

ZONING AMENDMENT STAFF REPORT **Date: December 20, 2018**

NAME Smith, Clark & Associates, LLC

LOCATION 5216 Overlook Road
(Northwest corner of Overlook Road and North University Boulevard).

CITY COUNCIL DISTRICT District 7

PRESENT ZONING B-2, Neighborhood Business District

PROPOSED ZONING B-3, Community Business District

AREA OF PROPERTY 0.29± Acres

CONTEMPLATED USE Rezoning 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 None given.

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 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

Site is limited to one curb cut to Overlook Road, with any changes in size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Any new 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 B-2, Neighborhood Business District, to B-3, Community Business District.

The subject site is developed with a single building that has been used as a dentist’s office for at least 20 years, a use allowed by right in a B-2, Neighborhood Business District. The applicant wishes to renovate the building and use it as an office for online automobile brokerage services. While an office-only use of the property is allowed by right in a B-2 zoning district, the potential

for on-site automobile sales, which typically requires the storage of automobiles, is not a permitted use. As such, the applicant is requesting rezoning of the property from B-2, Neighborhood Business District, to B-3, Community Business District, where automobile sales is allowed by right.

The applicant states the following:

“In March of 2018 the property in question was purchased by Price Properties, LLC. At that time the building had been vacant for some time. Price Properties is preparing to lease the property for the purpose of opening an Internet Based Automobile Brokerage Company. We are requesting a Zoning change from B-2 to B-3 to allow this use. The property is currently surrounded by B-2 with the exception of a few B-3 parcels across University Blvd.”

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.

The site has been given a Mixed Commercial Corridor land use designation per the recently 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 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; improve streetscapes; and, improve mobility and accessibility for all users of the corridor.

It should also 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 site plan illustrates the existing building and six (6) parking spaces. No dimensions are provided, but it does not appear the parking spaces meet the minimum requirements for off-street parking regarding stall width and length. Additionally, given the size of the building, it appears

five (5) off-street parking spaces will be required for the proposed use of the property, which is based on a requirement of one (1) parking space per 300 square feet of gross floor area. Also, at least one (1) handicap-accessible parking space may be required for the site to comply with ADA requirements. This will result in the loss of a parking space, leaving no additional spaces available for any automobile inventory.

No trees or landscape area are illustrated on the site plan, but the site was developed prior to current regulations and the applicant is not proposing to change the footprint of the building in such a way that would require compliance with current tree and landscape area ordinances.

No sidewalk is illustrated on the site plan, and one is not required at this time. However, it should be noted that re-development of the property may require the provision of sidewalks along all street frontages.

A dumpster is not depicted on the site plan. Any dumpster placed on the property must be in compliance with the current enclosure and sanitary sewer connection requirements of Section 64-4.D.9. of the Zoning Ordinance, and must be illustrated on any revised site plan(s); or, placement of a note on the site plan stating that curbside pickup will be utilized may suffice, if approved.

Regarding rezoning, the site is adjacent to property predominantly zoned B-2, Neighborhood Business District, to the North, South and West; the exception being three (3) lots to the East, which are zoned B-3, Community Business District. While the applicant is perhaps trying to highlight a change in the conditions of the area creating a need for B-3 zoning districts, it should be noted that few requests for rezoning have been made to the Planning Commission within close proximity to the subject site, only one (1) of which was approved and rezoned from R-3, Multiple-Family District, to B-2, Neighborhood Business District, in 2014; and that site is currently developed with a Walmart Neighborhood Market and a Meineke Car Care Center. As such, the applicant has perhaps not demonstrated such a change in zoning is necessary, especially when there is nothing prohibiting the subject site from operating as an office-only use. Additionally, it appears that the nearby properties zoned B-3 are occupied by uses requiring only a B-2 zoning classification.

It should be noted that Section 64-9.A.2. of the Zoning Ordinance states that B-3 zoning districts should contain at least four (4) acres. The subject site is less than 1/3-acre.

If no conditions prevail which justify a change in zoning per Section 64-9 of the Zoning Ordinance, then approving the request may be inappropriate.

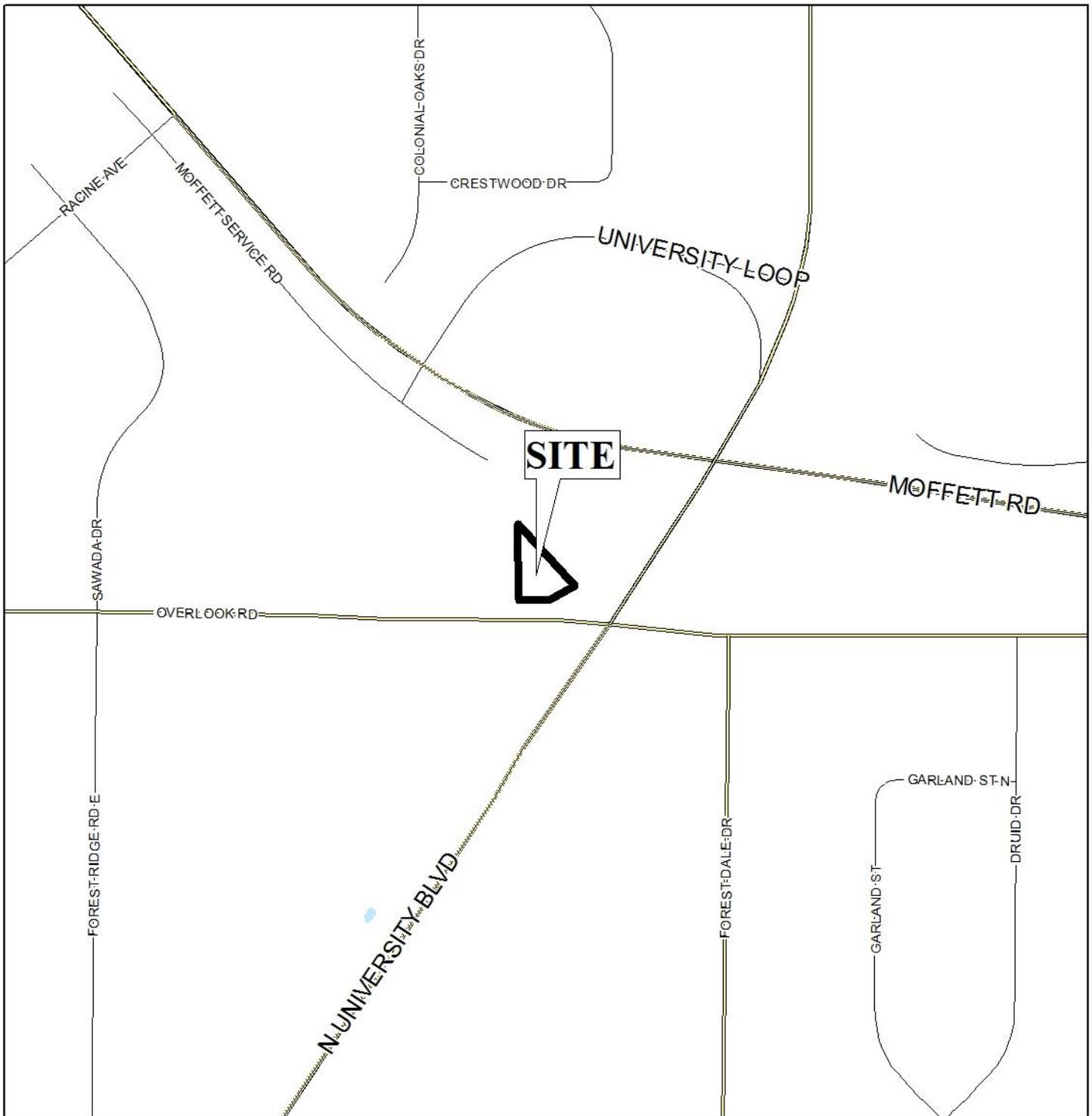
RECOMMENDATION

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

- 1) the applicant has not demonstrated there is a manifest error in the Ordinance that would be corrected by rezoning the property;
- 2) the applicant has not demonstrated changing conditions in the area make a change in the Ordinance necessary and desirable;

- 3) the applicant has not demonstrated that there is a need to increase the number of sites available to business or industry in the area;
- 4) there is no subdivision of the land proposed that would require reclassification of the land; and,
- 5) the proposed zoning district does not meet the minimum size recommendation for a new zoning classification as set forth in Section 64-9.A.2. of the Zoning Ordinance.

LOCATOR MAP



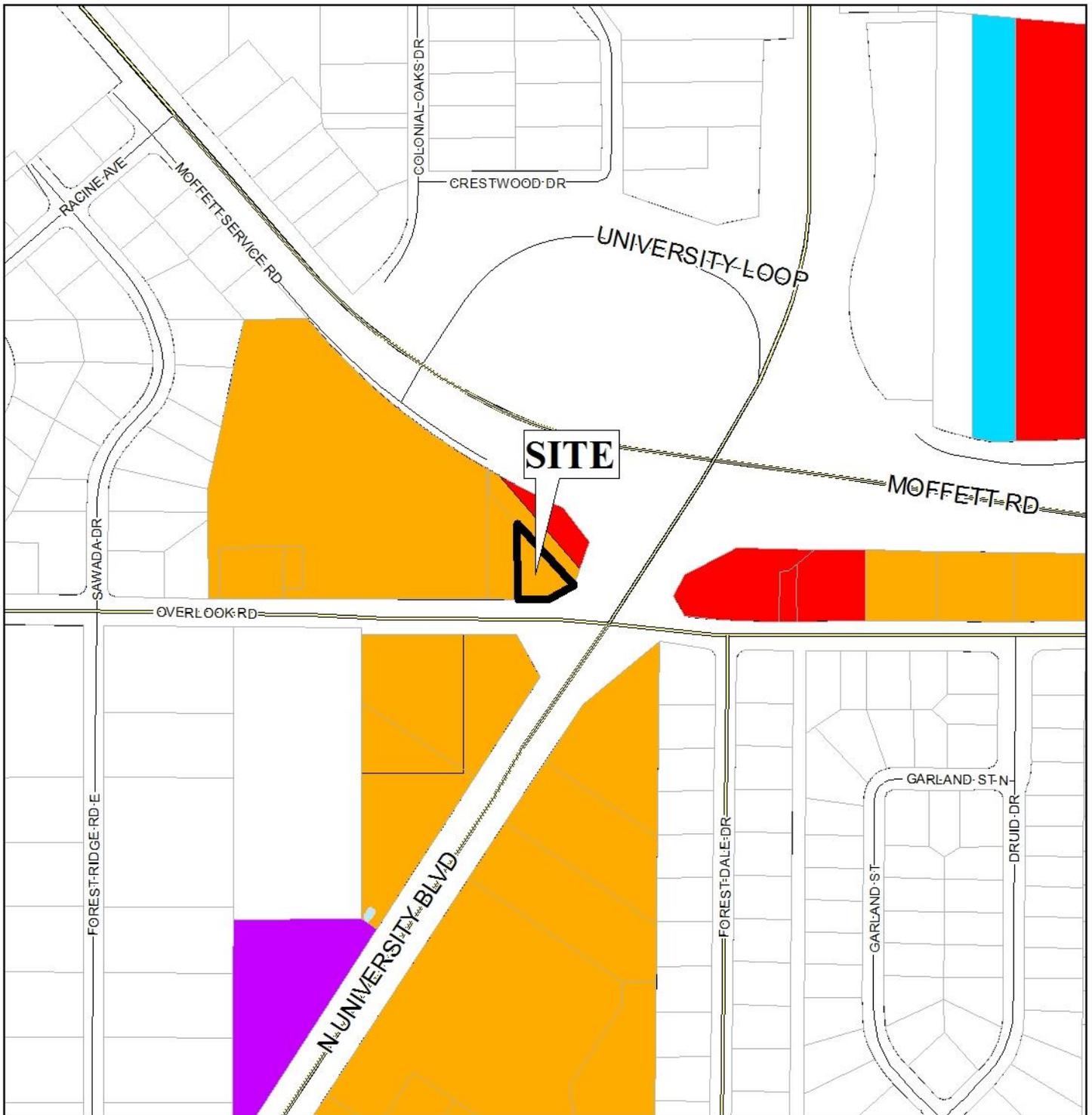
APPLICATION NUMBER 5 DATE December 20, 2018

APPLICANT Smith, Clark & Associates LLC

REQUEST Rezoning from B-2 to B-3



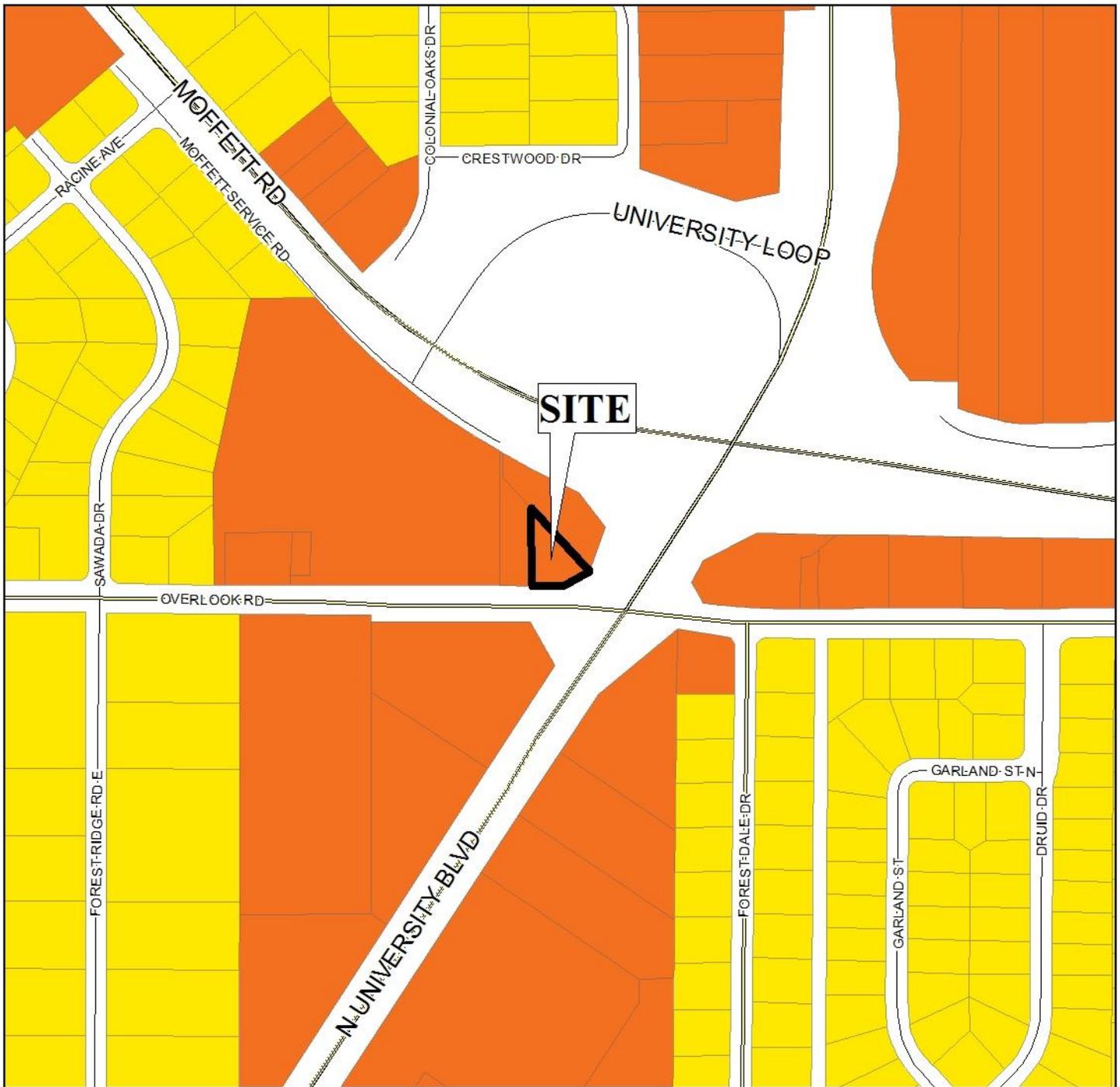
LOCATOR ZONING MAP



APPLICATION NUMBER 5 DATE December 20, 2018
APPLICANT Smith, Clark & Associates LLC
REQUEST Rezoning from B-2 to B-3



FLUM LOCATOR MAP



APPLICATION NUMBER 5 DATE December 20, 2018

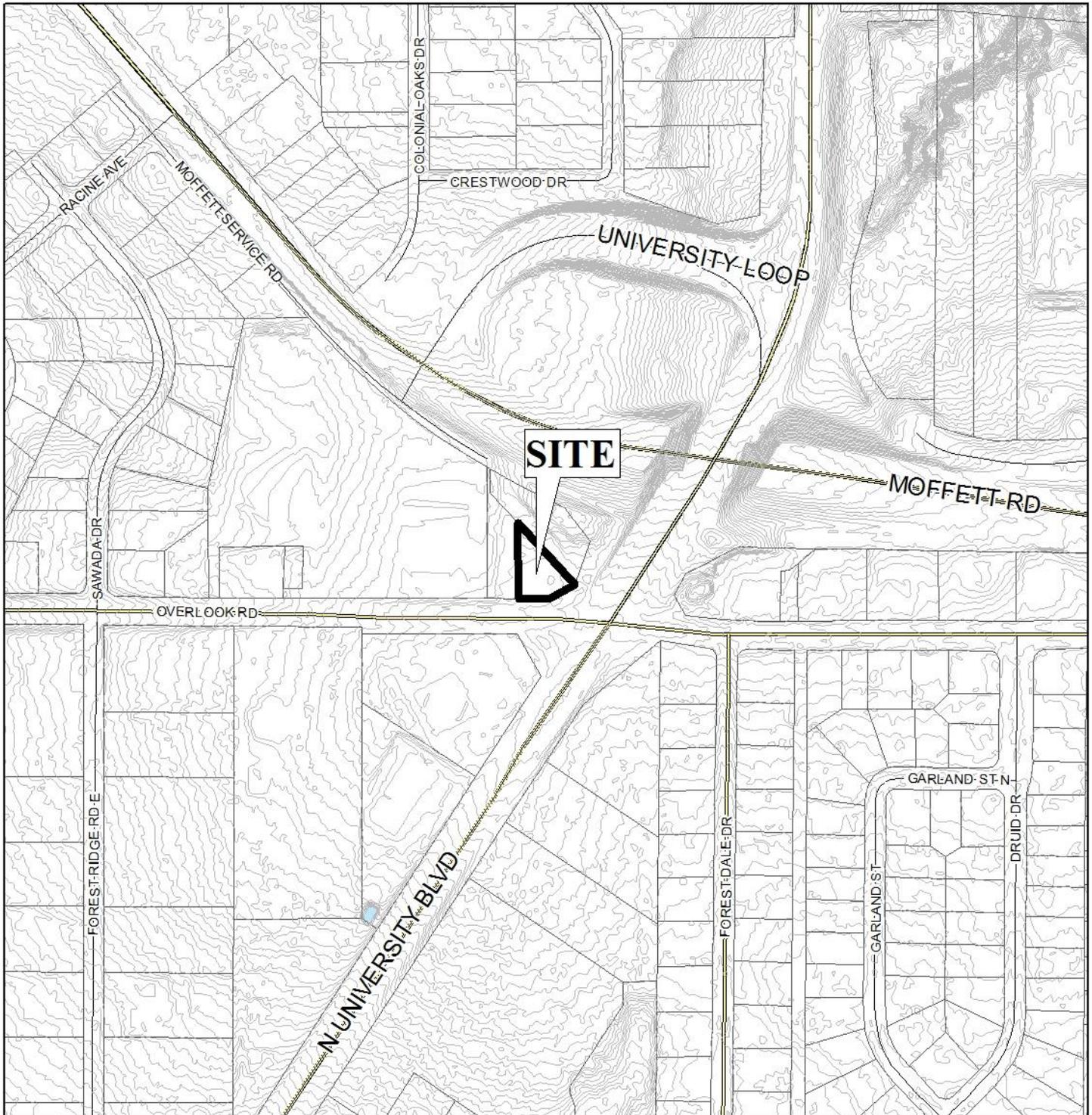
APPLICANT Smith, Clark & Associates LLC

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 | |



ENVIRONMENTAL LOCATOR MAP



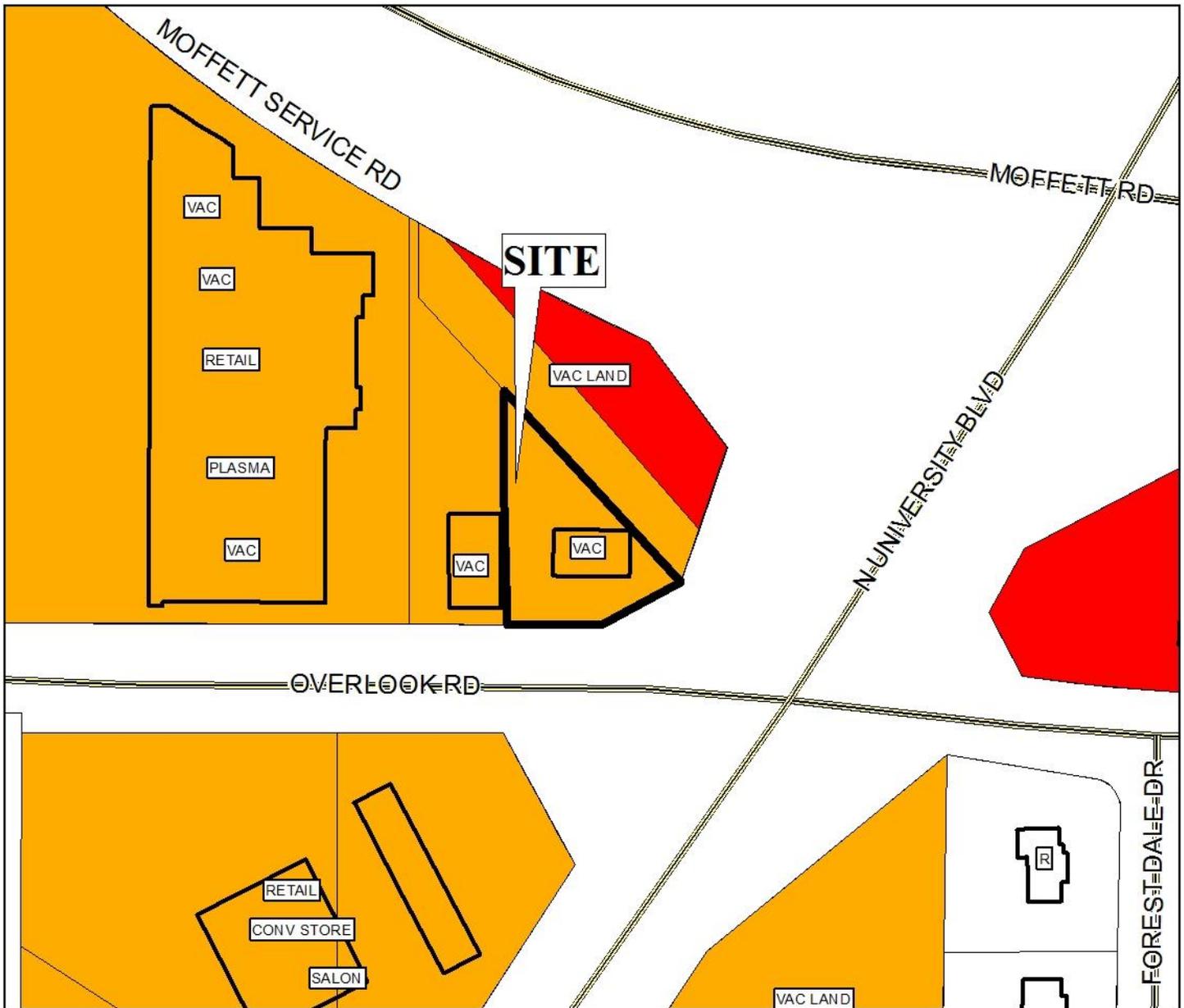
APPLICATION NUMBER 5 DATE December 20, 2018

APPLICANT Smith, Clark & Associates LLC

REQUEST Rezoning from B-2 to B-3



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units. Residential units are located to the southeast.

APPLICATION NUMBER 5 DATE December 20, 2018

APPLICANT Smith, Clark & Associates LLC

REQUEST Rezoning from B-2 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 AERIAL



The site is surrounded by commercial units. Residential units are located to the southeast.

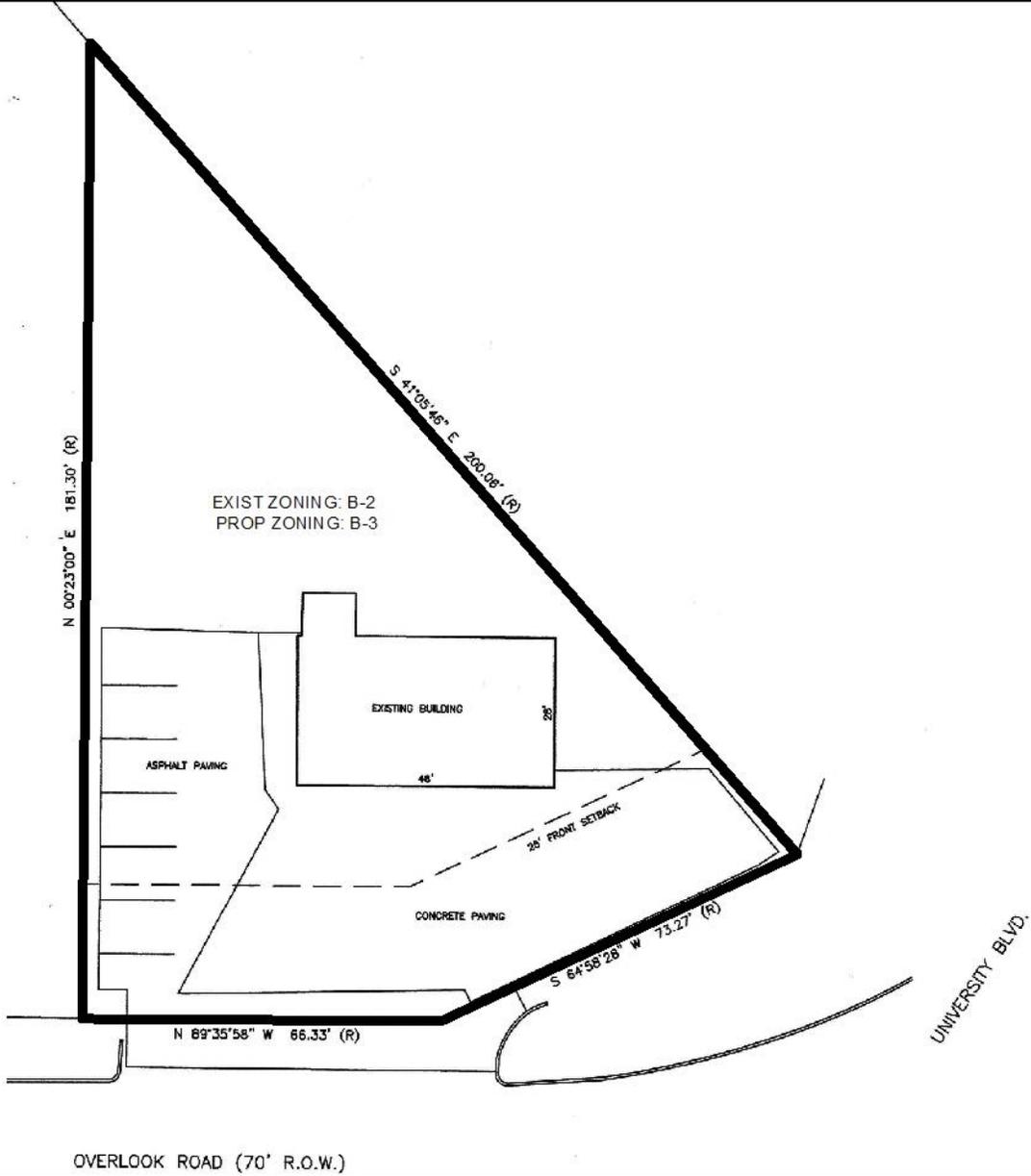
APPLICATION NUMBER 5 DATE December 20, 2018

APPLICANT Smith, Clark & Associates LLC

REQUEST Rezoning from B-2 to B-3



SITE PLAN



The site plan illustrates the existing building, existing parking, and setback.

APPLICATION NUMBER <u>5</u>	DATE <u>December 20, 2018</u>
APPLICANT <u>Smith, Clark & Associates LLC</u>	
REQUEST <u>Rezoning from B-2 to B-3</u>	

