ZONING AMENDMENT, PLANNED UNIT DEVELOPMENT & SUBDIVISION STAFF REPORT  

Date: February 18, 2016

NAME  
Leaf River Group

SUBDIVISION NAME  
Meridian at the Port Subdivision

LOCATION  
300 North Water Street and 305 Delchamps Drive  
(Southeast corner of Adams Street and North Water Street, extending to the Northwest corner of Congress Street and Delchamps Drive)

CITY COUNCIL DISTRICT  
District 2

PRESENT ZONING  
I-1, Light-Industry

PROPOSED ZONING  
B-4, General Business

REASON FOR REZONING  
To allow an apartment complex

AREA OF PROPERTY  
2 Lots / 3.7 ± Acres

CONTEMPLATED USE  
Subdivision approval to create 2 lots, Planned Unit Development Approval to allow multiple buildings on a single building site, and allow shared access and parking between multiple sites, and Rezoning from I-1, Light-Industry District, to B-4, General Business District, to allow an apartment complex and coffee shop. 

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
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. Dedicate the corner radius (25’ minimum or as approved by the City Engineer and Traffic Engineer) at the northeast and southeast corners of LOT 2.
C. Provide bearing and distance labels for the proposed subdivision matching the written legal description.
D. Show and label the MFFE (Minimum Finished Floor Elevation) on each lot that contains an AE, V, or X (shaded) flood zone designation.
E. Provide and label the monument set or found at each subdivision corner.
F. Provide the Surveyor’s Certificate and Signature.
G. Provide the Surveyor’s, Owner’s (notarized), Planning Commission, and Traffic Engineering signatures.
H. Show the recording information for the vacated Magnolia Street ROW.
I. 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.
J. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 30 - #69) the Lot(s) will receive the following historical credit of impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control. Coordinate with City Engineering Department staff to establish the exact amount prior to the submittal of the Land Disturbance Permit application.
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 development, unless a sidewalk waiver is approved.
M. It is recommended that the applicant provide a copy of the FINAL PLAT to the Engineering Dept. for review prior to obtaining any signatures.
N. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.

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.

**TRAFFIC ENGINEERING**
**COMMENTS** Driveway number, size, location and design are subject to the approved PUD for this site, and shall be approved by Traffic Engineering and conform to AASHTO standards. Any 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 61-929 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 2 lots, Planned Unit Development Approval to allow multiple buildings on a single building site, and allow shared access and parking between multiple sites, and Rezoning from I-1, Light-Industry District, to B-4, General Business District, to allow an apartment complex and coffee shop. Mixed-use development is allowed by right in B-4 districts.

The site is currently developed, however, the applicant intends to demolish all of the existing structures to make way for the proposed apartment complex.

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The entire site appears to be depicted as industrial on the General Land Use Component of the Comprehensive Plan, as well as by the Map for Mobile Development Areas Map. The New Plan for Mobile depicts new office/business use buildings added to the site. In all instances, the depicted use is meant to serve as a general guide, not a detailed lot and district plan or mandate for development. Moreover, the generalized land use recommendations allow 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’s narrative states that the intent of rezoning from I-1, Light Industrial, to B-4, General Business, is to allow for the development of an apartment complex and an ancillary use, such as a café. Multi-family dwellings are not allowed in I-1 districts, however, they are allowed by right in B-4 districts, as is mixed use development.

The site is bounded to the North, East and South by industrially zoned properties, that are either vacant, used for retail home improvement material sales, in use by the Alabama State Port Authority for port related activities, or in use by the Alabama State Port Authority for office related activities. To the West, across Water Street, are properties in T-5.1, Mixed-Use Medium Intensity or T-6, Mixed-Use High Intensity Subdistricts of the Downtown Development District, with associated office/warehouse uses.

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. PUD approval is site plan specific, thus if any new construction is anticipated that will change an approved site plan, an application to amend an existing, approved PUD 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.
The site has frontage onto four streets: Water Street, Adams Street, Delchamps Drive and Congress Street. Water Street is a Major Street, according to the Major Street Plan component of the Comprehensive Plan, and as such, must have a minimum right-of-way width of 164 feet. The preliminary plat indicates the width of the Water Street right-of-way is sufficient. The Map for Mobile also recommends that Water Street be considered an Urban Corridor, and as such, it is recommended that new development along the corridor include elements to improve walking environment to make it more pedestrian-friendly. The other three abutting streets are considered minor streets, and as they have curb-and-gutter, should have a minimum right-of-way of 50-feet. The preliminary plat indicates that the rights-of-way for Delchamps Drive and Congress Street may be as narrow as 47.5 feet, thus dedication may be necessary if the measurements on the preliminary plat are correct.

Due to the intersection of Adams Street with Delchamps Drive, and Delchamps Drive with Congress Street, a corner radius of the lot may be required, per Section V.D.6. of the Subdivision Regulations.

The site plan provided with the application shows two proposed curb-cuts to Adams Street and two proposed curb-cuts to Water Street. No curb-cuts are depicted along either Delchamps Drive or Congress Street. Given that Planned Unit Development review is site plan specific, the site should be limited to the number of proposed curb-cuts, with the exact size, design and location to be approved by Traffic Engineering and conform with AASHTO standards.

The site plan depicts two surface parking lots containing a combined total of 63 spaces, and structured parking containing 239 spaces, for a two lot total of 302 parking spaces provided on-site. The narrative provided with the application did not include information regarding the total number of apartments, however, staff was informed that 264 units were proposed during a previous meeting with the applicant. Using the standard parking ratio of 1.5 parking spaces per dwelling unit, a total of 396 parking spaces are required for the apartments. Additional parking would be required for the ancillary use proposed for Lot 1, however, the size of that building was not provided. A parking ratio variance may be required.

The height of the proposed development was not included in the information supplied with the application. The requested B-4 district, however, has no high limit restrictions.

The apartments themselves will be located above the structured parking. The site is approximately 800 feet from the Mobile River, and is located in an AE flood zone. Because of the structured parking, all of the dwelling units will be above the minimum flood elevation for this site.

The property has an overall size of 3.7 acres. Due to the complete redevelopment of the site, full compliance with the tree and landscape requirements of the Zoning Ordinance is required. The site plan and the narrative do not include any quantitative information regarding compliance. It should be noted, however, that the B-4 district allows 100 percent site coverage. Coordination with Planning and Urban Forestry staff may be necessary to determine site compliance requirements.
The site does appear to have two live oak trees along the Water Street frontage. If these trees are on private property and larger than 24 inches in diameter, and removal is desired as part of the redevelopment of the site, a tree removal permit will be required. If the trees are within the right-of-way of Water Street, an application to the Mobile Tree Commission will be required if removal is desired, regardless of their size.

Sidewalks are not depicted on the site plan, however, sidewalks are required along all street frontages. Therefore, the site plan should be revised to show existing or new sidewalks along all street frontages.

There are numerous existing curb-cuts for the site. Any curb-cut not associated with the redevelopment should be removed, and the right-of-way restored.

The 25-foot minimum building setback line required by the Subdivision Regulations is not depicted on the preliminary plat, however, the B-4 zoning district does not require any setback. Therefore, Section V.D.9. of the Subdivision Regulations should be waived to allow the prevailing B-4 zero-foot setback to apply.

Dumpsters are not depicted on the site plan, however, trash collection areas are shown within the structured parking area.

No fencing is depicted on the site plan. If perimeter fencing is anticipated, the site plan should be revised to depict the fencing. If the fence will include gates for access to the parking areas, the gate design and location must be coordinated with city staff prior to implementation.

Finally, since the site will have more than 25 surface parking spaces, full compliance with Section 64-6.A.8. of the Zoning Ordinance will be required.

**RECOMMENDATION**

**Subdivision:** With a waiver of Section V.D.9., the Subdivision request is recommended for Tentative Approval, subject to the following conditions:

1) Placement of a note on the final plat stating that Lots 1 and 2 are limited to a combined total of two curb-cuts to Water Street and two curb-cuts to Adams Street, with the exact size, design and location to be approved by Traffic Engineering and comply with AASHTO standards;
2) Confirmation of the existing right-of-way widths for all abutting minor streets (not Water Street) and, if less than 50 feet, dedication of right-of-way sufficient to provide 25-feet from centerline;
3) Provision of corner radii for Lot 2, in compliance with Section V.D.6. of the Subdivision Regulations;
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. Dedicate the corner radius (25’ minimum or as approved by the City Engineer and Traffic Engineer) at the northeast and southeast corners of LOT 2. C. Provide bearing and distance labels for the proposed subdivision matching the written legal description. D. Show and label the MFFE (Minimum Finished Floor Elevation) on each lot that contains an AE, V, or X (shaded) flood zone designation. E. Provide and label the monument set or found at each subdivision corner. F. Provide the Surveyor’s Certificate and Signature. G. Provide the Surveyor’s, Owner’s (notarized), Planning Commission, and Traffic Engineering signatures. H. Show the recording information for the vacated Magnolia Street ROW. I. 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. J. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 30 - #69) the Lot(s) will receive the following historical credit of impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control. Coordinate with City Engineering Department staff to establish the exact amount prior to the submittal of the Land Disturbance Permit application. 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 development, unless a sidewalk waiver is approved. M. It is recommended that the applicant provide a copy of the FINAL PLAT to the Engineering Dept. for review prior to obtaining any signatures. N. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature. 

5) Compliance with Traffic Engineering comments (Driveway number, size, location and design are subject to the approved PUD for this site, and shall be approved by Traffic Engineering and conform to AASHTO standards. Any 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 61-929 and City Code Chapters 57 and 64.);

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));

8) Provision of a revised PUD site plan prior to the signing of the final plat; and

9) Completion of the Subdivision process prior to any requests for permits associated with new building construction (permits for demolition and land disturbance are allowed).

Planned Unit Development: The PUD request is recommended for Approval, subject to the following conditions:
1) Submission of a parking ratio variance request or coordination with staff regarding parking deficit issues;

2) If removal of the two existing live oaks on or adjacent to the site are proposed, the submission of an application to Urban Forestry or the Mobile Tree Commission, as appropriate;

3) Revision of the site plan to depict sidewalks along all abutting streets;

4) Full compliance with Section 64-6.A.8. of the Zoning Ordinance regarding lighting;

5) Revision of the site plan to depict compliance with the tree and landscaping requirements of the Zoning Ordinance, to be coordinated with staff;

6) Revision of the site plan to depict any proposed perimeter fencing and, if gates for parking areas are proposed, coordination with City staff regarding the location and design of the gates;

7) Removal of all unused curb-cuts and restoration of the right-of-way at these locations;

8) Compliance with Engineering comments (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.);

9) Compliance with Traffic Engineering comments (Driveway number, size, location and design are subject to the approved PUD for this site, and shall be approved by Traffic Engineering and conform to AASHTO standards. Any 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.);

10) 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 61-929 and City Code Chapters 57 and 64).);

11) 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));

12) Provision of a revised PUD site plan prior to the signing of the final plat; and
13) Completion of the Subdivision process prior to any requests for permits associated with new building construction (permits for demolition and land disturbance are allowed).

**Rezoning:** The rezoning requests are recommended for Approval, subject to the following conditions:

1) Limited to an approved Planned Unit Development;
2) Completion of the Subdivision process; and
3) Full compliance with all other municipal codes and ordinances.
APPLICATION NUMBER  21  DATE  February 18, 2016
APPLICANT  Meridian at the Port Subdivision
REQUEST  Subdivision, PUD, Rezoning from I-1 to B-4
The site is surrounded by commercial units.

APPLICATION NUMBER ______ 21 __________ DATE February 18, 2016
APPLICANT _______ Meridian at the Port Subdivision
REQUEST _______ Subdivision, PUD, Rezoning from I-1 to B-4
The site is surrounded by commercial units.

APPLICATION NUMBER _____ 21 _____ DATE February 18, 2016
APPLICANT __________ Meridian at the Port Subdivision
REQUEST _______ Subdivision, PUD, Rezoning from I-1 to B-4
The site plan illustrates the proposed parking, and buildings.

APPLICATION NUMBER __21___ DATE February 18, 2016
APPLICANT __________ Meridian at the Port Subdivision
REQUEST __________ Subdivision, PUD, Rezoning from I-1 to B-4
APPLICATION NUMBER 21  DATE February 18, 2016
APPLICANT Meridian at the Port Subdivision
REQUEST Subdivision, PUD, Rezoning from I-1 to B-4