

ZONING AMENDMENT STAFF REPORT**Date: September 20, 2007****NAME**

Christopher C. Knowles III

LOCATION650 Palm Street
(Northeast corner of Palm Street and Cotton Street)**CITY COUNCIL
DISTRICT**

District 1

PRESENT ZONING

R-1, Single-Family Residence District

PROPOSED ZONING

B-3, Community Business District

AREA OF PROPERTY

0.17 ± Acres

CONTEMPLATED USE

Rezoning from R-1, Single Family Residential, to B-3, Community Business District, to allow a cabinet shop.

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**

No time frame provided.

**ENGINEERING
COMMENTS**

It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. Must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit.

**TRAFFIC ENGINEERING
COMMENTS**

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.

Revised for the November 15th meeting: Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Minimum dimensions for parallel parking are twenty feet by eight feet as well as a minimum of a twelve foot aisle. Changes should be made to accommodate these standards. The driveway should be signed

and marked as one-way and should at least be narrowed from eighteen to sixteen feet to discourage two-way traffic flow. (Note: Traffic Engineering comments are regarding the revised October 17th site plan submitted by the applicant, not the November 7th site plan, which was submitted to Urban Development after Traffic Engineering had provided comments for the November 15th meeting – the revised site plan does not appear to fully comply with Traffic Engineer revised comments).

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 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.

REMARKS

The applicant is requesting rezoning from R-1, Single-Family Residential District to B-3, Community Business District, to allow a cabinet shop. Custom cabinet shops are allowed by right in B-3 districts.

The site is currently developed with a 2,156 square foot structure that will be utilized by the applicant. The existing structure was built, apparently, after approval was obtained from the Board of Zoning Adjustment at its September 16, 1963 meeting, allowing the construction of a small warehouse.

B-3, Community business districts, are districts are composed of land and structures used to furnish, in addition to the retail goods and services found in neighborhood business districts, such less frequently needed goods as clothing and automobiles--the wider range of retail goods and services to satisfy all the household and personal needs of the residents of a group or community of neighborhoods. Light or heavy distribution uses may be allowed as defined in the chart of permitted uses. Usually located on a thoroughfare or near the intersection of two (2) thoroughfares, these districts are large and are within convenient driving distance of the group of neighborhoods they will serve. The district regulations are designed to permit the development of the districts for their purpose in a spacious arrangement.

The site is bounded to the North, South, East and West by residential uses, primarily single-family, in an R-1 district. A B-3 district is located approximately 150 feet to the southwest, across Cotton Street.

The site fronts onto Palm and Cotton Streets, a both minor streets with adequate right-of-ways.

The entire site appears to be depicted as industrial 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. 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 states the following regarding the rezoning request:

“The property is currently zoned R-1 with a storage building and gravel drive on the site. The proposed zoning is B-3 with improvements to include a cabinet shop with asphalt parking.”

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 applicant has not addressed any of the conditions related to changing the zoning as requested. The nearest B-3 site was rezoned from R-1 to B-3 in 1999, however, unlike the site under consideration, the B-3 site is adjacent to existing I-1, Light Industrial zoning. Section 64-3.A.5.a. of the Zoning Ordinance states that new freestanding B-3 districts “should” contain at least 4 acres. The site in question is only 0.17 ± acres, well below the recommended minimum district size.

The site plan depicts the site improved with paved parking and access, including 3 parking spaces, an entry from Cotton Street, with one way access exiting onto Palm Street, and landscaping. The parking calculations on the site plan show that only 1 space is required for the proposed 4 employees. The existing building is approximately 2,156 square feet, however no breakdown is provided regarding how much of the building is office space versus manufacturing, warehouse, or any other use. At a minimum one could assume that 2 spaces would be required (1 space per 300 square feet of office space, plus one space per 3 warehouse employees), and up to 8 spaces could be required for a “normal” parking ratio of 1 space per 300 square feet of space (non-warehouse B-3 uses would never be able to satisfy the required parking ratio on the site). Thus more information is required to determine if parking will be adequate for the proposed use. Also, it appears that the parking stalls and maneuvering areas do not meet the minimum standards of the Zoning Ordinance.

Regarding the landscaping calculations, it appears that sufficient *area* will be available for landscaping to meet the minimum requirements of the Zoning Ordinance. The site plan does not, however, depict the actual placement of heritage and understory trees required to depict full compliance.

The site plan does not indicate the location of a dumpster or other private waste facility, thus the site plan should be revised to depict the dumpster location. The location, furthermore, should be

located away from adjacent residential uses, not only in terms of protecting residences from offensive odors, but also from the noise of the dumpster being emptied during the day or night.

The proximity of a B-3 district next to residential districts will require the provision of buffering, which in this case would likely have to be a 6-foot high wooden privacy fence. The site plan should reflect the required buffering.

New development normally requires the provision of a sidewalk along the adjacent public right-of-way, therefore a sidewalk should be shown on any future site plans, should the rezoning be approved.

Year 2006 aerial photographs indicate that the site may have a sign located within the right-of-way for Cotton Street (previous aerials indicate no sign present). There are no permits for the sign, thus any signage for this site, located in the right-of-way, should be removed. Any signage provided for the site should have the appropriate permits.

RECOMMENDATION

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

- 1) No reasons have been provided to justify the rezoning request;
- 2) Size of site to be rezoned does not meet the minimum area recommended in Section 64-3.A.5.a. of the Zoning Ordinance; and
- 3) Site plan does not provide sufficient information to determine if site will comply with the requirements of the Zoning Ordinance (primarily parking).

Revised for the October 18th meeting:

The application was heldover from the September 20th meeting, at the applicant's request.

No additional information was provided by the applicant.

RECOMMENDATION

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

- 1) *No reasons have been provided to justify the rezoning request;*
- 2) *Size of site to be rezoned does not meet the minimum area recommended in Section 64-3.A.5.a. of the Zoning Ordinance; and*
- 3) *Site plan does not provide sufficient information to determine if site will comply with the requirements of the Zoning Ordinance (primarily parking).*

Revised for the November 15th meeting:

The application was heldover from the October 18th meeting, at the applicant's request. Revised site plans were provided on October 17th and November 7th. The following comments refer to the most recent revised site plan (with the exception of Traffic Engineering, which did not have the

opportunity to review the revised November 7th site plan as its comments were completed on November 6th).

A revised site plan was provided by the applicant, depicting 5 parking spaces, and including tree and landscape area calculations. No breakdown was provided regarding office space versus cabinet shop work area space.

The applicant states that 1 space is required due to 4 employees. At a minimum, the Zoning Ordinance would round this up to 2 spaces for a warehouse use, with 4 employees. If one assumes that a small office, no more than 300 square feet is provided, 3 parking spaces may be required. The 5 parking spaces depicted on the site plan would exceed the number minimally required.

Regarding circulation, the site plan shows an 18-foot wide curb-cut from Cotton Street, and a 10.5-foot wide curb-cut from Palm Street. Circulation through the site would be via a 10.5-foot wide drive, which appears to be less than normal requirements (access for a fire apparatus onto the site would not be possible). It would appear that circulation must be one-way, thus the circulation route should be marked with arrows indicating the direction of travel.

The lot is approximately 7,506 square feet in size, thus at least 901 square feet of landscape area would be required. The site plan depicts 666 square feet of provided landscape area, which is 235 square feet less than is required. A variance request to reduce the landscape area below the minimum area should be submitted by the applicant, if the rezoning is approved.

Regarding trees, it appears that the site plan depicts 10 heritage trees and 9 understory trees, yet the calculations provided by the applicant states that 10 heritage and 4 understory trees would be required. Staff calculates that 6 heritage trees (total) would be required along the Cotton and Palm Street frontages, and that 6 more trees (at least half heritage) would be required due to the remaining perimeter area.

No residential adjacency buffer is depicted on the site plan, but would be required. Any buffer provided must comply with Section 64-4.D.1. of the Zoning Ordinance.

If a dumpster will be used on the site, provisions must be made for the dumpster. As stated in Section 64-4.D.9. of the Zoning Ordinance, "The placement of a dumpster in the front yard of the building site or in the street right-of-way shall be prohibited." and "Waste removal of a dumpster by a sanitation truck shall take place entirely within the paved surface of the building site. The street right-of-way may not be used by the truck for maneuverability."

No sidewalk is depicted in the right-of-way adjacent to the site, but would be required.

The applicant states the following regarding the application:

"The building currently exists under a previously established use variance for a warehouse. The proposed use is for a custom cabinet shop with four employees. Hours of operation will be from 9 AM to 5 PM, Monday through Friday and 9 AM to 12 PM on Saturday. A

hardship exists because this commercial structure legally constructed under a use variance cannot be used as a residential structure.”

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 applicant has indicated a hardship, appropriate for a Variance, but has not addressed any of the 4 items listed under the zoning conditions of the previous paragraph.

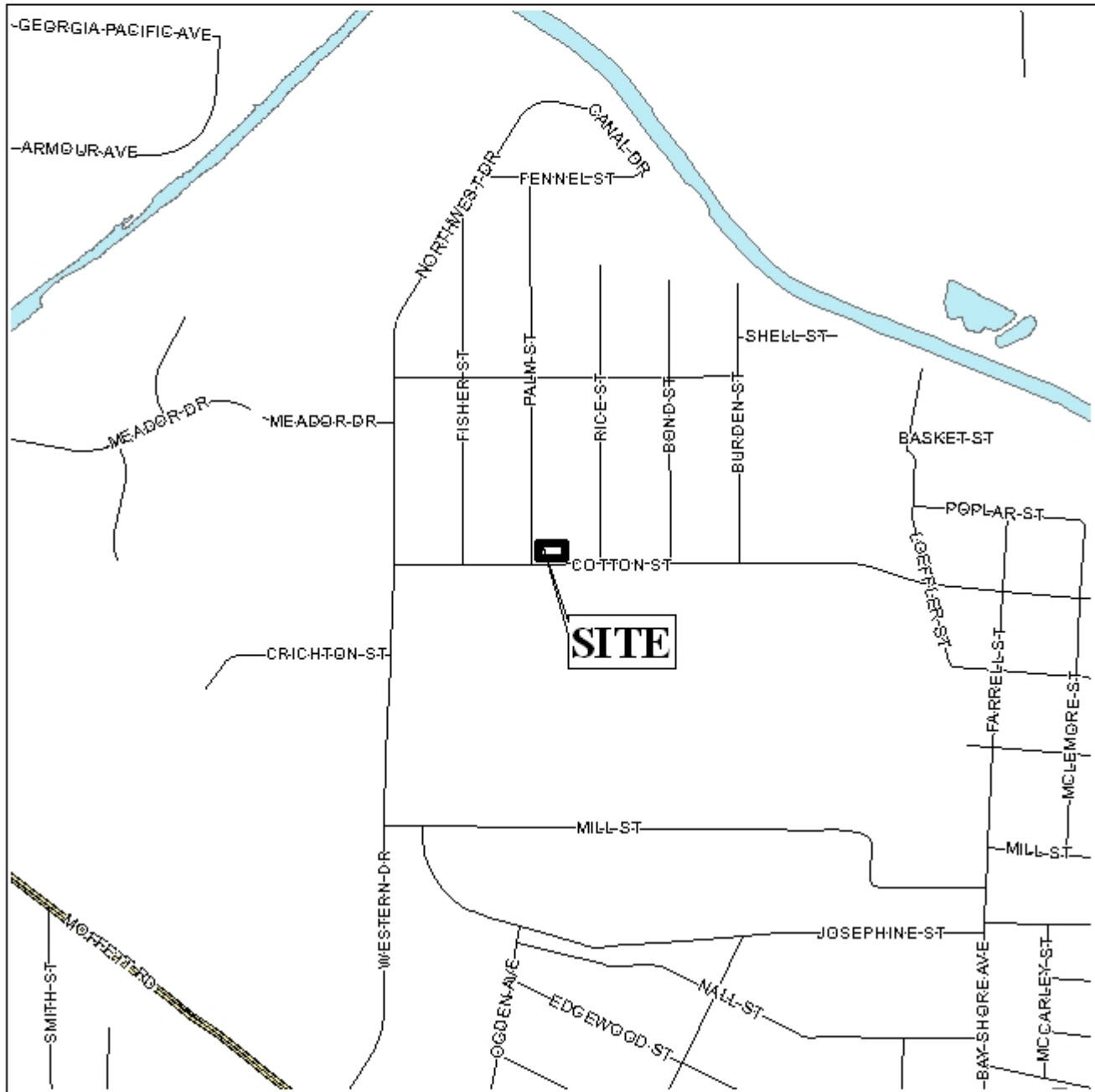
Finally, rezoning of the site would open it up to other, less desirable uses, should the proposed use of a carpentry shop be abandoned. The site was originally developed via a variance granted in 1963: a new variance request may be appropriate in lieu of a rezoning of the site.

RECOMMENDATION

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

- 1) No reasons have been provided to justify the rezoning request;*
- 2) Size of site to be rezoned does not meet the minimum area recommended in Section 64-3.A.5.a. of the Zoning Ordinance; and*
- 3) The landscape area does not meet the minimum requirements of the Zoning Ordinance.*

LOCATOR MAP



APPLICATION NUMBER 2 DATE November 15, 2007

APPLICANT Christopher C. Knowles III

REQUEST Rezoning from R-1 to B-3

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NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



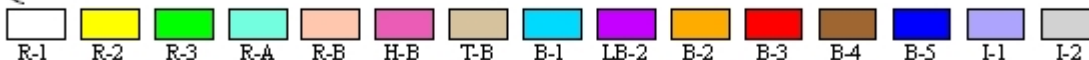
This site is surrounded by residential and commercial landuse.

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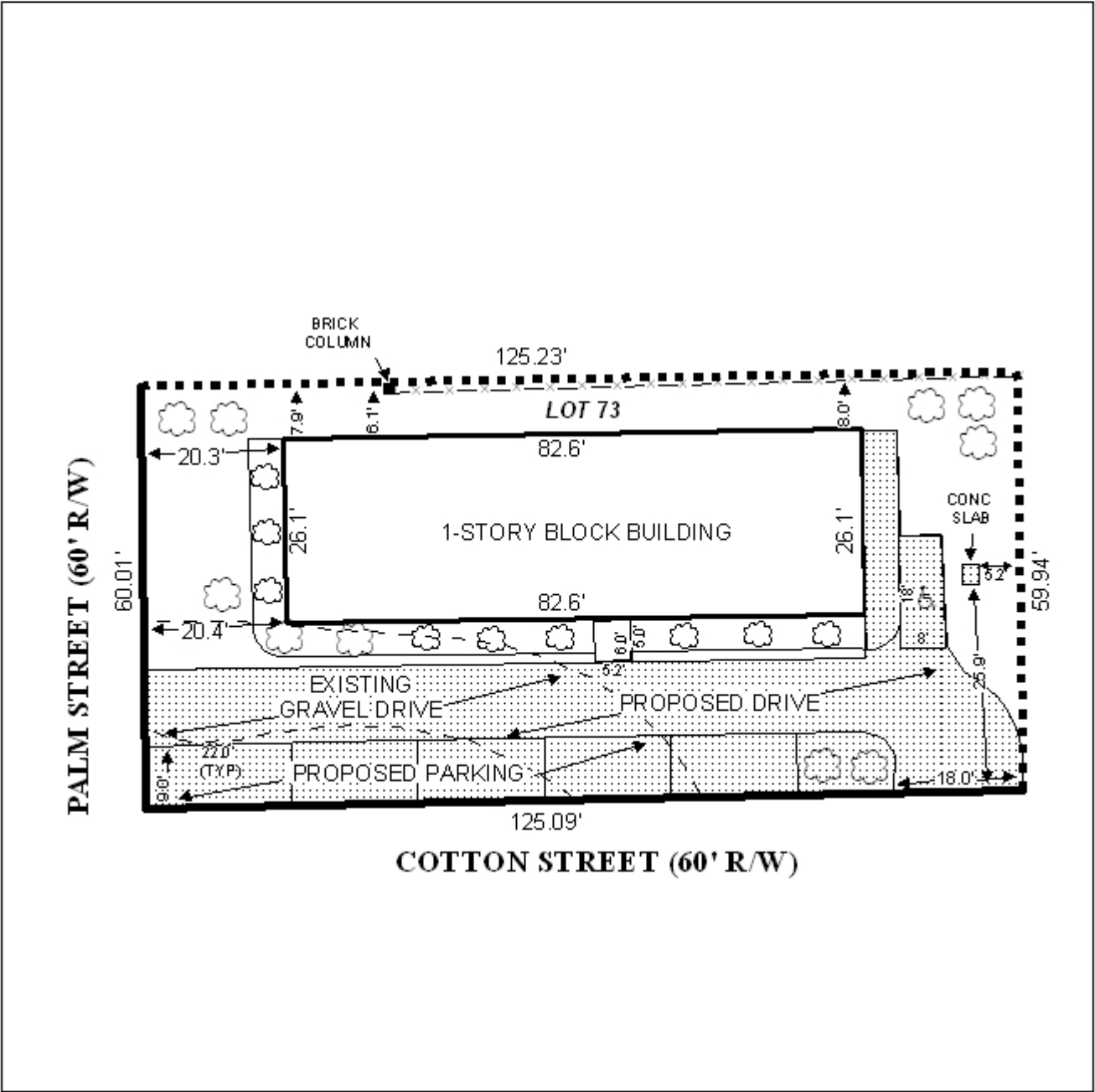
LEGEND



NTS



DETAIL SITE PLAN



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NTS