

ZONING AMENDMENT STAFF REPORT**Date: April 16, 2020****NAME**

Marvin Johnson

LOCATION2359 Dauphin Island Parkway
(Area bounded by Dauphin Island Parkway, Rosedale Road, and Rifles Road).**CITY COUNCIL
DISTRICT**

District 3

PRESENT ZONING

R-1, Single-Family Residential District

PROPOSED ZONING

B-2, Neighborhood Business District

AREA OF PROPERTY

0.4± Acres

PRESENT ZONING

Rezoning from R-1, Single-Family Residential District, to B-2, Neighborhood 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**

None given.

**ENGINEERING
COMMENTS**

No comments.

**TRAFFIC ENGINEERING
COMMENTS**

Size, location, and design of any new cut, or changes to existing cuts, to be approved by Traffic Engineering and conform to AASHTO standards. Changes to curb cuts along Dauphin Island Parkway will also require review and approval from Alabama Department of Transportation. All 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 2015-116 and City Code Chapters 57 and 64). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site 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).

REMARKS

The applicant is requesting rezoning from R-1, Single-Family Residential District, to B-2, Neighborhood Business District.

The subject site was developed in the early 1960's as a convenience store/gas station. It has operated in a legal nonconforming capacity as such until 2015. Since the site has not had any licensed business activity for more than two years, it has lost the right to be used in a legal nonconforming status, and it must be rezoned in order to be re-used commercially; hence this application.

The site has been given a Mixed Commercial Corridor (MCC) land use designation, per the adopted Future Land Use Plan and Map, adopted on May 18, 2017 by the Planning Commission. 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 mostly applies to transportation corridors west of I-65 serving primarily the low-density (suburban) residential neighborhoods. MCC includes a wide variety of retail, services and entertainment uses.

This designation acknowledges existing commercial development that is spread along Mobile's transportation corridors in a conventional strip pattern or concentrated into shorter segments of a corridor.

Over time, new development and redevelopment in Mixed Commercial Corridors is encouraged to raise design quality, improve connectivity to surrounding neighborhoods; improved streetscapes; and improve mobility and accessibility for all users of the corridor.

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 applicant states the following:

Take existing developed property with a formal gas station building. Place back into commercial use. May redevelop existing building or maybe develop the site.

The property has been commercial for decades, but is zoned for residential use. There is an ERROR in Ordinance.

The rezoning of the property to commercial will be consistent with the Map of Mobile Suburban Corridor intent, and Future Land Use Map Mixed Commercial Corridor (MCC) designation.

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.

To the North, across Rosedale Road is B-2 zoning used as a dental office and US Post Office; to the East across Rifles Road is B-2 zoning used as a carwash, and to the South across Dauphin Island Parkway is vacant R-1 zoning.

The subject site was assigned R-1 zoning with the adoption of the current Zoning Ordinance in 1967. Nonconforming documentation on file with Planning and Zoning indicate that the site was used as a gas station since at least 1962.

As the site was in commercial use at the time of the 1967 adoption of the Zoning Ordinance, an error in the Ordinance could be considered to prevail. Also, since that adoption, there have been numerous changing conditions within the area which would make a change in the Ordinance necessary and desirable. It should be noted that Section 64-3.A.5. (Size of New Districts) states that new B-2 districts require as least two (2) acres of gross area. The site has approximately 0.4 acres of gross area. However, as the site is bordered on all sides by public streets and is limited in its size, a waiver of this section of the Ordinance would be in order.

The applicant has illustrated that there is a manifest error in the Ordinance. Also, there are changing conditions within the area which make a change in the Ordinance necessary and desirable. Therefore, the proposed B-2 zoning classification would be appropriate. Also, a B-2, Neighborhood Business District classification would be consistent with the Mixed Commercial Corridor (MCC) use designation of the Future Land Use Plan and Map for Mobile.

RECOMMENDATION

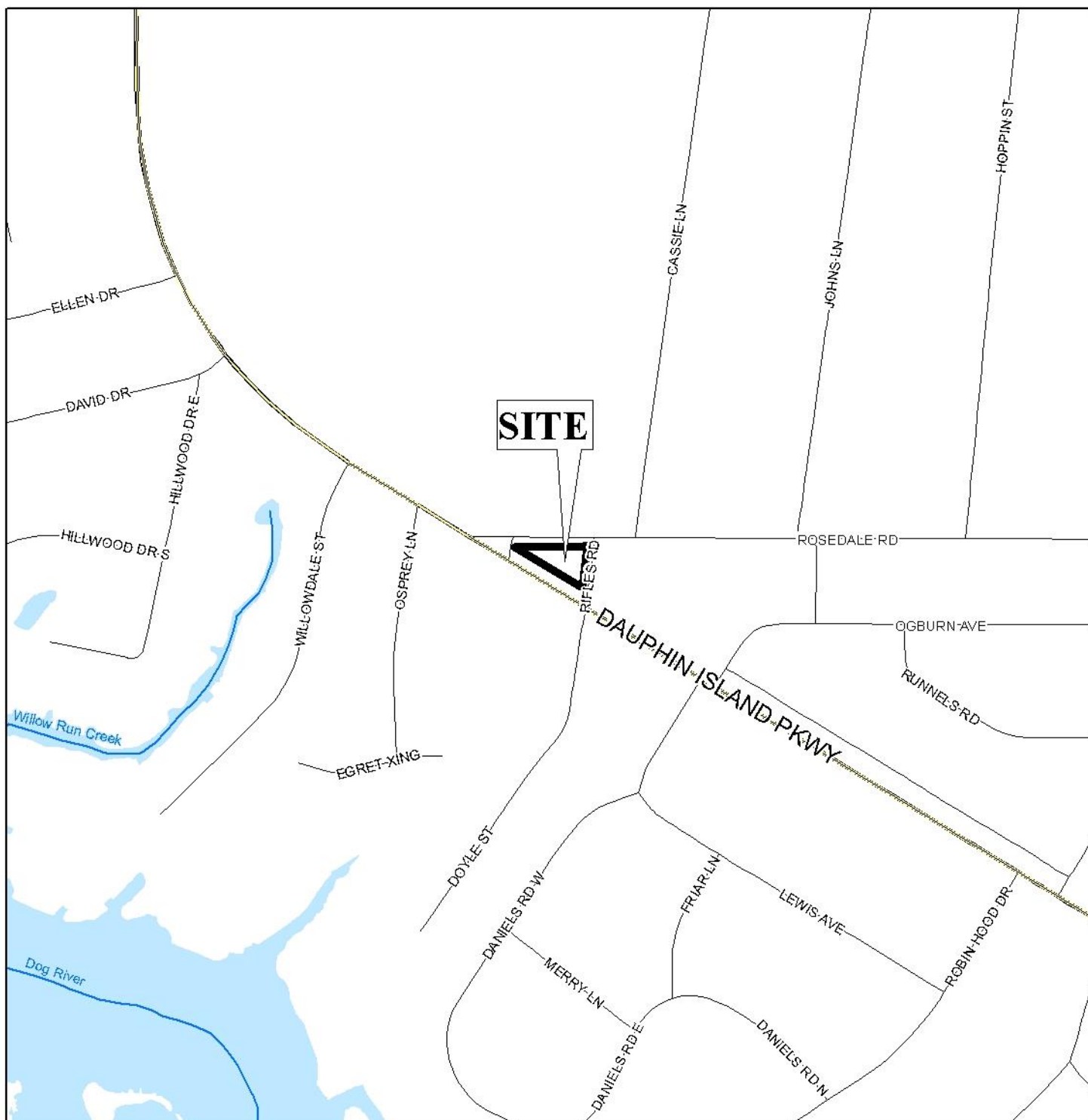
Based upon the preceding, staff finds that the following condition(s) prevail to support the rezoning request:

- i. Error. There is a manifest error in the chapter; and
- ii. Change in conditions. Changed or changing conditions in a particular area, or in the planning region generally, make a change in the chapter necessary and desirable.

The Approval should be subject to the following conditions:

- 1) full compliance with all municipal codes and ordinances.

LOCATOR MAP



APPLICATION NUMBER 5 DATE April 16, 2020

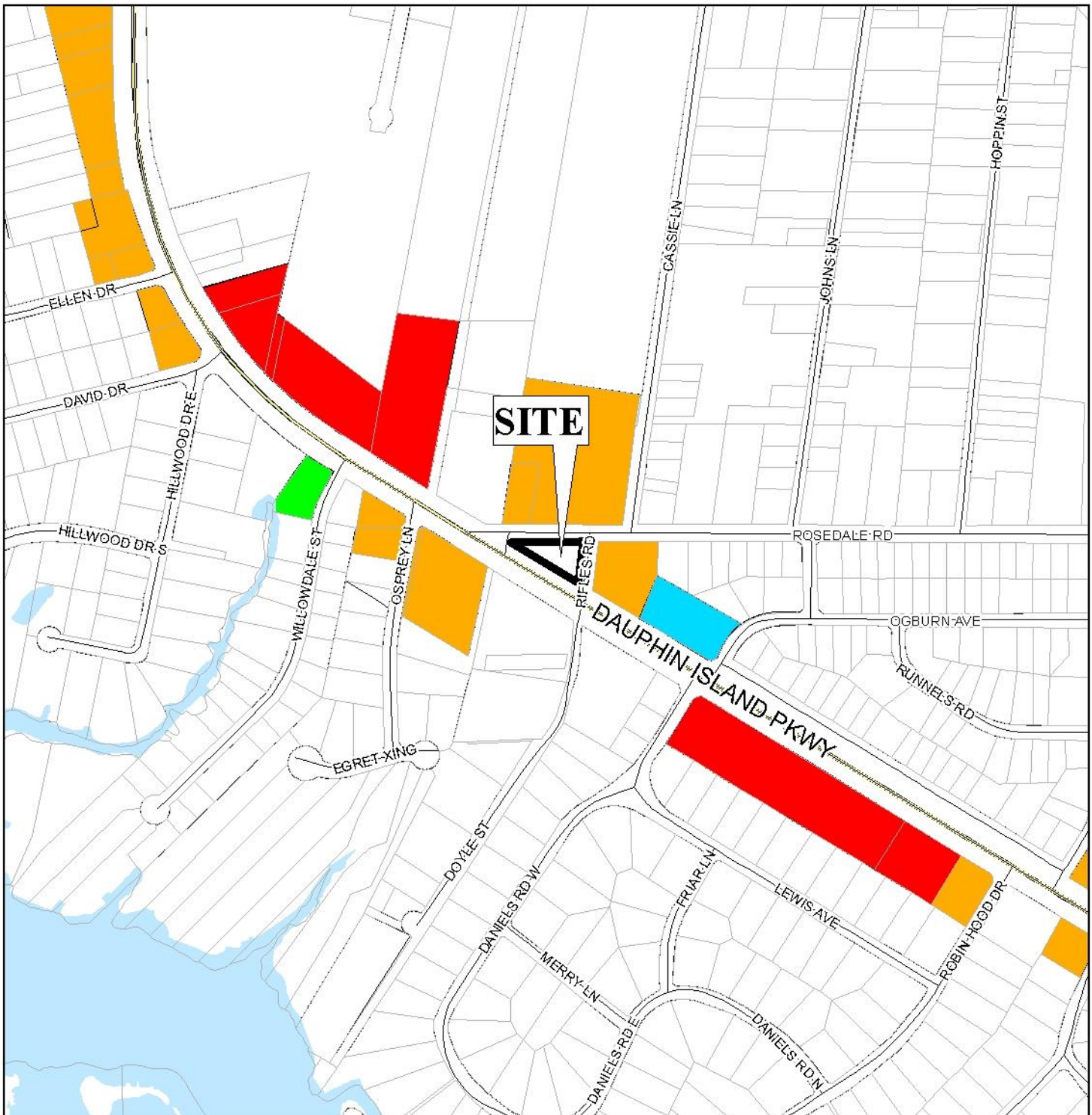
APPLICANT Marvin Johnson

REQUEST Rezoning from R-1 to B-2



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LOCATOR ZONING MAP



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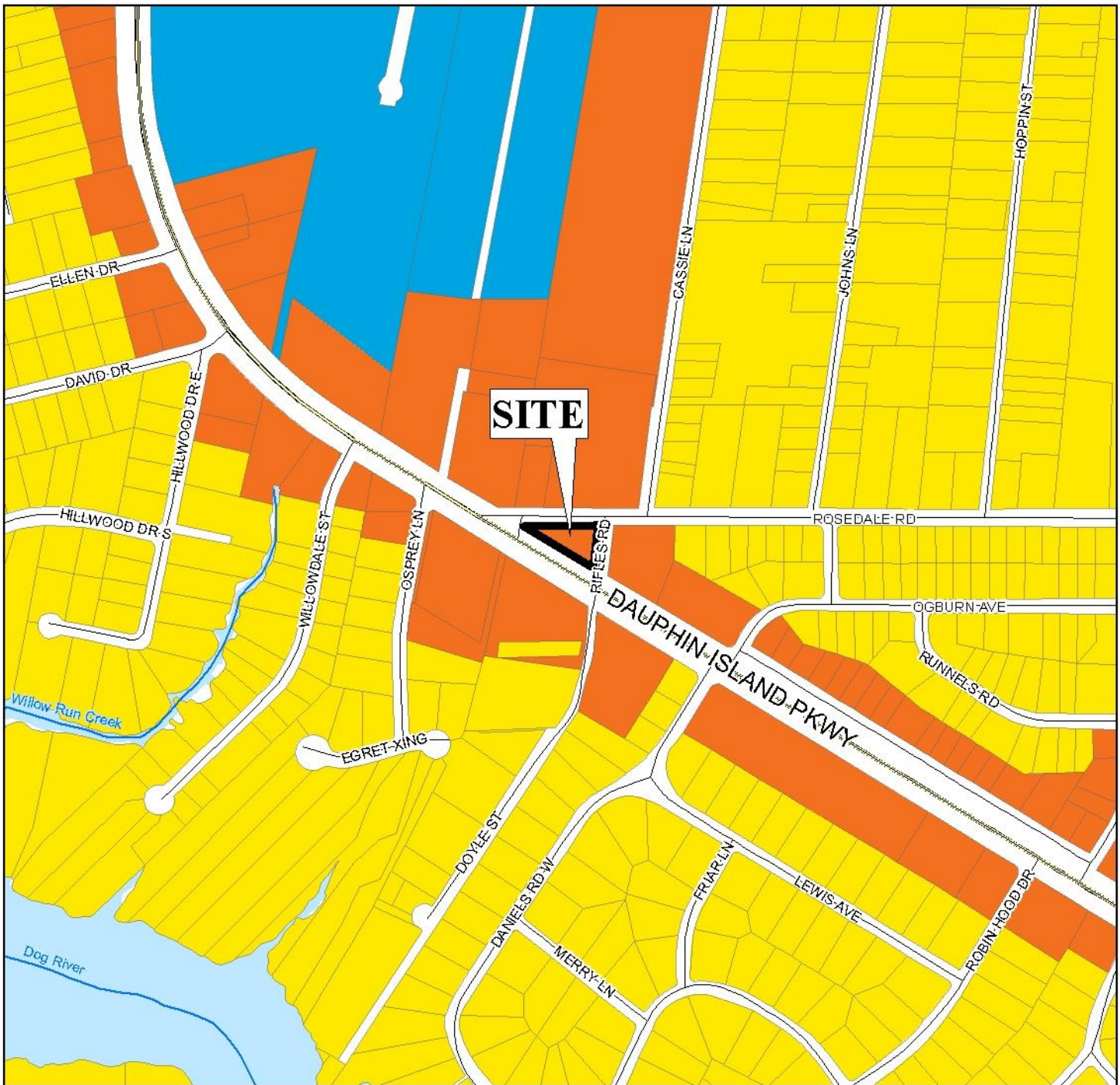
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FLUM LOCATOR MAP



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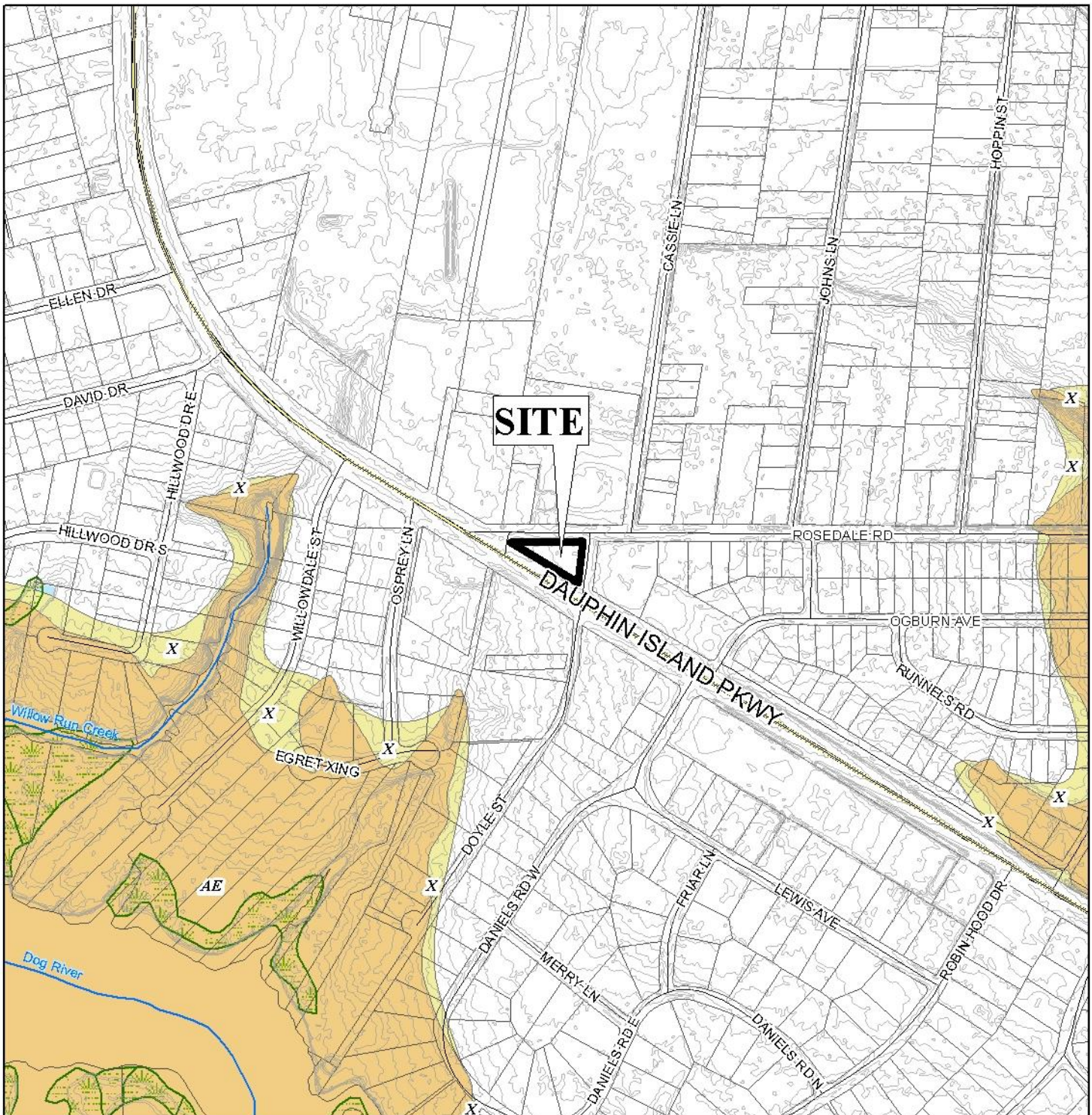
REQUEST Rezoning from R-1 to B-2

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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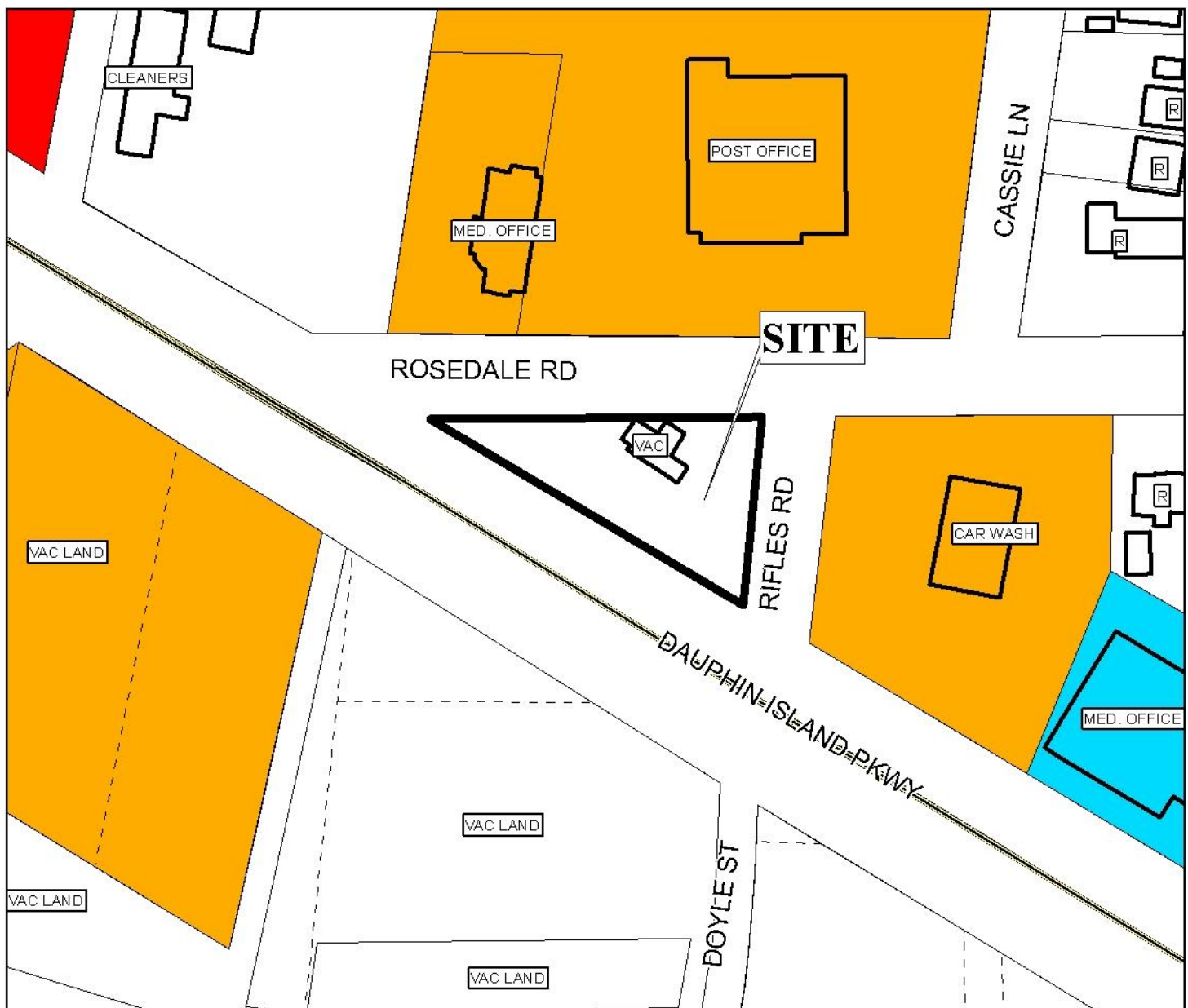
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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



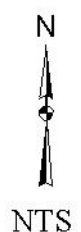
The site is surrounded by commercial units. Residences lie east of the site.

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REQUEST Rezoning from R-1 to B-2

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 AERIAL

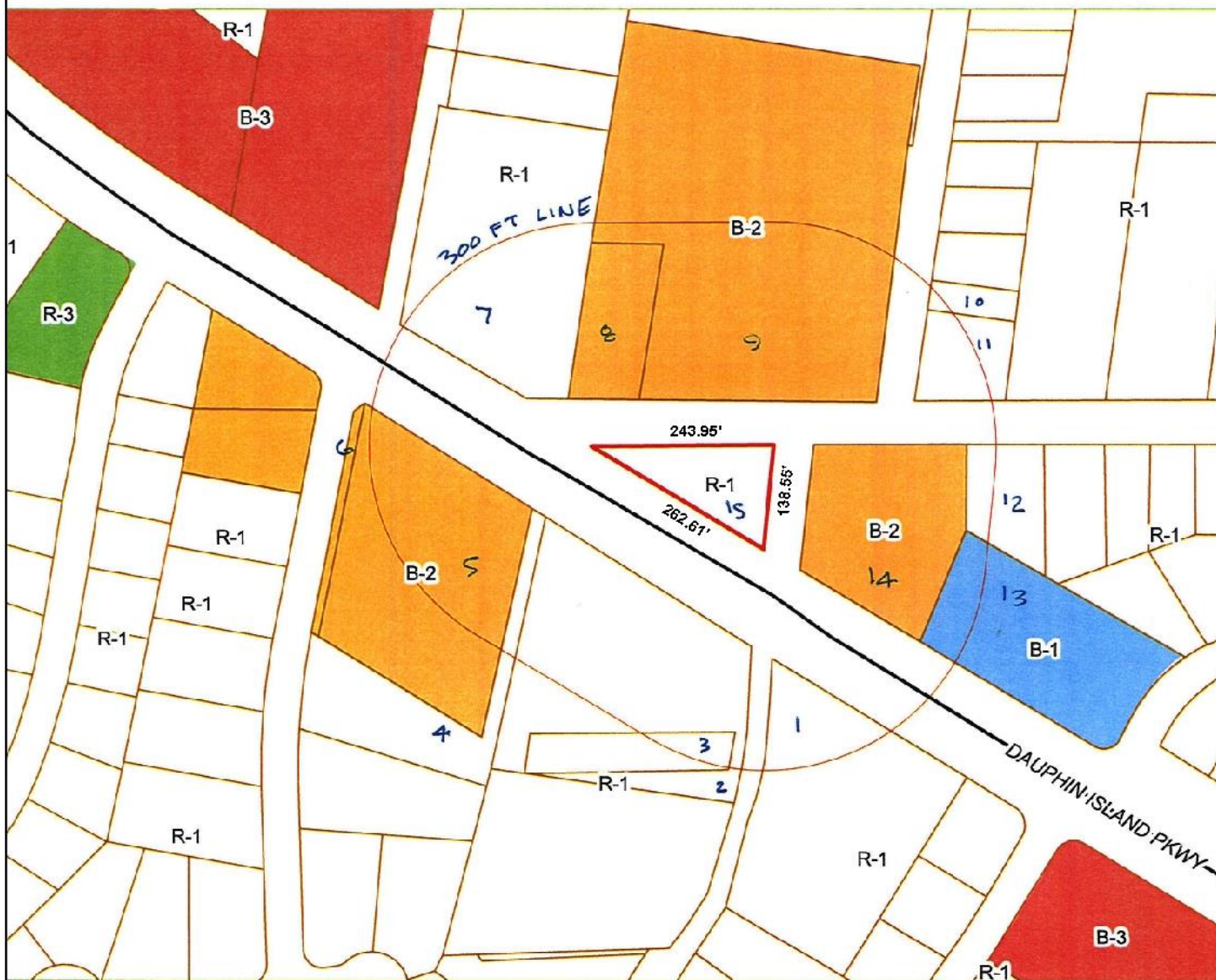


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DETAIL SITE PLAN



0 100 Feet

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