

ZONING AMENDMENT,
PLANNED UNIT DEVELOPMENT,
PLANNING APPROVAL &
SUBDIVISION STAFF REPORT

Date: October 18, 2007

<u>NAME</u>	James S. McAleer
<u>SUBDIVISION NAME</u>	J & D Subdivision
<u>LOCATION</u>	3305 Spring Hill Avenue (East side of Ingate Street, extending from Spring Hill Avenue to Old Carline Street)
<u>CITY COUNCIL DISTRICT</u>	District 1
<u>PRESENT ZONING</u>	B-1, Buffer Business, and B-3, Community Business
<u>PROPOSED ZONING</u>	B-3, Community Business
<u>AREA OF PROPERTY</u>	1 lot / 1.6 ± Acres
<u>CONTEMPLATED USE</u>	<p>Subdivision approval to create one lot, Planned Unit Development Approval to allow increased site coverage, <i>Planning Approval to allow heavy warehousing (exceeding 40,000 square feet in a B-3 District)</i>, and Rezoning from B-1, Buffer Business, and B-3, Community Business, to B-3, Community Business, to eliminate split zoning in a proposed commercial subdivision.</p> <p>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.</p>
<u>TIME SCHEDULE FOR DEVELOPMENT</u>	No time frame provided.
<u>ENGINEERING COMMENTS</u>	<p>Provide radius for turning at intersection. All storm drainage must tie to City storm drainage system or release agreement required to be concentrated onto adjacent property owner. Downstream drainage system should be analyzed to verify capacity to convey additional runoff. Detention is required for all impervious area constructed post-1984. It is the responsibility of the applicant to look up the site in the City of Mobile</p>

(COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. 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.

***Revised for the November 15th meeting:** Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. The fifteen foot radius for the new driveway should be increased to a twenty foot radius to meet 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).

Tree removal permit is required to remove Live Oak Trees 24" and Larger.

FIRE DEPARTMENT

COMMENTS

All projects must comply with the requirements of the 2003 International Fire Code, including Appendices B through D, as adopted by the City of Mobile, and the 2003 International Existing Building Code, as appropriate.

REMARKS

The applicant is requesting Subdivision approval to create one lot, Planned Unit Development approval to allow increased site coverage, and Rezoning from B-1, Buffer Business, and B-3, Community Business, to B-3, Community Business, to eliminate split zoning in a proposed commercial subdivision. The applications will allow an existing retail office furniture / light distribution business to expand through the addition of a new attached 3-story, 25,200 square foot warehouse. Light furniture distribution (under 40,000 square feet) is allowed by right in B-3 districts (over 40,000 square feet additionally requires Planning Approval).

The applicant states that the warehouse addition will allow the site to accommodate the bulk furniture shipments that are now apparently the standard for shipping.

The bulk of the site was the subject of a site variance in 1997, which was approved by the Board of Adjustment. The approval permitted the construction of a 5,000 square foot addition to the existing structure, with increased site coverage and reduced setbacks. The proposed addition was never built, thus the variance expired.

A combined application (Subdivision, PUD and Rezoning) was heard by the Planning Commission at its August 17, 2006 meeting, where it was recommended for holdover. The applicant proposed to construct a second building on the site, with additional parking and truck maneuvering areas. The applications were withdrawn prior to the holdover meeting date.

The site is bounded to the South by residential properties in an R-1, Single-Family Residential District. East and West of the site are commercial uses in a B-3 district, while North, across Spring Hill Avenue, are commercial uses in an I-1, Light Industrial district. The 1.6 ± acre site in question has a small portion (approximately 3,500 square feet / 0.08 acres) zoned B-1, while the rest of the site is zoned B-3.

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 site is depicted 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.

Rezoning of the B-1 portion of the site will be necessary to remove a split-zoning condition, if the coincidental subdivision application is approved. Furthermore, the B-1 portion of the site is too small to accommodate almost any level of development, thus changing the zoning to match the bulk of the site under consideration could be considered correcting a manifest error in the Ordinance, as well as accommodating changing conditions in the area.

As stated in Section 64-5. of the Zoning Ordinance, 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 any changes to the site plan must be approved by the Planning Commission.

The proposed site/layout plan indicates that the proposed addition will be on the Ingate and Carline portion of the site, and that a parking area will access Ingate Street, while the existing development will continue to utilize access to Spring Hill Avenue and Old Carline Street. The

site currently has one curb-cut onto Ingate Street, however the size of the existing curb-cut is not sufficient for commercial use, and it appears to serve a graveled parking area, which does not comply with the Zoning Ordinance.

The existing development has no on-site access from the front to the rear of the property, and the proposed new development will not facilitate movement on the site in terms of on-site circulation. Ten parking spaces are proposed, however, as part of the development. All existing loading areas for the site also appear to require use of the public right-of-way by trucks to execute the turning movements necessary to access the existing building.

It should be noted that the maximum site coverage in a B-3 district is 50%, and it appears that existing structure of 36,084 square feet may exceed this coverage (the site contains 1.63 acres, or 71,002 square feet). Thus the addition of a new three-story warehouse with a ground floor area of approximately 8,400 square feet will exacerbate the site coverage issue. The applicant has requested a PUD to also allow increased site coverage to 77% (60% for existing plus 17% for proposed addition). As previously stated, an application to the Board of Adjustment for increase site coverage and reduced setbacks was approved in 1997, but the applicant did not proceed with the proposed expansion.

There is another concern that was not addressed in any previous applications, specifically, that the proposed addition will carry the “light furniture distribution” activities over the 40,000 square foot threshold, which results in the requirement of Planning Approval in addition to the other activities at hand. Therefore, an application for Planning Approval should also be submitted.

No on-site storm water detention facilities are depicted on the site plan, however such facilities may be required due to the extent of the proposed new development. After consultation with the Engineering Department, the site plan should be revised to depict any required on-site storm water detention facilities.

There is no indication on the site plan as to the proposed location of any dumpster or other waste storage facility. Visual inspection of the site indicates that dumpsters are located on the Southeast corner of the property, and are currently unscreened. The location of the storage area for the dumpster must be indicated on the site plan, and the location and required screening must comply Section 64-4.D.9. of the Zoning Ordinance, as well as with all other applicable regulations.

The site plan should also be revised to depict the existing parking and vehicular circulation for the remainder of the site.

The site plan implies that the western-most curb-cut on Spring Hill Avenue is continuous, however aerial photos indicate that its width is limited: if its width exceeds a typical width for two way traffic flow, the size should be reduced to a width acceptable to Traffic Engineering. The site plans (Zoning, PUD, and requested Planning Approval) should be revised to accurately depict existing curb-cuts that will remain, as well as any proposed curb-cuts.

Regarding compliance with the tree and landscape requirements of the Zoning Ordinance, the applicant should explore opportunities to add frontage trees and landscaping along Spring Hill Avenue, if possible.

As the new construction will be adjacent to existing residences, the applicant should ensure that any lighting provided on the site will comply with the Zoning Ordinance requirement that states that lighting *“shall be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic.”*

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 site fronts onto Spring Hill Avenue, a major street with adequate right-of-way. The site also has frontage onto Ingate and Old Carline Streets, both minor streets. The right-of-way for Ingate Street appears to be adequate, but the right-of-way for Old Carline Street varies, and may be inadequate. Therefore, the plat and site plan should be revised to provide a minimum width of 25 feet from the centerline of the Old Carline Street right-of-way, as required in Section V.B.14. of the Subdivision Regulations.

The site has property lines at two street intersection corners. Section V.D.6. of the Subdivision Regulations requires that *“property lines at street intersection corners shall be arcs having radii of at least 10 feet or shall be chords of such arcs.”* The plat and site plan should be revised to reflect this requirement at both the Ingate Street/Spring Hill Avenue intersection, and the Ingate Street/Old Carline Street intersection.

The 25-foot minimum building setback line, required in Section V.D.9. of the Subdivision Regulations is not shown on the plat, however it is depicted on the site plans. Due to the street right-of-way dedication and the intersection curb radii requirements previously stated, the minimum building setback line should be revised to reflect these requirements, and should be depicted on both the site plan and the plat.

RECOMMENDATION

Rezoning: The rezoning request is recommended for holdover until the November 15th meeting, with revisions due to Urban Development by October 24th for the following reasons:

- 1) Submittal of an application for Planning Approval due to the warehouse portion of the operation exceeding 40,000 square feet;
- 2) Consultation with Engineering Department, and revision of the site plan to depict required storm water detention facilities;
- 3) Revision of the site plan to depict existing and proposed dumpster storage locations, in compliance with Section 64-4.D.9. of the Zoning Ordinance;
- 4) Revision of the site plan to depict existing on-site circulation and parking;

- 5) Placement of a note on the site plan stating that lighting shall be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic;
- 6) Revision of the site plan and plat to provide a minimum right-of-way width of 25 feet, as measured from the centerline for Old Carline Street, in compliance with Section V.B.14. of the Subdivision Regulations;
- 7) Revision of the site plan and plat to provide the appropriate radii at the street intersection corners, in compliance with Section V.D.6. of the Subdivision Regulations;
- 8) Revision of the site plan to accurately depict all existing curb-cuts, and modifications thereof (with reduction of excessive width curb-cuts where possible), as well as proposed curb-cuts;
- 9) Revision of the site plan to provide frontage trees and landscaping along Spring Hill Avenue, where possible; and
- 10) Revision of the site plan and plat to depict the 25-foot minimum building setback line for the entire site, adjusted as necessary to accommodate the right-of-way dedication for Old Carline Street, in compliance with Section V.D.9. of the Subdivision Regulations.

Planned Unit Development: The PUD request is recommended for holdover until the November 15th meeting, with revisions due to Urban Development by October 24th for the following reasons:

- 1) Submittal of an application for Planning Approval due to the warehouse portion of the operation exceeding 40,000 square feet;
- 2) Consultation with Engineering Department, and revision of the site plan to depict required storm water detention facilities;
- 3) Revision of the site plan to depict existing and proposed dumpster storage locations, in compliance with Section 64-4.D.9. of the Zoning Ordinance;
- 4) Revision of the site plan to depict existing on-site circulation and parking;
- 5) Placement of a note on the site plan stating that lighting shall be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic;
- 6) Revision of the site plan and plat to provide a minimum right-of-way width of 25 feet, as measured from the centerline for Old Carline Street, in compliance with Section V.B.14. of the Subdivision Regulations;
- 7) Revision of the site plan and plat to provide the appropriate radii at the street intersection corners, in compliance with Section V.D.6. of the Subdivision Regulations;
- 8) Revision of the site plan to accurately depict all existing curb-cuts, and modifications thereof (with reduction of excessive width curb-cuts where possible), as well as proposed curb-cuts;
- 9) Revision of the site plan to provide frontage trees and landscaping along Spring Hill Avenue, where possible; and
- 10) Revision of the site plan and plat to depict the 25-foot minimum building setback line for the entire site, adjusted as necessary to accommodate the right-of-way dedication for Old Carline Street, in compliance with Section V.D.9. of the Subdivision Regulations.

Subdivision: The Subdivision request is recommended for holdover until the November 15th meeting, with revisions due to Urban Development by October 24th for the following reasons:

- 1) Revision of the site plan and plat to provide a minimum right-of-way width of 25 feet, as measured from the centerline for Old Carline Street, in compliance with Section V.B.14. of the Subdivision Regulations;
- 2) Revision of the site plan and plat to provide the appropriate radii at the street intersection corners, in compliance with Section V.D.6. of the Subdivision Regulations; and
- 3) Revision of the site plan and plat to depict the 25-foot minimum building setback line for the entire site, adjusted as necessary to accommodate the right-of-way dedication for Old Carline Street, in compliance with Section V.D.9. of the Subdivision Regulations.

Revised for the November 15th meeting:

The application was revised to include a request for Planning Approval to allow warehousing in excess of 40,000 square feet in a B-3 district. The size of the proposed warehouse addition was also reduced in terms of total size, from three stories to two stories, with a maximum two floor total of 16,800 square feet (thus the Planning Approval may no longer be required).

The site plan clarifies the existing uses within the existing structure, as well as the existing parking quantity and layout. The existing structure is used as follows:

<i>Showroom area –</i>	<i>18,064 square feet</i>
<i>Warehouse area –</i>	<i>18,000 square feet</i>
<i>Existing Total</i>	<i>36,084 square feet (51.3 % site coverage)</i>

The proposed addition:

<i>Warehouse area –</i>	<i>16,800 square feet (footprint of 8,400 square feet, 12.0% site coverage)</i>
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<i>New Totals</i>	<i>34,800 square feet warehouse area</i>
	<i><u>18,064 square feet showroom area</u></i>
	<i><u>52,884 square feet use total</u></i>
	<i>44,484 square feet footprint area (63.3% site coverage)</i>

As show above, the applicant is proposing an increase in site coverage from 51.3% to 63.3%. The maximum site coverage normally allowed in a B-3 district is 50%.

The revised site plan depicts existing trees and proposed trees and landscaping on the site. 29 proposed trees are depicted (28 listed in the table on the plan), one of which is shown at the corner of Ingate Street and Springhill Avenue, where right-of-way will be dedicated: this tree should be moved to where it will not create a visibility hazard, perhaps to the green space between the existing parking area and the proposed parking area. The perimeter calculations by staff indicate that approximately 36 trees may be required to comply with the tree requirements, however, two large existing live oaks (one of which will be in the right-of-way upon corner dedication, and the other which is on the right-of-way line) may reduce the total number of trees. Compliance with the tree and landscaping requirements of the Zoning Ordinance should be coordinated with Urban Forestry.

The site plan also shows that the site has 3 existing curb-cuts onto Springhill Avenue, 2 existing curb-cuts onto Car Line Street, and 1 existing substandard curb-cut onto Ingate Street (that is proposed to be replaced with a 24-foot wide curb-cut for the proposed new parking area). The site should be limited to the existing curb-cuts along Springhill Avenue and Car Line Street, and the 1 proposed curb-cut onto Ingate Street, with the size, design and location to be approved by Traffic Engineering and in compliance with AASHTO standards.

The site plans depict the 25-foot minimum building setback line from all street frontages, but the Subdivision plat does not show the required setback along Ingate or Car Line Streets. The plat should be revised to depict the required setback.

Both the site plan and plat show 25-foot corner radius dedications at Ingate Street and Springhill Avenue as well as at Ingate Street and Car Line Street.

The site has 16 existing parking spaces, and an additional 10 spaces are proposed in a new parking area that will be accessed from Ingate Street. The site plan states that 1,600 square feet of the building area will be for office use (requiring 6 parking spaces), and that an additional 6 spaces will be required for warehouse employees, for a total of 12 “required” spaces. The site plan depicts 26 spaces. It should be noted that about half of the existing parking area clearly does not meet the parking dimensional requirements for maneuvering areas, however, no changes should be required unless the applicant can provide additional “standard” parking in the proposed new parking area, and replace some of the existing parking with landscape area: it appears that about 7 spaces could be shifted from the existing parking area to an expanded new parking area. If parking is shifted from the existing area to the new parking area, the existing parking maneuvering area should be marked to create one-way circulation from West to East.

The Zoning Ordinance requires that the (existing) 18,064 square feet showroom area be provided with a parking ratio of 1 space per 300 square feet, thus 61 parking spaces should be provided exclusively to serve the existing showroom area. Additional parking would be required to serve warehouse employees. The site, therefore, does not appear to meet the minimum parking ratio requirements even when not considering the proposed expansion. While the existing business, and expansion thereof, may not create a parking problem, subsequent use of the site by other businesses in the future may cause significant parking issues. Staff does not wish to burden the existing business with onerous regulations, yet the staff is bound by the requirements of the Zoning Ordinance.

As 26 total parking spaces may be provided with the proposed expansion, “reverse engineering” the amount of available parking to determine the amount of showroom / office area results in the site being limited to a maximum of 7,800 square feet of showroom / office area. To allow the site to operate as proposed, the applicant should submit an application for a parking ratio variance requesting approval to provide 26 parking spaces total for the office/showroom and warehouse uses prior to the issuance of building permits.

A variance was granted in December 1997 to allow the construction of an addition to the existing building, however, the addition was never constructed. The proposed addition would

have increased the site coverage to 64%, which is approximately what is being proposed with this addition (the site has been expanded over the 1997 site). Even without the proposed addition, the site is technically overbuilt.

Allowing an addition that will increase the site coverage to 64% for a site that has several other problems (existing building setbacks, parking maneuvering, truck maneuvering in the right-of-way) is troubling to staff. However, the proposed landscape improvements and the new, standardized parking area do help to alleviate some of the staff's concerns regarding the site. Staff recommends that the site be limited to a maximum building site coverage of 64%, and that no future additions be allowed.

RECOMMENDATION

Rezoning: *The rezoning request is recommended for Approval, subject to the following conditions:*

- 1) Completion of the Subdivision process; and*
- 2) Full compliance with all municipal codes and ordinances for new construction.*

Planned Unit Development: *As revised, the PUD request is recommended for Approval, subject to the following conditions:*

- 1) Application for a parking ratio variance, and approval of the request by the Board of Adjustment prior to the issuance of building permits;*
- 2) Compliance with the tree and landscaping requirements to be coordinated with Urban Forestry;*
- 3) Relocation of the tree proposed at the corner of Ingate Street and Springhill Avenue to the green space located between the existing and proposed parking areas, so that visibility hazards are reduced;*
- 4) Revision, at the applicant's discretion, of the existing parking area to shift some parking to an expanded new parking area, and replacement of the shifted existing parking spaces with landscaping and directional arrows to create a one-way circulation in the existing parking area;*
- 5) Revision of the PUD site plan to show correct totals for parking and tree quantities;*
- 6) Placement of a note on the site plan stating that the site is limited to a maximum of 64% building site coverage;*
- 7) Provision of a revised PUD site plan to the Planning Section of Urban Development prior to the signing of the final plat;*
- 8) Completion of the Subdivision process; and*
- 9) Full compliance with all municipal codes and ordinances for new construction.*

Planning Approval: *The Planning Approval request is recommended for Approval, subject to the following conditions:*

- 1) Application for a parking ratio variance, and approval of the request by the Board of Adjustment prior to the issuance of building permits;*
- 2) Compliance with the tree and landscaping requirements to be coordinated with Urban Forestry;*

- 3) *Relocation of the tree proposed at the corner of Ingate Street and Springhill Avenue to the green space located between the existing and proposed parking areas, so that visibility hazards are reduced;*
- 4) *Revision, at the applicant's discretion, of the existing parking area to shift some parking to an expanded new parking area, and replacement of the shifted existing parking spaces with landscaping and directional arrows to create a one-way circulation in the existing parking area;*
- 5) *Revision of the PUD site plan to show correct totals for parking and tree quantities;*
- 6) *Placement of a note on the site plan stating that the site is limited to a maximum of 64% building site coverage;*
- 7) *Provision of a revised PUD site plan to the Planning Section of Urban Development prior to the signing of the final plat;*
- 8) *Completion of the Subdivision process; and*
- 9) *Full compliance with all municipal codes and ordinances for new construction.*

Subdivision: *As revised, the Subdivision request is recommended for Tentative Approval, subject to the following conditions:*

- 1) *Depiction of the 25-foot minimum building setback line from all street frontages;*
- 2) *Placement of a note on the plat stating that the site is limited to 3 existing curb-cuts onto Springhill Avenue, 2 existing curb-cuts onto Car Line Street, and 1 proposed curb-cut onto Ingate Street (eliminating the existing curb-cut), with the size, design and location to be approved by Traffic Engineering and to comply with AASHTO standards; and*
- 3) *Provision of revised PUD and Planning Approval site plans to the Planning Section of Urban Development prior to the signing of the final plat.*

LOCATOR MAP



APPLICATION NUMBER 9 & 10 & 11 DATE November 15, 2007

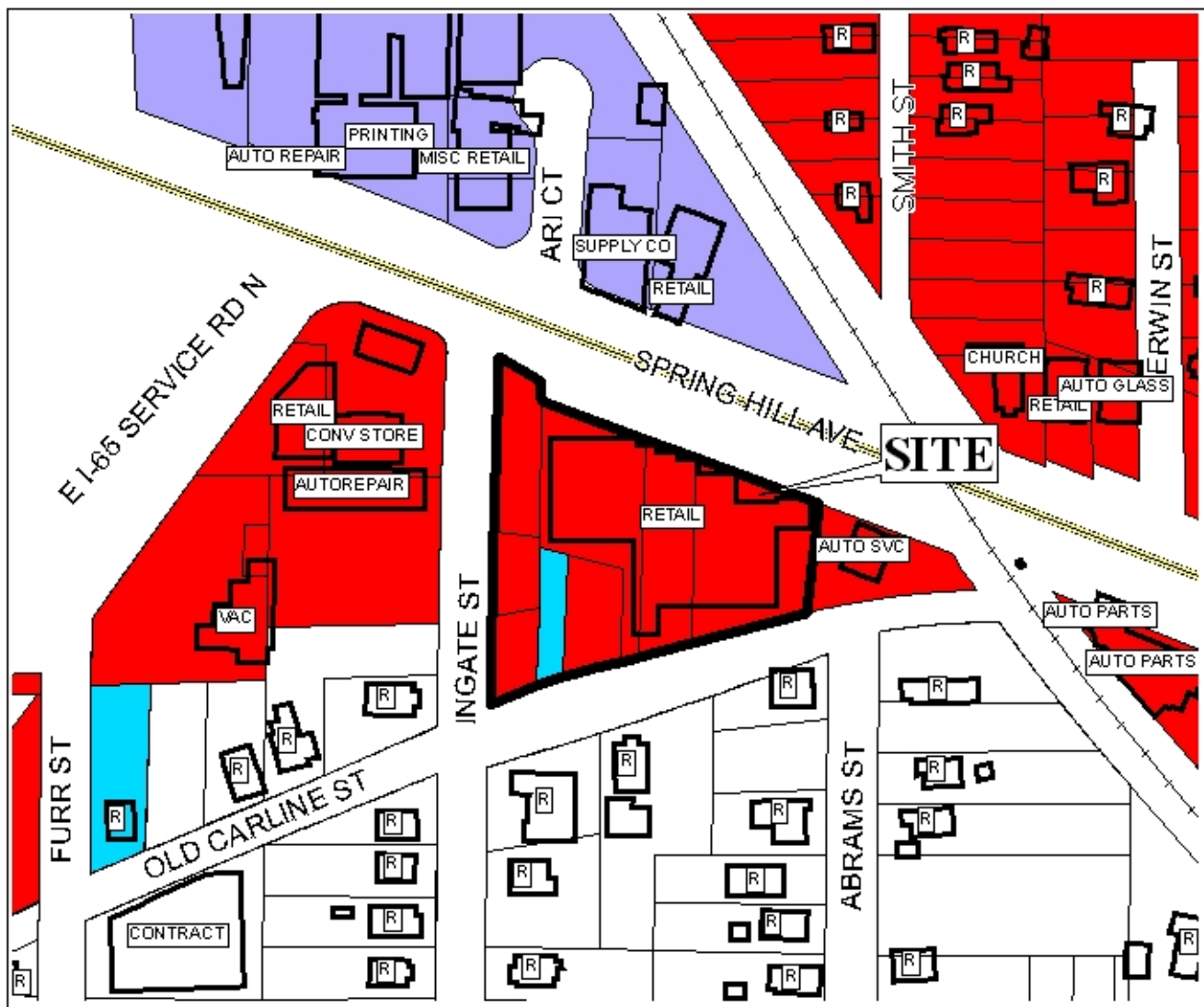
APPLICANT James S. McAleer

REQUEST Subdivision, Planned Unit Development, Rezoning from B-1 and B-3 to B-3



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Commercial sites are located to the north, east, and west of the site.
Single-family residential units are located to the south of the site

APPLICATION NUMBER 9 & 10 & 11 DATE November 15, 2007

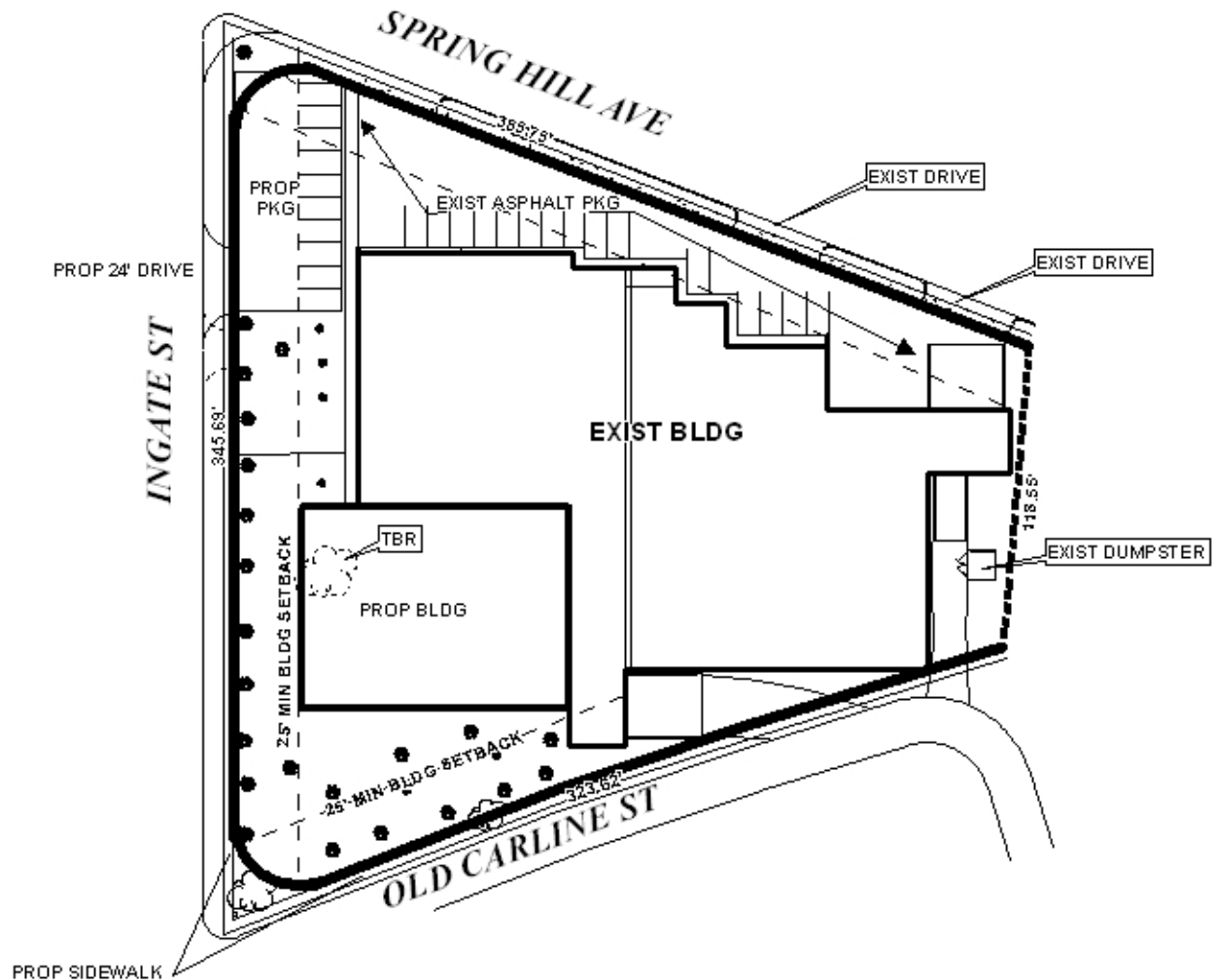
APPLICANT James S. McAleer

REQUEST Subdivision, Planned Unit Development, Rezoning from B-1 and B-3 to B-3

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	NTS
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SITE PLAN



The site plan illustrates the existing building and parking along with the proposed building and landscaping

APPLICATION NUMBER 9 & 10 & 11 DATE November 15, 2007

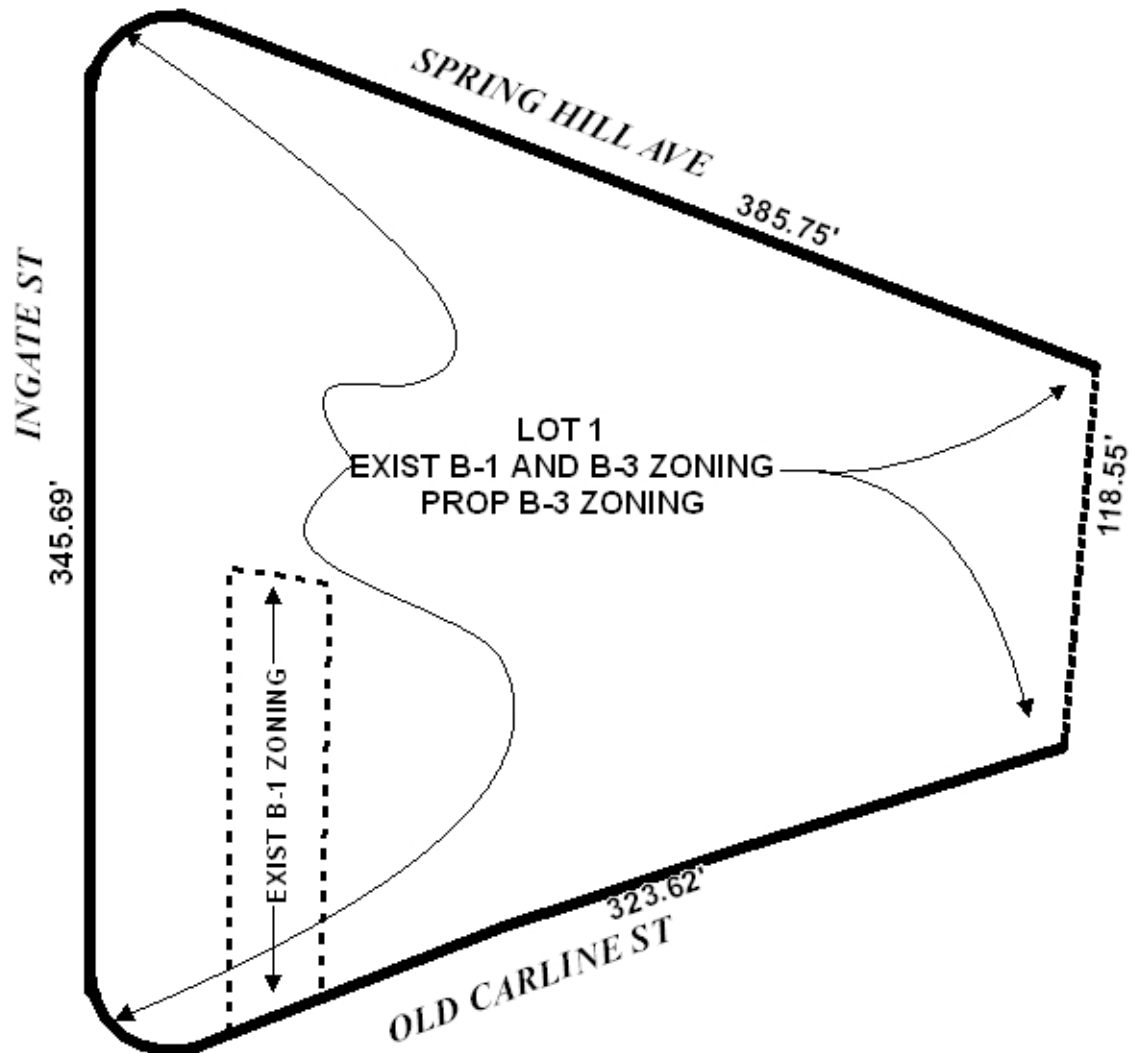
APPLICANT James McAleer

REQUEST Subdivision, Planned Unit Development, Rezoning from B-1 and B-3 to B-3



NTS

SUBDIVISION AND ZONING DETAIL



APPLICATION NUMBER 9 & 10 & 11 DATE November 15, 2007

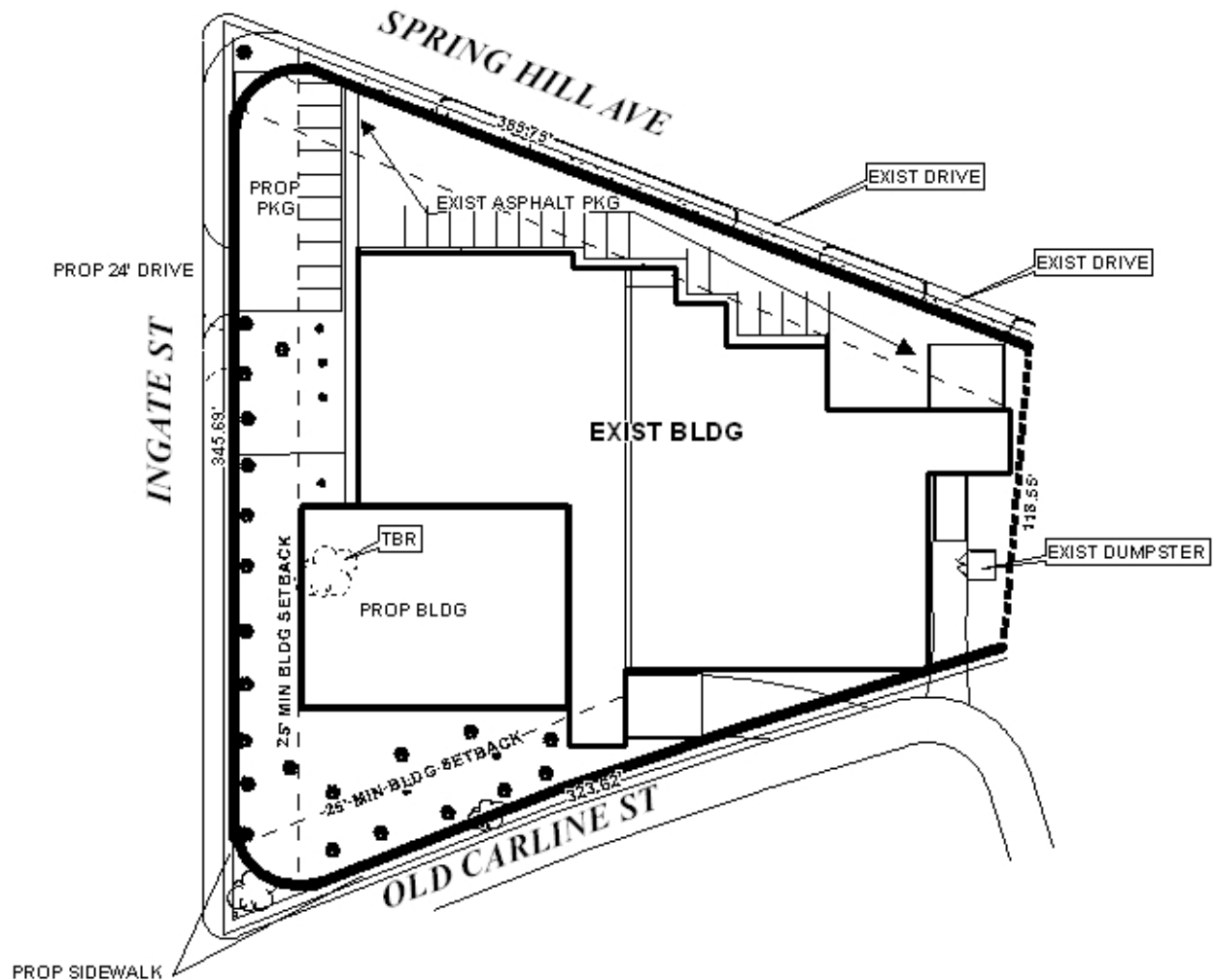
APPLICANT James S. McAleer

REQUEST Subdivision, Planned Unit Development, Rezoning from B-1 and B-3 to B-3



NTS

SITE PLAN



The site plan illustrates the existing building and parking along with the proposed building and landscaping

APPLICATION NUMBER 25 DATE November 15, 2007
 APPLICANT James McAleer
 REQUEST Planning Approval



NTS