

**ZONING AMENDMENT
& SUBDIVISION STAFF REPORT****Date: April 6, 2017****APPLICANT NAME**

Stewart Surveying, Inc.

SUBDIVISION NAME

Southern Marina Subdivision

LOCATION4514 & 4518 Dauphin Island Parkway
(Northwest corner of Dauphin Island Parkway and Alba Avenue.)**CITY COUNCIL
DISTRICT**

District 3

PRESENT ZONING

R-1, Single-Family Residential District

PROPOSED ZONING

B-3, Community Business District

AREA OF PROPERTY

1 Lot / 4.0 ± Acres

CONTEMPLATED USE

Subdivision approval to create 1 legal lot of record from 5 metes-and-bounds parcels, and Zoning approval to rezone the site from R-1, Single-Family Residential District, to B-3, Community Business District, to accommodate an existing business.

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 accommodate an existing business.

**TIME SCHEDULE
FOR DEVELOPMENT**

Not specified.

**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. Show and label the corners set or found, including any witness monuments, at the NW corner of the proposed lot.
- C. The bearing and distance at the NE corner of the proposed lot shows a bearing and distance but the written description lists a curve. Label all curve data including any chord bearings and distances.
- D. Show and label the MFFE (Minimum Finished Floor Elevation) on each lot that contains an AE, V, or X (shaded) flood zone designation.
- E. Provide and label the monument set or found at each subdivision corner.
- 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 SUBDIVISION PLAT to the Engineering Dept. for review. No signatures are required on this drawing.
- K. After addressing all of the FINAL SUBDIVISION PLAT review comments by the Engineering Dept. provide the ORIGINAL (with all other signatures) and one (1) copy (signatures not required) of the revised Final Plat to the Engineering Department.

Rezoning: No comments.

TRAFFIC ENGINEERING

COMMENTS

Dauphin Island Parkway is an ALDOT maintained roadway. The site is limited to its existing curb cuts, with any changes in size, location and design to be approved by ALDOT (where applicable) and 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).

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 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.

REMARKS

The applicant is requesting Subdivision approval to create one legal lot of record from 5 metes-and-bounds parcels, and Zoning approval to rezone a proposed lot from an R-1, Single-Family Residential District, to a B-3, Community Business District, to accommodate an existing business.

It should be noted that Subdivision review examines the site with regard to promoting orderly development, protecting general health, safety and welfare; 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 preliminary plat illustrates the proposed 1-lot, 4.0 ± acre subdivision located at the Northwest corner of Dauphin Island Parkway and Alba Avenue, in Council District 3. The applicant states that the site is served by public water and sewer services.

The site is composed of eight legal lots, recorded as part of the 51-lot Alba Point Subdivision in Mobile County Probate Court on March 6, 1937. Over the years, however, the lots appear to have been re-configured into five parcels, presumably for tax purposes. The applicant now wishes to combine the lots into one legal lot, also for tax purposes.

The proposed lot is irregularly shaped with 352'± of frontage along Dauphin Island Parkway, an ALDOT maintained roadway and a major street requiring a 100' right-of-way; 430'± of frontage along Alba Avenue, a minor street with curb and gutter requiring a 50' right-of-way; and 307'± of frontage along, and at the terminus of Canal Road, a minor street without curb and gutter requiring a 60' right-of-way. The proposed plat illustrates sufficient rights-of-way along all streets to which the site fronts, therefore no additional dedications should be required.

If approved, dedication of the corner radii at the intersection of Dauphin Island Parkway and Canal Road, as well as at the intersection of Dauphin Island Parkway and Alba Avenue, should be required per Section V.D.6. of the Subdivision Regulations.

The proposed lot exceeds the minimum size requirements of the Subdivision Regulations and is appropriately labeled in square feet and acres on a table on the preliminary plat. This information should be retained on the Final Plat, if approved.

The 25' minimum building setback line is not illustrated along any street frontages; therefore, the plat should be revised to illustrate the 25' minimum building setback line along all streets on which the site has frontage, if approved.

With regards to access management, a note should be placed on the Final Plat stating that the lot is limited to its existing curb cuts, with any changes in their sizes, locations, or designs to be approved by Traffic Engineering and ALDOT, and conform to AASHTO standards.

Finally, a majority of the central portion of the site contains a tributary of Alba Canal, and wetlands associated with the canal occur on the proposed lot. Additionally, the site appears to be entirely located in the flood zone as depicted on FEMA maps, and thus may be subject to flooding. The presence of wetlands and floodplains indicate that the area may be environmentally sensitive; therefore, the approval of all applicable federal, state and local agencies would be required prior to the issuance of any permits or any land disturbance activities.

Regarding the zoning application, Section 64-9. of the Zoning Ordinance states that 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 site is located within what the Map for Mobile Comprehensive Plan describes as an **Edge Corridor** Development Area, wherein the intent for development includes:

- retain natural character to emphasize the transition from the rural to more developed areas;
- connect to other nearby areas through sidewalks, bike routes, and transit accommodations; and,
- minimize leapfrog development that is not connected to other development.

It should also be noted that the Map for Mobile Comprehensive 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.

A Use Variance was approved at the June 2, 1980 meeting of the Board of Zoning Adjustment to allow boat sales on the property, and the site has enjoyed legal nonconforming status as a marina and seafood handling facility since an initial affidavit, dated April 15, 1986, was approved by the Planning and Zoning Department. Updated documentation dated December 7, 1995 was again approved by the Planning and Zoning Department to allow continued, legal nonconforming use of the property as a marina and seafood handling facility.

A Use Variance to allow expansion of the nonconforming use of the site by allowing the temporary placement of a mobile home on Lot 22 of Alba Subdivision, on the West side of the

property, was approved at the December 2, 1985 meeting of the Board of Zoning Adjustment for a period of one year. However, the temporal condition of approval of the Variance was never enforced, thus necessitating an additional Use Variance request to allow permanent placement of the mobile home on the site in response to complaints from neighboring property owners.

While the initial extension request was denied at the July 10, 1995 meeting of the Board of Zoning Adjustment, an administrative appeal of the decision was approved at its May 6, 1996 meeting. The decision was subsequently enforced by a Mobile County Circuit Court Consent Judgement on March 25, 1998, two conditions of which included the following: 1) That Plaintiffs shall, within sixty days of the date of this order, construct a six foot privacy fence along Alba Avenue frontage of Lot 22 only of Plaintiffs' property, to screen its marina operations in Lot 22; and 2) That no construction or structures in Lot 22 shall be allowed within fifty feet of the Alba Avenue property line of Lot 22. These conditions should remain with the property.

The applicant now wishes to rezone the property from R-1, Single-Family Residential District, to B-3, Community Business District, to accommodate existing marina operations. Such operations are allowed by right in B-3, Community Business Districts, thereby nullifying any approved nonconforming affidavits and Variance approvals with respect to the existing use of the property, with the exception of the conditions of the aforementioned Consent Judgement.

The applicant mentions:

Mr. Oliver, Owner of the 5 parcels R023213400002011., R023213400002012., R023213400002012.01, R023213400002012.02., R023213400002012.03, located in the city limits of Mobile Alabama.

In which we have applied for 1 lot subdivision, for the sole reason of wanting to consolidate to one tax bill. Mr. Oliver is also applying for zoning change from residential to B-3 for the sole purpose of bringing his business into compliance with operating in the city limits of Mobile. Mr. Oliver does not wish to add any structures or expand his business in any way, and has plans only to continue operating the same business he has for the last 43 years.

The site plan illustrates an existing marina with several boat slips; one boat lift; a wooden walkway that abuts the site's Alba Canal tributary; and a 288 s.f. modular office building located 70'± from Alba Avenue, and 200'± from Dauphin Island Parkway. Also, a 6' tall wooden privacy fence is illustrated along portions of the North, South and West property lines; and, a chain link fence is illustrated along the property lines at the corner of Dauphin Island Parkway and Alba Avenue, all of which appear to comply with the screening conditions of the aforementioned Consent Judgement. No new building construction appears to be proposed at this time.

Trees are illustrated on the site plan, but full compliance with the tree and landscaping ordinance is traditionally not required if no additional site improvements are proposed. The applicant should nevertheless be advised that future development of the site may be subject to compliance with Section 64-4.E.3. of the Zoning Ordinance regarding tree and landscaping requirements.

The applicant should also be advised that future development of the site may require construction of sidewalks along all street frontages to comply with the Subdivision Regulations; the exception being approval of a Sidewalk Waiver by the Planning Commission.

A photometric plan is not required due to the limited scope of the project, but any new site lighting is to comply with Section 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance.

A dumpster is not depicted on the site plan and one is not discernible in recent aerial photos. Any dumpster placed on the property must be in compliance with the current enclosure and sanitary sewer connection requirements of Section 64-4.D.9. of the Zoning Ordinance, and must be illustrated on any revised site plan(s); or, placement of a note on the site plan stating that curbside pickup will be utilized may suffice, if approved. It should be noted that because the site is located within a flood zone, additional code compliance measures may be required if a dumpster is to be utilized.

The site is completely surrounded by R-1, Single-Family Residential Districts. Commercial uses similar to the marina operations on the subject site are not allowed by right in R-1, Single-Family Residential Districts; however, as mentioned, the site enjoys legal nonconforming status, as do several properties adjacent to the subject site. Three sites, in particular, are within 403'± of the subject site and are similarly used for marina operations; one of which was rezoned in 2008 from R-1, Single-Family Residential District, to B-3, Community Business District. As such, and in considering the numerous requests for Use Variances approved at the site, the request at hand may highlight the changing conditions of the area, thus creating a need to correct an error in the Zoning Ordinance regarding the site's designation as R-1, Single-Family Residential. Also, with respect to the Map for Mobile Comprehensive Plan, approval of the request may minimize leapfrog development that is not connected to other development by facilitating the changing nature of the properties along Dauphin Island Parkway from commercially-developed residential districts, to actual commercial districts. Doing so would seemingly subject future development of the site to the limitations of a B-3, Commercial Business District, instead of continually accommodating nonconforming properties that may enjoy exceptions to such limitations; therefore, approval of the request may be appropriate.

RECOMMENDATION

Subdivision: Based on the preceding, and with a waiver of Sections V.D.1. and V.D.3. of the Subdivision Regulations, this application is recommended for Tentative Approval, subject to the following:

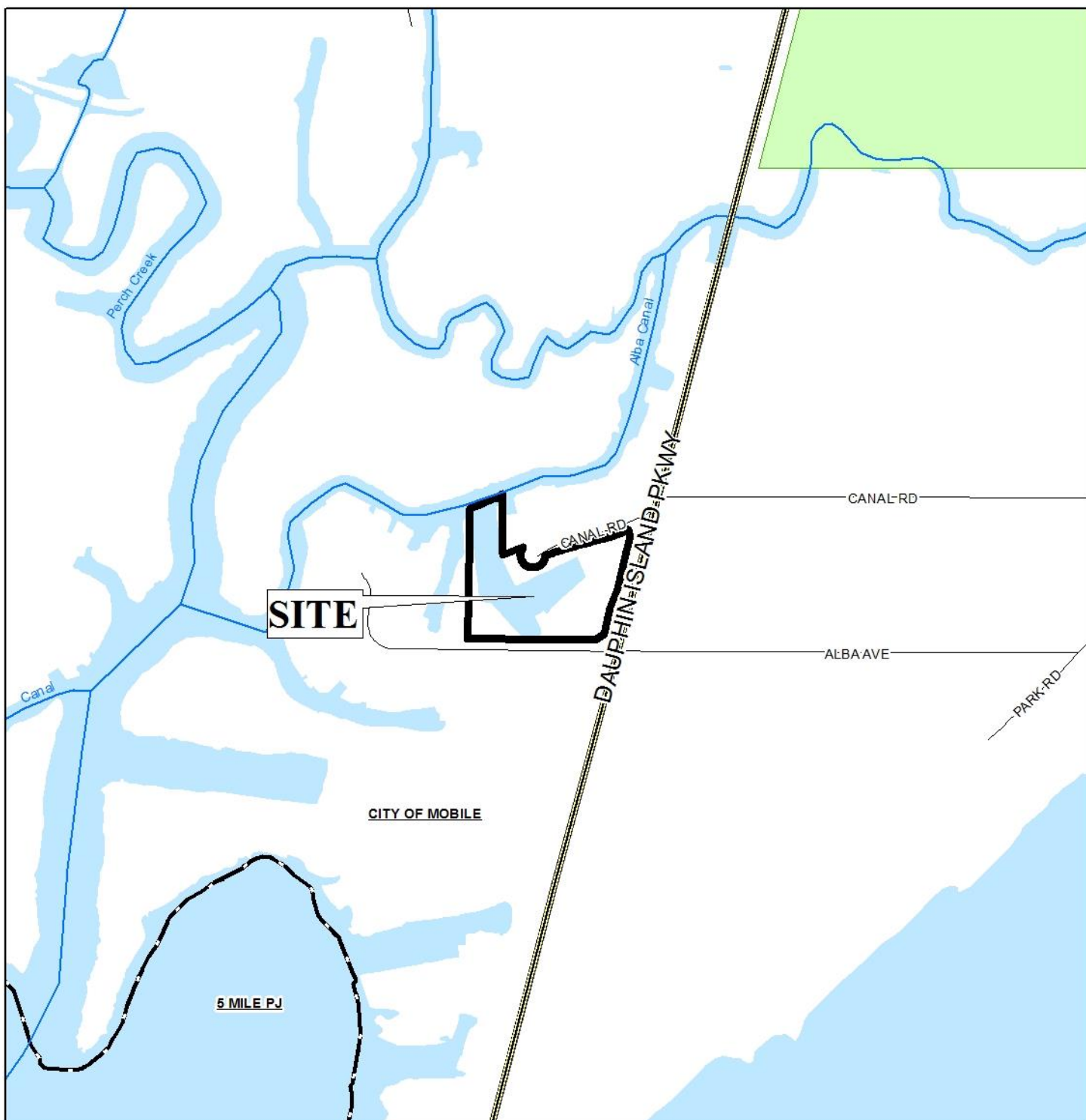
- 1) retention of the lot's size in square feet and acres on the Final Plat;
- 2) revision of the Plat to illustrate the 25' minimum building setback line along all street frontages;
- 3) revision of the Plat to illustrate dedication of the corner radii at the intersection of Dauphin Island Parkway and Canal Road, and Dauphin Island Parkway and Alba Avenue;
- 4) placement of a note on the Final Plat stating that the lot is limited to one curb cut to Dauphin Island Parkway, one curb cut to Alba Avenue, and one curb cut to Canal Road,

- with any changes in their sizes, locations, or designs to be approved by Traffic Engineering and ALDOT, and conform to AASHTO standards;
- 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) Show and label the corners set or found, including any witness monuments, at the NW corner of the proposed lot. C) The bearing and distance at the NE corner of the proposed lot shows a bearing and distance but the written description lists a curve. Label all curve data including any chord bearings and distances. D) Show and label the MFFE (Minimum Finished Floor Elevation) on each lot that contains an AE, V, or X (shaded) flood zone designation. E) Provide and label the monument set or found at each subdivision corner. 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 SUBDIVISION PLAT to the Engineering Dept. for review. No signatures are required on this drawing. K) After addressing all of the FINAL SUBDIVISION PLAT review comments by the Engineering Dept. provide the ORIGINAL (with all other signatures) and one (1) copy (signatures not required) of the revised Final Plat to the Engineering Department.);
 - 6) compliance with Traffic Engineering comments: (Dauphin Island Parkway is an ALDOT maintained roadway. The site is limited to its existing curb cuts, with any changes in size, location and design to be approved by ALDOT (where applicable) and 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) 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).);
 - 8) compliance with 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).); and,
 - 9) compliance with all other municipal codes and ordinances.

Rezoning: Based upon the preceding, Staff recommends Approval for rezoning to B-3, Community Business District, subject to the following conditions:

- 1) compliance with the conditions of the Mobile County Circuit Court Consent Judgement of March 25, 1998;
- 2) completion of the subdivision process; and
- 3) full compliance with all other municipal codes and ordinances.

LOCATOR MAP



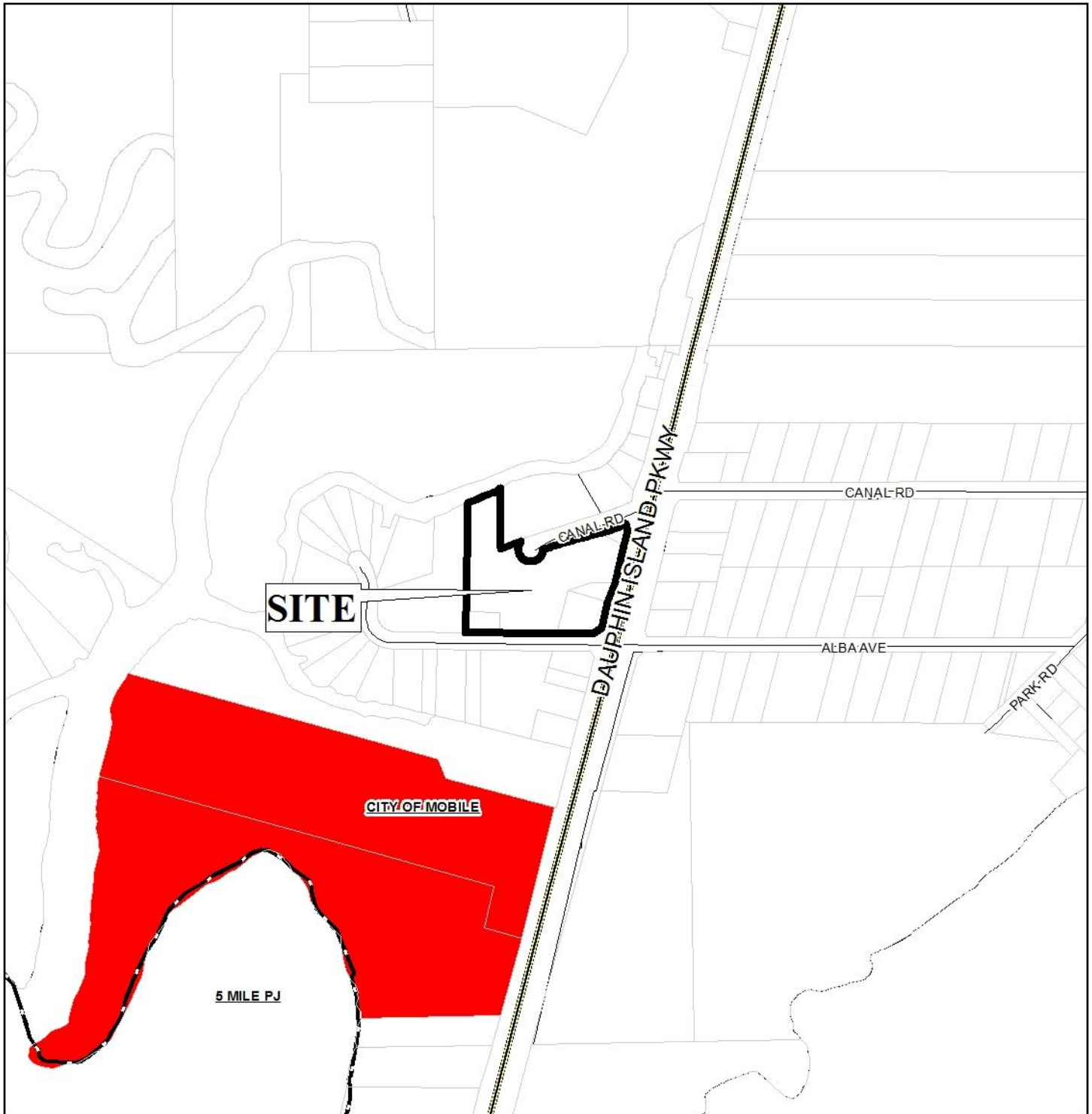
APPLICATION NUMBER 9 DATE April 6, 2017

APPLICANT Southern Marina Subdivision

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



LOCATOR ZONING MAP



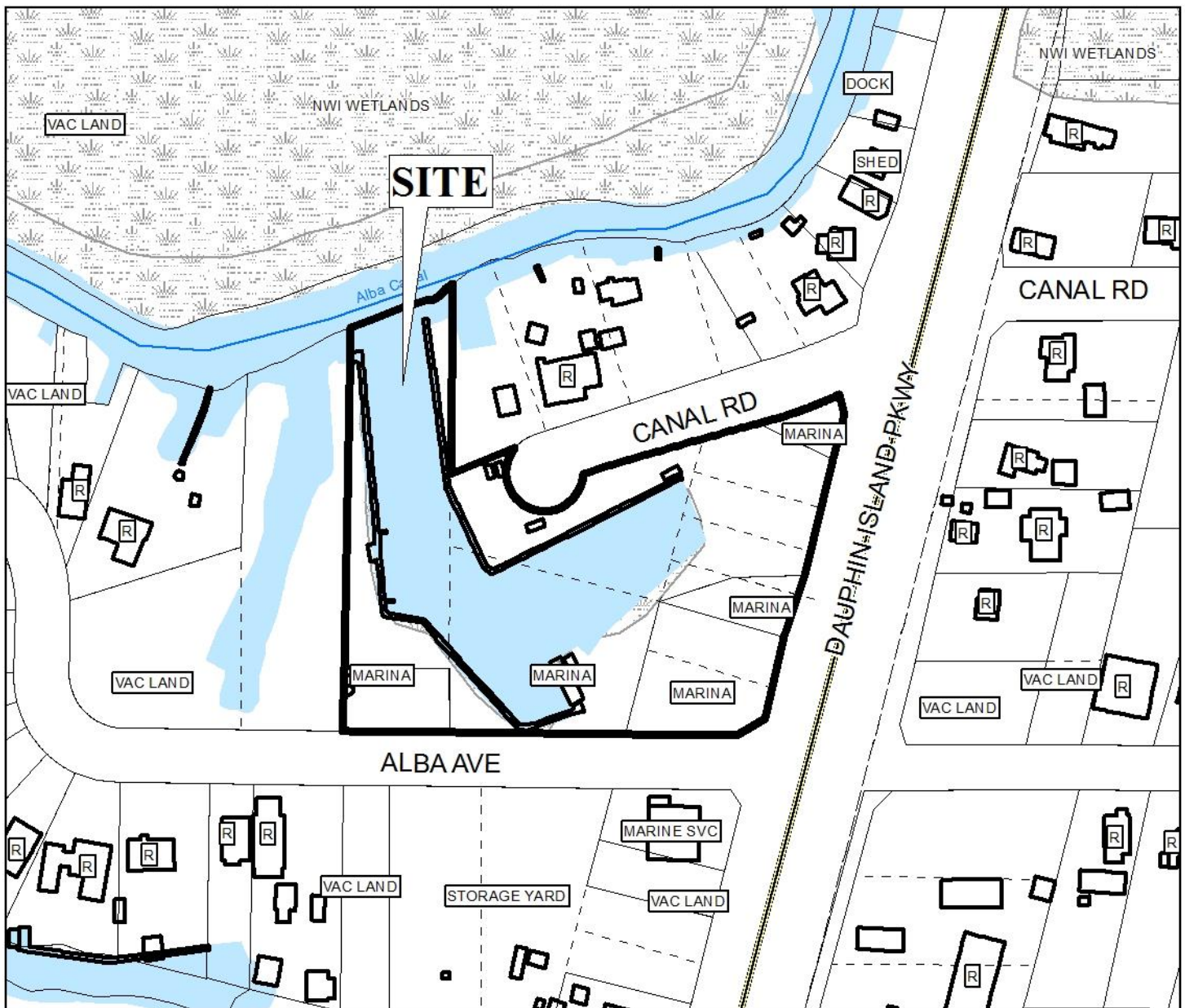
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APPLICANT Southern Marina Subdivision

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



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units and a commercial unit to the south.

APPLICATION NUMBER 9 DATE April 6, 2017

APPLICANT Southern Marina Subdivision

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 residential units and a commercial unit to the south.

APPLICATION NUMBER 9 DATE April 6, 2017

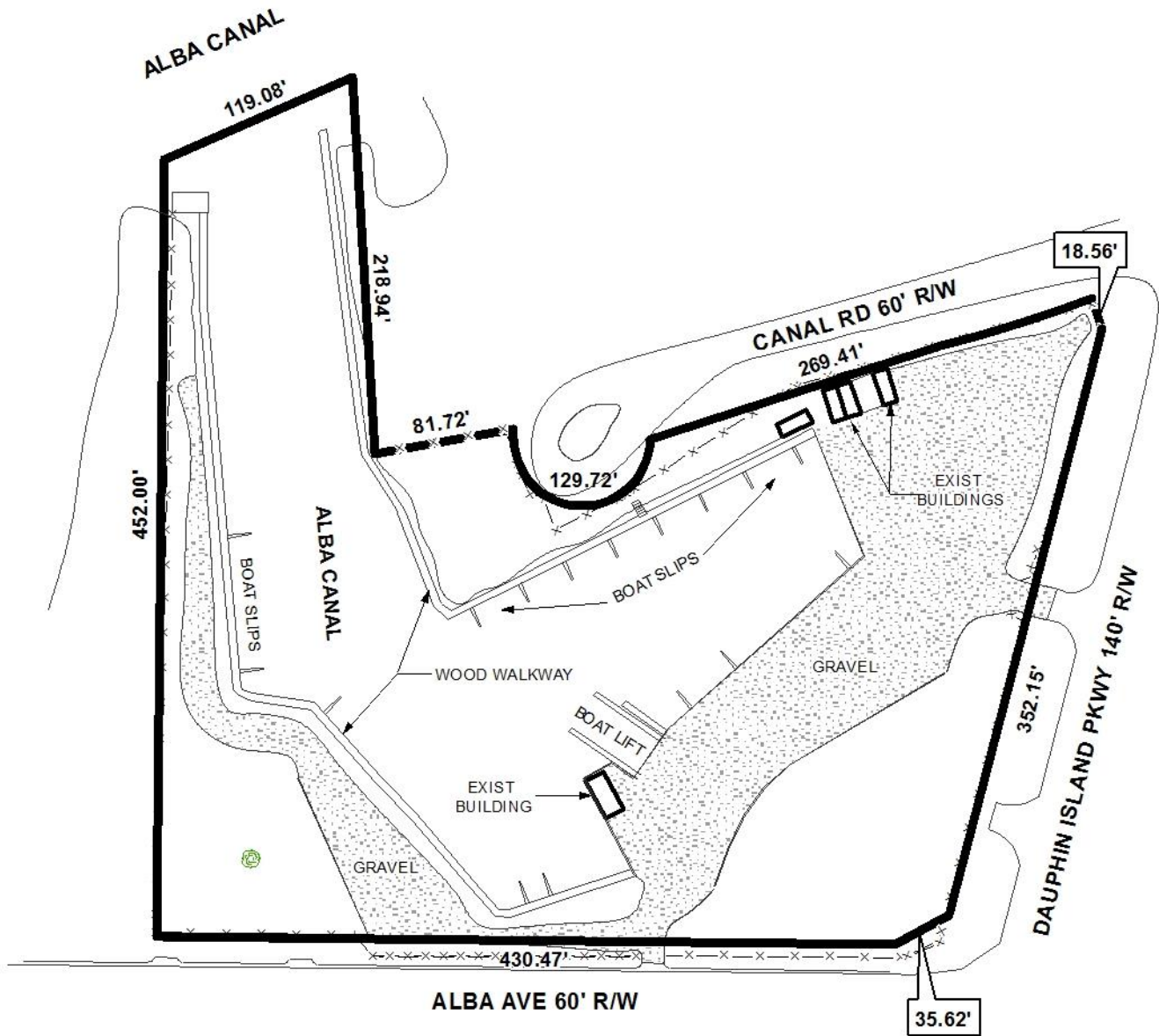
APPLICANT Southern Marina Subdivision

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



NTS

SITE PLAN



The site plan illustrates the existing buildings, existing boat slips, existing walkways, and existing gravel area.

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



NTS

