

**PLANNED UNIT DEVELOPMENT
ZONING AMENDMENT
ZONING AMENDMENT &
SIDEWLAK WAIVER STAFF REPORT**

Date: December 4, 2014

<u>NAME</u>	Board of Water and Sewer Commissioners of the City of Mobile
<u>DEVELOPMENT NAME</u>	MAWSS Park Forest Facility
<u>LOCATION</u>	4725 Moffett Road (South side of Moffett Road at the South terminus of Shelton Beach Road Extension)
<u>CITY COUNCIL DISTRICT</u>	District 7
<u>PRESENT ZONING</u>	B-3, Community Business District, and R-1, Single-Family Residential District.
<u>AREA OF PROPERTY</u>	19.2± Acres
<u>CONTEMPLATED USE</u>	<p>Planned Unit Development Approval to allow shared access and parking between two building sites; Rezoning from R-1, Single-Family Residential District, and B-3, Community Business District, to B-3, Community Business District, to eliminate split zoning on a legal lot of record; Rezoning from R-1, Single-Family Residential District, to B-3, Community Business District, to allow the expansion of an existing parking lot for a water treatment facility; and Sidewalk Waiver to waive construction of a sidewalk along Moffett Road and Forest Hill Drive.</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>	To be completed July, 2015.

ENGINEERING
COMMENTS

Planned Unit Development: ADD THE FOLLOWING NOTES TO THE PUD SITE PLAN:

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. Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance 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. 4. The detention facility shall be maintained as it was constructed and approved. The Land Disturbance permit application for the construction shall include a Maintenance and Inspection Plan signed and notarized by the Owner(s). This Plan shall run with the land and be recorded in the County Probate Office prior to the Engineering Department issuing their approval for a Final Certificate of Occupancy.

Rezoning: No comments.

Rezoning: No comments.

Sidewalk Waiver: Due to the existing limited roadside space availability at the SE corner of Moffett Rd. and Forest Hill Dr. which would prohibit the extension of a sidewalk in the future, and the existing topography along Moffett Road, it is recommended that this request be approved.

TRAFFIC ENGINEERING
COMMENTS

Moffet Road (US Highway 98) is an ALDOT maintained roadway). Site is limited to its existing curb cuts, with size, location and design to be approved by ALDOT (where applicable) and Traffic Engineering and conform to AASHTO standards. 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.

URBAN FORESTRY
COMMENTS

Planned Unit Development: 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).

Planting of Understory Parking trees for the proposed parking addition. 1 new understory tree for 20 new parking spaces being added to the site.

Rezoning: 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).

Planting of Understory Parking trees for the proposed parking addition. 1 new understory tree for 20 new parking spaces being added to the site.

Rezoning: 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).

Planting of Understory Parking trees for the proposed parking addition. 1 new understory tree for 20 new parking spaces being added to the site.

Sidewalk Waiver: 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).

FIRE DEPARTMENT
COMMENTS

All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.

REMARKS

The applicant is requesting Planned Unit Development Approval to allow shared access and parking between two building sites; Rezoning from R-1, Single-Family Residential District, and B-3, Community Business District, to B-3, Community Business District, to eliminate split zoning on a legal lot of record; Rezoning from R-1, Single-Family Residential District, to B-3, Community Business District, to allow the expansion of an existing parking lot for a water treatment facility; and Sidewalk Waiver to waive construction of a sidewalk along Moffett Road and Forest Hill Drive.

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.

It is very important to note that the PUD review is site plan specific; therefore *any* future changes to the overall site plan must be submitted for PUD review. Additionally, if the site plan is changed from what is approved by the Planning Commission, a new application for Planned Unit Development Approval will be required.

In 2009, the Board of Zoning Adjustment granted the applicant a Use Variance to allow a water bottling facility, heavy equipment parking, and above-ground fuel storage and dispensing in the B-3 district. The site modifications approved in that Variance were constructed. Mobile Area Water and Sewer Service (MAWSS) is now in the process of upgrading its office and retail complex with interior renovations and a parking lot expansion. As part of the parking lot expansion, new parking is proposed to be located on a portion of the Bienville Reservoir at the Southeast corner of Moffett Road and Forest Hill Drive. The reservoir is on a separate parcel from the main parking and building site, which is a legal lot of record. As the new parking area would also share access with the main existing parking area, Planned Unit Development approval is required. The main parking area and building are on Lot 1, Park Forest Shopping Center, Resubdivision of Lot 1, approved by the Commission in 2000. Due to the split zoning on that lot, it must be rezoned to a uniform B-3 classification. And since the water reservoir parcel is zoned R-1, it must be rezoned to B-3 to allow the parking expansion. Staff determined that parcel could remain a parcel without having to become a recorded legal lot of record due to its legal description pre-dating the Subdivision Regulations. The installation of a public sidewalk within the right-of-way is normally required for expansion projects where no public sidewalk exists. The applicant feels there is justification to waive this requirement along the street frontages; hence the Sidewalk Waiver request.

The over-all site consists of the main office/retail complex lot and associated parking, a bank lot, and the water reservoir parcel. Although the main lot and the bank lot share access and parking, there was never a PUD for such, and as no changes are proposed within that area of the site, the inclusion of the bank lot into the current PUD was not required by staff. The proposed parking lot expansion with shared access and parking encompasses a small portion of the water reservoir parcel. The site plan submitted indicates approximately 23 new parking spaces proposed on the main lot in that area and 25 proposed on the reservoir parcel. Access to the new parking area would be via the drive aisles within the existing parking in that area. The site plan also indicates 26 new parking spaces to the rear of the building. Parking calculations provided indicate 204 parking spaces are required for the site, and 446 would be provided after the parking expansion.

The site plan indicates the property line for the reservoir parcel encroaches onto the existing access drive from Forest Hill Drive. Therefore, this shared access would also be covered by the PUD. Also indicated is an encroachment of the reservoir fencing along Forest Hill Drive and

Moffett Road into the rights-of-way along both streets. The allowance of such to remain should be coordinated with the Right-of-Way Division of City Engineering and ALDOT.

The granting of the Variance in 2009 was conditioned upon compliance with the landscaping and tree planting requirements of the Ordinance as applies to frontage trees, as well as coordination of the 31'-wide landscaped buffer on the East with Urban Forestry. Urban Forestry has commented that planting of Understory Parking trees for the proposed parking addition would be required with one new understory tree for 20 new parking spaces being added to the site. Since 74 new parking spaces are proposed, four new understory trees should be provided.

Should the Sidewalk Waiver request be denied, the site plan should be revised to indicate a compliant sidewalk within the right-of-way. The site plan did not indicate a compliant dumpster and pad, nor was there a note on the site plan stating that refuse collection will be either by curb-side pickup or private collection services. Therefore, the site plan should be revised to indicate dumpster compliance or have a note added covering refuse collection. No information was provided regarding the lighting for the site. Therefore, a lighting plan regarding the new parking area lighting fixtures (including photometrics), indicating the locations, and submittal of information regarding how any existing site lighting will be modified to comply with the requirements of Sections 64-4.A.2., 64-6.A.3.c. and 64-6.A.8. of the Zoning Ordinance should be provided.

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 entire site was originally classified as R-A, Residential-Agricultural District, with the original adoption of the Zoning Ordinance in 1967. In 1984, the main site was rezoned to B-3, except for the "finger" access to Forest Hill Drive. With the approval of the main parking lot and building as a lot of record in the 2000 Subdivision, the "finger" was allowed to remain R-1 due to its proximity to residential use to its South side. However, as that access is a part of the over-all main site, the rezoning of the site from B-3 and R-1 to B-3 to eliminate the split zoning would be justified, and would be a requirement if the same subdivision were approved today.

At some point, the reservoir parcel was designated as R-1 instead of R-A. A water storage facility required Planning Approval in both R-A and R-1 districts with the original adoption of the Zoning Ordinance, the same as the current requirement. Such is allowed by right in B-3 districts. The proposed rezoning from R-1 to B-3 for the reservoir parcel would be justified in that it would both allow the expansion of parking from an adjacent existing B-3 site and would also bring the zoning into compliance for its use as a water storage facility.

Pertaining to the Sidewalk Waiver request, it should be pointed out that the Mobile City Council adopted a “complete streets” policy on May 31, 2011. The purpose of the complete streets policy is to support the design and construction of streets to enable safe access to all users, including pedestrians, bicyclists, transit riders, motorists, commercial and emergency vehicles, and for people of all ages and abilities. A waiver of the sidewalk, as requested, will limit accessibility for pedestrians, transit riders and cyclists. However, as City Engineering has determined that, due to the existing limited roadside space availability at the Southeast corner of Moffett Rd. and Forest Hill Dr. which would prohibit the extension of a sidewalk in the future, and the existing topography along Moffett Road, it is recommended that this request be approved.

The geographic area defined by the City of Mobile and its planning jurisdiction, including this site, may contain Federally-listed threatened or endangered species as well as protected non-game species. Development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.

RECOMMENDATION

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

- 1) coordination with the Right-of-Way Division of City Engineering and ALDOT concerning the allowance of the fence encroachment into the rights-of-way along Forest Hill Drive and Moffett Road to remain;
- 2) revision of the site plan to indicate dumpster and pad compliance, or the placement of a note on the site plan stating that refuse collection will be either by curb-side pickup or private collection services;
- 3) submittal of a lighting plan for the site regarding new parking area lighting fixtures (including photometrics), indicating the locations, and submittal of information regarding how any existing site lighting will be modified to comply with the requirements of Sections 64-4.A.2., 64-6.A.3.c. and 64-6.A.8. of the Zoning Ordinance;
- 4) placement of a note on the site plan stating that development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species;
- 5) subject to the Engineering comments: *[ADD THE FOLLOWING NOTES TO THE PUD SITE PLAN: 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. Any and all proposed land disturbing activity within the property will need to be*

submitted for review and be in conformance 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. 4. The detention facility shall be maintained as it was constructed and approved. The Land Disturbance permit application for the construction shall include a Maintenance and Inspection Plan signed and notarized by the Owner(s). This Plan shall run with the land and be recorded in the County Probate Office prior to the Engineering Department issuing their approval for a Final Certificate of Occupancy.];

- 6) subject to the Traffic Engineering comments: *[Moffet Road (US Highway 98) is an ALDOT maintained roadway). Site is limited to its existing curb cuts, with size, location and design to be approved by ALDOT (where applicable) and Traffic Engineering and conform to AASHTO standards. 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.];*
- 7) subject to the 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). Planting of Understory Parking trees for the proposed parking addition. 1 new understory tree for 20 new parking spaces being added to the site.];*
- 8) subject to the Fire Department comments: *(All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.);*
- 9) revision of the site plan to provide a sidewalk in the right-of-way should the Sidewalk Waiver request be denied;
- 10) submission and approval of two (2) copies of a revised site plan prior to submittal for permits for Land Disturbance;
- 11) completion of the Rezoning process for both the recorded lot of record and the water reservoir parcel prior to submittal for Land Disturbance permits; and
- 12) full compliance with all municipal codes and ordinances.

Rezoning from R-1 and B-3 to B-3: Based upon the preceding, this request is recommended for approval, subject to the following conditions:

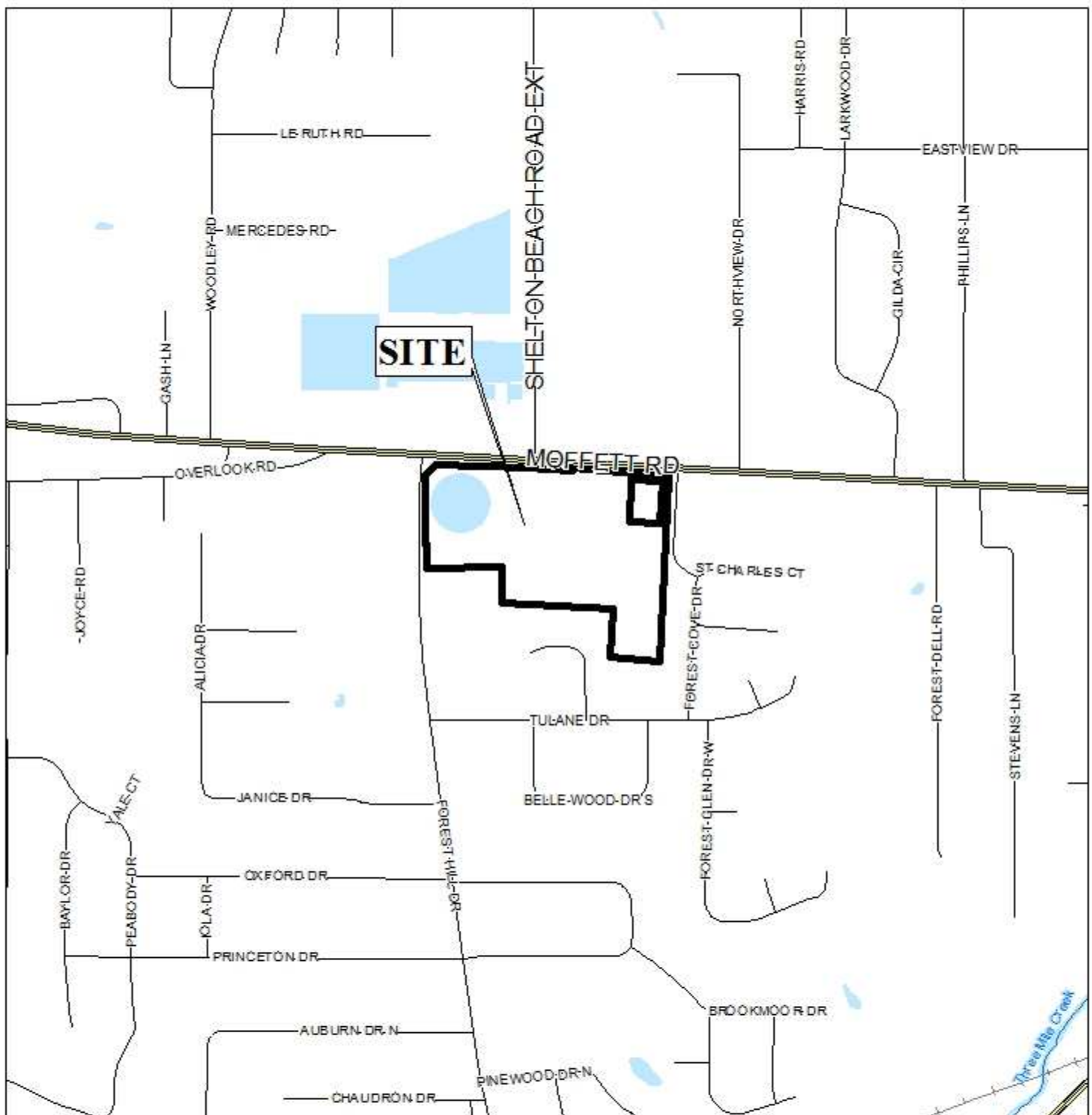
- 1) limited to an approved Planned Unit Development; and
- 2) full compliance with all municipal codes and ordinances.

Rezoning from R-1 to B-3: Based upon the preceding, this request is recommended for approval, subject to the following conditions:

- 1) limited to an approved Planned Unit Development; and
- 2) full compliance with all municipal codes and ordinances.

Sidewalk Waiver: Based upon the preceding, this request is recommended for approval.

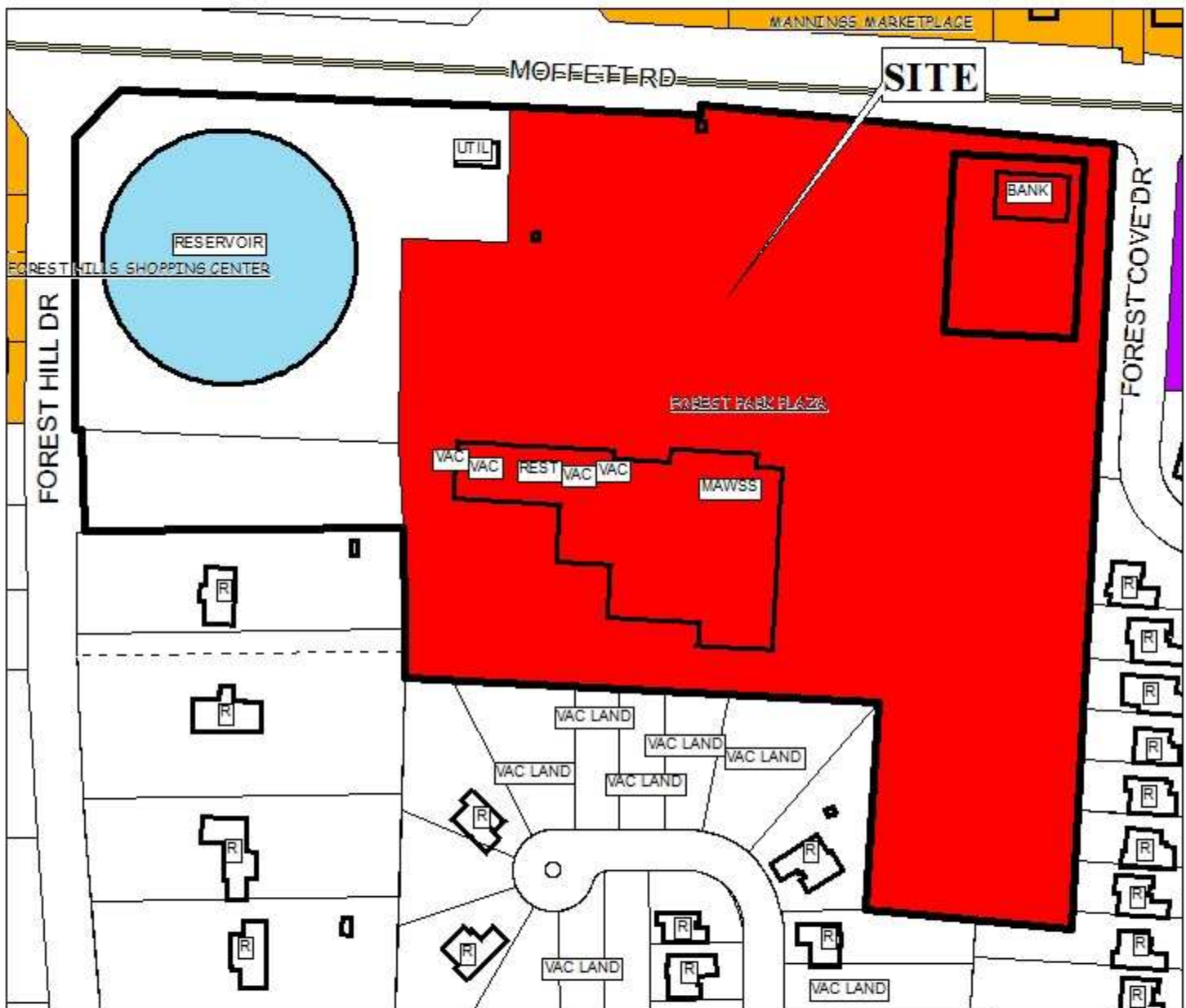
LOCATOR MAP



APPLICATION NUMBER 9 DATE December 4, 2014
 APPLICANT Mobile Area Water and Sewer System
 REQUEST PUD, Sidewalk Waiver, Rezoning from R-1 & B-3 to B3, Rezoning from R-1 to B-3



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units to the south.

APPLICATION NUMBER 9 DATE December 4, 2014

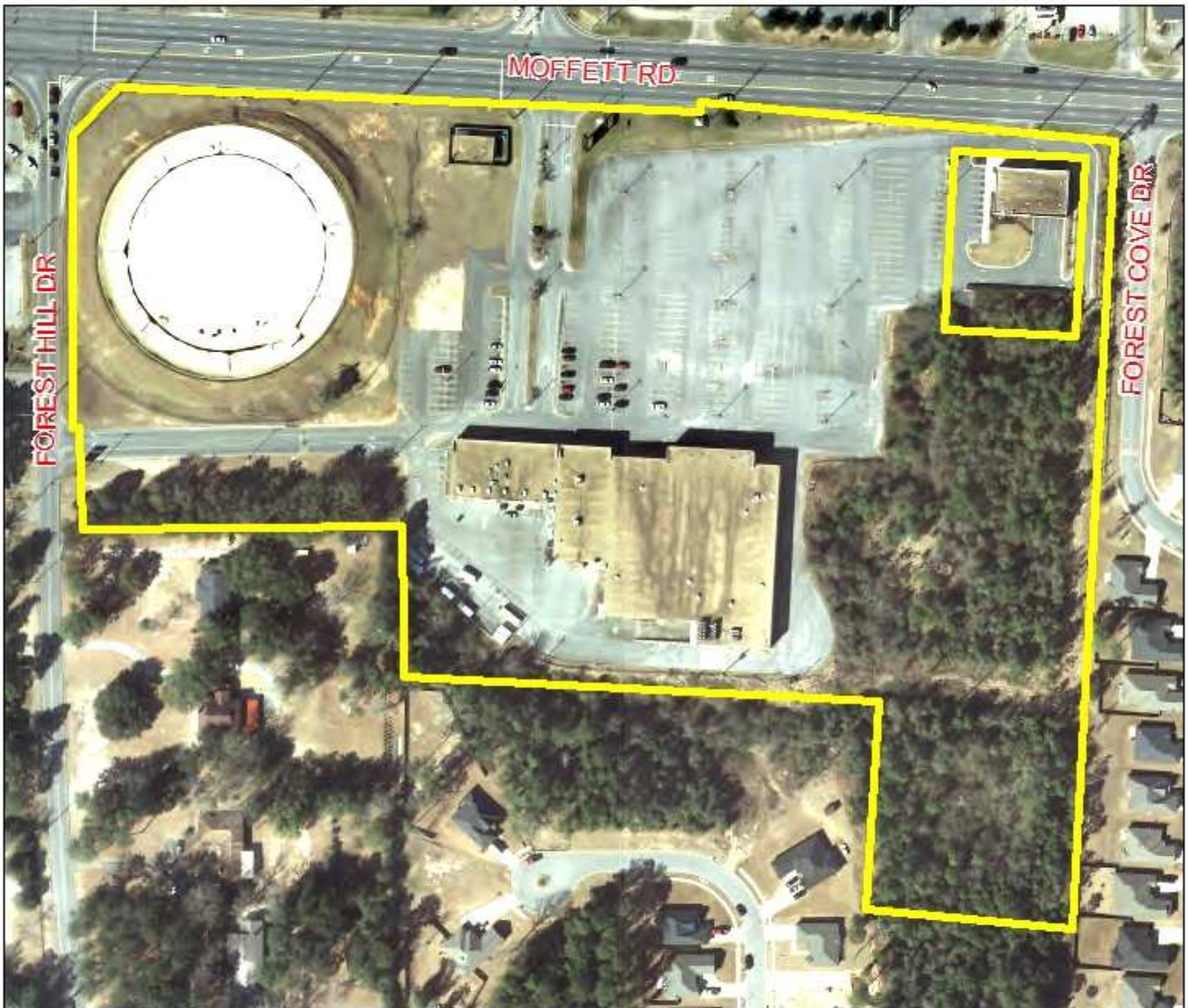
APPLICANT Mobile Area Water and Sewer System

REQUEST PUD, Sidewalk Waiver, Rezoning from R-1 & B-3 to B3, Rezoning from R-1 to B-3

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 ZONING

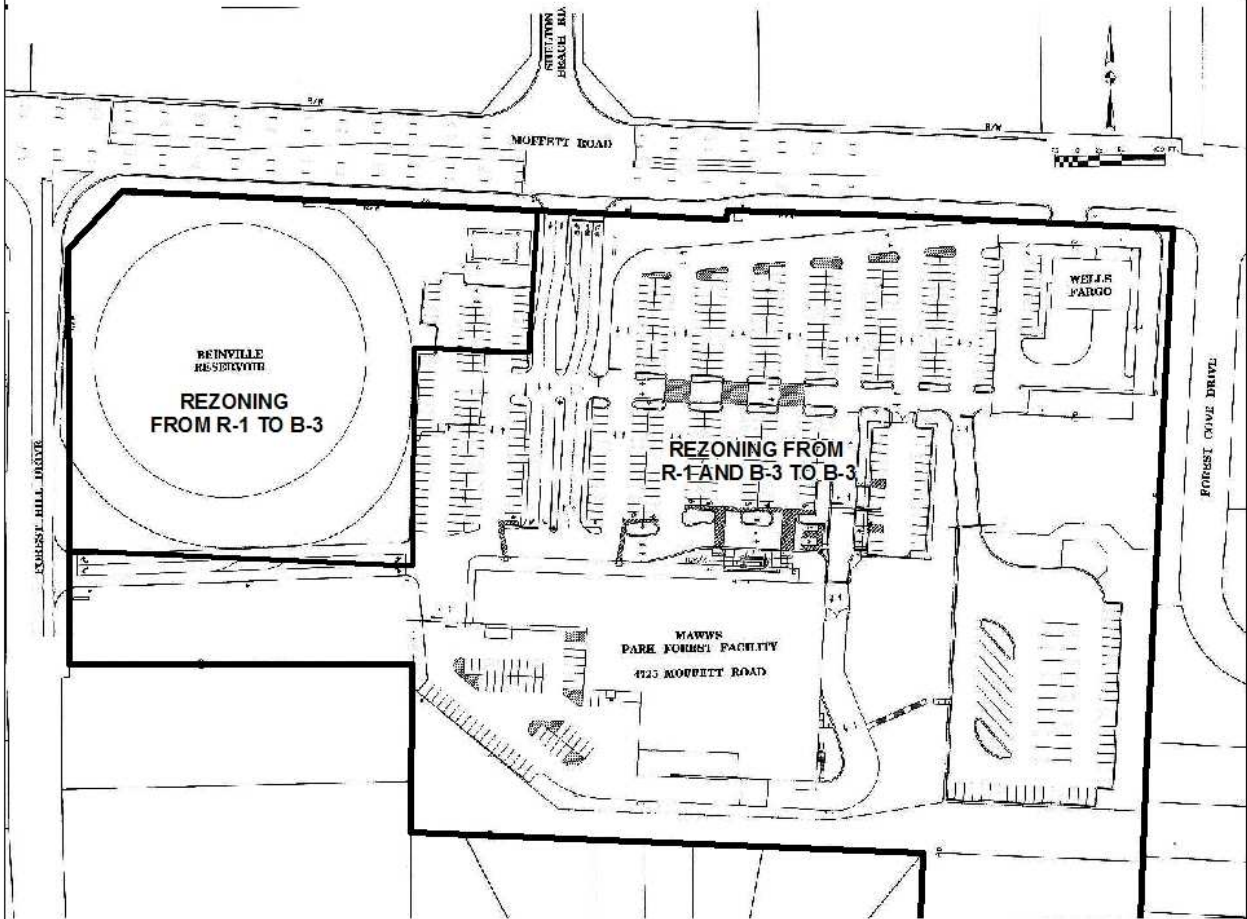


The site is surrounded by residential units to the south.

APPLICATION NUMBER 9 DATE December 4, 2014
APPLICANT Mobile Area Water and Sewer System
REQUEST PUD, Sidewalk Waiver, Rezoning from R-1 & B-3 to B3, Rezoning from R-1 to B-3



SITE PLAN

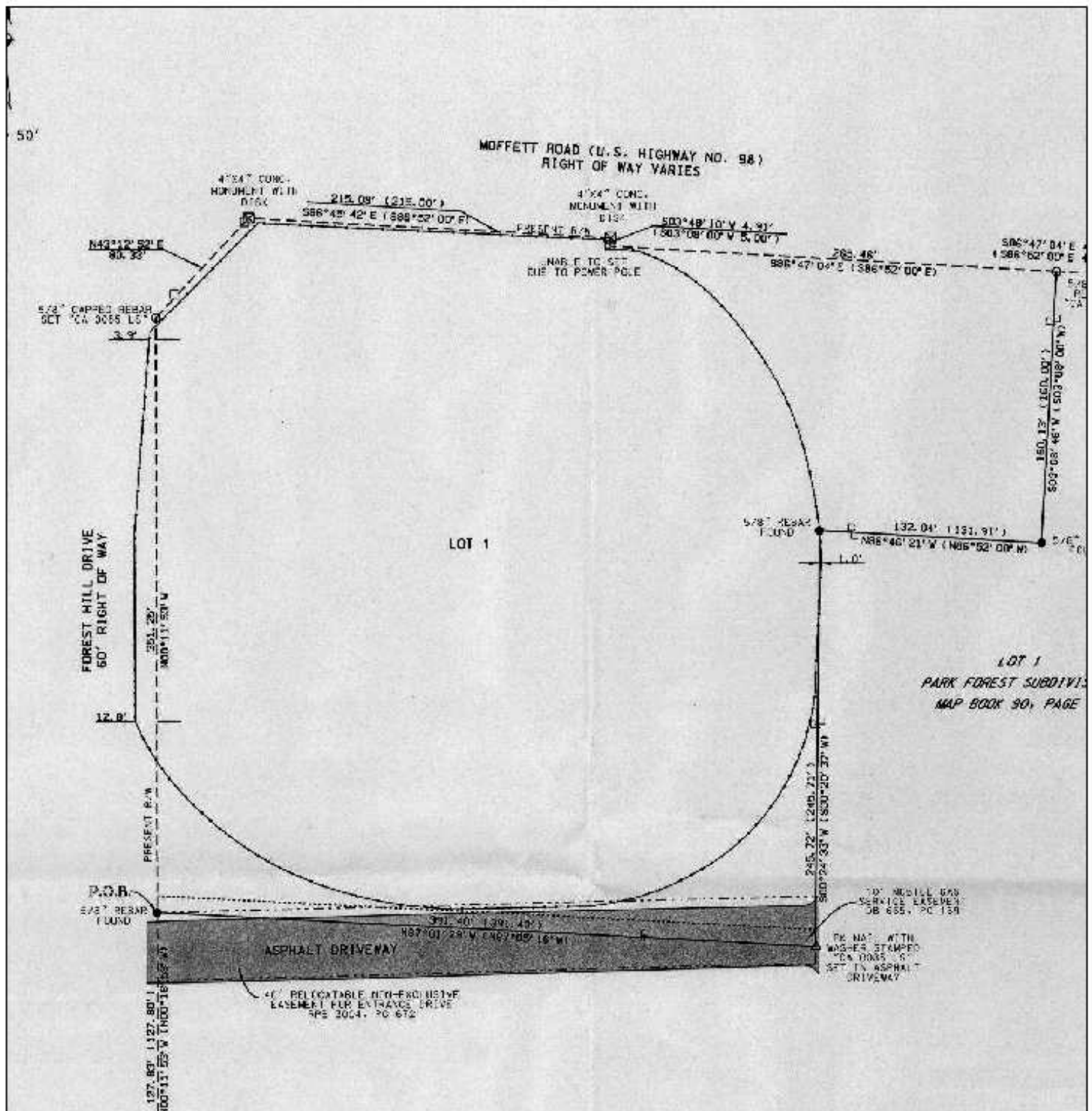


The site illustrates the existng buildings, and lots to be rezoned.

APPLICATION NUMBER 9 DATE December 4, 2014
APPLICANT Mobile Area Water and Sewer System
REQUEST PUD, Sidewalk Waiver, Rezoning from R-1 & B-3 to B3, Rezoning from R-1 to B-3



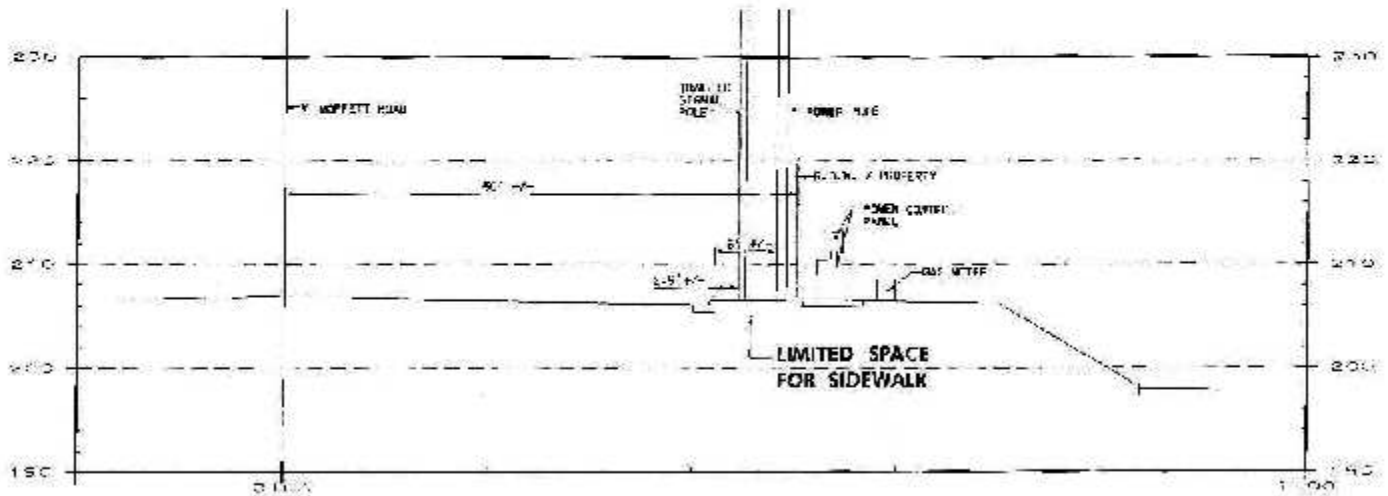
DETAIL SITE PLAN



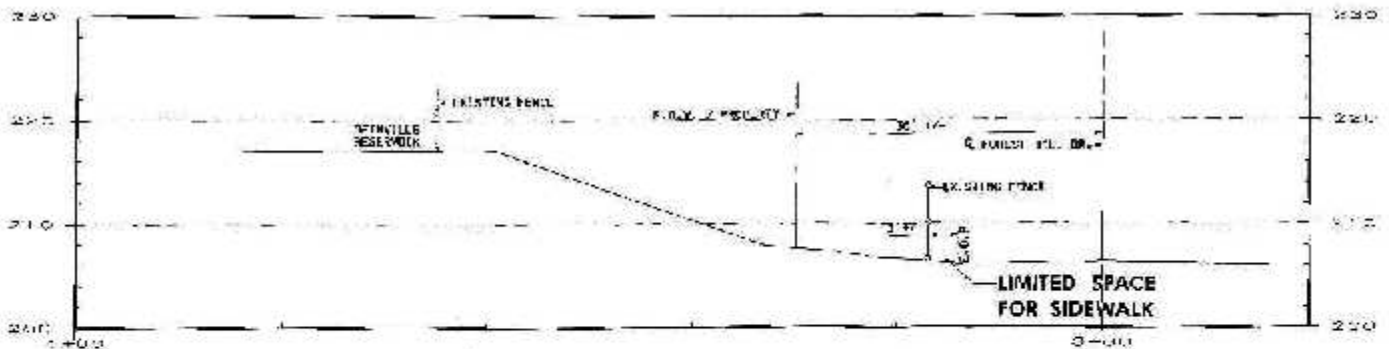
APPLICATION NUMBER 9 DATE December 4, 2014
 APPLICANT Mobile Area Water and Sewer System
 REQUEST PUD, Sidewalk Waiver, Rezoning from R-1 & B-3 to B3, Rezoning from R-1 to B-3



DETAIL SITE PLAN



SECTION ON MOFFETT ROAD NEAR ENTRANCE DRIVE
(LOOKING EAST)



SECTION ON FOREST HILL DR.
(LOOKING SOUTH)

APPLICATION NUMBER 9 DATE December 4, 2014
 APPLICANT Mobile Area Water and Sewer System
 REQUEST PUD, Sidewalk Waiver, Rezoning from R-1 & B-3 to B3, Rezoning from R-1 to B-3

