

**ZONING AMENDMENT &  
SUBDIVISION STAFF REPORT****Date: August 20, 2015****APPLICANT NAME**

Board of Water and Sewer Commissioners of the City of Mobile

**SUBDIVISION NAME**

Dumas Subdivision, Resubdivision of and Addition to Lot 1

**LOCATION**1060 Spring Hill Avenue and 160 North Pine Street  
(Northeast corner of Spring Hill Avenue and North Pine Street)**CITY COUNCIL  
DISTRICT**

District 2

**PRESENT ZONING**

R-2, Two-Family Residential District and B-3, Community Business District.

**PROPOSED ZONING**

B-3, Community Business District

**AREA OF PROPERTY**

1 Lot / 0.7± Acre

**CONTEMPLATED USE**

Rezoning from R-2, Two-Family Residential District, to B-3, Community Business District, to eliminate split zoning and Subdivision approval to create one legal lot of record.

**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**

Immediately.

**ENGINEERING  
COMMENTS**

The following comments should be addressed prior to submitting the FINAL PLAT for acceptance and signature by the City Engineer:

- A. Provide all of the required information on the SUBDIVISION PLAT (i.e. signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings and distances) that is required by the current Alabama State Board of Licensure for Professional Engineers and Land Surveyors.

- B. Add a note to the SUBDIVISION PLAT stating that a Land Disturbance permit will be required for any land disturbing activity in accordance with 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.
- C. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo the Lot(s) will receive historical credit of impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control). Coordinate with City Engineering Department staff to establish the exact amount prior to the submittal of the Land Disturbance Permit application.
- D. Add a note to the Plat stating that the approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit.
- E. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of development, unless a sidewalk waiver is approved.
- F. Show and label the MFFE (Minimum Finished Floor Elevation) on each lot that contains an AE, V, or X (shaded) flood zone designation.
- G. Provide and label the monument set or found at each subdivision corner.
- H. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
- I. Provide an updated Plat to Engineering Dept. for review prior to submittal for City Engineer's signature.
- J. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.

**Rezoning:** No comments

## **TRAFFIC ENGINEERING**

### **COMMENTS**

Spring Hill Avenue (US Highway 98) is an ALDOT maintained roadway. Driveway number, 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 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). Projects outside the City Limits of Mobile, yet within the Planning Commission Jurisdiction fall under the State or County Fire Code (2012 IFC).

**REMARKS**

The applicant is requesting Rezoning from R-2, Two-Family Residential District, to B-3, Community Business District, to eliminate split zoning and Subdivision approval to create one legal lot of record. More specifically, plans call for the existing commercial building on the site to be utilized as a MAWSS payment center for customers in the downtown and midtown areas, with additional on-site parking spaces provided.

The site is shown as commercial on the General Land Use Component of the Comprehensive Plan, which is meant to serve as a general guide, not a detailed lot and district plan or mandate for development. Moreover, the General Land Use Component allows the Planning Commission and City Council to consider individual cases based on additional information such as the classification request, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and zoning classification.

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.

It should be pointed out that it appears the existing site was rezoned from R-2, to B-3 in 1988. The applicant's justification for the current request mentions and the proposed subdivision of land demonstrates an apparent need for a reclassification. As such, the above condition #4 would be most appropriate.

Currently, the site is bounded by: R-2, Two-Family Residential on the north and northeast across North Pine Street; B-1, Buffer Business to the west across North Pine Street; B-3, Community Business also across North Pine Street and across Spring Hill Avenue to the south and southwest; and B-4, General Business to the east and across Spring Hill Avenue to the southeast.

In reference to tree and landscaping compliance, the existing landscaping appears compliant. The site plan also depicts a proposed 10' wide buffer strip, in addition to a 6' high wooden privacy where the site abuts residentially used property. The applicant should be aware that any proposed privacy fence should not exceed a height of 3' within any required front yard setback. As the applicant does not propose any structural expansions at this time, full compliance with the tree and landscaping requirements of the Zoning Ordinance will not be required until the time of development if the total gross floor area of the site is increased and/or decreased by at least 50% of the existing building's footprint. The new parking lot, however, should be built to full tree and landscaping compliance.

In regards to parking, the existing 5,445 sf. building requires a total of 19 parking spaces. Although the site currently has approximately 32 spaces, which exceeds the minimum requirements, the applicant is proposing to reconfigure the existing parking layout in order to improve onsite traffic circulation. 19 new parking spaces are also illustrated on the site plan to

comfortably accommodate the anticipated customers and employees. It should be pointed out that as proposed, a total of 45 parking spaces are planned; however, only 3 spaces contain curbing. As such, the revised site plan should illustrate curbing or wheel stops for all parking facilities. In addition, Staff recommends the elimination of the 3 parking spaces adjacent to the southeastern corner of the building.

It should be noted that since the applicant is expanding the existing parking area by more than a 25% increase, full lighting compliance is required. All new lighting on the site will have to comply with the requirements of Sections 64-4.A.2., 64-6.A.3.c., and 64-6.A.8. of the Zoning Ordinance to ensure lighting does not shine directly onto adjacent residential properties or into traffic. Photometric plans will be required at the time of permitting for land disturbance.

It should be pointed out that there is no dumpster depicted on the site plan, which would suggest waste removal will be via curb-side pick-up. As such, any revised site plan should illustrate the location of a dumpster in compliance with Section 64-4.D.9. of the Zoning Ordinance, or a note stating that waste removal will be via curb-side pick-up.

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, 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 purpose of the subdivision request is to create 1 legal lot of record from 2 existing lots. The proposed 0.7± acre, 1-lot subdivision is served by both city water and sewer.

In accordance with the Subdivision Regulations, the proposed lot is compliant with the minimum size requirements, and the lot size in square feet and acres is illustrated on the preliminary plat. The 25' minimum building setback line is depicted along all street frontages and should be retained on the Final Plat, if approved.

The site is provided frontage along Spring Hill Avenue and North Pine Street, both with sufficient right of way and, as such, no dedication is required at this time.

The site has several existing curb-cuts to Spring Hill Avenue and North Pine Street. The site should be limited to 1 curb-cut only to both streets, with any changes to the size, design and location to be approved by Traffic Engineering, and ALDOT where applicable, and conform to AASHTO standards. Any unused curb-cuts should be closed and replaced with curb-and-gutter.

**RECOMMENDATION**      **Subdivision:** The application is recommended for tentative approval, subject to the following conditions:

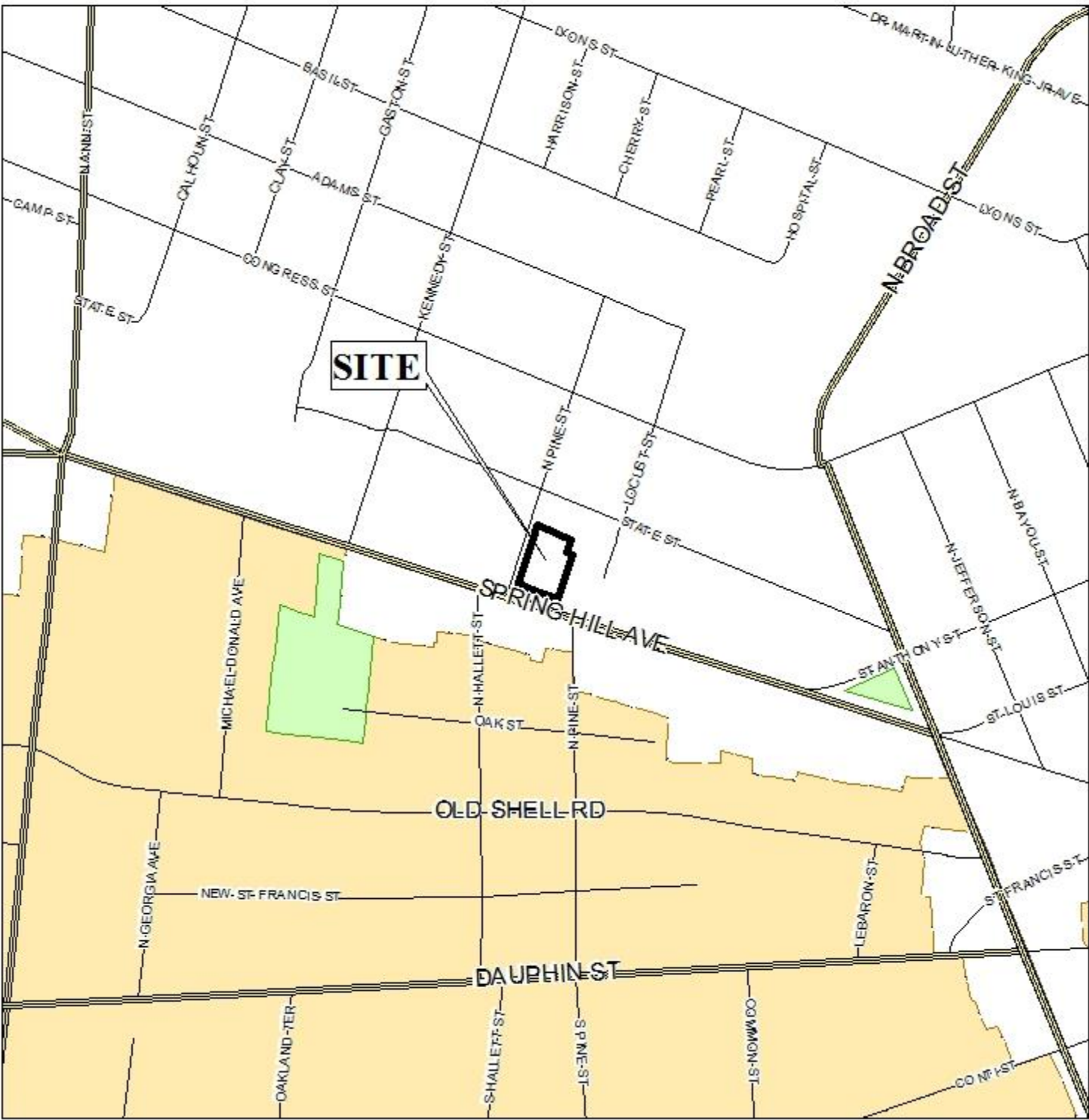
- 1) Retention of the lot size information and 25' minimum building setback line on the Final Plat;
- 2) Placement of a note on the Final Plat stating: *(The lot is limited to 1 curb-cut only to each street, with any changes to the size, design and location to be approved by Traffic*

- Engineering, and ALDOT where applicable, and conform to AASHTO standards. Any unused curb-cuts should be closed and replaced with curb-and-gutter.);*
- 3) 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. 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. C. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo the Lot(s) will receive historical credit of impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control). Coordinate with City Engineering Department staff to establish the exact amount prior to the submittal of the Land Disturbance Permit application. D. Add a note to the Plat stating that the approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. E. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of development, unless a sidewalk waiver is approved. F. Show and label the MFFE (Minimum Finished Floor Elevation) on each lot that contains an AE, V, or X (shaded) flood zone designation. G. Provide and label the monument set or found at each subdivision corner. H. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. I. Provide an updated Plat to Engineering Dept. for review prior to submittal for City Engineer's signature. J. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.);*
  - 4) Compliance with Traffic Engineering comments (*Spring Hill Avenue (US Highway 98) is an ALDOT maintained roadway. Driveway number, 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.);*
  - 5) 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).);*
  - 6) 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). Projects outside the City Limits of Mobile, yet within the Planning Commission Jurisdiction fall under the State or County Fire Code (2012 IFC).); and*
  - 7) Completion of the subdivision process and rezoning request prior any requests for Land Disturbance.

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

- 1) Provision of a 6' high wooden privacy fence (not to exceed a height of 3' within 25' front yard setback) and/or residential buffer where the site is adjacent to residentially used properties;
- 2) Compliance with Sections 64-4.A.2., 64-6.A.3.c., and 64-6.A.8. of the Zoning Ordinance to ensure parking lot lighting does not shine directly onto adjacent residential properties or into traffic;
- 3) Provision of bumper stops or curbing for all parking spaces;
- 4) Provision of a dumpster in compliance with Section 64-4.D.9. of the Zoning Ordinance, or a note stating that waste removal will be via curb-side pick-up;
- 5) Completion of the subdivision process and rezoning request prior to any requests for land disturbance; and
- 6) Full compliance with all municipal codes and ordinances.

## LOCATOR MAP



APPLICATION NUMBER 11 DATE August 20, 2015

APPLICANT Dumas Subdivision, Resubdivision of and Addition to Lot 1

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





# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



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

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APPLICANT Dumas Subdivision, Resubdivision of and Addition to Lot 1

REQUEST Subdivision, Rezoning from R-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 ZONING



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

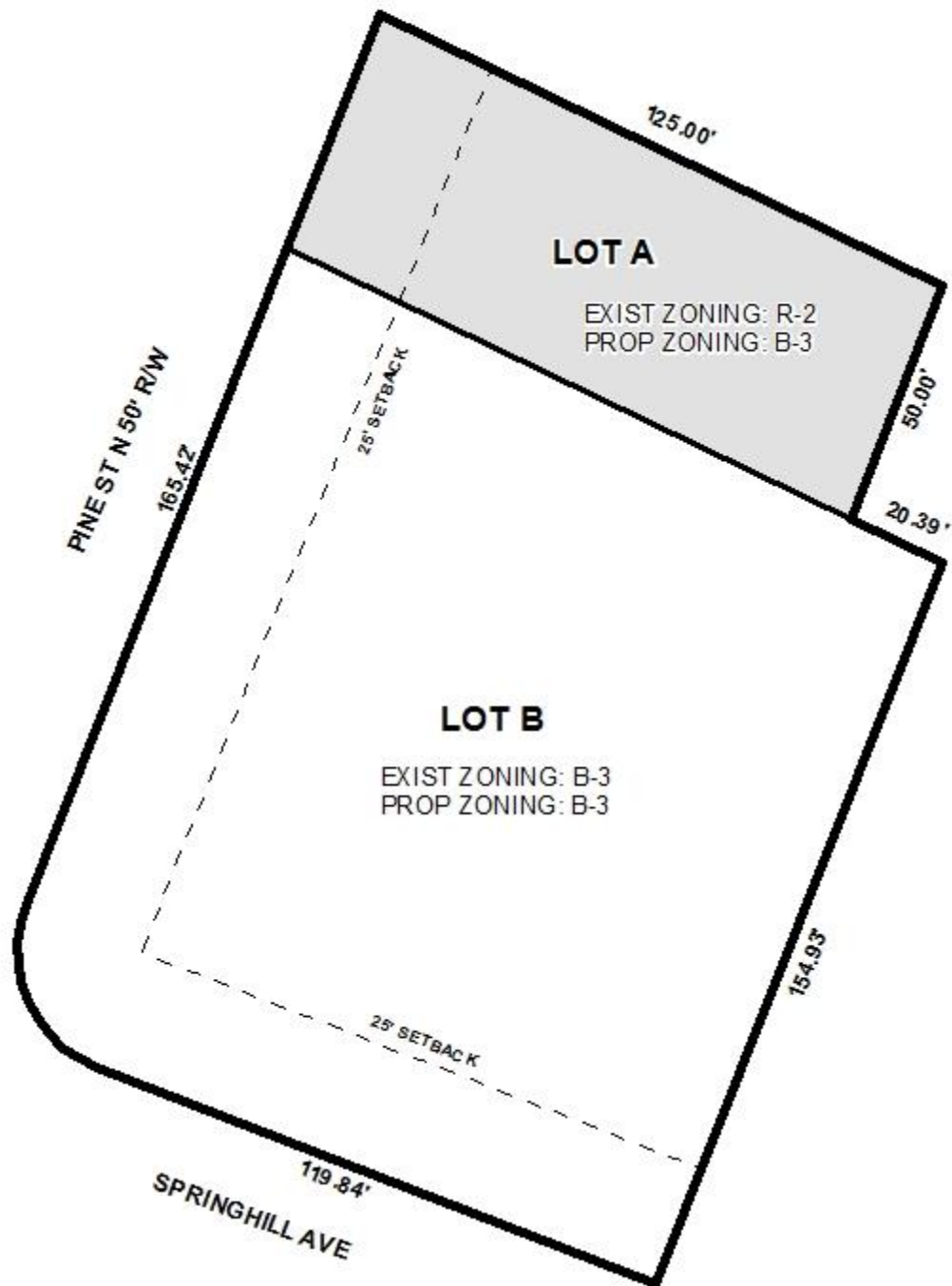
APPLICATION NUMBER 11 DATE August 20, 2015

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



## DETAIL SITE PLAN



APPLICATION NUMBER 11 DATE August 20, 2015

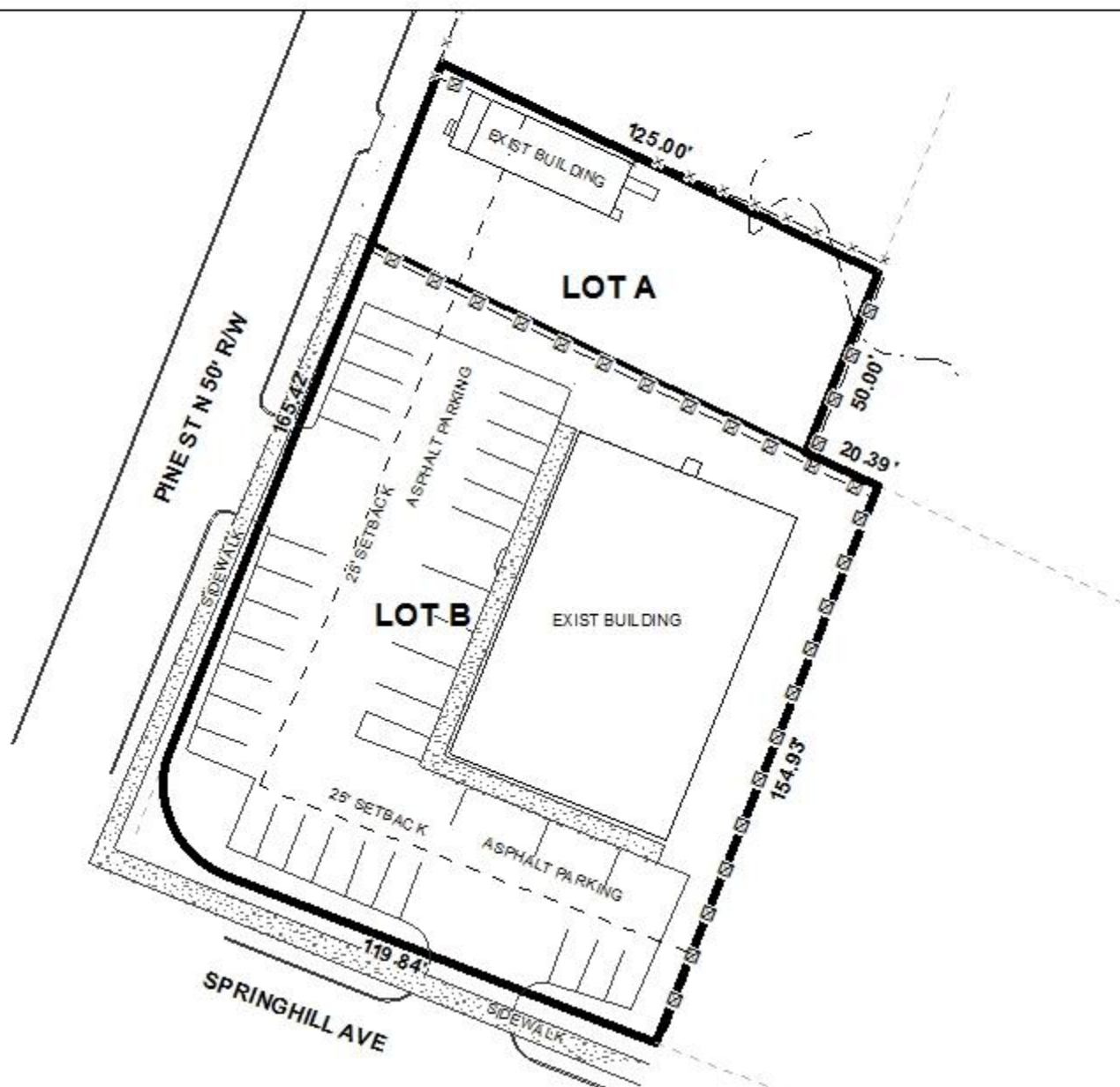
APPLICANT Dumas Subdivision, Resubdivision of and Addition to Lot 1

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





# EXISTING SITE PLAN

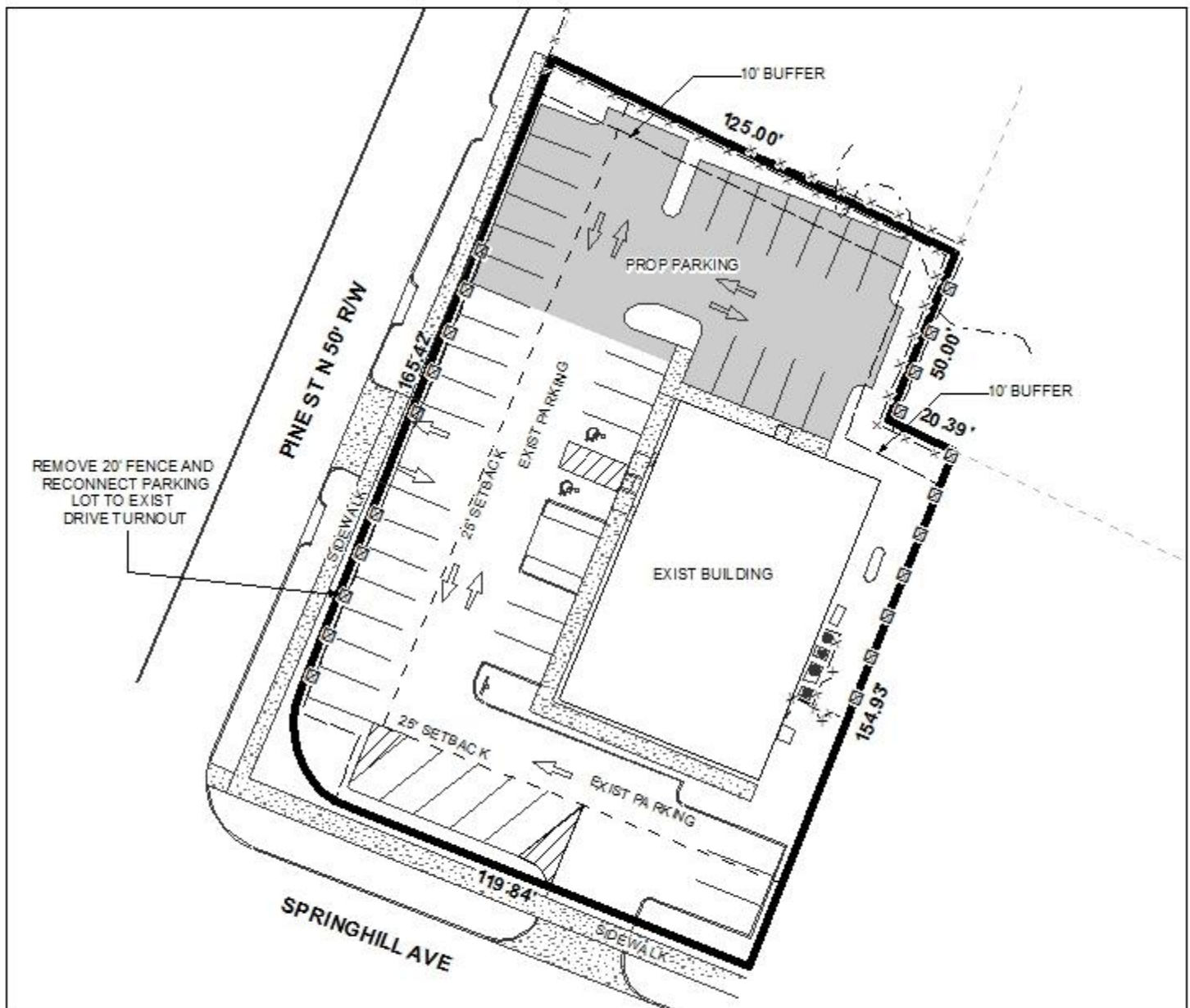


The site plan illustrates the existing buildings and the existing parking lot.

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



# PROPOSED SITE PLAN



The site plan illustrates the existing building, the existing parking lot, and the proposed parking addition.

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

