

**REZONING,
PUD & SUBDIVISION STAFF REPORT****Date: April 21, 2005****APPLICANT NAME**Betbeze Realty Co., Inc.
(Joseph G. Betbeze, Jr., Agent)**DEVELOPMENT NAME**

Hartung Subdivision

LOCATION**Rezoning & Subdivision:** East side of Magnolia Road, 160'± South of Government Boulevard**PUD:** 2869 Government Boulevard
(Southwest corner of Government Boulevard and Thompson Drive, extending to the East side of Magnolia Road, 160'± South of Government Boulevard)**CITY COUNCIL
DISTRICT**

District 4

PRESENT ZONINGR-1, Single-Family Residential
B-3, Community Business**PROPOSED ZONING**

B-3, Community Business

AREA OF PROPERTY**Rezoning & Subdivision:** 0.72± Acres
PUD: 1.52± Acres**CONTEMPLATED USE**Expansion of existing automotive paint and body shop
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.**TIME SCHEDULE**

30-90 Days

**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, sizes, 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 (City Code Chapters 57 and 64 and State Act 61-929).

FIRE DEPARTMENT**COMMENTS**

All commercial projects shall comply with the 2003 International Fire Code and Appendices B through G as adopted by the City of Mobile on July 6, 2004. All One- or Two-Family residential developments shall comply with Appendices B, C, and D of the 2003 International Fire Code as adopted by the City of Mobile on July 6, 2004. All portions of any new buildings or additions must be within 400 ft. of a fire hydrant as measured by an approved route.

REMARKS

The applicant is proposing development of the site as a parking facility expansion for an existing paint and body shop.

The rezoning portion of this group application was heldover from the March 17, 2005 meeting to allow the applicant to submit the necessary subdivision and PUD applications. Much of the information provided in the earlier rezoning report is still applicable, and is therefore included in this report.

The site appears to be residential on the General Land Use Plan component of the Comprehensive Plan; however, given the scale of the maps, it is difficult to make a determination in this particular instance. The plan reflects a general land use pattern based on categories such as residential commercial, industrial, public and semi-public, and does not indicate specific zoning districts for individual properties.

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 provided a statement indicating a need for expansion of a nearby business, which is located at 2869 Government Boulevard. The applicant states that the properties adjoining this site and fronting on Government Boulevard are zoned B-3; and that with adequate fencing the residential properties along the rear will not be able to see the parking facility. The applicant contends that the site is the only undeveloped site in the immediate area and that no other site can be used for the proposed purpose. The applicant further states that because the site can be accessed via Magnolia Road, there should be no effect on the surrounding properties.

While there may be validity to the need for expansion of the existing paint and body shop, there are several problems relating to the request for rezoning as submitted. First is access to the site. Magnolia Road is an existing city right-of-way. However, it is not improved to city standards, it appears to be more of a parking facility for the adjacent businesses. Furthermore, the paving that does exist ends before reaching the site in question. Therefore, the site does not have access via a constructed and maintained city right-of-way.

The revised site plan illustrates a continuation of Magnolia Road which includes adequate access for a two way drive into the site, as well as a modified "T" turn-around. The plan also indicates that Magnolia Road, from Government Boulevard to the existing terminus, is constructed as a city street. As stated above, however, it is not constructed to city standards and appears to be more of a parking lot. The previous staff report also indicated that construction of Magnolia Road (from Government Boulevard to the end of the proposed turn-around) to city standards would be necessary.

Another issue that was discussed at the March meeting is the screening of vehicles. The site plan submitted illustrates a 6' privacy fence along the side and rear property lines, where the site is adjacent to residential properties; however, it does not illustrate the required screening along the street frontage. The Zoning Ordinance states that a paint & body shop must screen vehicles from view with a 3'-5' tall evergreen hedge or landscaped berm along the street frontage in B-3 districts.

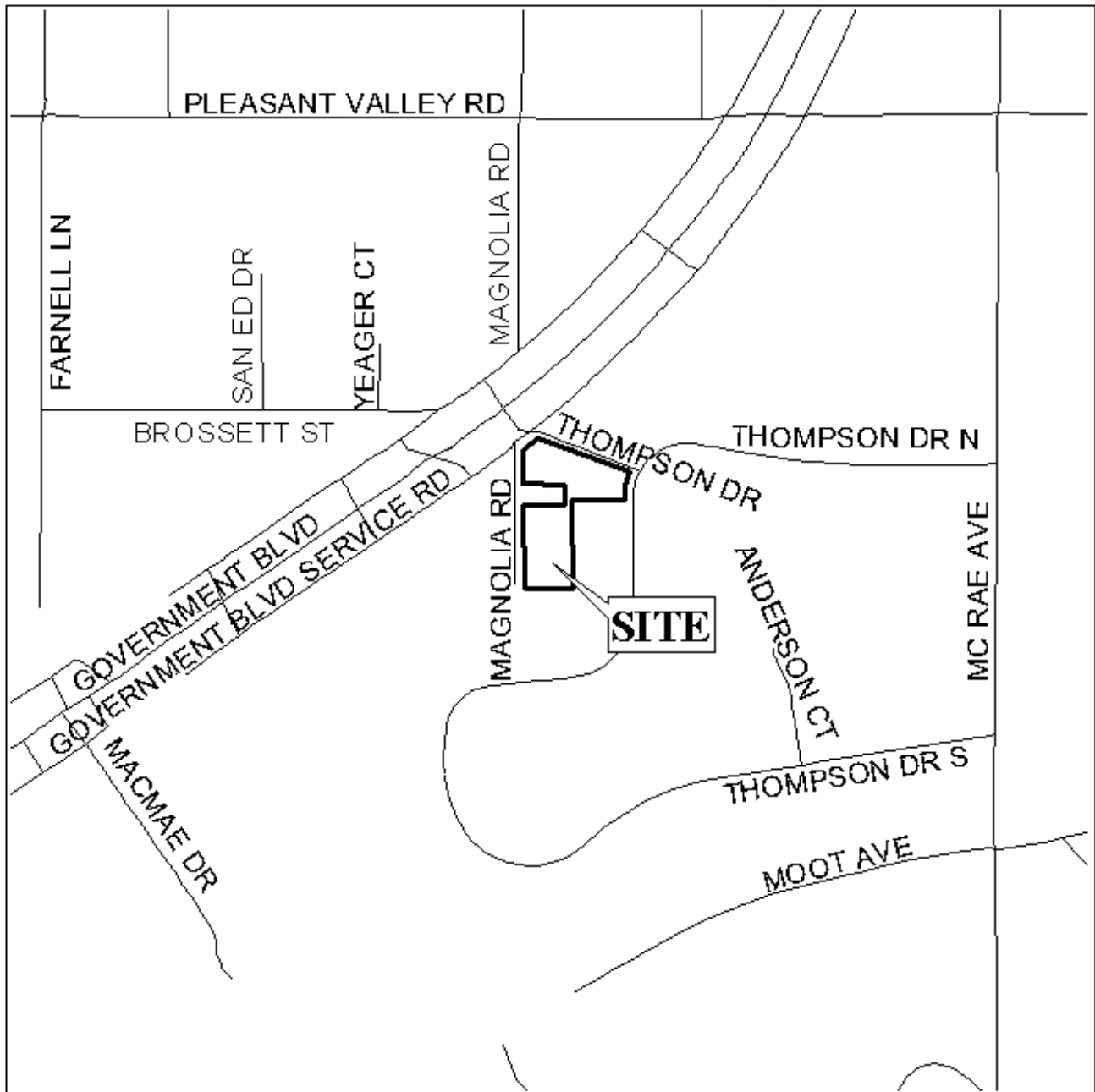
RECOMMENDATION

Rezoning: Based on the preceding, it is recommended that this application be approved subject to the following conditions: 1) Magnolia Road be constructed to city standards, from Government Boulevard to an approved modified turn-around prior to the issuance of any permits; 2) completion of the subdivision process prior to the issuance of any permits; 3) full compliance with all municipal codes and ordinances, including but not limited to screening as required by the Chart of Permitted uses.

PUD: Based on the preceding, it is recommended that this application be approved subject to the following conditions: 1) Magnolia Road be constructed to city standards, from Government Boulevard to an approved modified turn-around prior to the issuance of any permits; 2) completion of the subdivision process prior to the issuance of any permits; 3) full compliance with all municipal codes and ordinances, including but not limited to screening as required by the Chart of Permitted uses

Subdivision: Based on the preceding, it is recommended that this plat be granted tentative approval subject to the following conditions: 1) Magnolia Road be constructed to City Standards, from Government Boulevard to an approved turn-around prior to the recording of the final plat; 2) placement of a note on the final plat stating that buffers in compliance with Section V.A. 7 shall be provided.

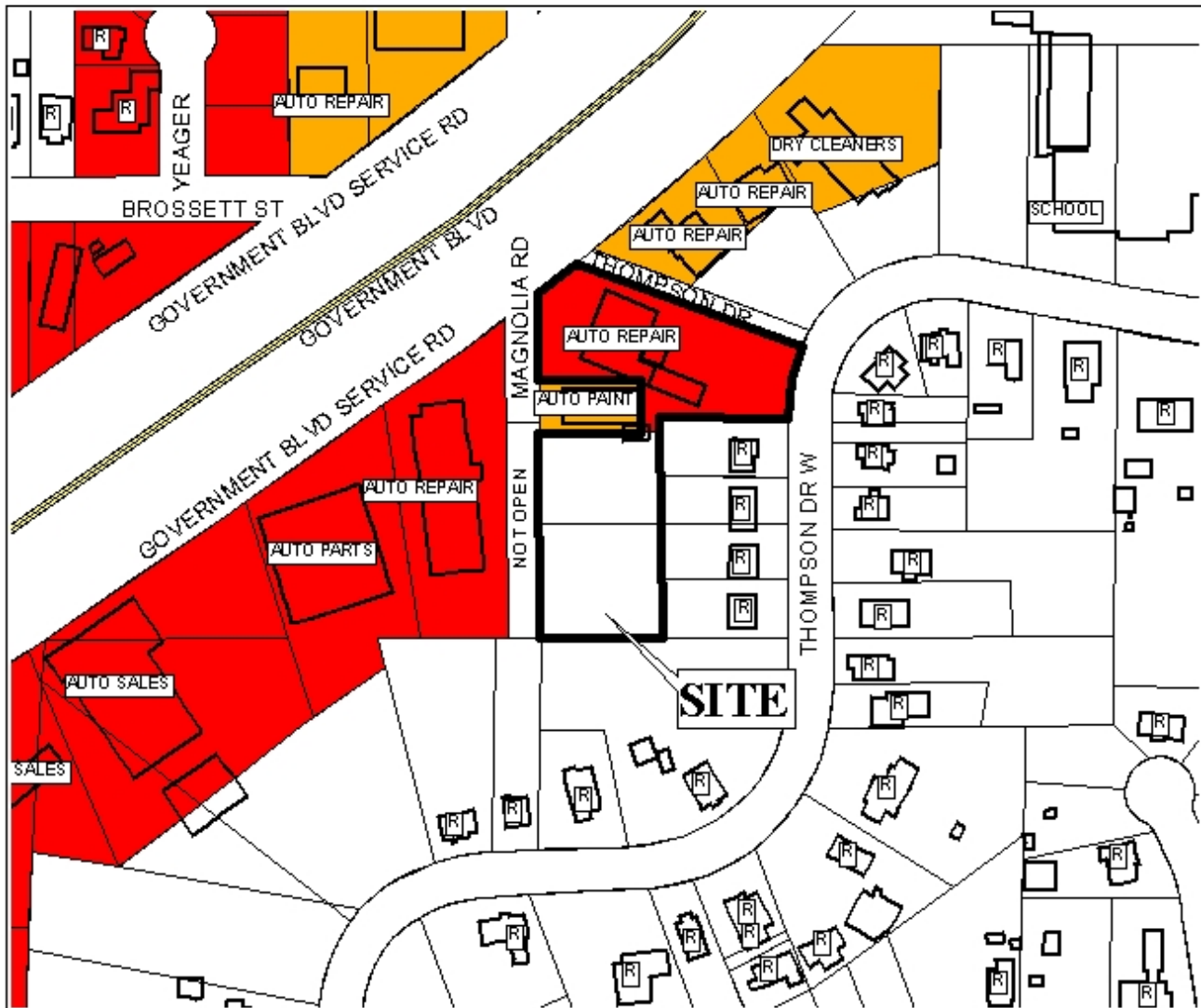
LOCATOR MAP



APPLICATION NUMBER 1 & 2 & 3 DATE April 21, 2005
APPLICANT Betbeze Realty Co., Inc. (Joseph G. Betbeze, Jr., Agent)
REQUEST Rezoning from R-1 to B-3, Planned Unit Development, Subdivision



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Located to the North and West of the site are miscellaneous businesses;
to the East and South are single family residential dwellings.

APPLICATION NUMBER 1 & 2 & 3 DATE April 21, 2005

APPLICANT Betbeze Realty Co., Inc. (Joseph G. Betbeze, Jr., Agent)

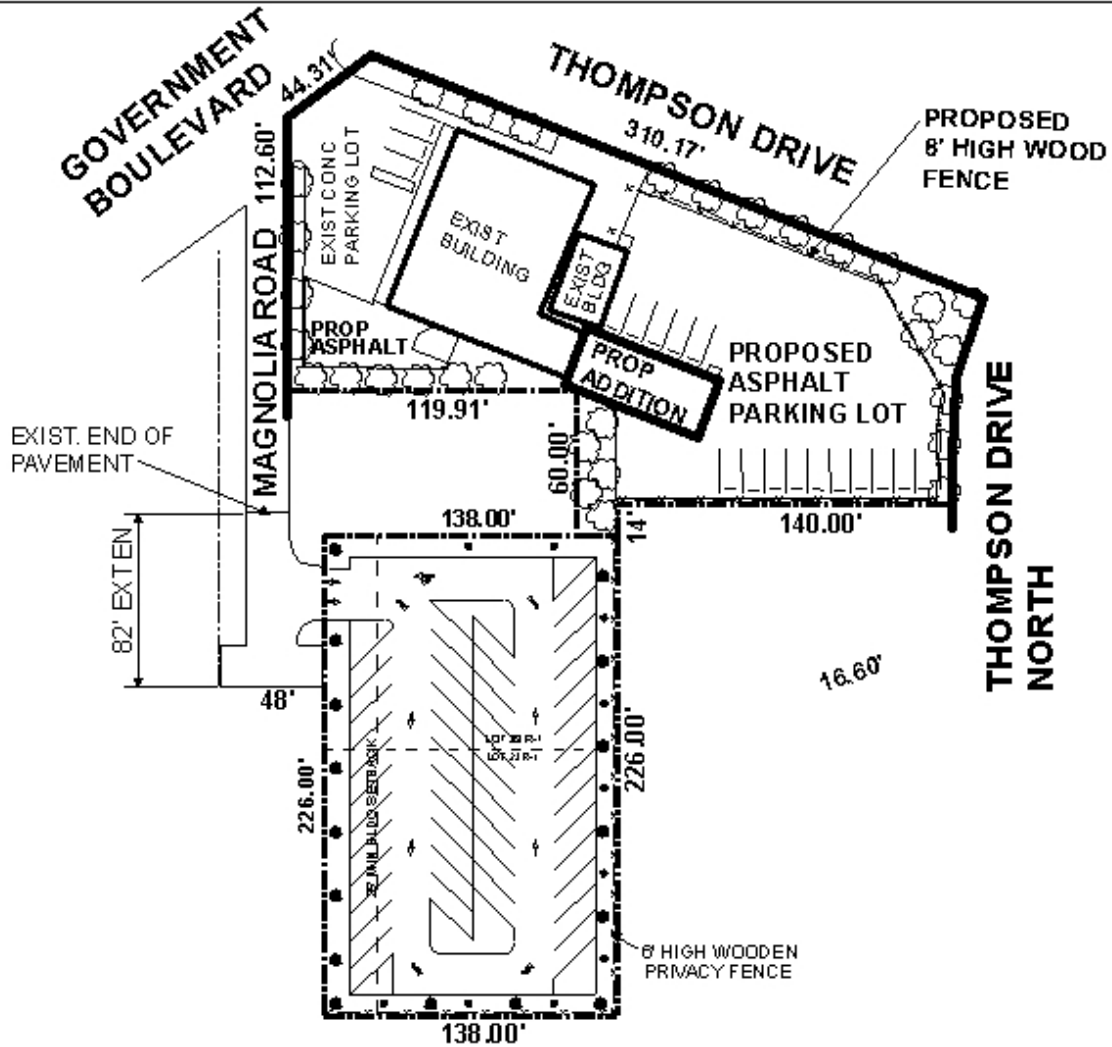
REQUEST Rezoning from R-1 to B-3, Planned Unit Development, Subdivision

LEGEND



N
NTS

SITE PLAN



The site is located on the Southwest corner of Government Boulevard and Thompson Drive, extending to the East side of Magnolia Road, 160' South of Government Boulevard. The plan illustrates the existing buildings and parking, along with the proposed addition and parking.

APPLICATION NUMBER 1 & 2 & 3 DATE April 21, 2005
 APPLICANT Joseph G. Betbeze, Jr. (Betbeze Realty Co., Inc.)
 REQUEST Rezoning from R-1 to B-3, Planned Unit Development, Subdivision

