

**ZONING AMENDMENT STAFF REPORT**

**Date: March 9, 2017**

**NAME** Modern Movers, Inc.

**LOCATION** 4219 Moffett Rd  
(South side of Moffett Road, 200'± East of Carre Drive)

**CITY COUNCIL DISTRICT** District 7

**PRESENT ZONING** B-1, Buffer- Business District

**PROPOSED ZONING** B-2, Neighborhood Business District

**AREA OF PROPERTY** 1.44± Acres

**CONTEMPLATED USE** Rezoning from B-1, Buffer- Business District, to B-2, Neighborhood Business District, to allow furniture sales.  
**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 provided.

**ENGINEERING COMMENTS** No Comments

**TRAFFIC ENGINEERING COMMENTS** Moffett Road (U.S. Highway 98) is an ALDOT maintained roadway. Lot is limited to no more than its existing two curb cuts with size, location and design to be approved by ALDOT and Traffic Engineering and conform to AASHTO standards. 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).

**REMARKS**

The applicant is requesting rezoning from B-1, Buffer-Business District to B-2, Neighborhood Business District, to allow furniture sales. The site plan submitted illustrates 2 existing buildings, a gravel drive, and an existing carport in the rear.

The applicant provided the following statement:

*The owner has a moving company that assists the public with commercial business and residential relocations. He acquires furniture from various jobs and wishes to use the existing buildings at 4219 Moffett Road to display these items and hopefully sell to the public. No new construction will be required for this business.*

*Adjoining this property to the East is a R-3 apartment development and then 620' of B-3 zoning. On the North side of Moffett Road is 575' of B-2 zoning. Since furniture sales is a quiet business, a change in the zoning ordinance should not have an impact on the surrounding neighborhood.*

*Rezoning condition no.2 (changing conditions in a particular area make a change in the ordinance necessary and desirable) would best fit the reason for approval of the request.*

The site is bounded to the North, South, and West by R-1, Single-Family Residential District, with the majority being developed as residences. To the East of the subject property is an R-3, Multi-Family Residential District. It should be noted, however, that 500'± to the East of the site (across Moffett Road) at 4150 Moffett Road, is B-2, Neighborhood Business District with a tire sales business. This site applied for Rezoning from R-1 and B-2 to B-2 to eliminate split zoning and was approved in 2005. It should also be noted that the subject property was recently approved for a 1-lot Subdivision, a PUD to allow multiple structures, and Rezoning from R-1 to B-1 at the Planning Commission's May 21, 2015 meeting to allow an office building. The site also received variances for gravel surfacing, reduced residential buffer, and reduced landscaping at the Board of Zoning Adjustment's June 1, 2015 meeting. No permits were obtained, thus the PUD and variance have expired.

The entire site appears to be depicted as a "Suburban Corridor" Area, per the recently adopted Map for Mobile Plan. The intent of a Suburban Corridor Area is as follows:

- Accommodation of all users: automobile, bicycle, pedestrian and transit;
- Greater connectivity to surrounding neighborhoods;
- Development concentrated in centers rather than in strips along the corridor;
- Eventual increase in density with residential above retail and services;
- Increased streetscaping; and
- Improve traffic flow

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 states that changing conditions in the area makes the rezoning desirable; however no conditions were specified that would make a rezoning necessary. It should be noted that if approved to be rezoned to B-2, the use of the site would be restricted to office or retail use only unless additional parking is provided on site.

The site plan does not illustrate sidewalks along Moffett Road; however, there are currently no sidewalks along the South side of Moffett Road. This is contrary to the intent of the Map for Mobile in a Suburban Corridor. The proposed development does not seem to complement the existing character of the surrounding area because it is bounded on every side by residentially utilized property. This development will also be contrary to Map for Mobile because it makes no provisions to promote connectivity.

The site plan illustrates two buildings on site which total 3,498 square feet. This would require a minimum of 12 parking spaces on site. The site plan illustrates 13 parking spaces. Also, it appears that some of the gravel drive illustrated on the site plan is 18' wide, which is insufficient for two-way traffic. It should also be noted that the application does not specify whether both structures would be used for furniture sales or if the applicant desires to continue operation as a moving company and establish a second business on site.

The site plan also indicates that there is an existing privacy fence along the East, West, and South of the property where the site abuts residential property. There is no mention of the height of the fence or material. There does not appear to be a buffer where the subject property abuts residential property.

The site plan provides both tree planting information and landscape area calculations, and indicates that the site will still fall short of the required minimum front landscaped area.

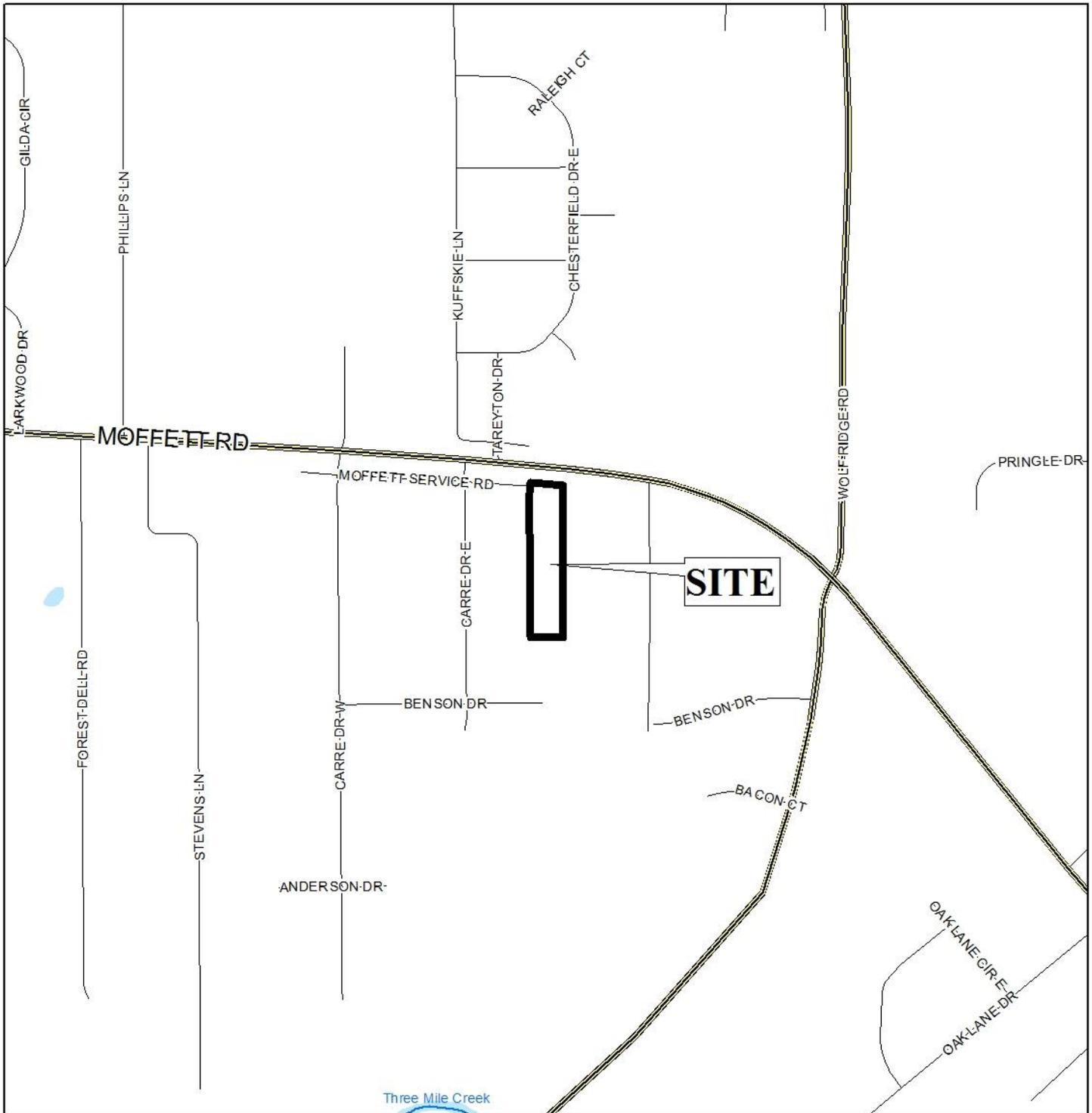
No mention is made on if the site will utilize a dumpster or curb-side pickup. The site plan should be revised to either include a note stating that curb-side pickup will be utilized or illustrate a dumpster enclosure with sanitary sewer connection compliant with Section 64-4.D.9. of the Zoning Ordinance.

**RECOMMENDATION**

Based on the preceding, the application is recommended for Denial, due to the following:

- 1) the proposed rezoning does not satisfy the intent of the Map for Mobile in that the proposed development does not complement the character of the existing neighborhood and will not promote improved traffic flow and connectivity;
- 2) the applicant has not sufficiently shown that conditions are changing in the area, making such a rezoning necessary and desirable; and
- 3) all associated variances and Planned Unit Development approvals, necessary to use the site as proposed, have expired.

# LOCATOR MAP



APPLICATION NUMBER 7 DATE March 9, 2017

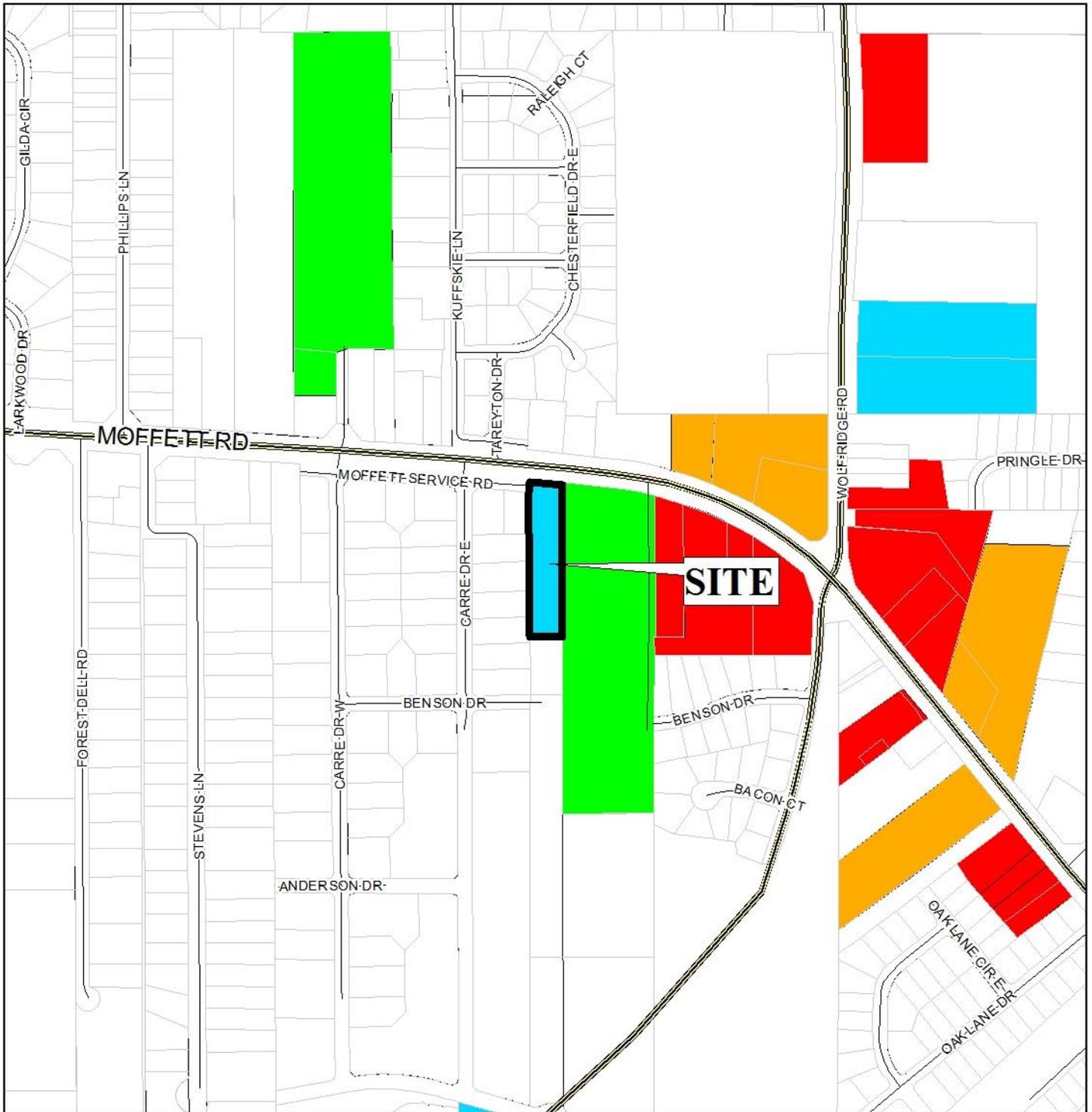
APPLICANT Modern Movers, Inc.

REQUEST Rezoning from B-1 to B-2



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# LOCATOR ZONING MAP



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# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units. Commercial units are located to the northeast and a church is located to the east.

APPLICATION NUMBER 7 DATE March 9, 2017

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REQUEST Rezoning from B-1 to B-2

|     |     |      |     |     |      |       |      |
|-----|-----|------|-----|-----|------|-------|------|
| 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 AERIAL



The site is surrounded by residential units. Commercial units are located to the northeast and a church is located to the east.

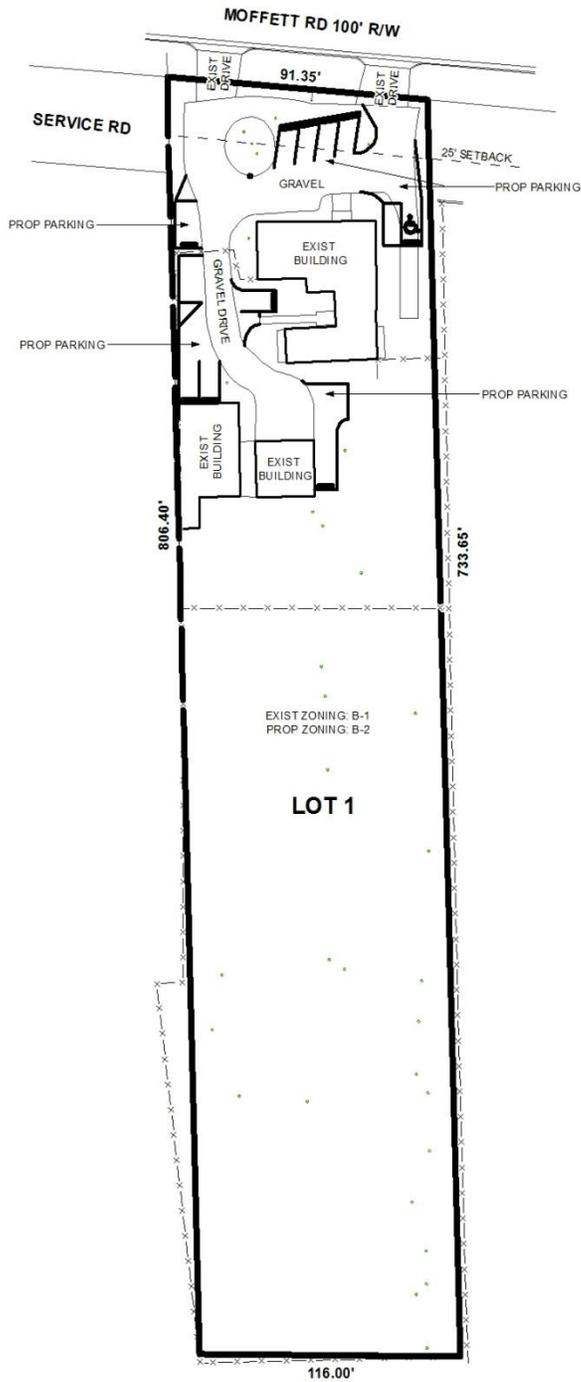
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# SITE PLAN



The site plan illustrates existing and proposed parking and buildings.

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NTS

