

**SUBDIVISION,
PLANNED UNIT DEVELOPMENT, &
ZONING AMENDMENTS STAFF REPORT****Date: October 18, 2018**

<u>NAME</u>	Multiple Properties, LLC
<u>SUBDIVISION NAME</u>	Multiple Properties Oak Ridge Subdivision
<u>LOCATION</u>	4662 & 4666 Oak Ridge Road and 310, 314 316, 324, 328, and 330 South University Boulevard (Northwest corner of South University Boulevard and Oak Ridge Road).
<u>CITY COUNCIL DISTRICT</u>	District 6
<u>PRESENT ZONING</u>	Lot 1: R-1, Single-Family Residential District, B-2, Neighborhood Business District, and B-3, Community Business District Lot 2: R-1, Single-Family Residential District Lot 3: R-1, Single-Family Residential District
<u>PROPOSED ZONING</u>	Lot 1: B-2, Neighborhood Business District Lot 2: LB-2 Limited Neighborhood Business District Lot 3: R-1, Single-Family Residential District
<u>REASON FOR REZONING</u>	Lot 1: To eliminate split zoning. Lot 2: An increased need for business sites.
<u>AREA OF PROPERTY</u>	3 Lot / 9.6± Acres
<u>CONTEMPLATED USE</u>	Subdivision approval to create a three legal lots of record from five metes-and-bounds parcels; Planned Unit Development approval to allow multiple buildings on a single building site with shared access and parking between multiple lots; Rezoning from R-1, Single-Family Residential District, B-2, Neighborhood Business District and B-3, Community Business District, to B-2,

Neighborhood Business District to eliminate split zoning (proposed Lot 1); and Rezoning from R-1, Single-Family Residential District, to LB-2, Limited-Neighborhood Business District (proposed Lot 2).

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

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 a written legal description and matching bearing and distance labels for the proposed subdivision.
- C. Show and label each and every Right-Of-Way and easement.
- D. Provide and label the monument set or found at each subdivision corner.
- E. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer.
- F. Provide the Surveyor's Certificate.
- G. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
- H. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 21 - #77) LOTS 1, 2, and 3 will have to share the historical credit of existing (1984) 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 that each Lot will receive prior to the submittal of the Final Plat from review and signatures.
- I. Add a note to the SUBDIVISION PLAT stating that a Land Disturbance permit will be required for any land disturbing activity in accordance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.
- J. Add a note to the Plat stating that the approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit.

- K. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of new development or construction, unless a sidewalk waiver is approved.
- L. Add a note to the plat stating that all proposed detention facilities, common areas, and wetlands shall be the responsibility of the Property Owner(s), and not the responsibility of the City of Mobile.
- M. Add a note to the plat stating that all easements shall remain in effect until vacated through the proper Vacation process.
- N. Provide a copy of the FINAL SUBDIVISION PLAT to the Engineering Dept. for review. No signatures are required on this drawing.
- O. After addressing all of the FINAL SUBDIVISION PLAT review comments by the Engineering Dept. provide the red-line markup, the ORIGINAL (with all other signatures) and one (1) copy of the revised original (signatures not required) of the revised Final Plat to the Engineering Department.

Planned Unit Development: ADD THE FOLLOWING NOTES TO THE PUD SITE PLAN:

- 1. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII).
- 2. A Land Disturbance Permit application shall be submitted for any proposed land disturbing activity with the property. A complete set of construction plans including, but not limited to, drainage, utilities, grading, storm water detention systems and paving will need to be included with the Land Disturbance permit. This Permit must be submitted, approved, and issued prior to beginning any of the construction work.
- 3. Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control; the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.
- 4. Any existing or proposed detention facility shall be maintained as it was constructed and approved. The Land Disturbance Permit application for any proposed construction includes a requirement of a Maintenance and Inspection Plan (signed and notarized by the Owner) for the detention facility. This Plan shall run with the land and be recorded in the County Probate Office prior to the Engineering Department issuing their approval for a Final Certificate of Occupancy.
- 5. The approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. The Owner/Developer is responsible for acquiring all of the necessary permits and approvals.
- 6. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

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 1 and Lot 3 are limited to their existing curb cuts, and Lot 2 is limited to one curb cut to Oak Ridge Road. Driveway size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. 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). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site will require a tree removal permit.

FIRE DEPARTMENT
COMMENTS

All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance. (2012 International Fire Code)

REMARKS

The applicant is requesting Subdivision approval to create three legal lots of record from five metes-and-bounds parcels; Planned Unit Development approval to allow multiple buildings on a single building site with shared access and parking between multiple lots; Rezoning from R-1, Single-Family Residential District, B-2, Neighborhood Business District and B-3, Community Business District, to B-2, Neighborhood Business District to eliminate split zoning (proposed Lot 1); and Rezoning from R-1, Single-Family Residential District, to LB-2, Limited-Neighborhood Business District (proposed Lot 2).

The site is bounded to the North by a shopping center zoned B-3, Community Business District, and B-2, Neighborhood Business District; and to the South, East, and West, by single-family residences in an R-1, Single-Family Residential district.

The site has been given a Neighborhood Center (NC) land use designation, per the Future Land Use Plan and Map, adopted on May 18, 2017 by the Planning Commission. 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 applies to smaller hubs of mixed commercial, community, and recreational activity that cater to adjacent residential areas. Many of these centers exist today in some form. Therefore, the following common principles apply not just to the future development of new centers, but also to the redevelopment (wholesale or incremental) of existing centers.

General Principles for Neighborhood Centers:

- NC should support a limited amount of commercial employment
- NC should incorporate some residential use, which may vary in type from detached single family, townhouse, accessory and live-work units in mixed use and low-rise multifamily structures.
- The residential density in NC designations –ranging from 4 to 10 dwelling units per acre — must be compatible in character with that of surrounding residential development, providing appropriate transitions in height, massing and other buffering from one land use district to the next.
- The retail and housing uses should merge around vibrant, compact, accessible nodes, located at key neighborhood intersections or along short road segments.
- The NC nodes should be connected to the surrounding neighborhood and nearby public uses (e.g., schools, parks, etc.) via well-designed sidewalks and complete streets.

While the above-listed principles are common to all NC districts, the design attributes of neighborhood centers generally vary depending on whether a center is in a more “traditional” or more “suburban” context.

Additional Attributes of Neighborhood Centers:

- NC in **traditional** contexts: These tend to be in those areas east of the Beltline and correspond to MxDR neighborhoods. In these NCs, buildings should orient to the street, with on-site parking typically pushed to the back of the site. The design qualities of the public realm are emphasized, including the provision of continuous sidewalks, tree canopy, pedestrian amenities, on-street parking and bicycle facilities where appropriate.
- NC in **suburban** contexts: These generally are located among the LDR land use designations in the areas west of the Beltline. Where they exist, these centers currently have a more pronounced vehicular orientation. Therefore, the emphasis is on retrofitting to improve internal walkability (e.g., through the addition of sidewalks, tree canopy, protection from the elements) and external connectivity to the surrounding areas (via sidewalks, paths and trails, street crossings, transit stops, etc.) and to increase the mix and density of uses (e.g., infill of outparcels, addition of housing, etc.).

It should be noted that the Future Land Use Plan and Map components of the Map for Mobile Plan are meant to serve as a general guide, not a detailed lot and district plan. In many cases the designation on the new Future Land Use Map may match the existing use of land, but in others the designated land use may differ from what is on the ground today. As such, the Future Land Use Plan and Map allows the Planning Commission and City Council to consider individual cases based on additional information such as the classification request, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and, where applicable, the zoning classification.

Subdivision review examines the site with regard to promoting orderly development, protecting general health, safety and welfare, and ensuring that development is correlated with adjacent developments and public utilities and services, and to ensure that the subdivision meets the minimum standards set forth in the Subdivision Regulations for lot size, road frontage, lot configuration, etc.

The applicant proposes to combine three metes-and-bounds parcels that are currently occupied by a shopping center and a freestanding structure into a legal lot of record. The proposed lot (Lot 1) would be split-zoned R-1, Single-Family Residential District, B-2, Neighborhood Business District and B-3, Community Business District, therefore the applicant is requesting that lot be rezoned to B-2, Neighborhood Business District to accommodate the existing uses and eliminate the split-zoning aspect of the proposed lot. The applicant then wishes to relocate the interior lot line between two (2) R-1, Single Family Residential parcels, and have one (proposed Lot 2) rezoned to LB-2, Limited Neighborhood Business District to accommodate a new drive thru restaurant. The proposed Lot 3 would remain zoned R-1, Single Family Residential.

The applicant had nearly identical applications before the Planning Commission that were withdrawn at the September 6, 2018 meeting. The applicant made some minor changes to the proposed site plan and provided a new narrative justifying the current request.

The subject properties have frontage on University Boulevard, a major street, as well as Oak Ridge Road, a minor street with ribbon curb and gutter, both of which have existing compliant rights-of-way, making no dedications necessary. Dedication of the corner radii at University Boulevard and Oak Ridge Road per Section V.D.6. of the Subdivision Regulations should be required, if approved.

The lot sizes are provided in square feet and acres, and should be retained on the Final Plat, if approved. It should be noted that the square footage for proposed lots 1 and 2 differs on the preliminary plat and the site plan. If approved, this should be corrected. The 25' minimum building setback is depicted along all frontages, and should be retained on the Final Plat, if approved.

The site plan does not depict any new curb cuts to serve the existing shopping center on the proposed Lot 1, and illustrates the proposed Lot 2 as having access through the shopping center and one curb cut to Oak Ridge Road. The proposed curb cut to Oak Ridge Road is more angled towards South University Boulevard than on the previously submitted site plan to discourage traffic exiting the proposed lot from turning into the neighborhood. As a means of access management, if approved, the Final Plat should have a note stating that Lots 1 and 3 are limited to their existing curb cuts, and Lot 2 is limited to a single curb cut to Oak Ridge Road, with driveway size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.

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.

In regards to the proposed rezoning, the existing shopping center is currently occupied entirely by B-2, Neighborhood Business District uses, therefore the applicant's request to rezone the entire site to B-2 may be appropriate and desirable given that it will eliminate current split-zoning of the site, and will remove B-3, Community Business District uses as a possibility to locate there.

The applicant states:

7. CONTEMPLATED USE AND CHARACTER OF IMPROVEMENTS: The property currently operates as an existing shopping center. The property is made up of several tax parcels which are all described by metes and bounds. The owner wants to create a subdivision plat to include the lease parcel to the South. The proposed Lot 3 of this new subdivision is currently zoned R-1, B-2 and B-3. The owner is requesting rezoning of the R-1 and B-3 parcels to B-2 to eliminate any split-zoning that will occur.

TIME SCHEDULE FOR DEVELOPMENT: Immediate.

8. *The property is an existing shopping center which is consistent with the area and is within the "Neighborhood Center - Suburban" area shown on the Future Land Use Map.*

9. *The property is currently made up of several tax parcels which are all described by metes and bounds. The owner wants to create a subdivision plat to include the lease parcel to the South. The proposed Lot 3 of this new subdivision is currently zoned R-1, B-2 and B-3. The owner is requesting rezoning of the R-1 and B-3 parcels to B-2 to eliminate any split-zoning that will occur.*

Regarding the proposed LB-2, Limited Neighborhood Business District for Lot 2, while the site has frontage along University Boulevard, which is a major street, the site is also the entrance to a residential neighborhood. Given the recent history of the rezoning at the Southeast corner of University Boulevard and Airport Boulevard that went through court, and that site's similarity to the subject site, the Planning Commission should consider all facts available when making their recommendation to the City Council.

The applicant states:

7. CONTEMPLATED USE AND CHARACTER OF IMPROVEMENTS: *Owner of the property plans to lease the property for a drive through restaurant having access through the shopping center and to University Boulevard South by way of Oak Ridge Road.*

TIME SCHEDULE FOR DEVELOPMENT: IMMEDIATE.

8. *Extending the Shopping Center to Oak Ridge Road by the creation of one lot for a specific long term user is consistent with the area and is within the "Neighborhood Center - Suburban" area shown on the Future Land Use Map.*

9. ZONING CONDITION: #2) changes in conditions in a particular area make a change in the ordinance necessary and desirable.

Changed conditions are demonstrated by the shift along University Boulevard from residential to commercial through the CVS development at Airport/Dogwood and University as accelerated by the Publix development on the NE corner of Airport and University Boulevards. Both have or will increase the north and south traffic on University adjacent to the subject sites. The residential home on Lot 2 was abandoned and lost to foreclosure. Given the corner's obvious undesirability and unsuitability for residential use, it languished for sale as a residence and the price dropped significantly until acquired by the applicant. Following acquisition, the residence was removed when it became an attractive to vagrants. Lot 2 was part of the 1945 subdivision known as Government Street Highlands which was split by the construction of University Boulevard. Recognizing the change in the conditions affecting the subdivision, last year the owners of the lots in the subdivision (on both sides

of University Boulevard) voted and removed the restrictive covenants so that all of the subdivision lots may be used for commercial purposes. Circuit Court Judge Rick Stout conclusively determined in the case brought by the owners of the lots to rezone the NE corner of Airport and University Boulevards for the CVS development along Dogwood Drive that the changed conditions existed in the neighborhood which justified the rezoning from residential to commercial. The subject Lot 2 is similarly affected and in the same subdivision and neighborhood.

The proposed tenant Foosackly's is a Mobile company with its corporate office in the shopping center on Lot 1. The proposed new location for Foosackly's (Lot 2) will re-establish the local company's original location flagship store of its brand. The prototype (see attached photo) will have a modern design with clean lines having such features as a dog friendly covered patio, and enough seating for large families, church groups as well as community seating. This location will also be pedestrian and bike friendly to continue to grow neighborhood destination for years to come.

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. It should be noted that if no permits are pulled within a year of approval, the PUD will expire.

In pursuit of these purposes, the objectives to be met by a PUD are as follows: a) to encourage innovative and diversified design in building form and site development; b) flexibility, to permit greater flexibility in the location and arrangement of buildings and uses than is generally possible under district regulations; c) to encourage the most efficient and sustainable use of land, especially tracts in the inner part of the city that remain undeveloped or that are appropriate for re-development; d) to preserve and protect as urban amenities the natural features and characteristics of land; e) to encourage the provision of common open space through efficient site design; and, f) to encourage optimum use of available public utilities, streets and community facilities.

The applicant states:

7. CONTEMPLATED USE AND CHARACTER OF IMPROVEMENTS: *The property currently operates as an existing shopping center. The owner wants to create a subdivision plat to include the lease parcel to the South on which to build a drive-thru restaurant. The existing shopping center has multiple buildings on a proposed lot in the subdivision and will share drives, parking and access with proposed Lot 2 to the South.*

PUD OBJECTIVES:Creative Design:

As for the site design, the access and internal routing plan is innovative and takes into consideration not dumping traffic onto Oak Ridge Drive. The proposed Foosackly's (proposed Lot 2) will re-establish their original location's status of the flagship of their brand. The prototype will have a modern design with clean lines having such features as a dog friendly covered patio, and enough seating for large families, church groups as well as community seating. This location will also be pedestrian and bike friendly to continue to grow neighborhood destination for years to come.

Flexibility and Efficient Land Use:

Comments on the previous submittal regarding the current use of the shopping center were misinformed. The application for Multiple Properties has one space in the shopping center that is vacant, which is 1365 Square Feet. The Family Dollar, and Lagniappe Home Store lease restrict any outparcel in the parking lot and the present number of parking spaces are needed to maintain the existing parking ratio for the current shopping center square footage. The portion of the shopping center to the North of this PUD is owned by Rochester Mobile and the Planet Fitness and Bruno's lease on that property also has lease restrictions, as well as parking ratios to maintain.

The proposed Lot 2 is the most efficient use of the parcel and site available to the applicant Multiple Properties for the operation of the proposed Foosackly's restaurant. Foosackly's has outgrown the existing out parcel on Lot 1 and the existing drive-in traffic is more effectively routed to Lot 2. There is no other location available, as the applicant has only one small inline store vacancy in its portion of Regency shopping center, which is 1,365 SF. There is no other site owned by the applicant which is suitable for a drive in/sit down restaurant other than Lot 2. The Family Dollar and Lagniappe Home Store leases all restrict against any use of the parking area as an out parcel, and the present parking area must be preserved to meet the City parking ratio for applicant's portion of the center. Rochester Mobile, LLC of New York state operates the remainder of the shopping center and its tenants Planet Fitness and Bruno's lease have lease restrictions and parking ratios which will not permit an out parcel.

Environment:

The owner of proposed Lot 2 will preserve and protect a 36" oak in the right of way at Oak Ridge Road and University Boulevard South as well as other trees within the area between the minimum building setback line and the right of way of Oak Ridge Road and University Boulevard South. Storm water detention will be shallow ponding in the parking lot or via an on-site underground detention facility. The storm water will be collected in drainage inlets located in the parking lot and piped at allowable predevelopment runoff rate to the City's storm water facilities that run along University Boulevard South. As a result, the storm water that is currently being released from the site onto adjacent properties will be drastically reduced. All site

design and storm water calculations will be in accordance with the City of Mobile's current storm water ordinance.

Open Space:

The proposed Foosackly's (proposed Lot 2) will have a clean design with such features as a dog friendly covered patio, and enough seating for large families, church groups as well as community seating. This location will also be pedestrian and bike friendly to continue to grow neighborhood destination for years to come.

Public Services:

Proposed Lot 2 will restrict delivery trucks and dumpster trucks to the shopping center.

The site plan provided depicts the existing shopping center, freestanding building, and associated parking, as well as the proposed restaurant. The existing retail and restaurant uses require 222 parking spaces, and 239 are provided. The proposed restaurant will require 32 parking spaces, and 46 are depicted on the site plan. It should be noted that the site plan depicts the proposed restaurant as being 3,200 square feet, while the parking calculation information lists it as 3,000 square feet. If approved, a revised site plan should be provided with the size of the restaurant on the site plan that matches that listed in the parking summary calculations. As the site will have more than 25 parking spaces, full compliance with Section 64-6.A.8. of the Zoning Ordinance will be required. A photometric plan for the proposed restaurant site will be required at time of submittal for land disturbance permits.

A dumpster is depicted on the site plan for the proposed restaurant. The location of the dumpster has been shifted to the West, closer to the proposed (residential) Lot 3, than the previously proposed site plan. The dumpster and enclosure must comply with Section 64-4.D.9. of the Zoning Ordinance.

The proposed Lots 1 and 2 abut R-1, Single-Family Residential properties, therefore a compliant residential buffer should be provided. The site plan illustrates an existing fence along the West and South property lines of the proposed Lot 1, but should be revised to remove the portion that abuts the proposed Lot 2, and include the height of the wood fence. A decorative masonry wall is depicted where Lot 2 abuts R-1 properties, but no mention is made of the proposed height. If approved, the wall should be a minimum of 6' high, being reduced to 3' in height within the front setback, if approved.

It should be noted that a sidewalk will be required along both University Boulevard and Oak Ridge Road at the time Lot 2 is developed, therefore the site plan should be revised to depict a sidewalk.

It should be noted that the proposed Lot 2 will have to fully comply with tree planting and landscape area requirements at the time of development. There are several existing trees depicted on the site that, if retained, will exceed the minimum tree plantings required for the site. Staff recommends that the site plan be revised to show the canopies of these trees in addition to

the size and species. Tree protection buffers will be required during construction around any trees that will be retained on the site.

Because the proposed use of Lot 2 is a drive-thru restaurant, the site plan should be revised to depict the location of the menu board and the pickup window so that staff can make sure that there are sufficient queuing spaces for each. A queuing space is 9'x20', and three (3) queuing spaces are required for the menu board as well as the service window.

RECOMMENDATION

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

- 1) Dedication of the corner radius at the intersection of University Boulevard and Oak Ridge Road per Section V.D.6. of the Subdivision Regulations;
- 2) Retention of the lot sizes in square feet and acres, adjusted for dedication, and to match that of the PUD site plan;
- 3) Retention of the 25' minimum building setback along all frontages, adjusted for dedication;
- 4) Placement of a note on the Final Plat stating that Lots 1 and 3 are limited to their existing curb cuts, Lot 2 is limited to a single curb cut to Oak Ridge Road, with driveway size, location and design to be approved by Traffic Engineering and conform to AASHTO standards;
- 5) 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 a written legal description and matching bearing and distance labels for the proposed subdivision. C. Show and label each and every Right-Of-Way and easement. D. Provide and label the monument set or found at each subdivision corner. E. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer. F. Provide the Surveyor's Certificate. G. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. H. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 21 - #77) LOTS 1, 2, and 3 will have to share the historical credit of existing (1984) 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 that each Lot will receive prior to the submittal of the Final Plat from review and signatures. I. Add a note to the SUBDIVISION PLAT stating that a Land Disturbance permit will be required for any land disturbing activity in accordance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. J. Add a note to the Plat stating that the approval of all applicable*

federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. K. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of new development or construction, unless a sidewalk waiver is approved. L. Add a note to the plat stating that all proposed detention facilities, common areas, and wetlands shall be the responsibility of the Property Owner(s), and not the responsibility of the City of Mobile. M. Add a note to the plat stating that all easements shall remain in effect until vacated through the proper Vacation process. N. Provide a copy of the FINAL SUBDIVISION PLAT to the Engineering Dept. for review. No signatures are required on this drawing. O. After addressing all of the FINAL SUBDIVISION PLAT review comments by the Engineering Dept. provide the red-line markup, the ORIGINAL (with all other signatures) and one (1) copy of the revised original (signatures not required) of the revised Final Plat to the Engineering Department.);

- 6) *Compliance with Traffic Engineering comments: (Lot 1 and Lot 3 are limited to their existing curb cuts, and Lot 2 is limited to one curb cut to Oak Ridge Road. Driveway size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. 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.);*
- 7) *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). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site will require a tree removal permit.);*
- 8) *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)); and*
- 9) *Provide two (2) copies of the revised PUD site plan, if approved, prior to the signing of the Final Plat.*

Planned Unit Development: Staff recommends the following Findings of Fact for Denial of the Planned Unit Development:

- a) The proposal does not promote the objective of Creative design (to encourage innovative and diversified design in building form and site development), because the proposed development is not innovative in building form or site development and directs commercial traffic to Oak Ridge Road;
- b) The proposal does not promote the objective of Efficient land use (to encourage the most efficient and sustainable use of land, especially tracts in the inner part of the city that remain undeveloped or that are appropriate for redevelopment), because the development would result in commercial development encroaching into a residential neighborhood when the existing shopping center and adjacent commercial sites have vacant tenant spaces;

- c) The proposal does not promote the objective of Environment (to preserve and protect as urban amenities the natural features and characteristics of the land), because the project will substantially increase the amount of impervious surfacing on the vacant site via parking, driveways, and building footprint;
- d) The proposal does not promote the objective of Open space (to encourage the provision of common open space through efficient site design) because the project will substantially increase the amount of impervious surfacing on the site via parking, driveways, and building footprint; and
- e) The proposal does not promote the objective of Public services (to encourage optimum use of available public utilities, streets and community facilities), because trucks servicing the dumpster would have to exit the site onto Oak Ridge Road, a residential street with substandard paving.

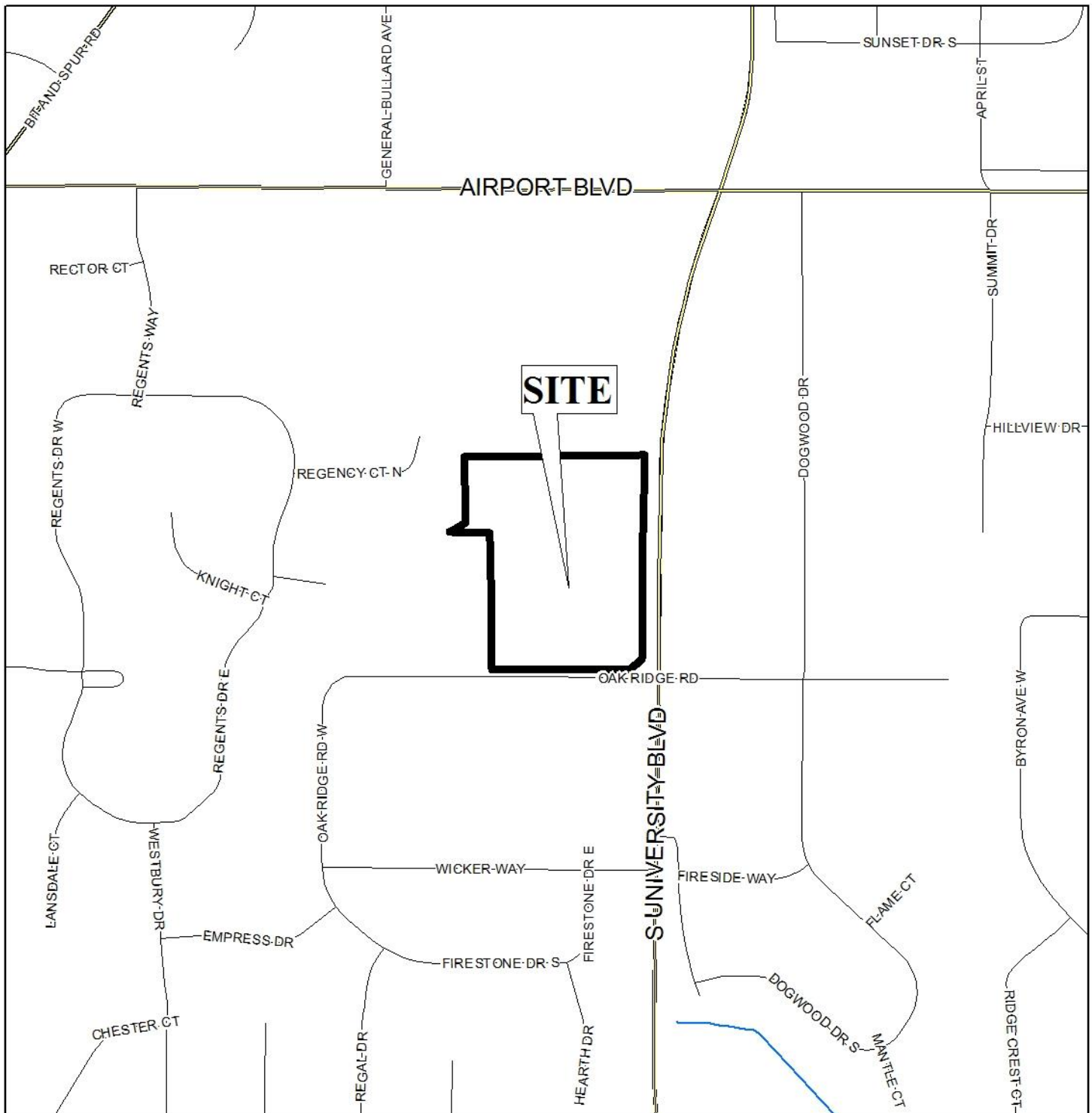
Rezoning: The rezoning request is recommended for **B-2, Neighborhood Business District** for the proposed Lot 1 is recommended for approval, subject to the following conditions:

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

Rezoning: The rezoning request for **LB-2, Limited Neighborhood Business District** for the proposed Lot 2 is recommended for Denial for the following reason:

- 1) approval of the rezoning would allow development that is contrary to the residential character of the neighborhood;
- 2) approval of the rezoning would result in the expansion of a commercial district when there are existing vacant commercial tenant spaces and sites in the immediate vicinity; and
- 3) the stated changing conditions referenced for the Airport Boulevard/University Boulevard/Dogwood Drive site, which is at the intersection of two (2) major street, are not relevant nor comparable to the site in question.

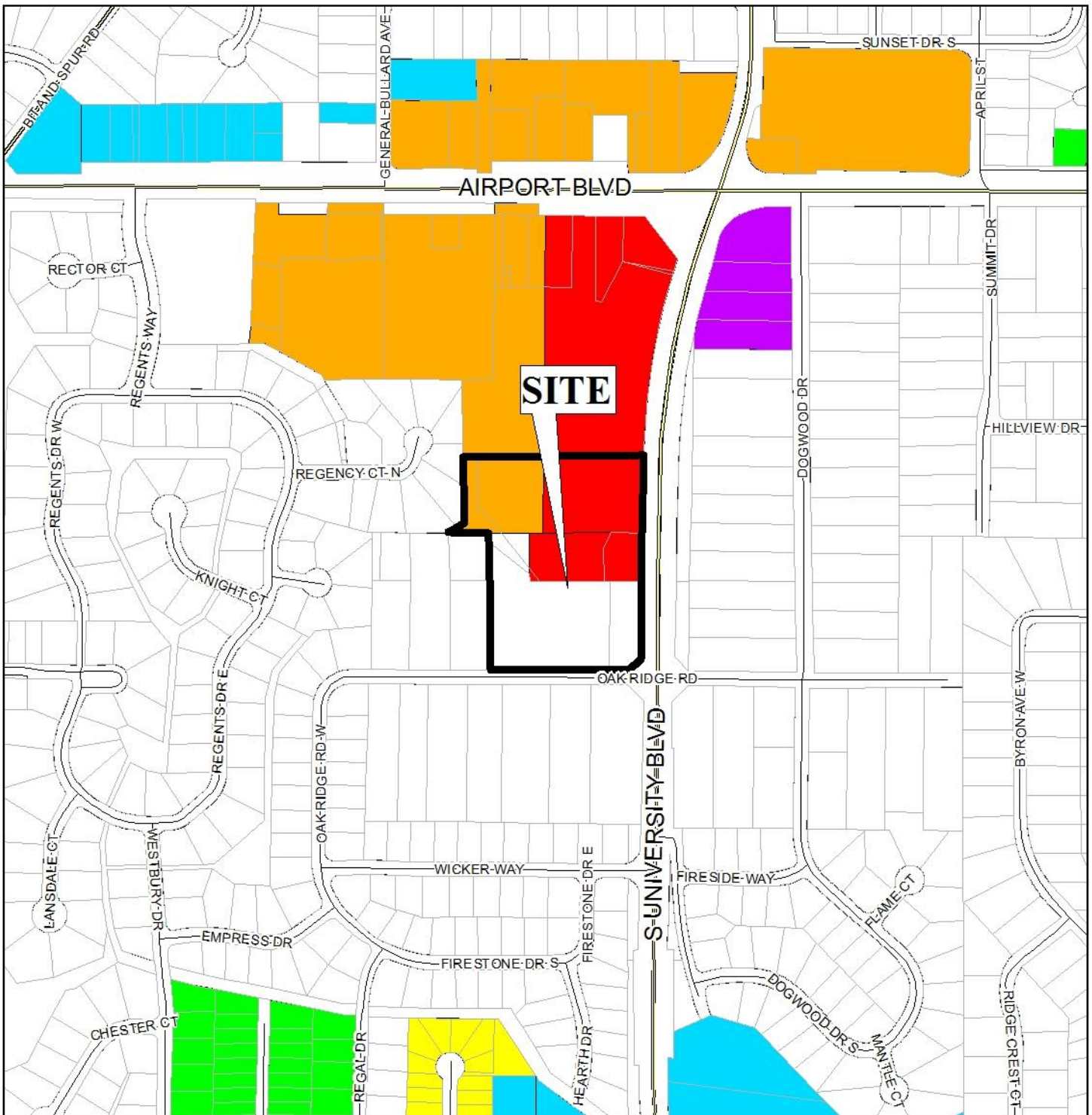
LOCATOR MAP



APPLICATION NUMBER 7 DATE October 18, 2018
APPLICANT Multiple Properties Oak Ridge Subdivision
REQUEST Subdivision, PUD, Rezoning from R-1, B-2, and B-3 to B-2 and Lb-2



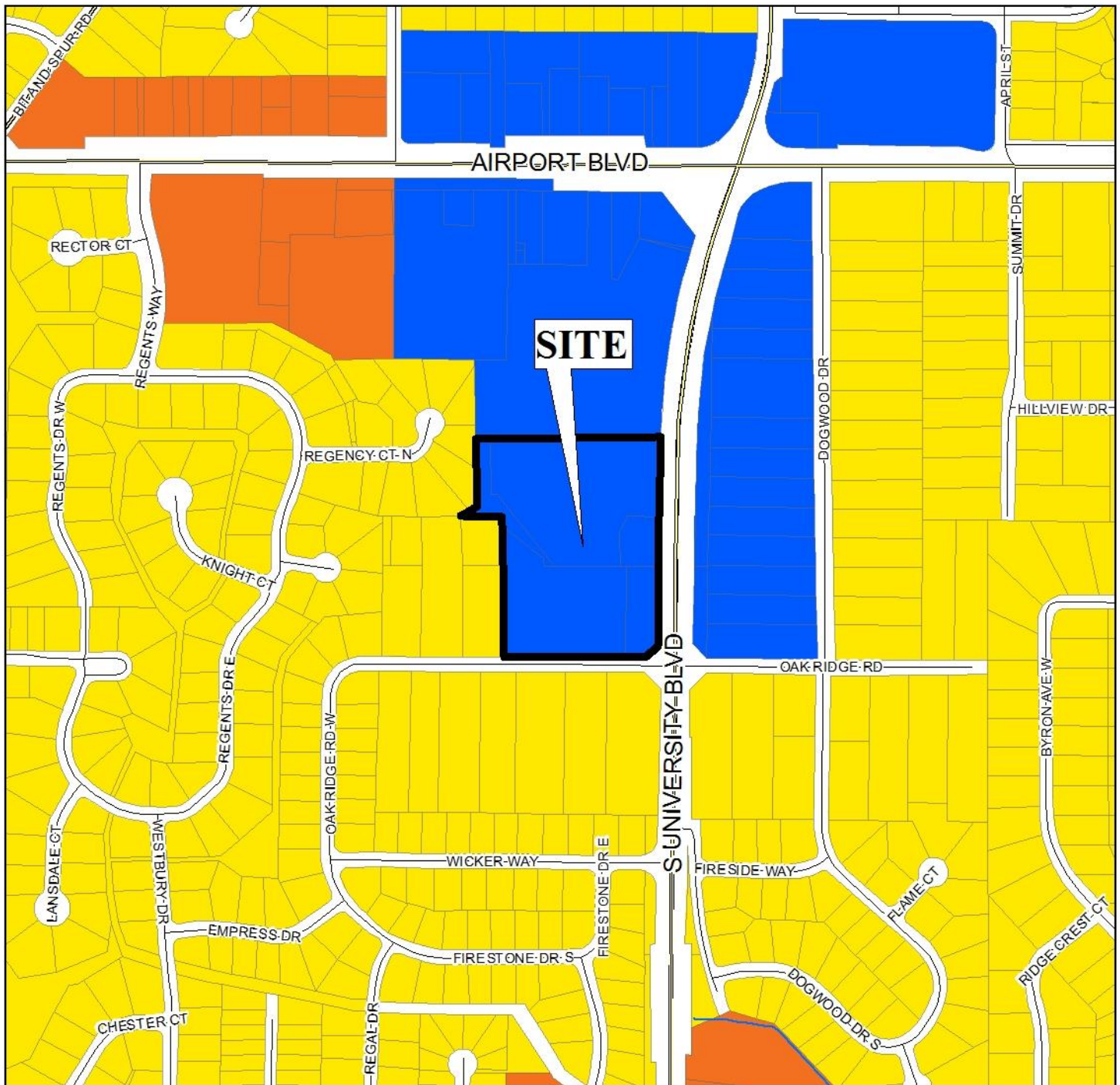
LOCATOR ZONING MAP



APPLICATION NUMBER 7 DATE October 18, 2018
APPLICANT Multiple Properties Oak Ridge Subdivision
REQUEST Subdivision, PUD, Rezoning from R-1, B-2, and B-3 to B-2 and Lb-2



FLUM LOCATOR MAP



APPLICATION NUMBER 7 DATE October 18, 2018

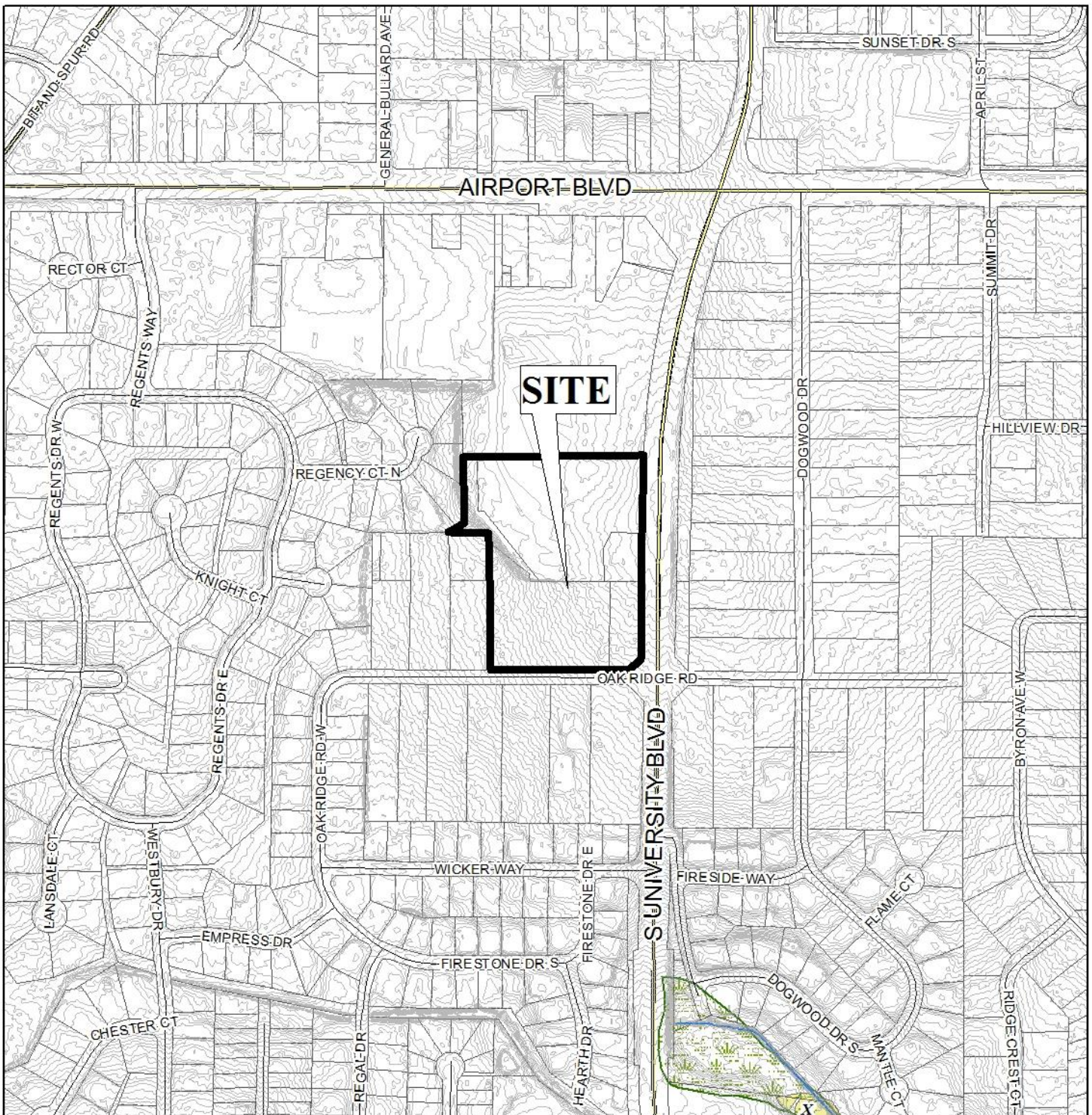
APPLICANT Multiple Properties Oak Ridge Subdivision

REQUEST Subdivision, PUD, Rezoning from R-1, B-2, and B-3 to B-2 and Lb-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



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[illegible]

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PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL

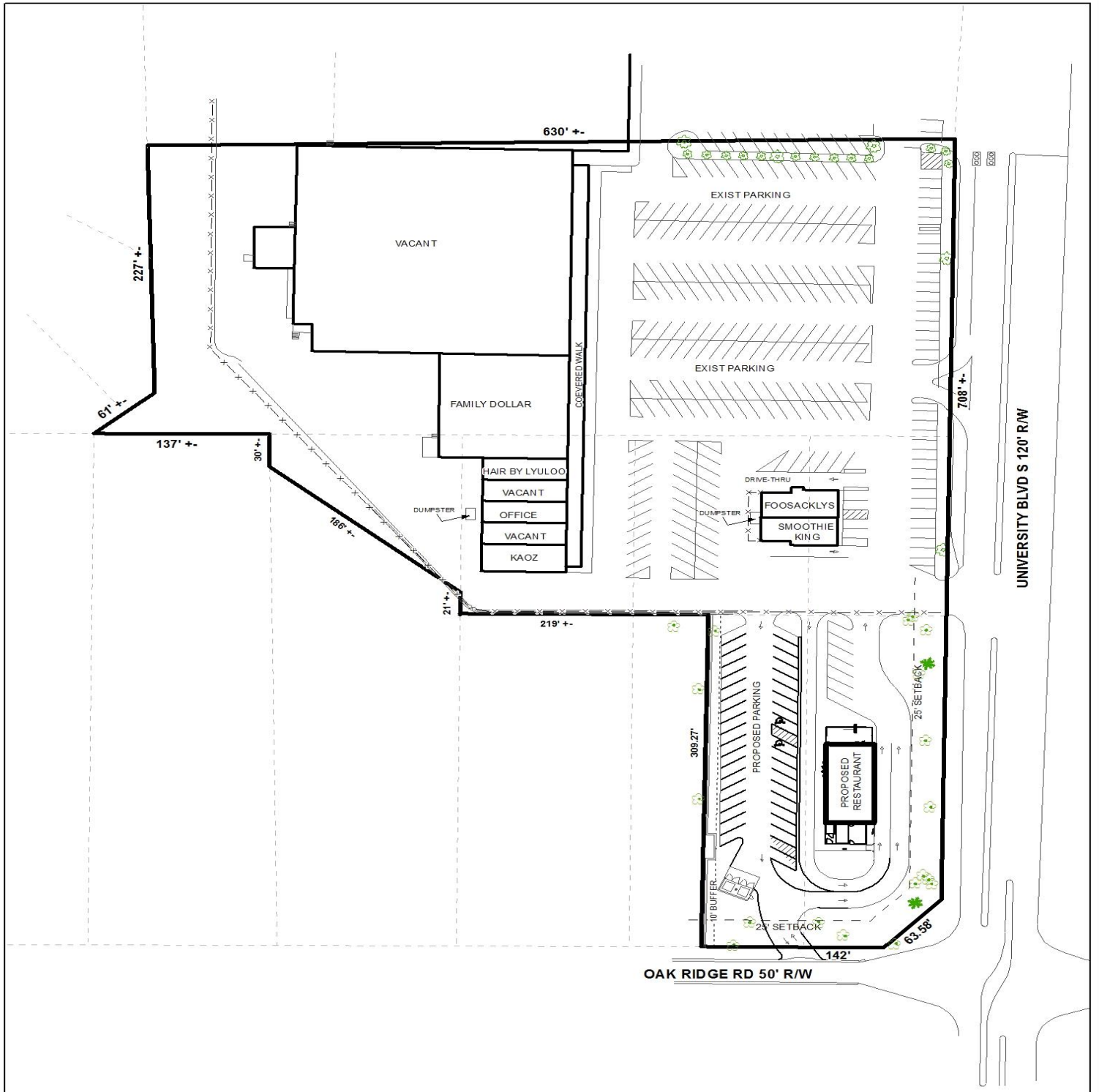


The site is surrounded by single family residential units. Commercial units lie to the north.

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SITE PLAN



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

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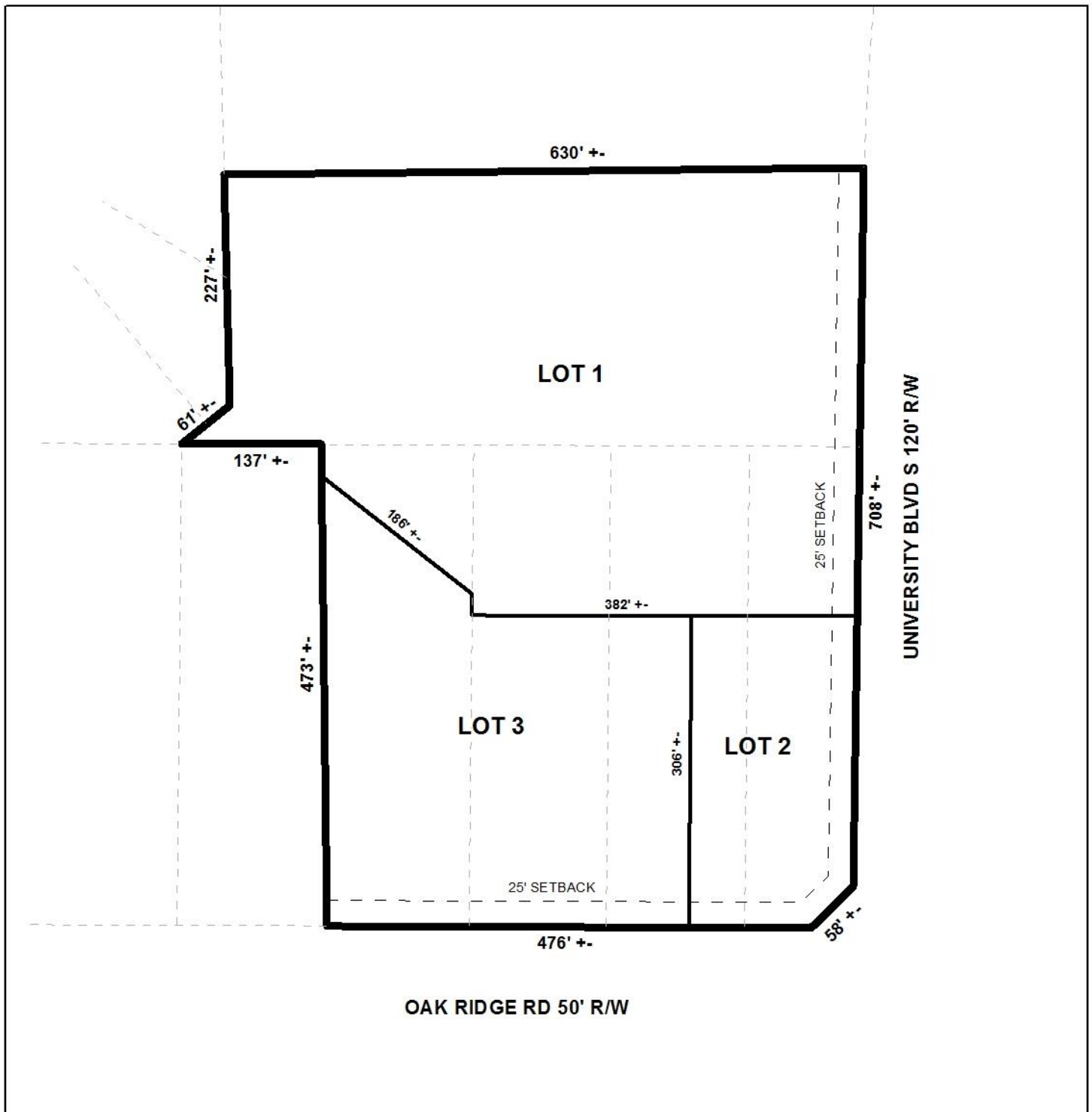
APPLICANT Multiple Properties Oak Ridge Subdivision

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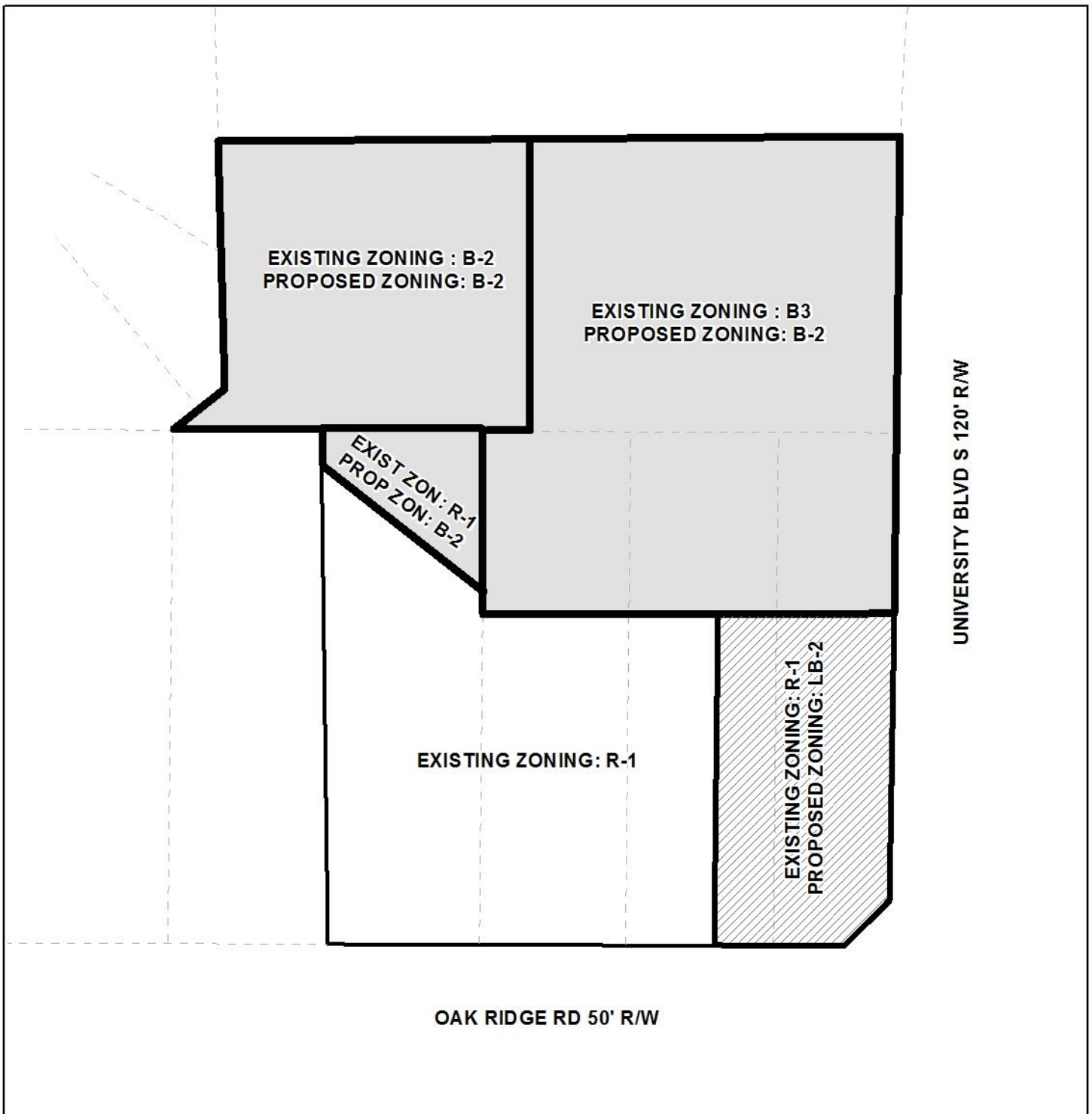
DETAIL SITE PLAN



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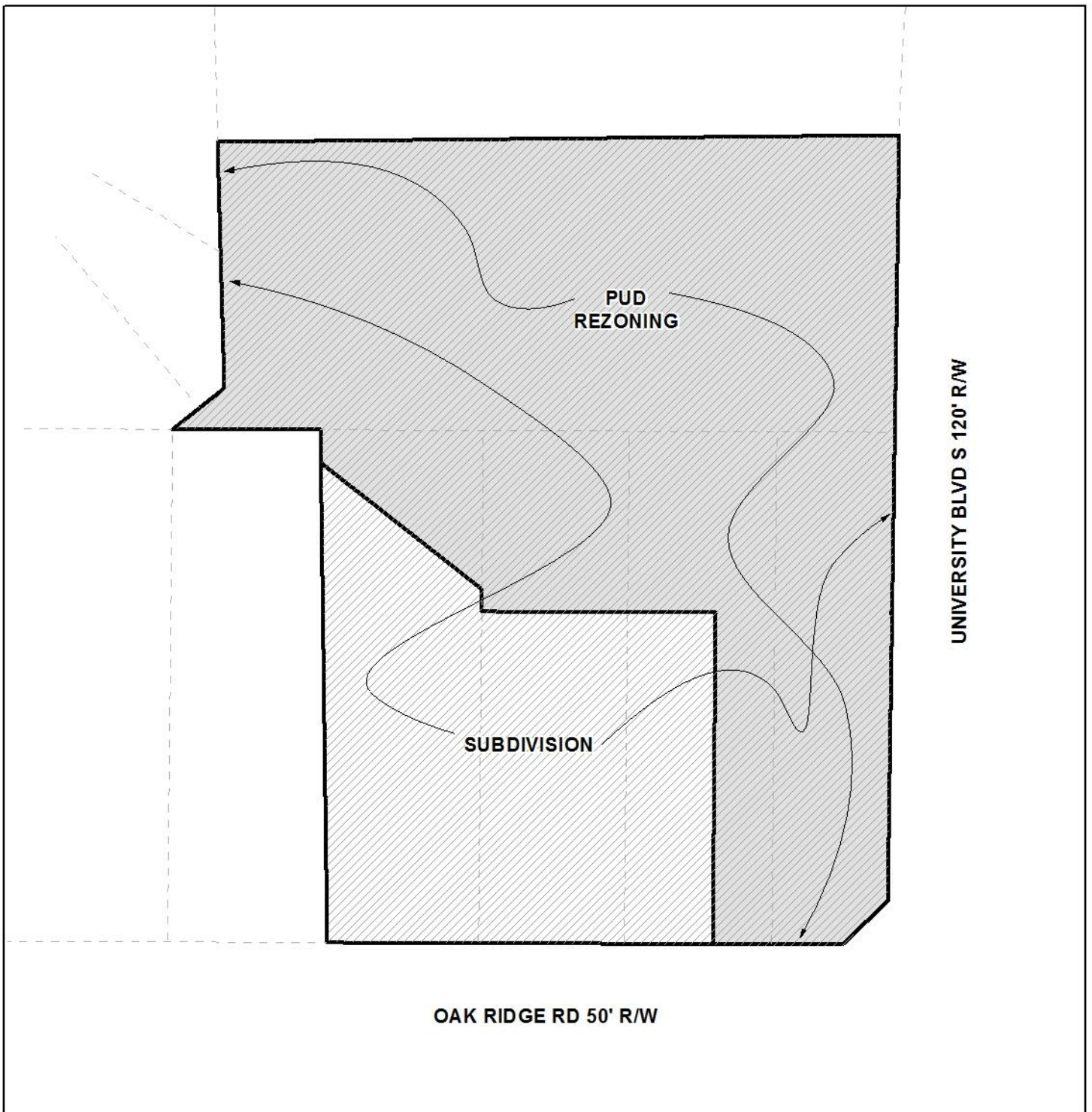
DETAIL SITE PLAN



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DETAIL SITE PLAN



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