

**SUBDIVISION, ZONING AMENDMENT &
PLANNED UNIT DEVELOPMENT
STAFF REPORT**

Date: December 6, 2007

NAME Bill Fish Subdivision
George E. Jenson Contractor (Dulari J. Smith, President)

LOCATION 88 Hillcrest Road
(West side of Hillcrest Road, 270'± North of Cedar Bend Court)

**CITY COUNCIL
DISTRICT** District 7

PRESENT ZONING R-1, Single-Family Residence District

PROPOSED ZONING B-2, Neighborhood Business District

AREA OF PROPERTY 1 Lot / 0.7± Acres

CONTEMPLATED USE Planned Unit Development Approval to allow two buildings on a single building site and Rezoning from R-1, Single-Family Residential, to B-2, Neighborhood Business, to allow a two-building retail complex.
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** None given

**ENGINEERING
COMMENTS** All storm drainage must tie to City storm drainage system or release agreement required to be concentrated onto adjacent property owner. It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. Must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit.

TRAFFIC ENGINEERING

COMMENTS

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Dimensions are not shown on the site plan; however, the driveway appears to be below the city’s minimum standards. The driveway should be twenty-four feet wide with a twenty foot radius.

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 2003 International Fire Code, including Appendices B through D, with local amendments, and the 2003 International Existing Building Code, as appropriate.

REMARKS

The applicant is requesting Planned Unit Development Approval to allow two buildings on a single building site and Rezoning from R-1, Single-Family Residential, to B-2, Neighborhood Business, to allow a two-building retail complex. Retail services are allowed by right in B-2 districts.

North of the site are dwellings in an R-1, Single-Family Residential District and apartments in an R-3 District, East (across Hillcrest Road) of the site is a credit union in a B-1 District, while West of the site are single-family residences in a R-3, District.

The site itself is a metes and bounds parcel; therefore, submission of a 1-lot subdivision would be required; therefore, a holdover until the December 6th meeting should be required.

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.

Regarding the zoning application, the entire site appears to be depicted as residential 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 application does not provide any specifics regarding tenants, but simply states that B-2 zoning is required for the intended use. While some uses that may locate in a retail strip center require B-2 zoning, most would be allowed in an LB-2 district. In fact, several new developments have opted for the slightly more restrictive LB-2, Limited Neighborhood Business, in order to afford a little more protection to neighboring residential properties.

Section 64-3.A.5.a. of the Zoning Ordinance states that new freestanding B-2 districts “should” contain at least 2 acres; provided, however, that the proposed B-2 district would abut an existing B-3, or B-4 district. The site in question is only 0.7± acres, well below the recommended minimum district size and the proposed site does not abut any commercial districts.

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. It should be pointed out that PUD approval is site plan specific, so significant changes to an approved plan will require new PUD approval.

The applicant states that the anticipated use is “speculative retail buildings.” The applicant goes on to state that:

“George E. Jenson Contractor, Inc. owns the lot located at 88 Hillcrest Road and wishes to change zoning from residential to a zoning of B-2 due to the fact that Hillcrest has been widened, and that there are other commercial entities already across the street and two lots to the North, those being a credit union and the Banana Docks Restaurant respectively. We wish to maximize our investment without being intrusive to the surrounding areas.”

The Zoning and PUD site plans provided for the current application depicts two one-story buildings, a 1,600 square foot retail building to the rear of the site and a 3,378 square foot retail building along the South side of the site and 45 parking spaces. The site plan does not depict landscaping and tree compliance. It appears that the proposed driveway would not meet the width requirements of the Zoning Ordinance.

Regarding the PUD site plan, the parking requirements in the Zoning Ordinance state that the 1,600 square foot retail building and a 3,378 square foot retail building would require a total of 17 parking spaces. As illustrated on the site plan 45 spaces are depicted; therefore, the site will exceed the minimum number of parking spaces required by the Ordinance by almost three times.

Whereas, the proposed development exceeds the minimum parking requirements (45 provided, 17 required); however, there is adequate parking on site to allow for any type of food or beverage establishment. While this “discrepancy” should not have a direct bearing on whether the site should be rezoned, it should be noted as a condition if the request is recommended for approval.

The proposed parking areas contain more than 10 spaces. Light for the parking areas must comply with Section 64-6.A.3.c. of the Zoning Ordinance, *Lighting*, which states that “*if they contain ten (10) or more cars, lighting shall be provided and maintained during their operation, and shall be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic.*”

There is no indication on the site plan as to the proposed location of any dumpster or other waste storage facility. If the applicant utilizes a dumpster, 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.

There is no indication of storm water detention facilities on the site plan, but such facilities will likely be required. The site plan should depict the general location of these facilities.

A sidewalk is illustrated along Hillcrest Road; however, with the widening of Hillcrest Road the construction of the new sidewalk would be required as part of the development, if approved. The site plan should be revised to show the sidewalk.

The site will have adequate area to meet the minimum requirements for landscape area, as required by the Zoning Ordinance. The site plan does not, however, show specific compliance with the tree requirements of the Ordinance.

Finally, the submission and approval of a Subdivision application and the recording of the Final Plat must be completed prior to completion of the Zoning process.

RECOMMENDATION

Rezoning: Based upon the preceding, this request is recommended for Holdover until the December 20th meeting to allow the applicant to provide by November 19th:

1. Revision of the site plan to depict a dumpster or waste storage facilities, in compliance with Section 64-4.D.9. of the Zoning Ordinance;
2. Revision of the site plan to depict any required storm water detention facilities;
3. Compliance with Engineering comments;
4. Placement of a note on the site plan stating that any changes to the site plan, that would normally require a building or land disturbance permit, will require a new application for Planned Unit Development approval prior to the issuance of any permits;
5. Revision of the site plan to clearly depict a fence or protection buffer strip along the North, West and South perimeters of the site, in accordance with Section 64-4.D.1. of the Zoning Ordinance;
6. Placement of a note on the site plan stating that the parking area will be illuminated in accordance with the requirements of Section 64-6.A.3.c. of the Zoning Ordinance, if the parking area is used at night;
7. Placement of a note on the site plan stating that the site is limited to one curb-cut onto Hillcrest Road, with the size, design and location of the curb-cut to be approved by Traffic Engineering and in compliance with AASHTO standards;

8. Provision of a revised Planned Unit Development site plan to the Planning Section of Urban Development prior to the signing of the Final Plat;
9. Submission and Completion of the Subdivision process; and
10. Full compliance with all municipal codes and ordinances.

Planned Unit Development: Based upon the preceding, this request is recommended for Holdover until the December 20th meeting to allow the applicant to provide by November 19th:

1. Revision of the site plan to depict a dumpster or waste storage facilities, in compliance with Section 64-4.D.9. of the Zoning Ordinance;
2. Revision of the site plan to depict any required storm water detention facilities;
3. Compliance with Engineering comments;
4. Placement of a note on the site plan stating that any changes to the site plan, that would normally require a building or land disturbance permit, will require a new application for Planned Unit Development approval prior to the issuance of any permits;
5. Revision of the site plan to clearly depict a fence or protection buffer strip along the North, West and South perimeters of the site, in accordance with Section 64-4.D.1. of the Zoning Ordinance;
6. Placement of a note on the site plan stating that the parking area will be illuminated in accordance with the requirements of Section 64-6.A.3.c. of the Zoning Ordinance, if the parking area is used at night;
7. Placement of a note on the site plan stating that the site is limited to one curb-cut onto Hillcrest Road, with the size, design and location of the curb-cut to be approved by Traffic Engineering and in compliance with AASHTO standards;
8. Provision of a revised Planned Unit Development site plan to the Planning Section of Urban Development prior to the signing of the Final Plat;
9. Submission and Completion of the Subdivision process; and
10. Full compliance with all municipal codes and ordinances.

Revised for the December 6th meeting:

The applications were heldover from the November 15th meeting to allow the applicant to submit additional information concerning changes in ownership and deeds to substantiate the changes.

A information concerning the changes in ownership and deeds were submitted as well as a revised site plan addressing the conditions of the rezoning and Planned Unit Development (PUD) approvals from the November 15th Planning Commission meeting. Therefore, for the purpose of the revised report will only deal with the subdivision approval, since the rezoning and Planned Unit Development (PUD) was approved with conditions including the submission and completion of the subdivision process.

The plat illustrates the proposed 0.7± acre, one lot subdivision, which is located on the west side of Hillcrest Road, 270'± North of Cedar Bend Court, in City Council District 7. The subdivision is served by city water and sanitary facilities.

The purpose of this application is to create one legal lot of record from a metes and bounds parcel. While the purpose of the application is to create a legal lot of record, no documentation

has been submitted to date the establishment of the parcel in question, or any others that are part of the original parent parcel. Based on information gleaned from the Tax Assessor's web site, it appears that the parcels may have been created in the 70's or 80's, with no changes in ownership of the child parcels since that time. However, the applicant has submitted a deed illustrating the child parcel was subdivided from the parent parcel in 1954 and the applicant is receiving no cooperation from the neighboring parcel owner. Therefore, since this child parcel was deeded in 1954 from the parent parcel the information provided to the staff is sufficient to allow this application to be heard by the Commission.

The site fronts Hillcrest Road, with a 100' right-of-way, compliant with the Major Street Plan. Therefore, no right-of-way dedication is required.

The site has approximately 100 linear feet of frontage along Hillcrest Road. Since Hillcrest Road is a major street, and given its traffic density, access management is a concern; therefore, a note should be placed on the final plat, if approved, stating that the site is limited to one curb cut, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.

The proposed lot is not labeled with its size in square footage; therefore, the lot should be labeled with its size in square feet, or a table should be provided on the final plat, if approved, indicating the same information. The plat indicates a 25' minimum building setback line along Hillcrest Road, and this should also be indicated on the final plat, if approved.

RECOMMENDATION

Rezoning: *Based on the preceding, the application is recommended for Approval, subject to the following conditions:*

- 1. Revision of the site plan to depict a dumpster or waste storage facilities, in compliance with Section 64-4.D.9. of the Zoning Ordinance;*
- 2. Revision of the site plan to depict any required storm water detention facilities;*
- 3. Compliance with Engineering comments;*
- 4. Placement of a note on the site plan stating that any changes to the site plan, that would normally require a building or land disturbance permit, will require a new application for Planned Unit Development approval prior to the issuance of any permits;*
- 5. Revision of the site plan to clearly depict a fence or protection buffer strip along the North, West and South perimeters of the site, in accordance with Section 64-4.D.1. of the Zoning Ordinance;*
- 6. Placement of a note on the site plan stating that the parking area will be illuminated in accordance with the requirements of Section 64-6.A.3.c. of the Zoning Ordinance, if the parking area is used at night;*
- 7. Placement of a note on the site plan stating that the site is limited to one curb-cut onto Hillcrest Road, with the size, design and location of the curb-cut to be approved by Traffic Engineering and in compliance with AASHTO standards;*
- 8. Provision of a revised Planned Unit Development site plan to the Planning Section of Urban Development prior to the signing of the Final Plat;*
- 9. Submission and Completion of the Subdivision process; and*
- 10. Full compliance with all municipal codes and ordinances.*

Planned Unit Development: Based on the preceding, the application is recommended for Approval, subject to the following conditions:

1. Revision of the site plan to depict a dumpster or waste storage facilities, in compliance with Section 64-4.D.9. of the Zoning Ordinance;
2. Revision of the site plan to depict any required storm water detention facilities;
3. Compliance with Engineering comments;
4. Placement of a note on the site plan stating that any changes to the site plan, that would normally require a building or land disturbance permit, will require a new application for Planned Unit Development approval prior to the issuance of any permits;
5. Revision of the site plan to clearly depict a fence or protection buffer strip along the North, West and South perimeters of the site, in accordance with Section 64-4.D.1. of the Zoning Ordinance;
6. Placement of a note on the site plan stating that the parking area will be illuminated in accordance with the requirements of Section 64-6.A.3.c. of the Zoning Ordinance, if the parking area is used at night;
7. Placement of a note on the site plan stating that the site is limited to one curb-cut onto Hillcrest Road, with the size, design and location of the curb-cut to be approved by Traffic Engineering and in compliance with AASHTO standards;
8. Provision of a revised Planned Unit Development site plan to the Planning Section of Urban Development prior to the signing of the Final Plat;
9. Submission and Completion of the Subdivision process; and
10. Full compliance with all municipal codes and ordinances.

Subdivision: Based on the preceding, the plat meets the requirements of the Subdivision Regulations and is recommended for Tentative Approval, subject to the following conditions:

1. labeling of the lot with its size in square feet, or the provision of a table on the final plat with the same information;
2. placement of a note on the final plat stating that the site is limited to one curb cut, with the size, location, and design to be approved by Traffic Engineering, and conform to AASHTO standards; and
3. the placement of the 25-foot minimum building setback lines on the Final Plat.

LOCATOR MAP



APPLICATION NUMBER 1,2,& 3 DATE December 6, 2007

APPLICANT George E. Jensen Contractor (Dulari J. Smith, President)

REQUEST Subdivision, Planned Unit Development, Rezoning from R-1 to B-2



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Apartments are to the northwest of the site, single family residential units are to the southwest, a credit union is to the east, and single family residential units are to the north and south.

APPLICATION NUMBER 1,2,&3 DATE December 6, 2007
 APPLICANT George E. Jensen Contractor (Dulari J. Smith, President)
 REQUEST Subdivision, Planned Unit Development, Rezoning from R-1 to B-2

LEGEND

															NTS
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	

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



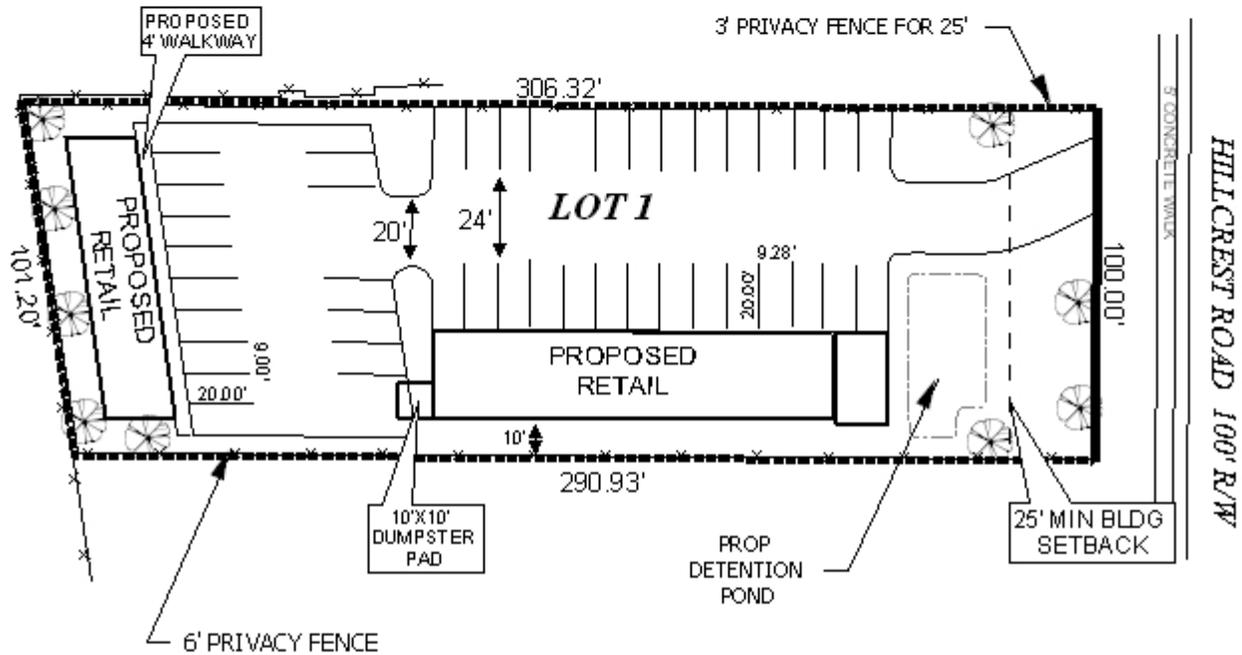
Apartments are to the northwest of the site, single family residential units are to the southwest, a credit union is to the east, and single family residential units are to the north and south.

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APPLICANT George E. Jensen Contractor (Dulari J. Smith, President)
REQUEST Subdivision, Planned Unit Development, Rezoning from R-1 to B-2



NTS

SITE PLAN



The site plan illustrates the proposed parking, proposed building, setback, and proposed walkways.

APPLICATION NUMBER 1,2,&3 DATE December 6, 2007
 APPLICANT George E. Jensen Contractor (Dulari J. Smith, President)
 REQUEST Subdivision, Planned Unit Development, Rezoning from R-1 to B-2



NTS