

**ZONING AMENDMENT,
& SUBDIVISION STAFF REPORT**

Date: May 19, 2005

APPLICANT NAME

Gulf Hauling (Lamar Harrison, Agent)

SUBDIVISION NAME

Shady Brook Gardens Subdivision, Resubdivision of Lot 10 and a portion of Lot 11

LOCATION

South side of Pleasant Valley Road, 350 feet ± west of Delmar Drive

**CITY COUNCIL
DISTRICT**

District 5

PRESENT ZONING

R-1, Single-Family Residential

PROPOSED ZONING

B-3, Community Business District

AREA OF PROPERTY

11.8 acres ±

CONTEMPLATED USE

Car rental facility.

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**

“Owner is requesting that Lot 1 of the proposed subdivision be rezoned from R-1 to B-3 to allow construction and operation of a car rental facility. There is a B-3 zoning district across Grayson Drive from the subject property and also adjacent to and south of the subject property. There is also a B-1 and B-2 zoning district across Pleasant Valley Road from the subject property. There is a large residential area to the east, but this will be separated from the subject property by Lot 2 of the proposed subdivision which will remain R-1.”

**TIME SCHEDULE
FOR DEVELOPMENT**

Immediate

**ENGINEERING
COMMENTS**

Due to existing flooding problems of properties on Delmar Drive, detention for a 100 year storm with a 10 year discharge will be required. In addition, all stormwater detention should be accomplished above the AE Flood zone. 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).

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 and Subdivision Approvals to allow an automobile rental business on a portion of the site. Automobile rentals are allowed by right in a B-3, Community Business District.

The 11.8 acre ± subdivision site, which includes the 2.3 acre ± portion proposed for rezoning, is currently vacant and wooded. The site fronts Pleasant Valley Road to the north, a minor street, and has as its eastern boundary single-family residences in an R-1, Single-Family District, that face Delmar Drive, a minor street. West of the site is an undeveloped right-of-way, beyond which are multiple auto dealerships in a B-3 district, facing the eastern service road for Interstate 65. North, across Pleasant Valley Road, are miscellaneous office and retail uses in B-1, Buffer Business, and B-2, Neighborhood Business districts. The portion of the site being considered for rezoning is located at the northwest corner of the site, approximately 185 feet west of existing single-family residences.

While Pleasant Valley Road is a minor street, access management is a concern due to the size of the subdivision site and the corresponding development potential for the site. Therefore, it is recommended that the subdivision be limited to one curb-cut per lot, with the size, design and location to be approved by Traffic Engineering, and conform to AASHTO standards.

The proposed subdivision will create two lots; “Lot 1” will be approximately 2.3 acres, and “Lot 2” will be approximately 9.5 acres. Lot 2, as proposed, will have a depth to width ratio of 8 (depth is 8 times the width), which exceeds the 3.5 recommended in Section V.D.3. of the Subdivision Regulations. Development of Lot 2 in the future may require additional subdivision and the provision of a public street, thus a waiver of Section V.D.3. may be appropriate at this time.

The undeveloped Grayson Drive right-of-way, to the west of the site, could be developed to provide additional access to the site. However, City records show that the right-of-way width is 50-feet, and thus not in agreement with the width depicted on the plat. Additional dedication

may be required from the centerline of the undeveloped right-of-way to ensure a minimum right-of-way of 50-feet, if it is determined that the existing right-of-way is less than required by Section V.B.14. of the Subdivision Regulations. Furthermore, the site potentially has street corner frontage, if the undeveloped right-of-way is opened for public use. According to Section V.B.16., “*Curb radii shall not be less than 20 feet.*” Additionally, according to Section V.D.6., “*Where necessary by reason of curb radii, property lines at street intersection corners shall be arcs having radii of at least 10 feet or shall be chords of such arcs.*” The site does not appear to comply with either Section, thus the plat should be revised to reflect these requirements.

The 25-foot minimum building setback line from the right-of-way edge is not shown but would be required on the Final Plat, if approved.

The site is bisected by open ditches, which form the northern arm of Bolton’s Branch, a tributary of Eslava Creek. Wetlands associated with the creek may occur on a portion of the site, and the site appears to be partially located in the “floodway” and “100-year” frequency flood zone as depicted on FEMA maps, and thus may be subject to flooding. The presence of wetlands and floodplains indicate that the area may be environmentally sensitive; therefore, the approval of all applicable federal, state and local agencies would be required prior to the issuance of any permits.

Regarding the zoning application, the entire subdivision site appears to be depicted 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. The accuracy of recommended land uses on the General Land Use Component map is limited due to the large scale of the map. 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 request, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and zoning classification.

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 proposed B-3 zoning category for Lot 1 will permit the proposed automobile rental use, which would be compatible with adjacent *commercial* uses. The proposed rezoning, however, would result in the eastward movement of commercial uses, across right-of-way for Grayson Drive, infringing upon nearby established residential neighborhoods. Furthermore, other uses permitted within a B-3 district, while compatible with adjacent commercial uses, would be less desirable for location next to existing or future residential uses. Thus the proposed Lot 2, which would remain zoned R-1, Single-Family District, would likely not be suitable for residential development due to the adjacent commercial uses. Residents along Delmar Drive have contacted

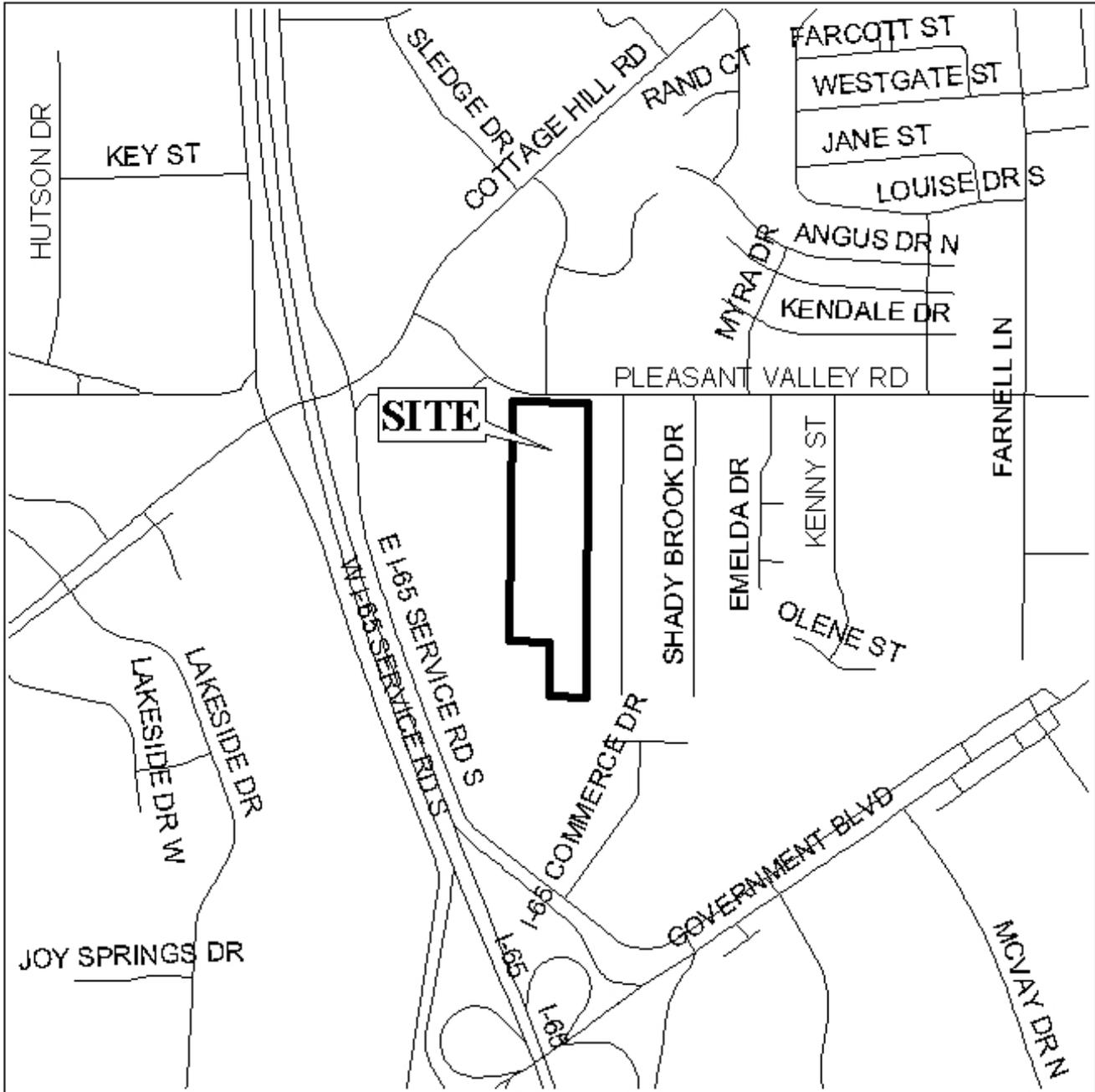
department staff and expressed concern regarding additional commercial uses to the west of their homes, particularly as it relates to noise generated after normal business hours. Furthermore, the applicant has not indicated how the proposed rezoning fulfills any of the four conditions related to amending the Zoning Ordinance and map; no error or change in conditions have been identified, nor has the need to create additional building sites been substantiated as necessary, though it has been implied that such a change would be desirable.

RECOMMENDATION

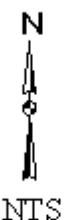
Rezoning: The Rezoning request is recommended for Denial for the following reasons: 1) no error has been shown in the Ordinance; 2) no change in conditions have been identified in the area that would make such a change necessary or desirable; 3) no need to increase the number of sites available to business or industry has been identified; and 4) the need to reclassify the land due to subdivision has not been shown to be necessary in order to permit development.

Subdivision: With a waiver of Section V.D.3., the Subdivision request is recommended for Tentative Approval, subject to the following conditions: 1) the depiction of the 25-foot minimum building setback line from right-of-way along Pleasant Valley Road; 2) placement of a note on the Final Plat stating that lots 1 and 2 are limited to one curb cut each, with the size, location and design to be approved by Traffic Engineering, and conform to AASHTO standards; 3) dedication of sufficient right-of-way from the centerline of the undeveloped Grayson Drive to provide the minimum width required by required by Section V.B.14. of the Subdivision Regulations; 4) redesign of the subdivision to provide a 10-foot radius or chord at the corner of Grayson Drive and Pleasant Valley Road, in accordance with Section V.D.6.; and 5) the approval of all applicable federal, state and local agencies regarding the wetlands and floodplain issues.

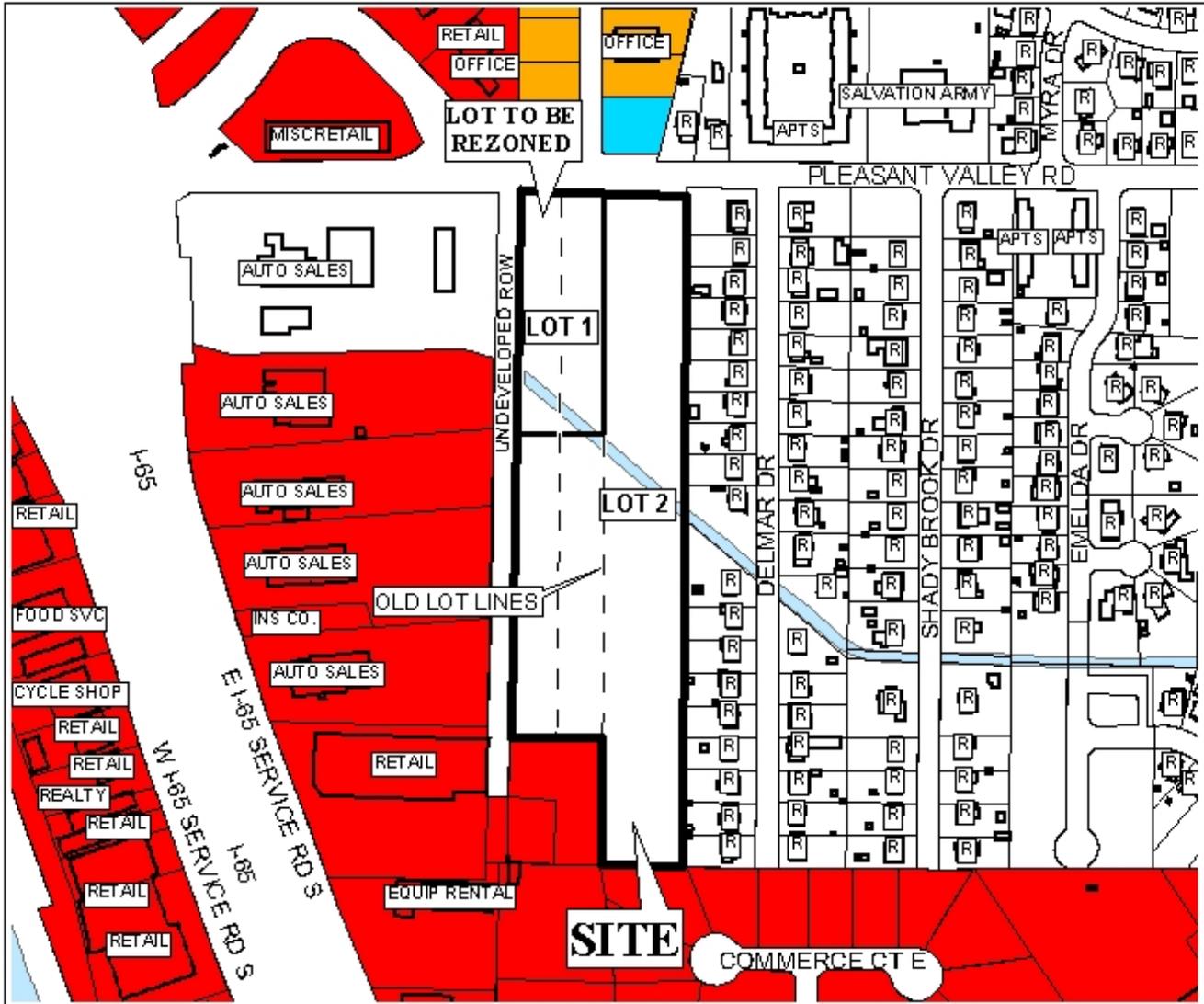
LOCATOR MAP



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REQUEST Rezoning and Subdivision



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING

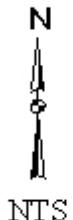


Single-family residential dwellings are to the east of the site and mixed commercial land use is to the south, west and north.

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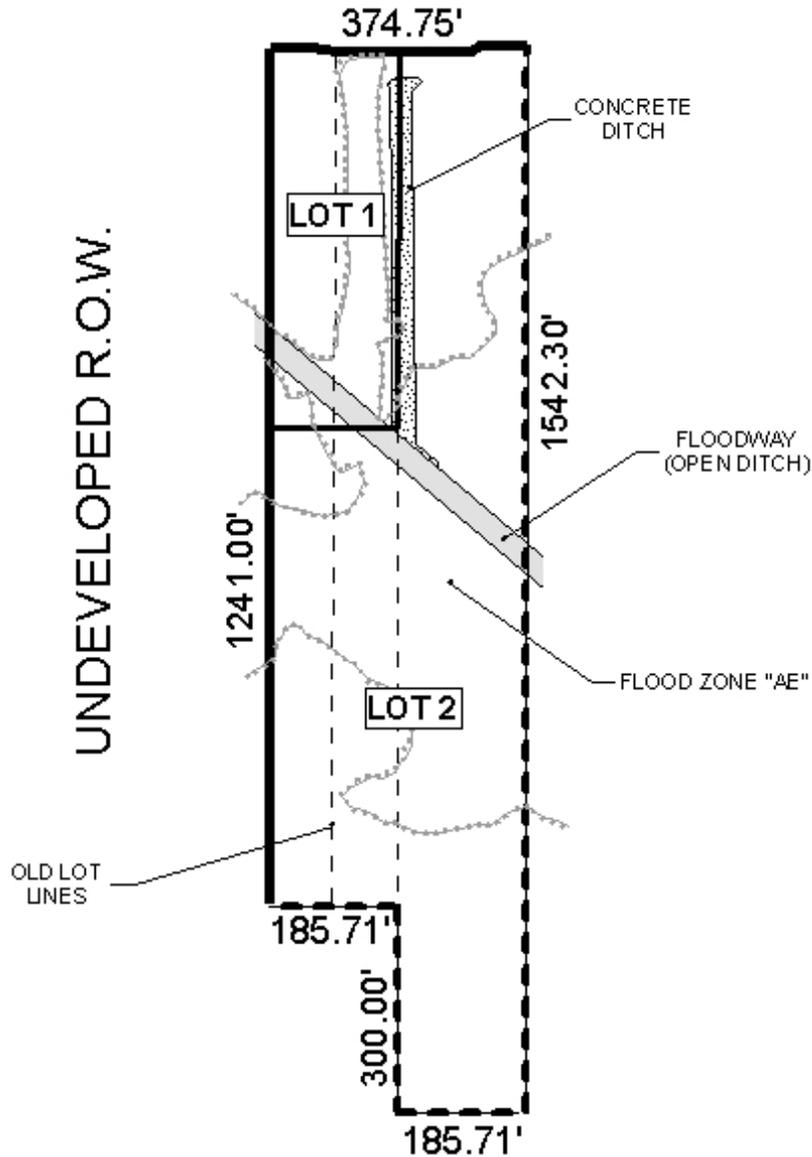
LEGEND

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

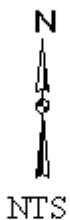


DETAIL SITE PLAN

PLEASANT VALLEY ROAD

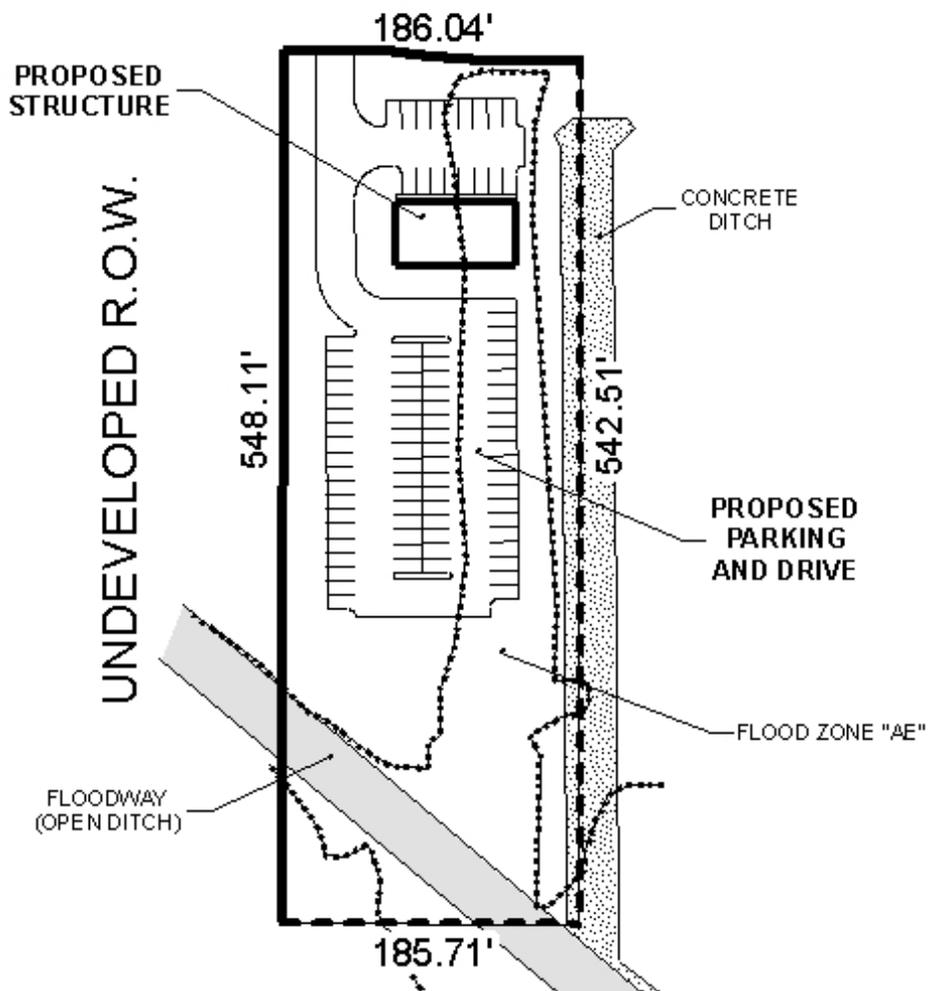


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SITE PLAN

PLEASANT VALLEY ROAD



The site is located on the South side of Pleasant Valley Road, 350' West of Delmar Drive. The plan illustrates the existing drainage and proposed structures.

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