

**SUBDIVISION &
ZONING AMENDMENT STAFF REPORT****Date: May 4, 2023****NAME**

Gerald Byrd

SUBDIVISION NAME

Napoleon Subdivision

LOCATION1408 Saint Stephens Road and 212 North Lafayette Street
(Northeast corner of North Lafayette Street and Saint
Stephens Road).**CITY COUNCIL
DISTRICT**

District 2

PRESENT ZONINGB-2, Neighborhood Business District and R-1, Single Family
Residential District**PROPOSED ZONING**

B-2, Neighborhood Business District

AREA OF PROPERTY

1 Lot / 0.5± Acres

CONTEMPLATED USE

Subdivision approval to create one (1) legal lot of record from two (2) metes-and-bounds parcels; and Rezoning from B-2, Neighborhood Business District and R-1, Single Family Residential District to B-2, Neighborhood Business District. **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.**

**TIME SCHEDULE
FOR DEVELOPMENT**

None provided

**ENGINEERING
COMMENTS**

Subdivision: FINAL PLAT COMMENTS (should be addressed prior to submitting the FINAL PLAT for review and/or signature by the City Engineer):

- A. Provide all of the required information on the SUBDIVISION PLAT (i.e. signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings and distances) that is required by the current Alabama State Board of Licensure for Professional Engineers and Land Surveyors.

- B. Check the bearing and distance for the north line of the proposed subdivision. The plan view shows two (2) different bearings along the line but the written description lists one (1) bearing. The north line also contains reference to a capped rebar that was found.
- C. Dedicate the corner radius (25' minimum or as approved by the City Engineer and Traffic Engineer) at the SW corner of LOT A to the City of Mobile, and list the amount of dedicated acreage in sf and acres.
- D. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer.
- E. Provide the Surveyor's Certificate.
- F. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 28 - #72) LOT A will receive historical credit of existing (1984) impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control) as follows: LOT A – 4,000 sf.
- G. Add a note that a Land Disturbance permit will be required for any land disturbing activity in accordance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.
- H. Add a note that the approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit.
- I. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of new development or construction, unless a sidewalk waiver is approved.
- J. Add a note that all existing and proposed detention facilities, common areas, and wetlands shall be the responsibility of the Property Owner(s), and not the responsibility of the City of Mobile.
- K. Add a note that all easements shall remain in effect until vacated through the proper Vacation process.
- L. Email a pdf copy of the FINAL SUBDIVISION PLAT and LETTER OF DECISION to the Permitting Engineering Dept. for review at land.disturbance@cityofmobile.org prior to obtaining any signatures. No signatures are required on the drawing.

Rezoning:

- 1. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Permitting Department (251-208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII).
- 2. A Land Disturbance Permit application shall be submitted for any proposed land disturbing activity with the property. A complete set of construction plans including, but not limited to, drainage, utilities, grading, storm water detention systems and paving will need to be included with the Land Disturbance permit. This Permit must be submitted, approved, and issued prior to beginning any of the construction work.
- 3. Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance with Mobile City Code, Chapter 17, Storm Water Management

and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.

4. Any existing or proposed detention facility shall be maintained as it was constructed and approved. The Land Disturbance Permit application for any proposed construction includes a requirement of a Maintenance and Inspection Plan (signed and notarized by the Owner) for the detention facility. This Plan shall run with the land and be recorded in the County Probate Office prior to the Engineering Department issuing their approval for a Final Certificate of Occupancy.
5. The approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. The Owner/Developer is responsible for acquiring all of the necessary permits and approvals.
6. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

TRAFFIC ENGINEERING

COMMENTS

Lot is limited to no more than its existing curb cuts with any changes in number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Any required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in the City's Zoning Ordinance.

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 [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.

FIRE DEPARTMENT

COMMENTS

All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2021 International Fire Code). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.

REMARKS

The applicant is requesting Subdivision approval to create one (1) legal lot of record from two (2) metes-and-bounds parcels; and Rezoning from B-2, Neighborhood Business District and R-1, Single Family Residential District to B-2, Neighborhood Business District.

The site has been given a Mixed Density Residential (MxDR) land use designation, per the Future Land Use Plan and Map, adopted on May 18, 2017 by the Planning Commission. The Future Land Use Plan and Map complements and provides additional detail to the Development Framework

Maps in the Map for Mobile, adopted by the Planning Commission at its November 5, 2015 meeting.

This designation applies mostly to residential areas located between Downtown and the Beltline, where the predominant character is that of a traditional neighborhood laid out on an urban street grid.

These residential areas should offer a mix of single family homes, townhouses, 2- to 4- residential unit buildings, accessory dwellings, and low- and mid-rise multifamily apartment buildings. The density varies between 6 and 10 dwelling units per acre, depending on the mix, types, and locations of the housing as specified by zoning.

Like Low Density Residential areas, Mixed Density Residential areas may incorporate compatibly scaled and sited complementary uses such as neighborhood retail and office uses, schools, playgrounds and parks, and churches and other amenities that create a complete neighborhood fabric and provide safe and convenient access to daily necessities.

It should be noted that the Future Land Use Plan and Map components of the Map for Mobile Plan are meant to serve as a general guide, not a detailed lot and district plan. In many cases the designation on the new Future Land Use Map may match the existing use of land, but in others the designated land use may differ from what is on the ground today. As such, the Future Land Use Plan and Map 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, where applicable, the zoning classification.

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 site has frontage on Saint Stephens Road and North Lafayette Street. Saint Stephens Road is a principal arterial road, per the Major Street Plan and as such, should have a minimum right-of-way of 100-feet. The preliminary plat depicts an existing right-of-way of 50-feet. However, ALDOT has completed a study along St. Stephens Road and there is no desire by ALDOT to require 100 feet of right of way in this location. Based on the ALDOT study, the existing right of way is adequate along the property's Saint Stephens Road frontage. North Lafayette Street is a minor street with curb and gutter, and has an existing compliant right-of-way of 50-feet, making no dedications necessary.

The lot size is labeled on the preliminary plat in acres and square feet. If approved, this information should remain on the Final Plat, adjusted for any dedication.

Regarding access management, a note should be placed on the Final Plat stating the Traffic Engineering comments, if approved.

The property at 1408 Saint Stephens Road was previously developed with a single-family dwelling, which was removed from the site, with permits in 2020. The site has since been paved, without permits, for use as a parking lot.

The property is bounded to the North and West by R-1, Single-Family Residential District; to the South by B-2, Neighborhood Business District; and to the East by R-1 and B-2.

Section 64-9. of the Zoning Ordinance states that 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 applicant did not provide a narrative justifying the proposed rezoning.

The applicant submitted a site plan depicting the subject site with the previously approved parking area on 212 North Lafayette Street, as well as the unpermitted parking lot at 1408 Saint Stephens Road. The site plan shows a total of 69 parking spaces, with no structure on the site.

It should be noted that the previously approved parking lot at 212 North Lafayette Street has an off-site parking variance granted by the Board of Zoning Adjustment at its August 2009 meeting. The variance was required to provide adequate parking for the bar/lounge at the Southeast corner of Saint Stephens Road and North Lafayette Street. As variances are site plan specific, the site will need to go back before the Board of Zoning Adjustment to amend the previously approved variance.

RECOMMENDATION

Subdivision: Based upon the preceding, this application is recommended for Holdover to the May 4th meeting, to be heard concurrently with the rezoning application.

Rezoning: Based on the preceding, this application is recommended for Holdover to the May 4th meeting, with revisions due no later than April 20th, to address the following:

- 1) Submit a narrative explaining the justification for the proposed rezoning; and
- 2) Submittal of an off-site parking variance to the Board of Adjustment for consideration at their May 1st meeting (application must be submitted by April 4th deadline).

Revised for the May 4th meeting:

The Planning Commission heldover the application at its April 6th meeting, to allow the applicant to submit an off-site parking variance to the Board of Adjustment, for consideration at their May 1st meeting, and to allow the applicant to submit a narrative explaining the justification for the proposed rezoning.

The applicant has submitted an off-site parking variance, which is on the May 1st Board of Adjustment agenda, and will be considered, after the publication of reports for this Planning Commission meeting. Therefore, staff will be prepared to provide the Planning Commission with an update on the Board's actions.

The applicant also submitted the following narrative:

THIS PROPERTY IS COMPRISED OF TWO PARCELS THAT HAVE TWO ZONING CLASSIFICATIONS. THE PARCEL ON THE CORNER OF LAFAYETTE STREET AND ST. STEPHENS ROAD IS ZONED B-2 AND THE PARCEL ADJOINING THE EAST LINE IS ZONED R-1. THE PROPERTY IS CURRENTLY DEVELOPED AS A PARKING LOT AND WE HAVE SUBMITTED A SUBDIVISION APPLICATION THAT WILL REQUIRE A SINGLE ZONING CLASSIFICATION. THE PROPERTIES AT 1404 & 1406 ST. STEPHENS ROAD ARE OWNED BY THE SAME ENTITY AND ARE DEVELOPED AS AN APARTMENT COMPLEX. OUR PROPOSED USE TO CONTINUE AS A PARKING LOT SHOULD NOT HAVE A NEGATIVE IMPACT ON THE SURROUNDING PROPERTIES. THE SUBDIVISION OF LAND INTO URBAN BUILDING SITES MAKES RECLASSIFICATION OF THE LAND NECESSARY AND DESIRABLE.

The applicant is correct in that, as proposed, the Subdivision application would result in a split-zoned lot, making the rezoning of one of the parcels necessary and desirable, if the Subdivision is approved. However, if the Board approves the requested off-site parking variance, there is no reason to "upzone" the property to B-2, but rather it would seem more appropriate to rezone the entire site to R-1. This would be in keeping with the Future Land Use Map and allow the owner to continued use of the property as proposed, and be more compatible with the adjoining residential development.

RECOMMENDATION

Subdivision: *The application is recommended for Tentative Approval, subject to the following conditions:*

- 1) completion of the rezoning process prior to the recording of the Final Plat;*
- 2) revision of the Final Plat to depict all abutting rights-of-way;*
- 3) retention of the lot sizes in square feet and acres;*
- 4) retention of the 25-foot minimum building setback line along all street frontages;*

- 5) full compliance with Engineering comments: (FINAL PLAT COMMENTS (should be addressed prior to submitting the FINAL PLAT for review and/or signature by the City Engineer): A. Provide all of the required information on the SUBDIVISION PLAT (i.e. signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings and distances) that is required by the current Alabama State Board of Licensure for Professional Engineers and Land Surveyors. B. Check the bearing and distance for the north line of the proposed subdivision. The plan view shows two (2) different bearings along the line but the written description lists one (1) bearing. The north line also contains reference to a capped rebar that was found. C. Dedicate the corner radius (25' minimum or as approved by the City Engineer and Traffic Engineer) at the SW corner of LOT A to the City of Mobile, and list the amount of dedicated acreage in sf and acres. D. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer. E. Provide the Surveyor's Certificate. F. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 28 - #72) LOT A will receive historical credit of existing (1984) impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control) as follows: LOT A – 4,000 sf. G. Add a note that a Land Disturbance permit will be required for any land disturbing activity in accordance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. H. Add a note that the approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. I. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of new development or construction, unless a sidewalk waiver is approved. J. Add a note that all existing and proposed detention facilities, common areas, and wetlands shall be the responsibility of the Property Owner(s), and not the responsibility of the City of Mobile. K. Add a note that all easements shall remain in effect until vacated through the proper Vacation process. L. Email a pdf copy of the FINAL SUBDIVISION PLAT and LETTER OF DECISION to the Permitting Engineering Dept. for review at land.disturbance@cityofmobile.org prior to obtaining any signatures. No signatures are required on the drawing.);
- 6) placement of a note on the Final Plat stating Traffic Engineering comments: (Lot is limited to no more than its existing curb cuts with any changes in number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Any required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in the City's Zoning Ordinance.);
- 7) compliance with 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 [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.);
- 8) compliance with Fire Department comments: (All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 International Fire Code). Fire apparatus access is required to be within 150' of all

commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.); and

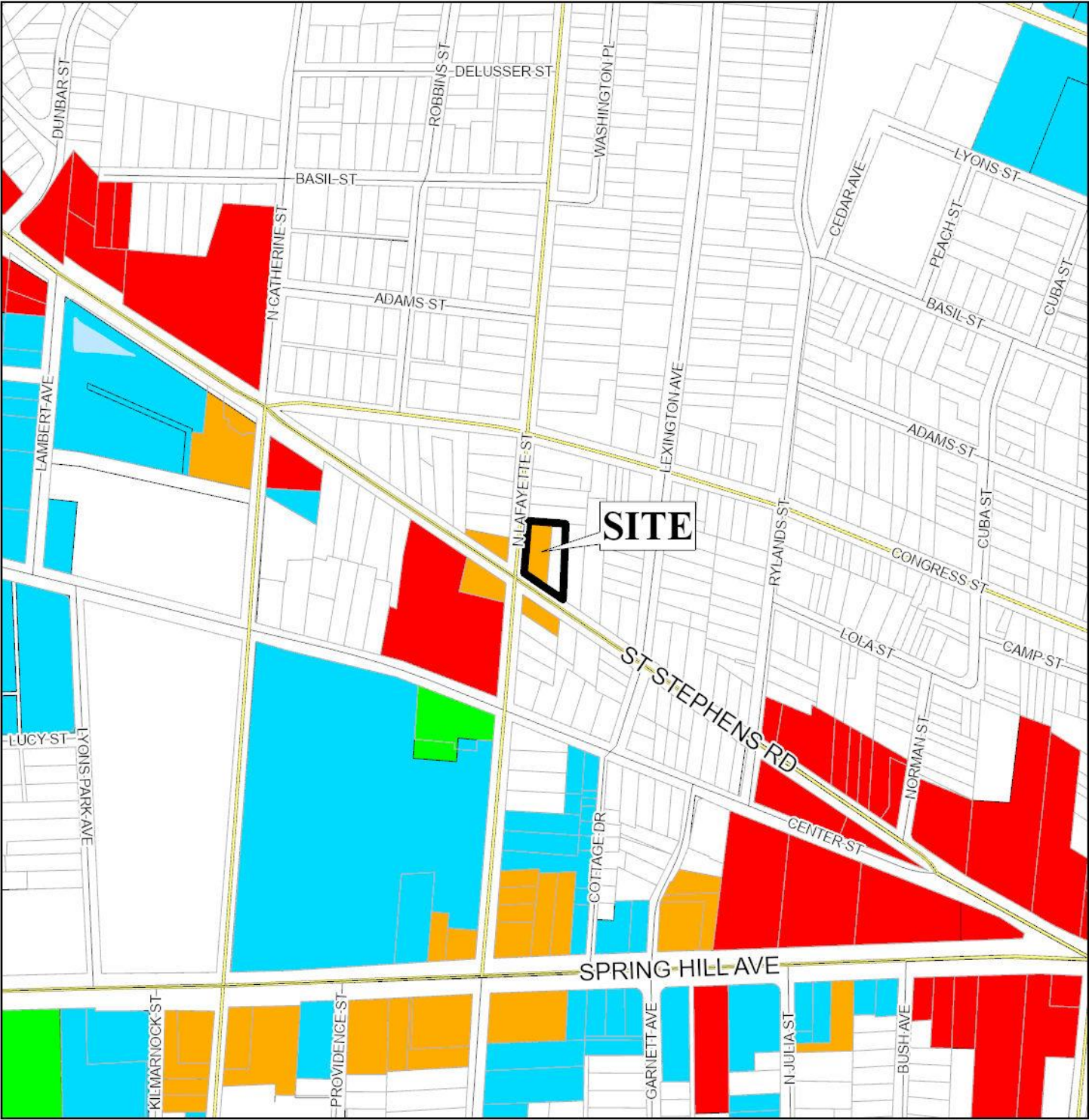
- 9) *submittal to and approval by Planning and Zoning of a revised PUD site plan (hard copy and .pdf), prior to signing the Final Plat.*

Rezoning: *This application is recommended for Approval to **R-1**.*

The rezoning should be subject to the following conditions:

- 1) completion of the Subdivision process; and*
- 2) full compliance with all municipal codes and ordinances.*

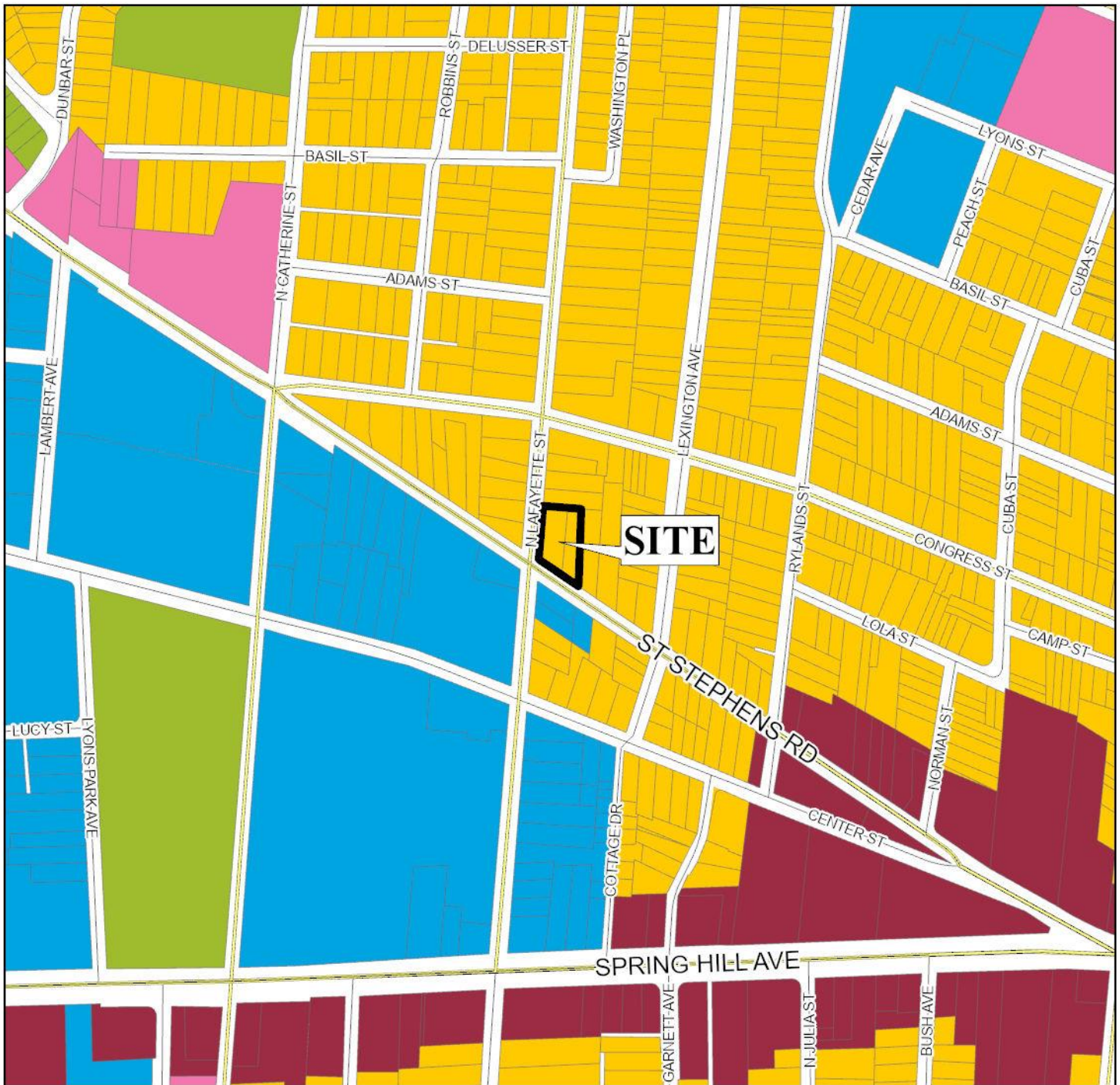
LOCATOR ZONING MAP



APPLICATION NUMBER 1 DATE May 4, 2023
APPLICANT Napoleon Subdivision
REQUEST Subdivision, Rezoning from B-2 and R-1 to B-2



FLUM LOCATOR MAP



APPLICATION NUMBER 1 DATE May 4, 2023

APPLICANT Napoleon Subdivision

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

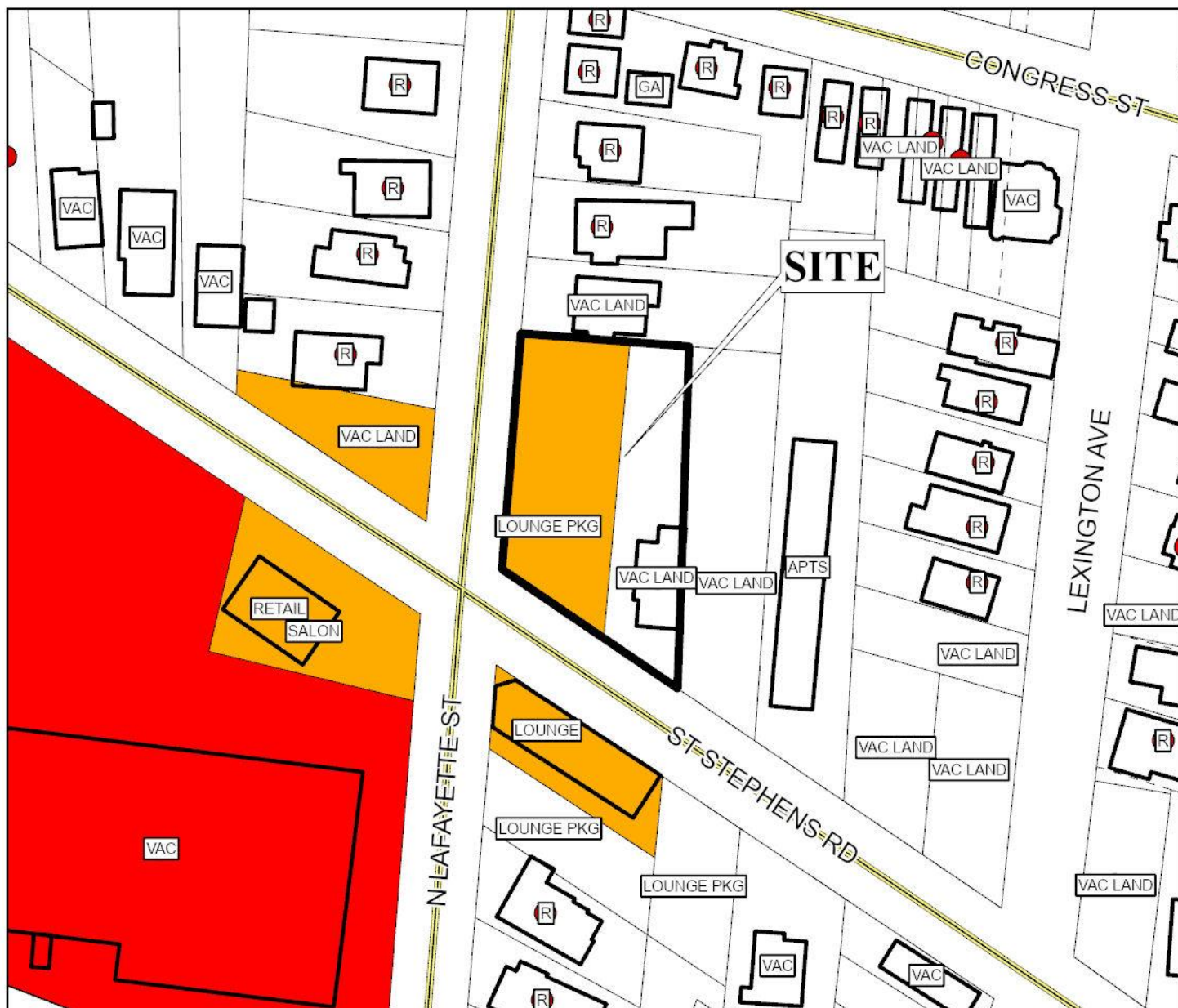
Layer2

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|---------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| Low Density Residential | District Center | Traditional Corridor | Heavy Industry |
| Mixed Density Residential | Neighborhood Center - Traditional | Downtown Waterfront | Institutional |
| Neighborhood Center - Suburban | Light Industry | Parks & Open Space | Water Dependent |



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial and residential units.

APPLICATION NUMBER 1 DATE May 4, 2023

APPLICANT Napoleon Subdivision

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



PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial and residential units.

APPLICATION NUMBER 1 DATE May 4, 2023

APPLICANT Napoleon Subdivision

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

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SITE PLAN



The site plan illustrates the existing parking lot, setbacks, and fencing.

APPLICATION NUMBER 1 DATE May 4, 2023

APPLICANT Napoleon Subdivision

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



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