

Agenda Item #: 3

SUB-002505-2023 & ZON-UDC-002510-2023

View additional details on this proposal and all application materials using the following link:

<u>Applicant Materials for Consideration – Subdivision</u>

Applicant Materials for Consideration – Rezoning

DETAILS

Location:

Southwest corner of Monday Street and St. Madar Street, extending to the Northwest corner of Hercules Street and Monday Street

Subdivision Name (as applicable):

The K's Cornerstone Subdivision

Applicant / Agent (as applicable):

Georgia M. Hill

Property Owner:

Georgia Hill

Current Zoning:

R-2, Two-Family Residential Urban

Proposed Zoning (as applicable):

R-3, Multi-Family Residential Urban

Future Land Use:

Mixed Density Residential

Applicable Codes, Policies, and Plans:

- Unified Development Code
- Subdivision Regulations
- Map for Mobile Comprehensive Plan

Schedule for Development (as applicable):

Not Applicable

Proposal:

- Subdivision approval to create two (2) legal lots of record;
- Rezoning from R-2 to R-3
- Note:

Any use permitted in the proposed district would be allowed at this location if the zoning is approved. The Planning Commission may consider other zoning districts than the proposed sought by the applicant for this property.

Commission Considerations:

- 1. Subdivision proposal with eight (8) conditions; and
- 2. Rezoning with three (3) conditions.

Report Contents:	Page
Context Map	2
Site History	3
Staff Comments	3
Commission Considerations	5
Exhibits	7

PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential units.

APPLICATION N	JMBER	3	DATE	June 15, 2023					
APPLICANT The K's Cornerstone Subdivision									
REQUEST Subdivision, Rezoning from R-2 to R-3									
					NTS				

SITE HISTORY

The Northwest portion of the site was granted a Use Variance in 1967 to allow the construction of a grocery store, which appears to have been built, and since demolished in 2005, with permits. Other than that, the site has not had any applications before the Planning Commission or Board of Adjustment.

STAFF COMMENTS

Engineering Comments:

Subdivision

FINAL PLAT COMMENTS (should be addressed prior to submitting the FINAL PLAT for review):

- 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 (25' minimum or as approved by the City Engineer and Traffic Engineer) at the northeast corner of LOT 1 and at the southeast corner of LOT 2 to the City of Mobile, and list the amount of dedicated acreage in acres and square feet.
- C. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 29 #74) LOTS 1 and 2 will receive historical credit of existing (1984) impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control) as follows: LOT 1 2,600 sf AND lot 2 2,300 sf.
- D. Add a note that a Land Disturbance permit will be required for any land disturbing activity in accordance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.
- E. Add a note that the approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit.
- F. 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.
- G. Add a note that all existing and proposed detention facilities, common areas, and wetlands shall be the responsibility of the Property Owner(s), and not the responsibility of the City of Mobile.
- H. Add a note that all easements shall remain in effect until vacated through the proper Vacation process.
- I. Email a pdf copy of the FINAL SUBDIVISION PLAT and LETTER OF DECISION to the Permitting Engineering Dept. for review at land.disturbance@cityofmobile.org prior to obtaining any signatures. No signatures are required on the drawing.

Rezoning

No comments

Traffic Engineering Comments:

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Any required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in 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 [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.

Fire Department Comments:

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

Planning Comments:

Subdivision

The applicant is proposing a 2-lot, 0.6±- acre subdivision. Both lots would front on existing public streets and exceed the minimum lot size for a newly platted property in an R-3, Multi-Family Residential Urban District. If approved, the lot sizes in both square feet and acres should be retained on the Final Plat. The subject site is served by public water and sanitary sewer services.

The site has frontage on Monday Street, St. Madar Street and Hercules Street, all minor streets with curb and gutter, and existing compliant 50-foot rights-of-way, making no frontage dedication necessary. However, up to a 25-foot radius curve may be required at the intersection of Monday Street and St. Madar Street, and at the intersection of Monday Street and Hercules Street, if determined necessary by City Engineering. The right-of-way widths of all streets should be retained on the Final Plat, if approved.

The preliminary plat shows a 15-foot minimum building setback line along all street frontages, which exceeds the 5-foot minimum for the proposed R-3, Multi-Family Residential Urban zoning classification under the Unified Development Code (UDC). If the proposed rezoning is denied, the 15-foot setback would still be appropriate for the current R-2, Two-Family Residential Urban zoning classification. The 15-foot minimum building setback line should be retained on the Final Plat, if approved.

As per the Traffic Engineering comments, the driveway number, size, location, and design are to be approved by Traffic Engineering and conform to AASHTO standards. Any required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance. A note should be placed on the Final Plat stating these comments.

Rezoning

The subject site and all adjacent and surrounding properties were assigned R-2, Two-Family Residential zoning classifications with the adoption of the Zoning Ordinance in 1967. All have remained R-2, except those properties to the East directly across Monday Street, which were rezoned to R-3, Multi-Family Residential in 1969. All adjacent and surrounding properties, including those zoned R-3 directly across Monday Street, are in use as either single-family or two-family dwellings, other than vacant properties. If the proposed rezoning is approved, it could establish a precedent within the neighborhood for other vacant properties to be rezoned to R-3, Multi-Family Residential Urban.

The subject site is vacant, and the applicant is proposing to rezone it from R-2, Two-Family Residential Urban, to R-3, Multi-Family Residential Urban, to allow one (1) four-unit, two-story townhouse complex on each lot. Zoning review is not site plan specific, however site coverage on each lot would be below the 50% maximum allowed in R-3 Urban districts.

The site plan does not indicate any dumpster or trash compactors. If dumpsters or trash compactors are to be utilized, they must be placed outside of any setbacks and have a compliant enclosure. If none are proposed, a statement should be placed on the site plan stating that no dumpsters or trash compactors will be utilized, and all refuse collection will be either curbside service or private can collection service.

Each townhome is shown as having a one-car garage, with a single-aisle driveway. It should be noted that the driveways provide only 16.6 feet of parking depth between the front property line and the garage entrance. Parking for the development is required at a ratio of 1.5 parking spaces per dwelling unit. Parking spaces must be at least 18 feet deep and within the property line. The site plan should be revised to provide a compliant parking configuration.

As noted, a rezoning application is not site plan specific; however, if the property is rezoned, full compliance with the Unified Development Code (UDC), particularly Article 3, is required prior to submission for permits.

SUBDIVISION CONSIDERATIONS

Standards of Review:

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.

Considerations:

If the Planning Commission considers approving the Subdivision request, the following conditions could apply:

- 1. Retention of the lot size labels in both square feet and acres, or the furnishing of a table on the Final Plat providing the same information;
- 2. Dedication of up to a 25-foot radius curve at the intersection of Monday Street and St. Madar Street, and at the intersection of Monday Street and Hercules Street, or as required by the City Engineer;
- 3. Retention of all right-of-way widths as depicted on the preliminary plat;
- 4. Retention of the 15-foot minimum building setback line along all street frontages on the Final Plat;
- 5. Compliance with all Engineering comments noted in this staff report;
- 6. Placement of a note on the Final Plat stating all Traffic Engineering comments noted in this staff report;
- 7. Compliance with all Urban Forestry comments noted in this staff report; and
- 8. Compliance with all Fire Department comments noted in this staff report.

Standards of Review:

The Unified Development Code (UDC) in 64-5-5.E. states that Rezonings are intended to carry out the objective of a sound, stable and desirable development and that casual change or amendment would be detrimental to the achievement of that objective.

The UDC goes on to say that zoning changes should be consistent with the Comprehensive Plan. However, the Comprehensive Plan and Future Land Use Plan (FLUP) and Map (FLUM) are meant to serve as a general guide, not a detailed lot and district plan; they are not a legal mandate for development. The FLUP and FLUM allow the Planning Commission and City Council to consider individual cases based on several factors including: surrounding development, classification requested, timing of the request, and the appropriateness and compatibility of the proposed use the zoning classification.

The UDC states that an application for rezoning shall include a statement of the justification for the proposed amendment that addresses all of the following:

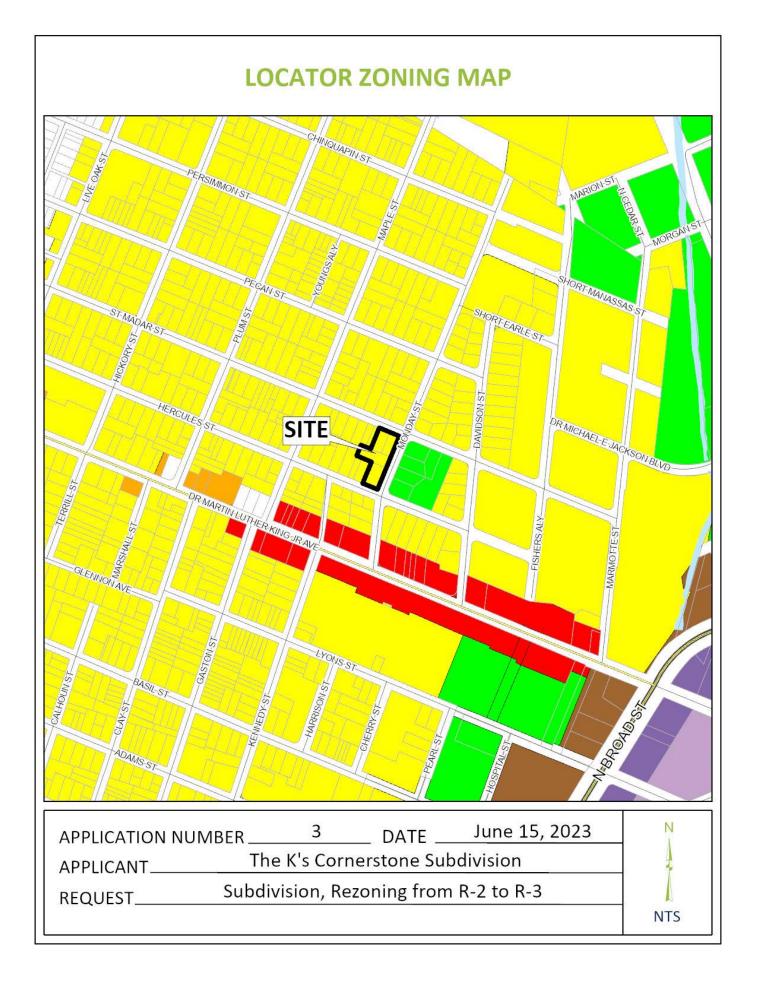
- A) Consistency. Whether the proposed amendment is consistent with the Comprehensive Plan;
- B) Mistake. For a Rezoning, whether there was a mistake or error in the original zoning map; and
- C) Compatibility. Whether the proposed amendment is compatible with:
 - The current development trends, if any, in the vicinity of the subject property;
 - Surrounding land uses;
 - Would adversely impact neighboring properties; or
 - Cause a loss in property values.
- D) Health, Safety and General Welfare. Whether the proposed amendment promotes the community's public health, safety, and general welfare;
- E) Capacity. Whether the infrastructure is in place to accommodate the proposed amendment; and
- F) Change. Whether changed or changing conditions in a particular area make an amendment necessary and desirable.
- G) Benefits Consideration. In addition, consideration should also be given to the City's and the larger community's best interests and the need, benefit, or public purpose of the proposed request.

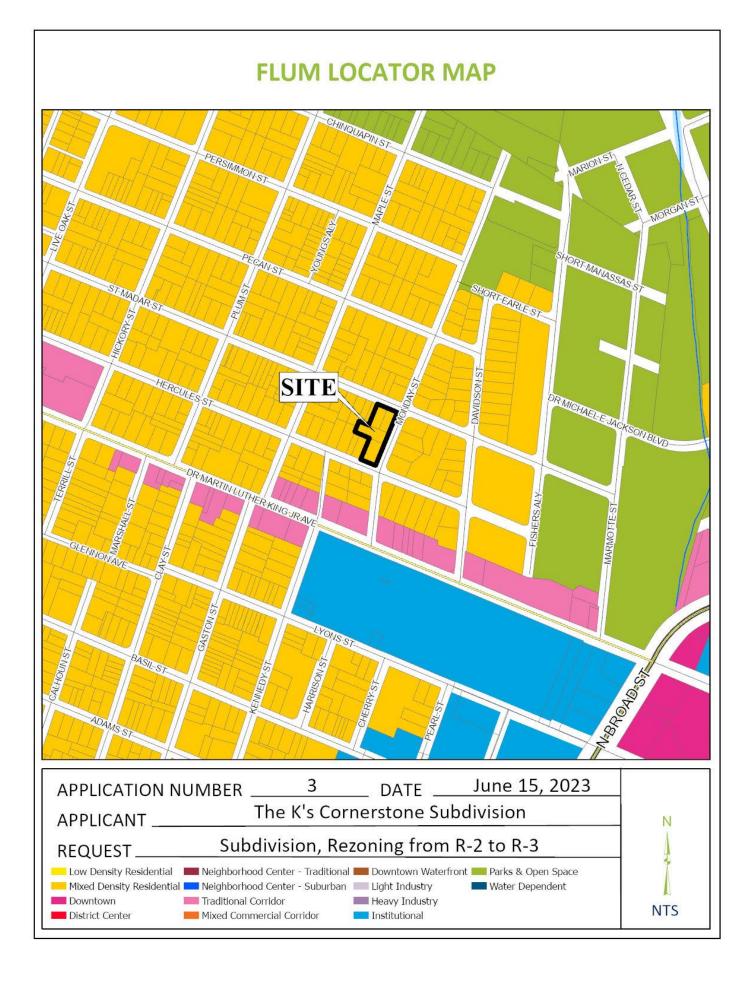
The applicant's responses to address the above criteria are available in the link on page one (1).

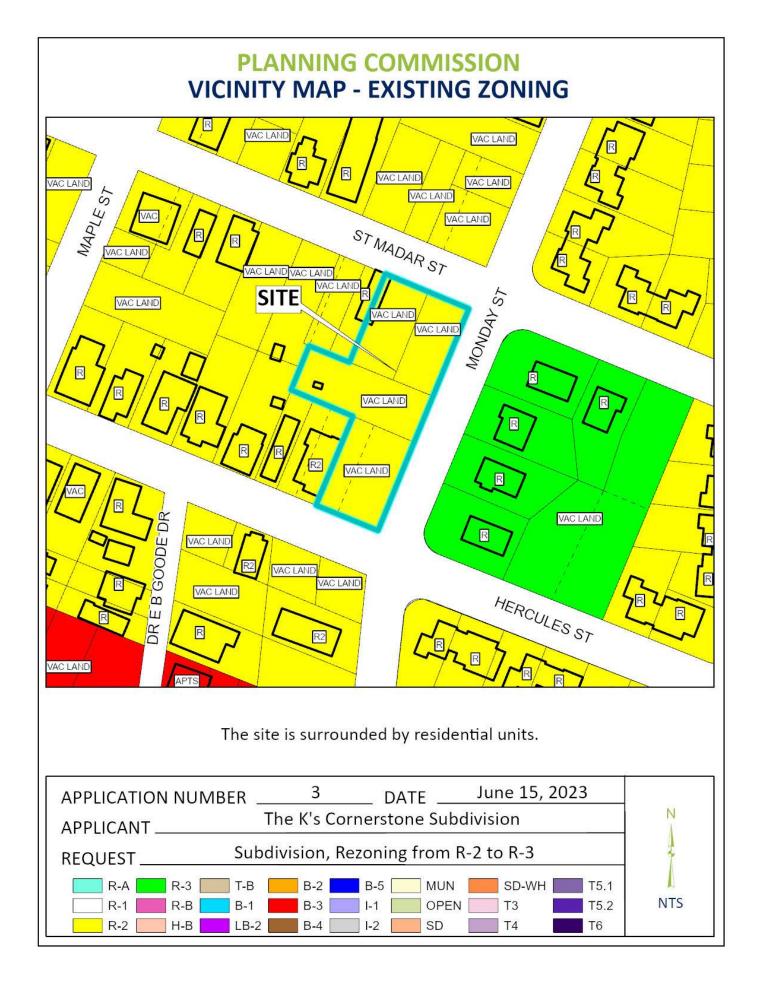
Considerations:

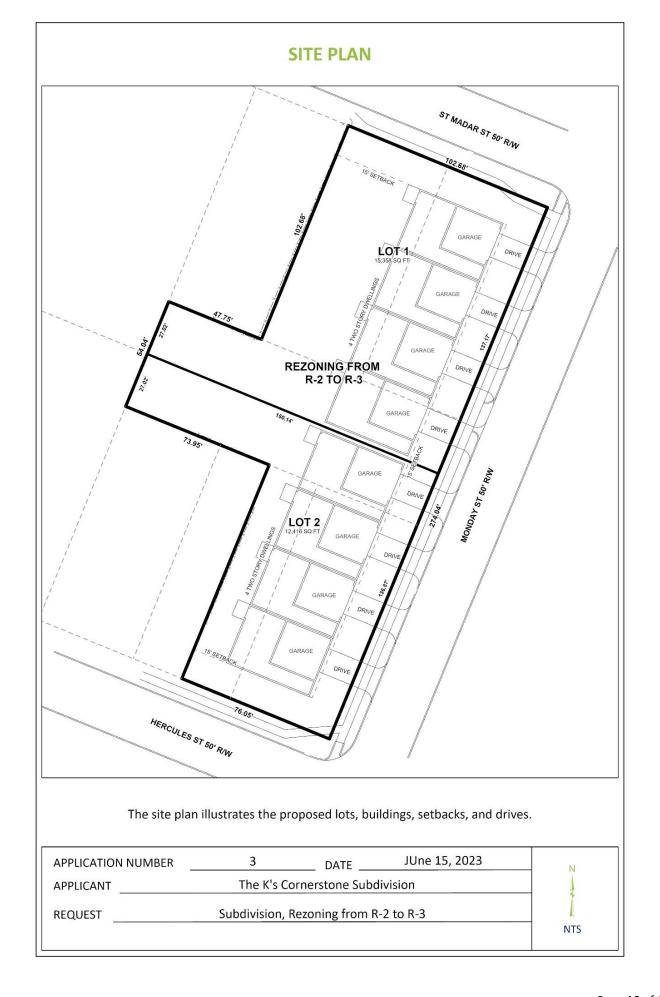
If the Planning Commission considers a recommendation of approval of the Rezoning request to the City Council, the following conditions could apply:

- 1. Completion of the Subdivision process;
- 2. Compliance with all Engineering, Traffic Engineering, Urban Forestry, and Fire Department comments noted in this staff report; and,
- 3. Full compliance with all municipal codes and ordinances.









ZONING DISTRICT CORRESPONDENCE MATRIX															
		OW DENSITY RESIDENTIAL (LDR)	MIXED DENSITY RESIDENTIAL (MXDR)	DOWNTOWN (DT)	DISTRICT CENTER (DC)	VEIGHBORHOOD CENTER - TRADITIONAL (NC.T)	NEIGHBORHOOD CENTER - SUBURBAN (NC-S)	FRADITIONAL CORRIDOR (TC)	MIXED COMMERCIAL CORRIDOR (MCC)	-IGHT INDUSTRIAL (LI)	HEAVY INDUSTRY (HI)	NSTITUTIONAL LAND USE (INS)	PARKS & OPEN SPACE (POS)	DOWNTOWN WATERFRONT (DW)	WATER DEPENDENT USES (WDWRU)
RESIDENTIAL - AG	R-A	1		J]	_	_		4	1	_	_			_
ONE-FAMILY RESIDENCE	R-1														
TWO-FAMILY RESIDENCE	R-2													0	
MULTIPLE-FAMILY	R-3	0												0	
RESIDENTIAL-BUSINESS	R-B		0											0	
TRANSITIONAL-BUSINESS	T-B		0												
HISTORIC BUSINESS	H-B														
VILLAGE CENTER	TCD														
NEIGH. CENTER	TCD														
NEIGH. GENERAL	TCD														
DOWNTOWN DEV. DDD	T-6														
DOWNTOWN DEV. DDD	T-5.1														
DOWNTOWN DEV. DDD	T-5.2														
DOWNTOWN DEV. DDD	T-4														
DOWNTOWN DEV. DDD	T-3														
DOWNTOWN DEV. DDD	SD-WH									0	0				
DOWNTOWN DEV. DD	SD	0	0	0	0	0	0	0		0	0				
BUFFER BUSINESS	B-1													0	
NEIGH. BUSINESS	B-2		0											0	
LIMITED BUSINESS	LB-2		0											0	
COMMUNITY BUSINESS	B-3											0		0	
GEN. BUSINESS	B-4											0		0	
OFFICE-DISTRIBUTION	B-5														
LIGHT INDUSTRY	I-1														
HEAVY INDUSTRY	I-2														

Zoning District Correspondence Matrix

- Directly Related
- Elements of the zoning category are related to the future LU category, but with qualifications (such as a development plan with conditions)
- Land use category is appropriate, but the district does not directly implement the category (e.g., open space in an industrial district)

MIXED DENSITY RESIDENTIAL (MxDR)

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

These residential areas should offer a mix of single family homes, townhouses, 2- to 4- residential unit buildings, accessory dwellings, and low- and midrise multifamily apartment buildings.

The density varies between 6 and 10 du/ ac, depending on the mix, types, and locations of the housing as specified by zoning.

Like LDR areas, MxDR 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.