

**ZONING AMENDMENT STAFF REPORT****Date: November 1, 2012****NAME**

Joanne Stone

**LOCATION**4558 Moffett Road  
(North side of Moffett Road, 155'± East of Northview Drive)**CITY COUNCIL  
DISTRICT**

District 1

**PRESENT ZONING**

R-1, Single-Family Residential District

**PROPOSED ZONING**

B-2, Neighborhood Business District

**AREA OF PROPERTY**

0.9 Acre ±

**CONTEMPLATED USE**

Rezoning from R-1, Single-Family Residential District, to B-2, Neighborhood Business District, to allow a daycare. **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**

The applicant indicated that no changes to the site are intended. Based on the existing site layout, it is logical for the two driveways to remain for circulation through the site; however, there should be signage to indicate the driveways as one-way to eliminate the potential for conflicting movement onsite. The access aisle and parking areas are intended to remain as grass/gravel mix that currently exists. This poses several concerns, including unmarked parking, unrestricted parking, and handicap accessibility. Parallel spaces are illustrated, but there is no way to designate that parking (i.e. curb stops are typically installed at the front end of a space). There is no physical obstruction to restrict parking between the building and roadway, or in the adjacent properties or right-of-ways. None of the 6 illustrated parking spaces are indicated as handicap, and there does not appear to be an accessible route (i.e. solid surface) from the parking area to the building. Handicap accessibility requirements may also apply between the building and the playground area.

**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 R-1, Single-Family Residential District, to B-2, Neighborhood Business District, to allow a daycare.

The site is bounded on the East, North and West by R-1, Single-Family Residential zoning, and to the South across Moffett Road by LB-2, Limited Neighborhood Business zoning.

The General Land Use Component of the Comprehensive Plan indicates residential use for this site and the surrounding properties listed above. 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 site is a parcel created in 1975 by the acquisition of right-of-way by the State of Alabama from Lot 34, Schutz Property Subdivision. There was a Use Variance granted in 1982 to allow general offices, food services, and retail sales at the site, and in 2010, a Use, Parking Ratio, Parking Surfacing, Access and Maneuvering, Tree and Landscaping, and Protection Buffer Variances were granted for a proposed beauty shop, but that project never came to fruition. The current owner/applicant proposes to rezone the property to an appropriate B-2 zoning instead of seeking variances for the site.

One of the applicant's reasons for the rezoning alludes to the widening of Moffett Road which left the existing building nearly on the front property line. It is argued that this proximity to the front property line/right-of-way line, and the heavily-traveled nature of Moffett Road would be a major deterrent for residential use of the site and would warrant a change in zoning. It should be

pointed out that the right-of-way width indicated on the site plan is 80' for Moffett Road, whereas GIS and City Engineering data indicate a current 100' right-of-way in compliance with the Major Street Plan. The 1942 deed furnished for the right-of-way acquisition also indicates 50' from the centerline of Moffett Road to the front property line, after dedication.

The applicant cites changes within the area following the original subdivision warrants the change in zoning. The size of the lot is indicated to be below the two-acre minimum guideline of the Zoning Ordinance for creation of a new B-2 district and the applicant states that with this simply being a guideline, there is flexibility to consider special circumstances such as the site's uninviting appeal for residential use and that the natural progression of development along Moffett Road has yielded the highest and best use of the property to be commercial. However, it should be noted that there is no adjoining commercial zoning or use, and the only commercial zoning is approximately 100' West of the site and not developed. There is also no commercial use within that block as all uses are either vacant land or single-family residential. The allowance of commercial zoning for the site would create a situation of spot zoning and would be out of character with the neighborhood.

As presented, the site plan has major deficiencies with regard to compliance. No parking ratio is given based on the number of teaching stations for the proposed daycare (1.5 parking spaces per teaching station are required), so required parking space numbers cannot be determined. The parallel spaces along the entrance drive on the site are all interior spaces (without end access) and scale to be approximately 18' long. The current standard for interior parking spaces is 23' in length. Also, access and maneuvering within the 12' wide drive would potentially create a traffic flow problem stacking vehicles into Moffett Road, even with compliant 23' parking spaces. The applicant states that the site would be left in its current state with regard to access, with one-way in and one-way out drives as this would provide the best form of circulation for the site and that a 24' wide two-way drive would make compliant parking and maneuvering area difficult. Traffic Engineering does not indicate any issues with the 12'-wide one-way drive; however, the applicant does not indicate the current gravel drive and parking area would be paved in a compliant manner. Although the previously-approved Variance for the site included a Parking Surface Variance, among others, that approval would not suffice for the proposed Rezoning as modifications would be required to the site to accommodate the proposed daycare according to the Traffic Engineering comments, especially pertaining to handicap accessibility. There is also no compliant dumpster or dumpster access indicated on the site plan.

No landscaping or tree planting calculations are provided with the application. The applicant states that vegetation is heavy around the sides and rear which should adequately account for perimeter trees. It is stated that frontage tree compliance would be difficult given the reduced building setback and the limited room around access areas. For these reasons, the applicant requests that no additional vegetation requirements be placed upon the property.

No sidewalk is indicated within the public right-of-way along Moffett Road as would be required for site compliance, and no Sidewalk Waiver application has been submitted

Given the surrounding R-1 zoning and land uses and the potential for spot zoning, the deficiencies with the site plan and the potential for entrance congestion along Moffett Road, and

the over-all lack of proposed site compliance required with rezoning, the proposed rezoning of this site would not be considered appropriate and the Commission should consider this application for denial.

**RECOMMENDATION**

Based on the preceding, this application is recommended for denial for the following reasons:

- 1) reclassification would create spot zoning in the area;
- 2) reclassification would be out of character with the immediate surrounding residential uses;
- 3) the proposed B-2 district does not meet the two-acre minimum size as per Section 64.3.A.5.a. of the Zoning Ordinance; and
- 4) the site plan indicates deficiencies pertaining to both site compliance and traffic safety issues.

## LOCATOR MAP



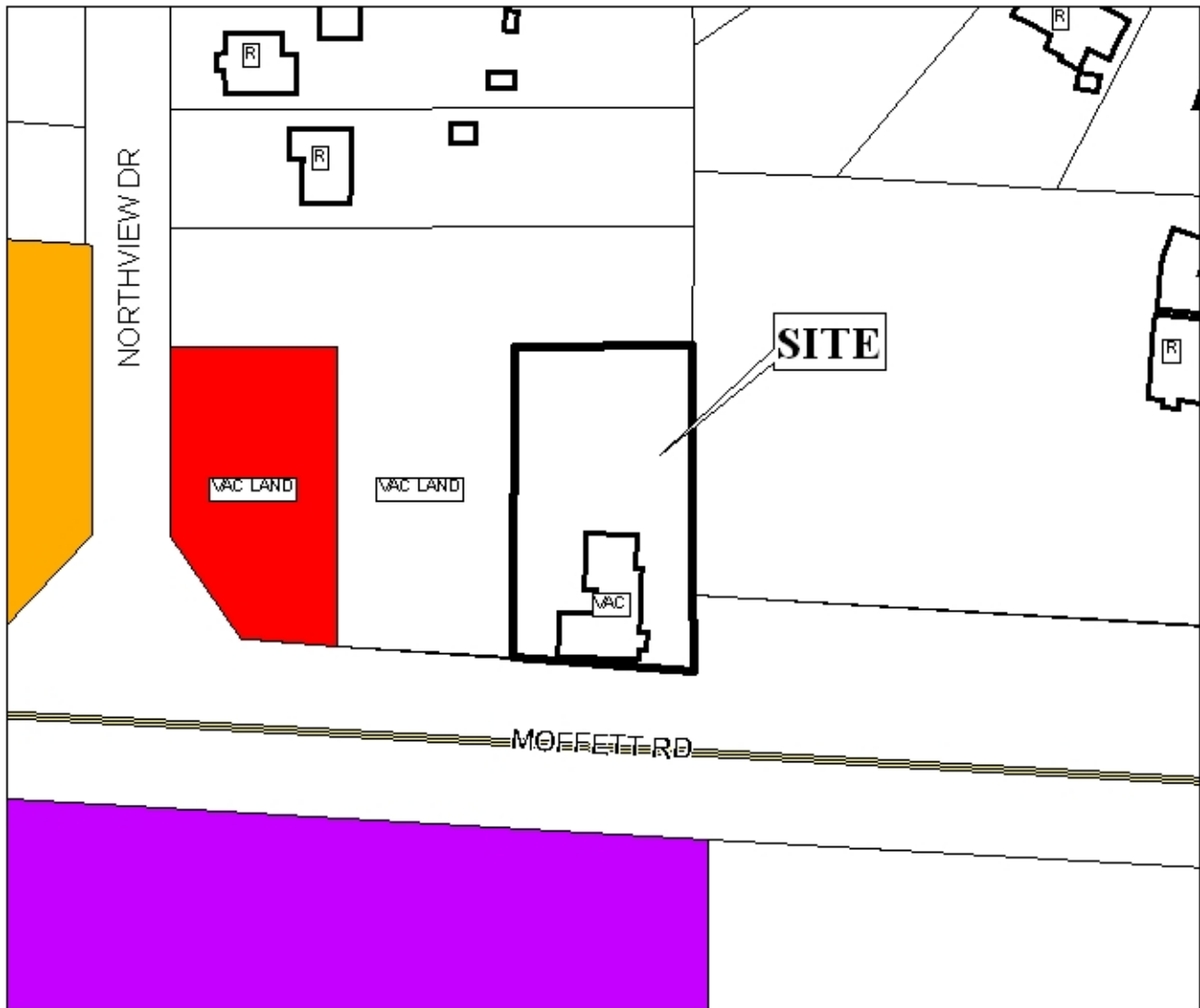
APPLICATION NUMBER 24 DATE November 1, 2012

APPLICANT Joanne Stone

REQUEST Rezoning from R-1 to B-2



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Single-family residences are located to the north of the site.

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REQUEST Rezoning from R-1 to B-2

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

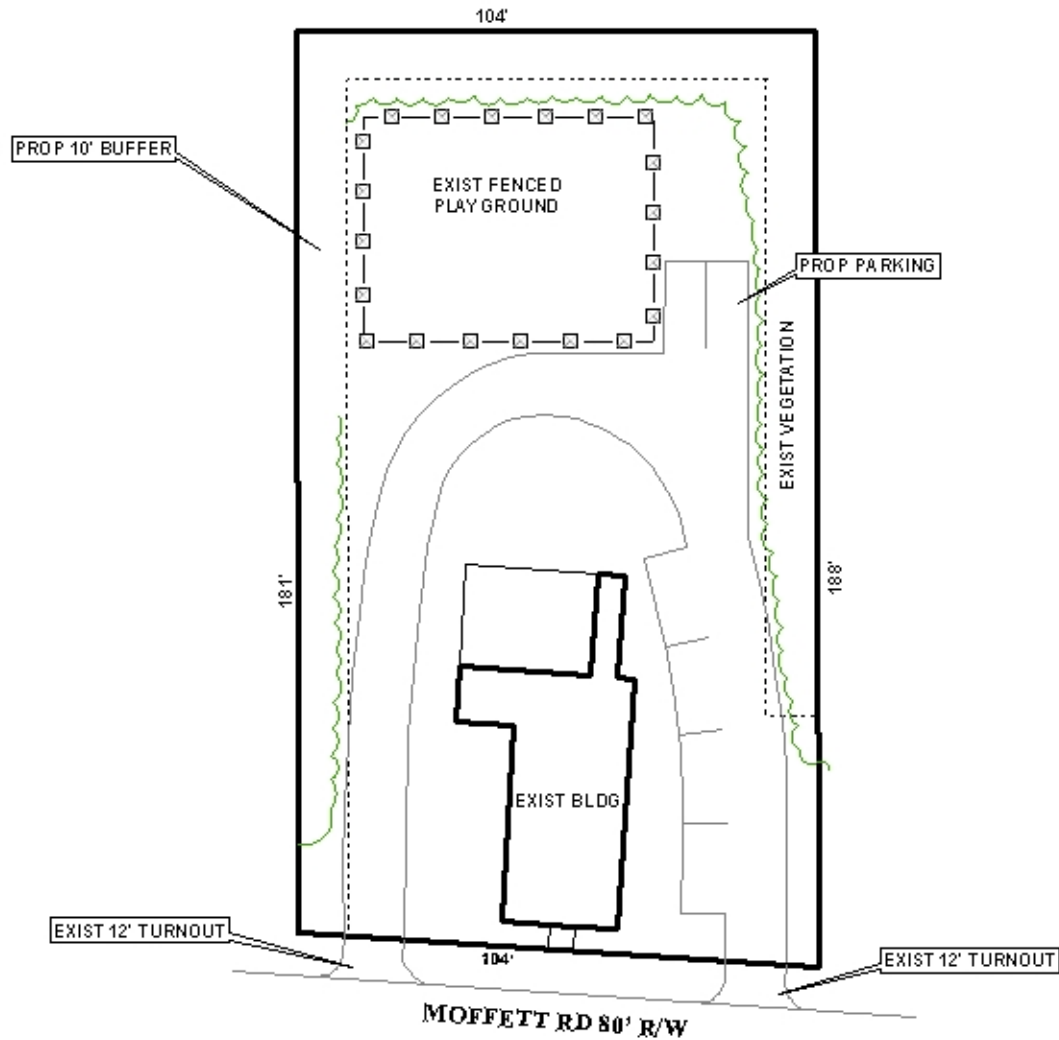


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# SITE PLAN



The site plan illustrates the existing and proposed improvements.

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 REQUEST Rezoning from R-1 to B-2

