

**PLANNED UNIT DEVELOPMENT
STAFF REPORT****Date: November 5, 2009****DEVELOPMENT NAME**

The Family Pharmacy of Springhill

LOCATION4401, 4413, 4415, 4417, and 4419 Old Shell Road
(Southeast corner of Old Shell Road and McGregor Avenue)**CITY COUNCIL
DISTRICT**

District 7

PRESENT ZONING

B-2, Neighborhood Business District

AREA OF PROPERTY

3 Lots / 1.4 ± Acres

CONTEMPLATED USE

Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow shared access and parking.

**TIME SCHEDULE
FOR DEVELOPMENT**

Immediate

**ENGINEERING
COMMENTS**

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. Eliminate parking spaces that back into the right-of-way of 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).

Preservation status is to be given to the 48" Live Oak Tree located on the South side of Lot. 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.

**FIRE DEPARTMENT
COMMENTS**

All projects must comply with the requirements of the 2003 International Fire Code, including Appendices B through D, with local amendments, and the

2003 International Existing Building Code. All buildings shall comply with Section 508.5.1 of the 2003 IFC.

REMARKS

The applicant is requesting Planned Unit Development approval to amend a previously approved Planned Unit Development to allow shared access and parking.

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 if any new construction is anticipated that will change an approved site plan, an application to amend an existing, approved PUD must be made prior to any construction activities.

The site most recently received approval for a Planned Unit Development at the Planning Commission's June 15, 2006 meeting, which was necessitated by a subdivision of land to create a lot for the site now containing the Five Guys restaurant (previously Starbucks). This application is necessary because the proposed use of the building formerly containing Five Gold Monkeys includes a pharmacy with soda fountain: the soda fountain accessory use changes the parking ratio requirements for the overall site.

The site fronts onto Old Shell Road and McGregor Avenue North. McGregor is a proposed major street, while Old Shell is considered a minor street, which functions as a collector street. Dedications for each street were required during the original subdivision application for the site in July 2004.

The overall PUD site is developed with four buildings that share access, parking and curb-cuts. Previous PUD staff reports did not address parking on the site, other than to note the existence of seven (7) parking spaces in the right-of-way, which require backing into a travel lane for Old Shell Road: previous reports recommended the removal of these parking spaces as the site is redeveloped (*Traffic Engineering's recommendation with this application includes the removal of the parking spaces which back into Old Shell Road*).

The applicant is proposing to renovate an existing vacant building, installing a pharmacy in 4,175 square feet, and including an additional 285 square feet for a soda fountain. The remaining 2,100 +/- square feet of the building will remain vacant at this time.

Parking for the overall PUD is a concern. The overall site plan depicts 66 parking spaces, however, 9 of these spaces occur completely or partially within the right-of-way for Old Shell Road. The standard requirements of the Zoning Ordinance state that retail and office uses provide 1 parking space for every 300 square feet of gross building area, while restaurant uses provide 1 parking space for every 100 square feet of gross building area. The Traditional Center

District Overlay (TCDO) parking requirements, however, require only 1 parking space for every 450 square feet of gross building area for retail and office uses, and 1 parking space for every 300 square feet of gross building area for restaurant uses. The table below lists the existing / proposed uses, using standard and TCDO ratios, and the associated parking requirements (rounded up):

Site	Size SF	Standard Ratio 1/X SF	Standard Req Pkg	TCDO Ratio	TCDO Req Pkg
Five Guys	2,700	100	27	300	9
Bank Trust	4,650	300	16	450	11
Multi-Tenant Bldg	2,466	300	9	450	6
Pharmacy	4,175	300	14	450	10
Soda Fountain	285	100	3	300	1
Vacant suite	2,100	300	7	450	5
Total	16,376		76		42

As shown, the site will be a minimum of 10 parking spaces short of the required parking using the standard requirements of the Zoning Ordinance, while the site will have excess parking if the TCDO parking ratio is utilized.

The site, while located in a TCDO eligible area, is not currently “developed” under the TCDO criteria. The applicant thus has two options: 1) choose the TCDO option and improve the entire PUD site (Five Guys to Bank Trust) to meet TCDO requirements in terms of 12-foot wide sidewalks, street trees, landscaping and parking buffer requirements, or 2) apply for a parking ratio variance (*should a parking ratio variance be granted, a new variance will be required should the soda fountain use be expanded in size as suggested in the application, or if changes to the site plan are made, as variances, like PUDs, are site plan specific*).

It should be pointed out that the applicant wishes to move forward with internal renovations to create the pharmacy. Applying for PUD approval under the TCDO or applying for a parking variance request to the Board of Zoning Adjustment will add more time to the approval process, and there is no guarantee of approval of either request. The site is physically constrained, however, and the issue deals with existing buildings and an existing site, thus a variance hardship may be justifiable, and the applicability of the TCDO option may be amenable to the Planning Commission, subject to the requisite improvements.

The proposed use is consistent with the vision contained within *The Blueprint for Spring Hill*, a document prepared by Dover Kohl and Associates, for The Village of Spring Hill. The site, however, still falls under the standard requirements of the Zoning Ordinance, rather than the Traditional Center District Overlay requirements that were created via *The Blueprint*.

Should the applicant wish the site to be considered under the TCDO, the current application should be heldover at minimum until the December 3rd meeting to allow revised site plans and project descriptions to be submitted by November 16th, or the current application should be

withdrawn and a new application made with the requisite information. All property owners involved with the application must consent in writing to the selection of TCDO.

RECOMMENDATION

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

- 1) Submission for a parking ratio variance application to the Board of Zoning Adjustment, with a positive determination by the Board;
- 2) The Planning Section of Urban Development will agree to the issuance of building permits for interior completion if the applicant submits an affidavit stating that the applicant understands that a final Certificate of Occupancy is subject to a successful parking ratio variance application, and that they waive any City of Mobile liability for costs incurred if the variance application is not successful;
- 3) Development limited to include a 285 square foot soda fountain, with any increase in the size of the soda fountain seating area subject to new PUD and variance applications;
- 4) 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). Preservation status is to be given to the 48" Live Oak Tree located on the South side of Lot. 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.*);
- 5) Compliance with Engineering comments (*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.*); and
- 6) Compliance with Traffic Engineering comments (*Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Eliminate parking spaces that back into the right-of-way of Old Shell Road.*).

Revised for the November 19th meeting:

The application was heldover from the November 3rd meeting, at the applicant's request.

The 2,100 square foot +/- suite next to the proposed pharmacy, originally described in the report as vacant, is in use as a real estate office, however, the parking ratio of 1 space per 300 square feet remains the same. Therefore, completion and occupation of the pharmacy will result in the structure being fully utilized.

As no changes were submitted, the original recommendation for approval still stands.

RECOMMENDATION

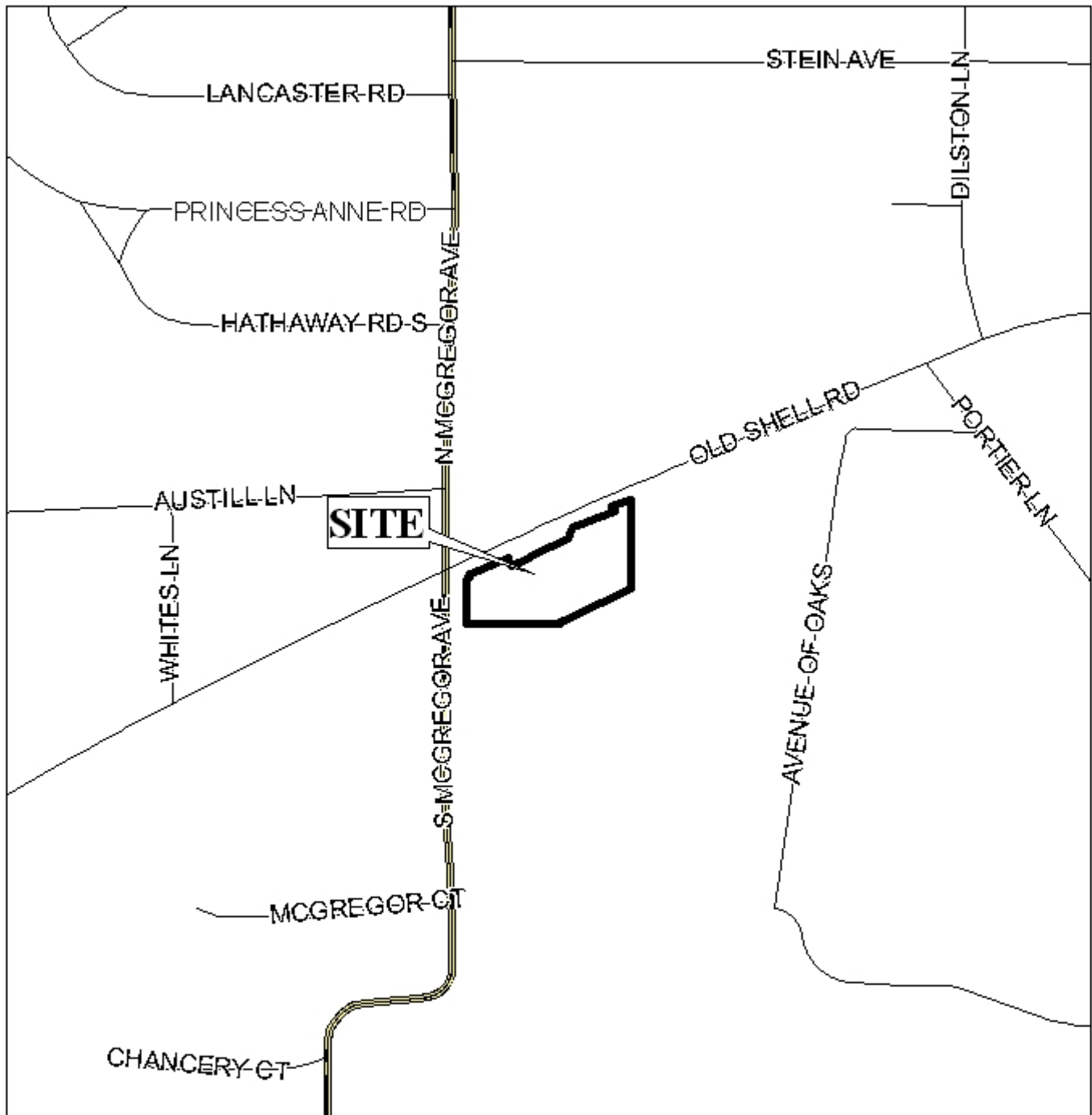
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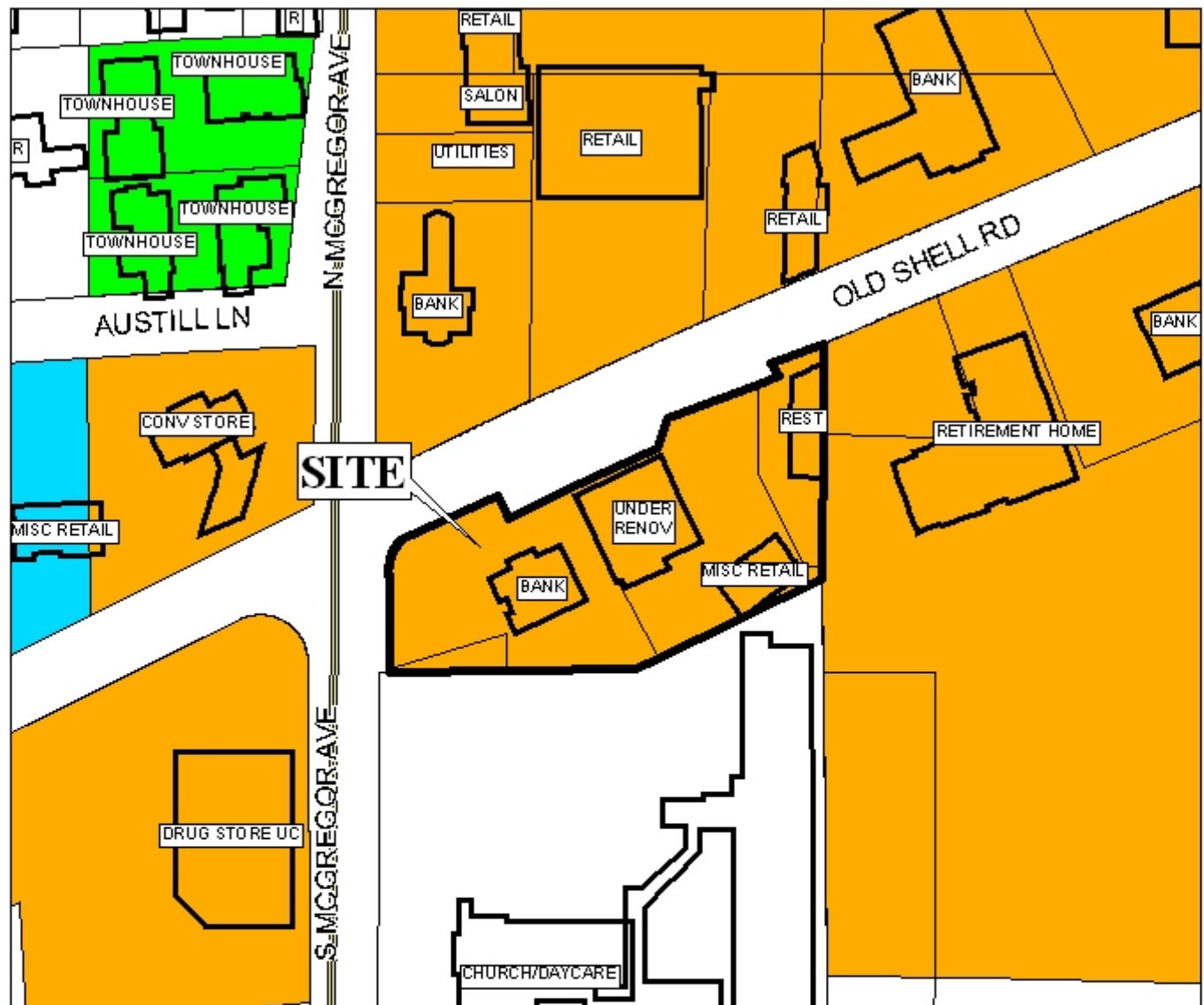
LOCATOR MAP



APPLICATION NUMBER 4 DATE November 19, 2009
APPLICANT The Family Pharmacy of Spring Hill
REQUEST Planned Unit Development



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial land use.

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REQUEST 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
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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING

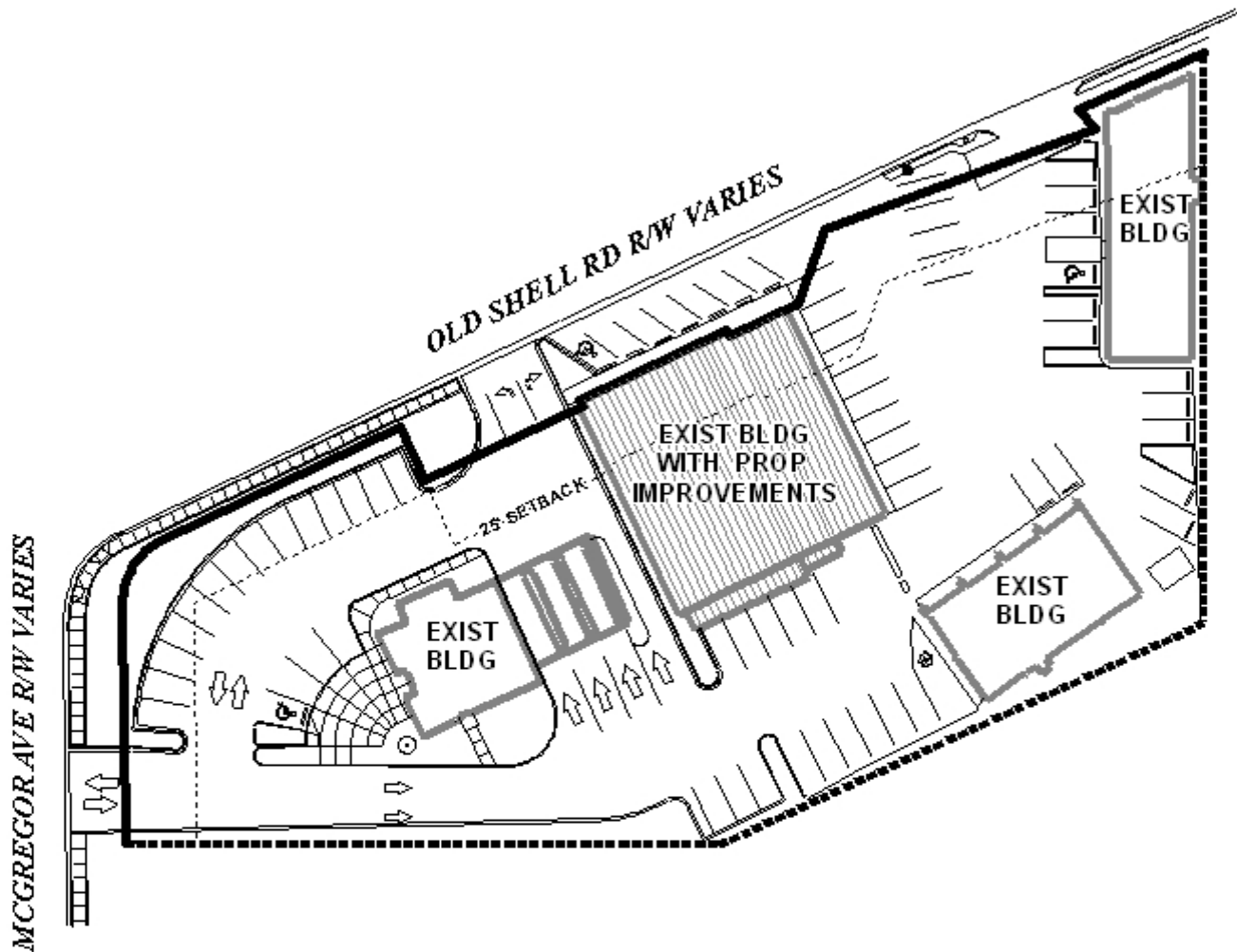


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NTS

SITE PLAN

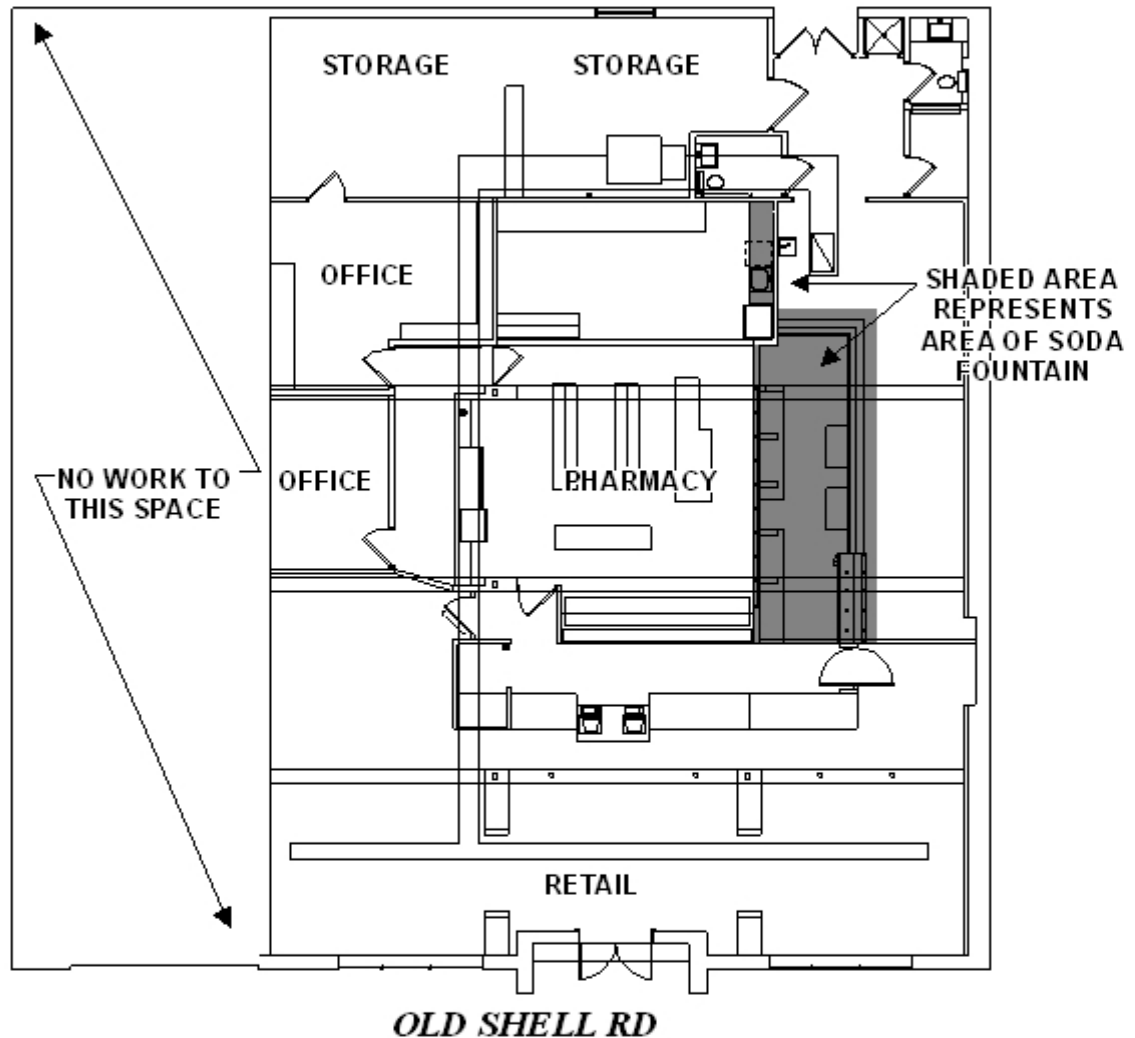


The site plan illustrates the existing buildings and shared parking

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FLOOR PLAN DETAIL



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