SUBDIVISION
& ZONING AMENDMENT   Date: October 20, 2016

APPLICANT NAME   John Lawler

SUBDIVISION NAME   Airport-University Subdivision

LOCATION   254, 256, 260 and 264 Dogwood Drive
                            (Southwest corner of Airport Boulevard and Dogwood
                            Drive extending to the Southeast corner of Airport
                            Boulevard and South University Boulevard)

**CITY COUNCIL
DISTRICT**   District 5

PRESENT ZONING   R-1, Single-Family Residential District

PROPOSED ZONING   LB-2, Limited-Neighborhood Business District

AREA OF PROPERTY   1 Lot / 3.1 ± Acres

CONTEMPLATED USE   Subdivision approval to create 1 lot, and Zoning approval
                            to rezone the site from R-1, Single-Family Residential, to
                            LB-2, Limited-Neighborhood Business.
                            **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**   Decree by Circuit Court.

REMARKS

The site was last before the Planning Commission at its August 20, 2015 meeting, where the
Planning Commission denied the Zoning and Subdivision requests. The Zoning request was
appealed to City Council and not heard.

Consequently, the applicant appealed the decisions to Mobile County Circuit Court, which issued
a summary judgement on September 27, 2016, as follows:

> *Under either test "the substantial relationship rule" or the "fairly debatable rule",
> Plaintiffs' application to rezone their property from R-1, Single Family Residential to LB-
> 2, Limited Neighborhood Business District in order to allow commercial use of their
> property is due to be granted. The Court finds that the City's denial of rezoning and the*

Commission's denial of Plaintiffs' resubdivision were both clearly arbitrary, capricious, and had no substantial relation to the public health, safety or welfare.

The Court finds that the rezoning of Plaintiffs' property from R-1, Single Family Residential to LB-2, Limited Neighborhood Business and the resubdivision of Plaintiffs' four lots into one legal lot of record with appropriate safeguards will not cause harm to the health, safety, morals, or general welfare of the community, and that Plaintiff's' request for rezoning and resubdivision are not fairly debatable.

It is therefore ORDERED, ADJUDGED and DECREED:
1. *The Defendants' Motion for Summary Judgment is DENIED.*
2. *The Plaintiffs' Motion for Summary Judgment is GRANTED.*
3. *The Defendant City of Mobile is ORDERED to approve the Plaintiffs' application and rezone their property LB-2.*
4. *The Defendant City of Mobile Planning Commission is ordered to approve the Plaintiffs' request to resubdivide their four lots in to one legal lot of record subject to requirements of a Planned Unit Development.*
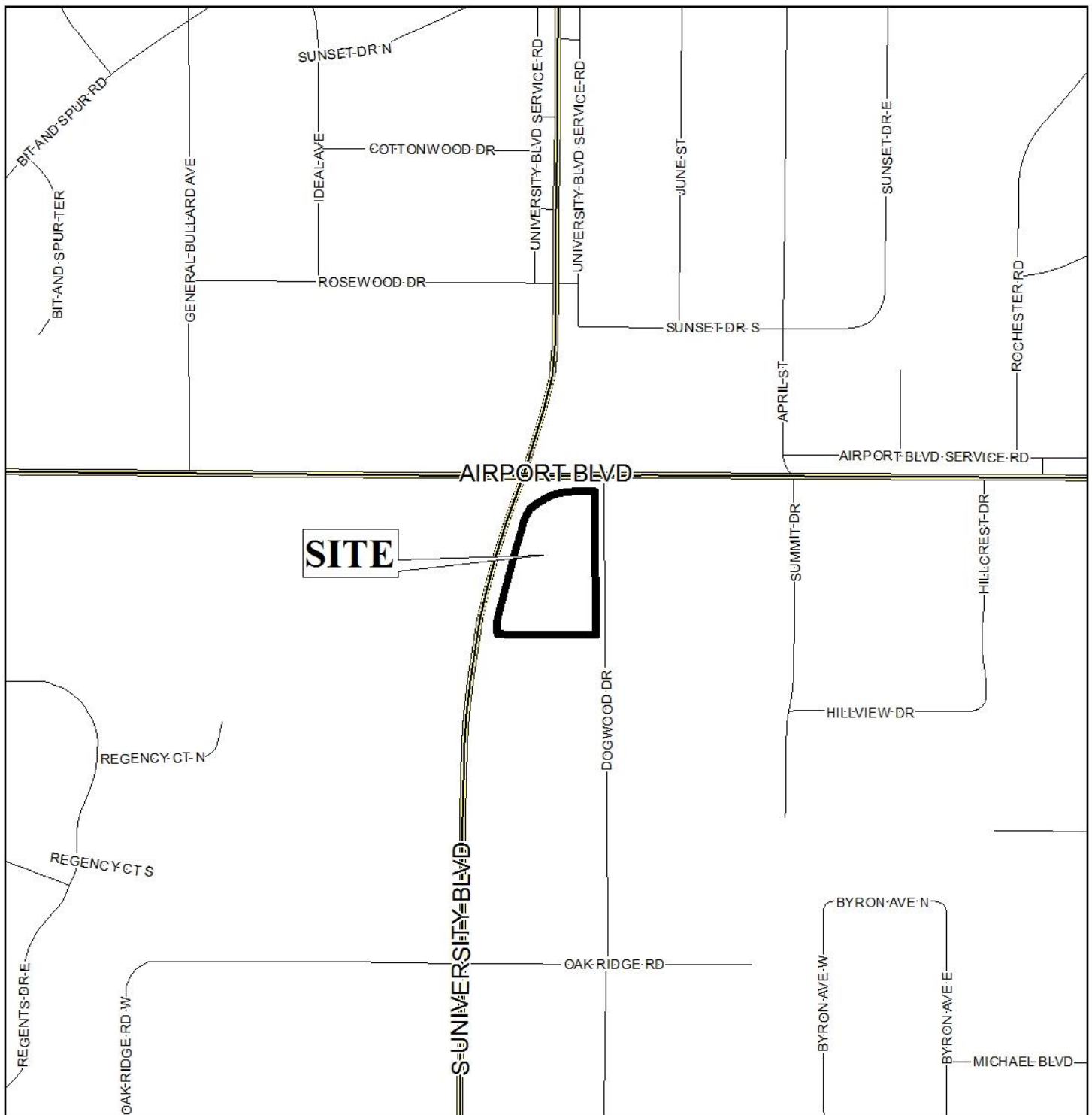
RECOMMENDATION

Subdivision: Pursuant to Judge Stout's Order of September 27, 2016, the Subdivision request is recommended for Tentative Approval, subject to the following condition:

1) Placement of a note on the Final Plat stating that development of the property is subject to an approved PUD prior to submission for any permits for development of the property.

Rezoning: Pursuant to Judge Stout's Order of September 27, 2016, the Rezoning request is recommended for Approval, subject to the following condition:

1) Development limited to an approved PUD prior to submission for any permits for development of the property.

LOCATOR MAP

BIT-AND-SPUR-RD

BIT-AND-SPUR-TER

SUNSET-DR-N

GENERAL-BULLARD-AVE

IDEAL-AVE

COTTONWOOD-DR

ROSEWOOD-DR

UNIVERSITY-BLVD-SERVICE-RD

UNIVERSITY-BLVD-SERVICE-RD

JUNE-ST

SUNSET-DR-E

SUNSET-DR-S

APRIL-ST

ROCHESTER-RD

AIRPORT-BLVD-SERVICE-RD

AIRPORT-BLVD

SITE

SUMMIT-DR

HILLCREST-DR

DOGWOOD-DR

HILLVIEW-DR

REGENCY-CT-N

REGENCY-CT-S

REGENTS-DR-E

S-UNIVERSITY-BLVD

OAK-RIDGE-RD-W

OAK-RIDGE-RD

BYRON-AVE-N

BYRON-AVE-W

BYRON-AVE-E

MICHAEL-BLVD

APPLICATION NUMBER <u>Other Business</u> DATE <u>October 20, 2016</u>	N
APPLICANT <u>Airport-University Subdivision</u>	
REQUEST <u>Subdivision, Rezoning from R-1 to LB-2</u>	NTS

LOCATOR ZONING MAP
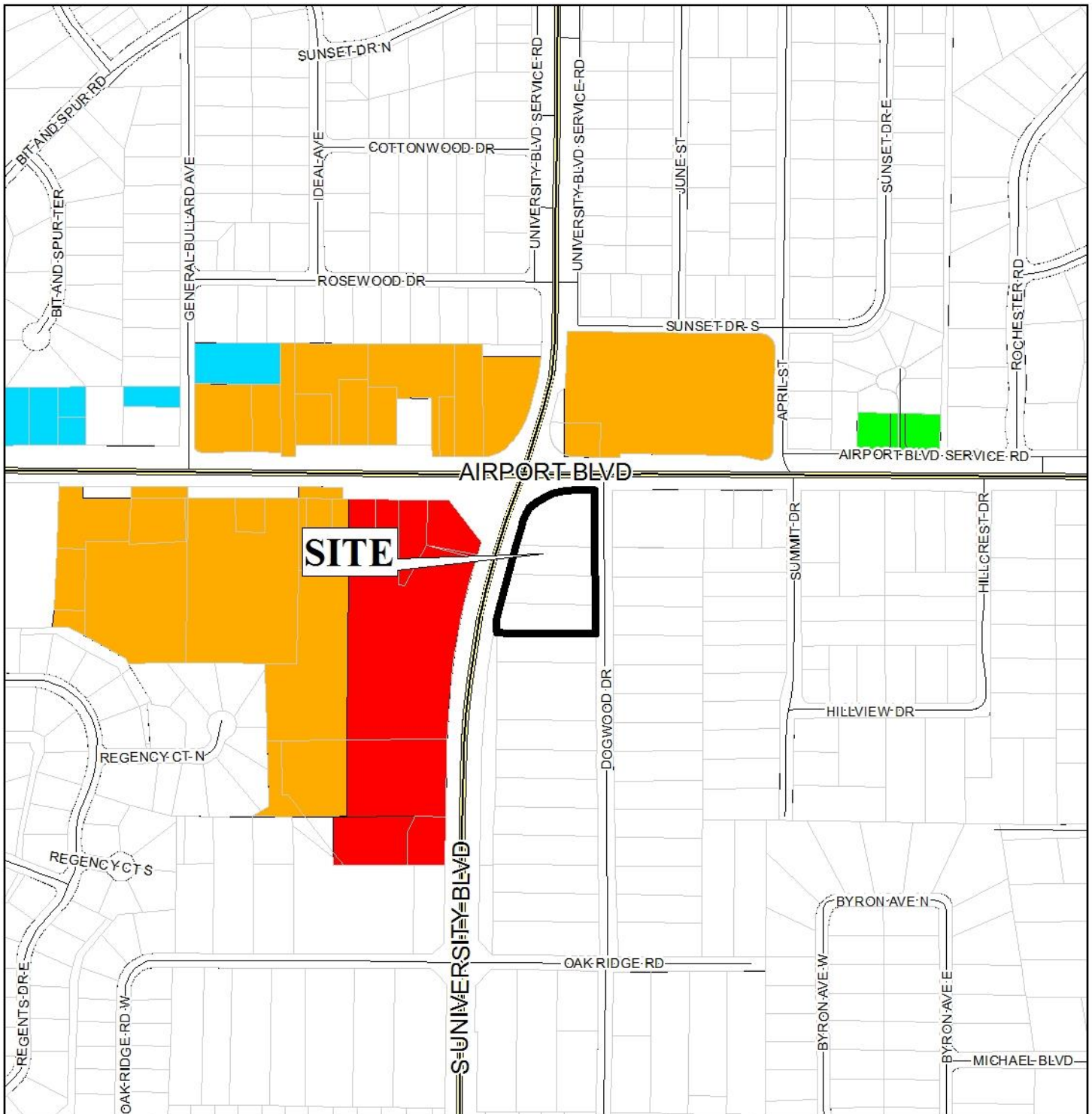
SUNSET DR N

BIT AND SPUR RD

BIT AND SPUR TER

GENERAL BULLARD AVE

IDEAL AVE

COTTONWOOD DR

UNIVERSITY BLVD SERVICE RD

UNIVERSITY BLVD SERVICE RD

JUNE ST

SUNSET DR E

ROCHESTER RD

ROSEWOOD DR

SUNSET DR S

APRIL ST

AIRPORT BLVD SERVICE RD

AIRPORT BLVD

SITE

SUMMIT DR

HILLCREST DR

DOGWOOD DR

REGENCY CT N

HILLVIEW DR

REGENCY CT S

REGENTS DR E

OAK RIDGE RD W

S UNIVERSITY BLVD

OAK RIDGE RD

BYRON AVE N

BYRON AVE W

BYRON AVE E

MICHAEL BLVD

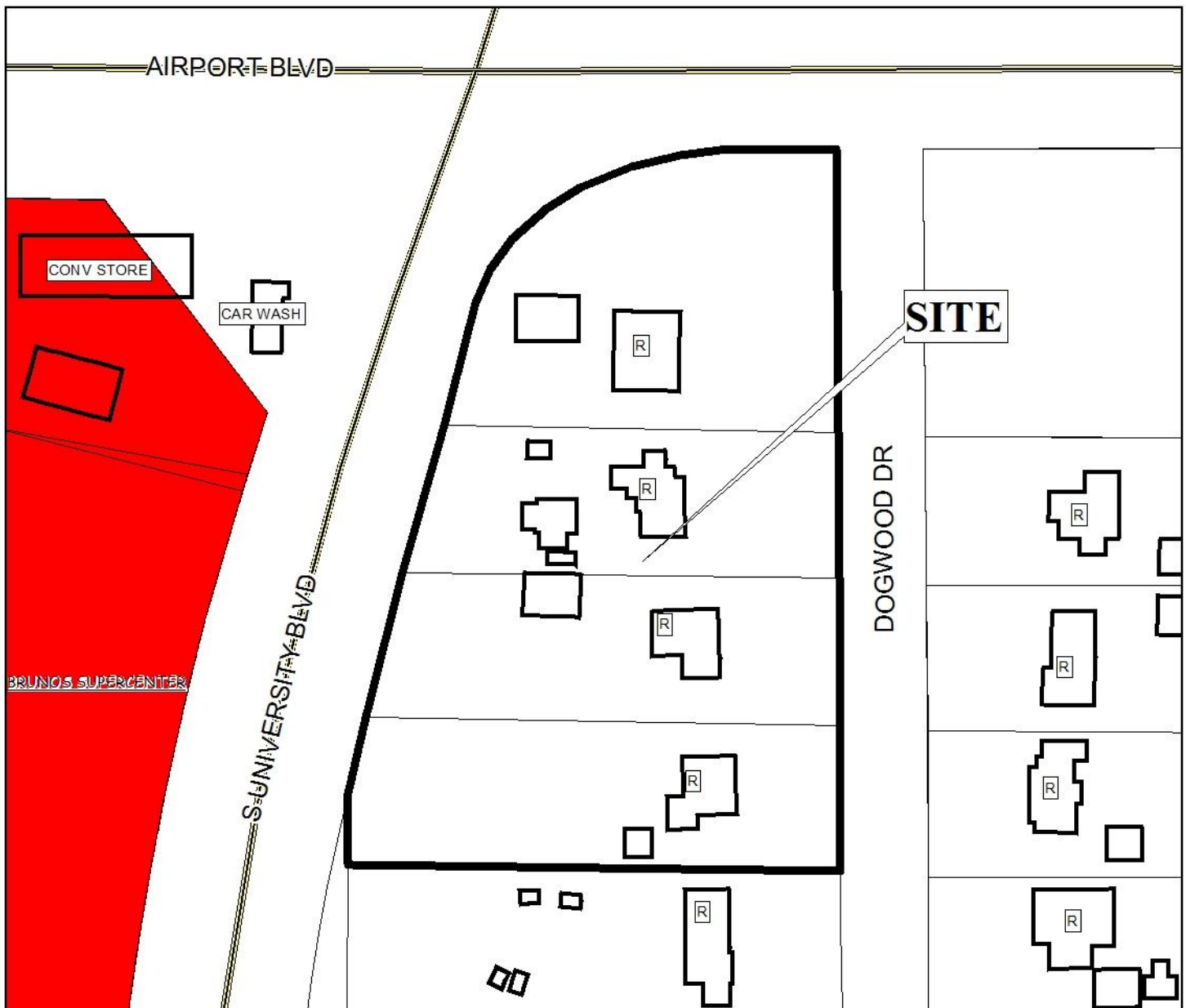| APPLICATION NUMBER | Other Business | DATE | October 20, 2016 |
| APPLICANT | Airport-University Subdivision |
| REQUEST | Subdivision, Rezoning from R-1 to LB-2 |

N

NTS

PLANNING COMMISSION
VICINITY MAP - EXISTING ZONING

AIRPORT BLVD

CONV STORE

CAR WASH

BRUNOS SUPERCENTER

S UNIVERSITY BLVD

DOGWOOD DR

R

R

R

R

R

R

R

R

R

SITE

The site is surrounded by commercial units to the west and residential units to the east.

APPLICATION NUMBER __Other Business__ DATE __October 20, 2016__

APPLICANT _____Airport-University Subdivision_____

REQUEST _____Subdivision, Rezoning from R-1 to LB-2_____

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	

N

NTS

PLANNING COMMISSION
VICINITY MAP - EXISTING AERIAL

AIRPORT BLVD

S UNIVERSITY BLVD

DOGWOOD DR

The site is surrounded by commercial units to the west and residential units to the east.

APPLICATION NUMBER _Other Business_ DATE _October 20, 2016_

APPLICANT _____ Airport-University Subdivision

REQUEST _____ Subdivision, Rezoning from R-1 to LB-2

N

NTS