

ZONING AMENDMENT STAFF REPORT**Date: June 6, 2013****NAME**

Cowles, Murphy, Glover & Associates

LOCATION1926 Telegraph Road
(Southeast corner of Telegraph Road and Bay Bridge Road)**CITY COUNCIL
DISTRICT**

District 2

PRESENT ZONING

B-2, Neighborhood Business and I-1, Light Industry

PROPOSED ZONING

I-1, Light Industry

AREA OF PROPERTY

3.2± Acres

CONTEMPLATED USE

Rezoning from B-2, Neighborhood Business District and I-1, Light Industry to I-1, Light Industry, 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**

Immediately

**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).

**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-2, Neighborhood Business District and I-1, Light Industry to I-1, Light Industry, to eliminate split zoning. The applicant is requesting the zoning change due to a condition of the Planned Unit Development approval by the Commission at the April 4, 2013 meeting.

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.

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 center of the site is currently zoned B-2, Neighborhood Business. These districts are composed of land and structures occupied by or suitable for furnishing the retail goods, such as groceries and drugs, and the services, such as barbering and shoe repairing, to satisfy the daily household needs of the surrounding residential neighborhoods. Often located on a thoroughfare or near the intersection of two (2) thoroughfares, these districts are small and are within convenient walking distance of most of the areas they will serve. The district regulations are designed to permit the development of the districts for their purpose 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 residential districts. It is intended that additional neighborhood business districts will be created, in accordance with the amendment procedure set forth herein, as they are needed to serve new residential areas. To insure that such new districts are actually developed to supply the business needs of the neighborhoods, the amendment creating the district may set a time limit for its development.

The applicant is requesting rezoning to I-1, Light Industry. I-1 districts are composed of land and structures used for light manufacturing or wholesaling, or suitable for such uses, where the use and its operation do not directly adversely affect nearby residential and business uses. These districts are usually separated from residential areas by business areas or by natural barriers. The district regulations are designed to allow a wide range of industrial activities subject to limitations designed to protect nearby residential and business districts.

The B-2 portion of the site is bounded to the North by I-1, to the East by an undeveloped lots in an R-1, Single-Family Residential and R-2, Two-Family Residential, to the South by industrial

uses in an I-1 district, and to the West by vacant land in a B-3, Community Business, R-2, Two-Family Residential and I-2, Heavy Industrial districts.

The site fronts Telegraph Road to the West and the CSX Railroad right-of-way to the East. Telegraph Road is a planned major street as shown on the Major Street Plan component of the Comprehensive Plan. The Plan requires a right-of-way of 100 feet for Telegraph Road in this area; however, this site is compliant with this plan.

The site itself is developed with a 16,000 square foot building and associated parking lot, and an addition of an 18,000 warehouse is proposed to the site as part of the previously approved PUD.

The applicant states the zoning request is necessary due to a manifest error in the Ordinance and the subdivision of land into building sites makes reclassification of the land necessary and desirable.

The site plan submitted includes a table illustrating that the site will be developed in full compliance with tree and landscaping requirements, however, not all of the required 20 frontage trees are depicted on the site plan. It should be pointed out that three understory trees will be required due to the proposed number of parking spaces.

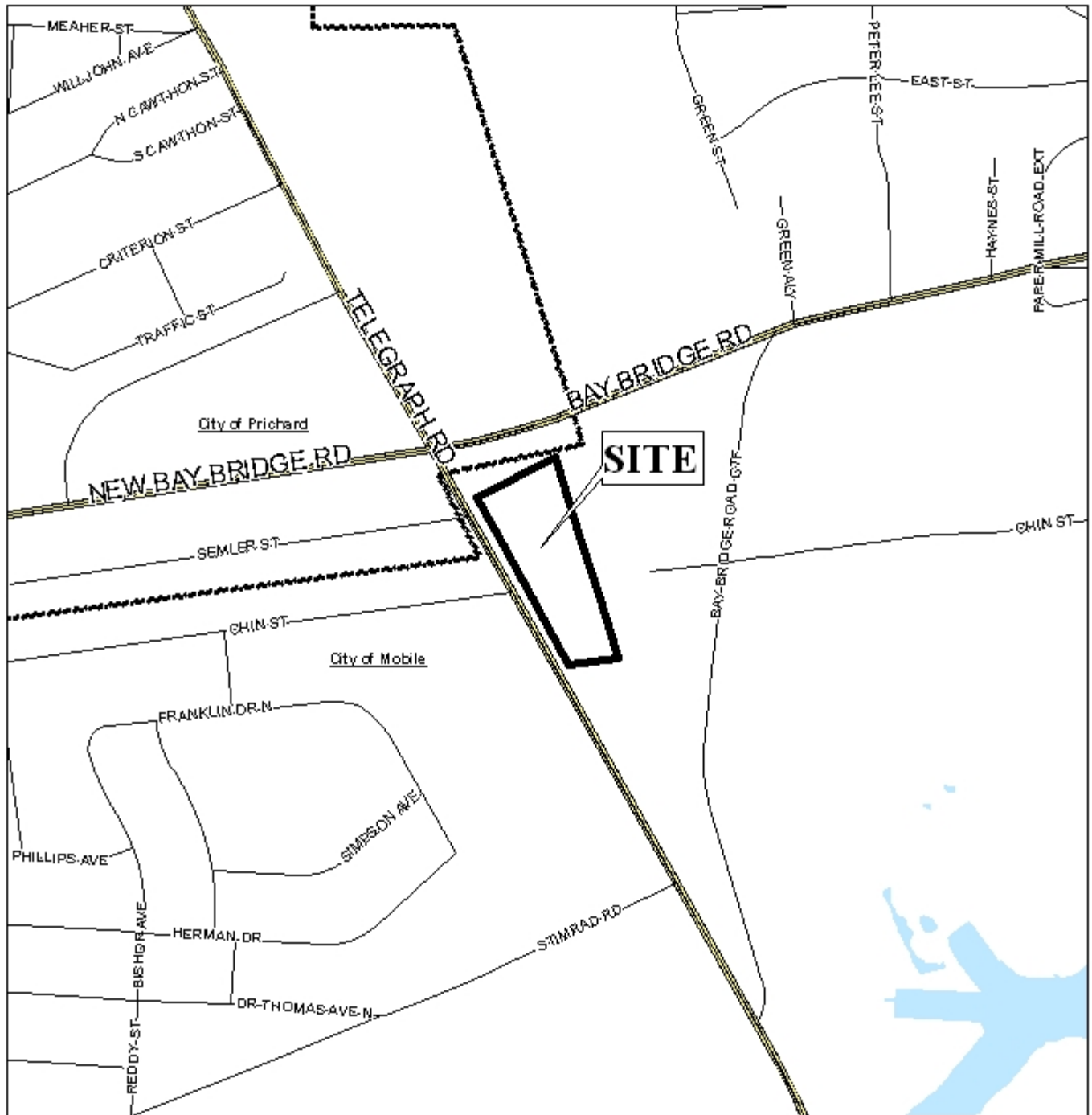
Additionally, the site plan does specifies the frontage trees as bald cypress. Staff has determined that any frontage trees planted within 15-feet of an overhead power line they must be a Live Oak species (*Quercus virginiana*). Therefore, the site plan should be revised to depict the overhead power line along Telegraph Road, and, if necessary, the tree species must be changed to Live Oaks, or the trees must be set back to be more than 15-feet from the power line.

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)*); and
- 2) full compliance with all other applicable municipal codes and ordinances.

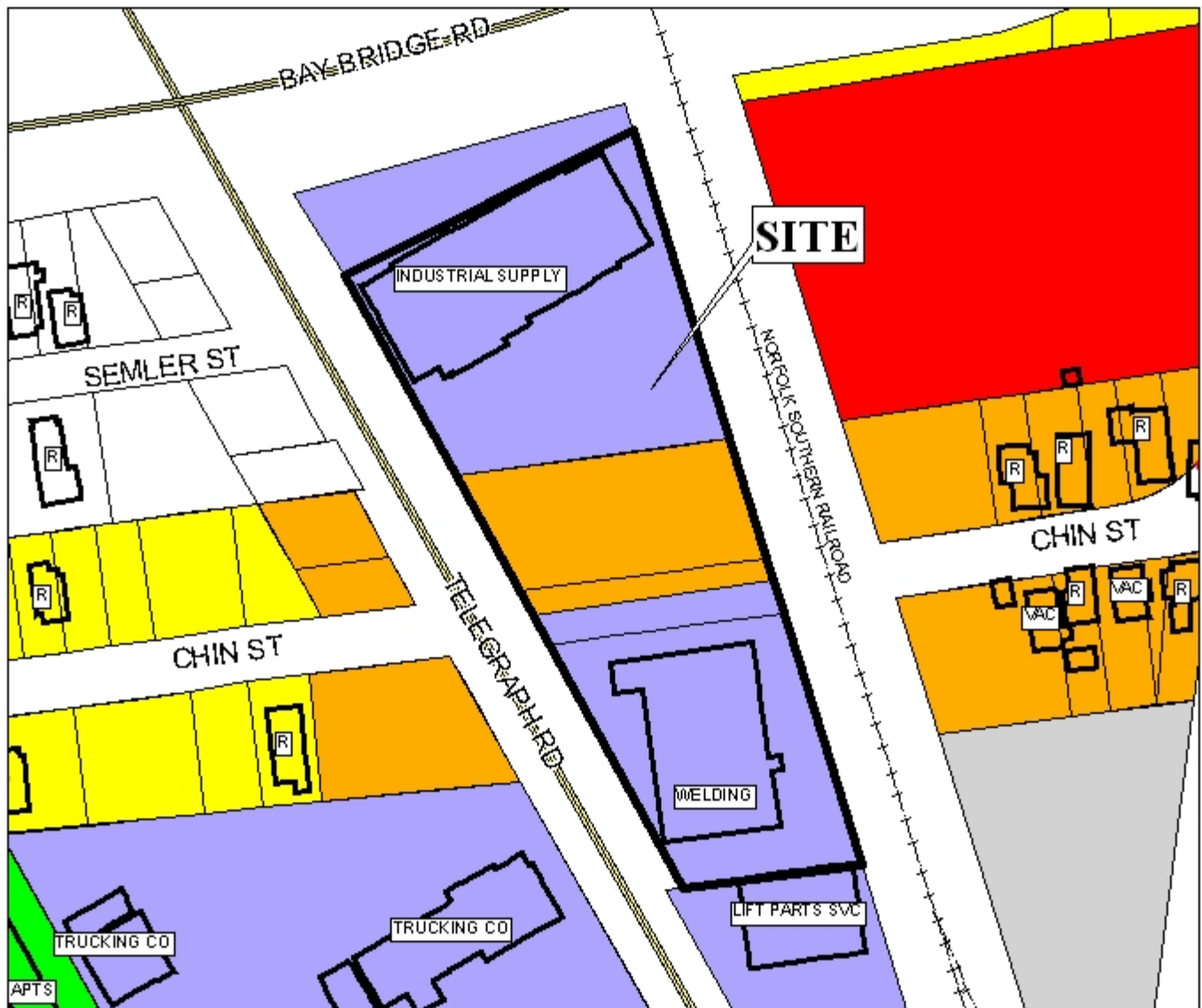
LOCATOR MAP



APPLICATION NUMBER 19 DATE June 6, 2013
APPLICANT Cowles, Murphy, Glover, & Associates
REQUEST Rezoning from I-1 and B-2 to I-1



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING










Industrial land uses are located to the west and south of the site. Residential land uses are located to the west and 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

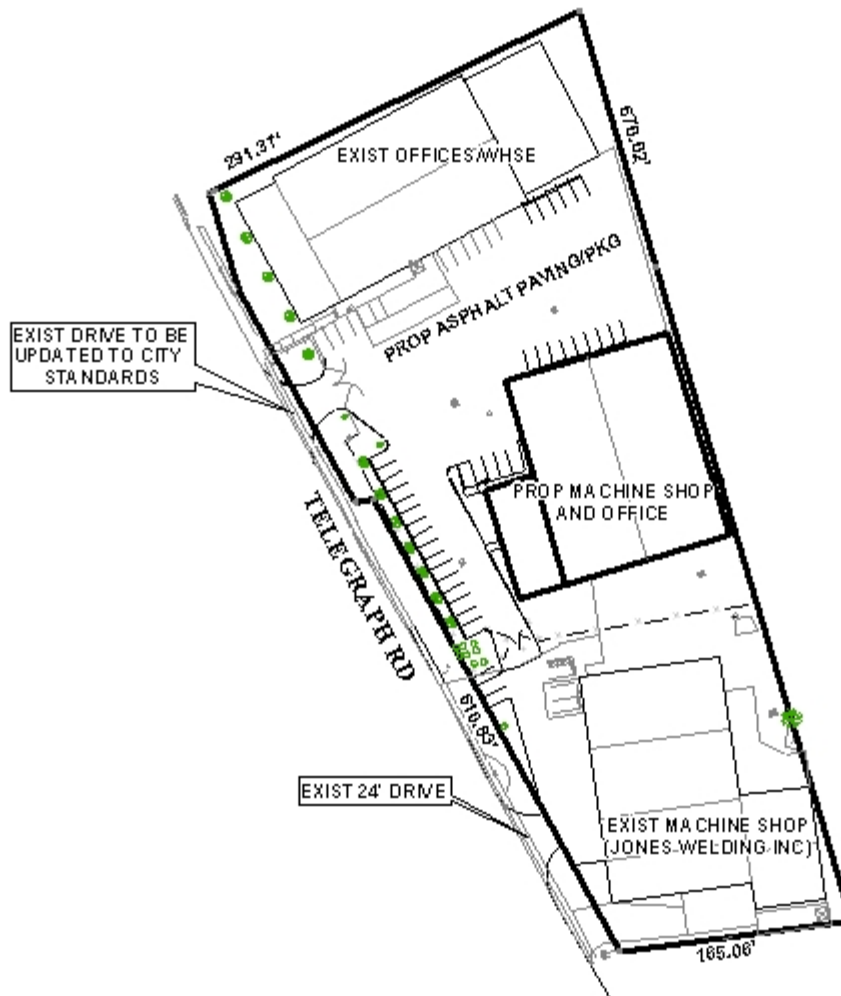


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N
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SITE PLAN



The site plan illustrates the existing buildings, proposed buildings, and proposed parking.

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