

**ZONING AMENDMENT  
& SUBDIVISION STAFF REPORT****Date: September 2, 2010****APPLICANT NAME**

MYMS, Inc.

**SUBDIVISION NAME**Robinson Place Subdivision, Resubdivision of Lots 1, 2, 3  
& 5**LOCATION**1272, 1278 & 1284 Dauphin Island Parkway and 2010  
Robinson Drive  
(North side of Robinson Drive, 200'± West of Dauphin  
Island Parkway, and West side of Dauphin Island Parkway,  
90'± North of Robinson Drive).**CITY COUNCIL  
DISTRICT**

District 3

**PRESENT ZONING**B-2, Neighborhood Business District, and R-2, Two-  
Family Residential District**PROPOSED ZONING**

B-2, Neighborhood Business District

**AREA OF PROPERTY**

1 Lot / 1.6 Acres ±

**CONTEMPLATED USE**

Subdivision approval to create a single lot of record from five existing legal lots of record, and Zoning approval to rezone the site from B-2, Neighborhood Business District, and R-2, Two-Family Residential District, to B-2, Neighborhood Business District, to allow the construction of a convenience store and restaurant and to eliminate split zoning.

**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.**

**REASON FOR  
REZONING**

Subdivision of land into a building site.

**TIME SCHEDULE  
FOR DEVELOPMENT**

None Given.

**ENGINEERING****COMMENTS**

Must comply with all storm water and flood control ordinances. Any increase in impervious area in excess of 4,000 square feet will require detention. Any work performed in the right of way will require a right of way permit. Drainage from any new dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer.

**TRAFFIC ENGINEERING****COMMENTS**

Driveway number, size, location, and design to be approved by Traffic Engineering and ALDOT 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 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. Fire hydrants shall be provided per Section 508.5.1 of the 2003 IFC. Access to building shall be provided per Section 503.1.1 & 503.2.1 of the 2003 IFC.

**REMARKS**

The applicant is requesting Subdivision approval to create a single legal lot of record from five existing legal lots of record and Zoning approval to rezone the proposed lot from B-2, Neighborhood Business District, and R-2, Two-Family Residential District, to B-2, Neighborhood Business District, to allow the construction of a convenience store and restaurant and to eliminate split zoning.

The site is currently developed with a mix of retail and residential uses. The site fronts Dauphin Island Parkway, a planned major street to the East, and Robinson Drive, a minor street, to the South. To the North of the site are properties zoned B-2, Neighborhood Business District, and R-1, Single Family Residential District; to the West of the site are properties zoned R-2, Two-Family Residential District; directly South and adjacent to the site is a property zoned B-2, Neighborhood Business District and to the South across Robinson Drive are properties zoned R-2, Two-Family Residential District, and B-3, Community Business District; and to the East of the site, across Dauphin Island Parkway, is a property zoned B-3, Community Business District.

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 site is depicted 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. The accuracy of recommended land uses on the General Land Use Component map is limited due to the large scale of the map. 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's justification for rezoning is that the property is being subdivided into a single building site, and thus, rezoning is required to remove split zoning of the property.

Currently, two of the lots that are included in this application, Lots 1 and 2, Robinson Place Subdivision, are already split zoned B-2 and R-2, and this application would serve to remove that non-conformity as both lots are developed commercially. Additionally, the current Lot 6, Robinson Place Subdivision, which is developed residentially and zoned R-2, is also included in the proposed subdivision, and the rezoning would ensure that the newly created lot would not be split zoned.

There is substantial commercial development in the area, and along the area of Robinson Drive in the vicinity of this site. As with any rezoning from residential to commercial, there is concern of commercial activity encroaching further into an established residential neighborhood. In this case, however, this area of Robinson Drive is substantially developed commercially, and the new encroachment would be only about 40 feet. Based on the site plan submitted, most of that encroachment area will be landscaping area and parking, with only the dumpster and enclosure in the encroachment area, but still outside of the buffer areas as required by Section 64-4.D.1. of the Zoning Ordinance.

Further, the site plan contains a note stating that the site will comply with Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance regarding parking lot illumination, as well as Section 64-4.A.3.i. regarding screening of the parking lot from residential uses across the street. It should be noted, however, that the site plan does not seem to indicate a buffer in full compliance with Section 64-4.D.1. of the Zoning Ordinance. While the site plan does indicate the required 10-foot protection buffer strip, it does not indicate either a 6-foot high privacy fence or a screen planting strip. As such, the site plan should be revised to depict compliance by either the addition of a 6-foot high privacy fence or a screen planting strip. The area of the site along Robinson Drive should also be screened according to Section 64-4.D.1. of the Zoning Ordinance in order to shield the nearby residential development across Robinson Drive from the commercial activity.

Given the above information, rezoning of the site would appear to be appropriate, with the condition that the subdivision be completed.

Regarding the subdivision request, this review examines the site with regard to promoting orderly development, protecting general health, safety and welfare, and ensuring that development is correlated with adjacent developments and public utilities and services, and to ensure that the subdivision meets the minimum standards set forth in the Subdivision Regulations for lot size, road frontage, lot configuration, etc.

The plat illustrates the proposed 1.6 acre  $\pm$ , 1 lot subdivision which is located at 1272, 1278 & 1284 Dauphin Island Parkway and 2010 Robinson Drive (North side of Robinson Drive, 200'  $\pm$  West of Dauphin Island Parkway, and West side of Dauphin Island Parkway, 90'  $\pm$  North of Robinson Drive) in Council District 3. The applicant states that the subdivision is served by both public water and sanitary sewer.

The purpose of the subdivision is to consolidate five existing legal lots of record which were first platted in December, 1946, into a single legal lot of record. The proposed lot meets minimum size and frontage requirements as stated in the Subdivision Regulations.

The legal description on the plat and the associated rezoning do not appear to match the depicted plat and site plan. The legal description states that the site encompasses Lots 1, 2, 3 and 5 of Robinson Place Subdivision, as recorded in Map Book 41, Page 491 of the Probate Court Records of Mobile County, Alabama. The plat appears to actually depict lots 1, 2, 3, 4, and 6 of Robinson Place Subdivision, as recorded in Map Book 4, Page 491 of the Probate Court Records of Mobile County, Alabama. Indeed, the owner's deed for the property indicates that these are the lots that are owned, and the referenced Lot 6 is owned by an entity which is not a party to this application. As such, the legal description, as well as the name of this subdivision should be revised to accurately reflect the legal description. Further, the legal description on the rezoning site plan should also be revised.

As stated previously, the site fronts onto Dauphin Island Parkway, a planned major street as depicted in the major street plan component of the City of Mobile Comprehensive Plan, as well as Robinson Drive, a minor street. The major street plan stipulates a 100-foot right of way for Dauphin Island Parkway in this area; a 110-foot right-of-way is depicted on the plat. Robinson Drive is a minor street provided with curb and gutter, therefore Section V.B.14 of the Subdivision Regulations stipulates that a 50-foot right-of-way be provided; an adequate 50-foot right-of-way is depicted on the plat. As adequate right-of-way currently exists, no further dedication should be required.

The applicant is proposing a total of three curb cuts at the site, two to Dauphin Island Parkway, and one to Robinson Drive. Currently, the site has two curb cuts to Dauphin Island Parkway, the same number as are proposed. As such, a note should be placed on the Final Plat, if approved, limiting the site to two curb cuts to Dauphin Island Parkway, with the size, design, and exact location of these curb cuts to be approved by Traffic Engineering and ALDOT and conform to AASHTO standards.

Regarding Robinson Drive, it is a minor street, primarily developed in a residential manner. Directly across Robinson Drive from this site is single-family residence as well as a commercial business. One of the goals of zoning is to segregate incompatible land uses such as residential

and commercial. In order to prevent further encroachment of commercial activity onto Robinson Drive, access to it from this site should be denied. As such, a note should be placed on the Final Plat, if approved, denying the site access to Robinson Drive.

The 25-foot minimum building setback is not depicted on the street rights-of-way and the size of the lot in square feet is not depicted on the plat. These items should be depicted on the Final Plat, if approved.

Finally, the geographic area defined by the city of Mobile and its planning jurisdiction, including this site, may contain Federally-listed threatened or endangered species as well as protected non-game species. Development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.

### **RECOMMENDATION**

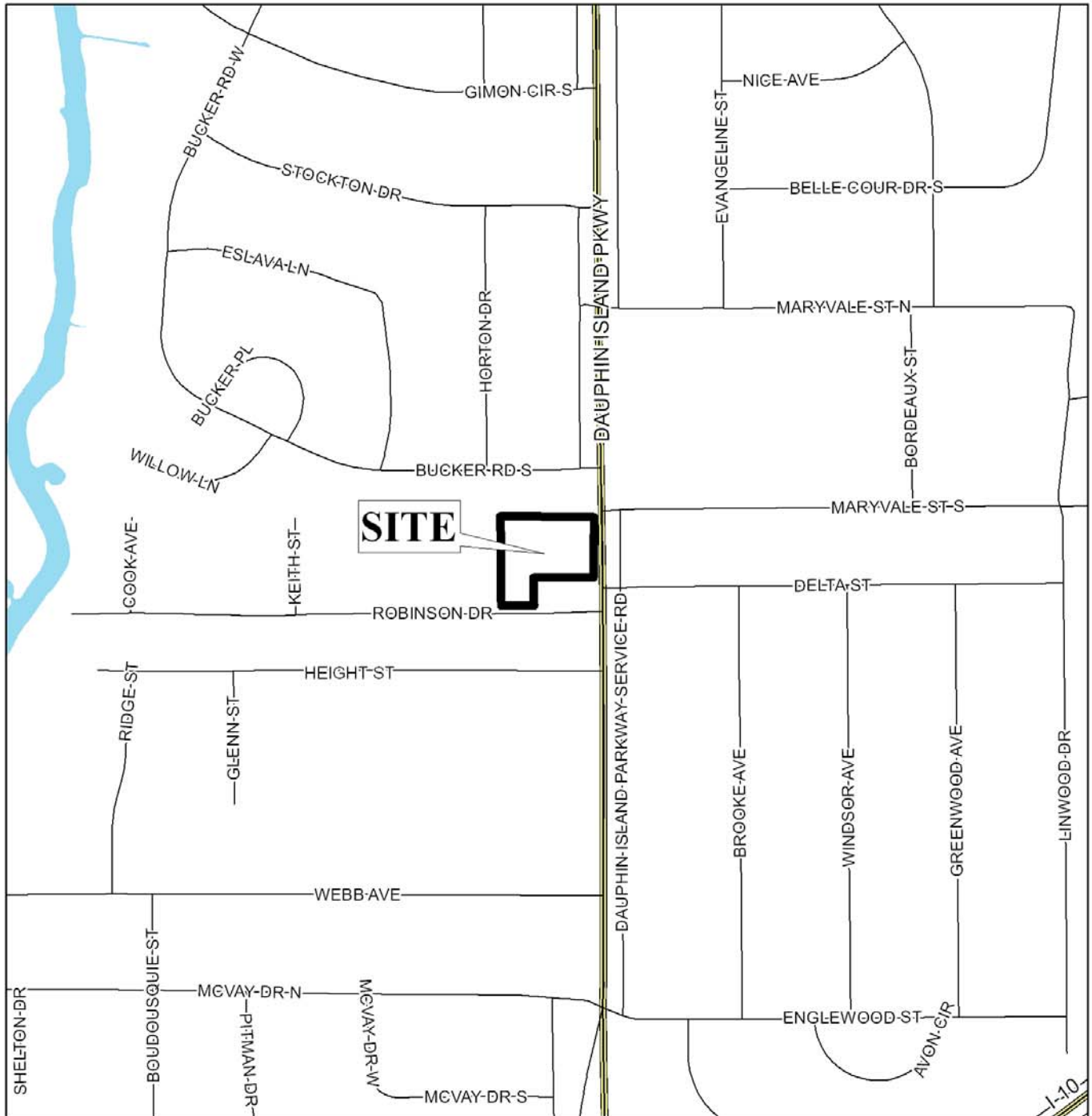
**Rezoning:** Based upon the preceding, the Rezoning request is recommended for approval subject to the following conditions:

- 1) correction of the legal description on the site plan;
- 2) revision of site plan to depict a buffer in full compliance with Section 64-4.D.1. of the Zoning Ordinance where the site abuts residentially zoned property and along Robinson Drive;
- 3) deletion of the curb cut to Robinson Drive;
- 4) completion of the subdivision process;
- 5) provision of two copies of the revised site plan to the Planning Section of the Urban Development Department; and
- 6) full compliance with all municipal codes and ordinances.

**Subdivision:** The Subdivision request is recommended for approval subject to the following conditions:

- 1) correction of the legal description and name of the Subdivision to indicate that Lots 1, 2, 3, 4, and 6 of Robinson Place Subdivision, as recorded in Map Book 4, Page 491 of the Probate Court Records of Mobile County, Alabama;
- 2) placement of a note on the Final Plat stating that the site is limited to two curb cuts to Dauphin Island Parkway, with the size, design, and exact location of all curb cuts to be approved by Traffic Engineering and ALDOT and conform to AASHTO standards;
- 3) placement of a note on the Final Plat stating that the site is denied access to Robinson Drive;
- 4) revision of the plat to depict the 25-foot minimum building line along all public rights-of-way;
- 5) revision of the plat to indicate the area of the lot, in square feet, or provision of a table on the plat with the same information;
- 6) placement of a note on the final plat stating that development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species; and
- 7) full compliance with all municipal codes and ordinances.

# LOCATOR



APPLICATION NUMBER 17 & 18 DATE September 2, 2010

APPLICANT Robinson Place Subdivision, Lot A. Resubdivision of Lots 1, 2, 3 & 5

REQUEST Subdivision, Rezoning from B-2 and R-2 to B-2



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



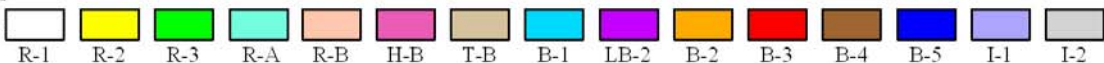
This site is surrounded by residential land use  
with business land use on the site and also to the east and south.

APPLICATION NUMBER 17 & 18 DATE September 2, 2010

APPLICANT Robinson Place Subdivision, Lot A, Resubdivision of Lots 1, 2, 3 & 5

REQUEST Subdivision, Rezoning from B-2 and R-2 to B-2

LEGEND





# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



This site is surrounded by residential land use  
with business land use on the site and also to the east and south.

APPLICATION NUMBER 17 & 18 DATE September 2, 2010

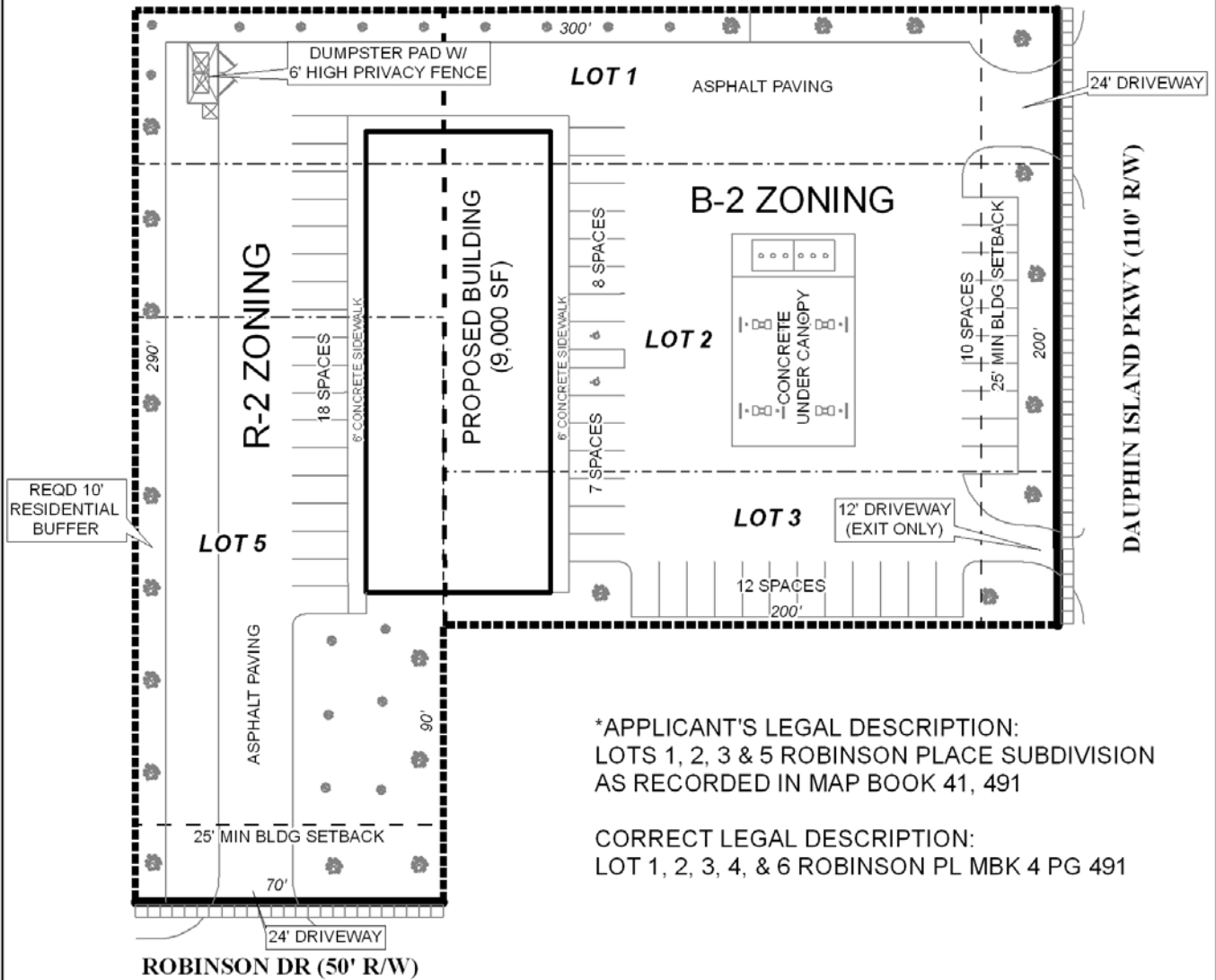
APPLICANT Robinson Place Subdivision, Lot A, Resubdivision of Lots 1, 2, 3 & 5

REQUEST Subdivision, Rezoning from B-2 and R-2 to B-2





# SITE PLAN



This site plan illustrates the existing lot configuration with the proposed building and associated parking.

APPLICATION NUMBER 17 & 18 DATE September 2, 2010

APPLICANT Robinson Place Subdivision, Lot A, Resubdivision of Lots 1, 2, 3 & 5

REQUEST Subdivision, Rezoning from B-2 and R-2 to B-2

