

ZONING AMENDMENT STAFF REPORT**Date: May 16. 2019****NAME**

Donna Dukes

LOCATION3809 Moffett Road
(West side of Moffett Road, 70'± North of Stimpson Lane)**CITY COUNCIL
DISTRICT**

District 7

PRESENT ZONING

B-1, Buffer Business District

PROPOSED ZONING

B-3, Community Business District

AREA OF PROPERTY

1 Lot / 6.16 ± Acre

CONTEMPLATED USE

Rezoning from B-1, Buffer Business District to B-3, Community Business District.

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

None given.

**ENGINEERING
COMMENTS**

ADD THE FOLLOWING NOTES TO THE PUD SITE PLAN:

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

Moffett Road (US Highway 98) is an ALDOT maintained roadway. Lot is limited to its existing curb cut with any changes in size, location and design to be approved by ALDOT and 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-1 Buffer Business District to B-3, Community Business District.

The site has been given a Mixed Commercial Corridor (MCC) 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 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.

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 applicant provided the following statement:

"I am submitting my request for 3809 Moffett Road Mobile, Alabama 36618 Zoning Change Request from B-1 to B-3. The request will allow said property to house and provide storage of transportation service vehicles. The existing building facility will allow for related limousine transportation business to be conducted inside the existing meeting office spaces."

The properties to the Northeast of the subject site (across Moffett Road) are zoned B-1, Buffer Business District and B-2, Neighborhood Business District. The property to the West is zoned B-2, Neighborhood Business District. The property to the East is zoned B-3, Community Business District. The property to the South is zoned B-1, Buffer Business District.

The applicant has provided a site plan illustrating an existing 25,270 square foot building with 200 asphalt parking spaces, a dumpster pad, concrete walkways and a detention pond located in the rear of the property. A 10' sanitary sewer easement is located along the Northwest property line. The site plan also illustrates two curb cuts to Moffett Road. There do not appear to be any site changes proposed. Because the subject property abuts residentially zoned property, a 6' wooden privacy fence may be required along the Northwest property line.

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.

Complete landscape calculations are not provided however, 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 trigger compliance with current tree and landscape area requirements.

The applicant states that the subject site would be used as office space and storage facility for transportation service vehicles.

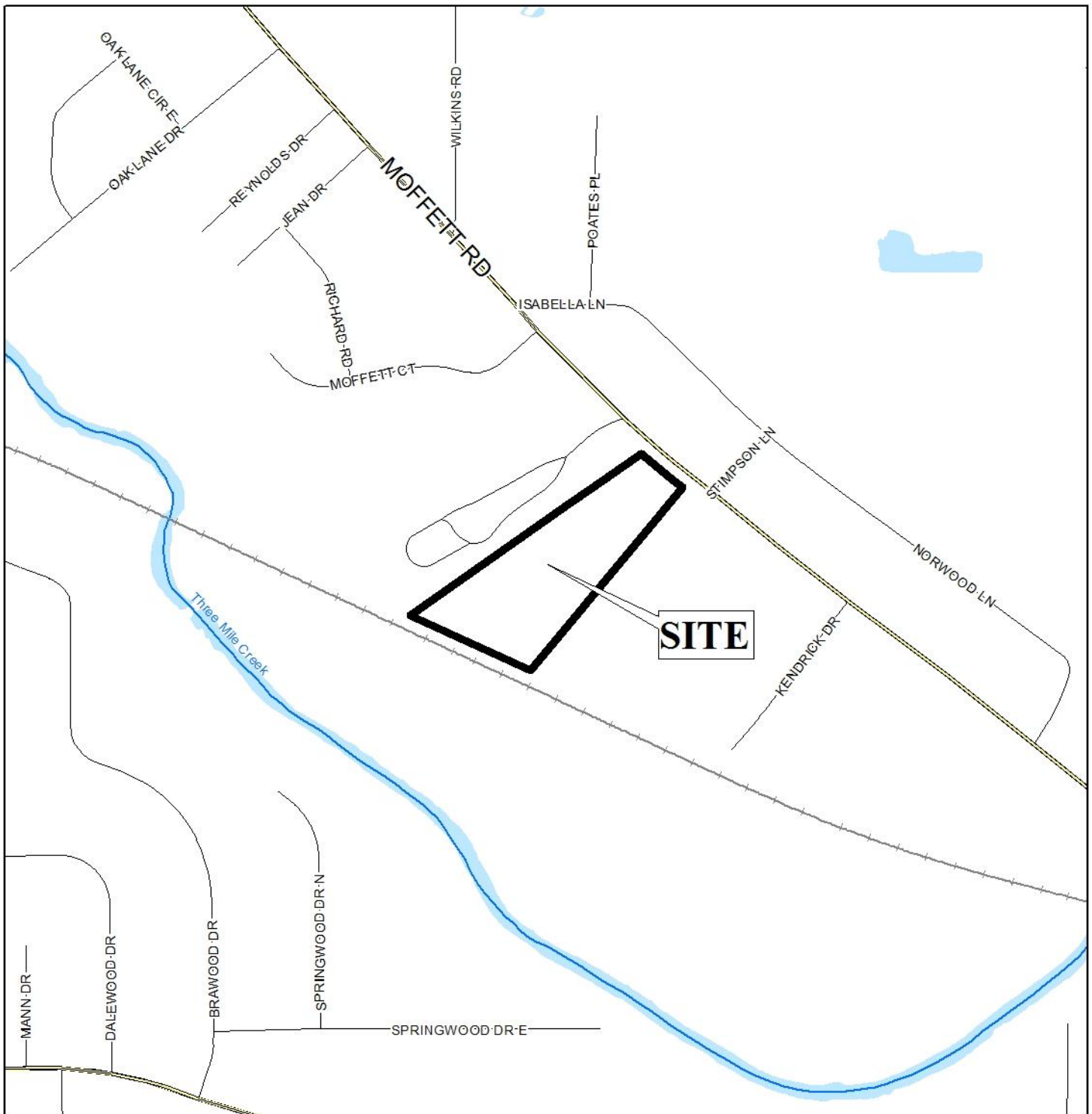
The site was initially developed for offices after a Use Variance request was approved by the Board of Zoning Adjustment in 1964. The Planning Commission approved an application for rezoning from R-1, Single Family Residential to B-1, Buffer Business District at its November 5, 1998 meeting. Most recently, the abutting property located at 3801 Moffett Road appeared before the Planning Commission on February 21, 2019 for rezoning from R-1, Single Family Residential, B-2, Neighborhood Business District, and B-3, Community Business District to B-3, Community Business District. The application was approved and adopted by City Council. Changing conditions in a particular area could be the justification for approval of the rezoning request.

RECOMMENDATION

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

- 1) Provision of a 6' wood privacy fence where commercially zoned property abuts residentially zoned property; and
- 2) Full compliance with all municipal codes and ordinances.

LOCATOR MAP



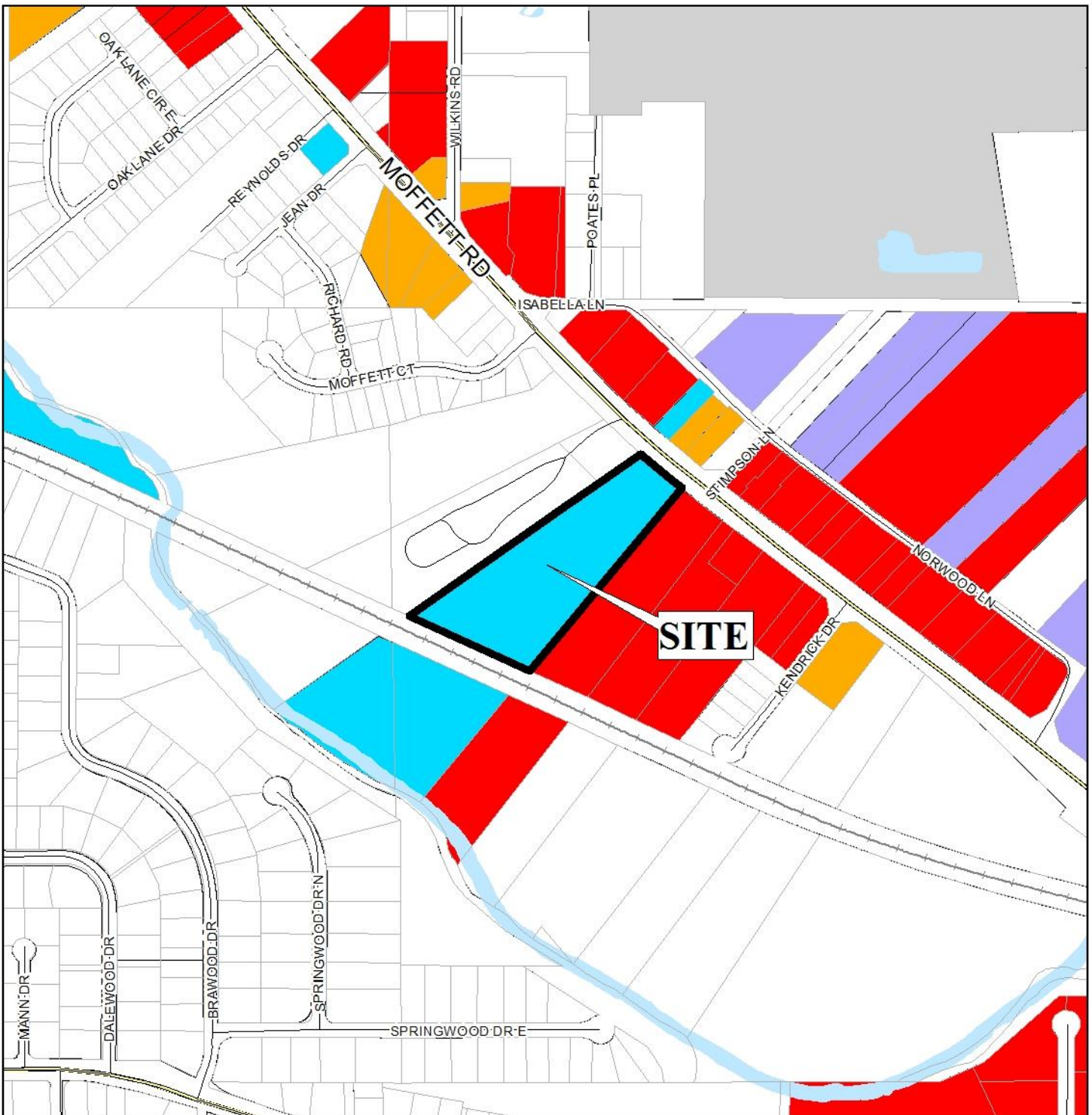
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APPLICANT Donna Dukes

REQUEST Rezoning from B-1 to B-3



LOCATOR ZONING MAP



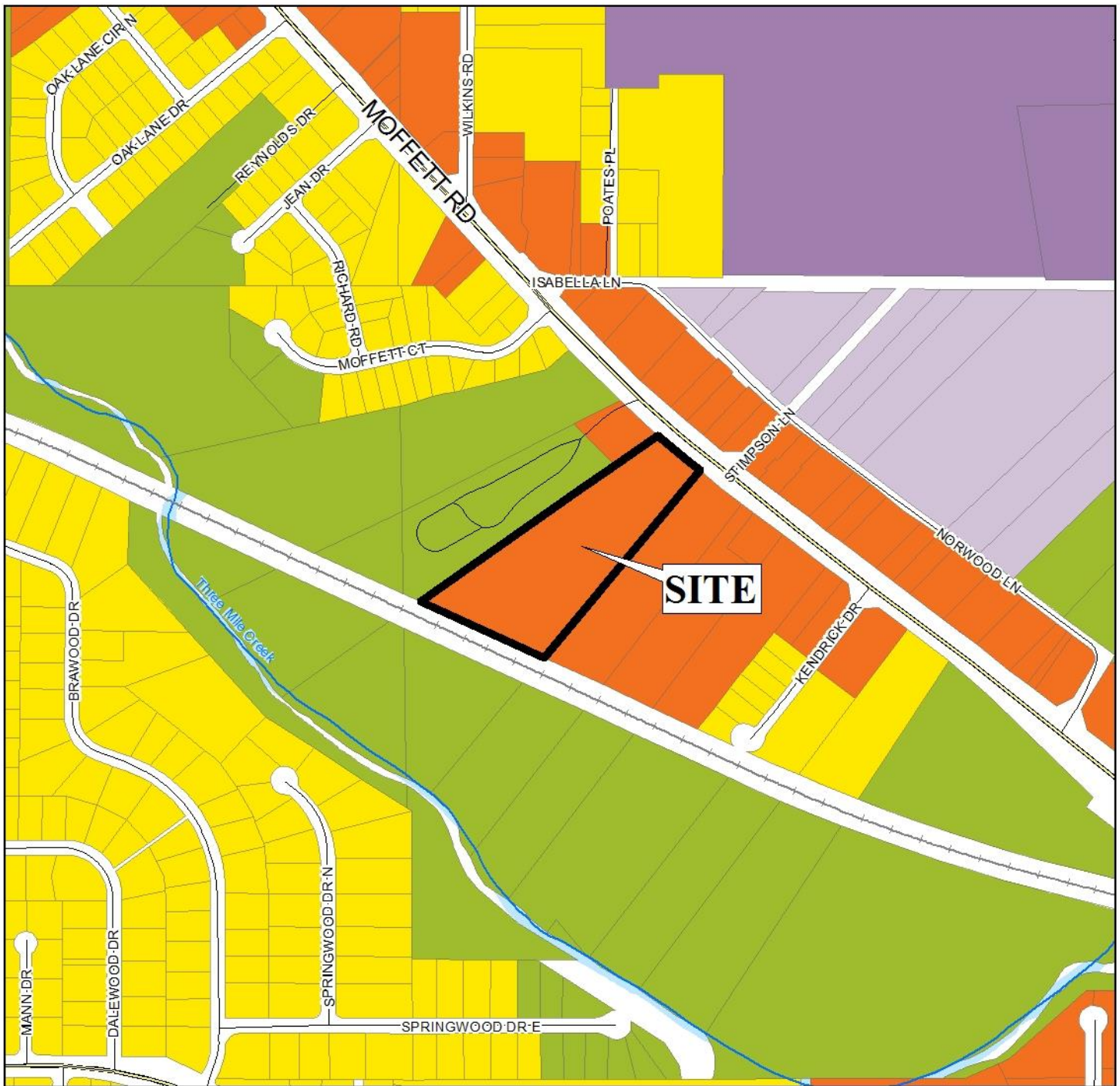
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FLUM LOCATOR MAP



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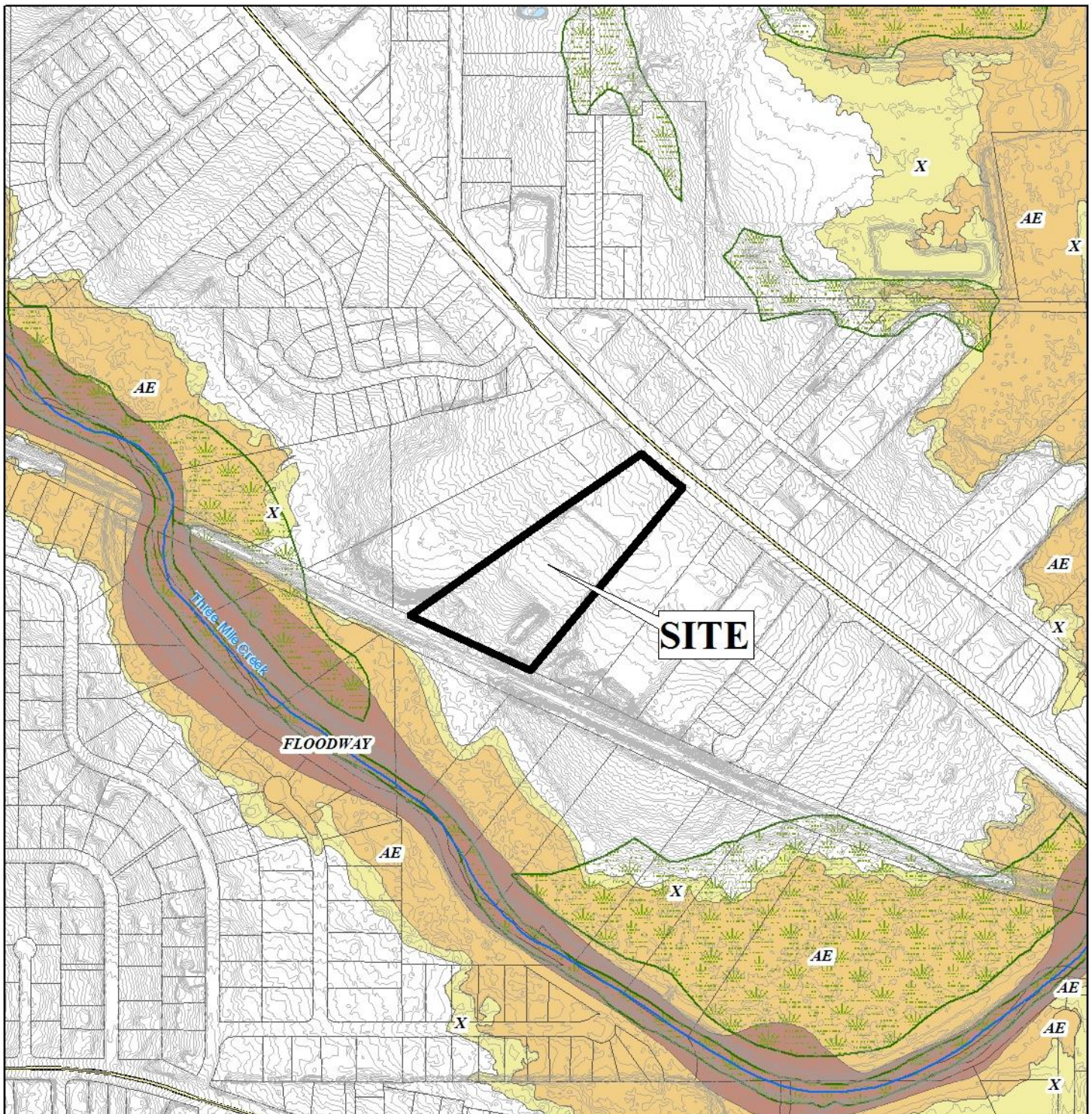
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Low Density Residential	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
Mixed Density Residential	Neighborhood Center - Suburban	Light Industry	Water Dependent
Downtown	Traditional Corridor	Heavy Industry	
District Center	Mixed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



ENVIRONMENTAL LOCATOR MAP



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REQUEST Rezoning from B-1 to B-3



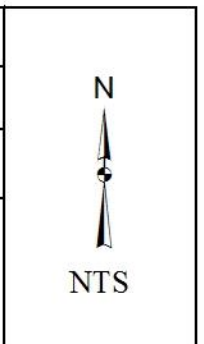
The site is surrounded by residential and commercial units.

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REQUEST Rezoning from B-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

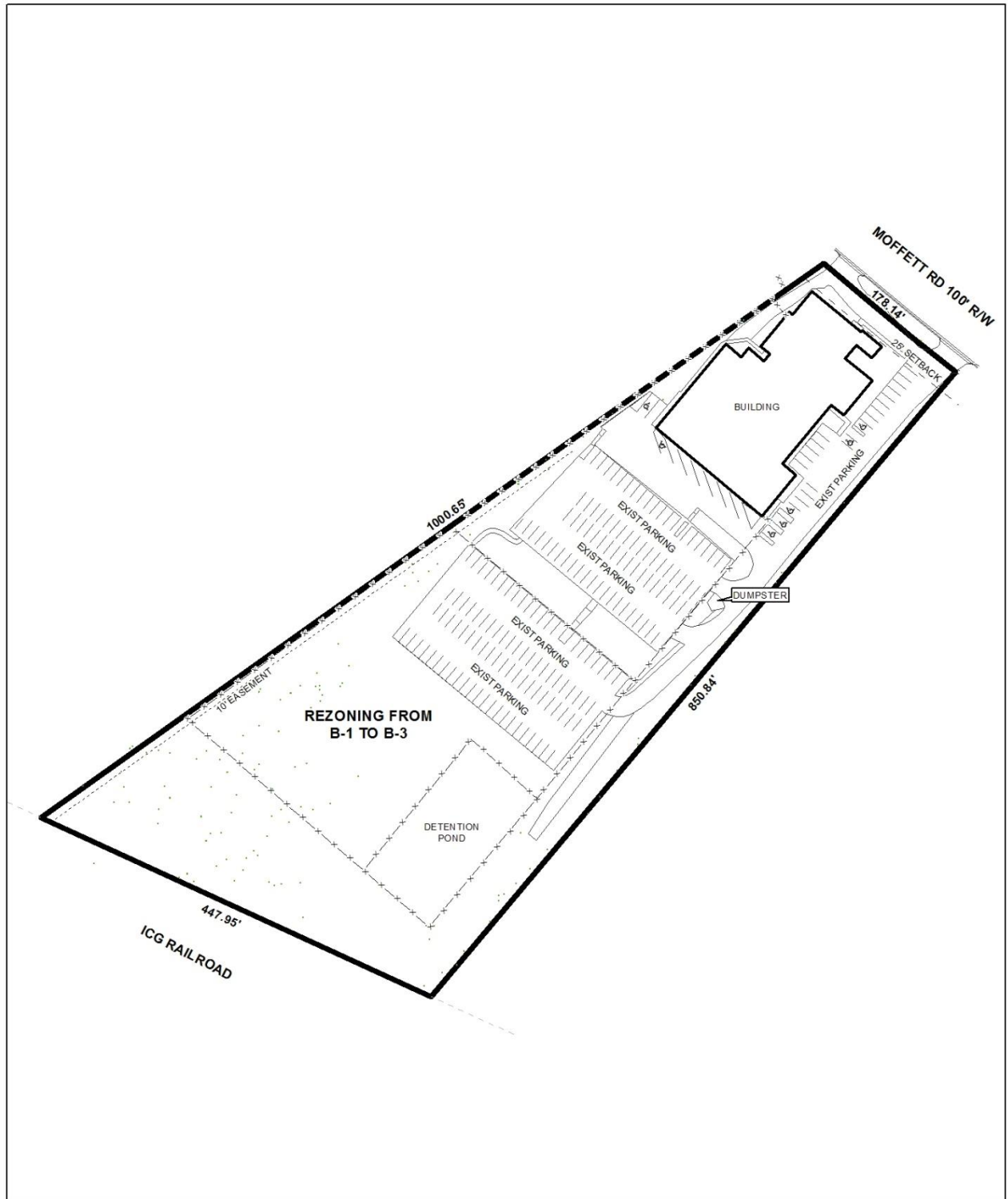


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SITE PLAN



The site plan illustrates the existing building, parking, setbacks and easements.

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NTS

