

**ZONING AMENDMENT,  
PLANNED UNIT DEVELOPMENT &  
SUBDIVISION STAFF REPORT**

**Date: March 1, 2012**

<b><u>NAME</u></b>	Michael A. Rost
<b><u>SUBDIVISION NAME</u></b>	Broad Palmetto Subdivision
<b><u>LOCATION</u></b>	202 South Broad Street (West side of South Broad Street, 55'± South of Palmetto Street and extending West to the South side of Palmetto Street, 130'± West of South Broad Street).
<b><u>CITY COUNCIL DISTRICT</u></b>	District 2
<b><u>PRESENT ZONING</u></b>	R-1, Single-Family Residential District
<b><u>PROPOSED ZONING</u></b>	R-1, Single-Family Residential District and R-B, Residential-Business District
<b><u>REASON FOR REZONING</u></b>	Changing conditions in the area.
<b><u>AREA OF PROPERTY</u></b>	0.4 Acres ±
<b><u>CONTEMPLATED USE</u></b>	<p>Subdivision approval to create 2 legal lots of record from one legal lot of record and two metes and bounds parcels; Planned Unit Development Approval to allow reduced lot width, reduced lot size, reduced access way width, reduced maneuvering area, and aggregate surfacing to allow renovation of an existing dwelling for office use as well as construction of a new single family dwelling on a proposed substandard lot; and Rezoning from R-1, Single-Family Residential District, to R-B, Residential-Business District to allow the conversion of a dwelling into a professional office building.</p> <p><b>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.</b></p>
<b><u>TIME SCHEDULE</u></b>	No timeframe provided.

**ENGINEERING****COMMENTS**

Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile ROW code and ordinances. Any proposed development must comply with all storm water and flood control ordinances of the City of Mobile. A complete set of construction plans for the site work (including drainage, utilities, grading, storm water systems, paving) will be required to be submitted with the Land Disturbance permit. These plans are to be submitted and approved prior to beginning any of the construction work. A 4' wide sidewalk is required along the entire property frontage. Any existing sidewalk panels that are damaged will need to be repaired/replaced. All proposed driving and parking surfaces shall be asphalt or concrete.

**TRAFFIC ENGINEERING****COMMENTS**

Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. There is no indication that Lot 1 will have a driveway. The proposed driveway width, varying from 10.5' to 11.9', is not sufficient width for two-way traffic. Conflicting movements will either have to back up 100' within the site, or on Broad Street in the area where traffic is coming around a sharp curve on Broad Street and left turning vehicles are merging from Canal Street. Proposed parking area surface will prohibit the physical marking of stalls. There is no clear indication that the proposed concrete walkway adjacent to the parking is at the same elevation as the parking. Regardless, curb stops are recommended to maintain a clear path on the walkway since the proposed width of the walkway is only 3'. Applicable ADA requirements must be met, as proposed walkways and ramps are only 3' in width.

**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 within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.

**REMARKS**

The applicant is requesting Subdivision Approval to create 2 legal lots of record from one legal lot of record and two metes and bounds parcels; Planned Unit Development Approval to allow reduced lot width, reduced lot size, reduced access way width, reduced maneuvering area, and aggregate surfacing to allow renovation of an existing dwelling for office use as well as construction of a new single family dwelling on a proposed substandard lot; and Rezoning from R-1, Single-Family Residential District, to R-B, Residential-Business District to allow the conversion of a dwelling into a professional office building.

The plat illustrates the proposed 2 lot, 0.4 acre  $\pm$  subdivision. The applicant states that the subdivision is served by both public water and sanitary sewer.

Lot 2, as depicted, meets the minimum size requirements, as regulated by the Subdivision Regulations; however, Lot 1 is depicted as being 4,462 square feet  $\pm$  and 59.98 feet wide, which is 2,738 square feet  $\pm$  smaller and 0.02'  $\pm$  narrower than Section V.D.2. of the Subdivision Regulations requires. Because the property is located in a historic district, a waiver of Section V.D.2. of the Subdivision Regulations regarding the 60-foot minimum frontage requirement and 7,200 square foot minimum lot size may be considered appropriate, but would not be consistent with the existing character of the neighborhood. Further, the Subdivision Regulations have minimum lot sizes in order to make sure that the residents of the City of Mobile have adequate light and air, which the approval of this request would reduce greatly.

Section 64-3.A.5. of the Zoning Ordinance states that a newly created R-B, Residential Business district should contain at least 4 acres except in circumstances where the proposed R-B district would abut an existing B-1, B-2, B-3, B-4, I-1, or I-2 district, which does not apply to the subject site. If approved, the currently proposed Lot 2, which is the subject of the current rezoning request, would result in a lot less than 1/3 of an acre, and could result in changing the character of the neighborhood greatly.

The lot area sizes are depicted on the plat in square feet and acres, and this should be retained on the Final Plat, if approved. The applicant proposes to have a front setback on Lot 1 of 11.4', which is the same setback depicted for the adjacent property to the East of Lot 1. The applicant also illustrates the existing 17' front setback for Lot 2, which is further setback than the property adjacent to the North, which has a setback of 10'  $\pm$ . The Section 64-3.G. 3. of the Zoning Ordinance makes a provision for properties within recognized historic districts, allowing them to have reduced setbacks from what would otherwise be required, this would make a waiver of Section V.D.9. of the Subdivision appropriate, and the illustrated proposed front setbacks in keeping with the area.

The site fronts Broad Street, a major street, to the East, and Palmetto Street, a minor street with curb and gutter, to the North. The Major Street Plan requires a right-of way width of 100 feet for major streets, and a right-of-way width of 50 feet for minor streets with curb and gutter. The preliminary plat illustrates both streets with the required right-of-way width, thus no dedications would be required as part of this subdivision.

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.

In this case, the site plan submitted by the applicant does not depict the required improvements on the site, including buffers, dumpster locations, and landscaping. It should be noted, that if the proposed Lot 2 is rezoned, as requested, that the applicant will be required to provide a protection buffer of 10' as well as either a 6' high privacy fence or 10' wide screen planting strip no less than 6' in height at time of planting and consisting of evergreen vegetation alongside all adjacent R-1, Single-Family Residential properties.

Also, there is no depiction of a dumpster or note provided to determine if the applicant will comply with Section 64-4.D.9. of the Zoning Ordinance.

The only landscaping illustrated on the site plan are existing trees, some of which appear to be located either in the right-of-way, or on adjacent properties, and no landscape calculations are provided. It appears that the proposed Lot 2 may not have the required amount of frontage landscaping available. Also, the site plan indicates that there is an existing 24" oak tree that appears to be on the property to the immediate South of the proposed Lot 2 and is noted as to be removed pending the release of Urban Forestry permits. The site plan states that if removal of the tree is not granted, that the area of root coverage may prohibit commercial development of the site.

There are several issues of concern with the parking area as illustrated. First, the site plan illustrates gravel or crushed limestone for surfacing of all parking and maneuvering area with the exception of one handicapped space. The applicant states it is their understanding that gravel and crushed limestone are commonly required in historic districts, however, Section 64-6.A.3.a. states that all parking areas must be paved with concrete, asphaltic concrete, asphalt, or alternative parking surface, with the only exception being I-2, Heavy Industry Districts and sites located in the Henry Aaron Loop, which does not include the subject property. Engineering and Traffic Engineering have also included in their comments that the illustrated surfacing would not be ideal or approved by either department. Also, it appears that the handicap space provided does not meet ADA van accessible requirements and according to Traffic Engineering comments, proposed walkways and ramps on the site may not meet ADA codes either. If approved, this would place a commercial parking lot in the middle of a primarily residential block, surrounded completely by residences in a historic district which will increase traffic, light, and noise experienced by the adjacent property owners.

The applicant depicts an existing 10.5' curb-cut and a driveway that ranges from 10.5' to 11.9' for Lot 2 to access the proposed parking on the rear of the site. This is considerably less than the minimum 24' width required for two-way traffic, and is slightly less than what would typically be accepted for one-way traffic. It should be noted, it may not be feasible for the applicant to provide a larger driveway to access the rear of the property; however, the rezoning of the site to allow commercial development may create an unsafe access environment. Traffic Engineering comments discuss how conflicting movements would cause vehicles to either backup 100' within the site, or onto Broad Street where traffic is rounding a sharp curve. The proposed parking and maneuverability design would result in conditions that are not in support of the primary purpose of the Zoning Ordinance as stated in Section 64-1.A, in that it may increase traffic congestion on public streets, and could result in dangerous conditions that would threaten the health and general welfare of the citizens of the City of Mobile.

The site plan does not illustrate a driveway for Lot 1, which may damage the existing 36" oak tree which appears to be located in the right-of-way, and is located to the East of the illustrated proposed residence.

The site plan submitted does not depict the existing sidewalks along Broad Street and Palmetto Street. In addition, any required storm detention is not depicted on the site plan.

With regards to the rezoning, as stated in Section 64-9. of the Zoning Ordinance, 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 site is depicted as residential on the General Land Use Component of the Comprehensive Plan, which is meant to serve as a general guide, not a detailed lot and district plan or mandate for development. The accuracy of recommended land uses on the General Land Use Component map is limited due to the large scale of the map. Moreover, the General Land Use Component 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 zoning classification.

The existing structure on the currently proposed Lot 2 has recently been occupied as a duplex, and was approved to operate as a group home by the Board of Zoning Adjustment at its January 8, 1979 meeting. The applicant states that the rezoning of the proposed Lot 2 to R-B, Residential-Business District is desirable because it can help to transform and revitalize the Broad Street area. However, this is not one of the four conditions stated in Section 64-9 of the Zoning Ordinance that make rezoning favorable.

It should be noted that the subject site and the surrounding area were once zoned R-3, Multi-Family Residential, and were rezoned to R-1, Single-Family Residential in July 1992. Also, there is R-3, Multi-Family Residential District across Broad Street; B-4, General Business District across Palmetto Street; and B-2, Neighborhood Business District in the same block on Broad Street. Compared to these Zoning Districts, the applicant's requested R-B, Residential-Business District may be less intrusive on the neighboring residential properties; however, the rezoning of this site would be considered inappropriate due to the spot rezoning and the site fails to meet the requirements of the standard area of 4 acres. Additionally, spot zoning could be considered a detriment to the adjacent property owners, and could result in more commercial activity overrunning a residential neighborhood.

There are a number of commercially zoned locations in the City of Mobile that would not present the number of concerns associated with these applications, and would easily be able to comply with all requirements of the Zoning Ordinance. It appears the applicant simply chose a location

and disregarded the fact that the site cannot comply with the majority of requirements for a commercial location.

### **RECOMMENDATION**

**Subdivision:** The Subdivision request is recommended for denial.

**Planned Unit Development:** The Planned Unit Development request is recommended for denial.

**Rezoning:** The rezoning request is recommended for denial for the following reason:

- 1) Does not meet the requirements of Section 64-9.A.2.a. of the Zoning Ordinance.

#### ***Revised for the March 15<sup>th</sup> meeting:***

*The Planning Commission held the matter over until the March 15<sup>th</sup> meeting. As no new information has been submitted for staff review, the original recommendation for denial stands.*

### **RECOMMENDATION**

**Subdivision:** *The Subdivision request is recommended for denial for the following reason:*

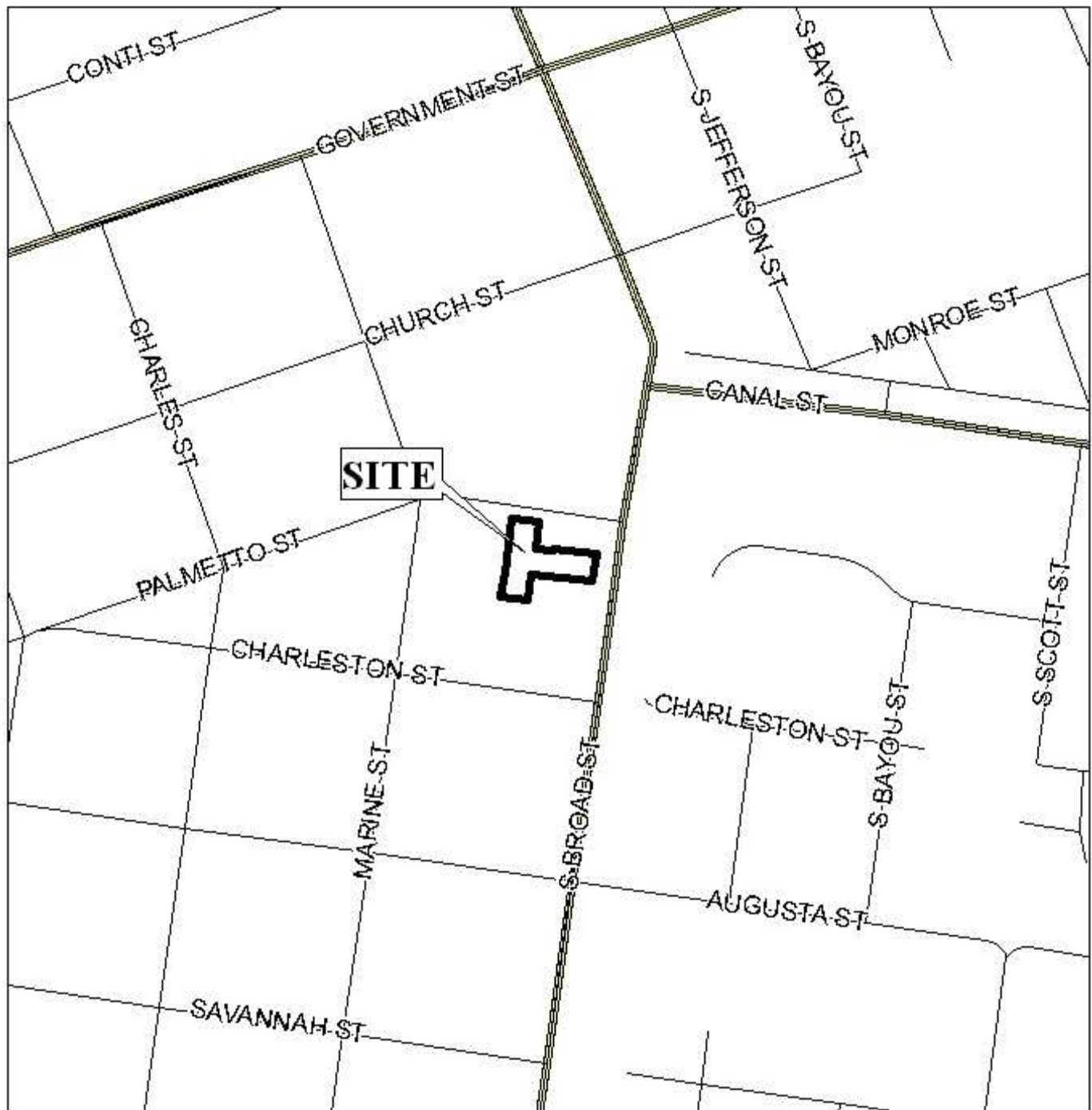
- 1) does not meet minimum lot size requirements of Section V.D.2. of the Subdivision Regulations.*

**Planned Unit Development:** *Because the subdivision and rezoning are recommended for denial, the planned unit development application is moot.*

**Rezoning:** *The rezoning request is recommended for denial for the following reason:*

- 1) does not meet the requirements of Section 64-9.A.2.a. of the Zoning Ordinance.*

## LOCATOR MAP



APPLICATION NUMBER 2, 3 & 4 DATE March 15, 2012  
APPLICANT Michael Rost  
REQUEST Subdivision, PUD, Rezoning from R-1 to R-B



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential land use. Businesses are located to the north and south of the site.

APPLICATION NUMBER 2, 3 & 4 DATE March 15, 2012

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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
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# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING

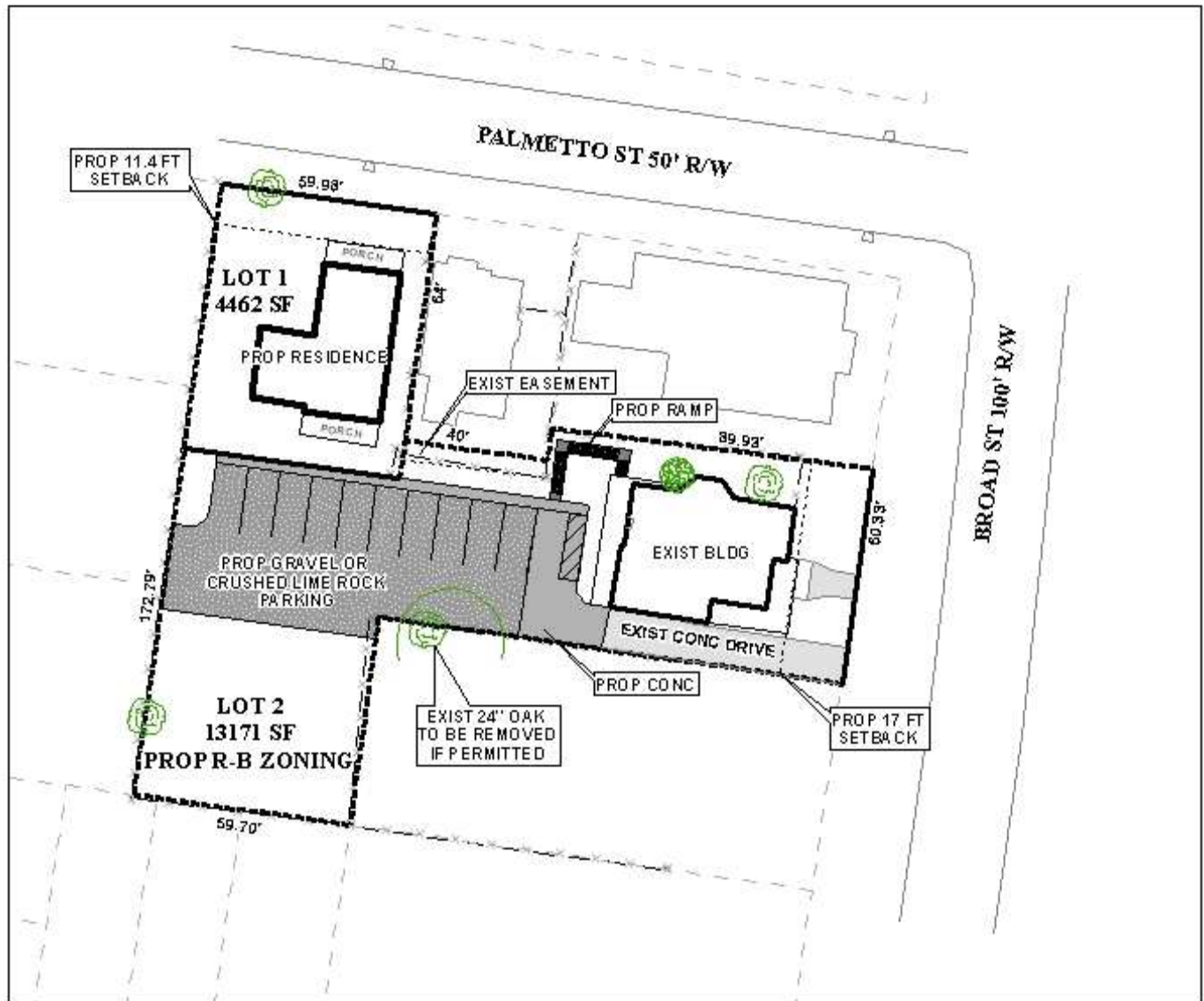


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# SITE PLAN



The site plan illustrates the proposed dwelling, parking, lot configuration, and zoning.

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