

ZONING AMENDMENT STAFF REPORT

Date: January 7, 2016

NAME Robert Scott Doutt

LOCATION 4501 Rutgers Road
(South side of Rutgers Road, 630'± West of Tufts Road).

CITY COUNCIL DISTRICT District 4

PRESENT ZONING R-1, Single-Family Residential District

PROPOSED ZONING B-3, Community Business District

AREA OF PROPERTY 1-Lot/ 1.84 ± Acres

CONTEMPLATED USE Rezoning from R-1, Single-Family Residential District, to B-3, Community Business District, to accommodate proposed future businesses.
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. The application and proposed work shall 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.

- 3. 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.
- 4. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

TRAFFIC ENGINEERING

COMMENTS

If approved, site should be limited to one curb cut to Rutgers Road, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Any new on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City’s Zoning Ordinance.

Revised for the February 18th meeting: If approved, site should be limited to one curb cut to Rutgers Road, or two one-way curb cuts, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Any new on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City’s Zoning Ordinance.

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 Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 International Fire Code). Projects outside the City Limits of Mobile, yet within the Planning Commission Jurisdiction fall under the State or County Fire Code (2012 IFC).

Revised for the February 18th meeting: The City of Mobile Fire Code Ordinance shall require that all fire access roads be in compliance with the International Fire Code 2012, Section 503, and Appendix D. One of these requirements is that all Fire Access roads have an unimpeded width of at least 20 ft., other requirements are stated in the code.

The proposed plans show that the width of the drives do not meet this standard.

REMARKS

The applicant is requesting rezoning from R-1, Single-Family Residential District, to B-3, Community Business District, to accommodate proposed future businesses.

The applicant does not specifically state the desired use of the proposed site, but instead request a general B-3, Community Business District zoning to allow any B-3, use on the site.

It should be pointed out, the adjacent property to the North also has a rezoning application request on the January 7, 2015 Planning Commission agenda. The adjacent site is proposing to develop the property as a tree trimming service office with a gravel driveway and gravel contractor storage yard to store commercial equipment for the business. The adjacent site went before the Board of Zoning Adjustment in March 2015 where the use and parking variance request was denied.

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 and East of the subject site are zoned R-1. Properties to the South of the subject site accessed via Tufts Road, and railroad corridors are zoned I-1. The property to the West of the subject site is a major arterial roadway.

The applicant's narrative states that there is commercial property located in the vicinity including I-1 to the South, Rangeline Road to the west, along with B-3 and non-conforming uses to the northwest across the railroad. The B-3 and non-conforming properties are separated from the site by a railroad track. The applicant also states "*The justification for the rezoning request is that changing conditions exist that show this area transitioning commercial.*" It should be pointed out that the I-1 zoned property to the south that abuts the subject site was rezoned collectively as a block in 1993 (13 years ago) which is hardly justification for "changing conditions in the area". Furthermore, all of Rutgers Road, North of Rangeline Road, is residentially zoned and residential in nature.

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. The proposed rezoning would create a spot-zoning situation, which is not justified due to the fact that no use is proposed. It should also be taken in consideration the adjacent property's variance request across Rutgers Road was denied by the Board of Zoning Adjustment, which would have allowed a less intense type of use. The approval of a rezoning will allow any use which falls within the B-3, Community Business District zoning classification to be located within this residential neighborhood.

It should also be noted that the site plan submitted with the application does not show city code compliant development of the site, including paved access, paved parking, accessible parking spaces, etc.

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 is within a single-family residential district, and does not lend itself to being developed commercially;
- 3) the proposed use would not be in character with the existing single-family residential use of the surrounding neighborhood along the southeast side of the railroad corridors, and would establish a precedent for commercial rezoning of adjacent properties.

Revised for the February 18th meeting:

This application was heldover from the January 7th meeting to allow the applicant to submit a revised site plan and voluntary use restrictions. The applicant provided a voluntary conditions and use restrictions document that states the following: "Prohibit any and all sales and distribution of alcohol on these premises." Revised site plans depicting the proposed layout of the site have been provided.

The site plan depicts a 3,750 square foot building with a 960 square foot proposed porch and four parking spaces. The applicant did not provide any documentation to specify the proposed use of the site. The applicant again did not clearly justify which of the conditions that prevail that will require the site to be rezoned to a B-3, Community-Business District. As proposed, and if approved, any type of use that requires a B-3 zoning would be allowed at this location which includes automotive sales, automotive repair shops, and automotive towing services and storage, and restaurants, just to name a few, which would appear inappropriate for this location.

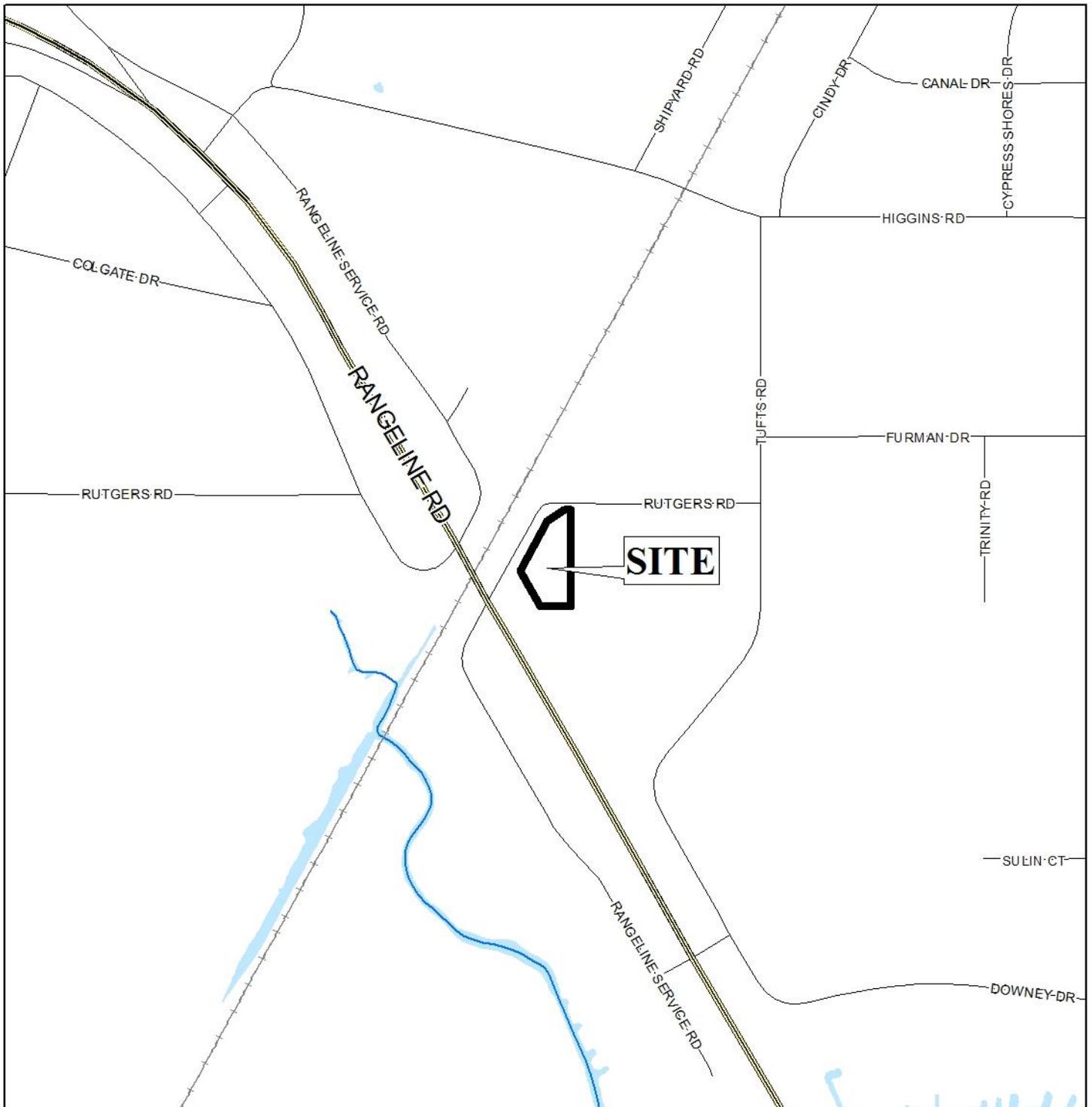
In the previous submittal the applicant stated that the justification for the rezoning request was due to "changing conditions exist that show this area transitioning commercial.". However, the adjacent site to the North which is also on the February 18th agenda for rezoning to allow a tree trimming service office and contractor storage yard is only requesting a B-1, Buffer Business District zoning. Staff is of the opinion that both sites, if approved, should only rezoned to B-1, Buffer Business District. It should be pointed out that while both properties at 4501 Rutgers Road and 4484 Rutgers Road are requesting commercial zoning, the remaining subdivision is still zoned R-1, Single Family Residential.

The site plan for rezoning requests are not site plan specific, but it should be noted the site plan does depict tree and landscape calculations which do appear to be compliant with the Zoning Ordinance requirements. The site plan also depicts a 6' privacy fence for a buffer around the rear of the property.

Based upon the preceding, the rezoning request is recommended for Approval, as a B-1 District (not B-3, as requested) subject to the following conditions:

- 1) full compliance with the voluntary use conditions provided by the applicant;*
- 2) commercial site development requirements of all applicable city codes and ordinances;*
and
- 3) provision of a 6' wooden privacy fence where the site abuts residentially zoned property.*

LOCATOR MAP



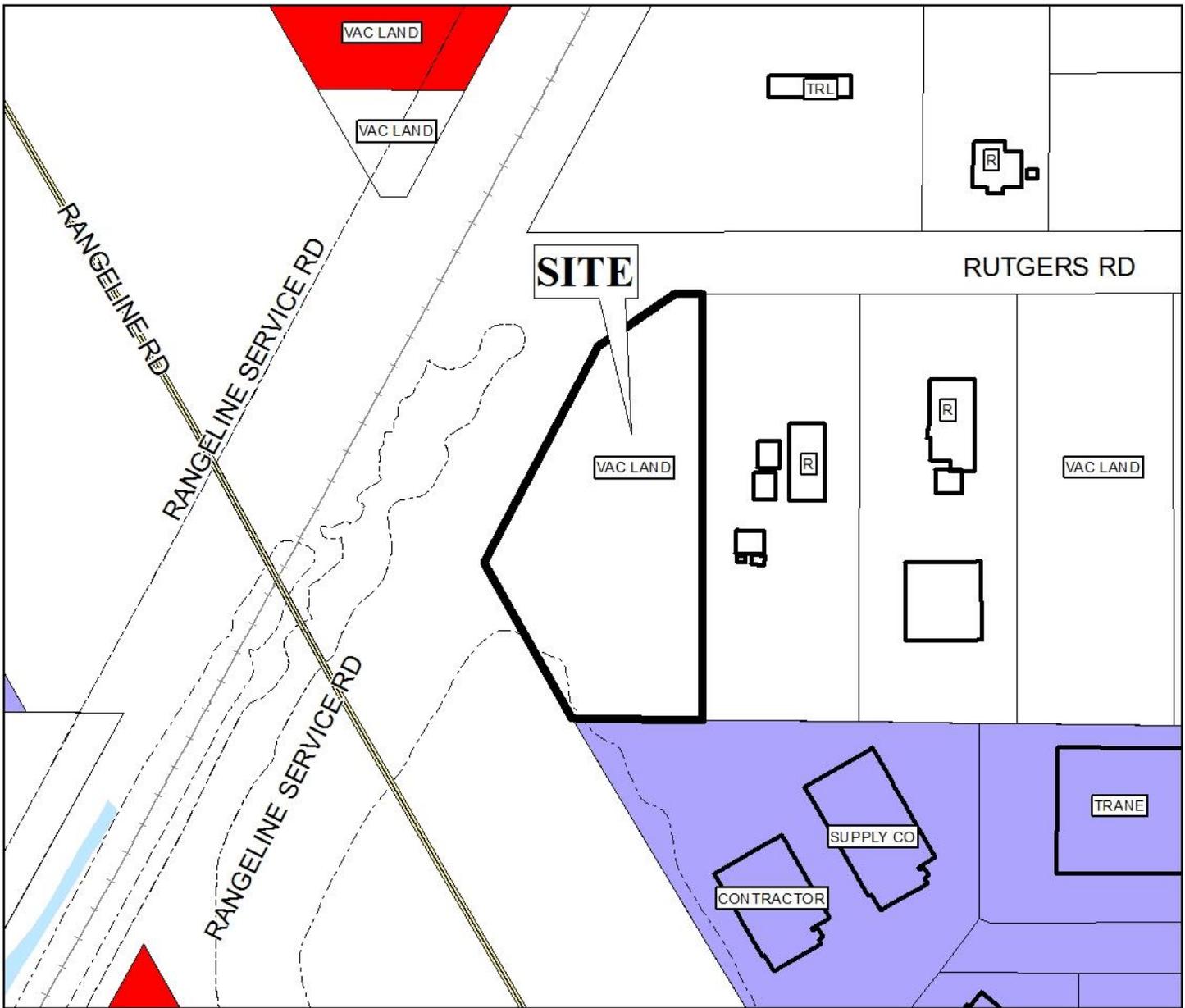
APPLICATION NUMBER 7 DATE February 18, 2016

APPLICANT Robert Scott Doult

REQUEST Rezoning from R-1 to B-3



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by industrial units to the southeast and residential units to the east.

APPLICATION NUMBER 7 DATE February 18, 2016

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REQUEST Rezoning from R-1 to B-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



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SITE PLAN



The site plan illustrates the existing zoning and the proposed zoning.

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