

**ZONING AMENDMENT  
& SUBDIVISION STAFF REPORT****Date: March 3, 2011****APPLICANT NAME**

Joe Mason

**SUBDIVISION NAME**

Joe Mason Subdivision

**LOCATION**1412 & 1416 Wolf Ridge Road  
(East side of Wolf Ridge Road, 200' ± North of Moffett Road)**CITY COUNCIL  
DISTRICT**

District 1

**PRESENT ZONING**

B-2, Neighborhood Business District

**PROPOSED ZONING**

B-3, Community Business District

**AREA OF PROPERTY**

1 Lot / 2.2 Acres ±

**CONTEMPLATED USE**

Subdivision approval to create a single legal lot of record from an existing legal lot of record and a metes and bounds parcel, and Zoning approval to rezone the site from B-2, Neighborhood Business 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.**

**REASON FOR  
REZONING**

Changing conditions in the area.

**TIME SCHEDULE  
FOR DEVELOPMENT**

Within 6 months.

**ENGINEERING  
COMMENTS**

According the National Wetland Inventory (NWI), wetlands exist on the property. On the plat, show the location of the delineated wetland or provide a letter from a registered wetland biologist stating that wetlands do not exist on the property. When applying for a land disturbance permit for development, need to provide engineering analysis of the receiving drainage system(s) and certify that there is sufficient capacity to receive drainage from the proposed development. 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 ALDOT 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).

Preservation status is to be given to the 60" Live Oak Tree and the 66" Live Oak Tree located in the center of the proposed development. Any work on or under these tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.

## **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 an existing legal lot of record and a metes and bounds parcel, and Zoning approval to rezone the site from B-2, Neighborhood Business District, to B-3, Community Business District, to allow automobile sales.

The site is currently vacant and fronts Wolf Ridge Road, a planned major street to the West. To the North and East of the site are properties zoned R-1, Single Family Residential District; to the West, across Wolf Ridge Road, are properties zoned B-2, Neighborhood Business District; and directly South and adjacent to the site is a property zoned B-3, Community Business District.

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 is depicted as commercial 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 stated as being due to "changes in the development of this area." There have been several zoning changes in the immediate vicinity of this application over the past several years, and there has been new development in the area. However, currently, this site, as a B-2 property, serves as a buffer between the more intensive B-3 zoning to the south and the single-family residential neighborhood.

Though there have been changes in zoning, there have not been any new B-3 zones on this portion of Wolf Ridge Road. Further, in July, 2005, a request for rezoning to B-3 was denied by the commission for a site approximately 1,100 feet to the North of the subject site on Wolf Ridge Road. Given this, and that fact that the current zoning serves as a buffer, it would seem that rezoning of the site to B-3 is not appropriate at this time.

Regarding the subdivision request, this 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 plat illustrates the proposed 2.2 acre  $\pm$ , 1 lot subdivision. The applicant states that the subdivision is served by both public water and sanitary sewer.

The proposed lot, as depicted, meets the minimum size and frontage requirements as regulated by the Subdivision Regulations. The lot area size is not depicted on the plat, as such it should be revised to depict the lot area size in square feet or a table provided showing the same information. The 25-foot minimum building setback line is also not depicted, and this should also be shown along all public street frontages on the Final Plat, if approved.

As stated previously, the site fronts onto Wolf Ridge Road, a planned major street as depicted in the major street plan component of the City of Mobile Comprehensive Plan. The major street plan stipulates a 100-foot right of way for Wolf Ridge Road in this area; a 50-foot right-of-way is depicted on the plat. As such, dedication sufficient to provide 50 feet from the centerline of Wolf Ridge Road should be required.

The applicant is proposing a single curb cut to Wolf Ridge Road. Given that Wolf Ridge Road is a planned major street and the amount of right-of-way frontage on the site, one curb cut would seem to be appropriate. As such, a note should be placed on the Final Plat, if approved, limiting

the site to one curb cut to Wolf Ridge Road, with the size, design, and exact location of the curb cut to be approved by Traffic Engineering and conform to AASHTO standards.

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, the Rezoning request is recommended for denial for the following reasons:

- 1) the applicant has failed to justify a reason for a new B-3 zoning district; and
- 2) the current B-2 zoning district acts as a buffer between an existing B-3 zoning district and a single-family neighborhood.

**Subdivision:** The Subdivision request is recommended for approval subject to the following conditions:

- 1) placement of a note on the Final Plat stating that the site is limited to one curb cut to Wolf Ridge Road, with the size, design, and exact location of the curb cut to be approved by Traffic Engineering and conform to AASHTO standards;
- 2) revision of the plat to depict the 25-foot minimum building line along all public rights-of-way;
- 3) revision of the plat to indicate the area of the lot, in square feet, or provision of a table on the plat with the same information;
- 4) compliance with Urban Forestry comments: *“Preservation status is to be given to the 60” Live Oak Tree and the 66” Live Oak Tree located in the center of the proposed development; any work on or under these tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger;”*
- 5) placement of a note on the final plat stating that development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species; and
- 6) full compliance with all municipal codes and ordinances.

### ***Revised for the April 21, 2011 meeting***

*At the March 3, 2011, Planning Commission meeting, the Subdivision request was approved, with conditions. The rezoning request was heldover by the Planning Commission to allow the applicant to submit voluntary use restrictions for the rezoning. The applicant submitted the voluntary use restrictions on March 30, 2011, with the proposal to prohibit “all uses allowed in B-3 Zoning Districts except those uses allowed in B-2 Zoning Districts and Automobile and Truck Sales and Service.” These voluntary use restrictions appear to be in keeping with the*

concerns expressed by the Planning Commission and as offered by the applicant at the meeting of March 3, 2011.

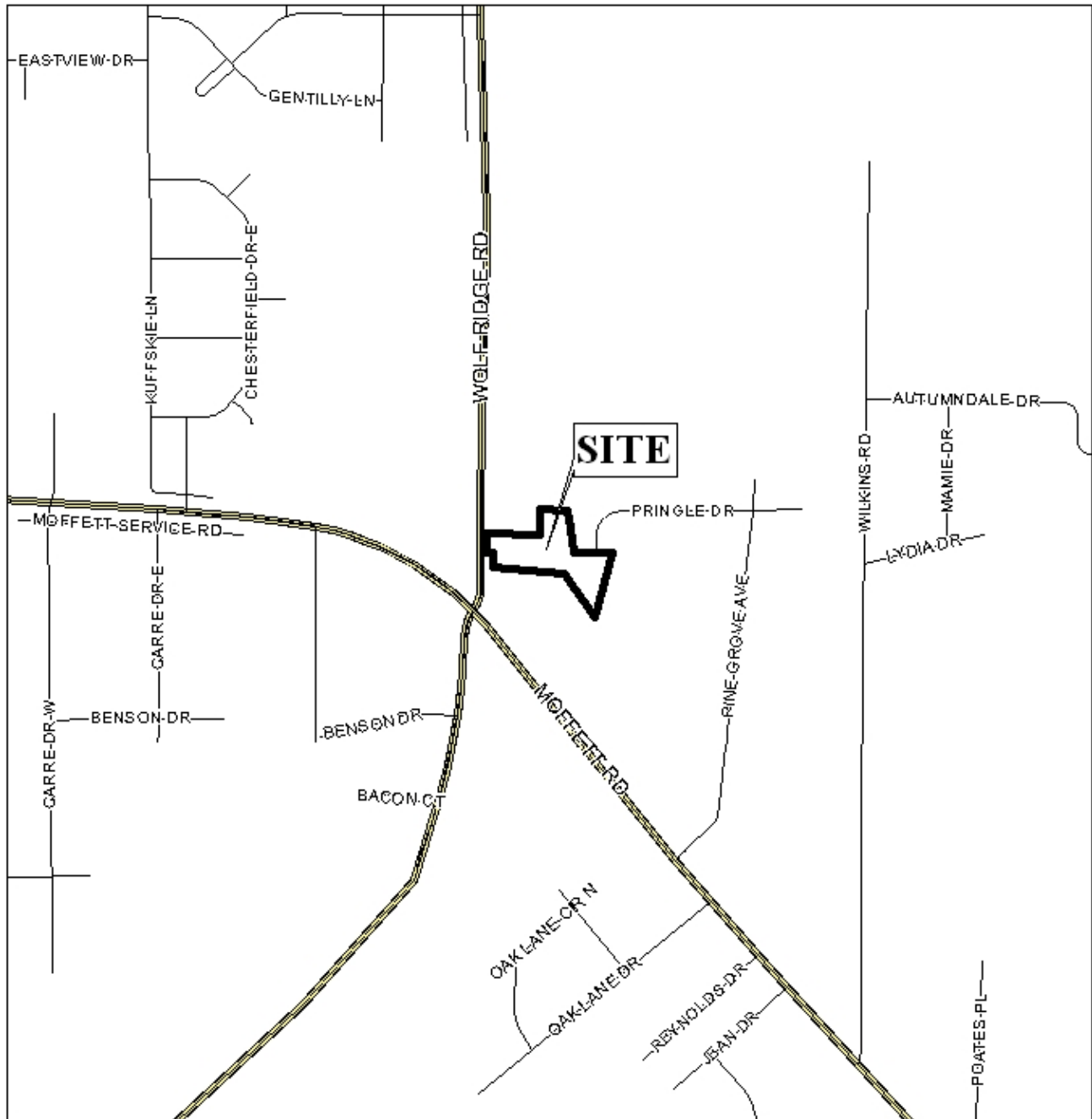
*The applicant also submitted a revised site plan. The revised site plan does not indicate the dedication which was required by the subdivision approval, and, consequently, indicates landscaping area and required frontage tree plantings in the right-of-way. This is not acceptable under the Zoning Ordinance. As such, the site plan should be revised to indicate all required landscaping area and tree planting as being on the site, outside of the right-of-way or any required dedication area.*

## **RECOMMENDATION**

***Rezoning:*** Based upon the preceding, the Rezoning request is recommended for approval subject to the following conditions:

- 1) limited to the voluntary conditions and use restrictions submitted by the applicant on March 30, 2011;*
- 2) compliance with Urban Forestry comments: “Preservation status is to be given to the 60” Live Oak Tree and the 66” Live Oak Tree located in the center of the proposed development; any work on or under these tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger;”*
- 3) revision of the site plan to indicate all required landscaping area and tree planting as being on the site, outside of the right-of-way or any required dedication area;*
- 4) provision of two copies of the revised site plan to the Planning Section of the Urban Development Department; and*
- 5) full compliance with all municipal codes and ordinances.*

# LOCATOR



APPLICATION NUMBER 1 DATE April 21, 2011

APPLICANT Joe Mason Subdivision

REQUEST Subdivision, Rezoning from B-2 to B-3



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



This site is surrounded by miscellaneous land use.

APPLICATION NUMBER 1 DATE April 21, 2011

APPLICANT Joe Mason Subdivision

REQUEST Subdivision, Rezoning from B-2 to B-3

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	NTS



## PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



This site is surrounded by miscellaneous land use.

APPLICATION NUMBER 1 DATE April 21, 2011

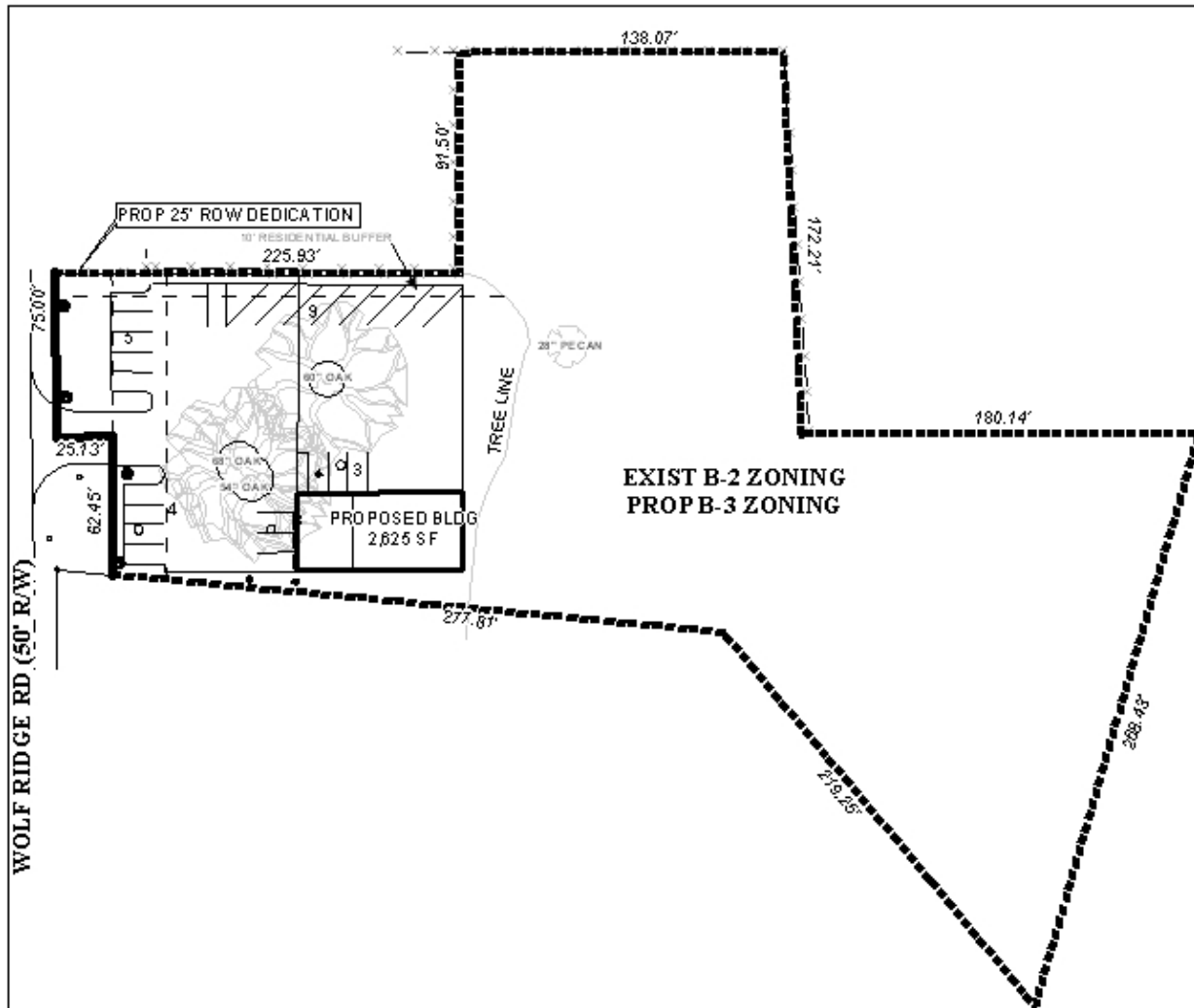
APPLICANT Joe Mason Subdivision

REQUEST Subdivision, Rezoning from B-2 to B-3





# SITE PLAN



This site plan illustrates the proposed lot configuration and building.

APPLICATION NUMBER 1 DATE April 21, 2011

APPLICANT Joe Mason Subdivision

REQUEST Subdivision, Rezoning from B-2 to B-3

