

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

Cornell Family Properties, LTD.

**SUBDIVISION NAME**

Cornell Subdivision, Resubdivision of Lots 1 &amp; 2

**LOCATION**1751 and 1757 Old Shell Road  
(Southwest corner of Old shell Road and Semmes Avenue)**CITY COUNCIL  
DISTRICT**

District 2

**PRESENT ZONING**

B-2, Neighborhood Business and R-1, Single-Family Residential

**PROPOSED ZONING**

R-1, Single-Family Residential

**AREA OF PROPERTY**

0.9± acre/2-lot

**CONTEMPLATED USE**

Subdivision approval to shift an interior lot line between adjacent lots, and Zoning approval from B-2, Neighborhood Business and R-1, Single-Family Residential, to R-1, Single-Family Residential, to eliminate split zoning on a single-family residential lot.

**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:

“The property is located adjacent to commercial property. Since, the adjacent property is zoned B-2, which means that converting a small portion to R-1 wouldn’t adversely effect the composition of the area.”

**TIME SCHEDULE  
FOR DEVELOPMENT**

No schedule provided.

**ENGINEERING  
COMMENTS**

Detention is required for all impervious area constructed post-1984. 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**

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 shift an interior lot line between two adjacent lots, and Zoning approval to rezone the site from B-2, Neighborhood Business and R-1, Single-Family Residential, to R-1, Single-Family Residential, to eliminate split zoning on a single-family residential lot.

Regarding the proposed subdivision, the site fronts Old Shell Road and Semmes Avenue, both of which have 50-foot rights-of-way. The previous subdivision approval required dedication at the corner, to improve the turning radius at that site.

The purpose of the application is to shift an interior lot line between Lot 1 (B-2, Neighborhood Business) and Lot 2 (R-1, Single-Family Residential), this expansion of Lot 2 would slightly increase the size of Lot 2, thus making it more compliant with the 7200 square foot minimum set forth in the Subdivision Regulations. However, as the applicant is requesting rezoning a portion of the site from B-2 to R-1, it would not affect any buildings.

It should be noted that the R-1 properties were rezoned from B-2 in order to “save” structures and maintain the architectural character of the site.

Regarding the proposed rezoning, while the applicant wishes to retain the B-2 zoning of the commercial building and parking area, he is requesting to return approximately 1,100 square feet to R-1 zoning. Under other circumstances, it might have been desirable to maintain commercial zoning in keeping with the pattern in this area. However, increasing the size of Lot 2 as residential use would be practical, given that they would be able to provide residential parking.

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.

**RECOMMENDATION**

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

- 1) removal of the accessory structures receive Architectural Review Board approval; and
- 2) 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) placement of the 25-foot minimum building setback lines on the Final Plat.

## LOCATOR MAP



APPLICATION NUMBER 38 & 39 DATE October 18, 2007

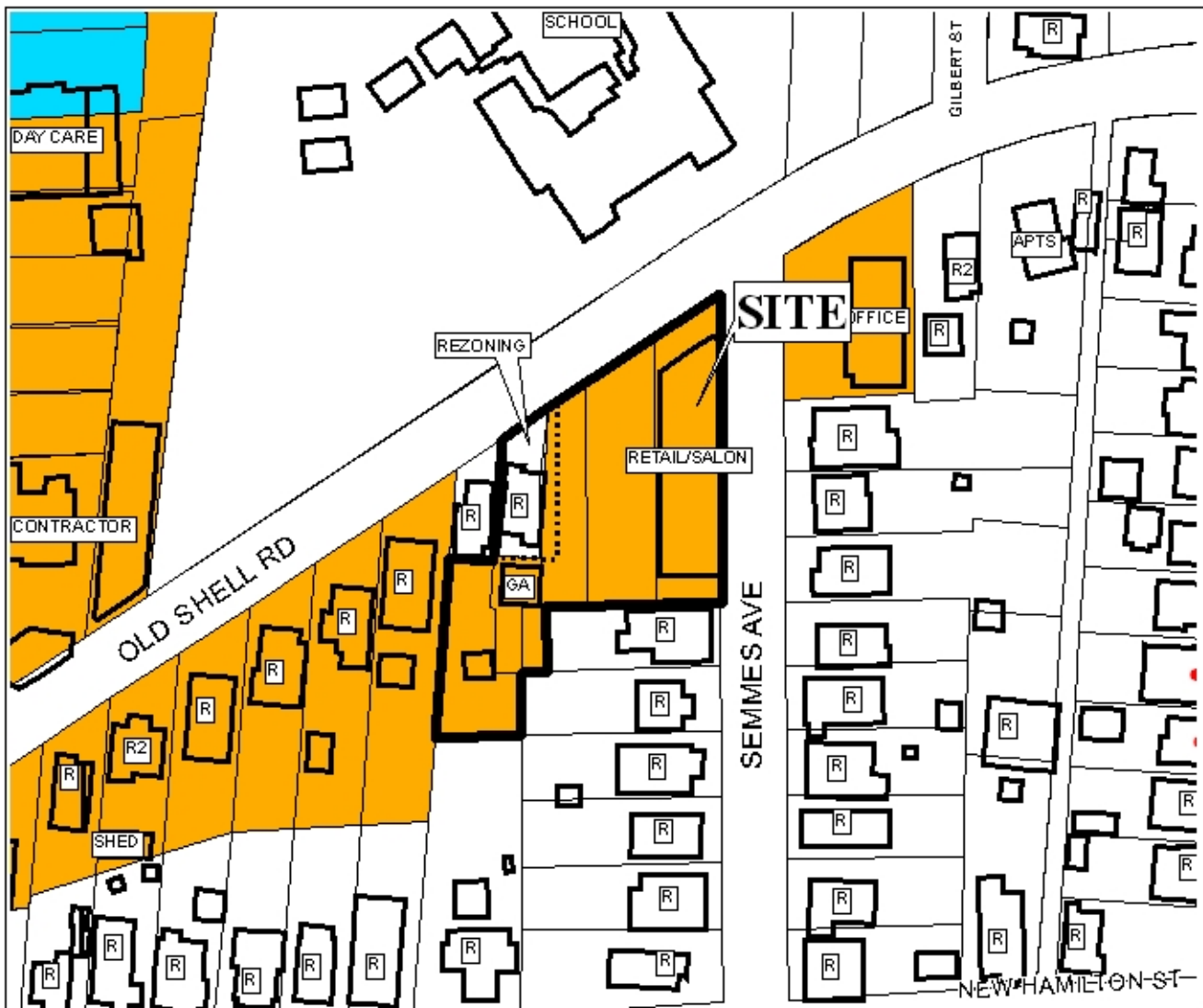
APPLICANT Cornell Family Properties, LTD.

REQUEST Subdivision, Rezoning from R-1 and B-2 to R-1



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# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded is surrounded by mixed land use

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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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## PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



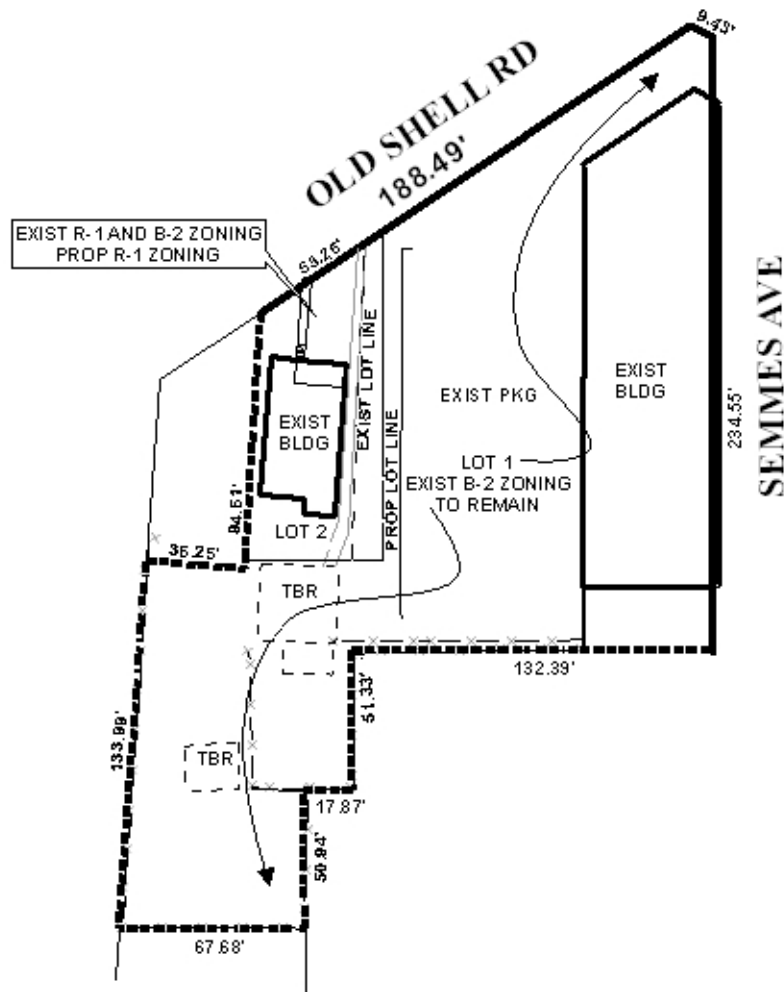
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# SITE PLAN



The site plan illustrates the existing improvements, proposed lot configuration, existing zoning, and proposed zoning

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