

ZONING AMENDMENT STAFF REPORT**Date: September 6, 2012****NAME**

Bestor Ward

LOCATION6420 Wall Street
(North side of Wall Street, 520' ± West of Hillcrest Road)**CITY COUNCIL
DISTRICT**

District 6

PRESENT ZONING

B-1, Buffer-Business District

PROPOSED ZONING

B-3, Community Business District

AREA OF PROPERTY

1.8 ± Acres

CONTEMPLATED USE

Rezoning from B-1, Buffer-Business District, to B-3, Community Business District, to allow light assembly computerized electronics product assembly.

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 specified

**ENGINEERING
COMMENTS**

No comments.

**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).

Full compliance with landscaping and tree requirements of the Zoning Ordinance.

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 B-1, Buffer-Business District, to B-3, Community Business District, to allow light assembly computerized electronics product assembly. Computerized electronics product assembly, light, is allowed by right in a B-3 district.

The entire site appears to be 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. 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 site is currently zoned B-1. B-1 districts are districts composed of land and structures occupied by or suitable for such uses as offices, studios and automobile storage (commercial), including parking lots. Although usually located between residential areas and business areas, these districts are in some instances free-standing in residential areas or they may include hospital, college or other public or semipublic groups and related uses. The district regulations are designed to protect and encourage the buffer character of the districts by limiting the permitted uses to dwellings and uses of a semi-commercial nature and to protect the abutting and surrounding residential areas by requiring certain minimum yard and area standards to be met, standards that are comparable to those called for in the residence districts.

The applicant is requesting rezoning to B-3. B-3 districts are districts composed of land and structures used to furnish, in addition to the retail goods and services found in neighborhood business districts, such less frequently needed goods as clothing and automobiles--the wider range of retail goods and services to satisfy all the household and personal needs of the residents of a group or community of neighborhoods. Light or heavy distribution uses may be allowed as defined in the chart of permitted uses. Usually located on a thoroughfare or near the intersection of two (2) thoroughfares, these districts are large and are within convenient driving distance of the group of neighborhoods they will serve. The district regulations are designed to permit the development of the districts for their purpose in a spacious arrangement.

The substantive differences regarding site development between a B-1 district and a B-3 district are site coverage (45% for B-1 versus 50% for B-3) and the fact that a B-1 district requires a 5-foot side and rear yard setback while a B-3 allows a 0-foot side and rear yard setback.

As for uses, a wide variety of uses are allowed in a B-3 district that are not allowed in a B-1 district, which is primarily an office district. The applicant is requesting the rezoning to allow computerized electronics product assembly.

The site is bounded to the North by undeveloped land in a B-1 district, to the East by an undeveloped lot in a B-3 district, to the South by undeveloped land in a B-2 district, and to the West by developed land in a B-2 district.

The site fronts onto Wall Street, a minor street with adequate right-of-way. Wall Street serves several other commercial sites in a B-2 district, and a large apartment complex at the terminus of Wall Street in an R-3 district. Thus traffic on the dead end street is a mixture of commercial and residential trips.

The site itself is developed with a 14,700 square foot building and associated parking lot, and no changes to the site are proposed as part of the zoning request.

The applicant states the zoning request is necessary due to changing conditions in the area since the site was rezoned from R-3 to B-1 in 1978: the property to the East was rezoned to B-3 in 2010, but has yet to be developed, and the property to the West was rezoned to B-2 in 1979 but not developed until sometime between 1997 and 2002. The applicant also states that the need of the existing tenant on the site (Centralite Systems) to assemble computer electronics also substantiates the request for B-3, as such a proposed use is not allowed in a B-1 district. Centralite Systems has been at this location since at least 2002.

The rezoning of the property to the East to B-3 in 2010 was not without issue. Eventually the applicant for that site submitted a long list of voluntary use restrictions regarding what would not be allowed on the site: no such voluntary restrictions have been submitted for the site in question.

The site plan submitted with the application does not depict any trees or landscaping on the site. Urban Forestry has requested that the site be brought into full compliance with the tree and landscaping requirements of the Zoning Ordinance. Therefore, such compliance should be a condition of approval. It should be noted that the site may comply as is, however, staff does not have adequate information to make this determination.

The proposed rezoning will be adjacent to an existing B-3 district, thus the rezoning will only expand the B-3 district further West from Hillcrest Road. The applicant states that the proposed use will not emit offensive odors or sounds, but of course there is nothing to preclude another B-3 use in the future on the site that will be less desirable. There are, however, no abutting residential uses.

RECOMMENDATION

Based on the preceding, the rezoning request is recommended for Approval, subject to the following conditions:

- 1) 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). Full compliance with landscaping and tree requirements of the Zoning Ordinance.*);
- 2) Submission of a revised site plan depicting full compliance with the tree and landscaping requirements of the Zoning Ordinance, and the obtaining of any permits necessary to bring the site into full compliance;
- 3) compliance with Traffic Engineering comments (*Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.*);
- 4) compliance with Fire 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.*); and
- 5) full compliance with all other applicable municipal codes and ordinances.

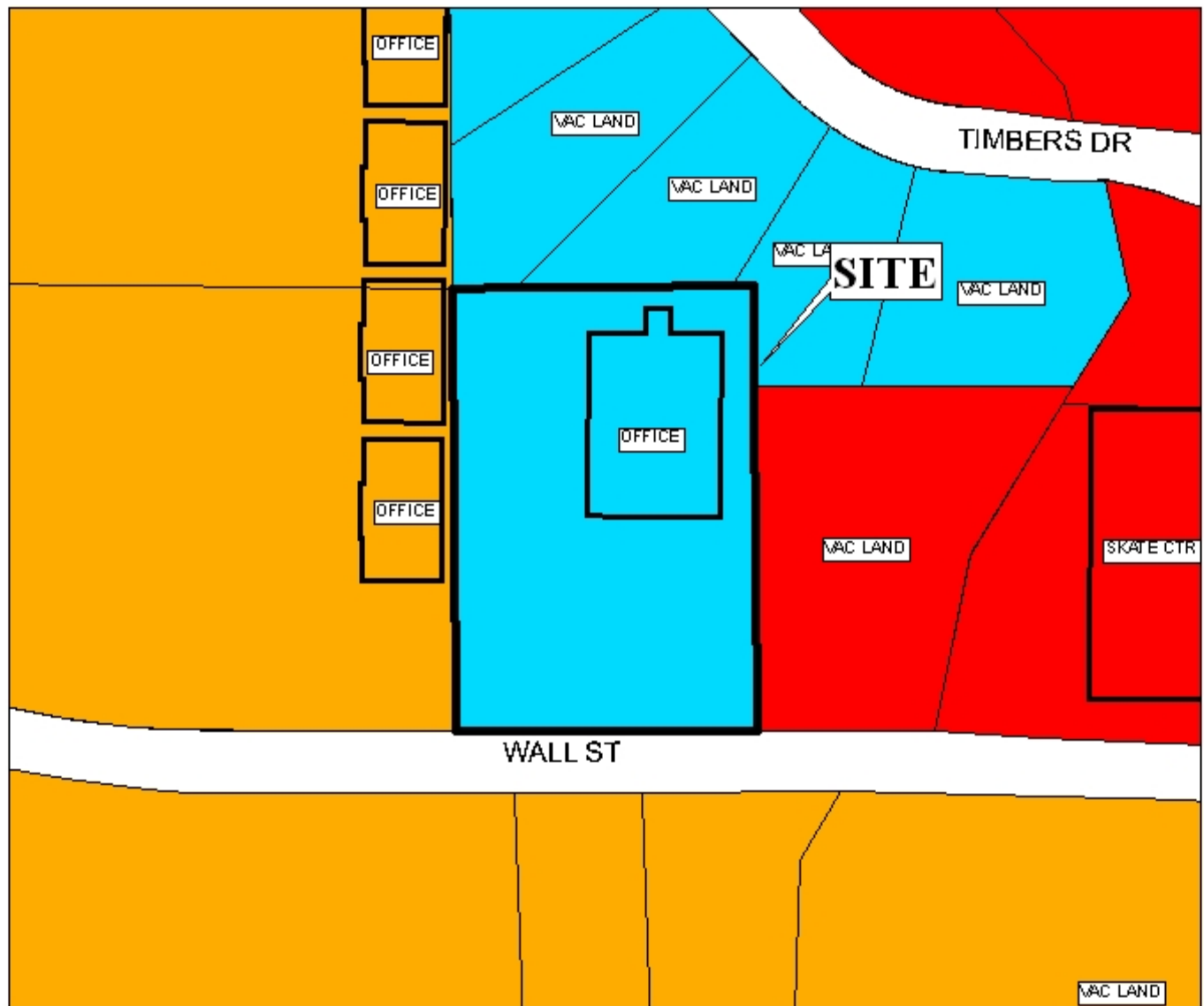
LOCATOR MAP



APPLICATION NUMBER 12 DATE September 6, 2012
 APPLICANT Bestor Ward
 REQUEST Rezoning from B-1 to B-3



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Offices are located to the west of the site.
A skating rink is located to the east of the site.

APPLICATION NUMBER 12 DATE September 6, 2012

APPLICANT Bestor Ward

REQUEST Rezoning from B-1 to B-3

LEGEND

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
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NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING

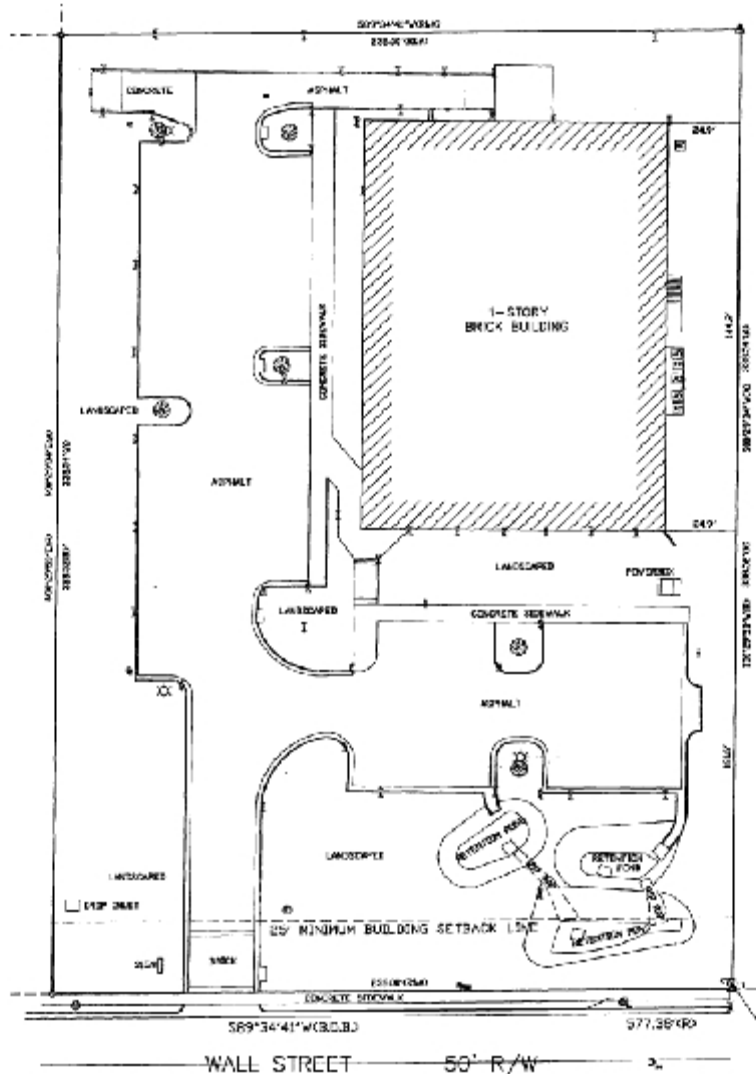


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N
NTS

SITE PLAN



The site plan illustrates the existing development.

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N
 NTS