

**ZONING AMENDMENT  
& SUBDIVISION STAFF REPORT****Date: March 6, 2014****APPLICANT NAME**

Joe Mason

**SUBDIVISION NAME**

Joe Mason Subdivision

**LOCATION**1412 & 1416 Wolf Ridge Road  
(East side of Wolf Ridge Road, 200'± North of Moffett Road)**CITY COUNCIL  
DISTRICT**

District 1

**PRESENT ZONING**

B-3, Community Business District

**PROPOSED ZONING**

B-3, Community Business District

**AREA OF PROPERTY**

1 Lots / 2.0 ± Acres

**CONTEMPLATED USE**

Subdivision approval to create 1 lot, and Zoning approval to rezone the site from B-3, Community Business District, to B-3, Community Business District, to amend a condition of approval.

**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.**

**REASON FOR  
REZONING**

Applicant is requesting rezoning of the site to remove a condition of a previous approval to B-3, specifically requiring the preservation of a 66 inch live oak.

**TIME SCHEDULE  
FOR DEVELOPMENT**

Not provided

**ENGINEERING  
COMMENTS**

The following comments should be addressed prior to 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, vicinity map, required notes, legend, scale, bearings and distances).

- 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 the of the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045), latest edition.
- C. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 23 - #69) the Lot will receive historical credit of impervious area towards storm water detention requirement per the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045), latest edition. Coordinate the amount with City Engineering Department staff prior to the submittal of the Land Disturbance Permit application.
- D. 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.
- E. Label each lot with its size in acres and square feet, or the furnishing of a table on the Plat providing the same information;
- F. Provide a written legal description for the proposed subdivision and matching bearing and distance labels.
- G. Show and label each and every Right-Of-Way and easement.
- H. Provide and label the monument set or found at each subdivision corner.
- I. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, City Engineer, and County Engineer.
- J. Provide the Surveyor's Certificate and Signature.
- K. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
- L. Add a note that sidewalk is required to be constructed along the frontage of each lot, or parcel, at time of development, unless a sidewalk waiver is approved.

## **TRAFFIC ENGINEERING**

### **COMMENTS**

Site is limited to one curb cut to Wolf Ridge Road, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Access to Pringle Road is denied. All 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 61-929 and City Code Chapters 57 and 64).

Preservation status is to be given to the 66" and 68" Live Oak Trees located on the West side of the proposed development. Any work on or under these trees is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.

**FIRE DEPARTMENT****COMMENTS**

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

**REMARKS**

The applicant is requesting Subdivision approval to create 1 lot, and Zoning approval to rezone the site from B-3, Community Business District, to B-3, Community Business District, to amend a condition of approval. The applicant specifically wishes to remove a condition of a previous approval to B-3, requiring the preservation of a 66 inch live oak. The applicant proposes to develop the site with one building, which will contain a beauty salon and an auto repair business, and additionally proposes to sell cars.

The site is currently developed with three buildings, which the applicant proposes to remove prior to redevelopment of the site. The property is bounded to the East by single family residences in an R-1, Single Family Residential district, and vacant land in a B-2, Neighborhood Business district. To the South are businesses located in a B-3, Community Business district, while to the West, across Wolf Ridge Road, are businesses and vacant land located in a B-2 district. North of the site are single family residences in an R-1 district.

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. To that end, the most recent Zoning approval for the site, approved by the City Council on June 21, 2011, included the following conditions:

- 1) limited to the voluntary conditions and use restrictions submitted by the applicant on March 30, 2011;
- 2) compliance with Urban Forestry comments: *"Preservation status is to be given to the 60" Live Oak Tree and the 66" Live Oak Tree located in the center of the proposed development; any work on or under these trees is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger;"*
- 3) revision of the site plan to indicate all required landscaping area and tree planting as being on the site, outside of the right-of-way or any required dedication area;
- 4) provision of two copies of the revised site plan to the Planning Section of the Urban Development Department; and,
- 5) full compliance with all municipal codes and ordinances.

The applicant's voluntary use restrictions limited the B-3 site to only B-2 uses, with the exception of automobile and truck sales and service.

The applicant's justification for changing condition # 2 is that the existing 66 inch live oak tree is located in an area where new parking is proposed as part of the redevelopment of the site. If the tree is required to remain, it will eliminate an area from parking, and require the relocation of parking elsewhere on the site.

Zoning approval is not site plan specific, but a site plan is required as part of the application to the Planning Commission. The site plan submitted shows the elimination of the 66 inch live oak tree to make way for parking. It appears that the site plan could be revised to save both the 66 inch live oak and the 60 inch live oak, and still provide adequate parking and circulation, as only approximately 31,000  $\pm$  square feet of the 87,000  $\pm$  square foot site is proposed for development. Live oaks are a signature tree for Mobile, thus their protection is encouraged via regulation.

The subdivision aspect of the site has been the subject of several applications to the Planning Commission. Subdivision requests were approved at the March 3, 2011 and June 7, 2012 meetings, however, both approvals expired. The most recent application was withdrawn at the October 3, 2013 meeting. The 2012 subdivision approval included the following conditions:

- 1) label the subject lot as "Lot 1" or "Lot A";
- 2) label of the lot size in square feet and acres;
- 3) dedication to provide 50' from the centerline of Wolf Ridge Road to the City of Mobile;
- 4) successful application for a planned unit development or obtain demolition permits so that only one structure remains on the site before the signing of the Final Plat;
- 5) placement of the 25-foot minimum building setback line along all right-of-way frontages;
- 6) compliance with Engineering comments: *"Need to dedicate additional ROW to provide 50' from centerline of Wolf Ridge Road. Sidewalk is required to be constructed along the frontage of the property, unless a sidewalk variance is approved. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, 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 ROW (Mobile City Code, Chapter 57, Article VIII);"*
- 7) compliance with Urban Forestry comments: *"Preservation status is to be given to the 60" Live Oak Tree and the 66" Live Oak Tree located in the center of the proposed development. Any work on or under these tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger;"*
- 8) compliance with Fire Department comments: *"All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile;"*
- 9) placement of a note on the Final Plat limiting Lot 1 to one curb-cut to Wolf Ridge Road, with the size, design, and location to be approved by Traffic Engineering and conform to AASHTO standards;
- 10) illustration of frontage along Pringle Drive on the Final Plat;
- 11) placement of a note on the Final Plat stating the lot is denied direct access to Pringle Drive; and,
- 12) placement of a note on the Final Plat stating that approval of all applicable federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities.

Subdivision review examines the site with regard to promoting orderly development, protecting general health, safety and welfare, and ensuring that development is correlated with adjacent developments and public utilities and services, and to ensure that the subdivision meets the

minimum standards set forth in the Subdivision Regulations for lot size, road frontage, lot configuration, etc.

The site fronts onto Wolf Ridge Road, a planned major street as depicted in the major street plan component of the City of Mobile Comprehensive Plan. The major street plan requires a 100-foot right-of-way for Wolf Ridge Road; and the existing 60-foot and 80-foot rights-of-way are depicted on the plat.

The applicant requests that no additional dedication be required on the northern metes and bounds portion of the site, as they are of the opinion that Wolf Ridge Road, while on the City's Major Street Plan, is not on the South Alabama Regional Planning Commission's Mobile Area Transportation Study (MATS) Plan. The MATS Plan lists all roads that are planned / proposed to receive state or federal highway funding for various improvements over the next 25 years. The applicant further states that the City's Major Street Plan is outdated, and that the plan is no longer a "valid planning concept" from which to base dedication requirements. In 2004, a one lot subdivision for the southern portion of the site was approved, and dedication for Wolf Ridge Road was required, thus half of the site already has provided adequate right-of-way.

Staff has consistently requested right-of-way dedication along Wolf Ridge Road for commercial subdivisions, as well as for most residential subdivisions. While the road may not be on the list for federally-funded improvements, there is nothing to prevent its improvement with local dollars. Furthermore, projects can be added to the MATS Plan at the request of member cities. As for the "validity" of the planning concept, the City's Major Street Plan is a long term plan, and at its original adoption in the 1960s, many people probably believed that the envisioned roadway network would never be constructed as proposed; in some cases this is likely true, however, there are multiple examples throughout the city of roads that were at one time thought unlikely to ever be widened, but are now critical to the transportation network.

Therefore, if subdivision request is approved, dedication to provide 50-feet from the centerline of Wolf Ridge Road should be required. It should also be noted that a portion of the proposed lot does have frontage along Pringle Drive. The portion which contains the frontage along Pringle Drive was the subject of an approved subdivision at the Planning Commission's May 6, 2004 meeting. A condition of approval at that time required a note on the Final Plat stating that the lot be denied direct access to Pringle Drive. If approved, the Final Plat should be revised to include a note stating that the lot is denied direct access to Pringle Drive.

As a means of access management, a note should be placed on the Final Plat, if approved, stating that the Lot is limited to one curb cut to Wolf Ridge Road, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.

The 25-foot minimum building setback line, required in Section V.D.9., is not illustrated and labeled on the preliminary plat. If approved, the 25-foot building setback line should be illustrated and labeled on the Final Plat from the new property line after dedication along Wolf Ridge Road, and for the Pringle Drive frontage.

Tree protection is also part of the three previous sets of Subdivision conditions for approval. It is recommended that these conditions be maintained for the application at hand.

It should be noted that the proposed lot does not meet the standards for width-to-depth ratio. Section V.D.3. of the Subdivision Regulations states that lot depth should not exceed 3.5 times the width of the lot at the building setback. As proposed, Lot 1 will be 137.45'± wide at the setback line and 491.45'± deep, resulting in a lot that is approximately 11'± deeper than would normally be allowed. However, the previous approval of the lot by the Planning Commission would make a waiver of Section V.D.3. of the Subdivision Regulations appropriate.

Finally, the geographic area defined by the city of Mobile and its planning jurisdiction, including this site, may contain Federally-listed threatened or endangered species as well as protected non-game species. Development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.

## **RECOMMENDATION**

**Rezoning:** Based upon the preceding, the Rezoning request is recommended for Denial for the following reasons:

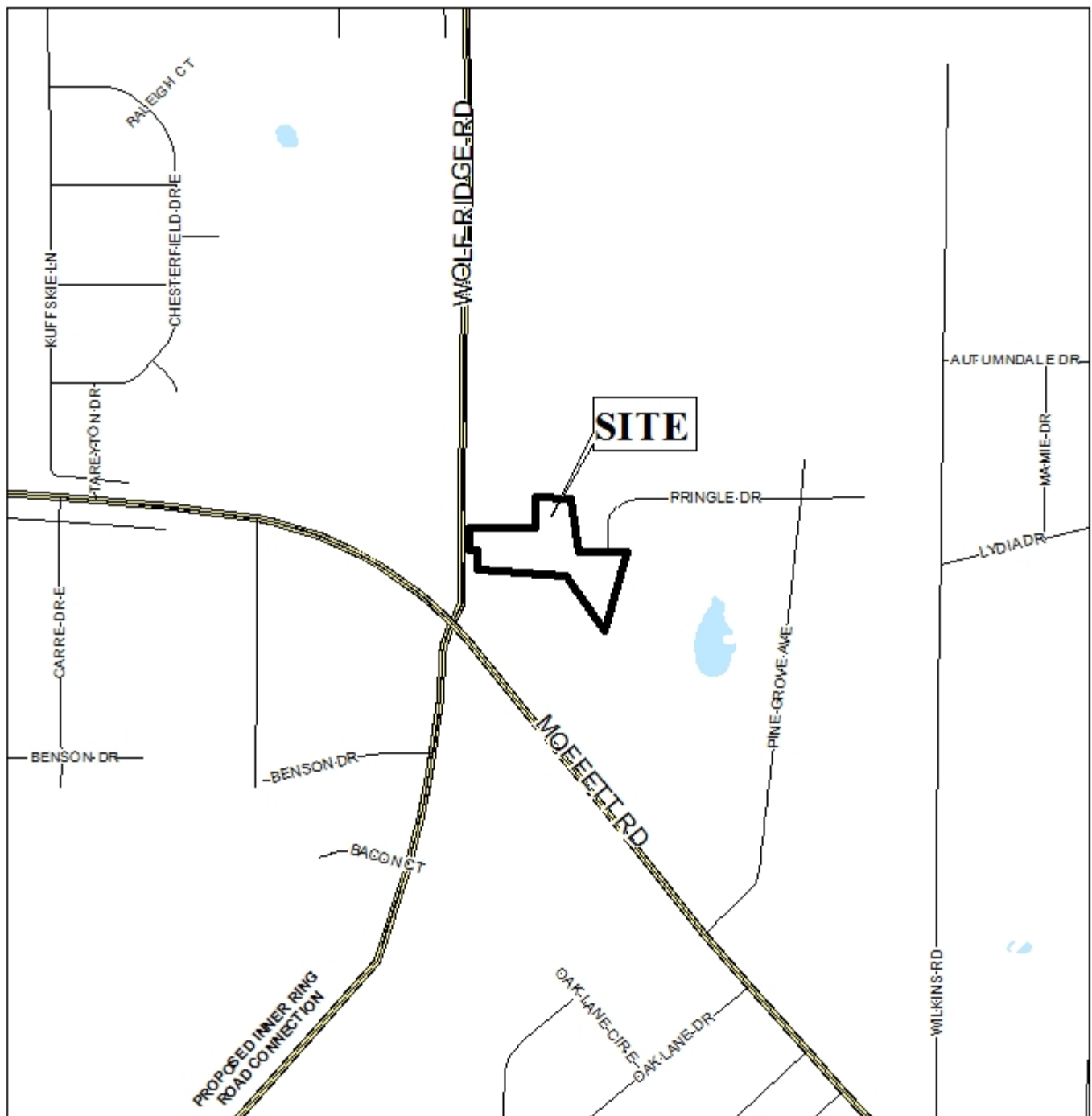
- 1) Removal of the 66 inch live oak would not be in keeping with Section 64-4.H.1. of the Zoning Ordinance, as it relates to the purpose of tree protection; and
- 2) The site is of sufficient size to allow for the protection of both live oak trees, and for the development of the site to accommodate the proposed uses.

**Subdivision:** With a waiver of Section V.D.3. of the Subdivision Regulations, the request is recommended for Tentative Approval, subject to the following conditions:

- 1) label of the lot size in square feet and acres;
- 2) dedication to provide 50' from the centerline of Wolf Ridge Road to the City of Mobile;
- 3) successful application for a planned unit development or obtain demolition permits so that only one structure remains on the site before the signing of the Final Plat;
- 4) placement of the 25-foot minimum building setback line along all right-of-way frontages;
- 5) compliance with Engineering comments: *"The following comments should be addressed prior to 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, vicinity map, required notes, legend, scale, bearings and distances). 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 the of the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045), latest edition. C. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 23 - #69) the Lot will receive historical credit of impervious area towards storm water detention requirement per the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045), latest edition. Coordinate the amount with City Engineering Department staff prior to the submittal of the Land Disturbance Permit application. D. 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. E. Label each lot with its size in acres and square feet, or the furnishing of a table on the Plat providing the same information; F. Provide a written legal description for the proposed subdivision and matching bearing and distance labels. G. Show and label each and every Right-Of-Way and easement. H. Provide and label the monument set or found at each subdivision corner. I. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, City Engineer, and County Engineer. J. Provide the Surveyor's Certificate and Signature. K. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. L. Add a note that sidewalk is required to be constructed along the frontage of each lot, or parcel, at time of development, unless a sidewalk waiver is approved.”;*
- 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 61-929 and City Code Chapters 57 and 64). Preservation status is to be given to the 66” and 68” Live Oak Trees located on the West side of the proposed development. Any work on or under these trees is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.”;*
  - 7) compliance with Traffic Engineering comments *“Site is limited to one curb cut to Wolf Ridge Road, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Access to Pringle Road is denied. All on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.”;*
  - 8) compliance with Fire Department comments: *“All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile;”*
  - 9) placement of a note on the Final Plat limiting the lot to one curb-cut to Wolf Ridge Road, with the size, design, and location to be approved by Traffic Engineering and conform to AASHTO standards;
  - 10) placement of a note on the Final Plat stating the lot is denied direct access to Pringle Drive; and
  - 11) placement of a note on the Final Plat stating that approval of all applicable federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities.

## LOCATOR MAP



APPLICATION NUMBER 10 & 11 DATE March 6, 2014

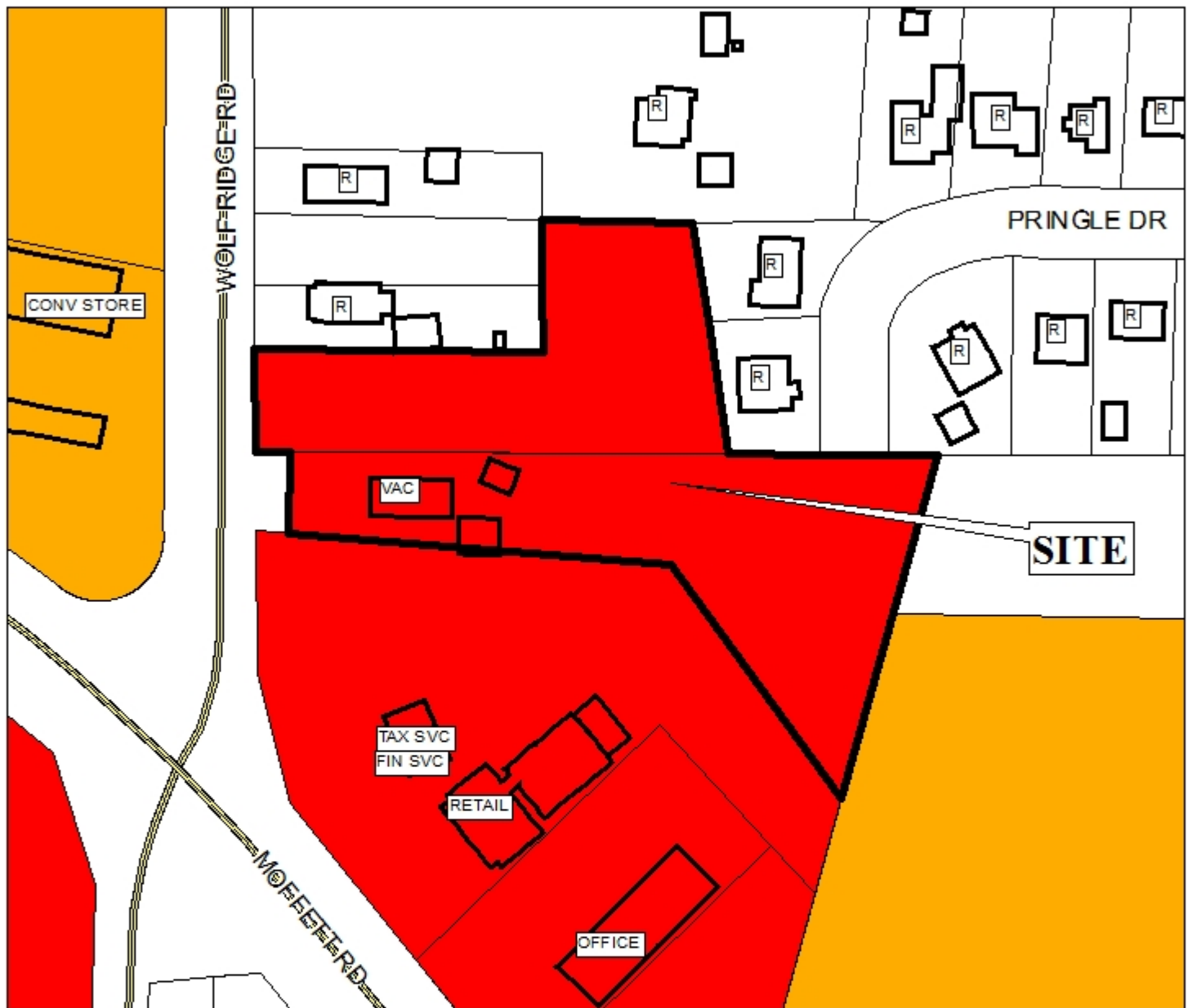
APPLICANT Joe Mason Subdivision

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





# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Single family residential units are located to the north. Businesses lie to the south.

APPLICATION NUMBER 10 & 11 DATE March 6, 2014

APPLICANT Joe Mason Subdivision

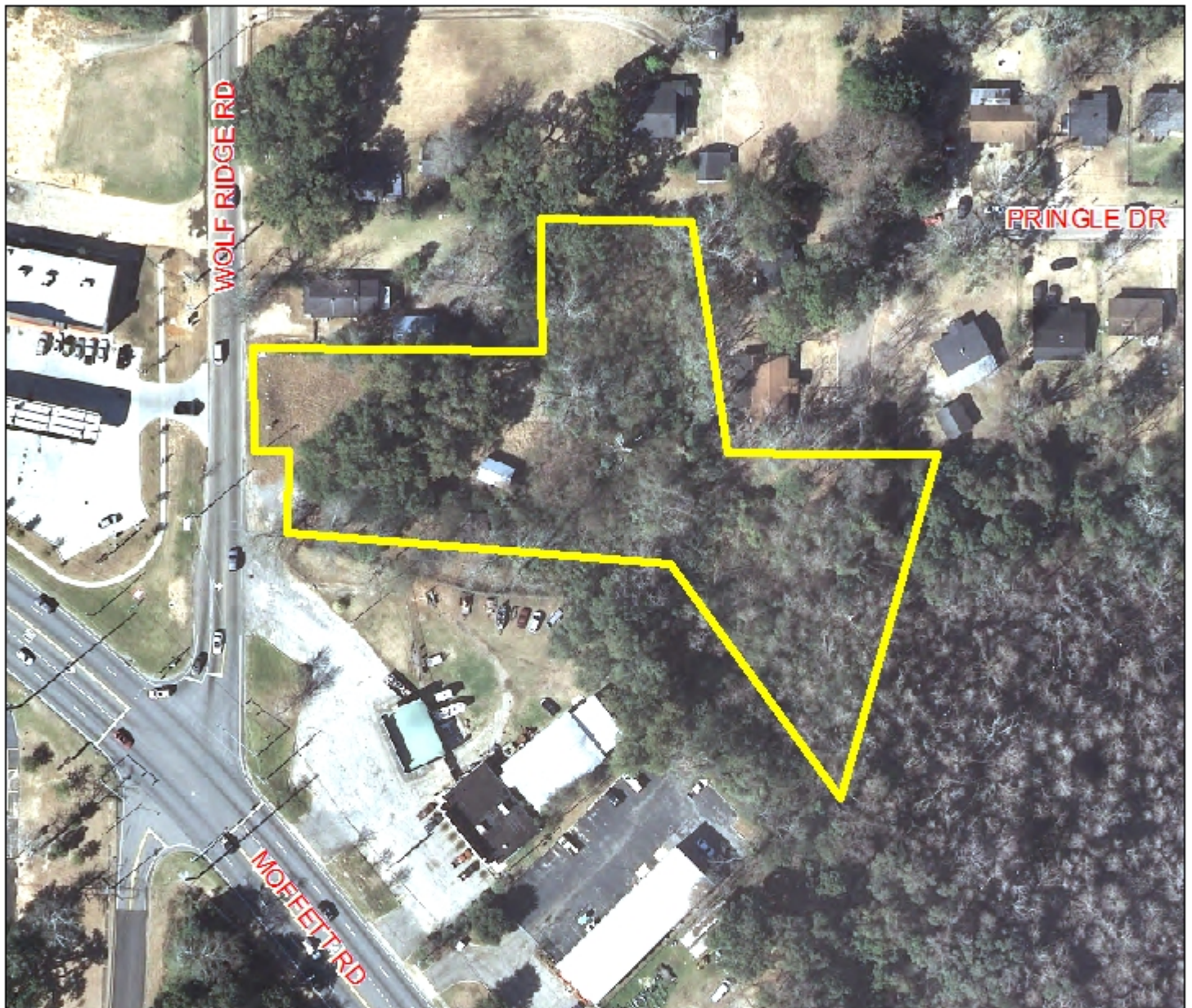
REQUEST Subdivision, Rezoning from B-3 to B-3

LEGEND 

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



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Single family residential units are located to the north. Businesses lie to the south.

APPLICATION NUMBER 10 & 11 DATE March 6, 2014

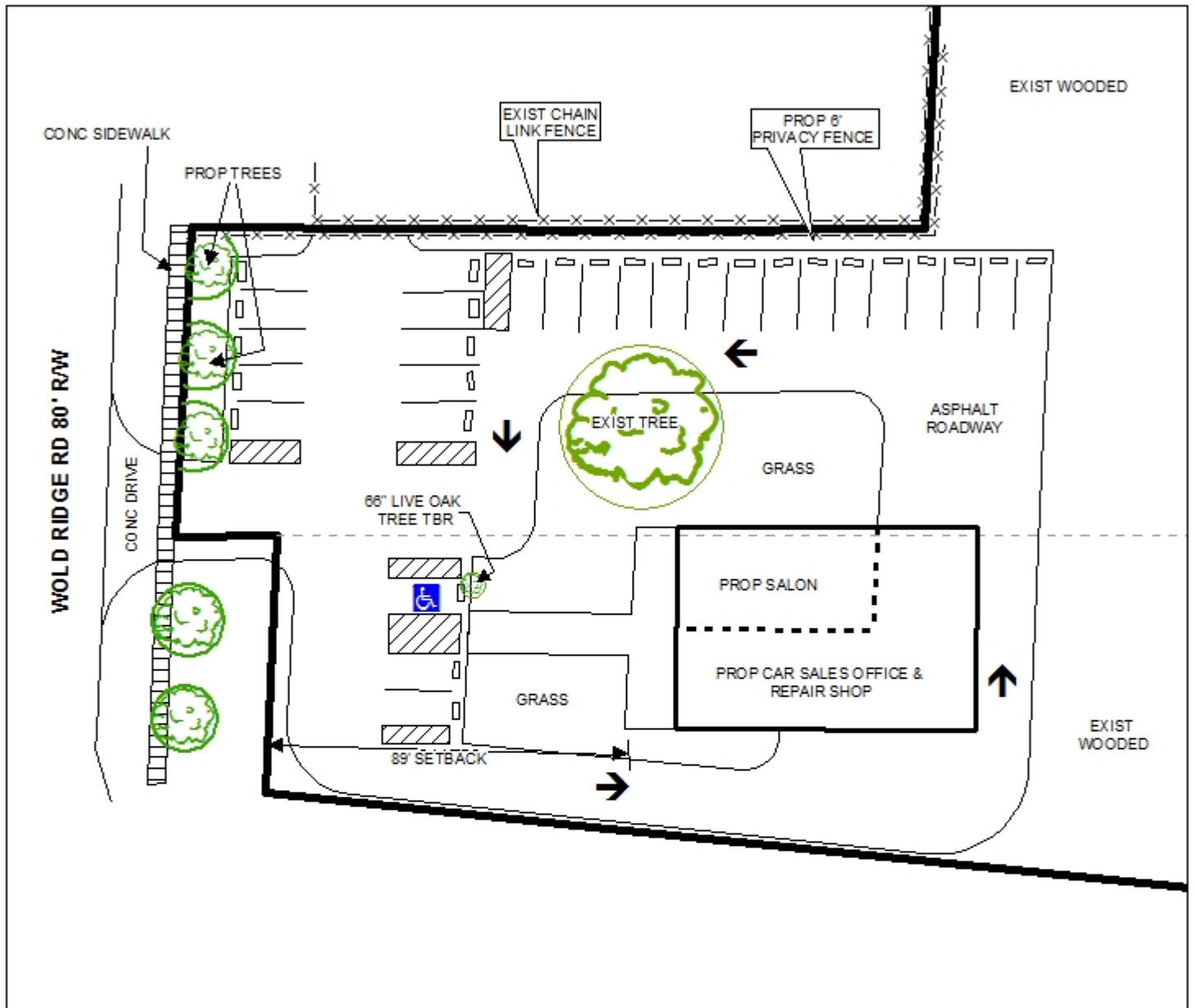
APPLICANT Joe Mason Subdivision

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





# SITE PLAN



The site plan illustrates the proposed salon and car sales office and repair shop, parking spaces, proposed fence, proposed trees, and setback.

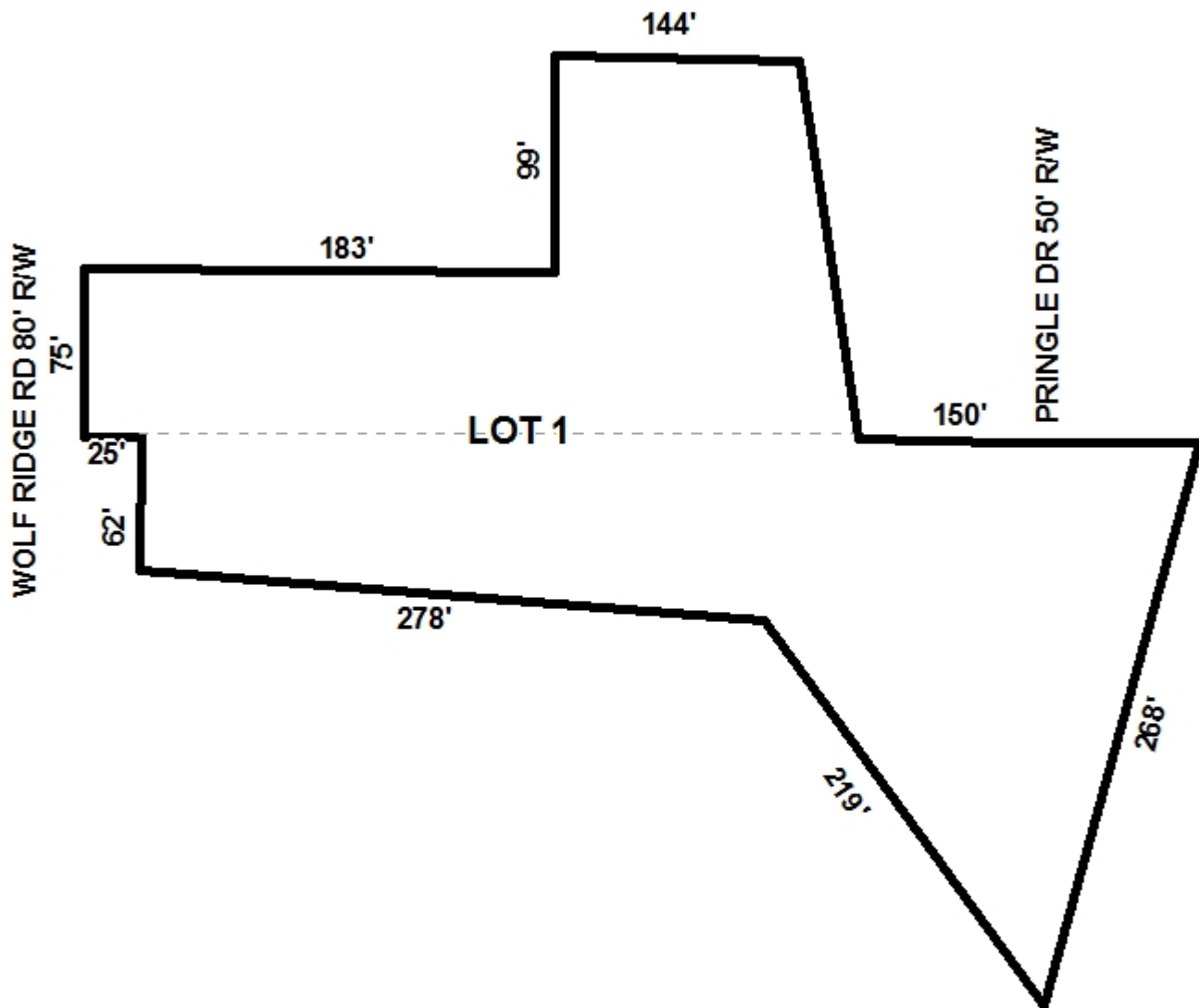
APPLICATION NUMBER 10 & 11 DATE March 6, 2014

APPLICANT Joe Mason Subdivision

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



## DETAIL SITE PLAN



APPLICATION NUMBER 10 & 11 DATE March 6, 2014

APPLICANT Joe Mason Subdivision

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

