

**SUBDIVISION,  
PLANNED UNIT DEVELOPMENT, &  
REZONING STAFF REPORT****Date: September 21, 2017****APPLICANT NAME**

JHA Air Three, LLC

**SUBDIVISION NAME**

Ascension Subdivision

**DEVELOPMENT NAME**

Ascension Subdivision

**LOCATION**

1016 Hillcrest Road  
(West side of Hillcrest Road, 575'± North of Johnston Lane, extending to the North side of Johnston Lane, 350'± West of Hillcrest Road).

**CITY COUNCIL  
DISTRICT**

Council District 6

**PRESENT ZONING**

R-1, Single-Family Residential District &amp; B-3, Community Business District

**PROPOSED ZONING**

B-3, Community Business District

**AREA OF PROPERTY**

2 Lots/5.4± Acres

**CONTEMPLATED USE**

Subdivision Approval to relocate the interior lot line between two legal lots of record; Planned Unit Development to allow multiple buildings on a single building site; and Rezoning from R-1, Single-Family Residential District and B-3, Community Business District to B-3, Community Business District to eliminate split zoning and allow construction of a funeral chapel.

**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 Provided

**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. 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. Add legible street names to the vicinity map.
- C. Provide and label the monument set or found at each subdivision corner.
- D. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer.
- E. Provide the Surveyor's Certificate and Signature.
- F. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
- G. 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.
- H. 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.
- I. Add a note to the plat stating that all easements shall remain in effect until vacated through the proper Vacation process.
- 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 (with all other signatures) and one (1) copy (signatures not required) of the revised Final Plat to the Engineering Department.

**Planned Unit Development:** 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.

**Rezoning:**

No Comments

**TRAFFIC ENGINEERING  
COMMENTS**

Site is limited to the existing curb cuts with any changes to size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. 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 relocate the interior lot line between two legal lots of record; Planned Unit Development to allow multiple buildings on a single building site; and Rezoning from R-1, Single-Family Residential District and B-3, Multiple-Family Residential District to B-3, Multiple-Family Residential District to eliminate split zoning and allow construction of a funeral chapel.

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 proposed lots, as depicted, meet the minimum size and frontage requirements as regulated by the Subdivision Regulations. The lot area sizes are depicted on the plat in square feet and acres. The 25-foot minimum building setback line is depicted along Hillcrest Road, with a 35-foot minimum building setback line depicted along Johnston Lane, both as depicted on previously recorded subdivision plats. If approved, at least a 25-foot minimum building setback should be illustrated along both frontages.

The lot fronts Hillcrest Road, a proposed major street, has a compliant right-of-way of 100', making no dedications necessary. The site also has frontages along Johnson Lane, an unimproved minor street without curb and gutter, which is illustrated as having a right-of-way that varies. As part of the previous Subdivision from 1997 for that portion of the subject property, a 5' strip was required to be dedicated in order to provide 25' from the centerline, which still results in a sub-standard right-of-way width for an unimproved street. As a result, a note was required to be placed on the Final Plat stating that "Development of Lot 1 will require construction of this portion of Johnston Lane to City of Mobile standards." As such, if approved, the Final Plat should have a similar note for the proposed Lot B. As a means of access management, Lot A should be limited to the existing curb cuts to Hillcrest Road, and Lot B should be limited to one curb cut to Johnson Lane with changes in size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.

It should be noted that there is a drainage and utility easement on the proposed Lot A. If approved, a note should be placed on the Final Plat stating that no structures will be placed in any easement.

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 rezoning request is desirable due "an increased need for business or industrial sites in addition to sites that are available, make it necessary and desirable to rezone an area or extend the boundaries of an existing district." It should also be noted that if approved, the proposed Subdivision would result in a split-zoned lot.

The site has been given a Mixed Commercial Corridor (MCC) 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 land use designation mostly applies to transportation corridors West of I-65 serving primarily the low-density (suburban) residential neighborhoods. MCC includes a wide variety of retail, services and entertainment uses.

This designation acknowledges existing commercial development that is spread along Mobile's transportation corridors in a conventional strip pattern or concentrated into shorter segments of a corridor.

Over time, new development and redevelopment in Mixed Commercial Corridors is encouraged to raise design quality, improve connectivity to surrounding neighborhoods; improved streetscapes; and improve mobility and accessibility for all users of the corridor.

As stated in Section 64-5 of the Zoning Ordinance, 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. It should also be noted that PUD approval expires after one year.

The portion of the proposed Lot A currently zoned B-3, Community Business District is developed with an existing funeral home, and the applicant wishes to construct a funeral chapel on the portion proposed to be incorporated and rezoned. Furthermore, the applicant has submitted a voluntary use restriction affidavit with the rezoning application stating “This property will only be used for a funeral home and funeral related uses (i.e. funeral services, celebration of life services, etc.).”

The site plan submitted only provides tree planting and landscape area information on the proposed addition to the lot, and does not include the existing developed portion. It should be noted that there is a tree plan on file for the existing development, however expanding the size of Lot A dramatically increases the amount of front landscape area required, from 4,175 square feet to 8,063 square feet. No information has been provided to indicate compliance, and as such, it should be insured that the entire site will be compliant with tree planting and landscape area prior to approval.

It should be noted that the proposed chapel will have 200 seats, making 50 parking spaces required, and 56 new parking spaces are proposed, in addition to the 74 existing parking spaces, for a total of 130 parking spaces, which exceed the required parking minimum of 63 parking spaces. It should be noted the proposed parking will be an increase exceeding 25%; therefore a photometric site plan will be required at the time of permitting.

It appears that an existing dumpster is illustrated on the site plan, but is not labeled as such. If approved, the dumpster should be labeled.

The proposed Lot A to be rezoned is adjacent to R-1, Single-Family Residential properties to the South and West. The site plan should be revised to illustrate a 6' high wooden privacy fence next to all adjacent R-1, Single-Family Residential District properties.

### **RECOMMENDATION**

**Subdivision:** The request is recommended for Holdover to the October 19, 2017 meeting, with revisions to be submitted by September 28, 2017 to address the following:

- 1) retention of the 25' minimum building setback line along all frontages;
- 2) retention of the lot sizes in square feet and acres;

- 3) placement of a note on the Final Plat stating the Lot A is limited to the existing curb-cuts to Hillcrest Road, and Lot B is limited to one curb-cut to Johnston Lane with changes in size, location and design to be approved by Traffic Engineering and conform to AASHTO standards;
- 4) placement of a note on the Final Plat stating “Development of Lot B will require construction of this portion of Johnston Lane to City of Mobile standards”;
- 5) placement of a note on the Final Plat stating that no structures are allowed to be erected in any easements;
- 6) full 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. Add legible street names to the vicinity map. C. Provide and label the monument set or found at each subdivision corner. D. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer. E. Provide the Surveyor’s Certificate and Signature. F. Provide the Surveyor’s, Owner’s (notarized), Planning Commission, and Traffic Engineering signatures. G. 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. H. 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. I. Add a note to the plat stating that all easements shall remain in effect until vacated through the proper Vacation process. 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 (with all other signatures) and one (1) copy (signatures not required) of the revised Final Plat to the Engineering Department.);*
- 7) full compliance with Traffic Engineering comments: *(Site is limited to the existing curb cuts with any changes to size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. On-site parking, including ADA handicap spaces shall meet the minimum standards as defined in Section 64-6 of the City’s Zoning Ordinance.);*
- 8) 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).);*
- 9) 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)).*

**Planned Unit Development:** Based on the preceding Planned Unit Development request is recommended for Holdover to the October 19, 2017 meeting, with revisions to be submitted by September 28, 2017 to address the following:

- 1) placement of a note on the site plan stating the number of seats in the chapel;
- 2) labeling of the existing dumpster on the site;
- 3) provision of a site plan showing full compliance with tree planting and landscape area requirements for the entire site; and
- 4) revision of the site plan to illustrate a 6' high wooden privacy fence next to all adjacent R-1, Single-Family Residential District properties.

**Rezoning:** Based on the preceding, the rezoning is recommended for Holdover to the October 19, 2017 meeting, with revisions to be submitted by September 28, 2017 to address the following:

- 1) placement of a note on the site plan stating the number of seats in the chapel;
- 2) labeling of the existing dumpster on the site;
- 3) provision of a site plan showing full compliance with tree planting and landscape area requirements for the entire site; and
- 4) revision of the site plan to illustrate a 6' high wooden privacy fence next to all adjacent R-1, Single-Family Residential District properties.

***Revised for the October 5, 2017 meeting***

*The application was heldover at the September 21<sup>st</sup> meeting to allow the applicant to address the following concerns:*

- 1) placement of a note on the site plan stating the number of seats in the chapel;*
- 2) labeling of the existing dumpster on the site;*
- 3) provision of a site plan showing full compliance with tree planting and landscape area requirements for the entire site; and*
- 4) revision of the site plan to illustrate a 6' high wooden privacy fence next to all adjacent R-1, Single-Family Residential District properties.*

*The applicant has revised the site plan to indicate that there will be 200 seats in the chapel, as well as labelled the existing enclosed dumpster. There is also a note indicating that a 6' privacy fence is required along the property lines abut R-1, Single-Family Residential property. The applicant is requesting that the construction of the required fence be postponed until such time as the adjacent property is developed residentially, as they are heavily wooded at this time. While the Planning Commission may consider this request, it is important to note that granting it may cause an enforcement issue for staff later on.*

*Finally, the site plan has been revised to indicate tree planting and landscape area calculations for the entire site. Based on the information provided, the site will exceed the minimum amount of landscaped area by more than 5,000 square feet, while being short on the amount of front landscaped area required by less than 4,000 square feet. While the Zoning Ordinance requires front landscape area to be located between the front property line and the building, the Planning Commission does have the authority to allow landscaped areas on other portions of the site to fulfil this requirement.*

**RECOMMENDATION** *Subdivision: The request is recommended for Tentative Approval, subject to the following conditions:*

- 1) *retention of the 25' minimum building setback line along all frontages;*
- 2) *retention of the lot sizes in square feet and acres;*
- 3) *retention of the note on the Final Plat stating the Lot A is limited to the existing curb-cuts to Hillcrest Road, and Lot B is limited to one curb-cut to Johnston Lane with changes in size, location and design to be approved by Traffic Engineering and conform to AASHTO standards;*
- 4) *retention of the note on the Final Plat stating "Development of Lot B will require construction of this portion of Johnston Lane to City of Mobile standards";*
- 5) *retention of the Final Plat stating that no structures are allowed to be erected in any easements;*
- 6) *full 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. Add legible street names to the vicinity map. C. Provide and label the monument set or found at each subdivision corner. D. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer. E. Provide the Surveyor's Certificate and Signature. F. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. G. 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. H. 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. I. Add a note to the plat stating that all easements shall remain in effect until vacated through the proper Vacation process. 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 (with all other signatures) and one (1) copy (signatures not required) of the revised Final Plat to the Engineering Department.);*
- 7) *full compliance with Traffic Engineering comments: (Site is limited to the existing curb cuts with any changes to size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. On-site parking, including ADA handicap spaces shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.);*
- 8) *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).);*
- 9) *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*



10) provision of two (2) revised PUD site plans to the Planning Division prior to the signing of the Final Plat.

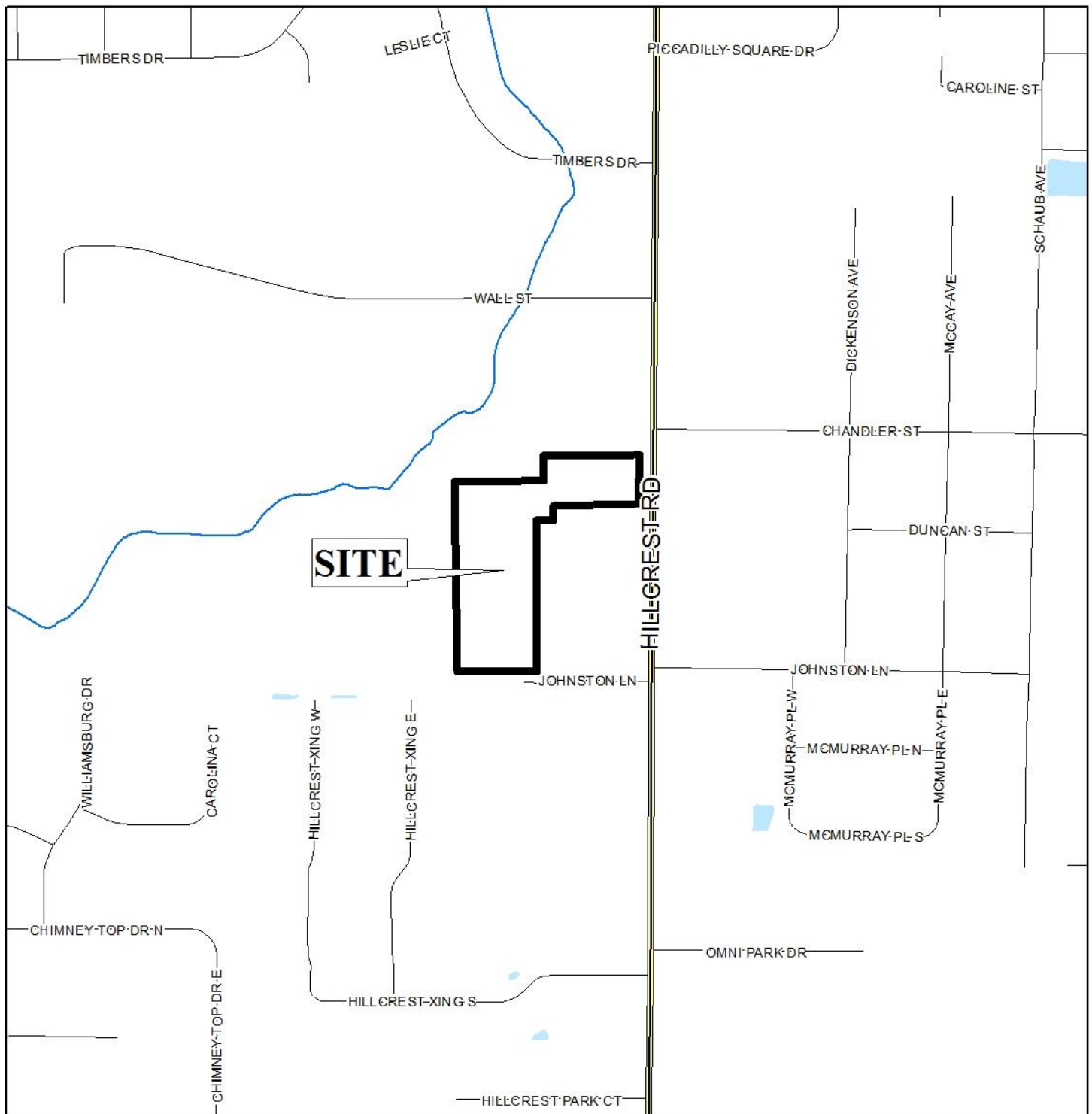
**Planned Unit Development:** Based on the preceding Planned Unit Development request is recommended for Approval, subject to the following conditions:

- 1) provision of a photometric plan at time of permitting;
- 2) provision of a site plan showing full compliance with tree planting and landscape area requirements at time of permitting, with at least the same amount of front landscape area as shown on the revised site plan;
- 3) revision of the site plan to illustrate a 6' high wooden privacy fence next to all adjacent R-1, Single-Family Residential District properties;
- 4) full compliance with Traffic Engineering comments: (Site is limited to the existing curb cuts with any changes to size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. On-site parking, including ADA handicap spaces shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.);
- 5) 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).);
- 6) 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
- 7) provision of two (2) revised PUD site plans to the Planning Division prior to the signing of the Final Plat.

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

- 1) completion of the Subdivision process;
- 2) site is limited to an approved Planned Unit Development; and
- 3) full compliance with all municipal codes and ordinances.

# LOCATOR MAP



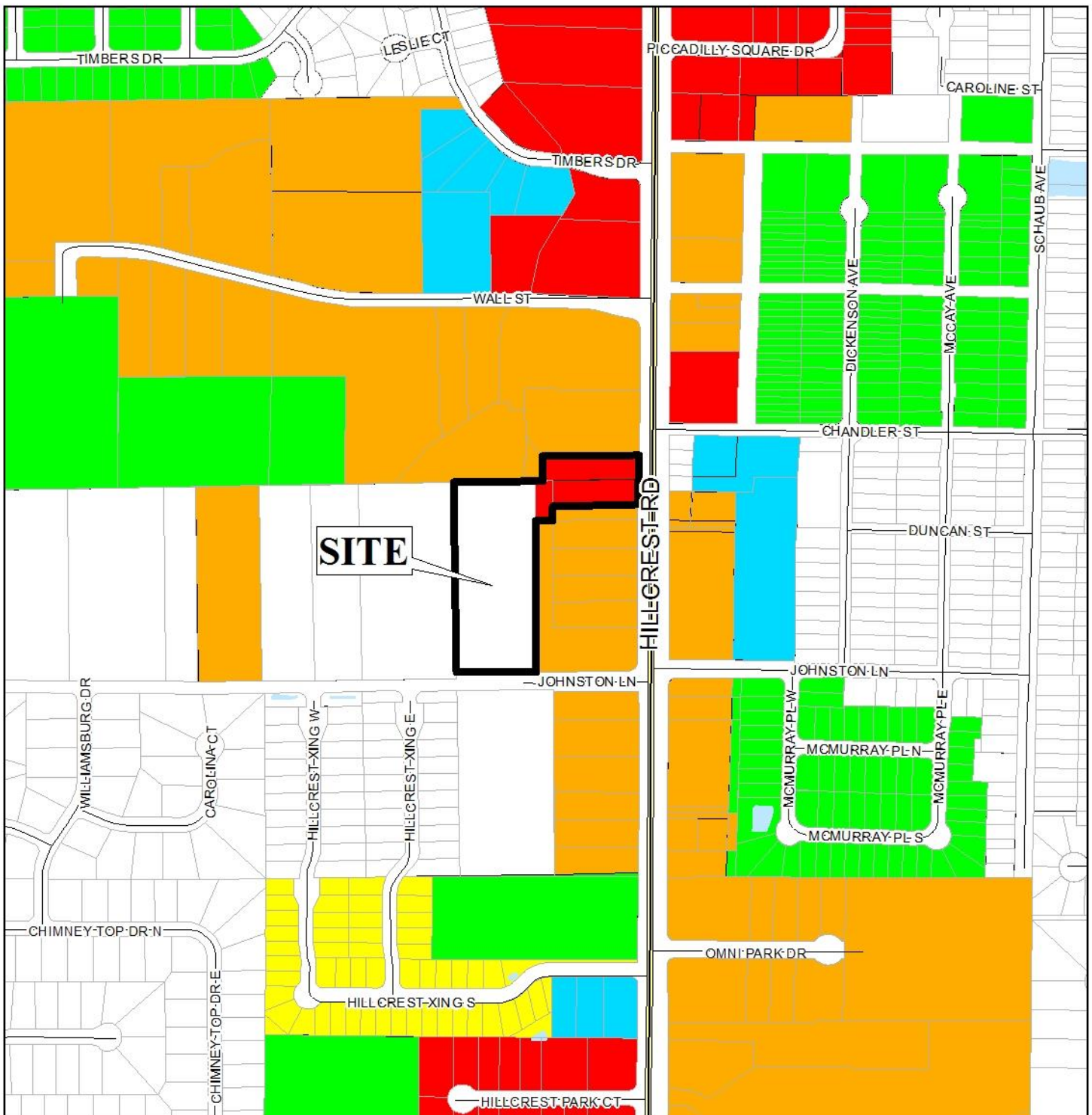
APPLICATION NUMBER 3 DATE October 5, 2017

APPLICANT Ascension Subdivision

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



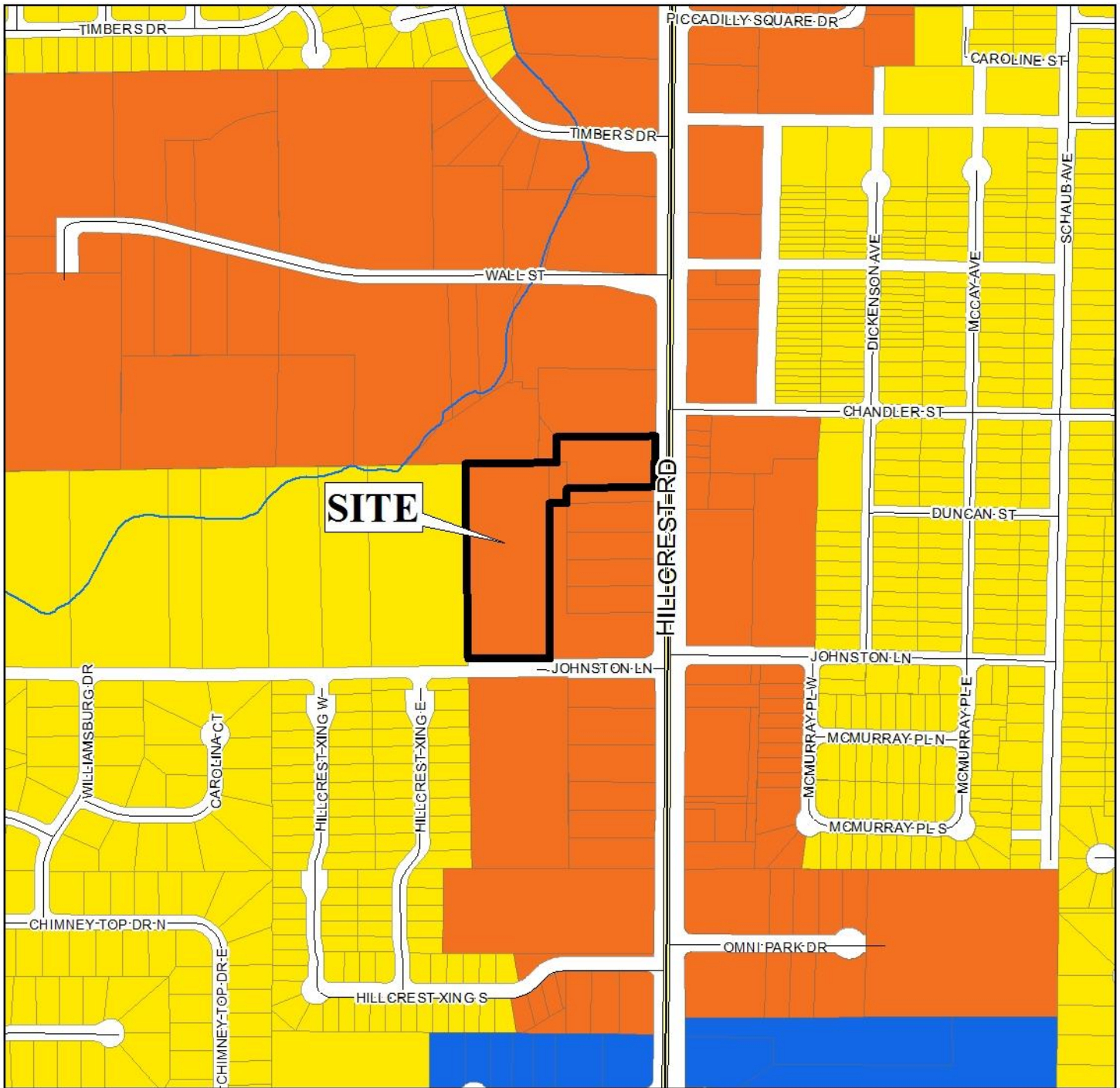
# LOCATOR ZONING MAP



APPLICATION NUMBER 3 DATE October 5, 2017  
 APPLICANT Ascension Subdivision  
 REQUEST Subdivision, PUD, Rezoning from R-1 and B-3 to B-3



# FLUM LOCATOR MAP



APPLICATION NUMBER 3 DATE October 5, 2017

APPLICANT Ascension Subdivision

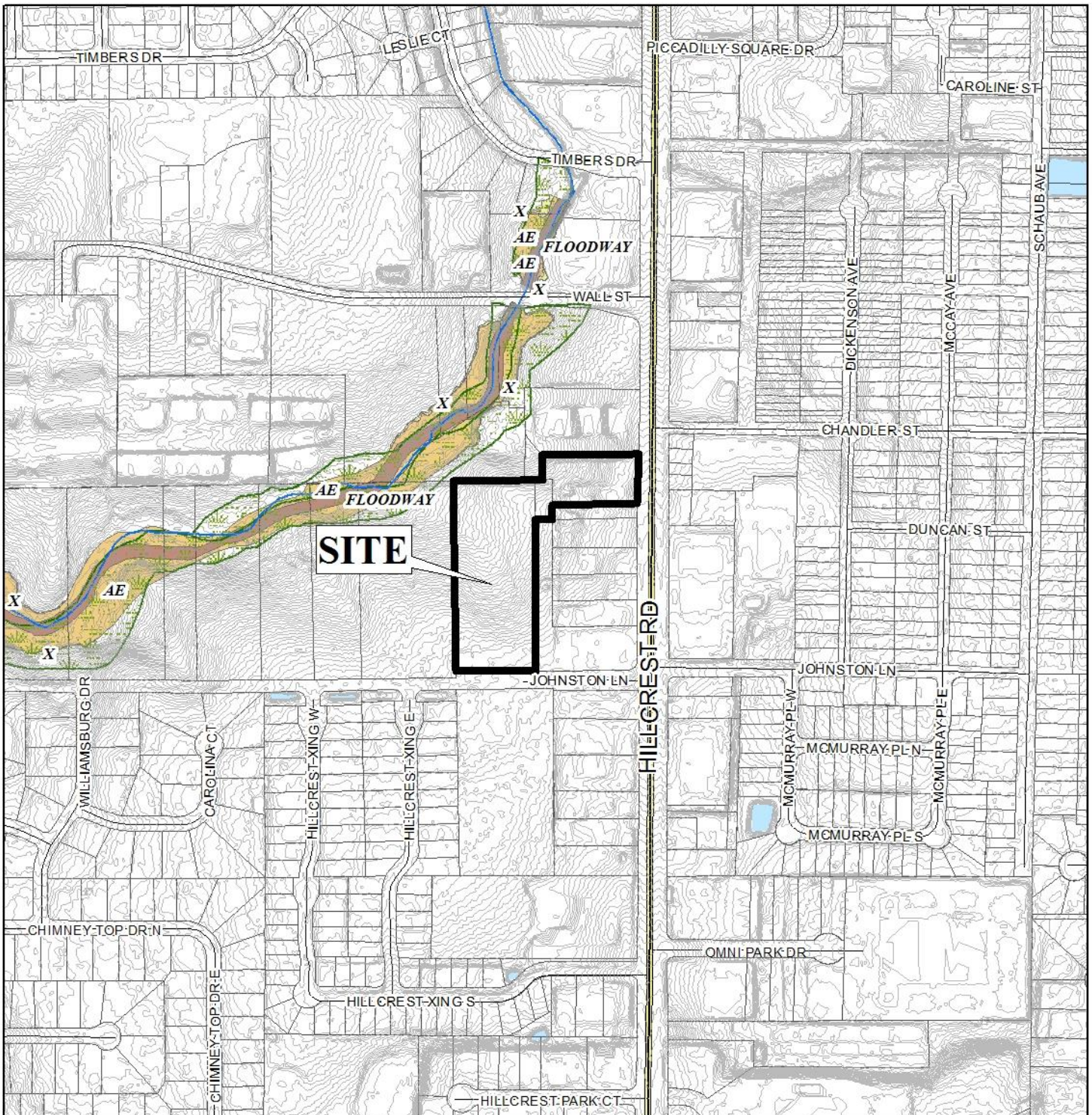
REQUEST Subdivision, PUD, Rezoning from R-1 and B-3 to B-3

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 3 DATE October 5, 2017

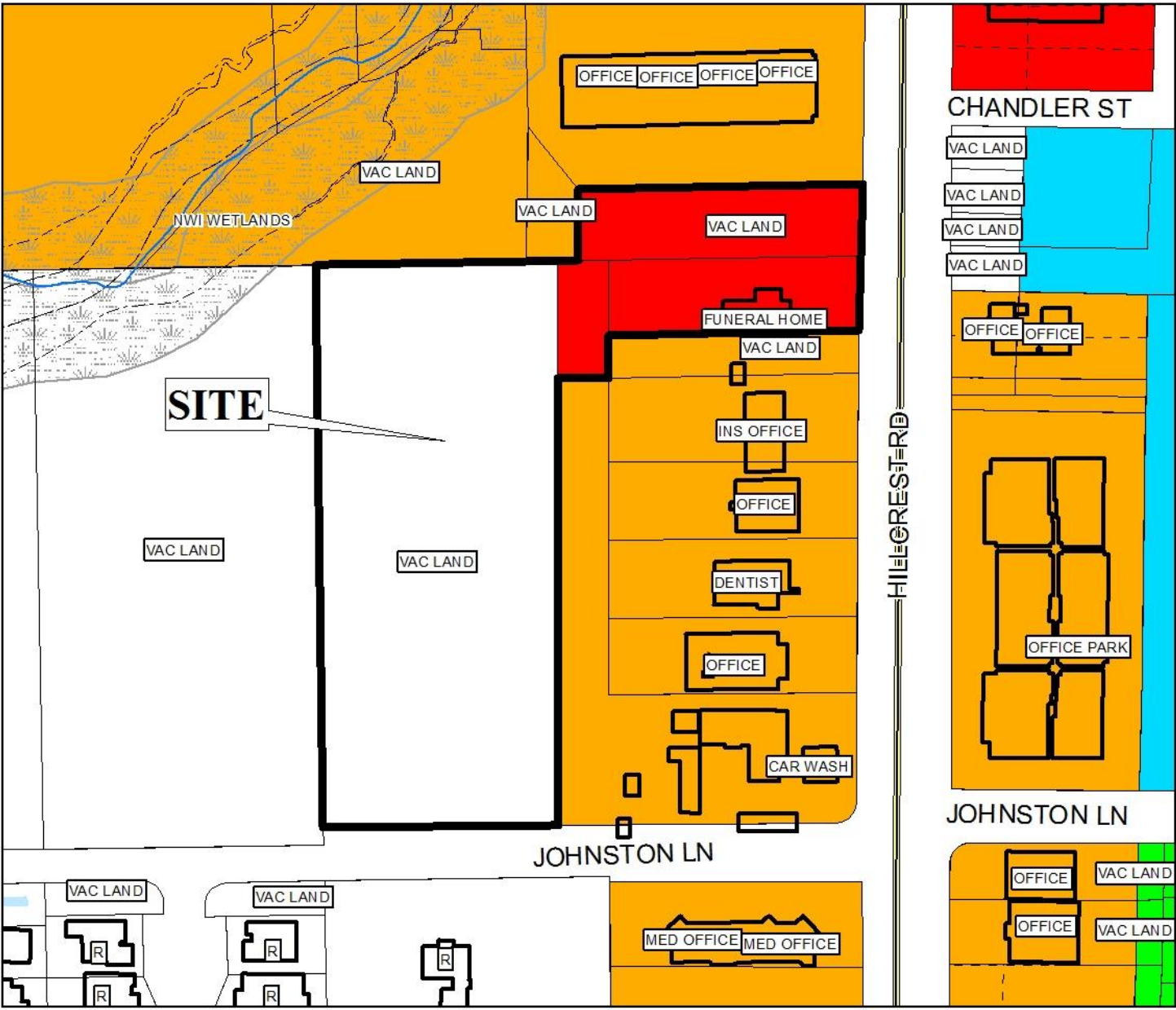
APPLICANT Ascension Subdivision

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





**PLANNING COMMISSION  
VICINITY MAP - EXISTING ZONING**



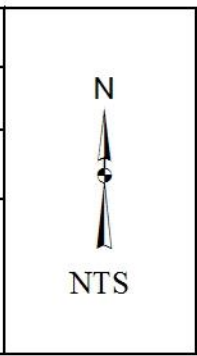
The site is surrounded by commercial units. Residences lie to the southwest.

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APPLICANT Ascension Subdivision

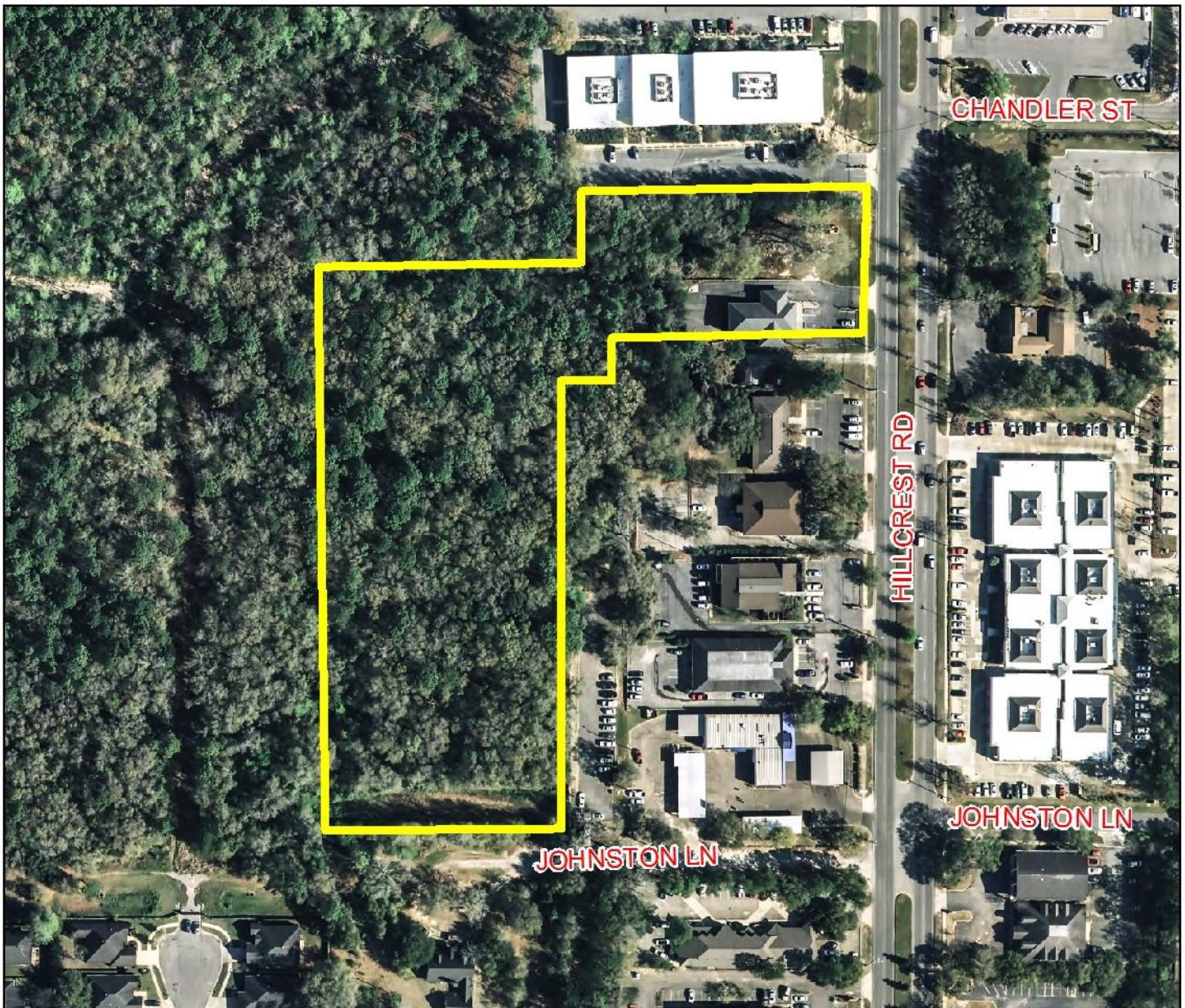
REQUEST Subdivision, PUD, Rezoning from R-1 and B-3 to B-3

	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. Residences lie to the southwest.

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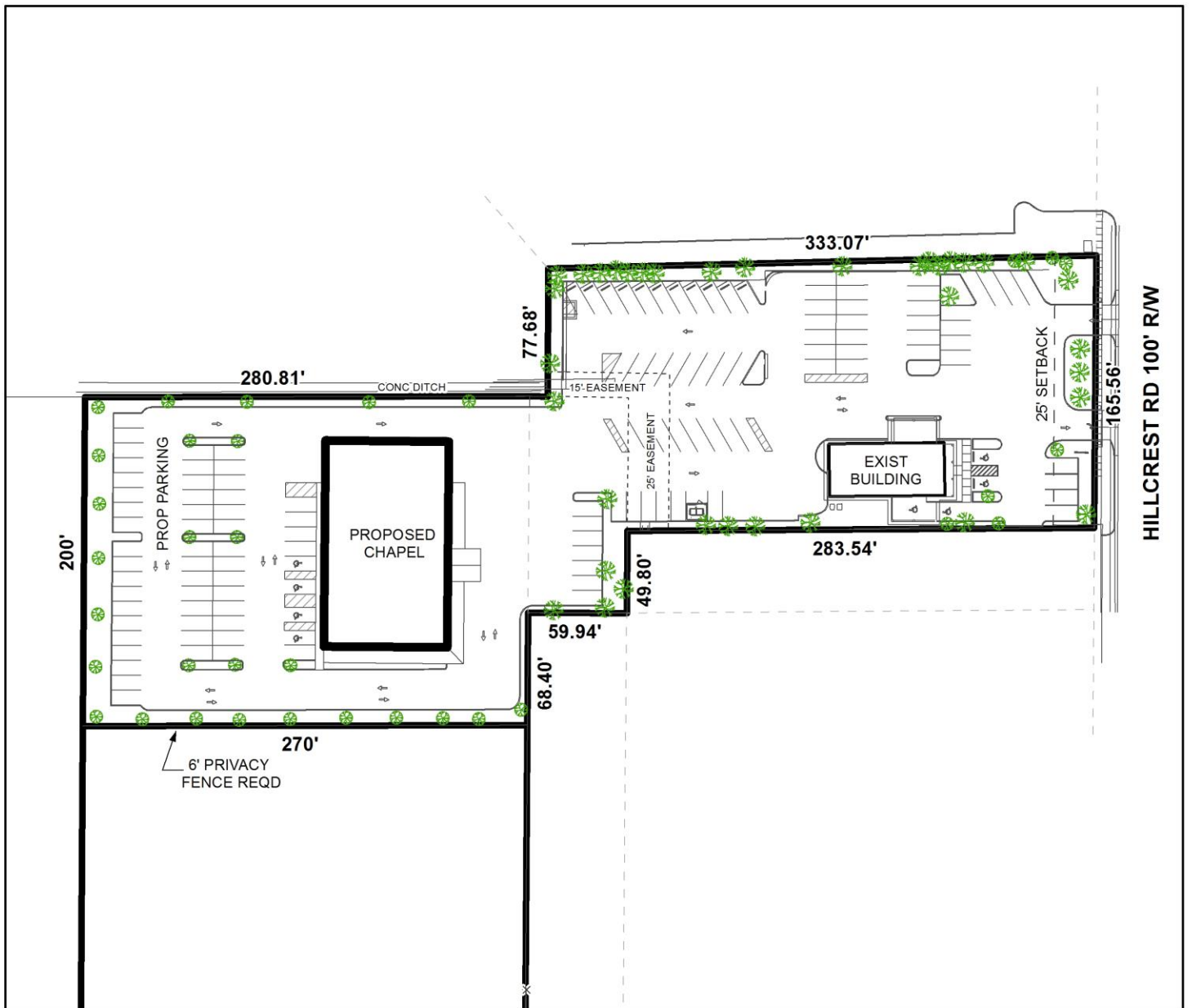
APPLICANT Ascension Subdivision

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





# SITE PLAN



The site plan illustrates the existing building, proposed building, setback, and easements.

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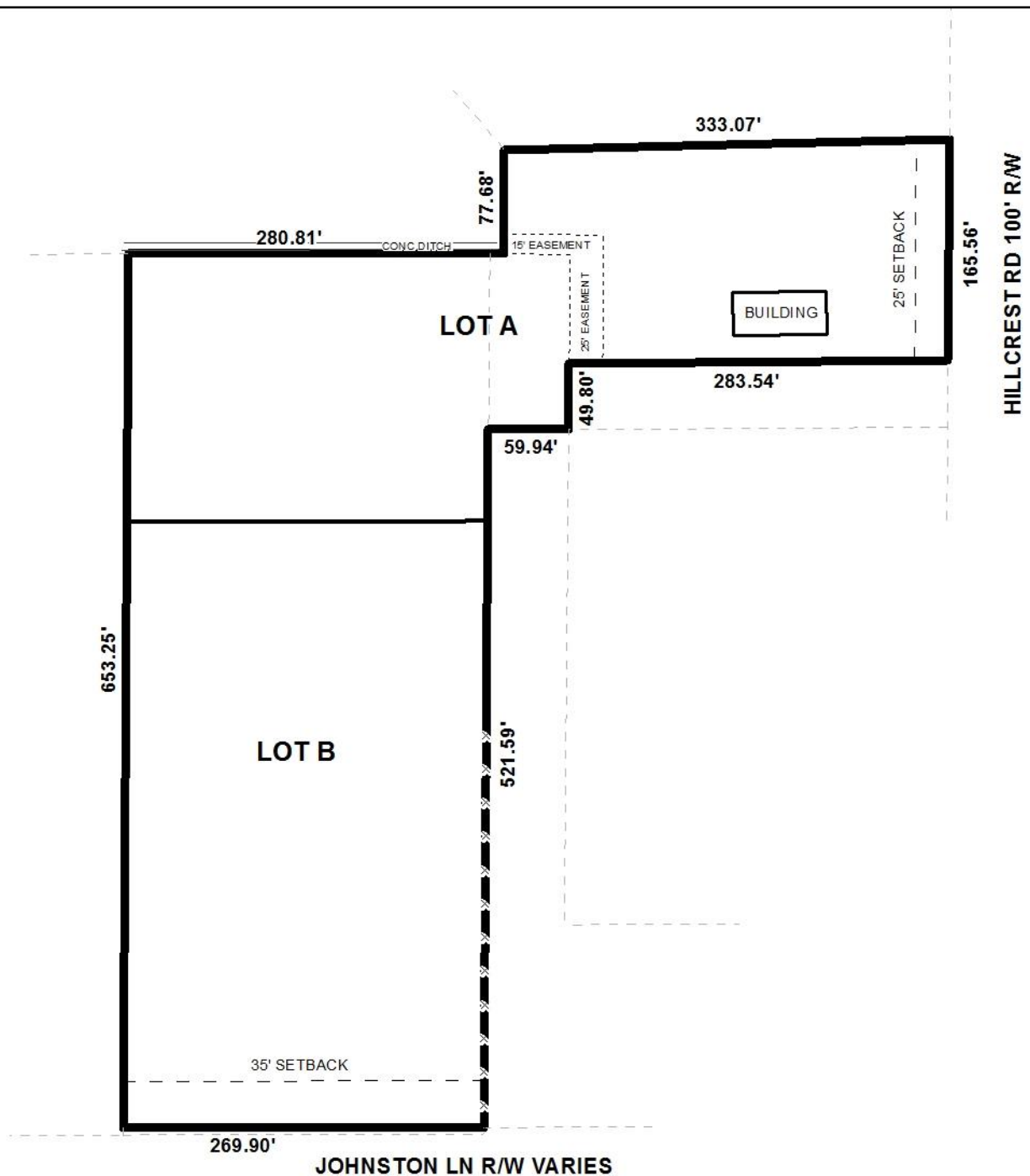
APPLICANT Ascension Subdivision

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





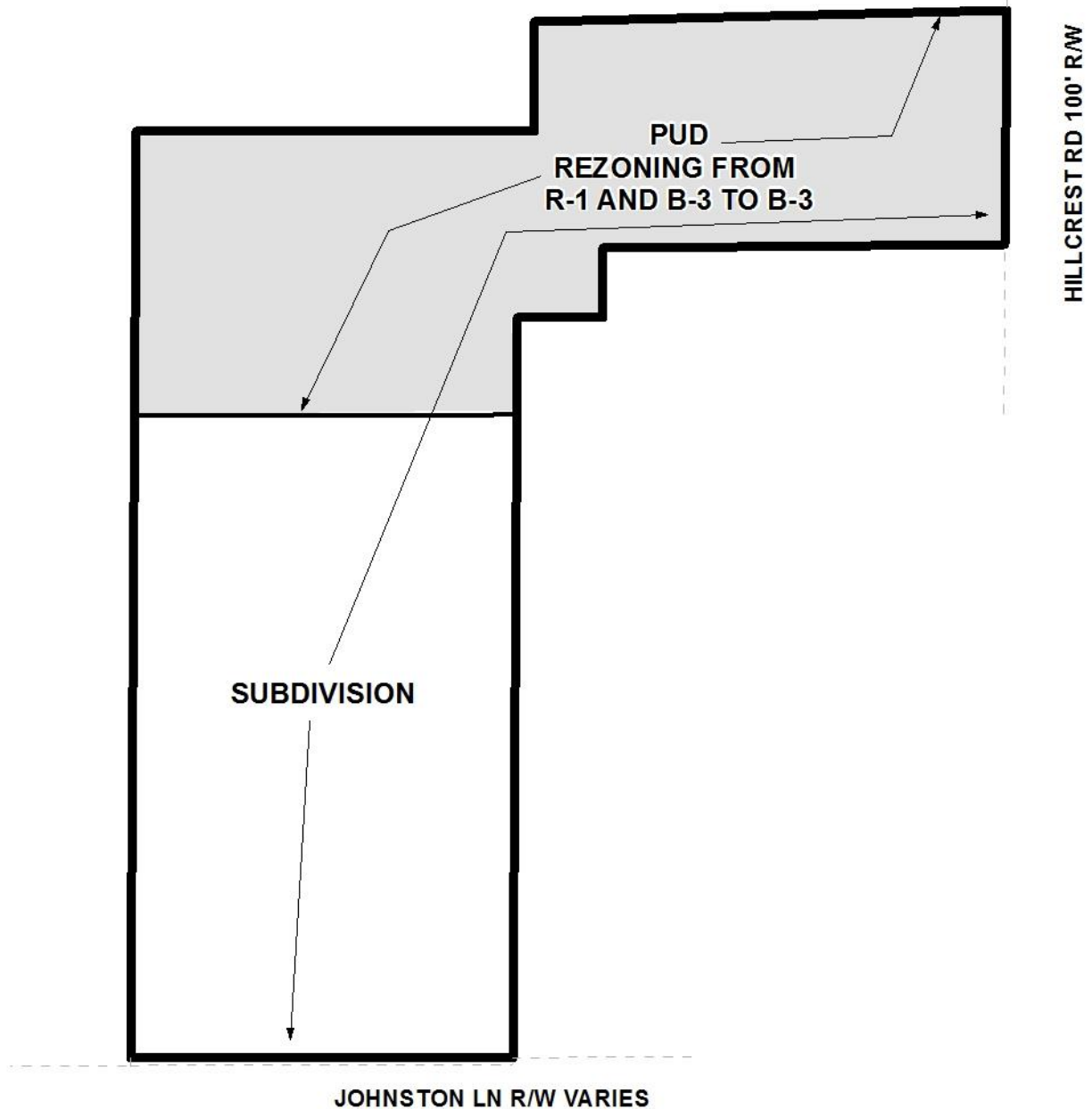
# DETAIL SITE PLAN



APPLICATION NUMBER 3 DATE October 5, 2017  
APPLICANT Ascension Subdivision  
REQUEST Subdivision, PUD, Rezoning from R-1 and B-3 to B-3



# DETAIL SITE PLAN



APPLICATION NUMBER 3 DATE October 5, 2017

APPLICANT Ascension Subdivision

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

