

**HOLDOVER *Revised***

**# 7, 8 & 9**

**SUB2011-00146, ZON2011-03251 & ZON2011-03252**

**ZONING AMENDMENT,  
PLANNED UNIT DEVELOPMENT &  
SUBDIVISION STAFF REPORT**

**Date: January 19, 2012**

**NAME**

Hossein Mohandessi

**SUBDIVISION NAME**

Star Imports Subdivision

**LOCATION**

2600 Government Boulevard  
(Northeast corner of Government Boulevard Service Road  
and Merwina Avenue extending to the Southwest corner of  
Government Boulevard Service Road and Kreitner Street)

**CITY COUNCIL  
DISTRICT**

District 5

**PRESENT ZONING**

B-2, Neighborhood Business

**PROPOSED ZONING**

B-3, Community Business

**REASON FOR  
REZONING**

To allow auto sales.

**AREA OF PROPERTY**

1 Lot / 0.2 ± Acres

**CONTEMPLATED USE**

Subdivision approval to create 1 lot, Planned Unit Development Approval to allow multiple buildings on a single building site and reduced setbacks, and Rezoning from B-2, Neighborhood Business District, to B-3, Community Business District, to allow automobile sales.

**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**

Immediate

**ENGINEERING  
COMMENTS**

1) Any work performed in the existing ROW (right-of-way) will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with all City of Mobile ROW code and ordinances. 2) The concrete structure

within the ROW of Kreitner St (NE corner of the existing building) shall be removed, and the sidewalk repaired to meet City standards. 3) Any existing sidewalk panels, concrete curb-cuts, or handicapped ramps within the existing ROW that are damaged will need to be replaced and will require a C.O.M. ROW permit.

***Revised for the February 16<sup>th</sup> meeting***

- 1) *Any work performed in the existing ROW (right-of-way) will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with all City of Mobile ROW code and ordinances.*
- 2) *The concrete structure within the ROW of Kreitner St (NE corner of the existing building) shall be removed, and the sidewalk repaired to meet City standards.*
- 3) *Any existing sidewalk panels, concrete curb-cuts, or handicapped ramps within the existing ROW that are damaged will need to be replaced and will require a C.O.M. ROW permit.*
- 4) *Must comply with all storm water and flood control ordinances Of the City of Mobile.*

**TRAFFIC ENGINEERING**  
**COMMENTS**

Driveway number, size, location and design to be approved by Traffic Engineering and ALDOT and conform to AASHTO standards. There are two existing curb cuts that serve no purpose to the site that should be eliminated. There are two more curb cuts that are 30'-35' in width and align entering traffic directly with parking spaces, making the effective driveway width only 15'. The curb cut along the service road is over 135' in width (approximately 24' may be considered a driveway and the remaining is angled parking). Any parking that requires backing into the right-of-way or parking within the right-of-way is not recommended, and parking in the right-of-way should require a use agreement with the City. The parking stalls are at least 2' short of the minimum stall length required by the City (18'). For the spaces along the service road, this means that the vehicles will likely overhang in the service road roadway (not just right-of-way) by at least 2'. Access to the three parking spaces on the north end of the site is inadequate. The internal site circulation has been eliminated by the placement of the second structure. An 8.2' aisle is illustrated between the proposed building and the property line, which is barely enough space for a standard vehicle to pass (typical passenger vehicle width is 7.5'). Considering the access of the properties across the street on Merwina Avenue, the limited availability of frontage on Kreitner Street, and the potential lack of parking at this site, on street parking seems probable, but it is not ideal and may be prohibited.

***Revised for the February 16<sup>th</sup> meeting:***

*The revised site plan illustrates only one driveway for the site from the Highway 90 service road; driveway number, size, location and design to be approved by Traffic Engineering and ALDOT and conform to AASHTO standards. Handicap accessible sidewalk ramps are required at all street corners. Since curbing is not illustrated, wheel stops are required for the three designated parking spaces. Based on the proposed use of the site, it may be appropriate to require additional wheel stops or similar obstruction along the perimeter of the paved area to prevent parking in landscape areas.*

**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 of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.

**REMARKS**

The applicant is requesting Subdivision approval to create 1 lot, Planned Unit Development Approval to allow multiple buildings on a single building site and reduced setbacks, and Rezoning from B-2, Neighborhood Business District, to B-3, Community Business District, to allow automobile sales. Automobile sales are allowed by right in B-3, Community Business Districts.

Planned Unit Development review examines the site with regard to its location to ensure that it is generally compatible with neighboring uses; that adequate access is provided without generating excess traffic along minor residential streets in residential districts outside the PUD; and that natural features of the site are taken into consideration. PUD review also examines the design of the development to provide for adequate circulation within the development; to ensure adequate access for emergency vehicles; and to consider and provide for protection from adverse effects of adjacent properties as well as provide protection of adjacent properties from adverse effects from the PUD. PUD approval is site plan specific, thus if any new construction is anticipated that will change an approved site plan, an application to amend an existing, approved PUD must be made prior to any construction activities.

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.

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 entire site appears to be depicted as commercial 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. 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 applications at hand are the result of the property owner being cited for unpermitted placement of a portable office building on the site.

The site was for many years a restaurant, with non-conforming status for parking, landscaping, tree compliance and building placement. The existing 2,515 square foot building (as scaled by staff based upon the plan submitted) was built in 1962, according to Mobile County Revenue Department records. The current owner purchased the property in November 2011.

The triangular site is bounded on all sides by public streets. Kreitner Street to the North, and Merwina Avenue, to the West, are minor streets with adequate 50-foot wide right-of-ways. To the Southeast is the service road for Government Boulevard, which has a combined right-of-way width of approximately 233 feet, which is less than the 250-foot width required by the Major Street Plan component of the Comprehensive Plan: dedication adequate to provide 125 feet from centerline will be required along this frontage.

It should also be pointed out that portions of the existing building extend into the right-of-way for Merwina Avenue.

The applicant intends to use the site for auto sales: the applicant has two other locations, one in Saraland, and one in Robertsedale, Alabama. The portable office building that has been placed on the site will be used for the auto sales operation, and the applicant proposes to eventually demolish the existing building. The applicant is requesting:

- 1) A building setback along Government Boulevard of 5 feet
- 2) A building setback along Kreitner Street and Merwina Avenue of 0 feet
- 3) Rezoning to B-3 to allow the proposed auto sales use

The applicant has not stated which of the four conditions support the rezoning request. While the site is abutted to the North by properties in a B-3 district, properties to the East, South and West are in a B-2 district. While there are several other automotive sales locations in the B-2 districts along Government Boulevard, they exist due to Non-Conforming Use status (i.e. grandfathering), or by Use Variance.

Regarding the requested reduced setbacks, the 7,459 square foot site would be limited to a 594 square foot buildable area with 25-foot building setbacks from all right-of-ways (prior to any required dedication). The existing building plus the recently placed portable office building currently cover 2,915 square feet, or 39% of the site (50% coverage is allowed in B-2 and B-3 districts). Therefore, some reduction in setbacks might seem reasonable, however, the requested setbacks may be excessive.

The applicant plans to have twenty (20) to thirty (30) vehicles for sale on the site at any time. If one assumes a standard parking space of 9 x 18 feet, or 162 square feet per vehicle, then between 3,240 and 4,860 square feet of the site will be dedicated to “for sale” vehicular parking. The proposed used car inventory, when combined with the size of the buildings on the site, will leave little to no room for customer or employee parking on site: any existing parking in the right-of-way cannot be counted towards meeting on-site parking requirements.

The site has essentially a continuous curb-cut along the Government Boulevard service road frontage, three (3) curb-cuts along the Merwina Avenue frontage, and one (1) curb-cut along the Kreitner Street frontage. The site should be limited to a maximum of one (1) curb-cut onto each street, with the size, design and location to be approved by Traffic Engineering and ALDOT (due to Government Street also being US Highway 90), with the curb-cuts to comply with AASHTO standards. Any unused or over-sized curb-cuts should be removed and landscaped.

The submitted site plan shows one existing oak tree, but otherwise does not depict any proposed landscape areas, nor any attempt to comply with the tree requirements of the Zoning Ordinance. The staff typically recommends the provision of frontage trees as a minimum for sites going through the PUD process, if limited new construction is proposed: such a recommendation would also apply to this site.

## **RECOMMENDATION**

**Rezoning:** The rezoning request is recommended for Denial for the following reason:

- 1) The request did not indicate which of the four conditions for amendment apply.

**Planned Unit Development:** The request is recommended for Denial for the following reasons:

- 1) Setbacks as proposed from abutting streets would be uncharacteristic for the area for new construction;
- 2) Dedication of right-of-way for Government Boulevard (US Highway 90) will additionally reduce the size of the site, thus making the placement of more than one structure on the site as proposed impracticable;
- 3) No improvements to the site to increase compliance with the tree and landscaping requirements of the Zoning Ordinance are proposed; and
- 4) The use and design of the site, as proposed, will result in inadequate parking for customers and employees.

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

- 1) Dedication to provide 125 feet from centerline along Government Boulevard (US Highway 90);
- 2) Placement of a note on the plat stating that the site is limited to a maximum of one curb-cut to each street, with the size, design and location to be approved by Traffic Engineering and ALDOT, and to conform with AASHTO standards;

- 3) Removal of any extra or unused curb-cuts, and the restoration/landscaping of the right-of-way; and
- 4) Full compliance with all other applicable requirements of the Subdivision Regulations.

***Revised for the February 16th meeting:***

*The applications were heldover from the January 19<sup>th</sup> meeting, at the applicant's request. Revised plans were submitted, depicting removal of the older building, relocation of the office trailer, landscaping, parking and reduced setbacks. An expanded narrative was also provided.*

*The applicant is now requesting five (5) foot setbacks along Merwina Avenue and Kreitner Street, and the standard 25-foot setback along the service road for Government Boulevard. The revised site plan does not reflect the right-of-way dedication along Government Boulevard recommended in the staff report.*

*With reduced setbacks, the applicant proposes to relocate the office trailer to the Northwest corner of the site: the existing vacant 1962-era restaurant will be demolished to allow for the proposed trailer placement. The placement of the office trailer to be 5-feet from the property lines along Merwina Avenue and Kreitner Street will be an improvement over the existing building, which is on the property line or partially in the right-of-way.*

*The applicant states in the revised narrative that standard setbacks of 25-feet make the site unbuildable. Staff believes that the site would be buildable, but not in a manner desired by the applicant.*

*The applicant additionally states that the site "endured right of way acquisition from the expansion of Government Boulevard to allow construction of a service road along the front of this property." Review of historic aerial photos show that changes to the property due to Government Boulevard occurred between 1940 and 1955, and as noted by the applicant, the restaurant building was constructed in 1962, after Government Boulevard and its service roads were built.*

*Regarding the zoning request, once again, the applicant did not state which of the following four conditions apply:*

- 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.*

*Regarding the proposed use of the site, the site plan depicts three (3) parking spaces, adequate for the size of the 449 square foot office trailer, however, Americans with Disabilities Act compliance may be required in terms of providing one handicap van-accessible parking space.*

*As for the proposed parking of vehicles for sale, staff estimates that the paved portion of the site not used for staff/customer parking and maneuvering, may only accommodate 10 vehicles, however, the applicant originally stated a desire to have twenty (20) to thirty (30) vehicles for sale on the site at any time: it appears that there is insufficient paved area on the site to allow the desired number of vehicles. Additionally, there does not appear to be any space on site to accommodate a truck that may load or off-load vehicles for sale, thus such a truck would have to park in the right-of-way of the adjacent streets, blocking traffic.*

*The revised site plan shows landscape areas and tree plantings. No information is provided regarding the amount in square feet of landscape area, thus staff cannot determine if adequate area is provided. As for trees, it appears that the site generally complies, however, two additional frontage trees may be required.*

## **RECOMMENDATION**

***Rezoning:*** *The rezoning request is recommended for Denial for the following reason:*

- 1) The request did not indicate which of the four conditions for amendment apply.*

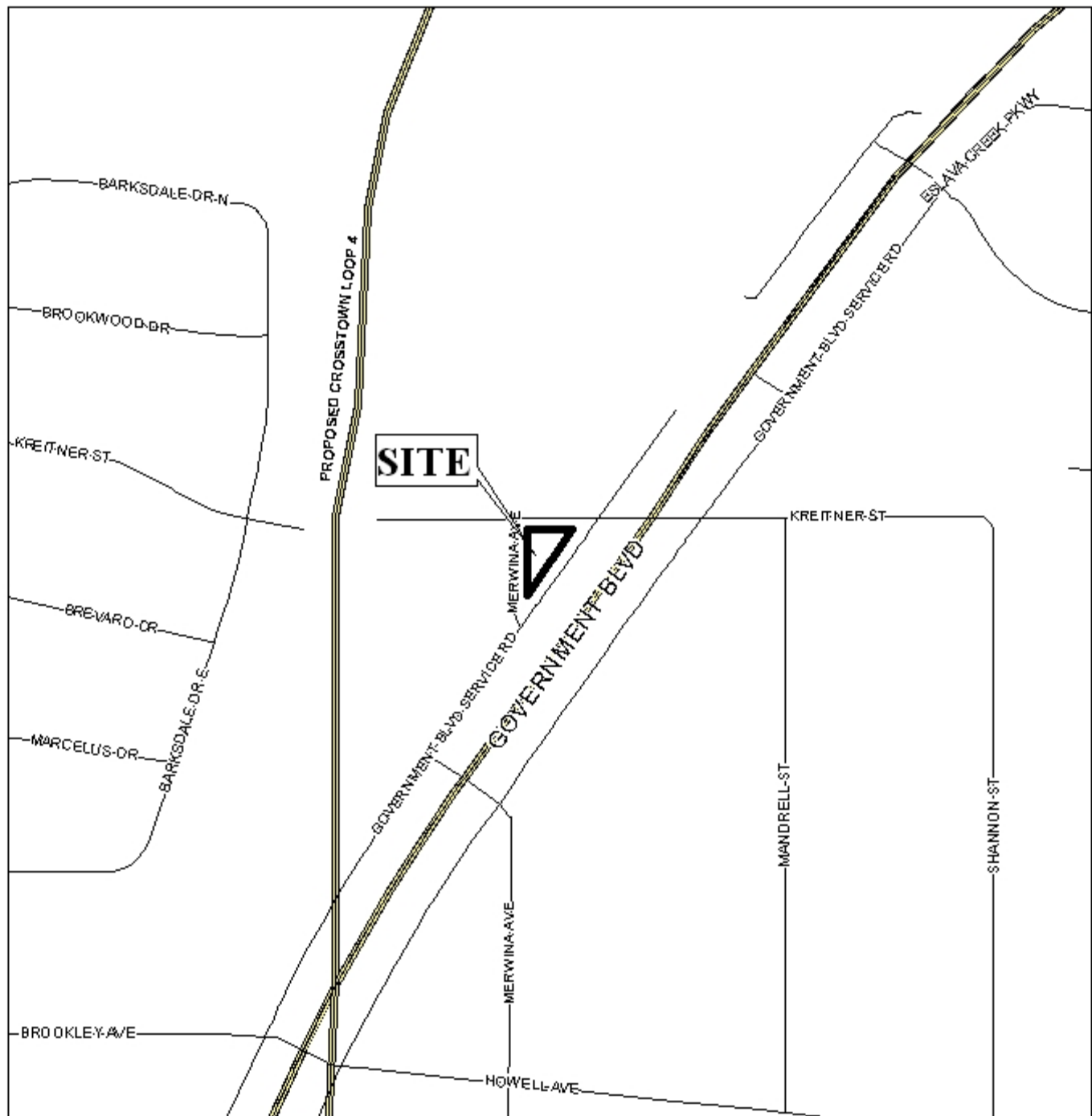
***Planned Unit Development:*** *The request is recommended for Denial for the following reasons:*

- 1) Dedication of right-of-way for Government Boulevard (US Highway 90) will additionally reduce the size of the site, negating the site plan submitted;*
- 2) The use and design of the site, as proposed, will not provide adequate paved area for the proposed quantity of vehicles for sale; and*
- 3) Delivery or removal of vehicles for sale by truck will appear to require the use of adjacent rights-of-way, rather than being contained on-site.*

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

- 1) Dedication to provide 125 feet from centerline along Government Boulevard (US Highway 90);*
- 2) Placement of a note on the plat stating that the site is limited to one curb-cut, with the size, design and location to be approved by Traffic Engineering and ALDOT, and to conform with AASHTO standards;*
- 3) Removal of any extra or unused curb-cuts, and the restoration/landscaping of the right-of-way; and*
- 4) Full compliance with all other applicable requirements of the Subdivision Regulations.*

# LOCATOR MAP



APPLICATION NUMBER 7, 8 & 9 DATE February 16, 2012

APPLICANT Star Imports Subdivision

REQUEST Subdivision, PUD, Rezoning from B-2 to B-3



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING
















The site is surrounded by commercial land use.

APPLICATION NUMBER 7, 8 & 9 DATE February 16, 2012

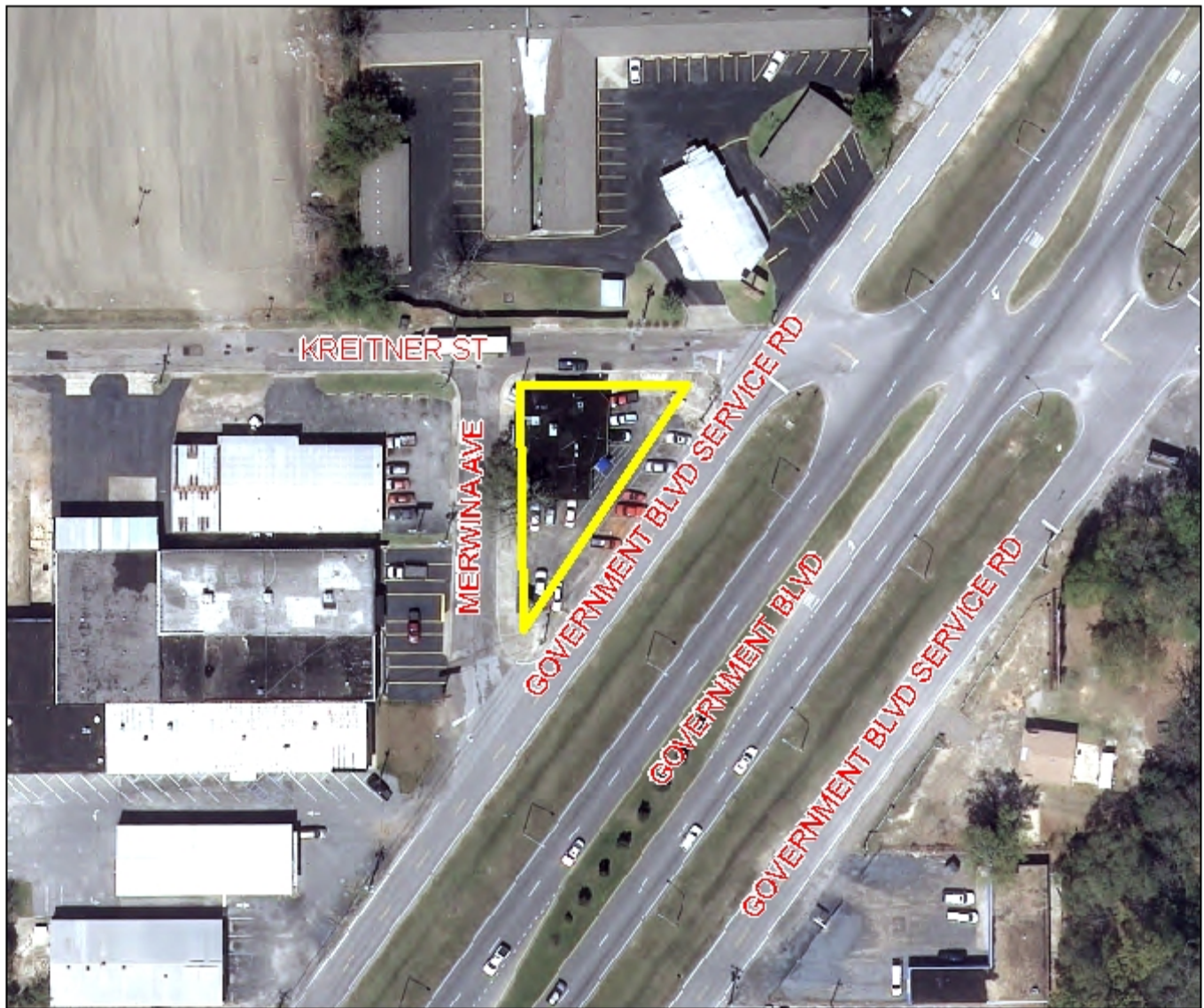
APPLICANT Star Imports Subdivision

REQUEST Subdivision, PUD, Rezoning from B-2 to B-3

|        |   |   |   |   |   |   |   |   |   |  |   |   |   |     |     |
|--------|---|---|---|---|---|---|---|---|---|--|---|---|---|-----|-----|
| LEGEND |  |  |  |  |  |  |  |  |  |  |  |  |  |     |     |
|        | R-1   | R-2   | R-3   | R-A   | R-B   | H-B   | T-B   | B-1   | LB-2  | B-2  | B-3   | B-4   | B-5   | I-1 | I-2 |



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING

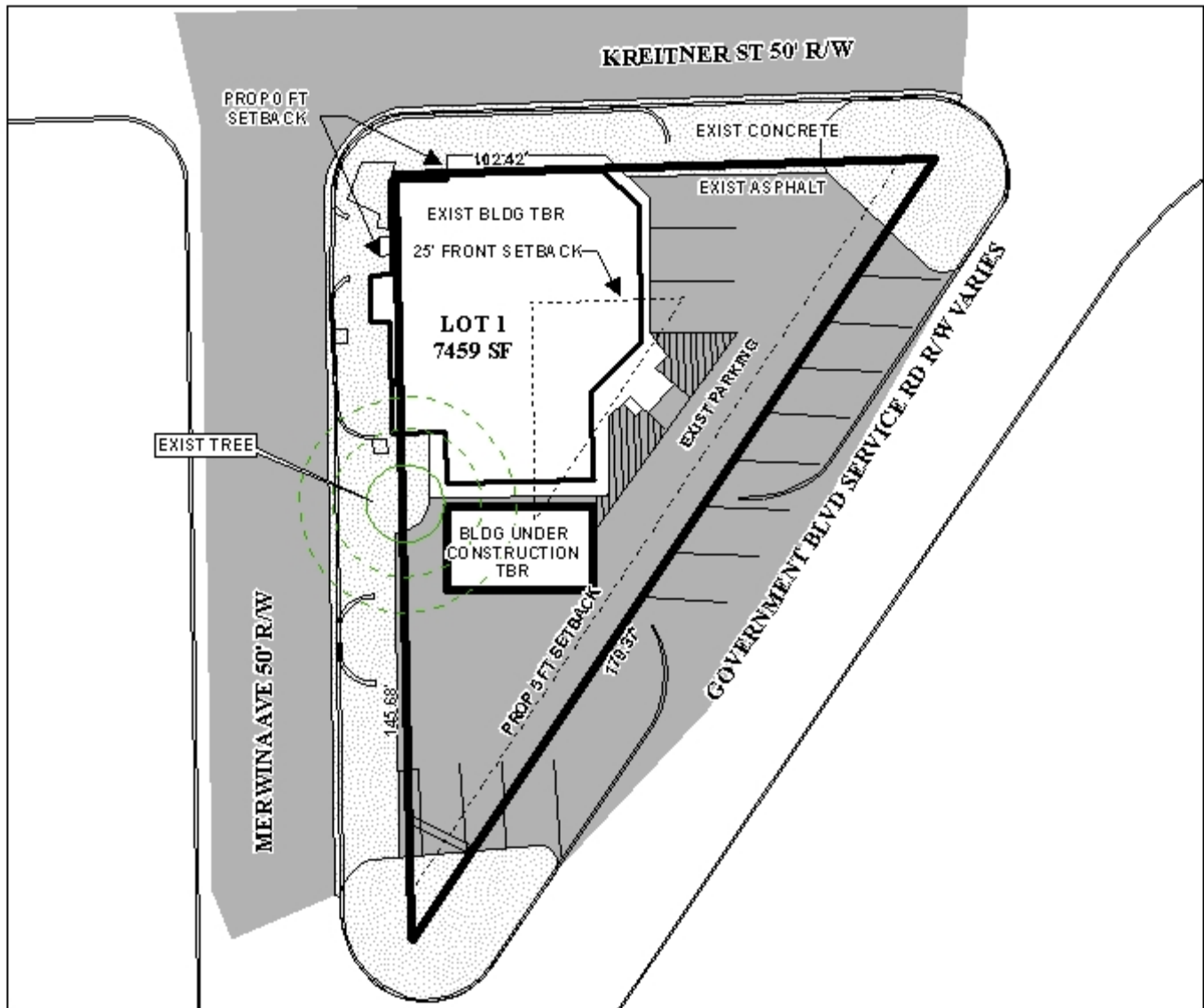


The site is surrounded by commercial land use.

APPLICATION NUMBER 7, 8 & 9 DATE February 16, 2012  
APPLICANT Star Imports Subdivision  
REQUEST Subdivision, PUD, Rezoning from B-2 to B-3

N  
NTS

# EXISTING SITE PLAN

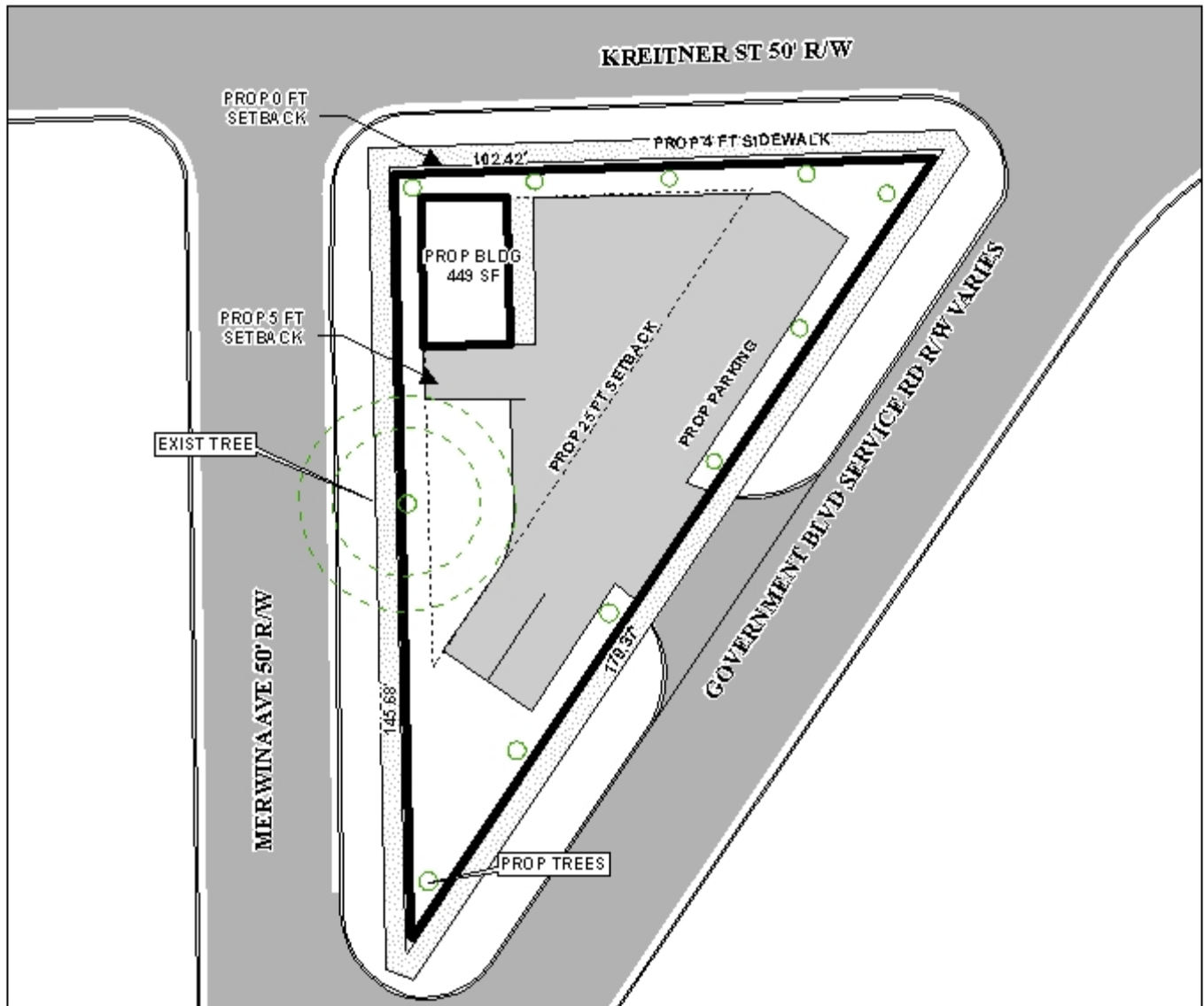


The site plan illustrates the proposed building under construction, existing parking, and existing structures.

APPLICATION NUMBER 7, 8 & 9 DATE February 16, 2012  
 APPLICANT Star Imports Subdivision  
 REQUEST Subdivision, PUD, Rezoning from B-2 to B-3

N  
  
 NTS

# PROPOSED SITE PLAN



The site plan illustrates the proposed building, parking, and landscaping.

APPLICATION NUMBER 7, 8 & 9 DATE February 16, 2012  
 APPLICANT Star Imports Subdivision  
 REQUEST Subdivision, PUD, Rezoning from B-2 to B-3

