

ZONING AMENDMENT STAFF REPORT**Date: June 19, 2014****NAME**

Thompson Engineering

LOCATION120 & 130 Mobile Infirmary Drive
(East side of Mobile Infirmary Drive, 345'± South of
Spring Hill Avenue).**CITY COUNCIL
DISTRICT**

District 2

PRESENT ZONINGB-1, Buffer Business District, and B-2, Neighborhood
Business District (split zoning)**PROPOSED ZONING**

B-2, Neighborhood Business District

AREA OF PROPERTY

1.59 Acres ±

CONTEMPLATED USE

Rezoning from B-1, Buffer Business District, and B-2, Neighborhood 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**

None given.

**ENGINEERING
COMMENTS**

No Comments.

**TRAFFIC ENGINEERING
COMMENTS**

Lots 1 – 3 are limited to a total of two curb cuts, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Any additional development will require modifications to existing curb cut along Lots 2 & 3 to meet city 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 B-1, Buffer Business District, and B-2, Neighborhood Business District to B-2, Neighborhood Business District, to eliminate split zoning.

This site was most recently approved by Planning Commission at its April 17, 2014 meeting for a 3-lot subdivision. A condition was placed in the Letter of Decision requiring the submission of a rezoning application prior to the signing of the Final Plat, thus explaining the necessity for the rezoning application.

The proposed lots are split zoned with a B-1, Buffer Business District, and B-2, Neighborhood Business District. The Zoning Ordinance requires all legal lots to be zoned one classification, for each lot prior to any request for business licenses, redevelopment, or the signing of the Final Plat.

The applicant states that the rezoning request is because, “the site conditions have changed due to the growth of Mobile Infirmary itself and other nearby commercial business recently constructed.” The applicant also states that, “the requested change to B2 is in keeping with the character in integrity of the existing neighborhood.”

The subject site consists of 2 vacant parcels and one developed parcel. The site fronts Mobile Infirmary Boulevard. Mobile Infirmary Boulevard is a minor street with curb and gutter which requires 50-foot right-of-way. The current right-of-way width is not indicated on the plat. There is also a proposed major street, Cross-Town Loop 3, with a 100’ right-of-way as shown on the Major Street Plan Component of the Comprehensive Plan that runs through the rear of the proposed lots. Consequently, while the construction of the proposed major street may be unlikely, a 75’ rear yard setback is required to avoid any possible development in the proposed future right-of way.

The General Land Use Component of the Comprehensive Plan indicates majority of the site as residential but there are some portions of the site that indicate commercial use as well. The Component is meant to serve as a general guide, not a detailed lot and district plan or mandate for development. Moreover, the 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 adjacent properties to the North, West, and South of the site consist of B-1, and B-2 zoning districts. The property to the East of the site is zoned R-1, Single Family Residential. It should be noted that requirements such as buffering and lighting will be addressed at the time of future development.

Given the site and its adjacency to other commercially developed sites along Mobile Infirmary Boulevard the proposed rezoning of this site may be considered appropriate and the Commission should consider this application for approval.

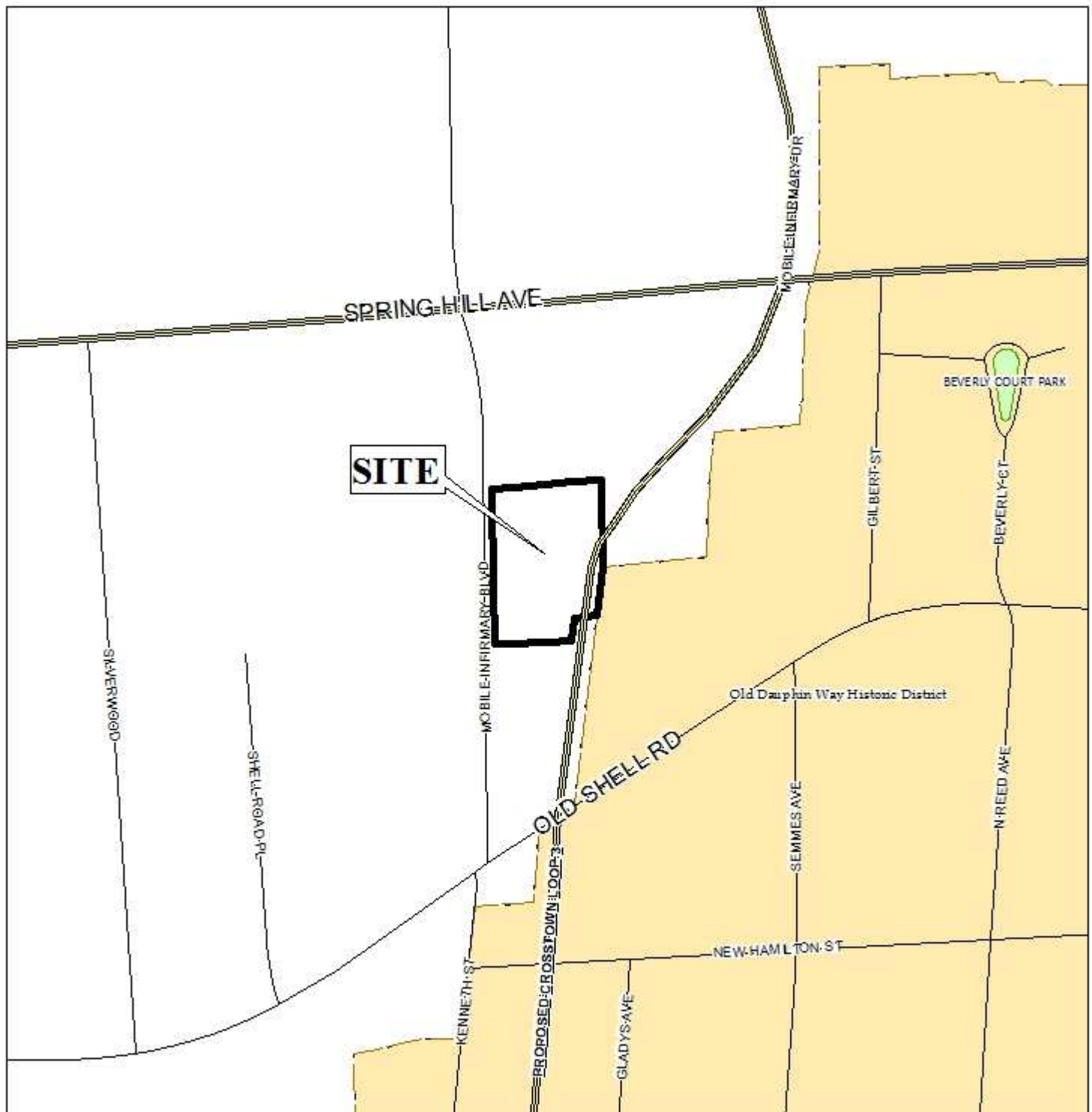
It should be pointed out that the site plan submitted with the application does not depict any of the proposed structures on the site. While a rezoning application is not site plan specific, a site plan illustrating proposed conditions should typically be provided. Section 64-9.B.2.b of the Zoning Ordinance requires the submitted plot plan to show *“the land area which would be affected, easements bounding and intersecting the designated area, the locations of existing and proposed structures with supporting open facilities, and the ground area to be provided and continuously maintained for the proposed structure or structures.”* However, because there are no immediate plans for new development, and as the rezoning was a condition of the Subdivision approval, staff would recommend a waiver of Section 64-9.B.2.b. be provided.

RECOMMENDATION

Based upon the preceding, and with a waiver of Section 64-9.B.2.b of the Zoning Ordinance, the rezoning request is recommended for Approval, subject to the following conditions:

- 1) full compliance with the use, site design and signage regulations of the Zoning Ordinance;
- 2) compliance with Traffic Engineering comments: *“Lots 1 – 3 are limited to a total of two curb cuts, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Any additional development will require modifications to existing curb cut along Lots 2 & 3 to meet city 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) 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 municipal codes and ordinances.

LOCATOR MAP



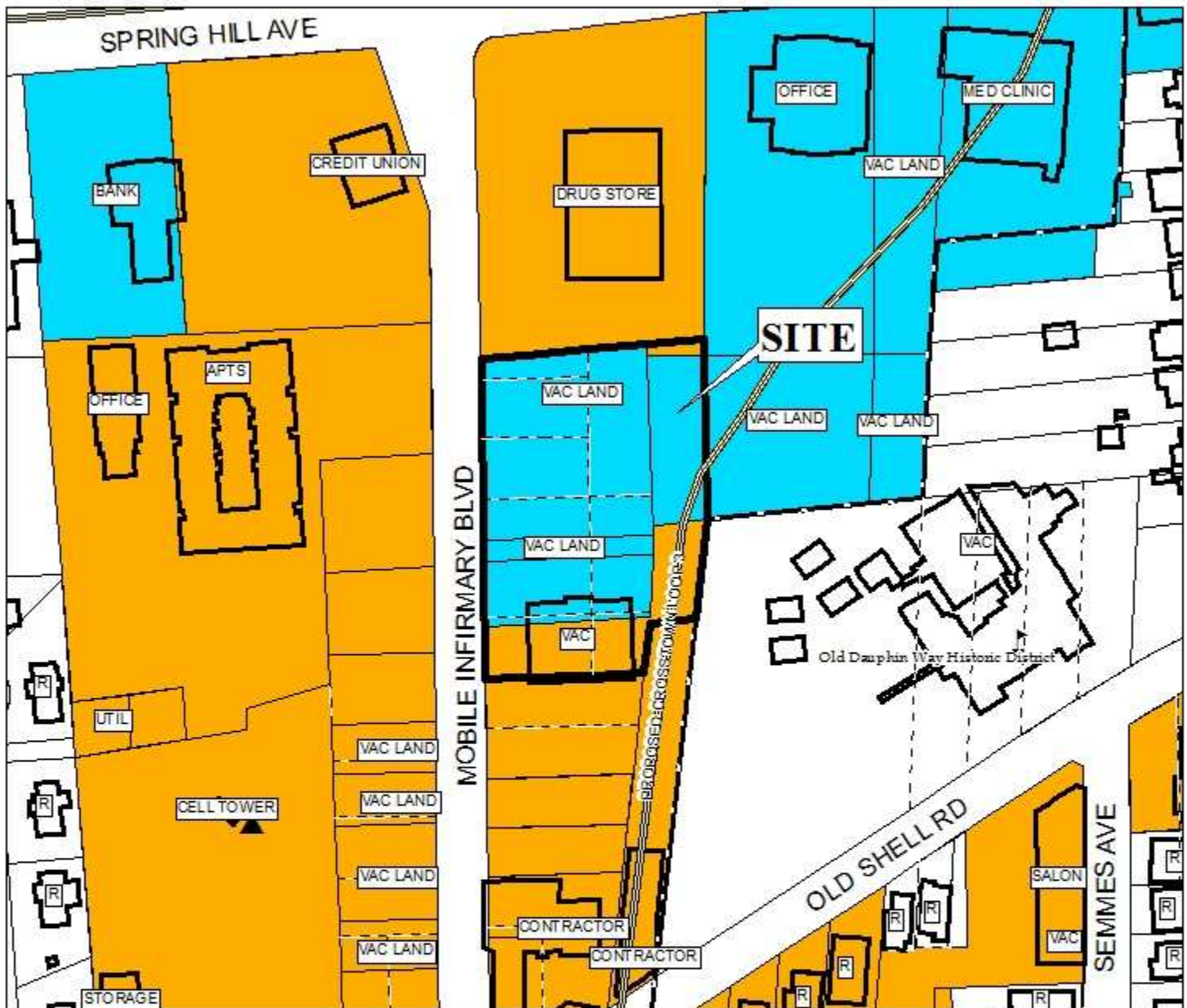
APPLICATION NUMBER 14 DATE June 19, 2014

APPLICANT Thompson Engineering

REQUEST Rezoning from B-1 and B-2 to B-2



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Commercial land use is located to the north, west, and south of the site. A vacant school is located to the east of the site.

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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

N
NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING

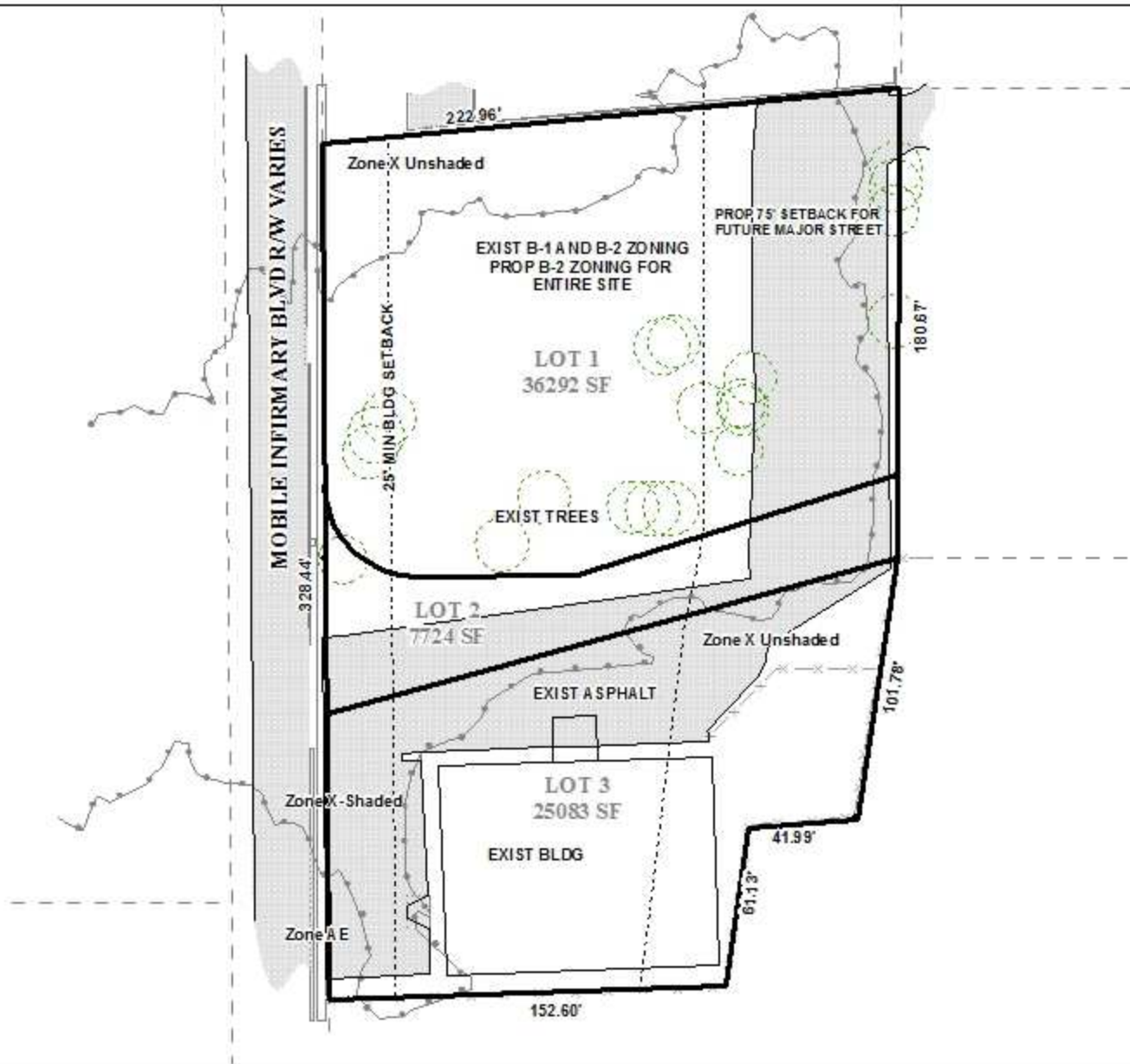


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SITE PLAN



The site plan illustrates the existing lot configuration and improvements.

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