

**PLANNING APPROVAL &  
SIDEWALK WAIVER STAFF REPORT****Date: December 1, 2016****NAME**

Dennis P. Wilkins

**LOCATION**7078 Bruns Drive  
(Northeast corner of Bruns Drive and Cody Road)**CITY COUNCIL  
DISTRICT**

District 6

**PRESENT ZONING**

B-3, Community Business District

**AREA OF PROPERTY**1.41 ± Acre  
61,678 square feet**CONTEMPLATED USE**

Planning Approval to allow an indoor shooting range/firearms training facility, in a B-3, Community Business District; and a Sidewalk Waiver approval to waive construction of sidewalks along Cody Road.

**TIME SCHEDULE  
FOR DEVELOPMENT**

Immediately

**ENGINEERING  
COMMENTS****Planning Approval:**

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 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. The Owner/Developer is responsible for acquiring all of the necessary permits and approvals.

5. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

**Sidewalk Waiver:**

It appears that there is sufficient room within the ROW, or within the property, for the construction of a sidewalk that could be approved through the ROW Permit process. Also, the guy wires might be able to be replaced by a guy pole.

**TRAFFIC ENGINEERING****COMMENTS**

No comment regarding planning approval request. Stop sign can be adjusted to accommodate sidewalk construction if necessary.

**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). Projects outside the City Limits of Mobile, yet within the Planning Commission Jurisdiction fall under the State or County Fire Code (2012 IFC).

**REMARKS**

The applicant is requesting Planning Approval to allow an indoor shooting range/firearms training facility, in a B-3, Community Business District; and a Sidewalk Waiver approval to waive construction of sidewalks along Cody Road. The Zoning Ordinance requires Planning Approval for an indoor shooting range/ firearms training facility use in a B-3, Community Business District.

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

The subject property was part of a two-lot subdivision that was approved by the Planning Commission at its January 19, 2006 meeting.

The subject site is bounded by B-3, Community Business to the North and East, B-2, Neighborhood Business and R-3, Multiple Family Residential to the South, and to the West by commercial development located within the County.

Per the applicant, the owner originally built a warehouse on the property for storage; however, the owner now desires to alter the building so that it can be used as an indoor shooting range/firearms training facility.

According to the Zoning Ordinance, the use of the structure as an indoor shooting range/firearms training facility not only requires Planning Approval, but it requires that the building be enclosed within a sound-proof structure. The applicant has provided a note on the site plan stating that the existing building will be retrofitted in order to bring it into compliance with the building codes and requirements for safety and security, as well as ensuring that noise levels emitted from the site not exceed allowable levels set forth in the City of Mobile Noise Ordinance; however, a sealed letter from a licensed engineer, one that has expertise in sound-inhibiting materials and calculations, will be required at time of submittal for permits. This information is needed in order to determine if the decibel levels and noise emitting from the discharge of firearms will interfere with adjacent businesses/residences.

The applicant is also proposing additional parking between the existing building and Cody Road to accommodate the proposed use. The proposed use requires that 17 parking spaces be provided on site. The site plan illustrates that eighteen (18) 9'x18' parking spaces will be provided on the property, thus, reflecting compliance with the requirements of the Zoning Ordinance. It should also be noted that the access drive and aisle widths provide a sufficient distance for the accessibility and maneuverability of vehicles throughout the site; however, the applicant should ensure that the turnaround located on the West side of the structure provides a sufficient depth to allow vehicles to maneuver in and out of the parking spaces safely.

The applicant must also ensure that the parking area meets lighting requirements in accordance with Section 64-6.A.3 of the Zoning Ordinance.

As it pertains to landscaping and tree planting requirements, the site plan indicates that 3 new heritage trees will be planted along Cody Road and that 2 new heritage trees will be planted along Bruns Drive; however there is a deficit in the number of frontage overstory trees, and perimeter overstory and understory trees required for the site. Per Section 64-4.E.3.a.2. of the Zoning Ordinance, one (1) overstory tree is required for every thirty feet of frontage. Since there are two frontages, Cody Road would require 5 new overstory tree plantings and Bruns Drive will require 11 new overstory tree plantings. Currently, there is a deficit of 11 frontage trees on site. It should also be noted that Live Oak trees are required as frontage overstory trees if the tree plantings are within 15' of overhead power lines.

According to Section 64-4.E.3.a.3. of the Zoning Ordinance, the remaining site will require 19 perimeter tree plantings, which consist of 10 overstory trees and 9 understory trees, as well as 1 understory tree for the parking area. There appears to be a number of trees on site in which the applicant can seek tree planting credits to satisfy the number of new perimeter trees required for

the site; however, each tree will need to be properly identified by species and size in order to obtain any credits towards the tree planting requirements.

Furthermore, the site plan indicates that two 24" Oak trees will be removed from the site in order to provide a 24' drive aisle width along the southern edge of the existing structure; nevertheless, it should be noted that the removal of Live Oak trees 24" and over will require the obtainment of tree permits. The applicant has provided a note (Note 7) on the site plan reflecting this requirement.

The location and dimensions of the existing and/or proposed HVAC mechanical equipment for the proposed indoor shooting range/firearms training facility building is not illustrated on the site plan. The site plan should be revised to indicate the location, height and size of the HVAC mechanical equipment (i.e. HVAC units, generators, etc.) in compliance with Section 64-4.D.11 of the Zoning Ordinance.

Note 5, regarding tree preservation and protection, should be revised to correctly reflect compliance with State Act 2015-116 and City Code Chapters 57 and 64. Additionally, Note 6, regarding Fire Department compliance, should be revised to reflect current code compliance regulations with the 2012 International Fire Code. It also appears that the note numbering is numbered incorrectly and should be revised for clarity and to reflect a sequential order.

It should be mentioned that land disturbance permits are required prior to beginning any site work. The applicant has indicated acknowledgement of this requirement as a note on the site plan.

In addition to seeking Planning Approval, the applicant is also requesting a waiver for the construction of a sidewalk along Cody Road. The applicant stated the following:

"The owner is requesting a waiver be granted for the sidewalk along Cody Road. Because of utility poles, signs, and other obstructions, it will be difficult to install at the intersection of Cody Road and Bruns Drive. There are no other sidewalks along Cody Road in this area."

The site is depicted as "Suburban Neighborhood" per the recently adopted Map for Mobile Plan. The intent of the Suburban Neighborhood is to allow for:

- Emphasize connectivity to surrounding neighborhoods and close services and retail;
- Accommodation of pedestrian and bicycle traffic in addition to automobiles;
- Appropriate scaled infill development to complement existing character of neighborhoods.

The Map for Mobile's classification of this area clarifies the City's desire to provide better connectivity to surrounding neighborhoods and close services and retail.

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.

Currently, there are no sidewalks present along this portion of Cody Road, though, there is a sidewalk located on the North side of Bruns Drive on the subject site. The applicant is correct in that obstructions, such as existing power poles, traffic signage, and a utility telephone vault, would make it hard to connect the sidewalk at the intersection of Cody Road and Bruns Drive in the right-of-way. Additionally, the topography of the site, as provided in sectional views, varies in height along Cody Road and may further encumber the placement of a sidewalk along this portion of the thoroughfare. It should be noted however, that there is sufficient room on the property to provide a sidewalk.

The construction of a sidewalk may be possible if the existing utility equipment is relocated, and/or the property is redesigned at the southwest corner of the property to provide for such. The construction of a new sidewalk would adhere to the *Map for Mobile's* intent to emphasize connectivity and the accommodation of pedestrian traffic within Suburban Neighborhood areas; therefore, alternative options should be reviewed.

Finally, the site plan shows an existing sign partially within the right-of-way for Cody Road. Research by staff shows that the sign is an "off-premise" sign for the elder care facility located at the Eastern terminus of Bruns Drive. This existing sign may prevent the proposed business on this site from being able to have a freestanding sign.

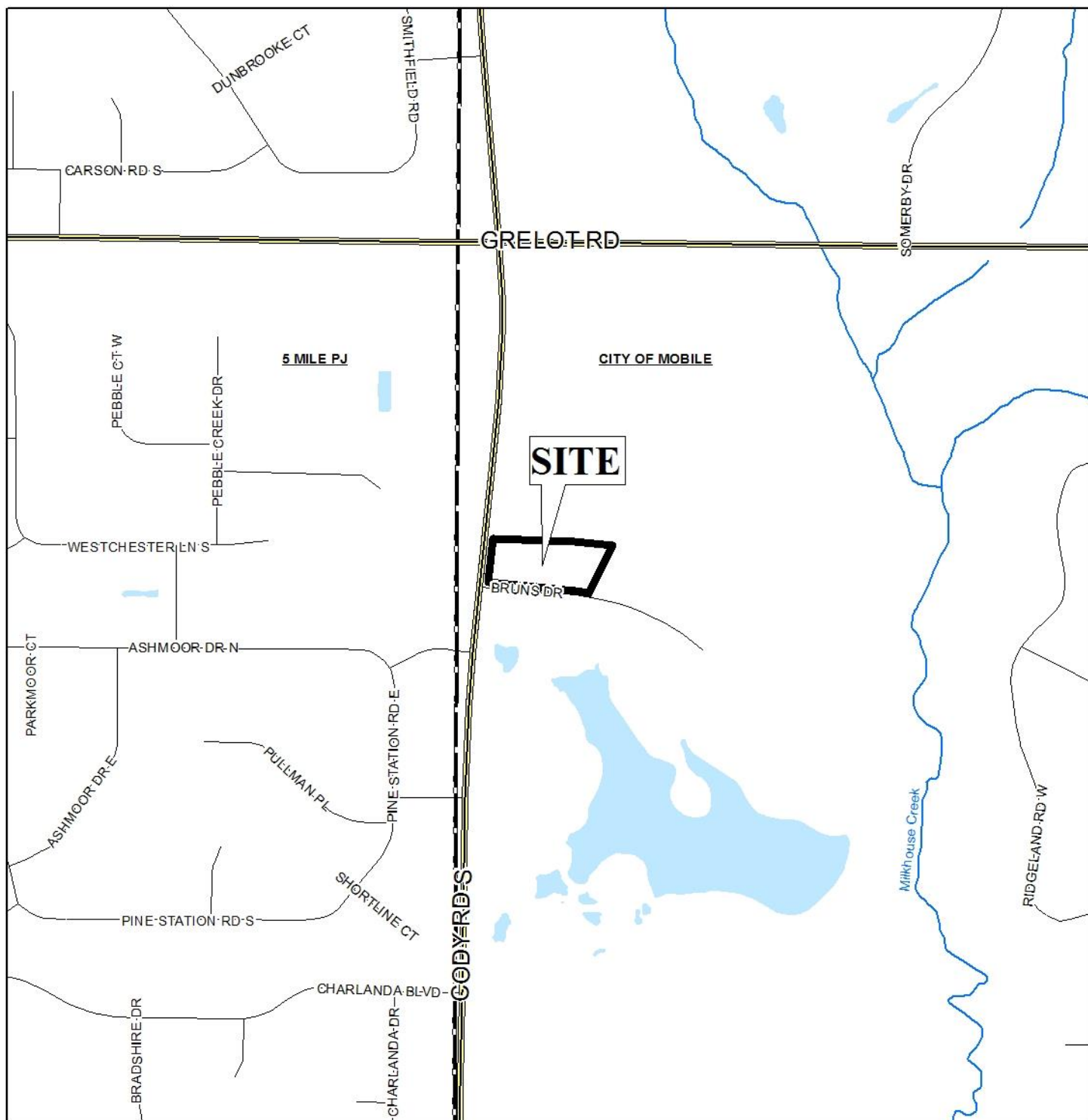
## **RECOMMENDATION**

**Planning Approval:** Based upon the preceding, it is recommended that this application be recommended for tentative approval subject to the following conditions:

- 1) Submittal of a sealed letter from a licensed engineer to ensure that the structure will be properly sound-proofed at time of submittal for permits;
- 2) Placement of a note stating that the site will be in compliance with Section 64-6.A.3 of the Zoning Ordinance;
- 3) Revision of the tree planting calculations to correctly indicate the required number of overstory and understory trees needed on site;
- 4) Revision of the site plan to indicate the location, height and size of the proposed HVAC mechanical equipment;
- 5) Revision of Note 5 to comply with current State and Local laws as it pertains to tree preservation and protection;
- 6) Revision of Note 6 to comply with the current 2012 International Fire Code;
- 7) Revision of the site plan to indicate the correct numbering sequence in the *Planning Review Notes* section; and
- 8) Provision of two (2) revised site plans to the Planning and Zoning Counter.

**Sidewalk Waiver Approval:** Based on the proceeding, this application is recommended for Denial, as there appears to be construction and alignment options that will allow for the provision of a sidewalk.

# LOCATOR MAP



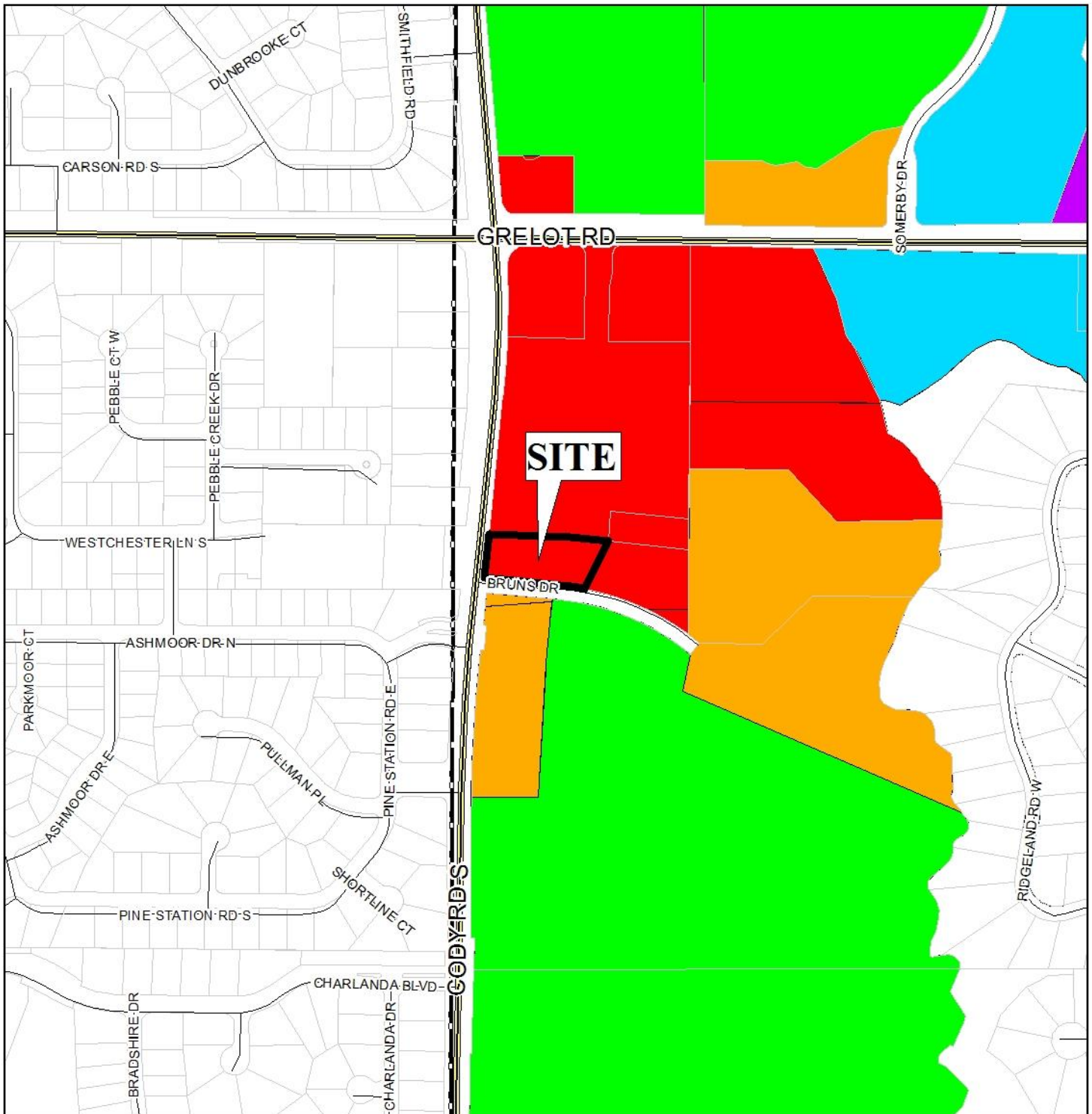
APPLICATION NUMBER 16 DATE December 1, 2016

APPLICANT Dennis P. Wilkins

REQUEST Planning Approval, Sidewalk Waiver



# LOCATOR ZONING MAP



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# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



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

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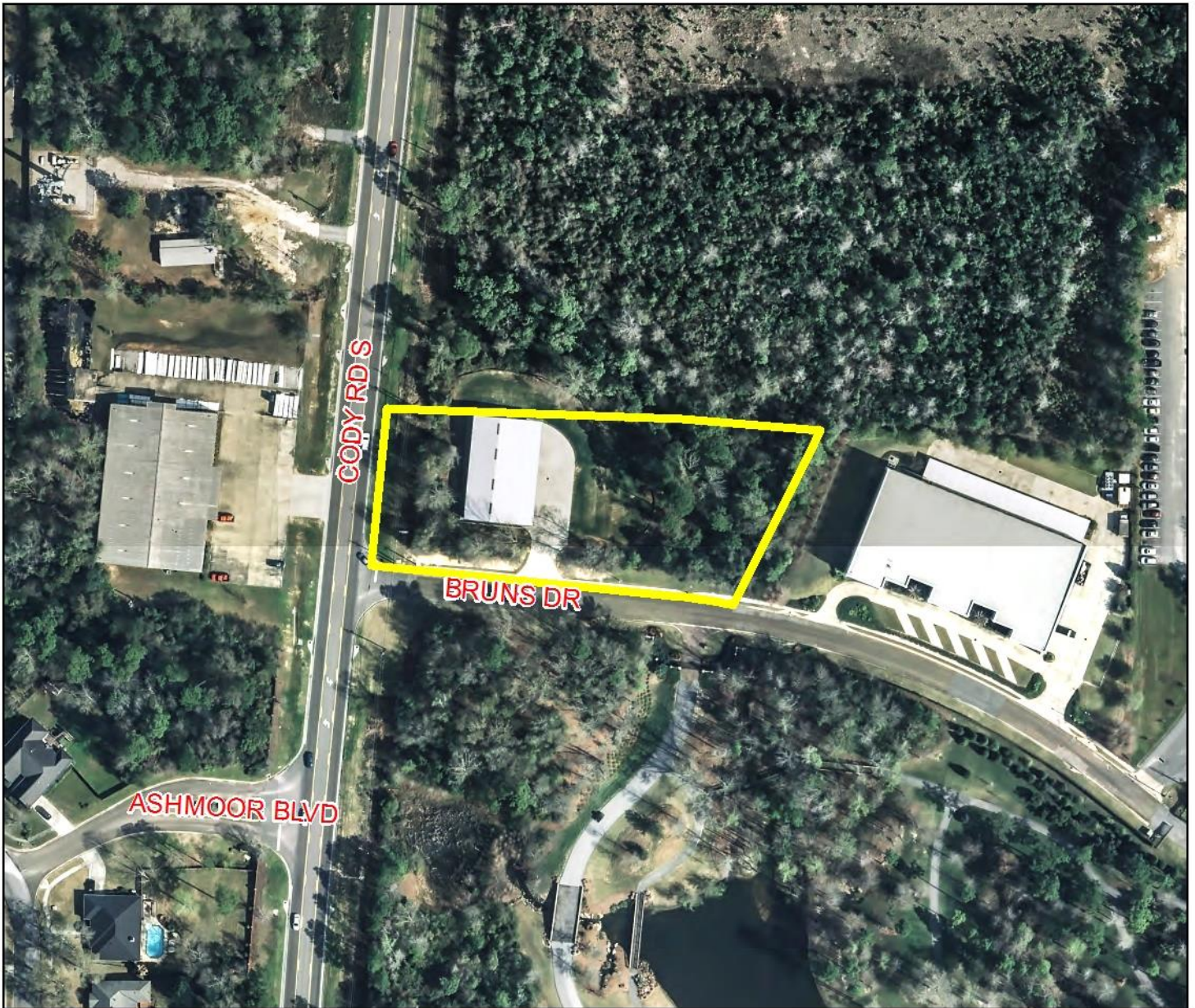
REQUEST Planning Approval, Sidewalk Waiver

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

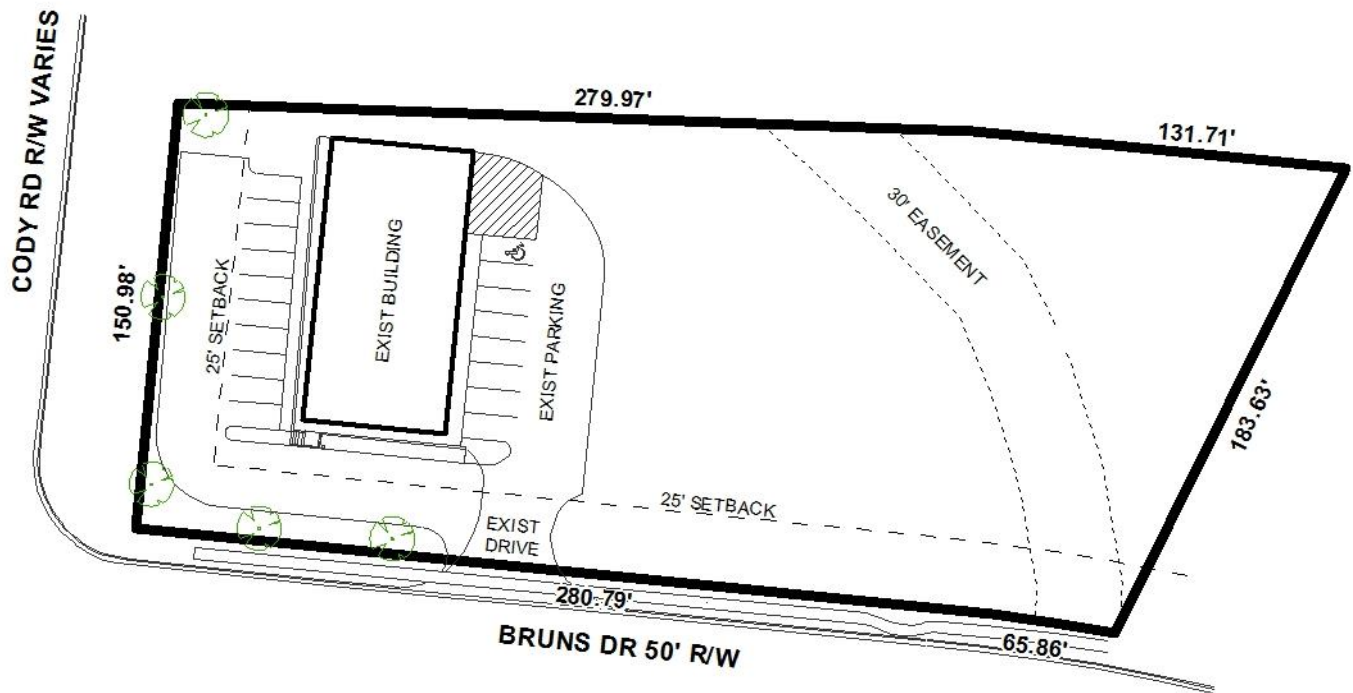


The site is surrounded by residential units to the west and commercial units to the east.

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# SITE PLAN



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

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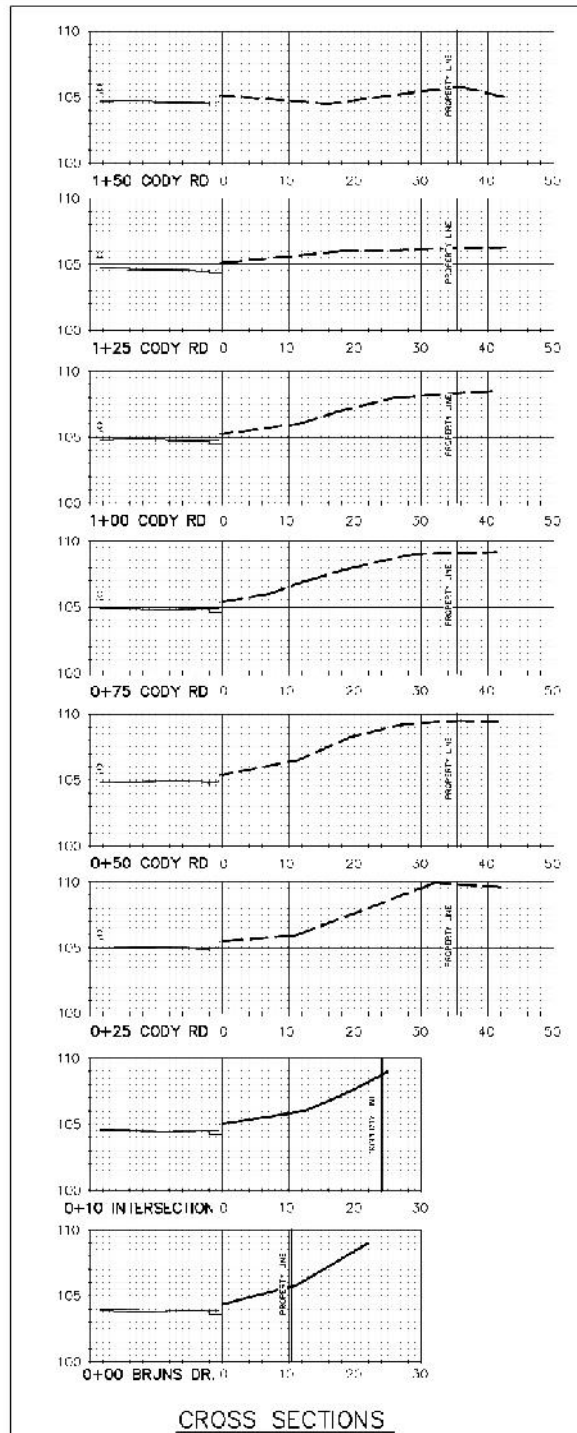
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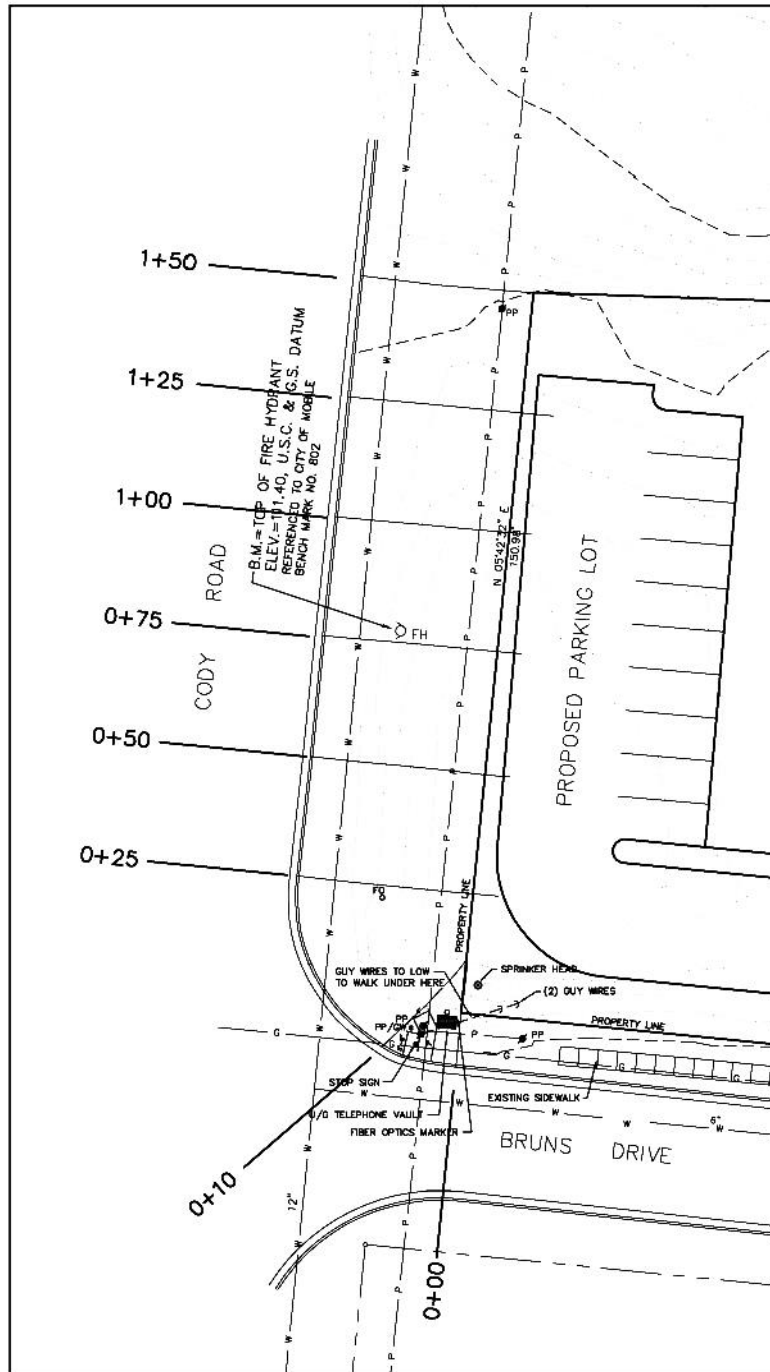
# DETAIL SITE PLAN



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# DETAIL SITE PLAN



TOPOGRAPHIC SURVEY

SCALE: 1" = 20'

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