

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

Date: April 4, 2013

<u>NAME</u>	DIP Exchange, LLC
<u>DEVELOPMENT NAME</u>	DIP Exchange, LLC
<u>LOCATION</u>	93 Sidney Phillips Drive (West side of Sidney Phillips Drive, 190'± South of Old Shell Road).
<u>CITY COUNCIL DISTRICT</u>	District 1
<u>PRESENT ZONING</u>	B-3, Community Business, and I-1, Light Industry
<u>PROPOSED ZONING</u>	I-1, Light Industry
<u>REASON FOR REZONING</u>	To eliminate split zoning.
<u>AREA OF PROPERTY</u>	1 Lot / 3.6± Acres
<u>CONTEMPLATED USE</u>	<p>Planned Unit Development Approval to allow reduced front landscaping requirements and multiple buildings on a single building site, and Rezoning from B-3, Community Business District, and I-1, Light Industry District, to I-1, Light Industry District, to eliminate split zoning.</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</u>	None given.
<u>ENGINEERING COMMENTS</u>	<p>1. Any work, including grading, drainage, driveways, sidewalks, utility connections, irrigation, or landscaping performed in the existing ROW will require a City of Mobile ROW Permit. The City ROW permit may be obtained 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). Any and all proposed development will need to be in conformance with the Storm Water</p>

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. An ADEM NOR is required for any land disturbance activity over 1 acre. Provide a copy of the ADEM registration information for the site prior to the issuance of a Land Disturbance permit.

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 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 Planned Unit Development Approval to allow reduced front landscaping requirements and multiple buildings on a single building site, and Rezoning from B-3, Community Business District, and I-1, Light Industry District, to I-1, Light Industry District, to eliminate split zoning.

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.

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 entire site appears to be 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.

The subject site contains a vacant building which previously housed a piping supply company. The site is bounded to the North and West by B-3 zoning with mixed commercial uses, and to the South by I-1 zoning with a wholesale warehouse. Phillips Middle School is located across the street from the site and is zoned R-1, Single-Family Residential.

The site was originally assigned B-3 zoning with the adoption of the Zoning Ordinance in 1967. In July, 1968, a large area along the West side of Sidney Phillips Drive was rezoned from B-3 to I-1, all being recorded lots of May Subdivision with uniform I-1 zoning. The subject site was Lot 2 of that subdivision. In 1981, C & C Subdivision resubdivided Lots 1 and 2 of May Subdivision and the North line of the site was moved further North to its present location. However, the site was not rezoned to a uniform zoning and the Northern portion of the site retained the B-3 zoning it was originally assigned. The applicant states that since the greater portion of the site is already zoned I-1 and there is I-1 zoned property to the South of the subject site, this should have no adverse effect on the neighboring properties. In this instance, the subdivision of the land into a building site with split zoning makes reclassification necessary and desirable. As the current request is to eliminate the split zoning within an existing legal lot of record, and as I-1 is the predominant zoning on the site and the previous use has been I-1 in nature, it would stand that the request for I-1 zoning for the entire lot should be approved, subject to conditions.

With regard to the Planned Unit Development (PUD), its purpose is to allow reduced front landscaping requirements and allow multiple buildings on a single building site. Since the applicant is proposing to rezone the site, a PUD is also required to allow the multiple buildings and the reduced front landscaping request can also be addressed via the PUD as opposed to a landscaping variance request before the Board of Zoning Adjustment. The main building and the smaller building along the South property line appear to have been built at least by 1975 according to aerial photography, and the applicant states that the site was fully developed prior to 1984. Since the landscaping and tree planting requirements of the Zoning Ordinance were not fully enacted until 1993, the site was developed out of compliance with the current requirements as far as front landscaping and trees. Modifications to the site access and parking are proposed which would further reduce the front landscaping provided. Since the site would be all I-1 if the rezoning is approved, only frontage tree plantings would be required, and such are indicated on the site plan. A compliant sidewalk is also proposed along the street frontage.

The existing buildings meet the standard 25' front setback, but as there were no landscaping and tree planting requirements when the site was developed, no allowance for such was made in the front yard and parking was provided in that area. With the parking and access modifications, 13 parking spaces are proposed in the front and 11 are proposed along the South side in the side yard. However, the 6680 square-foot office will require 23 parking spaces instead of the 22 calculated on the site plan, and 2 warehouse employee spaces are calculated. Therefore, as 25

parking spaces are required, and 24 are proposed, the site plan should be revised to furnish one additional parking space.

The applicant proposes to retain the Southern-most drive to the site, close the drive at the middle of the site in the front parking area, and add a new drive and curb cut at the North end of the site. That new drive would provide access to the existing front parking area and to a proposed drive to the rear of the site along the North side of the building. It would also provide access to a proposed future parking area adjacent to the North side of the existing front parking area. Since that is proposed as a future development, a revised ADMIN PUD would be required prior to development of that portion of the site.

The site plan indicates a dumpster in the rear yard, but no compliance information is provided. Therefore, the site plan should be revised to indicate a fully compliant dumpster and pad. Also, there is a 100' wide Alabama Power Company right-of-way crossing the rear portion of the site; therefore, a note should be placed on the site plan stating that no structure may be erected within that right-of-way without a recorded agreement with Alabama Power Company. There is also a 25' drainage easement along the rear of the site; therefore, a note should be placed on the site plan stating that no structure may be erected within that easement. As the existing 30' by 60' building along the South side of the property was built with the 1970's development of the site and does not meet the required zero or 5'+ setback requirements for I-1, a note should be placed on the site plan stating that any expansion of that building must meet the required side yard setback for I-1 districts.

The site requires 11,391 square feet of frontage landscaping and 3,592 square feet are provided. The front yard currently is 60' deep, and an area cumulatively totaling approximately 190' linear feet of the front yard would have to be landscaped to meet the requirement. This would completely eliminate the parking area directly in front of the building and the associated cross-access in order to retain the two drives and front parking in the South portion of the front yard. As the site was developed prior to the enactment of the landscaping requirements, and as meeting the front landscaping requirement (and total landscaping requirement of 18,987 square feet, with 20,091 provided) would drastically reduce the viability of the site's access and traffic pattern, it would stand that adhering to the requirements would be counter-productive to the upgrading of the site.

RECOMMENDATION

Rezoning: Based on the preceding, this application is recommended for approval, subject to the following conditions:

- 1) subject to the Engineering comments: *[1. Any work, including grading, drainage, driveways, sidewalks, utility connections, irrigation, or landscaping performed in the existing ROW will require a City of Mobile ROW Permit. The City ROW permit may be obtained 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). Any and all proposed development will need to 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*

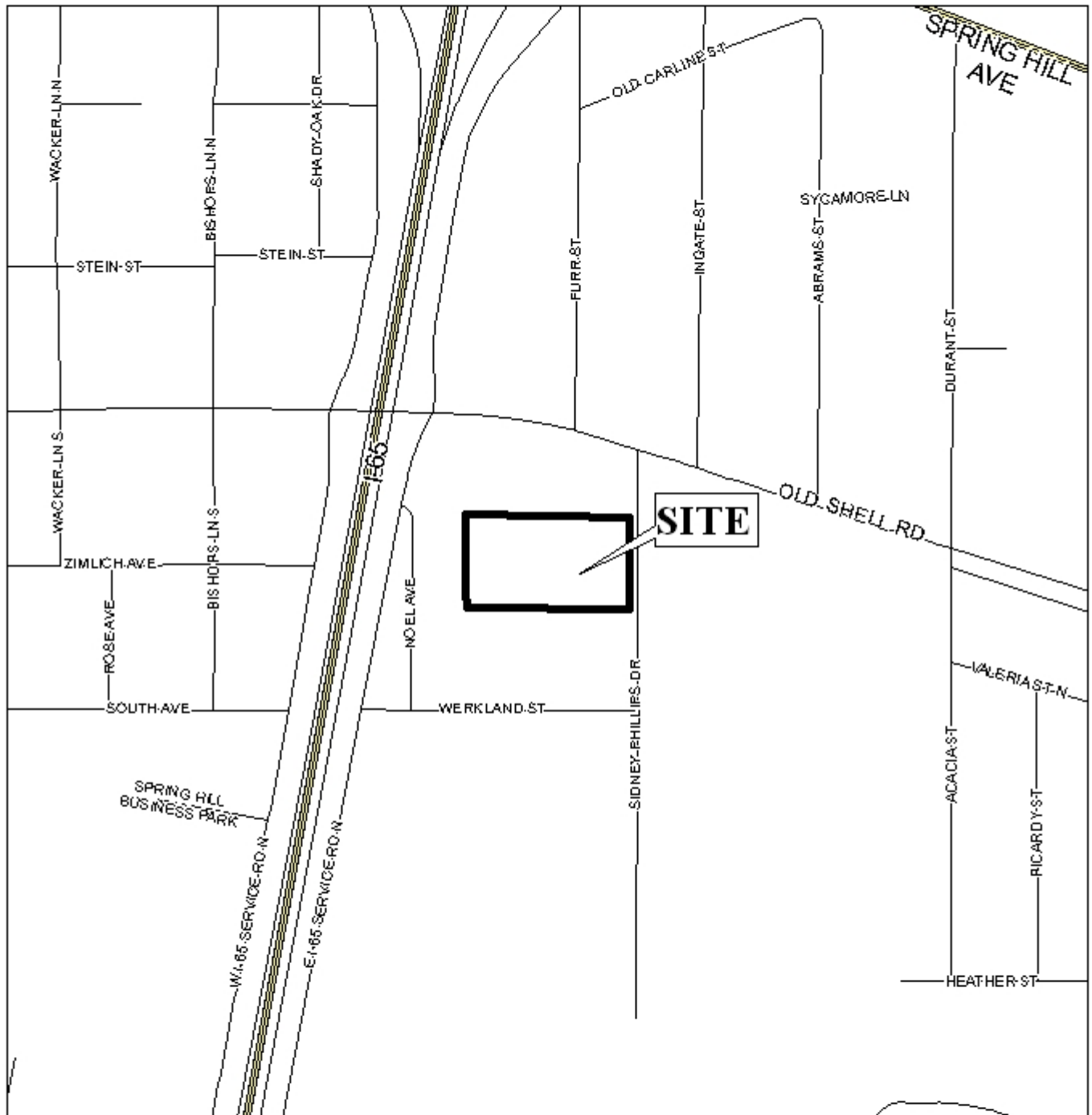
Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. An ADEM NOR is required for any land disturbance activity over 1 acre. Provide a copy of the ADEM registration information for the site prior to the issuance of a Land Disturbance permit];

- 2) subject to the Traffic Engineering comments: *(Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards);* and
- 3) full compliance with all municipal codes and ordinances.

Planned Unit Development: Based on the preceding, the request is recommended for approval, subject to the following conditions:

- 1) subject to the Engineering comments: *[I. Any work, including grading, drainage, driveways, sidewalks, utility connections, irrigation, or landscaping performed in the existing ROW will require a City of Mobile ROW Permit. The City ROW permit may be obtained 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). Any and all proposed development will need to 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. An ADEM NOR is required for any land disturbance activity over 1 acre. Provide a copy of the ADEM registration information for the site prior to the issuance of a Land Disturbance permit];*
- 2) subject to the Traffic Engineering comments: *(Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.);*
- 3) revision of the parking calculations to provide 23 spaces for the 6,680 square-foot office, with a total of 25 parking spaces required;
- 4) submittal of a revised PUD prior to the development of the future parking area on the North side of the building;
- 5) revision of the site plan to provide a fully compliant dumpster and pad;
- 6) placement of a note on the site plan stating that no structures may be erected within the 100' Alabama Power Company right-of-way, or within the 25' drainage easement;
- 7) placement of a note on the site plan stating that any future expansion of the existing 160' by 30' building on the South side of the site must comply with the zero or 5'± side yard setback requirements for I-1 districts;
- 8) the provision of ten (10) frontage Live Oak trees; and
- 9) the furnishing of two (2) copies of a revised site plan to Planning indicating compliance with the above conditions.

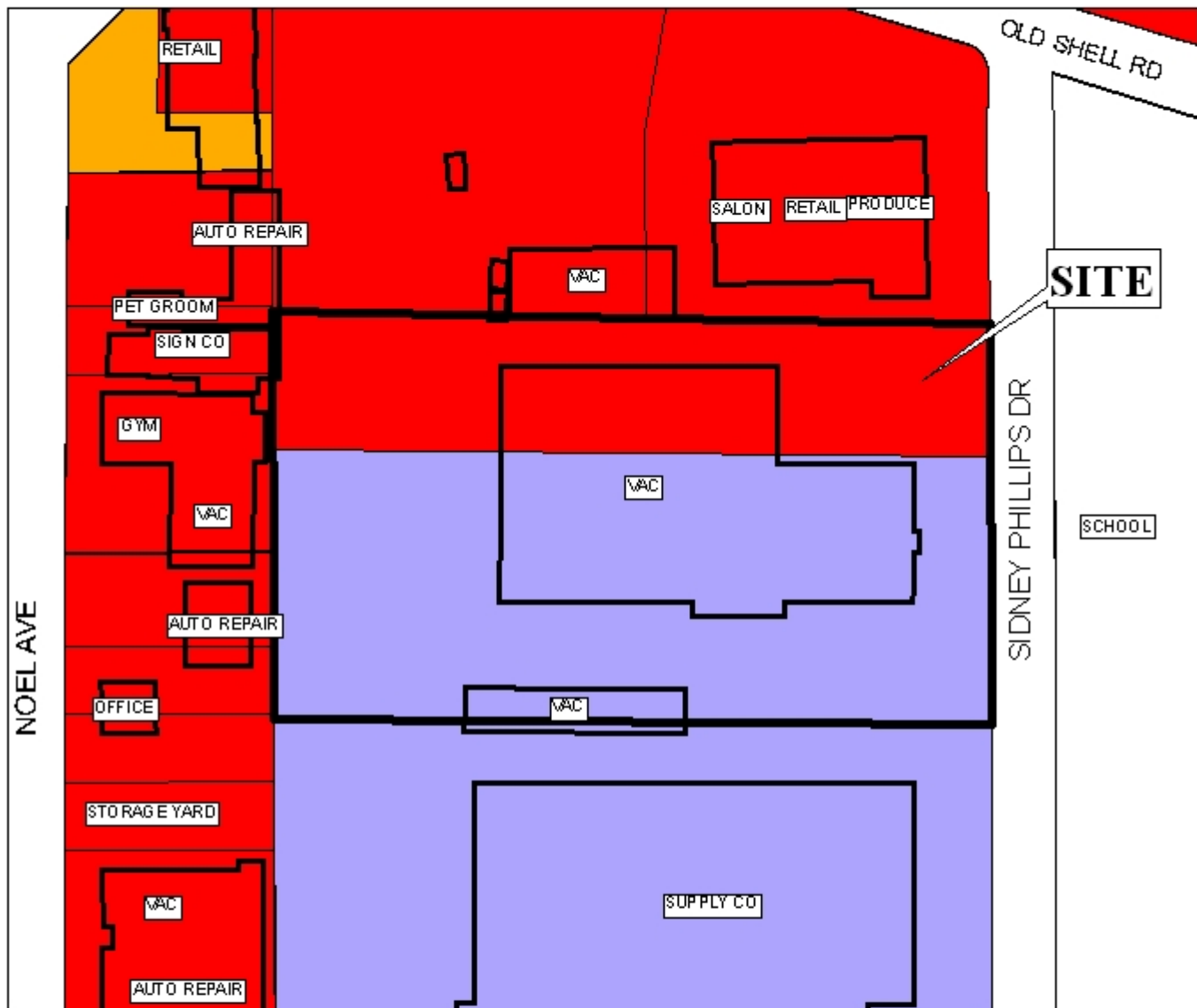
LOCATOR MAP



APPLICATION NUMBER 31 & 32 DATE April 4, 2013
APPLICANT DIP Exchange, LLC
REQUEST Planned Unit Development, Rezoning from B-3 and I-1 to I-1



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Businesses are located to the north, west, and south of the site. A school is located to the east of the site.

APPLICATION NUMBER 31 & 32 DATE April 4, 2013

APPLICANT DIP Exchange, LLC

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

N
NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING

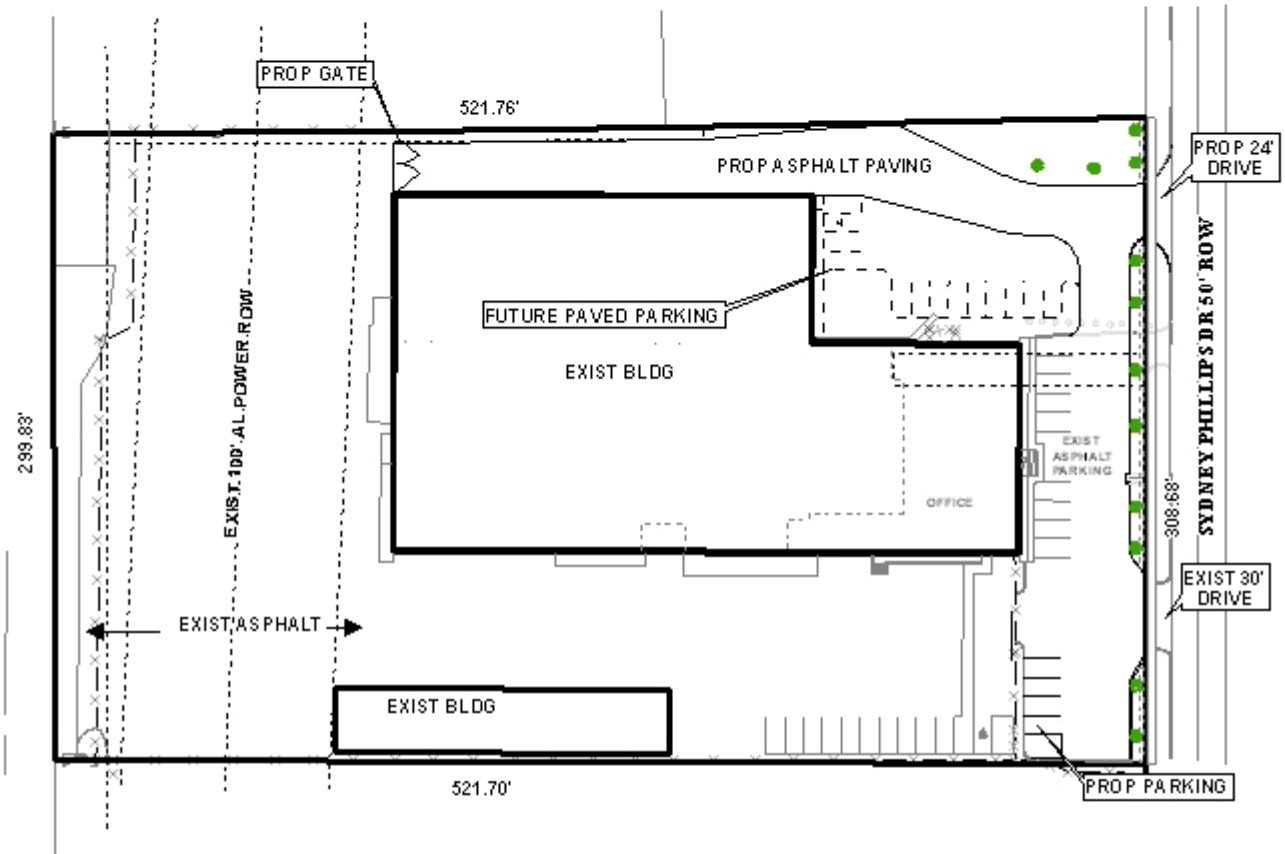


Businesses are located to the north, west, and south of the site. A school is located to the east of the site.

APPLICATION NUMBER 31 & 32 DATE April 4, 2013
APPLICANT DIP Exchange, LLC
REQUEST Planned Unit Development, Rezoning from B-3 and I-1 to I-1

N
NTS

SITE PLAN



The site plan illustrates the proposed parking, drives, and future parking areas.

APPLICATION NUMBER 31 & 32 DATE April 4, 2013
 APPLICANT DIP Exchange, LLC
 REQUEST Planned Unit Development, Rezoning from B-3 and I-1 to I-1

