

**ZONING AMENDMENT,  
& SUBDIVISION STAFF REPORT****Date: January 4, 2007****APPLICANT NAME**

T. Bruce MacKinnon

**SUBDIVISION NAME**

2402 Government Street Subdivision

**LOCATION**2402 Government Street Subdivision  
(Northwest corner of Government Street and Morgan Avenue)**CITY COUNCIL  
DISTRICT**

District 5

**PRESENT ZONING**

B-2, Neighborhood Business District

**PROPOSED ZONING**

B-3, Community Business District

**AREA OF PROPERTY**0.4 acre  $\pm$  / 1 lot**CONTEMPLATED USE**

Used Automotive 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.**

**REASON FOR  
REZONING**

applicant is requesting rezoning of the site to accommodate the proposed use.

Applicant is requesting rezoning of the site to

**TIME SCHEDULE  
FOR DEVELOPMENT**

Immediate

**ENGINEERING  
COMMENTS**

Per storm water ordinance, detention required for all impervious area constructed on-site AFTER 1984, when Flood Plain Management Plan was implemented. 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).

Full compliance with landscaping and tree requirements of the Zoning Ordinance to be coordinated with Urban Forestry.

**FIRE DEPARTMENT****COMMENTS**

No comments.

**REMARKS**

The applicant is requesting Rezoning and Subdivision Approvals to allow used automobile sales and to create a legal lot of record. Automotive sales are allowed by right in a B-3, Community Business District.

The 0.4 acre  $\pm$  subdivision site is developed with what appears to be a former gas station and a paved parking area. Nearly the entire site appears to be paved. The existing building appears to be approximately 500 square feet, and has two "open porch" or canopied areas that total approximately 1,300 square feet.

The site fronts Government Street, a major street with an existing 80-foot wide right-of-way, and Morgan Avenue, a minor street with an existing 58-foot wide right-of-way. According to the Major Street Plan component of the Comprehensive Plan, the right-of-way for Government Street should be 100-feet at this location. As no new construction is proposed at this time, the minimum building setback line should be adjusted to reflect the future right-of-way of 50 feet as measured from the centerline of Government Street.

North of the site is a B-1, Buffer Business district with commercial uses, while East, South and West of the site are commercial uses located in a B-2 district. B-3 districts occur approximately 160 feet to the Southwest, across Government Street from the site, and approximately 240 feet West of the site, on the North side of Government Street. The nearest B-3 site was rezoned from B-2 in 2005. All properties North of the site, between Government Street and Airport Boulevard, are zoned either B-1 or B-2. It should be noted, however, that while the site is surrounded by commercial zoning, there are single-family residential uses located within the commercially zoned areas.

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 subdivision application is being undertaken to create a legal lot in support of the rezoning application. The proposed subdivision will create one lot, approximately 0.4 acres in size.

The 25-foot minimum building setback line, depicted on the plat, should be revised along the Government Street frontage to reflect the future right-of-way width.

Government Street is part of the US Highway system, thus it is under the purview of ALDOT. The site currently has four curb-cuts – two onto Government Street, and two onto Morgan Avenue. It is recommended that the site be limited to a maximum of two curb-cuts, one onto Government Street, and one onto Morgan Avenue: two existing curb-cuts should be removed. Any changes to remaining curb-cuts, or to any new curb-cuts must be approved by ALDOT and Traffic Engineering and conform to AASHTO standards. Access to the alley North of the site should be denied.

Regarding the zoning application, 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.

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 proposed B-3 zoning category for the site will permit the proposed commercial use, however, the lot size of 0.4 acres does not meeting minimum recommended district size of 4 acres, as specified in Section 64-3.A.5.a. of the Zoning Ordinance.

The applicant is undertaking the Subdivision process to support the rezoning application, thus an existing developed parcel is being converted into one legal lot of record. Other recent rezoning approvals nearby to B-3 indicate changing conditions in the area.

The size of the existing building will require 2 parking spaces, which are not specifically reflected on the site plan. Furthermore, waste receptacles, such as a dumpster, are not reflected on the site plan, nor are any trees or landscaped areas: the site must be brought into compliance with the Zoning Ordinance, including the provision of trees and landscaping.

It should also be pointed out that if a “car wash” is proposed at this location as a stand alone or accessory use to the auto sales, even if it is done by hand, all run-off from the car washing area must be directed into the sewer system (not the storm water system), and an oil separator must be

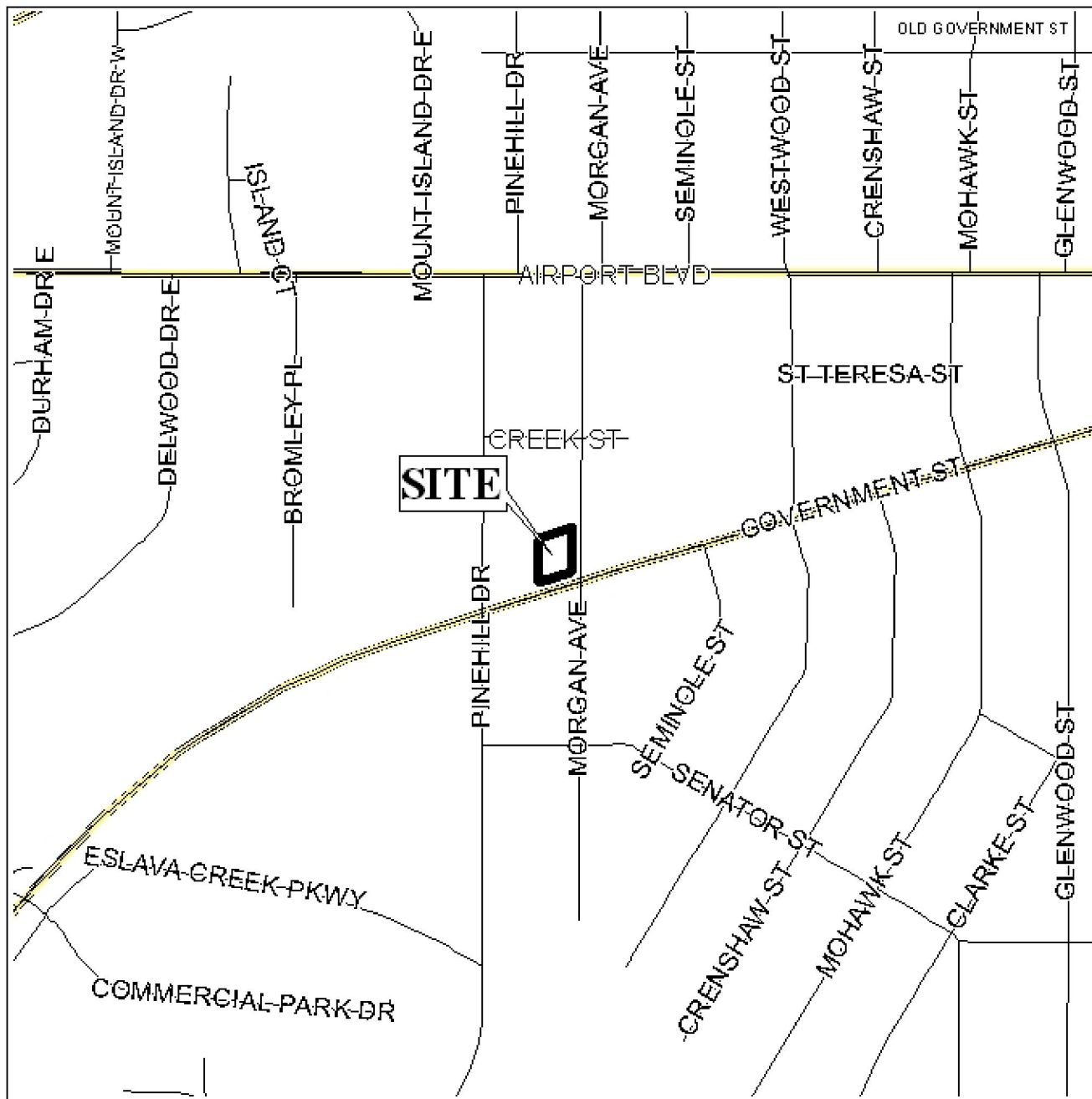
installed on the premises in order to intercept the wash runoff prior to its entering the sewer system.

**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 Morgan Avenue and one curb-cut onto Government Boulevard, and denied access to the adjacent alley, with the size, design and location to be approved by ALDOT and Traffic Engineering, and conform to AASHTO standards for any new curb-cut construction; 3) removal of one curb-cut onto Morgan Avenue and one curb-cut onto Government Street, and replacement of the concrete with curbing and grass, with appropriate permitting; 3) compliance with the tree and landscaping requirements of Section 64-4.E. of the Zoning Ordinance; 4) revision of the 25-foot minimum building setback line to reflect the future right-of-way of Government Street (100-foot total width, or 50-feet as measured from the centerline); 5) provision of a site plan to the Planning Section of Urban Development depicting any required parking, dumpster locations, landscaping, etc.; 6) provision of a letter to the Planning Section of Urban Development indicating if the site contains an oil separator, if car washing is undertaken as a primary or accessory use to auto sales; 7) provision of residential adjacency buffers where the site abuts existing residential uses; and 8) full compliance with all other municipal codes and ordinances.

**Subdivision:** Based upon the preceding, 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 Morgan Avenue and one curb-cut onto Government Boulevard, and denied access to the adjacent alley, with the size, design and location to be approved by ALDOT and Traffic Engineering, and conform to AASHTO standards for any new curb-cut construction; 2) revision of the 25-foot minimum building setback line to reflect the future right-of-way of Government Street (100-foot total width, or 50-feet as measured from the centerline); and 3) full compliance with all other municipal codes and ordinances.

# LOCATOR MAP

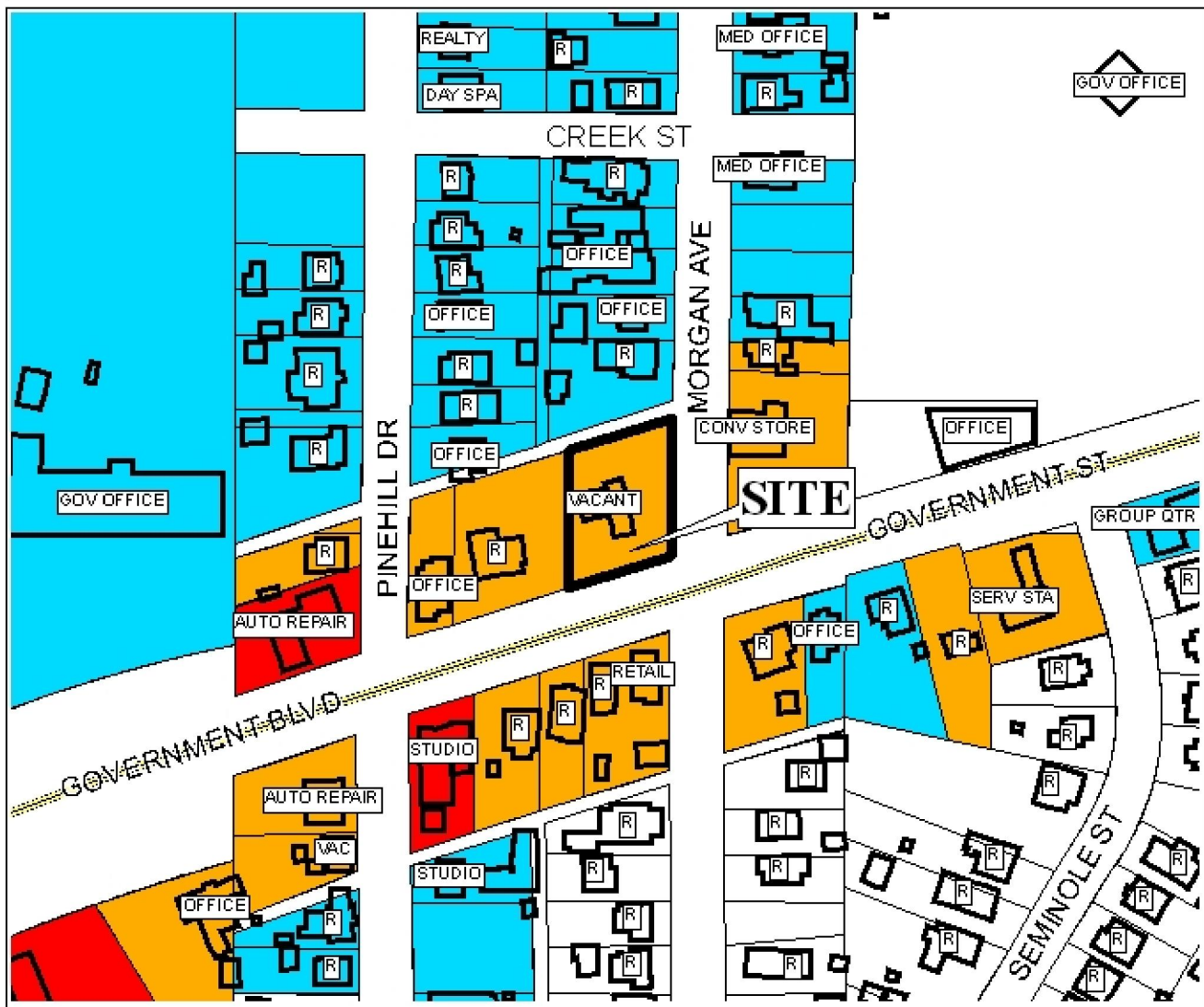


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REQUEST Subdivision, Rezoning from B-2 to B-3



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# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by mixed land use

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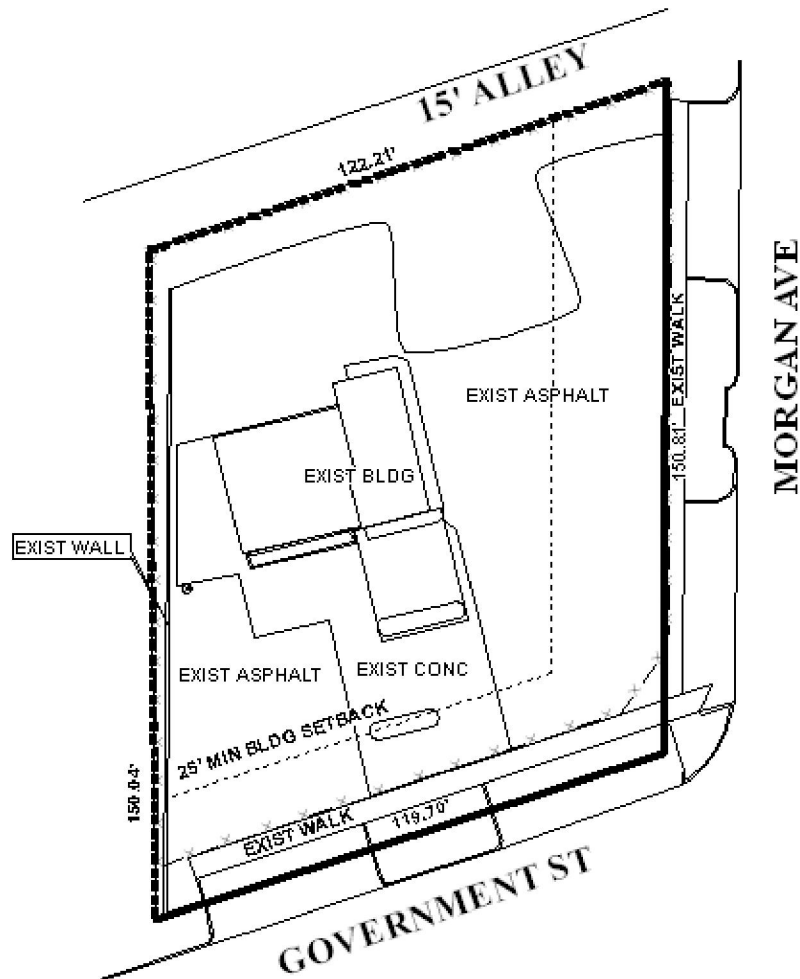
REQUEST Subdivision, Rezoning from B-2 to B-3

LEGEND 

R-1	R-2	R-3	R-4	R-5	R-6	R-7	R-8	R-9	R-10	R-11	R-12	R-13	R-14	R-15	R-16	R-17	R-18	R-19	R-20	R-21	R-22	R-23	R-24	R-25	R-26	R-27	R-28	R-29	R-30	R-31	R-32	R-33	R-34	R-35	R-36	R-37	R-38	R-39	R-40	R-41	R-42	R-43	R-44	R-45	R-46	R-47	R-48	R-49	R-50	R-51	R-52	R-53	R-54	R-55	R-56	R-57	R-58	R-59	R-60	R-61	R-62	R-63	R-64	R-65	R-66	R-67	R-68	R-69	R-70	R-71	R-72	R-73	R-74	R-75	R-76	R-77	R-78	R-79	R-80	R-81	R-82	R-83	R-84	R-85	R-86	R-87	R-88	R-89	R-90	R-91	R-92	R-93	R-94	R-95	R-96	R-97	R-98	R-99	R-100
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# SITE PLAN



The site plan illustrates the existing improvements

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