

**PLANNED UNIT DEVELOPMENT  
& SUBDIVISION STAFF REPORT****Date: April 1, 2010****DEVELOPMENT NAME**

Congress Street Subdivision, Resubdivision of

**SUBDIVISION NAME**

Congress Street Subdivision, Resubdivision of

**LOCATION**

254 Congress Street  
(North side of Congress Street, 60'+ West of North Joachim Street, extending to the West side of North Joachim Street, 78'+ North of Congress Street).

**CITY COUNCIL  
DISTRICT**

District 2

**AREA OF PROPERTY**

4 lots / 0.2 ± acres (Subdivision)  
2 lots / 0.48 ± acres (PUD)

**CONTEMPLATED USE**

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow shared access and parking between multiple building sites, and Subdivision approval to create 4 lots.

**TIME SCHEDULE  
FOR DEVELOPMENT**

None submitted.

**ENGINEERING**

Add note to plat stating that maintenance of common areas including storm drainage facilities are to be the responsibilities of the property owners. 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. Sign and mark drives as one-way.

**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 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.

**REMARKS**

The applicant is seeking Planned Unit Development approval to amend a previously approved Planned Unit Development to allow shared access and parking between multiple building sites, and Subdivision approval to create 4 legal lots. The site is located in Council District 2, and according to the applicant is served by public water and sanitary sewer. The site is also located within the DeTonti Square Historic District, thus approval from the Architectural Review Board will be required for any exterior modifications to existing structures or site improvements such as parking or fencing.

The purpose of this application is to create 4 legal lots of record, and creating a PUD that allows shared access and parking across multiple building sites. The applicant has constructed a four unit residential townhouse development, and plans to sell each as individual lots. It should be noted that the subject site received PUD and subdivision approval in 2008 for a 1-lot subdivision, and shared access and parking across multiple building sites.

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. PUD approval is site plan specific, thus any changes to the site plan / Subdivision plat will require approval by the Planning Commission.

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 is zoned R-B, Residential-Business District, thus the multi-family residential uses are allowed by right. Furthermore, this district allows up to 75% site coverage and a 5-foot front yard setback and zero-foot side and rear yard setbacks. It should be noted that the 5-foot minimum building setback line is depicted on the plat and site plan.

It should be noted that the lot sizes will not comply with Section 64-3.D.1.b. of the Zoning Ordinance regarding the minimum building site area being less than 5,000 square feet in a R-B, Residential Business District.

The existing PUD site contains unmarked, unpaved parking serving an existing building containing residential dwelling units. As the site is located within the Henry Aaron Loop,

parking for the existing and proposed residential dwelling units is not required, however, 18 parking spaces are proposed for the development.

The proposed parking area will be accessed via a one-way entrance from North Joachim Street, and will exit via a separate one-way entrance onto North Joachim Street. It appears that the entry drive will be approximately 12-feet wide; however, it appears that the exit drive will fall below this dimension.

Staff would like to point out that the Chief of Building Inspection raised several points of concern involving potential building code inspections that would need to be initiated in order to subdivide these lots; inspections are conducted differently for apartment style condo's and individual styled townhome units, the primary difference is checking for a two hour fire separation wall and inspections would need to be completed by the various units including; mechanical, plumbing and electrical.

Regarding the proposed four-lot Subdivision, the proposed lot should be limited to one curb-cut, with the size, design and location to be approved by Traffic Engineering, and in conformance to the greatest extent possible with AASHTO standards.

Dumpster locations for the site are not depicted on the site plan to comply with Section 64-4.D.9 of the Zoning Ordinance; therefore, the applicant should make a provision for dumpster locations and place a note on the site plan stating that dumpsters will be completely screened from view. If dumpsters will not be used, provide a statement indicating such, and how garbage will be removed from the site.

It should be noted that the applicant has illustrated common areas on the plat; therefore, a note should be placed on the Final Plat stating that maintenance of these areas will be the responsibility of the property owners.

It should be noted that the development is in full compliance with the Tree and Landscape portions of the Zoning Ordinance.

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.

The entire site appears to be located within the "100-year" frequency flood zone as depicted on FEMA maps for the Mobile River and Mobile Bay, and the site may also be subject to hurricane storm surges. 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 or land disturbance activities.

## **RECOMMENDATION**

**Subdivision:** Based upon the preceding, this application is recommended for denial for the following reasons:

- 1) the subdivision does not comply with Section 64-3.D.1.b. of the Zoning Ordinance regarding minimum building site area; and
- 2) potential building code issues concerning the fire separation wall.

**Planned Unit Development:** Based upon the preceding, this application is recommended for denial for the following reasons:

- 1) the subdivision does not comply with Section 64-3.D.1.b. of the Zoning Ordinance regarding minimum building site area; and
- 2) potential building code issues concerning the fire separation wall.

### ***Revised for the April 1, 2010 meeting***

*These applications were heldover from the March 18<sup>th</sup> meeting to allow for the investigation of Building and Fire Code compliance for Townhouse versus Condominium classification. Ben Cummings submitted a letter to the Chief of Building Inspection verifying the presence of a two hour fire separation wall between the units. The applicant is working with all of the various units including; mechanical, plumbing and electrical to ensure proper code compliance for final inspections.*

## **RECOMMENDATION**

**Subdivision:** With a waiver of Section V.D.2. and V.D.9. of the Subdivision Regulations, regarding minimum lot size and setbacks, this application is recommended for Tentative Approval, subject to the following conditions:

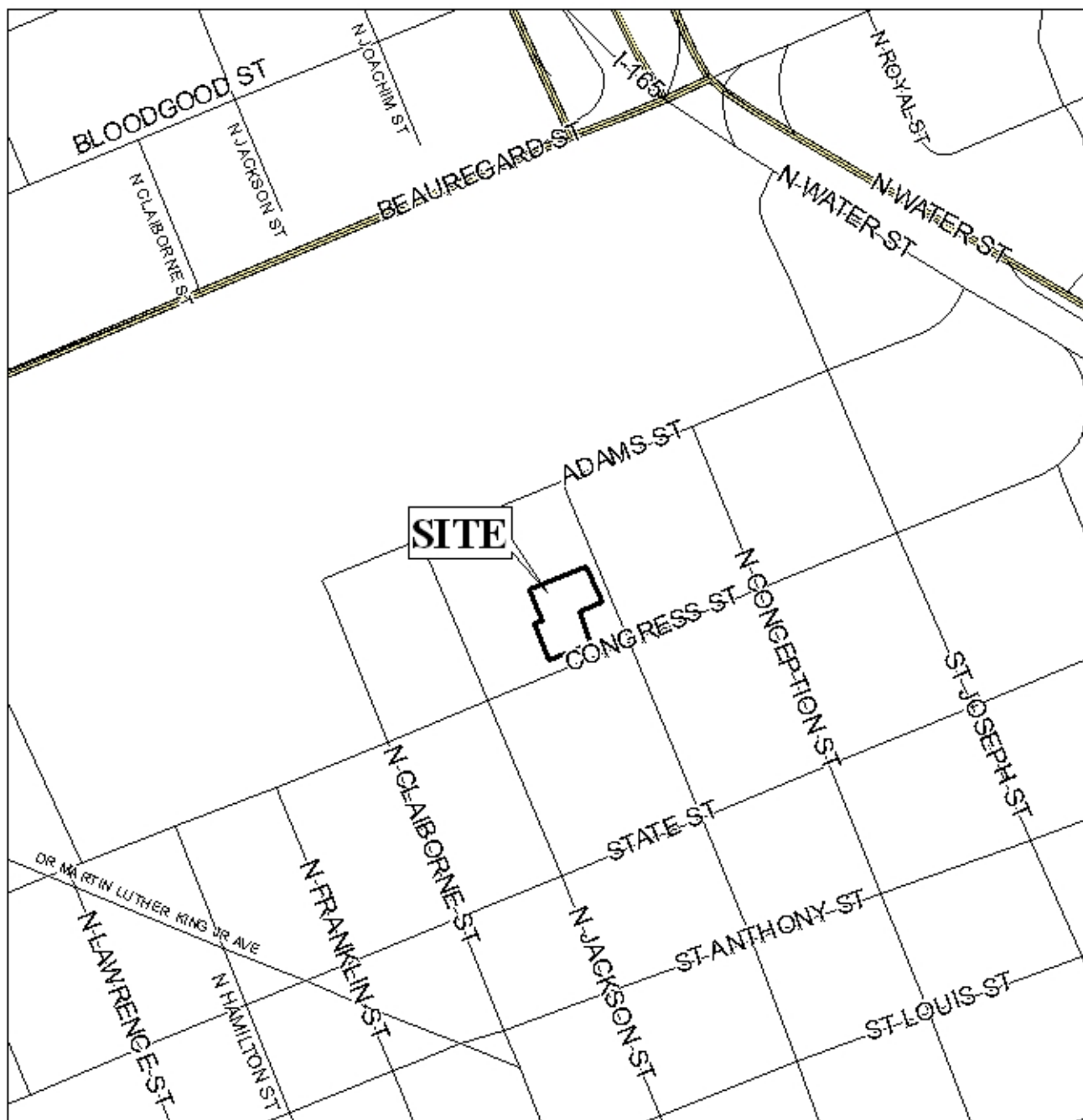
- 1) compliance with Traffic Engineering comments: *Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Sign and mark drives as one-way;*
- 2) compliance with Engineering comments: *Add note to plat stating that maintenance of common areas including storm drainage facilities are to be the responsibilities of the property owners. 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.*
- 3) placement of a note on the Final Plat stating that the lots are limited to the shared curbs, as shown on the associated PUD, with size, design and location to be approved by Traffic Engineering, and in conformance to the greatest extent possible with AASHTO standards;

- 4) placement of a note on the Final Plat stating that approval of all applicable Federal, state and local environmental agencies for wetlands or floodplain issues is required prior to the issuance of any permits or land disturbance activities;
- 5) placement of a note on the Final Plat stating that approval of all applicable Federal, state and local agencies for endangered, threatened or otherwise protected species is required prior to the issuance of any permits or land disturbance activities;
- 6) waiver of the 25-foot minimum building setback line in favor of the 5-foot setback allowed in R-B districts by the Zoning Ordinance in Section 64-3.D.1.e;
- 7) labeling of each lot with its size in square feet;
- 8) Provision of two (2) revised PUD site plans to the Planning Section of Urban Development prior to the signing of the final plat; and
- 9) full compliance with all municipal codes and ordinances.

**Planned Unit Development:** Based upon the preceding, this application is recommended for Tentative Approval, subject to the following conditions:

- 1) completion of the Subdivision process;
- 2) placement of a note on the site plan stating that approval of all applicable Federal, state and local environmental agencies for wetlands or floodplain issues is required prior to the issuance of any permits or land disturbance activities;
- 3) placement of a note on the site plan stating that approval of all applicable Federal, state and local agencies for endangered, threatened or otherwise protected species is required prior to the issuance of any permits or land disturbance activities;
- 4) depiction of dumpster locations on the site plan (if they will be utilized) to comply with Section 64-4.D.9 of the Zoning Ordinance and placement of a note on the site plans stating that dumpsters will be completely screened from view, or placement of a note stating how garbage will be removed;
- 5) closure and landscaping of all unused curb-cuts, as shown on the site plan;
- 6) depiction of the 5-foot minimum building setback line on the PUD site plan;
- 7) site limited to an approved PUD due to some lots falling below the minimum lot size requirements of Section 64-3.D1.b of the Zoning ordinance;
- 8) tree compliance to be coordinated with Urban Forestry, with revision of the PUD site plan to reflect tree compliance;
- 9) provision of two (2) revised PUD site plans to the Planning Section of Urban Development prior to the signing of the final plat; and
- 10) full compliance with all other municipal codes and ordinances, including Building and Fire Code compliance and the obtaining of the appropriate permits.

## LOCATOR MAP



APPLICATION NUMBER 7 & 8 DATE April 1, 2010  
APPLICANT Congress Street Subdivision, Resubdivision of  
REQUEST Subdivision, Planned Unit Development



## PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



There is a duplex to the northeast of the site, apartments to the west, offices to the east, and single family residential units in the vicinity.

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# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



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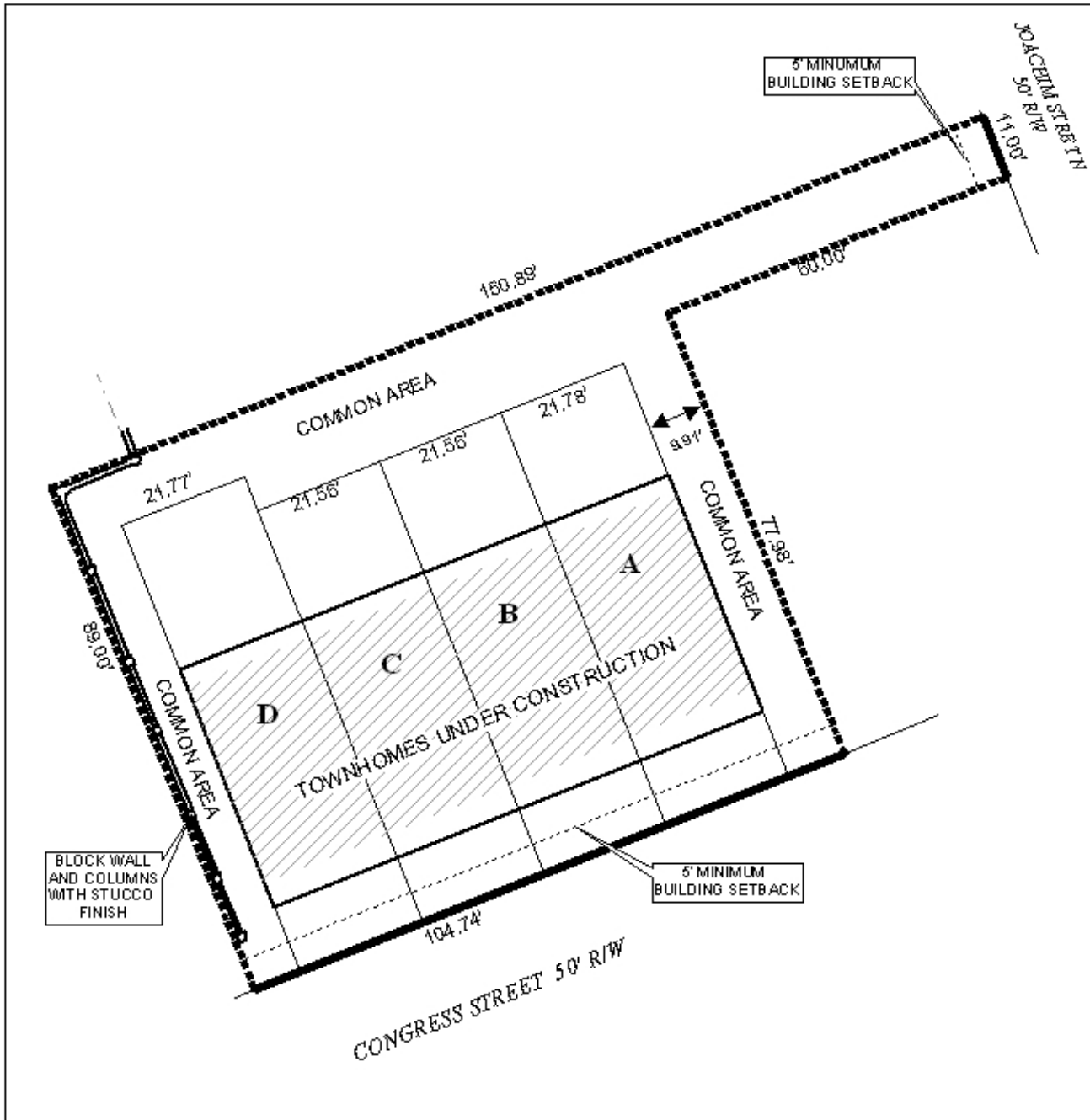
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LEGEND 

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
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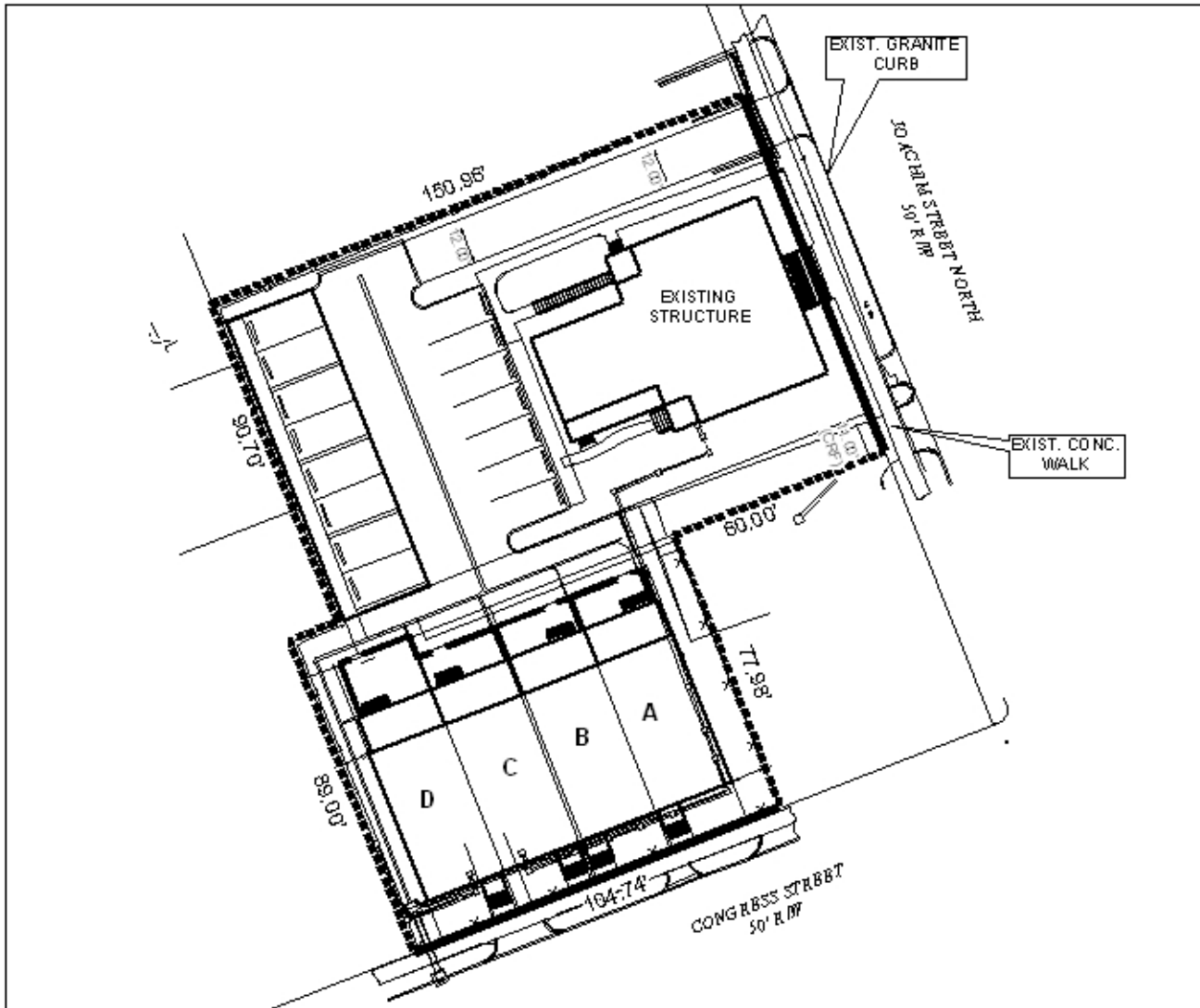
# SUBDIVISION DETAIL



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# SITE PLAN



The site plan illustrates the area of PUD application, parking, structures, and drives.

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