

**PLANNED UNIT DEVELOPMENT****Date: April 5, 2018****DEVELOPMENT NAME**

Robert Myers

**SUBDIVISION NAME**

Robert Myers

**LOCATION**2955 and 2989 Dauphin Street  
(Southeast corner of Dauphin Street and Sage Avenue)**CITY COUNCIL****DISTRICT**

District 1

**AREA OF PROPERTY**

1 Lot/ 1.7 ± Acres

**CONTEMPLATED USE**

access between three lots.

Planned Unit Development Approval to allow shared

**TIME SCHEDULE****FOR DEVELOPMENT**

None given.

**ENGINEERING****COMMENTS**

ADD THE FOLLOWING NOTES TO THE PUD SITE

PLAN:

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, paving, and all above ground structures, 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. 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**

Proposed site is limited to one curb cut per street frontage, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Future access points will be determined with future phases of the planned unit development. Driveway access to Dauphin Street is limited to right-in, right-out only, whether it is aligned with a continuous median or a median opening. A traffic study will be required as determined by the Traffic Engineering Director upon further development of the site. A traffic study was performed with prior Planning Commission applications which required offsite improvements. There is no requirement at this time to conduct a traffic study, based on the proposed intensity of the site plan submitted.

**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).

**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). Projects outside the City Limits of Mobile, yet within the Planning Commission Jurisdiction fall under the State or County Fire Code. (2012 IFC).

**REMARKS**

The applicant is requesting Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow shared access between three lots.

The overall site was originally approved by the Planning Commission in May 2008 as a 5-lot Subdivision with Rezoning, and a Planned Unit Development. The site was approved again in December 2010 by the Planning Commission to amend a previously approved PUD to allow shared access between three lots. The site was approved a third time by the Commission in October 2016 to amend the previously approved PUD to allow shared access between three lots. No development has taken place, thus the previous PUD approvals have all expired. The applicant now wishes to submit a new PUD request to allow shared access between three lots with a slightly different circulation layout.

The site has been given a Low Density Residential land use 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 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 semi-detached, 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.

Planned Unit Development review examines the site with regard to its location to ensure that it is generally compatible with neighboring uses; that adequate access is provided without generating excess traffic along minor residential streets in residential districts outside the PUD; and that natural features of the site are taken into consideration. PUD review also examines the design of the development to provide for adequate circulation within the development; to ensure adequate access for emergency vehicles; and to consider and provide for protection from adverse effects of adjacent properties as well as provide protection of adjacent properties from adverse effects from the PUD.

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 will require approval by the Planning Commission. Also, PUD approvals expire within one (1) year if no permits for the development are obtained.

The applicant proposes to construct a 3,604 square feet car wash accompanied with 36 vacuum stalls partially covered by sun shades, pay station, a canopy, an entrance awning, and one parking space for the car wash attendant.

The lot fronts Dauphin Street, a major street according to the Major Street Plan component of the Comprehensive Plan, with a 120' right-of-way, which exceeds the 100 feet requirements, therefore no dedication will be required. The lot also has access to Sage Avenue via an access easement across two other lots that will be constructed and used to connect to Dauphin Street. The site plan depicts the right-of-way width along Sage Avenue as varying, however, information on the Final Plat, recorded in 2008, shows the right-of-way as 60' for Sage Avenue. The site plan should be revised to depict the accurate right-of-way width along this portion of Sage Avenue.

The 25' minimum building setback line is depicted on the site plan for the lot being developed and should be retained on any future plans.

As a means of access management, the lot proposed for development should be limited to the curb-cuts as previously approved, that is, the lot will have a direct curb-cut to Dauphin Street, but will utilize one shared curb-cut to Dauphin and one curb-cut to Sage.

All proposed parking areas for the site appear to be compliant in terms of travel aisle width, parking stall dimensions, and number of spaces; however, it should be pointed out that the site plan does not depict any accessible parking spaces/ vacuum stalls, therefore the site may not be in compliance with building code requirements and the Americans with Disabilities Act. The site plan should be revised to depict compliant accessible parking, which may include the provision of one accessible parking space and one accessible vacuum stall.

A sidewalk is shown along the frontage of the site as well as proposed dumpster location. The illustrations should be retained on any revised PUD site plan, along with a note acknowledging compliance with Section 64-4.D.9. of the Zoning Ordinance regarding dumpster compliance.

The site plan provides landscaping information and illustrates tree plantings, however the required amount of frontage trees for the site appear to be short. After allocations for the canopy overhang have been taken in account for the existing live oaks within the right-of-way, the site is still short 1 frontage tree. Adequate tree planting and landscaping for the remainder of the site is provided. A revised site plan depicting one additional frontage tree will be required. All revisions must comply with Section 64-4.E. of the Zoning Ordinance regarding tree and landscaping requirements.

In regards to the proposed car wash, full carwash compliance of the Zoning Ordinance is required. As such, all water run-off must be directed to the sanitary sewer system, an oil separator must be provided, and vehicles must be screened from view with at 3'-5' evergreen hedge and/or landscaped berm.

Lighting is not illustrated on the site plan. Any new lighting on the site will have to comply with the requirements of Sections 64-4.A.2., 64-6.A.3.c., and 64-6.A.8. of the Zoning Ordinance. A note reflecting this requirement should appear on the site plan, and photometric plans will be required at the time of submittal for land disturbance.

It should be pointed out that there was no signage information provided for the proposed site. If approved, the proposed development on Lot 2 will be limited to one freestanding sign and two wall signs.

It should be noted that although the subject site has previously been approved, there has been no construction or development of this site since the initial approvals in 2008 (10 years ago). The site includes multiple lots as a part of the original PUD approval and, at the time of the initial approval, an overall conceptual plan was submitted identifying proposed uses and site development for each lot. Staff has been requiring conceptual plans for phased PUDs to allow the determination of total number of curb-cuts, anticipated parking space requirements, and landscaping requirements. Furthermore, since the most recent approval in 2016, the City has adopted the Future Land Use Map (FLUM) which recommends the subject site to be a low density residential land use. Based on the new plan for the Map for Mobile and the recently adopted FLUM, it may be advisable to require a new conceptual PUD site plan for the entire site, that takes into account the recommendations of the FLUM for the property.

## **RECOMMENDATION**

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

- a. it cannot be determined if the proposal does or does not promote the objective of Creative design (to encourage innovative and diversified design in building form and site development), as there is no overall plan for the development of the site;
- b. it cannot be determined if the proposal does or does not promote 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 there is no development plan outlining future development for the entire site for evaluation by the Planning Commission;
- c. it cannot be determined if the proposal does or does not promote 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), as there is no overall development of the site;
- d. it cannot be determined if the proposal does or does not promote the objective of Environment (to preserve and protect as urban amenities the natural features and characteristics of the land), because there is no development plan outlining future development for the entire site for evaluation by the Planning Commission;
- e. it cannot be determined if the proposal does or does not promote the objective of Open space (to encourage the provision of common open space through efficient site design), as there is no overall plan for the development of the site;
- f. it cannot be determined if the proposal does or does not promote the objective of Public services (to encourage optimum use of available public utilities, streets and community facilities), as there is no overall plan for the development of the site.

Based upon the preceding, the application is recommended for Denial, due to the following:

1. A development plan was not submitted to provide an overall master plan of proposed uses and developments within the entire PUD, thus the Planning Commission cannot adequately determine the required Findings of Facts; and
2. The FLUM adopted May 2017 recommends the subject site as a low density residential land use.

### ***Revised for the May 3<sup>rd</sup> meeting:***

*This application was heldover from the April 5, 2018 meeting at the request of the applicant. Staff previously recommended denial for the PUD due to the fact there was no overall master plan of the proposed uses and developments within the entire PUD submitted, and because the proposed development is not necessarily in keeping with the recommendations of the of the recently adopted Future Land Use Map.*

*Staff met with the applicant and explained the denial recommendation. Alternatives were explored, but no resolution reached.*

Mr. Emil Graf, a member of the LLC that owns the adjacent property, and whose property is associated with the overall PUD, submitted the following statement regarding the Future Land Use Map recommendation for the overall site, as it impacts their property as well:

*I am the Managing Member of Graf Dairy, LLC, which owns all of the Graf Dairy property at the corner of Dauphin Street/Sage Avenue, with the exception of the Myers' property, which we sold approximately twelve years ago. At that time, we had the property subdivided and rezoned for commercial development. Unfortunately, none of our potential buyers at that time worked out, and we have continued to market the property ever since. It is currently listed by Roberts Brothers Commercial Realty for sale and development.*

*We have no control over the property Mr. Myers owns, and have given our consent to his development of his parcel as a car wash. The access included in his current application was agreed to amongst the City Traffic Engineer, Myers and my family. It is similar to what was approved when we first did a PUD approximately ten years ago, pursuant to a Traffic Impact Study. The pending Application includes access to Dauphin Street to our Lot I, protecting the historic Oak tree that is at the front of our property, it also provides access to Sage Avenue for the Myers Development. Our agreement with Myers is that the access to Sage Avenue can be relocated based on future development of our property, but he is guaranteed access in that area to Sage Avenue.*

*We have been asked if we can join in with the Myers' Application and submit a Development Plan for our property. At this time, we cannot. We have no idea at this time who will buy our property or how it will be developed. We can submit the previous site plan, from ten years ago, but we cannot guarantee that it will be developed accordingly.*

*Finally, we are very shocked that the City would now consider classifying our property as low density residential, and deny any commercial use. This property has been used commercially for decades as a dairy, and we had portions of it rezoned from residential to commercial for our intended development ten years ago. To now say that this property cannot be used for commercial purposes is wrong, and a possible illegal taking. Until we find a buyer for this property, it should remain in its current zoning classification. If it needs to be changed at that time, then it can be dealt with then. But relying simply on the future Land Use Map to control development of this site, and ignoring the current zoning classifications, is wrong.*

*Given the fact that no additional information was provided regarding the specific site in question, and the statement provided by the adjacent property owner, staff cannot make a determination regarding Findings of Fact for the PUD. Should the Commission decide to approve the proposed development, the Future Land Use Map designation for this site should be reconsidered.*

**RECOMMENDATION**

***Planned Unit Development:*** *It is recommended that the Planning Commission consider all relevant facts and review the request based upon its own merits, as well as any information presented at the meeting.*

*In making the decision, the Planning Commission must determine the following:*

- a. Does the proposal promote the objective of Creative design (to encourage innovative and diversified design in building form and site development)? If yes, how?*
- b. Does the proposal promote the objective of Flexibility (to permit greater flexibility in the location and arrangement of buildings and uses than is generally possible under district regulations). If yes, how?*
- c. Does the proposal promote 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). If yes, how?*
- d. Does the proposal promote the objective of Environment (to preserve and protect as urban amenities the natural features and characteristics of the land). If yes, how?*
- e. Does the proposal promote the objective of Open space (to encourage the provision of common open space through efficient site design). If yes, how?*
- f. Does the proposal promote the objective of Public services (to encourage optimum use of available public utilities, streets and community facilities). If yes, how?*

# LOCATOR MAP



APPLICATION NUMBER 3 DATE May 3, 2018

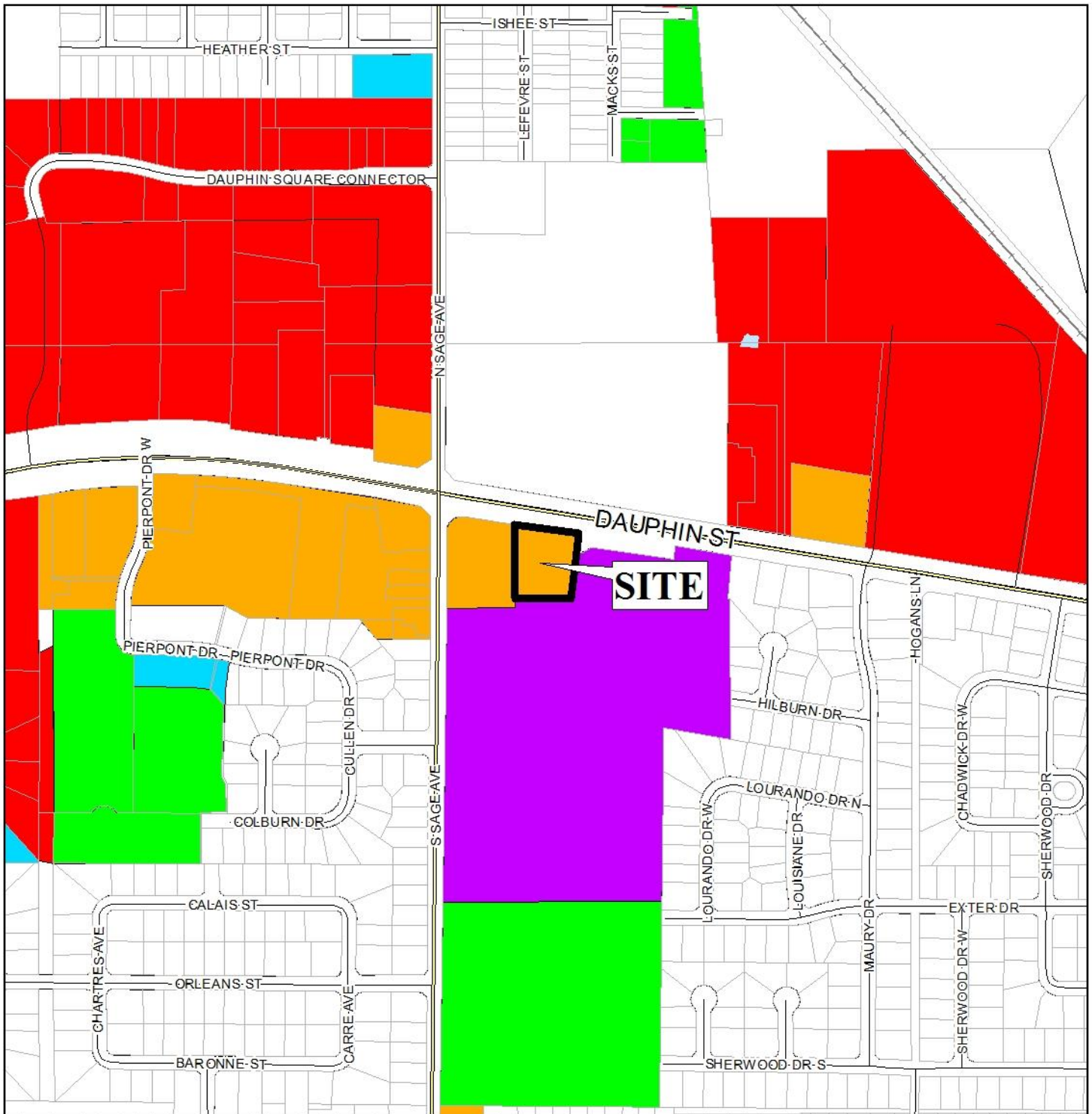
APPLICANT Robert Myers

REQUEST Planned Unit Development





# LOCATOR ZONING MAP



APPLICATION NUMBER 3 DATE May 3, 2018

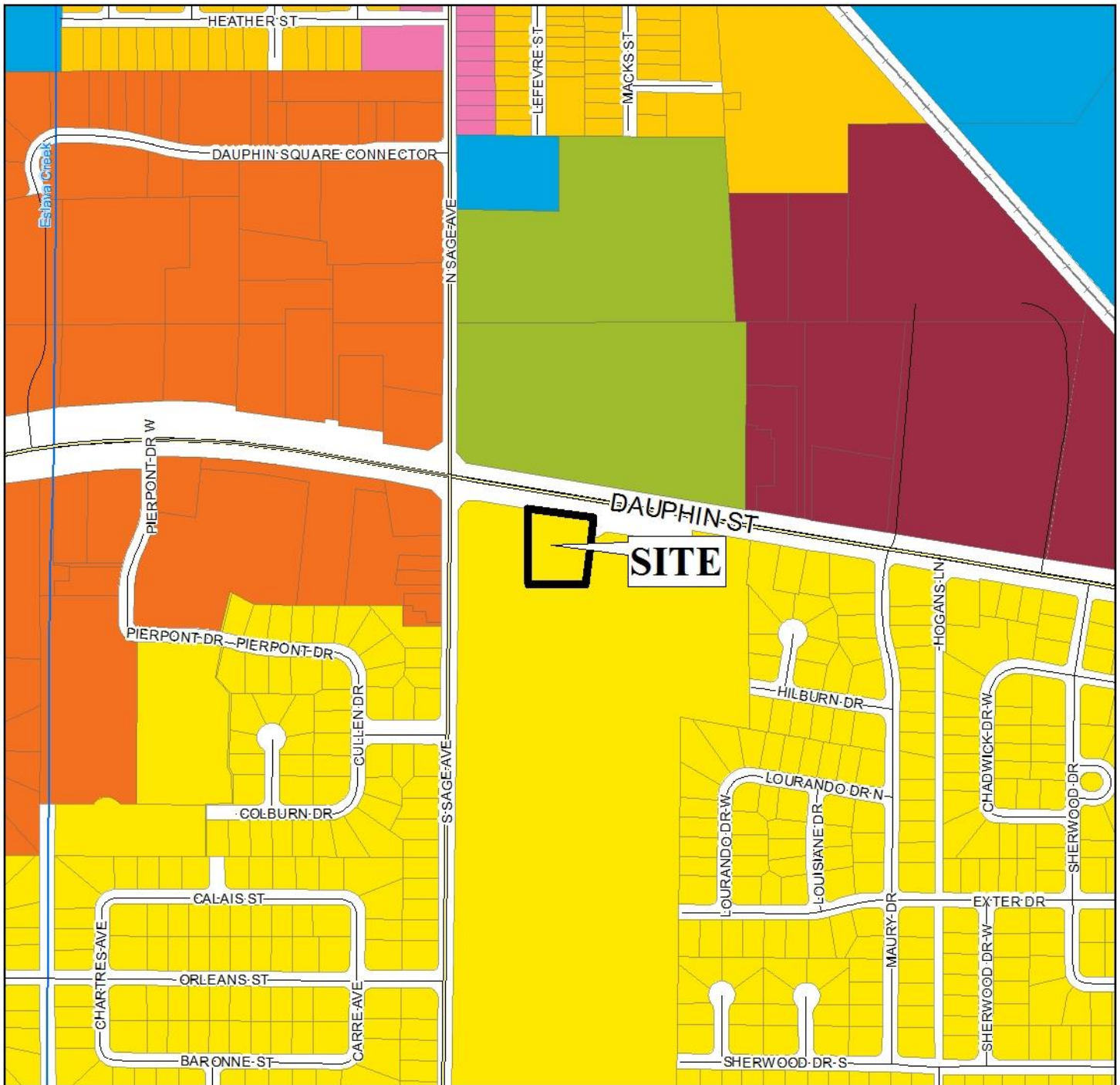
APPLICANT Robert Myers

REQUEST Planned Unit Development



NTS

# FLUM LOCATOR MAP



APPLICATION NUMBER 3 DATE May 3, 2018

APPLICANT Robert Myers

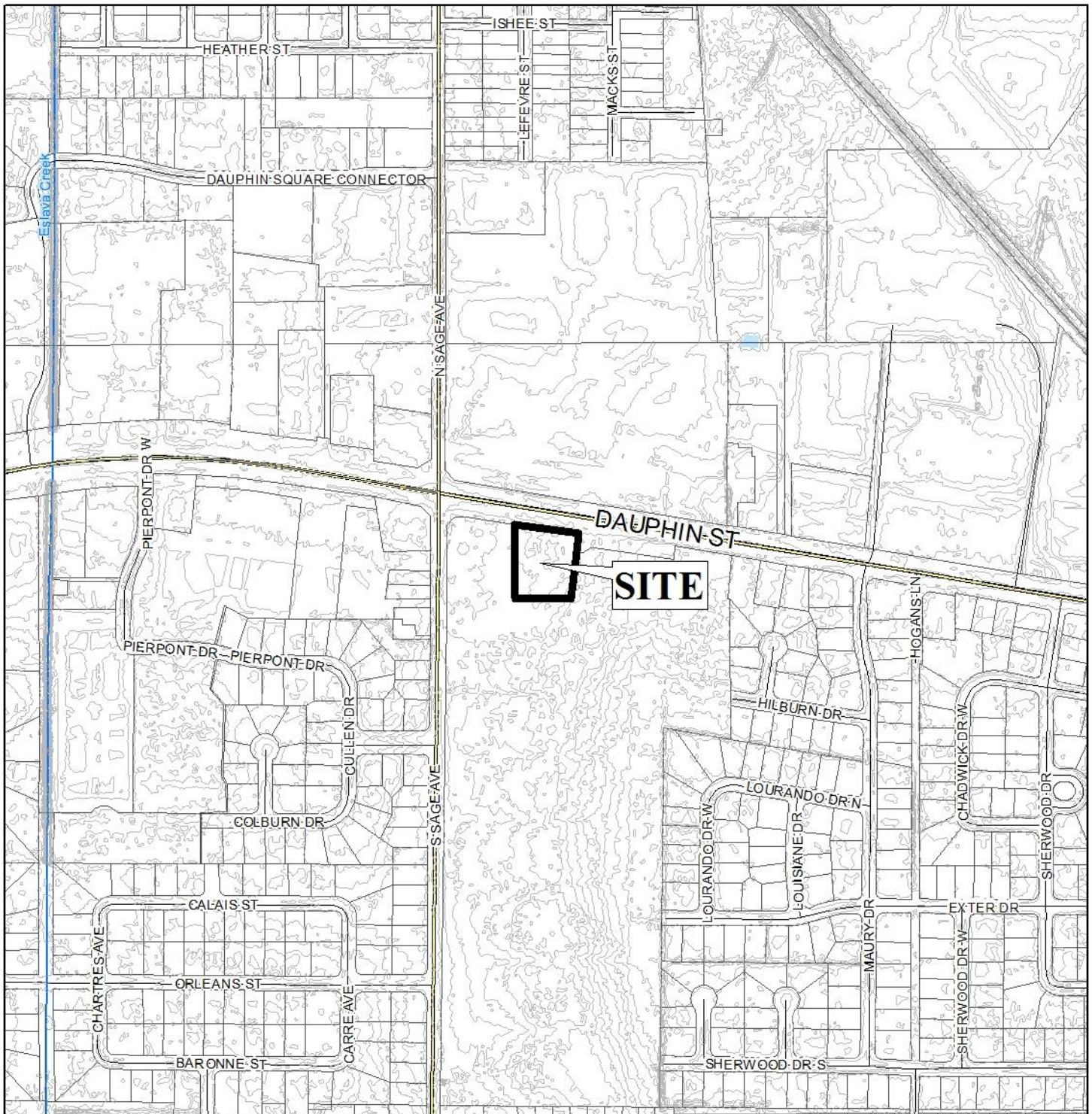
REQUEST Planned Unit Development

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 3 DATE May 3, 2018

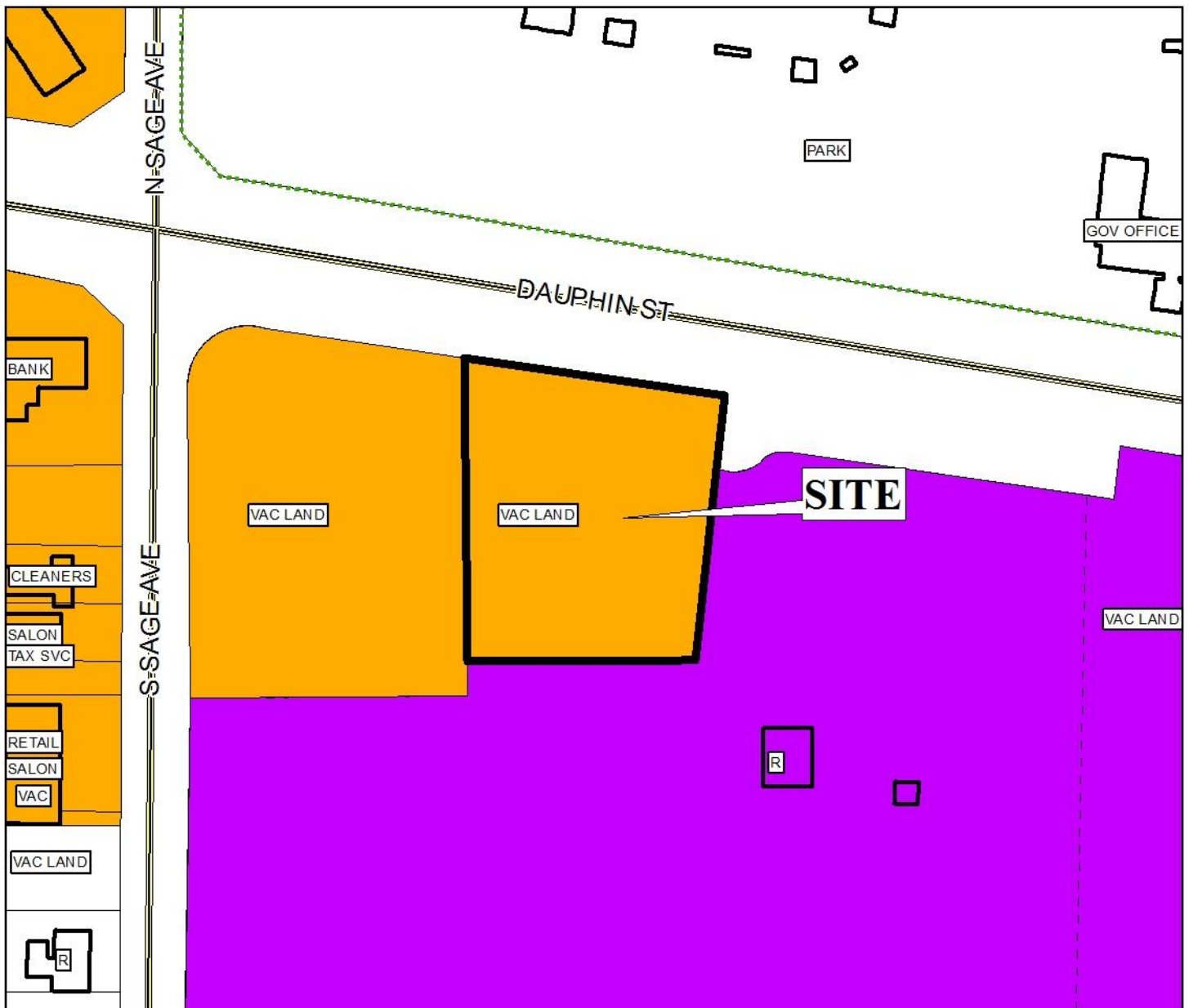
APPLICANT Robert Myers

REQUEST Planned Unit Development



NTS

# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by comercial units to the west. A park lies to the north.

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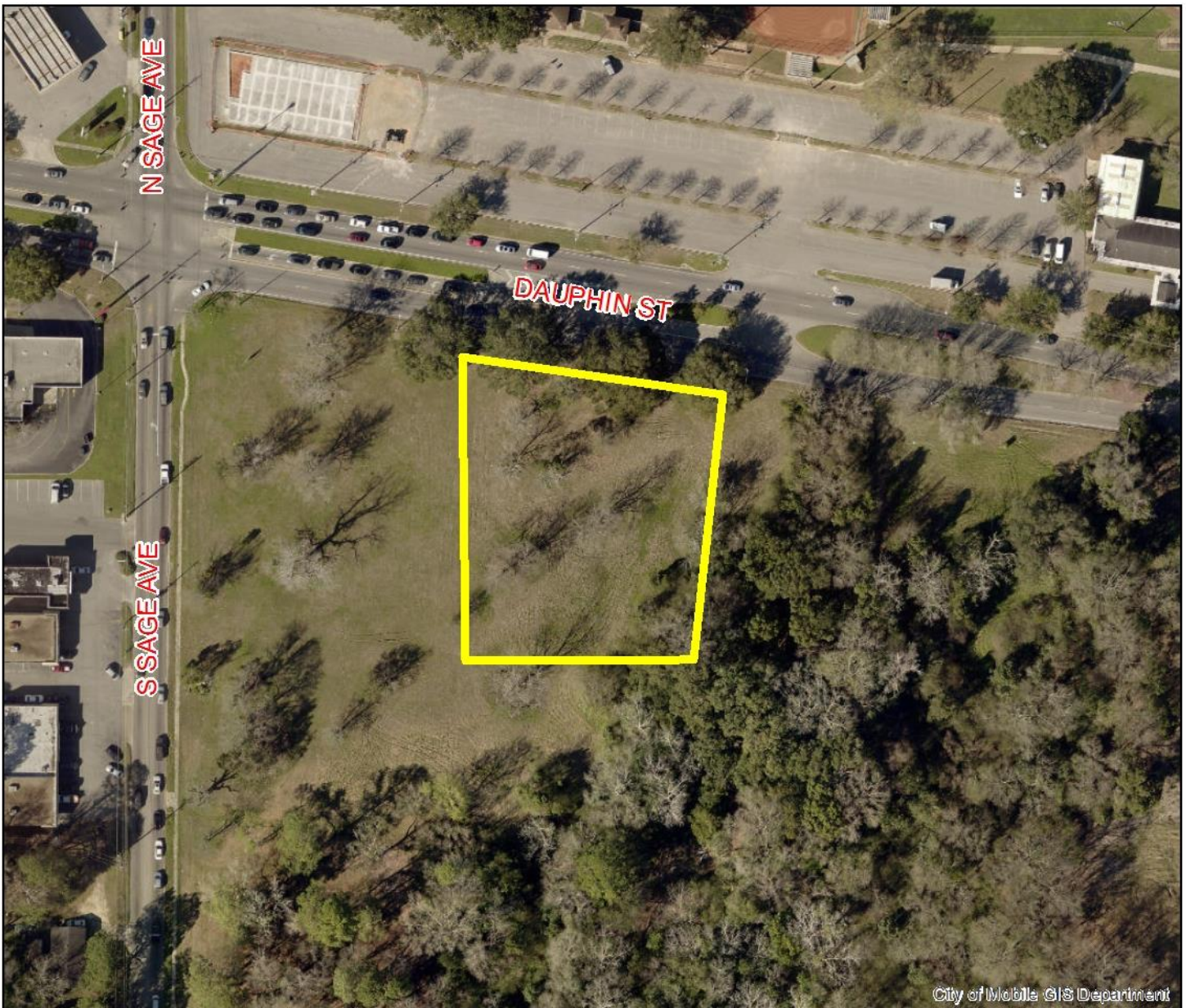
REQUEST Planned Unit Development

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 comercial units to the west. A park lies to the north.

APPLICATION NUMBER 3 DATE May 3, 2018

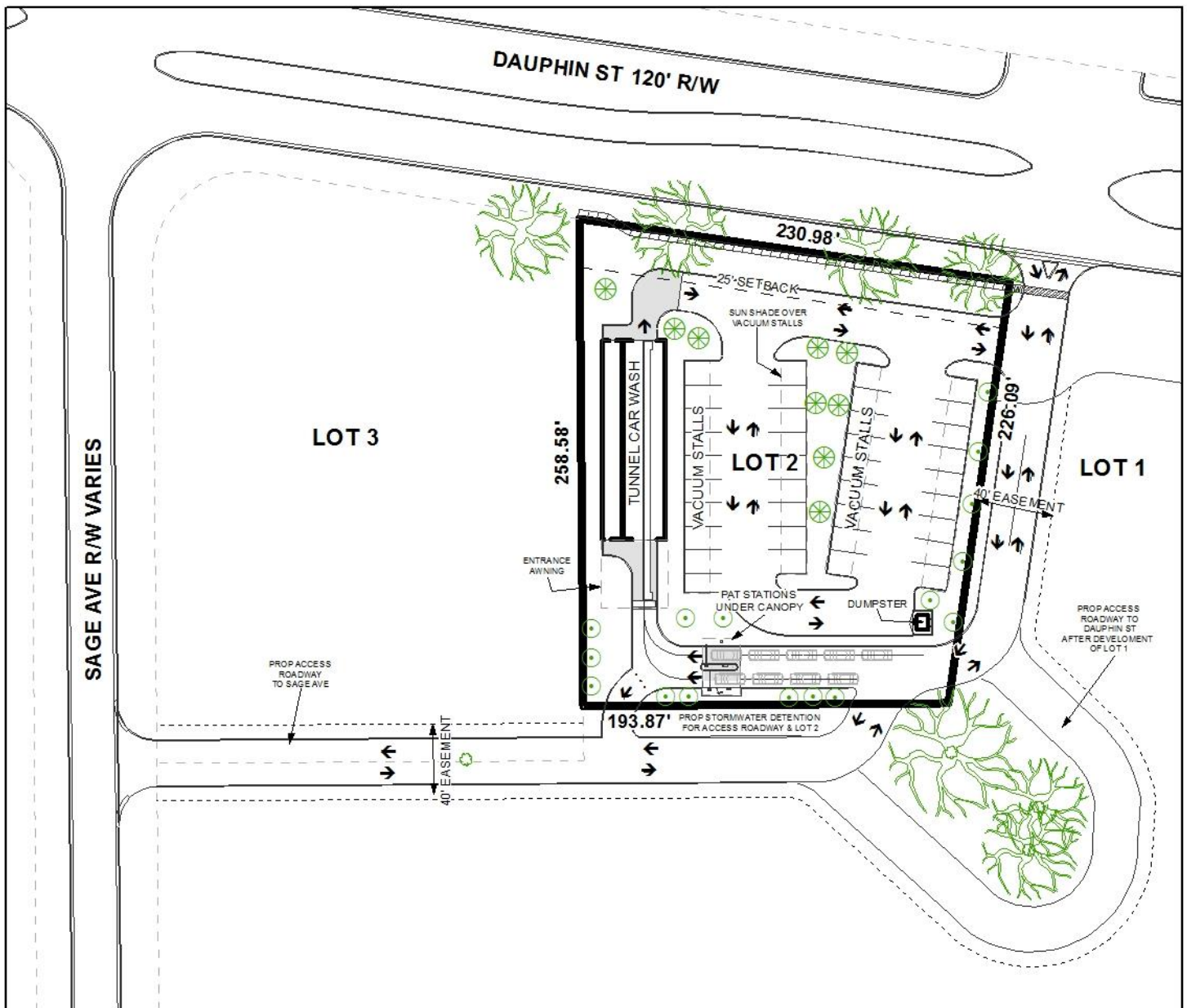
APPLICANT Robert Myers

REQUEST Planned Unit Development





# SITE PLAN



The site plan illustrates the proposed car wash, vacuum stalls, easements, and setback.

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APPLICANT Robert Myers

REQUEST Planned Unit Development

