

**REZONING &  
SUBDIVISION STAFF REPORT****Date: August 20, 2015****APPLICANT NAME**

John Lawler

**SUBDIVISION NAME**

Airport – University Subdivision

**LOCATION**

254, 256, 260, and 264 Dogwood Drive  
(Southwest corner of Airport Boulevard and Dogwood Drive extending to the Southeast corner of Airport Boulevard and South University Boulevard).

**CITY COUNCIL  
DISTRICT**

District 5

**PRESENT ZONING**

R-1, Single-Family Residential

**PROPOSED ZONING**

LB-2, Limited Neighborhood Business

**AREA OF PROPERTY**

1 Lot/ 3.1± Acres

**CONTEMPLATED USE**

Subdivision to create one legal lot from four legal lots, and  
Rezoning from R-1 to LB-2 to allow a restaurant.

**TIME SCHEDULE**

Upon Completion of Rezoning Request/ Approval

**ENGINEERING****COMMENTS**

The following comments should be addressed prior to submitting the FINAL PLAT for acceptance and signature by the City Engineer:

- A. Provide all of the required information on the SUBDIVISION PLAT (i.e. signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings and distances) that is required by the current Alabama State Board of Licensure for Professional Engineers and Land Surveyors.
- B. Add a note to the SUBDIVISION PLAT stating that a Land Disturbance permit will be required for any land disturbing activity in accordance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.
- C. Add a note to the 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.
- D. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of development, unless a sidewalk waiver is approved.
- E. Show and label each and every Right-Of-Way and easement.

- F. Provide and label the monument set or found at each subdivision corner.
- G. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer.
- H. Provide the Surveyor's Certificate and Signature.
- I. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
- J. Remove the County Engineer's signature block from the Plat. The County Engineer no longer signs plats within the municipal limits of the City of Mobile.
- K. Provide an updated Plat to Engineering Dept. for review prior to submittal for City Engineer's signature.

## **TRAFFIC ENGINEERING**

### **COMMENTS**

Site is denied access to Airport Blvd, and limited to one driveway each to University Blvd and Dogwood Drive, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Traffic Engineering approval of this site is contingent upon the construction by the developer/owner of the northbound right turn lane on University Boulevard at Airport Boulevard, as illustrated in the provided site plan. Any 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 (City Code Chapters 57 and 64 and State Act 61-929). Request a hold over so the applicant can submit a revised site plan showing existing trees located along the right of way and all 24" and larger Live Oak trees located on the proposed development.

## **FIRE DEPARTMENT**

### **COMMENTS**

All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 International Fire Code). Projects outside the City Limits of Mobile, yet within the Planning Commission Jurisdiction fall under the State or County Fire Code (2012 IFC).

## **REMARKS**

The applicant submitted a subdivision application to create one legal lot of record from four legal lots of records and to rezone the properties from R-1, Single Family Residential to LB-2, Limited-Neighborhood Business District to allow a restaurant. As the site currently consists of four residential lots rezoning and resubdivision are required.

This site was most recently before the Planning Commission at its May 2, 2013 meeting. The applicant submitted applications for rezoning and subdivision. The rezoning applicant was to allow the property to be changed from R-1 Single Family Residential to LB-2 Limited Neighborhood Business and the subdivision application was to create one legal lot of record by combining 3 legal lots of record. The application was recommended for holdover, however due to some opposition from the neighborhood, the application was eventually withdrawn by the applicant. Applications for rezoning to LB-2 were also presented to the Planning Commission in

May 2003 and August 2004. In 2003, after considerable discussion about access and traffic concerns, the Planning Commission recommended denial of the application. In 2004, again after considerable discussion about access and traffic concerns, as well as impacts on the property due to its location, the Commission recommended approval of the rezoning application subject to numerous conditions. The request was ultimately denied by the City Council.

This area is shown on the General Land Use component of the Comprehensive Plan as residential. However, the Comprehensive Plan is meant to be a general guide, not a detailed lot and district plan or mandate for development. The Planning Commission and City Council may consider individual cases based on additional information such as the classification requested, the surrounding development, the timing of the request and the appropriateness and compatibility of the proposed use and zoning classification.

It should be pointed out that staff would typically refer to the General Land Use Component of the Comprehensive Plan to make a determination of the rezoning request; however the City is currently involved in the development of the Map for Mobile Long Range Comprehensive Plan which provides a framework plan for the overall city of Mobile. During the Map for Mobile Long Range Comprehensive Planning process there were multiple community meetings, public outreach and engagement opportunities, and an open house which allowed citizens to voice their opinions and provide feedback of what they would like to see here in the city of Mobile. Much of the feedback received included mixed use development, high density development, sidewalks, connectivity, and bike paths just to name a few. Based upon the development framework specific development corridors and centers were identified throughout the city. The proposed future development framework of this area is identified as a "Suburban Center". The Suburban Center future character area consists of: greater density including mixed use with residential above community scale services and retail, connectivity to surrounding neighborhoods, and encouraging redevelopment of existing strip centers into mixed-use development or green space. The development as proposed may not be conducive with the future development framework in this location as proposed by the Map for Mobile Long Range Comprehensive Plan. The rezoning of this property may be desirable at some point, however, as the last residential corner of this intersection, the Planning Commission should weigh the current rezoning request and proposed use against the Map for Mobile efforts which appear to lead down an alternative development path.

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.

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 Zoning Ordinance states that the locational guidelines for LB-2 districts shall be the same as for a B-2 district (located at or near the intersection of two major streets and contain a minimum of two acres). The site in question is located at the intersection of two major streets and contains 2.5± acres.

This site is the only residential property located at the intersection of two major streets along Airport Boulevard from Interstate 65 to the City Limits. Further contributing to the unique circumstances of this property is that it is bounded on the East by a third street (Dogwood Drive, a minor residential street).

Another factor to consider is the appropriateness and compatibility of the zoning classification requested. The applicant is seeking LB-2, Limited Neighborhood Business zoning. LB-2 was created in 2003 as a “Hybrid” zoning classification that allowed some retail uses, but excluded many that were considered “offensive”. By eliminating the “offensive” uses, it was intended that the classification would be more compatible with neighboring residential areas.

The Zoning Ordinance lists several reasons for amending the Zoning Map, one of which is changing conditions, which is what the applicant cited in the application. When Government Street Highland Subdivision was developed, University Boulevard did not exist. In fact, several lots and portions of other lots were acquired for right-of-way. Further changes in conditions are the commercialization of the other three corners of this intersection. Recently, several residential properties (the remaining residentially zoned properties of the entire block) to the North, across Airport Boulevard, were rezoned to allow construction of a large, grocery store which involved the acquiring of more than just 4 residential properties, as proposed in this development. To require this property to remain residential would be treating it differently, not only from the other corners at this intersection but also from all other major street intersections along Airport Boulevard from Interstate 65 to the City Limits.

As stated above, Airport Boulevard and University Boulevard are major streets as shown on the Major Street Plan. Neither the plat nor plan submitted indicates the right-of-way of any of the three abutting streets. However, based on the previous staff reports Airport Boulevard (which has an existing right-of-way of 53’ from centerline) and University Boulevard (which has an existing right-of-way of 50’ from centerline) both have existing right-of-ways in compliance with the plan. It appears that Dogwood Drive has a compliant right-of-way as well. If approved, all pertinent right-of-way information should be shown on the final plat and plan.

The applicant is proposing one curb-cut to University Boulevard, one curb-cut to Dogwood Drive, and no access to Airport Boulevard. Access as proposed would be less of a hazard than the allowance of a curb cut to Airport Boulevard. There is, however, some concern that customers who wish to travel West or South will take Dogwood Drive through the neighborhood to Oak Ridge Drive, then to University. The site should be limited to a total of two curb-cuts, one curb-cut to University Blvd and one curb-cut to Dogwood Drive with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.

The plan illustrates the proposed full access drive onto University Boulevard. Typically, access to a minor residential street such as Dogwood Drive would not be desirable; however, it seems that the location of the driveway on Dogwood Drive would appear be a safe distance from Airport Boulevard, the driveway location would seem to be the least problematic when compared with a curb-cut to Airport Boulevard, and provide some distance from the residential neighborhood. If approved, the site should be limited to the curb-cut to University Boulevard as shown, as well as the one curb-cut to Dogwood Drive. This would help minimize the impact on the residents of Dogwood Drive and the remainder of the subdivision.

As submitted, the application and site plan indicate that there are no 24" and larger live oaks on the site; however, comments from the Urban Forestry Section and aerial photographs indicate that there are. Further, a site visit was made for previous applications and a 28" Live Oak was found on the site.

One element of the 2004 application that is not referenced in this request is the closure of most of Dogwood Drive via a cul de sac near the South end of the site. This would separate the "commercial" traffic from the residential traffic. It would also drastically change the access for all properties on Dogwood Drive north of Oak Ridge Drive.

Other conditions of approval on a previous application that are not shown on the current site plan, but would still be applicable to the new proposal is a 6' (minimum) privacy fence or wall to accompany the 25' (minimum) landscaped buffer along the South property line, with the exception of the drive from University Boulevard, and provision of screening of parking in compliance with Section VI.A.3.i for the entire Dogwood Drive frontage, with the exception of the setback from Airport Boulevard for the visibility triangle (Section IV.D.4).

The plan also does not illustrate the planting of trees along University Boulevard or Airport Boulevard. While trees do not have to be spaced at 30' intervals, trees for a particular frontage do have to be planted (and maintained) along that frontage. If approved, this would be reviewed during the permitting process.

The site plan submitted does not depict any tree and landscape calculations. Staff is aware that the site has existing trees however there has been no information provided depicting tree and landscaping requirements except for the labeling of a 25' landscape buffer. Based on aeriels it would appear that while some trees will have to be removed, those are predominately in the center of the site and not along the perimeter. Also, a large landscaped buffer, which exceeds Zoning Ordinance requirements, is to be provided along the South property line.

The plan does not indicate the provision of a sidewalk along all street frontages; however, unless a sidewalk waiver is requested and approved, sidewalks will be required.

Other concerns relating to the site plan as proposed are the location of the Drive Thru order stations at the South end of the building and lack of information regarding delivery trucks and circulation. The order stations could generate noise that would affect the neighbors to the South, and if approved as submitted, delivery trucks could be traversing Dogwood Drive, a minor

residential street, regularly. Queuing spaces are also not illustrated on the site plan as required in Section 64-4.F.2 of the Zoning Ordinance.

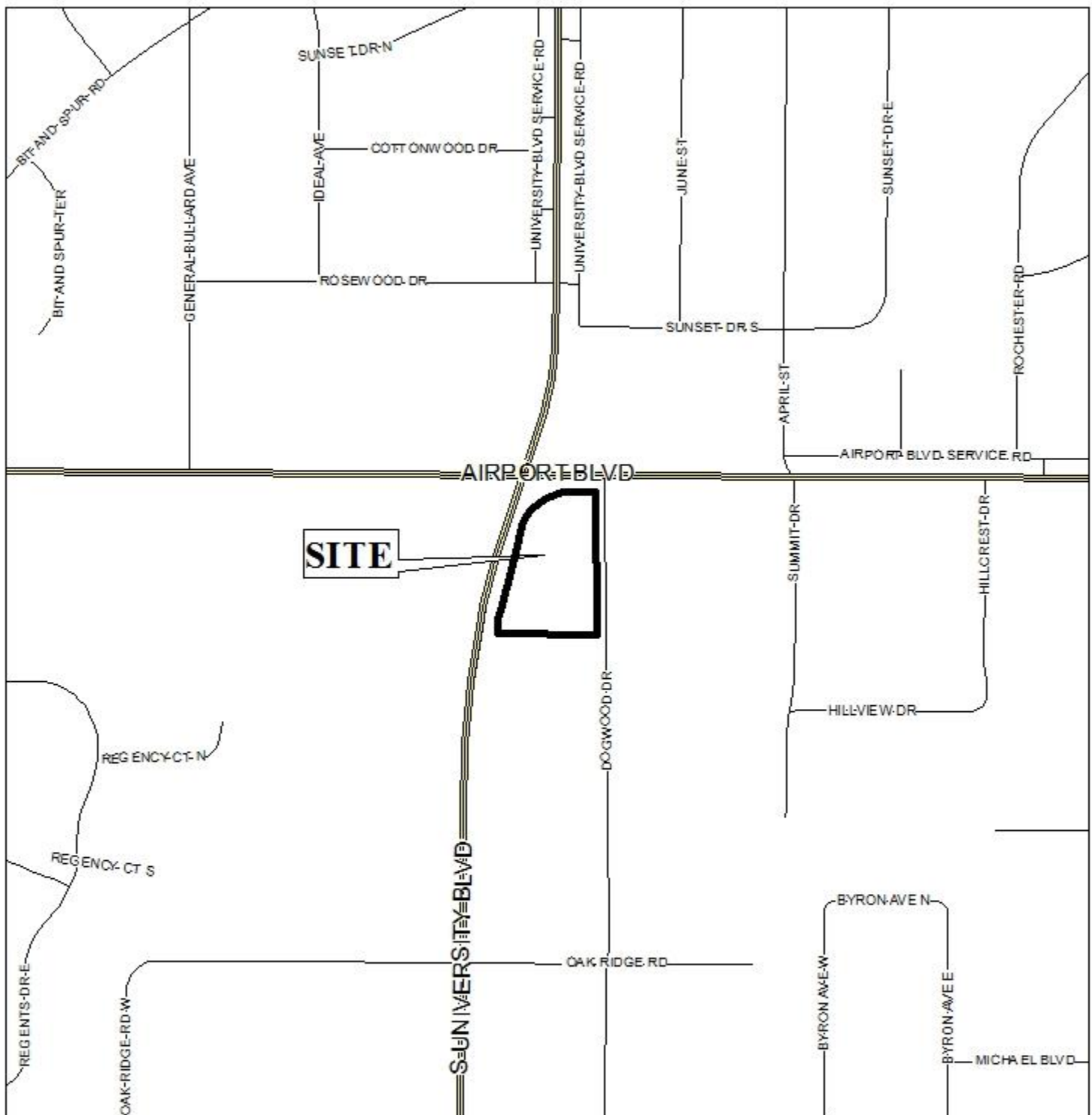
A dumpster with an enclosure is depicted on the site plan. If approved, a dumpster in compliance with Section 64-4.D.9. of the Zoning Ordinance will be required.

**RECOMMENDATION**

**Rezoning:** based on the preceding, it is recommended that this application be withdrawn until the Map for Mobile Long Range Comprehensive Plan is adopted to determine if the proposed development will align with the recommendations of the plan.

**Subdivision:** based on the preceding, it is recommended that this application be withdrawn in conjunction with the rezoning request until the Map for Mobile Long Range Comprehensive Plan is adopted to determine if the proposed development will align with the recommendations of the plan.

# LOCATOR MAP



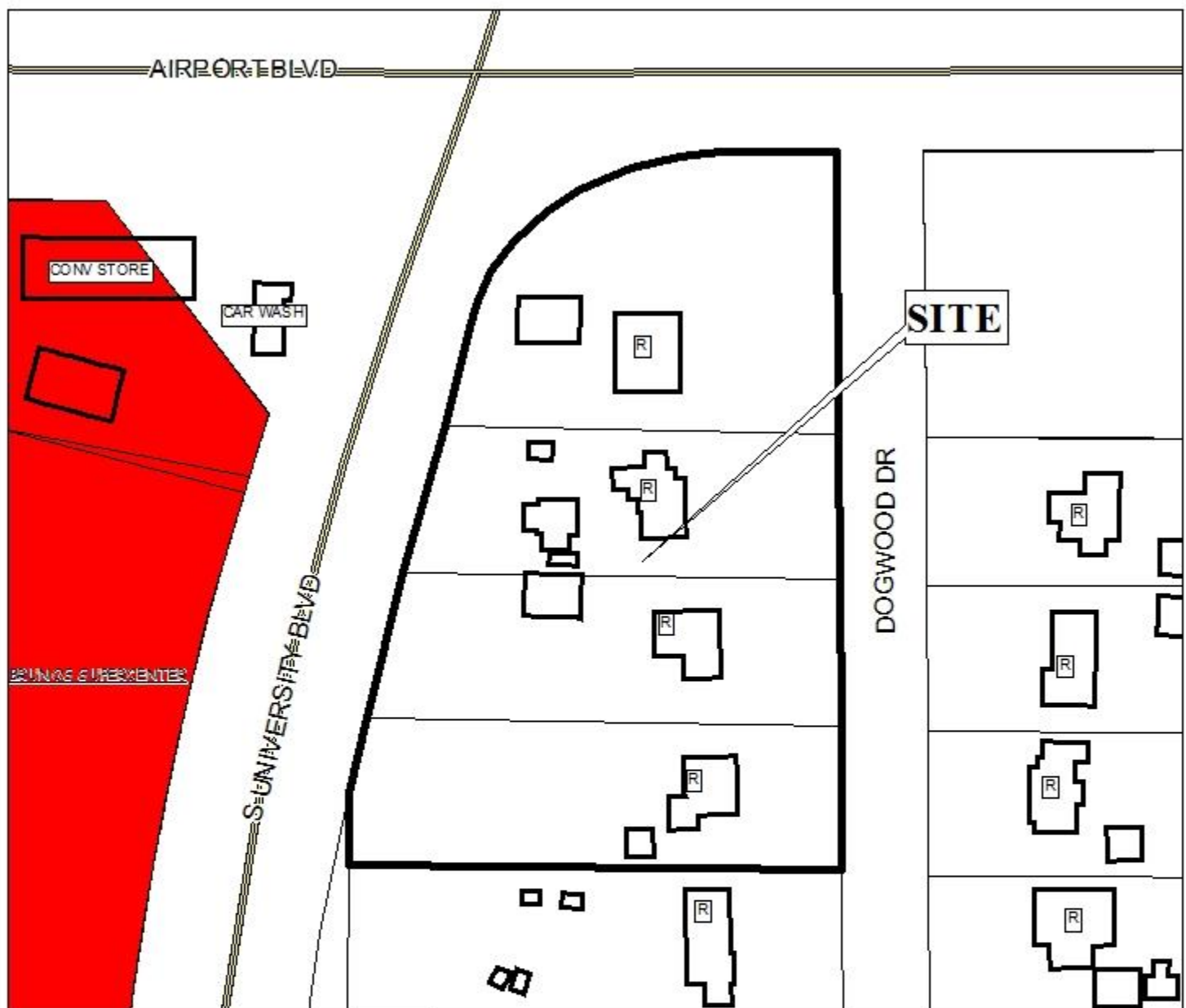
APPLICATION NUMBER 9 DATE August 20, 2015

APPLICANT Airport-University Subdivision

REQUEST Subdivision, Rezoning from R-1 to LB-2



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



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

APPLICATION NUMBER 9 DATE August 20, 2015

APPLICANT Airport-University Subdivision

REQUEST Subdivision, Rezoning from R-1 to LB-2

R-A	R-3	T-B	B-2	B-5	MUN	SD-WH	T5.1
R-1	R-B	B-1	B-3	I-1	OPEN	T3	T5.2
R-2	H-B	LB-2	B-4	I-2	SD	T4	T6





# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



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# SITE PLAN



The site plan illustrates the proposed building, parking, setbacks, and landscape buffers.

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