

ZONING AMENDMENT STAFF REPORT**Date: July 7, 2005****NAME**

Douglas L. Anderson

LOCATION3300 Dauphin Island Parkway
(Southwest corner of Dauphin Island Parkway and Gill Road)**CITY COUNCIL
DISTRICT**

District 4

PRESENT ZONING

R-1, Single Family Residential

PROPOSED ZONING

B-3, Community Business

AREA OF PROPERTY

21,944 square feet

CONTEMPLATED USE

Restaurant

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

Changes in conditions make residential zoning inappropriate

**TIME SCHEDULE
FOR DEVELOPMENT**

Immediate (interior renovation only)

**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 ALDOT and conform to AASHTO standards. Limit access to DIP to one driveway cut and access to Gill Road is not allowed.

**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 landscape and tree requirements of the Zoning Ordinance to be coordinated with Urban Forestry.

REMARKS

The applicant is requesting rezoning of the subject property from R-1, Single Family Residential, to B-3, Community Business, for use as a restaurant.

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 states that changes in conditions in the area, with several neighboring properties along Dauphin Island Parkway being rezoned to B-2 (Neighborhood Business) and B-3, necessitate a change from the present residential zoning.

The site has maintained a legal nonconforming status with B-2 uses, first as a convenience store and then as a consignment store. The use for which the applicant is requesting the zoning change, a restaurant, is allowed in a B-2 district; as such, B-2, Neighborhood Business, seems a more appropriate designation than B-3, which is requested.

While neighboring properties to the west are zoned R-1, other properties along this portion of Dauphin Island Parkway are variously zoned R-1, B-2, and B-3; the three properties south of the site were rezoned from R-1 to B-2 and B-3 between 1981 and 1993.

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.

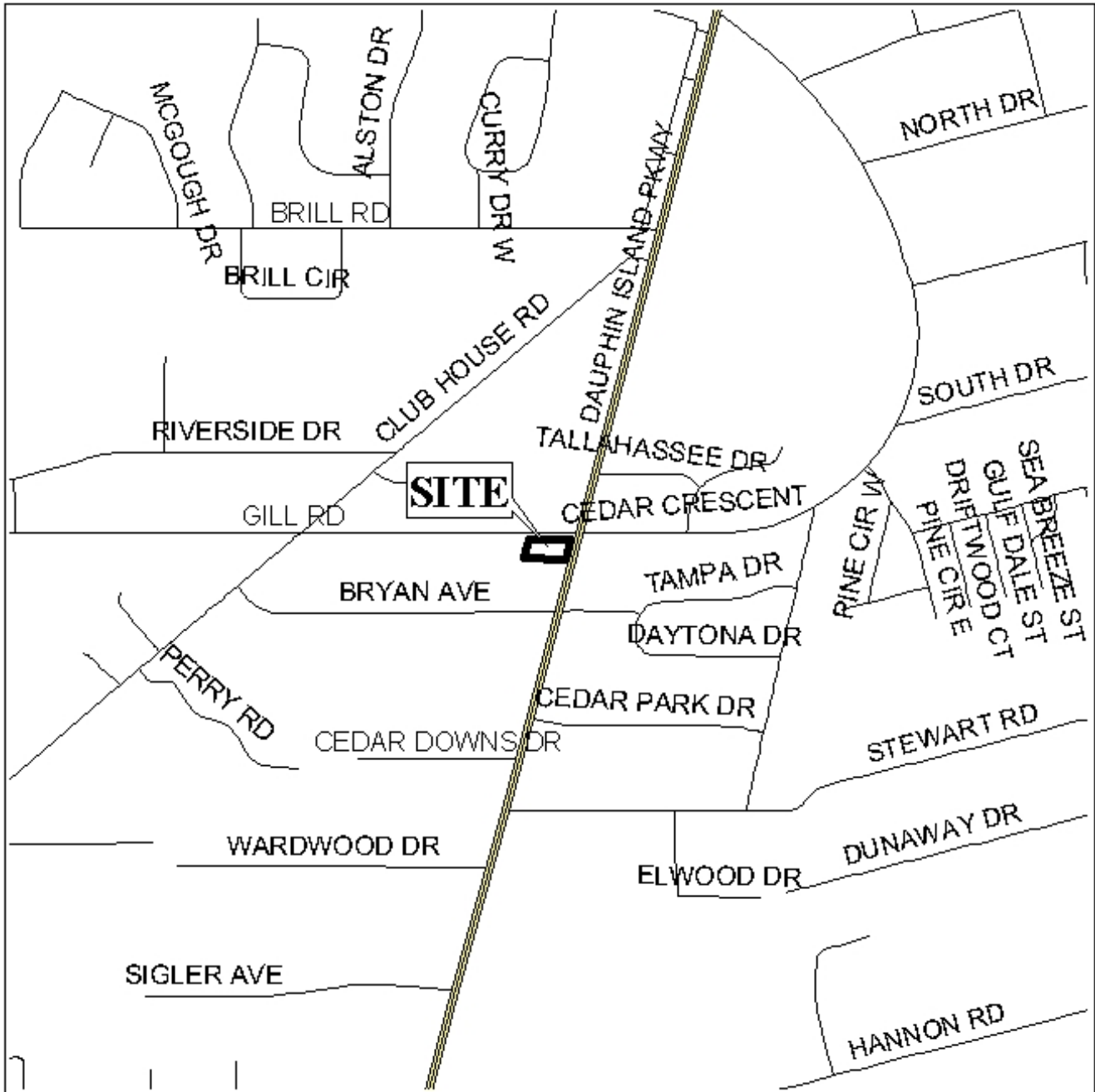
The site fronts Dauphin Island Parkway, a planned major street with a 120' right-of-way, and Gill Road, which has a 60' right-of-way.

The site is not a legal lot of record, and has been in its present configuration since 1964, as a portion of a lot of record with a metes and bounds description. The site was excluded from an approved (but unrecorded) resubdivision application in 1993. Thus the site should be established as a legal lot of record through the subdivision process.

RECOMMENDATION

Based on the preceding, it is recommended that the application for rezoning to B-3, Community Business, be denied. It is further recommended that the site be approved for rezoning to B-2, Neighborhood Business, subject to the following conditions: 1) that the site be brought into compliance with the parking requirements of the Zoning Ordinance, the landscaping and tree planting requirements of the Ordinance, and all stormwater and flood control ordinances; 4) compliance with Traffic Engineering comments (limited to one curb cut to Dauphin Island Parkway, and denial of access to Gill Road); 5) the submission of a subdivision application, and completion of the subdivision process; and 6) full compliance with all municipal codes and ordinances.

LOCATOR MAP



APPLICATION NUMBER 8 DATE July 7, 2005
APPLICANT Douglas L. Anderson
REQUEST Rezoning from R-1 to B-3

N
NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is located in an area of mixed commercial and residential land use.

APPLICATION NUMBER 8 DATE July 7, 2005

APPLICANT Douglas L. Anderson

REQUEST Rezoning from R-1 to B-3

LEGEND

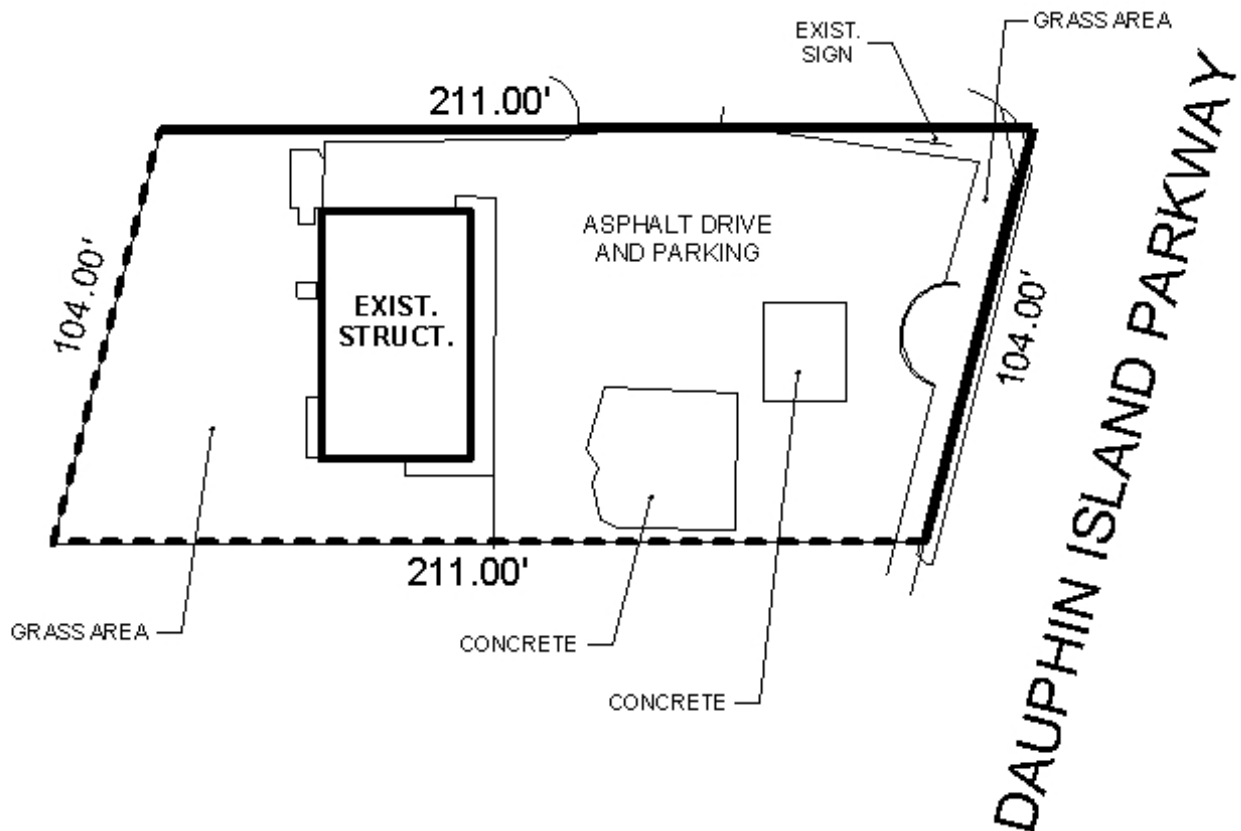
R-1	R-2	R-3	R-A	R-B	H-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2
-----	-----	-----	-----	-----	-----	-----	------	-----	-----	-----	-----	-----	-----



NTS

SITE PLAN

GILL ROAD



The site is located at the Southwest corner of Dauphin Island Parkway and Gill Road.
The plan illustrates the existing structures and paving.

APPLICATION NUMBER 8 DATE July 7, 2005

APPLICANT Douglas L. Anderson

REQUEST Rezoning from R-1 to B-3



NTS