

**SUBDIVISION &
ZONING AMENDMENT STAFF REPORT****Date: July 16, 2020****APPLICANT NAME**

Brenda J. Godfrey

SUBDIVISION NAME

Oakdale Subdivision, Resubdivision of Lots 9-14

LOCATION

South side of Tennessee Street, 200'± East of South Scott Street.

**CITY COUNCIL
DISTRICT**

Council District 3

PRESENT ZONING

R-2, Two-Family Residential District

PROPOSED ZONING

B-2, Neighborhood Business District

AREA OF PROPERTY

1 Lot / 0.5± Acre

CONTEMPLATED USE

Subdivision Approval to create one (1) legal lot of record from six (6) existing legal lots of record, and Rezoning from R-2, Two-Family Residential District, to B-2, Neighborhood Business District.

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.

**ENGINEERING
COMMENTS**

Subdivision: FINAL PLAT COMMENTS (should be addressed prior to submitting the FINAL PLAT for review and/or 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. Provide and label the monument set or found at each subdivision corner.
- C. Show and label all flood zones. New maps went into effect on June 5, 2020.
- D. Show and label the MFFE (Minimum Finished Floor Elevation) on each lot that contains an AE, V, or X (shaded) flood zone designation.
- E. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer.

- F. Provide the Surveyor's Certificate and Signature.
- G. Provide the Owner's (notarized) signatures.
- H. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 30 - #74) the proposed lots 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 – NONE.
- I. 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.
- J. 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.
- K. 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.
- L. Add a note to the plat stating that all proposed detention facilities, common areas, and wetlands shall be the responsibility of the Property Owner(s), and not the responsibility of the City of Mobile.
- M. Add a note to the plat stating that all easements shall remain in effect until vacated through the proper Vacation process.
- N. After all comments have been addressed 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.
- O. After addressing all of the FINAL SUBDIVISION PLAT review comments provide the ORIGINAL (with all signatures except for the Planning Commission, Traffic Engineering, and City Engineer), one (1) copy, and a transmittal letter to the Engineering Permitting Department. They can be dropped off at 205 Government St. or mailed to PO Box 1827, Mobile, AL, 36633.

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 (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 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, should 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 2015-116 and City Code Chapters 57 and 64). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site 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. 2012 International Fire Code.

TIME SCHEDULE FOR DEVELOPMENT

Within one year of approval.

REMARKS

The applicant is requesting Subdivision Approval to create one (1) legal lot of record from six (6) existing legal lots of record, and Rezoning from R-2, Two-Family Residential District, to B-2, Neighborhood Business District. The applicant states that the site is served by public water and sewer services.

The site has been given a Mixed Density Residential land use designation per the adopted Future Land Use Plan and Map, adopted on May 18, 2017 by the Planning Commission. The Future Land Use Plan and Map complements and provides additional detail to the Development Framework Maps in the Map for Mobile, adopted by the Planning Commission at its November 5, 2015 meeting.

This designation applies mostly to residential areas located between Downtown and the Beltline, where the predominant character is that of a traditional neighborhood laid out on an urban street grid.

These residential areas should offer a mix of single family homes, townhouses, 2- to 4-residential unit buildings, accessory dwellings, and low- and mid-rise multifamily apartment buildings. The density varies between 6 and 10 du/ac, depending on the mix, types, and locations of the housing as specified by zoning.

Like Low Density Residential areas, Mixed Density Residential areas may incorporate compatibly scaled and sited complementary uses such as neighborhood retail and office uses, schools, playgrounds and parks, and churches and other amenities that create a complete neighborhood fabric and provide safe and convenient access to daily necessities.

It should be noted that the Future Land Use Plan and Map components of the Map for Mobile Plan are meant to serve as a general guide, not a detailed lot and district plan. In many cases the designation on the new Future Land Use Map may match the existing use of land, but in others the designated land use may differ from what is on the ground today. As such, the Future Land Use Plan and Map 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, where applicable, the zoning classification.

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 64-9. 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 states the following:

THE APPLICANT HAS OWNED PART OF THE PROPERTY SINCE 2012 AND PURCHASED THE BALANCE WITH PLANS TO CONSTRUCT A CHILD CARE FACILITY. SHE CURRENTLY HAS A HOME-BASED DAYCARE AND WANTS TO EXPAND INTO A COMMERCIAL FACILITY THAT WILL SERVE WORKERS IN THE DOWNTOWN AREA AND PROVIDE AFTER SCHOOL CARE FOR CHILDREN

ATTENDING COUNCIL TRADITIONAL SCHOOL ON VIRGINIA STREET. THIS PROPERTY IS PART OF MANY LOTS ON THE SOUTH SIDE OF TENNESSEE STREET THAT HAS BEEN VACANT FOR MANY YEARS AND A NEW BUSINESS IN THIS AREA SHOULD BE A WELCOME CHANGE.

CURRENTLY THE PROPERTY IS ZONED R-2 AND ADJOINS R-2 ZONING ON THE WEST AND SOUTH SIDES. THE PROPERTY ADJOINING THE EAST LINE IS ZONED I-1, LIGHT INDUSTRIAL. PROPERTIES ON THE NORTH SIDE OF TENNESSEE STREET ARE ZONED I-1 AND R-2 AND 270 FEET WEST IS A LARGE PARCEL ZONED B-3. BASED ON THE I-1 AND R-2 ZONING AND LOW IMPACT NATURE OF A CHILD CARE FACILITY, THIS BUSINESS SHOULD NOT NEGATIVELY AFFECT THE NEIGHBORHOOD.

The site fronts Tennessee Street, which is a minor street with a compliant 60' right-of-way; therefore, no dedication would be required. The plat indicates a 25' minimum building setback line along The Tennessee Street frontage, and this should be retained on the Final Plat. The proposed lot is labeled with its size in both square feet and acres, and this should be retained on the Final Plat, or a table should be furnished on the Final Plat providing the same information.

As a means of access management, a note with Traffic Engineering comments should be placed on the Final Plat, if approved.

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 plan indicates the proposed two-story, 2,400 square-foot child care center with associated parking and outdoor play areas. Parking stalls with bumper stops and a 24'-wide drive aisle/maneuvering area are indicated, as well as a proposed sidewalk within the street right-of-way. The parking calculations provided are based upon the square footage of the building at one per 300 square feet which would require 8 parking spaces, and 11 are provided. However, for the proposed use as a child day care center, parking requirements are based upon the ratio of one and one-half parking spaces per teaching station. Therefore, the site plan should be revised to provide parking calculations based upon that ratio and revise the parking area if not compliant.

The site plan contains a note stating that garbage service will be via curbside pick-up, therefore, no dumpster will be required. Calculations provided on the site plan indicate that all required landscaping ratios will be met. A note on the site plan states that complete compliance with Section 64-4.E. of the Zoning Ordinance regarding tree plantings and landscaping will be shown on the site plan submitted for construction. A compliant privacy fence is also indicated along all adjacent properties.

Regarding rezoning, the site is bordered by R-2 to the West and South, and by I-1, Light Industry District, to the East. It should be noted that a Canadian National Railroad track runs along the North side of the Tennessee Street right-of-way in this area. To the North across Tennessee Street and the railroad right-of-way is I-2 and R-2 zoning. All current surrounding zoning classifications appear to have been assigned with the adoption of the current Zoning Ordinance in 1967. However, the applicant alludes to the need for a day care to service the area, thus indicating a possible need to increase the number of sites available for businesses making reclassification of the land necessary and desirable.

It should be noted that Section 64-3.A.5.b. (Size of New Districts) states as a general guideline that new B-1 and B-2 districts should consist of at least two (2) acres. The site has approximately 0.5 acre of gross area. However, the site has sufficient area to provide for the proposed use, as well as sufficient area to provide parking and landscaping, and is adjacent to industrially zoned property, thus a waiver of this guideline would seem in order.

RECOMMENDATION

Subdivision: Based upon the preceding, the application is recommended for Tentative Approval, subject to the following conditions:

- 1) retention of Tennessee Street right-of-way width on the Final Plat;
- 2) retention of the 25' minimum building setback line along Tennessee Street on the Final Plat;
- 3) retention of the lot size label on the Final Plat, or the furnishing of a table on the Final Plat providing the same information;
- 4) compliance with the Engineering comments: (*FINAL PLAT COMMENTS (should be addressed prior to submitting the FINAL PLAT for review and/or 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. Provide and label the monument set or found at each subdivision corner. C. Show and label all flood zones. New maps went into effect on June 5, 2020. D. Show and label the MFFE (Minimum Finished Floor Elevation) on each lot that contains an AE, V, or X (shaded) flood zone designation. E. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer. F. Provide the Surveyor's Certificate and Signature. G. Provide the Owner's (notarized) signatures. H. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 30 - #74) the proposed lots 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 – NONE. I. 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. J. 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. K. 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. L. Add a note to the plat stating that all proposed detention facilities, common areas, and wetlands shall be the responsibility of the Property Owner(s), and not the responsibility of the City of Mobile. M. Add a note to the plat stating that all easements shall remain in effect until vacated through the proper Vacation process. N. After all comments have been addressed 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. O. After addressing all of the FINAL SUBDIVISION PLAT review comments provide the ORIGINAL (with all signatures except for the Planning Commission, Traffic Engineering, and City Engineer), one (1) copy, and a transmittal letter to the Engineering Permitting Department. They can be dropped off at 205 Government St. or mailed to PO Box 1827, Mobile, AL, 36633.)

- 5) placement of a note on the Final Plat stating the 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, should meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.;
- 6) compliance with the 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 2015-116 and City Code Chapters 57 and 64). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site will require a tree removal permit.); and*
- 7) compliance with the Fire Department comments: *(All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance. (2012 International Fire Code)).*

Rezoning: Based upon the preceding, staff finds that the following conditions prevail to support the rezoning request:

- i. Increase in need for sites for business or industry. Increased or increasing needs for business or industrial sites, in addition to sites that are available, make it necessary and desirable to rezone an area or to extend the boundaries of an existing district.

The application is recommended for Approval to B-2, Neighborhood Business District, subject to the following conditions:

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

LOCATOR MAP



APPLICATION NUMBER 6 DATE July 16, 2020

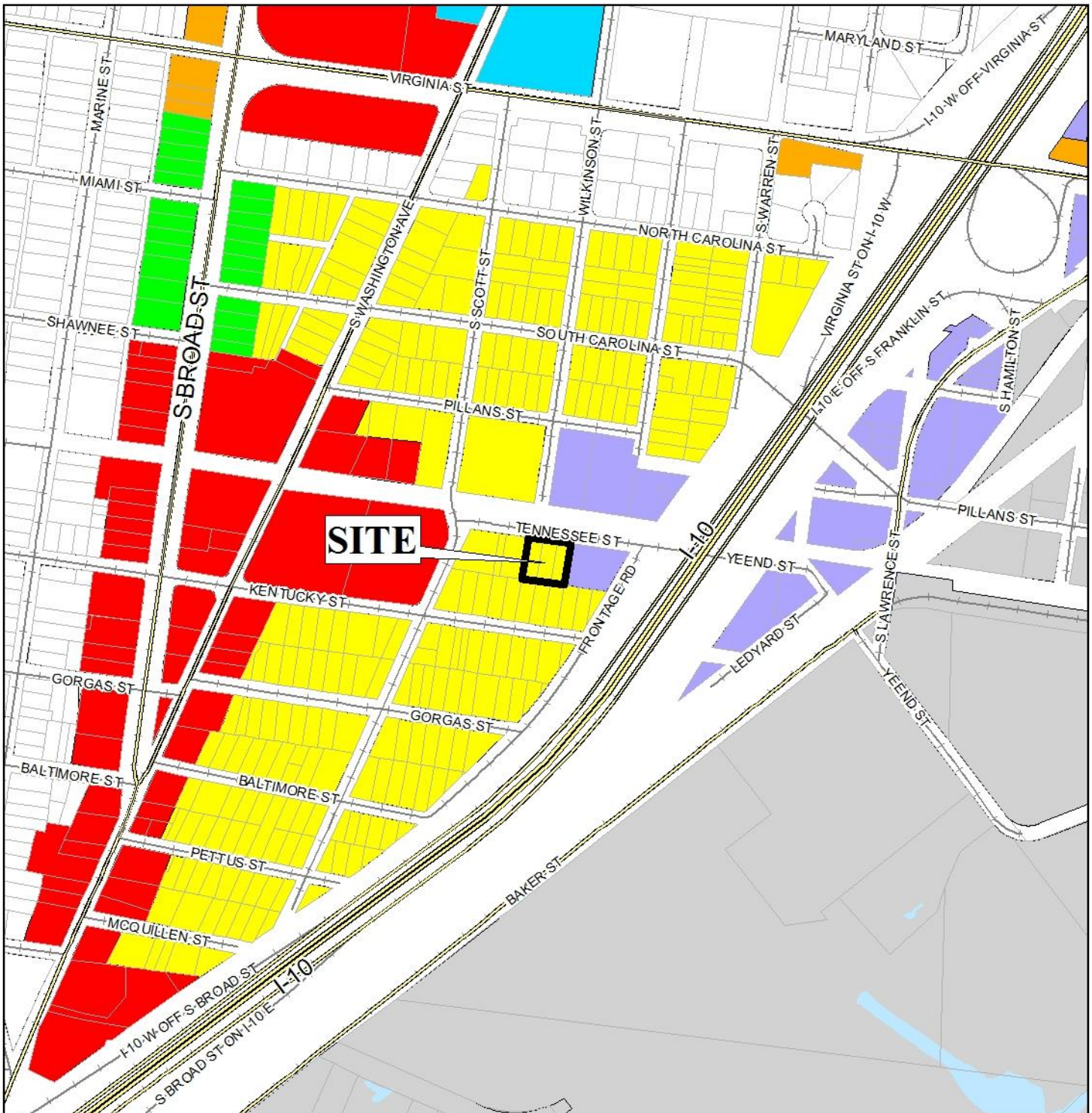
APPLICANT Oakdale Subdivision, Resubdivision of Lots 9-14

REQUEST Subdivision, Rezoning from R-2 to B-2



NTS

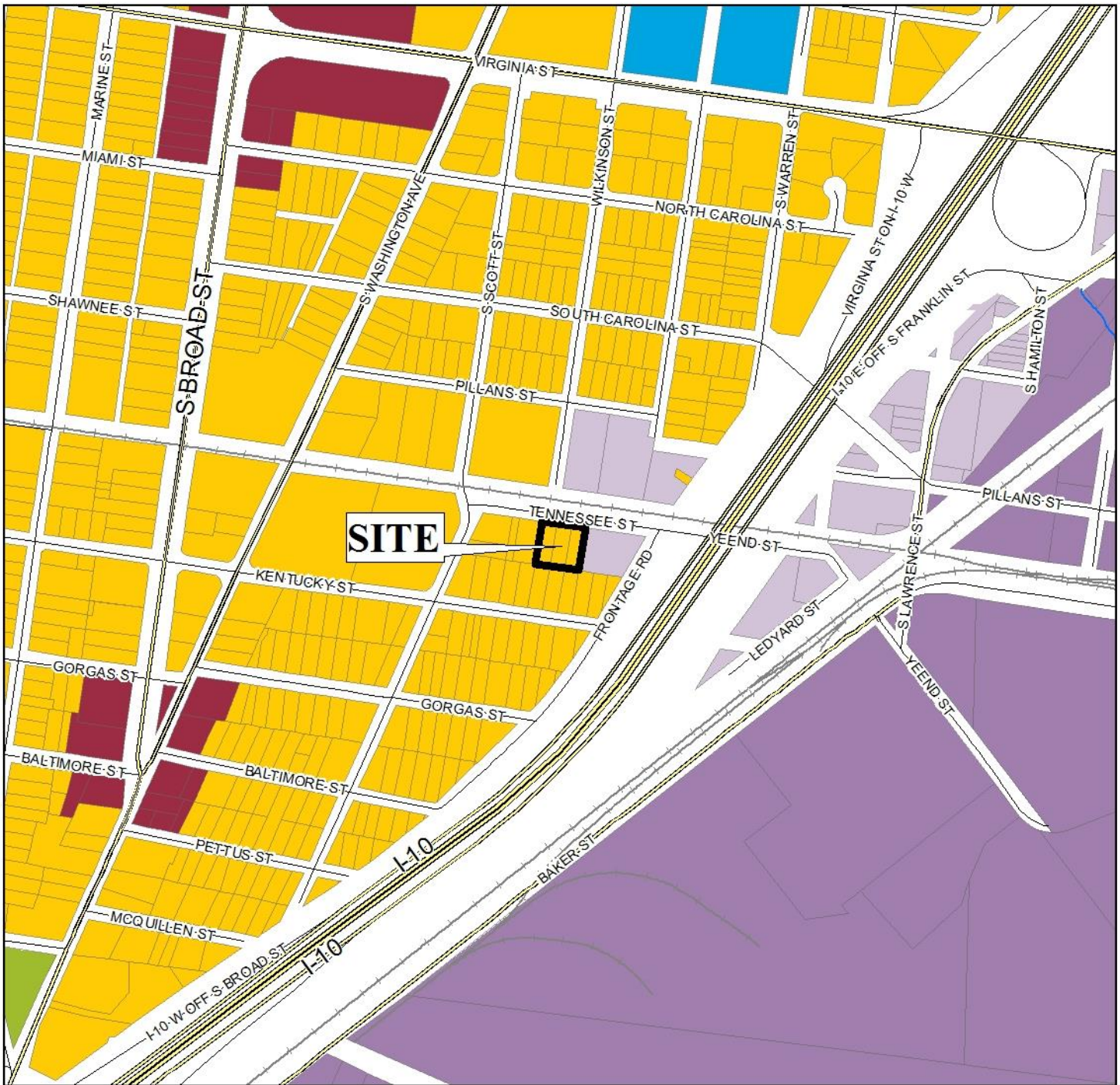
LOCATOR ZONING MAP



APPLICATION NUMBER 6 DATE July 16, 2020
APPLICANT Oakdale Subdivision, Resubdivision of Lots 9-14
REQUEST Subdivision, Rezoning from R-2 to B-2



FLUM LOCATOR MAP



APPLICATION NUMBER 6 DATE July 16, 2020

APPLICANT Oakdale Subdivision, Resubdivision of Lots 9-14

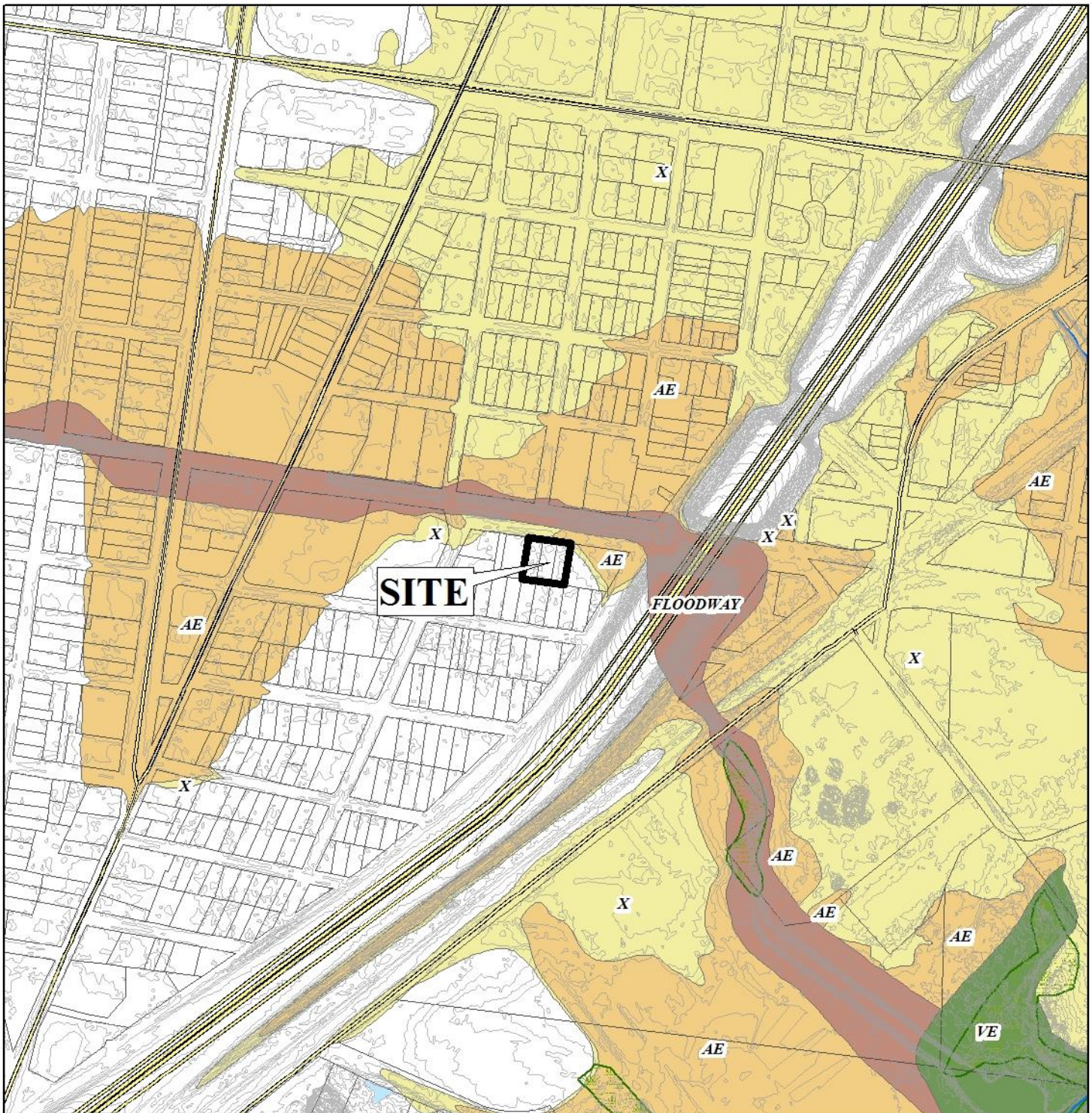
REQUEST Subdivision, Rezoning from R-2 to B-2

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	



NTS

ENVIRONMENTAL LOCATOR MAP



APPLICATION NUMBER 6 DATE July 16, 2020

APPLICANT Oakdale Subdivision, Resubdivision of Lots 9-14

REQUEST Subdivision, Rezoning from R-2 to B-2


























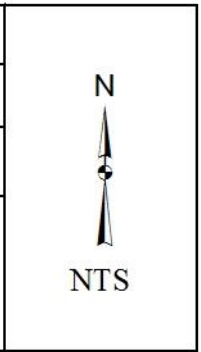
The site is surrounded by residential units.

APPLICATION NUMBER 6 DATE July 16, 2020

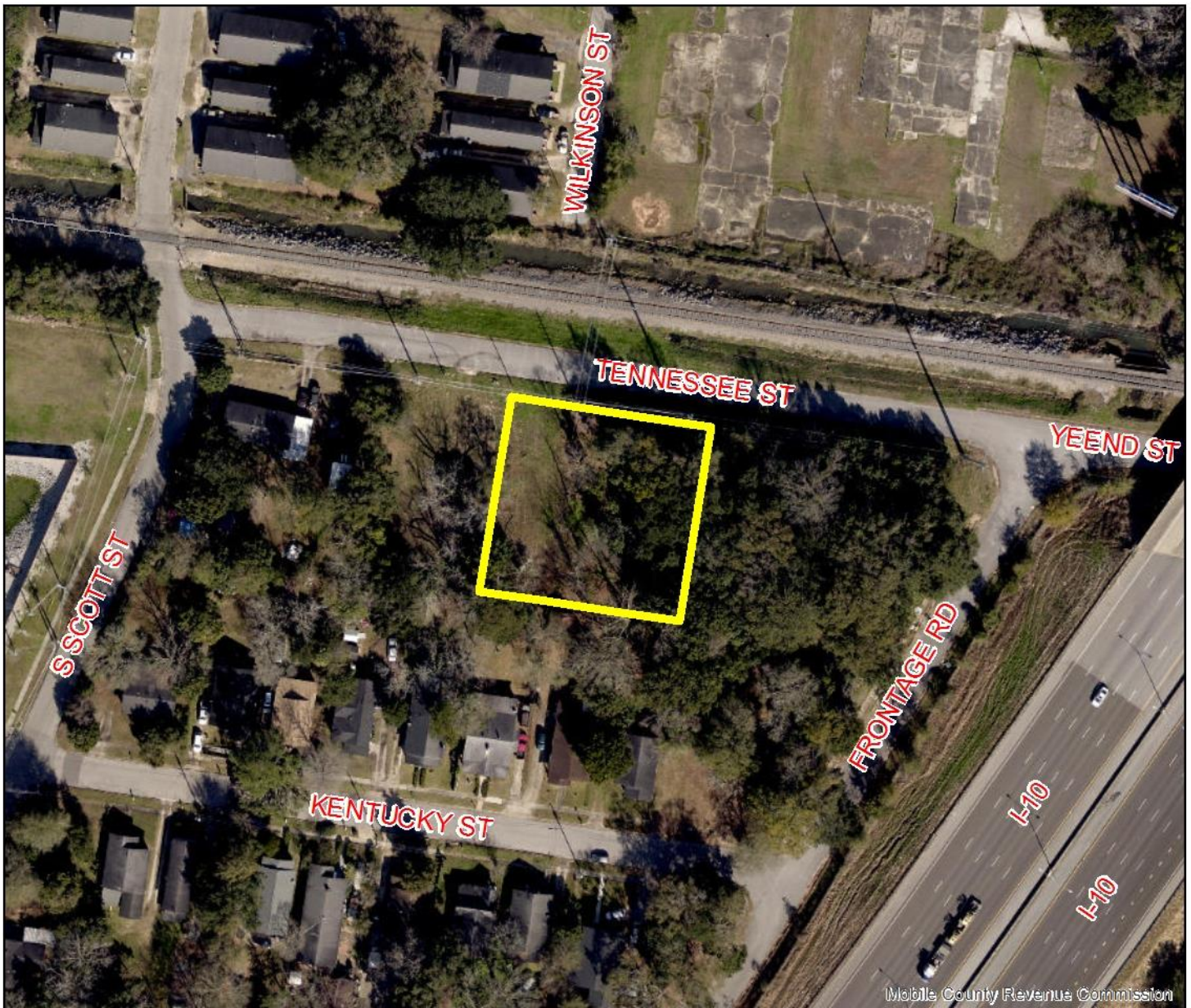
APPLICANT Oakdale Subdivision, Resubdivision of Lots 9-14

REQUEST Subdivision, Rezoning from R-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-2		SD		T4		T6



PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL

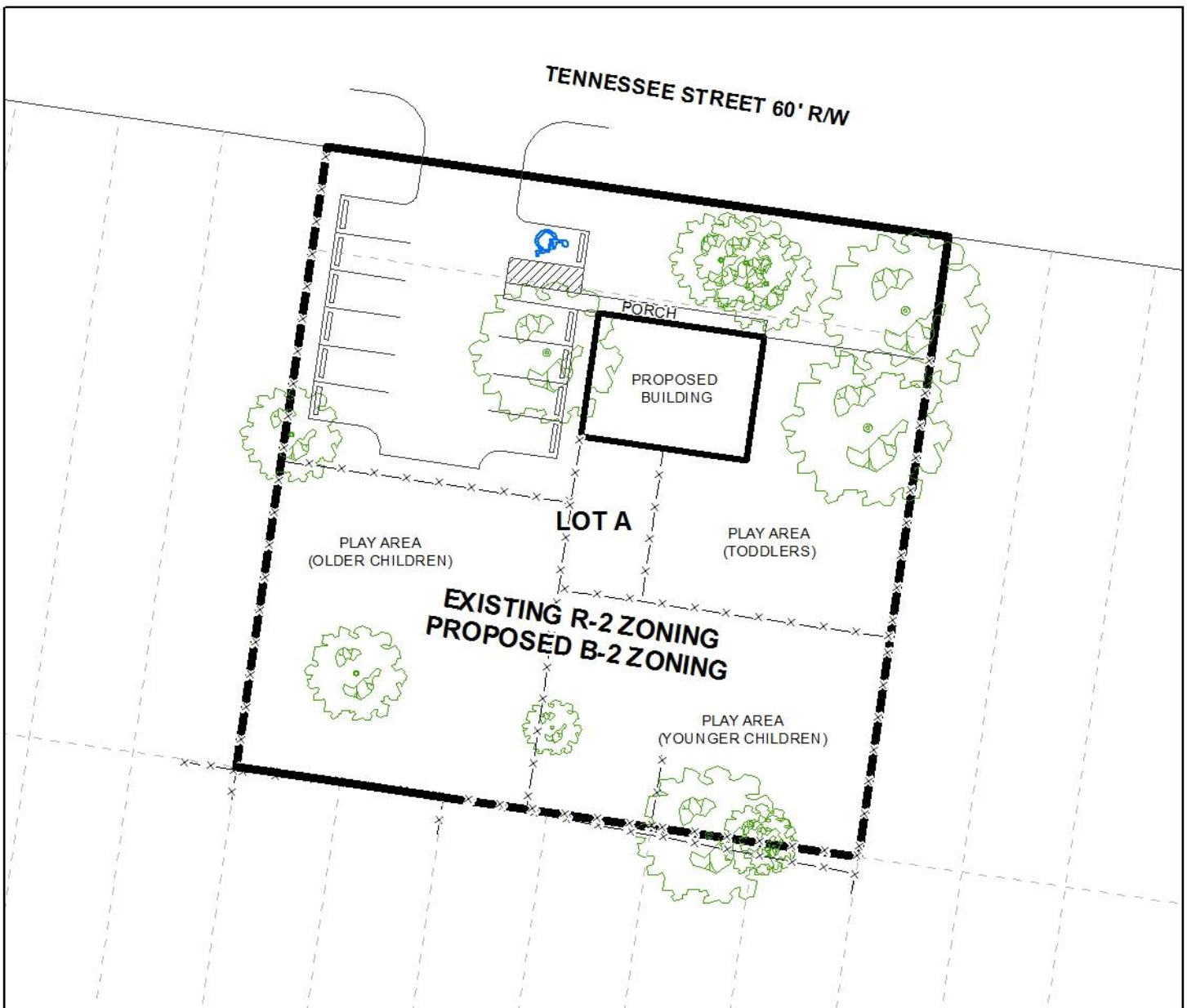


The site is surrounded by residential units, vacant land and light industrial units.

APPLICATION NUMBER 6 DATE July 16, 2020
 APPLICANT Oakdale Subdivision, Resubdivision of Lots 9-14
 REQUEST Subdivision, Rezoning from R-2 to B-2



SITE PLAN



The site plan illustrates proposed parking, play areas, building and zoning, as well as existing zoning and setback.

APPLICATION NUMBER 6 DATE July 16, 2020

APPLICANT Oakdale Subdivision, Resubdivision of Lots 9-14

REQUEST Subdivision, Rezoning from R-2 to B-2

