

**ZONING AMENDMENT STAFF REPORT**

**Date: September 3, 2015**

**NAME**

Allen Roy Bush

**LOCATION**

1625 Union Street  
(West side of Union Street, 350'± South of Rochester Street, extending to the East side of James Street)

**CITY COUNCIL DISTRICT**

District 1

**PRESENT ZONING**

R-1, Single-Family Residential District

**PROPOSED ZONING**

R-3, Multi-Family Residential District

**AREA OF PROPERTY**

1-Lot/0.34 ± Acre

**CONTEMPLATED USE**

Rezoning from R-1, Single-Family Residential District, to R-3, Multi-Family Residential District, to allow a special needs facility.

**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**

Not specified.

**ENGINEERING COMMENTS**

1. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII).
2. A Land Disturbance Permit application shall be submitted for any proposed land disturbing activity with the property. A complete set of construction plans including, but not limited to, drainage, utilities, grading, storm water detention systems, paving, and all above ground structures, will need to be included with the Land Disturbance permit. This Permit must be submitted, approved, and issued prior to beginning any of the construction work.
3. Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management

Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.

- 4. The approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. The Owner/Developer is responsible for acquiring all of the necessary permits and approvals.
- 5. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

**TRAFFIC ENGINEERING**

**COMMENTS**

Provided site plan does not show designate on-site parking, with the exception of the pass through driveway from Union Street to James Street. The driveway is only 10’ wide, which meets size requirements for a single family home, but not for a multifamily designation as this site is requesting. The adjacent roadways are not wide enough to attribute on-street parking as an alternative parking area. Handicap accessibility should be also taken into consideration, given the proposed use for this site. Necessary handicap parking space, with adjacent aisle, totaling 16’ should be provided. More than one handicap space may also be need based on the site’s intended use.

**URBAN FORESTRY**

**COMMENTS**

No comments.

**FIRE DEPARTMENT**

**COMMENTS**

All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance. (2012 International Fire Code).

**REMARKS**

The applicant is requesting rezoning from R-1, Single-Family Residential District, to R-3, Multi-Family Residential District, to allow a special needs facility. The Zoning Ordinance would classify the proposed use as a community residential facility which provides seven days a week residential and habilitative services by resident staff to persons with developmental disabilities. Such use is allowed by right in R-3 Districts. It should be noted that the subject site consists of two legal lots of record and development with R-3 zoning will require the site to be made a single lot of record via a one-lot Subdivision.

The site is shown 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.

Properties to the North, East and South of the subject site are zoned R-1 and used as such, and properties across James Street to the West are zoned I-1, Light Industry, but are used as nonconforming R-1.

The applicant states:

*“I, Allen R. Bush, Sr., would like to make a request for a zone change form to be in compliance with zoning regulations for the City of Mobile, Alabama. I am requesting to change the zoning at 1625 Union Street, Mobile, Alabama 36617 from R-1 to R-3.”*

*“The address will be used for a home for city and state special needs residents. The number of residents to occupy the home will be twelve (12). The number of employees to care for the residents will be four (4). A dumpster will be used for all trash at said resident. The hours of operation shall be 24 hours a day.”*

*“The name of the above mentioned establishment is to be Annie Mae Gardens.”*

The site plan submitted indicates the existing 5,400± square-foot one-story residence in the approximate center of the site with a 10'-wide driveway extending from Union Street to James Street along the North side of the site. The building is indicated to be within all required setbacks, including HVAC compliance, and site coverage calculates to be approximately 36%, just over that allowed in R-1 districts, but within the 45% maximum site coverage allowance for R-3 properties. But for the proposed commercial use of the site, there are many deficiencies in the site plan.

As the driveway is only 10' wide and one-lane, it is well below the 24' required for two-way commercial traffic or the 12' required for one-way traffic. No parking plan is provided. The use would require one parking space for every four beds; therefore three on-site parking spaces would be required with the proper access and maneuvering area, and there does not appear to be sufficient area on the site to provide such. As the site is adjacent to R-1 zoned property, parking area screening and residential buffering would be required, and none is indicated. There is no landscaping or tree planting plan provided and no calculations provided for the amounts of each required.

No public sidewalk is provided; however, the site did receive an administrative sidewalk waiver as part of the 2010 building permit for the single-family dwelling. However, a sidewalk should be required if the rezoning is approved. The applicant indicates in the narrative that a dumpster will be utilized; however, none is indicated on the site plan and there does not appear to be sufficient area on the site to provide one with proper access and maneuvering room for the service truck. Although some commercial compliance standards could be met, the critical items such as vehicle access and maneuvering, on-site parking requirements and dumpster access do not appear viable because of the site build-out.

As stated in Section 64-9.A.1. 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 illustrated that any of the four conditions prevail which would justify the requested rezoning. And the proposed rezoning would create a spot-zoning situation not justified by the proposed use. Furthermore, it should be noted that Section 64-9.A.2. of the Zoning Ordinance recommends that any new R-3 district should contain a minimum of four acres, and the subject site contains only approximately 1/3-acre.

### **RECOMMENDATION**

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

- 1) the applicant has failed to show that any of the four conditions prevail to justify rezoning according to Section 64-9 of the Zoning Ordinance;
- 2) the subject site was built as a single-family residence and does not lend itself to being able to meet the compliance standards for commercial development with regard to traffic flow, parking and maneuvering, or dumpster access;
- 3) the site area does not meet the minimum size recommended by Section 64-9.A.2. of the Zoning Ordinance; and
- 4) the proposed use would not be in character with the existing single-family residential use of the surrounding neighborhood.

### ***Revised for the September 3<sup>rd</sup> meeting:***

*This application was heldover from the August 6<sup>th</sup> meeting to allow a meeting with staff to discuss viable options for the project. The applicant conversed with staff by telephone concerning the reasons the application was recommended for denial. He was advised that a revised site plan would be required indicating compliance with the traffic flow, parking and maneuvering, and dumpster access, but that the main reason for the denial recommendation was that the use would not be in character with the single-family residential use of the surrounding neighborhood. A relative of the applicant also contacted staff by telephone and indicated that the traffic flow, parking/maneuvering and dumpster problems could be solved by use of neighboring properties owned by the applicant's family. That person was advised that further applications would be required to either combine those properties with the subject site into one lot or submit a Planned Unit Development (PUD) application to allow shared access and parking between multiple sites and was also advised that a PUD would be required if the existing buildings were to remain on a one-lot site. A Rezoning application required for the other sites to be used in support of the proposed facility was also mentioned. Staff stressed the need for a meeting with the applicant and his site plan professional to coordinate what revisions and/or further applications would be needed to satisfy the site compliance deficiencies, but it was emphasized that the use, especially with an expanded site, would still be out of character with the neighborhood.*

*The applicant did not submit the revised information as needed but did appear in person to discuss with staff what would be required. It was suggested to him that he appear at the September 3<sup>rd</sup> meeting and explain that revisions and possible further applications would take more time to prepare and that a holdover to the October 1<sup>st</sup> meeting should be requested. However, due to the fact that further applications might be necessary, staff feels that a holdover to the October 15<sup>th</sup> meeting would be more appropriate to allow preparation time.*

**RECOMMENDATION** *Based upon the preceding, the rezoning request is recommended for holdover to the October 15<sup>th</sup> meeting to allow the applicant and his professional more time to meet with staff and prepare revisions and any further applications necessary. All revisions and further applications should be submitted by September 14<sup>th</sup>.*

# LOCATOR MAP



APPLICATION NUMBER 2 DATE September 3, 2015

APPLICANT Allen Roy Bush

REQUEST Rezoning from R-1 to R-3



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential units.  
A junk yard is located southwest of the site.

APPLICATION NUMBER 2 DATE September 3, 2015

APPLICANT Allen Roy Bush

REQUEST Rezoning from R-1 to R-3

R-A	R-3	T-B	B-2	B-5	MUN	SD-WH	T5.1
R-1	R-B	B-1	B-3	I-1	OPEN	T3	T5.2
R-2	H-B	LB-2	B-4	I-2	SD	T4	T6



**PLANNING COMMISSION  
VICINITY MAP - EXISTING ZONING**



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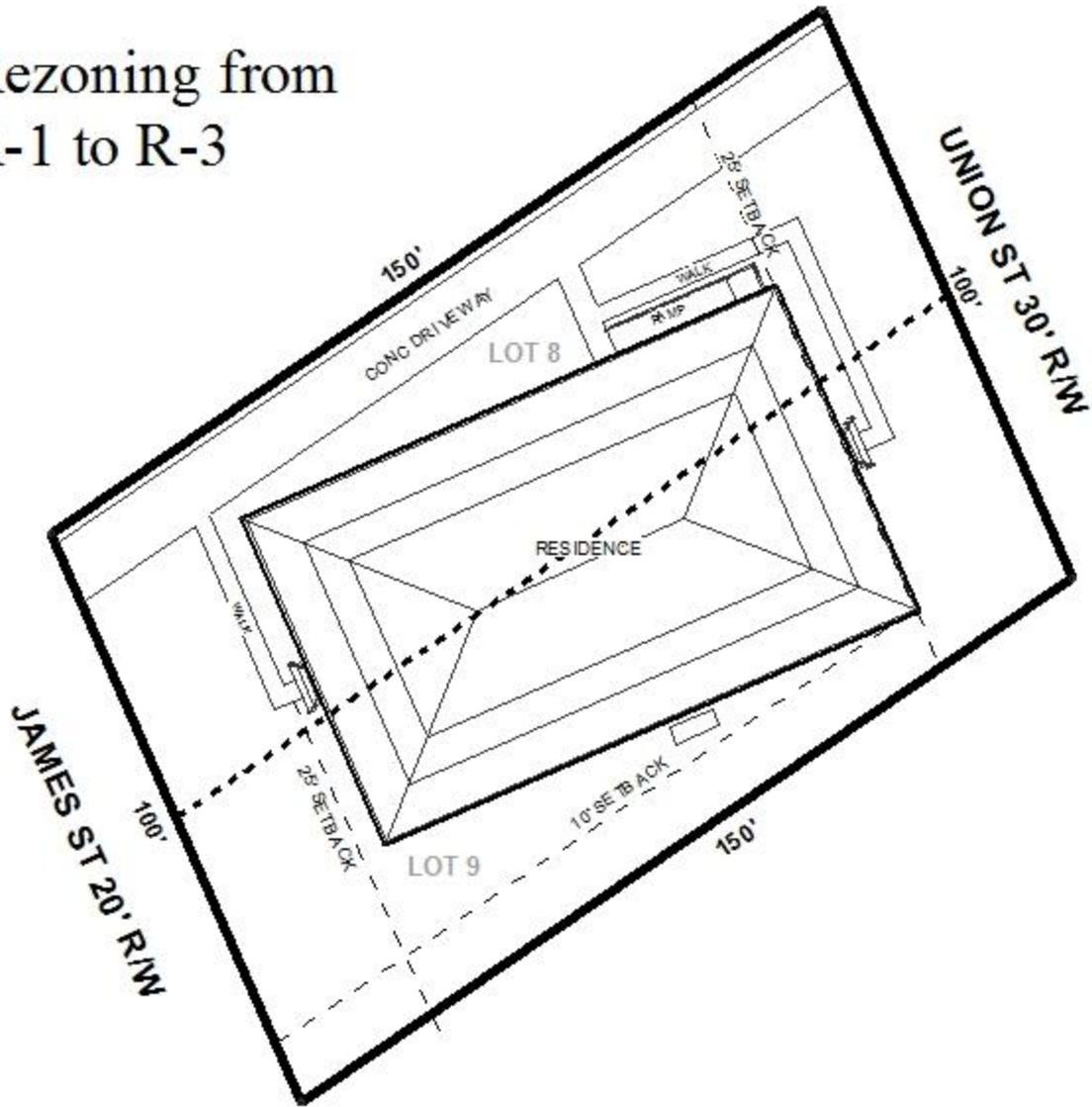
APPLICANT Allen Roy Bush

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# SITE PLAN

Rezoning from  
R-1 to R-3



The site plan illustrates the existing residence, the setbacks, and the drive.

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REQUEST Rezoning from R-1 to R-3



# DETAIL SITE PLAN



**FRONT ELEVATION**

SCALE: 1/4" = 1'-0"

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