

**SUBDIVISION,
PLANNED UNIT DEVELOPMENT
& ZONING AMENDMENT STAFF REPORT****Date: July 18, 2019****APPLICANT NAME**

David Shumer

SUBDIVISION NAME

Magnolia Manor Subdivision

LOCATION1624 Spring Hill Avenue
(North side of Spring Hill Avenue, 100'± East of USA
Childrens and Womens Parkway).**CITY COUNCIL
DISTRICT**

District 2

PRESENT ZONING

R-1, Single Family Residential District

PROPOSED ZONING

B-2, Neighborhood Business District

AREA OF PROPERTY

1 Lot / 3.8 ± Acres

CONTEMPLATED USESubdivision approval to create one legal lot of record,
Planned Unit Development approval to allow multiple
buildings on a single building site, and Rezoning from 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**

Not specified.

**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. Clarify which of the three (3) SUBDIVISION PLAT drawings is the PLAT. All three (3) are labeled SUBDIVISION PLAT and labeled as SHEET 1 OF 1.
 - C. Provide and label the monument set or found at each subdivision corner. Many corners are labeled NIF.
 - D. Clarify the meaning of "FLOODLINE".
 - E. Clarify how there is a RECORD (R) bearing and an ACTUAL (A) bearing provided along the east property line if no existing irons were found or set?
 - F. Provide a note that a 25' riparian buffer may be required, during development, along the edge of anything considered by ADEM to be a water of the state.
 - G. Show and label all flood zones including the X(shaded) flood zone.
 - H. Show and label the MFFE (Minimum Finished Floor Elevation) on each lot that contains an AE, V, or X (shaded) flood zone designation.
 - I. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
 - J. Add a note to the SUBDIVISION PLAT stating 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.
 - K. Add a note to the Plat stating 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.
 - L. 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.
 - M. Add a note to the plat stating that all 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.
 - N. Add a note to the plat stating that all easements shall remain in effect until vacated through the proper Vacation process.
 - O. Provide a copy of the FINAL SUBDIVISION PLAT to the Engineering Dept. for review. No signatures are required on this drawing.
 - P. After addressing all of the FINAL SUBDIVISION PLAT review comments by the Engineering Dept. provide the red-line markup, the ORIGINAL (with all other signatures) and one (1) copy of the revised original (signatures not required) of the revised Final Plat to the Engineering Department.

Planned Unit Development:

- 1. LABEL THE PUD SITE PLAN.
- 2. ADD THE FOLLOWING NOTES TO THE PUD SITE PLAN:
 - a. Each Lot Owner shall be required to submit a Land Disturbance Permit application with the initial construction of a single family dwelling or other impervious surface (driveway, slab, asphalt, gravel, etc.).

The application shall include a site grading and drainage plan, details, and calculations, all of which are to be signed by a licensed Alabama Professional Engineer.

- b. Provide a note that a 25' riparian buffer may be required, during development, along the edge of anything considered by ADEM to be a water of the state.
- c. 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.

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 Department (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. Each Lot Owner shall be required to submit a Land Disturbance Permit application with the initial construction of a single family dwelling or other impervious surface (shed, driveway, slab, asphalt, gravel, etc.). The application shall include a site grading and drainage plan, details, and calculations, all of which are to be signed by a licensed Alabama Professional Engineer.
5. 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.
6. 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.
7. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

TRAFFIC ENGINEERING**COMMENTS**

Spring Hill Avenue (US Highway 98) is an ALDOT maintained roadway. Site is limited to its existing curb cut with any changes in size, location and design to be approved by ALDOT and Traffic Engineering and conform to AASHTO standards.

Any new on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of 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 (State Act 2015-116 and City Code Chapters 57 and 64). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site 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 (2012 International Fire Code).

REMARKS

The applicant is requesting Subdivision Approval to create a single legal lot of record, Planned Unit Development Approval to allow multiple buildings on a single building site, and rezoning from R-1, Single Family Residential District, to B-2, Neighborhood Business District. The applicant would like to convert a single family residential dwelling and carriage house into a reception space.

The site has been given an Institutional Land Use (INS) 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 includes land and buildings occupied by municipal and other governmental agencies for the exercise of their functions, to serve the public or provide a civic use or amenity. These include major libraries, airports, public schools and public safety facilities, but exclude parks and public open space which are identified under a separate land use classification (see below). Semi-public uses such as grammar and high schools, colleges and universities, hospitals, and other major institutions that serve the public and/or operate in a public function are included. Parks and public open space are not included but have their own land use classification.

Note: Small-scale properties (less than 2 acres) accommodating subsidiary public and semi-public facilities, such as branch libraries, substations, satellite clinics, etc., may not be specifically called out in the FLUM under this land use designation, but may instead be considered part of the array of integrated complementary uses typically found in a residential neighborhood or a mixed-use center or corridor. The specific location and design of these complementary uses is subject to zoning.

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 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.

Planned Unit Development (PUD) 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.

In pursuit of these purposes, the objectives to be met by a PUD are as follows: a) to encourage innovative and diversified design in building form and site development; b) flexibility, to permit greater flexibility in the location and arrangement of buildings and uses than is generally possible under district regulations; c) to encourage the most efficient and sustainable use of land, especially tracts in the inner part of the city that remain undeveloped or that are appropriate for re-development; d) to preserve and protect as urban amenities the natural features and characteristics of land; e) to encourage the provision of common open space through efficient site design; and, f) to encourage optimum use of available public utilities, streets and community facilities.

PUD approval is site-plan specific, thus any changes to the site plan or Subdivision plat will require approval by the Planning Commission. Also, PUD approvals expire within one (1) year if no permits for the development are obtained.

Regarding rezoning, 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 preliminary Subdivision plat and PUD site plan illustrate the proposed 1 lot, 3.8± acres subdivision located at the North side of Spring Hill Avenue, 100'± East of USA Childrens and Womens Parkway, in Council District 2. The applicant states that the property is served by public water and sanitary sewer.

The site has frontage on Spring Hill Avenue, a major street with a 100' right-of-way. The preliminary plat and site plan illustrate a 100' right-of-way, thus no dedication will be required. As the site fronts a major street, access management is a concern; therefore a note should be placed on the final PUD site plan and Subdivision Plat requiring full compliance with Traffic Engineering comments.

The lot is depicted in square feet and acres, and should be retained on any future plats or site plans. Also, the 25' minimum building setback line is depicted on both the plat and the site plan and should be retained in any future plats or plans.

There is an existing curb-cut on the site thus a note should be placed on the Final Plat and PUD site plan stating the lot is limited to one curb-cut with any changes in size, location and design to be approved by ALDOT and Traffic Engineering and conform to AASHTO standards.

Multiple easements are illustrated on the plat and site plan, including a 7.5' utility easement along the West and rear property line, and a 40' storm drainage easement along the East of the property. As such, if approved, an additional note should be required on the Final Plat and PUD site plan stating no structures shall be constructed in any easement.

The site is developed with an existing two-story, 3,412 square foot residence, and an 877 square foot detached carriage house. The site plan references a 1,400 square feet for the reception space and a total of 50 parking spaces. The parking ratio for a reception space is one space per four seats. Neither the site plan nor the narrative illustrate how many seats the venue can hold; what the remaining 2,012 square feet of the main structure would be used for; or how the carriage house would be utilized.

During a previous pre-development meeting it was stated that the upstairs portion of the main structure could possibly be utilized as a bed and breakfast, or a place for the bride and or family to stay overnight prior to utilizing the venue. The site plan should be revised to reflect the square footage of the first floor as well as the square footage of the second floor, and to depict the total number of seats that can be placed within the reception area based on the total square footage of the area. The narrative should also be revised to explain in detail the use of the second floor of the main structure, as well as the use of the carriage house, and if there are to be any additional features such as a permanent bar, etc. to be placed outside the main structure.

With regards to tree and landscaping compliance, the site is not adding any new construction on the site that would trigger additional tree and landscaping requirements at this time. However, the retention of existing trees and replacement of any dead trees is required.

There is no dumpster illustrated on the site plan. If approved, the site plan should be revised to illustrate any proposed dumpsters, with any new dumpsters to be in compliance with Section 64-

4.D.9. of the Zoning Ordinance. If no dumpster will be used on the site, such should be noted on the PUD site plan.

It should be noted the site is within the Old Dauphin Way Historic District and any exterior work will require permits and approvals from the city's Historic Development Department.

Due to the site plan specific nature of PUD approval, it should be noted there appears to be 2 handicap accessible parking spaces on the site, but there does not appear to be any ramps indicated on the plan. The site plan should be revised to depict any modifications or improvements required due to accessibility requirements to include Building Code or ADA.

As the site is to be utilized as commercial, a vegetative buffer will be required where the site abuts residentially zoned property. It appears that there is a dense wooded buffer that also contains a drainage easement that is located along the east side of the property where the site abuts residential

zoned property. The buffer must remain in place as long as the site continues to abut residential zoned property.

The applicant states the following justification for the rezoning:

The property is currently developed as a single family residence with a detached carriage house. The property has 330 feet of frontage on Spring Hill Avenue (US-98). The west and north side of the property is bounded by an existing wood privacy fence and the east has a dense wooded buffer that contains a drainage feature.

This development consists of two residential lots that are proposed to be combined as a subdivision and rezoned to B-2 to allow for the use as reception space. The existing structures will be retained with access, maneuvering, and parking to be provided to meet the City's zoning requirements.

The rezoning is proposed to allow for the site to be used as a reception space. The property is bounded to the west and north by property owned by the University of South Alabama (zoned B-1) and to the east by residences and the University of South Alabama (R-1). The Future Land Use Map shows this and all surrounding properties to be zoned Institutional.

Under a previous owner, the property had received approval from the Board of Adjustment to operate as a B-2 to allow for the use as a reception space. With the current operation of adjacent properties to the west being institutional (functioning as commercial) and the large wooded buffer to the east the rezoning will be in character with the adjacent uses to the west and a substantial buffer provided to the east. Additionally, Spring Hill Avenue (US-98) is a major east-west corridor with B-2, B-1, and R-3 zoning in the immediate vicinity.

The property to the North, West, and some to the South is zoned B-1, Buffer Business District. The remaining property to the South is zoned R-3, Multiple-Family Residential, and the property to the East is zoned R-1, Single Family Residential.

While the site did receive a use variance in 1997 to operate a reception facility at this location, the zoning of the property remains R-1, Single-Family Residential. Moreover, 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 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's narrative does not address any of the conditions under which a change in zoning should be considered. Furthermore, as PUD approval is site plan specific, and additional information is needed regarding the use of all areas of the structures, number of seats in the structures and required parking, it would seem a holdover is needed to address all of these items.

RECOMMENDATION

Subdivision: Based on the preceding, this application is recommended for Holdover until the September 5th meeting, with additional information provided by August 9th to address the following:

- 1) Revision to the narrative to address the square footage of the first floor as well as the square footage of the second floor, and to depict the total number of seats that can be placed within the reception area based on the total square footage of the area.
- 2) Revision to the narrative to explain in detail the use of the second floor of the main structure, as well as the use of the carriage house, and if there are to be any additional features such as a permanent bar, etc. to be placed outside the main structure.
- 3) Revision to the narrative to address one of the four conditions to justify rezoning.

Planned Unit Development: Based on the preceding, this application is recommended for Holdover until the September 5th meeting, with additional information provided by August 9th to address the following:

- 1) Revision to the narrative to address the square footage of the first floor as well as the square footage of the second floor, and to depict the total number of seats that can be placed within the reception area based on the total square footage of the area.
- 2) Revision to the narrative to explain in detail the use of the second floor of the main structure, as well as the use of the carriage house, and if there are to be any additional features such as a permanent bar, etc. to be placed outside the main structure.
- 3) Revision to the narrative to address one of the four conditions to justify rezoning.

Rezoning: Based on the preceding, this application is recommended for Holdover until the September 5th meeting, with additional information provided by August 9th to address the following:

- 1) Revision to the narrative to address the square footage of the first floor as well as the square footage of the second floor, and to depict the total number of seats that can be placed within the reception area based on the total square footage of the area.
- 2) Revision to the narrative to explain in detail the use of the second floor of the main structure, as well as the use of the carriage house, and if there are to be any additional features such as a permanent bar, etc. to be placed outside the main structure.
- 3) Revision to the narrative to address one of the four conditions to justify rezoning.

Revised for the August September 5th meeting:

This application was heldover from the July 18, 2019 meeting to allow the applicant to address the following:

- 1) Revision to the narrative to address the square footage of the first floor as well as the square footage of the second floor, and to depict the total number of seats that can be placed within the reception area based on the total square footage of the area.*
- 2) Revision to the narrative to explain in detail the use of the second floor of the main structure, as well as the use of the carriage house, and if there are to be any additional features such as a permanent bar, etc. to be placed outside the main structure.*
- 3) Revision to the narrative to address one of the four conditions to justify rezoning. The applicant has submitted a revised narrative to address the previous three items.*

The applicant's narrative states the following:

The property is currently developed as a single family residence with a detached carriage house. The property has 330 feet of frontage on Spring Hill Avenue (US-98). The west and north side of the property is bounded by an existing wood privacy fence and the east has a dense wooded buffer that contains a drainage feature.

This development consists of two residential lots that are proposed to be combined as a subdivision and rezoned to B-2 to allow for the use as reception space. The existing improvements will be retained with access, maneuvering, and parking to be provided to meet the City's zoning requirements.

The B-2 zoning classification will allow for the site to be used as a reception space that is available for rent in a similar manor as multiple other historic structures throughout the City. This site has been approved by the BOA to operate as reception space and the character and location of the property are suited for the proposed use. The owners will self-restrict the property from being used for the following:

*Amusement / Game Machine
Nightclub / Lounge / Tavern
Check Cashing
Firearms Sales
Gunsmith*

*Liquor Store
Pawn Shop
Pool Hall
Pool Tables
Recycling*

Rezoning: There is an apparent change of condition area as this location does not function best as a single family residence (this change has occurred over the past 20-30 years and was recognized by a use variance in 1997). This property has received a variance for a B-2 use and the Future Land Use map currently shows the property as Institutional which further demonstrates its perceived incapability as a single family residence. The home is not in a neighborhood and has frontage directly on a major US highway which has traffic volumes approaching 20,000 vehicles per day (ALDOT). The best use for this property, along with similar historic structures on major thoroughfares in the City, is to function as a reception space with proper zoning. The use as reception space is in line with the character of the property and existing improvements and will not create a hardship on surrounding properties or the City. The site is a historic home that has a logical use as a reception area and the zoning ordinance should reflect the required B-2 zoning. The US-98/Springhill Avenue corridor has a mix of B-2, B-1, and single and multi-family residential zoning within the immediate vicinity (+/-600 ft along the roadway) with B-3 zoning less than a half mile to the east. This property only fronts on US-98/Springhill Avenue which is a major east-west corridor with B-2 and B-3 zoning common throughout its length within the City's limits.

The property is bounded to the west and north by property owned by the University of South Alabama (zoned B-1) and to the east by residences and the University of South Alabama (R-1). There is an existing wooded buffer with a drainage feature between the improvements and the residentially zoned properties to the east. The Future Land Use Map shows this and all surrounding properties to be zoned Institutional. Under a previous owner, the property had received approval from the Board of Adjustment to operate as a B-2 to allow for the use as a reception space. With the current operation of adjacent properties to the west being institutional (functioning as commercial) and the large wooded buffer to the east the rezoning will be in character with the adjacent uses to the west and a substantial buffer provided to the east.

The main house has a footprint of approximately 2,250 that includes the interior reception space, kitchen, and all closets/storage space. There is approximately 1,400 square feet of space on the lower floor that will be open for guests and 1,700 square feet upstairs that will be used as private rooms for the guests of honor. There is a total of ±4,000 square feet of space when the upstairs, porches, and patios are included.

The carriage house has a footprint of approximately 800 square feet. The upstairs of the residence and carriage house will be used as private space for the

host (i.e. bride/groom or guest of honor) and the lower level of the carriage house will be used as a bar.

The maximum occupancy for the structure based on square footage is 200. As a reception space the guests will likely be mingling with some tables and seating in the larger open areas. 50 parking spaces was established due to the one (1) space per four (4) seats and with the lack of actual seats due to the configuration of the space, the rule was applied to the occupancy. Fifty parking spaces is also what was approved as part of the existing use variance.

The applicant provides clarification on the total square footage of the main building on the first floor stating it is 1,400 square feet and will be utilized as the reception hall. The second floor is 1,700 square feet and will be utilized as private rooms for the guest of honor. However, the applicant does not specify if the second floor rooms will be used just for preparation for the events or if overnight accommodations will be allowed.

The applicant also states that the carriage house is approximately 800 square feet and the bottom level will be utilized as a bar, while the top level will be utilized as private space for the host. Again, the applicant does not specify if the second floor rooms will be used just for preparation for the events or if overnight accommodations will be allowed.

The applicant states that the maximum occupancy for the structure based on building code requirements and square footage is 200 people. The narrative states 50 parking spaces are provided based on the previous variance approval, and that the number of tables and chairs may vary based on the need for each event. It should be noted that as the applicant is proposing to use the bottom level of the carriage house as a bar, 8 additional parking spaces will be required. Additional parking spaces may also be required if the guest rooms/ host areas are going to allow overnight stays.

The applicant's narrative mentioned a few uses that the owner plans to self-restrict the property from being used as, however the applicant did not submit an official voluntary use restriction form. If approved, an official form must be submitted.

The applicant states there are changing conditions in the area. While there has been a trend toward B-1 zoning in the past several years, as illustrated on the vicinity map, there is no B-2 zoning in the immediate vicinity. Additionally, the site may be used as a reception facility subject to the conditions of the existing use variance. If the applicant decides to pursue the conditions of approval associated with existing variance, the carriage house could not be used as a bar.

RECOMMENDATION

Subdivision: Based upon the preceding, the application is recommended for Tentative Approval subject to the following conditions:

1. retention of the lot size in square feet and acres;
2. retention of the right-of-way width along Spring Hill Avenue;
3. retention of the 25' minimum building setback line;
4. retention of the labeling of all utility and drainage easements and all other additional notes on the plat;
5. placement of a note on the Final Plat stating no structures shall be constructed on or within any easements;
6. compliance with Engineering comments;
7. placement of a note on the site plan stating the following Traffic Engineering comments:
8. 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 (State Act 2015-116 and City Code Chapters 57 and 64). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site will require a tree removal permit. ";
9. compliance with Fire 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)."; and
10. completion of the subdivision process prior to obtaining any building permits.

Planned Unit Development: Staff recommends the following Findings of Fact for Approval for the Planned Unit Development:

- a) the proposal promotes the objective of Creative design (to encourage innovative and diversified design in building form and site development), because it allows multiple buildings to convert from a residence to a commercial use;
- b) the proposal promotes the objective of Flexibility (to permit greater flexibility in the location and arrangement of buildings and uses than is generally possible under district regulations), because the proposed use will allow the site to maximize its ability to be utilized;
- c) the proposal promotes the objective of Efficient land use (to encourage the most efficient and sustainable use of land, especially tracts in the inner part of the city that remain undeveloped or that are appropriate for redevelopment), because the development will not require additional development of the site and will re-purpose the existing site area;
- d) the proposal promotes the objective of Environment (to preserve and protect as urban amenities the natural features and characteristics of the land), because there will not be any expansion of site area; and

- e) *the proposal promotes the objective of Public services (to encourage optimum use of available public utilities, streets and community facilities), because it is utilizing a site that is already developed and already served with public infrastructure.*

Based upon the preceding, this application is recommended for approval subject to the following:

- 1) revision of the site plan to depict the total square footage of the first and second floors of the main building and the accessory structure;*
- 2) placement of a note on the site plan stating occupancy load not to exceed 200 people;*
- 3) retention of the 25' minimum building setback line;*
- 4) retention of the right-of-way width along Spring Hill Avenue;*
- 5) retention of the labeling of all utility and drainage easements on the site plan;*
- 6) placement of a note on the site plan stating no structures shall be constructed on or within any easements;*
- 7) placement of a note on the site plan stating a vegetative buffer will be provided where the site abuts residentially zoned property;*
- 8) revision of the site plan to illustrate any proposed dumpsters to be in compliance with Section 64-4.D.9. of the Zoning Ordinance, or a note stating curb-side pick will be provided;*
- 9) exterior work permits must be obtained and approved by the Historic Development Department;*
- 10) retention of existing trees and replacement of any dead trees on the site;*
- 11) compliance with Engineering comments:*
- 12) placement of a note on the site plan stating the following Traffic Engineering comments:*
- 13) 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 (State Act 2015-116 and City Code Chapters 57 and 64). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site will require a tree removal permit. ";*
- 14) compliance with Fire 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).": and*
- 15) submission of two revised PUD site plans to the Planning and Zoning Department prior to submission of any building permits.*

Rezoning: *Based upon the proceed proceeding, the application is recommended for Denial.*

Revised for the September 19th meeting:

The requests were heldover from the September 5th meeting to allow the applicant to submit Voluntary Use Restrictions.

The Voluntary Use Restrictions documentation submitted by the applicant proposes the prohibition of the following uses from the B-2 zoning category for this site:

*Amusement game machine
Nightclub / lounge / tavern
Check cashing
Firearm sales
Gunsmith
Liquor store
Pawn shop
Pool hall
Pool tables
Recycling
Automobile service station
Automotive maintenance
Car wash
Pawn shop*

The applicant also would like to allow the following:

“Overnight guests will be permitted to stay and use the facility in conjunction with a scheduled event taking place on the property.”

There are 230 uses allowed “by right” or with “Planning Approval” in a B-2 district, and the applicant proposes to prohibit 14 of the uses.

Should the Planning Commission wish to consider approving the zoning request, proposed conditions are listed below.

RECOMMENDATION

Subdivision: *Based upon the preceding, the application is recommended for Tentative Approval subject to the following conditions:*

- 1) retention of the lot size in square feet and acres;*
- 2) retention of the right-of-way width along Spring Hill Avenue;*
- 3) retention of the 25’ minimum building setback line;*
- 4) retention of the labeling of all utility and drainage easements and all other additional notes on the plat;*
- 5) placement of a note on the Final Plat stating no structures shall be constructed on or within any easements;*

- 6) *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. Clarify which of the three (3) SUBDIVISION PLAT drawings is the PLAT. All three (3) are labeled SUBDIVISION PLAT and labeled as SHEET 1 OF 1. C. Provide and label the monument set or found at each subdivision corner. Many corners are labeled NIF. D. Clarify the meaning of "FLOODLINE". E. Clarify how there is a RECORD (R) bearing and an ACTUAL (A) bearing provided along the east property line if no existing irons were found or set? F. Provide a note that a 25' riparian buffer may be required, during development, along the edge of anything considered by ADEM to be a water of the state. G. Show and label all flood zones including the X(shaded) flood zone. H. Show and label the MFFE (Minimum Finished Floor Elevation) on each lot that contains an AE, V, or X (shaded) flood zone designation. I. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. J. Add a note to the SUBDIVISION PLAT stating 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. K. Add a note to the Plat stating 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. L. 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. M. Add a note to the plat stating that all 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. N. Add a note to the plat stating that all easements shall remain in effect until vacated through the proper Vacation process. O. Provide a copy of the FINAL SUBDIVISION PLAT to the Engineering Dept. for review. No signatures are required on this drawing. P. After addressing all of the FINAL SUBDIVISION PLAT review comments by the Engineering Dept. provide the red-line markup, the ORIGINAL (with all other signatures) and one (1) copy of the revised original (signatures not required) of the revised Final Plat to the Engineering Department."*
- 7) *placement of a note on the plat stating the following Traffic Engineering comments: "Spring Hill Avenue (US Highway 98) is an ALDOT maintained roadway. Site is limited to its existing curb cut with any changes in size, location and design to be approved by ALDOT and Traffic Engineering and conform to AASHTO standards. Any new on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance."*
- 8) *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 (State Act 2015-116 and City Code Chapters 57 and 64). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site will require a tree removal permit. ";*

- 9) *compliance with Fire 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)."; and*
- 10) *completion of the subdivision process prior to obtaining any building permits.*

Planned Unit Development: *Staff recommends the following Findings of Fact for Approval for the Planned Unit Development:*

- a) *the proposal promotes the objective of Creative design (to encourage innovative and diversified design in building form and site development), because it allows multiple buildings to convert from a residence to a commercial use;*
- b) *the proposal promotes the objective of Flexibility (to permit greater flexibility in the location and arrangement of buildings and uses than is generally possible under district regulations), because the proposed use will allow the site to maximize its ability to be utilized;*
- c) *the proposal promotes the objective of Efficient land use (to encourage the most efficient and sustainable use of land, especially tracts in the inner part of the city that remain undeveloped or that are appropriate for redevelopment), because the development will not require additional development of the site and will re-purpose the existing site area;*
- d) *the proposal promotes the objective of Environment (to preserve and protect as urban amenities the natural features and characteristics of the land), because there will not be any expansion of site area; and*
- e) *the proposal promotes the objective of Public services (to encourage optimum use of available public utilities, streets and community facilities), because it is utilizing a site that is already developed and already served with public infrastructure.*

The approval should be subject to the following conditions:

- 1) *revision of the site plan to depict the total square footage of the first and second floors of the main building and the accessory structure;*
- 2) *placement of a note on the site plan stating occupancy load not to exceed 200 people;*
- 3) *retention of the 25' minimum building setback line;*
- 4) *retention of the right-of-way width along Spring Hill Avenue;*
- 5) *retention of the labeling of all utility and drainage easements on the site plan;*
- 6) *placement of a note on the site plan stating no structures shall be constructed on or within any easements;*
- 7) *placement of a note on the site plan stating a vegetative buffer will be provided where the site abuts residentially zoned property;*
- 8) *revision of the site plan to illustrate any proposed dumpsters to be in compliance with Section 64-4.D.9. of the Zoning Ordinance, or a note stating curb-side pick will be provided;*
- 9) *exterior work permits must be obtained and approved by the Historic Development Department;*
- 10) *compliance with Engineering comments: "1. LABEL THE PUD SITE PLAN. 2. ADD THE FOLLOWING NOTES TO THE PUD SITE PLAN: a. Each Lot Owner shall be required to submit a Land Disturbance Permit application with the initial construction of a single family dwelling or other impervious surface (driveway, slab, asphalt, gravel, etc.). The application*

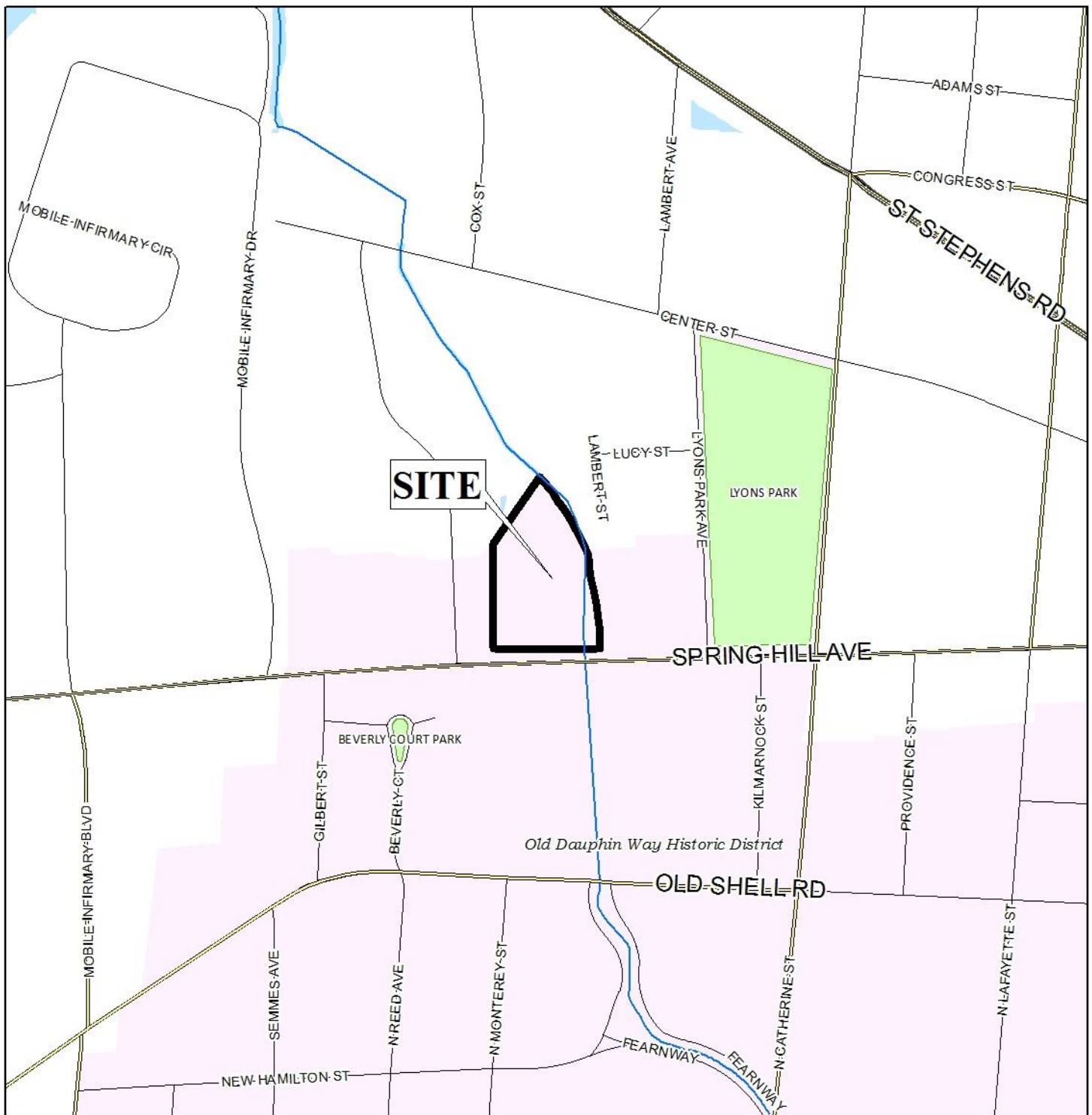
shall include a site grading and drainage plan, details, and calculations, all of which are to be signed by a licensed Alabama Professional Engineer. b. Provide a note that a 25' riparian buffer may be required, during development, along the edge of anything considered by ADEM to be a water of the state. c. 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."

- 11) placement of a note on the site plan stating the following Traffic Engineering comments: "Spring Hill Avenue (US Highway 98) is an ALDOT maintained roadway. Site is limited to its existing curb cut with any changes in size, location and design to be approved by ALDOT and Traffic Engineering and conform to AASHTO standards. Any new on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance."
- 12) 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 (State Act 2015-116 and City Code Chapters 57 and 64). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site will require a tree removal permit. ";
- 13) compliance with Fire 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).": and
- 14) submission of two revised PUD site plans to the Planning and Zoning Department prior to submission of any building permits.

Rezoning: The following conditions are offered, should the Planning Commission wish to Approve the rezoning request:

- 1) Subject to the submitted Voluntary Use Restrictions;
- 2) Completion of the Subdivision process; and
- 3) Full compliance with all other municipal codes and ordinances.

LOCATOR MAP



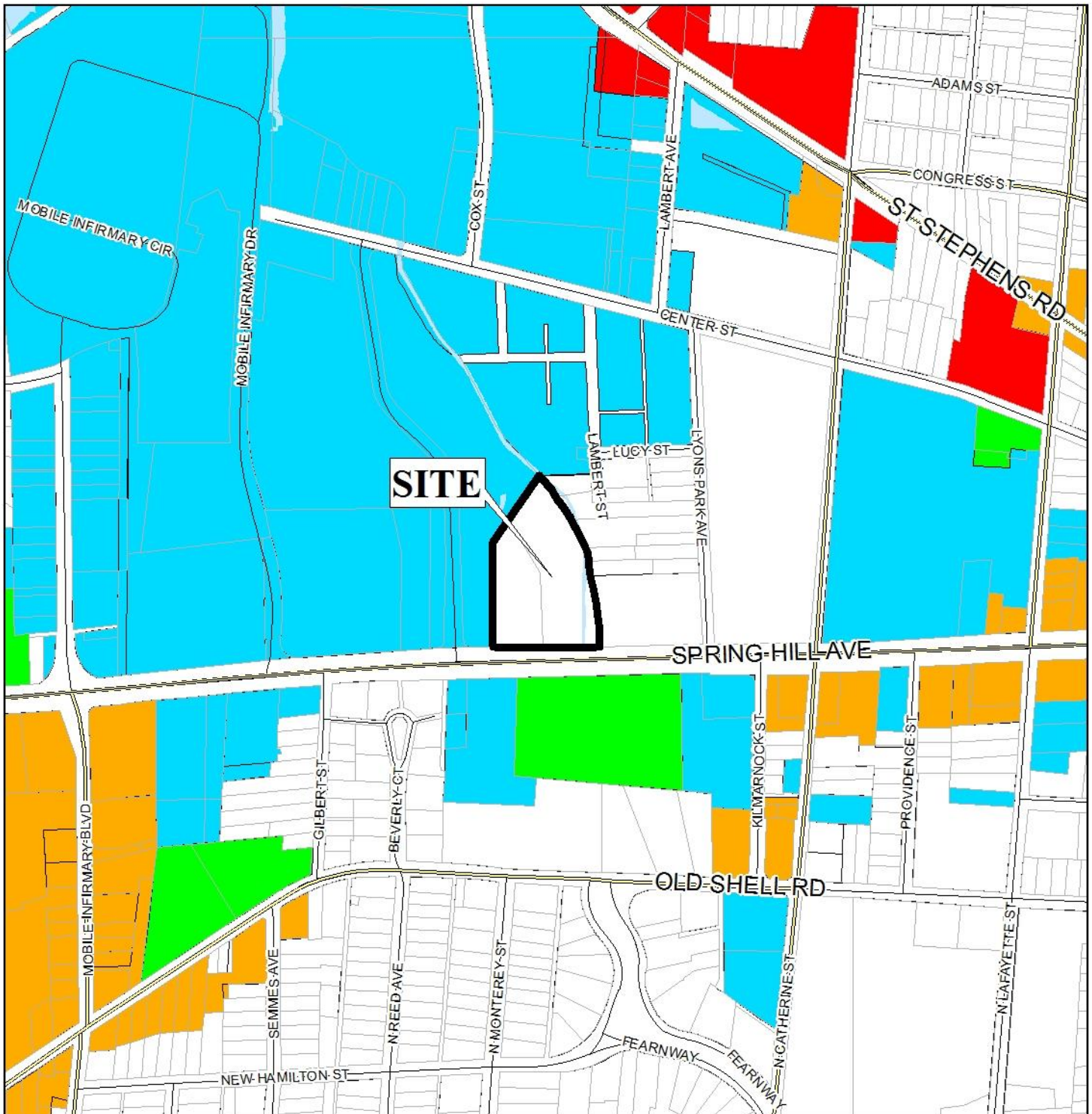
APPLICATION NUMBER 2 DATE September 19, 2019

APPLICANT Magnolia Manor Subdivision

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



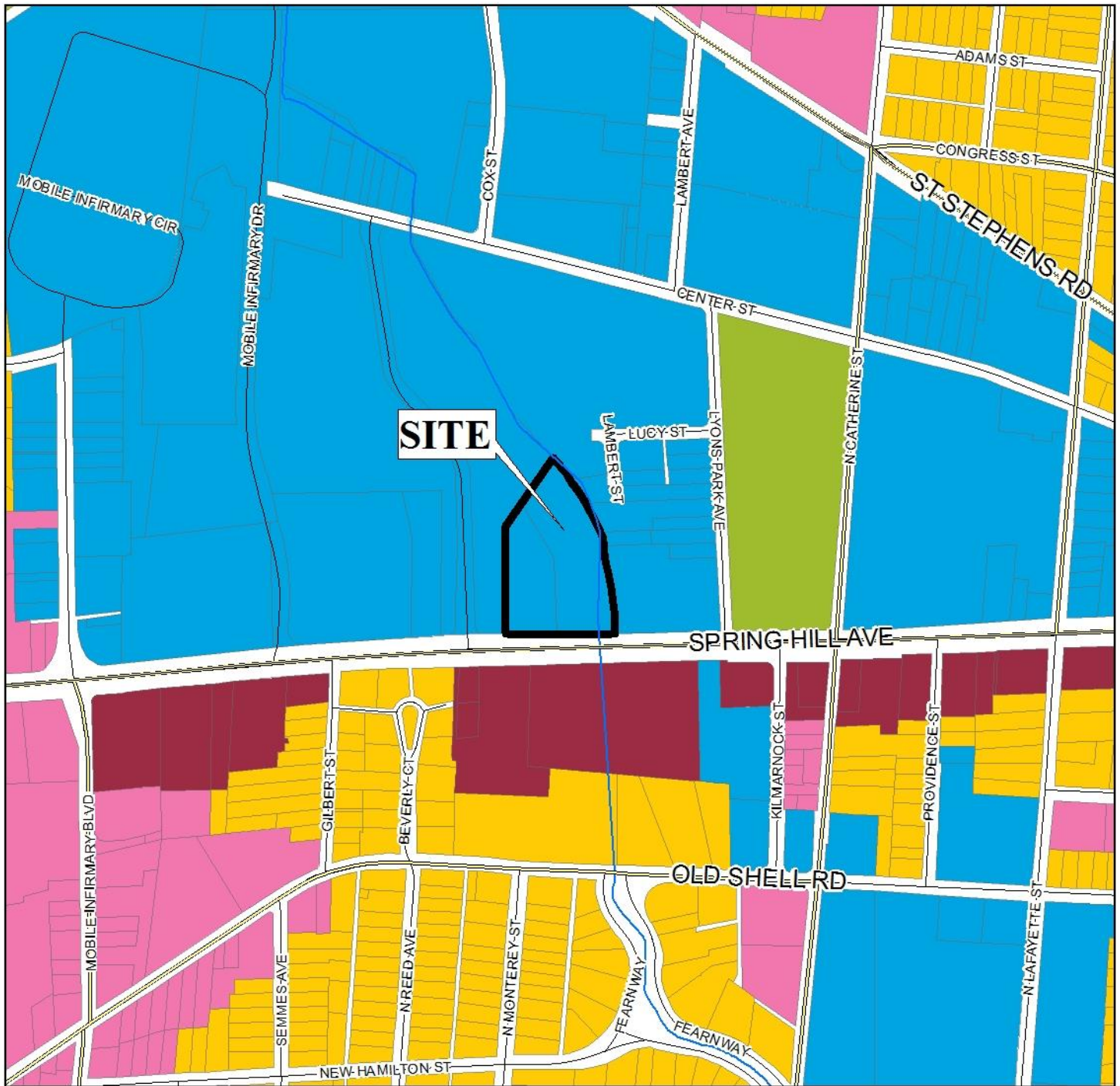
LOCATOR ZONING MAP



APPLICATION NUMBER 2 DATE September 19, 2019
APPLICANT Magnolia Manor Subdivision
REQUEST Subdivision, PUD, Rezoning from R-1 to B-2



FLUM LOCATOR MAP



APPLICATION NUMBER 2 DATE September 19, 2019

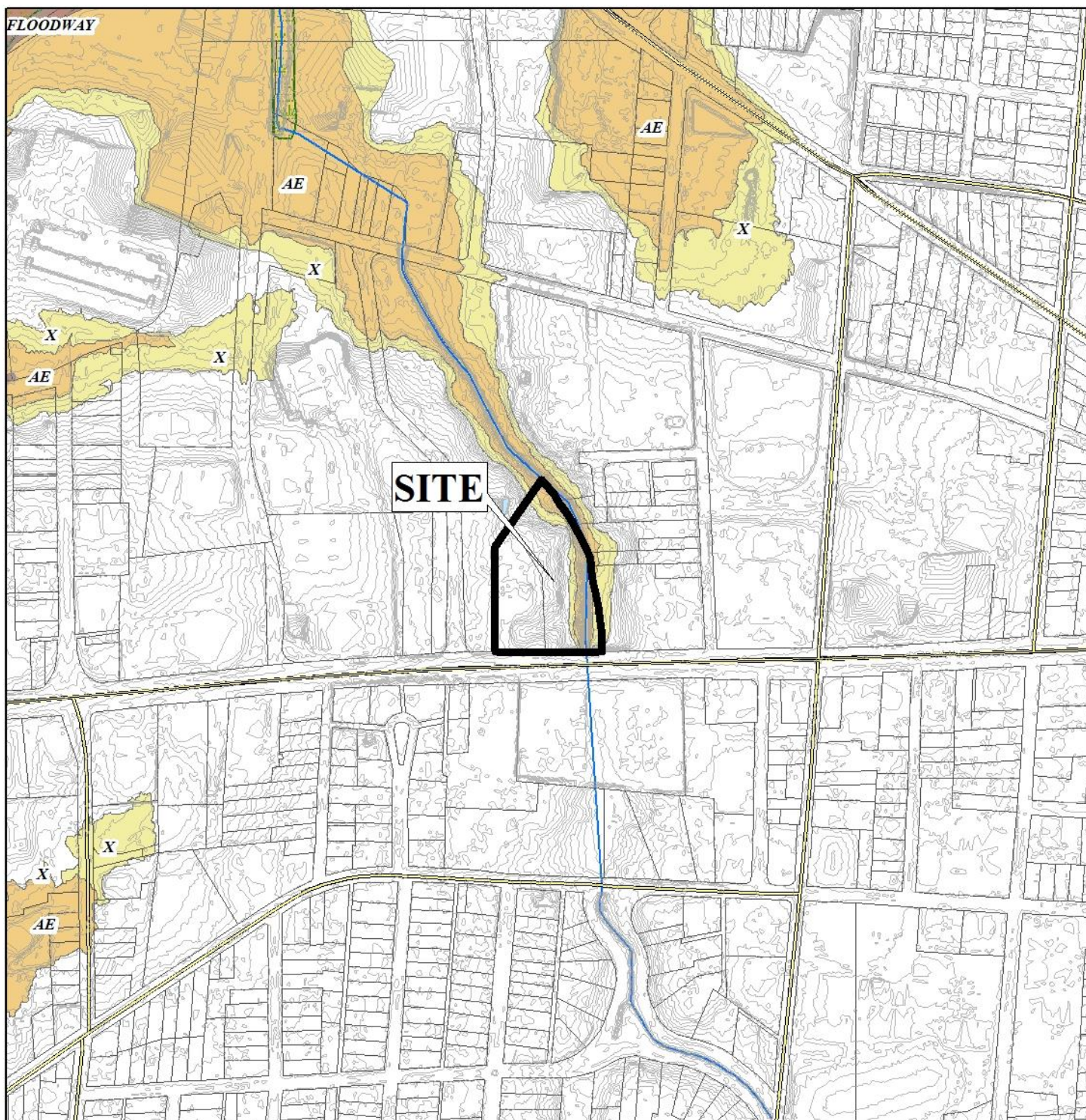
APPLICANT Magnolia Manor Subdivision

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

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



ENVIRONMENTAL LOCATOR MAP



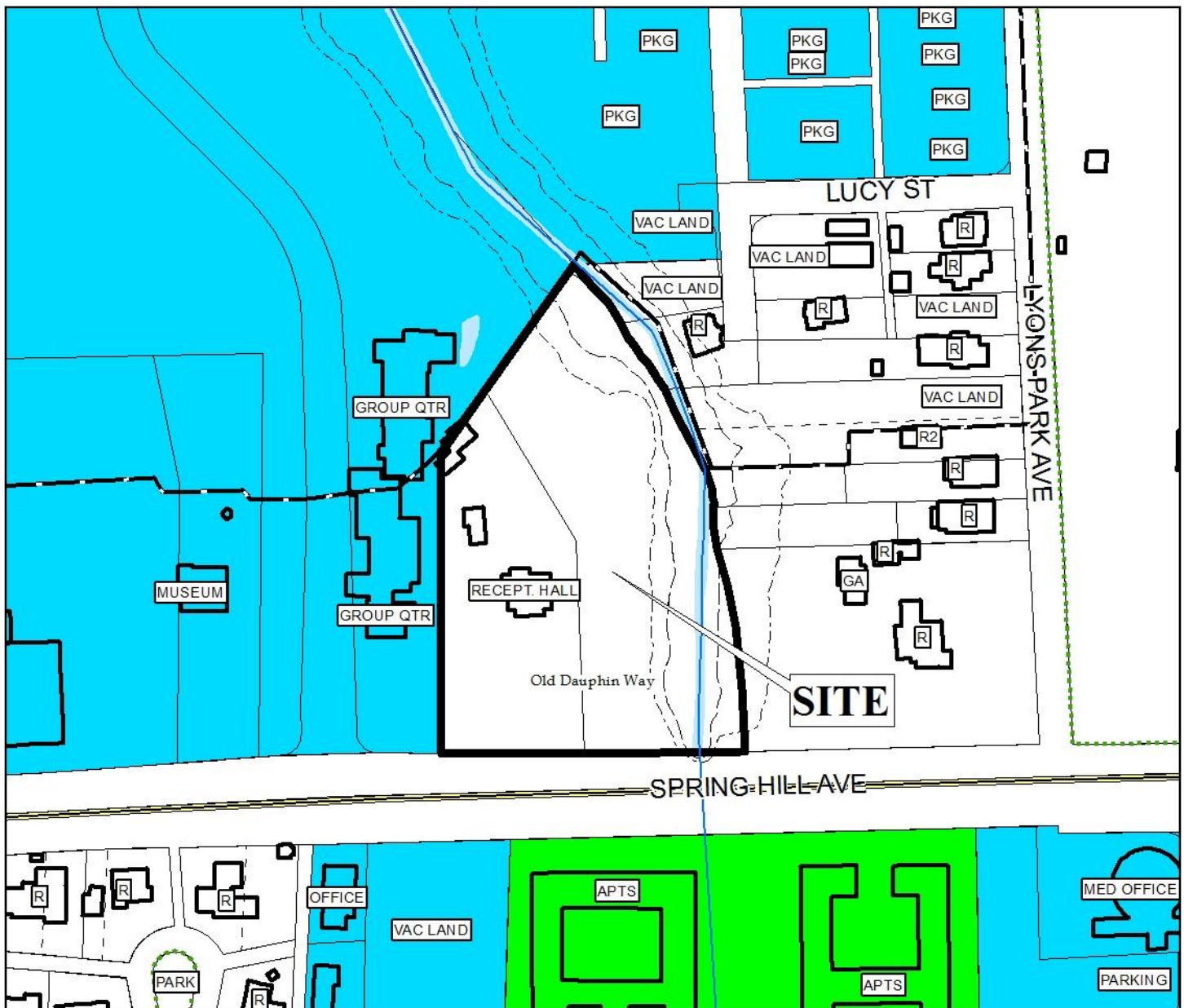
APPLICATION NUMBER 2 DATE September 19, 2019

APPLICANT Magnolia Manor Subdivision

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



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential and commercial units.

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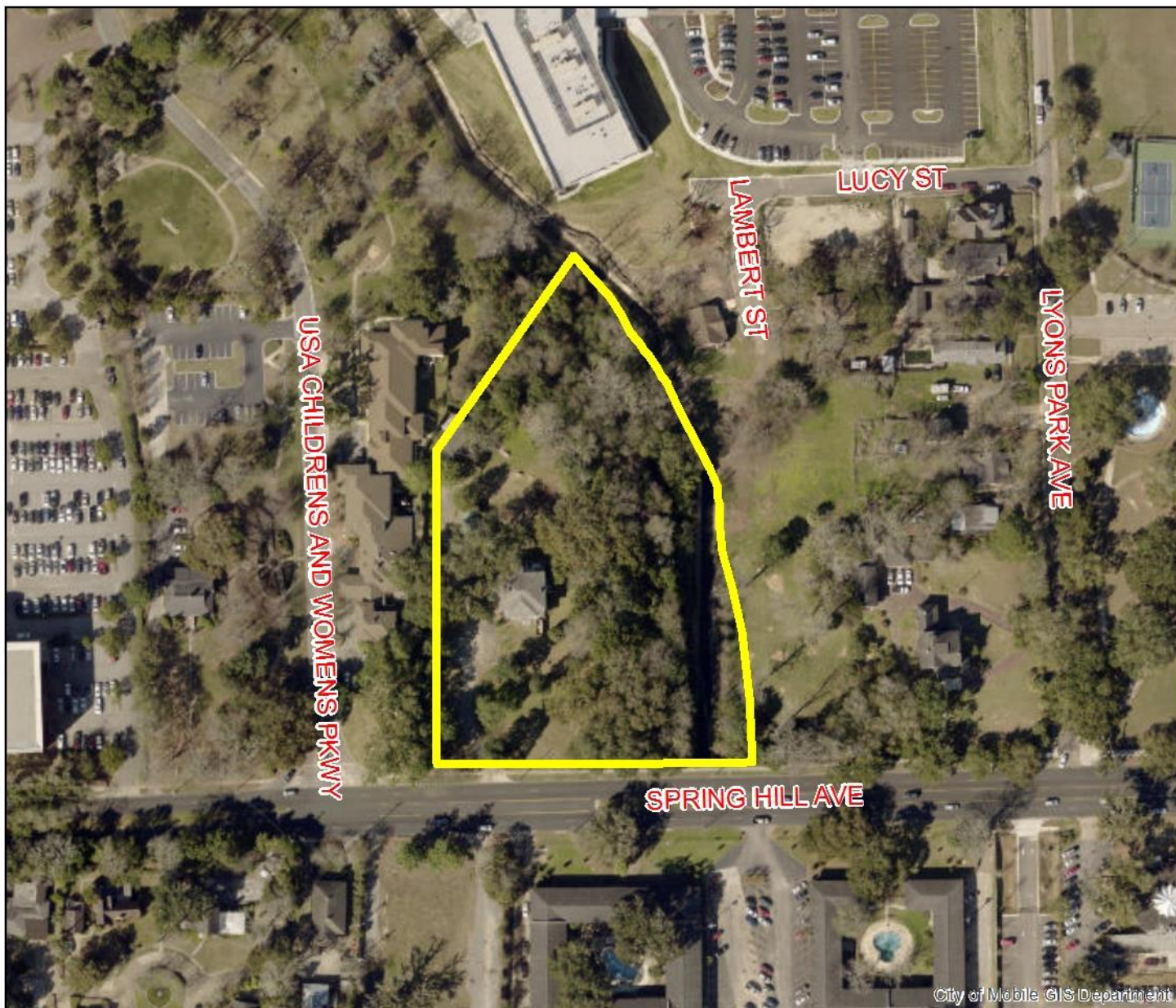
APPLICANT Magnolia Manor Subdivision

REQUEST Subdivision, PUD, Rezoning from 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

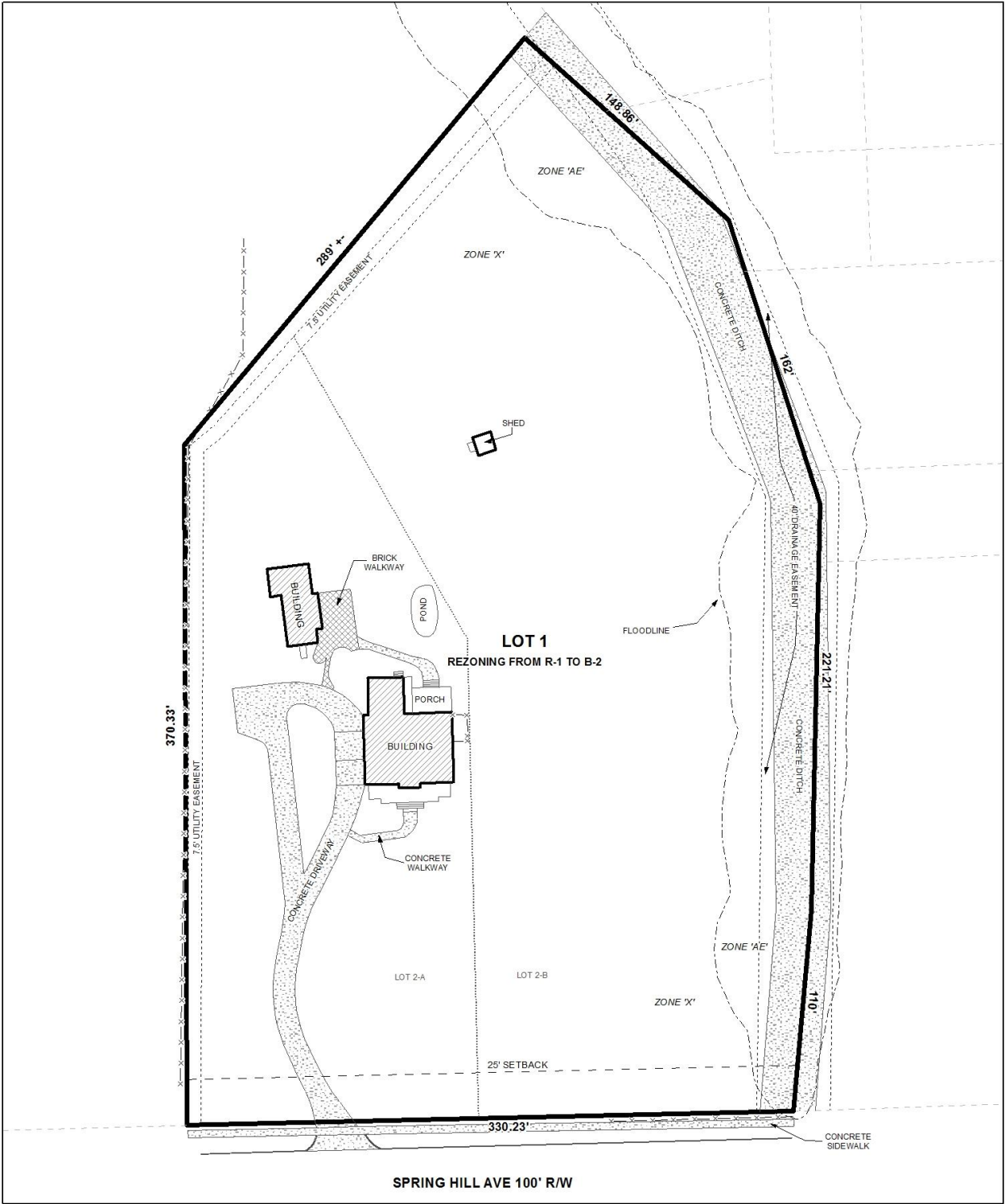


The site is surrounded by residential and commercial units.

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 APPLICANT Magnolia Manor Subdivision
 REQUEST Subdivision, PUD, Rezoning from R-1 to B-2



SITE PLAN



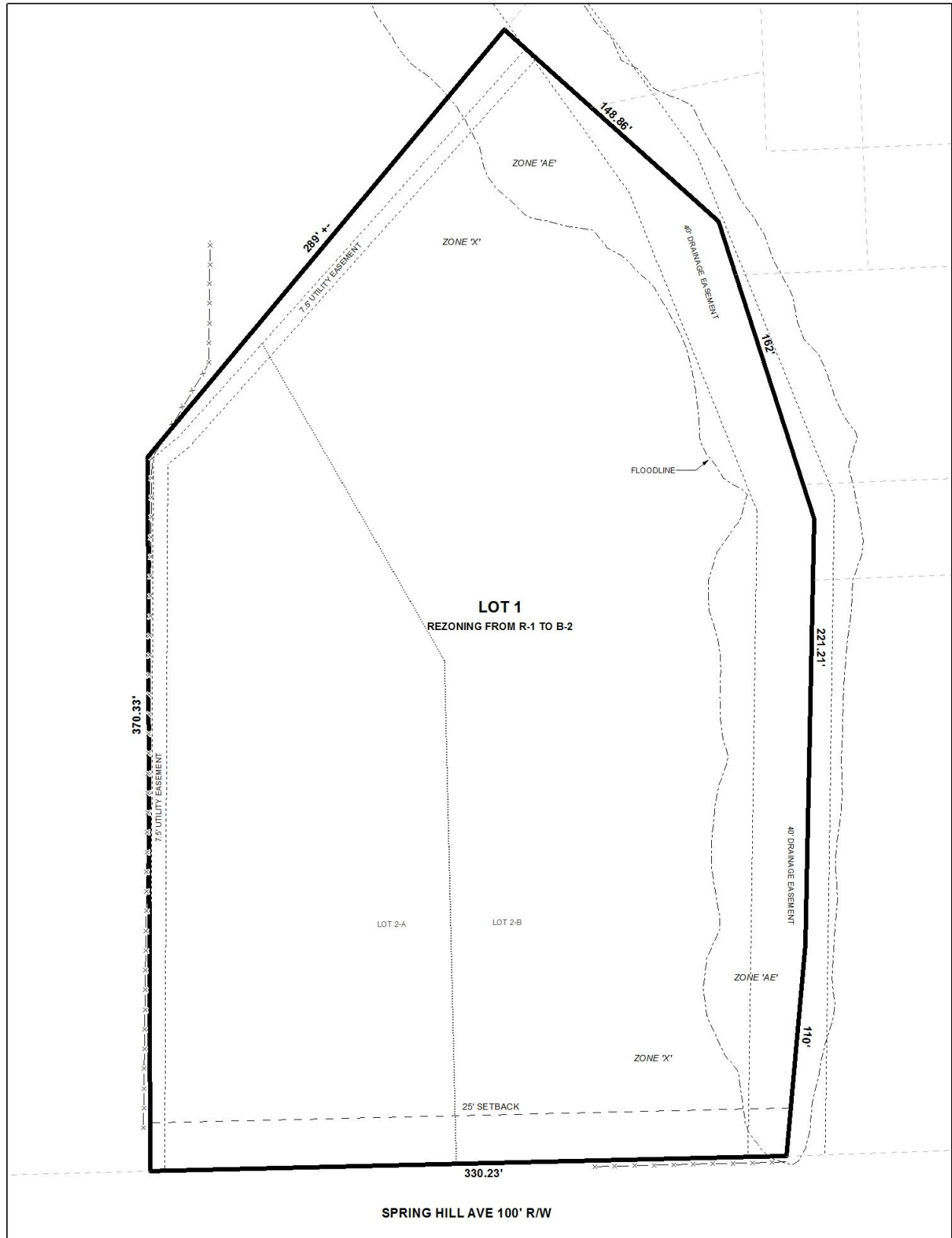
The site plan illustrates the existing buildings, setbacks and easements.

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NTS

DETAIL SITE PLAN

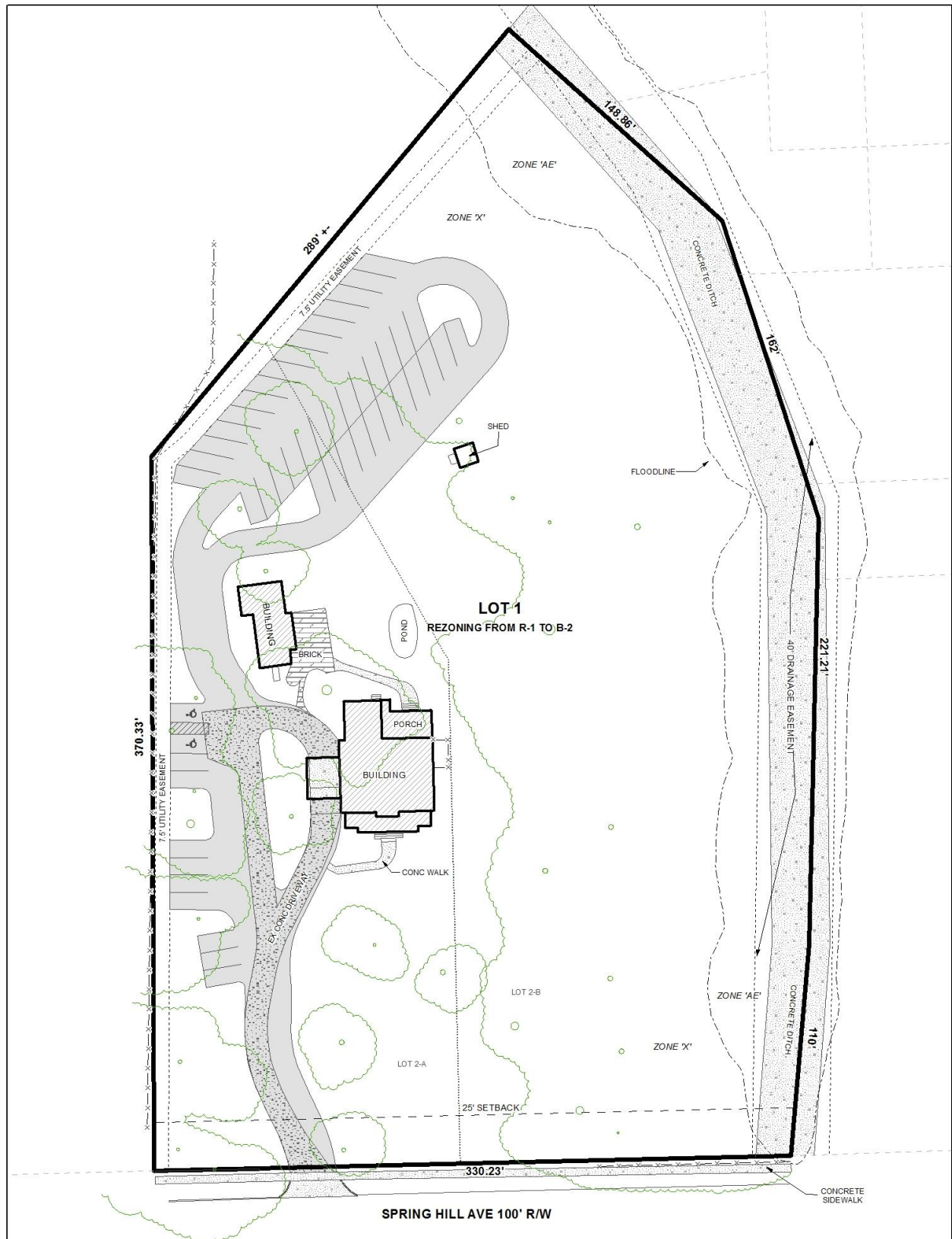


APPLICATION NUMBER 2 DATE September 19, 2019
 APPLICANT Magnolia Manor Subdivision
 REQUEST Subdivision, PUD, Rezoning from R-1 to B-2



NTS

DETAIL SITE PLAN



APPLICATION NUMBER 2 DATE September 19, 2019

APPLICANT Magnolia Manor Subdivision

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NTS