

**ZONING AMENDMENT &  
SUBDIVISION STAFF REPORT****Date: September 7, 2017**

<b><u>NAME</u></b>	Liberation Properties LLC
<b><u>SUBDIVISION NAME</u></b>	Bucknell Subdivision
<b><u>LOCATION</u></b>	7681 Old Shell Road and 7660 Monk Avenue (Area bounded by Old Shell Road, Monk Avenue, Alverson Road North and Harding Boulevard)
<b><u>CITY COUNCIL DISTRICT</u></b>	District 7
<b><u>PRESENT ZONING</u></b>	R-1, Single-Family District
<b><u>PROPOSED ZONING</u></b>	B-3, Community Business District
<b><u>REASON FOR REZONING</u></b>	To allow the construction of a medical office and a coffee shop.
<b><u>AREA OF PROPERTY</u></b>	1 Lot / 1.5 $\pm$ Acre
<b><u>CONTEMPLATED USE</u></b>	Subdivision approval to create 1 lot and Rezoning from R-1, Single Family District to B-3, Community Business District, to allow the construction of a medical office and coffee shop. <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>
<b><u>TIME SCHEDULE</u></b>	None given.

**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. Complete the ROW Vacation process for Harding Boulevard, 4<sup>th</sup> Ave, and the Unnamed 40' ROW.
- B. 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.
- C. Add a note to the plat stating that all easements shall remain in effect until vacated through the proper process.
- D. Provide a written legal description and matching bearing and distance labels for the proposed subdivision.
- E. Provide and label the monument set or found at each subdivision corner.
- F. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer.
- G. Provide the Surveyor's Certificate and Signature.
- H. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
- I. Show the recording information for the vacated ROW.
- J. 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.
- K. 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.
- L. 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.
- M. Provide a copy of the FINAL SUBDIVISION PLAT to the Engineering Dept. for review. No signatures are required on this drawing.
- N. 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.

**Rezoning:** 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**

Site is limited on one curb cut to Old Shell Road and one curb to Monk Avenue with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Site is denied access to Alverson Road. 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 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)

## **REMARKS**

The applicant is requesting Subdivision approval to create 1 lot and Rezoning from an R-1, Single Family Residential District to a B-3, Community Business District, to allow the construction of a medical office and a coffee shop.

The purpose of the subdivision application is to create one (1) legal lot of record from six (6) legal lots and two (2) metes-and-bounds parcels, and to-be-vacated right-of-way, so that the lot may be used for a commercial development.

The site has been given a District Center (DC) 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 designation applies across the city to larger areas of existing mixed-use character or where such character is encouraged. These areas will include moderate to high-density residential (minimum densities of 6 du/ac) in dynamic, horizontal or vertical mixed use environments, to provide a balance of housing and employment.

District Centers generally serve several surrounding neighborhoods and may even have a city-wide or region-wide reach. As such, they are often anchored by a major commercial or institutional employer such as a shopping mall or a medical center.

Depending on location and assigned zoning, residential areas in District Centers may incorporate a mix of housing types, ranging from mid-rise multifamily buildings containing apartments and lofts, to townhouses and detached single-family homes. Major civic cultural institutions and public spaces provide regional and neighborhood destinations.

District Centers should be designed to induce pedestrian activity, with high quality streetscapes connecting the different components of a center as well as the center to its surrounding area. DC districts may be served by transit and include development of an intensity and design that supports transit use.

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.

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.

Regarding the Subdivision request, the applicant proposes to create one (1) legal lot from two (2) metes and bounds parcel and six (6) legal lots of record and to-be-vacated right-of-way. (Vacation application has been submitted to City Council). Seven (7) of the eight (8) properties are currently vacant.

The proposed Lot A fronts Old Shell Road, Alverson Road North, Monk Avenue and Harding Boulevard. It should be noted that Harding Boulevard is illustrated on the preliminary plat as “Not Open” and “To Be Vacated”. Old Shell Road is a major street on the Major Street Plan that requires a minimum right-of-way width of 100’. The preliminary plat does not provide the existing right-of-way width for Old Shell Road. The minimum existing right-of-way width should be shown on the plat. Dedication to provide 50’ from the centerline is depicted on the preliminary plat and, if approved, should be retained on the Final Plat. Alverson Road North is a minor street requiring a 50’ right-of-way width. Monk Avenue is also a minor street requiring a 50’ right-of-way width however a 40’ right-of-way width is illustrated on the preliminary plat. Dedication to provide 25’ from the centerline is proposed and, if approved, should be retained on the Final Plat.

The lot size is labeled in both square feet and acres on the preliminary plat, and should be retained on the Final Plat, if approved.

The 25' minimum building setback line is depicted along Old Shell Road, Alverson Road North, and Monk Avenue, and should be retained on the Final Plat, if approved.

Regarding the request for rezoning, the applicant proposes to rezone proposed of Lot A from its current R-1, Single-Family Residential district to a B-3, Community Business district, to construct a medical office and coffee shop.

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 the amendment to the Zoning Ordinance is due to there being a manifest error. The applicant states:

*“..This area was annexed into the City approximately 8 years ago and at that time a B-3 Zoning should have been assigned to this property. Property on the North side of Old Shell Road is zoned B-3 and the property on the Southside of Monk Avenue is zoned B-3. Clearly this area is intended to consist of businesses compatible with B-3 zoning. With the existing businesses in the area, a change in zoning classification of this property will not have an adverse effect on the neighborhood.”*

The rezoning site is bounded to the North, East, and South by a commercial uses in B-3, Community Business districts and to the West by property that is zoned R-1, Single-Family Residential but utilized by a church facility.

It should be noted that the proposed uses would be allowed in an LB-2, Limited Neighborhood Business District.

The proposed layout for development depicts a multi-tenant space. The applicant is proposing a 2,500 square foot coffee shop with a drive-through as well as a proposed 5,500 office building. 52 parking spaces have been provided on site with compliant 24' access aisles. Only two curb cuts have been provided on site, one to Monk Avenue and one to Old Shell Road.

The site plan submitted provides tree and landscape calculations. A site plan depicting full tree planting and landscaping requirements per Section 64-4.E of the Zoning Ordinance will also be required at the time of submission for building permits.

A dumpster with an enclosure is depicted on the site plan. If approved, dumpster placement must comply with Section 64-4.D.9. of the Zoning Ordinance.

A 4' sidewalk is shown on the site plan along Old Shell Road, Alverson Road North, and Monk Avenue.

## **RECOMMENDATION**

**Subdivision:** Based upon the preceding, the Subdivision request is recommended for Tentative Approval, subject to the following conditions:

- 1) Retention of the 25-foot minimum building setback line along all street frontages;
- 2) Retention of 60' right-of-way width to Alverson Road North;
- 3) Depiction of minimum right-of-way width along Old Shell Road;
- 4) Dedication to provide 50' from the centerline of Old Shell Road;
- 5) Dedication to provide 25' from the centerline of Monk Avenue;
- 6) Retention of the lot sizes in square feet and acres;
- 7) Compliance with Engineering comments (*FINAL PLAT COMMENTS* (should be addressed prior to submitting the FINAL PLAT for review and/or signature by the City Engineer): A. Complete the ROW Vacation process for Harding Boulevard, 4<sup>th</sup> Ave, and the Unnamed 40' ROW. B. 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. C. Add a note to the plat stating that all easements shall remain in effect until vacated through the proper process. D. Provide a written legal description and matching bearing and distance labels for the proposed subdivision. E. Provide and label the monument set or found at each subdivision corner. F. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer. G. Provide the Surveyor's Certificate and Signature. H. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. I. Show the recording information for the vacated ROW. J. 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. K. 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. L. 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. M. Provide a copy of the FINAL SUBDIVISION PLAT to the Engineering

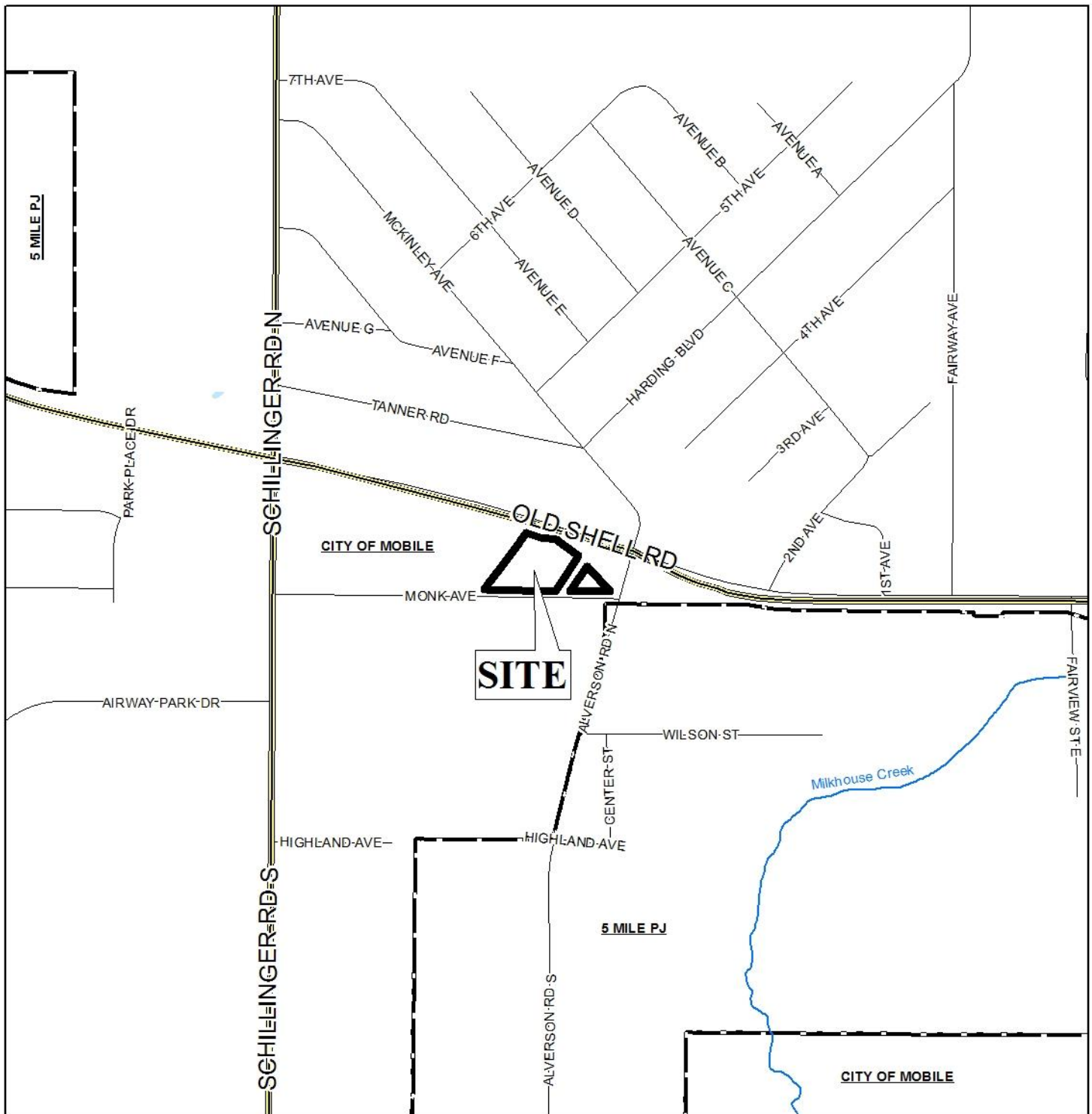
*Dept. for review. No signatures are required on this drawing. N. After addressing all of the FINAL SUBDIVISION PLAT review comments by the Engineering Dept. provide the ORIGINAL (with all other signatures) and one (1) copy (signatures not required) of the revised Final Plat to the Engineering Department.);*

- 8) Compliance with Traffic Engineering comments: *“(Site is limited on one curb cut to Old Shell Road and one curb to Monk Avenue with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Site is denied access to Alverson Road. 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 2015-116 and City Code Chapters 57 and 64).”;*
- 10) Compliance with Fire 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) ); and*
- 11) Completion of the Subdivision process prior to any requests for land disturbance or new construction.

**Rezoning:** Based upon the preceding, the Rezoning request is recommended for approval as **LB-2, Limited Neighborhood Business**, subject to the following conditions:

- 1) Completion of the Subdivision process; and
- 2) Full compliance with all municipal codes and ordinances.

# LOCATOR MAP



APPLICATION NUMBER 17 DATE September 7, 2017

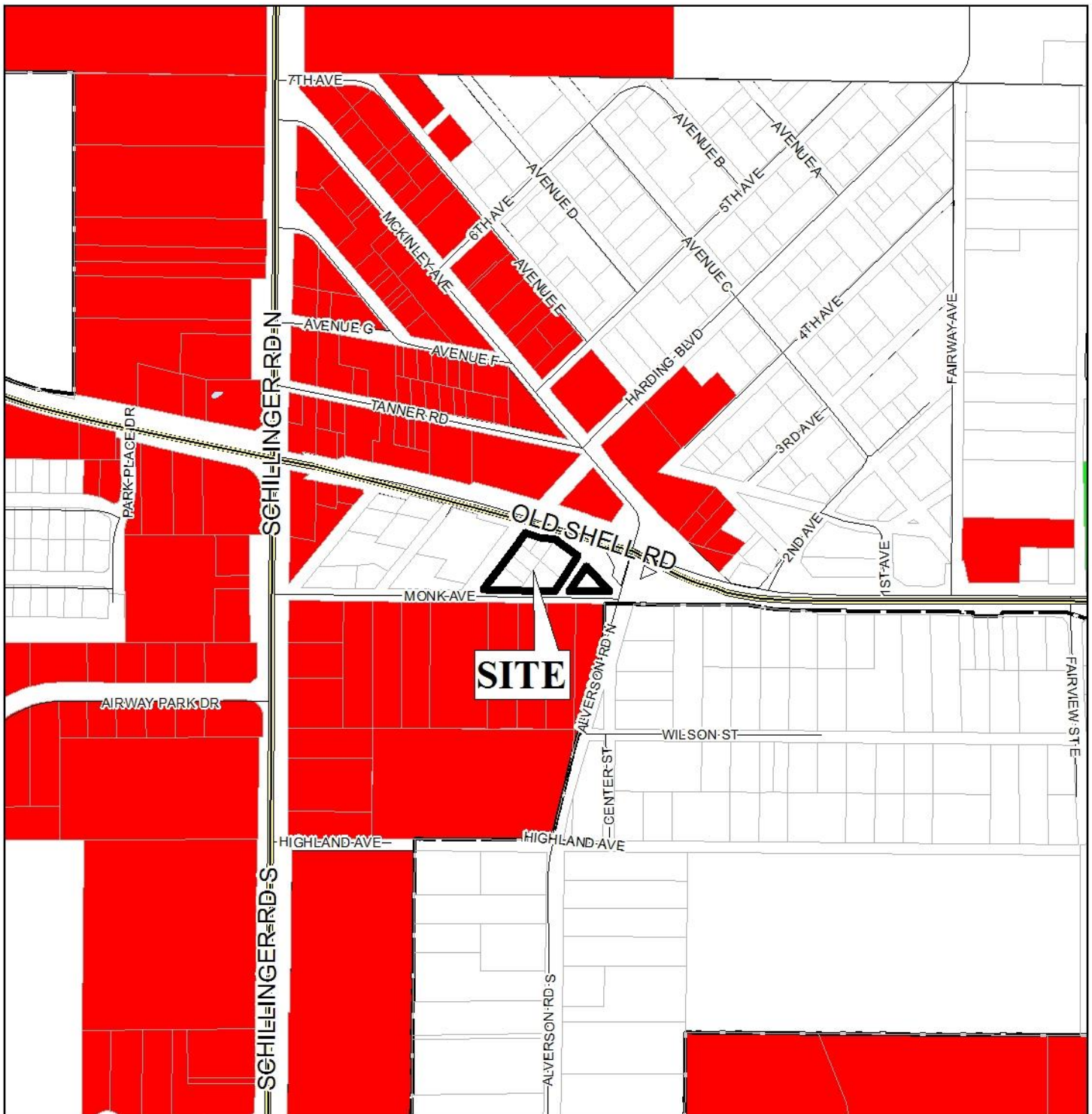
APPLICANT Bucknell Subdivision

REQUEST Subdivision, Rezoning from R-1 to B-3





# LOCATOR ZONING MAP



APPLICATION NUMBER 17 DATE September 7, 2017

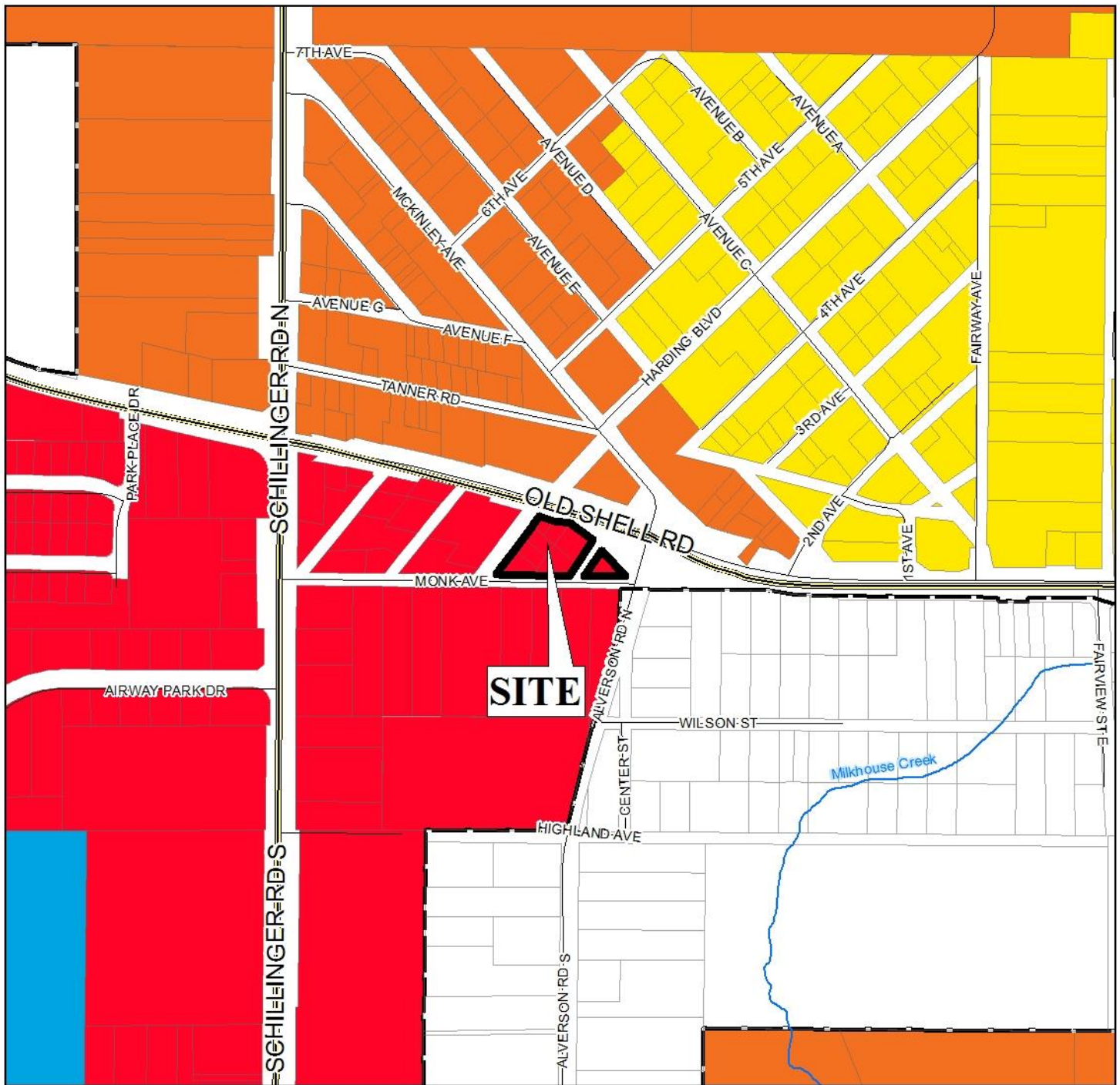
APPLICANT Bucknell Subdivision

REQUEST Subdivision, Rezoning from R-1 to B-3



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# FLUM LOCATOR MAP



APPLICATION NUMBER 17 DATE September 7, 2017

APPLICANT Bucknell Subdivision

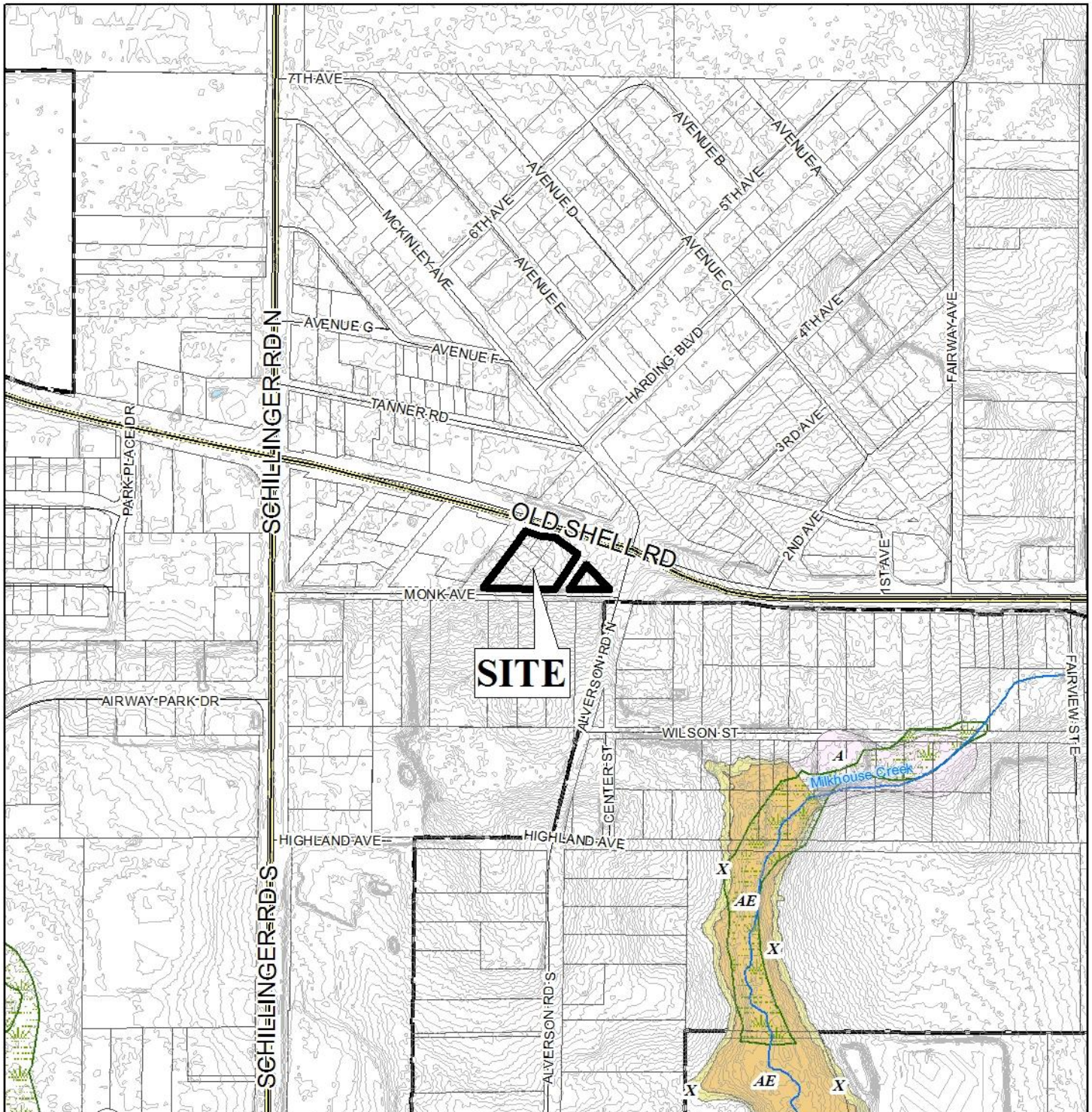
REQUEST Subdivision, Rezoning from R-1 to B-3

Low Density Residential	Neighborhood Center- Traditional	Downtown Waterfront	Water Dependent
Mixed Density Residential	Traditional Corridor	Light Industry	Parks & Open Space
Downtown	Neighborhood Center- Suburban	Heavy Industry	
District Center	Mixed Commercial Corridor	Institutional	





# ENVIRONMENTAL LOCATOR MAP



APPLICATION NUMBER 17 DATE September 7, 2017

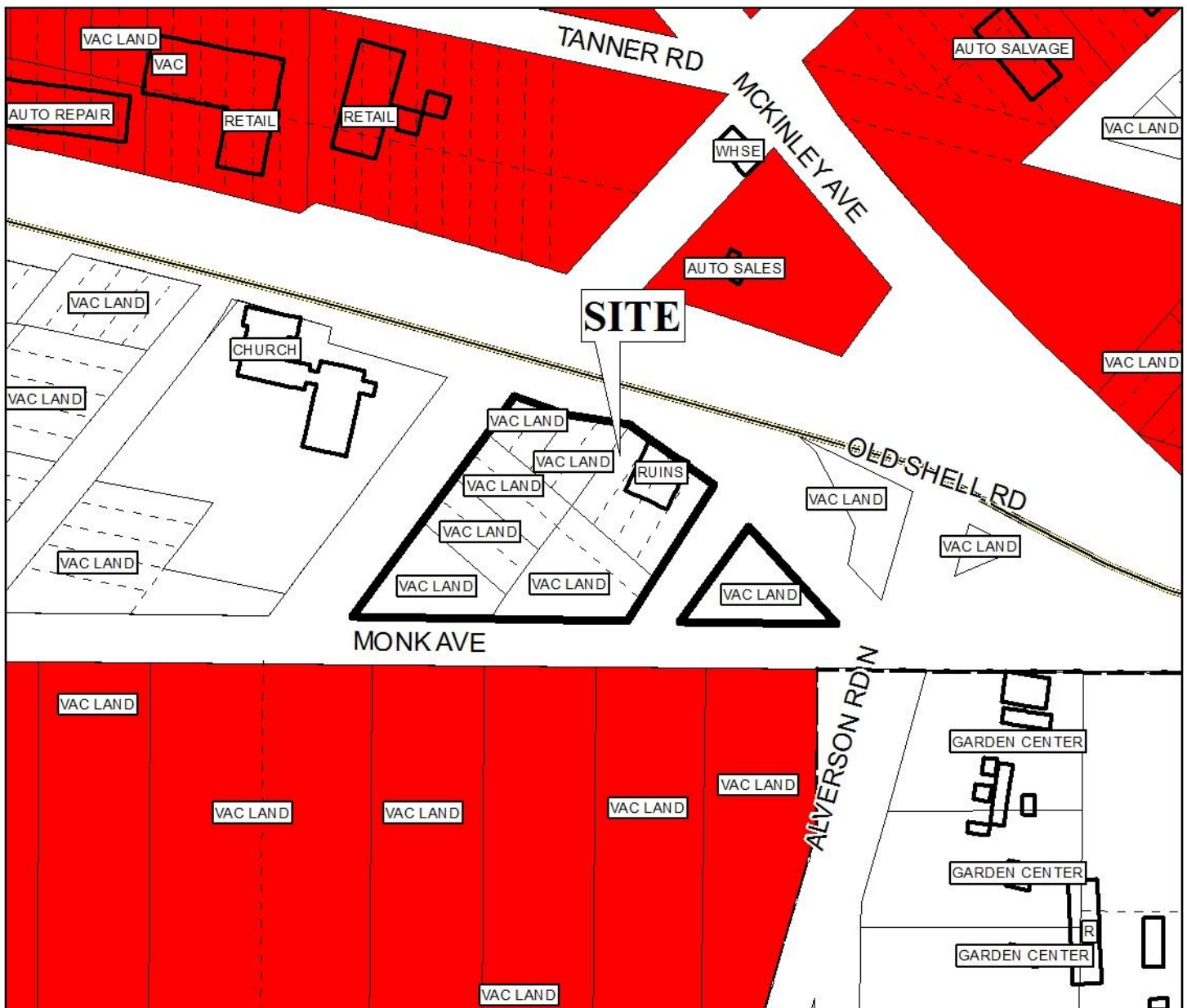
APPLICANT Bucknell Subdivision

REQUEST Subdivision, Rezoning from R-1 to B-3





# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units. A church is located to the west.

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APPLICANT Bucknell Subdivision

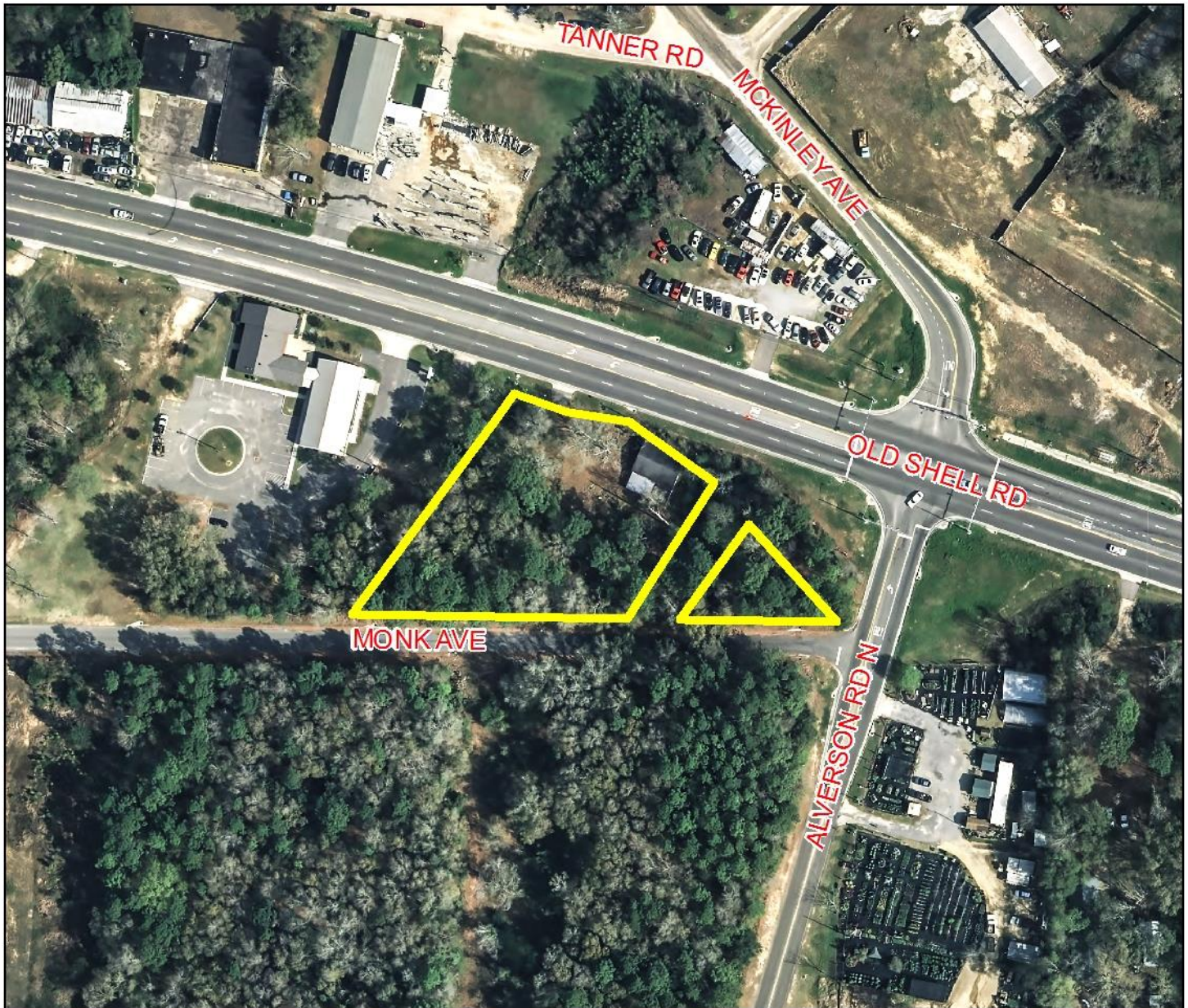
REQUEST Subdivision, Rezoning from R-1 to B-3

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



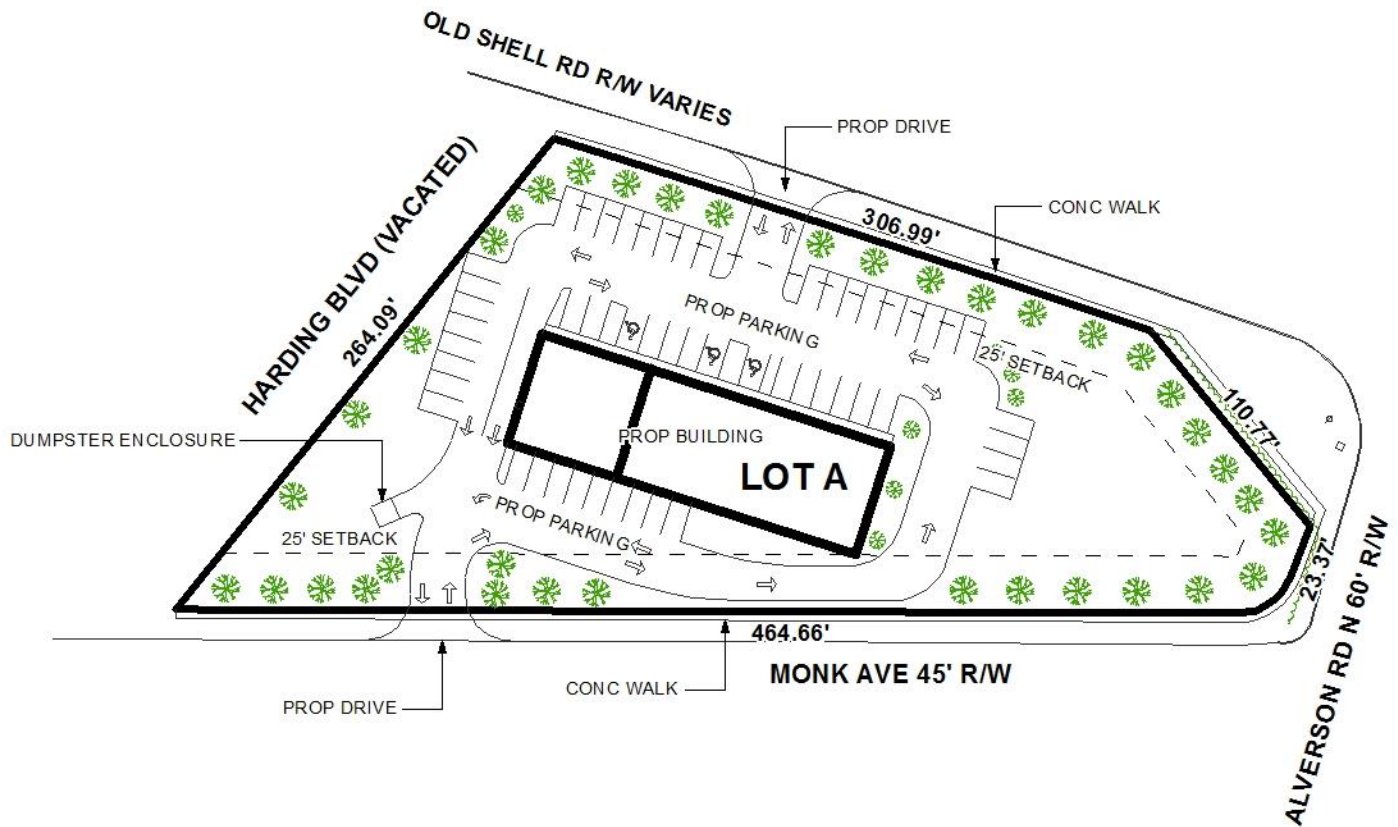
The site is surrounded by commercial units. A church is located to the west.

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 APPLICANT Bucknell Subdivision  
 REQUEST Subdivision, Rezoning from R-1 to B-3





# SITE PLAN



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

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APPLICANT Bucknell Subdivision

REQUEST Subdivision, Rezoning from R-1 to B-3



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