

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

Truc Mai

LOCATIONNorth side of Moffett Road, 480 feet \pm west of Wolf Ridge Road**CITY COUNCIL
DISTRICT**

District 1

PRESENT ZONINGR-1, Single-Family Residential District, and
B-2, Neighborhood Business District**PROPOSED ZONING**

B-2, Neighborhood Business District

AREA OF PROPERTY1.85 \pm acres**CONTEMPLATED USE**

Service Station / Convenience Store

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**

Immediate

**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). Full compliance with landscaping and tree requirements of the Zoning Ordinance to be coordinated with Urban Forestry.

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 single-family 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.

REMARKS

The applicant is requesting rezoning from R-1, Single Family Residential, and B-2, Neighborhood Business, to B-2, Neighborhood Business for an existing service station / convenience store. An automobile service station without repair and a convenience store with gas pumps are allowed by right in B-2 districts.

The site is illustrated as both residential and 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 applicant received subdivision approval from the Planning Commission on February 3, 2005, to subdivide the property into two lots. During analysis of the subdivision application it was noted that the proposed lot 1 was split zoned, with a portion of the lot zoned R-1 and a portion zoned B-2. The proposed lot 1, furthermore, had an existing automobile service station / convenience store, thus as a condition of the Planning Commission's approval of the subdivision, the applicant was required to rezone lot 1 to a single zoning classification. The applicant is now requesting that both lots 1 and 2 be rezoned to B-2.

The property fronts Moffett Road, a major street. West and north of the property are single-family residences in an R-1 district, while across Moffett are R-1, R-3, and B-2 districts. East of the property are B-2 and B-3 districts.

As stated in Section IX. of the Zoning Ordinance, the intent of the Ordinance and corresponding Zoning Map is to carry out the comprehensive planning objective of sound, stable and desirable development. While changes to the Ordinance are anticipated as the city grows, the established public policy is to amend the ordinance only when one or more of the following conditions prevail: 1) there is a manifest error in the Ordinance; 2) changing conditions in a particular area make a change in the Ordinance necessary and desirable; 3) there is a need to increase the number of sites available to business or industry; or 4) the subdivision of land into building sites makes reclassification of the land necessary and desirable.

The applicant recently purchased the site, and became aware of the split-zoning of the site during the subdivision process. The applicant seeks rezoning to fulfill the condition of the approved subdivision, and to permit the continued operation of the existing service station on the proposed lot 1.

Rezoning of lot 1 to B-2 in order to remove the existing split zoning, and to permit the continued operation of the existing automobile service station / convenience store complies with the conditions stated within the Planning Commission's subdivision approval letter dated February 4, 2005. The rezoning of lot 2 to B-2, however, was not one of the conditions of the approval. The applicant has given no reason for the request to rezone lot 2; the request appears speculative. Rezoning lot 2 would place a heavier commercial district adjacent to residential development. Preferably, residential development would be buffered from commercial districts by a B-1, Buffer Business District; rezoning the site to B-2 would not provide a buffer district for the adjoining residential development.

As with any rezoning, lot 1 should be brought into full compliance with sidewalk, landscaping and tree planting requirements, as contained in the Zoning Ordinance, as well as the provision of the required buffers between commercial and residential uses.

RECOMMENDATION

Based upon the preceding, it is recommended that the rezoning of lot 1 from R-1 and B-2 to B-2 be approved, and that the rezoning of lot 2 from R-1 to B-2 be denied.

Approval of the rezoning of lot 1 is subject to the following conditions: 1) compliance with the landscaping and tree planting requirements of the Zoning Ordinance; 2) provision of a sidewalk for lot 1 along Moffett Road, in conformance with Section V.B.15. of the Subdivision Regulations; 3) provision of a buffer between commercial and residential uses in conformance with Section IV.D.1. of the Zoning Ordinance; and 4) full compliance with all municipal codes and ordinances.

LOCATOR MAP



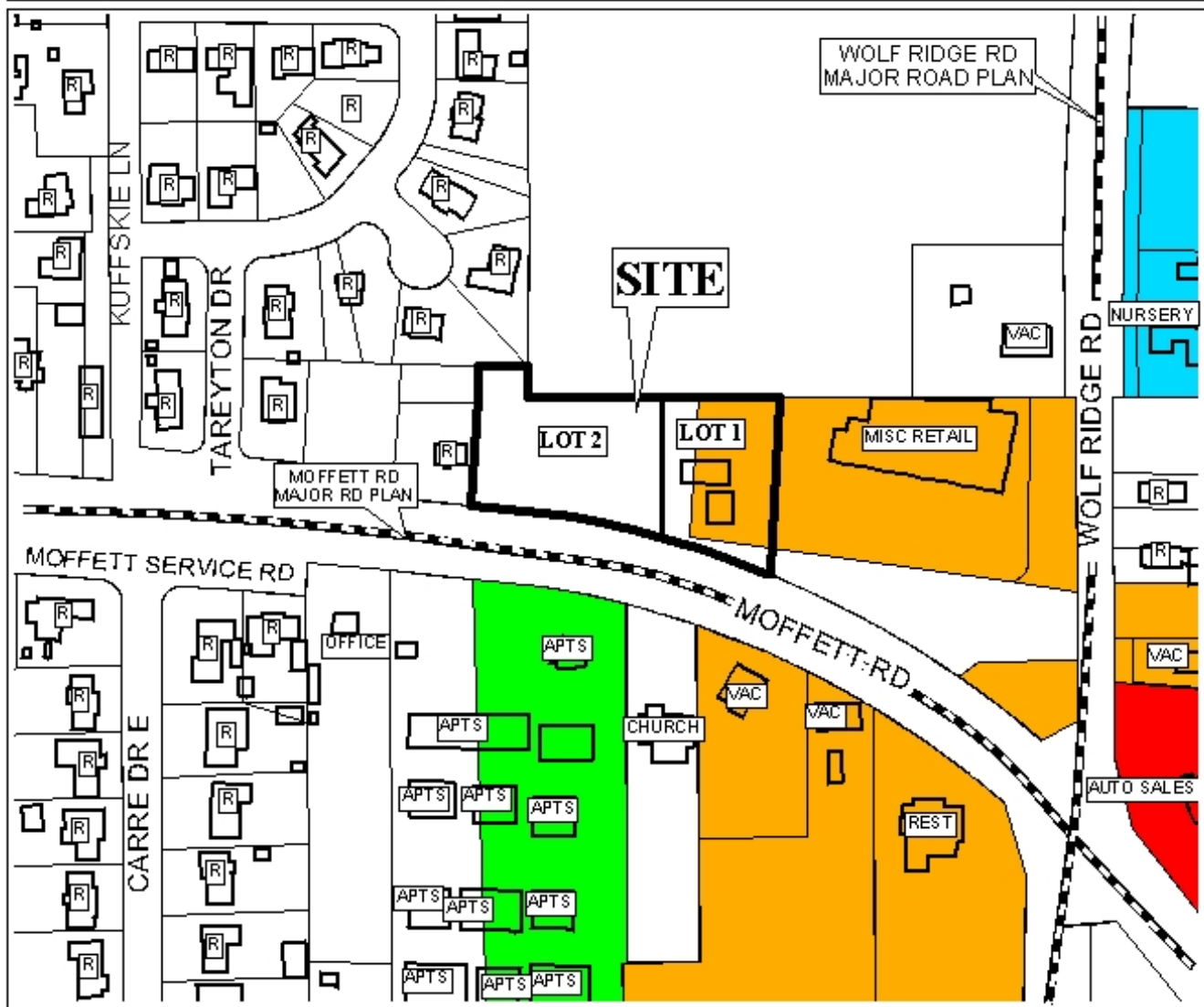
APPLICATION NUMBER 9 DATE April 7, 2005

APPLICANT Truc Mai

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



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



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

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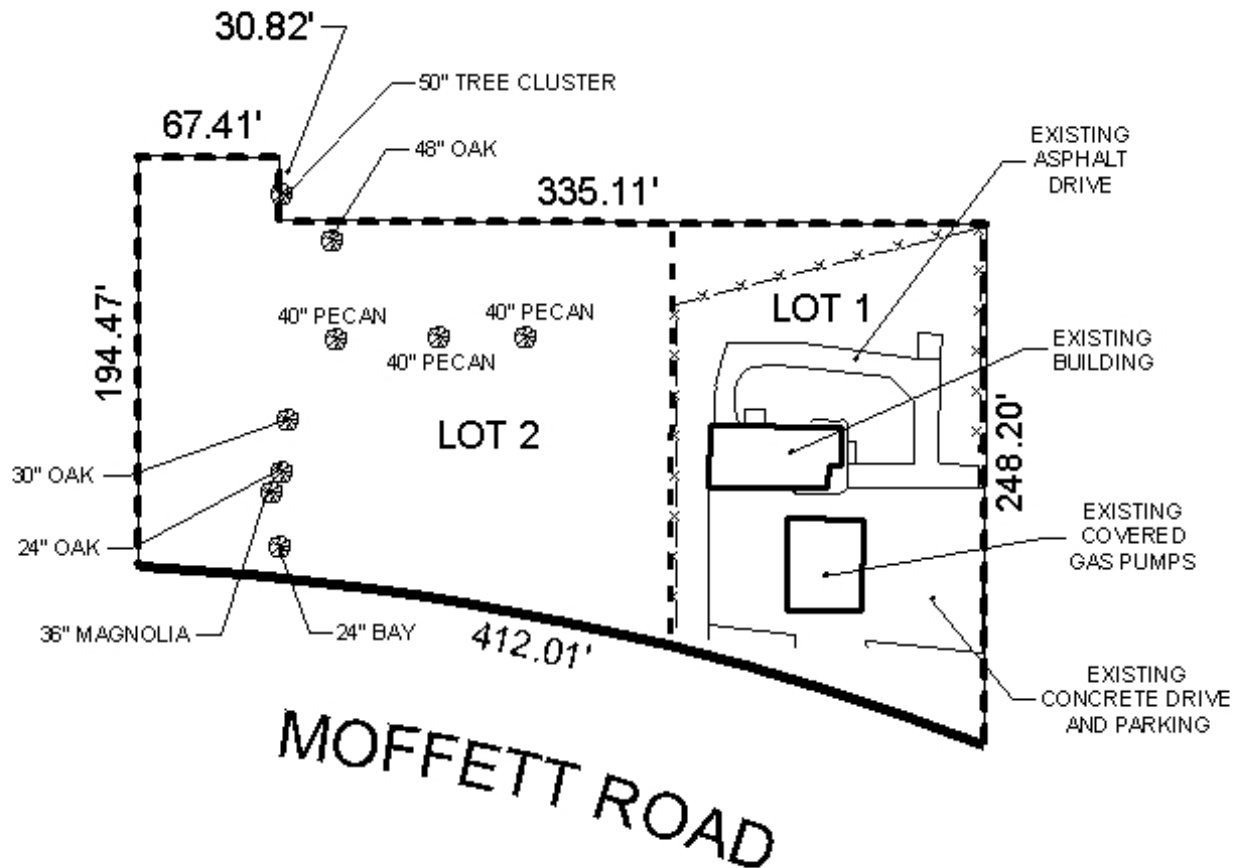
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LEGEND

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
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SITE PLAN



The site is located on the North side of Moffett Road, 480' West of Wolf Ridge Road. The plan illustrates the existing lots, structures, parking and trees.

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