

**REZONING,
PLANNED UNIT DEVELOPMENT
& SUBDIVISION STAFF REPORT**

Date: March 20, 2008

APPLICANT NAME Graf Dairy, LLC

DEVELOPMENT NAME Graf Dairy Subdivision

SUBDIVISION NAME Graf Dairy Subdivision

LOCATION

Subdivision and PUD

(Southeast corner of Dauphin Street and South Sage Avenue, extending to the West termini of Hilburn Drive, Exter Drive, and South Sherwood Drive).

Rezoning – R-3

East side of South Sage Avenue, ¼ mile± South of Dauphin Street, extending to the West termini of Exter Drive and South Sherwood Drive.

Rezoning – B-2

(Southeast corner of Dauphin Street and South Sage Avenue, extending to the West terminus of Hilburn Drive).

**CITY COUNCIL
DISTRICT**

District 1

AREA OF PROPERTY

4 Lots / 38.1± Acres

PRESENT ZONING

R-1, Single-Family Residential

PROPOSED ZONING

B-2, Neighborhood Business
R-3, Multi-Family Residential

CONTEMPLATED USE

Rezoning to B-2, Neighborhood Business, to allow a drug store, bank, and other unspecified commercial uses, and Rezoning to R-3, Multi-Family Residential, to allow a 76-unit residential condominium complex; Planned Unit Development Approval to allow multiple buildings on a single building site (condominium site), shared access between two building sites; and Subdivision approval to create 4 lots from a large metes and bounds parcel and individual lots of record.

**REASON FOR
REZONING**

The reason for rezoning provided by the applicant reads as follows:

The applications very simply state that the applicant is desirous of developing a condominium complex on lot 4 of the overall development, and commercial sites for lots 1-3.

**TIME SCHEDULE
FOR DEVELOPMENT**

Immediate for Lots 2,3 and 4

**ENGINEERING
COMMENTS**

Due to an existing undersized drainage system, Any stormwater discharge from the east side of the property will require, at a minimum, detention for a 100 year storm event with a 10 year storm event release rate. The receiving system must be analyzed to verify that there is enough capacity to receive the discharge and needs to be analyzed down to at least Ralston Rd. Discharge to the west (Sage Avenue drainage system) also requires analysis verifying that there is sufficient capacity to receive the discharge. Must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit. All runoff from the property needs to be collected on site and shall not discharge onto City of Mobile ROW.

**TRAFFIC ENGINEERING
COMMENTS**

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. A traffic impact study was received for this development. The impact study requires the driveway on Dauphin Street be a right in/right out only access and for a right turn lane on Sage Avenue to be constructed with this development. In consideration of the recommendations of the traffic impact study, left turn access to Dauphin Street is denied. The driveway should be redesigned as a right turn only access and a median strip should be constructed on Dauphin Street to prevent left turns into or from this development. The right turn lane on Sage Avenue should be constructed by the developer with final design to be approved by City of Mobile Traffic Engineering and Engineering Departments. An additional widening strip sufficient to lengthen the right turn lane or provide decal lanes to future development should be provided along the east property line.

**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 must comply with the requirements of the 2003 International Fire Code, including Appendices B through D, as adopted by the City of Mobile, and the 2003 International Existing Building Code, as appropriate.

REMARKS

The applicant has submitted two rezoning applications; one to allow a condominium development at the Southernmost 700'± (12± acres) of the site, and the other to allow commercial development – both immediate and future – on the remaining 26± acres. The applicant is also requesting Planned Unit Development approval to allow the 16 building condominium complex, and to permit the remaining three lots to be accessed via what appears to be a dedicated 40' service road along Dauphin Street, and have internal circulation between two of the three commercial lots. The Subdivision approval is required to create the four individual lots. The site is located in Council District 1, and according to the applicant is served by public water and sanitary sewer.

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 any changes to the site plan / Subdivision plat will require 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.

This area is shown on the General Land Use component of the Comprehensive Plan as residential. However, the Comprehensive Plan is meant to be a general guide, not a detailed lot and district plan or mandate for development. The Planning Commission and City Council may consider individual cases based on additional information such as the classification requested, the surrounding development, the timing of the request and the appropriateness and compatibility of the proposed use and zoning classification.

A similar group application was presented to the Commission in 2007. After being heldover, the applicant ultimately withdrew the applications to have adequate time to revise plans and address some of the issues raised in the previous reports. The plans now before the Commission appear to have eliminated the private drive, reduced the number of lots, provide what appears to be a dedicated 40' parallel service road along a portion of the Dauphin Street frontage, reduced the number of condominium buildings and units, and provide access to the condominium development via Sage Avenue.

Many of the staff comments on the general aspects of the applications will remain unchanged, only those dealing with specific plan changes will be modified.

The site fronts onto Dauphin Street, a major street as shown on the Major Street Plan, and Sage Avenue, which while not designated as a collector street, definitely functions as one. Based on the site plan and subdivision plat the right-of-way for Dauphin Street appears to be a minimum of 50 feet from centerline, which if correct, means that the existing right-of-way is in compliance. However, given the function of Sage Avenue in this area, there is some concern that the existing 50' (minor street) right-of-way may not be adequate, especially given the potential of the proposed development. As indicated by Traffic Engineering comments, a revised traffic impact study has been provided and makes several recommendations relating to the overall development.

The impact study requires the driveway onto Dauphin Street be a right in/right out only access and for a right turn lane on Sage Avenue to be constructed with this development. In

consideration of the recommendations of the traffic impact study, left turn access to Dauphin Street would be denied. The driveway will have to be redesigned as a right turn only access and a median strip should be constructed on Dauphin Street to prevent left turns into or from this development. The right turn lane on Sage Avenue should be constructed by the developer with final design to be approved by City of Mobile Traffic Engineering and Engineering Departments.

An additional widening strip sufficient to lengthen the right turn lane and provide decel lanes to the condominium development as well as the future commercial development should be provided along the entire west property line (decal/turn lane for the condominium development should be constructed with the condominium development, with decal/turn lane construction for the remaining commercial property to be in conjunction with development of the property).

The plans submitted do not reflect dedications necessary to accommodate the findings of the Traffic Impact study. These dedications will necessitate adjustments to all site plans as submitted.

The Zoning Ordinance states that an amendment or rezoning is appropriate only when one or more of the following conditions prevail: there is a manifest error in the ordinance; changes in conditions in a particular area make a change in the ordinance necessary and desirable; an increased need for business or industrial sites in addition to sites that are available, make it necessary and desirable to rezone an area or extend the boundaries of an existing district; the subdivision of land into urban building sites makes reclassification necessary and desirable.

In general, the applicant states that the reason for rezoning is to allow a condominium development on the proposed R-3 site, and commercial development on the proposed B-2 sites.

The application indicates that proposed Lots 2 and 3 will be used for a Bank and Drug Store respectively, but does not provide any specifics regarding use of the other commercial lot. While some uses that may locate in a retail or commercial center require B-2 zoning, many would be allowed in an LB-2 district. In fact, several new developments have opted for the slightly more restrictive LB-2, Limited Neighborhood Business, in order to afford a little more protection to neighboring residential properties.

There are concerns relating to the proposed development(s) as submitted; some can be addressed with specificity, while others cannot due to the scale of the drawings submitted. This report will attempt to address as many of those concerns as possible.

It should also be noted that future development of Lot 1 may require an amendment to this PUD, if approved.

The proposed parking areas contain more than 10 spaces. Lighting for the parking areas must comply with Section 64-6.A.3.c. of the Zoning Ordinance, *Lighting*, which states that *"if they contain ten (10) or more cars, lighting shall be provided and maintained during their operation, and shall be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic."*

There is no indication on the site plan (with the exception of Lots 2 and 4) as to the proposed location of any dumpster or other waste storage facility. If the applicant utilizes a dumpster, the

location of the storage area for the dumpster must be indicated on the site plan, and the location and required screening must comply Section 64-4.D.9. of the Zoning Ordinance, as well as with all other applicable regulations. Additionally, there is no indication on the site plan as to the proposed location of any mail kiosk. This is one point that the applicant may want to pursue with the USPS, because traversing the private property to access the condominiums may be an issue. Locations of dumpsters and mail kiosks are important in PUD review in that their location may impact traffic circulation as indicated on the plan submitted.

A sidewalk along Dauphin Street will be required as part of the development, if approved, as will any necessary repairs to the sidewalk along Sage Avenue (or construction of new if dedication and/or roadway improvements are required). The site plan should be revised to show both sidewalks.

The individual lots appear to have adequate area to meet the minimum overall requirements for landscape area, as required by the Zoning Ordinance. There may, however, be some concern regarding compliance of Lot 4 with the requirement that 60% of the required landscaping be located between the buildings and the street. Also, the site plan does not show specific compliance with the tree requirements of the Ordinance, which will be required as the individual lots are developed.

The plan illustrates a buffer strip (ranging from 5' to 10') along the South and East property lines, where the site abuts residential properties.

There are notes on the plans submitted that appear to relate to the previous applications and are in direct conflict with the site plans as submitted. Further, the notes address issues that should be illustrated on the plan and not addressed via a note.

The plans do not include any information regarding building height or window walls for the condominium development. This information is vital in that it specifically relates to building spacing requirements.

Finally, the approved Subdivision plat must be recorded prior to completion of the Zoning process.

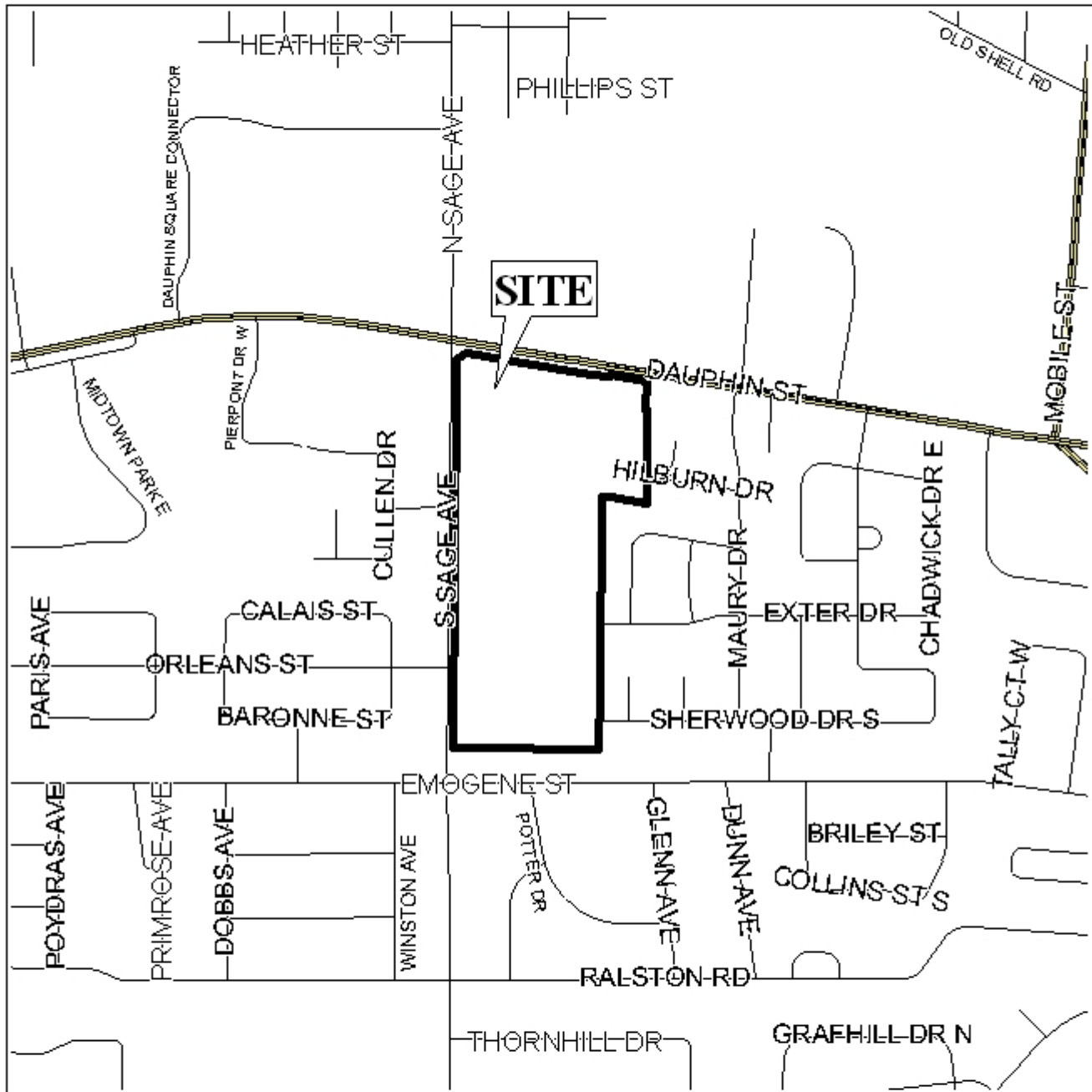
RECOMMENDATION

Subdivision: Based upon the preceding, this application is recommended for Holdover until the April 17 meeting to allow the applicant to address issues as noted in the staff report. Revised drawings and information must be submitted no later than March 26.

Rezoning: Based upon the preceding, this application is recommended for Holdover until the April 17 meeting to allow the applicant to address issues as noted in the staff report. Revised drawings and information must be submitted no later than March 26.

Planned Unit Development: Based upon the preceding, this application is recommended for Holdover until the April 17 meeting to allow the applicant to address issues as noted in the staff report. Revised drawings and information must be submitted no later than March 26.

LOCATOR MAP



APPLICATION NUMBER 14,15,16,& 17 DATE March 20, 2008

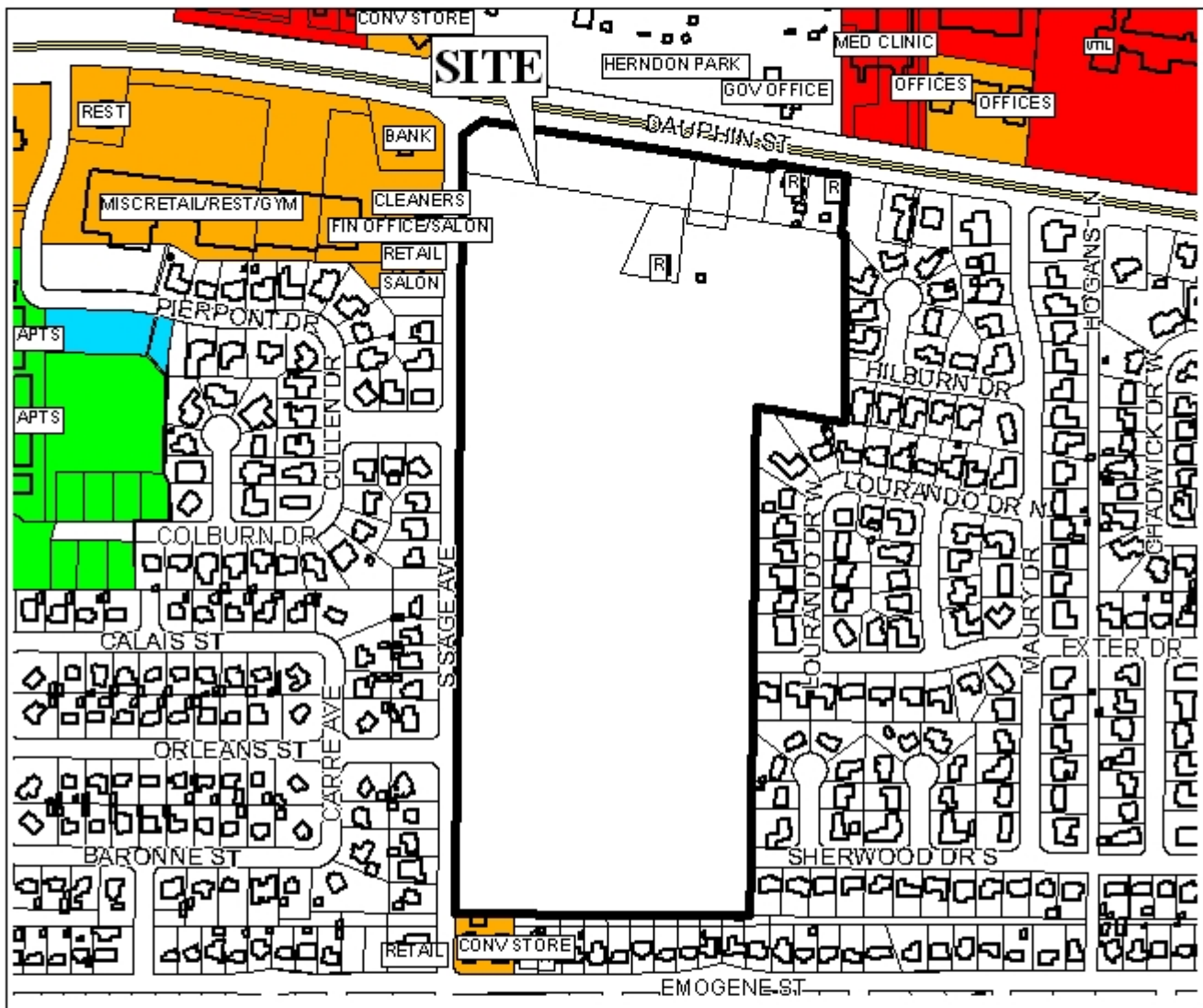
APPLICANT Graf Dairy, LLC

REQUEST Subdivision, PUD, Rezoning from R-1 to R-3, Rezoning from R-1 to B-2



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



There are single family residential units to the east, west, and south of the site, and miscellaneous commercial use to the north, northwest and southwest.

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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	NTS
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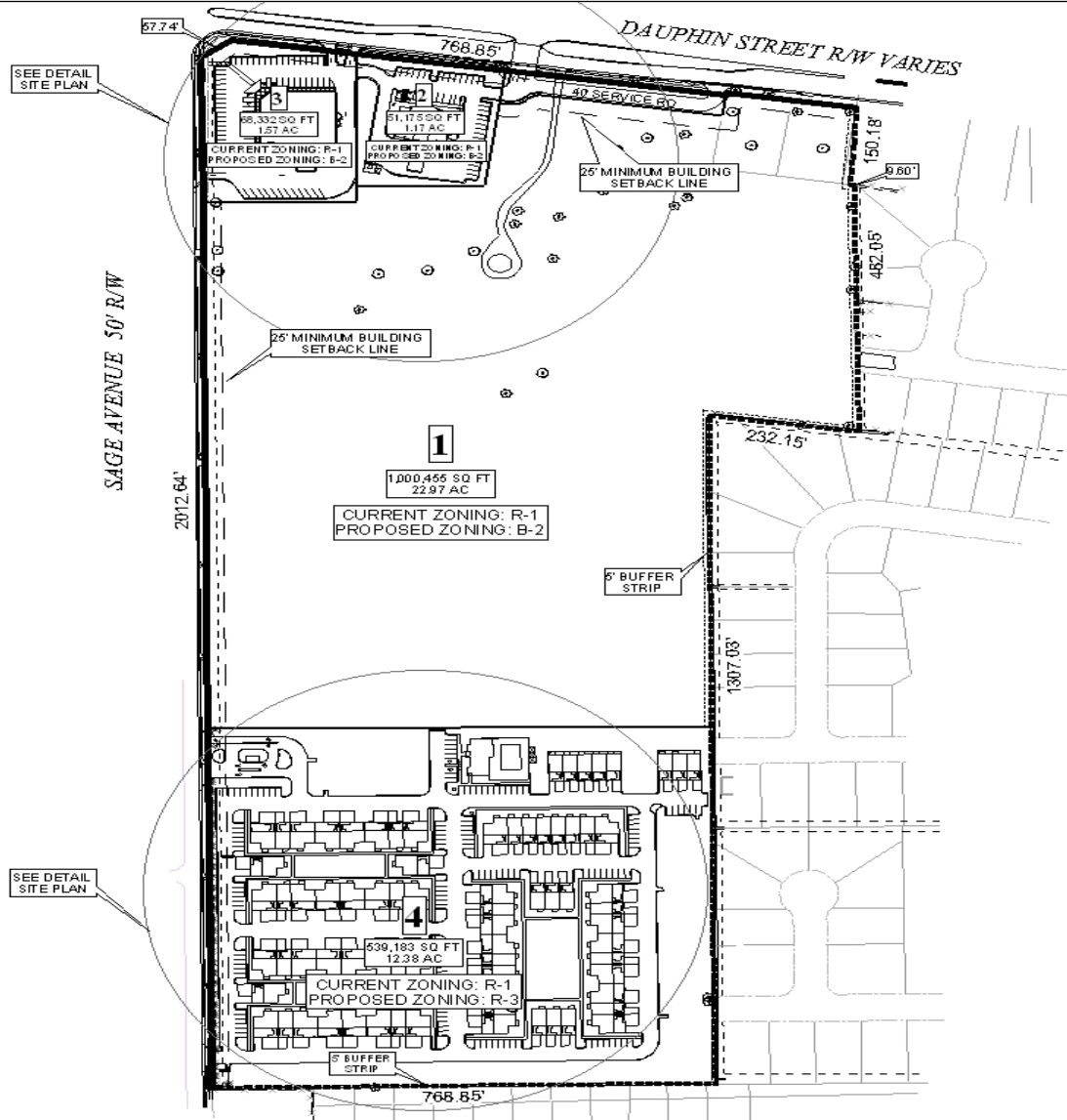


NTS

14, 15, 16, & 17

Case # SUB2008-00040 ZON2008-00387
ZON2008-00388 ZON2008-00390

SITE PLAN



The site plan illustrates the proposed lots, existing and proposed zoning, setbacks, and buffer strip.

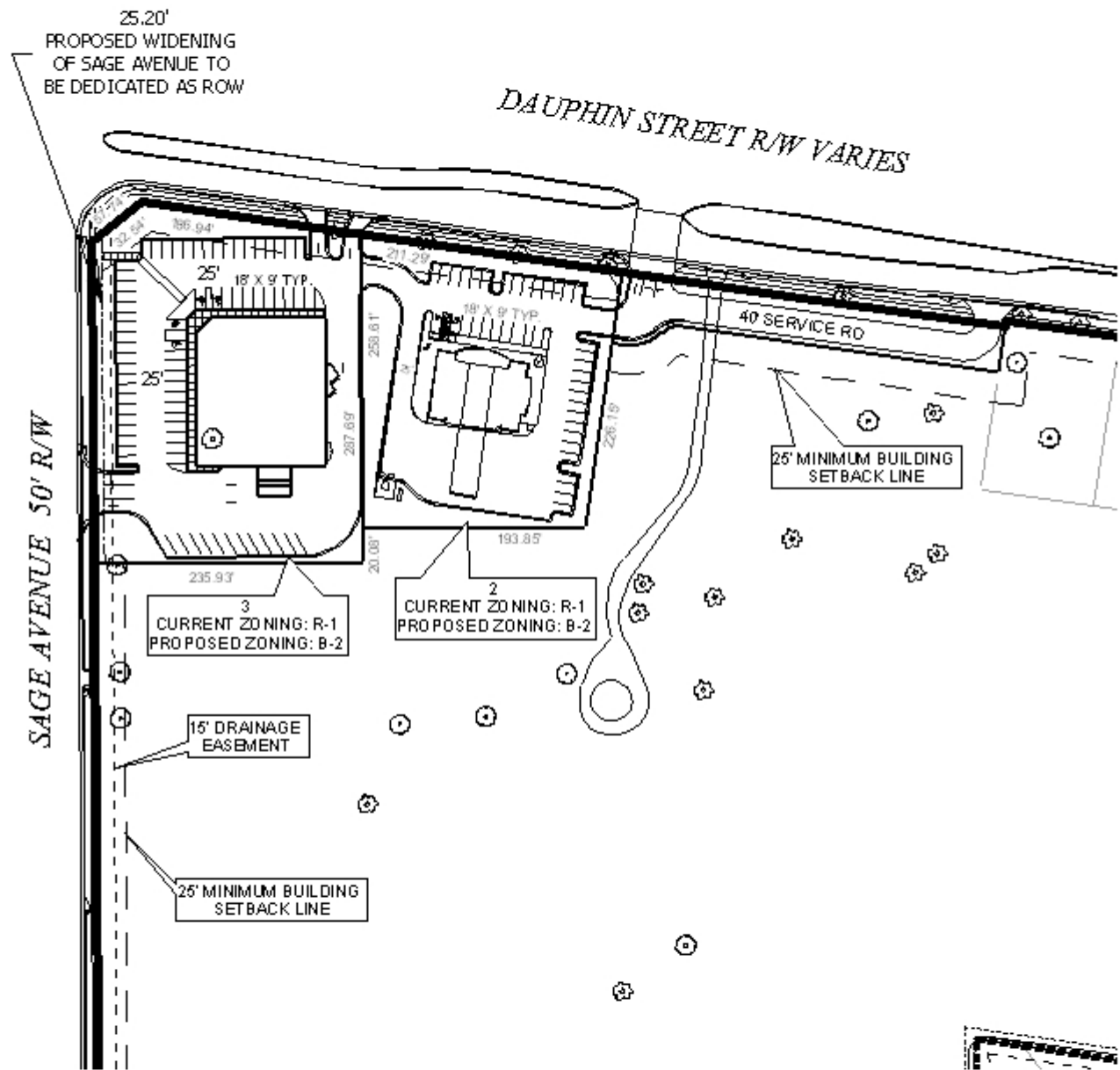
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DETAIL SITE PLAN NO. 1



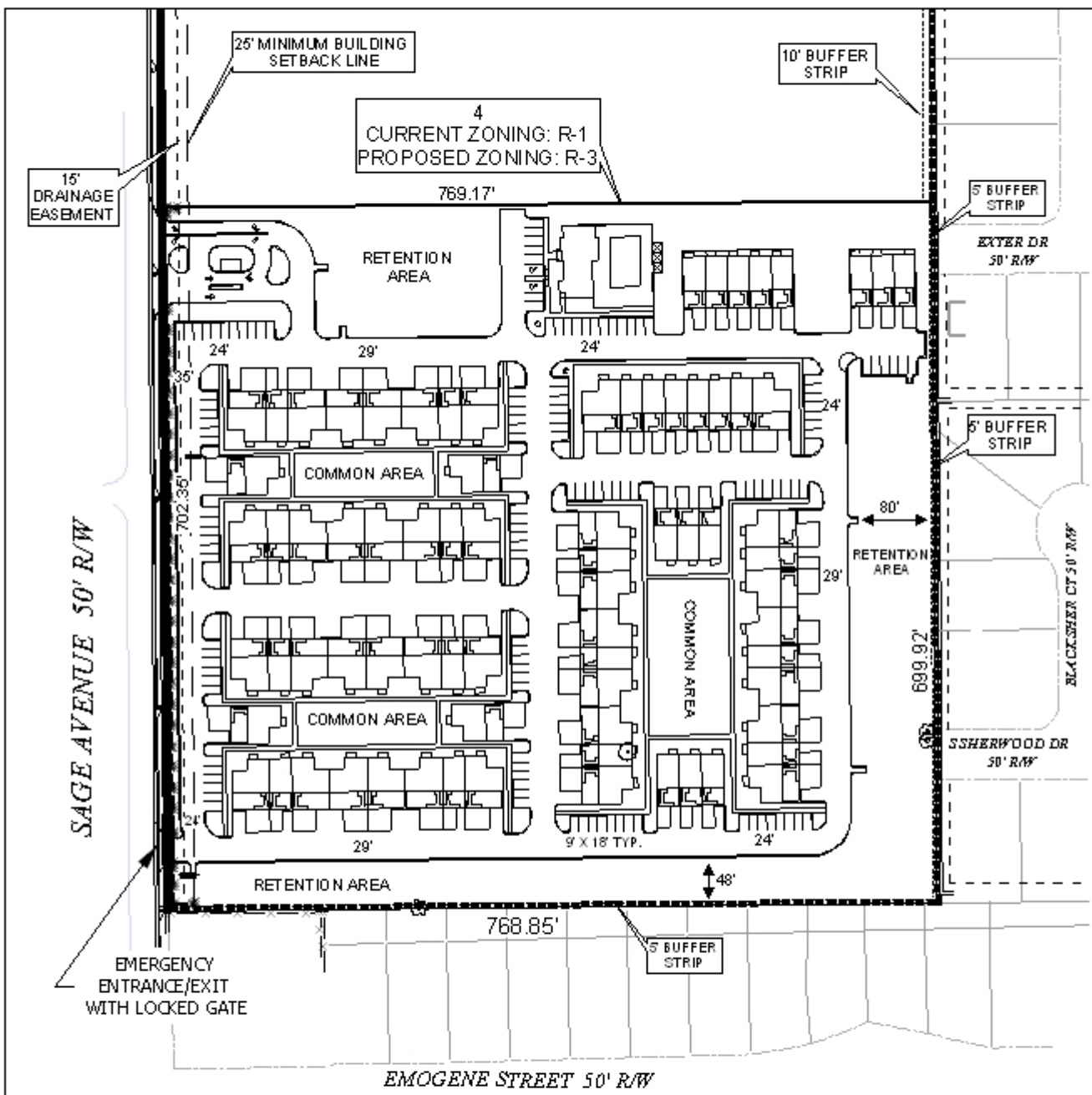
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NTS

DETAIL SITE PLAN NO. 2



APPLICATION NUMBER 14,15,16,& 17 DATE March 20, 2008

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REQUEST Subdivision, PUD, Rezoning from R-1 to R-3, Rezoning from R-1 to B-2

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