

ZONING AMENDMENT STAFF REPORT

Date: September 20, 2007

NAME

Christopher C. Knowles III

LOCATION

650 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.

**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:

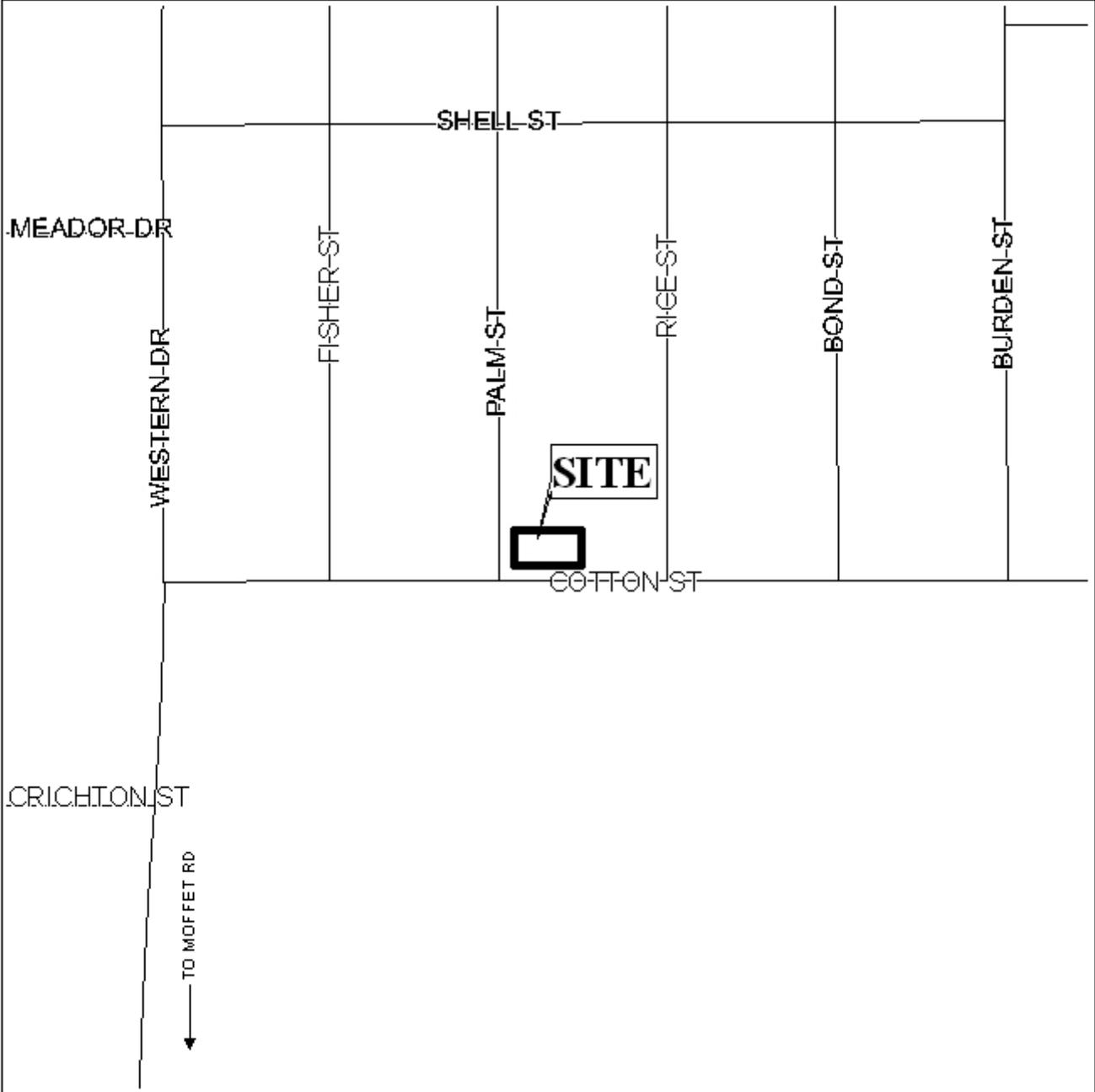
The application was heldover from the September 20th meeting, at the applicant's request.

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).

LOCATOR MAP



APPLICATION NUMBER 3 DATE October 18, 2007

APPLICANT Christopher C. Knowles III

REQUEST Rezoning from R-1 to B-3



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



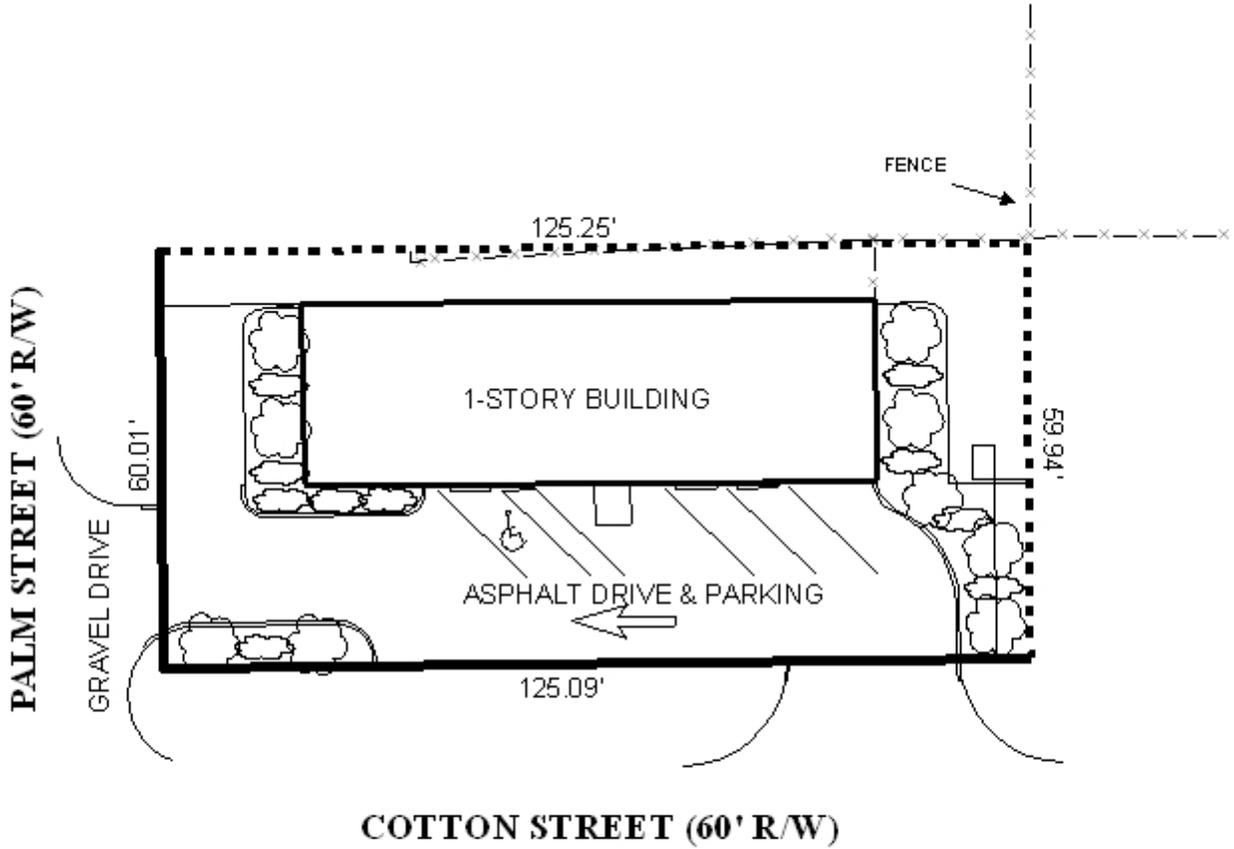
This site is surrounded by residential and commercial landuse.

APPLICATION NUMBER 3 DATE October 18, 2007
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 REQUEST Rezoning from R-1 to B-3



LEGEND															NTS	
	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	

DETAIL SITE PLAN



APPLICATION NUMBER 3 DATE October 18, 2007
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NTS