

ZONING AMENDMENT STAFF REPORT**Date: April 15, 2021****NAME**

Henry Hamilton

LOCATION2339 Dauphin Island Parkway
(North side of Dauphin Island Parkway, 118'± West of
Rosedale Road).**CITY COUNCIL
DISTRICT**

District 3

PRESENT ZONING

R-1, Single-Family Residential District

PROPOSED ZONING

B-3, Community Business District

AREA OF PROPERTY

0.29± Acres

CONTEMPLATED USERezoning from R-1, Single-Family Residential 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**

Immediate

**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

The proposed use may warrant the need for improvements to the property. ALDOT is primarily responsible for access to Dauphin Island Parkway and a “change in use” may trigger the need for changes to access to the property. In addition to a survey, a sketch plan has been provided albeit very difficult to interpret. Vehicles can not be parked in the right of way and should not be parked on unimproved surfaces. Line of sight with parked cars could also be a concern for the intersection of Rosedale Rd.

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 R-1, Single-Family Residential District, to B-3, Community Business District.

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 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.

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.

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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 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.

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 applicant originally submitted a Use Variance application to the Board of Zoning Adjustment at its January 11, 2021 meeting to allow automobile sales and service at the subject site. After discussion, the Board heldover the request so that the applicant could submit the current rezoning request to the Planning Commission. The Use Variance is currently on the Board of Zoning Adjustment's May 3rd agenda.

According to staff research, a dry-cleaning business has operated on site since at least 1980. The site was developed between 1960 and 1975, according to aerial photos. As such, transitioning to automobile sales and repair would constitute a change in use and require improvements to the subject site to comply with the specific use requirements. Furthermore, updates to the structure may be required by Building Codes. It should also be noted that if the entire existing structure is

to be used as an office, the property does not appear to contain the required 10 parking spaces, plus room the parking of vehicles for sale, unless the applicant intends to park on the adjacent property to the East. Doing so would require a Planned Unit Development or Special Parking Plan to allow for cross access and parking.

The site was part of a 1956 annexation into the City. The 1966 zoning map (prior zoning ordinance) and the 1967 zoning map (current zoning ordinance) each depict the site with R-1, Single-Family Residential zoning. As previously noted, aerial photos indicate that the property was developed between 1960 and 1975, thus while under a zoning ordinance. Staff cannot determine if a previous use variance was granted to allow the commercial development and use of the property. However, as the property has been in commercial use since at least 1975, a request to rezone the subject site may be more appropriate than a Use Variance.

The applicant states the following:

With your approval we are planning to open an Auto Sales & Repair Shop at this location. About four years ago with the help of Mrs. York we opened our first location. This location is doing well. We have improved the community and created jobs. Our goals are to do the same at 2339 Dauphin Island Pkwy. We are a small business trying to make a big impact for the continued growth of our community and city. Our experience in this field expands over a period of 30 years.

The site is bounded by property zoned R-1, Single-Family Residential District and developed commercially to the North and West; by property zoned B-3, Community Business District to the East, across Pillans Lane; and by property zoned B-2, Neighborhood Business District to the South, across Dauphin Island Parkway.

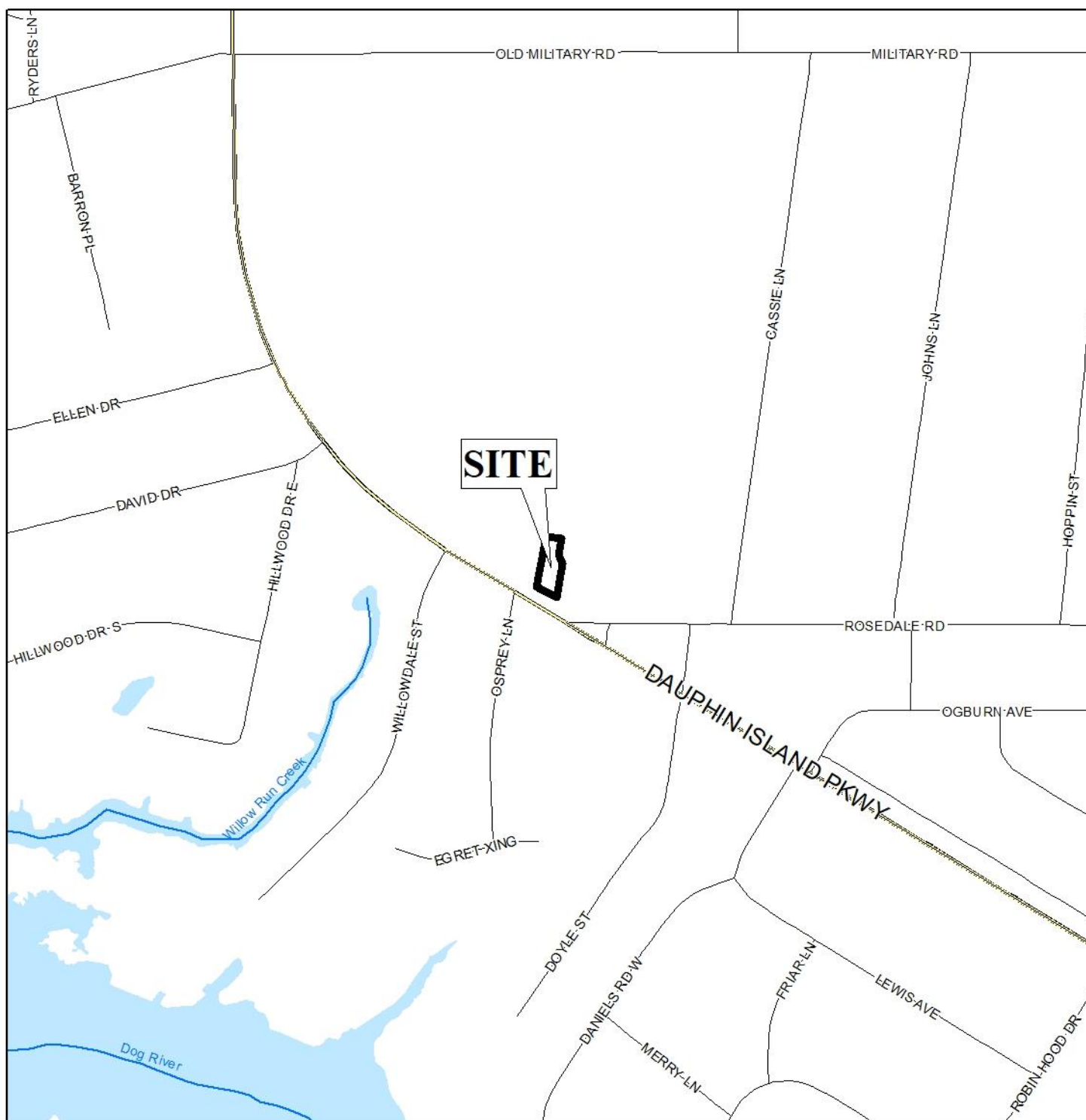
While the applicant does not specifically state which of the four conditions exist which make rezoning necessary and desirable, it would appear that due to the commercial nature of the subject property for over 50 years, as well as the surrounding commercially developed properties, that there may be an error in the ordinance which makes the rezoning of the property appropriate.

RECOMMENDATION

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

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

LOCATOR MAP



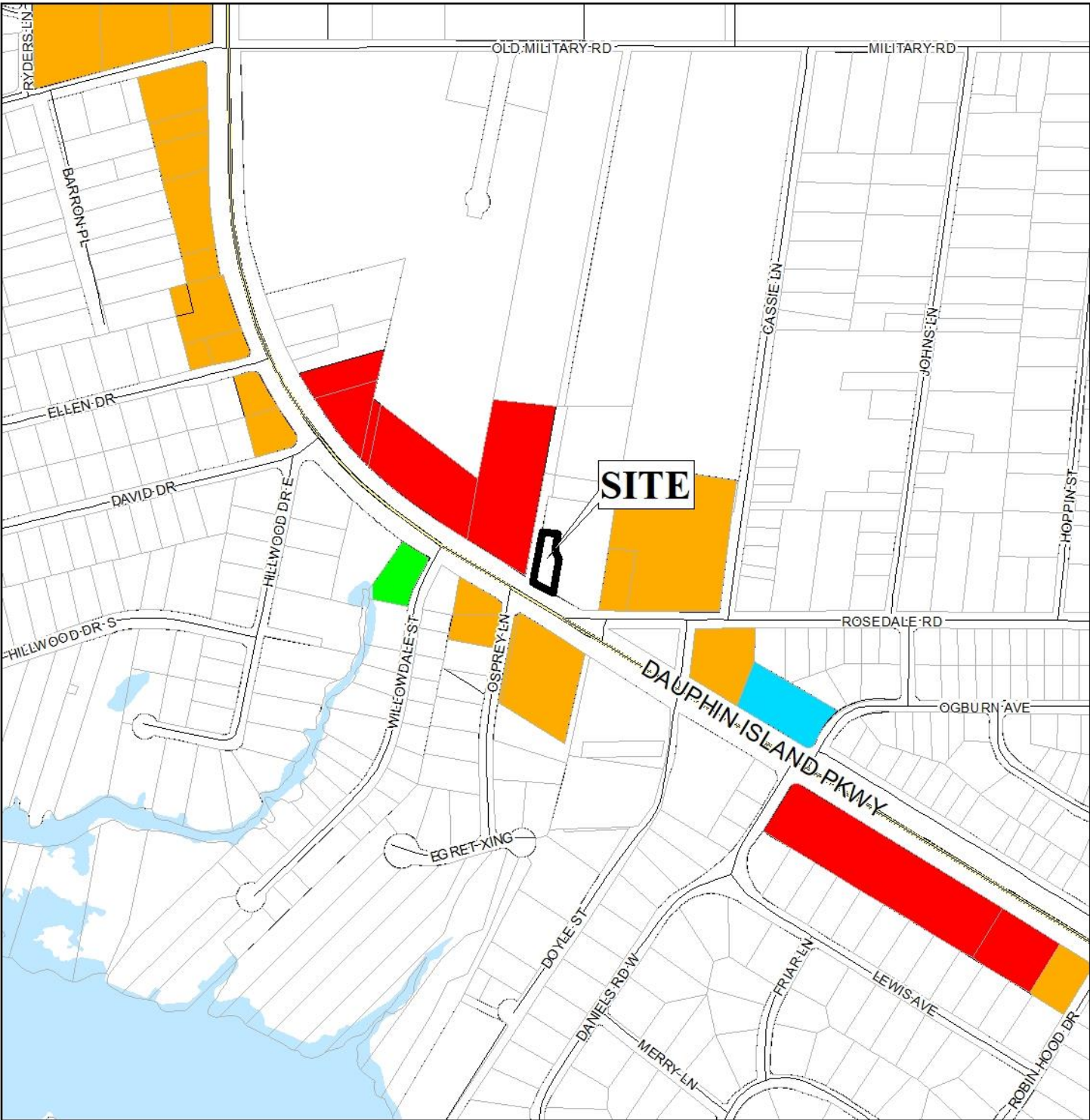
APPLICATION NUMBER 6 DATE April 15, 2021

APPLICANT Henry Hamilton

REQUEST Rezoning from R-1 to B-3



LOCATOR ZONING MAP



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FLUM LOCATOR MAP



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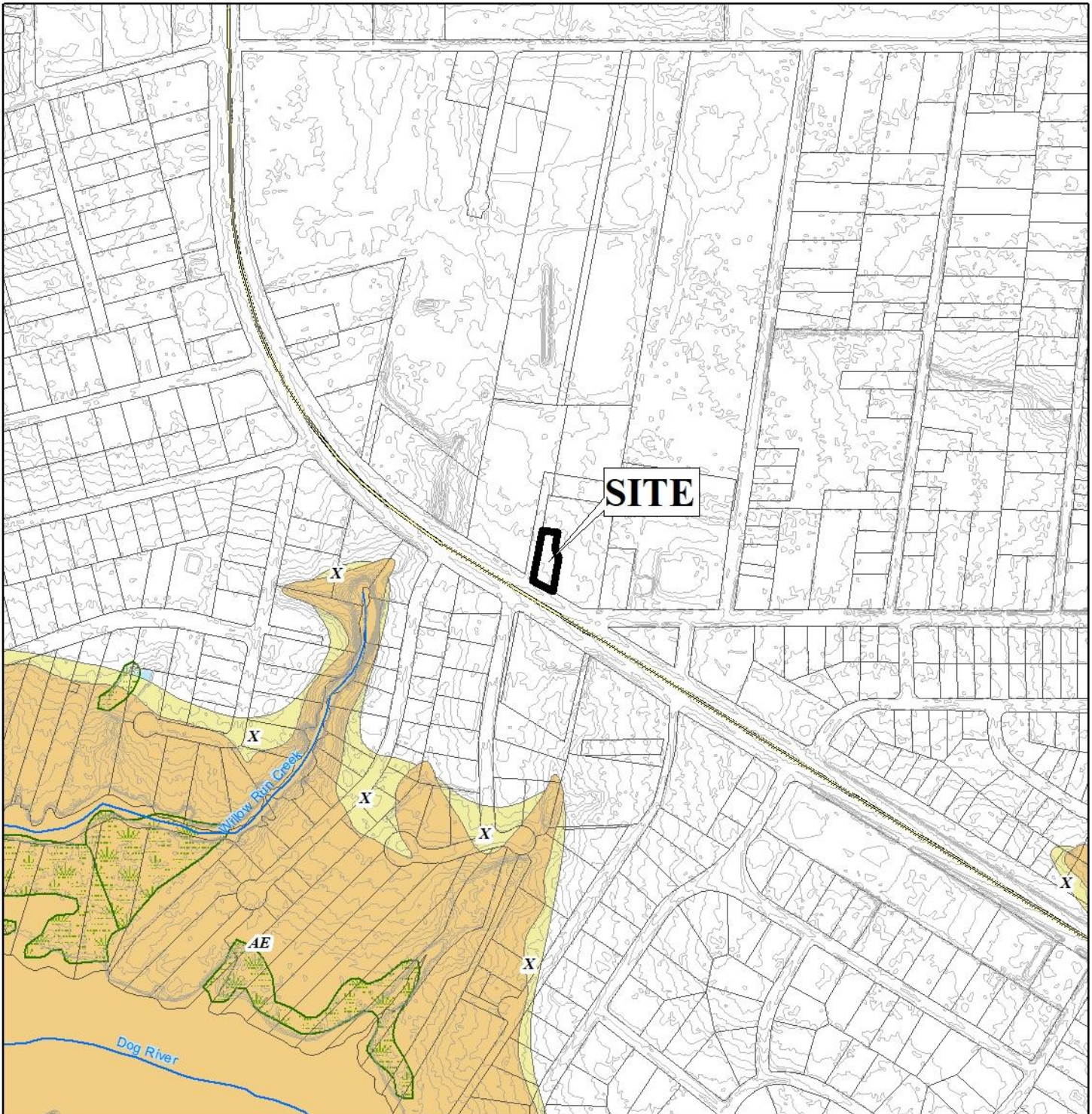
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Low Density Residential	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
Mixed Density Residential	Neighborhood Center - Suburban	Light Industry	Water Dependent
Downtown	Traditional Corridor	Heavy Industry	
District Center	Mixed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



ENVIRONMENTAL LOCATOR MAP



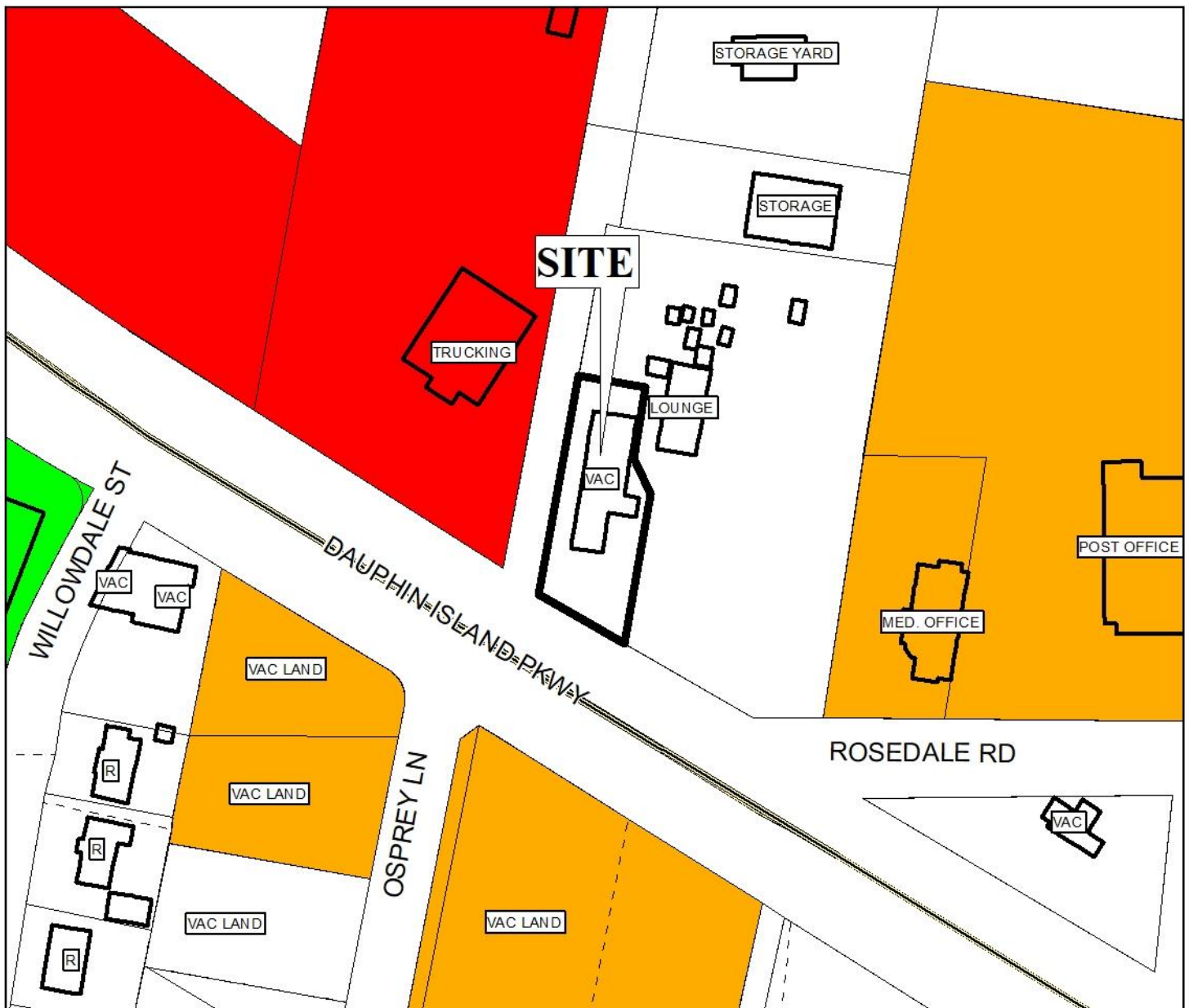
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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by vacant lands, residential units, commercial units and a government building.

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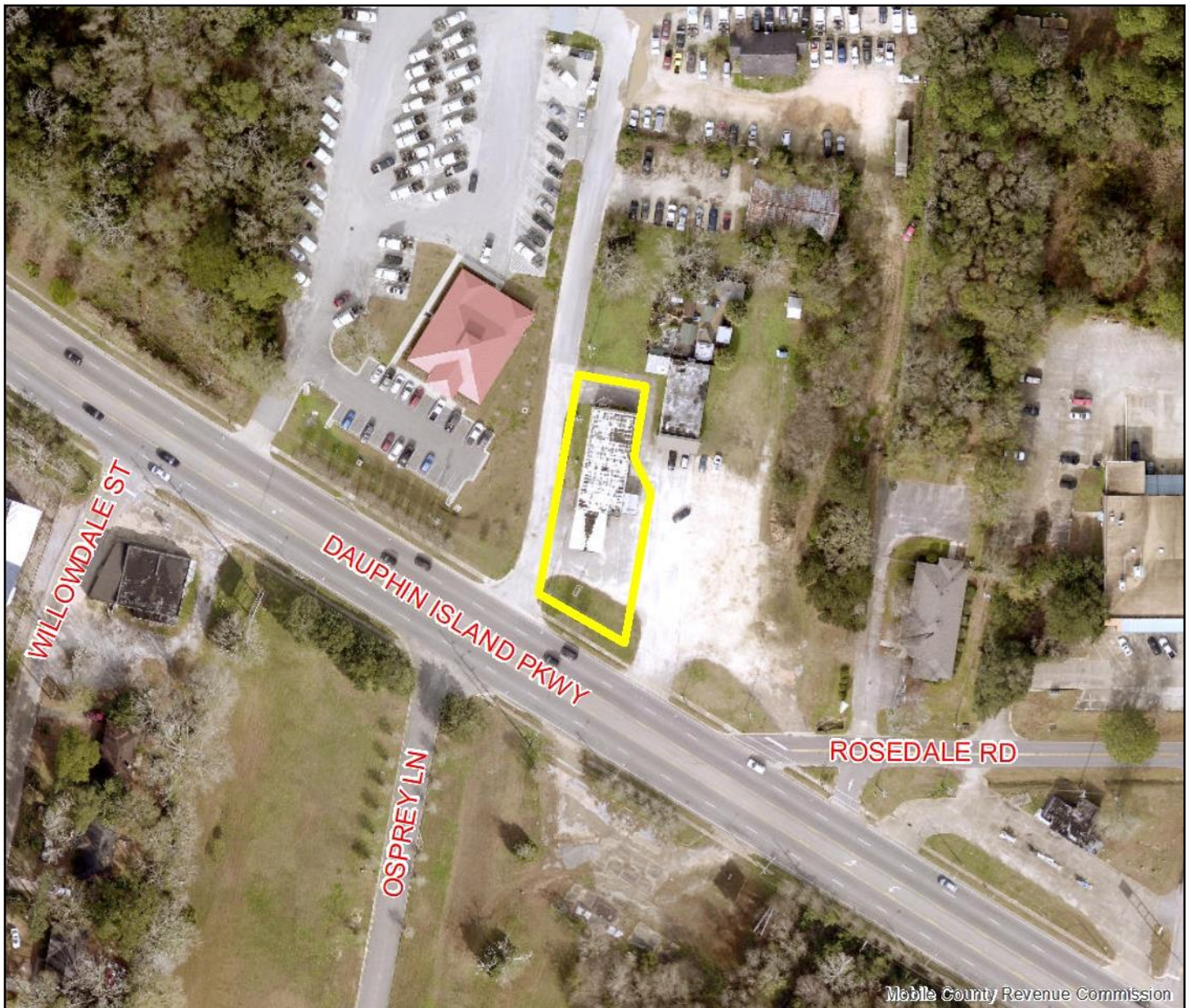
REQUEST Rezoning from R-1 to B-3

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 AERIAL

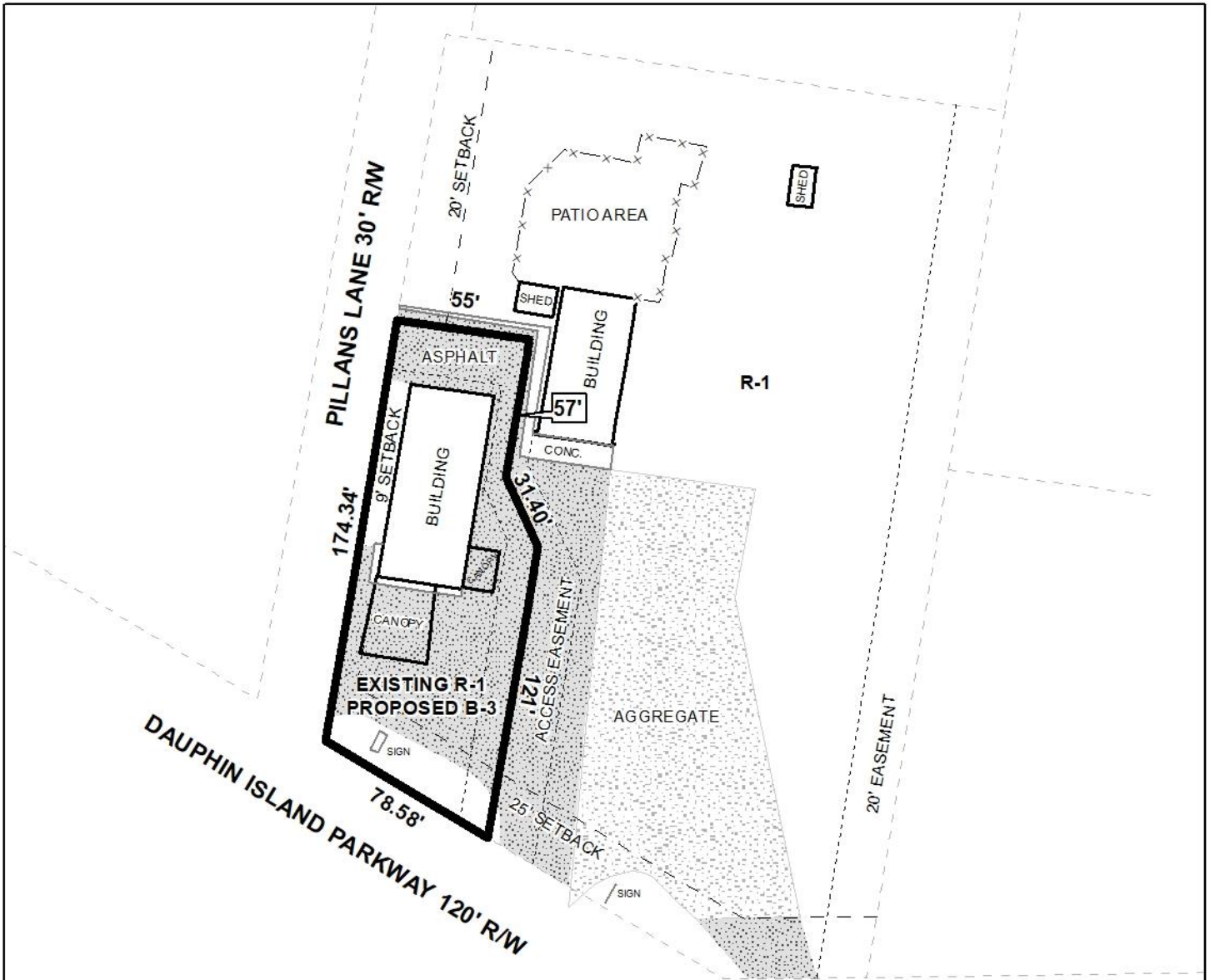


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SITE PLAN



The site plan illustrates existing buildings, setbacks, easements and surfaces. As well as existing and proposed zoning.

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DETAIL SITE PLAN

B-3

**CURRENT R-1
PROPOSED B-3**

R-1

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NTS