

**SUBDIVISION &
ZONING AMENDMENT STAFF REPORT****Date: May 19, 2016****APPLICANT NAME**

Colyjohn Associates, LLC

SUBDIVISION NAME

Thames Addition to Theodore Subdivision, Resubdivision of Lot 8

LOCATION5550, 5560, 5580 and 5590 Peary Road
(Southeast corner of Cary Hamilton Road and Peary Road).**CITY COUNCIL
DISTRICT**

Council District 4

PRESENT ZONING

R-1, Single-Family Residential District

PROPOSED ZONING

B-3, Community Business District

AREA OF PROPERTY

2 Lots/10.5± Acres

CONTEMPLATED USE

Subdivision Approval to create two legal lots of record from an existing legal lot of record, and Rezoning from R-1, Single-Family Residential District, to B-3, Community Business District, to allow automobile sales.

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 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 legible street names to the vicinity map.
- C. Provide and label the monument set or found at each subdivision corner.
- D. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer.
- E. Provide the Surveyor's Certificate and Signature.

- F. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
- 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. Provide a copy of the FINAL PLAT to the Engineering Dept. for FINAL PLAT review prior to obtaining any signatures.
- K. After FINAL PLAT review provide a copy of the Final Plat along with the original when submitting for City Engineer signature.

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, paving, and all above ground structures, 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. 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.
- 5. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

TRAFFIC ENGINEERING

COMMENTS

Lot A is limited to one curb cut per street frontage, and Lot B is limited to two curb cuts, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. 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).

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)

MAWSS

COMMENTS

MAWSS has only sewer services available, but a Capacity Assurance application for sewer service has not been applied for. MAWSS cannot guarantee sewer service until the Capacity application is approved by Volkert Engineering, Inc.

TIME SCHEDULE

FOR DEVELOPMENT

None given.

REMARKS

The applicant is requesting Subdivision Approval to create two legal lots of record from an existing legal lot of record; and Rezoning from R-1, Single-Family Residential District, to B-3, Community Business District, to allow automobile sales.

The site is located adjacent to US Highway 90 West which is indicated as a Suburban Corridor on the Development Framework Map - Corridors and Centers of the Map for Mobile. The Map for Mobile states that the development framework map and development area descriptions serve as a guide for future land use and design decisions and also for decisions regarding public improvements and projects. While the site is not specifically designated as a center, but rather within a Suburban Neighborhood, development should follow the guidelines and intent of a Suburban Neighborhood.

SUBURBAN CORRIDOR

Intent

- Accommodation of all users: automobile, bicycle, pedestrian and transit
- Greater connectivity to surrounding neighborhoods
- Development concentrated in centers rather than in strips along the corridor
- Eventual increase in density with residential above retail and services
- Increased streetscaping
- Improve traffic flow

SUBURBAN NEIGHBORHOOD**Intent**

- Emphasize connectivity to surrounding neighborhoods and close services and retail
- Accommodation of pedestrian and bicycle traffic in addition to automobiles
- Appropriate scaled infill development to complement existing character of neighborhoods

A consultant has been hired to review and rewrite the Zoning Ordinance and Subdivision Regulations, as well as develop a new Major Street Plan Map and General Land Use Plan Map. This will be a 24-30 month process. Until that project is completed and the new documents are adopted, we continue to operate under the existing Zoning Ordinance and Subdivision Regulations.

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.

Thames Addition to Theodore Subdivision was approved by the Commission in 1994 as an 8-lot subdivision prior to annexation into the City of Mobile. The purpose of this application is to resubdivide the largest lot, Lot 8, into two lots and rezone the smaller of the two new lots to B-3 to allow automobile sales. The larger lot would remain R-1. The applicant states that the site is served by public water and sanitary services.

Both lots would meet the minimum size requirements of Section V.D.2. of the Subdivision Regulations. As on the preliminary plat, the Final Plat should retain the lot size labels, after any required dedication, or a table should be furnished on the Final Plat providing the same information.

The site fronts onto Cary Hamilton Road and Peary Road which are both minor streets. Peary Road is erroneously labeled as Peary Drive on the preliminary plat; therefore, if approved, this label should be corrected on the Final Plat. Cary Hamilton Road is a paved road without curb and gutter but with a compliant 60' right-of-way; therefore, no dedication would be required. Peary Road is also paved but with no curb and gutter and only a 30' right-of-way; therefore, dedication to provide 30' from the centerline of Peary Road would be required. A 25' radius curve dedication would also be required at the intersection of Peary Road and Cary Hamilton Road. The plat indicates the frontage and corner radius dedications and these should be retained on the Final Plat. The plat indicates the 25' minimum building setback line along Cary Hamilton Road as measured from the existing right-of-way and along Peary Road as measured from the right-of-way after frontage dedication, and these should also be retained on the Final Plat.

As a means of access management, Lot A should be limited to one curb cut per street frontage, and Lot B should be limited to two curb cuts, with the size, location and design of all curb cuts to be approved by Traffic Engineering and conform to AASHTO standards.

It should be noted that the recorded plat of Thames Addition to Theodore Subdivision indicates several structures on Lot 8. A staff visit to the site revealed all structures have been removed. . One structure set back a distance from Peary Road was demolished prior to annexation in 2009, but aerial photographs taken in 2010 indicate four remaining structures immediately fronting Peary Road, and the 2014 aerial photograph indicates only a white block building remaining approximately 250' South of Cary Hamilton Road. That building was demolished in 2015 via a demolition permit. The other three buildings were demolished after annexation without the proper demolition permits. However, as the property ownership has changed since, after-the-fact demolition permits would not be required.

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.

It should be noted that the Map for Mobile Plan is meant to serve as a general guide, not a detailed lot and district plan or mandate for development. Moreover, the Plan 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.

As previously mentioned, the site is within a Suburban Corridor/Neighborhood as designated by the Map for Mobile with the intent to emphasize connectivity to surrounding neighborhoods and close services and retail; accommodate pedestrian and bicycle traffic in addition to automobiles; and, have appropriate scaled infill development to complement existing character of neighborhoods. When compared to surrounding zoning classifications and land uses, the Suburban Neighborhood designation for the surrounding area is generally quite appropriate. The site is bounded to the North (across Cary Hamilton Road) by vacant R-A, Residential-Agricultural properties, and adjacent to the North by vacant R-1 properties; to the East by vacant R-1 property; to the South by B-3 property; and to the East (across Peary Road) by vacant R-1 properties and the CSX Railroad line. Within the block bounded by Cary Hamilton Road, Peary Road, Bellingrath Road and Old Military Road, there is only one active business, an automotive repair shop on Bellingrath Road. Therefore, within the context of both the Map for Mobile to have appropriate scaled infill development to complement the existing character of neighborhoods, and the intent of Chapter 64-9.A. of the Zoning Ordinance to promote sound, stable and desirable development, the proposed rezoning would be out of character because it would create spot zoning and would not be compatible with other surrounding zonings. The site would also contain only 0.68 acres, well below the four acres prescribed by the Zoning Ordinance for new B-3 sites.

There have not been any attempted Rezoning within the immediate area since annexation which would demonstrate changes in conditions or an increase in the need for business or industry which would justify the Rezoning request.

The site plan provided illustrates the proposed 1,000 square-foot office building and a 1,250 square-foot maintenance garage; however, as there are two structures proposed on the site, a Planned Unit Development application should have been submitted to allow the two buildings on a single building site. No dumpster is indicated nor is any buffering along the Southern edge of the site adjacent to R-1 zoning. There is no public sidewalk indicated along the street frontages. Compliant parking, access and maneuvering is indicated. The site plan does account for dedications required for the Subdivision.

RECOMMENDATION

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

- 1) retention of the lot size labels in both square feet and acres, adjusted for any required dedication, or the furnishing of a table on the Final Plat providing the same information;
- 2) correction of the Peary Drive label to read Peary Road on the Final Plat;
- 3) retention of the dedication sufficient to provide 30' from the centerline of Peary Road;
- 4) retention of the dedication sufficient to provide a 25' radius curve at the intersection of Peary Road and Cary Hamilton Road;
- 5) retention of the 25' minimum building setback line along Cary Hamilton Road from the existing right-of-way line;
- 6) retention of the 25' minimum building setback along Peary Road from the future right-of-way after any required dedication;
- 7) placement of a note on the Final Plat stating that Lot A is limited to one curb cut per street frontage, and Lot B is limited to two curb cuts, with the size, location and design of all curb cuts to be approved by Traffic Engineering and conform to AASHTO standards;
- 8) subject to the Engineering comments: *[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 legible street names to the vicinity map. C. Provide and label the monument set or found at each subdivision corner. D. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer. E. Provide the Surveyor's Certificate and Signature. F. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. 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.*

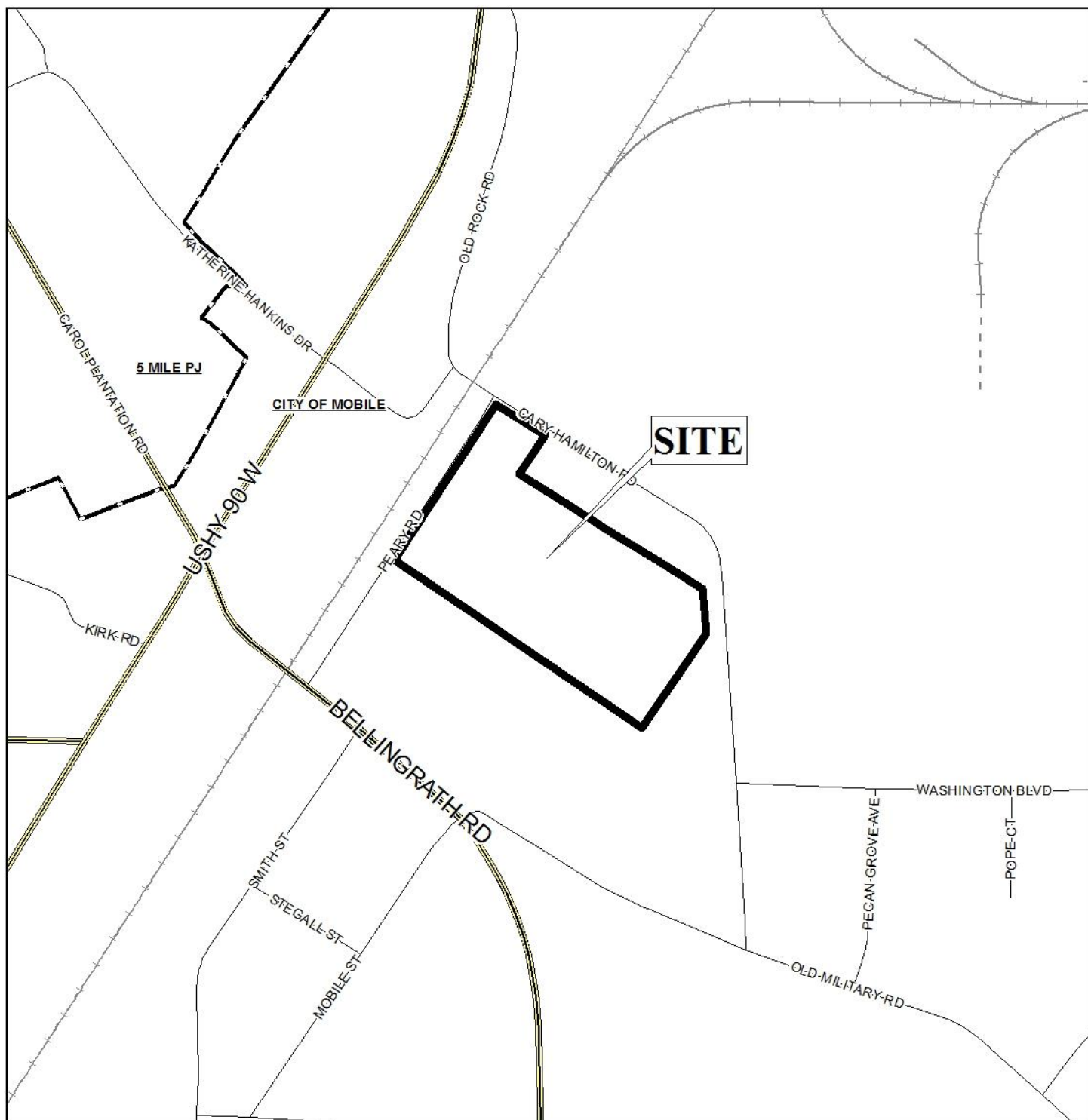
H. Add a note to the Plat stating that the approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. I. Add a note that sidewalk is required to be constructed, 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. Provide a copy of the FINAL PLAT to the Engineering Dept. for FINAL PLAT review prior to obtaining any signatures. K. After FINAL PLAT review provide a copy of the Final Plat along with the original when submitting for City Engineer signature.];

- 9) subject to the Traffic Engineering comments: *(Lot A is limited to one curb cut per street frontage, and Lot B is limited to two curb cuts, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. On-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.);*
- 10) subject to 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).]; and*
- 11) subject to 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, the application is recommended for Denial for the following reasons:

- 1) the Rezoning would create a spot-zoning situation within the area as opposed to an appropriately-scaled infill development and would be out of character with the neighborhood;
- 2) the proposed B-3 District would be well below the 4-acre guideline of Section 64-9.A.2. of the Zoning Ordinance;
- 3) there have not been any attempted Rezoning within the immediate area since annexation which would demonstrate changes in conditions or an increase in the need for business or industry which would justify the Rezoning request; and
- 4) the entire site appears to be depicted as a Suburban Neighborhood Development Area, per the recently adopted Map for Mobile Plan, which generally puts more emphasis on residential use as opposed to commercial use.

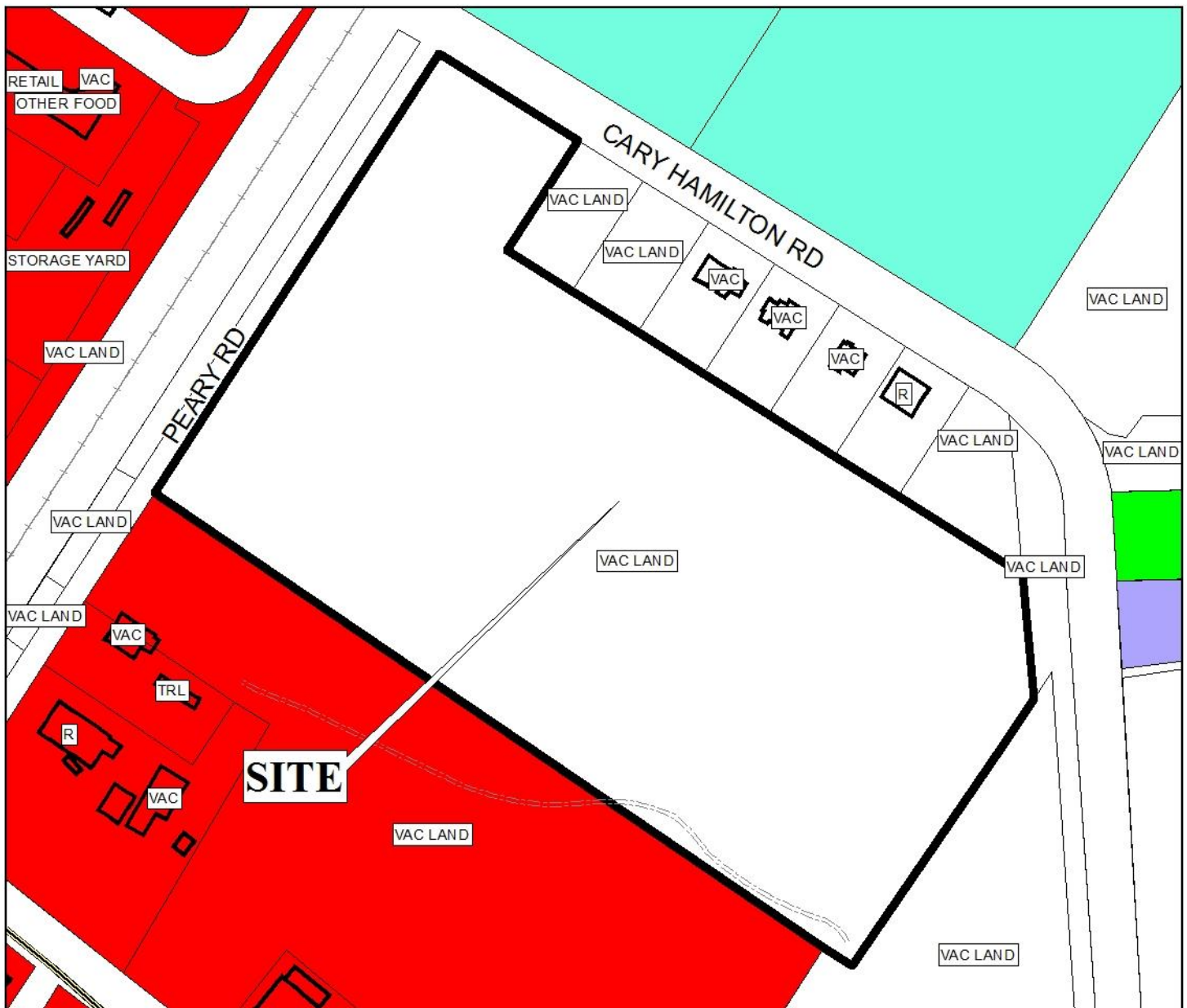
LOCATOR MAP



APPLICATION NUMBER 7 DATE May 19, 2016
APPLICANT Thames Addition to Theodore Subdivision, Resubdivision of Lot 8
REQUEST Subdivision, Rezoning from R-1 to B-3



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential and commercial units.

APPLICATION NUMBER 7 DATE May 19, 2016
 APPLICANT Thames Addition to Theodore Subdivision, Resubdivision of Lot 8
 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 ZONING

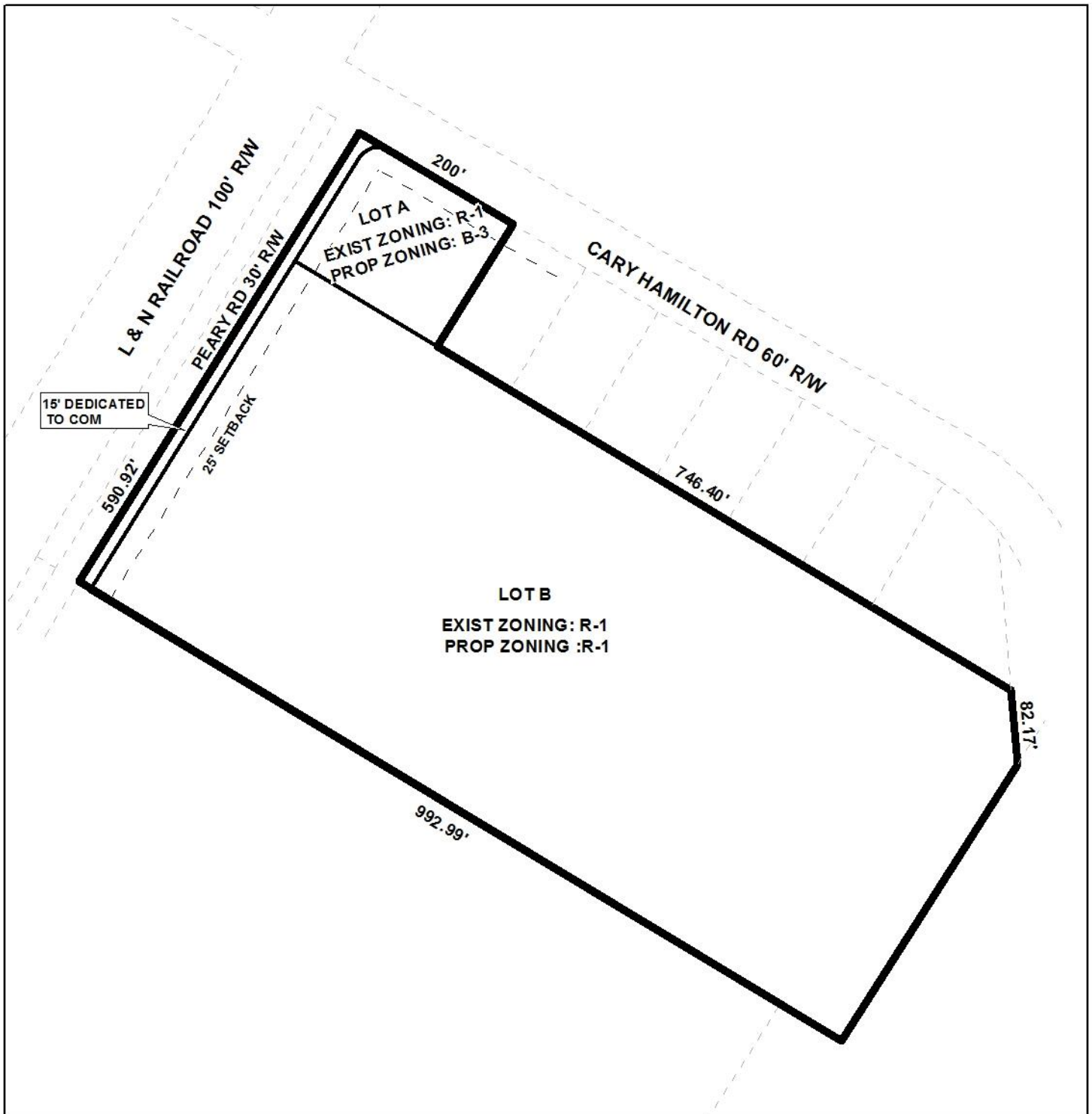


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SITE PLAN



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



DETAIL SITE PLAN



The site plan illustrates the existing structures, parking, setback, and area to be rezoned.

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