

**REZONING  
& SUBDIVISION STAFF REPORT****Date: December 6, 2007****DEVELOPMENT NAME**

Sonitrol Inc.

**SUBDIVISION NAME**

Sonitrol Inc. Subdivision

**LOCATION**

11 Upham Street

**LOCATION**

(West side of Upham Street, 175'± North of Dauphin Street)

**CITY COUNCIL****DISTRICT**

City Council District 1

**PRESENT****ZONING DISTRICT**

R-1, Single-Family Residential

**PROPOSED****ZONING DISTRICT**

B-1, Buffer Business District

**AREA OF PROPERTY**

1 lot / 0.1± acres

**CONTEMPLATED USE**

Rezoning from R-1, Single-Family Residential, to B-1, Buffer Business to allow a commercial office, and Subdivision Approval to create a legal lot of record from a metes and bounds parcel. **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****FOR DEVELOPMENT**

Existing

**ENGINEERING****COMMENTS**

Must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit.

**TRAFFIC ENGINEERING****COMMENTS**

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Final approval for all driveways, proposed and existing will be given upon submittal of final plans. No detail was given to any driveway placement or dimensions. Parking shown on the drawing is below the City of Mobile standards of 9' x 18' and all the parking spaces appear to back into the right-of-way. Driveways need to be shown and should be to city standards. Changes should be made in the parking to meet city 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 must comply with the requirements of the 2003 International Fire Code, including Appendices B through D, as adopted by the City of Mobile, and the 2003 International Existing Building Code, as appropriate.

**REMARKS**

The applicant is seeking a Rezoning from R-1, Single-Family Residential, to B-1, Buffer Business to allow a commercial office, and Subdivision Approval to create a legal lot of record from a metes and bounds parcel. The site is located in Council District 1, and according to the applicant is served by city water and sanitary sewer facilities.

The site fronts Upham Street to the East, a minor street with 49' of right-of-way; the plat should be revised to provide a minimum 25' as measured from the centerline of Upham Street. To the North, the site abuts an alley with 20' of right-of-way.

The site has approximately 50' of frontage along Upham Street and 80' along the alley to the North. There is no depiction of any existing or proposed curb cuts; however, aerial photography suggests that the site is being accessed via a continuous curb cut from the alley. Typically, the site should be denied access to this alley and limited to one curb cut to Upham Street; however, as mentioned by Traffic Engineering, there does not appear to be adequate space for a driveway from Upham Street. Therefore, a note should be placed on the plat / site plan stating that the site is limited to the existing access via the alley; if and when the site is redeveloped, the continuous curb cut to the alley will be removed, and an appropriate curb cut on Upham Street will be provided.

The proposed lot is substandard with regard to lot size; however, given the age of the parcel and its limitation to expand, a waiver of Section V.D.2. of the Subdivision Regulations may be appropriate. Additionally, the lot square footage should be illustrated on the final plat.

As proposed, the site does not reflect an adequate radius where Upham Street intersects the alley to the North. The applicant should revise the plat to comply with Section V.B.16. of the Subdivision Regulations.

There is no depiction of the minimum building setback line on the plat. While the existing structure is located within this setback, any new or redevelopment of the site will be required full compliance; thus, the plat should be revised to illustrate a 25' minimum building setback line from Upham Street.

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.

The Zoning Ordinance states that an amendment is to be made only when one or more of the following conditions prevail: there is a manifest error in the ordinance; changes in conditions in a particular area make a change in the ordinance necessary and desirable; an increased need for business or industrial sites in addition to sites that are available make it necessary and desirable to rezone an area or extend the boundaries of an existing district; the subdivision of land into urban building sites makes reclassification necessary and desirable.

The applicant purchased the site in question in 1992, at which time it was used as a dentist office. Since then, the applicant has used it as a sales office.

Given the number of existing businesses in the area, along with the history of commercial activity at the site in question, the Commission may find the property unfitting as residential. Furthermore, the property adjacent to the South of the site recently underwent a rezoning, in which the applicant also applied for B-1, Buffer Business. In that case, however, the Commission considered the fact that that all properties expansively to the West are residential in character, including the property at the intersection of Upham and Dauphin Streets to the South. Because of this, the Commission considered T-B Transitional Business zoning, rather than B-1, because of its limitations of uses, hours of operation, etc. Therefore, it is recommended that the Commission follow suit in this case as well.

The proposed parking spaces are substandard in width and appear to back into the alley. As required by Section 64-6 of the Zoning Ordinance, all parking spaces shall be a minimum 9' X 18', with maneuvering taking place entirely on-site; thus, the site plan should be revised accordingly.

There is no indication on the site plan as to the proposed location of any dumpster or other waste storage facility. The location of the storage area for the dumpster must be illustrated on the site plan and labeled, appropriately located and screened to comply with Section 64-4.D.9. of the Zoning Ordinance, as well as with all other applicable regulations. If no dumpster is to be provided, a note should be placed on the site plan stating such.

There is no depiction of the appropriate buffering where the site abuts residentially zoned property to the West; thus, the application should be revised to comply with Section 64-4. D. of the Zoning Ordinance.

Furthermore, there is no depiction of trees and landscaping, as required by Section 64-4.E. of the Zoning Ordinance; thus, the applicant should revise the application accordingly.

## **RECOMMENDATION**

**Subdivision:** With a waiver of Section V.D.2. of the Subdivision Regulations, this application is recommended for Tentative Approval, subject to the following conditions:

- 1) labeling of the lot with its size in square feet, or the provision of table on the plat with same information;
- 2) dedication of sufficient right-of-way to provide a minimum 25' as measured from the centerline of Upham Street;

- 3) placement of a note on the plat stating that the site is limited to the existing access via the alley; if and when the site is redeveloped, the continuous curb cut to the alley will be removed, and an appropriate curb cut on Upham Street will be provided;
- 4) provision of an adequate radius where Upham Street intersects the alley to the North of the site;
- 5) provision of a 25' minimum building setback line from Upham Street;
- 6) placement of a note on the plat stating that the site must be developed in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species; and
- 7) subject to Engineering comments: *(Must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit).*

**Rezoning:** Based upon the preceding, this application is NOT recommended as requested, but it may be appropriate for consideration as a T-B, Transitional Business District, subject to the following conditions:

- 1) completion of the subdivision process;
- 2) the site is limited to the existing access via the alley; if and when the site is redeveloped, the continuous curb cut to the alley will be removed, and an appropriate curb cut on Upham Street will be provided;
- 3) revision of the parking and maneuvering to comply with Section 64-6 of the Zoning Ordinance;
- 4) provision of a dumpster, in compliance with Section 64-4.D.9. of the Zoning Ordinance, or submission of documentation of private service using a can or cart;
- 5) provision of buffering from residentially zoned properties adjacent to the site;
- 6) provision of landscaping and trees, as required by Section 64-4.E. of the Zoning Ordinance; and
- 7) placement of a note on the site plan stating that the site will be developed in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.

# LOCATOR MAP



APPLICATION NUMBER 22 & 23 DATE August 7, 2008

APPLICANT Sonitol Inc. Subdivision

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



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



This site is surrounded by miscellaneous land use.

APPLICATION NUMBER 22 & 23 DATE August 7, 2008

APPLICANT Sonitol Inc. Subdivision

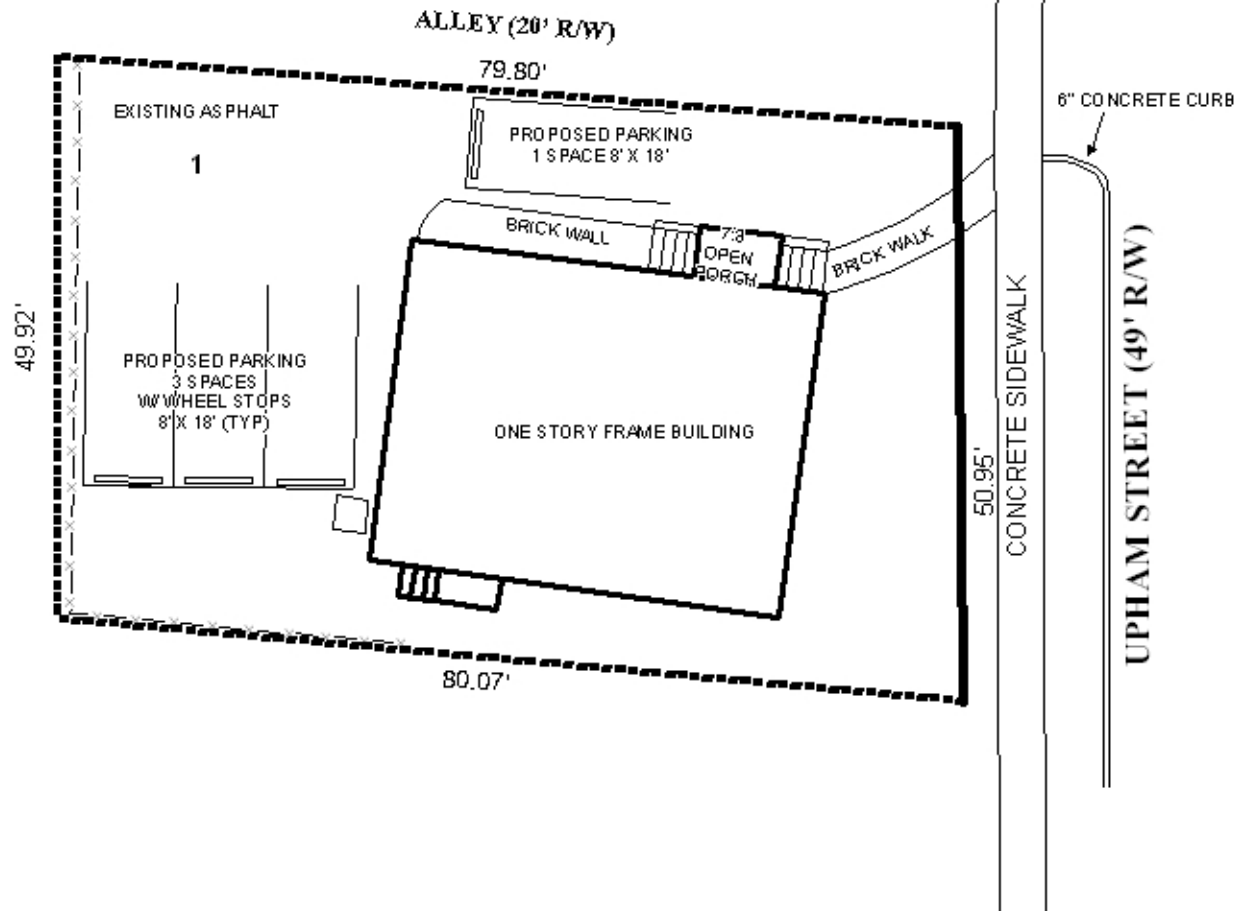
REQUEST Subdivision, Rezoning from R-1 to B-1

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
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# SITE PLAN



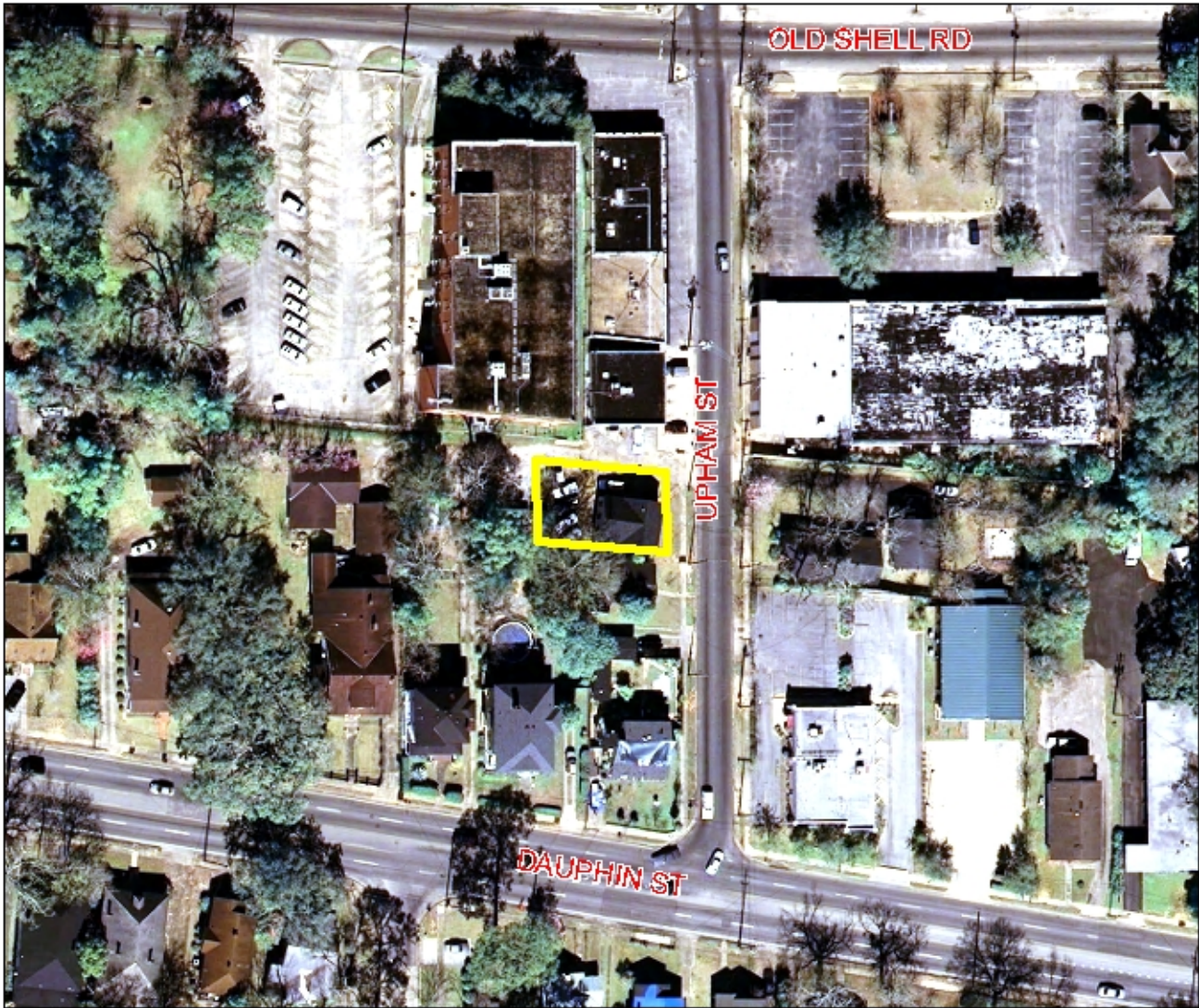
This site plan illustrates existing building and proposed parking.

APPLICATION NUMBER 22 & 23 DATE August 7, 2008  
 APPLICANT Sonitol Inc. Subdivision  
 REQUEST Subdivision, Rezoning from R-1 to B-1





## PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



This site is surrounded by miscellaneous land use.

APPLICATION NUMBER 22 & 23 DATE August 7, 2008  
APPLICANT Sonitol Inc. Subdivision  
REQUEST Subdivision, Rezoning from R-1 to B-1

