

HOLDOVER**ZONING AMENDMENT
& SUBDIVISION STAFF REPORT****Date: March 7, 2013****APPLICANT NAME**

Garrard Development Services, LLC

SUBDIVISION NAME

Michigan & Bay Subdivision

LOCATION1201 & 1203 Michigan Avenue and 1333 Bay Avenue
(Southeast corner of Michigan Avenue and Bay Avenue)**CITY COUNCIL
DISTRICT**

District 3

PRESENT ZONING

R-1, Single-Family Residential District

PROPOSED ZONING

B-2, Neighborhood Business

AREA OF PROPERTY

1 Lot/0.8± Acres

CONTEMPLATED USE

Subdivision approval to create 1 lot, and Zoning approval to rezone the proposed lot from R-1, Single-Family Residential, to B-2, Neighborhood Business, to allow a retail building.

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.

**REASON FOR
REZONING**

Applicant is requesting rezoning of the site to allow the development of a retail building.

**TIME SCHEDULE
FOR DEVELOPMENT**

Upon approvals

**ENGINEERING
COMMENTS**

The following comments should be addressed prior to review, acceptance and signature by the City Engineer: 1. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes); 2. Provide a signature block and signature from the Traffic Engineering Department; 3. Add a note to the Plat stating that storm water detention will be required for any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045).

TRAFFIC ENGINEERING**COMMENTS**

Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. The driveway widths illustrated on Bay Avenue are wider than the standard 36', and if approved for more than two curb-cuts, should be limited in width to 36'. If additional width is needed, the radii should be modified to accommodate the large trucks that are anticipated.

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 61-929 and City Code Chapters 57 and 64).

FIRE DEPARTMENT**COMMENTS**

All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.

REMARKS

The applicant is requesting Subdivision approval to create 1 lot, and Zoning approval to rezone the proposed lots from R-1, Single-Family Residential, to B-2, Neighborhood Business, to allow a retail building. The proposed lot and area to be rezoned compromise 0.8± acres.

The site is currently developed with two nonconforming buildings, and is bounded to the East and South by single-family dwellings in an R-1, Single-Family Residential District. To the North, the site is bounded Bay Avenue and an existing church in an R-1, Single-Family Residential district, while to the West the site is bounded by Michigan Avenue and retail buildings in an existing B-2, Neighborhood Business district.

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 site appears to be depicted as residential on the General Land Use Component of the Comprehensive Plan, which is meant to serve as a general guide, not a detailed lot and district plan or mandate for development. The accuracy of recommended land uses on the General Land Use Component map is limited due to the large scale of the map. Moreover, the General Land Use Component 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 zoning classification.

The applicant's justification for rezoning is changing conditions in a particular area make a change in the Ordinance necessary and desirable; and the subdivision of land into a single building site makes reclassification of the land necessary and desirable. However, the applicant wishes to include two additional residential lots into the development removing two existing residential lots from a very limited supply within this area.

The applicant is subdividing land into one retail building site, thus the re-classification of land from R-1, Single-Family Residential to an appropriate category may be considered. The applicant is requesting B-2, Neighborhood Business, which is not unusual for this area; as a small portion of the overall site is, zoned B-2 and other B-2 properties exist to the West of the site across Michigan Avenue. However, due to the existing adjacent residential fabric and the proximity to several neighborhoods the inclusion in the rezoning of Lots 38 and 39 of McGehee Subdivision of McAtee Place may not be the best consideration for the requested rezoning.

The applicant should consider reducing the size of the retail development to take into consideration the residential neighborhoods and the neighborhood store concept to redevelop this site without the inclusion of the two residential lots as previously mentioned.

It should be noted that the landscape and tree plan does not meet the requirements of the Ordinance; therefore, compliance with the Landscaping and Tree Planting requirements of the Ordinance would be required.

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 site fronts onto Michigan Avenue, a major street requiring 120-feet of right-of-way at this location and Bay Avenue, a minor street, both illustrated on the preliminary plat with adequate rights-of-way. The proposed lot is located on a major street intersection and access management is critical. The development should be limited to two curb cuts to Bay Avenue and one curb cut to Michigan Avenue with the size, design and location of all curb cuts to be approved by Traffic Engineer and comply with AASHTO standards.

Due to the intersection angle of Michigan Avenue and Bay Avenue, a corner radius dedication compliant with Section V.D.6. of the Subdivision Regulations should be required. The 25-foot minimum building setback line should be modified to reflect any required corner dedication, as should the lot size.

Finally, the geographic area defined by the city of Mobile and its planning jurisdiction, including this site, may contain Federally-listed threatened or endangered species as well as protected non-

game species. Development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.

RECOMMENDATION

Subdivision: the request is recommended for Holdover until the March 7th meeting to allow the applicant to submit a revised preliminary plat illustrating Lots 35, 36, 37 and the portion of lot 34 of J. H. McGehee Subdivision of McAtee Place as one lot by February 22nd:

- 1) placement of a note on the Final Plat stating that the development is limited to one curb-cuts to Bay Avenue and one curb cut to Michigan Avenue, and that the size, design and location of all curb-cuts must be approved by Traffic Engineer and comply with AASHTO standards;
- 2) dedication of a corner radius compliant with Section V.D.6. of the Subdivision Regulations;
- 3) placement of a note on the Final Plat stating that approval of all applicable federal, state and local environmental agencies for wetlands or floodplain issues is required prior to the issuance of any permits or land disturbance activities;
- 4) placement of a note on the Final Plat stating that approval of all applicable Federal, state and local agencies for endangered, threatened or otherwise protected species is required prior to the issuance of any permits or land disturbance activities;
- 5) compliance with Engineering comments (*The following comments should be addressed prior to review, acceptance and signature by the City Engineer: 1. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes); 2. Provide a signature block and signature from the Traffic Engineering Department; 3. Add a note to the Plat stating that storm water detention will be required for any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045).; and*
- 6) compliance with Fire comments (*All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.*).

Rezoning: Based upon the preceding, the Rezoning request is recommended for Holdover until the March 7th meeting to allow the applicant to revise the rezoning request to rezone Lots 35, 36, 37 and the portion of lot 34 of J. H. McGehee Subdivision of McAtee Place subject to the following conditions:

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

Revised for the March 7th, 2013 meeting:

The Planning Commission heldover the application from the February 7th Commission meeting to allow the applicant to resubmit the site plan illustrating the modifications requested by staff at the February 7th meeting. The applicant and staff attended a community meeting held at St Paul's AME church on February 25th.

No revisions were made to the original submitted site plan.

RECOMMENDATION

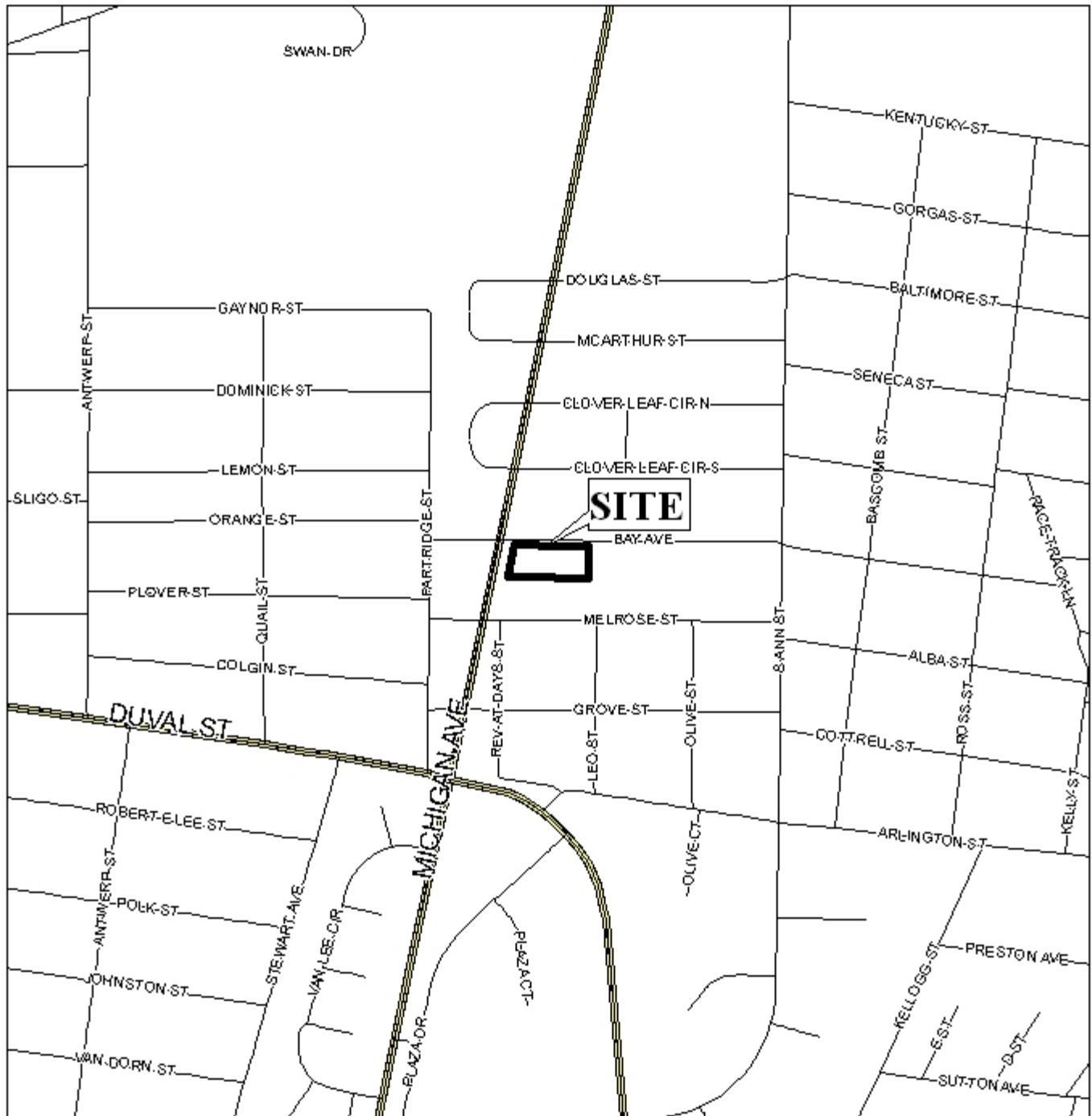
Subdivision: Based on the preceding the request for subdivision is recommended for denial for the following reason:

- 1) The subdivision would create a split zoned lot.

Rezoning: Based upon the preceding, the Rezoning request is recommended for denial due to the following conditions:

- 1) the rezoning would infringe on existing single-family residential lots.

LOCATOR MAP



APPLICATION NUMBER 4 & 5 DATE March 7, 2013
APPLICANT Garrard Development Services, LLC
REQUEST Subdivision, Rezoning from R-1 to B-2



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Businesses are located to the west of the site. Single-family residences are located to the north, east, and south of the site.

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LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	T-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2
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NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING

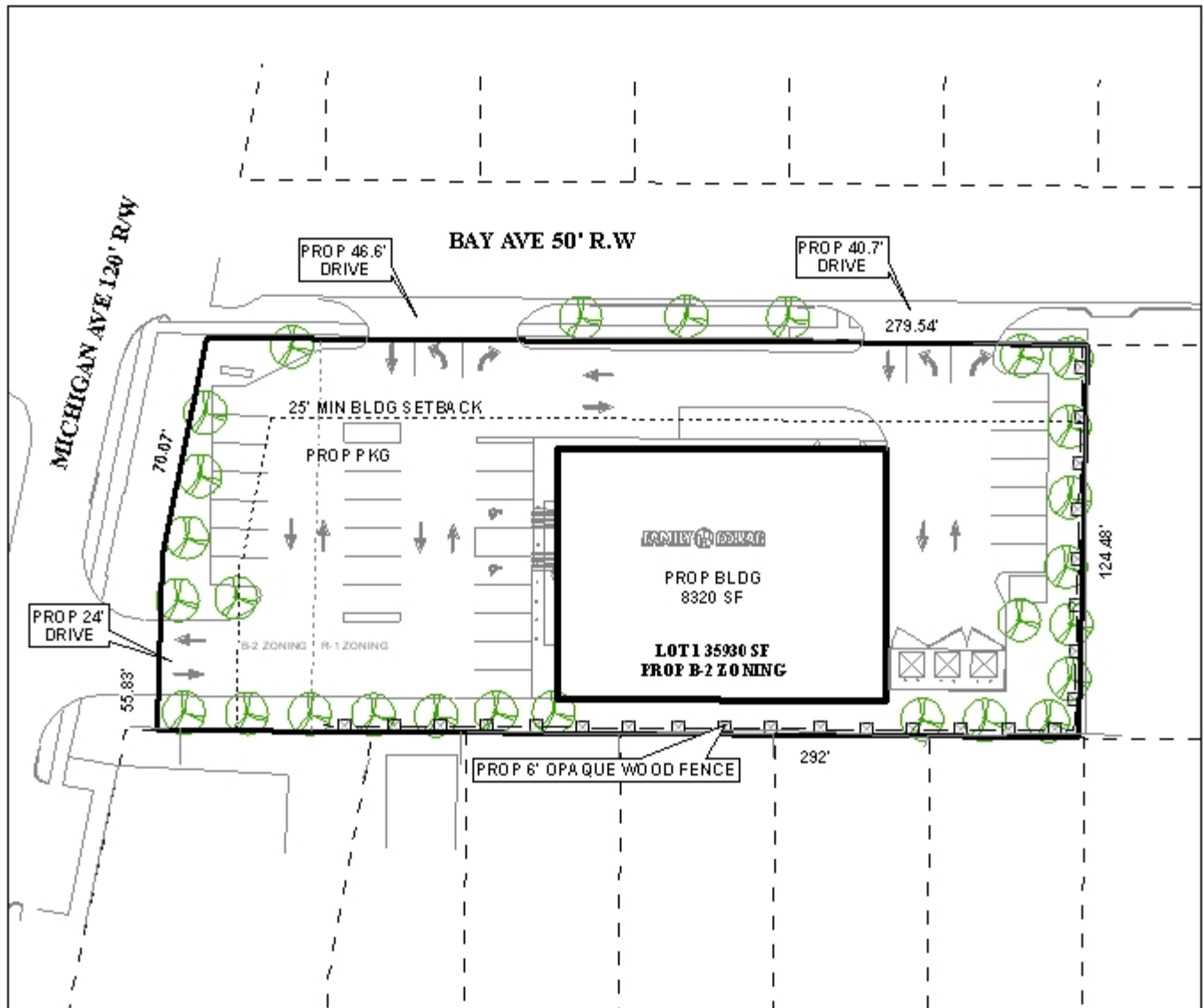


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SITE PLAN



The site plan illustrates the proposed retail store development.

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