

**PLANNED UNIT DEVELOPMENT,
SIDEWALK WAIVER REQUEST &
SUBDIVISION STAFF REPORT****Date: November 7, 2013**

<u>NAME</u>	Audubon Properties, LLC.
<u>SUBDIVISION NAME</u>	<i>Dockside Marina Subdivision</i>
<u>LOCATION</u>	4700 & 4960 Dauphin Island Parkway West side of Dauphin Island Parkway, 580'± North of Marina Drive North).
<u>CITY COUNCIL DISTRICT</u>	District 3
<u>PRESENT ZONING</u>	B-3, Community Business District
<u>AREA OF PROPERTY</u>	11.01 ± Acres/ 1 Lot
<u>CONTEMPLATED USE</u>	Planned Unit Development Approval to allow multiple buildings on a single building site, and a Sidewalk Waiver to waive construction of a sidewalk along Dauphin Island Parkway, <i>and Subdivision approval to create one legal lot.</i>
<u>TIME SCHEDULE FOR DEVELOPMENT</u>	Immediate

**ENGINEERING
COMMENTS**

Planned Unit Development: 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 complete set of construction plans for any proposed site work – 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 development will need to 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. Include storm water quality measures in the site design. 4. According to the FEMA flood map information, this property is located within a Special Flood Hazard Area. You will need to show and label the flood hazard area(s) on your plat and plans. Also, you will need to list the Minimum Finished Floor Elevation

(MFFE) for each Lot. 5. Add a note to the PUD Plan stating that the approval of all applicable federal, state, and local agencies (including all stormwater runoff, wetland and floodplain requirements) would be required prior to the issuance of a permit for any land disturbance activity.

Sidewalk Waiver: Due to the location and the size of the existing roadside drainage ditch, a road edge without any curbing, and a site use that is not conducive to pedestrian traffic it is recommended that this request be approved.

Subdivision: *The following comments should be addressed prior to acceptance and signature by the City Engineer: 1. Label the POC and show the tie lines to the POB. 2. Label the POB. 3. Revise either the last bearing listed in the written legal description or the bearing label along the front property line. 4. Provide witness monuments as required. 5. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. 6. Add a note that sidewalk is required to be constructed along the frontage, at time of development, unless a sidewalk waiver is approved.*

TRAFFIC ENGINEERING

COMMENTS

Planned Unit Development: Driveway number, size, location and design to be approved by Traffic Engineering and ALDOT conform to AASHTO standards. The current pavement width of the driveway is approximately 16' at the gate opening. This width is substandard and should be upgraded. An ALDOT permit will be required for this work. There is approximately 30' between the edge of the travel lane and the gate. This is sufficient off-roadway storage for one vehicle to stop to open the gate, but only a vehicle, not a vehicle towing a boat. It appears that there will no longer be boat launching at this site, however boat storage is a possibility. There is an 8' paved shoulder along the edge of the roadway; it could be possible for a vehicle/trailer combination to pull out of the travel lanes without adversely affecting traffic. Aggregate surface will require parking spaces to be delineated with curb stops, as illustrated.

Revised for the December 5th meeting: *Driveway has been noted to be upgraded as approved by Traffic Engineering and ALDOT. Gate is noted to be relocated to provide adequate queuing from right-of-way. Handicap parking spaces, as required, must be of appropriate surface material to provide accessibility to the site amenities.*

Subdivision: *Driveway number, size, location and design to be approved by ALDOT and Traffic Engineering, and conform to AASHTO standards. Previous comments cover remarks regarding PUD application.*

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).

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.

REMARKS

The applicant is requesting Planned Unit Development Approval to allow multiple buildings on a single building site and a Sidewalk Waiver to waive construction of sidewalks along Dauphin Island Parkway.

The site in question has been used as a marina and boat yard since at least 1984. Within the past several years several applications have been submitted to the Planning Commission. However, the applications have not been completed after approval or have been denied due to insufficient information provided to the Commission.

At the Planning Commission's November 16, 2006 meeting, a PUD and Subdivision approval was granted to allow four single-family residential condominium buildings on the site. No construction of the project occurred, and the approvals expired. At the Planning Commission's August 21, 2008 meeting, a request for a PUD to allow multiple buildings on a single building site was denied due to insufficient information provided for the Commission to make an informed decision.

It should be noted that the site is not a legal lot of record, as the previously approved subdivision application from 2006 has expired. Therefore, a subdivision application will be required before any approvals can be made.

The site is currently being used as a marina and the applicant is proposing to make improvements to the site consisting of the reconstruction of wood decks and boat slips, construction of vinyl bulkhead, a fish cleaning station, construction of a wooden pier, future rock jetty, and an enclosed dumpster pad. The applicant is also requesting approval to allow aggregate surfacing instead of pavement within the site due to the site being adjacent to tidal waters. The applicant states "*occasional oil dripping from vehicles onto asphalt, if used, would wash into adjacent tidal waters during the rain storms and excessive high tides and create oil sheens.*" The Zoning Ordinance requires concrete, asphaltic concrete, asphalt, or alternative parking surface as defined in section 64-2. in a B-3, Community Business District.

North of the site is a single-family dwelling in a B-3, district, East of the site (across Dauphin Island Parkway) is an undeveloped area zoned R-1, Single-Family Residential District, while West and South of the site are Perch Creek and Dog River.

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.

It appears, generally, that the number of parking spaces will be adequate for the proposed use and the site plan depicts each parking space with a wheel stop, however, there appear to be no accessible parking spaces shown on the plan. The applicant should verify if accessible parking will be required. If accessible parking is required, a revised site plan depicting the revised parking spaces will be required.

Regarding the required landscaping and trees, the total lot area provided is 122,145 square feet. The total landscaping required is 14,657 square feet. Of the total landscape area, 60% of it must occur between the street line and the building wall facing the street: 8,794 square feet is required and 11,178 square feet is provided. The site appears to meet the requirements of the Zoning Ordinance, for frontage trees and landscaping. However, site plan states that there are 53 total trees required for the site, whereas there are only 41 trees illustrated on the plan. The site plan should be revised to reflect compliance with the tree requirements of the Zoning Ordinance.

The site currently has an existing iron fence and gate that runs along the right-of-way frontage of Dauphin Island Parkway. The gate should be modified to provide a 60' queuing distance from the right-of-way line. It appears the existing driveway is not 24' wide as required by the Zoning Ordinance, thus modifications should be made to address this issue. The labeling of the right-of-way width along Dauphin Island Parkway should also be illustrated on the site plan.

A screened enclosed dumpster is noted and depicted on the site plan. However, there is no indication that the dumpster will be connected to sanitary sewer. The site plan should be revised to indicate if the dumpster will be connected to sanitary sewer. All other notes displayed on the site plan should be retained on any revised plans.

The site is located in an AE flood zone, and wetlands associated with Dog River appear to be part of the site. 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 land disturbance activities.

The geographic area defined by the city of Mobile and its planning jurisdiction, including this site, may contain Federally-listed threatened or endangered species as well as protected non-game species. Development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.

Finally, the applicant is requesting a waiver of the sidewalk requirements for Dauphin Island Parkway. The applicant states that there are "*utilities above and below ground that exist along the West side of Dauphin Island Parkway.*" The applicant also states that power poles, guy wires, a sanitary sewer manhole, fire hydrant, and the existing storm water drainage ditch with side slopes limits space, which would make the construction of sidewalks along the West of Dauphin Island Parkway very difficult. The Engineering Department recommends approval of the sidewalk waiver due to various issues with the right-of-way.

RECOMMENDATION

Planned Unit Development: Based upon the preceding, the application is recommended for Holdover until the December 5, 2013 meeting, with revisions due by November 18, 2013 to address the following:

- 1) submission of a subdivision application;
- 2) revision of the site plan to illustrate accessible parking spaces;
- 3) revision of the site plan to depict correct calculations of trees or the number of trees illustrated on the site plan;
- 4) revision of the site plan to show the relocation of the existing gate to provide a 60' queuing distance from the right-of-way line;
- 5) labeling of right-of-way width of Dauphin Island Parkway on site plan;
- 6) revision of the site plan to indicate a driveway width of 24';
- 7) placement of a note on the site plan stating that approval of all applicable Federal, state and local agencies is required for endangered, threatened or otherwise protected species;
- 8) placement of a note on the site plan stating that approval of all applicable Federal, state and local agencies is required for wetland and floodplain issues, if any, prior to the issuance of any permits or land disturbance activities;
- 9) revision of the site plan to indicate the dumpster will be connected to sanitary sewer;
- 10) retention of all other existing notes on any revised plans;
- 11) subject to Traffic Engineering comments: *"Driveway number, size, location and design to be approved by Traffic Engineering and ALDOT conform to AASHTO standards. The current pavement width of the driveway is approximately 16' at the gate opening. This width is substandard and should be upgraded. An ALDOT permit will be required for this work. There is approximately 30' between the edge of the travel lane and the gate. This is sufficient off-roadway storage for one vehicle to stop to open the gate, but only a vehicle, not a vehicle towing a boat. It appears that there will no longer be boat launching at this site, however boat storage is a possibility. There is an 8' paved shoulder along the edge of the roadway; it could be possible for a vehicle/trailer combination to pull out of the travel lanes without adversely affecting traffic. Aggregate surface will require parking spaces to be delineated with curb stops, as illustrated."*;
- 12) subject to Engineering comments: *"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 complete set of construction plans for any proposed site work – 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 development will need to 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. Include storm water quality measures in the site design. 4. According to the FEMA flood map information, this property is located within a Special Flood Hazard*

Area. You will need to show and label the flood hazard area(s) on your plat and plans. Also, you will need to list the Minimum Finished Floor Elevation (MFFE) for each Lot. 5. Add a note to the PUD Plan stating that the approval of all applicable federal, state, and local agencies (including all stormwater runoff, wetland and floodplain requirements) would be required prior to the issuance of a permit for any land disturbance activity.”

- 13) subject to 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).”;
- 14) add a note to the PUD site plan stating that the approval of all applicable federal, state, and local agencies (including all stormwater runoff, wetland and floodplain requirements) would be required prior to the issuance of a permit for any land disturbance activity; and
- 15) full compliance with all other municipal codes and ordinances.

Sidewalk Waiver: The request is recommended for Holdover to coincide with PUD.

Revised for the December 5, 2013 meeting:

This application was heldover from the November 7th meeting to allow the applicant to submit a subdivision application and a revised PUD site plan. A revised PUD has been submitted and it appears that all of the previous conditions have been met with the exception of the tree and landscaping condition.

On the previous PUD site plan the total number of trees provided did not coincide with the total number of trees required for the site and no justification was provided. The revised PUD site plan addresses the applicants rationale for not providing the required amount of trees. The applicant states, “landscape requirements total area is based on all non marsh areas because planted trees would not survive in marsh areas. Due to the fact the site is adjacent to marsh areas and tidal waters and also containing boat slips, where trees would create leaves and debris falling into the boats, the total number of trees provided is below the required amount. Proposed landscaping areas meet or exceed minimum requirements as does the proposed parking spaces”.

It should be noted the Subdivision application has been submitted and is on the agenda for the December 19, 2013 meeting. Due to the fact the Subdivision application will be heard at the December 19th meeting it would seem appropriate for the PUD and Sidewalk Waiver applications to be heard in conjunction with the Subdivision.

It should also be noted 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.

RECOMMENDATIONS

Planned Unit Development: Based on the proceeding, this application is recommended for Holdover until the December 19th, meeting for the following reason:

- 1) to allow the PUD to be heard with the associated Subdivision application.

Sidewalk Waiver: *The request is recommended for Holdover to coincide with Subdivision application.*

Revised for the December 19, 2013 meeting:

The purpose of this application is to create one legal lot of record from a metes-and-bounds parcel, to create a PUD to allow multiple buildings on a single building site, and to waive construction of a sidewalk along Dauphin Island Parkway. The PUD and Sidewalk Waiver aspect of this application were heldover from the December 5, 2013 meeting. Thus, this report will primarily address the subdivision application that has recently been submitted in conjunction with the previous applications.

Regarding the PUD, in the pervious application it was noted that the site does not illustrate an adequate amount of trees on site to meet Tree and Landscaping requirements. The applicant states that "landscape requirements total area is based on all non marsh areas because planted trees would not survive in marsh areas. Due to the fact the site is adjacent to marsh areas and tidal waters and also containing boat slips, where tress would create leaves and debris falling into the boats, the total number of trees provided is below the required amount". The site depicts 38 trees. It appears the site would need 53 trees total to meet full compliance. Due to the fact a PUD application was submitted, the Commission can consider a reduction of the Tree and Landscaping requirements or decide to require the site to meet full compliance. If the applicant can prove the planting of 15 additional trees is not feasible, the Commission may wish to consider requiring the applicant to donate the 15 additional trees to the Tree Bank.

It should be noted that the site in question was previously approved by the Planning Commission at its November 16, 2006 meeting. The previous application was for a two lot subdivision. The application has since expired, and the applicant is resubmitting a new one lot subdivision application to receive approval by the Planning Commission.

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 preliminary plat illustrates the proposed one lot, 11.01 ± acre subdivision which is located on the west side of Dauphin Island Parkway, 580' ± North of Marina Drive North.

The site fronts Dauphin Island Parkway, a major street with variable right-of-way. However, the Major Street Plan requires that the right-of-way be 100-feet. The plat depicts the right-of-way width to be 125' along Dauphin Island Parkway. No dedication is then required.

The preliminary plat also depicts the 25' minimum building setback line. If approved, this information should be retained on the Final Plat.

The lot size in square feet and acres is not illustrated on the preliminary plat. If approved, revisions should be made to illustrate the lot size in square feet and acres on the Final Plat, or a table should be furnished on the Final Plat providing the same information.

If approved, a note should be placed on the Final Plat stating that the site is limited to one curb-cut onto Dauphin Island Parkway with size, design, and location to be approved by Traffic Engineering and conform to AASHTO standards.

It should be noted that a neighbor of the adjacent property to the East has written a letter of opposition concerning the proposed layout of the development for the Dockside Marina. The neighbor is concerned that the Marina's future boat slips with piers and future wood deck will deny access to the water from their property. The neighbor states, "The site plan illustration shows a future 5 Ft. wood deck pier that will dissect the marina canal to facilitate access to the pier located on the north side of the marina. This proposed pier along with finger piers and mooring pilings that would be located on the north east end of this project will completely restrict access to our waterfront property located at the extreme east end of this site". The Zoning Ordinance does not have jurisdiction over water rights however, the Corps of Engineers does. The applicant should provide a letter from the Corps stating the application, as proposed, will be allowed prior to the issuing of City permits. If the Corps will not approve the development as proposed, changes to the site plan may necessitate a new application to the Planning Commission. Thus, the applications should be heldover until the January 16th meeting to allow the applicant to provide documentation of approval by the Corps of Engineers.

The site is located in an AE flood zone, and wetlands associated with Dog River appear to be part of the site. 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 for wetland and flood zone issues would be required prior to the issuance of any permits or land disturbance activities.

The geographic area defined by the city of Mobile and its planning jurisdiction, including this site, may contain Federally-listed threatened or endangered species as well as protected non-game species. Development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.

RECOMMENDATION

Planned Unit Development: *Based upon the preceding, the application is recommended for Holdover until the January 16th meeting to allow a letter of approval regarding the blocking of water access from the Corps of Engineers.*

Sidewalk Waiver: *Based upon the preceding, the application is recommended for Holdover until the January 16th meeting to allow a letter of approval regarding the blocking of water access from the Corps of Engineers.*

Subdivision: *Based upon the preceding, the application is recommended for Holdover until the January 16th meeting to allow a letter of approval regarding the blocking of water access from the Corps of Engineers.*

LOCATOR MAP



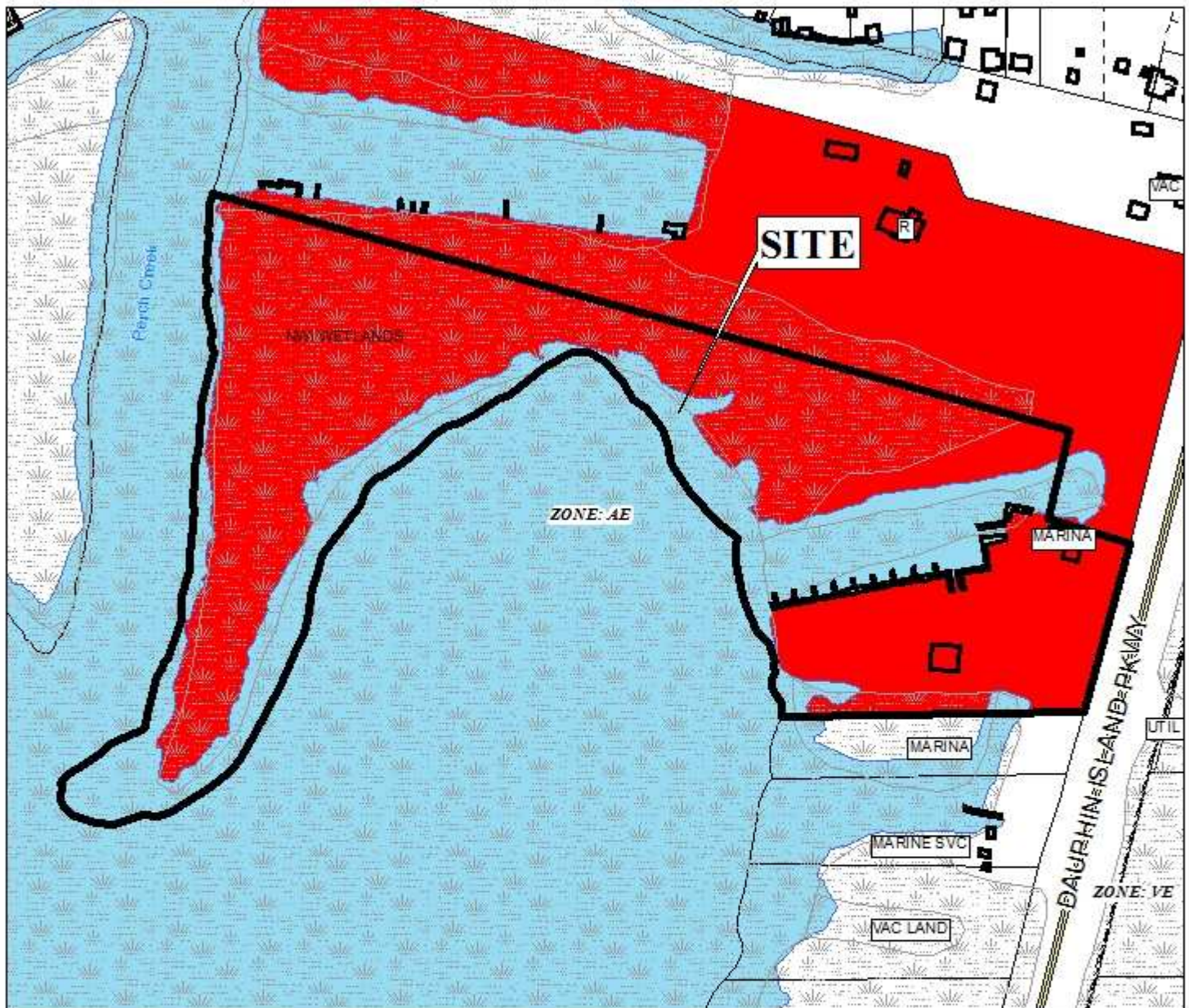
APPLICATION NUMBER 10, 11 & 12 DATE December 19, 2013

APPLICANT Dockside Marina Subdivision

REQUEST Planned Unit Development, Sidewalk Waiver, Subdivision



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING


















The site is surrounded by marine services. A residence lies to the north of the site.

APPLICATION NUMBER 10, 11 & 12 DATE December 19, 2013

APPLICANT Dockside Marina Subdivision

REQUEST Planned Unit Development, Sidewalk Waiver, Subdivision

LEGEND															
	R-1	R-2	R-3	R-A	R-B	H-B	T-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING

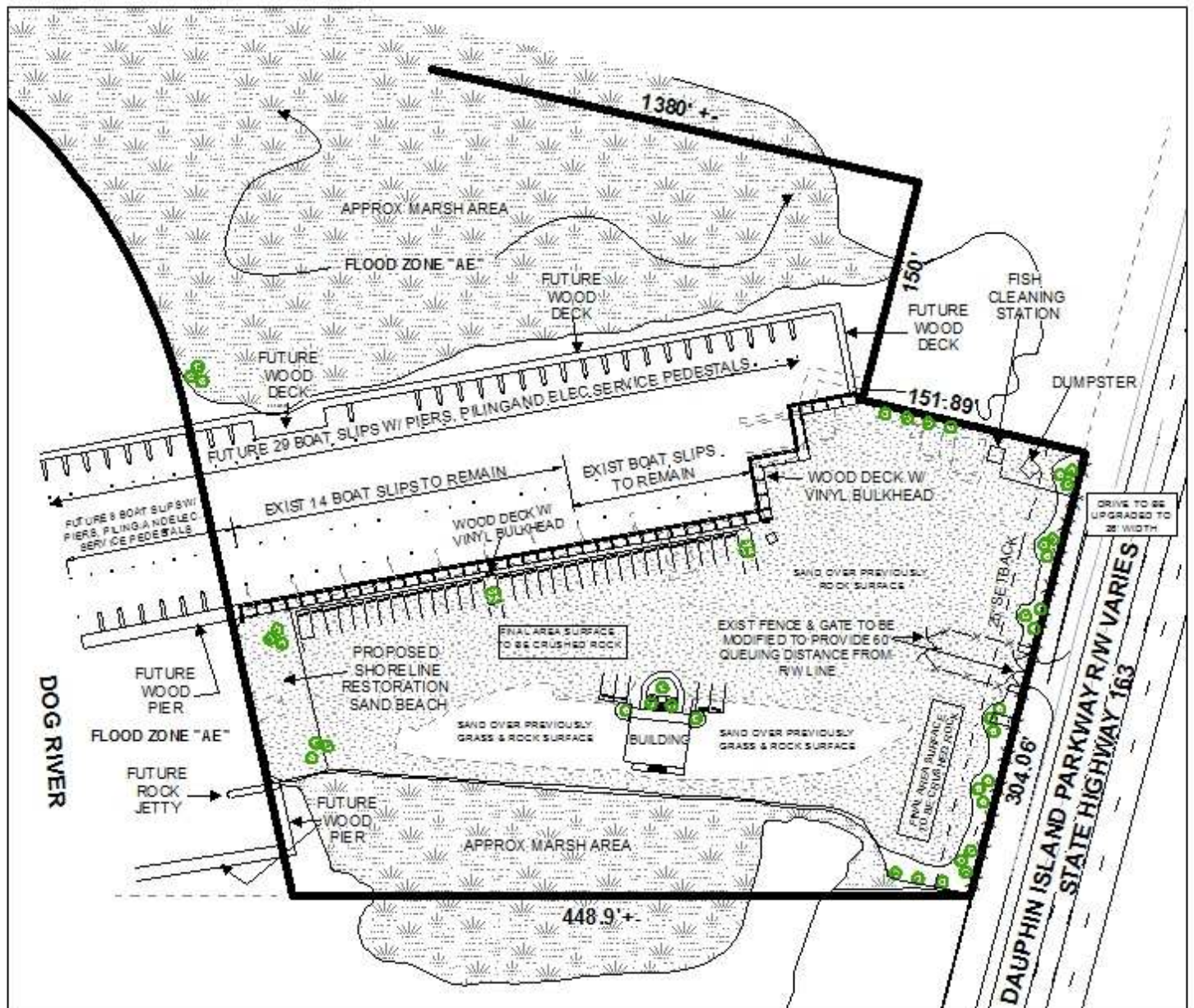


The site is surrounded by marine services. A residence lies to the north of the site.

APPLICATION NUMBER 10, 11 & 12 DATE December 19, 2013
APPLICANT Dockside Marina Subdivision
REQUEST Planned Unit Development, Sidewalk Waiver, Subdivision



SITE PLAN

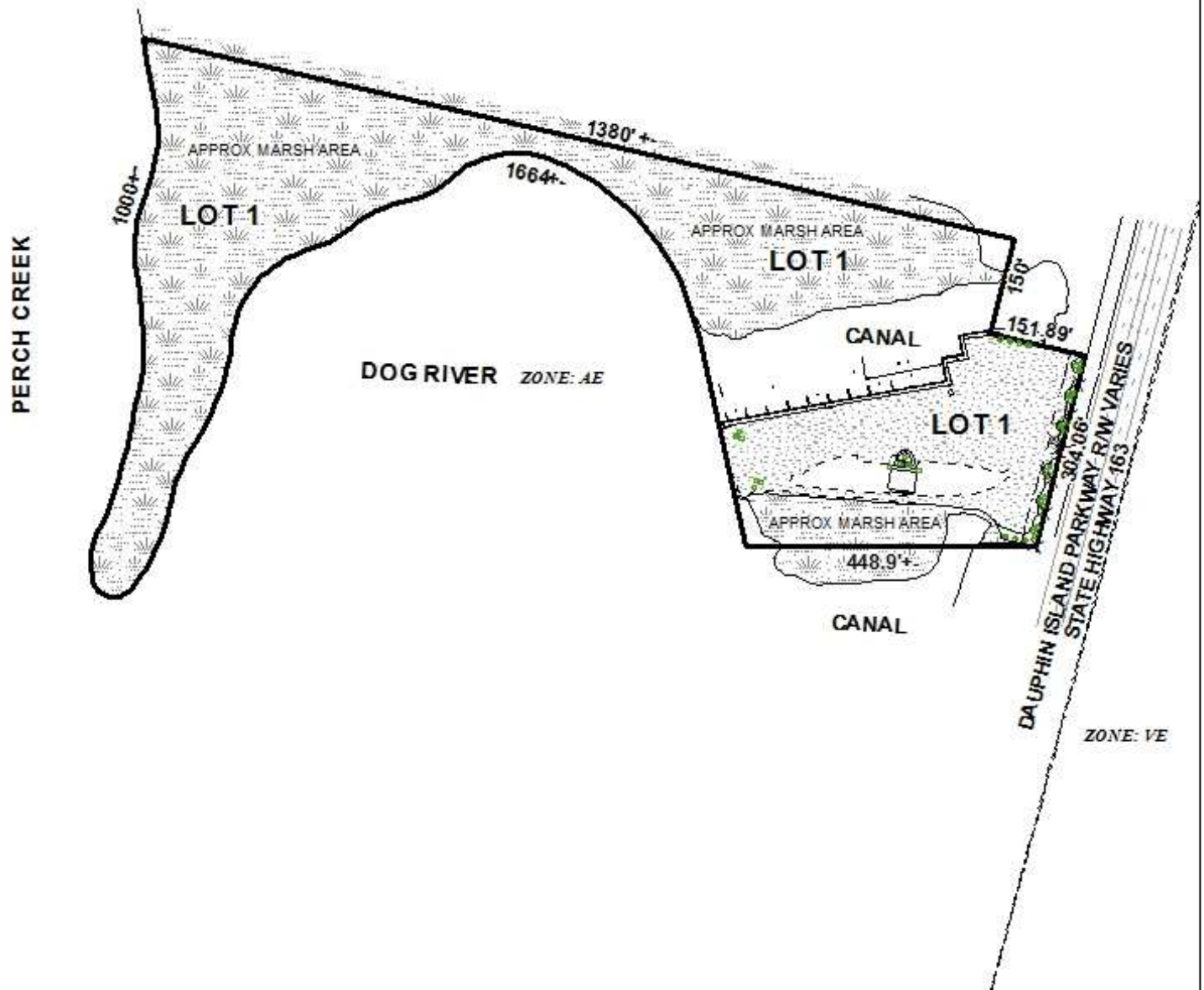


The site plan illustrates the approximate marsh area, existing buildings, future decks and piers, future boat slips, setback, and proposed shoreline restoration sand beach.

APPLICATION NUMBER 10, 11 & 12 DATE December 19, 2013
 APPLICANT Dockside Marina Subdivision
 REQUEST Planned Unit Development, Sidewalk Waiver, Subdivision



DETAIL SITE PLAN



APPLICATION NUMBER 10, 11 & 12 DATE December 19, 2013
APPLICANT Dockside Marina Subdivision
REQUEST Planned Unit Development, Sidewalk Waiver, Subdivision

