

**ZONING AMENDMENT,  
& SUBDIVISION STAFF REPORT****Date: July 24, 2008****APPLICANT NAME**

Remax Realty Professionals

**SUBDIVISION NAME**

Star Motel Subdivision

**LOCATION**2005 and 2009 Douglas Lane  
(Southwest corner of Douglas Lane and Nicholson Road)**CITY COUNCIL  
DISTRICT**

District 4

**PRESENT ZONING**

B-2, Neighborhood Business District

**PROPOSED ZONING**

B-3, Community Business District

**AREA OF PROPERTY**

1 Lot /1.1± Acres

**CONTEMPLATED USE**

Subdivision approval to create 1 lot, and Zoning approval to rezone the site from Rezoning from B-2, Neighborhood Business District, to B-3, Community Business District, to allow the construction of a motel.

**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 is requesting rezoning of the site to allow a motel.

**TIME SCHEDULE  
FOR DEVELOPMENT**

After approvals.

**ENGINEERING  
COMMENTS**

Must comply with all storm water and flood control ordinances. 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. A traffic impact study will be required for this development.

## **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. Fire hydrants shall comply with Section 508.5.1 of the 2003 IFC.

### **REMARKS**

The applicant is requesting Subdivision approval to create one (1) lot, and Zoning approval to rezone the site from B-2, Neighborhood Business District, to B-3, Community Business District, to allow the construction of a motel.

The site currently is three legal lots of record, with two dwellings on two lots, and the southernmost lot fronting Faye Street is undeveloped and is bounded to the East by a undeveloped site in a B-2, Neighborhood Business District, to the South by residential dwellings in an R-1, Single-Family Residential district, and to the West by residences in an B-2 district, and to the North, across Douglas Lane by a union hall located in a B-3 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 and 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.

The applicant has not submitted justification for rezoning other than it is adjacent to existing commercial development to the North and East, and that the rezoning would not affect traffic levels or adjacent properties. The applicant states that they would like to develop a motel at this location.

The applicant has requested a rezoning of the site from B-2 to B-3 to allow a 29 unit, 13,890 square foot motel. According to the Chart of Permitted uses within the Zoning Ordinance, it appears that the proposed use could occur by right within a **B-3, Community Business and B-4, General Business Districts**, and with Planning Approval within **R-B, Residential Business and H-B, Historic Business Districts**.

It should be pointed out that the applicant's request to rezone the site appears to be based upon a desire to develop the site as a motel, rather than upon any of the four identified conditions for rezoning a site. As the site is on a residential street, and as it is separated from other commercial uses by either Faye Street to the South, it would appear that the up zoning of this site from B-2 zoning to a more intensive B-3, commercial zoning may be unjustified.

While this site is near a major street (Dauphin Island Parkway); it does not directly front Dauphin Island Parkway; therefore, it could be stated that the rezoning to B-3 may be a detriment to the neighboring residential area.

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 three minor streets, Faye Street, Nicholson Road, and Douglas Lane. All streets are illustrated as having substandard right-of-way; therefore, all streets must provide dedication sufficient to provide a minimum of 25-feet from the centerline of all streets. The site is a corner lot, thus the corner should be modified to provide a radius, as required by Section V.D.6. of the Subdivision Regulations.

Development of the site must comply with the requirements of the Zoning Ordinance in order to minimize negative impacts to adjacent residential development. Buffers and control of site lighting should be provided, as required by the Zoning Ordinance. The depicted 10-foot buffer proposed along the West by the applicant may not be adequate to provide much in the way of actual buffering, so it is recommended that a vegetative buffer, or augmented with additional plantings to ensure buffering between the site and residences to the West.

The depicted parking lot layout does appear to provide optimal circulation, and will in fact increase traffic onto Faye Street. Redesign of the development would be required to lessen the impact of this use to the existing neighboring residential development.

It should also be noted that the site is being overdeveloped due to the setbacks along Nicholson Road and Douglas Lane do not meet the required setbacks.

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**

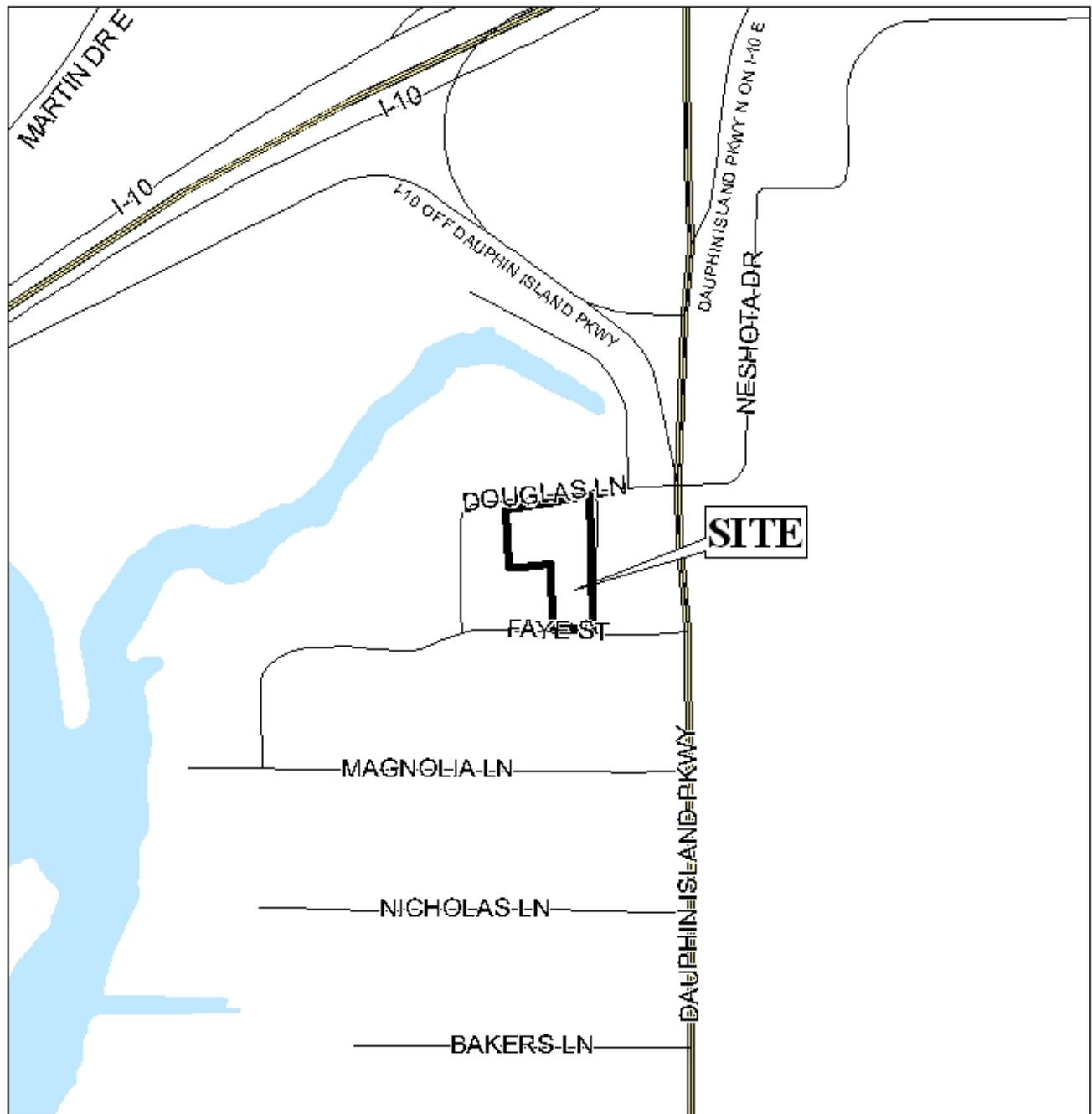
**Rezoning:** Based upon the preceding, the Rezoning request is recommended for Denial for the following reasons:

- 1) expansion of a more intensive commercial uses into an existing residential subdivision, would result in development that is potentially incompatible with the existing residences on Faye Street;
- 2) there is no need to increase the commercial use, as the proposed use is for an motel; and
- 3) changing conditions in the area were not identified to justify the rezoning request.

**Subdivision:** The Subdivision request is recommended for Denial for the following reason:

- 1) denial of the zoning request as recommended would negate applicant's need for subdivision and would make the application moot.

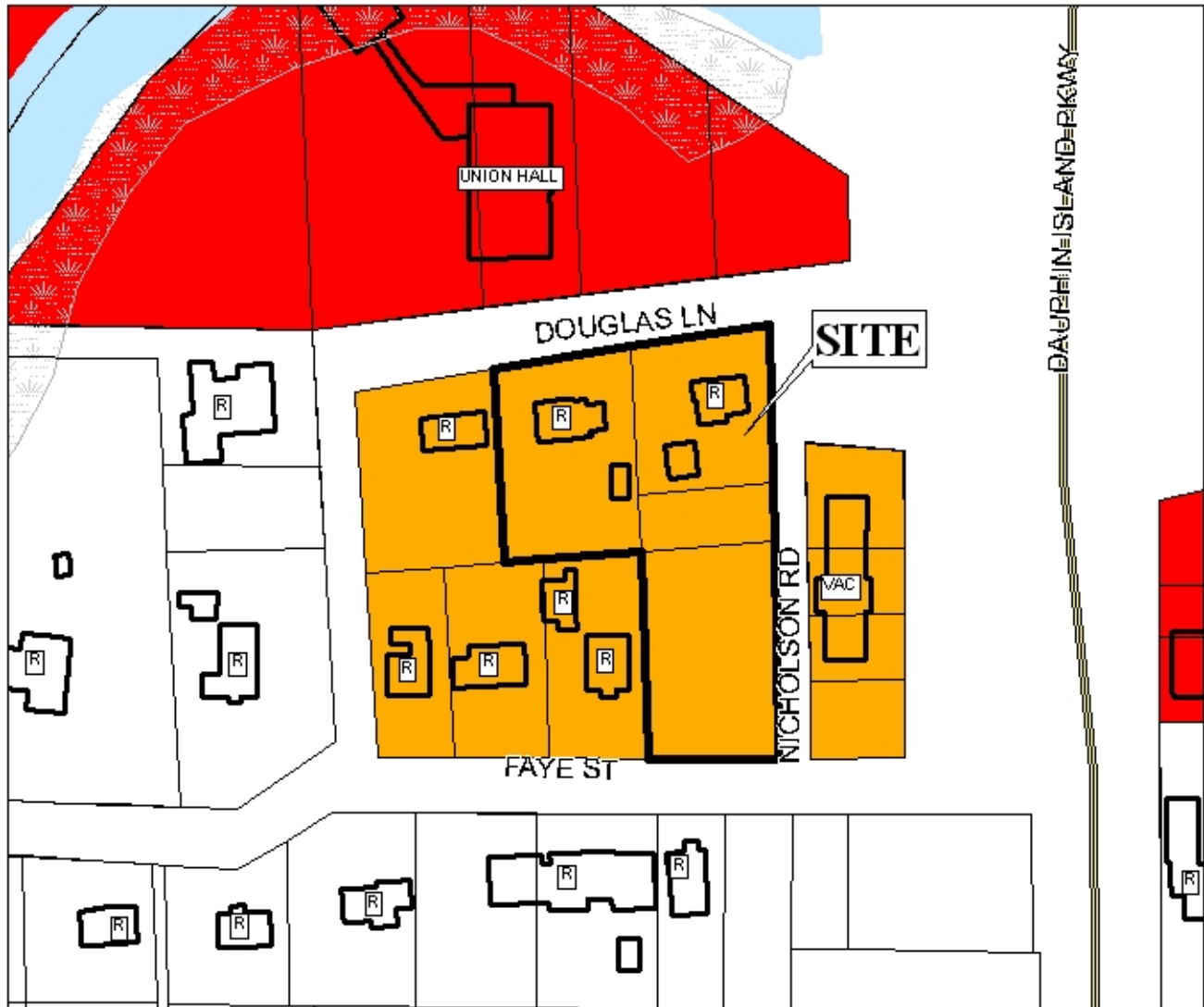
## LOCATOR MAP



APPLICATION NUMBER 24 & 25 DATE July 24, 2008  
APPLICANT Remax Realty Professionals  
REQUEST Subdivision, Rezoning from B-2 to B-3



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



There are single family residential units to the west and south of the site, a union hall to the north, and a vacant service station to the east.

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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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NTS





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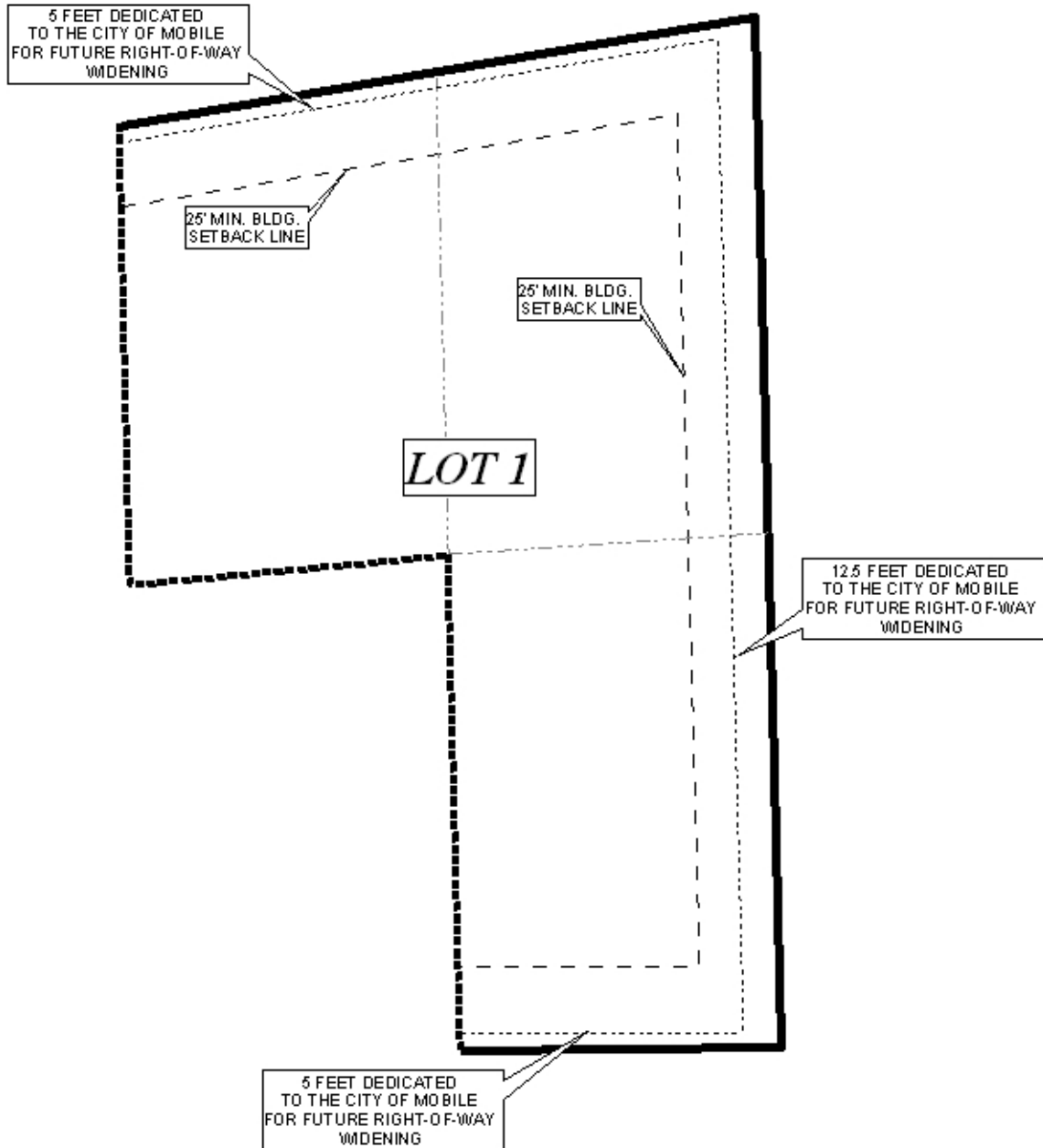
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## SUBDIVISION DETAIL



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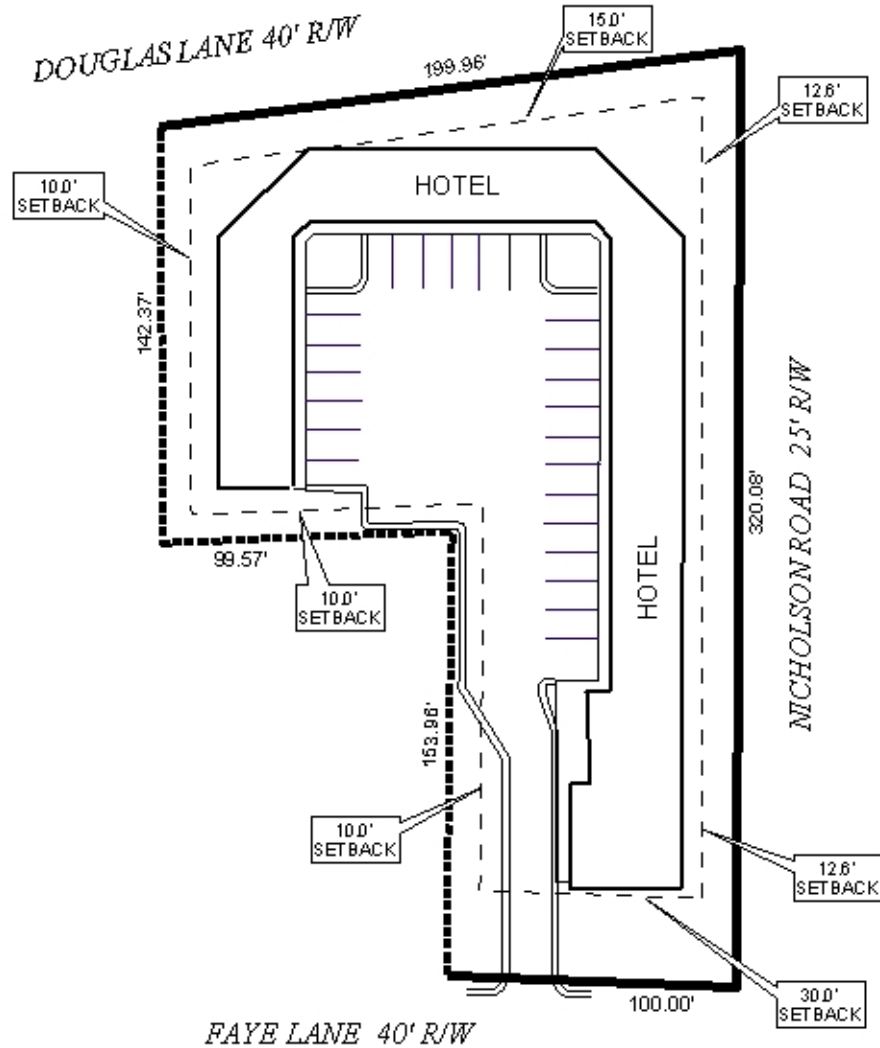
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# SITE PLAN



The proposed building, setback line, drive and parking are illustrated in the site plan.

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