

**ZONING AMENDMENT &  
SUBDIVISION STAFF REPORT****Date: July 6, 2017**

<b><u>NAME</u></b>	Merrill P. Thomas Co., Inc
<b><u>SUBDIVISION NAME</u></b>	Government and Dexter Street Subdivision, Revision and Addition to
<b><u>LOCATION</u></b>	1459 & 1465 Government Street (Southeast corner of Dexter Avenue and Government Street)
<b><u>CITY COUNCIL DISTRICT</u></b>	District 2
<b><u>PRESENT ZONING</u></b>	B-2, Neighborhood Business District and R-3, Multiple Family District
<b><u>PROPOSED ZONING</u></b>	B-2, Neighborhood Business District
<b><u>REASON FOR REZONING</u></b>	To allow a restaurant and eliminate split zoning
<b><u>AREA OF PROPERTY</u></b>	2 Lots / 0.8 ± Acres - Subdivision 1 Lot / 0.2 ± Acres - Rezoning
<b><u>CONTEMPLATED USE</u></b>	Subdivision approval to create 2 lots and Rezoning from R-3, Multiple Family District, and B-2, Neighborhood Business District, to B-2, Neighborhood, to allow a restaurant and eliminate split zoning. <b>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.</b>
<b><u>TIME SCHEDULE</u></b>	None given.
<b><u>ENGINEERING COMMENTS</u></b>	<b>Subdivision</b> <u>FINAL PLAT COMMENTS</u> (should be addressed prior to submitting the FINAL PLAT for review and/or signature by the City

Engineer): 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. Add legible street names to the vicinity map.
- C. Provide and label the monument set or found at each subdivision corner.
- D. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer.
- E. Provide the Surveyor's Certificate and Signature.
- F. Provide the Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
- G. 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.
- H. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 28 - #75) LOTS 1 and 2 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 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.
- J. 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.
- K. Provide a copy of the FINAL SUBDIVISION PLAT to the Engineering Dept. for review. No signatures are required on this drawing.
- L. 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.

## **TRAFFIC ENGINEERING COMMENTS**

Government Street (U.S. Highway 90) is an ALDOT maintained roadway. Each lot is limited to no more than one curb cut per street frontage with size, location and design to be approved by ALDOT (where applicable) and 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).

**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 2 lots and Rezoning from R-3, Multiple Family District and B-2, Neighborhood Business District to B-2, Neighborhood Business District, to allow a restaurant and eliminate split zoning.

This site was most recently before the Planning Commission at its March 9, 2017 meeting, where request were made for a 2 lot subdivision, rezoning to B-2, Neighborhood Business District, PUD approval to allow shared access and parking between two building sites, and the placement of a freestanding drive-up ATM. The applications were heldover to the April 20, 2017 meeting by the Commission; the applicant then withdrew the applications prior to the April 20<sup>th</sup> meeting. The applicant has since reconfigured the layout and design of the site and eliminated the freestanding drive-up ATM and the need for a PUD.

The purpose of the subdivision application is to create two legal lots, so that one of the lots may be used for a commercial development. The applicant proposes to build a new 1,596 square foot restaurant with parking and a drive-through on the proposed Lot 1, while the proposed Lot 2 will remain undeveloped and zoned R-3, Multiple Family District.

All portions of the overall site are located within the Leinkauf Historic District, thus review and approval by the Architectural Review Board of any proposed construction and development will be required.

The site has been given a Mixed Density Residential and Traditional Mixed-Use Corridor land use designation, per the recently adopted Future Land Use Plan and Map. 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.

The Mixed Density Residential land use designation mostly applies to residential areas located between Downtown and the Beltline, where the predominant character is that of a traditional neighborhood laid out on an urban street grid.

These residential areas should offer a mix of single family homes, townhouses, 2- to 4-residential unit buildings, accessory dwellings, and low- and mid-rise multifamily apartment buildings. The density varies between 6 and 10 du/ac, depending on the mix, types, and locations of the housing as specified by zoning.

Like Low Density Residential areas, Mixed Density Residential areas may incorporate compatibly scaled and sited complementary uses such as neighborhood retail and office uses,

schools, playgrounds and parks, and churches and other amenities that create a complete neighborhood fabric and provide safe and convenient access to daily necessities.

The Traditional Corridor land use designation generally applies to transportation corridors east of I-65, which serve as the primary commercial and mixed-use gateway to Downtown and the City's traditional neighborhoods (equivalent to Map for Mobile's Traditional Neighborhoods).

Depending on their location (and as allowed by specific zoning), Traditional Corridor designations incorporate a range of moderately scaled single-use commercial buildings holding retail or services; buildings that combine housing units with retail and/or office; a mix of housing types including low- or mid-rise multifamily structures ranging in density from 4 to 10 du/ac; and attractive streetscapes and roadway designs that safely accommodate all types of transportation – transit, bicycling, walking, and driving. In these areas, special emphasis is placed on the retention of existing historic structures, compatible infill development, and appropriate access management.

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.

Regarding the Subdivision request, the applicant proposes to create two legal lots from one metes and bounds parcel and one legal lot of record. Both properties are currently vacant. The proposed Lot 1 meets the size and width requirements; however the proposed Lot 2 will only have approximately 50 ± feet of frontage along Church Street, and will be 175 ± feet deep. The width of Lot 2 does not comply with the 60 foot minimum width noted in Section V.D.2. of the Subdivision Regulations. Given the parcel's location within an historic district, and given that the parcel was originally composed of two legal lots and a vacated alley, the 50 ± foot lot width is in character with surrounding properties in the vicinity, thus the minimum width requirement of Section V.D.2. of the Subdivision Regulations should be waived.

The lot sizes are labeled in both square feet and acres on the preliminary plat, and should be retained on the Final Plat, if approved.

The Subdivision, as proposed, will allow for possible new infill residential development for Lot 2, fronting Church Street, and will allow for new infill development on Lot 1, fronting Government Street and Dexter Avenue. Proposed Lot 1 will have frontage on Government Street, an ALDOT controlled facility as well as Dexter Avenue. The lot should be limited to one curb-cut to Government Street and one to Dexter Avenue, with the size, design and location to be approved by ALDOT and Traffic Engineering, and comply with AASHTO standards. Lot 2 will have frontage on Church Street, but due to the narrow width of the lot, it should also be limited to one curb-cut, with the size, design and location to be approved by Traffic Engineering, and comply with AASHTO standards.

The minimum building setback line is depicted for each lot, and should be retained on the final plat, if approved.

Regarding the request for rezoning, the applicant proposes to rezone proposed of Lot 1, which fronts Government Street, from its current R-3 and B-2 district to a B-2 district, to eliminate split zoning. Proposed Lot 2 will retain its current R-3 designation.

As stated in Section 64-9. of the Zoning Ordinance, the intent of the Ordinance and corresponding Zoning Map is to carry out the comprehensive planning objective of sound, stable and desirable development. While changes to the Ordinance are anticipated as the city grows, the established public policy is to amend the ordinance only when one or more of the following conditions prevail:

- 1) there is a manifest error in the Ordinance;
- 2) changing conditions in a particular area make a change in the Ordinance necessary and desirable;
- 3) there is a need to increase the number of sites available to business or industry; or
- 4) the subdivision of land into building sites makes reclassification of the land necessary and desirable.

The applicant has not specifically identified which of the above conditions apply to the site that is the subject of the rezoning request. It is clear that the rezoning is necessary in order to eliminate split zoning created by the proposed subdivision and allow for the development of the restaurant, however, no other justification was provided.

A portion of the proposed Lot 1, was zoned to R-3 as part of the Government Street Zoning Study undertaken by the City of Mobile, and approved by City Commission in October 1984. Prior to this rezoning, the property was designated as a B-2, Neighborhood Business district, and it appears that this B-2 designation carried over from the commercial C-1 Neighborhood Business designation in existence prior to the adoption of the current 1967 Zoning Ordinance. The property has been vacant since late 2002, when permits were issued to allow for the demolition of a two-story "rooming house."

The rezoning site is bounded to the East by a commercial use in a B-1, Buffer Business district, to the West by a vacant commercial property in a B-2 district, and to the South by residential uses in an R-3 district. North, across Government Street, are vacant R-3 properties and a commercially utilized B-1 property.

A portion of the proposed Lot 1 is an existing legal lot from the previously approved Government and Dexter Subdivision Lot 1. The lot was created via a subdivision application approved by the Planning Commission at its November 5, 2015 meeting, and the plat was subsequently recorded. The approval included the following condition:

- 5) *Placement of a note on the Final Plat stating that the lot is limited to one curb cut to Dexter Avenue, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards;*

The proposed layout for development depicts the drive-through location for the restaurant on the Government Street side of the proposed building, with the stacking lane within the front 25-foot setback, and the pick-up window facing Dexter Avenue.

The site plan submitted does not depict any tree and landscape calculations, therefore staff cannot determine if the site meets the minimum tree and landscaping requirements. A site plan depicting full tree planting and landscaping requirements per Section 64-4.E of the Zoning Ordinance will be required at the time of submission for building permits.

While the proposed development will result in the closure of two driveways along Government Street, and the provision of a new neighborhood service, a proposed deceleration lane on Government Street will result in the removal of one existing live oak tree within the public right-of-way. The proposed curb-cut to Dexter Avenue will also require the removal of one existing live oak within the public right-of-way. It should be noted, the removal of the two live oak trees within the right-of-way will require Mobile Tree Commission approvals which may not be guaranteed. Thus, while access and circulation will be adequate for the proposed development, the relationship of the proposed commercial uses to the Government Street corridor, the historic district context of the site, and the proposed curb-cuts may potentially impact the historic nature of the corridor and the neighborhood.

A dumpster with an enclosure is depicted on the site plan. If approved, dumpster placement must comply with Section 64-4.D.9. of the Zoning Ordinance.

A 6' privacy fence is depicted on the site plan, screening the site from residentially zoned properties along Church Street.

A sidewalk will be required as part of the proposed new development, and are depicted on the submitted site plan.

## **RECOMMENDATION**

**Subdivision:** Based upon the preceding, and with a waiver of Section V.D.2. of the Subdivision Regulations for lot width, the Subdivision request is recommended for Tentative Approval, subject to the following conditions:

- 1) Placement of a note on the final plat stating that Lot 2 is limited to one curb-cut to Church Street, and Lot 1 is limited to one curb-cut to Government Street and one curb-cut

- to Dexter Avenue with the size, design and location of the curb-cuts to be approved by Traffic Engineering and ALDOT (for Lot 1), and to comply with AASHTO standards;
- 2) Retention of the 25-foot minimum building setback line on the final plat;
  - 3) Retention of the lot sizes in square feet and acres;
  - 4) 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. Add legible street names to the vicinity map. C. Provide and label the monument set or found at each subdivision corner. D. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer. E. Provide the Surveyor's Certificate and Signature. F. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. G. 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. H. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 28 - #75) LOTS 1 AND 2 may receive 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 prior to the submittal of the Final Plat from signatures. I. 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. J. 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. K. Provide a copy of the FINAL SUBDIVISION PLAT to the Engineering Dept. for review. No signatures are required on this drawing. L. 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.);*
  - 5) Compliance with Traffic Engineering comments: "Government Street (U.S. Highway 90) is an ALDOT maintained roadway. Each lot is limited to no more than one curb cut per street frontage with size, location and design to be approved by ALDOT (where applicable) and 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.";
  - 6) 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).";
  - 7) 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

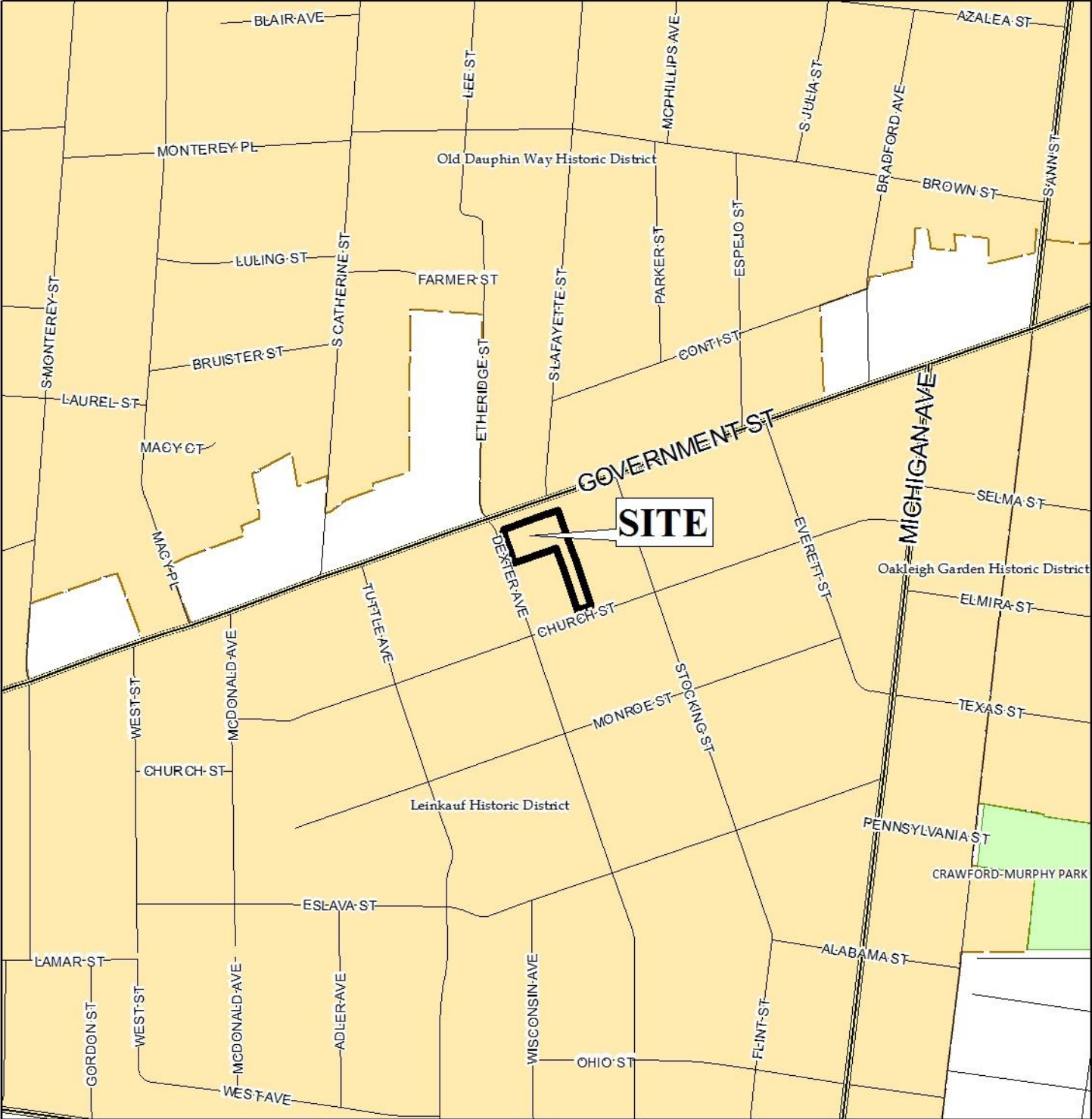
- 8) Completion of the Subdivision process prior to any requests for land disturbance or new construction.

**Rezoning:** Based upon the preceding, the Rezoning request is recommended for approval subject to the following conditions:

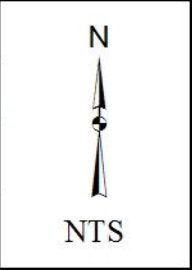
- 1) Completion of the Subdivision process; and
- 2) Full compliance with all municipal codes and ordinances.



## LOCATOR MAP



APPLICATION NUMBER 9 DATE July 6, 2017  
 APPLICANT Government and Dexter Street Subdivision, Revision and Addition to  
 REQUEST Subdivision, Rezoning from R-3 and B-2 to B-2



# LOCATOR ZONING MAP



APPLICATION NUMBER 9 DATE July 6, 2017  
APPLICANT Government and Dexter Street Subdivision, Revision and Addition to  
REQUEST Subdivision, Rezoning from R-3 and B-2 to B-2





# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial and residential units.

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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

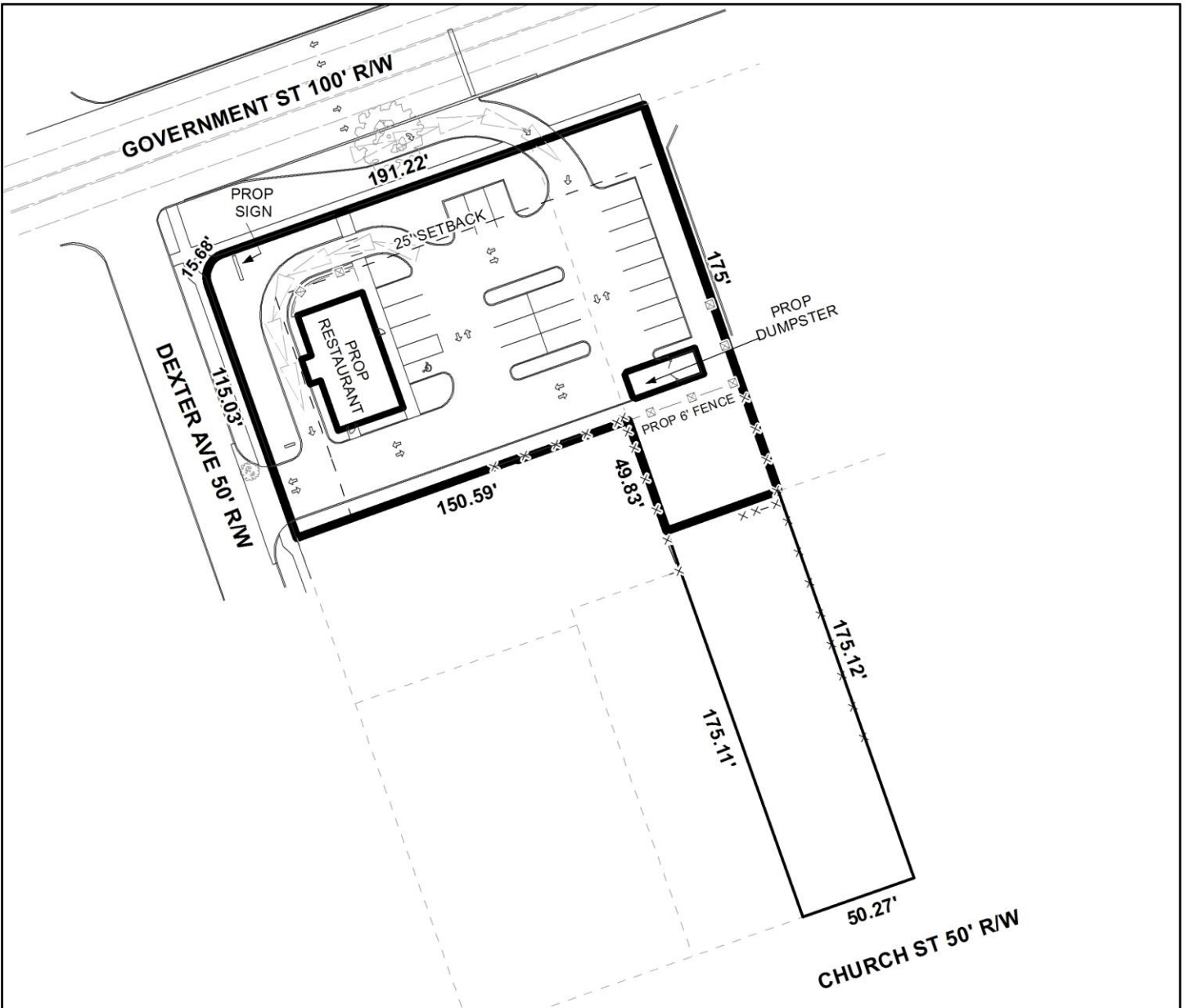


The site is surrounded by commercial and residential units.

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# SITE PLAN



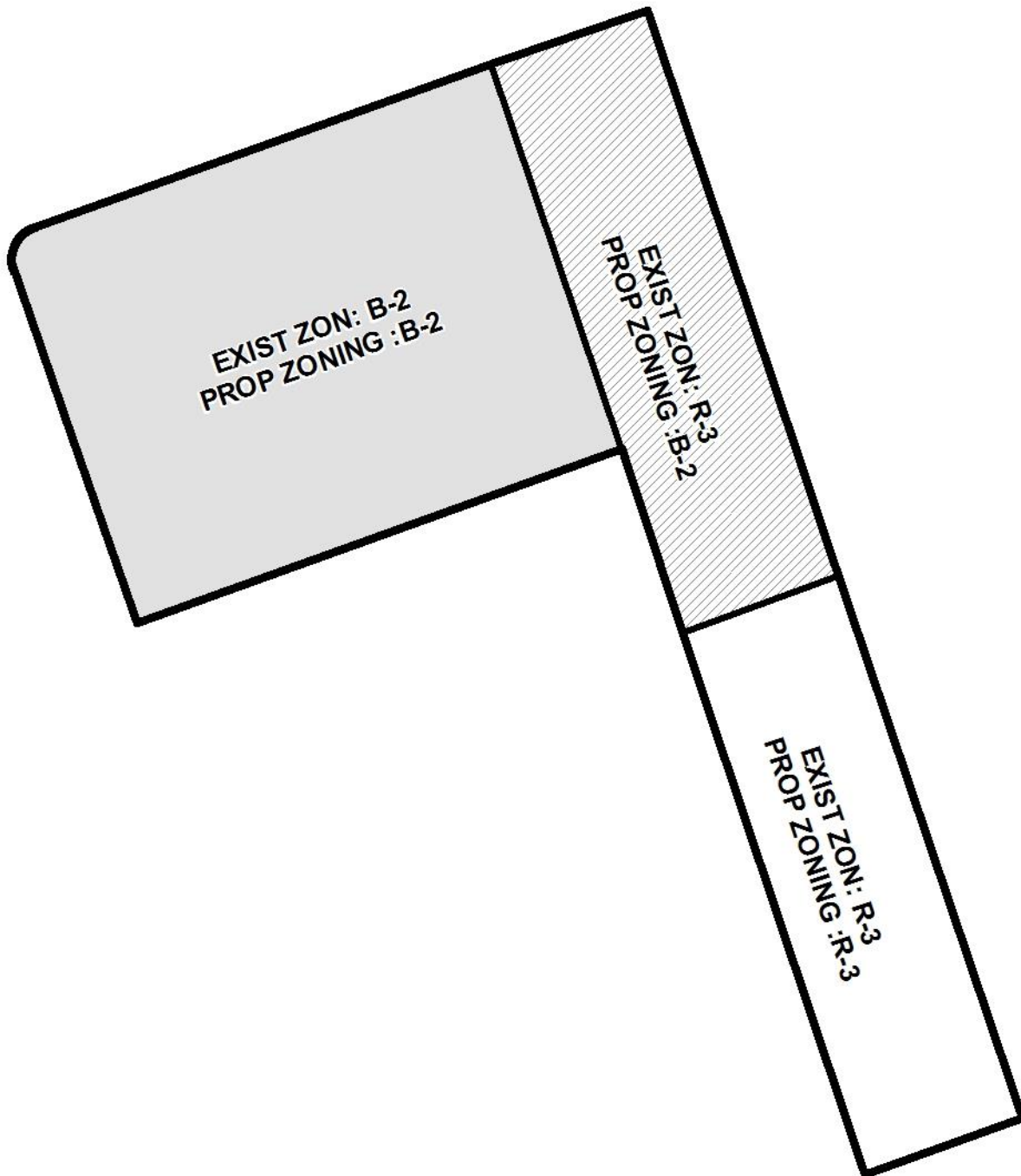
The site plan illustrates the proposed restaurant, parking, drive-thru, and setback.

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## DETAIL SITE PLAN



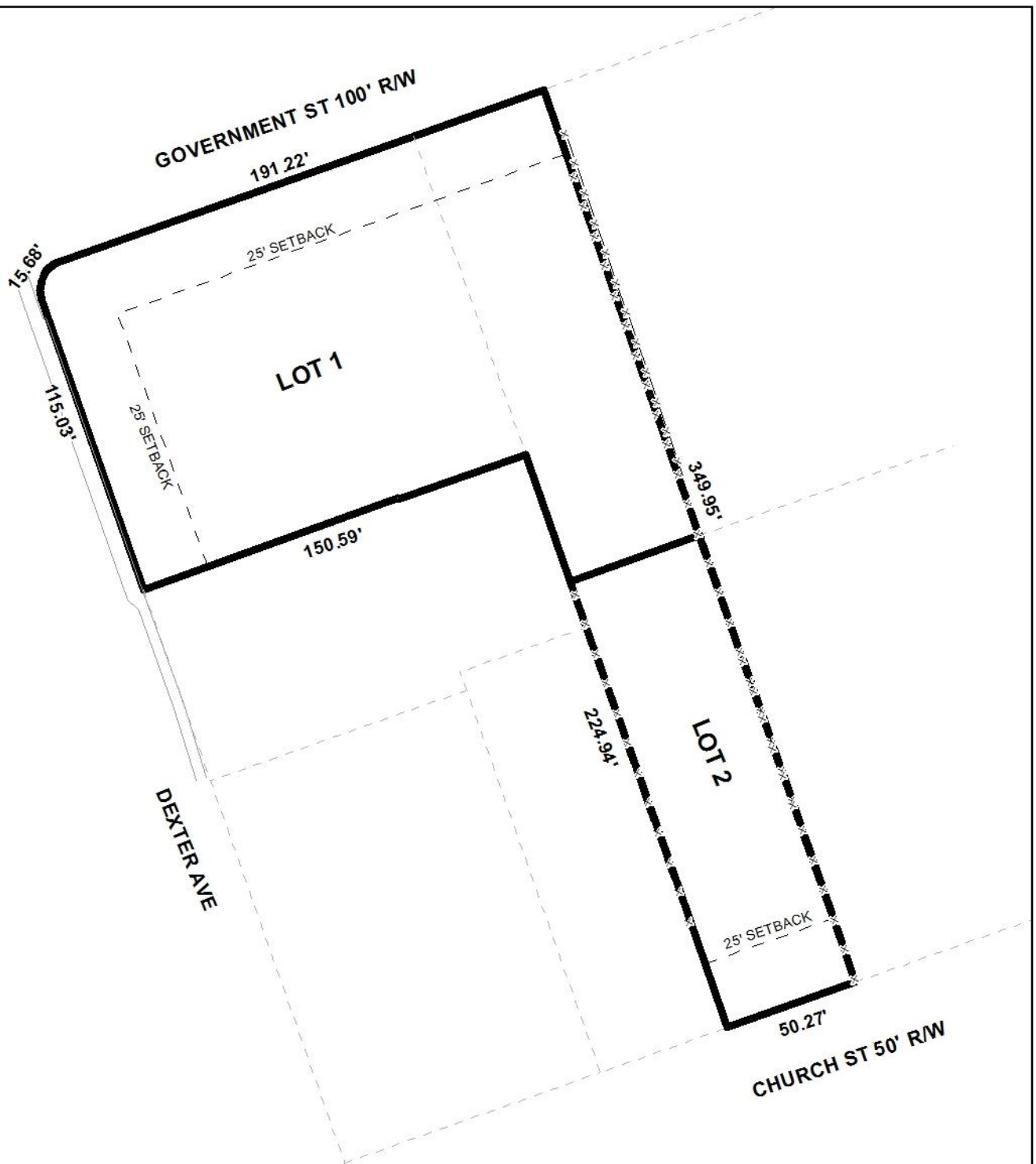
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APPLICANT Government and Dexter Street Subdivision, Revision and Addition to

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# DETAIL SITE PLAN



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