

**ZONING AMENDMENT,  
PLANNING APPROVAL &  
SUBDIVISION STAFF REPORT**

**Date: April 21, 2016**

<b><u>NAME</u></b>	Mobile Gas Corporation
<b><u>SUBDIVISION NAME</u></b>	Mobile Gas - Downtown Park Subdivision
<b><u>LOCATION</u></b>	804 Dr. Martin Luther King Jr. Avenue (Northeast corner of Dr. Martin Luther King Jr. Avenue and Marmotte Street extending to the Southeast corner of Marmotte Street and Short Bloodgood Street)
<b><u>CITY COUNCIL DISTRICT</u></b>	District 2
<b><u>PRESENT ZONING</u></b>	R-3, Multiple-Family District, and B-4, General Business District
<b><u>PROPOSED ZONING</u></b>	R-2, Two-Family Residential District
<b><u>REASON FOR REZONING</u></b>	To eliminate split zoning.
<b><u>AREA OF PROPERTY</u></b>	1 Lot / 7.4 ± Acres
<b><u>CONTEMPLATED USE</u></b>	Subdivision approval to create 1 lot, Planning Approval to allow a park in an R-2, Two-Family Residential District, and Rezoning from R-3, Multiple-Family District, and B-4, General Business District, to R-2, Two-Family Residential District, to allow a park and eliminate split zoning. <b>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.</b>
<b><u>TIME SCHEDULE</u></b>	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. Recommend that witness monuments be set for the property corners that cannot be set in the existing creek, especially along the public ROW.
- C. Review and revise the written legal description or boundary labels for the various lengths shown for line segments along the north, south and west property line segments. They do not match the provided graphic scale.
- D. One of the plan bearing and distance labels does not match the written description.
- E. The area along the east property line includes a portion of One Mile Creek. A PUBLIC drainage easement will need to be dedicated to the City of Mobile; the width and alignment of the easement shall be coordinated with, and approved by, the City Engineer.
- F. Show and label the POB.
- G. Provide a north arrow for the vicinity map.
- H. Show and label the MFFE (Minimum Finished Floor Elevation) on each lot that contains an AE, V, or X (shaded) flood zone designation.
- I. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer.
- J. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
- K. 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.
- L. 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.
- M. Provide a copy of the FINAL PLAT to the Engineering Dept. for review prior to obtaining any signatures.
- N. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.

## **TRAFFIC ENGINEERING COMMENTS**

Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Required 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).

**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, Planning Approval to allow a park in an R-2, Two-Family Residential District, and Rezoning from R-3, Multiple-Family District, and B-4, General Business District, to R-2, Two-Family Residential District, to allow a park and eliminate split zoning. Parks require Planning Approval in R-2 districts.

The purpose of this application is to allow the Mobile Gas Corporation to create a park on the vacant site, after remediation activities have been completed. The site is a US Environmental Protection Agency designated “brownfields” property due to contamination of the site from the long term operation of the Mobile Gas Works (since 1836 according to information provided at a predevelopment meeting regarding the site).

The site is bounded by four streets and a creek. Across the streets and creek are various land uses and zoning districts. To the North by vacant land in R-2 and R-3 Multi-Family districts, to the East by vacant and commercially developed properties in R-3 and B-4 districts, to the South by commercially and institutionally developed properties in B-4 and T-5.2 Mixed-Use Sub-districts, and to the West by vacant land in R-2 and B-3 Community Business districts.

The entire site appears to be depicted as a combination of a “Traditional Neighborhood” Development Area and an “Urban” Corridor, per the recently adopted Map for Mobile Plan. The intentions for the Traditional Neighborhood Development Area and the Urban Corridor are:

- Better connectivity to neighborhood centers with accessibility to retail and services
- Appropriately scaled and designed infill development, including housing in a variety of configurations
- More sidewalks and streetscaping
- Protections for historic properties
- Increased protections for existing traditional development
- Design-driven infill development that helps create pedestrian-friendly urban environment that complements the traditional character
- Increased streetscaping and improvements to the pedestrian space
- Protections for historic properties
- Implement “road diets”
- Encourage re-connectivity

It should be noted that the Map for Mobile Plan is meant to serve as a general guide, not a detailed lot and district plan or mandate for development. Moreover, the Plan allows the Planning Commission and City Council to consider individual cases based on additional

information such as the classification request, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and zoning classification.

As 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 review required for Planning Approval examines the applicant's location and site plan with regard to transportation, parking and access, public utilities and facilities, traffic congestion and hazard, and to determine if the proposal is in harmony with the orderly and appropriate development of the district.

It is very important to note that the Planning Approval review is site plan specific; therefore *any* future changes to the site plan or to the scope of operations for the site, as approved, by current or future applicants must be submitted for Planning Approval.

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.

Due to the subdivision of land, the rezoning classification becomes "necessary and desirable" in order to avoid a split-zone condition. As the applicant is down-zoning the property, the requested designation as an R-2 district will be compatible with abutting residentially-zoned properties. Furthermore, the rezoning and the proposed use will be consistent with the recommendations contained within the Map for Mobile.

Regarding the proposed use of the site as a park, a sidewalk with benches through the site are proposed at this time. The sidewalk will connect to the abutting streets at several points, however, continuous new sidewalks along the streets do not appear to be proposed beyond what currently exists. The proposed sidewalks that will parallel Marmotte and Short Bloodgood Streets will be approximately 25-feet from the right-of-way edge, and thus may be close enough and easily accessible enough to provide pedestrian connectivity that might otherwise be provided by a sidewalk along the edge of the right-of-way. There is no indication that there will be any structures, such as a pavilion or restroom facility.

Most of the existing trees on the site will be retained, however, it appears that five trees will be removed during the remediation and site modification process: one of the trees to be removed is a live oak greater than 24 inches, thus a tree removal permit will be required.

The site has frontage onto four streets, three of which are minor streets with curb-and-gutter (Dr. Martin Luther King, Jr. Avenue, Marmotte Street and Short Bloodgood Street), and the last is a major street (Beauregard Street). Marmotte Street appears to have a right-of-way that is less than 50 feet in width in some sections, however, instead of right-of-way dedication, it is recommended that the 25-foot minimum building setback line along Marmotte Street be placed to reflect a future continuous right-of-way width of 50 feet. All other streets have compliant rights-of-way, with an appropriately placed minimum building setback line.

There are multiple existing curb-cuts to the site, including one onto Beauregard Street, a major street, three onto Marmotte Street, and one onto Short Bloodgood Street. The site plan submitted with the application does not indicate that there will be on-site vehicular parking, thus the curb-cut onto Beauregard Street and two of the curb-cuts onto Marmotte Street should be removed, and the curbing and neutral ground restored.

Finally, it should be noted that there is a water line easement crossing the property. All easements on the property should be labeled. A note should be placed on the Final Plat stating that no structures shall be placed in any easement.

## **RECOMMENDATION**

**Subdivision:** With a waiver of Section V.B.14. of the Subdivision Regulations for Marmotte Street (right-of-way width), the Subdivision request is recommended for Tentative Approval, subject to the following conditions:

- 1) Revision of the 25-foot minimum building setback line along Marmotte Street to reflect a future continuous right-of-way width of 50-feet;
- 2) Removal of one existing curb-cut to Beauregard Street and two existing curb-cuts to Marmotte Street, and the restoration of curb-and-gutter and the neutral ground;
- 3) Placement of a note on the Final Plat stating that the lot is limited to one curb-cut each to Marmotte Street Short Bloodgood Street, and denied access to Beauregard Street and Dr. Martin Luther King, Jr. Avenue, with the size, design and any other modification subject to Traffic Engineering approval and to conform with AASHTO standards;
- 4) Labelling of all easements, and placement of a note on the Final Plat stating that no structures shall be placed in any easements;
- 5) Compliance with 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. Recommend that witness monuments be set for the property corners that cannot be set in the existing creek, especially along the public ROW. C. Review and revise the written legal description or boundary labels for the various lengths shown for line segments along the north, south and west property line segments. They do not match the provided graphic scale. D. One of the plan bearing and distance labels does not match the written description. E. The area along the east property line includes a portion of One Mile Creek. A PUBLIC drainage easement will need to be dedicated to the City of Mobile; the*

*width and alignment of the easement shall be coordinated with, and approved by, the City Engineer. F. Show and label the POB. G. Provide a north arrow for the vicinity map. H. Show and label the MFFE (Minimum Finished Floor Elevation) on each lot that contains an AE, V, or X (shaded) flood zone designation. I. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer. J. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. K. 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. L. 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. M. Provide a copy of the FINAL PLAT to the Engineering Dept. for review prior to obtaining any signatures. N. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.);*

- 6) *Compliance with Traffic Engineering comments (Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Required 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 61-929 and City Code Chapters 57 and 64).);*
- 8) *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));*
- 9) *Provision of a revised Planning Approval site plan reflecting curb-cut removals and minimum building setback line adjustments along Marmotte Street, prior to the signing of the Final Plat; and*
- 10) *Completion of the Subdivision process prior to any request for final inspections of the site.*

**Planning Approval:** The Planning Approval request is recommended for Approval, subject to the following conditions:

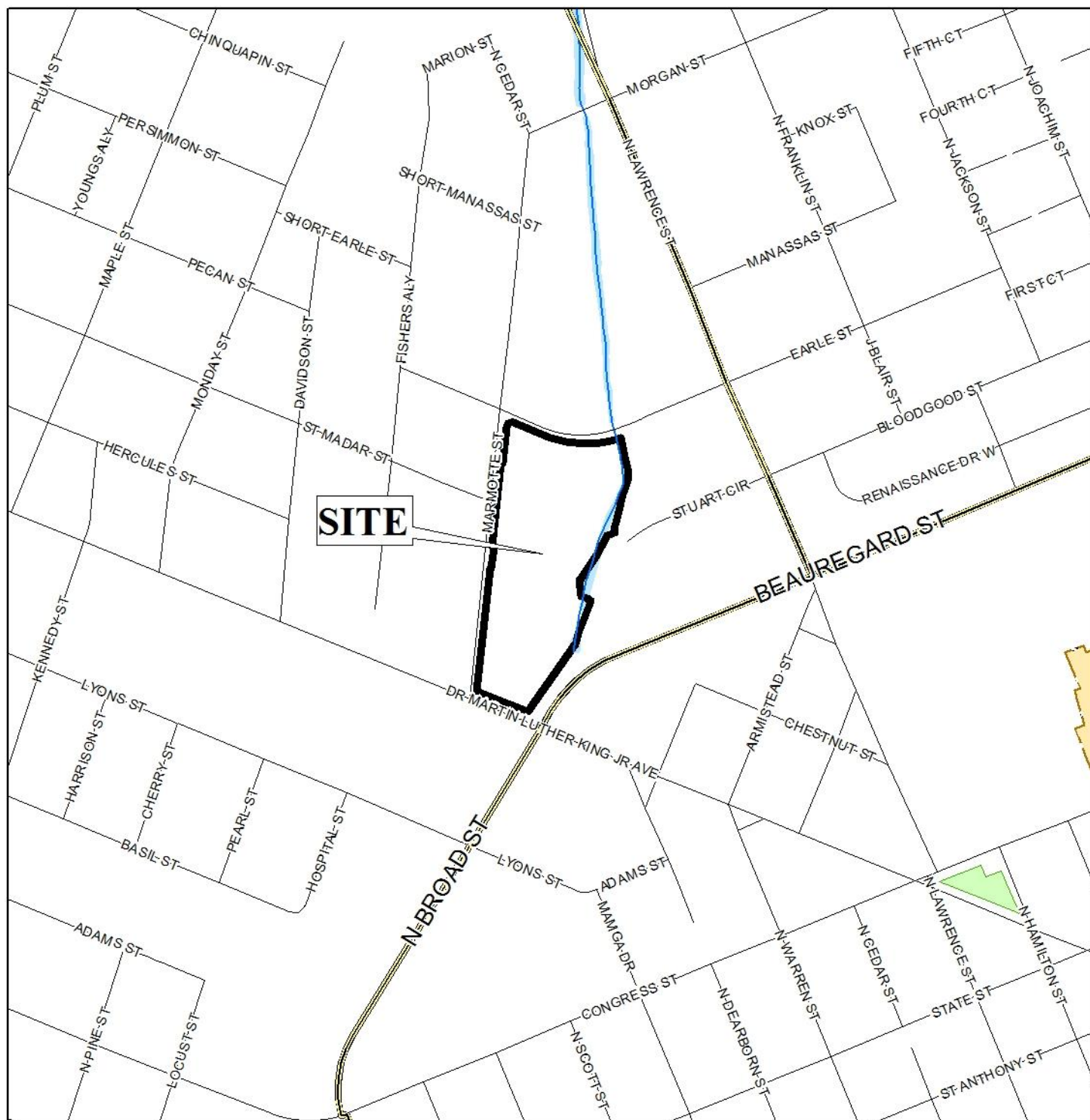
- 1) Revision of the site plan to reflect curb-cut removals and minimum building setback line adjustments along Marmotte Street;
- 2) Revision of the 25-foot minimum building setback line along Marmotte Street to reflect a future continuous right-of-way width of 50-feet;
- 3) Removal of one existing curb-cut to Beauregard Street and two existing curb-cuts to Marmotte Street, and the restoration of curb-and-gutter and the neutral ground;
- 4) Placement of a note on the site plan stating that the lot is limited to one curb-cut each to Marmotte Street Short Bloodgood Street, and denied access to Beauregard Street and Dr. Martin Luther King, Jr. Avenue, with the size, design and any other modification subject to Traffic Engineering approval and to conform with AASHTO standards;
- 5) Labelling of all easements, and placement of a note on the site plan stating that no structures shall be placed in any easements;

- 6) Removal of any 24 inch or larger Live Oak on the property to be appropriately permitted through Urban Forestry;
- 7) Compliance with Traffic Engineering comments (*Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.*);
- 8) 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 61-929 and City Code Chapters 57 and 64).*);
- 9) 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)*);
- 10) If permanent structures are proposed, such as restroom facilities or pavilions, a new request for Planning Approval, to revise the site plan, will be required; and
- 11) Provision of a revised Planning Approval site plan reflecting curb-cut removals and minimum building setback line adjustments along Marmotte Street, prior to the signing of the Final Plat.

**Rezoning:** The Rezoning request is recommended for Approval, subject to the following conditions:

- 1) Completion of the Subdivision process; and
- 2) Full compliance with all other municipal codes and ordinances.

# LOCATOR MAP

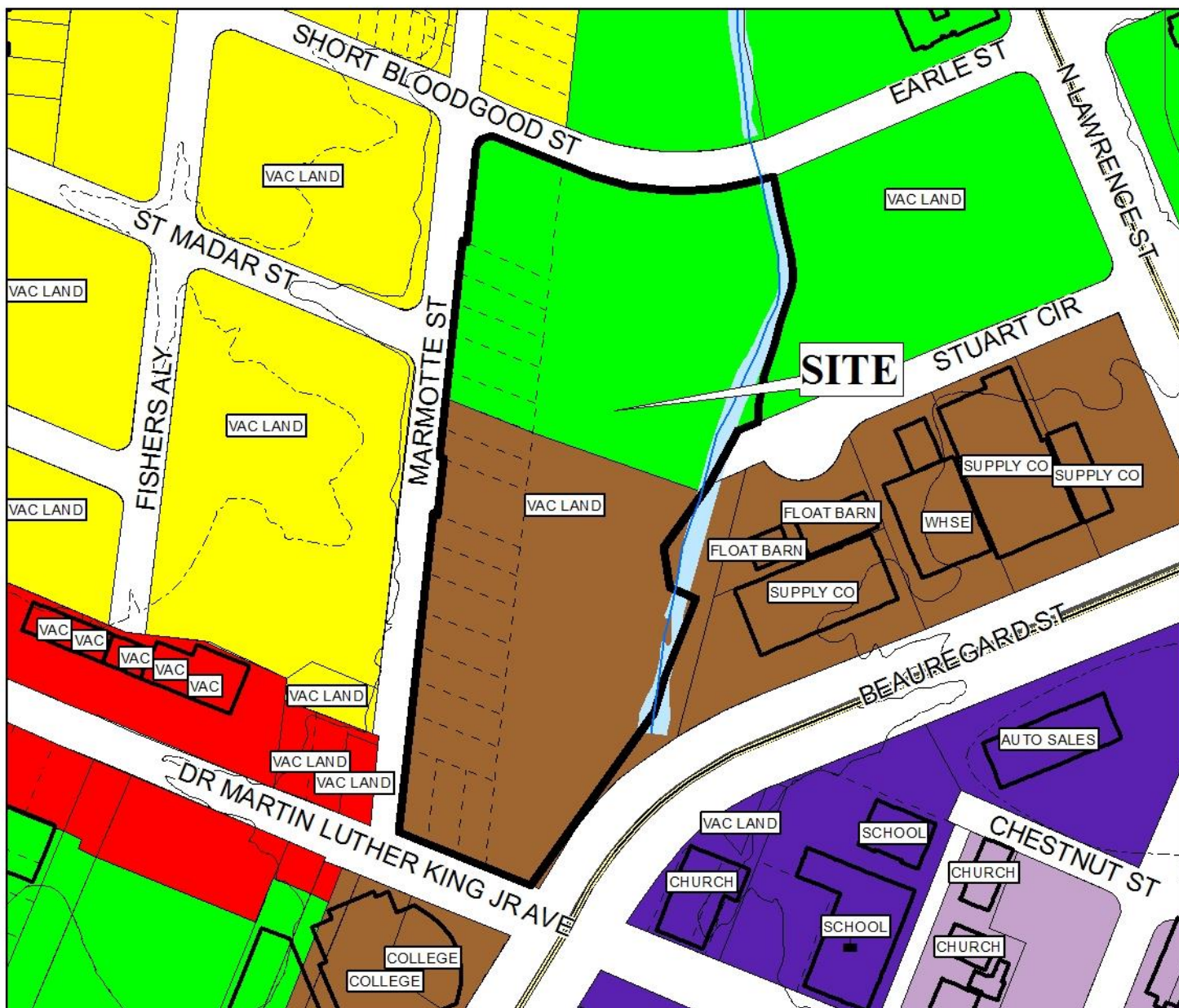


APPLICATION NUMBER 10 DATE April 21, 2016  
APPLICANT Mobile-Gas Downtown Park Subdivision  
REQUEST Subdivision, Planning Approval, Zoning from R-3 and B-4 to R-2





# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by schools to the south, churches to the southeast, and commercial units to the east and west.

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 REQUEST Subdivision, Planning Approval, Zoning from R-3 and B-4 to R-2

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



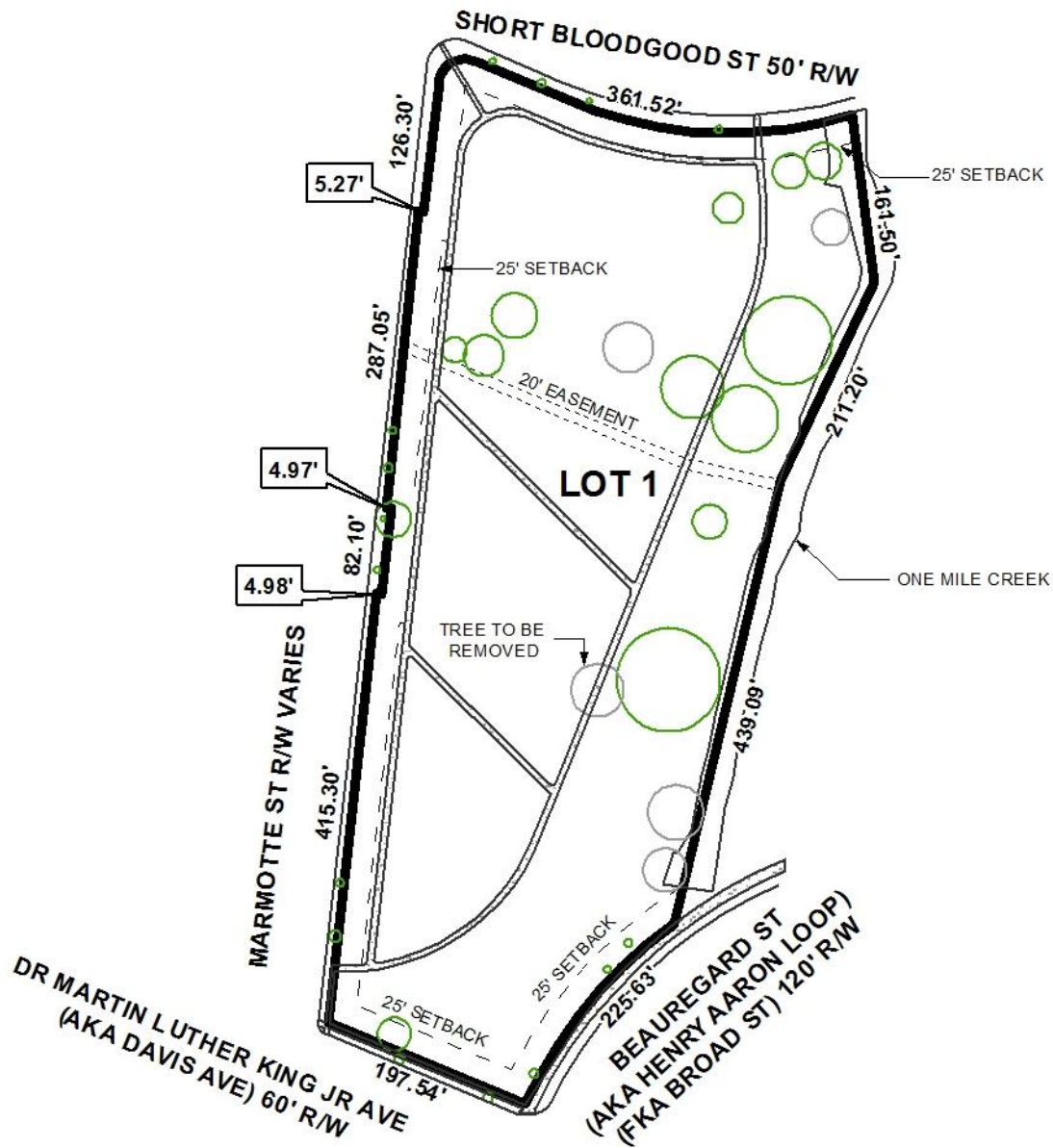
The site is surrounded by schools to the south, churches to the southeast, and commercial units to the east and west.

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 REQUEST Subdivision, Planning Approval, Zoning from R-3 and B-4 to R-2





# SITE PLAN

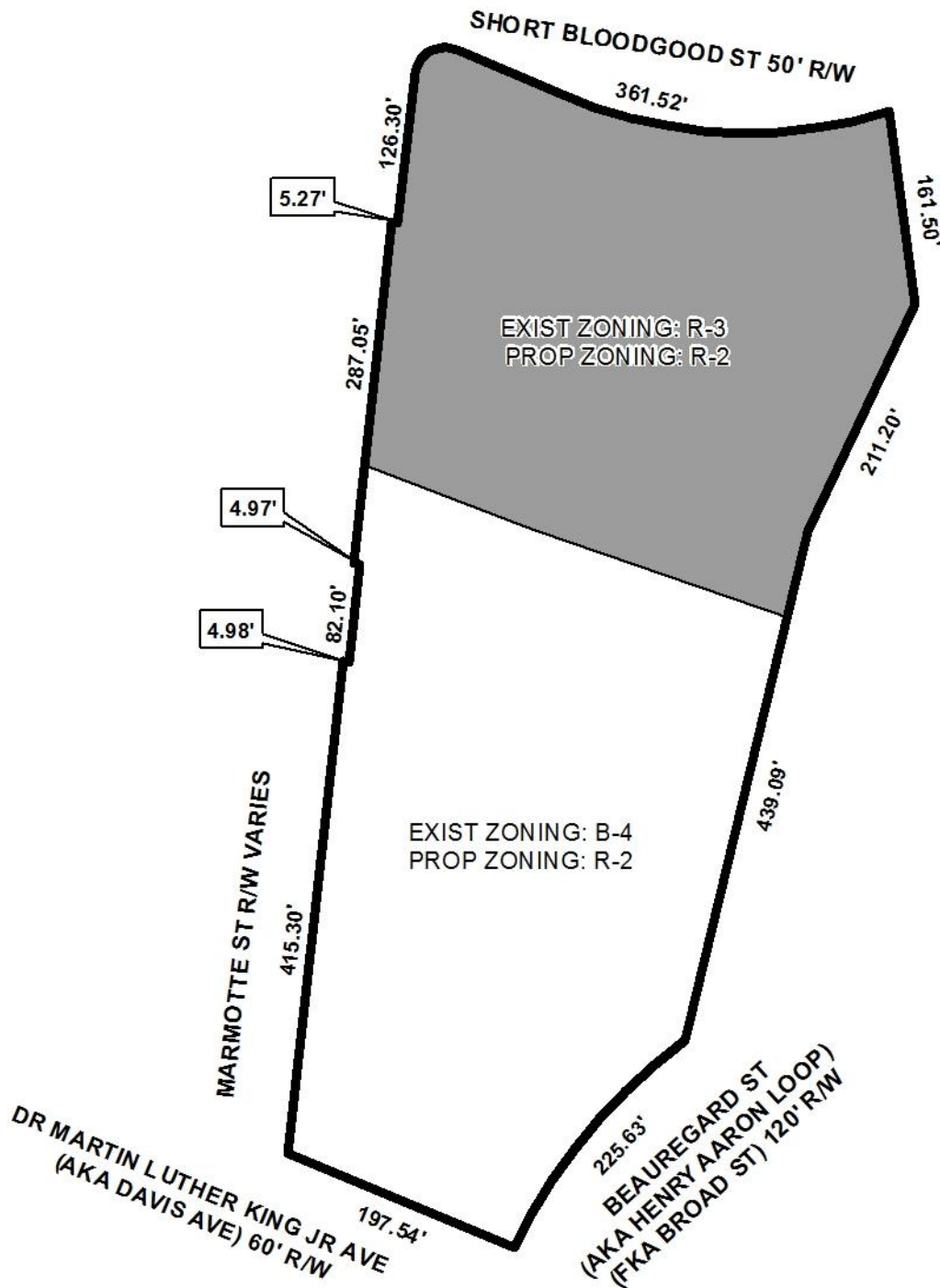


The site plan illustrates the easement, setbacks, and trees to be removed.

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# DETAIL SITE PLAN



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APPLICANT Mobile-Gas Downtown Park Subdivision  
REQUEST Subdivision, Planning Approval, Zoning from R-3 and B-4 to R-2

