

**ZONING AMENDMENT
& SUBDIVISION STAFF REPORT****Date: November 3, 2016****APPLICANT NAME**

David Shumer

SUBDIVISION NAME

5955 Airport Subdivision

5955 Airport Boulevard, 754 Linlen Avenue and 755 Pinemont Drive
(Southwest corner of Airport Boulevard and Linlen Avenue extending to the Southeast corner of Airport Boulevard and Pinement Drive).

**CITY COUNCIL
DISTRICT**

District 6

PRESENT ZONING

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

PROPOSED ZONING

B-2, Neighborhood Business District

AREA OF PROPERTY

1 Lot / 1.5 ± Acres

CONTEMPLATED USE

Subdivision approval to create 1 lot, and Zoning approval to rezone the site from R-1, Single Family Residential District and B-2, Neighborhood Business District, to B-2, Neighborhood Business District, 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**

To prevent a split-zoning situation with the proposed Subdivision Application.

**TIME SCHEDULE
FOR DEVELOPMENT**

Not provided

**ENGINEERING
COMMENTS**

Subdivision FINAL PLAT 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. Revise the plat to CLEARLY label each lot with its size in acres and square feet, or the furnishing of a table on the Plat providing the same information.
- C. Show and label the various Right-Of-Way widths along Linlen Avenue.
- D. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
- E. 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.
- F. 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.
- G. 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.
- H. Provide a copy of the FINAL PLAT to the Engineering Dept. for FINAL PLAT review prior to obtaining any signatures.
- I. After FINAL PLAT review by the Engineering Dept. provide the red-line markup, a copy of the revised original Final Plat, and the original when submitting for City Engineer signature.

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, paving, and all above ground structures, 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. 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.
- 5. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

TRAFFIC ENGINEERING**COMMENTS**

Site is limited to two curb cuts each to Pinemont Avenue and Linlen Avenue with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Access to Airport Boulevard is denied. Any new 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 (State Act 2015-116 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)

REMARKS

The applicant is requesting rezoning from R-1, Single-Family Residential District, and B-2, Neighborhood Business District, to B-2, Neighborhood Business District to eliminate split zoning.

The subject site is bounded by B-1, Buffer Business District uses to the East, B-1, Buffer Business District and R-1, Single Family Residential District to the West, and R-1, Single Family Residential to the North and South.

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 applicant's justification for rezoning the subject site is to eliminate split zoning and to match the current zoning classification of the commercial portion of the site. Therefore it appears, as stated in Section 64-9. of the Zoning Ordinance, that the subdivision of land into building sites makes reclassification of the land necessary and desirable.

This site has been the subject of several applications to the Planning Commission and the Board of Zoning Adjustment throughout the years. The Board of Zoning Adjustment denied a use variance to allow a veterinary office at this location at its December 1, 1986 meeting. Then in 1991, Lots 1, 2, and 3, Block 2, Pinehurst Delaney's Addition to Springhill received Planning Commission approval to rezone this portion of the subject site from R-1, Single Family Residential District to B-1, Buffer Business District. Shortly thereafter, the Board of Zoning Adjustment, at its August 5, 1991 meeting, approved a use variance to allow a furniture store in a

B-1, Buffer Business District with the condition that the applicant landscape the median in front of the site in accordance with the “Keep Mobile Beautiful” plan for Airport Boulevard. In 1992, the Planning Commission approved Lots 1, 2, 3, 4, & 5 Block 2 Pinehurst Delaney’s Addition to Springhill of the subject site for rezoning from B-1, Buffer Business District to B-2, Neighborhood Business District. And at its October 5, 1992 meeting, the Board of Zoning Adjustment approved a parking ratio variance to allow fewer than 28 required parking spaces for the furniture retail sales business. In 2003, the Planning Commission approved the rezoning of the subject site from B-1, Buffer Business District and R-1, Single Family Residential District to B-2, Neighborhood Business District to allow the expansion of the existing furniture store and provision of additional parking. The Planning Commission, at its June 1, 2006 meeting, approved a three-lot subdivision of this site. The primary purpose of the subdivision was to shift a lot line to correspond to the applicable zoning district line. In 2007, a one year extension was applied for; however, the Final Plat had been recorded prior to the meeting date and the applicant withdrew the extension request.

The applicant now wishes to combine multiple legal lots, some zoned B-2 and some zoned R-1, and rezone the property to B-2 in order to redevelop the existing structure into a medical clinic, which, according to the Zoning Ordinance, is allowed in B-1. A timeline for construction/site redevelopment was not provided within this application. Per the applicant, and as stated previously, the rezoning is necessary in order to prevent split zoning once the properties have been subdivided into a single parcel. The two adjacent residential lots that are proposed to be included within the subdivision will serve as additional parking for the redevelopment of the site. The medical clinic is proposed to have an entrance in the front and rear, and will require additional parking to meet the projected need according to the applicant. The applicant further states that all required buffers will be provided and that no additional structures are proposed for this site. The proposed B-2 zoning designation for the proposed subdivision will be consistent with the current commercial zoning classification of the existing Lot 1 that fronts Airport Boulevard, however, a B-1 designation for the proposed lot would be sufficient for the new medical use, and a B-1 designation would be more consistent and compatible with the abutting commercial and residential uses.

It should be noted that a similar rezoning request was approved by the Planning Commission in 2005 for the property located directly West of the subject site. The approval allowed the rezoning of the property from R-1 to B-1 to allow parking for an adjacent medical and office building.

While Zoning approval is not site plan specific, it should be noted that a number of items will need to be addressed on the site plan prior to obtaining permits and redeveloping the rear parking area. For instance, since the remaining residential lots are being resubdivided into one lot, the applicant must ensure that the site meets full commercial landscaping, tree planting, and site compliance, especially along the perimeter of the site. Although the existing site is fully developed according to its previous use as a furniture retail business, the subdivision and the proposed expansion of the rear parking lot area will require additional landscaping and perimeter tree plantings, as well as ensuring that the existing landscaping is compliant with the proposed site development.

Furthermore, the subject site abuts residentially-zoned properties. Per Section 64-4.D.1 of the Zoning Ordinance, where a commercially utilized building site adjoins a residentially utilized building site, there shall be a protection buffer strip of not less than ten (10) feet in width. Any required yard shall be counted as part of such protection buffer strip. The protection buffer may be a wall, fence, or a screen planting strip that complies with the regulations for walls/fences, screen planting strips, and buffer strips within the Zoning Ordinance. It should be mentioned that a portion of the land buffer strip along the southern edge of the site appears to be less than 10' in width, and will need to be revised accordingly on the site plan. Also, the buffer strip does not clearly indicate if a fence, wall, or screen planting strip will be provided as a buffer, in conjunction with the land strip. If a fence or wall is to be provided, the fence type and height should be depicted on the revised site plan and ensure that setback requirements are met.

The existing building structure is approximately 13,137 square feet. At a parking ratio of 1/300, the existing structure and proposed use as a medical clinic will require 43 onsite parking spaces. Currently, the existing site has a total of approximately 60± parking spaces, with 40± parking spaces in the front and 20 parking spaces in the rear (according to the combined parking spaces depicted on both the preliminary plat and site plan). However, all existing and proposed parking spaces should be illustrated on the revised site plan and ensure that each parking stall measures 9' wide by 18' long. The boxed area in the front parking lot on the revised site plan should clearly indicate each parking stall, dimensioned appropriately. The applicant proposes to place 51 new parking spaces in the rear parking lot area. The redevelopment of the rear parking lot area will increase total onsite parking from 60± to 111± parking spaces; however, it should be mentioned that the existing parking spaces are over the number required for this site, and the applicant does not necessarily have to expand the rear parking area as 17 additional parking spaces are available. Also, because the parking is proposed to be expanded by more than 25%, a photometric site plan will be required at permitting.

In regards to the existing and proposed parking areas, the access drives and aisle widths appear to be compliant with the requirements of the Zoning Ordinance; however, the parking area must provide lighting in compliance with Section 64-6.A.3 of the Zoning Ordinance at time of permitting.

The site plan does not indicate the method of garbage collection for the subject site. The site plan should be revised to illustrate that onsite garbage collection will be served via a dumpster with a compliant enclosure with a connection to sanitary sewer in accordance with Section 64-4.D.9 of the Zoning Ordinance, or the placement of a note on the site plan indicating such. If a dumpster will not be provided, a note should be placed on the site plan stating that garbage collection will be provided via curbside or by private garbage collection services. Also, the revised site plan must ensure that the dumpster, if provided, is not within the 10-foot residential buffer.

The location and dimensions of the existing and/or proposed HVAC mechanical equipment for the proposed medical building structure is not illustrated on the site plan. The site plan should be revised to indicate the location, height and size of the HVAC mechanical equipment (i.e. HVAC units, generators, etc.) in compliance with Section 64-4.D.11 of the Zoning Ordinance.

It should be noted that demolition permits will be required to remove the existing residential structures prior to the redevelopment of the new parking area. Also, land disturbance permits will be required prior to beginning any site work.

It should also be noted that Building and Fire Code compliance will be required due to the conversion of the retail business into a medical clinic. Compliance could include accessible restrooms, emergency lighting, and ventilation modifications. The applicant may wish to schedule a pre-development meeting to determine the scope of all required improvements.

The entire site appears to be depicted as a “Suburban Corridor” Development Area, per the recently adopted Map for Mobile Plan. The intent of a Suburban Corridor Development Area is to allow for:

- Accommodation of all users: automobile, bicycle, pedestrian and transit
- Greater connectivity to surrounding neighborhoods
- Development concentrated in centers rather than in strips along the corridor
- Eventual increase in density with residential above retail and services
- Increased streetscaping
- Improve traffic flow

It should be noted that the Map for Mobile Plan is meant to serve as a general guide, not a detailed lot and district plan or mandate for development. Moreover, the Plan 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.

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 plat illustrates the proposed 1-lot subdivision which is sited on the Southwest corner of Airport Boulevard and Linlen Avenue extending to the Southeast corner of Airport Boulevard and Pinemont Avenue within Council District 6. The applicant states that the site is served by MAWSS public water and sanitary sewer systems. The purpose of this application is to create one legal lot of record from three legal lots.

The site fronts onto Airport Boulevard, Linlen Avenue and Pinemont Drive. Airport Boulevard is a major street as illustrated on the Major Street Component of the Comprehensive Plan, and as such requires a 100’ right-of-way width. The right-of-way width along Airport Boulevard is depicted as a 140’ on the preliminary plat, thus no dedication is required. The 140’ wide right-of-way width should be retained on the Final Plat, if approved.

Linlen Avenue and Pinemont Avenue are both minor streets that require a 50’ wide right-of-way widths. The right-of-way width along Linlen Avenue is depicted as “*Variable Width R/W*” on the preliminary plat, and the right-of-way width along Pinemont Avenue is depicted as 60’. It

should be noted that there are unique factors associated with this application and property. When the site was rezoned in 1992, dedication of additional right-of-way was not required; thus, subjecting Linlen Avenue to a substandard right-of-way width; therefore, the “variable width” designation that is depicted for the right-of-way width along Linlen Avenue on the preliminary plat may be applicable.

The 25-foot minimum building setback is depicted along Airport Boulevard, Linlen Avenue and Pinemont Drive. The Final Plat, if approved, should retain the minimum building setback line along all three street frontages.

The proposed lot exceeds the 7,200 square foot minimum lot size requirements for lots served by public water and sanitary sewer systems. The lot size information is indicated in both square and in acres and should be retained on the Final Plat, if approved.

As a means of access management, a note should be placed on the Final Plat stating that Lot A is limited to two curb-cuts each to Pinemont Avenue and Linlen Avenue, with any changes to the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Additionally, a note should be placed on the Final Plat stating that access to Airport Boulevard is denied. Any unused curb-cuts should be removed and the public right-of-way restored with curbing, grass and the provision of sidewalk or a sidewalk waiver.

It should be mentioned that although the subject site is located along the Suburban Corridor, as noted in the Map for Mobile Plan, the proposed design and current characteristics of the surrounding area do not reflect most of the attributes suggested for corridors of this type; however, the proposed relocation and improvements to the access drives along Linlen Avenue and Pinemont Avenue, as well as the addition of required landscaping along the perimeter of the subject property, will essentially help in aiding better traffic flow on and off the property onto all three street frontages and enhancing the streetscape along this corridor.

RECOMMENDATION

Subdivision: The Subdivision request is recommended for Tentative Approval, subject to the following conditions:

- 1) Retention of the right-of-way widths along all three frontages;
- 2) Retention of the 25-foot minimum building setback line from all street frontages;
- 3) Retention of the lot size information in both square feet and in acres;
- 4) Placement of a note on the Final Plat stating that Lot A is limited to two curb-cuts each to Pinemont Avenue and Linlen Avenue, with any changes to the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards;
- 5) Placement of a note on the Final Plat stating that Lot A is denied access to Airport Boulevard;
- 6) Removal of any unused curb-cuts and the restoration of curbing, grass and the provision of a sidewalk or a sidewalk waiver;
- 7) Compliance with Engineering comments (*Subdivision: FINAL PLAT 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. Revise the plat to CLEARLY label each lot with its size in acres and square feet, or the furnishing of a table on the Plat providing the same information. C. Show and label the various Right-Of-Way widths along Linlen Avenue. D. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. E. 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. F. 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. G. 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. H. Provide a copy of the FINAL PLAT to the Engineering Dept. for FINAL PLAT review prior to obtaining any signatures. After FINAL PLAT review by the Engineering Dept. provide the red-line markup, a copy of the revised original Final Plat, and the original when submitting for City Engineer signature. Zoning: 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, paving, and all above ground structures, 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. 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. 5. The proposed development must comply with all Engineering Department design requirements and Policy Letters.);
- 8) Compliance with Traffic Engineering comments (Site is limited to two curb cuts each to Pinemont Avenue and Linlen Avenue with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Access to Airport Boulevard is denied. Any new on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.);

- 9) 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 2015-116 and City Code Chapters 57 and 64).; and*
- 10) Compliance with Fire 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)).*

Rezoning: Based upon the preceding, the rezoning of the site to B-1, Buffer Business District (instead of B-2) is recommended for Approval, subject to the following conditions:

- 1) Completion of the Subdivision process; and,
- 2) Full compliance with all municipal codes and ordinances.

Revised for the December 1st meeting:

This application was heldover from the November 3rd meeting, at the applicant's request.

On November 23rd, the applicant's representative notified staff of the intent to withdraw the applications.

RECOMMENDATION

Subdivision: *To be withdrawn by the applicant.*

Rezoning: *To be withdrawn by the applicant.*

LOCATOR MAP



APPLICATION NUMBER 3 DATE December 1, 2016

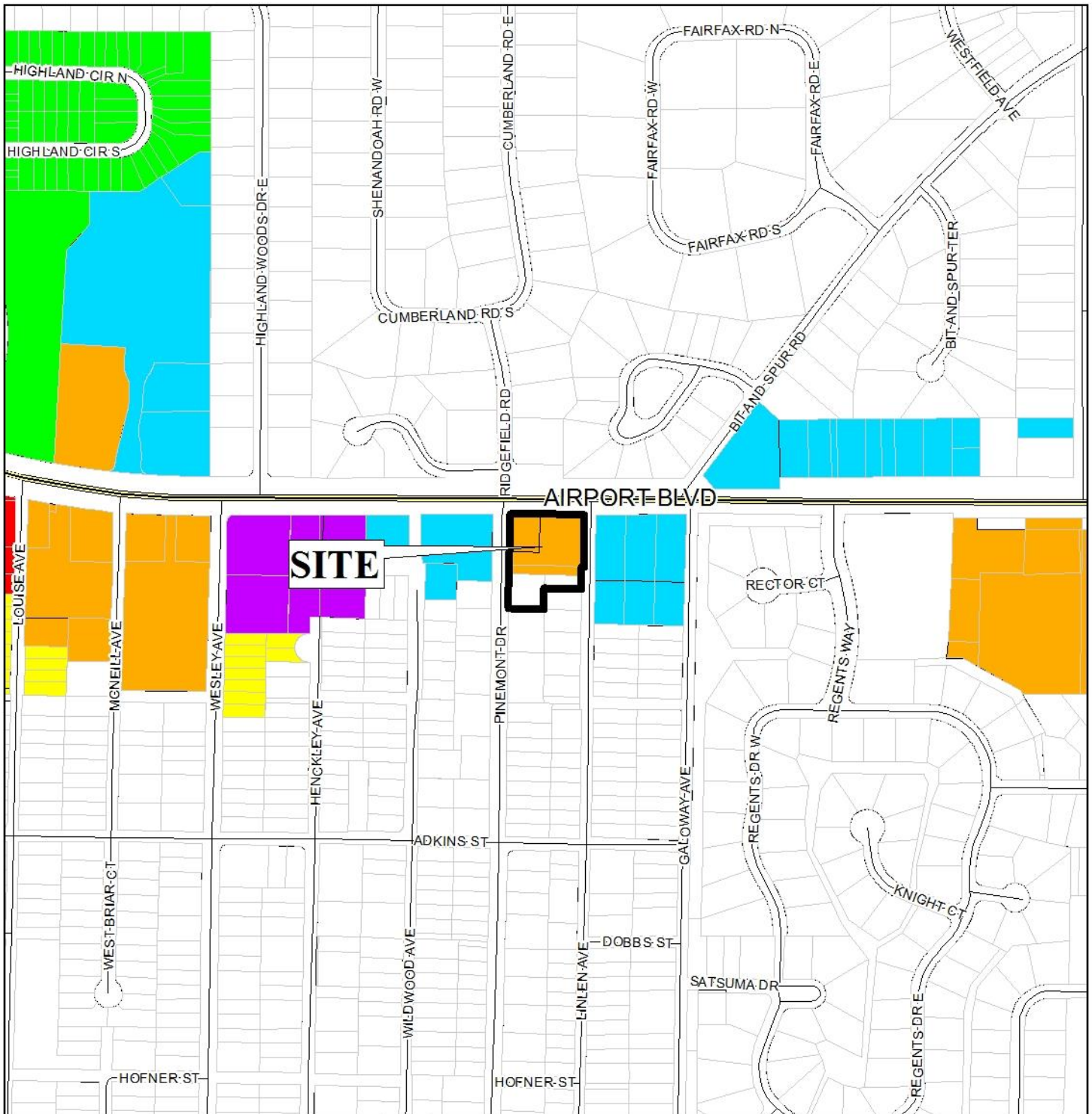
APPLICANT 5955 Airport Subdivision

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



NTS

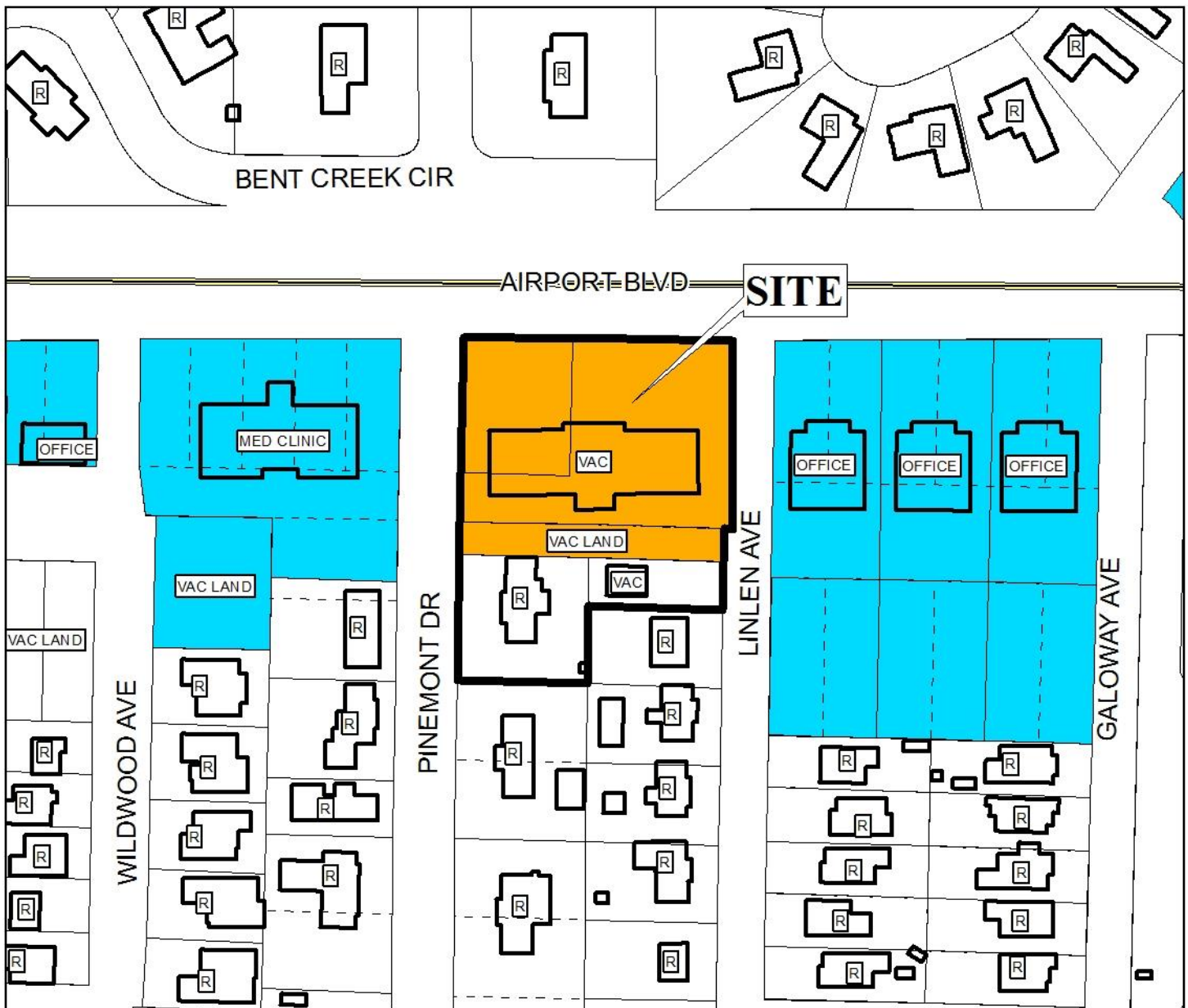
LOCATOR ZONING MAP



APPLICATION NUMBER 3 DATE December 1, 2016
 APPLICANT 5955 Airport Subdivision
 REQUEST Subdivision, Rezoning from B-2 and R-1 to B-2



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units to the north and south.
Commercial units are located to the east and west.

APPLICATION NUMBER 3 DATE December 1, 2016

APPLICANT 5955 Airport Subdivision

REQUEST Subdivision, Rezoning from B-2 and 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

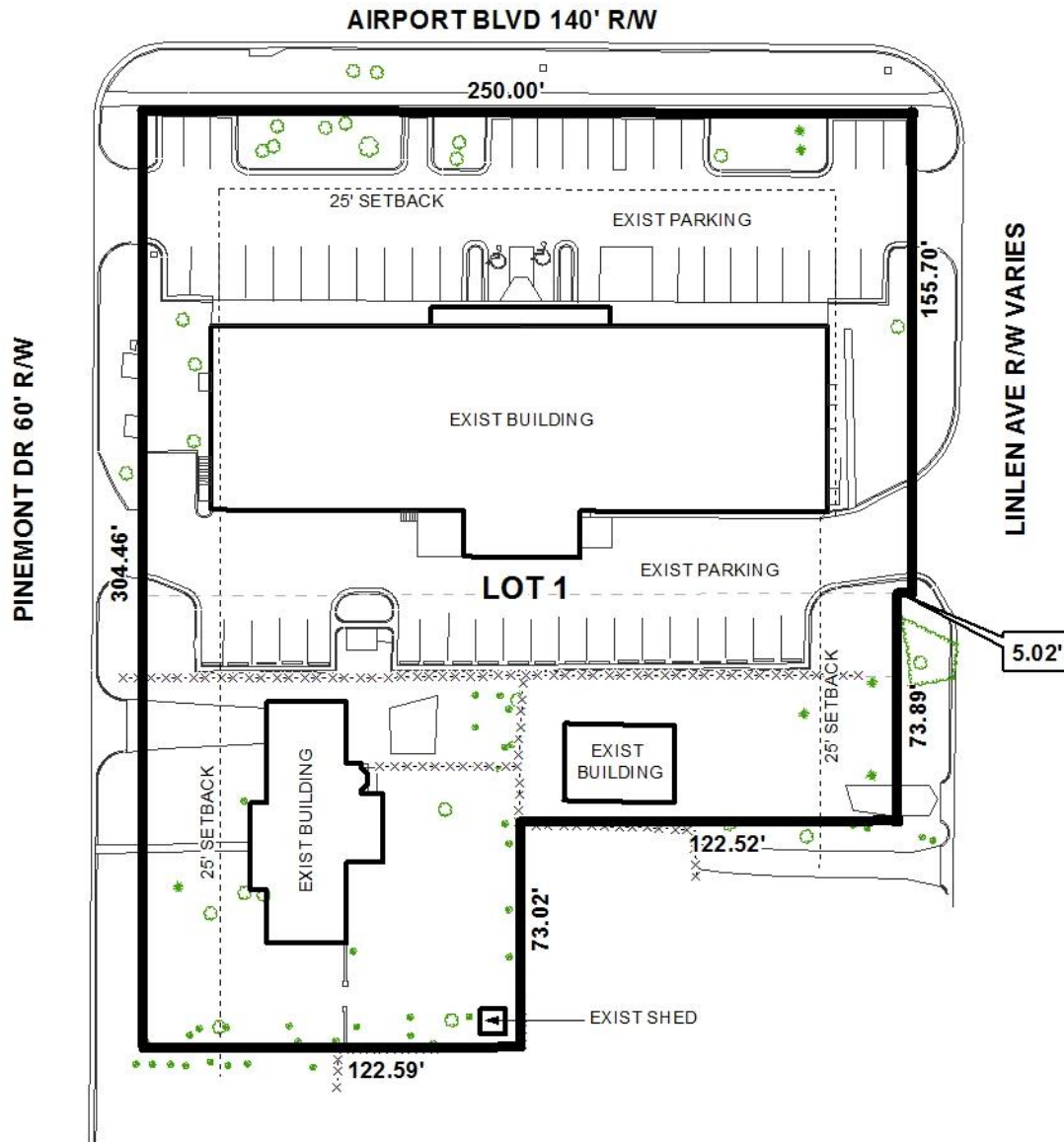


The site is surrounded by residential units to the north and south.
Commercial units are located to the east and west.

APPLICATION NUMBER 3 DATE December 1, 2016
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 REQUEST Subdivision, Rezoning from B-2 and R-1 to B-2



EXISTING SITE PLAN

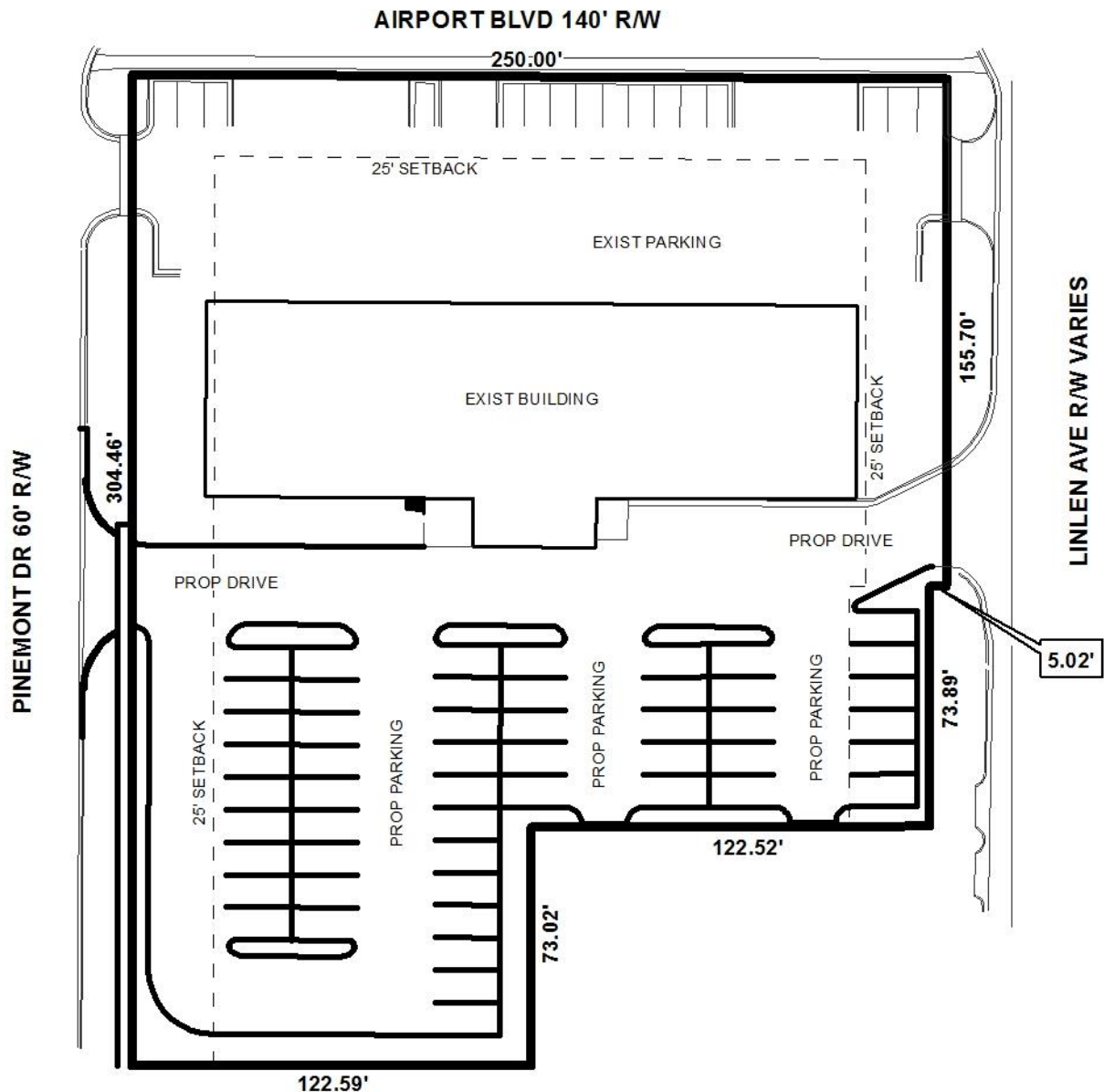


The site plan illustrates the existing buildings, existing parking facilities, and setbacks.

APPLICATION NUMBER 3 DATE December 1, 2016
APPLICANT 5955 Airport Subdivision
REQUEST Subdivision, Rezoning from B-2 and R-1 to B-2



PROPOSED SITE PLAN

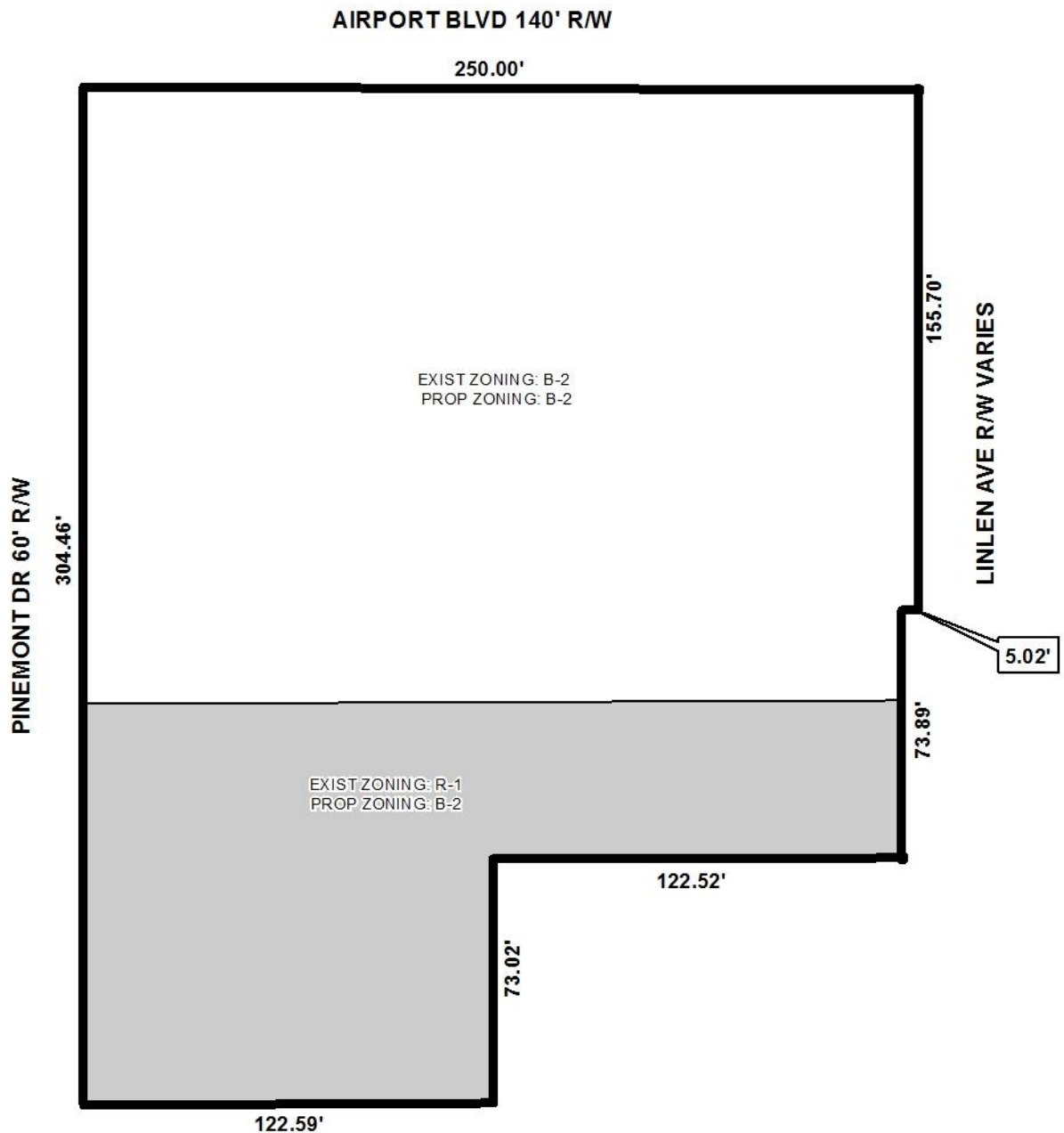


The site plan illustrates the existing building, existing parking, setbacks, proposed parking, and proposed drives.

APPLICATION NUMBER 3 DATE December 1, 2016
APPLICANT 5955 Airport Subdivision
REQUEST Subdivision, Rezoning from B-2 and R-1 to B-2



DETAIL SITE PLAN



APPLICATION NUMBER 3 DATE December 1, 2016
APPLICANT 5955 Airport Subdivision
REQUEST Subdivision, Rezoning from B-2 and R-1 to B-2

