



THE CITY OF MOBILE, ALABAMA
MOBILE CITY PLANNING COMMISSION

LETTER OF DECISION

May 29, 2018

Clark, Geer, Latham & Associates, Inc.
3901 Spring Hill Avenue
Mobile, AL 36608

Re: 2955 & 2989 Dauphin Street
(Southeast corner of Dauphin Street and South Sage Avenue).
Council District 1
PUD-000449-2018
Robert Myers

Dear Applicant(s)/ Property Owner(s):

At its meeting on May 17, 2018, the Planning Commission considered a Planned Unit Development Approval for an application to allow shared access between two lots.

After discussion, the Planning Commission the Commission determined the following findings of fact:

1. In 2008, the subject property was zoned R-1. The owner applied for a rezoning, a PUD, and a re-subdivision. The application indicated that Lot 2 — the lot that is the subject of the current PUD application — would be used for a Bank.
2. Notices of Public Hearing before the Planning Commission were then sent to adjacent property owners residing within 300 feet of the subject property. Those notices were as follows:
 - (a) February 22, 2008 letter. This letter references a “Rezoning from R-1, Single-Family Residential, to B-2, Neighborhood Business, to allow a bank, drug store, and unspecified commercial uses.”

This letter also stated:

It should be noted, however, that any use permitted in the zoning district would be allowed at this location if the zoning is changed. Furthermore, the Planning

Robert Myers PUD
May 29, 2018

Commission, during this public hearing, may consider zoning classifications other than that sought by the applicant for this property.

Finally, the letter stated:

While your presence is not required, this notice is to advise you of the meeting so that you may attend; and if you wish, present your views concerning this application to the Planning Commission.

(b). April 8, 2008 letter.

The public hearing that had been scheduled for March 20, 2008, which was the subject of the February 22 letter, was heldover to May 15, 2008. This second letter provided notice of that May 15 public hearing. This letter references a "Rezoning from R-1, Single-Family Residential, to B-2, Neighborhood Business, to allow a bank, drug store, and LB-2, Limited-Neighborhood Business, to allow unspecified commercial uses."

The letter also stated:

While your presence is not required, this notice is to advise you of the meeting so that you may attend; and if you wish, present your views concerning this application to the Planning Commission.

3. Agenda for the Commission's May 15, 2008, meeting indicated that the rezoning from R-1 to B-2 was "to allow a bank and drug store." At the meeting, the Commission approved the re-subdivision, approved the PUD, and approved the rezoning. The rezoning was subject to the following condition:

- 2) limited to an approved PUD, as may be required to be amended.

4. When the rezoning reached the City Council, a public hearing was scheduled for July 22, 2008. Notices were sent to adjacent property owners which stated:

Mobile City Council on Tuesday, July 22, 2008, at 10:30 a.m., the Mobile Government Plaza Auditorium, 205 Government Street, will consider the application of Graf Dairy to rezone property located at the southeast corner of Dauphin Street and South Sage Avenue, extending to the west terminus of Hilburn Drive, from R-1, Single-Family Residential District, to B-2, Neighborhood Business District, to allow a bank and drug store, and rezoning from R-1, Single-Family Residential District, to LB-2, Limited Neighborhood Business, for unspecified commercial uses.

Our records indicate that you own property in this vicinity. This notice is being sent to you as a courtesy to notify you of this pending rezoning so that you might be present to speak in favor of or against this application, if you so desire. Please note that this application will not rezone your property.

Robert Myers PUD
May 29, 2018

For further information, please call my office at (251) 208-7414.

5. The subject property was rezoned from R-1 to B-2 by the City Council pursuant to the adoption of Ordinance 64 - 049 at its meeting on July 22, 2008. The Ordinance conditioned the rezoning on several conditions, including "2) limited to an approved PUD, as may be required to be amended."
6. The notice requirements established by State law (the required legal advertising) and by City ordinance (the mailing of notice to owners of property within a 300 foot radius of the subject property) are mandatory and strict compliance is required.
7. The letter notifications sent to adjacent property owners in 2008 provided notification that the subject property was to be rezoned R-1 to B-2 "to allow a bank and drug store." The only uses discussed in the application and in the notices that were mailed were "a bank and drug store," and consequently the notices did not alert adjacent property owners who might have opposed other uses permitted in a B-2 zone, such as a car wash.
8. Sufficient compliant notice was provided that the rezoning from R-1 to B-2 was "to allow a bank and drug store." The rezoning to B-2 thus permitted the property to be used for "a bank and drug store," and the rezoning is limited to those specific uses.
9. The use as a car wash is not allowed by the rezoning Ordinance, # 64-049.

Based on these findings, the Commission denied this request for Planned Unit Development approval.

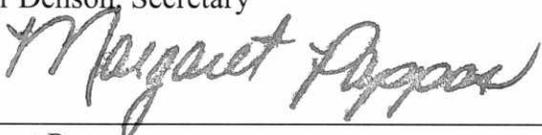
If you have any questions regarding this action, please call this office at 251-208-5895.

Sincerely,

MOBILE CITY PLANNING COMMISSION

Ms. Jennifer Denson, Secretary

By: _____


Margaret Pappas
Deputy Director of Planning and Zoning

cc: Casey Pipes
Robert Myers