

ZONING AMENDMENT STAFF REPORT**Date: October 21, 2021****NAME**

James Devery

LOCATION4459 Government Boulevard
(Southeast corner of Government Boulevard and
Demetropolis Road).**CITY COUNCIL
DISTRICT**

District 4

PRESENT ZONING

B-2, Neighborhood Business District

PROPOSED ZONING

B-3, Community Business District

AREA OF PROPERTY

3.1± Acres

CONTEMPLATED USERezoning from B-2, Neighborhood Business District, to
B-3, Community Business District.

It should be noted 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**

6 – 12 Months.

**ENGINEERING
COMMENTS**

1. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Permitting Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII).
2. A Land Disturbance Permit application shall be submitted for any proposed land disturbing activity with the property. A complete set of construction plans including, but not limited to, drainage, utilities, grading, storm water detention systems and paving will need to be included with the Land Disturbance permit. This Permit must be submitted, approved, and issued prior to beginning any of the construction work.
3. Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain

Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.

4. Any existing or proposed detention facility shall be maintained as it was constructed and approved. The Land Disturbance Permit application for any proposed construction includes a requirement of a Maintenance and Inspection Plan (signed and notarized by the Owner) for the detention facility. This Plan shall run with the land and be recorded in the County Probate Office prior to the Engineering Department issuing their approval for a Final Certificate of Occupancy.
5. The approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. The Owner/Developer is responsible for acquiring all of the necessary permits and approvals.
6. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

TRAFFIC ENGINEERING

COMMENTS

Government Boulevard (US Highway 90) and its service roads are maintained by ALDOT. Lot is limited to no more than one curb cut per street frontage with size, location, and design to be approved by ALDOT and Traffic Engineering and conform to AASHTO standards. Any 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 [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.

FIRE DEPARTMENT

COMMENTS

All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 International Fire Code). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.

REMARKS

The applicant is requesting rezoning from B-2, Neighborhood Business District, to B-3, Community Business District.

The site has been given a Neighborhood Center - Suburban (NC) land use designation, per the adopted Future Land Use Plan and Map. The Future Land Use Plan and Map complements and provides additional detail to the Development Framework Maps in the Map for Mobile, adopted by the Planning Commission at its November 5, 2015 meeting.

This land use designation applies to smaller hubs of mixed commercial, community, and recreational activity that cater to adjacent residential areas. Many of these centers exist today in some form. Therefore, the following common principles apply not just to the future development of new centers, but also to the redevelopment (wholesale or incremental) of existing centers.

General Principles for Neighborhood Centers:

- NC should support a limited amount of commercial employment
- NC should incorporate some residential use, which may vary in type from detached single family, townhouse, accessory and live-work units in mixed use and low-rise multifamily structures.
- The residential density in NC designations –ranging from 4 to 10 du/ac— must be compatible in character with that of surrounding residential development, providing appropriate transitions in height, massing and other buffering from one land use district to the next.
- The retail and housing uses should merge around vibrant, compact, accessible nodes, located at key neighborhood intersections or along short road segments.
- The NC nodes should be connected to the surrounding neighborhood and nearby public uses (e.g., schools, parks, etc.) via well designed sidewalks and complete streets.
- While the above-listed principles are common to all NC districts, the design attributes of neighborhood centers generally vary depending on whether a center is in a more “traditional” or more “suburban” context.

Additional Attributes of Neighborhood Centers:

- NC in traditional contexts: These tend to be in those areas east of the Beltline and correspond to MxDR (Mixed Density Residential) neighborhoods. In these NCs, buildings should orient to the street, with on-site parking typically pushed to the back of the site. The design qualities of the public realm are emphasized, including the provision of continuous sidewalks, tree canopy, pedestrian amenities, on-street parking and bicycle facilities where appropriate.
- NC in suburban contexts: These generally are located among the LDR land use designations in the areas west of the Beltline. Where they exist, these centers currently have a more pronounced vehicular orientation. Therefore, the emphasis is on retrofitting to improve internal walkability (e.g., through the addition of sidewalks, tree canopy, protection from the elements) and external connectivity to the surrounding areas (via sidewalks, paths and trails, street crossings, transit stops, etc.) and to increase the mix and density of uses (e.g., infill of outparcels, addition of housing, etc.).

It should be noted that the Future Land Use Plan and Map components of the Map for Mobile Plan are meant to serve as a general guide, not a detailed lot and district plan. In many cases the designation on the new Future Land Use Map may match the existing use of land, but in others the designated land use may differ from what is on the ground today. As such, the Future Land Use Plan and Map 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, where applicable, the zoning classification.

The subject site was originally assigned an R-A, Residential-Agricultural District zoning classification with the original adoption of the Zoning Ordinance in 1967. In 1978, the site was rezoned from R-A to its current B-2 classification. In 2004, the site was made a legal lot of record with the approval and recording of Lee's Subdivision. The site is bordered along its East side by B-2 and R-1, Single-Family Residential along the West side of Rochelle Street. To the South, the site is bordered by R-3, Multi-Family Residential. To the North across Government Boulevard is B-2 zoning, and to the Northwest across Government Boulevard and Demetropolis Road is B-3, Community Business District zoning. To the West across Demetropolis Road and Government Boulevard is B-3 zoning, and to the Southwest across Demetropolis Road is B-3 zoning. The subject site is currently vacant and does not appear to have ever been developed.

There have been numerous rezonings for surrounding properties since the adoption of the Ordinance in 1967, and all commercial sites within the area along Government Boulevard and Demetropolis Road have been assigned a Neighborhood Center - Suburban future land use designation.

The applicant states the following:

9/28/21

RE: 4459 Government Blvd.

To whom this concerns,

James Devery, Jr. is requesting a zoning change for the above-referenced property from B-2 to B-3 in order to meet the City of Mobile zoning class for his proposed auto paint & body shop. He currently has the property under contract to purchase and is contingent on obtaining the B-3 rezoning.

Section 64-9. of the Zoning Ordinance states that 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.

No site plan for development was submitted with the application, but as mentioned in the narrative, an automotive paint and body shop is proposed for the site. As there have been numerous rezonings within the immediate area since the 1967 adoption of the Ordinance due to changing conditions, and as the site is located along Government Boulevard, a Major Street conducive to higher zoning classifications, the proposed rezoning would seem in order with the Future Land Use Plan. If approved, it should be noted that commercial use of the site would require full compliance with tree plantings, landscape area, parking, residential buffer, etc.

It should be noted that Government Boulevard is a component of the Major Street Plan requiring a right-of-way width of 250 feet along the site frontage. Therefore, dedication may be required along Government Boulevard to bring the right-of-way width into compliance with the Major Street Plan if it is currently not so.

RECOMMENDATION

Based on the preceding, the application is recommended for Approval due to the following:

- 1) there have been changing conditions within the area which would make reclassification of the land necessary and desirable.

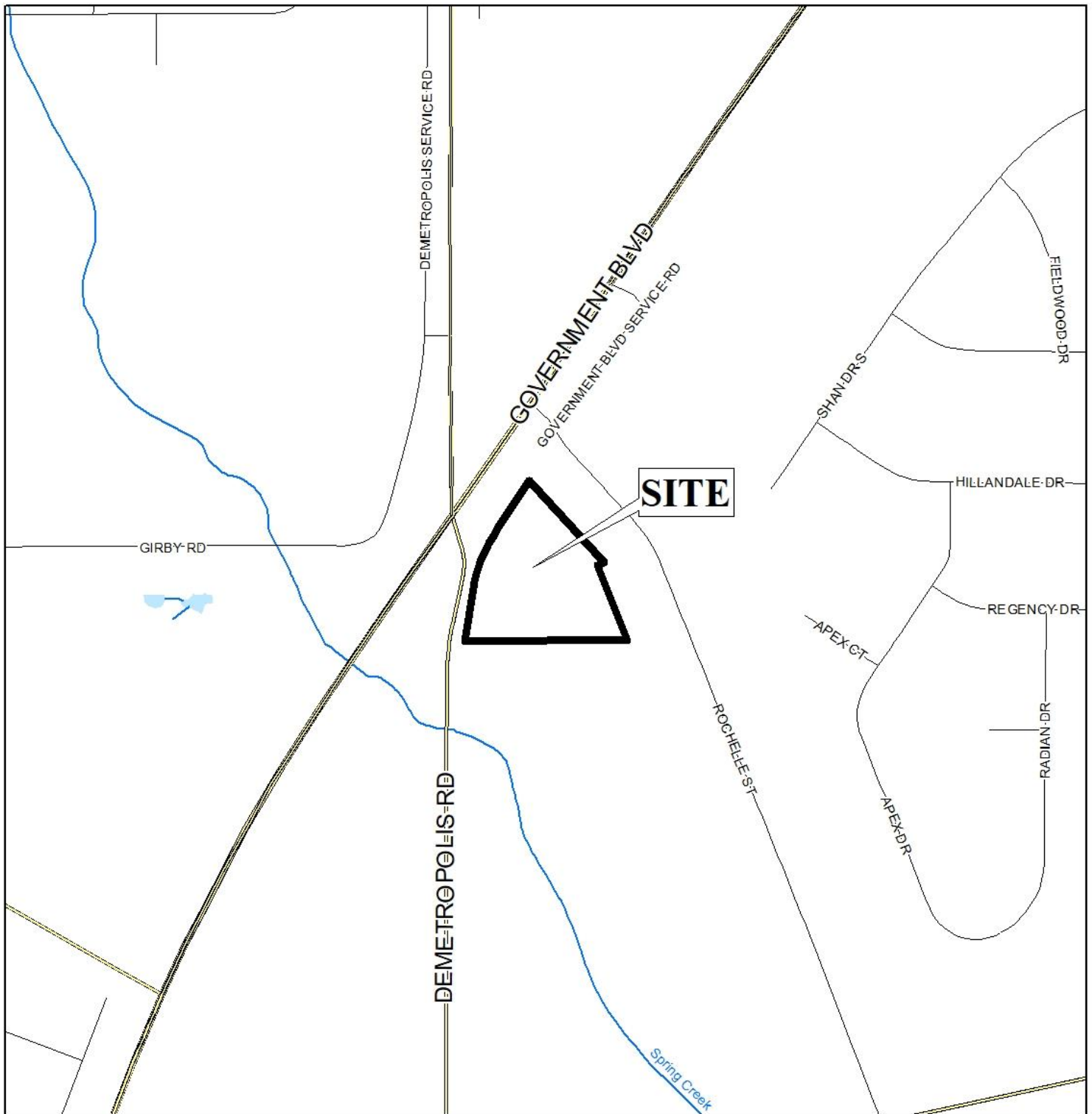
The rezoning should be subject to the following condition:

- 1) dedication of any necessary right-of-way along Government Boulevard to bring the street into compliance with the Major Street Plan; and
- 2) full compliance with all municipal codes and ordinances.

In order for any concerns to be considered by the Planning Commission you must email your concerns to planning@cityofmobile.org or they may be uploaded to the website via the portal under the meeting date and case. Comments must be entered by 2:00 PM on Wednesday, October 20th, before the meeting, in order to be considered by the Commission.

If you wish to participate in the meeting, you must email planning@cityofmobile.org by 2:00 PM on Wednesday, October 20th, before the meeting. In accordance with Planning Commission by-laws, no more than four (4) speakers are allowed to speak for or against an application. Speaking time is limited to five (5) minutes per speaker.

LOCATOR MAP



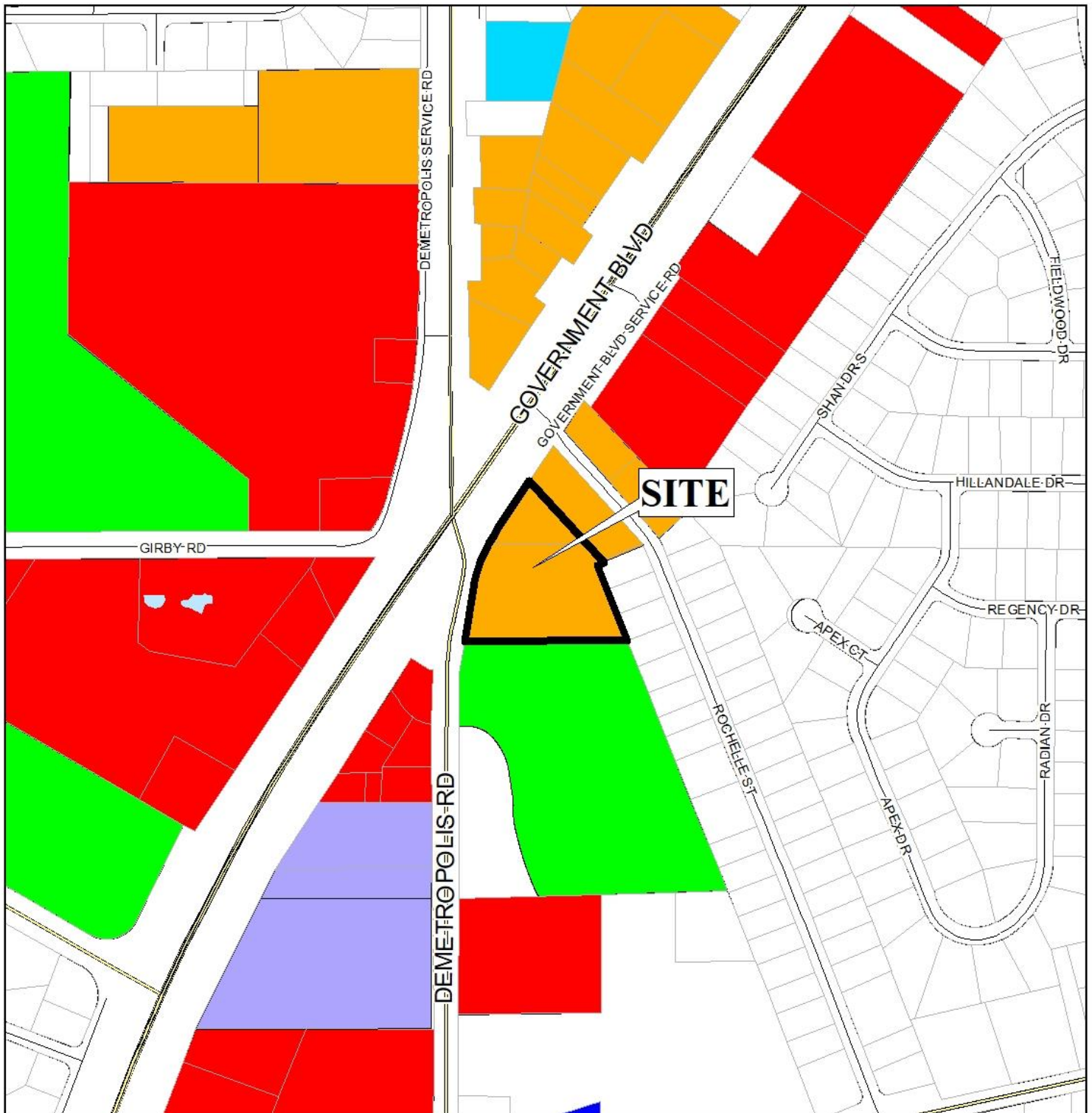
APPLICATION NUMBER 4 DATE October 21, 2021

APPLICANT James Devery

REQUEST Rezoning from B-2 to B-3



LOCATOR ZONING MAP



APPLICATION NUMBER 4 DATE October 21, 2021

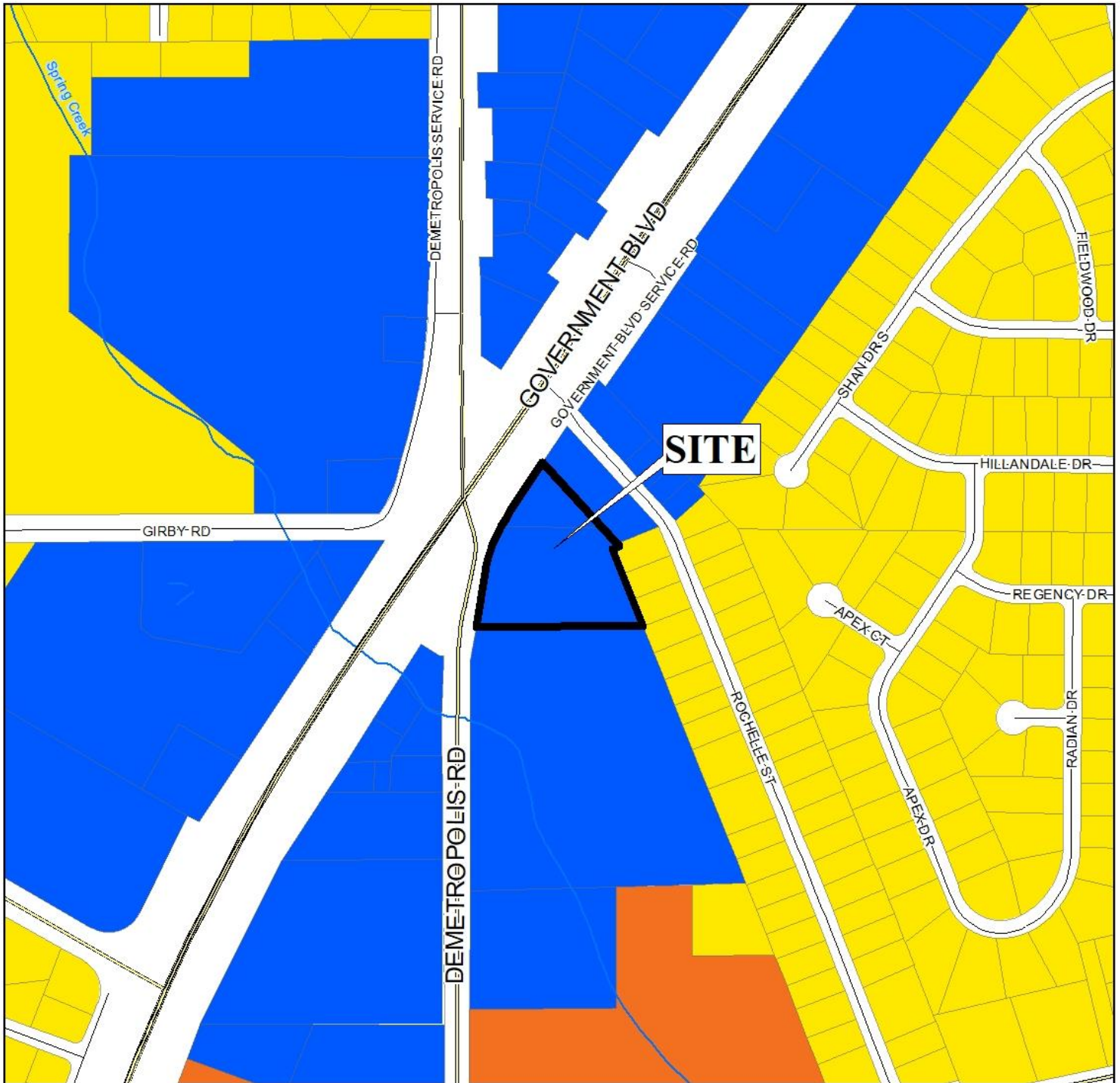
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FLUM LOCATOR MAP



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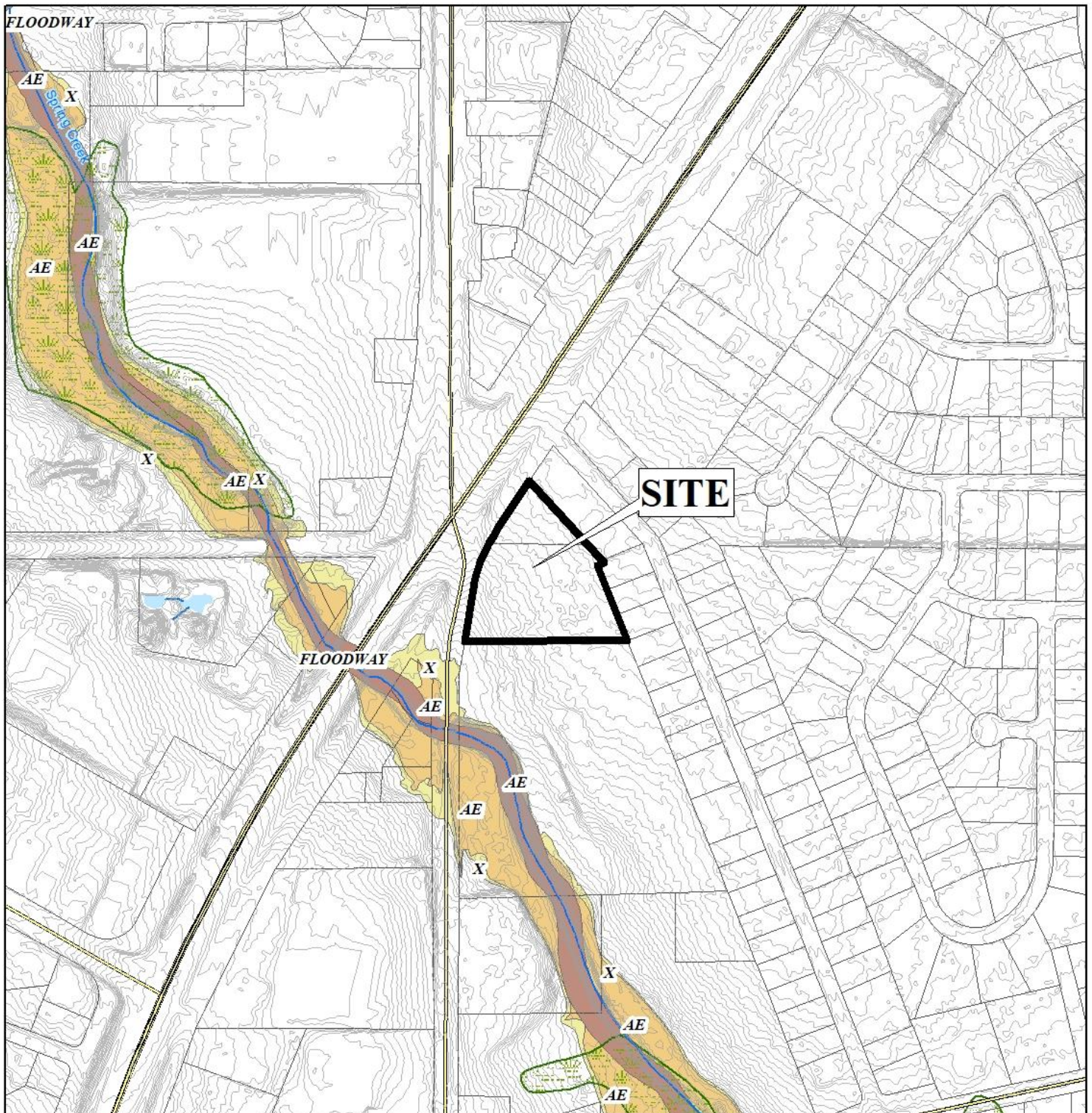
REQUEST Rezoning from B-2 to B-3

- | | | | |
|---|--|--|---|
| ■ Low Density Residential | ■ Neighborhood Center - Traditional | ■ Downtown Waterfront | ■ Parks & Open Space |
| ■ Mixed Density Residential | ■ Neighborhood Center - Suburban | ■ Light Industry | ■ Water Dependent |
| ■ Downtown | ■ Traditional Corridor | ■ Heavy Industry | |
| ■ District Center | ■ Mixed Commercial Corridor | ■ Institutional | |



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ENVIRONMENTAL LOCATOR MAP



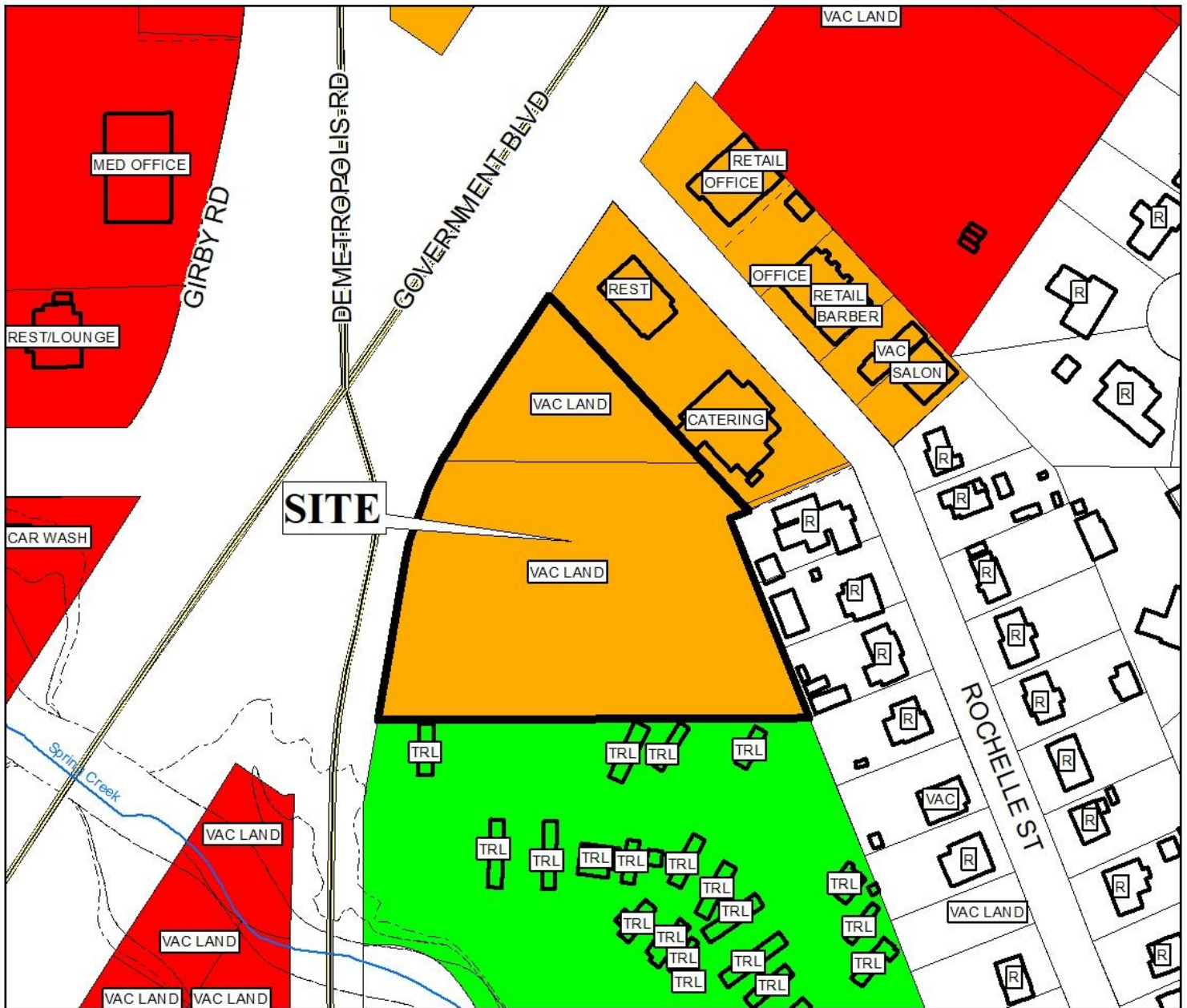
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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units and commercial sites.

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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



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PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL



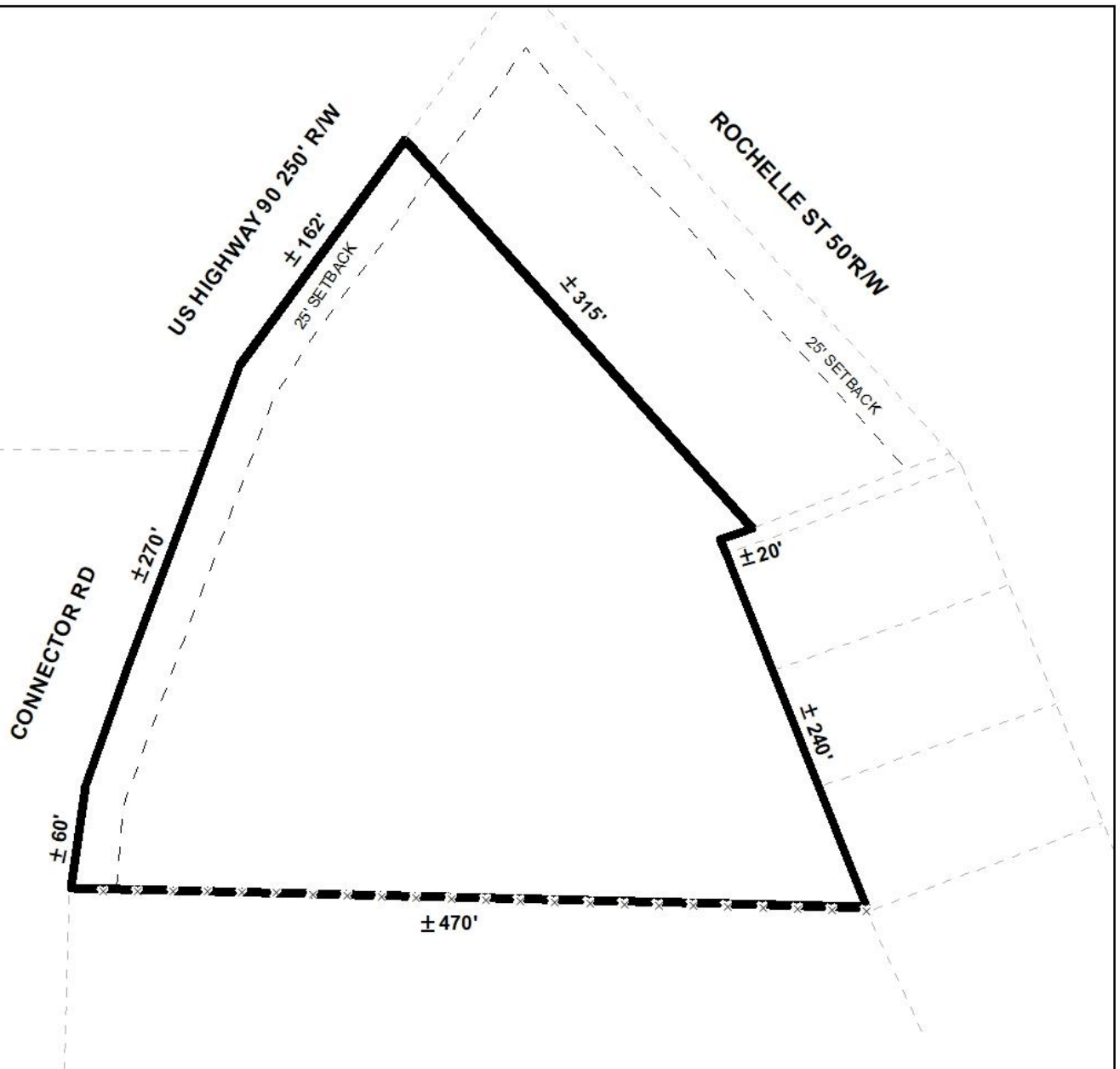
The site is surrounded by residential units and commercial sites.

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SITE PLAN



The site plan illustrates existing setbacks and right of ways.

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