

ZONING AMENDMENT STAFF REPORT**Date: August 8, 2013****NAME**

George Carpenter

LOCATION4680 Airport Boulevard
(North side of Airport Boulevard, 325'± East of General
Bullard Avenue)**CITY COUNCIL
DISTRICT**

District 6

PRESENT ZONING

R-1, Single-Family Residence District

PROPOSED ZONING

B-2, Neighborhood Business District

AREA OF PROPERTY

0.4 ± Acres

CONTEMPLATED USERezoning from R-1, Single-Family Residential District, to
B-2, Neighborhood Business District, to allow zoning
compliance for a commercially developed site.**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**

Developed

**ENGINEERING
COMMENTS**Any additional development on this parcel will require
construction of a sidewalk along the Airport Blvd frontage.**TRAFFIC ENGINEERING
COMMENTS**Any additional development of the site will require
modifications to existing two curb cuts to limit site to only one curb cut, given the frontage width
along Airport Blvd, 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
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-2, Neighborhood Business District, to allow zoning compliance for a commercially developed site.

The site, which enjoyed non-conforming status, was used until apparently 2008 as a take-out only restaurant. No commercial use of the property has occurred since that time, thus the non-conforming status has expired, hence the application at hand.

The site, a legal lot of recorded approved by the Planning Commission in 1970, is bounded to the North by single-family residences, to the East, South and West by various commercial uses in a B-2 district, and to the Northwest by a commercial use in a B-1, Buffer Business District.

The site fronts onto Airport Boulevard, a major street with an adequate right-of-way.

The site appears to be depicted as primarily commercial, but with the rear portion depicted 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.

The applicant states the following regarding the rezoning request:

“The property...is a commercial use but is currently zoned R-1. The purpose of this application is to bring the property into compliance with the zoning ordinance requirements for business use. The building had been used as a restaurant.”

The building on the site was built, according to Mobile County Revenue Department records, in 1969. There has been a history of commercial uses in the building, and the structure is clearly commercial in nature, and bounded by commercial uses on three sides.

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.

It would appear that the Zoning Ordinance has an error in that this clearly commercial property is zoned for residential use. As such, the rezoning request has merit.

The site plan submitted with the application shows only existing conditions and does not suggest any improvements to the site to comply with any aspect of the Zoning Ordinance: the site does not appear to comply with the minimum parking and maneuvering requirements or tree and landscaping requirements. It should be noted that limited parking and access on the site will constrain any future commercial uses of the site, or possibly require applications to the Board of Zoning Adjustment for multiple variances.

It appears that the existing sign structure for the site is within the right-of-way for Airport Boulevard. As a service road is no longer required for this segment of Airport Boulevard, the applicant may wish to make a Subdivision application and a right-of-way vacation application, to reclaim approximately 40-feet of property into the lot, or remove the sign from the right-of-way and relocate it (with appropriate permits) onto the private property.

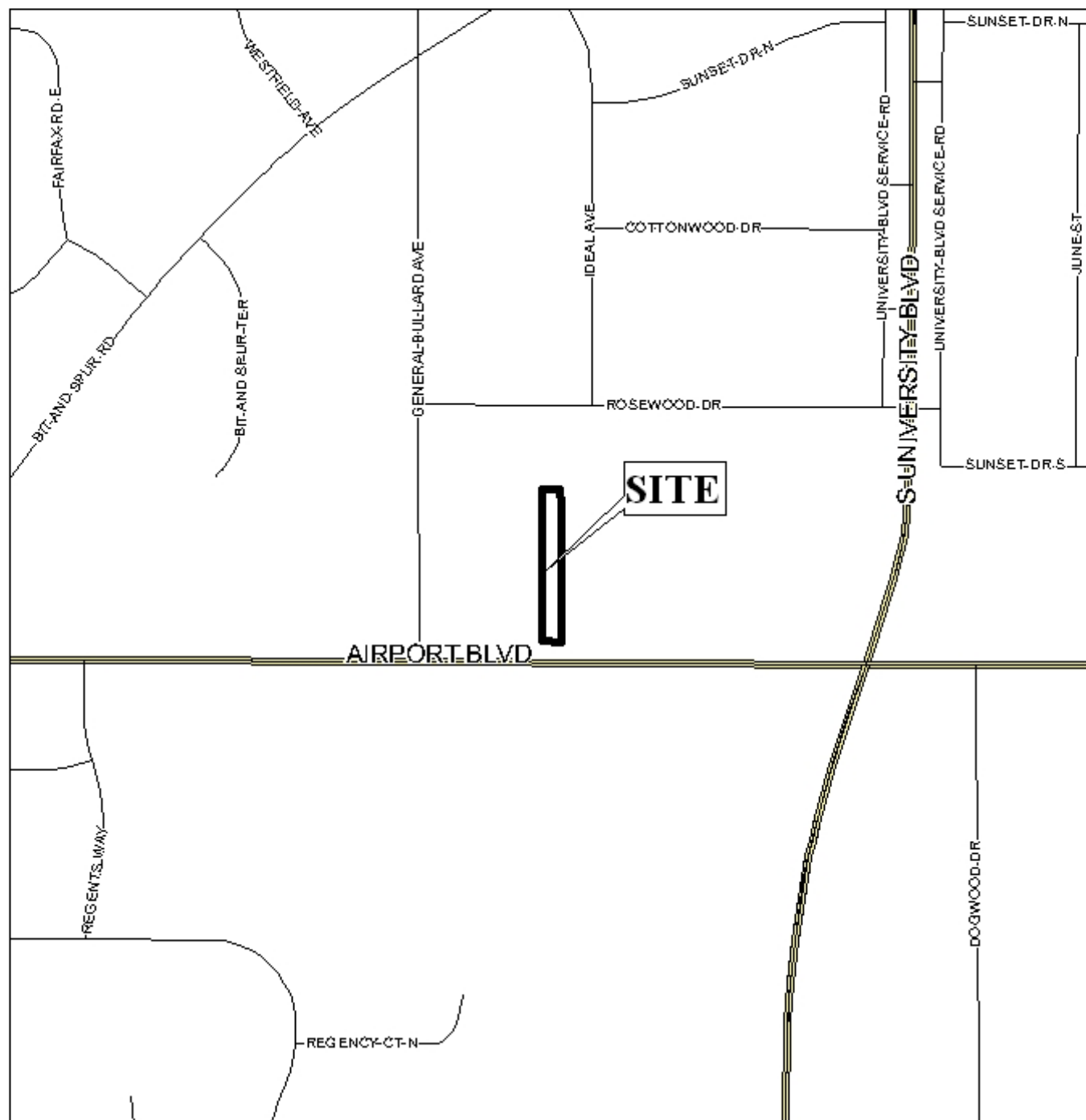
Finally, any new construction on the site, or modifications to the existing site, must comply with all municipal codes and ordinances.

RECOMMENDATION

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

- 1) compliance with Engineering comments (*Any additional development on this parcel will require construction of a sidewalk along the Airport Blvd frontage.*);
- 2) compliance with Traffic Engineering comments (*Any additional development of the site will require modifications to existing two curb cuts to limit site to only one curb cut, given the frontage width along Airport Blvd, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.*);
- 3) 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).*)
- 4) any modifications to the site to fully comply with the requirements of the Zoning Ordinance, or receive appropriate variance approvals if they will not comply; and
- 5) full compliance with all other municipal codes and ordinances.

LOCATOR MAP



APPLICATION NUMBER 12 DATE August 8, 2013
APPLICANT George Carpenter
REQUEST Rezoning from R-1 to B-2



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial land use.

APPLICATION NUMBER 12 DATE August 8, 2013

APPLICANT George Carpenter

REQUEST Rezoning from R-1 to B-2

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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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING

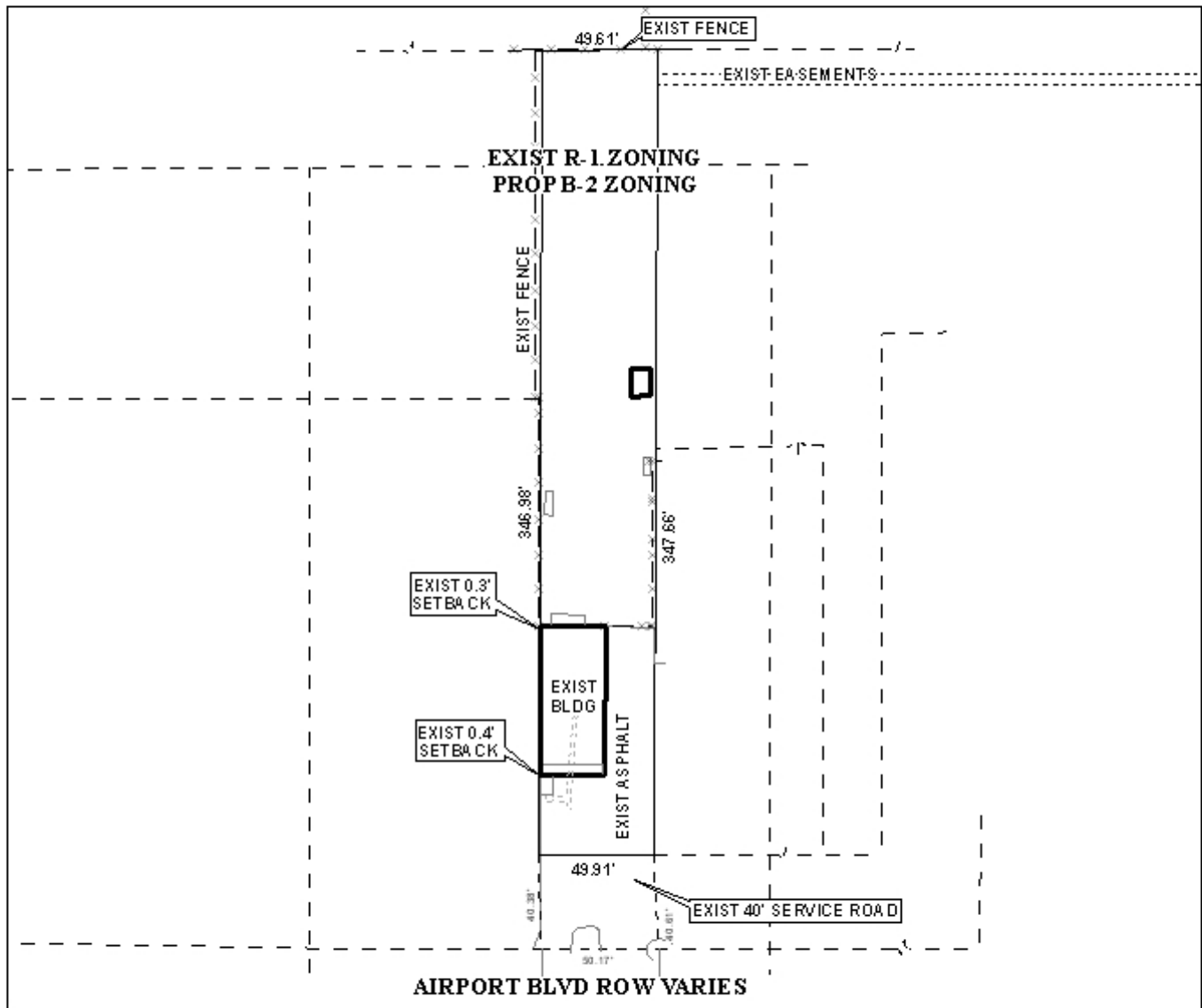


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N
NTS

SITE PLAN



The site plan illustrates the existing improvements.

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N

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