

**ZONING AMENDMENT  
& SUBDIVISION STAFF REPORT****Date: June 18, 2015****APPLICANT NAME**

EAA LLC / Eryka Rogers

**SUBDIVISION NAME**

Aaiden Place Subdivision

**LOCATION**2480 Government Boulevard  
(North side of Government Boulevard, 520'± West of  
Pinehill Drive)**CITY COUNCIL  
DISTRICT**

District 5

**PRESENT ZONING**

B-1, Buffer Business District

**PROPOSED ZONING**

B-2, Neighborhood Business District

**AREA OF PROPERTY**

1 Lot / 0.7± Acres

**CONTEMPLATED USE**Subdivision approval to create 1 legal lot of record, and  
Zoning approval to rezone the site from B-1, Buffer  
Business District to B-2, Neighborhood Business District,  
to accommodate future businesses.**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****Subdivision:** The following comments should be  
addressed prior to submitting the FINAL PLAT for acceptance and 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. 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.

- C. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 26 - #80) the Lot 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 Land Disturbance Permit application.
- D. 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.
- E. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of development, unless a sidewalk waiver is approved.
- F. Label the major street names in the vicinity map.
- G. Revise the plat to label each lot with its size in acres and square feet, or the furnishing of a table on the Plat providing the same information.
- H. Provide labels showing the existing parcels 1, 2, and 3. Probate records indicate that the 2 westernmost parcels are listed as Parcel A and Parcel B. Provide a written legal description for the proposed subdivision and matching bearing and distance labels.
- I. Show and label each and every Right-Of-Way and easement.
- J. Provide and label the monument set or found at each subdivision corner.
- K. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer.
- L. Provide the Surveyor's Certificate and Signature.
- M. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
- N. Provide an updated Plat to Engineering Dept. for review prior to submittal for City Engineer's signature.
- O. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.

***Subdivision:*** *The following comments should be addressed prior to submitting the FINAL PLAT for acceptance and 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. *Label the major north-south street name – Pinehill Dr. -in the vicinity map.*
- C. *Provide labels showing the existing parcels 1, 2, and 3. Probate records indicate that two (2) of the parcels are listed as Parcel A and Parcel B. Provide a written legal description for the proposed subdivision and matching bearing and distance labels. Probate records indicate that there is a curve along Government Blvd. Show and provide the curve data for the proposed subdivision*
- D. *Show and label each and every Right-Of-Way and easement.*
- E. *Provide and label the monument set or found at each subdivision corner.*
- F. *Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.*

G. *Provide an updated Plat to Engineering Dept. for review prior to submittal for City Engineer's signature.*

H. *Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.*

## **TRAFFIC ENGINEERING**

### **COMMENTS**

Government Boulevard (U.S. Highway 90) is an ALDOT maintained roadway. Driveway number, size, location and design to be approved by ALDOT and 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. The provided site plan does not adequately show the site's existing access and parking. Aerial photography of the site includes walkways from the building to the asphalt parking area, but the walkways are not indicated on the plans. Eight of the parking spaces shown are on grass, which is not permitted. It appears that all of the paved parked encroaches in the right-of-way, if not completely in the right-of-way.

## **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) Projects outside the City Limits of Mobile, yet within the Planning Commission Jurisdiction fall under the State or County Fire Code. (2012 IFC)

## **REMARKS**

The applicant is requesting Subdivision approval to create one legal lot of record from three metes-and-bounds parcels, and rezoning the site from B-1, Buffer Business District to B-2, Neighborhood Business District, to accommodate future businesses.

The site is currently occupied by a multi-tenant commercial building, and is bounded to the North by R-1, Single-Family Residential District; to the East and West by B-1, Buffer Business District; and to the South by 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 appears to be depicted as mostly residential, with commercial along Government Boulevard 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 states that the rezoning is necessary due to the property owner's inability to find tenants for 9 of 15 units (an interior layout provided by the applicant shows 14 units) with the existing B-1, Buffer Business District zoning. The applicant goes on to say that they have had inquiries from businesses that require B-2, Neighborhood Business District including: four beauty salons, two tanning salons, two recording studios, two photographers, a counselor, a consignment shop, a physician, and a tutoring service. It should be noted that counselors, physicians, and tutoring services are allowed by right in a B-1 district, and photographers are allowed with Planning Approval. It would appear that the applicant's reasoning behind the rezoning request would be a need to increase the number of sites available to business or industry. The applicant has submitted a voluntary use restriction document stating that the following uses will be prohibited on the property if the rezoning request is approved: amusement game arcade, aquarium, apothecary, automobile service, bar/nightclub, bed & breakfast (inn), butcher shop, car wash, college, food prep or sales, dance hall, day care, theater, drug store, emergency shelter, grocery store, hospital, gunsmith, laundry, liquor store, nursing home, pet shop, restaurant, teen club, seafood store, and shooting range.

It should be noted that the site was designated as "buffer business" district prior to the adoption of the current Zoning Ordinance in 1967. Aerial photos indicate that the area around this site has been relatively stable, with nearly all abutting residences and commercial buildings having been built between 1960 and 1985. The most recent rezoning request in the vicinity was in 1999, for a site 285'± to the East.

The subject site has been the subject of previous variance requests in the past to allow uses that required a greater zoning district than B-1, Buffer Business District. In 1968, the property owner was granted a variance by the Board of Zoning Adjustment to allow a beauty parlor (a B-2 use), and in 1993, the property owner was granted a variance that was appealed to Circuit Court to allow car sales (a B-3 use).

Section 64-9.A.2.b. of the Zoning Ordinance states that a proposed new B-2 district should contain at least 2 acres, unless the site abuts an existing B-3 or B-4 district. The subject site is 0.7± acres in size, and only abuts R-1, Single-Family Residential and B-1, Buffer Business District, but is across Government Boulevard from an existing B-3, Community Business District.

It should be noted that the site plan submitted does not accurately reflect the existing conditions on the site and is missing information. The site plan appears to be to-scale, but the scale is not provided. If approved, the site plan should be revised to state the appropriate scale.

The site plan illustrates 22 parking spaces, but the parking spaces are either not to scale or are not the required minimum size of 9' wide by 18' long. While the applicant does not provide the building size, it appears to be approximately 8,158 square feet, which would require a total of 27 parking spaces for office and retail uses. It also appears based on the site plan provided and aerial photos of the site that the parking spaces may be partly in the right-of-way, with all maneuvering areas located in the right-of-way. There appears to be a large paved area on the Western portion of the site that is not illustrated on the site plan, but could provide parking and maneuvering areas for the site on private property.

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.

Because the site is adjacent to R-1, Single Family Residential to the North, a residential buffer compliant with Section 64-4.D.1 of the Zoning Ordinance should be provided. The site plan does not make any mention of if a residential buffer exists, or is proposed to be erected. If approved, the site plan should be revised to meet this requirement. It should be noted that Section 64-4.D.1. of the Zoning Ordinance requires a 10' protection buffer between residentially zoned properties, and the existing structure appears to touch the property line adjacent to residentially zoned properties to the North.

The site plan provided does not mention the amount of total and frontage landscape area provided. The applicant did illustrate the locations of four existing trees on the site larger than 24" in diameter, but there is no mention of the tree species, or their exact size.

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.

Similar to the site plan submitted for the rezoning request, the preliminary plat submitted with the Subdivision application appears to be missing information including, the scale of the drawing, signature blocks for the property owner and necessary city departments, and a North arrow. Also, it appears that on the Subdivision application, the applicant lists an engineer, however the individual named does not currently have a valid engineers license in the State of Alabama, and when staff questioned the listed "engineer" regarding the proposed project, he stated that he is not involved in the subject project in any way.

The preliminary plat submitted does not provide the lot size in square feet or acres, and it should be noted that the proposed lot exceeds the minimum required lot size in Section V.D.2. of the Subdivision Regulations. The lot size should be provided on the Final Plat in square feet and acres, if approved.

The site fronts onto Government Boulevard, a major street according to the Major Street Plan component of the Comprehensive Plan, and an ALDOT facility. The right-of-way width should

be 250 feet, according to the Major Street Plan. The preliminary plat does not state what the current right-of-way width is at this location. It appears the existing right-of-way may be 230' at this location, which typically would require dedication. However, requiring dedication for this site would only exacerbate the amount of existing parking and maneuvering areas in the right-of-way. With this in mind, a waiver of Section V.B.2. of the Subdivision Regulations may be appropriate, in favor of an increased setback line so no future structures are erected in the future right-of-way. The 25-foot minimum building setback is not depicted for the proposed lot, and should be illustrated to provide 150' from the centerline of Government Boulevard on the Final Plat, if approved.

As a means of access management, the lot should be limited to the existing curb cuts to Government Boulevard with changes in the size, location and design to be approved by ALDOT and Traffic Engineering and conform to AASHTO standards.

## **RECOMMENDATION**

**Subdivision:** The request is recommended for Holdover until the August 6, 2015 meeting, with revisions due by July 6, 2015 to address the following:

- 1) provision of the scale of the plat;
- 2) provision of a North arrow;
- 3) provision of signature boxes for the property owner and various city departments;
- 4) illustration of the minimum building setback line along Government Boulevard to provide 150' from the centerline;
- 5) provision of the lot size in square feet and acres;
- 6) revision of the plat to illustrate the right-of-way for Government Boulevard;
- 7) placement of a note on the plat stating that the lot should be limited to the existing curb cuts to Government Boulevard with changes in the size, location and design to be approved by ALDOT and Traffic Engineering and conform to AASHTO standards;
- 8) full compliance with Engineering comments: *(The following comments should be addressed prior to submitting the FINAL PLAT for acceptance and 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. 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. C. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 26 - #80) the Lot 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 Land Disturbance Permit application. D. 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. E. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of development, unless a sidewalk waiver is approved. F. Label the major street names in the vicinity map. G. Revise the plat to label each lot with its size in acres and square feet, or the furnishing of a table on the Plat providing the same information. H. Provide labels showing the existing parcels 1, 2, and 3. Probate records indicate that the 2 westernmost parcels are listed as Parcel A and Parcel B. Provide a written legal description for the proposed subdivision and matching bearing and distance labels. I. Show and label each and every Right-Of-Way and easement. J. Provide and label the monument set or found at each subdivision corner. K. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer. L. Provide the Surveyor's Certificate and Signature. M. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. N. Provide an updated Plat to Engineering Dept. for review prior to submittal for City Engineer's signature. O. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.);

- 9) full compliance with Traffic Engineering comments (Government Boulevard (U.S. Highway 90) is an ALDOT maintained roadway. Driveway number, size, location and design to be approved by ALDOT and 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. The provided site plan does not adequately show the site's existing access and parking. Aerial photography of the site includes walkways from the building to the asphalt parking area, but the walkways are not indicated on the plans. Eight of the parking spaces shown are on grass, which is not permitted. It appears that all of the paved parked encroaches in the right-of-way, if not completely in the right-of-way.);
- 10) full 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 (State Act 61-929 and City Code Chapters 57 and 64).; and
- 11) compliance with Fire 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. As per Appendix D, Section D107.1, one and two family developments with more than 30 dwelling units shall be provided with separate and approved fire apparatus access roads and shall meet the requirements of Section D104.3.).

**Rezoning:** The request is recommended for Denial, for the following reasons:

- 1) the subject site does not meet the size criteria for a new zoning district as stated in Section 64-9.A.2.b. of the Zoning Ordinance; and
- 2) the applicant failed to adequately justify the need for rezoning per Section 64-9. of the Zoning Ordinance.

**Revised for the August 6<sup>th</sup> meeting:**

The Planning Commission heldover the application from the June 18, 2015 meeting to allow the applicant to present revised information. The applicant submitted a revised site plan drawn to-

*scale and including several pieces of information requested, such as a North arrow, the scale of the drawing, provision of signature boxes for the property owner and various city departments, illustration of the minimum building setback line to provide 150' from the centerline of Government Boulevard, the existing right-of-way width for Government Boulevard, and the size of the proposed lot in square feet and acres.*

*While the site plan submitted is an improvement from the previously submitted site plan, items such as landscape area and tree plantings are not addressed, the size of the building is not provided, and parking areas are illustrated without parking spaces indicated. Because the site was developed prior to 1987, when landscape area and tree planting requirements came into effect, this site will not be required to comply with these requirements until such a time that the building footprint is either increased or decreased by 50%. Without the size of the building or number of parking spaces provided, it is difficult for staff to determine if the site is compliant, however all parking and maneuvering areas are within the right-of-way. The previously mentioned paved area on the West of the property only has 14' of access to the rest of the site, making it a sub-standard access for two-way traffic.*

*The applicant submitted a revised narrative and a list of restricted uses (voluntary use restrictions), but did not provide any further justification for the rezoning other than stigmas associated with having vacant tenant spaces. Should, however the Planning Commission consider rezoning, it may wish to restrict the site to LB-2, Limited-Neighborhood Business District.*

## **RECCOMENDATION**

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

- 1) retention of the lot size in square feet and acres;*
- 2) retention of the minimum building setback line to provide 150' from the centerline of Government Boulevard;*
- 3) retention of the note on the plat stating that the lot should be limited to the existing curb cuts to Government Boulevard with changes in the size, location and design to be approved by ALDOT and Traffic Engineering and conform to AASHTO standards;*
- 4) full compliance with Engineering comments: (The following comments should be addressed prior to submitting the FINAL PLAT for acceptance and 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. Label the major north-south street name – Pinehill Dr. -in the vicinity map. C. Provide labels showing the existing parcels 1, 2, and 3. Probate records indicate that two (2) of the parcels are listed as Parcel A and Parcel B. Provide a written legal description for the proposed subdivision and matching bearing and distance labels. Probate records indicate that there is a curve along Government Blvd. Show and provide the curve data for the proposed subdivision D. Show and label each and every Right-Of-Way and*



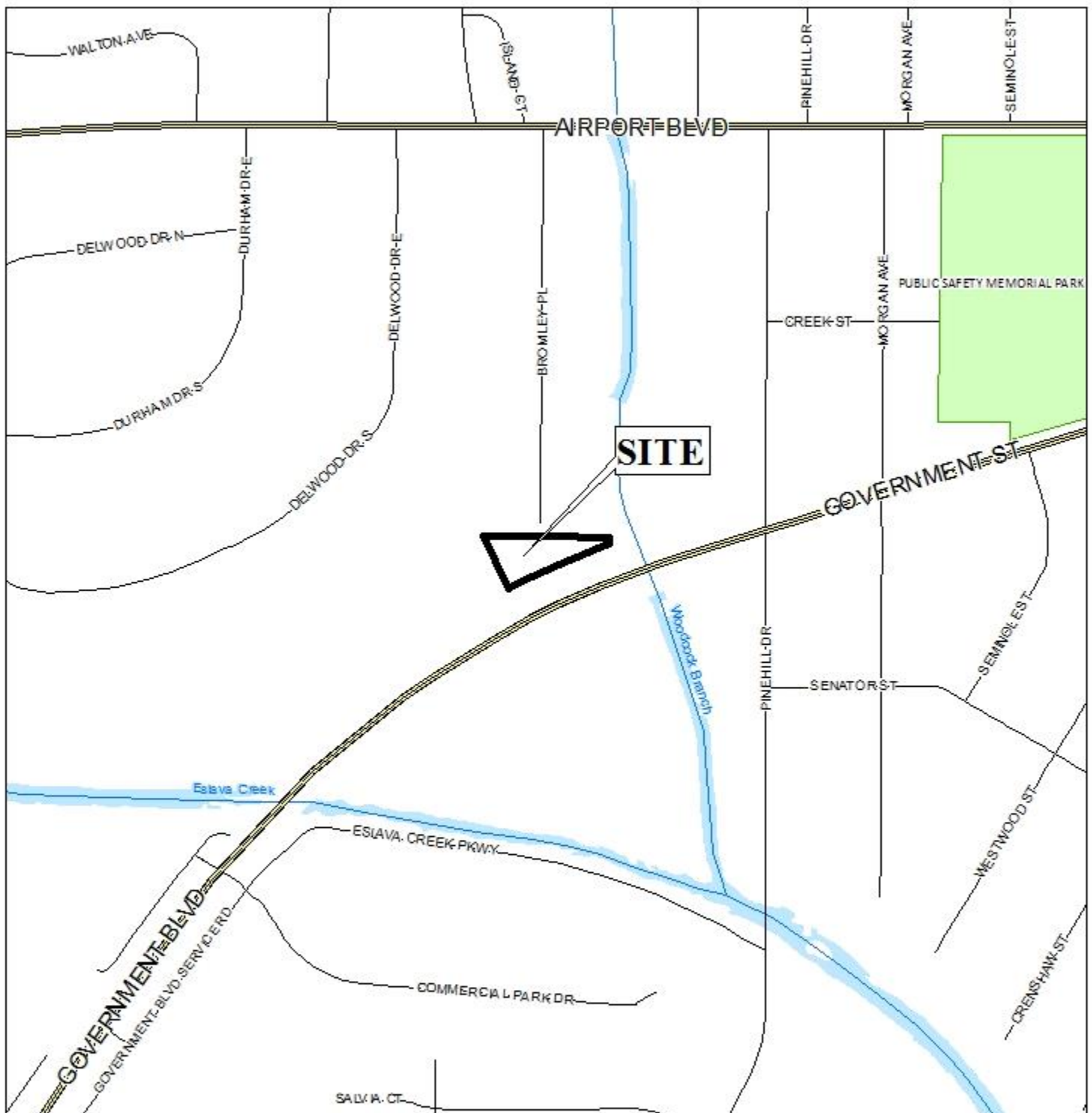
*easement. E. Provide and label the monument set or found at each subdivision corner. F. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. G. Provide an updated Plat to Engineering Dept. for review prior to submittal for City Engineer's signature. H. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.);*

- 5) full compliance with Traffic Engineering comments (Government Boulevard (U.S. Highway 90) is an ALDOT maintained roadway. Driveway number, size, location and design to be approved by ALDOT and 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. The provided site plan does not adequately show the site's existing access and parking. Aerial photography of the site includes walkways from the building to the asphalt parking area, but the walkways are not indicated on the plans. Eight of the parking spaces shown are on grass, which is not permitted. It appears that all of the paved parked encroaches in the right-of-way, if not completely in the right-of-way.);*
- 6) full 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 (State Act 61-929 and City Code Chapters 57 and 64).; and*
- 7) compliance with Fire 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. As per Appendix D, Section D107.1, one and two family developments with more than 30 dwelling units shall be provided with separate and approved fire apparatus access roads and shall meet the requirements of Section D104.3.).*

**Rezoning:** *The request is recommended for Denial, for the following reasons:*

- 1) the subject site does not meet the size criteria for a new zoning district as stated in Section 64-9.A.2.b. of the Zoning Ordinance; and*
- 2) the applicant failed to adequately justify the need for rezoning per Section 64-9. of the Zoning Ordinance.*

# LOCATOR MAP



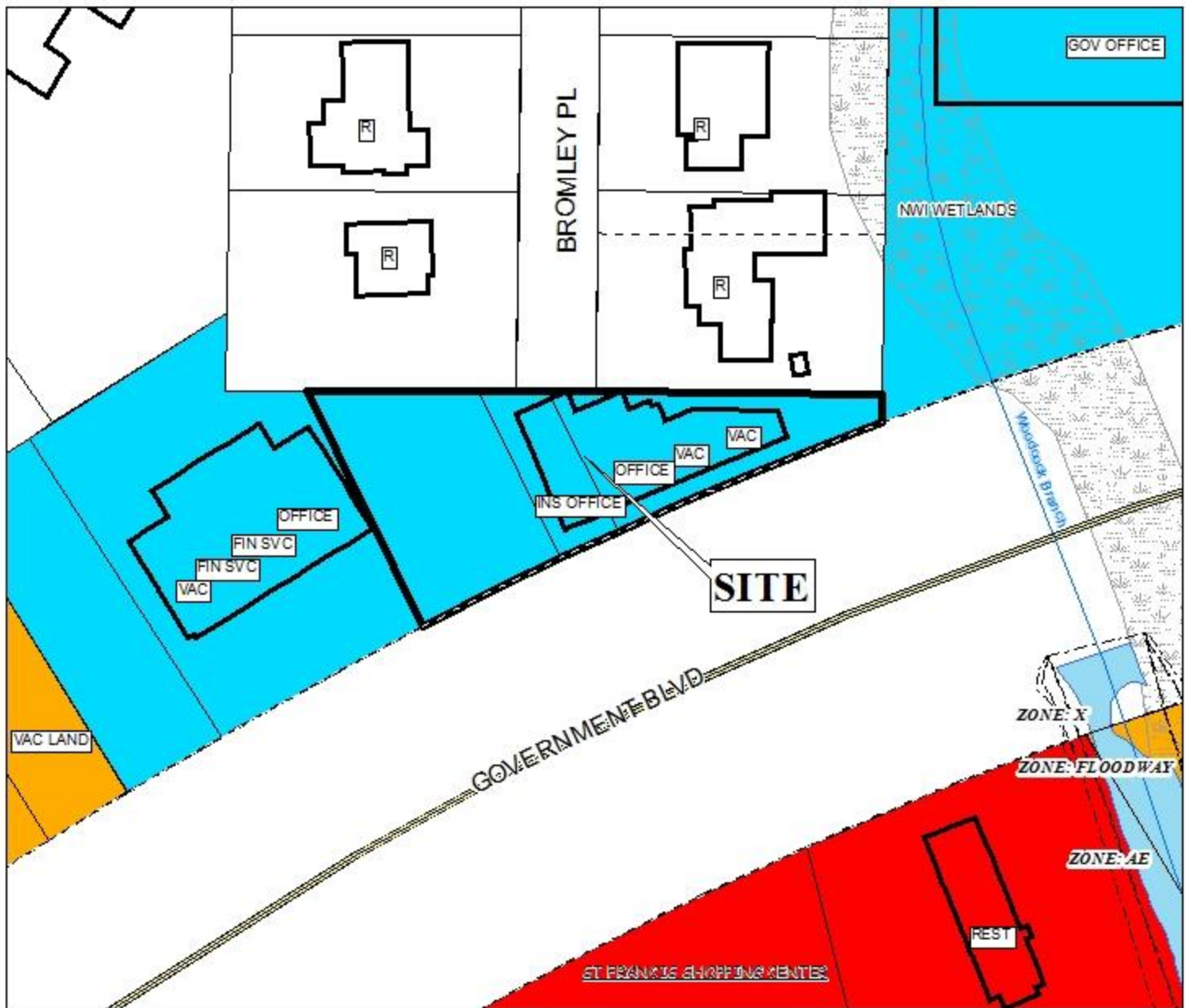
APPLICATION NUMBER 2 DATE August 6, 2015

APPLICANT Aaiden Place Subdivision

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



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



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

APPLICATION NUMBER 2 DATE August 6, 2015

APPLICANT Aaiden Place Subdivision

REQUEST Subdivision, 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 ZONING



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

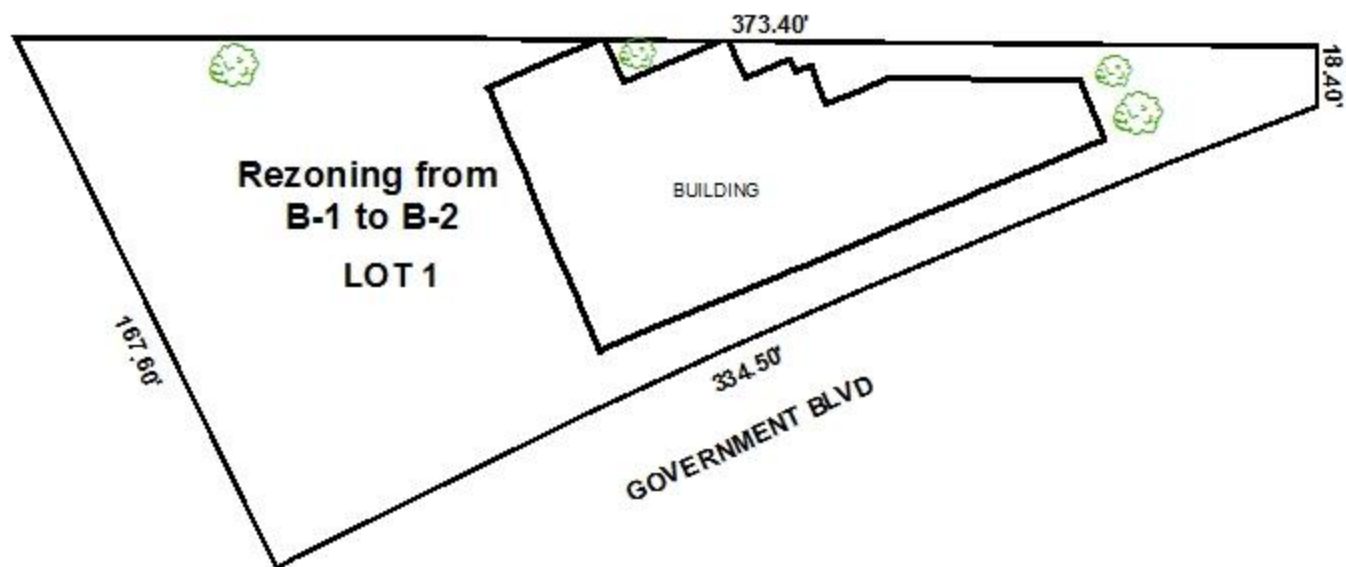
APPLICATION NUMBER 2 DATE August 6, 2015

APPLICANT Aaiden Place Subdivision

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



## SITE PLAN



The site plan illustrates the proposed lot, and proposed zoning changes.

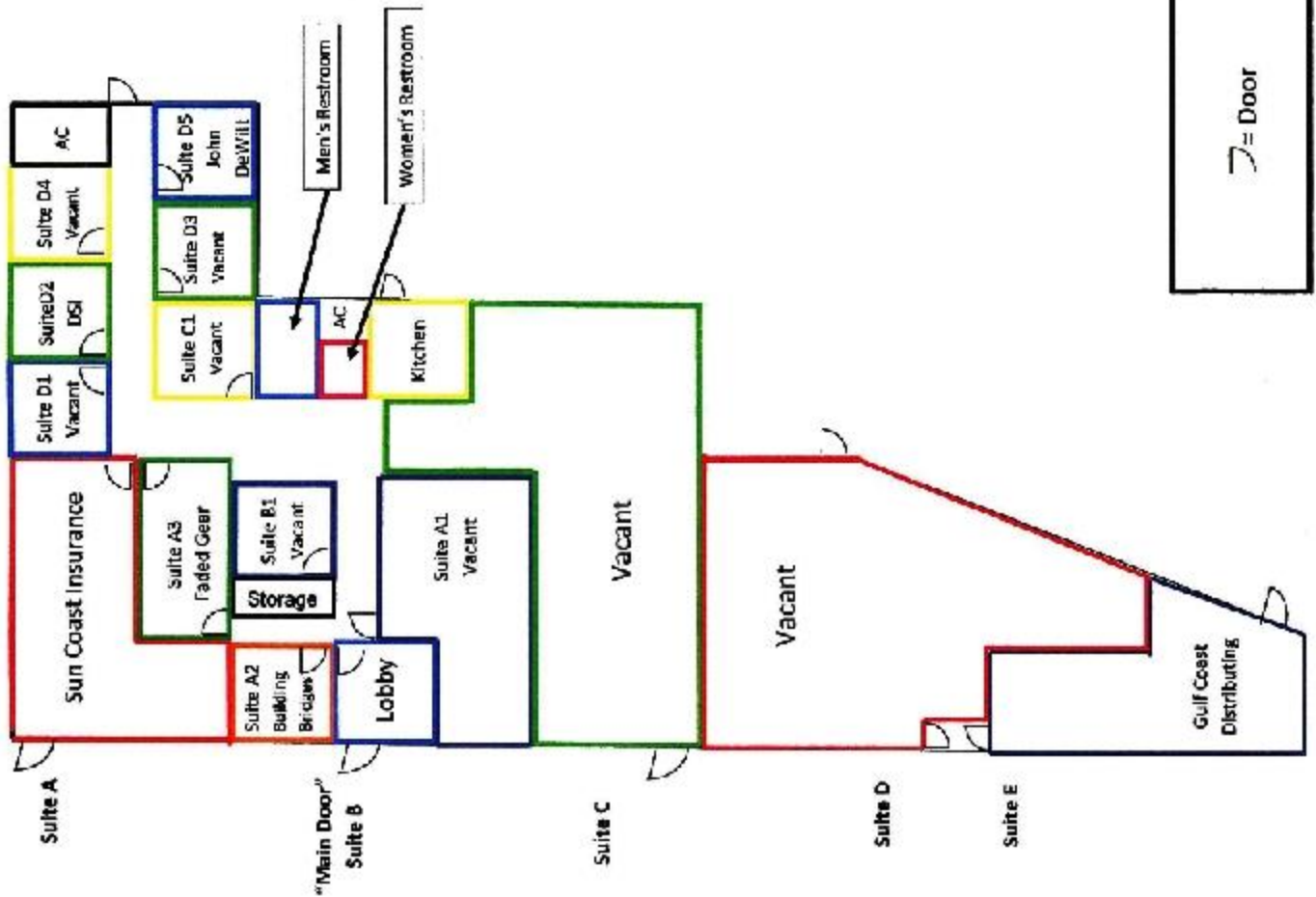
APPLICATION NUMBER 2 DATE August 6, 2015

APPLICANT Aaiden Place Subdivision

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



# DETAIL SITE PLAN



APPLICATION NUMBER 2 DATE August 6, 2015

APPLICANT Aaiden Place Subdivision

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

