

ZONING AMENDMENT STAFF REPORT**Date: May 21, 2015****NAME**

David Pitts

LOCATION4512 Higgins Road
(North side of Higgins Road, 250± West of Shipyard Road)**CITY COUNCIL
DISTRICT**

District 4

PRESENT ZONING

R-1, Single-Family Residential District

PROPOSED ZONING

B-3, Community Business District

AREA OF PROPERTY

1-Lot/2.76 ± Acres

CONTEMPLATED USE

Rezoning from R-1, Single-Family Residential District, to B-3, Community Business District, to allow a laydown yard for postal truck storage.

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**

Not specified

**ENGINEERING
COMMENTS**

No comments

TRAFFIC ENGINEERING

Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Any new required 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 of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.

REMARKS

The applicant is requesting Rezoning from R-1, Single-Family Residential District to B-3, Community Business District, to allow a laydown yard with gravel surfacing for postal truck storage.

This site appeared before the Planning Commission at its February 17, 2011 meeting in which the applicant sought rezoning of the lot from R-1, Single-Family Residential District to R-3, Multiple-Family Residential District to allow the development of a mobile home park with 22 spaces and one apartment building. At the Planning Commission meeting on May 19, 2011 the applicant requested that the application be withdrawn. Consequentially, the site has continued to retain R-1, Single-Family Residential zoning designation.

The site is shown as residential 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 property to the North of the subject site is zoned B-5, Office-Distribution District and the properties located to the West, Southwest, and Southeast of the subject site are zoned B-3 and B-5 respectively. There are only three properties in the immediate surrounding area that are zoned R-1. The property located South of the subject site is zoned R-1; however, it appears to be of an existing commercial use. Also, there is an undeveloped parcel zoned as R-1 to the Southeast of the subject site. The other remaining R-1 property, which contains a dwelling unit, is located directly east of the subject site and the applicants have indicated that they would provide a buffer in compliance with the Zoning Ordinance.

As mentioned previously, with regard to the nature of the proposed business, it would seem that outside storage would be anticipated; however, the site plan does not depict a location of any proposed outside storage area, which may be cause for concern given the close proximity of the site to residentially zoned properties. The provision of residential buffering, to include a 6' high wooden privacy fencing may help mitigate adverse impacts of the proposed business. It should also be pointed out that the applicant states a desire to provide gravel surfacing within the outside storage area. Gravel surfacing is only allowed by right in I-1 and I-2 districts, and therefore, a variance from the Board of Zoning Adjustment will be required to allow the use of gravel for parking; otherwise, a paved parking surface will be required if the variance is not approved.

The existing mobile homes that were located on the property prior to the February 17, 2011 Planning Commission meeting have since been removed; however, additional documentation is needed regarding the method of removal and the current location of the mobile homes.

Section 64-9 of the Zoning Ordinance states, 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.

As previously mentioned, the applicant is now seeking rezoning of the property from R-1 to B-3 to keep in harmony with the surrounding commercial properties. The applicant's request specifically addresses the second condition cited under Section 64-9. of the Zoning Ordinance; however, more information is needed before a determination can be made for an approval or denial of this request.

RECOMMENDATION

Based upon the preceding, Staff recommends Holdover to the June 18th meeting, with revisions submitted by May 15th, so the following can be addressed:

- 1) Additional information is needed regarding site improvements and use; and
- 2) Documentation needed for the removal method and location of the mobile homes.

Revised for the May 21st Meeting:

This application was heldover from the May 7th meeting to allow the applicant to submit additional information regarding site improvements and use of the property, in addition to the method of removal and the current location of the mobile homes that existed on the site prior to the February 17, 2011 Planning Commission meeting.

Upon reviewing the preliminary plat, the postal truck storage will be located on the western portion of the property. This location appears to be appropriate due to its adjacency to an existing commercially-zoned business. The applicant is also proposing to keep the existing wooded buffer sited along the perimeter of the property, as well as planting new trees and providing sufficient landscaping in compliance with Section 64-4.E of the Zoning Ordinance. The provision of residential buffering, to include 6' high wooden privacy fencing compliant with Section 64-4.D of the Zoning Ordinance will also help in mitigating any adverse impacts of the proposed business. The applicant acknowledges the existence of the residential property located to the east of the subject site and stated that they would retain or provide a buffer in compliance with the Zoning Regulations. In addition to providing a suitable and compliant buffer/screening between the residential and proposed commercial site, the applicant should ensure that appropriate screening, in compliance with Section 64-4.D of the Zoning Ordinance, is provided along both the side and rear property lines of the area of the property that contains the postal truck storage. Also, screening should be provided on the portion of the site near the street frontage. A privacy screen should be provided setback 10' from the front property line and may consist of a 3'-5' tall berm or evergreen planting 3'-5' tall at the time of planting, or it may consist of a 6' privacy fence to shield the site from the view of the general public located at least

25 feet from the front property line. It should also be noted that the applicant stated a desire to provide gravel surfacing within the outside storage area of the property for maneuverability and maintenance purposes. The applicant recently submitted a request for variance to the Board of Zoning Adjustments seeking the approval of gravel surfacing on the site. As previously mentioned, gravel surfacing is only allowed by right in I-1 and I-2 districts. A paved parking surface will be required if the variance is not approved.

In the May 7th Planning Commission Meeting there were questions regarding the absence of the mobile homes that existed on this site prior to 2011. The applicant stated that the mobile homes were removed and demolished by a contractor in 2012.

Typically, sidewalks are required when developing commercial and/or residential sites, but this site was approved for a sidewalk waiver at the March 17, 2011 meeting of the Planning Commission. City Engineering determined that the construction of a sidewalk would not be practical due to open drainage on site and insufficient right-of-way, and it appears that these conditions will not be changed by the proposed use.

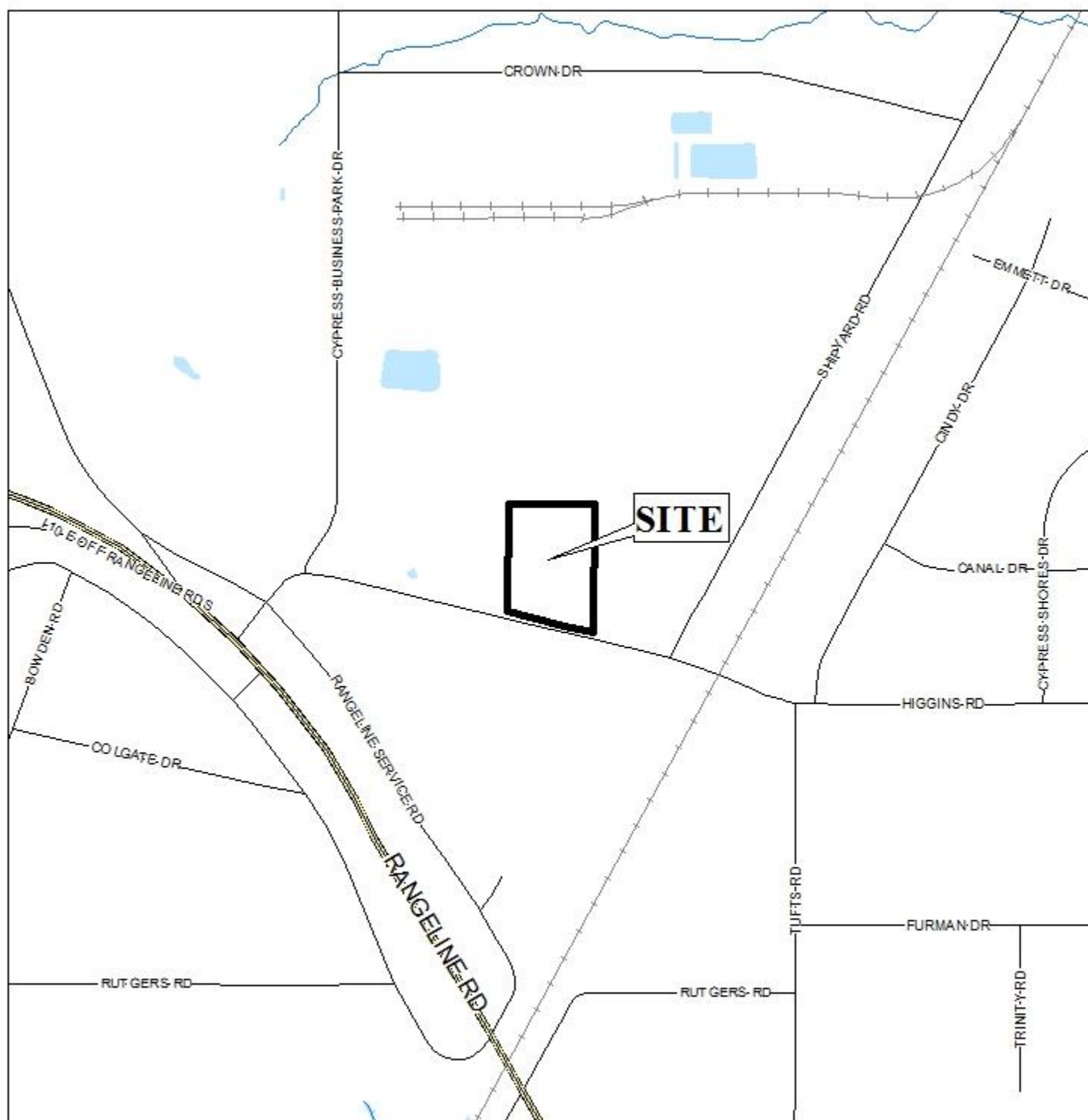
If the rezoning of this site is approved, it should be noted that only the storage of “straight” or “box” trucks will be allowed on the property; no storage of tractor trailers or servicing of vehicles would be permitted on this property as a B-3 site.

As previously discussed in the May 7th Planning Commission Meeting, the subject site is currently situated among many commercially-zoned properties. The property to the North of the subject site is zoned B-5 and the properties located to the West, Southwest, and Southeast of the subject site are zoned B-3 and B-5. There are only three properties in the immediate surrounding area that are zoned R-1, of which one is still used as a residence. It appears, according to condition two of Section 64-9 of the Zoning Ordinance, that gradual changing conditions in the area may now warrant a rezoning of this property, and therefore, an approval of this request may now be deemed appropriate.

Based upon the preceding, this application is recommended for Approval, subject to the following conditions:

- 1) Provision of screening along the rear and side property lines of the outside storage area in compliance with Section 64-4.D of the Zoning Ordinance;
- 2) Provision of screening setback 10' from the front property line in the form of a 3 to 5 foot high berm or evergreen hedge, or a 6 foot high privacy fence setback 25 feet from the front property line; and
- 3) Full compliance with all municipal codes and ordinances.

LOCATOR MAP



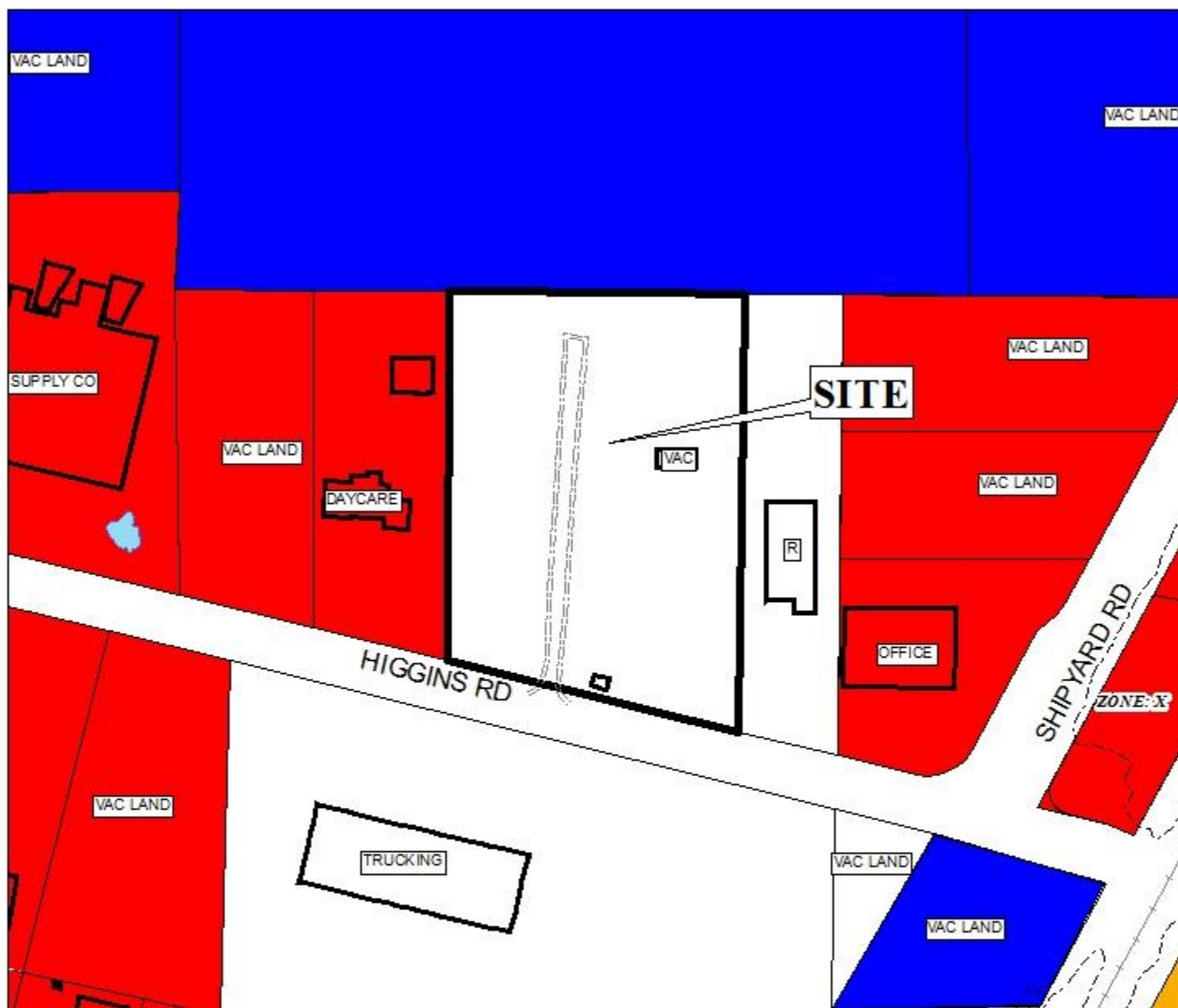
APPLICATION NUMBER 3 DATE May 21, 2015

APPLICANT David Pitts

REQUEST Rezoning from R-1 to B-3



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units. A daycare lies west of the site.

APPLICATION NUMBER 3 DATE May 21, 2015

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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



PLANNING COMMISSION

VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units. A daycare lies west of the site.

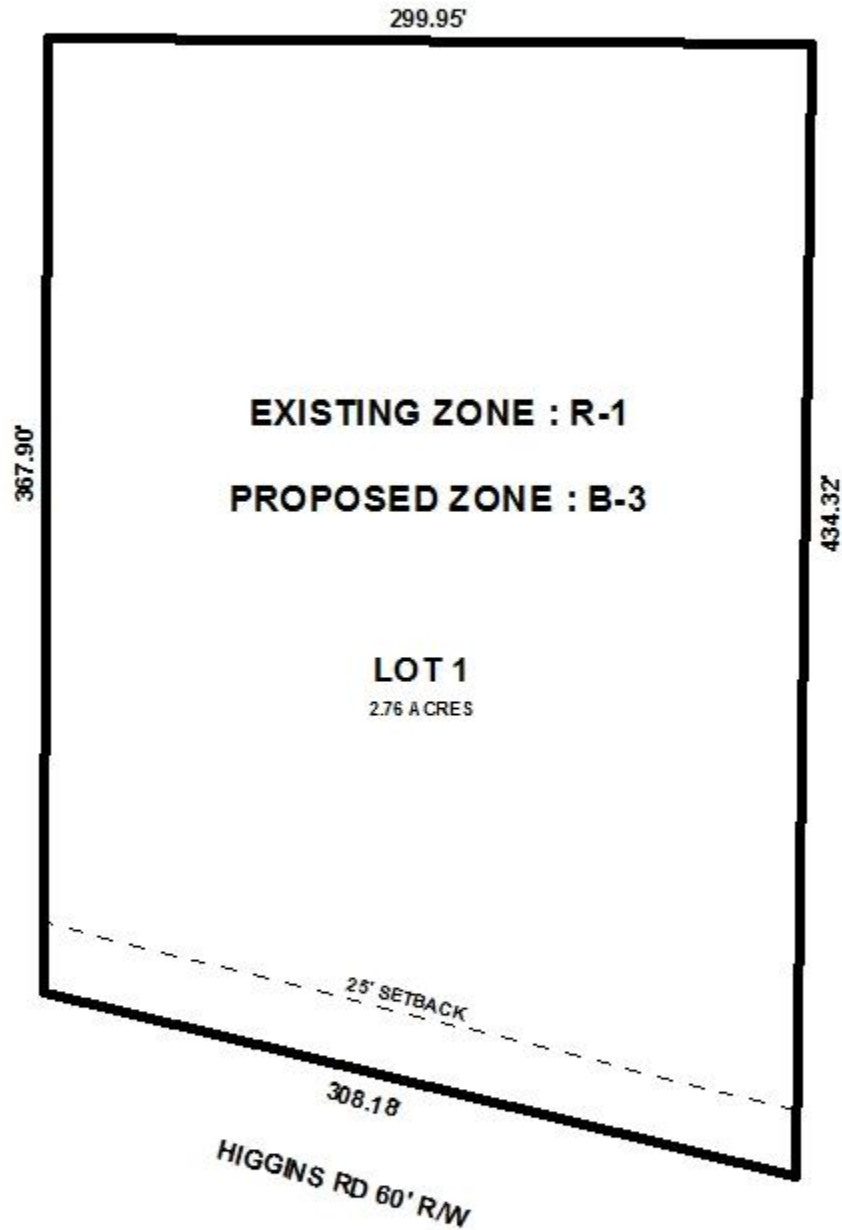
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DETAIL SITE PLAN



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