

**ZONING AMENDMENT
STAFF REPORT****Date: December 19, 2019****NAME**

Thomas Larry Smith

LOCATION2955 Dauphin Street
(Southeast corner of Dauphin Street and South Sage Avenue)**CITY COUNCIL
DISTRICT**

District 1

PRESENT ZONING

B-2 Neighborhood Business District

PROPOSED ZONING

LB-2, Limited Neighborhood Business District

**REASON FOR
REZONING**

Changing conditions in the area, and the subdivision of land into building sites makes reclassification necessary.

AREA OF PROPERTY

3 Lot / 25.8 ± Acres

CONTEMPLATED USE

Rezoning from B-2, Neighborhood Business District to LB-2, Limited Neighborhood Business to accommodate a medical office and clinic.

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:**

January 2020

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**

No comments.

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) Projects outside the City Limits of Mobile, yet within the Planning Commission Jurisdiction fall under the State or County Fire Code. (2012 IFC)

REMARKS

The applicant is requesting Rezoning from B-2, Neighborhood Business District to LB-2, Limited Neighborhood Business.

The site has been given a Low Density Residential land use designation, per the 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 applies to existing residential neighborhoods found mostly west of the Beltline or immediately adjacent to the east side of the Beltline.

The primary land use in the LDR districts is residential and the predominant housing type is the single-family housing unit, detached or semi-detached, typically placed within a street grid or a

network of meandering suburban streets. The density in these districts ranges between 0 and 6 dwelling units per acre (du/ac).

These neighborhoods may also contain small-scale, low-rise multi-unit structures at appropriate locations, as well as complementary retail, parks and civic institutions such as schools, community centers, neighborhood playgrounds, and churches or other religious uses if those uses are designed and sited in a manner compatible with and connected to the surrounding context. The presence of individual ancillary uses should contribute to the fabric of a complete neighborhood, developed at a walkable, bikeable human scale.

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.

There is an extensive history associated with this site. In 2008, applications for Rezoning, PUD and Subdivision were submitted for this site and the overall 38+/- acre property which included the R-3 zoning to the south. The requests were revised and multiple public hearings set; however, the last (rezoning) notice of public hearing for the two lots at the corner stated those sites were to be rezoned from R-1 to B-2 to “allow a bank, drug store.” The rezoning(s) were ultimately approved by the City Council, with several conditions; one of the conditions was an approved PUD.

In 2016, a PUD application was submitted for shared access between three lots, one of the lots, this lot, included a proposed car wash. The 2016 PUD was approved; however, the PUD expired, thus the applicant had to re-apply.

A new PUD application was submitted in 2018 for shared access between three lots, including a car wash on this lot. During the course of the application, the Planning Commission was advised that the rezoning in 2008 restricted the two corner lots to a bank and drug store. The Planning Commission denied the PUD. The applicant then appealed the denial to the City Council, and the City Council upheld the Planning Commission’s decision.

It should be noted that this rezoning site is part of the Planned Unit Development and Subdivision in report #7; however, the owner of the property has elected to have the rezoning considered separately. If all applications are approved, the end result will create legal lots of record with a consistent zoning classification; LB-2 Limited Neighborhood Business.

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

In reference to #2 above (changing conditions), the applicant states that “With the reconfiguring of the parcels associated with the Graf Dairy Subdivision we are proposing to remove the B-2 zoned areas, as the boundary of the zoning would no longer follow property lines.” The applicant also states in reference to #4 (subdivision of land into urban sites): “As mentioned in item 2, we are combining the B-2 zoned parcel into a LB-2 zoned property. Therefore, we are looking to rezone the B-2 property to LB-2 so that the new parcel has a single zoning classification.”

A medical clinic is allowed by right in a LB-2 district. As illustrated on the vicinity map and site plan, the proposal would rezone the existing corner lot from B-2 Neighborhood Business to LB-2, Limited Neighborhood Business, which is consistent with existing zoning designation for the overall PUD and Subdivision site (application #7). Furthermore, LB-2 allows less uses by right than the existing B-2 zoning, and there are existing B-2 and B-3 districts to the northeast and west, as illustrated on the locator zoning map and vicinity map-existing zoning.

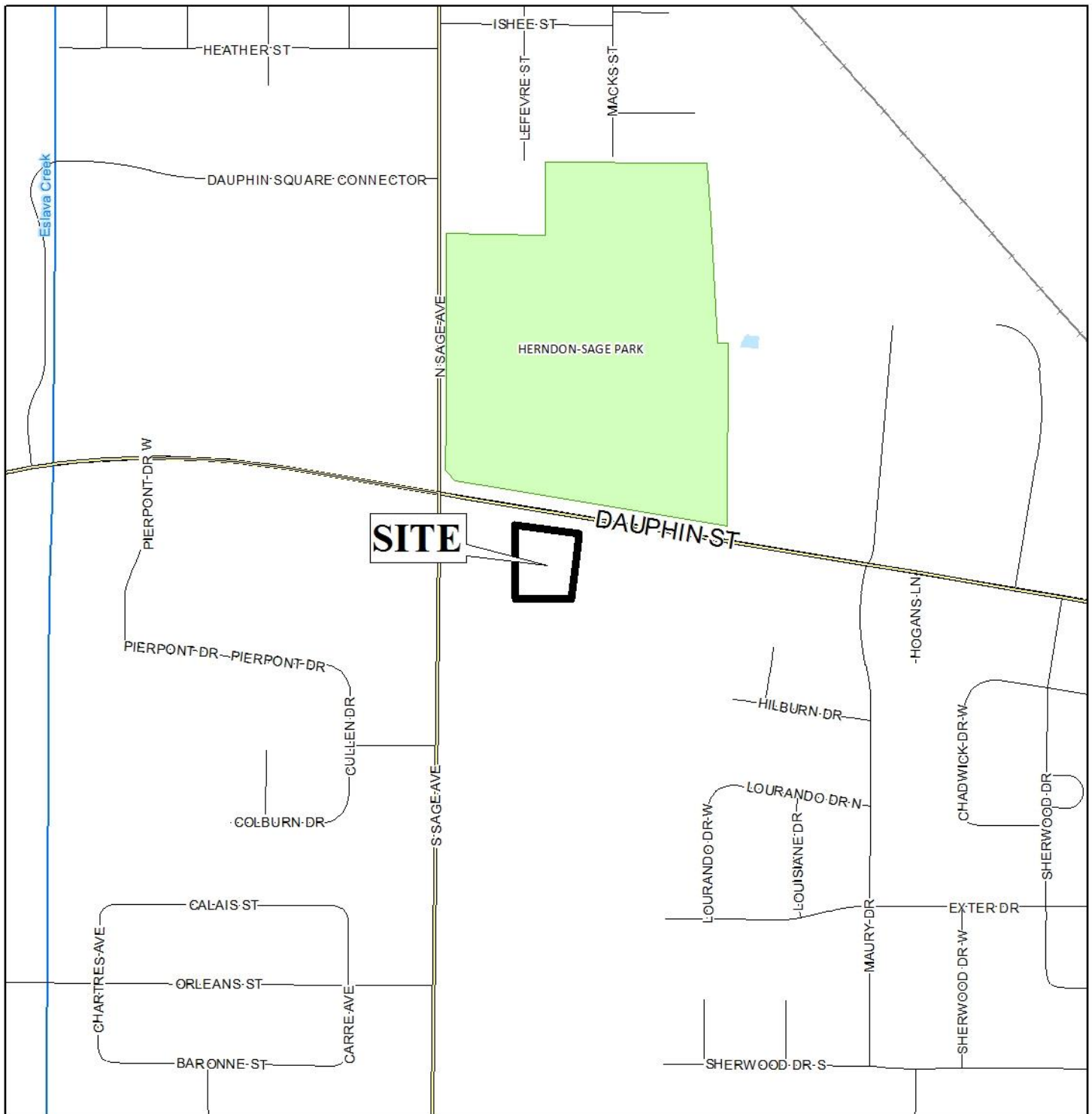
RECOMMENDATION:

The application is recommended for Approval subject to

the following conditions:

- 1) Completion of the Subdivision process including the recording of the Final Plat; and
- 2) Full compliance with all municipal codes and ordinances.

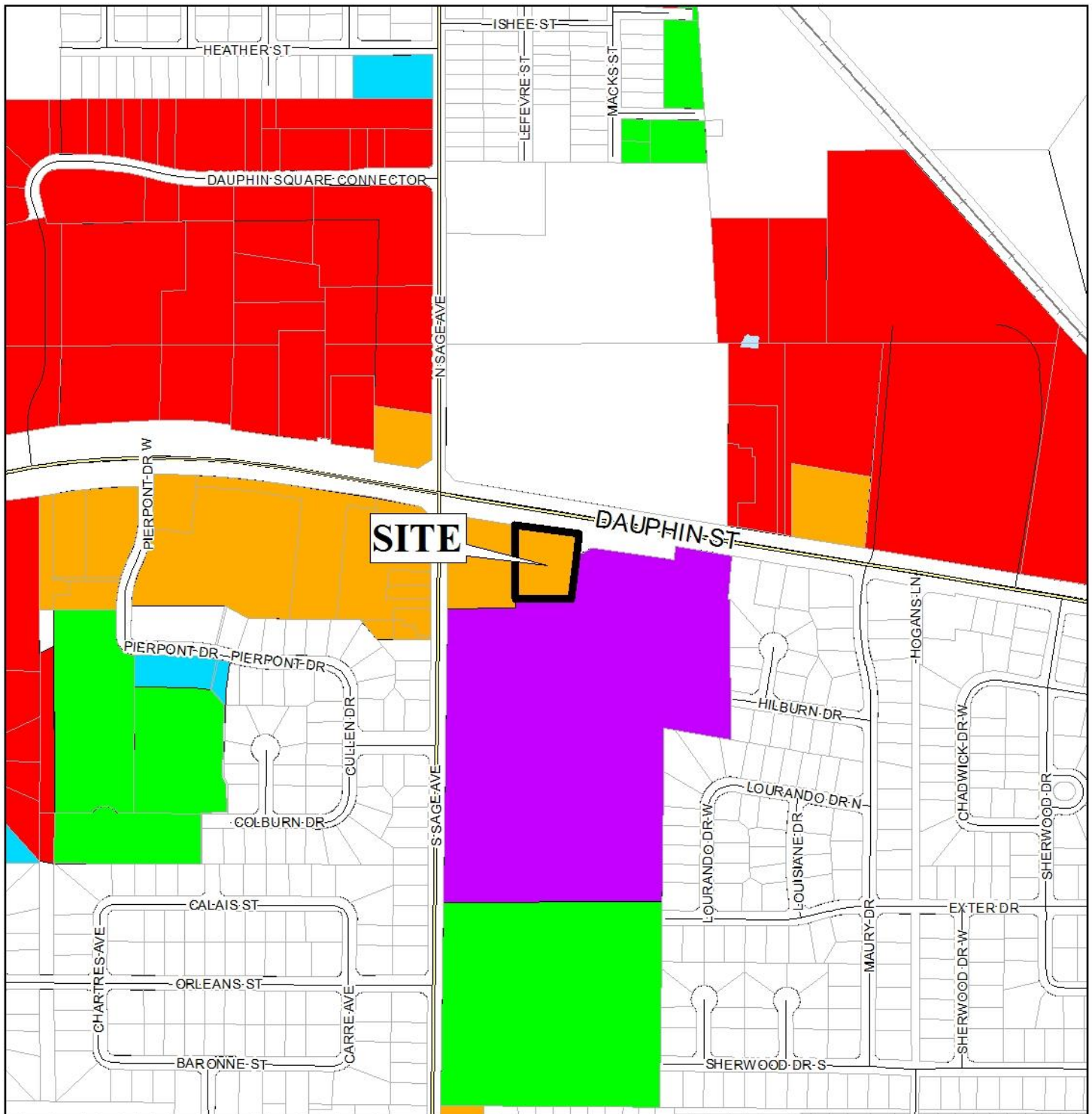
LOCATOR MAP



APPLICATION NUMBER 6 DATE December 19, 2019
 APPLICANT Thomas Larry Smith
 REQUEST Rezoning from B-2 to LB-2



LOCATOR ZONING MAP



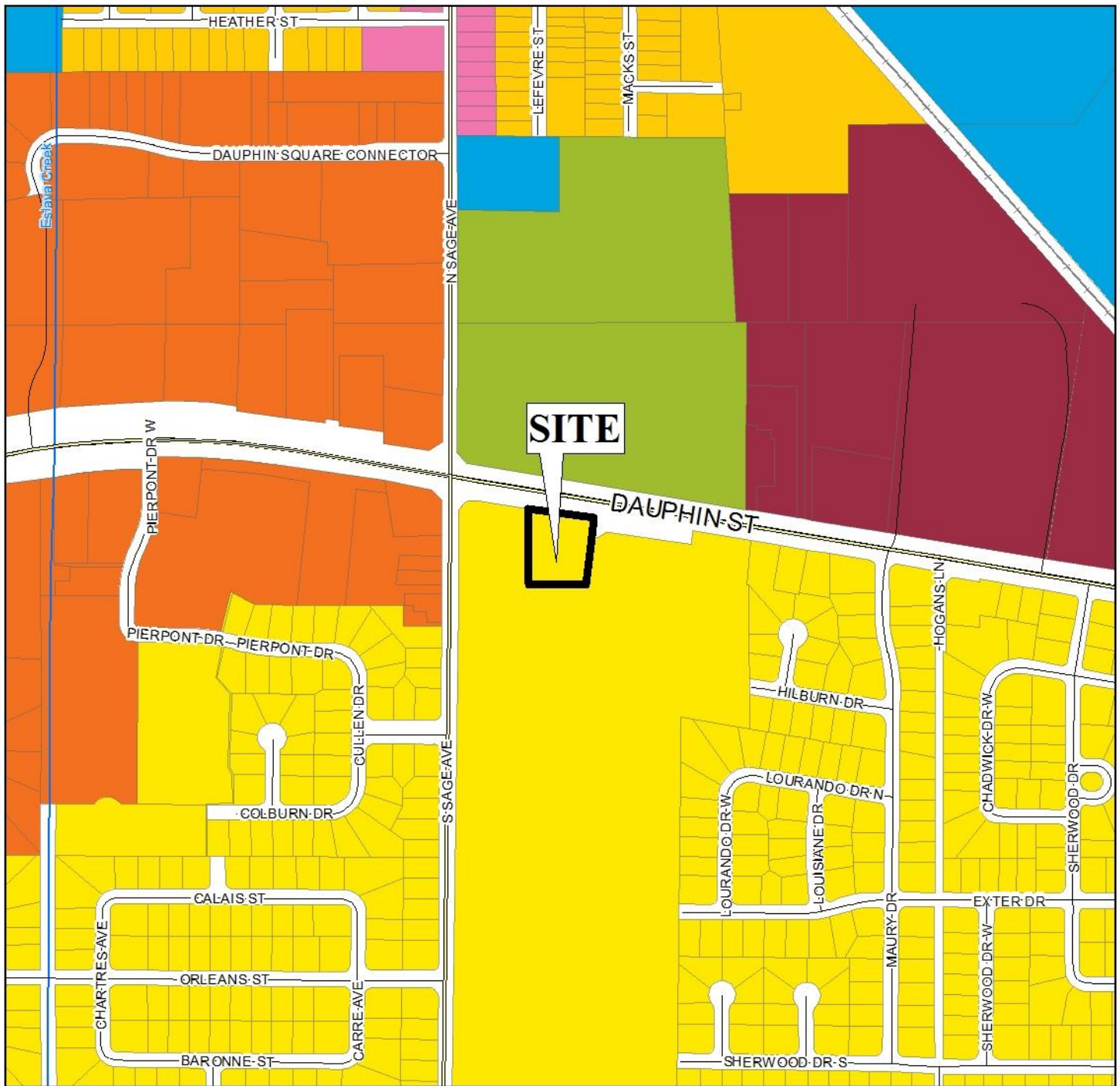
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FLUM LOCATOR MAP



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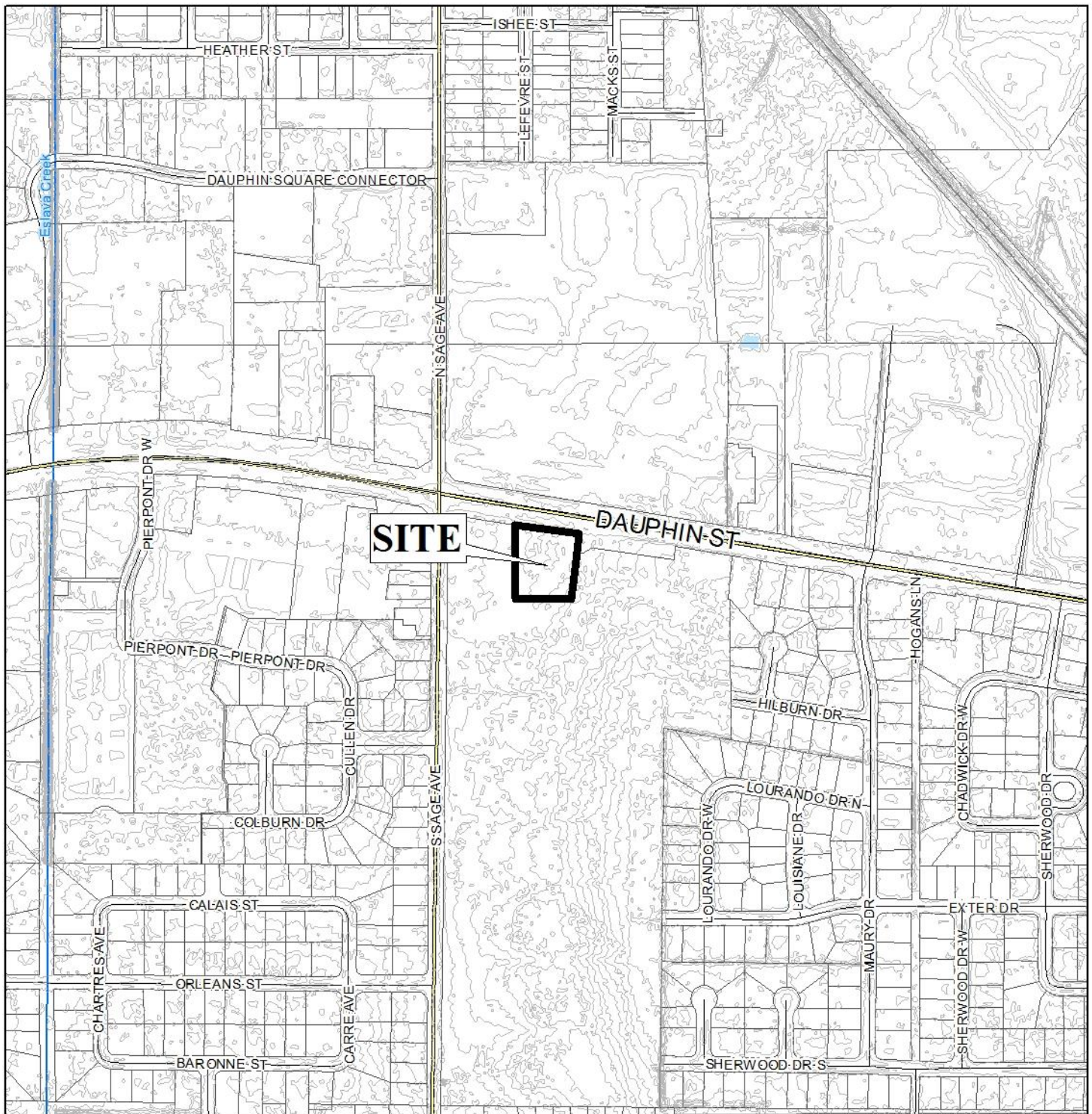
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| | | | |
|---------------------------|-----------------------------------|---------------------|--------------------|
| Low Density Residential | Neighborhood Center - Traditional | Downtown Waterfront | Parks & Open Space |
| Mixed Density Residential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



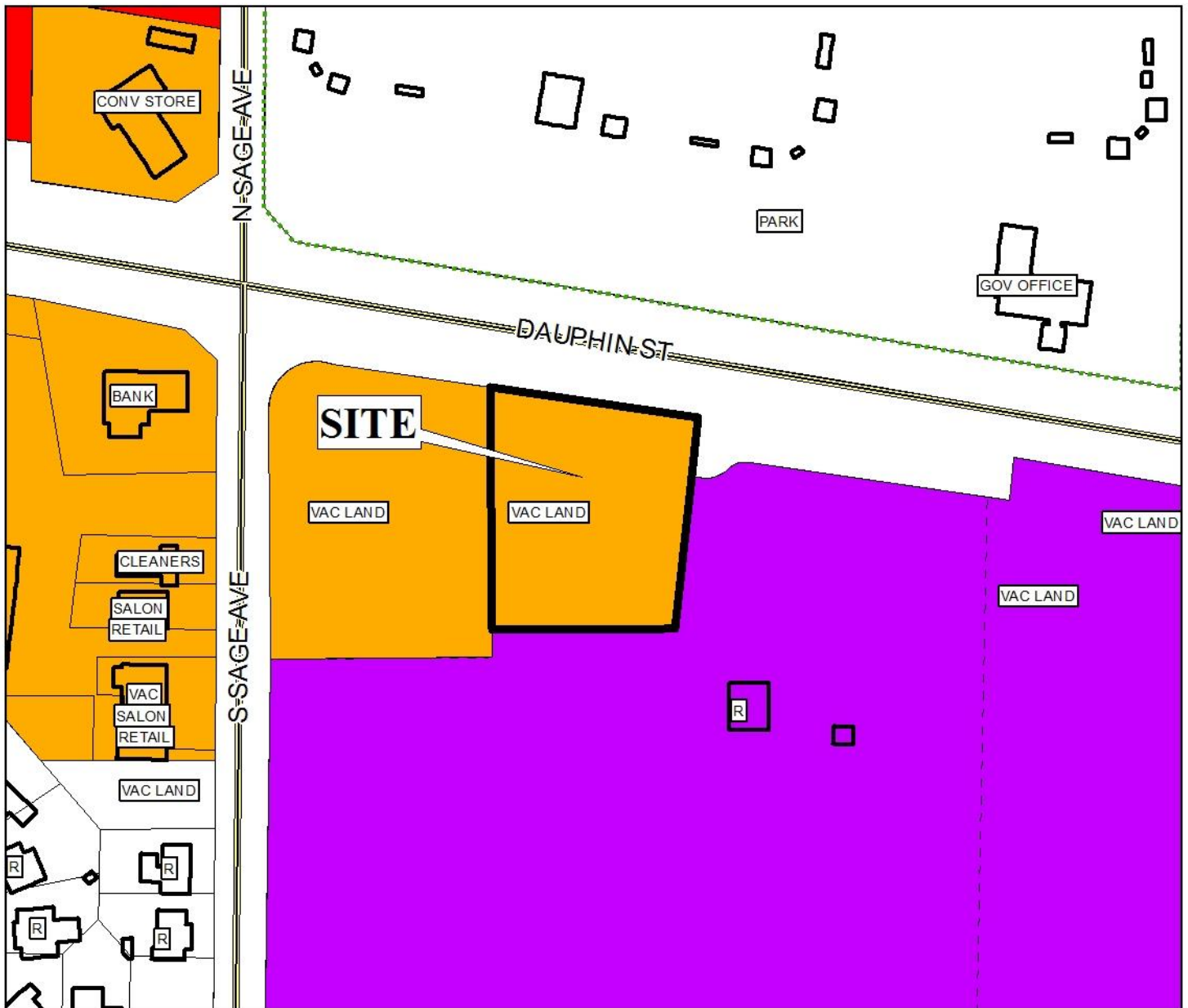
ENVIRONMENTAL LOCATOR MAP



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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units to the northwest, and residential units to the south. A park lies north of the site.

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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 |



PLANNING COMMISSION

VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial units to the northwest, and residential units to the south. A park lies north of the site.

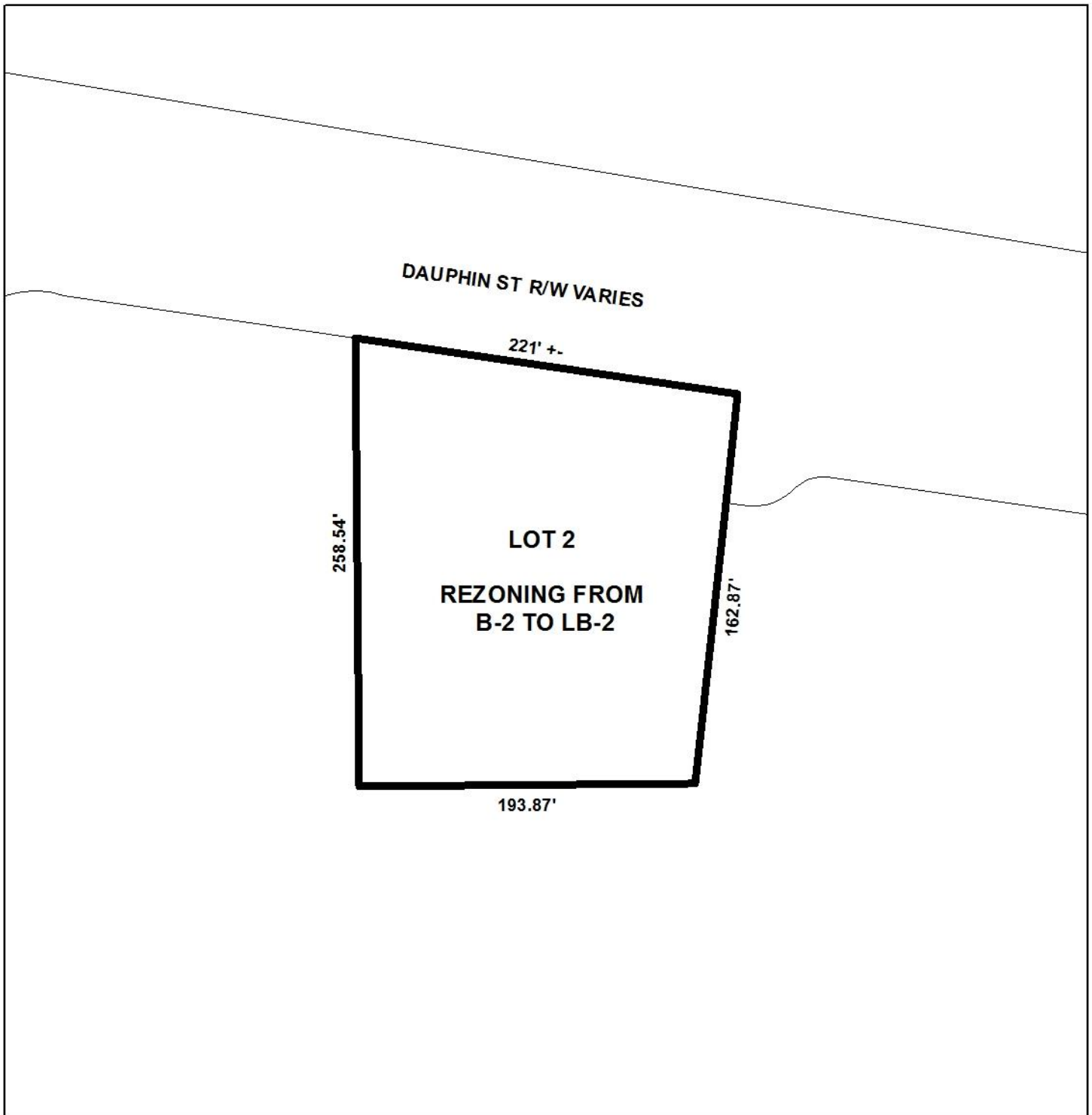
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DETAIL SITE PLAN



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