

ZONING AMENDMENT STAFF REPORT**Date: June 20, 2019****NAME**

Phillip Curtin

LOCATION

2754 Dauphin St.
(North side of Dauphin Street, 535'± West of Mobile Street).

**CITY COUNCIL
DISTRICT**

District 1

PRESENT ZONING

B-1, Buffer Business District

PROPOSED ZONING

B-2, Neighborhood Business District

AREA OF PROPERTY

0.2± Acres

CONTEMPLATED USE

Rezoning from B-1 Buffer Business District, to B-2, Neighborhood Business 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. 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

Only four parking spaces are illustrated on the site plan and none are illustrated as accessible. The plan states that five parking spaces are proposed. The owner/applicant is responsible for ensuring ADA requirements are met, which includes an accessible parking space and access to the building if necessary.

Revised for the July 18, 2019 meeting:

The owner/applicant is responsible for ensuring ADA requirements are met, which includes an accessible parking space and access to the building if necessary.

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-1, Buffer Business District to B-2, Neighborhood Business District.

The subject site is developed with a single building that seems to have been for sale or lease since early 2013. Prior to this, the building was used as the office for an insurance agency. The applicant wishes to use the building as a Christian-centered prayer and coffee house. While the faith based aspects of the business are allowed by right in a B-1 zoning district (provided the site has sufficient parking), a café with retail sales business would not be a permitted use. As such, the applicant is requesting rezoning of the property from B-1, Buffer Business District, to B-2, Neighborhood Business District, where a café is allowed by right.

A one-lot Subdivision was approved at the Planning Commission's October 4, 2018 meeting. The Final Plat has been recorded in Probate Court, but the required seven (7) copies have not been submitted to Planning & Zoning. Copies of the recorded plat should be submitted to Planning & Zoning prior to the issuance of any permits required to convert the structure from an office to a café.

The applicant states the following:

"Christ-centered, love based, prayer and coffee house, open to serve the local community including and not limited to prayer, worship, teaching, and raising funds for local, domestic and international missions.

We believe Jesus is the Savior of all. Our vision is to utilize the proven culture of coffee as a segue to create an open, loving and Godly environment that encourages people to build relationships, pursue their dreams and to operate in hope.

We intend to be a hub to connect those with a heart for Christian missions to those in local, domestic and international Christian ministries.

We plan to further the work of local, domestic and international Christian ministries by displaying for sale their various handiworks; ie: jewelry, books, artwork, bags, coffee, and clothing. We intend to return the majority of the sales proceeds back to each respective ministry.

Our desire is to bring glory to the Name of Jesus Christ in all things and to cultivate an environment where He dwells."

The site has been given a Neighborhood Center - Traditional land use designation per the adopted Future Land Use Plan and Map. 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 land use designation applies to smaller hubs of mixed commercial, community, and recreational activity that cater to adjacent residential areas. Many of these centers exist today in some form. Therefore, the following common principles apply not just to the future development of new centers, but also to the redevelopment (wholesale or incremental) of existing centers.

General Principles for Neighborhood Centers:

- NC should support a limited amount of commercial employment
- NC should incorporate some residential use, which may vary in type from detached single family, townhouse, accessory and live-work units in mixed use and low-rise multifamily structures.
- The residential density in NC designations –ranging from 4 to 10 du/ ac— must be compatible in character with that of surrounding residential development, providing appropriate transitions in height, massing and other buffering from one land use district to the next.

- The retail and housing uses should merge around vibrant, compact, accessible nodes, located at key neighborhood intersections or along short road segments.
- The NC nodes should be connected to the surrounding neighborhood and nearby public uses (e.g., schools, parks, etc.) via well-designed sidewalks and complete streets.

While the above-listed principles are common to all NC districts, the design attributes of neighborhood centers generally vary depending on whether a center is in a more “traditional” or more “suburban” context.

Additional Attributes of Neighborhood Centers:

- NC in traditional contexts: These tend to be in those areas east of the Beltline and correspond to MxDR neighborhoods. In these NCs, buildings should orient to the street, with on-site parking typically pushed to the back of the site. The design qualities of the public realm are emphasized, including the provision of continuous sidewalks, tree canopy, pedestrian amenities, on-street parking and bicycle facilities where appropriate.
- NC in suburban contexts: These generally are located among the LDR land use designations in the areas west of the Beltline. Where they exist, these centers currently have a more pronounced vehicular orientation. Therefore, the emphasis is on retrofitting to improve internal walkability (e.g., through the addition of sidewalks, tree canopy, protection from the elements) and external connectivity to the surrounding areas (via sidewalks, paths and trails, street crossings, transit stops, etc.) and to increase the mix and density of uses (e.g., infill of outparcels, addition of housing, etc.).

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.

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 applicant does not specifically state which of the four conditions makes rezoning of the subject site desirable. However, given that the surrounding properties are zoned B-3, the rezoning may be appropriate.

The site plan illustrates the existing building and four (4) parking spaces. It appears the parking spaces meet the minimum size requirements for off-street parking regarding stall width and length. Additionally, given the size of the building, it appears four (4) off-street parking spaces will not be sufficient. Nineteen (19) spaces would be required for the proposed use of the property, which is based on a requirement of one (1) parking space per 100 square feet of gross floor area. Also, at least one (1) handicap-accessible parking space may be required for the site to comply with ADA requirements. The site plan states that there are five (5) spaces available, possible counting an existing carport; however, there is insufficient access and maneuvering to utilize it as parking. Therefore, if the rezoning is approved, a variance would be required prior to the proposed use operating.

No trees or landscape area are illustrated on the site plan, but the site was developed prior to current regulations and the applicant is not proposing to change the footprint of the building, therefore compliance with current tree and landscape area ordinances is not required at this time.

No sidewalk is illustrated on the site plan, and one is not required at this time. However, it should be noted that re-development of the property may require the provision of sidewalks along all street frontages.

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.

Regarding rezoning, the site was rezoned from R-1 to B-1 in 1985. The site is bordered to the North, East, and West by properties currently zoned B-3, Community Business District. However, to the South across Dauphin St is predominantly R-1, Single Family Residential District. It should be noted that several requests for rezoning have been made to the Planning Commission within close proximity to the subject site, all of which were rezoned to B-3, Community Business District.

It should be noted that per Section 64-9.A.2.b of the Zoning Ordinance, the subject property would be exempt from the two (2) acre size requirement for a proposed new B-2 district, as the property abuts an existing B-3 district.

As mentioned previously, the rezoning request for the site to B-2 is not out of character with the area; however, the site does not have the space to accommodate the parking required for the proposed use. Given that the applicant could not use the site for the proposed use without obtaining a variance, staff cannot recommend approval of the rezoning at this time.

RECOMMENDATION

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

- 1) the site cannot accommodate the proposed use without obtaining a variance.

Revised for the July 18, 2019 meeting:

The application was heldover at the Planning Commission's June 20, 2019 meeting to allow the applicant time to submit a Planned Unit Development (PUD) application to allow shared parking and access across multiple lots. The applicant chose not to apply for a PUD but instead, to apply for a Special Parking Plan in order to meet parking requirements. The applicant did submit a revised site plan showing an existing carport to be removed from the site, as well as an increase in proposed parking spaces from 4 to 9.

Special parking plans are reviewed administratively and therefore do not require a public hearing. The applicant submitted the necessary documents for review on July 2, 2019 which are currently being reviewed by staff for compliance. The new site plan illustrates nine (9) on-site parking spaces and fifteen (15) off-site spaces which are being leased from the property north of the subject property. Additionally, if approved, staff would recommend that while the applicant is making improvements to the sites parking that they also widen the driveway to a consistent minimum of 10 feet.

RECOMMENDATION

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

- 1) provision of compliant parking, which may be provided via an approved Special Parking Plan or Planned Unit Development; and*
- 2) full compliance with all municipal codes and ordinances.*

LOCATOR MAP



APPLICATION NUMBER 6 DATE June 20, 2019

APPLICANT Phillip Curtin

REQUEST Rezoning from B-1 to B-2



LOCATOR ZONING MAP



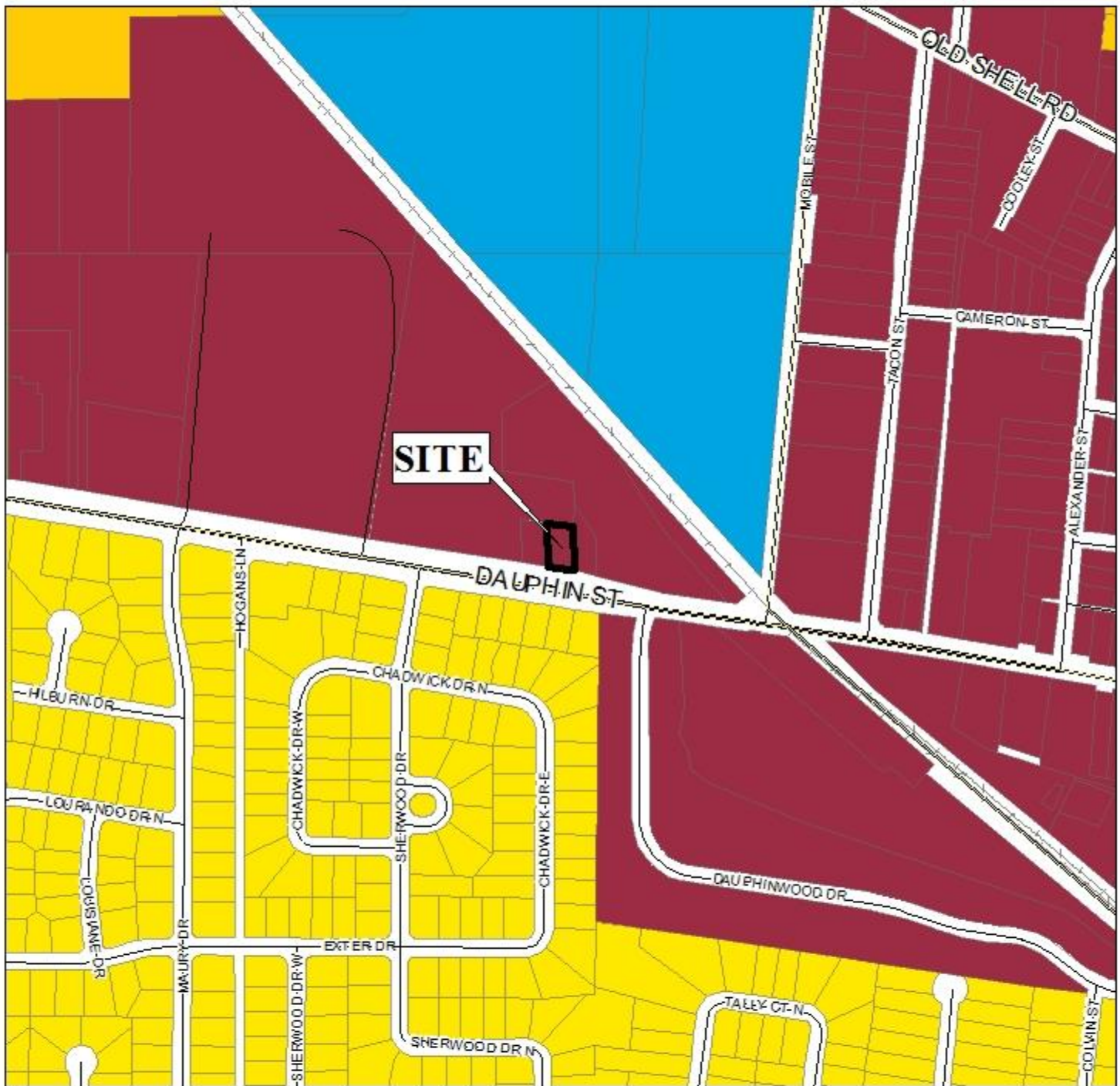
APPLICATION NUMBER 6 DATE June 20, 2019

APPLICANT Phillip Curtin

REQUEST Rezoning from B-1 to B-2



FLUM LOCATOR MAP



APPLICATION NUMBER 6 DATE June 20, 2019

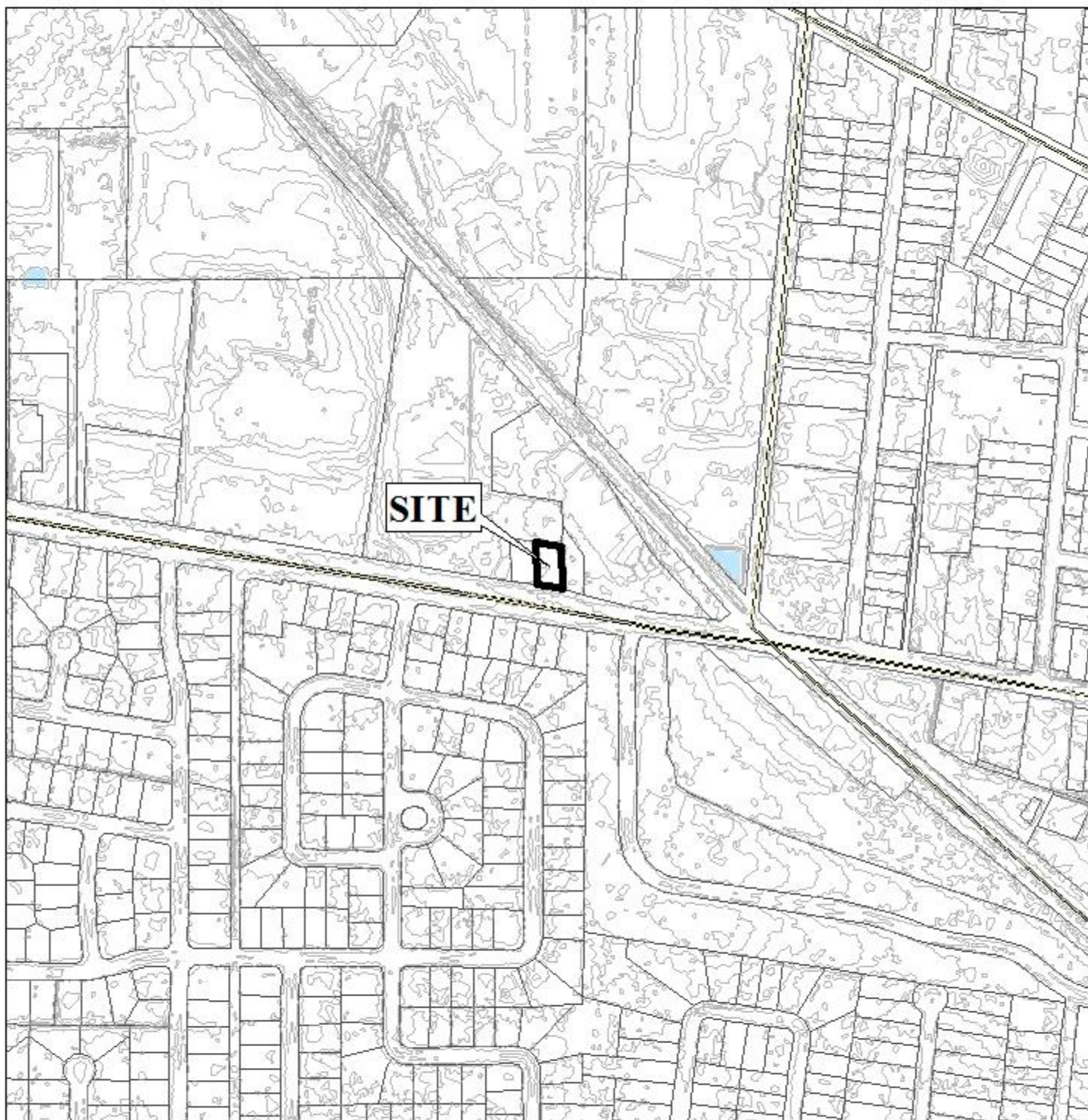
APPLICANT Phillip Curtin

REQUEST Rezoning from B-1 to B-2

| | | | |
|---------------------------|-----------------------------------|---------------------|--------------------|
| 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



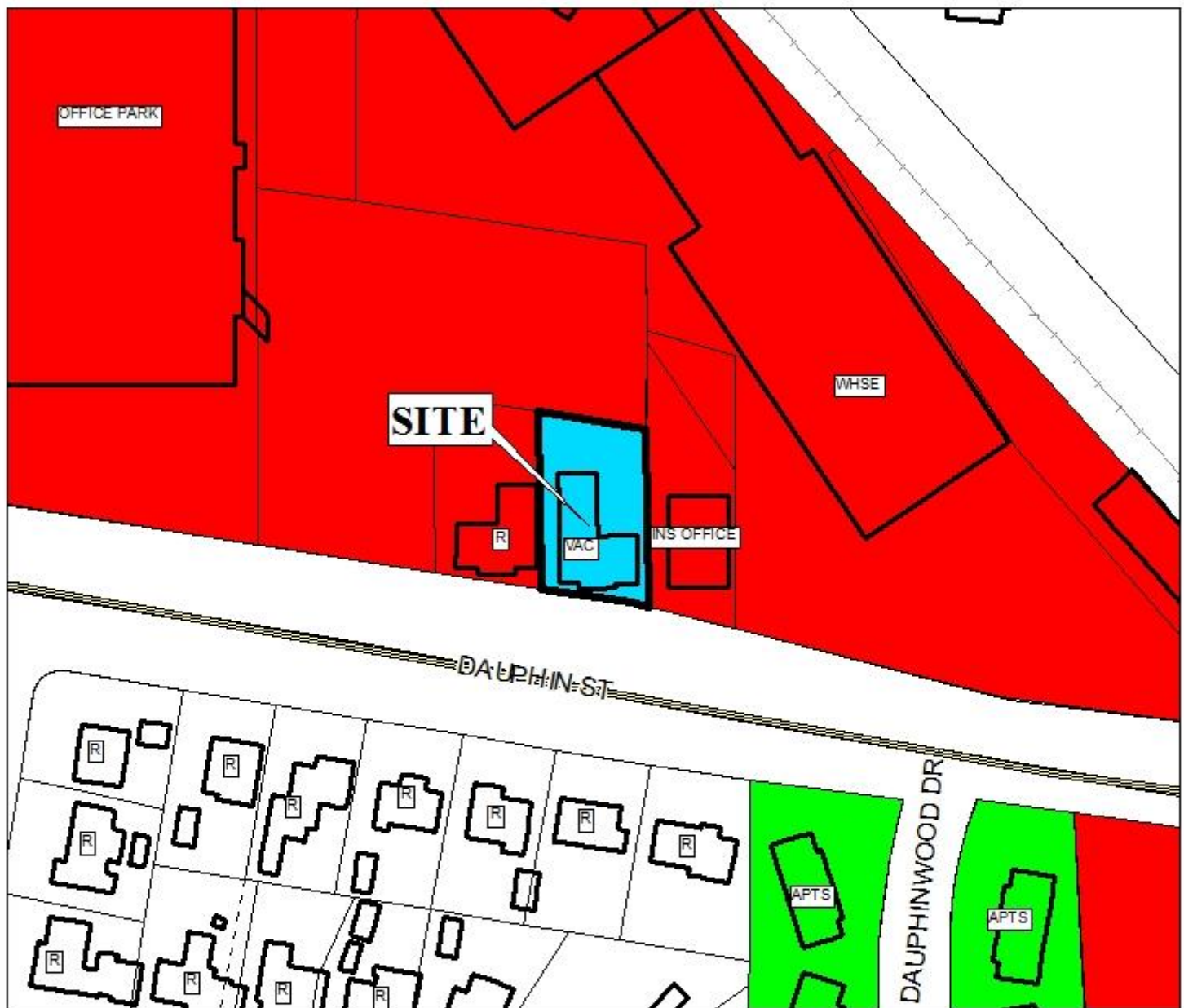
APPLICATION NUMBER 6 DATE June 20, 2019

APPLICANT Phillip Curtin

REQUEST Rezoning from B-1 to B-2



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial and residential units.

APPLICATION NUMBER 6 DATE June 20, 2019

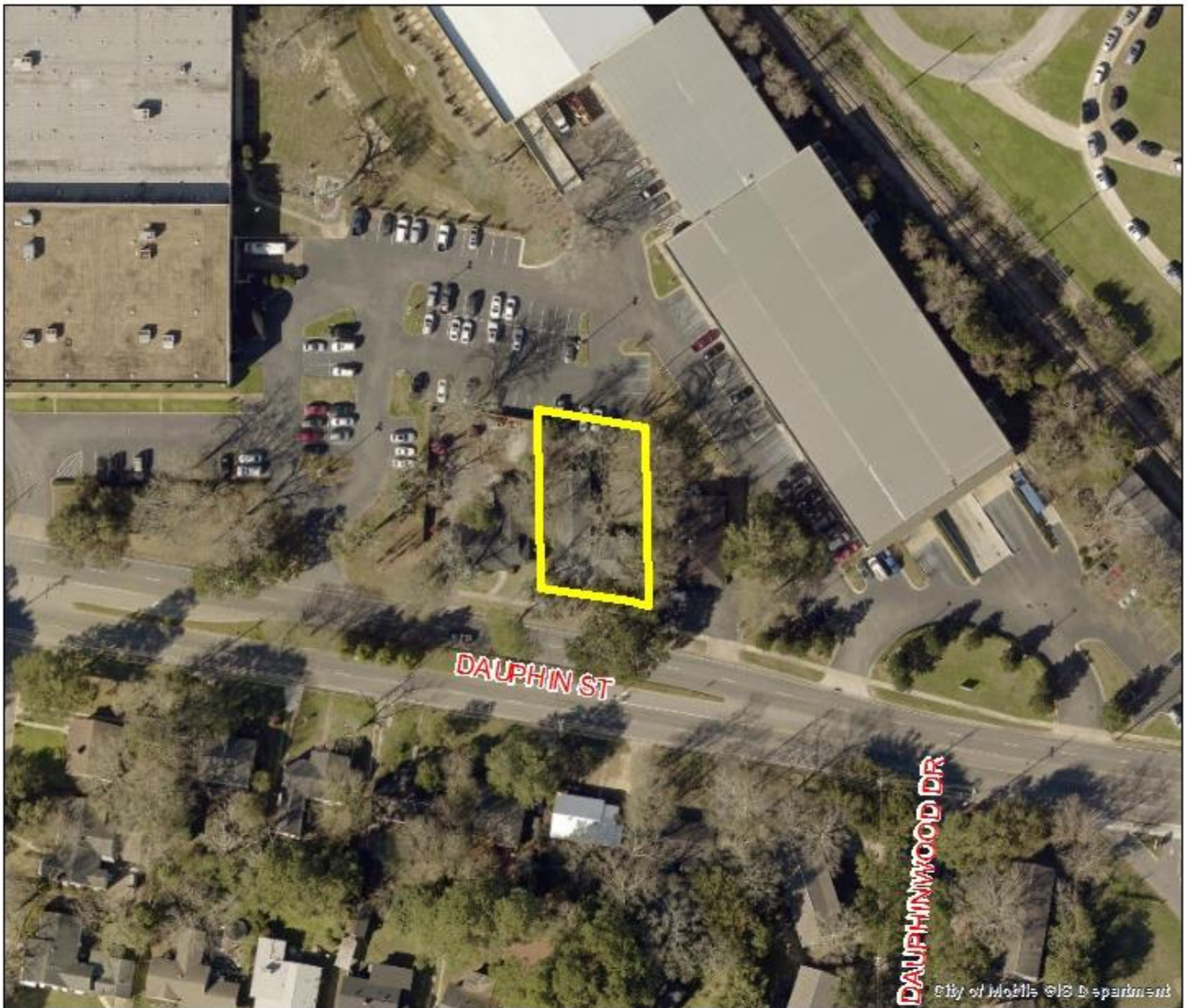
APPLICANT Phillip Curtin

REQUEST Rezoning from B-1 to B-2

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|-----|-----|------|-----|-----|------|-------|------|
| 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

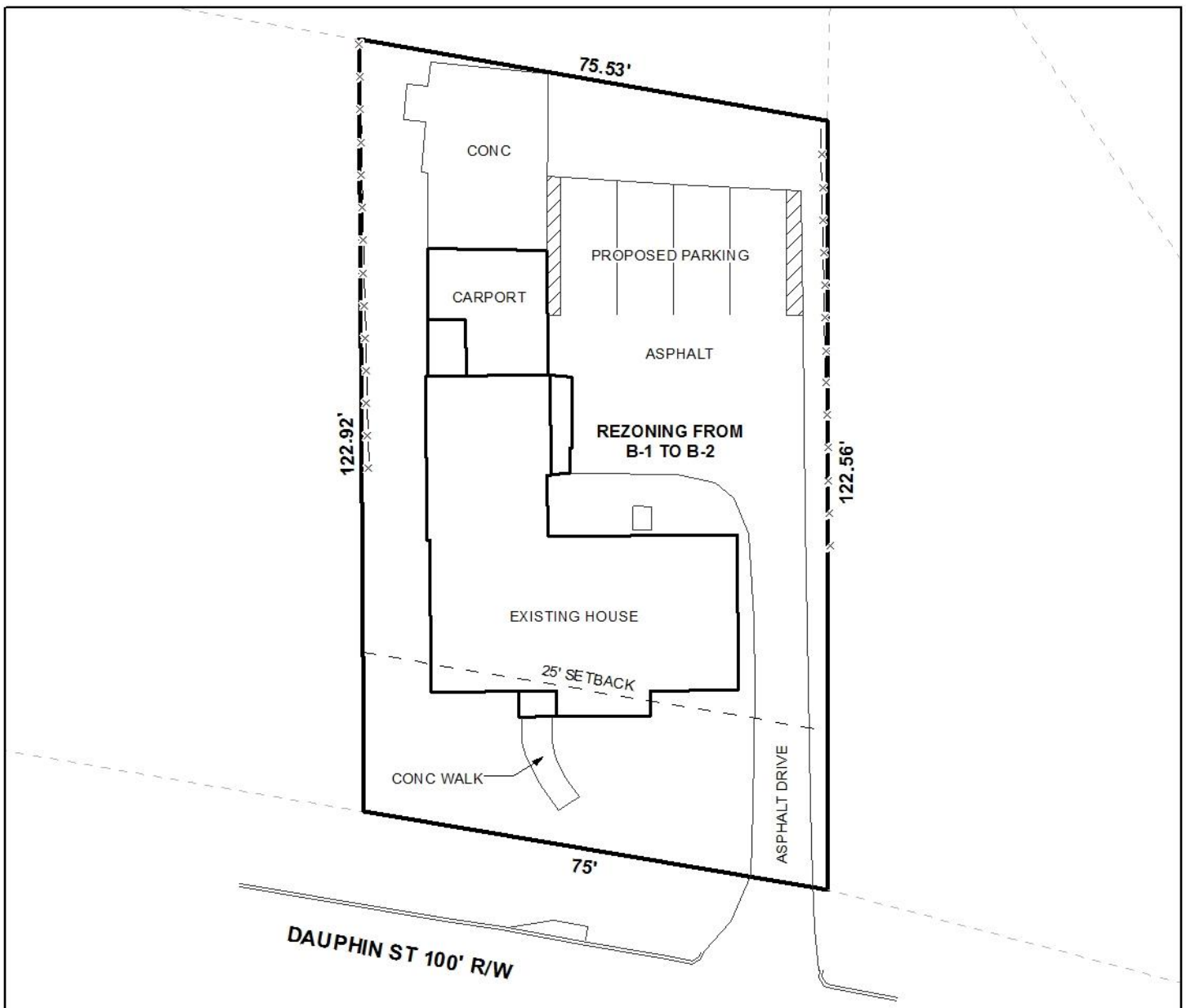


The site is surrounded by commercial and residential units.

APPLICATION NUMBER 6 DATE June 20, 2019
 APPLICANT Phillip Curtin
 REQUEST Rezoning from B-1 to B-2



SITE PLAN



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

APPLICATION NUMBER 1 DATE July 18, 2019

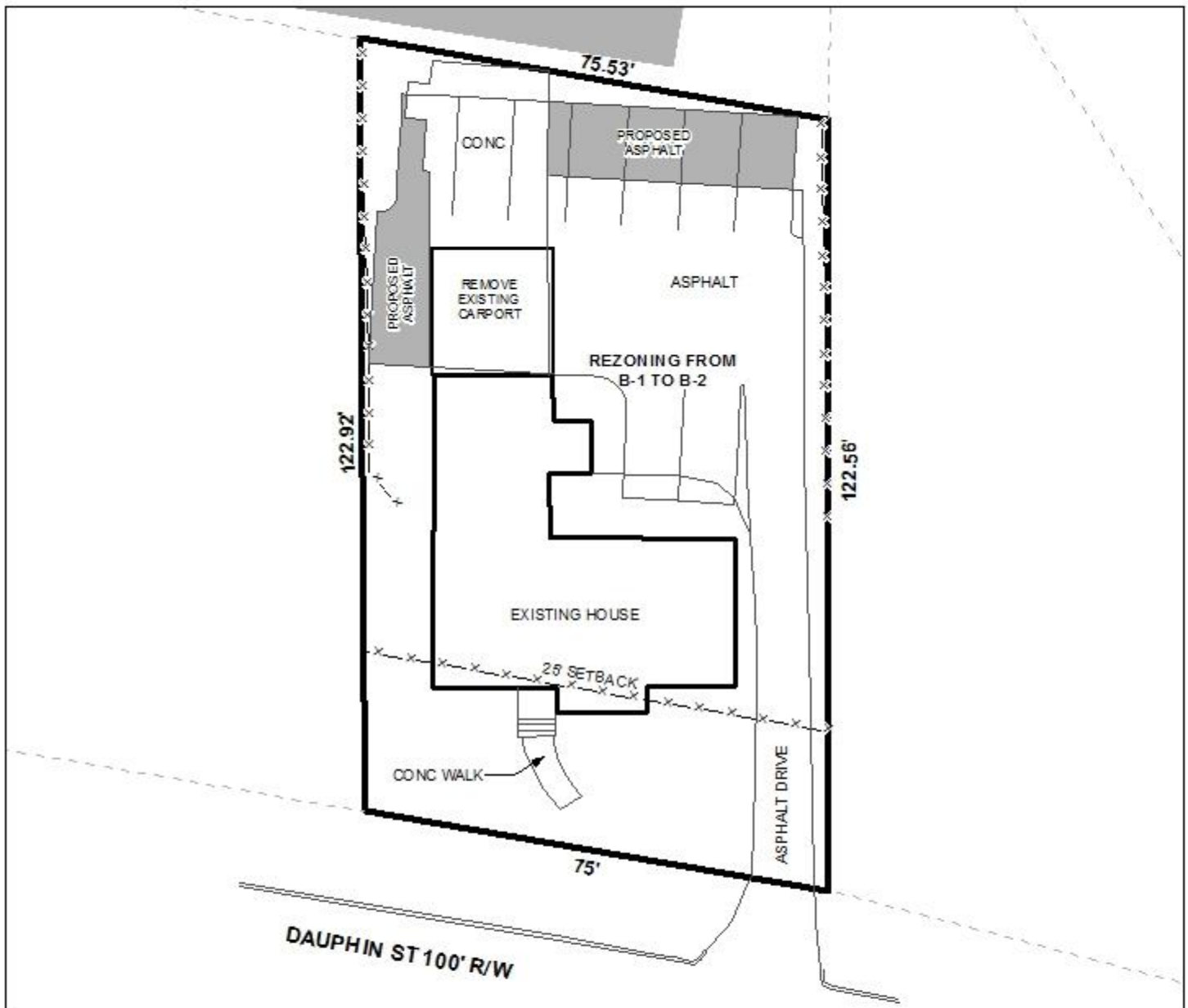
APPLICANT Phillip Curtin

REQUEST Rezoning from B-1 to B-2



NTS

REVISED SITE PLAN



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

APPLICATION NUMBER 1 DATE July 18, 2019

APPLICANT Phillip Curtin

REQUEST Rezoning from B-1 to B-2

