

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

Date: November 6, 2008

DEVELOPMENT NAME

Napolean McCovery

SUBDIVISION NAME

Napolean McCovery Subdivision

LOCATION

208 North Lafayette Street
(Southeast and Northeast corners of North Lafayette Street
and St. Stephens Road).

**CITY COUNCIL
DISTRICT**

District 2

PRESENT ZONING

R-1, Single-Family Residential District and B-2,
Neighborhood Business District

PROPOSED ZONING

B-2, Neighborhood Business District

AREA OF PROPERTY

2 Lot / 0.6 ± Acres Subdivision

CONTEMPLATED USE

Subdivision Approval to create 2 legal lots of record,
Planned Unit Development Approval to allow off-site
parking for commercial subdivision, and Rezoning from R-
1, Single Family Residential and B-2, Neighborhood
Business to B-2, Neighborhood Business District, to allow
a commercial 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
FOR DEVELOPMENT**

Immediate

**ENGINEERING
COMMENTS**

It is the responsibility of the applicant to look up the site in
the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If
the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or
deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans
and/or plat, and no work/disturbance can be performed without a permit from the Corps of
Engineers. 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.

TRAFFIC ENGINEERING**COMMENTS**

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Final approval for all driveways, proposed and existing will be given upon submittal of final plans. Unable to adequately review the site plans because a scale was not given on any of the submitted drawings. Plans also do not adequately depict driveway locations or details.

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 landscaping and tree requirements of the Zoning Ordinance to be coordinated with Urban Development.

FIRE DEPARTMENT**COMMENTS**

All projects must comply with the requirements of the 2003 International Fire Code, including Appendices B through D, with local amendments, and the 2003 International Existing Building Code.

REMARKS

The applicant is requesting Subdivision Approval to create two legal lots of record, Planned Unit Development Approval to allow off-site parking for a commercial development, and Rezoning from R-1, Single Family Residential and B-2, Neighborhood Business to B-2, Neighborhood Business District. Parking lots must be zoned the same as the use that the use is associated with, in this case a lounge/bar/restaurants are allowed by right in B-2 districts.

The purpose of these applications is to create additional parking for a lounge located on the Southeast corner of St. Stephens Road and North Lafayette Street. The parking expansions are located both adjacent to the lounge and directly across St. Stephens Road. Planned Unit Development approval is required to link off-site parking to the proposed use.

The “on premise” parking lot, which is adjacent to the existing lounge and parking, is partially zoned R-1, will contain 32 parking spaces, and will have one curb-cut onto North Lafayette Street. No buffer is shown along the Northern and Eastern boundaries of the parking lot site where it abuts R-1 zoned properties, as required by Section 64-4.D.1. of the Zoning Ordinance. Therefore, compliance with the buffering requirements of the Ordinance would be required.

The “off-premise” site is currently vacant, though it appears that it has been used for parking by adjacent uses. North and East of this site are residential uses in an R-1 district; West of the site are residential uses in a B-2 district and an R-1 district; and South, across the street from the site, is the lounge and parking in what will be a contiguous B-2 district

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.

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 (including the existing lounge site) must be approved by the Planning Commission.

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.

Regarding the zoning application, the entire subdivision site appears to be depicted 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.

The proposed subdivision will result in a split-zone condition, thus the rezoning of the site is necessary to correct that condition.

The subdivision and rezoning site fronts onto St. Stephens Road and North Lafayette Street. St. Stephens Road, which has an existing right-of-way of 50-feet is a major street as illustrated on the Major Street Plan a component of the Comprehensive Plan and as such requires a minimum right-of-way of 100-feet. Whereas dedication of sufficient right-of-way along St. Stephens Road for Lot 2 would not be feasible due to the existing structure, the building setback should be adjusted to compensate for the lack of dedication. Also, access management is a concern as it relates to the use of the site in relation to the use of adjacent properties. St. Stephens Road is a mixture of commercial and residential uses, while North Lafayette Street is primarily a residential street.

The proposed “off-site” parking lot site plan depicts access onto both St. Stephens Road and North Lafayette Street; however, while encouraging access from a commercial parking lot onto a primarily residential street is not desirable, it would be preferable due to the status of St. Stephens as a major street. This proposed parking lot should be denied access to St. Stephens

Road and limited to one curb-cut onto North Lafayette Street, with the size, design and location to be approved by Traffic Engineering and conform to AASHTO standards.

The site on the South side of St. Stephens Road, where business and “on-site parking” are located should be allowed the existing number of curbs cuts (one curb cut along St. Stephens Road and one curb cut along North Lafayette Street); however, the exact location, size and design should be approved by Traffic Engineering and conform to AASHTO standards.

Section 64-4.A.3.i. of the Zoning Ordinance requires that parking areas separated from an R-1 area (across North Lafayette Street) shall have a brick wall or evergreen hedge of a maximum height of three. The PUD and Zoning site plan should be revised to reflect this requirement. Additionally, section 64-4.A.3.c. of the Zoning Ordinance requires that parking areas with more than 10 spaces shall be illuminated during their operation, and that the lighting should be so arranged and directed that it does not shine directly into adjacent residences or the public right of way. Therefore, the revised plan(s) should also depict a lighting plan and clearly illustrate that the lighting will be shielding and directed to comply with section 64-4.A.3.c.

As commercial development, full compliance with the tree and landscaping requirements of the Zoning Ordinance will be required for both parking facility expansions. Existing trees on the site may reduce the number of new trees required, however, no calculations regarding required trees and tree credits have been provided. Detailed landscaping information will be required prior to the issuance of permits for construction.

The proposed “off-site” parking lot is currently unpaved and undeveloped. New construction will require compliance with the Engineering Department’s storm water and flood control regulations. Further, the expansion of the “on-site” parking lot may also require compliance with the Engineering Department’s storm water and flood control regulations. If a storm water detention facilities are required, the site plan should be revised accordingly.

Any existing curb-cuts that will not be used for the parking lot should be removed and the right-of-way area restored to grass or other acceptable ground cover.

Finally, given the fact that St. Stephens Road is a major street, and North Lafayette is a heavily travelled residential street, pedestrians should be directed to the St. Stephens Avenue/North Lafayette Street intersection to cross the street to the lounge, and a crosswalk provided for this function.

RECOMMENDATION

Subdivision: The Subdivision request is recommended for Tentative Approval, subject to the following conditions:

- 1) the dedication of sufficient right-of-way along Lot 1 to provide 50-feet of right-of-way from the centerline of St. Stephens Road;
- 2) the addition of sufficient setback for Lot 2 (75-feet from the centerline) along St. Stephens Road to compensate for the lack of dedicated right-of-way;
- 3) placement of the 25’ setback line along the North Lafayette Street frontages of both Lots 1 & 2;

- 4) placement of a note on the final plat stating that Lot 1 is denied access to St. Stephens Road and limited to one curb-cut onto North Lafayette Street, with the size, design and location to be approved by Traffic Engineering, and in conformance with AASHTO standards;
- 5) placement of a note on the final plat stating that Lot 2 is limited to the existing number curb cuts onto North Lafayette Street and St. Stephens Road (one each), with the exact location, size and design to be approved by Traffic Engineering and conform to AASHTO standards; and
- 6) revision of the plat to label each lot with its size in square feet.

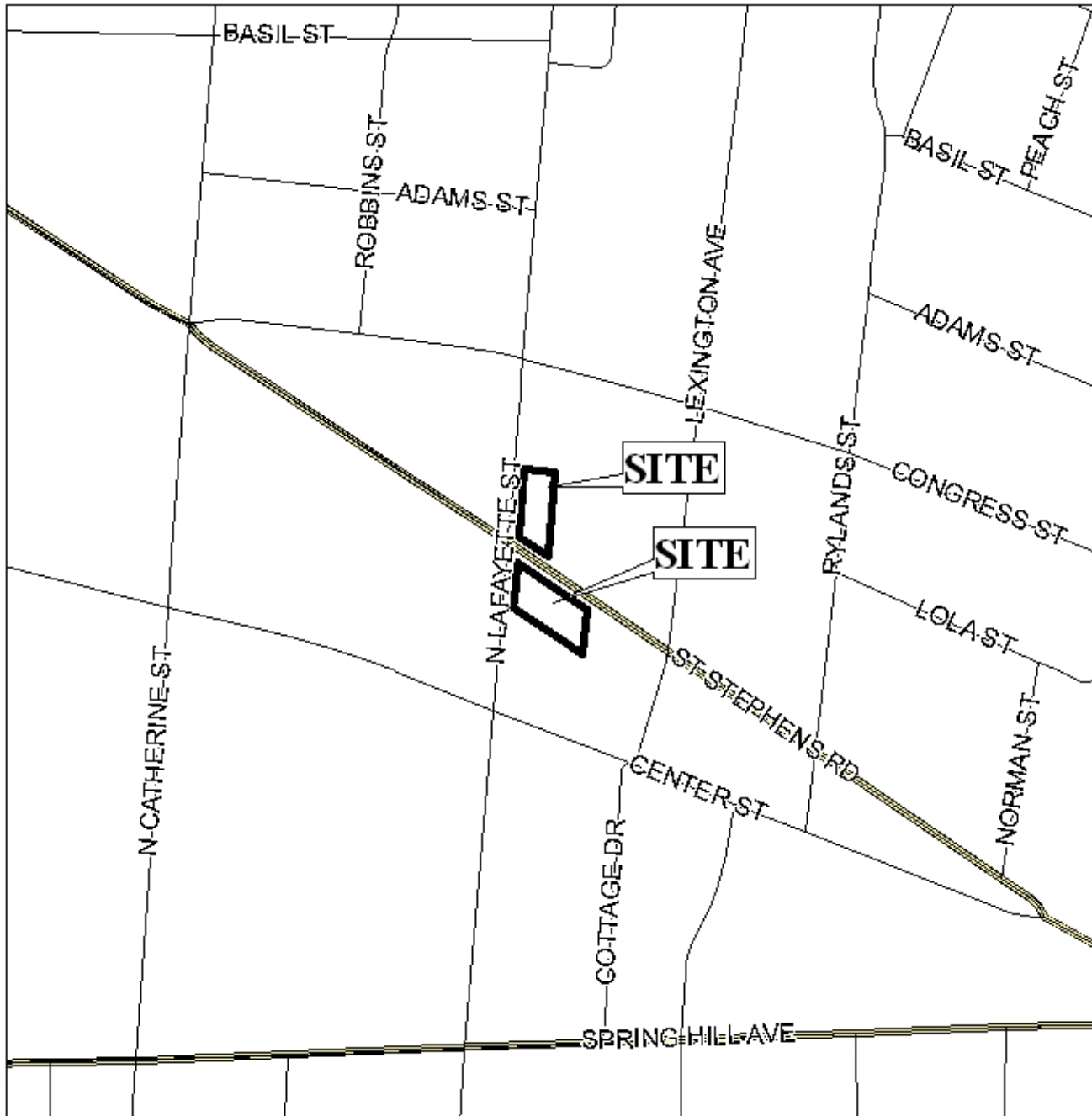
Rezoning: The rezoning request is recommended for Approval, subject to the following conditions:

- 1) completion of the subdivision process prior to the issuance of any permits;
- 2) development limited to an approved PUD;
- 3) compliance with landscaping and tree planting requirements to be coordinated with Urban Development;
- 4) the provision of residential adjacency buffers, as required by the Zoning Ordinance; and
- 5) full compliance with all municipal codes and ordinances.

Planned Unit Development: The PUD request is recommended for Approval, subject to the following conditions:

- 1) placement of a note on the site plan stating that PUD approval is site plan specific, and that any changes to the site plan, including the existing lounge, will require a new application to the Planning Commission;
- 2) revision of the site plan to depict parking area buffering in compliance with Section 64-4.A.3.i. of the Zoning Ordinance, where the proposed parking lot abuts or is across the street from residential zoning districts;
- 3) revision of the site plan to place the requirements of Section 64-6.A.3.c., *Lighting*, as a note on the site plan: *"If parking areas contain ten (10) or more cars, lighting shall be provided and maintained during their operation, and shall be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic."*
- 4) revision of the site plan to depict full compliance with the landscaping and tree requirements of the Zoning Ordinance for the proposed parking areas;
- 5) revision of the site plan to depict a storm water detention area for the proposed parking area, if required;
- 6) revision of the site plan to direct pedestrian traffic from the proposed parking area to the intersection of St. Stephens Road/North Lafayette Street intersection for street crossing to the lounge, and installation of necessary improvements such as a crosswalk;
- 7) provision of a revised PUD site plan (and parking area specific site plan) to the Planning Section of Urban Development prior to the signing of the final subdivision plat; and
- 8) full compliance with all other municipal codes and ordinances.

LOCATOR MAP



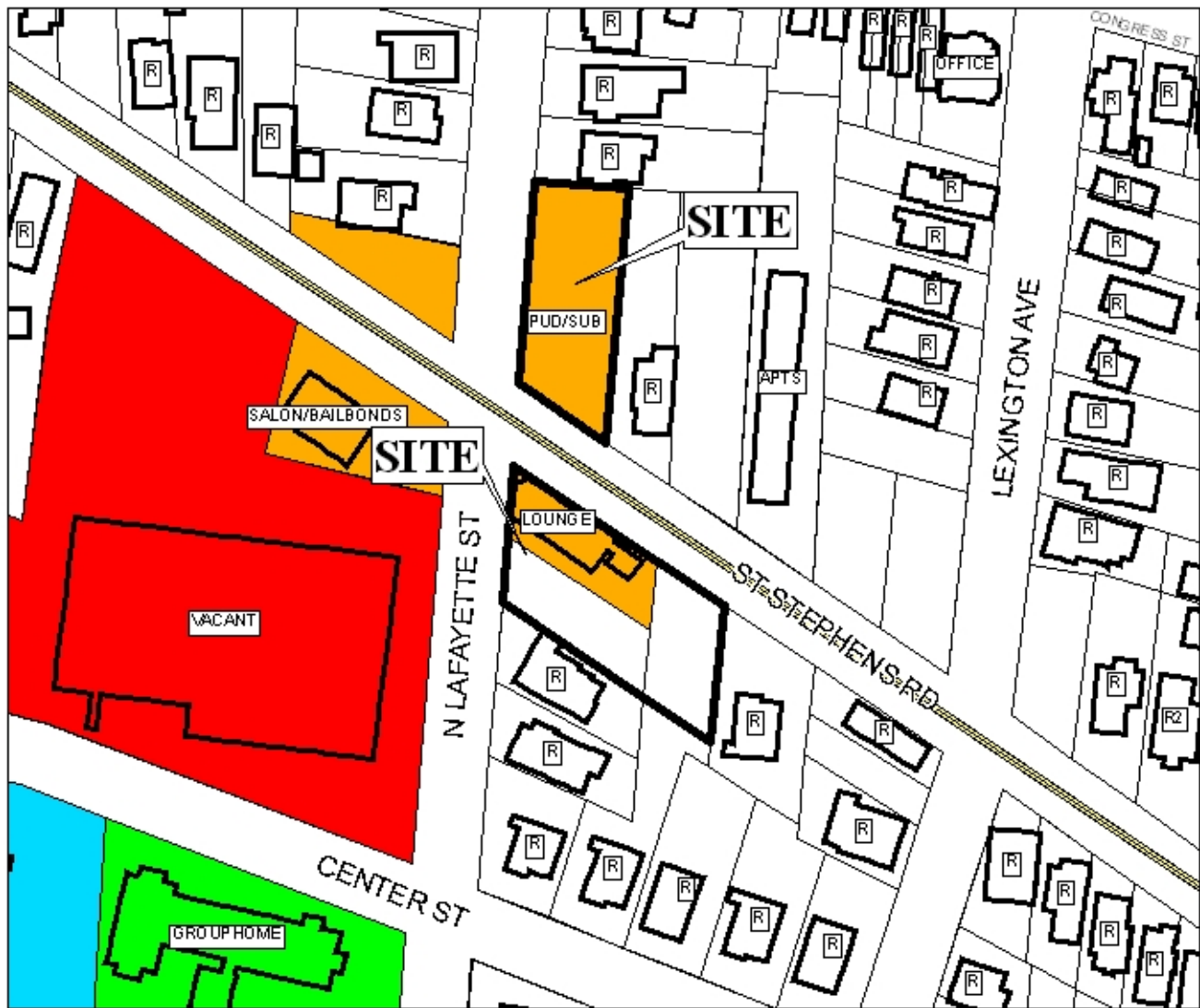
APPLICATION NUMBER 34 & 35 & 36 DATE November 6, 2008

APPLICANT Napoleon McCovery

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



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Commercial land use is located to the west of the site. Residential land use is located to the south, north, and east of the site.

APPLICATION NUMBER 34 & 35 & 36 DATE November 6, 2008

APPLICANT Napoleon McCovery

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

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	NTS
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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Commercial land use is located to the west of the site. Residential land use is located to the south, north, and east of the site.

APPLICATION NUMBER 34 & 35 & 36 DATE November 6, 2008
APPLICANT Napoleon McCoverly
REQUEST Subdivision, PUD, Rezoning from R-1 and B-2 to B-2



SUBDIVISION AND ZONING DETAIL



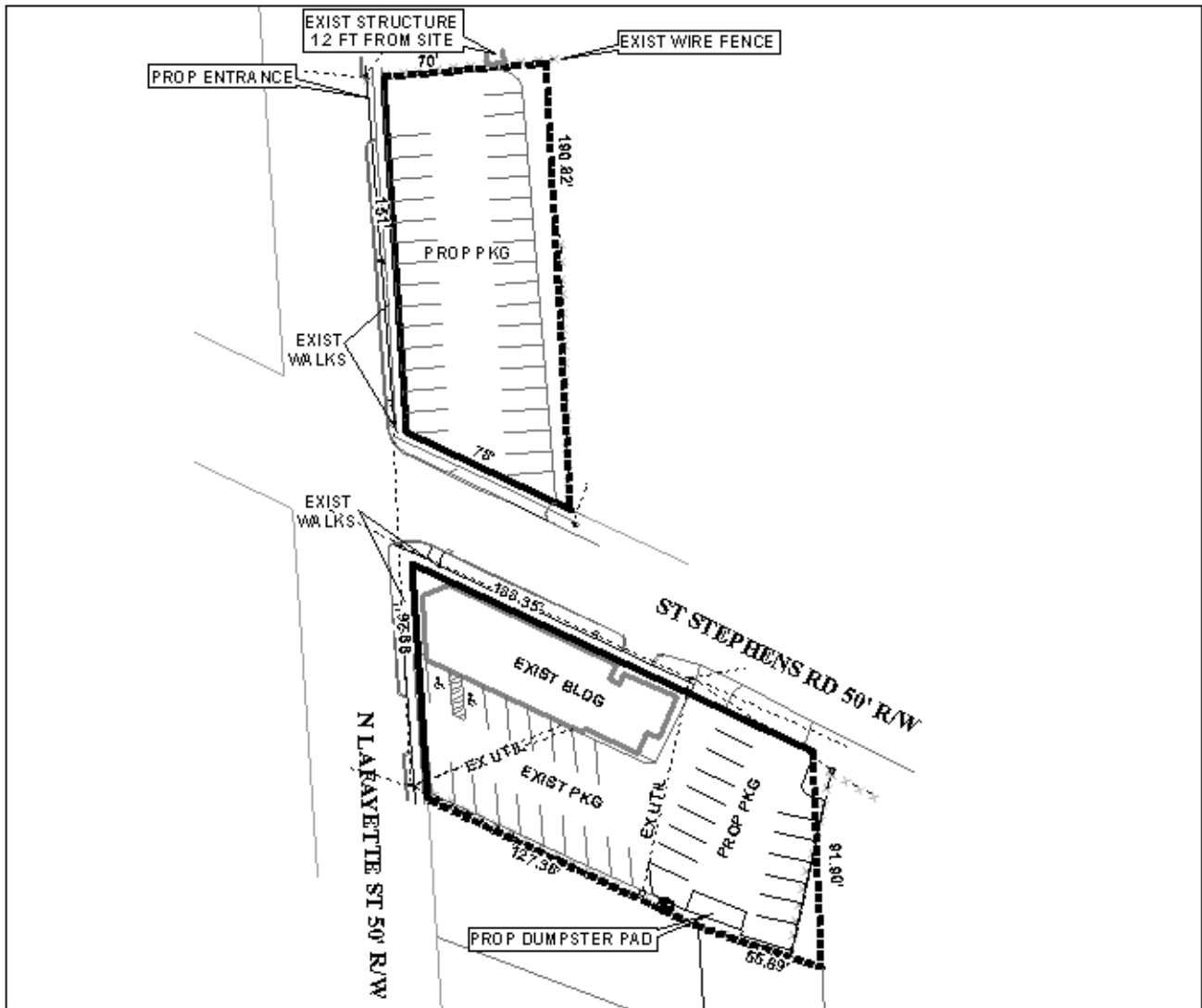
APPLICATION NUMBER 34 & 35 & 36 DATE November 6, 2008

APPLICANT Napoleon McCovery

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

N
NTS

SITE PLAN



The site plan illustrates the existing improvements and proposed parking expansion

APPLICATION NUMBER 34 & 35 & 36 DATE November 6, 2008

APPLICANT Napoleon McCovery

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

