

**ZONING AMENDMENT,
& SUBDIVISION STAFF REPORT****Date: September 6, 2007****APPLICANT NAME**

Thinh Nguyen, Nham Nguyen, and Khuyen Nguyen

SUBDIVISION NAME

Cody-Zeigler Commercial Subdivision

LOCATION950 Cody Road North
(Northeast corner of Cody Road North and Zeigler
Boulevard)**CITY COUNCIL
DISTRICT**

District 7

PRESENT ZONING

B-3, Community Business District

PROPOSED ZONING

B-3, Community Business District

AREA OF PROPERTY

1 Lot / 1.8± Acres

CONTEMPLATED USE

Subdivision approval to create 1 lot, and Zoning approval to rezone the site from B-3, Community Business, to B-3, Community Business, to remove a service road condition of the previous rezoning.

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.

**REASON FOR
REZONING**

Applicant is requesting rezoning of the site to remove a service road condition of the previous rezoning.

**TIME SCHEDULE
FOR DEVELOPMENT**

No schedule provided.

**ENGINEERING
COMMENTS**

It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. 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 Subdivision approval to create 1 lot, and Zoning approval to rezone the site from B-3, Community Business, to B-3, Community Business, to remove a service road condition of the previous rezoning. No specific use is proposed as part of the application.

The site is currently vacant. The site is bounded to the East by single-family residences in an R-1 district, to the South across Ziegler by vacant land in a B-2, Neighborhood Business District, to the North by vacant land in a B-3 district, and to the West by the fair grounds located across Cody Road in the County.

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 site was originally designated as B-3 in 1978, however, the designation required the dedication of land along Cody Road and Zeigler Boulevard for a future service roads. Service roads are generally no longer normally required along major streets where they do not already

exist, however, the City appears to desire to retain the service road along Cody Road, which has already been dedicated to the City. The removal of the original 1978 condition for a service road along Zeigler Boulevard may be considered appropriate, as no service road was provided by the residential subdivision developed East of the site.

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 site was the subject of a one lot subdivision that was approved by the Planning Commission at its February 16, 2007 meeting. The subdivision has not been recorded.

The site fronts onto Cody Road and Zeigler Boulevard, both proposed major streets. A note on the plat indicates that land has been dedicated for a service road along Cody Road, as required by the conditions associated with the rezoning of the site in 1978. The preliminary plat also depicts the 10-foot required dedication along Cody Road, per the most recent approval in February 2007.

Access management is a concern because of the site's frontage on two major streets. The proposed lot, as per the February 2007 approval, should be limited to two curb-cuts onto Cody Road and one curb-cut onto Zeigler Boulevard, with the size, design and location to be approved by Traffic Engineering and conform to AASHTO standards.

The 25-foot minimum building setback line from all street frontages, required in Section V.D.9., is not shown on the plat, but would be required on the final plat, if approved.

Finally, applications for rezoning are required to include a site plan that depicts proposed development. No site plan depicting development was provided with this application.

RECOMMENDATION

Rezoning: Based upon the preceding, the Rezoning request is recommended for Approval, subject to the following conditions:

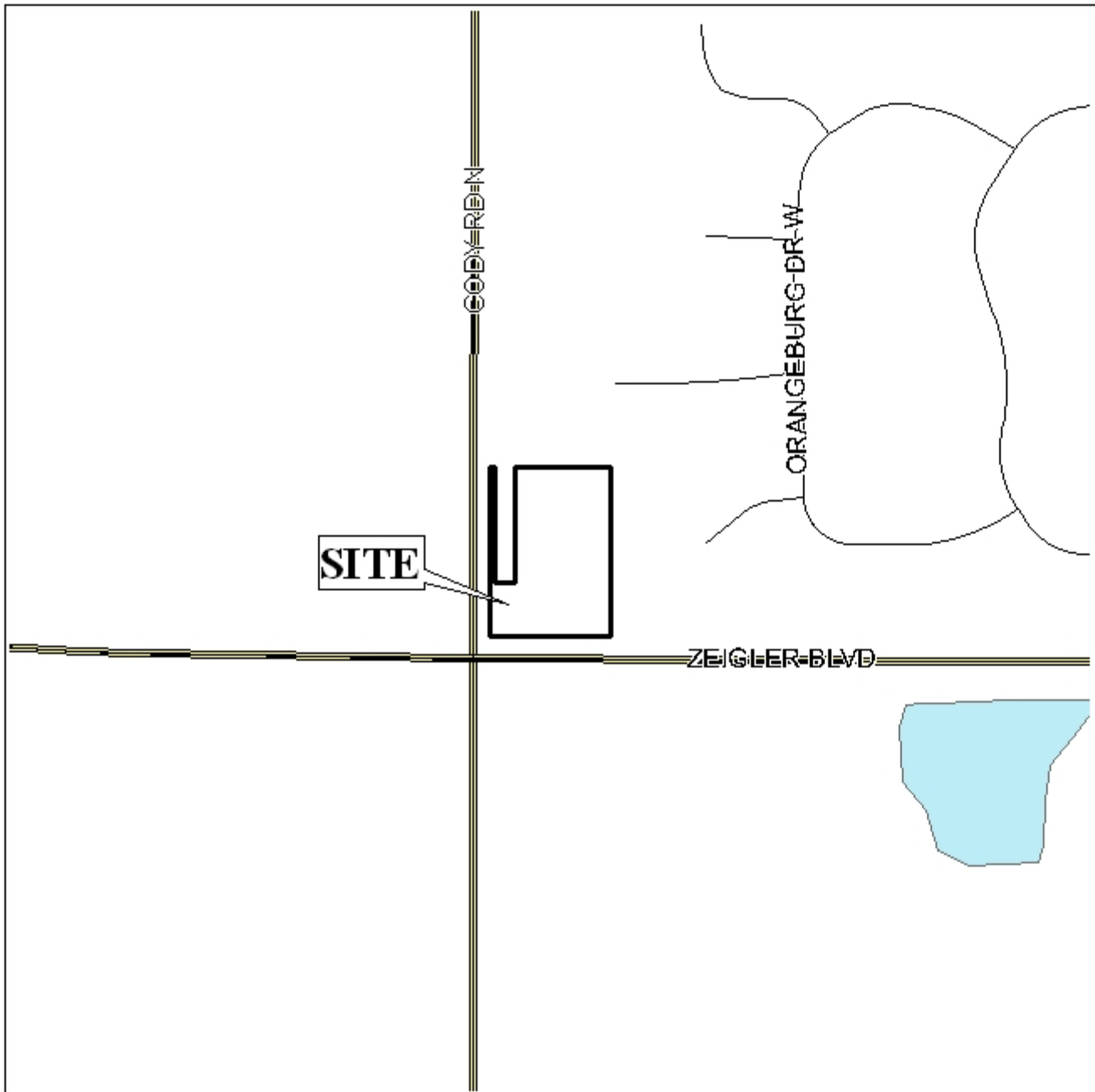
- 1) completion of the Subdivision process;
- 2) the site is limited to two curb-cuts onto Cody Road and one curb-cut onto Zeigler Boulevard, with the size, design and location to be approved by Traffic Engineering; and
- 3) full compliance with all other municipal codes and ordinances.

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

- 1) dedication of 10 feet along Cody Road, as depicted on the preliminary plat;
- 2) dedication of sufficient right-of-way at the intersection of Cody Road and Zeigler Boulevard for radius to be approved by Traffic Engineering, as depicted on the preliminary plat;

- 3) placement of a note on the final plat stating that the site is limited to one curb cut to Zeigler Boulevard and two curb cuts to Cody Road, with the size, location and design to be approved by Traffic Engineering;
- 4) provision of a buffer in compliance with Section V.A.7. of the Subdivision Regulations;
- 5) illustration of the required 25-foot minimum building setback line along both street frontages; and
- 6) labeling of the lot with its size in square feet.

LOCATOR MAP



APPLICATION NUMBER 21 & 22 DATE September 20, 2007

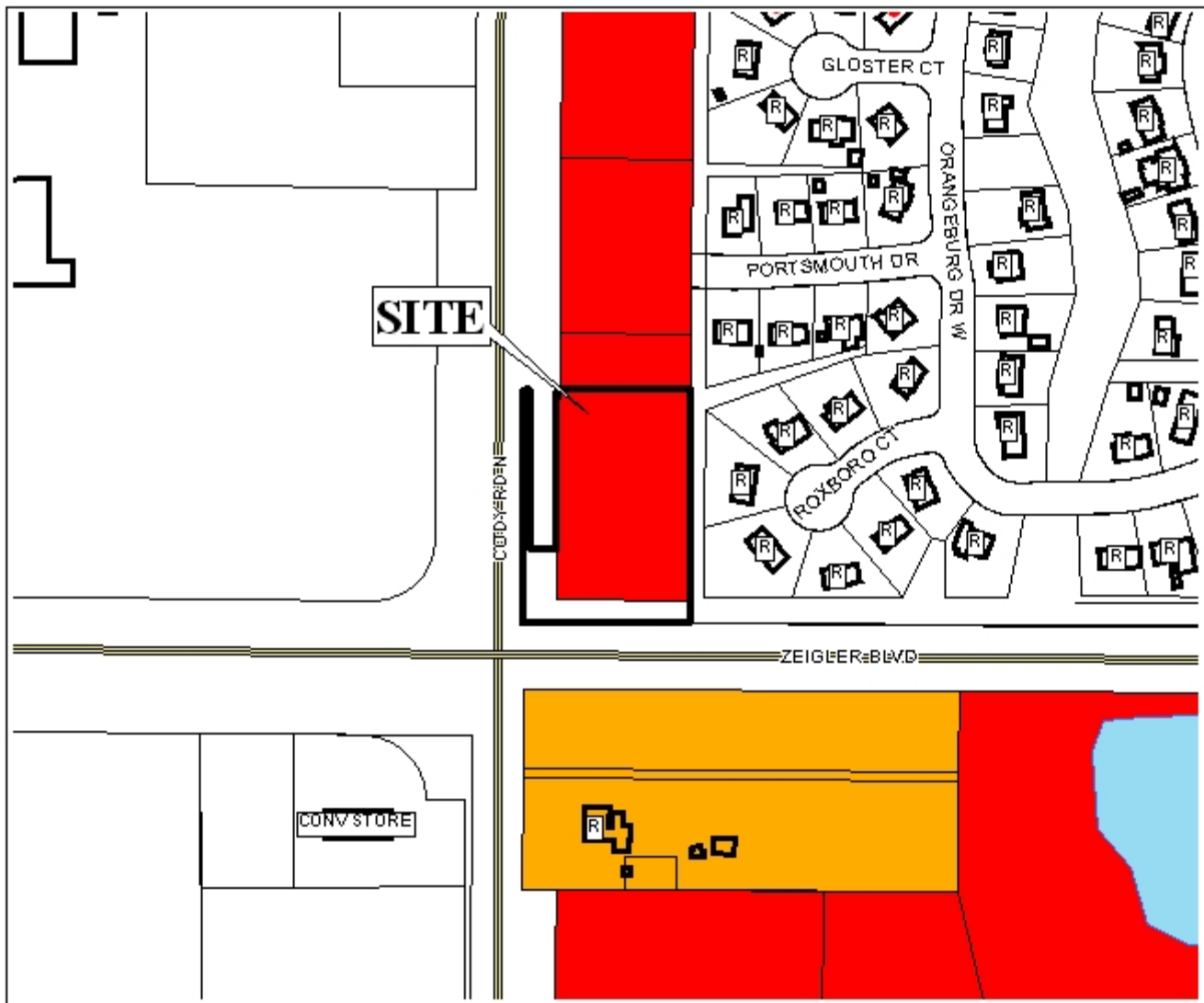
APPLICANT Thinh Nguyen, Nham Nguyen, and Khuyen Nguyen

REQUEST Subdivision, Rezoning



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING

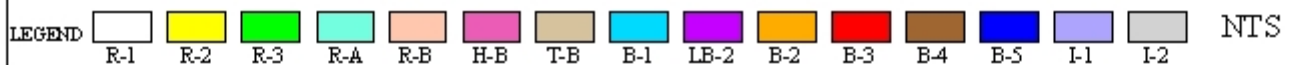


This site is surrounded by residential landuse.

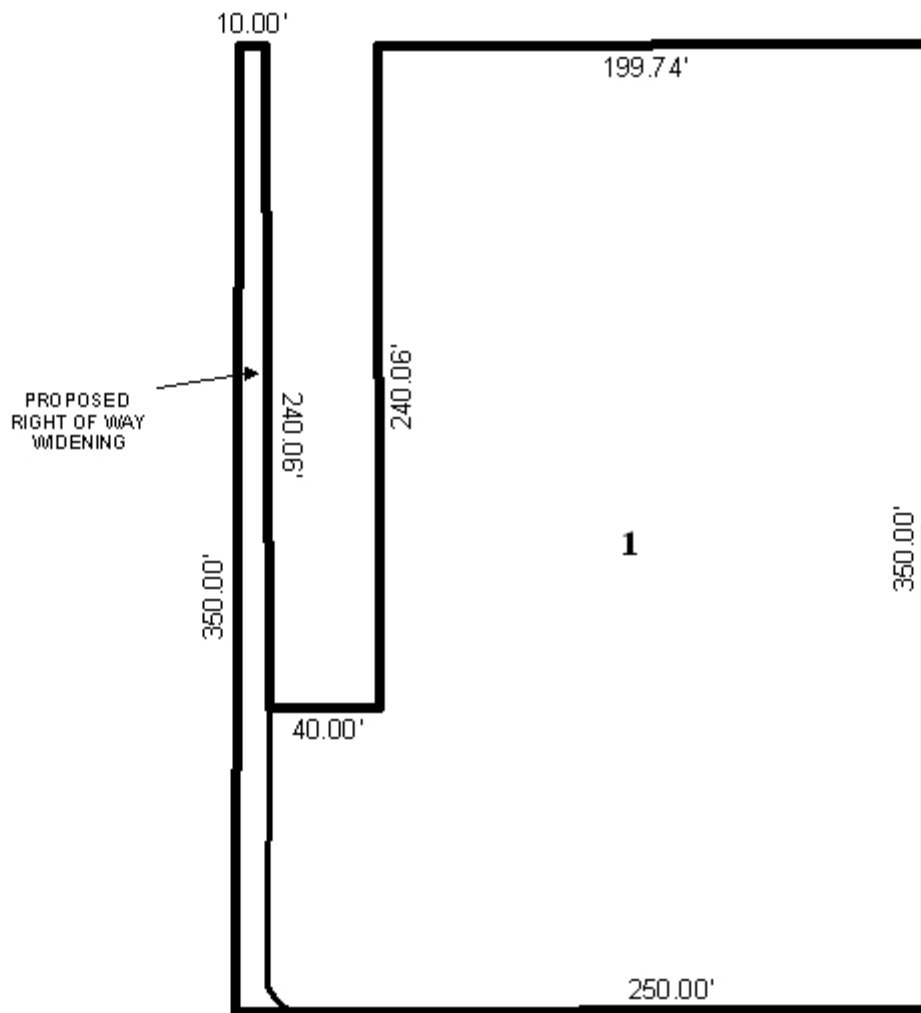
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SITE PLAN



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