

**ZONING AMENDMENT,
& SUBDIVISION STAFF REPORT****Date: October 2, 2008****APPLICANT NAME**

William Cox

SUBDIVISION NAME

Clean Green Subdivision

LOCATION171 Cody Road South
(East side of Cody Road South, 212'± North of Airport
Boulevard)**CITY COUNCIL
DISTRICT**

District 7

PRESENT ZONING

R-1, Single-Family Residential

PROPOSED ZONING

B-2, Neighborhood Business

AREA OF PROPERTY

1 Lot /0.6± Acres

CONTEMPLATED USESubdivision approval to create a legal lot of record from a
metes and bounds parcel and Rezoning from R-1, Single-
Family Residential District, to B-2, Neighborhood Business
District, to allow a retail/office building.**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**Due to the changing character of the area. The site is
bordered on the South by B-2, on the East by B-3, and by
B-3 to the West.**TIME SCHEDULE
FOR DEVELOPMENT**

Immediate

**ENGINEERING
COMMENTS**Must comply with all storm water and flood control
ordinances. Cannot concentrate storm water runoff to an adjacent property without a release
agreement, a private drainage easement or providing detention for a 100 year storm event with a
two year release rate per the revised COM Storm Water Ordinance. Must provide detention for
any impervious area added since 1984 in excess of 4,000 square feet. Any work performed in

the right of way will require a right of way permit. Need to verify that there is sufficient capacity for the receiving drainage system(s) to accept drainage from this property.

TRAFFIC ENGINEERING

COMMENTS

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Final approval for all driveways, proposed and existing will be given upon submittal of final plans.

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 a legal lot of record from a metes and bounds parcel, and Zoning approval to rezone the site from R-1, Single-Family Residential District, to B-2, Neighborhood Business District, to allow a retail/office building. The applicant states that the site is served by public water and sanitary sewer facilities.

The site fronts Cody Road South, a major street with insufficient right-of-way. Therefore, the dedication of sufficient right-of-way to provide 50-feet from the centerline of Cody Road South would be required. As access management is a concern, the development should be limited to one curb cut, with the size, design and location to be approved by Traffic Engineering and conform top AASHTO standards.

This area is shown as residential on the General Land Use component of the Comprehensive Plan. However, 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.

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 is bounded on the South by B-2, to the East by B-3, to the West across Cody Road South by B-3, and to the North by R-1, Single-Family Residential. A subdivision application is required to create a legal lot of record from a metes and bounds parcel, along with a rezoning to allow a retail/office building...

There is a depiction of a 10-foot greenbelt buffer where the site abuts residentially zoned property to the North. However, as illustrated on the site plan, this 10-foot greenbelt buffer is not indicated a natural or vegetative or is it to accommodate storm-water detention. Therefore, while a 6-foot high privacy fence is the minimum buffer, one will be required; however, since the applicant indicates a 10-foot greenbelt buffer, then a natural or vegetative buffer should be required. Additionally, this buffer should not be intended to provide detention/retention.

The site plan illustrates the proposed 6,000 square foot building as retail/office use, along with 20 parking spaces. Office/retail use requires one parking space for every 300 square feet of gross floor area; however, restaurant use is allowed within B-2 districts as well. Therefore, the use of the structure as restaurant use would not be allowed with the proposed site plan.

It should be noted that the site plan, as proposed, does meet the minimum requirements of Zoning Ordinance with regard to trees/landscaping. Of the 0.6 acres (24,240 square feet), 12 percent (2,908 square feet) shall be landscaped; 60 percent (1,745 square feet) of this requirement shall be located on the building site between the street line and the building wall facing the street. The front setback shall have one over-story tree for every 30' of road frontage. There should also be a tree for every 30' of perimeter (no more than one half of the perimeter trees may be under-story). Furthermore, any existing trees for which the applicant wishes to receive credit shall be labeled with type and size on the site plan.

The plat meets the minimum size requirement for developments with access to public water and sewer. However, it is requested that the applicant revise the preliminary plat to label the lot with its size in square feet, or provide a table on the plat with the same information.

It should be noted that the dimensions of the metes and bounds parcel does not coincide with the applicant's site plan, parcel data from probate court states that the dimension along Cody Road South and the East, rear property line are listed as approximately 105± feet. Therefore, submission of a revised preliminary plat and site plan would be required prior to approval.

The geographic area defined by the city of Mobile and its planning jurisdiction, including this site, may contain Federally-listed threatened or endangered species as well as protected non-game species. Development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.

RECOMMENDATION

Rezoning: Based upon the preceding, the application is recommended for Holdover until the November 6th meeting, with revisions due by October 20th, so that the following can be undertaken:

- 1) provision of a 6' high privacy fence, in compliance with Section 64-4.D. of the Zoning Ordinance, where the site abuts residentially zoned property to the North;
- 2) provision of a 10-foot greenbelt buffer, excluding retention/detention, where the site abuts residentially zoned property to the North;
- 3) changes to the revision of the site plan to comply with the requirements of the Zoning Ordinance;
- 4) approval of all applicable federal, state and local agencies is required for endangered, threatened or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities; and
- 5) full compliance with all other municipal codes and ordinances.

Subdivision: Based upon the preceding, the application is recommended for Holdover until the November 6th meeting, with revisions due by October 20th, so that the following can be undertaken:

- 1) the dedication of sufficient right-of-way to provide a minimum of 50-feet from the centerline of Cody Road South;
- 2) placement of a note on the final plat stating that the site is limited to one curb-cut onto Cody Road South, with the size, design and location of all curb-cuts to be approved by Traffic Engineering and in conformance with AASHTO standards;
- 3) labeling of the lot with its size in square feet, or the provision of a table on the plat with the same information;
- 4) placement of a note on the plat stating that approval of all applicable Federal, state and local agencies is required for endangered, threatened or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities.

LOCATOR MAP



APPLICATION NUMBER 23 & 24 DATE October 2, 2008

APPLICANT Clean Green Subdivision

REQUEST Subdivision, Rezoning



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



This site is surrounded by miscellaneous land use.

APPLICATION NUMBER 23 & 24 DATE October 2, 2008

APPLICANT Clean Green Subdivision

REQUEST Subdivision, Rezoning

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



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



This site is surrounded by miscellaneous land use.

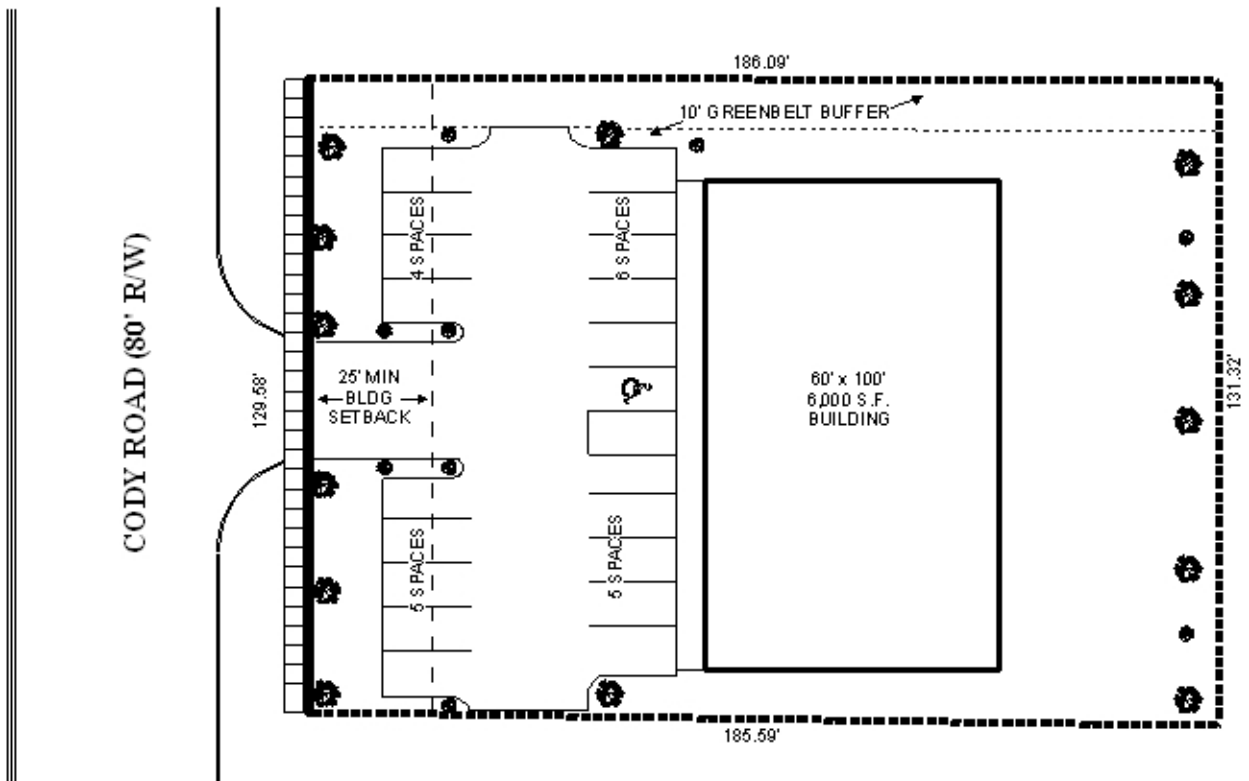
APPLICATION NUMBER 23 & 24 DATE October 2, 2008

APPLICANT Clean Green Subdivision

REQUEST Subdivision, Rezoning

N
NTS

SITE PLAN



This site plan illustrates proposed lot improvements
with proposed rezoning from R-1 to B-2.

APPLICATION NUMBER 23 & 24 DATE October 2, 2008

APPLICANT Clean Green Subdivision

REQUEST Subdivision, Rezoning

