

ZONING AMENDMENT STAFF REPORT**Date: December 6, 2018****NAME**

JBC Enterprises, LLC

LOCATION4620 Bit and Spur Road
(Northwest corner of Bit and Spur Road and Channing Court).**CITY COUNCIL
DISTRICT**

District 5

PRESENT ZONING

R-1, Single-Family Residential District

PROPOSED ZONING

B-1, Buffer Business District

AREA OF PROPERTY

0.57± Acres

CONTEMPLATED USE

Rezoning from R-1, Single-Family Residential District, to B-1, Buffer Business District.

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
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. 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.

5. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

TRAFFIC ENGINEERING

COMMENTS

Site is limited to one curb cut to Bit and Spur Road with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Any new on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.

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 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 R-1, Single-Family Residential District, to B-1, Buffer Business District.

The subject site was developed with a single-family dwelling between 1975 and 1984, per aerial photographs, and was used as such until February, 2016 when a permit for demolition of the structure was issued by the Permitting Department. The applicant wishes to construct an office and parking lot on the vacant land, referencing the use of adjacent properties for businesses as justification for the request, stating:

"The property is currently zoned R-1 and is a cleared, open parcel with no improvements. Property to the West along Bit & Spur Road is zoned B-1. The purpose of this zoning change request is to change zoning to B-1 for the construction of an office building and parking. The business occupying the proposed building will operate during normal weekday hours. No driveway access to Channing Court is proposed. It is believed that the rezoning of this property to B-1 is in keeping with the trend of B-1 zoning already in place along Bit & Spur Road."

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 on May 18, 2017 by the Planning Commission. 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.

The Low Density Residential 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 Low Density Residential districts is residential development where 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.)

Low Density Residential 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, bike-able human scale.

It should 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 plan illustrates the proposed 3,200 square-foot office building and 31 paved parking spaces, four (4) of which are handicap accessible. Only two (2) of these accessible spaces appear to be wide enough for van accessibility, whereas all handicap spaces are generally required to have access to a van aisle. While the amount of proposed parking is sufficient for a 3,200 square-foot office building, the applicant should coordinate with the Chief Building Inspector to determine compliance with van accessibility requirements. Any required revisions should be illustrated on a revised site plan at the time of permitting, if approved.

Access to and from the site is limited to one (1) curb cut to Bit and Spur Road, per Traffic Engineering. This is on the site plan, illustrated with one-way traffic maneuverability facilitated by painted traffic arrows.

Trees are illustrated on the site plan along with calculations for tree credits. It is unclear, however, which trees are to be counted for such credits since the calculations provided do not coincide with staff calculations. Additionally, the applicant indicates there are enough frontage tree credits when, using a 1:1 ratio, there is an insufficient amount of such credits. If approved, the applicant will need to revise the plan at the time of permitting to illustrate compliance with tree planting requirements of the Zoning Ordinance.

Multiple trees are illustrated where land disturbance activity is proposed. These trees should be removed from the site plan at the time of permitting. Also, if approved, tree removal permits may be required and should be coordinated with Urban Forestry.

Landscape area calculations are provided and meet the minimum landscaping requirements of the Zoning Ordinance. This information should be retained on the site plan at the time of permitting, if approved.

It should be noted that tree and landscaping plans require the property owner to acknowledge that the site requires compliance with the tree planting and landscape area requirements. This can be done as a signature on the tree and landscaping plan above a statement acknowledging such requirements; or, a letter stating as much, signed by the property owner, may suffice.

No sidewalk is illustrated on the site plan, and one is not visible in recent aerial photographs or Google Street View images. Re-development of the site requires construction of a sidewalk along all street frontages. As such, if approved, the site plan will need to be revised at the time of permitting to illustrate this requirement; or, the applicant may apply for a sidewalk waiver from the Planning Commission.

A photometric plan illustrating compliance with Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance regarding minimum parking lot lighting requirements will need to be provided at the time of permitting, if approved.

A dumpster is not depicted on the site plan. Any dumpster placed on the property must be in compliance with the current enclosure and sanitary sewer connection requirements of Section 64-4.D.9. of the Zoning Ordinance, and must be illustrated on any revised site plan(s); or, placement of a note on the site plan stating that curbside pickup will be utilized may suffice, if approved.

A privacy fence is illustrated on the site plan where the site abuts residentially zoned property, to the North, in compliance with Section 64-4.D.1 of the Zoning Ordinance, and should be retained on any revised site plan, if approved.

Regarding the applicant's statement concerning rezoning, the site is adjacent to properties also zoned R-1, Single-Family Residential District, to the North, East, and South; and property zoned B-1, Buffer Business District, to the West. The property to the South is used as a church; the property to the West is used as an orthodontics office; and all other adjacent properties are used as single-family residences. Similar rezoning requests have been approved within the vicinity of the subject site, the closest property with the most recent request being 4638 Bit and Spur Road, which was recommended for approval by the Planning Commission at its March 2, 1995

meeting, and subsequently rezoned by City Council from R-1, Single-Family Residential District, to B-1, Buffer Business District. As such, the request at hand may highlight the changing conditions of the area, thus creating a need to correct an error in the Zoning Ordinance regarding the site's designation as R-1, Single-Family Residential. However, it should be noted that rezoning of the subject site would be incompatible with its Future Land Use designation as Low Density Residential. Nevertheless, there does appear to be a tradition of business uses along this section of Bit and Spur Road and, as such, approval of the request may be appropriate.

Finally, it should be noted that staff cannot find evidence that the subject site is a legal lot of record. The deed provided by the applicant, along with the property's legal description on the land survey, indicate the site is a metes-and-bounds parcel; therefore, if approved, completion of the subdivision process will be required prior to any requests for land disturbance or building permits, unless documentation is provided proving this parcel has existed in its current configuration as a metes-and-bounds parcel since at least 1952.

RECOMMENDATION

Based on the preceding, the application is recommended for Approval, subject to the following conditions:

- 1) completion of the subdivision process to create a legal lot of record, or provision of documentation establishing the site as a metes-and-bounds parcel in its current configuration prior to 1952; and,
- 2) full compliance with all municipal codes and ordinances.

Revised for the December 6th meeting:

The application was heldover from the November 1st meeting to allow the applicant to meet with the City Council representative for the district in which the subject site is located, along with surrounding neighbors, in order to address concerns regarding the rezoning and site development.

In a discussion with the applicant, Staff was made aware that a meeting with surrounding neighbors did take place, but not with the City Council representative for District 5. Staff is also aware that efforts to schedule such a meeting were being made, but no additional information has since been provided. Nevertheless, no changes to the original request are proposed that would require revision of the Rezoning Staff Report, therefore the recommendation for the request remains unchanged.

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- 2) full compliance with all municipal codes and ordinances.

LOCATOR MAP



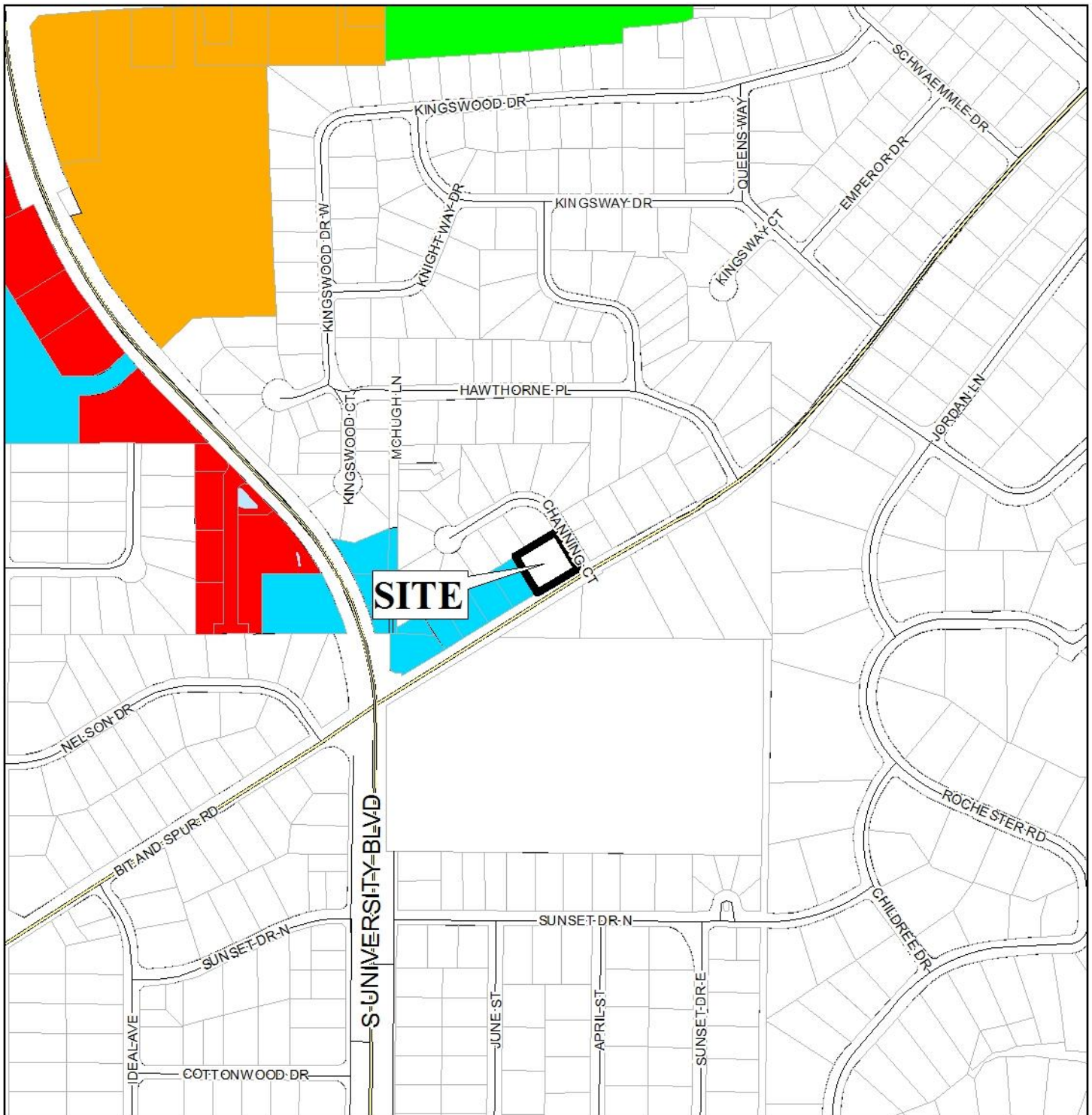
APPLICATION NUMBER 1 DATE December 6, 2018

APPLICANT JBC Enterprises, LLC

REQUEST Rezoning from R-1 to B-1



LOCATOR ZONING MAP



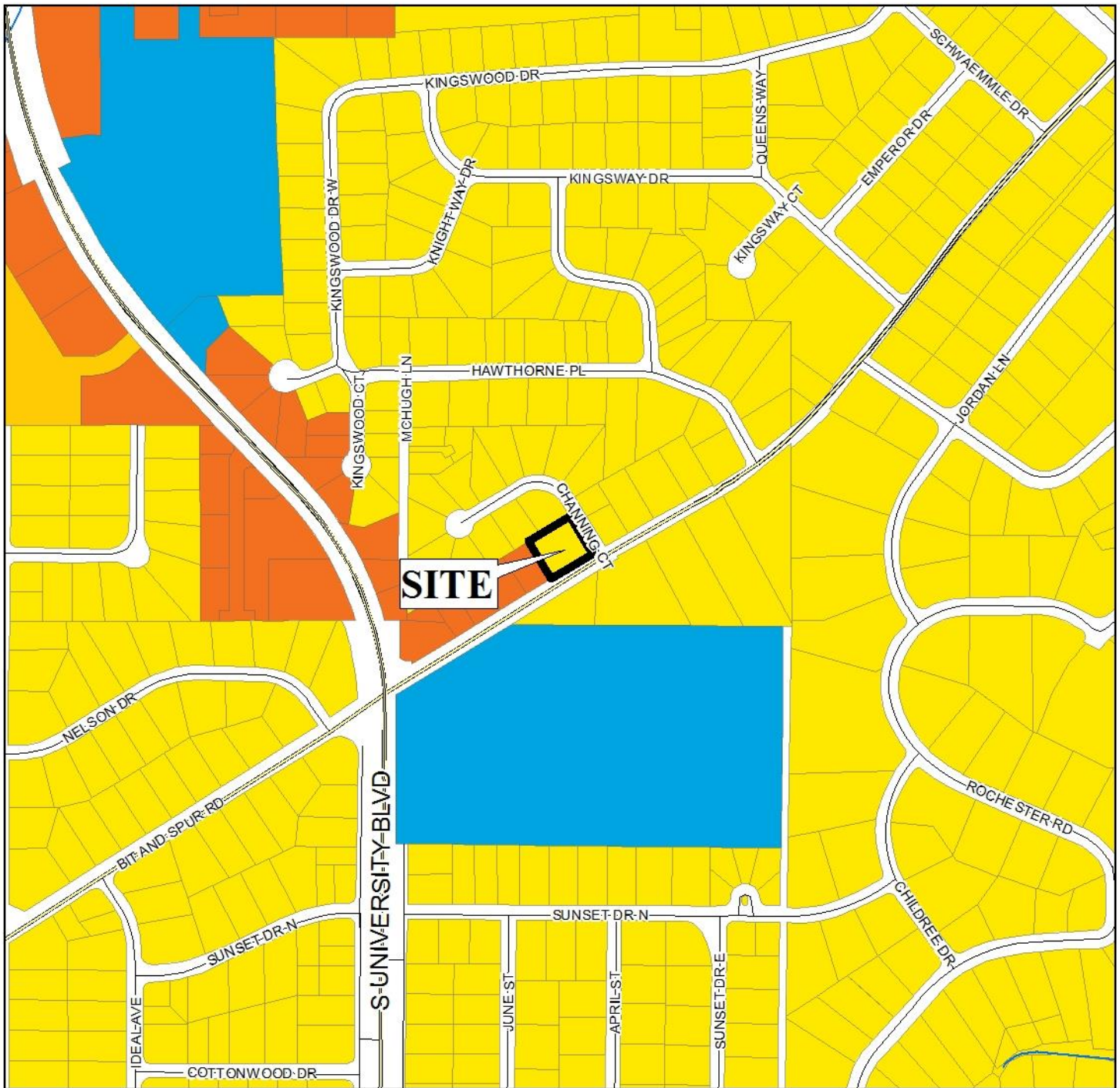
APPLICATION NUMBER 1 DATE December 6, 2018

APPLICANT JBC Enterprises, LLC

REQUEST Rezoning from R-1 to B-1



FLUM LOCATOR MAP



APPLICATION NUMBER 1 DATE December 6, 2018

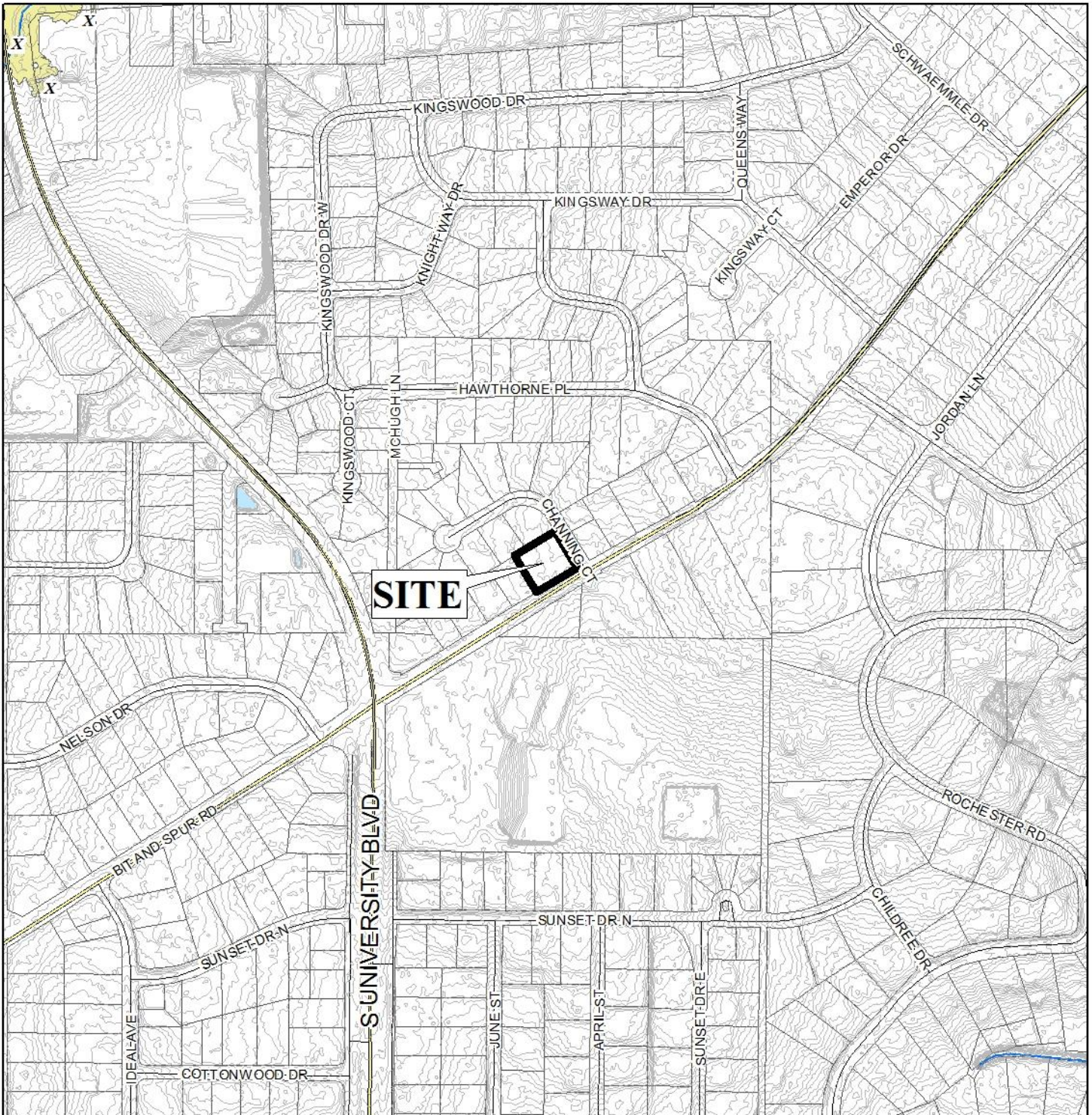
APPLICANT JBC Enterprises, LLC

REQUEST Rezoning from R-1 to B-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



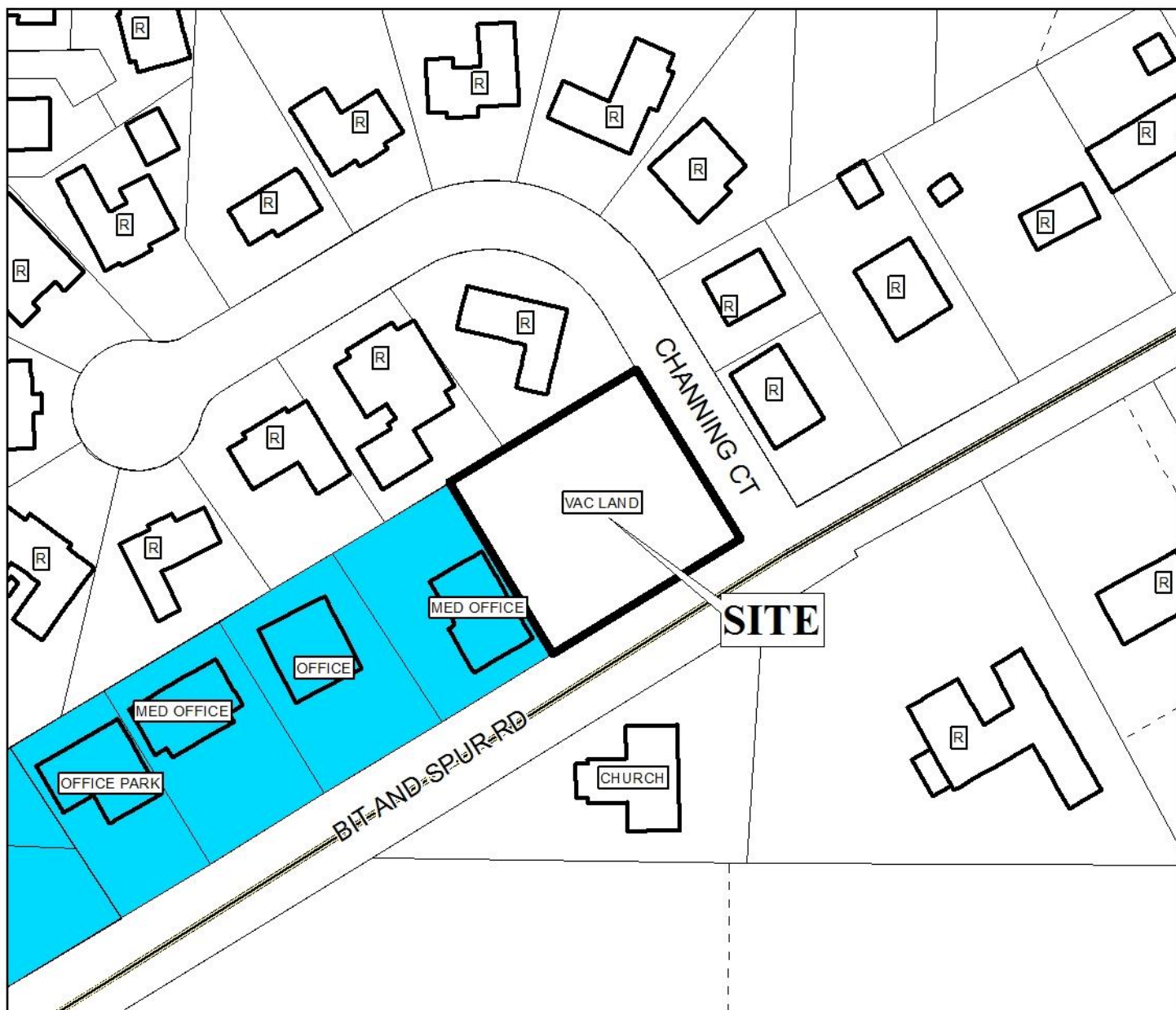
APPLICATION NUMBER 1 DATE December 6, 2018

APPLICANT JBC Enterprises, LLC

REQUEST Rezoning from R-1 to B-1



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units. Medical offices lie west of the site.

APPLICATION NUMBER 1 DATE December 6, 2018

APPLICANT JBC Enterprises, LLC

REQUEST Rezoning from R-1 to B-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 units. Medical offices lie west of the site.

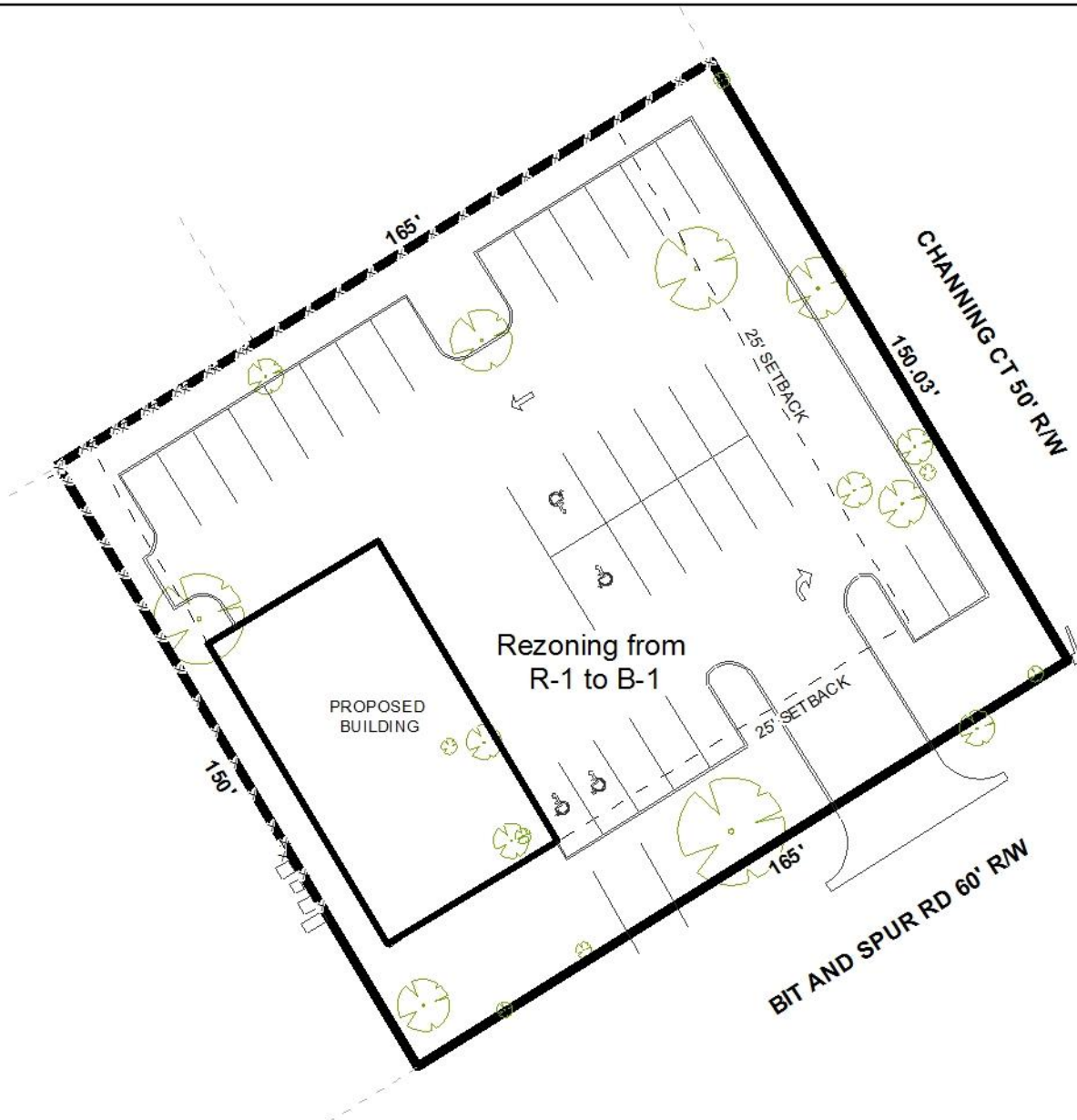
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REQUEST Rezoning from R-1 to B-1



SITE PLAN



The site plan illustrates the proposed building, parking, setback, and fences.

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REQUEST Rezoning from R-1 to B-1



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