

**ZONING AMENDMENT STAFF REPORT****Date: July 2, 2009****NAME**

Parkway LLC

**LOCATION**2334 Dauphin Island Parkway  
(South side of Dauphin Island Parkway, 70'± East of Willowdale Street)**CITY COUNCIL  
DISTRICT**

District 4

**PRESENT ZONING**

B-2, Neighborhood Business District

**PROPOSED ZONING**

R-1, Single-Family Residential District

**AREA OF PROPERTY**

0.5 ± Acres

**CONTEMPLATED USE**

Rezoning from B-2, Neighborhood Business District, to R-1, Single-Family Residential District, to eliminate split zoning.

**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**

None provided

**ENGINEERING  
COMMENTS**

Must comply with all storm water 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.

**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-2, Neighborhood Business District, to R-1, Single-Family Residential District, to eliminate split zoning. The application is prompted by a condition of a December 4, 2008 Planning Commission approved subdivision: the condition is that *"...Lots 19 and 20 shall not be recorded until a rezoning process (to residential) has been completed."*

The site fronts onto a newly constructed minor street with adequate right-of-way. The street serves a newly developed residential subdivision, and the applicant wishes to rezone this remaining portion of the site to allow two more residential lots to be recorded.

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.

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.

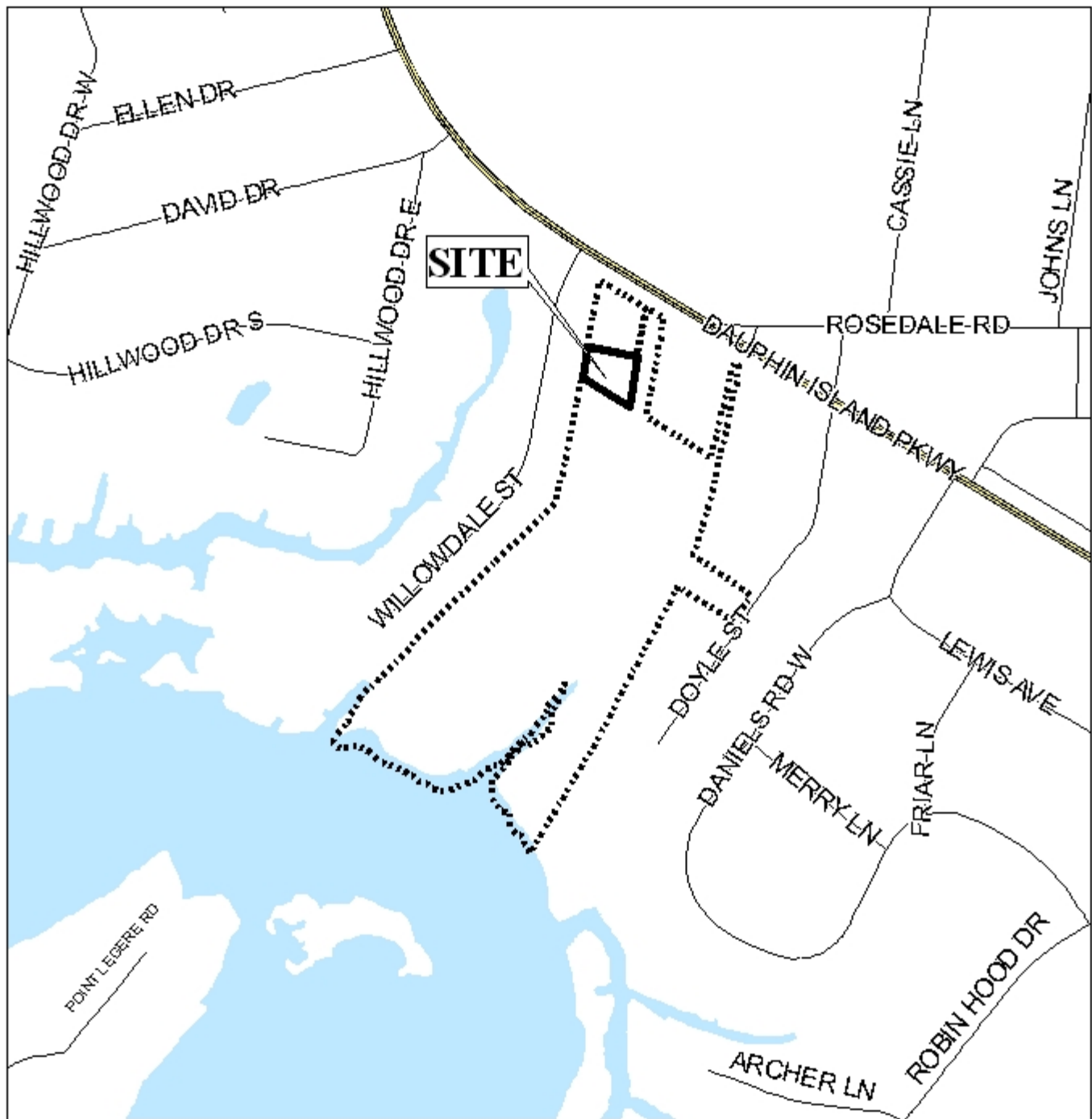
The previously approved subdivision resulted in a split-zoning condition, thus the conditions relating to changing conditions and the subdivision of land apply to this rezoning request.

**RECOMMENDATION**

Based on the preceding, the rezoning request is recommended for Approval, subject to the following condition:

- 1) Full compliance with all applicable municipal codes and ordinances.

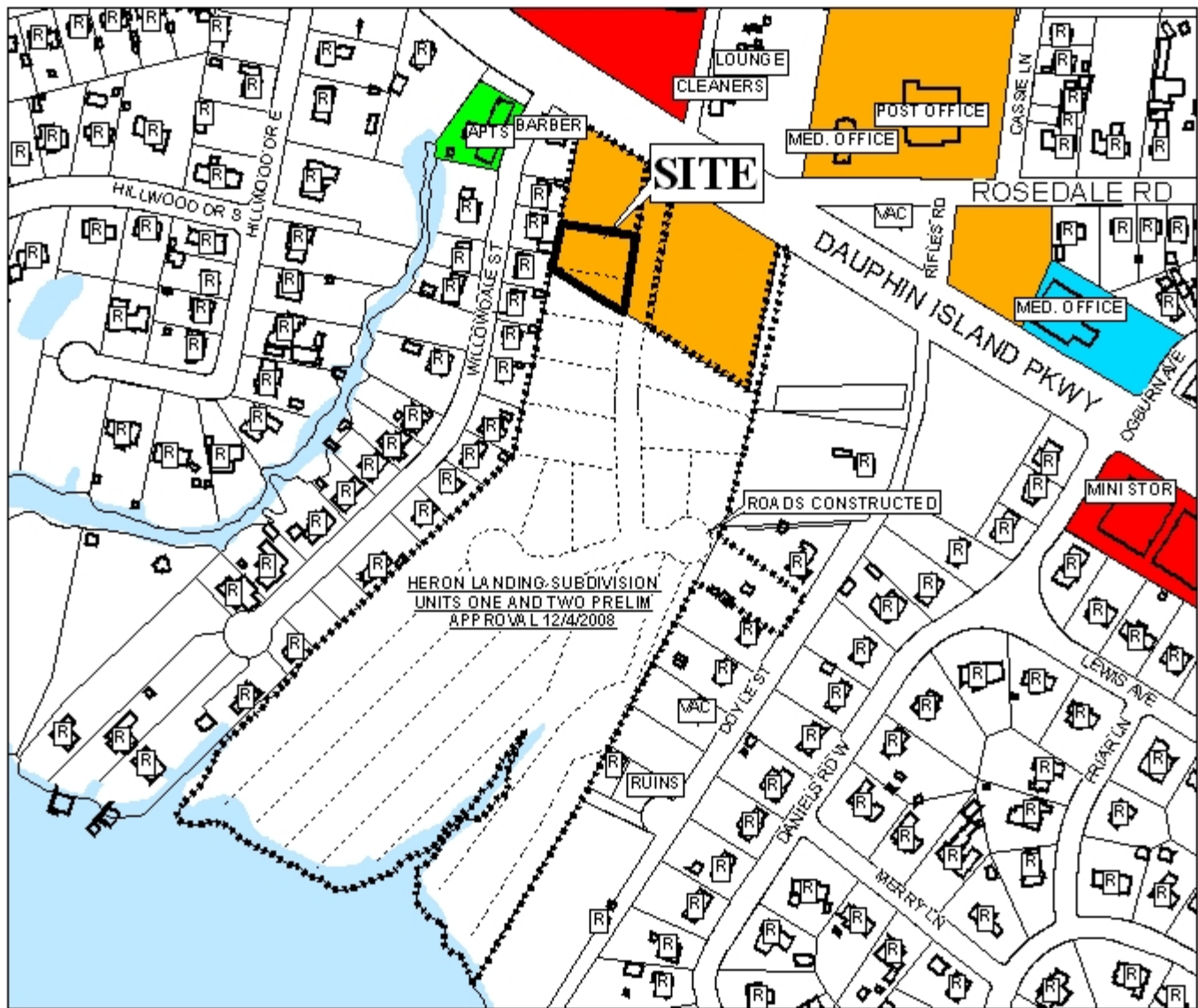
# LOCATOR MAP



APPLICATION NUMBER 20 DATE July 2, 2009  
APPLICANT Parkway LLC  
REQUEST Rezoning from B-2 to R-1

N  
NTS

# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



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

APPLICATION NUMBER 20 DATE July 2, 2009  
 APPLICANT Parkway LLC  
 REQUEST Rezoning from B-2 to R-1

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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N  
NTS



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING

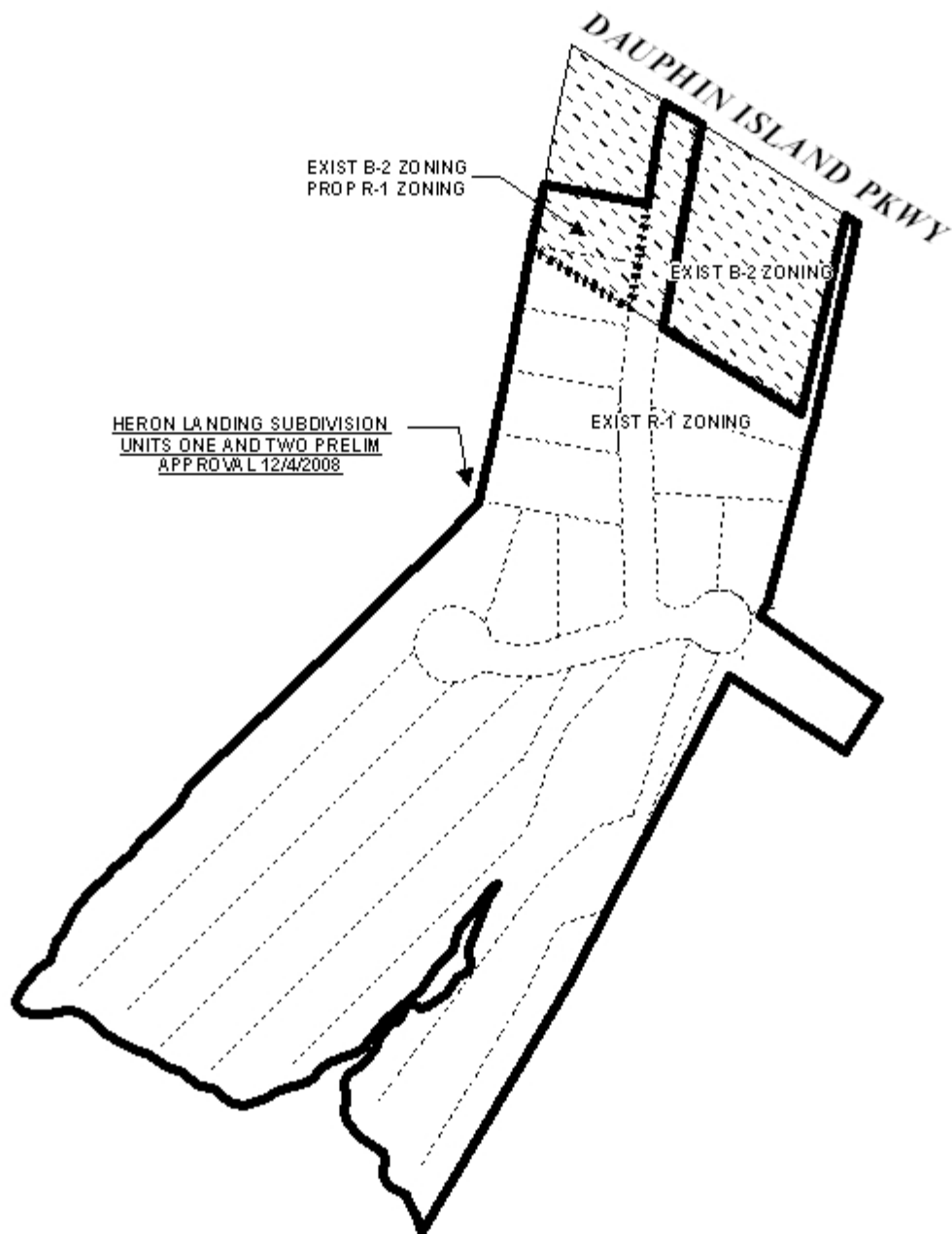


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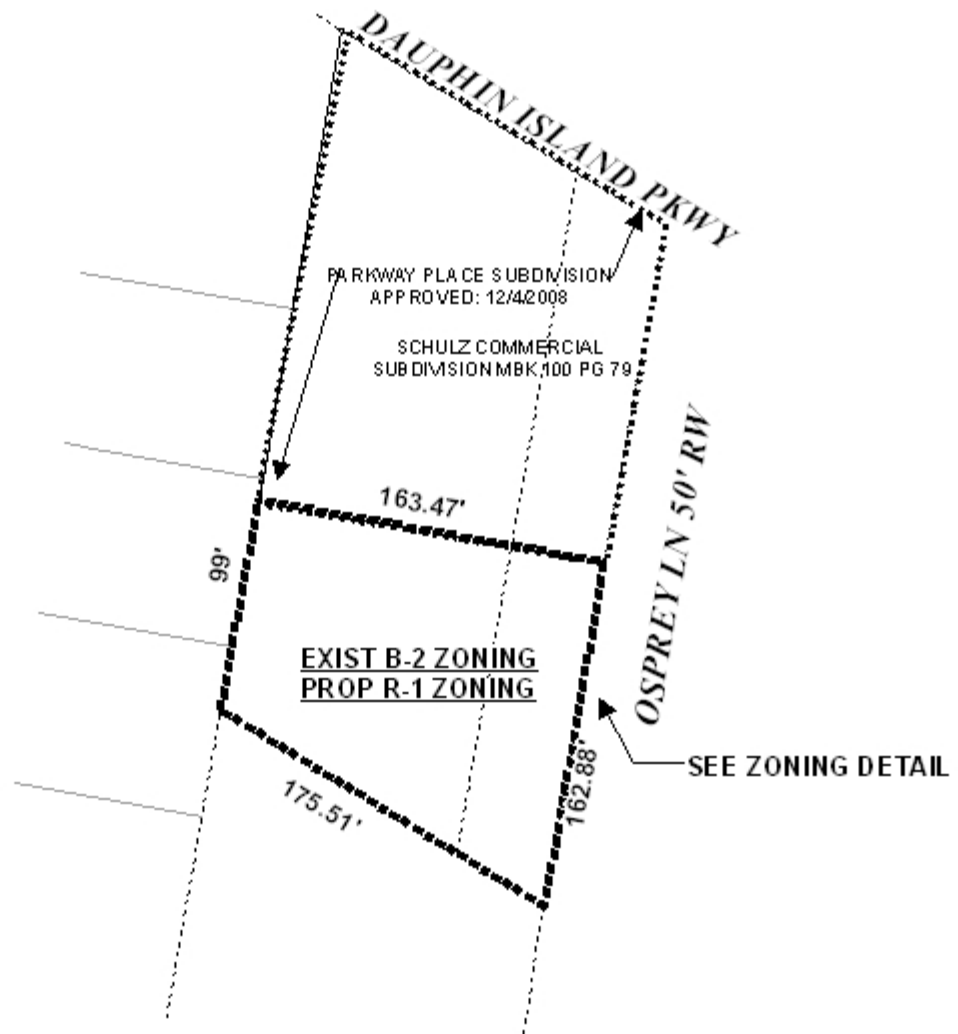
# ZONING DETAIL



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N  
NTS

# SITE PLAN



The site plan illustrates the existing and proposed zoning

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N  
NTS