

**SUBDIVISION &
ZONING AMENDMENT STAFF REPORT****Date: June 1, 2017****APPLICANT NAME**

NAC Investments, LLC

SUBDIVISION NAME

NAC Subdivision

LOCATION5803, 5809 and 5811 Old Shell Road
(Southwest corner of Old Shell Road and Long Street).**CITY COUNCIL
DISTRICT**

Council District 6

PRESENT ZONINGR-2, Two-Family Residence District, and B-2,
Neighborhood Business District**PROPOSED ZONING**

B-2, Neighborhood Business District

AREA OF PROPERTY

1 Lot/1.9± Acres

CONTEMPLATED USE

Subdivision Approval to create a single legal lot of record from a single legal lot of record and portions of two legal lots of record; and Rezoning from R-2, Two-Family Residence 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.**

ENGINEERING**COMMENTS**

Subdivision: FINAL PLAT COMMENTS (should be addressed prior to submitting the FINAL PLAT for review and/or signature by the City Engineer):

- A. Provide all of the required information on the SUBDIVISION PLAT (i.e. signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings and distances) that is required by the current Alabama State Board of Licensure for Professional Engineers and Land Surveyors.
- B. Correct the street names labeled in the vicinity map.
- C. Provide curve data for the proposed curve.

- D. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer.
- E. Provide the Surveyor's Certificate and Signature.
- F. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
- G. Add a note to the SUBDIVISION PLAT stating that a Land Disturbance permit will be required for any land disturbing activity in accordance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.
- H. Add a note to the Plat stating that 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.
- I. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of new development or construction, unless a sidewalk waiver is approved.
- J. Provide a copy of the FINAL SUBDIVISION PLAT to the Engineering Dept. for review. No signatures are required on this drawing.
- K. After addressing all of the FINAL SUBDIVISION PLAT review comments by the Engineering Dept. provide the ORIGINAL (with all other signatures) and one (1) copy (signatures not required) of the revised Final Plat to the Engineering Department.

TRAFFIC ENGINEERING

COMMENTS

Site is limited to two curb cuts to Long Street with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Access to Old Shell Road is denied. Required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance. Sidewalk construction is required along all street frontages, including an accessible ramp at the intersection of Long Street and 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 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)

MAWSS

COMMENTS

MAWSS has water and sewer services available, but a Capacity Assurance application for **additional** sewer service has not been applied for. MAWSS cannot guarantee **additional** sewer service until a Capacity application is approved by Volkert Engineering Inc.

**TIME SCHEDULE
FOR DEVELOPMENT**

None provided

REMARKS

The applicant is requesting Subdivision Approval create a single legal lot of record from a single legal lot of record and portions of two legal lots of record; and Rezoning from R-2, Two-Family Residence District, and B-2, Neighborhood Business District, to B-2, Neighborhood Business District, to eliminate split zoning.

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 and 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 applicant proposes to create a single legal lot of record from a single legal lot of record and portions of two legal lots of record. Because the proposed Subdivision would result in the creation of two metes-and-bounds parcels, the remainder of the lots should be included as well. It should be noted that the remained of the lots are split-zoned and should also be included in the rezoning application.

The lot size is provided in square feet and acres, and exceeds the minimum lot size requirements of Section V.D.2. of the Subdivision Regulations. If approved, the lot size should be retained.

The site has frontage along Old Shell Road, Long Street, and Waltman Lane. Old Shell Road, is a major street on the Major Street Plan that should have a minimum right-of-way of 100'. The preliminary plat does not provide the existing right-of-way width for Old Shell Road, therefore if approved, the Final Plat should be revised to either illustrate that there is sufficient existing right-of-way, or illustrate dedication to provide 50' from the centerline. Long Street is a minor street with curb and gutter, and is illustrated as having an existing right-of-way of 50', making no dedication necessary. The preliminary plat does not illustrate Waltman Lane, a private unimproved minor street without curb and gutters. The preliminary plat does illustrate dedication of the curb radius at Old Shell Road and Long Street as required by Section V.D.6. of the Subdivision Regulations, which should be retained on the Final Plat, if approved.

The preliminary plat illustrates the 25' minimum building setback along Old Shell Road and Long Street, but no setback is shown along the South property line, which abuts Waltman Lane. Because Waltman Lane is a private street incorporated into the abutting residential properties, and therefore zoned R-1, Single-Family Residential, there should be a 10' setback illustrated along Waltman Lane. If approved, this information should be illustrated on the Final Plat.

As a means of access management, the lot should be limited to two curb cuts to Long Street, with no direct access to either Old Shell Road or Waltman Lane, with size, location and design of curb cuts to be approved by Traffic Engineering and conform to AASHTO standards.

There is a 10' drainage and utility easement illustrated along the South property line, which abuts Waltman Lane, therefore, if approved, a note should be placed on the Final Plat stating that no structure should be erected in any easement.

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 states that an increased need for business in the area makes the proposed rezoning necessary and desirable. It should also be noted that the proposed subdivision would result in a split-zoned lot.

The site has been given a Mixed Commercial Corridor 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 mostly applies to transportation corridors West of I-65 serving primarily the low-density (suburban) residential neighborhoods. MCC includes a wide variety of retail, services and entertainment uses.

This designation acknowledges existing commercial development that is spread along Mobile's transportation corridors in a conventional strip pattern or concentrated into shorter segments of a corridor.

Over time, new development and redevelopment in Mixed Commercial Corridors is encouraged to raise design quality, improve connectivity to surrounding neighborhoods; improved streetscapes; and improve mobility and accessibility for all users of the corridor.

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 site is bounded to the North and South by R-1, Single-Family Residential District (with property to the North utilized by the University of South Alabama); to the West by properties zoned R-1, Single-Family Residential District and B-2, Neighborhood Business District; and to

the East (across Long Street) by B-2, Neighborhood Business District and B-3, Community Business District.

A portion of the subject site was approved for rezoning from R-1, Single-Family Residential District and R-2, Two-Family Residential District to B-2, Neighborhood Business District at the Planning Commission's November 17, 2016 meeting, and then by the City Council. The previously proposed site plan illustrated a 12,160 square foot building divided into eight retail spaces with 41 parking spaces. The currently proposed site plan illustrates a 13,120 square foot building divided into eight tenant spaces, with 3,280 square feet of restaurant space and 9,840 square feet of retail space and 72 parking spaces. The primary purpose of the current applications is the inclusion of restaurant space, which increases the parking requirements; therefore additional land is proposed to accommodate the increased required parking.

Because the site is adjacent to residentially zoned property, a 6' high privacy fence is illustrated along the West and South property lines. It should be noted that the proposed fence to the South is proposed to be along Waltman Lane, and as such, should be relocated to be 10' minimum from the South property line. Additionally, the site plan states that a 10' buffer will be provided where adjacent to residential properties, but is not clearly depicted.

The site plan appears to illustrate proposed dumpsters on the site, but they are not labeled, and it appears they are partly located within the front 25' building setback along Long Street. If approved, the dumpster should be relocated to meet all setback requirements and be connected to sanitary sewer with a compliant enclosure.

The site plan does not provide tree planting or landscape area information, and it appears that with the proposed layout that the site would be severely short of required landscape area, and subsequently short on required tree plantings. It may be possible to redesign the layout in such a way to comply with the requirements. It should be noted that a condition of the previous rezoning approval was the granting of preservation status to a 68" live oak tree along Old Shell Road, which is illustrated as remaining on the site plan.

It appears that a drive thru is being proposed for one of the restaurant tenants. While queuing spaces are not specifically shown, it does appear that there are adequate queuing spaces available.

It appears that a sidewalk is illustrated along both Old Shell Road and Long Street, but is not labeled. A sidewalk will be required at the time of development along both public street frontages.

RECOMMENDATION

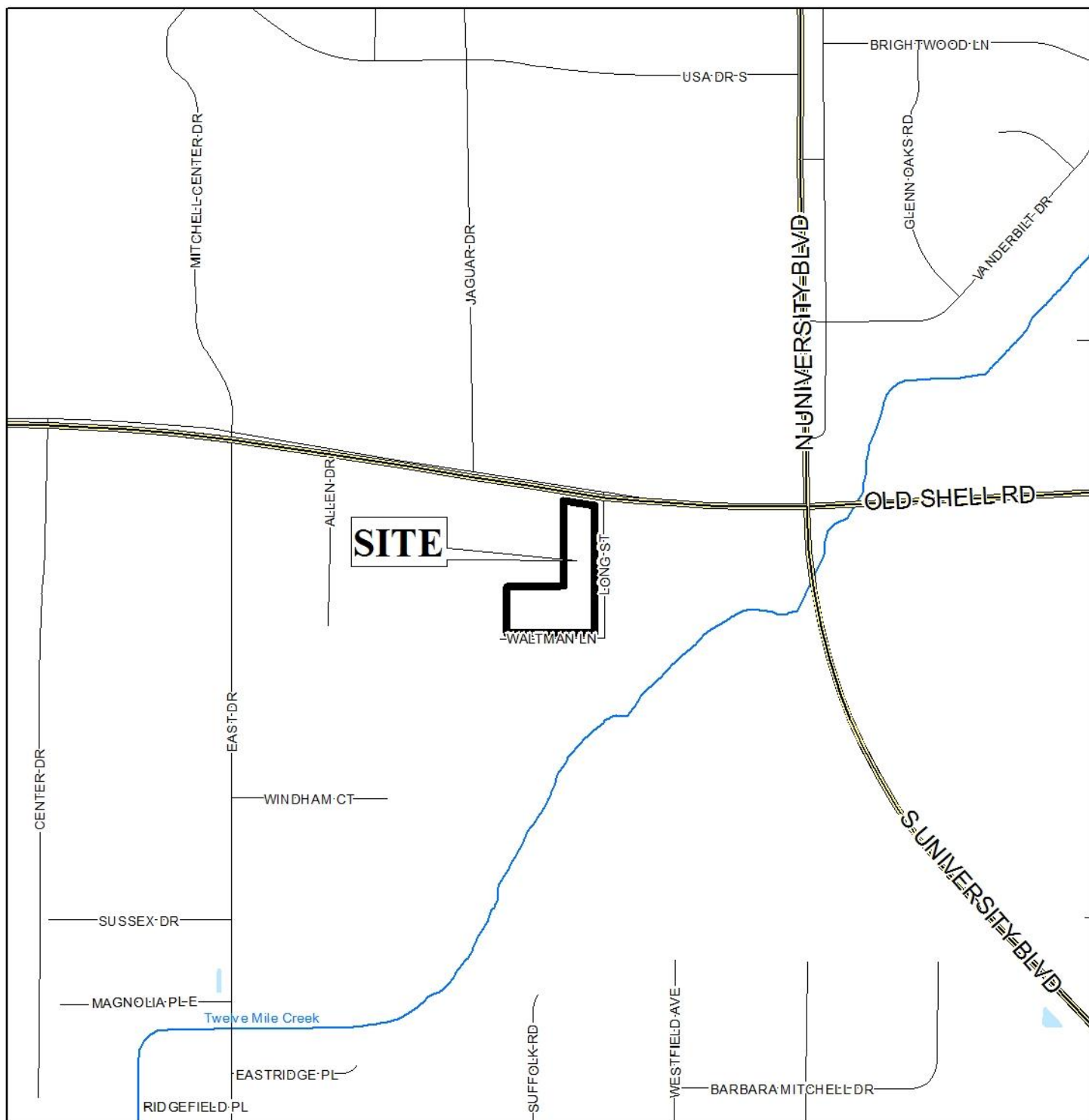
Subdivision: Based upon the preceding, the application is recommended for Holdover to the July 6, 2017 meeting, with revisions due by June 5th to address the following:

- 1) revision of the application to include the entirety of the adjacent lots (5809 and 5811 Old Shell Road) including additional fees and mailing labels.

Rezoning: Based upon the preceding, the application is recommended for Holdover to the July 6, 2017 meeting, with revisions due by June 5th to address the following:

- 1) revision of the application to include the entirety of the adjacent lots (5809 and 5811 Old Shell Road) including additional fees and mailing labels so that the split zoning of those properties may be resolved.

LOCATOR MAP



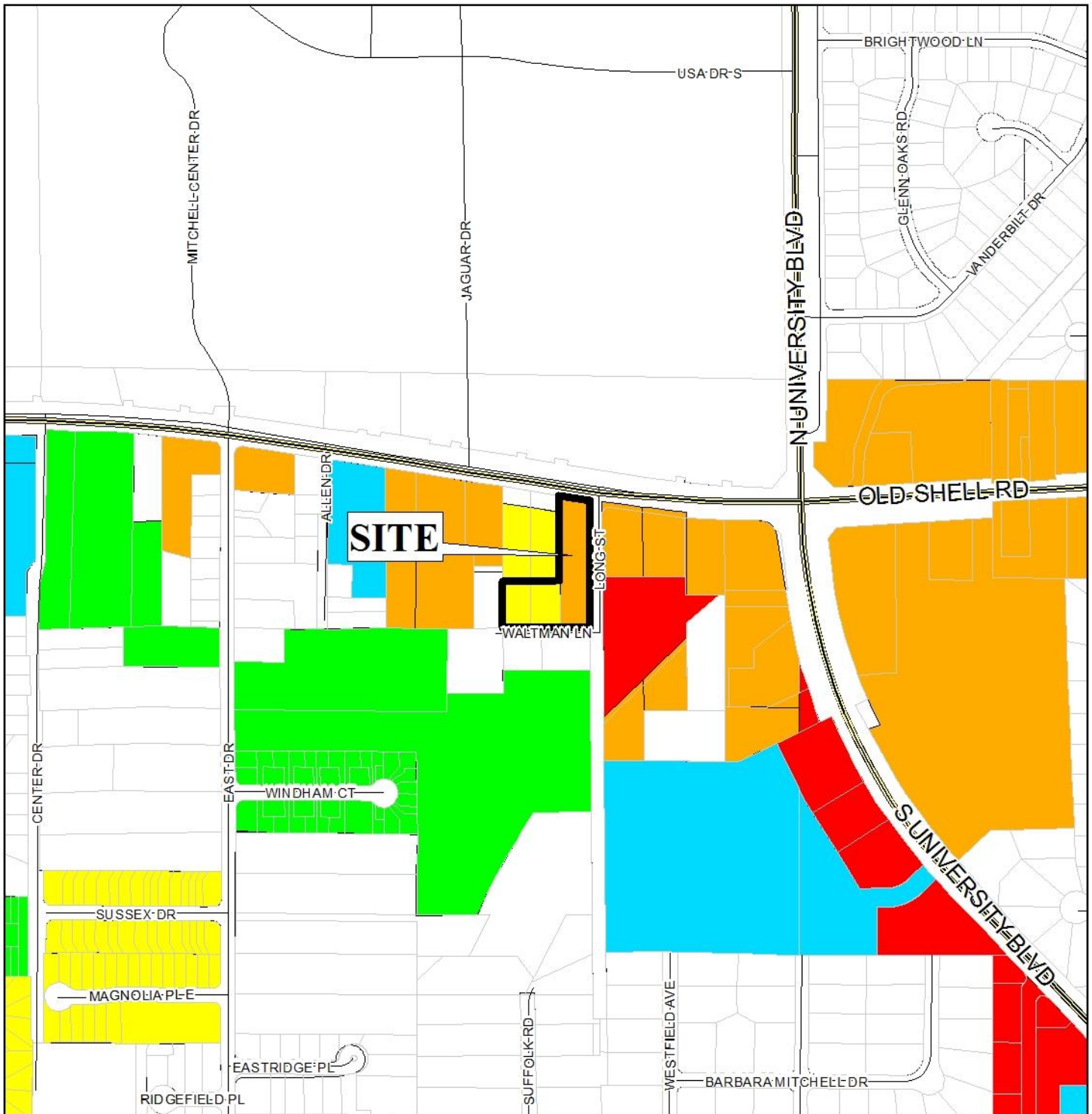
APPLICATION NUMBER 8 DATE June 1, 2017

APPLICANT NAC Subdivision

REQUEST Subdivision, Rezoning from R-2 & B-2 to B-2



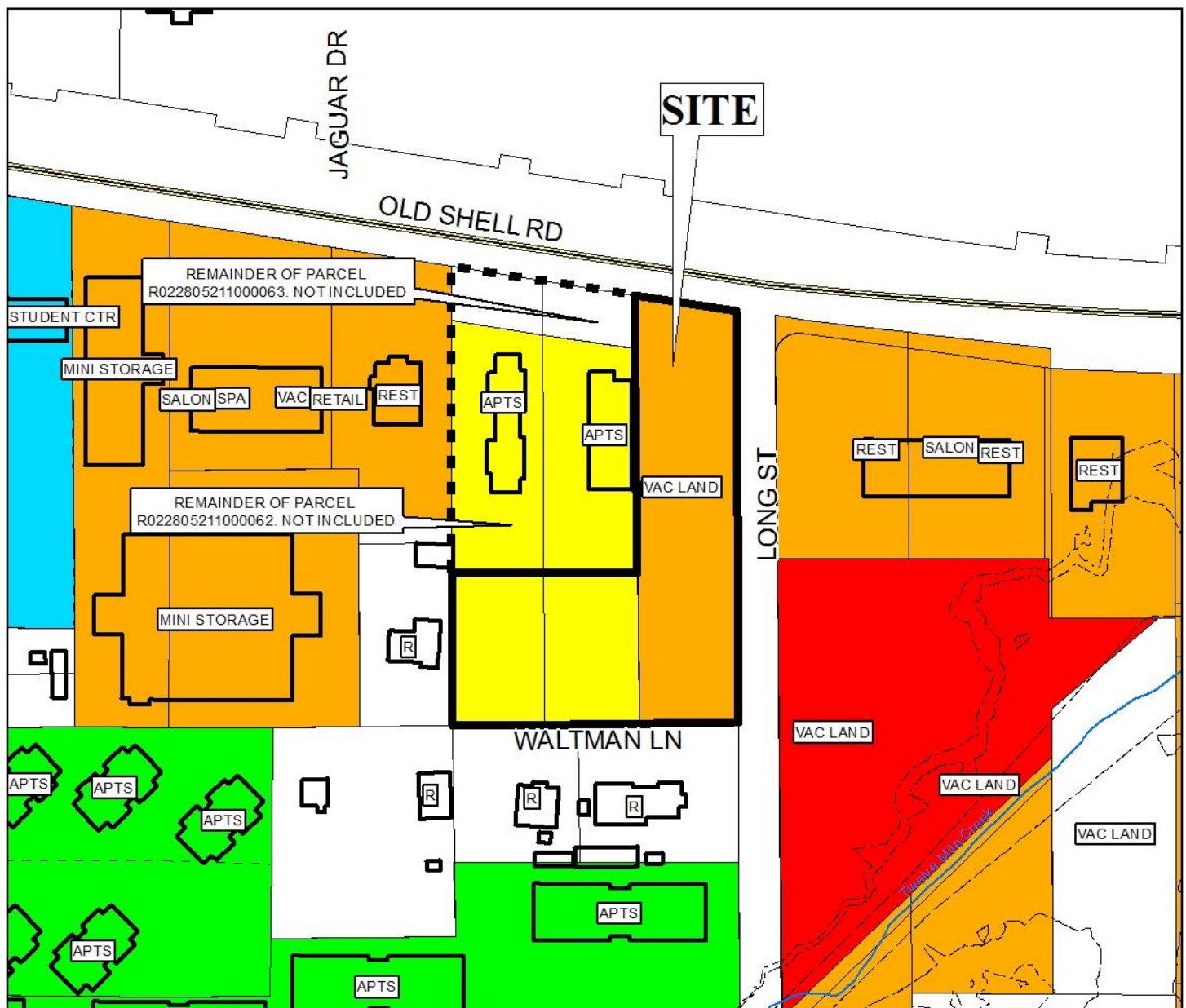
LOCATOR ZONING MAP



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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



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

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REQUEST Subdivision, Rezoning from R-2 & B-2 to B-2

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

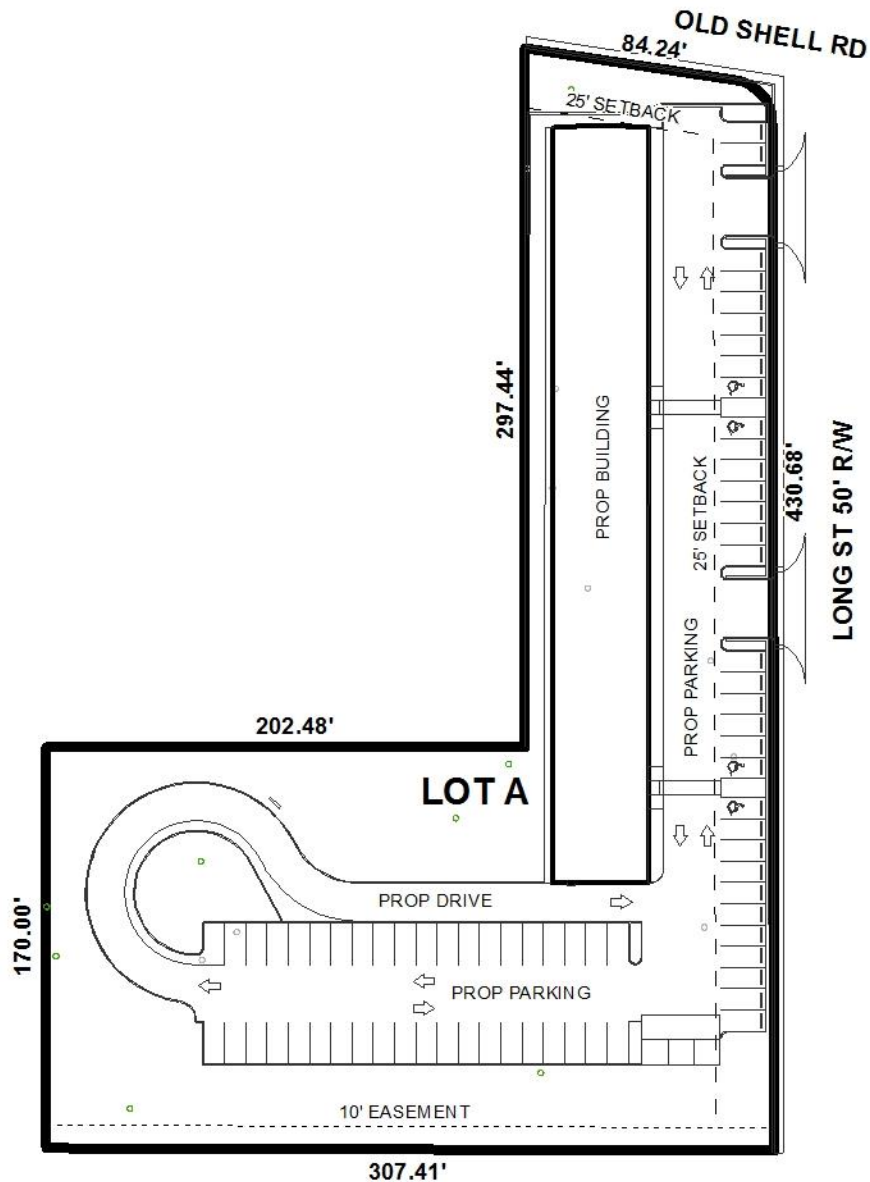


The site is surrounded by residential units to the south and commercial units to the east and west.

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SITE PLAN

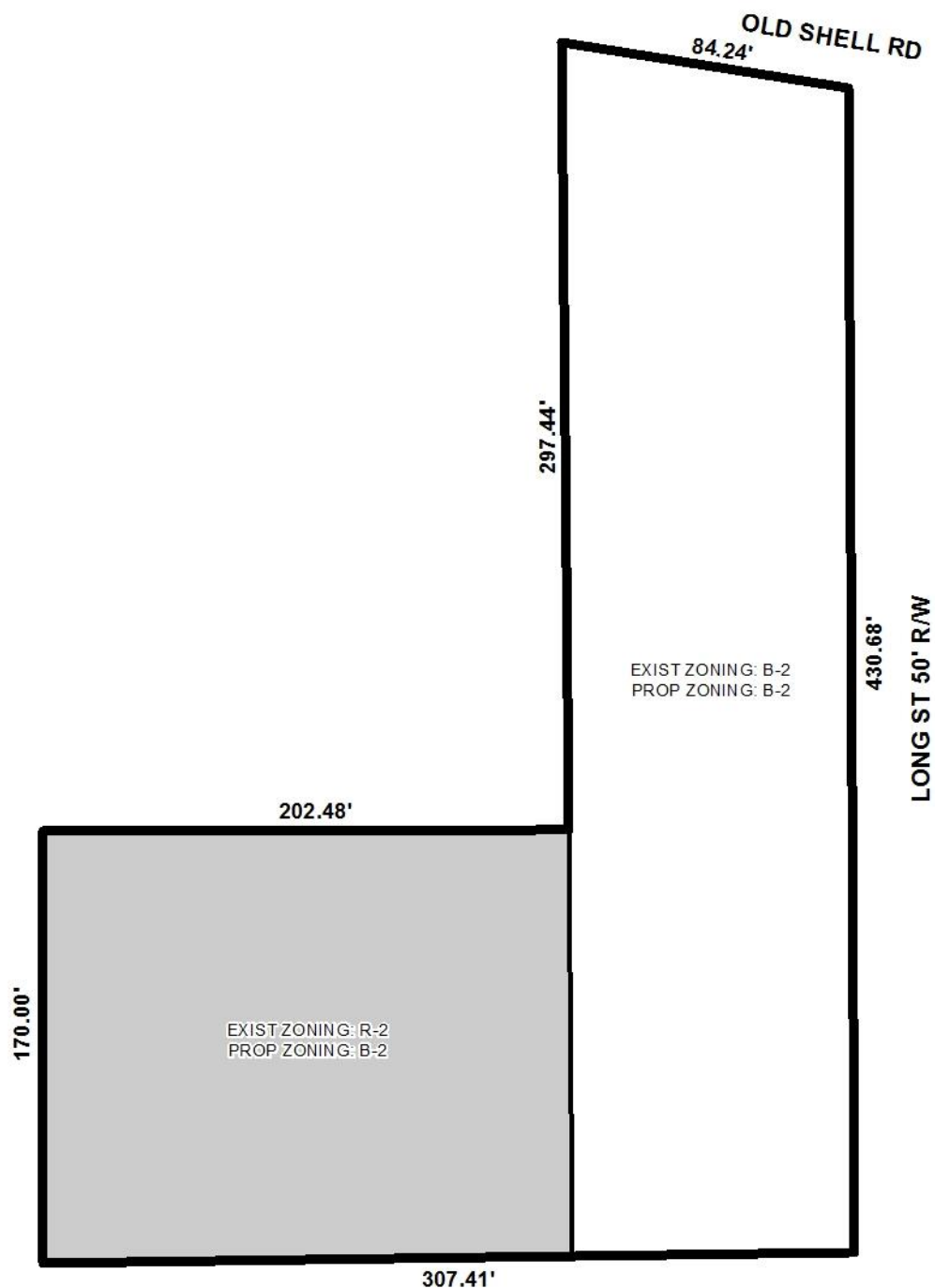


The site plan illustrates the proposed building, proposed parking, easement, and setbacks.

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DETAIL SITE PLAN



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APPLICANT NAC Subdivision

REQUEST Subdivision, Rezoning from R-2 & B-2 to B-2

