

**ZONING AMENDMENT,
PLANNED UNIT DEVELOPMENT &
SUBDIVISION STAFF REPORT**

Date: December 5, 2013

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| <u>NAME</u> | John Kirby |
| <u>SUBDIVISION NAME</u> | Kirby Subdivision |
| <u>LOCATION</u> | 7049 Dickens Ferry Road and 7060 & 7068 Airport Boulevard (North side of Airport Boulevard extending to the South side of Dickens Ferry Road, 550'± East of Cody Road) |
| <u>CITY COUNCIL DISTRICT</u> | District 7 |
| <u>PRESENT ZONING</u> | R-1, Single-Family Residential District |
| <u>PROPOSED ZONING</u> | B-3, Community Business District |
| <u>AREA OF PROPERTY</u> | 1 Lot / 1.4± Acres |
| <u>CONTEMPLATED USE</u> | Rezoning from R-1, Single-Family Residential District, to B-3, Community Business District, to eliminate split zoning, Planned Unit Development Approval to allow multiple buildings on a single building site and share access between two building sites, and a Subdivision to create one legal lot of record from a single metes-and-bounds parcel. 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</u> | Immediately |

**ENGINEERING
COMMENTS**

Subdivision: The following comments should be addressed prior to acceptance and signature by the City Engineer: a. Add a note to the Plat stating that a Land Disturbance permit will be required for any land disturbing activity in accordance with the of the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045), latest edition. Storm water detention may be required for any existing development (since 1984) that did not receive Land Disturbance permitting and for any future addition(s) and/or land disturbing activity. b. Add a note to the Plat stating that the

approval of all applicable federal, state, and local agencies (including all stormwater runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. c. Show and label the MFFE (Minimum Finished Floor Elevation). d. Provide and label the monument set or found at each subdivision corner. e. Provide the Surveyor's, Owner's (notarized), and Planning Commission signatures. f. Provide a signature block and signature for the Traffic Engineer. g. Add a note that sidewalk is required to be constructed along the frontage of each lot, or parcel, at time of development, unless a sidewalk waiver is approved. h. Provide a drainage easement for the existing drainage ditch on the LOT 1. Size and location to be approved by the City Engineer.

Planned Unit Development: 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). Any and all proposed land disturbing activity will need to be in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. 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. Add a note to the Plat stating that the proposed development must comply with all Engineering Department Policy letters.

TRAFFIC ENGINEERING

COMMENTS

Lot 1 of Spectrum Subdivision and Lot 1 of the proposed subdivision are denied access to Dickens Ferry Road. Permitted access to Dickens Ferry will require an approved change to the PUD.

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).

Need revised site plan showing Live Oak Trees 24" and larger. Also show on the site plan the removal of existing gravel from the Critical Root Zone of the existing Live Oak Trees 24" and larger.

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.

MAWSS COMMENTS:

No Comments

REMARKS

The applicant is requesting Rezoning from R-1, Single-Family Residential District, to B-3, Community Business District, to eliminate split zoning, Planned Unit Development Approval to allow multiple buildings on a single building site and share access between two building sites, and a Subdivision to create one legal lot of record from a single metes-and-bounds parcel.

The site, a portion of which has been cleared and had gravel put on site without permits, is bounded, to the West by undeveloped land in an R-1, Single-Family Residential District and existing commercial businesses in a B-2, Neighborhood Business District, to the North across Dickens Ferry Road by a residential neighborhood in an R-3, Multi-Family Residential district, to the East by a residence in an R-1, Single-Family Residential District and an existing commercial business in a B-3 Community Business District, and to the South across Airport Boulevard by undeveloped land in a B-2, Neighborhood Business District.

The applicant has an application on the Board of Zoning Adjustment's December 2, 2013 agenda to seek approval of the gravel surfacing on the proposed Lot 1.

The proposed 1.4± acre, 1-lot subdivision fronts Dickens Ferry Road, a minor road without curb and gutter, which requires a 60-foot of right-of-way Section V.B.14. of the Subdivision Regulations. The preliminary plat states that the right-of-way varies; therefore dedication should be made to provide 30-feet from the centerline if necessary.

Due to the location and size of the development, access management is a concern. The site plan illustrates the subject site as having one curb-cut to Airport Boulevard, and an existing dirt drive that connects to Dickens Ferry 1 of Spectrum Subdivision should be denied, as well as for the proposed Lot 1. The existing drive to Dickens Ferry should be removed.

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 reasoning behind the request for rezoning is to eliminate split zoning for the proposed Planned Unit Development, and allow commercial operation on property that is currently zoned residentially. It should be noted that Lot 1 of Spectrum Subdivision which is included in the Planned Unit Developments is zoned R-1, Single-Family Residential. The site plan should be revised to either include this lot in the rezoning, or remove it from the Planned Unit Development, which would also require all current commercial use of the lot to cease. While the subject site's size does not meet the minimum size recommendation of 4.0 acres as set forth in Section 64-3.5. of the Zoning Ordinance for a new zoning district, the abutting presence of the requested zoning district makes the B-3, Community Business District request more in line with the intent of this regulation.

The vast majority of the 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 site plan provided does not illustrate any parking on the site, nor does it provide any information regarding landscaped area, tree plantings, what type of business occupies each of the existing structures, or if the site will use a dumpster or curb-side service. The site plan should be revised to include this information, as well as any other information indicating compliance with the Zoning Ordinance.

Upon review of City of Mobile 2010 aerial photography, it appears that the site that fronts Airport Boulevard (Lot 2 of Spectrum Subdivision) has shared access with other lots that are also owned by the applicant, and which were included in previous approved Planned Unit Development requests. The applicant should either include these additional lots in the Planned Unit Development application, or remove the shared access.

The site abuts R-1, Single-Family Residential to the East and West, with R-3, Multiple-Family Residential District to the North. A residential buffer in compliance with Section 64-4.D.1. of the Zoning Ordinance must be provided where the site abuts residentially utilized property. A note on the proposed site plan stating this requirement should be placed on the site plan and would be required on the Final Plat. If approved, a note should also be placed on the site plan and Final Plat stating that no structures are allowed in any easements. The site plan also illustrates a 10-foot sanitary sewer easement along the East

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.

Regarding the Subdivision, the proposed lot exceeds the minimum size requirements of Section V.D.2. of the Subdivision Regulations. The lots sizes are provided in acres and square feet, and should remain on the Final Plat as well as the site plan, if approved.

The preliminary plat does not depict the 25' minimum building setback line for the proposed Lots 1 as required by Section V.D.9. of the Subdivision Regulations. This setback should be depicted on the Final Plat, if approved.

The proposed Lot 1 appears contains a portion of the headwaters of Twelve Mile Creek and associated floodway and floodzones, therefore the area may be environmentally sensitive. The applicant has already undertaken work in this area without the required permits. The presence of floodplains indicate that the area may be environmentally sensitive; therefore, the approval of all applicable federal, state and local agencies for wetland and floodplain issues will be required

prior to the issuance of any permits or land disturbance activities. A note should be placed on the Final Plat stating this requirement.

RECOMMENDATION

Rezoning: The rezoning request is recommended for Holdover to the January 2, 2014 meeting, with revisions due by December 13, 2013 to address the following:

- 1) inclusion of Lot 1, Spectrum Subdivision in the rezoning request, or removal of the same lot from the Planned Unit Development

Planned Unit Development: The PUD request is recommended for Holdover to the January 2, 2014 meeting, with revisions due by December 13, 2013 to address the following:

- 1) illustrate dedication if necessary to provide 30' from the centerline of Dickens Ferry Road;
- 2) inclusion of Lot 1, Spectrum Subdivision in the rezoning request, or removal of the same lot from the Planned Unit Development;
- 3) inclusion of adjacent and nearby lots fronting Airport Boulevard that have shared access, or revision of the site plan to illustrate that the shared access has been eliminated;
- 4) placement of a note stating the development is denied access to Dickens Ferry Road;
- 5) placement of a note stating that no structures are to be built in any easement;
- 6) illustration of parking spaces;
- 7) provide information about the types of businesses in each existing structure, and their sizes;
- 8) provide landscaping and tree planting calculations;
- 9) illustration of a dumpster compliant with Section 64-4.D.9 of the Zoning Ordinance, or place a note that curb side pick-up will be utilized;
- 10) illustration of the required residential buffer per Section 64-4.D.1. of the Zoning Ordinance;
- 11) illustration of the 25' minimum building setback along all street frontages;
- 12) compliance with Engineering comments (*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). Any and all proposed land disturbing activity will need to be in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. 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. Add a note to the Plat stating that the proposed development must comply with all Engineering Department Policy letters.*);
- 13) compliance with Traffic Engineering comments (*Lot 1 of Spectrum Subdivision and Lot 1 of the proposed subdivision are denied access to Dickens Ferry Road. Permitted access to Dickens Ferry will require an approved change to the PUD.*);

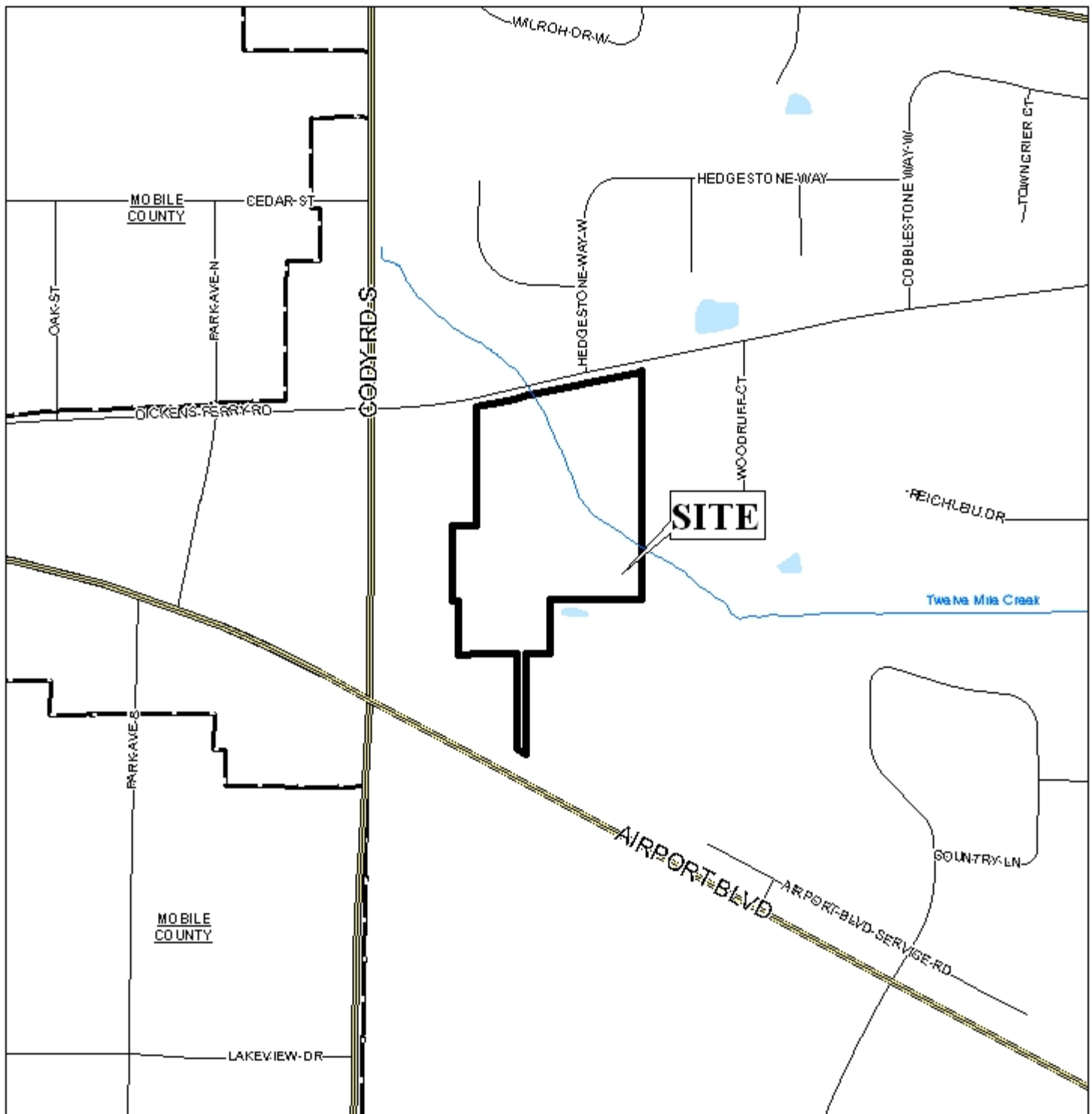
- 14) compliance with Urban Forestry comments (*Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64). Need revised site plan showing Live Oak Trees 24" and larger. Also show on the site plan the removal of existing gravel from the Critical Root Zone of the existing Live Oak Trees 24" and larger.*); and
- 15) compliance with 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.*).

Subdivision: The Subdivision request is recommended for Holdover to the January 2, 2014 meeting, with revisions due by December 13, 2013 to address the following:

- 1) illustrate dedication if necessary to provide 30' from the centerline of Dickens Ferry Road;
- 2) illustration of the 25' minimum building setback;
- 3) retention of the lot size in square feet and acres;
- 4) placement of a note stating the development is denied access to Dickens Ferry Road;
- 5) placement of a note stating that no structures are to be built in any easement;
- 6) compliance with 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.*);
- 7) compliance with Engineering comments (*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). Any and all proposed land disturbing activity will need to be in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. 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. Add a note to the Plat stating that the proposed development must comply with all Engineering Department Policy letters.*);
- 8) compliance with Traffic Engineering comments (*Lot 1 of Spectrum Subdivision and Lot 1 of the proposed subdivision are denied access to Dickens Ferry Road. Permitted access to Dickens Ferry will require an approved change to the PUD.*);
- 9) 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 61-929 and City Code Chapters 57 and 64). Need revised site plan showing Live Oak Trees 24" and larger. Also show on the site plan the removal of existing gravel from the Critical Root Zone of the existing Live Oak Trees 24" and larger.*);

- 10) compliance with 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.*);
- 11) placement of a note on the Final Plat stating that approval of all applicable Federal, state and local agencies is required for wetland issues, if any, prior to the issuance of any permits or land disturbance activities; and
- 12) placement of a note on the Final Plat stating that approval of all applicable Federal, state and local agencies is required for endangered, threatened or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities.

LOCATOR MAP



APPLICATION NUMBER 17, 18 & 19 DATE December 5, 2013

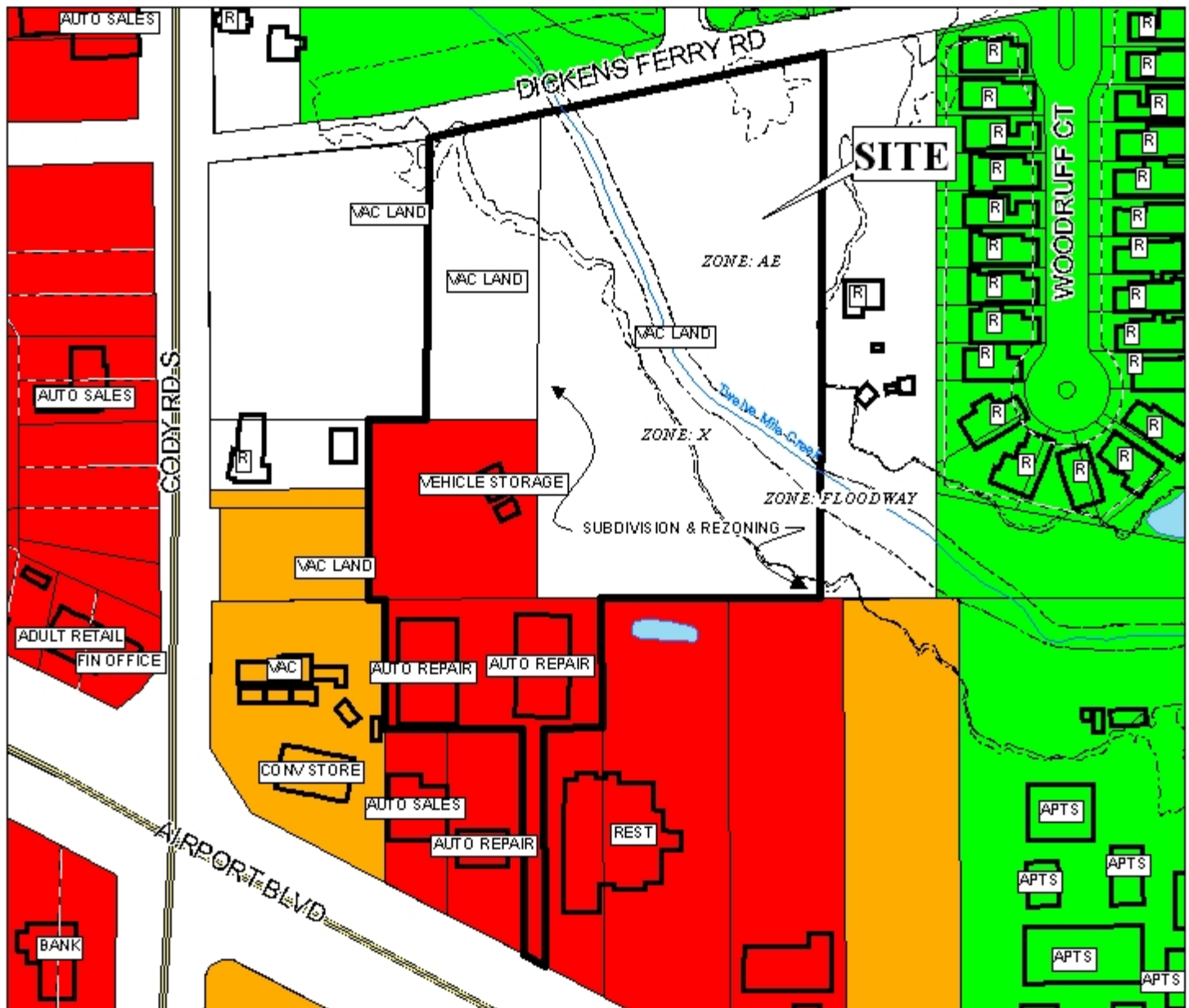
APPLICANT John Kirby

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



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residences and businesses.

APPLICATION NUMBER 17, 18 & 19 DATE December 5, 2013

APPLICANT John Kirby

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

LEGEND

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|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| R-1 | R-2 | R-3 | R-A | R-B | H-B | T-B | B-1 | B-2 | B-3 | B-4 | B-5 | I-1 | I-2 |
|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residences and businesses.

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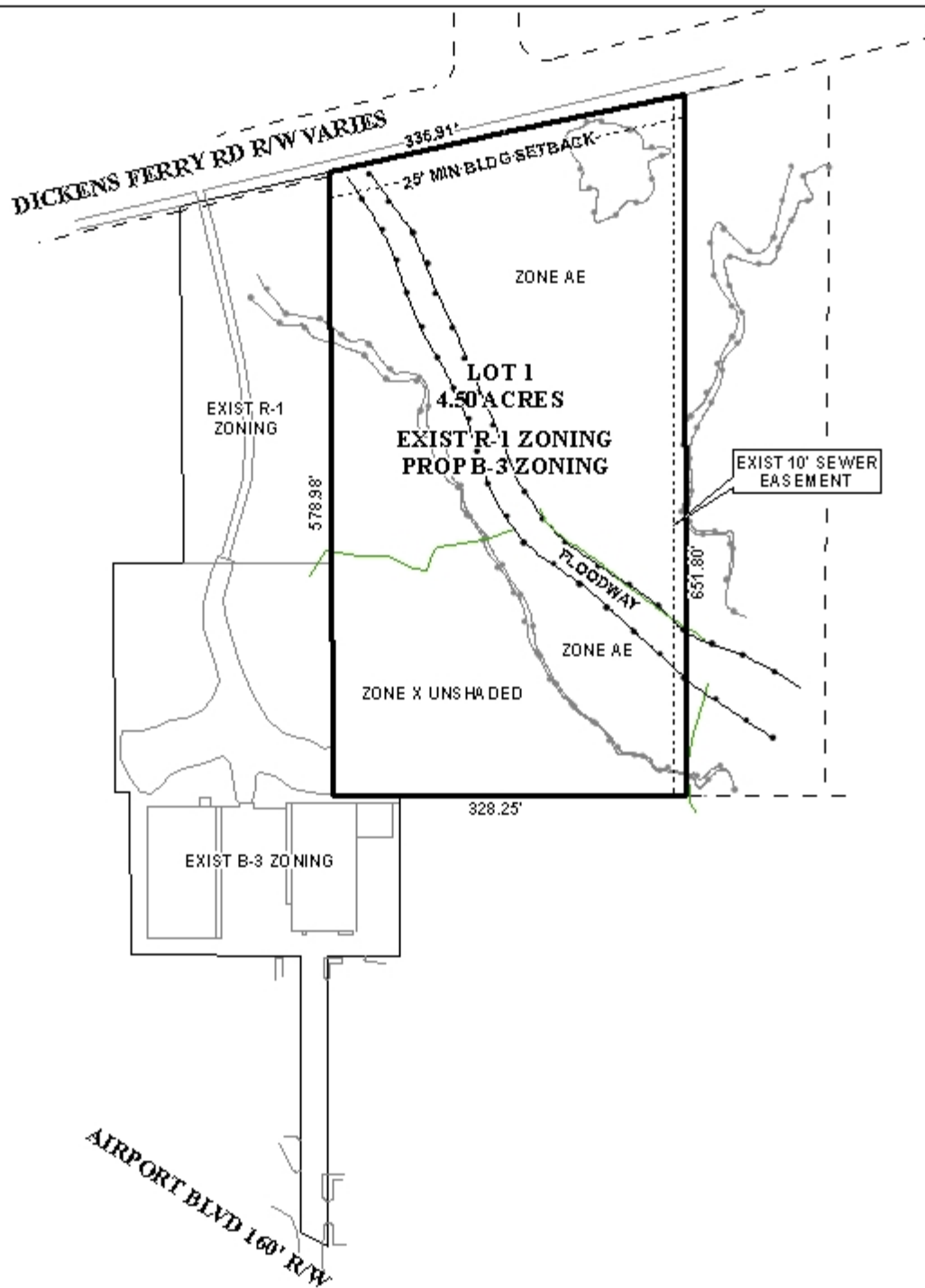
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REQUEST Subdivision, PUD, Rezoning from R-1 to B-3



NTS

SUBDIVISION AND ZONING DETAIL



APPLICATION NUMBER 17, 18 & 19 DATE December 5, 2013

APPLICANT John Kirby

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

