ZONING AMENDMENT STAFF REPORT Date: June 6, 2013

NAME Augusta Tapia

LOCATION 87 North Sage Avenue
(West side of North Sage Avenue, 510'± South of Old Shell Road)

CITY COUNCIL DISTRICT District 1

PRESENT ZONING R-1, Single-Family Residence District

PROPOSED ZONING B-2, Neighborhood Business District

AREA OF PROPERTY 9,696 ± square feet / 0.2 ± Acres

CONTEMPLATED USE Rezoning from R-1, Single Family Residential, to B-2, Neighborhood Business District, to accommodate commercial use of the property.
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 Already developed

ENGINEERING COMMENTS No comments.

TRAFFIC ENGINEERING COMMENTS Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.

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 accommodate commercial use of the property. Specifically, the property is commercially developed, and has been operating with a Non-Conforming status for many years: the applicant wishes to formally rezone the property due to changes in the area making a change in the rezoning necessary and desirable, and that there is a need to increase the number of sites available for commercial use.

The site is bounded to the North and South by commercial properties in a B-2 district, and to the East and West by residences located in R-1 districts.

The site, a legal lot of record, fronts onto Sage Avenue North, a minor street with adequate right-of-way.

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 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 properties to the immediate North and South of the site in question were rezoned from R-1 to B-2 in 1988 and 1993, respectively. The site itself has been commercially used for many years, first as part of Zimlich's Florist, and more recently redeveloped with a freestanding commercial building which has hosted a variety of uses.

The site plan depicts the existing 3,000 square foot building and 10 parking spaces. The Zoning Ordinance requires a parking ratio of 1 space per 300 gross square feet for office and retail uses, thus 10 parking spaces meets the minimum requirements. It should be pointed out, however, that no accessible parking spaces are depicted, and the provision of a van accessible parking space and accessible aisle will result in the loss of 1 parking space.

Tree and landscape compliance information is provided on the site plan. The site plan does not appear to show the existing paved surfacing along the South side of the building, thus the plan should be revised to depict the paved area and any landscape area calculations also revised if necessary. The applicant will not be able to comply with the front landscape area requirements without removing existing pavement. As for tree compliance, calculations by staff show that two (2) frontage trees will be required, two (2) new heritage perimeter trees required, and six (6) new understory trees required, for a total of 10 new trees planted on the site of 14 total required: four (4) tree credits are provided by the 24-inch sycamore located on the site.

The site plan does not indicate the location of a dumpster or other private waste facility, however, either a dumpster or other waste facility must be provided for the commercial use. If a dumpster is placed on the site, it must be screened and connected to the sanitary sewer, as required by the Zoning Ordinance.

A six foot high wooden privacy fence is proposed as a buffer along the rear property line where the site abuts residential uses.

RECOMMENDATION Based on the preceding, the rezoning request is recommended for Approval, subject to the following conditions:

1) Provision of a 6-foot high wooden privacy fence where the site abuts residential uses;
2) Provision of two (2) frontage trees (live oaks, if planted within 15-feet of overhead powerlines), two (2) heritage perimeter trees, and six (6) understory trees;
3) Provision of a van accessible parking space and accessible aisle;
4) Compliance with the requirements of the Zoning Ordinance if a dumpster is placed on site;
5) Completion of the parking, tree planting and fence requirements, with appropriate permits, and inspection and approval thereof by Planning staff, prior to any request for a business license; and
6) Full compliance with all other applicable municipal codes and ordinances.

LOCATOR MAP

APPLICATION NUMBER 20 DATE June 6, 2013

APPLICANT Augusta Tapia

REQUEST Rezoning from R-1 to B-2

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NTS

PLANNING COMMISSION
VICINITY MAP - EXISTING ZONING

Businesses are located to the north and south of the site.
Single-family residences are located to the west and east of the site.

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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

N

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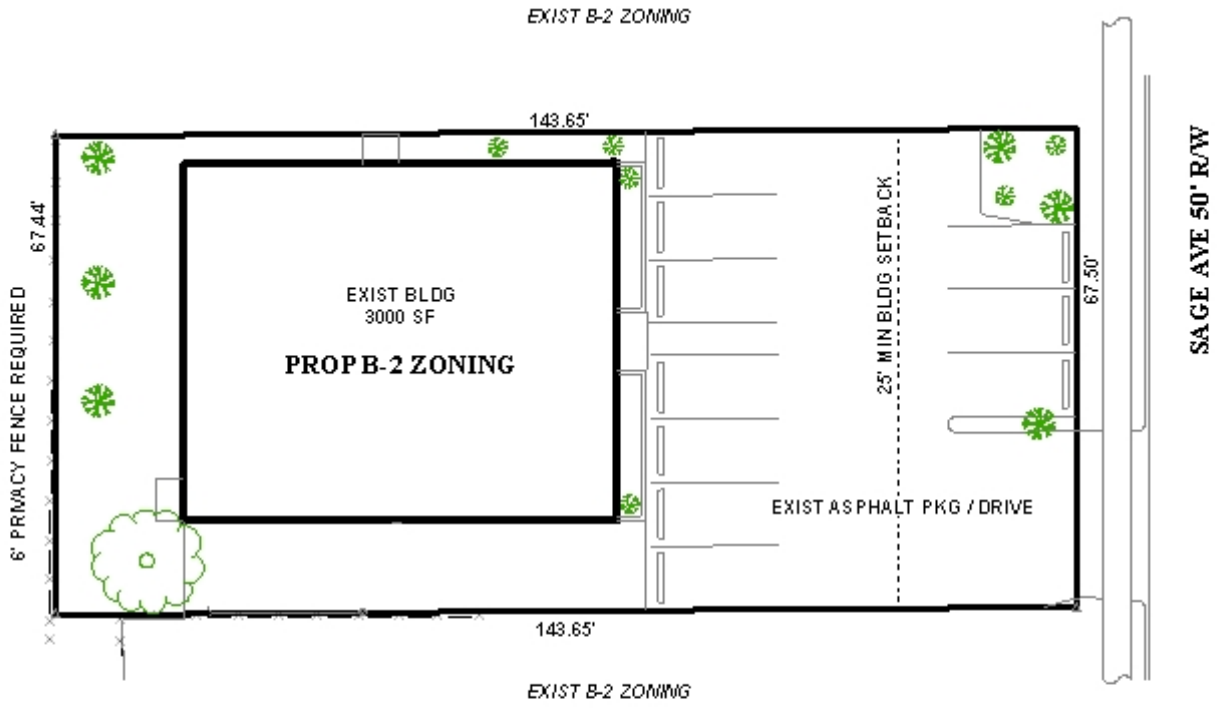
SITE PLAN



The site plan illustrates the existing improvements.

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