

ZONING AMENDMENT STAFF REPORT**Date: November 6, 2008****NAME**

George White

LOCATION4165 Government Boulevard
(South side of Government Boulevard, 1050'± East of
Crestview Drive)**CITY COUNCIL
DISTRICT**

District 4

PRESENT ZONING

B-3, Community Business District

PROPOSED ZONING

B-3, Community Business District

AREA OF PROPERTY

2.3 ± Acres

CONTEMPLATED USERezoning from B-3, Community Business, to B-3,
Community Business, to remove a site plan specific
condition of a previous rezoning to allow a parking lot
expansion at an existing pest control service.**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**

Immediate

**ENGINEERING
COMMENTS**Must comply with all storm water and flood control
ordinances. Must provide detention for any impervious area added since 1984 in excess of 4,000
square feet. Any work performed in the right of way will require a right of way permit.**TRAFFIC ENGINEERING
COMMENTS**Driveway number, size, location, and design to be
approved by Traffic Engineering and conform to AASHTO standards. Final approval for all
driveways, proposed and existing will be given upon submittal of final plans.**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).

Preservation status is to be given to the 48" Live Oak Tree located along the Government Boulevard (U.S. Highway 90) R/W near the existing entrance. Any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.

FIRE DEPARTMENT

COMMENTS

All projects must comply with the requirements of the 2003 International Fire Code, including Appendices B through D, as adopted by the City of Mobile, and the 2003 International Existing Building Code, as appropriate.

REMARKS

The applicant is requesting rezoning from B-3, Community Business, to B-3, Community Business, to remove a site plan specific condition of a previous rezoning to allow a parking lot expansion at an existing pest control service.

The rezoning of the site to B-3 was approved by the Planning Commission and the City Council in 1996 with a condition limiting it to the site plan submitted with the application. The applicant now proposes to expand the existing parking from 70 parking spaces to 100 spaces, however the zoning condition does not allow for changes to the site plan.

The site fronts onto Government Street (US Highway 90), a major street with adequate right-of-way. The site is bounded to the Northwest by single-family residences (located across Government Boulevard), to the Northeast by a vacant lot in a B-3 district, to the Southeast by single-family residences in an R-1 district, and to the Southwest by a non-conforming mobile home park in an R-1 district.

The entire site appears to be depicted as commercial 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 condition pertaining to this application is that there is an error in the Ordinance in that it is limited to a specific site plan. Approval of the request will correct the error.

The site plan shows the existing parking and structure, and the proposed 30 additional spaces. Additional trees and buffer fences (adjacent to the residential uses to the Southeast and Southwest) are depicted. The tree and landscape plan depicts compliance with the requirements of Section 64-4.E. of the Zoning Ordinance, while the depicted fence buffering complies with the requirements of Section 64-4.D. of the Zoning Ordinance.

It should be pointed out that Section 64-6.A.3.c., *Lighting*, states that if parking areas “contain ten (10) or more cars, lighting shall be provided and maintained during their operation, and shall be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic.” Similarly, Section 64-4.A.2., *Illumination of uses*, states that “lighting facilities used to illuminate signs, parking areas, or for other purposes shall be so arranged that the source of light does not shine directly into adjacent residence properties or into traffic.” The lighting on the site should comply with the requirements of the Zoning Ordinance.

Finally, the site plan depicts the location of a dumpster, however, no screening is depicted. Screening of the dumpster should be depicted on any site plan submitted for building permit review.

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). Preservation status is to be given to the 48” Live Oak Tree located along the Government Boulevard (U.S. Highway 90) R/W near the existing entrance. Any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger*);
- 2) compliance with Engineering comments (*Must comply with all storm water and flood control ordinances. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet. Any work performed in the right of way will require a right of way permit*);
- 3) compliance with the site and parking area lighting requirements, Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance;
- 4) provision of screening around the dumpster;
- 5) provision of buffering where the site is adjacent to residential areas, in compliance with Section 64-4.D. of the Zoning Ordinance; and
- 6) full compliance with all other applicable municipal codes and ordinances.

LOCATOR MAP



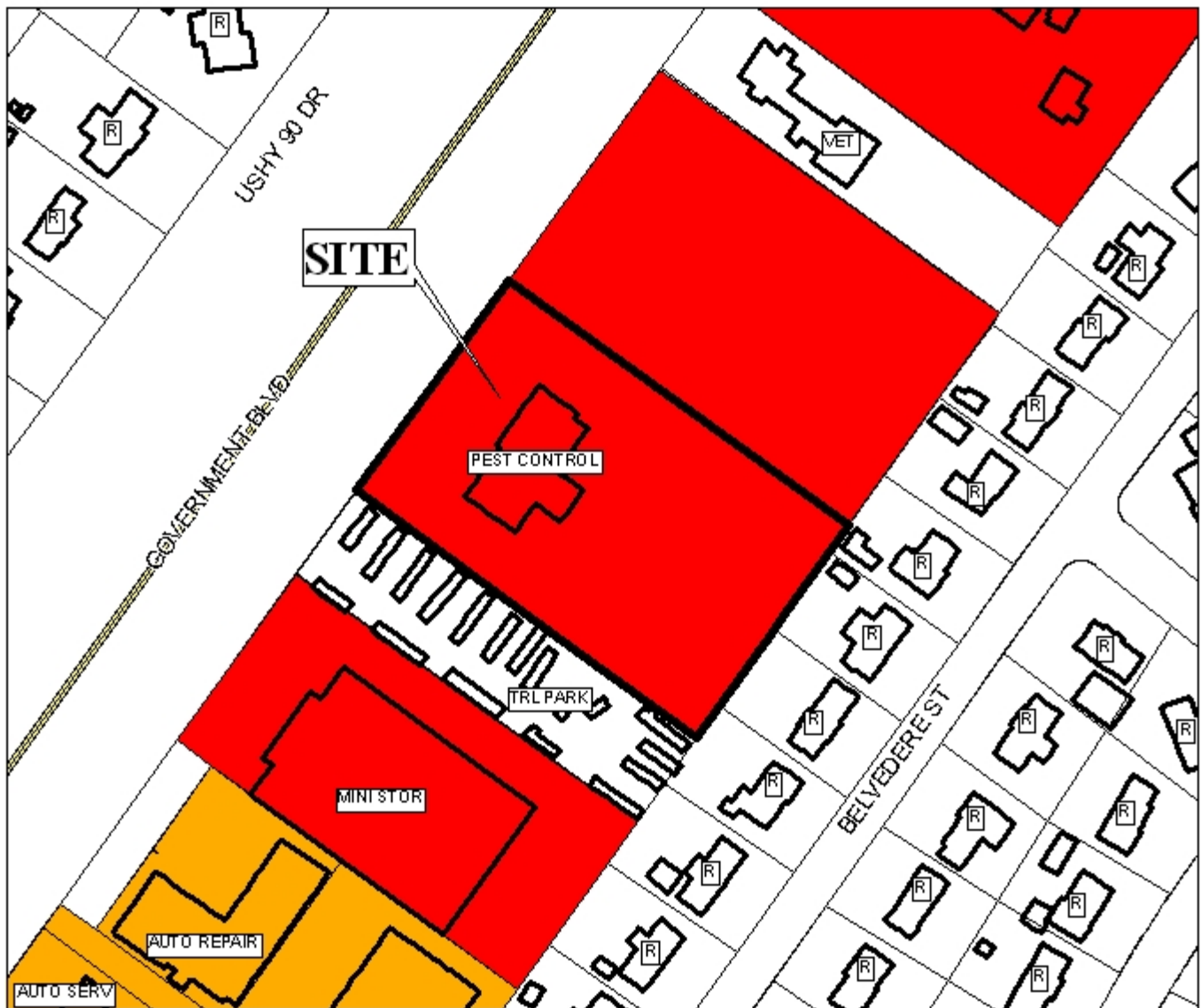
APPLICATION NUMBER 20 DATE November 6, 2008

APPLICANT George White

REQUEST Rezoning from B-3 to B-3



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



This site is surrounded by miscellaneous land use.

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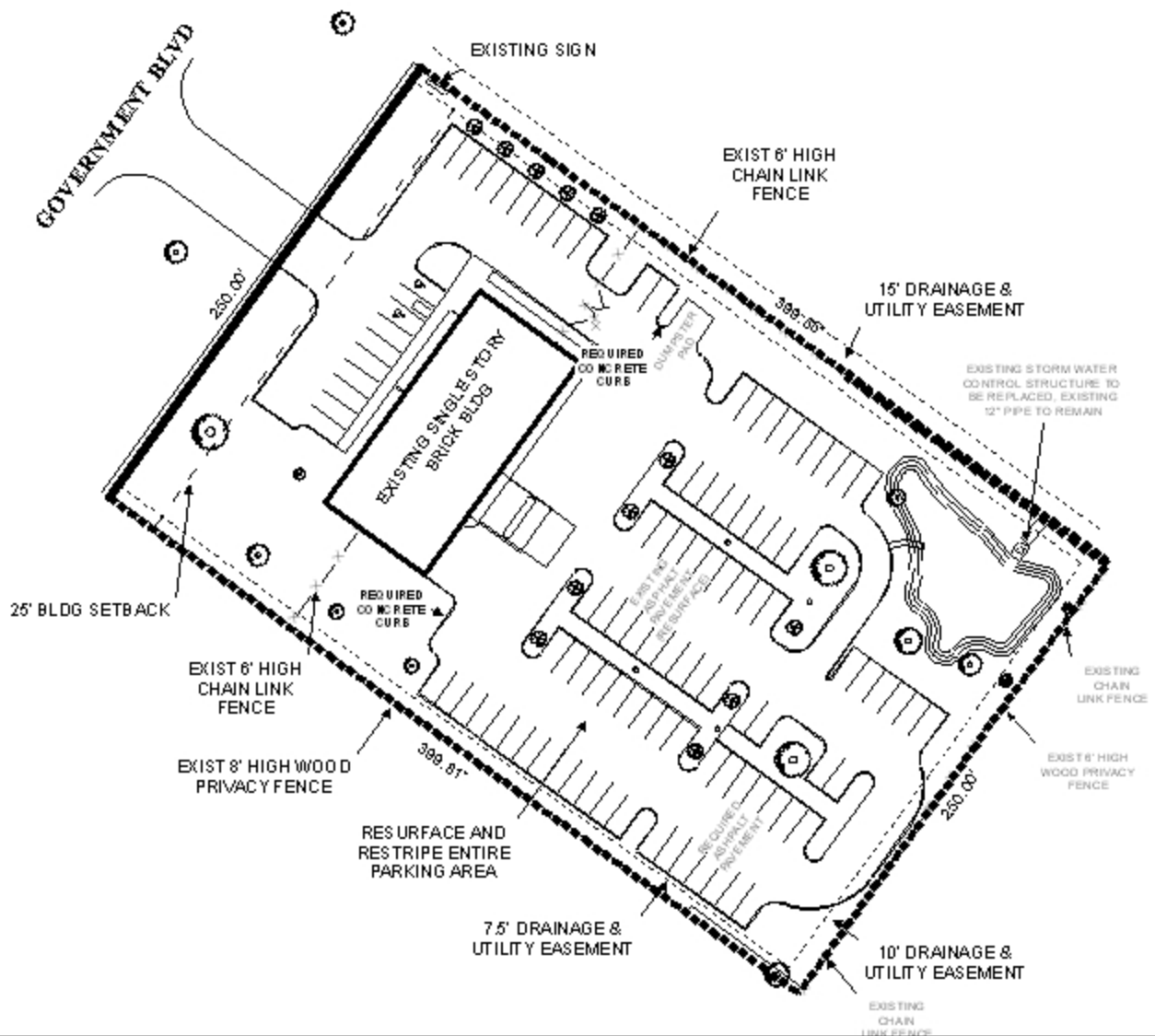
LEGEND

| | | | | | | | | | | | | | | |
|-----|-----|-----|-----|-----|-----|-----|-----|------|-----|-----|-----|-----|-----|-----|
| 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 |
|-----|-----|-----|-----|-----|-----|-----|-----|------|-----|-----|-----|-----|-----|-----|



NTS

SITE PLAN



This site plan illustrates proposed lot improvements

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