

**SUBDIVISION
PLANNED UNIT DEVELOPMENT &
REZONING
STAFF REPORT**

Date: June 5, 2014

APPLICANT NAME

Gulf Creek, LLC

SUBDIVISION NAME

Calaway-Jones East Subdivision

LOCATION

Northeast corner of Garmons Lane and Ebenezer Drive
extending to the East side of Demetropolis Road

**CITY COUNCIL
DISTRICT**

District 4

PRESENT ZONING

R-1, Single-family Residential District

PROPOSED ZONING

B-2, Neighborhood Business District

AREA OF PROPERTY

6 Lots / 2.3 ± Acres

CONTEMPLATED USE

Subdivision approval to create 6 legal lots of record from a
portion of 2 existing lots; Planned Unit Development
Approval to allow reduced rear yard setbacks; and
Rezoning from R-1, Single-Family Residential, to B-2,
Neighborhood Business District, to allow a retail center.

**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 allow a retail center as conditions in the area have
changed and are now more suitable for a business-type use.

**TIME SCHEDULE
FOR DEVELOPMENT**

Not specified.

ENGINEERING
COMMENTS

Subdivision: The following comments should be addressed prior to 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).
- B. Add a note to the SUBDIVISION 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 for any future addition(s) and/or land disturbing activity.
- C. 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.
- D. Provide a written legal description for the proposed subdivision and matching bearing and distance labels.
- E. Clarify that the ROW width of University Blvd is recorded in metric units.
- F. Provide and label the monument set or found at each subdivision corner.
- G. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer.
- H. Provide the Surveyor's Certificate and Signature.
- I. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
- J. 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.

Planned Unit Development:

1. Due to the proposed subdivision lots having frontage on both University Blvd. and Garmons Lane the street addresses will need to be discussed with the Engineering Department (208-6216) prior to submitting any permits.

ADD THE FOLLOWING NOTES TO THE PUD SITE PLAN:

2. 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).
3. 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.

4. Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.
5. The proposed development must comply with all Engineering Department Policy Letters.

Rezoning: No comments.

TRAFFIC ENGINEERING COMMENTS

The site is denied access to Garmons Lane. Lots 1 through 6 are limited to a total of four curb cuts to Demetropolis Road, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. All 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).

Preservation status is to be given to the 62" and 60" Live Oak Trees located on Lot 4. Any work on or under these trees is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.

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 6 legal lots of record from a portion of 2 existing lots; Planned Unit Development Approval to allow reduced rear yard setbacks; and Rezoning from R-1, Single-Family Residential, to B-2, Neighborhood Business District, to allow a retail center.

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.

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 will require approval by the Planning Commission.

The purpose of the subdivision request is to create 6 legal lots of record from 2 existing lots. The preliminary plat illustrates the proposed 2.3 ± Acre, 6-lot subdivision. The applicant states that the site will be served by both city water and sewer.

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 has stated that the reason for rezoning is that "...the conditions in this area changed when the city extended University Boulevard south of Cottage Hill Road and development of R-1 housing on a major north-south corridor is less than desirable." As such, the above condition # 2 would be most appropriate.

The site is adjacent to R-1, Single-family Residential to the North, South, and East across Garmons Lane, but to the West across Demetropolis Road is B-2, Neighborhood Business. The site is shown as Residential 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.

Although there is no minimum size for new districts, Section 64-3.A.5.b. of the Zoning Ordinance states as a guideline that new B-2 districts be a minimum of 2 acres. Individually, each proposed lot is smaller than recommended; however, collectively, all 6 proposed lots will appear to exceed the minimum 2-Acre recommendation.

In accordance with the Subdivision Regulations, all proposed lots are compliant with the minimum size requirements and the lot size in square feet is illustrated on the preliminary plat. If approved, the Final Plat should be revised to depict the lot size in square feet and acres.

The 25' minimum building setback line is depicted along Demetropolis Road; however, along Garmons Lane, at the rear of the site, a 15' rear yard setback is depicted for the proposed Lots 1-

3 and an 8' rear street yard setback for the proposed Lots 4-6. Because the site is adjacent to residentially used property to the rear, across Garmons Lane, the proposed Lots 4-6 should illustrate a minimum 10' rear yard setback, to include a 10' Residential Buffer. If a privacy 6' fence is proposed as a Residential Buffer, it should be depicted 5' from the property line rear property line along Garmons Lane.

Further, a 10' setback and Residential Buffer should be required along the Northern lot line of the proposed Lot 1 and along the Southern lot line of the proposed Lot 6, where the site abuts residentially used property. A revised site plan should depict the required buffer compliance.

All 6 proposed lots would be considered double-frontage lots as the site fronts both Demetropolis Road and Garmons Lane, which would require a waiver of Section V.D.8. of the Subdivision Regulations for approval. Demetropolis Road, a planned major street as defined in the Major Street Plan component of the Comprehensive Plan, requires a 100' right-of-way; however, the existing right-of-way is sufficient and, as a result no dedication is required. Garmons Lane is a minor street with curb and gutter and a compliant 50' right-of-way, and as such, no dedication would also be required. If approved, the right-of-way width for Garmons Lane should be retained on the Final Plat and site plan and revised to illustrate the minimum right-of-way for Demetropolis Road adjacent to the site in feet, not meters, as illustrated.

As a means of access management, full compliance with Traffic Engineering Comments is required. In addition, if approved, a note should be placed on the Final Plat limiting lots 1-6 to a total of 4 curb-cuts to Demetropolis Road, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.

Although the applicant has requested reduced setbacks, it should be pointed out that there is no PUD request for shared access as the proposed Lots 3-4 and 5-6 will share a curb-cut to Demetropolis Road. As a result, the Commission should note that the applicant is also requesting shared access.

It should be noted that there appear to be several deficiencies on the site plan which impact the PUD aspect of the applications. The site plan does not indicate:

- 1) A 10' residential buffer in compliance with Section 64-4.D. of the Zoning Ordinance;
- 2) Tree and Landscaping in compliance with Section 64-4.E. of the Zoning Ordinance;
- 3) Dumpster(s) in compliance with Section 64-4.D.9. of the Zoning Ordinance or a note stating garbage collection will be via curb-side pick-up;
- 4) Proposed lighting in compliance with Sections 64-4.A.2., 64-6.A.3.c., and 64-6.A.8. of the Zoning Ordinance;
- 5) Any proposed signage information to include freestanding and monument sign structures;
- 6) A sidewalk along Garmons Lane or the provision of a Sidewalk Waiver request; and
- 7) Proposed onsite traffic circulation or accessible parking spaces, curbing or bumper stops.

A revised site plan should be submitted to reflect the above deficiencies.

The site plan provides a chart in reference to the proposed landscaping; however, the site plan should be revised to illustrate and quantify full compliance with the tree and landscaping

requirements of Section 64-4.E. of the Zoning Ordinance. Compliance with Urban Forestry comments is also required.

Although the site plan illustrates parking spaces for each proposed lot, Staff could only verify the proposed parking at a ratio of 1 space per 300 square feet (1:300) for retail/office uses. Any proposed restaurant or any other uses which would require a parking ratio of higher than 1:300 would require a revised site plan for staff to verify if parking is compliant.

It should be pointed out that no accessible spaces or accessible routes are depicted on the site plan. The building code (and Americans with Disabilities Act (ADA)) requires a certain percentage of parking spaces to be accessible parking spaces with one of every 6 accessible parking spaces being van accessible parking spaces according to the applicable building code section 1106 (and 2010 ADA Standards for Accessible Design). Although the Planning Section does not enforce accessible parking or ADA, certain aspects of ADA do impact site design, and as PUDs are site plan specific, a revised PUD site plan should depict design compliance with the requirements of the building code (ADA).

Any new lighting on the site will have to comply with the requirements of Sections 64-4.A.2., 64-6.A.3.c., and 64-6.A.8. of the Zoning Ordinance. A note reflecting this requirement should appear on the site plan, and photometric plans will be required at the time of permitting due to the overall PUD having more than 25 spaces.

It should be pointed out that property owners in the vicinity have shown interest in and concern over the development of this site. As such, Staff recommends full commercial compliance to include a compliant residential buffer and photometric plans to ensure light pollution is at a minimum and not an issue for nearby residents and passerby.

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.

It is important to note that the proposed Lot 1 illustrates a portion of existing fencing and a portion of an existing driveway for the adjacent residential lot to the north, which appears to have been constructed across the lot line in error. The existing fencing and driveway which was constructed across the property line into this site should be removed by the property owner to the north and a revised site plan should depict these changes.

RECOMMENDATION **Subdivision** With a waiver of Section V.D.8. of the Subdivision Regulations, the application is recommended for tentative approval, subject to the following conditions:

- 1) Revision of the Final Plat to illustrate a 10' rear street yard setback along Garmons Lane for Lots 4-6. All other setbacks should be retained;
- 2) Revision of the Final Plat to illustrate all lot sizes in square feet and acres;

- 3) Revision of the Final Plat to illustrate only the proposed development of this site, to include the removal of existing fencing and a portion of a driveway on Lot 1 by the adjacent property owner to the North;
- 4) Revision of the Final Plat to illustrate the right-of-way of Demetropolis Road in feet and retained as depicted for Garmons Lane;
- 5) Placement of a note on the Final Plat limiting lots 1-6 to a total of 4 curb-cuts to Demetropolis Road, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards;
- 6) 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.);*
- 7) Compliance with Engineering comments: *(The following comments should be addressed prior to 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). B. Add a note to the SUBDIVISION 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 for any future addition(s) and/or land disturbing activity. C. 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. D. Provide a written legal description for the proposed subdivision and matching bearing and distance labels. E. Clarify that the ROW width of University Blvd is recorded in metric units. F. Provide and label the monument set or found at each subdivision corner. G. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer. H. Provide the Surveyor's Certificate and Signature. I. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. J. 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.);*
- 8) Compliance with Traffic Engineering comments: *(The site is denied access to Garmons Lane. Lots 1 through 6 are limited to a total of four curb cuts to Demetropolis Road, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. All on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.);*
- 9) 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). Preservation status is to be given to the 62" and 60" Live Oak Trees located on Lot 4. Any work on or under these trees is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.);*
- 10) 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.);*

- 11) Completion of the Rezoning process prior to the signing of the Final Plat; and
- 12) Submission of a revised, approved PUD site plan prior to the signing of the Final Plat.

Planned Unit Development: The application is recommended for approval, subject to the following conditions:

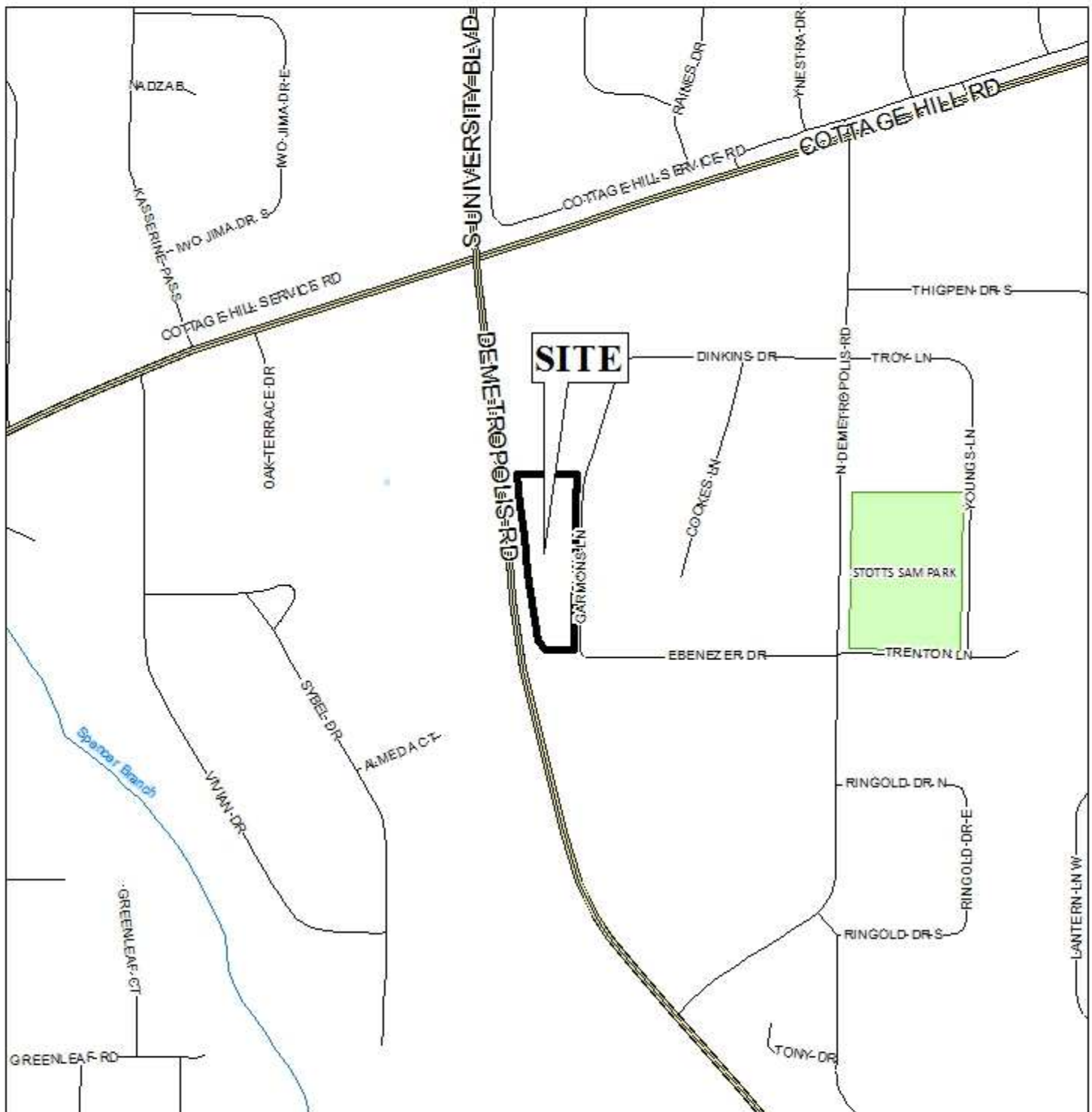
- 1) Revision of the site plan to illustrate a 10' residential buffer in compliance with Section 64-4.D. of the Zoning Ordinance where the site abuts residentially used property along the Northern lot line of Lot 1, along the rear lot lines of Lots 1-6, and along the Southern property line of Lot 6. Any 6' privacy fence proposed along Garmons Lane should be set back 5' from the property line;
- 2) Revision of the site plan to illustrate and quantify full compliance with the tree and landscaping requirements of Section 64-4.E. of the Zoning Ordinance;
- 3) Revision of the site plan to depict onsite traffic circulation and illustrate a compliant number of accessible parking spaces for all proposed lots and design compliance with the requirements of the applicable building code section 1106 (and 2010 ADA Standards for Accessible Design);
- 4) Depiction of any proposed lighting along with a note stating any new lighting on the site will have to comply with the requirements of Sections 64-4.A.2., 64-6.A.3.c., and 64-6.A.8. of the Zoning Ordinance. Photometric plans will be required at the time of permitting;
- 5) Depiction of any proposed dumpsters on the site plan in compliance with Section 64-4.D.9. of the Zoning Ordinance or placement of a note on the site plan stating that garbage collection will be via curbside pick-up;
- 6) Depiction of a sidewalk along Garmons Lane;
- 7) Compliance with Engineering comments: *(1. Due to the proposed subdivision lots having frontage on both University Blvd. and Garmons Lane the street addresses will need to be discussed with the Engineering Department (208-6216) prior to submitting any permits. ADD THE FOLLOWING NOTES TO THE PUD SITE PLAN: 2. 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). 3. 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. 4. Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. 5. The proposed development must comply with all Engineering Department Policy Letters.);*

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- 10) 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.);*
- 11) Revision of layout, if necessary, to reflect Engineering, Traffic Engineering, Urban Forestry, and Fire Department comments;
- 12) Submission of a revised PUD site plan prior to the signing of the Final Plat;
- 13) Development limited to retail, office, and food uses with a parking ratio of 1 parking space per 300 square feet; and
- 14) Full compliance with all other Municipal codes and ordinances.

Rezoning Based upon the preceding, the Rezoning request from R-1, Single-family Residential District to B-2, Neighborhood Business District, is recommended for approval, subject to the following conditions:

- 1) Completion of the Subdivision process;
- 2) Limited to an approved PUD; and
- 3) Full compliance with all other municipal codes and ordinances.

LOCATOR MAP



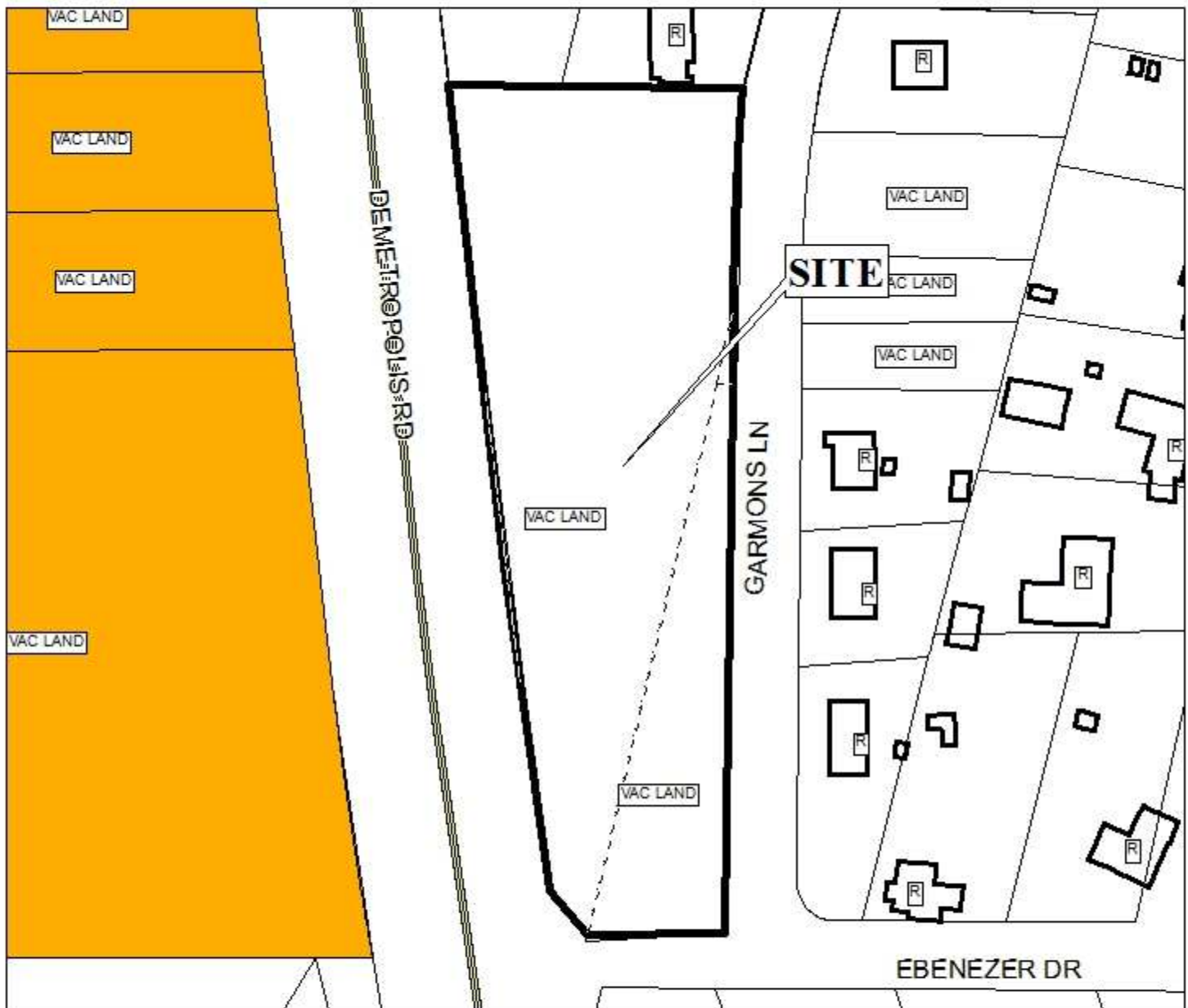
APPLICATION NUMBER 24, 25 & 26 DATE June 5, 2014

APPLICANT Calway-Jones East Subdivision

REQUEST Subdivision, PUD, Rezoning from R-1 to B-2



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



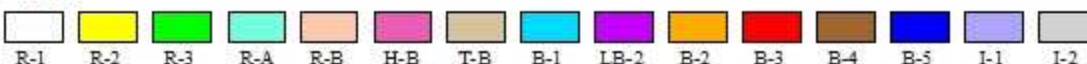
The site is surrounded by single family residential units.

APPLICATION NUMBER 24, 25 & 26 DATE June 5, 2014

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LEGEND



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential units.

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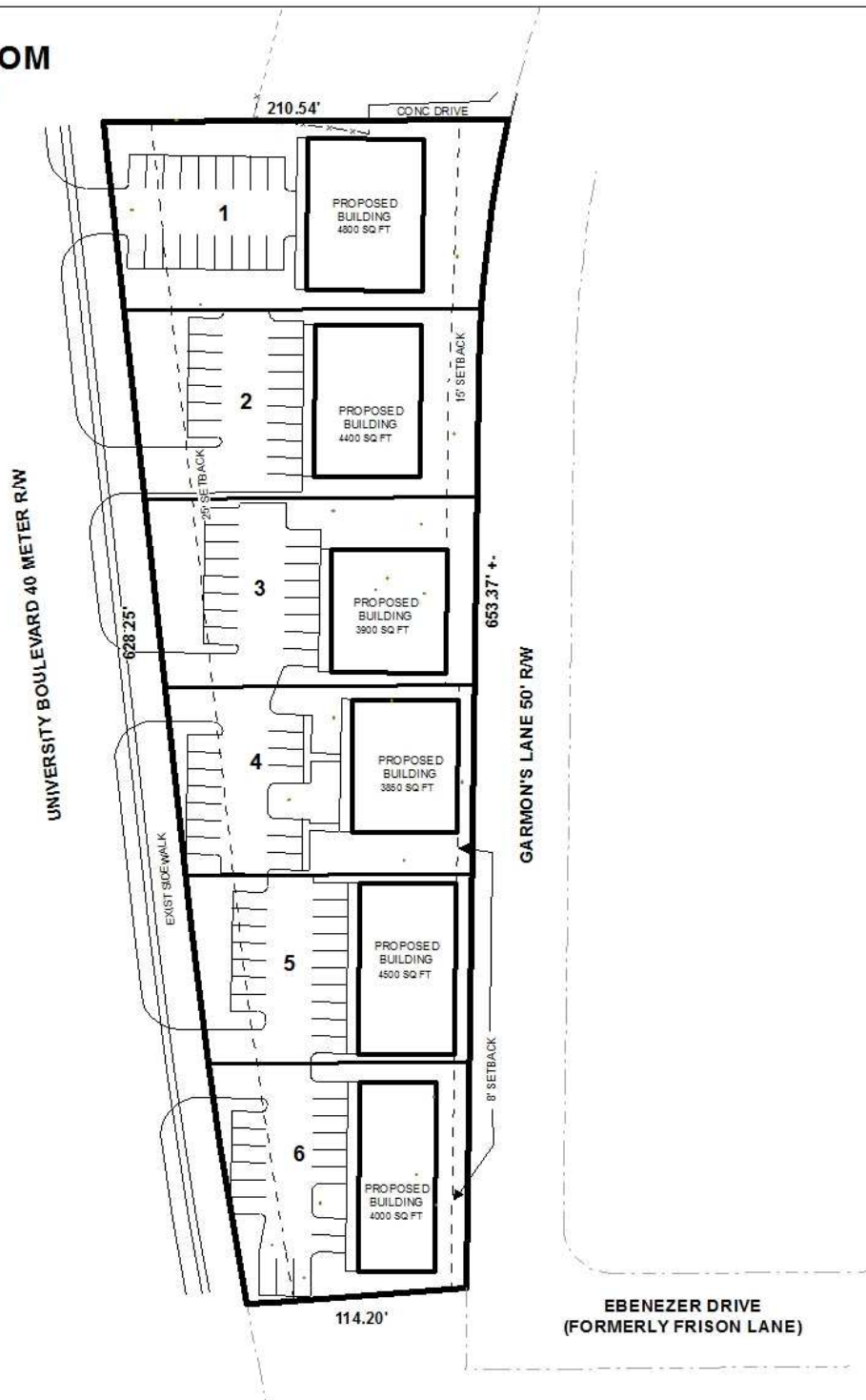
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SITE PLAN

REZONING FROM
R-1 TO B-2



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NTS