

**ZONING AMENDMENT
& SUBDIVISION STAFF REPORT****Date: August 7, 2008**

<u>APPLICANT NAME</u>	JGL III Properties LLC
<u>SUBDIVISION NAME</u>	JGL Square Subdivision
<u>LOCATION</u>	Northwest corner of Zimlich Avenue and West I-65 Service Road North
<u>CITY COUNCIL DISTRICT</u>	District 7
<u>PRESENT ZONING</u>	R-1, Single-Family Residential District
<u>PROPOSED ZONING</u>	B-2, Neighborhood Business Districts
<u>AREA OF PROPERTY</u>	1 Lots / 0.9 ± Acres
<u>CONTEMPLATED USE</u>	Rezoning from R-1, Single-Family Residential, to B-2, Neighborhood Business to allow specialty retail sales. 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.
<u>REASON FOR REZONING</u>	Applicant is requesting rezoning of the site to allow specialty retail sales.
<u>TIME SCHEDULE FOR DEVELOPMENT</u>	12 months after completion of rezoning
<u>ENGINEERING COMMENTS</u>	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. Need to verify that there is sufficient capacity for the receiving drainage system(s) to accept drainage from this property.
<u>TRAFFIC ENGINEERING COMMENTS</u>	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 one (1) lot, and Zoning approval to rezone the proposed Lot 1 from R-1, Single-Family Residential to B-2, Neighborhood Business, to allow specialty retail sales.

The site is currently a residence. It is bounded to the North by retail in a B-2 district and vacant properties in an R-1 district, to the East by Interstate 65, to the West by residences and to the South by residences in an R-1 district and offices in a B-1 district.

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 commercial 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 applicant's justification for rezoning is that they would like to construct a specialty retail building, *implying*, but not specifically stating that there is a need to increase the number of sites available to business or industry.

It should be noted that there are a variety of uses allowed in a B-2 district ranging from retail sales to nightclubs. Due to the residential nature the area, and more specifically Zimlich Avenue, a zoning such as T-B, Transitional-Business District, or LB-2, Limited Neighborhood Business District may be more appropriate. While retail is allowed in a T-B, Transitional-Business District, the Zoning Ordinance limits a multi-tenant site to 10,000 square feet. In addition to limiting the size of the building, the hours would be limited to between 6 am and 10 pm.

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 fronts onto Zimlich Avenue, a minor street which will require an additional 5' dedication at this location. As shown on the proposed plat, if approved, dedication sufficient to equal 50' of right-of-way should be shown on the final plat.

Proposed Lot A will have approximately 150' of frontage onto Zimlich Avenue and 265' onto the I-65 Service Road therefore access management is a concern. The applicant is proposing two curb-cuts onto the I-65 Service Road and one curb cut onto Zimlich Avenue. A note should be placed on the final plat that states Lot A is limited to two curb cuts onto the I-65 Service Road with the size, design and exact location to be approved by Traffic Engineering and conform to AASHTO standards. Due to the residential nature of Zimlich Avenue, access should be denied.

A buffer in compliance with Section 64-4.D.1 of the Zoning Ordinance and Section V.A.7 of the Subdivision Regulations will be required where the site abuts residential districts.

Lighting of the parking area and site must comply with Sections 64-4.A.2 and 64-6.A.3.C of the Zoning Ordinance.

The 25-foot minimum building setback is depicted for proposed Lot A along the service road, but is shown as 20' along Zimlich Avenue. The plat should be revised to be 25' along both street frontages. This would also be required on the final plat, if approved.

The dumpster depicted does not meet setback requirements. The dumpster must be at least 10' from adjacent residential uses. In addition, the HVAC unit must also meet all required setbacks.

Aerial photographs show what appears to be a residence on proposed Lot A. According to the proposed site plan, the residence is to be demolished. A demolition permit should be obtained prior to the signing of the final plat.

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

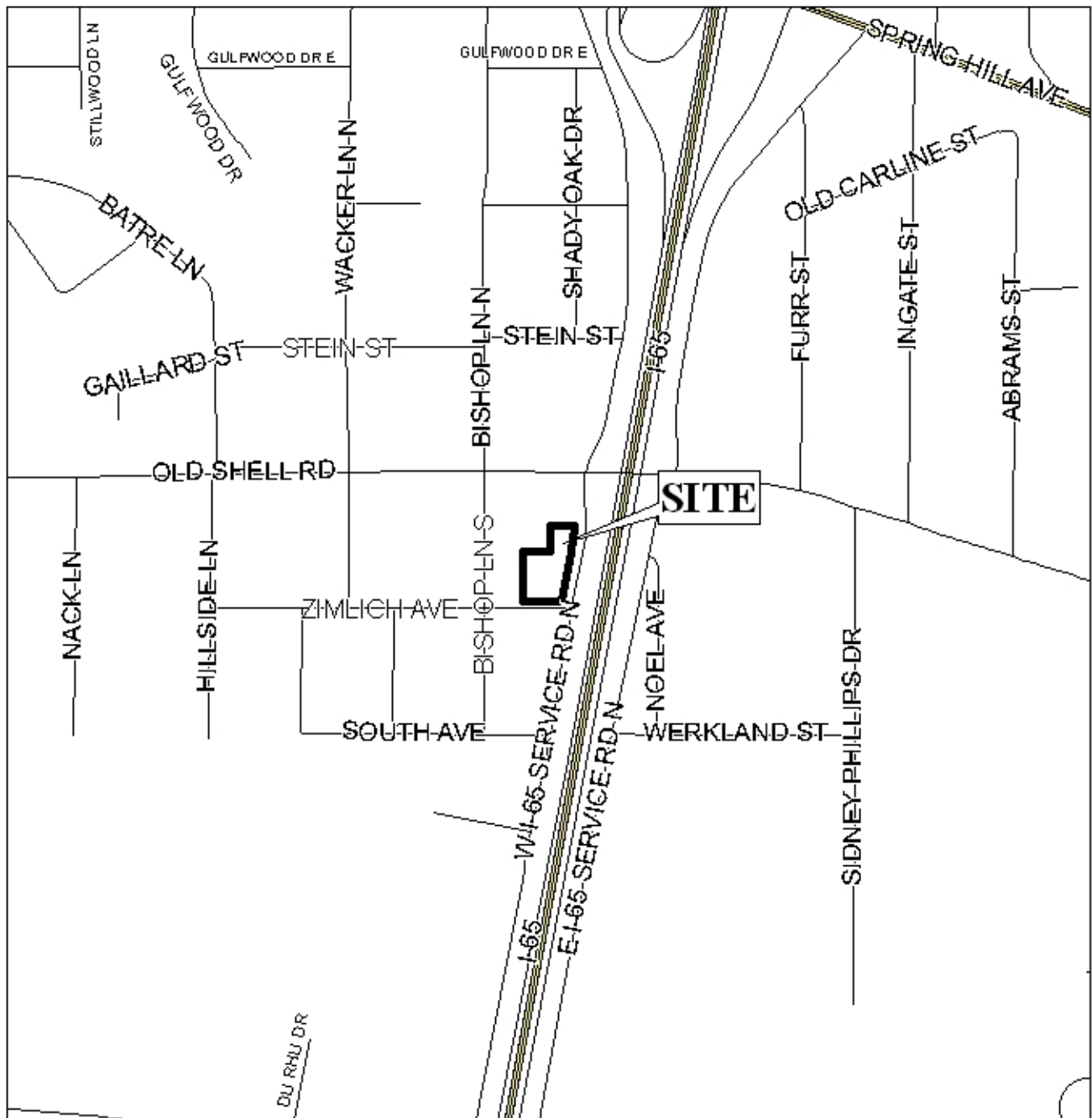
Rezoning: Based upon the preceding, the Rezoning request is recommended for Approval as a **T-B, Transitional-Business District** subject to the following conditions:

- 1) The site is limited to two curb cuts onto the I-65 Service Road with access denied to Zimlich Avenue. The size, design, and exact location of all curb cuts are to be approved by Traffic Engineering and conform to AASHTO standards;
- 2) Provision of a 25' minimum building setback, after dedication, from all street frontages;
- 3) Provision of a buffer in compliance with Section 64-4.D.1 of the Zoning Ordinance (including the 10 foot setback);
- 4) the parking area shall be illuminated in accordance with the requirements of Section 64-6.A.3.c. of the Zoning Ordinance, if the parking area is used at night;
- 5) Full compliance with the tree and landscape ordinance;
- 6) Full compliance with Engineering comments; and
- 7) Full compliance with all other municipal codes and ordinances.

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

- 1) The site is limited to two curb cuts onto the I-65 Service Road with access denied to Zimlich Avenue. The size, design, and exact location of all curb cuts are to be approved by Traffic Engineering and conform to AASHTO standards;
- 2) Depiction of a 25' minimum building setback line on all street frontages;
- 3) Dedication of adequate right-of-way to equal 50' on Zimlich Avenue;
- 4) Obtainment of a demolition permit for the residence located on Lot A prior to the signing of the final plat;
- 5) placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7 of the Subdivision Regulations;
- 6) Construction of standard city sidewalks on all street frontages;
- 7) Full compliance with Engineering comments; and
- 8) placement of a note on the plat stating that the site must be developed in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.

LOCATOR MAP



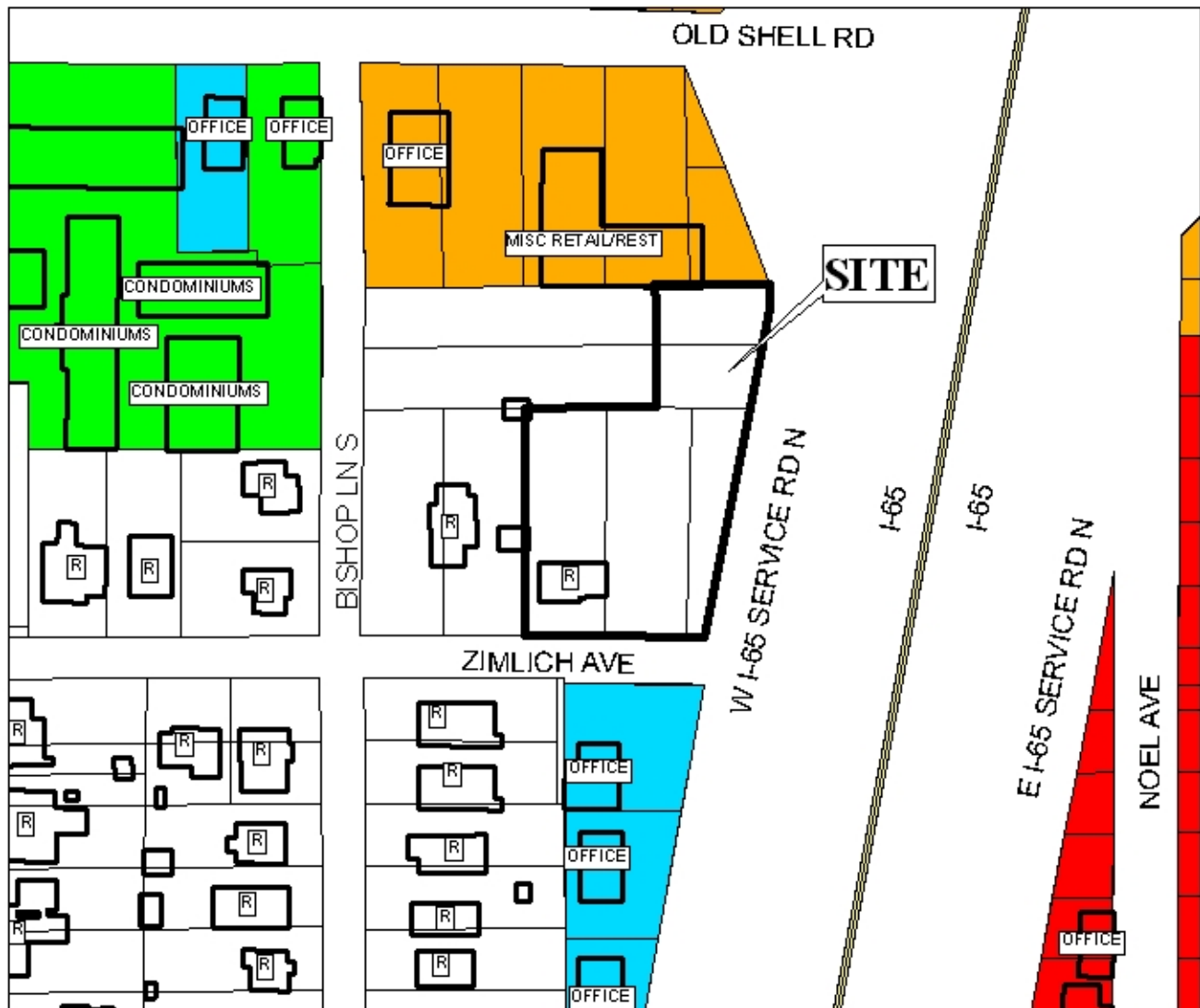
APPLICATION NUMBER 24 & 25 DATE August 7, 2008

APPLICANT JGL Square Subdivision

REQUEST Subdivision, Rezoning from R-1 to B-2



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



There is retail and a restaurant to the north of the site, offices to the south, single family residential units to the southwest, and condominiums to the west.

APPLICATION NUMBER 24 & 25 DATE August 7, 2008

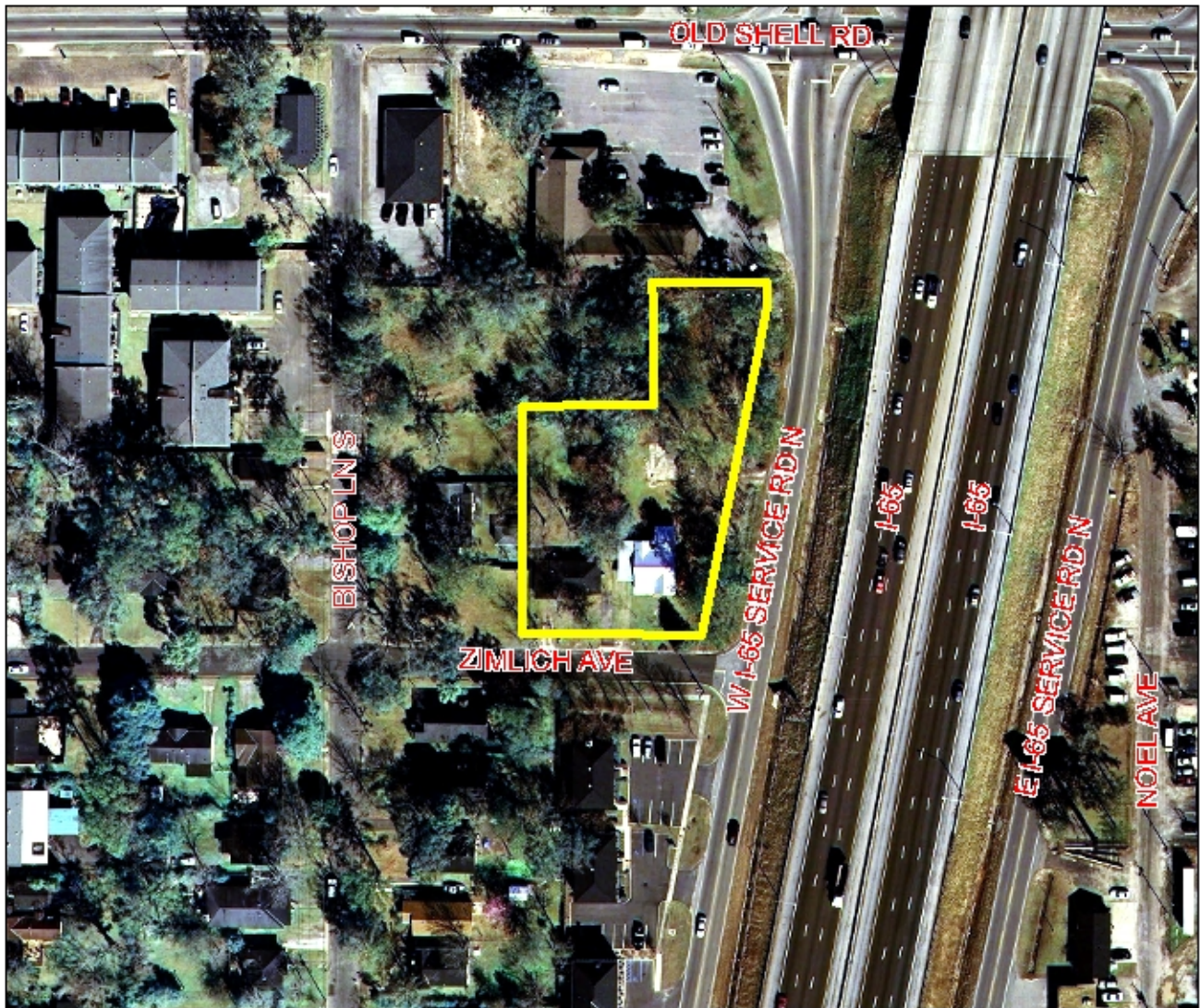
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LEGEND

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	NTS
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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



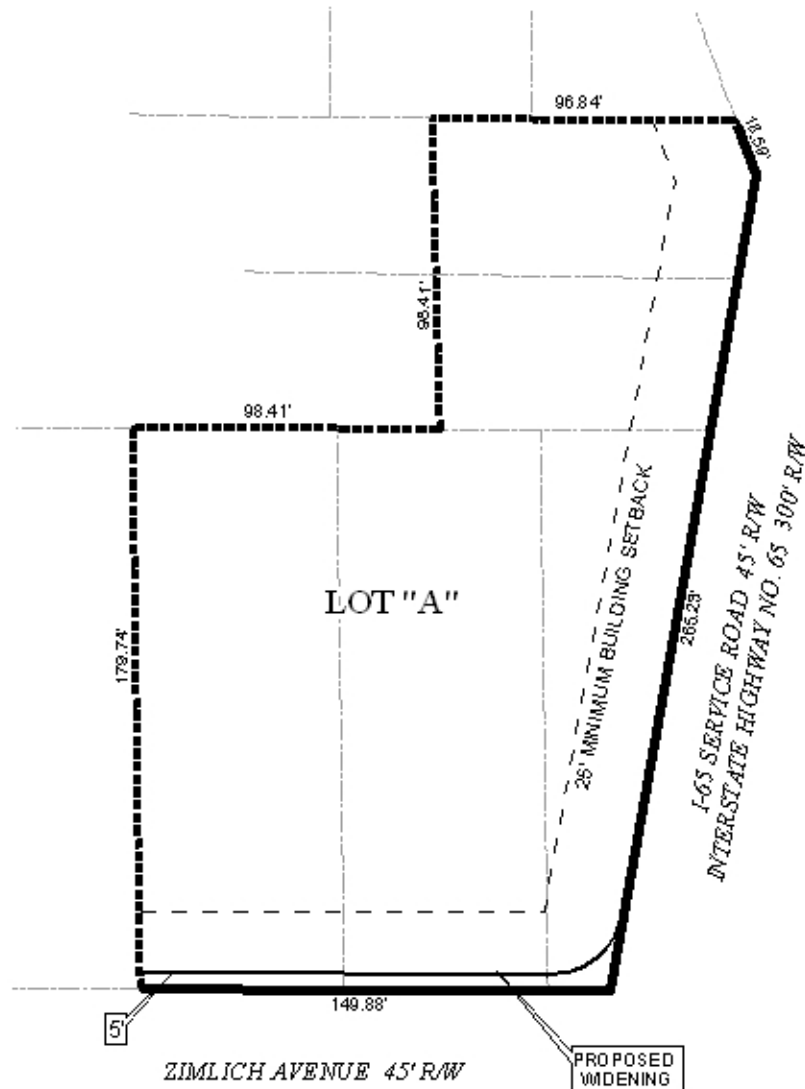
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N

 NTS

SUBDIVISION DETAIL



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NTS