

ZONING AMENDMENT,
PLANNED UNIT DEVELOPMENT &
SUBDIVISION STAFF REPORT

Date: August 17, 2006

<u>NAME</u>	James McAleer
<u>SUBDIVISION NAME</u>	J and D Subdivision
<u>LOCATION</u>	3305 Spring Hill Avenue (East side of Ingate Street, extending from Spring Hill Avenue to Old Carline Street)
<u>CITY COUNCIL DISTRICT</u>	District 1
<u>PRESENT ZONING</u>	B-1, Buffer Business, and B-3, Community Business
<u>PROPOSED ZONING</u>	B-3, Community Business
<u>AREA OF PROPERTY</u>	1 lot / 1.6 ± Acres
<u>CONTEMPLATED USE</u>	<p>Subdivision approval to create one lot, Planned Unit Development Approval to allow two buildings on a single building site, and Rezoning from B-1, Buffer Business, and B-3, Community Business, to B-3, Community Business, to eliminate split zoning in a proposed commercial subdivision.</p> <p>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.</p>
<u>TIME SCHEDULE FOR DEVELOPMENT</u>	Immediate
<u>ENGINEERING COMMENTS</u>	<p>Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit. The applicant is responsible for verifying if the site contains wetlands. The site can be checked against the National Wetlands Inventory on the COM web site Environmental Viewer. If the site is included on the NWI, it is the applicant's responsibility to confirm or deny the existence of regulatory wetlands.</p>

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).

Tree removal permit is required to remove Live Oak Trees 24" and Larger.

FIRE DEPARTMENT**COMMENTS**

All commercial projects shall comply with the 2003 International Fire Code and Appendices B through G, as adopted by the City of Mobile on July 6, 2004. All One- or Two-Family residential developments shall comply with Appendices B, C, and D of the 2003 International Fire Code, as adopted by the City of Mobile on July 6, 2004.

REMARKS

The applicant is requesting Subdivision approval to create one lot, Planned Unit Development approval to allow two buildings on a single building site, and Rezoning from B-1, Buffer Business, and B-3, Community Business, to B-3, Community Business, to eliminate split zoning in a proposed commercial subdivision. The applications will allow an existing retail office furniture / light distribution business to expand through the addition of a new 2-story, 11,330 square foot warehouse. Light furniture distribution is allowed by right in B-3 districts.

The bulk of the site was the subject of a site variance in 1997, which was approved by the Board of Adjustment. The approval permitted the construction of a 5,000 square foot addition to the existing structure, with increased site coverage and reduced setbacks. The proposed addition was never built, thus the variance expired.

The site is bounded to the South by residential properties in an R-1, Single-Family Residential District. East and West of the site are commercial uses in a B-3 district, while North, across Spring Hill Avenue, are commercial uses in an I-1, Light Industrial district. The 1.6 ± acre site in question has a small portion (approximately 3,500 square feet / 0.08 acres) zoned B-1, while the rest of the site is zoned B-3.

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 site is depicted 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.

Rezoning of the B-1 portion of the site will be necessary to remove a split-zoning condition, if the coincidental subdivision application is approved. Furthermore, the B-1 portion of the site is too small to accommodate almost any level of development, thus changing the zoning to match the bulk of the site under consideration could be considered correcting a manifest error in the Ordinance, as well as accommodating changing conditions in the area.

As stated in Section 64-5. of the Zoning Ordinance, 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 any changes to the site plan must be approved by the Planning Commission.

The proposed site/layout plan indicates that the new development will access Ingate Street, while the existing development will continue to utilize access to Spring Hill Avenue and Old Carline Street. The site currently has one curb-cut onto Ingate Street, however the size of the curb-cut is not sufficient for commercial use, and it appears to serve a graveled parking area, which does not comply with the Zoning Ordinance. A portion of the site that is proposed to contain the new warehouse facility is currently surfaced with gravel, thus it does not meet the surfacing requirements of the Zoning Ordinance for parking or loading areas.

The existing development has no on-site access from the front to the rear of the property, and the proposed new development will not facilitate movement on the site in terms of on-site circulation. Ten parking spaces are proposed, however, as part of the development, and the proposed warehouse facility will provide 7 loading door locations. It would appear that backing trucks up to the proposed loading doors will not be fully contained on the site: use of the public right-of-way may be required. All existing loading areas for the site also appear to require use of the public right-of-way by trucks to execute the turning movements necessary to access the existing building. Section 64-6.B.2. of the Zoning Ordinance states: *“access, maneuvering area, ramps and other appurtenances shall be furnished off the street right-of-way and so arranged that vehicles are not required to back from the street into the area, nor required to back from the area into the street.”* While application of this section to the existing facilities may not be required, the new construction must comply with the Ordinance requirements. A variance from these requirements may be requested via an application to the Board of Adjustment.

The proposed warehouse facility appears to be partially located within the required 25-foot setback along Old Carline Street. Since the proposed facility would be new, it must fully comply with the setback requirements. Therefore, the site plan should be revised to depict full compliance, or reduced setbacks should be requested as part of the PUD application.

It should be noted that the maximum site coverage in a B-3 district is 50%, and it appears that existing structure of 36,084 square feet may exceed this coverage (the site contains 1.63 acres, or 71,002 square feet). Thus the addition of a new two-story warehouse with a ground floor area of approximately 5,665 square feet may exacerbate the site coverage issue. The applicant may request a revision of the proposed PUD to also allow increased site coverage.

No on-site stormwater detention facilities are depicted on the site plan, however such facilities may be required due to the extent of the proposed new development. After consultation with the Engineering Department, the site plan should be revised to depict any required on-site stormwater detention facilities.

There is no indication on the site plan as to the proposed location of any dumpster or other waste storage facility. Visual inspection of the site indicates that dumpsters are located on the Southeast corner of the property, and are currently unscreened. The location of the storage area for the dumpster must be indicated on the site plan, and the location and required screening must comply Section 64-4.D.9. of the Zoning Ordinance, as well as with all other applicable regulations.

The site plan should also be revised to depict the existing parking and vehicular circulation for the remainder of the site.

As the new construction will be adjacent to existing residences, the applicant should ensure that any lighting provided on the site will comply with the Zoning Ordinance requirement that states that lighting *"shall be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic."*

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 fronts onto Spring Hill Avenue, a major street with adequate right-of-way. The site also has frontage onto Ingate and Old Carline Streets, both minor streets. The right-of-way for Ingate Street appears to be adequate, but the right-of-way for Old Carline Street varies, and may be inadequate for a street which appears to lack curb and gutter. Therefore, the plat and site plan should be revised to provide a minimum width of 30 feet from the centerline of the Old Carline Street right-of-way, as required in Section V.B.14. of the Subdivision Regulations.

The site has property lines at two street intersection corners. Section V.D.6. of the Subdivision Regulations requires that *"property lines at street intersection corners shall be arcs having radii*

of at least 10 feet or shall be chords of such arcs.” The plat and site plan should be revised to reflect this requirement at both the Ingate Street/Spring Hill Avenue intersection, and the Ingate Street/Old Carline Street intersection.

The 25-foot minimum building setback line, required in Section V.D.9. of the Subdivision Regulations is not shown on the plat, however it is depicted on the site plan. Due to the street right-of-way dedication and the intersection curb radii requirements previously stated, the minimum building setback line should be revised to reflect these requirements, and should be depicted on both the site plan and the plat.

RECOMMENDATION

Rezoning: The rezoning request is recommended for holdover until the September 21st meeting, with revisions due to Urban Development by August 29th, for the following reasons: 1) revision of the site plan to provide maneuvering and access in compliance with Section 64-6.B.2. of the Zoning Ordinance; 2) revision of the site plan to depict new construction fully within the required 25-foot minimum building setback line; 3) amendment of the PUD request to allow increased site coverage to accommodate the existing and proposed development; 4) consultation with Engineering Department, and revision of the site plan to depict required stormwater detention facilities; 5) revision of the site plan to depict existing and proposed dumpster storage locations, in compliance with Section 64-4.D.9. of the Zoning Ordinance; 6) revision of the site plan to depict existing and proposed parking and on-site circulation; 7) placement of a note on the site plan stating that lighting shall be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic; 8) revision of the site plan and plat to provide a minimum right-of-way width of 30 feet, as measured from the centerline for Old Carline Street, in compliance with Section V.B.14. of the Subdivision Regulations; 9) revision of the site plan and plat to provide the appropriate radii at the street intersection corners, in compliance with Section V.D.6. of the Subdivision Regulations; and 10) revision of the site plan and plat to depict the 25-foot minimum building setback line for the entire site, adjusted as necessary to accommodate the right-of-way dedication for Old Carline Street, in compliance with Section V.D.9. of the Subdivision Regulations.

Planned Unit Development: The PUD request is recommended for holdover until the September 21st meeting, with revisions due to Urban Development by August 29th, for the following reasons: 1) revision of the site plan to provide maneuvering and access in compliance with Section 64-6.B.2. of the Zoning Ordinance; 2) revision of the site plan to depict new construction fully within the required 25-foot minimum building setback line; 3) amendment of the PUD request to allow increased site coverage to accommodate the existing and proposed development; 4) consultation with Engineering Department, and revision of the site plan to depict required stormwater detention facilities; 5) revision of the site plan to depict existing and proposed dumpster storage locations, in compliance with Section 64-4.D.9. of the Zoning Ordinance; 6) revision of the site plan to depict existing and proposed parking and on-site circulation; 7) placement of a note on the site plan stating that lighting shall be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic; 8) revision of the site plan and plat to provide a minimum right-of-way width of 30 feet, as measured from the centerline for Old Carline Street, in compliance with Section V.B.14. of the Subdivision Regulations; 9) revision of the site plan and plat to provide the appropriate radii at the street intersection corners, in compliance with

Section V.D.6. of the Subdivision Regulations; and 10) revision of the site plan and plat to depict the 25-foot minimum building setback line for the entire site, adjusted as necessary to accommodate the right-of-way dedication for Old Carline Street, in compliance with Section V.D.9. of the Subdivision Regulations.

Subdivision: The Subdivision request is recommended for holdover until the September 21st meeting, with revisions due to Urban Development by August 29th, for the following reasons: 1) revision of the site plan and plat to provide a minimum right-of-way width of 30 feet, as measured from the centerline for Old Carline Street, in compliance with Section V.B.14. of the Subdivision Regulations; 2) revision of the site plan and plat to provide the appropriate radii at the street intersection corners, in compliance with Section V.D.6. of the Subdivision Regulations; and 3) revision of the site plan and plat to depict the 25-foot minimum building setback line for the entire site, adjusted as necessary to accommodate the right-of-way dedication for Old Carline Street, in compliance with Section V.D.9. of the Subdivision Regulations.

LOCATOR MAP



APPLICATION NUMBER 23 & 24 & 25 DATE August, 17, 2006

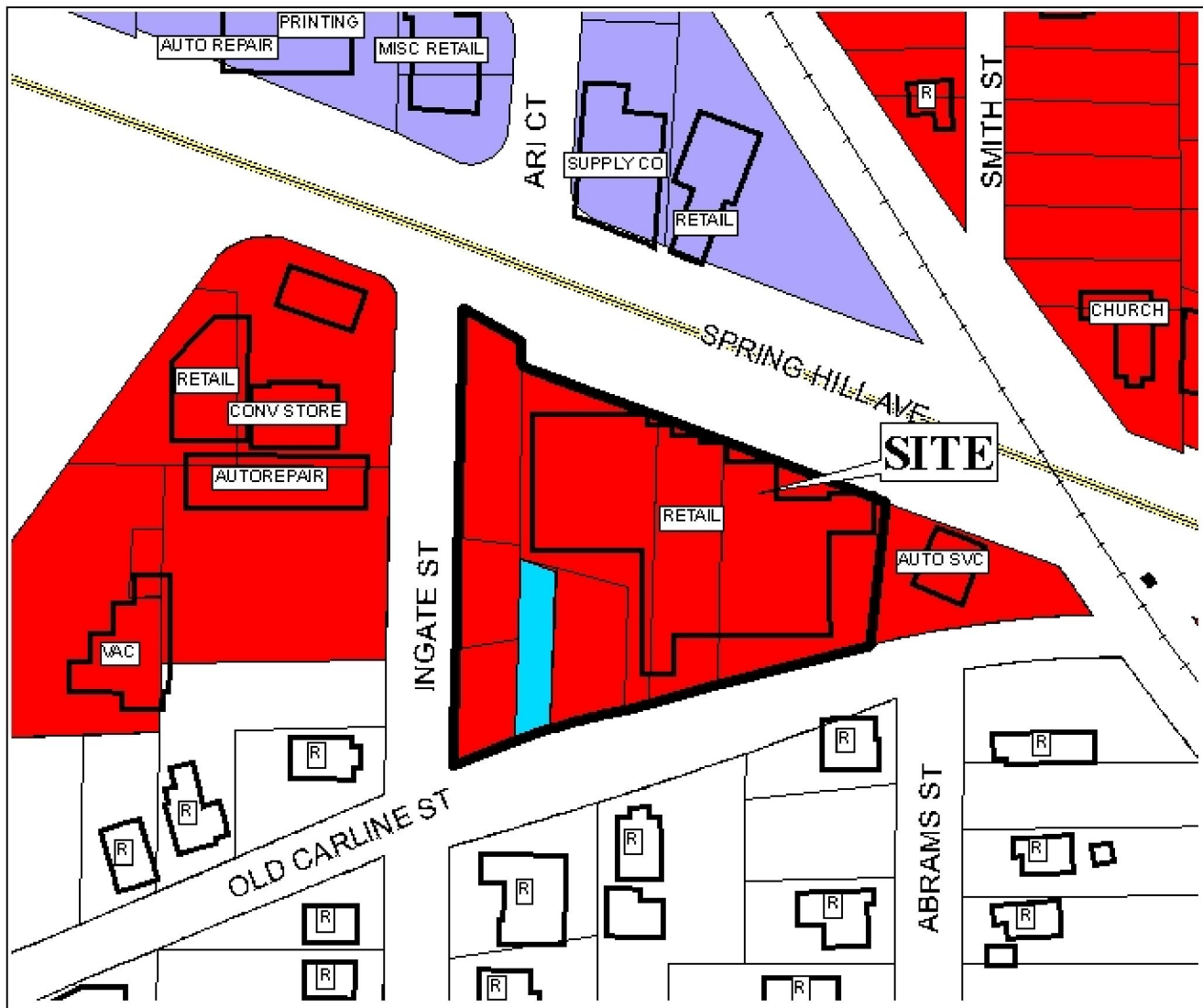
APPLICANT James McAleer

REQUEST Subdivision, Planned Unit Development, Rezoning from B-1 and B-3 to B-3



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Commercial sites are located to the north, east, and west of the site.
Single-family residential units are located to the south of the site

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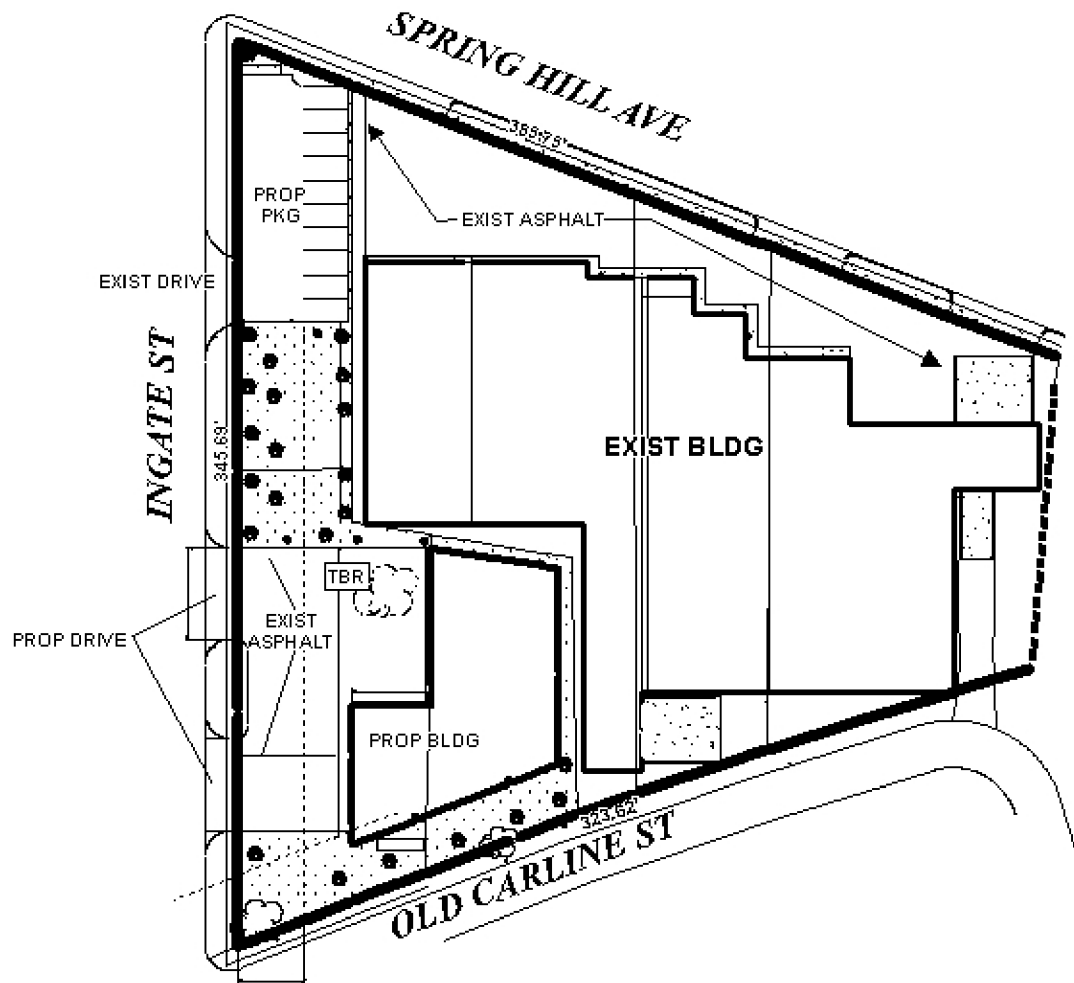
APPLICANT James McAleer

REQUEST Subdivision, Planned Unit Development, Rezoning from B-1 and B-3 to B-3

LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2	NTS
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SITE PLAN



The site plan illustrates the existing building and parking along with the proposed building and landscaping

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NTS