

**SUBDIVISION,
PLANNED UNIT DEVELOPMENT,
PLANNING APPROVAL, &
REZONING STAFF REPORT****Date: November 19, 2009**

<u>APPLICANT NAME</u>	Archbishop of Mobile
<u>SUBDIVISION NAME</u>	McGill-Toolen High School Subdivision, Phase 2
<u>DEVELOPMENT NAME</u>	McGill-Toolen High School Subdivision, Phase 2
<u>LOCATION</u>	South side of Old Shell Road extending from the West side of Lafayette Street to the East side of Catherine Street; Northwest corner of Old Shell Road and Kilmarnock Street, and North side of Old Shell Road between Kilmarnock Street and Catherine Street; Northeast corner of Dauphin Street and Lafayette Street; Northwest corner of Dauphin Street and Lafayette Street; Southeast corner of Old Shell Road and Lafayette Street and extending South along the East side of Lafayette Street 695'+
<u>CITY COUNCIL DISTRICT</u>	Council District 2
<u>PRESENT ZONING</u>	B-2, Neighborhood Business District
<u>PROPOSED ZONING</u>	R-1, Single-Family Residential District
<u>AREA OF PROPERTY</u>	19.03± Acres
<u>CONTEMPLATED USE</u>	<p>Subdivision Approval to create one legal lot of record from three metes and bounds parcels; Planned Unit Development Planning Approval, and Rezoning to amend Master Plan to allow new student center and parking lot.</p> <p>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.</p>
<u>TIME SCHEDULE FOR DEVELOPMENT</u>	Immediate

ENGINEERING**COMMENTS**

Need to provide documentation if claiming historical credit for detention. Must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit.

TRAFFIC ENGINEERING**COMMENTS**

Driveway number, 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 61-929 and City Code Chapters 57 and 64).

Preservation status is to be given to the 60" Live Oak Tree located on the North side of existing CYO building #6. Any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.

Updated landscape plan showing the McGill-Toolen campus and satellite parking lots in compliance with landscaping and tree requirements of the Zoning Ordinance.

FIRE DEPARTMENT**COMMENTS**

No Comments

REMARKS

The applicant is requesting Subdivision Approval to create one legal lot of record from three metes and bounds parcels. The applicant is also requesting Planned Unit Development, Planning Approval, and Rezoning to amend a Master Plan to allow a new student center and parking lot.

As stated, the subject site is part of a Master Plan that has undergone multiple amendments. The most recent amendment in 2007 consisted of a phased development (Science Building and Student Center), which for various reasons was ultimately limited to the Phase I project area. With the acquisition of additional property, the applicant has resubmitted Phase II for approval. The newly acquired property is the site of the subdivision; and since the subdivision will result in a split-zoned piece of property, rezoning of this site is necessary. Upon approval, the applicant intends to demolish an existing convenience store and use the site for additional parking. This parking lot, along with the development of a new student center (with new covered walkways, pavement, and landscaping), constitutes Phase II.

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.

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 review required for Planning Approval examines the applicant's location and site plan with regard to transportation, parking and access, public utilities and facilities, traffic congestion and hazard, and to determine if the proposal is in harmony with the orderly and appropriate development of the district. Planning Approval is site plan and use specific, thus any future changes to the site or operation of the facilities will require additional Planning Approval.

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.

It should be noted that the rezoning site is 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. With that said, the primary reason for this application is to eliminate the split-zoning created by the subdivision; thus, it will have minimal impact on the surrounding area.

The proposed one-lot subdivision fronts North Catherine Street to the West and Old Shell Road to the South, both minor streets with sufficient rights-of-way.

As proposed, the subdivision has approximately 200' and 160' of frontage along North Catherine Street and Old Shell Road, respectively. As a means of access management, the subdivision should be limited to one curb cut to each street.

It appears that the applicant has dedicated some right-of-way at the intersection of North Catherine Street and Old Shell Road, so as to comply with Section V.B.16 of the Subdivision

Regulations regarding curb radii; however, it is not labeled as such. The applicant should revise the plat accordingly.

The applicant should also revise the plat to illustrate a 25' minimum building setback line from each street.

The site plan illustrates the new 19,348 square foot student center, covered walkways, new pavement and landscaping. One issue found is that the covered walkways on either side of Lafayette Street do not appear to meet the required 25' minimum building setback; therefore, the applicant should revise the site plan accordingly. Another potential issue is that (per note on the site plan) the new student center, at maximum, will be 64' in height; this exceeds the 35' maximum height allowance for buildings in R-1, Single-Family Residential Districts. However, relief to exceed said height requirements may be found in Section 64-4.C of the Zoning Ordinance, which states *in any R-1 District, two feet in building height may be added above general height limits for the district for each one foot of side yard provided in excess of ten feet*. With a 50' setback from Lafayette Street (hereto considered a side street), the proposal is well within the requirement.

As illustrated, the Master Plan contains on- and off-street parking. With regards to on-street parking, 19 angled spaces were approved in 2007 Phase I project. In the current application (Phase II), the applicant is proposing 26 parking spaces (designed at 90 degrees) located within the right-of-way of Lafayette Street; these will not be allowed per comments by Traffic Engineering. It should be noted that, with the addition of the new parking lot, the total amount of off-site parking alone exceeds the minimum parking requirements of the Ordinance; thus, all on-street parking could be eliminated without compromising the applicant's objective.

With regard to trees, the applicant has provided a proposed tree plan for the new parking lot, which appears to meet the minimum requirements of Section 64-4 of the Zoning Ordinance for new development. The applicant has also proposed some additional landscaping / trees around the new student center. It has been the position of the Commission for many years, when considering applications for Planned Unit Development, to require some level of compliance in terms of landscaping and tree plantings, depending on scope and project area; and determining the level of compliance that is required has generally been delegated to the Urban Forestry Section of Urban Development. Therefore, the applicant should coordinate with Urban Forestry regarding additional trees in the project area.

It should be noted that the subject site is within the Old Dauphin Way Historic District. Therefore, any new development shall be also approved by the Mobile Historic Commission's Architecture Review Board.

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: Based on the preceding, this application is recommended for Tentative Approval, subject to the following conditions:

- 1) completion of the rezoning process prior to signing the final plat;
- 2) placement of a note on the final plat that the subdivision is limited to one curb cut to each street, with the size, location, and design to be approved by Traffic Engineering and in conformance with AASHTO standards;
- 3) provision of adequate radius, in compliance with Section V.B.16 of the Subdivision Regulations, at the intersection of North Catherine Street and Old Shell Road;
- 4) submission of revised Planned Unit Development AND Planning Approval site plans to the Planning Section of Urban Development prior to signing the final subdivision plat;
- 5) compliance with Engineering comments: *(Need to provide documentation if claiming historical credit for detention. Must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit);* and
- 6) placement of a note on the final plat stating that the site must be developed in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.

Planning Approval: Based on the preceding, this application is recommended for approval, subject to the following conditions:

- 1) completion of the subdivision and rezoning processes;
- 2) elimination of all on-street parking (along North Catherine Street **AND** Lafayette Street);
- 3) coordination with Urban Forestry regarding tree compliance around the new student center;
- 4) approval by the Architecture Review Board for all new development;
- 5) placement of a note on the site plan stating that the site must be developed in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species;
- 6) submission of a revised site plan to the Planning Section of Urban Development prior to signing the final subdivision plat;
- 7) compliance with Engineering comments: *(Need to provide documentation if claiming historical credit for detention. Must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit);* and
- 8) full compliance with all municipal codes and ordinances.

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

- 1) completion of the subdivision and rezoning processes;

- 2) elimination of all on-street parking (along North Catherine Street **AND** Lafayette Street);
- 3) coordination with Urban Forestry regarding tree compliance around the new student center;
- 4) approval by the Architecture Review Board for all new development;
- 5) placement of a note on the site plan stating that the site must be developed in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species;
- 6) submission of a revised site plan to the Planning Section of Urban Development prior to signing the final subdivision plat;
- 7) compliance with Engineering comments: *(Need to provide documentation if claiming historical credit for detention. Must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit);* and
- 8) full compliance with all municipal codes and ordinances.

Rezoning: Based on the preceding, the application is recommended for Approval, subject to the following conditions:

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

Revised for the December 3rd meeting:

This application was held over at the November 19th meeting to allow staff to verify that adequate parking is provided with the exclusion of the property at the Northeast corner of Old Shell Road and North Catherine Street, and to possibly address ownership claims by another party and any impact on the application process.

Staff has been advised by the legal department to hold this application over until the December 17th meeting to further discuss the matter at hand..

Revised for the December 17th meeting:

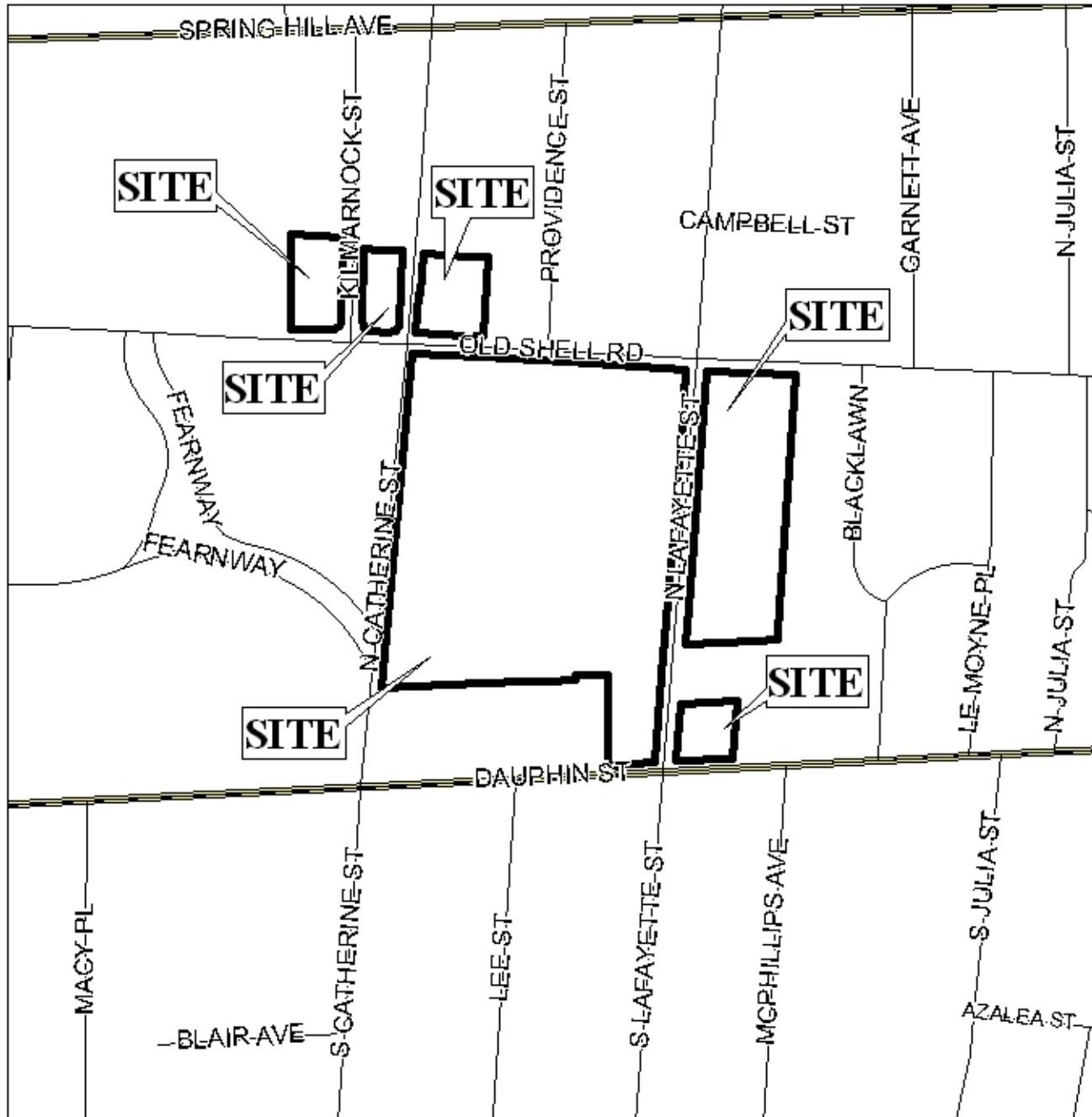
This application was held over at the December 3rd meeting, as requested by staff.

Legal opinion indicates that the application may move forward if the area in question (all property at the Northeast corner of North Catherine Street and Old Shell Road) is removed; that is, if the Subdivision and Rezoning applications are withdrawn and a new site plan submitted.

According to the applicant, there are a total of 1,200 students. At 1 space per 4 students, the site is required 300 parking spaces. There are a total of 310 existing off-street parking spaces; thus, adequate parking exists with the exclusion of said property.

The applicant has been made aware of the options available; however, no action has been taken by the applicant.

LOCATOR MAP



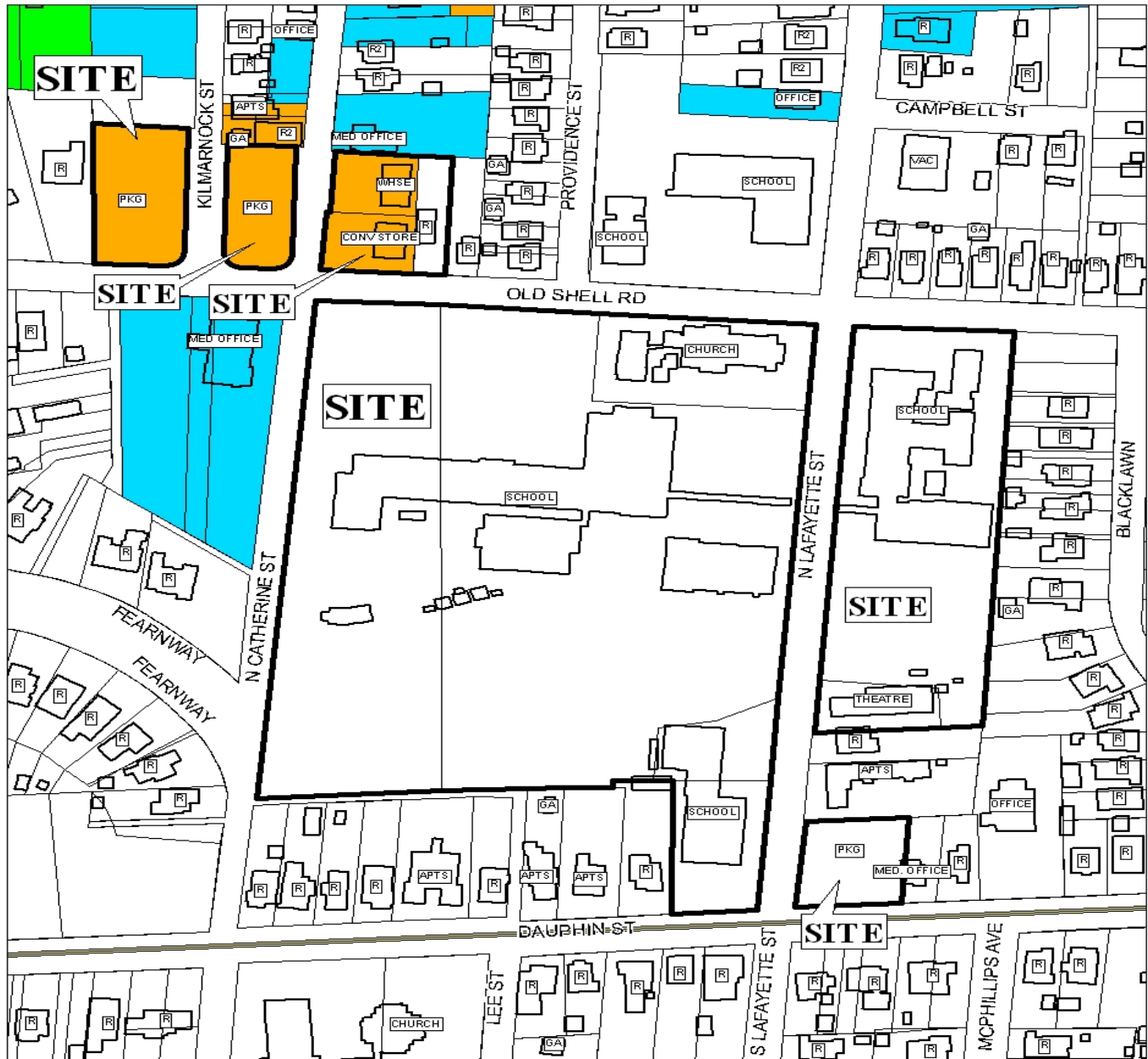
APPLICATION NUMBER 5,6,7,8,&9 DATE December 17, 2009

APPLICANT Archbishop of Mobile

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

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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by miscellaneous land use.

APPLICATION NUMBER 5,6,7,8,&9 DATE December 17, 2009

APPLICANT Archbishop of Mobile

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

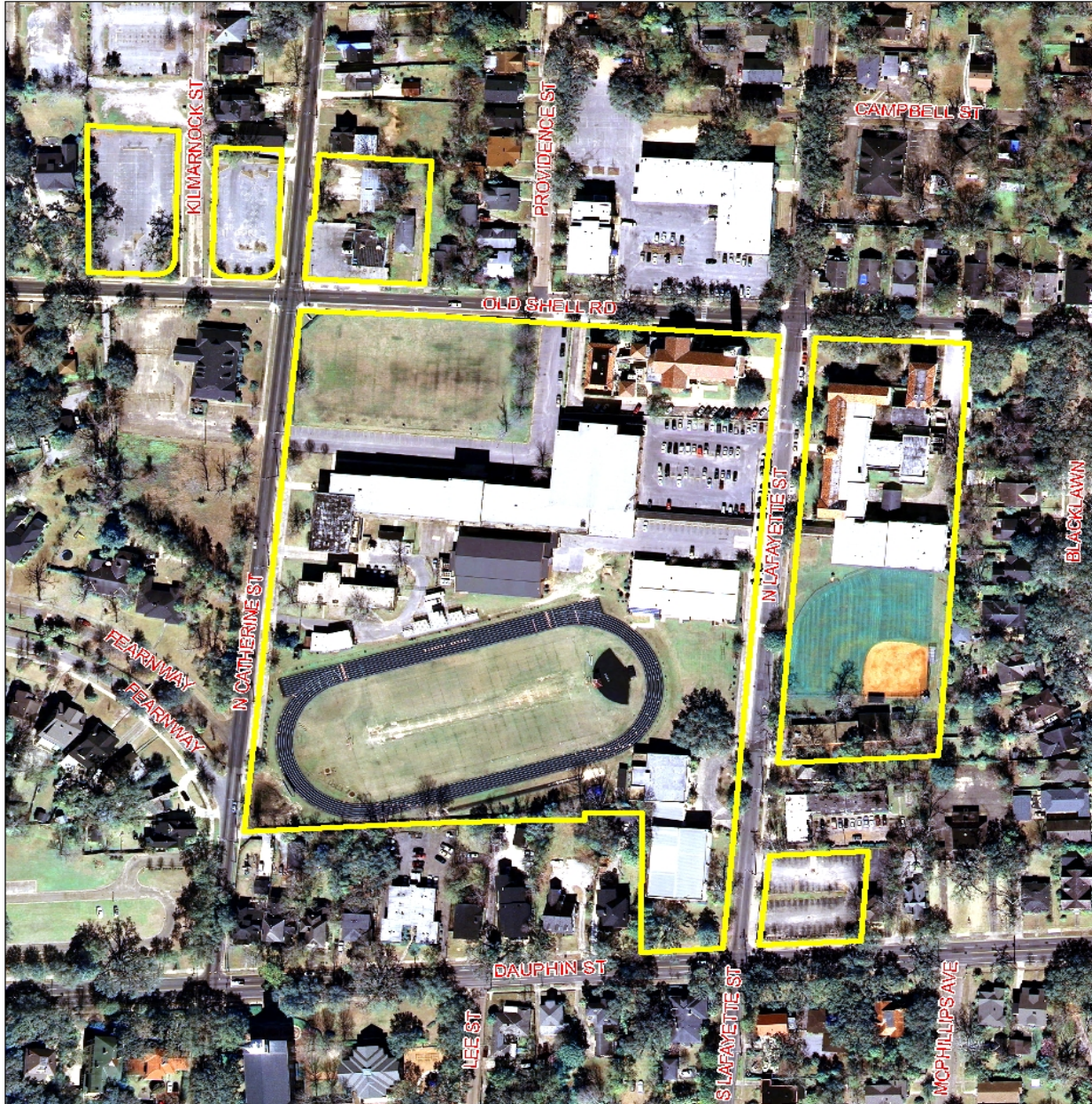
LEGEND

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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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by miscellaneous land use.

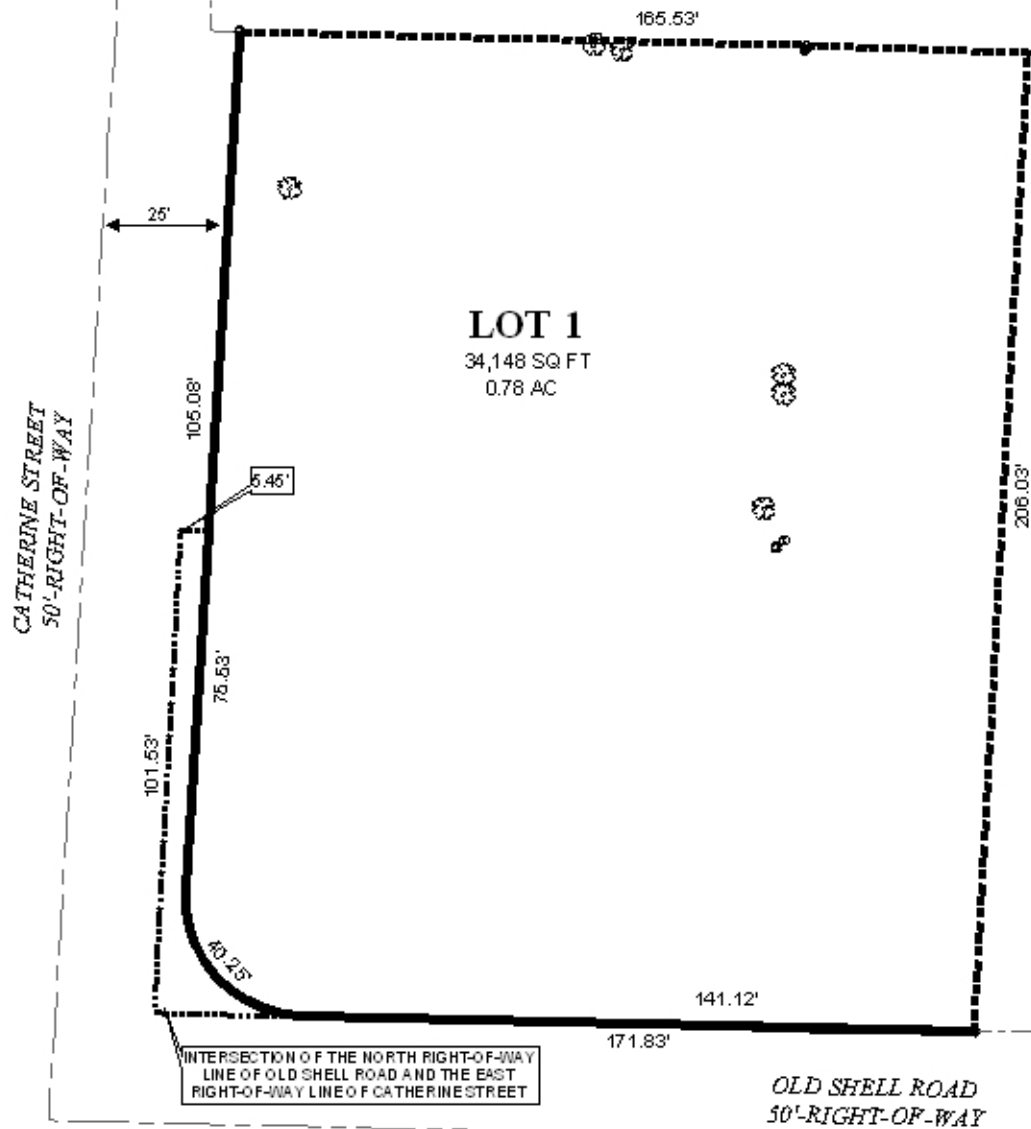
APPLICATION NUMBER 5,6,7,8,&9 DATE Decmeber 17, 2009

APPLICANT Archbishop of Mobile

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



SUBDIVISION DETAIL



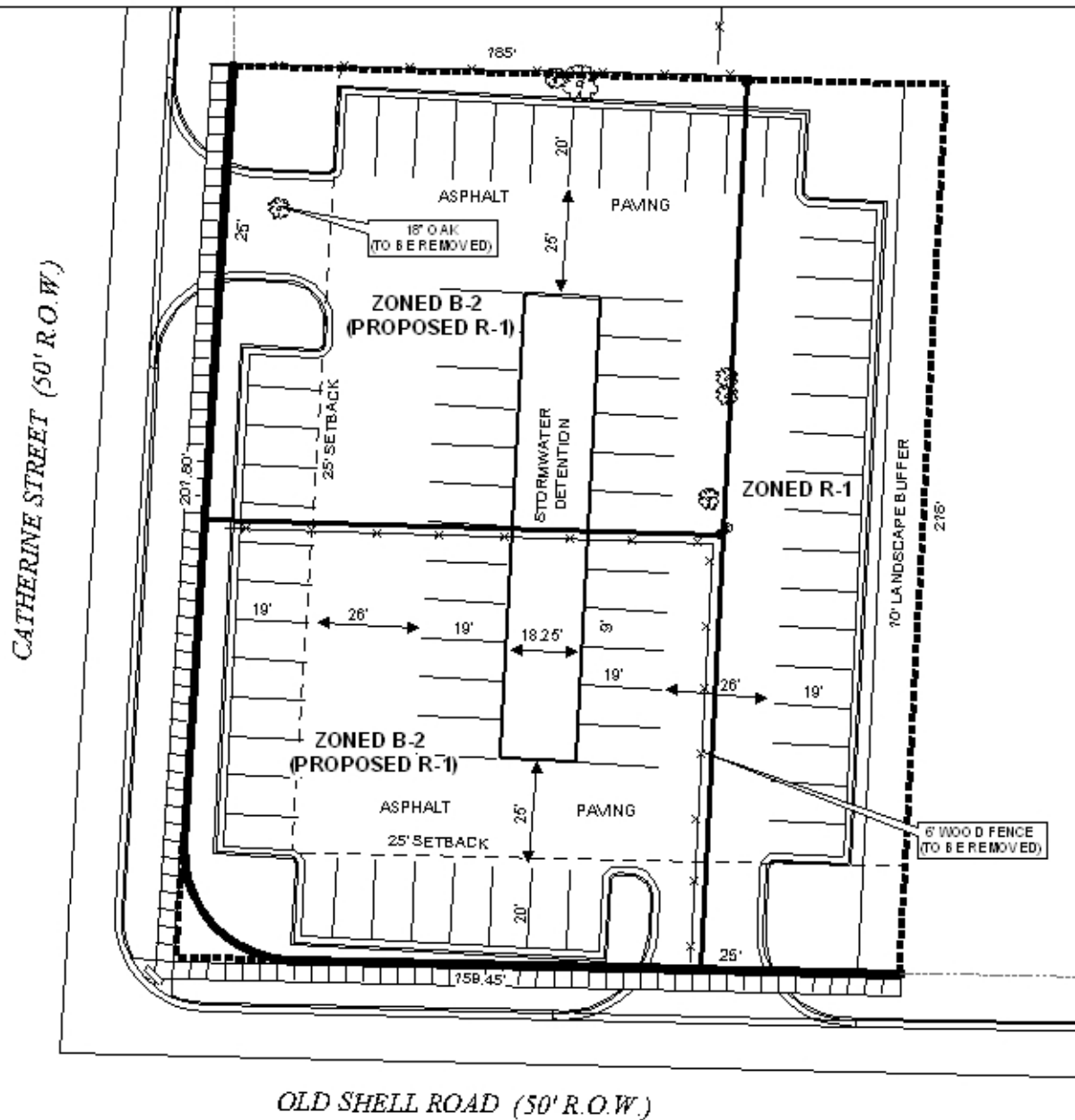
APPLICATION NUMBER 5,6,7,8,&9 DATE December 17, 2009

APPLICANT Archbishop of Mobile

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

N
NTS

ZONING DETAIL



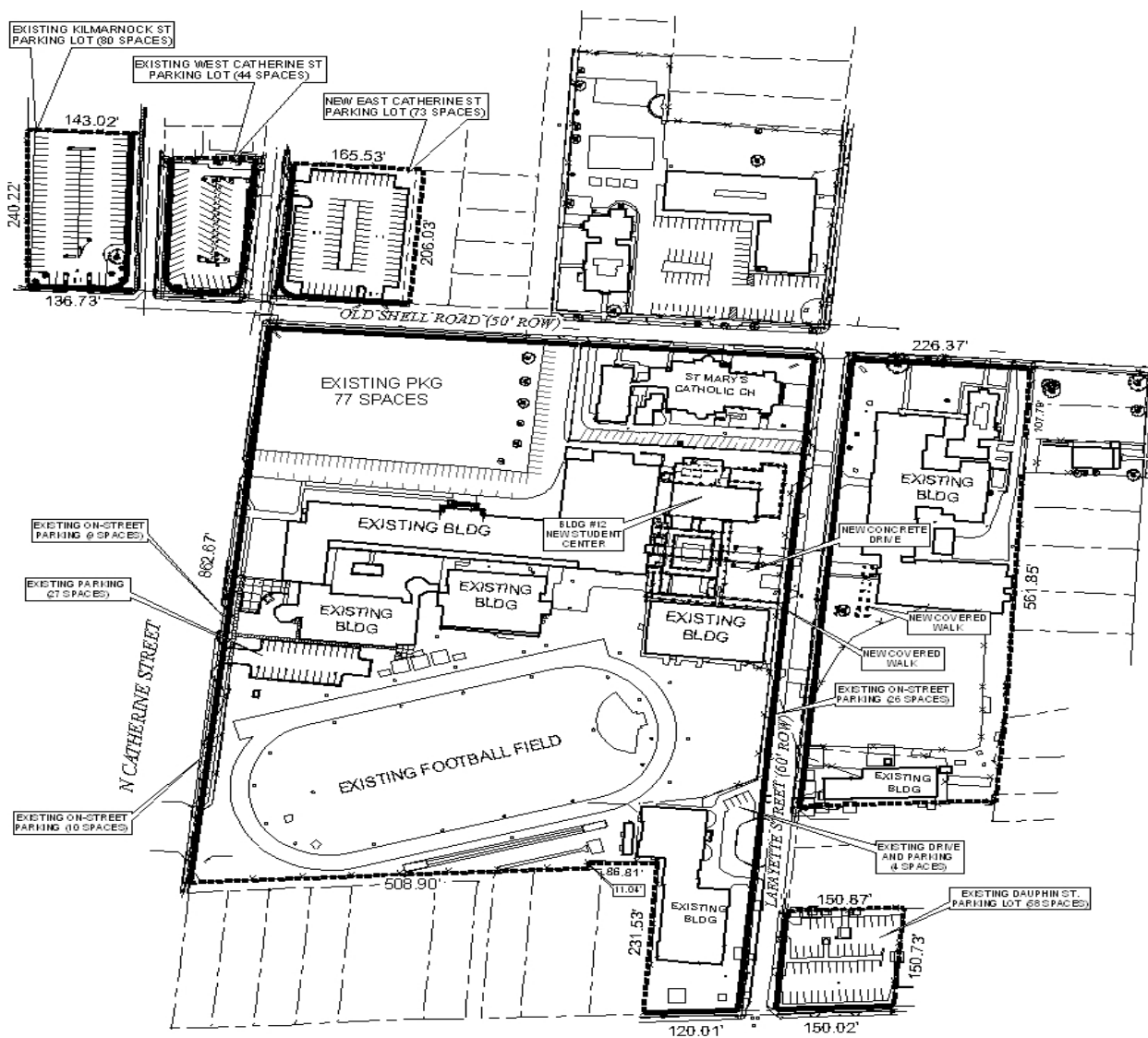
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APPLICANT Archbishop of Mobile

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

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SITE PLAN



The site plan illustrates the existing and proposed parking, and other improvements.

APPLICATION NUMBER 5,6,7,8,&9 DATE December 17, 2009

APPLICANT Archbishop of Mobile

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

