

**ZONING AMENDMENT STAFF REPORT****Date: March 23, 2017****NAME**

O. A. Pesnell, Jr.

**LOCATION**3450 Girby Road  
(North side of Girby Road, 160'± East of Hillcrest Road)**CITY COUNCIL  
DISTRICT**

District 6

**PRESENT ZONING**

B-1, Buffer-Business District, and B-3, Community Business District

**PROPOSED ZONING**

B-1, Buffer Business District

**AREA OF PROPERTY**

17 ± Acres

**CONTEMPLATED USE**

Rezoning from B-1, Buffer-Business District, and B-3, Community Business District, to B-1, Buffer-Business District, to eliminate split zoning.

**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**

Not provided

**ENGINEERING  
COMMENTS**

No comments.

**TRAFFIC ENGINEERING  
COMMENTS**

The site may be subject to a Traffic Impact Study, as determined by the City Traffic Engineering Director, at the time development density is presented to the City.

**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 B-1, Buffer-Business District, and B-3, Community Business District, to B-1, Buffer-Business District, to eliminate split zoning.

The undeveloped 17 ± acre site was rezoned from R-A, Residential-Agricultural to B-1 and B-3 in April 1982. The applicant at the time proposed to develop the property with a medical complex, offices and a shopping center. The request at hand does not include a development proposal.

The site is bounded to the North by a senior center located in an R-3, Multi-Family District, to the East by apartments in both an R-3 and a B-2, Neighborhood Business District, to the South, across Girby Road, by Mobile County School Board property that is undeveloped, and to the West, across Hillcrest Road, by single-family residences in an R-1, Single-Family Residential District and mixed-commercial uses in a B-3 District.

The large site has frontage on two streets that are part of the Major Street Plan: Hillcrest Road and Girby Road. Each proposed major street requires a minimum right-of-way width of 100 feet, and it appears that the right-of-way for Hillcrest Road meets the minimum requirements. The right-of-way width of Girby Road cannot be determined by any information submitted with the application, however, it appears that it is less than the required 100 feet in width, thus dedication will be required.

It should also be noted that the property is not a legal lot of record, thus a request is needed to create one or more legal lots via a Subdivision application to the Planning Commission.

The entire site appears to be depicted as a “Suburban Corridor”, per the recently adopted Map for Mobile Plan. The intent of a Suburban Corridor is to allow for:

- Accommodation of all users: automobile, bicycle, pedestrian and transit;
- Greater connectivity to surrounding neighborhoods;
- Development concentrated in centers rather than in strips along the corridor;
- Eventual increase in density with residential above retail and services;
- Increased streetscaping; and
- Improve traffic flow.

It should be noted that the Map for Mobile Plan is meant to serve as a general guide, not a detailed lot and district plan or mandate for development. Moreover, the Plan 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.

Staff cannot evaluate the rezoning request's conformance with the intent of the Map for Mobile due to a lack of information regarding any proposed use of the site.

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 states that the purpose of the rezoning request is to bring the entire site into one zoning classification, thus eliminating a split-zoning condition. The applicant further notes that the request would be "*down grading*" a portion of the site from B-3 to B-1, which would be "*consistent with neighboring properties.*"

As previously stated, the applicant has not indicated a proposed use of the site, as is typically noted in a narrative and depicted on a site plan. No site plan depicting proposed development was included with the application, and the provided narrative did not address any future development.

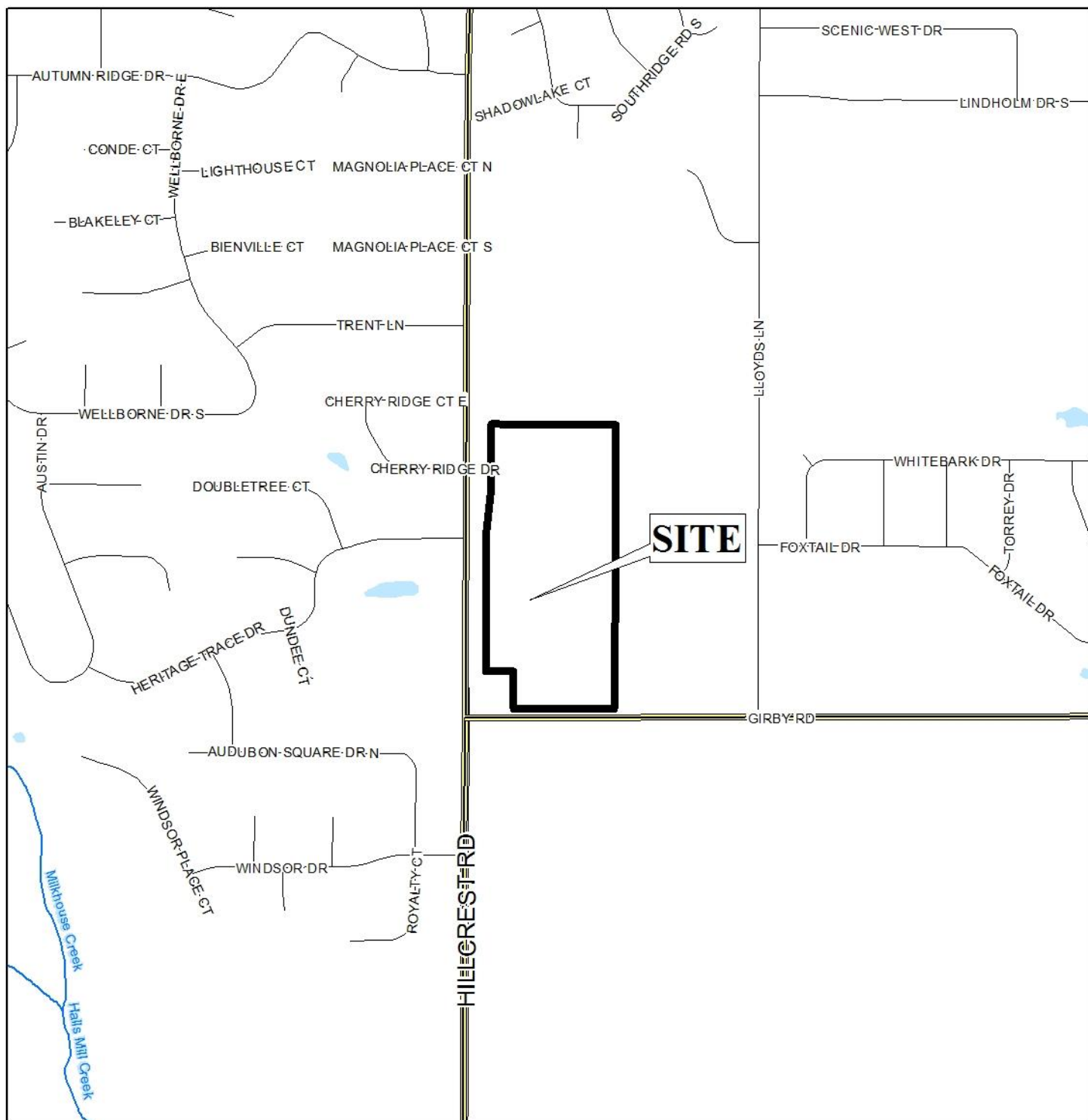
Due to the fact that a Subdivision application is necessary to create one or more legal lots, and due to the fact that no information has been provided regarding the proposed use of the site, or sufficiently justifying the rezoning request, it is recommended that the application be heldover.

### **RECOMMENDATION**

Based on the preceding, the rezoning request is recommended for Holdover until the May 4th meeting, so that the following may occur:

- 1) submission of a Subdivision application to request the creation of one or more lots by the April 3, 2017 application deadline;
- 2) submission of a site plan depicting any development proposed for the site by April 3, 2017; and
- 3) submission of a revised narrative by April 3, 2017, explaining the proposed use of the site and additionally justifying the applicability of the four conditions associated with a rezoning request.

# LOCATOR MAP



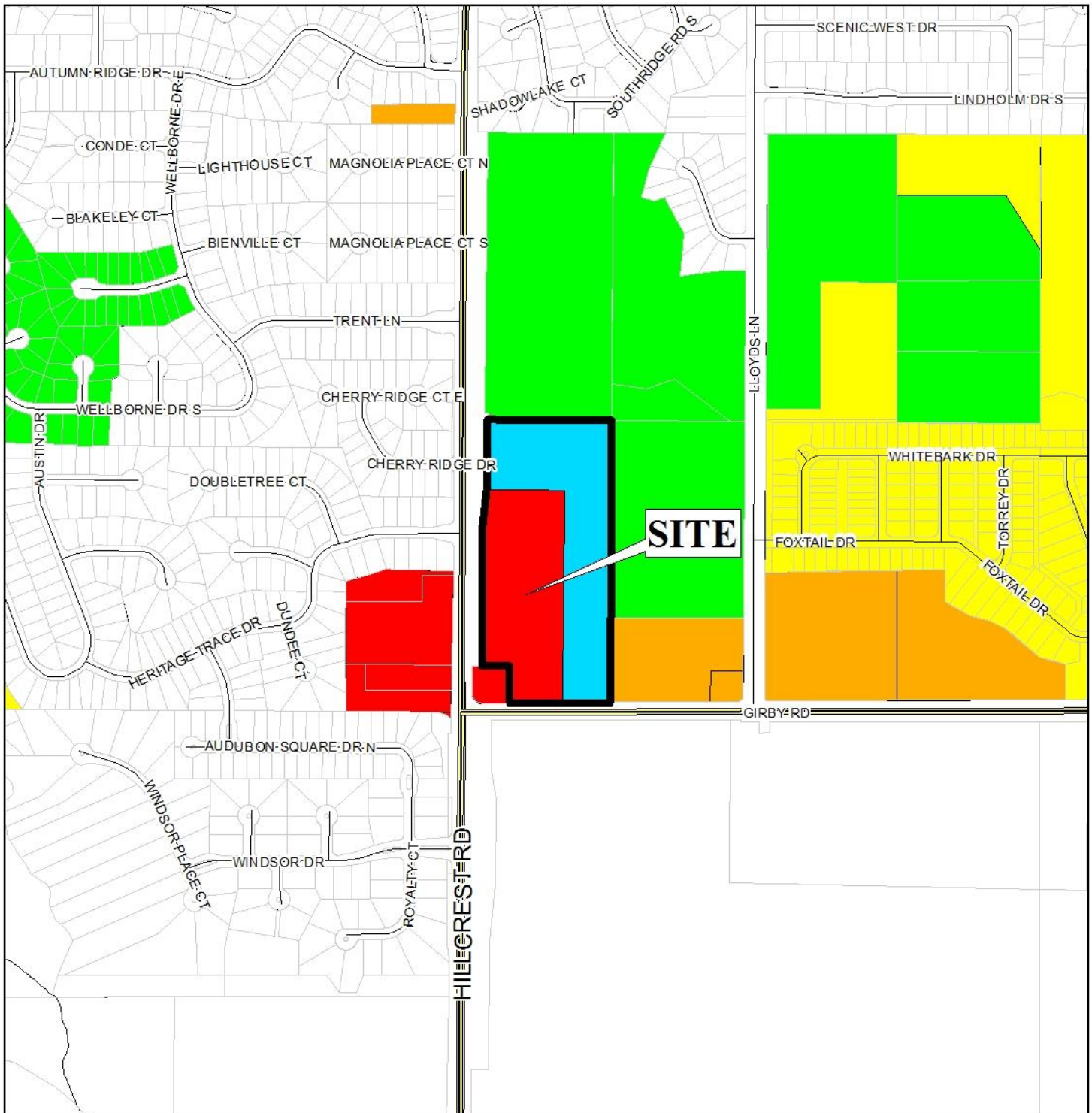
APPLICATION NUMBER 9 DATE March 23, 2017

APPLICANT O. A. Pesnell, Jr.

REQUEST Rezoning from B-1 and B-3 to B-1



# LOCATOR ZONING MAP



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NTS



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units to the northwest, and east.  
Commercial units lie southwest 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

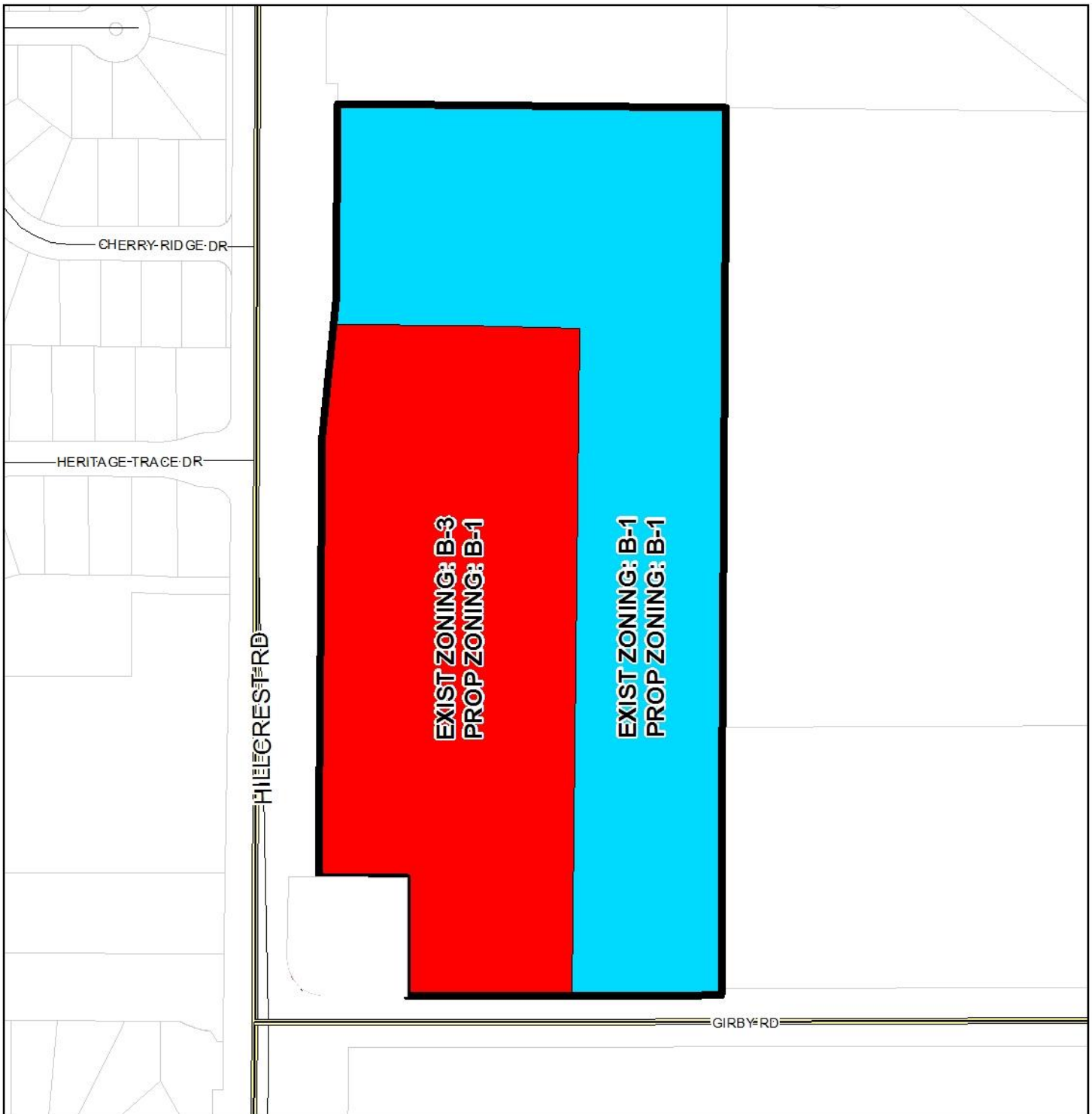


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# DETAIL SITE PLAN



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