

ZONING AMENDMENT STAFF REPORT**Date: February 7, 2013****NAME**

Robert Hines

LOCATION

Southeast corner of Wagner Street and Summerville Street

**CITY COUNCIL
DISTRICT**

District 1

PRESENT ZONING

R-1, Single-Family Residential District

PROPOSED ZONING

T-B, Transitional-Business District

AREA OF PROPERTY

16,814 Square-feet/0.39± Acre

CONTEMPLATED USE

Rezoning from R-1, Single-Family Residential District, to T-B, Transitional-Business District, to allow a beauty shop. **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**

None given.

**ENGINEERING
COMMENTS**

No comments.

**TRAFFIC ENGINEERING
COMMENTS**

Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.

**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 61-929 and City Code Chapters 57 and 64).

**FIRE DEPARTMENT
COMMENTS**

All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.

REMARKS

The applicant is requesting rezoning from R-1, Single-Family Residential District, to T-B, Transitional-Business District, to allow a beauty shop.

The site is bounded on the East, South and West by R-1, Single-Family Residential zoning, and to the North across Wagner Street by R-1, Single-Family Residential; however, Use and Substandard Maneuvering Variances have been approved by the Board of Adjustment to allow a convenience store with a 20-foot maneuvering area across Wagner Street. Diagonal, across from the proposed site is B-1, Buffer Business, in use as a local Young Women's Christian Association.

The site fronts Wagner Street and Summerville Street, both categorized as minor streets on the Major Street Component of the Comprehensive Master Plan. On the preliminary plan both streets illustrate nonconformance with the plan; therefore, revision to illustrate 40-feet from the centerline of Summerville Street and Wagner Street (30-feet from the centerline and 10-feet setback) or dedication to provide 30-feet from the centerline of both streets, should be provided on the site plan, as well as dedication of sufficient radii at the intersection of Summerville Street and Wagner Street to be approved by Engineering and Traffic Engineering in conformance to ASHTTO standards..

The General Land Use Component of the Comprehensive Plan indicates residential use for this site and the surrounding properties listed above. The Component is meant to serve as a general guide, not a detailed lot and district plan or mandate for development. Moreover, the Component 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 zoning classification.

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.

The site is a metes and bounds parcel created prior to the adoption of the Subdivision Regulations. The current owner/applicant proposes to rezone the property to T-B zoning to allow the site to be used as a beauty salon.

The applicant cites as reason for the rezoning, alluding to the fact that there are no developed sites available and there are no beauty shops that serve the residents within the area. It could be argued that this site would warrant a change in zoning to provide a personal service such as a beauty shop to the area.

The size of the lot is indicated as approximately 0.39± acres; however, the Zoning Ordinance has no minimum building site area for the creation of a new T-B district except that sufficient area shall be provided for off-street parking and off-street loading spaces as required in Section 64-6.

The transitional business district (TB) is intended for small sites in or near dense residential neighborhoods on, at or near a major or collector street. The district regulations encourage the provision of small-scale retail and service uses for nearby residential areas. Some uses that are not retail or service in nature are also allowed so a variety of uses may locate in existing buildings. Uses are restricted in size, number and character to promote a local orientation and to limit adverse impacts on nearby residential areas. Development is intended to be pedestrian-oriented and compatible with the scale of surrounding residential areas. Parking areas are restricted, since their appearance is generally out of character with the surrounding residential development and the desired orientation of the uses.

As presented, the site plan has a few deficiencies with regard to compliance. The applicant may wish to review the setback requirements for development within the T-B districts. The Ordinance states that the Front yard SHALL be within two (2) feet of the average front yard of developed lots on the same block face, with a maximum setback of forty-five (45) feet. Landscaping and tree planting calculations are provided with the application; however, the tree calculations should be reexamined. Whereas the site has an abundant number of available tree credits, several of the proposed credits may be lost due to the possibility of being affected by the new construction.

No sidewalk is indicated within the public right-of-way along Summerville Street and Wagner Street as would be required for site compliance, and no Sidewalk Waiver application has been submitted. However, there seems to be no physical reasons why the sidewalks should be waived; moreover, the neighborhood would be enhanced by a service provider actually inviting physically challenge patrons to the business.

Given the surrounding R-1 zoning and land uses and the deficiencies with the site plan, the proposed rezoning of this site may be considered appropriate and the Commission should consider this application for approval.

RECOMMENDATION

Based on the preceding, this application is recommended for holdover for the following reasons:

- 1) revision to illustrate 30' from the centerline of Summerville Street and Wagner Street or dedication to provide 30' from the centerline of both streets;
- 2) revision to illustrate an approved radii at the intersection of Summerville Street and Wagner Street, to be approved by City Engineering and Traffic Engineering in conformance to ASHTTO standards;
- 3) resubmission of a site plan that would comply with the setback requirements of T-B, Transitional Business district; and
- 4) compliance with all other codes and ordinances.

Revised for the February 7th, 2013 meeting:

The Planning Commission heldover the application from the January 3rd Commission meeting to allow the applicant to resubmit the site plan illustrating the modifications requested by staff at the January 3rd meeting. The applicant has submitted a revised site plan complying with the request by staff; however, the condition number 1 to illustrate 30' from the centerline of Summerville Street and Wagner Street or dedication to provide 30' from the centerline of both streets should be removed, since no dedication would be required due to both streets meet the minor street requirement standards of 50-feet right-of-way per the Major Street component of the Comprehension Master Plan.

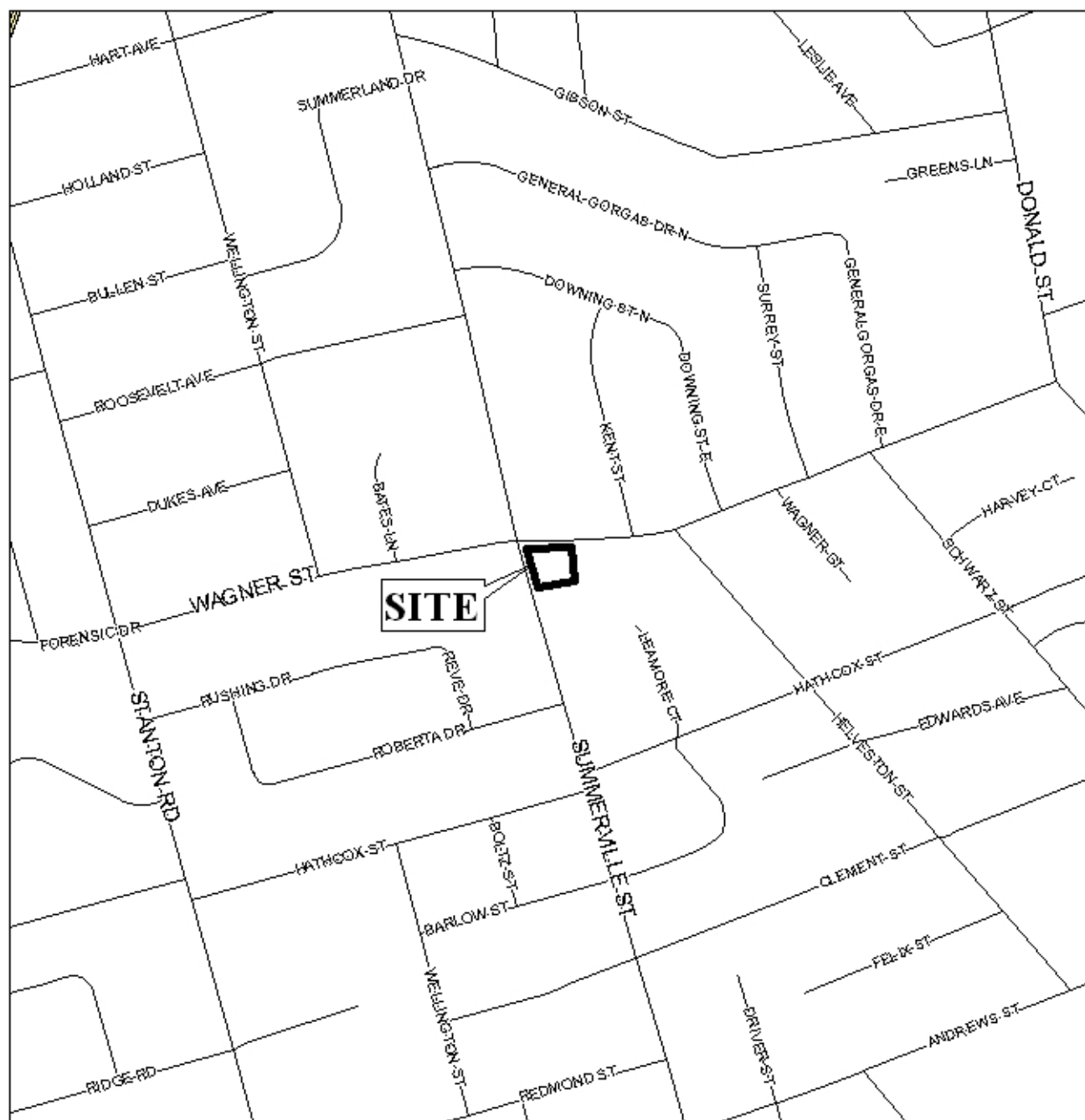
The applicant also illustrated the minimum and maximum setbacks on the revised site plan as required within Transitional-Business districts; therefore, these setbacks should be reflected on the site plan and as a condition of approval of the rezoning.

In addition, buffer requirements per Section 64-4.D.1.a are illustrated and would be a condition of the rezoning. The site plan does not illustrate a dumpster; however, a note is placed on the site plan stating curbside pickup will be utilized. If the site provides a dumpster, the dumpster should comply with the requirements of ALL codes and ordinances.

RECOMMENDATION *Based on the preceding, the rezoning request is recommended for Approval, subject to the following conditions:*

- 1) submission of a revised site plan depicting full compliance with the tree and landscaping requirements of the Zoning Ordinance;*
- 2) illustration of the minimum building setback of 10-feet along Summerville Street and Wagner Street and the maximum building setback of 43.5-feet along Summerville Street and the maximum building setback of 30.1-feet along Wagner Street;*
- 3) the illustration and compliance with ALL codes and ordinances pertaining to the location and buffering of a dumpster if one is provided;*
- 4) revision to illustrate an approved radii at the intersection of Summerville Street and Wagner Street, to be approved by City Engineering and Traffic Engineering in conformance to ASHTTO standards;*
- 5) compliance with Traffic Engineering comments (Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.);*
- 6) compliance with Fire comments (All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.); and*
- 7) full compliance with all other applicable municipal codes and ordinances.*

LOCATOR MAP



APPLICATION NUMBER 6 DATE February 7, 2013

APPLICANT Robert Hines

REQUEST Rezoning from R-1 to T-B



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by single-family residences. A convenience store and community center are located to the north of the site.

APPLICATION NUMBER 6 DATE February 7, 2013

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LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	T-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2	NTS
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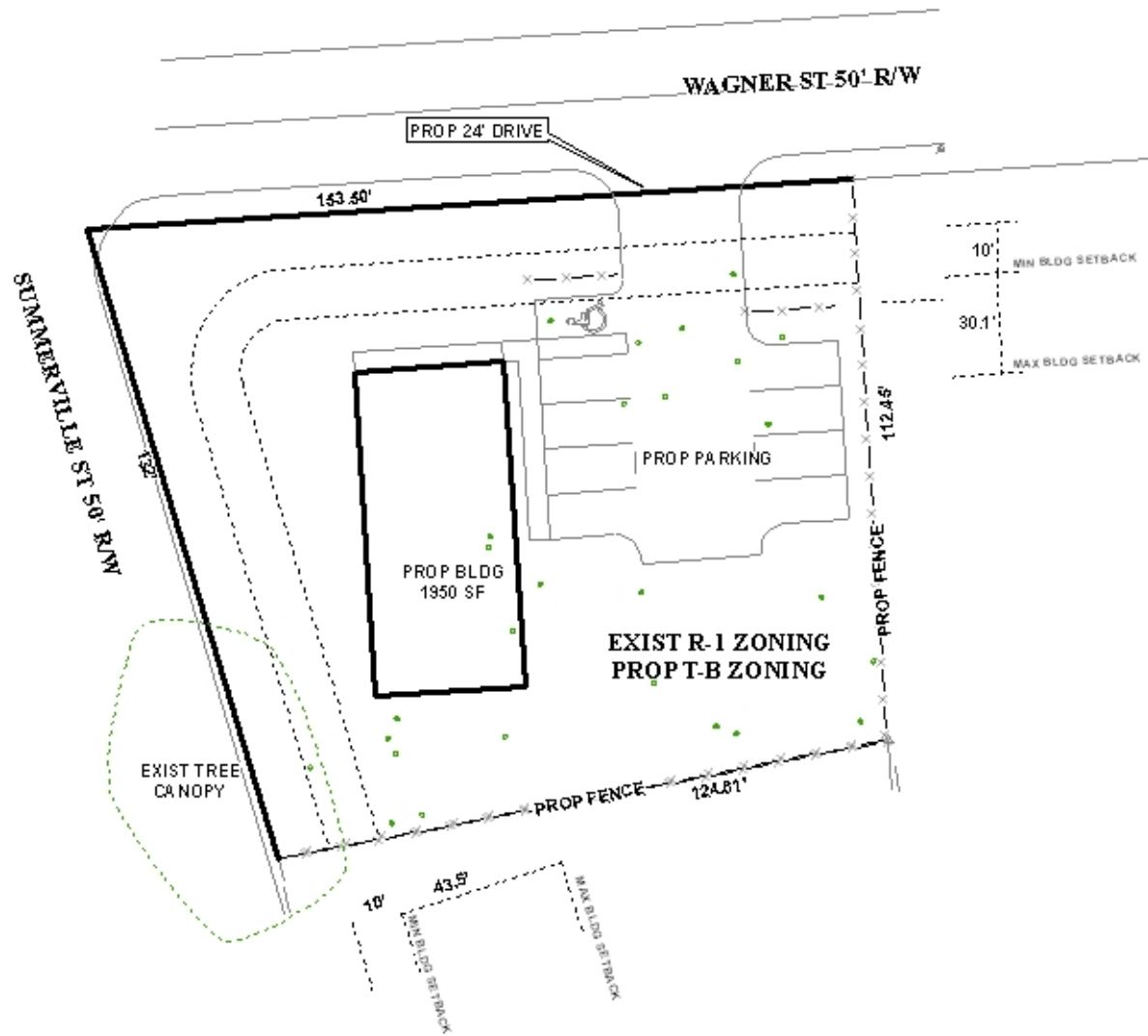
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NTS

SITE PLAN



The site plan illustrates the proposed development.

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