

**ZONING AMENDMENT
& SUBDIVISION STAFF REPORT****Date: December 19, 2019****APPLICANT NAME**

Stewart Surveying, Inc.

SUBDIVISION NAME

Downtown West Subdivision, Unit 1, Resubdivision of Lot 13

LOCATION758 Downtown Boulevard and 4312 Midmost Drive
(West side of Downtown Boulevard, 130'± North of Midmost Drive, extending to the North side of Midmost Drive, 275'± West of Downtown Boulevard)**CITY COUNCIL
DISTRICT**

District 5

PRESENT ZONING

B-2, Neighborhood Business District and B-3, Community Business District

PROPOSED ZONING

B-3, Community Business District

AREA OF PROPERTY

1 Lot / 1.4 ± Acres

CONTEMPLATED USE

Subdivision approval to create 1 lot from 2 legal lots, and Zoning approval to rezone the site from B-2, Neighborhood Business District, and B-3, Community Business District, to B-3, Community Business District.

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.

**REASON FOR
REZONING**

To eliminate split-zoning.

**TIME SCHEDULE
FOR DEVELOPMENT**

Not provided.

**ENGINEERING
COMMENTS****Subdivision**

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. Revise the plat to label each LOT with a unique designator (i.e. LOT 1, LOT A).
- C. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
- D. Add a note to the SUBDIVISION PLAT stating that LOT 1 and LOT 2 must provide stormwater detention for the 100 year (post-development) frequency storm event and limit the release rate to the 2 year (predevelopment) frequency storm event.
- E. This area has been designated by the City Engineer as an area prone to localized flooding. Any development must meet the requirement of providing detention for the postdeveloped 100 yr storm event with an allowable release rate equal or less than the predeveloped 2 yr storm event.
- F. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 23 - #75) the Lot will receive NO historical credit of impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control.
- 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 a copy of the FINAL SUBDIVISION PLAT and LETTER OF DECISION to the Engineering Dept. for review. No signatures are required on the drawing. Place the information for the Subdivision Plat on the PLAT Review sign-in sheet.
- M. After addressing all of the FINAL SUBDIVISION PLAT review comments 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. Place the information for the Subdivision Plat on the PLAT Review sign-in sheet.

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

The lot is limited to one curb cut to each street, with 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 lot from 2 legal lots, and Zoning approval to rezone the site from B-2, Neighborhood Business District, and B-3, Community Business District, to B-3, Community Business District.

The portion of the site fronting Downtowner Boulevard was developed in 1997 with several buildings. The portion of the site fronting Midmost Drive is undeveloped.

The site is bounded to the North by a vacant property in a B-2 district, and on all other sides, include across Downtowner Boulevard, by developed properties in a B-3, Community Business 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 has been given a Mixed Commercial Corridor (MCC) land use designation, per the Future Land Use Plan and Map, adopted on May 18, 2017 by the Planning Commission. 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 land use designation mostly applies to transportation corridors west of I-65 serving primarily the low-density (suburban) residential neighborhoods. MCC includes a wide variety of retail, services and entertainment uses.

This designation acknowledges existing commercial development that is spread along Mobile's transportation corridors in a conventional strip pattern or concentrated into shorter segments of a corridor.

Over time, new development and redevelopment in Mixed Commercial Corridors is encouraged to raise design quality, improve connectivity to surrounding neighborhoods; improved streetscapes; and improve mobility and accessibility for all users of the corridor.

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.

The applicant provided the following statement regarding the rezoning request:

We are requesting a zone change for parcel r022807261000052. From zone b-2, to a zone of b-3, for the purpose of combining with an adjacent lot that has a zone of b-3.

Due to the proposal to combine two properties with different zoning designations into one property, a rezoning request is necessary.

The B-2 property was downzoned from B-3 to B-2 in 1985. The original B-3 designation was granted in 1967, when a large area was rezoned from R-A, Residence-Agriculture, to B-3.

Given that the B-2 property was previously zoned B-3, and due to the fact that the applicant proposes to combine the B-2 property with the abutting B-3 property, the rezoning request may be justified.

It should be noted, however, that the developed portion of the site does not appear to be in compliance with the requirements of the Zoning Ordinance applicable to the site when it was developed in 1997: it appears that required trees are missing and that the parking lot has been restriped to create non-compliant two-way access to the rear of the developed site.

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 proposed lot has frontage onto two minor streets, each with adequate rights-of-way. The right-of-way widths noted on the preliminary plat should be retained on the Final Plat, if approved. According to Section V.D.8. of the Subdivision Regulations, double frontage lots are only allowed where the property abuts a major street, or where there are “specific disadvantages of topography and orientation.” As neither of these apply to this site, a waiver of Section V.D.8. will be required.

The proposed lot will be “L” shaped, which is not typically of the general vicinity. Most of the other lots in the area are rectangular. As such, a waiver of Section V.D.1. of the Subdivision Regulations may be necessary. Additionally, the depth of the proposed lot, when measured from the Downtowner Boulevard frontage, appears to exceed the maximum width to depth ratio found in Section V.D.3. of the Subdivision Regulations, thus a waiver of this section may also be necessary.

Per Traffic Engineering comments, the new lot should be limited to one curb-cut to each street, with the size, design and location to be approved by Traffic Engineering and comply with AASHTO standards.

The preliminary plat does not depict the 25-foot minimum building setback line along either street frontage, as required by Section V.D.9. of the Subdivision Regulations. Therefore, the plat should be revised to depict and label the required setbacks on the Final Plat, if approved.

The preliminary plat appears to depict an easement of some sort splitting the proposed lot. The easement is not labeled to identify the type of easement. The original plat recorded in 1967 indicates that it is a 7.5 foot wide drainage and utility easement. The preliminary plat should be revised to label all existing easements on the Final Plat, if approved.

RECOMMENDATION

Subdivision: With a waiver of Sections V.D.1., V.D.3., and V.D.8. of the Subdivision Regulations, the request is recommended for Tentative Approval, subject to following conditions:

- 1) Revision of the plat to depict and label the 25-foot minimum building setback along both street frontages, per Section V.D.9. of the Subdivision Regulations;
- 2) Revision of the plat to depict and label all easements that exist on the property;
- 3) Retention of all right-of-way width and street name information;
- 4) Compliance with Traffic Engineering comments, and placement of the comments as a note on the Final Plat (*The lot is limited to one curb cut to each street, with 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.*);
- 5) 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. Revise the plat to label each LOT with a unique designator (i.e. LOT 1, LOT A). C. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. D. Add a note to the SUBDIVISION PLAT stating that LOT 1 and LOT 2 must provide stormwater detention for the 100 year (post-development) frequency storm event and limit the release rate to the 2 year (predevelopment) frequency storm event. E. This area has been designated by the City Engineer as an area prone to localized flooding. Any development must meet the requirement of providing detention for the postdeveloped 100 yr storm event with an allowable release rate equal or less than the predeveloped 2 yr storm event. F. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 23 - #75) the Lot will receive NO historical credit of impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, , Storm Water Management and Flood Control. 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

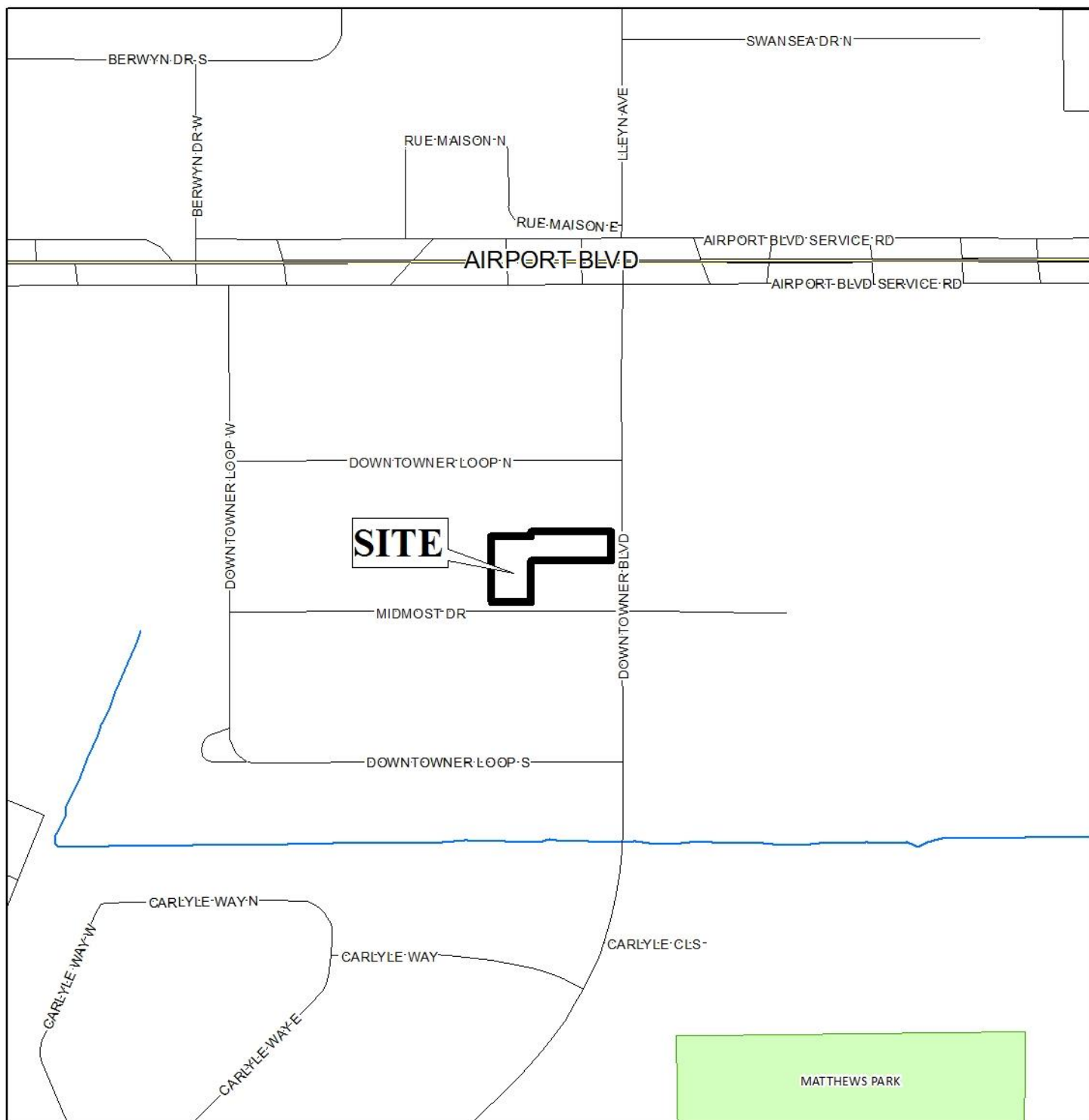
frontage of each lot, or parcel, at time of new development or construction, unless a sidewalk waiver is approved. J. Add a note to the plat stating that all proposed detention facilities, common areas, and wetlands shall be the responsibility of the Property Owner(s), and not the responsibility of the 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 a copy of the FINAL SUBDIVISION PLAT and LETTER OF DECISION to the Engineering Dept. for review. No signatures are required on the drawing. Place the information for the Subdivision Plat on the PLAT Review sign-in sheet. M. After addressing all of the FINAL SUBDIVISION PLAT review comments 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. Place the information for the Subdivision Plat on the PLAT Review sign-in sheet.);

- 6) *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.); and*
- 7) *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)).*

Rezoning: Based upon the preceding, the Rezoning request is recommended for Approval, subject to following condition:

- 1) Full compliance with all municipal codes and ordinances.

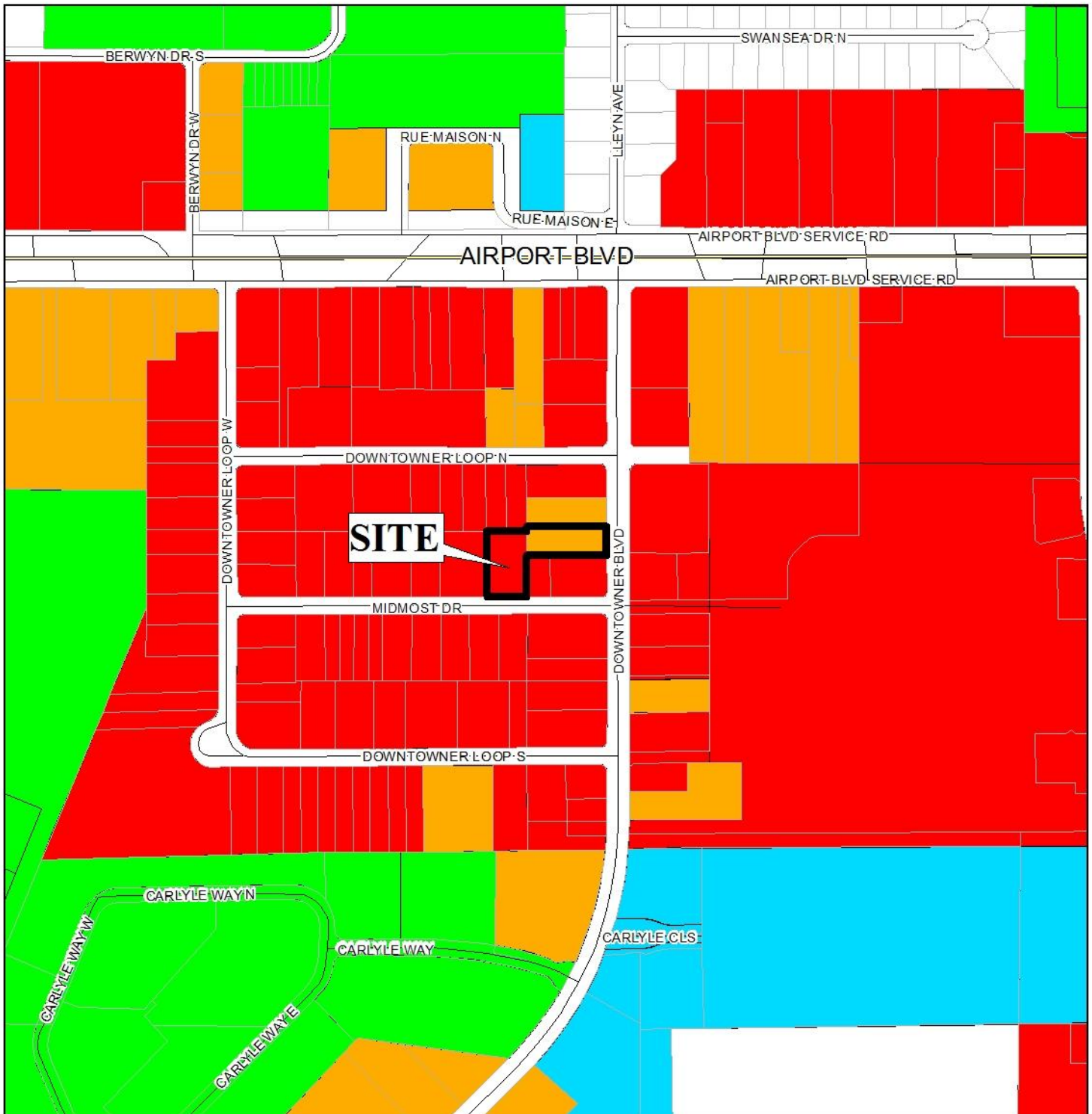
LOCATOR MAP



APPLICATION NUMBER 8 DATE December 19, 2019
 APPLICANT Downtowner West Unit 1 Subdivision, Resubdivision of Lot 13
 REQUEST Subdivision, Rezoning from B-2 to B-3



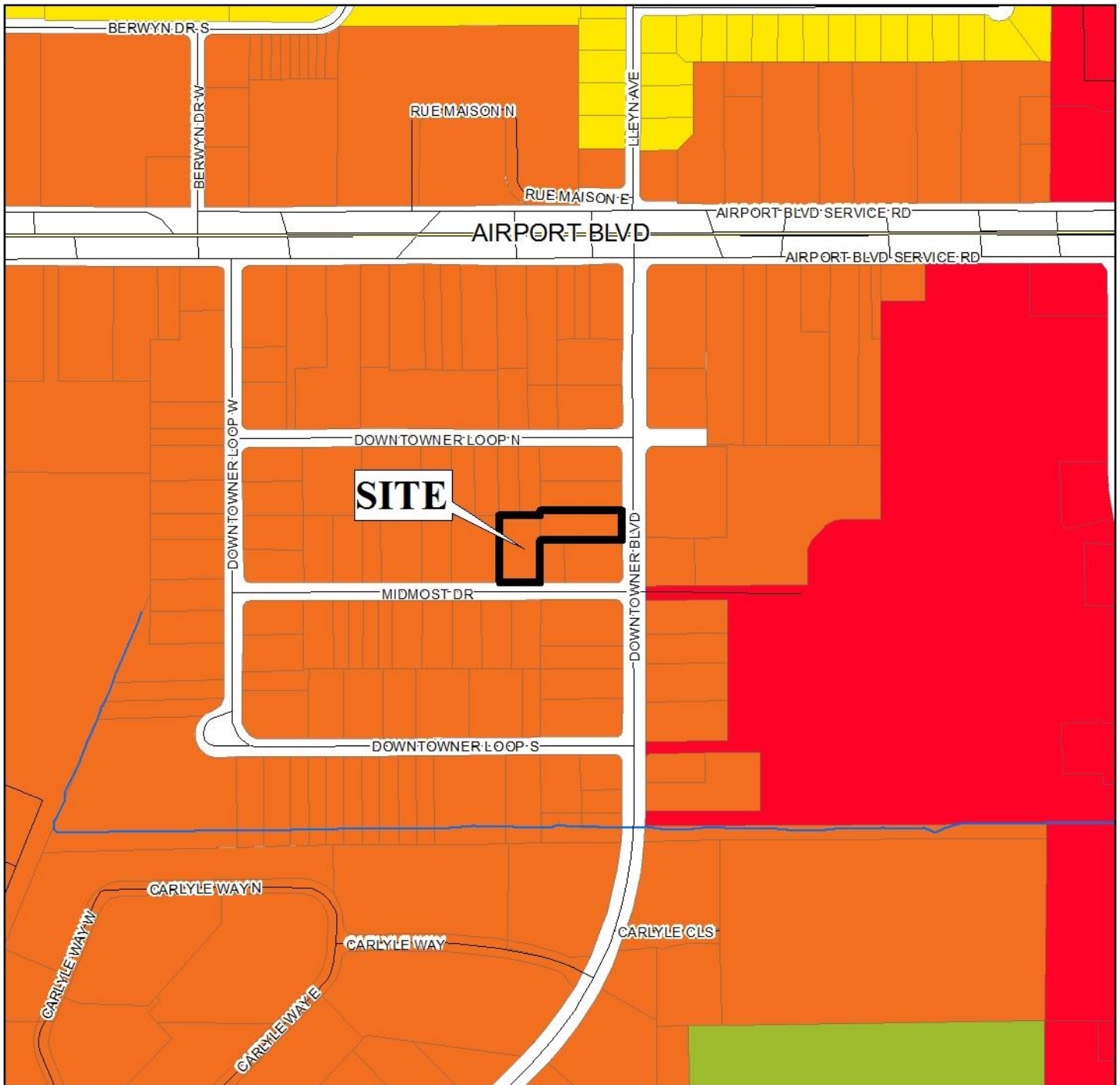
LOCATOR ZONING MAP



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FLUM LOCATOR MAP



APPLICATION NUMBER 8 DATE December 19, 2019

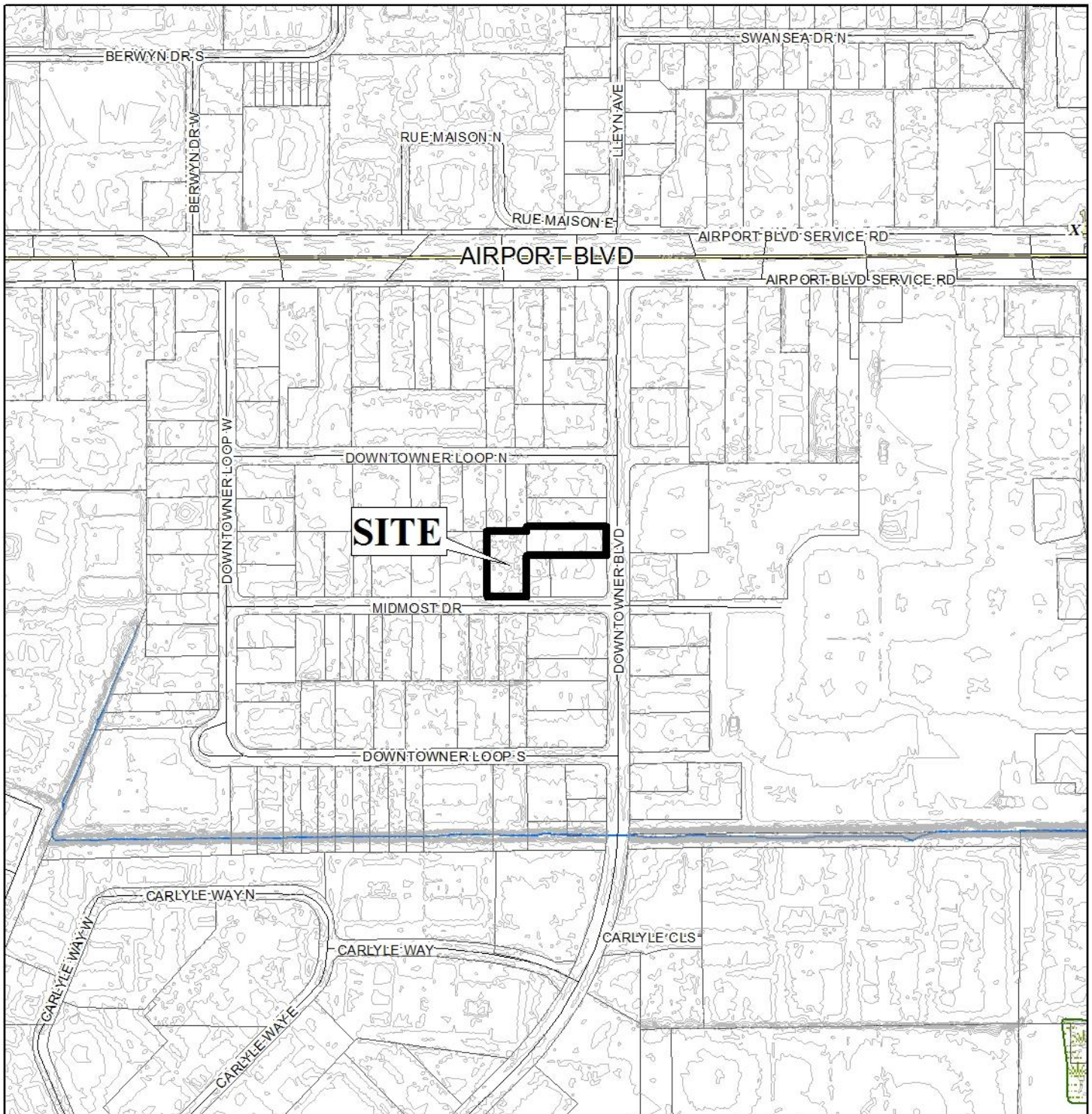
APPLICANT Downtowner West Unit 1 Subdivision, Resubdivision of Lot 13

REQUEST Subdivision, Rezoning from B-2 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	



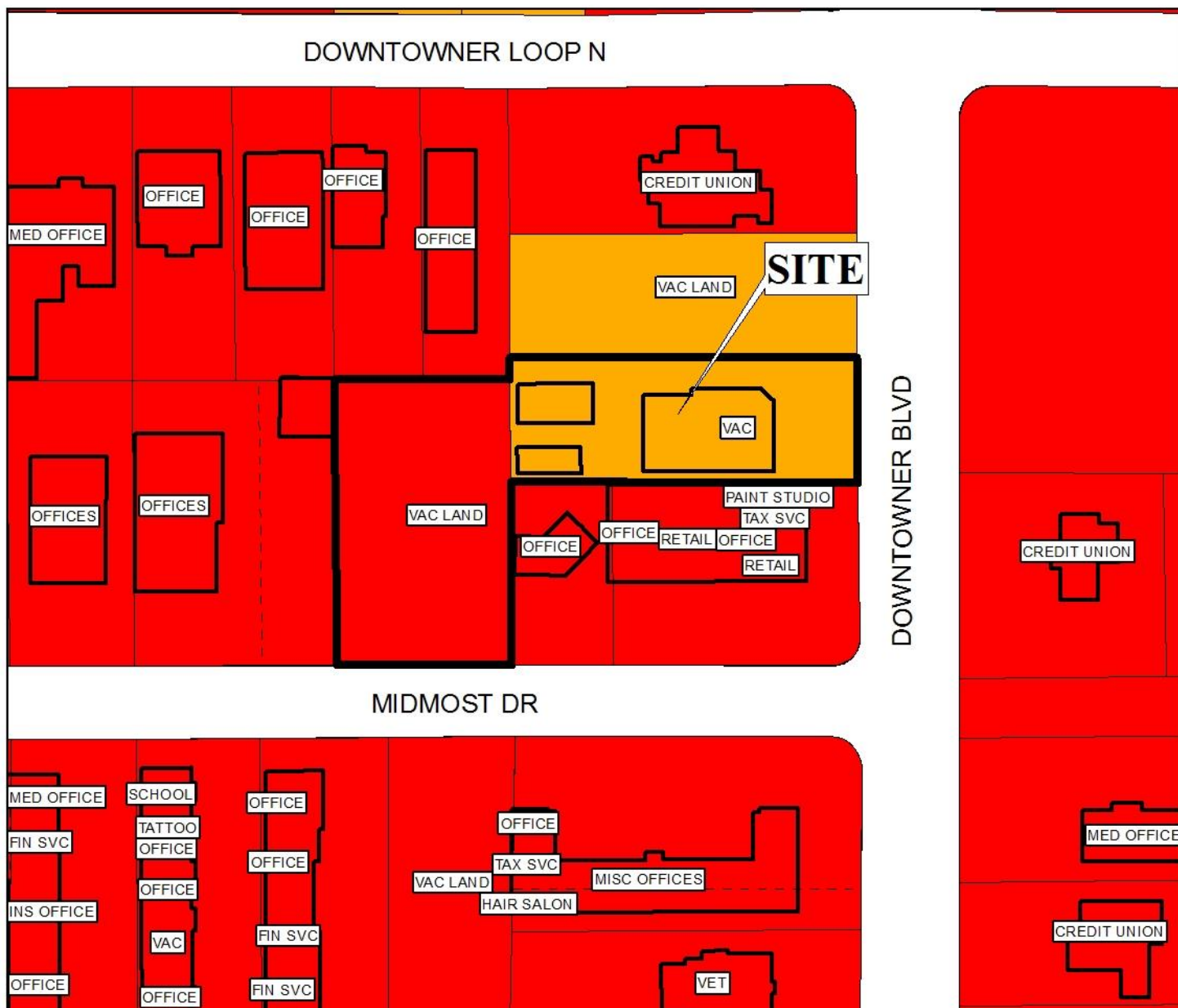
ENVIRONMENTAL LOCATOR MAP



APPLICATION NUMBER 8 DATE December 19, 2019
APPLICANT Downtowner West Unit 1 Subdivision, Resubdivision of Lot 13
REQUEST Subdivision, Rezoning from B-2 to B-3



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



















The site is surrounded by commercial units.









APPLICATION NUMBER 8 DATE December 19, 2019

APPLICANT Downtowner West Unit 1 Subdivision, Resubdivision of Lot 13

REQUEST Subdivision, Rezoning from B-2 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

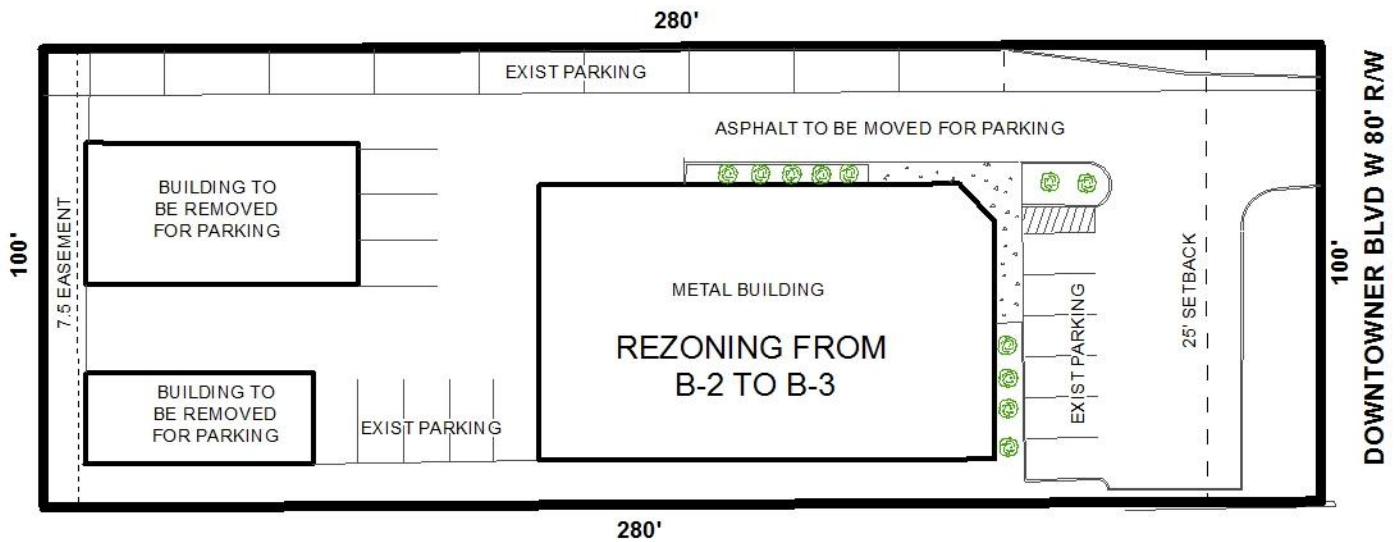


The site is surrounded by commercial units.

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 REQUEST Subdivision, Rezoning from B-2 to B-3



SITE PLAN

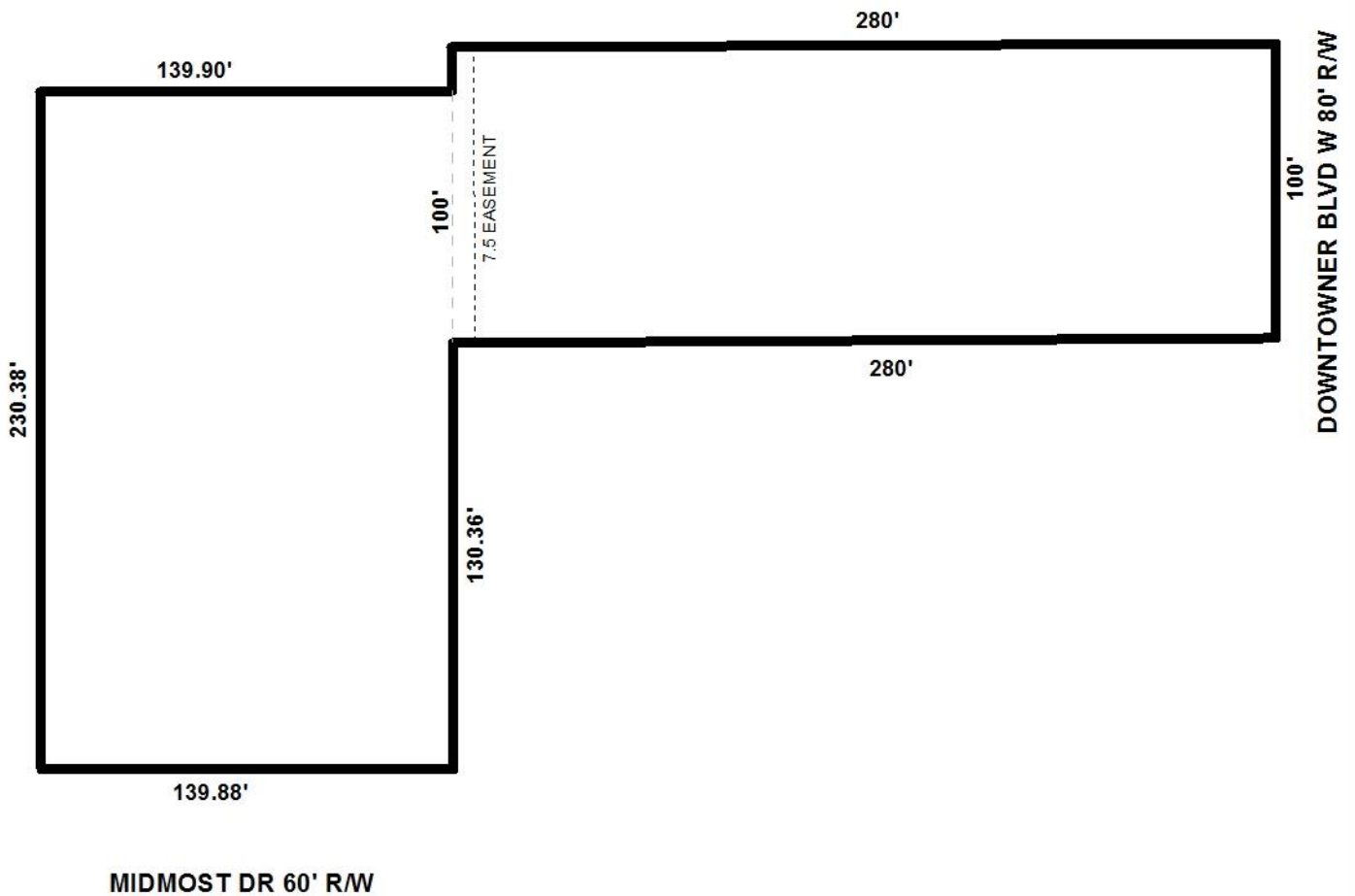


The site plan illustrates the existing buildings, proposed changes, easement, and setback.

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 REQUEST Subdivision, Rezoning from B-2 to B-3



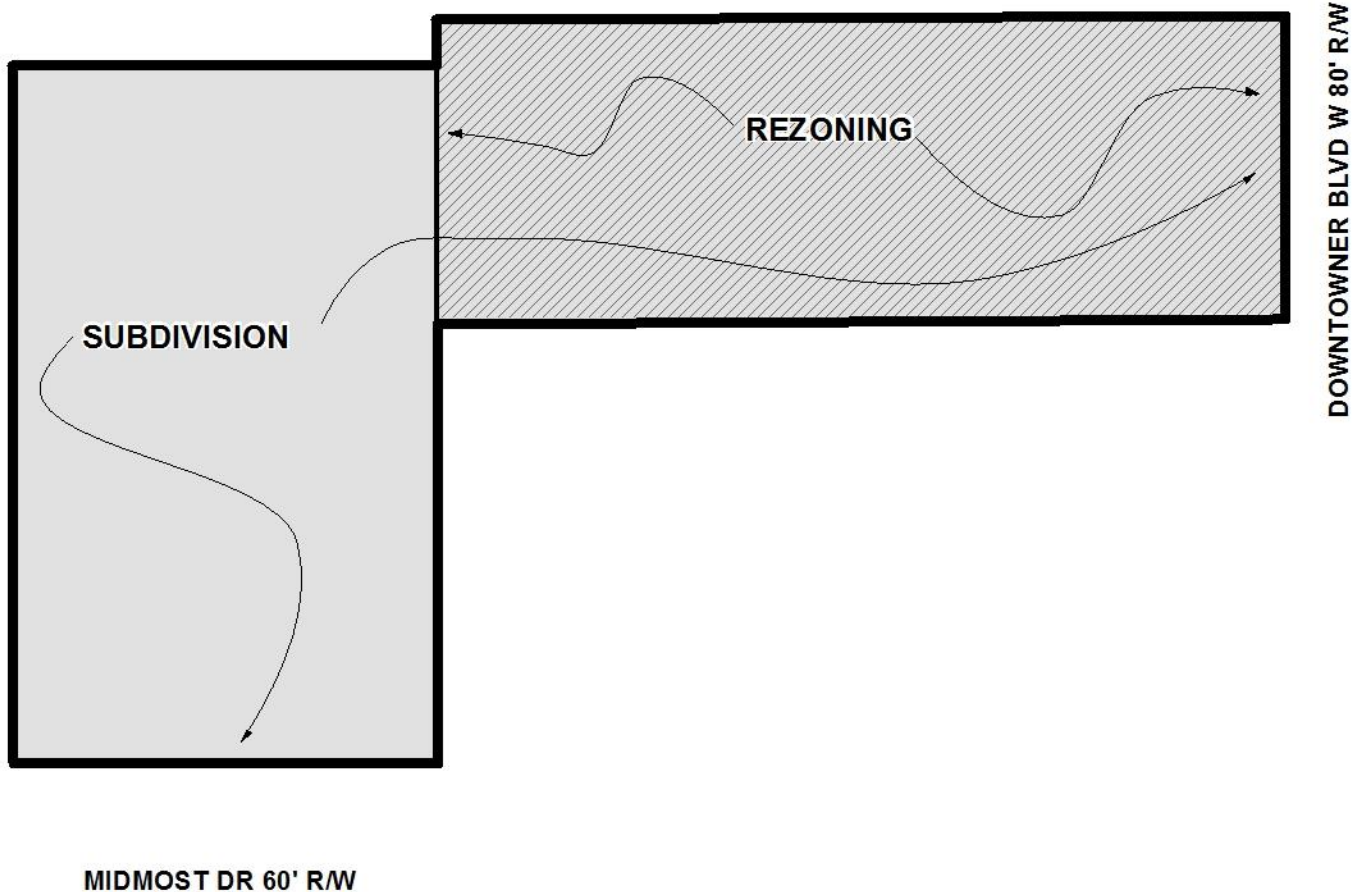
DETAIL SITE PLAN



APPLICATION NUMBER 8 DATE December 19, 2019
APPLICANT Downtowner West Unit 1 Subdivision, Resubdivision of Lot 13
REQUEST Subdivision, Rezoning from B-2 to B-3



DETAIL SITE PLAN



APPLICATION NUMBER 8 DATE December 19, 2019
APPLICANT Downtown West Unit 1 Subdivision, Resubdivision of Lot 13
REQUEST Subdivision, Rezoning from B-2 to B-3

