

**ZONING AMENDMENT,  
PLANNING APPROVAL &  
SUBDIVISION STAFF REPORT****Date: October 4, 2012**

<b><u>NAME</u></b>	Benjamin P Cummings
<b><u>SUBDIVISION NAME</u></b>	951 Government Street Subdivision
<b><u>LOCATION</u></b>	951 Government Street (West side of Marine Street, extending from Government Street to Church Street)
<b><u>CITY COUNCIL DISTRICT</u></b>	District 2
<b><u>PRESENT ZONING</u></b>	B-1, Buffer Business District
<b><u>PROPOSED ZONING</u></b>	B-2, Neighborhood Business
<b><u>REASON FOR REZONING</u></b>	Changing market conditions
<b><u>AREA OF PROPERTY</u></b>	1 Lots / 1.4 ± Acres
<b><u>CONTEMPLATED USE</u></b>	<p>Subdivision approval to create 1 lot, Planning Approval to allow a self storage facility in a B-2, Neighborhood Business District, and Rezoning from B-1, Buffer Business District, to B-2, Neighborhood Business District, to allow a self storage facility.</p> <p><b>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.</b></p>
<b><u>TIME SCHEDULE</u></b>	Following approvals
<b><u>ENGINEERING COMMENTS</u></b>	<p>The following comments should be addressed prior to acceptance and signature by the City Engineer:</p> <ol style="list-style-type: none"><li>1) Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes).</li></ol>

- 2) A signature block and signature for the Traffic Engineering Department shall be placed on the Final Plat.
- 3) Dedicate ROW radius at the corner of Government St and Marine St, and at Church St and Marine St, with the size to be approved by Traffic Engineering and Engineering.

## **TRAFFIC ENGINEERING**

### **COMMENTS**

This site is located on an ALDOT maintained roadway. Government Street and Marine Street should each be limited to one curb-cut, with size, location and design to be approved by ALDOT (Government Street) and Traffic Engineering (both frontages), and conform to AASHTO standards. The Government Street driveway should be constructed as a right-in, right-out only, in the vicinity of the eastern driveway, to provide separation from the adjacent property's driveway. Note: the existing driveway radii do not appear to be illustrated accurately. The curb-cut on Marine Street should be two-way with no turning restrictions. Parking aisles will need to be adjusted to allow for internal circulation. Any parking stalls that require backing or maneuvering in the right-of-way should be eliminated. This includes the parking adjacent to the building along Marine Street, and internal angled spaces near the Government Street driveway. The western site perimeter will need physical obstructions to prevent cross access from the adjacent business and residence.

## **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).

Full compliance with frontage tree planting requirements of the Zoning Ordinance; number and location to be coordinated with Urban Forestry due to existing mature Live Oak Trees along Government Street and the planting of one understory tree for every 20 parking spaces to be planted within interior of the lot to break up the expanse of paving.

## **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 Subdivision approval to create 1 lot, Planning Approval to allow a self storage facility in a B-2, Neighborhood Business District, and Rezoning from B-1, Buffer Business District, to B-2, Neighborhood Business District, to allow a self storage facility. Self storage facilities are allowed with Planning Approval in B-2 Districts.

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 site, as approved, by current or future applicants must be submitted for Planning Approval.

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.

Zoning review examines the site in relation to Section 64-9. of the Zoning Ordinance, which states that the intent of the Ordinance and corresponding Zoning Map is to carry out the comprehensive planning objective of sound, stable and desirable development. It additional states that 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, located in the Oakleigh Garden Historic District, is developed with a nine (9) story, 83,000 ± square foot office building constructed in approximately 1959 (per Mobile County Revenue Department information), and associated surface parking (approximately 130 existing spaces). The applicant wishes to renovate the building to allow use as a self storage facility composed of individual spaces for rent, and modify the parking area to create a new drive-thru entry canopy, add an exterior elevator on the South side of the building, and provide 121 parking spaces. A decorative fence and landscape area is also proposed along Church Street.

The site fronts Government Street, a proposed major street and a US Highway, and Marine and Church Streets, both minor streets. The preliminary plat indicates that the rights-of-way for all abutting streets meet the minimum width requirements, thus no dedication will be required with the exception of corner radii at the Marine Street / Government Street intersection, and the Marine Street / Church Street intersection, in compliance with Section V.D.6. of the Subdivision Regulations.

The site has multiple curb-cuts to the abutting streets. Specifically, the site has two existing curb-cuts to Government Street, each about 18 feet wide, and four existing curb-cuts to Marine Street, with widths ranging from 12 feet to 104 feet in width: two of the Marine Street curb-cuts serve 12 parking spaces which back out into Marine Street. There are no existing or proposed curb-cuts to Church Street.

The site is abutted by surface parking in a B-1 district to the East, across Marine Street, and to the North, across Government Street, by office and residential uses in a B-1 district. To the West, the site is abutted by a restaurant in a B-2 district and residences in a B-1 district, while to the South, across Church Street is an R-1 district containing residences.

The applicant's request to rezone the property is based on the belief that the building is no longer marketable as an office building due to the prohibitive cost of renovating the aging building, as well as the belief that the current office building market is saturated with undervalued and vacant office space. The applicant further states that the abutting B-2 district and nearby B-2 properties would not make a rezoning of the site in question to B-2 out of the ordinary for the area.

The entire site appears to be 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.

The site was also part of the New Plan for Mobile study area, adopted by the City Council in January 2012. The Plan specifically recommends that the site be redeveloped with mixed-use buildings for that portion fronting Government Street, and that the rear portion of the site be redeveloped with a new single-family residence fronting onto Church Street. The recommendations in the Plan for commercial uses along Government Street specifically include reducing the intrusion of commercial uses onto Church Street.

The site was rezoned from B-2 to B-1 as part of the Government Street Zoning Study, which was approved by the City Commission at its October 9, 1984 meeting. When the Study was presented to the Planning Commission at its April 14, 1983 meeting, it was stated that the purpose of the Study and subsequent recommendations were to preserve the character of the area. The study findings, as they related to commercial uses, determined that 1) there are numerous businesses in the area that have a higher zoning classification than required; and 2) that many businesses zoned B-2 could operate in a B-1 classification.

The "down zoning" of the property accommodated the primary use of the site at that time, which was an office building. The existing building is dated, and thus in need of renovation to remain relevant as an office building. That being said, the applicant's proposed use as a self-storage facility would provide the area with a second self-storage facility, with an existing facility located 800 feet, or approximately two blocks to the West on Government Street.

As the site was originally developed 53 years ago, it is not in compliance with the provisions of the current Zoning Ordinance, specifically the tree and landscaping requirements. The site plan submitted with the application only depicts new landscape area along the Church Street frontage, provides no information regarding overall landscape compliance, and shows no proposed trees. It is suggested that due to the "up zoning" request (where the citizens are asked via the City Council add value to the applicant's property), the site plan be revised to show some level of compliance regarding total landscape area requirements and at minimum frontage tree requirements along Marine and Church Streets (existing live oaks in the Government Street right-of-way eliminate the need for frontage trees in that area).

The site also has traffic circulation issues. The site plan only modifies site circulation around a proposed entry canopy, otherwise leaving the site as is. The site is a mixture of one-way and

two-way parking aisles, angled parking and 90-degree parking, and parking that backs out into Marine Street. It is recommended that the site plan be modified to eliminate as many existing curb-cuts as possible, so that the site retains one access point onto Government Street, and one compliant two-way curb-cut is provided onto Marine Street. All other curb-cuts should be closed and landscaped to match existing right-of-way greenspace. It should be noted that the curb-cut closure includes the elimination of the parking spaces along Marine Street that require backing out into the right-of-way. As Government Street is also a US Highway, curb-cut modifications must be approved by ALDOT, in addition to Traffic Engineering.

An additional consideration regarding traffic circulation issues relates to the fact that moving trucks will likely be a part of the traffic generated by the proposed use. Typically these moving trucks are rented by self storage users, who have limited experience driving the various sized trucks available through U-haul, Ryder, etc. Thus extra on-site maneuvering space and other associated improvements may be advisable.

The site abuts residential uses, and the submitted site plan depicts a privacy fence. It should be noted that it is the responsibility of a commercially developed site to provide an adequate buffer compliant with Section 64-4.D.1. of the Zoning Ordinance for where the site abuts residential uses. A 10-foot wide residential adjacency buffer should also be depicted where the site abuts residential uses. The buffer can be used for parking, but it cannot be used for dumpster placement, thus the site plan should be revised to relocate the proposed dumpster to be a minimum of 10-feet from the residential property lines, and not within any other required front or side yard setbacks.

As the site is located in an historic district, it is recommended that the perimeter of the parking lot be bounded by a 10 foot wide landscape strip, that includes trees, shrubs and possibly fencing (fencing shall not exceed 3-feet in height when in the 25-foot setback area). Such a perimeter parking lot buffer will mitigate the negative impact of the existing parking area on the historic district.

Regarding the amount of parking on the site, no information was provided with the application to indicate if an office will be part of the renovation of the existing building into a self storage facility. Typically such facilities do have small offices, and parking for such facilities are minimally based upon the office size. As the site is proposed to have approximately 121 parking spaces before any suggested revisions, it would appear that there will be an excess of parking and / or paved area on the site. Therefore, the site plan and narrative should be revised to indicate if an office will be part of the renovation, the size of the office proposed, and how many parking spaces will minimally be required and/or desired as part of the reuse of the site.

It should also be pointed out that due to the fact that the site is located in a historic district, any improvements to the building and site must be reviewed and approved by the Architectural Review Board (ARB). Thus the design of the proposed canopy and the exterior elevator addition is subject to ARB review and approval.

Related to the parking area, if the applicant intends to use the excess parking area for the storage of recreational vehicles or boats, it should be pointed out that such storage would not be allowed in a B-2 district.

Finally, if the site will be used at night, site and parking area lighting must be provided, and should comply with Section 64-6.A.8.b. of the Zoning Ordinance.

## **RECOMMENDATION**

**Rezoning:** The rezoning request is recommended for Holdover until the November 1<sup>st</sup> meeting, with revisions due by October 15<sup>th</sup>, so that the following items can be addressed:

- 1) Revision of the Zoning request to reflect the recommendations of the New Plan for Mobile for this site (commercial fronting Government Street, single-family residential fronting Church Street) ; and
- 2) Revision of the site plan to reflect changes requested for the Planning Approval and Subdivision applications.

**Planning Approval:** The request is recommended for Holdover until the November 1<sup>st</sup> meeting, with revisions due by October 15<sup>th</sup>, so that the following items can be addressed:

- 1) Revision of the site plan to reflect Traffic Engineering comments (*This site is located on an ALDOT maintained roadway. Government Street and Marine Street should each be limited to one curb-cut, with size, location and design to be approved by ALDOT (Government Street) and Traffic Engineering (both frontages), and conform to AASHTO standards. The Government Street driveway should be constructed as a right-in, right-out only, in the vicinity of the eastern driveway, to provide separation from the adjacent property's driveway. Note: the existing driveway radii do not appear to be illustrated accurately. The curb-cut on Marine Street should be two-way with no turning restrictions. Parking aisles will need to be adjusted to allow for internal circulation. Any parking stalls that require backing or maneuvering in the right-of-way should be eliminated. This includes the parking adjacent to the building along Marine Street, and internal angled spaces near the Government Street driveway. The western site perimeter will need physical obstructions to prevent cross access from the adjacent business and residence.*);
- 2) Revision of the site plan to include information regarding the amount of office space to remain in the building, the provision of parking spaces adequate to serve any storage office use on site and spaces necessary for customers;
- 3) Revision of the site plan to reflect Engineering comments (*1. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes). 2. A signature block and signature for the Traffic Engineering Department shall be placed on the Final Plat. 3. Dedicate ROW radius at the corner of Government St and Marine St, and at Church St and Marine St, with the size to be approved by Traffic Engineering and Engineering.*);
- 4) Revision of the site plan to reflect 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).*

*Full compliance with frontage tree planting requirements of the Zoning Ordinance; number and location to be coordinated with Urban Forestry due to existing mature Live Oak Trees along Government Street and the planting of one understory tree for every 20 parking spaces to be planted within interior of the lot to break up the expanse of paving.);*

- 5) Revision of the site plan to depict the 10-foot wide residential buffer, and relocation of the proposed dumpster to be outside of any required buffer; and
- 6) Revision of the site plan to eliminate the commercial use of the rear 112  $\pm$  feet of the property.

**Subdivision:** The request is recommended for Holdover until the November 1<sup>st</sup> meeting, with revisions due by October 15<sup>th</sup>, so that the following items can be addressed:

- 1) Revision of the plat to create a two lot subdivision, with the rear 112  $\pm$  feet of the property fronting Church Street to be a separate lot;
- 2) Revision of the plat to depict a corner radius at Government and Marine Streets, and Marine and Church Streets, in compliance with Section V.D.6. of the Subdivision Regulations;
- 3) Revision of the site plan to reflect Traffic Engineering comments (*This site is located on an ALDOT maintained roadway. Government Street and Marine Street should each be limited to one curb-cut, with size, location and design to be approved by ALDOT (Government Street) and Traffic Engineering (both frontages), and conform to AASHTO standards. The Government Street driveway should be constructed as a right-in, right-out only, in the vicinity of the eastern driveway, to provide separation from the adjacent property's driveway. Note: the existing driveway radii do not appear to be illustrated accurately. The curb-cut on Marine Street should be two-way with no turning restrictions. Parking aisles will need to be adjusted to allow for internal circulation. Any parking stalls that require backing or maneuvering in the right-of-way should be eliminated. This includes the parking adjacent to the building along Marine Street, and internal angled spaces near the Government Street driveway. The western site perimeter will need physical obstructions to prevent cross access from the adjacent business and residence.*);
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- 5) Revision of the lot size in square feet to reflect dedication.

**Revised for the November 1<sup>st</sup> meeting:**

*The cases were heldover from the October 4<sup>th</sup> meeting due to notification issues regarding the Planning Approval and Zoning cases. The staff recommendations remain the same.*

## **RECOMMENDATION**

**Rezoning:** The rezoning request is recommended for Holdover until the December 6<sup>th</sup> meeting, with revisions due by November 14<sup>th</sup>, so that the following items can be addressed:

- 1) Revision of the Zoning request to reflect the recommendations of the New Plan for Mobile for this site (commercial fronting Government Street, single-family residential fronting Church Street) ; and
- 2) Revision of the site plan to reflect changes requested for the Planning Approval and Subdivision applications.

**Planning Approval:** The request is recommended for Holdover until the December 6<sup>th</sup> meeting, with revisions due by November 14<sup>th</sup>, so that the following items can be addressed:

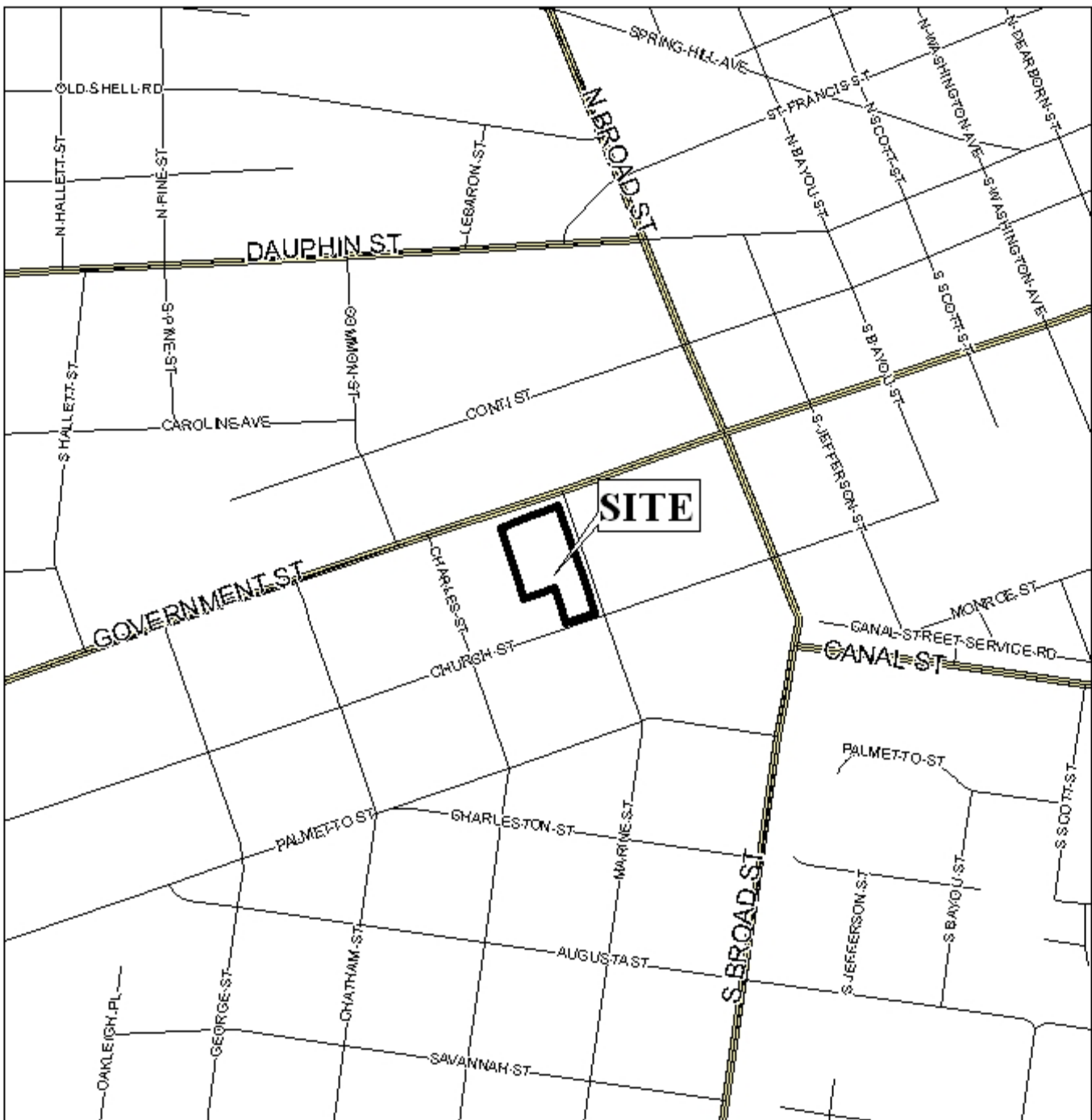
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- 5) Revision of the site plan to depict the 10-foot wide residential buffer, and relocation of the proposed dumpster to be outside of any required buffer; and
- 6) Revision of the site plan to eliminate the commercial use of the rear 112 ± feet of the property.



**Subdivision:** The request is recommended for Holdover until the December 6<sup>th</sup> meeting, with revisions due by November 14<sup>th</sup>, so that the following items can be addressed:

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- 3) Revision of the site plan to reflect Traffic Engineering comments (*This site is located on an ALDOT maintained roadway. Government Street and Marine Street should each be limited to one curb-cut, with size, location and design to be approved by ALDOT (Government Street) and Traffic Engineering (both frontages), and conform to AASHTO standards. The Government Street driveway should be constructed as a right-in, right-out only, in the vicinity of the eastern driveway, to provide separation from the adjacent property's driveway. Note: the existing driveway radii do not appear to be illustrated accurately. The curb-cut on Marine Street should be two-way with no turning restrictions. Parking aisles will need to be adjusted to allow for internal circulation. Any parking stalls that require backing or maneuvering in the right-of-way should be eliminated. This includes the parking adjacent to the building along Marine Street, and internal angled spaces near the Government Street driveway. The western site perimeter will need physical obstructions to prevent cross access from the adjacent business and residence.*);
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- 5) Revision of the lot size in square feet to reflect dedication.

## LOCATOR MAP



APPLICATION NUMBER 10, 11 & 12 DATE November 1, 2012

APPLICANT Benjamin P. Cummings

REQUEST Subdivision, Planning Approval, Rezoning from B-1 to B-2



NTS

# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by miscellaneous land use.

APPLICATION NUMBER 10, 11 & 12 DATE November 1, 2012

APPLICANT Benjamin P. Cummings

REQUEST Subdivision, Planning Approval, Rezoning from B-1 to B-2

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
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# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



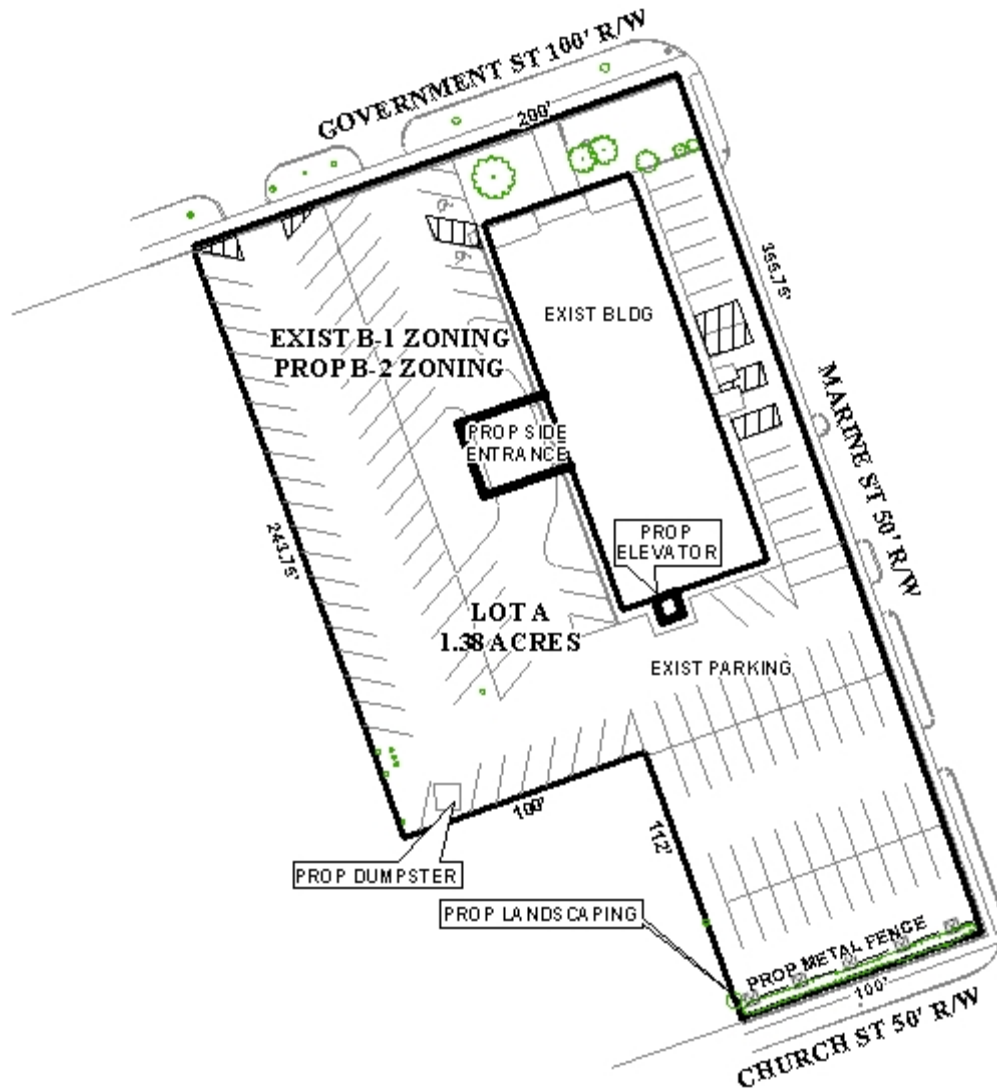
The site is surrounded by miscellaneous land use.

APPLICATION NUMBER 10, 11 & 12 DATE November 1, 2012  
APPLICANT Benjamin P. Cummings  
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NTS



# SITE PLAN



The site plan illustrates the existing and proposed improvements.

APPLICATION NUMBER 10, 11 & 12 DATE November 1, 2012

APPLICANT Benjamin P. Cummings

REQUEST Subdivision, Planning Approval, Rezoning from B-1 to B-2

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