

**ZONING AMENDMENT,
& SUBDIVISION STAFF REPORT****Date: June 7, 2007****APPLICANT NAME**

Garland Montgomery

SUBDIVISION NAMEKnippers First Addition to Mobile Subdivision,
Resubdivision of Lots 7 & 8**LOCATION**2600 and 2602 St. Stephens Road
(Northeast corner of St. Stephens Road and Reynolds
Avenue)**CITY COUNCIL
DISTRICT**

District 1

PRESENT ZONING

R-1, Single-Family Residence District

PROPOSED ZONING

LB-2, Limited Neighborhood Business District

AREA OF PROPERTY0.2 acre \pm / 1 lot**CONTEMPLATED USE**Subdivision approval to create 1 lot, and Zoning approval
to rezone the site from R-1, Single Family Residential to an
LB-2, Limited Neighborhood Business district to allow a
Beauty Shop.**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
accommodate the proposed use.**TIME SCHEDULE
FOR DEVELOPMENT**Construction to begin within 6 months of final zoning
approval**ENGINEERING
COMMENTS**It is the responsibility of the applicant to look up the site in
the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If
the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or
deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans
and/or plat, and no work/disturbance can be performed without a permit from the Corps of

Engineers. 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, 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

No comments.

REMARKS

The applicant is requesting Subdivision approval to create 1 lot, and Zoning approval to rezone the site from R-1, Single Family Residential to an LB-2, Limited Neighborhood Business district to allow a beauty shop. Beauty shops are allowed by right in LB-2 districts.

The site appears to have been used commercially since at least 1959, when a use variance was granted allowing the use of the site to change from a fish market to an automotive body shop. City license records indicate that the site has been used for automotive repair for many years. In 2007, permits to demolish the existing structures were issued by the Urban Development Department, and the land use survey by department staff for this application shows that the site has been cleared.

The applicant proposes to build a new structure to accommodate a proposed beauty salon. The applicant is requesting an LB-2 designation of the site as it is the minimum required (along with B-2) to allow the proposed use. The nearest commercial zoning districts are located approximately 220 feet Northwest and 530 Southeast of the site: both are B-2 districts.

The site is surrounded on all sides by single-family residential uses.

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.

As previously mentioned, the site appears to have been commercially used since at least the late 1950s. The proposed LB-2 designation for the site would eliminate any existing variances, and would also preclude automotive repair related uses on the site. The commercial designation of the site by the General Land Use Component of the Comprehensive Plan further supports designation of the site for commercial use.

The proposed LB-2 zoning category for the site will permit the proposed commercial use, however, the lot size of 0.2 acres does not meet the minimum recommended district size of 2 acres, as specified in Section 64-3.A.5.b. of the Zoning Ordinance. It is recommended that the minimum district recommendation be waived for this application.

Conveyance of a commercial zoning designation to the site will require any development of the site to fully comply with the Zoning Ordinance, including the provision of paved parking, sidewalks, trees and landscaping, residential adjacency buffers, and site lighting. The site plan provided as part of the application shows the minimum number of required parking spaces for the proposed use, but does not show the required landscaping or an adequate residential adjacency buffer: the building should be at least ten (10) feet from the side and rear property lines where it abuts residentially zoned property.

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 applicant proposes to combine two existing lots into one lot.

The site fronts St. Stephens Road, a major street and US Highway 45, with an existing 66-foot \pm wide right-of-way, and Reynolds Avenue, a minor street with an existing 40-foot \pm wide right-of-way. According to the Major Street Plan component of the Comprehensive Plan, the right-of-way for St. Stephens Road should be 100-feet at this location, while the right-of-way for Reynolds Avenue should be a minimum of 50-feet. Sufficient right-of-way should be dedicated to accommodate the major and minor street requirements, and the minimum building setback lines should be adjusted to reflect the dedications.

Regarding the minimum building setback lines, Section V.D.9. of the Subdivision Regulations requires a 25-foot minimum building setback from the right-of-way, while Section 64-4.D.3. of the Zoning Ordinance allows side yards with street frontage to be 20 feet in width, as depicted on

the Subdivision plat along Reynolds Avenue. As the proposed development will front St. Stephens Road, the 25-foot minimum building setback line along Reynolds Avenue may be waived in favor of the side yard setback required by the Zoning Ordinance.

St. Stephens Road is part of the US Highway system, thus it is under the purview of ALDOT. It is recommended that the site be limited to one curb-cut onto St. Stephens Road and denied access onto Reynolds Avenue. The size, design and location of the curb-cut must be approved by ALDOT and Traffic Engineering and conform to AASHTO standards. .

RECOMMENDATION

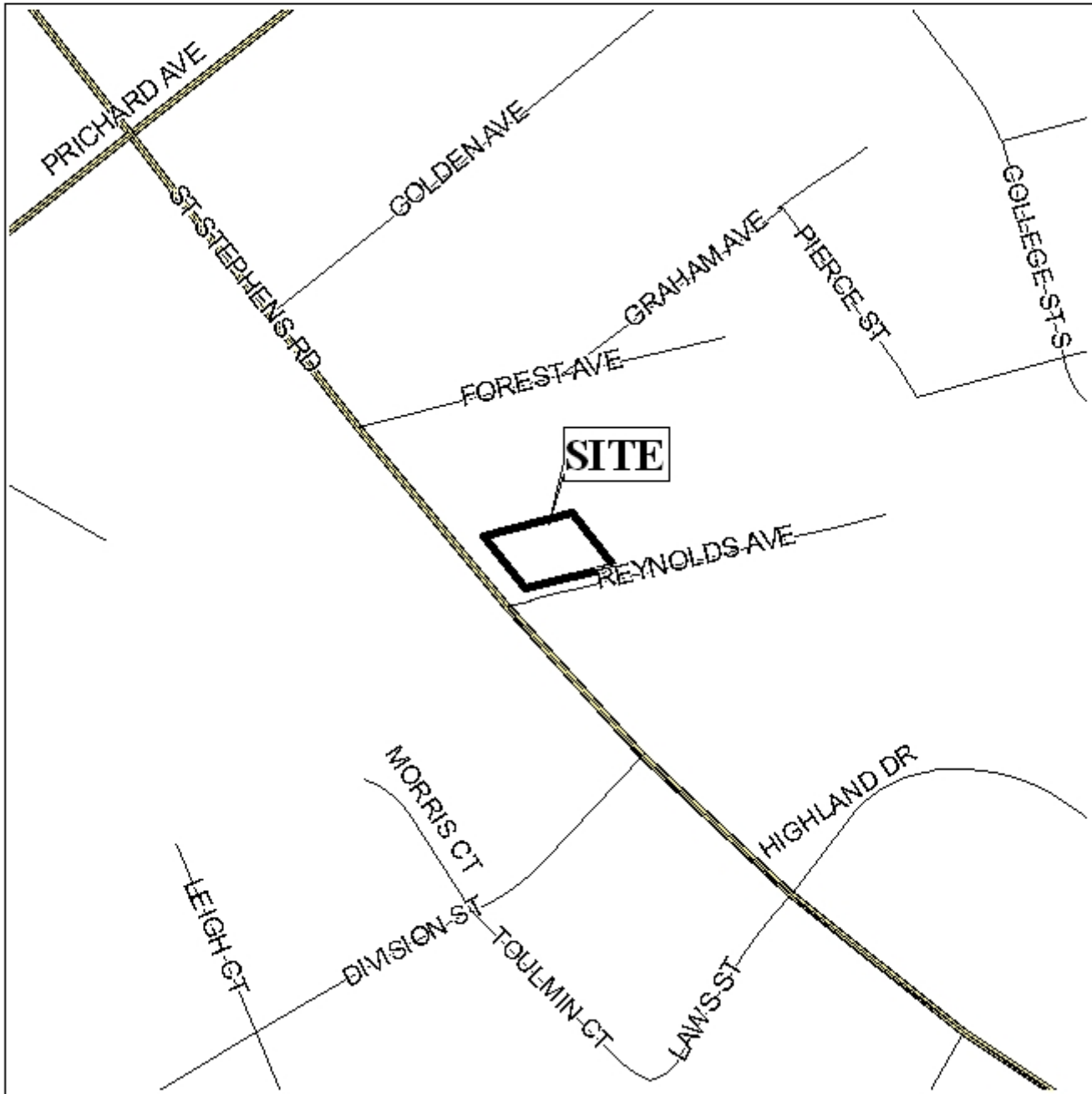
Rezoning: Based upon the preceding, the Rezoning request is recommended for Approval, subject to the following conditions:

- 1) completion of the Subdivision process;
- 2) the site is limited to one curb-cut onto St. Stephens Road and denied access to Reynolds Avenue, with the size, design and location to be approved by ALDOT and Traffic Engineering, and conform to AASHTO standards;
- 3) compliance with the tree and landscaping requirements of Section 64-4.E. of the Zoning Ordinance;
- 4) provision of residential adjacency buffers of at least 10 feet where the site abuts residential zoning districts, in accordance with Section 64-4.D.1. of the Zoning Ordinance;
- 5) revision of the Subdivision plat to reflect the minimum building setbacks as required by the Zoning Ordinance, with the Reynolds Avenue side considered a side yard; and
- 6) full compliance with all other municipal codes and ordinances.

Subdivision: With a waiver of Section V.D.9. for the Reynolds Street minimum building setback in favor of the Zoning Ordinance requirements, the Subdivision request is recommended for Tentative Approval, subject to the following conditions:

- 1) placement of a note on the final plat stating that the site is limited to one curb-cut onto St. Stephens Road and denied access to Reynolds Avenue, with the size, design and location of the curb-cut to be approved by ALDOT and Traffic Engineering, and conform to AASHTO standards;
- 2) dedication of right-of-way sufficient to provide a 50-foot wide right-of-way for St. Stephens Road, as measured from the centerline, and 25-foot wide right-of-way for Reynolds Avenue, as measured from the centerline, and adjustment of the minimum building setback lines to reflect the dedications;
- 3) revision of the Subdivision plat to reflect the minimum building setbacks as required by the Zoning Ordinance, with the Reynolds Avenue side considered a side yard;
- 4) revision of the plat to label the lot size, less dedication, in square feet; and
- 5) full compliance with all other municipal codes and ordinances.

LOCATOR MAP



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APPLICANT Garland Montgomery

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



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by single-family residential units. A church is located to the north of the site.

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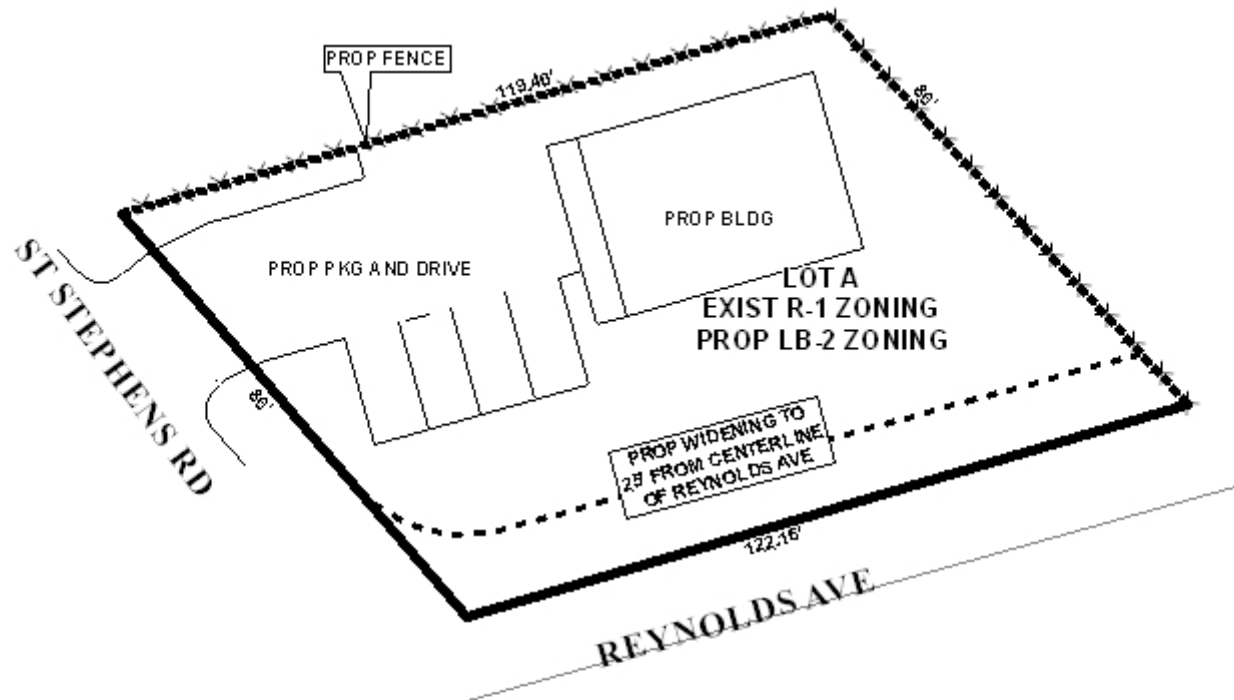
LEGEND

R-1	R-2	R-3	R-4	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 proposed building, parking, and drive

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