

**ZONING AMENDMENT  
& SUBDIVISION STAFF REPORT****Date: July 3, 2014****APPLICANT NAME**

GP Investments, LLC

**SUBDIVISION NAME**

G and P Subdivision

**LOCATION**2550, 2552, 2556 and 2558 Kossow Street  
(Northwest corner of Kossow Street and North Florida Street)**CITY COUNCIL  
DISTRICT**

District 1

**PRESENT ZONING**

R-1, Single-Family Residential District

**PROPOSED ZONING**

B-1, Buffer Business District

**AREA OF PROPERTY**

1 Lot / 1.0± Acres

**CONTEMPLATED USE**

Subdivision approval to create 1 legal lot of record, and Zoning approval to rezone the site from R-1, Single-Family Residential District, to B-1, Buffer Business District to allow a proposed office building.

**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**

9 months after approval

**ENGINEERING****COMMENTS****Subdivision:** The following comments should be addressed prior to submitting the FINAL PLAT for acceptance and 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. Add a note to the SUBDIVISION PLAT stating that a Land Disturbance permit will be required for any land disturbing activity in accordance with the of the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-

- 007 & #65-045), latest edition. Storm water detention will be required for any future addition(s) and/or land disturbing activity.
- C. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 26 - # 78) the Lot will receive historical credit of impervious area towards storm water detention requirement per the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045), latest edition. Coordinate with City Engineering Department staff to establish the exact amount prior to the submittal of the Land Disturbance Permit application.
  - D. 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.
  - E. Dedication of the corner radius (25' minimum or as approved by the City Engineer and Traffic Engineer) at the northwest corner of Florida Street and Kossow Street.
  - F. Provide and label the monument set or found at each subdivision corner.
  - G. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer.
  - H. Provide the Surveyor's Certificate and Signature.
  - I. Provide the Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
  - J. Add a note that sidewalk is required to be constructed along the frontage of LOT A at time of development, unless a sidewalk waiver is approved.

### **TRAFFIC ENGINEERING**

#### **COMMENTS**

Site is denied access to North Florida Street, and limited to one curb cut on Kossow Street, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. All on-site parking, including ADA handicap spaces, shall 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 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 2009 International Fire Code, as adopted by the City of Mobile.

### **REMARKS**

The applicant is requesting Subdivision approval to create a single legal lot of record from five legal lots of record and a single metes-and-bounds parcels, and rezoning the site from R-1, Single-Family Residential District, to B-1, Buffer Business District to allow a proposed office building.

The site is currently occupied with four residences and two accessory structures, and is bounded to the West and South by an R-1, Single-Family Residential District; to the East across North

Florida Street by a B-1, Buffer Business District; and to the North by a B-2, Neighborhood Business District and a R-1, Single-Family Residential District.

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 appears to be depicted as commercial 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 states that “changes in this area over the last 25 years make a change in the ordinance necessary and desirable as it has transitioned from residential to business”. The applicant has an existing business across North Florida Street from the subject site, and states that additional office space is needed due to an expansion of their business. The applicant proposes to construct a three-story tall office building facing North Florida Street, with parking provided behind the building.

The applicant states that the site will consist of a 15,000± square foot office building with 52 parking spaces, which exceeds the minimum required number of parking spaces. It appears that the accessible parking spaces are not compliant with the van accessible requirements of the Building Code. It should be noted that because the parking lot will have more than 25 parking spaces, lighting will be required to comply with Section 64-6.A.8. of the Zoning Ordinance.

The proposed site plan illustrates a privacy fence to serve as the required residential buffer, but does not state the height of the fence. It should be noted that the fence should be 6’ high, except in the 25’ front setback, where the fence height should be reduced to 3’.

The site plan has a note stating that more than the minimum required amount of total and frontage landscaping will be provided. While there are no calculations provided regarding the amount and/or species of trees proposed to be provided, there are several trees illustrated, indicating that it may be the intent of the applicant to comply with minimum tree planting requirements.

While the General Land Use Component of the Comprehensive Plan may show the site as commercial, Kossow Street is still primarily – if not exclusively – comprised of single-family

residences. The proposed development will face six residences on Kossow Street with a parking lot, and will result in increased traffic. Approval of this rezoning will set the stage for additional rezoning requests along Kossow Street.

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 site fronts onto North Florida Street and Kossow Street, both minor streets. The preliminary plat illustrates a 50' right-of-way for Kossow Street, which as a minor street with curb and gutter, requires no additional dedication. However, North Florida Street is a minor street with no curb and gutter, and therefore should typically have a right-of-way of 60'; however, dedication was not required in 2003 for the subdivision directly across Florida Street from this site, so the requirement should be waived. Dedication of the corner radii at North Florida Street and Kossow Street per Section V.D.6. of the Subdivision Regulations is illustrated on the preliminary plat, and should be retained on the Final Plat, if approved. .

Per Traffic Engineering comments, the site should be denied access to North Florida Street, and limited to one curb cut to Kossow Street, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.

The 25-foot minimum building setback is depicted along both frontages for the proposed lot, and should be retained on the Final Plat, adjusted for dedications, if approved.

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.

## **RECOMMENDATION**

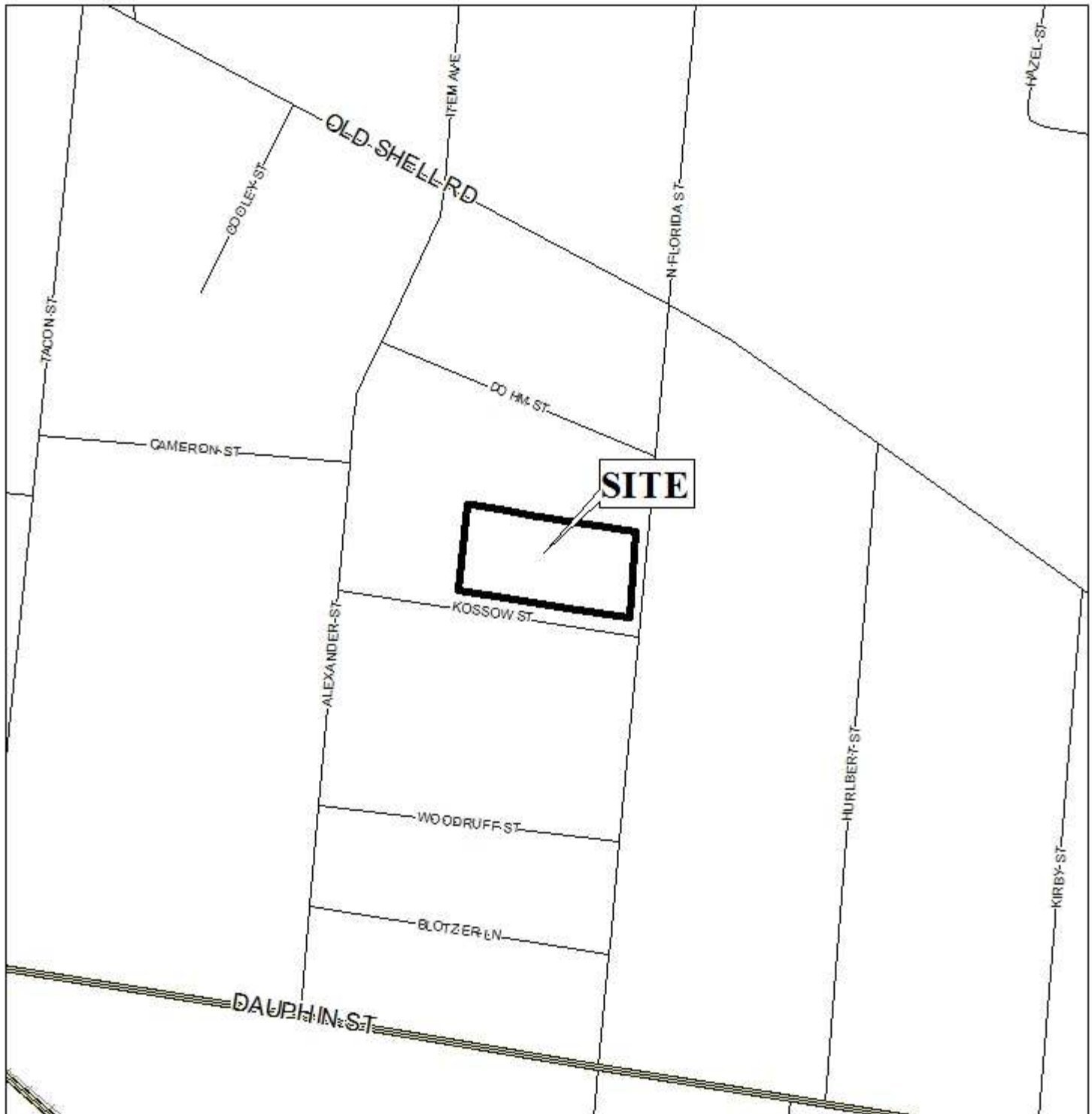
**Rezoning:** Based upon the preceding, the Rezoning request is recommended for Denial, due to the following reasons:

- 1) approval of the Rezoning request will negatively impact the residences along Kossow Street; and
- 2) approval of the Rezoning request will set a precedence for future Rezoning requests along a residential street.

**Subdivision:** The Subdivision request is recommended for Denial, due to the following reason:

- 1) denial of the rezoning request makes the Subdivision moot.

# LOCATOR MAP



APPLICATION NUMBER 7 & 8 DATE July 3, 2014

APPLICANT GP Investments, LLC

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



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Businesses are located to the north and east of the site.  
Single family residences are located to the west and south.

APPLICATION NUMBER 7 & 8 DATE July 3, 2014

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

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





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# SITE PLAN



The site plan illustrates the proposed development and zoning.

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