

**REZONING,
PLANNED UNIT DEVELOPMENT
& SUBDIVISION STAFF REPORT**

Date: March 20, 2008

APPLICANT NAME

Graf Dairy, LLC

DEVELOPMENT NAME

Graf Dairy Subdivision

SUBDIVISION NAME

Graf Dairy Subdivision

LOCATION

Subdivision and PUD

(Southeast corner of Dauphin Street and South Sage Avenue, extending to the West termini of Hilburn Drive, Exter Drive, and South Sherwood Drive).

Rezoning – R-3

East side of South Sage Avenue, ¼ mile± South of Dauphin Street, extending to the West termini of Exter Drive and South Sherwood Drive.

Rezoning – B-2

(Southeast corner of Dauphin Street and South Sage Avenue, extending to the West terminus of Hilburn Drive).

**CITY COUNCIL
DISTRICT**

District 1

AREA OF PROPERTY

4 Lots / 38.1± Acres

PRESENT ZONING

R-1, Single-Family Residential

PROPOSED ZONING

B-2, Neighborhood Business
R-3, Multi-Family Residential

CONTEMPLATED USE

Rezoning to B-2, Neighborhood Business, to allow a drug store, bank, and other unspecified commercial uses, and Rezoning to R-3, Multi-Family Residential, to allow a 76-unit residential condominium complex; Planned Unit Development Approval to allow multiple buildings on a single building site (condominium site), shared access between two building sites; and Subdivision approval to create 4 lots from a large metes and bounds parcel and individual lots of record.

**REASON FOR
REZONING**

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

The applications very simply state that the applicant is desirous of developing a condominium complex on lot 4 of the overall development, and commercial sites for lots 1-3.

**TIME SCHEDULE
FOR DEVELOPMENT**

Immediate for Lots 2,3 and 4

**ENGINEERING
COMMENTS**

Due to an existing undersized drainage system, Any stormwater discharge from the east side of the property will require, at a minimum, detention for a 100 year storm event with a 10 year storm event release rate. The receiving system must be analyzed to verify that there is enough capacity to receive the discharge and needs to be analyzed down to at least Ralston Rd. Discharge to the west (Sage Avenue drainage system) also requires analysis verifying that there is sufficient capacity to receive the discharge. Must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit. All runoff from the property needs to be collected on site and shall not discharge onto City of Mobile ROW.

**TRAFFIC ENGINEERING
COMMENTS**

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. A traffic impact study was received for this development. The impact study requires the driveway on Dauphin Street be a right in/right out only access and for a right turn lane on Sage Avenue to be constructed with this development. In consideration of the recommendations of the traffic impact study, left turn access to Dauphin Street is denied. The driveway should be redesigned as a right turn only access and a median strip should be constructed on Dauphin Street to prevent left turns into or from this development. The right turn lane on Sage Avenue should be constructed by the developer with final design to be approved by City of Mobile Traffic Engineering and Engineering Departments. An additional widening strip sufficient to lengthen the right turn lane or provide decal lanes to future development should be provided along the east property line.

**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 must comply with the requirements of the 2003 International Fire Code, including Appendices B through D, as adopted by the City of Mobile, and the 2003 International Existing Building Code, as appropriate.

REMARKS

The applicant has submitted two rezoning applications; one to allow a condominium development at the Southernmost 700'± (12± acres) of the site, and the other to allow commercial development – both immediate and future – on the remaining 26± acres. The applicant is also requesting Planned Unit Development approval to allow the 16 building condominium complex, and to permit the remaining three lots to be accessed via what appears to be a dedicated 40' service road along Dauphin Street, and have internal circulation between two of the three commercial lots. The Subdivision approval is required to create the four individual lots. The site is located in Council District 1, and according to the applicant is served by public water and sanitary sewer.

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 any changes to the site plan / Subdivision plat will require approval by the Planning Commission.

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.

This area is shown on the General Land Use component of the Comprehensive Plan as residential. However, the Comprehensive Plan is meant to be a general guide, not a detailed lot and district plan or mandate for development. The Planning Commission and City Council may consider individual cases based on additional information such as the classification requested, the surrounding development, the timing of the request and the appropriateness and compatibility of the proposed use and zoning classification.

A similar group application was presented to the Commission in 2007. After being heldover, the applicant ultimately withdrew the applications to have adequate time to revise plans and address some of the issues raised in the previous reports. The plans now before the Commission appear to have eliminated the private drive, reduced the number of lots, provide what appears to be a dedicated 40' parallel service road along a portion of the Dauphin Street frontage, reduced the number of condominium buildings and units, and provide access to the condominium development via Sage Avenue.

Many of the staff comments on the general aspects of the applications will remain unchanged, only those dealing with specific plan changes will be modified.

The site fronts onto Dauphin Street, a major street as shown on the Major Street Plan, and Sage Avenue, which while not designated as a collector street, definitely functions as one. Based on the site plan and subdivision plat the right-of-way for Dauphin Street appears to be a minimum of 50 feet from centerline, which if correct, means that the existing right-of-way is in compliance. However, given the function of Sage Avenue in this area, there is some concern that the existing 50' (minor street) right-of-way may not be adequate, especially given the potential of the proposed development. As indicated by Traffic Engineering comments, a revised traffic impact study has been provided and makes several recommendations relating to the overall development.

The impact study requires the driveway onto Dauphin Street be a right in/right out only access and for a right turn lane on Sage Avenue to be constructed with this development. In

consideration of the recommendations of the traffic impact study, left turn access to Dauphin Street would be denied. The driveway will have to be redesigned as a right turn only access and a median strip should be constructed on Dauphin Street to prevent left turns into or from this development. The right turn lane on Sage Avenue should be constructed by the developer with final design to be approved by City of Mobile Traffic Engineering and Engineering Departments.

An additional widening strip sufficient to lengthen the right turn lane and provide decel lanes to the condominium development as well as the future commercial development should be provided along the entire west property line (decal/turn lane for the condominium development should be constructed with the condominium development, with decal/turn lane construction for the remaining commercial property to be in conjunction with development of the property).

The plans submitted do not reflect dedications necessary to accommodate the findings of the Traffic Impact study. These dedications will necessitate adjustments to all site plans as submitted.

The Zoning Ordinance states that an amendment or 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.

In general, the applicant states that the reason for rezoning is to allow a condominium development on the proposed R-3 site, and commercial development on the proposed B-2 sites.

The application indicates that proposed Lots 2 and 3 will be used for a Bank and Drug Store respectively, but does not provide any specifics regarding use of the other commercial lot. While some uses that may locate in a retail or commercial center require B-2 zoning, many would be allowed in an LB-2 district. In fact, several new developments have opted for the slightly more restrictive LB-2, Limited Neighborhood Business, in order to afford a little more protection to neighboring residential properties.

There are concerns relating to the proposed development(s) as submitted; some can be addressed with specificity, while others cannot due to the scale of the drawings submitted. This report will attempt to address as many of those concerns as possible.

It should also be noted that future development of Lot 1 may require an amendment to this PUD, if approved.

The proposed parking areas contain more than 10 spaces. Lighting for the parking areas must comply with Section 64-6.A.3.c. of the Zoning Ordinance, *Lighting*, which states that *"if they contain ten (10) or more cars, lighting shall be provided and maintained during their operation, and shall be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic."*

There is no indication on the site plan (with the exception of Lots 2 and 4) as to the proposed location of any dumpster or other waste storage facility. If the applicant utilizes a dumpster, the

location of the storage area for the dumpster must be indicated on the site plan, and the location and required screening must comply Section 64-4.D.9. of the Zoning Ordinance, as well as with all other applicable regulations. Additionally, there is no indication on the site plan as to the proposed location of any mail kiosk. This is one point that the applicant may want to pursue with the USPS, because traversing the private property to access the condominiums may be an issue. Locations of dumpsters and mail kiosks are important in PUD review in that their location may impact traffic circulation as indicated on the plan submitted.

A sidewalk along Dauphin Street will be required as part of the development, if approved, as will any necessary repairs to the sidewalk along Sage Avenue (or construction of new if dedication and/or roadway improvements are required). The site plan should be revised to show both sidewalks.

The individual lots appear to have adequate area to meet the minimum overall requirements for landscape area, as required by the Zoning Ordinance. There may, however, be some concern regarding compliance of Lot 4 with the requirement that 60% of the required landscaping be located between the buildings and the street. Also, the site plan does not show specific compliance with the tree requirements of the Ordinance, which will be required as the individual lots are developed.

The plan illustrates a buffer strip (ranging from 5' to 10') along the South and East property lines, where the site abuts residential properties.

There are notes on the plans submitted that appear to relate to the previous applications and are in direct conflict with the site plans as submitted. Further, the notes address issues that should be illustrated on the plan and not addressed via a note.

The plans do not include any information regarding building height or window walls for the condominium development. This information is vital in that it specifically relates to building spacing requirements.

Finally, the approved Subdivision plat must be recorded prior to completion of the Zoning process.

RECOMMENDATION

Subdivision: Based upon the preceding, this application is recommended for Holdover until the April 17 meeting to allow the applicant to address issues as noted in the staff report. Revised drawings and information must be submitted no later than March 26.

Rezoning: Based upon the preceding, this application is recommended for Holdover until the April 17 meeting to allow the applicant to address issues as noted in the staff report. Revised drawings and information must be submitted no later than March 26.

Planned Unit Development: Based upon the preceding, this application is recommended for Holdover until the April 17 meeting to allow the applicant to address issues as noted in the staff report. Revised drawings and information must be submitted no later than March 26.

REVISED for the May 15 meeting

The application was heldover at the applicant's request prior to the April 17 meeting to allow modifications such as increasing the number of lots from four to five, and modifying the rezoning request to reduce the amount of B-2 significantly, and include an area of LB-2; as well to as address points raised in the original staff report.

Traffic Engineering Comments, while similar to the original comments, have been modified. Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Final approval for all driveways, proposed and existing will be given upon submittal of final plans. A traffic impact study was received for this development. The impact study requires the west driveway on Dauphin Street be a right in/right out only access, left turn access from to and from Dauphin Street should be from a new median cut that is in line with east driveway and service road, and for a right turn lane on Sage Avenue to be constructed with this development. In consideration of the recommendations of the traffic impact study, left turn access to Dauphin Street is denied for the west driveway. The driveway should be redesigned as a right turn only access and a median strip should be constructed on Dauphin Street to prevent left turns into or from this development. The right turn lane on Sage Avenue should be constructed by the developer with final design to be approved by City of Mobile Traffic Engineering and Engineering Departments. An additional widening strip sufficient to lengthen the right turn lane or provide decal lanes to future development should be reserved along the east property line.

The applicant submitted the following as justification for the rezoning: The subject property should be rezoned pursuant to the pending applications due to the changing conditions in the subject area, which make a change in the ordinance necessary and desirable for the entire community. The subject property is a very large parcel surrounded by residential, commercial, and public properties. This rezoning calls for B-2 Zoning along the busy right-of-ways of Dauphin Street and Sage Avenue, and residential (R-3) for the southern part of the property, which abuts residential. In between the B-2 and R-3, we will have L-B2 Zoning, which is intended and designed for this type of intersection and which is a good buffer for the residential properties in the area. Although this property has been zoned R-1 for decades, it was used for commercial purposes for much of that time (a dairy farm). With commercial development both along Dauphin Street and Sage Avenue, growth in this particular area justifies and makes necessary and desirable this type of rezoning.

While the proposed commercial developments at the corner of Dauphin Street and Sage Avenue remain as originally submitted, there have been some modifications to the layout of the condominium development proposed for Lot 4. The buildings have been reconfigured to create "quads" or common areas between several of the buildings. The plan also shows what appear to be covered and uncovered parking spaces in front of each unit; however, there are no labels, tags or legend to define exactly what is what.

Also, again, there is no reference to building height of the condominium units or window walls. This information is generally required to ensure compliance with spacing requirements. While the information is not specifically noted on the plan, it appears that the reconfiguration of the layout will adequately address this issue and provide the proper spacing. The only possible

concern is relative to the “end” buildings for each “quad”. Again, it appears that the spacing is adequate.

Additionally, the access has been modified to a boulevard style entrance with a turn lane from Sage Avenue. Based on the plan submitted, it is difficult to determine if right-of-way for the proposed turn lane is to be dedicated, or if the turn lane is to be built within private property (as well as the sidewalk along Sage Avenue). Additionally, there had been discussion that access to the condominium development was to be gated. The plan submitted does not illustrate the location of any such gate (except at the emergency access point on the South end of the property).

Recommendation: Subdivision: based on the preceding, it is recommended that this application be granted Tentative Approval subject to the following conditions:

1. dedication of a widening strip sufficient to lengthen the right turn lane and provide decel lanes to the condominium development as well as the future commercial development be provided along the entire west property line (decal/turn lane for the condominium development should be constructed with the condominium development, with decal/turn lane construction for the remaining commercial property to be in conjunction with development of the property);
2. dedication of an appropriate radius at the intersection of Save Avenue and Dauphin Street, to be coordinated with Engineering and Traffic Engineering, but at a minimum to comply with Section V.D.6 of the Subdivision Regulations;
3. In consideration of the recommendations of the traffic impact study, left turn access to Dauphin Street is denied for the west driveway. The driveway should be redesigned as a right turn only access and a median strip should be constructed on Dauphin Street to prevent left turns into or from this development.
4. placement of a note on the final plat stating that the two 66” oak trees are given preservation status (All work under the canopies is to be permitted and coordinated with Urban Forestry, removal to be permitted by Urban Forestry only in the case of disease or impending danger), and if any modifications to the landscaped island are needed to help preserve the tree, they should be Coordinated with Urban Forestry;

Rezoning: Based upon the preceding, the recommendation will be broken into recommendations based upon zoning classifications.

Rezoning of Lot 4 from R-1 to R-3, based on the preceding, this application is recommended for Approval, subject to the following conditions:

1. completion of the subdivision process (recording of the final plat) prior to completion of the rezoning process;
2. limited to an approved PUD, as may be required to be amended;
3. must comply with the requirements of the 2003 International Fire Code, including Appendices B through D, as adopted by the City of Mobile, and the 2003 International Existing Building Code, as appropriate. Fire hydrants shall comply with Section 508.5.1 of the 2003 IFC. Dead ends shall comply with Table D105.1 of the 2003 IFC;
4. full compliance with all municipal codes and ordinances.

Rezoning of Lots 2 and 3 from R-1 to B-2, based on the preceding, it is recommended that this rezoning be recommended for approval subject to the following conditions:

- 1. completion of the subdivision process (recording of the final plat) prior to completion of the rezoning process;*
- 2. limited to an approved PUD, as may be required to be amended;*
- 3. must comply with the requirements of the 2003 International Fire Code, including Appendices B through D, as adopted by the City of Mobile, and the 2003 International Existing Building Code, as appropriate. Fire hydrants shall comply with Section 508.5.1 of the 2003 IFC. Dead ends shall comply with Table D105.1 of the 2003 IFC;*
- 4. full compliance with all municipal codes and ordinances.*

Rezoning of lots 1 & 5 from R-1 to LB-2, based on the preceding, it is recommended that this rezoning be recommended for approval subject to the following conditions:

- 1. completion of the subdivision process (recording of the final plat) prior to completion of the rezoning process;*
- 2. limited to an approved PUD, as may be required to be amended;*
- 3. must comply with the requirements of the 2003 International Fire Code, including Appendices B through D, as adopted by the City of Mobile, and the 2003 International Existing Building Code, as appropriate. Fire hydrants shall comply with Section 508.5.1 of the 2003 IFC. Dead ends shall comply with Table D105.1 of the 2003 IFC;*
- 4. full compliance with all municipal codes and ordinances.*

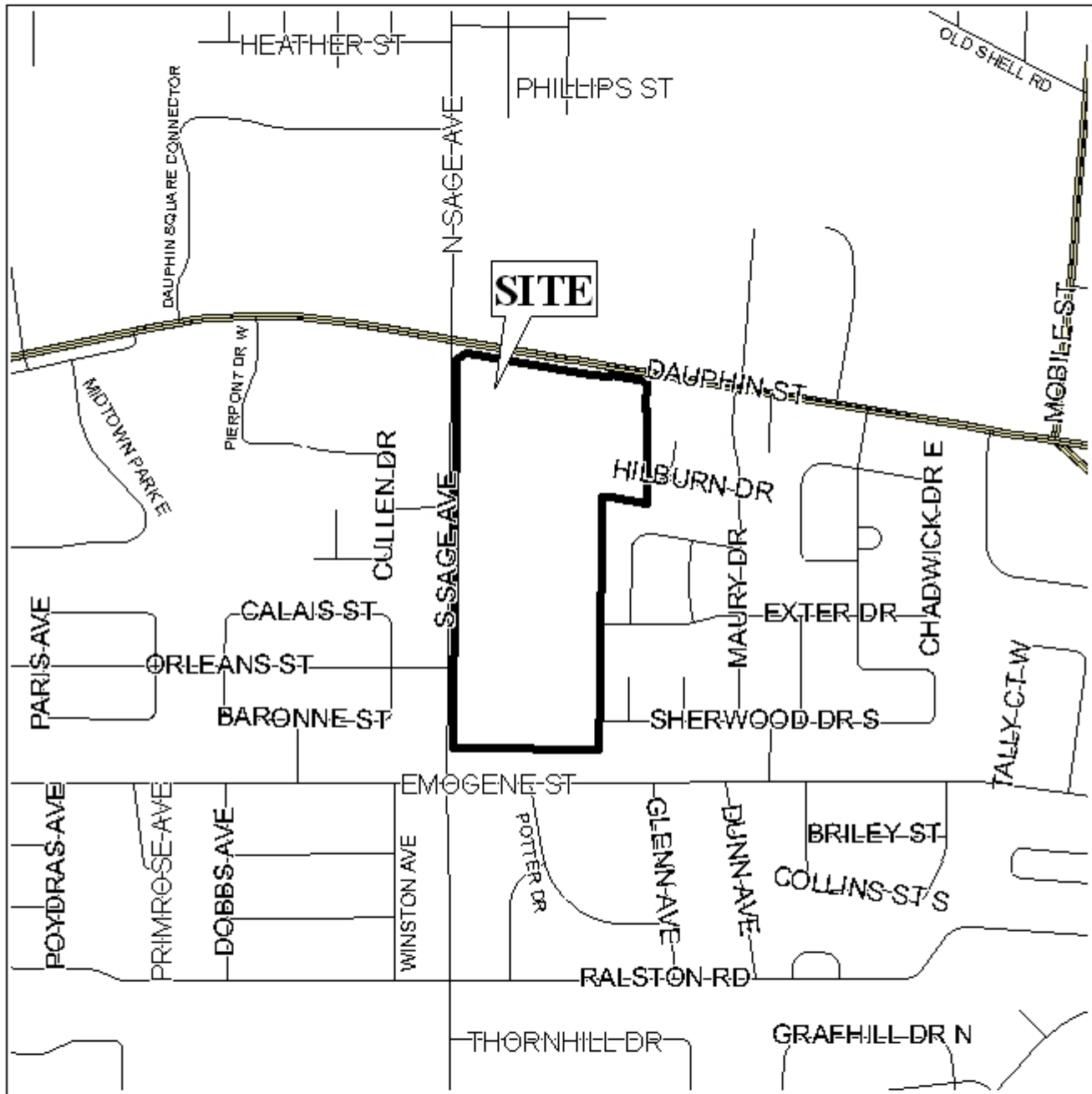
Planned Unit Development: *Based upon the preceding, this application is recommended for Approval, subject to the following conditions:*

- 1. completion of the subdivision process (recording of the final plat) prior to completion of the rezoning process;*
- 2. completion of the rezoning process prior to the issuance of any permits;*
- 3. provision of a natural buffer with a 6' high wooden privacy fence along the entire East property line, as shown on the plan submitted;*
- 4. Compliance with Fire Department Comments (must comply with the requirements of the 2003 International Fire Code, including Appendices B through D, as adopted by the City of Mobile, and the 2003 International Existing Building Code, as appropriate. Fire hydrants shall comply with Section 508.5.1 of the 2003 IFC. Dead ends shall comply with Table D105.1 of the 2003 IFC);*
- 5. Compliance with Traffic Engineering Comments (Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Final approval for all driveways, proposed and existing will be given upon submittal of final plans. A traffic impact study was received for this development. The impact study requires the west driveway on Dauphin Street be a right in/right out only access, left turn access from to and from Dauphin Street should be from a new median cut that is in line with east driveway and service road, and for a right turn lane on Sage Avenue to be constructed with this development. In consideration of the recommendations of the traffic impact study, left turn access to Dauphin Street is denied for the west driveway. The driveway should be*

redesigned as a right turn only access and a median strip should be constructed on Dauphin Street to prevent left turns into or from this development. The right turn lane on Sage Avenue should be constructed by the developer with final design to be approved by City of Mobile Traffic Engineering and Engineering Departments. An additional widening strip sufficient to lengthen the right turn lane or provide decal lanes to future development should be reserved along the east property line.);

6. *revision of the PUD plan to include placement of a note stating that the two 66" oak trees are given preservation status (All work under the canopies is to be permitted and coordinated with Urban Forestry, removal to be permitted by Urban Forestry only in the case of disease or impending danger), and if any modifications to the landscaped island are needed to help preserve the tree, they should be Coordinated with Urban Forestry;*
7. *approval of gate locations for ingress/egress to Lot 4;*
8. *verification of spacing requirements for buildings on Lot4 (to be noted on the site plan)*
9. *verification/notation of parking spaces adjacent to the front of each condominium unit;*
10. *construction and repairs of sidewalks along Dauphin Street and Sage Avenue as necessary;*
11. *full compliance with all municipal codes and ordinances; and*
12. *submission of a revised site plan reflecting these conditions prior to the issuance of any permits.*

LOCATOR MAP



APPLICATION NUMBER 1, 2, 3, & 4 DATE May 15, 2008

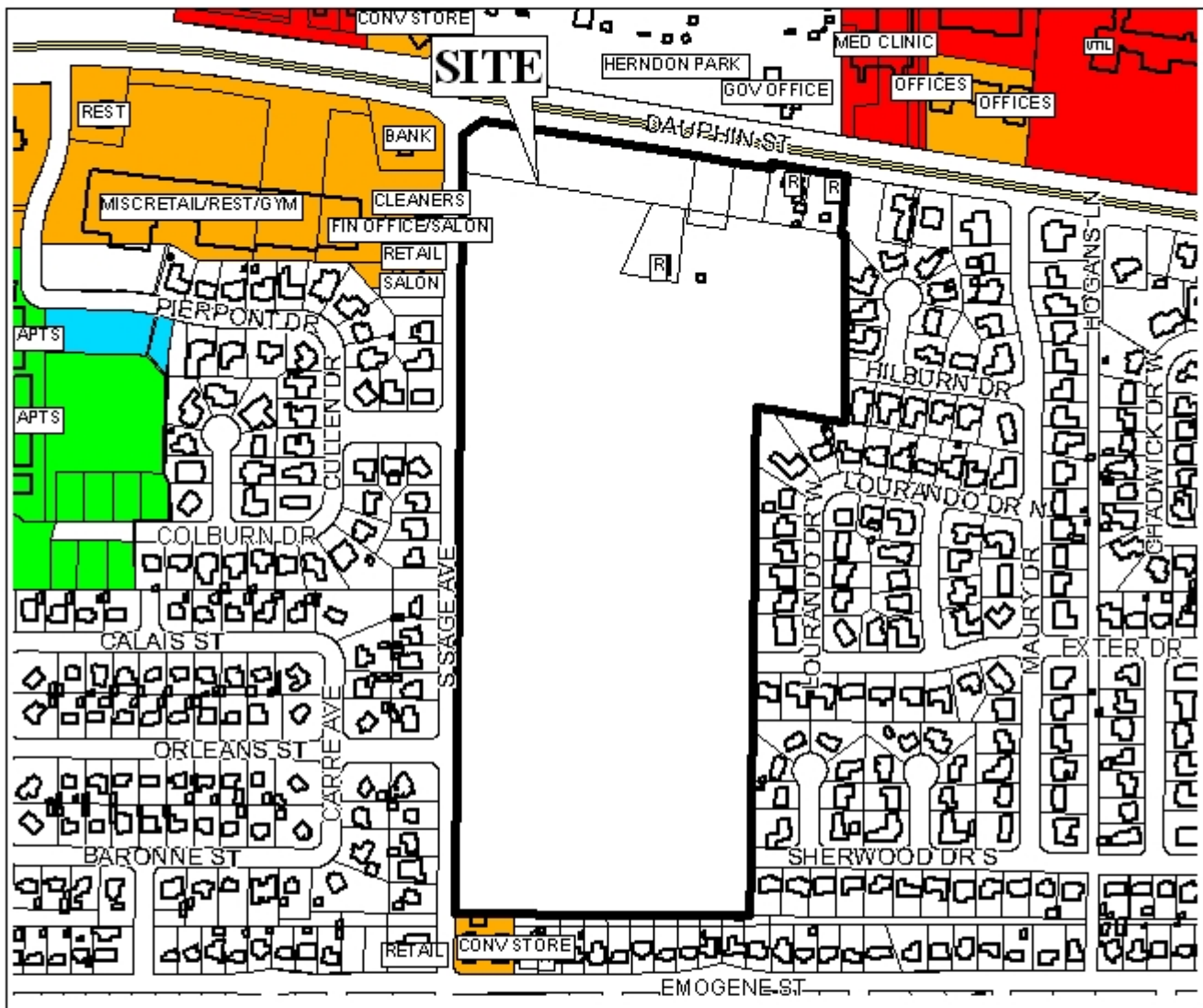
APPLICANT Graf Dairy, LLC

REQUEST Subdivision, PUD, Rezoning from R-1 to R-3, from R-1 to B-2, and from R-1 to LB-2



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



There are single family residential units to the east, west, and south of the site, and miscellaneous commercial use to the north, northwest and southwest.

APPLICATION NUMBER 1, 2, 3, & 4 DATE May 15, 2008

APPLICANT Graf Dairy Subdivision

REQUEST Subdivision, PUD, Rezoning from R-1 to R-3, from R-1 to B-2, and from R-1 to LB-2

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	NTS
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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



There are single family residential units to the east, west, and south of the site, and miscellaneous commercial use to the north, northwest and southwest.

APPLICATION NUMBER 1, 2, 3, & 4 DATE April 17, 2008

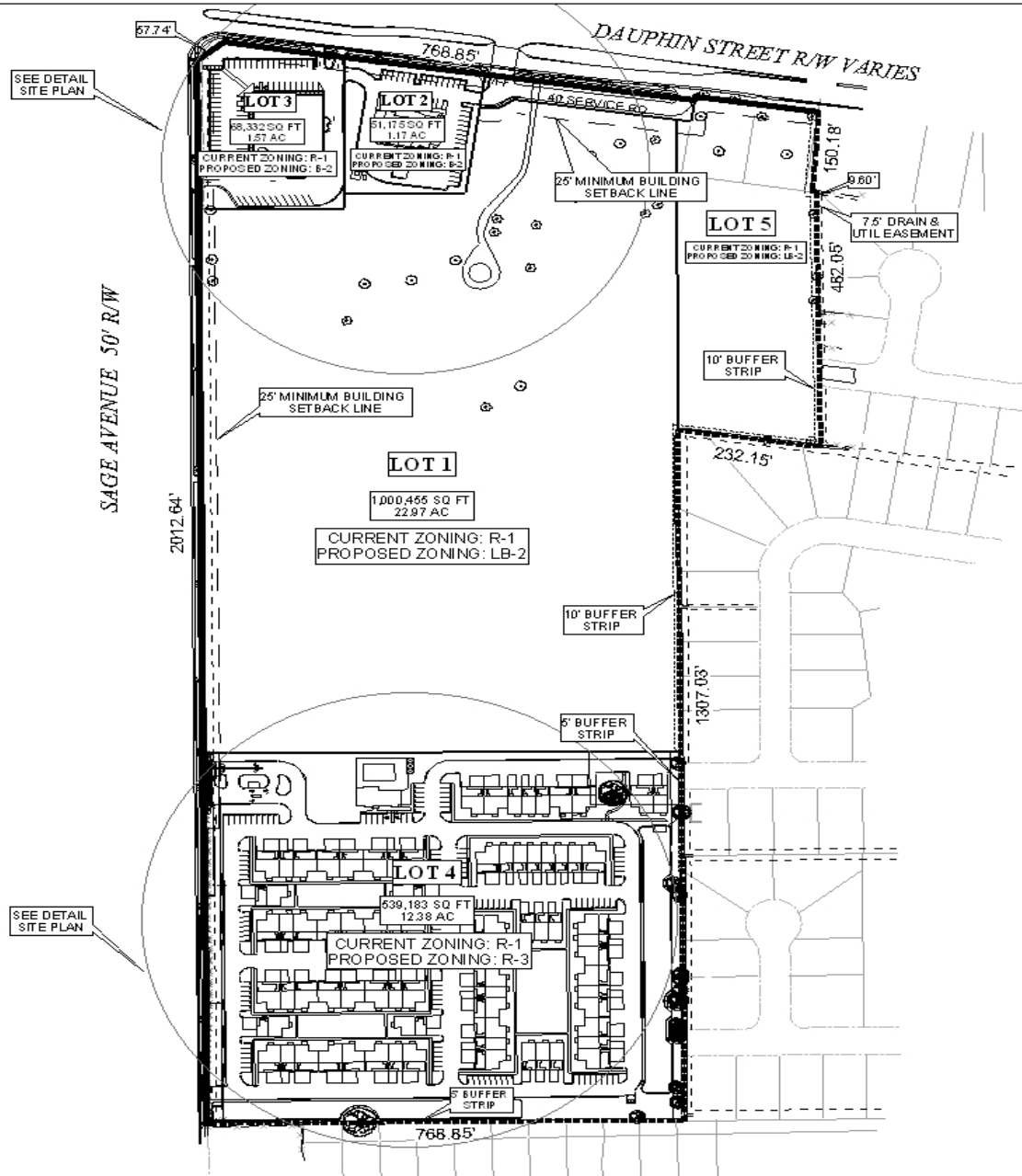
APPLICANT Graf Dairy Subdivision

REQUEST Subdivision, PUD, Rezoning from R-1 to R-3, from R-1 to B-2, and from R-1 to LB-2



NTS

SITE PLAN



The site plan illustrates the proposed lots, existing and proposed zoning, setbacks, and buffer strip.

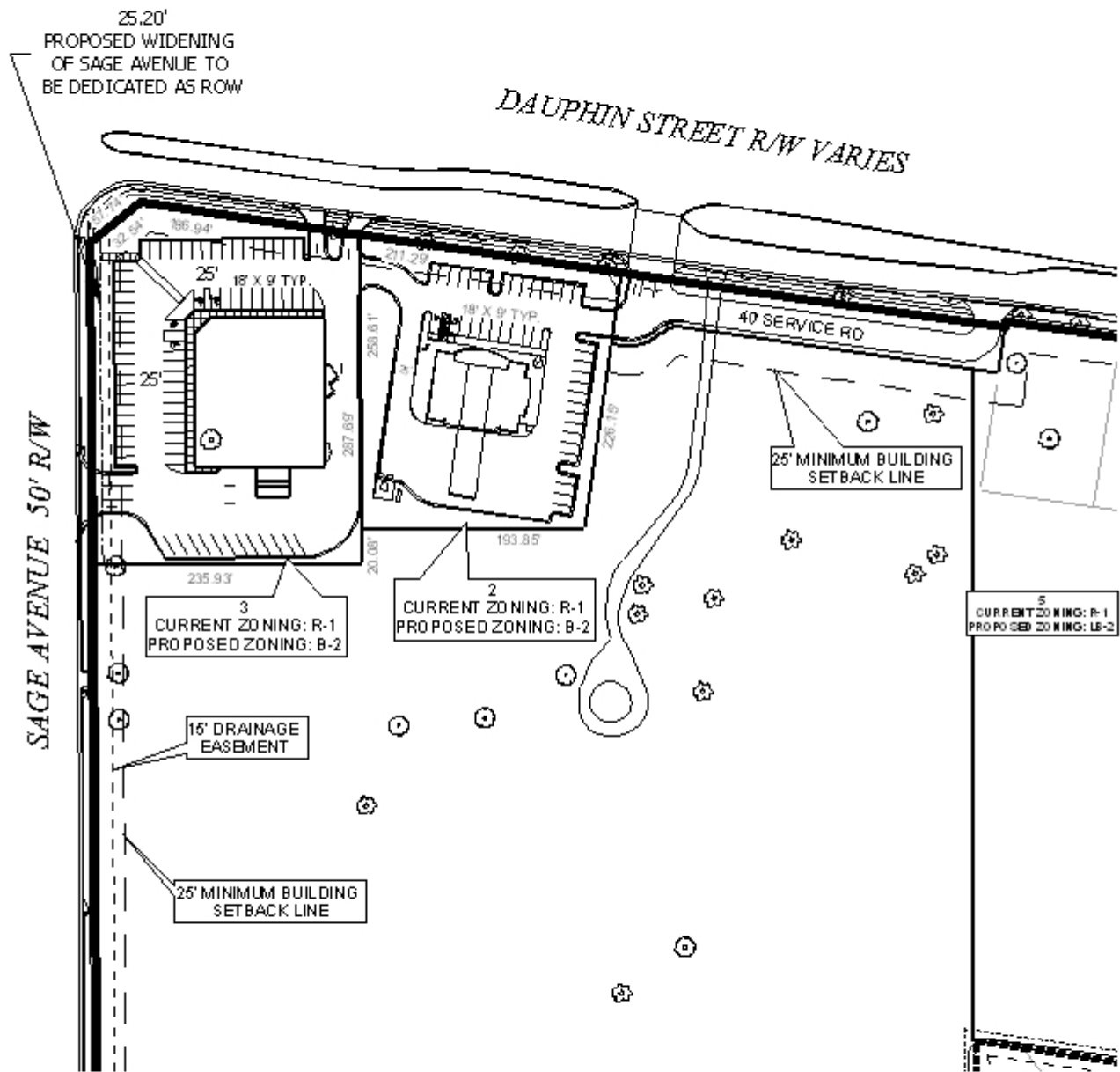
APPLICATION NUMBER 1, 2, 3, & 4 DATE May 15, 2008

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REQUEST Subdivision, PUD, Rezoning from R-1 to R-3, from R-1 to B-2, and from R-1 to LB-2



DETAIL SITE PLAN NO. 1



APPLICATION NUMBER 1, 2, 3, & 4 DATE May 15, 2008

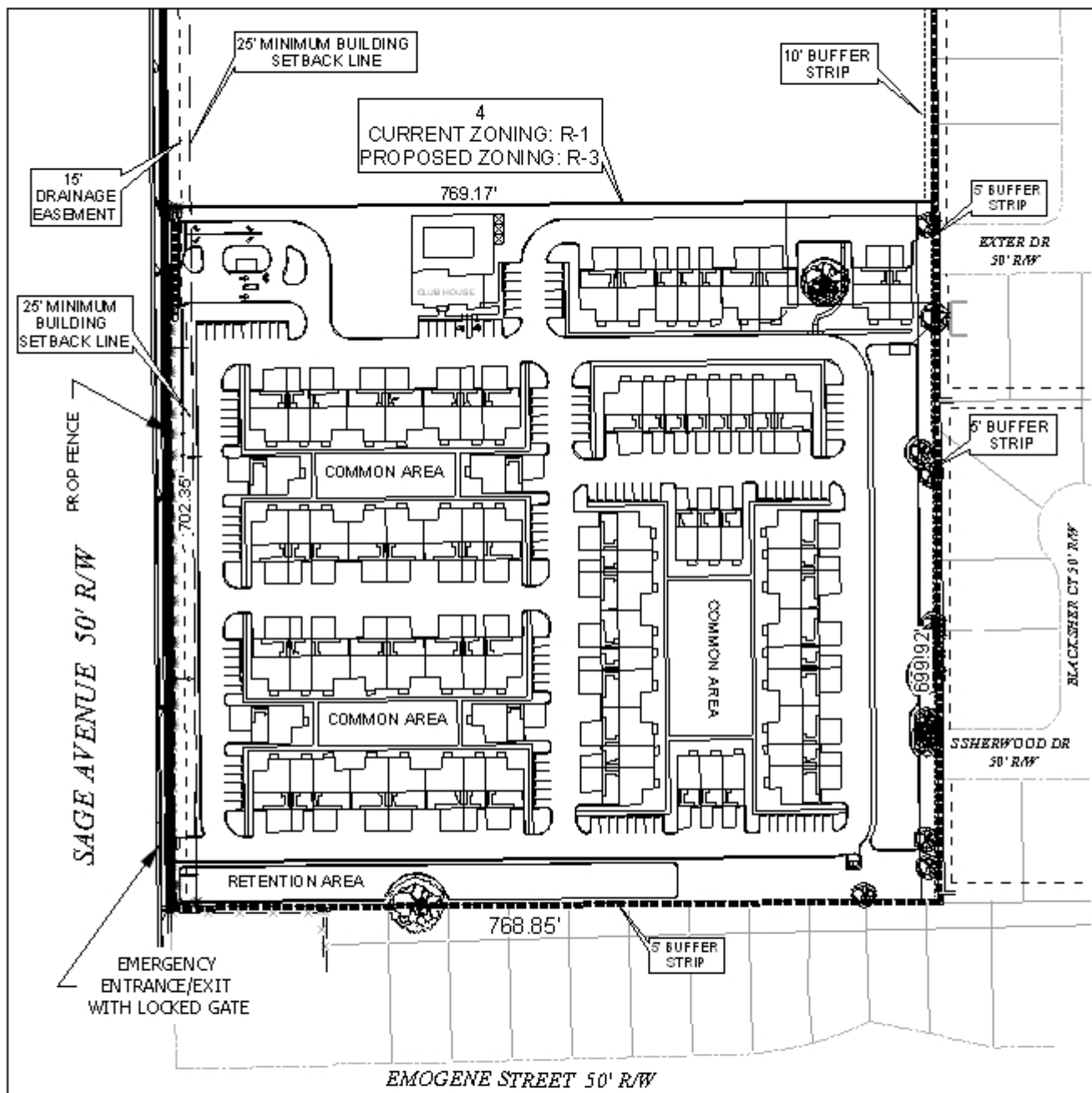
APPLICANT Graf Dairy, LLC

REQUEST Subdivision, PUD, Rezoning from R-1 to R-3, from R-1 to B-2, and from R-1 to LB-2



NTS

DETAIL SITE PLAN NO. 2



APPLICATION NUMBER 1, 2, 3, & 4 DATE May 15, 2008

APPLICANT Graf Dairy, LLC

REQUEST Subdivision, PUD, Rezoning from R-1 to R-3, from R-1 to B-2, and from R-1 to LB-2



NTS