

ZONING AMENDMENT STAFF REPORT**Date: January 3, 2013****NAME**

Alan & Karolyn Duncan

LOCATION

South side of Quill Drive, 360'± West of Azalea Road

**CITY COUNCIL
DISTRICT**

District 5

PRESENT ZONING

R-1, Single-Family Residence District

PROPOSED ZONING

B-1, Buffer Business District

AREA OF PROPERTY

0.23 ± Acres

CONTEMPLATED USE

Rezoning from R-1, Single Family Residential, to B-1, Buffer Business District, to allow a commercial building. **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**

Time schedule not provided

**ENGINEERING
COMMENTS**

No comments.

**TRAFFIC ENGINEERING
COMMENTS**

Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Off-site improvements to extend Quill Avenue must be approved by Engineering and Traffic Engineering, however the site plan does not show any information outside the property limits.

**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).

Need revised site plan showing the location of all existing Live Oak Trees in relation to proposed development.

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, to B-1, Buffer Business District, to allow a commercial building.

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 maximum building site coverage allowed in B-1 is 45% (35% for R-1), with a maximum height of 45 feet (35 feet for R-1). The setbacks for B-1 (R-1) are as follows: front 25 feet (25 feet), side 0 or 5 feet, or 10 feet where adjacent to residential uses (minimum of 8 feet), and rear of 0 or 5 feet, or 10 feet where adjacent to residential uses (minimum of 8 feet).

The site fronts onto Quill Drive, a minor street with a right-of-way width of 25-feet, per the submitted site plan. As a minor street, Quill Drive should have a right-of-way width of at least 50-feet, however, this requirement was waived by the Planning Commission at its August 6, 1979 meeting when the lot in question was created. Therefore, no dedication should be required with this application.

The site is bounded to the West, North (across Quill Drive) and South by single-family residences, and to the East by an office complex in a B-1 district. The B-1 district to the East was created in 1972.

The recorded plat for the site depicts a 25-foot setback from Quill Drive, a 7.5 foot wide drainage easement along the Eastern boundary of the lot, and apparent access to a 25-foot non-exclusive easement for ingress and egress that gives the lot access to Skyline Drive North, but which requires the crossing of a residential lot.

The entire site appears to be 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:

- 1) The site is only accessible via Quill Drive, which due to its location, is essentially access through the adjacent commercial development;
- 2) It would not be economically feasible to construct a residence on the property, given the current residential market;
- 3) A drainage ditch next to Quill Drive would make the site unsafe for a family to live on the property;
- 4) Development of the site for a single-family residence is highly unlikely; and
- 5) The highest and best use of the property is commercial, and the applicant has a developer interested in constructing a professional office building on the site.

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 applicant's narrative has not illustrated that any of the above four conditions apply to the situation at hand. The site itself was part of a lot created when the Azalea Heights Subdivision was platted in 1946. The subdivision to the North, Berkshire Hills, was platted in 1955. This portion of Mobile became a part of the city in 1956. The B-1 commercial site to the East was rezoned from R-1 to B-1 in 1972, but was not commercially developed until about 1980. The lot currently being considered for rezoning was part of a 4 lot subdivision approved by the Planning Commission in 1979, where three lots fronting Skyline Drive North were created, and the lot at hand fronting Quill Drive was created. Review of the Azalea Heights plat and Berkshire Hills plat do not provide any additional information regarding Quill Drive.

There are other undeveloped commercially zoned sites in the Cottage Hill area, and there appears to be adequate developed commercial properties fronting standard public streets available for purchase or lease for an office use. It would appear, therefore, that the need for additional office space is not necessary at this time in the current office market in Mobile.

The site plan provided with the application indicates that the site can be developed in compliance with the commercial requirements of the Zoning Ordinance. Zoning requests are not, however, site plan specific, so changes to the site plan may be undertaken.

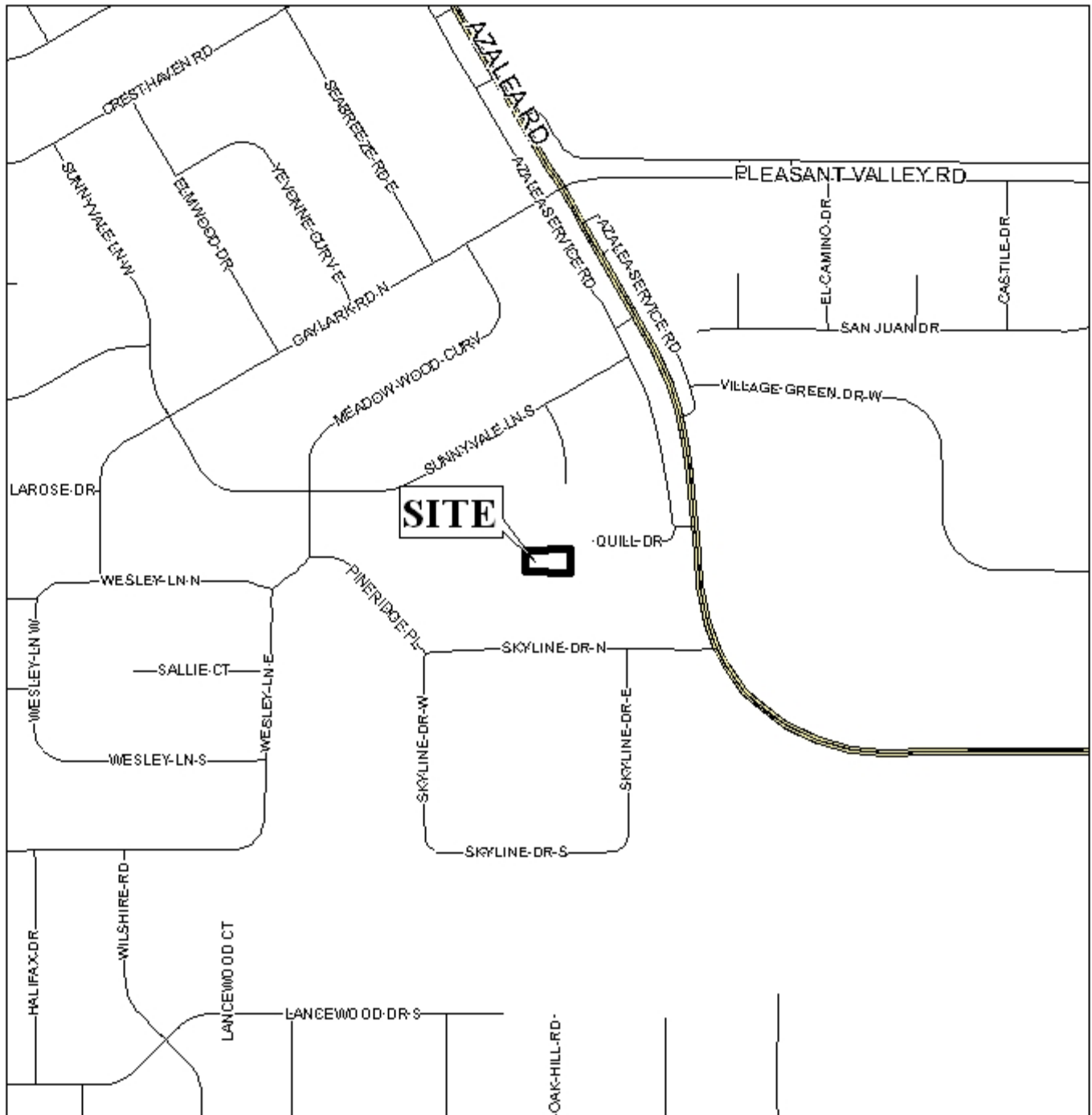
Finally, the applicant states that commercial development of the site and access via Quill Drive has been discussed with Traffic Engineering, Engineering and Fire, and that "all have given their blessing" regarding the proposal. While this may be the case, no comments have been submitted by those departments indicating such. Regardless, if approved, Quill Drive should be improved (i.e. paved) to City standards to the site's Western boundary.

RECOMMENDATION

Based on the preceding, the rezoning request is recommended for Denial because the applicant has failed to show that 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.

LOCATOR MAP



APPLICATION NUMBER 16 DATE January 3, 2013

APPLICANT Alan & Carolyn Duncan

REQUEST Rezoning from R-1 to B-1



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Offices are located to the east of the site. Single-family residences are located to the north, west, and south 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
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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING

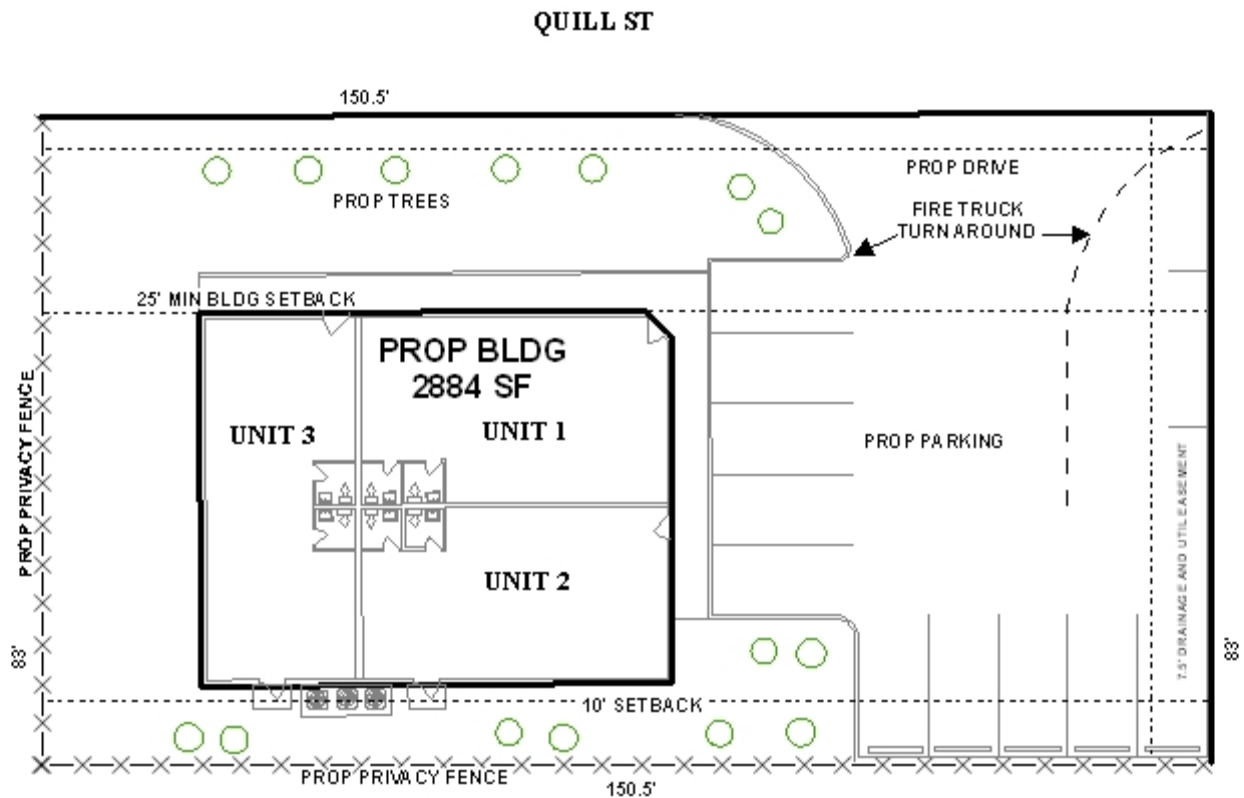


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SITE PLAN



The site plan illustrates the proposed development.

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