

**ZONING AMENDMENT
& SUBDIVISION STAFF REPORT****Date: October 20, 2016****APPLICANT NAME**

MYMS, Inc.

SUBDIVISION NAME

Michigan Bay Subdivision

LOCATION1201 & 1203 Michigan Avenue
(Southeast corner of Michigan Avenue and Bay Avenue)**CITY COUNCIL
DISTRICT**

District 3

PRESENT ZONINGR-1, Single-Family Residential District, and B-2,
Neighborhood Business District**PROPOSED ZONING**

B-2, Neighborhood Business District

AREA OF PROPERTY

1 Lots / 0.6 ± Acres

CONTEMPLATED USE

Subdivision approval to create 1 lot, and Zoning approval to rezone the site from B-2, Neighborhood Business District, and R-1, Single-Family Residential District, to B-2, Neighborhood Business District, to eliminate split zoning.

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.

**REASON FOR
REZONING**

Changing conditions in this area make a change in the Ordinance necessary and desirable, and the subdivision of the lot into a single lot makes reclassification necessary.

**TIME SCHEDULE
FOR DEVELOPMENT**

Not provided.

**ENGINEERING
COMMENTS**

FINAL PLAT COMMENTS (should be addressed prior to submitting the FINAL PLAT for acceptance and 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. Provide Owner's name of adjacent, triangular parcel (remnant of lot 33?) on the west side of LOT A. Mobile County parcel data shown in the City GIS indicates that it is contained in the parcel owned by Wesley Chapel UMC.
 - C. Provide and label the monument set or found at each subdivision corner.
 - D. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer.
 - E. Provide the Surveyor's Certificate and Signature.
 - F. Provide the Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
 - G. 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.
 - H. 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.
 - 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 new development or construction, unless a sidewalk waiver is approved.
 - J. Provide a copy of the FINAL PLAT to the Engineering Dept. for FINAL PLAT review prior to obtaining any signatures.
 - K. After FINAL PLAT review by the Engineering Dept. provide the red-line markup, a copy of the revised original Final Plat, and the original when submitting for City Engineer signature.

TRAFFIC ENGINEERING

COMMENTS

Lot is limited to one curb cut per street frontage, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Driveway access to Michigan Avenue is limited to right-in only. Required 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 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)

REMARKS

The applicant is requesting Subdivision approval to create 1 lot, and Zoning approval to rezone the site from B-2, Neighborhood Business District, and R-1, Single-Family Residential District, to B-2, Neighborhood Business District, to eliminate split

zoning. The applicant proposes to build 6,000 square foot strip center with between 4 and 6 tenant spaces.

The site is developed, however, the commercial buildings on the site are in poor condition and apparently have not had an associated active business license since 2008. The site is split-zoned, with the front 50-75 feet in a B-2 district and the remainder of the property in an R-1 district. The site had non-conforming commercial status beginning in 1949 as a transmission repair shop and warehouse.

The site is bounded to the North across Bay Avenue by a church in an R-1 District, to the East and South by residences in an R-1 district, and to the Southwest (abutting) and West (across Michigan Avenue) by commercial and vacant commercial uses in a B-2 district.

The entire site appears to be depicted as a “Traditional Corridor” Development Area, per the recently adopted Map for Mobile Plan. The intent of a Traditional Corridor Development Area is to allow for:

- Emphasize retaining historic buildings and creating appropriate, denser infill development
- Encourage mixed housing types including small multi-family structures along the corridor
- Retail and neighborhood services at intersections
- Combine and close driveways to create a continuous pedestrian friendly environment
- Auto, bicycle, transit and pedestrian traffic are accommodated
- More dense mixed-use development to include neighborhood services and residential above retail

It should be noted that the Map for Mobile Plan is meant to serve as a general guide, not a detailed lot and district plan or mandate for development. Moreover, the Plan 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.

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.

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 applicant cites the Map for Mobile's Traditional Corridor intent of retail and neighborhood services at intersections as a partial justification of the rezoning request. They additionally state that changing conditions and the subdivision of the land make the rezoning necessary and desirable.

The majority of the site was most recently before the Planning Commission at its March 7, 2013 meeting, where the rezoning request to B-2 and one lot subdivision were approved. The zoning request was subject to the following conditions:

- 1) completion of the Subdivision process;
- 2) subject to the attached Voluntary Conditions and Use Restrictions offered by the applicant; and
- 3) full compliance with all other municipal codes and ordinances.

The Voluntary Conditions and Use Restrictions offered by the applicant were:

- 1) Install an 8 foot high wooden privacy fence where the site abuts R-1 zoned property;
- 2) No alcohol sales;
- 3) Install extra security lighting on the south and east walls;
- 4) Install chain link fences between the south wall and the south property line (and against the wooden privacy fence) to restrict access to the rear of the building.

The rezoning was subsequently denied by the City Council at its June 4, 2013 meeting, with a 5 to 2 vote.

That portion of the site that is currently B-2 was a commercial district under the zoning regulations in effect prior to 1967. The requested B-2 designation for the entire site will allow for a variety of uses, including bars/lounges, check cashing agencies/exchanges, convenience store with gas pumps, firearms sales, pawn shops, pool halls, and liquor stores. For comparison purposes, the LB-2 designation (Limited Neighborhood Business) would not allow those specific uses, thus the Commission may wish to consider an LB-2 designation.

Regarding changing conditions in the area, there have been very few applications before either the Planning Commission or the Board of Zoning Adjustment within the vicinity of the site. Almost no new residential or commercial development has occurred in the vicinity since the previous application in 2013 (or for many years prior to that). However, the Mobile Housing Board received a U.S. Department of Housing and Urban Development "Choice Neighborhood Initiative" planning grant in January 2015 for the 600 ± acre public housing development area approximately 800 feet South of the site in question. Initial plans that have been prepared under the grant show the public housing area being redeveloped for residential, retail, service and associated uses, however, funds for redevelopment have not been secured. Further to the South, Airbus has completed its airplane assembly facility at the Mobile Aeroplex at Brookley, and has been producing airplanes since 2015.

The resubdivision of the property will create a split-zoning condition if the requested rezoning is not approved.

The site fronts Michigan Avenue, a major street with a 120-foot wide right-of-way, and Bay Avenue, a minor street with a 50-foot wide right of way. No dedication will be required for either street, with the exception of a corner radius to comply with Section V.D.6. of the Subdivision Regulations, which is depicted on the preliminary plat.

The site plan provided with the zoning request depicts two proposed curb-cuts, a one-way in only from Michigan Avenue, and a two-way curb-cut to Bay Avenue. Bay Avenue is primarily a residential street, thus as proposed, traffic from the proposed commercial development would only be able to exit the site onto Bay Avenue. The Planning Commission approved one curb-cut to Michigan Avenue and one curb-cut to Bay Avenue with the 2013 application, thus such may be appropriate with the request at hand. The size, design and location of any curb-cuts should be approved by Traffic Engineering and comply with AASHTO standards. Any of the existing curb-cuts that will not be used should be removed during the redevelopment process.

It should be noted that while the review and potential approval for a rezoning request is not site plan specific, the site plan required as part of the zoning application is still reviewed for general compliance. As proposed, the site plan does not appear to accommodate the required 10-foot wide protection buffer required by Section 64-4.D.1. of the Zoning Ordinance. The buffer would be required along the South and East property lines, where the site abuts residentially-zoned property. Accommodating the buffer will require the relocation of the proposed building and the proposed dumpster enclosure. The applicant should also be aware that mechanical equipment associated with the development cannot be within the protection buffer.

The site plan otherwise depicts the 6,000 square foot building, 30 parking spaces, a 6-foot high wooden privacy fence along the East and South property lines, trees, landscaping and sidewalks.

Regarding tree and landscaping compliance, the site will have sufficient total and front landscape areas based upon the submitted plan. It appears, however, that the site plan is three trees short of compliance: 10 overstory frontage trees, 5 overstory perimeter trees, and 7 understory perimeter/parking trees are required, for a total of 22 trees. Any site plan submitted for land disturbance should be revised to depict full tree and landscaping compliance.

The proposed 6-foot privacy fence should be reduced in height to 3 feet where it is within the setbacks along Michigan Avenue and Bay Avenue.

As the parking area will contain more than 25 parking spaces, a photometric plan will be required at the time of submittal for land disturbance permits.

The applicant states that there is sufficient parking on site to allow up to a 1,200 square foot restaurant use, with the remaining 4,800 square feet of tenant spaces filled with retail or office uses. Such a combination would require 28 parking spaces, and 30 are proposed.

The 25-foot minimum building setback is depicted along all street frontages, and should be retained on the final plat, if approved.

In terms of conformance with the intent of the Traditional Corridor Development Area within the Map for Mobile, the site is proposed to contain multiple tenant spaces, allowing for a mixture of commercial uses. The requested B-2 zoning (and suggested LB-2) additionally allows residential development by right, thus ground floor space could be occupied as part of a mixed-use multi-family (three or more dwelling units) development, or a second floor could be added to contain a single-family or two-family dwelling unit. Sidewalks are also proposed as part of the redevelopment of the site, which will connect to existing sidewalks along both Michigan Avenue and Bay Avenue.

Finally, as a multi-tenant site, the site would be limited to one freestanding sign, 303 square feet per side, which can contain signage for each tenant. Each tenant would also be allowed one wall sign, with the exception of the corner unit, which would be allowed two wall signs. Wall signs are limited to 30% usable wall area for each tenant, not to exceed 350 square feet per wall sign. Digital electric message-board signs would not be allowed (without a variance) due to the proximity of the site to residences.

RECOMMENDATION

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

- 1) Placement of a note on the plat stating that the lot is limited to one curb-cut to Michigan Avenue and one curb-cut to Bay Avenue, with the size, design and location to be approved by Traffic Engineering and to conform with AASHTO standards;
- 2) Removal of all unused curb-cuts and restoration of the right-of-way to City standards;
- 3) Compliance with Engineering comments (*FINAL PLAT COMMENTS (should be addressed prior to submitting the FINAL PLAT for acceptance and 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. Provide Owner's name of adjacent, triangular parcel (remnant of lot 33?) on the west side of LOT A. Mobile County parcel data shown in the City GIS indicates that it is contained in the parcel owned by Wesley Chapel UMC. C. Provide and label the monument set or found at each subdivision corner. D. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer. E. Provide the Surveyor's Certificate and Signature. F. Provide the Owner's (notarized), Planning Commission, and Traffic Engineering signatures. G. 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. H. 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. 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 new development or construction, unless a sidewalk waiver is approved. J. Provide a copy of the FINAL PLAT to the Engineering Dept. for FINAL PLAT review prior to obtaining any signatures. K. After FINAL PLAT review by the Engineering Dept. provide the red-line markup, a copy of the revised original Final Plat, and the original when submitting for City Engineer signature.);

- 4) *Compliance with Traffic Engineering comments (Lot is limited to one curb cut per street frontage, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Driveway access to Michigan Avenue is limited to right-in only. Required parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.);*
- 5) *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));*
- 6) *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)); and*
- 7) *Completion of the Subdivision process prior to request for permits for new construction (demolition permits are OK).*

Rezoning: Based upon the preceding, the Rezoning request is recommended for Approval as an **LB-2, Limited Neighborhood Business District**, subject to the following conditions:

- 1) Completion of the Subdivision process;
- 2) Provision of a protection buffer strip, in compliance with Section 64-4.D.1. of the Zoning Ordinance;
- 3) Provision of a 6-foot high wooden privacy fence where the site abuts residentially-zoned property, except within the street setback area, where the fence height is limited to 3-feet; and
- 4) Full compliance with all other municipal codes and ordinances.

LOCATOR MAP



APPLICATION NUMBER 17 DATE October 20, 2016

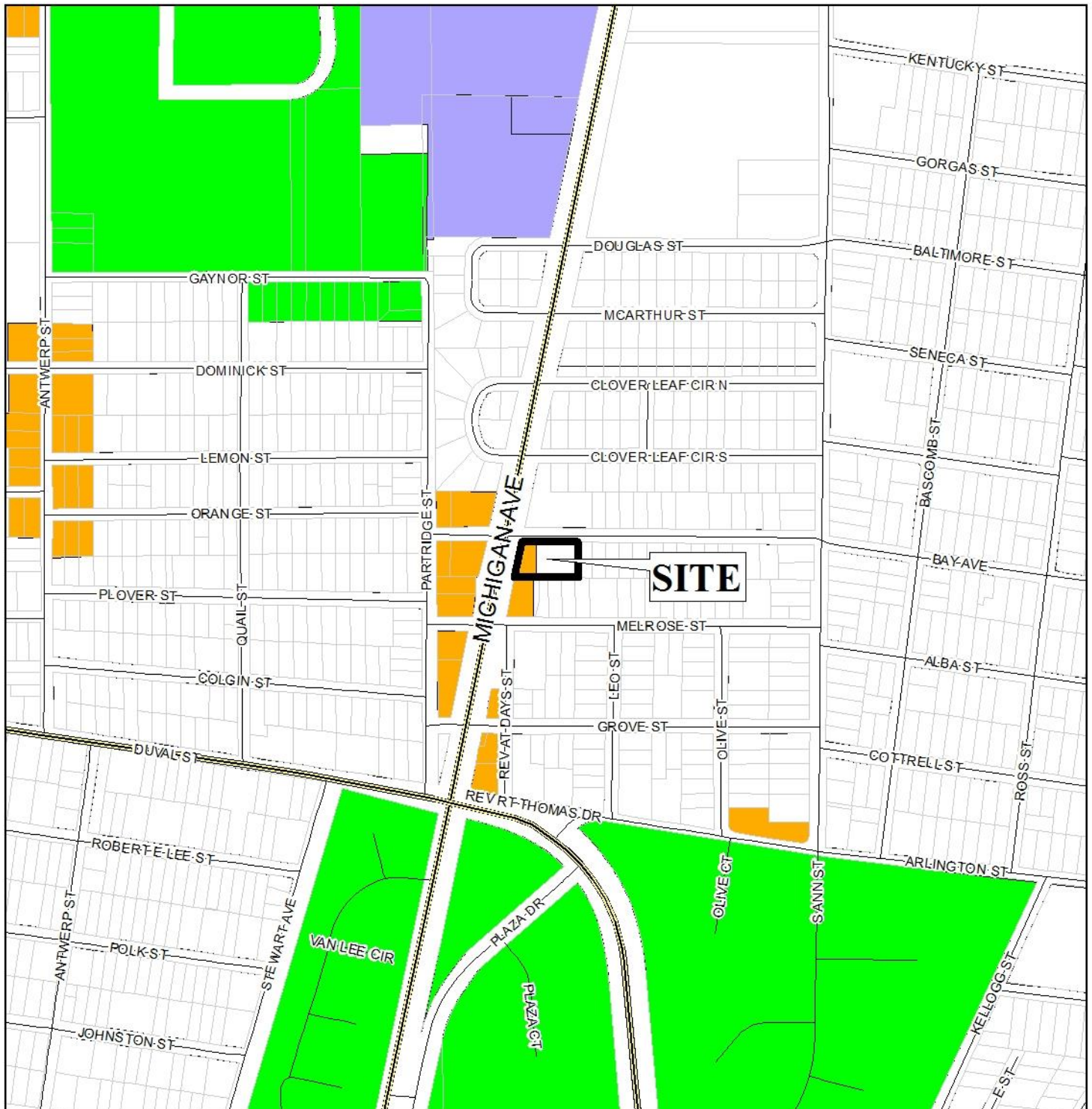
APPLICANT Michigan Bay Subdivision

REQUEST Subdivision, Rezoning from B-2 and R-1 to B-2



NTS

LOCATOR ZONING MAP



APPLICATION NUMBER 17 DATE October 20, 2016

APPLICANT Michigan Bay Subdivision

REQUEST Subdivision, Rezoning from B-2 and R-1 to B-2



NTS

PLANNING COMMISSION

VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units the the west and residential units to the east. A church is located to the north and south of the site.

APPLICATION NUMBER 17 DATE October 20, 2016

APPLICANT Michigan Bay Subdivision

REQUEST Subdivision, Rezoning from B-2 and R-1 to B-2

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|-----|-----|------|-----|-----|------|-------|------|
| 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 the the west and residential units to the east.
A church is located to the north and south of the site.

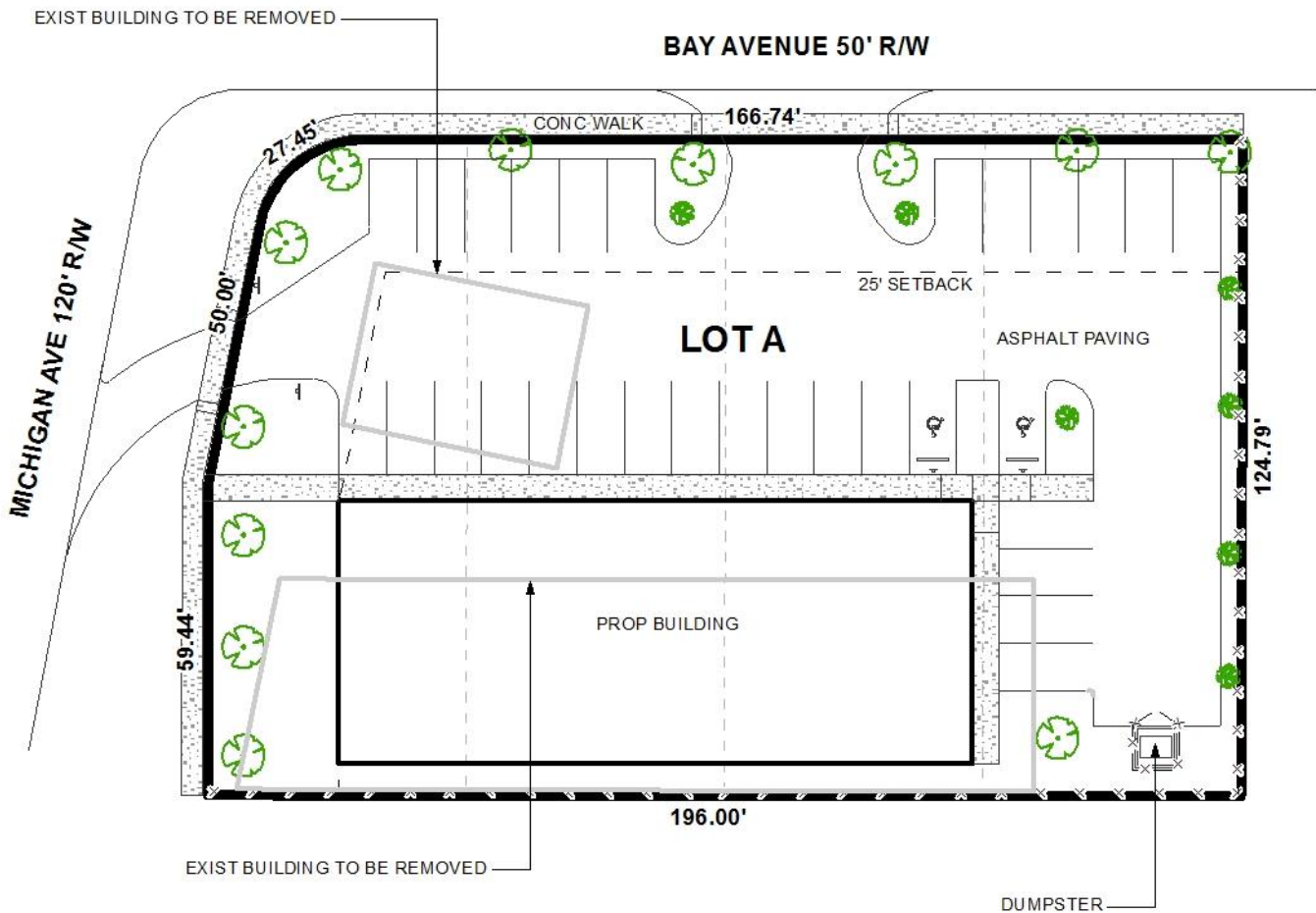
APPLICATION NUMBER 17 DATE October 20, 2016

APPLICANT Michigan Bay Subdivision

REQUEST Subdivision, Rezoning from B-2 and R-1 to B-2



SITE PLAN



The site plan illustrates the existing buildings to be removed, proposed building, proposed asphalt paving, and setbacks.

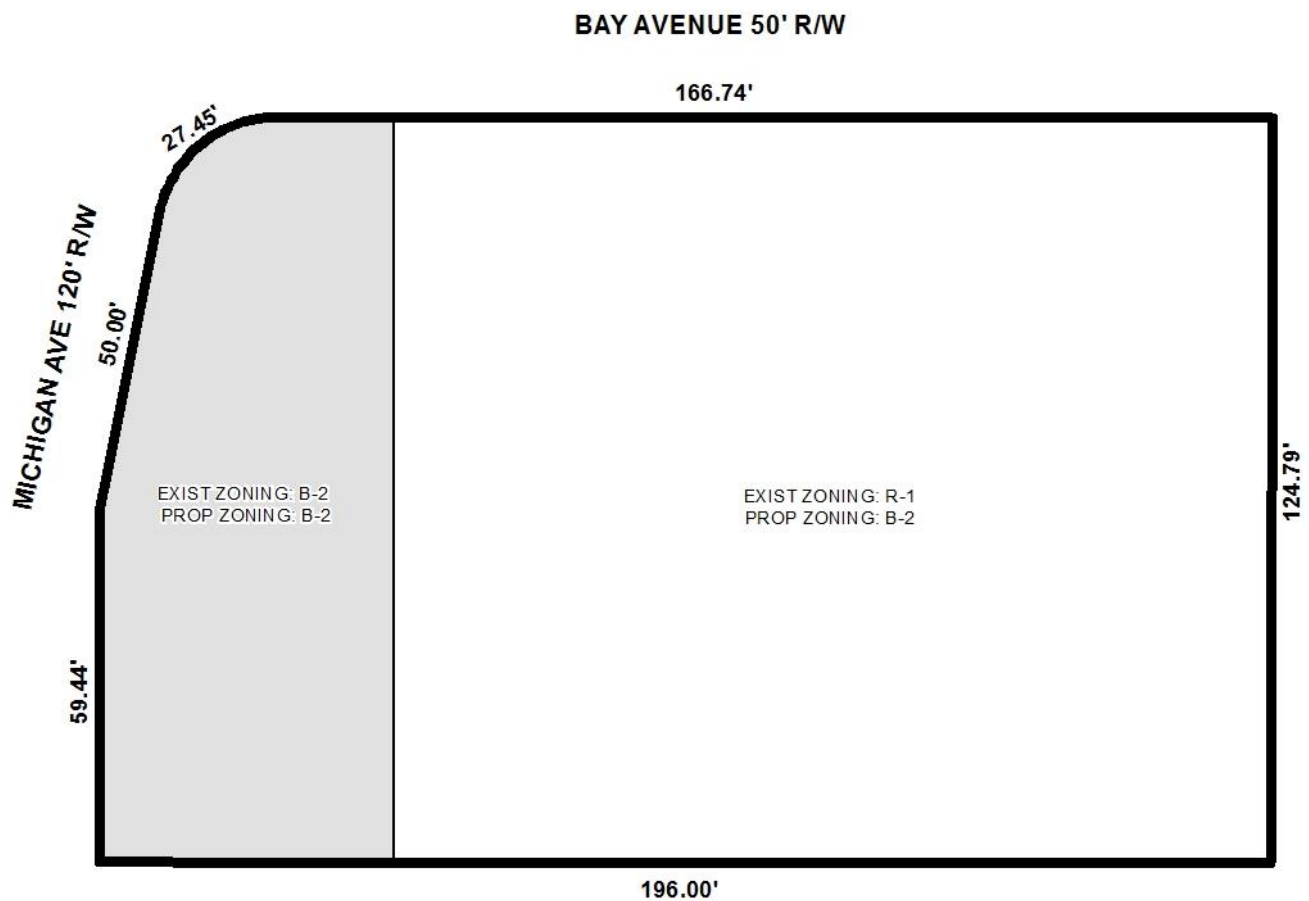
APPLICATION NUMBER 17 DATE October 20, 2016

APPLICANT Michigan Bay Subdivision

REQUEST Subdivision, Rezoning from B-2 and R-1 to B-2



DETAIL SITE PLAN



APPLICATION NUMBER 17 DATE October 20, 2016

APPLICANT Michigan Bay Subdivision

REQUEST Subdivision, Rezoning from B-2 and R-1 to B-2



