

**ZONING AMENDMENT &
PLANNED UNIT DEVELOPMENT
STAFF REPORT**

Date: July 24, 2008

NAME

Bill Bunch

LOCATION

4960 Dauphin Island Parkway
(West side of Dauphin Island Parkway, 580'± North of
Marina Drive North)

**CITY COUNCIL
DISTRICT**

District 4

PRESENT ZONING

R-1, Single-Family Residence District

PROPOSED ZONING

B-3, Community Business District

AREA OF PROPERTY

15.0± Acres

CONTEMPLATED USE

Planned Unit Development Approval to allow multiple buildings on a single building site and Rezoning from R-1, Single-Family Residential, to B-3, Community Business, to bring the zoning into compliance for an existing marina and boat yard.

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 given

**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.

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.

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 2003 International Fire Code, including Appendices B through D, with local amendments, and the 2003 International Existing Building Code, as appropriate.

REMARKS

The applicant is requesting Planned Unit Development Approval to allow multiple buildings on a single building site and Rezoning from R-1, Single-Family Residential, to B-3, Community Business, bring the zoning into compliance for an existing marina and boat yard. A marina and associated services are allowed by right in B-3 districts.

North of the site is a single-family dwelling in a B-3, district, East of the site (across Dauphin Island Parkway) is an undeveloped area zoned R-1, Single-Family Residential District, while West and South of the site are Perch Creek and Dog River.

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.

Regarding the zoning application, 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.

The site in question has previously been used as a marina and boat yard for several years. Within the past several years several applications have been submitted to the Planning Commission. However, none have been completed.

The Zoning Ordinance states that an amendment is to be made only when one or more of the following conditions prevail: there is a manifest error in the ordinance; changes in conditions in a particular area make a change in the ordinance necessary and desirable; an increased need for business or industrial sites in addition to sites that are available make it necessary and desirable to rezone an area or extend the boundaries of an existing district; the subdivision of land into urban building sites makes reclassification necessary and desirable.

With regard to the applicant's request, the Commission may find that the existence of the businesses at the site, along with the traffic and noise generated, makes the property not fitting as a residence. However, the site is non-conforming and may be used as a marina and boat yard as long as the businesses are continued without any break in service more than two years. Therefore, until the owner has a development plan, this rezoning could be considered speculative.

According to the site plan submitted for the Planned Unit Development, there appears to be only one building illustrated, a residential structure. However, according to the rezoning site plan from the previous Commission meeting there were several buildings of assorted uses.

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. It should be pointed out that PUD approval is site plan specific, so significant changes to an approved plan will require new PUD approval.

The Zoning and PUD site plan provided for the current application depicts one building, a 1,200 square foot residential dwelling on piers to the South of the site. The site plan does not depict landscaping and tree compliance. It appears that the proposed driveway would not meet the width requirements of the Zoning Ordinance.

The previous Zoning site plan illustrated three buildings, a 1,200 square foot residential dwelling on piers to the South of the site, an approximately 400 square foot trailer with an attached 240 square foot building on the North side of the site, a 90 square foot shed located along Dauphin Island Parkway and no parking spaces. As illustrated on the aerials from 2006 several structures are depicted, if the structures exist, they should be illustrated on the site plan depicting the structures "to be removed" or documentation of demolition permits.

Regarding the PUD site plan, the parking requirements in the Zoning Ordinance state that the 1,200 square foot residential dwelling on piers to the South of the site. As illustrated on the site plan, no spaces are depicted; therefore, the site would not meet the minimum number of parking spaces required by the Ordinance.

The proposed development does not meet the minimum parking requirements (0 provided, 2 required); however, there is adequate area on site to provide the required parking. While this “discrepancy” should not have a direct bearing on whether the site should be rezoned, it should be noted as a condition if the request is recommended for approval. It does, however, have a direct bearing on the Planned Unit Development, since that approval is site plan specific. Since this application reflects only one building, the need for a PUD application is not necessary.

It should be noted that the applicant does not illustrate the proposed expansion; therefore, any expansion of the site would require the submission of a Planned Unit Development application and approval by the Planning Commission.

There is no indication on the site plan as to the proposed location of any dumpster or other waste storage facility. If the applicant utilizes a dumpster, the location of the storage area for the dumpster must be indicated on the site plan, and the location and required screening must comply Section 64-4.D.9. of the Zoning Ordinance, as well as with all other applicable regulations.

There is no indication of storm water detention facilities on the site plan, but such facilities will likely be required. The site plan should depict the general location of these facilities.

A sidewalk is not illustrated along Dauphin Island Parkway; therefore, construction of the new sidewalk would be required as part of the development, if approved. The site plan should be revised to show the sidewalk.

The site will have adequate area to meet the minimum requirements for landscape area, as required by the Zoning Ordinance. The site plan does not, however, show specific compliance with the tree requirements of the Ordinance.

RECOMMENDATION **Rezoning:** Based upon the preceding, the Rezoning request is recommended for denial, for the following reasons:

- 1) the site plan or application submitted does not illustrate the proposed change of use or if the site is to remain as a marina.

Planned Unit Development: The PUD request is recommended for denial, for the following reasons:

- 1) the site plan or application submitted does not illustrate or explain the change (reduction) in the number of structures from the previous application.

LOCATOR MAP



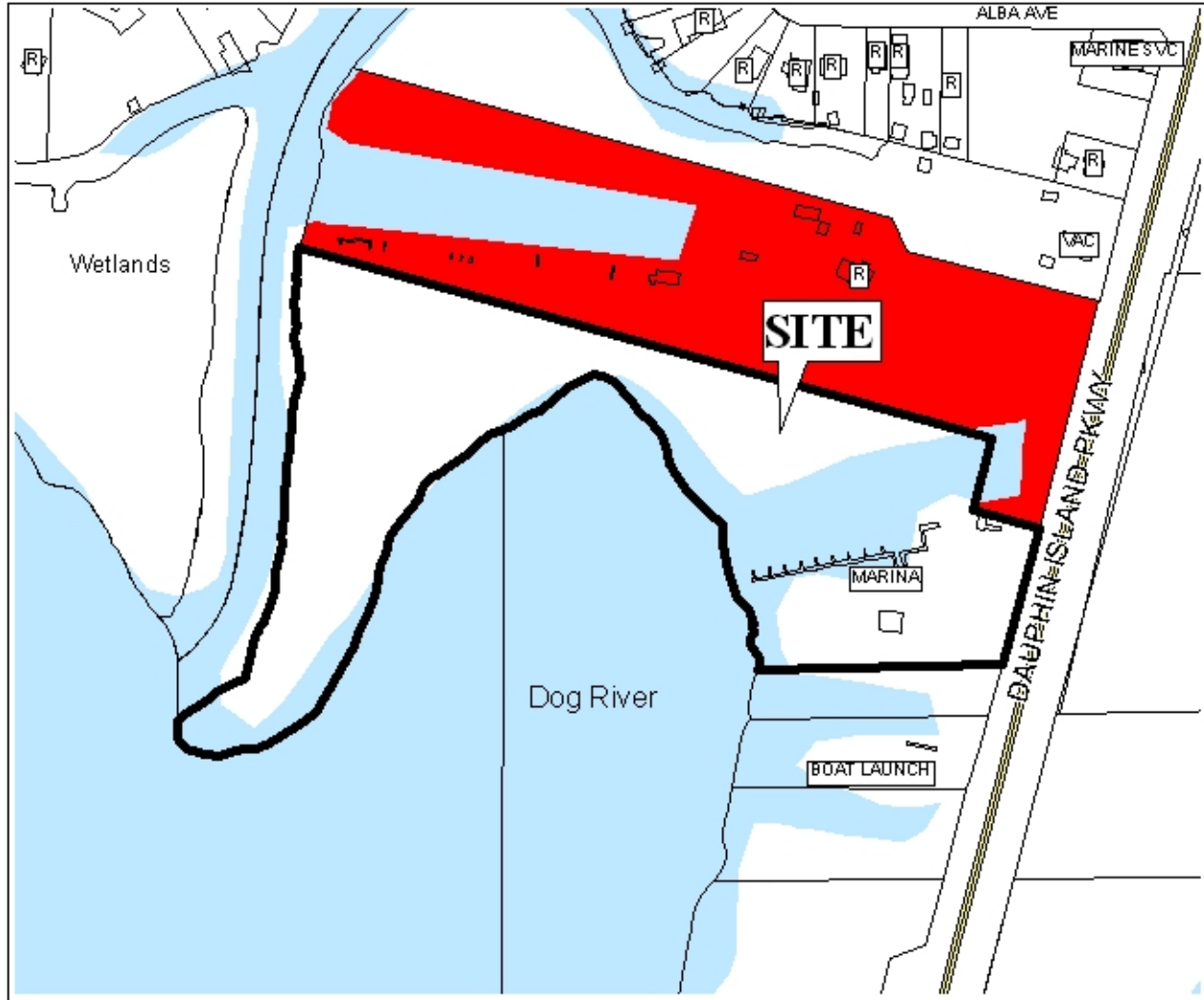
APPLICATION NUMBER 6 DATE July 24, 2008

APPLICANT Bill Bunch

REQUEST Rezoning from R-1 to B-3



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Single-family residential units are located to the north of the site. A boat launch is located to the south of the site.

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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	NTS
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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING

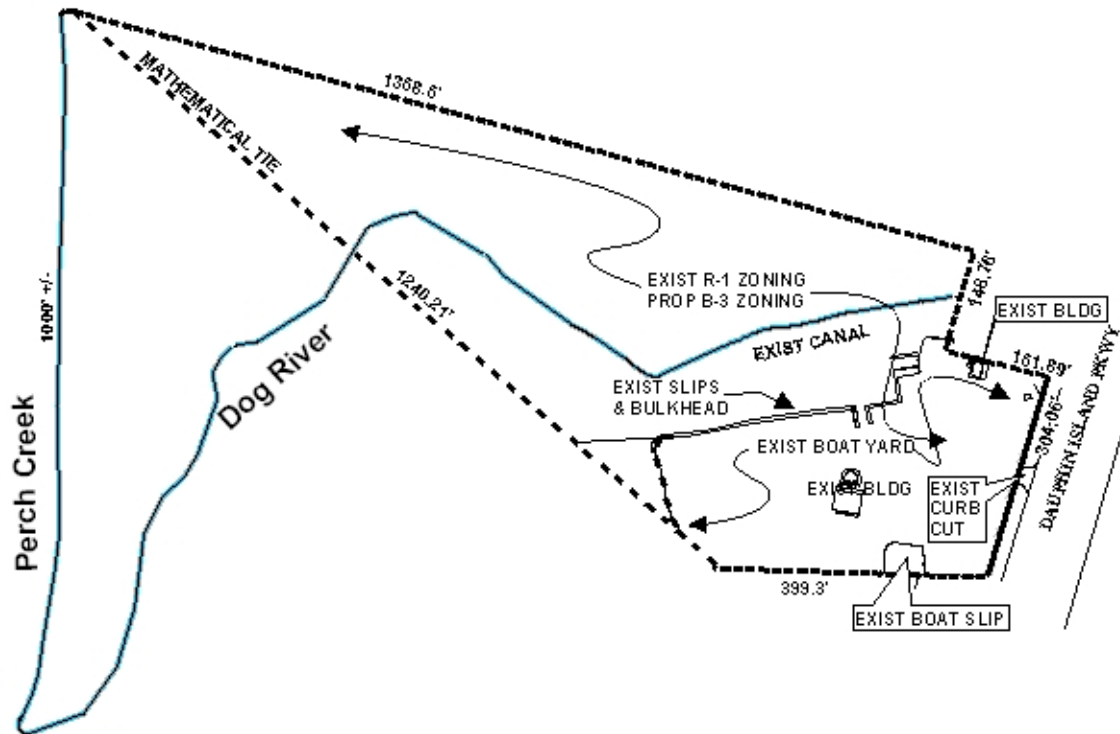


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N
NTS

SITE PLAN



The site plan illustrates the existing marina facilities

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NTS