

**ZONING AMENDMENT
& SUBDIVISION STAFF REPORT****Date: November 6, 2008****APPLICANT NAME**

Joseph Payne

SUBDIVISION NAME

Grant Street East Subdivision

LOCATION

Southeast corner of Grant Street and Airport Boulevard

**CITY COUNCIL
DISTRICT**

District 5

PRESENT ZONING

R-1, Single-Family Residential District

PROPOSED ZONING

T-B, Transitional-Business District

AREA OF PROPERTY

1 Lot / .3 ± Acre

CONTEMPLATED USE

Subdivision approval to create a single lot of record from an existing metes and bounds parcel, and Zoning approval to rezone the site from R-1, Single-Family Residential, to T-B, Transitional-Business, to allow financial services offices.

It should be noted, however, that any use permitted in the proposed district would be allowed at this location if the zoning is changed. Furthermore, the Planning Commission may consider zoning classifications other than that sought by the applicant for this property.

**REASON FOR
REZONING**

Applicant is requesting rezoning of the site to allow a financial services offices. Property across Grant Street (a.k.a. Florida Street Extension) to the West is already commercially zoned and the property is surrounded by street rights-of-way.

**TIME SCHEDULE
FOR DEVELOPMENT**

Immediately

**ENGINEERING
COMMENTS**

Show Minimum FFE on plans and plat. 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. 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. Final approval for all driveways, proposed and existing will be given upon submittal of final plans. No details were given showing the driveway radii or connection to the right-of-way of either Florida Street Extension or Airport Boulevard. The angled parking does not provide adequate space for vehicles to maneuver. Changes should be made to accommodate the minimum standards required parking and driveway design.

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 48" Live Oak Tree located along the Airport Boulevard R/W near the proposed entrance. 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.

Tree removal permits are required from Urban Forestry before removing any Live Oak Tree 24" DBH or larger.

FIRE DEPARTMENT**COMMENTS**

All projects must comply with the requirements of the 2003 International Fire Code, including Appendices B through D, as adopted by the City of Mobile, and the 2003 International Existing Building Code, as appropriate. Fire hydrants shall be provided per Section 508.5.1 of the 2003 IFC. Access to building shall be provided per Section 503.1.1 & 503.2.1 of the 2003 IFC.

REMARKS

The applicant is requesting Subdivision approval to create a legal lot of record from an existing metes and bounds parcel and Zoning approval to rezone the proposed lot from R-1, Single-Family Residential, to R-B, Residence-Business, to allow financial services offices.

The site is currently vacant, and is bounded on all sides by street rights-of-way, Airport Boulevard to the north, Grant Street (a.k.a. Florida Street Extension) to the west, and Grant Street (unopened right-of-way) to the South. Across the street to the north and south are residentially zoned properties, and across the street to the east by a property zoned B-1, and used for such purposes.

As stated in Section 64-9. of the Zoning Ordinance, the intent of the Ordinance and corresponding Zoning Map is to carry out the comprehensive planning objective of sound, stable and desirable development. While changes to the Ordinance are anticipated as the city grows, the established public policy is to amend the ordinance only when one or more of the following

conditions prevail: 1) there is a manifest error in the Ordinance; 2) changing conditions in a particular area make a change in the Ordinance necessary and desirable; 3) there is a need to increase the number of sites available to business or industry; or 4) the subdivision of land into building sites makes reclassification of the land necessary and desirable.

The site 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. The accuracy of recommended land uses on the General Land Use Component map is limited due to the large scale of the map. Moreover, the General Land Use Component allows the Planning Commission and City Council to consider individual cases based on additional information such as the classification request, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and zoning classification.

The applicant's justification for rezoning is that the site is surrounded by street rights-of-way, is located across the street from commercially zoned and used property, and is located on Airport Boulevard. This *implies*, but does not specifically state that there are changing conditions in the area.

The two properties directly across Grant Street (a.k.a. Florida Street Extension) from the subject property were both rezoned in 2000. Additionally, this property was the subject of a Board of Zoning Adjustment Variance Case, number 3972, in April, 1984. The request was a use variance to allow a doctor's office on the property. The staff report from the variance stated that the property was "perhaps not ideally situated for single-family residential use." The use variance was ultimately denied because the request was "more appropriately the subject of a rezoning consideration." A subsequent rezoning application was not received in 1984.

Lastly, the applicant is requesting a change in zoning to an R-B, Residence-Business district. Chapter 64-3.D.1 of the Zoning Ordinance states that R-B districts are "usually located near the downtown center of the city" and "are composed of residential and light commercial uses." Given these statements and the 1984 staff report, it would seem that R-B zoning would be inappropriate for this site as it is located several miles from the downtown core and the site is not suited for residential development. Given the above, and the zoning of commercial properties in the vicinity, if a change in zoning is deemed appropriate, a B-1, Buffer Business District, would seem to be more appropriate.

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 plat illustrates the proposed .26± acre, 1 lot subdivision which is located on Southeast corner of Airport Boulevard and Grant Street (a.k.a. Florida Street Extension) in Council District 5. The applicant states that the subdivision is served by both public water and sanitary sewer.

The site fronts onto Airport Boulevard and the Florida Street Extension, major streets as depicted in the major street plan component of the City of Mobile Comprehensive Plan, as well as an unopened right-of-way designated as Grant Street. The major street plan stipulates an 80 foot right of way for Airport Boulevard in this area; a 105 foot right-of-way currently exists. The major street plan also stipulates a 100 foot right-of-way for the Florida Street Extension in this area, and an adequate 100 foot right-of-way already exists. Grant Street is a minor street not provided with curb and gutter, therefore Section V.B.14 of the Subdivision Regulations stipulates that a 60 foot right-of-way be provided; an adequate 60 foot right-of-way currently exists. It should be noted that curb radii do not currently meet standards, as such, dedication sufficient to meet the curb radii standards of Section V.B.16 of the Subdivision Regulations should be required.

The applicant is proposing two one-way curb cuts onto Airport Boulevard and two one-way curb cuts onto Airport Boulevard. Due to the size and configuration of the property boundaries, access management is a concern. Airport Boulevard and Florida Street are both major streets with high traffic counts. The high traffic counts alone would be enough to warrant limiting, if not denying, access to Airport Boulevard and the Florida Street Extension. Additionally, the site has unique topographical concerns. Mainly, there is a 4 to 6 foot elevation change between Airport Boulevard and the property line, which would create line-of-site and safety concerns. For this reason, it is recommended that the site be denied access to both Airport Boulevard and the Florida Street Extension. The frontage along the unopened portion of Grant Street is adequate to allow two curb cuts.

There are several options for access. The applicant could consider accessing the site from Grant Street, or the applicant could consider petitioning for vacation of the unopened Grant Street right-of-way, or the applicant could consider working out a solution with traffic engineering for a curb cut onto the Florida Street Extension and applying for a variance from the front yard setback requirements along the unopened Grant Street right-of-way. In any event, these access issues need to be worked out in consultation with applicable City departments before the subdivision or the rezoning is approved.

The 25-foot minimum building setback is depicted on all street rights-of-way, and this should be retained in the final plat. Additionally, the size of the lot in square feet, or a note containing the same information, should be placed on the plat.

Part of the site is within 100-year floodplain for Eslava Creek. The presence of floodplains indicate that the area may be environmentally sensitive; therefore, the approval of all applicable federal, state and local agencies would be required prior to the issuance of any permits.

Finally, the geographic area defined by the city of Mobile and its planning jurisdiction, including this site, may contain Federally-listed threatened or endangered species as well as protected non-game species. Development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.

Urban Forestry has commented that there is a 48" Live Oak tree on the site that should be given preservation status. As the said tree was not depicted on the site plan, and given the limited

space already, the site plan may need to be revised to reflect the preservation status of this tree. Therefore, the site plan should be revised to reflect any changes which would result from the preservation of this tree.

RECOMMENDATION

Rezoning: Based upon the preceding, the Rezoning request is recommended for Holdover until the December 4, 2008, meeting, with revised information due by November 13, 2008, for the following reasons:

- 1) Address comments on site accessibility and parking and revise the site plan accordingly;
- 2) Address comments from Urban Forestry regarding tree preservation to include revision of the site plan to reflect the preservation of the 48" Live Oak tree;
- 3) Show compliance with Section V.B.16 of the Subdivision Regulations regarding curb radii;
- 4) Provision of labeling of the size of the lot or a table with the same information on the plat; and
- 5) Compliance with all engineering comments: *Show Minimum FFE on plans and plat. 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. 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.*

Subdivision: The Subdivision request is recommended for Holdover until the December 4, 2008, meeting, with revised information due by November 13, 2008, for the following reasons:

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- 2) Address comments from Urban Forestry regarding tree preservation to include revision of the site plan to reflect the preservation of the 48" Live Oak tree;
- 3) Show compliance with Section V.B.16 of the Subdivision Regulations regarding curb radii;
- 4) Provision of labeling of the size of the lot or a table with the same information on the plat; and
- 5) Compliance with all engineering comments: *Show Minimum FFE on plans and plat. 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. 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.*

Revised for the December 4, 2008 meeting:

Revised Traffic Engineering Comment: Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Sign and mark the one-way drives.

A revised site plan, plat, and application were received. The applicant is now requesting rezoning from R-1, Single-Family Residential to T-B, Transitional Business. The applicant has revised the site plan to illustrate a single-story, 1,800 square foot building, with a single row of six angled parking spaces, with one way access to and from Florida Street Extension. The site plan also illustrates 10 foot setbacks from all rights-of-way consistent with Transitional-Business District regulations.

The applicant has requested T-B zoning in order to reduce the setbacks to 10 feet to allow the proposed building to be constructed and also be able to construct adequate parking given the access limitations of the site. Section 64-3.D.2 states that T-B districts, among other things, are designed to have “uses for nearby residential areas”, “to promote a local orientation and to limit adverse impacts on nearby residential areas”, and “to be pedestrian-oriented and compatible with the scale of surrounding residential areas.” In regards to the proposed use being a use intended for nearby residential areas and the development promoting local orientation, the applicant has failed to provide documentation or information that would suggest that the proposed financial services office would be marketed to the nearby residential areas. Regarding the stipulation of development being pedestrian-oriented, neither Airport Boulevard nor Florida Street Extension are equipped with sidewalks. In fact, the closest sidewalk is almost 500 feet away along Jennings Drive, on the opposite side of Airport Boulevard. Without sidewalks or any other type of suitable pedestrian access connecting the proposed development to the surrounding residential area, the site cannot be considered to be pedestrian oriented. Given the aforementioned circumstances, it would seem that T-B zoning for this property would be inappropriate.

A more appropriate zoning for the property would be B-1, Buffer Business District, however, the applicant’s site design, with the limitation placed on it by the shape and lack of buildable area, as well as the access limitations on the site, make B-1 also inappropriate.

The applicant has removed the curb cuts from Airport Boulevard and indicated the 48” Live Oak Tree which has been given preservation status, all of which were consistent with staff recommendations. The applicant has also reduced the scope of his proposed building to one story.

The applicant continues to indicate one-way ingress and egress via Florida Street Extension. Traffic Engineering has approved this layout with stipulations. Because of the access management concerns with the site, the site should be limited to two one-way curb cuts or one two-way curb cut to Florida Street Extension and two curb cuts to the unopened Grant Street right-of-way; the site should also be denied access to Airport Boulevard.

RECOMMENDATION

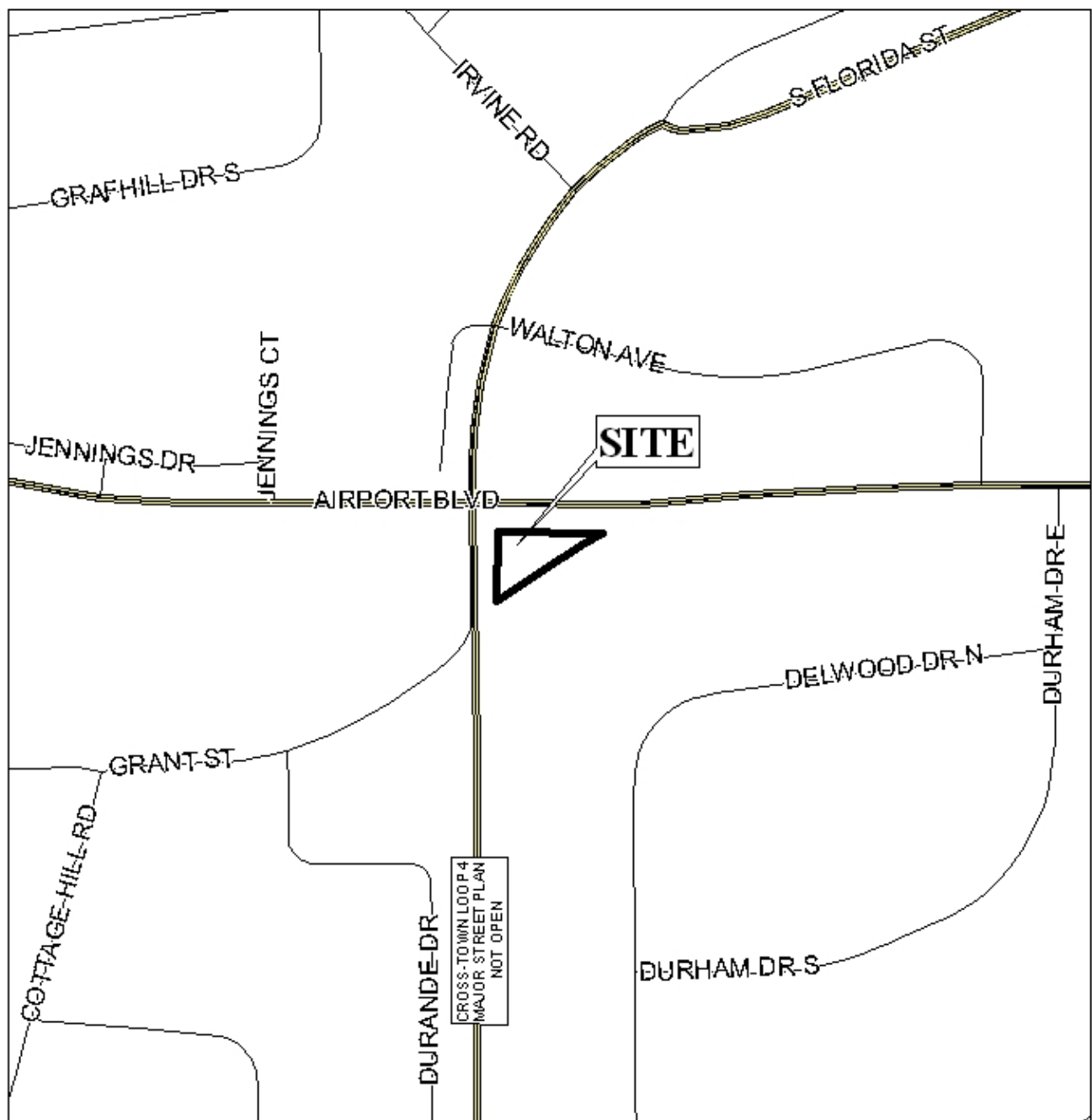
Rezoning: Based upon the preceding, the Rezoning request from R-1, Single-Family Residential to T-B, Transitional-Business District is recommended for denial for the following reasons:

- 1) The applicant has failed to demonstrate that the proposed use would be locally oriented; and
- 2) The applicant has failed to illustrate how the site would be pedestrian oriented.

Subdivision: The Subdivision request is recommended for approval subject to the following conditions:

- 1) Labeling of the size of the lot or provision of a table with the same information on the plat;
- 2) Revision of the plat to show a 25 foot setback from all street rights-of-way;
- 3) Placement of a note on the final plat limiting the site to one two-way curb cut or two one-way curb cuts to Florida Street Extension, with the size, location, and design of all curb cuts to be approved by Traffic Engineering and conform to AASHTO standards;
- 4) Placement of a note on the final plat limiting the site to two curb cuts to the unopened Grant Street right-of-way after such time that Grant Street has been constructed to city standards with the size, location, and design of all curb cuts to be approved by Traffic Engineering and conform to AASHTO standards;
- 5) Placement of a note on the final plat denying access to Airport Boulevard;
- 6) Placement of a note on the final plat stating that approval of all applicable federal, state and local agencies would be required prior to the issuance of any permits;
- 7) Placement of a note on the final plat stating that development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species;
- 8) Compliance with all engineering comments: *Show Minimum FFE on plans and plat. 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. 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*
- 9) Compliance with all Urban Forestry comments: *Preservation status is to be given to the 48" Live Oak Tree located along the Airport Boulevard R/W near the proposed entrance. 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. Tree removal permits are required from Urban Forestry before removing any Live Oak Tree 24" DBH or larger.*

LOCATOR MAP



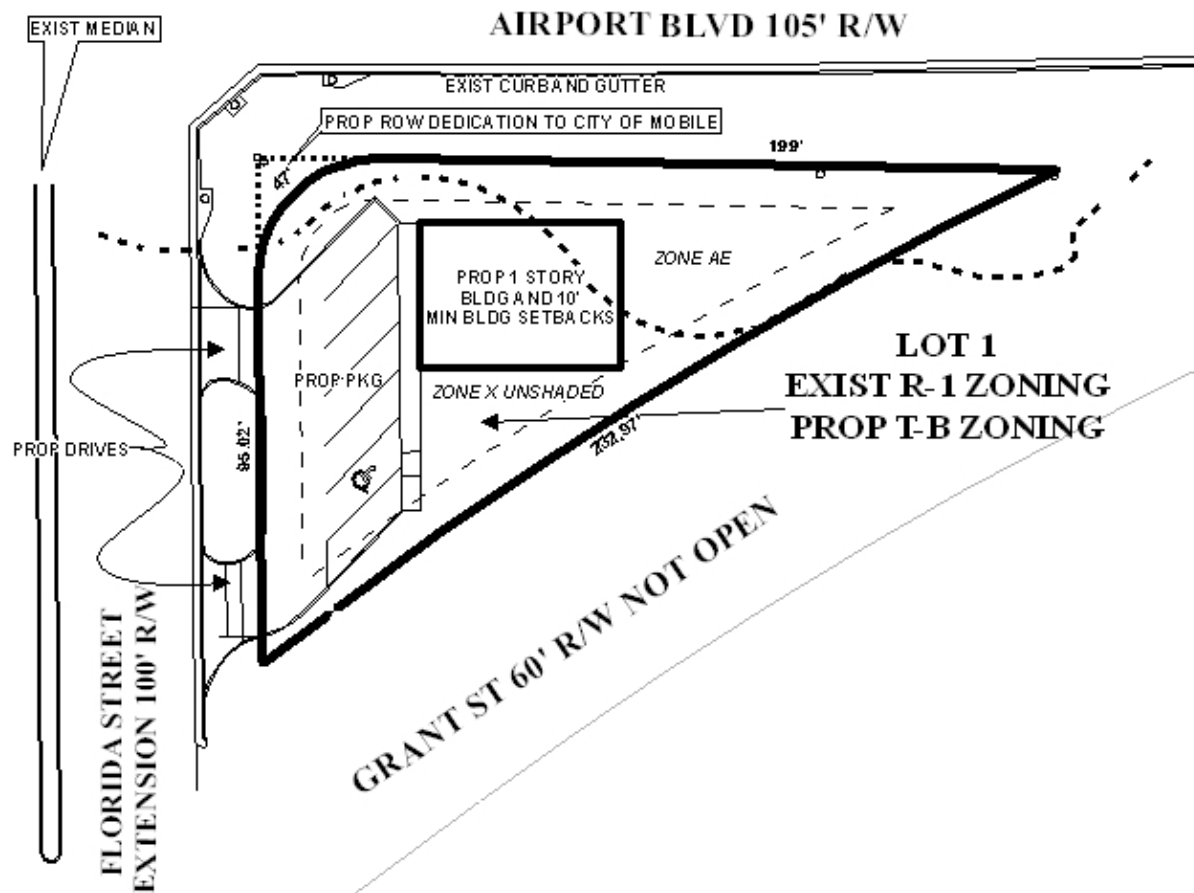
APPLICATION NUMBER 6 & 7 DATE December 4, 2008

APPLICANT Joseph Payne

REQUEST Subdivision, Rezoning from R-1 to T-B



SITE PLAN



The site plan illustrates the proposed development

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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Single-family residential units are located the north, south, and east of the site. Offices are located to the west of the site

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LEGEND

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