

**REZONING, PUD &
SUBDIVISION STAFF REPORT**

Date: September 4, 2003

APPLICANT NAME

Merrill P. Thomas

DEVELOPMENT NAME

University Square

SUBDIVISION NAME

University Square Subdivision

LOCATION

Subdivision and PUD: South Side of Old Shell Road, 200'± East of Allen Drive, extending to the Southern terminus of Jaguar Drive (private street), 210'± West of Long Street.

Rezoning: 5825 and 5827 Old Shell Road (South side of Old Shell Road, 200'± East of Allen Drive)

PRESENT ZONING

R-1, Single-Family Residential

PROPOSED ZONING

B-2, Neighborhood Business

AREA OF PROPERTY

Subdivision& PUD: 4.4± Acres

3 Lots

Rezoning: 1.3± Acres

CONTEMPLATED USE

Retail Shops, a Restaurant, and/or Professional Offices with Multiple Buildings on a single Building Site and Shared Access and Shared Parking Between Multiple Building Sites.

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

Phase I – Begin Fall 2003, Completion Spring 2004

Phase II – As Market Warrants

ENGINEERING

COMMENTS

Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit.

TRAFFIC ENGINEERING

COMMENTS

Driveway number, sizes, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Developer to pay for signal modifications. Modification to be to City 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). The 30" Live Oak on the northwest side of Lot 2 be given preservation status. All work done under the drip line of the above-mentioned tree is to be coordinated with Urban Forestry. Removal of tree, if and when necessary, to be authorized by Mobile Planning Commission.

REMARKS

The applicant is proposing development of the site for retail, restaurant and professional office use. The proposed development is to consist of three lots with a private road for access and circulation, and will have multiple buildings with shared parking and access.

The majority of the site was recommended by the Planning Commission for rezoning to B-2 on July 24th. At that time, the applicant explained that he had just recently reached an agreement with the owner of the property adjacent to the West (now proposed for rezoning), and asked that Commission to continue with the property that was before them with the knowledge that the adjacent property would be presented for rezoning along the requisite PUD and Subdivision applications. The City Council will consider that application on September 9th.

The rezoning now before the Commission is that property to the West. The PUD and Subdivision incorporate the previous rezoning site and current rezoning site into one development. The proposed development will consist of three lots, two of which front Old Shell Road, and the third will be accessed via a private road that will also be the primary ingress and egress for the overall development. One of the lots fronting Old Shell Road will also have two buildings on it; hence the application for PUD. Lot 3 is to be future development as the market warrants. Therefore, future PUD application(s) will be necessary as the lot is developed.

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.

The proposal is generally consistent with the PUD requirements, as well as the requirements for a private street as have been allowed for circulation within commercial developments. One concern, however, is the proposed parking located within the private road right-of-way. While the provision of private roads for such circulation/access drives is not uncommon for commercial developments, the location of parking facilities within the private road right-of-way is. Modifications to the plan to allow reconfiguration of the

parking and/or moving the building to accommodate reconfiguration of parking could be coordinated with staff if the application is approved.

Maintaining the full 50' private road right-of-way free and clear is especially important given the fact that it is the primary access for the site and the future development area, which is large enough to be resubdivided into smaller lots and/or to contain multiple buildings.

A large portion of the future development area contains large trees and is densely vegetated. As there is no development of this area proposed at this time, it should remain undisturbed and in its natural vegetative state until future PUD applications have been submitted and approved.

RECOMMENDATION

Rezoning: based on the preceding it is recommended that this application be approved subject to the following conditions: 1) completion of the accompanying subdivision; 2) compliance with the accompanying PUD; 3) size, location and design of curb cuts to be approved by the Traffic Engineering Department; 4) full compliance with all municipal codes and ordinances.

Planned Unit Development: based on the preceding, it is recommended that this application be approved subject to the following conditions: 1) completion of the rezoning and subdivision processes; 2) size, location and design of curb cuts to be approved by the Traffic Engineering Department, unused existing curb cuts to be closed – including installation of landscaping and curbing; 3) reconfiguration to remove parking from the 50' private road right-of-way, to be approved by Urban Development and Traffic Engineering Departments; 4) the 30" Live Oak on the northwest side of Lot 2 be given preservation status, all work done under the drip line of the tree is to be coordinated with Urban Forestry. Removal of tree, if and when necessary, to be authorized by Mobile Planning Commission; 5) full compliance with all municipal codes and ordinances, including but not landscaping and tree plantings and the provision of sidewalks.

Subdivision: based on the preceding, it is recommended that this plat be granted Tentative Approval subject to the following conditions: 1) placement of a note on the final plat stating that there shall be no parking spaces within the private road right-of-way; 2) placement of a note on the final plat stating that size, location and design of curb cuts to be approved by the Traffic Engineering Department, unused existing curb cuts to be closed – including installation of landscaping and curbing; and 3) placement of a note on the final plat stating that the 30" Live Oak on the northwest side of Lot 2 be given preservation status, all work done under the drip line of the tree is to be coordinated with Urban Forestry. Removal of tree, if and when necessary, to be authorized by Mobile Planning Commission.

LOCATOR MAP



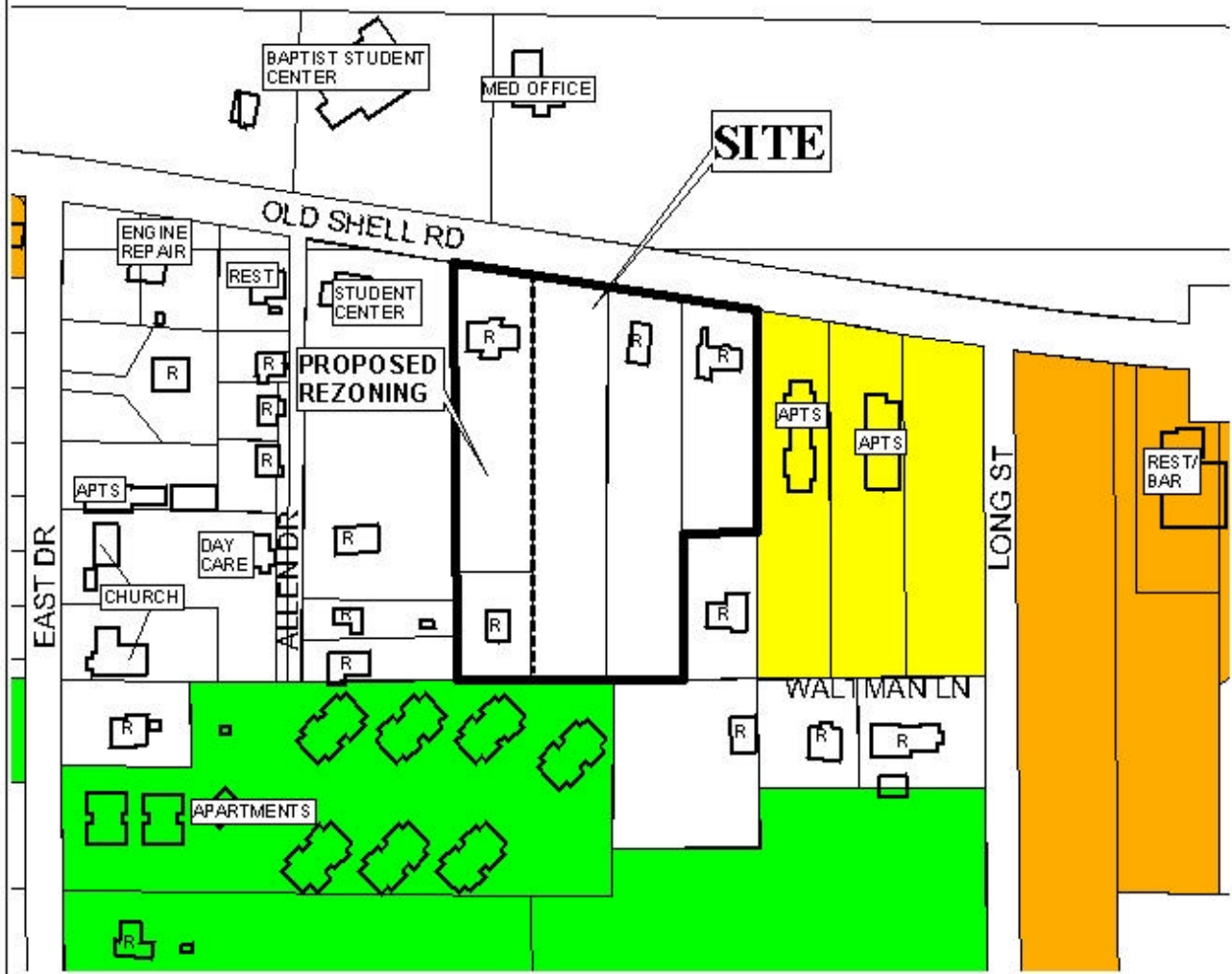
APPLICATION NUMBER 6 & 7 & 8 DATE September 4, 2003

APPLICANT Merrill P. Thomas

REQUEST Rezoning From R-1 to B-2, PUD, Subdivision



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Located to the North of the site is a medical office; to the East, South, and West are single and multiple family residential dwellings.

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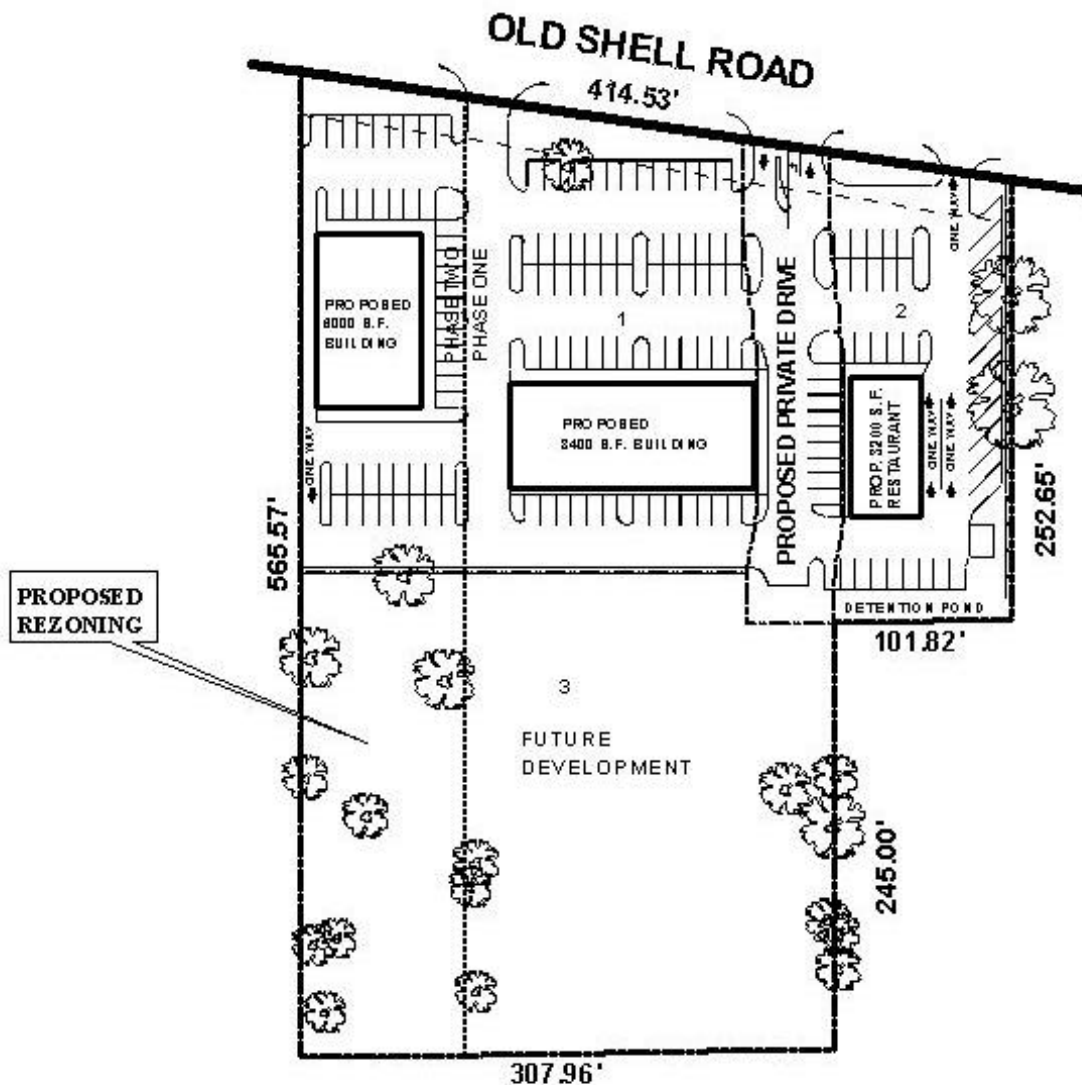
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LEGEND



SITE PLAN



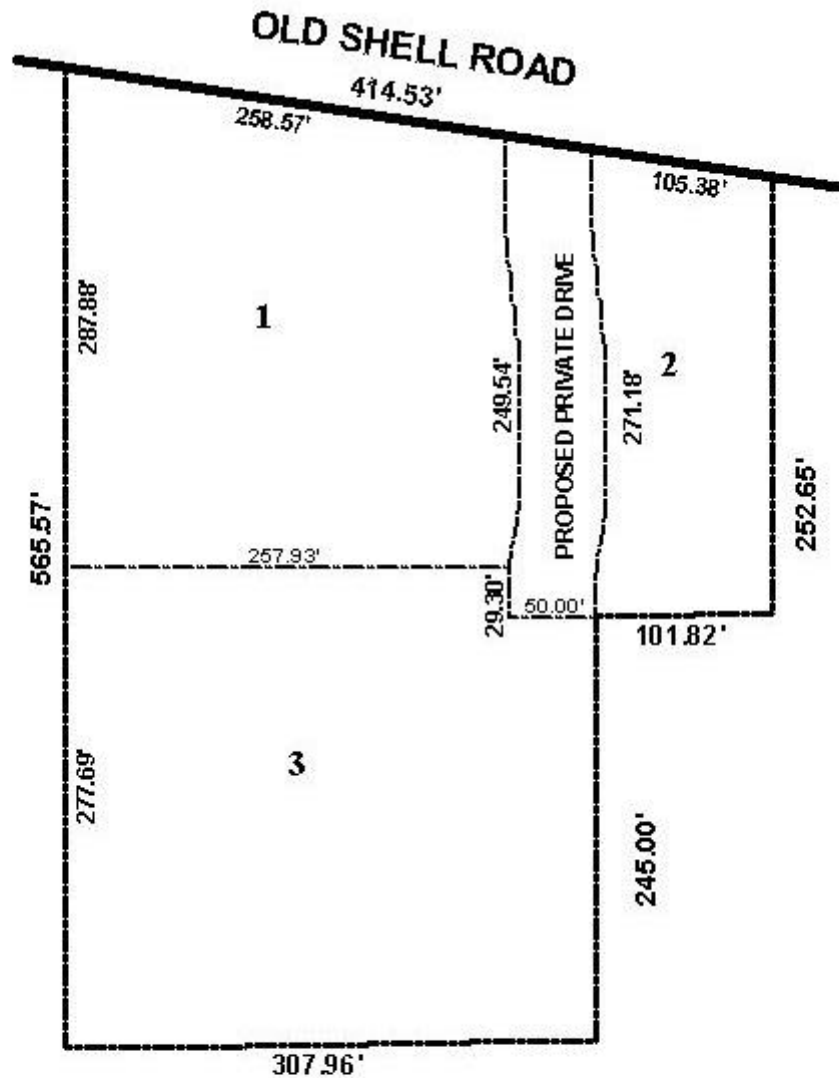
The site is located on the South side of Old Shell Road, at the Southern terminus of Jaguar Drive (private street), 210' West of Long Street. The plan illustrates the proposed buildings, drive, and parking.

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NTS

DETAIL SITE PLAN



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