

ZONING AMENDMENT STAFF REPORT**Date: May 19, 2005**

<u>NAME</u>	White-Spunner & Associates (Nancy Stone, Agent)
<u>LOCATION</u>	West side of University Boulevard, 800 feet \pm south of Overlook Road
<u>CITY COUNCIL DISTRICT</u>	District 7
<u>PRESENT ZONING</u>	R-1, Single-Family Residential District
<u>PROPOSED ZONING</u>	LB-2, Limited Neighborhood Business District
<u>AREA OF PROPERTY</u>	2.03 acres \pm
<u>CONTEMPLATED USE</u>	Retail shopping 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.
<u>REASON FOR REZONING</u>	The applicant states that the property is no longer desirable for residential use due to the following conditions: the property fronts onto a newly opened four lane major roadway; the property is contiguous to a B-2, Neighborhood Business district to the north; and a large site across the street is zoned R-3, Multi-Family district, to permit an apartment complex development.
<u>TIME SCHEDULE FOR DEVELOPMENT</u>	Immediate
<u>ENGINEERING COMMENTS</u>	Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit.
<u>TRAFFIC ENGINEERING COMMENTS</u>	Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.
<u>URBAN FORESTRY COMMENTS</u>	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 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.

REMARKS

The applicant is requesting rezoning from R-1, Single Family Residential to LB-2, Limited Neighborhood Business for a retail shopping center. Various businesses that generally comprise a retail shopping center are allowed by right in LB-2 districts.

The site is illustrated as residential 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 property fronts University Boulevard, a major street. West and southwest of the property are single-family residences in an R-1 district, while across University is an undeveloped parcel, zoned R-3, Multi-Family Residential district, which is planned for an apartment complex. North of the site is a church located in an R-1 district, while northeast of the site are undeveloped parcels with a B-2, Neighborhood Business district designation, that are being considered for a convenience store development.

The applicant received subdivision approval from the Planning Commission on July 20, 2001, to subdivide a parcel, including the site in question, into three lots. As University Boulevard is a major street, access management is a concern. Included as part of the July 20, 2001 Letter of Decision for the original subdivision, an agreement regarding curb cuts for the lots in question was reached, and thus applies to this rezoning application. The site in question, according to the 2001 agreement, will have no more than one 40-foot wide curb-cut, and half of a 40-foot wide curb-cut that is shared with the lot to the north. The applicant has proposed two 24-foot wide curb-cuts. The number, location, size and design of any curb-cuts must be approved by Traffic Engineering, conform to AASHTO standards, and comply with the curb-cut provisions contained within the July 20, 2001 Letter of Decision for the original subdivision.

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 states that the site is no longer desirable for residential use because it is located on a major road, is next to a B-2 zoning district to the north, being developed for a convenience store, and is across the street from property that is being developed for apartments.

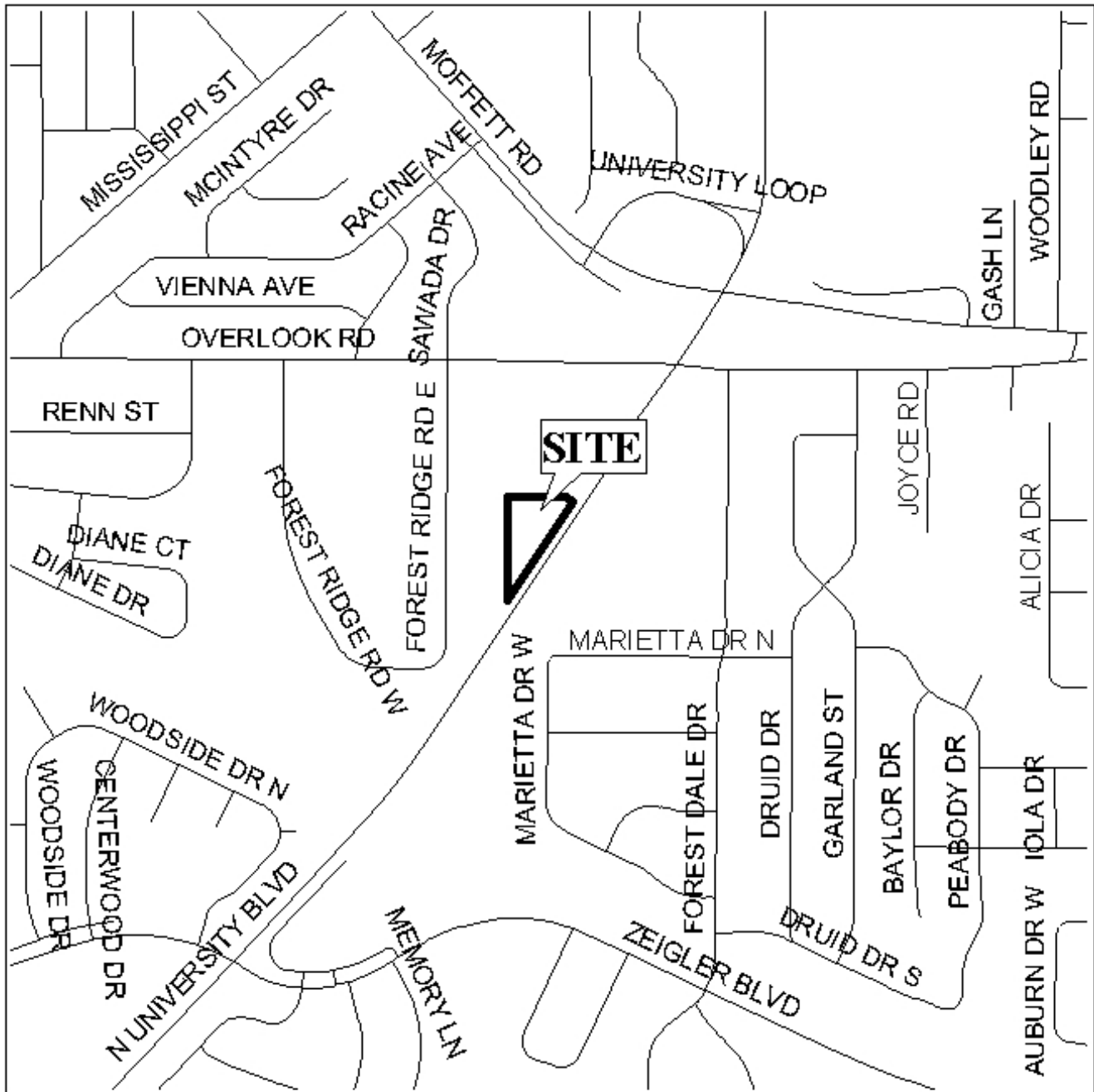
Rezoning of the site to LB-2, Limited Neighborhood Business, would permit a variety of general retail and office uses, but would exclude automotive service uses, bars and liquor stores. Thus, an LB-2 zoning designation would give the applicant a much wider variety of potential uses, but would still generally be compatible with adjacent residential uses in a manner similar to a B-1, Buffer Business district.

As with any rezoning, the site 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 the lot from R-1 to LB-2 be approved, subject to the following conditions: 1) compliance with the landscaping and tree planting requirements of the Zoning Ordinance; 2) provision of a sidewalk for the site along University Boulevard, 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; 4) number and location of curb-cuts to be in compliance with the Conditions of Approval for the University/Overlook Subdivision, design to be approved by Traffic Engineering and conform to AASHTO standards; and 5) full compliance with all municipal codes and ordinances.

LOCATOR MAP



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APPLICANT White-Spunner & Associates (Nancy Stone, Agent)
REQUEST Rezoning From R-1 to LB-2



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Single-family residential dwellings are located west and south of the site.
Vacant land is to the north and east.

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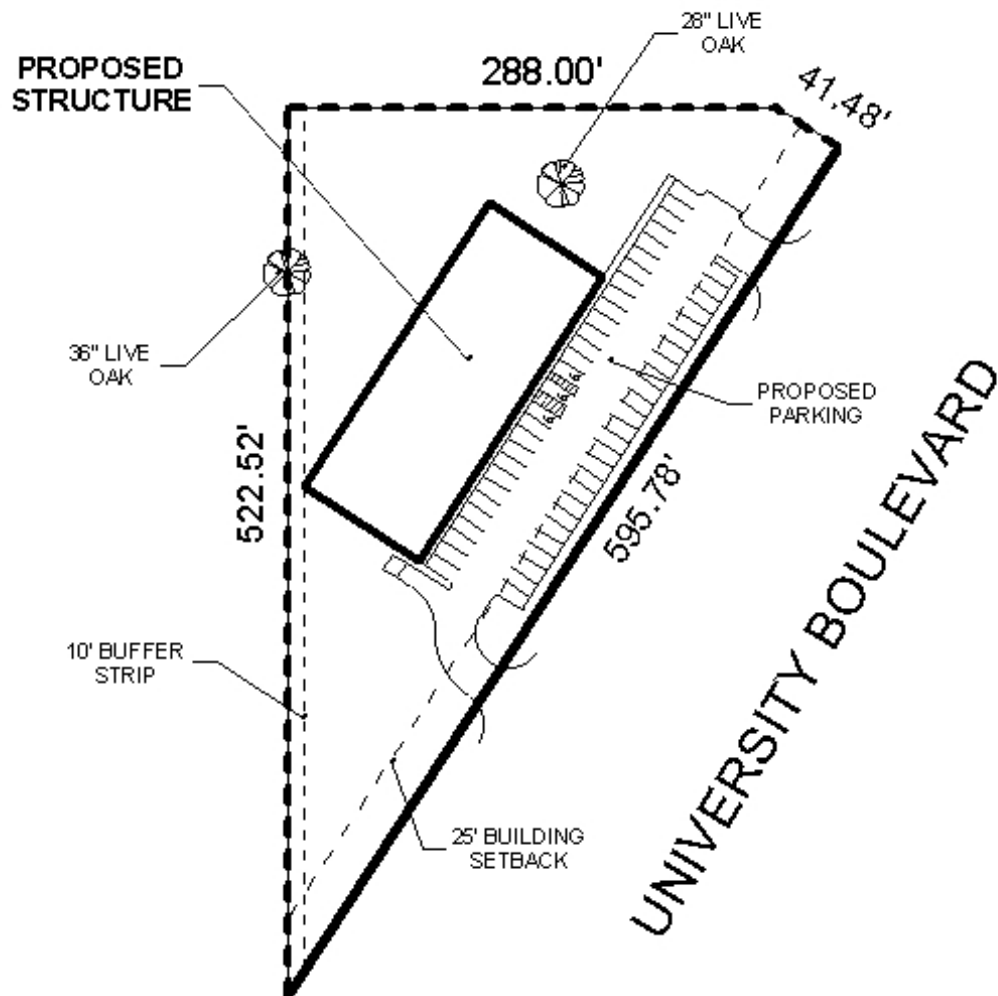
LEGEND

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 West side of University boulevard, 800' South of Overlook Road. The plan illustrates the proposed development.

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