

**AMENDMENT TO REGULATING PLAN  
& SUBDIVISION STAFF REPORT****Date: June 15, 2017**

<b><u>NAME</u></b>	Jeffrey Quinnelly
<b><u>SUBDIVISION NAME</u></b>	North McGregor Subdivision, Quinnelly-Hale Addition to
<b><u>LOCATION</u></b>	406 & 456 North McGregor Avenue and 3772 & 3774 Sheips Lane (Northeast corner of North McGregor Avenue and Sheips Lane).
<b><u>CITY COUNCIL DISTRICT</u></b>	District 7
<b><u>PRESENT ZONING</u></b>	Neighborhood Center and Neighborhood General
<b><u>PROPOSED ZONING</u></b>	Village Center
<b><u>AREA OF PROPERTY</u></b>	1 Lot/ 1.0± Acres
<b><u>CONTEMPLATED USE</u></b>	<p>Subdivision to create one legal lot of record from five legal lots of record, and an amendment to the Village of Spring Hill Regulating Plan to change the regulating sub-districts from Neighborhood Center and Neighborhood General to Village Center.</p> <p><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></p>
<b><u>REASON FOR REZONING</u></b>	Applicant is requesting the amendment to the regulating plan to incorporate the entire property into the Village of Spring Hill Regulating Plan under a single sub-district.
<b><u>TIME SCHEDULE FOR DEVELOPMENT</u></b>	None Provided
<b><u>ENGINEERING COMMENTS</u></b>	<p><b>Subdivision:</b> <u>FINAL PLAT COMMENTS</u> (should be addressed prior to submitting the FINAL PLAT for review and/or signature by the City Engineer):</p>

- 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. Provide the recording data for the vacated ROW.
- C. Show and label all flood zones.
- D. Show and label the MFFE (Minimum Finished Floor Elevation) on each lot that contains an AE, V, or X (shaded) flood zone designation.
- E. Revise the year listed in the NOTARY PUBLIC and APPROVAL signature blocks.
- F. Revise the signature block from "CITY ENGINEERING DEPARTMENT" to "CITY ENGINEER".
- G. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
- H. Revise NOTE #11 to read "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".
- I. Remove NOTE #14. The County Engineer no longer signs plats within the municipal limits of the City of Mobile.
- 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 and one (1) copy of the revised Final Plat with all of the required signatures including Owner's (notarized), Planning Commission, and Traffic Engineering signatures.

**Amendment to the Regulating Plan:** No Comments

## **TRAFFIC ENGINEERING**

### **COMMENTS**

Lot is limited to one curb cut per street frontage, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. With the addition of access to Sheips Lane the previously approved driveway on North McGregor Avenue should be considered one-way based on its constructed width. The proposed driveways on Sheips Lane should be combined to one driveway that meets City standards for two-way traffic. 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. Site plan does not illustrate a proposed dumpster on site. Improvements illustrated on North McGregor Avenue regarding the permanent striping are anticipated to be completed by an upcoming City resurfacing project and Traffic Engineering will assist with appropriate layout of on-street parking.

## **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 one legal lot of record from five legal lots of record, and an amendment to the Village of Spring Hill Regulating Plan to change the regulating sub-districts from Neighborhood Center and Neighborhood General to Village Center.

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

The site fronts North McGregor Avenue, a minor arterial street, per the Major Street Plan, and Sheips Lane, a minor street with curb and gutter, and therefore should have a 50' wide right-of-way. The right-of-way along North McGregor Avenue is depicted as varying, therefore, if approved the site plan should be revised to depict the minimum existing right-of-way. Sheips Lane is shown to have an existing sufficient right-of-way, therefore dedication should not be required. Dedication of the corner radii at the intersection of North McGregor Avenue and Sheips Lane should be provided per Section V.D.6. of the Subdivision Regulations, if approved.

The site is located within the Village of Spring Hill and partially within the Traditional Center District Regulating Plan. One of the existing lots is currently in the Neighborhood Center sub-district, one existing lot is in the Neighborhood General sub-district, and the remaining three lots are not within a specified district in the Village of Spring Hill Regulating Plan. The applicant proposes to have all lots combined into a single lot of record and classified as a Village Center sub-district in the Village of Spring Hill Regulating Plan.

It should be noted that uses allowed in a Village Center sub-district are regulated by the underlying zoning district. The applicant is developing the Northernmost lot of the proposed site as a retail business which is a use allowed under the existing Neighborhood Center sub-district, as uses permitted in T-B, Transitional Business Districts are allowed by right. Based on the site plan submitted with the amendment to the regulating plan application, it appears that it is the applicant's intent to develop the entire site as a commercial development (although no specific use is mentioned), therefore either the Village Center sub-district may not be the most appropriate sub-district for the site, or the applicant will need to apply for a rezoning of the site. It should also be noted that the Northernmost lot under development most recently received a variance at the Board of Zoning Adjustment's June 7, 2013 meeting to allow a sub-standard driveway for two-way traffic. The proposed site plan shows modifications to the site plan approved with the variance. As variances are site plan specific, the applicant may be required to bring the site back to the Board of Zoning Adjustment to amend the previously approved site plan if the applicant wishes the driveway to continue to serve as previously proposed.

Staff met with the applicant, as well as his attorney, on April 28, 2017 to discuss the request at hand. The application does not appear to reflect many of staff's comments from that meeting.

The site is bounded to the North by B-2, Neighborhood Business District within the Neighborhood Center sub-district; to the East by R-1, Single-Family Residential District located outside of any specific district of the Village of Spring Hill Traditional Center District Regulating Plan; to the South by R-1, Single-Family Residential District in both the Neighborhood General sub-district and located outside of the Village of Spring Hill Traditional Center District Regulating Plan; and West by properties zoned B-2, Neighborhood Business District within the Neighborhood Center sub-district and R-1, Single-Family Residential District in the Neighborhood General sub-district.

The site has been given a Low Density Residential (LDR) 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 to existing residential neighborhoods found mostly West of the Beltline or immediately adjacent to the East side of the Beltline.

The primary land use in the LDR districts is residential and the predominant housing type is the single-family housing unit, detached or semi-detached, typically placed within a street grid or a network of meandering suburban streets. The density in these districts ranges between 0 and 6 dwelling units per acre (du/ac).

These neighborhoods may also contain small-scale, low-rise multi-unit structures at appropriate locations, as well as complementary retail, parks and civic institutions such as schools, community centers, neighborhood playgrounds, and churches or other religious uses if those uses are designed and sited in a manner compatible with and connected to the surrounding context. The presence of individual ancillary uses should contribute to the fabric of a complete neighborhood, developed at a walkable, bikeable human scale.

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 plan depicts the demolition of an existing dwelling on the proposed lot, with two other dwellings having been demolished by the applicant with appropriate permits in 2015 and 2013. The proposed redevelopment of the site would include seven buildings (or suites) with footprints ranging from 1,200 square feet to 1,800 square feet and a parking area with 45 parking spaces behind the buildings. Based on the total square footage of buildings provided, it appears that all structures will be two-stories tall.

Per Traffic Engineering comments, the site should be limited to one curb cut per street frontage, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. As the site plan illustrates two curb cuts to Sheips Lane, one of the curb

cuts will have to be removed to comply with these requirements. One of the drive aisles is 24' wide, thereby allowing two-way traffic for interior circulation to the second drive aisle which is 20' wide for one-way traffic to the proposed curb cut.

In regards to the amendment to the regulating plan request, the applicant states:

*We are wanting to zone these pieces of property to village center district.*

*So we can build all new buildings to the Village of Springhill coding. In accordance to their guidelines.*

The site plan provided does appear to be to-scale, however, no scale is provided. While amendments to the regulating plan are not site plan specific, it should be noted that the site plan submitted with the application does not comply with the requirements of the Village Center sub-district of the Village of Spring Hill Traditional Center District Regulating Plan. Furthermore, because the site plan depicts multiple structures separated by a 7' wide walkway, a Planned Unit Development may be required prior to development. It should be noted that Planned Unit Development approvals are site plan specific.

As mentioned, the site plan depicts 45 parking spaces which exceed the minimum of 44 parking spaces required for the proposed size of the structures, provided that there are no restaurants on site. The placement of a restaurant would increase parking requirements beyond what the site is able to accommodate. Furthermore, there is a proposed parking space in the parking lot that is sub-standard in size. Therefore, this space should be striped or landscaped to make it obvious that no parking is allowed in that area. Due to the number of parking spaces to be provided, a photometric plan should be submitted at time of application for land disturbance permits.

The site plan also includes the provision of five 8' x 20' parallel parking spaces in the right-of-way along North McGregor Avenue. Per Traffic Engineering, these improvements are anticipated to be completed by an upcoming City resurfacing project and Traffic Engineering will assist with appropriate layout of the on-street parking. It should also be noted that sites developed under the Traditional Center District regulations should not have surface parking lots closer to a street frontage than 30' per Section 64-3.H.6.a.(4). of the Zoning Ordinance, and it appears that the parking area will be approximately 12' from Sheips Lane.

The site plan does not provide any tree planting or landscape area calculations. Sites developed under the Traditional Center District Regulating Plan Village Center sub-district are required to have a minimum of ten percent of the site to be landscaped. Without landscape area calculations provided, staff cannot determine if the site will be in compliance, but it does not appear to meet the minimum requirement.

Properties in the Traditional Center District Regulating Plan Village Center sub-district are required to provide a 12' wide sidewalk along all frontages, which the applicant appears to propose. However, per the Traditional Center District regulations, if there is not sufficient room in the existing right-of-way to accommodate a 12' wide sidewalk, dedication should be made to the City so that the sidewalk will be in the right-of-way. Neither the proposed site plan, nor the preliminary plat makes it clear if the sidewalk will be in the right-of-way or if dedication will be made to comply with this requirement. The sidewalk should be clearly shown on the site plan,

along with any required street trees (per Section VIII.G. of the Subdivision Regulations), and proposed street lights.

The site plan does not illustrate a dumpster, nor is there a note stating that curb-side pickup will be utilized. The applicant should revise the site plan to illustrate all existing dumpsters, with any dumpsters to be screened from view and in compliance with Section 64-4.D.9 of the Zoning Ordinance or a note stating curb side pickup will be utilized.

As the property abuts R-1, Single-Family Residential property to the East, a residential buffer should be provided. The site plan should be revised to illustrate a 3'-6' high privacy fence, garden wall, or hedge, per Section 64-3.H.4.a.(6). of the Zoning Ordinance.

No elevations were submitted with the application; therefore staff cannot determine the proposed development's compliance with Traditional Center District requirements, such as window transparency, entry placement, lighting, or shading of the sidewalk.

Finally, it should be noted that the proposed site plan misspells Sheips Lane as "Scheips Lane".

### **RECOMMENDATION**

**Subdivision:** Based on the preceding, the application is recommended for Holdover to the July 20<sup>th</sup> meeting, with revisions submitted by June 26<sup>th</sup> to address the following items:

- 1) revision of the plat to depict dedication along North McGregor Avenue and Sheips Lane to accommodate the required 12' wide sidewalk if necessary;
- 2) dedication of the corner radii at the intersection of North McGregor Avenue and Sheips Lane per Section V.D.6. of the Subdivision Regulations;
- 3) retention of the lot size in square feet and acres, adjusted for dedication;
- 4) 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. 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. Provide the recording data for the vacated ROW. C. Show and label all flood zones. D. Show and label the MFFE (Minimum Finished Floor Elevation) on each lot that contains an AE, V, or X (shaded) flood zone designation. E. Revise the year listed in the NOTARY PUBLIC and APPROVAL signature blocks. F. Revise the signature block from "CITY ENGINEERING DEPARTMENT" to "CITY ENGINEER". G. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. H. Revise NOTE #11 to read "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". I. Remove NOTE #14. The County Engineer no longer signs plats within the municipal limits of the City of Mobile. 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 and one (1) copy of the revised Final Plat with all of the required signatures including Owner's (notarized), Planning Commission, and Traffic Engineering signatures.);*

- 5) compliance with Traffic Engineering comments (*Lot is limited to one curb cut per street frontage, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. With the addition of access to Sheips Lane the previously approved driveway on North McGregor Avenue should be considered one-way based on its constructed width. The proposed driveways on Sheips Lane should be combined to one driveway that meets City standards for two-way traffic. 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. Site plan does not illustrate a proposed dumpster on site. Improvements illustrated on North McGregor Avenue regarding the permanent striping are anticipated to be completed by an upcoming City resurfacing project and Traffic Engineering will assist with appropriate layout of on-street parking.*);
- 6) 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).*); and
- 7) 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)*).

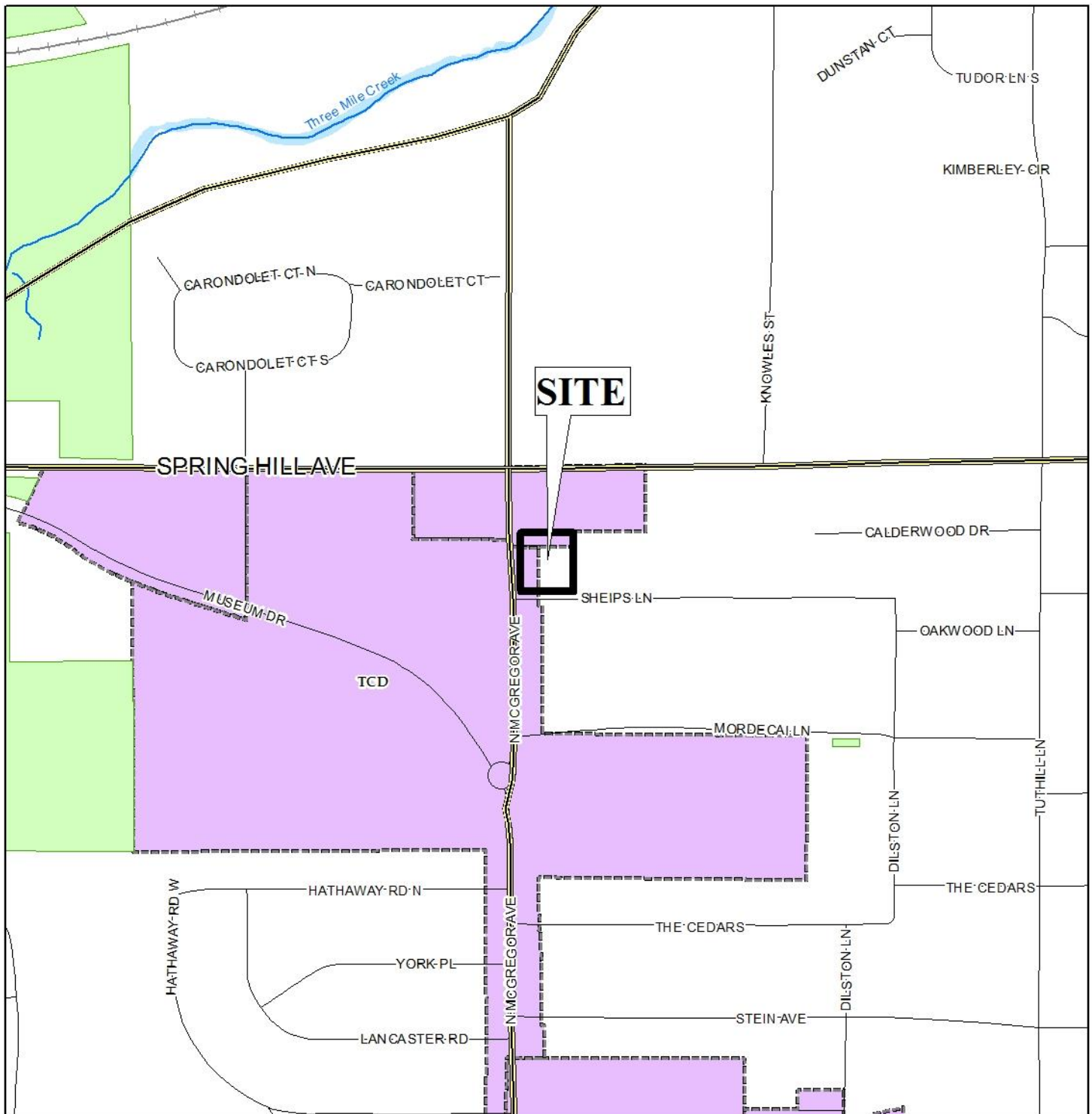
**Amendment to Regulating Plan:** Based on the preceding, the application is recommended for Holdover to the July 20<sup>th</sup> meeting, with revisions submitted by June 26<sup>th</sup> to address the following items:

- 1) either revision of the application to request a different sub-district of the Village of Spring Hill Traditional Center District Regulating Plan (specifically, Neighborhood Center), or submit a rezoning application to change the underlying zoning district of the site;
- 2) either revision of the site plan and narrative to illustrate all structures will be connected, or submittal of a Planned Unit Development application;
- 3) provision of information regarding the proposed uses of the new structures on site plan and narrative;
- 4) revision of the plat to depict dedication along North McGregor Avenue and Sheips Lane to accommodate the required 12' wide sidewalk if necessary;
- 5) dedication of the corner radii at the intersection of North McGregor Avenue and Sheips Lane per Section V.D.6. of the Subdivision Regulations;
- 6) correctly spell Sheips Lane;
- 7) provide a scale on the site plan;
- 8) provision of landscape area calculations and tree plantings;
- 9) depiction of required street trees in the right-of-way, as well as proposed street lights;
- 10) either provision of a dumpster connected to sanitary sewer and appropriately screened, or placement of a note stating that curbside pickup will be utilized;
- 11) provision of a 3'-6' high privacy fence, garden wall, or hedge along the Eastern property line where the site is adjacent to R-1, Single-Family Residential District per Section 64-3.H.4.a.(6). of the Zoning Ordinance;
- 12) revision of the sub-standard parking space to either be landscaped or striped to clearly prohibit parking in the area;
- 13) placement of a note on the site plan stating that any on-street parking will require approval from Traffic Engineering as well as a non-utility right-of-way use agreement;
- 14) revision of the site plan to provide parking setback from Sheips Lane by at least 30' per Section 64-3.H.6.a.(4). of the Zoning Ordinance;

- 15) compliance with Traffic Engineering comments (*Lot is limited to one curb cut per street frontage, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. With the addition of access to Sheips Lane the previously approved driveway on North McGregor Avenue should be considered one-way based on its constructed width. The proposed driveways on Shieps Lane should be combined to one driveway that meets City standards for two-way traffic. 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. Site plan does not illustrate a proposed dumpster on site. Improvements illustrated on North McGregor Avenue regarding the permanent striping are anticipated to be completed by an upcoming City resurfacing project and Traffic Engineering will assist with appropriate layout of on-street parking.*);
- 16) 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).*); and
- 17) 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).*).



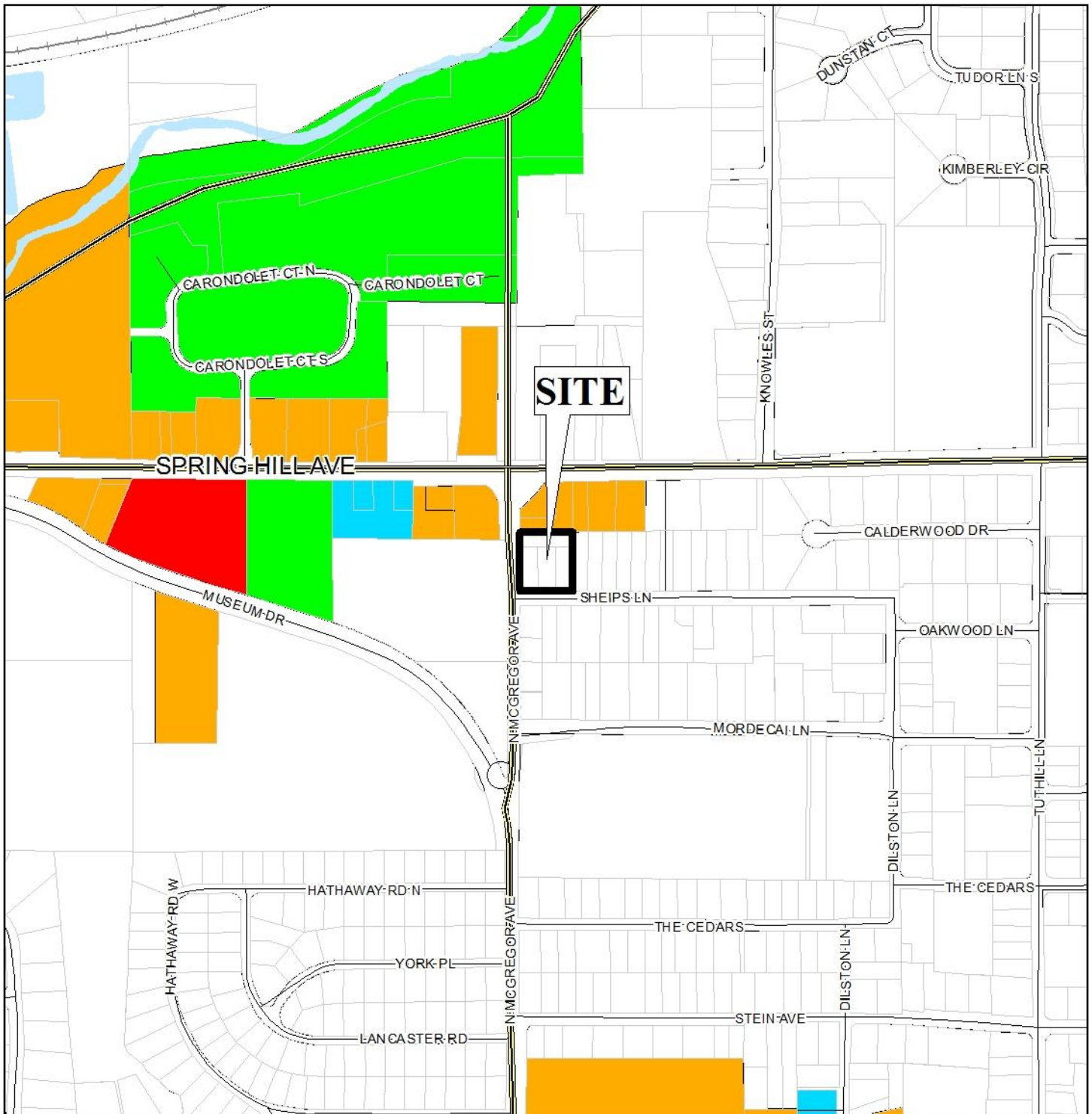
# LOCATOR MAP



APPLICATION NUMBER 8 DATE June 15, 2017  
 APPLICANT North McGregor Subdivision, Quinnelly-Hale Addition to  
Subdivision, Rezoning from Neighborhood Center and  
 REQUEST Neighborhood General to Village Center



# LOCATOR ZONING MAP



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# PLANNING COMMISSION

## VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units to the northwest and residential units to the north and south.

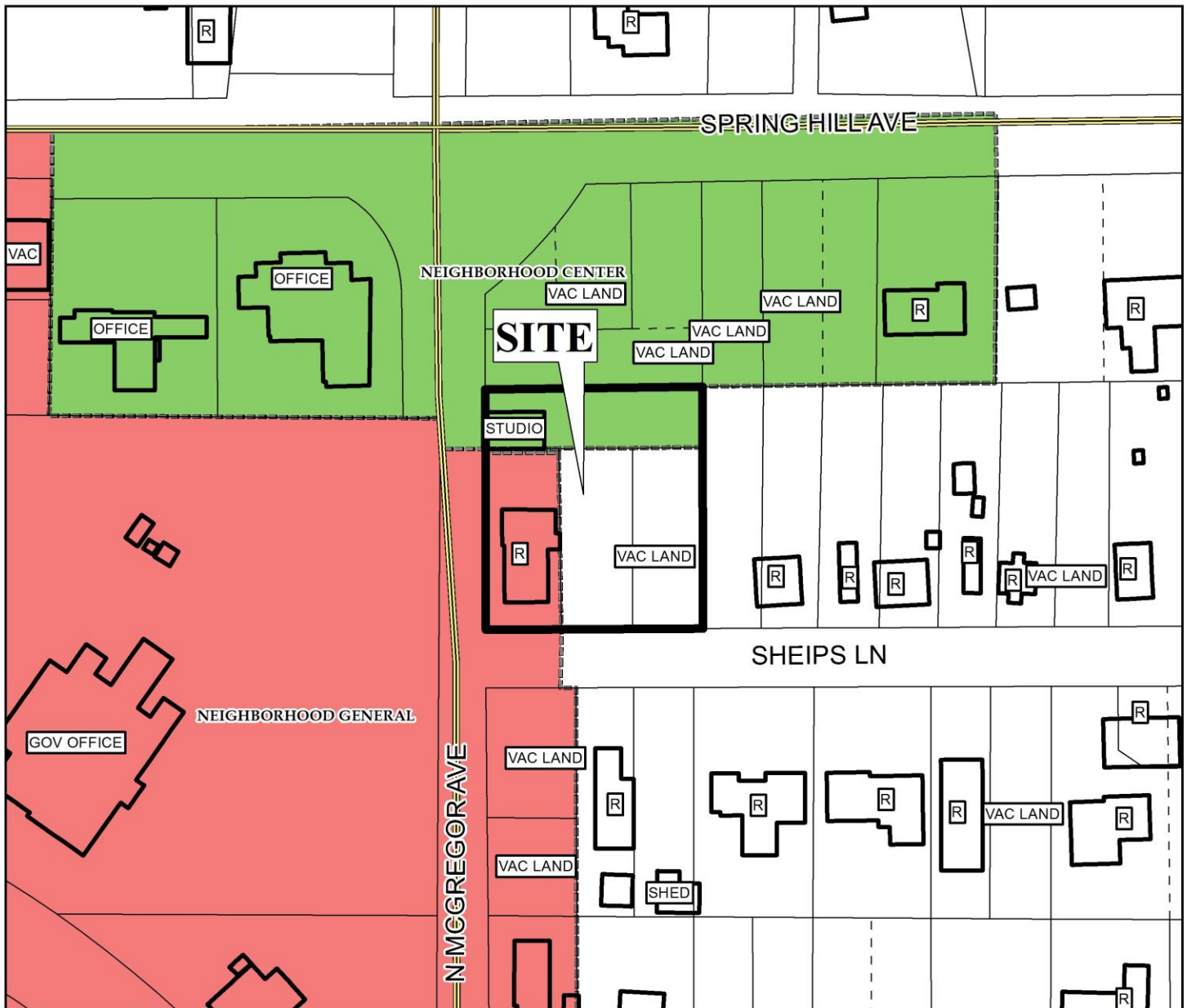
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R-A	R-3	T-B	B-2	B-5	MUN	SD-WH	T5.1
R-1	R-B	B-1	B-3	I-1	OPEN	T3	T5.2
R-2	H-B	LB-2	B-4	I-2	SD	T4	T6





# PLANNING COMMISSION VICINITY MAP - TCD



The site is surrounded by commercial units to the northwest and residential units to the north and south.

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# PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL

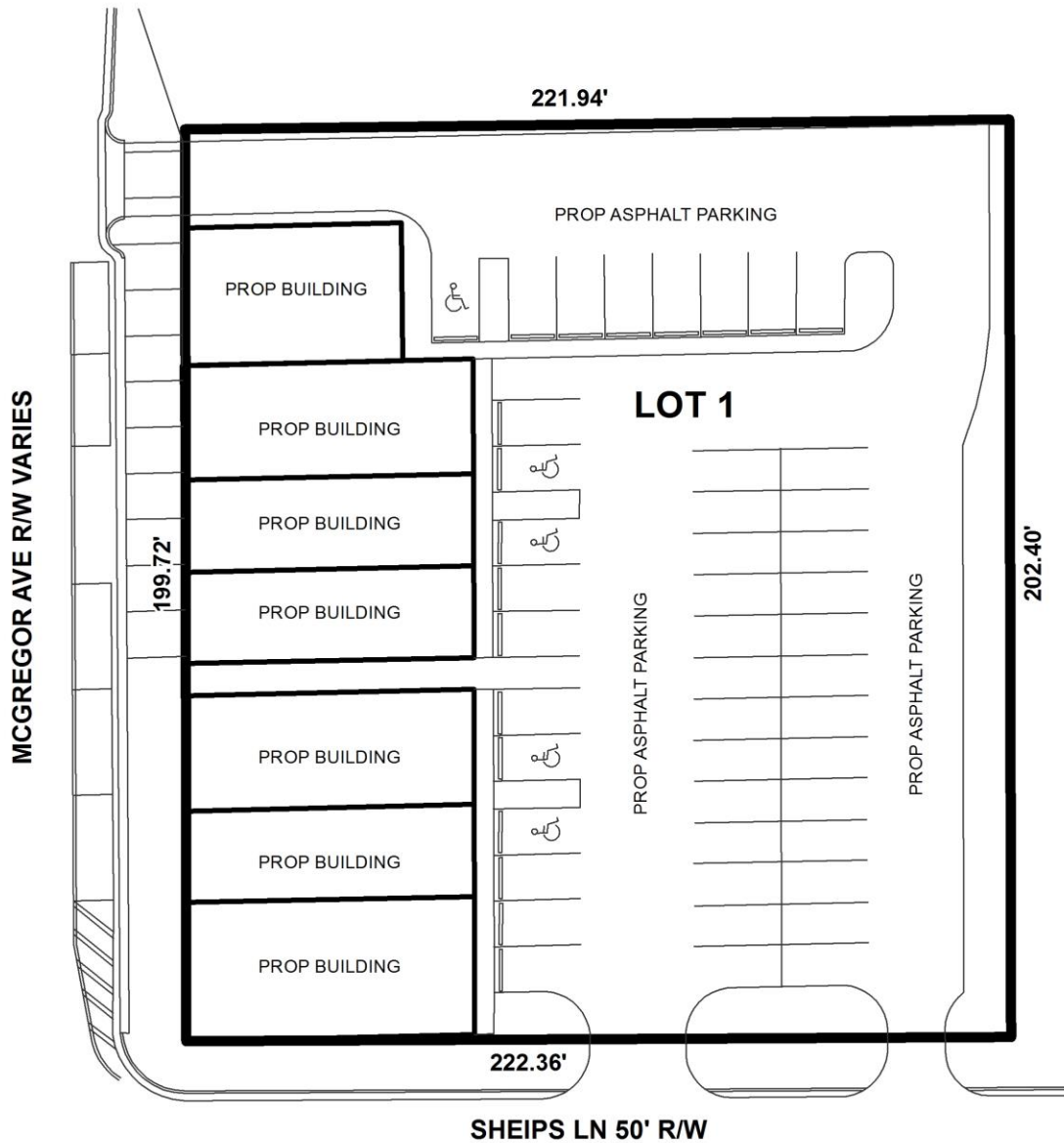


The site is surrounded by commercial units to the northwest and residential units to the north and south.

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# SITE PLAN



The site plan illustrates the proposed buildings and proposed parking areas.

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