

**REZONING &
SUBDIVISION STAFF REPORT****Date: December 5, 2013****APPLICANT NAME**

Spencer Ruggs with Dunnaway Corporation

SUBDIVISION NAME

Spencer Ruggs Subdivision

LOCATION421 Holcombe Avenue
(Northeast corner of Holcombe Avenue and Granger Street)**CITY COUNCIL
DISTRICT**

District 2

PRESENT ZONING

R-1, Single-Family Residential District & B-3, Community Business District

PROPOSED ZONING

B-3, Community Business District

AREA OF PROPERTY

1 Lot / 0.9± Acre

CONTEMPLATED USE

Subdivision approval to create one legal lot of record, and rezoning approval to rezone the site from R-1, Single-Family Residential District and B-3, Community Business District, to B-3, Community Business District, to allow the use of a daycare 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.

**REASON FOR
REZONING**

To eliminate split zoning of the site.

**TIME SCHEDULE
FOR DEVELOPMENT**

Immediate.

**ENGINEERING
COMMENTS**

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

- a. Add a note to the Plat stating that a Land Disturbance permit will be required for any land disturbing activity in accordance with the of the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045), latest edition. Storm water detention may be required for any existing development

(since 1984) that did not receive Land Disturbance permitting and any future addition(s) and/or land disturbing activity.

- b. 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) will be required prior to the issuance of a Land Disturbance permit.
- c. Show and label Holcombe Ave in the vicinity map.
- d. Show and label the Holcombe Ave. ROW width along this property.
- e. Correct the spelling for the reference to “Lot 10” in the written legal description for the proposed subdivision and matching bearing and distance labels.
- f. Add a signature block for the Traffic Engineer.
- g. Provide the Surveyor’s, Owner’s (notarized), Planning Commission, and Traffic Engineering signatures.
- h. Add a note that sidewalk is required to be constructed along the frontage of each lot, or parcel, at time of development, unless a sidewalk waiver is approved.

TRAFFIC ENGINEERING

COMMENTS

Any additional development of the site will require modifications to existing curb cuts to meet city standards, with number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. At a minimum, the southern-most curb cut would need to be eliminated, and the two remaining either designed as a pair of one-way driveways, or limited to one curb cut meeting 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).

Full compliance with frontage tree requirements of the Zoning Ordinance; numbers and locations of tree to be planted shall be coordinated with Urban Forestry.

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.

REMARKS

The applicant is requesting subdivision approval to create one legal lot of record, and rezoning approval to rezone the site from R-1, Single-Family Residential District and B-3, Community Business District, to B-3, Community Business District, to allow the use of a daycare and eliminate split zoning.

The site is shown as commercial 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's justification for the proposed rezoning is to eliminate split zoning of the site. Although the applicant does not reference any of the conditions above, condition #4 would be most appropriate.

The site is bounded on the Eastern and Northern sides by B-3, Community Business. The Western boundary fronts Holcombe Avenue, but on the opposite side of the street is R-1, Single-Family Residential. It should be pointed out, however, that the property along the frontage of Holcombe Avenue appears to be developed commercially. The Southern boundary fronts Granger Street and on the opposite side of the Granger Street are properties zoned B-2, Neighborhood Business; B-1, Buffer Business; and R-1, Single-Family Residential.

The site plan does not illustrate landscaping throughout the site nor does it depict a table or graphic or a note of the requirement of frontage trees and landscaping requirements as required by the Zoning Ordinance. Also, it should be noted that since the site abuts R-1, Single-Family Residentially zoned property to the south, a 3' high buffer (evergreen hedge or brickwall) should be illustrated on the site plan along the southern lot line, per Section 64-6.A.3.i. of the Zoning Ordinance and a 6' high wooden privacy fence is required on the east side, abutting the residential use.

It should be pointed out that there is no dumpster labeled on the site plan. The site plan should be revised to illustrate the location of a dumpster in compliance with Section 64-4.D.9. of the Zoning Ordinance or a note stating that waste removal will be via curb-side pick-up.

Also, it should be noted that any new lighting on the site will have to comply with the requirements of Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance. A note reflecting this requirement should appear on the site plan, if approved.

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.

The purpose of the subdivision request is to create 1 legal lot of record by combining 4 legal lots and a portion of 2 legal lots. The preliminary plat illustrates the proposed 0.91 ± acre, 1-lot subdivision and the applicant states that the subdivision is served by both city water and city sewer.

In accordance with the Subdivision Regulations, the proposed lot is compliant with the minimum size requirements. The 25' minimum building setback line is illustrated along Holcombe Avenue, but should also be illustrated for Granger Street. If approved, the Final Plat should be revised to illustrate the 25' minimum building setback line along Granger Street and retained for Holcombe Avenue. The lot size in square feet and a corner radius dedication is illustrated on the preliminary plat and should be retained on the Final Plat, if approved.

As the site is already commercially developed, it should be noted that the existing structure is not compliant with the 25' minimum building setback along Granger Street. As a result, any new building construction will have to comply with all setbacks. A note reflecting this requirement should appear on the Final Plat, if approved.

The site has frontage along Holcombe Avenue, a major road and Granger Street, a minor street. The right-of-way for both streets is compliant and no dedication will be needed. It should be pointed out though, that the preliminary plat illustrates a varying right-of-way for Holcombe Avenue. If approved, the Final Plat should be revised to illustrate the minimum right-of-way for Holcombe Avenue adjacent to the site.

The site currently has three curb-cuts along Holcombe Avenue and one curb-cut along Granger 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.

RECOMMENDATION

Subdivision: Based on the preceding, the application is recommended for tentative approval, subject to the following conditions:

- 1) Illustration of the 25' minimum building setback line along Granger Street and retained along Holcombe Avenue on the Final Plat;
- 2) Retention of the lot size information on the Final Plat;
- 3) Dedication of a corner radius, as proposed;
- 4) Placement of a note on the Final Plat stating that any new building construction will have to comply with all setbacks;
- 5) Depiction of the minimum right-of-way for Holcombe Avenue, adjacent to the site, on the Final Plat;
- 6) Placement of a note 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;

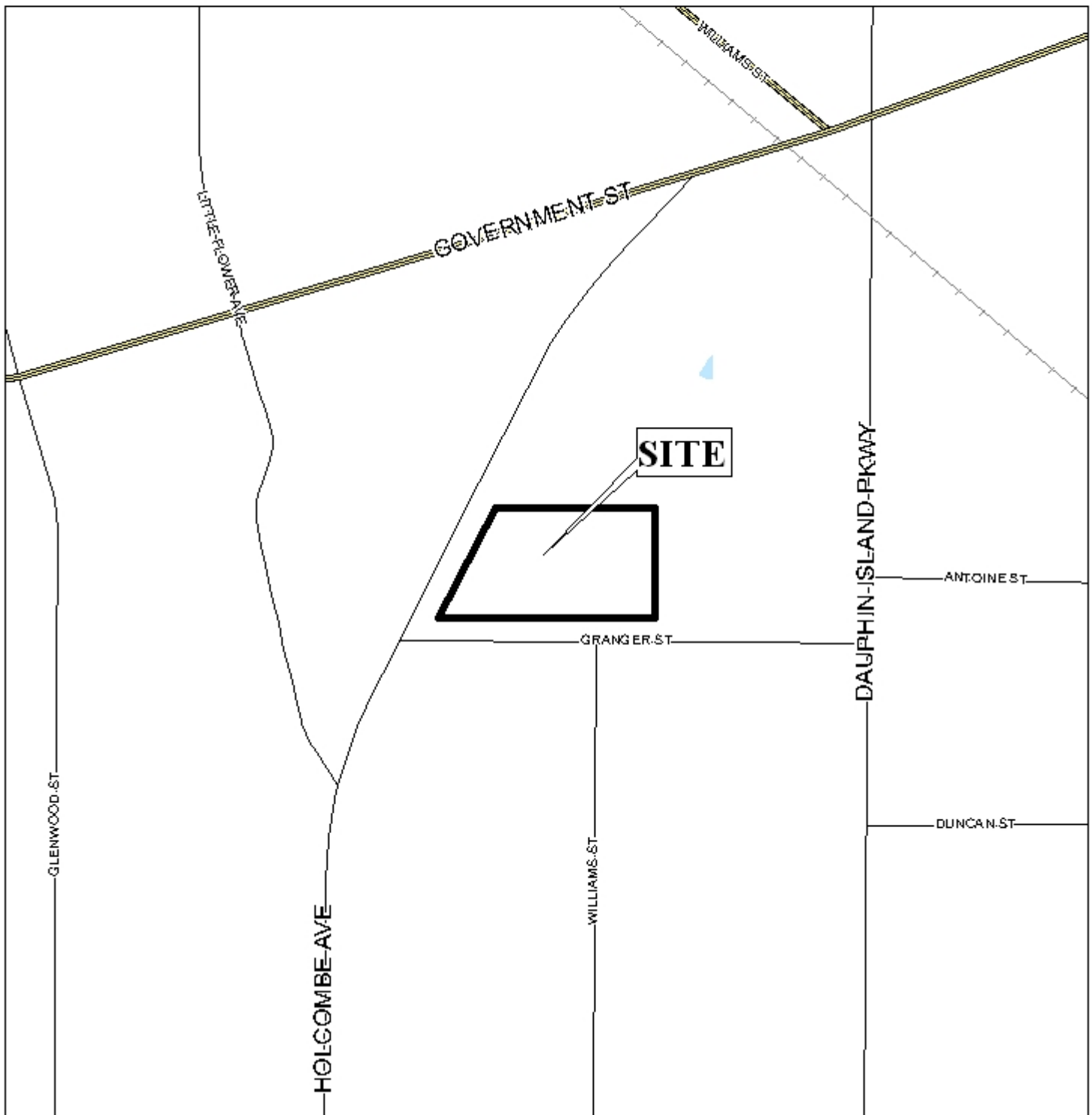
- 7) Placement of a note on the Final Plat stating: *(Development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species);*
- 8) Compliance with Engineering Comments: *(The following comments should be addressed prior to acceptance and signature by the City Engineer: a. Add a note to the Plat stating that a Land Disturbance permit will be required for any land disturbing activity in accordance with the of the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045), latest edition. Storm water detention may be required for any existing development (since 1984) that did not receive Land Disturbance permitting and any future addition(s) and/or land disturbing activity. b. 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) will be required prior to the issuance of a Land Disturbance permit. c. Show and label Holcombe Ave in the vicinity map. d. Show and label the Holcombe Ave. ROW width along this property. e. Correct the spelling for the reference to "Lot 10" in the written legal description for the proposed subdivision and matching bearing and distance labels. f. Add a signature block for the Traffic Engineer. g. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. h. Add a note that sidewalk is required to be constructed along the frontage of each lot, or parcel, at time of development, unless a sidewalk waiver is approved.);*
- 9) Compliance with Traffic Engineering Comments: *(Any additional development of the site will require modifications to existing curb cuts to meet city standards, with number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. At a minimum, the southern-most curb cut would need to be eliminated, and the two remaining either designed as a pair of one-way driveways, or limited to one curb cut meeting city standards.);*
- 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). Full compliance with frontage tree requirements of the Zoning Ordinance; numbers and locations of tree to be planted shall be coordinated with Urban Forestry.);*
- 11) Compliance with 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.);*
- 12) Completion of the rezoning process; and
- 13) Full compliance with all other municipal codes and ordinances.

Rezoning Based on the preceding, the Rezoning request to B-3, Community Business District is recommended for tentative approval, subject to the following conditions:

- 1) Provision of a hedge or wall 3' tall buffer along the site's southern boundary where the site abuts existing R-1, Single-Family Residentially zoned property as required by Section 64-6.A.3.i.;
- 2) Revision of the site plan to depict a 6' high wooden privacy fence along the site's eastern boundary;

- 3) Revision of the site plan to quantify/show existing landscaping and trees and compliance with Urban Forestry comments;
- 4) Revision of the site plan to illustrate the location of a dumpster in compliance with Section 64-4.D.9. of the Zoning Ordinance;
- 5) Placement of a note on the site plan stating any new lighting on the site will have to comply with the requirements of Sections 64-4.A.2. and 64-6.A.3.c. of the 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). Full compliance with frontage tree requirements of the Zoning Ordinance; numbers and locations of tree to be planted shall be coordinated with Urban Forestry.);*
- 7) Compliance with Traffic Engineering Comments: *(Any additional development of the site will require modifications to existing curb cuts to meet city standards, with number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. At a minimum, the southern-most curb cut would need to be eliminated, and the two remaining either designed as a pair of one-way driveways, or limited to one curb cut meeting city standards.);*
- 8) Compliance with 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.);*
- 9) Completion of the Subdivision process; and
- 10) Full compliance with all other municipal codes and ordinances.

LOCATOR MAP



APPLICATION NUMBER 22 & 23 DATE December 5, 2013

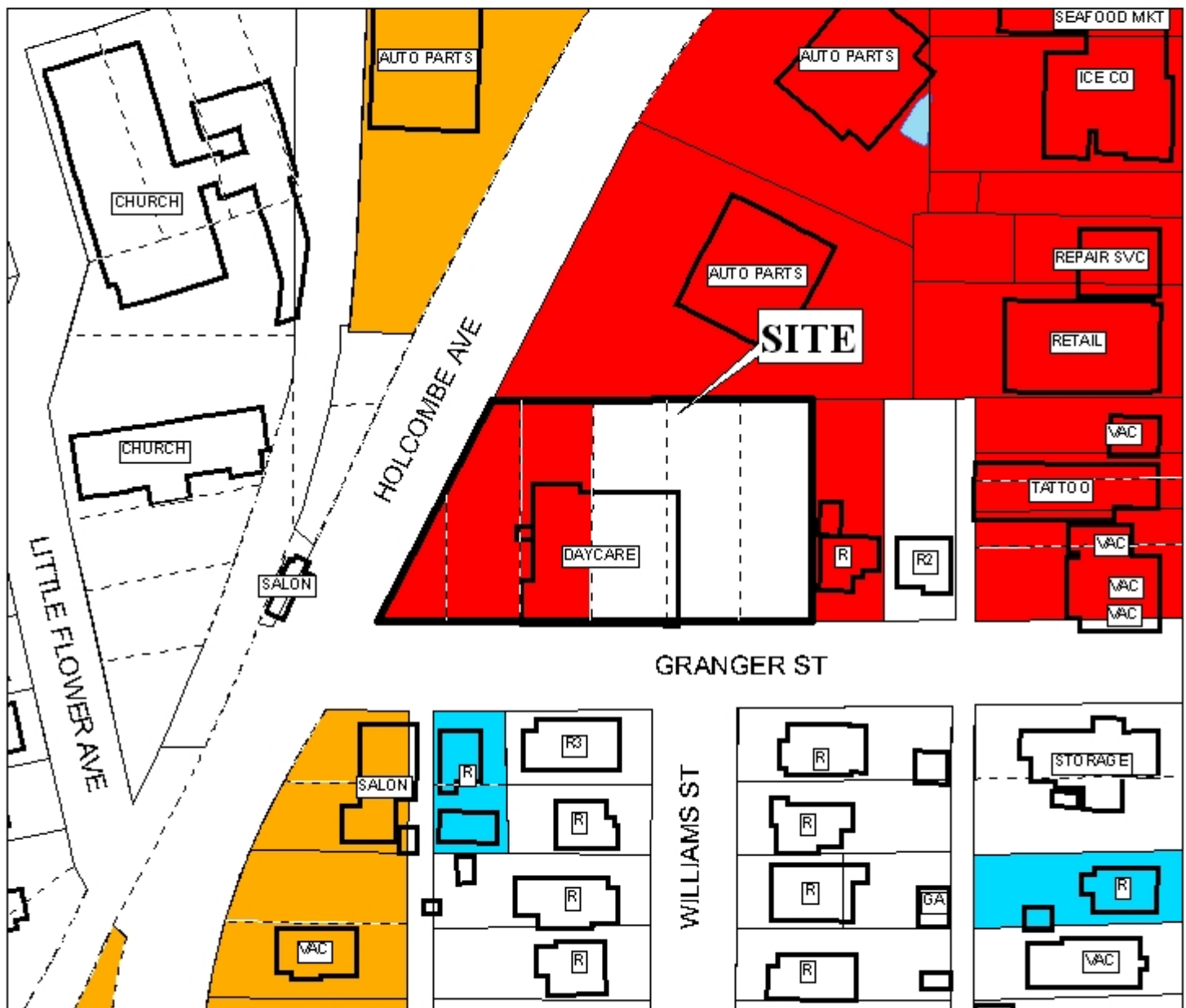
APPLICANT Spencer Ruggs w/ Dunnaway Corporation

REQUEST Subdivision, Rezoning from R-1 and B-3 to B-3



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by miscellaneous land use.

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REQUEST Subdivision, Rezoning from R-1 and B-3 to B-3

LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	T-B	B-1	B-2	B-3	B-4	B-5	I-1	I-2
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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by miscellaneous land use.

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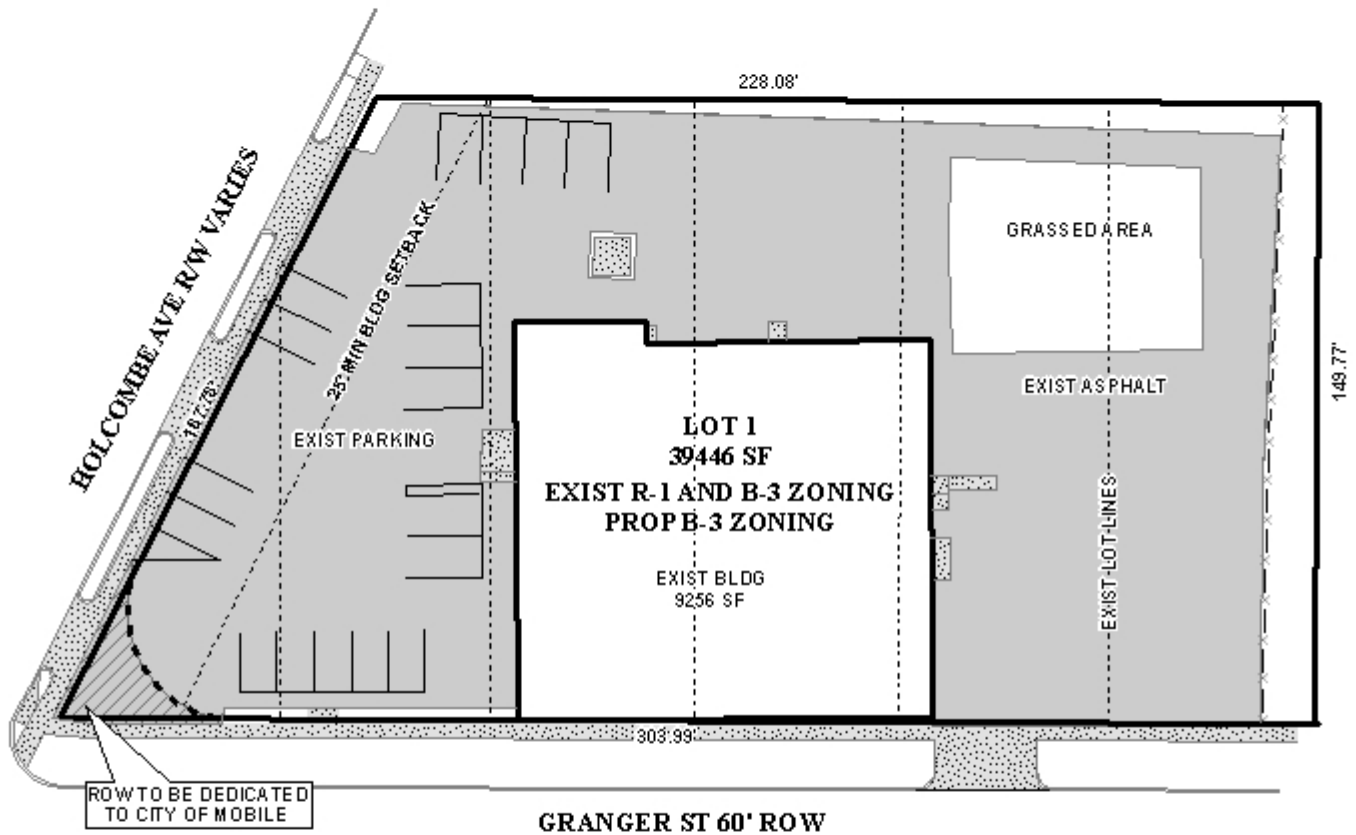
APPLICANT Spencer Ruggs w/ Dunnaway Corporation

REQUEST Subdivision, Rezoning from R-1 and B-3 to B-3



NTS

SITE PLAN



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

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