

**ZONING AMENDMENT
& SUBDIVISION STAFF REPORT****Date: April 20, 2017****APPLICANT NAME**

Gaye E. Gandy

SUBDIVISION NAME

DSG Fields Subdivision

LOCATION

580 Evergreen Road & 6304 Airport Boulevard
(West side of Evergreen Road, 285'± North of Airport
Boulevard extending to the North side of Airport
Boulevard, 107'± West of Evergreen Road.)

**CITY COUNCIL
DISTRICT**

District 6

PRESENT ZONING

R-1, Single-Family Residential District, and B-1, Buffer
Business District.

PROPOSED ZONING

B-1, Buffer Business District.

AREA OF PROPERTY

2 Lots / 1.0± Acre

CONTEMPLATED USE

Subdivision approval to relocate the interior lot line
between 2 metes-and-bounds parcels, and Zoning approval
to re-zone the site from R-1, Single-Family Residential
District, and B-1, Buffer District, to B-1, Buffer 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 those sought by the applicant for this property.**

**REASON FOR
REZONING**

To eliminate split-zoning resulting from the subdivision.

**TIME SCHEDULE
FOR DEVELOPMENT**

Not specified

**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. Review and revise the written legal description to include showing the NE corner of existing lot 19 referenced in the written legal description.
- C. Provide and label the monument set or found at each subdivision corner.
- D. Provide the Surveyor's Certificate and Signature.
- E. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
- F. 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.
- G. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 19 - #74) LOTS A and B will have to share the existing (1984) historical credit of impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control). Coordinate with City Engineering Department staff to establish the exact amount that each Lot will receive prior to the submittal of the Final Plat from review and signatures.
- H. 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.
- I. 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.
- J. Provide a copy of the FINAL SUBDIVISION PLAT to the Engineering Dept. for review. No signatures are required on this drawing.
- K. After addressing all of the FINAL SUBDIVISION PLAT review comments by the Engineering Dept. provide the ORIGINAL (with all other signatures) and one (1) copy (signatures not required) of the revised Final Plat to the Engineering Department.

Rezoning: No Comments.

TRAFFIC ENGINEERING

COMMENTS

Lot A as proposed with 25' of frontage is substandard when considering the City commercial driveway standards (24' width plus two-20' radii). An alternative could be shared access with the B-1 zoned lot on the corner of Evergreen Road for a single curb cut onto Airport Boulevard (right-in/right-out only by default) and an access easement to Evergreen Road. Each lot is limited to one curb cut per street frontage, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. For the commercial zoned property, 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).

MAWSS COMMENTS

No comments.

REMARKS

The preliminary plat illustrates the proposed 2-lot, 1.0± acre subdivision located at the West side of Evergreen Road, 285'± North of Airport Boulevard extending to the North side of Airport Boulevard, 107'± West of Evergreen Road, in Council District 6. The applicant is requesting Subdivision approval to create two legal lots of record from two metes-and-bounds parcels, and Zoning approval to re-zone the site from R-1, Single-Family Residential District, and B-1, Buffer Business District, to B-1, Buffer Business District, to eliminate split-zoning. The applicant states that the site is served by public water and sewer services.

The applicant proposes to adjust an interior property line between the existing parcels to provide proposed Lot A with frontage along Evergreen Road. Doing so reduces the width of proposed Lot B, and results in the split-zoning of proposed Lot A.

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

Proposed Lot A is irregularly shaped, with 77.85'± of frontage along Airport Boulevard, a major street per the Major Street Plan, requiring 100' of right-of-way; and, 25'± of frontage along Evergreen Road, a minor street without curb and gutter requiring 60' of right-of-way. Proposed Lot B has 84.71'± of frontage along Evergreen Road. The preliminary plat illustrates sufficient right-of-way along Airport Boulevard, but not along Evergreen Road; and, as such, should be revised to illustrate dedication sufficient to provide 30' from the centerline of Evergreen Road, if approved.

Lot A, as proposed, would result in a design which may be regarded as a "panhandle" lot. The subdivision would also result in a maximum depth greater than 3.5 times the width of proposed Lot A at the building setback line along Airport Boulevard. Such designs are generally discouraged by Sections V.D.1. and V.D.3. of the Subdivision Regulations, respectively; the exception being the approval of lots located where varied and irregularly-shaped lot designs are common, and the informality of design is consistent with other lots in the vicinity. The Planning Commission has not approved similarly-shaped lots in the immediate vicinity, therefore waivers of Sections V.D.1. and V.D.3 would be required, if approved.

Irrespective of their designs, the proposed lots do exceed the minimum size requirements of the Subdivision Regulations for lots served by public water and sewer systems, and are appropriately labeled on the preliminary plat. The 25' minimum building setback line is also appropriately labeled for each lot on the preliminary plat. This information should be retained on the Final Plat, or a table indicating the same information should be provided on the Final Plat, adjusted for dedication, if approved.

With regards to access management, there is concern from Traffic Engineering that access to Lot A from Evergreen Road would be substandard considering commercial driveway standards could not be met by a 25' frontage width. If approved, a note should be placed on the Final Plat stating each lot is limited to one curb cut per street frontage, with any changes in their sizes, designs, or locations to be approved by Traffic Engineering and conform to AASHTO standards.

Regarding the zoning application, Section 64-9. of the Zoning Ordinance states that 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.

It should be noted that the site is located within what the Map for Mobile Comprehensive Plan describes as a **Suburban Corridor** Development Area, wherein the intent for development includes:

- 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; and,
- improved traffic flow.

It should also 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.

The applicant states:

THE OWNER/APPLICANT OWNS THE PROPERTY AT 6304 AIRPORT BOULEVARD AND 580 EVERGREEN ROAD AND IS PROPOSING TO RESUBDIVIDE THE PROPERTIES TO PROVIDE 6304 AIRPORT BOULEVARD A DRIVEWAY ONTO

EVERGREEN ROAD. THIS WOULD BE A MUCH SAFER OPTION FOR AN ALTERNATE ACCESS TO THE PROPERTY.

APPROVAL OF THE RESUBDIVISION WOULD CREATE SPLIT ZONING IN LOT A, HENCE THE ONLY REQUIREMENT FOR THIS ZONING APPLICATION. ALTHOUGH THE LOT IS CURRENTLY VACANT, 6304 AIRPORT BOULEVARD WAS DEVELOPED FOR MANY YEARS WITH B-1 ZONING USES. WE ARE NOT SHOWING ANY PROPOSED DEVELOPMENT ON LOT A SINCE THERE ARE NO IMMEDIATE PLANS.

NONE OF THE 4 REASONS FOR REZONING APPLY TO THIS SITUATION.

The site plan provided by the applicant is a duplicate of the preliminary plat, with the exception of the illustrated zoning districts. As the applicant mentions, Lot A is undeveloped and no new building construction is proposed at this time; however, Lot B is developed with a single-family dwelling. If approved, the proposed re-subdivision of Lot B does not appear to affect the property with respect to building site compliance.

Proposed Lot A of the subdivision is surrounded by B-1, Buffer Business District to the East and West; R-1, Single-Family Residential District, to the North; and B-3, Community Business District and R-1, Single-Family Residential District to the South (across Airport Boulevard). Proposed Lot B is surrounded by R-1, Single-Family Residential District, to the North and East; and B-1, Buffer Business District, to the South and West. The purpose of the re-zoning request is to eliminate split-zoning resulting from the aforementioned adjustment of an interior lot line between both proposed lots to provide access to Lot A from Evergreen Road.

Staff cannot verify previous commercial use of the proposed Lot A, and it should be noted that there has not been a structure on the site since at least 2002. The existing B-1 zoning was approved by the City Commission in September 1983 as was the property to the East. The property to the West was approved in October 1983. As such, any additional site improvements of the proposed lot are subject to the acquisition of the appropriate land disturbance and building permits, and should comply with all applicable codes and ordinances.

As the applicant has no current plans for commercial development, the rezoning and subdivision requests may be premature and speculative.

Finally, as was mentioned, and with respect to the Map for Mobile Comprehensive Plan, no additional development of the site is proposed at this time; therefore, Staff cannot speculate in which ways the subject site will accommodate the intent for Suburban Corridor development other than by complementing the existing character of the neighborhood. As such, re-consideration of the Map for Mobile Comprehensive Plan with respect to its intent for the development of the subject site should take place at a time when additional development is proposed.

RECOMMENDATION

Subdivision: Based on the preceding the plat is recommended for Denial due to the following:

- 1) proposed Lot A does not comply with Sections V.D.1. or V.D.3. of the Subdivision Regulations;
- 2) the subdivision would result in substandard access to proposed Lot A from Evergreen Road; and,
- 3) approval of the subdivision would result in lots out of character with the surrounding area.

Rezoning: Based upon the preceding, Staff recommends Denial due to the following:

- 1) without the need for re-subdivision, no change in the Ordinance is necessary;
- 2) rezoning would result in a commercial district infringing on an established residential neighborhood; and
- 3) no commercial development is currently being considered for this site, thus the request may be premature.

LOCATOR MAP



APPLICATION NUMBER 7 DATE April 20, 2017

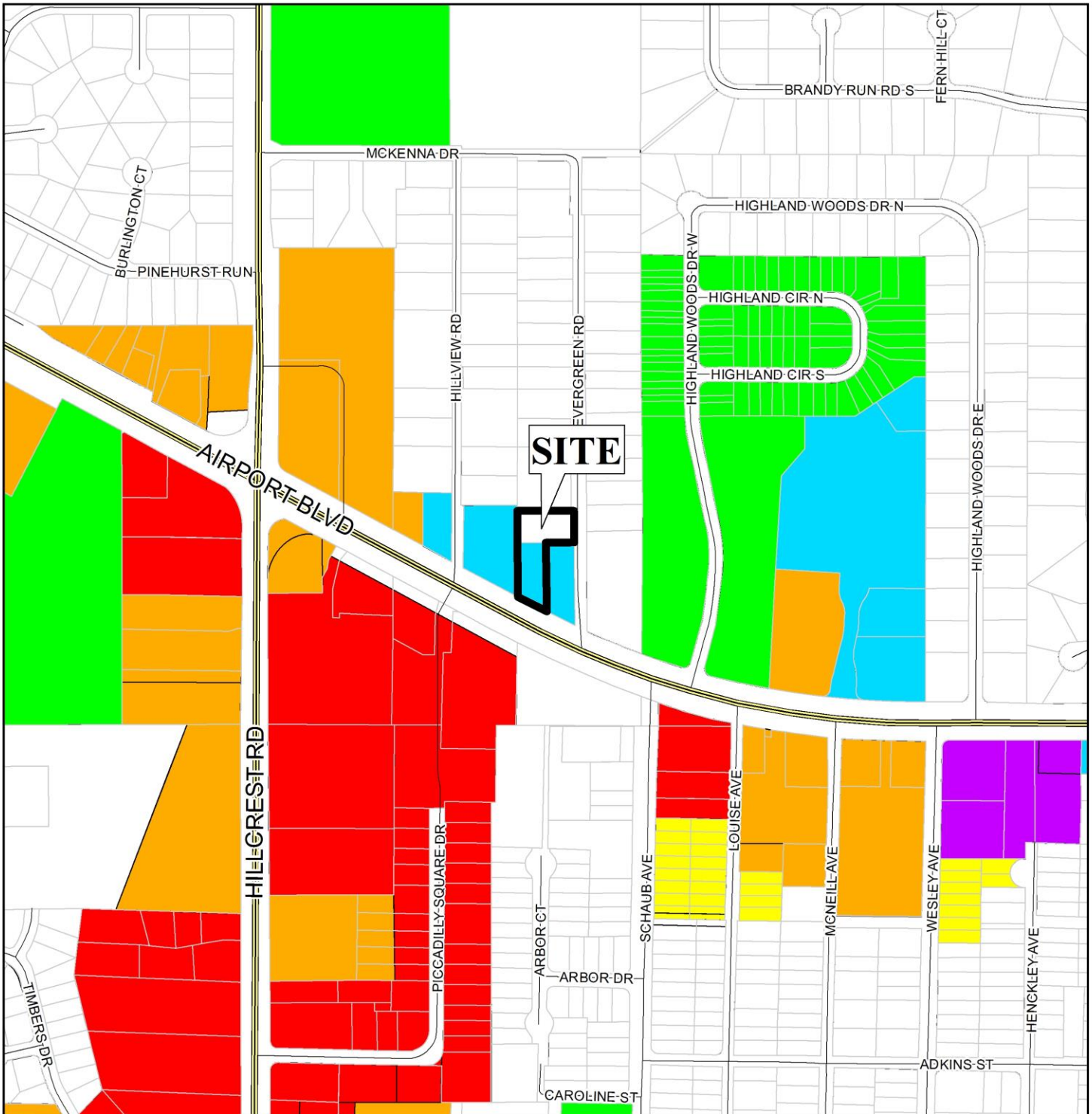
APPLICANT DSG Fields Subdivision

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



NTS

LOCATOR ZONING MAP



APPLICATION NUMBER 7 DATE April 20, 2017

APPLICANT DSG Fields Subdivision

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



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units to the southwest and residential units to the north and east.

APPLICATION NUMBER 7 DATE April 20, 2017

APPLICANT DSG Fields Subdivision

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

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 commercial units to the southwest and residential units to the north and east.

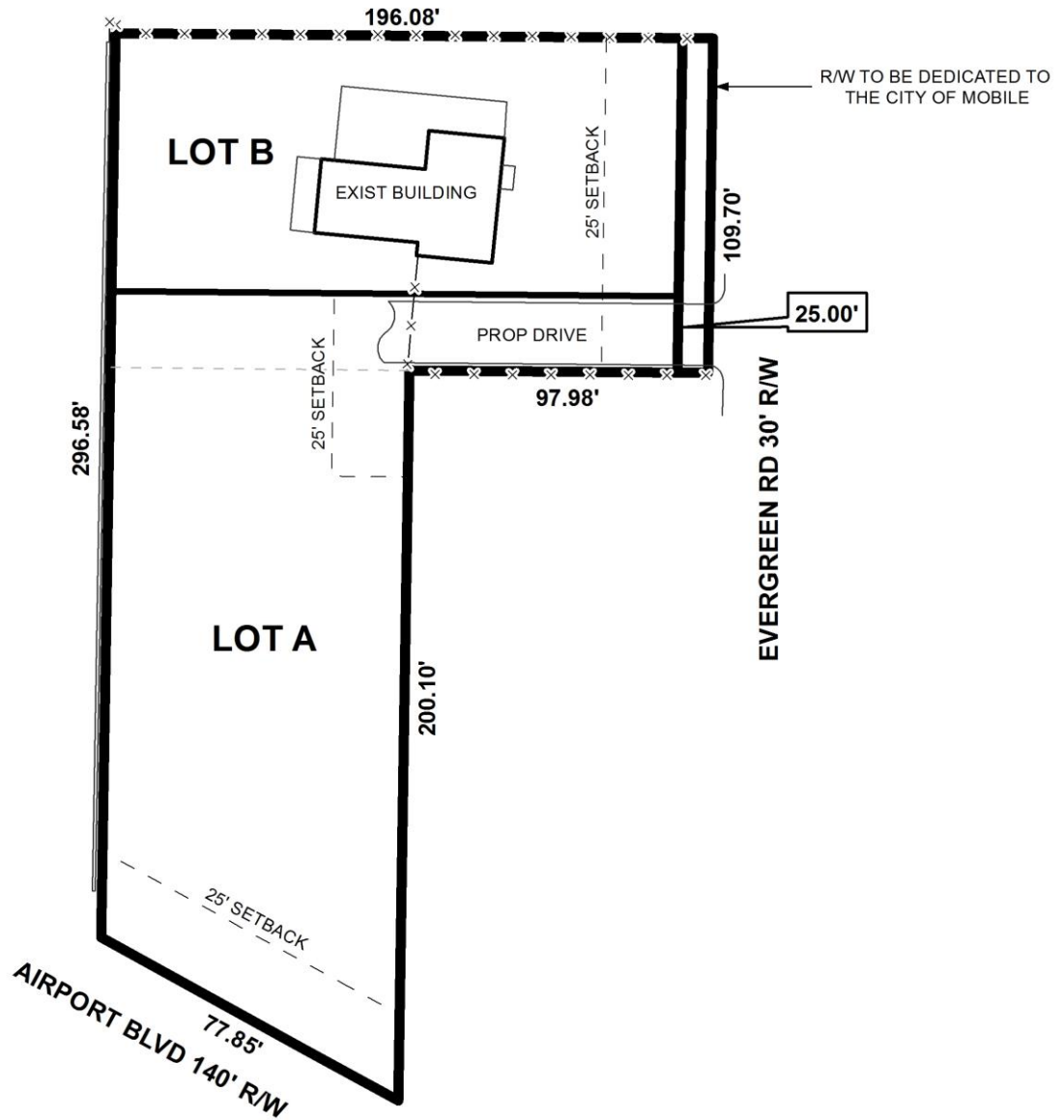
APPLICATION NUMBER 7 DATE April 20, 2017

APPLICANT DSG Fields Subdivision

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



SITE PLAN



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

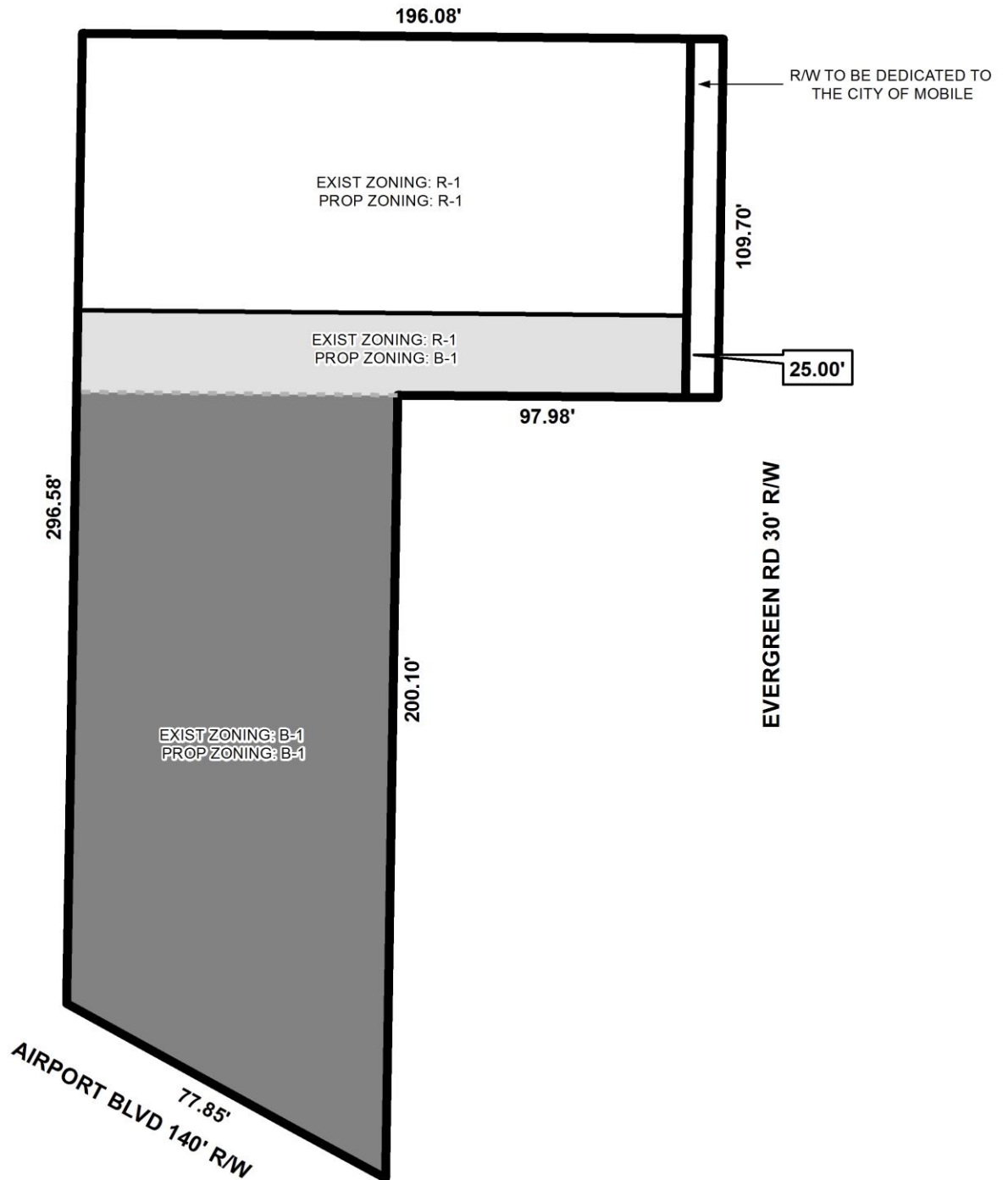
APPLICATION NUMBER 7 DATE April 20, 2017

APPLICANT DSG Fields Subdivision

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



DETAIL SITE PLAN



APPLICATION NUMBER 7 DATE April 20, 2017

APPLICANT DSG Fields Subdivision

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

