

**SUBDIVISION,
PLANNED UNIT DEVELOPMENT, &
REZONING STAFF REPORT****Date: May 21, 2015**

<u>APPLICANT NAME</u>	Y'ALL, LLC
<u>SUBDIVISION NAME</u>	4219 Moffett Road Subdivision
<u>DEVELOPMENT NAME</u>	4219 Moffett Road Subdivision
<u>LOCATION</u>	4219 Moffett Road (South side of Moffett Road, 200'± East of Carre Drive East)
<u>CITY COUNCIL DISTRICT</u>	Council District 7
<u>PRESENT ZONING</u>	R-1, Single-Family Residential District
<u>PROPOSED ZONING</u>	B-1, Buffer Business District
<u>AREA OF PROPERTY</u>	1 Lots/1.4± Acres
<u>CONTEMPLATED USE</u>	<p>Subdivision Approval to create a single legal lot of record from a single metes and bounds parcel; Planned Unit Development to allow multiple buildings on a single building site, and Rezoning from R-1, Single-Family Residential District to B-1, Buffer Business District to allow an office building.</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 FOR DEVELOPMENT</u>	None 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. Add legible street names to the vicinity map.
- B. Review and revise, as necessary, the written legal description or the boundary label for the south property line.

- C. 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.
- D. 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.
- E. 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.
- F. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer.
- G. Provide the Surveyor's Certificate and Signature.
- H. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
- I. 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.
- J. Provide an updated Plat to Engineering Dept. for review prior to submittal for City Engineer's signature.
- K. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.

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 ALDOT (251-470-8200).
- 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. 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. 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**

Moffett Road (US Highway 98) is an ALDOT maintained roadway, and thus requires approval for any changes proposed in the right-of-way. Site is limited to no more than its existing two curb cuts, with size, location and design to be approved by ALDOT 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 of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile. As per Appendix D, Section D107.1, one and two family developments with more than 30 dwelling units shall be provided with separate and approved fire apparatus access roads and shall meet the requirements of Section D104.3.

MAWSS**COMMENTS**

No comments

REMARKS

The applicant is requesting Subdivision Approval to create a single legal lots of record from a single metes and bounds parcel; Planned Unit Development to allow multiple buildings on a single building site, and Rezoning from R-1, Single-Family Residential District to B-1, Buffer Business District to allow an office building.

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 proposed lot, as depicted, meets the minimum size and frontage requirements as regulated by the Subdivision Regulations. The lot area size is depicted on the plat in square feet and acres. The lot sizes should be retained in square feet and acres on the Final Plat, if approved. The 25-foot minimum building setback line is depicted, and should be retained on the Final Plat, if approved.

It should be noted that the proposed lot does not meet the standards for width-to-depth ratio. Section V.D.3. of the Subdivision Regulations states that lot depth should not exceed 3.5 times the width of the lot at the building setback. As proposed, the lot will be 91'± wide at the setback line and 546'± deep, resulting in a lot that is approximately 318.5' deeper than would normally be allowed. It should be noted there is a lot 325'± East of the subject site that was approved at

the Planning Commission's August 16, 2001 meeting with a waiver of Section V.D.3. of the Subdivision Regulations, making a waiver of Section V.D.3. of the Subdivision Regulations possibly appropriate for the subject site.

The lot fronts Moffett Road, a proposed major street, which should have a right-of-way of 100'. The preliminary plat submitted illustrates an existing right-of-way of 100' making no dedications necessary. As a means of access management, the site should be limited to the existing two curb cuts to Moffett Road with size, location and design to be approved by ALDOT and Traffic Engineering and conform to AASHTO standards.

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 noted that the rezoning site is depicted as residential 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.

The applicant does not state which of the four reasons stated in Section 64-9 of the Zoning Ordinance makes the rezoning desirable. It is simply stated that the site was previously used for an accounting office from 1985 until 2014, and they wish to utilize one of the existing buildings for a real estate office, and lease the other building for an office. Section 64-9.A.2.b. of the Zoning Ordinance states that a newly proposed B-1, Buffer Business District should contain a minimum of 2 acres, which this site does not meet.

As stated in Section 64-5 of the Zoning Ordinance, 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 must be approved by the Planning Commission.

The site plan submitted is short on front landscape area, illustrates gravel surfacing, and while a fence is illustrated along the property lines adjacent to residentially zoned property, there is no

mention of the height or material. It should be noted however, that the applicant has submitted a variance application which will be heard at the Board of Zoning Adjustment's June 1, 2015 meeting to address these issues.

The site plan submitted illustrates two existing buildings which total 3,498 square feet, which require a total of 12 parking spaces. Thirteen parking spaces are illustrated on the site plan, except for an existing carport on site. Also, it appears that some of the gravel drive illustrated is 18' wide, which is insufficient for two-way traffic.

No mention is made on if the site will utilize a dumpster or curb-side pickup. The site plan should be revised to either include a note stating that curb-side pickup will be utilized or illustrate a dumpster enclosure with sanitary sewer connection compliant with Section 64-4.D.9. of the Zoning Ordinance.

RECOMMENDATION

Subdivision: The request is recommended for Tentative Approval, subject to the following conditions:

- 1) retention of the 25' minimum building setback line along Moffett Road;
- 2) placement of a note on the Final Plat stating the site is limited to the two existing curb-cuts to Moffett Road with size, location and design to be approved by ALDOT and Traffic Engineering and conform to AASHTO standards;
- 3) full 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. Add legible street names to the vicinity map. B. Review and revise, as necessary, the written legal description or the boundary label for the south property line. C. 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. D. 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. E. 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. F. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer. G. Provide the Surveyor's Certificate and Signature. H. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. I. 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. J. Provide an updated Plat to Engineering Dept. for review prior to submittal for City Engineer's signature. K. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.);*
- 4) full compliance with Traffic Engineering comments: *(Moffett Road (US Highway 98) is an ALDOT maintained roadway, and thus requires approval for any changes proposed in*

the right-of-way. Site is limited to no more than its existing two curb cuts, with size, location and design to be approved by ALDOT 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.); and

- 5) compliance with Fire 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. As per Appendix D, Section D107.1, one and two family developments with more than 30 dwelling units shall be provided with separate and approved fire apparatus access roads and shall meet the requirements of Section D104.3.).*

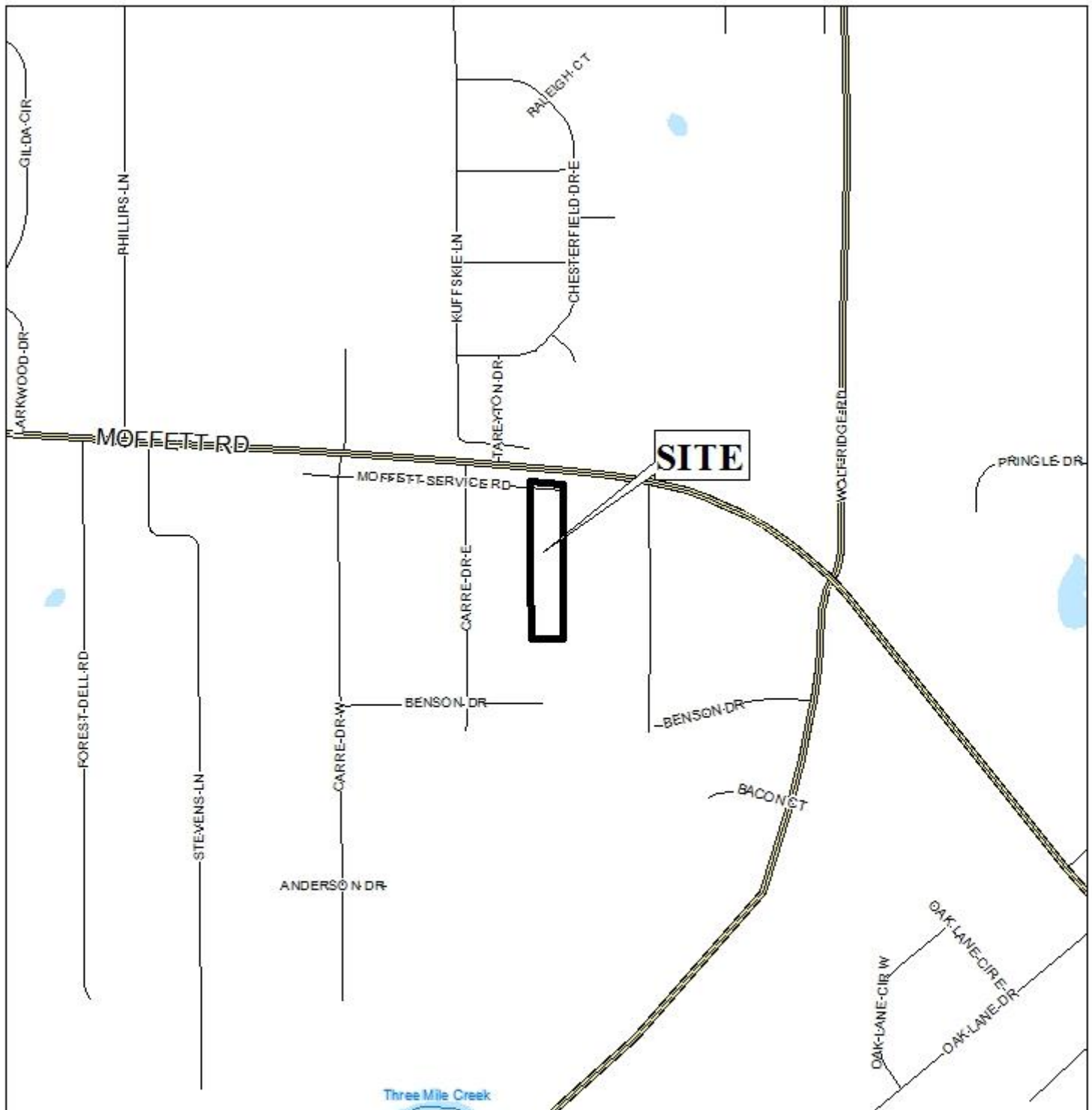
Planned Unit Development: Based on the preceding Planned Unit Development request is recommended for Denial due to the following reason:

- 1) denial of the rezoning application makes this request moot.

Rezoning: Based on the preceding, the rezoning is recommended for Denial due to the following reason:

- 1) the applicant has not provided sufficient reasoning to justify the rezoning of the site as required by Section 64-9 of the Zoning Ordinance.

LOCATOR MAP



APPLICATION NUMBER 14 DATE May 21, 2015

APPLICANT 4219 Moffett Road Subdivision

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



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units.

APPLICATION NUMBER 14 DATE May 21, 2015

APPLICANT 4219 Moffett Road Subdivision

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

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.

APPLICATION NUMBER 14 DATE May 21, 2015

APPLICANT 4219 Moffett Road Subdivision

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



SITE PLAN



The site plan illustrates the buildings, setback, and trees.

APPLICATION NUMBER 14 DATE May 21, 2015
 APPLICANT 4219 Moffett Road Subdivision
 REQUEST Subdivision, PUD, Rezoning from R-1 to B-1



NTS

SITE PLAN



APPLICATION NUMBER 14 DATE May 21, 2015
APPLICANT 4219 Moffett Road Subdivision
REQUEST Subdivision, PUD, Rezoning from R-1 to B-1



NTS