

**SUBDIVISION,
PLANNED UNIT DEVELOPMENT
& SIDEWALK WAIVER REQUEST
STAFF REPORT****Date: October 3, 2013**

<u>NAME</u>	Halls Mill South Industrial Park Subdivision, Resubdivision and Addition to Lot 5
<u>SUBDIVISION NAME</u>	Halls Mill South Industrial Park Subdivision, Resubdivision and Addition to Lot 5
<u>LOCATION</u>	5113 Halls Mill Road (East side of Halls Mill Road, 2/10 \pm mile South of Demetropolis Road)
<u>CITY COUNCIL DISTRICT</u>	District 4
<u>PRESENT ZONING</u>	I-1, Light Industry District
<u>AREA OF PROPERTY</u>	1 Lot / 0.6 \pm Acre
<u>CONTEMPLATED USE</u>	Subdivision approval to create one legal lot of record, Planned Unit Development approval to allow multiple buildings on a single building site and Sidewalk Waiver approval to waive construction of sidewalks along Halls Mill Road.
<u>TIME SCHEDULE</u>	None specified

**ENGINEERING
COMMENTS**

Subdivision: The following comments should be addressed prior to acceptance and signature by the City Engineer: a.) Provide all of the required information on the Plat (i.e. signatures, certification statements, required notes). b.) Provide a signature from the Planning Commission, Owner(s) (notarized), Surveyor and the Traffic Engineering Department. c.) Add a note to the Plat stating that storm water detention will be required for any existing development (since 1984) that did not receive Land Disturbance permitting and any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045). d.) Show and label the MFFE for Lot 1. e.) Add a note to the Plat stating that the approval of all applicable federal, state, and local agencies (including all stormwater runoff, wetland and floodplain requirements) would be required prior to the issuance of a permit for any land disturbance activity. f.) Add a note to the Plat that 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).

Planned Unit Development: 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). The applicant must also contact ALDOT – Ninth Division to see if any ALDOT Permits are required for this proposed project. 1.) Any and all proposed development will need to be in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. 2.) A complete set of construction plans for the site work – including, but not limited to, drainage, utilities, grading, storm water detention systems, paving, and all above ground structures, will be required to be submitted with the Land Disturbance permit. These plans are to be submitted and approved prior to beginning any of the construction work. 3.) Must comply with all Engineering Department Policy Letters: i.) 5-13-2009 Policy Letter (Car wash drains and dumpster pads to drain to Sanitary Sewer System) ii.) 8-4-2004 Policy Letter (Video inspection of new Storm Sewer System Piping) iii.) 3-18-2004 Policy Letter (Additional subdivision street requirements).

Sidewalk Waiver: It appears that there is sufficient room within the ROW, or within the property, for the construction of a sidewalk.

TRAFFIC ENGINEERING

COMMENTS

Any additional development of the site will require modifications to existing curb cut to meet city standards, with 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.

MAWSS

COMMENTS

MAWSS has water and sewer services available, but a Capacity Assurance application for sewer service has not been applied for. MAWSS cannot guarantee sewer service until the Capacity application is approved by Volkert Engineering, Inc.

REMARKS

The applicant is requesting Subdivision approval to create one legal lot of record from one legal lot of record and a vacated portion of right-of-way (proposed), Planned Unit Development Approval to allow multiple buildings on a single building site, and Sidewalk Waiver approval to waive construction of a sidewalk along Halls Mill Road.

The purpose of this application is to create one lot from one legal lot and a portion of vacated right-of-way (vacation proposed), with multiple buildings, thereby requiring the Planned Unit Development application. The applicant began the site's current use as a vehicle towing service in 2009.

The site came to the attention of staff when a complaint was received regarding the construction of a building on the site. After investigation, staff determined that the applicant was working without the appropriate approvals or permits.

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 subject site is a legal lot of record created by Halls Mill South Industrial Park Subdivision, approved by the Commission in 1975. Dedication of 50' was provided to allow for a service road along Halls Mill Road. Since Halls Mill Road is to remain a collector street without a service road with a required 70' minimum right-of-way, and the current right-of-way is 100' along the site, the applicant proposes to have a 30' width of the current right-of-way vacated and added to the subject property via the proposed subdivision. This would result in a compliant 70' right-of-way remaining. The proposed lot would meet the minimum size requirements of the Subdivision Regulations.

Current access to the site is via two curb cuts along Halls Mill Road. The Northern curb cut should be closed and access to the site limited to the one curb cut at the Southern end of the frontage for three reasons. First, lots of less than 200 linear feet of street frontage are generally limited to one curb. Second, the Southern curb cut aligns with the access drive to the rear of the site. And third, the furnished landscaping areas within the front do not add up to the total amount required and the closing of the Northern curb cut would provide additional area to meet the frontage landscaping area required. The exact size, design and location should be approved by Traffic Engineering and conform to AASHTO standards.

As on the preliminary plat, the 25' minimum building setback should be retained on the Final Plat as measured from the new right-of-way line after vacation. The plat should be revised to label the lot with its size in both square feet and acres after the vacation of the frontage right-of-way, or a table should be furnished on the Final Plat providing the same information.

If approved, the Final Plat should not be signed until the proposed Right-of-Way Vacation process is completed and the Vacation is recorded.

The rear portion of the site appears to be located in a floodplain associated with Halls Mill Creek and may contain wetlands. The potential presence of wetlands indicate that the area may be environmentally sensitive; therefore, the approval of all applicable federal, state and local agencies would be required prior to the issuance of any permits or land disturbance activities.

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.

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 any changes to the site plan must be approved by the Planning Commission.

The site is currently non-compliant with regard to access, surfacing, parking, setbacks, and landscaping and tree plantings. Some compliant improvements are proposed. However, the site plan indicates some noncompliant aspects are to remain and also an expansion of the noncompliance within the expanded frontage area is proposed

The proposed PUD site plan indicates several existing or relocated structures and a metal storage container on the site. A review of aerial photographs as late as 2010 do not indicate several of the structures, and the building permits data base indicates that no permits were issued for any structures on the site since 2000. Thus, it appears that multiple structures have been added to the site without the appropriate permits of Planning Commission approvals. A building permit was applied for in June, 2010, to build a 30' by 40' open-sided vehicle cover but was denied due to the need for at least an Administrative PUD for the multiple building on the site. Such was never submitted, however, the structure was built. No permits were obtained to place the metal storage container on the site, to construct the air compressor shed on the North side of the office building, or to construct the 100 square-foot shed along the North side. If this PUD application is approved it should be subject to the obtaining of all required after-the-fact building permits for construction, demolition and placement of structures on the site.

The site plan indicates a compliant number of parking spaces in front of the office building but with the existing gravel surfacing to remain. With the exception of the proposed handicap parking space, which will be paved, the applicant proposes to pave with asphalt the entrance drives, and requests to leave the gravel for the remainder of the parking area. As modifications to the front area have previously been mentioned to obtain landscaping ratio compliance and curb cut/access compliance, it would stand that at least the front parking area should also be brought into compliance with paving. Therefore, the site plan should be revised to eliminate the Northern curb cut and drive, provide the required front yard landscaping ratio, and to remove

gravel and provide asphalt, concrete, or an approved alternative paving surface parking within the entire front parking area. Since the site is used for a vehicle towing and storage facility, the allowance of the gravel drive and storage area to remain beyond the front yard area would be reasonable, with the appropriate variance, if a proposed amendment to the Zoning Ordinance to allow gravel parking in I-1 is not approved by the City Council..

As the site is zoned I-1, four over-story frontage trees would be required and are so indicated on the site plan. A gate is indicated even with the front face of the office building at approximately 56' from the proposed new right-of-way line after vacation. As the Zoning Ordinance requires a 60' queuing distance from the public right-of-way, this gate should either be relocated further back to provide such, or a note should be placed on the site plan stating that the gate is to remain open during all normal office hours.

A note on the site plan indicates that garbage collection shall be by curb-side pickup, and this should also be required on the revised site plan.

The site plan indicates a compliant 10' minimum building setback along the South line of the property adjacent to the residential zoning and use to that side. This should be retained on the revised site plan. A zero setback is requested along the North and East sides of the property. Since adjacent properties on those two sides are zoned I-1, a zero setback with proper fire-rated walls or 5'-plus setback is allowed. However, the site plan indicates that the air compressor shed, the metal storage container, and the 100 square-foot shed all encroach within the 5' setback. Therefore, the site plan should be revised to indicate compliance with either a zero setback with proper fire-rated walls, or a 5' minimum side setback.

Regarding the Sidewalk Waiver request, the applicant states the sidewalk should not be required along Halls Mill Road as there are no existing sidewalks within a one-mile radius of the site. It is further stated that an existing storm water drainage headwall and sewer manhole are located in the right-of-way close to the existing roadway asphalt which would make construction of a sidewalk difficult in this area. It should be noted that a Sidewalk Waiver was denied for a site on Halls Mill Road just 3/10 mile± East of the subject site and a sidewalk was constructed. A sidewalk waiver was granted for a site on the West side of Halls Mill Road approximately 250' North of the subject site due to an open drainage system and lack of useable neutral ground within the right-of-way. However, even after vacation, the subject site would appear to have adequate space within the remaining right-of-way away from the mentioned drainage headwall and sewer manhole to provide a sidewalk within relatively flat terrain.

RECOMMENDATION

Subdivision: Based upon the preceding, this application is recommended for tentative approval subject to the following conditions:

- 1) placement of a note on the Final Plat stating that the lot is limited to the Southern curb cut, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards;
- 2) retention of the 25' minimum building setback line on the Final Plat as measured from the new right-of-way line following vacation;

- 3) revision of the plat to label the lot size in both square feet and acres on the Final Plat after vacation, or the furnishing of a table on the Final Plat providing the same information;
- 4) completion and recording of the right-of-way vacation prior to signing the Final Plat;
- 5) placement of a note on the Final Plat stating that the approval of all applicable Federal, state and local agencies would be required prior to the issuance of any permits or land disturbance activities;
- 6) placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species;
- 7) subject to the Engineering comments: *[The following comments should be addressed prior to acceptance and signature by the City Engineer: a.) Provide all of the required information on the Plat (i.e. signatures, certification statements, required notes). b.) Provide a signature from the Planning Commission, Owner(s) (notarized), Surveyor and the Traffic Engineering Department. c.) Add a note to the Plat stating that storm water detention will be required for any existing development (since 1984) that did not receive Land Disturbance permitting and any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045). d.) Show and label the MFFE for Lot 1. e.) Add a note to the Plat stating that the approval of all applicable federal, state, and local agencies (including all stormwater runoff, wetland and floodplain requirements) would be required prior to the issuance of a permit for any land disturbance activity. f.) Add a note to the Plat that 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).];*
- 8) subject to the Traffic Engineering comments: *(Any additional development of the site will require modifications to existing curb cut to meet city standards, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.);*
- 9) subject to the 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).];*
- 10) compliance with 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);* and
- 11) submission of two copies of a revised PUD site plan showing compliance with all conditions of approval prior to signing of the Final Plat for the Subdivision.

Planned Unit Development: Based upon the preceding, this application is recommended for approval subject to the following conditions:

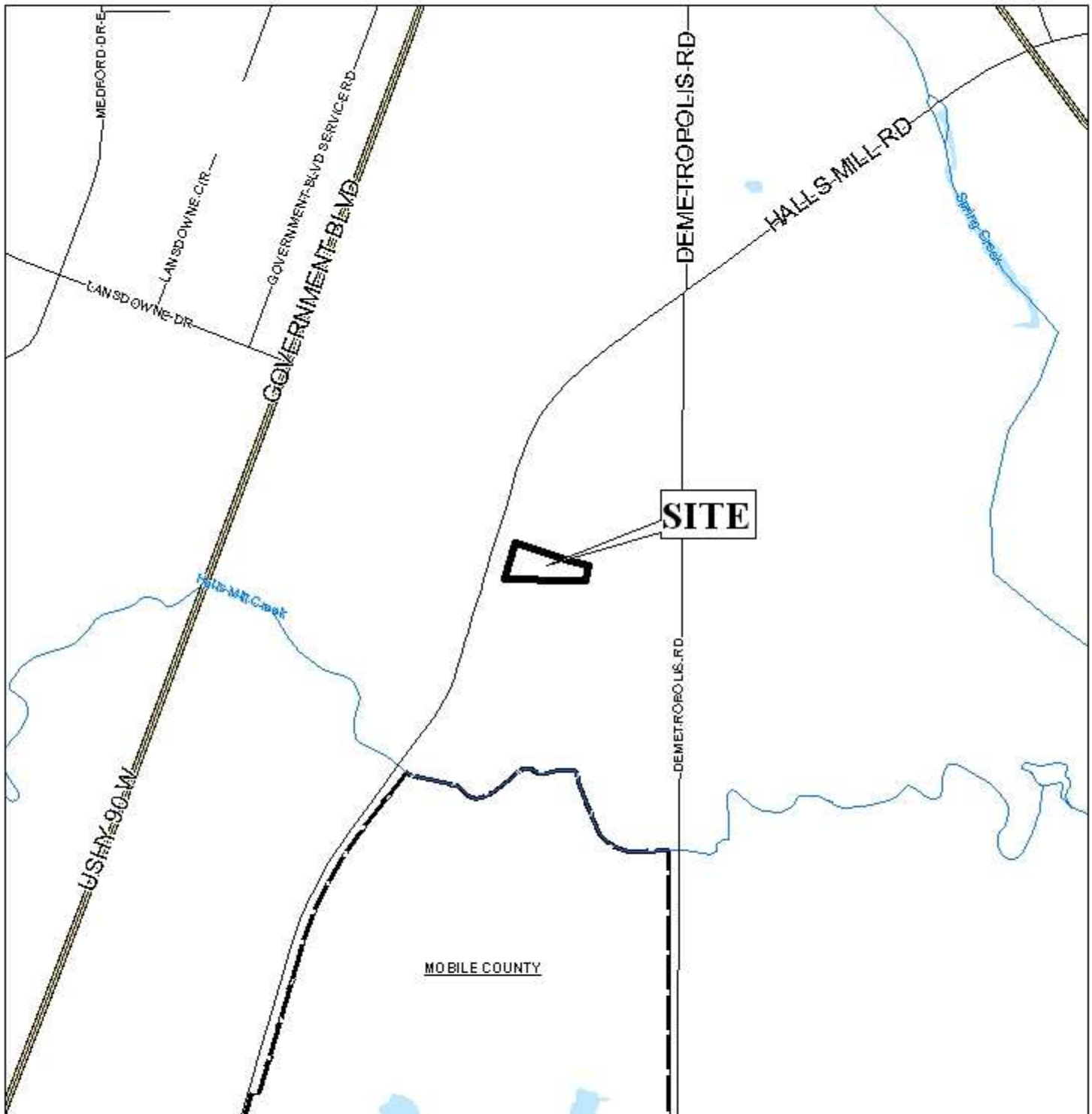
- 1) revision of the site plan to eliminate the Northern curb cut and drive;
- 2) revision of the site plan to provide the minimum required front yard landscaping ratio;
- 3) revision of the site plan to remove the gravel surfacing within the front parking area and provide asphalt, concrete, or an approved alternative paving surface;

- 4) provision of four over-story frontage trees as indicated on the site plan;
- 5) revision of the site plan to relocate the gate on the drive to the rear to a compliant 60' queuing setback from the new right-of-way line, or the placement of a note on the site plan stating that the gate is to remain open during all normal office hours;
- 6) retention of the note stating that garbage collection will be by curb-side pickup;
- 7) retention of the 10' side yard setback line on the site plan along the South side adjacent to residential zoning and use;
- 8) revision of the site plan to indicate a compliant zero setback with fire-rated walls or a 5' minimum setback along the North line for the air compressor shed, metal storage container, and the 100 square-foot shed;
- 9) obtaining of all required after-the-fact permits for the construction of the air compressor shed, 30.12' by 50.13' work shop, 100 square-foot shed, and the 11.5' by 32' wood shed;
- 10) obtaining of an after-the-fact demolition permit for the removed structure in the area of the proposed relocated wood shed;
- 11) obtaining of all required permits for the relocation of the 11.5' by 32' wood shed;
- 12) retention of the lot size label in square feet and acres after the right-of-way vacation, or the furnishing of a table on the site plan providing the same information;
- 13) subject to the Engineering comments: *[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). The applicant must also contact ALDOT – Ninth Division to see if any ALDOT Permit s are required for this proposed project. 1.) Any and all proposed development will need to be in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. 2.) A complete set of construction plans for the site work – including, but not limited to, drainage, utilities, grading, storm water detention systems, paving, and all above ground structures, will be required to be submitted with the Land Disturbance permit. These plans are to be submitted and approved prior to beginning any of the construction work. 3.) Must comply with all Engineering Department Policy Letters: i.) 5-13-2009 Policy Letter(Car wash drains and dumpster pads to drain to Sanitary Sewer System) ii.) 8-4-2004 Policy Letter (Video inspection of new Storm Sewer System Piping) iii.)3-18-2004 Policy Letter (Additional subdivision street requirements).];*
- 14) subject to the Traffic Engineering comments: *(Any additional development of the site will require modifications to existing curb cut to meet city standards, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.);*
- 15) subject to the 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).];*
- 16) subject to 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);*
- 17) full compliance with all municipal codes and ordinances;

- 18) submission of a variance for gravel parking (if the proposed Zoning Ordinance amendment for such is not approved); and
- 19) submittal of two copies of a revised site plan indicating compliance with all conditions of approval prior to signing of the Final Plat for the Subdivision.

Sidewalk Waiver: Based on the preceding, it is recommended that this application be denied.

LOCATOR MAP



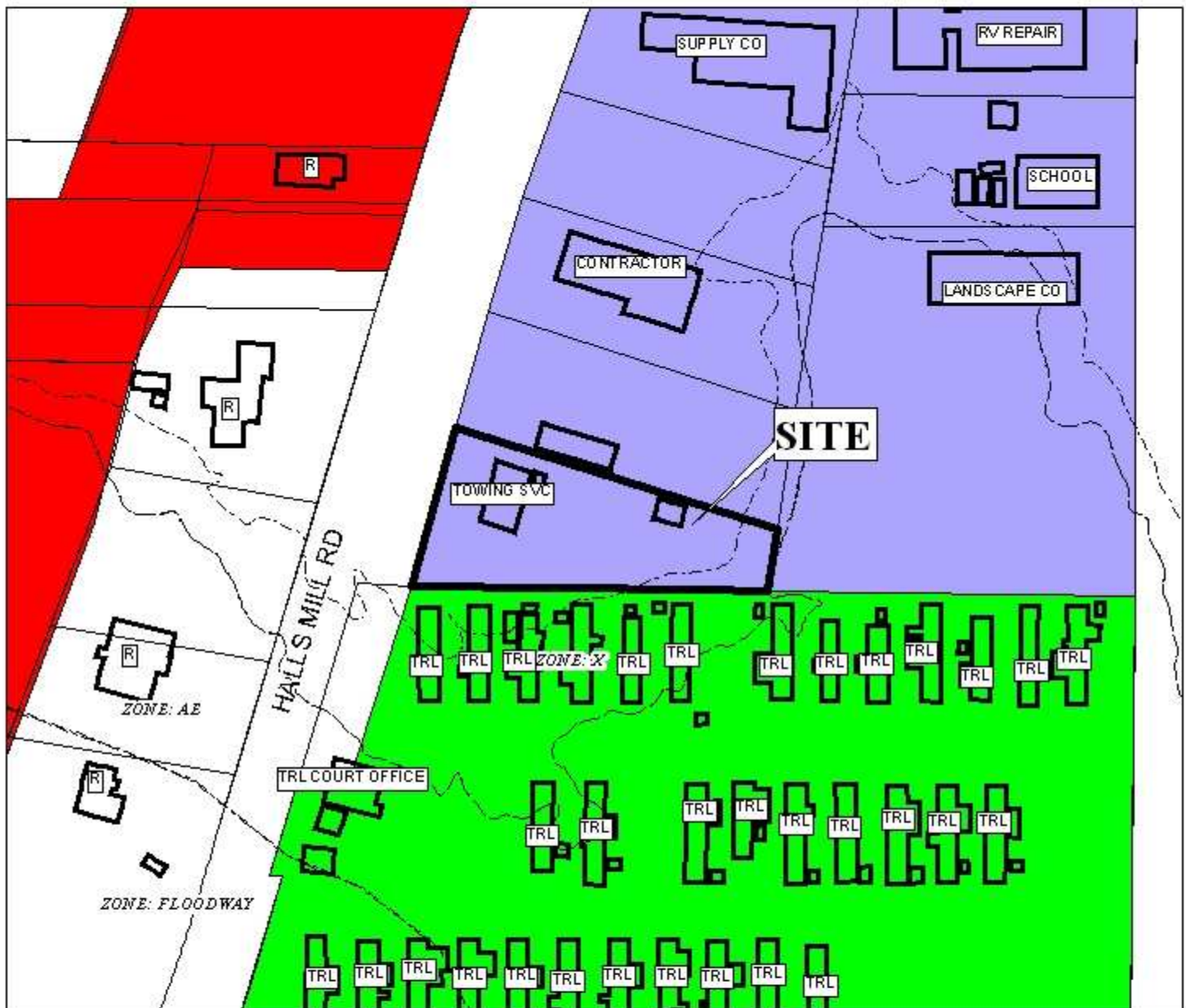
APPLICATION NUMBER 34, 35 & 36 DATE October 3, 2013

APPLICANT Halls Mill South Industrial Park Subdivision, Resubdivision of and Addition to Lot 5

REQUEST Subdivision, PUD, Sidewalk Waiver



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Businesses are located to the north of the site.
A trailer park is located to the south of the site.

APPLICATION NUMBER 34, 35 & 36 DATE October 3, 2013

APPLICANT Halls Mill South Industrial Park Subdivision, Resubdivision of and Addition to Lot 5

REQUEST Subdivision, PUD, Sidewalk Waiver

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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N
NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Businesses are located to the north of the site.
A trailer park is located to the south of the site.

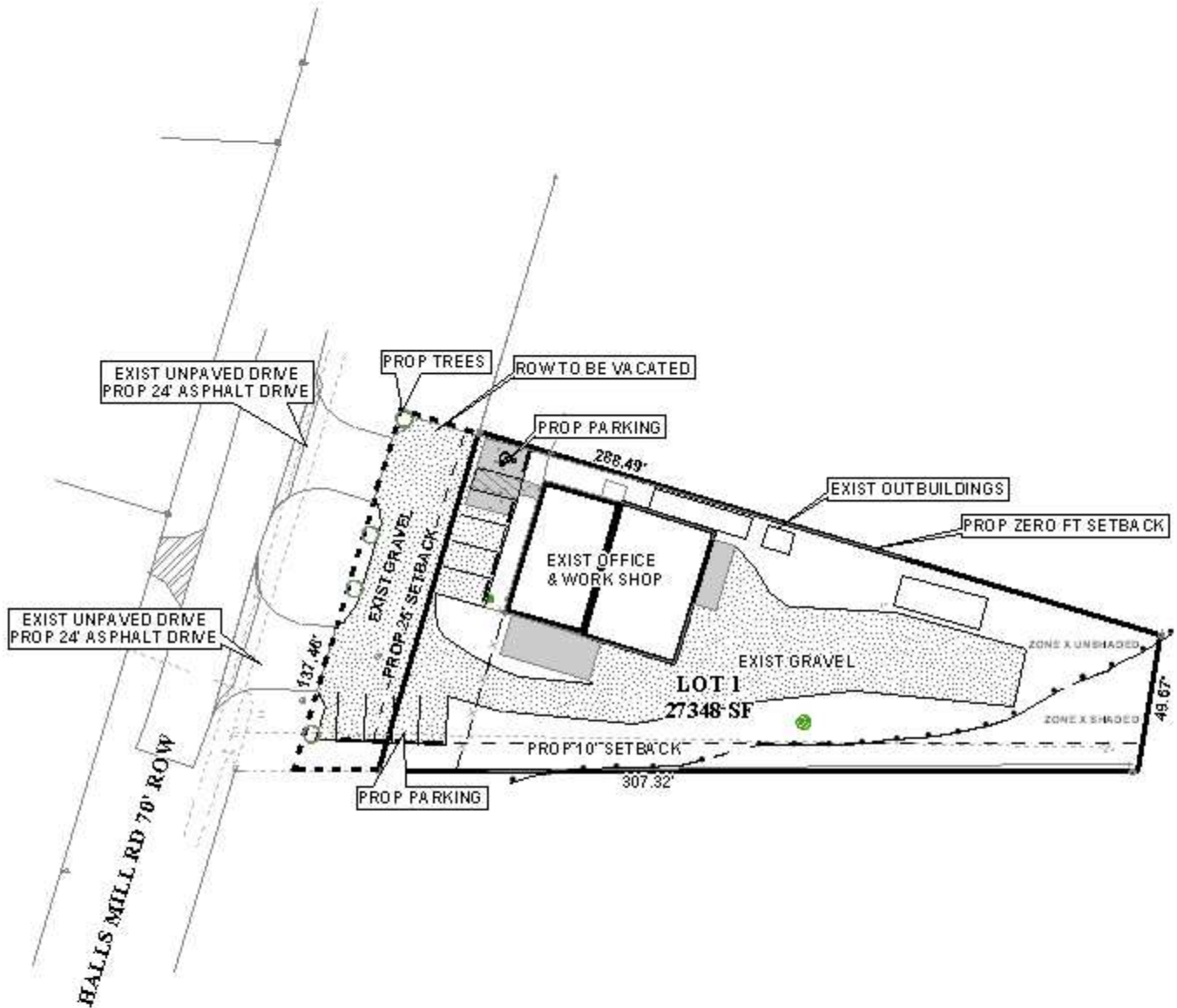
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SITE PLAN



The site plan illustrates the existing structures, proposed setbacks, parking, and lot configuration.

APPLICATION NUMBER 34, 35 & 36 DATE October 3, 2013

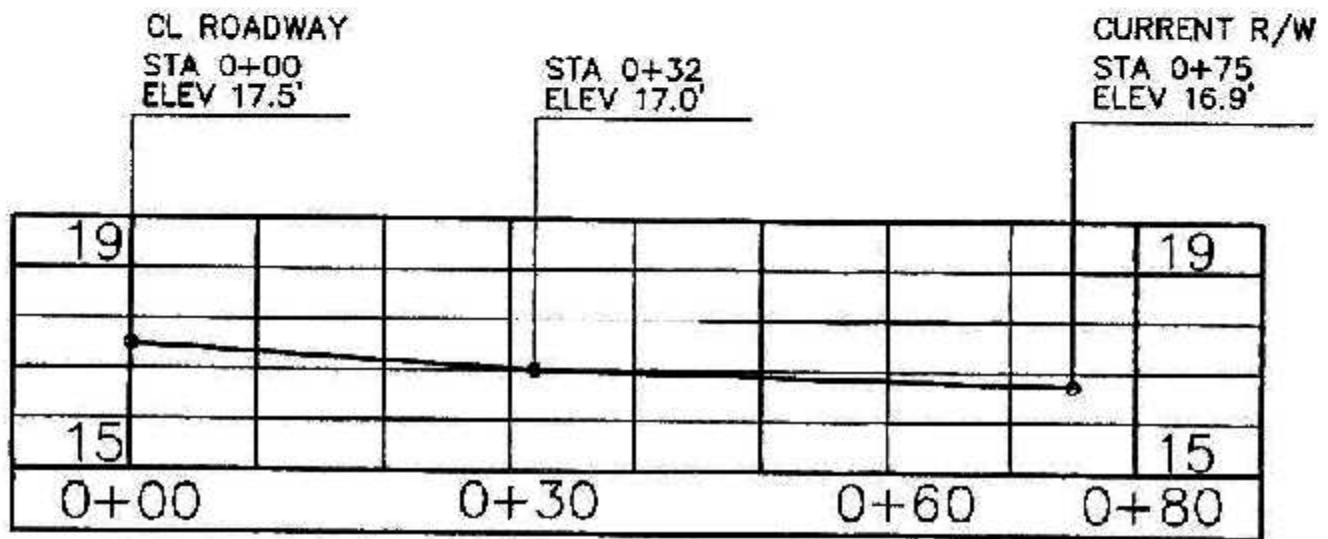
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LEGEND	R-1	R-2	R-3	R-A	R-B	H-B	T-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2

N
NTS

SIDEWALK CROSS SECTION DETAIL



PROFILE ALONG HALLS MILL RD.
LOCATED IN THE CENTER OF
THE PROPERTY

APPLICATION NUMBER 34, 35 & 36 DATE October 3, 2013

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