

**ZONING AMENDMENT,
PLANNED UNIT DEVELOPMENT &
SUBDIVISION STAFF REPORT****Date: July 9, 2015****NAME**

Don Williams, Agent

SUBDIVISION NAME

La Belle Subdivision, Resubdivision & Addition to Lot 1

LOCATION5951 & 5955 Old Shell Road and 14 East Drive
(Southwest corner of Old Shell Road and East Drive)**CITY COUNCIL
DISTRICT**

District 6

CURRENT ZONINGR-1, Single-Family Residential District, and B-2,
Neighborhood Business District**PROPOSED ZONING**

B-2, Neighborhood Business District

AREA OF PROPERTY

1 Lots / 1.4± Acres

CONTEMPLATED USE

Subdivision approval to create 1 legal lot of record, Planned Unit Development Approval to allow multiple buildings on a single building site and shared access between two building sites, and Rezoning from R-1, Single-Family Residential District, and B-2, Neighborhood Business District, to B-2, Neighborhood Business District to eliminate split zoning in a proposed Subdivision and allow construction of a parking lot.

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.

**TIME SCHEDULE
FOR DEVELOPMENT**

No timeframe provided.

**ENGINEERING
COMMENTS**

Subdivision: The following comments should be addressed prior to submitting the FINAL PLAT for acceptance and 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. 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.
- C. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 20 - #73) the Lot will receive historical credit of impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control). Coordinate with City Engineering Department staff to establish the exact amount prior to the submittal of the Land Disturbance Permit application.
- D. 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.
- E. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of development, unless a sidewalk waiver is approved.
- F. Add a vicinity map.
- G. Revise the plat to label each lot with its size in acres and square feet, or the furnishing of a table on the Plat providing the same information.
- H. Provide a written legal description for the proposed subdivision and matching bearing and distance labels.
- I. Provide and label the monument set or found at each subdivision corner.
- J. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer.
- K. Provide the Surveyor's Certificate and Signature.
- L. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
- M. Provide an updated Plat to Engineering Dept. for review prior to submittal for City Engineer's signature.
- N. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.

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 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.

TRAFFIC ENGINEERING

COMMENTS

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

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 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)

The applicant is requesting Subdivision approval to create 1 legal lot of record, Planned Unit Development Approval to allow multiple buildings on a single building site and shared access between two building sites, and Rezoning from R-1, Single-Family Residential District, and B-2, Neighborhood Business District, to B-2, Neighborhood Business District to eliminate split zoning in a proposed Subdivision and allow construction of a parking lot.

The applicant proposes to create one (1) lot from two existing lots, and utilize the lot for two existing restaurants and associated parking, including the construction of an additional parking area and a new entrance to the site from East Drive. It should be noted the subject site received the same approvals at the Planning Commission's December 15, 2011 meeting, with a 1-year extension granted at the Planning Commission's February 7, 2013 meeting, and again at the Planning Commission's June 19, 2014 meeting although without access to East Drive. All previous approvals have expired as a result of the Subdivision not being recorded in Probate Court, not completing the rezoning process, and no permits obtained to comply with the previous conditions of approval.

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.

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.

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 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 applicant states that the subdivision of land, combining the existing residentially-zoned lot with the existing developed commercially-zoned property makes the reclassification of the residential site necessary and desirable. The proposed subdivision will create a split-zoned condition, thus the applicant desires to eliminate the split-zoning condition.

The applications at hand are the result of the property owner being cited in April 2008 for unpermitted use of a residential site for commercial parking, unpermitted fence construction, and unpermitted gravel surfacing of the site. After several appearances in the City's Environmental Court, the applicant took steps to obtain legitimate approval of the commercial use of the residential property, and subsequently let those approvals expire.

The site is bounded to the North by Old Shell Road and the University of South Alabama campus, to the East by East Drive and a tire store in a B-2 district, and residences in an R-1 district, to the South by residences and vacant land in an R-1 district, and to the West by a fraternity house in an R-1 district and vacant land in an R-3 district.

The site has frontage on Old Shell Road, a proposed major street, and East Drive, a minor street. Both streets appear to have compliant right-of-ways, thus no additional dedication will be required.

The applicant proposes to develop the residentially-zoned portion of the site to include paved parking, trees, landscaping and an additional entrance for the development from East Drive. Currently, the site does not have access to East Drive, thus all traffic associated with the restaurants enters and exits the site via curb-cuts onto Old Shell Road. Access to East Drive will afford access to and from Old Shell Road via an intersection with a traffic signal. As designed, however, the curb-cut to East Drive will be angled, creating an awkward turning angle for vehicles entering the site from southbound East Drive. It should be noted that a large oak tree in the proximity of the proposed curb-cut is the reason for the proposed design.

While the applicant is requesting almost identical approvals as were granted to the site previously, it should be noted that it has been 7 years since the initial ticket, and recent changes in the area make approval of the current request less desirable. In 2014, an application for a project on the same street brought forth concern from several citizens in the neighborhood about the amount of increased traffic on East Drive. The current proposal would have longer hours of operation, and greater intensity than the other project which resulted in neighborhood concerns. In addition the current proposal would result in further increased traffic, including delivery trucks, garbage trucks and restaurant patrons, on East Drive with customers using the newly proposed curb-cut on East Drive, as well as increasing light penetration of vehicle headlights, required lighting of the parking lot, and the proximity of vehicle to adjacent residences. Also, the current proposal is much closer to the East Drive and Old Shell Road intersection than the other project which raised so much concern in the neighborhood, therefore the likelihood of increasing traffic congestion at the intersection could be much more problematic. As a response to these concerns, the applicant revised the site plan in 2014 removing the proposed access to East Drive, and such access should be denied with this application as well.

Access to the new parking area from the existing parking area will be via a 24-foot wide driveway that will extend between two existing parking spaces. As no curbing or radius is provided for the driveway, cars parked in the existing parking spaces will likely be at high risk for damage by other vehicles, including delivery trucks, which will inevitably choose to enter or exit via the East Drive curb-cut. Staff recommends that the two abutting parking spaces be eliminated and replaced with curbed planting islands.

A sidewalk along East Drive is not depicted where the new parking area is proposed. As the site is commercial, a sidewalk waiver request must be submitted to the Planning Commission for consideration, or a sidewalk must be provided.

Finally, parking areas with more than 10 spaces and that are used at night must be illuminated. Any existing and any new lighting must comply with the Zoning Ordinance requirements, including the provision that “lighting facilities used to illuminate signs, parking areas, or for other purposes shall be so arranged that the source of light does not shine directly into adjacent residence properties or into traffic.” The applicant must submit information regarding new parking area lighting fixtures (including photometrics), indicate the locations on the site plan, and submit information regarding how any existing site lighting will be modified to comply with the requirements of Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance. The site plan illustrates proposed 36-inch high shrubs along the existing 6-foot high privacy fence along the rear of the residential properties on East Drive to better shield car headlights.

The existing dumpsters do not meet the 10-foot setback requirement for commercial sites abutting residentially zoned properties. While an appropriate dumpster enclosure is proposed, there appears to be sufficient room to relocate the dumpsters and the proposed enclosure to meet all setback requirements. In 2014, the applicant submitted a site plan illustrating the non-compliant dumpsters relocated 15’ away from the adjacent residentially zoned properties. It should be noted that relocation of dumpsters will require sanitary sewer connections.

The current restaurants share the existing parking, and the site currently requires 62 parking spaces (staff measurements, including outdoor seating areas), however, only 60 are provided as two were removed when a concrete driveway apron was constructed without permits to the R-1 property. The proposed additional parking will only add 11 parking spaces to the overall site. Elimination of the unpermitted access would allow the restaurants to comply with the minimum parking requirements, and allow the R-1 site to be utilized for a residence (a permit for a single-family residence was issued by the Urban Development Department in 2004, however, the house was never constructed).

It should also be pointed out that when the original site was rezoned in 2001, one of the conditions was “denial of access to East Drive and the elimination of the existing curb cut to East drive with the installation of city standard curb and gutter and appropriate fill.” The request at hand will circumvent the denial of access to East Drive if approved by the Planning Commission. However, the existing Zoning conditions also include the requirement of a 15-foot wide vegetative buffer and 6 foot high wooden privacy fence between where the site abuts residentially zoned property, and the proposed new parking area is illustrated as providing this same protection.

Finally, there was an unpermitted addition to the Picklefish building after the initial PUD approval in 2011, which is not reflected on the submitted site plan. A condition of approval in 2014 was the obtaining of a demolition permit for this unpermitted structure, which has not been obtained.

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

- 1) the lot is limited to two curb-cuts to Old Shell Road, with the size, design, and location to be approved by Planning, Urban Forestry and Traffic Engineering, and to comply with AASHTO standards;
- 2) placement of a note on the Final Plat stating the site is denied access to East Drive;
- 3) illustration of the 25' minimum building setback line along all frontages;
- 4) placement of a note stating the lot size in square feet and acres;
- 5) provision of a sidewalk along East Drive or successful application for a sidewalk waiver;
- 6) compliance with Engineering comments (*The following comments should be addressed prior to submitting the FINAL PLAT for acceptance and 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. 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. C. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 20 - #73) the Lot will receive historical credit of impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control). Coordinate with City Engineering Department staff to establish the exact amount prior to the submittal of the Land Disturbance Permit application. D. 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. E. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of development, unless a sidewalk waiver is approved. F. Add a vicinity map. G. Revise the plat to label each lot with its size in acres and square feet, or the furnishing of a table on the Plat providing the same information. H. Provide a written legal description for the proposed subdivision and matching bearing and distance labels. I. Provide and label the monument set or found at each subdivision corner. J. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer. K. Provide the Surveyor's Certificate and Signature. L. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. M. Provide an updated Plat to Engineering Dept. for review prior to submittal for City Engineer's signature. N. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.);
- 7) compliance with 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).);*
- 8) compliance with revised Traffic Engineering comments: (*Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO*

standards. Any 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.);

- 9) compliance with 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).; and
- 10) provision of a revised PUD site plan prior to the signing of the Final Plat.

Planned Unit Development: The request is recommended for Approval subject to the following conditions:

- 1) revision of the site plan to remove access to East Drive;
- 2) all site lighting to comply with Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance, and the applicant must submit documentation regarding lighting compliance, including the physical location of new lighting on the property and a photometric plan of the lighting;
- 3) compliance with revised Traffic Engineering comments: *"Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Any 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.";*
- 4) obtaining a demolition permit for the unpermitted structure at the rear of the Picklefish building;
- 5) revision of the site plan to illustrate a sidewalk along and East Drive, or a successful sidewalk waiver application;
- 6) compliance with 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 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.);*
- 7) provision of a revised PUD site plan prior to the signing of the Final Plat; and
- 8) full compliance with all other municipal codes and ordinances.

Rezoning: The rezoning request is recommended for Approval subject to the following conditions:

- 1) access to East Drive is denied;
- 2) limited to an approved Planned Unit Development; and,
- 3) full compliance with all other municipal codes and ordinances.

LOCATOR MAP



APPLICATION NUMBER 16 DATE July 9, 2015
APPLICANT La Belle Subdivision, Resubdivision & Addition to Lot 1
REQUEST Subdivision, PUD, Rezoning from R-1 and B-2 to B-2



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units. A tire service lies east of the site.

APPLICATION NUMBER 16 DATE July 9, 2015
 APPLICANT La Belle Subdivision, Resubdivision & Addition to Lot 1
 REQUEST Subdivision, PUD, Rezoning from R-1 and B-2 to B-2

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|-----|-----|------|-----|-----|------|-------|------|
| 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

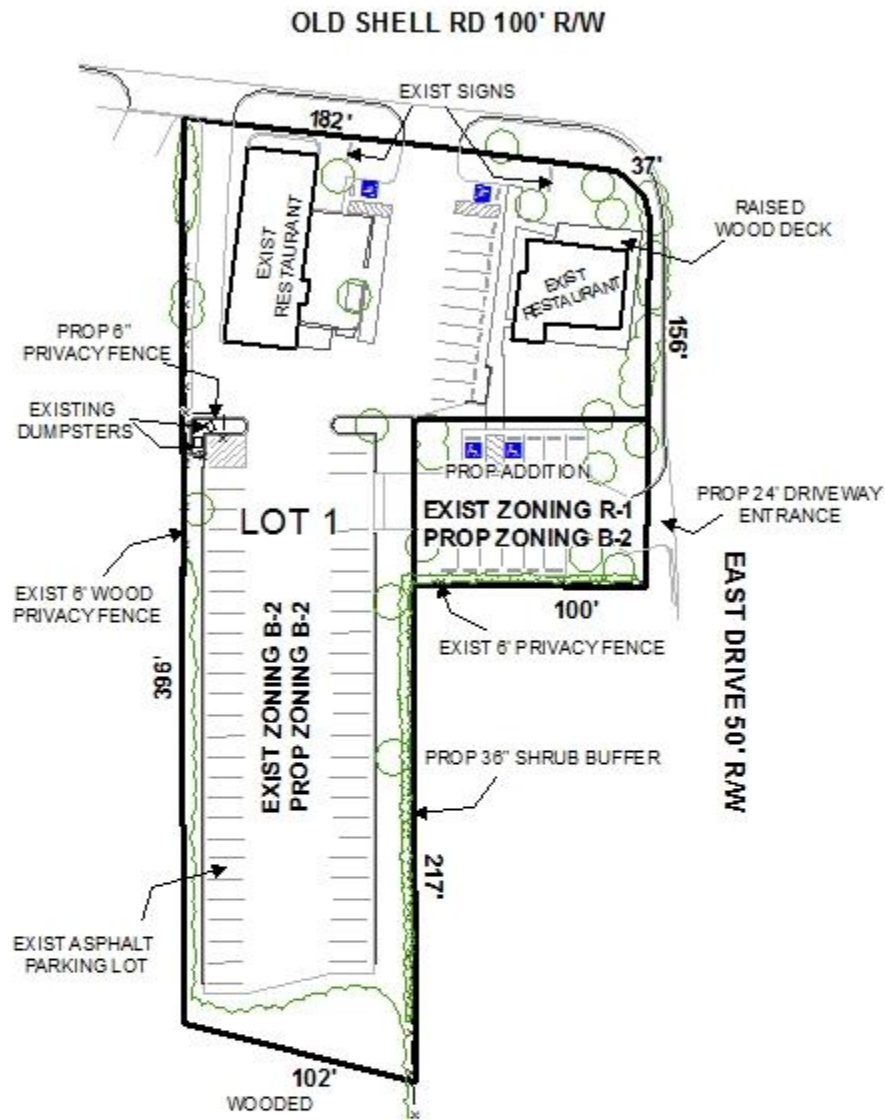


The site is surrounded by residential units. A tire service lies east of the site.

APPLICATION NUMBER 16 DATE July 9, 2015
APPLICANT La Belle Subdivision, Resubdivision & Addition to Lot 1
REQUEST Subdivision, PUD, Rezoning from R-1 and B-2 to B-2



SITE PLAN

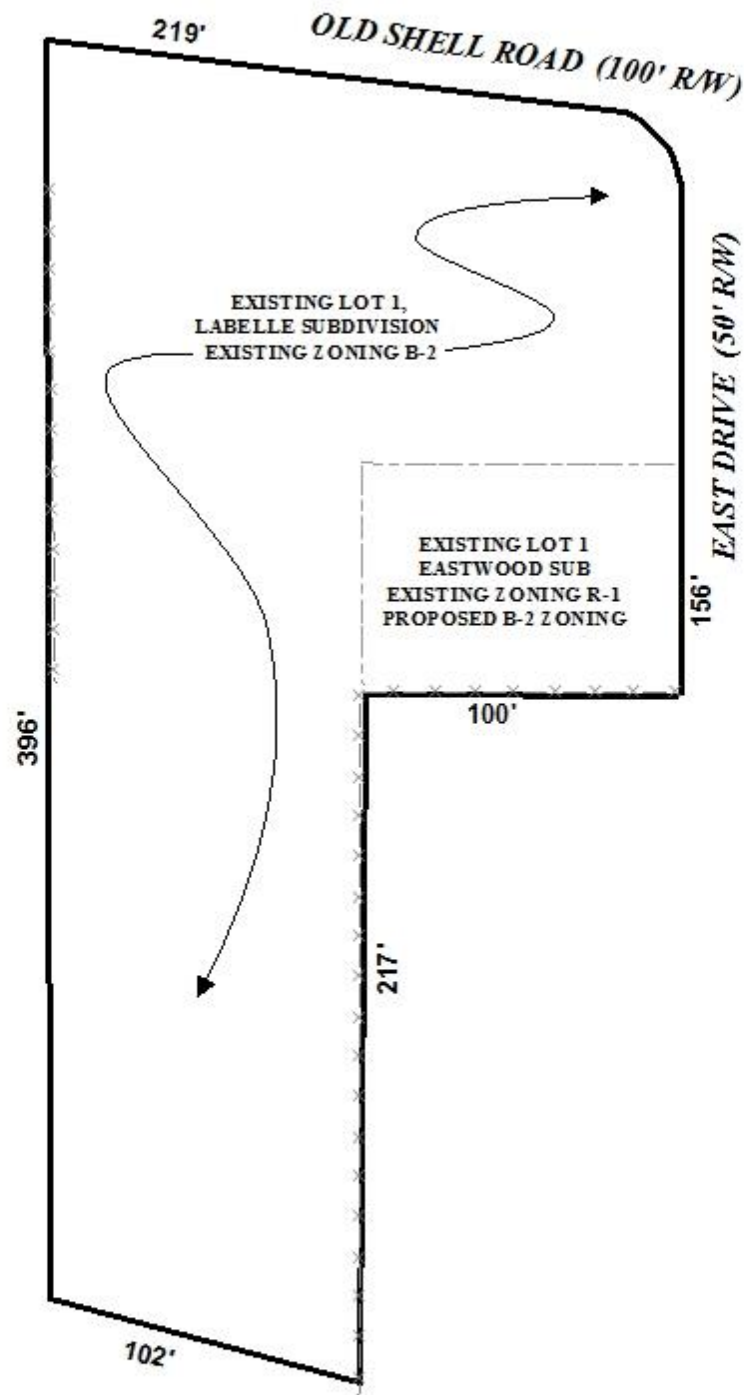


The site plan illustrates the existing restaurants, parking, and the proposed addition and parking.

APPLICATION NUMBER 16 DATE July 9, 2015
 APPLICANT La Belle Subdivision, Resubdivision & Addition to Lot 1
 REQUEST Subdivision, PUD, Rezoning from R-1 and B-2 to B-2



SUBDIVISION AND ZONING DETAIL



APPLICATION NUMBER 8, 9 & 10 DATE June 19, 2014

APPLICANT Don Williams

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

