

**ZONING AMENDMENT STAFF REPORT****Date: December 3, 2015****NAME**

Charles B. Archer

**LOCATION**3709 Demetropolis Road  
(Northeast corner of Demetropolis Road and Halls Mill Road).**CITY COUNCIL  
DISTRICT**

District 4

**PRESENT ZONING**

B-5, Office-Distribution District

**PROPOSED ZONING**

B-2, Neighborhood Business District

**AREA OF PROPERTY**

5.9± Acres

**CONTEMPLATED USE**

Rezoning from B-5, Office-Distribution District to B-2, Neighborhood Business District, to allow a liquor store.

**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**

1. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII).
2. A Land Disturbance Permit application shall be submitted for any proposed land disturbing activity with the property. A complete set of construction plans including, but not limited to, drainage, utilities, grading, storm water detention systems, paving, and all above ground structures, will need to be included with the Land Disturbance permit. This Permit must be submitted, approved, and issued prior to beginning any of the construction work.
3. Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance 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.

4. 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. The Owner/Developer is responsible for acquiring all of the necessary permits and approvals.
5. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

## **TRAFFIC ENGINEERING**

### **COMMENTS**

The driveways have been located as far as practical from the intersection, while still maintaining ninety degree angles with the roadway. Development at this corner, with or without the inclusion of a liquor store, will likely experience delays during the peak hour, due to the proximity and geometrics (skew) of the nearby intersection.

## **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 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-5, Office-Distribution District to B-2, Neighborhood Business District, to allow a liquor store.

The site was first the subject of subdivision and rezoning applications at the February 21, 2008 meeting of the Planning Commission. The purpose of the subdivision application was to create one legal lot of record from one metes-and-bounds parcel, and to rezone from R-1, Single-Family Residential to B-5, Office-Distribution to allow a 60,000 square foot office/warehouse for mechanical and HVAC equipment distribution. The requests were approved, and the plat was recorded. It should be noted that, while applications and plans for construction of the proposed 60,000 square foot office/warehouse were received and reviewed by staff in 2008, the site was never developed.

The site then appeared before the Board of Adjustment at its November 2, 2015 meeting, with the applicant seeking Use Variance approval to allow a liquor store to be located in a B-5, Office-Distribution District; however, at the meeting, the applicant requested the application be withdrawn so that they could submit the rezoning request at hand.

Most recently, the site appeared before the Planning Commission at its November 5, 2015 meeting, with the applicant requesting subdivision approval for two legal lots of record, subdivided from the original legal lot of record, and approval to waive the construction of a sidewalk along Demetropolis Road and along Halls Mill Road. The Planning Commission

approved the applicant's request to subdivide the site into two legal lots of record, but denied their sidewalk waiver request.

The site is shown as commercial on the General Land Use 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.

Section 64-9 of the Zoning Ordinance states that, 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 wishes to construct a convenience store with gasoline sales, in which a liquor store would be located, on the proposed Lot 1 of the subdivision. The applicant states that there is a need for such a business in the area.

It should be noted that liquor stores are allowed by right in B-2, Neighborhood Business, B-3, Community Business, and B-4, General Business Districts. There are several sites within 0.5± miles of the proposed development that are either B-2, Neighborhood Business District, or B-3, Community Business District, and are undeveloped.

It should also be noted that, with regards to what the applicant mentions is a need for the proposed use within the site's vicinity, staff has determined that two convenience stores with gasoline, beer and wine sales are located within 1± mile of the proposed development. Additionally, there are various lounges and restaurants which serve alcohol also within 1± mile of the proposed development.

The submitted site plan does not show any proposed site improvements, a requirement of Section 64-9.B.2.b of the Zoning Ordinance, rather a vicinity map depicting surrounding properties and their zoning districts. Properties in the North and East are zoned R-1, Single-Family Residential District; properties to the South and Southwest of the site are zoned I-1, Light Industry District; and properties to the West are zoned B-3, Community Business District.

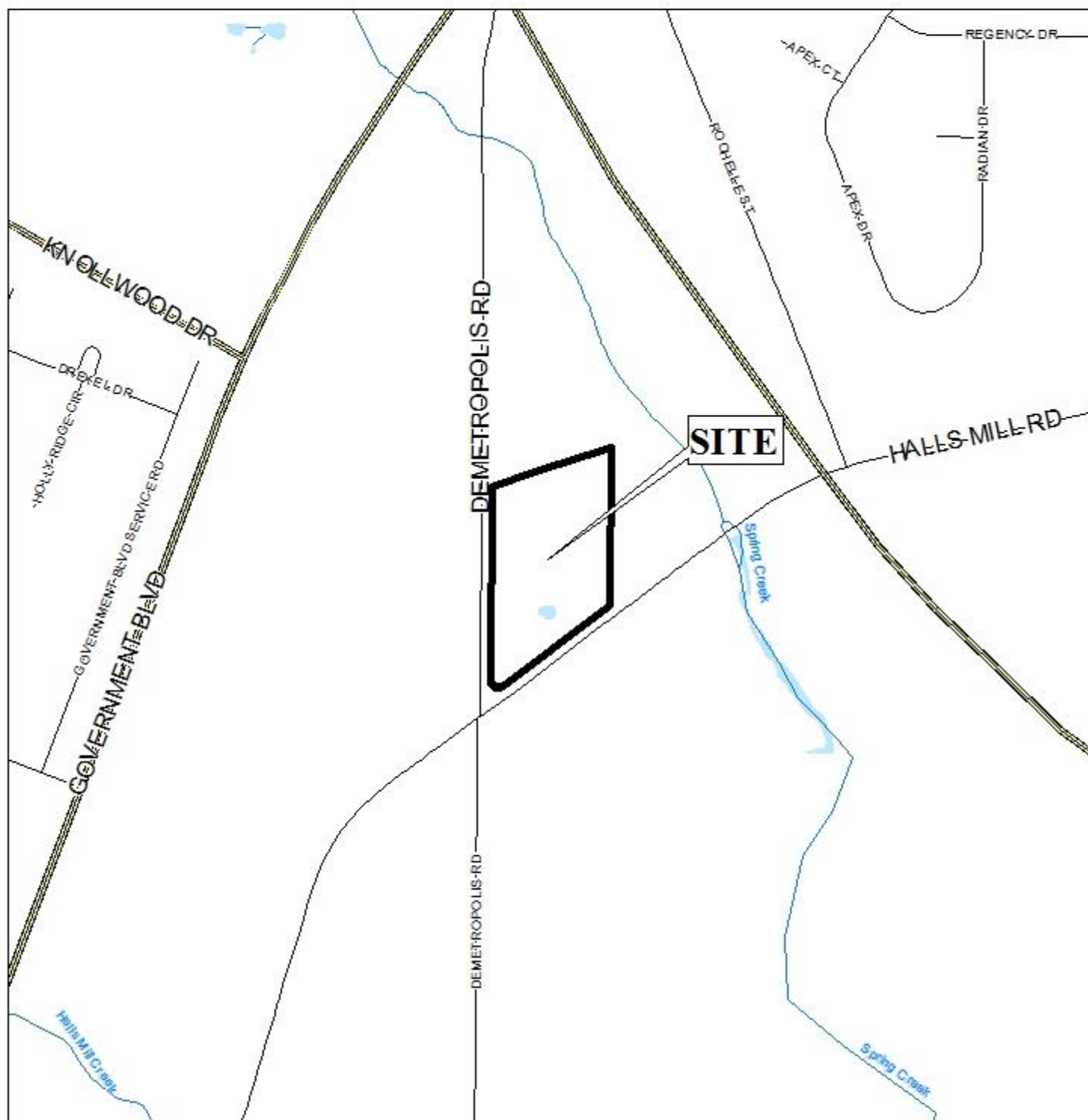
Upon review, with the exception of a multi-family apartment complex located across Demetropolis Road from the site, the few developed properties within the immediate vicinity appear to conform to either a residential district, or a district of light warehouse, contractor, and light industrial use; as such, proposed use as a district wherein convenience stores, gas stations, and liquor stores may operate by right may not be appropriate.

**RECOMMENDATION**

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

- 1) Completion of the subdivision process; and
- 2) compliance with all applicable codes and ordinances.

# LOCATOR MAP



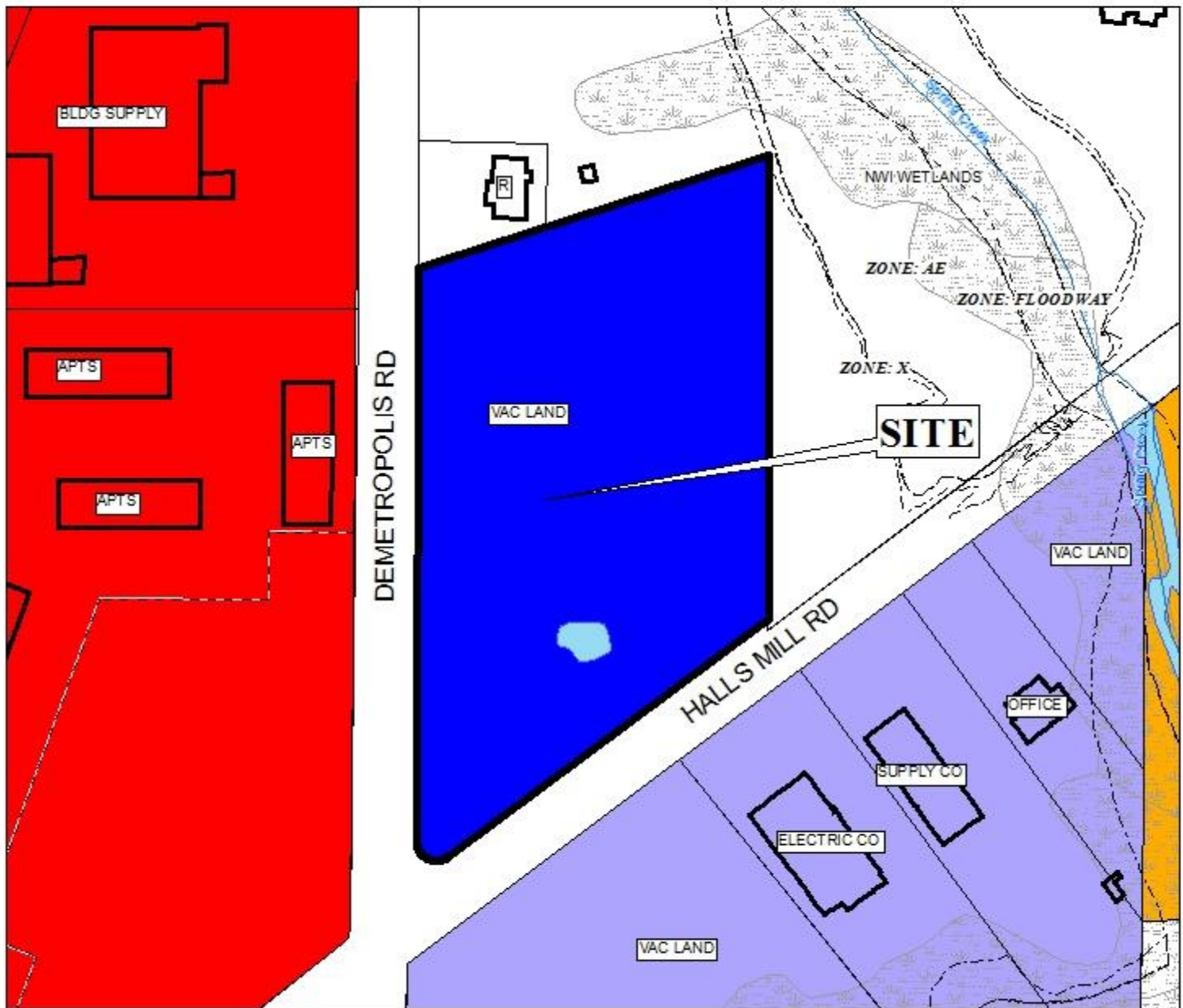
APPLICATION NUMBER 13 DATE December 3, 2015

APPLICANT Charles B. Archer

REQUEST Rezoning from B-5 to B-2



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial and residential units.

APPLICATION NUMBER 13 DATE December 3, 2015

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REQUEST Rezoning from B-5 to B-2

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





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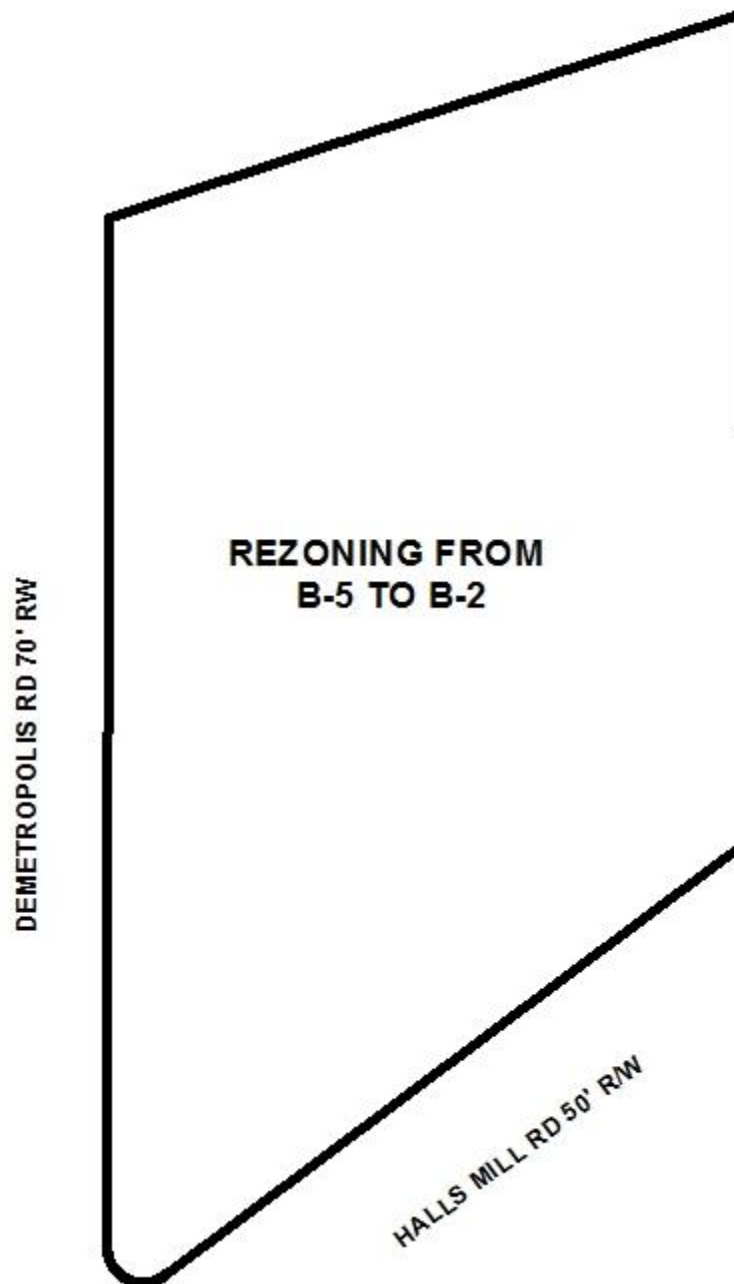
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## DETAIL SITE PLAN



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