

**SUBDIVISION &
ZONING AMENDMENT STAFF REPORT****Date: April 18, 2019****APPLICANT NAME**

Stephen Griffith

SUBDIVISION NAME

Griffith Subdivision, Addition

LOCATION

North side of Government Street, 140'± East of South Ann Street

**CITY COUNCIL
DISTRICT**

Council District 2

PRESENT ZONING

R-1, Single-Family Residential District, B-1, Buffer Business District, and B-2, Neighborhood Business District

PROPOSED ZONING

B-2, Neighborhood Business District

AREA OF PROPERTY

1 Lot/ 0.7± Acres

CONTEMPLATED USE

Subdivision Approval to create a single lot of record from two legal lots of record and two metes-and-bounds parcels; and Rezoning from R-1, Single-Family Residential District, B-1, Buffer Business District, and B-2, Neighborhood Business District to B-2, Neighborhood Business District.

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.

**ENGINEERING
COMMENTS**

Subdivision: FINAL PLAT COMMENTS (should be addressed prior to submitting the FINAL PLAT for review and/or signature by the City Engineer):

- A. Provide all of the required information on the SUBDIVISION PLAT (i.e. signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings and distances) that is required by the current Alabama State Board of Licensure for Professional Engineers and Land Surveyors.
- B. Check the ownership of a portion of the area labeled "10' ALLEY". It appears that it is privately owned.
- C. Clarify the area labeled "CLAIMED BY OTHERS". Only property owned can be subdivided.

- D. Provide and label the monument set or found at each subdivision corner. NIF (No Iron Found) is not appropriate.
- E. Provide the distance from the REF IS to the NIS point and to the two (2) NIF subdivision corners.
- F. Show and label each and every Right-Of-Way and easement.
- G. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
- H. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 29 - #77) LOT 1 will receive historical credit of impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control. (Coordinate with City Engineering Department staff to establish the exact amount prior to the submittal of the FINAL PLAT for signature.)
- I. Add a note to the SUBDIVISION PLAT stating that a Land Disturbance permit will be required for any land disturbing activity in accordance 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.
- J. Add a note to the Plat stating that 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.
- K. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of new development or construction, unless a sidewalk waiver is approved.
- L. Add a note to the plat stating that all proposed detention facilities, common areas, and wetlands shall be the responsibility of the Property Owner(s), and not the responsibility of the City of Mobile.
- M. Add a note to the plat stating that all easements shall remain in effect until vacated through the proper Vacation process.
- N. Provide a copy of the FINAL SUBDIVISION PLAT to the Engineering Dept. for review. No signatures are required on this drawing.
- O. After addressing all of the FINAL SUBDIVISION PLAT review comments by the Engineering Dept. provide the red-line markup, the ORIGINAL (with all other signatures) and one (1) copy of the revised original (signatures not required) of the revised Final Plat to the Engineering Department.

Rezoning**ADD THE FOLLOWING NOTES TO THE SITE PLAN:**

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 and paving 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. Any existing or proposed detention facility shall be maintained as it was constructed and approved. The Land Disturbance Permit application for any proposed construction includes a requirement of a Maintenance and Inspection Plan (signed and notarized by the Owner) for the detention facility. This Plan shall run with the land and be recorded in the County Probate Office prior to the Engineering Department issuing their approval for a Final Certificate of Occupancy.
5. 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.
6. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

TRAFFIC ENGINEERING

COMMENTS

Government Street (US Highway 90) is an ALDOT maintained roadway. Lot is limited to its existing curb cut with any changes in size, location and design to be approved by ALDOT and Traffic Engineering and conform to AASHTO standards. Commercial access is not permitted to any alley abutting the property.

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 2015-116 and City Code Chapters 57 and 64). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site will require a tree removal permit.

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.

TIME SCHEDULE FOR DEVELOPMENT

None provided

REMARKS

The applicant is requesting Subdivision Approval to create a single lot of record from two legal lots of record and two metes-and-bounds parcels; and Rezoning from R-1, Single-Family Residential District, B-1, Buffer Business District, and B-2, Neighborhood Business District to B-2, Neighborhood Business District.

The site has been given a Traditional Mixed-Use Corridor (TC) and a Mixed Density Residential (MxDR) land use designation, per the recently adopted Future Land Use Plan and Map. The Future Land Use Plan and Map complements and provides additional detail to the Development Framework Maps in the Map for Mobile, adopted by the Planning Commission at its November 5, 2015 meeting.

The TC use designation generally applies to transportation corridors east of I-65, which serve as the primary commercial and mixed-use gateway to Downtown and the City's traditional neighborhoods (equivalent to Map for Mobile's Traditional Neighborhoods).

Depending on their location (and as allowed by specific zoning), TC designations incorporate a range of moderately scaled single-use commercial buildings holding retail or services; buildings that combine housing units with retail and/or office; a mix of housing types including low- or mid-rise multifamily structures ranging in density from 4 to 10 du/ac; and attractive streetscapes and roadway designs that safely accommodate all types of transportation – transit, bicycling, walking, and driving. In these areas, special emphasis is placed on the retention of existing historic structures, compatible infill development, and appropriate access management.

The MxDR designation applies mostly to residential areas located between Downtown and the Beltline, where the predominant character is that of a traditional neighborhood laid out on an urban street grid.

These residential areas should offer a mix of single family homes, townhouses, 2- to 4-residential unit buildings, accessory dwellings, and low- and mid-rise multifamily apartment buildings. The density varies between 6 and 10 dwelling units per acre, depending on the mix, types, and locations of the housing as specified by zoning.

Like Low Density Residential areas, Mixed Density Residential areas may incorporate compatibly scaled and sited complementary uses such as neighborhood retail and office uses, schools, playgrounds and parks, and churches and other amenities that create a complete neighborhood fabric and provide safe and convenient access to daily necessities.

It should be noted that the Future Land Use Plan and Map components of the Map for Mobile Plan are meant to serve as a general guide, not a detailed lot and district plan. In many cases the designation on the new Future Land Use Map may match the existing use of land, but in others the designated land use may differ from what is on the ground today. As such, the Future Land Use Plan and Map 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, where applicable, the zoning classification.

Subdivision 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 applicant proposes to create a single legal lot of record from two existing legal lots of record and two metes-and-bounds parcels. The lot size is depicted in square feet and acres on the plat, and exceed the minimum lot size requirements of Section V.D.2. of the Subdivision Regulations. If approved, the lot sizes in square feet and acres should be retained on the Final Plat.

A portion of the site was the subject of the Griffith's Subdivision, approved by the Planning Commission at its June 4, 1987 meeting. There is a note on the recorded Griffith's Subdivision plat stating "Lot 2 of Griffith Subdivision to be used only in conjunction with Lot 3, W.T. McGowin Property as per map or plat by A.S. Towle, deed book 127 N.S., page 383." It should be noted that only a portion of Lot 3, W.T. McGowin Property is included with this application. It appears that at some point, the rear portion of Lot 3 was sold separately from the remainder of the lot, creating two metes-and-bounds parcels. Nevertheless, the note on the recorded plat would still impact the proposed Subdivision unless the owner of the remainder of Lot 3 (Parcel #: R022910223001012.) joins the application to have the condition removed, or that portion of the proposed Subdivision were removed from the application.

Furthermore, there is a portion of the previous Lot 3, W.T. McGowin Property that is marked as "claimed by others". If there is a property boundary dispute between the applicant and the adjacent owners of Parcel #: R022910223001012., it should not be resolved by a single party through the Subdivision process, but rather a resolution between the two parties should be reached prior to submitting a Subdivision application.

While it does not directly impact this application, it should be noted that while the alley abutting the property has not been vacated, it does appear that the owners of the adjacent Parcel #: R022910223001012. have somehow been able to acquire a portion of the alley and are paying property taxes on it.

The proposed Subdivision has frontage on Government Street, a major street on the Major Street Plan, and shows a compliant right-of-way width of 100 feet, making no dedication necessary. If approved, the right-of-way width should be retained on the Final Plat.

The preliminary plat illustrates the 25' minimum building setback line along Government Street, and if approved, should be retained on the Final Plat.

The site appears to have a single, existing, 14' wide curb-cut to Government Street (an ALDOT controlled right-of-way). The applicant is requesting to increase the curb-cut to 24' wide to accommodate the proposed new development. As a means of access management, the number, size, location and design of curb-cuts are to be approved by Traffic Engineering (and ALDOT) and conform to AASHTO standards. Direct access to the alley should be denied.

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 bounded to the North, by R-1, Single-Family Residential District; to the East, by B-1, Buffer Business District; to the West by B-2, Neighborhood Business District; and to the South (across Government Street), by R-3, Multi-Family Residential District.

The applicant states the following to address the rational for the zoning request:

We are submitting a 1-lot subdivision and rezoning application on the properties located at 1254 and 1258 Government Boulevard. Our intent is to combine the existing property adjacent to the Griffith Gas Station into 1 lot and remove what would then be split zoning. One parcel is already Zoned B-2 with the other being B-1. Our intent is to rezone all of this property into B-2 to allow potential retail, restaurant, and other like businesses on this property and have it redeveloped. We would cut off any cross access to the existing gas station and try to expand and utilize the existing curb cut to Government Boulevard. In doing this we would not disturb the existing large oak trees in the right of way and keep the integrity of the frontage along Government Blvd as it exists today. We would provide buffering as needed to the residential develops should none exist, however privacy fences exist in this configuration as it sits today. We have provided adequate parking that would maintain the integrity of the existing look of the site to the best of our ability. All of the property is currently commercial and we are looking to clean up the existing configuration of what the Griffiths own as part of these applications. The Griffith Station has been a cornerstone of the community for many years and they would like an opportunity to see the adjacent property be developed in a way that keeps the area transitioning in the right direction.

For the rezoning, we request a B-2 designation under both (b) and (d) for rezoning justification due to changing on the changing conditions in the area that would make this a more desirable development than the current way the property is developed/ underutilized and the subdivision would allow for this to be zoned as one property and would have to be completed to allow the subdivision to proceed.

As the applicant states, the proposed Subdivision application would result in a split-zoned lot if approved, making a rezoning of the property necessary. Furthermore, the adjacent property to the West being zoned B-2 means that, if approved as requested, the subject site would not be “spot zoned”.

The site currently has an existing structure on the site, which will require a demolition permit prior to its removal.

Because the site is adjacent to residentially zoned property, a residential buffer compliant with Section 64-4.D.1. of the Zoning Ordinance should be provided, if approved.

The site plan submitted by the applicant depicts a 7,154 square foot building with 27 parking spaces and a dumpster on site. However, it appears that there is no striped area next to the

handicapped space, which would result in the loss of one space. Furthermore, if all tenant spaces are occupied by retail, office, or “to-go” restaurants, 24 parking spaces would be required. This means that with the currently proposed site layout, no dine-in restaurants would be allowed. It should be noted that if the site is developed with more than 25 parking spaces, a photometric site plan will be required at the time of permitting.

It should also be noted that full site compliance is required at the time of development to include: tree planting and landscaping, parking, buffering, and dumpster compliance. In addition, as the site is in a historic district, all improvements (including demolition of existing structures) to the site will require approval from the Architectural Review Board. Based on calculations provided, the site will have sufficient landscaped area, and it is suggested that at the time of permitting, the site plan depict the canopies of the trees along Government Street so that staff can take them into account when determining the number of required tree plantings.

In the applicant’s narrative, they state that existing shared access between the subject site and the property to the West will be closed as part of the redevelopment of the site. It should be pointed out that the site plan submitted shows an existing dumpster servicing the adjacent property on the subject site. In order for a new dumpster to be located on the adjacent property, a building permit will be required so that staff can make sure it meets the requirements of not only Planning & Zoning, but Plumbing.

It has also been brought to staff’s attention that the site is currently being used for the leasing of Budget rental trucks. This use requires the minimum of a B-3, Community Business District, and is operating without Zoning approvals.

RECOMMENDATION

Subdivision: Based upon the preceding, the application is recommended for Holdover to the May 16th meeting, with revisions due by April 26th, to allow the applicant time to address the following:

- 1) Either inclusion of Parcel #: R022910223001012. (including additional fees and mailing labels), or exclusion of Lot 2 of Griffith Subdivision; and
- 2) Clarification on the ownership of the portion of property depicted as “claimed by others”.

Rezoning: Based upon the preceding, the application is recommended for Holdover to the May 16th meeting, with revisions due by April 26th, to allow the applicant time to address the following:

- 1) Resolution of issues associated with the Subdivision application.

Revised for the May 16th meeting:

The application was heldover from the April 18th meeting to either include Parcel #: R022910223001012. (including additional fees and mailing labels), or exclusion of Lot 2 of Griffith Subdivision; and clarify ownership of the portion of property depicted as “claimed by others”.

The applicant has submitted a revised preliminary plat and site plan. The portion of the property depicted as “claimed by others” has been removed from both the plat and site plan, however Parcel #: R022910223001012 was not included, nor was Lot 2 of Griffith Subdivision excluded. Due to the previously mentioned note on the 1987 plat stating “Lot 2 of Griffith Subdivision to be used only in conjunction with Lot 3, W.T. McGowin Property as per map or plat by A.S. Towle, deed book 127 N.S., page 383.”, and as neither the entirety of Lot 3, W.T. McGowin Property was included, or consent from the owner of Lot 3 provided, the Planning Commission cannot approve the applications as proposed.

RECOMMENDATION

Subdivision: *Based upon the preceding, the application is recommended for Denial, due to the following:*

- 1) The 1987 recorded plat states that “Lot 2 of Griffith Subdivision to be used only in conjunction with Lot 3, W.T. McGowin Property as per map or plat by A.S. Towle, deed book 127 N.S., page 383.”, and neither the entirety of Lot 3, W.T. McGowin Property is included or consent of the owner provided, nor is Lot 2 of Griffith Subdivision excluded.*

Rezoning: *Based upon the preceding, the application is recommended for Denial, due to the following:*

- 1) The denial of the proposed Subdivision makes the rezoning application moot.*

Revised for the June 20th meeting:

The application was heldover from the May 16th meeting at the request of the applicant. Since that time, the applicant has provided a list of uses that they are willing to have prohibited on the site, should the rezoning be approved. The applicant has been advised that an official Voluntary Use Restriction form needs to be completed by the property owner, and submitted to Planning & Zoning. The proposed list of prohibited uses is as follows:

- 1) Adult entertainment enterprise (see definition section) shall not be located within 1,000 feet of any existing church, school, park or residentially zoned (R-1, R-2, R-3) area and not located within 2,000 feet of any other adult entertainment enterprise;*
- 2) Amusement game arcade: must be enclosed within sound-proof structure; limited to a maximum of 2, 500 sq. ft. in T-B districts; see Definition, Section 64-2;*

- 3) *Amusement game machine, as accessory use: machine space requirements limited to not more than 20% of the total floor area of the room(s) where the principal business activity occurs; see Definition, Section 64-2;*
- 4) *Bar, nightclub, lounge, tavern;*
- 5) *Pawn shop;*
- 6) *Pool hall: Also see pool tables, as accessory use;*
- 7) *Pool tables, as accessory use: table space requirements limited to not more than 25% of the total floor area of the room(s) where the principal business activity occurs;*
- 8) *Shooting range, indoor: must be enclosed within sound-proof structure;*
- 9) *Teen club;*

No additional information regarding the outstanding legal issues involved in the proposed Subdivision has been submitted; therefore staff is still unable to recommend it for approval.

RECOMMENDATION

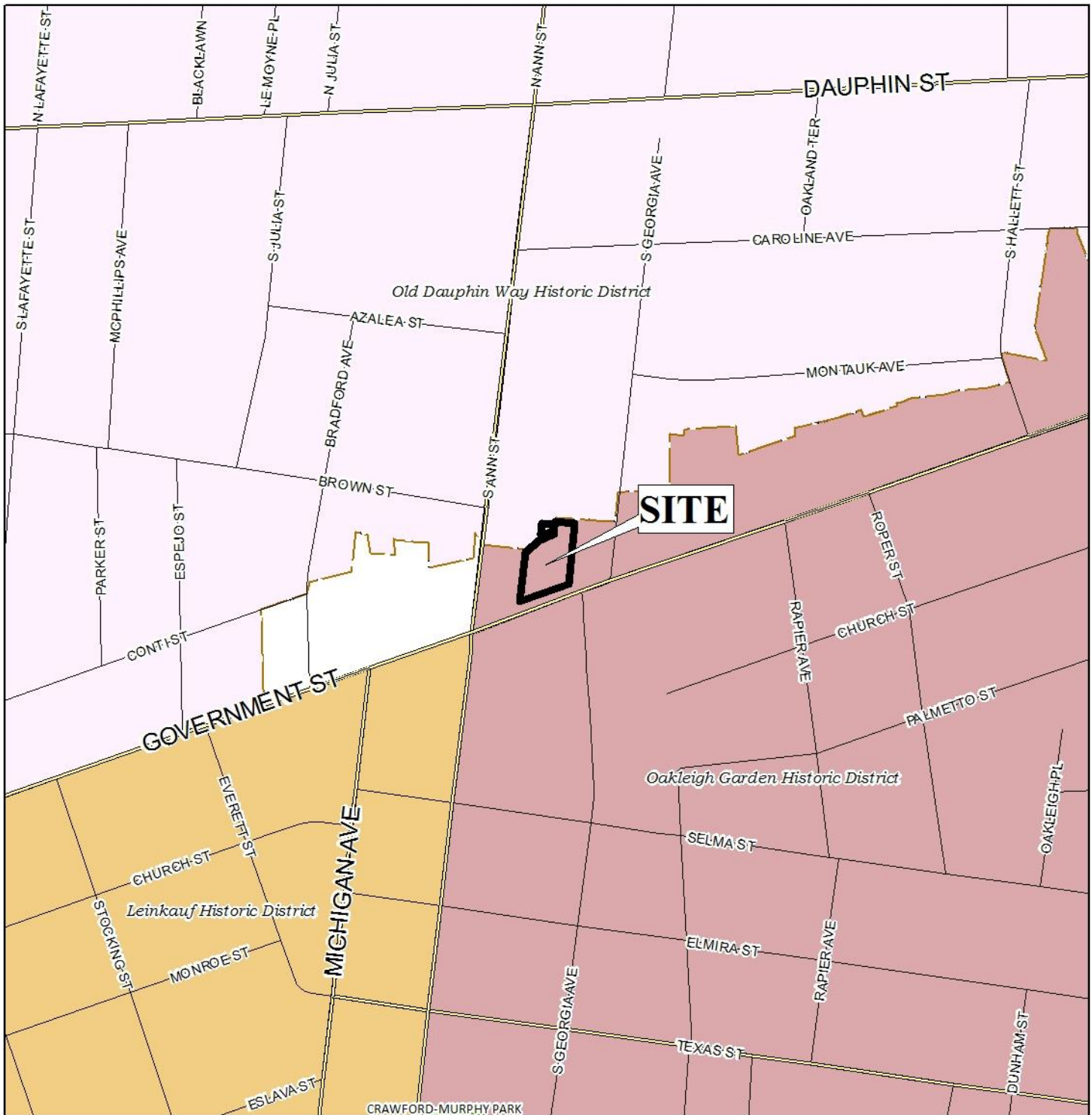
Subdivision: *Based upon the preceding, the application is recommended for Denial, due to the following:*

- 1) *The 1987 recorded plat states that “Lot 2 of Griffith Subdivision to be used only in conjunction with Lot 3, W.T. McGowin Property as per map or plat by A.S. Towle, deed book 127 N.S., page 383.”, and neither the entirety of Lot 3, W.T. McGowin Property is included or consent of the owner provided, nor is Lot 2 of Griffith Subdivision excluded.*

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LOCATOR MAP



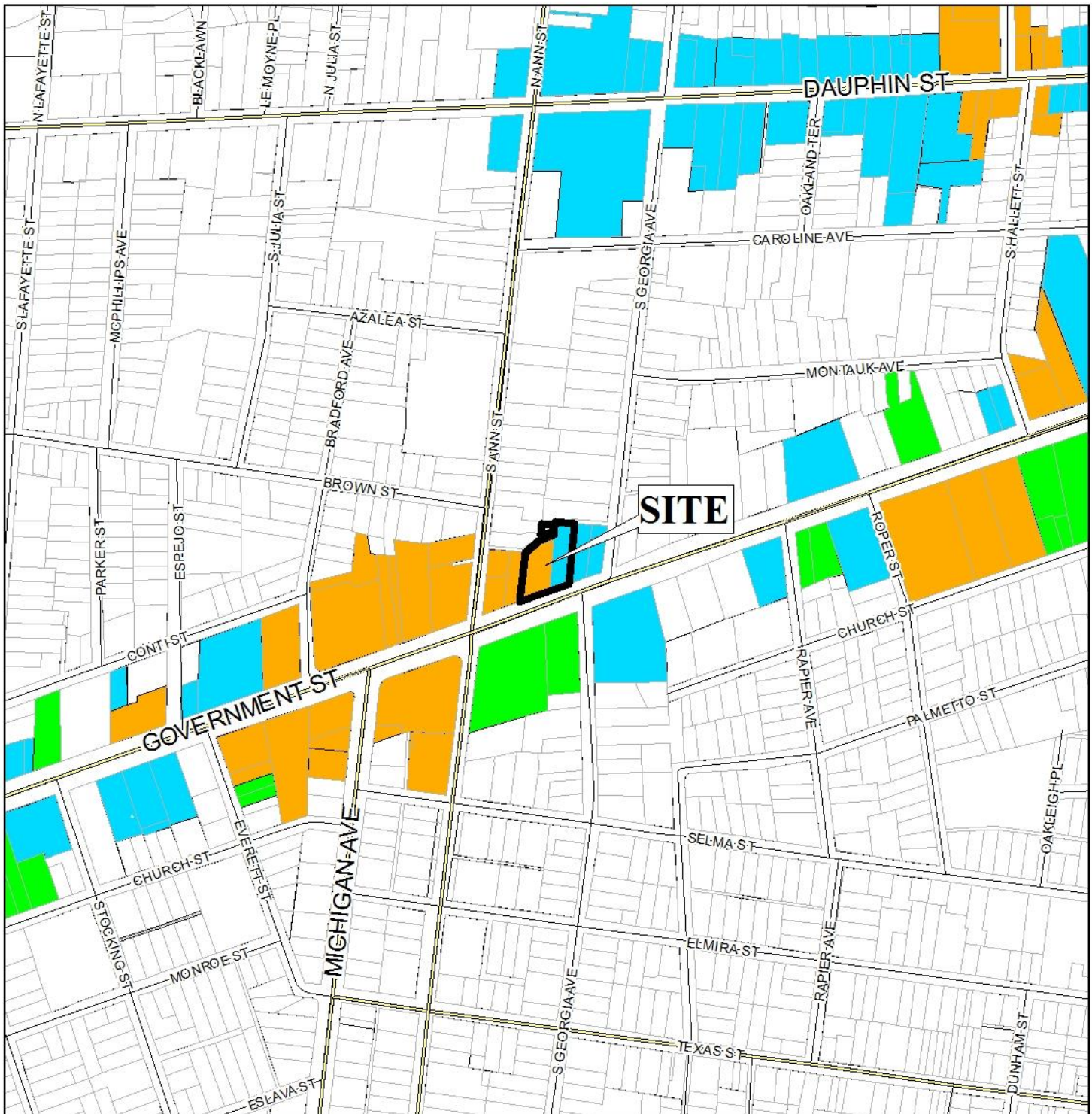
APPLICATION NUMBER 1 DATE JUNE 20, 2019

APPLICANT Griffith Subdivision, Addition

REQUEST Subdivision, Rezoning from R-1, B-1 and B-2 to B-2



LOCATOR ZONING MAP



APPLICATION NUMBER 1 DATE JUNE 20, 2019

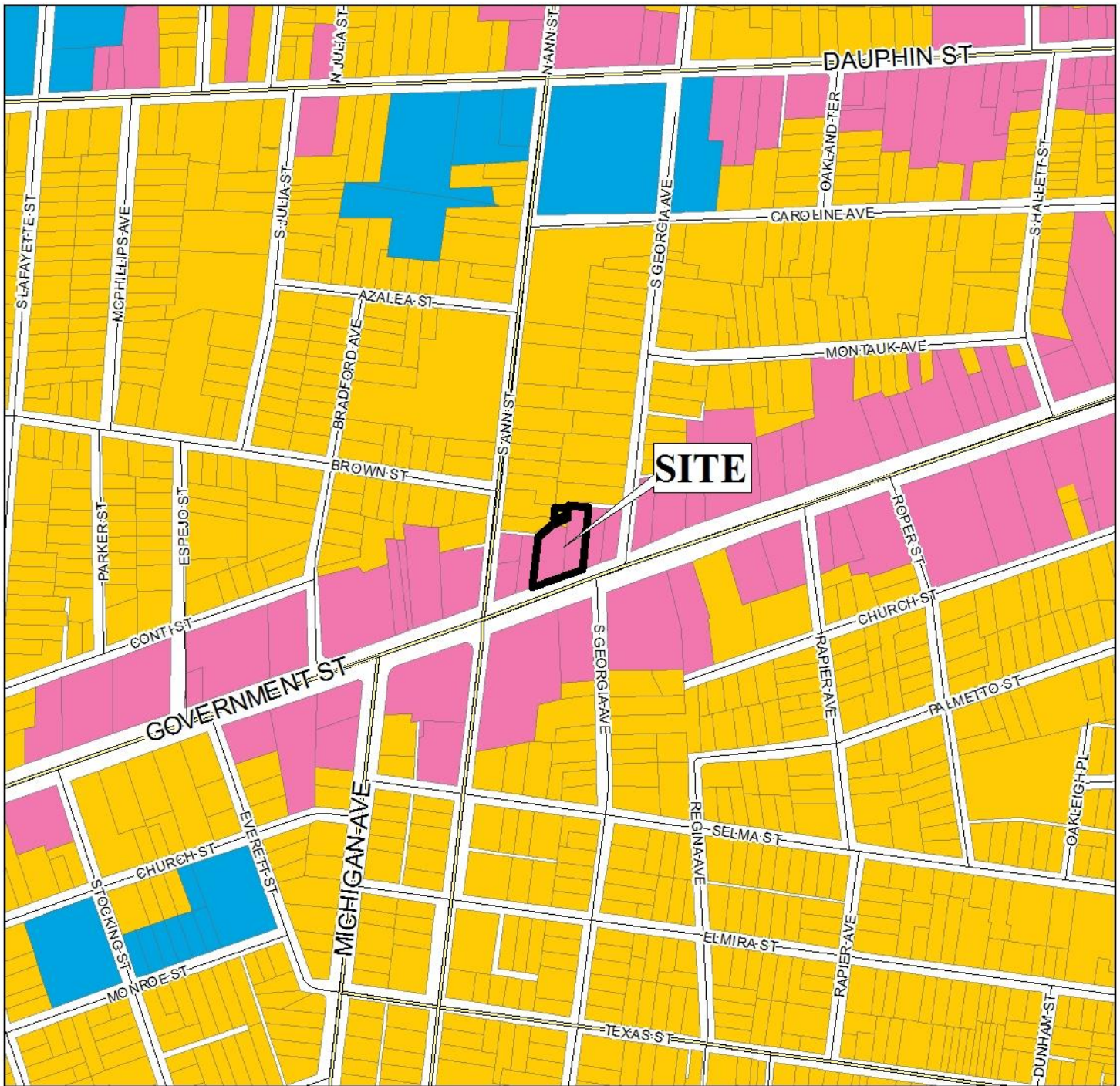
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REQUEST Subdivision, Rezoning from R-1, B-1 and B-2 to B-2



NTS

FLUM LOCATOR MAP



APPLICATION NUMBER 1 DATE JUNE 20, 2019

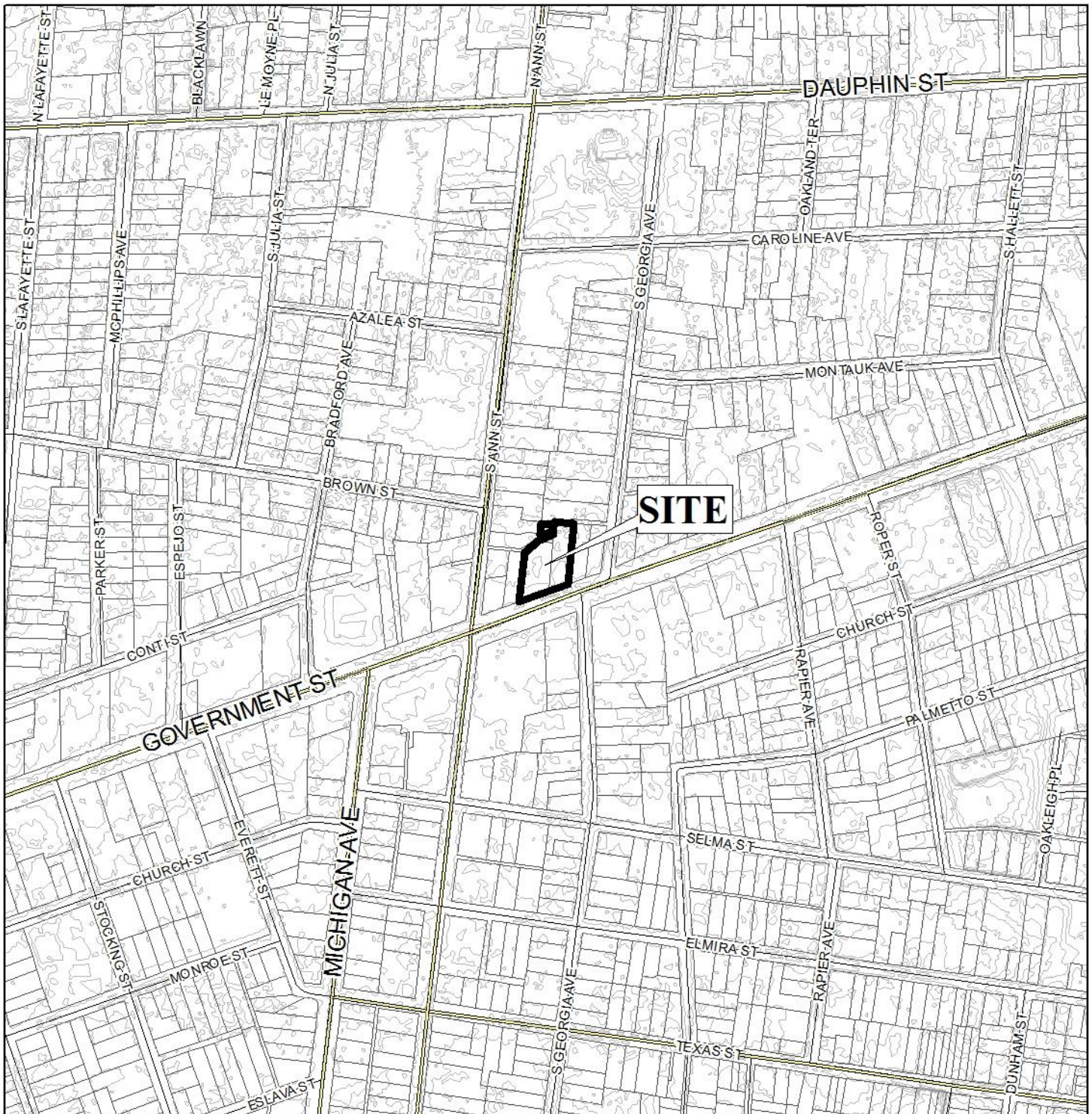
APPLICANT Griffith Subdivision, Addition

REQUEST Subdivision, Rezoning from R-1, B-1 and B-2 to B-2

Low Density Residential	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
Mixed Density Residential	Neighborhood Center - Suburban	Light Industry	Water Dependent
Downtown	Traditional Corridor	Heavy Industry	
District Center	Mixed Commercial Corridor	Institutional	



ENVIRONMENTAL LOCATOR MAP



APPLICATION NUMBER 1 DATE JUNE 20, 2019

APPLICANT Griffith Subdivision, Addition

REQUEST Subdivision, Rezoning from R-1, B-1 and B-2 to B-2



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units to the north, and commercial units to the south.

APPLICATION NUMBER 1 DATE JUNE 20, 2019

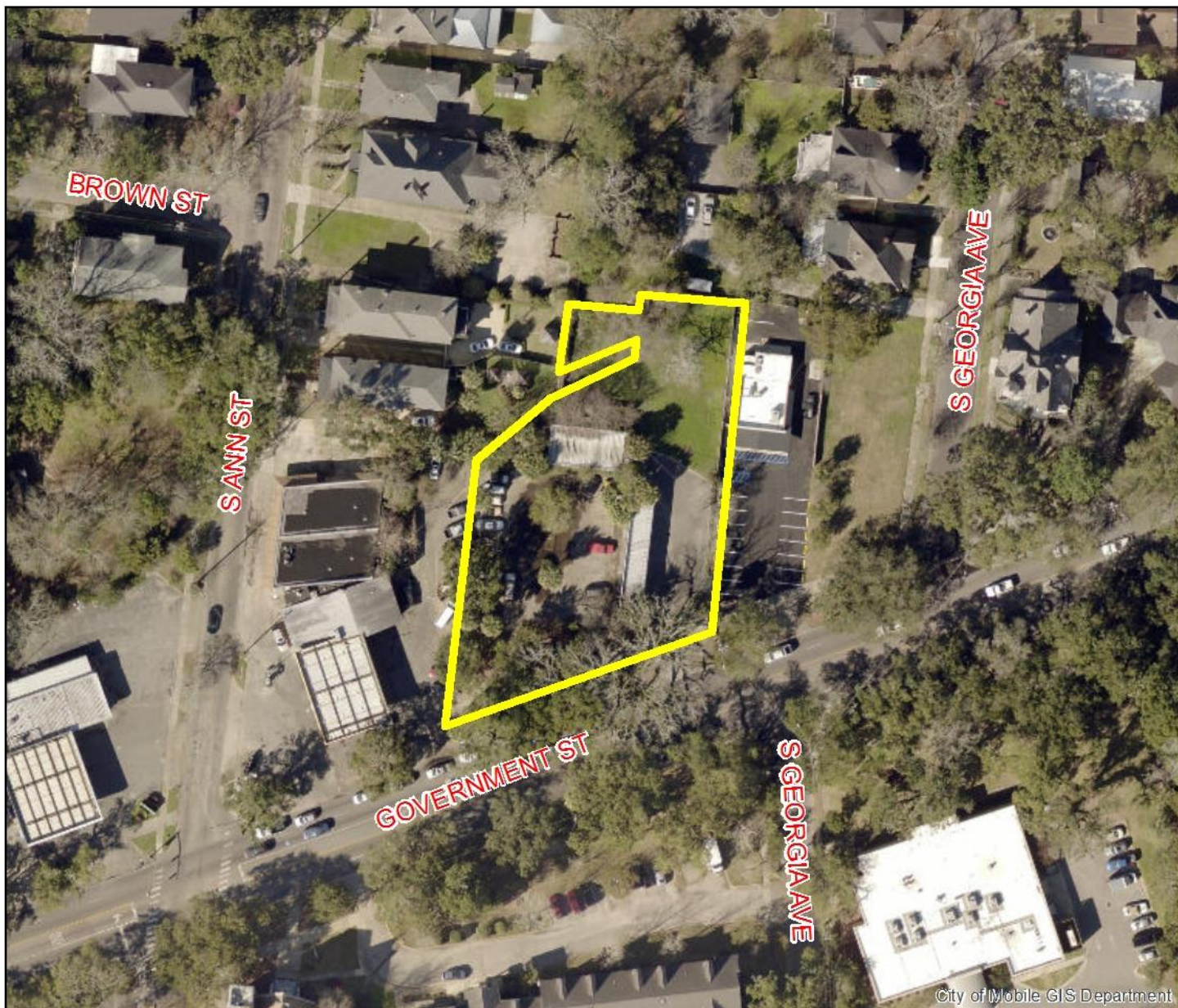
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R-A	R-3	T-B	B-2	B-5	MUN	SD-WH	T5.1
R-1	R-B	B-1	B-3	I-1	OPEN	T3	T5.2
R-2	H-B	LB-2	B-4	I-2	SD	T4	T6



PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential units to the north, and commercial units to the south.

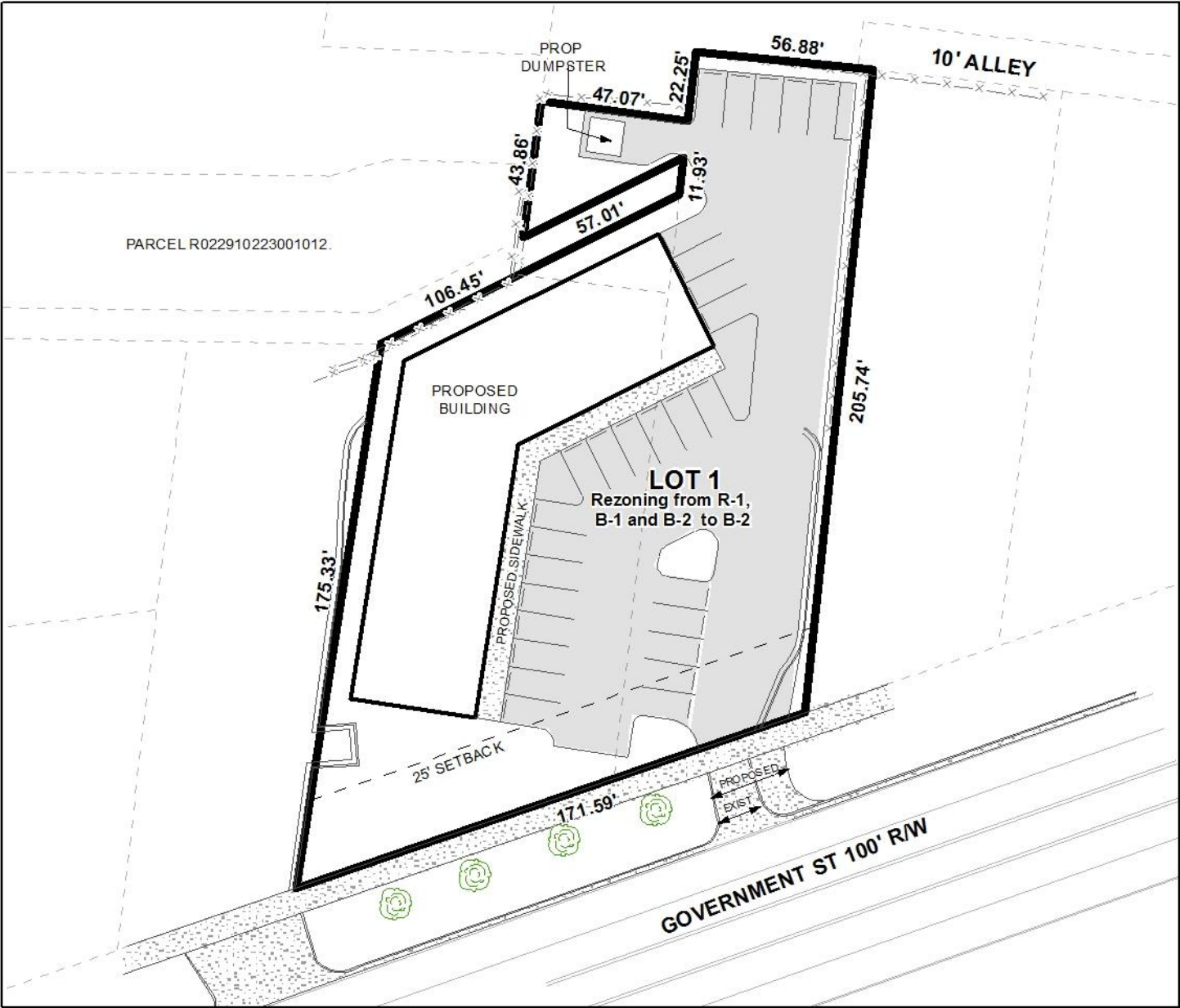
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SITE PLAN

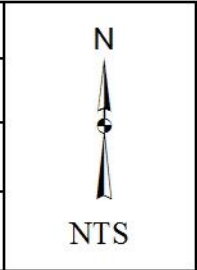


The site plan illustrates the proposed building, lot, parking, and setback.

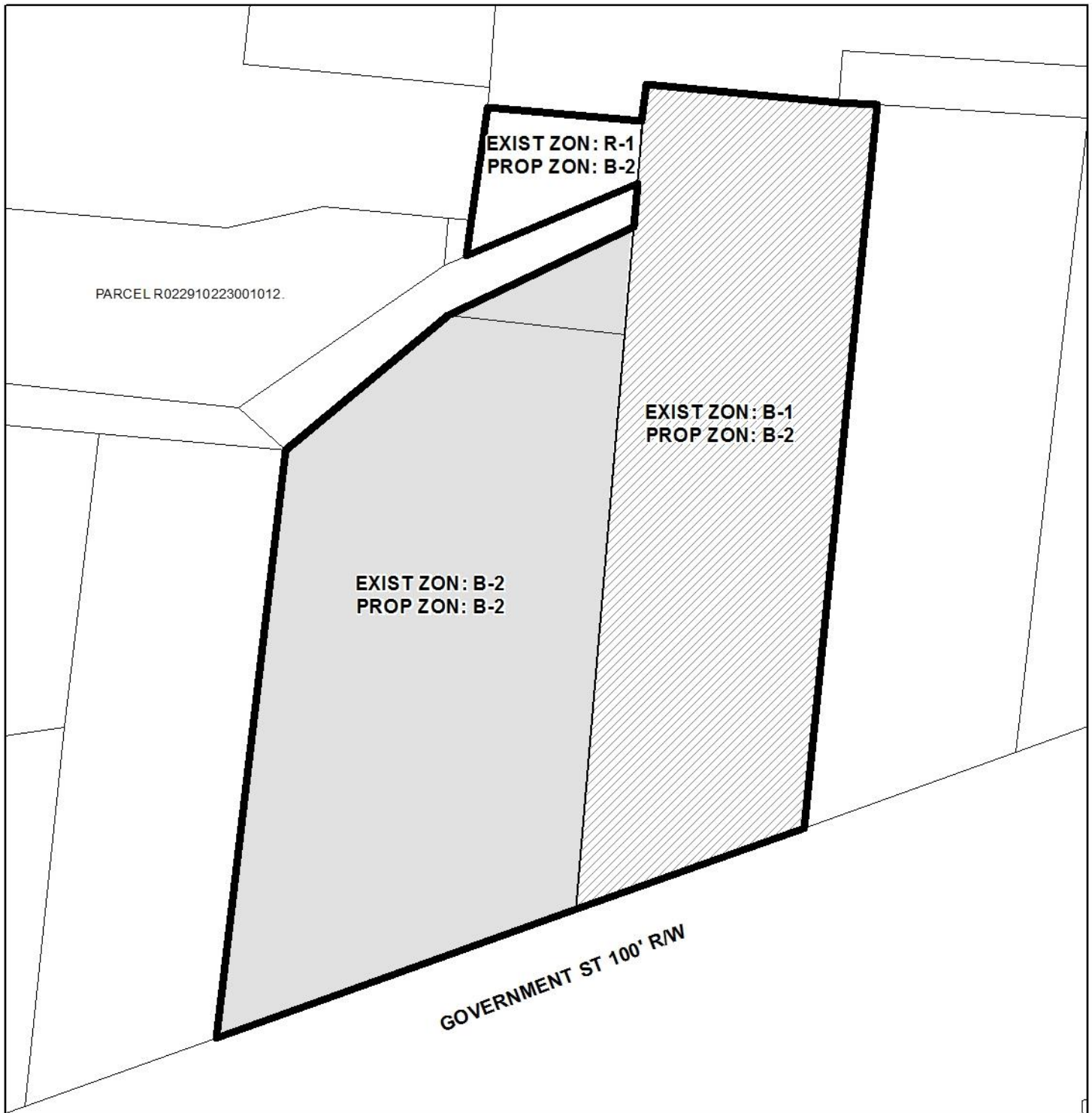
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DETAIL SITE PLAN



APPLICATION NUMBER 1 DATE JUNE 20, 2019

APPLICANT Griffith Subdivision, Addition

REQUEST Subdivision, Rezoning from R-1, B-1 and B-2 to B-2



