

**ZONING AMENDMENT  
& SUBDIVISION STAFF REPORT****Date: October 7, 2010****APPLICANT NAME**

John Swan

**SUBDIVISION NAME**

Theodore Knights of Columbus Subdivision

**LOCATION**5800 Swedetown Road North  
(North side of Swedetown Road North, 300'± West of U.  
S. Highway 90 West)**CITY COUNCIL  
DISTRICT**

District 4

**PRESENT ZONING**B-3, Community Business District, and R-1, Single Family  
Residential District**PROPOSED ZONING**B-3, Community Business District for the proposed Lot 2  
only.**AREA OF PROPERTY**

2 Lots / 10.0 Acres ±

**CONTEMPLATED USE**

Subdivision approval to modify a lot line between two existing metes and bounds parcels and create two legal lots of record, and Zoning approval to rezone the site from B-3, Community Business District, and R-1, Single Family Residential District, to B-3, Commercial Business District, to eliminate split zoning on the proposed Lot 2 as a result of the subdivision.

**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**

Subdivision of land into a building site.

**TIME SCHEDULE  
FOR DEVELOPMENT**

Immediate.

**ENGINEERING  
COMMENTS**

Show Minimum Finished Floor Elevation on each lot on Plat. Also show the FFE on the plat for the existing buildings. There is to be no fill placed within the limits of the flood plain without providing compensation. An increase of 15'

Drainage Easement required from top of existing ditch. 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 ALDOT 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).

Preservation status is to be given to the 58" Live Oak Tree located on the North side of Lot 2. Any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.

## **FIRE DEPARTMENT**

### **COMMENTS**

All projects must comply with the requirements of the 2003 International Fire Code, including Appendices B through D, as adopted by the City of Mobile, and the 2003 International Existing Building Code, as appropriate. Fire hydrants shall be provided per Section 508.5.1 of the 2003 IFC. Access to building shall be provided per Section 503.1.1 & 503.2.1 of the 2003 IFC.

## **REMARKS**

The applicant is requesting Subdivision approval to modify a lot line between two existing metes and bounds parcels and create two legal lots of record, and Zoning approval to rezone the site from B-3, Community Business District, and R-1, Single Family Residential District, to B-3, Commercial Business District, to eliminate split zoning on the proposed Lot 2 as a result of the subdivision.

The site is currently developed with a meeting hall for a social service organization. The site fronts Swedetown Road North, a planned major street to the South. To the North of the site are properties zoned B-3, Community Business District, and to the West and South (across Swedetown Road North) are properties zoned B-3 and R-1, Single-Family Residential.

This developed portion of the site was annexed into the City in 2008. It has been operating with several non-conformities since then. The purpose of the application is to modify a lot line between the developed site and a mostly undeveloped, undisturbed lot so that an existing septic system can be on the same lot as the building it serves. Further, aerial photography reveals that the dumpster being used for the developed site is also on the other parcel.

It has been the Commission's policy to require sites to be brought into compliance with the Zoning Ordinance as a condition of a rezoning. The site plan indicates that the site currently does not have any designated parking, and has two driveways, one 20-foot wide asphalt drive and one 10-foot wide asphalt and gravel drive. The westernmost driveway should be removed

and sodded, while the eastern driveway should be widened to city standard, and appropriate parking provided. As the site abuts residentially zoned property, construction of a buffer compliant with Section 64-4.D.1. of the Zoning Ordinance will be required wherever the site abuts residentially zoned or utilized property. Modifications necessary to bring the dumpster into compliance, including screening, setbacks, and required utility connections should be required. Additionally, full compliance with the tree planting and landscaping ordinance should be required.

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 being on the border between commercial and 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. The accuracy of recommended land uses on the General Land Use Component map is limited due to the large scale of the map. 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 applicant did not submit a justification for rezoning, however, the accompanying subdivision application would create a split zoned lot if approved. As such, the submission of the subdivision application would seem to imply that the subdivision of land into building sites is the justification for this application, as it is, in fact, the impetus for the application.

Given the above information, rezoning of the site would appear to be appropriate, with the condition that the subdivision be completed.

Regarding the subdivision request, this 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 plat illustrates the proposed 10 acre  $\pm$ , 2 lot subdivision. The applicant states that the subdivision is served by both public water and sanitary sewer. It should be noted, however, that the proposed Lot 2 is currently served by an individual septic system.

The proposed lots meet minimum size and frontage requirements as stated in the Subdivision Regulations.

As stated previously, the site fronts onto Swedetown Road North, a planned major street as depicted on the Major Street Plan component of the City of Mobile Comprehensive Plan. The major street plan stipulates a 100-foot right of way for Swedetown Road North; an 80-foot right-of-way is depicted on the plat. As such, dedication sufficient to provide 50 feet from the centerline of Swedetown Road North should be required.

As Swedetown Road North is a proposed major street, as well as given the considerable school traffic to Theodore High School on the road, access management is a concern. The proposed Lot 1 should be limited to two curb cuts, and the proposed Lot 2 should be limited to one curb cut, with the size, design, and exact location of each curb cut to be approved by Traffic Engineering and conform to AASHTO standards.

The 25-foot minimum building setback is depicted along the street right-of-way and the size of each lot is depicted in square feet is depicted on the plat. These items, and any changes due to required dedications, should be depicted on the Final Plat, if approved.

The site is located within the City Limits; however, the site abuts property located in the County. As such, placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.8. of the Subdivision Regulations.

A portion of both of the lots appear to be located within FEMA designated floodplains. The presence of floodplains indicates 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 or land disturbance activities.

Finally, the geographic area defined by the city of Mobile and its planning jurisdiction, including this site, may contain Federally-listed threatened or endangered species as well as protected non-game species. Development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.

## **RECOMMENDATION**

**Rezoning:** Based upon the preceding, the Rezoning request is recommended for approval subject to the following conditions:

- 1) removal and sodding of the westernmost driveway on the site;
- 2) modification of the eastern driveway to meet city standards;
- 3) provision of appropriate parking on the site;
- 4) modifications as necessary to bring the dumpster into compliance, including screening, setbacks, and required utility connections;
- 5) provision of a buffer in full compliance with Section 64-4.D.1. of the Zoning Ordinance where the site abuts residentially zoned or utilized property;
- 6) full compliance with the tree planting and landscaping portions of the Zoning Ordinance;
- 7) compliance with Urban Forestry comments: *Preservation status is to be given to the 58" Live Oak Tree located on the North side of Lot 2; any work on or under this tree is to be*

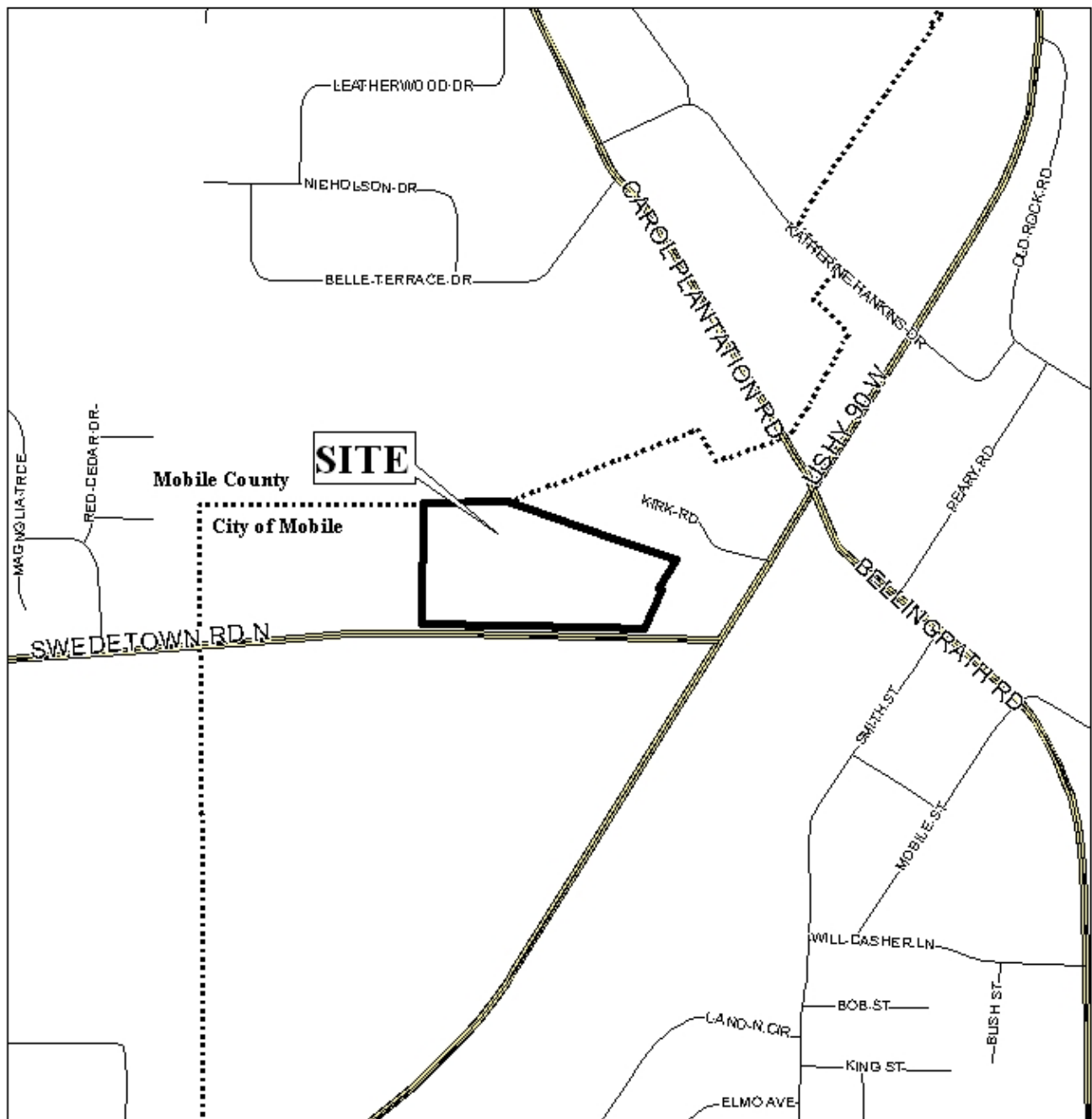
*permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger;*

- 8) compliance with City Engineering comments: *“Show Minimum Finished Floor Elevation on each lot on Plat. Also show the FFE on the plat for the existing buildings; there is to be no fill placed within the limits of the flood plain without providing compensation; an increase of 15’ Drainage Easement required from top of existing ditch; 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;”*
- 9) completion of the subdivision process;
- 10) provision of two copies of the revised site plan to the Planning Section of the Urban Development Department; and
- 11) full compliance with all municipal codes and ordinances.

**Subdivision:** The Subdivision request is recommended for approval subject to the following conditions:

- 1) dedication sufficient to provide 50 feet from the centerline of Swedetown Road North;
- 2) placement of a note on the Final Plat stating that Lot 1 is limited to two curb cuts, and Lot 2 is limited to one curb cut, with the size, design, and exact location of each curb cut to be approved by Traffic Engineering and conform to AASHTO standards;
- 3) revision of the 25-foot minimum building line to reflect any dedications;
- 4) revision of the area of the lot, in square feet, or provision of a table on the plat with the same information, to reflect any dedications;
- 5) placement of a note on the final plat stating that preservation status has been granted to the 58” Live Oak Tree located on the North side of Lot 2 and any work on or under this tree is to be permitted and coordinated with Urban Forestry with removal to be permitted only in the case of disease or impending danger;
- 6) compliance with City Engineering comments: *“Show Minimum Finished Floor Elevation on each lot on Plat. Also show the FFE on the plat for the existing buildings; there is to be no fill placed within the limits of the flood plain without providing compensation; an increase of 15’ Drainage Easement required from top of existing ditch; 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;”*
- 7) placement of a note on the final plat stating that development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species;
- 8) placement of a note on the Final Plat stating that the approval of all applicable federal, state and local agencies would be required prior to the issuance of any permits or land disturbance activities;
- 9) placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.8. of the Subdivision Regulations; and
- 10) full compliance with all municipal codes and ordinances.

# LOCATOR MAP



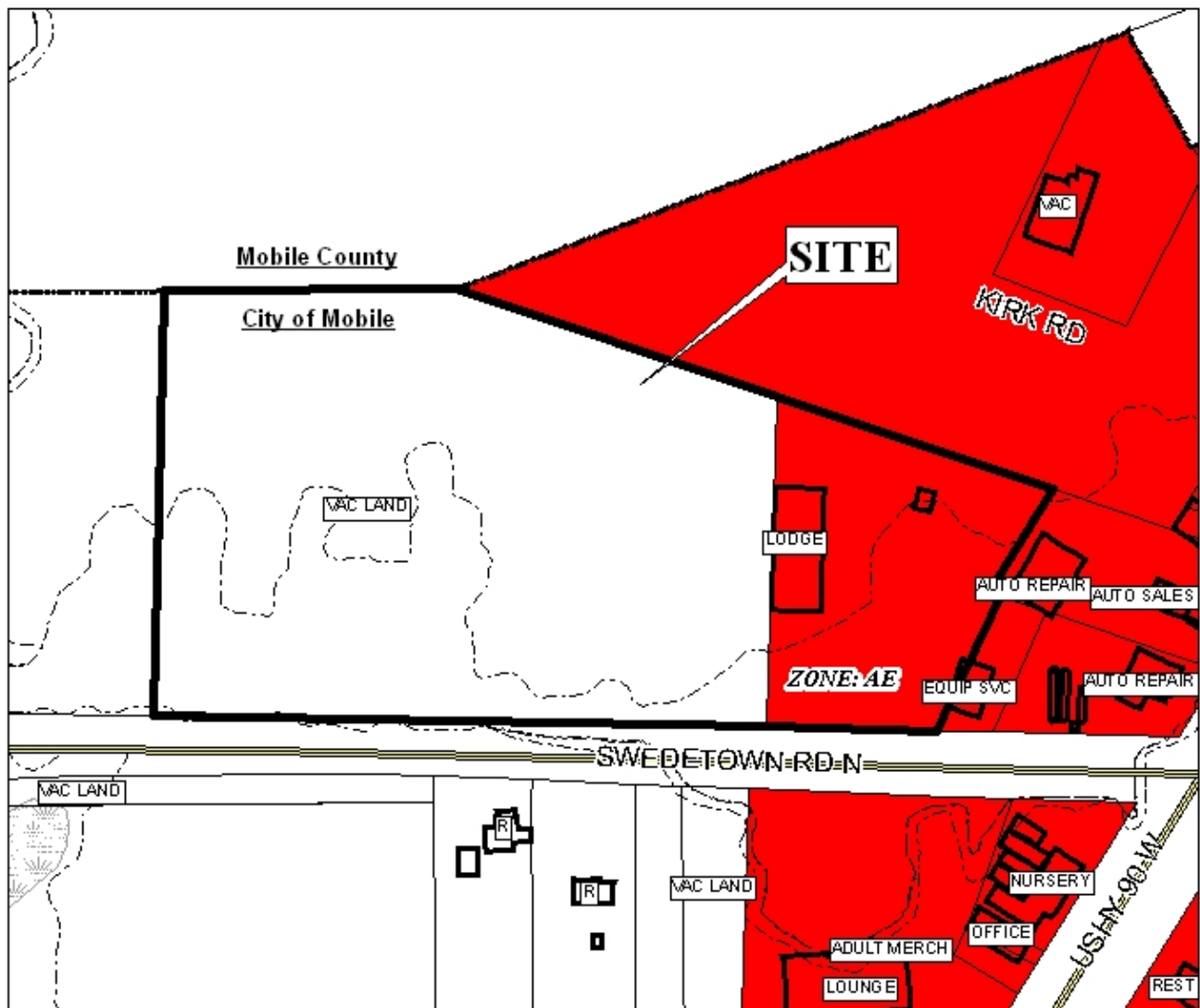
APPLICATION NUMBER 19 & 20 DATE October 7, 2010

APPLICANT John Swan

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



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by miscellaneous land use.

APPLICATION NUMBER 19 & 20 DATE October 7, 2010

APPLICANT John Swan

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

LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	T-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2
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# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by miscellaneous land use.

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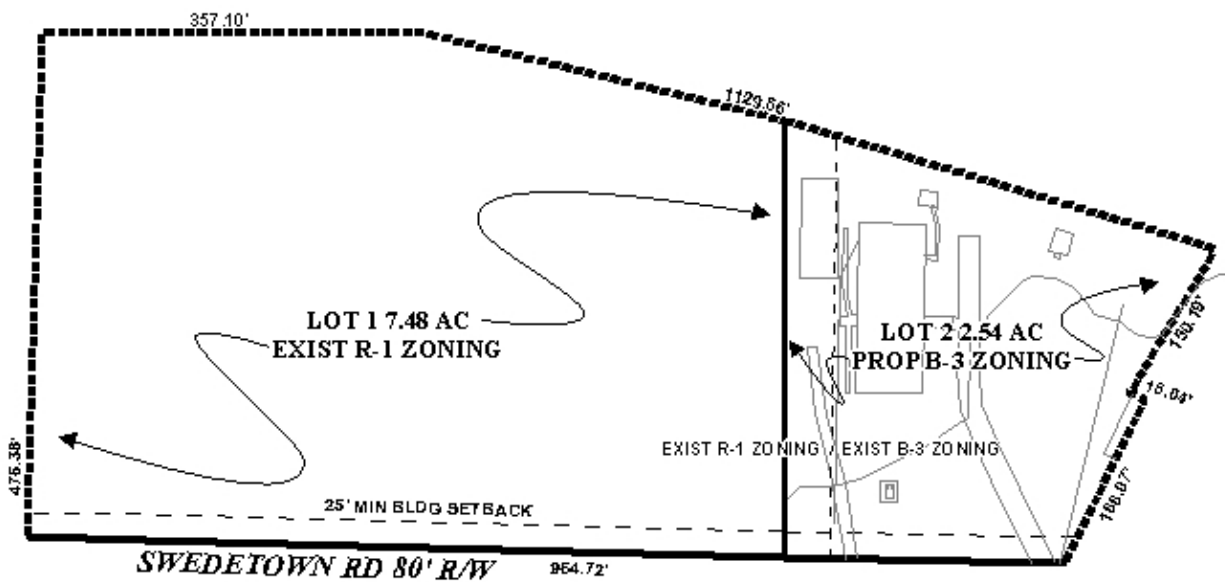
APPLICANT John Swan

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# SUBDIVISION AND ZONING DETAIL



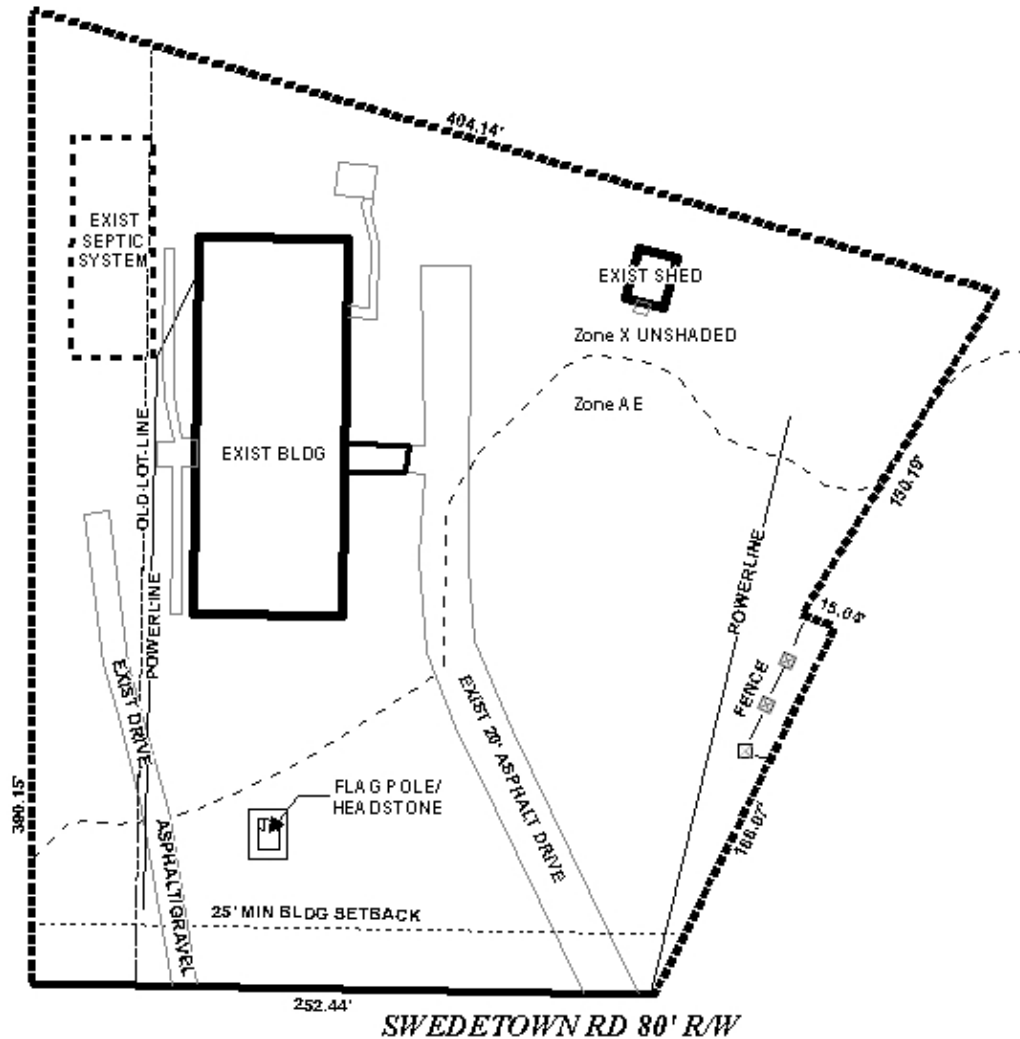
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# SITE PLAN



The site plan illustrates the existing development.

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