

**SUBDIVISION &**  
**ZONING AMENDMENT STAFF REPORT****Date: May 2, 2019**

|   |  |
|---|--|
| <b><u>APPLICANT NAME</u></b>                | Bishops-Gulfwood Subdivision   |
| <b><u>SUBDIVISION NAME</u></b>              | Bishops-Gulfwood Subdivision   |
| <b><u>DEVELOPMENT NAME</u></b>              | Bishops-Gulfwood Subdivision   |
| <b><u>LOCATION</u></b>                      | 700 Bishops Lane North<br>(Northeast corner of Bishops Lane North and Gulfwood Drive East)   |
| <b><u>CITY COUNCIL DISTRICT</u></b>         | District 7   |
| <b><u>PRESENT ZONING</u></b>                | R-1, Single-Family Residential District  |
| <b><u>PROPOSED ZONING</u></b>               | B-1, Buffer Business District  |
| <b><u>AREA OF PROPERTY</u></b>              | 0.2 ± acres  |
| <b><u>CONTEMPLATED USE</u></b>              | Subdivision approval to create one (1) legal lot of record from one (1) metes-and-bounds parcel, and Rezoning from R-1, Single-Family Residential District to B-1, Buffer Business District<br><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> |
| <b><u>TIME SCHEDULE FOR DEVELOPMENT</u></b> | Not specified.   |
| <b><u>ENGINEERING COMMENTS</u></b>          | <b>Subdivision: FINAL PLAT COMMENTS</b> (should be addressed prior to submitting the FINAL PLAT for review and/or signature by the City Engineer):<br><br>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. Dedicate the corner radius (15' minimum or as approved by the City Engineer and Traffic Engineer) at the southwest corner of LOT A, and list the amount of dedicated acreage.
  - C. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer.
  - D. Provide the Surveyor's Certificate and Signature.
  - E. Provide the Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
  - F. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 24 - #74) LOT A will have to share the historical credit of existing (1984) impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control. Coordinate with City Engineering Department staff to establish the exact amount that each Lot will receive prior to the submittal of the Final Plat from review and signatures.
  - G. 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.
  - H. 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.
  - 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 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.
  - K. Add a note to the plat stating that all easements shall remain in effect until vacated through the proper Vacation process.
  - L. Provide a copy of the FINAL SUBDIVISION PLAT to the Engineering Dept. for review. No signatures are required on this drawing.
  - M. 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.

**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. 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.
3. 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.
4. 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.
5. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

## **TRAFFIC ENGINEERING**

### **COMMENTS**

Site is limited to one curb cut with any changes in size, location and design to be approved by 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. Sidewalk should be constructed on both frontages at time of improvements to parking, unless a sidewalk waiver is approved by the Planning Commission.

## **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 one (1) legal lot of record from one (1) metes-and-bounds parcel, and Rezoning from R-1, Single-Family Residential District to B-1, Buffer Business District.

The site has been given a Low Density Residential (LDR) land use designation, per the recently adopted Future Land Use Plan and Map. 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 to existing residential neighborhoods found mostly west of the Beltline or immediately adjacent to the east side of the Beltline.

The primary land use in the LDR districts is residential and the predominant housing type is the single family housing unit, detached or semidetached, typically placed within a street grid or a network of meandering suburban streets. The density in these districts ranges between 0 and 6 dwelling units per acre (du/ac).

These neighborhoods may also contain small-scale, low-rise multi-unit structures at appropriate locations, as well as complementary retail, parks and civic institutions such as schools, community centers, neighborhood playgrounds, and churches or other religious uses if those uses are designed and sited in a manner compatible with and connected to the surrounding context. The presence of individual ancillary uses should contribute to the fabric of a complete neighborhood, developed at a walkable, bikeable human scale.

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 proposed lot fronts Bishops Lane North and Gulfwood Drive East. While the preliminary plat illustrates a compliant 50' right-of-way to Bishops Lane North, a 33' right-of-way width is depicted for Gulfwood Drive East. If approved, dedication to provide 25' feet from the centerline of Gulfwood Drive East should be illustrated on the Final Plat. Furthermore, dedication of the corner radii at Bishops Lane North and Gulfwood Drive East per Section V.D.6. of the Subdivision Regulations should be required.

It should be noted that after the required dedication, the proposed lot will still meet the minimum size requirement of V.D.2. of the Subdivision Regulations, but will be sub-standard in width, being reduced to 51' $\pm$ . There are other similarly narrow legal lots of record in the area, making a waiver of Section V.D.2., of the Subdivision Regulations appropriate.

The preliminary plat does not illustrate minimum building setback lines. If approved, a 25' minimum building setback line should be illustrated along Bishops Lane North. Because of the sub-standard width of the proposed lot, a reduced setback (9.7') may be allowed for that part of the property fronting Gulfwood Drive East.

The lot size information is provided in square feet and acres. If approved, the lot size information for each lot should be retained on the Final Plat, revised to reflect dedication.

As a means of access management, the lot should be limited to one curb cut, with changes in the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.

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 applicant states the following:

*"The owner wishes to rezone this property from R-1 Residential to B-1 Business to locate an attorney's office or small insurance office or other small business into the existing structure. The only changes to the structure would be those necessary to comply with City codes and ordinances.*

*There is B-1 zoning adjacent to the North and B-2 zoning on the West side of Bishops Lane North. The Rezoning of this property would be item B (changing conditions in the neighborhood) of the 4 conditions required for Rezoning.*

*Due to the existing commercial property North of Gulfwood Drive East and the quiet nature of the businesses allowed in B-1, a change of zoning classification for this property should have no adverse affect on the surrounding properties.*

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

The submitted site plan illustrates an existing dwelling with a deck, an asphalt drive with five (5) parking spaces, a metal shed, and a 6' wooden privacy fence located along the side and rear perimeter of the property. With the required dedication, it looks as if a parking space may be lost, however the applicant could remove (with permits) an existing shed to accommodate adequate,

compliant parking. No sidewalk is illustrated on the site plan, but one will be required due to the conversion of the site from residential to commercial.

Because the site is proposed to be used commercially, full compliance with tree planting and landscaped area will be required. The site plan submitted does depict that the site will comply with landscape area, but the required dedication will impact this.

While the Zoning Ordinance does not deal with Americans with Disabilities Act (ADA) compliance, the site plan submitted does not depict a van accessible parking space, nor does it illustrate a ramp to allow access to the structure.

The site plan submitted does indicate curb side pickup will be used. If approved, this note should be retained on the site plan at the time of permitting, or a dumpster compliant with setbacks, enclosure, and sanitary sewer connection requirements should be illustrated.

**RECOMMENDATION**      **Subdivision:** The application is recommended for Tentative Approval, with a waiver of Section V.D.2 of the Subdivision Regulations, subject to the following conditions:

- 1) Retention of the 50' right-of-way width to Bishops Lane North;
- 2) Provision of dedication to provide 25' from the centerline of Gulfwood Drive East;
- 3) Dedication of the corner radii at Bishops Lane North and Gulfwood Drive East per Section V.D.6 of the Subdivision Regulations from the dedication along Gulfwood Drive East;
- 4) Provision of a 9.7' setback along Gulfwood Drive East;
- 5) Retention of 25' minimum building setback line alone Bishops Lane North;
- 6) Retention of lot size information in both square feet and acres, adjusted for dedication;
- 7) Placement of a note on the Final Plat stating the following Traffic Engineering comments: "*Site is limited to one curb cut with any changes in size, location and design to be approved by 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. Sidewalk should be constructed on both frontages at time of improvements to parking, unless a sidewalk waiver is approved by the Planning Commission*".;
- 8) 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. Dedicate the corner radius (15' minimum or as approved by the City Engineer and Traffic Engineer) at the southwest corner of LOT A, and list the amount of dedicated acreage. C. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer. D. Provide the Surveyor's Certificate and Signature. E.

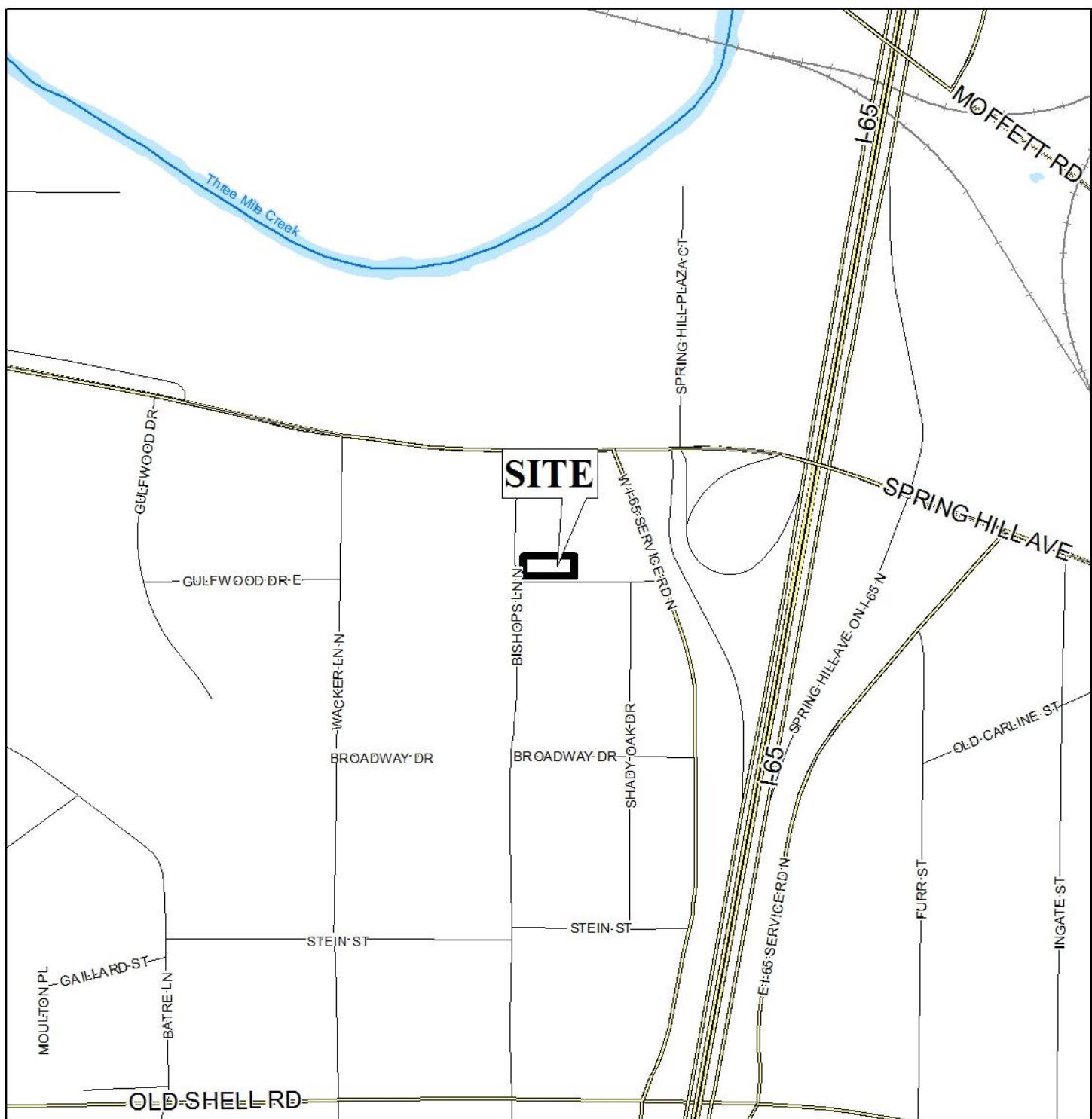
*Provide the Owner's (notarized), Planning Commission, and Traffic Engineering signatures. F. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 24 - #74) LOT A will have to share the historical credit of existing (1984) impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control). Coordinate with City Engineering Department staff to establish the exact amount that each Lot will receive prior to the submittal of the Final Plat from review and signatures. G. 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. H. 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. 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 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. K. Add a note to the plat stating that all easements shall remain in effect until vacated through the proper Vacation process. L. Provide a copy of the FINAL SUBDIVISION PLAT to the Engineering Dept. for review. No signatures are required on this drawing. M. 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.;*

- 9) 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)*);
- 10) 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)*); and
- 11) Completion of the Subdivision prior to requesting Land Disturbance or building permits for new construction.

**Rezoning:** Based upon the preceding, the Rezoning request is recommended for approval as B-1, Buffer Business, subject to the following conditions:

- 1) Completion of the Subdivision process; and
- 2) Full compliance with all municipal codes and ordinances;

# LOCATOR MAP



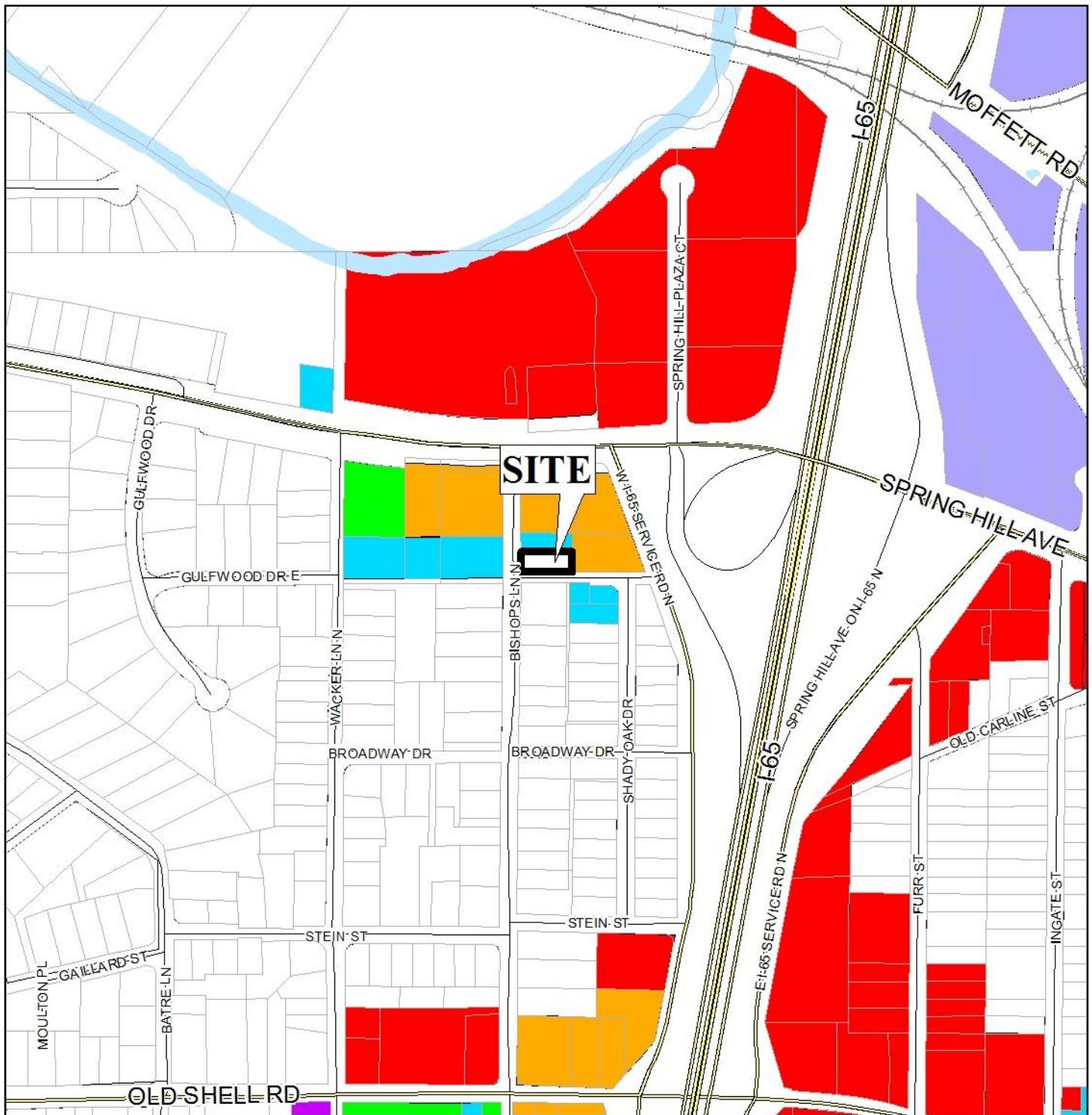
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|--------------------|---|------|-------------|
| APPLICATION NUMBER | 3 | DATE | May 2, 2019 |
|--------------------|---|------|-------------|

|           |                              |
|-----------|------------------------------|
| APPLICANT | Bishops-Gulfwood Subdivision |
|-----------|------------------------------|

|         |                                       |
|---------|---------------------------------------|
| REQUEST | Subdivision, Rezoning from R-1 to B-1 |
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# LOCATOR ZONING MAP



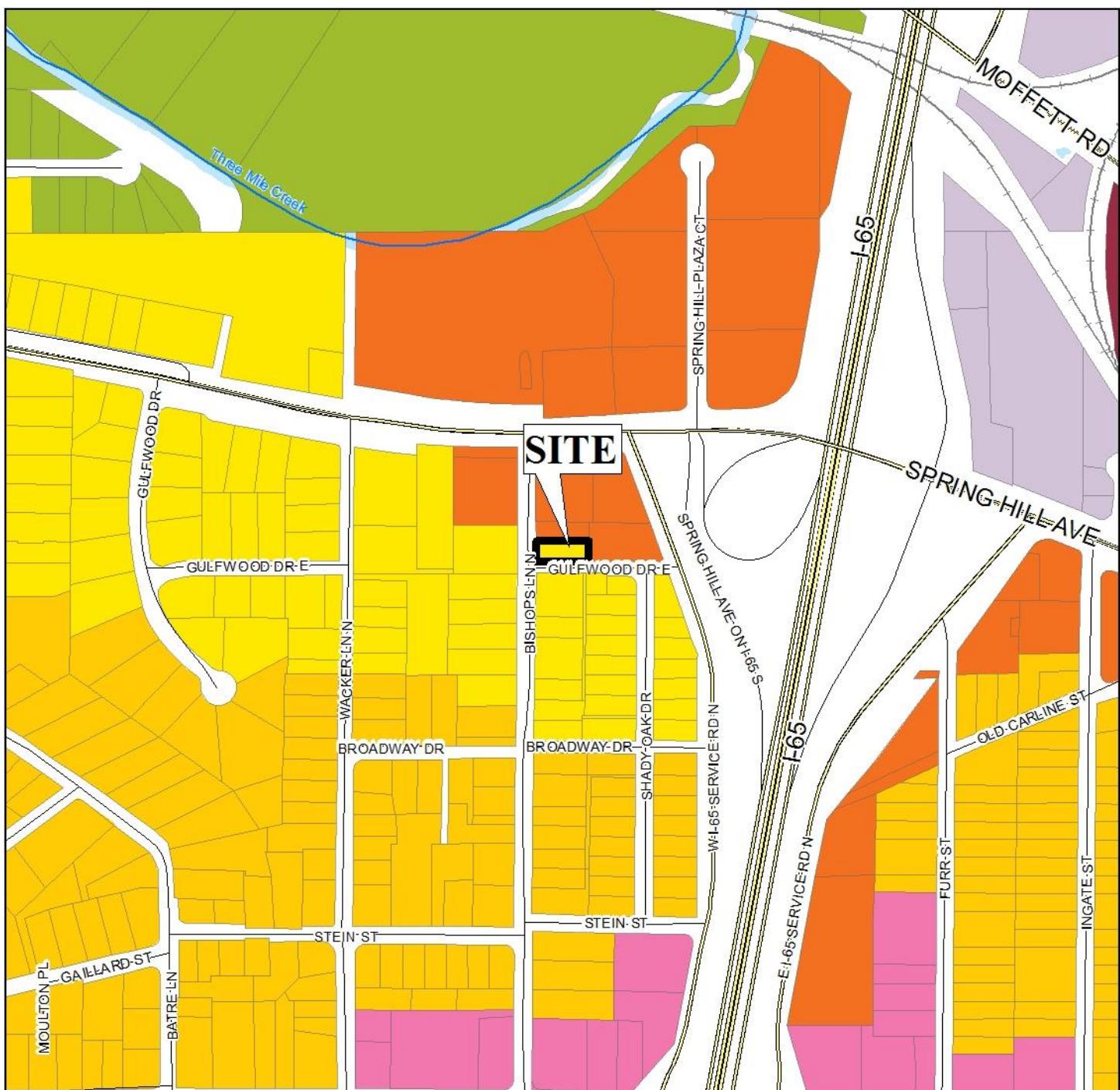
APPLICATION NUMBER 3 DATE May 2, 2019

APPLICANT Bishops-Gulfwood Subdivision

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



# FLUM LOCATOR MAP



APPLICATION NUMBER 3 DATE May 2, 2019

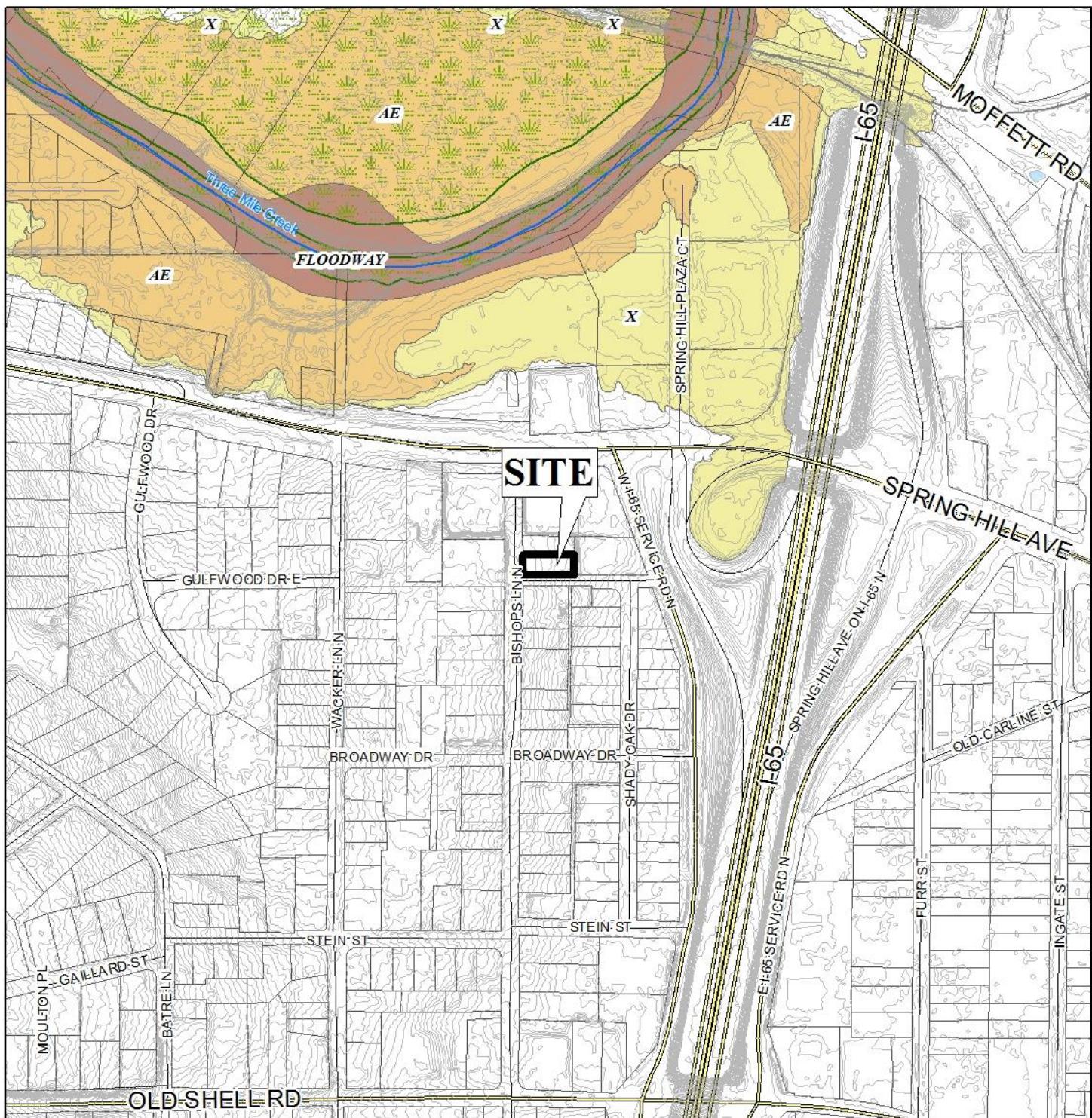
APPLICANT Bishops-Gulfwood Subdivision

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

- |                           |                                   |                     |                    |
|---------------------------|-----------------------------------|---------------------|--------------------|
| 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      | Institutional      |
| District Center           | Mixed Commercial Corridor         |                     |                    |

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# ENVIRONMENTAL LOCATOR MAP



APPLICATION NUMBER 3 DATE May 2, 2019

APPLICANT Bishops-Gulfwood Subdivision

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



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial and residential units.

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APPLICANT Bishops-Gulfwood Subdivision

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

|  |            |  |            |  |             |  |            |  |            |  |             |  |              |  |             |
|--|------------|--|------------|--|-------------|--|------------|--|------------|--|-------------|--|--------------|--|-------------|
|  | <b>R-A</b> |  | <b>R-3</b> |  | <b>T-B</b>  |  | <b>B-2</b> |  | <b>B-5</b> |  | <b>MUN</b>  |  | <b>SD-WH</b> |  | <b>T5.1</b> |
|  | <b>R-1</b> |  | <b>R-B</b> |  | <b>B-1</b>  |  | <b>B-3</b> |  | <b>I-1</b> |  | <b>OPEN</b> |  | <b>T3</b>    |  | <b>T5.2</b> |
|  | <b>R-2</b> |  | <b>H-B</b> |  | <b>LB-2</b> |  | <b>B-4</b> |  | <b>I-2</b> |  | <b>SD</b>   |  | <b>T4</b>    |  | <b>T6</b>   |

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**PLANNING COMMISSION  
VICINITY MAP - EXISTING AERIAL**



The site is surrounded by commercial and residential units.

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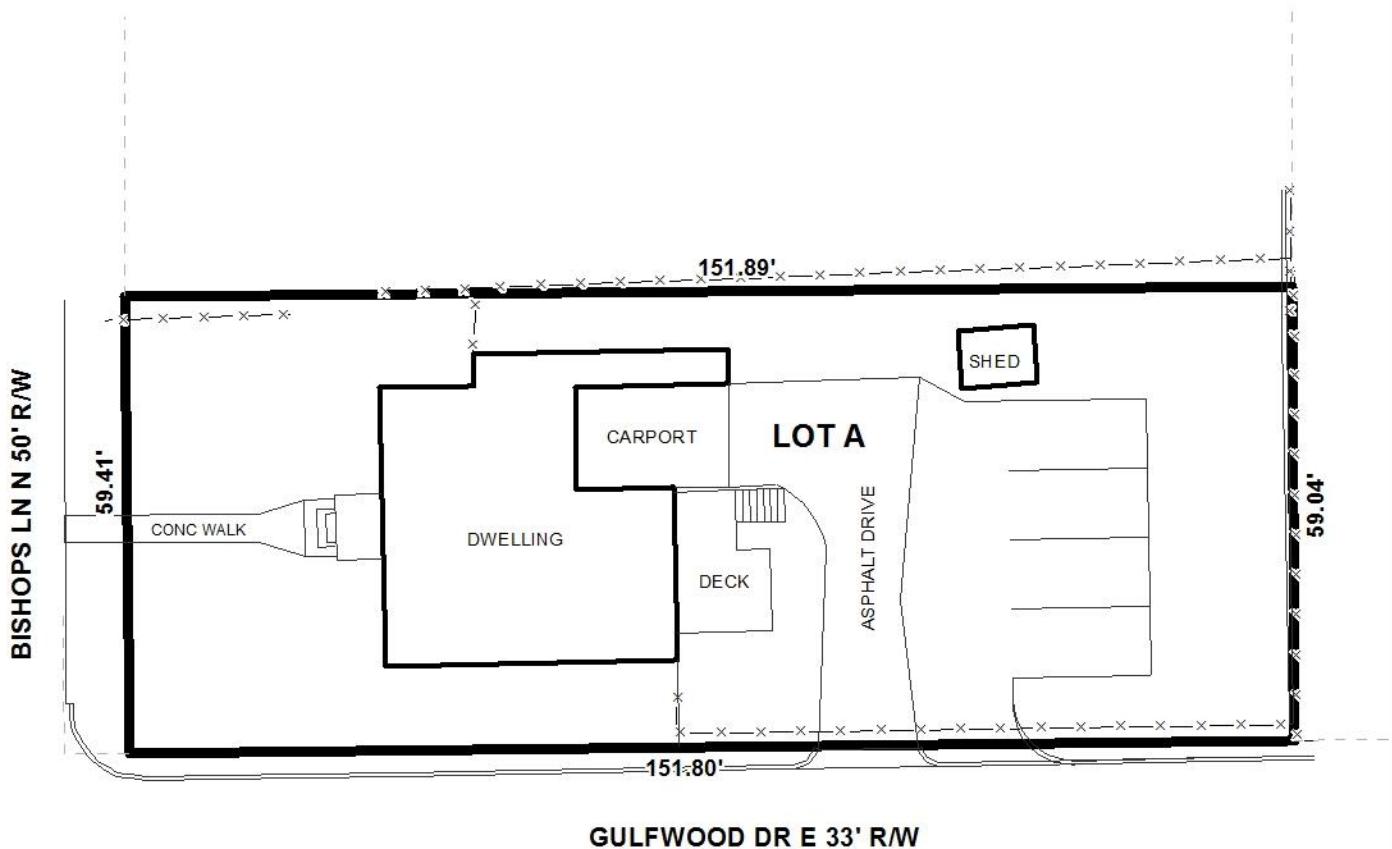
APPLICANT Bishops-Gulfwood Subdivision

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



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# SITE PLAN



The site plan illustrates the existing dwelling, drive, parking, and fences.

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APPLICANT Bishops-Gulfwood Subdivision

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

