

**ZONING AMENDMENT
& SUBDIVISION STAFF REPORT****Date: July 7, 2016**

<u>APPLICANT NAME</u>	Ben Cummings-Cummings Architecture
<u>SUBDIVISION NAME</u>	CEA Properties Subdivision
<u>LOCATION</u>	1151 Dauphin Street (Southwest corner of Dauphin Street and Oakland Terrace)
<u>CITY COUNCIL DISTRICT</u>	District 2
<u>PRESENT ZONING</u>	R-1, Single-Family Residential District and B-1, Buffer Business District
<u>PROPOSED ZONING</u>	B-1, Buffer Business District
<u>AREA OF PROPERTY</u>	3 Lots / 1.3 ± Acres
<u>CONTEMPLATED USE</u>	Subdivision approval to create 3 lots, and Zoning approval to rezone the site from R-1, Single-Family Residential District, and B-1, Buffer Business District, to B-1, Buffer 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.
<u>REASON FOR REZONING</u>	To eliminate split zoning.
<u>TIME SCHEDULE FOR DEVELOPMENT</u>	Not provided.
<u>ENGINEERING COMMENTS</u>	

Subdivision

The following 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. Show and label all flood zones.
- C. Show and label the MFFE (Minimum Finished Floor Elevation) on each lot that contains an AE, V, or X (shaded) flood zone designation.
- D. Provide and label the monument set or found at each subdivision corner.
- E. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer.
- F. Provide the Surveyor's Certificate and Signature.
- G. Provide the Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
- H. 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.
- I. 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.
- J. 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.
- K. Provide a copy of the FINAL PLAT to the Engineering Dept. for FINAL PLAT review prior to obtaining any signatures.
- L. After FINAL PLAT review by the Engineering Dept. provide a copy of the Final Plat along with the original and any review copies when submitting for City Engineer signature.

Zoning

No comments.

TRAFFIC ENGINEERING

COMMENTS

Site is limited to its existing curb cuts, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Required 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 2015-116 and City Code Chapters 57 and 64). Any work on the 48 inch or larger live oaks on the lots will require a permit from Urban Forestry. Work on the site around the 48 inch or larger live oaks shall comply with Section 64-4.H.5. of the Zoning Ordinance, regarding tree protection during construction. Any private work on the live oak in the right-of-way of Dauphin Street to be approved by the Mobile Tree Commission.

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 three (3) lots, and Zoning approval to rezone proposed Lot 3 from R-1, Single-Family Residential District, and B-1, Buffer Business District, to B-1, Buffer Business District to eliminate split zoning.

The applicant proposes to convert the existing building, currently a church, into doctors' offices. Associated with the improvements to the existing building necessary for the conversion, limited site improvements are proposed, primarily the provision of accessible parking spaces. An application has been submitted to the Board of Zoning Adjustment, for the July 11th meeting, requesting approval to allow off-site gravel parking, due to the fact that the site is composed of multiple parcels separated by a public alley, and all of the existing parking area is currently surfaced in gravel, which the applicant wishes to retain (*with the exception of any pavement necessary to provide compliant accessible parking spaces and associated access*).

The site is located within the Old Dauphin Way Historic District. As such, exterior improvements are subject to review by the Architectural Review Board and its support staff.

The site is bounded to the East, across Oakland Terrace, by residentially-utilized properties in B-1 and R-1 districts, to the South by residential properties in an R-1 district, to the West by commercially-utilized properties in a B-1 district, and to the North, across Dauphin Street, by commercially and residentially-utilized properties in a B-1 district.

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 a "Traditional Corridor" Development Area, per the recently adopted Map for Mobile Plan. The intent of this 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.

The existing parcel containing the existing church is the only parcel of the three comprising this application that is split-zoned - both R-1 and B-1. The applicant proposes to resolve this by bringing the entirety of the property into a B-1 classification. Review of historic zoning maps show that the site appears to have been split in this fashion prior to the adoption of the current Zoning Ordinance in 1967. Resolution of the split-zoning issue would allow for the proposed doctor's office use of the site.

The site was the subject of a previous application for Subdivision, Zoning and Planned Unit Development approvals, which was considered by the Planning Commission at its August 7, 2014 meeting. The request, which included the addition of five small residences to the property, while maintaining the existing church structure for an office-related use, was subsequently withdrawn.

As the request will result in the retaining of the existing structure, a portion of which is historic, and as the proposed exterior improvements will not significantly alter the site and its relationship to the neighborhood, it would appear that the rezoning request does not go against the intent of the Map for Mobile, and thus would be a request that should be favorably considered by the Planning Commission. While a doctor's office will likely have a higher level of daily use than the existing church use, staff does not anticipate that there will be a significant impact to surrounding residential uses.

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 fronts onto Dauphin Street, a proposed major street, and Oakland Terrace, a minor street. The existing right-of-way for Dauphin Street appears to be approximately 60 feet, however, the Major Street Plan denotes that this section of Dauphin Street should have a minimum right-of-way width of 100 feet. Given the built-out nature of this portion of Dauphin Street and its location within an historic district, it is unlikely that widening will occur. None the less, an extended setback along Dauphin Street should be provided to accommodate the future width, and prevent any new buildings from being built within what could become right-of-way. Oakland Terrace has a sufficient right-of-way.

The site has two existing curb-cuts, one onto Oakland Terrace and one onto Dauphin Street. The existing curb-cut to Dauphin Street is shared between proposed Lots 1 and 2, while Lot 3 contains the curb-cut onto Oakland Terrace. The site should be limited to the existing curb-cuts,

thus a note should be placed on the Final Plat, if approved, stating that Lots 1 and 2 are limited to one shared curb-cut, and that Lot 3 is limited to its existing curb-cut to Oakland Terrace, with any changes to the size, design or location to be approved by Traffic Engineering, and comply with AASHTO standards.

The preliminary plat depicts a corner-radius dedication for Lot 3, at the intersection of Dauphin Street and Oakland Terrace. This dedication should be retained on the Final Plat, if approved.

The 25-foot minimum building setback is depicted along Dauphin Street, however, a 20-foot setback is depicted along Oakland Terrace. If Dauphin Street is considered the fronting street for Lot 3, the Zoning Ordinance allows the side street setback to be reduced to 20 feet. A waiver of Section V.D.9. of the Subdivision Regulations to allow for the Zoning Ordinance reduced setback will be required. Additionally, as previously mentioned, due to Dauphin Street's status as a proposed major street, the minimum building setback along Dauphin Street should be increased to 45 feet.

Lots 1 and 2 are separated from Lot 3 by an existing platted alley. Access across the alley by the current use has occurred for many years. Two residences to the South, however, do utilize the alley for access, thus any desire to vacate the alley may be met with opposition. The application to the Board of Zoning Adjustment will allow access across the alley for parking purposes to continue, if approved.

There is no indication on the site plan provided with the Zoning application if a dumpster will be utilized on the site. If a dumpster will be used on the site, it must be placed in compliance with Section 64-4.D.9. of the Zoning Ordinance, or a note should be placed on any site plan submitted for land disturbance permits noting that no dumpster will be utilized on the site.

Finally, should the requests to the Board of Zoning Adjustment be denied, the parking area must be paved, and an application for Planned Unit Development review must be submitted to consider shared parking and access across multiple lots.

RECOMMENDATION

Subdivision: With a waiver of Section V.D.9. of the Subdivision Regulations to allow for the Zoning Ordinance reduced setback along Oakland Terrace, the Subdivision request is recommended for Tentative Approval, subject to the following conditions:

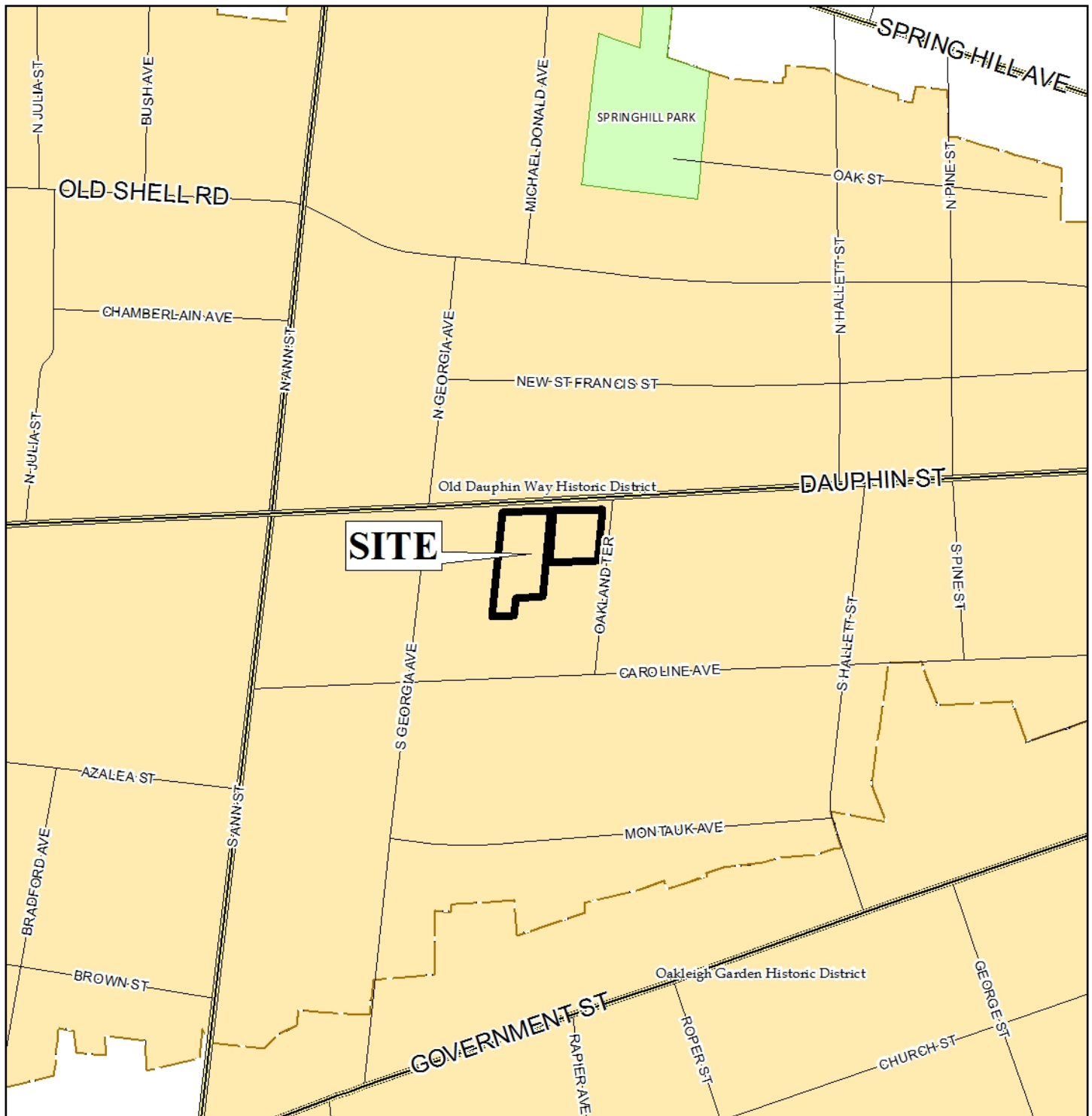
- 1) Revision of the plat to depict the minimum building setback line along Dauphin Street as 45-feet, to accommodate the proposed future right-of-way width of Dauphin Street, a proposed Major Street;
- 2) Placement of a note on the plat stating that Lots 1 and 2 are limited to one shared curb-cut, that Lot 3 is limited to its existing curb-cut to Oakland Terrace, and that any change to the size, design or location of curb-cuts is to be approved by Traffic Engineering, and conform to AASHTO standards;
- 3) Provision of the corner radius dedication at the Dauphin Street/Oakland Terrace intersection, as depicted on the preliminary plat;

- 4) Compliance with Engineering comments (*The following 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. Show and label all flood zones. C. Show and label the MFFE (Minimum Finished Floor Elevation) on each lot that contains an AE, V, or X (shaded) flood zone designation. D. Provide and label the monument set or found at each subdivision corner. E. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer. F. Provide the Surveyor's Certificate and Signature. G. Provide the Owner's (notarized), Planning Commission, and Traffic Engineering signatures. H. 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. I. 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. J. 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. K. Provide a copy of the FINAL PLAT to the Engineering Dept. for FINAL PLAT review prior to obtaining any signatures. L. After FINAL PLAT review by the Engineering Dept. provide a copy of the Final Plat along with the original and any review copies when submitting for City Engineer signature.);
- 5) Compliance with Traffic Engineering comments (*Site is limited to its existing curb cuts, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance*);
- 6) 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). Any work on the 48 inch or larger live oaks on the lots will require a permit from Urban Forestry. Work on the site around the 48 inch or larger live oaks shall comply with Section 64-4.H.5. of the Zoning Ordinance, regarding tree protection during construction. Any private work on the live oak in the right-of-way of Dauphin Street to be approved by the Mobile Tree Commission.); and*
- 7) 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 Rezoning request is recommended for Approval, subject to the following conditions:

- 1) Completion of the Subdivision process; and
- 2) Full compliance with all municipal codes and ordinances.

LOCATOR MAP



APPLICATION NUMBER 18 DATE July 7, 2016
APPLICANT CEA Properties Subdivision
REQUEST Subdivision, Rezoning from B-1 and R-1 to B-1



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units. Offices lie north of the site.

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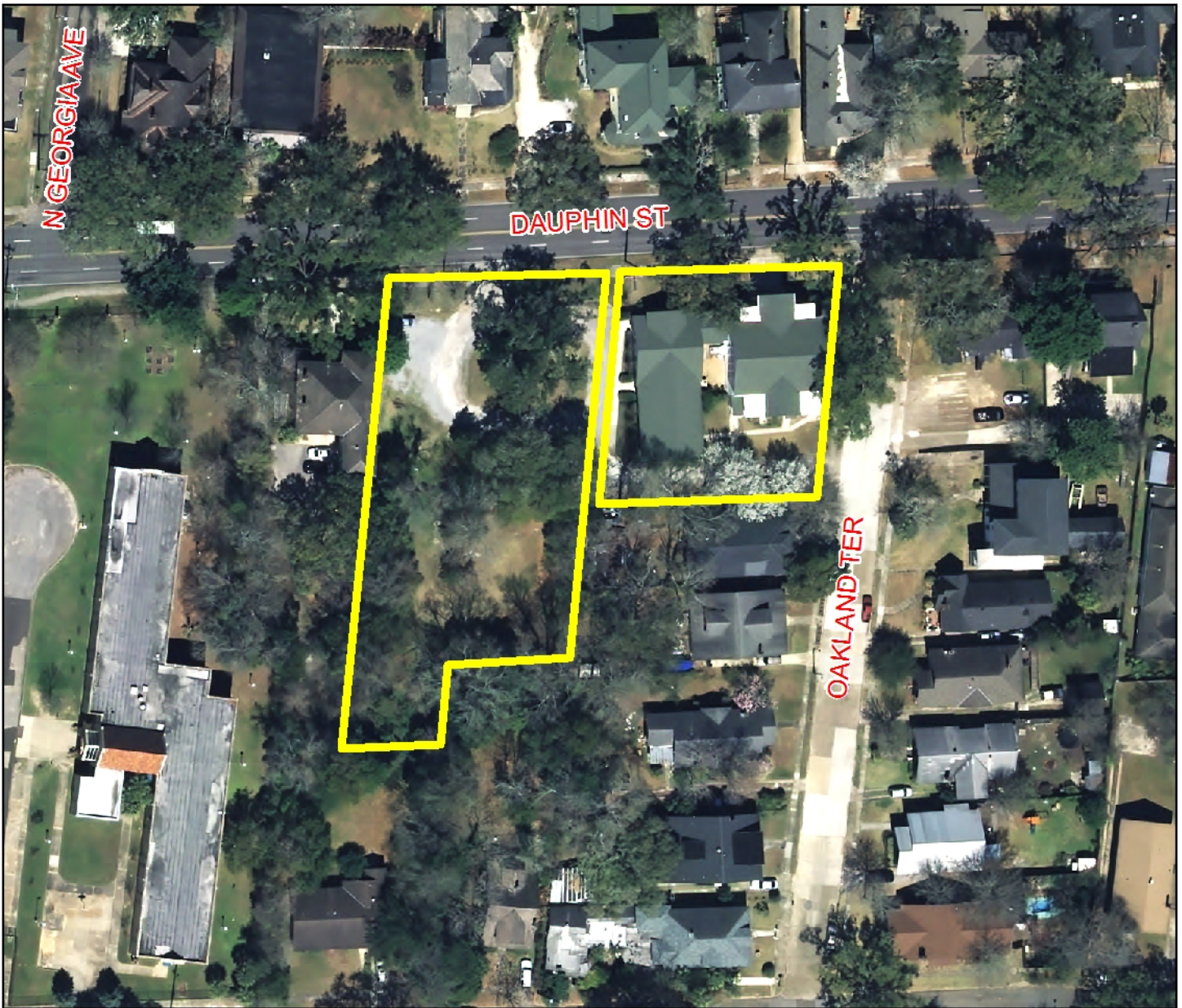
APPLICANT CEA Properties Subdivision

REQUEST Subdivision, Rezoning from B-1 and R-1 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 AERIAL

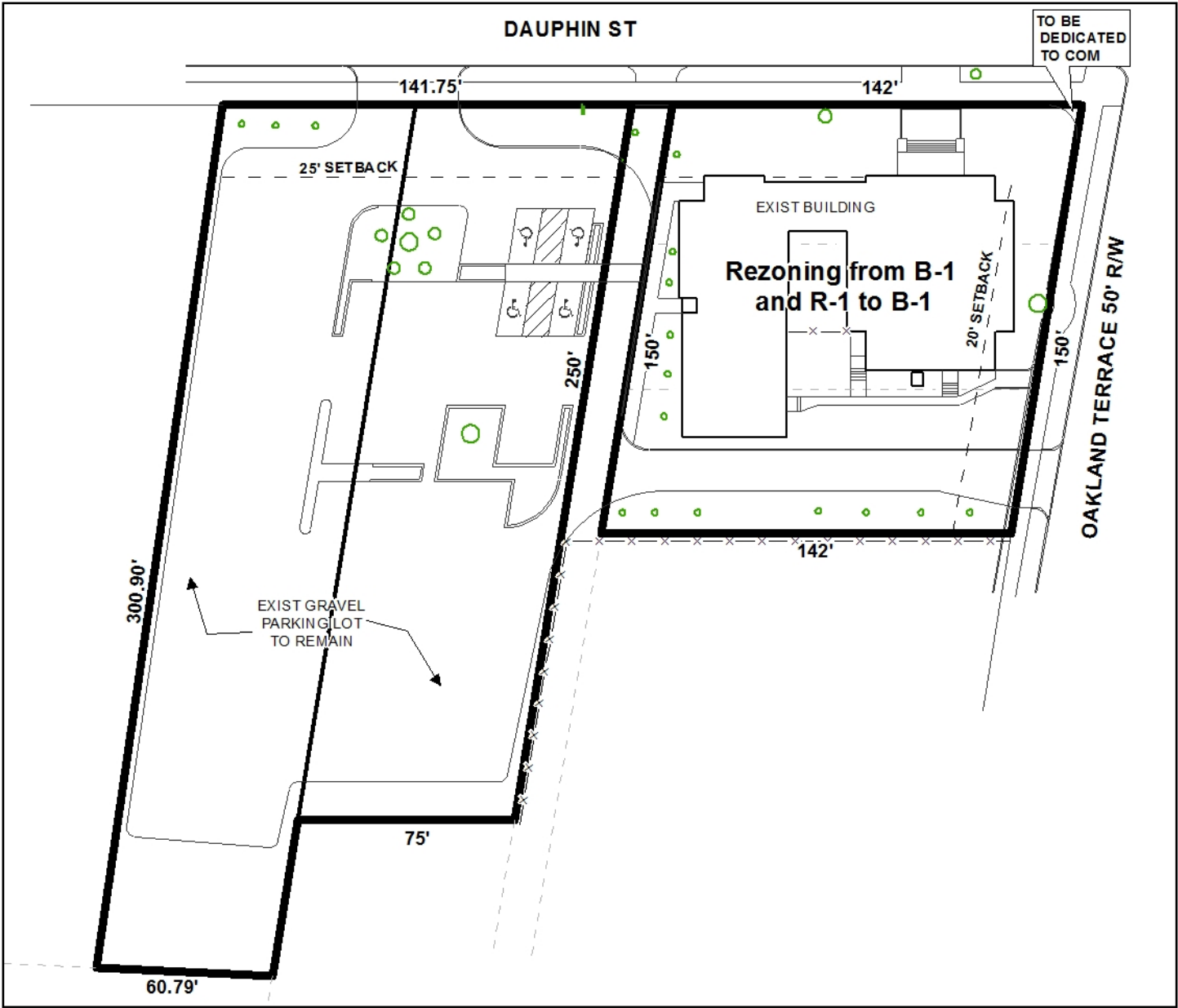


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SITE PLAN

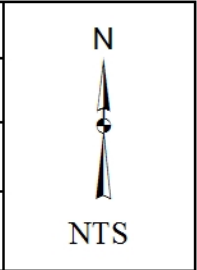


The site plan illustrates the existing building, parking, and setbacks.

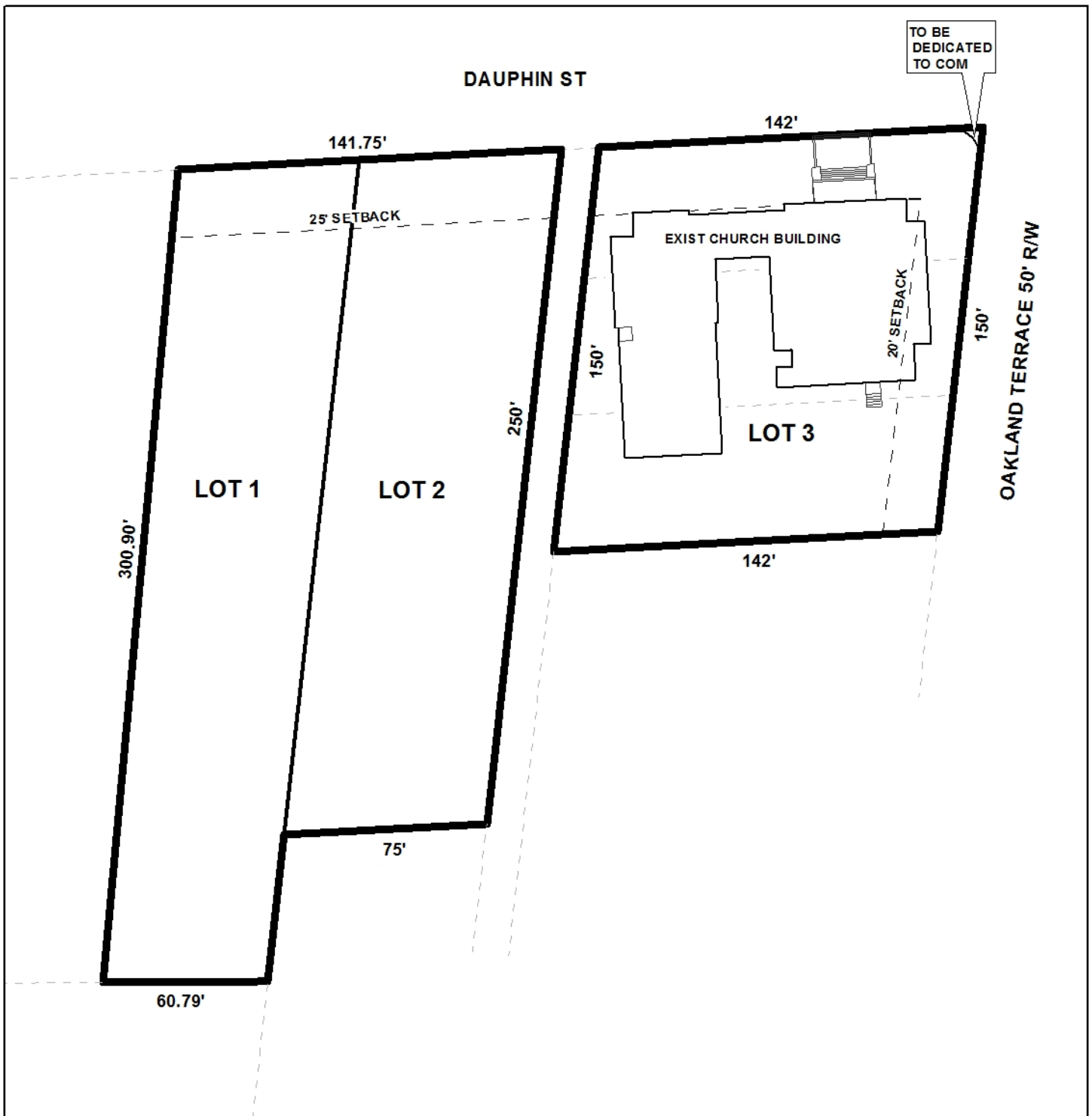
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DETAIL SITE PLAN



APPLICATION NUMBER 18 DATE July 7, 2016
APPLICANT CEA Properties Subdivision
REQUEST Subdivision, Rezoning from B-1 and R-1 to B-1

