

**ZONING AMENDMENT &  
SUBDIVISION STAFF REPORT****Date: November 15, 2018**

<b><u>DEVELOPMENT NAME</u></b>	RJG Real Estate & Development
<b><u>SUBDIVISION NAME</u></b>	The Arbors at Somerby Park Subdivision, Addition to
<b><u>LOCATION</u></b>	(Northwest corner of Cody Road South and Somerby Drive).
<b><u>CITY COUNCIL DISTRICT</u></b>	District 6
<b><u>PRESENT ZONING</u></b>	R-1, Single-Family District
<b><u>PROPOSED ZONING</u></b>	B-3, Community Business District
<b><u>AREA OF PROPERTY</u></b>	1 Lot/ 1.85 ± acres
<b><u>CONTEMPLATED USE</u></b>	<p>Subdivision Approval to create one legal lot of record from a metes-and-bounds parcel, Rezoning from R-1, Single-Family Residential to B-3, Community Business District to build a retail/ office building.</p> <p><b>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.</b></p>
<b><u>TIME SCHEDULE</u></b>	Immediately.
<b><u>ENGINEERING COMMENTS</u></b>	<p><b>Subdivision:</b> <u>FINAL PLAT COMMENTS</u> (should be addressed prior to submitting the FINAL PLAT for review and/or signature by the City Engineer):</p> <p>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.</p> <p>B. Probate records indicate that the proposed LOT 1 is an existing lot, or part thereof of a Providence Coley Subdivision. Please clarify.</p> <p>C. Provide and label the monument set or found at each subdivision corner.</p>

- D. Revise the plat to label each lot with its size in acres and square feet, or the furnishing of a table on the Plat providing the same information.
- E. Show and label the POB.
- F. Label the ownership of the adjoining parcel to the north.
- G. 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.
- H. 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.
- I. 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.
- J. 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.
- K. Add a note to the plat stating that all easements shall remain in effect until vacated through the proper Vacation process.
- L. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
- M. Provide a copy of the FINAL SUBDIVISION PLAT to the Engineering Dept. for review. No signatures are required on this drawing.
- N. After addressing all of the FINAL SUBDIVISION PLAT review comments by the Engineering Dept. provide the red-line markup, the ORIGINAL (with all other signatures) and one (1) copy of the revised original (signatures not required) of the revised Final Plat to the Engineering Department.

**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 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**

#### **COMMENTS**

Lot is denied access to Cody Road and limited to 2 curb cuts to Somerby Drive. Driveway size, location and design to be approved by 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.

### **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).

### **REMARKS**

The applicant is requesting Subdivision approval to create 1 legal lot, and Rezoning from R-1, Single-Family Residential to B-3, Community Business District. The applicant proposes to use the property for retail/ office building.

This application request accompanies a 74 lot Subdivision and PUD application for approval of a new residential development adjacent to this site.

The site has been given a Mixed Density Residential land use designation, per the recently adopted Future Land Use Plan and Map. 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 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.

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.

The site has frontage onto two streets Cody Road South and Somerby Drive. Cody Road South is identified as a major street with a 100' right-of-way and Somerby Drive is identified as a minor street with 50' right-of-way. It would appear that sufficient right-of-way may be provided, however, neither the plat nor the site plan depicts the right-of-way widths. Right-of-way dedication along Cody Road was previously required as part of the Providence/ Coley Subdivision, recorded in June 2000 so no additional dedication should be necessary. Somerby Drive was created as part of a 2002 subdivision, thus no additional right-of-way dedication should be necessary. If approved, both the site plan and the plat should be revised to depict the right-of-way widths for both Cody Road South and Somerby Drive.

As access management is a concern, a note should be placed on the Final Plat and site plan stating that the lot is denied direct access to Cody Road and limited to the two proposed curb-cut to Somerby Drive, with the size, design, and location to be approved by Traffic Engineering and in conformance with AASHTO standards.

The lot size is not provided in square feet or acres. If approved, the plat and the site plan must be revised to depict the lot size in both square feet and acres or the provision of a chart depicting that information will be required.

The 25' minimum building setback lines are not depicted on the plat. The plat must be revised to depict the 25' minimum building setback lines where the property abuts street frontage.

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:

*"8. PLAN CONSISTENCY ANALYSIS: THE REQUESTED REZONING APPLICATION IS ACCOMPANYING A PUD APPLICATION FOR APPROVAL OF A NEW RESIDENTIAL DEVELOPMENT ADJACENT TO THIS SITE. THE SUBJECT PARCEL IS A LOCATED AT THE NORTHEAST CORNER OF SOMERBY DRIVE AND CODY ROAD AND WOULD BE CONSIDERED A RESULT OF A MULTI-MILLION DOLLAR DEVELOPMENT KNOWN AS SOMERBY PARK. THIS DEVELOPMENT WAS INITIATED IN 2003 WITH THE CONSTRUCTION OF SOMERBY DRIVE AND THE DEVELOPMENT OF A SIGNIFICANT SENIOR RESIDENTIAL LIVING FACILITY, AS WELL AS TWO LARGE MULTI-FAMILY APARTMENT PROJECTS.*

*9. CONDITION THAT MAKES THE REZONING NECESSARY: CONDITION 3 APPLIES TO THE REZONING OF THIS PROPERTY. THE SUBJECT PARCEL BEING CONSIDERED IS A "CORNER LOT" ON A BUSY TRAFFIC ARTERY OF WESTERN MOBILE CITY LIMITS, AND WOULD BE CONSIDERED A LOGICAL COMMERCIAL PARCEL. THE PARCELS ADJACENT TO AND NORTH OF THIS PROPERTY ARE ZONED B-3. THE REZONING FROM R-1 TO B-3 IS CONSISTENT WITH THESE ADJACENT COMMERCIAL LOTS WITH SIMILAR ZONING CLASSIFICATIONS AND DOES NOT ADVERSELY AFFECT ADJACENT REAL ESTATE USES. THEREFORE IT IS DESIRABLE TO EXTEND THE B-3 BOUNDARY DOWN TO SOMERBY DRIVE."*

This site is bounded to the north by properties within a B-3, Community Business District, to the west by B-2, Neighborhood Business District, to the south (across Somerby Drive) by R-1 Single Family Residential and R-3, Multi-Family Residential Districts, and to the east by an R-1 Single Family Residential District (the proposed 74- lot residential development).

The B-3 property abutting the site to the North was rezoned to B-3 in 1985. Most of the B-3 property is not developed; however, a small portion is utilized as the detention facility for the Providence Estates residential development. While the applicant is requesting B-3, many retail office and restaurant uses can occur in LB-2, Limited Neighborhood Business, or B-2, Neighborhood Business, which are lower classifications. As Somerby Drive will be a mix of residential developments, an LB-2 or B-2 classification may be more appropriate.

The applicant provided a site plan illustrating the proposed 12,000 square foot building to be utilized as retail/ office space. A minimum of 40 parking spaces are required for the proposed use, however 87 are depicted on the site plan. The review for rezoning is not site plan specific, however development of the site must fully comply with all applicable regulations. This includes tree and landscape, dumpster, parking lot, lighting, and sidewalks.

There is no indication of a privacy fence or vegetative buffer depicted on the site plan. A protection buffer will be required where the site abuts residentially zoned property.

## **RECOMMENDATION**

**Subdivision:** Based upon the preceding, the plat meets the minimum requirements of the Subdivision Regulations and is recommended for Tentative Approval, subject to the following conditions:

- 1) revision of the plat to depict the lot size in square feet and acres or the provision of a chart depicting that same information;
- 2) revision of the plat to depict the 25' minimum building setback line along all street frontages;
- 3) revision of the plat to depict the minimum existing right-of-way width along Cody Road South and Somerby Drive;
- 4) placement of a note on the Final Plat stating the lot is denied direct access to Cody Road and limited to the two proposed curb-cut to Somerby Drive with the size, design, and location to be approved by Traffic Engineering and in conformance with AASHTO standards;
- 5) full compliance with 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. Probate records indicate that the proposed LOT 1 is an existing lot, or part thereof of a Providence Coley Subdivision. Please clarify. C. Provide and label the monument set or found at each subdivision corner. D. Revise the plat to label each lot with its size in acres and square feet, or the furnishing of a table on the Plat providing the same information. E. Show and label the POB. F. Label the ownership of the adjoining parcel to the north. G. 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. H. 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. H. 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. I. Add a note to the plat stating that all proposed detention facilities, common areas, and wetlands shall be the responsibility*

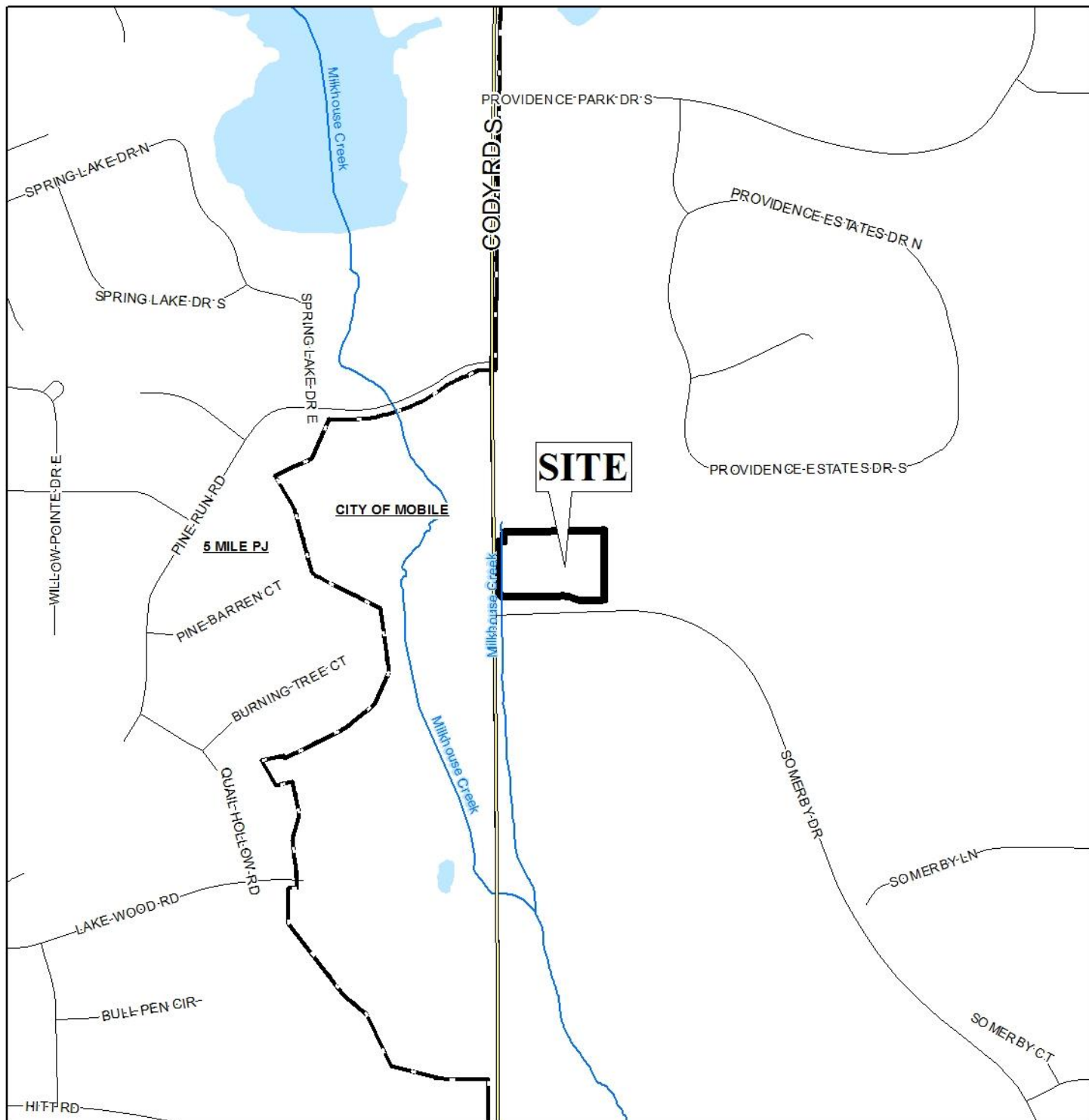
*of the Property Owner(s), and not the responsibility of the City of Mobile. J. Add a note to the plat stating that all easements shall remain in effect until vacated through the proper Vacation process. K. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. L. Provide a copy of the FINAL SUBDIVISION PLAT to the Engineering Dept. for review. No signatures are required on this drawing. M. After addressing all of the FINAL SUBDIVISION PLAT review comments by the Engineering Dept. provide the red-line markup, the ORIGINAL (with all other signatures) and one (1) copy of the revised original (signatures not required) of the revised Final Plat to the Engineering Department."*

- 6) full compliance with Traffic Engineering comments: *"Lot is denied access to Cody Road and limited to 2 curb cuts to Somerby Drive. Driveway size, location and design to be approved by 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."*;
- 7) 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). 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."*;
- 8) 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)."*; and
- 9) completion of the Subdivision process prior to the issuance of permits.

**Rezoning:** Based upon the preceding, the application is recommended for Approval as LB-2, Limited Neighborhood Business, 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 7 DATE November 15, 2018

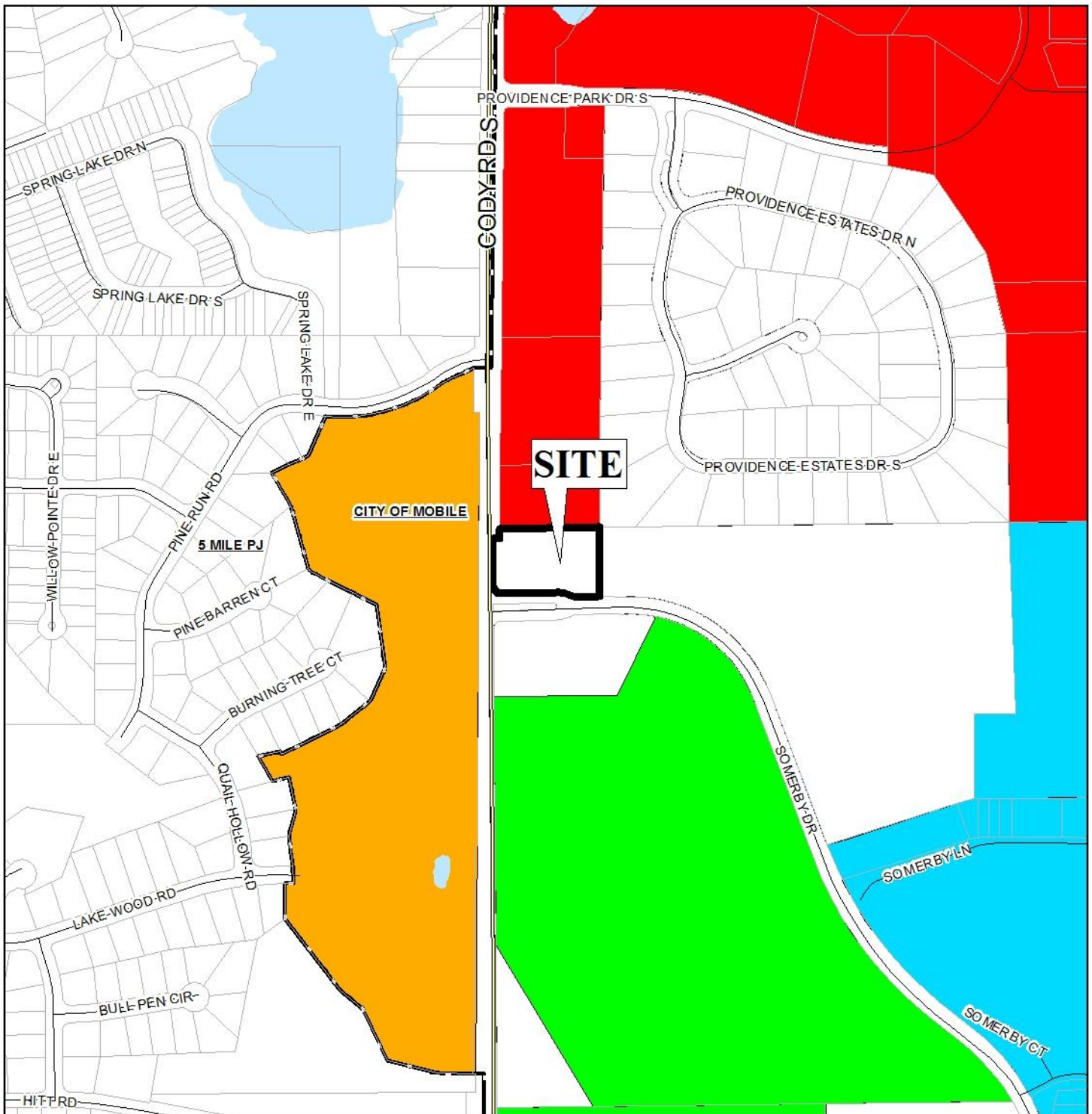
APPLICANT Addition to The Arbors at Somerby Park Subdivision

REQUEST Subdivision, Rezoning from R-1 to B-3





# LOCATOR ZONING MAP



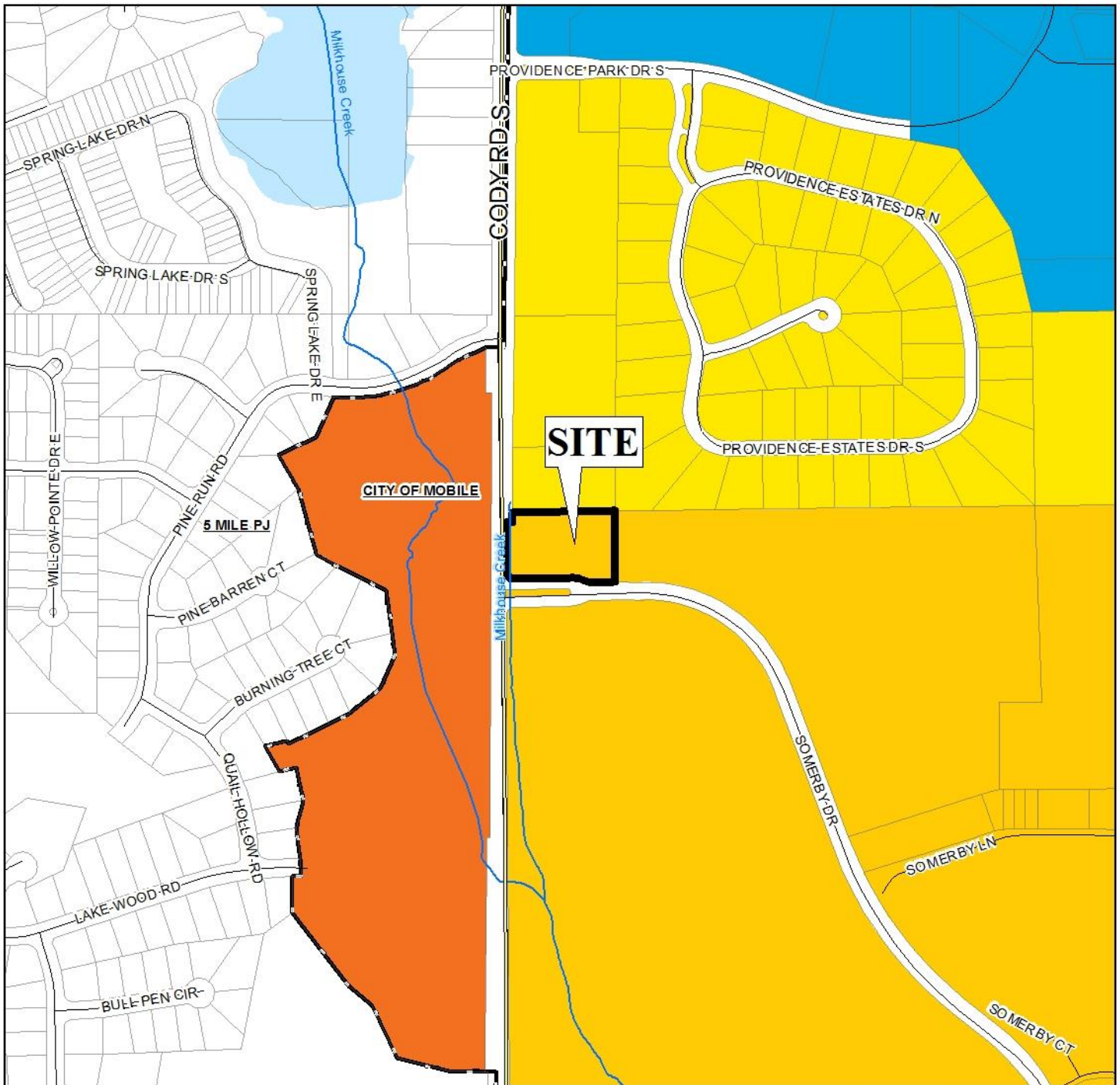
APPLICATION NUMBER 7 DATE November 15, 2018

APPLICANT Addition to The Arbors at Somerby Park Subdivision

REQUEST Subdivision, Rezoning from R-1 to B-3



# FLUM LOCATOR MAP



APPLICATION NUMBER 7 DATE November 15, 2018

APPLICANT Addition to The Arbors at Somerby Park Subdivision

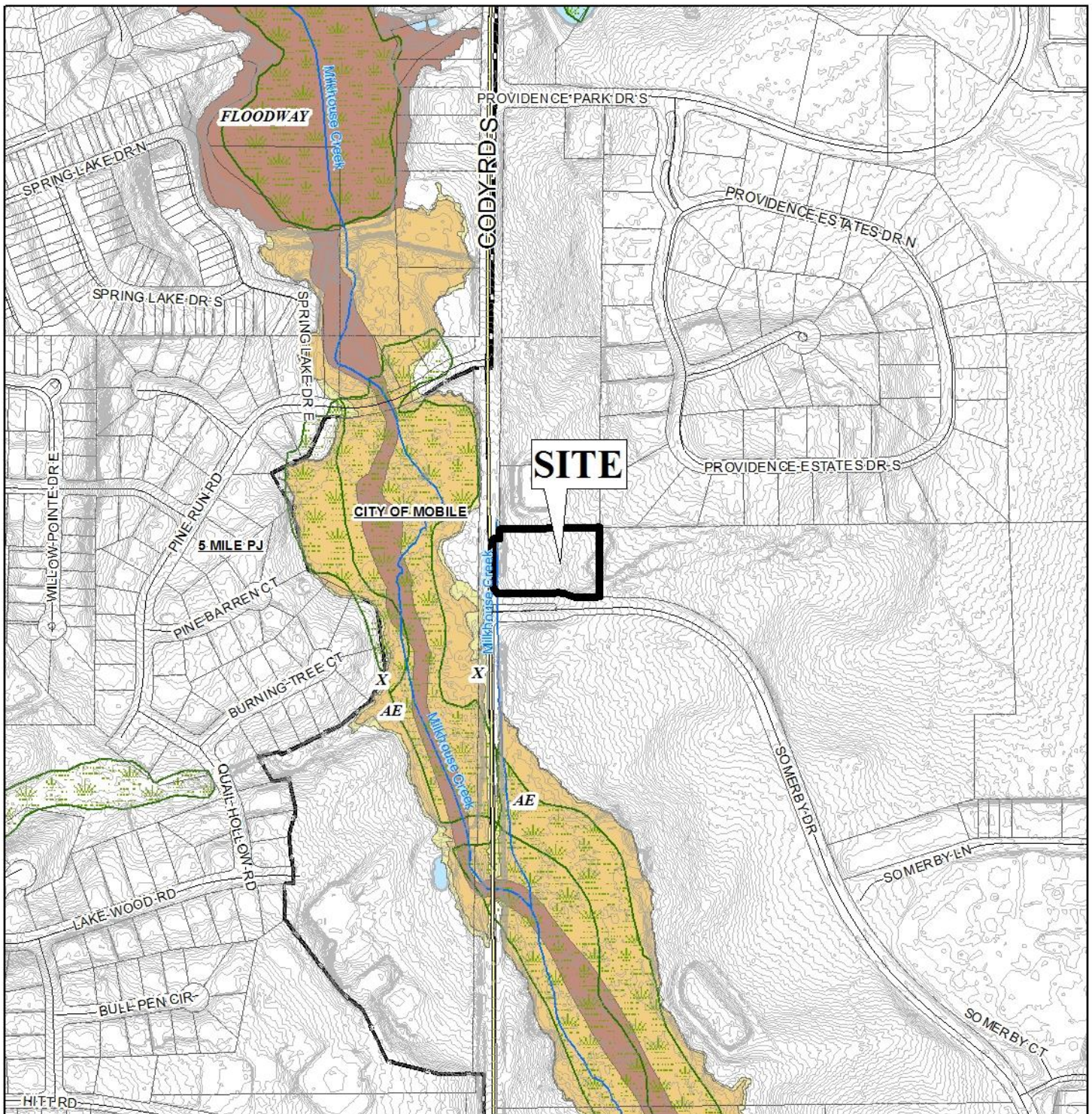
REQUEST Subdivision, Rezoning from R-1 to B-3

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

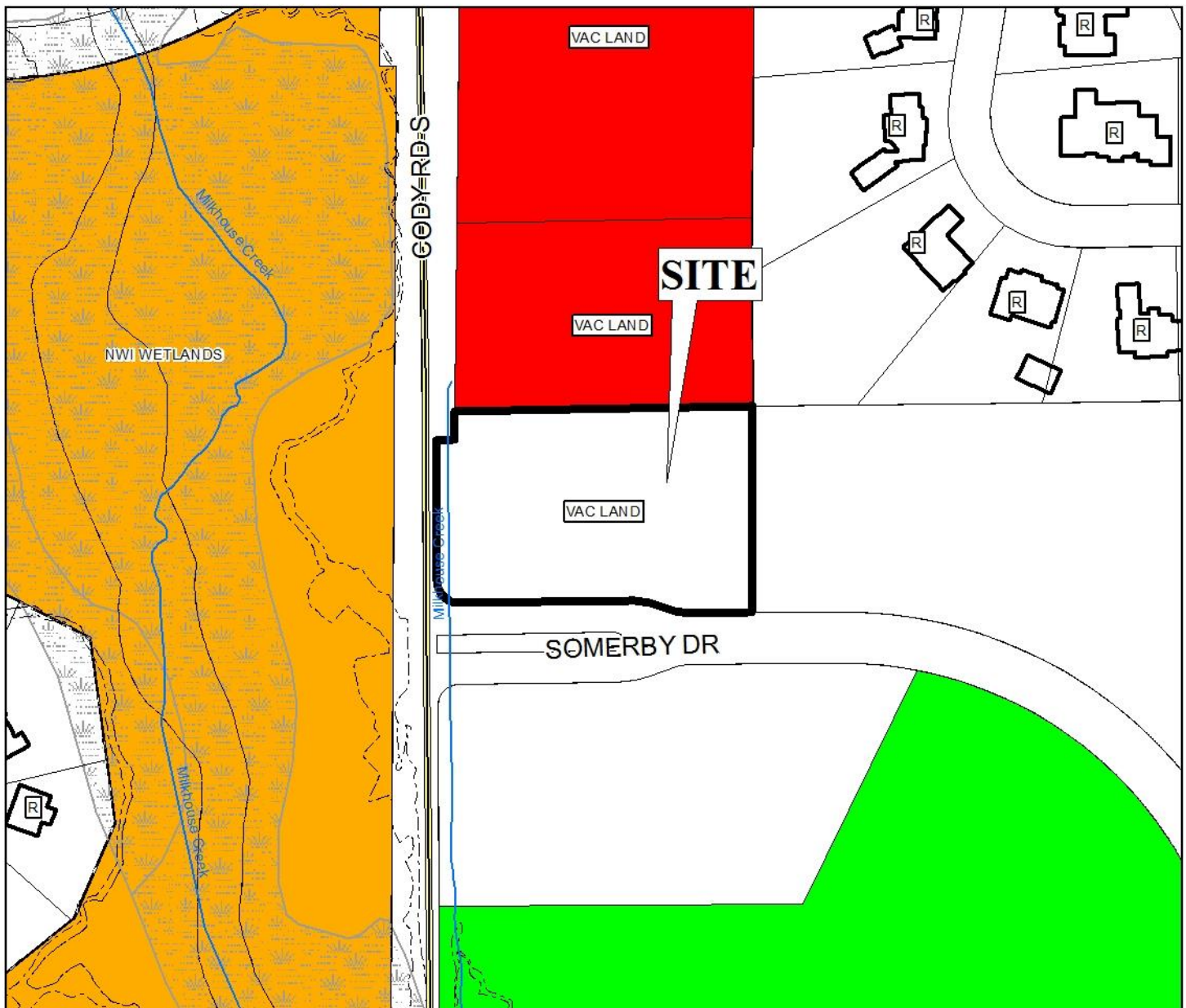


APPLICATION NUMBER 7 DATE November 15, 2018  
APPLICANT Addition to The Arbors at Somerby Park Subdivision  
REQUEST Subdivision, Rezoning from R-1 to B-3





# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by undeveloped land. Residences lie northeast of the site.

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REQUEST Subdivision, Rezoning from R-1 to B-3

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

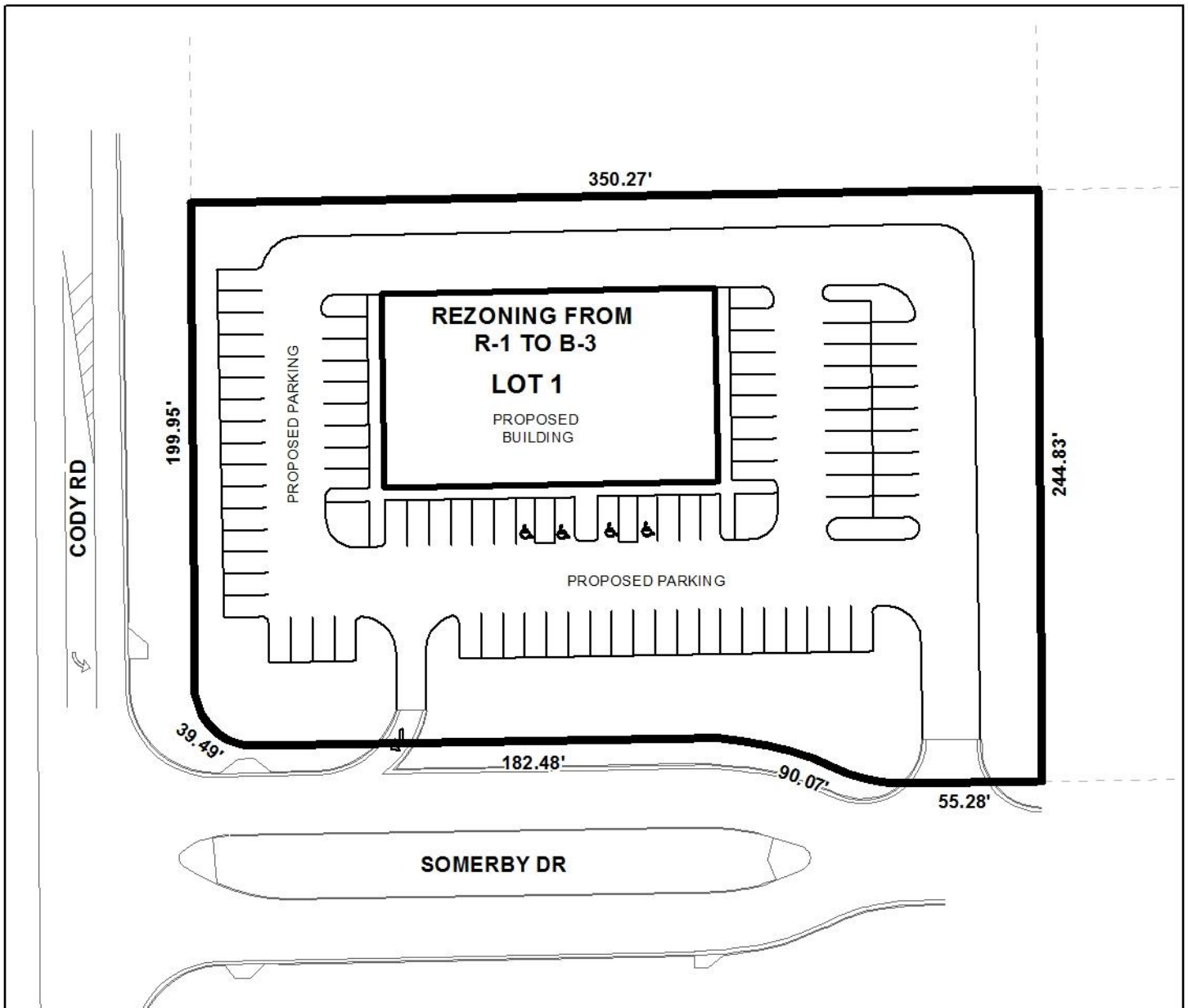


The site is surrounded by undeveloped land. Residences lie northeast of the site.

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# SITE PLAN



The site plan illustrates the proposed lot, building, and parking.

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