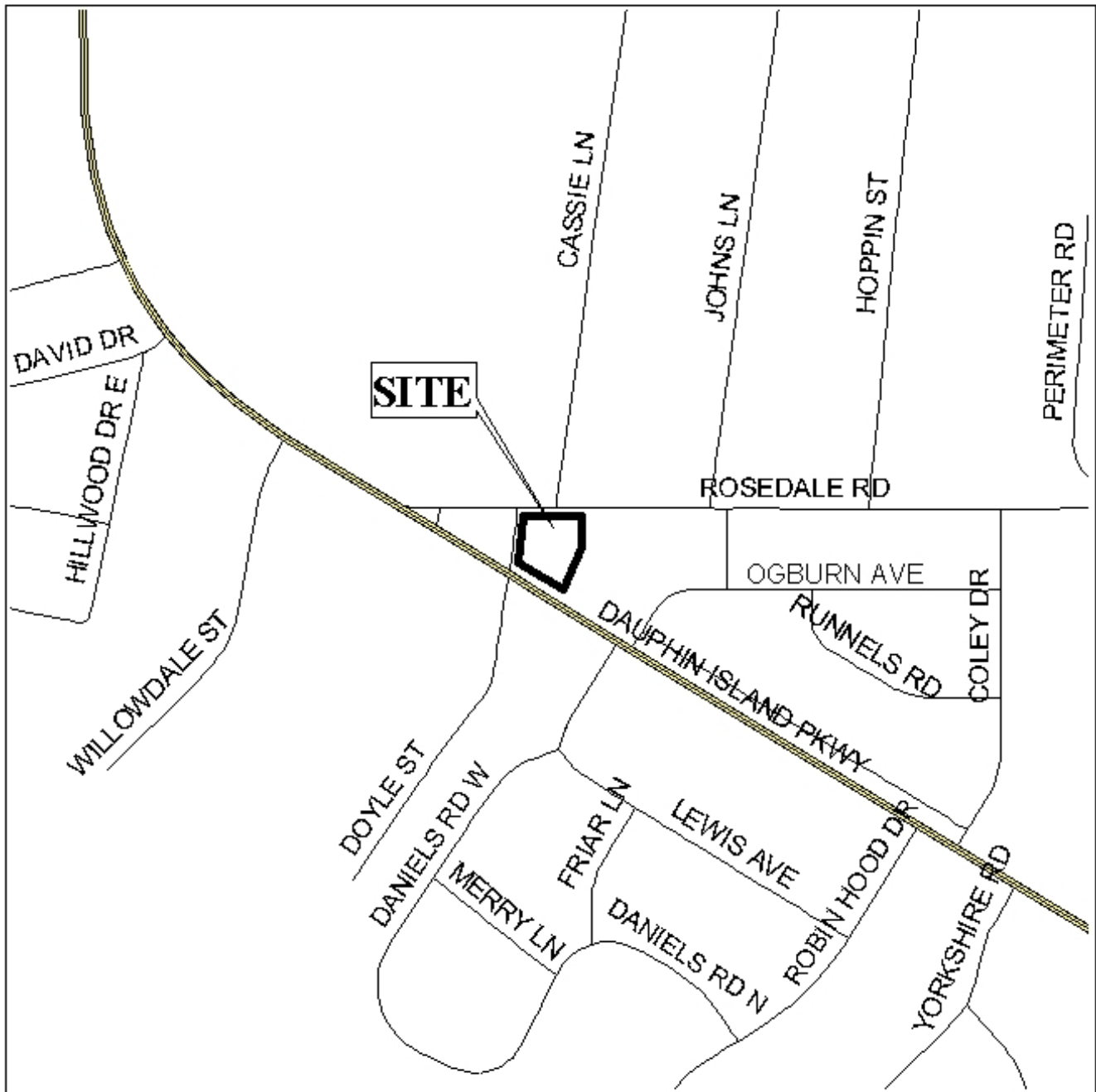
Per Section IV.D.1 of the Zoning Ordinance and Section V.A.7 of the Subdivision Regulations, a buffer will be required between the site and residentially zoned properties.

RECOMMENDATION

Rezoning Based on the preceding, this application is recommended for Approval, subject to the following conditions: 1) dedication of sufficient right-of-way to provide 25 feet from the centerline of Rifles Road; 2) denial of access to Rosedale Road; 3) the provision of a buffer between the site and residentially zoned property, per Section IV.D.1 of the Zoning Ordinance; 4) the completion of the subdivision process; 5) number, location and design of curb cuts to be approved by Traffic Engineering; 6) compliance with the Fire Department requirement that the development be located within 400' of a fire hydrant; 7) conformance to the Landscaping and Tree Planting requirements of the Zoning Ordinance; and 8) full compliance with all municipal codes and ordinances.

Subdivision Based on the preceding, this application is recommended for Tentative Approval, subject to the following conditions: 1) dedication of sufficient right-of-way to provide 25 feet from the centerline of Rifles Road; 2) depiction of the 25' building setback line on the final plat, as measured from the dedication; 3) the placement of a note on the final plat stating that a buffer is required between the site and residentially zoned property, per Section V.A.7 of the Subdivision Regulations; and 4) the placement of a note on the final plat stating that the site is denied direct access to Rosedale Road.

LOCATOR MAP



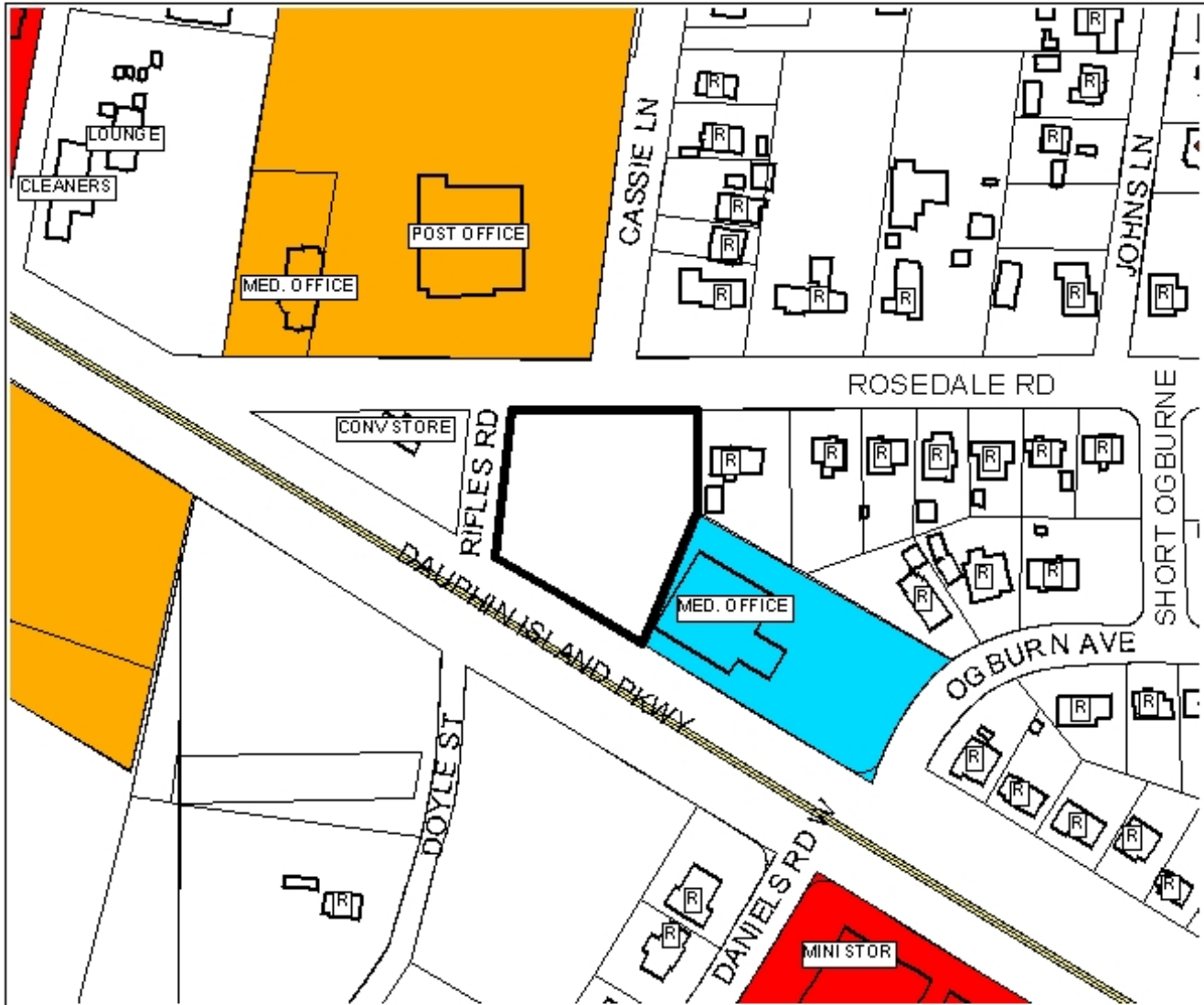
APPLICATION NUMBER 4 & 5 DATE August 4, 2005

APPLICANT White-Spunner & Associates (Attn: Nancy Stone)

REQUEST Rezoning, Subdivision



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Located to the North of the site is a post office and single family residential dwellings; to the East is a medical office and single family residential dwellings. Located to the South are single family residential dwellings and vacant property; to the West is a convenience store.

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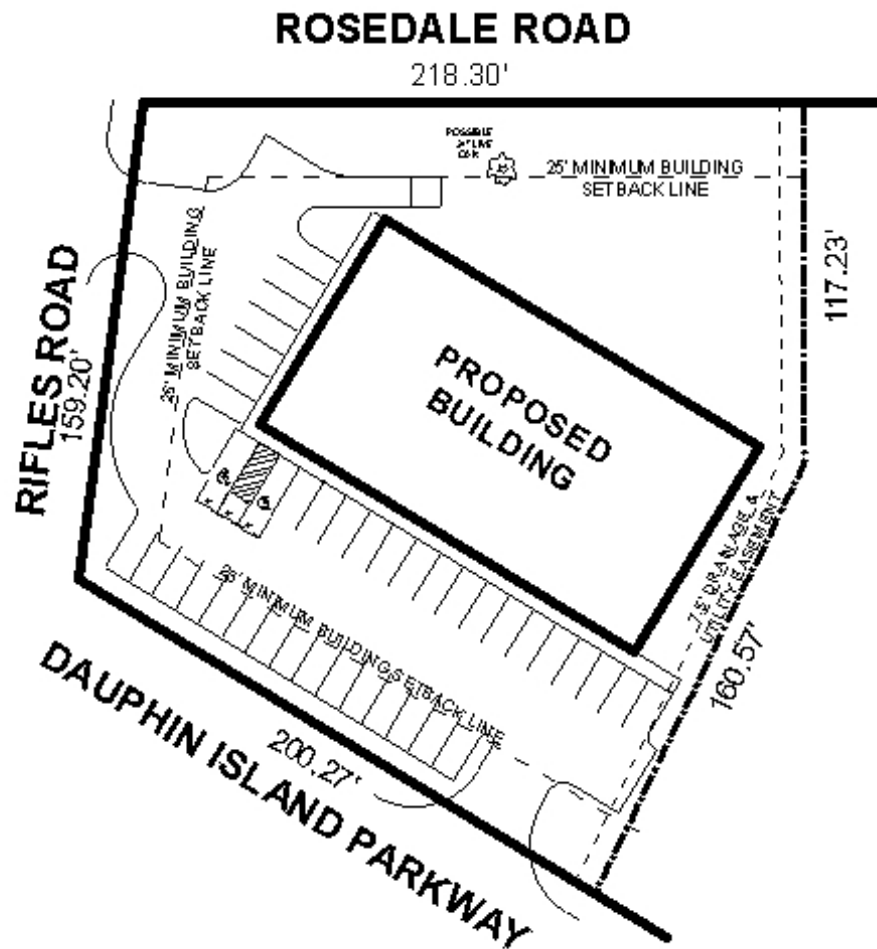
LEGEND

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 is located on the East side of Rifles Road, extending from Dauphin Island Parkway to Rosedale Road. The plan illustrates the proposed building and parking.

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