

**REZONING &  
SUBDIVISION STAFF REPORT****Date: October 3, 2013****APPLICANT NAME**

City of Mobile &amp; Charles G. &amp; Hyun S. Storrs

**SUBDIVISION NAME**

Storrs Manor Subdivision

**LOCATION**115 Providence Street and 118 Catherine Street North  
(West side of Providence Street, 280' ± South of Spring  
Hill Avenue)**CITY COUNCIL  
DISTRICT**

District 2

**PRESENT ZONING**R-1, Single-Family Residential District & B-1, Buffer  
Business District**PROPOSED ZONING**

R-1, Single-Family Residential District

**AREA OF PROPERTY**

1 Lot/0.6 ± Acre

**CONTEMPLATED USE**Subdivision approval to create a single legal lot of record  
from two metes and bounds parcels, and rezoning approval  
to rezoning the site to one zoning classification (R-1,  
Single-Family Residential), thus eliminate split zoning of  
the site**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 and changing conditions in a particular  
area make a change in the Ordinance necessary and  
desirable**TIME SCHEDULE  
FOR DEVELOPMENT**

Immediate.

**ENGINEERING  
COMMENTS**The following comments should be addressed prior to  
acceptance and signature by the City Engineer:

- a. Provide all of the required information on the Plat (i.e. signature blocks, signatures,  
certification statements, required notes, legend).

- b. Add a note to the Plat stating that a Land Disturbance Permit will be required for any site improvements on the property. These improvements may require storm water detention. The Permit submittal shall be in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045).
- c. Add a signature block and signature for the Owner (notarized), Surveyor, Planning Commission and Traffic Engineer.
- d. Provide and label the monument set or found at each subdivision corner.
- e. Provide the Surveyor's Certificate.
- f. 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) would be required prior to the issuance of a permit for any land disturbance activity.
- g. Add a note to the Plat that 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).

**TRAFFIC ENGINEERING****COMMENTS**

Driveway number, size, location, and design to be approved by Traffic Engineering 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).

**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**

MAWSS has water and sewer services available, but a Capacity Assurance application for additional sewer service has not been applied for. MAWSS cannot guarantee additional sewer service until a Capacity application is approved by Volkert Engineering Inc.

**REMARKS**

The applicant is requesting subdivision approval to create a single legal lot of record from two metes and bounds parcels, and rezoning approval to rezone a portion of the site from B-1, Buffer Business District to R-1, Single-Family Residential, thus eliminate split zoning and allowing for one zoning classification of the site.

The plat illustrates the proposed 0.6 ± acre, 1 lot subdivision and the applicant states that the subdivision is served by both public water and sanitary sewer.

The site is shown as part commercial and part 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.

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 applicant states that justification for rezoning is due to “Changes in conditions in a particular area make a change in the ordinance necessary and desirable’ and / or ‘there is a manifest error in the ordinance.”

A portion of the site is bounded on all sides by properties zoned R-1, Single-Family Residential; however, due to the proximity to Old Shell Road, property zoned B-2, Neighborhood Business abuts the majority of the site’s Northern boundary and a property zoned B-1, Buffer Business lies to the West of the site across Catherine Street.

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, 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. Because the site is located within the Old Dauphin Way Historic District, development of the site must comply with historic district regulations and obtain approval from the Architectural Review Board.

In accordance with the Subdivision Regulations, the proposed lot is compliant with the minimum size requirements. The 25-foot minimum building setback line and the lot size in square feet are illustrated on the preliminary plat and should be retained on the Final Plat, if approved.

The site has frontage along Providence Street and Catherine St, both minor streets with curb and gutter. The preliminary plat illustrates a 40’ right-of-way for both streets; however, Section V.B.14. of the Subdivision Regulations requires minor streets with curb and gutter to have a minimum right-of-way of 50 feet. As a result, the applicant should provide dedication to provide 25 feet as measured from the centerline of both Providence and Catherine Streets. The lot size information and 25’ setback line should be revised on the Final Plat, if approved.

The site currently has one curb-cut along Providence Street and one curb-cut along Catherine Street. As a means of access management, a note should be placed on the Final Plat limiting the site to the existing curb-cuts, with any changes to the size, design or location to be approved by Traffic Engineering and conform to AASHTO standards.

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.

It is important to note that there appears to be a discrepancy in relation to a portion of the site's boundary. The area in question is located near the center of the proposed lot and is currently Zoned B-2, Neighborhood Business. A deed from 2003 was provided by the applicant; however, in 2007, the Springhill Food Mart Subdivision included this portion of land within its subdivision which is recorded on the Final Probated Plat. As a result, although ownership can be placed with the current applicant, this error must be resolved before this current request can proceed. Furthermore, the current subdivision request should be revised to include Springhill Food Mart Subdivision and the narrative regarding the subdivision and rezoning request should be revised to include B-2, Neighborhood Business.

### **RECOMMENDATION**

**Rezoning:** Based on the preceding, the application is recommended for Holdover for the November 7, 2013 meeting. Revisions should be submitted before October 10, 2013 to address the following conditions:

- 1) Submission of revised narrative regarding the subdivision and rezoning request to include B-2, Neighborhood Business

**Subdivision:** Based on the preceding, the application is recommended for Holdover for the November 7, 2013 meeting. Revisions should be submitted before October 10, 2013 to address the following conditions:

- 1) Revised Subdivision application to add Springhill Food Mart Subdivision with additional labels, notification, & lot fees; and
- 2) Submission of revised narrative regarding the subdivision and rezoning request to include B-2, Neighborhood Business

### ***Revised for the November 7<sup>th</sup> meeting:***

*The applicant has requested that the cases be heldover to the November 21<sup>st</sup> meeting, as they are still trying to resolve the property ownership issues for a portion of the site.*

### **RECOMMENDATION**

**Rezoning:** Based on the preceding, the application is recommended for Holdover until the November 21, 2013 meeting. Any revisions should be submitted as soon as possible.

**Subdivision:** Based on the preceding, the application is recommended for Holdover until the November 21, 2013 meeting. Any revisions should be submitted as soon as possible.

***Revised for the November 21<sup>st</sup> meeting:***

*The application was heldover from the November 7<sup>th</sup> meeting, at the applicants' request, to allow them more time to resolve the property ownership issues.*

*No additional information has been submitted indicating that the issues have been resolved. As such, the applications cannot be considered.*

**RECOMMENDATION**

***Rezoning:*** *Based on the preceding, the application is recommended for withdrawal so that all ownership issues can be resolved prior to any new application, or so that a new application excluding the contested area can be submitted.*

***Subdivision:*** *Based on the preceding, the application is recommended for withdrawal so that all ownership issues can be resolved prior to any new application, or so that a new application excluding the contested area can be submitted.*

***Revised for the January 2<sup>nd</sup> meeting:***

*The application was heldover from the November 21st meeting, at the applicants' request, to allow them more time to resolve the property ownership issues.*

*No additional information has been submitted indicating that the issues have been resolved. As such, the applications cannot be considered.*

**RECOMMENDATION**

***Rezoning:*** *Based on the preceding, the application is recommended for withdrawal so that all ownership issues can be resolved prior to any new application, or so that a new application excluding the contested area can be submitted.*

***Subdivision:*** *Based on the preceding, the application is recommended for withdrawal so that all ownership issues can be resolved prior to any new application, or so that a new application excluding the contested area can be submitted.*

***Revised for the February 6<sup>th</sup> meeting:***

*The application was heldover from the January 2<sup>nd</sup> meeting at the applicant's request, to allow them more time to resolve the property ownership issues.*

*No additional information has been submitted indicating that the issues have been resolved. As such, the applications cannot be considered.*

**RECOMMENDATION**

**Rezoning:** Based on the preceding, the application is recommended for withdrawal so that all ownership issues can be resolved prior to any new application, or so that a new application excluding the contested area can be submitted.

**Subdivision:** Based on the preceding, the application is recommended for withdrawal so that all ownership issues can be resolved prior to any new application, or so that a new application excluding the contested area can be submitted.

**Revised for the March 6<sup>th</sup> meeting:**

The application was heldover from the February 6<sup>th</sup> meeting, at the applicant's request, so that new labels and postage could be provided regarding the additional rezoning request from B-2 to R-1.

It should be pointed out that the proposed Lot A is considered a double frontage lot as a result of frontage along both Providence and North Catherine Streets and, as such, would require a waiver of Section V.D.8. of the Subdivision Regulations for approval. Also, the site has 2 existing curb-cuts, one to North Catherine Street and one to Providence Street. As a means of access management, the proposed lot should be limited to only one curb-cut, to either street, to be chosen by the applicant, with any changes to the size, design or location to be approved by Traffic Engineering and conform to AASHTO standards.

It should also be pointed out that when this request first appeared before the Planning Commission at its October 3, 2013 meeting, Staff originally favored dedication sufficient to provide 25' along the frontages of both North Catherine and Providence Streets, as measured from the centerline. Since that time, Staff now favors a 50' minimum building setback in lieu of dedication. If approved, the Final Plat and site plan should be revised to depict a 50' minimum building setback line along both street frontages.

**RECOMMENDATION**

**Subdivision:** With a waiver of Section V.D.8. of the Subdivision Regulations, the Subdivision request is recommended for tentative approval, subject to the following conditions:

- 1) Illustration of a 50' minimum building setback line, as measured from the centerline, on the Final Plat along Providence and North Catherine Streets;
- 2) Retention of the lot size in square feet and acres on the Final Plat;
- 3) Placement of a note on the Final Plat stating: (Lot A should be limited to one curb-cut, to either street, to be chosen by the applicant, with any changes to the size, design or location to be approved by Traffic Engineering and conform to AASHTO standards.);
- 4) Placement of a note on the Final Plat stating: (Development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.);
- 5) Compliance with Engineering comments: (The following comments should be addressed prior to acceptance and signature by the City Engineer: a. Provide all of the required

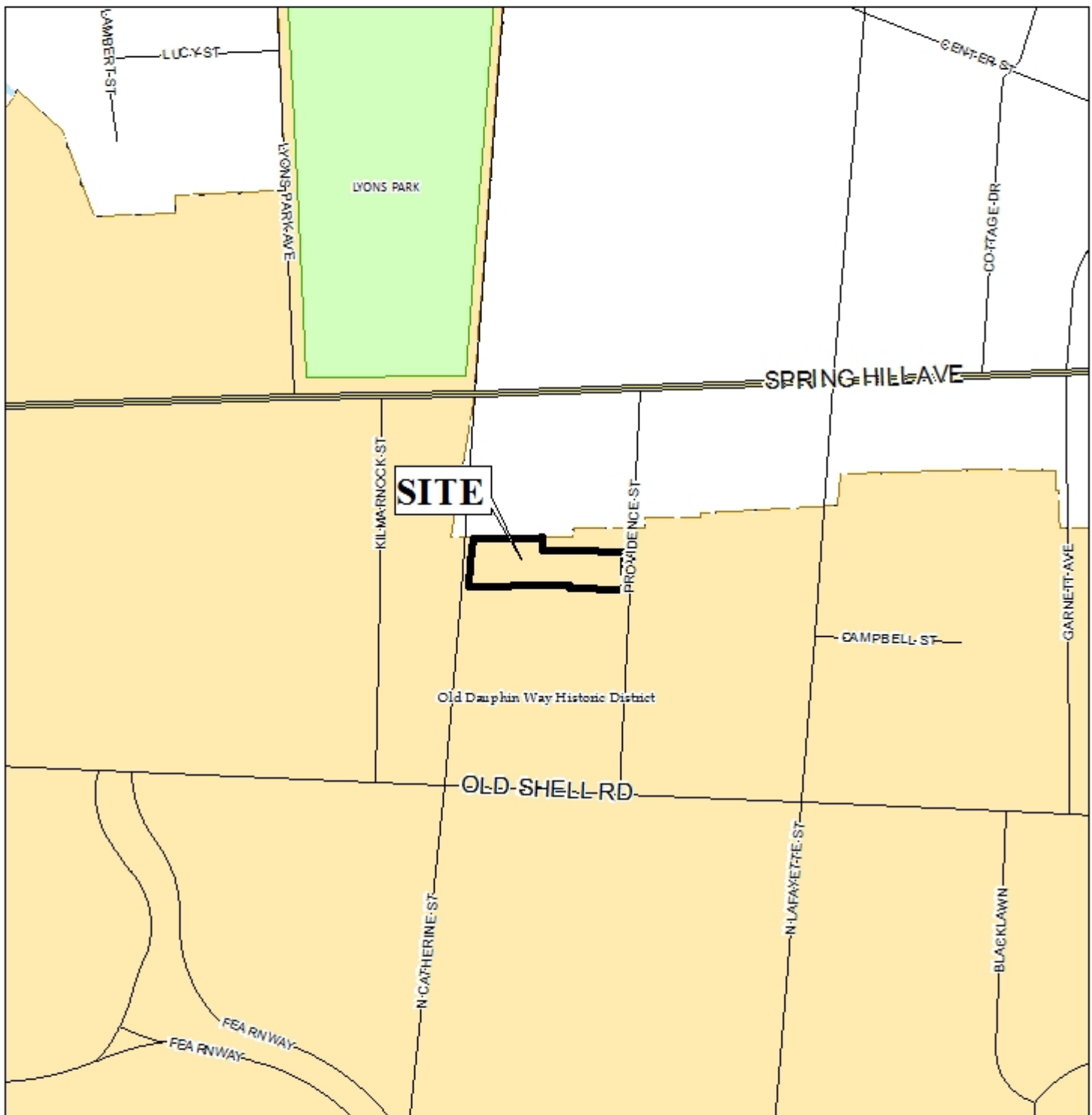
information on the Plat (i.e. signature blocks, signatures, certification statements, required notes, legend). b. Add a note to the Plat stating that a Land Disturbance Permit will be required for any site improvements on the property. These improvements may require storm water detention. The Permit submittal shall be in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045). c. Add a signature block and signature for the Owner (notarized), Surveyor, Planning Commission and Traffic Engineer. d. Provide and label the monument set or found at each subdivision corner. e. Provide the Surveyor's Certificate. f. 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) would be required prior to the issuance of a permit for any land disturbance activity. g. Add a note to the Plat that 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.);

- 6) Compliance with Traffic Engineering comments: (Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.);
- 7) Compliance with 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).);
- 8) Compliance with Fire 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.);
- 9) Completion of the rezoning process prior to the signing of the Final Plat; and
- 10) Full compliance with all other municipal codes and ordinances.

**Rezoning:** Based on the preceding, the Rezoning request from R-1, Single-Family Residential District, B-1, Buffer Business District and B-2, Neighborhood Business District to R-1, Single-Family Residential District, is recommended for approval, subject to the following conditions:

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

# LOCATOR MAP



APPLICATION NUMBER 1 & 2 DATE March 6, 2014

APPLICANT Storrs Manor Subdivision

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





# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by miscellaneous commercial and residential uses.

APPLICATION NUMBER 1 & 2 DATE March 6, 2014

APPLICANT Storrs Manor Subdivision

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

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
-----	-----	-----	-----	-----	-----	-----	-----	------	-----	-----	-----	-----	-----	-----



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by miscellaneous commercial and residential uses.

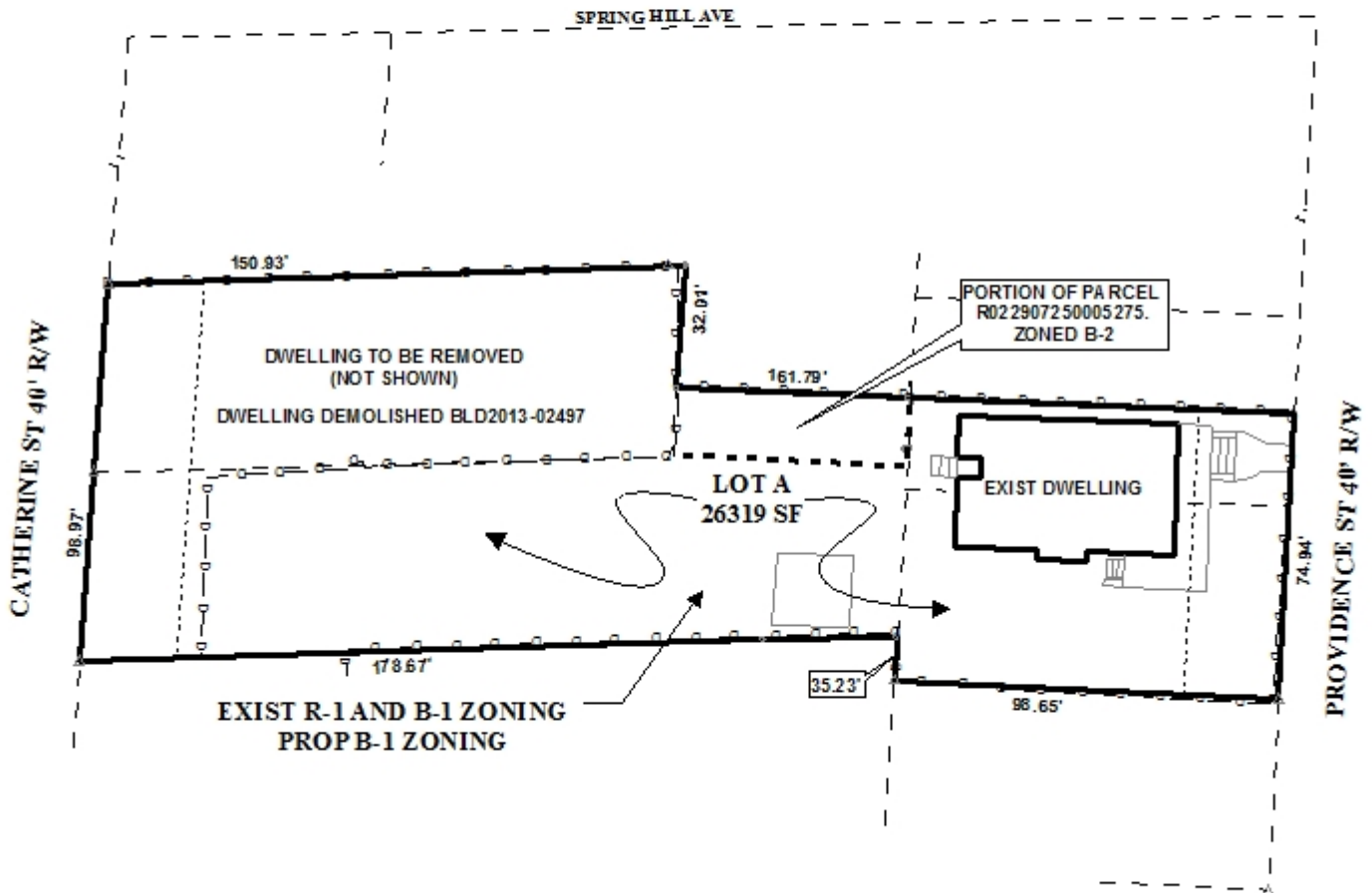
APPLICATION NUMBER 1 & 2 DATE March 6, 2014

APPLICANT Storrs Manor Subdivision

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



# SITE PLAN



The site plan illustrates the existing dwelling, proposed lot configuration, and proposed zoning.

APPLICATION NUMBER 1 & 2 DATE March 6, 2014

APPLICANT Storrs Manor Subdivision

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

