

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

October 4, 2018

NAME

David Shumer

LOCATION

101 Marine Street & 916 Church Street
(Northeast corner of Church Street and Marine Street
extending to the Southeast corner of Marine Street and
Government Street).

**CITY COUNCIL
DISTRICT**

District 2

PRESENT ZONING

B-1, Buffer Business District

PROPOSED ZONING

R-B, Residential Business District, only for the portion of
the site located at the Northeast corner of Church Street and
Marine Street (916 Church Street).

**REASON FOR
REZONING**

A manifest error in the zoning ordinance, changing
conditions leading to a need to rezone, and to allow
creative land use.

AREA OF PROPERTY

2 Lots/ 1.2 ± Acres (Planned Unit Development)
1 Lot/ 0.7 ± Acres (Rezoning)

CONTEMPLATED USE

Planned Unit Development Approval to allow multiple
buildings on a single building site along with off-site
parking, and Rezoning from B-1, Buffer-Business District,
to R-B, Residential Business District, only for the portion
of the site located at the Northeast corner of Church Street
and Marine Street. **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

None given.

**ENGINEERING
COMMENTS**

Planned Unit Development:

ADD THE FOLLOWING NOTES TO THE PUD SITE PLAN:

1. Each Lot Owner shall be required to submit a Land Disturbance Permit application with the initial construction of a single family dwelling or other impervious surface (shed, driveway, slab, asphalt, gravel, etc.). The application shall include a site grading and drainage plan, details, and calculations, all of which are to be signed by a licensed Alabama Professional Engineer.
2. 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.

**TRAFFIC ENGINEERING
COMMENTS**

Government Street (US Highway 90) is an ALDOT maintained roadway. Driveway number, size, location and design to be approved by ALDOT (where applicable) and Traffic Engineering and conform to AASHTO standards. Any new on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance. Revise Note 7 accordingly.

**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).

**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). Fire Code compliant paved access required from both streets.

REMARKS

The applicant is requesting Planned Unit Development Approval to allow multiple buildings on a single building site along with off-site parking, and Rezoning from B-1, Buffer-Business District, to R-B, Residential Business District, only for the portion of the site located at the Northeast corner of Church Street and Marine Street. The applicant is proposing to rezone a portion of the site to allow for the development of a restaurant.

The overall site consists of two separate parcels. One parcel is located at the intersection of Government Street and Marine Street (the parking lot). The other parcel is located at the intersection of Marine Street and Church Street (proposed restaurant). A subdivision application

was not included with this application submittal, and no documentation has been provided to determine that the parcels existed prior to adoption of the city's Subdivision Regulations in 1952. Therefore, a Subdivision application will be required if the request at hand are approved.

The site has been given a "Mixed Density Residential" (proposed restaurant) land use designation and a "Traditional Mixed-Use Corridor" (parking lot) land use designation, per the 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.

The Mixed Density Residential 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 dwelling units per acre, 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.

The Traditional Mixed-Use Corridor generally applies to transportation corridors east of I-65, which serve as the primary commercial and mixed-use gateway to Downtown and the City's traditional neighborhoods (equivalent to Map for Mobile's Traditional Neighborhoods).

Depending on their location (and as allowed by specific zoning), TC designations incorporate a range of moderately scaled single-use commercial buildings holding retail or services; buildings that combine housing units with retail and/or office; a mix of housing types including low- or mid-rise multifamily structures ranging in density from 4 to 10 du/ac; and attractive streetscapes and roadway designs that safely accommodate all types of transportation – transit, bicycling, walking, and driving. In these areas, special emphasis is placed on the retention of existing historic structures, compatible infill development, and appropriate access management.

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.

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 provided the following statement:

"The property is located on two lots that front Marine Street with the south lot also fronting Church and the north lot fronting Government Street. The two lots have been developed in the past as parking lots with existing evidence of curbing and pavement still present. The south lot is mostly cleared while the north lot contains a garden and is actively used as a parking lot for Government Street United Methodist Church. There are multiple existing curb cuts to Marine and Government Streets. An existing well on the south property will be used for irrigation only.

Existing trees are displayed on the site plan.

This project consists of constructing a new structure that will serve food and drinks and provide for open air seating and activities. Food will be prepared and served from a food truck/trailer that will be permanently anchored under a separate structure and directly connected to site utilities.

Site amenities will include outdoor activities such as Bocce Ball and Chess/Checkers, a vegetative buffer screen with a climbing vine, and a citrus grove.

Off-street parking will be provided on the north property with some additional on-street parking along Marine Street in front of the structure. The off-street parking will be shared with the Church which should not cause a conflict due to the different peak times of operation.

The site will use waste canisters in lieu of a dumpster pad.

*Rezoning of the south lot to **R-B** will allow for a restaurant and five (5) foot building setbacks. The reduced setbacks will allow the development to better match the character of the area.*

This site is located in close proximity to the downtown center of the City that is contains residential, light commercial and mixed use properties which is in line with the intent of the R-B zoning."

Regarding the need for rezoning, the applicant provided the following justification:

"1) manifest error in zoning ordinance ; The land is currently zoned B-1, as a neighbor bordering the property it is my belief that a large office building would not fit well within the landscape, the property across the street, Marine St. Lofts, was

originally built as office space and sat vacant for years before my group renovated it into multi family and commercial use on the first floor. The idea is that the ground level businesses in this area should provide some sort of service to the surrounding area. Office does not do that

2) Changing Conditions, The city of Mobile downtown is growing and is becoming a busy area at night with tough parking conditions. Due to this factor it is natural that local neighborhood bar/restaurants become more desired. Oakleigh has two successful examples within the core of the neighborhood. Callahgans, and Kitchen on George. The Oakleigh Lawn Club will provide another venue for the growing population of the OGD.

3) Creative Land Use; One main concern when placing a commercial property within a neighborhood is parking and traffic.. My proposal uses the church land at corner of Government St. and Marine St. This keeps traffic on the first block of marine st and government st."

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.

In pursuit of these purposes, the objectives to be met by a PUD are as follows: a) to encourage innovative and diversified design in building form and site development; b) flexibility, to permit greater flexibility in the location and arrangement of buildings and uses than is generally possible under district regulations; c) to encourage the most efficient and sustainable use of land, especially tracts in the inner part of the city that remain undeveloped or that are appropriate for re-development; d) to preserve and protect as urban amenities the natural features and characteristics of land; e) to encourage the provision of common open space through efficient site design; and, f) to encourage optimum use of available public utilities, streets and community facilities.

PUD approval is site-plan specific, thus any changes to the site plan will require approval by the Planning Commission. Also, PUD approvals expire within one (1) year if no permits for the development are obtained.

The proposed restaurant site (property closest to Church Street) is bounded to the north by properties within a B-1, Buffer Business District and R-B, Residence Business District, to the west by B-1, Buffer Business District, and to the south and east by residences in an R-1, Single Family Residential District. The proposed parking lot (property closest to Government Street) is bounded to the north by properties within a B-2, Neighborhood Business District, to the west and south by B-1, Buffer Business District, and to the east by R-B, Residence Business District.

A portion of the subject site is vacant, while the remainder of the site has been used for a vegetable garden and an off-site parking lot for a church. Both of the parcels are currently zoned B-1, Buffer Business District. However, the portion of the site that is proposed to be a restaurant is proposed to be rezoned to R-B, Residence-Business District. This zoning district will allow for a variety of retail and restaurant uses which are not permitted in a B-1 District. Furthermore, an R-B District allows for a variety of less intense uses when compared to a B-2, Neighborhood Business District. A dine-in restaurant would be allowed in an R-B District; however a restaurant with a drive-thru is not allowed. It would appear that rezoning the property to an R-B, Residence-Business District would be necessary to provide the applicant with the proper zoning classification that would be most suitable for the proposed development of this site.

The proposed restaurant will consist of a 2,400 square foot structure that will include a permanently anchored food truck/trailer, a bar, a 1,400 square foot patio area, outdoor game activities, and off-street parking with a few on-street parking spaces. It should be noted that while the primary use of the business is a restaurant, the secondary use would be a bar. A bar is not allowed in an R-B, Residence-Business District without Planning Approval; thus the restaurant and bar must operate simultaneously. A note should be placed on the site plan stating the restaurant and bar will operate simultaneously. This requirement should also be included in the conditions of approval, if approved.

With regards to parking requirements, a total of 38 parking spaces are required based on the site plan and the breakdown of the square footage for the structure and the outdoor patio seating area. The applicant is proposing to utilize the adjacent church parking lot for off-site parking. The site plan depicts approximately 37 parking spaces in the existing parking area. It should be noted that the parking lot is mostly grass with some broken asphalt, thus specific parking spaces cannot be clearly delineated on the existing surface. The site plan also depicts 4 on-street parking spaces along Marine Street in front of the proposed restaurant, which includes 2 accessible parking spaces.

As proposed, the site plan depicts aggregate surfacing as well as substandard access and maneuvering for the included parking lot. The request to allow grass, aggregate parking, access/maneuvering and surfacing to remain on much of the overall site would require a variance application. Without a paved parking surface, and no parking spaces, it is hard to determine if adequate parking will be provided. The site plan should be revised to depict asphalt or concrete surfacing for the parking lot, and parking bumpers; or variances should be submitted to the Board of Zoning Adjustment for consideration.

With regards to tree planting and landscaping requirements, the site is required to have seven frontage trees along Church Street, 12 trees along Marine Street, and four trees along Government Street. There appear to be two existing trees in the right-of-way along Church Street, four existing trees along Marine Street (three are within the right-of-way), and three existing trees along Government Street (two are within the right-of-way). The existing right-of-way tree canopy and trees in the right-of-way can be used to reduce the amount of trees required on the site itself. The species and size of all existing trees that the applicant wishes to be considered must be provided on the plan. Based on the size and width of the trees along Government Street, no additional tree planting will be required; however it does appear that

additional trees may be required along Marine Street and Church Street. The site plan depicts eight citrus trees, however, those trees are considered understory trees and are not counted as frontage overstory trees. The site plan should be revised to depict the total required number of frontage trees, or an application to the Board of Zoning Adjustment for a request for a reduction in the total number of frontage trees will be required.

It should be noted the site is within the Oakleigh Garden District and any exterior work will require permits and approvals from the city's Historic Development Department.

The overall site has frontage on Church Street, Marine Street, and Government Street. Both Church Street and Marine Street are minor streets with curb and gutter with an adequate 50' right-of-way, which is depicted on the site plan. Government Street is a major street with a required 100' right-of-way, and is an ALDOT managed facility. The site plan does not depict Government Street or the right-of-way width on the site plan. The site plan should be revised to depict the existing right-of-way width of Government Street, and any dedication necessary to provide the 100' right-of-way.

The overall site currently has one existing curb-cut to Government Street and four existing curb-cuts to Marine Street. Two of the existing curb-cuts along Marine Street have stakes in the ground blocking the access to the curb-cuts. Based on the proposed site plan it appears that the one existing curb-cut to Government Street will remain, a new 24' wide curb-cut will be constructed to Marine Street to allow for two-way traffic for the parking area, and the two existing curb-cuts to Marine Street where the access is currently blocked will remain, but not be utilized. It is preferred, however, that unused curb-cuts be removed and the right-of-way restored with curb and gutter. Additionally, as a means of access management, the site should be limited to one curb-cut to Government Street and one curb-cut to Marine Street, with the size, design and location to be approved by Traffic Engineering and comply with ALDOT and AASHTO standards.

The 25' minimum building setback lines are depicted along Government Street and a portion of Marine Street for the parking lot (property closest to Government Street). This should be retained on any future site plans. Five feet minimum building setback lines are depicted for the proposed restaurant portion of the site (property closest to Church Street). An R-B, Residence-Business district allows for a 5' minimum building setback, thus if the rezoning is approved, the setbacks will meet the minimum requirements.

RECOMMENDATION

Planned Unit Development:

Staff recommends the following Findings of Fact for Approval of the Planned Unit Development:

- a. the proposal promotes the objective of Creative design (to encourage innovative and diversified design in building form and site development), as it creates a unique restaurant and non-traditional site configuration within a neighborhood;

- b. the proposal promotes the objective of Flexibility (to permit greater flexibility in the location and arrangement of buildings and uses than is generally possible under district regulations), because it allows a vacant lot to become a facility that can be utilized by the surrounding neighborhoods and the public;
- c. the proposal promotes the objective of Efficient land use (to encourage the most efficient and sustainable use of land, especially tracts in the inner part of the city that remain undeveloped or that are appropriate for redevelopment), because the applicant is developing within the city and capitalizing on vacant land;
- f. the proposal promotes the objective of Public services (to encourage optimum use of available public utilities, streets and community facilities), because the site will not only provide services to neighbors within the area, but can be utilized by all citizens.

Based upon the preceding, the PUD application is recommended for Approval, subject to the following:

- 1) submission of an associated two lot subdivision application, or the provision of a deed for both properties prior to 1952;
- 2) submission of variance requests to the Board of Zoning Adjustment to address the parking lot and tree plantings;
- 3) revision of the site plan to depict the existing right-of-way width of Government Street, and any dedication necessary to provide the 100' right-of-way;
- 4) revision of the site plan to include a note stating the restaurant and bar will operate simultaneously, the bar shall not be open without the restaurant in operation;
- 5) a note should be placed on the site plan stating any exterior work will require permits and approvals from the city's Historic Development Department;
- 6) retention of the 25' minimum building setback lines along Government Street and a portion of Marine Street for the parking lot (property closest to Government Street);
- 7) retention of the 5' minimum building setback lines along Church Street and a portion of Marine Street for the proposed restaurant portion of the site (property closest to Church Street);
- 8) retention of the right-of-way widths for Marine Street and Church Street;
- 9) full compliance with Engineering comments: *"Planned Unit Development: ADD THE FOLLOWING NOTES TO THE PUD SITE PLAN: 1. Each Lot Owner shall be required to submit a Land Disturbance Permit application with the initial construction of a single family dwelling or other impervious surface (shed, driveway, slab, asphalt, gravel, etc.). The application shall include a site grading and drainage plan, details, and calculations, all of which are to be signed by a licensed Alabama Professional Engineer. 2. 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.”;

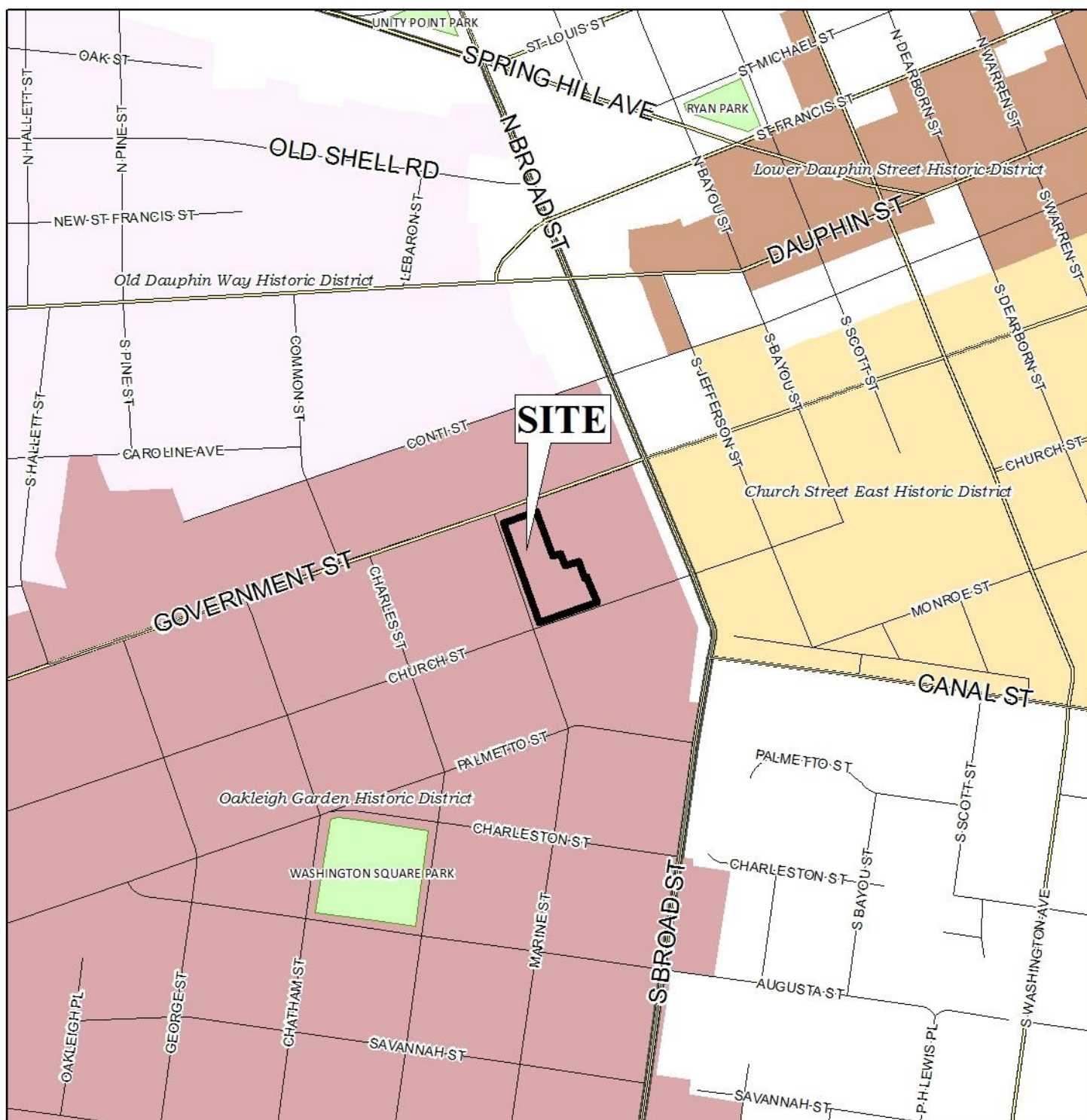
- 10) placement of a note on the Final Plat stating the following Traffic Engineering comments: *“Government Street (US Highway 90) is an ALDOT maintained roadway. Driveway number, size, location and design to be approved by ALDOT (where applicable) and Traffic Engineering and conform to AASHTO standards. Any new on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City’s Zoning Ordinance. Revise Note 7 accordingly.”;*
- 11) full compliance with 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).”;*
- 12) full compliance with Fire 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). Fire Code compliant paved access required from both streets.”;*
- 13) provision of two revised Planned Unit Development site plans depicting compliance with these conditions to Planning & Zoning; and
- 14) completion of the Subdivision process (if pre-1952 deeds are not furnished) prior to the issuance of permits.

Rezoning:

Based upon the preceding, the application is recommended for Approval as an R-B, Residence-Business District, subject to the following conditions:

- 1) submission of a Subdivision application; and
- 2) full compliance with all municipal codes and ordinances.

LOCATOR MAP



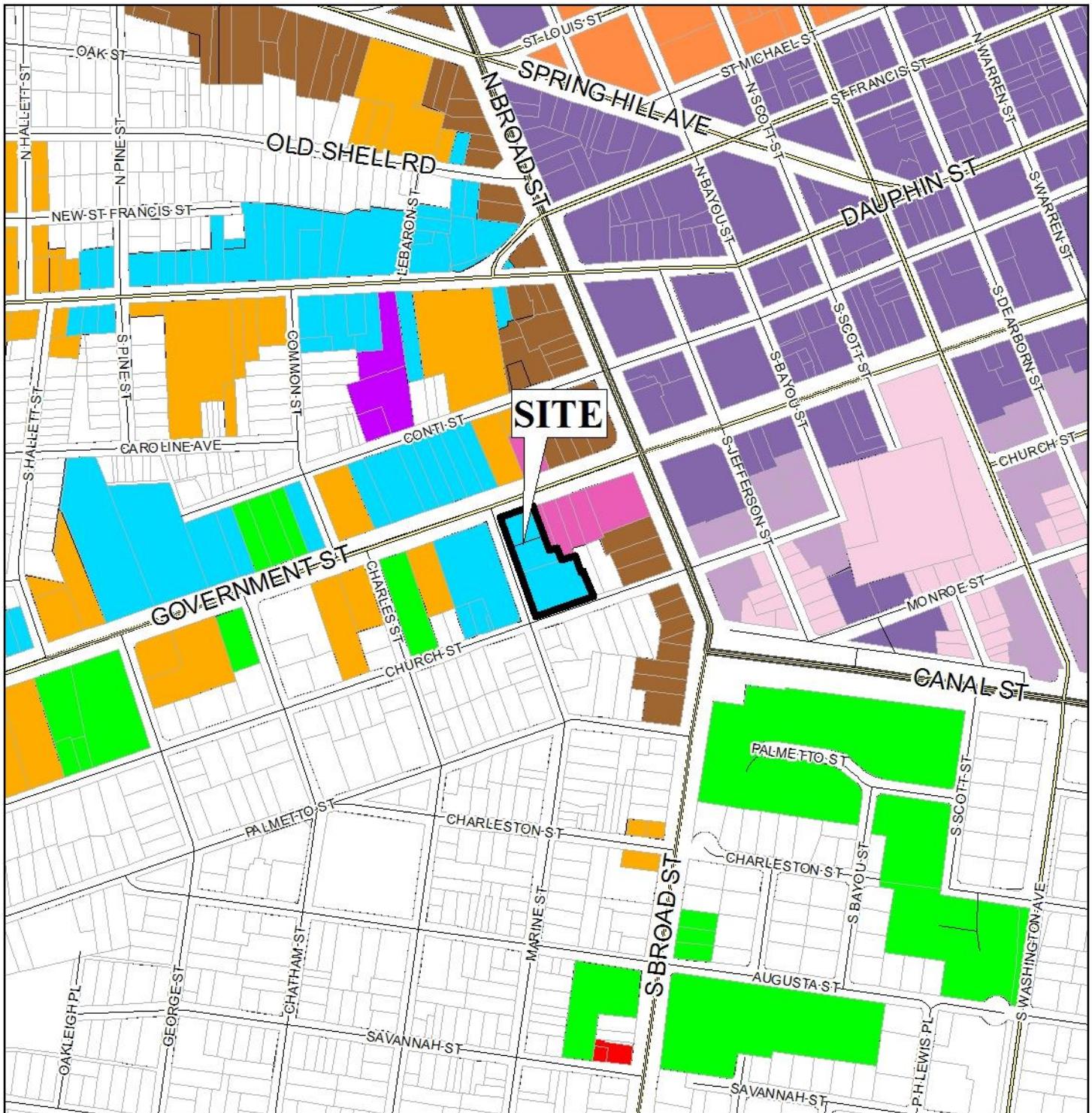
APPLICATION NUMBER 6 DATE October 4, 2018

APPLICANT David Shumer

REQUEST Planned Unit Development, Rezoning from B-1 to R-B



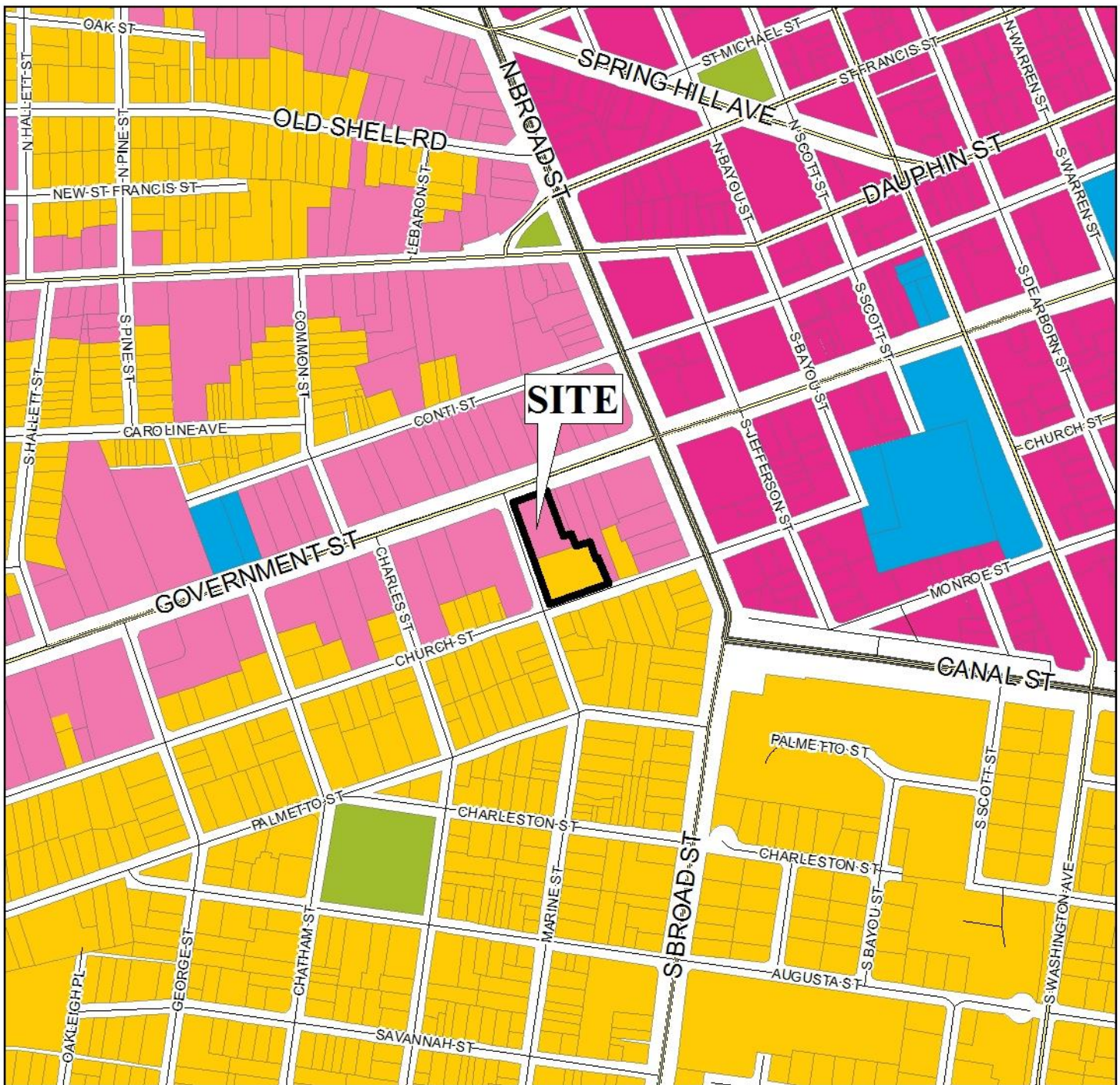
LOCATOR ZONING MAP



APPLICATION NUMBER 6 DATE October 4, 2018
APPLICANT David Shumer
REQUEST Planned Unit Development, Rezoning from B-1 to R-B



FLUM LOCATOR MAP



APPLICATION NUMBER 6 DATE October 4, 2018

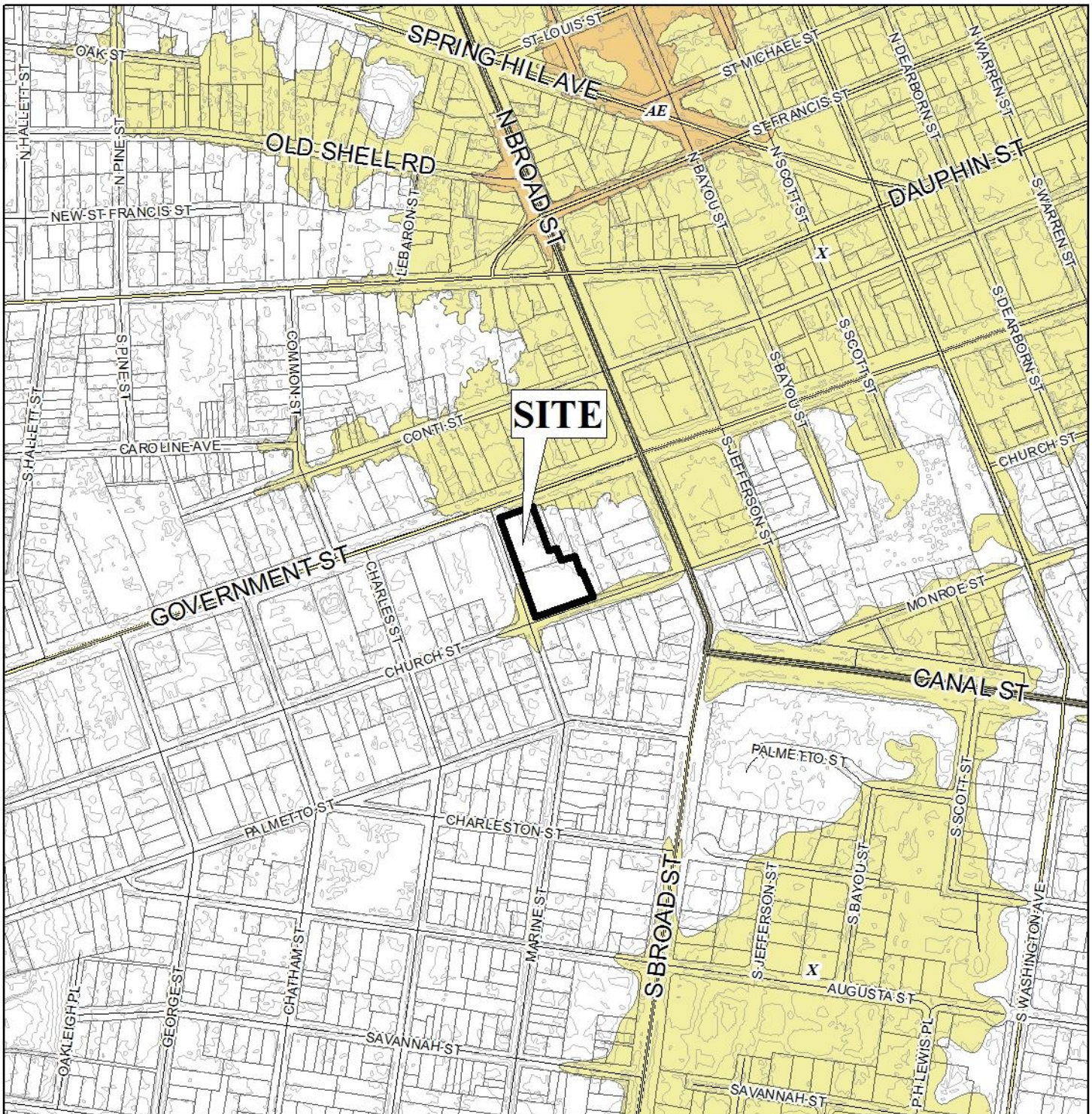
APPLICANT David Shumer

REQUEST Planned Unit Development, Rezoning from B-1 to R-B

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	



ENVIRONMENTAL LOCATOR MAP



APPLICATION NUMBER 6 DATE October 4, 2018
APPLICANT David Shumer
REQUEST Planned Unit Development, Rezoning from B-1 to R-B



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by miscellaneous units.

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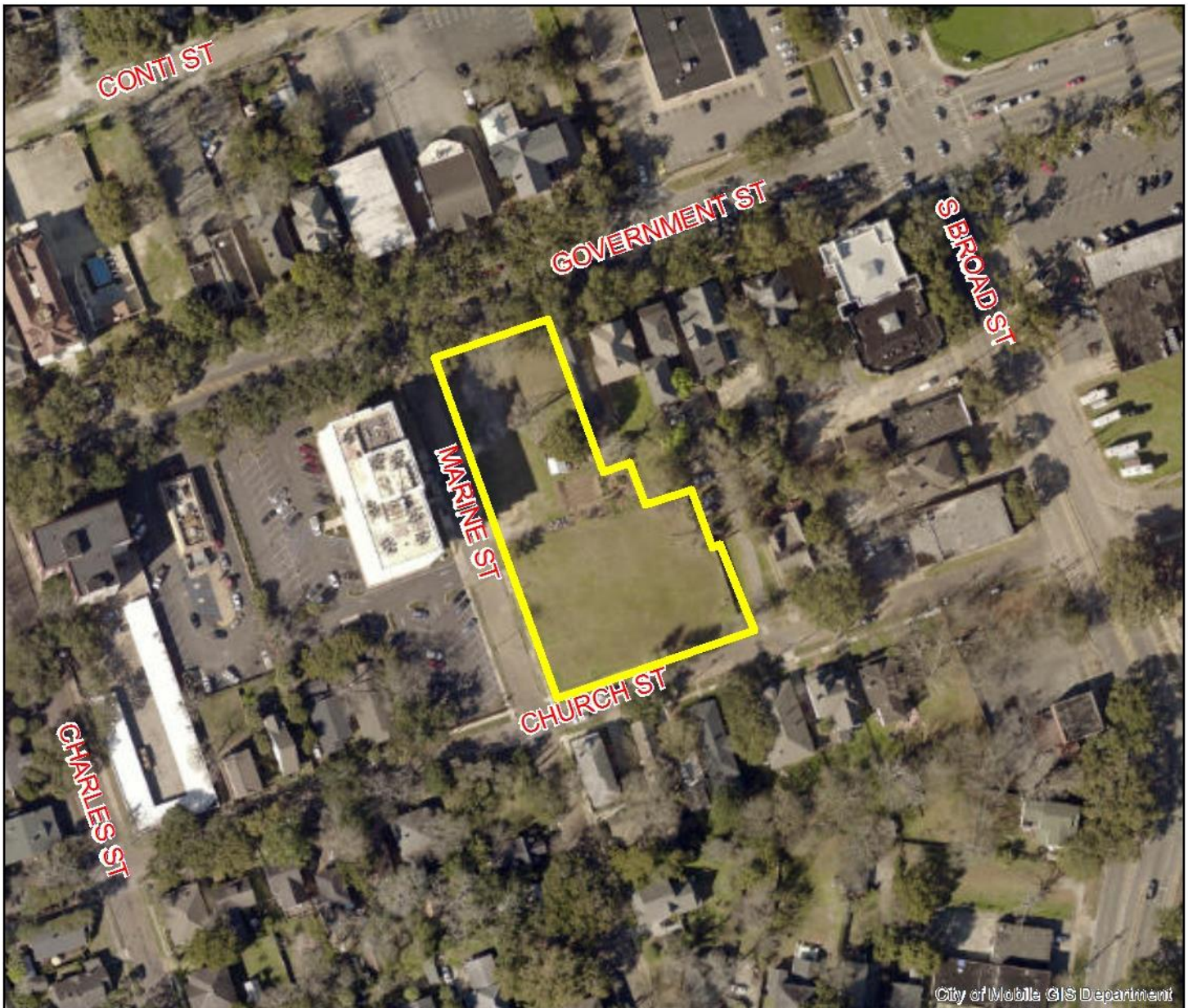
APPLICANT David Shumer

REQUEST Planned Unit Development, Rezoning from B-1 to R-B

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

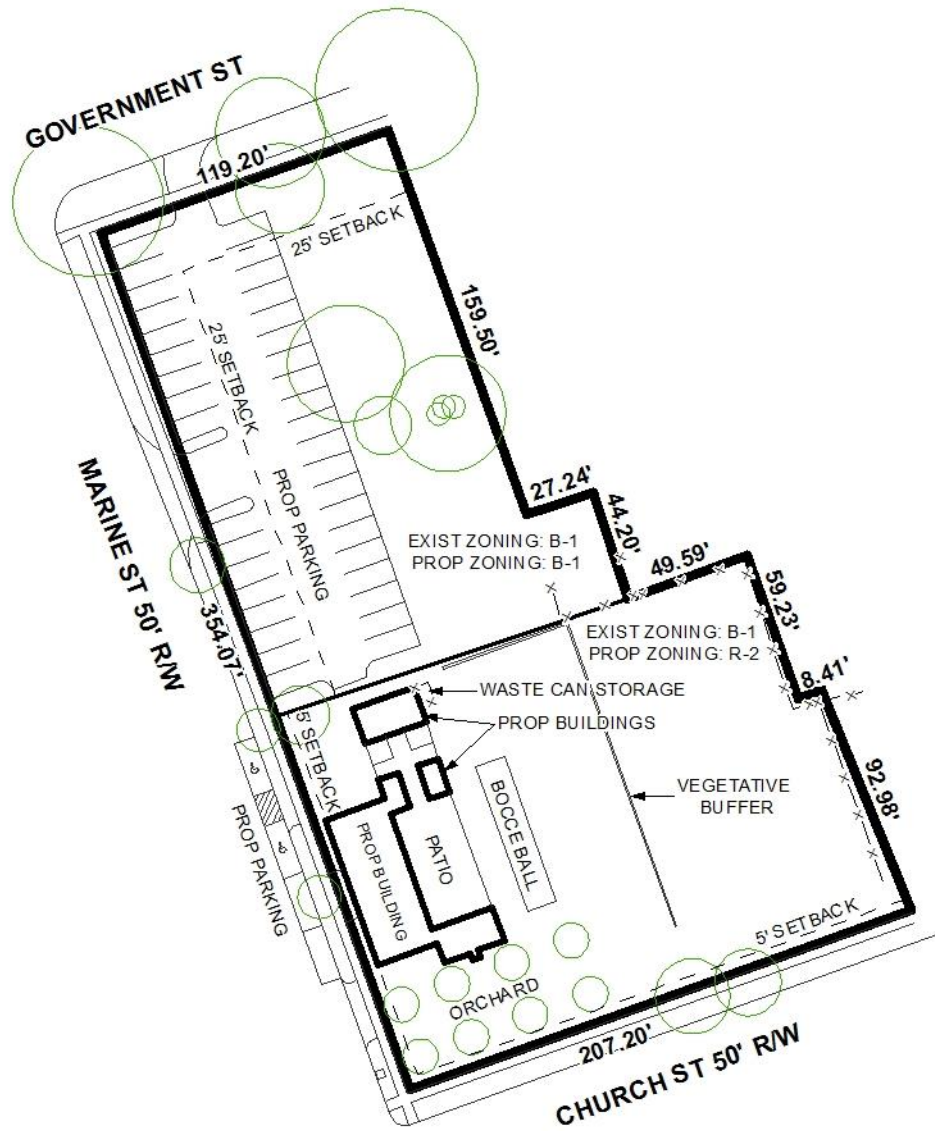


The site is surrounded by miscellaneous units.

APPLICATION NUMBER 6 DATE October 4, 2018
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REQUEST Planned Unit Development, Rezoning from B-1 to R-B



SITE PLAN



The site plan illustrates the setbacks, proposed buildings, and proposed parking.

APPLICATION NUMBER 6 DATE October 4, 2018
 APPLICANT David Shumer
 REQUEST Planned Unit Development, Rezoning from B-1 to R-B



DETAIL SITE PLAN



APPLICATION NUMBER 6 DATE October 4, 2018

APPLICANT David Shumer

REQUEST Planned Unit Development, Rezoning from B-1 to R-B



DETAIL SITE PLAN

OAKLEIGH LAWN CLUB



APPLICATION NUMBER 6 DATE October 4, 2018

APPLICANT David Shumer

REQUEST Planned Unit Development, Rezoning from B-1 to R-B



NTS

DETAIL SITE PLAN



APPLICATION NUMBER 6 DATE October 4, 2018

APPLICANT David Shumer

REQUEST Planned Unit Development, Rezoning from B-1 to R-B



NTS

DETAIL SITE PLAN



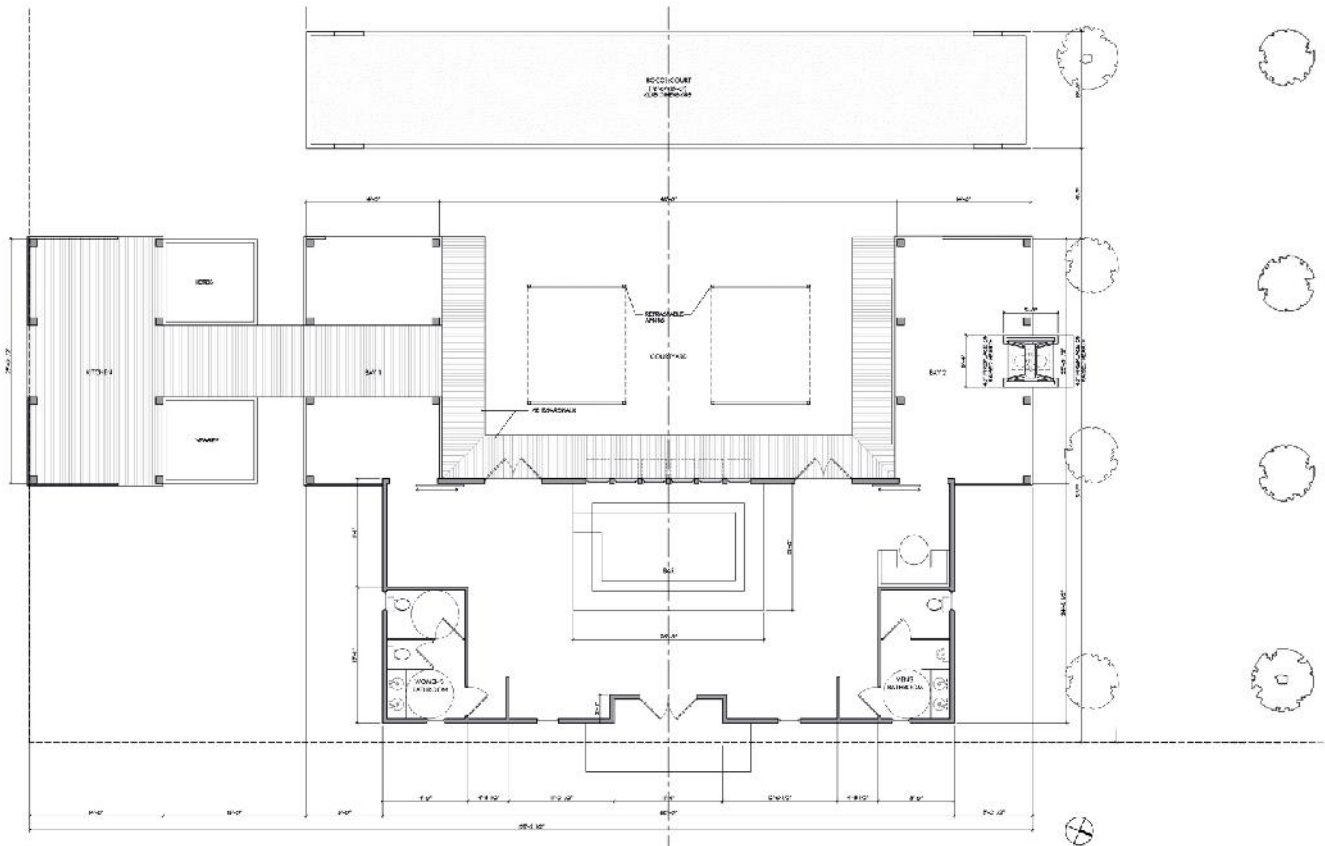
APPLICATION NUMBER 6 DATE October 4, 2018

APPLICANT David Shumer

REQUEST Planned Unit Development, Rezoning from B-1 to R-B



DETAIL SITE PLAN



CONCEPTUAL RENDERING BY



APPLICATION NUMBER 6 DATE October 4, 2018

APPLICANT David Shumer

REQUEST Planned Unit Development, Rezoning from B-1 to R-B



NTS

