

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

Date: August 7, 2014

NAME

Don Williams

SUBDIVISION NAME

Scientist Subdivision

LOCATION

1151 Dauphin Street
(Southwest corner of Dauphin Street and Oakland Terrace)

**CITY COUNCIL
DISTRICT**

District 2

CURRENT ZONING

R-1, Single-Family Residential District, and B-1, Buffer Business District

PROPOSED ZONING

B-1, Buffer Business District

**REASON FOR
REZONING**

To eliminate split zoning in a proposed Subdivision.

AREA OF PROPERTY

1 Lot / 1.4± Acres

CONTEMPLATED USE

Subdivision approval to create 1 legal lot of record, Planned Unit Development Approval to allow multiple buildings on a single building site, and Rezoning from R-1, Single-Family Residential District, and B-1, Buffer Business District, to B-1, Buffer Business District to eliminate split zoning in a proposed Subdivision.

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**

No timeframe provided.

**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.
- C. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 29 - #76) 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. Revision of 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.
- F. Provide a written legal description for the proposed subdivision and matching bearing and distance labels.
- G. Show and label each and every Right-Of-Way and easement.
- H. Provide and label the monument set or found at each subdivision corner.
- I. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer.
- J. Provide the Surveyor's Certificate and Signature.
- K. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
- L. Add a note that sidewalk is required to be constructed along the frontage of each lot, or parcel, at time of development, unless a sidewalk waiver is approved.
- M. Submit a request for the Vacation of the existing 8' wide alley to the City Clerk's office.
- N. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature..

Planned Unit Development: ADD THE FOLLOWING NOTES TO THE PUD SITE PLAN:

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 the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); 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 proposed development must comply with all Engineering Department Policy Letters.

TRAFFIC ENGINEERING

COMMENTS

Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. The minimum acceptable width is 20', and any driveway or access aisle must meet this standard. 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).

Planned Unit Development: Preservation status is to be given to the 54" and 42" Live Oak Trees located near the proposed house #2. Any work on or under these trees is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.

MAWSS COMMENTS

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

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.

The applicant is requesting Subdivision approval to create one legal lot of record, Planned Unit Development Approval to allow multiple buildings on a single building site, and Rezoning from

R-1, Single-Family Residential District, and B-1, Buffer Business District, to B-1, Buffer Business District, to eliminate split zoning in a proposed Subdivision.

The applicant proposes to create one legal lot of record from three existing legal lots of record and two existing metes-and-bounds parcels, and utilize the new lot for an office building (within a vacated existing church) with five proposed single-family residential dwellings. Since the over-all site currently contains R-1 and B-1 zoning, the new lot is proposed to be B-1 zoning to eliminate the split zoning and allow the proposed uses. The associated Planned Unit Development would allow for the multiple buildings on the one lot and also allow for reduced vehicle access and maneuvering areas.

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 if any new construction is anticipated that will change an approved site plan, an application to amend an existing, approved PUD must be made prior to any construction activities.

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.

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 current B-1 portion of 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. 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 R-1 portion of the site was originally designated R-3, Multi-Family Residential District, with the adoption of the Zoning Ordinance in 1967. In 1994, a large area of the Old Dauphin Way area was rezoned from R-3 to R-1 which included the now-R-1 portion of this site. This portion is depicted as residential on the General Land Use Component. The entire site is within the Old Dauphin Way Historic District.

The applicant states that the desire is to eliminate the split zoning for the existing church property. The change would be B-1 for the entire lot which would enable the construction of the five houses by right. The applicant also states that it is believed there is a manifest error in the Zoning Ordinance.

The site is bounded to the North by Dauphin Street with mixed uses of single-family residential, multi-family residential and offices; to the East by Oakland Terrace with single-family and multi-family residential uses; to the South by single-family residential use and a dormitory associated with the Alabama School of Math and Science; and to the West by offices.

As a one-lot Subdivision of the property is proposed, the rezoning to one classification would be required and the predominant B-1 zoning would be appropriate for the proposed uses. Also, the 1994 rezoning from R-3 to R-1 for the Southern portion of the church site could be considered as done in error. Since the church buildings spanned three lots, the lower two of which were zoned R-3, a rezoning to B-1 would have seemed more appropriate for the use as a church by right.

The site has frontage on Dauphin Street, a proposed major street, and Oakland Terrace, a minor street. Dauphin Street has an existing right-of-way of 60', which is less than the 100' required by the Major Street Plan component of the Comprehensive Plan. As no new road construction is currently planned or anticipated, it is recommended that no right-of-way dedication be required. However, the plat should be revised to indicate a future right-of-way line 50' from the centerline of Dauphin Street, with a 25' minimum building setback line as measured from the future right-of-way line. Oakland Terrace has a compliant 50' right-of-way; therefore, no dedication would be required. However, the plat should be revised to illustrate the 25' minimum building setback line along Oakland Terrace as measured from the existing right-of-way line. A 25'-radius curve should be dedicated at the intersection of Dauphin Street and Oakland Terrace to coincide with the existing rights-of-way of both streets.

As a means of access management, a note should be required on the Final Plat stating that the lot is limited to the existing curb cuts on Dauphin Street and Oakland Terrace, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.

The plat does not indicate the lot size. Therefore, the plat should be revised to label the lot size in square feet and acres, after any required dedication and after the vacation of the unopened public alley, or a table should be furnished on the Final Plat providing the same information.

There is an existing unopened and unnamed 8'-wide public alley extending Southward from Dauphin Street generally through the center of the site and which completely separates the three existing lots on the East of the site from the two existing metes-and-bounds parcels on the West of the site. This alley is indicated as to be vacated on the plat. Thus, the Vacation of Right-of-Way process should be completed prior to signing of the Final Plat. It should be noted that the first house fronting Oakland Terrace, abutting the alley, does use the alley for its only point of vehicular access.

The applicant proposes to re-use the existing church buildings as general offices with no proposed expansion, and construct five single-family dwellings on the Western portion of the site. The existing curb cuts to Dauphin Street and Oakland Terrace are proposed to remain, but new asphalt paving and parking areas will be provided. Compliant parking stalls are proposed throughout; however, access and maneuvering areas vary from a 20'-width along the South of the existing buildings, to 22' along the West side of the buildings. As Traffic Engineering has indicated that 20' is the minimum acceptable width, such can be allowed via the PUD. The new parking area to the West is proposed to have a compliant 24'-wide access and maneuvering area.

With regard to the proposed mixed-use of the site, the existing 7,200 square-foot church building will remain, to be used as offices, and five 1,400 square-foot-minimum, 1-1/2-story single-family dwellings are proposed. As all structures are to be on the one lot, adequate green space must be provided. The site plan indicates that the residential portion of the site comprises 32,500 square feet. With 700 square feet of common area per dwelling unit required, a total of 3,500 square feet of common area are required, and 21,000 square feet are indicated to be provided. For the commercial portion, no landscaping calculations are provided, but if the total site consists of 1.4 acres (60,984 square feet), and the residential portion consists of 32,500 square feet, the commercial portion would then consist of 28,484 square feet. Of that, 12%, or 3,418 square feet of total landscaping would be required, and of that, 60%, or 2,051 square feet of frontage landscaping would be required. Staff calculations indicate landscaping compliance for the commercial portion also, but the site plan should be revised to also provide full landscaping calculations for the commercial portion. Landscaping calculations should be based upon the entire site as a whole and not broken down into residential use or commercial use.

The existing 42" and 54" Live Oak trees within the Western portion of the site are proposed to remain and, as per the Urban Forestry comments, are to be given Preservation status. The 36" Live Oak along Dauphin Street and the 54" Live Oak along Oakland Avenue are also proposed to remain. No tree planting plan is provided; however, if approved, the site plan should be revised to indicate a tree planting plan. As there is existing residential zoning adjacent to the South of the site, a 6' high wooden privacy fence would be required wherever the site is adjacent to residential zoning.

There is no indication of a dumpster on the site plan, nor is there any note stating alternative refuse collection provisions. Therefore, the site plan should be revised to indicate a compliant dumpster and pad, or a note should be furnished on the site plan stating that refuse collection will be either by curb-side pickup or private collection services.

Finally, the site will have 32 parking spaces. Parking areas with more than 10 spaces and that are used at night must be illuminated. Any existing and any new lighting must comply with the Zoning Ordinance requirements, including the provision that "lighting facilities used to illuminate signs, parking areas, or for other purposes shall be so arranged that the source of light does not shine directly into adjacent residence properties or into traffic." As the site will have more than 25 parking spaces, the applicant must submit information regarding new parking area lighting fixtures (including photometrics), indicate the locations on the site plan, and submit information regarding how any existing site lighting will be modified to comply with the requirements of Sections 64-4.A.2. and 64-6.A.3.c. and 64-6.A.8. of the Zoning Ordinance.

RECOMMENDATION

Rezoning: Based on the preceding, this application is recommended for approval, subject to the following conditions:

- 1) completion of the Subdivision process prior to the forwarding of the Rezoning amendment to the City Council;
- 2) limited to an approved Planned Unit Development; and
- 3) full compliance with all municipal codes and ordinances.

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

- 1) revision of the site plan to indicate a future right-of-way line 50' from the centerline of Dauphin Street;
- 2) revision of the site plan to illustrate the 25' minimum building setback line as measured from the future right-of-way line of Dauphin Street;
- 3) revision of the site plan to illustrate the 25' minimum building setback line along Oakland Terrace as measured from the existing right-of-way line;
- 4) revision of the site plan to provide landscaping ratios for both the residential portion and the commercial portion of the site;
- 5) revision of the site plan to provide tree planting calculations and a tree planting schedule;
- 6) placement of a note on the site plan stating that Preservation status is to be provided for the 42" and 54" Live Oak trees on the Western portion of the site and any work on or

- under these trees is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger;
- 7) revision of the site plan to provide a tree planting plan;
 - 8) revision of the site plan to provide a 6' high wooden privacy fence wherever the site is adjacent to residential zoning;
 - 9) revision of the site plan to indicate a compliant dumpster and pad, or the placement of a note on the site plan stating that refuse collection will be either by curb-side pickup or private collection services;
 - 10) submittal of a lighting plan for the site regarding new parking area lighting fixtures (including photometrics), indicating the locations, and submittal of information regarding how any existing site lighting will be modified to comply with the requirements of Sections 64-4.A.2. and 64-6.A.3.c. and 64-6.A.8. of the Zoning Ordinance;
 - 11) subject to the Engineering comments: *[ADD THE FOLLOWING NOTES TO THE PUD SITE PLAN: 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 the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); 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 proposed development must comply with all Engineering Department Policy Letters.];*
 - 12) subject to the Traffic Engineering comments: *(Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. The minimum acceptable width is 20', and any driveway or access aisle must meet this standard. 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.);*
 - 13) subject to the Urban Forestry comments: *(Preservation status is to be given to the 54" and 42" Live Oak Trees located near the proposed house #2. Any work on or under these trees is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.);*
 - 14) subject to the 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.); and*

- 15) submittal of two (2) copies of a revised site plan indicating compliance with these approval conditions prior to signing the Final Plat for the Subdivision; or submittal for building permits.

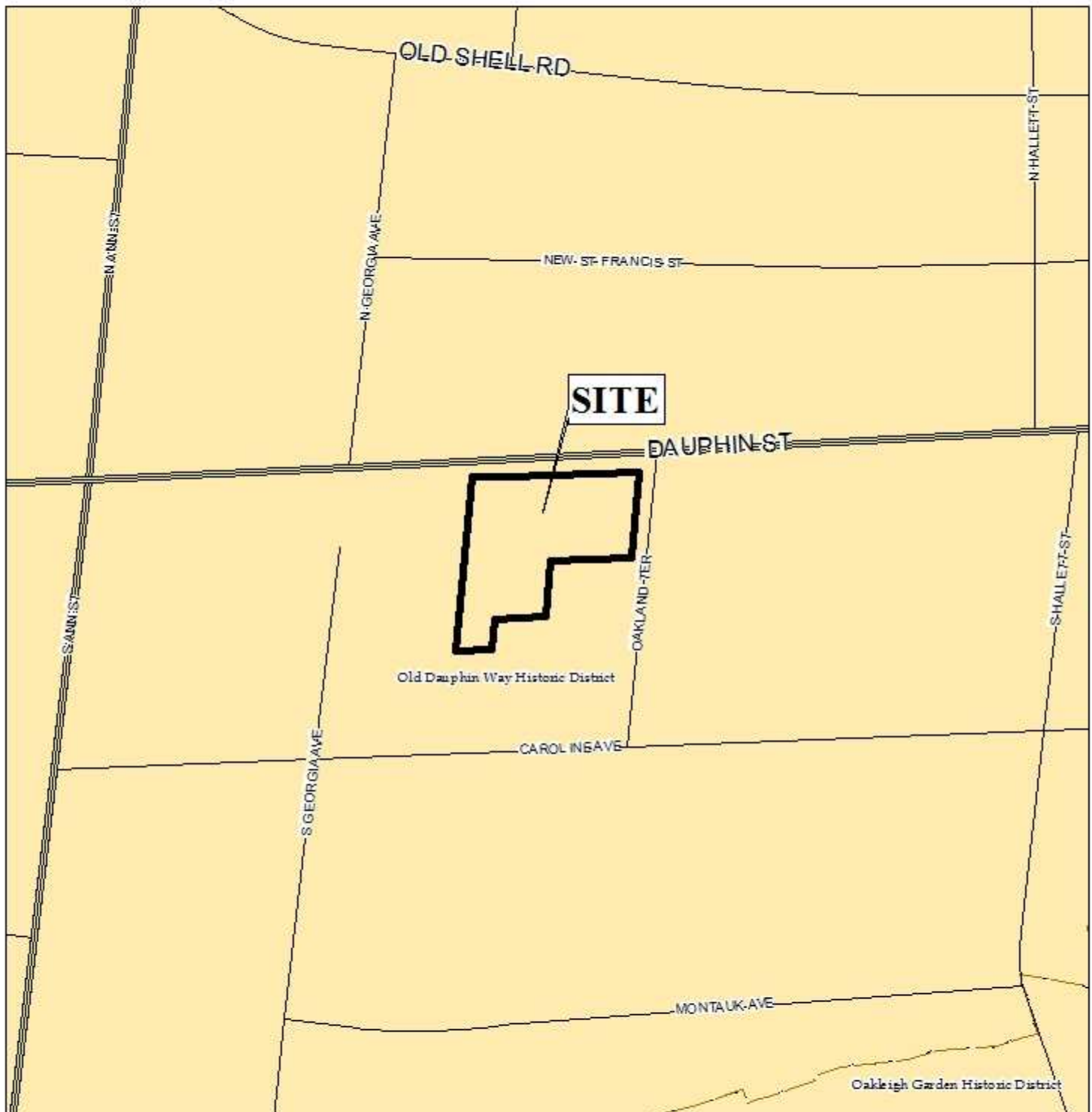
Subdivision: The plat meets the minimum requirements of the Subdivision Regulations and is recommended for tentative approval, subject to the following conditions:

- 1) revision of the plat to indicate a future right-of-way line 50' from the centerline of Dauphin Street;
- 2) revision of the plat to illustrate the 25' minimum building setback line as measured from the future right-of-way line of Dauphin Street;
- 3) revision of the plat to illustrate the 25' minimum building setback line along Oakland Terrace as measured from the existing right-of-way line;
- 4) dedication to provide a 25'-radius curve at the intersection of Dauphin Street and Oakland Terrace, to coincide with the existing rights-of-way of both streets;
- 5) placement of a note on the Final Plat stating that the lot is limited to the existing curb cuts along Dauphin Street and Oakland Terrace, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards;
- 6) revision of the plat to label the lot with its size in square feet and acres, after any required dedication and after the vacation of the unopened public alley, or the furnishing of a table on the Final Plat providing the same information;
- 7) placement of a note on the Final Plat stating that Preservation status is to be provided for the 42" and 54" Live Oak trees on the Western portion of the site and any work on or under these trees is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger;
- 8) completion of the Vacation process for the unopened public alley in the middle of the site prior to signing the Final Plat;
- 9) 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 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. C. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 29 - #76) 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. Revision of 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. F. Provide a written legal description for the proposed subdivision and matching bearing and distance labels. G. Show and label each and every Right-Of-Way and easement. H. Provide and label the monument set or found at each subdivision corner. I. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer. J. Provide the Surveyor's Certificate and Signature. K. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. L. Add a note that sidewalk is required to be constructed along the frontage of each lot, or parcel, at time of development, unless a sidewalk waiver is approved. M. Submit a request for the Vacation of the existing 8' wide alley to the City Clerk's office. N. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.];

- 10) subject to the Traffic Engineering comments: (Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. The minimum acceptable width is 20', and any driveway or access aisle must meet this standard. 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.);
- 11) 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 61-929 and City Code Chapters 57 and 64);
- 12) subject to the 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.); and
- 13) submittal of two (2) copies of a revised PUD site plan indicating compliance with the PUD approval prior to signing the Final Plat.

LOCATOR MAP



APPLICATION NUMBER 8, 9 & 10 DATE August 7, 2014

APPLICANT Scientist Subdivision

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



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



This site is surrounded by residential and commercial zoning.

APPLICATION NUMBER 8, 9 & 10 DATE August 7, 2014

APPLICANT Scientist Subdivision

REQUEST Subdivision, PUD, 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



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



This site is surrounded by residential and commercial zoning.

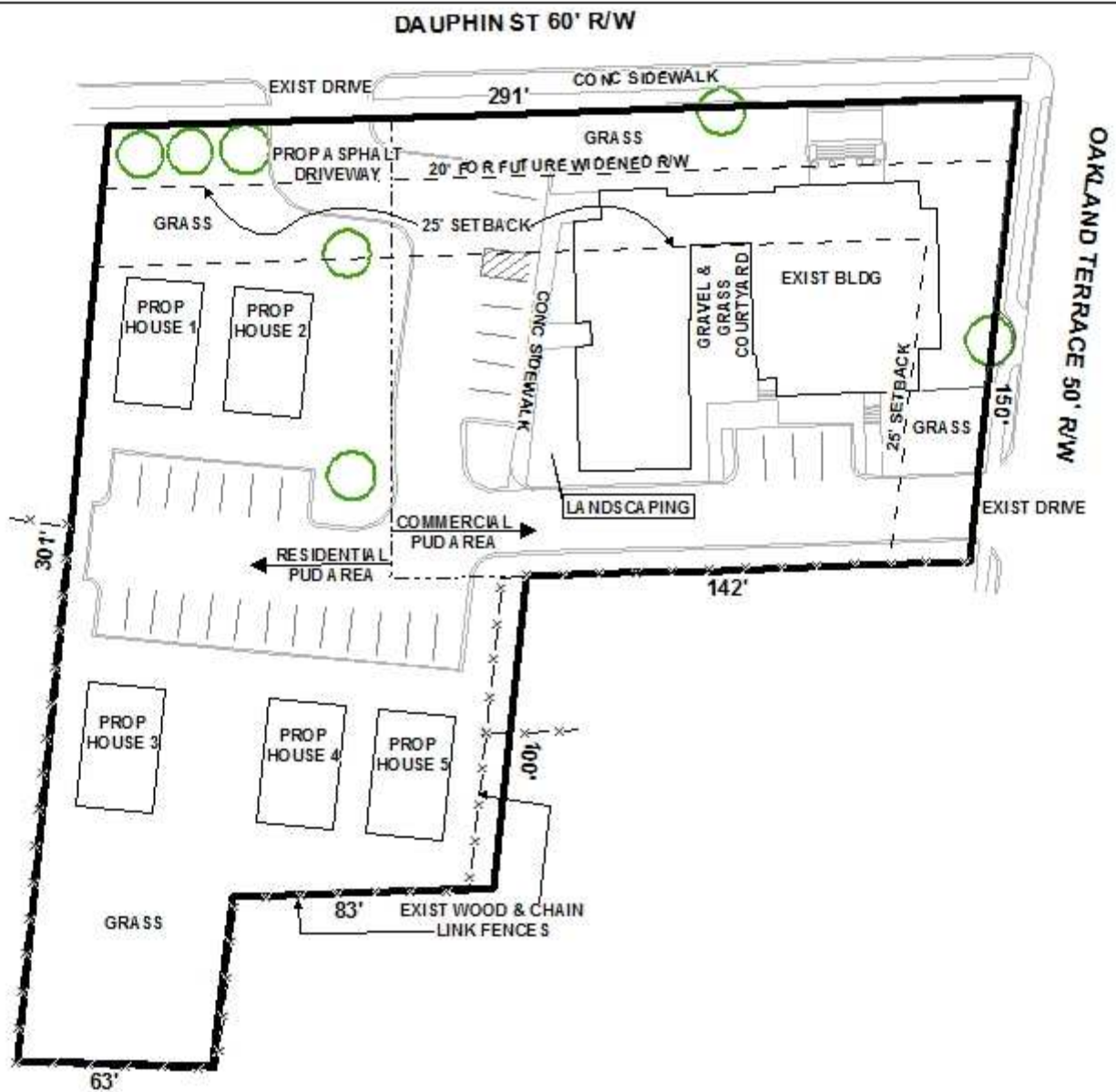
APPLICATION NUMBER 8, 9 & 10 DATE August 7, 2014

APPLICANT Scientist Subdivision

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



SITE PLAN



The site plan illustrates existing building, proposed houses, and proposed parking.

APPLICATION NUMBER 8, 9 & 10 DATE August 7, 2014

APPLICANT Scientist Subdivision

REQUEST Planned Unit Development

