

**ZONING AMENDMENT  
& SUBDIVISION STAFF REPORT****Date: February 7, 2013****APPLICANT NAME**

The Broadway Group, LLC

**SUBDIVISION NAME**

TBG-Halls Mill Road Subdivision Plat Subdivision

**LOCATION**

South side of Halls Mill Road, 200'± East of Dauphin Island Parkway

**CITY COUNCIL  
DISTRICT**

District 2

**PRESENT ZONING**R-1, Single-Family Residential District  
B-2, Neighborhood Business District  
B-3, Community Business District**PROPOSED ZONING**

B-3, Community Business District

**AREA OF PROPERTY**

1 Lots / 1.3± Acres

**CONTEMPLATED USE**

Subdivision to create 1 lot, and Zoning to rezone the site from R-1, Single-Family Residential and B-2, Neighborhood Business District, to B-3, Community Business, 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**

Applicant is requesting rezoning of the site to eliminate split zoning. Adjacent property to the North is already commercially zoned.

**TIME SCHEDULE  
FOR DEVELOPMENT**

Within 90 days of obtaining permits

**ENGINEERING  
COMMENTS**

The following comments should be addressed prior to review, acceptance and signature by the City Engineer: 1. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes). 2. Provide a signature block and signature from the Traffic Engineering Department. 3. Add a note to the Plat stating that storm water detention will be

required for any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045).

### **TRAFFIC ENGINEERING**

#### **COMMENTS**

Driveway number, size, 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). Due to the condition of the existing 60" Live Oak Tree, Urban Forestry is not requesting preservation status for the tree.

### **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.

### **MAWSS COMMENTS**

MAWSS has water and sewer services available, but a Capacity Assurance application for **additional** sewer service has not been applied for. MAWSS cannot guarantee **additional** sewer service until a Capacity application is approved by Volkert Engineering Inc.

### **REMARKS**

The applicant is requesting Subdivision approval to create a single legal lot of record, and Zoning approval to rezone the site from R-1, Single-Family Residential, B-2 Neighborhood Business District, and B-3, Community Business District, to B-3, Community Business, to eliminate split zoning.

The site is currently occupied by several structures which are primarily commercial in nature, is bounded to the Southeast by vacant property in a R-3, Multiple-Family Residential District, to the Northeast by residences in an R-1, Single-Family Residential District, and to the North and West by commercial businesses in a B-3, Community 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, which 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 to eliminate split zoning that the proposed subdivision would result in.

It should be noted that while a portion of the site is currently zoned B-3, Community Business District, B-2, Neighborhood Business District may be more appropriate due to the adjacent R-1, Single-Family Residential District to the Northeast and R-3, Multiple-Family Residential to the Southeast.

The site plan illustrates a compliant 6' high wooden privacy fence which becomes 3' high within the 25' building setback next to adjacent residentially zoned and utilized properties. The site plan also indicates a 10' vegetative buffer, however no notations indicate what vegetation will be placed so as to provide a compliant evergreen buffer. Because the site plan also illustrates a compliant privacy fence buffer, a vegetative buffer is not needed, and the site plan could be revised to simply state "10' residential buffer".

The site plan illustrates a dumpster with compliant screening, and meets all setback requirements.

It should be noted that the proposed site plan does provide the amount of total landscaped area required but not the amount of frontage landscaped area required. Also, while the site plan illustrates full compliance with tree planting requirements, all new trees shown are labeled as heritage trees, and parking trees as well as half of required perimeter trees may be understory trees.

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 size of the proposed lot is labeled in square feet and acres, and should be retained on the Final Plat if approved.

The site fronts onto Halls Mill Road, a minor street with curb and gutter, which has a compliant right-of-way of 60', making no dedications necessary. As a mean of access management, a note should be placed on the Final Plat limiting the lot to one curb cut to Halls Mill Road, with the size, design, and location of the curb cut to be approved by Traffic Engineering and conform to AASHTO standards.

The 25' minimum building setback line is not illustrated on the preliminary plat. If approved, the setback line should be labeled and illustrated on the Final Plat.

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**

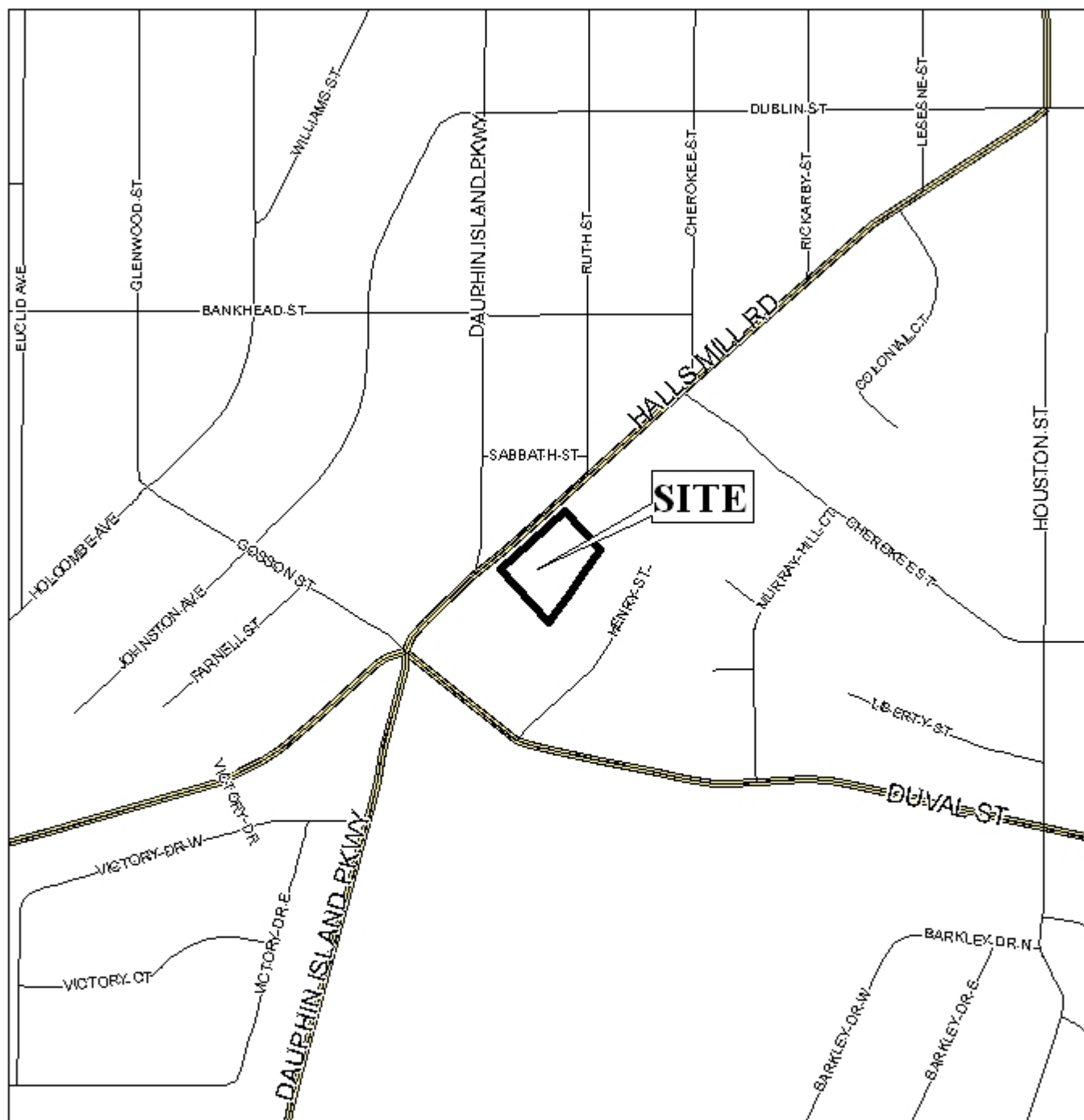
**Rezoning:** Based upon the preceding, the Rezoning request is recommended for Approval for B-2, Neighborhood Business District subject to the following conditions:

- 1) completion of the Subdivision process;
- 2) provision of a compliant 6' high privacy fence or 10' wide evergreen vegetative buffer adjacent to residentially zoned or utilized properties; and
- 3) full compliance with all municipal codes and ordinances, including landscaping and tree plantings.

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

- 1) illustrate and label the 25' minimum building setback;
- 2) retain the size of the lot in square feet and acres;
- 3) compliance with Engineering comments (*The following comments should be addressed prior to review, acceptance and signature by the City Engineer: 1. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes). 2. Provide a signature block and signature from the Traffic Engineering Department. 3. Add a note to the Plat stating that storm water detention will be required for any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045).;*);
- 4) 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.*);
- 5) placement of a note on the Final Plat limiting the lot to one curb cut to Halls Mill Road, with the size, design, and location of the curb-cut to be approved by Traffic Engineering and conform to AASHTO standards; and
- 6) placement of a note on the Final Plat stating that approval of all applicable federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities.

# LOCATOR MAP



APPLICATION NUMBER 24 & 25 DATE February 7, 2013  
 APPLICANT The Broadway Group, LLC  
 REQUEST Subdivision, Rezoning from R-1 and B-2 to B-3



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Businesses are located to the north of the site. Single-family residences are located to the east of the site. A medical clinic is located to the west of the site.

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LEGEND 

|     |     |     |     |     |     |     |     |      |     |     |     |     |     |     |
|-----|-----|-----|-----|-----|-----|-----|-----|------|-----|-----|-----|-----|-----|-----|
| 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 |
|-----|-----|-----|-----|-----|-----|-----|-----|------|-----|-----|-----|-----|-----|-----|

N  
NTS



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N  
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# SITE PLAN



The site plan illustrates the proposed development

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N  
 NTS