

**SUBDIVISION,
PLANNED UNIT DEVELOPMENT,
ZONING AMENDMENT,
PLANNING APPROVAL &
SIDEWALK WAIVER STAFF REPORT****Date: September 7, 2017****NAME**

Ms. Betty Bush d/b/a "The Bush Tot Spot"

SUBDIVISION NAMEBooker T. Washington Highlands Subdivision,
Resubdivision of Lots 22 & 23**LOCATION**1610 Union Street
(East side of Union Street, 643'± South of Rochester
Street)**CITY COUNCIL
DISTRICT**

District 1

PRESENT ZONING

R-1, Single-Family Residential

PROPOSED ZONING

B-1, Buffer Business District

**REASON FOR
REZONING**An increased need for twenty-four hour, seven day a week
child care services.**AREA OF PROPERTY**

1 Lot / 0.4 ± Acres

CONTEMPLATED USE

Subdivision approval to create 1 lot, Planned Unit Development Approval to allow multiple buildings on a single building site, Rezoning from R-1, Single-Family Residential to B-1, Buffer Business District, to allow a daycare, Planning Approval to allow the operation of a daycare in a B-1, Buffer-Business District, and Sidewalk Waiver to waive the requirement of a sidewalk along Union Street.

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.

TIME SCHEDULE

No timeframe provided.

**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. 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 the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
- E. 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.
- F. 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.
- G. 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.
- H. Add a note to the plat stating that all easements shall remain in effect until vacated through the proper Vacation process.
- I. Provide a copy of the FINAL SUBDIVISION PLAT to the Engineering Dept. for review. No signatures are required on this drawing.
- J. After addressing all of the FINAL SUBDIVISION PLAT review comments by the Engineering Dept. provide the ORIGINAL (with all other signatures) and one (1) copy (signatures not required) of the revised Final Plat to the Engineering Department.

Planned Unit Development

ADD THE FOLLOWING NOTES TO THE PUD SITE PLAN:

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. A Land Disturbance Permit application shall be submitted for any proposed land disturbing activity with the property. 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.
3. 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.
4. 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.
5. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

Sidewalk Waiver

It appears that there is sufficient room within the ROW, or within the property, for the construction of a sidewalk that could be approved through the ROW Permit process.

TRAFFIC ENGINEERING**COMMENTS**

Site is limited to one curb cut to Union Street with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. 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).

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, Planned Unit Development Approval to allow multiple buildings on a single building site, Rezoning from R-1, Single-Family Residential to B-1, Buffer Business District, to allow a daycare, Planning Approval to allow the operation of a daycare in a B-1, Buffer-Business District, and Sidewalk Waiver to waive the requirement of a sidewalk along Union Street. Daycares require Planning Approval to operate in a B-1 district.

The purpose of this application is to allow an existing residential structure to be converted to commercial daycare use, and to allow the placement of a second structure on the site to provide additional space for daycare use.

The applicant initially applied for a Use variance through the Board of Zoning Adjustment, but withdrew the request at the June 5, 2017 meeting due to the staff's recommendation of denial, and based upon discussion of the Board – which recommended that she pursue rezoning approval through the Planning Commission.

The site is bounded to the North, South and West by single-family residences, and to the East by the Dotch Community Center, located in Trinity Gardens Park.

The site has been given a Mixed Density Residential 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 du/ac, 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.

The applicant provided the following narrative regarding the requests:

My name is Betty Bush and I'm applying for a use variance at 1610 Union Street, Mobile, Alabama for the purpose of providing a 24 hour, seven days a week daycare for parents and for caregivers with traditional and non-traditional schedules. I have operated in the

daycare business for 7 years and loved every minute of it. This property has an existing building that I will utilize for 30-40 2-4 year olds and after-schoolers; it also has a kitchen area with a bathroom which we will be modifying to meet current building codes and health department regulations. We are adding a new modular building for the infants. Both buildings will be handicap accessible with ADA/ANSI accessible toilet rooms (including ramps, doors, etc. as required by the City of Mobile Building Inspections Department).

I know this building can and will be an asset to the community where parents can bring their children for quality care. I have a very well respected reputation for the care I give to their children left in my charge. I feel my facility in this location will be very important because not everyone has a nine to five schedule on their job or someone whom they can trust their children with. We help them take care of their children and give them the flexibility to earn the wages they need to provide for their families.

My building is a former residence and the renovations to the building will keep its style to help it continue to blend in to the neighborhood area. I deeply feel that it will certainly be most complementary to our small community, with a very low impact. The area behind me (to the east) is Trinity Gardens, a commercial development, and there is a large industrial development to the west of our subdivision. I am trying to help maintain our small community and to provide safe and convenient daycare services (a dire necessity here for my neighbors). I live on this street and I care about the needs of the people around me. I deeply feel that my project will become a definite asset to this area.

I feel deep within my heart that my skills and services applied within this small community has a unique opportunity to help revitalize our neighborhood.

I have hired a team of design professionals to create the proper plans for me so that I can build my business here in accordance with all the laws, ordinances and requirements of the City of Mobile, Mobile County Health Department and the State of Alabama.

I am praying that this property can be zoned commercial and I will be permitted to add the new modular building on the property. Please feel free to contact me if there are any questions.

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 review required for Planning Approval examines the applicant's location and site plan with regard to transportation, parking and access, public utilities and facilities, traffic congestion and hazard, and to determine if the proposal is in harmony with the orderly and appropriate development of the district.

Planned Unit Development review examines the site with regard to its location to ensure that it is generally compatible with neighboring uses; that adequate access is provided without generating excess traffic along minor residential streets in residential districts outside the PUD; and that natural features of the site are taken into consideration. PUD review also examines the design of the development to provide for adequate circulation within the development; to ensure adequate access for emergency vehicles; and to consider and provide for protection from adverse effects of adjacent properties as well as provide protection of adjacent properties from adverse effects from the PUD. Please note that a Planned Unit Development approval by the Planning Commission expires after one year if no permits are obtained.

PUD approval and Planning Approval are site plan specific, thus if any new construction is anticipated that will change an approved site plan, applications to amend an existing, approved PUD and Planning Approval must be made prior to any construction activities.

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.

While there are a number of daycares within Mobile, there do not appear to be very many which offer 24-hour, 7-day a week service. Thus it would appear that there is a need within the community for additional daycares that operate around the clock. However, the site in question is located on a residential street, and there are no abutting commercial zoning districts. The applicant states that the adjacent Dotch Community Center and park constitute a commercial activity, and while the Center is certainly not residential in nature, it is an institutional use rather than a commercial use. Approximately 225 feet to the west, behind the residences located on the west side of Union Street, is a salvage or junk yard located in an industrial district. The proximity of the Community Center and the salvage yard do not provide a sufficient justification to rezone the property in question. However, the Future Land Use Map designation as a Mixed Density Residential area includes the provision for "*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.*"

The site is located on Union Street, a minor street with a substandard right-of-way that is only 30-feet in width, and with a pavement width of approximately 20 to 22 feet. Union Street is a dead-end street approximately 1,400 feet long, and the site is located approximately 630 feet south of the intersection of Rochester Street and Union Street. There are approximately 34 residences located along the dead-end portion of Union Street. The street has asphalt wing-type

curbs and storm inlets. In order to achieve a compliant right-of-way width, a dedication of 25 feet from the centerline would be required.

As stated, the applicant wishes to provide a twenty-four hour, seven day a week daycare that would serve approximately 40 children within the existing residential structure, and an additional unspecified number of infants in the proposed new building, all within a total of four classrooms. Parking requirements for daycares are based upon 1 ½ parking spaces per teaching station, thus six parking spaces will be required. The site plan provided indicates that seven parking spaces will be provided. One curb-cut is depicted on the site plan, and due to limited lot width, the property should be limited to one curb-cut with the size, design and location to be approved by Traffic Engineering and comply with AASHTO standards.

Traffic generation for a daycare use is of concern. Since the applicant proposes to operate 24 hours per day, the normal morning and late afternoon periods of peak traffic may not occur as they might with a typical daycare. However, the proposed number of children in care will result in an increase in traffic over the current amount on Union Street, perhaps at times of the day that might be considered a nuisance to residents.

Access to the site for emergency vehicles is also of concern, given the limited width of Union Street. If an emergency vehicle had to serve the daycare, residents to the south of the site may be blocked from being able to exit the street.

Regarding other Zoning Ordinance related issues, it appears that the site is sufficiently sized to allow for full tree and landscape compliance. A note on the site plan indicates that curb-side garbage service will be utilized, thus no dumpster will be placed on the property. A 6-foot high buffer fence is proposed around the perimeter of the property, where it abuts residentially zoned property.

Finally, the applicant is requesting the waiver of the sidewalk requirements along Union Street. There are no sidewalks along Union Street, however, there are no apparent physical constraints along Union Street that would prevent the construction of a sidewalk, except for the substandard width of the right-of-way.

RECOMMENDATION

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

- 1) Dedication of right-of-way to provide 25-feet from centerline;
- 2) Placement of a note on the final plat stating that the site is limited to one curb-cut, with the size, design and location to be approved by Traffic Engineering and comply with AASHTO standards;
- 3) 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. 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 the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. E. 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. F. 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. G. 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. H. Add a note to the plat stating that all easements shall remain in effect until vacated through the proper Vacation process. I. Provide a copy of the FINAL SUBDIVISION PLAT to the Engineering Dept. for review. No signatures are required on this drawing. J. After addressing all of the FINAL SUBDIVISION PLAT review comments by the Engineering Dept. provide the ORIGINAL (with all other signatures) and one (1) copy (signatures not required) of the revised Final Plat to the Engineering Department.);

- 4) *Compliance with Traffic Engineering comments(Site is limited to one curb cut to Union Street with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. On-site 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).); and*
- 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));*

Planned Unit Development: Based upon the preceding, staff recommends that the Planning Commission consider all relevant aspects of the requests, and determine if the proposal will comply with the PUD review criteria:

- 1) That the site improvements will be generally compatible with neighboring uses;
- 2) That adequate access is provided without generating excess traffic along minor residential streets;
- 3) That the natural features of the site are taken into consideration;
- 4) That there will be adequate circulation within the development;
- 5) That there is adequate access for emergency vehicles;
- 6) That the proposed development will not be impacted by adverse effects of adjacent properties; and
- 7) That the proposed development will not create adverse effects to adjacent properties.

Zoning: Based upon the preceding, staff recommends that the Planning Commission consider all relevant aspects of the requests, and determine if the proposal sufficiently demonstrates:

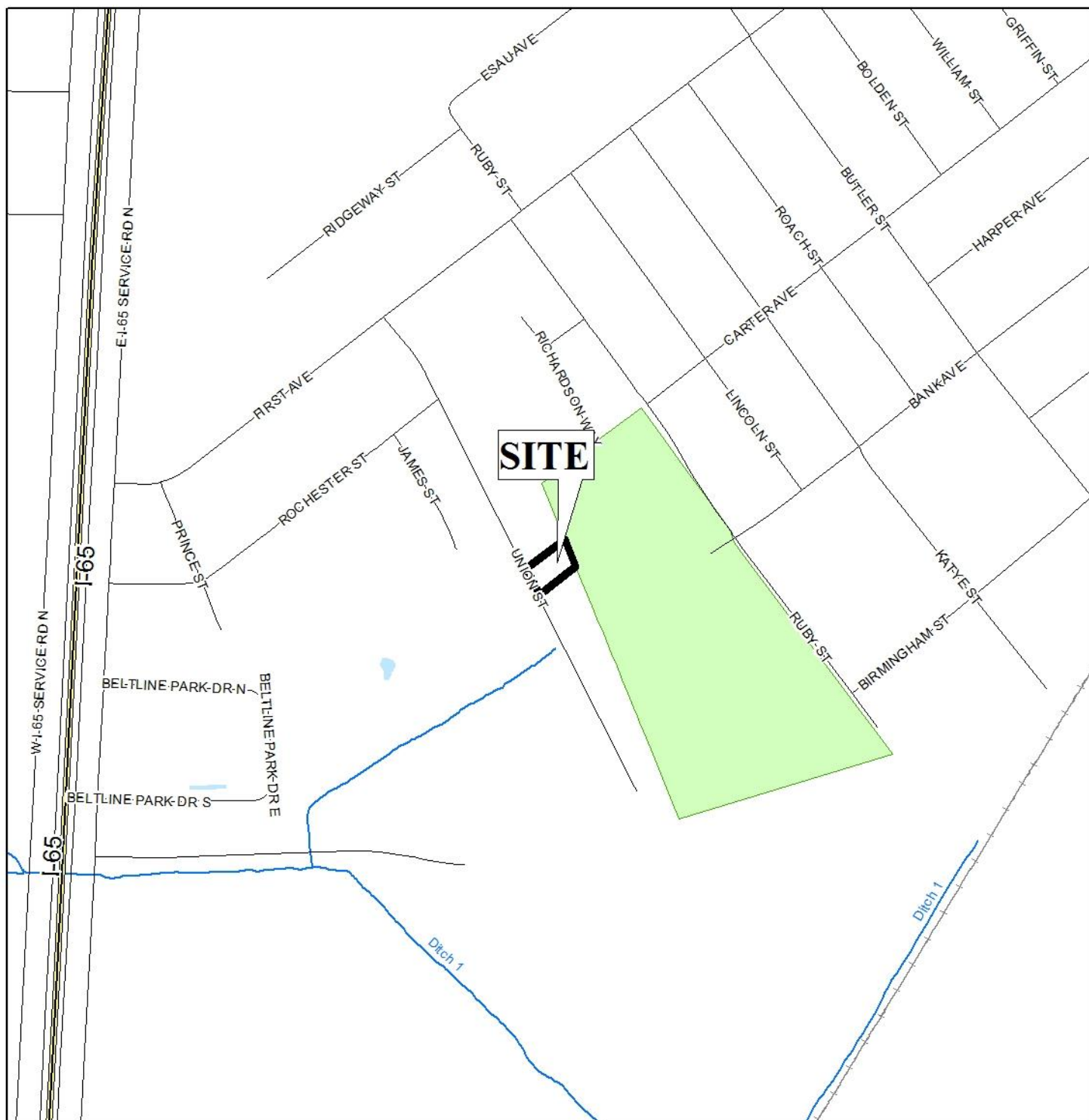
- 1) There is a need to increase the number of sites available to business at this specific location; and
- 2) That the proposed use can be categorized as a “*compatibly scaled and sited complementary use*” per the Mixed Density Residential Future Land Use Map area designation, that can be placed in one of the associated uses of “*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.*”

Planning Approval: Based upon the preceding, staff recommends that the Planning Commission consider all relevant aspects of the requests, and determine if the proposal will comply with the Planning Approval review criteria:

- 1) The location and site plan with regard to transportation, parking and access;
- 2) The location and site plan with regard public utilities and facilities;
- 3) The location and site plan with regard traffic congestion and hazard; and
- 4) To determine if the proposal is in harmony with the orderly and appropriate development of the district.

Sidewalk Waiver: Based upon the preceding, staff recommends that the Sidewalk Waiver request be denied.

LOCATOR MAP



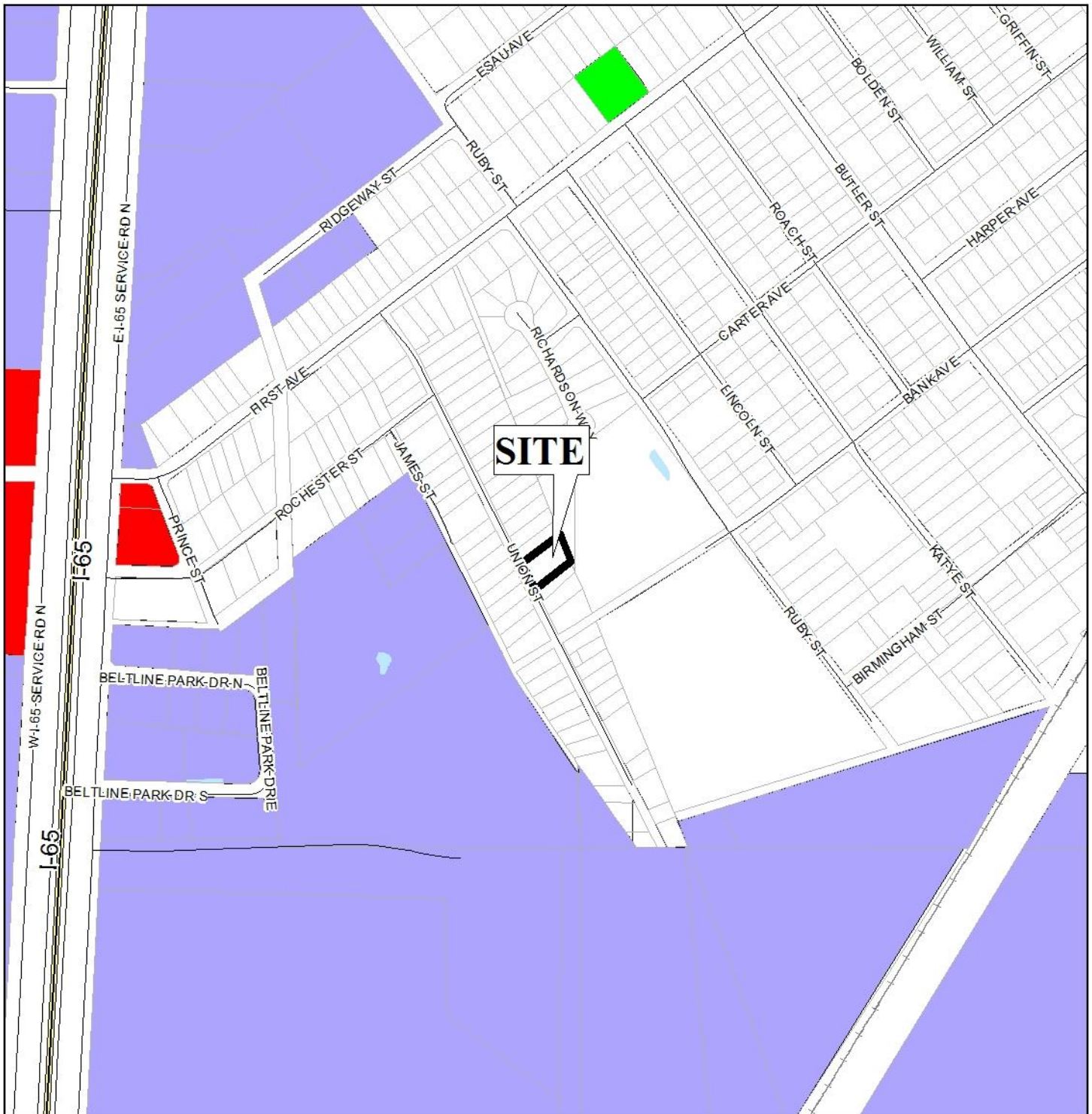
APPLICATION NUMBER 19 DATE September 7, 2017

APPLICANT Booker T. Washington Highlands Subdivision, Resubdivision of Lots 22 & 23

REQUEST Subdivision, PUD, Sidewalk Waiver, Rezoning from R-1 to B-1, Planning Approval



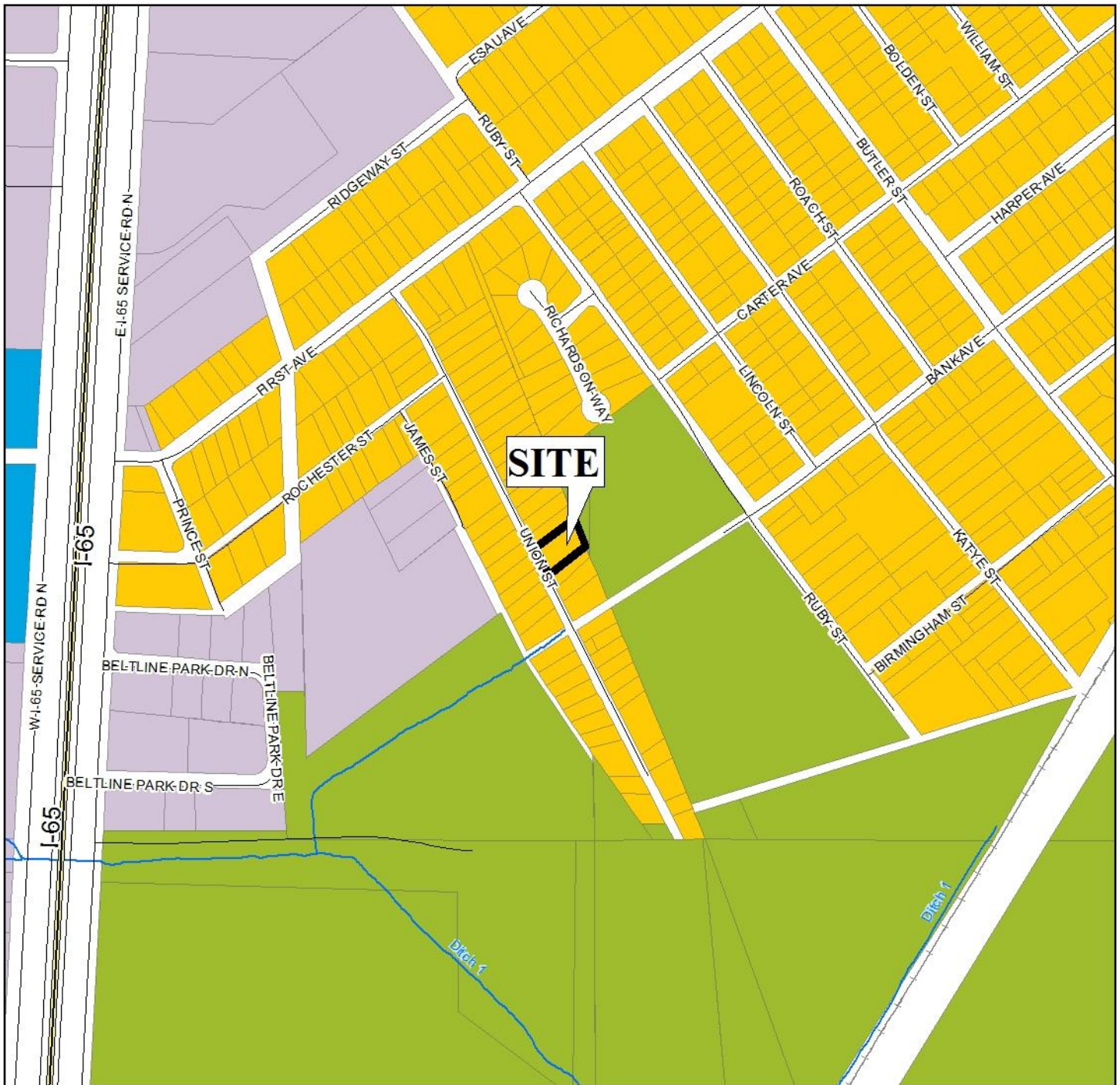
LOCATOR ZONING MAP



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REQUEST Subdivision, PUD, Sidewalk Waiver, Rezoning from R-1 to B-1, Planning Approval



FLUM LOCATOR MAP



APPLICATION NUMBER 19 DATE September 7, 2017

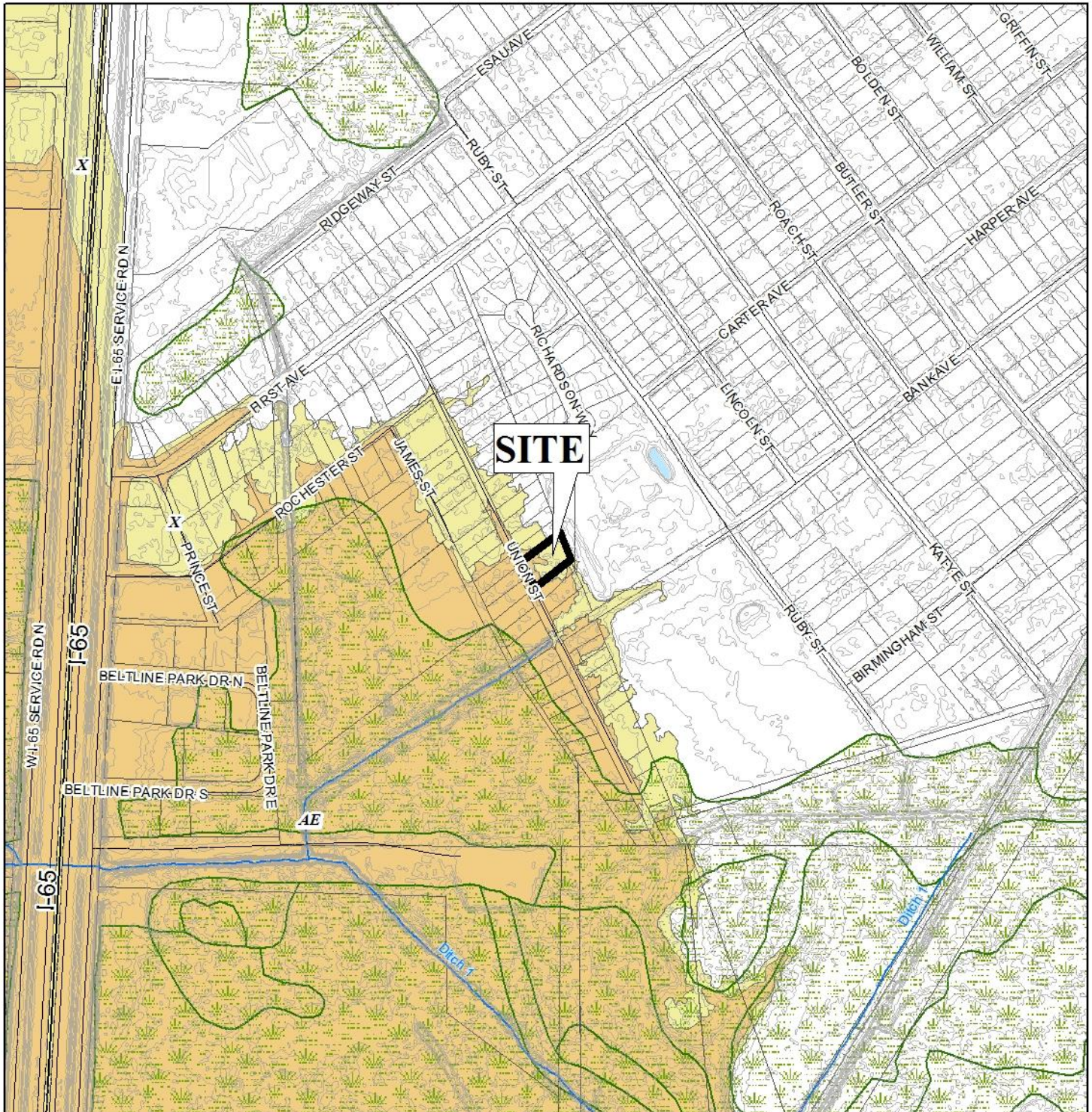
APPLICANT Booker T. Washington Highlands Subdivision, Resubdivision of Lots 22 & 23

REQUEST Subdivision, PUD, Sidewalk Waiver, Rezoning from R-1 to B-1, Planning Approval

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



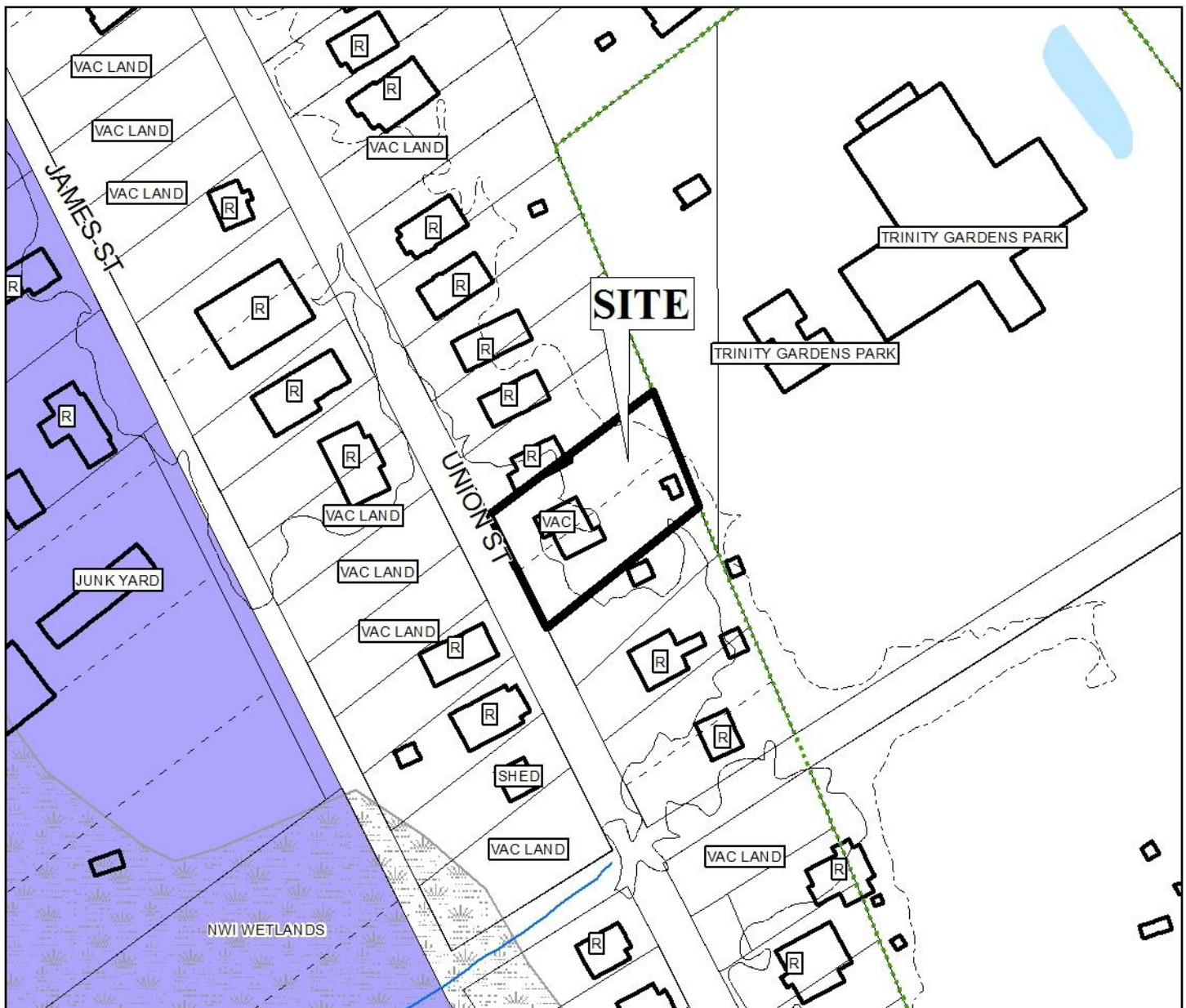
ENVIRONMENTAL LOCATOR MAP



APPLICATION NUMBER 19 DATE September 7, 2017
APPLICANT Booker T. Washington Highlands Subdivision, Resubdivision of Lots 22 & 23
REQUEST Subdivision, PUD, Sidewalk Waiver, Rezoning from R-1 to B-1, Planning Approval



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units and a junk yard is located to the west.

APPLICATION NUMBER 19 DATE September 7, 2017

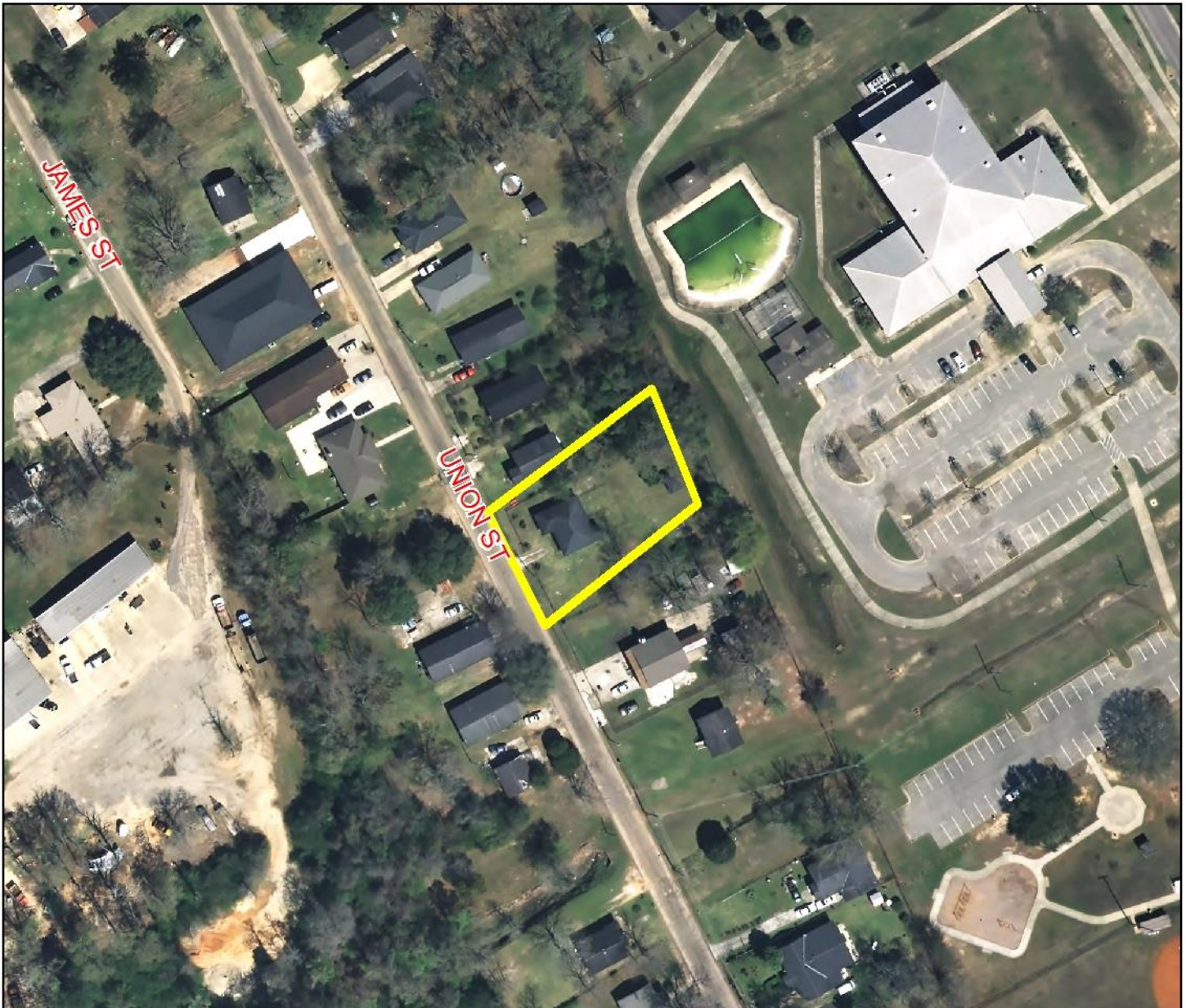
APPLICANT Booker T. Washington Highlands Subdivision, Resubdivision of Lots 22 & 23

REQUEST Subdivision, PUD, Sidewalk Waiver, Rezoning from R-1 to B-1, Planning Approval

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

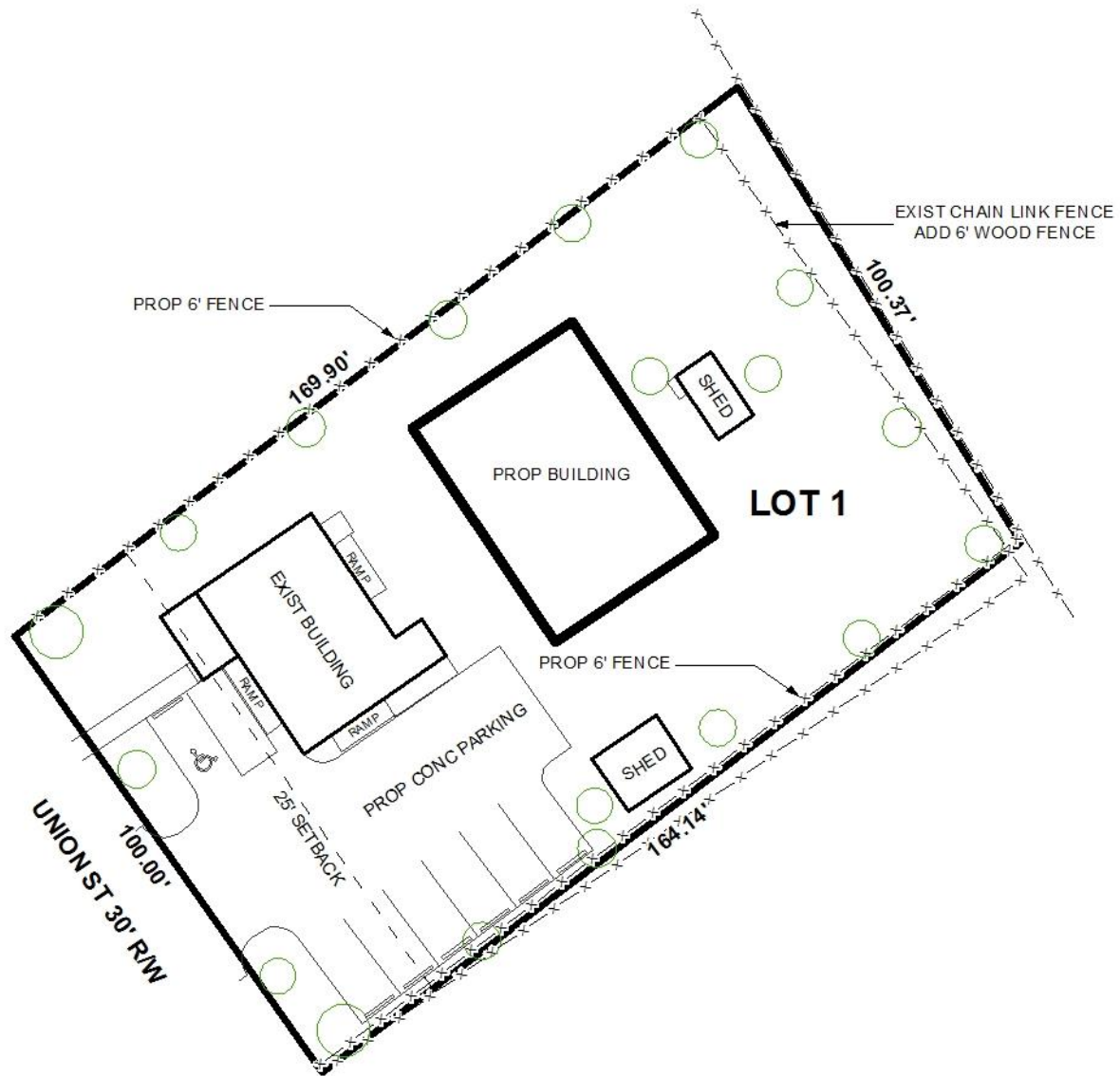


The site is surrounded by residential units and a junk yard is located to the west.

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SITE PLAN



The site plan illustrates the existing buildings, proposed building, proposed parking, and setback.

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