

REZONING STAFF REPORT

Date: March 3, 2005

APPLICANT NAME Billy Hill

LOCATION 1957 Government Street

CITY COUNCIL DISTRICT District 3

PRESENT ZONING B-1, Buffer Business

PROPOSED ZONING B-3, Community Business

AREA OF PROPERTY 1.10± Acres

CONTEMPLATED USE 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.

TIME SCHEDULE 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, 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).

REMARKS The applicant is proposing development of the site as a retail strip center. The application does not provide any specifics regarding tenants, but simply states that B-3 zoning is required for the intended use.

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.

Government Street is a major street as shown on the Major Street Plan and as such requires some alternative method of access management. Given the nature and character of development in this area, a limitation on the number, size and location of curb cuts would be appropriate.

The site is located on a major street, near the intersection of two major streets, and is adjacent to a B-3 district to the West. The properties across Government Street are zoned B-2 and B-3; and the property across Cherokee Street is zoned B-1. The properties to the South, along Cherokee Street, are zoned R-1, Single-Family Residential.

The site meets the locational guidelines and may be considered an expansion of an existing district; there are, however, several other factors which should be taken into consideration.

While some uses that may locate in a retail strip center require B-3 zoning, most do not. In fact, most retail strip centers are zoned B-2, Neighborhood Business; and, several new developments have opted for the slightly more restrictive LB-2, Limited Neighborhood Business, in order to afford a little more protection to neighboring residential properties.

The site is located within the area of the Government Street Zoning Study that was adopted in 1984. As a result of that study, the site was rezoned from B-3 to B-1. At that time the Planning Commission and City Council considered B-1 to be the most appropriate zoning classification for the site. Since that time there have been very few changes in conditions in the area. The biggest change in condition is to the site itself – a fire damaged the house and it was recently demolished.

An application for rezoning to B-2 was presented to the Planning Commission in 1995. The proposed use at that time was an auto-parts store. That application was denied by both the Commission and the City Council based upon issues specific to the proposed development and considerable opposition from the neighborhood.

As with the previous application, there are issues specific to the proposed development that are of concern and should be addressed. The first is the proposed access to Cherokee Street, a minor residential street. As has been referenced in numerous other applications, commercial access to a minor residential street is not a desirable situation. This is especially true given the intensity of uses that would be permitted in a B-3 district and the proximity of the proposed access point to the adjacent residential property.

Another concern is that of parking. The proposed development actually exceeds the minimum parking requirements (by six spaces); however, there is not adequate parking on site to allow for any type of food or beverage establishment. While this “discrepancy” should not have a direct bearing on whether the site should be rezoned, it should be noted as a condition if the request is recommended for approval.

The legal description provided with the application is a metes and bounds legal description describing the overall parcel. However, previous application (which included a one lot subdivision), the City of Mobile Lot and Block Maps, and the legal description used for the Government Street Zoning Study indicated that the site was in fact two parcels. Therefore, a subdivision application to establish the site as a legal lot of record should be required.

RECOMMENDATION Based on the preceding, it is recommended that the request for B-3 not be approved, and the Commission consider a recommendation for approval of LB-2, subject to the following conditions: 1) denial of access to Cherokee Street; 2) the be limited to one curb cut to Government Street, size, location and design to be approved by the Traffic Engineering Department; 3) provision of an 8’ privacy fence along the South property line; 4) no establishment serving food and/or beverages allowed, unless parking facilities in compliance with the minimum requirements of the Zoning Ordinance (1/300 sq.ft. for office/retail and 1/100 sq.ft. for food/beverage establishment[s]) are provided on site; 5) submission and recording of a one lot subdivision prior to the issuance of any permits; and 6) full compliance with all municipal does and ordinances.

