

**SUBDIVISION &
ZONING AMENDMENT STAFF REPORT****Date: September 6, 2018****APPLICANT NAME**

Felder Holdings, LLC

SUBDIVISION NAME

Jax's Place Subdivision

LOCATION3262 Old Carline Street
(Northeast corner of Old Carline Street and Furr Street).**CITY COUNCIL
DISTRICT**

Council District 1

PRESENT ZONING

R-1, Single Family Residential District, and B-1, Buffer Business District

PROPOSED ZONING

B-3, Community Business District

AREA OF PROPERTY

1 Lot/0.5± Acres

PRESENT ZONING

Subdivision Approval to create a single legal lot of record from two legal lots of record; and Rezoning from R-1, Single Family Residential District and B-1, Buffer Business District, to B-3, Community Business District.

It should be noted, 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.**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. REMOVE THE COUNTY ENGINEER'S SIGNATURE BLOCK FROM THE PLAT. THE COUNTY ENGINEER NO LONGER SIGNS PLATS WITHIN THE MUNICIPAL LIMITS OF THE CITY OF MOBILE.
- C. REMOVE THE MOBILE COUNTY ENGINEERING DEPARTMENT NOTE. THIS PROPOSED SUBDIVISION IS LOCATED WITHIN THE CITY LIMITS. THE COUNTY

ENGINEER NO LONGER SIGNS PLATS WITHIN THE MUNICIPAL LIMITS OF THE CITY OF MOBILE.

- D. Dedicate the corner radius (25' minimum or as approved by the City Engineer and Traffic Engineer) at the southwest corner of LOT 1 to the City of Mobile, and list the amount of dedicated acreage.
- E. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
- F. 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.
- G. 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.
- H. 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.
- I. Add a note to the plat stating that all easements shall remain in effect until vacated through the proper Vacation process.
- J. Provide a copy of the FINAL SUBDIVISION PLAT to the Engineering Dept. for review. No signatures are required on this drawing.
- K. After addressing all of the FINAL SUBDIVISION PLAT review comments by the Engineering Dept. provide the red-line markup, the ORIGINAL (with all other signatures) and one (1) copy of the revised original (signatures not required) of the revised Final Plat to the Engineering Department.

Rezoning:

- 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. 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.
- 3. 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.
- 4. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

TRAFFIC ENGINEERING COMMENTS

Lot is limited to one curb cut to Furr Street with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Lot is denied access to Old Carline Street due to its substandard roadway width.

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)

MAWSS**COMMENTS**

No Comments

TIME SCHEDULE

Construction to begin immediately following approval of all appropriate permits, and to be completed approximately 6 months from the start of construction.

REMARKS

The applicant is requesting Subdivision Approval to create a single legal lot of record from two legal lots of record; and Rezoning from R-1, Single Family Residential District and B-1, Buffer Business District, to B-3, Community Business District.

The purpose of this application is to combine two lots and have them rezoned in order to accommodate a commercial development with three (3) office tenant spaces that will be 1,000 square foot each, and a 3,000 square foot warehouse space.

The site has been given a **Mixed Density Residential** (MxDR) land use designation per the recently adopted Future Land Use Plan and Map. The Future Land Use Plan and Map complements and provides additional detail to the Development Framework Maps in the Map for Mobile, adopted by the Planning Commission at its November 5, 2015 meeting.

This designation applies mostly to residential areas located between Downtown and the Beltline, where the predominant character is that of a traditional neighborhood laid out on an urban street grid.

These residential areas should offer a mix of single family homes, townhouses, 2- to 4-residential unit buildings, accessory dwellings, and low- and mid-rise multifamily apartment buildings. The density varies between 6 and 10 dwelling units per acre, depending on the mix, types, and locations of the housing as specified by zoning.

Like Low Density Residential areas, Mixed Density Residential areas may incorporate compatibly scaled and sited complementary uses such as neighborhood retail and office uses, schools, playgrounds and parks, and churches and other amenities that create a complete neighborhood fabric and provide safe and convenient access to daily necessities.

It should be noted that the Future Land Use Plan and Map components of the Map for Mobile Plan are meant to serve as a general guide, not a detailed lot and district plan. In many cases the

designation on the new Future Land Use Map may match the existing use of land, but in others the designated land use may differ from what is on the ground today. As such, the Future Land Use Plan and Map 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, where applicable, the 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.

The lots size is provided in acres, but not square feet, and exceeds the minimum lot size requirements of Section V.D.2. of the Subdivision Regulations. If approved, the lot size should be provided in both square feet and acres on the Final Plat.

The site has frontage along Old Carline Street and Furr Street, both are minor streets, and should have a minimum right-of-way of 50 feet. Furr Street has an existing compliant right-of-way requiring no dedication necessary. No right-of-way is provided for Old Carline Street; therefore, dedication may be necessary to provide 25 feet from the centerline. Dedication of the corner radius at Old Carline Street and Furr Street should be provided as required by Section V.D.6. of the Subdivision Regulations, and should be depicted on the Final Plat, if approved. Furthermore, the preliminary plat and vicinity map label Old Carline Street as "Carline Street", and should be revised to correctly refer to the street.

The preliminary plat does not illustrate the 25' minimum building setback along either frontage. If approved, this should be depicted on the Final Plat.

As a means of access management, the proposed lot should be limited to one curb cut to Furr Street, with size, location and design of new curb cuts to be approved by Traffic Engineering and conform to AASHTO standards. The preliminary plat has an existing note stating that the lot is limited to its existing curb cuts, which should be removed, if approved.

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 East half of the proposed site (Lot 13) had an application to rezone the site from R-1, Single-Family Residential to B-3, Community Business District denied by the City Council at its March 5, 1991 meeting. The West half of the proposed site (Lot 14) was approved to be rezoned from

R-1, Single-Family Residential to B-1, Buffer Business District by the City Council at its August 30, 1995 meeting to allow the office of a psychologist. One of the conditions of the rezoning at that time was that the site was denied access to Old Carline Street. On October 19, 1995, a sidewalk waiver was denied for Lot 14.

The site is bounded to the North and West by properties zoned B-3, Community Business District; and to the East and South by properties zoned R-1, Single-Family Residential District. It should be noted that while the property to the South is zoned R-1, Single-Family Residential District, a variance was granted in 2014 to allow the site to operate as a fitness center, office, and warehouse which typically requires a minimum of a B-2, Neighborhood Business District.

The applicant states:

The applicant wishes to develop the property to be a small commercial development to support several small businesses, with ancillary storage in the rear to be used for file storage. The proposed Site Plan includes a 6,000 square foot building with three (3) tenant spaces occupying roughly half of the building area and Storage occupying the remaining half. Sufficient Parking will be provided along the southern part of the property, with appropriate landscaping around the site.

The scheduled time for construction is immediately following the approval of all appropriate permits, with completion being approximately 6 months from the start date of construction.

It appears that Furr Street is moving in the direction of Commercial use, as approximately half of it is presently zoned B-3 and these portions of it are shown to be Mixed Commercial Corridor and Traditional Corridor on the Future Land Use Map. Therefore, the rezoning of this parcel would be consistent with that growth trend.

This property is located in a mostly developed area of the City of Mobile, north of Old Shell Road, south of Springhill Avenue and east of Interstate 65. At present, this site is comprised of two separate parcels of approximately 0.24 acres and 0.21 acres in size, respectively. The west parcel is located on the northeast corner of Furr Street and Old Carline Street and is presently zoned B-1. The east parcel, which fronts Old Carline Street is presently zoned R-1. The property immediately to the north is zoned B-3, as is the property to the west, directly across Furr Street. The parcel to the south, across Old Carline Street, is zoned R-1, but was granted a Use Variance in 2014 to continue operating as a B-3 business, as it had since its construction in the 1950's. Additionally, the southern end of Furr Street presently is also comprised of a large number of B-3 zoned properties.

The size of the existing B-1 parcel is quite small, hardly large enough to allow a business to be sited onto it. After removal of setbacks, landscaping, parking, and other amenities required to comply with the COM Zoning Ordinance, a building of less than 20 feet in width would be all that were possible. For this reason, the owner proposes to Subdivide the two parcels to create one Lot of sufficient size for a small development.

With respect to the ancillary Storage proposed for part of the new building, a B-3 zoning is required to be in compliance with the Ordinance. Additionally, and as noted above, a large percentage of Furr Street is presently zoned B-3, including one parcel zoned R-1 but having a Use Variance to operate as a B-3 business. Therefore, a zoning of B-3 would be consistent with the zoning of the remainder of this street.

In recognition of the fact that a B-3 zoning could allow some types of businesses likely not desirable in close proximity to residential developments, the applicant is proposing to restrict the B-3 zoning use of this property to exclude the following types of businesses:

- *Adult Entertainment*
- *Arcade*
- *Auto Repair*
- *Bait and Tackle*
- *Bar*
- *Billboard*
- *Boarding Kennels*
- *Bowling Alley*
- *Cabinet Shop*
- *Carnival*
- *Car Wash*
- *Convenience Store*
- *Correctional (Detention)*
- *Electric Substation*
- *Electric Transmission*
- *Emergency (Homeless) Shelter*
- *Engine Repair*
- *Firearms Sales*
- *Flea Market*
- *Funeral Home*
- *Liquor Store*
- *Pawn Shop*
- *Pool Hall*

The proposed use of a portion of the site as office space is allowed by right in a B-1, Buffer Business District, however, the proposed warehouse would require a minimum of a B-3, Community Business District.

There is an existing structure on the site that will need to be removed from the site with proper permits prior to the issuance of permits for the re-development of the site.

The site plan depicts the proposed structure with 14 parking spaces being provided, which exceeds the minimum required number of 11 parking spaces. Because the site will have more than 10 parking spaces, the site will have to comply with Section 64-6.A.3.c. of the Zoning Ordinance. It should be noted that bumper stops or curbing will be required to be provided to prevent vehicles from parking on the landscaped areas of the site.

There is no mention of if the site will have a dumpster or utilize curbside pickup. If approved, the applicant should be aware that either a note will need to be added to the site plans at time of permitting stating that curbside pickup will be utilized, or a dumpster connected to sanitary sewer with a compliant enclosure should be provided on the site outside of any required setbacks.

The proposed site plan depicts a curb cut to Old Carline Street, as well as one to Furr Street. If approved, the site plan submitted for permitting should be revised to only depict the curb cut to Furr Street.

The site plan depicts sidewalks along both street frontages, and should be retained, if approved.

The "Area Data" section on the site plan appears to contain some errors. It states that the total site is 19,367 square feet; the building is 6,000 square feet; and asphalt covers 6,051 square feet; leaving 738 square feet unaccounted for. These numbers should be double-checked for accuracy prior to permitting, if approved.

The site plan indicates the site will have compliant frontage and perimeter trees, but makes no mention of parking trees. It should be noted that full compliance with tree planting and landscape area will be required at the time of permitting. Furthermore, the site plan depicts trees both in the right-of-way and on private property to be removed. Private property tree permits will be required prior to removal of the trees on the private property, and approval will have to be obtained by the Tree Commission prior to removal of the trees in the right-of-way.

The site plan illustrates a 6' high privacy fence on the East property line where the site abuts R-1, Single Family Residential District. It should be noted, that if approved, the fence should be reduced to 3' high within the 25' front setback.

Finally, a properly executed Voluntary Use Restriction form will be required prior to staff determining the associated advertising cost of the zoning request for City Council consideration, if the request is approved by the Planning Commission.

RECOMMENDATION

Subdivision: Based upon the preceding, the application is recommended for Tentative Approval, subject to the following:

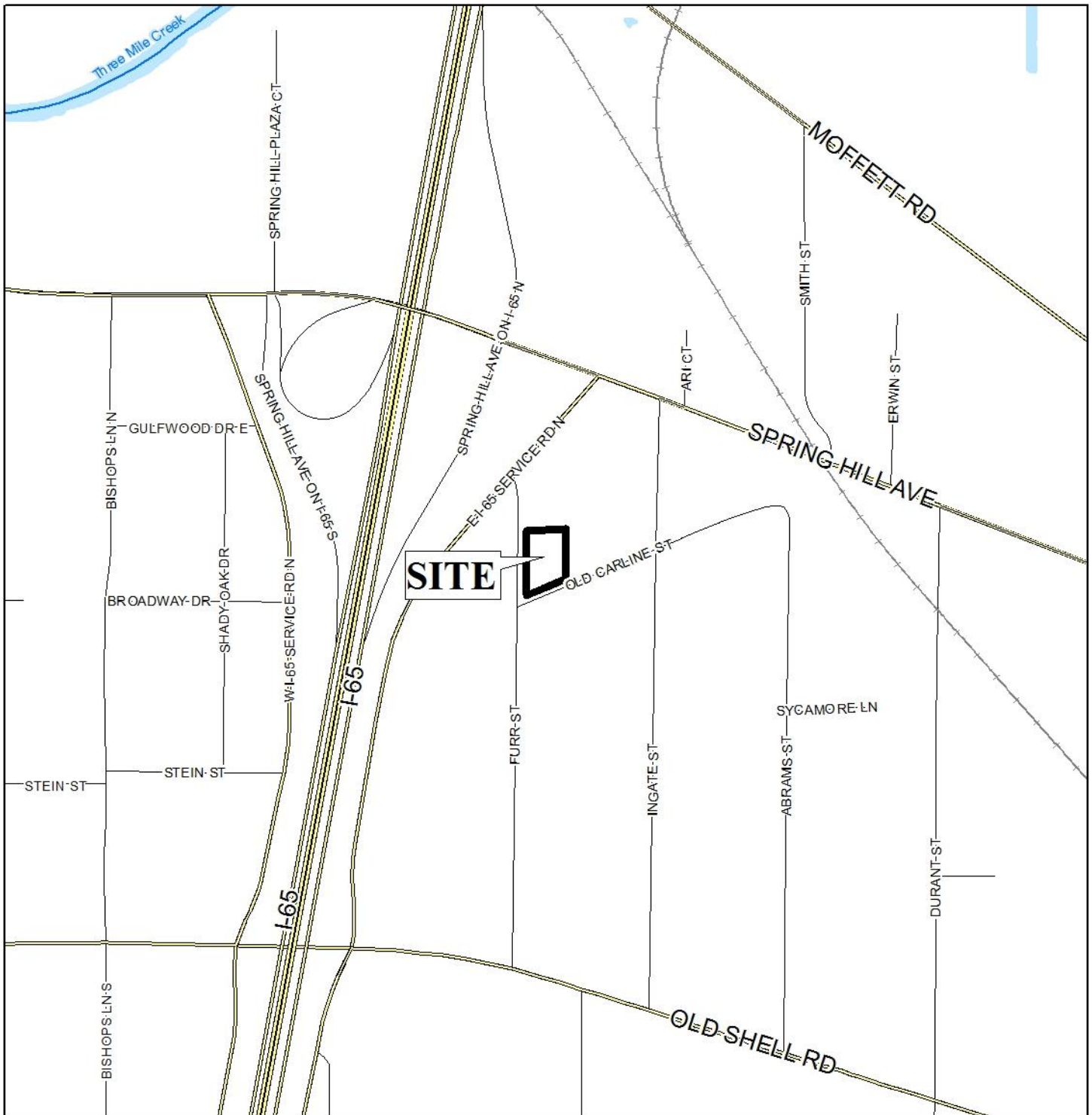
- 1) dedication to provide 25' from the centerline of Old Carline Street, if necessary;
- 2) dedication of the corner radius at Old Carline Street and Furr Street should be provided as required by Section V.D.6. of the Subdivision Regulations;
- 3) retention of the lot size in square feet and acres, revised to reflect dedication;
- 4) revision of the Final Plat to correctly label "Old Carline Street";
- 5) placement of a note on the Final Plat stating the lot should be limited to one curb cut each to Furr Street, with size, location and design of new curb cuts to be approved by Traffic Engineering and conform to AASHTO standards;
- 6) placement of a note on the Final Plat stating that the lot is denied direct access to the Old Carline Street;
- 7) illustrate the 25' minimum building setback line along all frontages;

- 8) 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. REMOVE THE COUNTY ENGINEER'S SIGNATURE BLOCK FROM THE PLAT. THE COUNTY ENGINEER NO LONGER SIGNS PLATS WITHIN THE MUNICIPAL LIMITS OF THE CITY OF MOBILE. C. REMOVE THE MOBILE COUNTY ENGINEERING DEPARTMENT NOTE. THIS PROPOSED SUBDIVISION IS LOCATED WITHIN THE CITY LIMITS. THE COUNTY ENGINEER NO LONGER SIGNS PLATS WITHIN THE MUNICIPAL LIMITS OF THE CITY OF MOBILE. D. Dedicate the corner radius (25' minimum or as approved by the City Engineer and Traffic Engineer) at the southwest corner of LOT 1 to the City of Mobile, and list the amount of dedicated acreage. E. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. F. 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. G. 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. H. 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. I. Add a note to the plat stating that all easements shall remain in effect until vacated through the proper Vacation process. J. Provide a copy of the FINAL SUBDIVISION PLAT to the Engineering Dept. for review. No signatures are required on this drawing. K. After addressing all of the FINAL SUBDIVISION PLAT review comments by the Engineering Dept. provide the red-line markup, the ORIGINAL (with all other signatures) and one (1) copy of the revised original (signatures not required) of the revised Final Plat to the Engineering Department.);
- 9) compliance with Traffic Engineering comments (*Lot is limited to one curb cut to Furr Street with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Lot is denied access to Old Carline Street due to its substandard roadway width.*);
- 10) 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).*); and
- 11) 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).*).

Rezoning: Based upon the preceding, the application is recommended for Approval, subject to the following conditions:

- 1) completion of the Subdivision process;
- 2) subject to the Voluntary Use Restrictions as submitted by the applicant to be recorded in Probate Court; and
- 3) full compliance with all municipal codes and ordinances.

LOCATOR MAP



APPLICATION NUMBER 15 DATE September 6, 2018

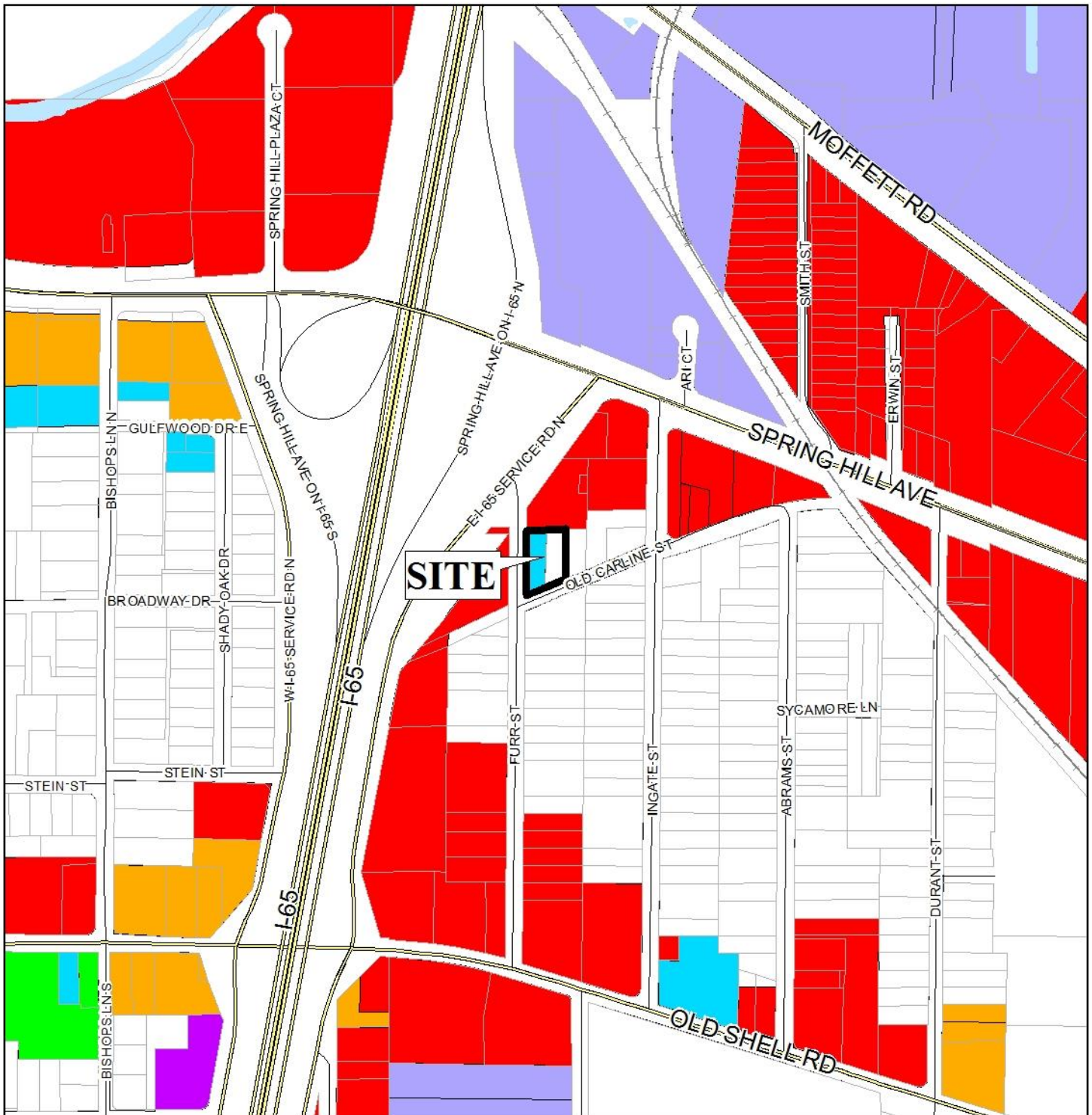
APPLICANT Jax's Place Subdivision

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



NTS

LOCATOR ZONING MAP



APPLICATION NUMBER 15 DATE September 6, 2018

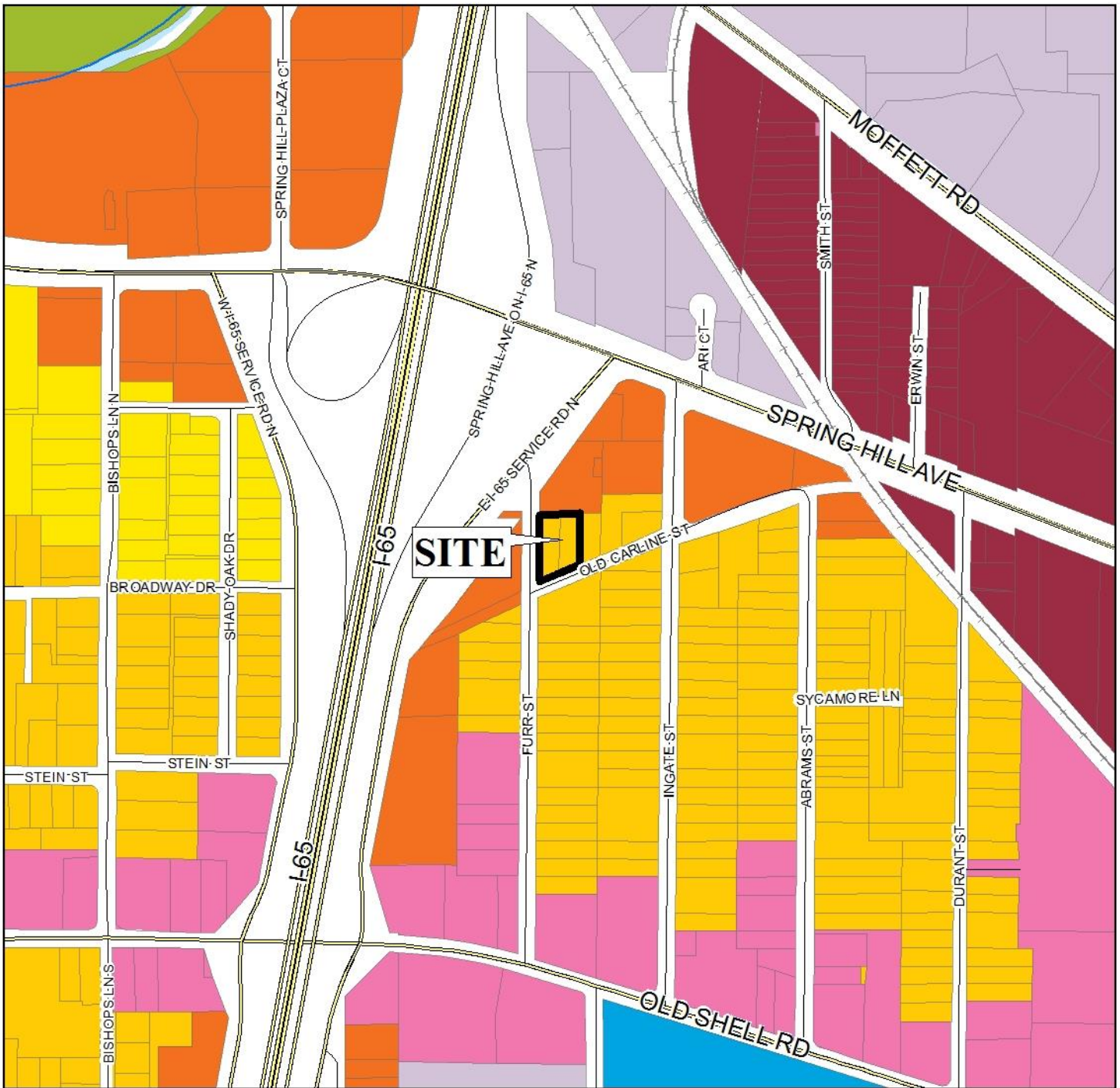
APPLICANT Jax's Place Subdivision

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



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FLUM LOCATOR MAP



APPLICATION NUMBER 15 DATE September 6, 2018

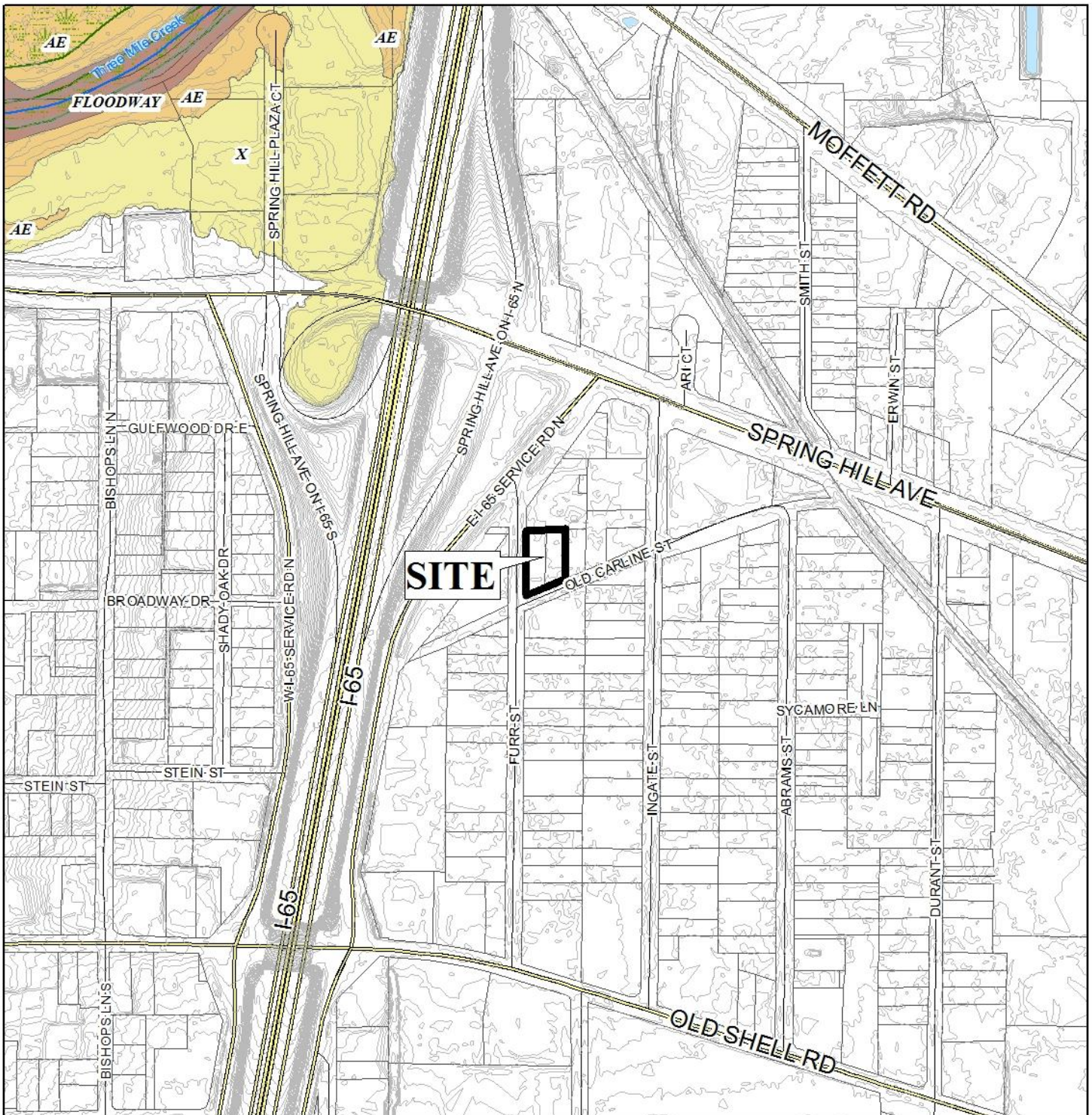
APPLICANT Jax's Place Subdivision

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

Low Density Residential	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
Mixed Density Residential	Neighborhood Center - Suburban	Light Industry	Water Dependent
Downtown	Traditional Corridor	Heavy Industry	
District Center	Mixed Commercial Corridor	Institutional	



ENVIRONMENTAL LOCATOR MAP



APPLICATION NUMBER 15 DATE September 6, 2018
 APPLICANT Jax's Place Subdivision
 REQUEST Subdivision, Rezoning from R-1, and B-1 to B-3



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units to the north, and residential units to the south.

APPLICATION NUMBER 15 DATE September 6, 2018

APPLICANT Jax's Place Subdivision

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

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 AERIAL

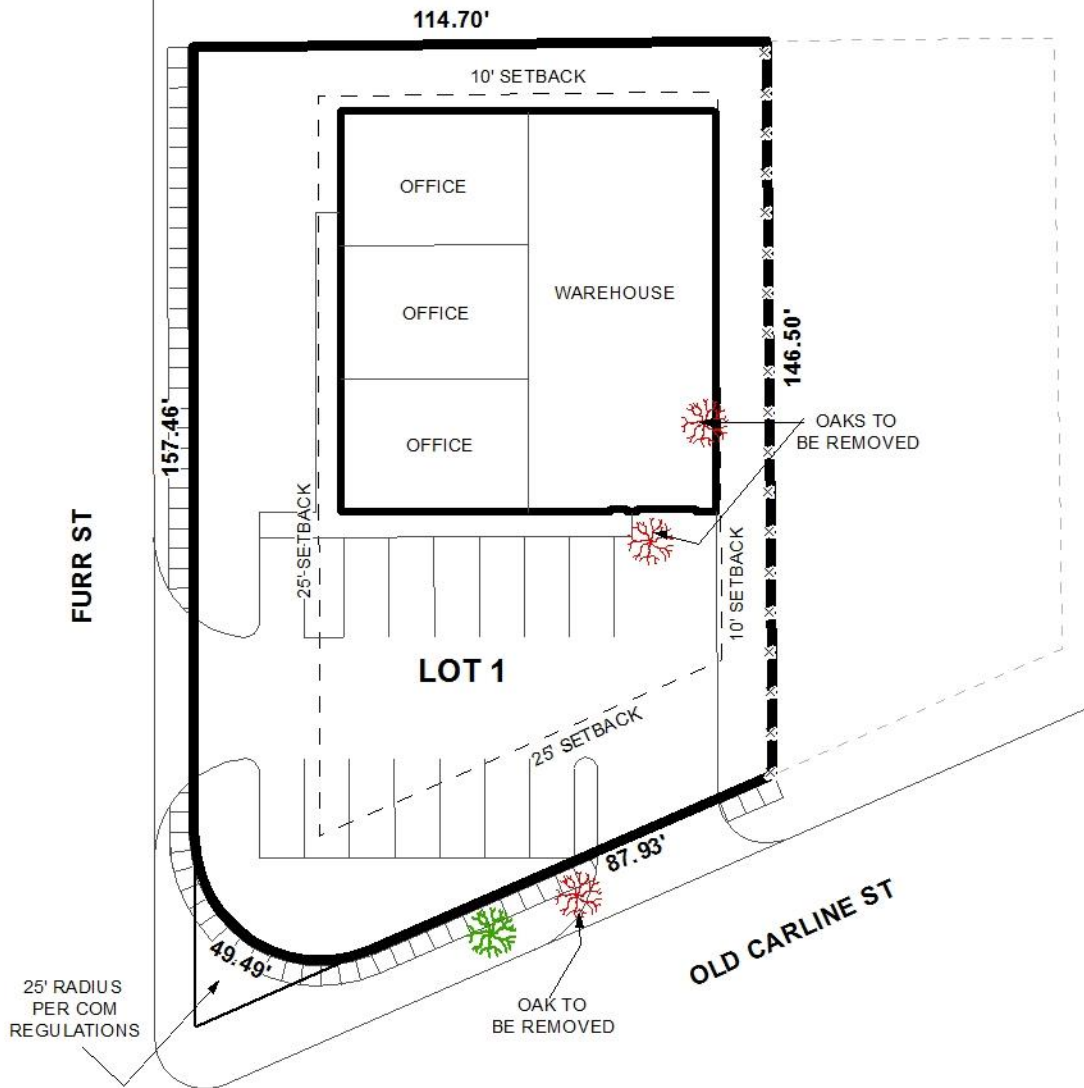


The site is surrounded by commercial units to the north, and residential units to the south.

APPLICATION NUMBER 15 DATE September 6, 2018
 APPLICANT Jax's Place Subdivision
 REQUEST Subdivision, Rezoning from R-1, and B-1 to B-3



SITE PLAN



The site plan illustrates the proposed building, parking, setbacks, and trees to be removed.

APPLICATION NUMBER 15 DATE September 6, 2018
 APPLICANT Jax's Place Subdivision
 REQUEST Subdivision, Rezoning from R-1, and B-1 to B-3

