

**ZONING AMENDMENT STAFF REPORT****Date: August 4, 2016****NAME**

Colyjohn Associates, LLC

Southeast corner of Cary Hamilton Road and Peary Road.

**CITY COUNCIL  
DISTRICT**

District 4

**PRESENT ZONING**

R-1, Single-Family Residential District

**PROPOSED ZONING**

B-3, Community Business District

**AREA OF PROPERTY**

0.68± Acre

**CONTEMPLATED USE**

Rezoning from R-1, Single-Family Residential District, to B-3, Community Business District, to allow automobile sales.

**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, paving, and all above ground structures, 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**

Lot A is limited to one curb cut per street frontage, and Lot B is limited to two curb cuts, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. 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-3, Community Business District, to allow automobile sales.

The site is located adjacent to US Highway 90 West which is indicated as a Suburban Corridor on the Development Framework Map - Corridors and Centers of the Map for Mobile. The Map for Mobile states that the development framework map and development area descriptions serve as a guide for future land use and design decisions and also for decisions regarding public improvements and projects. While the site is not specifically designated as a center, but rather within a Suburban Neighborhood, development should follow the guidelines and intent of a Suburban Neighborhood.

**SUBURBAN CORRIDOR**

## Intent

- Accommodation of all users: automobiles, bicycle, pedestrian and transit
- Greater connectivity to surrounding neighborhoods
- Developments concentrated in centers rather than in strips along the corridor
- Eventual increase in density with residential above retail and services
- Increased streetscaping
- Improve traffic flow

**SUBURBAN NEIGHBORHOOD**

## Intent

- Emphasize connectivity to surrounding neighborhoods and close services and retail
- Accommodation of pedestrian and bicycle traffic in addition to automobiles
- Appropriate scaled infill development to complement existing character of neighborhoods

A consultant has been hired to review and rewrite the Zoning Ordinance and Subdivision Regulations, as well as develop a new Major Street Plan Map and General Land Use Plan Map. This will be a 24-30 month process. Until that project is completed and the new documents are adopted, we continue to operate under the existing Zoning Ordinance and Subdivision Regulations.

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.

It should be noted that the Map for Mobile Plan is meant to serve as a general guide, not a detailed lot and district plan or mandate for development. Moreover, the Plan 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 previously mentioned, the site is within a Suburban Corridor/Neighborhood as designated by the Map for Mobile with the intent to emphasize connectivity to surrounding neighborhoods and close services and retail; accommodate pedestrian and bicycle traffic in addition to automobiles; and, have appropriate scaled infill development to complement existing character of neighborhoods. When compared to surrounding zoning classifications and land uses, the Suburban Neighborhood designation for the surrounding area is generally quite appropriate. The site is bounded to the North (across Cary Hamilton Road) by vacant R-A, Residential-Agricultural properties, and adjacent to the North by vacant R-1 properties; to the East by vacant R-1 property; to the South by B-3 property; and to the East (across Peary Road) by vacant R-1 properties and the CSX Railroad line. Within the block bounded by Cary Hamilton Road, Peary Road, Bellingrath Road and Old Military Road, there is only one active business, an automotive repair shop on Bellingrath Road. Therefore, within the context of both the Map for Mobile to have appropriate scaled infill development to complement the existing character of neighborhoods, and the intent of Chapter 64-9.A. of the Zoning Ordinance to promote sound, stable and desirable development, the proposed rezoning would be out of character because it would create spot zoning and would not be compatible with other surrounding zonings. The site

would also contain only 0.68 acres, well below the four acres prescribed by the Zoning Ordinance for new B-3 sites.

There have not been any attempted Rezonings within the immediate area since annexation which would demonstrate changes in conditions or an increase in the need for business or industry which would justify the Rezoning request.

The site plan provided illustrates the proposed 1,000 square-foot office building and a 1,250 square-foot maintenance garage; however, as there are two structures proposed on the site, a Planned Unit Development application should have been submitted to allow the two buildings on a single building site. No dumpster is indicated nor is any buffering along the Southern edge of the site adjacent to R-1 zoning. There is no public sidewalk indicated along the street frontages. Compliant parking, access and maneuvering is indicated. The site plan does account for dedications required for the Subdivision.

## **RECOMMENDATION**

**Rezoning:** Based upon the preceding, the application is recommended for Denial for the following reasons:

- 1) the Rezoning would create a spot-zoning situation within the area as opposed to an appropriately-scaled infill development and would be out of character with the neighborhood;
- 2) the proposed B-3 District would be well below the 4-acre guideline of Section 64-9.A.2. of the Zoning Ordinance;
- 3) there have not been any attempted Rezonings within the immediate area since annexation which would demonstrate changes in conditions or an increase in the need for business or industry which would justify the Rezoning request; and
- 4) the entire site appears to be depicted as a Suburban Neighborhood Development Area, per the recently adopted Map for Mobile Plan, which generally puts more emphasis on residential use as opposed to commercial use.

***Revised for the July 7<sup>th</sup> meeting:***

*This application was heldover from the May 19<sup>th</sup> meeting to allow the applicant to submit the PUD as required based upon the application submitted. It should be noted that this application was heard in conjunction with a two-lot Subdivision application at the May 19<sup>th</sup> meeting. The Subdivision was approved, but the Rezoning was heldover to allow the applicant to submit a Planned Unit Development (PUD) application to allow two buildings (an office building and a maintenance garage building) on one lot. The applicant has since revised the site plan to incorporate all operations within one building; hence, no PUD is required.*

*In addition to incorporating all activities into one building, the site plan also indicates compliance with the residential buffering and sidewalk requirements of the Zoning Ordinance, and a note is provided indicating that curbside garbage collection will be utilized instead of a*

*dumpster. Other than lacking tree planting calculations and a tree plan, the site plan meets the compliance requirements of the Zoning Ordinance.*

*Inasmuch as the site plan was revised to be much more compliant, the reasoning behind the original recommendation for denial still stands.*

**RECOMMENDTION** *Based upon the preceding, the application is recommended for Denial for the following reasons:*

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- 2) *the proposed B-3 District would be well below the 4-acre guideline of Section 64-9.A.2. of the Zoning Ordinance;*
- 3) *there have not been any attempted Rezonings within the immediate area since annexation which would demonstrate changes in conditions or an increase in the need for business or industry which would justify the Rezoning request; and*
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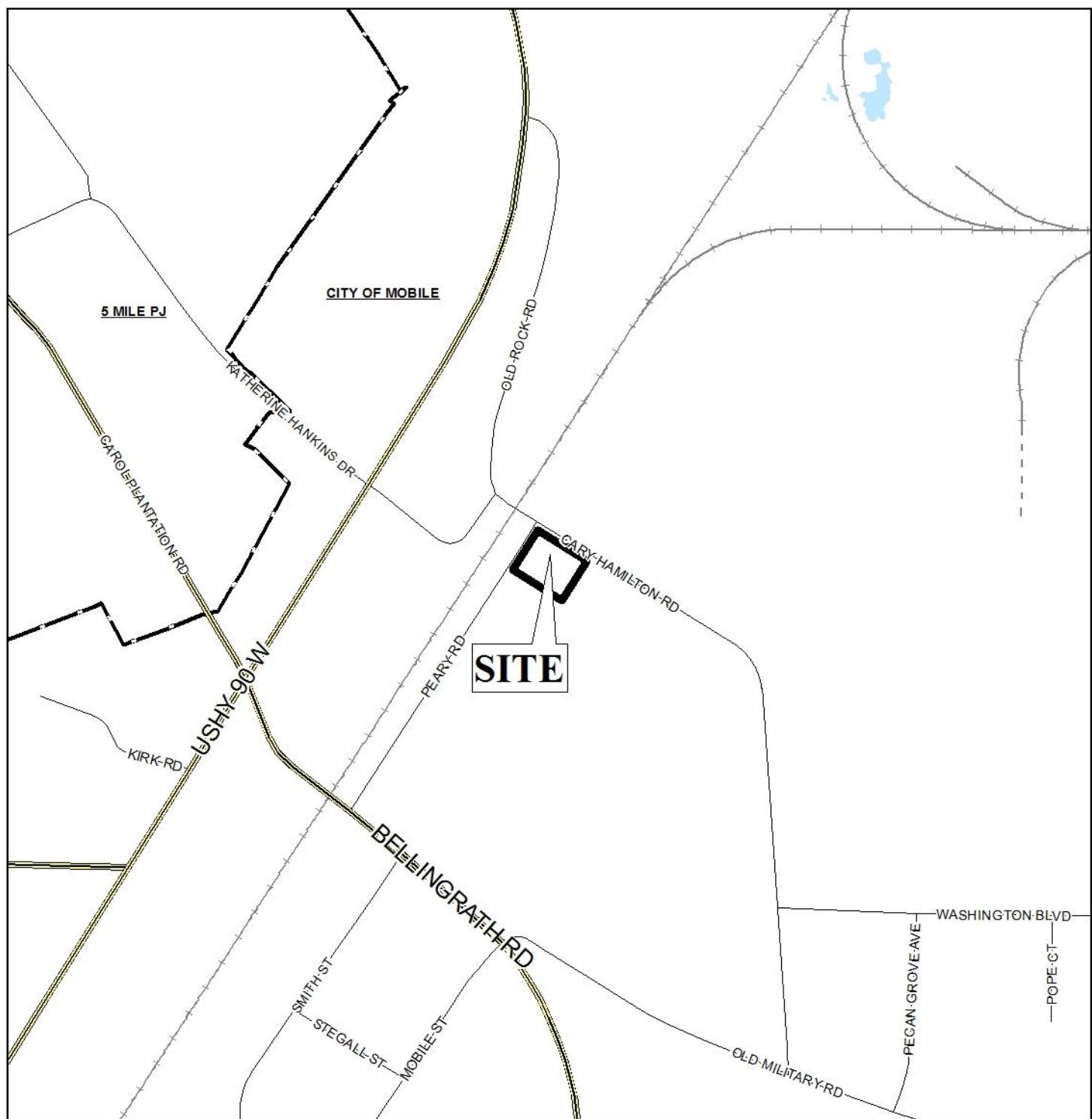
***Revised for the August 4<sup>th</sup> meeting:***

*This application was heldover from the July 7<sup>th</sup> meeting to allow the applicant to meet with the community, to be coordinated with the Councilperson. As staff has not been presented with any information concerning such meeting, and as no new information pertaining to the request has been presented, the recommendation for denial would stand.*

**RECOMMENDTION** *Based upon the preceding, the application is recommended for Denial for the following reasons:*

- 1) *the Rezoning would create a spot-zoning situation within the area as opposed to an appropriately-scaled infill development and would be out of character with the neighborhood;*
- 2) *the proposed B-3 District would be well below the 4-acre guideline of Section 64-9.A.2. of the Zoning Ordinance;*
- 3) *there have not been any attempted Rezonings within the immediate area since annexation which would demonstrate changes in conditions or an increase in the need for business or industry which would justify the Rezoning request; and*
- 4) *the entire site appears to be depicted as a Suburban Neighborhood Development Area, per the recently adopted Map for Mobile Plan, which generally puts more emphasis on residential use as opposed to commercial use.*

# LOCATOR MAP



APPLICATION NUMBER 1

DATE August 4, 2016

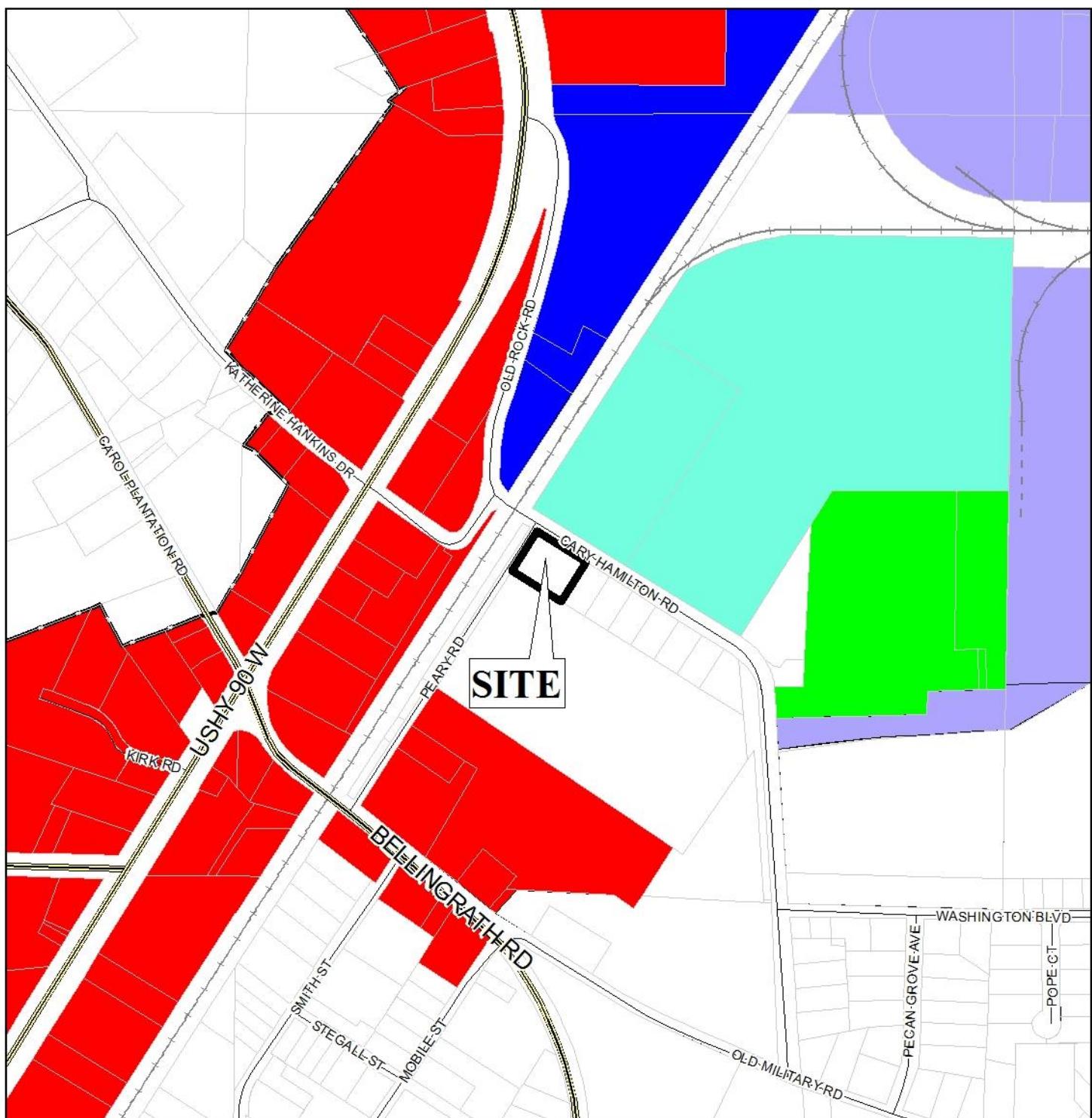
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APPLICANT Colyjohn Associates, LLC

REQUEST Rezoning from R-1 to B-3

NTS

# LOCATOR ZONING MAP



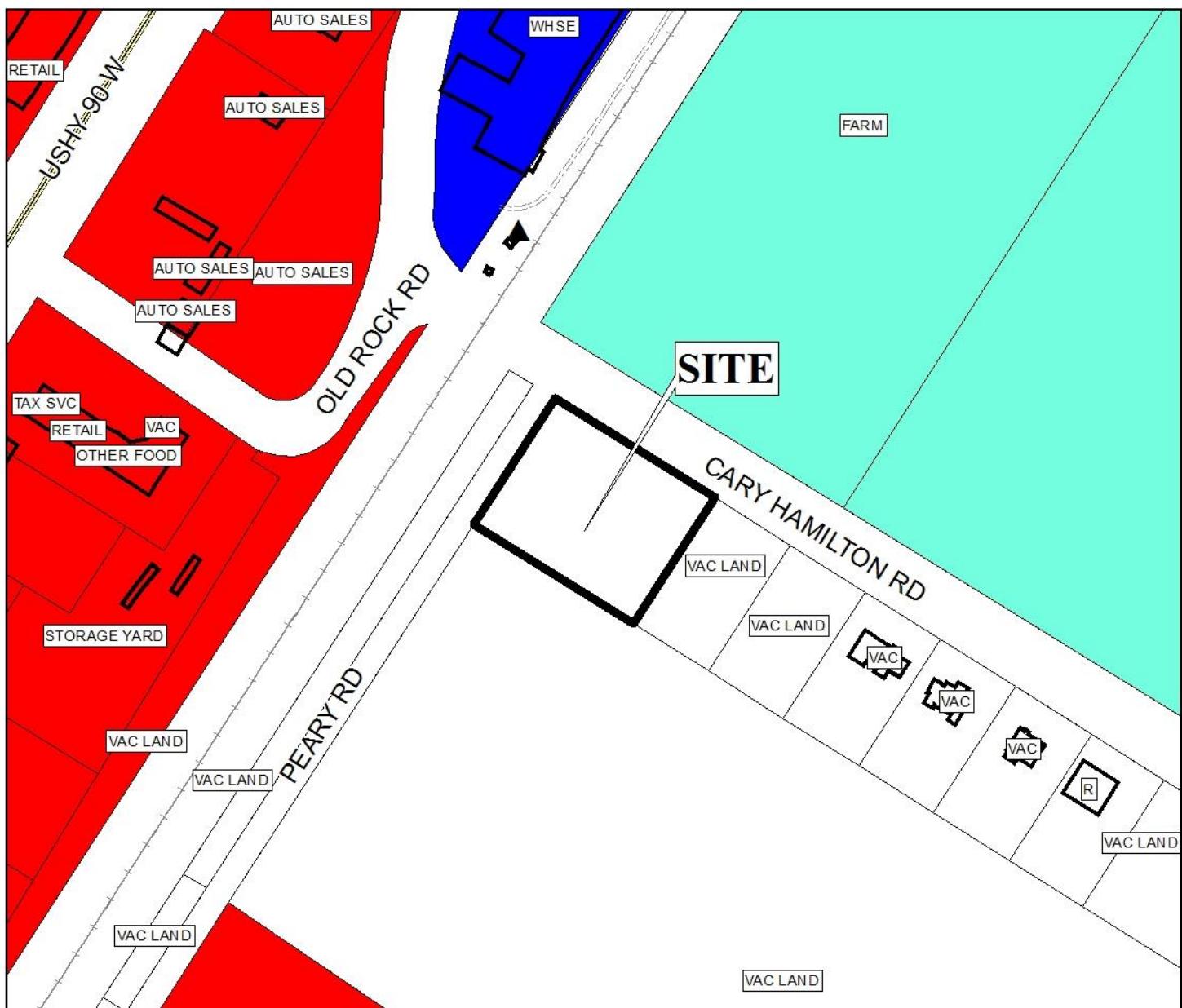
APPLICATION NUMBER 1 DATE August 4, 2016

APPLICANT Colyjohn Associates, LLC

REQUEST Rezoning from R-1 to B-3

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# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

APPLICATION NUMBER 1 DATE August 4, 2016

APPLICANT Colyjohn Associates, LLC

REQUEST Rezoning from R-1 to B-3

	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



NTS

**PLANNING COMMISSION  
VICINITY MAP - EXISTING AERIAL**



The site is surrounded by commercial units.

APPLICATION NUMBER 1 DATE August 4, 2016

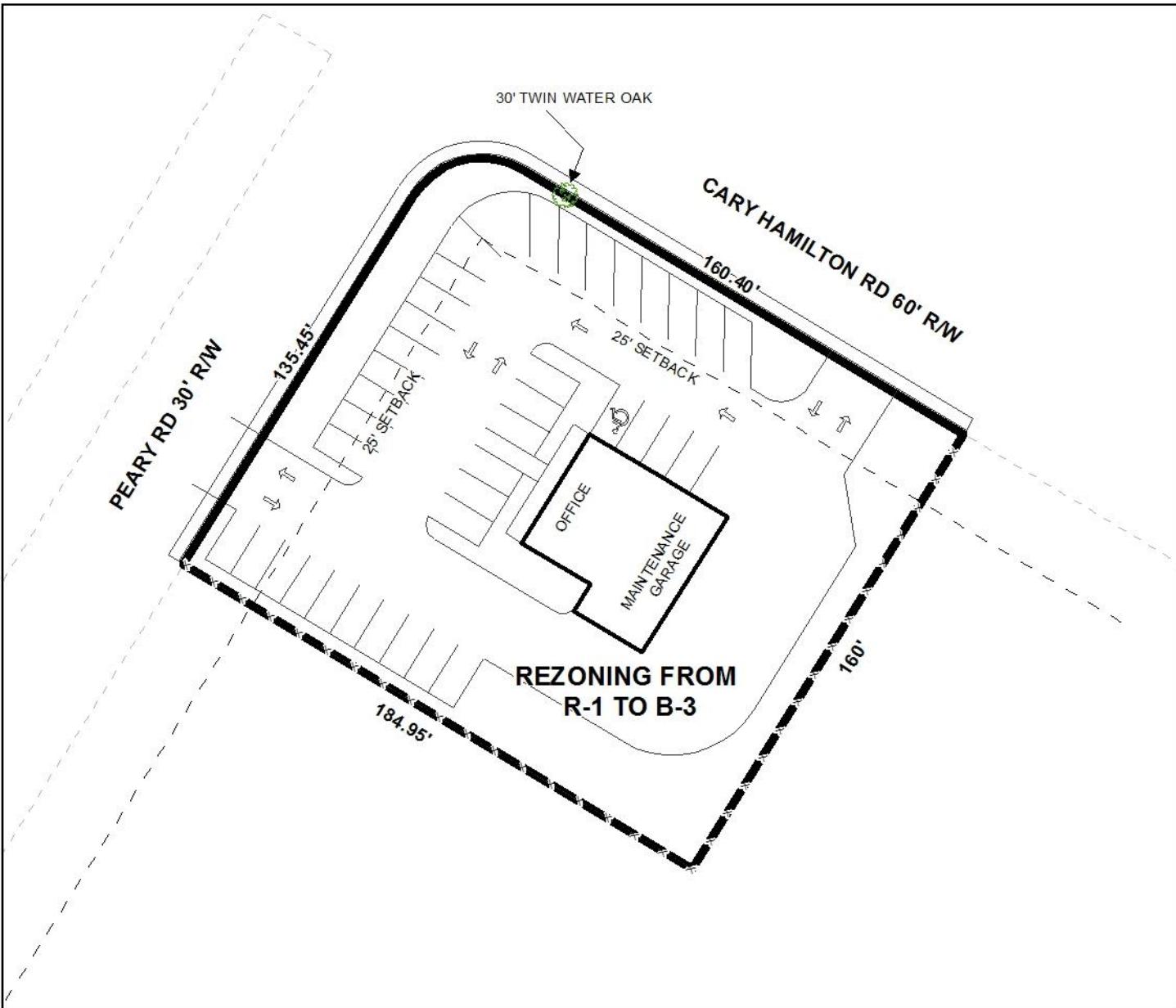
APPLICANT Colyjohn Associates, LLC

REQUEST Rezoning from R-1 to B-3



NTS

# DETAIL SITE PLAN



The site plan illustrates the existing structures, parking, setback, and area to be rezoned.

APPLICATION NUMBER 1 DATE August 4, 2016

APPLICANT Colyjohn Associates, LLC

REQUEST Rezoning from R-1 to B-3

