

**ZONING AMENDMENT,
PLANNED UNIT DEVELOPMENT &
SUBDIVISION STAFF REPORT****Date: May 19, 2011**

<u>NAME</u>	Springhill Boat Storage
<u>SUBDIVISION NAME</u>	Springhill Boat Storage Subdivision
<u>LOCATION</u>	115, 201, 203 and 205 Furr Street (West side of Furr Street, 370'± North of Old Shell Road).
<u>CITY COUNCIL DISTRICT</u>	District 1
<u>PRESENT ZONING</u>	R-1 Single-Family Residential District
<u>PROPOSED ZONING</u>	B-3, Community Business District
<u>REASON FOR REZONING</u>	Applicant states that it is apparent that the area is changing with respect to land use.
<u>AREA OF PROPERTY</u>	1 Lots / 6.3 Acres ±
<u>CONTEMPLATED USE</u>	<p>Subdivision approval to create one legal lot of record from an existing metes and bounds parcel and four existing legal lots of record, Planned Unit Development Approval to allow multiple buildings on a single building site, and Rezoning from R-1, Single-Family Residential District, to B-3, Community Business District, to allow a recreational boat storage facility.</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>	Construction to begin May, 2011.
<u>ENGINEERING COMMENTS</u>	Detention must be provided for all impervious area constructed post-1984. Verify that the receiving storm drainage system has the capacity to handle the additional impervious area; if it is not, additional storm water detention shall be

provided on-site per the storm water ordinance. Dumpster pads must be tied to the sanitary sewer 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.

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 Subdivision approval to create one legal lot of record from an existing metes and bounds parcel and four existing legal lots of record, Planned Unit Development Approval to allow multiple buildings on a single building site, and Rezoning from R-1, Single-Family Residential District, to B-3, Community Business District, to allow a recreational boat storage facility.

The 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.

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 states that the area to the West and South are zoned B-3 and are fully developed with B-3 type occupants, and that directly across Furr Street, the Southerly 50' portion is also Zoned B-3. It is further stated that it is apparent that this area is changing with respect to land use, therefore, this property meets the requirements for rezoning consideration. However, research into the area's use history does not indicate changing conditions which would seem to warrant rezoning. A proposed rezoning to B-3 by the applicant for the larger portion of the subject site in 1999 for office and warehouse facilities was recommended for denial, approved by the Commission, and subsequently denied by the City Council. The denial recommendation was based on the fact that the site is located on a minor residential street, with residential properties adjacent to the North and South and directly across the street, and, although there were commercial properties further to the South, the site was shown as residential on the General Land Use component of the Comprehensive Plan. It was further pointed out that it is desirable to provide some type of buffer district between heavier commercial properties and residential properties and that extending this level of commercial zoning further into a residential area without benefit of a buffer district would be contrary to planning and land use guidelines and principles. The only area change between that application and this one is the fact that the referenced residential site adjacent to the South then is now owned by the applicant and is included as part of the current proposed development and rezoning. With that, this application is now actually greater in scope than the previously denied rezoning request for the site and would increase commercial traffic within the residential portion of Furr Street.

It should also be noted that in 2002, a Use Variance request was denied by the Board of Zoning Adjustment for the property approximately 150' North of the subject site to be re-established as a lounge after a long absence in legal use. It was pointed out in the staff review for that application that this portion of Furr Street is residential. And it should be re-emphasized for this rezoning application that the properties to the North of and directly across Furr Street from the subject site, except the Southern 50'± portion on the East side of Furr Street, are residentially zoned, with residential use for the most part. Therefore, there does not appear to be a change in conditions with respect to land use within the area which would make rezoning necessary and desirable.

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.

The site plan submitted indicates a fairly viable design for the proposed use and is compliant with the Zoning Ordinance requirements, with some exceptions. One overstory heritage tree is lacking for the perimeter tree requirements, and the types of and height of illustrated fencing is not given. The vehicle stacking area scales at approximately 40' between the entrance gates and the right-of-way line instead of the 51' minimum requirement. Considering that vehicles entering the site would be towing boats in many instances, this could potentially cause traffic back-up into the street. And when considering the location of the proposed entrance drive being almost exactly centered between two existing residential drives across Furr Street only about 45' from each other, traffic congestion concerns are compounded. But some of the same points considered in the rezoning issue are also applicable to the PUD; general compatibility with neighboring uses and excess traffic on a minor residential street.

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 site fronts Furr Street with a compliant 50' right-of-way, therefore, no dedication would be required. As a means of access management, a note should be required on the Final Plat stating that the driveway number, size, location, and design are to be approved by Traffic Engineering and conform to AASHTO standards. As on the preliminary plat, the 25' minimum building setback line should also be illustrated on the final plat. The plat should be revised to label the lot with its size in square feet and acres, or a table should be furnished on the final plat providing the same information.

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.

The proposed Subdivision meets the technical requirements of the Subdivision Regulations; however, if the rezoning is not approved, the PUD and Subdivision are not necessary.

RECOMMENDATION

Rezoning: The request for Rezoning approval is recommended for denial for the following reasons:

- 1) the applicant does not illustrate that there is a change in conditions within the area which would make rezoning necessary or desirable;
- 2) the rezoning would not be compatible with the current residential use and character of the neighborhood; and

- 3) the rezoning would create excess traffic on a minor residential street.

Planned Unit Development: The request for Planned Unit Development Approval is recommended for denial for the following reasons:

- 1) the proposed development would not be compatible with the current residential use and character of the neighborhood;
- 2) the proposed development would create excess traffic on a minor residential street; and
- 3) the plan, as submitted, does not illustrate sufficient queuing area between the gates and the right-of-way, exacerbating traffic congestion.

Subdivision: The Subdivision request is recommended for tentative approval, subject to the following conditions:

- 1) placement of a note on the Final Plat stating that the driveway number, size, location, and design are to be approved by Traffic Engineering and conform to AASHTO standards;
- 2) illustration of the 25' minimum building setback line;
- 3) revision of the plat to label the lot with its size in square feet and acres, or the furnishing of a table on the final plat providing the same information;
- 4) placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species; and
- 5) compliance with the Engineering comments: *(Detention must be provided for all impervious area constructed post-1984. Verify that the receiving storm drainage system has the capacity to handle the additional impervious area; if it is not, additional storm water detention shall be provided on-site per the storm water ordinance. Dumpster pads must be tied to the sanitary sewer 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).*

Revised for the May 19th meeting:

At the April 21st meeting, the Commission decided to holdover this application primarily due to neighborhood concerns. As the applicant has not submitted any revised information, the original recommendation would stand.

RECOMMENDATION

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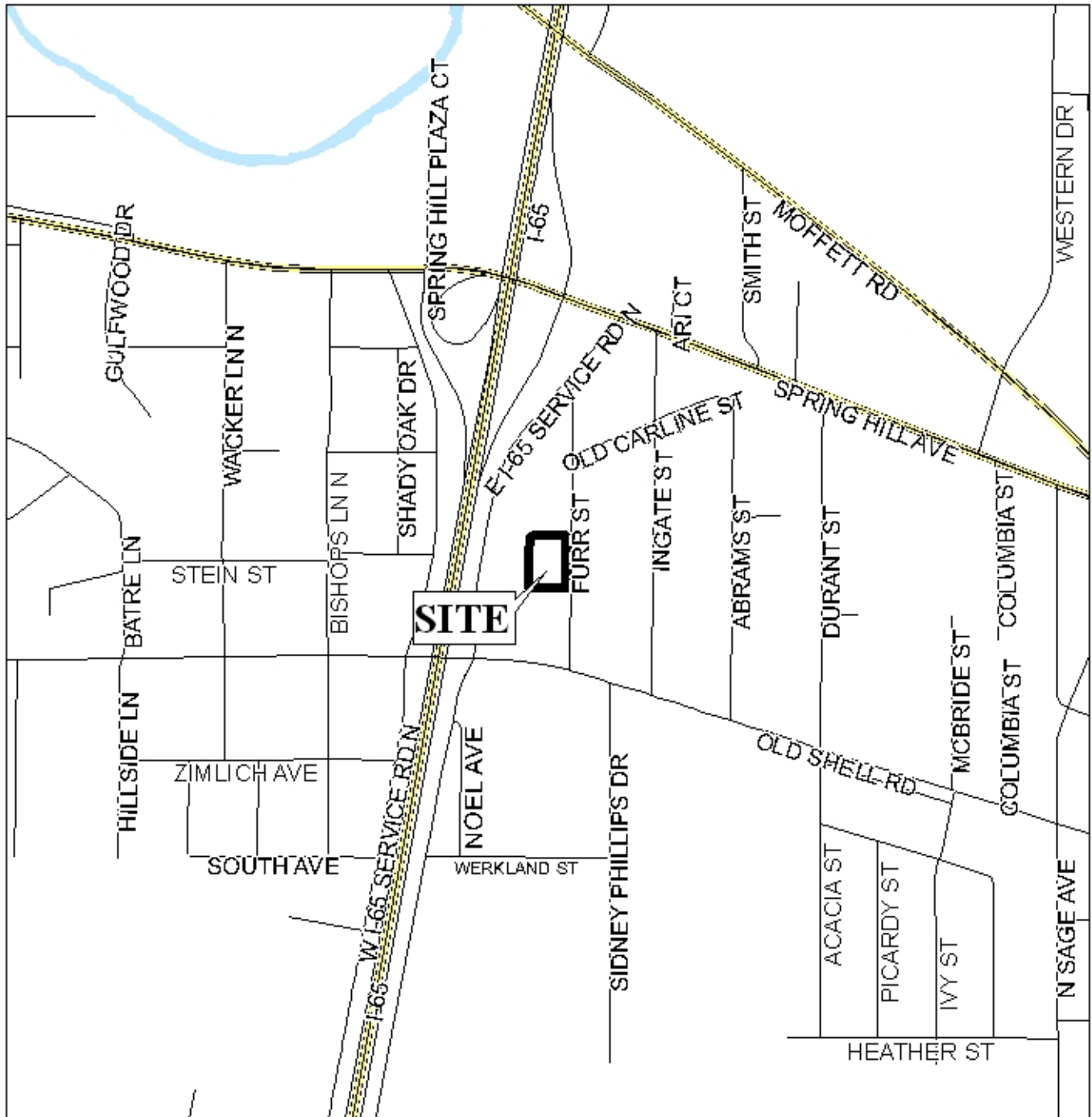
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LOCATOR MAP



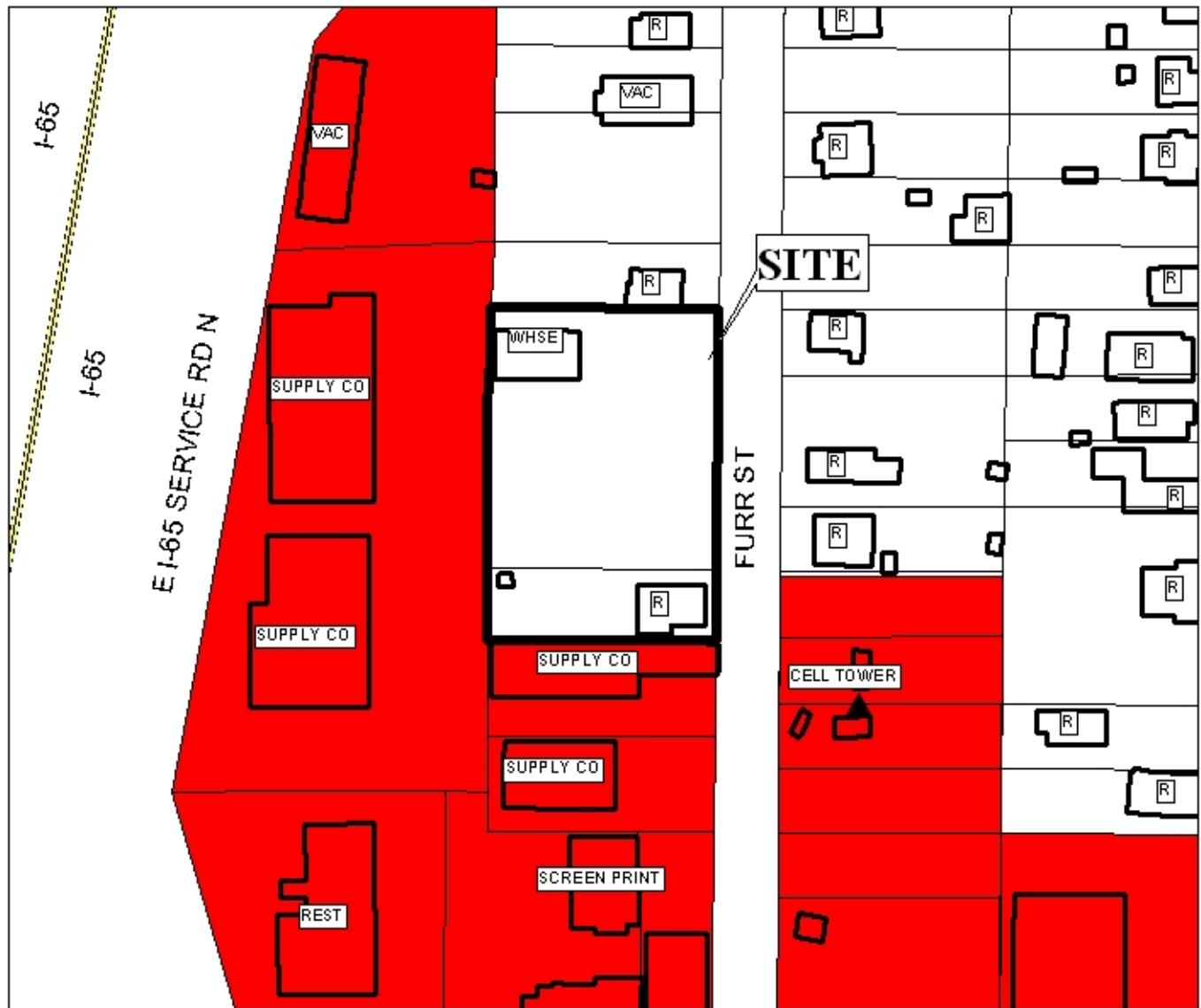
APPLICATION NUMBER 7, 8 & 9 DATE May 19, 2011

APPLICANT Springhill Boat Storage Subdivision

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



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



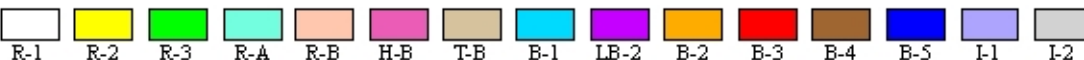
There are single family residential units to the north and east of the site while commercial business exists to the south and west.

APPLICATION NUMBER 7, 8 & 9 DATE May 19, 2011

APPLICANT Springhill Boat Storage Subdivision

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

LEGEND



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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



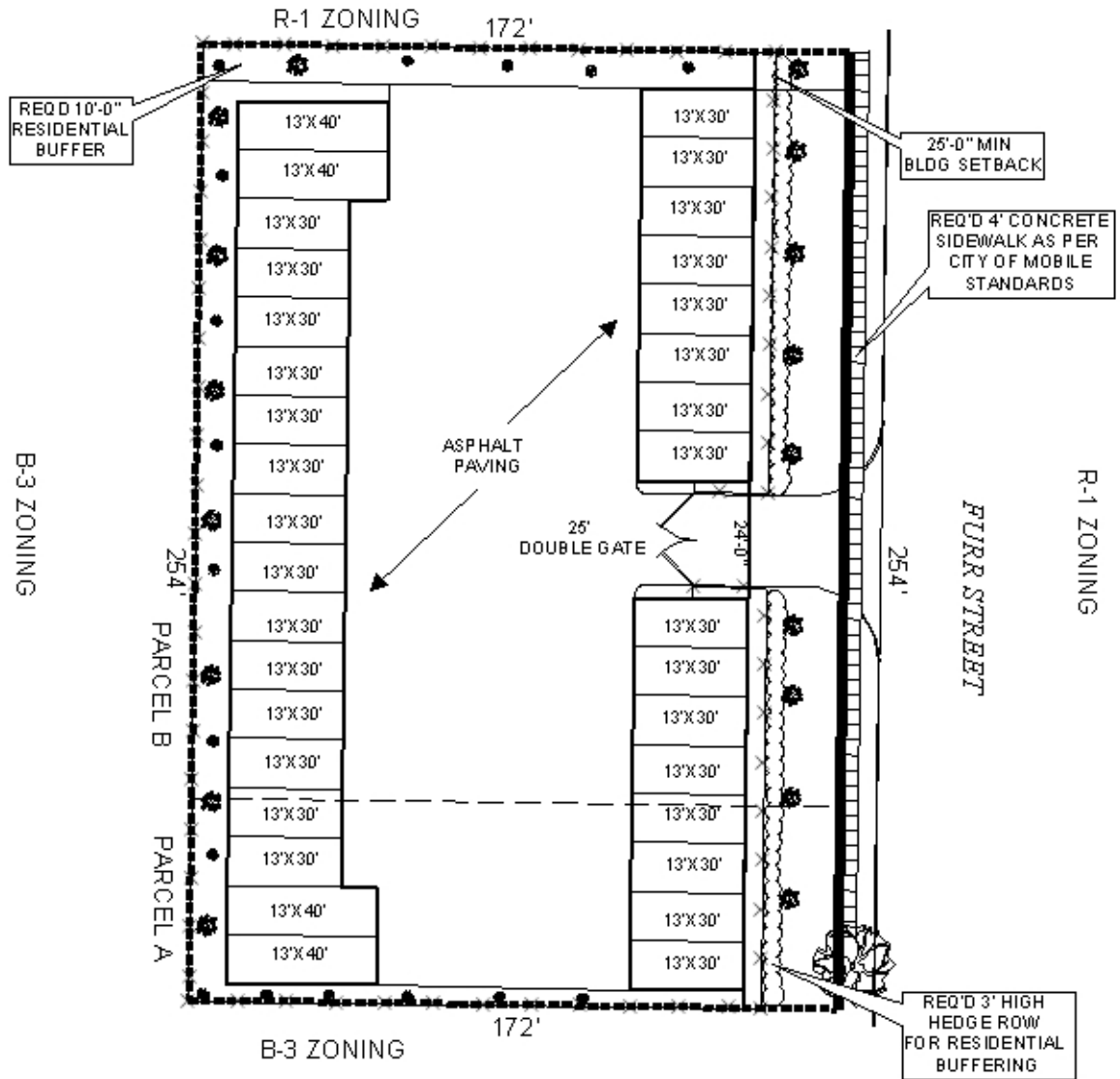
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SITE PLAN



The site plan illustrates the proposed improvements, setbacks, and buffering.

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