

**ZONING AMENDMENT  
& SUBDIVISION STAFF REPORT****Date: March 6, 2008****APPLICANT NAME**

911 Dauphin Street, Inc.

**SUBDIVISION NAME**

The Moors at Springhill Subdivision

**LOCATION**

North side of Spring Hill Avenue, extending from the North terminus of Wacker Lane North to the North terminus of Gulfwood Drive

**CITY COUNCIL  
DISTRICT**

District 7

**PRESENT ZONING**

R-1, Single-Family Residential District

**PROPOSED ZONING**

B-1, Buffer Business District

**AREA OF PROPERTY**2 Lots / 5.9  $\pm$  Acres - Subdivision  
1 Lot / 1.5  $\pm$  Acres - Zoning**CONTEMPLATED USE**

Subdivision approval to create 2 lots, and Zoning approval to rezone the site from R-1, Single-Family Residential, to B-1, Buffer Business, to allow professional offices.

**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.**

**REASON FOR  
REZONING**

Applicant is requesting rezoning of the site to allow professional offices. Adjacent property to the East is already commercially zoned.

**TIME SCHEDULE  
FOR DEVELOPMENT**

Immediately

**ENGINEERING  
COMMENTS**

A flood study needs to be performed for any fill placed in AE or X-shaded flood zones. Be sure flood zones are shown on the plan. A drainage easement approved by Engineering Dept. will be required for the drainage way, as well as, an approved analysis and drainage system for the drainage way accepting public water. 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.

### **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 must comply with the requirements of the 2003 International Fire Code, including Appendices B through D, as adopted by the City of Mobile, and the 2003 International Existing Building Code, as appropriate. Fire hydrants shall be provided per Section 508.5.1 of the 2003 IFC. Access to building shall be provided per Section 503.1.1 & 503.2.1 of the 2003 IFC.

### **REMARKS**

The applicant is requesting Subdivision approval to create two (2) lots, and Zoning approval to rezone proposed Lot 1 from R-1, Single-Family Residential, to B-1, Buffer Business, to allow professional offices.

The site is currently vacant, and is bounded to the East by a vacant property in a B-1 district, across an unopened right-of-way by various businesses operating in strip shopping center in a B-3, Community Business District, and to the South (across Spring Hill Avenue), West and North by residences and vacant properties in an R-1 district.

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 site appears to be depicted as commercial and 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. The accuracy of recommended land uses on the General Land Use Component map is limited due to the large scale of the map. 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 applicant's justification for rezoning is that they would like to construct an office building, *implying*, but not specifically stating that there is a need to increase the number of sites available to business or industry.

The site has been the subject of several applications to the Planning Commission. The most recent application, for a residential subdivision in 2005, was denied due to the environmental difficulties present on the site. A prior application for rezoning and PUD approvals were withdrawn prior to the public hearing in 2002.

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 fronts onto Spring Hill Avenue, a major street, a service road for Spring Hill Avenue, and an unopened right-of-way for Wacker Lane, a minor street. The right-of-way for Spring Hill Avenue meets minimum requirements, however the right-of-way for Wacker Lane, at 33-feet, does not meet the minimum minor street requirements of 50-feet.

Spring Hill Avenue is a five-lane major street, with 22,000 cars per day on average (per 2006 data), and as such access management is a concern. The applicant is proposing two curb-cuts for proposed Lot 1, the lot that will be commercially zoned. Proposed Lot 2, for which no development is proposed at this time, essentially only has frontage on an existing service road. Due to the number of existing curb-cuts on the South side of Spring Hill Avenue, proposed Lot 1 should be limited to one (1) curb-cut, to align with the larger existing curb-cut across the street, and proposed Lot 2 should be limited to one (1) curb-cut onto the existing service road, with the size, design and exact location to be approved by Traffic Engineering and conform to AASHTO standards.

The plat should be revised to depict dedication of right-of-way along Wacker Lane sufficient to provide 25-feet, as measured from the centerline.

The 25-foot minimum building setback is not depicted for proposed Lot 2, but would be required on the final plat, if approved. The 25-foot setback should also be depicted from the frontage on Wacker Lane.

It should also be pointed out that there appears to be a discrepancy between the area claimed for the site under consideration and three properties fronting Spring Hill Avenue, which back up to the Western side of the site. It appears that the three properties include a portion of a site as part of their parcels. Information to resolve the issue should be provided, or the plat should be redesigned to exclude the area.

Nearly the entire site is within the 100-year floodplain for Three Mile Creek. The northeast portion of the site, additionally, appears to be partially within the floodway for Three Mile

Creek. Data also indicates that the site may contain wetlands associated with the creek and the drainage ditches traversing the site. The presence of wetlands and floodplains 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.

It should be pointed out that the strip center to the East is also located within the floodplain, and has flooded in the past. What makes the site under consideration more challenging, however, is the fact that multiple sanitary sewer lines and storm water drainage lines or ditches cross the site. Construction over these utility or drainage features either is not permitted or would not be advisable.

Finally, 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.

## **RECOMMENDATION**

**Rezoning:** Based upon the preceding, the Rezoning request is recommended for Holdover until the April 3<sup>rd</sup> meeting, to coincide with the Subdivision request.

**Subdivision:** The Subdivision request is recommended for Holdover until the April 3<sup>rd</sup> meeting, with revised information due by March 17<sup>th</sup>, for the following reasons:

- a) Provision of information to clarify apparent property ownership discrepancy on the Western side of the site, or revision of the plat to remove the areas from the site; and
- b) Revision of the plat to depict all sanitary sewer, drainage and other easements, and the illustration that a viable site for commercial development remains that will not be a risk to public health and safety.

### ***Revised for the April 3<sup>rd</sup> meeting:***

*The application was heldover to allow the application to address the issues relating to the Subdivision plat. Documentation was provided regarding the ownership issues, however, no additional easements were identified. It is recommended that easement widths be depicted on the final plat, if approved, and that any development on the site be adjusted to respect required easements.*

*The plat and site plan were also revised to depict dedication of right-of-way along Wacker Lane to provide 25-feet, as measured from the centerline, however the site plan was not modified regarding the recommended number of curb-cuts.*

## **RECOMMENDATION**

**Rezoning:** The Rezoning request is recommended for Approval, subject to the following conditions:

- 1) Compliance with Engineering comments (*A flood study needs to be performed for any fill placed in AE or X-shaded flood zones. Be sure flood zones are shown on the plan. A drainage easement approved by Engineering Dept. will be required for the drainage way,*

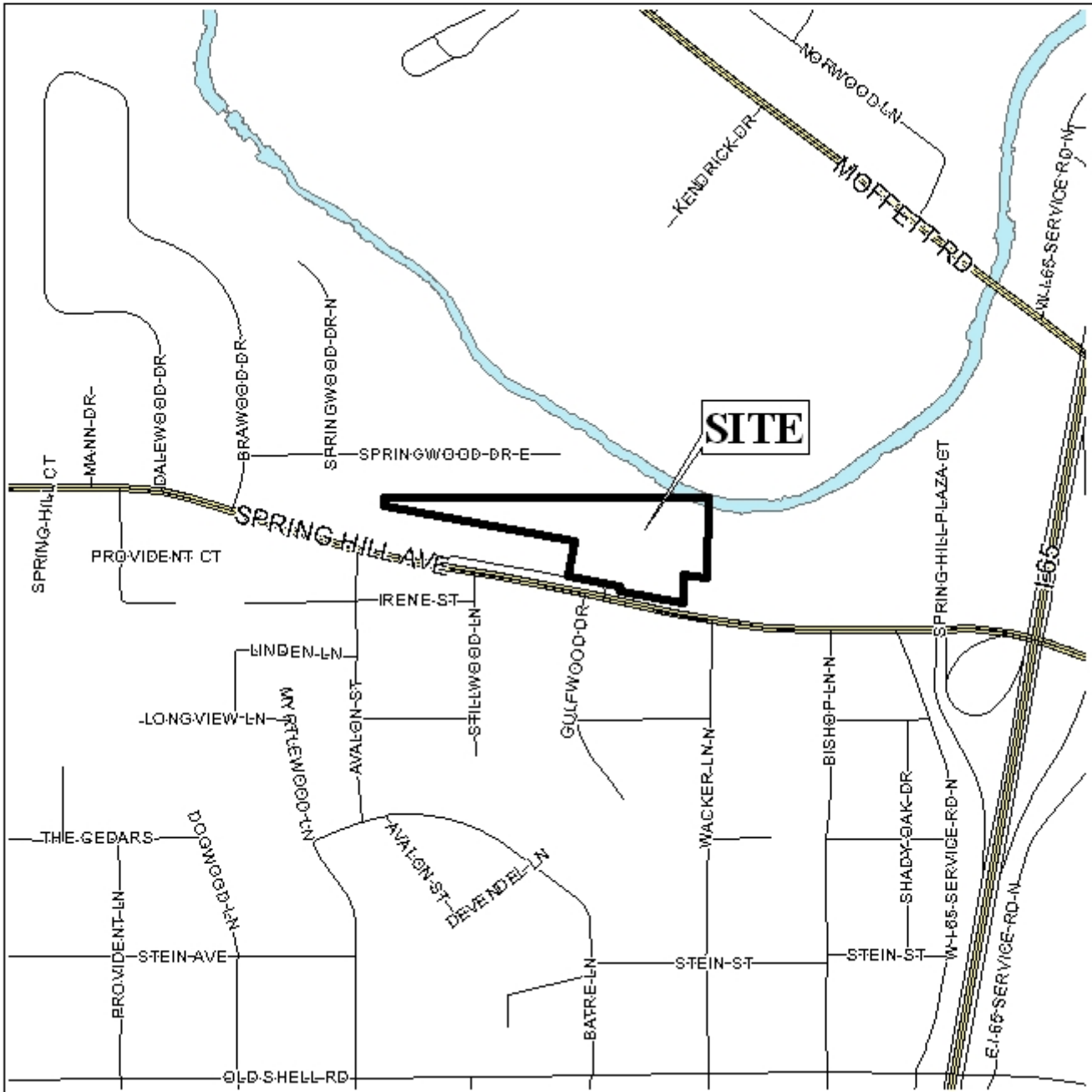
*as well as, an approved analysis and drainage system for the drainage way accepting public water. It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is 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.)*

- 2) Approval of all applicable Federal, state and local agencies is required for endangered, threatened or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities;
- 3) Approval of all applicable Federal, state and local agencies is required for wetland and floodplain issues, if any, prior to the issuance of any permits or land disturbance activities;
- 4) Completion of the Subdivision process prior to the obtaining of any permits;
- 5) Full compliance with all other municipal codes and ordinances.

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

- 1) Revision of the plat to depict all sanitary sewer, drainage and other easements, and the illustration that a viable site for commercial development on Lot 1 remains that will not be a risk to public health and safety;
- 2) Depiction and labeling of dedication of right-of-way along Wacker Lane sufficient to provide 25-feet, as measured from the centerline, as depicted on the revised plat;
- 3) Compliance with Engineering comments (*A flood study needs to be performed for any fill placed in AE or X-shaded flood zones. Be sure flood zones are shown on the plan. A drainage easement approved by Engineering Dept. will be required for the drainage way, as well as, an approved analysis and drainage system for the drainage way accepting public water. 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.*)
- 4) Placement of a note on the final plat stating that Lot 1 is limited to one (1) curb-cut, to be aligned with the curb-cut on the South side of Spring Hill Avenue, that Lot 2 is limited to one (1) curb-cut to the service road, with the size, design and location to be approved by Traffic Engineering;
- 5) Depiction and labeling of the 25-foot minimum building setback line, as shown;
- 6) Placement of a note on the final plat stating that approval of all applicable Federal, state and local agencies is required for endangered, threatened or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities;
- 7) Placement of a note on the final plat stating that approval of all applicable Federal, state and local agencies is required for wetland and floodplain issues, if any, prior to the issuance of any permits or land disturbance activities;
- 8) Labeling of each lot with its size in square feet.

# LOCATOR MAP



APPLICATION NUMBER 7 & 8 DATE April 3, 2008

APPLICANT The Moors at Springhill Subdivision

REQUEST Subdivision, Rezoning from R-1 to B-1



NTS

## PLANNING COMMISSION VICINITY MAP - EXISTING ZONING


















This site is surrounded by residential landuse with business landuse to the east.

APPLICATION NUMBER 7 & 8 DATE April 3, 2008

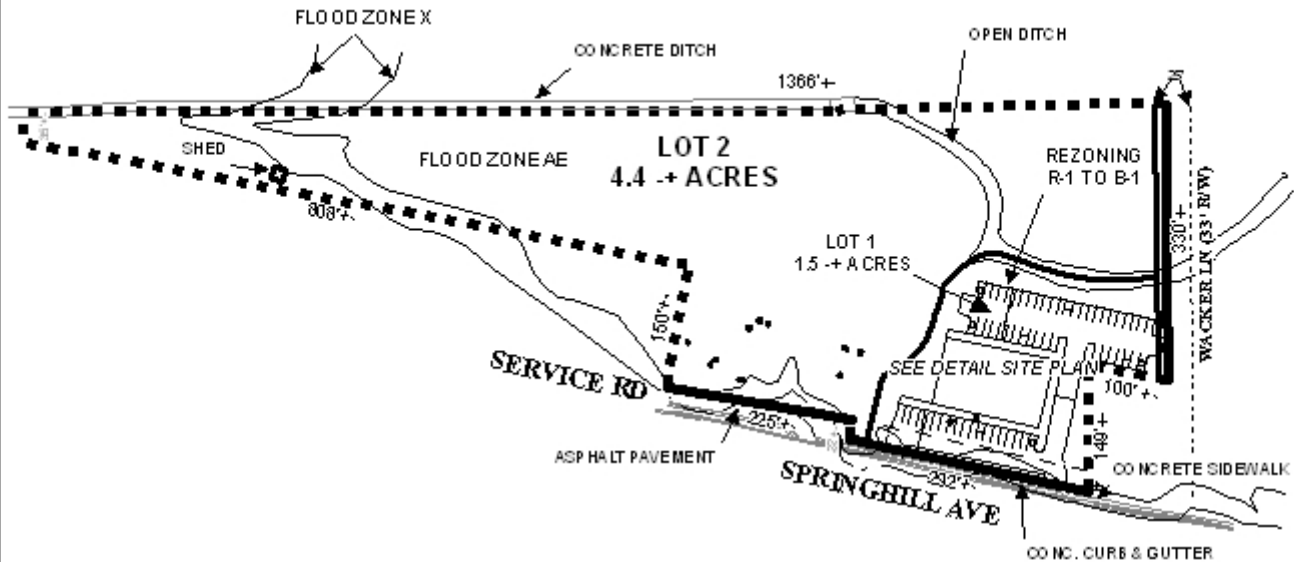
APPLICANT The Moors at Springhill Subdivision

REQUEST Subdivision, Rezoning from R-1 to B-1

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 NTS

NTS

# SITE PLAN



This site plan illustrates proposed lot configuration.  
See detail site plan for Lot 1 illustration.

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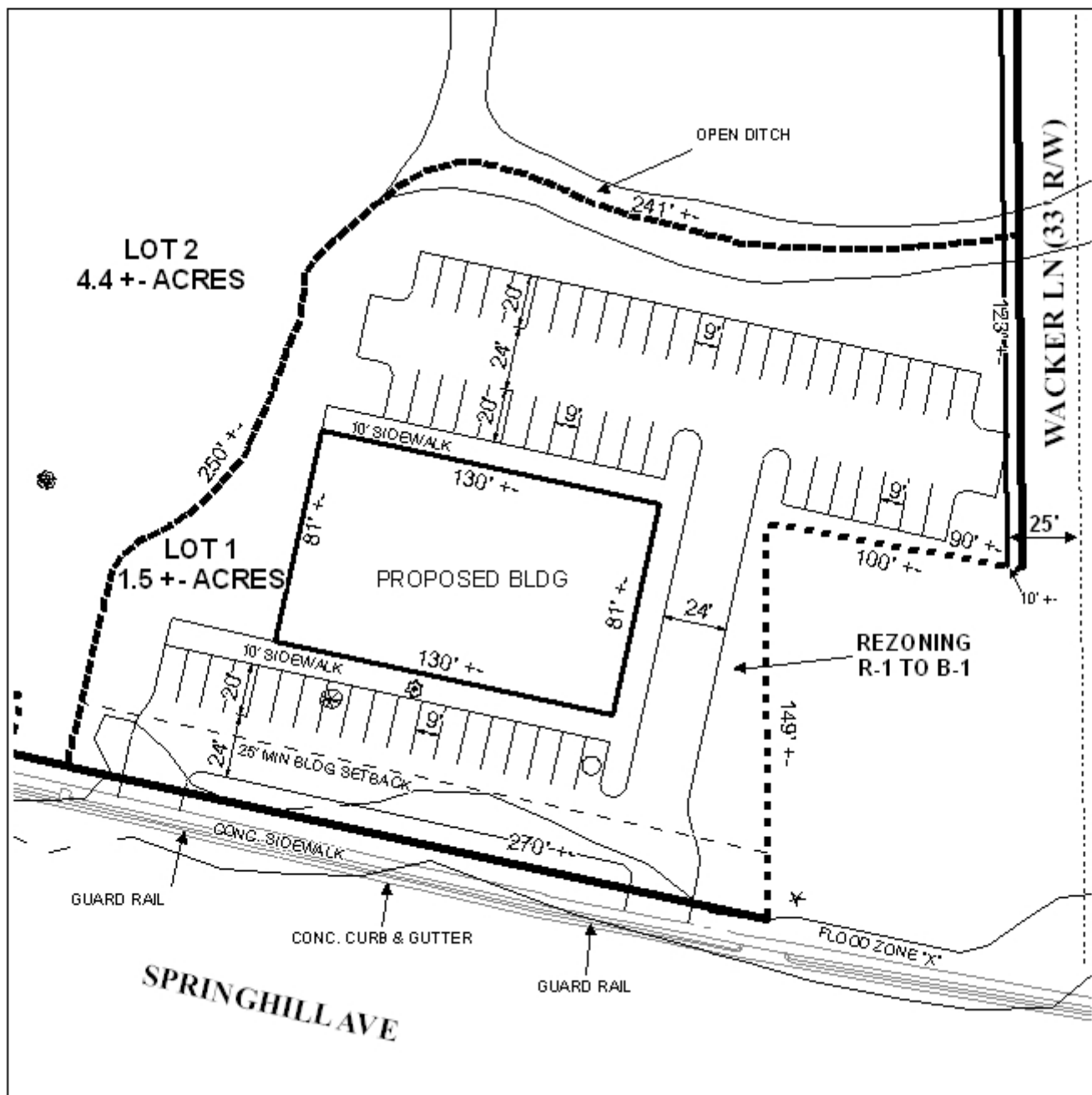
REQUEST Subdivision, Rezoning to R-1 to B-1



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# DETAIL SITE PLAN



APPLICATION NUMBER 7 & 8 DATE April 3, 2008

APPLICANT The Moors at Springhill Subdivision

REQUEST Subdivision, Rezoning from R-1 to B-1



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