

**REZONING, PUD &
SUBDIVISION STAFF REPORT****Date: May 19, 2005****APPLICANT NAME**Cypress Equities Southeast, L.L.C.
(John Farrow, Agent)**DEVELOPMENT NAME**

Cypress Equities Subdivision

LOCATION6575 Airport Boulevard
(South side of Airport Boulevard, 2/10 mile± West
of Hillcrest Road).**CITY COUNCIL
DISTRICT**

District 6

PRESENT ZONING

R-1, Single-Family Residential

PROPOSED ZONING

B-3, Community Business

AREA OF PROPERTY

19.8± Acres 4 Lots

CONTEMPLATED USECommercial Subdivision with Retail Sales and
Professional Offices

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

The reason for rezoning provided by the applicant reads as follows:

“Due to the Commercial growth in the this area with the on going development of Providence Hospital Complex, the shopping center at Airport Boulevard and Foreman Road and other various commercial sites along Hillcrest Road and Airport Boulevard, the proposed use is needed. Since the property is currently zoned R-1, it would be needed to be rezoned to B-3 for the proposed development.”

TIME SCHEDULE

Immediate

**ENGINEERING
COMMENTS**

Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit.

TRAFFIC ENGINEERING**COMMENTS**

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. The proposed traffic signal and intersection improvements on Airport Boulevard should be performed by the applicant. In addition, the western median opening should be redesigned to allow access only to and from the north side of Airport Boulevard. The addition of this signal will exacerbate the need to coordinate the signal on Airport Boulevard between Hillcrest Road and Cody Road.

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). Preservation status is to be given to the 60" Live Oak Tree located on the North side of Lot 2 and the 60" Live Oak Tree located on the South side of Lot 4. Any work on or under these trees is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger. All Live Oak Trees 24" DBH and larger require permits from Urban Forestry prior to pruning or removal.

FIRE DEPARTMENT**COMMENTS**

All commercial projects shall comply with the 2003 International Fire Code and Appendices B through G as adopted by the City of Mobile on July 6, 2004. All One- or Two-Family residential developments shall comply with Appendices B, C, and D of the 2003 International Fire Code as adopted by the City of Mobile on July 6, 2004. May require private fire hydrants on property. May require approved automatic sprinkler system.

REMARKS

The applicant is proposing development of the site in question as a commercial complex for restaurants, retail, and professional offices, with shared parking and access. As the site is currently zoned R-1, single-family residential and consists of a single parcel, rezoning and subdivision approvals are required. Planned Unit Development (PUD) approval is required to allow the shared parking and access between the multiple building sites.

The Zoning Ordinance states that an amendment for rezoning is appropriate only when one or more of the following conditions prevail: there is a manifest error in the ordinance; changes in conditions in a particular area make a change in the ordinance necessary and desirable; an increased need for business or industrial sites in addition to sites that are available, make it necessary and desirable to rezone an area or extend the boundaries of an existing district; the subdivision of land into urban building sites makes reclassification necessary and desirable.

The applicant refers to the changing conditions (increased commercialization) in the area as the justification for rezoning. This area has undergone significant changes in the last

several years. The existing zoning pattern in the immediate vicinity (B-1 and B-3 properties to the West, R-3 and B-2 properties to the East, and an R-1 property to the South), and the development and continued expansion of the Providence Hospital Complex and affiliated uses, as well as the other commercial uses along Airport Boulevard and Hillcrest Road clearly illustrate the changes and commercial nature of immediate vicinity.

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.

The site is located on Airport Boulevard, a major street on the city's Major Street Plan; therefore, access to Airport Boulevard is a concern. The plan as submitted indicates three access points to Airport Boulevard, one of which will require a new median cut and signalization. A fourth access point to the site is from the service road adjacent to the West. Based upon comments from the Traffic Engineering Department, additional modifications to the existing median cut (West side of the site) will be necessary as a result of this development). All of these improvements should be completed prior to the issuance of any Certificates of Occupancy within the proposed development.

A viable alternative to some of the median modifications that would be necessary may be the continuation of the existing service road and service road rights-of-ways to the East and West. This would allow the main entrance and median cut as proposed, but may not necessitate the additional median modifications if slip ramp access points are provided at the East and West sides of the development.

The plan appears to meet the general locational requirements for PUD approval. However, as submitted, the plan does not reflect the provision of buffering where the proposed development abuts residential properties (along the South property line and a portion of the east property line). Therefore, if approved, the provision of an 8' privacy fence should be required.

With regard to the proposed subdivision, two of the four lots are "flag" lots. The Subdivision Regulations state that the depth of a lot should be no more than three and one-half times the width of the lot. While the "flag" lots technically exceed that recommendation, PUD approval will allow the development to function as a single building site. Therefore, a waiver of Section V.D.3 would be appropriate. With that waiver, the plat meets the minimum requirements of the Subdivision Regulations.

RECOMMENDATION

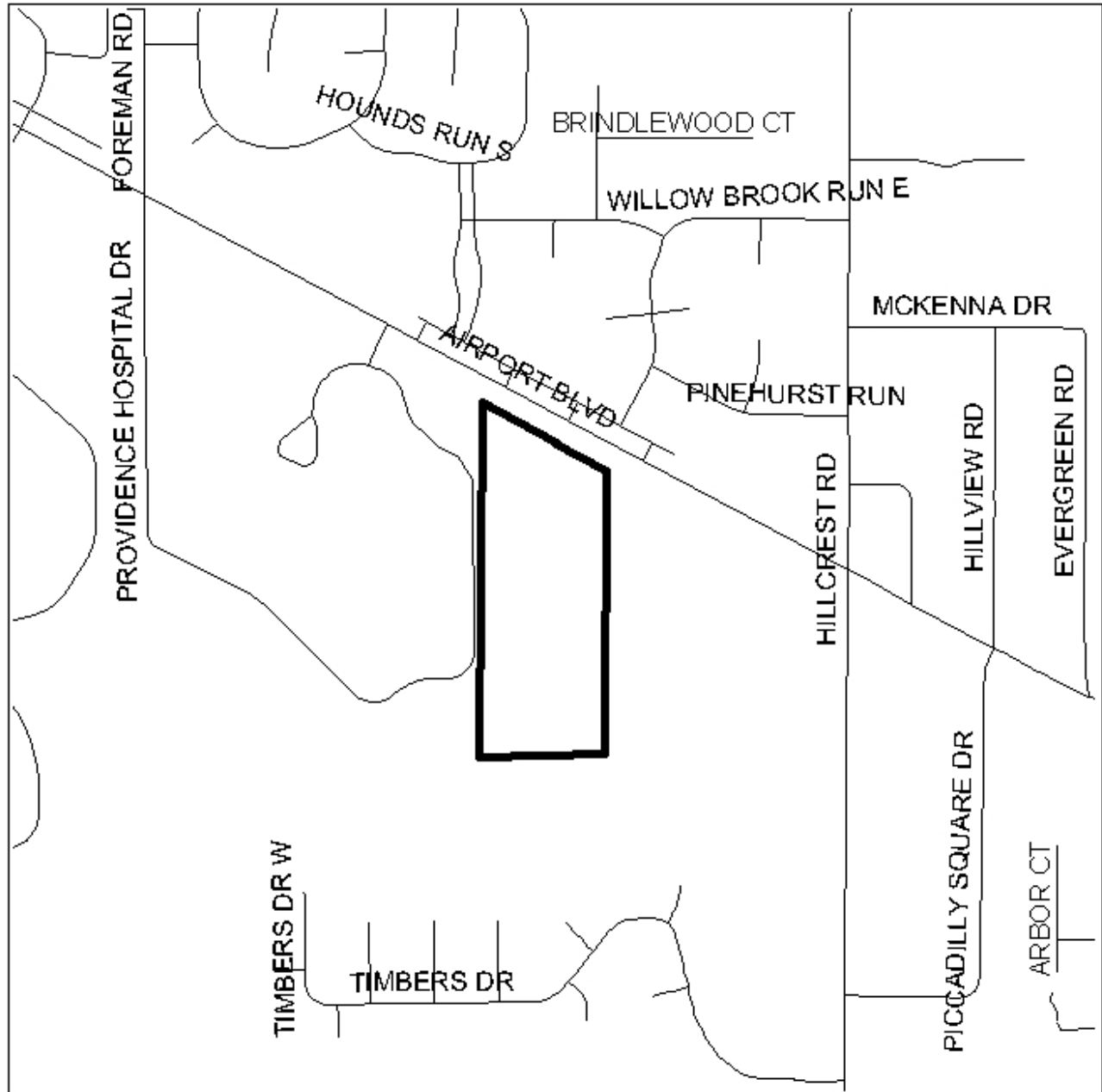
Rezoning: based on the preceding, this application is recommended for Tentative Approval subject to the following conditions: 1)

development limited to the accompanying PUD; 2) provision of an 8' privacy fence along the South and East property lines, where the site abuts residential properties; and 3) full compliance with all municipal codes and ordinances.

Planned Unit Development: 1) intersection improvements (including signalization) and median modifications, as recommended by Traffic Engineering, to be completed prior to the issuance of any Certificates of Occupancy; 2) completion of the rezoning and subdivision processes; 3) provision of an 8' privacy fence along the South and East property lines, where the site abuts residential properties; and 4) full compliance with all municipal codes and ordinances.

Subdivision: With a waiver of Section V.D.3, the plat will meet the minimum requirements of the Subdivision Regulations and is recommended for Tentative Approval, subject to the following conditions: 1) intersection improvements (including signalization) and median modifications, as recommended by Traffic Engineering, to be completed prior to the issuance of any Certificates of Occupancy; and 2) development limited to the accompanying PUD.

LOCATOR MAP

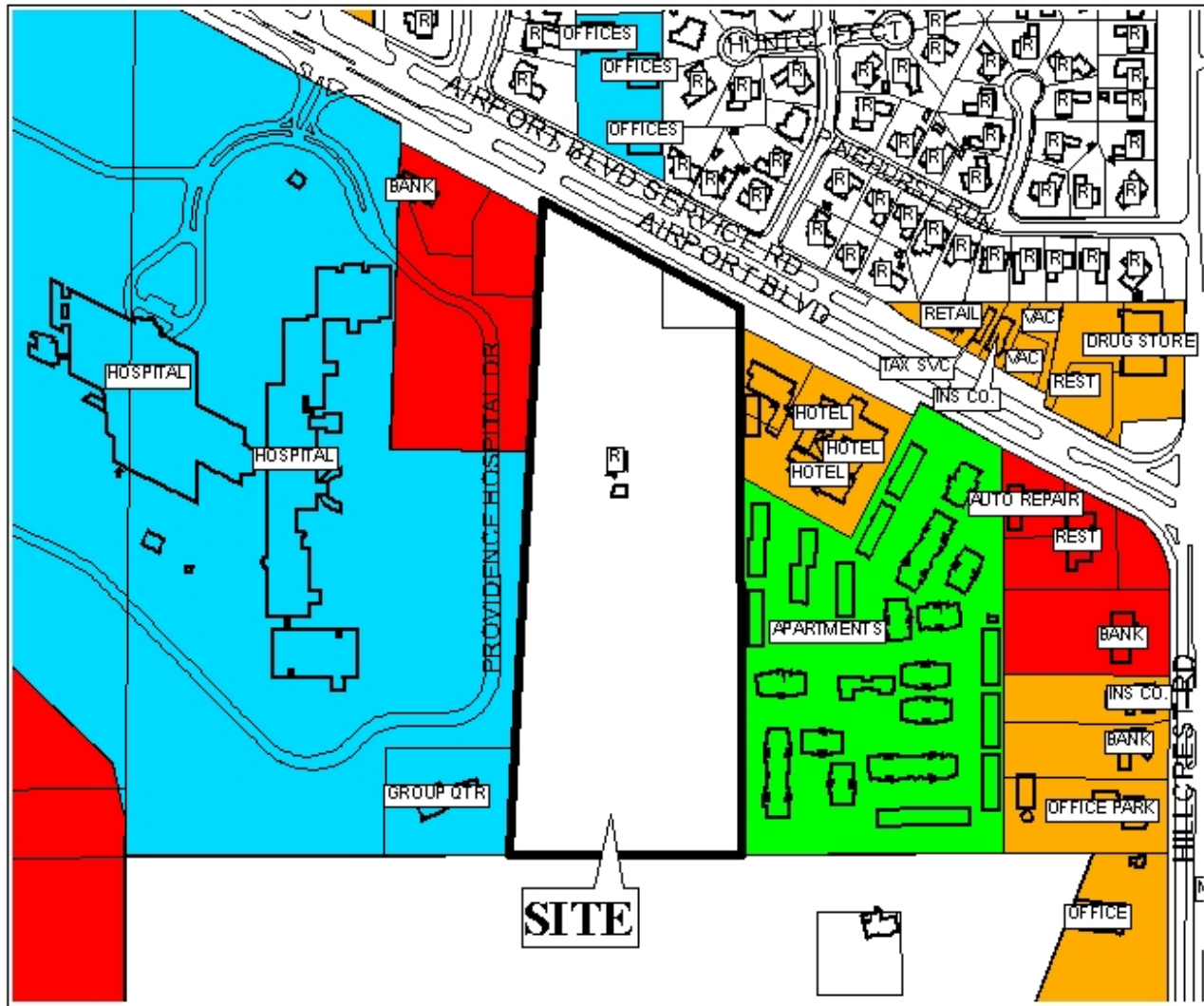


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REQUEST Rezoning, PUD, Subdivision



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



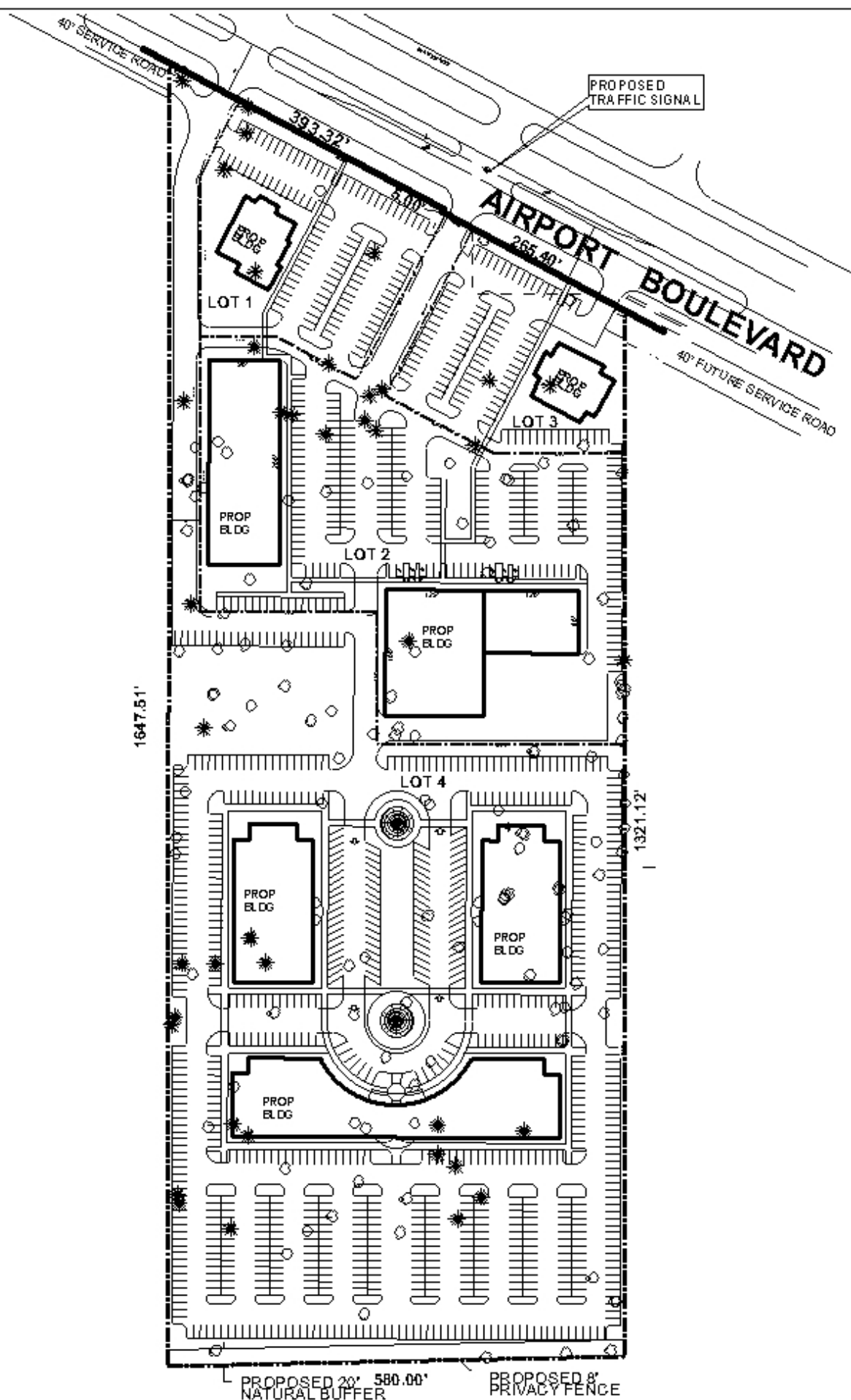
Located to the North of the site are miscellaneous offices and single family residential dwellings; to the East is a hotel and multiple family residential dwellings. Located to the South of the site is an office; to the West is a hospital.

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LEGEND



SITE PLAN



The site is located on the South side of Airport Boulevard, 2/10 mile West of Hillcrest Road.
The plan illustrates The proposed subdivision, buildings, and parking.

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