

**ZONING AMENDMENT &  
SUBDIVISION STAFF REPORT****Date: November 20, 2014****APPLICANT NAME**

R &amp; R Holdings, LLC

**SUBDIVISION NAME**

Bel Air Boulevard Subdivision, Wendco Addition to

**LOCATION**3113 Airport Boulevard  
(Southwest corner of Airport Boulevard and Bel Air Boulevard)**CITY COUNCIL  
DISTRICT**

District 5

**PRESENT ZONING**R-1, Single-Family Residential District,  
B-3, Community Business District, and**PROPOSED ZONING**

B-3, Community Business District

**AREA OF PROPERTY**

1 Lot / 1.0± Acre

**CONTEMPLATED USE**Rezoning from R-1, Single-Family Residential District, and  
B-3, Community Business District, to B-3, Community  
Business District to accommodate an existing restaurant  
and Subdivision approval to create one legal lot of record.**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**

To accommodate an existing restaurant.

**TIME SCHEDULE  
FOR DEVELOPMENT**

Immediate.

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

- A. 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.

- B. 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.
- C. Correct the written distance label or the written description for the length of the east property line along Bel Air Blvd. (227.61 ft. or 227.16 ft.).
- D. Show and label the MFFE (Minimum Finished Floor Elevation) as 22.75 ft. on each lot that contains an AE, V, or X (shaded) flood zone designation.
- E. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
- F. 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.
- G. Show the recording information for the vacated Right-of-Way along Airport Blvd.
- H. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.

**Rezoning**

No Comments

## **TRAFFIC ENGINEERING**

### **COMMENTS**

Site is limited to one curb cut to Bel Air Boulevard, one curb cut to Airport Boulevard Service Road, and denied direct access to Airport Boulevard. Driveway size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. 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).

## **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 Rezoning from R-1, Single-Family Residential District, and B-3, Community Business District, to B-3, Community Business District, to accommodate an existing restaurant and Subdivision approval to create one legal lot of record.

This site most recently appeared before the Planning Commission at its February 20, 2014 meeting where the applicant proposed a 1-lot subdivision in order to demolish and rebuild an existing Wendy's restaurant; however, the application was withdrawn by the applicant until the completion of the street vacation process. The vacation process is now complete and, as the

newly acquired land is zoned R-1, Single-Family Residential, the applicant desires rezoning to eliminate a potential split-zoning of the site and a 1-lot subdivision application to create one legal lot of record.

The site is shown 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. 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.

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.

Although the applicant did not specifically address the above conditions, condition #4 would seem most appropriate.

Currently the site is bounded on all sides by B-3, Community Business Districts and associated uses.

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, 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 preliminary plat illustrates the proposed 1-lot, 1.0± acre subdivision which is located on the southwest corner of Airport Boulevard and Bel Air Boulevard, and is in Council District 5. The applicant states that the subdivision is served by city water and sanitary sewer.

It should be pointed out that this site is currently commercially developed with a Wendy's restaurant; however, the applicant desires to demolish the existing structure and build a new Wendy's restaurant.

In accordance with the Subdivision Regulations, the proposed lot is compliant with the minimum size requirements. The 25' minimum building setback line and lot size information is illustrated on the preliminary plat and should be retained on the Final Plat, if approved.

The site fronts Airport Boulevard/Airport Boulevard Service Road and Bel Air Boulevard. The right-of-way widths are compliant; however, as Airport Boulevard/Airport Boulevard Service

Road is a component of the Major Street Plan, the right-of-way width should be labeled as 200' on the Final Plat, if approved.

The site has 3 existing curb-cuts; however, as a means of access management, the proposed lot should be denied direct access to Airport Boulevard and be limited to one curb-cut to Bel Air Boulevard and one curb-cut to the Airport Boulevard Service Road, with the size, design and location to be approved by Traffic Engineering and conform to AASHTO standards.

GIS data depicts the western portion of the site within a Floodway as well as the AE and X-Shaded Flood Zones associated with Eslava Creek. The proximity of the site to water may mean that the site is environmentally sensitive, thus approvals from local, state and federal agencies for floodplain issues may be required prior to development. A note regarding these requirements should appear on the Final Plat, if approved.

The plat depicts the presence of easements throughout the site and, if approved, a note should be placed on the Final Plat stating that no permanent structures can be placed or erected within any easement.

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**

**Subdivision:** Based upon the preceding, the application is recommended for tentative approval, subject to the following conditions:

- 1) Depiction of a 200' right-of-way width for Airport Boulevard/Airport Boulevard Service Road on the Final Plat;
- 2) Placement of a note on the Final Plat stating that no permanent structures can be constructed in any easement;
- 3) Placement of a note on the Final Plat stating that the lot is denied direct access to Airport Boulevard and limited to one curb-cut to Bel Air Boulevard and one curb-cut to the Airport Boulevard Service Road, with the size, design and location to be approved by Traffic Engineering and conform to AASHTO standards;
- 4) Placement of a note on the Final Plat stating: (Development of the site must comply with local, state and federal regulations regarding flood zones.);
- 5) Placement of a note on the Final Plat stating: (Development of this site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.);
- 6) Compliance with Engineering Comments: *(The following comments should be addressed prior to submitting the FINAL PLAT for acceptance and signature by the City Engineer: A. 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. B. Add a note to the Plat stating that the approval of all*

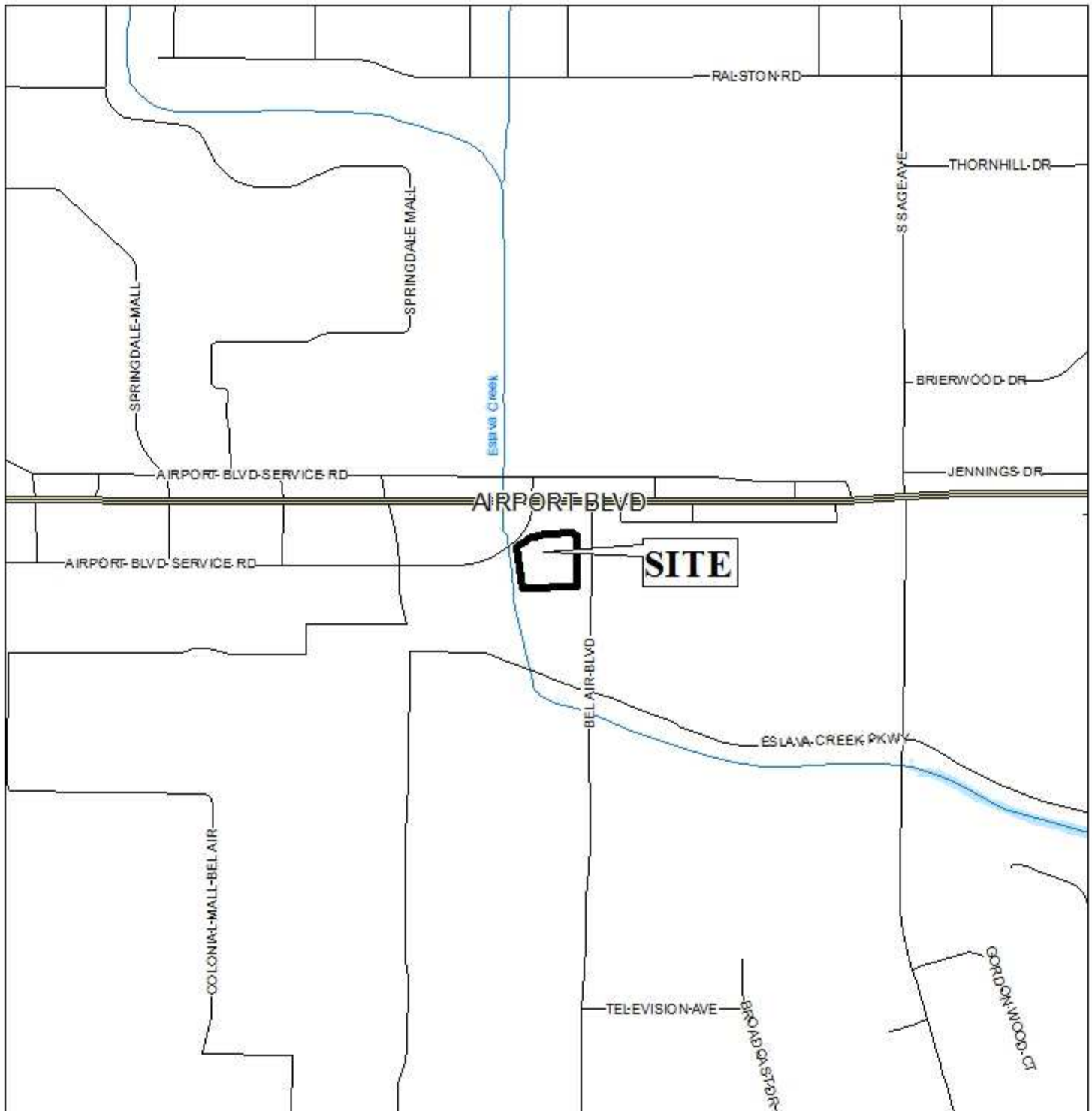
*applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. C. Correct the written distance label or the written description for the length of the east property line along Bel Air Blvd. (227.61 ft. or 227.16 ft.). D. Show and label the MFFE (Minimum Finished Floor Elevation) as 22.75 ft. on each lot that contains an AE, V, or X (shaded) flood zone designation. E. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. F. 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. G. Show the recording information for the vacated Right-of-Way along Airport Blvd. H. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.);*

- 7) *Compliance with Traffic Engineering Comments: (Site is limited to one curb cut to Bel Air Boulevard, one curb cut to Airport Boulevard Service Road, and denied direct access to Airport Boulevard. Driveway size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. 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 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).);*
- 9) *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.);*
- 10) *Completion of the Rezoning process; and*
- 11) *Completion of the Subdivision process prior any requests for Land Disturbance.*

**Rezoning:** Based upon the preceding, the Rezoning request to B-3, Community Business District, is recommended for approval, subject to the following conditions:

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

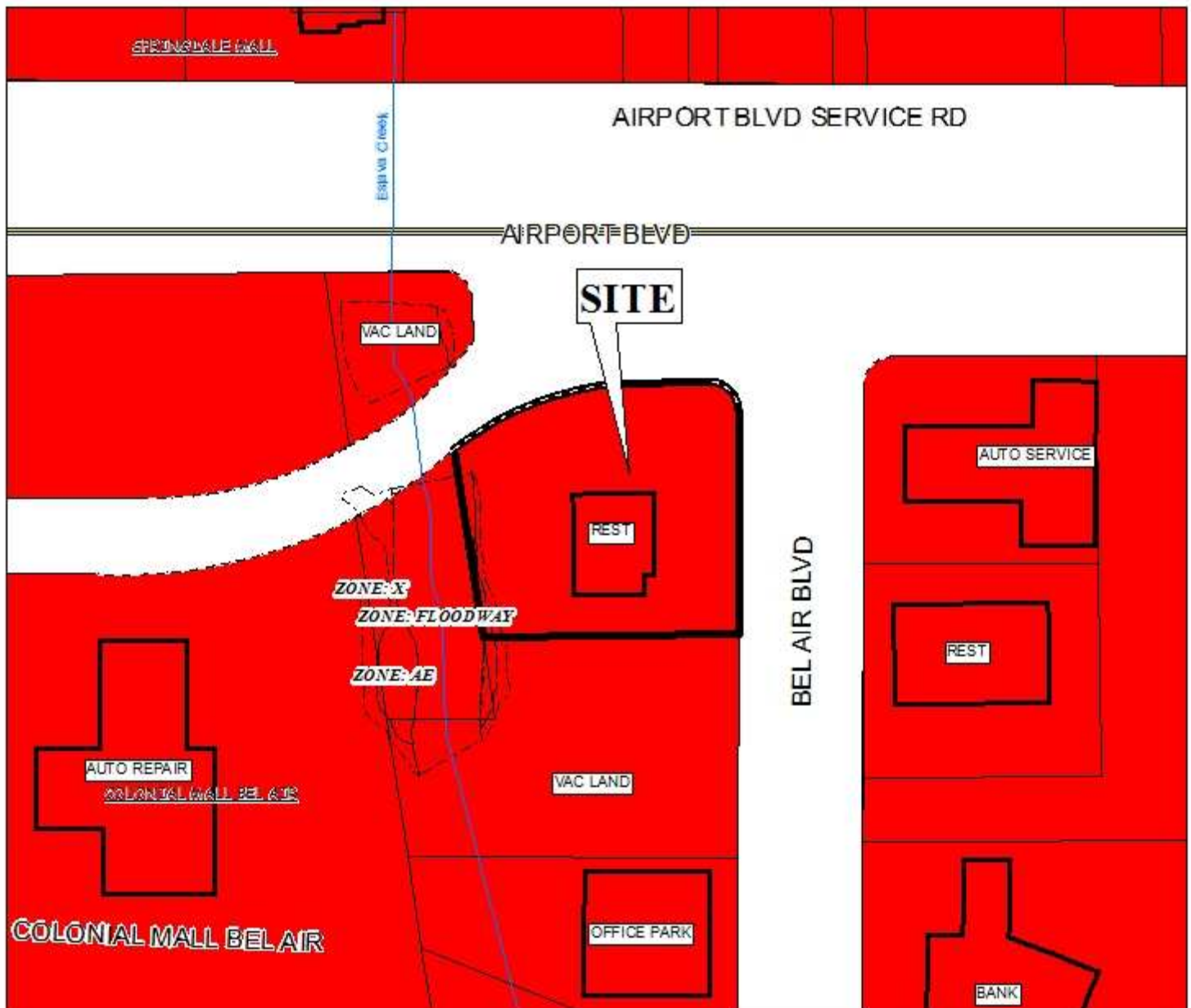
# LOCATOR MAP



APPLICATION NUMBER 10 DATE November 20, 2014  
APPLICANT Bel Air Boulevard Subdivision, Wendco Addition to  
REQUEST Subdivision, Rezoning from R-1 and B-3 to B-3



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

APPLICATION NUMBER 10 DATE November 20, 2014

APPLICANT Bel Air Boulevard Subdivision, Wendco Addition to

REQUEST Subdivision, Rezoning from R-1 and B-3 to B-3

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



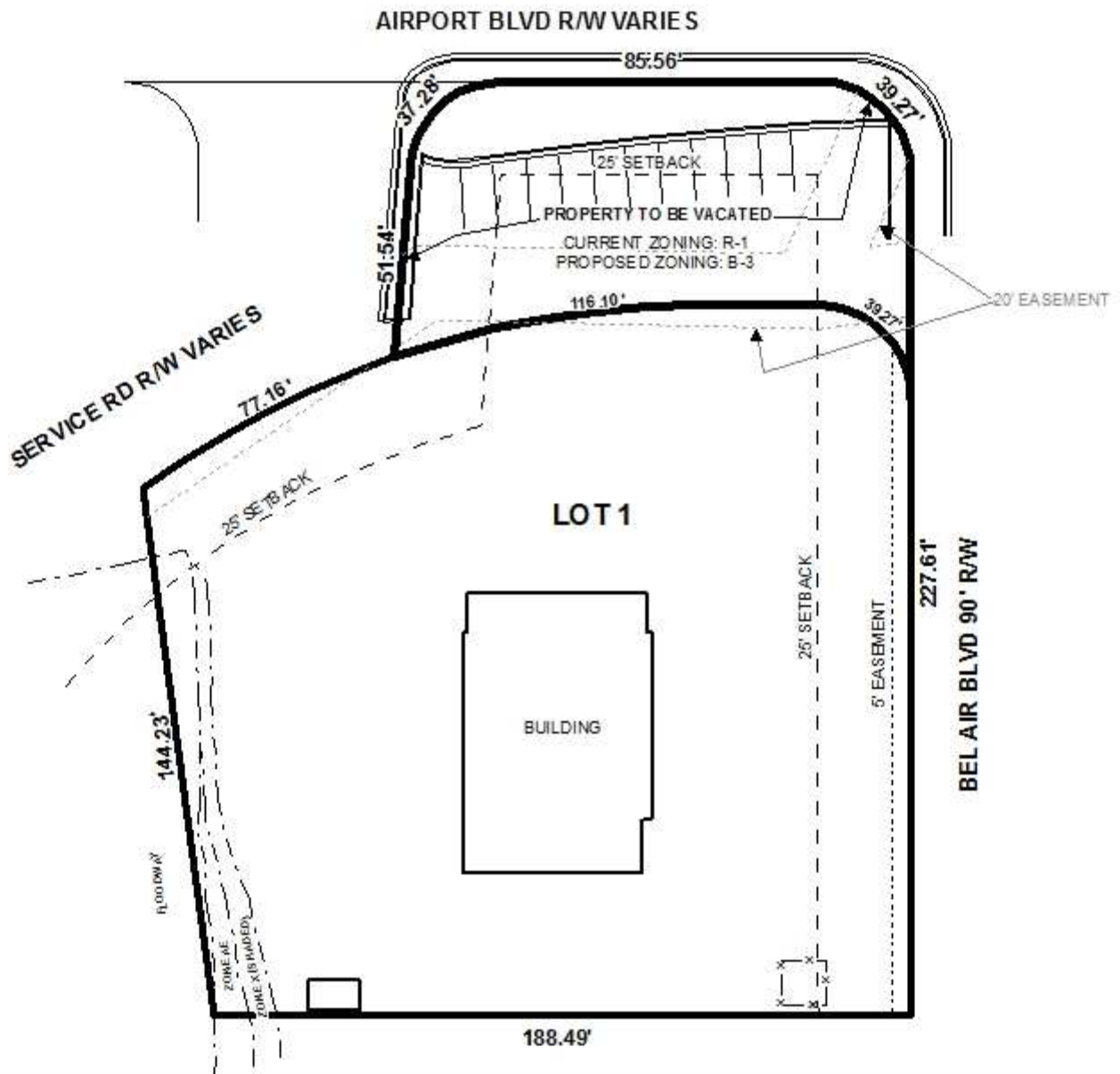
The site is surrounded by commercial units.

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# SITE PLAN



The site plan illustrates the proposed lot, setbacks, easement, building, and property to be vacated.

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