

PLANNING APPROVAL STAFF REPORT**Date: August 17, 2017****NAME**

David Shumer

LOCATION951 Government Street
(West side of Marine Street, extending from Government
Street to Church Street)**CITY COUNCIL
DISTRICT**

District 2

PRESENT ZONING

B-1, Buffer Business District

AREA OF PROPERTY

1 Lot / 1.4± Acres

CONTEMPLATED USEPlanning Approval to allow a fitness center in a B-1, Buffer
Business District.**TIME SCHEDULE
FOR DEVELOPMENT**

No time frame 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. 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.
4. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

**TRAFFIC ENGINEERING
COMMENTS**

Site is limited to the existing curb cuts with any changes to size, location, and design to be approved by Traffic Engineering and ALDOT where applicable and conform to AASHTO standard.

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 2015-116 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 Planning Approval to allow a fitness center in a B-1, Buffer-Business District. Planning Approval is required for fitness centers in B-1 districts.

The site has had several variances granted by the Board of Zoning Adjustment. On February 4, 2013, the site was granted a variance to allow the site to be developed with 56 dwelling units, whereas only 36 would be allowed by right. Then, October 6, 2014, a separate variance was granted to allow the site to be developed with 48 dwelling units as the previous variance had been allowed to expire. Most recently, On August 3, 2015, the site was granted variances to allow the operation of a restaurant and retail space (both B-2, Neighborhood Business uses) in the first floor of the 8-story building as well as a parking variance to allow the site to operate with these uses while having 25 parking spaces less than required. An extension for this approval was granted on May 2, 2016.

Since the 2015 variance was granted, a space-sharing office has located on the first floor of the building, which is a B-1, Buffer Business use allowed by right at this location. As neither of the approved B-2 uses has located at the subject site or obtained permits within the time frame allowed, the use variance portion of the 2015 approval has expired. However, office and retail space both have the same parking requirements (1 space per 300 square feet), allowing the reduced parking ratio portion of the 2015 approval to remain valid. In fact, the approved uses required 107 parking spaces, whereas the existing apartments, office, and proposed fitness center would require 91 parking spaces.

If the proposed fitness center were an accessory use to the existing multi-family development, it would be allowed by right, however as no mention was made of the fitness center being restricted to use by residents, it is assumed that it is open to the public, and therefore requires Planning Approval to operate in a B-1, Buffer Business District.

The site is bounded to the North (across Government Street) by B-1, Buffer Business District developed as offices and a single-family residence, to the East (across Marine Street) by vacant land zoned B-1, Buffer Business District, to the West by a restaurant in a B-2, Neighborhood Business District and a single-family residence in a B-1, Buffer Business District, and to the South (across Church Street) by a single-family residence in an R-1, Single-Family Residential district.

The review required for Planning Approval examines the applicant's location and site plan with regard to transportation, parking and access, public utilities and facilities, traffic congestion and hazard, and to determine if the proposal is in harmony with the orderly and appropriate development of the district.

It is very important to note that the Planning Approval review is site plan specific; therefore *any* future changes to the site plan or to the scope of operations for the fitness center, as approved, by current or future applicants must be submitted for Planning Approval.

The site has been given a Traditional Corridor (TC) land use designation, per the recently adopted Future Land Use Plan and Map. The Future Land Use Plan and Map complements and provides additional detail to the Development Framework Maps in the Map for Mobile, adopted by the Planning Commission at its November 5, 2015 meeting.

This land use designation generally applies to transportation corridors east of I-65, which serve as the primary commercial and mixed-use gateway to Downtown and the City's traditional neighborhoods (equivalent to Map for Mobile's Traditional Neighborhoods).

Depending on their location (and as allowed by specific zoning), TC designations incorporate a range of moderately scaled single-use commercial buildings holding retail or services; buildings that combine housing units with retail and/or office; a mix of housing types including low- or mid-rise multifamily structures ranging in density from 4 to 10 du/ac; and attractive streetscapes and roadway designs that safely accommodate all types of transportation – transit, bicycling, walking, and driving. In these areas, special emphasis is placed on the retention of existing historic structures, compatible infill development, and appropriate access management.

It should be noted that the Future Land Use Plan and Map components of the Map for Mobile Plan are meant to serve as a general guide, not a detailed lot and district plan. In many cases the designation on the new Future Land Use Map may match the existing use of land, but in others the designated land use may differ from what is on the ground today. As such, the Future Land Use Plan and Map 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, where applicable, the zoning classification.

The applicant states:

Existing Conditions:

This project is located in the Marine Street Lofts building at 951 Government Street (US-90). The property is located in the southwest quadrant of the intersection of Government Street and Marine Street with access to both roadways. The property was originally developed in 1959 as an office building and is currently mixed use with commercial on the ground floor and 48 one (1) bedroom residential units on the elevated floors.

The property is 1.4± acres with approximately 200 feet of frontage on Government Street, 355 feet on Marine Street, and 100 feet on Church Street.

A use and parking ratio variance was approved (ZON2015-01404) on the development to accommodate the mixed residential and commercial uses and allow for a reduction in the parking ratio.

Proposed Use:

A fitness center is proposed to be located within the ground floor commercial space in lieu of the retail and restaurant space. The existing office space is to remain.

The Oakleigh Garden District is known for its neighborhood commercial spaces such as Callaghan's, Kitchen on George, and Cream and Sugar which all utilize on-street parking. The commercial portion of this development will match the character of the existing establishments and the patrons in this area are accustomed to using on street parking space to access commercial properties.

Further, we have previously spoken to Rob Gullede of the BeeHive Church (who owns a parking area on East side of Marine Street and he informed us the church would welcome us to use their space for over flow parking when it did not coincide with a church service. The commercial hours of office space will not likely coincide with the regular Sunday morning church service.

It should be noted that regardless of the applicant obtaining approval of the adjacent property owners to utilize the property as overflow parking, that the Zoning Ordinance requires all parking to be provided on-site, and to utilize off-site parking, either a variance or a Planned Unit Development would have to be approved. Furthermore, the property referenced would need to be brought up to commercial parking lot standards including paving and tree plantings.

Based on the fact that no external improvements are required to be made for the proposed fitness center, and the parking requirements will be reduced for the site over what was previously approved by the Board of Zoning Adjustment, it may be appropriate to approve the applicant's request.

RECOMMENDATION

Planning Approval: Based upon the preceding, this request is recommended for Approval, subject to the following conditions:

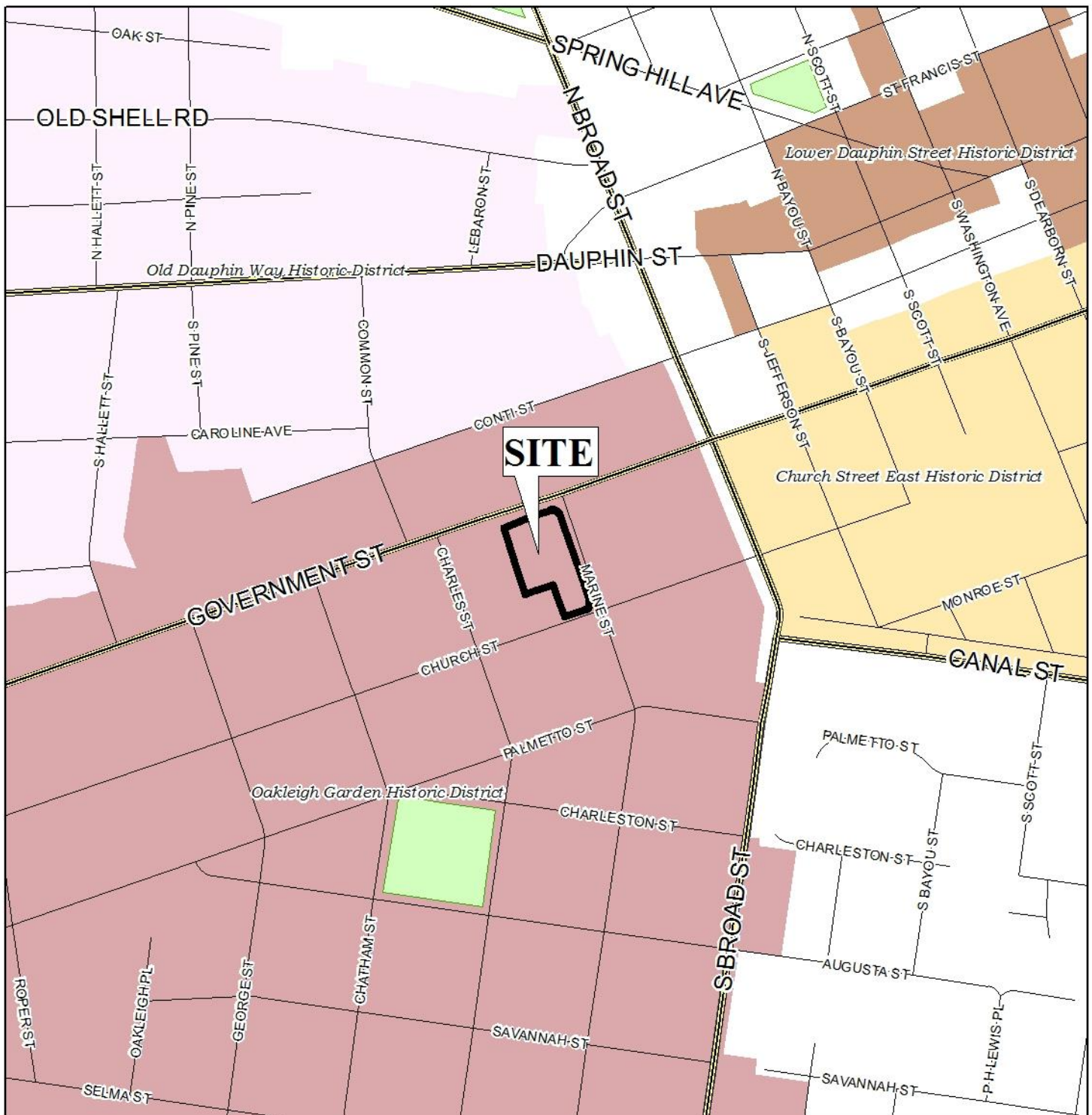
- 1) compliance with Engineering comments: *(1. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with 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. 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.

4. The proposed development must comply with all Engineering Department design requirements and Policy Letters.);

- 2) compliance with Traffic Engineering comments: (Site is limited to the existing curb cuts with any changes to size, location, and design to be approved by Traffic Engineering and ALDOT where applicable and conform to AASHTO standard.);*
- 3) 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 2015-116 and City Code Chapters 57 and 64).).);*
- 4) compliance with Fire 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).); and*
- 5) full compliance with all municipal codes and ordinances.*

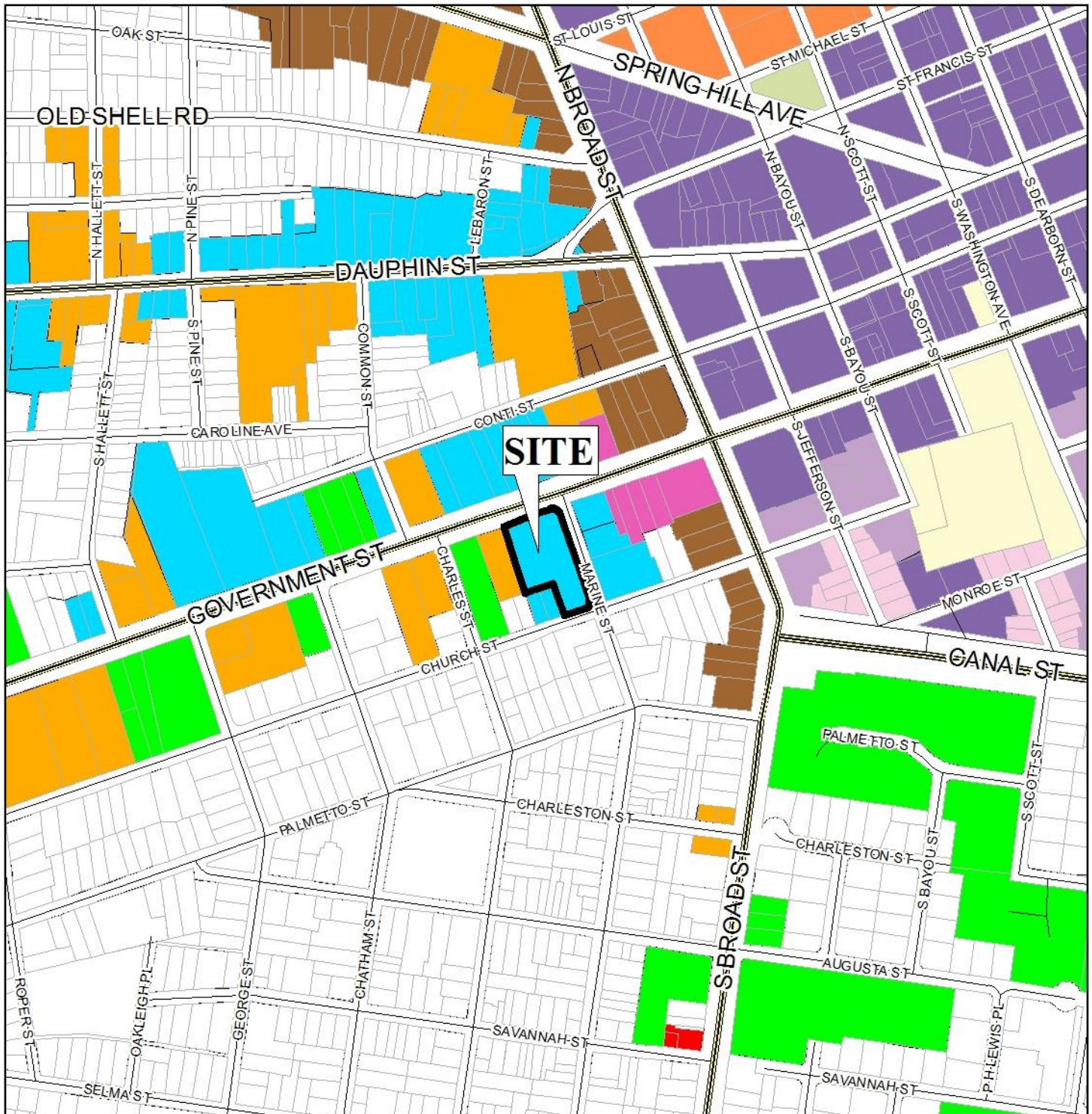
LOCATOR MAP



APPLICATION NUMBER 6 DATE August 17, 2017
 APPLICANT David Shumer
 REQUEST Planning Approval



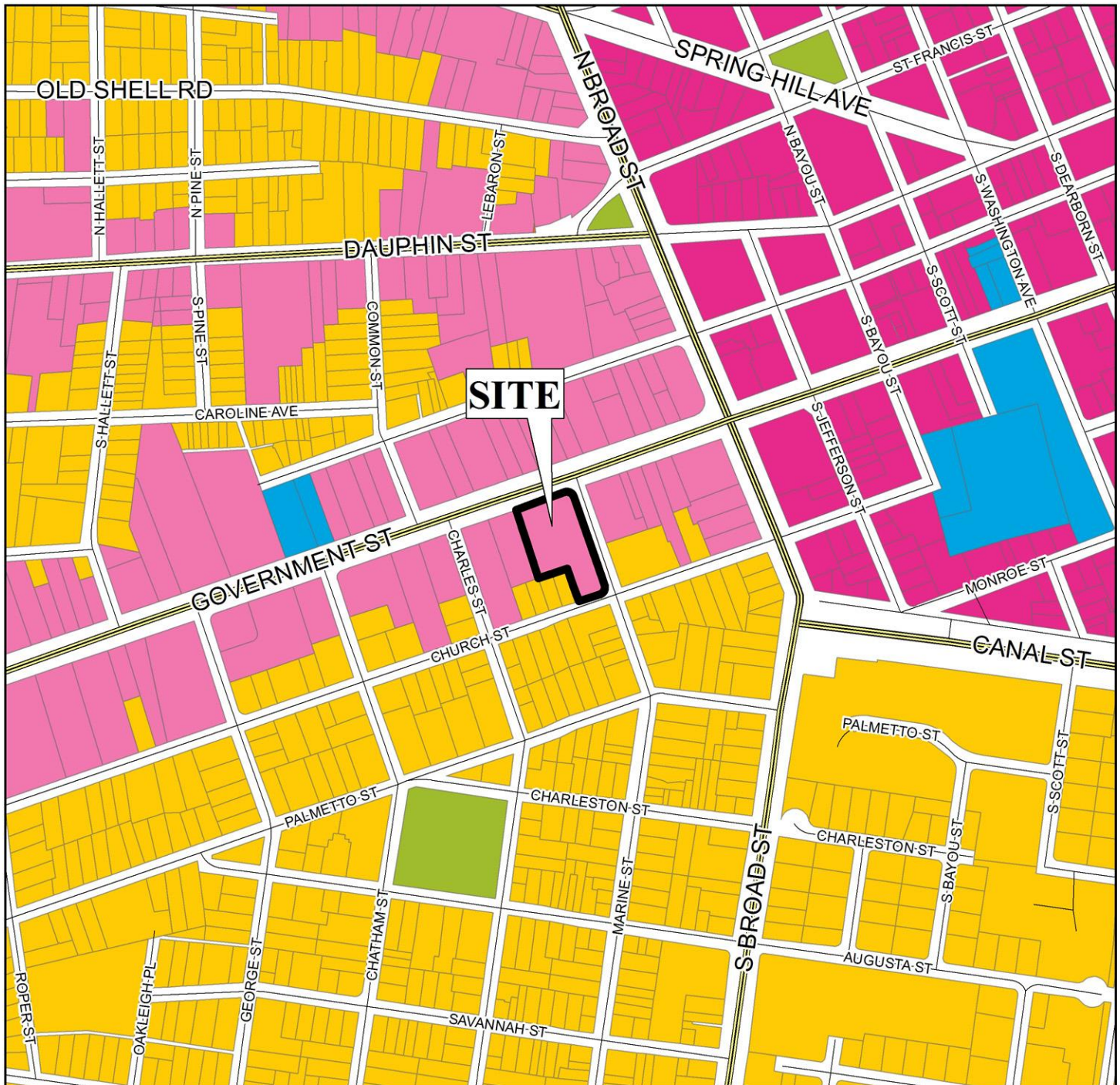
LOCATOR ZONING MAP



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FLUM LOCATOR MAP



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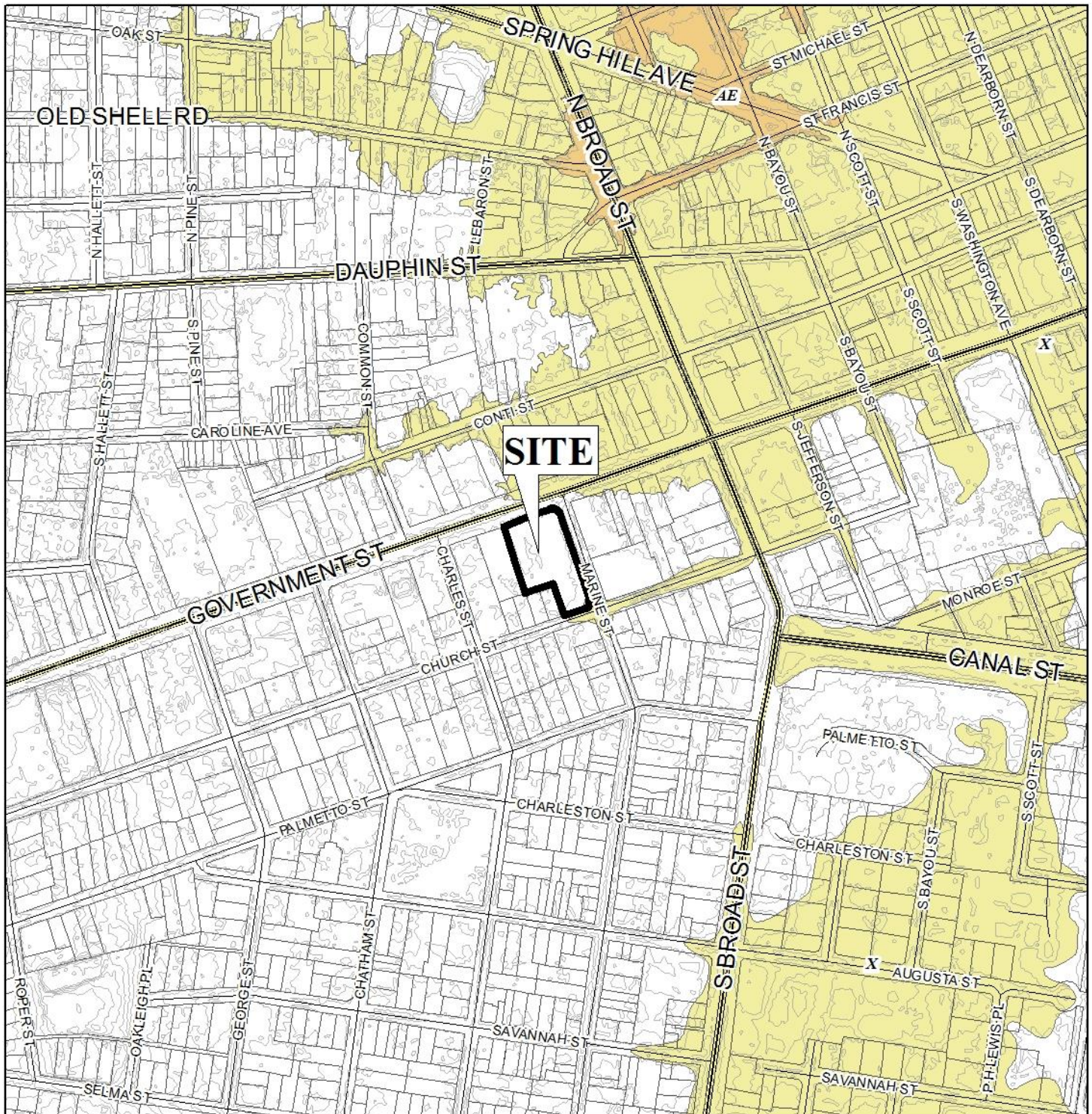
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Low Density Residential	Neighborhood Center- Traditional	Downtown Waterfront	Water Dependent
Mixed Density Residential	Traditional Corridor	Light Industry	Parks & Open Space
Downtown	Neighborhood Center- Suburban	Heavy Industry	
District Center	Mixed Commercial Corridor	Institutional	



ENVIRONMENTAL LOCATOR MAP



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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by miscellaneous commercial and residential units.
Residential units are located to the south.

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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 miscellaneous commercial and residential units.
Residential units are located to the south.

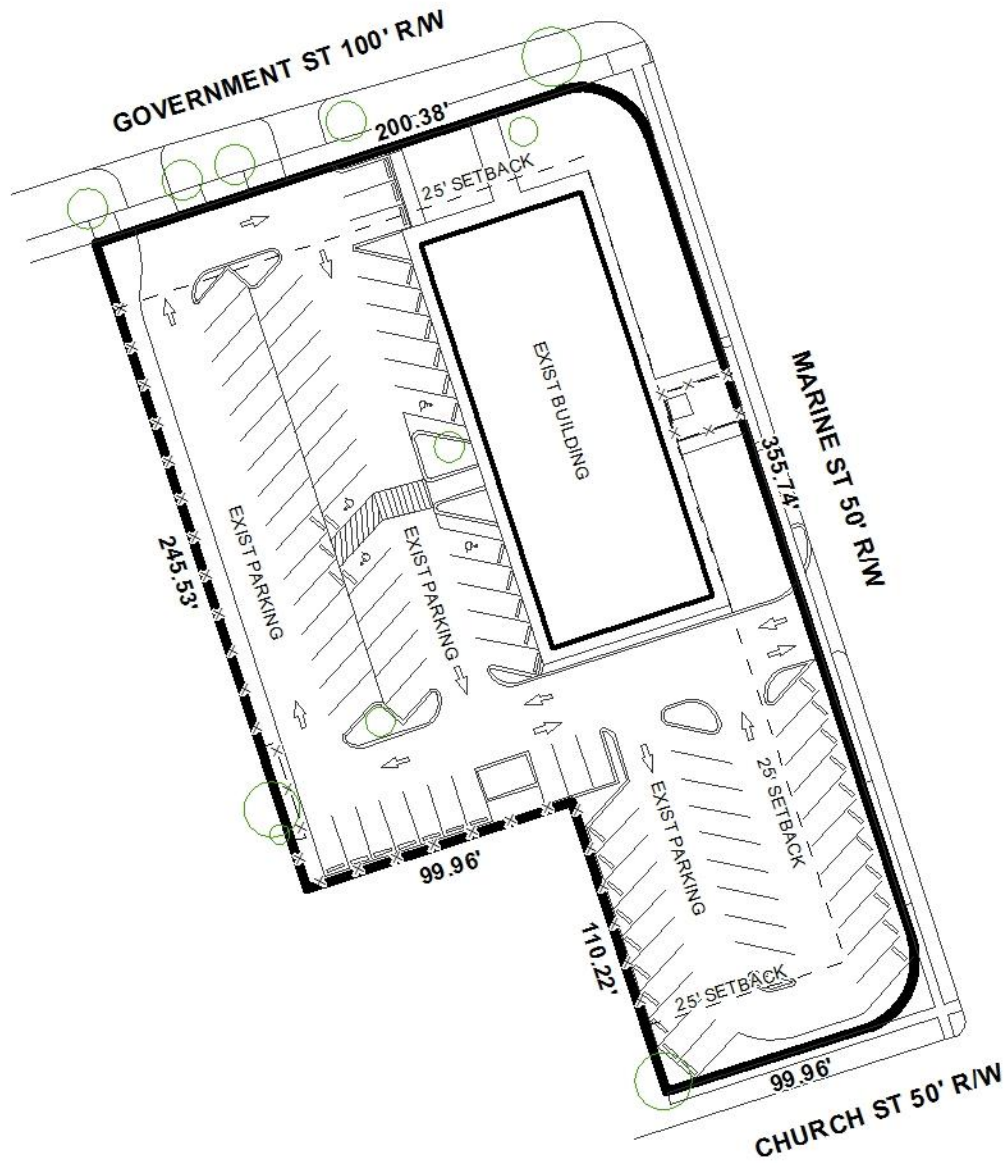
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SITE PLAN



The site plan illustrates the existing building, existing parking, and setbacks.

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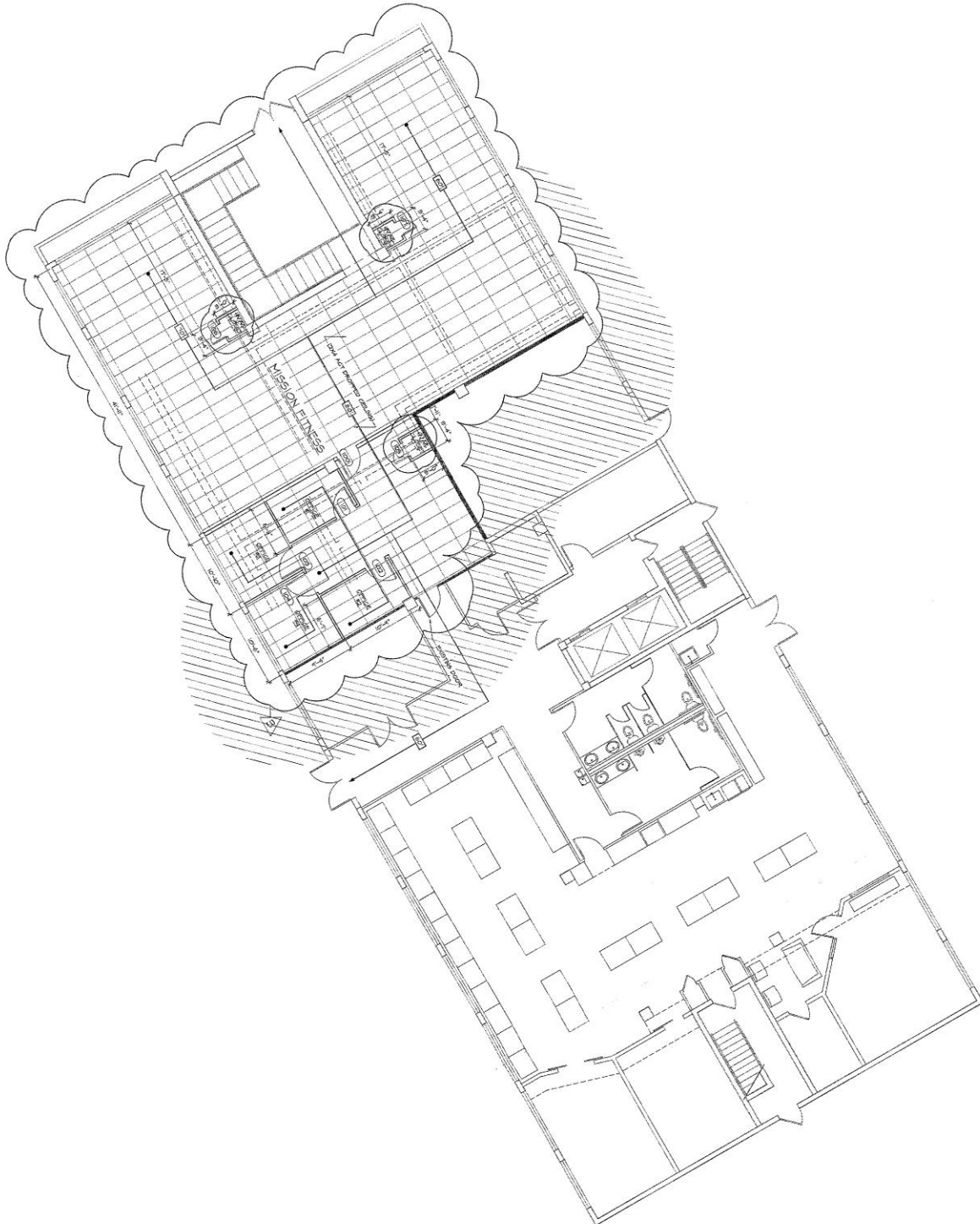
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NTS

DETAIL SITE PLAN



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