

ZONING AMENDMENT STAFF REPORT**Date: November 4, 2004****NAME**

Modern Homes & Equipment Co., Inc.

LOCATION

308'± South of Dog River Drive North, adjacent to the West side of Park Avenue (City park entrance Road)

**CITY COUNCIL
DISTRICT**

District 4

PRESENT ZONING

R-1, Single-Family Residential

PROPOSED ZONING

I-1, Light-Industry

AREA OF PROPERTY

.91± Acres

CONTEMPLATED USE

Storage Yard Expansion

It should be noted, however, that any use permitted in the proposed district would be allowed at this location if the zoning were changed. Furthermore, the Planning Commission may consider zoning classifications other than that sought by the applicant for this property.

**TIME SCHEDULE
FOR DEVELOPMENT**

Upon approval

**ENGINEERING
COMMENTS**

Must comply with all stormwater 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**

Full compliance with landscaping and tree plantings for the property to be rezoned, frontage trees to be provided along Park Road street frontage. Tree plantings and required buffer to be coordinated with and approved by Urban Development staff. 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).

REMARKS

The applicant is requesting rezoning from R-1, Single-Family Residential to I-1, Light Industry for a storage yard, as well as subdivision approval to consolidate multiple parcels into one lot.

The site is illustrated as 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. 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 requested, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and zoning classification.

Although the area is illustrated as residential on the General Land Use Plan, the property has been zoned I-1 since 1969, and according to the application, the site has been used industrially since World War II. The area to be rezoned is currently owned by the City of Mobile as part of Luscher Park, but the land has actually been used by Modern Homes for quite some time. The proposed rezoning and subdivision would allow the continuation of an existing situation.

As with any rezoning full compliance with all municipal codes and ordinances would be required. In regard to landscaping and tree plantings, this should include the provision of frontage trees along Park Road.

Additionally, the site adjoins R-1 property—Luscher Park, and although the park is not developed with single-family homes, it is a frequently used park, especially in light of the fact it is the only City Park with waterfront access. While the Zoning Ordinance requires the provision of a buffer between R-1 and I-1 properties, the applicant is requesting that the Planning Commission and City Council waive this requirement as allowed by Section IV.D.1.c.; however, the Commission and Council have rarely (if ever) wavered buffer protection requirements. The applicant contends that there is an existing chain link fence which is needed for security purposes, and a second privacy fence would have to be installed. The applicant goes on to state that planting six-foot tall shrubbery would be more costly than putting up two fences.

The purpose of the buffer protection requirements is not to provide security for a property owner, but to provide screening. In this particular instance, the site will be used for outside storage, and screening is needed to buffer the park; especially since the property would parallel the park entrance road for over 250-feet. Therefore, the provision of a six-foot wooden privacy fence, or a six-foot tall vegetative hedge (at the time of planting) of sufficient density to block visibility, should be required.

Regarding the proposed subdivision, the plat meets the minimum requirements of the Subdivision Regulations.

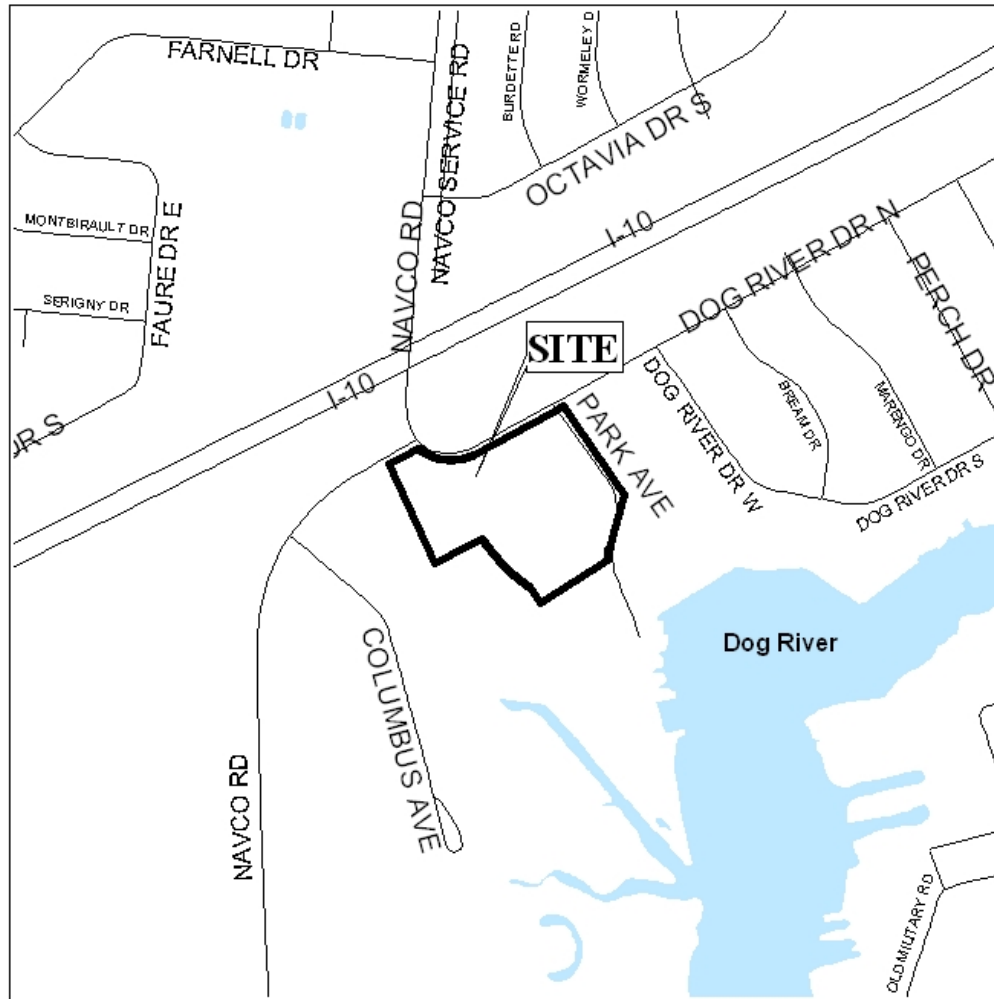
RECOMMENDATION

Rezoning Based upon the preceding, this application is recommended for approval subject to the following conditions: 1) full compliance with the Urban Forestry Comments (full compliance with landscaping and tree plantings for the property to be rezoned, frontage trees to be provided along Park Road street frontage, tree plantings and required buffer to be coordinated with and approved by Urban Development staff, 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]); 2) the provision of a six-foot wooden privacy fence, or a six-foot tall vegetative hedge (at the time of planting) of sufficient density to block visibility; and 3) full compliance with all municipal codes and ordinances.

Subdivision The plat meets the minimum requirements of the Subdivision Regulations and is recommended for Tentative Approval.

LOCATOR MAP



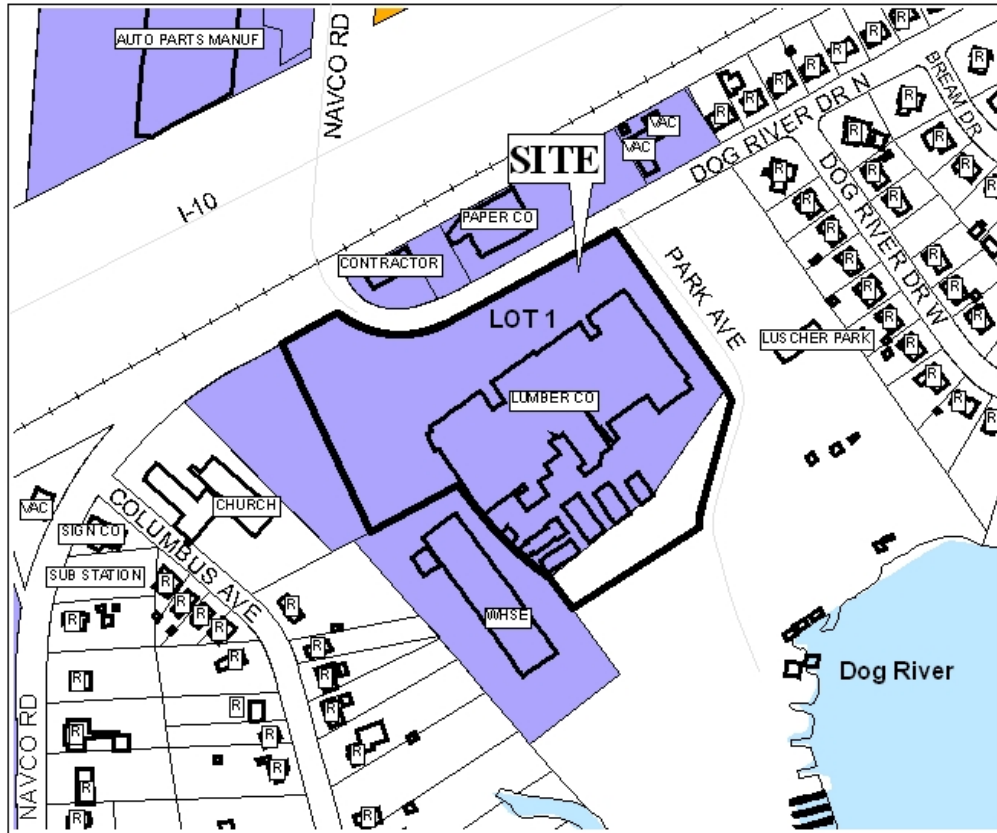
APPLICATION NUMBER 1 & 2 DATE November 4, 2004

APPLICANT Modern Homes & Equipment co., Inc.

REQUEST Rezoning from R-1 to I-1, Subdivision



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Manufacturing sites are located to the north of the site. Single-family residential units are located to the east, and west of the site. A church is located to the west of the site.

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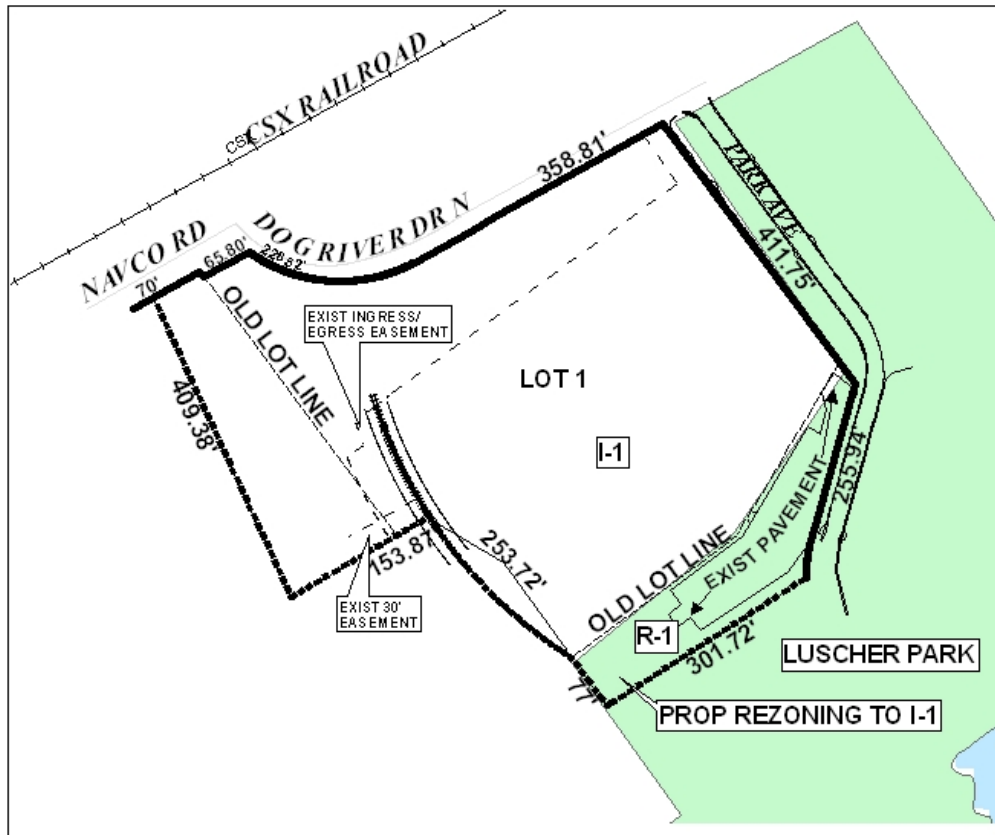
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LEGEND

R-1	R-2	R-3	R-A	R-B	H-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 existing easements along with
the proposed area to be rezoned and lot configuration

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