

**ZONING AMENDMENT &
SUBDIVISION STAFF REPORT****Date: December 4, 2014****APPLICANT NAME**

Klyce Enterprises

SUBDIVISION NAME

Cornell's Addition To Furr Street Subdivision

LOCATION115, 201, 203 and 205 Furr Street
(West side of Furr Street, 365'± North of Old Shell Road)**CITY COUNCIL
DISTRICT**

District 1

PRESENT ZONING

R-1, Single-Family Residential District

PROPOSED ZONING

B-3, Community Business District

AREA OF PROPERTY

1 Lot / 0.99± Acres

CONTEMPLATED USE

Rezoning from R-1, Single-Family Residential District, to B-3, Community Business District to allow a storage facility and Subdivision approval to create one legal lot of record.

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.**REASON FOR
REZONING**

To allow a storage facility.

**TIME SCHEDULE
FOR DEVELOPMENT**

Immediately.

**ENGINEERING
COMMENTS****Subdivision:** The following comments should be addressed prior to submitting the FINAL PLAT for acceptance and signature by the City Engineer:

- A. Provide all of the required information on the SUBDIVISION PLAT (i.e. signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings and distances) that is required by the current Alabama State Board of Licensure for Professional Engineers and Land Surveyors.

- B. Add a note to the SUBDIVISION PLAT stating that a Land Disturbance permit will be required for any land disturbing activity in accordance 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.
- C. Add a note to the Plat stating that 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.
- D. Provide a written legal description for the proposed subdivision and matching bearing and distance labels.
- E. Provide and label the monument set or found at each subdivision corner.
- F. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer.
- G. Provide the Surveyor's Certificate and Signature.
- H. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
- I. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of development, unless a sidewalk waiver is approved.
- J. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.

Rezoning

No Comments

TRAFFIC ENGINEERING

COMMENTS

Site is limited to one curb cut to Furr St, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Required 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 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 B-3, Community Business District to allow a storage facility and Subdivision approval to create one legal lot of record.

The site is shown as residential on the General Land Use Component of the Comprehensive Plan, which is meant to serve as a general guide, not a detailed lot and district plan or mandate for development. Moreover, the General Land Use 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 applicant mentions that since the time of the adoption of the Zoning Ordinance, “several parcels to the south have been rezoned to B-3, to allow for light business” and the fact that a small 2,330± sf warehouse has existed on the site and used for storage for a number of years as justification for a rezoning of the site. As such, the above condition #2 may seem most appropriate.

This site most recently appeared before the Planning Commission in 2011 when the applicant proposed a 1 lot subdivision, Planned Unit Development and Rezoning approval to allow a recreational boat storage facility and multiple buildings on a single building site. The Rezoning and PUD requests were recommended for denial by Staff finding that the applicant did not illustrate a change in conditions within the area which would make rezoning necessary or desirable, the rezoning would not be compatible with the current residential use and character of the neighborhood and given the fact that the rezoning would create excess traffic on a minor residential street. The applications were subsequently withdrawn by the applicant.

It should also be noted that in 2002, a Use Variance request was denied by the Board of Zoning Adjustment for the property approximately 150' North of the subject site to be re-established as a lounge after a long absence in legal use. It was pointed out in the staff review for that application that this portion of Furr Street is residential. And it should be re-emphasized for this rezoning application that the properties to the North of and directly across Furr Street from the subject site, except the Southern 50'± portion on the East side of Furr Street, are residentially zoned, with residential use for the most part. Therefore, there does not appear to be a change in conditions with respect to land use within the area which would make rezoning necessary and desirable.

The proposed lot abuts B-3 to the south and west and is adjacent to R-1, Single-Family Residential, to the north and across Furr Street. The applicant's desire for B-3 zoning for the current request is in order to construct a 1,420 sf addition and to continue the use of the existing 2,330± sf warehouse for storage, which is not allowed in lower zoning classifications, except with Planning Approval in B-2 districts. The applicant mentions the addition will contain a few

small offices for part-time employees and additional storage for items that necessitate a climate-controlled environment. As only part-time employees are proposed, the applicant anticipates very minimal traffic would be generated. The remainder of the property would be used for additional storage at a later time; however, if the Commission were to approve the rezoning request, Staff has concern that any business allowed by right in a B-3 could locate on the property, which may have an adverse effect to the adjacent residentially used properties.

It should be pointed out that the existing storage space appears to have been utilized by the adjacent property to the west (due to an existing roll-up door on the property line), which is of the same ownership as this site. If further use of the storage facility is proposed by the adjacent building site, a Planned Unit Development application for shared access between two building sites would be required. If not, the applicant should submit revised plans illustrating no access of the existing storage building from the adjacent property to the west, if approved.

While there is no minimum size requirement for new B-3 districts, Section 64-3.A.5.b. of the Zoning Ordinance states as a guideline that new B-3 districts be a minimum of 4 acres. Although the proposed lot in question is only 0.99± acres, smaller districts may be created where unusual conditions or circumstances justify them in the opinion of the Commission. The site abuts existing B-3, so this may not be relevant.

Subdivision review examines the site with regard to promoting orderly development, protecting general health, safety and welfare, and ensuring that development is correlated with adjacent developments, public utilities and services, and to ensure that the subdivision meets the minimum standards set forth in the Subdivision Regulations for lot size, road frontage, lot configuration, etc.

The preliminary plat illustrates the proposed 1-lot, 0.99± acre subdivision which is located on the West side of Furr Street, 365'± North of Old Shell Road and is in Council District 1. The applicant states that the subdivision is served by city water and sewer.

It should be pointed out that an adjacent property owner has concern in regards to the location of a shared property line. Upon further investigation, Staff questions the exact location of the northern property line for the proposed lot. More specifically, the plat and Revenue parcel lines illustrate a distance of roughly 16.8'± from the northern side of the existing warehouse building to the northern property line; however, aerial photographs depict an existing fence and shrubbery which could indicate the existing warehouse a distance of only 6'± from the property line. This discrepancy should be addressed and Staff would be in favor of the applicant providing documentation depicting the exact location of the northern property line.

As proposed and in accordance with the Subdivision Regulations, the proposed lot would be compliant with the minimum size requirements; however, the Final Plat should illustrate the lot size in both square feet and acres. In addition, the 25' minimum building setback line is not depicted on the plat but should be illustrated on the Final Plat, if approved.

The site fronts Furr Street with a compliant 50' right-of-way and, as such, no dedication would be required.

The site has several existing curb-cuts; however, as a means of access management, should be limited to only 1 curb-cut to Furr Street, with the size, design and location to be approved by Traffic Engineering and conform to AASHTO standards. Any proposed on-site parking spaces are to comply with Traffic Engineering comments and be constructed in compliance with Section 64-6. Of the Zoning Ordinance, if approved. Any unused curb-cuts should be removed.

The geographic area defined by the city of Mobile and its planning jurisdiction, including this site, may contain Federally-listed threatened or endangered species as well as protected non-game species. Development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.

RECOMMENDATION

Subdivision: Recommended that this application be heldover to the meeting of January 15, 2015, with revisions due by December 19, 2014 to allow the applicant to address the following:

- 1) Submission of any necessary documentation verifying the exact location of the northern property line of the proposed lot.

Rezoning Based upon the preceding, this application is recommended for denial due to the following reasons:

- 1) The applicant does not illustrate that there is a change in conditions within the area which would make rezoning necessary or desirable; and
- 2) The rezoning would not be compatible with the current residential use and character of the neighborhood.

LOCATOR MAP



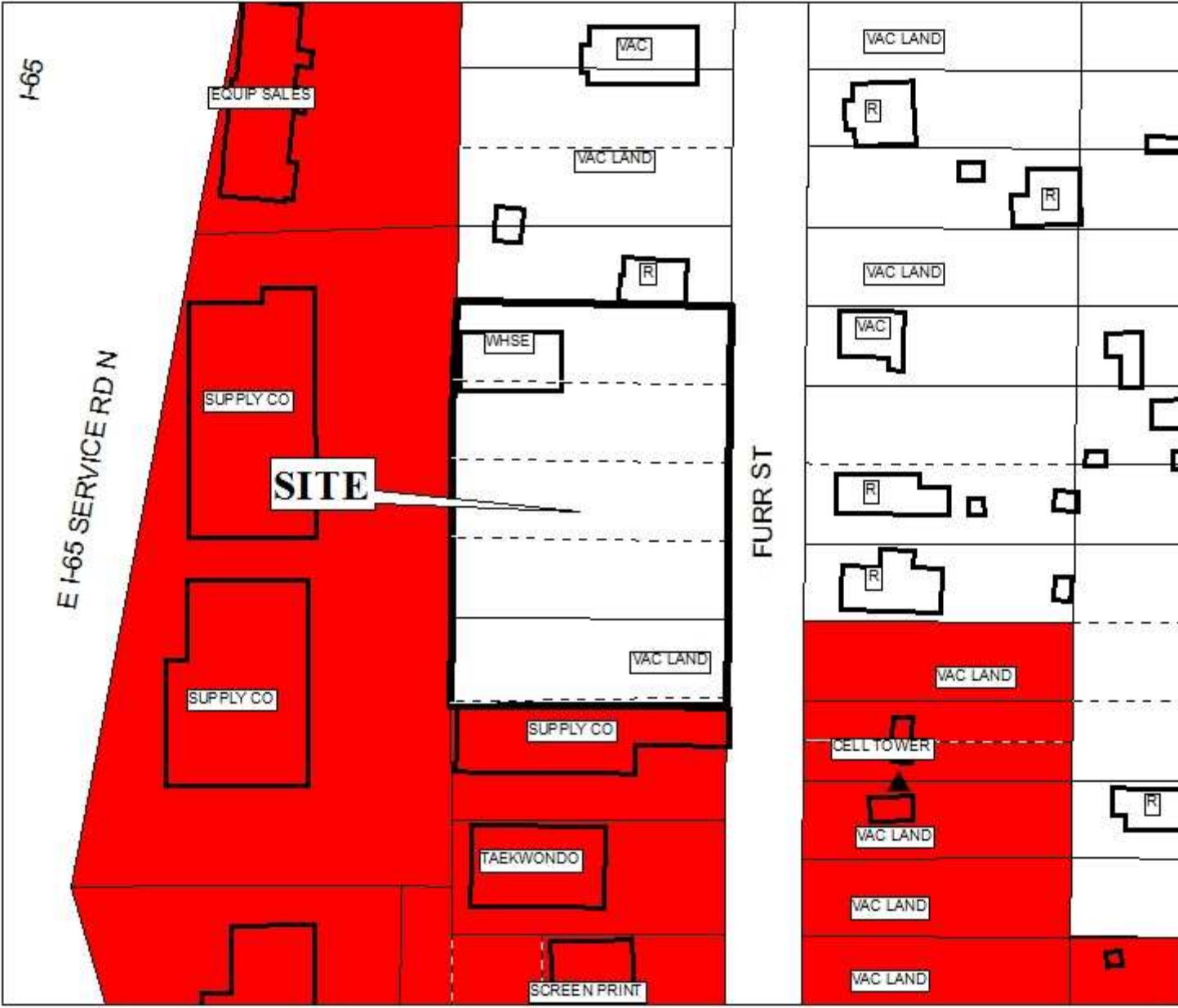
APPLICATION NUMBER 8 DATE December 4, 2014

APPLICANT Furr Street Subdivision, Cornell's Addition to

REQUEST Subdivision, Rezoning from R-1 to B-3



**PLANNING COMMISSION
VICINITY MAP - EXISTING ZONING**



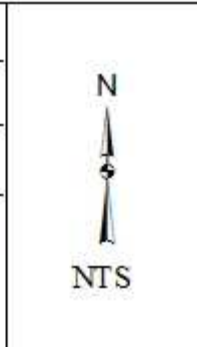
The site is surrounded by commercial and residential units.

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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 ZONING



The site is surrounded by commercial and residential units.

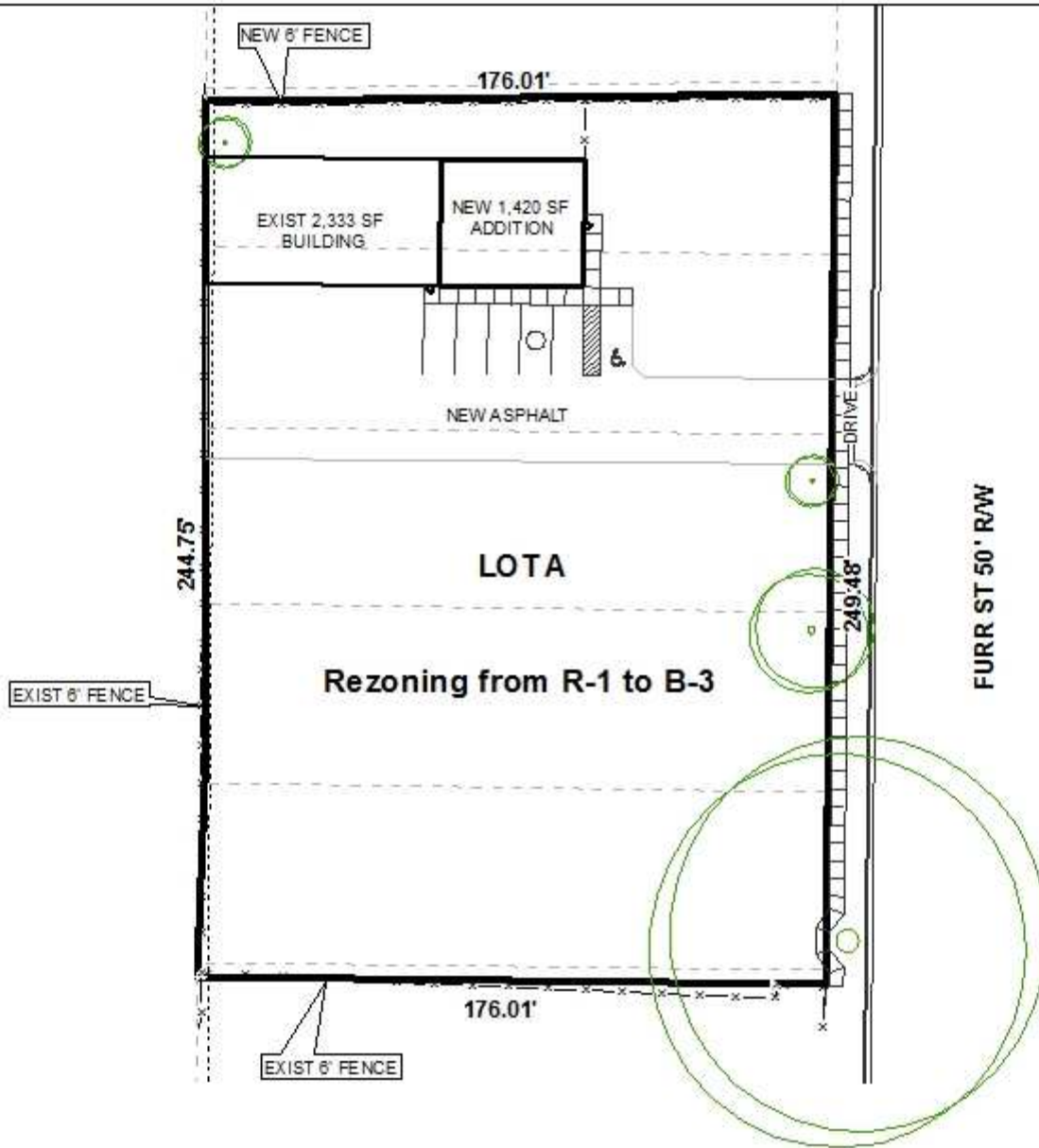
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SITE PLAN



The site plan illustrates the existing building, new addition, new fence, parking, and trees.

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