

**ZONING AMENDMENT,
& SUBDIVISION STAFF REPORT**

Date: January 17, 2008

APPLICANT NAME

Steven F. Weller

SUBDIVISION NAME

Trax Tires Subdivision

LOCATION

Southeast corner of Old Shell Road and East Drive

**CITY COUNCIL
DISTRICT**

District 5

PRESENT ZONING

R-1, Single-Family Residential District

PROPOSED ZONING

B-3, Community Business District

AREA OF PROPERTY

1 Lot / 0.7 ± Acres

CONTEMPLATED USE

Subdivision approval to create 1 lot, and Zoning approval to rezone the site from R-1, Single-Family Residential, to B-3, Community Business, to allow a retail tire store.

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 retail tire store.

**TIME SCHEDULE
FOR DEVELOPMENT**

Construction to begin April 2008 and end September 2008.

**ENGINEERING
COMMENTS**

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).

Preservation status is to be given to the 50" Live Oak Tree located on the Northeast portion of the lot. Any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger

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 1 lot, and Zoning approval to rezone the site from R-1, Single-Family Residential, to B-3, Community Business, to allow a retail tire store.

A recent decision from the Alabama State Court system requires that names and addresses of adjacent property owners be verified through ownership data listed in probate court records in order to ensure that the most up to date ownership information is utilized. Staff was notified by a former adjacent property owner that they are no longer an owner: they received notification of the Subdivision and Zoning requests. Additional research by staff shows that the adjacent property in question was sold in May 2007, and that the deed was recorded in Mobile County Probate Court in June 2007, thus the Subdivision and Zoning applications should have included notification for the current owner rather than the previous owner, per the requirements of the Alabama State Court decision. The applications must be heldover one month to allow the applicant to submit correct labels and postage for all current property owners, as verified through Mobile County Probate Court. Labels and postage for both applications must be submitted by Wednesday, January 23, in order to be heard at the February 21, 2008 meeting.

RECOMMENDATION

Rezoning: Based upon the preceding, the Rezoning request is recommended for Holdover so that the following can take place:

- 1) Provision of new labels for adjacent property owners within 300 feet, as verified through Mobile County Probate Court, with appropriate postage, to be submitted by 4:00 PM on Wednesday, January 23, 2008.

Subdivision: Based upon the preceding, the Subdivision request is recommended for Holdover so that the following can take place:

- 1) Provision of new labels for adjacent property owners, as verified through Mobile County Probate Court, with appropriate postage, to be submitted by 4:00 PM on Wednesday, January 23, 2008.

LOCATOR MAP



APPLICATION NUMBER 28 & 29 DATE January 17, 2008

APPLICANT Steven F. Weller

REQUEST Subdivision, Rezoning from R-1 to B-3



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



A university is located to the north of the site. Residential and commercial land uses are located to the west, south, and east of the site.

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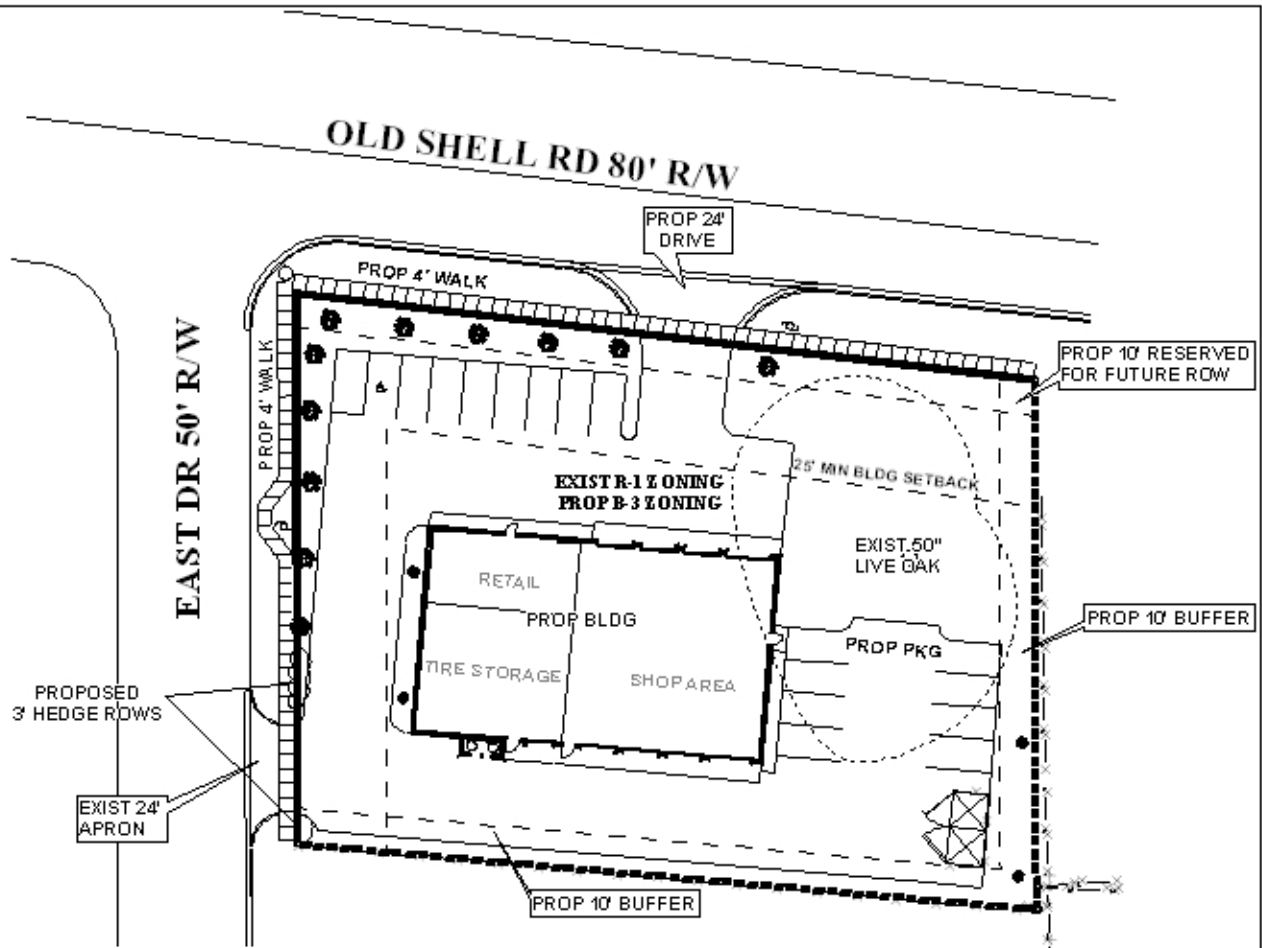
REQUEST Subdivision, Rezoning from R-1 to B-3

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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SITE PLAN



The site plan illustrates the proposed building, parking, drives, buffers, and landscaping

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NTS