

REZONING STAFF REPORT**Date: April 5, 2007****APPLICANT NAME**

Martha Williams

LOCATION355 Bay Shore Avenue
(West side of Bay Shore Avenue, 125'± North of Frederick Street).**CITY COUNCIL
DISTRICT**

Council District 1

PRESENT ZONING

R-1, Single-Family Residential District, and B-3, Community Business District

PROPOSED ZONING

R-1, Single-Family Residential District

AREA OF PROPERTY

0.42 acres

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.

REASON FOR REZONING

To eliminate split zoning and allow for a single-family dwelling.

**TIME SCHEDULE
FOR DEVELOPMENT**

Existing/Immediate

**ENGINEERING
COMMENTS**

The storm water ordinance does not allow water to be concentrated onto an adjacent property without a hold harmless agreement. All storm water must tie to the City of Mobile storm drainage system. 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, sizes, 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). Full compliance with landscaping and tree requirements of the Zoning Ordinance to be coordinated with Urban Forestry.

REMARKS

The applicant is requesting rezoning of the site from R-1 and B-3 to R-1, to eliminate a split zoning situation.

The site is located on Bay Shore Avenue, a minor street with mixed uses and zoning classifications. The plan does not illustrate the existing right-of-way for Bay Shore Avenue, therefore, it should be noted that if the existing right-of-way is not a minimum of 25' from centerline, dedication to provide the minimum standard will be required.

The site has a lengthy commercial use history. In 2003, the owner of the property submitted nonconforming documentation (due to the split zoning) for commercial use of the site dating back over 30 years. Based upon that documentation two different commercial operations were allowed. The property was sold and the current owner wishes to use it residentially. Due to the change in use, the split zoning became an issue again as the result of an application for an addition to a single-family residence. As the property had only been used commercially, and nonconforming status was not possible for the residential use, rezoning was required.

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.

As the site in question is split zoned, and all properties to the North are residential, it could easily be an error in the ordinance (map).

RECOMMENDATION

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

LOCATOR MAP



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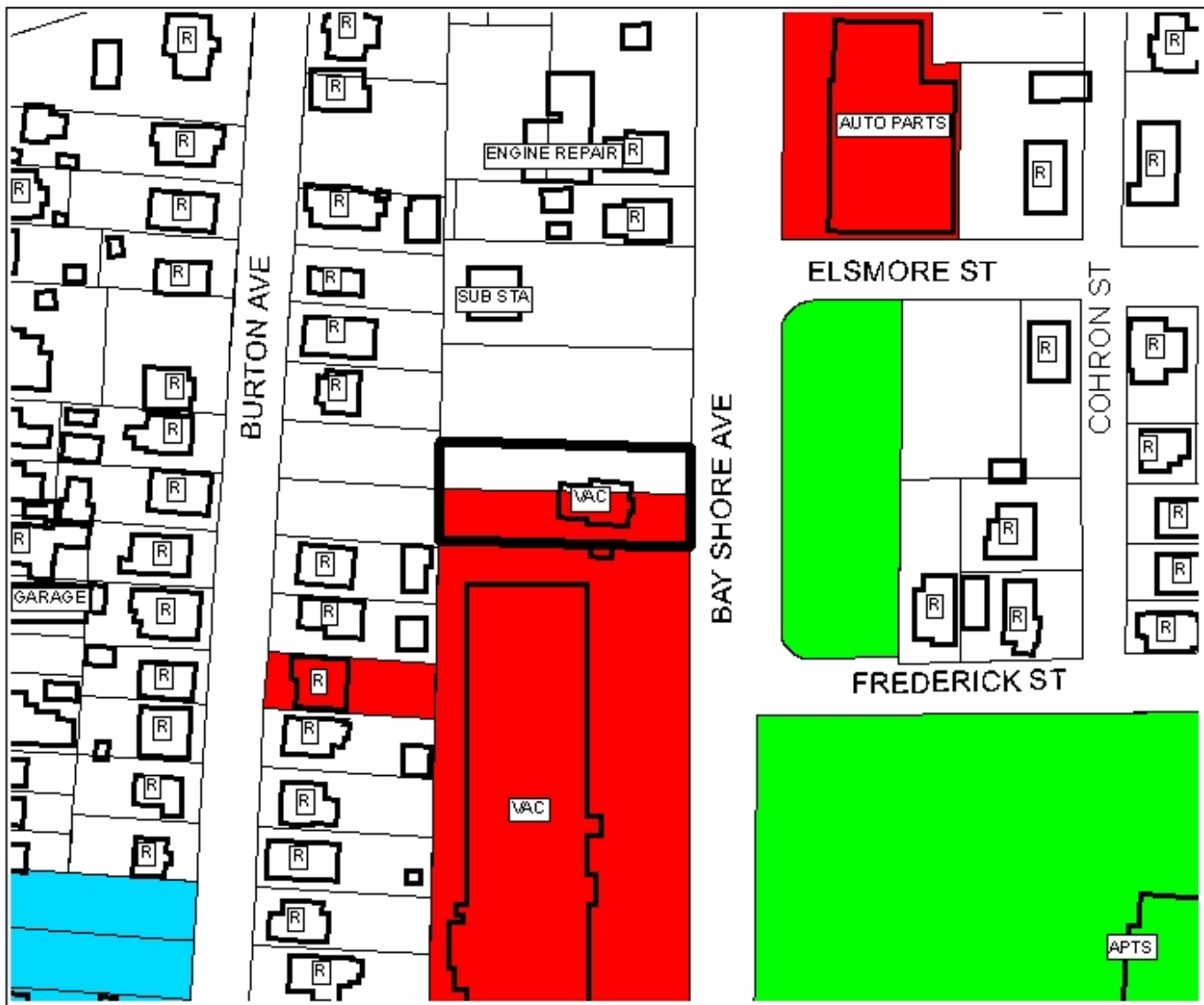
APPLICANT Martha Williams

REQUEST Rezoning from R-1 and B-3 to R-1



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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential land use. Commercial land use is located to the north and south of the site.

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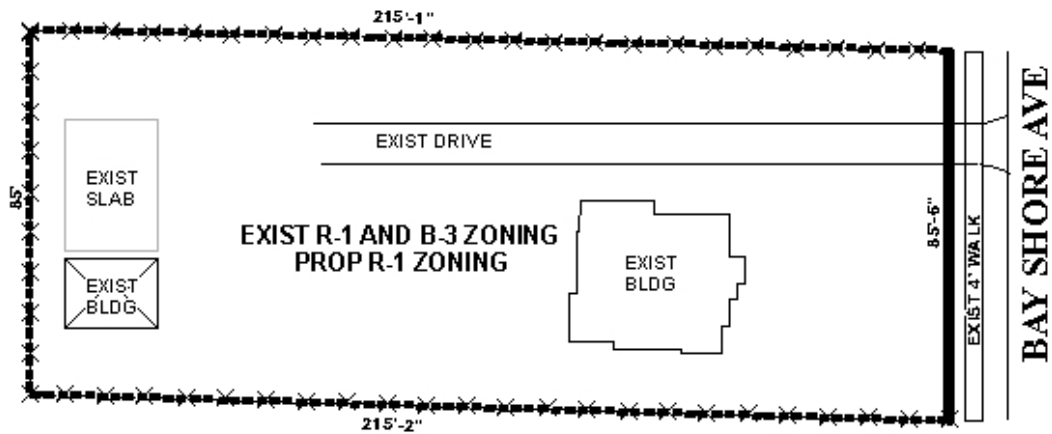
LEGEND

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 plan illustrates the existing buildings, drives, walks, and proposed zoning

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