

**ZONING AMENDMENT STAFF REPORT****Date: July 5, 2007****NAME**

Greg Dreaper

**LOCATION**119 North Julia Street  
(West side of Julia Street, 335'± South of Springhill Avenue).**CITY COUNCIL  
DISTRICT**

Council District 2

**PRESENT ZONING**

B-1, Buffer Business District

**PROPOSED ZONING**

R-1, Single-Family Residential District

**AREA OF PROPERTY**

7500 square feet (.17± Acre)

**CONTEMPLATED USE**

Single-Family Dwelling

**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**

Already Developed

**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).

**REMARKS**

The applicant is requesting rezoning from B-1, Buffer Business District, to R-1, Single-Family Residential District, to allow an existing single-family dwelling. As the site is currently zoned B-1, the existing single-family dwelling is already allowed by right.

This area is shown on the General Land Use component of the Comprehensive Plan as being on the border between planned commercial and residential sections. 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 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.

In this case, the applicant is concerned about the possible future development of the adjacent parcel to the South, which is also currently zoned B-1. Under the current zoning ordinance, a building can be constructed on the undeveloped parcel to the South within 5-feet of the property line, and no buffer strip is required. The zoning ordinance requires a protection buffer between property zoned commercially and property zoned residentially, such a buffer includes a 10-foot protection strip where no building can be built, and a privacy fence or screen planting strip. The applicant, in this case, wishes to enjoy the protections that come from the protection buffer section of the zoning ordinance, and thus, have his property rezoned accordingly. It should also be noted that this site is located within the Old Dauphin Way Historic District, and thus, according to the zoning ordinance, should this property remain B-1, it may be possible that buildings constructed on the undeveloped parcel may be able to be closer than 5 feet to the property line.

The area surrounding the site contains a mixture of zones and land uses, with R-1 zones to the North and West, B-1 zones to the South, and a B-3 zone to the West. Further beyond the site, and still in the immediate vicinity, there are also B-2 zones. Given the mix in land uses and the establishment of the neighborhood, as well as the fact that the property in question is already developed as a residential dwelling, and has been such since at least 1997, the applicant's argument for protection under the protection buffer would seem to be a reasonable one.

**RECOMMENDATION**

Based on the preceding, the application is recommended for approval.

## LOCATOR MAP



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APPLICANT Greg Dreaper

REQUEST Rezoning from B-1 to R-1



NTS

# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



This site is surrounded by residential landuse with commercial landuse to the North.

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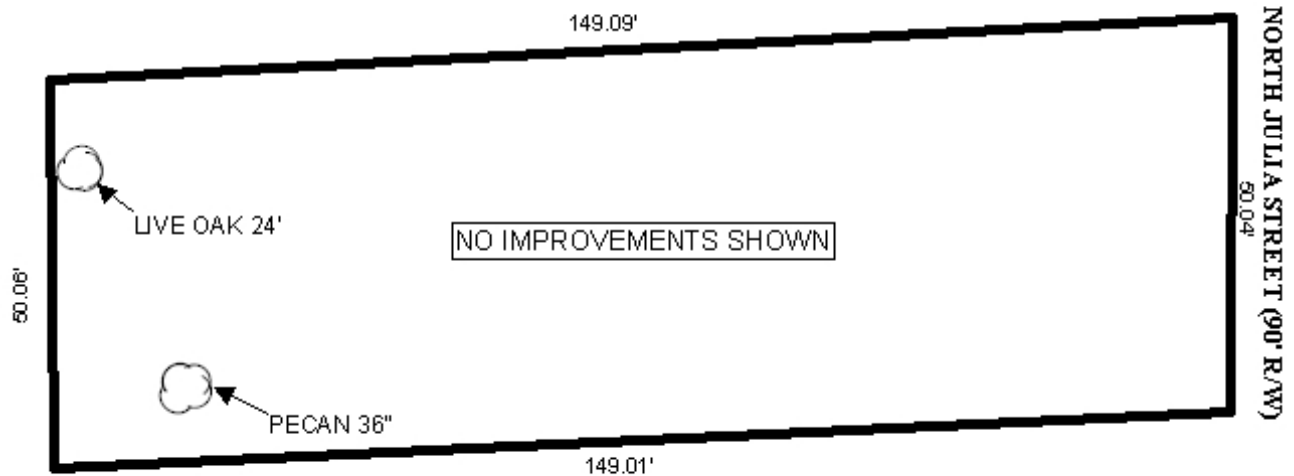
APPLICANT Greg Dreaper

REQUEST Rezoning from B-1 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	NTS
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# SITE PLAN



This site illustrates large trees located on the property.

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