

**ZONING AMENDMENT,  
PLANNED UNIT DEVELOPMENT &  
SUBDIVISION STAFF REPORT****Date: December 18, 2014**

<b><u>NAME</u></b>	iSam North America Corp
<b><u>SUBDIVISION NAME</u></b>	Bel Air Boulevard Subdivision, iSam Addition
<b><u>LOCATION</u></b>	500 Broadcast Drive (North terminus of Broadcast Drive)
<b><u>CITY COUNCIL DISTRICT</u></b>	District 5
<b><u>CURRENT ZONING</u></b>	B-1, Buffer Business District, and B-3, Community Business District
<b><u>PROPOSED ZONING</u></b>	B-1, Buffer Business District
<b><u>REASON FOR REZONING</u></b>	To eliminate split zoning in a proposed Subdivision.
<b><u>AREA OF PROPERTY</u></b>	1 Lot / 4.8± Acres
<b><u>CONTEMPLATED USE</u></b>	<p>Subdivision approval to create 1 legal lot of record, Planned Unit Development Approval to allow shared access between two building sites, and Rezoning from B-1, Buffer Business District, and B-3, Community Business District, to B-1, Buffer Business District to eliminate split zoning in a proposed Subdivision.</p> <p><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></p>
<b><u>TIME SCHEDULE FOR DEVELOPMENT</u></b>	Immediately.
<b><u>ENGINEERING COMMENTS</u></b>	<p>Subdivision: The following comments should be addressed prior to submitting the FINAL PLAT for acceptance and signature by the City Engineer:</p>

- A. 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.
- B. 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.
- C. Revise the plat to label each lot with its size in acres and square feet, or the furnishing of a table on the Plat providing the same information.
- D. Revise the written legal description or the bearing callout for the 90.91' leg located along the north property line.
- E. It appears that the AE flood zone base flood elevation is labeled incorrect. The BFE for this Lot has been determined to be elevation 20.0 ft. Revise the Plat accordingly, including Note #1 and show the proposed MFFE for the LOT.
- F. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
- G. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.

**Planned Unit Development:** According to the FEMA flood map information, this property is located within a Special Flood Hazard Area. You will need to show and label the flood hazard area(s) on your plat and plans. Also, you will need to list the Minimum Finished Floor Elevation (MFFE).

**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 proposed development must comply with all Engineering Department Policy Letters.

**TRAFFIC ENGINEERING****COMMENTS**

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

**MAWSS COMMENTS**

No comments.

**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.

**REMARKS**

The applicant is requesting Subdivision approval to create one legal lot of record, Planned Unit Development Approval to allow shared access between two building sites, and Rezoning from B-1, Buffer Business District, and B-3, Community Business District, to B-1, Buffer Business District, to eliminate split zoning in a proposed Subdivision.

The applicant proposes to create one legal lot of record from an existing metes-and-bounds parcel and utilize the new lot for an office building. Since the site would share access with a developed adjoining site, Planned Unit Development Approval is required. The majority of the subject site is zoned B-1, but a small area is zoned B-3; therefore, the Rezoning is required to bring the entire site into a uniform zoning classification.

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.

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.

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 entire site appears to be depicted 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. Most of the B-1 portion of the site was originally assigned R-3, Multi-Family Residential, with the adoption of the current zoning Ordinance in 1967. The existing B-3 portion in the Northwest corner of the site was originally assigned B-3 zoning in 1967. In 1976, the R-3 portion was rezoned to the current B-1. The site has been the Future Development portion of three different subdivisions approved by the Commission (Toys-R-Us Subdivision in 2003, D.E.C. Subdivision in 2005, and D.E.C. Subdivision, Resubdivision of and Addition to Lot 1 in 2008), and the split zoning remained in all since the site was not made a lot of record in any of those cases.

The site is bounded to the North by a power sub-station and vacant land; to the East by single-family residential use; to the South by a television broadcasting station; and the West by retail sales, vacant land, and an office building.

The applicant states *"We believe there is an error in the Zoning Ordinance, in that this tax parcel has split-zoning. The majority of the subject property is zoned B-1, but there is a small piece in the Northwest corner of the property that is zoned B-3. We are requesting rezoning of the small B-3 piece to B-1 to match the remainder of the subject property and eliminate any split-zoning on this property."* There is no error in the Zoning Ordinance since the property is not required to be of uniform zoning while a metes-and-bounds parcel, and there were previous rezonings within the site. However, the associated one-lot Subdivision to create the legal lot of record does require that there be uniform zoning. Therefore, the subdivision of land into an urban building site as proposed makes reclassification necessary and desirable. The requested B-1 classification would be appropriate for the proposed office use and would be compatible with the surrounding area.

The legal description provided with the Rezoning application describes only the existing B-3 portion of the site. Rezoning normally encompass an entire site so that conditions of approval pertain to the entire site. Therefore, the legal description should be revised to describe the entire site as for the one-lot Subdivision.

As the site is proposed to share access with the developed office building site adjacent to the Southwest corner, the PUD is required to allow such. All access to the subject site is proposed via the street stub at the North terminus of Broadcast Drive, and the two sites would share the proposed drive onto Broadcast Drive. The adjacent site already has access to the applicant's site onto an existing driveway to the street stub to Broadcast Drive. For some reason, no PUD was required prior to the development of that site in 2006 to allow the shared access. Both sites would have autonomous parking and sufficient spaces are indicated for such. However, the calculations for the proposed development should be rounded up to 28 required spaces instead of 27 as indicated.

No public sidewalk is indicated along the street frontage. However, the frontage is strictly a street stub terminus which is paved within its entire right-of-way width; therefore, the requirement of a public sidewalk would be impracticable. An on-site review of the adjacent developed site indicates an exposed dumpster within the North parking lot. The site plan should be revised to indicate compliance for this dumpster. Also, the site plan does not indicate any dumpster for the applicant's site. The site plan should either be revised to indicate a compliant dumpster enclosure for that site or a note should be placed on the site plan stating that no dumpster will be utilized and refuse collection will be either curbside or by private can collection services. It should be noted that any later addition of a dumpster will require compliance.

The site is adjacent to residential uses and zoning along its East side. As the site is moderately wooded in that area, the provision of a 6' privacy fence buffer would not be required if a 25' natural vegetative buffer is maintained. However, a note should be required on the site plan stating that if the wooded area adjacent to the residential area should be removed for any reason, a 6' high wooden privacy fence buffer would be required to be constructed.

No tree planting plan was provided with the site plan. Full tree and landscaping compliance will be required, and any existing trees which are kept may be used as credit towards compliance.

The overall site is adjacent to residential uses; as the proposed development will consist of lights near residential uses, any new lighting must comply with Sections 64-4.A.2 and 64-6.A.8 of the Zoning Ordinance, which includes the submission of a photometric plan to ensure the lighting does not bleed over onto adjacent properties and roadways or residential properties. Use of full-cutoff fixtures is strongly encouraged.

As previously mentioned, the site has frontage onto a street stub at the North terminus of Broadcast Drive. Broadcast Drive is a minor street with a non-compliant 44' right-of-way; however, as the frontage is strictly perpendicular to the right-of-way and not parallel, there is no way in which dedication could be made to provide additional right-of-way width. The plat should be revised to indicate the 25' minimum building setback line as measured from the North terminus of Broadcast Drive.

As a means of access management, a note should be required on the Final Plat stating that the lot is limited to the existing curb cut to Broadcast Drive, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.

The plat indicates the lot size in acres only; therefore the plat should be revised to label the lot size in both square feet and acres, or a table should be furnished on the Final Plat providing the same information.

It should be noted that the Western boundary of the site is located within the X-unshaded, X-shaded and AE flood zones associated with Eslava Creek as shown on FEMA Flood Insurance Rate Maps. The presence of wetlands and floodplains would indicate that the area may be environmentally sensitive; therefore, if approved, the approval of all applicable federal, state and local environmental agencies would be required prior to the issuance of any permits or land disturbance activities.

The geographic area defined by the City of Mobile and its planning jurisdiction, including this site, may contain Federally-listed threatened or endangered species as well as protected non-game species. Development of this site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species. The note on the plat stating such should be retained.

## **RECOMMENDATION**

**Subdivision:** The plat meets the minimum requirements of the Subdivision Regulations and is recommended for tentative approval, subject to the following conditions:

- 1) revision of the plat to illustrate the 25' minimum building setback line as measured from the North terminus of Broadcast Drive;
- 2) placement of a note on the Final Plat stating that the lot is limited to the existing curb cut to Broadcast Drive, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards;
- 3) revision of the plat to label the lot with its size in both square feet and acres, or the furnishing of a table on the Final Plat providing the same information;
- 4) placement of a note on the Final Plat stating that the approval of all applicable federal, state and local environmental agencies for flood zone and wetlands issues would be required prior to the issuance of any permits or land disturbance activities;
- 5) placement of a note on the final Plat stating that development of the site must be undertaken in compliance with all local, state and federal regulations regarding endangered, threatened or otherwise protected species;
- 6) subject to the Engineering comments: *[The following comments should be addressed prior to submitting the FINAL PLAT for acceptance and signature by the City Engineer: A. 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. B. 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. C. Revise the plat to label each lot with its size in acres and square feet, or the furnishing of a table on the Plat providing the same information. D. Revise the written legal description or the bearing callout for the 90.91' leg located along the north property line. E. It appears that the AE flood zone base flood elevation is labeled incorrect. The BFE for this Lot has been determined to be elevation 20.0 ft. Revise the Plat accordingly, including Note #1 and show the proposed MFFE for the LOT. F. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. G. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.];*

- 7) subject to the Traffic Engineering comments: *(Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Any 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) subject to the 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) subject to the 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.); and*
- 10) submittal of two (2) copies of a revised PUD site plan indicating compliance with the PUD approval prior to signing the Final Plat.

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

- 1) revision of the parking calculations to indicate 28 required parking spaces instead of 27;
- 2) revision of the site plan to indicate a compliant dumpster enclosure and pad for the developed adjacent site;
- 3) revision of the site plan to indicate a complaint dumpster and pad for the proposed development, or the placement of a note on the site plan stating that no dumpster will be utilized and refuse collection will either be curb-side or by private can collection services;
- 4) revision of the site plan to label the site area in both square feet and acres, or the furnishing of a table on the site plan providing the same information;
- 5) placement of a note on the site plan stating that a 25' natural vegetative buffer is to be maintained along the East side of the site, or if the wooded area along that side adjacent to residential property should be removed for any reason, a 6' high wooden privacy fence buffer will be required to be constructed;
- 6) revision of the site plan to illustrate the 25' minimum building setback line as measured from the North terminus of Broadcast Drive;
- 7) placement of a note on the site plan stating that the site is limited to the existing curb cut to Broadcast Drive, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards;

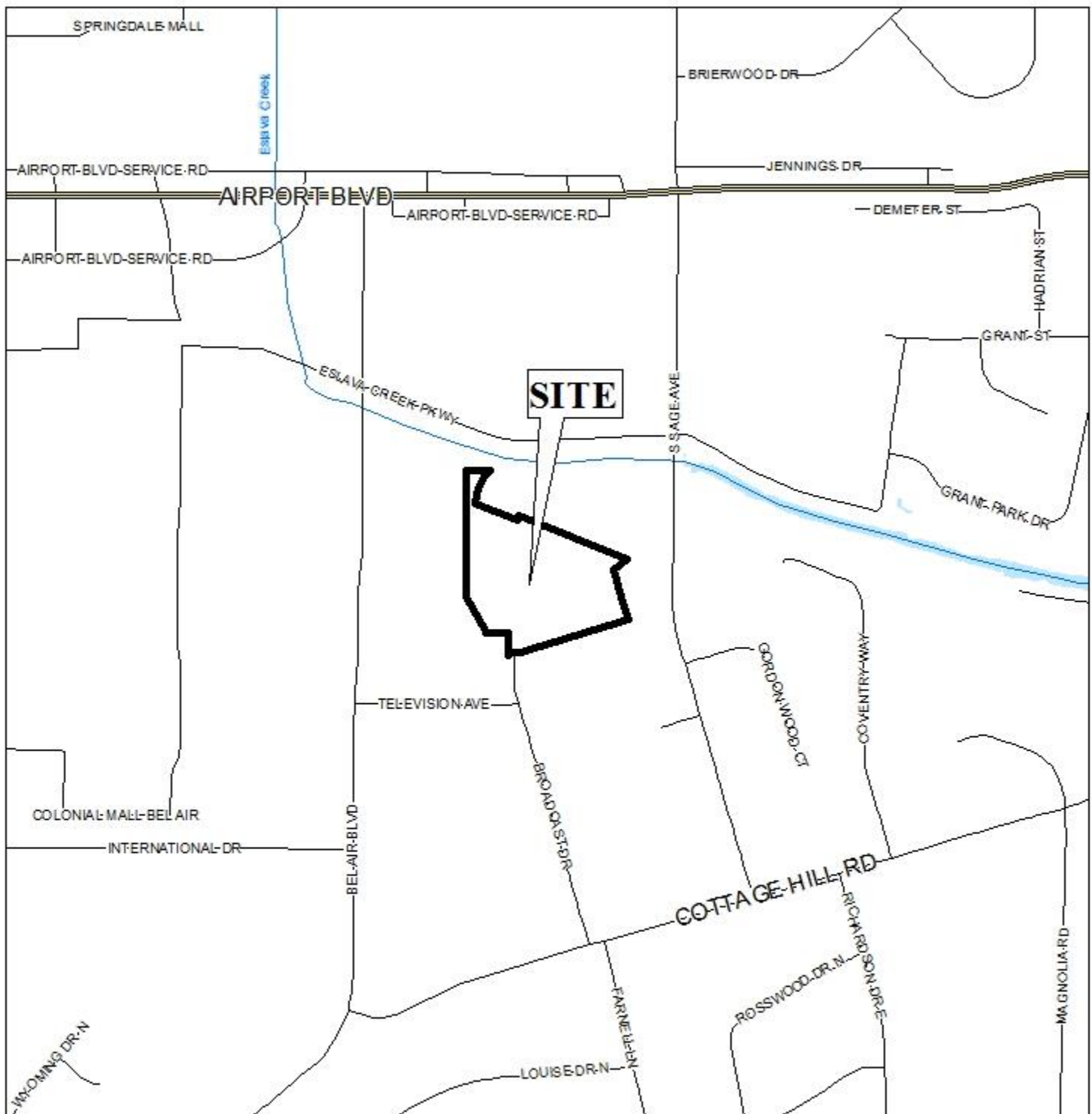
- 8) revision of the site plan to fully comply with the tree and landscaping requirements of the Zoning Ordinance at the time of application for land disturbance;
- 9) submittal of a lighting plan for the site regarding new parking area lighting fixtures (including photometrics), indicating the locations, and submittal of information regarding how any existing site lighting will be modified to comply with the requirements of Sections 64-4.A.2. and 64-6.A.3.c. and 64-6.A.8. of the Zoning Ordinance;
- 10) subject to the Engineering comments: *[According to the FEMA flood map information, this property is located within a Special Flood Hazard Area. You will need to show and label the flood hazard area(s) on your plat and plans. Also, you will need to list the Minimum Finished Floor Elevation (MFFE). 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 proposed development must comply with all Engineering Department Policy Letters.];*
- 11) subject to the Traffic Engineering comments: *(Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Any on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.);*
- 12) subject to the 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).];*
- 13) subject to the 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.); and*
- 14) submittal of two (2) copies of a revised site plan indicating compliance with these approval conditions prior to signing the Final Plat for the Subdivision; or submittal for building permits.

**Rezoning:** Based on the preceding, and with a revised legal description to encompass the entire site, this application is recommended for approval, subject to the following conditions:



- 1) completion of the Subdivision process;
- 2) limited to an approved Planned Unit Development; and
- 3) full compliance with all municipal codes and ordinances.

# LOCATOR MAP



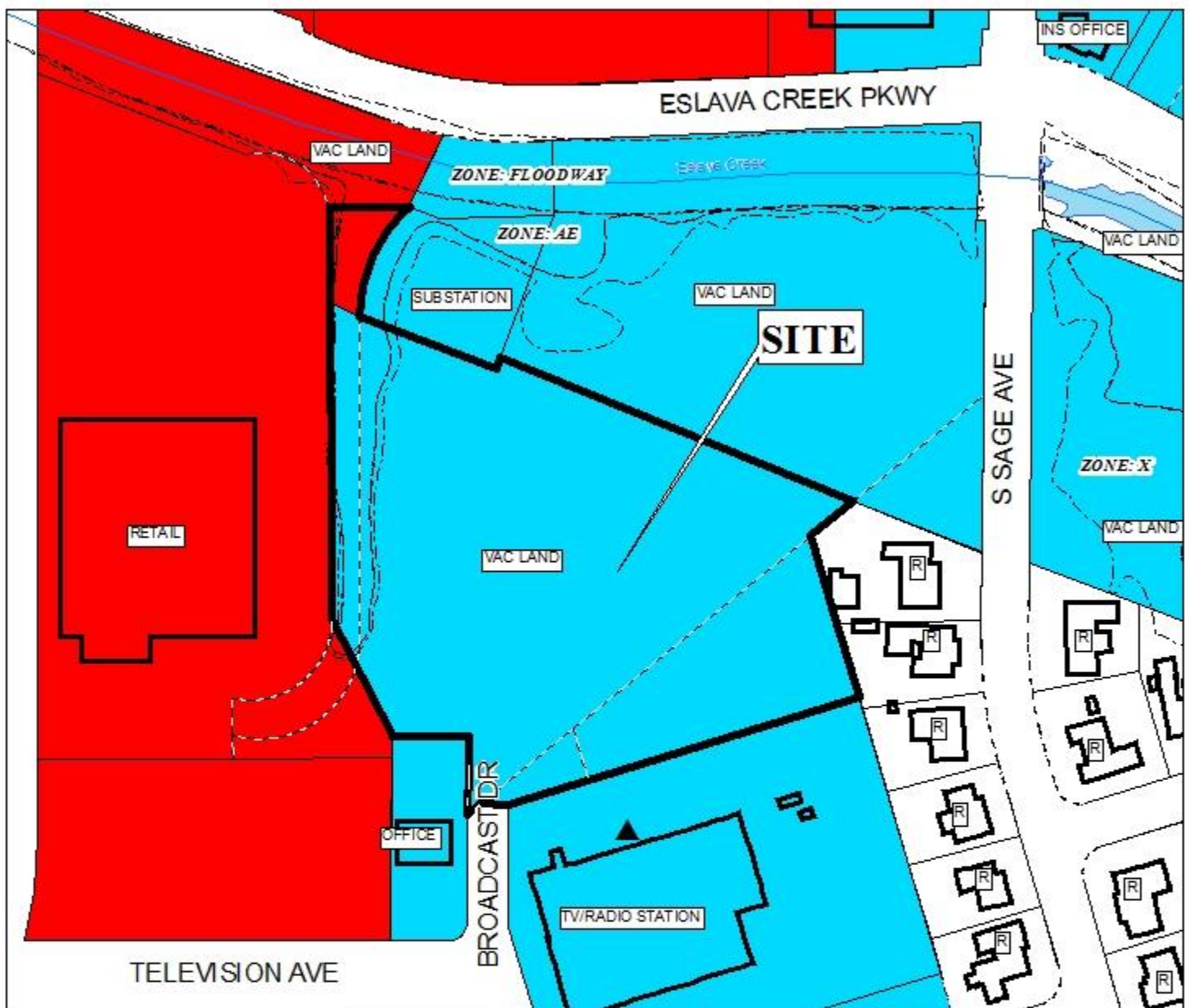
APPLICATION NUMBER 14 DATE December 18, 2014

APPLICANT Bel Air Boulevard Subdivision, iSam Addition

REQUEST Subdivision, PUD, Rezoning from B-1 and B-3 to B-1



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units to the west, and residential units to the east.

APPLICATION NUMBER 14 DATE December 18, 2014

APPLICANT Bel Air Boulevard Subdivision, iSam Addition

REQUEST Subdivision, PUD, Rezoning from B-1 and B-3 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 commercial units to the west, and residential units to the east.

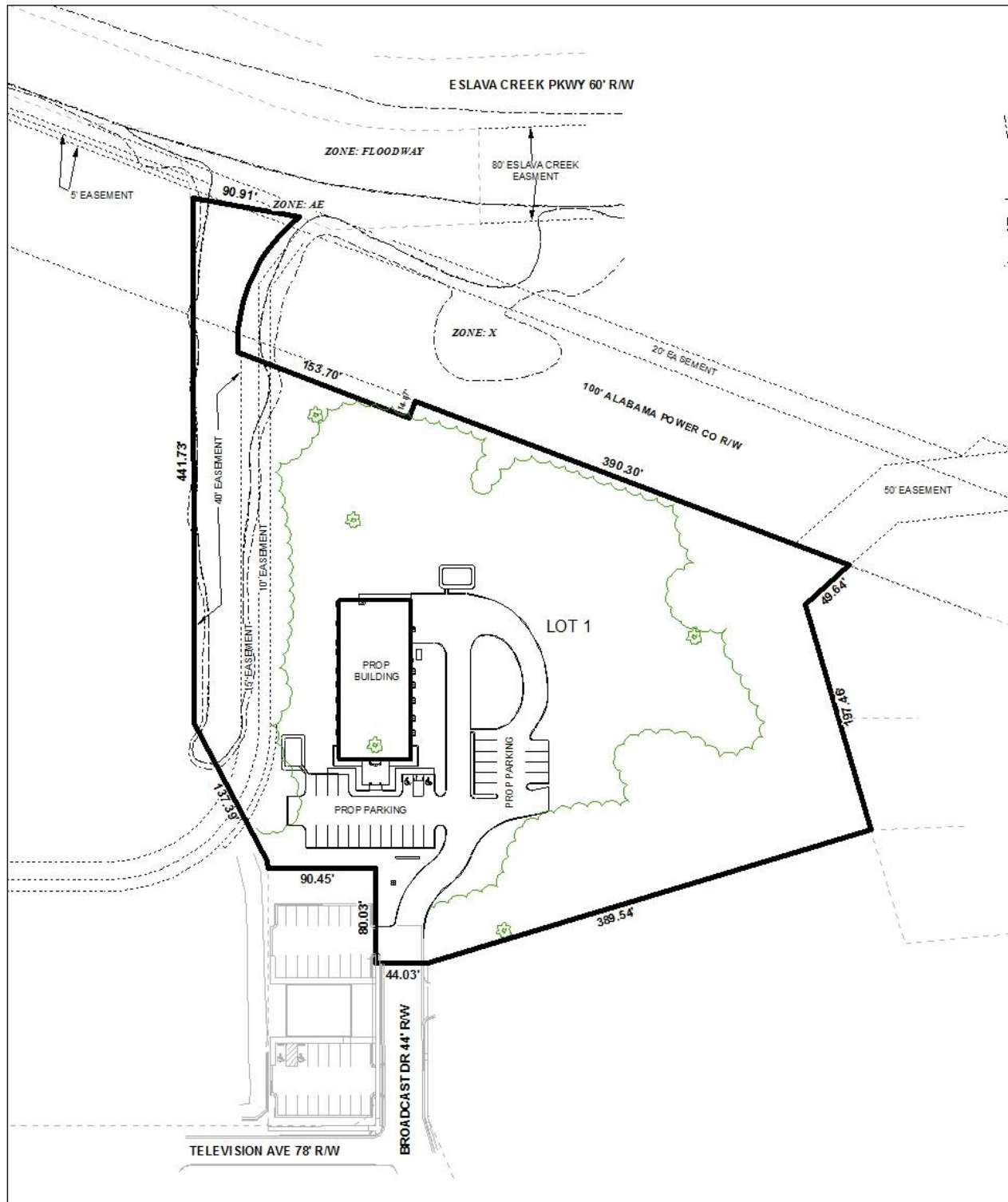
APPLICATION NUMBER 14 DATE December 18, 2014

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REQUEST Subdivision, PUD, Rezoning from B-1 and B-3 to B-1



# SITE PLAN



The site plan illustrates the proposed building and parking, trees, and easements.

APPLICATION NUMBER 14 DATE December 18, 2014

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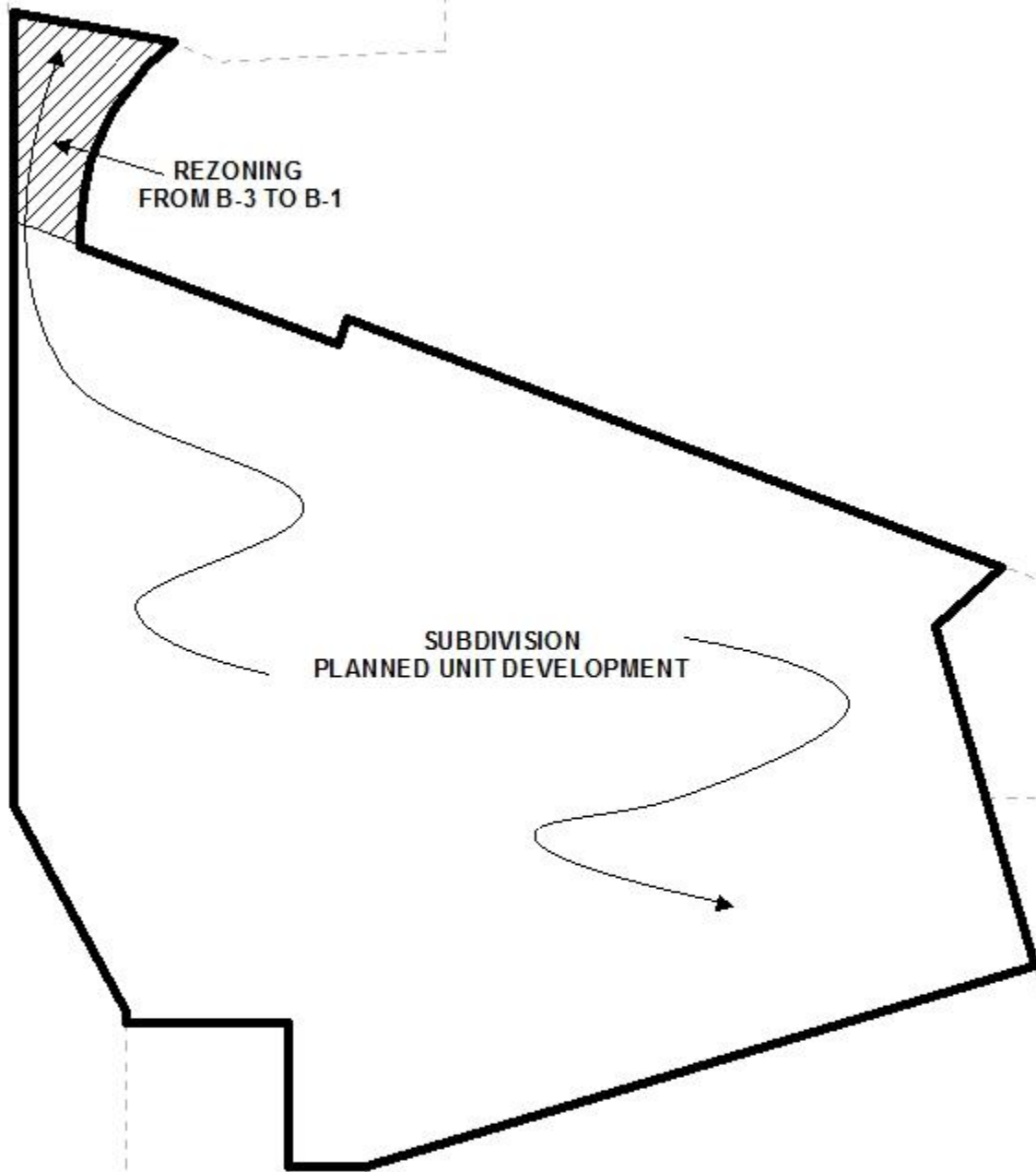
REQUEST Subdivision, PUD, Rezoning from B-1 and B-3 to B-1



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## DETAIL SITE PLAN



APPLICATION NUMBER 14 DATE December 18, 2014

APPLICANT Bel Air Boulevard Subdivision, iSam Addition

REQUEST Subdivision, PUD, Rezoning from B-1 and B-3 to B-1

