

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

Date:

APPLICANT NAME

Graf Dairy, LLC

DEVELOPMENT NAME

Graf Dairy Subdivision

SUBDIVISION NAME

Graf Dairy Subdivision

LOCATION

Subdivision and PUD

2955 Dauphin Street

(Southeast corner of Dauphin Street and South Sage Avenue, extending to the West termini of Hilburn Drive, Exter Drive, and South Sherwood Drive).

Rezoning – B-2

2955 Dauphin Street

(Southeast corner of Dauphin Street and South Sage Avenue, extending to the West terminus of Hilburn Drive).

Rezoning – R-3

East side of South Sage Avenue, ¼ mile± South of Dauphin Street, extending to the West termini of Exter Drive and South Sherwood Drive.

**CITY COUNCIL
DISTRICT**

District 1

AREA OF PROPERTY

6 Lots / 38.1± Acres

PRESENT ZONING

R-1, Single-Family Residential

PROPOSED ZONING

B-2, Neighborhood Business
R-3, Multi-Family Residential

CONTEMPLATED USE

Rezoning to B-2, Neighborhood Business, to allow a drug store, bank, and other unspecified commercial uses, and Rezoning to R-3, Multi-Family Residential, to allow a 96-unit residential condominium complex; Planned Unit Development Approval to allow multiple buildings on a single building site (condominium site), shared access and parking between multiple building sites (commercial and condominium sites), in a private street subdivision; and Subdivision approval to create 6 lots from a large metes and bounds parcel and individual lots of record.

**REASON FOR
REZONING**

The reason for rezoning provided by the applicant reads as follows:

The applications very simply state that the applicant is desirous of developing a condominium complex on lot 6 of the overall development, and commercial sites for lots 1-5.

TIME SCHEDULE FOR DEVELOPMENT

Immediate for Lots 2,3 and 6

ENGINEERING COMMENTS

Any stormwater will have to be detained for a 100-year storm event, released at the 10-year pre-developed release rate. An analysis of each receiving system will be required. As for the ditch along the east side of the property, flooding does occur and the receiving system is not capable of receiving anymore runoff than it is presently taking without upgrading the downstream system. 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. Developer is in the process of providing an impact study for the entire development and access to the site and any improvements will be dependent on the findings of the impact study.

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.

REMARKS

The applicant has submitted two rezoning applications; one to allow a condominium development at the Southernmost 700'± (12± acres) of the site, and the other to allow commercial development – both immediate and future – on the remaining 26± acres. The applicant is also requesting Planned Unit Development approval to allow the 21 building condominium complex, and to permit the entire development to be accessed via a private street and have internal circulation between the commercial lots. The Subdivision approval is required to create the six individual lots. The site is located in Council District 1, and according to the applicant is served by public water and sanitary sewer.

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 / Subdivision plat will require approval by the Planning Commission.

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.

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.

The site fronts onto Dauphin Street, a major street as shown on the Major Street Plan, and Sage Avenue, which while not designated as a collector street, definitely functions as one. Based on the site plan and subdivision plat the right-of-way for Dauphin Street appears to be a minimum of 50 feet from centerline, which if correct, means that the existing right-of-way is in compliance. However, given the function of Sage Avenue in this area, there is some concern that the existing 50' (minor street) right-of-way may not be adequate, especially given the potential of the proposed development. As indicated by Traffic Engineering comments, a revised traffic impact study has been requested. Such a study could possibly make recommendations that would necessitate dedications along Dauphin Street or Sage Avenue. Any dedications would require reconfiguration of potentially the entire development.

Dauphin Street's status as a major street, and the fact that Sage Avenue functions as a collector street and serves a primarily residential area to the west means that some method of access management would be advisable. Given the nature and character of development in this area, a limitation on the number, size and location of curb cuts would be appropriate. Again, issues such as access management or curb cut limitations should be addressed with recommendations by the requested traffic impact study.

The Zoning Ordinance states that an amendment or rezoning is appropriate only when one or more of the following conditions prevail: there is a manifest error in the ordinance; changes in conditions in a particular area make a change in the ordinance necessary and desirable; an increased need for business or industrial sites in addition to sites that are available, make it necessary and desirable to rezone an area or extend the boundaries of an existing district; the subdivision of land into urban building sites makes reclassification necessary and desirable.

In general, the applicant states that the reason for rezoning is to allow a condominium development on the proposed R-3 site, and commercial development on the proposed B-2 sites.

The application indicates that proposed Lots 2 and 3 will be used for a Bank and Drug Store respectively, but does not provide any specifics regarding use of the other lots. While some uses that may locate in a retail or commercial center require B-2 zoning, many would be allowed in an LB-2 district. In fact, several new developments have opted for the slightly more restrictive LB-2, Limited Neighborhood Business, in order to afford a little more protection to neighboring residential properties.

There are concerns relating to the proposed development(s) as submitted; some can be addressed with specificity, while others cannot due to the scale of the drawings submitted. This report will attempt to address as many of those concerns as possible.

One of the primary concerns is that of the private street and compliance with Fire Department comments/requirements – especially as relate to the design of the private street, its length, and its termination. Further, neither the application nor the plans indicate if the condominium development is to be gated at the private street, nor is there any indication of how the access to Sage Avenue is to be regulated for emergency only. Another issue relating to design of the private street is the area of private street right-of-way that runs adjacent to Dauphin Street, in front of Lot 1. There is no explanation or illustration of the purpose of this section of private street.

It should also be noted that as this development is proposed to be a private street development, the future development of Lots 1, 4 and 5 will require an amendment to this PUD, if approved.

The proposed parking areas contain more than 10 spaces. Light for the parking areas must comply with Section 64-6.A.3.c. of the Zoning Ordinance, *Lighting*, which states that “*if they 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.*”

There is no indication on the site plan (with the exception of Lot 2) as to the proposed location of any dumpster or other waste storage facility. If the applicant utilizes a dumpster, 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. Additionally, there is no indication on the site plan as to the proposed location of any mail kiosk. This is one point that the applicant may want to pursue with the USPS, because traversing the private street to access the condominiums may be an issue.

A sidewalk along Dauphin Street will be required as part of the development, if approved, as will any necessary repairs to the sidewalk along Sage Avenue (or construction of new if dedication and/or roadway improvements are required). The site plan should be revised to show both sidewalks.

The individual lots appear to have adequate area to meet the minimum overall requirements for landscape area, as required by the Zoning Ordinance. There may, however, be some concern

regarding compliance of Lot 6 with the requirement that 60% of the required landscaping be located between the buildings and the street. Also, the site plan does not show specific compliance with the tree requirements of the Ordinance, which will be required as the individual lots are developed.

The plan indicates the provision of a 20' buffer along the east and south property line, where the site is adjacent to residential development. During a community meeting the applicant offered to maintain this buffer in a natural vegetative state. While the depth of this buffer exceeds that required by the Zoning Ordinance, there is some concern as to the consistent density of this buffer, especially if a majority of the natural vegetation is deciduous. Therefore, in addition to the vegetative buffer, the provision of a 6' (minimum) privacy fence should be required where the site abuts residential properties.

Finally, the approved Subdivision plat must be recorded prior to completion of the Zoning process.

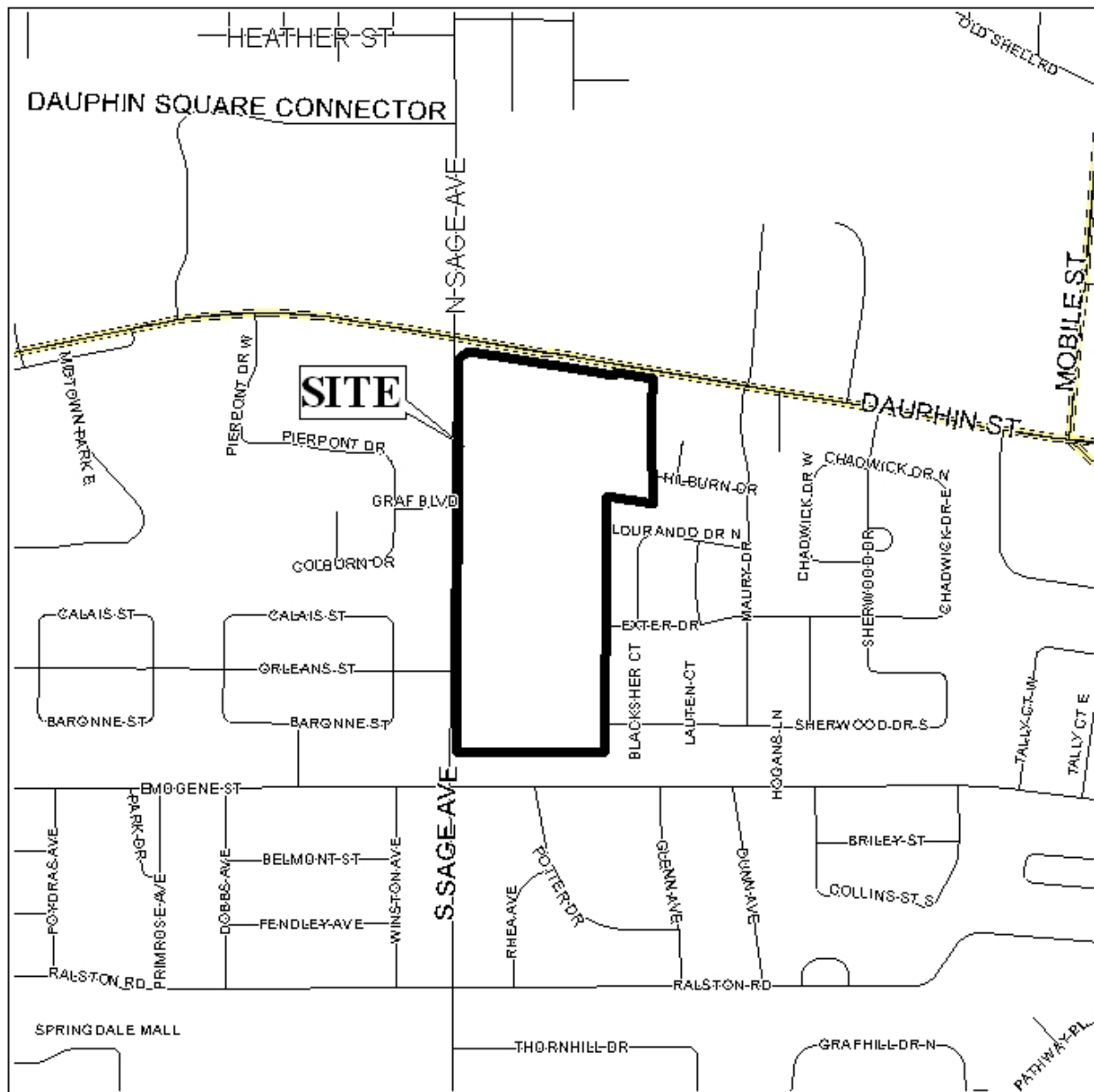
RECOMMENDATION

Subdivision: Based upon the preceding, this application is recommended for Holdover until the October 18 meeting to allow completion of the Traffic Impact Study, and to allow the applicant to address other issues as noted in the staff report. Revised drawings and information must be submitted no later than September 27.

Rezoning: Based upon the preceding, this application is recommended for Holdover until the October 18 meeting to allow completion of the Traffic Impact Study, and to allow the applicant to address other issues as noted in the staff report. Revised drawings and information must be submitted no later than September 27.

Planned Unit Development: Based upon the preceding, this application is recommended for Holdover until the October 18 meeting to allow completion of the Traffic Impact Study, and to allow the applicant to address other issues as noted in the staff report. Revised drawings and information must be submitted no later than September 27.

LOCATOR MAP



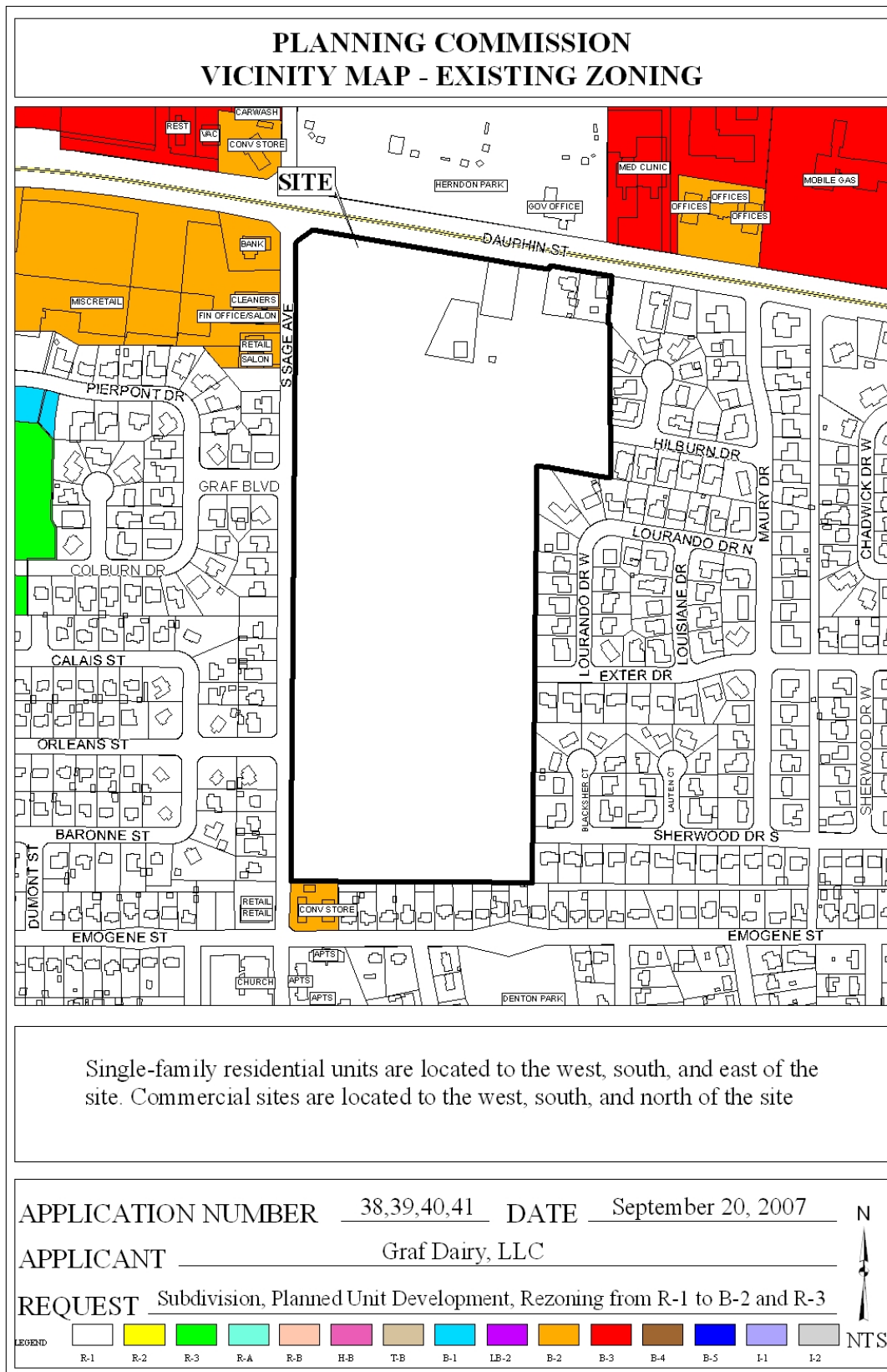
APPLICATION NUMBER 38,39,40,41 DATE September 20, 2007

APPLICANT Graf Dairy, LLC

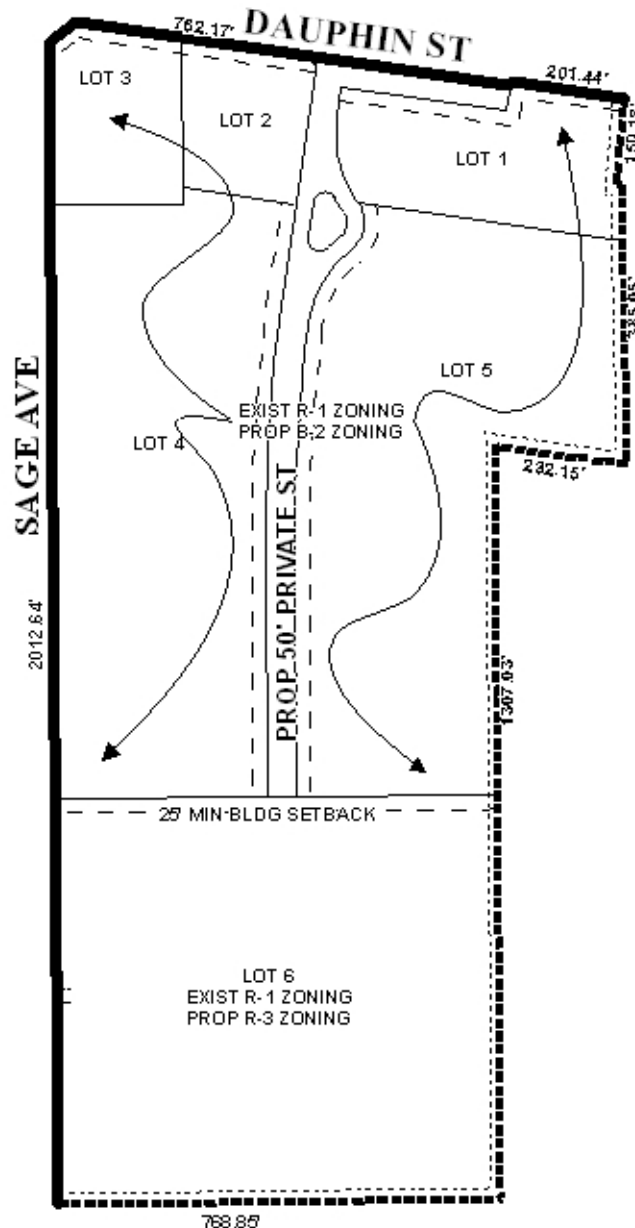
REQUEST Subdivision, Planned Unit Development, Rezoning from R-1 to B-2 and R-3



NTS



ZONING AND SUBDIVISION DETAIL



APPLICATION NUMBER 38,39,40,41 DATE September 20, 2007

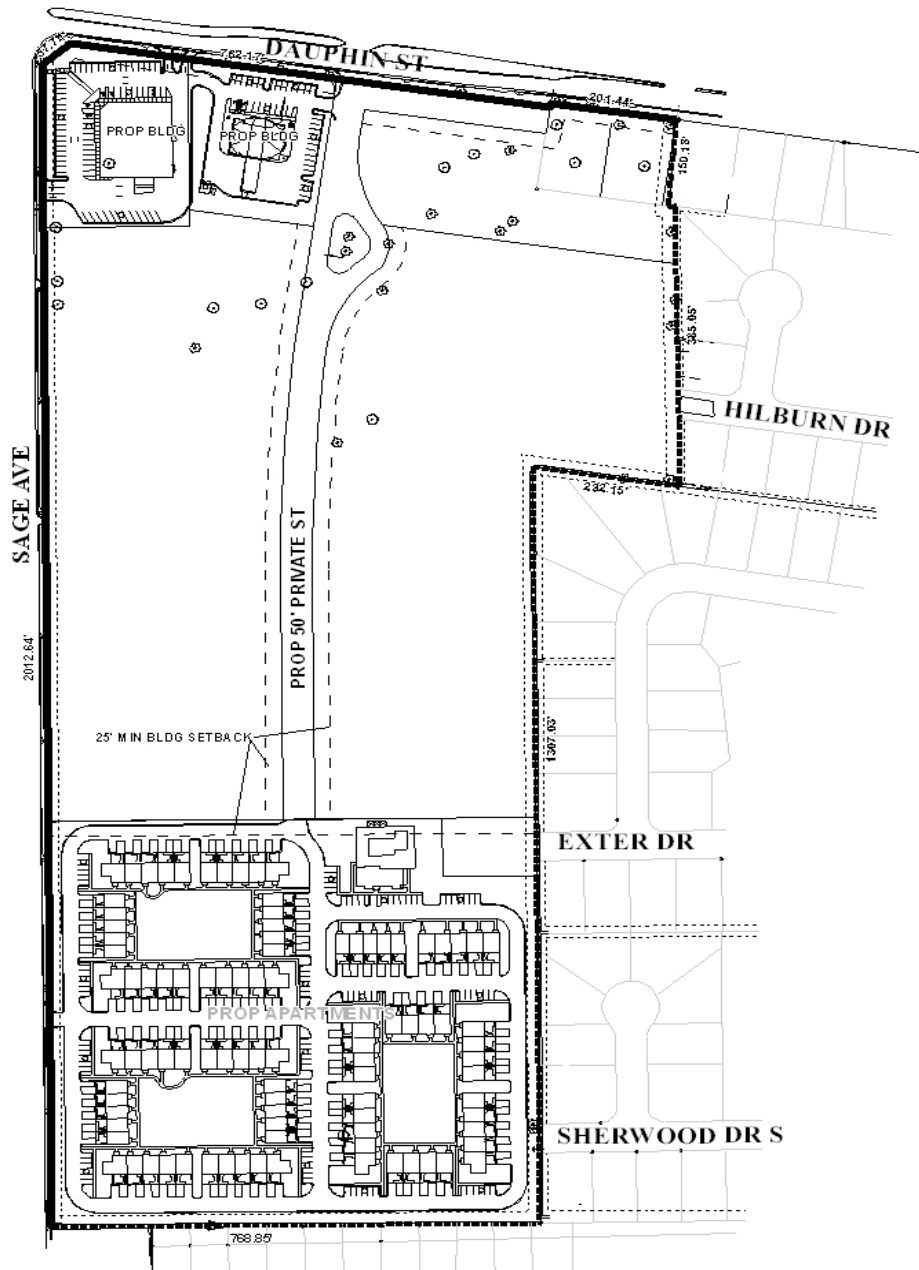
APPLICANT Graf Dairy, LLC

REQUEST Subdivision, Planned Unit Development, Rezoning from R-1 to B-2 and R-3



NTS

SITE PLAN



The site plan illustrates the proposed development

APPLICATION NUMBER 38,39,40,41 DATE September 20, 2007

APPLICANT Graf Dairy, LLC

REQUEST Subdivision, Planned Unit Development, Rezoning from R-1 to B-2 and R-3

