

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

**Date: December 16, 2010**

**APPLICANT NAME**

Ernest Construction, LLC

**SUBDIVISION NAME**

Old Shell Road at MIB Subdivision

**DEVELOPMENT NAME**

Old Shell Road at MIB Subdivision

**LOCATION**

North side of Old Shell Road, 200'± West of Mobile Infirmary Boulevard extending to the West side of Mobile Infirmary Boulevard 395'± North of Old Shell Road

**CITY COUNCIL  
DISTRICT**

Council District 1

**PRESENT ZONING**

R-1, Single-Family Residential District; B-1, Buffer Business District; and B-2, Neighborhood Business District

**PROPOSED ZONING**

B-2, Neighborhood Business District

**AREA OF PROPERTY**

3.1 Acres ±

**CONTEMPLATED USE**

Subdivision Approval to create one legal lot of record from an existing metes and bounds parcels; Planned Unit Development and Planning Approval to amend existing approvals to allow a multiple buildings on a single building site as well as a communications tower, and rezoning from R-1, Single-Family Residential District; B-1, Buffer Business District; and B-2, Neighborhood Business District to B-2, Neighborhood Business District, to eliminate split zoning.

**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**

Immediate

**ENGINEERING****COMMENTS**

Engineering Department did not receive preliminary site plan, additional comments may be applied upon review of preliminary site plan. Show Minimum Finished Floor Elevation on each lot on Plat. Also show the FFE on the plat for any existing buildings. There is to be no fill placed within the limits of the flood plain without providing compensation. Detention must be provided for all impervious area(s) added to the site in excess of 4,000 square feet since 1984. Any work performed in the right of way will require a right of way permit in addition to any required land disturbance permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer. Must comply with all storm water and flood control ordinances.

***Revised comments for the January 20, 2011, meeting:***

*Show the limits of the flood plain on the plat. Also show the Minimum Finished Floor Elevation on each lot on Plat. There is to be no fill placed within the limits of the flood plain without providing compensation. Locate and identify on the plat any storm drainage system(s) receiving/carrying public water. Width(s) and alignment(s) of any required drainage easement(s) subject to approval by City Engineer. 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. The drainage from any dumpster pads will require connection to sanitary sewer, cannot discharge to storm sewer.*

**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 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 be provided per Section 508.5.1 of the 2003 IFC. Access to building shall be provided per Section 503.1.1 & 503.2.1 of the 2003 IFC

**REMARKS**

The applicant is requesting Subdivision Approval to create one legal lot of record from an existing metes and bounds parcels; Planned Unit Development and Planning Approval to amend existing approvals to allow a multiple buildings on a single building site as well as a communications tower, and rezoning from R-1, Single-Family Residential District; B-1, Buffer Business District; and B-2, Neighborhood Business District to B-2, Neighborhood Business District, to eliminate split zoning.

This site came before the Planning Commission in 1996 for construction of the communications tower. As stated previously, this application is to amend those approvals.

The applicant did not provide any justification or narratives for the Rezoning Application or the Planning Approval Application. The Planned Unit Development Application only includes a brief, non-descriptive narrative that does not provide the scope of work to be done, if any, or the impetus for the application. The revised narratives should be submitted before a full review is done.

The site plan provided is not complete as it does not show all of the buildings on the site, completely omits the communications tower and associated equipment and amenities, omits communications tower height and setbacks, does not fully indicate the communications tower lease parcel, does not depict the aggregate surfacing on the site, does not depict any existing or proposed parking, and does not depict any improvements or removals to be made, if any. The site plan should be revised before any review is done.

## **RECOMMENDATION**

**Subdivision:** Based on the preceding, this application is recommended for Holdover until the January 20, 2011, meeting, with revisions due to the Planning Section of Urban Development by noon on Friday, January 7, 2011, to address the following:

- 1) revisions to the associated Planned Unit Development, Planning Approval, and Rezoning Applications as outlined.

**Planning Approval:** Based on the preceding, this application is recommended for Holdover until the January 20, 2011, meeting, with revisions due to the Planning Section of Urban Development by noon on Friday, January 7, 2011, to address the following:

- 1) submittal of an acceptable, detailed narrative describing the project in detail; and
- 2) revision of the site plan to show **ALL** improvements on the site including, but not limited to: all of the buildings on the site, the communications tower and associated equipment and amenities, the boundaries of the communications tower lease parcel, the aggregate surfacing on the site, any existing or proposed parking, and any improvements or removals to be made, if any.

**Planned Unit Development:** Based on the preceding, this application is recommended for Holdover until the January 20, 2011, meeting, with revisions due to the Planning Section of Urban Development by noon on Friday, January 7, 2011, to address the following:

- 1) submittal of an acceptable, detailed narrative describing the project in detail as required in Section 64-5.D. of the Zoning Ordinance; and
- 2) revision of the site plan to show **ALL** improvements on the site including, but not limited to: all of the buildings on the site, the communications tower and associated equipment and amenities, the boundaries of the communications tower lease parcel, the aggregate

surfacing on the site, any existing or proposed parking, and any improvements or removals to be made, if any.

**Rezoning:** Based on the preceding, this application is recommended for Holdover until the January 20, 2011, meeting, with revisions due to the Planning Section of Urban Development by noon on Friday, January 7, 2011, to address the following:

- 1) submittal of an acceptable, detailed narrative describing the project in detail;
- 2) submittal of justification for rezoning to include which, if any, of the four acceptable conditions to warrant rezoning are occurring at the site as defined by Section 64-9.A.1. of the Zoning Ordinance; and
- 3) revision of the site plan to show **ALL** improvements on the site including, but not limited to: all of the buildings on the site, the communications tower and associated equipment and amenities, the boundaries of the communications tower lease parcel, the aggregate surfacing on the site, any existing or proposed parking, and any improvements or removals to be made, if any.

***Revised for the January 20, 2011, meeting***

*The applicant submitted a revised site plan and a narrative regarding the rezoning request to the Planning Section. The applicant, however, failed to submit any narrative for the Planned Unit Development Request or the Planning Approval Request.*

*Regarding the Subdivision Request, the plat illustrates the proposed 1 lot, 3.1 Acre ± subdivision. The applicant states that the subdivision is served by both public water and sanitary sewer. The purpose of this subdivision request is to create a single legal lot or record from a single metes and bounds parcel.*

*The proposed lot, as depicted, meets the minimum size and street frontage requirements as regulated by Section V.D.2. of the Subdivision Regulations. The area of the lot is depicted in square feet, and the 25-foot minimum building setback line is also depicted, and these notations should remain on the Final Plat, if approved.*

*The site has frontage on Old Shell Road to the South and Mobile Infirmary Boulevard to the East. Both roadways are minor streets, provided with curb and gutter, and both are depicted with existing adequate rights-of-way of 50 feet and 58 feet, respectively. As such, no further dedications should be required.*

*Both Old Shell Road and Mobile Infirmary function as collector streets. Old Shell Road is a heavily traveled east-west artery of the City, and Mobile Infirmary Boulevard funnels traffic to Mobile Infirmary from Dauphin Street and points south. As such, access management is a concern. The site should be limited to one curb cut to Old Shell Road, and the one existing curb cut to Mobile Infirmary Boulevard, with the size, design, and exact location of all curb cuts to be approved by Traffic Engineering and conform to AASHTO standards.*

*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.*

*Regarding the Rezoning request, the applicant's narrative states that they believe that there is an error in the Zoning Ordinance because of the split-zoning of the property. Staff does not agree with the assertion that there is an error in the Zoning Ordinance. The split zoning already exists, and is likely the result of multiple parcels being changed over the years without proper approvals. This does not in any way signify an "error" on the part of the ordinance, but rather a consequence of activities taken outside the scope of proper approvals. That being said, the applicant, in applying for subdivision approval to create a legal lot of record, would have justification necessary to rezone the site, and the requested B-2 zoning classification appears to be in order for the site, as the entire site is already functioning in that capacity. It should be noted however that, because the applicant again failed to provide any information as to what work is planned for the site or even provide information for the impetus to submit the applications, staff feels that it would be inappropriate to consider any rezoning without knowing the full scope of what is intended at the site.*

*Regarding both the Planned Unit Development application and the Planning Approval application, the applicant failed to provide a narrative describing the project, its scope, or its timeline. The applicant has also failed to provide staff with any parking information or use information. Additionally, the site plan is still inaccurate, as dirt and aggregate maneuvering areas, clearly visible from 2010 City of Mobile aerial photography, is not depicted on the site plan. l.*

*It should be noted that public comment and discussion from the Planning Commission at the previous meeting centered mainly around the telecommunications tower on the site. Once again, the applicant failed to mention this matter at all. Without the provision of proposal details by the applicant, and the fact that this application has already been heldover for these issues, staff can only recommend denial.*

***Subdivision:*** *Based on the preceding, this application is recommended for denial for the following reason:*

- 1) the lot created would be split zoned.*

***Rezoning:*** *Based on the preceding, this application is recommended for denial for the following reason:*

- 1) the applicant failed to provide detailed proposal information for the Planned Unit Development and Planning Approval applications.*

***Planning Approval:*** *Based on the preceding, this application is recommended for denial for the following reasons:*

- 1) *the applicant failed to submit of an acceptable, detailed narrative describing the project in detail; and*
- 2) *the applicant failed to submit and accurate and complete site plan to show ALL improvements on the site including, but not limited to: all of the buildings on the site, the communications tower and associated equipment and amenities, the boundaries of the communications tower lease parcel, the aggregate surfacing on the site, any existing or proposed parking, and any improvements or removals to be made, if any.*

***Planned Unit Development:*** *Based on the preceding, this application is recommended for denial for the following reasons:*

- 1) *the applicant failed to submit of an acceptable, detailed narrative describing the project in detail; and*
- 2) *the applicant failed to submit and accurate and complete site plan to show ALL improvements on the site including, but not limited to: all of the buildings on the site, the communications tower and associated equipment and amenities, the boundaries of the communications tower lease parcel, the aggregate surfacing on the site, any existing or proposed parking, and any improvements or removals to be made, if any.*

# LOCATOR MAP



APPLICATION NUMBER 3, 4, 5 & 6 DATE January 20, 2011

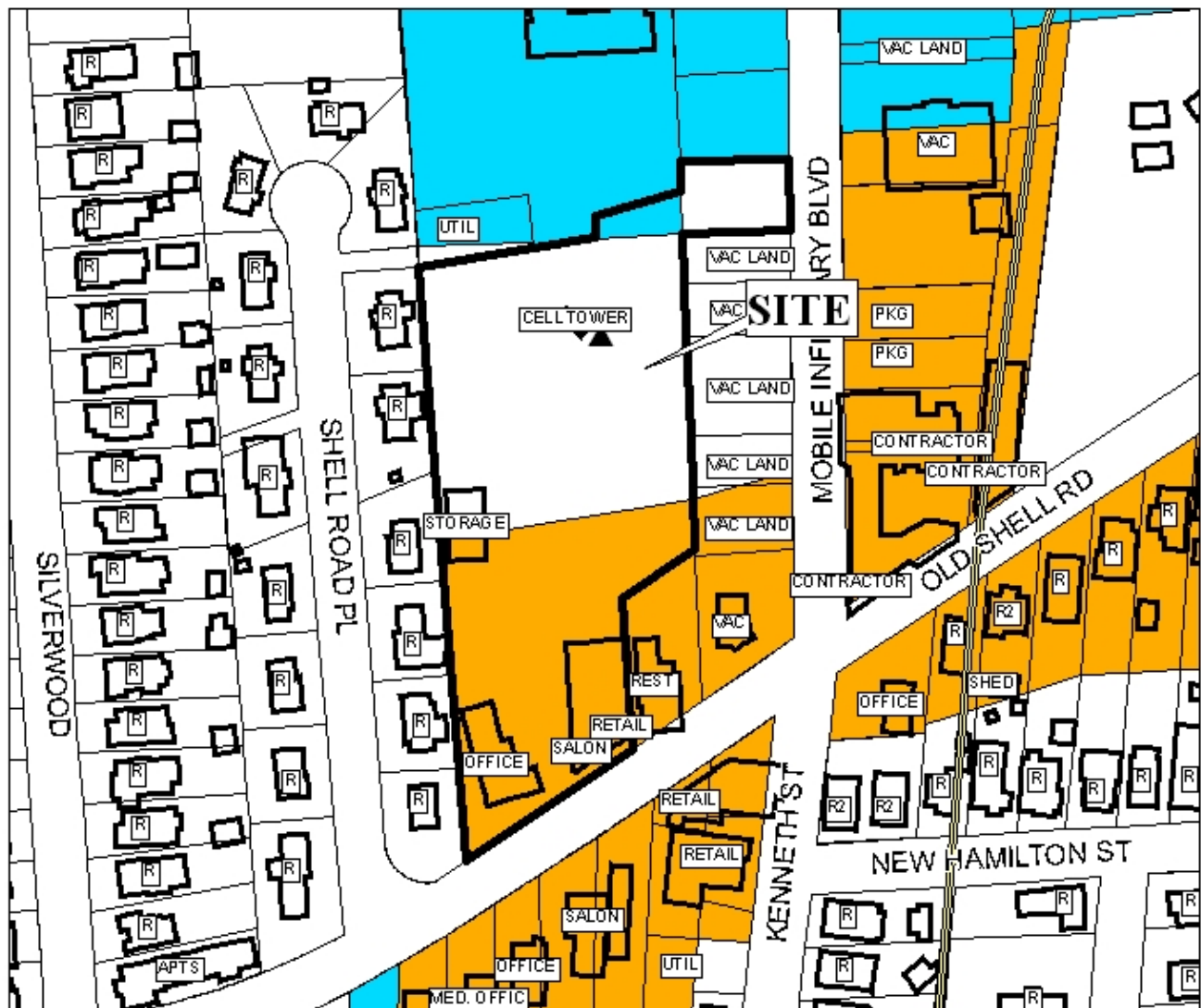
APPLICANT Ernest Construction, LLC

REQUEST Subdivision, PUD, Planning Approval, Rezoning from R-1, B-1, and B-2 to B-2



NTS

# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



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

APPLICATION NUMBER 3, 4, 5 & 6 DATE January 20, 2011

APPLICANT Ernest Construction, LLC

REQUEST Subdivision, PUD, Planning Approval, Rezoning from R-1, B-1, and B-2 to B-2

LEGEND NTS



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



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

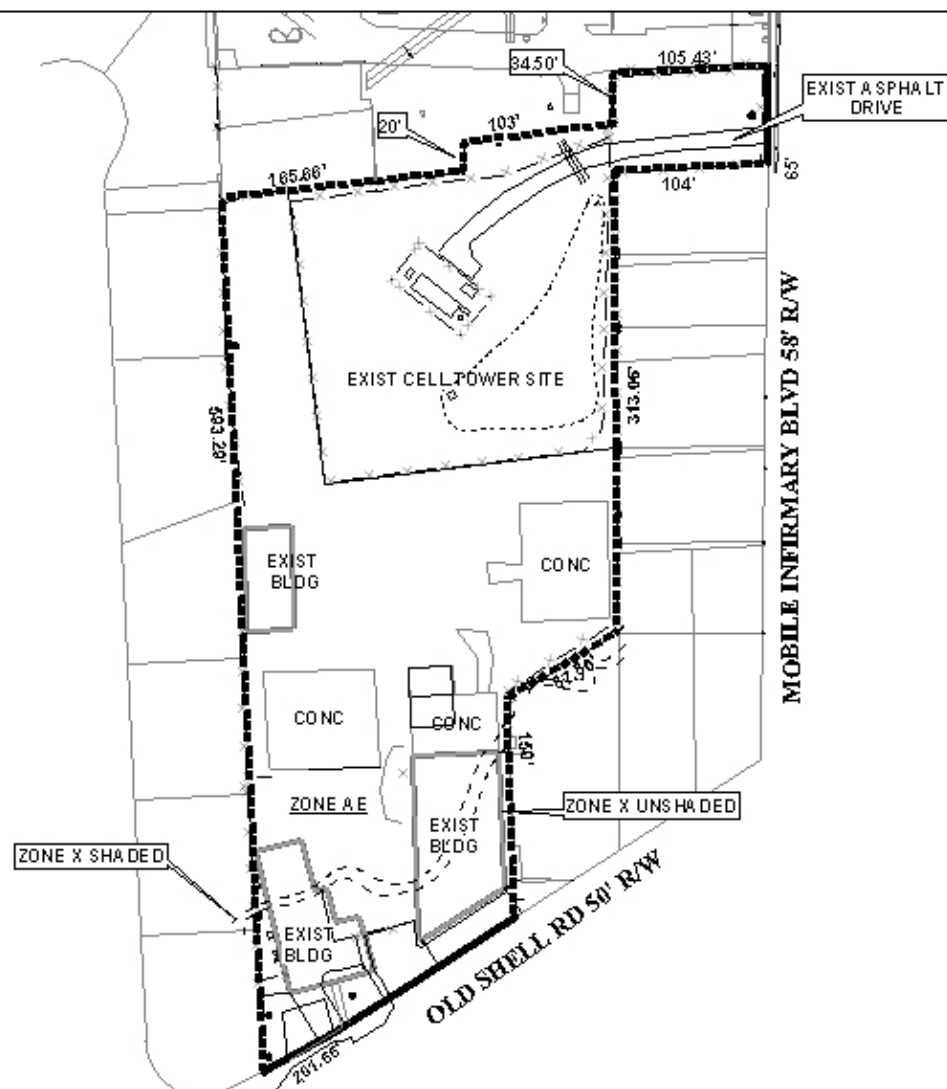
APPLICATION NUMBER 3, 4, 5 & 6 DATE January 20, 2011

APPLICANT Ernest Construction, LLC

REQUEST Subdivision, PUD, Planning Approval, Rezoning from R-1, B-1, and B-2 to B-2



# SITE PLAN



The site plan illustrates the existing development

APPLICATION NUMBER 3, 4, 5 & 6 DATE January 20, 2011

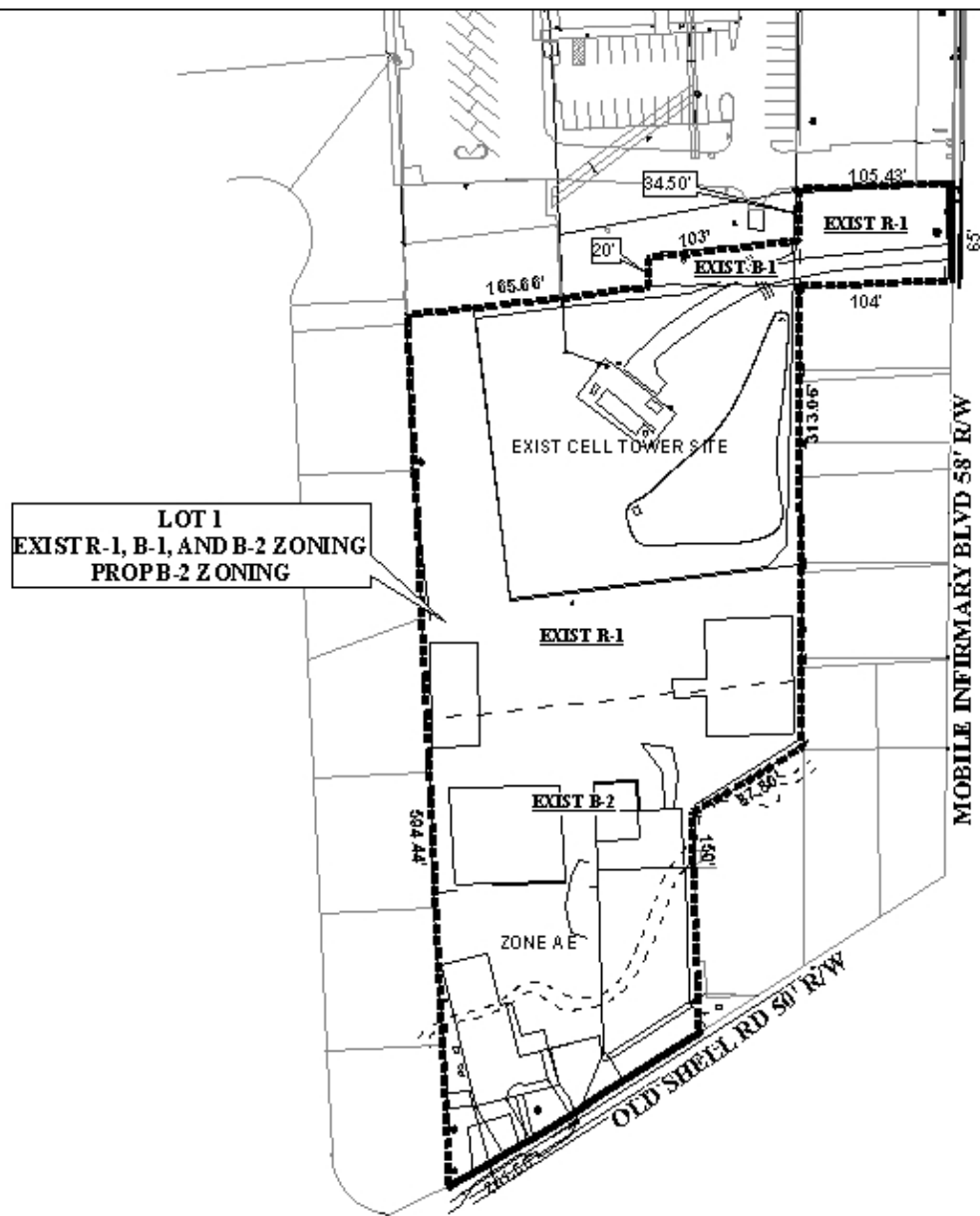
APPLICANT Ernest Construction, LLC

REQUEST Subdivision, PUD, Planning Approval, Rezoning from R-1, B-1, and B-2 to B-2



NTS

## SUBDIVISION AND ZONING DETAIL



APPLICATION NUMBER 3, 4, 5 & 6 DATE January 20, 2011

APPLICANT Ernest Construction, LLC

REQUEST Subdivision, PUD, Planning Approval, Rezoning from R-1, B-1, and B-2 to B-2



NTS