

**ZONING AMENDMENT STAFF REPORT****Date: March 5, 2015****NAME**

Robert Brown

**LOCATION**7054 Howells Ferry Road  
(Northeast corner of Howells Ferry Road and Cody Road).**CITY COUNCIL  
DISTRICT**

District 7

**PRESENT ZONING**

B-2, Neighborhood Business District and R-1, Single-Family Residential District

**PROPOSED ZONING**

B-2, Neighborhood Business District

**AREA OF PROPERTY**

1.6± Acres

**CONTEMPLATED USE**

Rezoning from B-2, Neighborhood Business District and R-1, Single-Family Residential District, to B-2, Neighborhood Business District, to allow a banquet hall.

**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**

Summer 2015

**ENGINEERING  
COMMENTS**

No Comments

***Subdivision:*** The following comments should be addressed prior to submitting the FINAL PLAT for acceptance and 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 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.
- C. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 18 - #71) the Lot(s) will receive historical credit of impervious area towards

- stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control. Coordinate with City Engineering Department staff to establish the exact amount prior to the submittal of the Land Disturbance Permit application.*
- D. 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.*
  - E. Add/Correct the spelling of the street names in the vicinity map.*
  - F. 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.*
  - G. Provide a written legal description for the proposed subdivision and matching bearing and distance labels.*
  - H. Show and label each and every Right-Of-Way and easement.*
  - I. Provide and label the monument set or found at each subdivision corner.*
  - J. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer.*
  - K. Provide the Surveyor's Certificate and Signature.*
  - L. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.*
  - 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 development, unless a sidewalk waiver is approved.*
  - N. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.*

***Planned Unit Development: 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) 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. 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**

Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. All 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 (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. As per Appendix D, Section D107.1, one and two family developments with more than 30 dwelling units shall be provided with separate and approved fire apparatus access roads and shall meet the requirements of Section D104.3.

**REMARKS**

The applicant is requesting rezoning from B-2, Neighborhood Business District and R-1, Single-Family Residential District, to B-2, Neighborhood Business District, to allow a banquet hall. It should be noted that the subject site consists of two metes-and-bounds parcels, and is proposed to either have multiple structures on a single building site or shared access and parking between two sites; therefore applications for Subdivision and Planned Unit Development approvals should be submitted prior to the Planning Commission considering the rezoning request.

The applicant states that they wish to remove an existing warehouse building on site, and construct a new metal building over the existing slab. The new building is proposed to serve as an event center to accommodate weddings, family reunions, etc. The existing office building also on the site is proposed to remain.

The submitted site plan does not provide any information on the amount of parking to be provided on the site, nor is any landscaping and tree planting information provided. The site plan should also be revised to illustrate any existing or proposed dumpster with compliant enclosures such as required by Section 64-4.D.9. of the Zoning Ordinance, or state that curbside pickup will be used.

A fence is illustrated around a portion of the site, with no mention of the height or materials. The property located along the rear property line of the subject site is residential in nature, therefore the site plan should be revised to illustrate a residential buffer compliant with Section 64-4.D.1. of the Zoning Ordinance.

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 does not state which of the four conditions exist, however the required Subdivision would result in a split-zoned lot, making rezoning necessary.

The entire 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. 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.

### **RECOMMENDATION**

Based on the preceding, the request for rezoning is recommended for Holdover until the April 16, 2015 meeting, with additional information to be submitted by March 16, 2015 to address the following:

- 1) submittal of a Subdivision application;
- 2) submittal of a Planned Unit Development application;
- 3) revision of the site plan to illustrate all parking on site;
- 4) revision of the site plan to provide landscaping and tree planting information;
- 5) revision of the site plan to illustrate any existing or proposed dumpster with compliant enclosures such as required by Section 64-4.D.9. of the Zoning Ordinance, or state that curbside pickup will be used; and
- 6) revision of the site plan to illustrate a compliant residential buffer as required by Section 64-4.D.1. of the Zoning Ordinance.

### ***Revised for the April 16<sup>th</sup> meeting:***

*The Planning Commission heldover the application from the March 5, 2015 meeting to allow the applicant time to submit additional information as well as Subdivision and Planned Unit Development applications. The applicant submitted the required Subdivision and Planned Unit Development applications on April 6<sup>th</sup>, therefore it is recommended that this application be heldover until the May 7, 2015 meeting so that all applications may be heard at the same meeting.*

### ***Revised for the May 7<sup>th</sup> meeting:***

*The Rezoning application was heldover from the April 16<sup>th</sup> meeting to allow the Subdivision and Planned Unit Development applications to be heard at the same meeting.*

*The preliminary plat submitted provides the lot size in acres and should be revised to include square feet as well. It should be noted that the proposed lot exceeds the minimum required lot size in Section V.D.2. of the Subdivision Regulations.*

*The 25-foot minimum building setback is not illustrated on the preliminary plat. If approved, the setback should be adjusted for dedication on the Final Plat.*

*The site has frontages along Howells Ferry Road and Cody Road, both major roads, which should have a minimum right-of-way of 100'. The preliminary plat illustrates Howell's Ferry Road with an 80' right-of-way, and Cody Road with a right-of-way that varies. Dedication to provide a minimum of 50' from the centerline should be made along both streets. Furthermore, dedication of the corner radii at Cody Road and Howells Ferry Road per Section V.D.6. of the Subdivision Regulations should be required. As a means of access management, the site should be limited to the existing curb cuts.*

*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 if any new construction is anticipated that will change an approved site plan, an application to amend an existing, approved PUD must be made prior to any construction activities.*

*It is very important to note that the PUD reviews are site plan specific; therefore any future changes to the overall site plan must be submitted for PUD review.*

*The submitted site plan illustrates the existing office building to remain on site is 2,548 square feet, and the proposed event building will have 480 seats, meaning the site will be required to have 129 parking spaces (1/300 & 1/4 seats), which are illustrated on the site. Bumper stops or curbing should be provided for all parking spaces, and the site will have to comply with the parking lot lighting requirements of Section 64-6.A.8. of the Zoning Ordinance. It should be noted that because there is no parking on site above the minimum required number, a restaurant cannot be allowed to occupy any part of the existing office building, nor will the event hall be able to expand its occupancy without additional parking provided on the site.*

*A dumpster with a compliant enclosure is illustrated behind the proposed event center; however it is unclear if the dumpster will serve both buildings on site. If a separate dumpster or curbside pickup will be used for the office building, it should be noted on the site plan with all dumpsters enclosed per Section 64-4.D.9. of the Zoning Ordinance.*

*A 6' high privacy fence is illustrated along the North and East property lines to provide a residential buffer as required by Section 64-4.D.1. of the Zoning Ordinance. It should be noted that the privacy fence cannot exceed 3' high within the 25' front minimum building setback line.*

*The revised site plan includes landscape area and tree planting calculations. Based upon the calculations provided, there will be sufficient landscape areas, however it appears that a slight*

calculation error was made regarding parking trees, where the applicant states that 6 trees will be required when actually 7 trees should be provided, making for a total of 49 trees to be provided (34 overstory trees and 15 understory trees).

There is a note on the submitted site plan stating that “a sidewalk waiver is requested”. It should be noted that a separate Sidewalk Waiver application with the accompanying required documentation must be submitted to the Planning Commission in order to waive the sidewalk requirement.

### **RECOMMENDATION**

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

- 1) dedication to provide 50' from the centerline of Howells Ferry Road;
- 2) dedication to provide 50' from the centerline of Cody Road;
- 3) dedication of the corner radii at Cody Road and Howells Ferry per Section V.D.6. of the Subdivision Regulations;
- 4) illustration of the 25' minimum building setback line along all frontages, adjusted for dedication;
- 5) provision of the lot size in square feet and acres, adjusted for dedication;
- 6) full compliance with Engineering comments: (The following comments should be addressed prior to submitting the FINAL PLAT for acceptance and 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 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. C. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 18 - #71) the Lot(s) will receive historical credit of impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control. Coordinate with City Engineering Department staff to establish the exact amount prior to the submittal of the Land Disturbance Permit application. D. 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. E. Add/Correct the spelling of the street names in the vicinity map. F. 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. G. Provide a written legal description for the proposed subdivision and matching bearing and distance labels. H. Show and label each and every Right-Of-Way and easement. I. Provide and label the monument set or found at each subdivision corner. J. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer. K. Provide the Surveyor's Certificate and Signature. L. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. 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 development, unless a sidewalk waiver is approved. N. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.);*

- 7) full compliance with Traffic Engineering comments (Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. All 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 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. As per Appendix D, Section D107.1, one and two family developments with more than 30 dwelling units shall be provided with separate and approved fire apparatus access roads and shall meet the requirements of Section D104.3.); and*
- 9) provision of two (2) revised PUD site plans to the Planning Section of Urban Development prior to the signing of the Final Plat.*

***Planned Unit Development:*** *Based on the preceding Planned Unit Development request is recommended for Approval subject to the following conditions:*

- 1) revision of the site plan to include bumper stops or curbing for all parking spaces;*
- 2) placement of a note on the site plan stating the site will be in compliance with parking lot lighting requirements of Section 64-6.A.8. of the Zoning Ordinance;*
- 3) placement of a note on the site plan stating that no restaurants will be allowed on site, nor will the event hall increase capacity without the provision of additional parking spaces, which will require a new PUD application;*
- 4) revision of the site plan to either state the office building will use curb-side pickup or will utilize a separate dumpster on site with an enclosure compliant with Section 64-4.D.9. of the Zoning Ordinance;*
- 5) revision of the site plan to illustrate that the privacy fence along the North and East property lines will not exceed 3' high within the 25' setback;*
- 6) revision of the site plan to indicate that 49 trees (34 overstory trees and 15 understory trees) will be provided on the site;*
- 7) revision of the site plan to show installation of a sidewalk or obtain a sidewalk waiver;*
- 8) full compliance with 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. 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. 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.);*

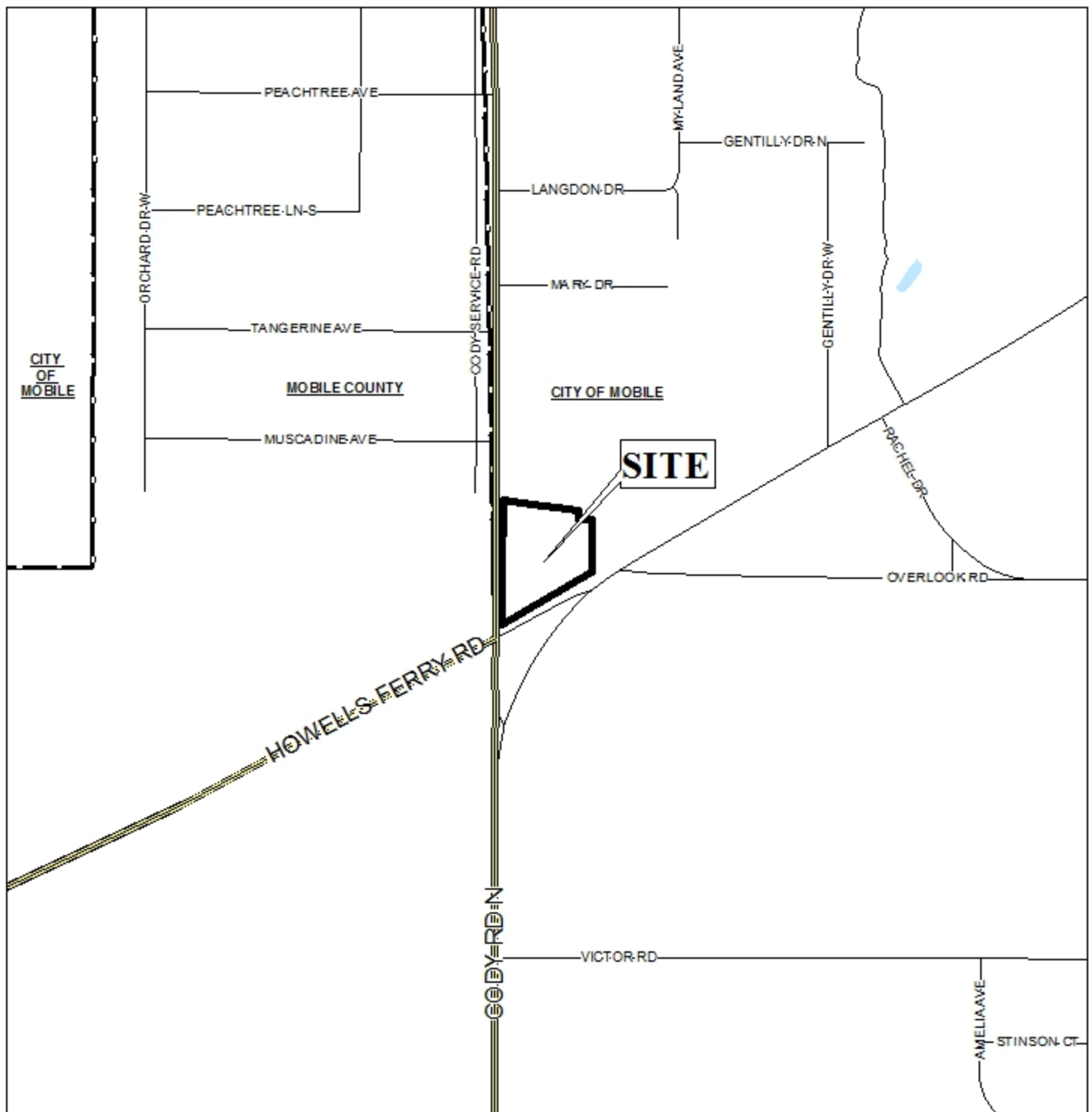
- 9) full compliance with Traffic Engineering comments (Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. All on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.);*
- 10) 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. As per Appendix D, Section D107.1, one and two family developments with more than 30 dwelling units shall be provided with separate and approved fire apparatus access roads and shall meet the requirements of Section D104.3.);and*
- 11) provision of two (2) revised PUD site plans to the Planning Section of Urban Development prior to the signing of the Final Plat.*

**Rezoning:** *Based on the preceding Rezoning request is recommended for Approval subject to the following conditions:*

- 1) limited to an approved Planned Unit Development; and*
- 2) full compliance with all municipal codes and ordinances.*



# LOCATOR MAP



APPLICATION NUMBER 4 DATE May 7, 2015

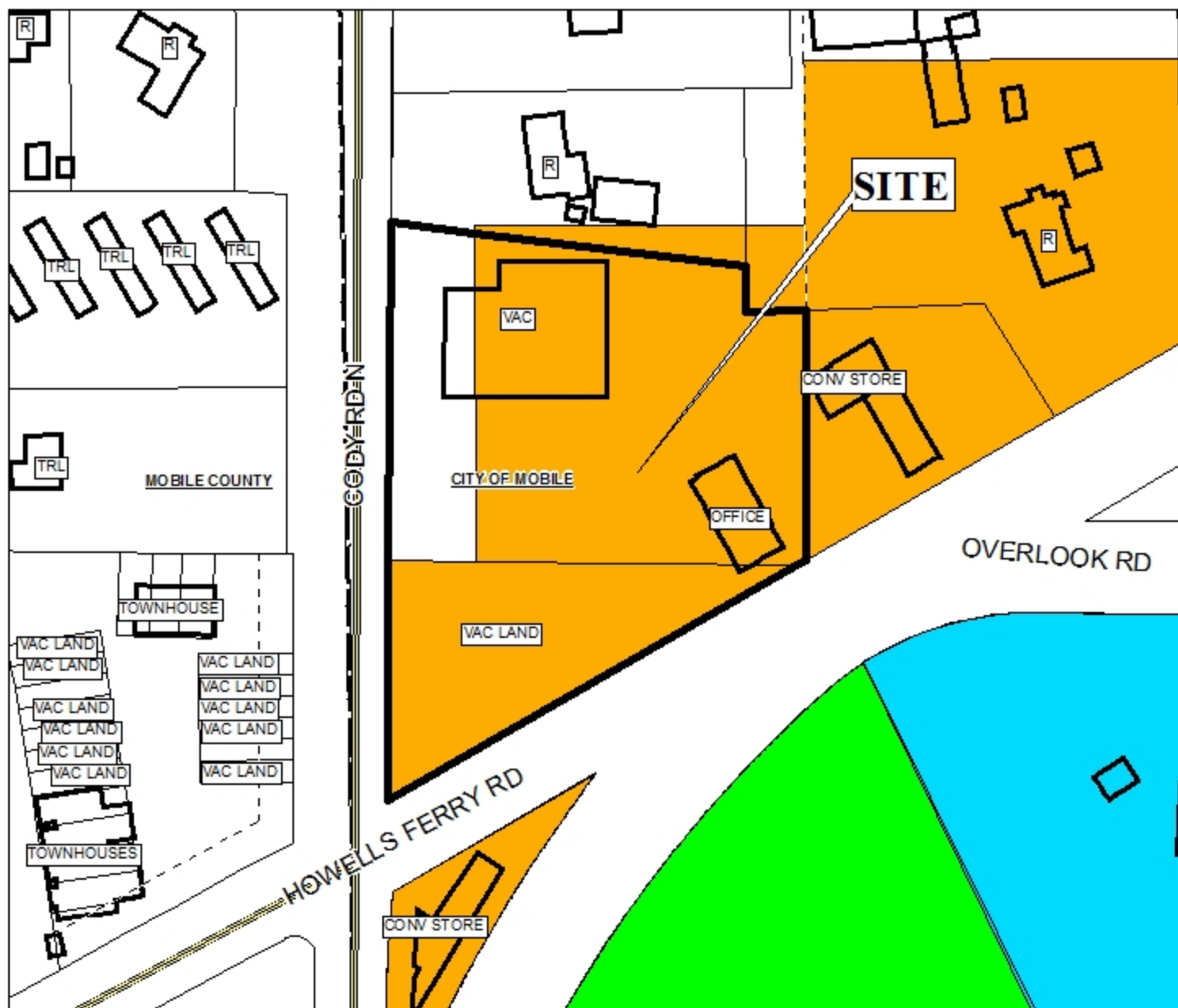
APPLICANT R&G Brown Subdivision

REQUEST Subdivision, PUD, Rezoning from R-1 and B-2 to B-2



NTS

# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units. Convenience stores lie to the east and south of the site.

APPLICATION NUMBER 4 DATE May 7, 2015

APPLICANT R&G Brown Subdivision

REQUEST Subdivision, PUD, Rezoning from R-1 and B-2 to B-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-10	SD	T4	T6



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units. Convenience stores lie to the east and south of the site.

APPLICATION NUMBER 4 DATE May 7, 2015

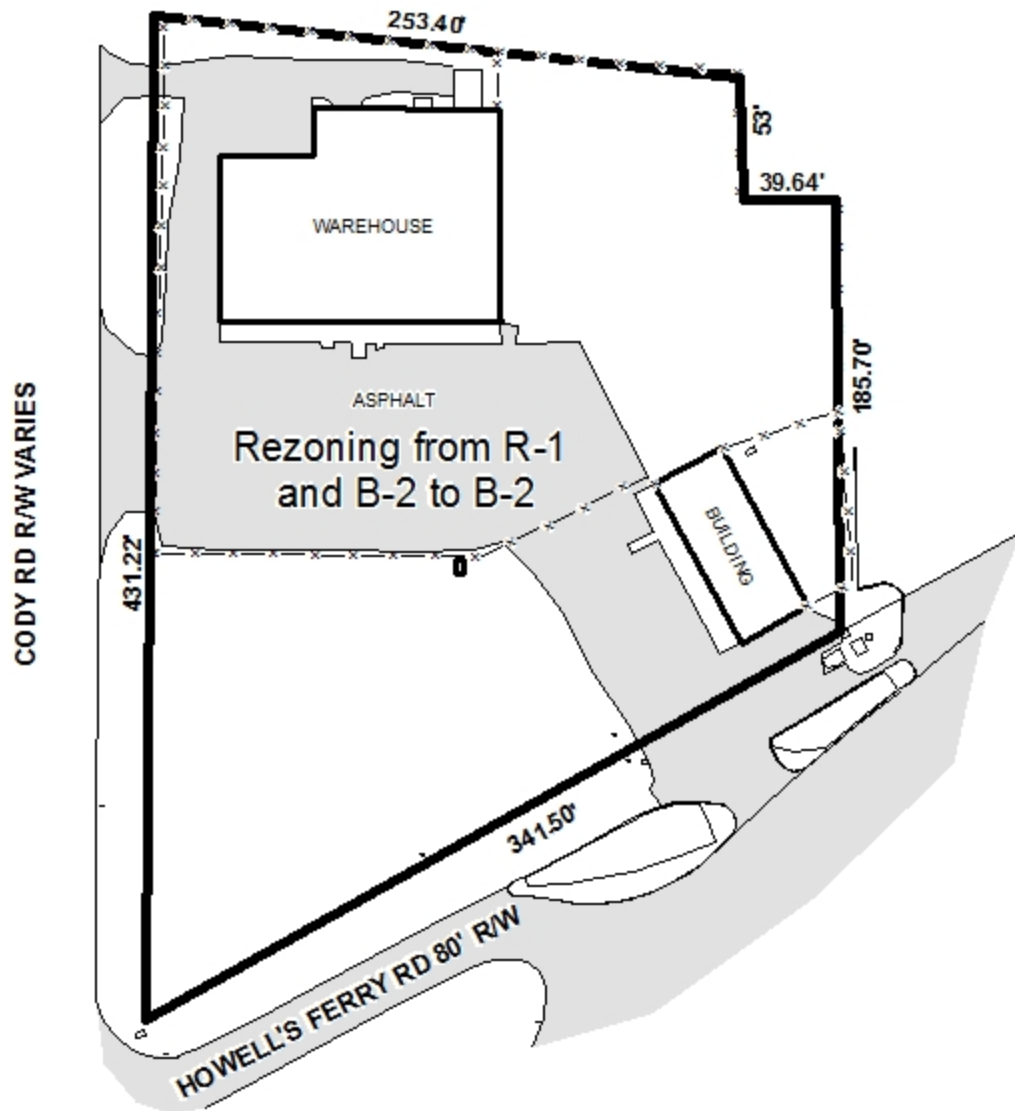
APPLICANT R&G Brown Subdivision

REQUEST Subdivision, PUD, Rezoning from R-1 and B-2 to B-2





# SITE PLAN

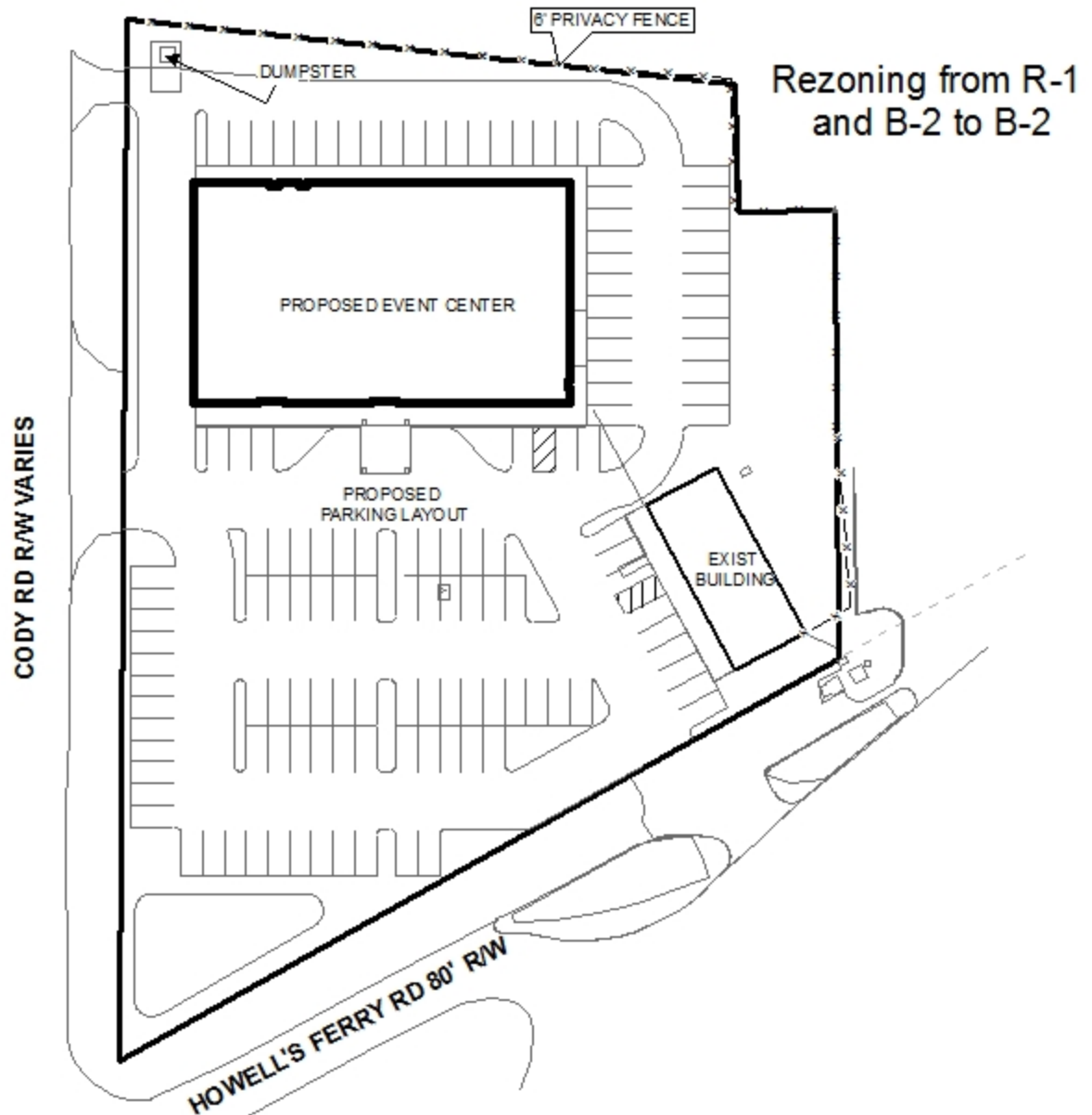


The site plan illustrates the existing buildings, fence, and proposed zoning changes.

APPLICATION NUMBER 4 DATE May 7, 2015  
 APPLICANT R&G Brown Subdivision  
 REQUEST Subdivision, PUD, Rezoning from R-1 and B-2 to B-2



# SITE PLAN

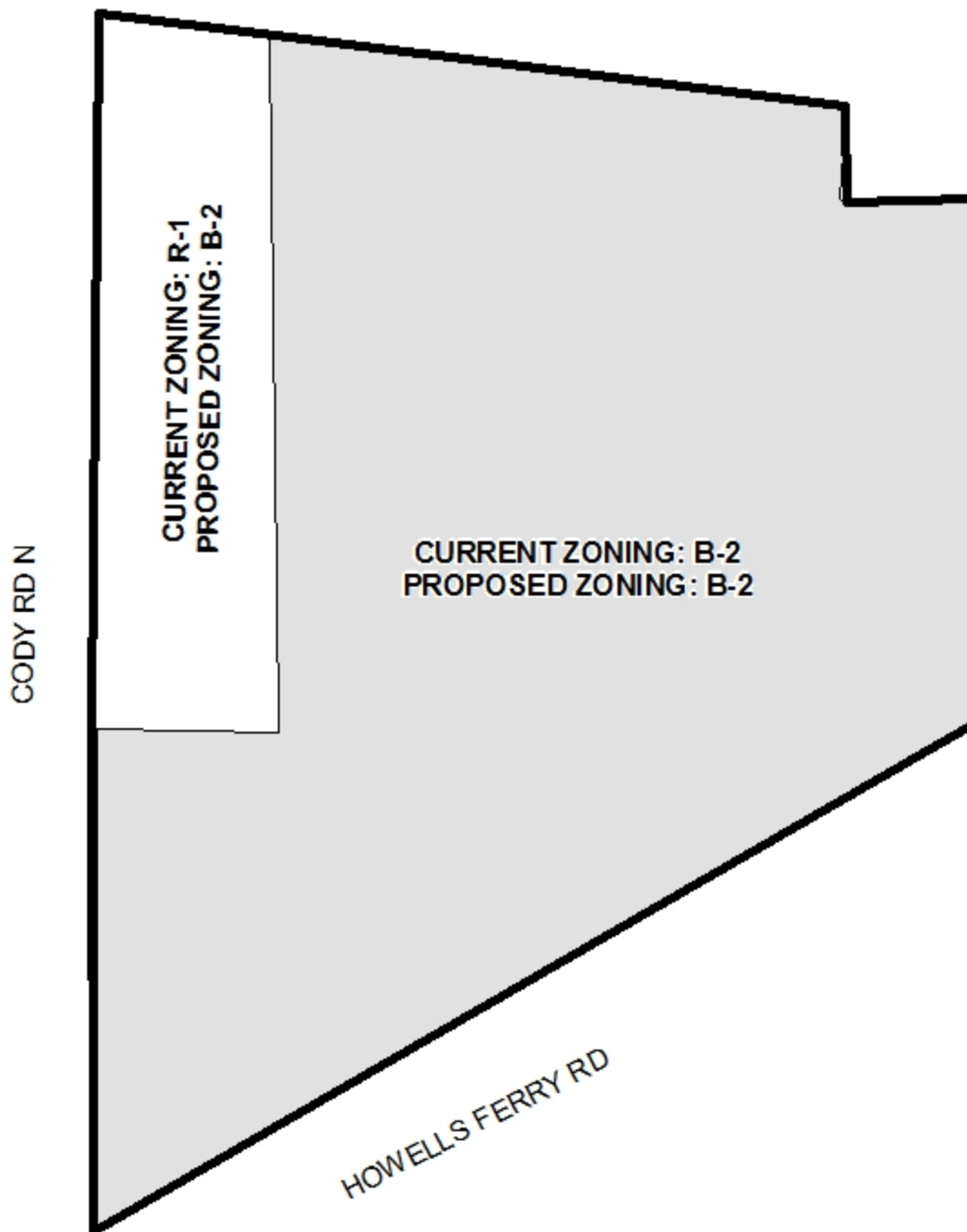


The site plan illustrates the proposed building, existing building, and parking layout.

APPLICATION NUMBER 4 DATE May 7, 2015  
 APPLICANT R&G Brown Subdivision  
 REQUEST Subdivision, PUD, Rezoning from R-1 and B-2 to B-2



## DETAIL SITE PLAN



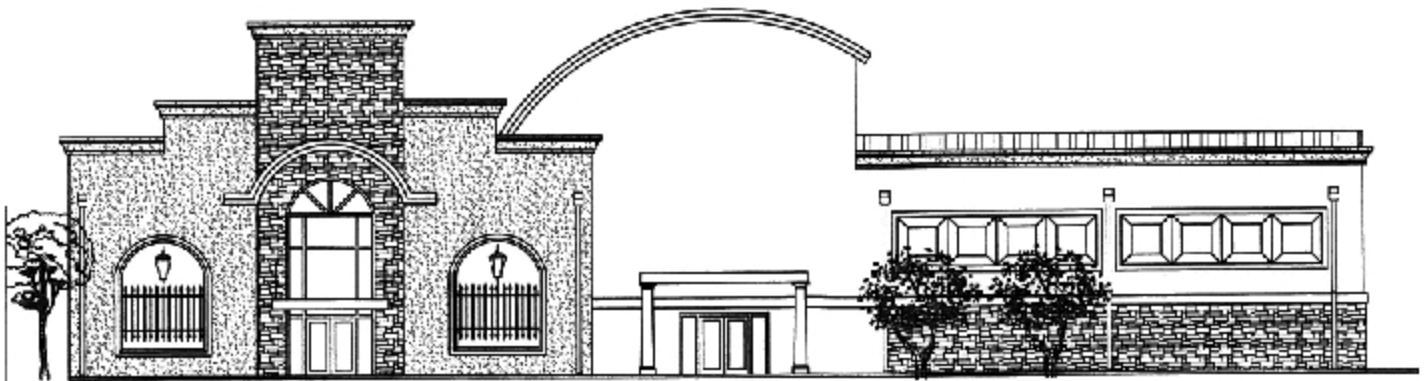
APPLICATION NUMBER 4 DATE May 7, 2015

APPLICANT R&G Brown Subdivision

REQUEST Subdivision, PUD, Rezoning from R-1 and B-2 to B-2



## DETAIL SITE PLAN



3 PROPOSED FRONT ELEVATION  
1/16" = 1'-0"

APPLICATION NUMBER 4 DATE May 7, 2015  
APPLICANT R&G Brown Subdivision  
REQUEST Subdivision, PUD, Rezoning from R-1 and B-2 to B-2

