

**ZONING AMENDMENT &  
SUBDIVISION STAFF REPORT****Date: March 5, 2015****APPLICANT NAME**

Kleban Shed, LLC

**SUBDIVISION NAME**

Shed Development Subdivision

**LOCATION**5753 Old Shell Road  
(Southeast corner of Old Shell Road and Long Street)**CITY COUNCIL  
DISTRICT**

District 6

**PRESENT ZONING**

B-2, Neighborhood Business District

**PROPOSED ZONING**B-2, Neighborhood Business District, and  
B-3, Community Business District**AREA OF PROPERTY**

2 Lots / 4.5± Acres 3 Lots / 6.2± Acres

**CONTEMPLATED USE**

Rezoning from B-2, Neighborhood Business District, to B-2, Neighborhood Business District, and B-3, Community Business District, to allow a hotel and Subdivision approval to create two legal lots of record.

**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.****REASON FOR  
REZONING**

To allow a hotel.

**TIME SCHEDULE  
FOR DEVELOPMENT**

Not specified.

**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 the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
- B. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.

**Rezoning** No comments

## **TRAFFIC ENGINEERING**

### **COMMENTS**

Prior to the issuance of any land disturbance permits for a proposed hotel, a traffic impact study will be required to be submitted and approved by Traffic Engineering. Traffic Engineering approval of this site is contingent upon the construction by the developer/owner of all improvements (if any) identified in the study. The overall site is limited to two curb cuts to Old Shell Road, and five curb cuts to Long Street, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Any driveway permits for Long Street are contingent upon improvements to the roadway as needed to meet city standards. Any driveway permits for Old Shell Road are contingent upon the closure of the mid-block median cut adjacent to the site. All 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 of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile. As per Appendix D, Section D107.1, one and two family developments with more than 30 dwelling units shall be provided with separate and approved fire apparatus access roads and shall meet the requirements of Section D104.3.

## **REMARKS**

The applicant is requesting Rezoning from B-2, Neighborhood Business District, to B-2, Neighborhood Business District, and B-3, Community Business District, to allow a hotel and Subdivision approval to create two legal lots of record.

This site most recently appeared before the Planning Commission at its January 15, 2015 meeting where the Commission approved a 2-lot subdivision request. The plat has been recorded since that time; however, it appears the applicant did not properly notify all adjacent property owners. As such, the Final Plat should be considered null and void. Therefore, it is recommended the applicant amend the current request to contain a total of 3 lots, to include a complete list of current adjacent property owners and associated labels, postage and lot fees.

## **RECOMMENDATION**

**Subdivision:** Recommended that this application be heldover to the meeting of April 2<sup>nd</sup> with revisions due by March 9<sup>th</sup> to allow the applicant to address the following:

- 1) Revision of the current request to contain a total of 3 lots, to include a complete list of current adjacent property owners and associated labels, postage and lot fees.

**Rezoning** Recommended that this application be heldover to the meeting of April 2<sup>nd</sup> with revisions due by March 9<sup>th</sup> to allow the application to coincide with the timetable of the Subdivision request.

***Revised for the April 2<sup>nd</sup> meeting:***

*The applications were heldover from the March 5<sup>th</sup> meeting to allow the applicant to revise the subdivision request to include a total of 3 lots. The applicant has also submitted a Voluntary Conditions and Use Restrictions form that states “with the exception of hotel use only, no other B-3 uses will be permitted on the property.”*

*The site is shown 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.*

*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 mentions “the changing and improving commercial nature of the surrounding area, the relative lack of proximate development sites, and the multiple recent developments in the immediate area” as justification for a rezoning of the site. As such, the above conditions #2 and #3 may seem most appropriate.*

*While there is no minimum size requirement for new B-3 districts, Section 64-3.A.5.b. of the Zoning Ordinance states as a guideline that new B-3 districts be a minimum of 4 acres. Although the proposed Lot 2 in question is only 2.29± acres, smaller districts may be created where unusual conditions or circumstances justify them in the opinion of the Commission.*

*The applicant’s desire for B-3 zoning is in order to allow a hotel, which is not allowed in lower zoning classifications. There are no B-3 sites on Old Shell Road, except near I-65 (3± miles to the East) and near Schillinger Road (2.5± miles to the West). The nearest B-3 to the site is 330’ to the East, facing University Boulevard; however, there are no vacant B-3 properties left to accommodate the proposed hotel use. After that, the nearest B-3 sites are located on Airport Boulevard. Letters of Support from the University of South Alabama and the USA Foundation indicate their desire for a hotel in close proximity to campus.*

*The proposed Lot 2 abuts B-2, Neighborhood Business to the north and south; the western boundary is adjacent to R-1, Single-Family Residential, R-2, Two-Family Residential and R-3, Multiple-Family Residential across Long Street; and the eastern boundary borders R-1, Single-Family Residentially zoned property.*

*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, 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 preliminary plat illustrates the proposed 3-lot, 6.2± acre subdivision which is located on the Southeast corner of Old Shell Road and Long Street, and is in Council District 6. The applicant states that the subdivision is served by city water and sanitary sewer.*

*In accordance with the Subdivision Regulations, all 3 proposed lots are compliant with the minimum size requirements. The 25' minimum building setback line and lot size information is illustrated on the preliminary plat and should be retained on the Final Plat, if approved.*

*The proposed subdivision site abuts two adjacent landlocked parcels, which appear to be undeveloped. It appears that each of the landlocked parcels abut property to the east which is under ownership by the same family or corporate entities, thus access to these parcels should not be required for the application at hand.*

*The site fronts Old Shell Road and Long Street. Old Shell Road is a major street, as depicted in the Major Street Plan component of the Comprehensive Plan, with a compliant right-of-way width; however, the minimum right-of-way width adjacent to the site should be depicted on the Final Plat, if approved. Long Street is a substandard minor street in terms of width and level of improvement and should be improved along the entire property frontage on the North side of 12 Mile Creek in conjunction with any associated commercial development of Lots 1-3. The provision of a corner radius in compliance with Section V.D.6. of the Subdivision Regulations should be required at the southeast corner of Long Street and Old Shell Road. The lot size information and 25' minimum building setback line should be revised to reflect dedication.*

*It should be pointed out that Long Street currently serves as the only access to 4 residential properties on Waltman Lane. While Long Street would be improved through this development, this street is not desirable for the sole access of a hotel on a minor residential street. A Planned Unit Development to allow access to Old Shell Road through Lot 1 may be more appropriate to better accommodate ingress/egress for the proposed hotel development.*

*The site has several existing curb-cuts; however, as a means of access management and in compliance with Traffic Engineering comments, the overall site is limited to two curb cuts to Old Shell Road, and five curb-cuts to Long Street, with the size, design and location to be approved by Traffic Engineering and conform to AASHTO standards. The applicant should keep in mind that a traffic impact study has also been required by Traffic Engineering.*

*It should be pointed out that large power lines are present along Long Street which may mean there is an easement not shown on the preliminary plat. As such, if necessary, the Final Plat should be revised to illustrate all easements along with a note stating no permanent structure can be placed or erected within any easement, if approved.*

**RECOMMENDATION**

*Subdivision: This application is recommended for tentative approval, subject to the following conditions:*

- 1) Provision of a corner radius at the southeast corner of Old Shell Road and Long Street, in compliance with Section V. D.6. of the Subdivision Regulations;*
- 2) Dedication along Long Street, sufficient to provide 25' as measured from centerline, if necessary;*
- 3) Revision of the lot size information and 25' minimum building setback line on the Final Plat to reflect any dedication;*
- 4) Illustration of all easements on the Final Plat, along with a note stating no permanent structure can be placed or erected within any easement;*
- 5) Placement of a note on the Final Plat stating that Long Street should be improved to City of Mobile standards at the time of development of each lot;*
- 6) Placement of a note on the Final Plat stating that site is limited to two curb cuts to Old Shell Road, and five curb cuts to Long Street, with the size, design and location to be approved by Traffic Engineering and conform to AASHTO standards, with all unused curb-cuts removed and replaced with landscaped material;*
- 7) Placement of a note on the Final Plat and compliance with Traffic Engineering Comments: (Prior to the issuance of any land disturbance permits, a traffic impact study may be required to be submitted and approved by Traffic Engineering. Traffic Engineering approval of this site is contingent upon the construction by the developer/owner of all improvements (if any) identified in the study. The overall site is limited to two curb cuts to Old Shell Road, and five curb cuts to Long Street, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Any driveway permits for Long Street are contingent upon improvements to roadway as needed to meet city standards. Any driveway permits for Old Shell Road are contingent upon the closure of the mid-block median cut adjacent to the site. All on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.);*
- 8) Compliance with Engineering Comments: (The following comments should be addressed prior to submitting the FINAL PLAT for acceptance and signature by the City Engineer: A. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. B. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.);*
- 9) Compliance 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).);*
- 10) Compliance with 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. As per Appendix D, Section D107.1, one and two family*

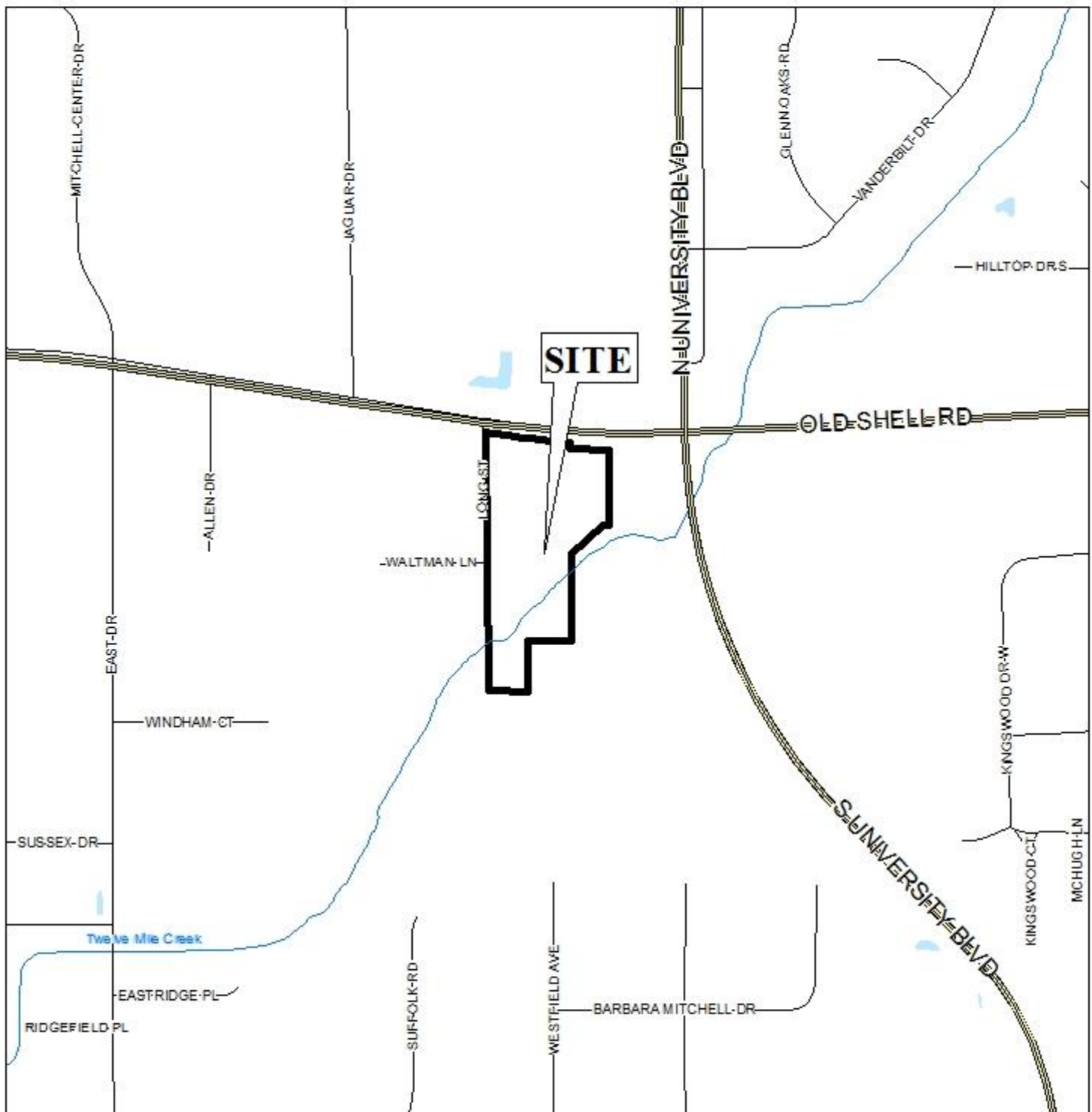
*developments with more than 30 dwelling units shall be provided with separate and approved fire apparatus access roads and shall meet the requirements of Section D104.3.);*

- 11) Completion of the Subdivision process prior to the issuance of permits for new building construction; and*
- 12) Completion of the Rezoning process prior to the issuance of development permits for Lot 2.*

**Rezoning**      *The application is recommended for approval, subject to the following conditions:*

- 1) Uses limited to those listed on the submitted Voluntary Conditions and Use Restrictions form which shall be attached to and become a part of this amendment;*
- 2) Completion of the Subdivision process; and*
- 3) Full compliance with all municipal codes and ordinances.*

# LOCATOR MAP

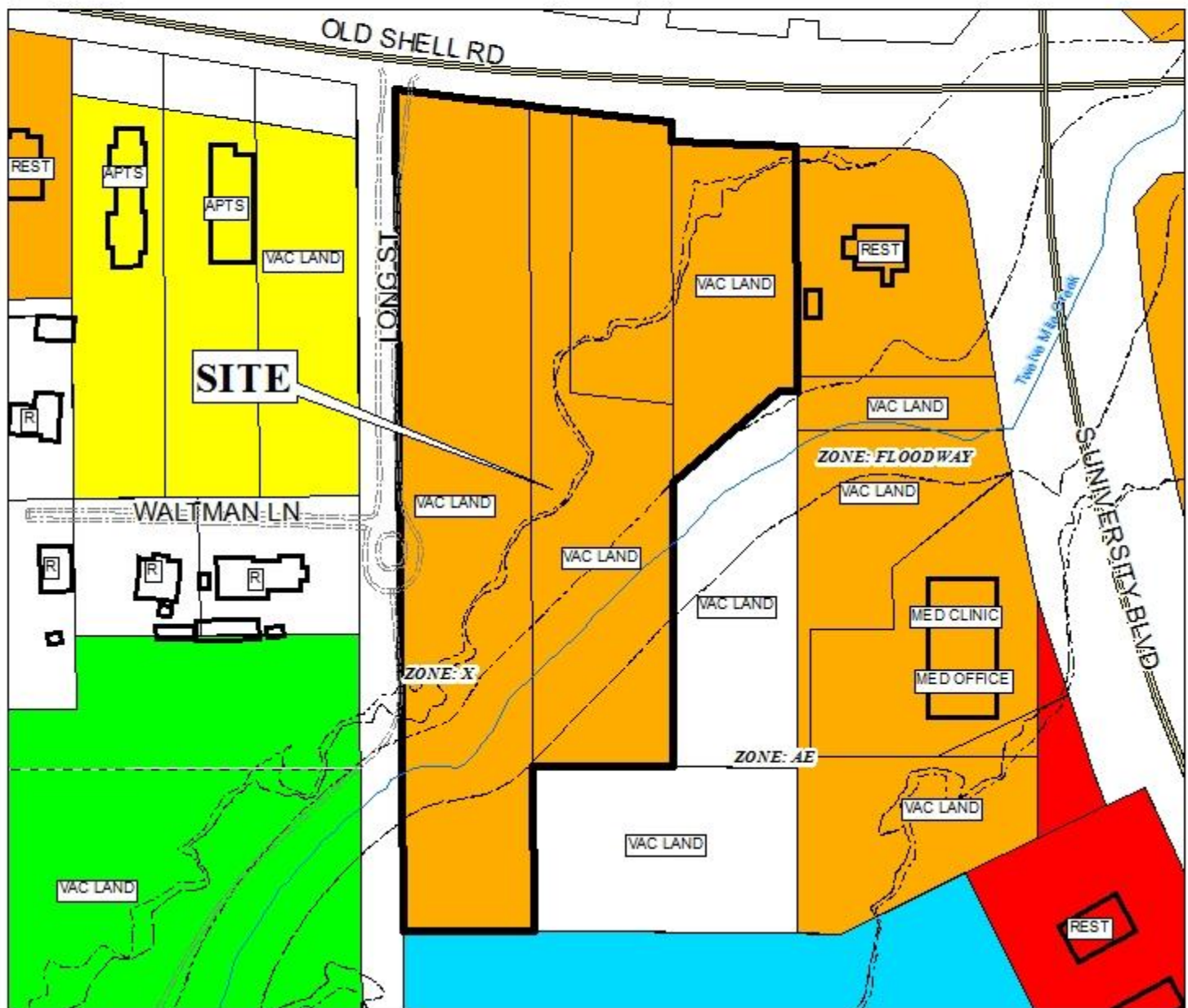


APPLICATION NUMBER 3 DATE April 2, 2015  
APPLICANT Shed Development Subdivision, Resubdivision of Lot 2  
REQUEST Subdivision, Rezoning from B-2 to B-2 and B-3





# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



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

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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 ZONING



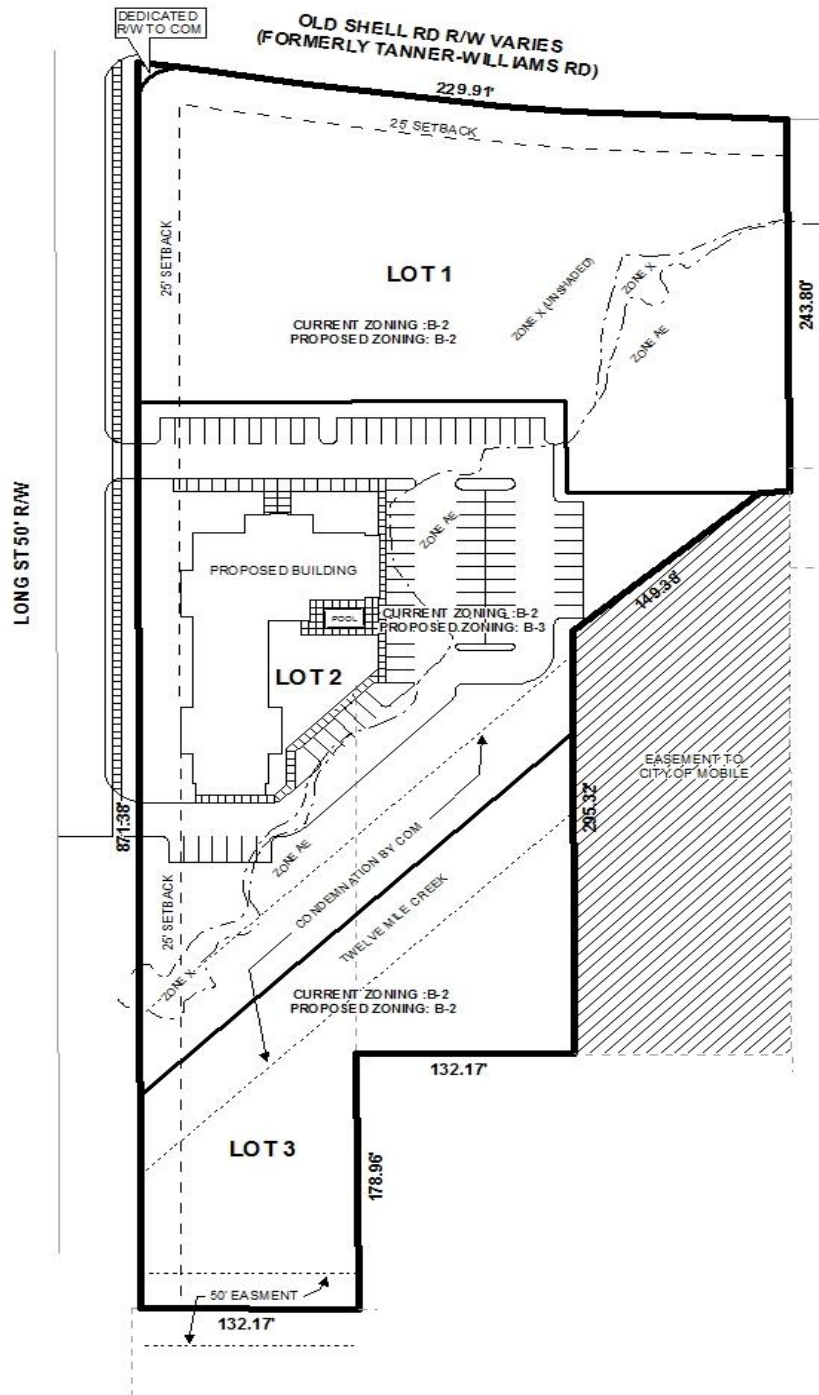
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# SITE PLAN



The site illustrates the proposed lots, proposed zoning changes, proposed building, and easements and setback.

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