

**ZONING AMENDMENT
& SUBDIVISION STAFF REPORT****Date: April 4, 2013****APPLICANT NAME**

Richard & Rachel Nurfio

SUBDIVISION NAME

Nurfio Subdivision

LOCATION6606 Old Shell Road
(North side of Old Shell Road, 285' West of Dickens Ferry Road)**CITY COUNCIL
DISTRICT**

District 7

PRESENT ZONING

R-1, Single-Family Residential District

PROPOSED ZONING

B-1, Buffer Business District

AREA OF PROPERTY

1 Lots / 1.7± Acres

CONTEMPLATED USE

Subdivision to create 2 lots, and Zoning to rezone the site from R-1, Single-Family Residential, to B-1, Buffer Business, to allow mixed use to include a real estate office, restaurant, and small café.

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 did not specify one of the four reasons for rezoning, but rather referred to the four lane road and to what the applicant considers the highest and best use of the property.

**TIME SCHEDULE
FOR DEVELOPMENT**

None Given

**ENGINEERING
COMMENTS**

The following comments should be addressed prior to review, acceptance and signature by the City Engineer: 1. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes). 2. Provide a signature block and signature from the Traffic Engineering Department. 3. Add a note to the Plat stating that storm water detention will be required for any future addition(s) and/or land disturbing activity in accordance with the Storm

Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045).

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 within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.

REMARKS

The applicant is requesting Subdivision approval to create one legal lot of record, and Zoning approval to rezone the site from R-1, Single-Family Residential, to B-1, Buffer Business, to allow mixed uses to include a real estate office, restaurant, and small café.

The site is currently used as a residence, and is bounded to West by single-family houses in an R-1, Single-Family Residential District; to the North by properties owned by the University of South Alabama (USA); to the East by an assisted living facility in an R-3, Multi-Family Residential, single-family dwellings and an apparent nonconforming automobile repair business in an R-1, Single-Family Residential District and an apartment development in the USA campus; and to the South by a gas station/convenience store (nonconforming, then variance in 1998 for expansion), apartments (variance 1971), and a commercial strip center.

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.

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 applicant's justification for rezoning is appears to be changing conditions, in that the widening of Old Shell Road is referenced in the narrative. The narrative also references the existing commercial uses in the area, the closest of which are either nonconforming or by variance; and, that neighboring property owners have expressed intentions of rezoning in the future.

Being located on a recently widened four lane road does not necessarily preclude residential use of the property. In fact, the site plan illustrates a residential addition that is currently under construction on the property in question. In addition, if neighboring property owners are considering applications for rezoning it would be more logical to have all properties come in at one time and illustrate a comprehensive rezoning plan, instead of a piecemeal approach which limits access management to the major street that is being claimed as one of the reasons for the rezoning.

As there are no adjacent commercially zoned properties, at 1.66± acres, the site in question falls below the 2 acre minimum guideline referenced in the Zoning Ordinance for the creation of a new B-1 district. In addition, the application and site plan as submitted provide no information on the size of the structure to verify that the proposed parking is adequate; nor is any information provided indicating compliance with landscaping and tree planting requirements. In fact, based on the site plan, it does not appear that the amount of front landscaping provided would be adequate to meet Ordinance requirements.

Additionally, the narrative indicates that the site will be used for mixed use, including a real estate office, restaurant and small café. The requested rezoning is B-1, which does not allow a restaurant or café.

Further, a building permit was issued on February 15, 2013, to allow the addition of a 20' X 40' bonus room and bedroom addition to a single family dwelling. This was just three days before these applications were submitted. The construction is now underway according to the site plan submitted by the applicant. As the permit was for residential construction, not only would the existing structure have to be brought up to code, but the current construction would not meet commercial building codes.

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 application packet did not include a Subdivision Plat or Plan, but rather copies of the proposed site plan for the rezoning and a zoning vicinity map. Neither of which includes some information as required by the Subdivision Regulations.

The lot sizes are not labeled in square feet or acres, there is no locator map, the required 25' building setback is not shown, and bearings are not provided. While the Subdivision Regulations

do make some allowances for small subdivisions, those relate to the approval process, not the information to be provided.

As indicated above, the site fronts onto Old Shell Road, a major street with curb and gutter, and has a compliant right-of-way of 120', making no dedications necessary.

Finally, 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

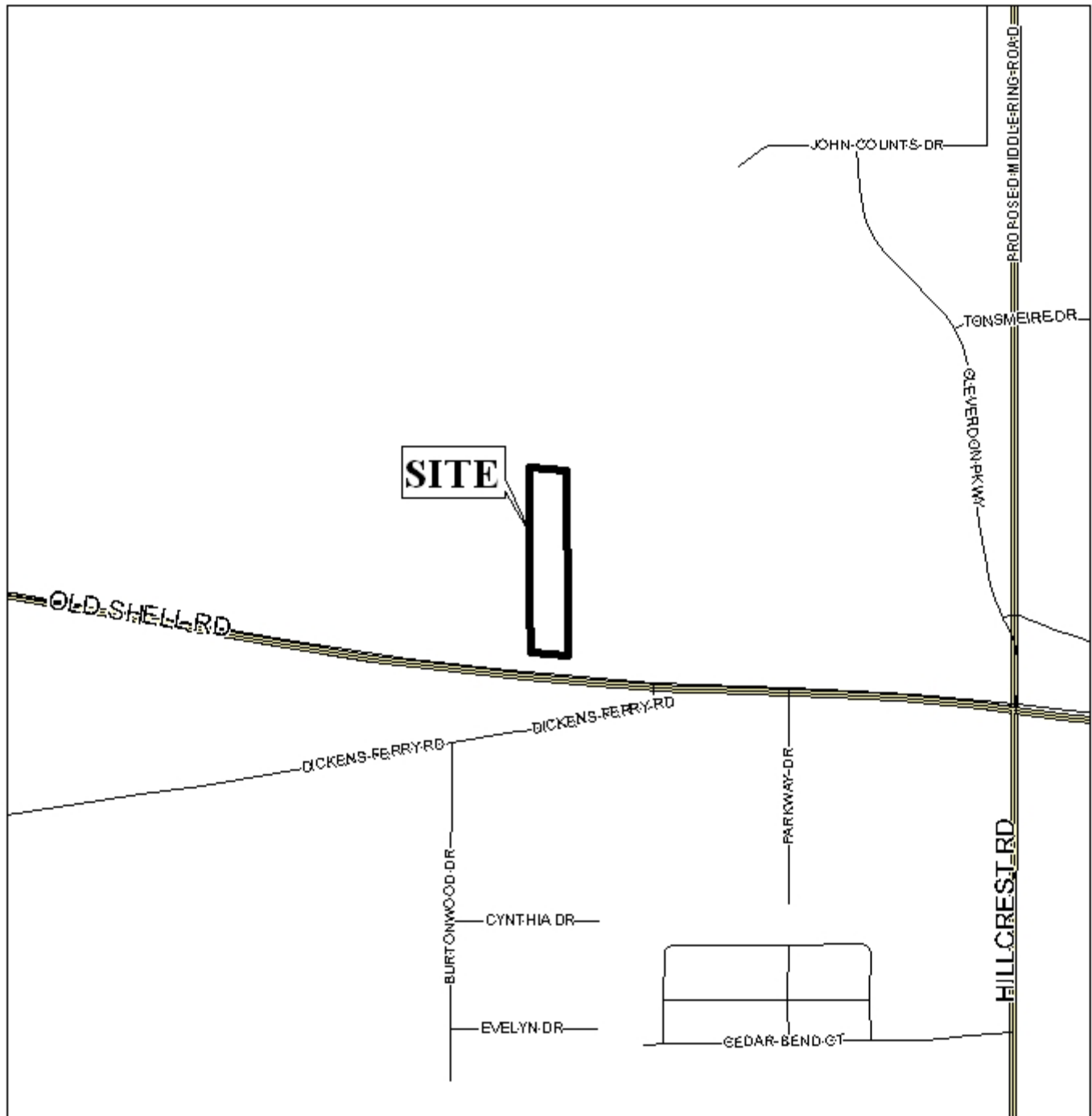
Subdivision: The plat is recommended for denial for the following reasons:

- 1) a Subdivision Plat or Plan was not Submitted with the application packet;
- 2) the drawings for the rezoning application that were submitted with the subdivision application did not include all information as required by the Subdivision Regulations; and,
- 3) the subdivision is unnecessary if the rezoning is also denied as recommended.

Rezoning: Based upon the preceding, the Rezoning request is recommended for Denial for the following reason:

- 1) failure to justify rezoning per Section 64-9. of the Zoning Ordinance;
- 2) the site does not meet the minimum 2 acre guideline as stated in the Ordinance;
- 3) two of the proposed uses listed in the application are not allowed in the requested zoning district; and
- 4) insufficient information provided with the application to verify compliance with parking, landscaping and tree requirements, and other requirements of the Zoning Ordinance is possible, much less provided.

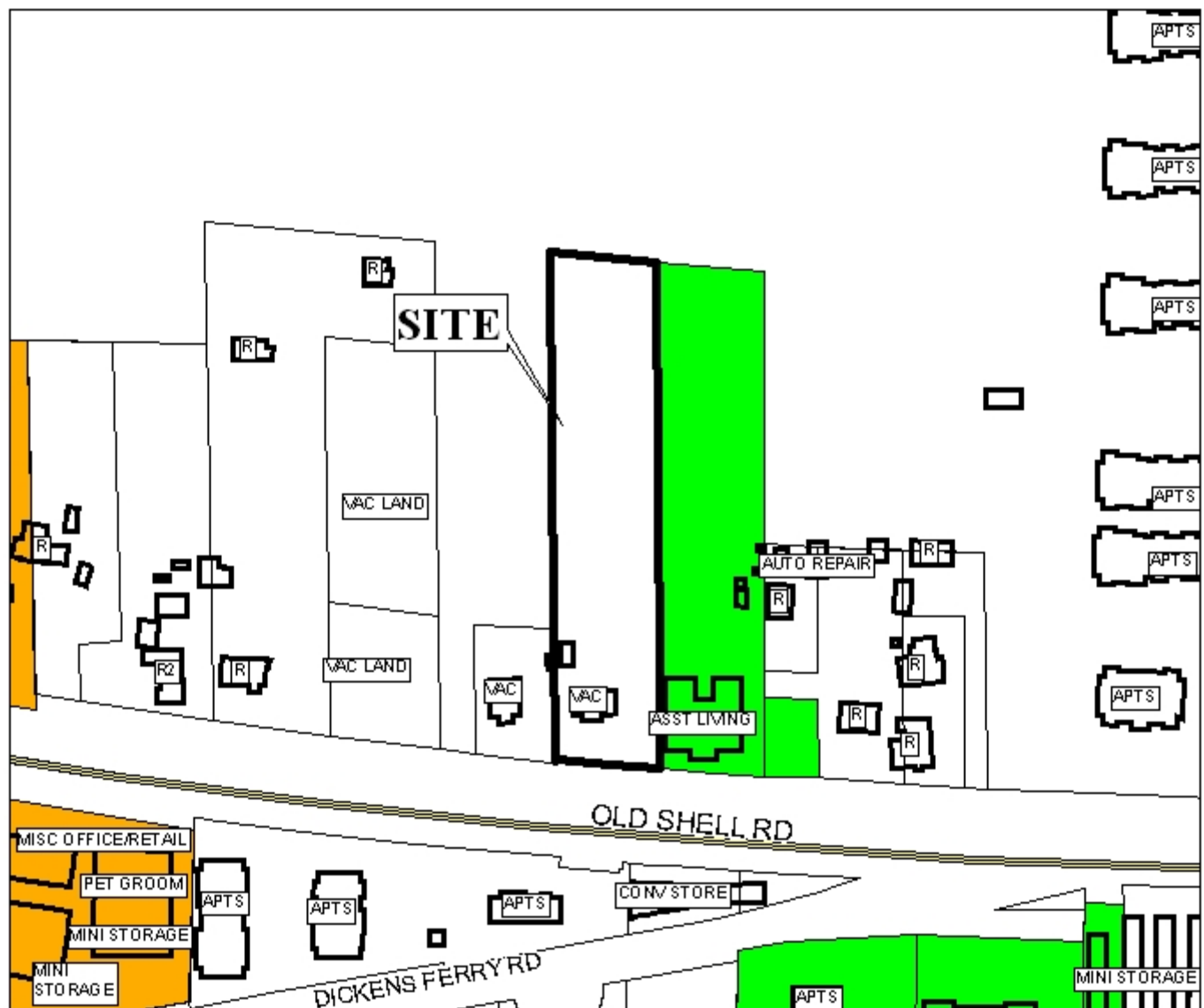
LOCATOR MAP



APPLICATION NUMBER 23 & 24 DATE April 4, 2013
APPLICANT Nufrio Subdivision
REQUEST Subdivision, Rezoning from R-1 to B-1



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Residences are located to the west of the site. An assisted living facility is located to the east of the site. A convenience store is located to the south of the site.

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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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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING

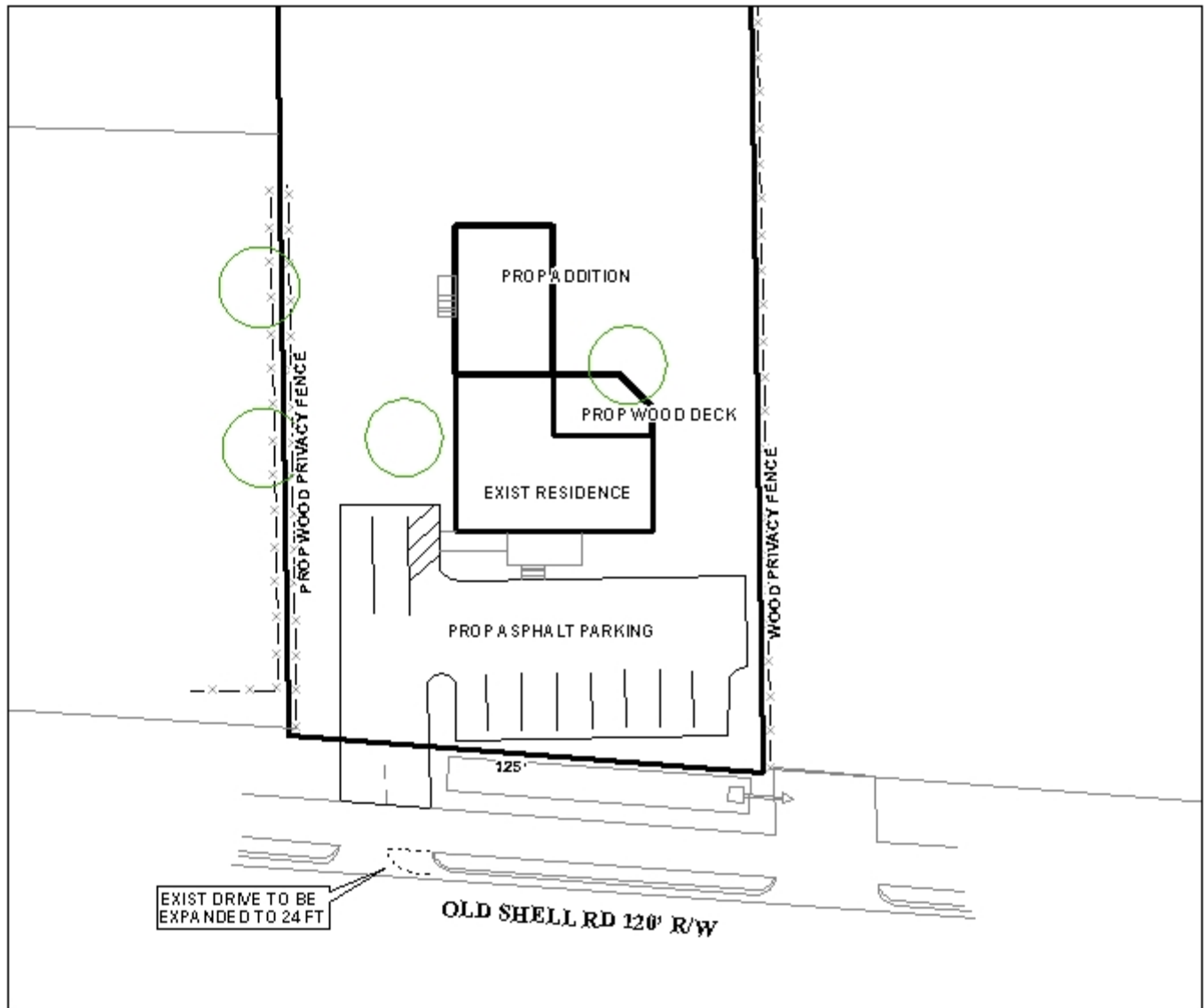


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SITE PLAN

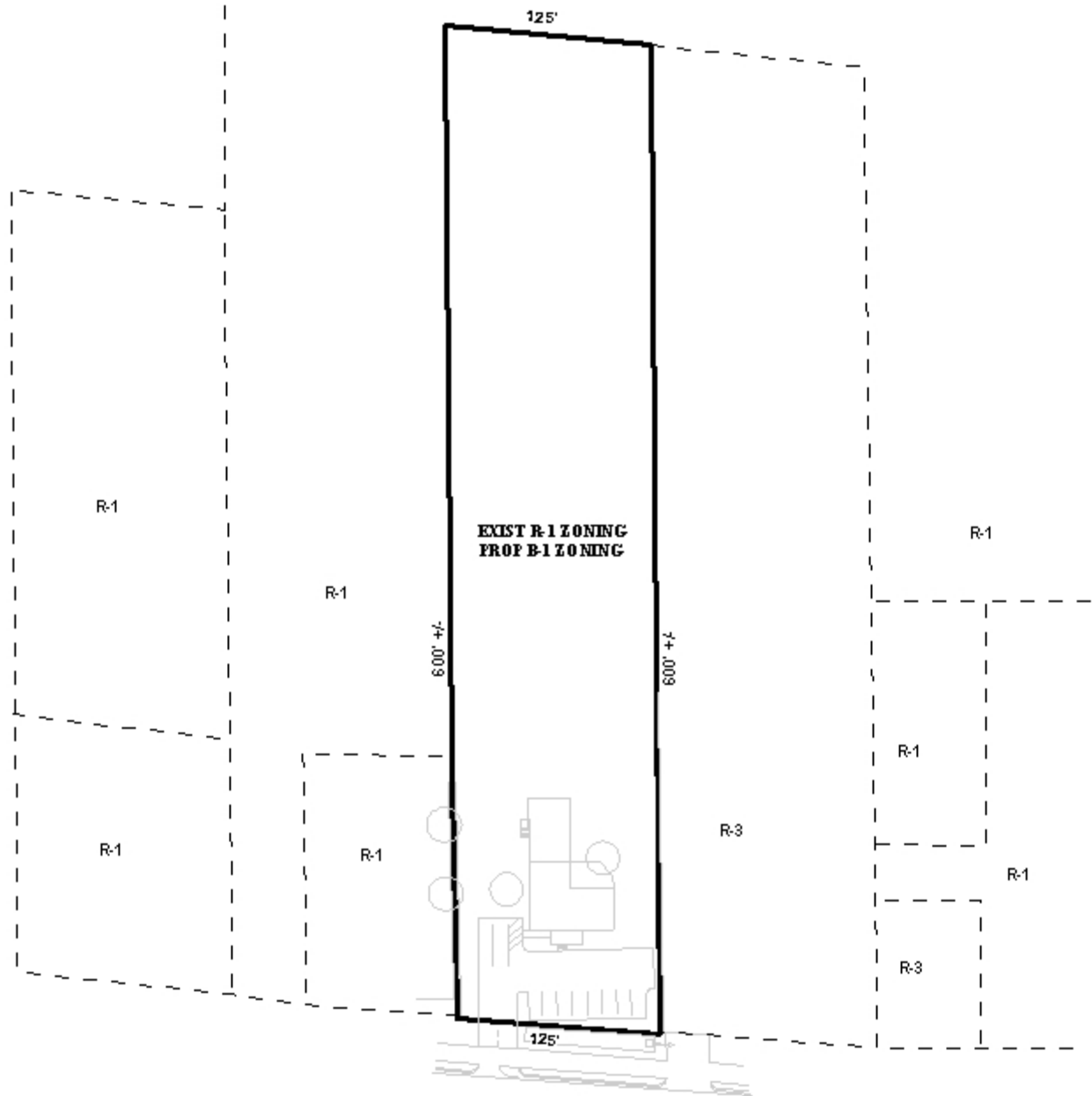


The site plan illustrates the proposed building additions, fencing, and parking.

APPLICATION NUMBER 23 & 24 DATE March 7, 2013
APPLICANT Nufrio Subdivision
REQUEST Subdivision, Rezoning from R-1 to B-1

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DETAIL SITE PLAN



APPLICATION NUMBER 23 & 24 DATE April 4, 2013
APPLICANT Nufrio Subdivision
REQUEST Subdivision, Rezoning from R-1 to B-1

