

**SUBDIVISION &  
ZONING AMENDMENT STAFF REPORT****Date: March 23, 2017****APPLICANT NAME**

David S. Rasp / Rasp, LLC

**SUBDIVISION NAME**

Winston Heights Subdivision

**LOCATION**

Northeast corner of Old Shell Road and Mobile Street

**CITY COUNCIL  
DISTRICT**

Council District 1

**PRESENT ZONING**

B-2, Neighborhood Business District, and R-1, Single-Family Residential District

**PROPOSED ZONING**

B-2, Neighborhood District

**AREA OF PROPERTY**

1 Lot/0.9± Acre

**CONTEMPLATED USE**

Subdivision Approval to create a single legal lot of record from five existing legal lots of record and a portion of an unopened public alley (to be vacated); and Rezoning from B-2, Neighborhood Business District, and R-1, Single-Family Residential District, to B-2, Neighborhood District, to allow a commercial parking lot expansion and 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.**

**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. Dedicate the corner radius (25' minimum or as approved by the City Engineer and Traffic Engineer) at the northeast corner of Old Shell Rd. and Mobile St. to the City of Mobile, and list the amount of dedicated acreage.

- C. Provide a written legal description for the proposed subdivision and matching bearing and distance labels.
- D. Show and label each and every Right-Of-Way and easement.
- E. Provide and label the monument set or found at each subdivision corner.
- F. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer.
- G. Provide the Surveyor's Certificate and Signature.
- H. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
- I. Show the recording information for the vacated easement on the Final Plat.
- J. 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.
- K. 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.
- L. 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.
- M. Provide a copy of the FINAL SUBDIVISION PLAT to the Engineering Dept. for review. No signatures are required on this drawing.
- N. 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..

## **TRAFFIC ENGINEERING**

### **COMMENTS**

Lot 1 is limited to one curb cut to Old Shell Road and two curb cuts to Mobile Street, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. New 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).

## **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).

**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 the Capacity application is approved by Volkert Engineering, Inc.

**TIME SCHEDULE****FOR DEVELOPMENT**

None provided

**REMARKS**

The applicant is requesting Subdivision Approval to create a single legal lot of record from five existing legal lots of record and a portion of an unopened public alley (to be vacated); and Rezoning from B-2, Neighborhood Business District, and R-1, Single-Family Residential District, to B-2, Neighborhood District, to allow a commercial parking lot expansion and eliminate split zoning.

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 proposes to create a single legal lot of record from five existing legal lots and a portion of a public ally. The lot size meets the minimum lot size requirements of Section V.D.2. of the Subdivision Regulations. If approved, this information should be retained on the Final Plat, revised for any required dedication, or a table should be furnished on the Final Plat providing the same information.

It should be noted that the final lot configuration includes the Western portion of an existing public alley running through the site. The applicant has initiated the Vacation process for this portion of the alley. The vacation process should be completed prior to the signing of the Final Plat for the Subdivision and prior to the forwarding of the Rezoning to the City Council.

The site has frontage along Old Shell Road and Mobile Street. Old Shell Road is a major street with a compliant 50' right-of-way; therefore, no dedication would be required along Old Shell Road. Mobile Street is a component of the Major Street Plan with a planned 80' right-of-way. The applicant states:

*"We are requesting that no dedication be required from this property. When the subdivision North of our site was approved, no dedication was required."*

Normally, dedication would be required along the East side of Mobile Street to provide 40' from centerline. However, the decision was made in the past to obtain all additional right-of-way along the West side of Mobile Street North of Old Shell Road due to existing improvements and appropriate alignment with the portion of Mobile Street North of Spring Hill Avenue. Although not required, Dumas Wesley East Subdivision (Revised Plat) adjacent along the North boundary of the site was recorded with a 5' dedication along the East side of Mobile Street. Therefore, the

dedication of 5' along the East side of Mobile Street would also be appropriate in this case. Therefore, the plat should be revised to provide a 5' dedication along the East side of Mobile Street. The 25' radius curve dedication at the intersection of Old Shell Road and Mobile Street should be relocated Eastward to align with such dedication.

The preliminary plat illustrates a standard 25' minimum building setback line along Old Shell Road, and this should be retained on the Final Plat. However, a 20' minimum building setback line is illustrated along Mobile Street as measured from the current right-of-way line. The applicant states:

*"A second request is for a 20' minimum building setback line along Mobile Street which is allowed in the Zoning Ordinance."*

Staff feels that this request would be allowable, but should be measured from the dedicated right-of-way line, not the current right-of-way line. Therefore, the plat should be revised to indicate the 20' minimum building setback line along Mobile Street as measured from the dedicated right-of-way line.

As per the Traffic Engineering comments, lot 1 is limited to one curb cut to Old Shell Road and two curb cuts to Mobile Street, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.

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:

*"The applicant is proposing to purchase the existing business located on the property at 2660 Old Shell Road and the 3 vacant lots that front on Mobile Street. The applicant has other businesses in Mobile and knows that parking needs to be improved. His plans are to construct a parking facility on the 3 lots and connect to the existing business on Old Shell Road. The connection will require vacation of an unopened alley and the request to vacate has been submitted to the City Clerk. The 2 lots at 2660 Old Shell Road are currently zoned B-2, but the Mobile Street property is zoned R-1. The reason for this request would meet the Number 2 condition for a Zoning Amendment (changes in conditions in a particular area make a change in the Ordinance necessary and desirable). The changes have occurred on 3 sides of this property since these lots are the only R-1 zoning for 900 feet along Mobile Street. The property adjoining on the North is zoned B-1 and on the opposite side of Mobile Street is B-2, R-3, and B-1 classifications."*

*“The site plan shows the proposed parking and landscaping with a single drive on Old Shell Road and 2 drives located on Mobile Street. The drive and parking at the existing business will be painted stripes on the existing asphalt and concrete paving. The new parking areas will be constructed to City standards.”*

*“In review of this application, consideration should be given to conditions placed on the B-2 property at 2660 Old Shell Road.”*

The site is within what the Map for Mobile Comprehensive Plan considers a Traditional Neighborhood development area, wherein the intent for development includes:

- Better connectivity to neighborhood centers with accessibility to retail and services
- Appropriately scaled and designed infill development including housing in a variety of configurations
- More sidewalks and streetscaping
- Protections for historic properties
- Increased protections for existing traditional development

It should also 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 site has been used for many years as a lounge with nonconforming parking. It is bordered along Old Shell Road by other B-2 properties in commercial use; to the North by a B-1 property used as a community center; to the West across Mobile Street by B-2 properties in commercial and two-family residential use, and R-3 properties as multi-family residential use; and to the East behind the three vacant lots by R-1 single-family residential uses along Hyland Avenue.

The applicant has illustrated that there have been changes in this particular area such that a change in the zoning classification would be necessary and desirable. It should be noted that the adjacent property to the North was rezoned from R-1 to B-1 in 1998, and the property across Mobile Street was rezoned from R-1 to R-3 also in 1998. The allowance of the proposed Rezoning would clearly allow for compliant parking for the site and would eliminate split zoning within the proposed Subdivision.

The site plan indicates the existing 2,204 square-foot building with 63 on-site complaint parking spaces. It should be noted that the parking calculations were rounded-down to indicate 22 spaces required, when actually 23 would be the minimum number required. As more than 25 parking spaces are proposed, a photometric lighting plan will be required to be submitted at the time of permitting for land disturbance.

The site plan should be revised to indicate a 5' frontage dedication along Mobile Street as per the Subdivision. The 25' minimum building setback line along Old Shell Road and 20' along Mobile Street should also be illustrated.

Staff has determined that landscaping and tree planting ratios would apply only to the expanded portion and not to the existing site and the site plan indicates compliance with such. A 32" Live Oak tree is listed for credit on the tree legend and is shown to be centered approximately 3' from the curbing within the parking lot. If this tree is to be retained for credit, the site plan should be revised to provide at least 5' between the exterior base of the tree and the curbing.

The site plan indicates a 6' wooden privacy fence in compliance with Section 64-4.D.1. of the Zoning Ordinance along the East side of the site adjacent to R-1 zoning and use. A dumpster enclosure will be provided and it should be noted that the dumpster will be required to be connected to sanitary sewer as well in compliance with Section 64-4.D.9. of the Zoning Ordinance.

## **RECOMMENDATION**

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

- 1) retention of the lot size labels in both square feet and acres, after any required dedications, or the furnishing of a table on the Final Plat providing the same information;
- 2) completion of the Vacation process for the portion of the alley to be included in the Subdivision prior to signing the Final Plat;
- 3) dedication of 5' along the Mobile Street frontage;
- 4) dedication of a 25' radius corner at the intersection of Old Shell Road and Mobile Street;
- 5) revision of the plat to illustrate the 20' minimum building setback line along Mobile Street as measured from any required dedication;
- 6) placement of a note on the Final Plat stating that Lot 1 is limited to one curb cut to Old Shell Road and two curb cuts to Mobile Street, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards;
- 7) subject to the 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. Dedicate the corner radius (25' minimum or as approved by the City Engineer and Traffic Engineer) at the northeast corner of Old Shell Rd. and Mobile St. to the City of Mobile, and list the amount of dedicated acreage. C. Provide a written legal description for the proposed subdivision and matching bearing and distance labels. D. Show and label each and every Right-Of-Way and easement. E. Provide and label the monument set or found at each subdivision corner. F. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer. G. Provide the Surveyor's Certificate and Signature. H. Provide the Surveyor's, Owner's (notarized), Planning*

*Commission, and Traffic Engineering signatures. I. Show the recording information for the vacated easement on the Final Plat. J. 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. K. 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. L. 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. M. Provide a copy of the FINAL SUBDIVISION PLAT to the Engineering Dept. for review. No signatures are required on this drawing. N. 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.];*

- 8) subject to the Traffic Engineering comments: (Lot 1 is limited to one curb cut to Old Shell Road and two curb cuts to Mobile Street, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.);
- 9) subject to the 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
- 10) subject to the 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).*

**Rezoning:** Based upon the preceding, the application is recommended for Approval to **B-2, Neighborhood Business District**, 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 10 DATE March 23, 2017

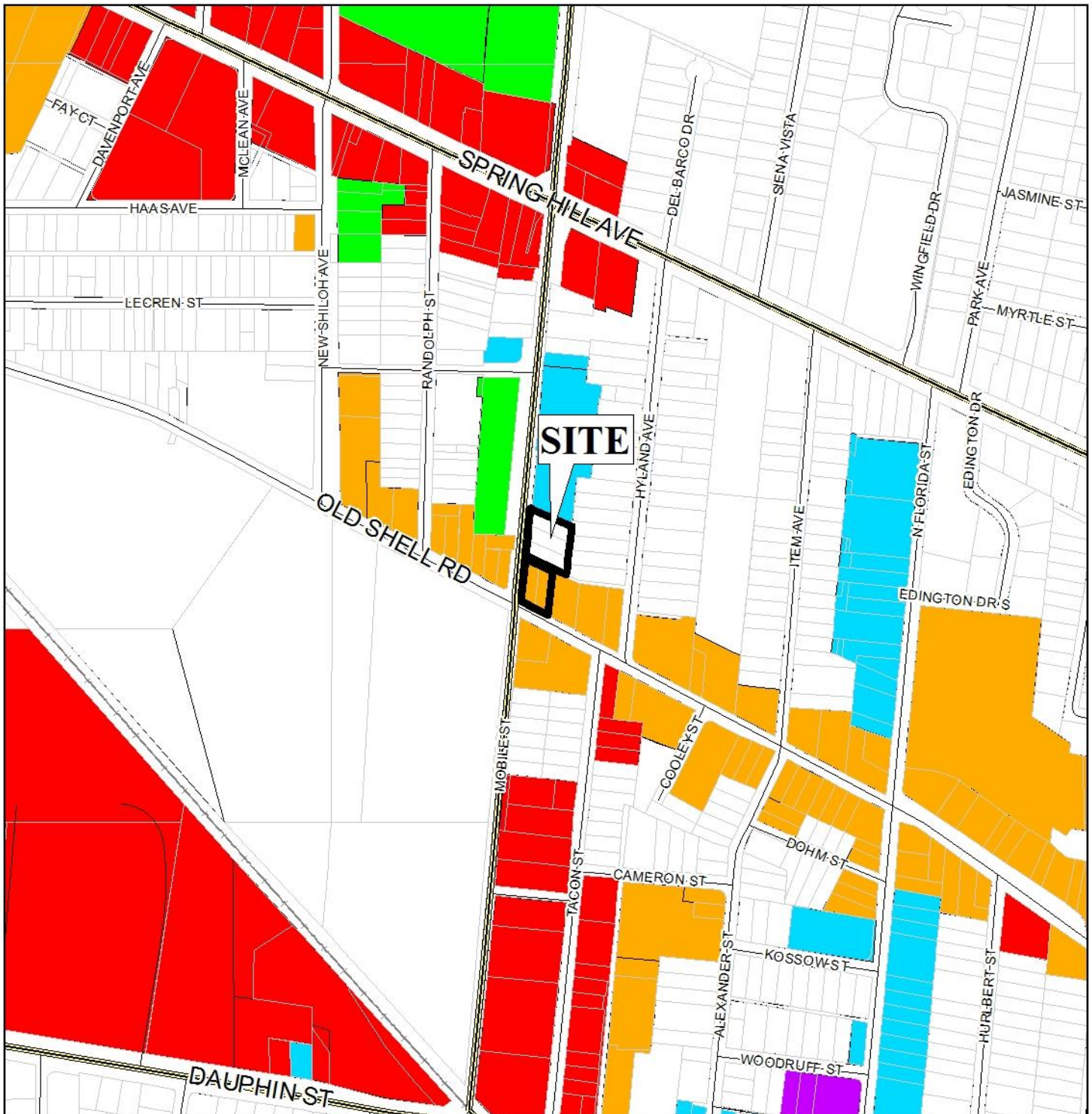
APPLICANT Winston Heights Subdivision

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





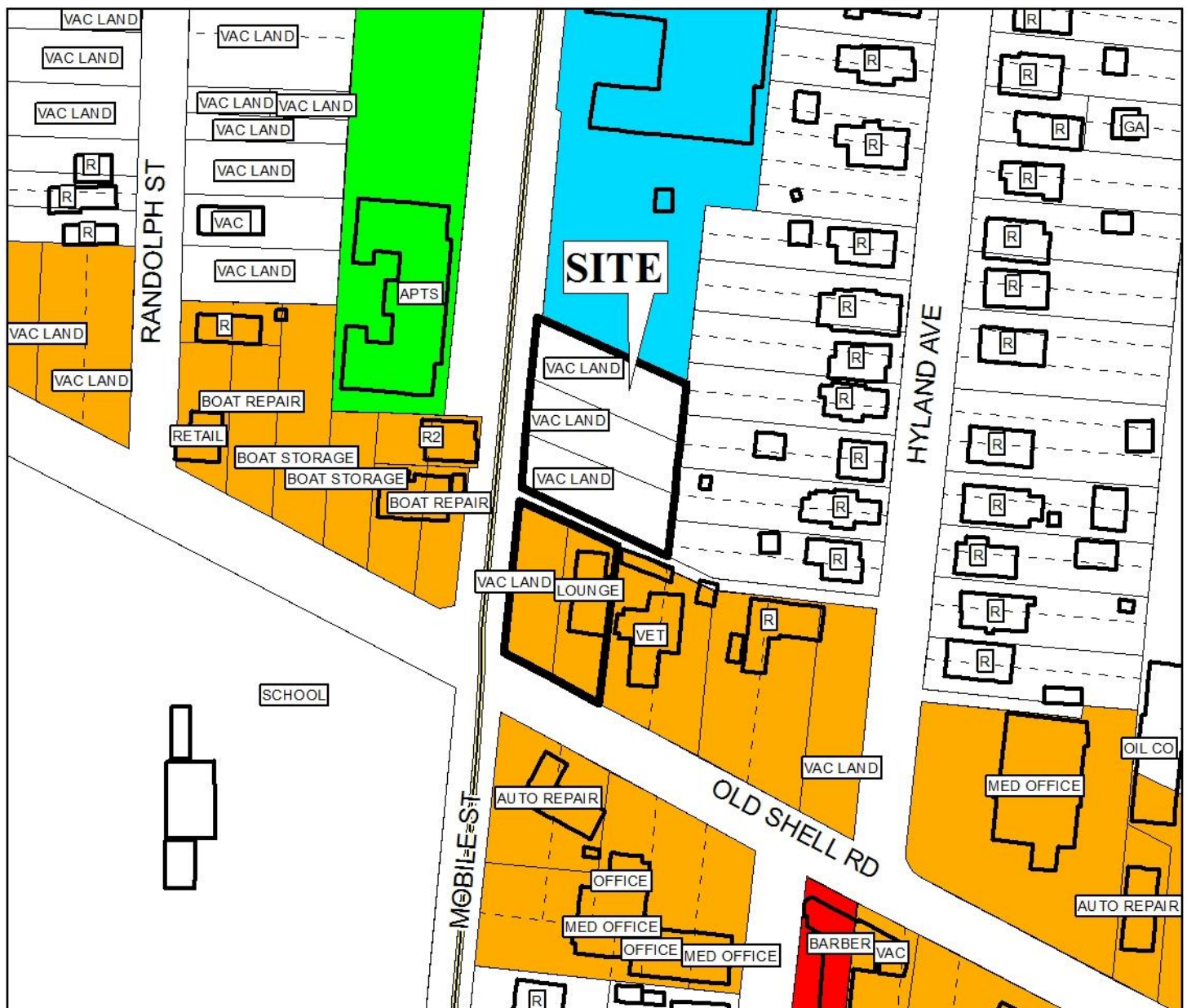
# LOCATOR ZONING MAP



APPLICATION NUMBER 10 DATE March 23, 2017  
APPLICANT Winston Heights Subdivision  
REQUEST Subdivision and Rezoning from B-2 and R-1 to B-2



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units to the north and commercial units to the south. A school is located to the southwest.

APPLICATION NUMBER 10 DATE March 23, 2017

APPLICANT Winston Heights Subdivision

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

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

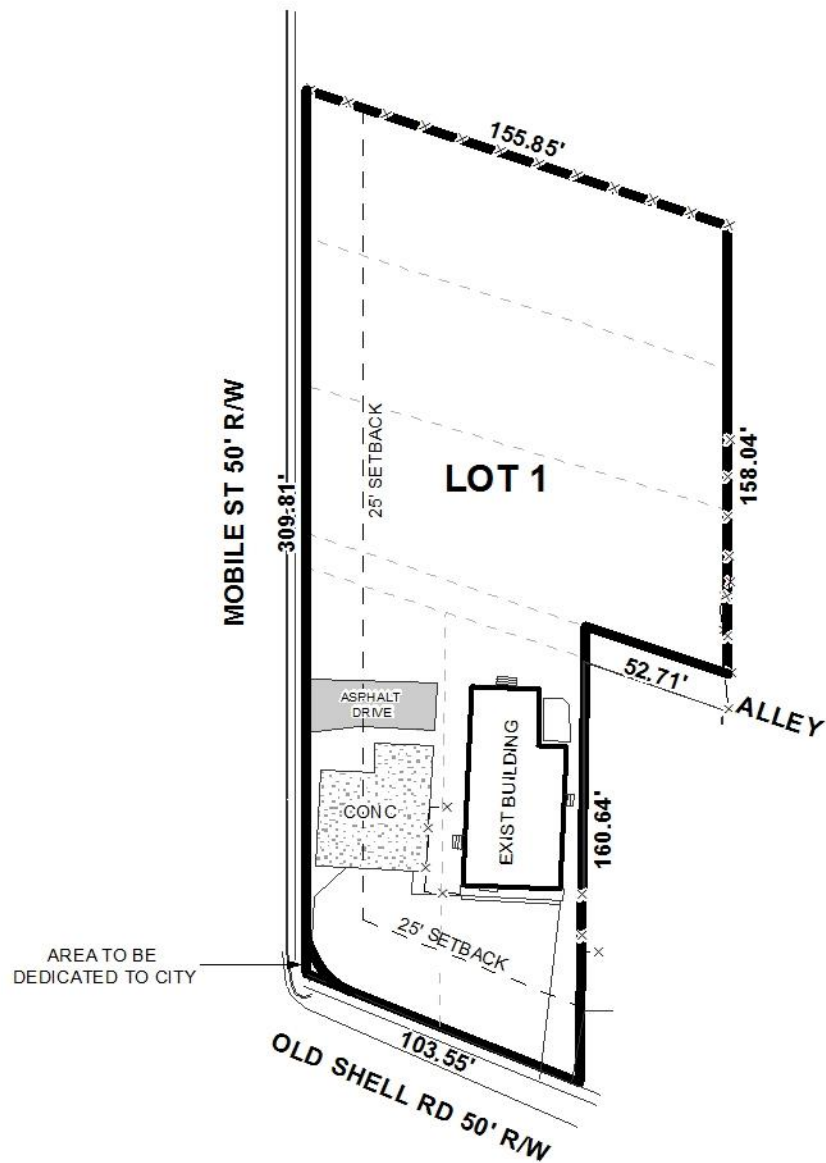


The site is surrounded by residential units to the north and commercial units to the south. A school is located to the southwest.

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 APPLICANT Winston Heights Subdivision  
 REQUEST Subdivision and Rezoning from B-2 and R-1 to B-2



# EXISTING SITE PLAN



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

APPLICATION NUMBER 10 DATE March 23, 2017

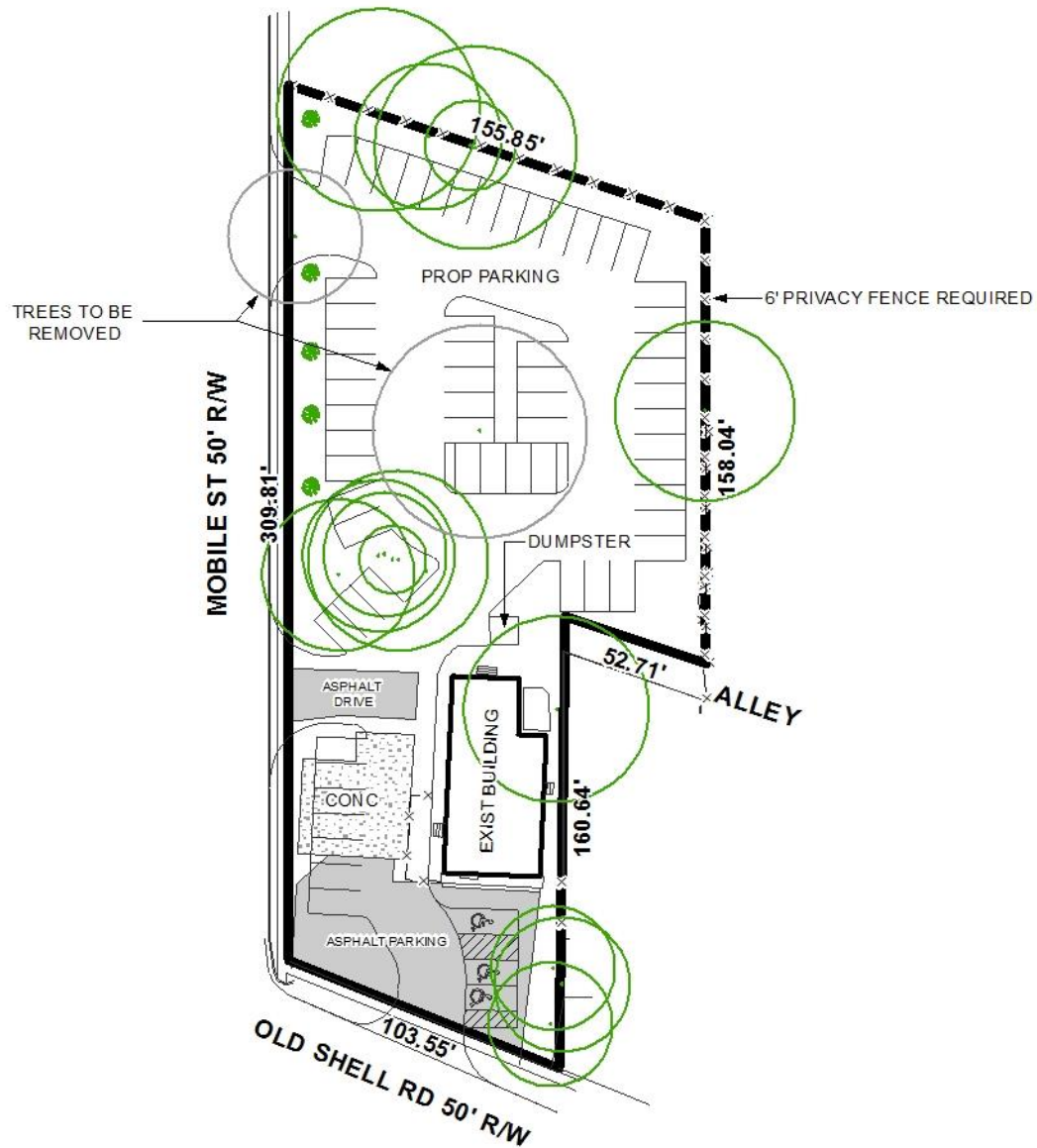
APPLICANT Winston Heights Subdivision

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





# SITE PLAN

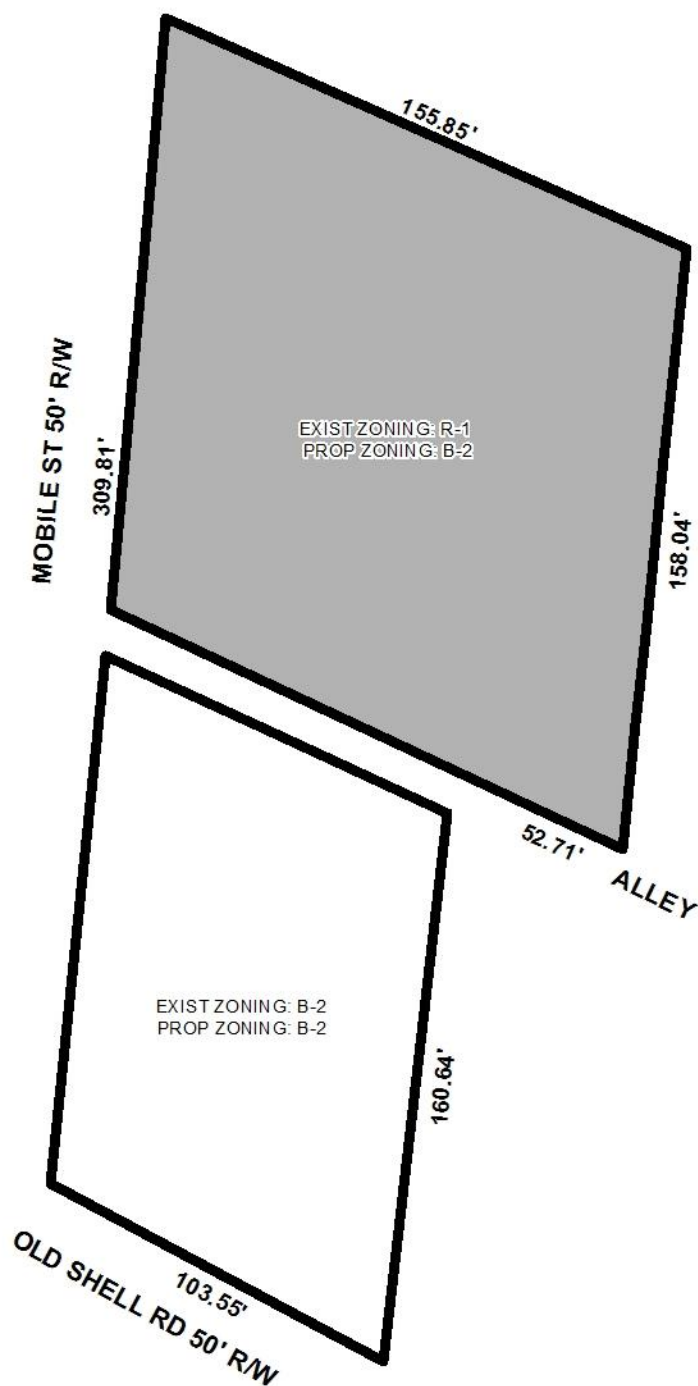


The site plan illustrates the existing building, existing drive, required fence, and proposed parking.

APPLICATION NUMBER 10 DATE March 23, 2017  
 APPLICANT Winston Heights Subdivision  
 REQUEST Subdivision and Rezoning from B-2 and R-1 to B-2



# DETAIL SITE PLAN



APPLICATION NUMBER 10 DATE March 23, 2017

APPLICANT Winston Heights Subdivision

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

