

**ZONING AMENDMENT,  
PLANNED UNIT DEVELOPMENT &  
SUBDIVISION STAFF REPORT**

**Date: December 4, 2008**

**NAME**

JTB, Inc.

**SUBDIVISION NAME**

Russell School Lofts Subdivision

**LOCATION**

304 South Broad Street  
(Southwest corner of South Broad Street and Augusta  
Street, extending to the North side of Savannah Street  
130'± West of South Broad Street).

**CITY COUNCIL  
DISTRICT**

District 2

**PRESENT ZONING**

R-1, Single-Family Residential

**PROPOSED ZONING**

R-1 Single-Family Residential and R-3 Multiple-Family  
Residential

**REASON FOR  
REZONING**

Not provided.

**AREA OF PROPERTY**

2 Lots / 1.4 ± Acres

**CONTEMPLATED USE**

Subdivision approval to create 2 lots, Planned Unit  
Development Approval to allow multiple buildings on a  
single building site as well as reduced setbacks on both  
lots, and Rezoning from R-1, Single-Family Residential to  
R-1, Single-Family Residential, and R-3, Multiple-Family  
Residential to allow the conversion of an existing school  
building into a condominium development.

**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**

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. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet. Since the property is located within the X-Shaded Flood Zone, show Minimum FFE on plans and plat.

**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).

**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. Fire hydrants shall be installed to comply with 2003 IFC 508.5.1

**REMARKS**

The applicant is requesting Subdivision approval to create 2 legal lots of record from 6 existing lots; Planned Unit Development Approval to allow multiple buildings on a single building site as well as reduced setbacks; and Rezoning from R-1, Single-Family Residential, to R-1, Single-Family Residential, and R-3, Multiple-Family Residential to allow the conversion of an existing school building into a condominium development.

The applicant proposes to create two legal lots of record from eight existing lots. The northern lot, proposed Lot 1, is the site of the proposed condominium development. The southern lot, proposed Lot 2, is proposed to remain a single family residential lot with reduced setbacks.

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 plat illustrates the proposed 1.4± acre, 2 lot subdivision which is located at 304 South Broad Street (Southwest corner of South Broad Street and Augusta Street, extending to the North side of Savannah Street 130'± West of South Broad Street). The applicant states that the subdivision is served by both public water and sanitary sewer.

The site fronts Broad Street, a proposed major street on the Major Street Plan component of the City of Mobile Comprehensive Plan, to the east, Augusta Street to the north and Savannah Street

to the south. The major street plan stipulates a 100 foot right-of-way for Broad Street in this area; a 100 foot right-of-way already exists, therefore no additional dedication should be required. Augusta Street and Savannah Street are minor streets which are provided with curb and gutter. Section V.B.14 of the Subdivision Regulations stipulates that a 50 foot right-of-way be provided; an adequate 50 foot right-of-way currently exists for both streets, therefore, no additional dedication should be required. It should be noted that the curb radius does not currently meet standards at the intersection of Broad Street and Augusta Street, as such, dedication sufficient to meet the curb radii standards of Section V.B.16 of the Subdivision Regulations should be required.

Due to Broad Street's designation as a major street, access management is a concern. The current layout of the existing buildings also limits the site's access. As such, the proposed Lot 1 should be limited to one curb cut to Savannah Street with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. The proposed Lot 2 should be limited to one curb cut to Savannah Street with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.

The proposed Lot 1 meets the requirements of the Subdivision Regulations for public right-of-way frontage and minimum lot size. The proposed Lot 2 illustrates the required amount of public right-of-way frontage, however it does not meet the minimum size standards as outlined in Section V.D.2 of the Subdivision Regulations. These regulations require a minimum lot size of 7,200 square feet. The proposed lot is illustrated at 4,500 square feet, which is smaller than the regulations specify. This site is located in the Oakleigh Garden Historic District, in an area of the city that far predates both the Zoning Ordinance and the Subdivision Regulations, and there are lots in the immediate vicinity that are similar in size as the proposed Lot 2. As such, a waiver of Section V.D.2 of the Subdivision regulations regarding minimum lot size may be appropriate.

Part of the site is within 500-year floodplain. The presence of floodplains indicate that the area may be environmentally sensitive; therefore, the approval of all applicable federal, state and local agencies would be required prior to the issuance of any permits.

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.

Regarding the rezoning request, the applicant is requesting rezoning for the proposed Lot 1 only. The applicant states that the existing structure, the former Russell School, is being sold by the Mobile County School Board. The building is currently zoned R-1, and at 31,500 ± square feet, market conditions do not justify use of this building as a single-family residence. The applicant states that there are mixed uses in the area.

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.

This area is shown on the General Land Use component of the Comprehensive Plan as residential. However, the Comprehensive Plan is meant to be a general guide, not a detailed lot and district plan or mandate for development. The Planning Commission and City Council may consider individual cases based on additional information such as the classification requested, the surrounding development, the timing of the request and the appropriateness and compatibility of the proposed use and zoning classification.

To the east of this site, across Broad Street, is an existing R-3, Multiple-Family Residence zoned and utilized property. Also to the east of this site, is a B-3, Community Business District zoned site. Given the uses already in the area, a change of zoning to R-3, Multiple-Family Residential for the proposed Lot 1 may be appropriate.

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.

This PUD application consists of two parts. One of the requests concerns the proposed Lot 1 and the other concerns the proposed Lot 2.

Firstly, the proposed Lot 2, which is proposed to remain a Single-Family residential lot, is proposed to have reduced front and side yard setbacks. As stated earlier, the proposed lot is located within Oakleigh Garden Historic District, and, as such, falls under the guidelines of Section 64-3.G of the Zoning Ordinance, which concerns the Historic District Overlay. The overlay is designed to “establish flexible land development requirements that preserve and maintain the existing character of historically significant areas.” In this case, the overlay district would probably accomplish the same goals as the PUD, as there are structures on the same block adjacent to and within 150 feet of the proposed Lot 2. However, the applicants wish to use the PUD process to establish guidelines for this property.

The applicant is proposing a 10 foot front yard setback, 5 foot side yard setbacks, and an 8 foot rear yard setback, with 50% site coverage. These requests are comparable to the existing land development in the vicinity of the proposed Lot 2 and are also in line with the regulations of the Historic District Overlay and would, therefore, not be out of character for the area.

With regard to the proposed Lot 1, this request consists of the existing school buildings and parking area that is proposed to be converted into a multiple-family condominium development. The applicant is firstly requesting approval for more than one building on a single building site. As the buildings are existing and have been there for many years, they would not be out of character for the area. The applicant is further requesting a reduced 8 foot front yard setback for the existing building along Augusta Street. Again, because this building is existing, it would not be out of character for the area.

Because of the scope of the condominium conversion and the size of the parking area for the development, a 10 foot protection buffer as described in Section 64-4.D.1 should be required. The applicant is depicting the dumpster within the 10 foot buffer area that is recommended to be required. The dumpster should be depicted outside of the recommended buffer area and likewise should be depicted as being appropriately screened.

The site plan depicts a privacy fence and gate across the parking area access. The applicant does not depict an adequate queuing area of 3 spaces. Section 64-4.F.2.a defines a queuing space as being a minimum of 9 feet wide by 17 feet long. In keeping with the intent of the ordinance, 3 queuing spaces would be considered adequate as that is the minimum number of queuing spaces required for drive-thru lanes. As such, the privacy fence gate should be relocated on the plat to provide at least 51 feet from the **property line**. Because 51 feet is the bare minimum amount of queuing space, the applicant should be required to construct the entry gate so that the gate open inward toward the parking area and not outward toward the right-of-way as opening outward would reduce the amount of queuing space. The opening radius size and direction of the gate as well as the queuing spaces should be noted on the site plan.

The site plan depicts the entry drive leading into a designated parking space. Paint striping or curb and gutter with landscaping should be provided to direct entry traffic into the parking access aisle rather than into the first parking space, and the site plan should reflect this requirement.

Lastly, the landscaping plan does not reflect any heritage tree plantings along Broad Street. The applicants appear to be requesting credits for existing live oak canopy coverage. As such, the area of the live oak canopies should be depicted on the landscape plan so credits can be calculated.

## **RECOMMENDATION**

**Rezoning:** The rezoning request is recommended for approval subject to the following conditions:

- 1) Submittal of the final PUD showing all recommended revisions to the Planning Section of the Urban Development Department;
- 2) Limited to the approved PUD; and
- 3) Full compliance with all municipal codes and ordinances.

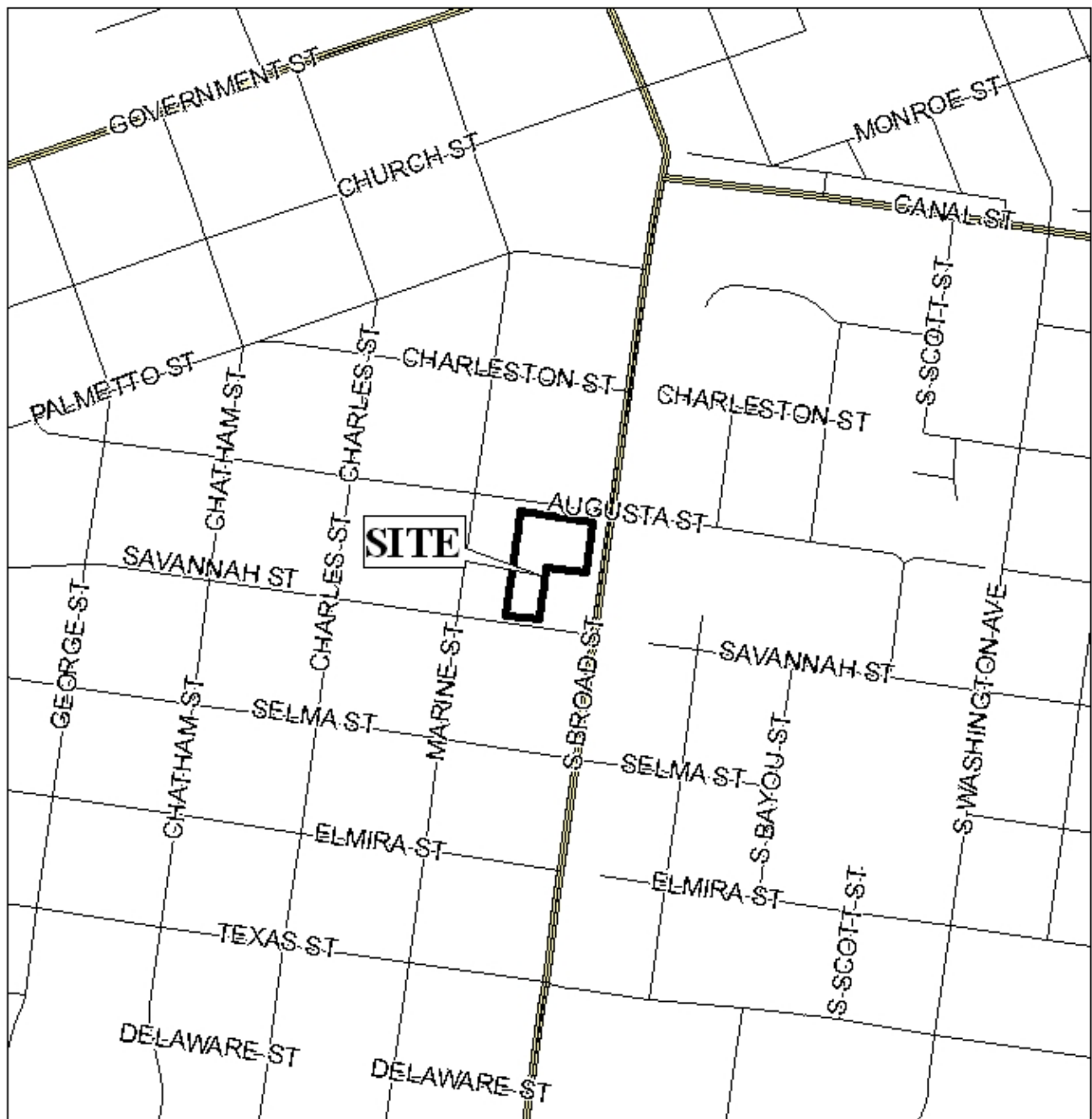
**Planned Unit Development:** The PUD request is recommended for approval subject to the following conditions:

- 1) Revision of the site plan to indicate a protection buffer compliant with Section 64-4.D.1 of the Zoning Ordinance between all property to be zoned R-3 and all property zoned R-1;
- 2) Revision of the site plan to depict the dumpster outside of the protection buffer and to depict appropriate screening of the dumpster;
- 3) Revision of the site plan to depict at least three (3) queuing spaces, as defined in Section 64-4.F.2.a of the Zoning Ordinance, leading up to the entry gate;
- 4) Revision of the site plan to depict the opening radius and direction of opening for the entry gate;
- 5) Revision of the site plan to reflect paint striping or curb and gutter with landscaping in the area where the entry drive leads into the parking area;
- 6) Depiction of the canopy area of live oaks located on the right-of-way that are to be used for canopy coverage credits;
- 7) Full compliance with 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. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet. Since the property is located within the X-Shaded Flood Zone, show Minimum FFE on plans and plat;* and
- 8) Full compliance with all municipal codes and ordinances.

**Subdivision:** With a waiver of Section V.D.2 of the Subdivision Regulations regarding minimum lot size, the Subdivision request is recommended for approval subject to the following conditions:

- 1) Revision of the plat to reflect compliance with Section V.B.16 of the Subdivision Regulations regarding curb radii at Broad Street and Augusta Street;
- 2) Placement of a note on the final plat stating that Lot 1 is limited to one curb cut to Savannah Street, with the size, location, and design of all curb cuts to be approved by City of Mobile Traffic Engineering and meet AASHTO standards;
- 3) Placement of a note on the final plat stating that Lot 2 is limited to one curb cut to Savannah Street, with the size, location, and design to be approved by City of Mobile Traffic Engineering and meet AASHTO standards;
- 4) Placement of a note on the final plat stating that approval of all applicable federal, state and local agencies will be required prior to the issuance of any permits;
- 5) Placement of a note on the final plat stating that all work will be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.
- 6) Labeling of all lots with the size of each lot in square feet or provision of a table on the plat with the same information;
- 7) Submittal of the final PUD showing all recommended revisions to the Planning Section of the Urban Development Department;
- 8) Full compliance with 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. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet. Since the property is located within the X-Shaded Flood Zone, show Minimum FFE on plans and plat;* and
- 9) Full compliance with all municipal codes and ordinances.

## LOCATOR MAP



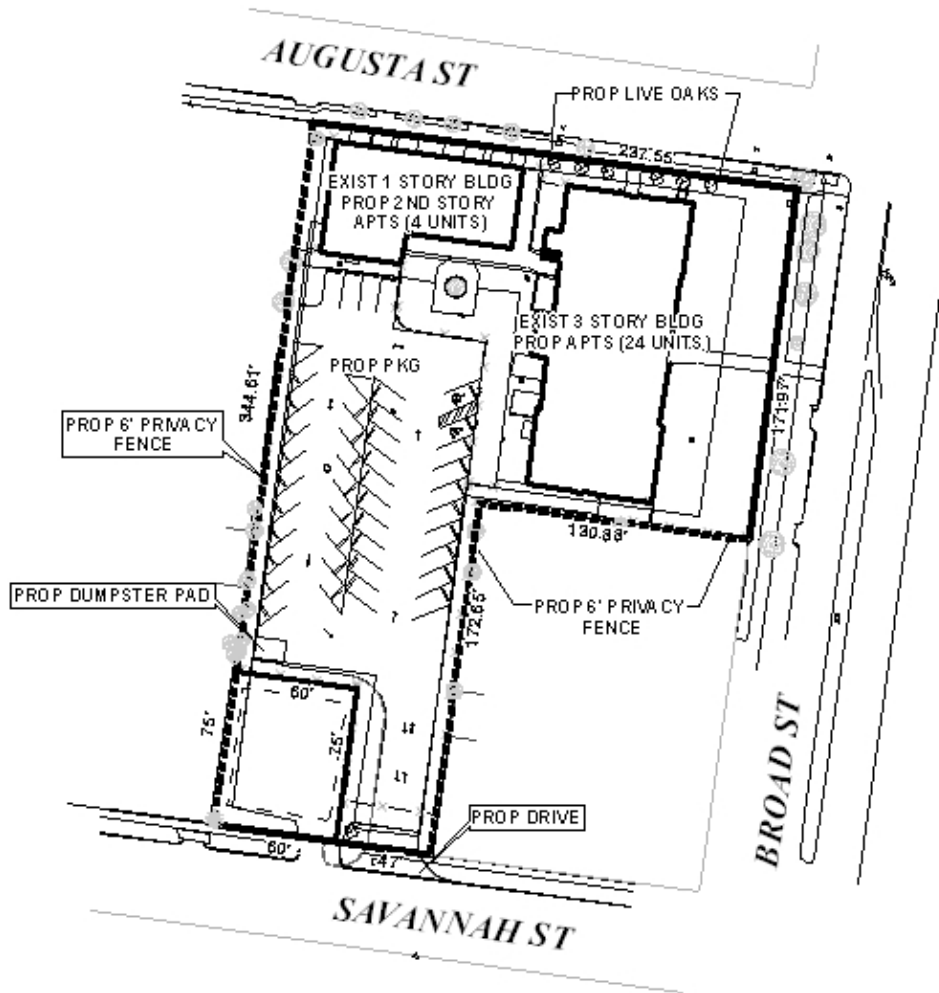
APPLICATION NUMBER 29 & 30 & 31 DATE December 4, 2008

APPLICANT Gulf States Engineering

REQUEST Subdivision, PUD, Rezoning from R-1 to R-3



# SITE PLAN



The site plan illustrates the existing buildings, proposed parking, and proposed landscaping

APPLICATION NUMBER 29 & 30 & 31 DATE December 4, 2008

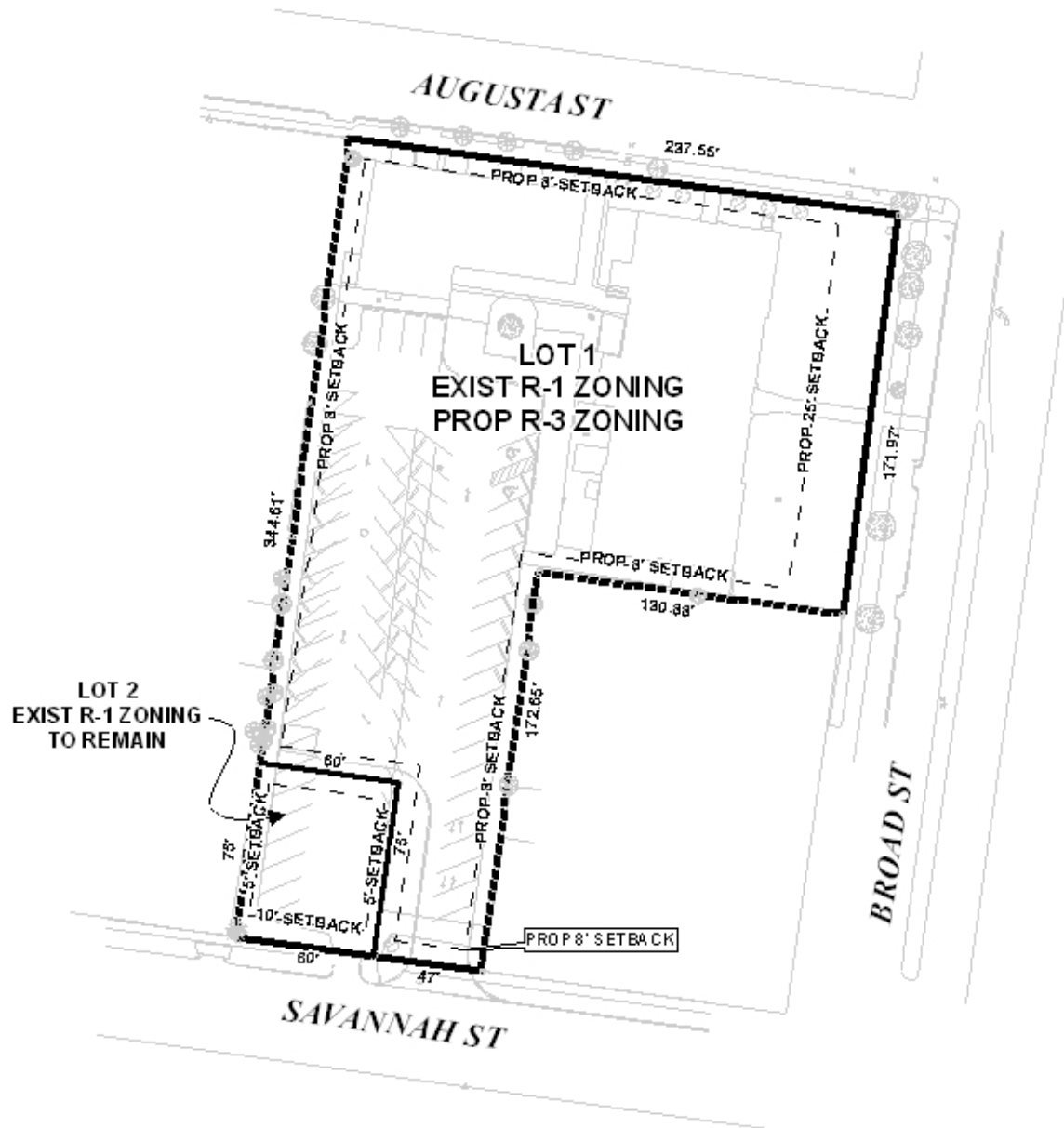
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## SUBDIVISION AND ZONING DETAIL



APPLICATION NUMBER 29 & 30 & 31 DATE December 4, 2008

APPLICANT Gulf States Engineering

REQUEST Subdivision, PUD, Rezoning from R-1 to R-3



NTS

# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential land use. Commercial land use is located to the west and south of the site.

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LEGEND

R-1	R-2	R-3	R-4	R-5	H-B	T-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2
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NTS



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