

**PLANNED UNIT DEVELOPMENT
& SUBDIVISION STAFF REPORT****Date: March 15, 2012****DEVELOPMENT NAME**

OSR Subdivision

SUBDIVISION NAME

OSR Subdivision

LOCATION

5559 Old Shell Road
(South side of Old Shell Road, 570'± East of University
Boulevard South)

CITY COUNCIL**DISTRICT**

District 5

AREA OF PROPERTY

1 Lot / 1.4 ± acres

CONTEMPLATED USE

Planned Unit Development approval to allow multiple buildings on a single building site and shared access between two building sites, and Subdivision approval to create 1 lot.

TIME SCHEDULE**FOR DEVELOPMENT**

Immediately

ENGINEERING**COMMENTS**

1.) Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, 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 ROW code and ordinances. 2.) On-site detention is required and must be in conformance with the City of Mobile Storm Water Management and Flood Control Ordinance.

TRAFFIC ENGINEERING**COMMENTS**

Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. A physical barrier, such as curbing and/or grassing, must be provided between the proposed site and the existing Subway restaurant property, as it concerns with non-standard circulation (driving on the left as opposed to the right). The adjacent property contains only pavement and grass, and it is not obvious how cross access will be prohibited.

Revised for the April 19th meeting:

Revised site plan does not address the concern of the non-standard circulation adjacent to the Subway restaurant property. A physical barrier, such as curbing and/or grassing, must be provided between the two drive-through lanes. The adjacent property contains only pavement and grass, and it is not obvious how cross access will be prohibited. It

appears that the site configuration is not adequate for a large tractor trailer to maneuver through or access the site. Even a single unit truck (standard delivery-type truck) would be limited to access only from the driveway on the western easement, circulating counter-clockwise around the building.

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).

Preservation status is to be given to the 50" Live Oak Tree located on the South side of Lot 1 between proposed buildings. Any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.

Granting Perseveration status to this 50" Live Oak Tree will require the applicant to redesign the site.

Revised for the April 19th meeting:

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).

Preservation status is to be given to the 50" Live Oak Tree located on the South side of Lot 1 behind proposed building. Any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger. Granting Preservation status to this 50" Live Oak Tree will require the applicant to redesign the site. The revised site plan lists this tree as a 25" Live Oak Tree.

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 seeking Planned Unit Development approval to allow multiple buildings on a single building site and shared access between two building sites, and Subdivision approval to create 1 lot. The site is located in Council District 5, and according to the applicant is served by public water and sanitary sewer.

The purpose of this application is to create one lot, and create a PUD that allows two new commercial buildings to be constructed on the lot, which shares access to an adjacent access easement.

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.

The site is zoned B-2, Neighborhood Business District, and is abutted on all sides by commercial properties within the same zoning district, with the exception of a portion of the Southeast corner that touches a residential subdivision.

The applicant proposes to construct two buildings. Each building will contain six (6) tenant spaces, and combined will have a total of 13,200 square feet of space. A drive-through is proposed adjacent to the building closest to Old Shell Road, however, there is no indication of the use associated with the drive-through. A dumpster area is also depicted on the site plan, however, no enclosure is depicted.

Parking for the 13,200 square feet of commercial space will require at least 44 spaces: 73 parking spaces are depicted on the site plan. All parking spaces and aisles appear to meet minimum dimensions, however, there are several dimensional labeling errors of the parking area.

Old Shell Road is a proposed major street at this location, thus dedication sufficient to provide 50-feet from the centerline will be required. It appears that the required property dedication is depicted on the site plan and plat, however, it also appears that frontage trees and landscaping are proposed within the dedicated area.

Since multiple tenant spaces will be provided, there is a possibility that a tenant will receive deliveries via tractor-trailer or 18-wheeler. If such service is anticipated, the site plan should be revised to include turning templates sufficient to document that the site is accessible for large trucks.

One curb-cut is proposed along Old Shell Road, and an additional access point will be via the adjacent non-exclusive easement for ingress and egress to the West. As PUD approval is site plan specific, the site should be limited to one curb-cut to Old Shell Road and one curb-cut to the easement, as depicted. The size and design of any curb-cuts must be approved by Traffic Engineering, and conform to AASHTO standards.

The site plan does not provide adequate information for staff to determine compliance with the tree and landscaping requirements of the Zoning Ordinance: trees are depicted, but they are shown in an area proposed for dedication as right-of-way for Old Shell Road. Landscape area calculations on the site plan indicate sufficient area will be provided to comply, however, it appears that too much landscaping area in the right-of-way is being claimed as part of the required landscaping for the site. Additionally, there are at minimum two 24-inch or larger live

oak trees on the site not depicted on the site plan (as required), yet the application erroneously states that there are NO trees 24-inches or larger on the site.

A total of 40 trees will be required on site, thus the site plan should be revised to show that all trees and landscape area can be provided in a manner compliant with the Zoning Ordinance. It should be noted that trees placed in drainage and utility easements cannot count towards meeting the overall tree requirement.

A fence should be depicted, along with a 10-foot buffer, where the site abuts residentially zoned property.

No lighting is indicated on the site plan, however, any lighting on the site must comply with Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance. The parking area must be illuminated due to the presence of more than 10 parking spaces.

A billboard exists on the site. There is no indication if it will remain on site or be removed. If the billboard will remain on site, the site plan should be revised to depict the billboard.

No storm water detention is depicted on the site plan, however, it may be required. If a portion of the site will be dedicated to storm water detention, it should be indicated on the site plan.

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.

It should also be pointed out that the Americans with Disabilities Act *may* require the provision of an “accessible route” from any adjacent public rights-of-way to the proposed buildings on the site, and between the buildings. The applicant should verify any site design requirements of the Federal law, and accordingly revise the site plan.

Finally, it appears that the adjacent parcel containing a “Subway” restaurant is not a legal lot, and in fact should be included with this application for Subdivision compliance: research by staff was not able to identify any deed or similar document justifying its exclusion from the Subdivision application. However, as no shared access or new construction is proposed with the restaurant site, its inclusion in the PUD is not required at this time (a PUD or Administrative PUD will be required at such time as the site is additionally improved).

RECOMMENDATION

Subdivision: Based upon the preceding, this application is recommended for Holdover until the April 19th meeting, with revisions due by March 23, so that the applicant can undertake the following:

- 1) Include the adjacent “Subway” restaurant parcel in the Subdivision application, to include additional postage, notification labels, revised applications and revised plats.

Planned Unit Development: Based upon the preceding, this application is recommended for Holdover until the April 19th meeting, with revisions due by March 23, so that the applicant can undertake the following:

- 1) Correction of dimensional errors in the parking areas;
- 2) Revision of the site plan to clearly show full compliance with the tree and landscaping requirements of the Zoning Ordinance;
- 3) Revision of the site plan to depict and label all existing trees on the site that are 24-inches DBH or larger, to include the DBH and tree species;
- 4) Revision of the site plan to show proper screening for the dumpster area;
- 5) Revision of the site plan to comply with 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). Preservation status is to be given to the 50" Live Oak Tree located on the South side of Lot 1 between proposed buildings. Any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger. Granting Perseveration status to this 50" Live Oak Tree will require the applicant to redesign the site.*);
- 6) Revision of the site plan to comply with Traffic Engineering comments (*Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. A physical barrier, such as curbing and/or grassing, must be provided between the proposed site and the existing Subway restaurant property, as it concerns with non-standard circulation (driving on the left as opposed to the right). The adjacent property contains only pavement and grass, and it is not obvious how cross access will be prohibited.*);
- 7) Revision of the site plan to comply with Engineering comments (*1. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, 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 ROW code and ordinances. 2. On-site detention is required and must be in conformance with the City of Mobile Storm Water Management and Flood Control Ordinance.*);
- 8) Revision of the site plan to comply with Fire 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.*);
- 9) Revision of the site plan to include verification that tractor trailers can service the site, if such truck access is anticipated;
- 10) Revision of the site plan to depict a fence and 10-foot buffer where the site abuts residentially-zoned property;
- 11) Revision of the site plan to indicate compliance with Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance regarding site and parking area lighting;
- 12) Revision of the site plan to depict the existing billboard, if it will remain on site;
- 13) Revision of the site plan to depict any storm water detention facilities that are proposed for the site; and
- 14) Revision of the site plan, if necessary, to comply with "accessible route" and other requirements of the Americans with Disabilities Act.

Revised for the April 19 meeting:

The applicant submitted a revised narrative and site plan for the applications. The revised site plan depicts one building with 6 tenant spaces and 61 parking spaces.

The applicant states that the "Subway" site cannot be included in the Subdivision application due to an existing lease agreement. The applicant states that inclusion in the Subdivision application, if approval requires dedication of right-of-way for Old Shell Road, will violate the existing lease agreement with the Subway tenant.

The applicant states that they wish to remove the two live oak trees on the main part of the site in order to maintain visibility from Old Shell Road, as the sight slopes from the street: Urban Forestry had requested preservation status for one of the trees, requiring a redesign, however the applicant did not submit a new design to accommodate the tree, as requested.

Regarding tree and landscape compliance, the revised site plan only shows 6 trees along the Old Shell Road frontage (5 of which are proposed in the area to be dedicated to the City), and three existing trees on the rear of the property within a drainage and utility easement. The applicant states that many existing trees will be left on the rear of the site. No other trees, existing or proposed, are depicted, thus staff cannot determine tree compliance.

Calculations on the site plan indicate that the site will meet the overall landscape area requirement, but that it will fall slightly short on the frontage landscape area requirement: staff calculations of front landscape area show that the information depicted on the site plan is either incorrect, or includes landscape area in the portion of land that will be dedicated for Old Shell Road right-of-way. Thus, the plan as proposed will not comply with the landscape area requirements of the Zoning Ordinance.

Dimensional errors still exist on the site plan, as they relate to the parking area access aisles.

The two large live oak trees on the site are still not correctly identified with their diameter breast height, per a site visit by Urban Forestry.

No buffers are depicted between the site and adjacent residential properties, as requested.

No information is provided regarding access to the site by tractor-trailers, as requested.

No information is provided regarding provision of storm water detention facilities, as requested.

The Americans with Disabilities Act, a federal law, requires a total of 3 accessible parking spaces for a parking lot with 61 parking spaces, as proposed (also required by the 2009 International Building Code, Chapter 11, Accessibility). The site plan only depicts 2 accessible parking spaces, thus it does not meet the federal requirements or the local building code requirements.

Finally, regarding the Subdivision request, the applicant agrees to dedicate land sufficient to provide 40-feet from centerline for an 80-foot wide Old Shell Road right-of-way, even though the Major Street Plan component of the Comprehensive Plan calls for a 50-feet from centerline,

100-foot wide right-of-way at this location, and by Section V.B.14. of the Subdivision Regulations. It should also be pointed out that three Subdivision applications for properties across the street from the site included the required dedication, thus a waiver of a similar dedication requirement for a site being developed for the first time would be inconsistent with previous Planning Commission decisions in the vicinity.

RECOMMENDATION

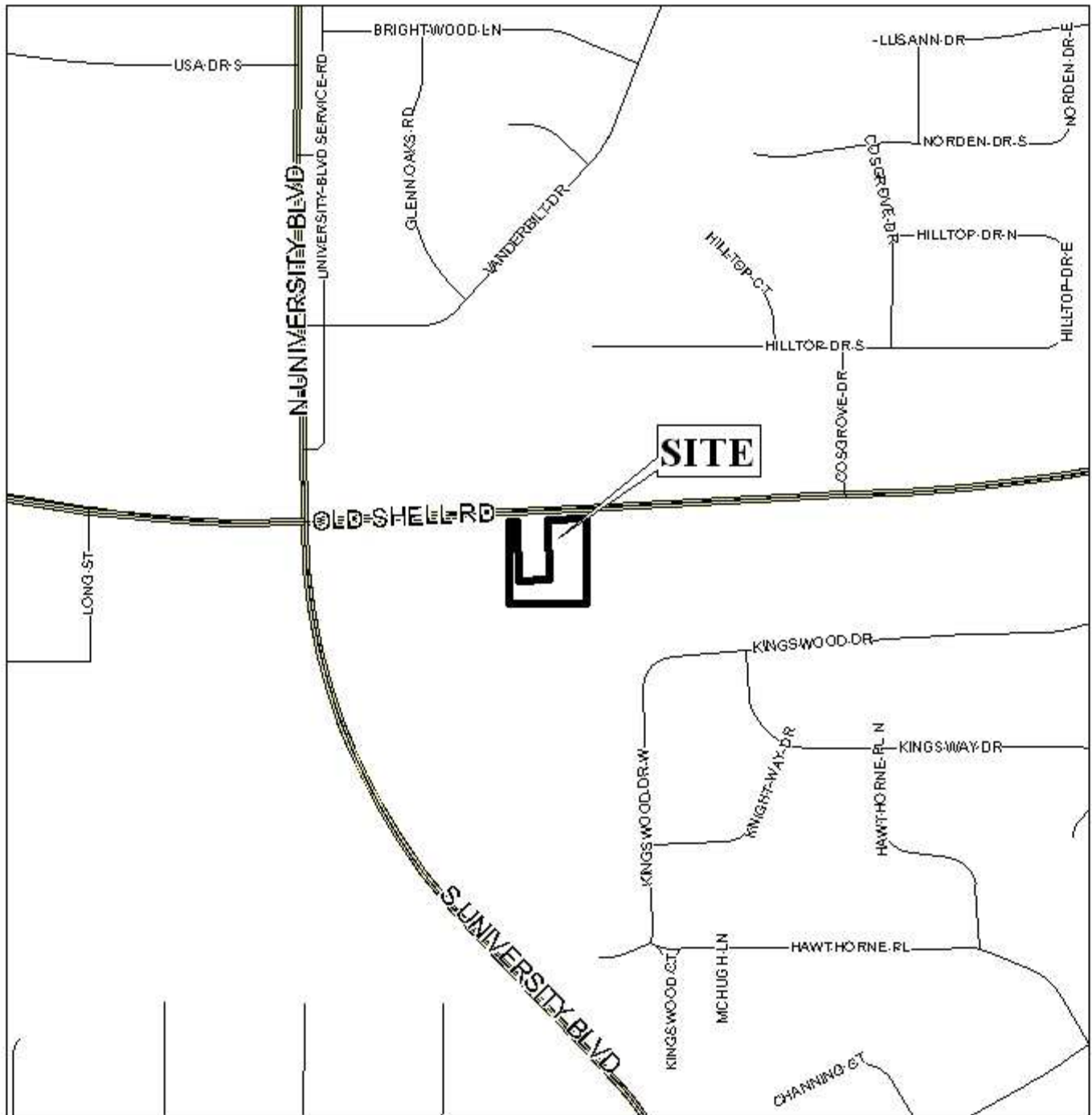
Subdivision: Based upon the preceding, the application is recommended for Denial for the following reasons:

- 1) The Subdivision, as proposed, is contingent upon the Planned Unit Development; and*
- 2) Dedication sufficient to provide a right-of-way 50-feet from centerline for Old Shell Road is not proposed, as required by Section V.B.14. of the Subdivision Regulations.*

Planned Unit Development: Based upon the preceding, this application is recommended for Denial for the following reasons:

- 1) The development will not comply with the minimum landscape and tree requirements of Section 64-4.E. of the Zoning Ordinance;*
- 2) The site will not comply with the right-of-way requirements of the Major Street Plan component of the Comprehensive Plan;*
- 3) Information on the site plan is erroneous or not correctly depicted, for which corrections were previously requested;*
- 4) Residential adjacency buffers are not depicted on the site plan, as required by Section 64-4.D.1 of the Zoning Ordinance; and*
- 5) Preservation status has been requested by Urban Forestry for the 50-inch live oak on the site, and the design, as proposed, will require the removal of the tree.*

LOCATOR MAP



APPLICATION NUMBER 2 & 3 DATE April 19, 2012

APPLICANT OSR Subdivision

REQUEST Subdivision, Planned Unit Development



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Businesses are located to the north, west, and east of the site. University facilities are located to the south of the site.

APPLICATION NUMBER 2 & 3 DATE April 19, 2012

APPLICANT OSR Subdivision

REQUEST Subdivision, Planned Unit Development

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

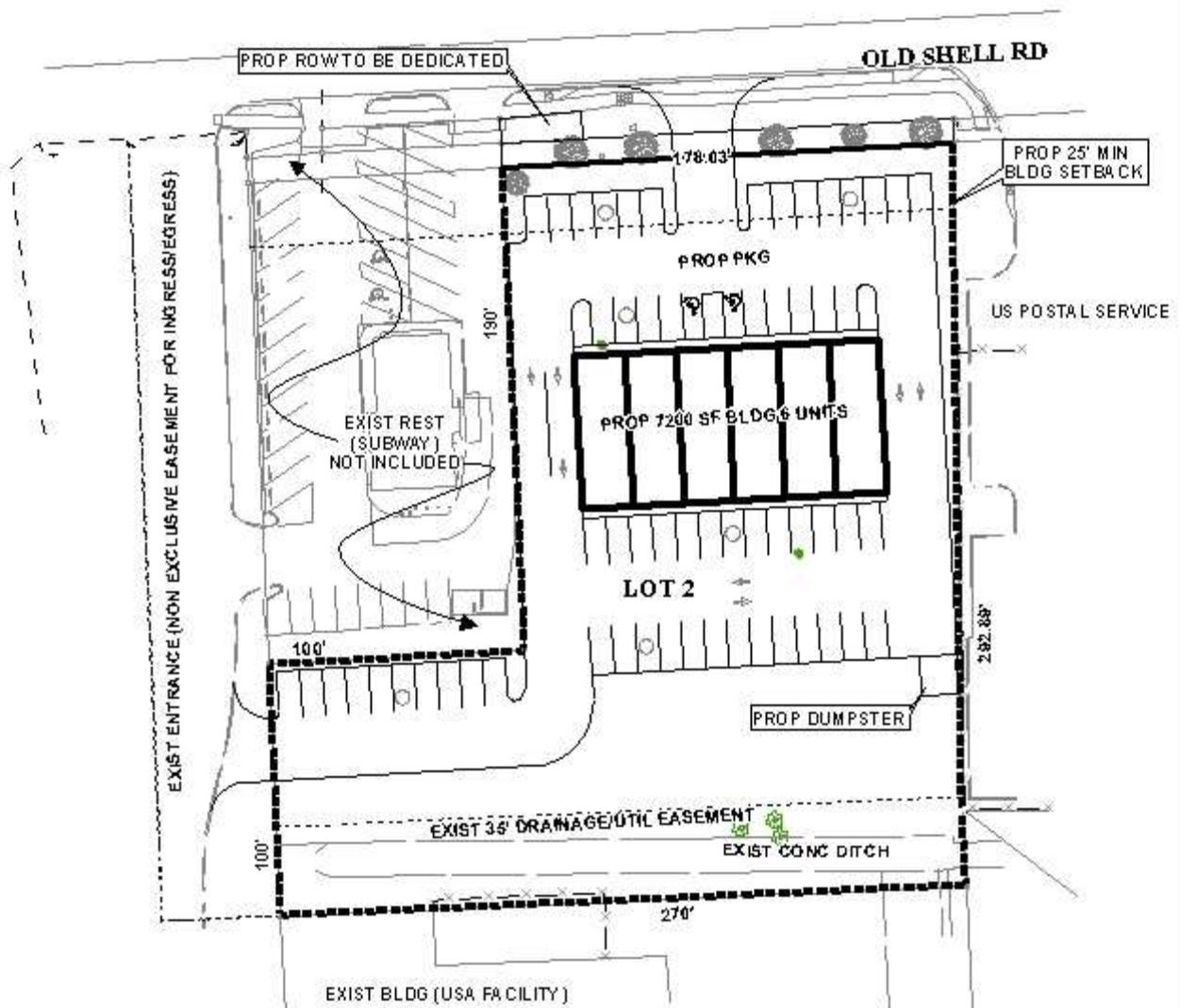


Businesses are located to the north, west, and east of the site. University facilities are located to the south of the site.

APPLICATION NUMBER 2 & 3 DATE April 19, 2012
APPLICANT OSR Subdivision
REQUEST Subdivision, Planned Unit Development

N
NTS

SITE PLAN



The site plan illustrates the proposed development.

APPLICATION NUMBER 2 & 3 DATE April 19, 2012
 APPLICANT OSR Subdivision
 REQUEST Subdivision, Planned Unit Development

N

 NTS