

**ZONING AMENDMENT
& SUBDIVISION STAFF REPORT****Date: October 20, 2011****APPLICANT NAME**

MAWSS Shelton Beach Facility

SUBDIVISION NAME

MAWSS Shelton Beach Facility

LOCATION

East side of Shelton Beach Road Extension, 790'± North of Moffett Road

**CITY COUNCIL
DISTRICT**

District 1

PRESENT ZONING

B-1, Buffer Business District, B-2, Neighborhood Business District, and B-3, Community Business District

PROPOSED ZONING

B-3, Community Business District

AREA OF PROPERTY

1 Lot / 21.5 ± Acres

CONTEMPLATED USE

Subdivision approval to create 1 lot, and Zoning approval to rezone the site from B-1, Buffer Business District, B-2, Neighborhood Business District, and B-3, Community Business District, to B-3, Community Business District, to eliminate split zoning in a proposed commercial subdivision.

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.

**REASON FOR
REZONING**

Applicant is requesting rezoning of the site because the subdivision of land into building sites makes reclassification of the land necessary and desirable, in order to eliminate a split-zoned condition that will result if the proposed subdivision is approved.

**TIME SCHEDULE
FOR DEVELOPMENT**

Phase 1 – Late 2011 – Early 2012
Phase 2 – As funding is available

ENGINEERING**COMMENTS**

Detention is needed for any cumulative increase of impervious area in excess of 4,000 square feet added to the property since 1984. If applicable, need to provide documentation, i.e. survey or aerial photography, to show the presence of impervious areas in 1984. Detention required to provide a minimum of a 100 year storm event with a 2 year release rate and discharge from site shall not be concentrated onto adjacent property without release agreement from all downstream property owners. It is imperative not to increase the volume of runoff on the downstream properties, thus construction of drainage system may be required along with appropriate drainage easements to protect downstream properties. Must comply with all other storm water and flood control ordinances. Drainage from any dumpster pads and the proposed wash station cannot discharge to storm sewer; must have connection to sanitary sewer. Sidewalk width is to be 4' and in addition to the northern section the sidewalk also needs to be shown along the southern section of the property. Any work performed in the right of way will require a right of way permit in addition to any required land disturbance or building permits. ROW permits must be purchased prior to any work in the ROW and are applied for and purchased at the ROW counter, located on the 3rd floor of the south tower at Government Plaza, 208-6070.

TRAFFIC ENGINEERING**COMMENTS**

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO 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).

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, and Zoning approval to rezone the site from B-1, Buffer Business District, B-2, Neighborhood Business District, and B-3, Community Business District, to B-3, Community Business District, to eliminate split zoning in a proposed commercial subdivision.

MAWSS intends to relocate its material storage, fleet maintenance and field operations facilities from existing, flood prone / storm-surge areas, to this site. Planning Approval and Planned Unit Development applications are forthcoming for this site and the proposed uses. The consolidation of equipment to higher ground will allow MAWSS to more effectively deliver service during severe weather events.

The 21 ± acre site is partially developed, with approximately 7 acres associated with a vacant metal building (a former roller-skating rink) and two ground storage water tanks (a part of the

MAWSS water treatment facility across Shelton Beach Road). The remaining 14 acres of the site are undeveloped. The site is bounded to the East by single family residences in an R-1 district, to the North by apartments in a B-1 district, to the South by a shopping center and a telecommunications tower in a B-2 district, and across Shelton Beach Road by residences and the MAWSS Stickney Water Treatment Plant in an R-1 district. The site also wraps around an R-1 zoned parcel, that has a variance to allow a communications tower on the property: the residential structure on the site does not appear to be actively used for residential purposes (a blank commercial sign structure is also located on the property).

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.

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 appears to be depicted as primarily 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. The accuracy of recommended land uses on the General Land Use Component map is limited due to the large scale of the map. 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 applicant's justification for rezoning is that subdivision of land into building sites makes reclassification of the land necessary and desirable, and in order to eliminate a split-zoned condition that will result if the proposed subdivision is approved. The existing lots / parcels are currently split-zoned.

A 6 ± acre portion of the site was the subject of a previous group application to the Planning Commission. The previous applications, also by MAWSS, included rezoning, subdivision, Planning Approval, and Planned Unit Development approval to allow a fleet maintenance facility, offices, and an equipment lay-down yard. Since that approval at the April 15, 2010 meeting of the Planning Commission, MAWSS has acquired or is in the process of acquiring properties to the North and South of the original site: the scope of proposed development has therefore expanded, necessitating new applications. Applications for Planning Approval and

Planned Unit Development, which are both site plan specific, have been submitted, and are scheduled for consideration by the Planning Commission at its November 3, 2011 meeting.

The previous rezoning request was approved by the City Council with the following conditions:

- 1) completion of the subdivision process;
- 2) all buffering shall be 25' in width and remain in its natural vegetative state; and,
- 3) full compliance with all municipal codes and ordinances.

The site fronts onto Shelton Beach Road, a minor street with a 60-foot wide right-of-way: no right-of-way dedication will be required.

As the site abuts residential properties to the East and a multifamily property to the North, buffering is advisable. The previous approval included a requirement for the provision of a 25-foot wide natural vegetative buffer for the site: staff recommends that the buffer be required as part of both the Subdivision and Zoning applications, but that it only be required where the site abuts residentially-zoned property to the East, and where it abuts the multifamily development to the North. No buffer should be required where the site abuts an R-1 property that fronts Shelton Beach Road, that has a communications tower by variance, and which appears to have been commercially used in the past.

While Shelton Beach Road is a minor street, access management is a concern due to the type of traffic that will be associated with the proposed fleet maintenance facility and storage yards. The site plan submitted with the Zoning application indicates four (4) curb-cuts onto Shelton Beach Road. As the Planning Approval and PUD approvals are site plan specific, and as they are scheduled for consideration at a later date, curb-cuts should be limited to an approved Planning Approval / PUD site plan.

The 25-foot minimum building setback is depicted, but should only be from road frontages, not adjacent properties. The plat should be revised to correctly depict the setback line.

The lot is labeled with its size in acres but not in square feet. The plat should be revised to indicate the size of the lot in square feet.

Finally, 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

Rezoning: Based upon the preceding, the Rezoning request is recommended for Approval, subject to the following conditions:

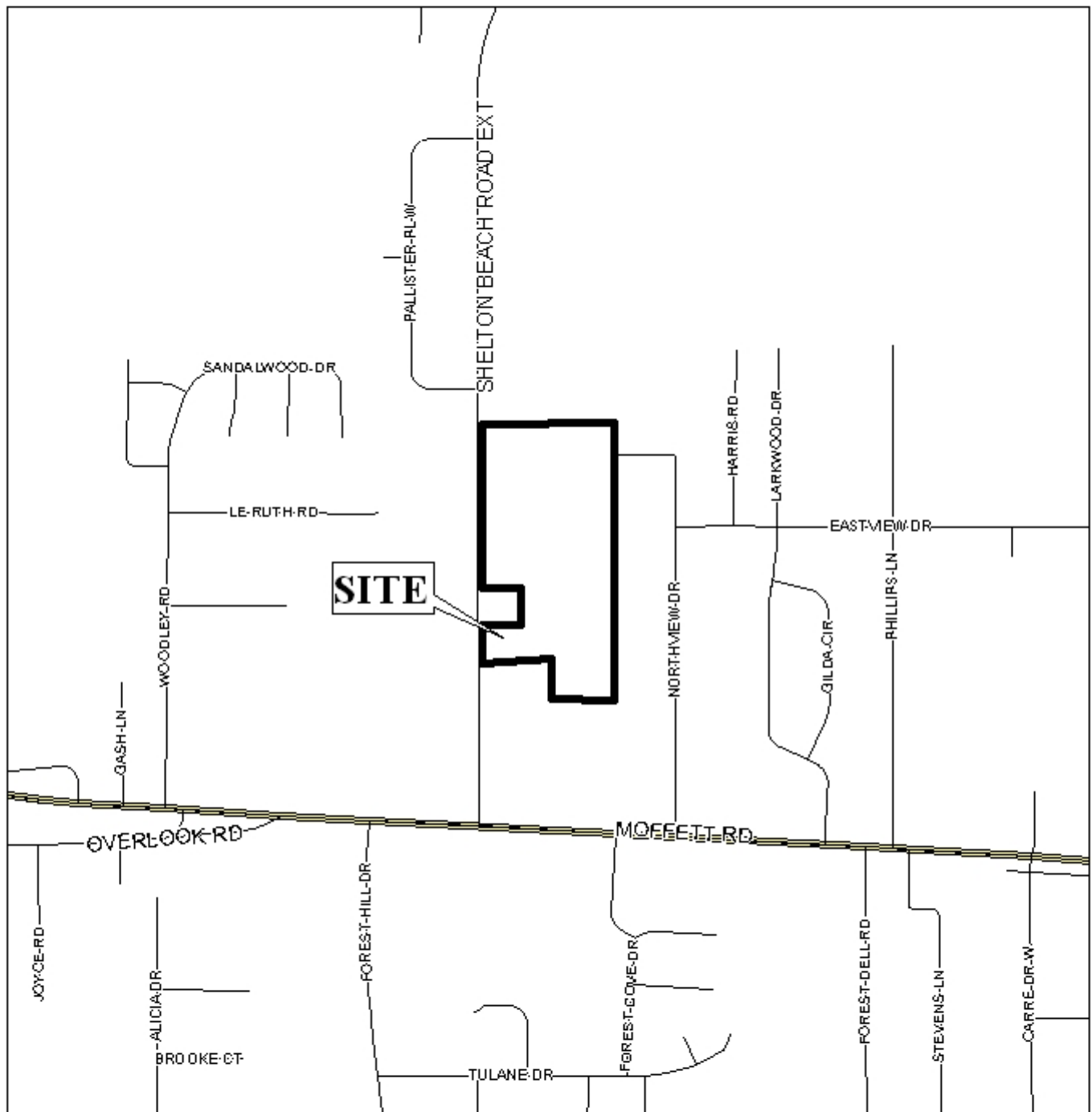
- 1) Development of the site limited to an approved Planned Unit Development;
- 2) Completion of the subdivision process;

- 3) Provision of a 25-foot wide natural vegetative buffer where the site abuts residential and multi-family properties to the East and North; and,
- 4) Full compliance with all municipal codes and ordinances.

Subdivision: The Subdivision request is recommended for Tentative Approval, subject to the following conditions:

- 1) Placement of a note on the plat stating that curb-cuts for the lot are limited to an approved Planned Unit Development, with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;
- 2) Labeling of the lot with its size in square feet;
- 3) Depiction of the 25-foot minimum building setback line from Shelton Beach Road Extension;
- 4) Depiction and provision of a 25-foot wide natural vegetative buffer where the site abuts residential and multi-family properties to the East and North;
- 5) Placement of a note on the final plat stating that approval of all applicable federal, state, and local agencies for endangered, threatened, or otherwise protected species is required prior to the issuance of any permits or land disturbance activities;
- 6) Compliance with Engineering comments (*Detention is needed for any cumulative increase of impervious area in excess of 4,000 square feet added to the property since 1984. If applicable, need to provide documentation, i.e. survey or aerial photography, to show the presence of impervious areas in 1984. Detention required to provide a minimum of a 100 year storm event with a 2 year release rate and discharge from site shall not be concentrated onto adjacent property without release agreement from all downstream property owners. It is imperative not to increase the volume of runoff on the downstream properties, thus construction of drainage system may be required along with appropriate drainage easements to protect downstream properties. Must comply with all other storm water and flood control ordinances. Drainage from any dumpster pads and the proposed wash station cannot discharge to storm sewer; must have connection to sanitary sewer. Sidewalk width is to be 4' and in addition to the northern section the sidewalk also needs to be shown along the southern section of the property. Any work performed in the right of way will require a right of way permit in addition to any required land disturbance or building permits. ROW permits must be purchased prior to any work in the ROW and are applied for and purchased at the ROW counter, located on the 3rd floor of the south tower at Government Plaza, 208-6070.*); and,
- 7) Completion of the Subdivision process prior to any application for land disturbance or building permits.

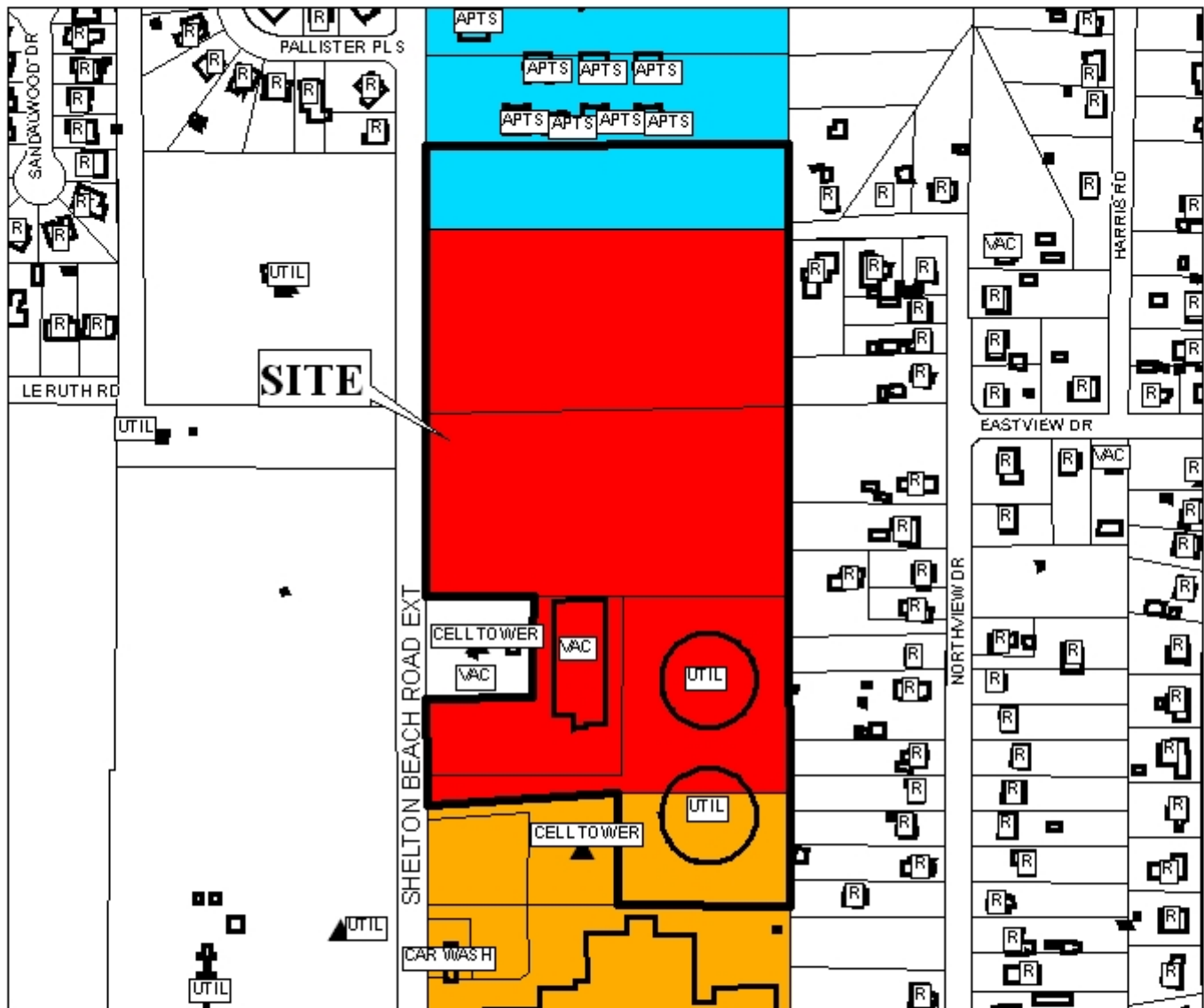
LOCATOR MAP



APPLICATION NUMBER 14 & 15 DATE October 20, 2011
APPLICANT MAWSS Shelton Beach Facility
REQUEST Subdivision, Rezoning from B-1, B-2, and B-3 to B-3



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Apartments are located to the north of the site. Business land use is located to the south of the site. Residential land use is located to the east of the site.

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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

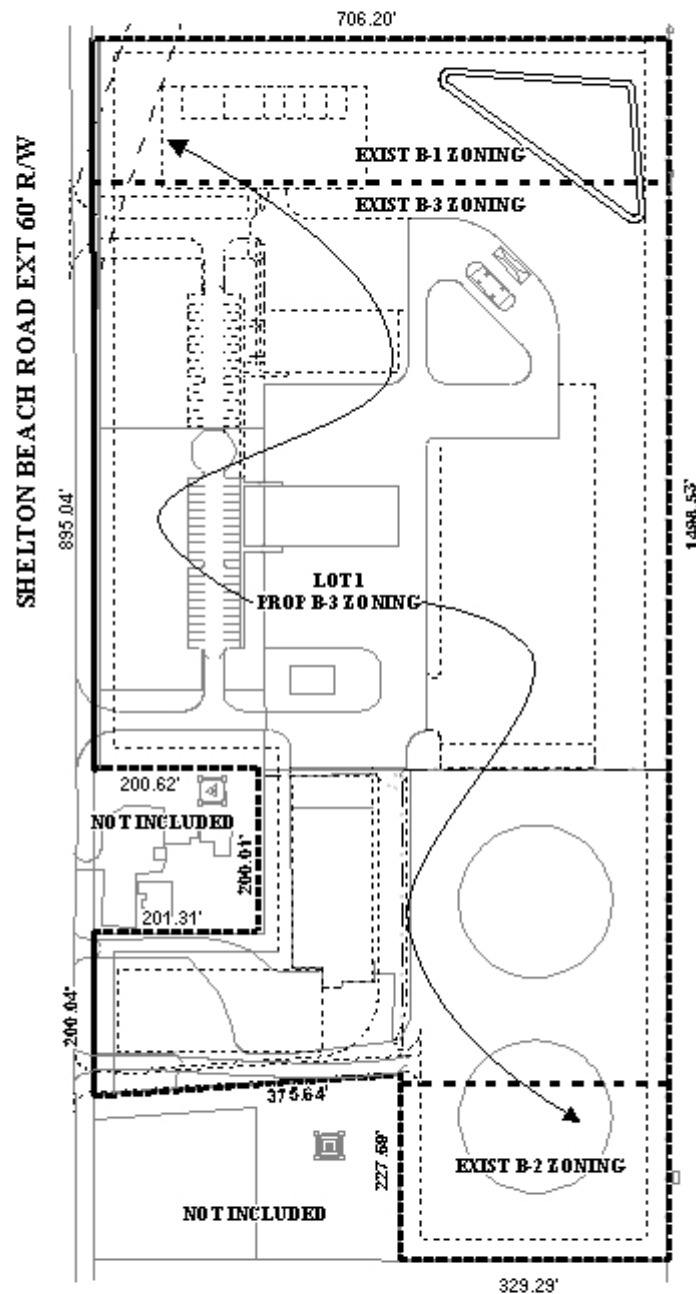


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SUBDIVISION AND ZONING DETAIL

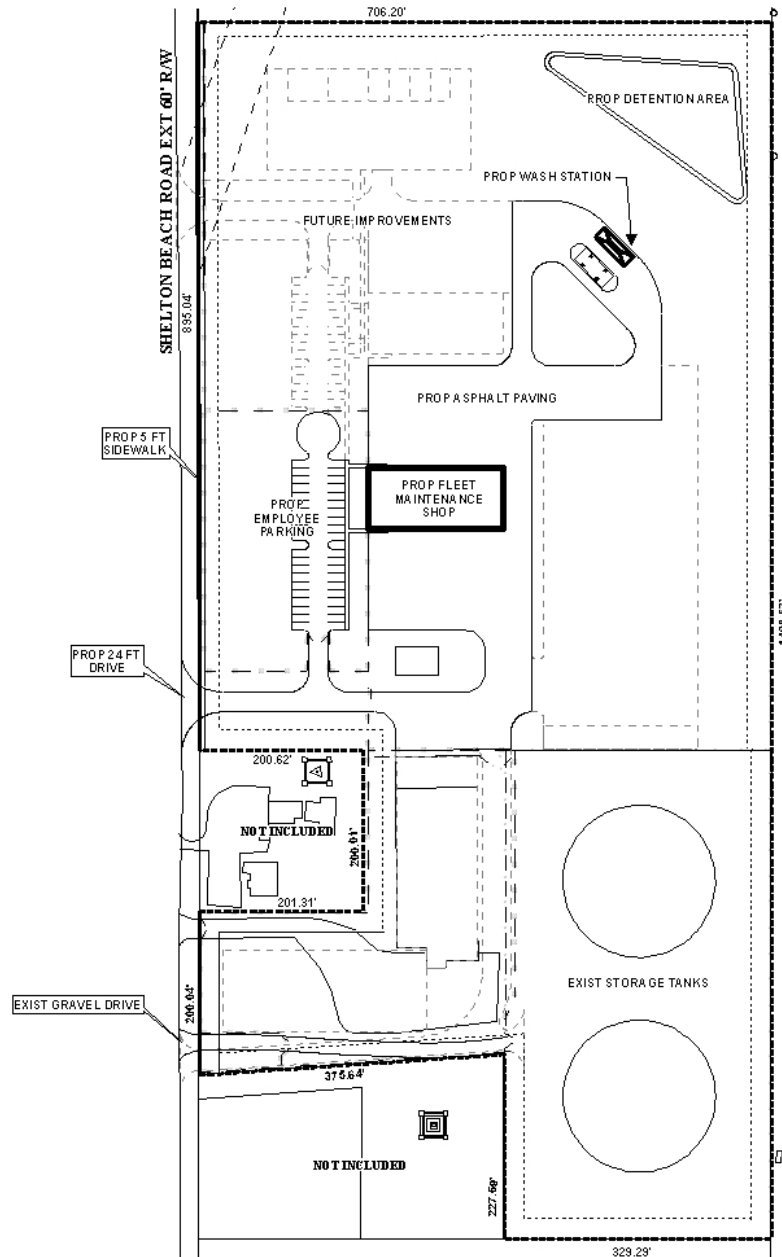


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SITE PLAN



The site plan illustrates the proposed structures, asphalt surfaces, and drive.

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