

ZONING AMENDMENT STAFF REPORT**Date: October 21, 2010****NAME**

Mayo Blackmon

LOCATION1446 Navco Road
(West side of Navco Road, 255'± South of McVay Drive North)**CITY COUNCIL
DISTRICT**

District 4

PRESENT ZONING

R-1, Single-Family Residential District

PROPOSED ZONING

R-2, Two-Family Residential District

AREA OF PROPERTY

0.6 Acre ±

CONTEMPLATED USE

Rezoning from R-1, Single-Family Residential District, to R-2, Two-Family Residential District to allow a garage apartment.

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**

Immediately upon approval

**ENGINEERING
COMMENTS**

Property is located in the AE and X-Shaded Flood Zones. There is to be no fill placed within the limits of the flood plain without providing compensation. Structure must meet minimum FFE requirements and construction of and occupancy of structure must also be in compliance with FEMA and City of Mobile requirements. Must comply with all storm water and flood control ordinances as well as any applicable state and federal requirements (i.e., FEMA). 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 R-2, Two-Family Residential District, to allow a garage apartment.

The site is bounded on the North, West, and to the South across McLaughlin Drive by R-1, Single-Family Residential zoning, and to the East across Navco Road by B-2, Neighborhood Business zoning.

The site is a legal lot of record created by the applicant via the recording of Canal Subdivision, a 4-lot subdivision approved by the Commission in November, 2009. The existing facilities were located on the lot at the time of the subdivision. The applicant proposes to convert the 14.3' by 44.2' garage attached to the existing dwelling into an apartment (an additional dwelling unit), and since the existing R-1 zoning classification allows only one dwelling unit on the lot, the R-2 zoning classification is requested to allow the additional dwelling unit.

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.

One of the applicant's reasons for the rezoning alludes to changes in condition. The applicant states that the area has changed in previous years and the R-2 zoning would bring the property into compliance with current usage of other properties and would not have a negative affect on the neighborhood. Two duplex residential uses across Navco Road approximately 300' South of the subject site are noted; however land use maps indicate only one as a duplex use, and both dwellings would be considered legal nonconforming uses as R-1 and R-2, since they are both zoned B-2 and dwellings are only allowed above the first or ground floor in a B-2 district. Therefore, there is really no change in conditions within the area and nonconforming changes could not be considered as justification for zoning amendment.

Another reason given is that the Canal Subdivision created the lot with the dwelling and the garage proposed to be converted to a dwelling. But this is a very loose interpretation of Section 64-9. of the amendment policy as the Canal Subdivision only created two vacant buildable sites, both zoned R-1, and the subject lot was already developed as R-1. Also, the rezoning of the subject site to R-2 would create a spot zoning on the West side of Navco Road in an area where the residential use is totally R-1 in the immediate surrounding neighborhood and would be out of character with the current uses.

And, the proposed R-2 district does not meet the 4-acre minimum size as per Section 64.3.A.5.a. of the Zoning Ordinance.

Given the surrounding R-1 zoning and land uses, rezoning of this site would not be considered appropriate and the Commission should consider this application for denial.

RECOMMENDATION

Based on the preceding, this application is recommended for denial for the following reasons:

- 1) there is no change in conditions within the area and nonconforming changes cannot be considered as justification for rezoning;
- 2) the subdivision of the site into one lot with a compliant existing use does not make reclassification necessary and desirable;
- 3) reclassification would create spot zoning in the area;
- 4) reclassification would be out of character with the immediate surrounding residential uses; and
- 5) the proposed R-2 district does not meet the 4-acre minimum size as per Section 64.3.A.5.a. of the Zoning Ordinance.

Revised for the November 4th meeting:

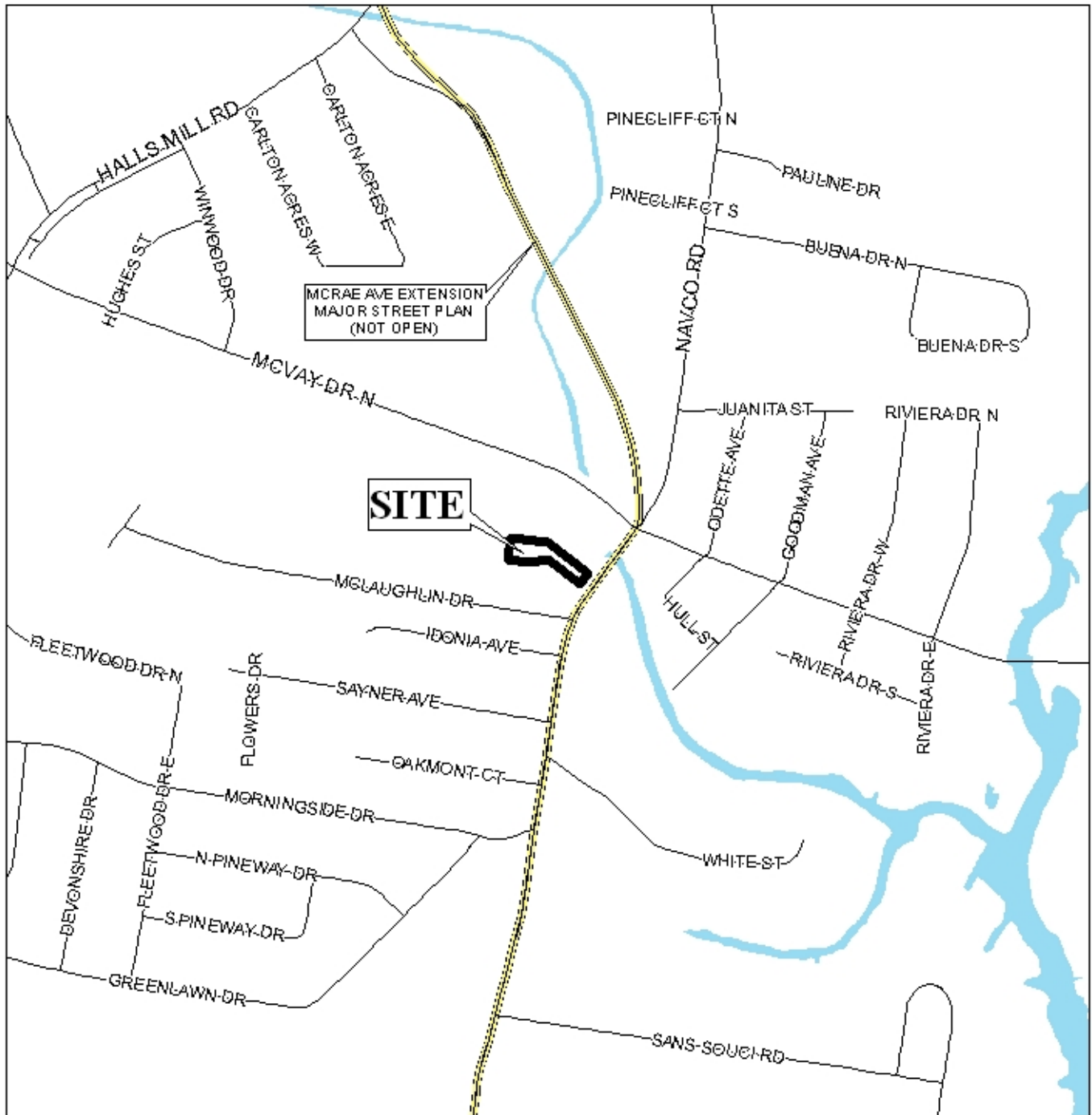
This application was heldover from the October 21st meeting at the applicant's request. As no additional information has been submitted for review, the original recommendation stands.

RECOMMENDATION

Based on the preceding, this application is recommended for denial for the following reasons:

- 1) *there is no change in conditions within the area and nonconforming changes cannot be considered as justification for rezoning;*
- 2) *the subdivision of the site into one lot with a compliant existing use does not make reclassification necessary and desirable;*
- 3) *reclassification would create spot zoning in the area;*
- 4) *reclassification would be out of character with the immediate surrounding residential uses; and*
- 5) *the proposed R-2 district does not meet the 4-acre minimum size as per Section 63.3.A.5.a. of the zoning Ordinance.*

LOCATOR



APPLICATION NUMBER 3 DATE November 4, 2010

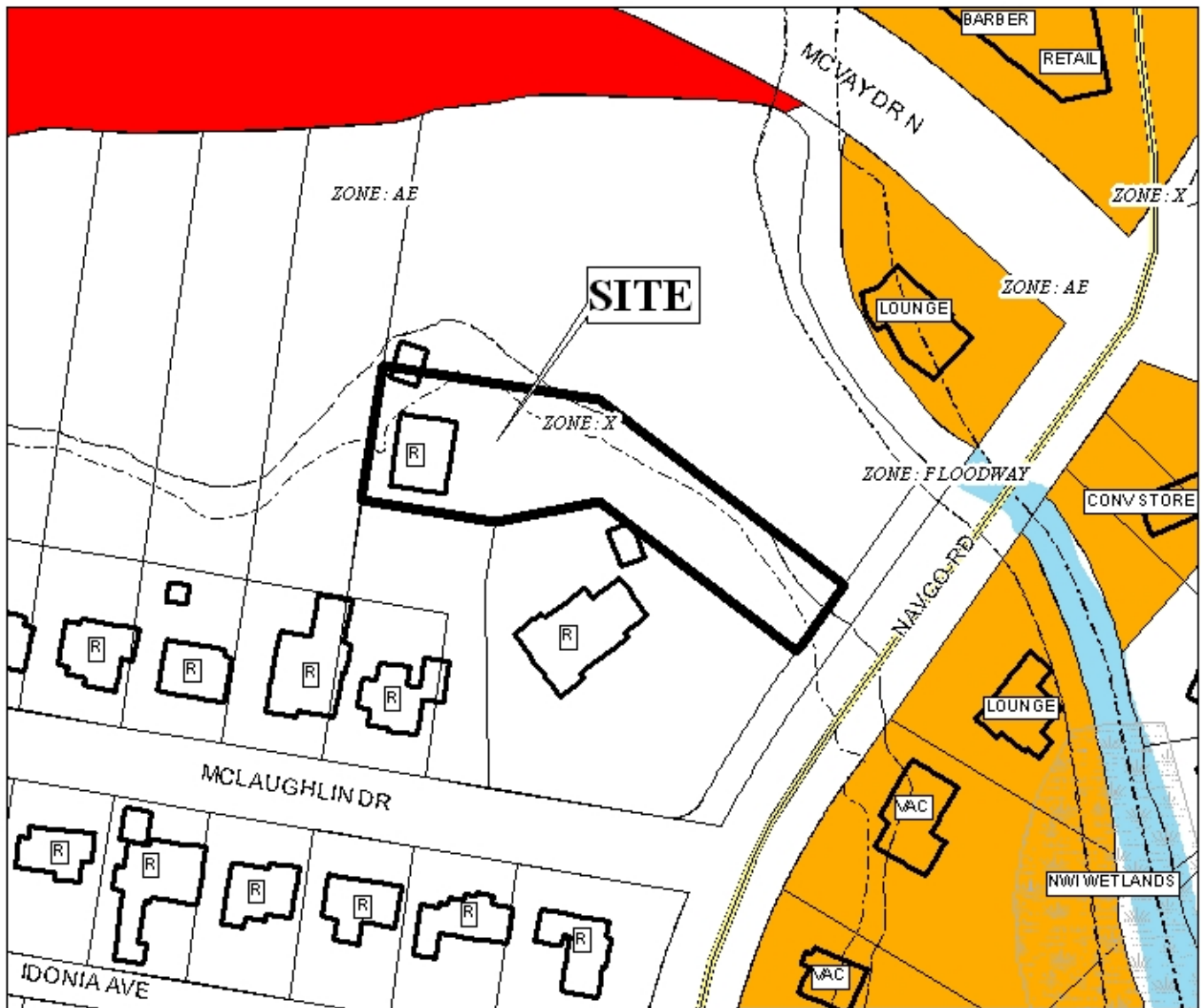
APPLICANT Mayo Blackmon

REQUEST Rezoning from R-1 to R-2



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



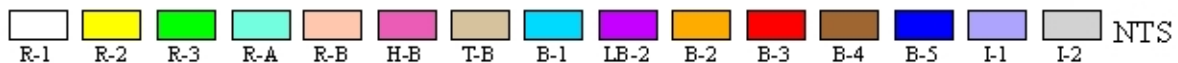
This site is surrounded by residential land use
with business land use to the north and east.

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LEGEND



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



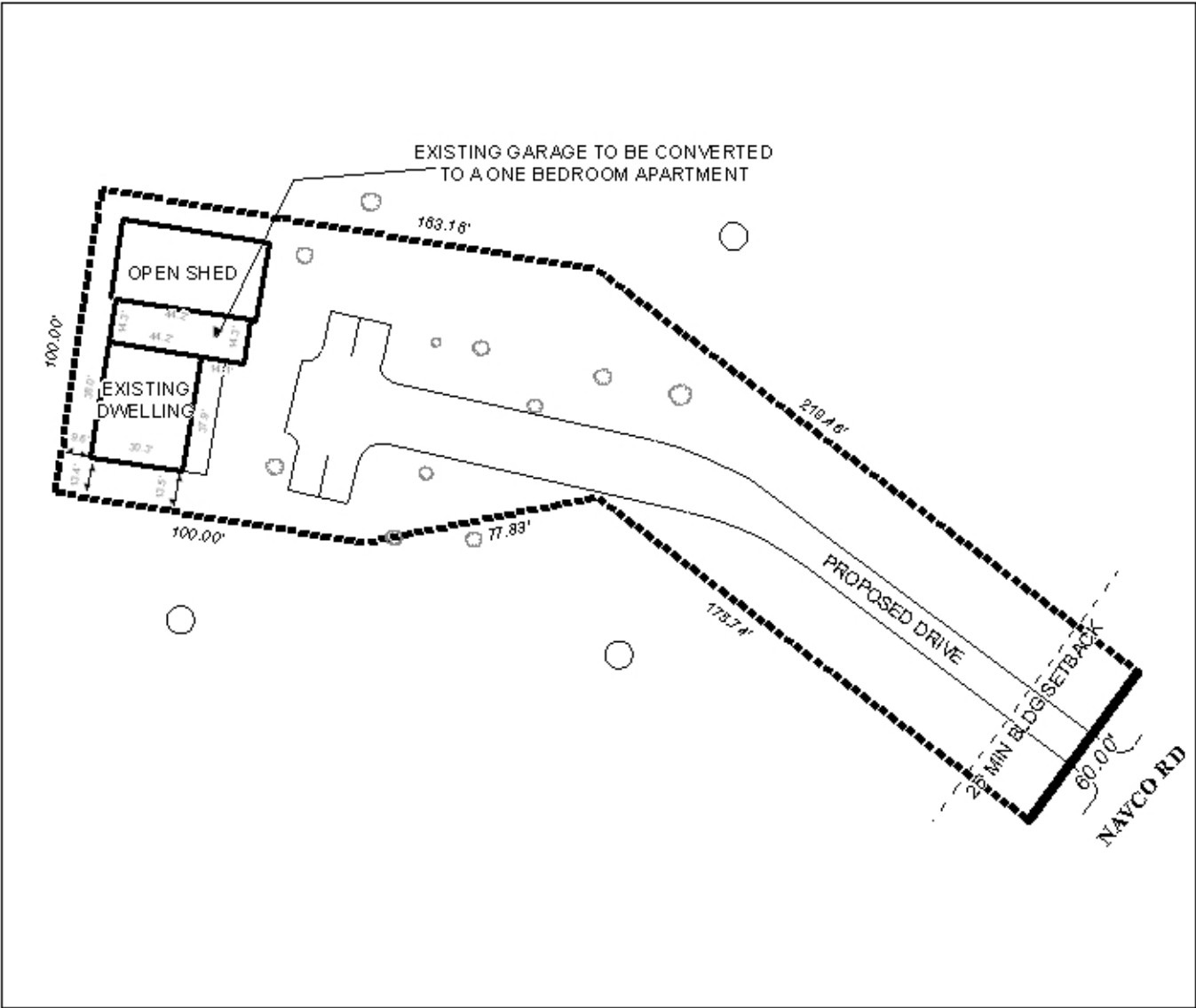
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SITE PLAN



This site plan illustrates the existing lot configuration and proposed remodeling of existing garage into a one bedroom apartment. The site is currently zoned R-1 and proposes a change to R-2.

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