

ZONING AMENDMENT STAFF REPORT**Date: September 20, 2018****NAME**

BRPC Holdings, LLC

LOCATION3703 Old Shell Road
(Southwest corner of Old Shell Road and Wacker Lane).**CITY COUNCIL
DISTRICT**

District 2

PRESENT ZONING

R-1, Single-Family District

PROPOSED ZONING

B-2, Neighborhood District

**REASON FOR
REZONING**

To allow the use of a commercial business for office space.

AREA OF PROPERTY

1 Lot

CONTEMPLATED USE

Rezoning from R-1, Single-Family Residential to B-2, Neighborhood 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

Two years.

**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

Lot is denied access to Old Shell Road and limited to one curb cut to Wacker Lane with 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 2015-116 and City Code Chapters 57 and 64).

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 R-1, Single-Family Residential to B-2, Neighborhood Business District. The applicant proposes to use the property for professional offices.

The site has been given a Mixed Density Residential 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 applies mostly to residential areas located between Downtown and the Beltline, where the predominant character is that of a traditional neighborhood laid out on an urban street grid.

These residential areas should offer a mix of single family homes, townhouses, 2- to 4-residential unit buildings, accessory dwellings, and low- and mid-rise multifamily apartment

buildings. The density varies between 6 and 10 dwelling units per acre, depending on the mix, types, and locations of the housing as specified by zoning.

Like Low Density Residential areas, Mixed Density Residential areas may incorporate compatibly scaled and sited complementary uses such as neighborhood retail and office uses, schools, playgrounds and parks, and churches and other amenities that create a complete neighborhood fabric and provide safe and convenient access to daily necessities.

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:

“7. Description: The contemplated use for the property is a professional office building. The character of improvements proposed are to bring the property up to code from its "blighted" status by repairing all of the items listed as a public nuisance or safety hazard on the City's blight list. All of these repairs will have to comply with the requirement of the Historic Preservation Agreement with the Mobile Historic Development Commission. Additionally, the applicant plans to add 400 square feet to the primary structure in order to construct bathrooms and additional space for an office. The planned development is expected to occur within the next two years due to the extensive renovations required to the building and the method by which those renovations and repairs have to be done. With approval of rezoning, we plan to take this property from a community eyesore and a property that the city considers "blighted" to something the area can be proud of.

8. Plan Consistency Analysis: The application is consistent with the Comprehensive Plan in both its design and layout. The site plan meets the buffer and setback requirements in the desired rezoning of B-2 while taking into consideration the historic preservation easement on the property that does not allow the owner to move the location of the main structure. Also, the development is consistent with its parking ratios.

9: Zoning Applications: The current zoning of the property is R-1 residential. The current property has the main building structure up along the frontage along Old Shell Rd. This closeness to the traffic has made the building unattractive for residential use for years. The historic preservation easement has made moving the house impossible. As a result, there is little to no desire to use this property for a residential use as evidenced by the decades where it has sat vacant and on the market. Additionally, the small square footage of the main structure (1,050 SF) makes using this property in a residential fashion a challenge. With the changes that have been made to the Village of Springhill area and the efforts made to clean up the area, we feel this rezoning will allow the site to go from an eyesore to something of pride for the area.”

The properties immediately to the North, East and South of the subject site are all zoned R-1, Single-Family Residential District. The property to the East is zoned R-3, Multi-Family Residential. There is also some property to the Northeast that is zoned B-3, Community Business District.

A use variance was submitted for the subject site in 2015 to allow a professional office building with gravel parking and a 12’ wide driveway for two-way traffic, however that application was withdrawn.

The applicant provided a site plan illustrating the proposed 1,535 square foot building which includes the existing building and two 200 square foot additions (one addition along the east side of the building and the other along the west side of the building). A minimum of 6 parking spaces are required for the proposed use, however 24 are depicted on the site plan. A new 24 foot wide driveway and curb-cut are proposed, and it appears that the existing 12 foot wide drive will not be used. The site plan also includes notes regarding buffering and a privacy fence. The site plan also depicts two other structures on the site that are identified as “exist building” but does not state a use proposed. Multiple structures are not allowed on single building site without PUD approval, thus a PUD application may be required.

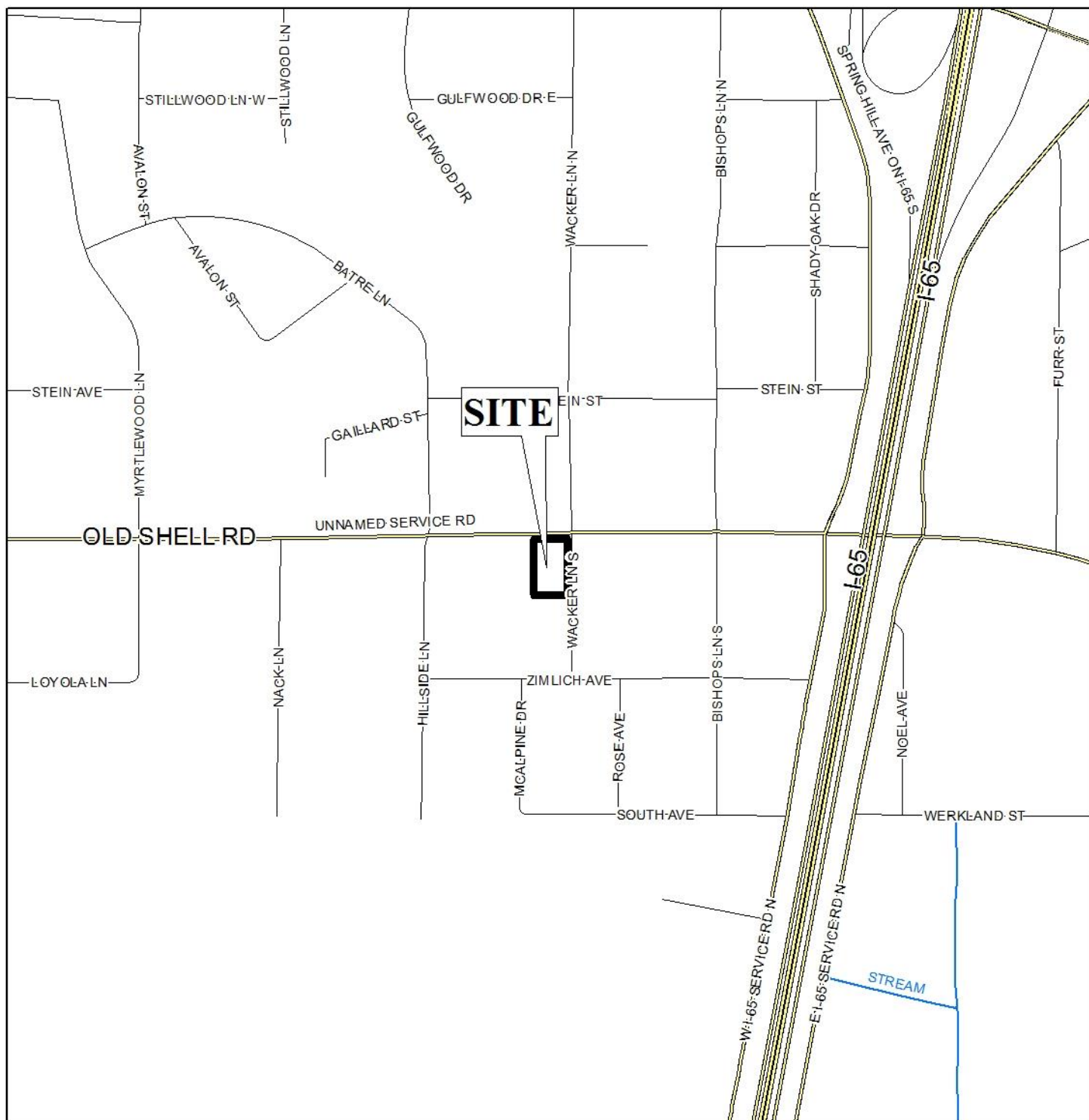
Sufficient evidence has not been provided to justify a B-2, Neighborhood Business District zoning classification change. Professional office space is a use that can occur in a B-1, Buffer Business District, and typically the lowest zoning classification possible will have the least impacts to surrounding uses.

RECOMMENDATION

Based upon the preceding, the Rezoning request is recommended for Denial for the following reasons:

- 1) the applicant has not demonstrated that there is a manifest error in the Zoning Ordinance;
- 2) the applicant has not demonstrated that there are changing conditions in the particular area that make a change in the Ordinance necessary and desirable; and
- 3) the applicant has not demonstrated that there is a need to increase the number of sites available to business or industry within this area.

LOCATOR MAP



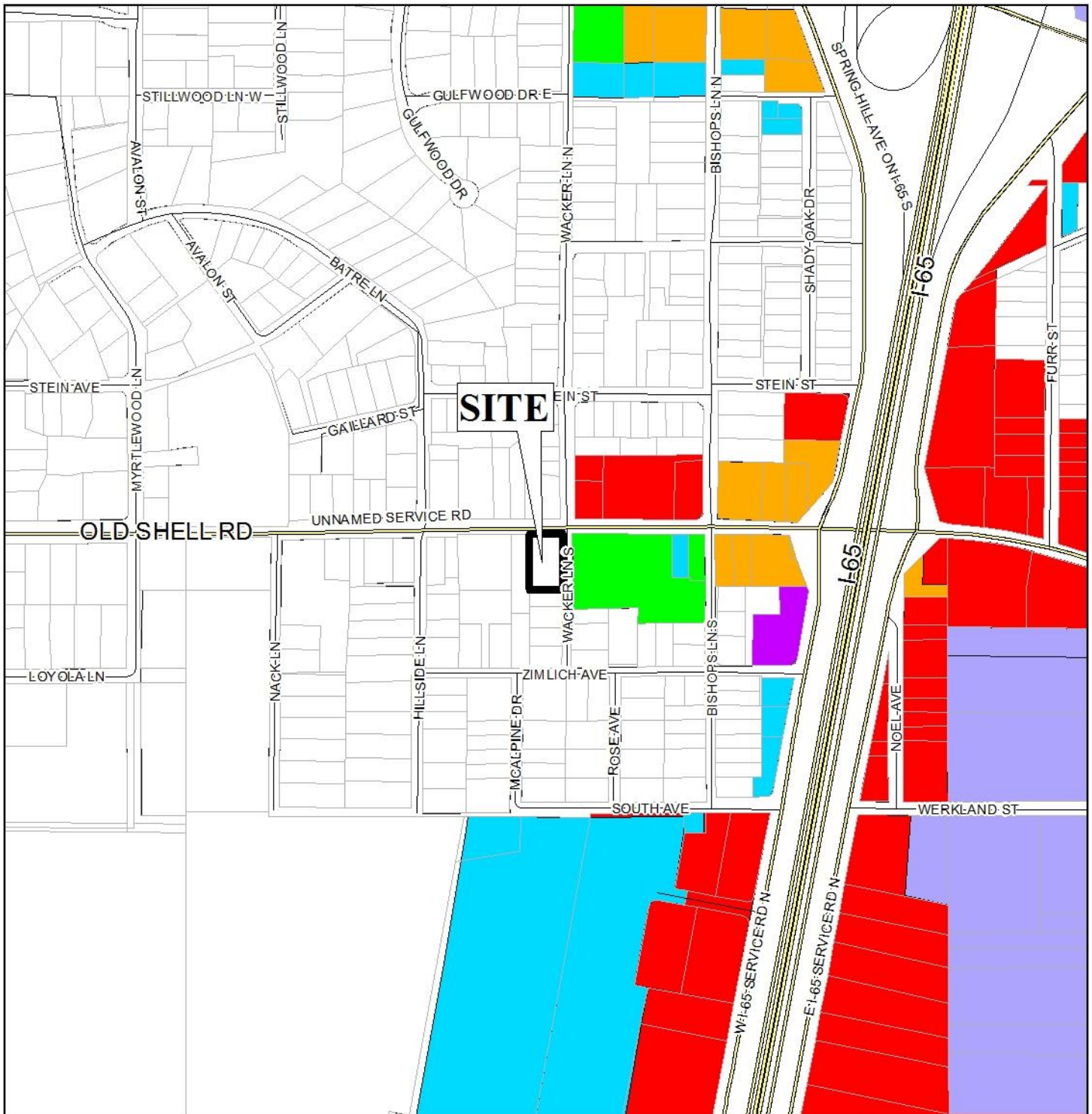
APPLICATION NUMBER 8 DATE September 20, 2018

APPLICANT BRPC Holdings, LLC

REQUEST Rezoning from R-1 to B-2



LOCATOR ZONING MAP



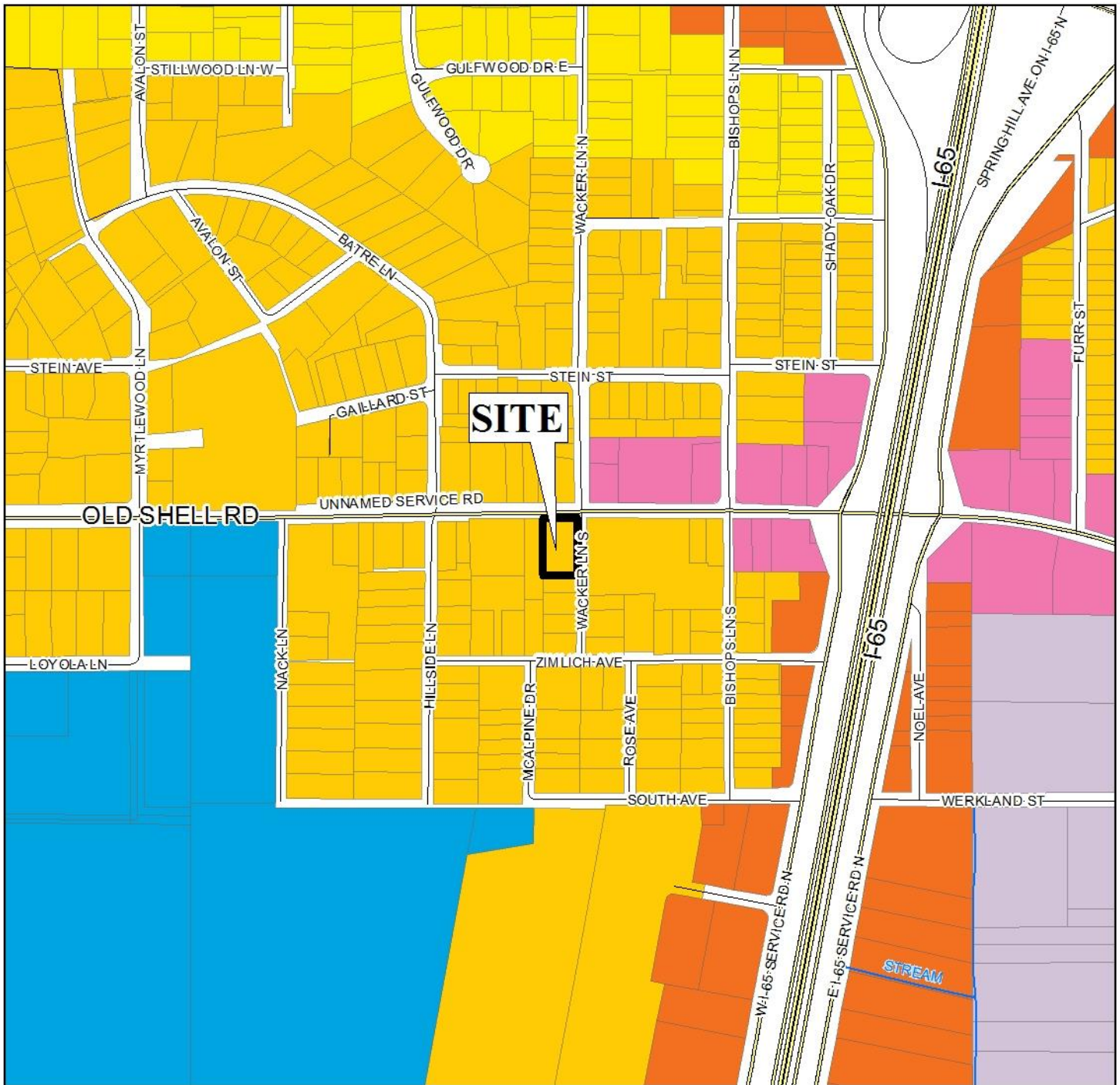
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FLUM LOCATOR MAP



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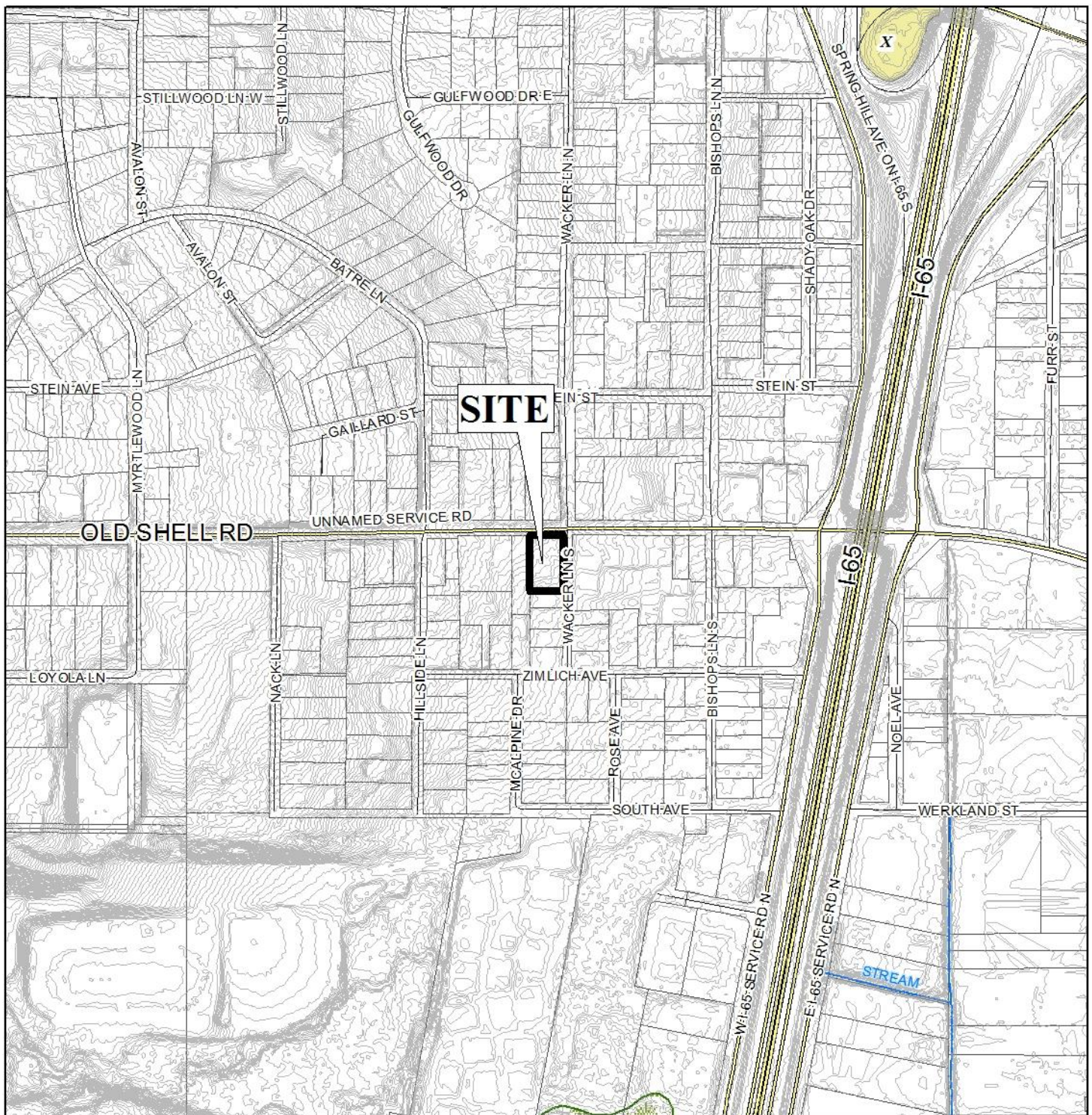
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Low Density Residential	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
Mixed Density Residential	Neighborhood Center - Suburban	Light Industry	Water Dependent
Downtown	Traditional Corridor	Heavy Industry	
District Center	Mixed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



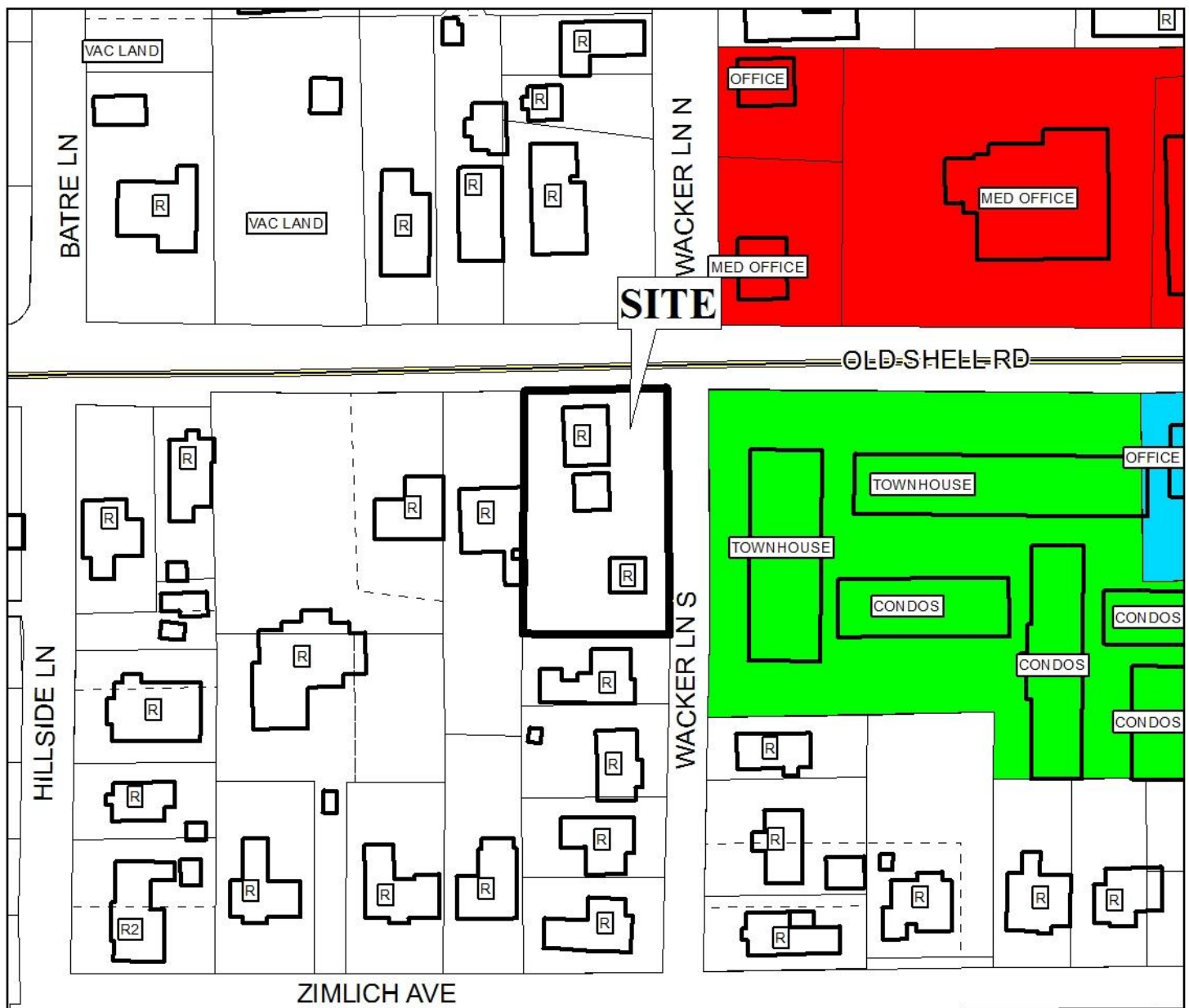
ENVIRONMENTAL LOCATOR MAP



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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units. Commercial units are located to the northeast.

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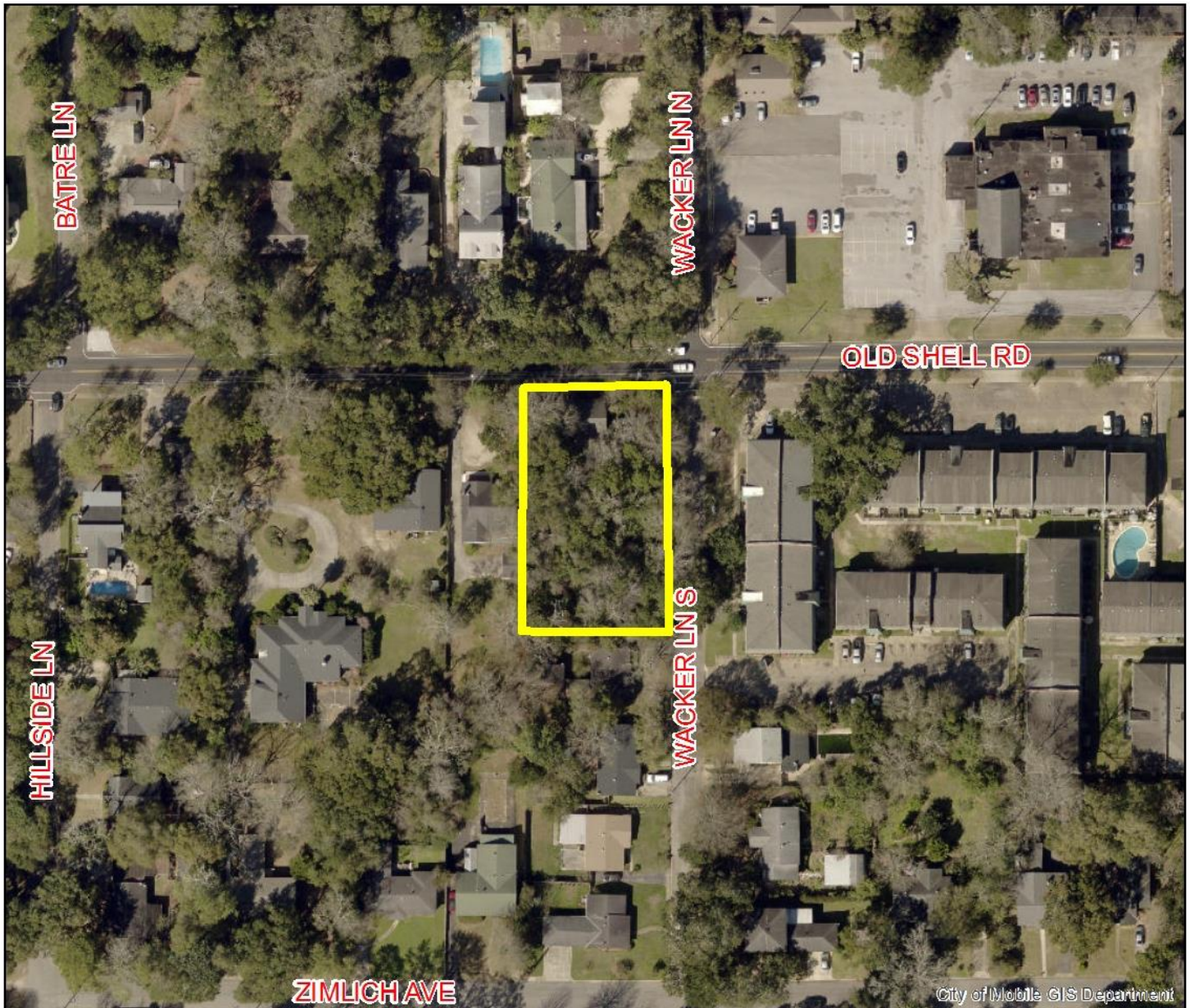
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R-A	R-3	T-B	B-2	B-5	MUN	SD-WH	T5.1
R-1	R-B	B-1	B-3	I-1	OPEN	T3	T5.2
R-2	H-B	LB-2	B-4	I-2	SD	T4	T6



PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL

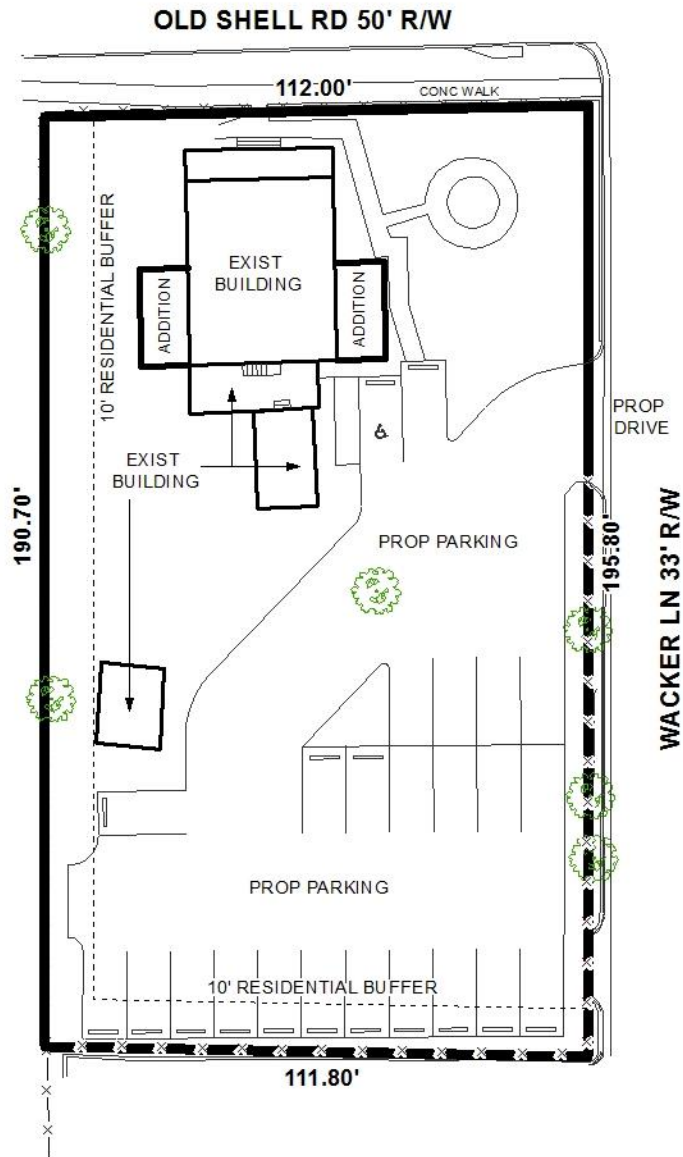


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SITE PLAN



The site plan illustrates the existing buildings, residential buffer, proposed additions, and proposed parking.

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