

**SUBDIVISION &
ZONING AMENDMENT STAFF REPORT****Date: January 20, 2022****APPLICANT NAME**

Omar & Williams (Gerald Byrd, Agent)

SUBDIVISION NAME

Zeigler-University Subdivision

LOCATION

Southwest corner of Zeigler Boulevard and North University Boulevard

**CITY COUNCIL
DISTRICT**

Council District 7

PRESENT ZONING

R-1, Single-Family Residential District

PROPOSED ZONING

B-2, Neighborhood Business District

AREA OF PROPERTY

1 Lot/ 2.6± Acres

CONTEMPLATED USE

Subdivision Approval to create a single legal lot of record from one metes-and-bounds parcel; and Rezoning from R-1, Single-Family Residential 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. Provide and label the monument set or found at each subdivision corner.
- C. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer.
- D. Provide the Surveyor's Certificate.
- E. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photos LOT 1 will receive historical credit of existing (1984) impervious area towards stormwater detention

requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control) as follows: LOT 1 – NONE.

- F. Add a note 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.
- G. Add a note 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.
- H. 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.
- I. Add a note that all existing and 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.
- J. Add a note that all easements shall remain in effect until vacated through the proper Vacation process.
- K. Email a pdf copy of the FINAL SUBDIVISION PLAT and LETTER OF DECISION to the Permitting Engineering Dept. for review at land.disturbance@cityofmobile.org prior to obtaining any signatures. No signatures are required on the drawing.
- L. After addressing all of the FINAL SUBDIVISION PLAT review comments provide the ORIGINAL (with all signatures except for the Planning Commission, Traffic Engineering, and City Engineer), one (1) copy, and a transmittal letter to the Engineering Permitting Department. They can be dropped off at 205 Government St. or mailed to PO Box 1827, Mobile, AL, 36633.

Rezoning:

- 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**

Lot is limited to one curb cut per street frontage with size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Any required 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 [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites 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). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.

**TIME SCHEDULE
FOR DEVELOPMENT**

None provided

REMARKS

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

The site has been given a Mixed Commercial Corridor (MCC) land use designation, per the 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.

This land use designation mostly applies to transportation corridors west of I-65 serving primarily the low-density (suburban) residential neighborhoods. MCC includes a wide variety of retail, services and entertainment uses.

This designation acknowledges existing commercial development that is spread along Mobile's transportation corridors in a conventional strip pattern or concentrated into shorter segments of a corridor.

Over time, new development and redevelopment in Mixed Commercial Corridors is encouraged to raise design quality, improve connectivity to surrounding neighborhoods; improved streetscapes; and improve mobility and accessibility for all users of the corridor.

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 site has frontage along University Boulevard and Zeigler Boulevard. Both streets are depicted on the Major Street Plan as having a required right-of-way of 100-feet. University Boulevard is shown as having a right-of-way that varies, but has a minimum existing right-of-way 100-foot, making no dedication necessary. Zeigler Boulevard is also shown as having a right-of-way that varies, but no minimum is provided; therefore, dedication to provide 50' to the centerline of Zeigler Boulevard may be required, if approved.

The applicant proposes to create a single legal lot of record from one metes-and-bounds parcel. The lot size is depicted in square feet and acres on the plat, and exceeds 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.

The preliminary plat does illustrate the 25' minimum building setback lines. If approved, the plat should be revised to depict the 25' minimum building setback lines, adjusted for any required dedication

In regards to access management, the site plan depicts one curb cut each to Zeigler Boulevard and University Boulevard. If approved, a note stating the Traffic Engineering comments should be placed on the Final Plat.

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, South, East, and West by R-1, Single-Family Residential District. The properties to the North and West are developed as churches, with the properties to the South and East developed as dwellings. The Northeast corner of the intersection is zoned B-2, Neighborhood Business District, and is developed with a gas station.

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

THE PURCHASERS OF THE PROPOSED ZEIGLER – UNIVERSITY SUBDIVISION ARE PROPOSING TO CONSTRUCT A CONVENIENCE STORE WITH GASOLINE SALES. THEY HAVE OTHER STORES IN MOBILE AND ARE FAMILIAR WITH THE CITY ORDINANCES THAT AFFECT THIS TYPE OF BUSINESS.

CONDITION C IS THE REASON FOR THIS REZONING APPLICATION TO BE APPROVED. THE SITE IS AT THE SOUTHWEST INTERSECTION OF ZEIGLER BOULEVARD AND UNIVERSITY BOULEVARD AND THERE IS NOT A VACANT PARCEL NEARBY IN ALL FOUR DIRECTIONS. THERE ARE NINE DEVELOPED PARCELS AT THE NORTHEAST INTERSECTION OF THE TWO ROADS THAT ARE ZONED B-2 AND B-3. THE PARCEL ON THE ROAD INTERSECTION OF THIS GROUP OF BUSINESSES IS AN OLDER CONVENIENCE STORE WITH GASOLINE SALES SO THE USE FOR THE PROPOSED REZONING IS NOT NEW TO THE SURROUNDING AREA. THE FUTURE OWNER/OPERATOR OF THIS STORE HAS APPROXIMATELY 250 STORES IN FIVE STATES SO THEY MUST MANAGE THEIR BUSINESS IN A PROFESSIONAL MANNER AND WILL BE A GOOD NEIGHBOR TO THE SURROUNDING PROPERTIES.

The applicant states that the rezoning is needed due to the lack of existing commercially zoned properties in the area; however, although not located on a corner, there is an existing, vacant B-2 site that is over six (6) acres in size, approximately 1/5-mile North on University Boulevard from this site.

Section 64-9.A.2.b. of the Zoning Ordinance recommends that new B-2 districts be a minimum of two (2) acres. As the subject site is 2.6 acres, it exceeds the minimum guidelines.

Moreover, B-2 zoning directly relates to the Mixed Commercial Corridor designation of the Future Land Use Map. Additionally, the district description for B-2 (Section 64-3.E.2) states that B-2 districts are “often located on a thoroughfare or near the intersection of two thoroughfares. As previously referenced, the site is at the Southwest corner of two major streets.

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 illustrates that the site will comply with landscape area requirements, and states that tree plantings will be shown on the plans submitted for permitting. Tree plantings should be coordinated with staff at the time of permitting to insure all trees planted have sufficient room to thrive.

The site plan shows a 6,000 square foot convenience store, therefore requiring 20 parking spaces; the site plan submitted has 52 parking spaces, therefore a compliant photometric site plan will be required at the time of permitting.

The site plan depicts a proposed dumpster along the street frontage of University Boulevard. Section 64-4.D.9.a. of the Zoning Regulations prohibit a dumpster from being located in the front yard, therefore this may need to be relocated. A possible place for relocation of the dumpster would be behind the building. This would reduce the amount of parking spaces, which will not negatively impact the development, as well as eliminating a potential cut through for motorists to use the site to bypass the traffic signal at the intersection.

In regards to signage, as a single business site, it will be limited to a total of three signs, with no more than one freestanding sign. Furthermore, if the freestanding sign is located within 300' of residentially zoned properties, no digital signage will be allowed.

Finally, it should be noted that the site plan does not depict a sidewalk along either street frontage. A sidewalk must be constructed at the time of development, unless a Sidewalk Waiver is granted by the Planning Commission.

RECOMMENDATION

Subdivision: Based upon the preceding, the application is recommended for Tentative Approval, subject to the following:

- 1) either dedication to provide 50' from the centerline of Zeigler Boulevard, or revision of the plat to depict it currently exists;
- 2) retention of the lot sizes in square feet and acres, adjusted for dedication, if required;
- 3) depiction of the 25' minimum building setback line, adjusted for any dedication, if required;
- 4) full compliance with Engineering comments: (*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. Provide and label the monument set or found at each subdivision corner. C. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer. D. Provide the Surveyor's Certificate. E. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photos LOT 1 will receive historical credit of existing (1984) impervious area towards stormwater detention requirement per Mobile City Code,*

Chapter 17, Storm Water Management and Flood Control) as follows: LOT 1 – NONE. F. Add a note 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. G. Add a note 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. H. 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. I. Add a note that all existing and 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. J. Add a note that all easements shall remain in effect until vacated through the proper Vacation process. K. Email a pdf copy of the FINAL SUBDIVISION PLAT and LETTER OF DECISION to the Permitting Engineering Dept. for review at land.disturbance@cityofmobile.org prior to obtaining any signatures. No signatures are required on the drawing. L. After addressing all of the FINAL SUBDIVISION PLAT review comments provide the ORIGINAL (with all signatures except for the Planning Commission, Traffic Engineering, and City Engineer), one (1) copy, and a transmittal letter to the Engineering Permitting Department. They can be dropped off at 205 Government St. or mailed to PO Box 1827, Mobile, AL, 36633.);

- 5) placement of a note on the site plan stating the following Traffic Engineering comments: (Lot is limited to one curb cut per street frontage with size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Any required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.)
- 6) compliance with 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 [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.); and
- 7) compliance with 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). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.)

Rezoning: Based on the preceding, this application is recommended for Approval for the following reason:

- 1) there is a need to increase the number of sites available to business or industry.

The rezoning should be subject to the following condition:

- 1) completion of the Subdivision process; and
- 2) full compliance with all municipal codes and ordinances.

Revised for the January 20, 2022 meeting:

The Commission heldover the applications from the December 16, 2021 meeting to allow the applicant to meet with the surrounding community. No additional information was provided at the time of this report; therefore, the recommendation remains the same.

RECOMMENDATION

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- 1) *either dedication to provide 50' from the centerline of Zeigler Boulevard, or revision of the plat to depict it currently exists;*
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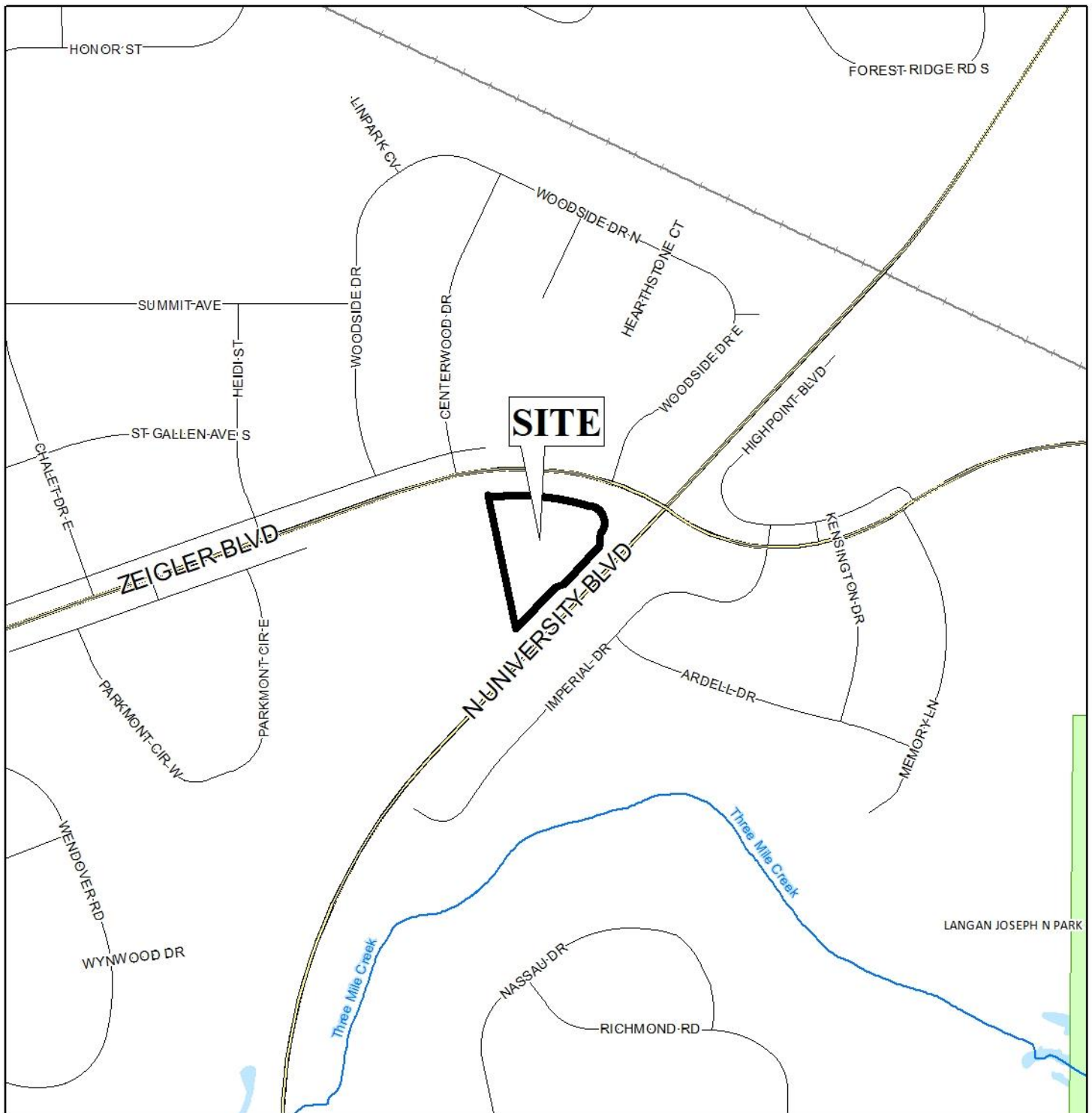
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- 1) there is a need to increase the number of sites available to business or industry.*

The rezoning should be subject to the following condition:

- 1) completion of the Subdivision process; and*
- 2) full compliance with all municipal codes and ordinances.*

LOCATOR MAP



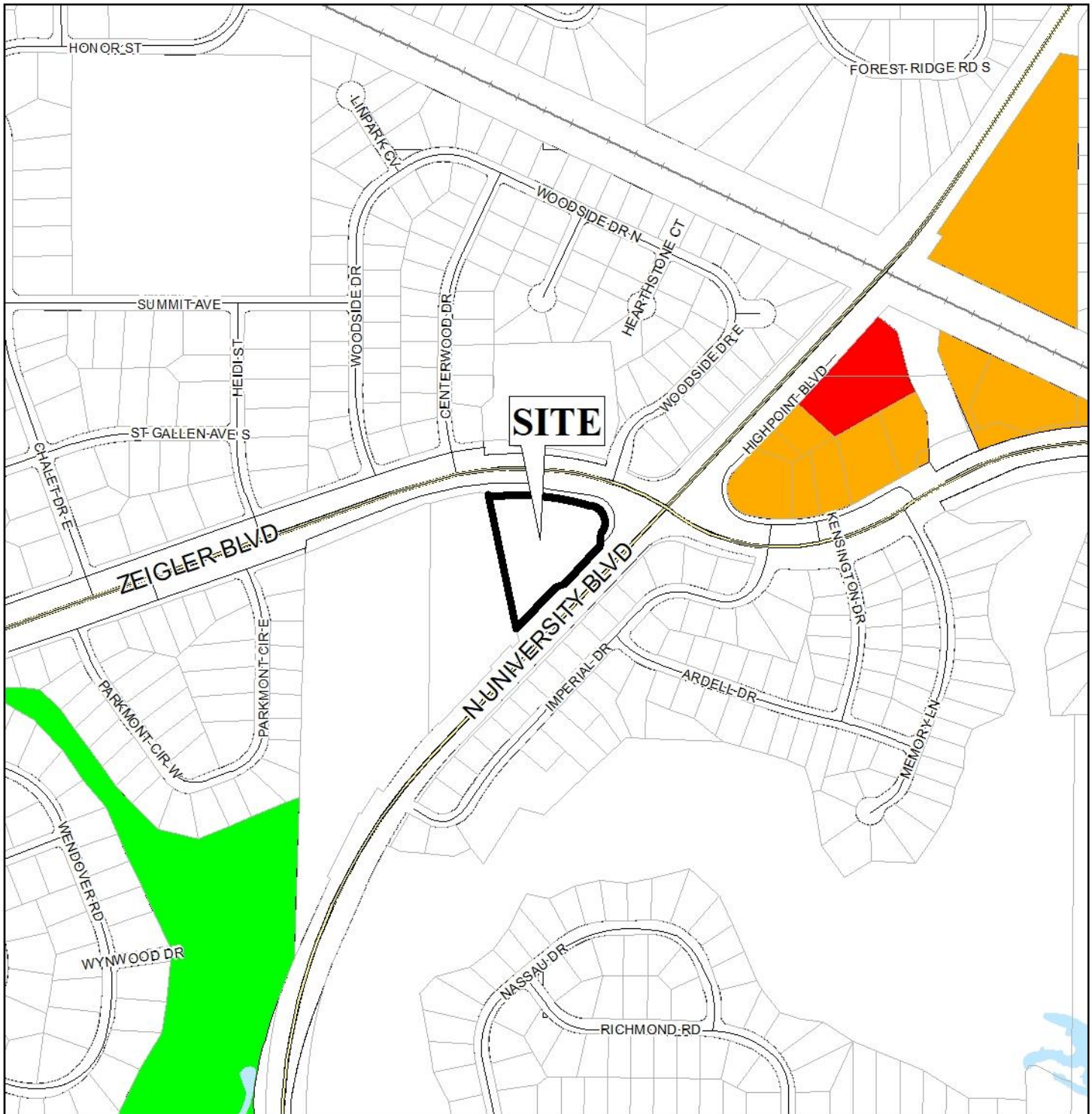
APPLICATION NUMBER 2 DATE January 20, 2022

APPLICANT Zeigler-University Subdivision

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



LOCATOR ZONING MAP



APPLICATION NUMBER 2 DATE January 20, 2022

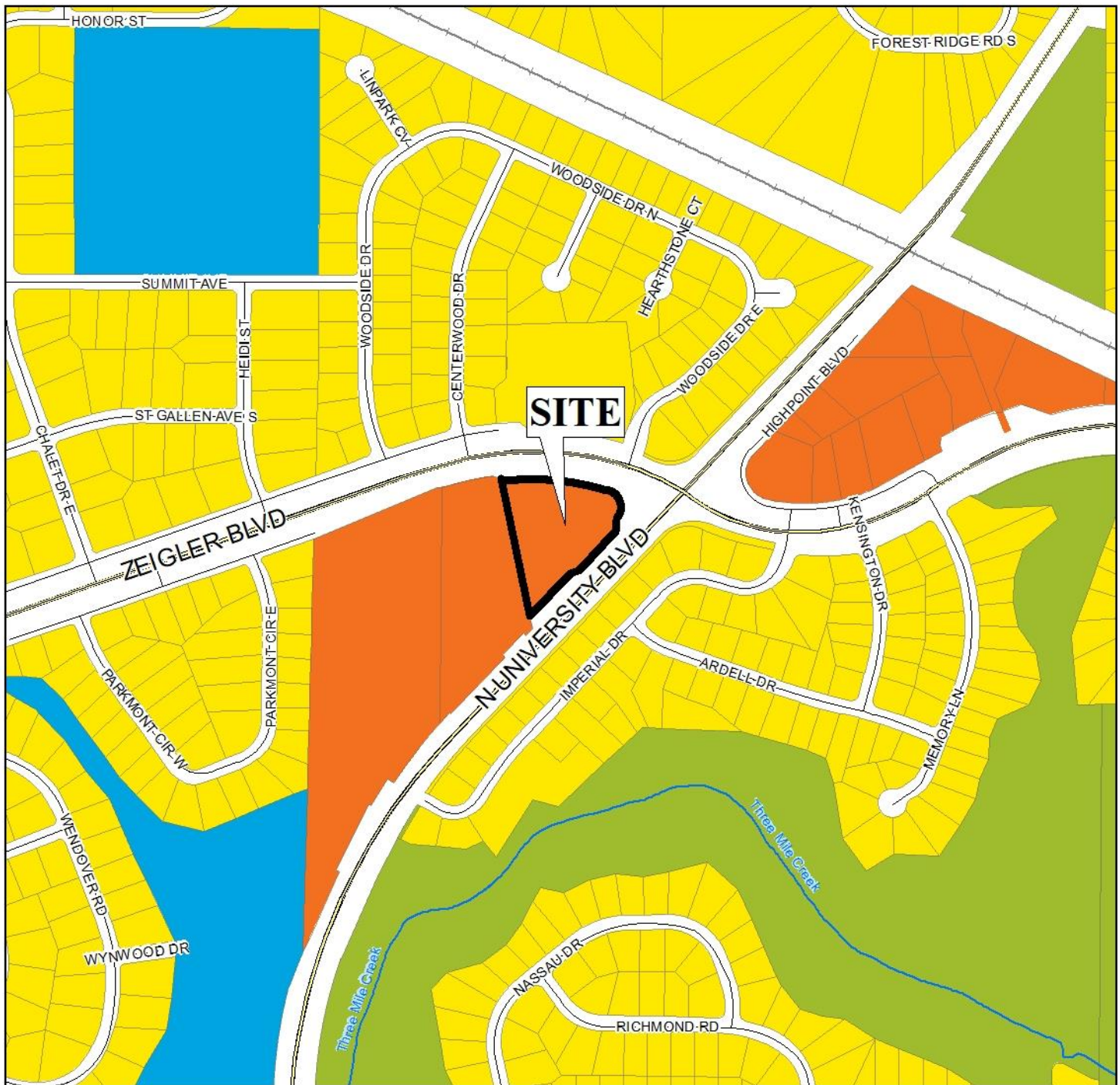
APPLICANT Zeigler-University Subdivision

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



NTS

FLUM LOCATOR MAP



APPLICATION NUMBER 2 DATE January 20, 2022

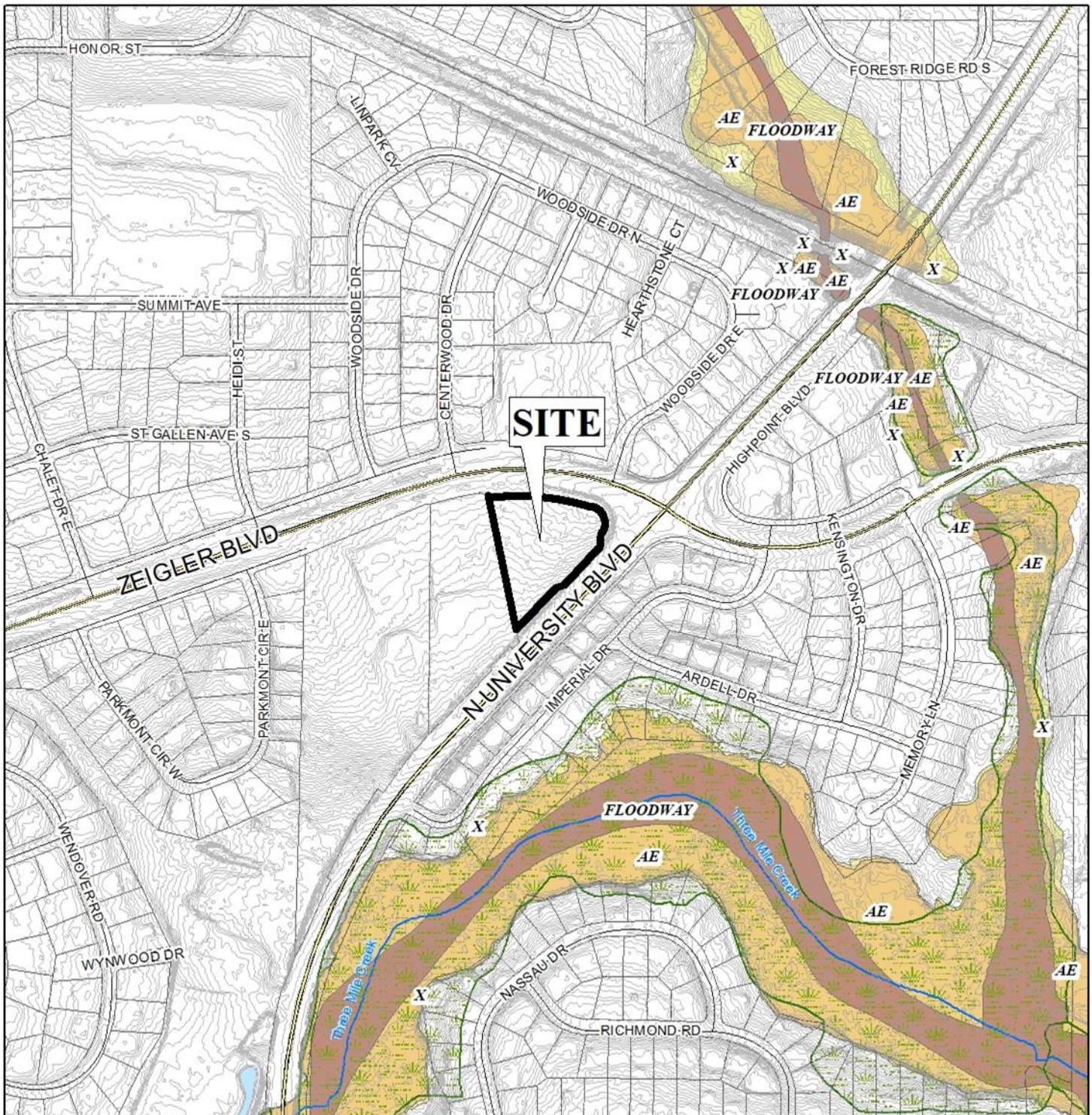
APPLICANT Zeigler-University Subdivision

REQUEST Subdivision, Rezoning from R-1 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



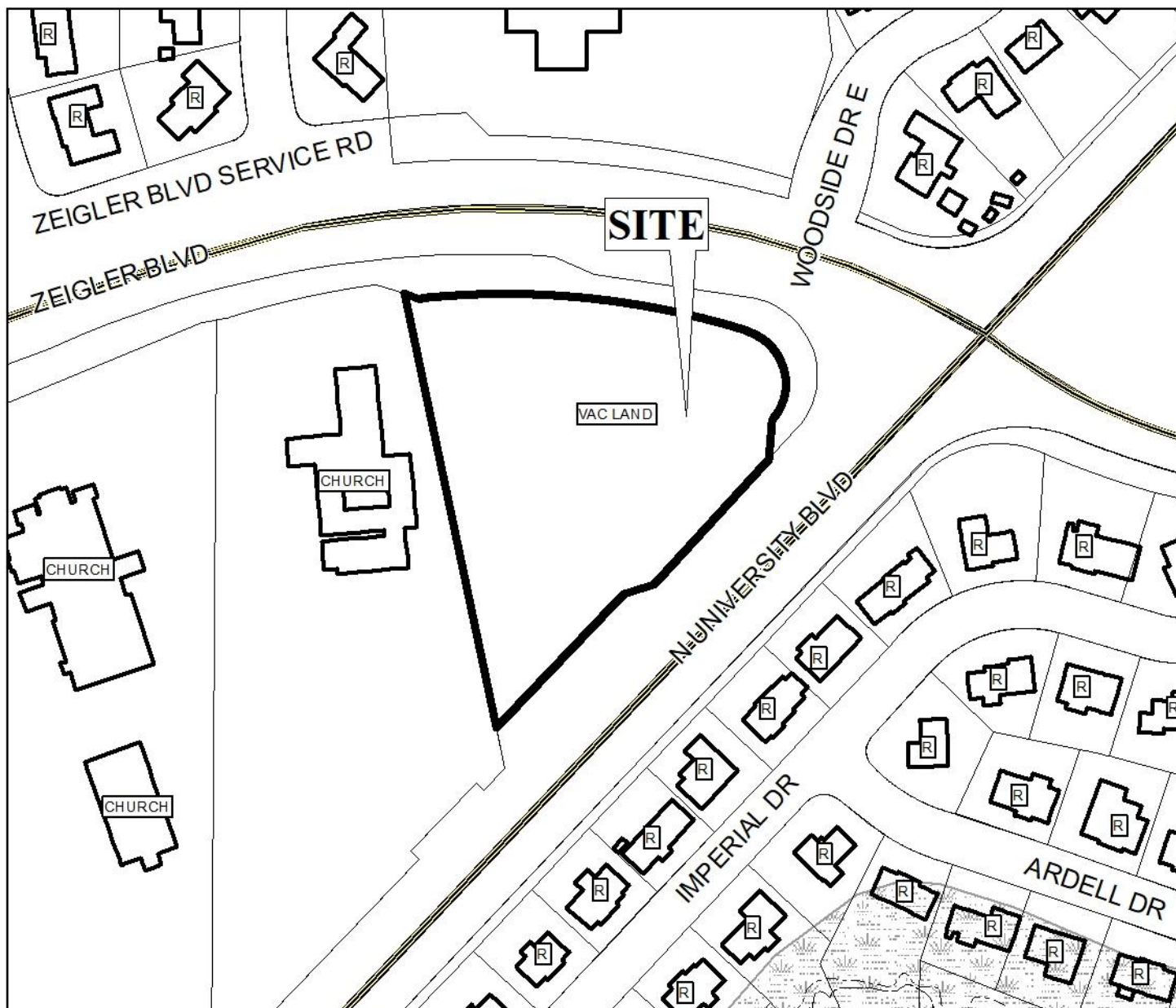
APPLICATION NUMBER 2 DATE January 20, 2022

APPLICANT Zeigler-University Subdivision

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



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential units.
A church lies west of the site.

APPLICATION NUMBER 2 DATE January 20, 2022

APPLICANT Zeigler-University Subdivision

REQUEST Subdivision, Rezoning from R-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

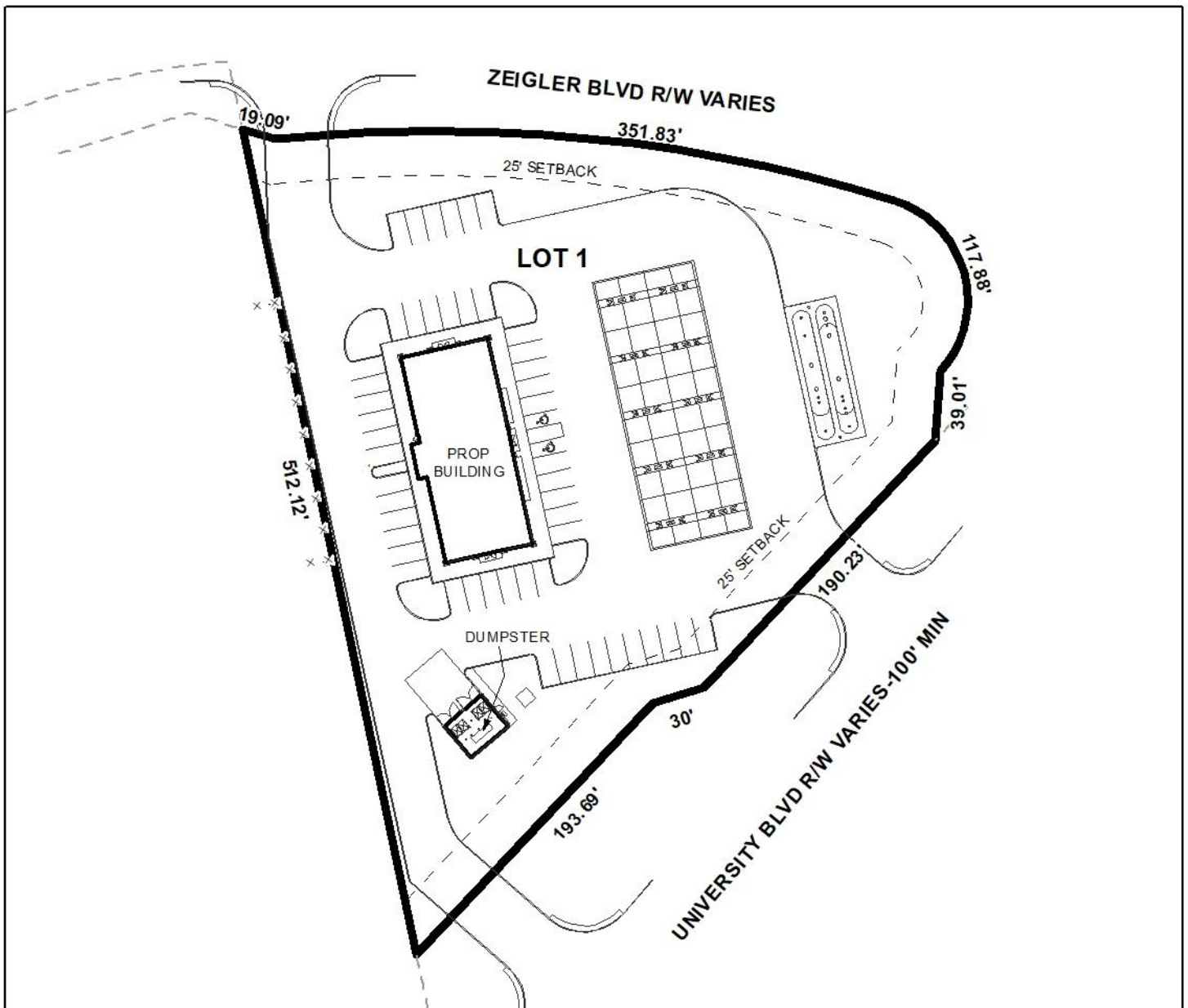


The site is surrounded by single family residential units.
A church lies west of the site.

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SITE PLAN



The site plan illustrates the proposed building, dumpster, canopy, and setbacks.

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

