

**ZONING AMENDMENT,
& SUBDIVISION STAFF REPORT****Date: September 20, 2007****APPLICANT NAME**

John David Helland

SUBDIVISION NAME

Mooreland Subdivision, Resubdivision of Lots 1-3

LOCATION1520 Terrell Road
(Northeast corner of Terrell Road and Dauphin Island Parkway)**CITY COUNCIL
DISTRICT**

District 3

PRESENT ZONING

R-1, Single-Family Residential

PROPOSED ZONING

B-3, Community Business

AREA OF PROPERTY

0.7± acre/1-lot

CONTEMPLATED USE

Subdivision approval to combine three legal lots of record into one legal lot of record, and Zoning approval from R-1, Single-Family Residential, to B-3, Community Business, to allow automobile 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**

The reason for rezoning provided by the applicant reads as follows:

“Dauphin Island Parkway has changed from a two lane road (Cedar Point Road) at the time of original development of this property to a busy five lane highway. The adjacent property has recently been rezoned to B-3, Community Business.”

**TIME SCHEDULE
FOR DEVELOPMENT**

As soon as the proper approvals are received.

**ENGINEERING
COMMENTS**

Show minimum finished floor elevation on plat. No fill allowed in AE flood plain without flood study. 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. No dimensions are shown for the radius of the driveway entrance. A minimum radius to twenty feet should be provided.

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.

REMARKS

The applicant is requesting Subdivision approval to combine three legal lots of record into one legal lot of record, and Zoning approval to rezone the site from R-1, Single-Family Residential, to B-3, Community Business, to allow automobile sales.

The site fronts onto Dauphin Island Parkway, a major street with adequate right-of-way. The site also has frontage onto Terrell Road, a minor street. The right-of-way for Terrell Road is illustrated as 60-feet; therefore, both streets have adequate right-of-way. Access management is a concern; therefore, the development should be allowed one curb cut to Dauphin Island Parkway, with the size, location and design to be approved by Traffic Engineering and comply with AASHTO standards.

The purpose of the application is to combine three legal lots of record, thus creating a legal lot of record and rezoning of the overall site from R-1, Single-Family Residential to B-3, Community Business.

It should be noted the site was granted a Use Variance in 1967 to allow an appliance repair and service company as the property directly to the East was granted a Use Variance the following year (1968) to allow the operation of a cabinet shop.

However, the site directly to the North was rezoned from R-1 to B-3 in 1976; however, unlike the site under consideration, that site was not adjacent to existing commercial zoning. Section 64-3.A.5.a. of the Zoning Ordinance states that new freestanding B-3 districts "should" contain at least 4 acres; provided, however, that the proposed B-3 district would abut an existing B-3, B-

4, H-B, I-1 or I-2 district. The site in question is only 0.07 ± acres, well below the recommended minimum district size; however, the proposed site does abut an existing 20+ acres B-3, district.

This area is shown on the General Land Use component of the Comprehensive Plan as commercial. However, the Comprehensive Plan is meant to be a general guide, not a detailed lot and district plan or mandate for development. The Planning Commission and City Council may 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.

The Zoning Ordinance states that an amendment is to be made only when one or more of the following conditions prevail: there is a manifest error in the ordinance; changes in conditions in a particular area make a change in the ordinance necessary and desirable; an increased need for business or industrial sites in addition to sites that are available, make it necessary and desirable to rezone an area or extend the boundaries of an existing district; the subdivision of land into urban building sites makes reclassification necessary and desirable. The applicant has addressed this through the changing conditions of the area.

The site plan depicts the site improved with parking and access to Dauphin Island Parkway, including 12 parking spaces; however, an entry from Terrell Road would have to be eliminated or brought in to compliance of the Zoning Ordinance. The parking calculations are not illustrated on the site plan to provide the required parking for the office and garage. Thus more information is required to determine if twelve parking spaces would be needed for the proposed use. Also, it appears that the surface maneuvering area from Terrell Road do not meet the minimum standards of the Zoning Ordinance.

Regarding the landscaping calculations, it appears that sufficient *area* will be available for landscaping to meet the minimum requirements of the Zoning Ordinance. The site plan does not, however, depict the actual placement of heritage and understory trees required to depict full compliance.

The site plan does not indicate the location of a dumpster or other private waste facility, thus the site plan should be revised to depict the dumpster location. The location, furthermore, should be located away from adjacent residential uses, not only in terms of protecting residences from offensive odors, but also from the noise of the dumpster being emptied during the day or night.

The proximity of a B-3 district next to residential districts will require the provision of buffering, which in this case would likely have to be a 6-foot high wooden privacy fence and 3-foot high solid hedgerow along Terrell Road to screen the parking area from the adjacent residential zoning across Terrell Road. The site plan should reflect the required buffering.

New development normally requires the provision of a sidewalk along the adjacent public right-of-way, therefore a sidewalk should be shown on any future site plans, should the rezoning be approved.

RECOMMENDATION

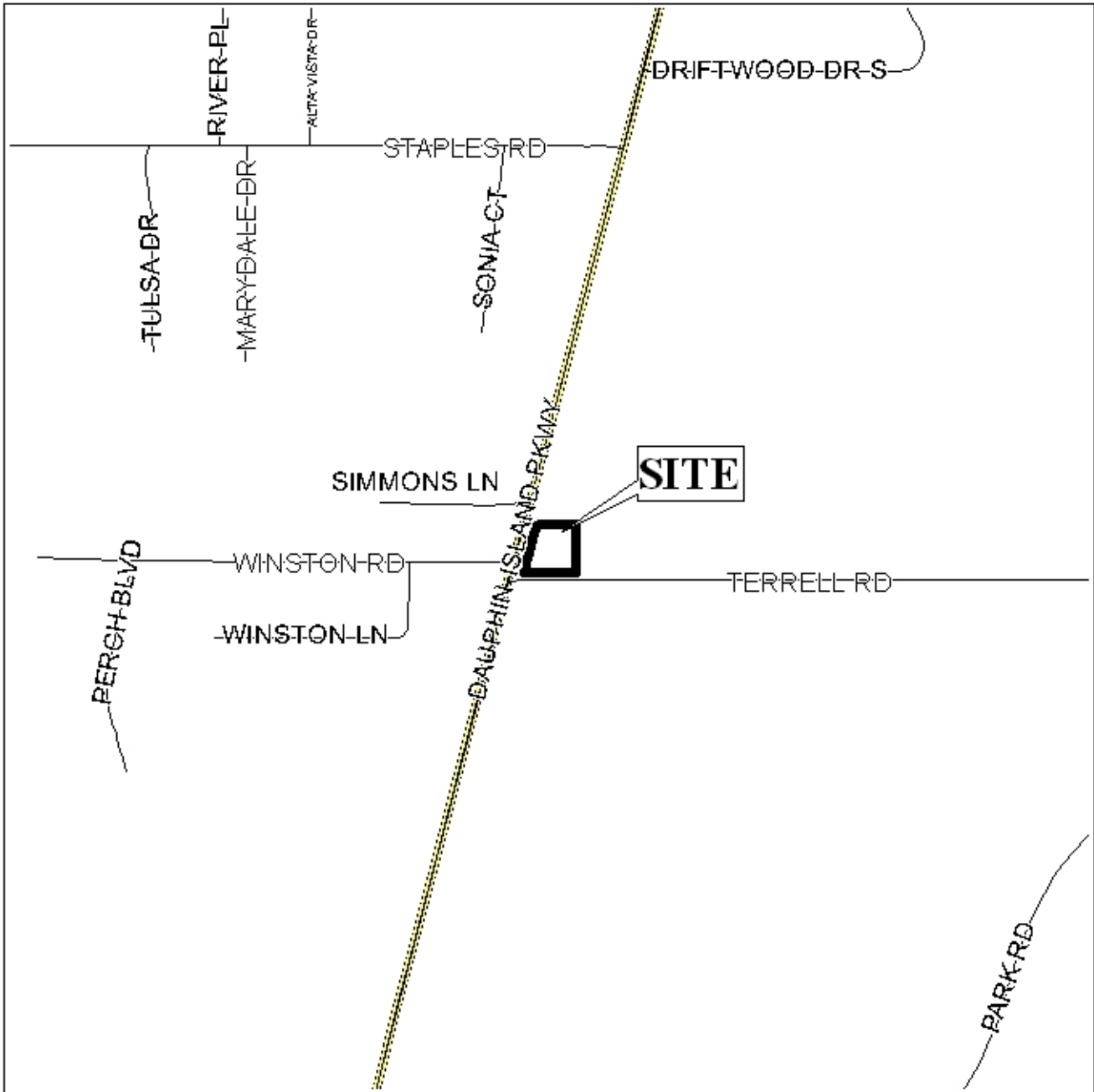
Rezoning: Based on the preceding, this application is recommended for approval subject to the following conditions:

- 1) the submission and approval of a Planned Unit Development (PUD) application;
- 2) the removal of curb cuts to Terrell Road and the installation of necessary landscape materials; and
- 3) full compliance with all other municipal codes and ordinances.

Subdivision: Based on the preceding, this application is recommended for Tentative Approval, subject to the following condition:

- 1) the placement of a note on the Final Plat limiting the development to one curb cut to each street, with the size, location and design to be approved by Traffic Engineering and in compliance with AASHTO standards; and
- 2) placement of the 25-foot minimum building setback lines on the Final Plat.

LOCATOR MAP



APPLICATION NUMBER 37 & 38 DATE December 6, 2007

APPLICANT John David Helland

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



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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by single-family residential units. A retail store is located to the south of the site. Churches are located to the west of the site.

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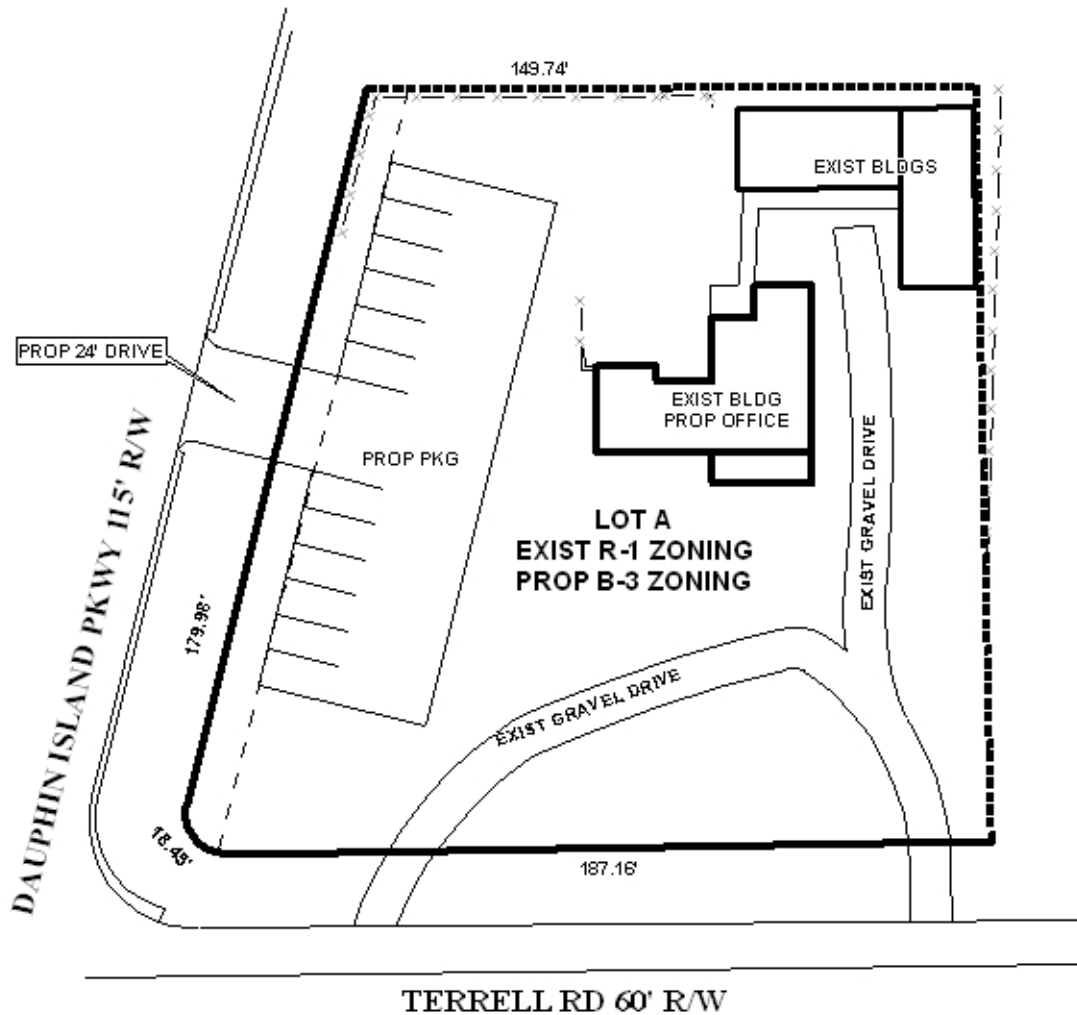
REQUEST Subdivision, Rezoning from R-1 to B-3

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
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SITE PLAN



The site plan illustrates the existing buildings,
driveways, proposed parking and proposed office

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