

**ZONING AMENDMENT &
SUBDIVISION STAFF REPORT**

Date: October 16, 2003

NAME

Metcalf & Company

LOCATION

5835 Old Shell Road
(Southeast corner of Old Shell Road and Allen Drive)

PRESENT ZONING

R-1, Single-Family Residential

PROPOSED ZONING

B-1, Buffer-Business

AREA OF PROPERTY

2 lots / 2.2 \pm Acres

CONTEMPLATED USE

Church-sponsored, college student center
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
FOR DEVELOPMENT**

Within one year

**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**

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). Urban Forestry would like to advise that the print submitted for this zoning application shows a 48" Live Oak Tree in the middle of the lot, south of the parking area. After investigating, we found that the tree is in poor condition. They also show a 60" Live Oak Tree on the southeast corner. In reality, this is a 30" Live Oak Tree. All other trees on the site are either Water Oaks or Pines.

REMARKS

The applicant is requesting rezoning from R-1, Single-Family Residential to B-1, Buffer-Business for a church-sponsored, college student center, as well as subdivision approval to create two legal lots of record.

The site is illustrated as commercial 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.

The site fronts Old Shell Road, a planned major street, and the plat illustrates the existing right-of-way is 80-feet, thus the dedication of adequate right-of-way to provide 50-feet from the centerline of Old Shell Road should be required. Additionally, as Old Shell Road is a major street, which was recently widened, and due to the location of existing trees along the front property line, possibly in the right-of-way, access management is a concern, thus curb cut(s) to Old Shell Road should be approved by both Traffic Engineering and Urban Development (including Urban Forestry).

Allen Drive, is an existing street, and has a substandard width right-of-way, with substandard improvements (dirt road). The dedication of adequate right-of-way to provide 25-feet from the centerline of Allen Drive should be required. Additionally, as Allen Drive is a dirt road, the proposed commercial lot (Lot 1), should be denied direct access to Allen Drive.

While the site adjoins residential property, the Planning Commission recently recommended approval of B-2 zoning for the property to the East. While a buffer, in compliance with Section IV.D.1., would be required where the site adjoins residential development, a buffer would only be required along the East property line, if the property to the East was zoned and used residentially at the time of permitting for this site.

As with any new development, full compliance with the landscaping and tree planting requirements of the Ordinance would be required.

Regarding the subdivision application, with the proper dedications and a limitation of curb cuts as referenced above, the plat would comply with the Subdivision Regulations.

RECOMMENDATION

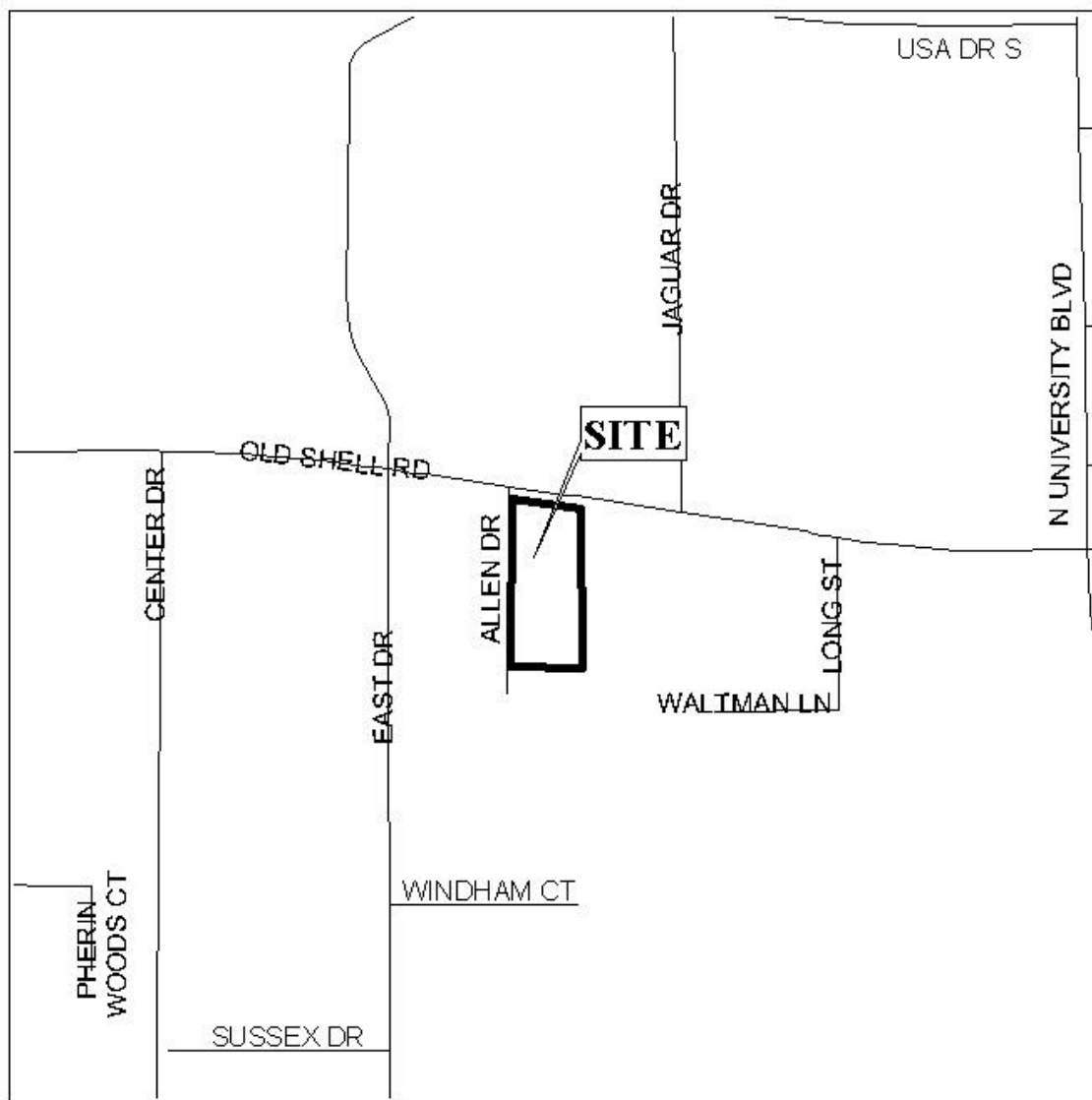
Rezoning: based upon the preceding, this application is recommended for approval subject to the following conditions: 1) the dedication of adequate right-of-way to provide 50-feet from the centerline of Old Shell Road; 2) that the commercial lot (Lot 1) be denied direct access to Allen Drive; 3) curb cut approval by Traffic Engineering and Urban Development (including Urban Forestry) for any curb cut(s) to Old Shell Road; 4) dedication of adequate right-of-way to provide 25-feet from the centerline of Allen Drive; 5) denial of access to Allen Drive; 6) provision of a buffer, in compliance with Section IV.D.1., where the site adjoins

residential property (it should be noted that a buffer would only be required along the East property line, if the property to the East is zoned and used residentially at the time of permitting for this site); 7) full compliance with the landscaping and tree planting requirements of the Ordinance; and 8) full compliance with all municipal codes and ordinances.

Subdivision: with modifications, the plat will meet the minimum requirements of the Subdivision Regulations and is recommended for Tentative Approval subject to the following conditions: 1) the dedication of adequate right-of-way, to provide 50-feet from the centerline of Old Shell Road; 2) the dedication of adequate right-of-way to provide 25-feet from the centerline of Allen Drive; 3) placement of a note on the final plat stating that the commercial lot (Lot 1) is denied direct access to Allen Drive; 4) placement of a note on the final plat stating that curb cut approval by Traffic Engineering and Urban Development (including Urban Forestry) is required for any curb cut(s) to Old Shell Road; and 5) dedication of adequate right-of-way to provide 25-feet from the centerline of Allen Drive.

The application was heldover from the Commission's October 16th meeting, to allow the applicant, Urban Development and Traffic Engineering staff to meet on the site to discuss a possible curb cut to Allen Drive. Allen Drive is a gravel road and only one car width wide; therefore, it is recommended that access to Allen Drive be denied.

LOCATOR MAP



APPLICATION NUMBER Holdover DATE November 20, 2003

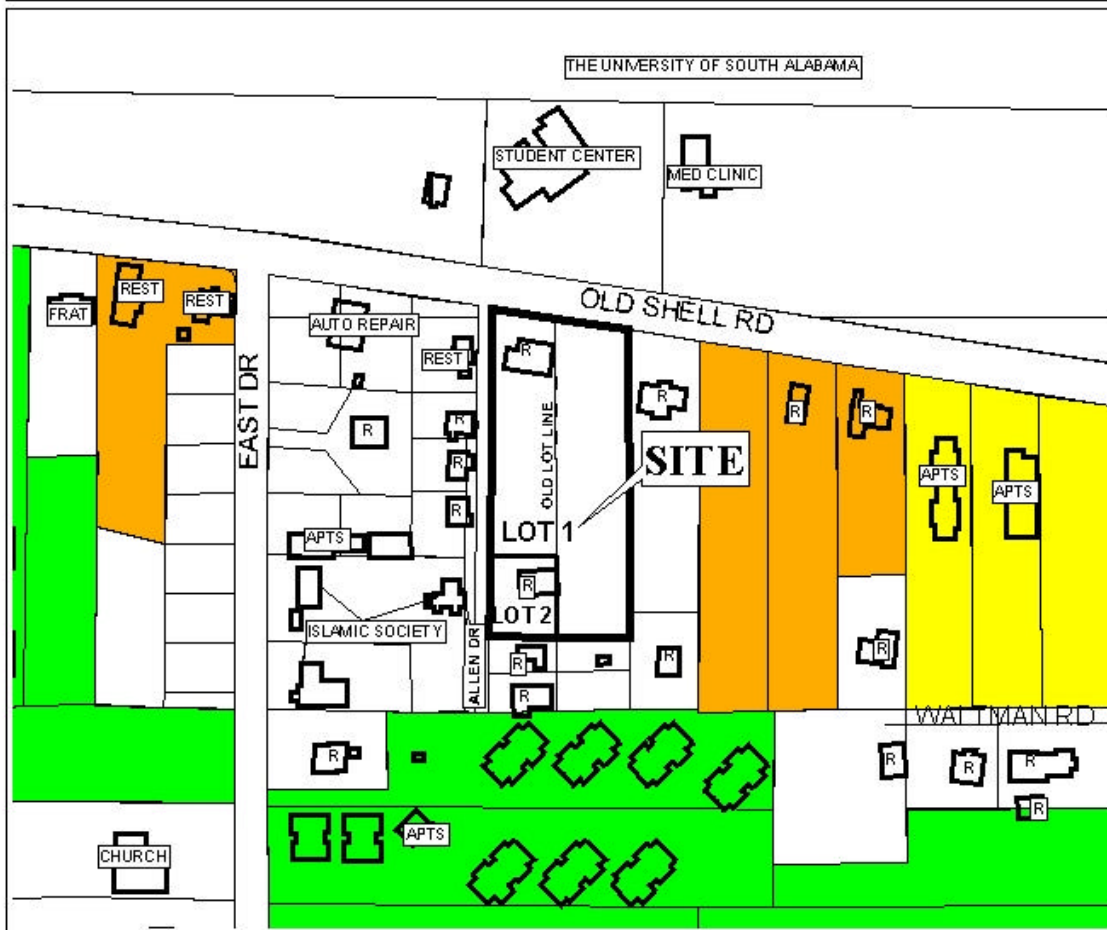
APPLICANT Metcalf & Company

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



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The University of South Alabama is located to the north of the site. Restaurants, apartments, and an auto repair facility are located to the north of the site. Single-family residential units, apartments, and churches are located to the south of the site.

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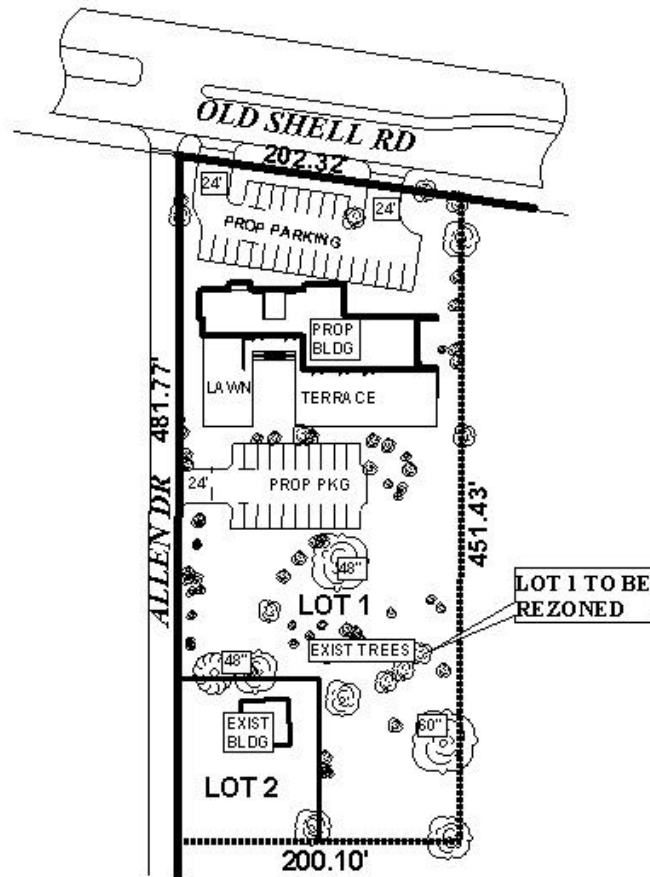
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LEGEND



SITE PLAN



The site plan illustrates the proposed building, parking, curb cuts, lot configuration, along with existing trees and curb cuts.

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