

**ZONING AMENDMENT
& SUBDIVISION STAFF REPORT****Date: December 3, 2015****APPLICANT NAME**

MDM Services Inc.

SUBDIVISION NAME

F. J. Wrighters Subdivision

LOCATION5601 & 5611 Moffett Road
(Northwest corner of Moffett Road and Howells Ferry Road)**CITY COUNCIL
DISTRICT**

District 7

PRESENT ZONING

B-2, Neighborhood Business District, and B-3, Community Business District

PROPOSED ZONING

B-3, Community Business District

AREA OF PROPERTY1 Lot / 2.2 \pm Acres**CONTEMPLATED USE**

Subdivision approval to create 1 lot, and Zoning approval to rezone the site from B-2, Neighborhood Business District, and B-3, Community Business District, to B-3, Community Business District, to eliminate split zoning.

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**

Subdivision of the property will create a split-zoning condition, thus the request is to rezone the site to one classification.

**TIME SCHEDULE
FOR DEVELOPMENT**

Not stated

**ENGINEERING
COMMENTS****Subdivision**

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

- A. Provide a legible Location/vicinity Map including street names.
- B. Provide the Survey Data – boundary lines with length and bearings matching the written legal description.
- C. Provide the name of the proposed subdivision on the Plat.
- D. Provide the location, width, purpose of existing and proposed easements.
- E. 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.
- F. Revise the plat to label each lot with its size in acres and square feet, or the furnishing of a table on the Plat providing the same information.
- G. Provide and label the monument set or found at each subdivision corner.
- H. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer.
- I. Provide the Surveyor's Certificate and Signature.
- J. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
- K. 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.
- L. 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.
- M. 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.
- N. Provide a copy of the FINAL PLAT to the Engineering Dept. for review prior to obtaining any signatures.
- O. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.

Zoning

- 1. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, 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 Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII).
- 2. A Land Disturbance Permit application shall be submitted for any proposed land disturbing activity with the property. A complete set of construction plans including, but not limited to, drainage, utilities, grading, storm water detention systems, paving, and all above ground structures, will need to be included with the Land Disturbance permit. This Permit must be submitted, approved, and issued prior to beginning any of the construction work.
- 3. Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance 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.

4. 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. The Owner/Developer is responsible for acquiring all of the necessary permits and approvals.
5. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

TRAFFIC ENGINEERING

COMMENTS

Moffett Road is an ALDOT maintained roadway. Lot is limited to no more than one curb-cut per street frontage, with size, location and design to be approved by ALDOT 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. Sidewalk should be included along all street frontages, unless a sidewalk waiver is approved by the Planning Commission.

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 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 is requesting Subdivision approval to create 1 lot, and Zoning approval to rezone the site from B-2, Neighborhood Business District, and B-3, Community Business District, to B-3, Community Business District, to eliminate split zoning.

The site is currently developed, and the applicant proposes to demolish all existing structures and build a 4,400 square foot convenience store, and a 6,552 square foot canopy with 8 fuel dispensers. The site has an existing convenience store, a self-serve carwash, and a drive thru restaurant.

The site is bounded to the East by Moffett Road, across which are single-family residences and a parking lot for a church, all in an R-1, Single Family Residential District. To the South is Howells Ferry Road, across which is a church in an R-1 district. To the West and North are commercial uses, including a shopping center, located in a B-3 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 appears to be 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's justification for rezoning is that subdivision of the site will result in a split-zoning condition. Rezoning the site will eliminate the condition, and allow for the construction of the proposed convenience store.

The B-3 portion of the site was rezoned to its current designation in 1981, while the B-2 portion was rezoned in 1983.

The request to rezone the entirety of the site to B-3 would allow the proposed redevelopment. Given that the site is separated from adjacent residential uses by Moffett Road and Howells Ferry Road, the request would not appear to be out of character given the abutting shopping center development. However, the proposed use, a convenience store with fuel pumps, could also operate by right in a B-2 district.

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.

As previously mentioned, the site fronts onto Moffett Road, a major street and ALDOT facility, and Howells Ferry Road, a minor street. Two previous recorded subdivisions approved by the Planning Commission, one in 1983, and one in 1997, have addressed all right-of-way dedication issues, thus no dedication is required as part of this request.

The site plan submitted with the request depicts one proposed curb-cut to Moffett Road and one proposed curb-cut to Howells Ferry Road. A third access point is depicted to an adjacent driveway of the shopping center, but no information was provided regarding any existing legal rights or easements allowing such access; either legal documentation of a pre-existing access easement must be provided, or the adjacent property must be included in an application for Planned Unit Development, or access should be eliminated. The development, as proposed will reduce the number of curb-cuts to both Moffett Road and Howells Ferry Road. Therefore, the

proposed Lot should be limited to one (1) curb-cut to Moffett Road, and one (1) curb-cut to Howells Ferry Road, with the size, design and exact location to be approved by Traffic Engineering and ALDOT as appropriate, and conform to AASHTO standards.

The 25-foot minimum building setback is not depicted on the preliminary plat, but would be required on the final plat, if approved. Site plans submitted for permitting purposes should also depict the 25-foot minimum building setback from Moffett Road and Howells Ferry Road.

A sidewalk waiver was not included with the requests at hand, thus a sidewalk must be provided along all road frontages.

The Subdivision process should be completed prior to any request for permits for new building construction.

As the site will be redeveloped, full compliance with all applicable municipal codes and ordinances will be required. Additionally, since it appears that existing trees that were planted for compliance with Zoning Ordinance requirements will be removed, tree removal permits will be required.

RECOMMENDATION

Subdivision: The Subdivision request is recommended for Tentative Approval, subject to the following conditions:

- 1) Placement of a note on the Final Plat stating that the lot is limited to one (1) curb-cut to Moffett Road, and one (1) curb-cut to Howells Ferry Road, with the size, design and exact location to be approved by Traffic Engineering and ALDOT as appropriate, and conform to AASHTO standards;
- 2) Depiction and labeling of the 25-foot minimum building setback line along the Moffett Road and Howells Ferry Road frontages;
- 3) Labeling of the lot size in square feet and acres;
- 4) Provision of documentation regarding the right to access the adjacent driveway of the shopping center, and if a recorded easement, the labeling of the easement on the Final Plat, or if no recorded easements exist, the submission of a Planned Unit Development application;
- 5) 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. Provide a legible Location/vicinity Map including street names. B. Provide the Survey Data – boundary lines with length and bearings matching the written legal description. C. Provide the name of the proposed subdivision on the Plat. D. Provide the location, width, purpose of existing and proposed easements. E. 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. F. Revise the plat to label each lot with its size in acres and square feet, or the furnishing of a table on the Plat providing the same information. G. Provide and label the monument set or found at each subdivision corner.

H. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer. I. Provide the Surveyor's Certificate and Signature. J. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. K. 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. L. 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. M. 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. N. Provide a copy of the FINAL PLAT to the Engineering Dept. for review prior to obtaining any signatures. O. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.);

- 6) Compliance with Traffic Engineering comments (Moffett Road is an ALDOT maintained roadway. Lot is limited to no more than one curb-cut per street frontage, with size, location and design to be approved by ALDOT 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. Sidewalk should be included along all street frontages, unless a sidewalk waiver is approved by the Planning Commission.);*
- 7) 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).);*
- 8) 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*
- 9) Completion of the Subdivision process prior to any request for permits for new building construction.*

Rezoning: The Rezoning request is recommended for Approval as a B-2, Neighborhood Business District (*instead of the requested B-3 District*), subject to the following conditions:

- 1) Full compliance with all municipal codes and ordinances; and
- 2) Appropriate permitting for the removal of any trees previously planted on the site for compliance with Zoning Ordinance requirements.

LOCATOR MAP



APPLICATION NUMBER 14 DATE December 3, 2015

APPLICANT F. J. Wrighters Subdivision

REQUEST Subdivision, Rezoning from B-2 to B-3



PLANNING COMMISSION

VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units to the northwest and residential units to the south and northeast. A church is located to the southeast of the site.

APPLICATION NUMBER 14 DATE December 3, 2015

APPLICANT F. J. Wrighters Subdivision

REQUEST Subdivision, Rezoning from B-2 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 to the northwest and residential units to the south and northeast. A church is located to the southeast of the site.

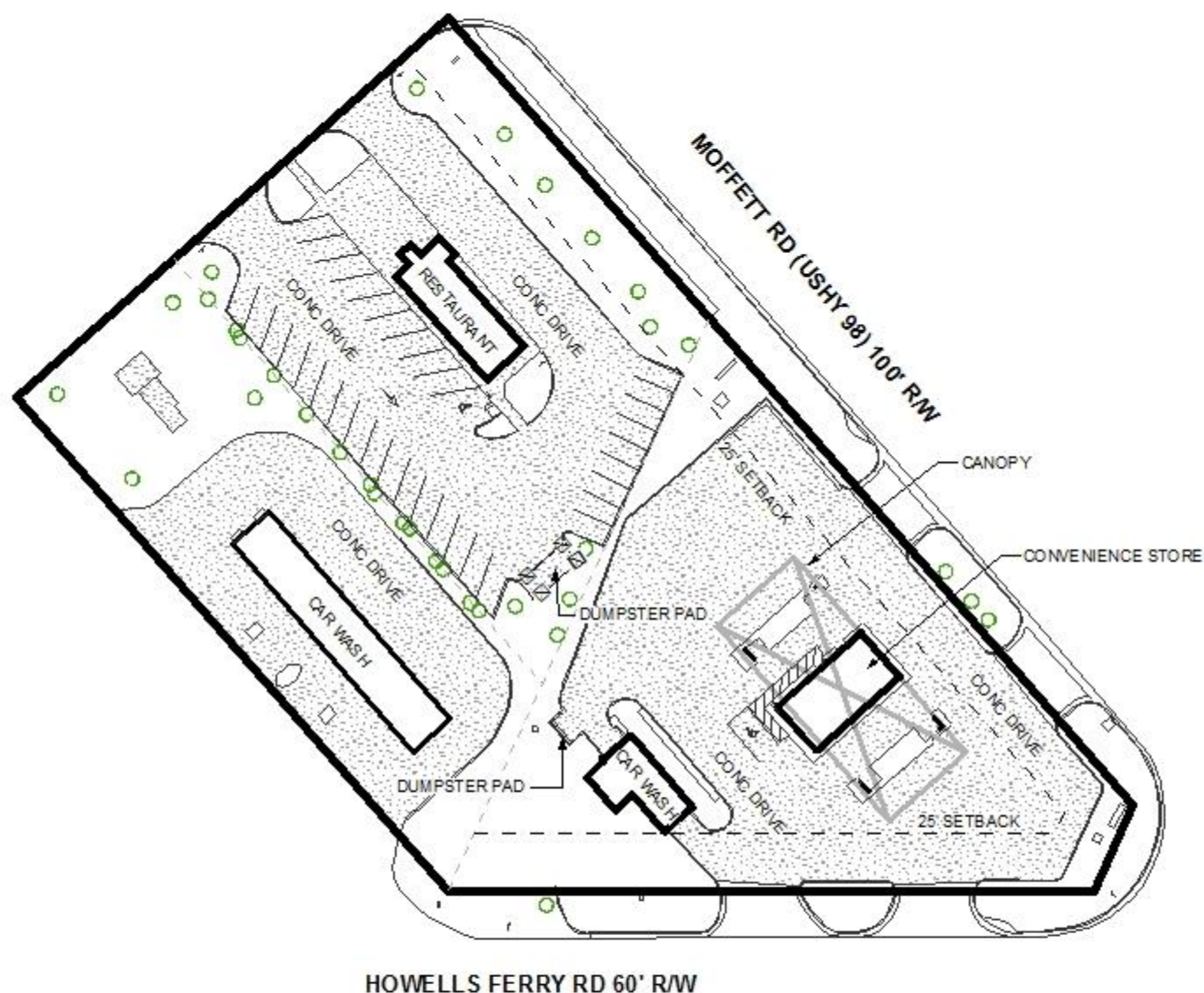
APPLICATION NUMBER 14 DATE December 3, 2015

APPLICANT F. J. Wrighters Subdivision

REQUEST Subdivision, Rezoning from B-2 to B-3



EXISTING SITE PLAN



The site plan illustrates the existing buildings, concrete drives, dumpster pads, and setbacks.

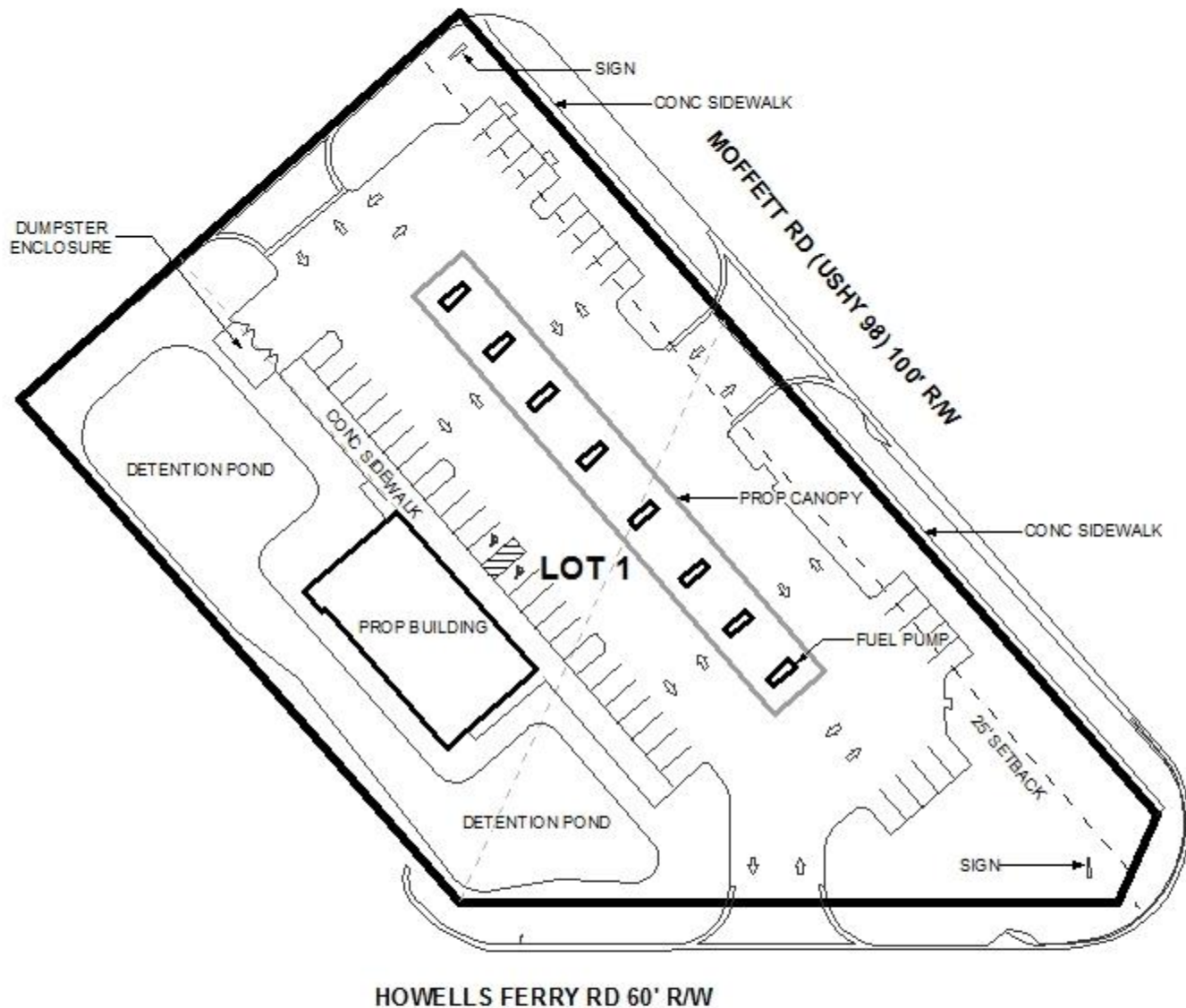
APPLICATION NUMBER 14 DATE December 3, 2015

APPLICANT F. J. Wrighters Subdivision

REQUEST Subdivision, Rezoning from B-2 to B-3



PROPOSED SITE PLAN



The site plan illustrates the proposed buildings, dumpster enclosure, fuel pumps, proposed fuel canopy, detention pond, and setback.

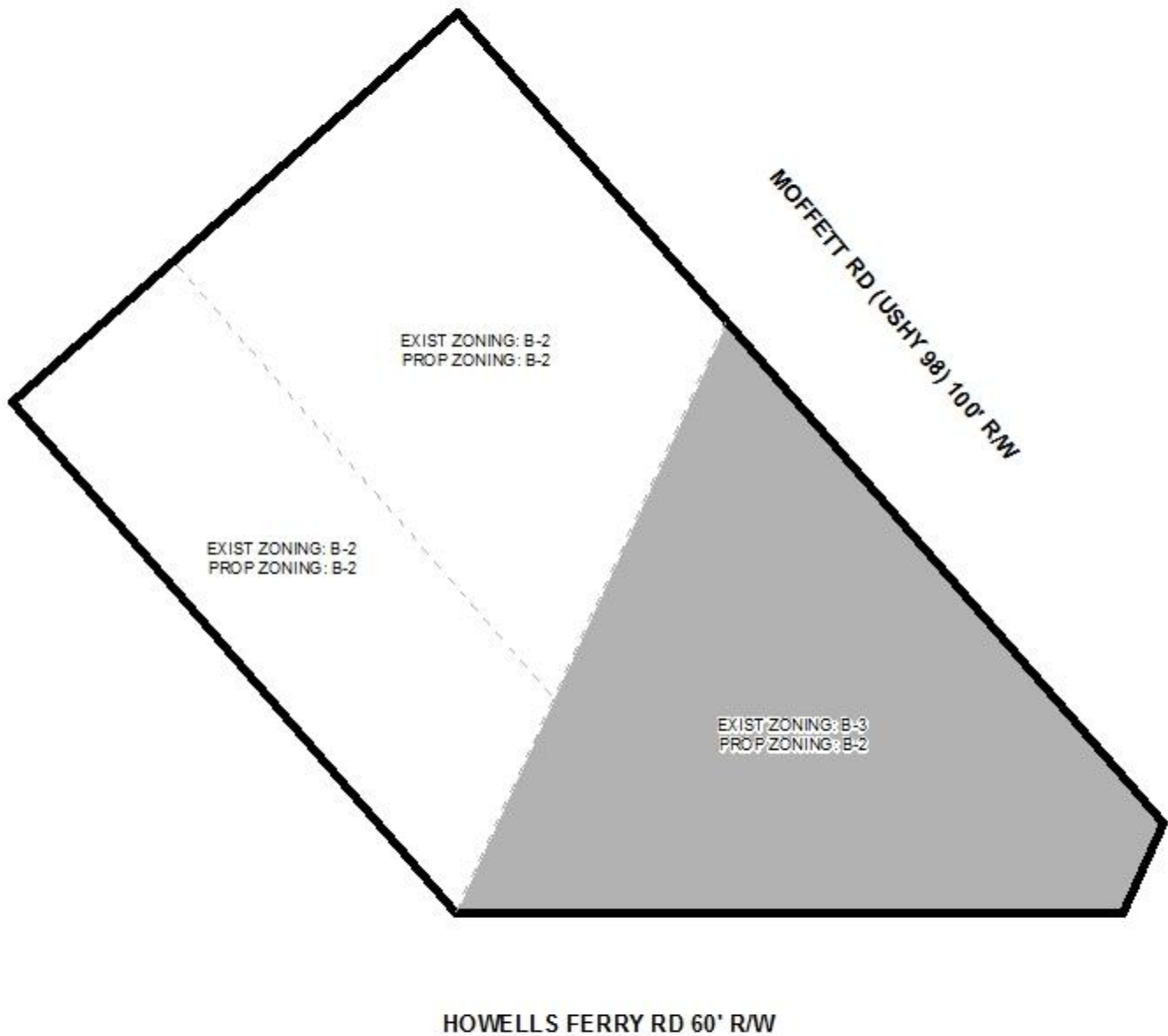
APPLICATION NUMBER 14 DATE December 3, 2015

APPLICANT F. J. Wrighters Subdivision

REQUEST Subdivision, Rezoning from B-2 to B-3



DETAIL SITE PLAN



APPLICATION NUMBER 14 DATE December 3, 2015
APPLICANT F. J. Wrighters Subdivision
REQUEST Subdivision, Rezoning from B-2 to B-3

