

ZONING AMENDMENT STAFF REPORT**Date: November 15, 2007****NAME**

Charles C. Weems, Jr.

LOCATION64 Tacon Street
(East side of Tacon Street, 250' + North of Cameron Street)**CITY COUNCIL
DISTRICT**

District 1

PRESENT ZONING

R-1, Single-Family Residence District

PROPOSED ZONING

B-1, Buffer Business District

AREA OF PROPERTY

0.17 ± Acres

CONTEMPLATED USE

Rezoning from R-1, Single Family Residential, to B-1, Buffer Business District, to allow a contractor's office.

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**

First Quarter 2008.

**ENGINEERING
COMMENTS**

It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. Must comply with all storm water and flood control ordinances. 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. No dimensions are shown on the site plan. The developer should insure that the driveway and parking aisle meet the minimum standard of twenty-four feet.

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 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 R-1, Single-Family Residential District to B-1, Buffer Business District, to allow a contractor's office. Offices of contractors are allowed by right in B-1 districts.

The site is currently an undeveloped 7,800 square foot single-family residential lot. The applicant proposes to move an 8-foot x 18-foot (144 square foot) temporary office, and provide eight gravel parking spaces. However, the Vicinity Map illustrates the site as a storage yard, which is not a legal use within an R-1, single-Family or a B-1, Buffer Business District.

B-1, Buffer Business districts, districts are composed of land and structures occupied by or suitable for such uses as offices, studios and automobile parking (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 compatible to those called for in the residential districts.

The site is bounded to the North, South, and West by residential uses, primarily single-family, in an R-1 district. Adjacent to the East of the site has a use variance to allow a B-3 use. A B-3 district is located approximately 150 feet to the southwest, across Tacon Street and adjacent to the neighboring property to the north of the site.

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.

The applicant states the following regarding the rezoning request:

"Said property is proposed for use as a satellite office location for the Mobile operations of Charles Weems, General Contractor, Inc."

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 has not addressed any of the conditions related to changing the zoning as requested. However, a B-3 site was rezoned from R-1 to B-3 in 1995; however, unlike the site under consideration, the B-3 site is adjacent to existing commercial zoning. Section 64-3.A.5.a. of the Zoning Ordinance states that new freestanding B-1 districts "should" contain at least 2 acres; provided, however, that the proposed B-1 district would abut an existing B-2, B-3, and B-4, I-1 or I-2 district. The site in question is only 0.17 ± acres, well below the recommended minimum district size and the proposed site does not abut any commercial districts.

The site plan depicts the site improved with gravel parking and access, including 8 parking spaces, an entry from Tacon Street. The parking calculations on the site plan show that only 1 space is required for the proposed square footage of the temporary office. At a minimum one could assume that 1 space would be required (1 space per 300 square feet of office space), 8 spaces would be required for a 2,400 square foot office, at a parking ratio of 1 space per 300 square feet of floor space. Thus more information is required to determine if eight parking spaces would be needed for the proposed use. Also, it appears that the parking surface, parking stalls and maneuvering areas do not meet the minimum standards of the Zoning Ordinance. As the site plan submitted is not dimensioned, it is impossible to verify.

Regarding the landscaping calculations, it appears that sufficient *area* will be available for landscaping to meet the minimum requirements of the Zoning Ordinance. The site plan does not, however, depict the actual placement of heritage and understory trees required to depict full compliance.

The site plan does not indicate the location of a dumpster or other private waste facility, thus the site plan should be revised to depict the dumpster location. The location, furthermore, should be located away from adjacent residential uses, not only in terms of protecting residences from offensive odors, but also from the noise of the dumpster being emptied during the day or night.

The proximity of a B-1 district next to residential districts will require the provision of buffering, which in this case would likely have to be a 6-foot high wooden privacy fence and 3-foot high solid hedgerow along Tacon Street to screen the parking area from the adjacent residential zoning across Tacon Street. The site plan should reflect the required buffering.

New development normally requires the provision of a sidewalk along the adjacent public right-of-way, therefore a sidewalk should be shown on any future site plans, should the rezoning be approved.

RECOMMENDATION

Based on the preceding, the rezoning request is recommended for Denial for the following reasons:

- 1) No reasons have been provided to justify the rezoning request;
- 2) Size of site to be rezoned does not meet the minimum area recommended in Section 64-3.A.5.a. of the Zoning Ordinance; and
- 3) Site plan does not provide sufficient information to determine if site will comply with the requirements of the Zoning Ordinance.

LOCATOR MAP



APPLICATION NUMBER 26 DATE November 15, 2007

APPLICANT Charles C. Weems, Jr.

REQUEST Rezoning from R-1 to B-1



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



This site is surrounded by miscellaneous landuse.

APPLICATION NUMBER 26 DATE November 15, 2007

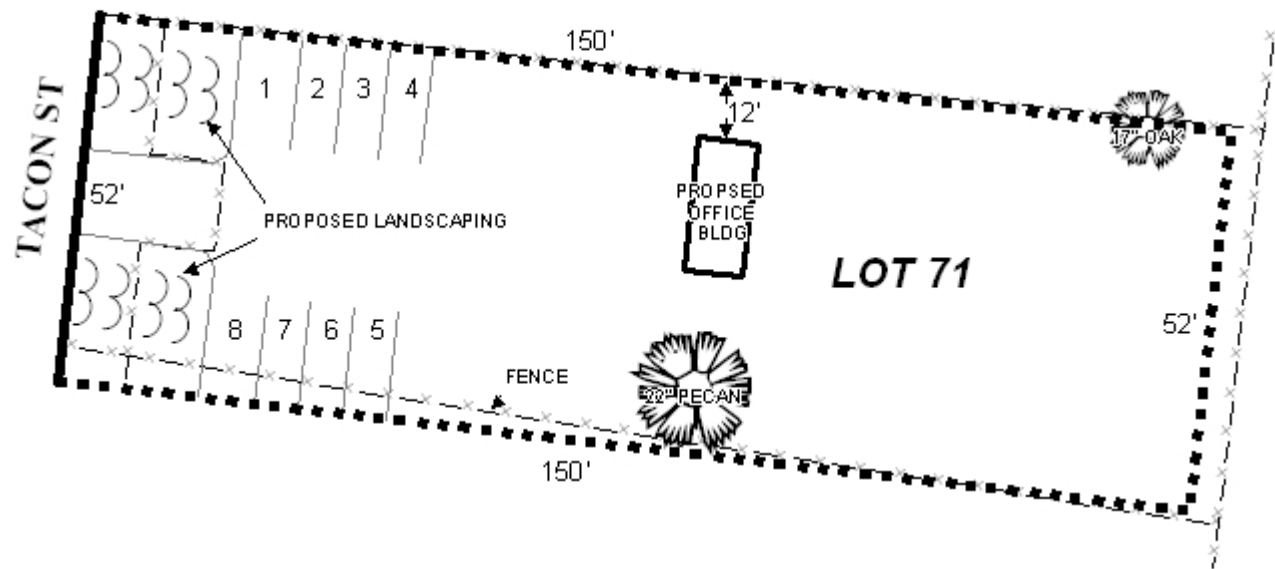
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LEGEND R-1 R-2 R-3 R-A R-B H-B T-B B-1 LB-2 B-2 B-3 B-4 B-5 I-1 I-2 NTS



SITE PLAN



This site illustrates proposed structures, landscaping, and parking plans

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