

**ZONING AMENDMENT
& SUBDIVISION STAFF REPORT****Date: June 6, 2019**

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|---|---|
| <u>APPLICANT NAME</u> | CA Properties II, LLC |
| <u>SUBDIVISION NAME</u> | CA Subdivision |
| <u>LOCATION</u> | Northwest corner of West I-65 Service Road North and Zimlich Avenue |
| <u>CITY COUNCIL DISTRICT</u> | District 7 |
| <u>PRESENT ZONING</u> | R-1, Single-Family Residential District and LB-2, Limited Neighborhood Business District |
| <u>PROPOSED ZONING</u> | LB-2, Limited Neighborhood Business District |
| <u>AREA OF PROPERTY</u> | 1 Lot / 1.3 ± Acres |
| <u>CONTEMPLATED USE</u> | <p>Rezoning from R-1, Single-Family Residential, and LB-2, Limited Neighborhood Business to LB-2, Neighborhood Business District.</p> <p>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.</p> |
| <u>REASON FOR REZONING</u> | Applicant is requesting rezoning of the site to allow for office development. |
| <u>TIME SCHEDULE FOR DEVELOPMENT</u> | Phase 1 August 2019 Phase 2 December 2020 |
| <u>ENGINEERING COMMENTS</u> | <p>Subdivision <u>FINAL PLAT COMMENTS</u> (should be addressed prior to submitting the FINAL PLAT for review and/or signature by the City Engineer):</p> <p>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.</p> |

- B. Provide and label the monument set or found at each subdivision corner.
- C. Revise the plat to label each lot with a designator (i.e. LOT A, LOT 1)
- D. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer.
- E. Provide the Surveyor's Certificate.
- F. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering 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 Zimlich Ave. ROW 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 work performed in the existing ALDOT ROW will require a ROW permit ALDOT.
- 3. Any new sidewalk work performed in the existing ALDOT ROW 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).
- 4. 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.

5. 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.
6. 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.
7. 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.
8. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

TRAFFIC ENGINEERING

COMMENTS

West I-65 Service Road North is an ALDOT maintained roadway. Lot is limited to no more than one curb cut per street frontage with size, location and design to be approved by ALDOT (where applicable) 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.

COMMENTS

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 legal lot of record from two existing legal lots, and Zoning approval to rezone the newly proposed lot from R-1, Single-Family Residential and LB-2, Limited Neighborhood Business District, to LB-2, Limited Neighborhood Business District.

A portion of the proposed lot most recently appeared before the Planning Commission at the February 16, 2017 meeting where a four lot residential subdivision, Planned Unit Development to allow reduced lot sizes and setbacks, and rezoning request to allow R-1, Single Family Residential, and LB-2, Limited Neighborhood Business District was presented. Approval was

granted for the four lot residential subdivision; however the PUD and Rezoning were withdrawn. The other portion of the newly proposed lot appeared before the Planning Commission at the August 7, 2008 meeting where a one lot subdivision and rezoning from R-1, Single Family Residential to B-2, Neighborhood Business District to allow specialty retail stores was considered. The subdivision was approved and the rezoning was approved as LB-2, Limited Neighborhood Business District. The applicant now wishes to combine the previous two lots to one lot and rezone the entire lot to LB-2, Limited Neighborhood Business District.

The site has been given a Mixed Density Residential (MxDR) and Mixed Commercial Corridor (MCC) 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.

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

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

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

Mixed Commercial Corridor land use designation mostly applies to transportation corridors west of I-65 serving primarily the low-density (suburban) residential neighborhoods. MCC includes a wide variety of retail, services and entertainment uses.

This designation acknowledges existing commercial development that is spread along Mobile's transportation corridors in a conventional strip pattern or concentrated into shorter segments of a corridor.

Over time, new development and redevelopment in Mixed Commercial Corridors is encouraged to raise design quality, improve connectivity to surrounding neighborhoods; improved streetscapes; and improve mobility and accessibility for all users of the corridor.

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 applicant proposes to create one legal lot of record from two existing legal lots of record. The lot appears to exceed the minimum lot size requirements of Section V.D.2. of the Subdivision Regulations; however the lot size is not depicted in square feet. The plat and site plan should be revised to depict the lot size in square feet and acres or provide a chart furnishing that information.

The site has frontage along Zimlich Avenue, a minor street with a 50' right-of-way. The site also has frontage along I-65 Service Road. The right-of-way width for I-65 Service Road is not labeled on the plat or on the site plan. Sufficient dedication should be provided if, needed, and a revised plat depicting the labeling of the right-of-way width along the I-65 Service Road is required. The right-of-way of I-65 plus the East and West service roads should be 300 feet total.

The site appears to have one existing curb-cut to Zimlich Avenue. The applicant is requesting one curb-cut to Zimlich Avenue and one curb-cut to I-65 Service Road. As a means of access management the number, size, location and design of curb-cuts are to be approved by Traffic Engineering and ALDOT and conform to AASHTO standards.

The 25-foot minimum building setback is depicted along the service road, but is shown as 20' along Zimlich Avenue. The plat and site plan should be revised to be 25' along both street frontages.

The site is currently vacant. The property is bounded to the North by retail in a B-2 district, to the East by Interstate 65, to the West by residences and to the South by residences in an R-1 district and offices in a B-1 district.

A buffer in compliance with Section 64-4.D.1 of the Zoning Ordinance and Section V.A.8 of the Subdivision Regulations will be required where the site abuts residential zoning districts.

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 applicant provided the following statement for the justification for rezoning as well as the project description:

Statement of Zoning Change Justification:

“The proposed site for this development is comprised of two vacant parcels within different zoning districts, LB-2, and R-1. Being submitted concurrently is a request to consolidate these two small lots, creating a 1.27-acre parcel. We request that this one parcel be zoned LB-2 (CM per the city’s proposed Comprehensive Plan) in order to allow for an office development. Basically, it would be extending the boundary of an existing district to include an additional 0.38 acres.

To the north and south of the site is a mix of office and retail. To the west is single-family residential. Our design calls for a 10’ protective buffer strip along the entirety of the west property line to allow sufficient screening from the residential district. The office development would be more of a semi-commercial use that could buffer the residential district from a more “high impact” commercial area.

The proposed office use is much less invasive than some of the others allowed, e.g., convenience stores, bars, hotels. Creating only a minor traffic count, the office development would have a little effect of surrounding roads. The impact on public facilities such as utilities would be minor when compared to a restaurant or convenience store.”

Project Description:

“This application is for two-phase development at the intersection of Zimlich Avenue and the I-65 Service Road just south of Old Shell Road. The property faces I-65 and is currently composed of two vacant parcels, each within a different zoning district. The 0.889- acre parcel fronting the service road is zoned LB-2 with the 0.38-acre rear parcel currently being within an R-1 district. We are submitting concurrently, under a separate subdivision application, a request to consolidate these two parcels with the intent of having the entire property zoned LB-2.

Phase One

The first phase will be constructed of a one-story, 8,476 square foot office building to house a real estate development company that is local to Mobile. This building and associated parking will be located on the southern portion of the site and will have two access points, one onto Zimlich Avenue and the second onto the I-65 Service Road. Current design has the driveways centered along each road frontage.

With the first phase of development, landscaping will be installed along the rear property line to screen the adjacent residential use. Said landscaping will meet all requirements of the 10’ protective buffer strip as described in Sec. 64-4 of the city’s zoning ordinance. Stormwater detention will be managed in an underground system.

Phase Two

The second phase of development will consist of an 8,330 square foot office building with associated parking located on the northern portion of the property. Additional

landscaping and pedestrian paths will be installed. The two access drives and underground detention system will be shared by both buildings.

The anticipated time schedule is as follows:

Beginning: August 2019

Completion: December 2020”

As it appears that the intent is to build two office buildings, a rezoning of the site to B-1, Buffer Business would further protect abutting residential properties.

Staff has reviewed the site plan submitted for the rezoning and the plan appears to comply with zoning ordinance requirements. It should be pointed out that the proposed site plan does depict two buildings on the proposed lot, thus a Planned Unit Development application will be required prior to the submission/ approval of the construction of the second building indicated on Phase 2, however, an Administration PUD may be allowed if the development will be fully compliant with Zoning Ordinance requirements.

It should be noted full site compliance is required at the time of development to include: tree planting and landscaping, parking, buffering, a photometric plan, and dumpster compliance.

It should also be pointed out that aerial photographs show what appears to be some type of structure on the southwest portion of the lot fronting Zimlich, which may have been removed since the 2018 photos were taken; however a demolition permit is required for the demolishing of any structures on site.

RECOMMENDATION

Subdivision: The Subdivision request is recommended for Tentative Approval subject to the following conditions:

- 1) revision of the plat to depict the lot size in square feet and acres;
- 2) revision of the plat to label the right-of-way width of the I-65 Service Road (dedication should be provided if, needed) (300 foot minimum total right-of-way required for I-65 and service roads);
- 3) retention of the labeling of the right-of-way width of Zimlich Avenue;
- 4) depiction of a 25' minimum building setback line on all street frontages;
- 5) obtainment of a demolition permit for the structure located on southwest of the lot (if still present) prior to the signing of the final plat;
- 6) placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.8 of the Subdivision Regulations;
- 7) placement of a note on the Final Plat stating the following Traffic Engineering comments: *“West I-65 Service Road North is an ALDOT maintained roadway. Lot is limited to no more than one curb cut per street frontage with size, location and design to be approved by ALDOT (where applicable) 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 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. Provide and label the monument set or found at each subdivision corner. C. Revise the plat to label each lot with a designator (i.e. LOT A, LOT 1) D. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer. E. Provide the Surveyor's Certificate. F. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering 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 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) Removal of heritage trees from a commercial site will require a tree removal permit.”;*
- 10) 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).”;*
- 11) completion of the Subdivision process prior to the approval of any land disturbing or building activities for new construction; and
- 12) compliance with all applicable municipal Codes and Ordinances.

Rezoning: Based upon the preceding, the application is recommended for Approval as a **B-1, Buffer- Business District**, subject to the following:

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

LOCATOR MAP



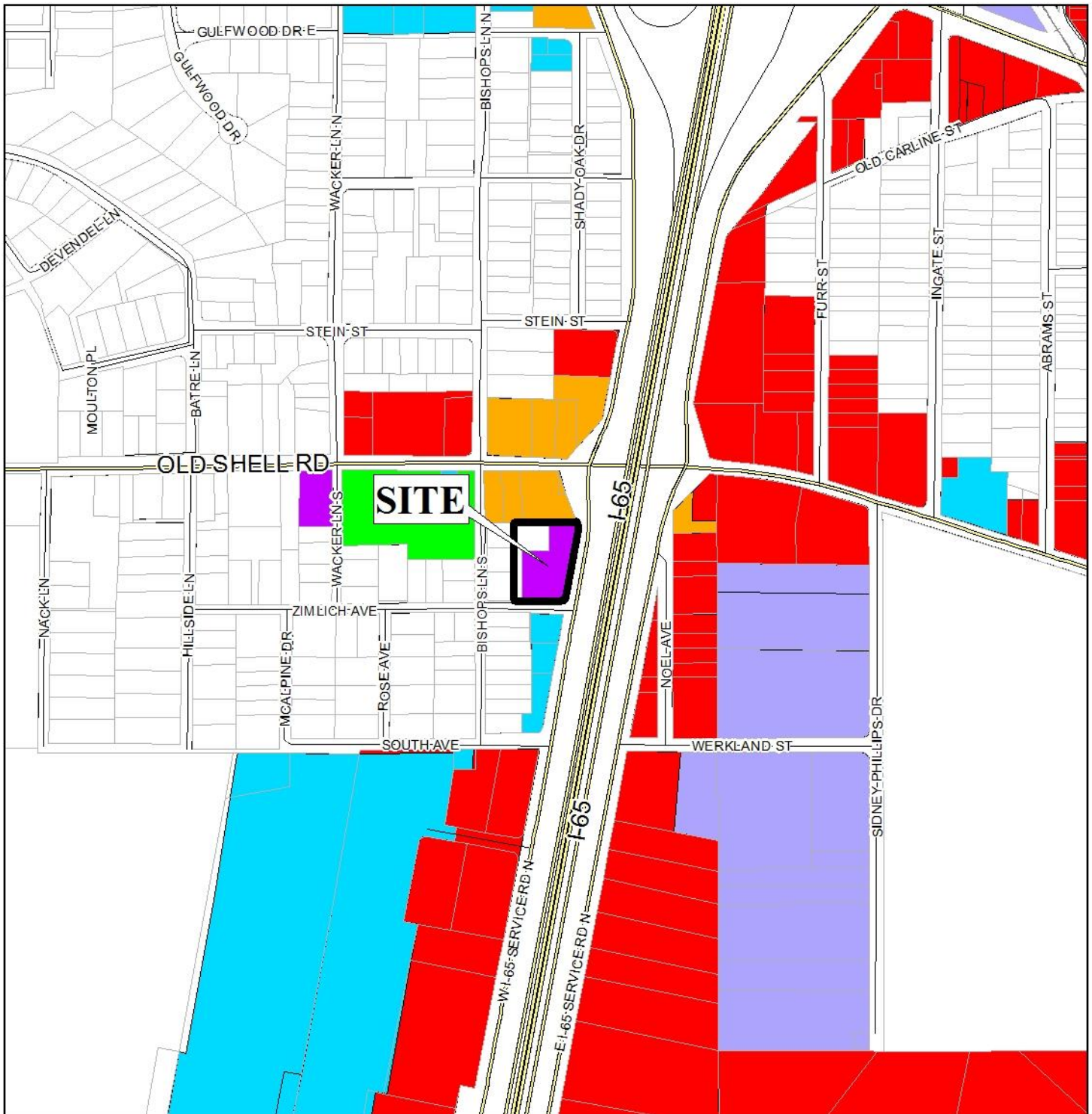
APPLICATION NUMBER 3 DATE June 6, 2019

APPLICANT CA Subdivision

REQUEST Subdivision, Rezoning from R-1 to LB-2



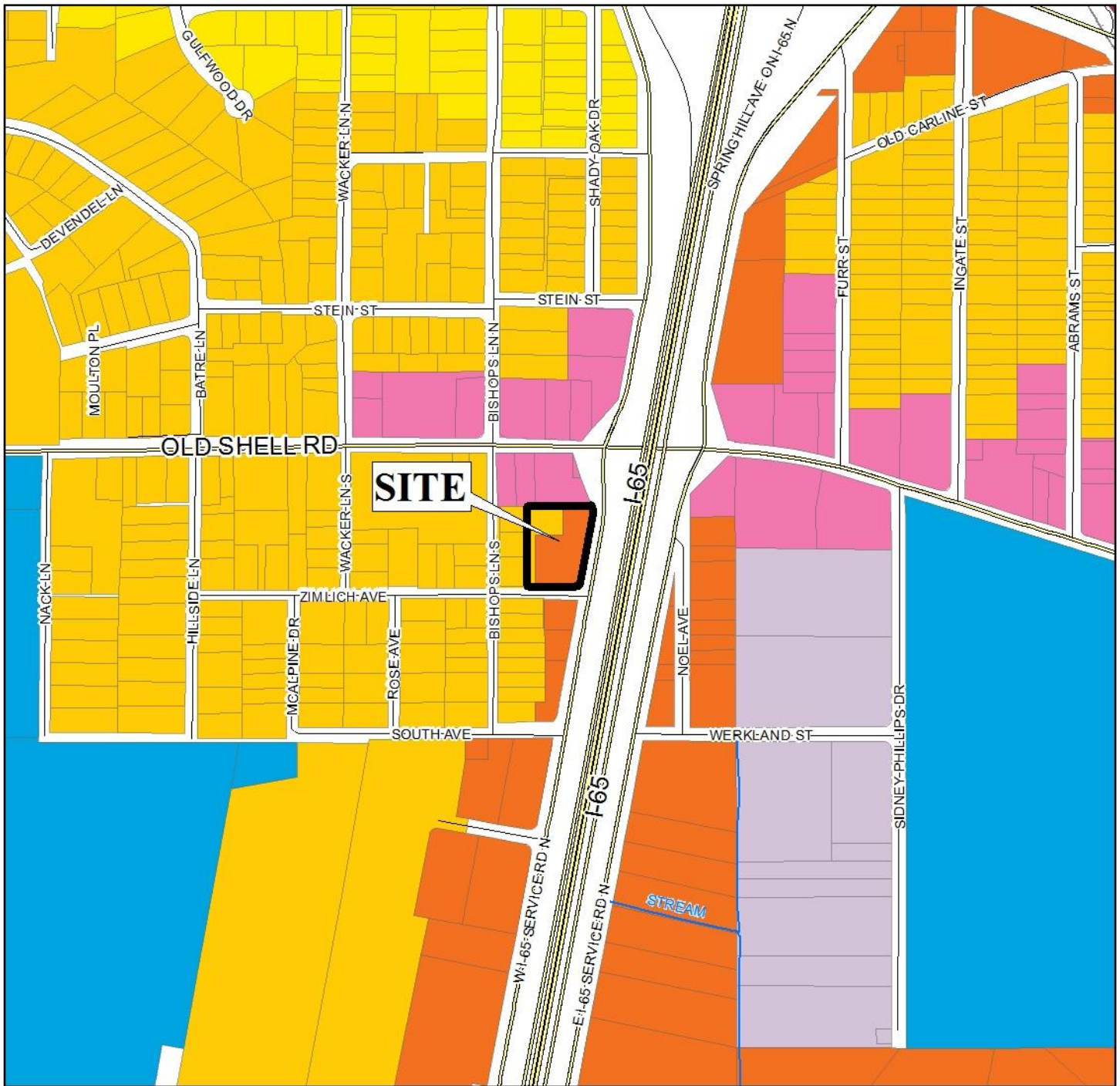
LOCATOR ZONING MAP



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 REQUEST Subdivision, Rezoning from R-1 to LB-2



FLUM LOCATOR MAP



APPLICATION NUMBER 3 DATE June 6, 2019

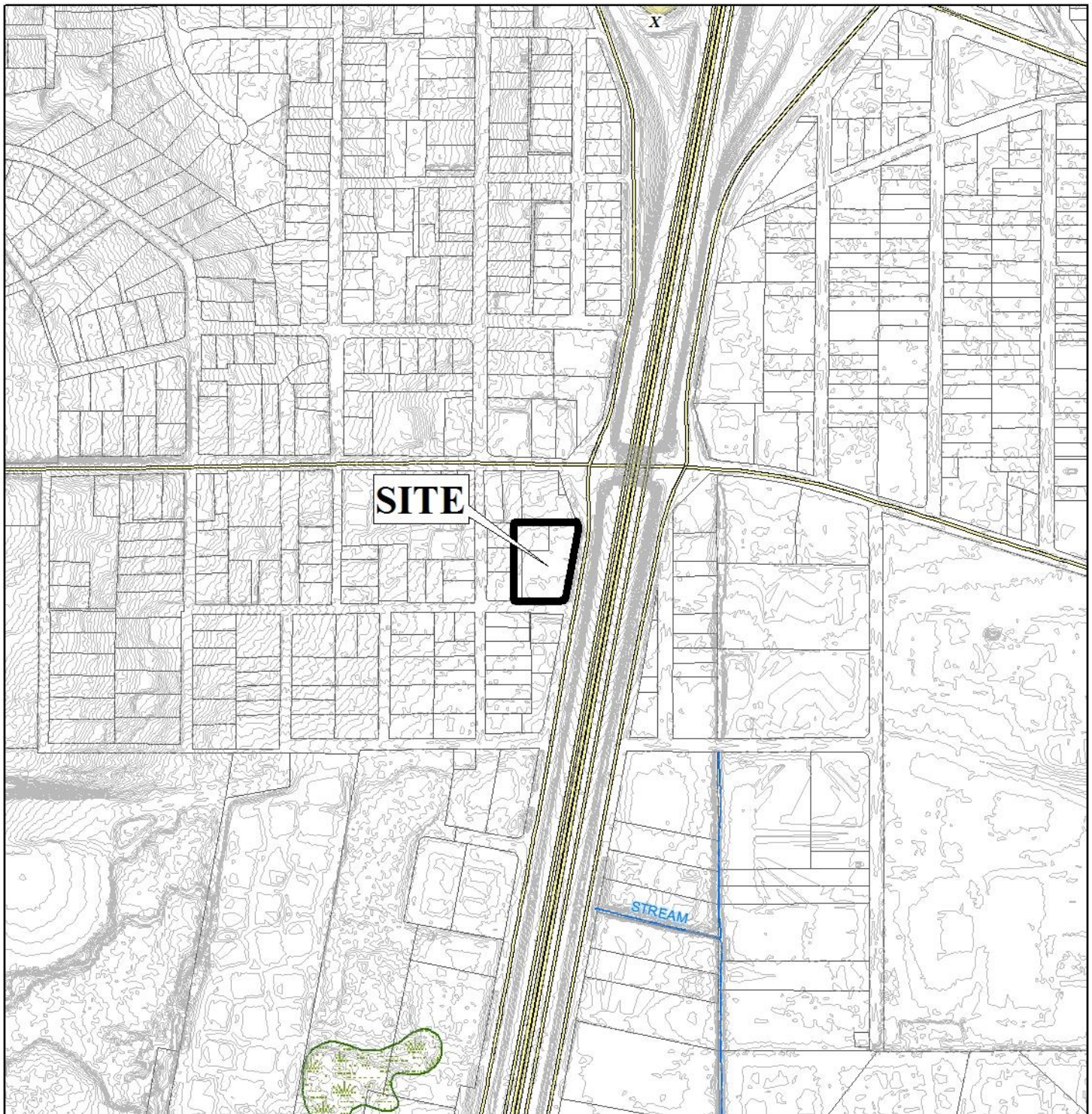
APPLICANT CA Subdivision

REQUEST Subdivision, Rezoning from R-1 to LB-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



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APPLICANT CA Subdivision

REQUEST Subdivision, Rezoning from R-1 to LB-2



PLANNING COMMISSION

VICINITY MAP - EXISTING ZONING



The site is surrounded by residential and commercial units.

APPLICATION NUMBER 3 DATE June 6, 2019

APPLICANT CA Subdivision

REQUEST Subdivision, Rezoning from R-1 to LB-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

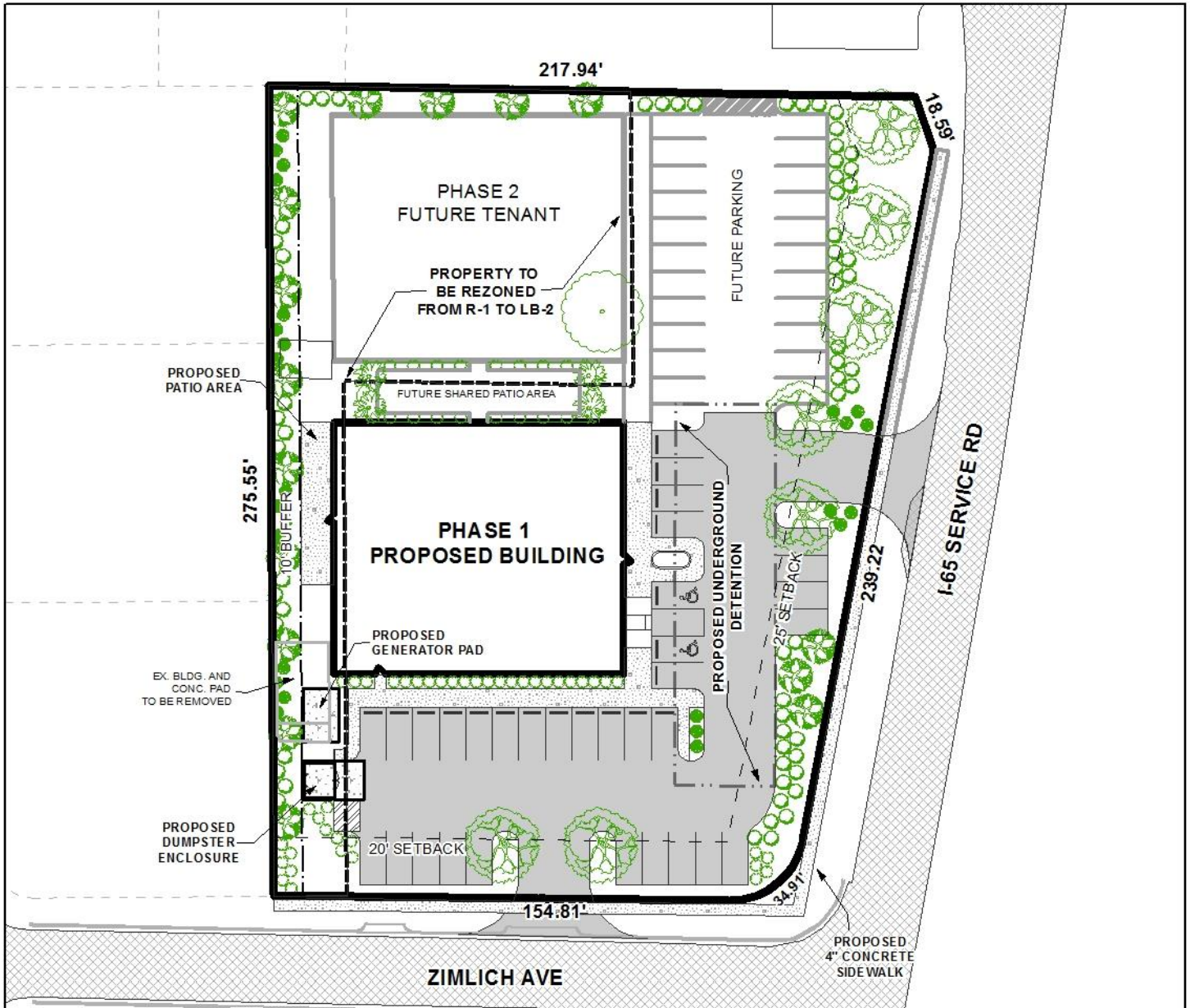


The site is surrounded by residential and commercial units.

APPLICATION NUMBER 3 DATE June 6, 2019
 APPLICANT CA Subdivision
 REQUEST Subdivision, Rezoning from R-1 to LB-2



SITE PLAN

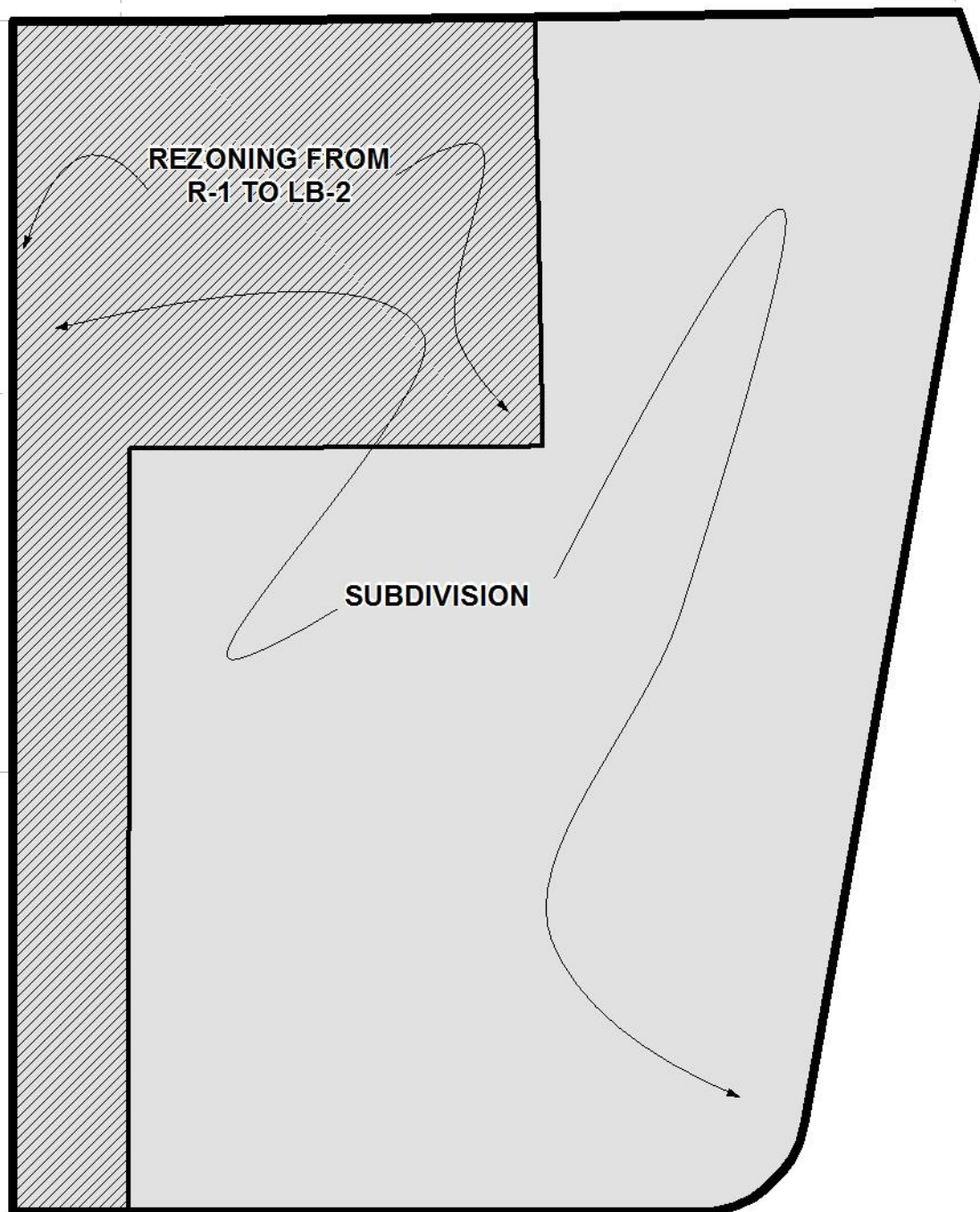


The site plan illustrates the proposed building, the proposed sidewalk, setbacks, and buffers.

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DETAIL SITE PLAN



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APPLICANT CA Subdivision

REQUEST Subdivision, Rezoning from R-1 to LB-2



