

HOLDOVER - REVISED

Case # SUB2007-00224 ZON2007-02214
ZON2007-02211 ZON2007-02215

12, 13, 14, 15

**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

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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

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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

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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.

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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.

REVISED for the October 18th meeting:

Revised 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

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improvements will be dependent on the findings of the impact study. The north to west and east to south left turns will be denied and the developer should provide modifications to the median to prevent these movements. All modifications will require final approval from Traffic Engineering. The developer should reserve a strip along Sage Avenue adequate enough to provide a 12 foot turn lane for future improvements.

Revised 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. Fire hydrants shall comply with Section 508.5.1 of the 2003 IFC. Dead ends shall comply with Table D105.1 of the 2003 IFC.*

The applicant has submitted a revised site plan addressing some of the issues raised in the September 20th analysis. However, there are other issues that have not been fully addressed, and while not necessarily enough to delay the application, definitely sufficient to reference in these comments.

One main issue is that of the Traffic Study. To date, Planning Staff has not received word that the study has been completed and accepted by the Traffic Engineering Department. While a preliminary version was submitted to Traffic Engineering some time ago, it dealt only with the traffic impact of the drug store, bank and condominium developments. No impact based on the large tracts that are proposed for B-2 rezoning, but do not as yet have a proposed use. Some consideration must be afforded to the potential uses of these tracts since any dedications or infrastructure improvements made necessary by this development would have to be accomplished, or at least provided for, prior to recoding of the final plat and issuance of any permits.

One example of this relates to the possible need of a turn lane along Sage Avenue. This would necessitate dedication of a minimum of 12' – however, at this time it has not been determined the necessary length or distance from Dauphin Street, or if one would be appropriate near the “emergency entrance” for the condominium development.

Generally, a residential development with the number of units proposed (96) would be suggested to have a second point of access. While there is the “emergency entrance” as noted above, the second point access is usually intended to be open at all times. However, given the nature of traffic on Sage Avenue, it may be more appropriate to maintain this access point for emergency use only.

Another is the actual access from Dauphin Street onto the private street(s) within the development. While an edge of paving is illustrated along the western entrance – from that point, and for a distance of 340', there is no defined access point(s) from Dauphin Street. While there is a note on the plan that state there will be an exit onto Dauphin Street on the East end, more detailed information would be beneficial for review at this time.

As stated in the analysis for September 20th, the plat at that time illustrated a 20 natural buffer along the entire East property line of the site. This buffer was provided based upon discussions

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at a community meeting arranged by the applicant. The staff report suggested that because there is some concern as to the consistent density of this buffer, especially if a majority of the natural vegetation is deciduous, the provision of a 6' privacy fence would also be appropriate.

While the plan now before the Commission has been revised to provide the 6' privacy fence as suggested by staff, it should be noted that the natural vegetative buffer has also been revised. The plan now illustrates a 20' natural buffer along the East line of the proposed condominium development, and a 10' natural buffer along the East line of the proposed B-2 property that is adjacent to a single-family residential neighborhood to the East.

Also as referenced in the previous staff analysis, the scale of the drawings as submitted makes review of the plan somewhat difficult. However, in general, the plan appears to sufficient for PUD approval, for those developments as depicted on the plan. Also as referenced in the previous analysis, ANY development on lots 1, 4 or 5 will require a revision to the PUD.

The plan illustrates several large trees, the most significant of which are two 66" live oaks. The applicant has designed the private street such that these trees are protected in an island which appears to be of substantial size. These trees should be given preservation status (All work under the canopies is to be permitted and coordinated with Urban Forestry, removal to be permitted by Urban Forestry only in the case of disease or impending danger), and if any modifications to the landscaped island are needed to help preserve the tree, they should be Coordinated with Urban Forestry.

Detention facilities are not shown on any of the proposed lots or developments, but will likely be required. If the detention facilities require significant modifications to any of the plans as proposed, those individual developments will be required to resubmit to amend the PUD since PUD approvals are site plan specific.

As referenced in the previous analysis comments, 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.

While the revised plan addresses these issues to the degree that it states they will be provided, If the dumpster or mail facilities require significant modifications to any of the plans as proposed, those individual developments will be required to resubmit to amend the PUD since PUD approvals are site plan specific.

Another concern that has not been addressed by the application or plan is the standard to which the proposed private street is to be constructed. Given the volume of traffic that is to be expected on this street – both residential and commercial – it would seem appropriate that the private street be constructed to City of Mobile standards.

Finally, in review of the application, proposed uses, existing zoning patterns and actual land use development, the Commission may wish to consider LB-2 for the lots on the East side of the private drive – which are adjacent to residentially developed properties. While the LB-2 classification allows a majority of the uses allowed in B-2, it does not allow some of the uses that many individuals find offensive or potentially too intense to be immediately adjacent to a residential neighborhood.

RECOMMENDATION

Subdivision: *Based upon the preceding, this application is recommended for Tentative Approval, subject to the following conditions:*

- 1. dedication of a minimum of 12' of right-of-way along Sage Avenue to provide for a turn lane, as referenced in the revised Traffic Engineering Comments, exact length to be determined by Engineering, Traffic Engineering;*
- 2. dedication of an appropriate radius at the intersection of Sage Avenue and Dauphin Street, to be coordinated with Engineering and Traffic Engineering, but at a minimum to comply with Section V.D.6 of the Subdivision Regulations;*
- 3. placement of a note on the final plat stating that driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. The north to west and east to south left turns will be denied and the developer should provide modifications to the median to prevent these movements. All modifications will require final approval from Traffic Engineering.*
- 4. placement of a note on the final plat stating that the two 66" oak trees are given preservation status (All work under the canopies is to be permitted and coordinated with Urban Forestry, removal to be permitted by Urban Forestry only in the case of disease or impending danger), and if any modifications to the landscaped island are needed to help preserve the tree, they should be Coordinated with Urban Forestry;*
- 5. construction of the private street to City of Mobile standards; and*
- 6. compliance with Section VIII.E.2.f-k of the Subdivision Regulations – certification from engineer (k) to certify construction to City of Mobile Standards.*

Rezoning: *Based upon the preceding, the recommendation will be broken into recommendations based upon zoning classifications.*

Rezoning from R-1 to R-3, based on the preceding, this application is recommended for Approval, subject to the following conditions:

- 1. completion of the subdivision process (recording of the final plat) prior to completion of the rezoning process;*
- 2. limited to an approved PUD, as may be required to be amended;*
- 3. 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. Fire hydrants shall comply with Section 508.5.1 of the 2003 IFC. Dead ends shall comply with Table D105.1 of the 2003 IFC;*

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4. *full compliance with all municipal codes and ordinances.*

Rezoning from R-1 to B-2, based on the preceding, it is recommended that this rezoning be recommended for approval for proposed lots 2, 3, and 4 (will need revised legal description), subject to the following conditions:

1. *completion of the subdivision process (recording of the final plat) prior to completion of the rezoning process;*
2. *limited to an approved PUD, as may be required to be amended;*
3. *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. Fire hydrants shall comply with Section 508.5.1 of the 2003 IFC. Dead ends shall comply with Table D105.1 of the 2003 IFC;*
4. *full compliance with all municipal codes and ordinances.*

*And, amended for lots 1 & 5, to recommend approval for **LB-2**, subject to the following conditions:*

1. *completion of the subdivision process (recording of the final plat) prior to completion of the rezoning process;*
2. *limited to an approved PUD, as may be required to be amended;*
3. *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. Fire hydrants shall comply with Section 508.5.1 of the 2003 IFC. Dead ends shall comply with Table D105.1 of the 2003 IFC;*
4. *full compliance with all municipal codes and ordinances.*

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

1. *completion of the subdivision process (recording of the final plat) prior to completion of the rezoning process;*
2. *completion of the rezoning process prior to the issuance of any permits;*
3. *provision of an 20' natural buffer with a 6' high wooden privacy fence along the entire East property line;*
4. *Compliance with Fire Department Comments (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. Fire hydrants shall comply with Section 508.5.1 of the 2003 IFC. Dead ends shall comply with Table D105.1 of the 2003 IFC);*
5. *Compliance with 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. The north to west and east to south left turns will be denied and the developer should provide modifications to the median to prevent these movements. All modifications will*

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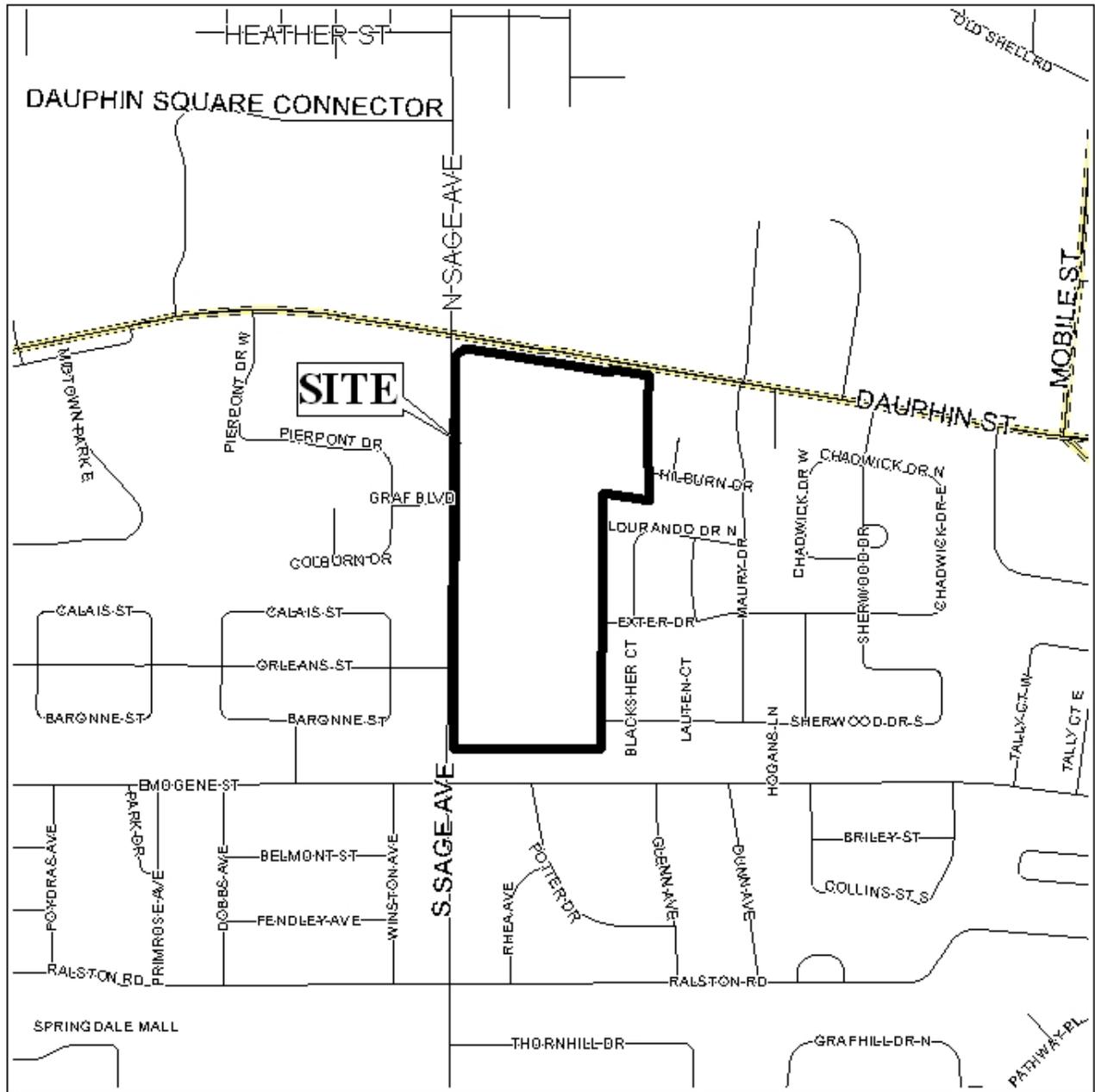
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- require final approval from Traffic Engineering. The developer should reserve a strip along Sage Avenue adequate enough to provide a 12 foot turn lane for future improvements.);*
6. *revision of the PUD plan to include placement of a note stating that the two 66" oak trees are given preservation status (All work under the canopies is to be permitted and coordinated with Urban Forestry, removal to be permitted by Urban Forestry only in the case of disease or impending danger), and if any modifications to the landscaped island are needed to help preserve the tree, they should be Coordinated with Urban Forestry;*
 7. *construction of the private street to City of Mobile standards;*
 8. *construction and repairs of sidewalks along Dauphin Street and Sage Avenue as necessary;*
 9. *full compliance with all municipal codes and ordinances; and*
 10. *submission of a revised site plan reflecting these conditions prior to the issuance of any permits.*

LOCATOR MAP



APPLICATION NUMBER 12,13,14,15 DATE October 18, 2007

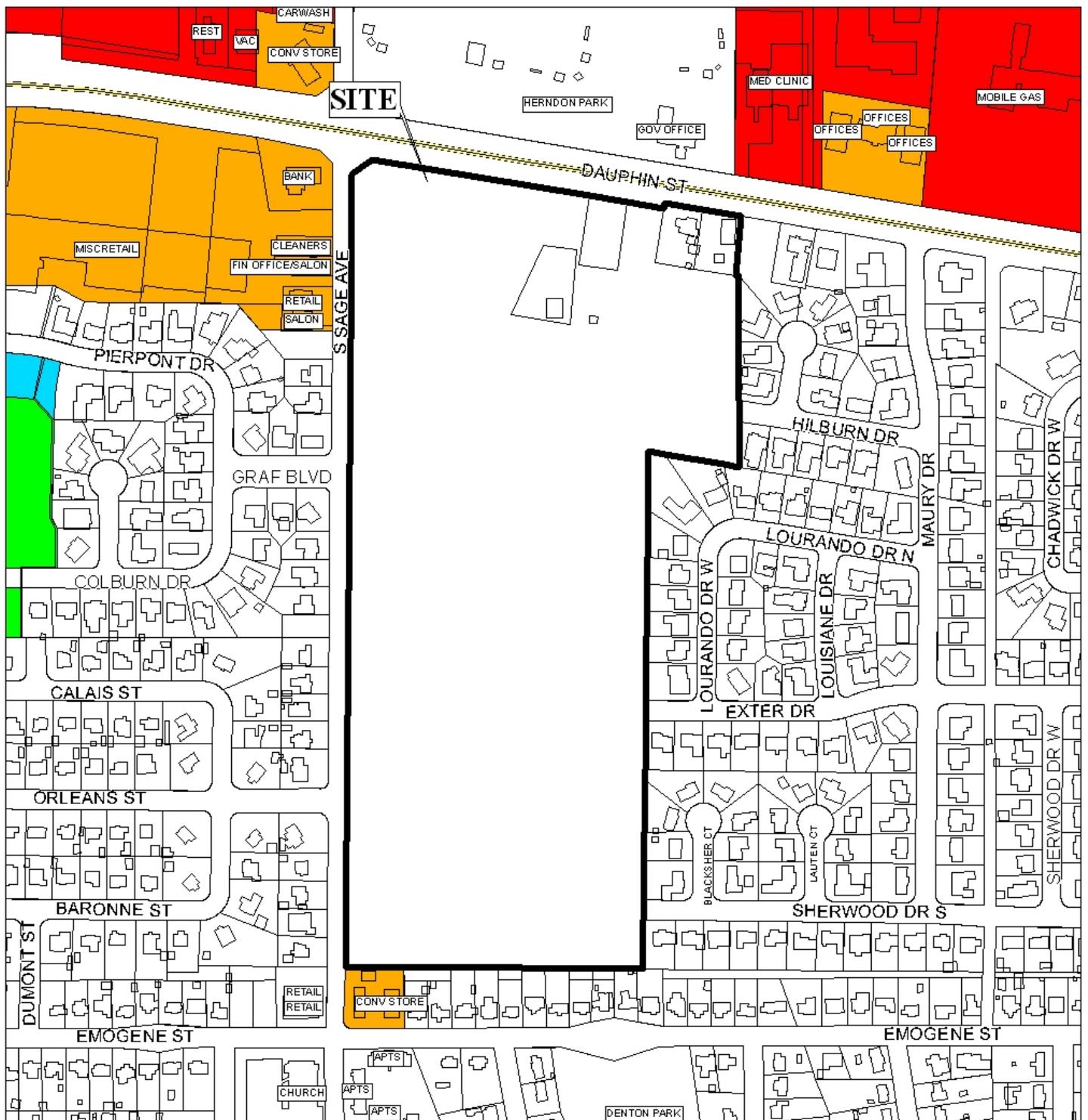
APPLICANT Graf Dairy, LLC

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



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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING

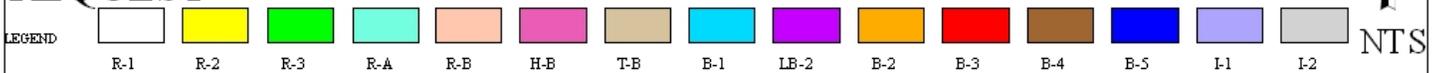


Single-family residential units are located to the west, south, and east of the site. Commercial sites are located to the west, south, and north of the site

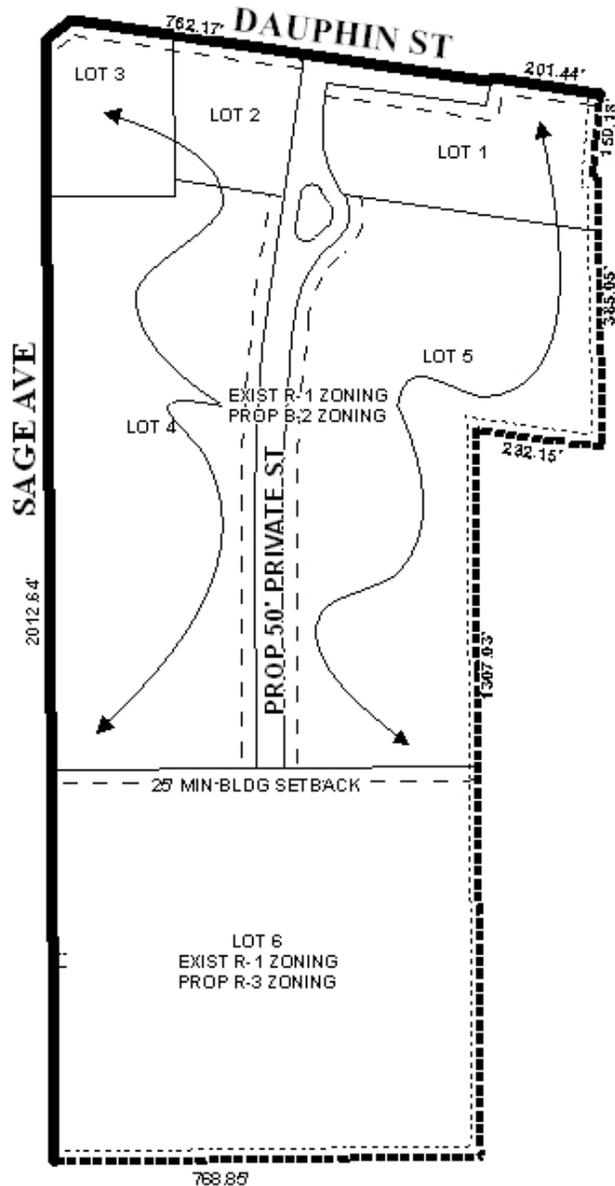
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APPLICANT Graf Dairy, LLC

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



ZONING AND SUBDIVISION DETAIL



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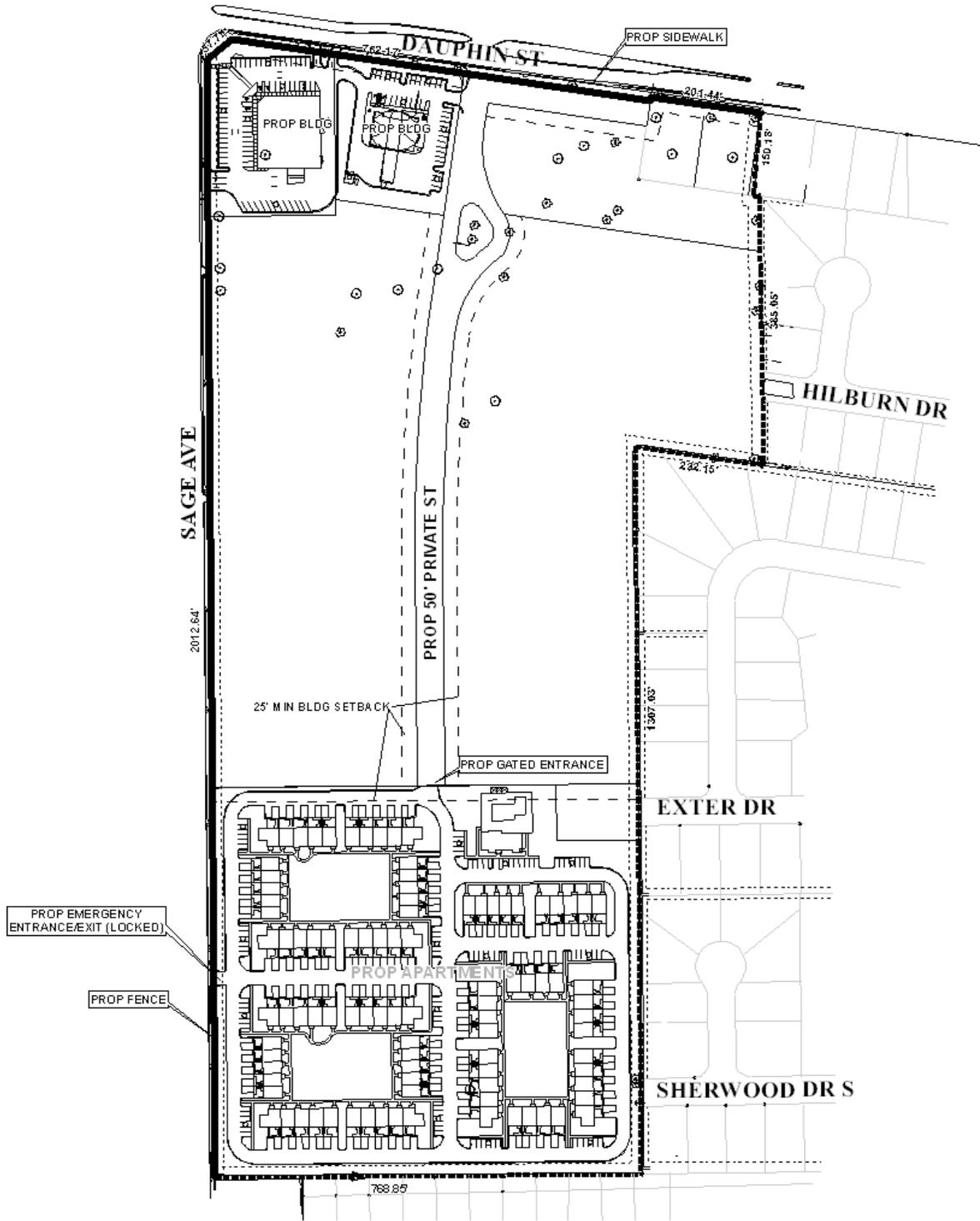
APPLICANT Graf Dairy, LLC

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



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SITE PLAN



The site plan illustrates the proposed development

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

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