

**ZONING AMENDMENT  
& SUBDIVISION STAFF REPORT****Date: December 16, 2010****APPLICANT NAME**

Green Apple, LLC

**SUBDIVISION NAME**Rickarby Place Subdivision, Block 4, Resubdivision of  
Lots 16, 17 and 18**LOCATION**600 Houston Street  
(Southwest corner of Houston Street and Canal Street)**CITY COUNCIL  
DISTRICT**

District 3

**PRESENT ZONING**B-2, Neighborhood Business District, and B-3, Community  
Business District**PROPOSED ZONING**

B-3, Community Business District

**AREA OF PROPERTY**

0.4± Acre

**CONTEMPLATED USE**

Subdivision approval to create one legal lot of record from three existing lots of record, and Zoning approval to rezone the site from B-2, Buffer Business District, and B-3, Community Business District, to B-3, Community Business District, to eliminate split zoning in a commercial subdivision.

**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**

Applicant states that rezoning to one classification is necessary to eliminate split zoning within a one-lot subdivision.

**TIME SCHEDULE  
FOR DEVELOPMENT**

Immediately.

**ENGINEERING  
COMMENTS**

Need to provide a minimum radius of 25' for dedication at the intersection of Canal St and Houston St. Must comply with all storm water and flood control

ordinances. Detention must be provided for all impervious area(s) added to the site in excess of 4,000 square feet since 1984. Any work performed in the right of way will require a right of way permit in addition to any required land disturbance permit. Drainage from any new dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer.

### **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 must comply with the requirements of the 2003 International Fire Code, including Appendices B through D, as adopted by the City of Mobile, and the 2003 International Existing Building Code, as appropriate.

### **MAWSS COMMENTS**

MAWSS has water and sewer services available, but a Capacity Assurance application for additional sewer service has not been applied for. MAWSS cannot guarantee additional sewer service until a Capacity application is approved by Volkert Engineering, Inc.

### **REMARKS**

The applicant is requesting Subdivision approval to create one legal lot of record from three existing lots of record, and Zoning approval to rezone the entire site from B-2, Neighborhood Business District, and B-3, Community Business District, to B-3, Community Business District, to eliminate split zoning within a commercial subdivision.

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 depicted as commercial 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. The accuracy of recommended land uses on the General Land Use Component map is limited due to the large scale of the map. 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.

The surrounding area is a mixture of commercial and residential uses. To the North are single-family dwellings, a beauty salon, and a paint and body shop; to the East are a sign company, church, vacant land, and a beauty salon; to the South are vacant commercial buildings; and to the West are single-family dwellings. The site was assigned B-2 zoning with the adoption of the current Zoning Ordinance in 1967. In 1996, the corner lot was rezoned to B-3 to allow an automotive paint and body shop. Since that time the site has served as such and also has been a car wash and engine repair service. Proposed use as a convenience store was denied in 2009 due to a change in occupancy for the site, and in February, 2010, the applicant demolished the entire existing building on the site, with appropriate permits. Another structure on the South end of the site was removed by a previous owner. The site currently contains no structures.

It should be noted that there is no development site plan accompanying the application for rezoning. The proposed use as a strip center containing a convenience store with gas sales and retail tenant spaces would be compatible with other commercial uses along Houston Street within the area, but the proposed B-3 zoning classification for the site should be examined. Generally, the zoning classification requested should be no higher than that which will accommodate proposed uses for a site. In this instance, the proposed uses can be supported by B-2 zoning. That is what the entire site was originally zoned and what two of the three existing lots which comprise the site are currently zoned, and that is what adjacent property to the South is zoned. Also, properties immediately to the North on that side of Houston Street are zoned B-2, albeit in legal nonconforming single-family residential use. Due to the proximity of residential uses to the North and West of the site, B-2 would restrict uses which could potentially have a negative impact on the residential neighborhoods. That, combined with the fact that the applicant did not show justification for B-3 zoning, should give the Commission reason to consider the recommendation of B-2 rather than B-3 zoning for the site.

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 and 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 site fronts on Houston Street and Canal Street. Houston Street currently has a 63' right-of-way along the site and is a component of the Major Street Plan. However, no expansion of the existing right-of-way is planned in this section of Houston Street; therefore, no dedication would be required. Canal Street has a compliant 60' right-of-way along the site and no dedication would be required. There is no corner radius indicated at the intersection of Houston Street and Canal Street; therefore, dedication should be required to provide a 25' corner radius. As a means of access management, a note should be required on the final plat stating that the site is limited to one curb cut to Houston Street and one curb cut to Canal Street, with the driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.

The 25' minimum building setback is depicted along Houston Street; however, only a 20' minimum building setback line is depicted along Canal Street. This should be revised to indicate the currently required 25' minimum building setback on new subdivisions.

**RECOMMENDATION**

**Rezoning:** Based upon the preceding, the request for rezoning to B-3, Community Business District, is recommended for modification to **B-2, Neighborhood Business District**, subject to the following conditions:

- 1) completion of the Subdivision process;
- 2) compliance with Section 64-4.A.2. of the Zoning Ordinance pertaining to illumination of uses to ensure that light does not shine directly into adjacent residential properties;
- 3) compliance with the Engineering comments: *(Need to provide a minimum radius of 25' for dedication at the intersection of Canal St and Houston St. Must comply with all storm water and flood control ordinances. Detention must be provided for all impervious area(s) added to the site in excess of 4,000 square feet since 1984. Any work performed in the right of way will require a right of way permit in addition to any required land disturbance permit. Drainage from any new dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer).*
- 4) compliance with 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]); and*
- 5) full compliance with all other municipal codes and ordinances.

**Subdivision:** The plat meets the minimum requirements of the Subdivision Regulations and is recommended for tentative approval, subject to the following conditions:

- 1) dedication of a 25' radius corner at the intersection of Houston Street and Canal Street;
- 2) placement of a note on the final plat stating that the subdivision is limited to one curb cut to Houston Street and one curb cut to Canal Street, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;
- 3) illustration of a 25' minimum building setback line along both Houston Street and Canal Street;
- 4) compliance with the Engineering comments: *(Need to provide a minimum radius of 25' for dedication at the intersection of Canal St and Houston St. Must comply with all storm water and flood control ordinances. Detention must be provided for all impervious area(s) added to the site in excess of 4,000 square feet since 1984. Any work performed in the right of way will require a right of way permit in addition to any required land disturbance permit. Drainage from any new dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer); and*
- 5) compliance with 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]).*

## LOCATOR MAP



APPLICATION NUMBER 12 & 13 DATE December 16, 2010

APPLICANT Rickarby Place, Block 4 Resubdivision of Lots 16, 17 and 18

REQUEST Subdivision, Rezoning from B-3 and B-2 to B-3



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by miscellaneous land use.

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LEGEND

														NTS
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



## PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by miscellaneous land use.

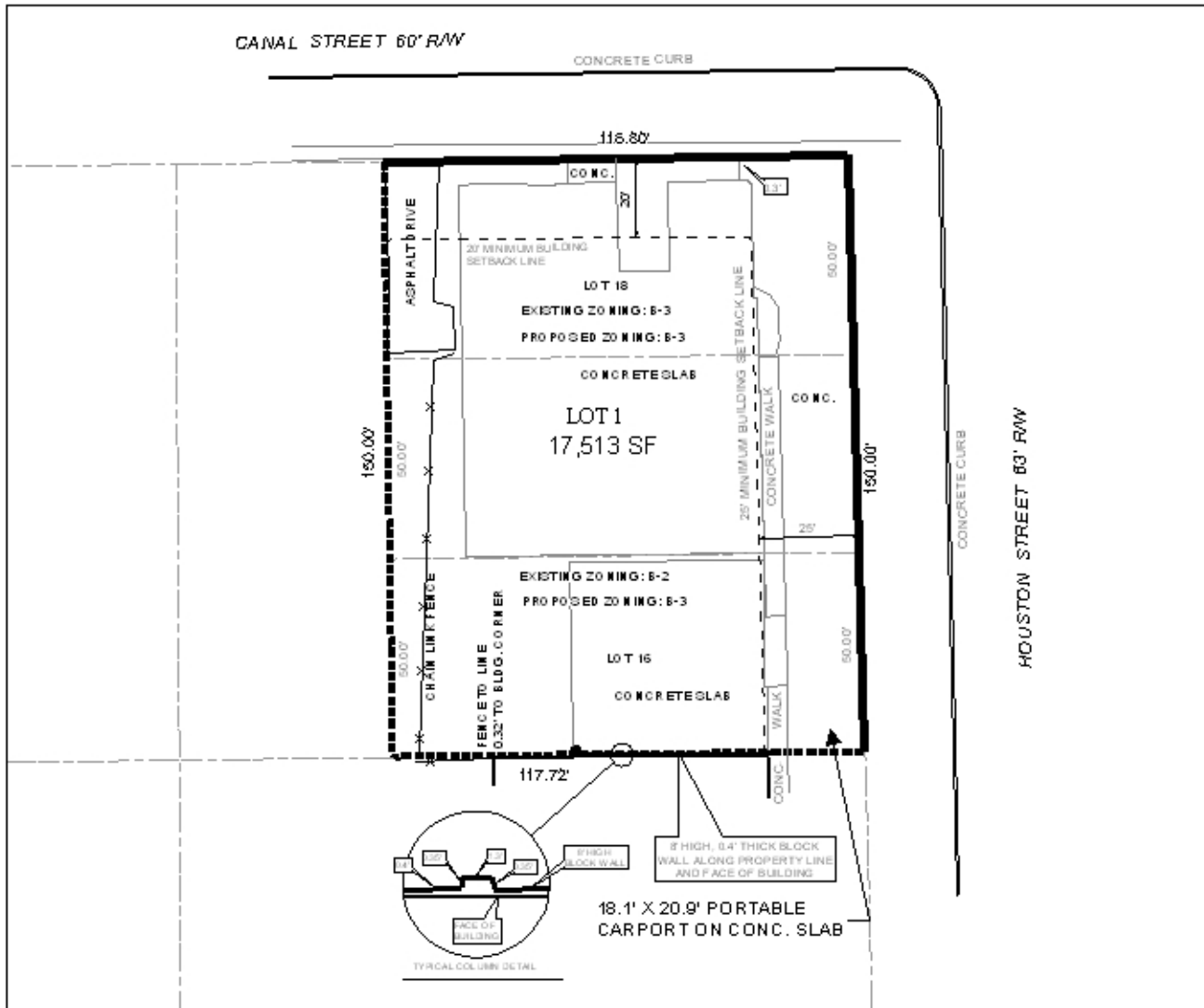
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N  
NTS

# SITE PLAN



The site plan illustrates the existing lot configuration, existing and proposed zoning, and location of structures.

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N  
NTS