

**SUBDIVISION,
PLANNED UNIT DEVELOPMENT, &
REZONING STAFF REPORT****Date: January 19, 2017****APPLICANT NAME**

Fred Straub (NVP Management LLC)

SUBDIVISION NAME

Bishop Lane Subdivision

DEVELOPMENT NAME

Bishop Lane Subdivision

LOCATION3 and 5 Bishops Lane
(Northeast corner of Bishops Lane and Zimlich Avenue)**CITY COUNCIL
DISTRICT**

Council District 7

PRESENT ZONING

R-1, Single-Family Residential District

PROPOSED ZONINGR-1, Single-Family Residential District & LB-2, Limited
Business District**AREA OF PROPERTY**

4 Lots/1.1± Acre

CONTEMPLATED USE

Subdivision Approval to create four legal lots of record from four legal lots of record; Planned Unit Development to allow reduced lot sizes and setbacks; and Rezoning from R-1, Single-Family Residential District to R-1, Single-Family Residential District and LB-2, Limited Business District to allow a proposed office space.

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.

**TIME SCHEDULE
FOR DEVELOPMENT**

None provided

**ENGINEERING
COMMENTS**

Subdivision: 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. Add major street names to the vicinity map.
 - C. One drawing submitted is labeled RESUBDIVISION OF LOTS 12 & 13 FOREST SUBDIVISION and one is labeled BISHOP LANE SUBDIVISION. Please clarify which is the PRELIMINARY PLAT and which is the PUD SITE PLAN.
 - D. Revise the plat to label each lot with its size in acres and square feet, or the furnishing of a table on the Plat providing the same information.
 - E. Dedicate the corner radius (25' minimum or as approved by the City Engineer and Traffic Engineer) at the southwest corner of LOT 3.
 - F. Provide a written legal description for the proposed subdivision and matching bearing and distance labels.
 - G. Provide and label the monument set or found at each subdivision corner.
 - H. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer.
 - I. Provide the Surveyor's Certificate and Signature.
 - J. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
 - K. 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.
 - L. 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.
 - M. 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.
 - N. Provide a copy of the FINAL SUBDIVISION PLAT to the Engineering Dept. for review. No signatures are required on this drawing.
 - O. After addressing all of the FINAL SUBDIVISION PLAT review comments by the Engineering Dept. provide the ORIGINAL and one (1) copy of the revised Final Plat with all of the required signatures including Owner's (notarized), Planning Commission, and Traffic Engineering signatures.

- Planned Unit Development:**
- 1. One drawing submitted is labeled RESUBDIVISION OF LOTS 12 & 13 FOREST SUBDIVISION and one is labeled BISHOP LANE SUBDIVISION. Please clarify which is the PRELIMINARY PLAT and which is the PUD SITE PLAN.
 - 2. Due to the proposed subdivision, the proposed lots will need to be assigned a different 911 address. Please contact the Engineering Department (208-6216) to discuss the options.

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.

Rezoning:

No Comments

Revised for the February 16th meeting:

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. *Add major street names to the vicinity map.*
- C. *Provide a written legal description for the proposed subdivision and matching bearing and distance labels.*
- D. *Provide and label the monument set or found at each subdivision corner.*
- E. *Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer.*
- F. *Provide the Surveyor's Certificate and Signature.*
- G. *Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.*
- H. *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.*

- I. *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.*
- J. *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.*
- K. *Provide a copy of the FINAL SUBDIVISION PLAT to the Engineering Dept. for review. No signatures are required on this drawing.*
- L. *After addressing all of the FINAL SUBDIVISION PLAT review comments by the Engineering Dept. provide the ORIGINAL and one (1) copy of the revised Final Plat with all of the required signatures including Owner's (notarized), Planning Commission, and Traffic Engineering signatures.*

TRAFFIC ENGINEERING

COMMENTS

Each lot is limited to one curb cut, with 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. Lot 4 as proposed with 50' of frontage is substandard when considering the City commercial driveway standards (24' width plus 20' radii).

Revised for the February 16th meeting:

Each lot is limited to one curb cut with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.

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)

MAWSS

COMMENTS

MAWSS has water and sewer services available, but a Capacity Assurance application for **additional** sewer service has not been applied for. MAWSS cannot guarantee **additional** sewer service until a Capacity application is approved by Volkert Engineering Inc.

REMARKS

The applicant is requesting Subdivision Approval to create four legal lots of record from four legal lots of record; Planned Unit Development to allow reduced lot sizes and setbacks; and Rezoning from R-1, Single-Family Residential District to R-

1, Single-Family Residential District and LB-2, Limited Business District to allow a proposed office space.

The applicant wishes to reconfigure the existing lot lines to create 3 lots that are proposed to remain zoned R-1, Single-Family Residential and are to be developed with residences. The fourth lot is proposed to be utilized as an office, and therefore is requested to be rezoned to LB-2, Limited Business District to allow the intended use.

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 lots front Bishops Lane and Zimlich Avenue, both minor streets with curb and gutter, thus requiring 50' wide rights-of-way. Both streets are depicted as having existing right-of-way widths of 33', making dedication to provide 25' from the centerline of both streets necessary. Furthermore, dedication of the corner radii at Bishops Lane and Zimlich Avenue, per Section V.D.6. of the Subdivision Regulations should be required, if approved. As a means of access management, all lots should be limited to the one curb cut each, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.

The proposed lots, as depicted, meet the minimum size of 7,200 square feet as regulated by the Subdivision Regulations. However, due to required dedication along both frontages, the three residential lots along Bishops Lane will be reduced below the minimum size (Lot 1: 6,350± square feet, Lot 2: 6,350± square feet, and Lot 3: 5,742.25± square feet) hence the Planned Unit Development request. Also as part of the PUD request, the applicant wishes these lots to have reduced front and side yard setbacks. The proposed commercial lot is proposed to have standard setbacks.

The proposed setbacks for Lots 1 and 2 are: 20' for the front, 6' on each side yard (for a combined side yard setback of 12'), and 8' for the rear. The standard Zoning Ordinance required setbacks for Lots 1 and 2 are 25' for the front, 8' minimum side yard setback (with a minimum combined side yard setback of 20'), and 8' for the rear. The proposed setbacks for Lot 3 are 20' for the front, 6' on the left side yard, 15' from the side street side yard (for a combined side yard setback of 21'), and 8' for the rear. The standard Zoning Ordinance required setbacks for Lot 3 are 25' for the front, 8' minimum side yard setback, 20' side street side yard setback (for a combined minimum side yard setback of 28'), and 8' for the rear. It should be noted that the required dedication along both frontages will impact the proposed setbacks. The applicant states in their narrative that they are aware that required dedication will reduce the lots below the minimum required lot size of Section V.D.2. of the Subdivision Regulations, but did not illustrate the proposed dedication on the preliminary plat, nor the impact on the proposed setbacks.

While there is one residence across Bishops Lane South that appears to be setback 17'± from the front property line, that all other residences facing Bishops Lane South appear to have compliant

front setbacks. Other homes on the street look as if they have reduced side yard setbacks, however these lots are 50' wide, and therefore are allowed different setbacks to facilitate the development of smaller lots.

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 states that the rezoning request is desirable due to changes in the area. The only recent changes in zoning are the property immediately to the East of the site that was rezoned from R-1, to LB-2 in 2008, while properties to the Southeast of the site were rezoned from R-1 to B-1 in 1993 and 2002. It should be noted that all properties that have been rezoned previously have frontage along the West I-65 Service Road North, while the subject lot proposed to be rezoned does not. It should also be noted that the abutting LB-2 property remains undeveloped, 8 years after it was rezoned.

According to the Map for Mobile, the site is located within a Traditional Corridor. The intent for Traditional Corridors is:

- Emphasize retaining historic buildings and creating appropriate, denser infill development
- Encourage mixed housing types including small multi-family structures along the corridor
- Retail and neighborhood services at intersections
- Combine and close driveways to create a continuous pedestrian friendly environment
- Auto, bicycle, transit and pedestrian traffic are accommodated
- More dense mixed-use development to include neighborhood services and residential above retail

The proposed rezoning, does not meet the intents of the Map for Mobile in this area as the proposed rezoning is not of a mixed-use nature, and the proposed rezoning would allow commercial development to encroach further into a primarily residential area, and therefore be out of character with the area. Furthermore, a B-1, Buffer Business District could accommodate the proposed office use, and would be more appropriate given the abutting residential property.

As stated in Section 64-5 of the Zoning Ordinance, 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. PUD approval is site plan specific, thus any changes to the site plan must be approved by the Planning Commission.

The applicant states the following:

We are submitting a 4-lot subdivision at the corner of Bishop Lane and Zimlich Avenue. Our subdivision currently meets the requirements based on widths of lots and square footages, however if dedication is required, we would be short on this and ask that a reduction in square footage be allowed and transferred to the PUD application. Lot 4 is configured this way due to the depth of property along Bishop Lane with the intent to make it commercial for office space and potentially combine with the LB-2 piece located adjacent to the Service Road. This is a unique configuration but feel it is the best utilization of this property as item (3) changes in this area to make it desirable for extending this zoning classification into and expand an existing district.

We ask that this rezoning be considered for a change from R-1 for Lot 4 to LB-2 consistent with adjacent property.

PUD application is in to ask for reduction in setbacks as shown along with the attached plans as an overlay of homes to be built. We are asking for a reduction in front, side, & side street setbacks as shown. Neighboring houses are very close to side streets and we feel this is consistent with the neighborhood.

The site plan submitted for the proposed office building shows illustrates a 2,400 square foot building, and 9 parking spaces, however the site plan incorrectly states that 8 parking spaces are proposed (8 are required). The site plan does illustrate frontage trees, but does not provide calculations for staff to determine if full compliance with landscape area and tree plantings will be provided. If approved, the site plan should be revised to illustrate full compliance with landscape area and tree planting requirements.

A dumpster is not illustrated on the site plan, nor is there a note stating that curbside pickup will be utilized. If approved, either a dumpster with sanitary sewer connection and compliant screening should be provided, or a note stating that curbside pickup will be used should be illustrated on the site plan.

The site plan submitted illustrates a 6' high wooden privacy fence adjacent to the properties proposed to remain R-1, however, it should be noted that the fence should not exceed 3' in height within the front 25' setback. If approved, the site plan should be revised to illustrate that the fence will comply with this requirement.

It should also be noted that the proposed side yard setbacks for the residential lots are less than 8' where they abut property outside of the proposed Planned Unit Development, and typically the Planning Commission requires a minimum 8' side yard setback where a PUD abuts properties outside of the development.

RECOMMENDATION

the following reasons:

Subdivision: The request is recommended for Denial for

- 1) the proposed residential lots do not meet the minimum lot size of Section V.D.2. of the Subdivision Regulations;
- 2) the proposed setbacks are out of character of the existing neighborhood; and
- 3) denial of the PUD and Rezoning make the Subdivision request moot

RECOMMENDATION

Planned Unit Development: The request is recommended for Denial for the following reasons:

- 1) the proposed residential lots do not meet the minimum lot size of Section V.D.2. of the Subdivision Regulations;
- 2) the proposed setbacks are out of character of the existing neighborhood; and
- 3) the proposed side yard setbacks would be sub-standard adjacent to property outside of the PUD.

RECOMMENDATION

Rezoning: The request is recommended for Denial for the following reasons:

- 1) approval of the rezoning would result in the encroachment of commercial zoning into an established residential neighborhood; and
- 2) there are not changes in the area which make the rezoning of the subject property necessary and desirable.

Revised for the February 16th meeting:

This application was heldover from the January 16th meeting at the applicant's request to allow them time to consider input received by the Planning Commission and concerned neighbors. The applicant has since withdrawn the Planned Unit Development and Rezoning applications, and submitted a reconfigured subdivision layout illustrating four proposed lots to remain R-1, Single-Family Residential.

The reconfigured lot layout depicts dedication to provide 25' from the centerlines of Bishops Lane and Zimlich Avenue as well as curb radius dedication as required by Section V.D.6. of the Subdivision Regulations, with all lots exceeding the minimum size requirement of 7,200 square feet as regulated by the Subdivision Regulations.

The proposed Lot 4 has a flag lot configuration, with a 25' wide "pole" connecting to Zimlich Avenue. There is a flag shaped property approximately 880' to the West on Zimlich Avenue, however, that site does not appear to be in the same configuration as was approved by the Planning Commission. There are three other flag shaped lots within 1/4 mile of the property (on the North side of Spring Hill Avenue) that are legal lots of record, one of which was part of a Planned Unit Development heard at the Planning Commission as recently as May 19, 2016. The proximity of existing legal flag shaped lots in the area may make a waiver of Section V.D.1. of the Subdivision Regulation appropriate.

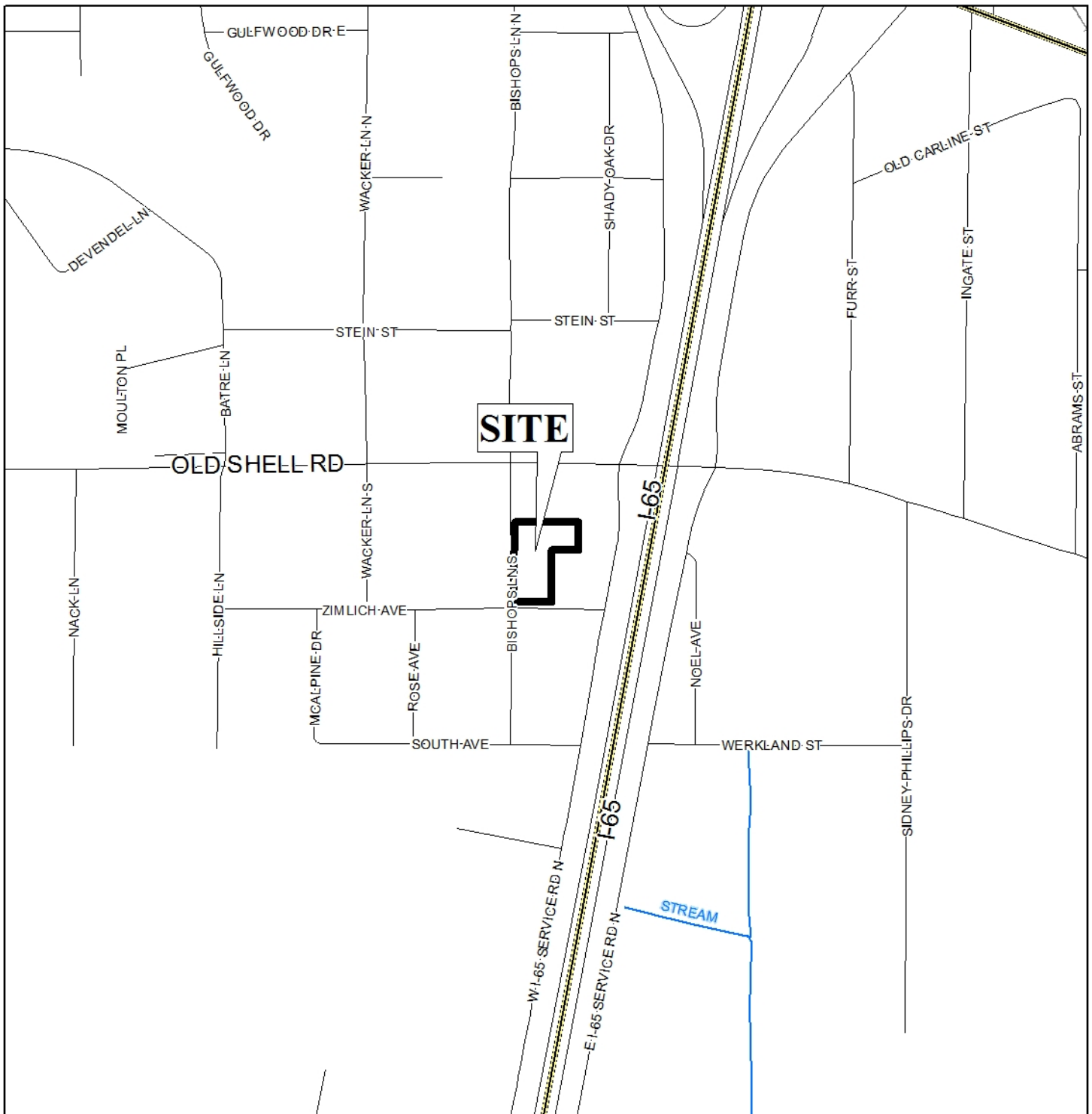
The 25' minimum setback line is depicted where the proposed Lot 4 exceeds 60' in width, as well as the other proposed lots, and should be retained on the Final Plat, if approved. Lot 3 has a proposed side street side yard setback of 20', which would be allowed under Section 64-D.3. of the Zoning Regulations, making a waiver of Section V.D.9. of the Subdivision Regulations appropriate.

Based upon the preceding, with waivers of Section V.D.1. and V.D.9. of the Subdivision Regulations, the application is recommended for Tentative Approval, subject to the following conditions:

- 1) retention of the dedication to provide 25' from the centerlines of both Bishops Lane and Zimlich Avenue;*
- 2) retention of the dedication of the corner radius at Bishops Lane and Zimlich Avenue;*
- 3) retention of the 25' minimum building setback line along Bishop Lane;*
- 4) retention of the 20' setback along Zimlich Avenue for Lot 3;*
- 5) retention of the 25' setback for Lot 4 where it exceeds 60' in width;*
- 6) retention of the lot sizes in square feet and acres;*
- 7) placement of a note on the Final Plat stating that the site is limited to one curb cut per lot, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards;*
- 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. Add major street names to the vicinity map. C. Provide a written legal description for the proposed subdivision and matching bearing and distance labels. D. Provide and label the monument set or found at each subdivision corner. E. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer. F. Provide the Surveyor's Certificate and Signature. G. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. H. 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. I. 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. J. 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. K. Provide a copy of the FINAL SUBDIVISION PLAT to the Engineering Dept. for review. No signatures are required on this drawing. L. After addressing all of the FINAL SUBDIVISION PLAT review comments by the Engineering Dept. provide the ORIGINAL and one (1) copy of the revised Final Plat with all of the required signatures including Owner's (notarized), Planning Commission, and Traffic Engineering signatures.);*

- 9) *compliance with Traffic Engineering comments (Each lot is limited to one curb cut with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.);*
- 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) *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).).*

LOCATOR MAP



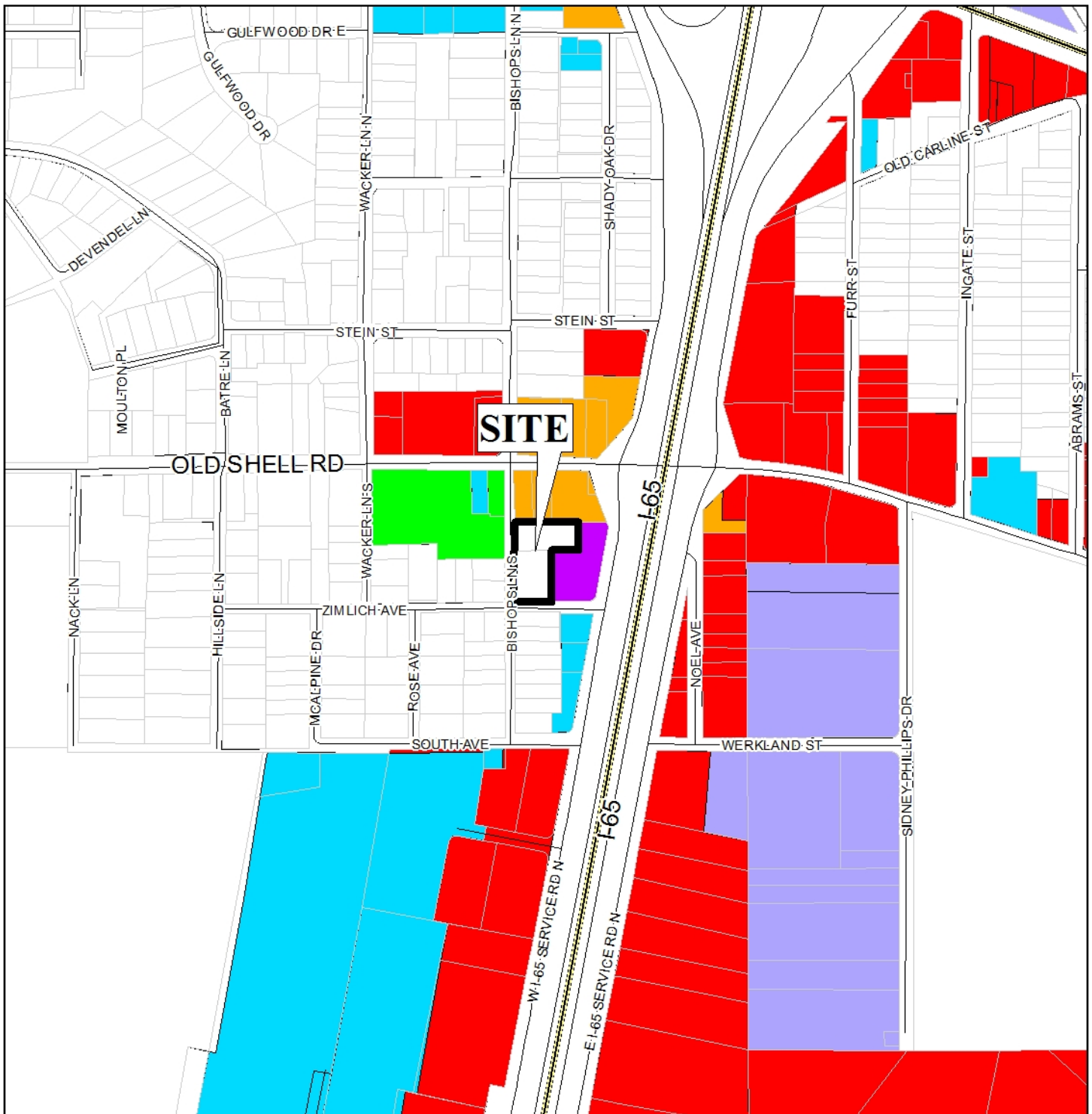
APPLICATION NUMBER 4 DATE February 16, 2017

APPLICANT Bishop Lane Subdivision

REQUEST Subdivision



LOCATOR ZONING MAP



APPLICATION NUMBER 4 DATE February 16, 2017
 APPLICANT Bishop Lane Subdivision
 REQUEST Subdivision



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units to the south and west, and commercial units to the north.

APPLICATION NUMBER 4 DATE February 16, 2017

APPLICANT Bishop Lane Subdivision

REQUEST Subdivision

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

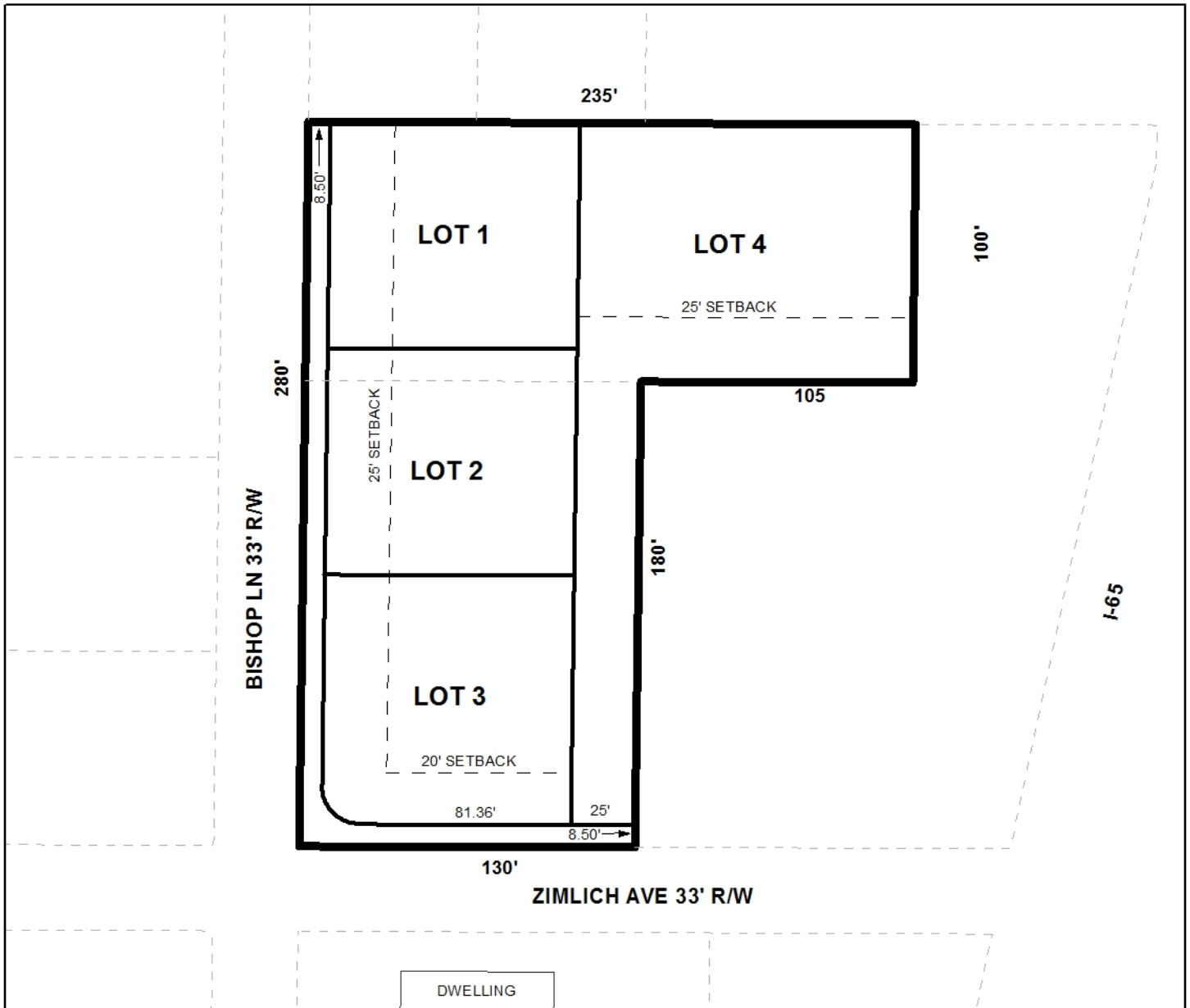


The site is surrounded by residential units to the south and west, and commercial units to the north.

APPLICATION NUMBER 4 DATE February 16, 2017
 APPLICANT Bishop Lane Subdivision
 REQUEST Subdivision



SITE PLAN



The site plan illustrates the proposed lots and setbacks.

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