

**PLANNED UNIT DEVELOPMENT  
& SUBDIVISION STAFF REPORT****Date: September 7, 2006****DEVELOPMENT NAME**

J. Roe Burton &amp; Old Shell Commercial

**SUBDIVISION NAME**

Burton Subdivision

**LOCATION**

3309 Old Shell Road  
(South side of Old Shell Road, 30'+ East of East I-65  
Service Road North, extending to the West side of Sidney  
Phillips Drive)

**CITY COUNCIL****DISTRICT**

District 1

**PRESENT ZONING**

B-3, Community Business District

**AREA OF PROPERTY**

1 Lot / 2.0± Acres

**CONTEMPLATED USE**

Subdivision approval to create one lot of record, and  
Planned Unit Development approval to allow two office buildings on a single building site with  
shared access between two building sites.

**TIME SCHEDULE****FOR DEVELOPMENT**

Immediate

**ENGINEERING****COMMENTS**

Even though the property is partially developed, due to  
existing flooding issues in the area, stormwater detention for the entire site will be required to the  
maximum extent possible.

Must comply with all stormwater and flood control ordinances. Any work performed in the right  
of way will require a right of way permit. The applicant is responsible for verifying if the site  
contains wetlands. The site can be checked against the National Wetlands Inventory on the  
COM web site Environmental Viewer. If the site is included on the NWI, it is the applicant's  
responsibility to confirm or deny the existence of regulatory wetlands.

**TRAFFIC ENGINEERING****COMMENTS**

Driveway number, sizes, 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 new structures shall comply with Section 508.5 through 508.5.6 and Appendix B, C & D section D101 through D106.2 of the 2003 IFC.

**REMARKS**

The applicant is requesting Subdivision approval to create one lot of record, and Planned Unit Development approval to allow two office buildings on a single building site with shared access between two building sites.

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 will require Planning Commission approval.

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 site has been the subject of several Subdivision and PUD applications since 2001. While all three previous applications were approved, it appears that none of them were completed, thus the approvals have expired.

Previous applications proposed the creation of multiple lots for the site in question, while this application will create one lot of record. The PUD aspect of the application will permit the existing 6,000 square foot building to be supplemented with a new 23,400 square foot two-story building, and create a 98 space parking area that has shared access with the development East of the site. Access to the development East of the site is in order to access an existing easement that is included in the legal description for the site that is being considered as part of the Subdivision application, but that is not depicted on the preliminary plat. The plat should be revised to depict the easement. It should be noted, however, that it does not appear that the applicant has obtained permission from the owner of the site to the East for inclusion of that part of his property containing the easement in this application for a PUD. The attorney for the Planning Commission is of the opinion that the applicant should provide proof of the right to use the easement prior to the application moving forward.

The site is crossed by a 100-foot wide Alabama Power easement with a pylon, and has a 21-foot  $\pm$  wide drainage ditch along the Western property line. These two elements limit the development potential of the site.

The site fronts Old Shell Road, a minor street lacking curb and gutter, and with a right-of-way width of 50 feet. Section V.B.14. of the Subdivision Regulations requires that streets lacking curb and gutter have a right-of-way width of least 60 feet. It should be noted, however, that Old Shell Road generally lacks any surface drainage infrastructure in this vicinity, and evidence of subsurface drainage is lacking. It should also be pointed out that previous applications for this site did not require dedication, nor do other recent developments in the general vicinity along Old Shell Road appear to have been required to provide right-of-way dedication. Therefore, a waiver of the 60-foot right-of-way width requirement may be appropriate.

The applicant indicates a sidewalk along Old Shell Road. If the existing sidewalk is removed during the construction of the proposed development, a new sidewalk should be provided per the requirements of the Subdivision Regulations. It should be pointed out that the site is within a block of Sidney Phillips Prep School.

Although Old Shell Road is a minor street, access management is a concern. The Subdivision site has sufficient frontage onto Old Shell Road to warrant a maximum of two curb-cuts, however, the proposed PUD development only depicts one curb-cut. A note should be placed on the plat and the site plan stating that the Subdivision site is limited to a maximum of two curb-cuts, with the size, design and location to be approved by Traffic Engineering and conform to AASHTO standards. Should a second curb-cut be desired, the PUD must be amended to depict the second curb-cut.

The proposed 98 space parking area appears to meet minimum requirements, however, several of the corners within the parking lot lack adequate curb radii. The site plan should be revised to ensure that all curb corners within the parking area have adequate radii. It should also be noted that the "Parking Data" box states that 78 parking spaces are provided, while a count of the site shows a total of 98 spaces. The counted number of spaces meets the minimum required by the Zoning Ordinance for office uses, but is not sufficient if food and beverage uses are proposed for the site.

Lighting provided for the parking area and site should comply with the requirements contained within Section 64-4.A.2. of the Zoning Ordinance, which states that lighting *"shall be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic."*

The "Tree Data" box states that 23 overstory trees are provided, while only 22 were counted. The applicant should ensure that an adequate number of trees are provided, in compliance with the tree and landscaping requirements of the Zoning Ordinance. The landscaped area located along the East side of the newly created lot should include curbing to protect the area from vehicles maneuvering within the adjacent lot. The transition from the curb along the Eastern edge into the parking area on the site should be smooth, per prevailing parking area design standards.

It appears that development of the site as proposed may require compliance with the City's storm water and flood control ordinances. As such, the provision of a stormwater detention area may be required. The Engineering Department should be consulted, and if a detention area is required, the site plan should be revised to depict the required detention area.

Finally, there is no indication on the site plan as to the proposed location of any dumpster or other waste storage facility. The location of the storage area for the dumpster must be indicated on the site plan, and the location and required screening must comply Section 64-4.D.9. of the Zoning Ordinance, as well as with all other applicable regulations.

## **RECOMMENDATION**

**Planned Unit Development:** Based upon the preceding, this application is recommended for Holdover until the October 5<sup>th</sup> meeting, to allow the applicant to address the following items by September 12<sup>th</sup> : 1) provision of evidence granting permission from the adjacent property owner to use the access easement; 2) revision of the PUD site plan and Subdivision plat to more clearly depict the access easement; 3) consultation with the Engineering Department to determine the need for on-site stormwater detention facilities, and depiction of those facilities on the site plan if they are required; 4) revision of the "Parking Data" to reflect the actual number of spaces provided; 5) placement of a note on the site plan stating that food and beverage uses, such as restaurants, are not allowed on the site unless additional parking is provided; 6) revision of the "Tree Data" to ensure that the required number of trees are provided; 7) revision of the curb radii within the parking area for those corners lacking smooth corners; 8) provision of curbing along the East side of the property, where the proposed landscaped area abuts the paved area on the adjacent lot, and provision of a smooth transition from the curb into the parking area to be constructed on the site; 9) placement of a note on the site plan stating that parking area and site lighting shall comply with Section 64-4.A.2. of the Zoning Ordinance; 10) depiction of dumpster facilities, that complies with Section 64-4.D.9. of the Zoning Ordinance; 11) placement of a note on the plat and the site plan stating that the Subdivision site is limited to a maximum of two curb-cuts, with the size, design and location to be approved by Traffic Engineering and conform to AASHTO standards, and that revision of the PUD by the Planning Commission will be required if a second curb-cut is provided; 12) provision of a revised PUD site plan to Planning Section, Urban Development, prior to the signing of the final subdivision plat; and 13) placement of a note on the site plan stating that PUD approval is site plan specific, thus any changes to the site plan will require Planning Commission approval.

**Subdivision:** Based upon the preceding, this application is recommended for Holdover until the October 5<sup>th</sup> meeting, to allow the applicant to address the following items by September 12<sup>th</sup> : 1) provision of evidence granting permission from the adjacent property owner to use the access easement; 2) revision of the PUD site plan and Subdivision plat to more clearly depict the access easement; 3) placement of a note on the plat stating that no permanent structures may be built within utility or drainage easements; 4) placement of a note on the plat and the site plan stating that the Subdivision site is limited to a maximum of two curb-cuts, with the size, design and location to be approved by Traffic Engineering and conform to AASHTO standards, and that revision of the PUD by the Planning Commission will be required if a second curb-cut is provided; and 5) placement of a note on the plat indicating the total size of the lot in square feet.

***Revised for the September 21<sup>st</sup> meeting:***

*The applicant has submitted a revised site plan that eliminates access to the easement to the East, adds a second curb-cut to Old Shell Road, and increases parking to 103 spaces. The revised site plan addresses most of the concerns identified by staff.*

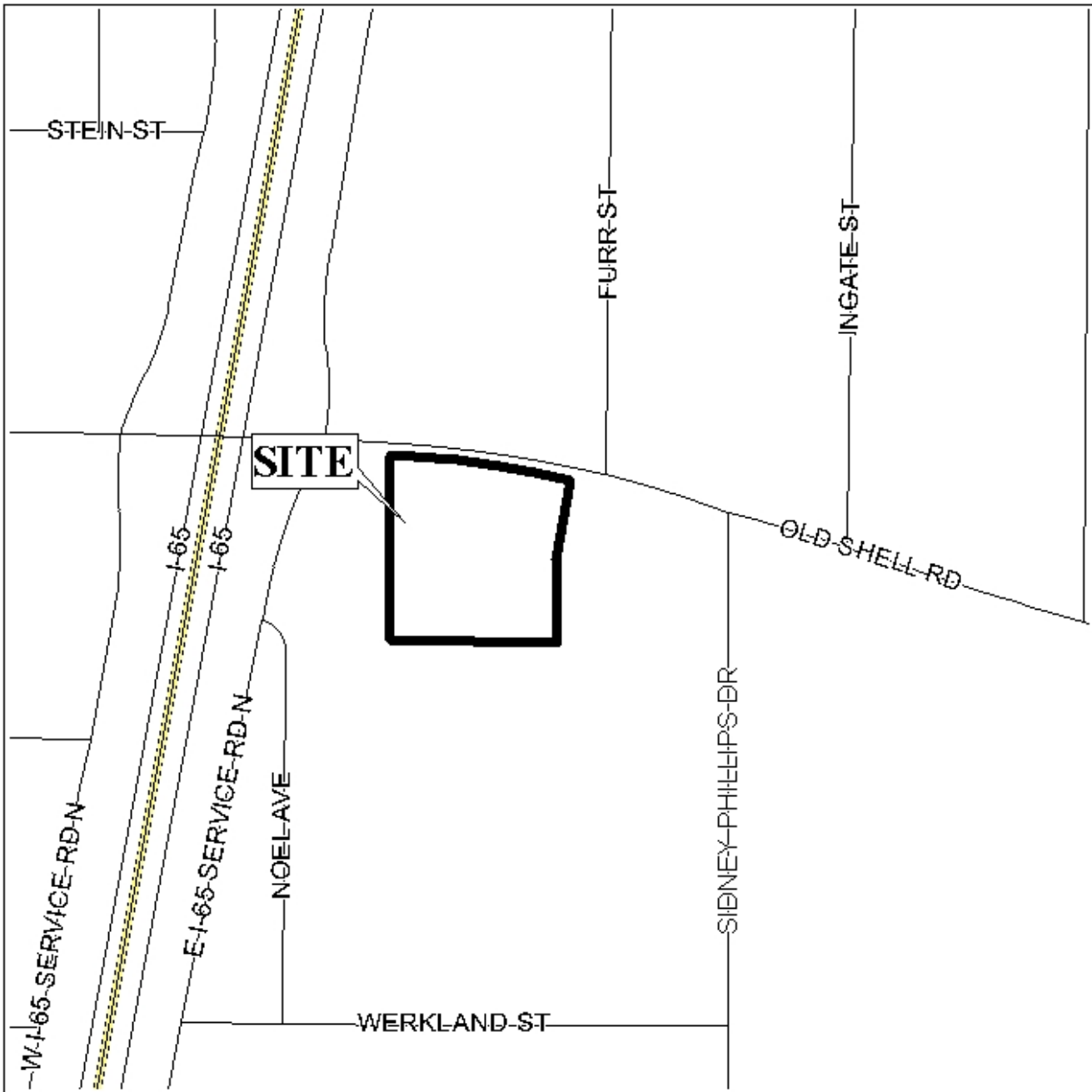
*Calculation of the identified landscape areas indicates that there may be a discrepancy between what is depicted and what is listed in the "Landscaping Data" table. It appears, however, that the applicant is exceeding the minimum landscape area requirements.*

**RECOMMENDATION**

***Planned Unit Development:*** Based upon the preceding, this application is recommended for Approval, subject to the following conditions: 1) compliance with Engineering Department comments (Even though the property is partially developed, due to existing flooding issues in the area, stormwater detention for the entire site will be required to the maximum extent possible. Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit. The applicant is responsible for verifying if the site contains wetlands. The site can be checked against the National Wetlands Inventory on the COM web site Environmental Viewer. If the site is included on the NWI, it is the applicant's responsibility to confirm or deny the existence of regulatory wetlands.) 2) placement of a note on the site plan stating that food and beverage uses, such as restaurants, are not allowed on the site unless additional parking is provided; 3) placement of a note on the site plan stating that parking area and site lighting shall comply with Section 64-4.A.2. of the Zoning Ordinance; 4) depiction of dumpster facilities, in compliance with Section 64-4.D.9. of the Zoning Ordinance; 5) revision of the landscaping data table / identified landscape area to correct discrepancies, if necessary; 6) placement of a note on the plat and the site plan stating that the Subdivision site is limited to a maximum of two curb-cuts, with the size, design and location to be approved by Traffic Engineering and conform to AASHTO standards; 7) placement of a note on the site plan stating that PUD approval is site plan specific, thus any changes to the site plan will require Planning Commission approval; 8) provision of a revised PUD site plan to Planning Section, Urban Development, prior to the signing of the final subdivision plat; 9) completion of the Subdivision process; and 10) full compliance with all other municipal codes and ordinances.

***Subdivision:*** Based upon the preceding, this application is recommended for Tentative Approval, subject to the following conditions: 1) placement of a note on the plat stating that no permanent structures may be built within utility or drainage easements; 2) placement of a note on the plat and the site plan stating that the Subdivision site is limited to a maximum of two curb-cuts, with the size, design and location to be approved by Traffic Engineering and conform to AASHTO standards; 3) placement of a note on the plat indicating the total size of the lot in square feet; and 4) full compliance with all other municipal codes and ordinances.

## LOCATOR MAP

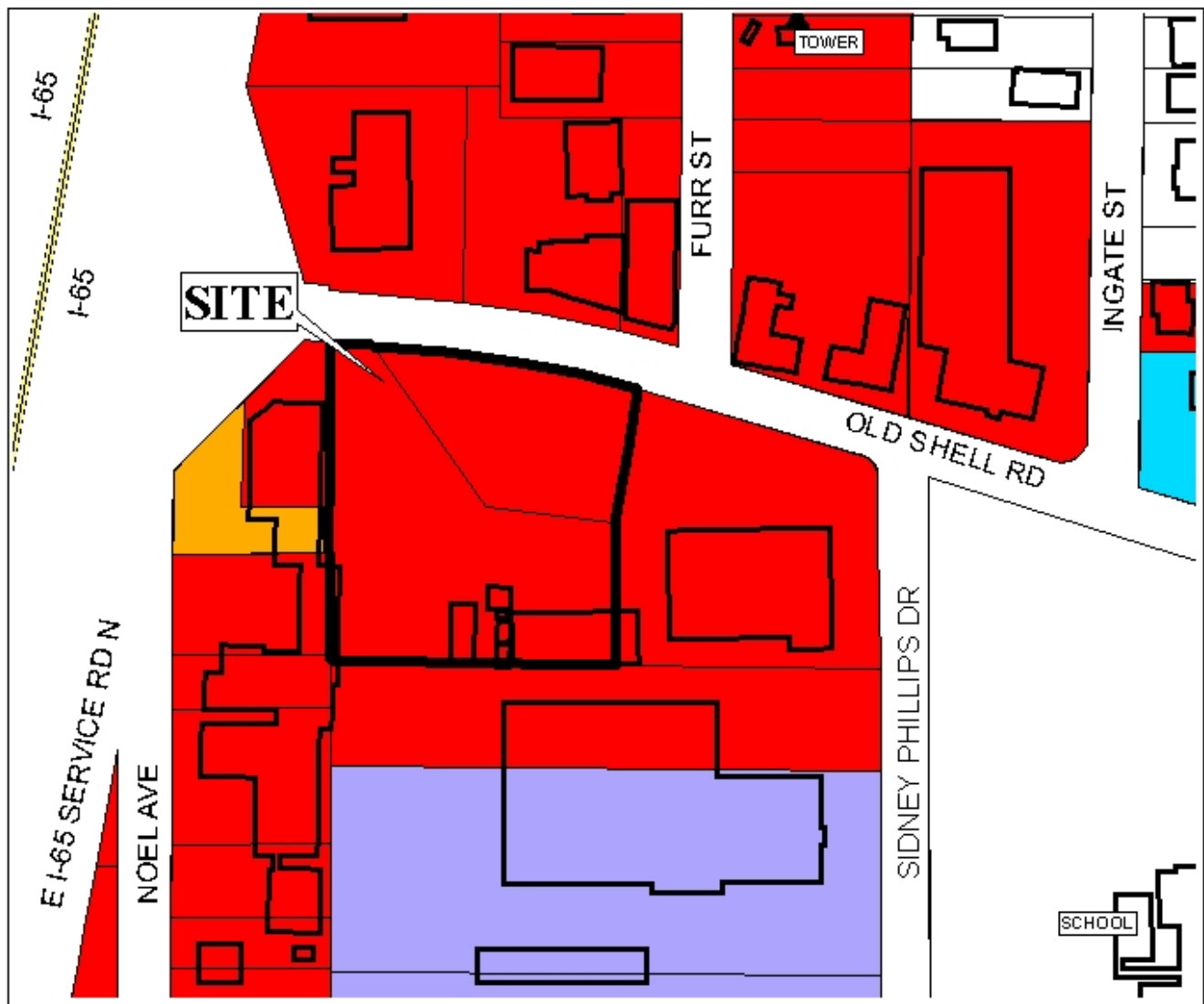


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REQUEST Subdivision, Planned Unit Development



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# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial land use.  
A school is located to the east of the site.

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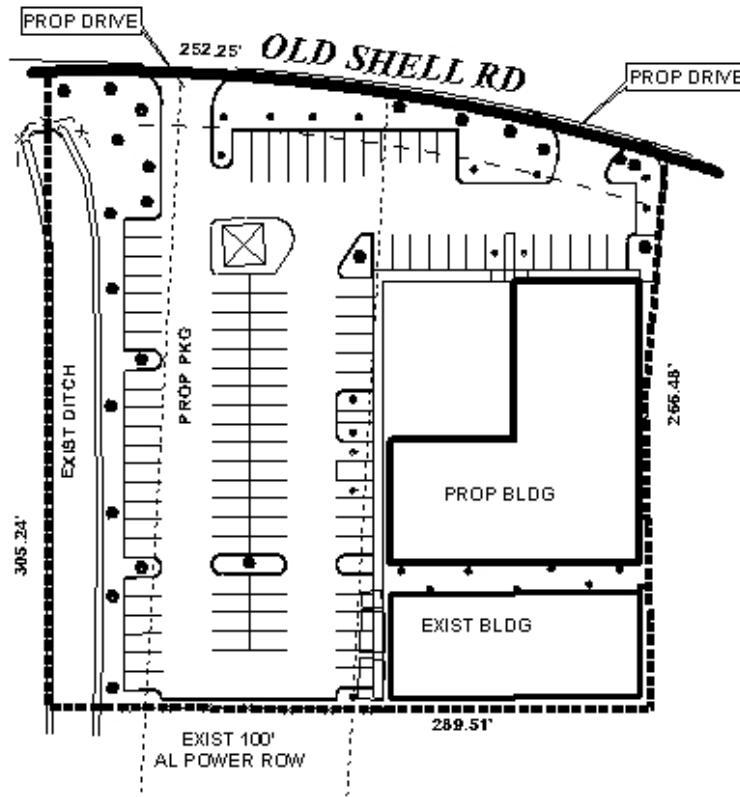
REQUEST Subdivision, Planned Unit Development

LEGEND 

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

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# SITE PLAN



The site plan illustrates the existing buildings, proposed building, parking, and drive

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