

**SUBDIVISION, PLANNED
UNIT DEVELOPMENT, &
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 ZONING*R-1, Single-Family Residential District, R-2, Two-Family
Residence District, and B-2, Neighborhood Business
District***PROPOSED ZONING***B-2, Neighborhood Business District and R-3, Multiple-
Family Residential District***AREA OF PROPERTY**1 Lot/1.9± Acres
2 Lots/3.3 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.

Revised for the July 6th meeting:

Lot A is limited to two curb cuts to Long Street and Lot B is limited to one curb cut to Old Shell Road with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Access to Old Shell Road and Waltman Lane (private) from Lot A is denied. Any new 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.

Revised for the July 6th meeting:

The applications were heldover by the Planning Commission at its June 1st meeting to allow the applicant time to amend the applications to include the entirety of the affected properties. The applicant has since submitted a revised 2-lot, 3.34± acre Subdivision; a revised Zoning application to change the proposed Lot A from B-2, Neighborhood Business District and R-2, Two-Family Residential District to B-2, Neighborhood Business District and the proposed Lot B from R-1, Single-Family Residential District and R-2, Two-Family Residential District to R-3, Multiple-Family Residential District; and a Planned Unit Development application to allow two existing structures to remain on the proposed Lot B.

The revised preliminary plat provides both lot sizes in square feet and acres, and if approved, should be retained on the Final Plat.

The revised preliminary plat illustrates the 25' minimum building setback along Old Shell Road and Long Street for both lots, but still no setback is shown along the South property line, which abuts Waltman Lane. As mentioned previously in the original staff comments, 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.

The lots have frontage along Old Shell Road, Long Street, and Waltman Lane. The revised preliminary plat still does not provide the minimum existing right-of-way width for Old Shell Road, therefore if approved, the Final Plat should be revised to illustrate that there is sufficient existing right-of-way. 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 revised preliminary plat does not illustrate Waltman Lane, a private unimproved minor street without curb and gutters. The revised 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.

As a means of access management, the Lot A should be limited to two curb cuts to Long Street, with no direct access to either Old Shell Road or Waltman Lane, and Lot B should be limited to

the existing curb cut to Old Shell Road, with size, location and design of curb cuts to be approved by Traffic Engineering and conform to AASHTO standards.

As mentioned previously, a Planned Unit Development application was submitted for the proposed Lot B, as the applicant intends to maintain two existing multi-family structures containing 16 dwelling units, 34 parking spaces, and a dumpster.

The applicant is not proposing to make any changes to the existing apartment complex on the proposed Lot B at this time; therefore any non-conforming aspects may be allowed to remain. It should be noted that the site plan does depict a new sidewalk along Old Shell Road, which would connect the existing sidewalks to the West of the site to the sidewalks which will be required upon the development of the proposed Lot A to the East. The site plan also illustrates an existing dumpster on the site along with a note stating that the dumpster will be connected to sanitary sewer and a compliant enclosure will be provided. It should be noted that these aspects would bring the dumpster into compliance with current regulations, but is typically only required for new dumpsters.

As mentioned, no changes are proposed to the structures, but the site plan has notes regarding tree plantings to be provided to bring the site into full compliance. While the Planning Commission has in the past required some tree plantings when an existing site is considered for a Planned Unit Development, typically full compliance with tree plantings and landscape area are not required unless the building footprint is either increased or decreased by 50%.

No changes are proposed to be made to the existing parking area, other than re-striping. The site currently has a quantity of parking spaces that exceeds the requirements of the multi-family parking overlay (despite being developed prior to its adoption). It should be noted however, that there are two areas that are sub-standard in width to function as parking spaces at the South of the parking lot. Therefore, these spaces should be either striped or landscaped to make it obvious that no parking is allowed in these areas.

Regarding the rezoning, the application has been revised to include the proposed Lot B to rezone that lot from R-1, Single-Family Residential District and R-2, Two-Family Residence District to R-3, Multiple-Family Residence District to accommodate the existing use of the site as apartments. The use of the site as an apartment complex appears to go back as far as 1967.

In regards to the rezoning of the proposed Lot A, the applicant has made no changes to the proposed site plan to address staff concerns mentioned previously about the potential of the site to be developed in full compliance with the Zoning Ordinance requirements. It should be noted that while rezoning applications are not site plan specific, if the applicant cannot demonstrate that a site can be developed in accordance with Zoning Ordinance requirements, approval of a rezoning may not be appropriate.

As no changes were made to the site plan, it appears that the proposed Lot A may have difficulty in complying with the amount of front landscape area as well as frontage tree requirements as previously mentioned, as well as dumpsters partially located in the required 25' setback along Long Street.

The site plan illustrates what appears to be a retention wall along the North of the property, less than 10' away from the trunk of the existing 68" live oak that has been granted preservation status previously as part of the rezoning request during the November 17, 2016 meeting of the Planning Commission, and is proposed to remain on the site. It should be noted that a wall this close to a tree granted preservation status may compromise the root system associated with the tree and may cause it to be necessary to remove the tree after some time has passed. It should also be noted that the tree would be counted as credits toward tree planting requirements at the site at the time of development, but if it were to be removed from the site, the property owner would be responsible for planting the number of trees equal to the amount of tree credits given based on the tree remaining on the site (1 frontage and 10 perimeter trees).

The site plan indicates a 42" water oak, a 32" water oak, two 24" water oaks, a 42" live oak, and two 36" water oaks on the site that will most likely have to be removed, as they are located in the parking and maneuvering areas as well as the proposed building. It should be noted that private property tree permits will be required prior to the removal of these trees.

RECOMMENDATION

Subdivision: Based upon the preceding, the application is recommended for Denial due to the following:

- 1) denial of the Rezoning makes the Subdivision application moot; and*
- 2) denial of the Rezoning would create a split zoned property.*

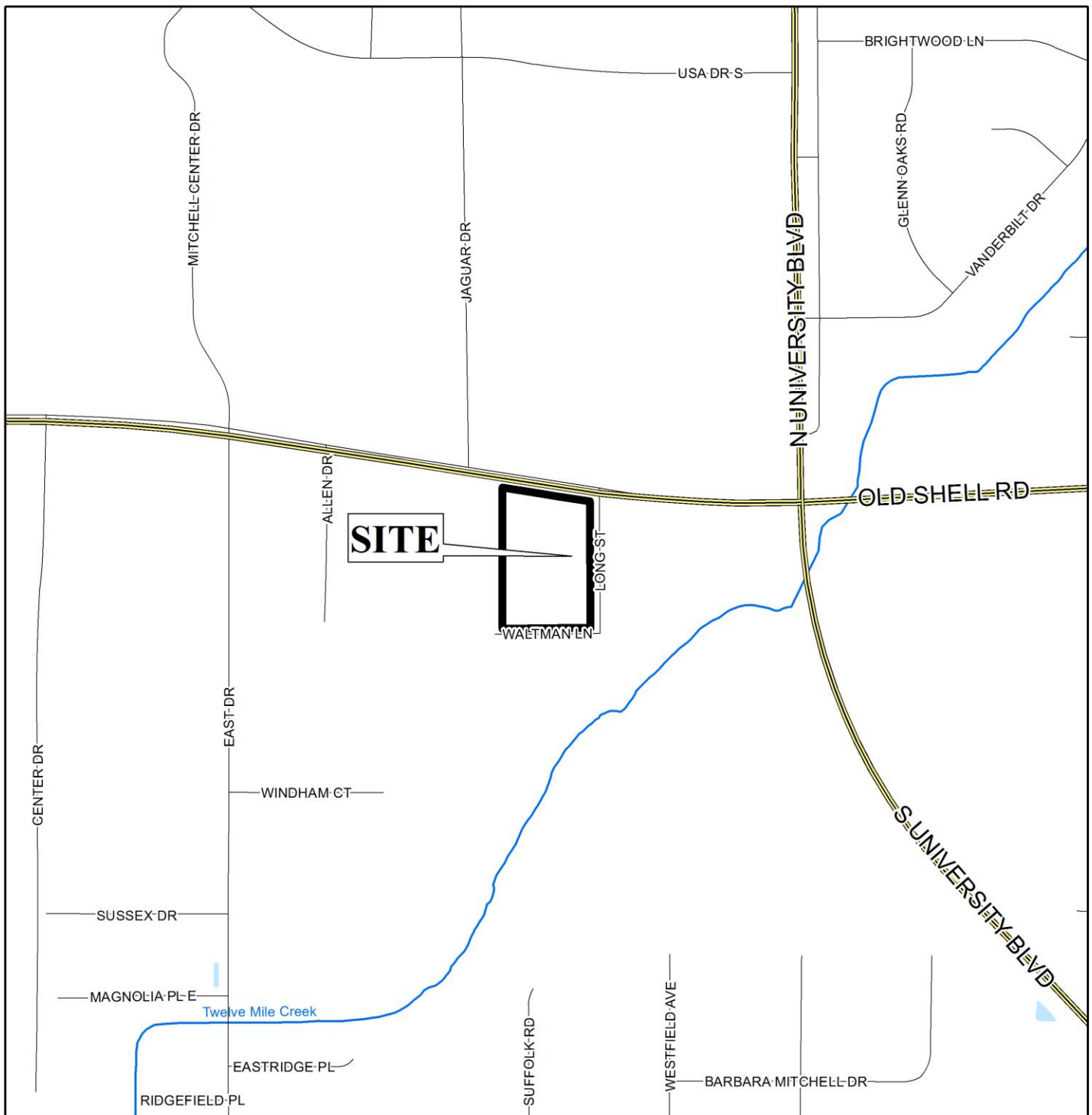
Planned Unit Development: Based on the preceding, the application is recommended for denial due to the following:

- 1) denial of the Rezoning applications makes the Planned Unit Development application moot.*

Rezoning: Based upon the preceding, the application is recommended Denial due to the following:

- 1) failure to illustrate that the site plan for Lot A will fully comply with tree planting and landscape area requirements;*
- 2) failure to illustrate that the dumpsters on Lot A will comply with setback requirements;*
- 3) location of a proposed retention wall on Lot A will negatively impact the 68" live oak tree along Old Shell Road that has previously been granted preservation status; and*
- 4) the Rezoning will expand the B-2, Neighborhood Business District adjacent to existing R-1, Single-Family Residential District without B-1, Buffer Business District separation.*

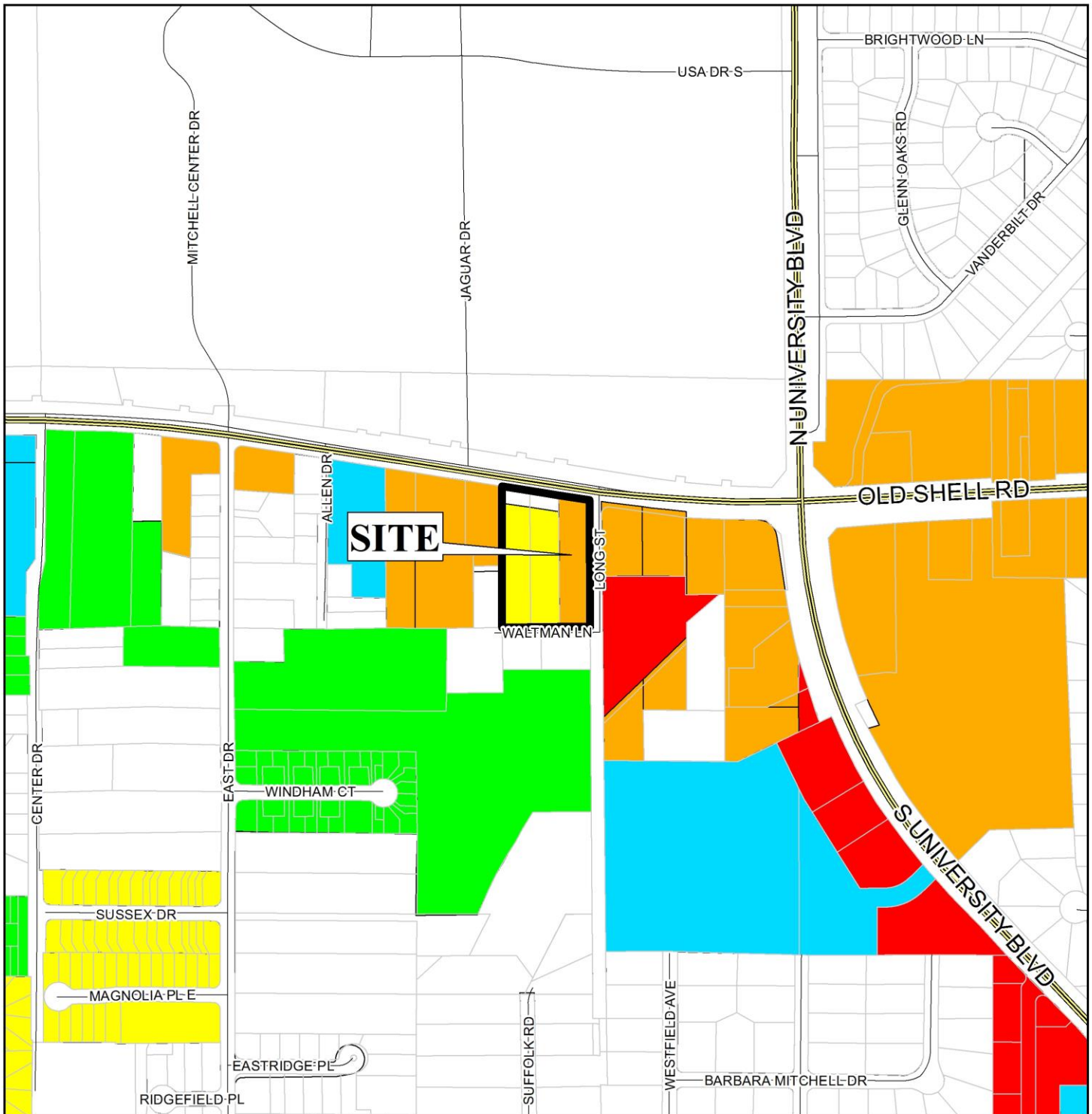
LOCATOR MAP



APPLICATION NUMBER 11 DATE July 6, 2017
 APPLICANT NAC Subdivision
 REQUEST Subdivision, PUD, Rezoning from R-1, R-2 & B-2 to R-3 and B-2



LOCATOR ZONING MAP



APPLICATION NUMBER 11 DATE July 6, 2017
APPLICANT NAC Subdivision
REQUEST Subdivision, PUD, Rezoning from R-1, R-2 & B-2 to R-3 and B-2



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



















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









APPLICATION NUMBER 11 DATE July 6, 2017

APPLICANT _____ NAC Subdivision _____

REQUEST Subdivision, PUD, Rezoning from R-1, R-2 & B-2 to R-3 and 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

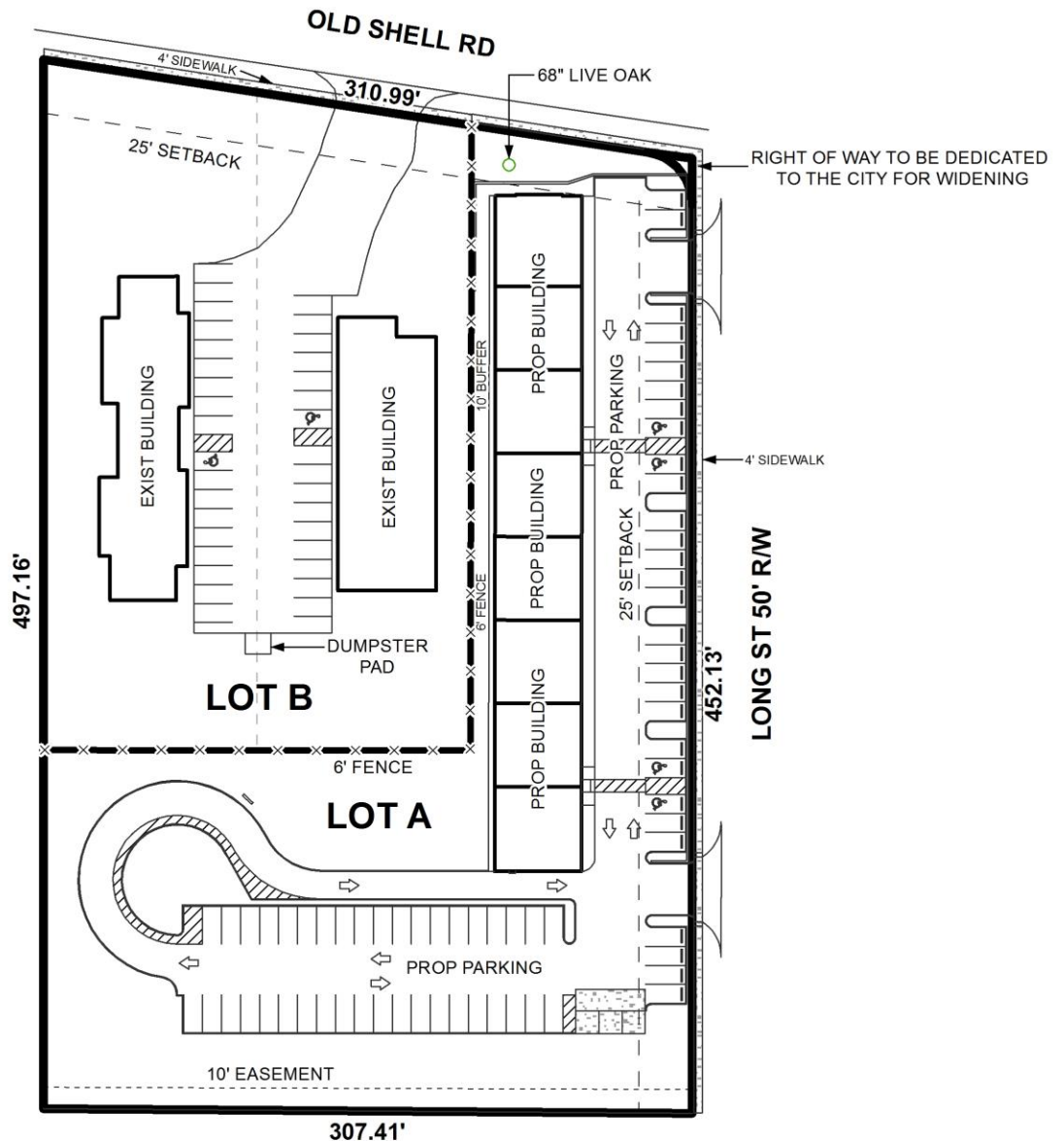


The site is surrounded by residential units to the south and commercial units to the east and west.

APPLICATION NUMBER 11 DATE July 6, 2017
 APPLICANT NAC Subdivision
 REQUEST Subdivision, PUD, Rezoning from R-1, R-2 & B-2 to R-3 and B-2



SITE PLAN



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

APPLICATION NUMBER 11 DATE July 6, 2017
 APPLICANT NAC Subdivision
 REQUEST Subdivision, PUD, Rezoning from R-1, R-2 & B-2 to R-2 and B-2



DETAIL SITE PLAN



APPLICATION NUMBER 11 DATE July 6, 2017
APPLICANT NAC Subdivision
REQUEST Subdivision, PUD, Rezoning from R-1, R-2 & B-2 to R-3 and B-2

