

**SUBDIVISION, REZONING,
PLANNING APPROVAL, PUD &
SIDEWALK WAIVER STAFF REPORT****Date: May 3, 2007****APPLICANT NAME**

TOG Properties, LLC

SUBDIVISION NAMEHighland Professional Park,
Resubdivision of Lots 2 & 3**LOCATION**6140 Airport Boulevard
(North side of Airport Boulevard, 150'± West of Highland
Woods Drive East)**CITY COUNCIL
DISTRICT**

Council District 5

PRESENT ZONING

B-1, Buffer Business District

PROPOSED ZONINGB-1, Buffer Business District, to remove certain rezoning
conditions**AREA OF PROPERTY**

2.5± acres 2 Lots

CONTEMPLATED USE**Subdivision** – to subdivide a legal lot of record into two
lots.**Rezoning** - to remove a condition denying site access to
Airport Boulevard.**Planning Approval** – to allow a bank in a B-1, Buffer
Business District.**PUD** – to amend the previously approved PUD**Sidewalk Waiver** – to waive construction of a sidewalk
along Airport Boulevard.**TIME SCHEDULE
FOR DEVELOPMENT**

Immediately upon approval.

**ENGINEERING
COMMENTS**

Storm water cannot be concentrated onto an adjacent property without a hold-harmless agreement. 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. Provide more information (cross section) for sidewalk waiver to be evaluated.

TRAFFIC ENGINEERING**COMMENTS**

Driveway number, sizes, location and design to be approved by Traffic Engineering and conform to AASHTO standards.

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). Full compliance with landscaping and tree requirements of the Zoning Ordinance to be coordinated with Urban Forestry.

REMARKS

The applicant is requesting subdivision approval, to subdivide a legal lot of record into two lots of record; rezoning approval, to remove a condition (self-imposed) from the original rezoning which denied access for this lot to Airport Boulevard; planning approval, to allow a bank in a B-1 district (banks are allowed in B-1 with planning approval and in LB-2, B-2, B-3 and B-4 by right); and, Planned Unit Development approval to amend a previously approved PUD by illustrating the proposed development on the site in question.

The rezoning of the site for the overall development has had a long and problematic history, which was finally determined through the court system. The request now before the Commission is to remove (or modify) one of the self-imposed conditions of the original rezoning. That condition, which stated that the overall development would be limited to two access points to Airport Boulevard – the boulevard entrance to the development and a drive on the west side of the westernmost lot, in essence denied access to Airport Boulevard for the lot in question and limited it to access via the boulevard entrance for the development. The proposed development requests a one way in drive from Airport Boulevard, and proposes to increase the length of the deceleration lane to accommodate the new driveway.

Attorneys for the Planning Commission and City Council were consulted prior to submission of these applications to ensure that the appropriate applications were submitted, and thus the appropriate notifications were made.

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 review required for Planning Approval examines the applicant's location and site plan with regard to transportation, parking and access, public utilities and facilities, traffic congestion and hazard, and to determine if the proposal is in harmony with the orderly and appropriate development of the district.

Planned Unit Development review examines the site with regard to its location to ensure that it is generally compatible with neighboring uses; that adequate access is provided without generating excess traffic along minor residential streets in residential districts outside the PUD; and that

natural features of the site are taken into consideration. PUD review also examines the design of the development to provide for adequate circulation within the development; to ensure adequate access for emergency vehicles; and to consider and provide for protection from adverse effects of adjacent properties as well as provide protection of adjacent properties from adverse effects from the PUD.

It should be noted that PUD and Planning Approval are site plan specific, thus any changes to the site plan must be approved by the Planning Commission.

With regard to the proposed subdivision, the lots meet the minimum size requirements of the Subdivision Regulations. However, Lot 2B does not have frontage on a public street, and while the entrance boulevard functions as a private street and was constructed to City of Mobile standards, it does not meet the technical requirements of a private street because it is in fact a part of Lot 3 (of the original development) and not a private street right-of-way. As the subdivision and PUD were approved prior to the adoption of the private street standards of the Subdivision Regulations, consideration should be given to the functionality and construction standard of the entrance boulevard. If approved, a waiver of Section VIII.E.2.c. will be required.

As the review for Planning Approval and PUD approval are similar, comments on these requests will be combined. Use of the site as a bank appears to be appropriate and compatible with existing development in the surrounding area. Additionally, the site proposes adequate parking and access, and internal circulation. The development would not generate traffic or congestion on neighboring residential streets.

The applicant states that the sidewalk along Airport Boulevard should be waived due existing power poles and light poles. The site plan submitted illustrates approximately 6' from property line to the power and light poles. This area should be adequate for the installation of a sidewalk, especially if there are no major topographic issues with which to contend. As there was no claim of such issue, nor submission of cross section (as required) to illustrate such issue, it would appear that the sidewalk could be constructed. Additionally, there is an existing sidewalk on the west side of the entrance boulevard.

RECOMMENDATION

Subdivision Based on the preceding, the application is recommended for Tentative Approval, subject to the following conditions:

- 1) provision of the 15' buffer along the East property line, as shown on the plat submitted, and required by the original approval;
- 2) placement of a note on the final plat stating that Lot is limited to a single one-way in drive from Airport Boulevard, size, location and design to be approved by Traffic Engineering; and
- 3) placement of a note on the final plat stating that any modification to the deceleration lane will require approval by the Traffic Engineering Department

Rezoning: Based on the preceding, the request to modify an existing condition of rezoning to allow a single one-way in drive from Airport Boulevard is recommended for approval, subject to the following conditions:

- 1) access to Airport Boulevard for Lot 2A is limited to a single one-way in drive, size, location and design to be approved by Traffic Engineering;
- 2) provision of the 15' buffer and 6' privacy fence along the East property line, as shown on the plan submitted (and required by the original approval), buffer area to be landscaped;
- 3) any modification to the deceleration lane will require approval by the Traffic Engineering Department; and
- 4) full compliance with all municipal codes and ordinances.

Planning Approval: Based on the preceding, the request for Planning Approval is recommended for approval, subject to the following conditions:

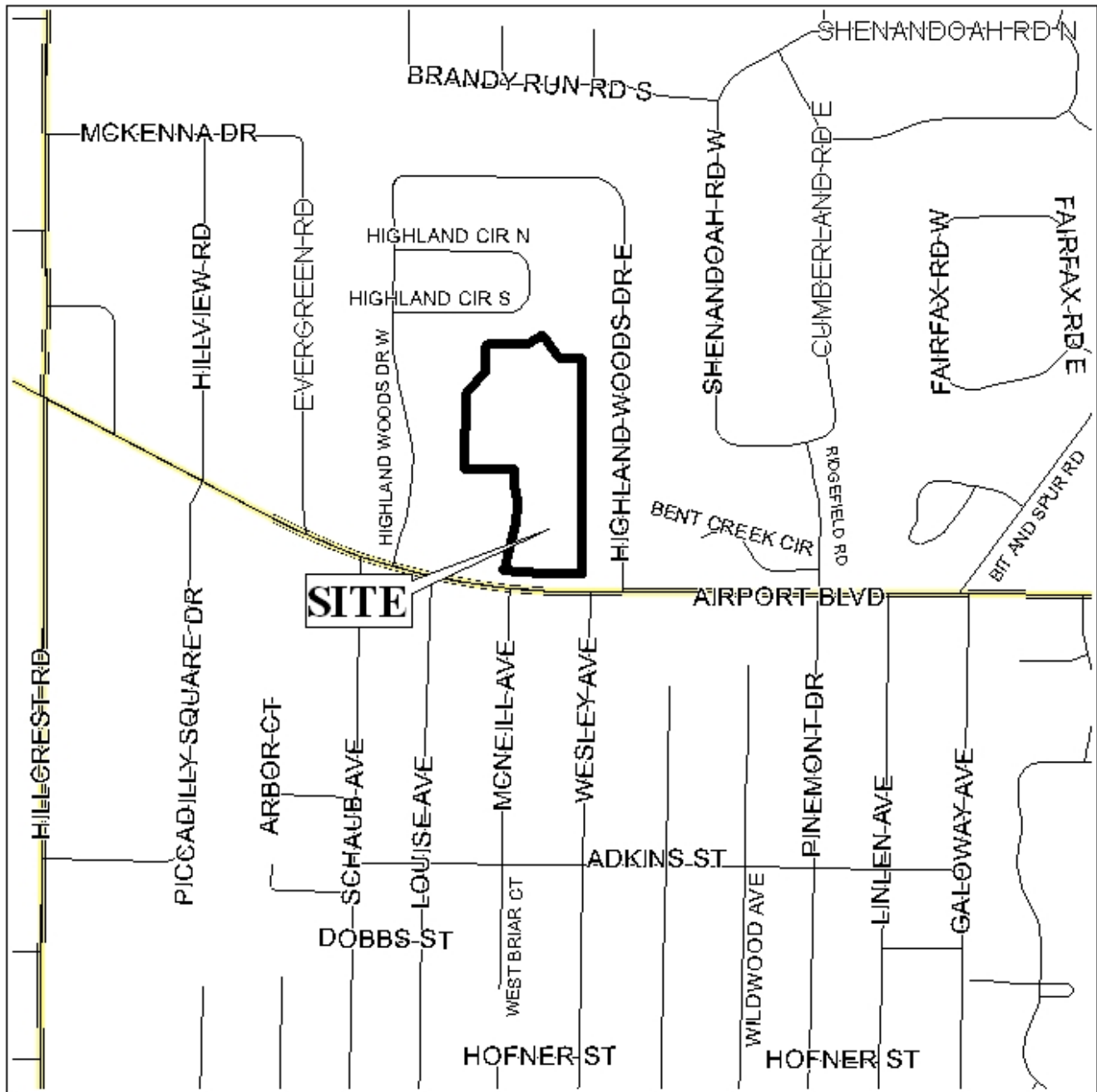
- 1) limited to the site plan submitted, any significant modification will require new application(s) to the Planning Commission;
- 2) provision of the 15' buffer and 6' privacy fence along the East property line, as shown on the plan submitted (and required by the original approval), buffer area to be landscaped;
- 3) any modification to the deceleration lane will require approval by the Traffic Engineering Department; and
- 4) full compliance with all municipal codes and ordinances.

Planned Unit Development: Based on the preceding, the request for PUD Approval is recommended for approval, subject to the following conditions:

- 1) limited to the site plan submitted, any significant modification will require new application(s) to the Planning Commission;
- 2) provision of the 15' buffer and 6' privacy fence along the East property line, as shown on the plan submitted (and required by the original approval), buffer area to be landscaped;
- 3) any modification to the deceleration lane will require approval by the Traffic Engineering Department; and
- 4) full compliance with all municipal codes and ordinances.

Sidewalk Waiver: Based on the preceding, it is recommended that this application be denied.

LOCATOR MAP



APPLICATION NUMBER 23,24,25,26,&27 DATE May 3, 2007

APPLICANT Highland Professional Park Subdivision, Resubdivision of Lots 2 & 3
Subdivision, Planned Unit Development, Rezoning, Planning Approval,

REQUEST Sidewalk Waiver



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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential units, apartments to the west and commercial landuse to the south.

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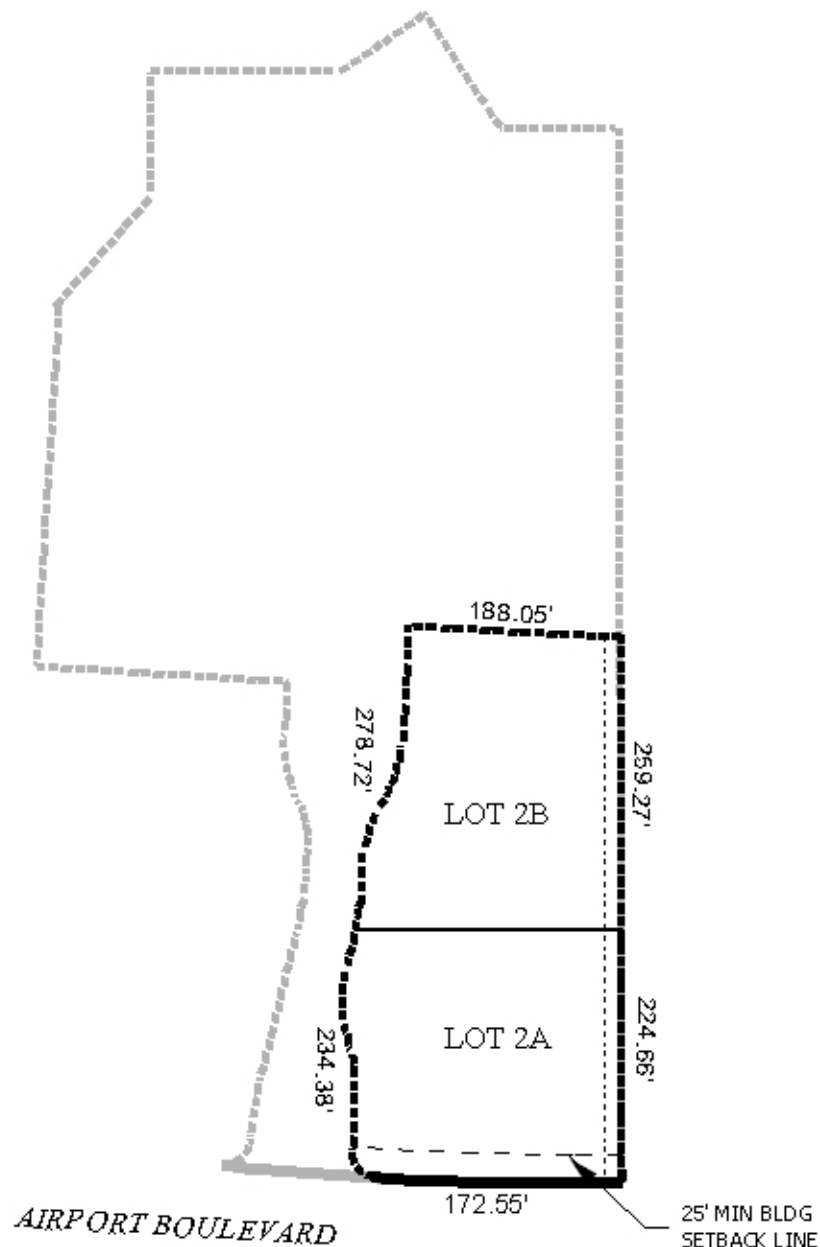
REQUEST Sidewalk Waiver

LEGEND

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



APPLICATION NUMBER 23,24,25,26,& 27 DATE May 3, 2007

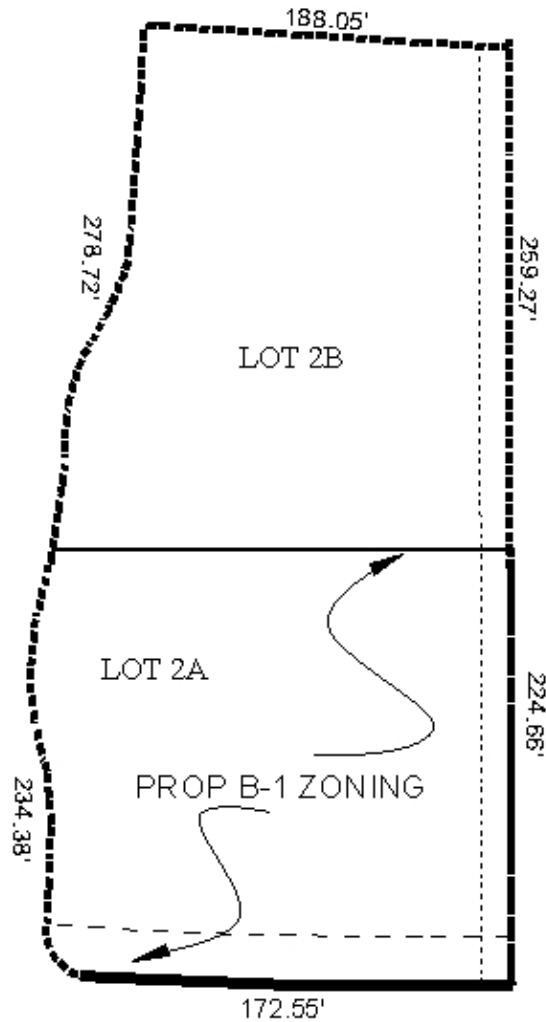
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REQUEST Subdivision, Planned Unit Development, Rezoning, Planning
Approval, Sidewalk Waiver



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ZONING DETAIL



AIRPORT BOULEVARD

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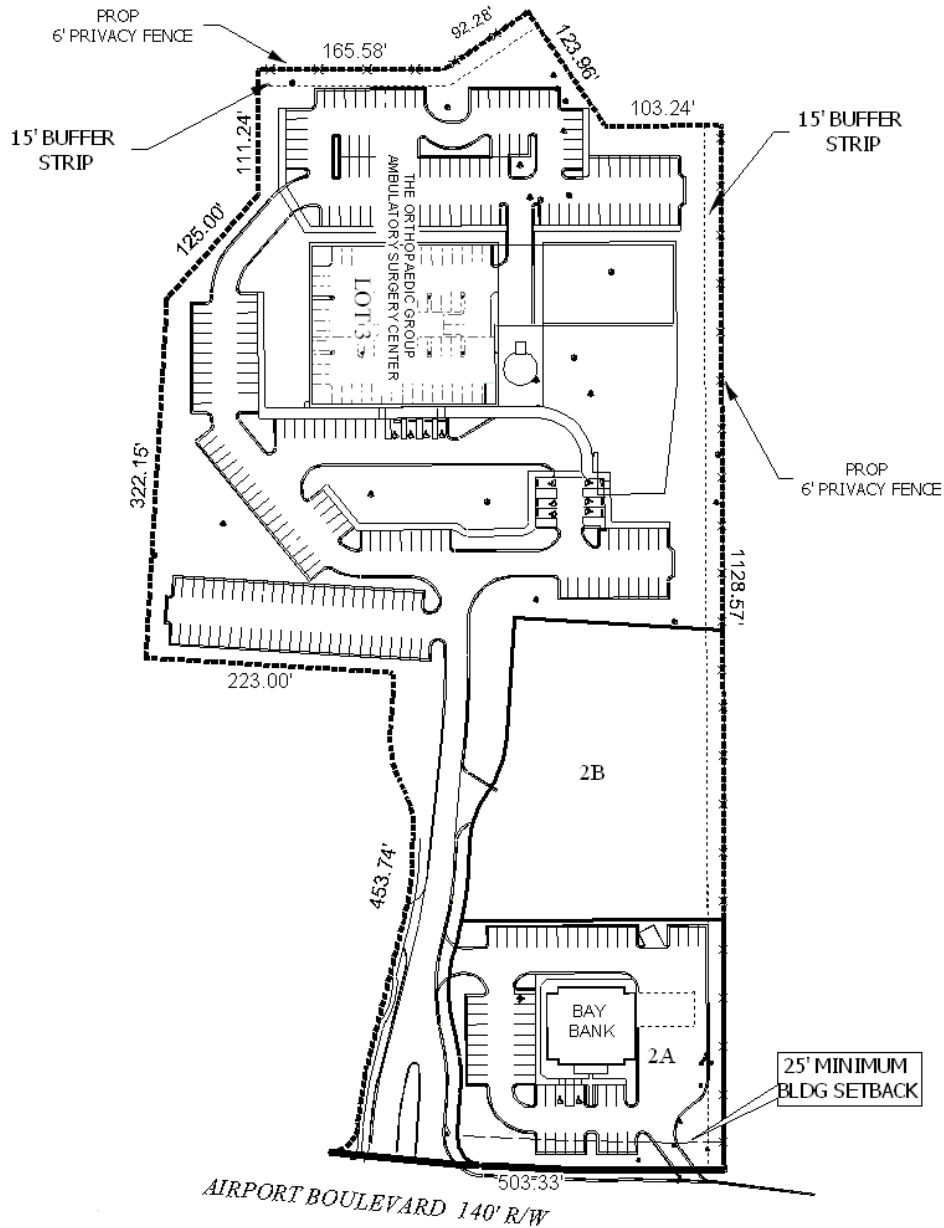
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SITE PLAN



The site plan illustrates proposed building, parking, buffer strip, building setback, and proposed 6' privacy fence.

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