

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

Date: March 17, 2016

APPLICANT NAME

Jay Ross

SUBDIVISION NAME

R J Estates Subdivision

DEVELOPMENT NAME

R J Estates Subdivision

LOCATION

1114 Caroline Avenue and 1111 Dauphin Street
(North side of Caroline Avenue, 205'± West of South
Hallett Street, extending to the South side of Dauphin
Street, 205'± West of South Hallett Street)

**CITY COUNCIL
DISTRICT**

Council District 2

PRESENT ZONING

B-1, Buffer Business District

PROPOSED ZONING

R-1, Single-Family Residential District, and B-1, Buffer
Business District

AREA OF PROPERTY

2 Lots / 1.6± Acres

CONTEMPLATED USE

Subdivision Approval to create two legal lots of record
from two existing metes-and-bounds parcels; Planned Unit
Development Approval to allow multiple buildings on a
single building site along with shared access between
building sites; and Rezoning from B-1, Buffer Business
District, to R-1, Single-Family Residential District, and B-
1, Buffer Business District, to allow a residence and
business office.

**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**

None provided

ENGINEERING
COMMENTS

Subdivision: The following comments should be addressed prior to submitting the FINAL PLAT for acceptance and signature by the City Engineer:

- A. Provide all of the required information on the SUBDIVISION PLAT (i.e. signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings and distances) that is required by the current Alabama State Board of Licensure for Professional Engineers and Land Surveyors.
- B. Show and label the three (3) existing parcels.
- C. Revise the plat to label each lot with its size in acres and square feet, or the furnishing of a table on the Plat providing the same information.
- D. Add a signature block for the Traffic Engineer.
- E. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
- F. Add a note to the SUBDIVISION PLAT stating that a Land Disturbance permit will be required for any land disturbing activity in accordance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.
- G. Add a note to the Plat stating that the approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit.
- H. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of development, unless a sidewalk waiver is approved.
- I. Provide a copy of the FINAL PLAT to the Engineering Dept. for review prior to obtaining any signatures.
- J. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.

Planned Unit Development: ADD THE FOLLOWING NOTES TO THE PUD SITE PLAN:

1. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit 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).
2. A Land Disturbance Permit application shall be submitted for any proposed land disturbing activity with the property. A complete set of construction plans including, but not limited to, drainage, utilities, grading, storm water detention systems, paving, and all above ground structures, will need to be included with the Land Disturbance permit. This Permit must be submitted, approved, and issued prior to beginning any of the construction work.
3. Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management

Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.

4. The approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. The Owner/Developer is responsible for acquiring all of the necessary permits and approvals.
5. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

Rezoning: No comments.

TRAFFIC ENGINEERING

COMMENTS

Each lot is limited to no more than one curb cut per street frontage, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Any new on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City’s Zoning Ordinance.

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 Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance. (2012 International Fire Code)

MAWSS

COMMENTS

REMARKS

The applicant is requesting Subdivision Approval to create two legal lots of record from three existing metes-and-bounds parcels; Planned Unit Development Approval to allow multiple buildings on a single building site along with shared access between building sites; and Rezoning from B-1, Buffer Business District, to R-1, Single-Family Residential District, and B-1, Buffer Business District, to allow a residence and business office. The site is located in Council District 2, and according to the applicant is served by public water and sanitary sewer.

The subject site is located within the Old Dauphin Way Historic District. The applicant desires to separate the residence on proposed Lot 1 from the commercial buildings on proposed Lot 2. As proposed Lot 2 would continue in commercial use and would have multiple existing buildings on it, a PUD is required for the multiple buildings on the single lot and to allow shared access with proposed Lot 1.

The applicant submitted a narrative addressing the PUD and Rezoning stating:

Item 7:

“Proposed Lot 1 will be used as a single-family residence or other use conforming to the proposed R-1 zoning. Currently the property and wood frame building are vacant, but once the necessary approvals have been received the property will be conveyed to a non-profit historic preservation organization for restoration.”

“Proposed Lot 2 will remain in its current business office use. The main structure adjacent to Dauphin Street is currently in use. The other two existing buildings on the site are used for storage. As it relates to Lot 2, no change in use, new construction, or additional development is proposed as part of this project.”

Along Dauphin Street and Caroline Avenue, the property has existing sidewalks in place. The existing structures do not meet current building setback requirements. Any new construction would meet the City of Mobile setback requirements. On the preliminary subdivision plat, a 25-foot minimum building setback line is shown for Lot 2 along Dauphin Street and Caroline Avenue. The setback line is not shown for Lot 1. It is requested that the Historic District Overlay Setback Requirements be in effect for this lot.”

“On the north line of Lot 1, the existing metal shed and concrete slab are to be demolished prior to presenting the subdivision for signature. The demolition is to be accomplished in accordance with all City regulations, including permits as required.”

“With regard to this application, since no new construction or development is proposed as this project, the owner/applicant requests that the landscape requirements not be until such time as new construction at the site meets the thresholds set forth in Section 64-4.E.2.b. of the zoning ordinance.”

Item 8:

“The re-zoning application for proposed Lot 1 requests a change from the existing B-1 R-1 zoning. It is the intent of the applicant to convey the property and existing structure to another owner for use as a single-family residence, which would make the zoning necessary and desirable.”

“The re-zoning request for proposed Lot 2 maintains the zoning as B-1. The purpose of the re-zoning application is to remove unmet conditions which attached to the previous zoning action on this property. Since the current use of the property complies with the current zoning classification, the request is necessary and desirable.”

Item 9:

“The PUD property is owned by Jay M. Ross and Joe Carl Jordan. There are no agreements or covenants in place or proposed relating to the PUD.”

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 2-lot, 1.6±-acre subdivision, which is located on the North side of Caroline Avenue, 205'± West of South Hallett Street, extending to the South side of Dauphin Street, 205'± West of South Hallett Street, in Council District 2. The applicant states that the subdivision is served by public water and sanitary services.

The purpose of this application is to create two legal lots of record from three existing metes-and-bounds parcels. The site was the subject of a previous subdivision, R.J. Estates Subdivision, heard by the Commission on January 7, 2016, but which was withdrawn as per staff recommendation due to the fact that there is an existing PUD and several unmet zoning conditions. Staff also recommended the submission of new applications for the entire PUD and a new Rezoning, which now accompany this current Subdivision application. The Subdivision application now includes all three parcels comprising the subject site.

As proposed, an existing building facing Caroline Avenue would be situated on Lot 1 with the remainder of the site to be of commercial use on Lot 2. As proposed, Lot 2 would require a waiver of Section V.D.1. of the Subdivision Regulations due to its odd shape and being a flag lot. A waiver of Section V.D. 3. would also be required for the maximum depth-to-width ratio of Lot 2. The proposed lots meet the minimum size and frontage requirements as regulated by the Subdivision Regulations. The plat should be revised to label each lot with its size in both square feet and acres, or a table should be furnished on the Final Plat providing the same information.

Lots 1 and 2 would have frontage along Caroline Avenue, a minor street with a complaint 50' right-of-way; therefore, no dedication would be required. Lot 2 would also have frontage along Dauphin Street which is a component of the Major Street Plan with a planned 100' right-of-way and a current 60' right-of-way along the site. As no new road construction is currently planned or anticipated, it is recommended that no right-of-way dedication be required. However, the plat should be revised to indicate a future right-of-way line 50' from the centerline of Dauphin Street, with a 25' minimum building setback line as measured from the future right-of-way line. The plat should retain the 25' minimum building setback line for Lot 2 along Caroline Avenue. As the site is within a historic district, it is recommended that a note be placed on the Final Plat stating that the building setbacks for Lot 1 be as per the Historic District Overlay of the Zoning Ordinance.

As a means of access management, a note should be placed on the Final Plat stating that each lot is limited to no more than one curb cut per street frontage, with the size, location and design of all curb cuts to be approved by Traffic Engineering and conform to AASHTO standards.

The plat indicates an existing metal shed and concrete slab on proposed Lot 1 extending beyond the proposed North property line onto Lot 2. A note on the plat and in the narrative indicates that these are to be removed prior to submitting the plat for signing. Therefore; these should be removed, with the proper demolition permit, prior to signing the Final Plat.

As stated in Section 64-5 of the Zoning Ordinance, 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 must be approved by the Planning Commission.

In this instance the PUD would allow Lot 2 to contain multiple buildings and allow both lots to share a common access via a driveway off Caroline Avenue. This driveway to the commercial portion of the site was allowed via a Variance granted in 1961 when the large two-story dwelling facing Dauphin Street was offices for Smith's Bakery and the three outer buildings at the rear of proposed Lot 1 were part of the bakery operation. The bakery was at the Northwest corner of Dauphins Street and North Hallett Street. A PUD to allow multiple buildings on the site was approved in conjunction with a 1994 rezoning for the site and the current PUD under consideration would amend that PUD.

With regard to the PUD, the site plan depicts one designated accessible parking space, and all other parking is un-designated. The size of the two-story office building is not provided, thus staff cannot determine how many parking spaces might be required. There also may be insufficient buffering along adjacent residential sites and no dumpster is indicated. No sidewalk is shown (which actually exists) along Dauphin Street. The site plan should be revised to provide information regarding the size of the office use in square feet, as well as parking calculations and indication of compliant designated parking.

The site adjoins existing residential use along the East side for properties facing South Hallett Street, along the South for properties facing Caroline Avenue, along the East side of the drive from Caroline Avenue, and to the South along proposed Lot 1 and the proposed R-1 zoning and use. Therefore, the site plan should be revised to indicate compliant residential buffering in these areas. As the commercial site would share access with the proposed residential use on Lot 1 via the drive from Caroline Avenue, no buffering should be required along the West side of the driveway from Caroline Avenue until such time that Lot 1 has its own driveway to Caroline Avenue. It should be noted that no expansion of facilities is proposed at this time.

The site plan should be revised to either indicate a compliant dumpster or a note should be placed on the site plan stating that no dumpster will be utilized and refuse collection will be via curbside or private can collection services. The site plan should also be revised to indicate the existing public sidewalk along Dauphin Street.

As the over-all commercial site is diminishing in area due to Lot 1 proposed to become residential, the fact that no commercial expansion is proposed at this time, and the fact that there is heavy frontage canopy and several large Live Oak trees within the site, the requirement for landscaping and tree planting compliance at this time would not be appropriate.

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.

Most of the subject site, other than a small area along Caroline Avenue, is 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.

Adjacent to the East of the site is B-2, Neighborhood Business, fronting Dauphin Street. Fronting South Hallett Street and backing up to the site is R-1 zoning; to the South fronting Caroline Avenue is R-1 zoning, and adjacent along the entire West boundary is B-1 zoning. Across Dauphin Street is B-1 and B-2 zoning, and across Caroline Avenue is R-1 zoning.

The site was rezoned from R-1, B-1, and B-2, Neighborhood Business, to B-1, in 1994. The two-story office building was zoned B-1, the parking area to the East was zoned B-2, and the three outer buildings and residence on Caroline Avenue were zoned R-1. The intent was to have multiple office buildings on a single site. A subsequent Rezoning from B-1 to B-1 was approved in 1997, but several conditions were not met.

As the applicant now proposes to have the building on Caroline Avenue again be used as only a single-family dwelling, rezoning to R-1 would be appropriate, especially in light of the fact that all uses along the North side of Caroline Avenue within that block are single-family residential. The proposed Subdivision to create a separate lot (Lot 1) for the dwelling would also make reclassification necessary and desirable. Subdivision to create proposed Lot 2 would also warrant its rezoning to establish uniform conditions throughout the entire commercial site. The site plan presented is the same as that for the PUD which is somewhat deficient in required

information. Therefore, the Rezoning site plan should be revised to match that of a revised PUD site plan.

RECOMMENDATION

Subdivision: With waivers of Sections V.D.1. and V.D.3., the plat meets the minimum requirements of the Subdivision Regulations and is recommended for Tentative Approval, subject to the following conditions:

- 1) revision of the plat to label each lot with its size in both square feet and acres, or the furnishing of a table on the Final Plat providing the same information;
- 2) revision of the plat to indicate a future right-of-way line 50' from the centerline of Dauphin Street, as per the Major Street Plan, with a 25' minimum building setback line as measured from the future right-of-way line;
- 3) retention of the 25' minimum building setback line along Caroline Avenue;
- 4) placement of a note on the Final Plat stating that the building setbacks for Lot 1 are to be as per the Historic District Overlay of the Zoning Ordinance;
- 5) placement of a note on the Final Plat stating that each lot is limited to no more than one curb cut per street frontage, with the size, location and design of all curb cuts to be approved by Traffic Engineering and conform to AASHTO standards;
- 6) removal, with the proper permits, of the metal shed and concrete slab on the North side of Lot 1 which encroach onto Lot 2 prior to signing the Final Plat;
- 7) subject to the Engineering comments: *[The following comments should be addressed prior to submitting the FINAL PLAT for acceptance and signature by the City Engineer: A. Provide all of the required information on the SUBDIVISION PLAT (i.e. signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings and distances) that is required by the current Alabama State Board of Licensure for Professional Engineers and Land Surveyors. B. Show and label the three (3) existing parcels. C. Revise the plat to label each lot with its size in acres and square feet, or the furnishing of a table on the Plat providing the same information. D. Add a signature block for the Traffic Engineer. E. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. F. Add a note to the SUBDIVISION PLAT stating that a Land Disturbance permit will be required for any land disturbing activity in accordance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. G. Add a note to the Plat stating that the approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. H. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of development, unless a sidewalk waiver is approved. I. Provide a copy of the FINAL PLAT to the Engineering Dept. for review prior to obtaining any signatures. J. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.];*
- 8) subject to the Traffic Engineering comments: *(Each lot is limited to no more than one curb cut per street frontage, with size, location and design to be approved by Traffic Engineering*

and conform to AASHTO standards. Any new on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.);

- 9) subject to the 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).];*
- 10) subject to the Fire Department comments: *[All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance. (2012 International Fire Code)];* and
- 11) submittal and approval of three (3) copies of a revised PUD site plan meeting all conditions of the PUD approval prior to signing the Final Plat for the Subdivision.

Planned Unit Development: Based upon the preceding, this application is recommended for Approval, subject to the following conditions:

- 1) revision of the site plan to label each lot with its size in both square feet and acres, or the furnishing of a table on the site plan providing the same information;
- 2) revision of the site plan to indicate a future right-of-way line 50' from the centerline of Dauphin Street, as per the Major Street Plan, with a 25' minimum building setback line as measured from the future right-of-way line;
- 3) retention of the 25' minimum building setback line along Caroline Avenue;
- 4) placement of a note on the site plan stating that the building setbacks for Lot 1 are to be as per the Historic District Overlay of the Zoning Ordinance;
- 5) placement of a note on the site plan stating that each lot is limited to no more than one curb cut per street frontage, with the size, location and design of all curb cuts to be approved by Traffic Engineering and conform to AASHTO standards;
- 6) removal, with the proper permits, of the metal shed and concrete slab on the North side of Lot 1 which encroach onto Lot 2 prior to signing the Final Plat for the Subdivision;
- 7) revision of the site plan to provide the office size in square feet and to provide parking calculations and indicate compliant designated parking (including any require accessible parking);
- 8) revision of the site plan to indicate compliant residential buffering where the site adjoins existing and proposed residential use, except along the West side of the drive from Caroline Avenue;
- 9) revision of the site plan to provide a compliant dumpster, or the placement of a note on the site plan stating that no dumpster will be utilized and refuse collection will be via curbside or private can collections services;
- 10) revision of the site plan to indicate the existing public sidewalk along Dauphin Street;
- 11) subject to the Engineering comments: *[ADD THE FOLLOWING NOTES TO THE PUD SITE PLAN: 1. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit 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). 2. A Land Disturbance Permit application shall be submitted for any proposed land disturbing activity with the property. A complete set of construction plans including, but not limited to, drainage,*

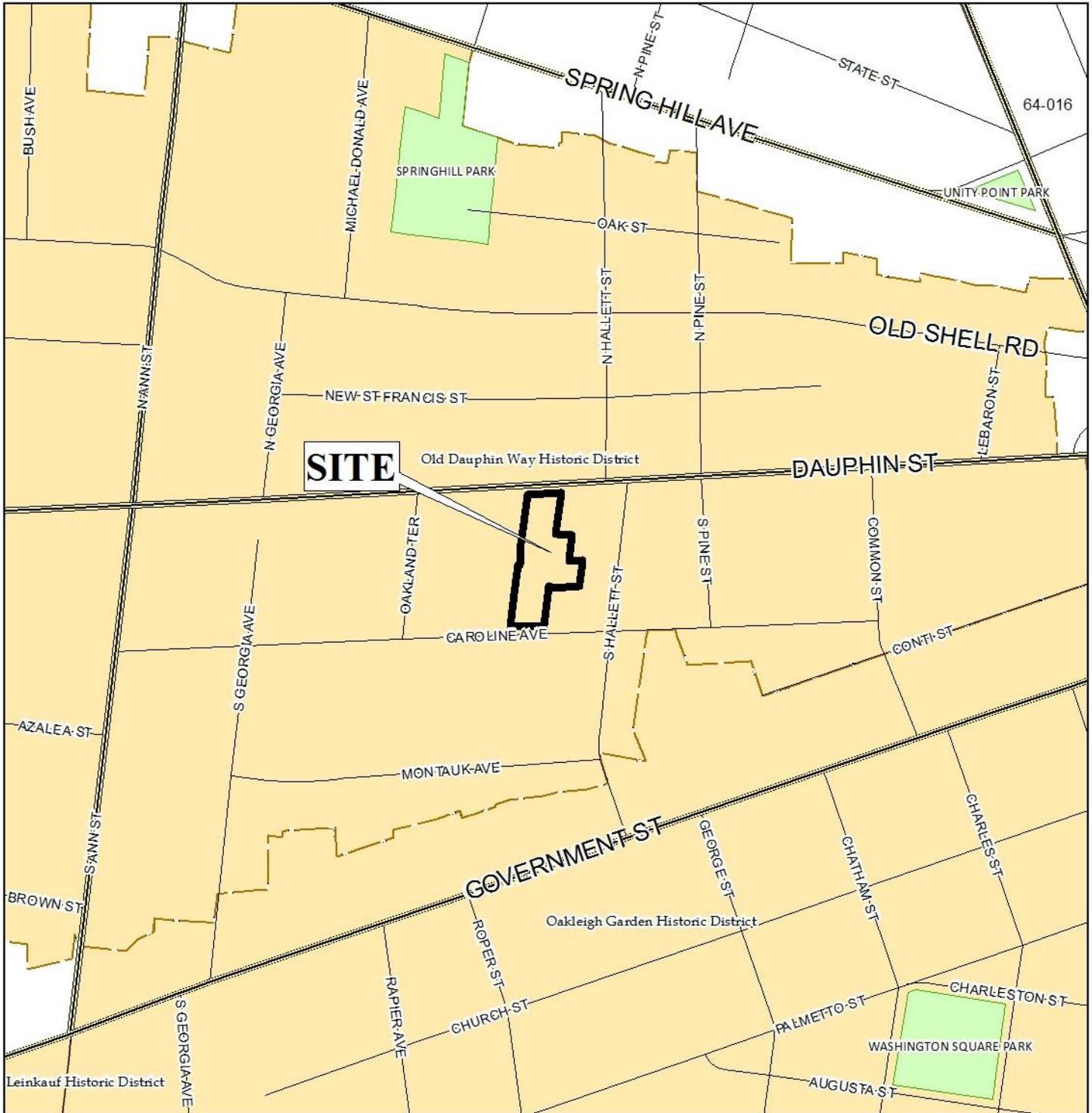
utilities, grading, storm water detention systems, paving, and all above ground structures, will need to be included with the Land Disturbance permit. This Permit must be submitted, approved, and issued prior to beginning any of the construction work. 3. Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the. 4. The approval of all applicable Rules For Erosion and Sedimentation Control and Storm Water Runoff Control federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. The Owner/Developer is responsible for acquiring all of the necessary permits and approvals. 5. The proposed development must comply with all Engineering Department design requirements and Policy Letters.];

- 12) subject to the Traffic Engineering comments: *(Each lot is limited to no more than one curb cut per street frontage, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Any new on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.);*
- 13) subject to the 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).];*
- 14) subject to the Fire Department comments: *[All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance. (2012 International Fire Code)];* and
- 15) full compliance with all municipal codes and ordinances.

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

- 1) completion of the Subdivision process; and
- 2) full compliance with all municipal codes and ordinances.

LOCATOR MAP



APPLICATION NUMBER 11 DATE March 17, 2016
APPLICANT R J Estates Subdivision
REQUEST Subdivision, PUD, Rezoning from B-1 to R-1 and B-1



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units to the west, south, and east. Commercial units lie north of the site.

APPLICATION NUMBER 11 DATE March 17, 2016

APPLICANT R J Estates Subdivision

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

 R-A	 R-3	 T-B	 B-2	 B-5	 MUN	 SD-WH	 T5.1
 R-1	 R-B	 B-1	 B-3	 I-1	 OPEN	 T3	 T5.2
 R-2	 H-B	 LB-2	 B-4	 I-2	 SD	 T4	 T6



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units to the west, south, and east. Commercial units lie north of the site.

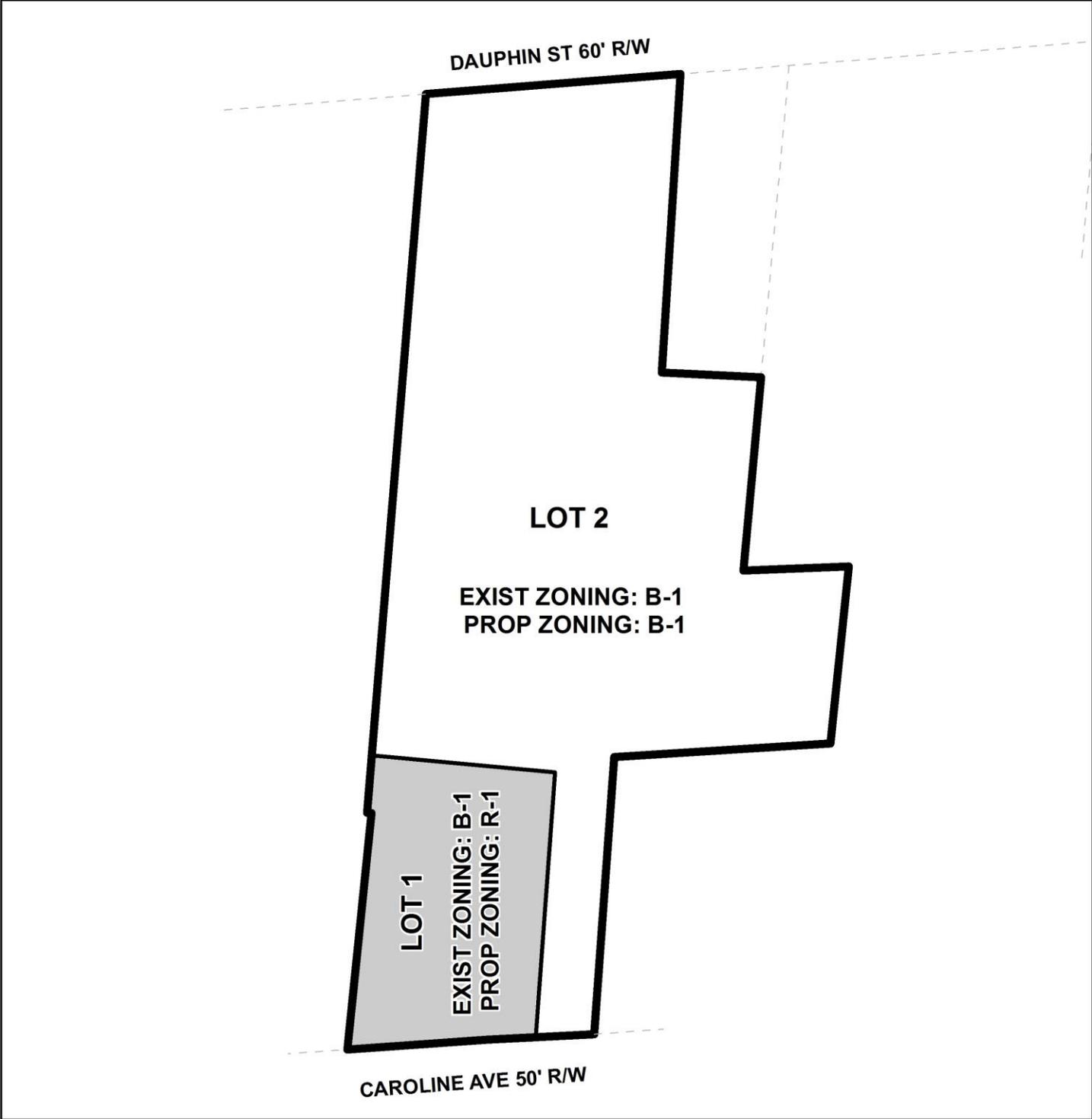
APPLICATION NUMBER 11 DATE March 17, 2016

APPLICANT R J Estates Subdivision

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



DETAIL SITE PLAN



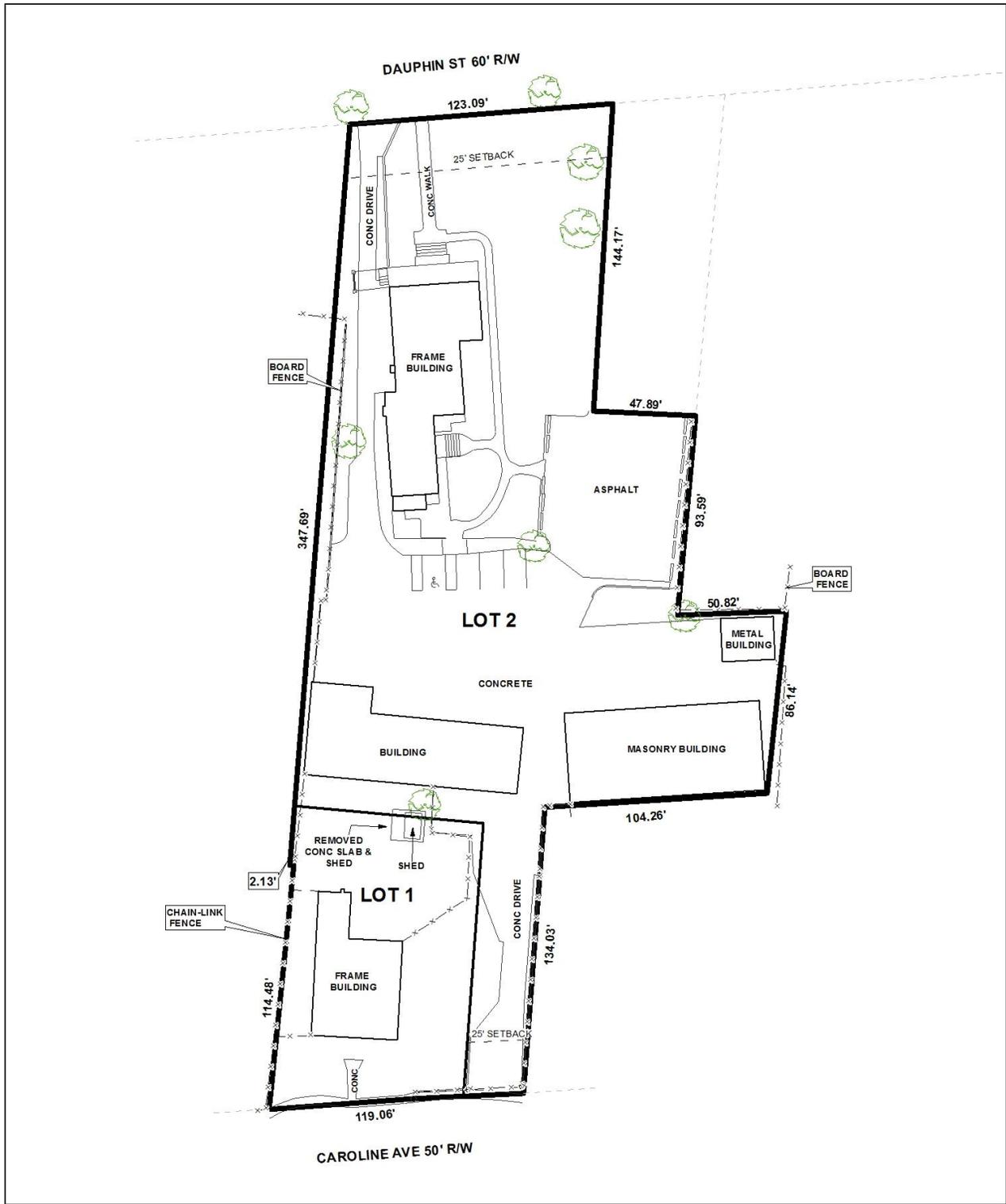
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REQUEST Subdivision, PUD, Rezoning from B-1 to R-1 and B-1



SITE PLAN



The site plan illustrates the setbacks, buildings, trees, parking, and fences.

APPLICATION NUMBER <u>11</u>	DATE <u>March 17, 2016</u>
APPLICANT <u>R J Estates Subdivision</u>	
REQUEST <u>Subdivision, PUD, Rezoning from B-1 to R-1 and B-1</u>	



NTS