

**ZONING AMENDMENT
& SUBDIVISION STAFF REPORT****Date: August 4, 2011****APPLICANT NAME**

The Broadway Group, LLC

SUBDIVISION NAME

TBG Subdivision

LOCATION

1452 Government Street
(Northeast corner of Government Street and Etheridge Street, extending to the Northwest corner of Government Street and South Lafayette Street)

**CITY COUNCIL
DISTRICT**

District 2

PRESENT ZONING

R-1, Single-Family Residential District and R-3, Multiple-Family Residential District

PROPOSED ZONING

LB-2, Limited Neighborhood Business District

AREA OF PROPERTY

1 Lot / 1.0 Acre ±

CONTEMPLATED USE

Subdivision approval to create a single legal lot of record from four metes and bounds parcels, and Zoning approval to rezone the site from R-1, Single-Family Residential District, and R-3, Multiple-Family Residential, to LB-2, Limited Neighborhood Business District, to allow the construction of a retail store.

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**

None given in the applicant's narrative.

**TIME SCHEDULE
FOR DEVELOPMENT**

60 days from approvals.

ENGINEERING**COMMENTS**

Etheridge Street is a substandard street with an insufficient ROW width. For this development to utilize Etheridge St as the primary access, the street will need to be reconstructed in compliance with the typical City standard street. Dedication of ROW so that the minimum ROW width will be 50' will also be required. Closure of Etheridge Street as proposed is not acceptable; construction of a City standard cul-de sac will be required in lieu of the proposed hammer head. Sufficient ROW shall be dedicated for the cul-de sac, a minimum radius of 60' from the center of the proposed cul-de sac. The proposed grasspave driveway is not permitted in the ROW. Driveways located within the ROW must be concrete and shall comply with the City driveway typical. The use of grasspave on private property is permitted; however, it shall be considered as an impervious surface in detention and drainage calculations. Due to the condition of the existing drainage system on Government St, detention is required for the 100 year storm event with a controlled release for the 2 year storm. The existing sidewalk along S. Lafayette St and portions of the existing sidewalk along Government St are damaged and must be replaced. Dedication of ROW at a minimum 25' radius required at the intersection of Government St with both Etheridge and S. Lafayette Streets. Must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer.

TRAFFIC ENGINEERING**COMMENTS**

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Etheridge Street is a public roadway and cannot be blocked off without following the proper procedure through the City Clerk's office. Etheridge Street is less than twenty-four feet wide and would be considered substandard. Before access is granted as shown, it should be widened to accommodate commercial traffic. Access to Lafayette Street should be denied due to the proximity of the shown driveway to the intersection of Government Street.

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).

Due to existing trees located on right of way along all road frontages, all curb cuts shall be coordinated with Urban Forestry in order to minimize impact to the trees.

Hold application over to revise the site plan to save the existing 40" Live Oak Tree along Etheridge Street that is not shown on the site plan.

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 a single legal lot of record from four metes and bounds parcels, and Zoning approval to rezone the site from R-1, Single-Family Residential District, and R-3, Multiple-Family Residential, to LB-2, Limited Neighborhood Business District, to allow the construction of a retail store. It should be noted that this site is located within the Old Dauphin Way Historic District.

The applicant wishes to construct a 9,100 square-foot general retail store on a site that is currently vacant. Currently, the three metes and bounds parcels that front Government Street are zoned R-3, and an additional parcel that fronts Etheridge Street is zoned R-1.

The site fronts Government Street, a planned major street, to the South; South Lafayette Street, a minor street provided with curb and gutter, to the East; and Etheridge Street, a minor street provided with curb and gutter, to the West. Both South Lafayette Street and Etheridge Street are residential streets, South Lafayette Street having an adequate 50-foot recorded right-of-way and Etheridge Street having a substandard 25 to 29-foot right-of-way. Section V.B.14. of the Subdivision Regulations require a right-of-way of 50 feet for a minor street provided with curb and gutter.

The site is bounded by properties zoned R-1, Single Family Residential District, to the North. Across Government Street, to the South, properties are zoned B-2, Neighborhood Business District and R-3, Multiple-Family Residential District. Across South Lafayette Street, to the East, are properties zoned B-1, Buffer Business District and R-1, Single Family Residential District. Across Etheridge Street to the West are properties zoned LB-2, Limited Neighborhood Business 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. 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 site is depicted as commercial on the General Land Use Component of the Comprehensive Plan, which is meant to serve as a general guide, not a detailed lot and district plan or mandate for development. The accuracy of recommended land uses on the General Land Use Component map is limited due to the large scale of the map. Moreover, the General Land Use Component 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 failed to state in their narrative which of the four conditions necessary for rezoning is occurring at this site, if any. It is the general policy of the Planning Section to not review applications for rezoning which fail to provide this information in the narrative; however, from a

review of the site, none of the acceptable conditions appears to be occurring. It should be noted that, even though a subdivision application accompanies this rezoning request, the request is to change the overall zoning, not to eliminate a possible split-zoning situation. The site has historically been residential, single-family, two-family, and multiple-family. Historic Sanborn Maps show that the site has never been used for commercial purposes, illustrating that sometime after 1956, the three residential structures on the site were demolished and the site has been vacant since.

It could be argued that the three parcels that front Government Street lend themselves to commercial development given their frontage on a major street, and given the other commercial activity in the area. However, Government Street is a unique corridor, particularly in this area of the Historic Districts, containing a hodgepodge of heavy and light commercial uses, dense multiple-family residential, and single-family residential homes. The Government Street Zoning Study of 1984 reviewed and revised the zoning districts along Government Street in depth. This particular site was examined in that study, and the zoning district was not changed. There have been few changes to the zoning plan since its adoption in 1984, and the only notable exception being the development across Etheridge Street from motel to retail. It should also be noted that the frontage along Government Street presents some topographical challenges for access, perhaps to the point to make a curb cut to it unfeasible, if ALDOT would even allow it in the first place. In fact, probably lending to these topographical issues, the applicant's proposed site plan does not indicate any access to Government Street, but rather shows access from Etheridge Street and South Lafayette Street.

The parcel that fronts Etheridge Street is zoned R-1, as are most of the parcels and development along the street. There is no justification to warrant further encroachment of commercial zoning into Etheridge Street, or, for that matter, South Lafayette Street, which is similarly residentially developed. Because there does not appear to be any of the acceptable conditions for rezoning occurring at this site, and because the character of the existing development would be disturbed, this rezoning request could be considered inappropriate.

Further, a review of the applicant's proposed site plan presents some serious issues to take into account. The first, and most serious, is the applicant's depiction of blocking Etheridge Street approximately 220 feet North of Government Street by constructing a 20-foot wide landscaping area where the roadway now exists, and constructing a 60-foot long, partial hammerhead-shaped turnaround at what would effectively become the South terminus of the street. The remaining existing roadway from the new landscape area to Government Street is shown as access solely to the parking area for the retail development. No indication is given by the applicant, either on the subdivision plat, site plan, or narrative, of whether or not they propose to vacate any portion of Etheridge Street, however, that assent would be required from the City Council, at least from the partial hammerhead turnaround to Government Street. This is because the City of Mobile does not maintain exclusive access drives for private business.

Blocking and vacating Etheridge Street would disrupt development patterns and traffic flow in this area because the development in this area is in a traditional "grid" pattern common of the era. Blocking the street would also no longer provide residents on Etheridge Street through access to Government Street. Additionally, the proposed 60-foot partial hammerhead turnaround

would not meet the requirements of Sections V.B.14. and V.B.15. of the Subdivision Regulations regarding right-of-way widths and roadway widths of turnarounds for closed end streets, respectively. The Subdivision Regulations require a 120-foot diameter right-of-way and a 96-foot roadway diameter for turnarounds on closed-end streets. The partial hammerhead turnaround, being only half the length required by the Fire Code, may also be inadequate for the Fire Department. It should also be mentioned that the partial hammerhead turnaround right-of-way shown on the site plan is not depicted on the preliminary subdivision plat.

The site plan also appears to indicate that, perhaps the submittal is premature, as it depicts a possible land swap on the Northeastern portion of the property with the notation “possible property to be purchased from/sold to adjoining owner to straighten existing property line.” The notation presents serious problems in granting approval because, if the current request were to be approved, and this land swap deal to go through, the applicant would have to come back before the Commission (and City Council) for approval of a new rezoning and subdivision application, as well as include that parcel that is depicted as a party in the land swap. Additionally, judging from the proposed layout, the land swap deal would seem to have some repercussions upon the overall site layout.

Additional deficiencies in the site plan include the use of “grasspave” for the ingress/egress to South Lafayette Street, which is not allowed by the Zoning Ordinance, and which may not be acceptable to the Fire Department as per the 2009 International Fire Code. Additionally, the grasspave area is meant for commercial traffic from delivery trucks. Grasspave is not designed to withstand this type of traffic, and may well be inadequate.

The site plan also depicts the removal of five trees, two of which are in the right-of-way. Some of these trees may be heritage trees may require approval of the Tree Commission for removal. All of these site plan deficiencies, in addition to the actual proposed zoning, further illustrate why the proposed development may be inappropriate to the site.

Regarding the subdivision request, this 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 plat illustrates the proposed 1.0 acre \pm , 1 lot subdivision. The applicant states that the subdivision is served by both public water and sanitary sewer.

The proposed lot, as depicted, meets the minimum size and frontage requirements as regulated by the Subdivision Regulations. While the lot meets the minimum standards for a lot as per the Subdivision Regulations, as previously mentioned, there are discrepancies between the plat and the proposed site plan which have not been addressed, and which may result in significant changes to the lot. Additionally, the creation of the lot, as depicted, would result in a lot split zoned with both R-1, and R-3 zoning. Because of these factors, the subdivision request should also be denied.

RECOMMENDATION

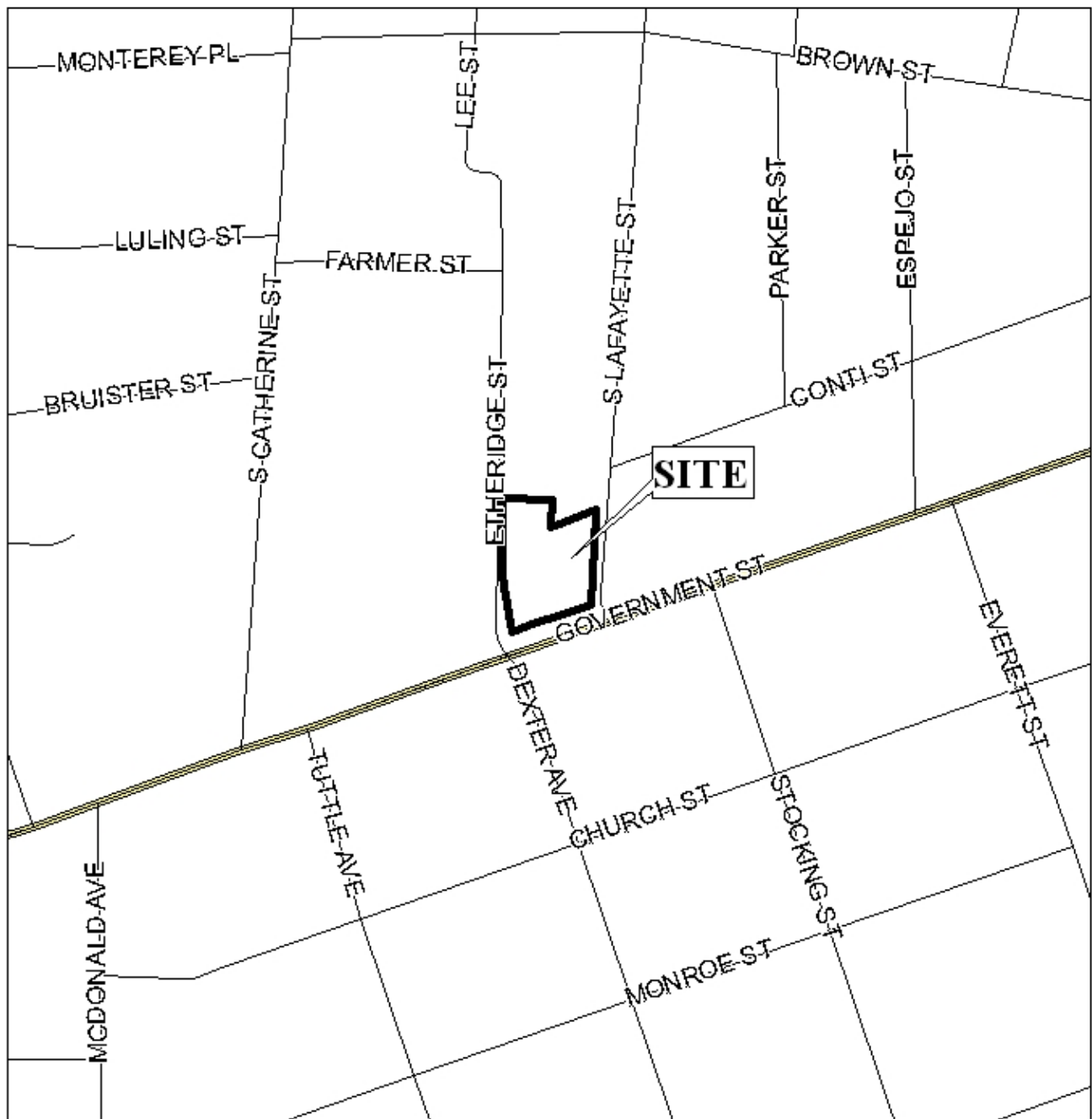
Rezoning: Based upon the preceding, the Rezoning request is recommended for denial for the following reasons:

- 1) the applicant failed to detail which of the four acceptable conditions for rezoning was occurring at the site;
- 2) none of the four acceptable conditions for rezoning are readily apparent at this site;
- 3) the rezoning would disrupt existing development patterns in the area; and
- 4) the site plan has several discrepancies which could cause the site to have to come back before the Commission for approval if it were approved .

Subdivision: The Subdivision request is recommended for denial for the following reasons:

- 1) the accompanying rezoning request is recommended for denial, and the approval of the subdivision request would result in a split-zoned lot;
- 2) discrepancies between the preliminary plat and the submitted site plan may cause the subdivision, as depicted, to be changed.

LOCATOR MAP



APPLICATION NUMBER 10 & 11 DATE August 4, 2011

APPLICANT The Broadway Group

REQUEST Subdivision, Rezoning from R-1 and R-3 to LB-2



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by mixed commercial and residential land use. The site is located in the Old Dauphin Way Historic District.

APPLICATION NUMBER 10 & 11 DATE August 4, 2011

APPLICANT The Broadway Group

REQUEST Subdivision, Rezoning from R-1 and R-3 to LB-2

LEGEND

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

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by mixed commercial and residential land use. The site is located in the Old Dauphin Way Historic District.

APPLICATION NUMBER 10 & 11 DATE August 4, 2011

APPLICANT The Broadway Group

REQUEST Subdivision, Rezoning from R-1 and R-3 to LB-2



NTS

SUBDIVISION AND ZONING DETAIL



APPLICATION NUMBER 10 & 11 DATE August 4, 2011

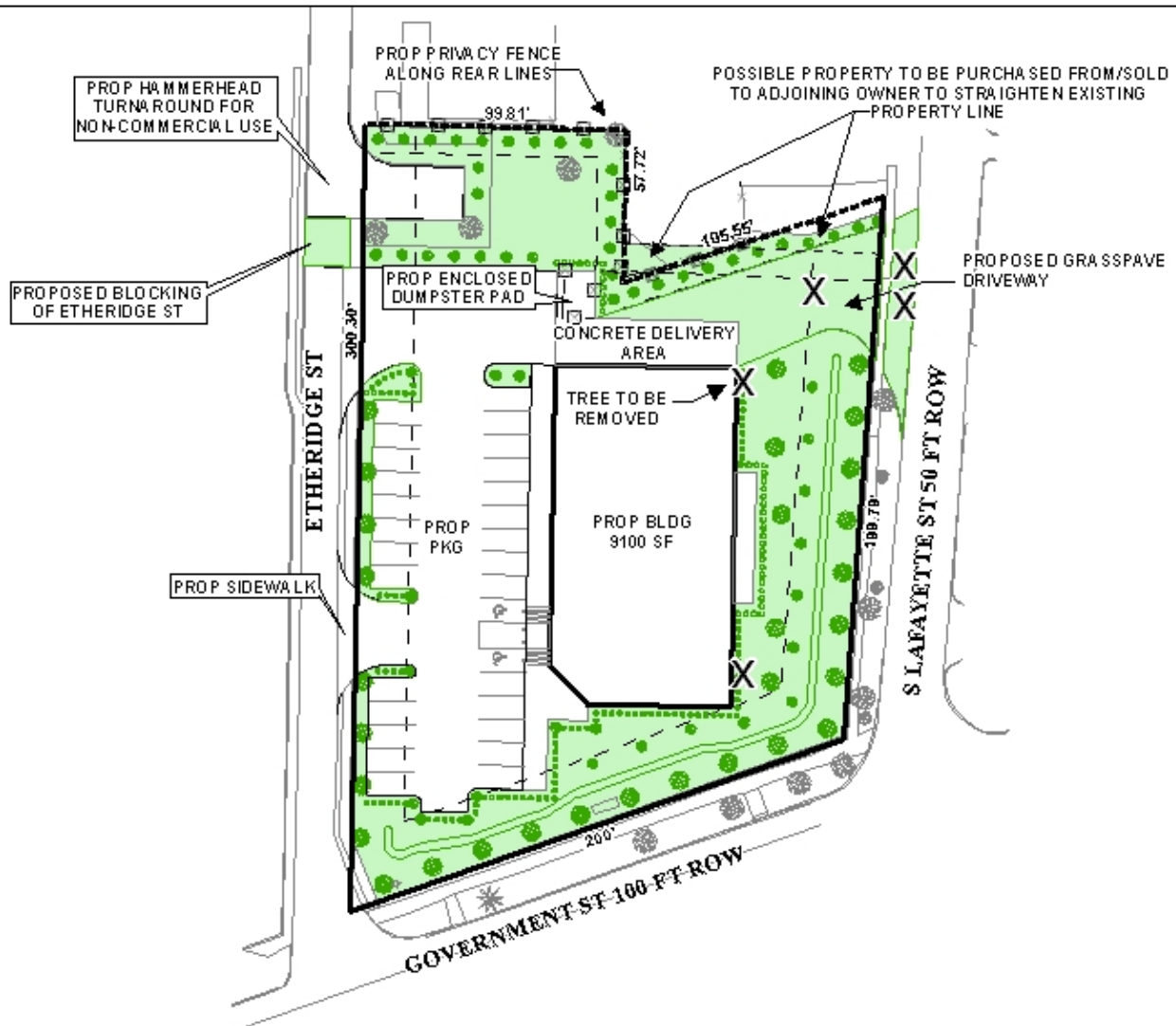
APPLICANT The Broadway Group

REQUEST Subdivision, Rezoning from R-1 and R-3 to LB-2



NTS

SITE PLAN



The site plan illustrates the proposed development.

APPLICATION NUMBER 10 & 11 DATE August 4, 2011
 APPLICANT The Broadway Group
 REQUEST Subdivision, Rezoning from R-1 and R-3 to LB-2

N
 NTS