

ZONING AMENDMENT,
PLANNED UNIT DEVELOPMENT &
SUBDIVISION STAFF REPORT

Date: November 16, 2006

<u>NAME</u>	Bay Yacht Condominiums
<u>SUBDIVISION NAME</u>	Bay Yacht Sales Subdivision
<u>LOCATION</u>	4700 Dauphin Island Parkway (West side of Dauphin Island Parkway, 1,000'+ South of Alba Avenue)
<u>CITY COUNCIL DISTRICT</u>	District 4
<u>PRESENT ZONING</u>	R-1, Single-Family Residential
<u>PROPOSED ZONING</u>	R-3, Multi-Family Residential B-3, Community Business
<u>AREA OF PROPERTY</u>	2 Lots/11.0± Acres
<u>CONTEMPLATED USE</u>	Rezoning from R-1, Single-Family Residential district, to R-3, Multi-Family Residential district, to allow four single- family residential condominium units. Rezoning from R-1, Single-Family Residential district, to B-3, community Business, to bring an existing marina into compliance. Planned Unit Development Approval to allow four single- family residential condominium buildings on a single building site. 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.
<u>TIME SCHEDULE FOR DEVELOPMENT</u>	Immediately
<u>ENGINEERING COMMENTS</u>	Show limits of flood zone on plat and label. Show minimum finished floor elevation on each lot. The applicant is responsible for verifying if the site contains wetlands. The site can be checked against the National Wetlands Inventory on the

COM web site Environmental Viewer. If the site is included on the NWI, it is the applicant's responsibility to confirm or deny the existence of regulatory wetlands. 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.

TRAFFIC ENGINEERING

COMMENTS

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

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 commercial projects shall comply with the 2003 International Fire Code and Appendices B through G, as adopted by the City of Mobile on July 6, 2004. All One- or Two-Family residential developments shall comply with Appendices B, C, and D of the 2003 International Fire Code, as adopted by the City of Mobile on July 6, 2004.

REMARKS

The applicant is requesting Rezoning, Planned Unit Development, and Subdivision Approvals bring an existing marina into zoning compliance and to allow four single-family residential condominiums on a single building site. Single-family residential condominiums are allowed by right in R-3, Multi-Family Residential Districts, and Marinas require a minimum of B-3, Community Business District zoning.

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 site is 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.

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.

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 site in question is a non-conforming marina zoned R-1, Single-Family Residential. The applicant proposes to create two legal lots of record. Lot 1 will become B-3, Community Business, which will bring the marina into zoning compliance. Lot 2 as proposed requires the rezoning to R-3, Multi-Family Residential to accommodate four single-family dwelling units as condominiums. The site plan depicts four “buildings” that will be separated from each other by a minimum of 20-feet, and all “buildings” will be a minimum of 270-feet from the front property line, 30-feet from the side property lines, and 30-feet from rear property line.

The four structures proposed for the site will not exceed an averaged building footprint size of 1,733 square feet, which equates to approximately 8% maximum gross site coverage. The Zoning Ordinance requires a minimum gross site area of 11,000 square feet for 4 dwelling units in an R-3 district, which equates to an average gross site area of 2,750 square feet per dwelling unit.

The site is adjacent to the North by a B-3 district. A nonconforming bait shop is located in an R-1, Single-Family Residential district to the South. Dog River tributary is West of the site, to the East across Dauphin Island Parkway is undeveloped R-1, Single-Family Residential property.

The site fronts Dauphin Island Parkway, a major street with variable right-of-way. However, the Major Street Plan requires that the right-of-way be 100-feet. Therefore, the dedication of right-of-way sufficient to provide 50-feet as measured from the centerline of Dauphin Island Parkway, should be required.

Section 64-3.A.5. of the Zoning Ordinance recommends that new R-3 districts be a minimum of 4-acres in size. The site in question falls short of the recommendation, as it is only 1.8± acres in size.

The key differences between the existing R-1 and proposed R-3 zoning requirements are maximum height (35 feet versus 45 feet), maximum site coverage (35% versus 45%), and the potential number of units; R-1 zoning would permit no more than 1 single-family residential unit per lot, while R-3 would permit up to 48 residential units (however achieving the maximum number of units in either case is unlikely due to the need for parking, landscaping and the height restrictions). As previously stated, the applicant is seeking rezoning in order to develop four

single-family dwellings into four condominium units. Furthermore, the proposed PUD will limit the maximum development of the site in a manner that makes the proposal more compatible with adjacent river and marina development. Approval of the rezoning can be made contingent upon the PUD, which would assure that the property is not developed other than as proposed.

The applicant is proposing a PUD that includes, for the purposes of the Zoning Ordinance, “multi-family” residential development, and consequently, PUD landscape area requirements apply. Section 64-5.C.2. of the Zoning Ordinance requires 700 square feet of open space per dwelling unit, which cannot include streets, drainage ways, parking areas, service areas and land covered by buildings. The 4-unit development will require a minimum of 2,800± square feet of open space.

Conceptually, the development depicted on the proposed site/layout plan does not minimize impacts to the surrounding commercial development, especially with the proposed 30-foot building setback along the sides and rear boundary of the site. It should be noted that the access drive into the R-3 site is less than the required 24-foot. Additionally, it should be noted that there is no indication on the site plan regarding the perimeter treatment of the property; since this development would be adjacent to commercial districts, no buffer would be required of the R-3, Multi-Family development. Furthermore, generalized landscaping proposed for the common areas should be depicted on the site plan, with the understanding that final landscape plan will be more detailed and require approval by the Urban Forester.

A detention basin may be required for the site. A note should be placed on the site plan, if approved, stating that maintenance of the detention basin common area, and any other common areas, are the responsibility of the development’s property owners.

Finally, the minimum building setback line required in Section V.D.9. of the Subdivision Regulations is not shown for the overall lot, but would be required on the Final Plat.

The proximity to Floodways and 100-year flood zones and illustration that the site contains wetlands indicate that the area may be environmentally sensitive; therefore, the approval of all applicable federal, state and local agencies would be required prior to the issuance of any permits.

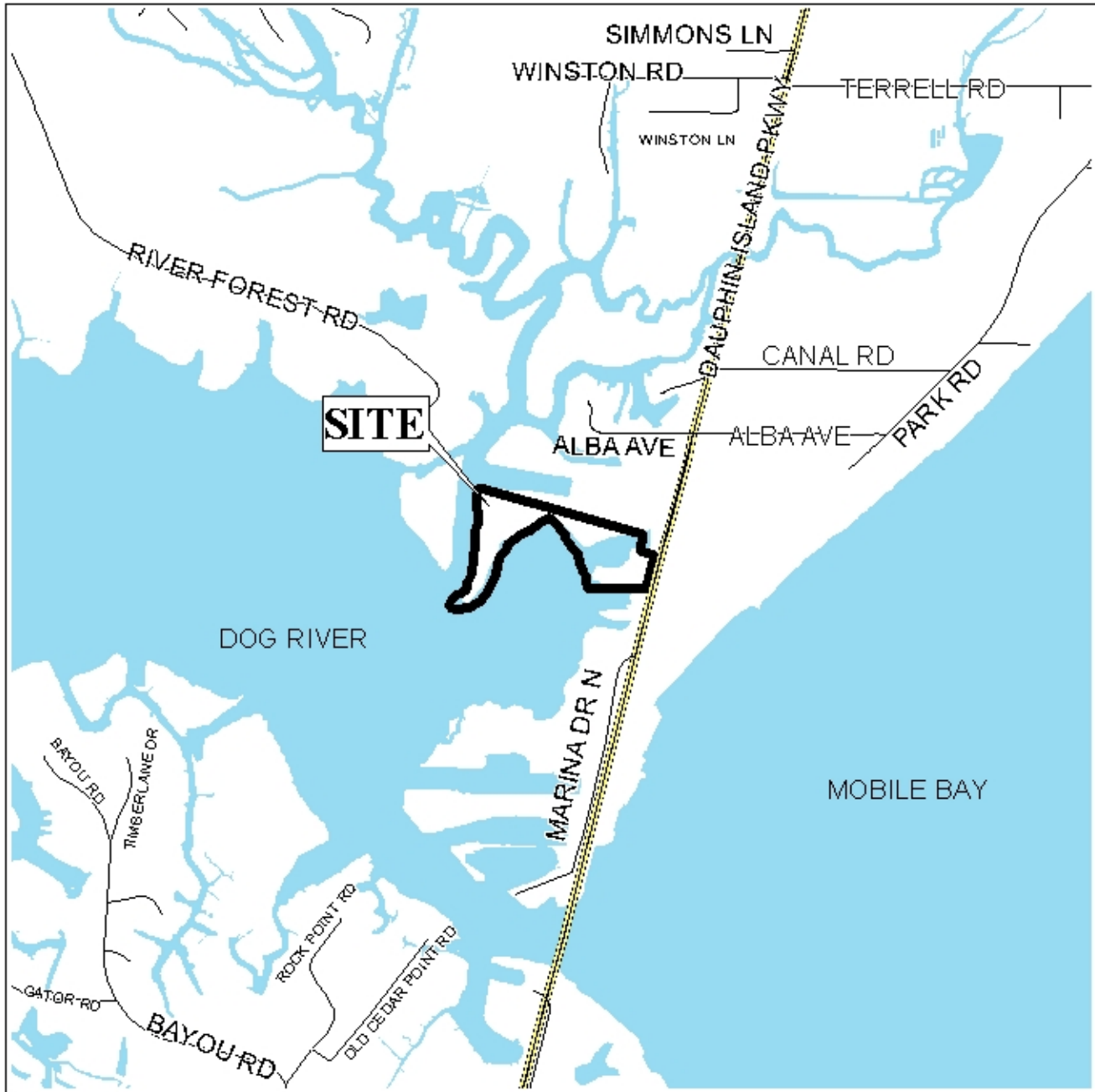
RECOMMENDATION

Rezoning: Based on the preceding, this application is recommended for approval, subject to the following conditions: 1) completion of the Subdivision process; 2) that the site be developed in compliance with the approved accompanying Planned Unit Development; 3) full compliance with the landscaping and tree planting requirements of the Ordinance for Lot 2; and 4) full compliance with all municipal codes and ordinances.

Planned Unit Development: Based on the preceding, this application is recommended for approval, subject to the following conditions: 1) full compliance with the landscaping and tree planting requirements of the Ordinance for Lot 2; 2) the completion of the Subdivision process; and 3) full compliance with all municipal codes and ordinances.

Subdivision: The plat meets the minimum requirements of the Subdivision Regulations and is recommended for Tentative Approval with the following conditions: 1) the dedication of sufficient right-of-way to provide 50-feet as measured from the centerline of Dauphin Island Parkway; 2) placement of a note on the Final Plat stating that each Lot is limited to one curb-cut onto Dauphin Island Parkway, with the size, design and location of all curb-cuts to be approved by the Traffic Engineering Department and ALDOT; 3) a note be placed on the final plat limiting curb cuts to the approved Planned Unit Development; 4) the approval of all necessary federal, state and local agencies prior to the issuance of any permits or commencement of any Land Disturbing activities; and 5) the placement of the 25-foot minimum building setbacks on the final plat.

LOCATOR MAP



APPLICATION NUMBER 15 & 16 & 17 & 18 DATE November 16, 2006

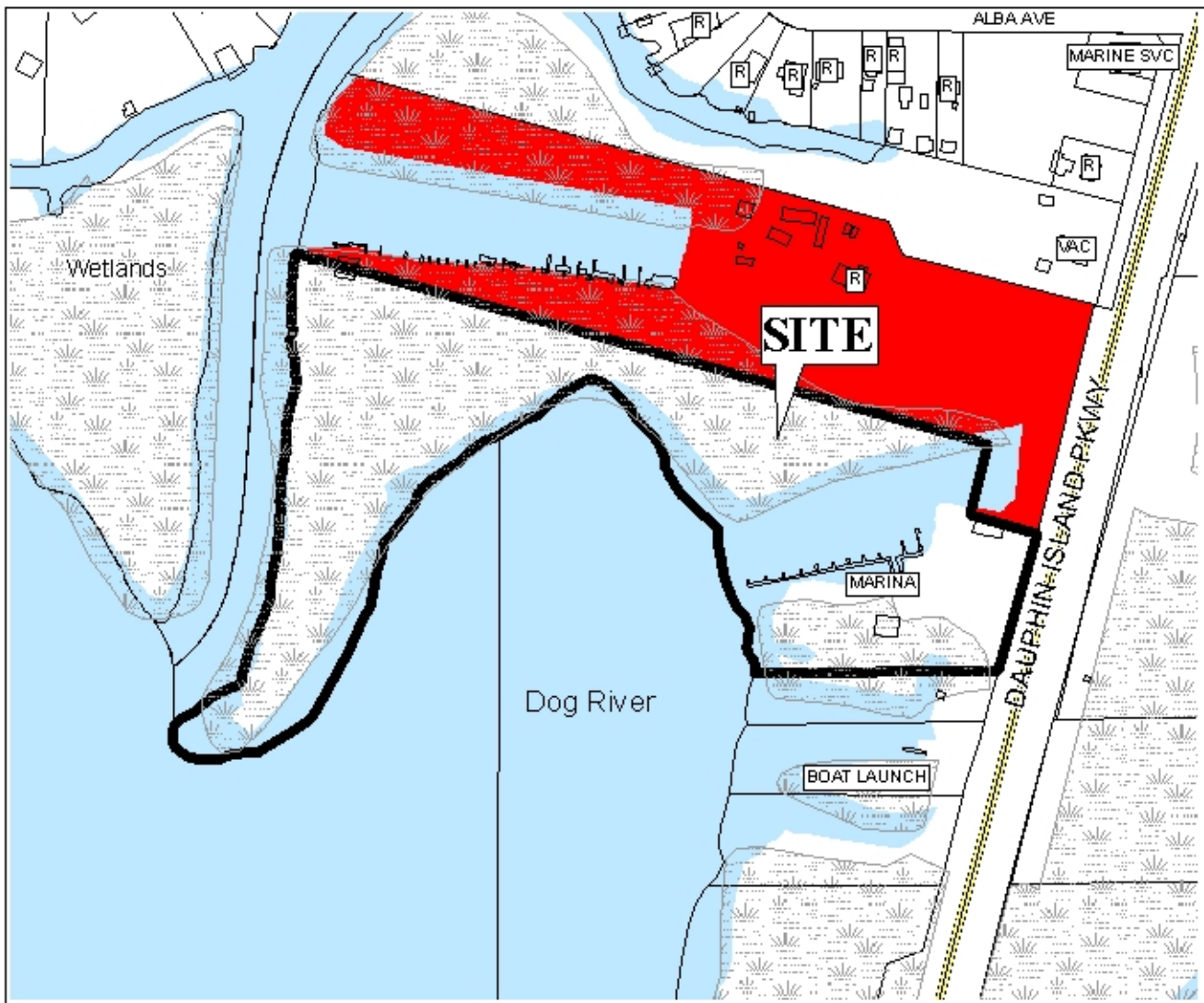
APPLICANT Gerald T. Still

REQUEST Subdivision, Planned Unit Development, Rezoning



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING














Single-family residential units are located to the north of the site. A boat launch is located to the south of the site.

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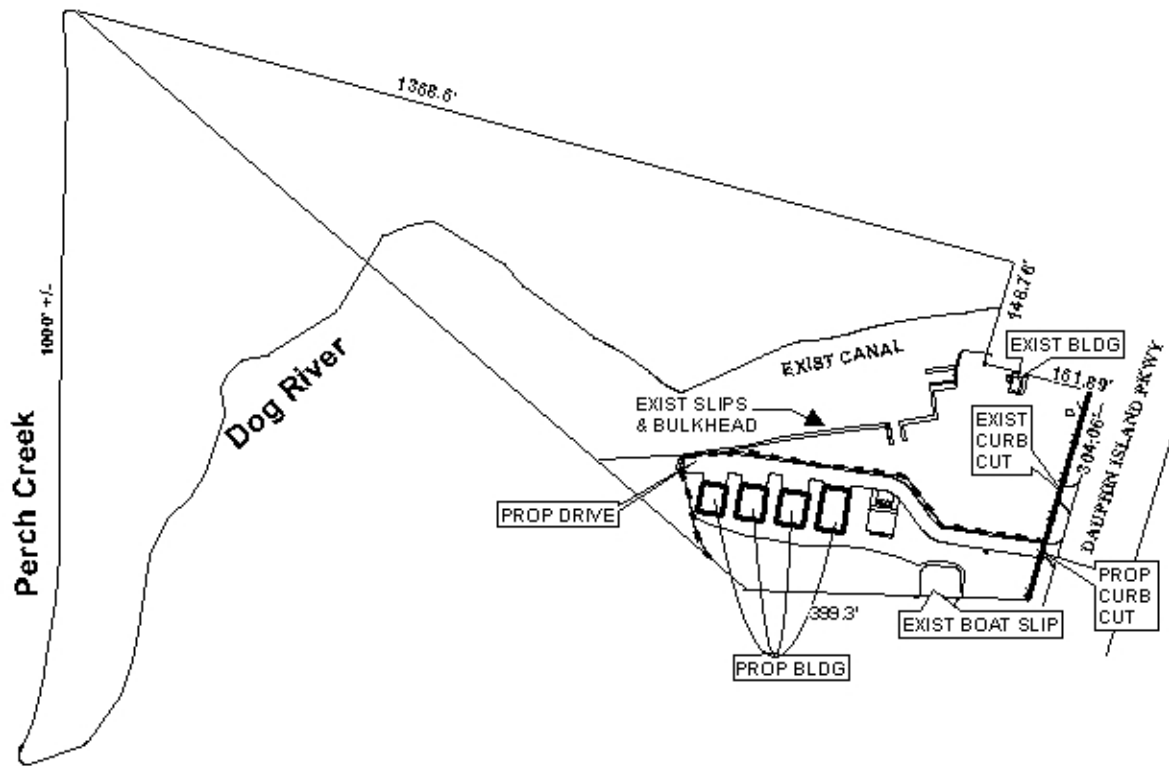
REQUEST Subdivision, Planned Unit Development, Rezoning

LEGEND

													NTS	
R-1	R-2	R-3	R-A	R-B	H-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2	



SITE PLAN



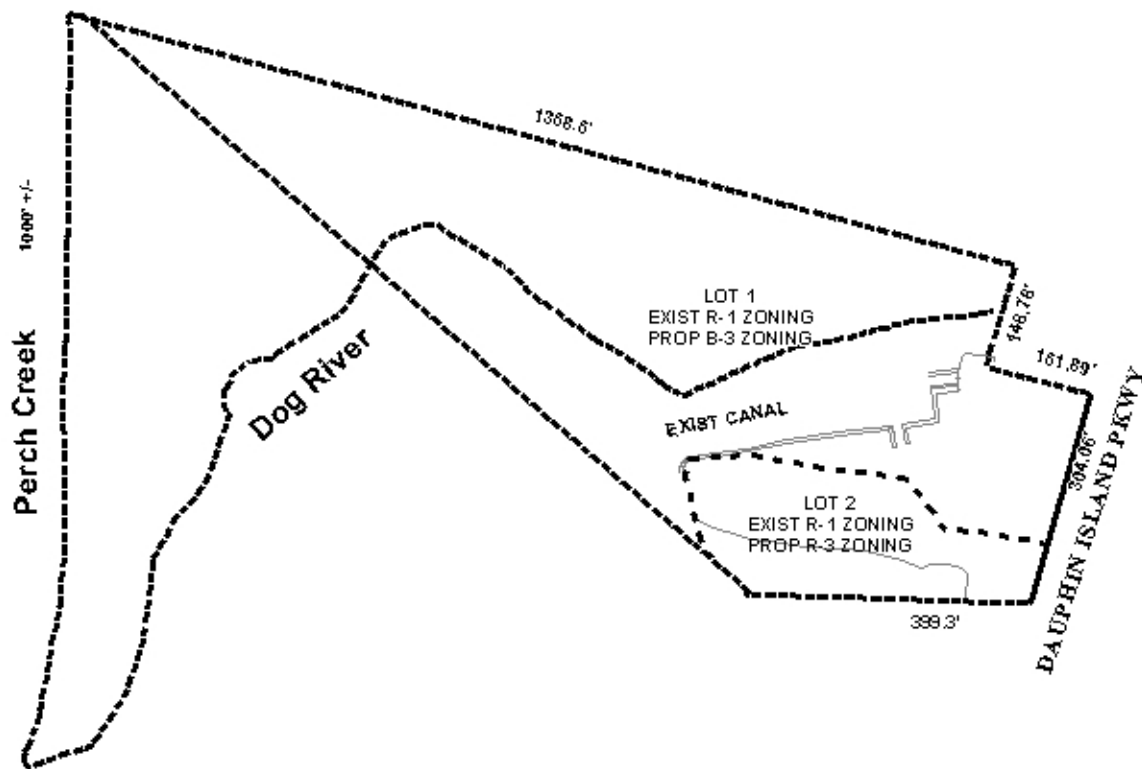
The site plan illustrates the existing marina facilities, proposed residential buildings and proposed drive.

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SUBDIVISION AND ZONING DETAIL



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