

**ZONING AMENDMENT  
& SUBDIVISION STAFF REPORT****Date: September 2, 2010****APPLICANT NAME**

Douglas L. Anderson

**SUBDIVISION NAME**

Boothe Subdivision

**LOCATION**

1512 and 1514 South Broad Street  
(West side of South Broad Street, 200'± South of Sutton Avenue, extends to the Illinois Central Gulf Railroad right-of-way)

**CITY COUNCIL  
DISTRICT**

District 3

**PRESENT ZONING**

R-1, Single-Family Residential District; and B-3, Community Business District

**PROPOSED ZONING**

I-1, Light Industry District

**AREA OF PROPERTY**

3.6 Acres ±

**CONTEMPLATED USE**

Subdivision approval to create a legal lot of record, and Zoning approval to rezone the site from R-1, Single-Family Residential District; and B-3, Community Business District to I-1, Light Industry District, to allow a probation office and eliminate split zoning.

**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**

Applicant states manifest error in the zoning ordinance and changes in condition in the area.

**TIME SCHEDULE  
FOR DEVELOPMENT**

Immediately

**ENGINEERING  
COMMENTS**

Must comply with all storm water and flood control ordinances. Any increase in impervious area in excess of 4,000 square feet will require detention. Any work performed in the right of way will require a right of way permit. Drainage

from any new dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer.

## **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 projects must comply with the requirements of the 2003 International Fire Code, including Appendices B through D, as adopted by the City of Mobile, and the 2003 International Existing Building Code, as appropriate. Fire hydrants shall be provided per Section 508.5.1 of the 2003 IFC. Access to building shall be provided per Section 503.1.1 & 503.2.1 of the 2003 IFC.

## **REMARKS**

The applicant is requesting Subdivision approval to create a single legal lot of record from nine (9) existing parcels, and Zoning approval to rezone the proposed lot from R-1, Single-Family Residential District and B-3, Community Business District, to I-1, Light Industry District, to allow a probation office and eliminate split zoning.

The site is currently developed with an existing warehouse and aggregate parking area. The warehouse is proposed to be partially renovated to accommodate a probation office, with the remainder of the building being vacant space, which is proposed to be renovated into office space at a later time. Additionally, asphalt parking and maneuvering areas are also proposed to be constructed.

This site has been before the Planning Commission previously, in January, 2009 and then again in March, 2010. In January 2009, two lots of record were approved as well as rezoning of the property to I-1. This application included property to the North of this site, as well as a portion of the Lucille Street right-of-way, which the applicant proposed to vacate. The applicant came again to the Planning Commission in March 2010 to request a one-lot subdivision to modify the lot lines of the previous Subdivision approval. This lot again contained a portion of the Lucille Street right-of-way. The applicant failed to begin the process of vacation for Lucille Street, thus the Subdivision application could not be completed. Additionally, the rezoning conditions, which required completion of the Subdivision process and vacation of the Lucille Street right-of-way, among other conditions, were never completed.

In June 2010, the applicant submitted building plans for the site, however, because the conditions of the earlier Planning Commission approvals had not been met, as well as other issues with the site, permits could not be issued. The applicant has now revised his requests to only include one lot which does not include the Lucille Street right-of-way.

To the North of the site, the abutting property is zoned R-1, Single-Family Residential and B-3, Community Business District. Across Broad Street to the east, the property is zoned I-2, Heavy Industry District and B-3, Community Business District. To the South, abutting property is zoned R-1, Single-Family Residential District and B-3, Community Business District. Finally, to the West are the Illinois Central Gulf Railroad, L&N Railroad, and Interstate 10 rights-of-way.

As stated in Section 64-9 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 site appears to be depicted as being on the border between commercial and industrial 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.

The applicant's justification for rezoning is that "there is a manifest error in the Zoning Ordinance, as this property is not practical for residential use and is adjacent to the I-10 Interstate as well as a railroad track." The applicant further states that there have been changes in condition in the area, but does not elaborate as to what those changes have been.

The site is already developed commercially. In this case, the site is split-zoned, and the subdivision, if approved, would consolidate several lots, and thus, the split zoning would need to be removed. Regarding the applicant's assertion that there is a manifest error in the Zoning Ordinance, this point appears to be in error, as the site could be used residentially, although that may not be the best use of the land. Further, there are changing conditions in the area, specifically the ongoing development of the adjacent Brookley Field Complex.

As was stated in the original 2009 staff report, the site is already developed, and the building is partially on B-3 zoned land and partially on R-1 zoned land. The site is in the immediate vicinity of the Brookley Industrial Complex, and an I-1 use would not be out of character for the area. However, the site will directly abut an existing residential neighborhood. The applicant's proposed use for the site is general offices. A rezoning to B-5, Office-Distribution District would allow offices, as well as other uses such as warehousing and distribution. A B-5 use would allow the applicant to conduct the proposed use as well as allow for future expansion of the site to allow other uses, but it would not allow some of the heavier uses which are allowed in an industrial district.

Further, given the applicant's proposed uses, it would seem that the only reason that the applicant is requesting I-1 zoning is the fact that only landscaping area and frontage tree planting are required in I-1 districts, while B-5 zoning districts require all tree plantings. Due to the proximity to the existing neighborhood and the intended uses, rezoning to B-5 would seem more appropriate as it would protect the existing residential area, which is a paramount goal of the Zoning Ordinance.

The rezoning, if approved, should be contingent upon bringing the entire site into compliance with parking and landscaping and tree planting requirements of the Zoning Ordinance. As the site abuts existing residentially zoned and utilized property, compliance with Section 64-4.D.1 should be required.

It should be noted that the applicant, in the narrative for the rezoning, requests that residential buffer requirements be temporarily waived as the applicant proposes vacation of the Lucille Street right-of-way. Only the Board of Zoning Adjustments can waive a requirement of the Zoning Ordinance, thus the applicant should apply to that forum with the buffer waiver request.

Subdivision review examines the site with regard to promoting orderly development, protecting general health, safety and welfare, and ensuring that development is correlated with adjacent developments and public utilities and services, and to ensure that the subdivision meets the minimum standards set forth in the Subdivision Regulations for lot size, road frontage, lot configuration, etc.

The proposed lot is of sufficient size and has sufficient public right-of-way frontage to be compliant with the requirements of the Subdivision Regulations. The lot area size is depicted on the plat and should be retained on the Final Plat, if approved.

The proposed lot has frontage along Broad Street, a proposed major street as shown on the Major Street Plan Component of the Comprehensive Plan. The Major Street Plan dictates a right-of-way of 100 feet for this proposed major street. As depicted on the preliminary plat, the current right-of-way of Broad Street is 50 feet. As such, dedication sufficient to provide 50 feet from the centerline of the right-of-way should be required, as has been required in the previous applications, which were not finalized.

The site also fronts the unopened 30-foot right of way of Lucille Street. As previously mentioned, the applicant proposes to vacate Lucille Street. As the applicant owns all of the property to the North of the right-of-way, and the property to the South of the right-of-way is developed as single-family residences with access to Nellie Street, it would not appear to be unreasonable to waive Section V.B.14. of the Subdivision Regulations regarding right-of-way width for Lucille Street only as well as Section V.D.9. regarding the front yard setback along Lucille Street only.

As South Broad Street is a proposed major street, access management is a concern. The site is developed and the proposed site plan indicated two curb cuts to the site from South Broad Street. Given the amount of frontage for the lot, two curb cuts do not seem to be unreasonable. As such,

the lot should be limited to two curb cuts, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.

The 25-foot minimum building setback is depicted for the proposed lot along Broad Street as well as along the Illinois Central Gulf Railroad right-of-way, and should be retained on the Final Plat, if approved.

The plat has an incorrect legal description. The legal description references 15-foot Northerly jog in the property along the railroad right-of-way. This appears to be left over from when the application included a portion of Lucille Street. The legal description should be corrected on the Final Plat, if approved, as well as the rezoning request.

Finally, the geographic area defined by the city of Mobile and its planning jurisdiction, including this site, may contain Federally-listed threatened or endangered species as well as protected non-game species. Development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.

## **RECOMMENDATION**

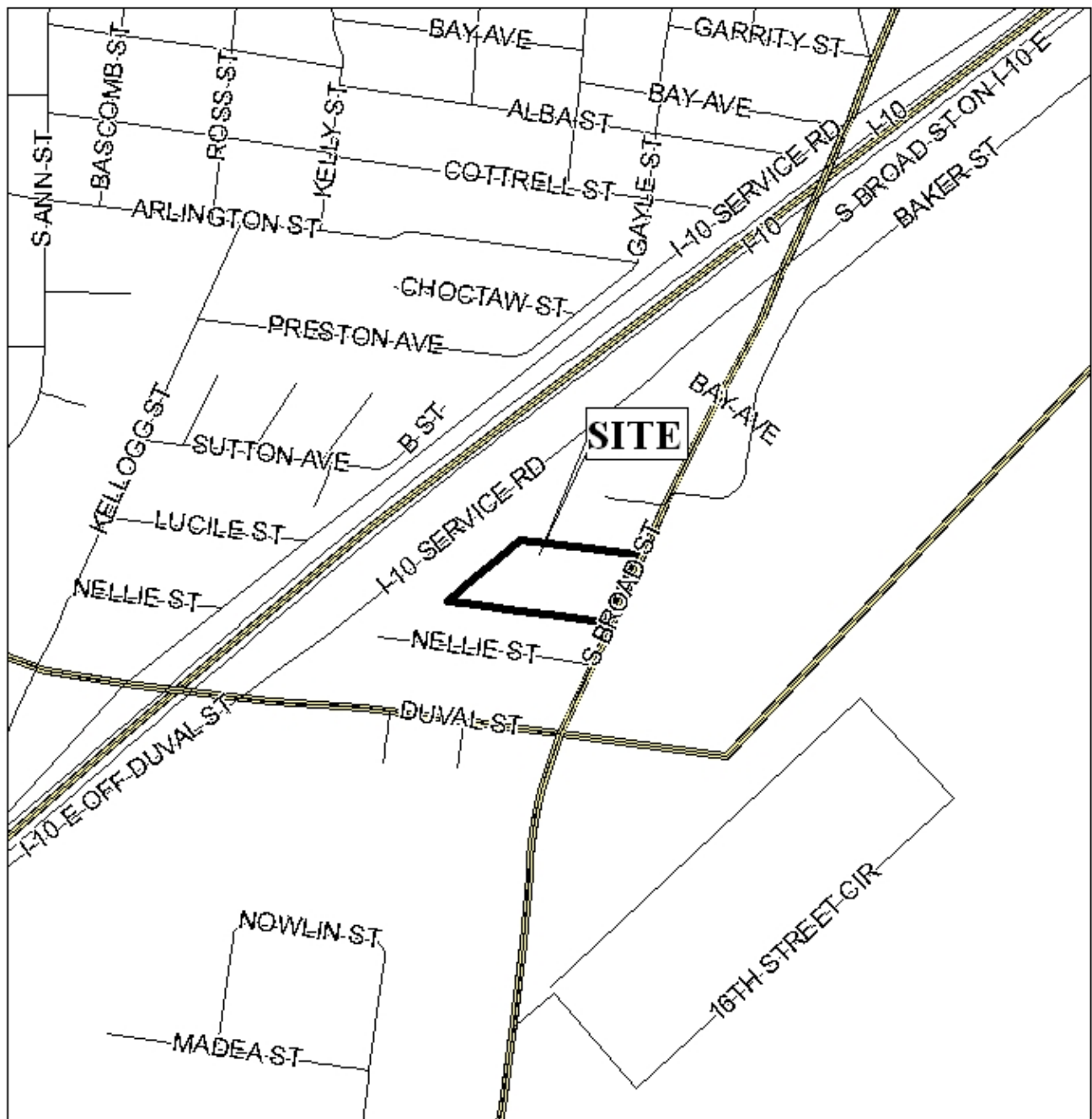
**Rezoning:** Based upon the preceding, rezoning to **B-5 Office-Distribution District** is recommended subject to the following conditions:

- 1) completion of the subdivision process;
- 2) the site be brought into compliance with parking, landscaping and tree planting requirements of the Zoning Ordinance, to the greatest extent possible (redevelopment will require full compliance);
- 3) compliance with Section 64-4.D.1 of the Zoning Ordinance;
- 4) correction of the legal description, and
- 5) full compliance with all municipal codes and ordinances.

**Subdivision:** With a waiver of Sections V.B.14. and V.D.9. of the Subdivision Regulations along the Lucille Street right-of-way only, the Subdivision request is recommended for approval subject to the following conditions:

- 1) correction of the legal description;
- 2) dedication sufficient to provide 50 feet from the centerline of the right-of-way of Broad Street;
- 3) provision of a note on the final plat stating that the site is limited to two curb cuts to Broad Street with the size, location, and design of all curb cuts to be approved by City of Mobile Traffic Engineering and conform to AASHTO standards;
- 4) retention of the 25 foot minimum building setback along Broad Street and along the Illinois Central Gulf Railroad right-of-way;
- 5) retention of lot size depictions on the final plat;
- 6) provision of a note on the final plat stating the development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species; and
- 7) full compliance with all municipal codes and ordinances.

## LOCATOR MAP



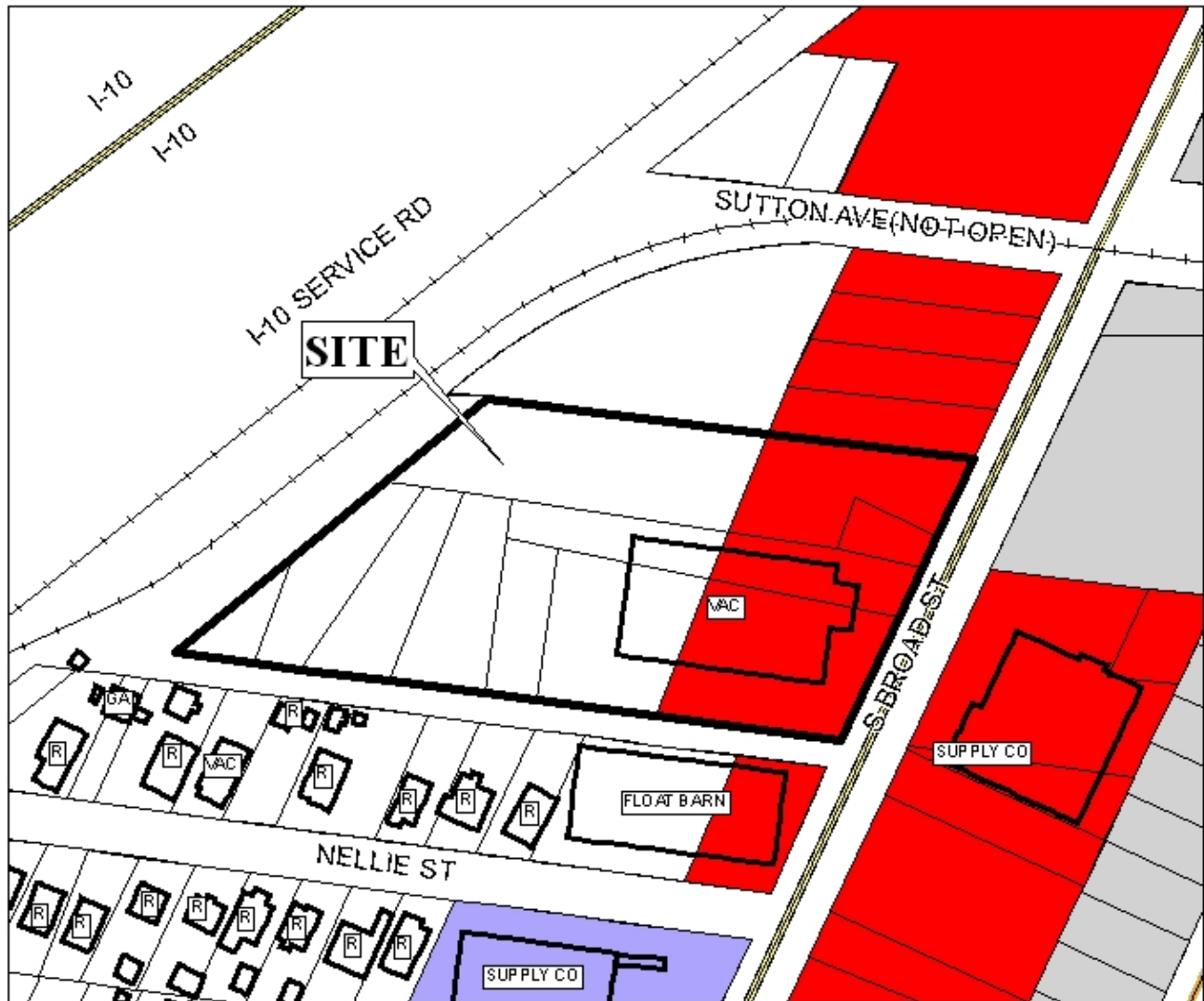
APPLICATION NUMBER 15 & 16 DATE September 2, 2010

APPLICANT Douglas L. Anderson

REQUEST Subdivision, Rezoning from R-1 and B-3 to I-1



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Single family residential units, commercial sites, and industrial sites are located to the south and east of the site.

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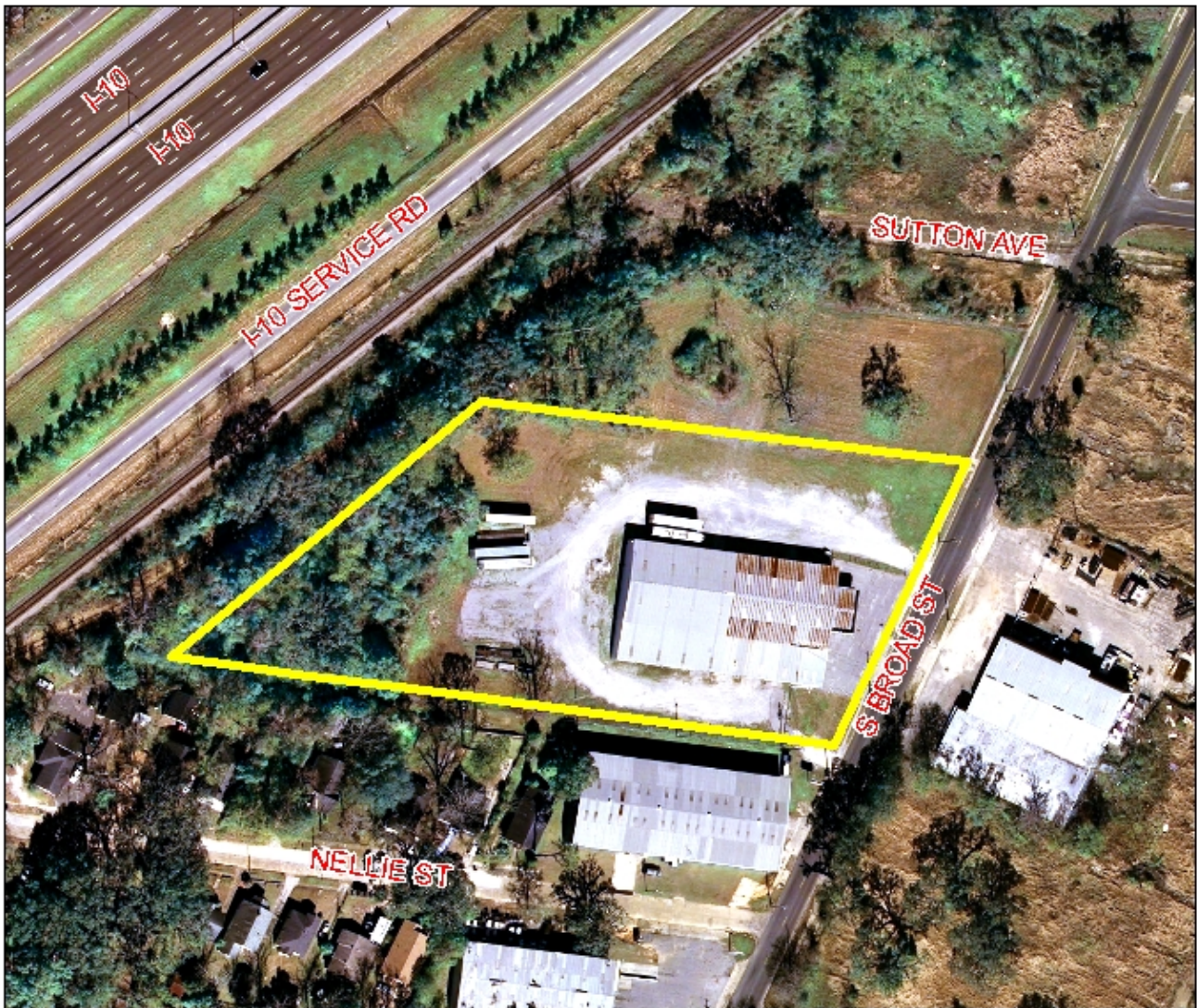
LEGEND 

|     |     |     |     |     |     |     |     |      |     |     |     |     |     |     |
|-----|-----|-----|-----|-----|-----|-----|-----|------|-----|-----|-----|-----|-----|-----|
| R-1 | R-2 | R-3 | R-A | R-B | H-B | T-B | B-1 | LB-2 | B-2 | B-3 | B-4 | B-5 | I-1 | I-2 |
|-----|-----|-----|-----|-----|-----|-----|-----|------|-----|-----|-----|-----|-----|-----|

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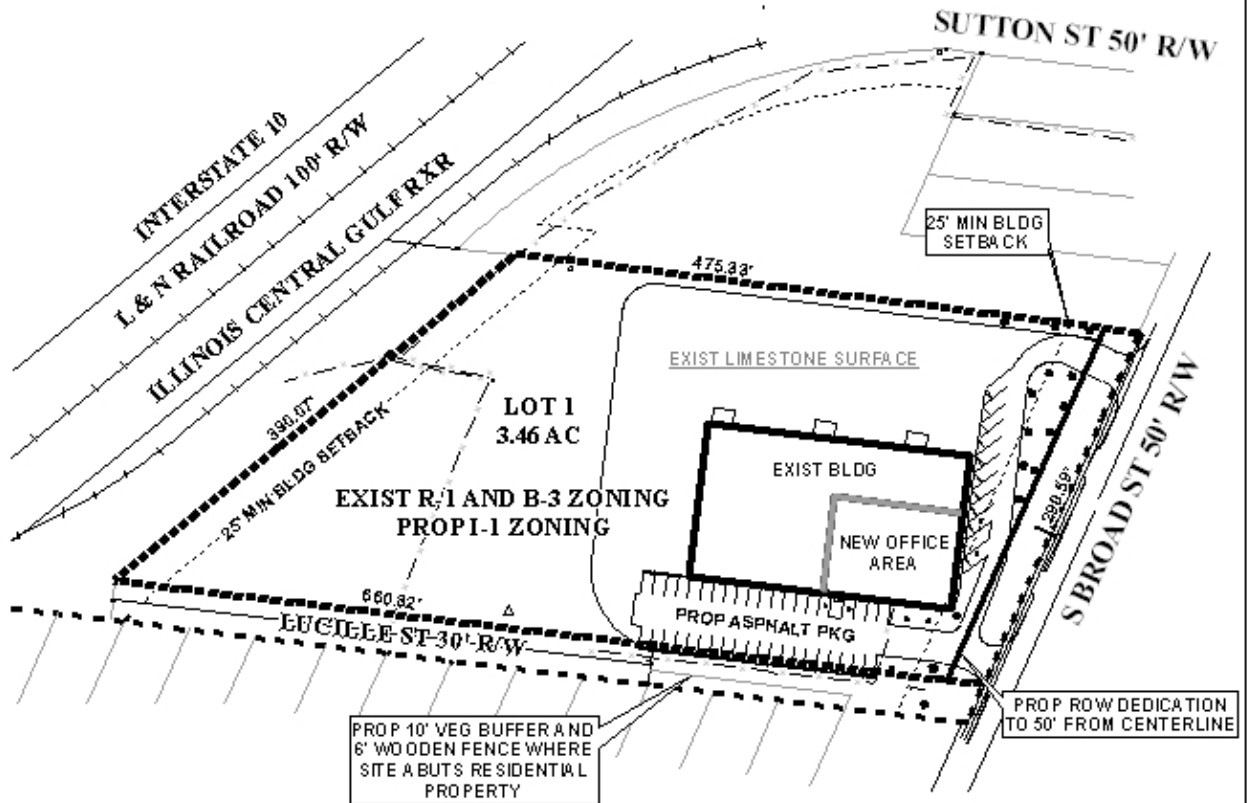
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# SITE PLAN



The site plan illustrates the proposed development

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