

**ZONING AMENDMENT STAFF REPORT****Date: March 7, 2013****NAME**

Archdiocese of Mobile

**LOCATION**

South side of Old Shell Road, 110'± West of Center Drive

**CITY COUNCIL  
DISTRICT**

District 6

**PRESENT ZONING**

R-1, Single-Family Residence District

**PROPOSED ZONING**

B-2, Neighborhood Business District

**AREA OF PROPERTY**

1.5± Acres

**CONTEMPLATED USE**

Rezoning from R-1, Single Family Residential, to B-2, Neighborhood Business District, to allow a retail store.

**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**

Time schedule not provided

**ENGINEERING  
COMMENTS**

No Comments

**TRAFFIC ENGINEERING  
COMMENTS**

Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.

A median cut will not be permitted at this site, therefore the driveway will be right-in, right out only. Because of the raised median, additional construction of a channelizing island in the driveway will not be necessary.

**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).

Preservation status is to be given to all 40-inch and larger Live Oak Trees located on the site. Any work on or under these trees is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.

## **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 rezoning from R-1, Single Family Residential, to B-2, Neighborhood Business District, to allow a retail store.

B-2 districts are composed of land and structures occupied by or suitable for furnishing the retail goods, such as groceries and drugs, and the services, such as barbering and shoe repairing, to satisfy the daily household needs of the surrounding residential neighborhoods. Often located on a thoroughfare or near the intersection of two (2) thoroughfares, these districts are small and are within convenient walking distance of most of the areas they will serve. The district regulations are designed to permit the development of the districts for their purpose and to protect the abutting and surrounding residential areas by requiring certain minimum yard and area standards to be met, standards that are comparable to those called for in residential districts. It is intended that additional neighborhood business districts will be created, in accordance with the amendment procedure set forth herein, as they are needed to serve new residential areas. To insure that such new districts are actually developed to supply the business needs of the neighborhoods, the amendment creating the district may set a time limit for its development.

The maximum building site coverage allowed in B-2 is 45%, with a maximum height of 45 feet. The setbacks for B-2 districts are as follows: front 25 feet (25 feet), side 0 or 5 feet, or 10 feet where adjacent to residential uses, and rear of 0 or 5 feet, or 10 feet where adjacent to residential uses.

The site fronts onto Old Shell Road, a major street with a required right-of-way of 100-feet, per the Major Street Component of the Comprehensive Master Plan. As a major street, Old Shell Road should have a right-of-way width of at least 100-feet; however, no right-of-way is illustrated on the site plan. Therefore, it should be noted that the condition to provide 50-feet from the centerline of Old Shell Road would be required.

The site is bounded to the West, by B-2 district, to the North (across Old Shell Road) is R-1 property owned and used by the University of South Alabama, to the South by R-1, Single-Family residences, and to the East by a catholic church in a B-1 district. The B-1 district to the East was created in 1998.

The entire site appears to be depicted as commercial 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.

The applicant states the Catholic Student Center and church immediately adjacent to the East is experiencing a significant need for a retail store for Catholic spiritual documents and merchandise.

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 applicant's narrative illustrates that all of the other lots on this block of Old Shell Road are zoned commercial making the rezoning of this lot compatible with the existing zoning in the immediate area. Therefore, changing conditions in a particular area make a change in the Ordinance necessary and desirable would be considered as reason for the rezoning.

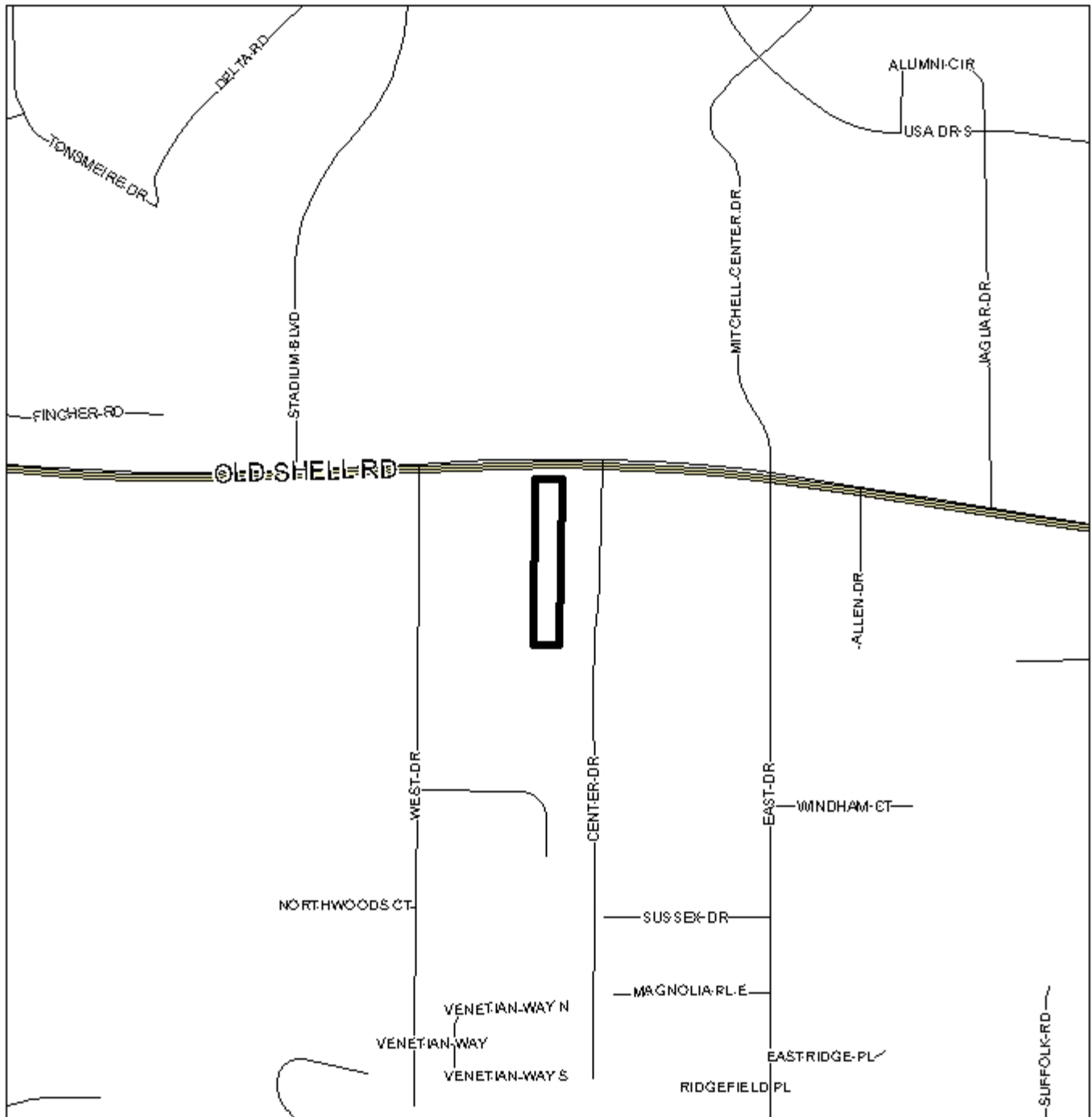
The site plan provided with the application indicates that the site would be developed in compliance with the commercial requirements of the Zoning Ordinance. Zoning requests are not, however, site plan specific. While changes to the site plan may be undertaken, however, they must comply with the Zoning Ordinance and conditions of approval.

### **RECOMMENDATION**

Based on the preceding, the Rezoning application is recommended for approval subject to the following conditions:

- 1) compliance with Traffic Engineering comments (*1. Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards; and 2. A median cut will not be permitted at this site, therefore the driveway will be right-in, right out only. Because of the raised median, additional construction of a channelizing island in the driveway will not be necessary*);
- 2) compliance with Urban Forestry (*1. 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); 2. Preservation status granted for all 50" and larger trees. All work under the canopies is to be permitted and coordinated with Urban Forestry, removal to be permitted by Urban Forestry only in the case of disease or impending danger; and 3. Exact curb cut locations and location of the proposed street, internal circulation drive and building locations should also be coordinated with Urban Forestry to ensure that no trees 50" and larger are effected.*);
- 3) compliance with Fire Department (*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.*); and
- 4) full compliance with all municipal codes and ordinances.

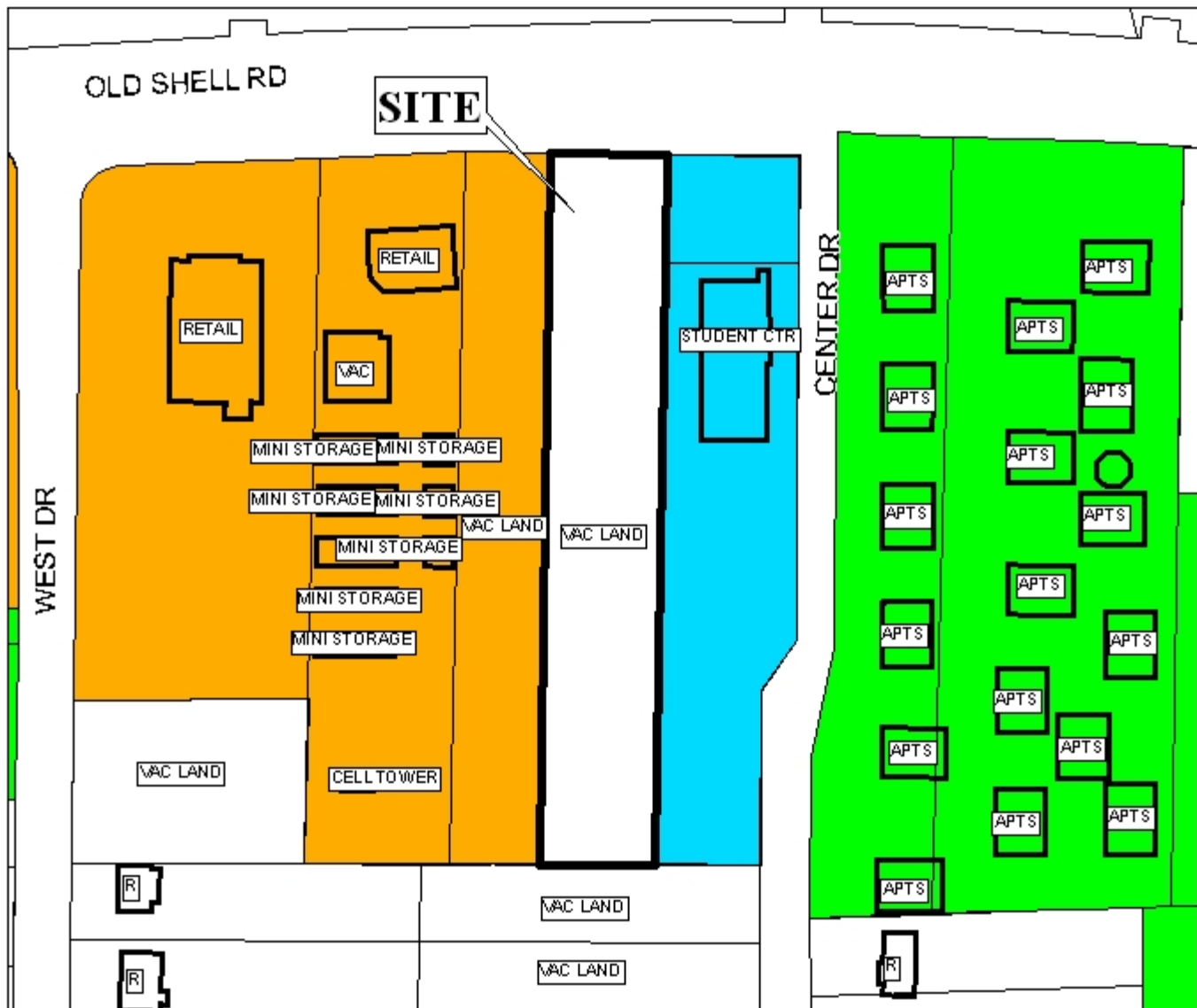
# LOCATOR MAP



APPLICATION NUMBER 20 DATE March 7, 2013  
 APPLICANT Archdiocese of Mobile  
 REQUEST Rezoning from R-1 to B-2



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Businesses are located to the west of the site. A student center and apartments are located to the east of the site.

APPLICATION NUMBER 20 DATE March 7, 2013

APPLICANT Archdiocese of Mobile

REQUEST Rezoning from R-1 to B-2

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	NTS
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# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



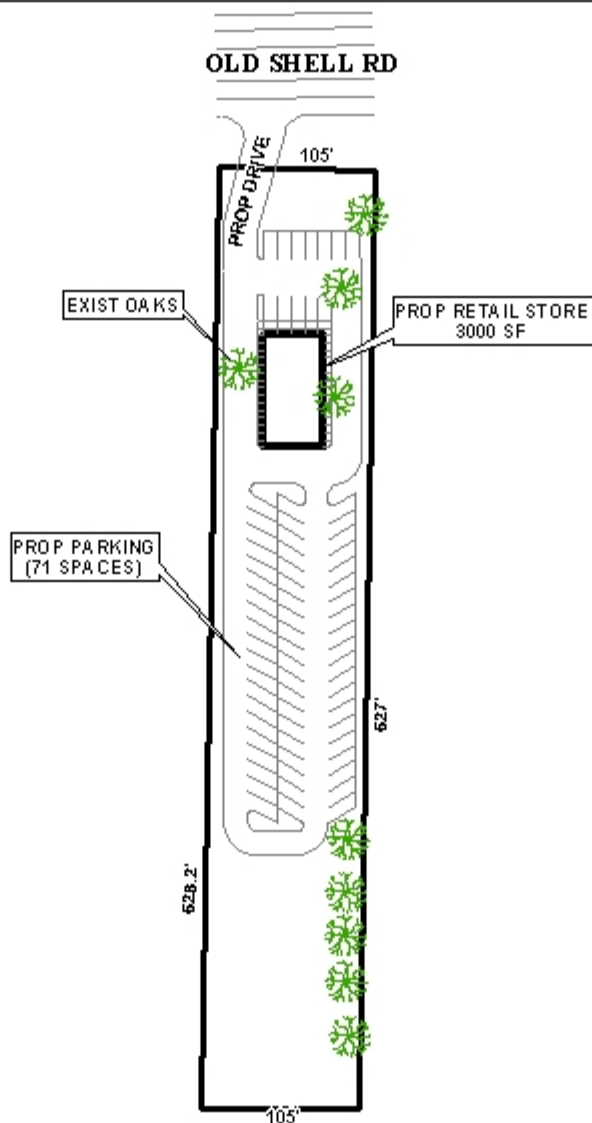
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N  
NTS



## SITE PLAN



The site plan illustrates the proposed development.

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NTS