

**SUBDIVISION, ZONING AMENDMENT,
PLANNED UNIT DEVELOPMENT &
SIDEWALK WAIVER STAFF REPORT**

Date: December 15, 2011

DEVELOPMENT NAME

Sunset Point Subdivision

c.

SUBDIVISION NAME

Sunset Point Subdivision

LOCATION

4640, 4628, 4616, 4612, 4608, 4600 Airport Boulevard,
200, 204, 208 April Street, 4609, 4613, 4617, 4621, 4625,
4629 Sunset Drive South, 201 & 205 University Boulevard
South
(Northeast corner of Airport Boulevard and South
University Boulevard extending North to Sunset Drive
South, and East to April Street)

**CITY COUNCIL
DISTRICT**

District 5

PRESENT ZONING

R-1, Single-Family Residential District,
B-1, Buffer Business District and
B-2, Neighborhood Business District

PROPOSED ZONING

B-2, Neighborhood Business District

**REASON FOR
REZONING**

The increase in need for sites for business or industry,
*increasing needs for business or industrial sites, in addition
to sites that are available, make it necessary and desirable
to rezone an area or to extend the boundaries of an existing
district; and*
Subdivision of land, *the subdivision or imminent
subdivision of land into urban building sites makes
reclassification necessary and desirable.*

AREA OF PROPERTY

1 Lot/6.8± Acres

CONTEMPLATED USE

Subdivision approval to create one legal lot of record from
fifteen (17) legal lots of record; Planned Unit Development
Approval to allow shared access and parking between two
building sites; Rezoning from R-1, Single-Family
Residential District, B-1, Buffer Business District, and B-2,
Neighborhood Business District to B-2, Neighborhood
Business District to eliminate split zoning and allow the

construction of a grocery store and Sidewalk Waiver to waive construction of a sidewalk along a portion of Airport Boulevard..

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.

TIME SCHEDULE

Immediate.

ENGINEERING COMMENTS

Applicant shall provide an assessment of surface conditions as of 1984, for Engineering Department review, to be able to claim any historical credit for the determination of the detention storage calculations. Engineer shall certify to the existing capacity of the downstream storm drainage system(s). Any proposed offsite improvements shall be reviewed with the Engineering Department. Vacation of Right-of-way is subject to City Council approval. Must comply with all storm water and flood control ordinances. Any work performed in the existing ROW (right-of-way) will require a Right of Way (ROW) permit from the Engineering Department and must comply with all City of Mobile ROW code and ordinance requirements. Sidewalk will be required within the rights-of-way. It appears that there is sufficient room within the ROW, or partially within the property, for construction of a sidewalk.

TRAFFIC ENGINEERING COMMENTS

A traffic impact study was submitted for this development. No changes are proposed to the signalized intersection of Airport Blvd and University Blvd. The only recommended improvements to the roadways adjacent to the site are the construction of right turn lanes on Airport Blvd at the two proposed site driveways. There are no objections to the findings in the study. Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. The western site driveway on Airport Blvd should be wide enough to allow for two 12' lanes. A raised island should be provided at this location if a minimum 50 ft² area is attainable. If the proposed ROW vacation of the service road in the vicinity of April Street is granted, the western corner radius of April Street at Airport Blvd will need to be adjusted. The edge of pavement along April Street should be extended straight to Airport Blvd and a new corner turning radius should be constructed. This can be done with curb and gutter depending on the drainage conditions in this area. The sidewalk illustrated in the plan as stopping at the northern existing edge of pavement for the service road would continue south to Airport Blvd. A sidewalk waiver has been submitted for Airport Blvd only; however there is no sidewalk included along University Blvd across the frontage of the site. Sidewalk is necessary along all street frontages.

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 Subdivision approval to create one legal lot of record from fifteen (17) legal lots of record; Planned Unit Development Approval to allow shared access and parking between two building sites; Rezoning from R-1, Single-Family Residential District, B-1, Buffer Business District, and B-2, Neighborhood Business District to B-2, Neighborhood Business District to eliminate split zoning and allow the construction of a grocery store and Sidewalk Waiver to waive construction of a sidewalk along a portion of Airport Boulevard..

As proposed "Sunset Point Subdivision" will consist of one lot totaling approximately 6.8± acres. The applicant is requesting the change of zoning to B-2, Neighborhood Business district to allow the proposed grocery store use. As stated in the project description and also illustrated on the site plan, the structure will consist of 56,918 square feet grocery store providing 278 parking spaces. The applicant has begun the process of vacation of service road right-of-way along Airport Boulevard and University Boulevard; if the vacation is successful these properties will be included as well in the subdivision.

Currently, the site consists of properties zoned R-1, Single-Family Residential, fourteen legal lots of record located on the north side of Sunset Drive, west side of April Street and south side of Airport Boulevard; Zoned B-1, Buffer Business, a chiropractor office located at 205 South University Boulevard; and, portions of two legal lots of record along Airport Boulevard and South university zoned B-2, Neighborhood Business. An oil change business located at 4640 Airport Boulevard, zoned B-2, Neighborhood Business is not included in the subdivision; however, it is included in the Planned Unit Development application. The site plan should be amended illustrating the out parcel as Lot A-1, Uniport Subdivision, Resubdivision of Lot 1. The applicant proposes to rezone these R-1, Single-Family Residential and B-1, Buffer Business properties to B-2, Neighborhood Business to allow the proposed project.

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. PUD approval is site plan specific, thus if any new construction is anticipated that will change an approved site plan, an application to amend an existing, approved PUD must be made prior to any construction activities.

The site plan indicates approximately 278 parking spaces provided; as well as, information regarding the landscaping percentages and the number of required trees. While the Planned Unit

Development has common interior property lines, these interior property lines are not counted as perimeter lot lines, but rather only those of the overall Planned Unit Development (PUD) are considered. Detailed information must be provided prior to the issuance of building permits so that staff can determine if the site does meet the tree and landscape requirements as stated by the applicant.

Buffer requirements as per Section 64-4.D.1. and the locations of all dumpsters with screening are illustrated on the site plan. As illustrated on the site plan, a 6-foot CMU wall is proposed, however, it is not specified if the wall will be stucco, split brick finish, or other design. Also, a planting at least 3-feet high at planting should be provided to break up the physical feature of the wall along Sunset Drive and April Street where the wall is illustrated on the site plan. Additionally, the site plan illustrates a “7.5-foot landscape zone” instead of the continuation of the 6-foot CMU wall along Sunset Drive where the building ends and the parking lot begins. However, the applicant does not specifically state what physically buffers the parking spaces from the residential dwellings; therefore, a solid hedgerow a minimum of 3-feet high at planting should be required. This physical hedgerow would provide a visual barrier from vehicle headlights shining into the residential properties.

Lighting on the site must comply with the requirements of Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance, and a note stating such should be placed on the revised PUD site plan, if approved.

It should be noted that the submitted site plan depicts the out parcel with the wrong dimensions; therefore, correction of these dimensions illustrating the out parcel as Lot A-1, Uniport Subdivision, Resubdivision of Lot 1 would be required (or it's inclusion in the subdivision).

Access and circulation were reviewed in the prepared Traffic Impact Study. Traffic Engineering, has stated they have no objections to the findings in the study. The improvements recommended by the Traffic Impact Study will be required to be made, as well in the Traffic Engineering comments (the western site driveway on Airport Blvd should be wide enough to allow for two 12' lanes. A raised island should be provided at this location if a minimum 50 ft² area is attainable. If the proposed ROW vacation of the service road in the vicinity of April Street is granted, the western corner radius of April Street at Airport Blvd will need to be adjusted. The edge of pavement along April Street should be extended straight to Airport Blvd and a new corner turning radius should be constructed. This can be done with curb and gutter depending on the drainage conditions in this area. The sidewalk illustrated in the plan as stopping at the northern existing edge of pavement for the service road would continue south to Airport Blvd).

Both Airport Boulevard and University Boulevard function as major arterials. Airport Boulevard is a heavily traveled east-west artery of the City, and University Boulevard funnels traffic points north and south. As such, access management is a concern; however, the recommended improvements suggested by the study are to the roadways adjacent to the site with construction of right turn lanes on Airport Blvd at the two proposed site driveways.

The site appears to be depicted as commercial and residential 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.

The proposed site is bounded to the North and East by residential properties zoned R-1, Single-Family Residential, to the West is commercial zoned B-2, Neighborhood Business district property currently used as an oil change business, to the South across Airport Boulevard is R-1, Single-Family Residential properties.

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 applicant stated an amendment to the Zoning Ordinance is necessary due an increased need for this type of business in the area. Also, stated the subdivision or imminent subdivision of land into urban building sites makes reclassification necessary and desirable.

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 has frontage on Airport Boulevard to the South and April Street to the East, Sunset Drive to the North and University Boulevard to the West. April Street and Sunset Drive are minor streets, provided with curb and gutter, and both are depicted with existing adequate rights-of-way of 50 feet. As such, no further dedications should be required. However, Airport Boulevard and University Boulevard are major street and require 100-feet of right-of-way, as depicted on the preliminary plat as having variable right-of-way; therefore, the provision of dedication of 50-feet from the centerline of Spring Hill Avenue would be required to be illustrated on the Final Plat. Also, dedication to provide sufficient radii at April Street/Sunset Drive and April Street/Airport Boulevard as required in Subdivision Regulations V.B.16., would be required.

The proposed lot, as depicted, meets the minimum size and street frontage requirements as regulated by Section V.D.2. of the Subdivision Regulations. The area of the lot is not depicted in acres/square feet, and the 25-foot minimum building setback lines are also not depicted, and these notations should be included on the Final Plat, if approved.

The applicant is also requesting the waiver of the sidewalk requirements along Airport Boulevard stating the sidewalk would be within a few feet of Airport Boulevard, the busiest street in south Alabama and that no such sidewalks are present West of I-65, and never will, due to the service roads. The applicant states the provision of sidewalks on all other sides of the development will provide for safe foot traffic. It should be noted that the site plan does not provide sidewalks along University Boulevard. Therefore, the site plan should be revised illustrating the placement of the sidewalk along University Boulevard or the sidewalk waiver heldover and amended to include University Boulevard.

It should be pointed out that staff has researched the presence of sidewalks along several sites along Airport Boulevard west of I-65 and have found several sites that have constructed sidewalks. Two examples are Marble Slab and the Rooms To Go sites. Another factor to consider providing sidewalks are the locations of WAVE bus stop Route 1 directly in front of the site on Airport Boulevard and WAVE Route 18 on University Boulevard, both may provide public transportation to customers to this site. Therefore, construction of sidewalks along ALL frontages would be beneficial to all parties. Traffic Engineering states that sidewalks should be provided along all street frontages and Engineering comments state there is sufficient room within the ROW, or partially within the property, for construction of a sidewalk.

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

Planned Unit Development: Based on the preceding, this application is recommended for approval, subject to the following conditions:

- 1) revision of the site plan to show **ALL** improvements on the site including, but not limited to recommendations of the Traffic Impact Study and to include Traffic Engineering comments (Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. The western site driveway on Airport Blvd should be wide enough to allow for two 12' lanes. A raised island should be provided at this location if a minimum 50 ft² area is attainable. If the proposed ROW vacation of the service road in the vicinity of April Street is granted, the western corner radius of April Street at Airport Blvd will need to be adjusted. The edge of pavement along April Street should be extended straight to Airport Blvd and a new corner turning radius should be constructed. This can be done with curb and gutter depending on the drainage conditions in this area. The sidewalk illustrated in the plan as stopping at the northern existing edge of pavement for the service road would continue south to Airport Blvd.);
- 2) placement of a note stating, Lighting on the site must comply with the requirements of Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance;
- 3) correction of the out parcel outline illustrating the out parcel as Lot A-1, Uniport Subdivision, Resubdivision of Lot 1;
- 4) submission of two copies of the revised Planned Unit Development site plan to the Planning Section, Urban Development prior to adoption by the City Council;

- 5) provision of a solid hedgerow, 3-feet in height species to be approved by Urban Development along April Street and Sunset Drive, in conjunction with the 6-foot CMU wall illustrated on the site plan;
- 6) completion of rezoning and subdivision process prior to the issuance of permits; and
- 7) full compliance with all municipal codes and ordinances.

Rezoning: Based upon the preceding, the Rezoning request from Rezoning from R-1, Single-Family Residential District, B-1, Buffer Business District and B-2, Neighborhood Business District, to B-2, Neighborhood Business District is recommended for Approval, subject to the following conditions:

- 1) limited to an approved Planned Unit Development (PUD);
- 2) completion of subdivision process prior to the issuance of permits; and
- 3) full compliance with all municipal codes and ordinances.

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

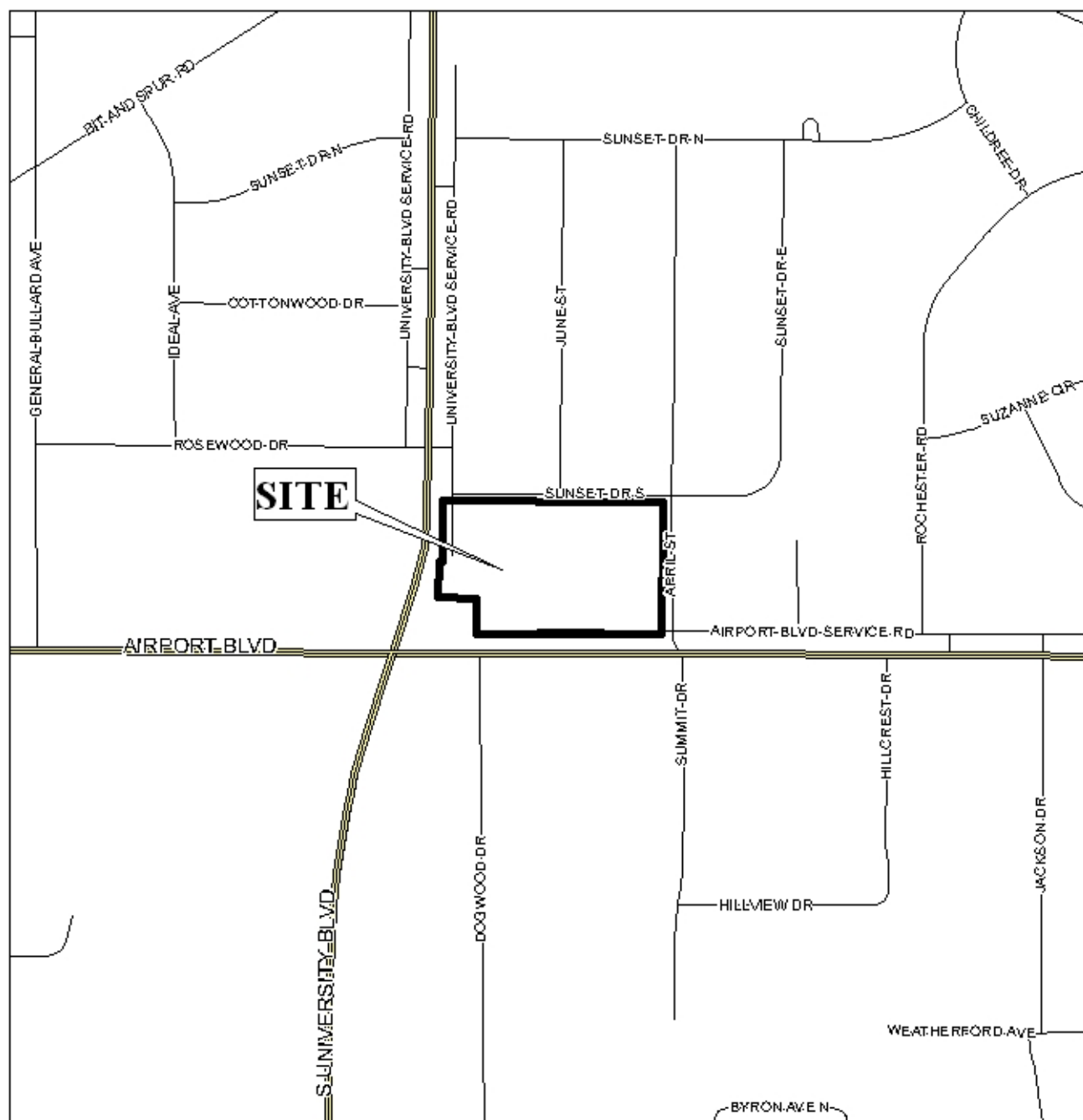
- 1) dedication to provide sufficient radii in accordance to Section V.B.16. of the Subdivision Regulations, with the size and design to be approved by Traffic Engineering and in compliance with AASHTO standards;
- 2) completion of the vacation requests;
- 3) placement of the lot area size, in square feet/acres, on the Final Plat or provision of a table on the Final Plat with the same information;
- 4) placement of the 25-foot minimum building line to be depicted along all street frontages on the Final Plat;
- 5) compliance with Engineering comments: *“Applicant shall provide an assessment of surface conditions as of 1984, for Engineering Department review, to be able to claim any historical credit for the determination of the detention storage calculations. Engineer shall certify to the existing capacity of the downstream storm drainage system(s). Any proposed offsite improvements shall be reviewed with the Engineering Department. Vacation of Right-of-way is subject to City Council approval. Must comply with all storm water and flood control ordinances. Any work performed in the existing ROW (right-of-way) will require a Right of Way (ROW) permit from the Engineering Department and must comply with all City of Mobile ROW code and ordinance requirements. Sidewalk will be required within the rights-of-way. It appears that there is sufficient room within the ROW, or partially within the property, for construction of a sidewalk”*;
- 6) compliance with Traffic Engineering comments: *“A traffic impact study was submitted for this development. No changes are proposed to the signalized intersection of Airport Blvd and University Blvd. The only recommended improvements to the roadways adjacent to the site are the construction of right turn lanes on Airport Blvd at the two proposed site driveways. There are no objections to the findings in the study. Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. The western site driveway on Airport Blvd should be wide enough to allow for two 12’ lanes. A raised island should be provided at this location if a*

minimum 50 ft² area is attainable. If the proposed ROW vacation of the service road in the vicinity of April Street is granted, the western corner radius of April Street at Airport Blvd will need to be adjusted. The edge of pavement along April Street should be extended straight to Airport Blvd and a new corner turning radius should be constructed. This can be done with curb and gutter depending on the drainage conditions in this area. The sidewalk illustrated in the plan as stopping at the northern existing edge of pavement for the service road would continue south to Airport Blvd. A sidewalk waiver has been submitted for Airport Blvd only; however there is no sidewalk included along University Blvd across the frontage of the site. Sidewalk is necessary along all street frontages”;

- 7) placement of a note on the Final Plat stating the site be allowed two curb cuts to Airport Boulevard, two curb cuts to University Boulevard, one curb cut to Sunset Drive and a one-way truck entrance, with the sizes, design and location to be approved by Traffic Engineering and comply to AASHTO standards;
- 8) placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species; and
- 9) completion of the rezoning process.

Sidewalk Waiver: The sidewalk waiver is recommended for denial.

LOCATOR MAP



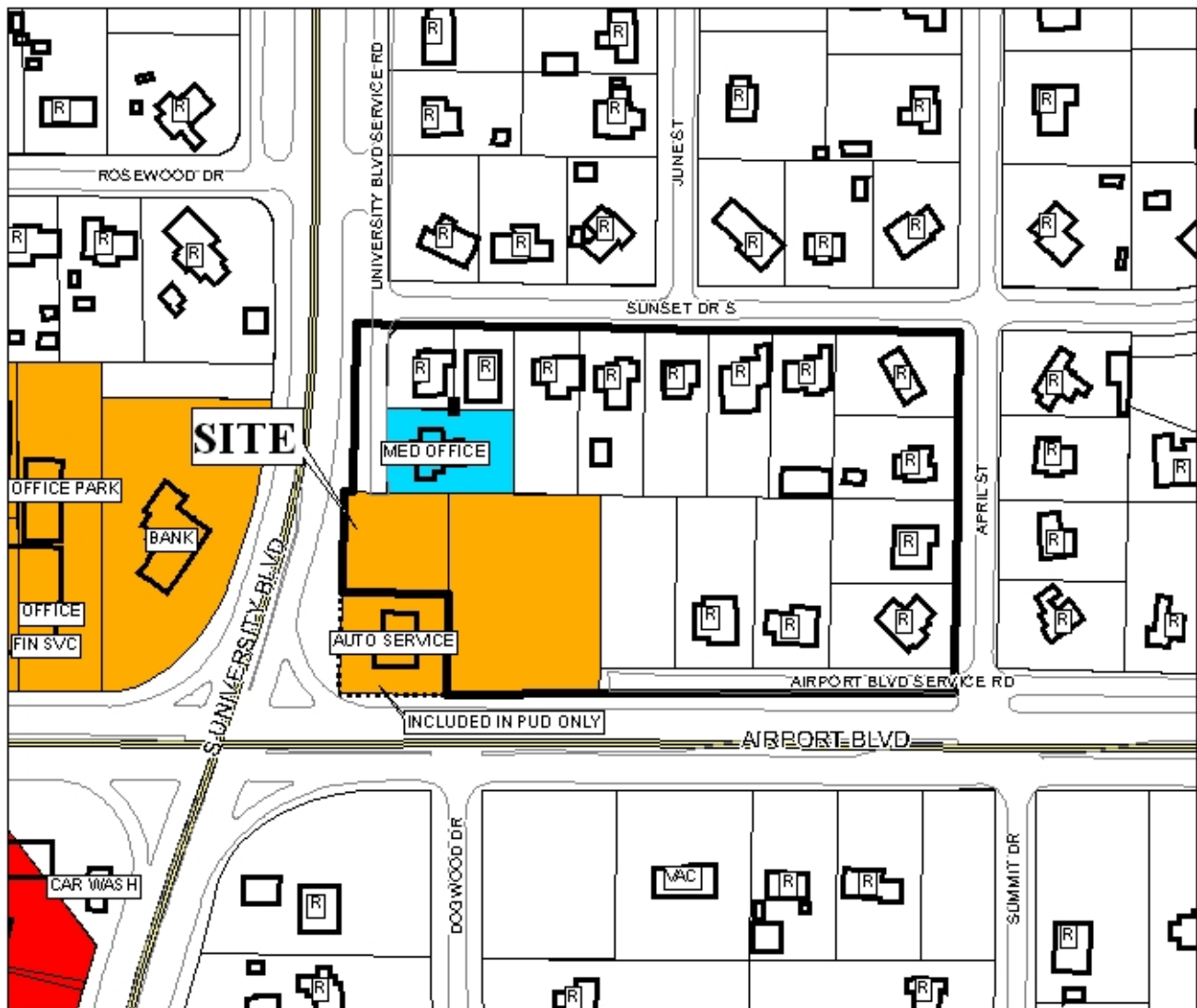
APPLICATION NUMBER 24, 25, 26 & 27 DATE December 15, 2011

APPLICANT Ladas Development Company, Inc.

REQUEST Subdivision, PUD, Rezoning from R-1, B-1, and B-2 to B-2, Sidewalk Waiver



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Single family residences are located to the north, east, and south of the site. Businesses are located to the west of the site.

APPLICATION NUMBER 24, 25, 26 & 27 DATE December 15, 2011

APPLICANT Ladas Development Company, Inc.

REQUEST Subdivision, PUD, Rezoning from R-1, B-1, and B-2 to B-2, Sidewalk Waiver

LEGEND

														NTS
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



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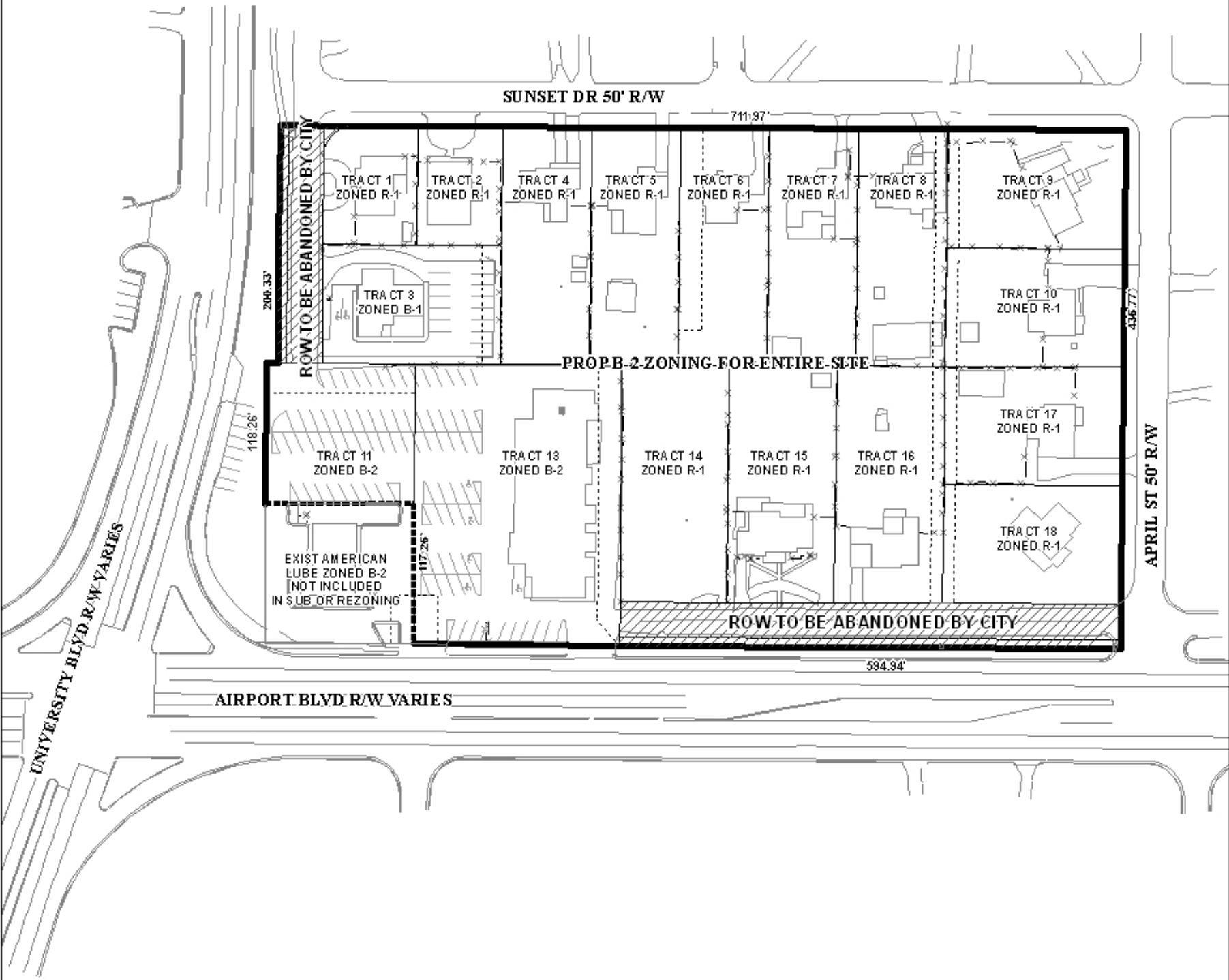
APPLICANT Ladas Development Company, Inc.

REQUEST Subdivision, PUD, Rezoning from R-1, B-1, and B-2 to B-2, Sidewalk Waiver



NTS

SUBDIVISION AND ZONING DETAIL



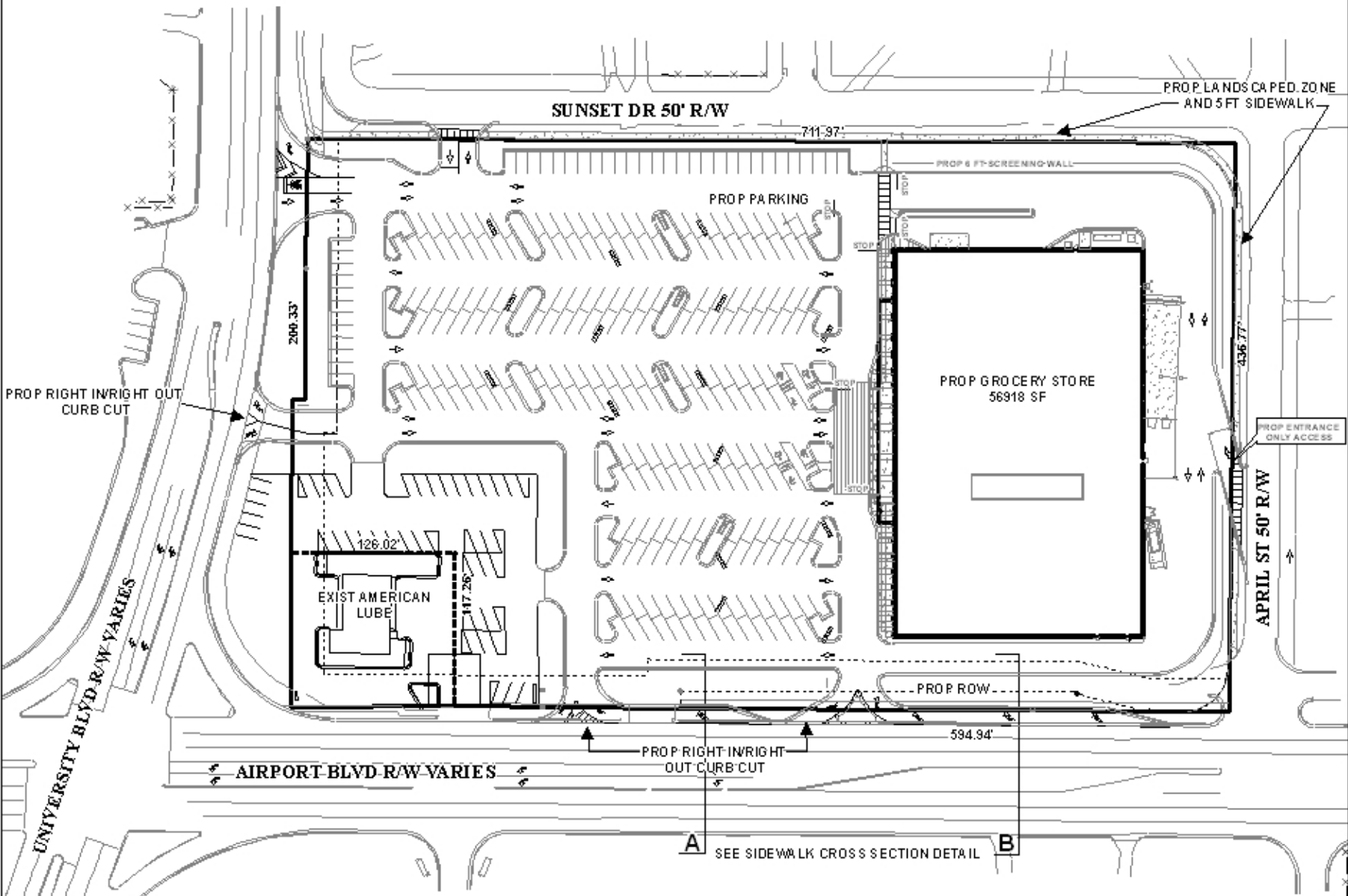
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SITE PLAN

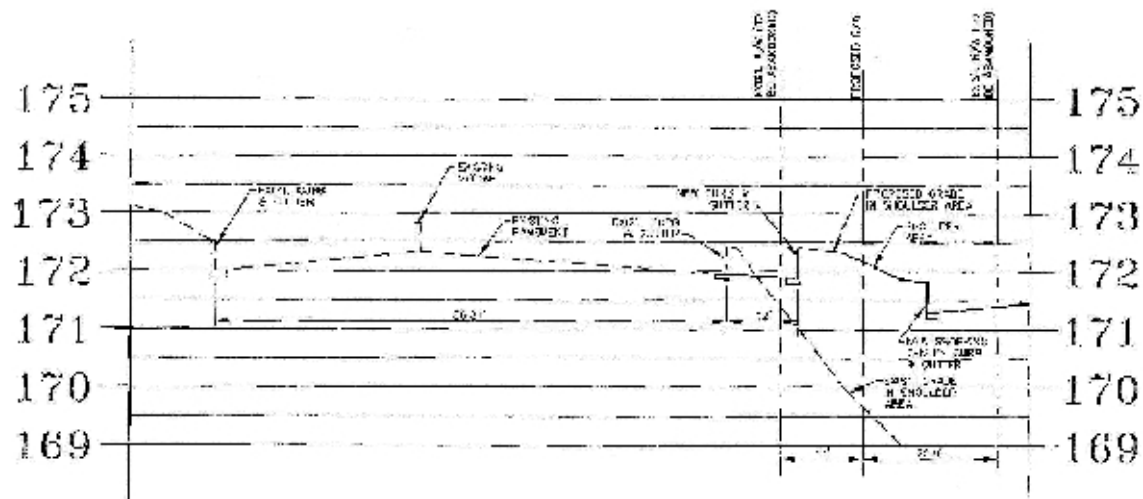


The site plan illustrates the proposed grocery store development.

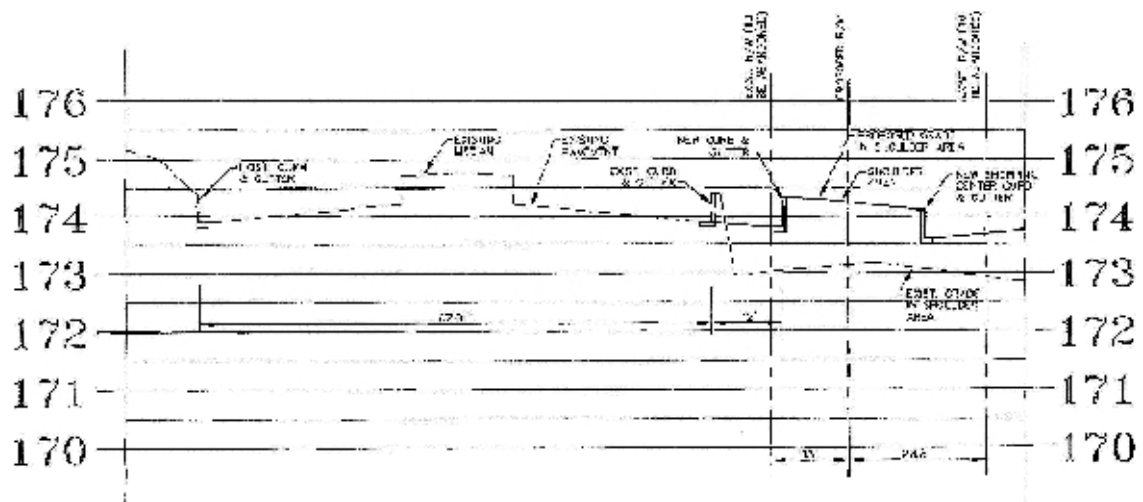
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SIDEWALK CROSS SECTION DETAIL



SECTION @ A-A



SECTION @ B-B

APPLICATION NUMBER 24, 25, 26 & 27 DATE December 15, 2011

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REQUEST Subdivision, PUD, Rezoning from R-1, B-1, and B-2 to B-2, Sidewalk Waiver



NTS