



Agenda Item # 5

SUB-002724-2023 & ZON-UDC-002730-2023

View additional details on this proposal and all application materials using the following link:

[Applicant Materials for Consideration – Subdivision](#)

[Applicant Materials for Consideration – Rezoning](#)

DETAILS

Location:

4630, 4700, 4960 Dauphin Island Parkway

Subdivision Name:

Perch Creek - Dockside Marina Subdivision

Applicant / Agent:

Don Coleman, Coleman Marine, LLC

Property Owner:

Audubon Properties, LLC and Coleman Marine, LLC

Current Zoning:

B-3, Community Business Suburban District

Proposed Zoning:

B-3, Community Business Suburban District

Future Land Use:

Water Dependent and Low Density Residential

Applicable Codes, Policies, and Plans:

- Unified Development Code
- Subdivision Regulations
- Map for Mobile Comprehensive Plan

Proposal:

- Subdivision approval to create two (2) legal lots of record.
- Rezoning from B-3, Community Business Suburban District to B-3, Community Business Suburban District to remove a previous condition of rezoning approval limiting development of the site to a Planned Unit Development.
 - Any use permitted in the proposed district would be allowed at this location if the zoning is approved. The Planning Commission may consider other zoning districts than the proposed sought by the applicant for this property.

Commission Considerations:

1. Subdivision proposal with seven (7) conditions; and
2. Rezoning with three (3) conditions.


Report Contents:

	Page
Context Map	2
Site History	3
Staff Comments	4
Commission Considerations	6
Exhibits	8

PLANNING COMMISSION
VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential and commercial units.

APPLICATION NUMBER _____ 5 _____	DATE _____ December 7, 2023 _____	 NTS
APPLICANT _____	Perch Creek – Dockside Marina Subdivision	
REQUEST _____	Subdivision, Rezoning from B-3 to B-3	

SITE HISTORY

In October 1998, the property owner submitted non-conforming documentation for the marina, which stated that the marina had been in operation prior to the adoption of the Zoning Ordinance in 1967 with multiple structures on a single building site.

A portion of the subject site (4700 and 4960 Dauphin Island Parkway – see map on page 10) was before the Planning Commission in November 2006 for a two-lot Subdivision, Planned Unit Development (PUD) approval to allow multiple buildings on a single building site, and Rezoning applications to change one (1) of the proposed lots from R-1, Single-Family Residential District to B-3, Community Business District to accommodate the existing marina and the other proposed lot from R-1 to R-3, Multi-Family Residential District to allow a multi-family development. These approvals were allowed to expire.

In August 2008, 4700 and 4960 Dauphin Island Parkway came back to the Planning Commission for a PUD to allow multiple buildings on a single building site, and to rezone the property from R-1 to B-3 to accommodate improvements to the existing marina. The PUD was denied, but the rezoning was approved by the Planning Commission and City Council.

When the property was rezoned to B-3, it was subject to the following conditions:

- 1) Development limited to an approved PUD;
- 2) No permits or licenses to be issued until a PUD has been submitted and approved;
- 3) The site is limited to one curb cut to Dauphin Island Parkway, size, location and design to be approved by traffic engineering and ALDOT;
- 4) Compliance with engineering comments (Site is located in a VE Zone, therefore; per FEMA Regulations, neither fill nor grading allowed without a CLOMR. Show Minimum FFE on plans and plat for all lots located within the X-Shaded and AE Flood Zones. No fill allowed within a special flood hazard area without providing compensation or completing a flood study showing that there is no rise for the proposed fill within the special flood hazard area. It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS show wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. Must comply with all storm water and flood control ordinances. Cannot concentrate storm water runoff to an adjacent property without a release agreement or a private drainage easement. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet. Any work performed in the right of way will require a right of way permit.);
- 5) Approval of all applicable federal, state and local agencies shall be provided prior to the issuance of any permits or land disturbance activities;
- 6) Full compliance with all municipal codes and ordinances; and
- 7) Development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.

In November 2013, 4700 and 4960 Dauphin Island Parkway had a one-lot Subdivision application, a PUD application to allow multiple buildings on a single building site to accommodate improvements proposed to the existing marina, and a Sidewalk Waiver request to waive construction of a sidewalk along Dauphin Island Parkway. All applications were approved, and the Dockside Marina Subdivision was recorded in Probate Court. The PUD was never acted upon and allowed to expire.

In September 2014, a new PUD application to allow multiple buildings on a single building site was approved by the Planning Commission to allow a new restaurant to be constructed at the existing marina at 4700 and 4960 Dauphin Island Parkway. The PUD was never acted upon and allowed to expire.

In March 2015, 4700 and 4960 Dauphin Island Parkway came back to the Planning Commission for a PUD to allow multiple buildings on a single building site to accommodate proposed pavilion to be constructed on the site. The PUD was never acted upon and allowed to expire.

It should be noted that the property located at 4630 Dauphin Island Parkway (see map on page 10) has not been before the Planning Commission or the Board of Adjustment before.

STAFF COMMENTS

Engineering Comments:

Subdivision:

FINAL PLAT COMMENTS (should be addressed prior to submitting the FINAL PLAT for review):

- 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. Provide a written description for the proposed subdivision boundary.
- C. Label the proposed LOT (i.e. LOT 1, LOT A).
- D. National Wetlands Inventory (NWI) mapping, as shown on City of Mobile GIS information, indicates that there is potential for wetlands within the property or properties shown on this plat. Show and label the delineated wetlands, or provide a note stating that the wetlands shown on this plat are scaled from the NWI data and have not been delineated.
- E. Provide a note that a 25' riparian buffer may be required, during development, along the edge of anything considered by ADEM to be a water of the state.
- F. Show and label the MFFE (Minimum Finished Floor Elevation) on each lot that contains an VE, A, AE, or X (shaded) flood zone designation. BFE = 14.
- G. Revise NOTES #16 to read "As shown on the 1984 aerial photo (FLIGHT 27 - #89) LOT A?1? will receive historical credit of existing (1984) impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control) as follows: LOT A?1? – 12,000 sf."
- H. 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.
- I. Email a pdf copy of the FINAL SUBDIVISION PLAT and LETTER OF DECISION to the Permitting Engineering Dept. for review at land.disturbance@cityofmobile.org prior to obtaining any signatures. No signatures are required on the drawing.

Rezoning:

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 Permitting Department (251-208-6070) 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 and paving 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. Any existing or proposed detention facility shall be maintained as it was constructed and approved. The Land Disturbance Permit application for any proposed construction includes a requirement of a Maintenance and Inspection Plan (signed and notarized by the Owner) for the detention facility. This Plan shall run with the land and be recorded in the County Probate Office prior to the Engineering Department issuing their approval for a Final Certificate of Occupancy.
5. 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.
6. 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. Any required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Article 3, Section 64-3-12 of the City's Unified Development Code.

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 [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.

Fire Department Comments:

All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2021 International Fire Code). Fire apparatus access is required to be within 150' of all non-sprinklered commercial buildings and within 300' of all sprinklered commercial buildings. Fire water supply for all commercial buildings will be required to meet the guidance of Appendices B and C of the 2021 International Fire Code. The minimum requirement for fire hydrants is to be within 400' of non-sprinkled commercial buildings, within 600' of sprinkled commercial buildings, and within 100' of fire department connections (FDC) for both standpipes and sprinkler systems.

Planning Comments:

Subdivision

The applicant is proposing a two (2)-lot resubdivision of the previously-mentioned Dockside Marina Subdivision and a metes-and-bounds parcel.

The preliminary plat submitted provides the proposed lot size in both square feet and acres, which exceed the minimum lot size for a B-3 Community Business Suburban District and if approved, should be retained on the Final Plat.

The site has frontage along Dauphin Island Parkway, a principal arterial road per the Major Street Plan, which should have a minimum right-of-way width of 100-feet. The preliminary plat depicts an existing compliant right-of-way of 125-feet, making no dedications necessary.

As proposed, the 25-foot minimum front setback is not depicted along the frontage, and should be depicted on the Final Plat, if approved.

Rezoning

The subject site is immediately abutted by R-1, Single Family Residential Suburban District to the North, South, and East, with Dog River to the West of the site.

The applicant has submitted a site plan depicting the existing marina, and states that there are no improvements to the site planned at this time. The purpose of the rezoning application is to specifically remove the previous rezoning conditions requiring a PUD for the property (conditions #1 and 2).

It should be noted that the site is in the Peninsula Overlay. As such, development of the site will require compliance with the Unified Development Code (UDC), including Article 12.

SUBDIVISION CONSIDERATIONS

Standards of Review:

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.

Considerations:

If the Planning Commission considers approving the Subdivision request, the following conditions could apply:

1. Retention of the existing right-of-way for Dauphin Island Parkway;
2. Retention of the lot sizes in both square feet and acres, or the furnishing of a table on the Final Plat providing the same information;
3. Revision of the plat to illustrate a 25-foot minimum building setback line along Dauphin Island Parkway;
4. Compliance with all Engineering comments noted in this staff report;
5. Placement of a note on the Final Plat stating all Traffic Engineering comments noted in this staff report;
6. Compliance with all Urban Forestry comments noted in this staff report; and,
7. Compliance with all Fire Department comments noted in this staff report.

REZONING CONSIDERATIONS

Standards of Review:

The Unified Development Code (UDC) in 64-5-5.E. states that Rezonings are intended to carry out the objective of a sound, stable and desirable development and that casual change or amendment would be detrimental to the achievement of that objective.

The UDC goes on to say that zoning changes should be consistent with the Comprehensive Plan. However, the Comprehensive Plan and Future Land Use Plan (FLUP) and Map (FLUM) are meant to serve as a general guide, not a detailed lot and district plan; they are not a legal mandate for development. The FLUP and FLUM allow the Planning Commission and City Council to consider individual cases based on several factors including: surrounding development, classification requested, timing of the request, and the appropriateness and compatibility of the proposed use with the zoning classification.

The UDC states that an application for rezoning shall include a statement of the justification for the proposed amendment that addresses all of the following:

- Consistency. Whether the proposed amendment is consistent with the Comprehensive Plan;
- Mistake. For a Rezoning, whether there was a mistake or error in the original zoning map; and
- Compatibility. Whether the proposed amendment is compatible with:
 - The current development trends, if any, in the vicinity of the subject property;
 - Surrounding land uses;
 - Would adversely impact neighboring properties; or
 - Cause a loss in property values.
- Health, Safety and General Welfare. Whether the proposed amendment promotes the community's public health, safety, and general welfare;
- Capacity. Whether the infrastructure is in place to accommodate the proposed amendment; and
- Change. Whether changed or changing conditions in a particular area make an amendment necessary and desirable.
- Benefits Consideration. In addition, consideration should also be given to the City's and the larger community's best interests and the need, benefit, or public purpose of the proposed request.

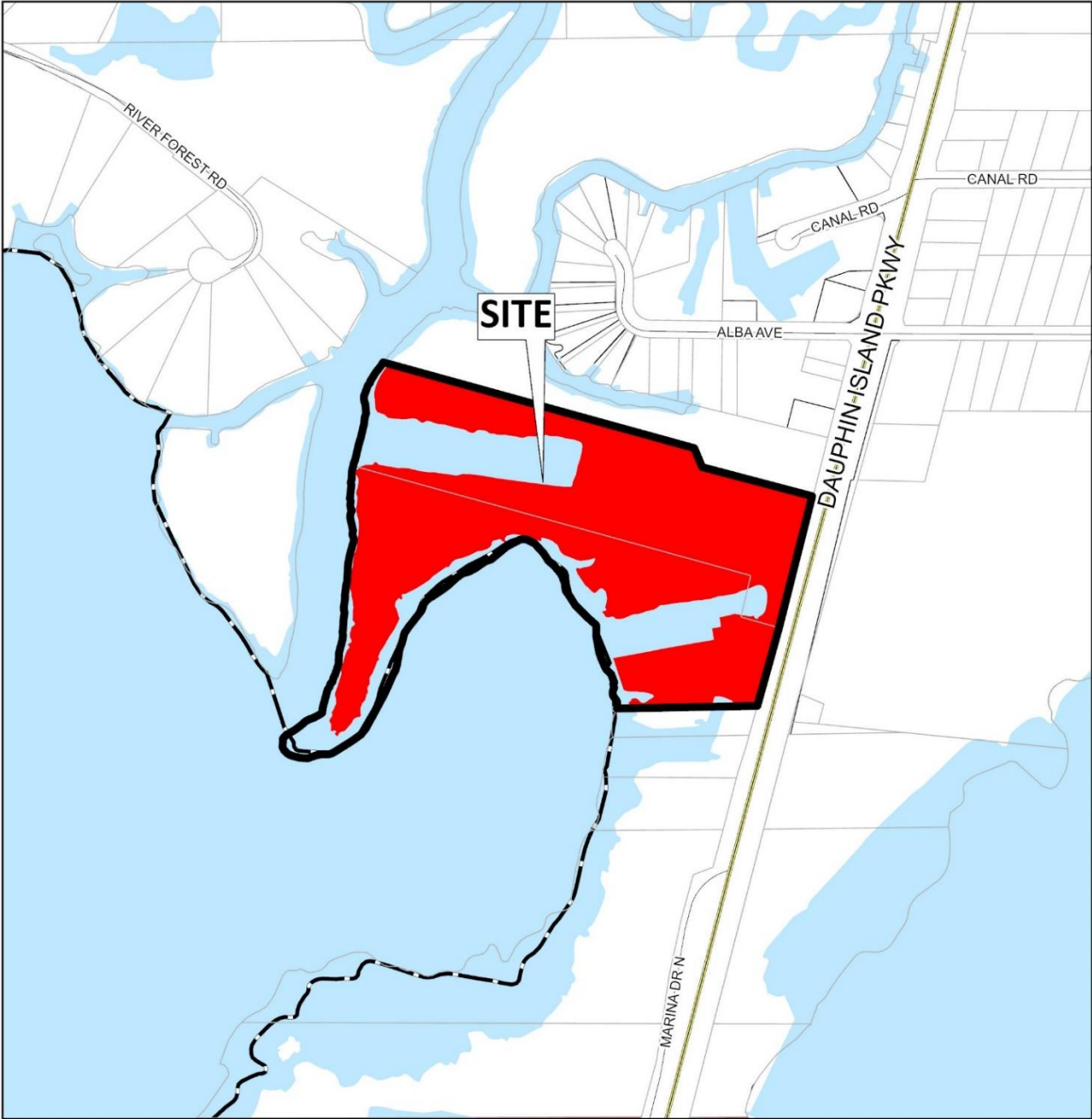
The applicant's responses to address the above criteria are available in the link on page one (1).

Considerations:

If the Planning Commission considers a recommendation of approval of the Rezoning request to the City Council, the following conditions could apply:

1. Completion of the Subdivision process;
2. Compliance with all Engineering, Traffic Engineering, Urban Forestry, and Fire Department comments noted in this staff report; and,
3. Full compliance with all municipal codes and ordinances.

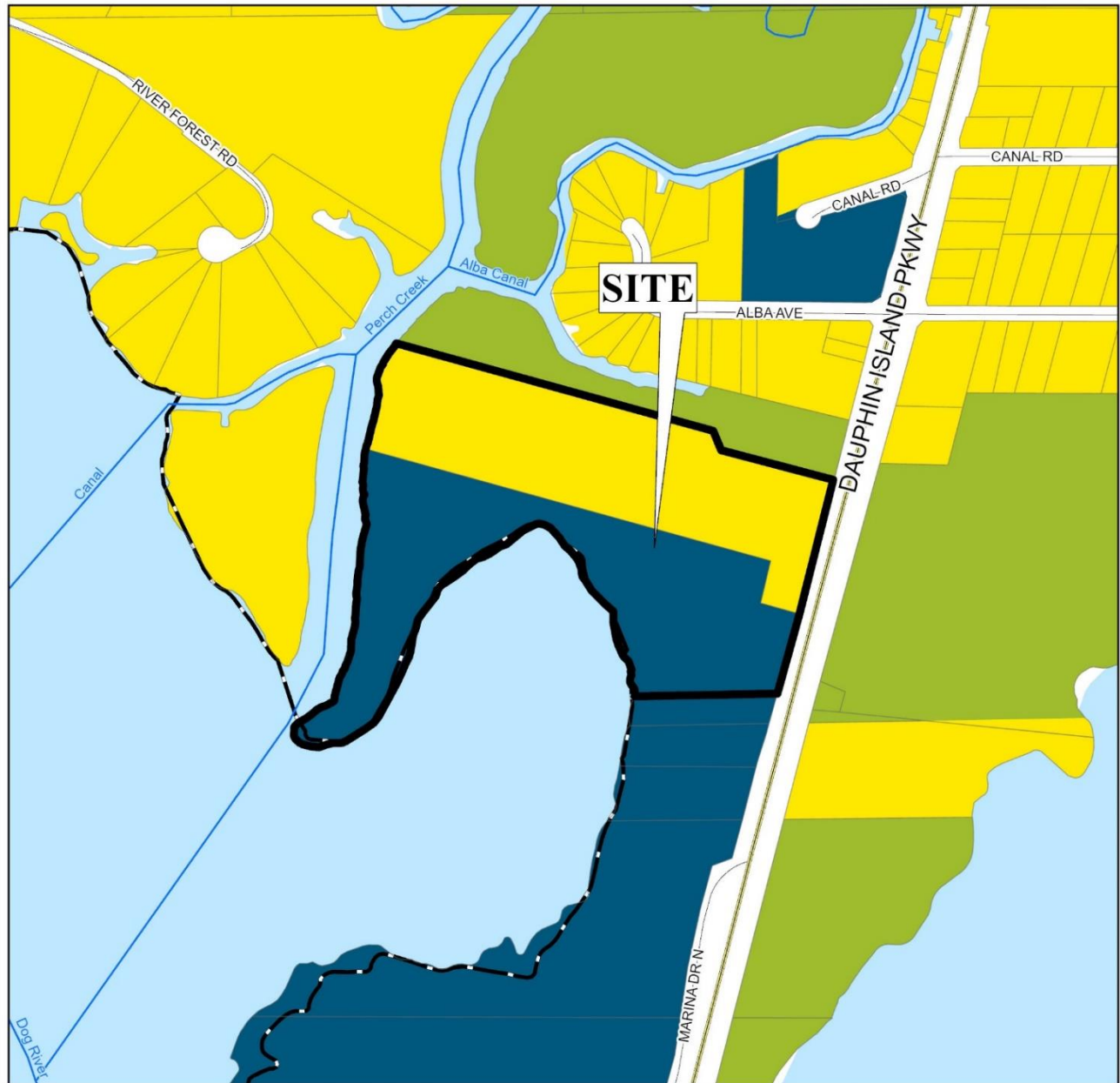
LOCATOR ZONING MAP



APPLICATION NUMBER _____ 5 _____	DATE _____ December 7, 2023 _____
APPLICANT _____ Perch Creek – Dockside Marina Subdivision _____	
REQUEST _____ Subdivision, Rezoning from B-3 to B-3 _____	



FLUM LOCATOR MAP



APPLICATION NUMBER 5 DATE December 7, 2023

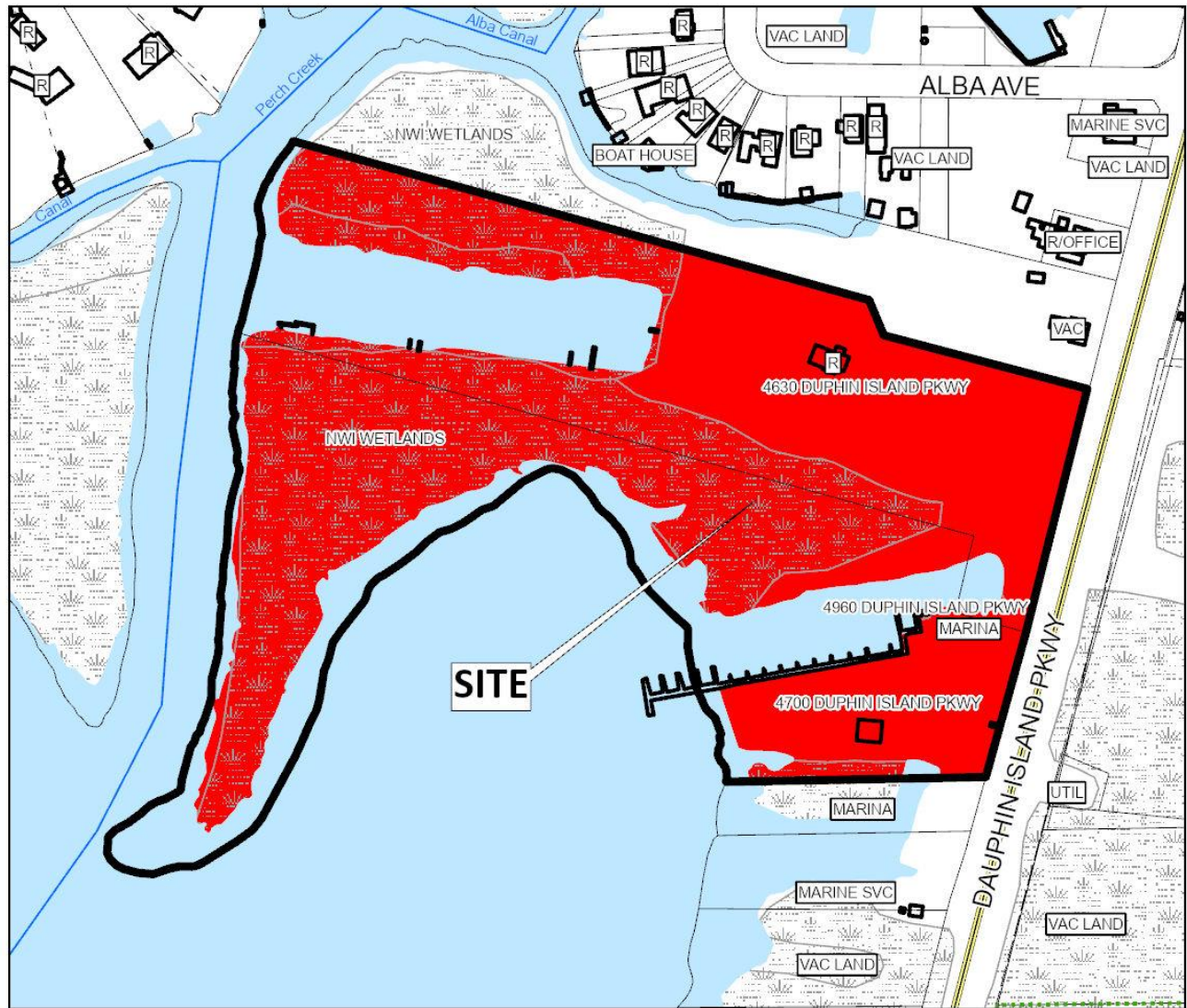
APPLICANT Perch Creek – Dockside Marina Subdivision

REQUEST Subdivision, Rezoning from B-3 to B-3

- | | | | |
|---|--|---|--|
| 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 | |



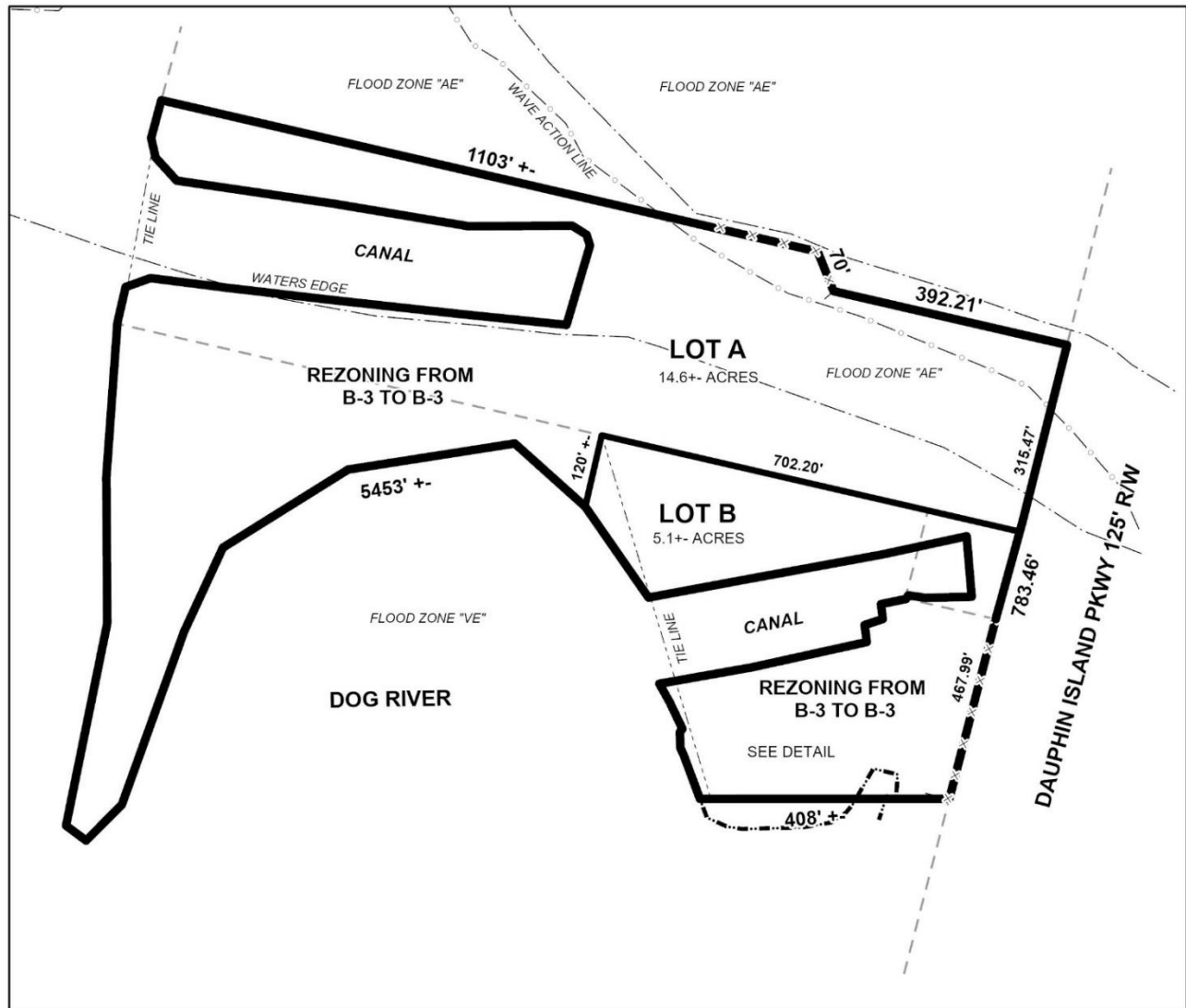
PLANNING COMMISSION VICINITY MAP - EXISTING ZONING




The site is surrounded by residential and commercial units.

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<table style="width: 100%; font-size: small;"> <tr> <td style="width: 12.5%;">R-A</td> <td style="width: 12.5%;">R-3</td> <td style="width: 12.5%;">B-1</td> <td style="width: 12.5%;">B-2</td> <td style="width: 12.5%;">B-5</td> <td style="width: 12.5%;">ML</td> <td style="width: 12.5%;">I-2</td> <td style="width: 12.5%;">OPEN</td> <td style="width: 12.5%;">T-3</td> <td style="width: 12.5%;">T-5.2</td> </tr> <tr> <td>R-1</td> <td>R-B</td> <td>T-B</td> <td>B-3</td> <td>CW</td> <td>MH</td> <td>PD</td> <td>SD</td> <td>T-4</td> <td>T-6</td> </tr> <tr> <td>R-2</td> <td>H-B</td> <td>LB-2</td> <td>B-4</td> <td>MM</td> <td>I-1</td> <td>MUN</td> <td>SD-WH</td> <td>T-5.1</td> <td></td> </tr> </table>		R-A	R-3	B-1	B-2	B-5	ML	I-2	OPEN	T-3	T-5.2	R-1	R-B	T-B	B-3	CW	MH	PD	SD	T-4	T-6	R-2	H-B	LB-2	B-4	MM	I-1	MUN	SD-WH	T-5.1	
R-A	R-3	B-1	B-2	B-5	ML	I-2	OPEN	T-3	T-5.2																						
R-1	R-B	T-B	B-3	CW	MH	PD	SD	T-4	T-6																						
R-2	H-B	LB-2	B-4	MM	I-1	MUN	SD-WH	T-5.1																							

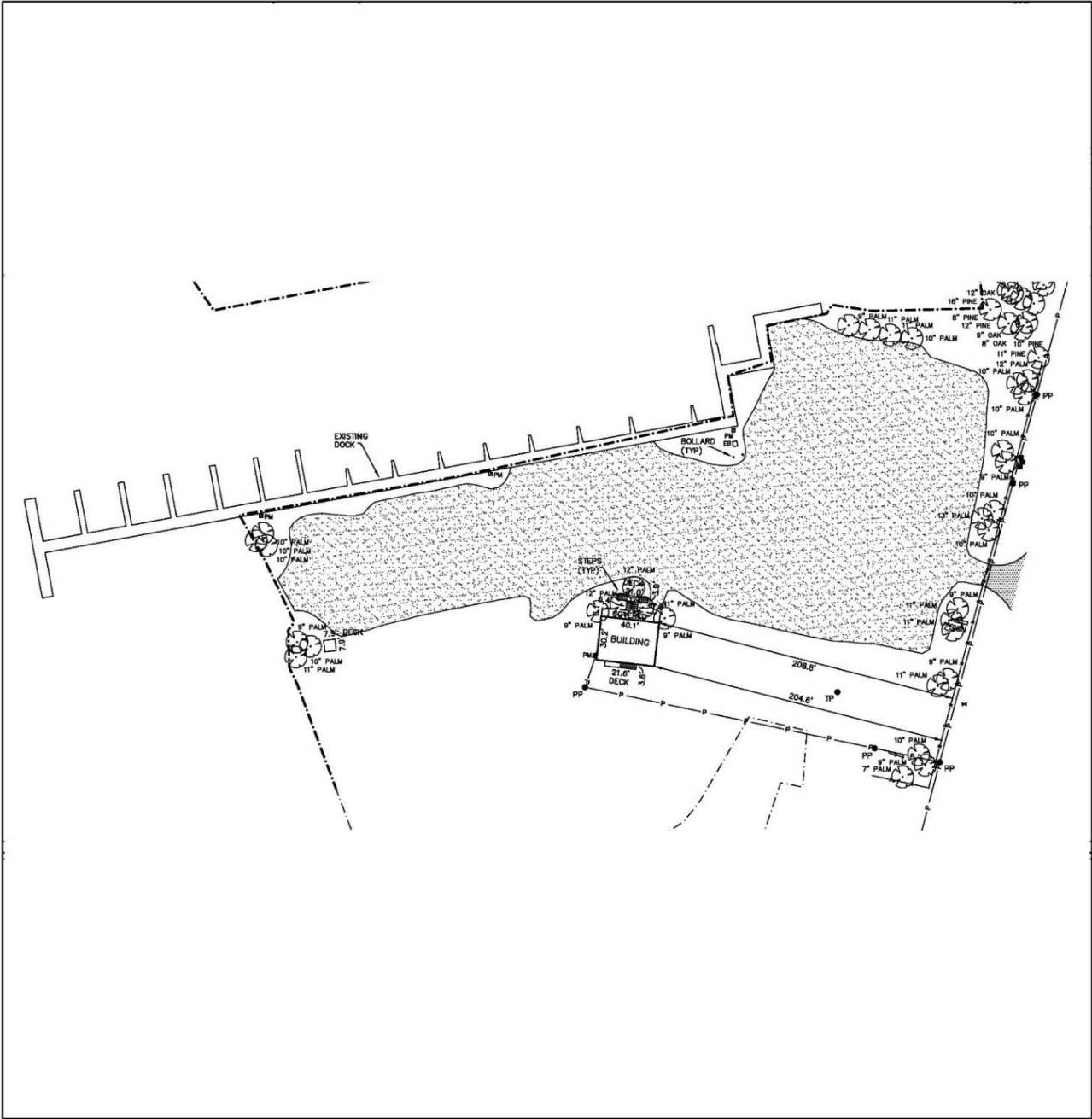
SITE PLAN




The site plan illustrates the proposed lot lines, flood zones, and canals.

APPLICATION NUMBER <u> 5 </u> DATE <u> December 7, 2023 </u>	
APPLICANT <u> Perch Creek – Dockside Marina Subdivision </u>	
REQUEST <u> Subdivision, Rezoning from B-3 to B-3 </u>	

DETAIL SITE PLAN



APPLICATION NUMBER _____ 5 _____ DATE _____ December 7, 2023	 NTS
APPLICANT _____ Perch Creek – Dockside Marina Subdivision	
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ZONING DISTRICT CORRESPONDENCE MATRIX															
		LOW DENSITY RESIDENTIAL (LDR)	MIXED DENSITY RESIDENTIAL (MXDR)	DOWNTOWN (DT)	DISTRICT CENTER (DC)	NEIGHBORHOOD CENTER - TRADITIONAL (NC-T)	NEIGHBORHOOD CENTER - SUBURBAN (NC-S)	TRADITIONAL CORRIDOR (TC)	MIXED COMMERCIAL CORRIDOR (MCC)	LIGHT INDUSTRIAL (LI)	HEAVY INDUSTRY (HI)	INSTITUTIONAL LAND USE (INS)	PARKS & OPEN SPACE (POS)	DOWNTOWN WATERFRONT (DW)	WATER DEPENDENT USES (WDWUR)
RESIDENTIAL - AG	R-A														
ONE-FAMILY RESIDENCE	R-1	■				■		■					□		
TWO-FAMILY RESIDENCE	R-2	■				■		■					□	○	
MULTIPLE-FAMILY	R-3	○	■			■	■						□	○	
RESIDENTIAL-BUSINESS	R-B		○			■		■					□	○	
TRANSITIONAL-BUSINESS	T-B		○		■	■	■	■					□		
HISTORIC BUSINESS	H-B			■		■		■					□		
VILLAGE CENTER	TCD					■	■						□		
NEIGH. CENTER	TCD					■	■						□		
NEIGH. GENERAL	TCD					■							□		
DOWNTOWN DEV. DDD	T-6			■									□		
DOWNTOWN DEV. DDD	T-5.1			■		■		□					□		
DOWNTOWN DEV. DDD	T-5.2			■		■							□		
DOWNTOWN DEV. DDD	T-4			■		■		□					□		
DOWNTOWN DEV. DDD	T-3			■		■							□		
DOWNTOWN DEV. DDD	SD-WH									○	○		□		
DOWNTOWN DEV. DD	SD	○	○	○	○	○	○	○		○	○		□		
BUFFER BUSINESS	B-1		□			□	■	■	■				□	○	
NEIGH. BUSINESS	B-2		○			□	■	■	■				□	○	
LIMITED BUSINESS	LB-2		○			□	■	■	■				□	○	
COMMUNITY BUSINESS	B-3				■				■			○	□	○	
GEN. BUSINESS	B-4			■					■			○	□	○	
OFFICE-DISTRIBUTION	B-5								■	■			□	□	
LIGHT INDUSTRY	I-1									■			□	□	□
HEAVY INDUSTRY	I-2										■		□		□

Zoning District Correspondence Matrix

- Directly Related
- Elements of the zoning category are related to the future LU category, but with qualifications (such as a development plan with conditions)
- Land use category is appropriate, but the district does not directly implement the category (e.g., open space in an industrial district)

Water-Dependent and Water-Related Uses (WDWRU)

This designation applies to areas within the Mobile-Tensaw River Delta, Mobile Bay, Dog River, and associated tributaries, where potential future uses must, under normal operating conditions, be located on, in, or immediately adjacent to coastal waters in order to be physically and economically practicable, which promote Uses of Regional Benefit. It may also apply to water-related and water-enhanced uses such as marinas, complementary marine businesses, industry and warehousing, housing, restaurants, and other facilities that are open to the public and offer public access to the waters of the state.



LOW DENSITY RESIDENTIAL (LDR)

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.