

**ZONING AMENDMENT,
PLANNED UNIT DEVELOPMENT &
SUBDIVISION STAFF REPORT**

Date: March 9, 2017

<u>NAME</u>	Ken Knuckles
<u>SUBDIVISION NAME</u>	Government and Dexter Subdivision, First Addition
<u>LOCATION</u>	1459 & 1465 Government Street (Southeast corner of Dexter Avenue and Government Street)
<u>CITY COUNCIL DISTRICT</u>	District 2
<u>PRESENT ZONING</u>	B-2, Neighborhood Business District and R-3, Multiple Family District
<u>PROPOSED ZONING</u>	B-2, Neighborhood Business District
<u>REASON FOR REZONING</u>	To allow commercial Planned Unit Development.
<u>AREA OF PROPERTY</u>	2 Lots / 0.4 ± Acres - Subdivision 2 Lots / 0.6 ± Acres - PUD 1 Lot / 0.2 ± Acres - Rezoning
<u>CONTEMPLATED USE</u>	<p>Subdivision approval to create 2 lots, Planned Unit Development Approval to allow shared access and parking between two building sites, and Rezoning from R-3, Multiple Family District, to B-2, Neighborhood Business District, to allow an ATM.</p> <p>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.</p>
<u>TIME SCHEDULE</u>	Commence July 2017, with completion anticipated by October 2017.

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. Add legible street names to the vicinity map.
- C. Provide and label the monument set or found at each subdivision corner.
- D. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer.
- E. Provide the Surveyor's Certificate and Signature.
- 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 SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 28 - #75) LOTS 1 AND 2 may 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 Final Plat from signatures.
- I. 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.
- J. 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.
- K. Provide a copy of the FINAL SUBDIVISION PLAT to the Engineering Dept. for review. No signatures are required on this drawing.
- L. 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.

Planned Unit Development

ADD THE FOLLOWING NOTES TO THE PUD SITE PLAN:

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, 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 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. 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.
5. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

TRAFFIC ENGINEERING

COMMENTS

Government Street (U.S. Highway 90) is an ALDOT maintained roadway. Each lot in the submitted subdivision is limited to no more than one curb cut with size, location and design to be approved by ALDOT (where applicable) and Traffic Engineering and conform to AASHTO standards. Access for the proposed PUD is limited to an approved site plan which may further limit the number and type of access points above and beyond the limitation on a subdivision plat note. 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)

REMARKS

The applicant is requesting Subdivision approval to create 2 lots, Planned Unit Development Approval to allow shared access and parking between two building sites, and Rezoning from R-3, Multiple Family District, to B-2, Neighborhood Business District, to allow an ATM.

The purpose of this application is to create two legal lots, so that one of the lots may be commercially rezoned and made part of a new development that involves an adjacent undeveloped commercial lot. The applicant proposes to build a new 1,500 square foot restaurant with a drive-through on the existing commercial lot, and possibly add a drive-up ATM

(automated teller machine) on the newly rezoned lot. A Planned Unit Development is required due to cross access and parking between the two commercial lots.

All portions of the overall site are located within the Leinkauf Historic District, thus review and approval by the Architectural Review Board of any proposed construction and development will additionally be required.

The entire site appears to be depicted as a “Traditional Corridor,” per the recently adopted Map for Mobile Plan. The intent of a Traditional Corridor is to allow for:

- Emphasize retaining historic buildings and creating appropriate, denser infill development
- Encourage mixed housing types including small multi-family structures along the corridor
- Retail and neighborhood services at intersections
- Combine and close driveways to create a continuous pedestrian friendly environment
- Auto, bicycle, transit and pedestrian traffic are accommodated
- More dense mixed-use development to include neighborhood services and residential above retail

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.

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.

Regarding the Subdivision request, the applicant proposes to create two legal lots from one vacant 50 x 350 \pm foot metes and bounds parcel. Each lot will have approximately 50 \pm feet of frontage along either Government Street or Church Street, and will be 175 \pm feet deep. Lot sizes will range from 8,837 to 8,902 \pm square feet, and thus will meet the minimum area requirements for lots with access to public water and sanitary sewer, however, the width of each lot does not comply with the 60 foot minimum width noted in Section V.D.2. of the Subdivision Regulations. Given the parcel's location within an historic district, and given that the parcel was originally composed of two legal lots and a vacated alley, the 50 \pm foot lot width is in character with surrounding properties in the vicinity, thus the minimum width requirement of Section V.D.2. of the Subdivision Regulations should be waived.

Proposed Lot 1 will have frontage on Government Street, an ALDOT controlled facility. The lot should be limited to one curb-cut to Government Street, with the size, design and location to be approved by ALDOT and Traffic Engineering, and comply with AASHTO standards. Lot 2 will have frontage on Church Street, but due to the narrow width of the lot, it should also be limited

to one curb-cut, with the size, design and location to be approved by Traffic Engineering, and comply with AASHTO standards.

The minimum building setback line is depicted for each lot, and should be retained on the final plat, if approved.

The Subdivision, as proposed, will create two vacant lots out of one parcel. This will allow for possible new infill residential development for Lot 2, fronting Church Street, and will allow for new infill development on Lot 1, fronting Government Street. The proposed creation of the lots will possibly allow for development in compliance with the intentions of the Map for Mobile's Traditional Corridor designation.

Regarding the request for rezoning, the applicant proposes to rezone Lot 1, which fronts Government Street, from its current R-3 district to a B-2 district, to accommodate the proposed commercial Planned Unit Development that will include the abutting commercial lot to the West. Proposed Lot 2 will retain its current R-3 designation.

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 applicant has not identified which of the above conditions apply to the site that is the subject of the rezoning request. It is clear that the rezoning is necessary in order to support the proposed commercial Planned Unit Development, however, no other justification was provided.

Proposed Lot 1, the subject of the rezoning request, was zoned to R-3 as part of the Government Street Zoning Study undertaken by the City of Mobile, and approved by City Commission in October 1984. Prior to this rezoning, the property was designated as a B-2, Neighborhood Business district, and it appears that this B-2 designation carried over from the commercial C-1 Neighborhood Business designation in existence prior to the adoption of the current 1967 Zoning Ordinance. The property has been vacant since late 2002, when permits were issued to allow for the demolition of a two-story "rooming house."

The rezoning site is bounded to the East by a commercial use in a B-1, Buffer Business district, to the West by a vacant commercial property in a B-2 district, and to the South by residential uses in an R-3 district. North, across Government Street, are vacant R-3 properties and a commercially utilized B-1 property.

Regarding Map for Mobile and the rezoning request, the lot could fulfill the intent of the Map for Mobile under its current R-3 designation by allowing a small multi-family structure or a mixed housing type. Similarly, however, a rezoning to B-2 would allow multi-family, but would additionally allow the opportunity to create a mixed-use (commercial and residential) development on the property. Thus, a rezoning in and of itself would not go against the intent of the Traditional Corridor.

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.

Please note that a Planned Unit Development approval by the Planning Commission expires after one year if no permits are obtained.

The applicant proposes to build a new restaurant with drive-through on a vacant, commercially-zoned lot. The lot was created via a Subdivision application approved by the Planning Commission at its November 5, 2015 meeting, and the plat was subsequently recorded. The approval included the following condition:

- 5) *Placement of a note on the Final Plat stating that the lot is limited to one curb cut to Dexter Avenue, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards;*

The PUD site plan shows that the proposed development will have one curb-cut to Dexter Avenue, and a second curb-cut, entrance only, from Government Street. The Government Street access includes a short deceleration lane that begins in front of the lot created in 2015, and which then clips the corner of the lot to provide access into the new lot that will be created as part of the Subdivision request being considered as part of this group application. The clipping of the 2015 lot may or may not be in compliance with the associated condition of approval denying access to/from Government Street.

Regarding the proposed development, the site plan shows that the drive-through for the proposed restaurant will be on the Government Street side of the proposed building, with the stacking lane within the front 25-foot setback, and the pick-up window facing Government Street. Visual inspection by staff of other restaurants on Government Street, from The Loop area to South Claiborne Street, show that no other restaurant has a drive-through on the Government Street frontage: all other restaurants and businesses (banks, drug stores) with drive-throughs have the facilities on the side facades of the buildings, thus not readily visible from Government Street.

The site also shows that the dumpster for the proposed restaurant will be placed on the adjacent lot that will be created as part of this application. The adjacent lot is additionally proposed to include a freestanding drive-up ATM.

While the proposed development will result in the closure of two driveways along Government Street, and the provision of a new neighborhood serving business - both in accordance with the intent of the Map for Mobile Traditional Corridor - the proposed deceleration lane will result in the removal of two existing live oak trees within the public right-of-way, and will create a very out of character situation of a drive-through directly fronting Government Street. Additionally, the proposed ATM will be out of character in terms of scale and use with other commercial uses along Government Street. The proposed curb-cut to Dexter Avenue will, it appears, also require the removal of one existing live oak within the public right-of-way. Thus, while access and circulation will be adequate for the proposed development, the relationship of the proposed commercial uses to the Government Street corridor, the historic district context of the site, and the proposed curb-cuts will adversely impact the historic nature of the corridor and the neighborhood.

RECOMMENDATION

Subdivision: Based upon the preceding, and with a waiver of Section V.D.2. of the Subdivision Regulations for lot width, the Subdivision request is recommended for Tentative Approval, subject to the following conditions:

- 1) Placement of a note on the final plat stating that each lot is limited to one curb-cut each to their respective street frontages, with the size, design and location of the curb-cuts to be approved by Traffic Engineering and ALDOT (for Lot 1), and to comply with AASHTO standards;
- 2) Retention of the 25-foot minimum building setback line on the final plat;
- 3) 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. Add legible street names to the vicinity map. C. Provide and label the monument set or found at each subdivision corner. D. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer. E. Provide the Surveyor's Certificate and Signature. 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 SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 28 - #75) LOTS 1 AND 2 may 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 Final Plat from signatures. I. 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. J. 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. K. Provide a copy of the FINAL SUBDIVISION PLAT to the Engineering Dept. for review. No signatures are required on this drawing. L. 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.);

- 4) Compliance with Traffic Engineering comments (*Government Street (U.S. Highway 90) is an ALDOT maintained roadway. Each lot in the submitted subdivision is limited to no more than one curb cut with size, location and design to be approved by ALDOT (where applicable) and Traffic Engineering and conform to AASHTO standards. Access for the proposed PUD is limited to an approved site plan which may further limit the number and type of access points above and beyond the limitation on a subdivision plat note. 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 2015-116 and City Code Chapters 57 and 64).*);
- 6) 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)*); and
- 7) Completion of the Subdivision process prior to any requests for land disturbance or new construction.

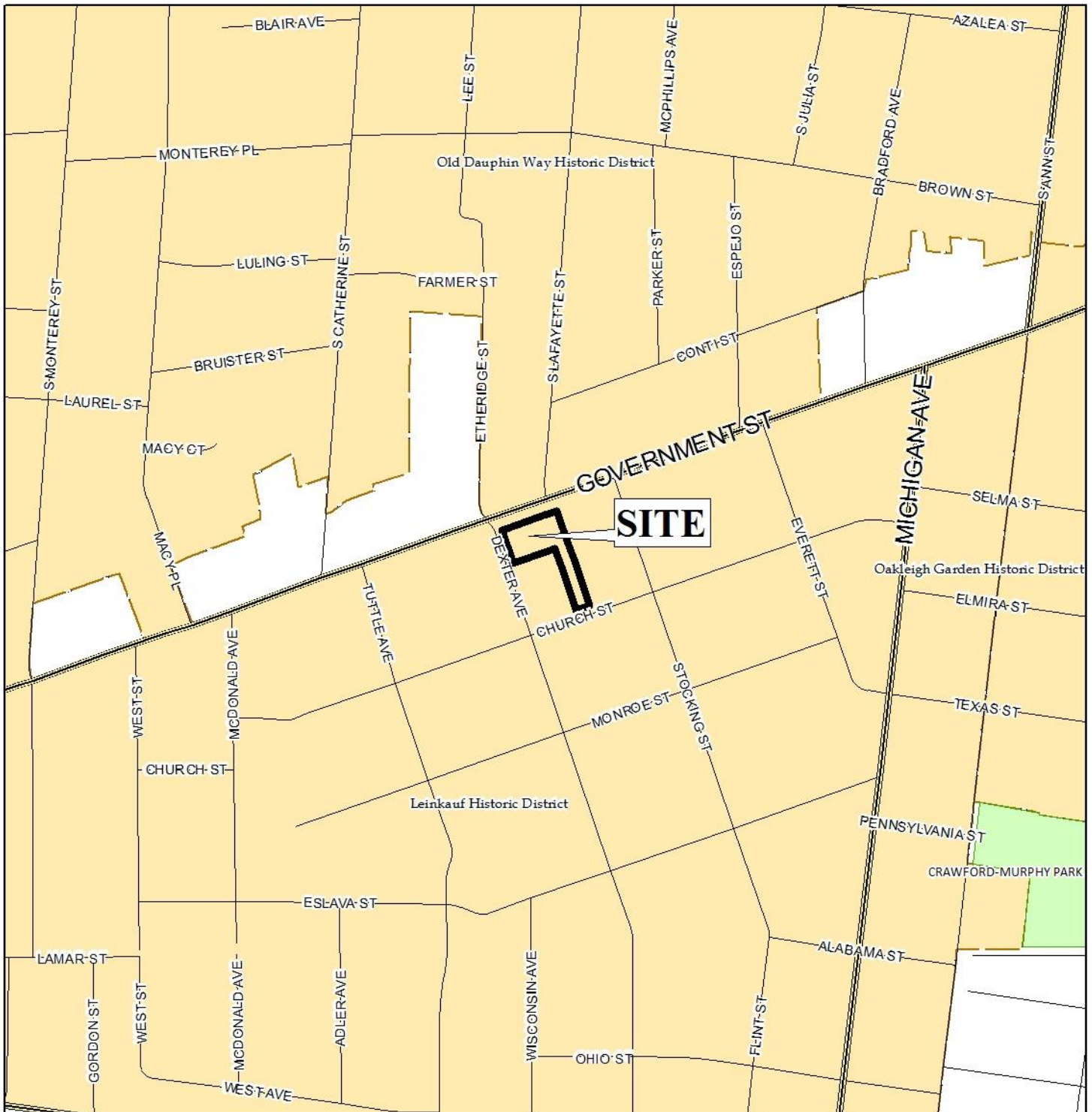
Planned Unit Development: Based upon the preceding, the Planned Unit Development request is recommended for Denial for the following reasons:

- 1) The proposed deceleration lane will result in the removal of two existing live oak trees within the public right-of-way;
- 2) The proposed curb-cut to Dexter Avenue will result in the removal of one existing live oak tree within the public right-of-way;
- 3) The placement of a drive-through fronting the Government Street corridor will be out of character and with and negatively impact the historic character and nature of the corridor and neighborhood;
- 4) The proposed ATM will be out of character in terms of scale and use with other commercial uses along Government Street; and
- 5) The development proposed for the site would not generally support the intent of the Traditional Corridor designation assigned via the Map for Mobile process.

Rezoning: Based upon the preceding, the Rezoning request is recommended for Denial for the following reasons:

- 1) The applicant failed to show that any of the four criteria specified in Section 64-9. of the Zoning Ordinance applied to the request;
- 2) The development proposed for the site would be out of character in terms of scale and use with other commercial developments within the corridor and neighborhood; and
- 3) The development proposed for the site, which requires the rezoning, would not generally support the intent of the Traditional Corridor designation assigned via the Map for Mobile process.

LOCATOR MAP



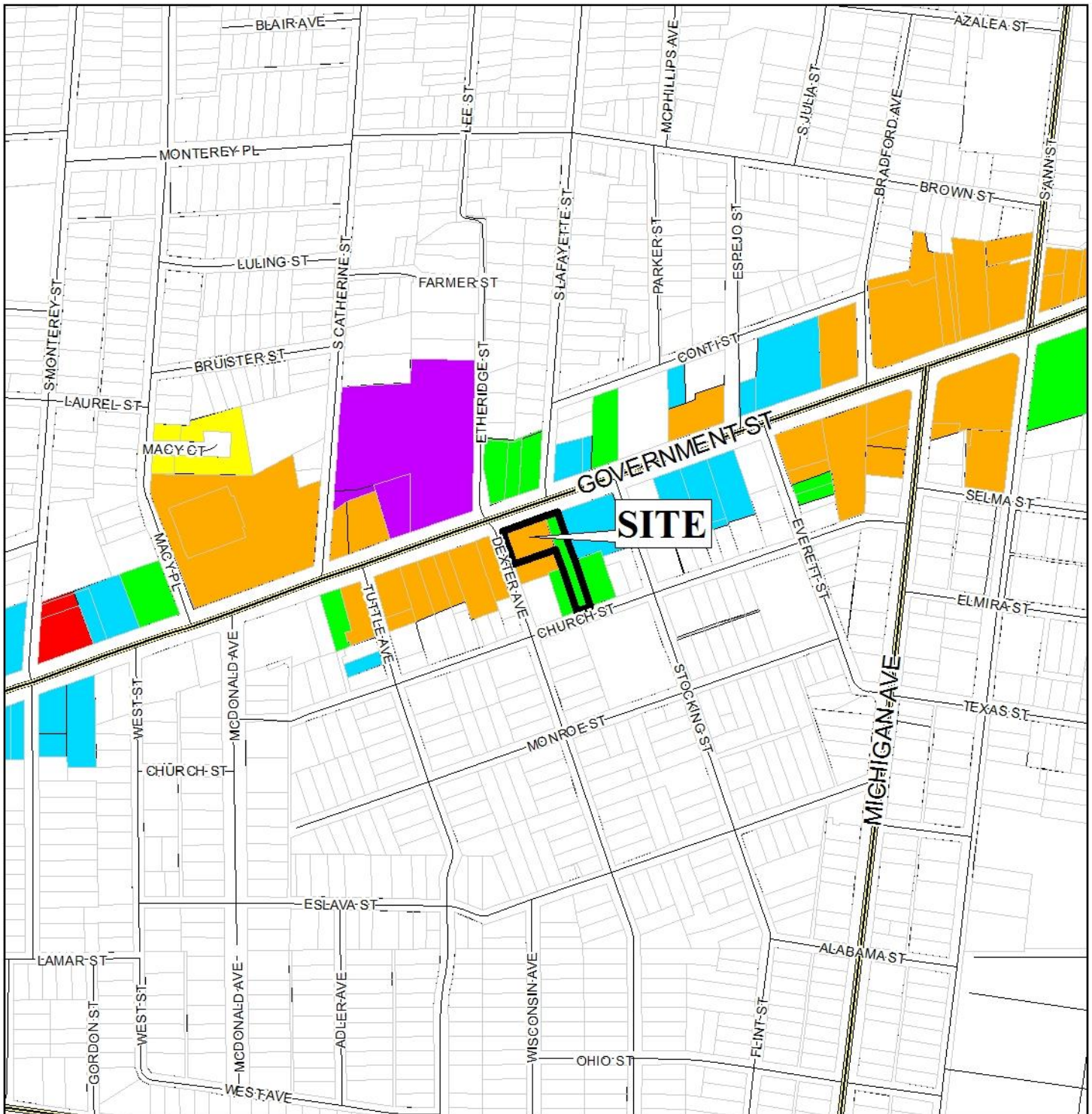
APPLICATION NUMBER 12 DATE March 9, 2017

APPLICANT Government and Dexter Subdivision, First Addition

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



LOCATOR ZONING MAP



APPLICATION NUMBER 12 DATE March 9, 2017
APPLICANT Government and Dexter Subdivision, First Addition
REQUEST Subdivision, PUD, Rezoning from R-3 to B-2



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial and residential units.

APPLICATION NUMBER 12 DATE March 9, 2017

APPLICANT Government and Dexter Subdivision, First Addition

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



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL

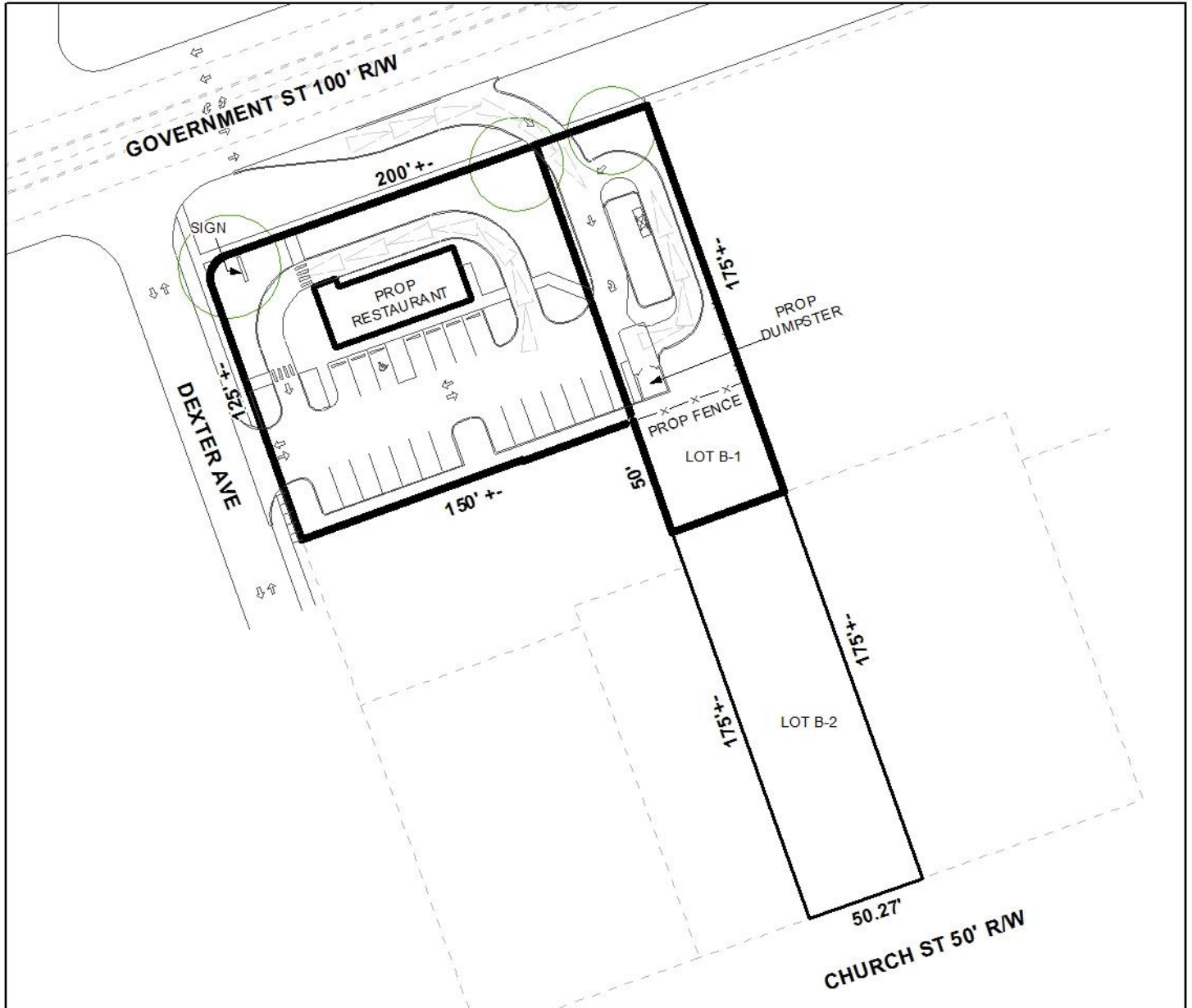


The site is surrounded by commercial and residential units.

APPLICATION NUMBER 12 DATE March 9, 2017
 APPLICANT Government and Dexter Subdivision, First Addition
 REQUEST Subdivision, PUD, Rezoning from R-3 to B-2



SITE PLAN

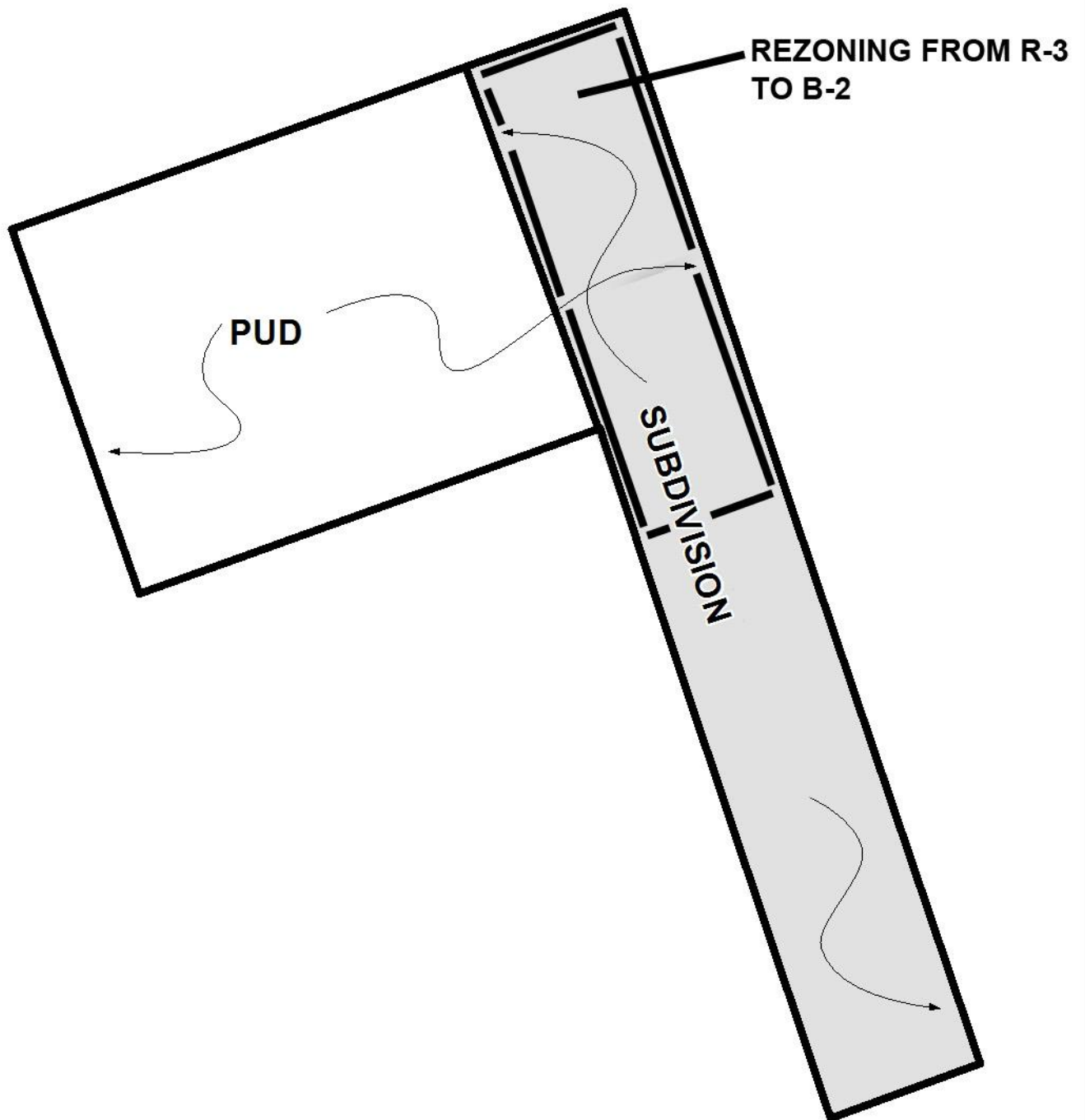


The site plan illustrates the proposed restaurant, parking, drive-thru and lots.

APPLICATION NUMBER 12 DATE March 9, 2017
 APPLICANT Government and Dexter Subdivision, First Addition
 REQUEST Subdivision, PUD, Rezoning from R-3 to B-2



DETAIL SITE PLAN



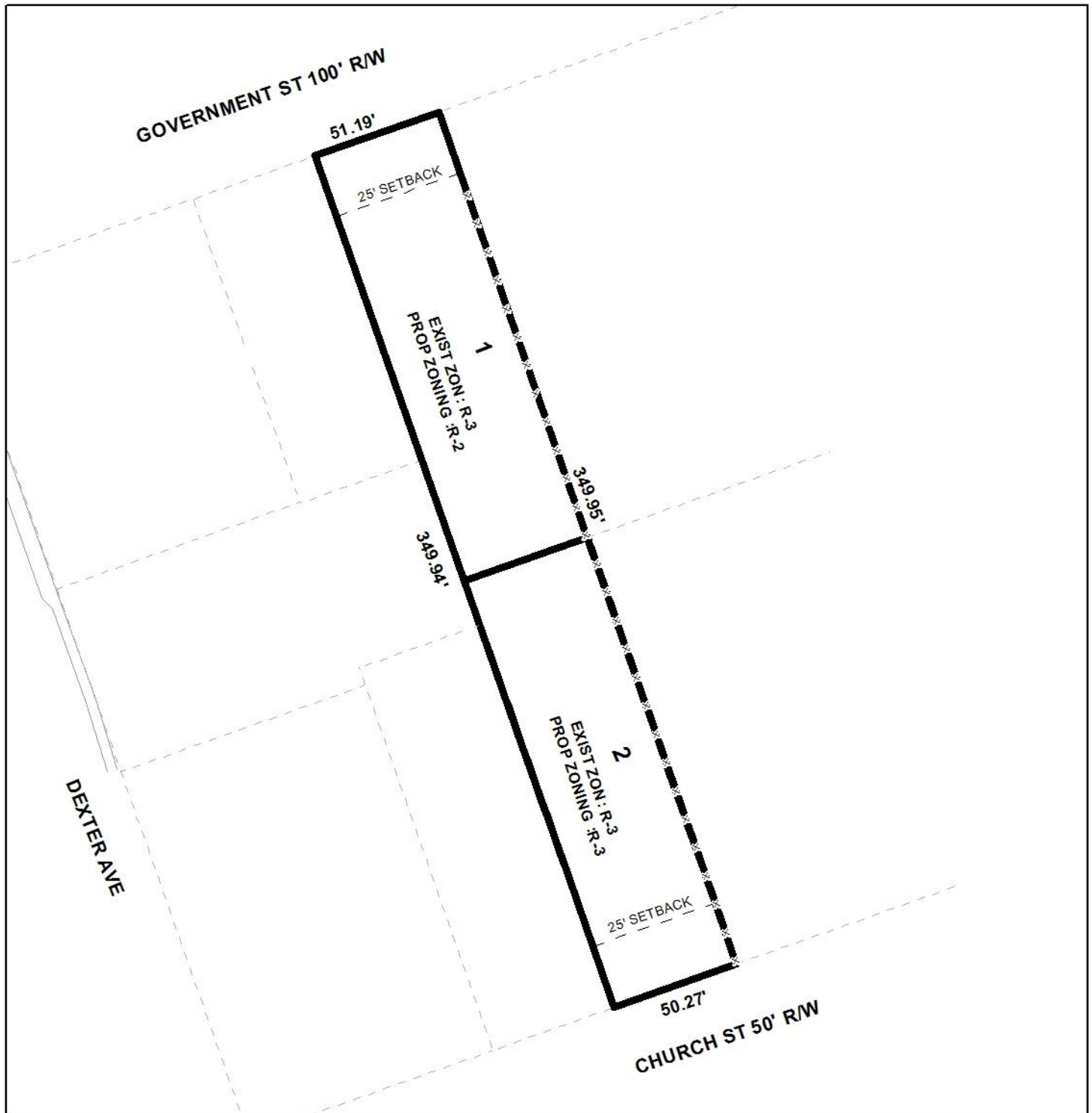
APPLICATION NUMBER 12 DATE March 9, 2017

APPLICANT Government and Dexter Subdivision, First Addition

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



DETAIL SITE PLAN



APPLICATION NUMBER 12 DATE March 9, 2017
APPLICANT Government and Dexter Subdivision, First Addition
REQUEST Subdivision, PUD, Rezoning from R-3 to B-2

