

ZONING AMENDMENT STAFF REPORT**Date: November 21, 2019****NAME**

A & R Thomas Holdings

LOCATION2409 Wolf Ridge Road
(Northwest corner of Wolf Ridge Road and Feed Mill Road).**CITY COUNCIL
DISTRICT**

District 1

PRESENT ZONING

B-3, Community Business District

PROPOSED ZONING

I-1, Light Industry District

AREA OF PROPERTY

3.46± Acres / 1 Lot

CONTEMPLATED USE

Rezoning from B-3, Community Business District, to I-1, Light Industry District.

It should be noted 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**

None given.

**ENGINEERING
COMMENTS**

1. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII).
2. A Land Disturbance Permit application shall be submitted for any proposed land disturbing activity with the property. A complete set of construction plans including, but not limited to, drainage, utilities, grading, storm water detention systems and paving will need to be included with the Land Disturbance permit. This Permit must be submitted, approved, and issued prior to beginning any of the construction work.
3. Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain

Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.

4. Any existing or proposed detention facility shall be maintained as it was constructed and approved. The Land Disturbance Permit application for any proposed construction includes a requirement of a Maintenance and Inspection Plan (signed and notarized by the Owner) for the detention facility. This Plan shall run with the land and be recorded in the County Probate Office prior to the Engineering Department issuing their approval for a Final Certificate of Occupancy.
5. The approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. The Owner/Developer is responsible for acquiring all of the necessary permits and approvals.
6. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

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 2015-116 and City Code Chapters 57 and 64). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site will require a tree removal permit.

FIRE DEPARTMENT

COMMENTS

All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 International Fire Code).

REMARKS

The applicant is requesting rezoning from B-3, Community Business District, to I-1, Light Industry District.

Section 64-9. of the Zoning Ordinance states that 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 has been given a Low Density Residential land use designation per the Future Land Use Plan and Map, adopted by the Planning Commission at its May 18, 2017 meeting. The Future

Land Use Plan and Map complements and provides additional detail to the Development Framework Maps in the Map for Mobile, adopted by the Planning Commission at its November 5, 2015 meeting. This designation acknowledges existing commercial development that is spread along Mobile's transportation corridors in a conventional strip pattern or concentrated into shorter segments of a corridor.

This designation applies to existing residential neighborhoods found mostly west of the Beltline or immediately adjacent to the east side of the Beltline.

The primary land use in the LDR districts is residential and the predominant housing type is the single-family housing unit, detached or semi-detached, typically placed within a street grid or a network of meandering suburban streets. The density in these districts ranges between 0 and 6 dwelling units per acre (du/ac).

These neighborhoods may also contain small-scale, low-rise multi-unit structures at appropriate locations, as well as complementary retail, parks and civic institutions such as schools, community centers, neighborhood playgrounds, and churches or other religious uses if those uses are designed and sited in a manner compatible with and connected to the surrounding context. The presence of individual ancillary uses should contribute to the fabric of a complete neighborhood, developed at a walkable, bikeable human scale.

It should also be noted that the Future Land Use Plan and Map components of the Map for Mobile Plan are meant to serve as a general guide, not a detailed lot and district plan. In many cases the designation on the new Future Land Use Map may match the existing use of land, but in others the designated land use may differ from what is on the ground today. As such, the Future Land Use Plan and Map 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, where applicable, the zoning classification.

The site has been before the Planning Commission several times before. Initially, it came before the Planning Commission in 2011 for a one-lot Subdivision, Planned Unit Development to allow multiple buildings on a single building site with shared access between multiple building sites, and Rezoning from R-1, Single-Family Residential District, to B-3, Community Business District, to allow a commercial plumbing business. The Subdivision was finalized, and the Rezoning was approved by the City Council, but the PUD was allowed to expire. New PUD approvals were granted in 2013 and 2016, but those approvals were also allowed by the applicant to expire.

The Rezoning was approved subject to the following conditions:

1. completion of the Subdivision process;
2. subject to an approved PUD; and
3. full compliance with all municipal codes and ordinances.

The applicant states the following:

2409 Wolf Ridge Road: this lot will be used as a gravel lot for parking semi-trailers. There are I-1 businesses in the adjacent vicinity and City of Mobile Future Land Use map proposes I-1 zoning in this area.

The property has recently changed ownership, and the new owner no longer wishes to have any structures on the site, and instead wishes to use the site as a parking lot for semi-trailers. Due to the fact the applicant's proposed site layout does not require a PUD, and gravel is an allowed surfacing in I-1, the applicant is requesting the rezoning to obtain relief from the rezoning condition as well as paving requirements.

The site currently has a vacant, dilapidated house which is proposed for demolition. Prior to commercial use of the property, the site must be brought into compliance with tree planting and landscape area requirements, as such was never done by the previous owner. The site plan does provide calculations showing that the site will be in compliance with landscape area as well as tree plantings. It should be noted that if the proposed rezoning is approved, that I-1 districts are only required to provide frontage trees, whereas the site plan also indicates perimeter and parking trees. While not required by the Zoning Ordinance, the applicant should be made aware that any trees illustrated on a tree and landscaping plan submitted at the time of permitting, will be required to be maintained.

A sidewalk is depicted along Wolf Ridge Road, which is the only public street frontage abutting the site. If approved, the sidewalk should be provided as depicted.

A dumpster is not depicted on the site plan. As no structure is proposed to be on the site, it is not expected that the site will generate much trash; however, a note should be placed on the site plan stating that curbside pickup will be utilized if no dumpster will be provided on site.

The site is entirely surrounded by an R-1 zoning district. The nearest non-residential zoning district (*an I-1 district, created in 1996 from an R-1 property*) is approximately 1,700' to the Northeast, along Wolf Ridge Road. All of the other commercial uses within the 1,700' distance are legal non-conforming uses, and have existed for many years. The nearest non-conforming commercial uses adjacent to the site are a feed mill and a truck transmission shop.

The Future Land Use Map (FLUM) proposes that the non-conforming properties immediately to the North and West of the site be considered for light industrial uses, however, they are not included with this application. While the FLUM depicts this site as "Low Density Residential," the abutting FLUM designations may validate the rezoning request under consideration. It should also be noted that there are no non-conforming uses within the area which have been granted variances to operate, and there have been no recent rezoning requests for commercial uses within the immediate area (*other than for the site itself*).

Because some of the adjacent R-1 properties are used residentially, a compliant residential buffer should be provided for those lots, with additional buffers being required if any of the non-

conforming commercial properties convert to residential occupancy. The submitted site plan depicts a 6' high chain link fence enclosing the property; however, the residential buffer requirement will necessitate at least a 6' high wooden privacy fence where the site abuts residential uses. The site plan also includes a note stating that a portion of the existing chain link fence will be relocated to be outside of the 25' front setback: it should be noted that chain link fences are allowed to encroach into setbacks, therefore there is no need to relocate it, unless the applicant wishes to, or if Traffic Engineering determines that there are line of sight issues due to the location of the existing fence.

While the FLUM does recommend abutting existing non-conforming commercial uses be considered for future light industrial land uses, the applicant has not clearly shown that any of the following conditions prevail for this particular property: 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.

RECOMMENDATION

Based on the preceding, the application is recommended for Denial for the following reasons:

- 1) The applicant has not shown that there is a manifest error in the Ordinance;
- 2) The applicant has not shown that changing conditions in a particular area make a change in the Ordinance necessary and desirable;
- 3) The applicant has not shown that there is a need to increase the number of sites available to business or industry; and
- 4) The applicant has not shown that the subdivision of land into building sites makes reclassification of the land necessary and desirable.

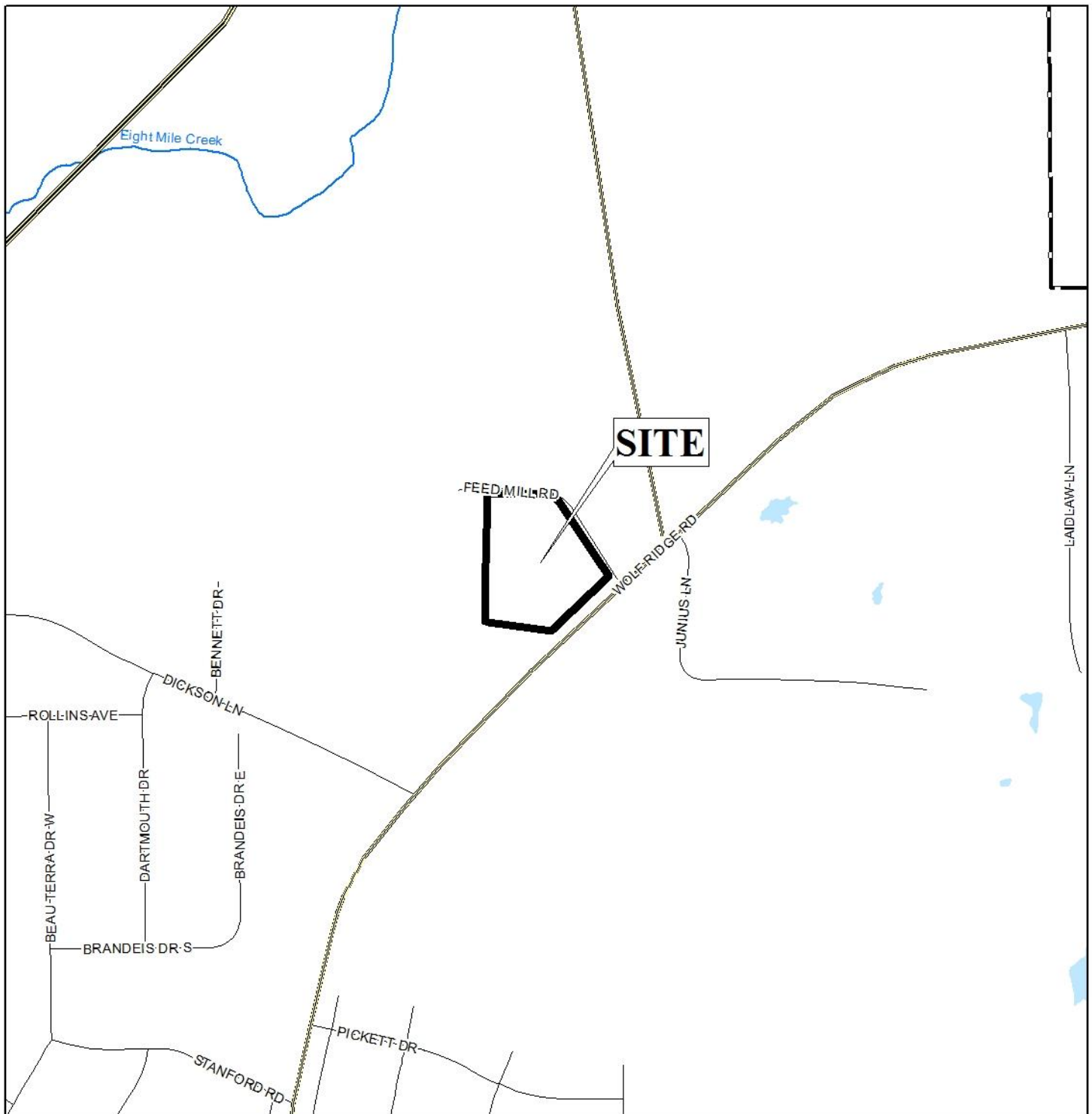
Revised for the January 23rd meeting:

The application was heldover by the Planning Commission at its November 21, 2019 meeting to allow the applicant time to request a variance from the Board of Zoning Adjustment. The applicant appeared before the Board at its January 6, 2020 meeting, where they were granted Use, Surfacing, Landscaping and Tree Planting Variances. As such, there is no need for the property to be rezoned at this time.

RECOMMENDATION

Based on the preceding, it is recommended that the applicant withdraw this application.

LOCATOR MAP



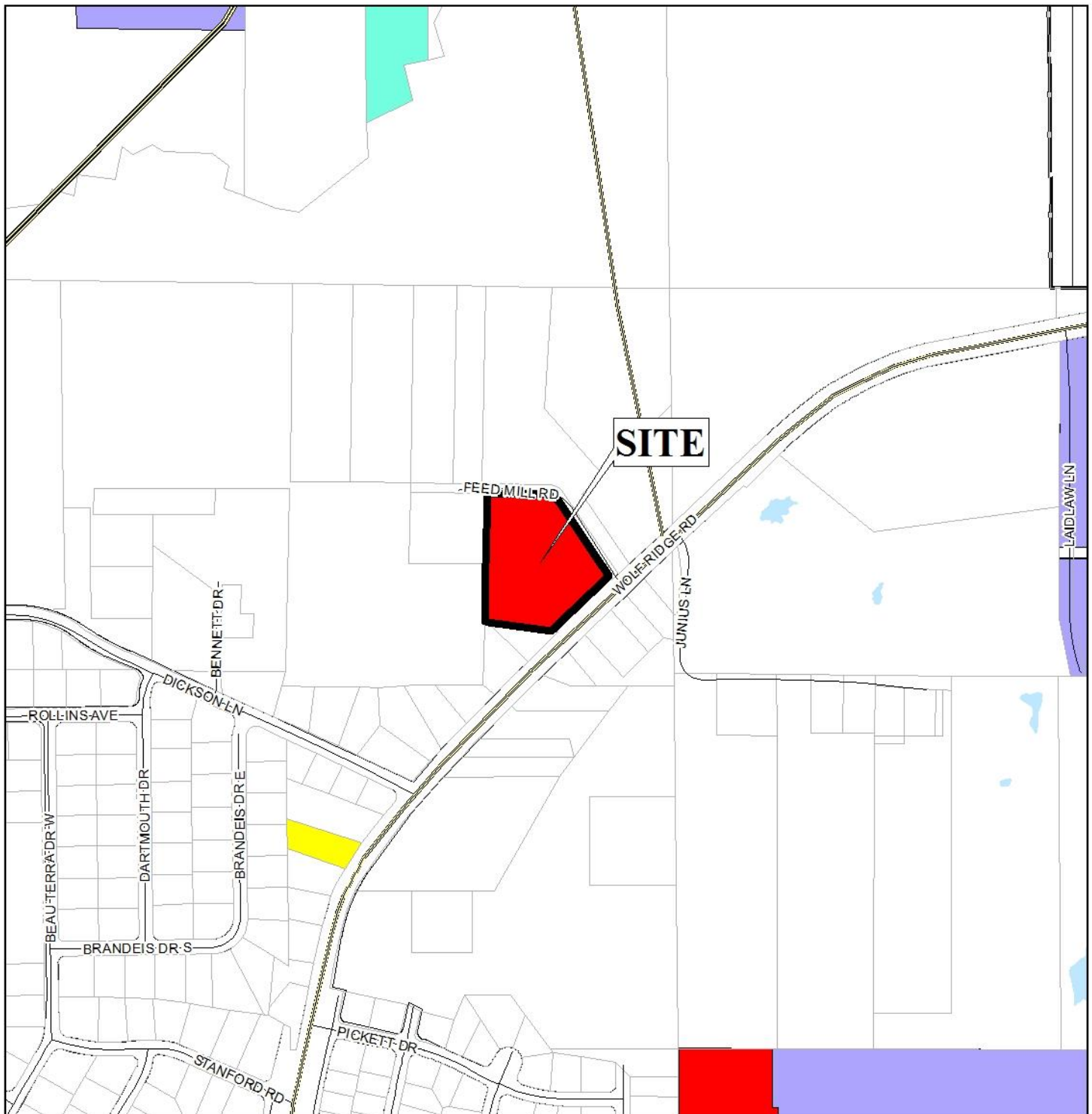
APPLICATION NUMBER 1 DATE January 23, 2019

APPLICANT A & R Thomas Holdings

REQUEST Rezoning from B-3 to I-1



LOCATOR ZONING MAP



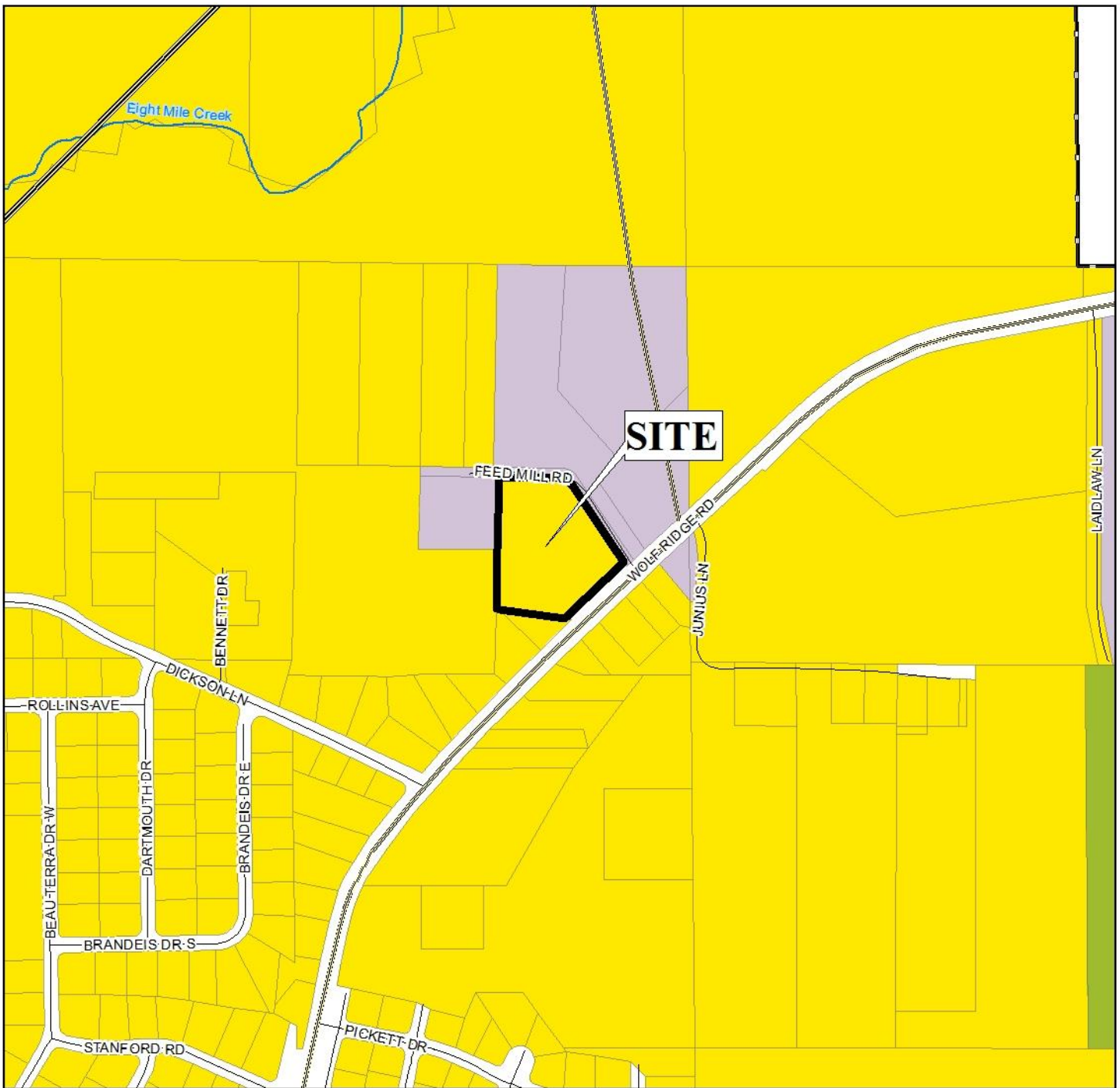
APPLICATION NUMBER 1 DATE January 23, 2019

APPLICANT A & R Thomas Holdings

REQUEST Rezoning from B-3 to I-1



FLUM LOCATOR MAP



APPLICATION NUMBER 1 DATE January 23, 2019

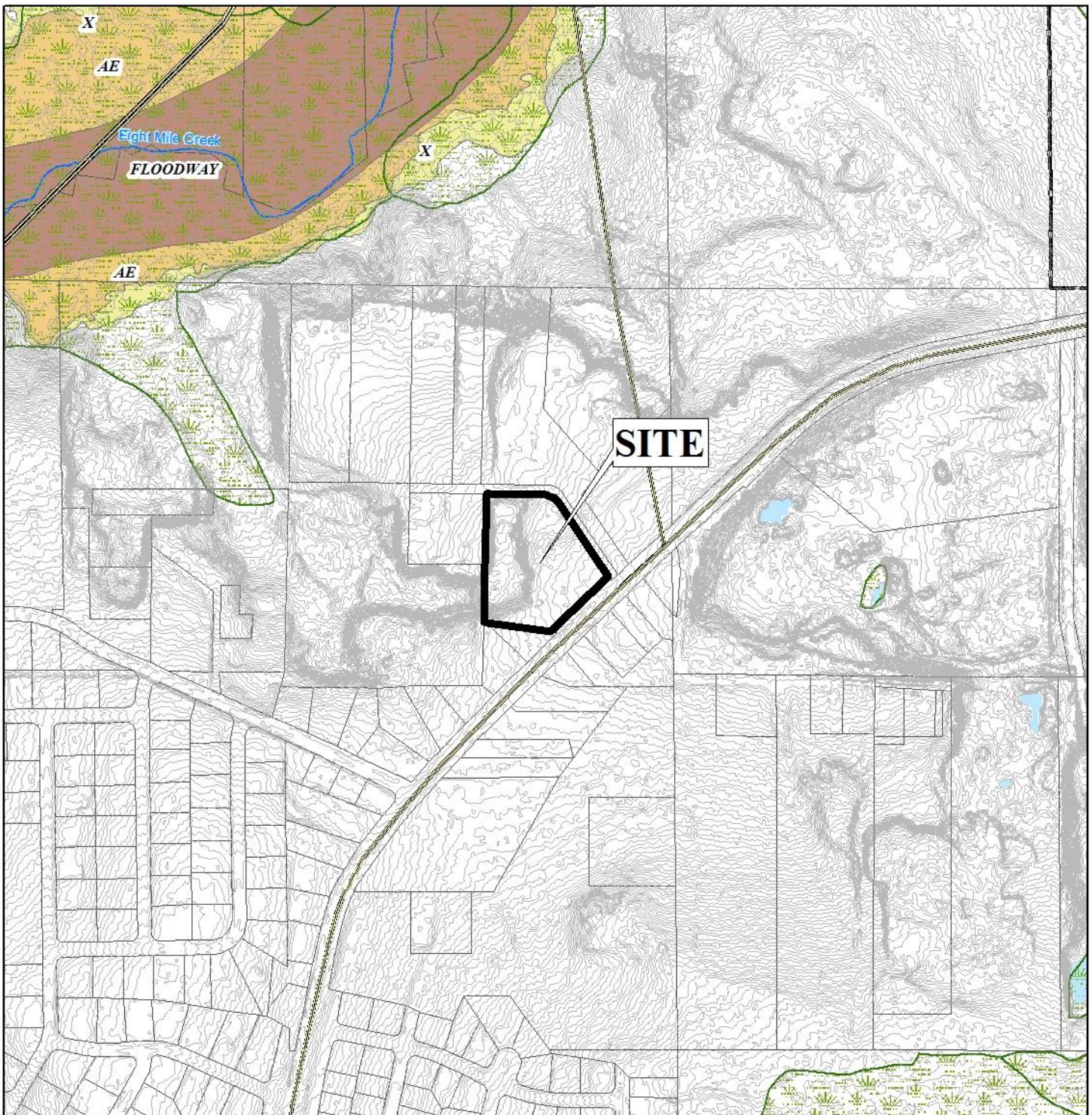
APPLICANT A & R Thomas Holdings

REQUEST Rezoning from B-3 to I-1

Low Density Residential	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
Mixed Density Residential	Neighborhood Center - Suburban	Light Industry	Water Dependent
Downtown	Traditional Corridor	Heavy Industry	
District Center	Mixed Commercial Corridor	Institutional	



ENVIRONMENTAL LOCATOR MAP



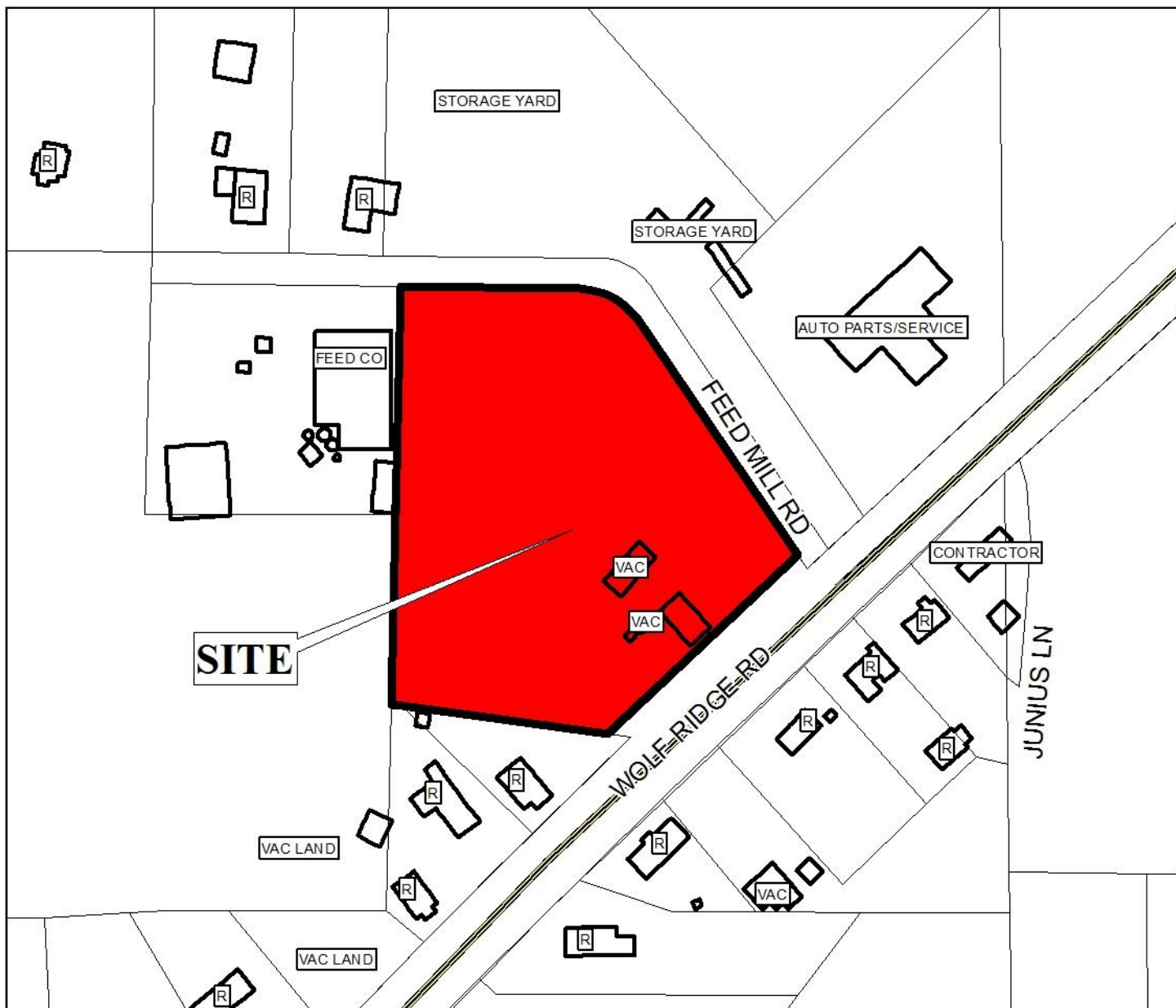
APPLICATION NUMBER 1 DATE January 23, 2019

APPLICANT A & R Thomas Holdings

REQUEST Rezoning from B-3 to I-1



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential and commercial units.

APPLICATION NUMBER 1 DATE January 23, 2019

APPLICANT A & R Thomas Holdings

REQUEST Rezoning from B-3 to I-1

R-A	R-3	T-B	B-2	B-5	MUN	SD-WH	T5.1
R-1	R-B	B-1	B-3	I-1	OPEN	T3	T5.2
R-2	H-B	LB-2	B-4	I-2	SD	T4	T6



PLANNING COMMISSION

VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential and commercial units.

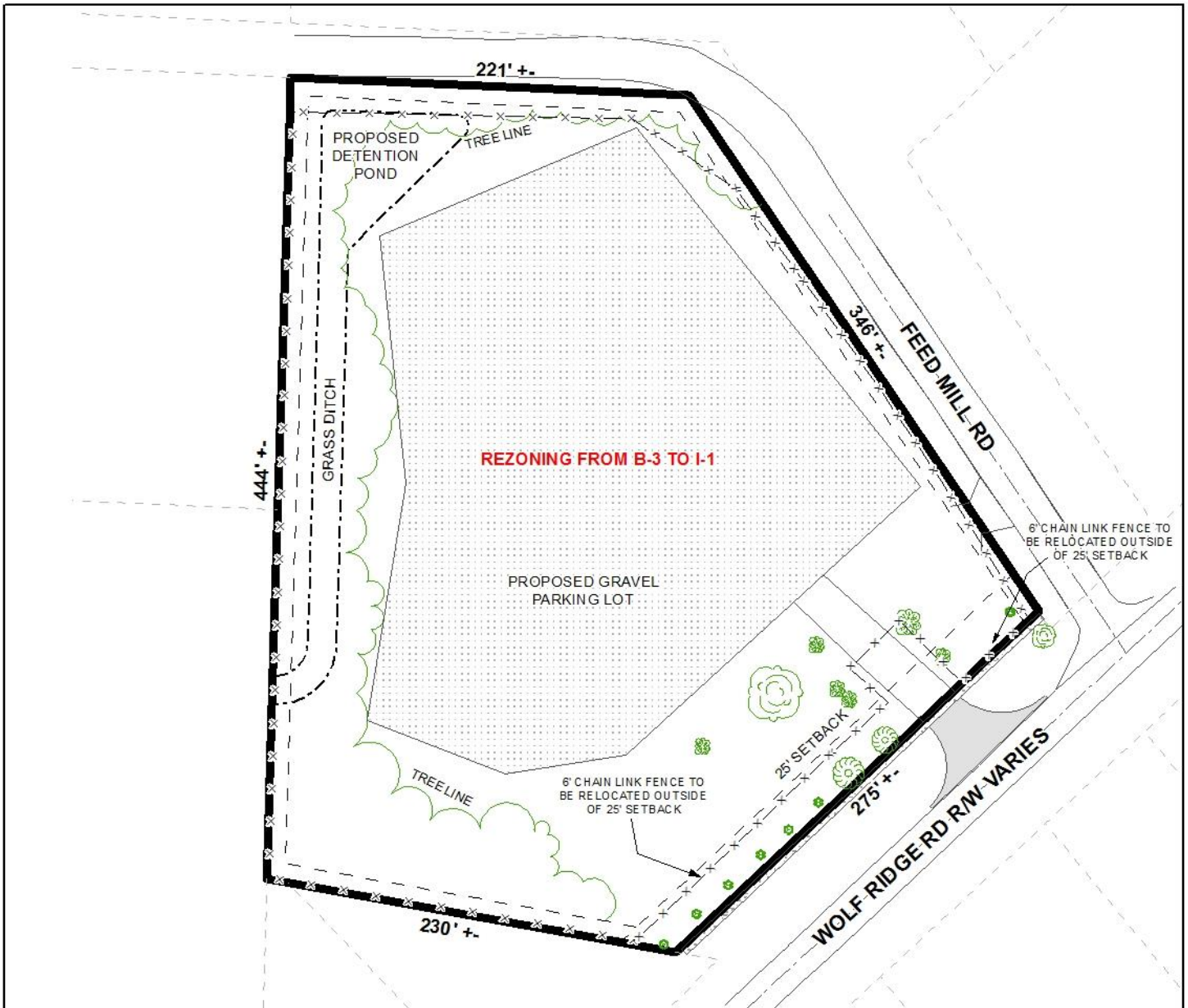
APPLICATION NUMBER 1 DATE January 23, 2019

APPLICANT A & R Thomas Holdings

REQUEST Rezoning from B-3 to I-1



SITE PLAN



The site plan illustrates the proposed gravel parking lot, the proposed detention pond and setbacks.

APPLICATION NUMBER 1 DATE January 23, 2019

APPLICANT A & R Thomas Holdings

REQUEST Rezoning from B-3 to I-1



NTS