

ZONING AMENDMENT STAFF REPORT**Date: November 3, 2016****NAME**

Norma Saybe

LOCATION

5803 Old Shell Road
(Southwest corner of Old Shell Road and Long Street,
extending to the North side of Waltman Lane)

**CITY COUNCIL
DISTRICT**

District 6

PRESENT ZONING

R-1, Single-Family Residence District and R-2, Two-Family Residential District

PROPOSED ZONING

B-2, Neighborhood Business District

AREA OF PROPERTY

1.1± Acres

CONTEMPLATED USE

Rezoning from R-1, Single Family Residential and R-2, Two-Family Residential District, to B-2, Neighborhood Business District, to allow retail businesses.

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**

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.

TRAFFIC ENGINEERING

COMMENTS

Site is limited to two curb cuts to Long Street with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Access to Old Shell Road is denied. Required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance. Sidewalk construction is required along all street frontages, including an accessible ramp at the intersection of Long Street and Old Shell Road.

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).

REMARKS

The applicant is requesting rezoning from R-1, Single-Family Residential District and R-2, Two-Family Residential District to B-2, Neighborhood Business District, to allow retail businesses. Specifically, the applicant intends to build a 12,160 square foot building which is illustrated as being divided into 8 suites.

The site is bounded to the North and South by R-1, Single-Family Residential District (with property to the North utilized by the University of South Alabama); to the West by a property split zoned R-1, Single-Family Residential District and R-2, Two-Family Residential District and used as a small apartment complex; and to the East by B-2, Neighborhood Business District and B-3, Community Business District.

Access management is a concern in this location, therefore, per Traffic Engineering comments, the site is limited to two curb cuts to Long Street, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards, while access to Old Shell Road is denied.

The entire site appears to be depicted as a "Suburban Corridor" Area, per the recently adopted Map for Mobile Plan. The intent of a Suburban Corridor Area is to allow for:

- Accommodation of all users: automobile, bicycle, pedestrian and transit
- Greater connectivity to surrounding neighborhoods
- Development concentrated in centers rather than in strips along the corridor
- Eventual increase in density with residential above retail and services
- Increased streetscaping
- Improve traffic flow

The proposed site plan does not illustrate a sidewalk along Old Shell Road or Long Street; however it should be noted that one will be required, which will help accommodate pedestrians and increase connectivity in the area.

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 does not specify which of the four conditions is applicable to the current rezoning request. However, the site to the East, across Long Street was the subject of rezoning applications in 2015 from B-2 to B-2 and B-3. There is also an apartment complex under construction at the Southern terminus of Long Street. These items indicate there may be changing conditions in the area which make the rezoning desirable.

It should be noted that the proposed site plan illustrates a 12,160 square foot building, which when using the parking ratio for offices/retail, requires 41 parking spaces. The site plan submitted illustrates 41 parking spaces to be provided, therefore no restaurants or other uses with increased parking requirements will be able to locate at this site. A photometric site plan will be required at the time of permitting.

The site plan illustrates a proposed dumpster on the site, however it is located within the front 25' building setback. Also, while the site plan mentions an enclosure around the dumpster, there is no mention of sanitary sewer connection. If approved, the dumpster should be relocated to meet all setback requirements and be connected to sanitary sewer with a compliant enclosure.

The site plan indicates that a 6' high privacy fence will be provided along the West and South of the property where the site abuts residential property. The residential buffer should be reduced to no more than 3' high with the front 25' setback.

The site plan does not provide tree planting or landscape area information, and it appears that with the proposed layout that the site would be severely short of required landscape area, and subsequently short on required tree plantings. It may be possible to redesign the layout in such a way to comply with the requirements.

RECOMMENDATION

Based on the preceding, the application is recommended for Denial, due to the following:

- 1) the applicant did not provide any justification for the rezoning;
- 2) the dumpster will be located in a front setback, in violation of Section 64-4.D.9. of the Zoning Ordinance; and
- 3) it appears that the development, as proposed, will not comply with Section 64-4.E. of the Zoning Ordinance regarding tree and landscaping requirements.

Revised for the November 17th meeting:

The applications were heldover at the November 3rd Planning Commission meeting to allow the applicant time to address the following:

- 1) Provision of a justification for the rezoning request, identifying one or more conditions listed in Section 64-9.A.1. of the Zoning Ordinance;*
- 2) Revision of the site plan to depict compliance with Sections 64-4.D.9. (dumpsters) and 64-4.E. (tree and landscape) of the Zoning Ordinance; and*
- 3) Revision of the site plan to depict sidewalks along Long Street.*

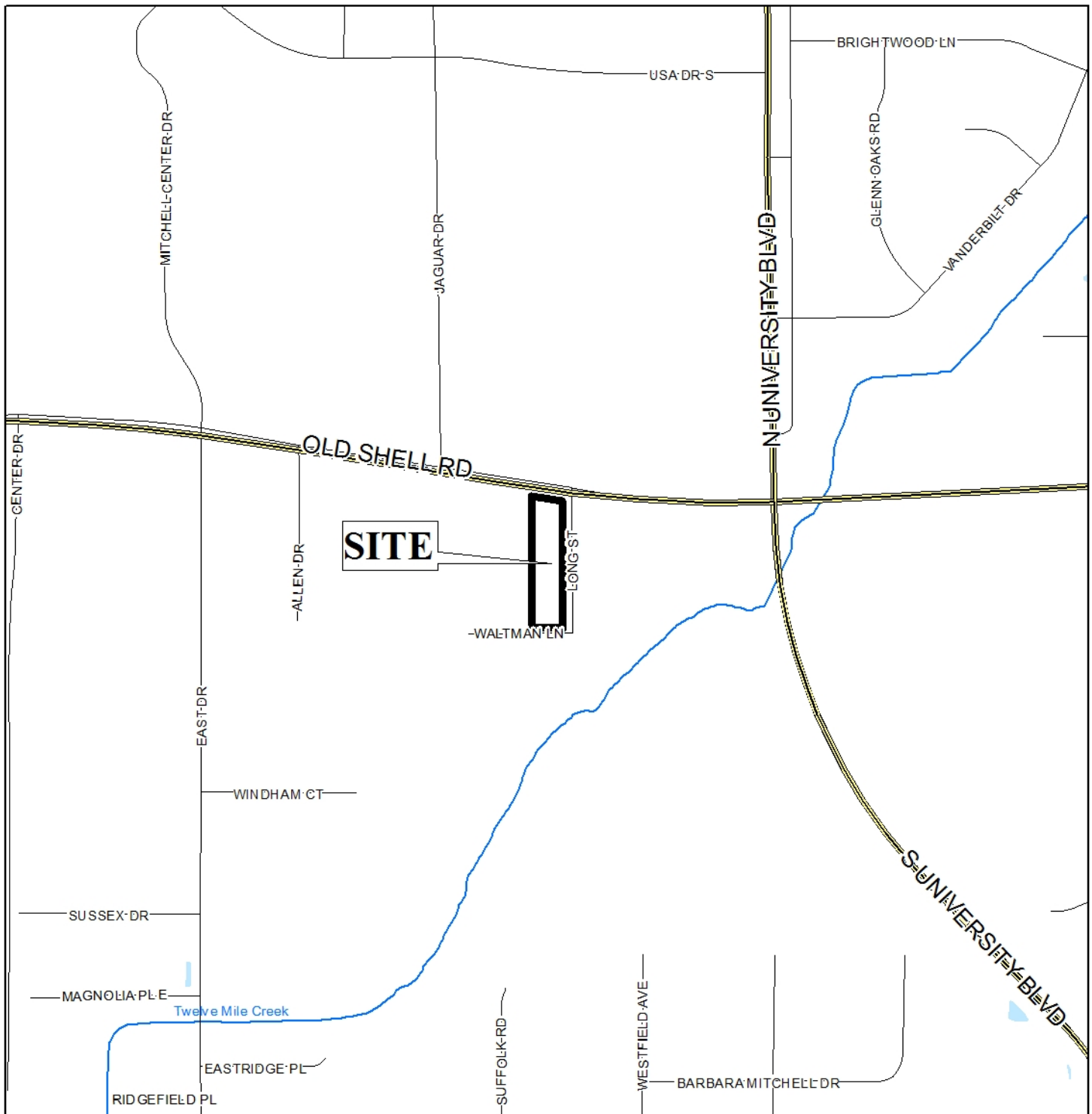
No revisions were submitted, therefore the original recommendation remains.

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LOCATOR MAP



APPLICATION NUMBER 2 DATE November 17, 2016

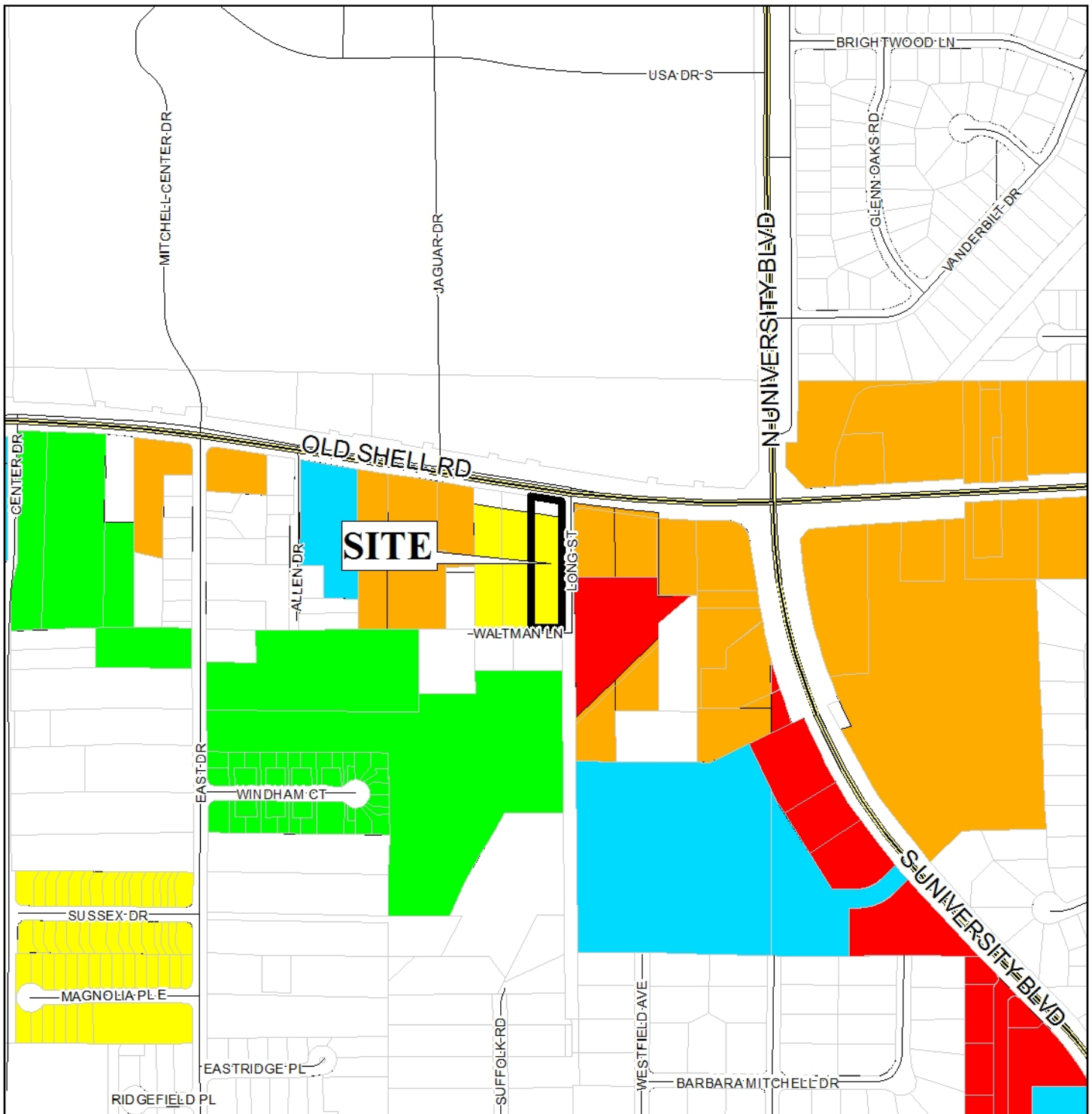
APPLICANT Norma Saybe

REQUEST Rezoning from R-1 and R-2 to B-2



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LOCATOR ZONING MAP



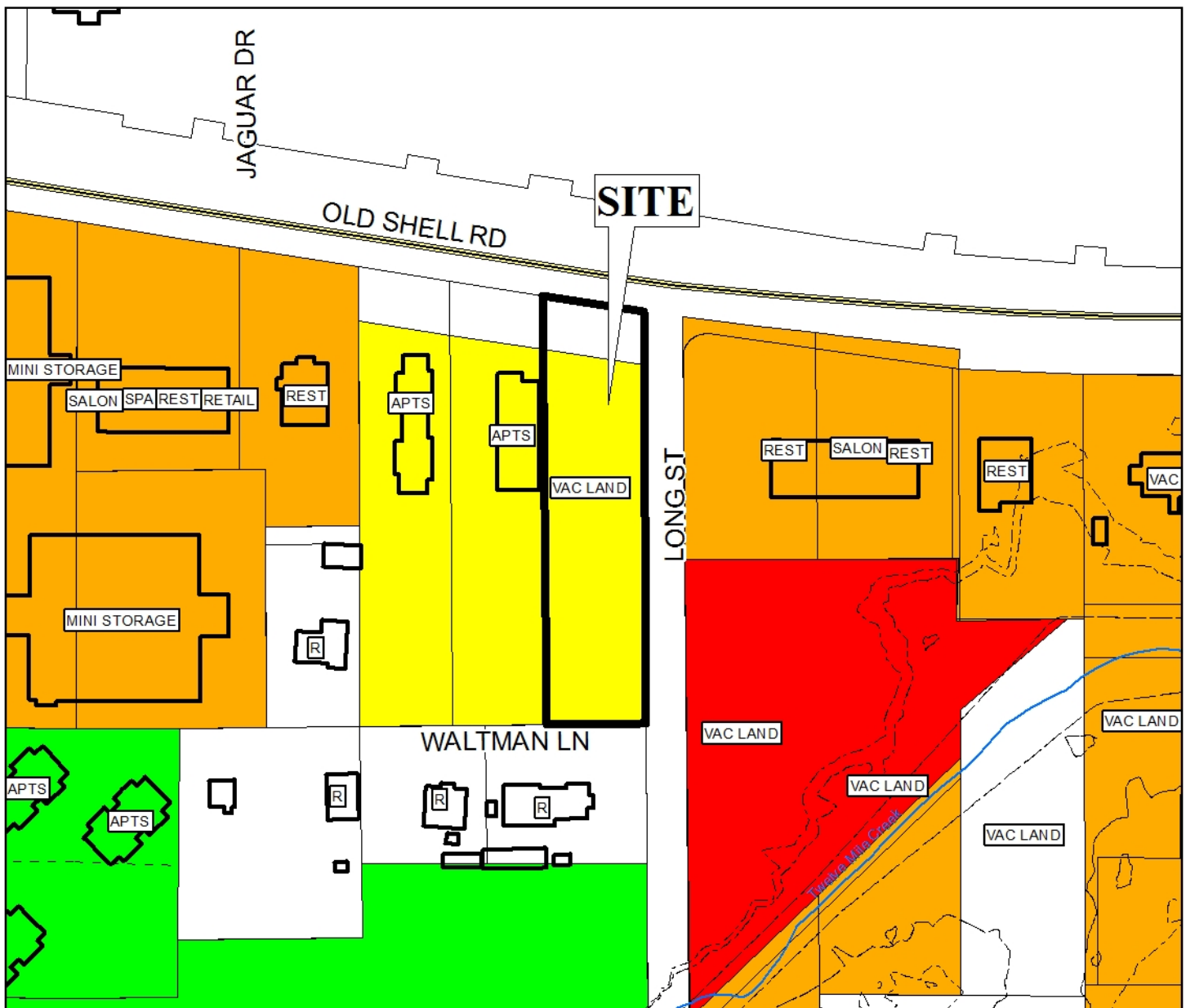
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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units to the east, residential units to the south, and residential and commercial units to the west.

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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 AERIAL



The site is surrounded by commercial units to the east, residential units to the south, and residential and commercial units to the west.

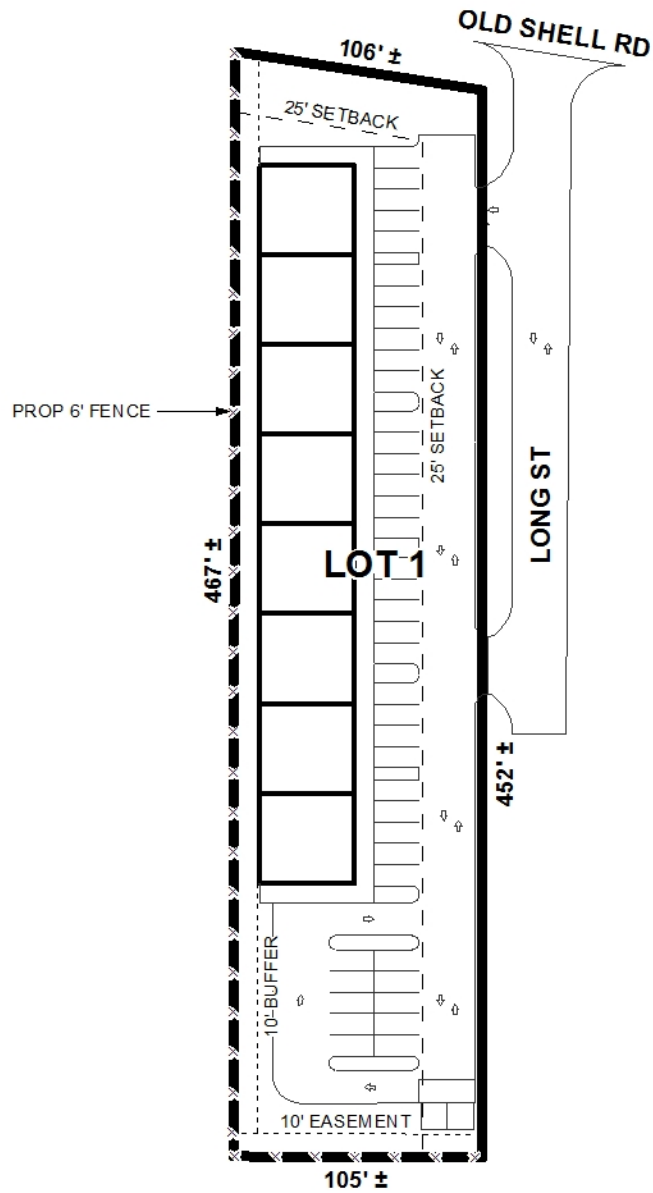
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SITE PLAN



The site plan illustrates the proposed storage units, proposed parking, easement, buffer, and setbacks.

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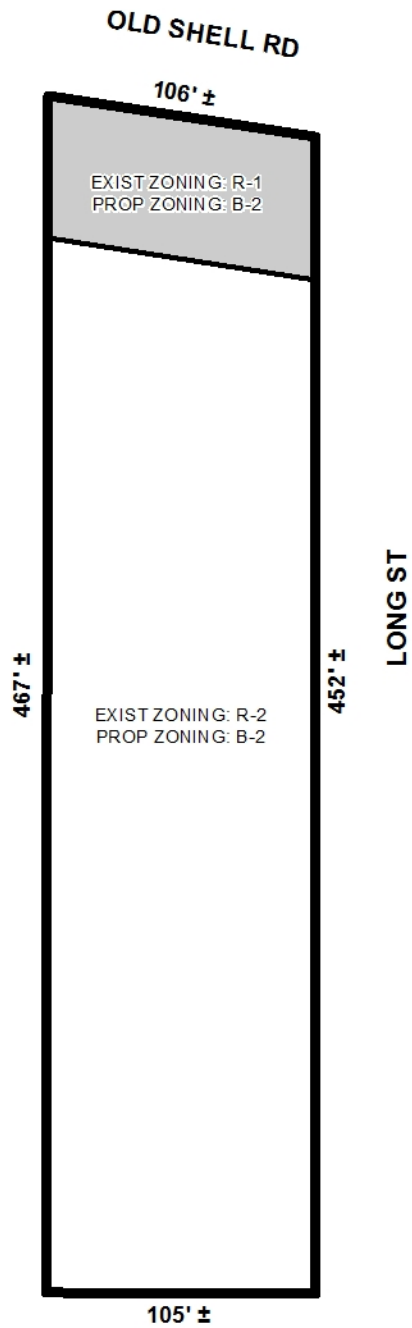
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DETAIL SITE PLAN



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