

**SUBDIVISION &  
ZONING AMENDMENT STAFF REPORT****Date: July 21, 2022**

<b><u>APPLICANT NAME</u></b>	Square 1 Plaza
<b><u>SUBDIVISION NAME</u></b>	Square 1 Plaza Subdivision
<b><u>LOCATION</u></b>	915 and 907 Hillcrest Road (East side of Hillcrest Road, at the West terminus of Timbers Drive).
<b><u>CITY COUNCIL DISTRICT</u></b>	Council District 6
<b><u>PRESENT ZONING</u></b>	B-2, Neighborhood Business District
<b><u>PROPOSED ZONING</u></b>	B-3, Community Business District
<b><u>AREA OF PROPERTY</u></b>	3 Lots / 2.5± Acres
<b><u>CONTEMPLATED USE</u></b>	Subdivision Approval to create three legal lots of record from eighteen (18) legal lots of record; and Rezoning from B-2, Neighborhood Business District to B-3, Community Business District. <b>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.</b>

**ENGINEERING  
COMMENTS**

**Subdivision:** According to the subdivision application form the applicant is proposing a 3-lot subdivision; however, the documents that were uploaded do not show a proposed 3 subdivision. Please submit a subdivision plat for review.

**Rezoning:**

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 Permitting 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 and paving 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. Any existing or proposed detention facility shall be maintained as it was constructed and approved. The Land Disturbance Permit application for any proposed construction includes a requirement of a Maintenance and Inspection Plan (signed and notarized by the Owner) for the detention facility. This Plan shall run with the land and be recorded in the County Probate Office prior to the Engineering Department issuing their approval for a Final Certificate of Occupancy.
5. 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.
6. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

## **TRAFFIC ENGINEERING**

### **COMMENTS**

Site is limited to driveways as shown on the approved PUD plan with size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Any required 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 [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.

## **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). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings. The applicant should review Chapter 23 of the International Fire Code (IFC) 2012, section 2304.

**TIME SCHEDULE  
FOR DEVELOPMENT**

None provided

**REMARKS**

The applicant is requesting Subdivision Approval to create three legal lots of record from eighteen (18) legal lots of record; and Rezoning from B-2, Neighborhood Business District to B-3, Community Business District.

The site has been given a Mixed Commercial Corridor (MCC) land use designation, per the 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.

It should be noted that the Future Land Use Plan and Map components of the Map for Mobile Plan are meant to serve as a general guide, not a detailed lot and district plan. In many cases the designation on the new Future Land Use Map may match the existing use of land, but in others the designated land use may differ from what is on the ground today. As such, the Future Land Use Plan and Map 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, where applicable, the zoning classification.

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 applicant proposes to create three legal lots of record from eighteen (18) legal lots of record. The applicant submitted a copy of the previously recorded Subdivision plat, with the proposed lot lines depicted. It appears that the proposed lots will each exceed the minimum size requirements of the Subdivision Regulations, as approved.

There are two sanitary sewer easements depicted on the plat, which should be depicted on the Final Plat, if approved, as well as a note stating that no structures are allowed in any easement without the approval of the easement holder.

The site has frontage along Hillcrest Road, and three unopened, undeveloped rights-of-way. Hillcrest Road is shown as having a compliant right-of-way width making no dedications necessary. The existing rights-of-way for the adjacent unopened, undeveloped rights-of-way varies from 40-feet to 60-feet, as recorded on the recorded plat from 1980, and as the roads are currently undeveloped, no additional dedication should be required at this time.

The 25' minimum required setback is not depicted along any of the street frontages, and if approved, should be shown along all street frontages.

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 is bounded to the North (across an unopened right-of-way) by B-3, Community Business District; to the South (across an unopened right-of-way) by B-2, Neighborhood Business District; to the West (across Hillcrest Road) by B-3; and to the East (across an unopened right-of-way) by R-3, Multi-Family Residential District.

The applicant states the following to address the rational for the zoning request:

*My name is Laura Ledyard, I am the Broker for Angela Blum Real Estate and property manager of Square 1 shopping center located at 907 and 915 Hillcrest Road. I am submitting a zoning change application.*

*The following addresses items 4, 5 and 6 of the planning commission application attached hereto.*

#### ***Item 4 APPLICATION DESCRIPTION***

*Square 1 is a small retail strip center approximately 15,800 sf fronting Hillcrest Rd. It was built in 2 phases in 1985 and 1987. There has been no additions or modifications to the original structure or site plan including the parking lot and drainage plan. I am currently negotiating with a jewelry store owner "Royal Stone Fine Jewelry and Piercing" who has expressed interest in leasing a suite at my location. The primary business shall be Jewelry sales with an accessory business of piercing. Due to the limitation of 25% placed on the accessory business we feel that B3 zoning covers both the landlord and the business owner for business growth and prosperity.*

***Item 5 PLAN CONSISTENCY STATEMENT***

*As you can see from the attached map, many of the surrounding properties are currently zoned B -3. Some of which include Regions Bank, Berkshire / Prudential office center, Goldstein's Jewelry (originally built as a bank), and Sunshine Skate Center, most of these were developed after 1985, which is the year the subject was built. Hillcrest Road has been designated as a transportation corridor west of I-65 serving primarily the low-density (suburban) residential neighborhoods. Under the new Comprehensive Plan, all of the commercial properties spread along Hillcrest Road zoned B-2 and B-3 located between Airport Blvd. and Grelot Road would be classified as Mixed Commercial Corridor. MCC includes a wide variety of retail, services and entertainment uses. A change in zoning to a B-3 classification on this property would be consistent with the Future Land Use Plan and Major Street Plan, as well as the surrounding areas.*

***Item 6 ZONING STATEMENT***

*This zoning amendment is necessary for a proposed jewelry store to perform piercing. Under the current zoning regulations, B-3 zoning is necessary for piercing if it exceeds the 25% threshold for an accessory business. As an example, if the majority of customers purchasing earrings also have them installed this accessory service is likely to exceed the 25% threshold.*

*Because many of the surrounding properties are already zoned B-3 there should be no effect on the surrounding land uses.*

*Due to the following 2 conditions the requested zoning amendment should be allowed.*

*2) Changes in conditions in this area make the ordinance change necessary and desirable. Since the construction of said property in 1985 there has been a substantial residential growth in single family neighborhoods as well as higher density apartment complexes throughout the Hillcrest / Grelot area. Having variety in retail and services is vital in supporting the surrounding residential areas. B-2 has limits in its classifications so in order to expand the variety of retail and services to the area B-3 zoning is necessary. This new classification will allow the landlord to market and lease to a wider variety of businesses.*

*3) The residential growth in the Hillcrest area has created an increased need for business in addition to sites that are available. It is necessary to rezone these few remaining B2 properties to keep up with the need for business.*

Section 64-9.A.2.a. of the Zoning Ordinance states that new B-3 districts should contain a minimum of four (4) acres, unless abutting an existing commercially or industrially zoned property. As the proposed lot to be rezoned is 2.5± acres, and abuts existing B-3 zoning to the North and West, this site meets the recommendations for the creation of a new B-3 district.

The site plan submitted depicts the existing structure and parking lot. No new development is proposed at this time. The site currently exists with shared parking and access across multiple lots, and the functionality of the property will not change; however, Planned Unit Development (PUD) approval will be required if physical changes are proposed to the site.

## **RECOMMENDATION**

**Subdivision:** Based upon the preceding, the application is recommended for Tentative Approval, subject to the following conditions:

- 1) provision of a Final Plat as required by Section IV.C.2. of the Subdivision Regulations;
- 2) provision of the lot size in square feet and acres, or the provision of a chart depicting the same information;
- 3) depiction of the 25' minimum building setback along all rights-of-way;
- 4) placement of a note on the Final Plat stating that no structures are allowed in any easements, without the approval of the easement holder;
- 5) compliance with Engineering comments: *(According to the subdivision application form the applicant is proposing a 3-lot subdivision; however, the documents that were uploaded do not show a proposed 3 subdivision. Please submit a subdivision plat for review.)*
- 6) placement of a note on the Final Plat stating the following Traffic Engineering comments: *(Site is limited to driveways as shown on the approved PUD plan with size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Any required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.);*
- 7) 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 [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.);*
- 8) 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). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.);* and
- 9) full compliance with all municipal codes and ordinances.

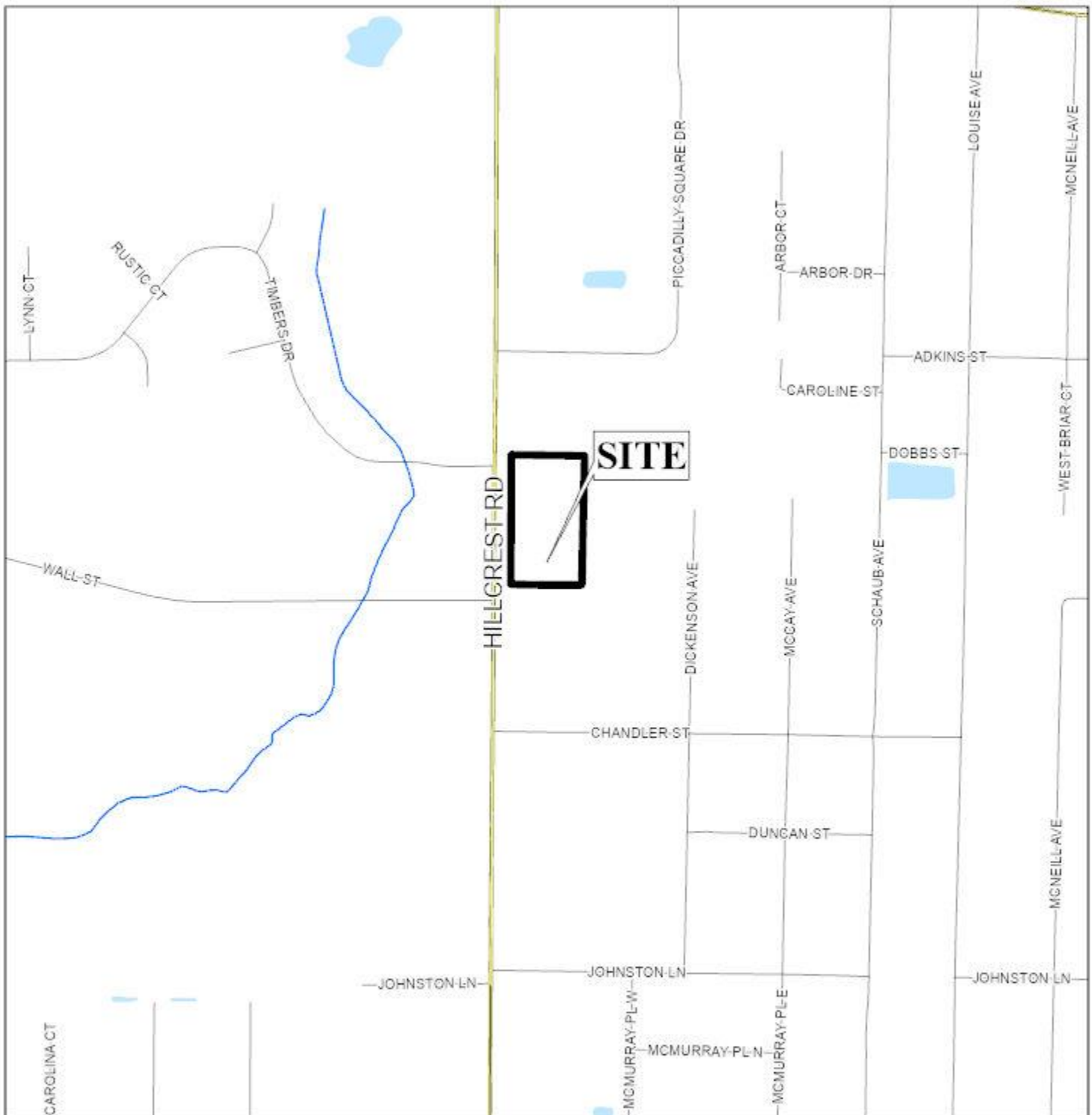
**Rezoning:** Based on the preceding, this application is recommended for Approval for the following reason:

- 1) changing conditions in a particular area make a change in the Ordinance necessary and desirable; and
- 2) there is a need to increase the number of sites available to business or industry.

The rezoning should be subject to the following conditions:

- 1) completion of the Subdivision process; and
- 2) full compliance with all municipal codes and ordinances.

# LOCATOR MAP



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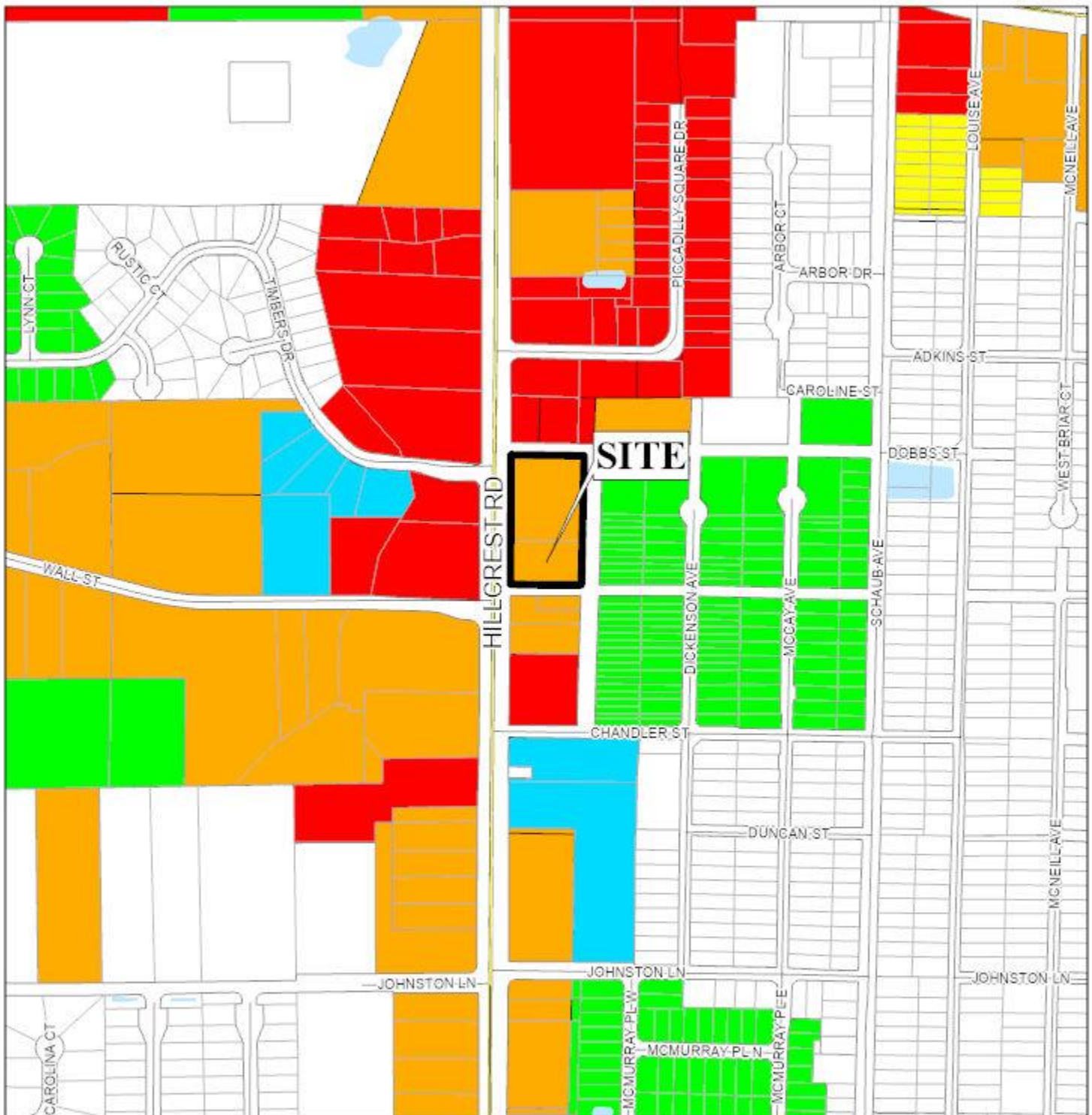
APPLICANT Square 1 Plaza

REQUEST Subdivision, Rezoning



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# LOCATOR ZONING MAP



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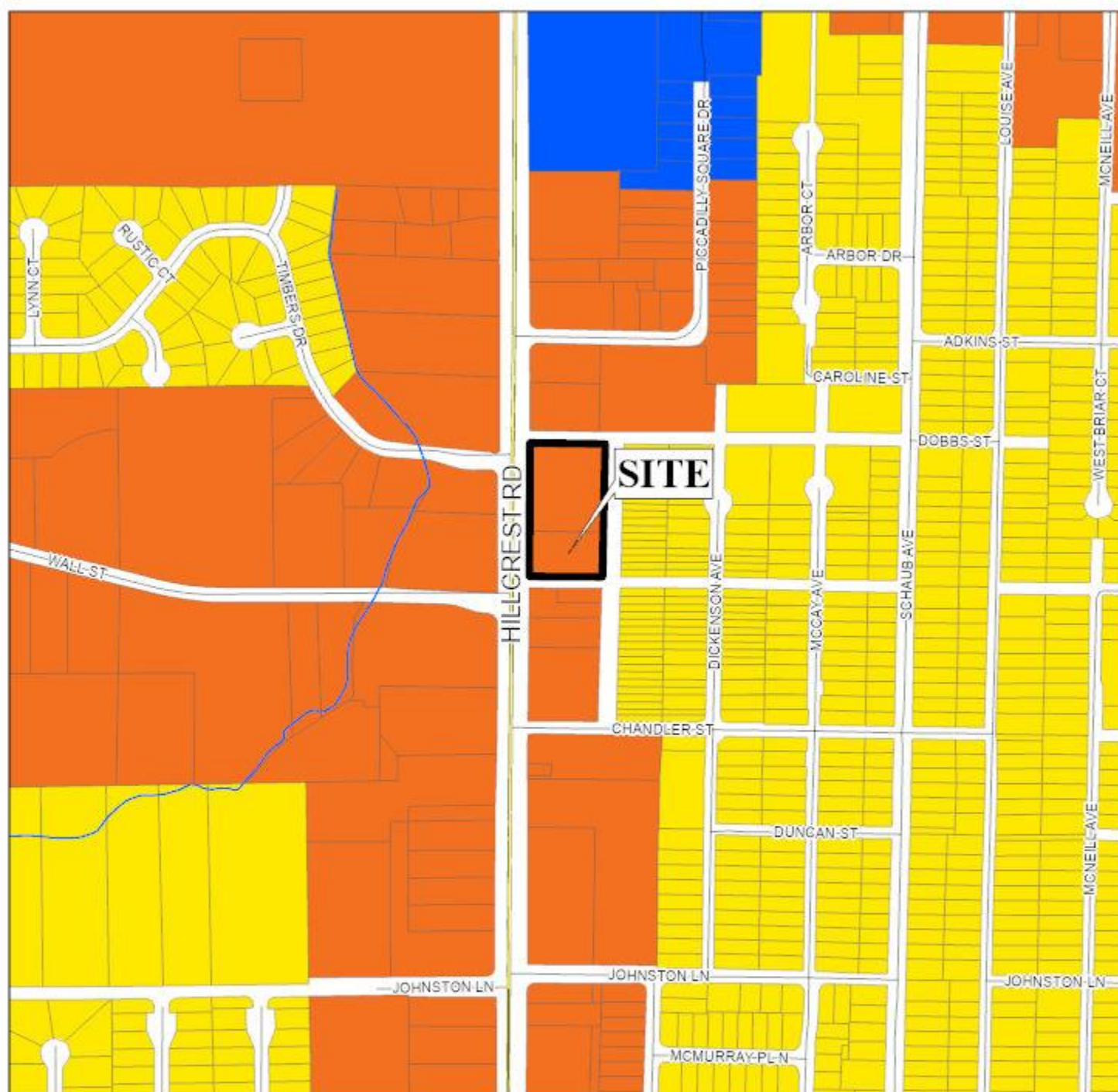
APPLICANT Square 1 Plaza

REQUEST Subdivision, Rezoning





# FLUM LOCATOR MAP



APPLICATION NUMBER 7 DATE July 21, 2022

APPLICANT Square 1 Plaza

REQUEST Subdivision, Rezoning

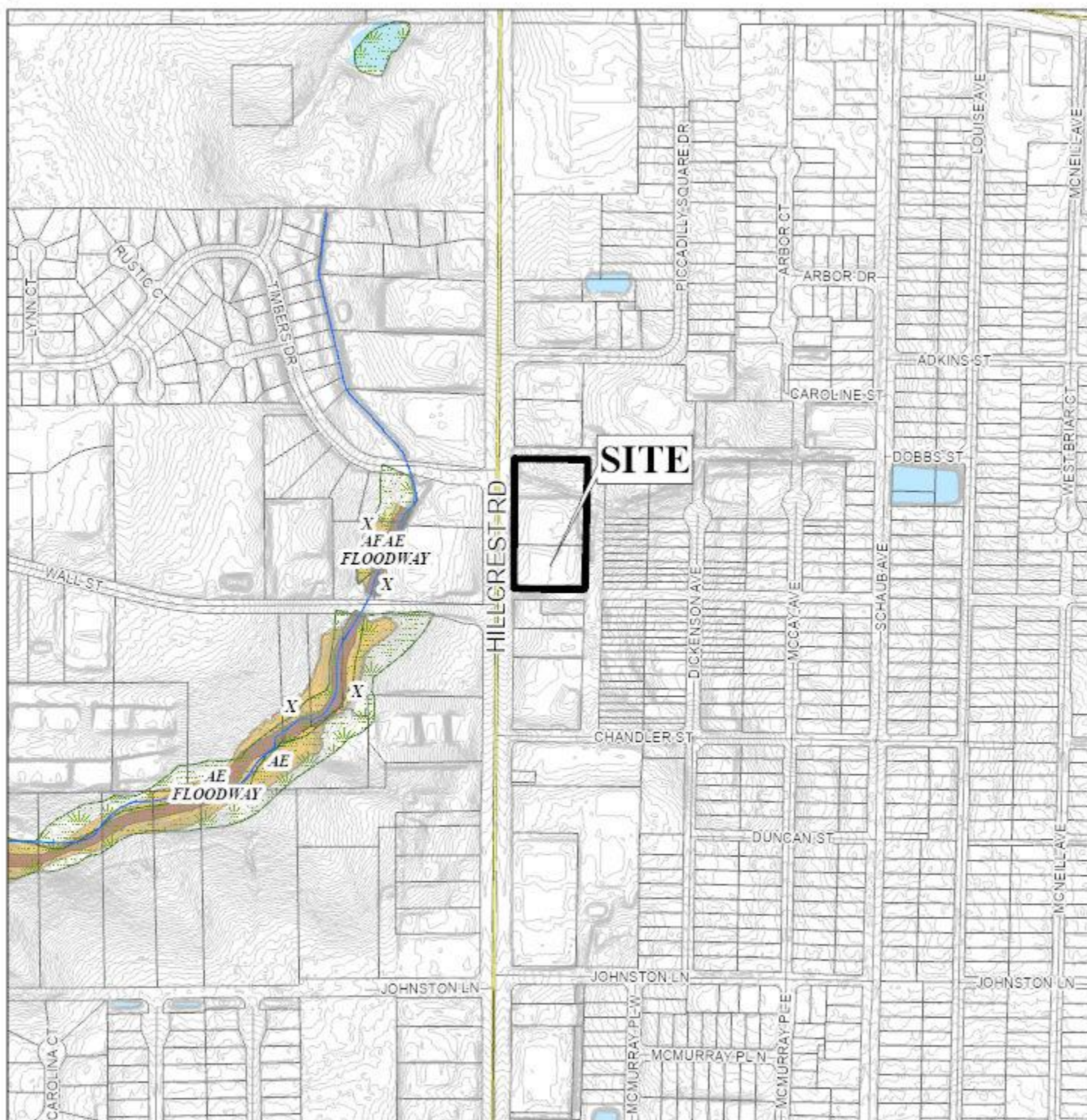
## Layer2

Low Density Residential	Downtown	Traditional Corridor	Heavy Industry
Mixed Density Residential	District Center	Mixed Commercial Corridor	Institutional
	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
	Neighborhood Center - Suburban	Light Industry	Water Dependent





# ENVIRONMENTAL LOCATOR MAP



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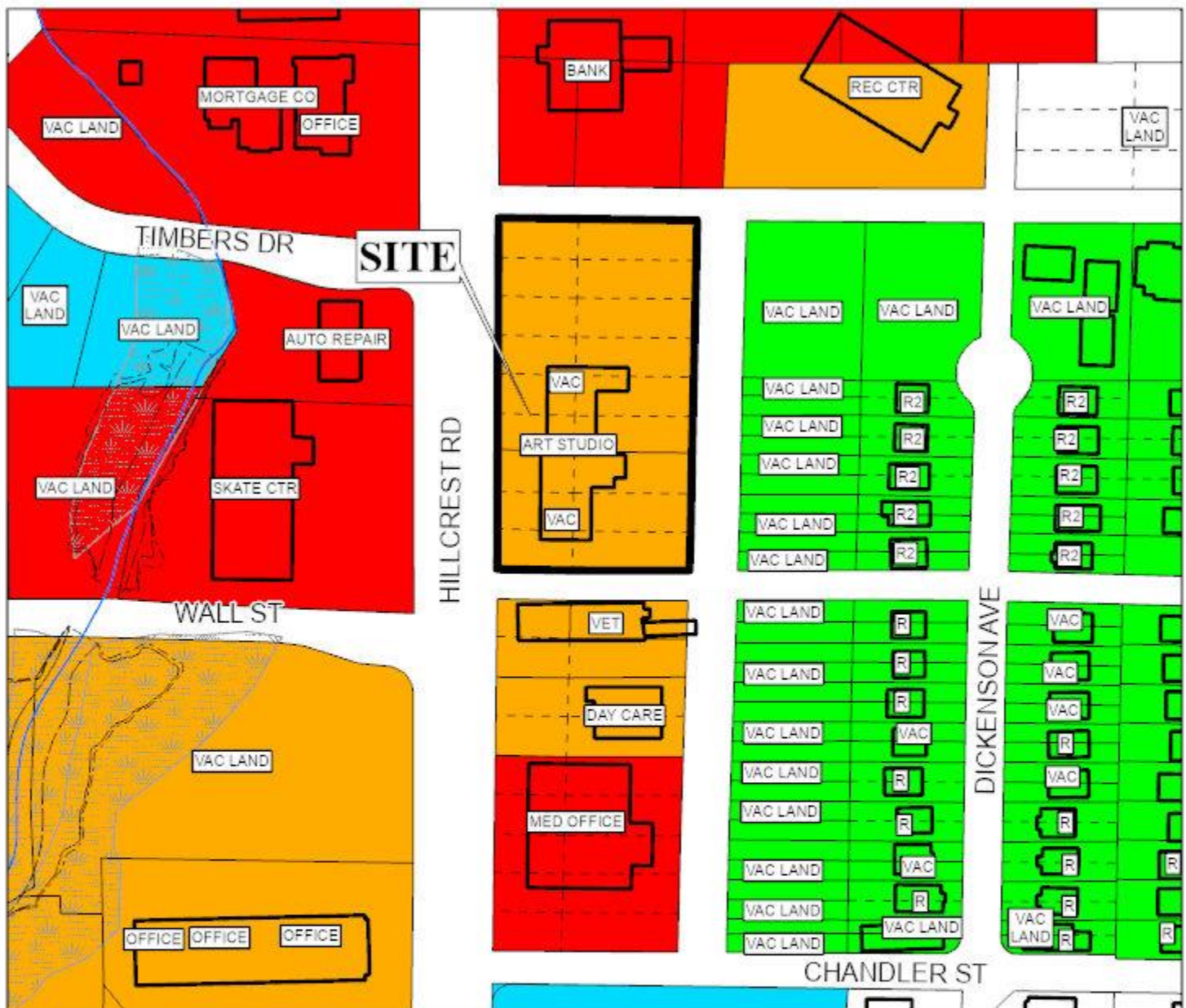
APPLICANT Square 1 Plaza

REQUEST Subdivision, Rezoning





# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



This site is surrounded by commercial units, with residential units to the east.

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APPLICANT Square 1 Plaza

REQUEST Subdivision, Rezoning

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

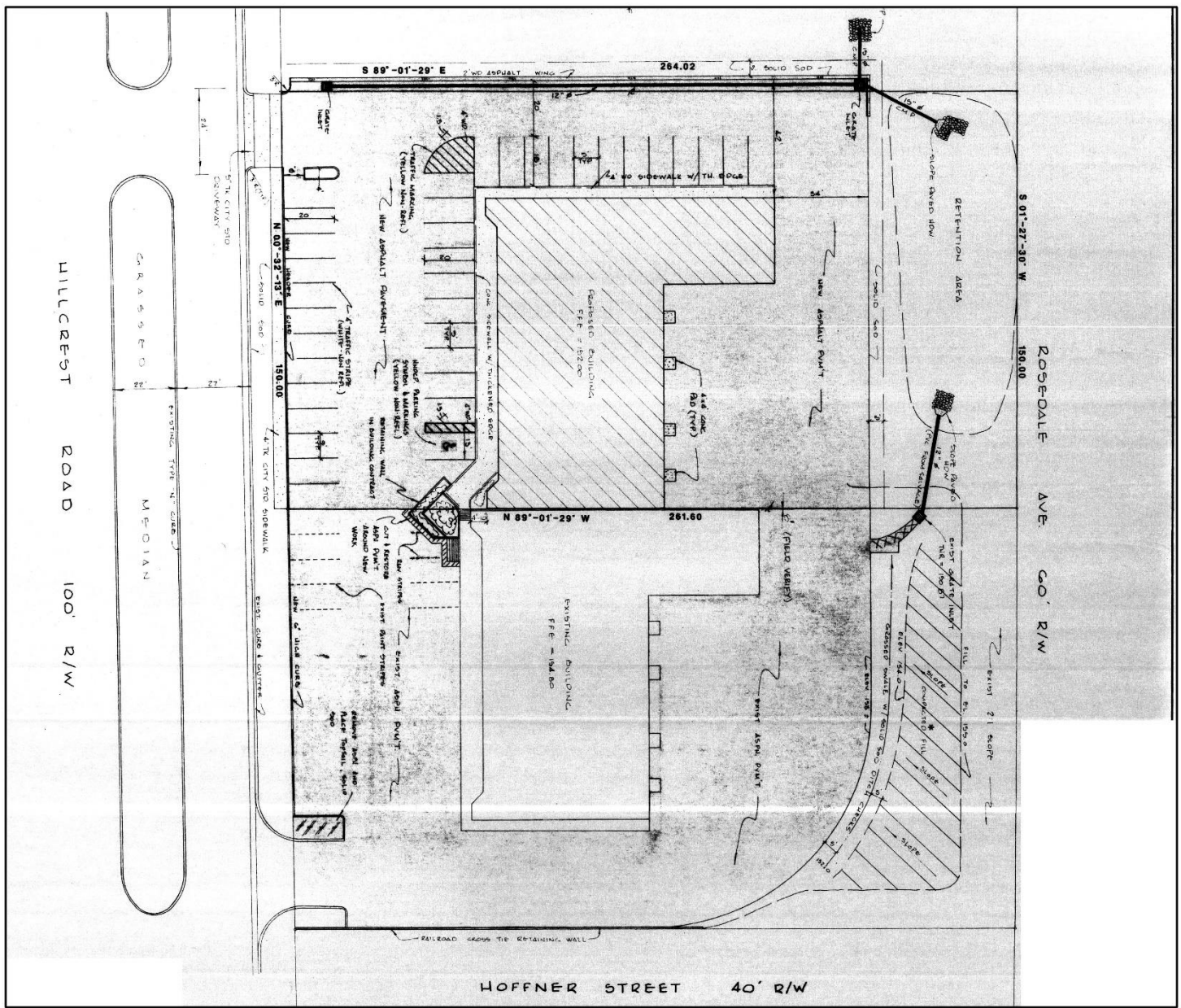


This site is surrounded by commercial units, with residential units to the east.

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 APPLICANT Square 1 Plaza  
 REQUEST Subdivision, Rezoning



## SITE PLAN

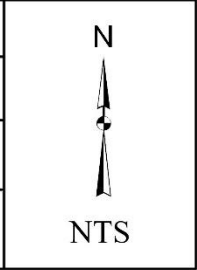


This site plan illustrates the existing building with proposed parking changes.

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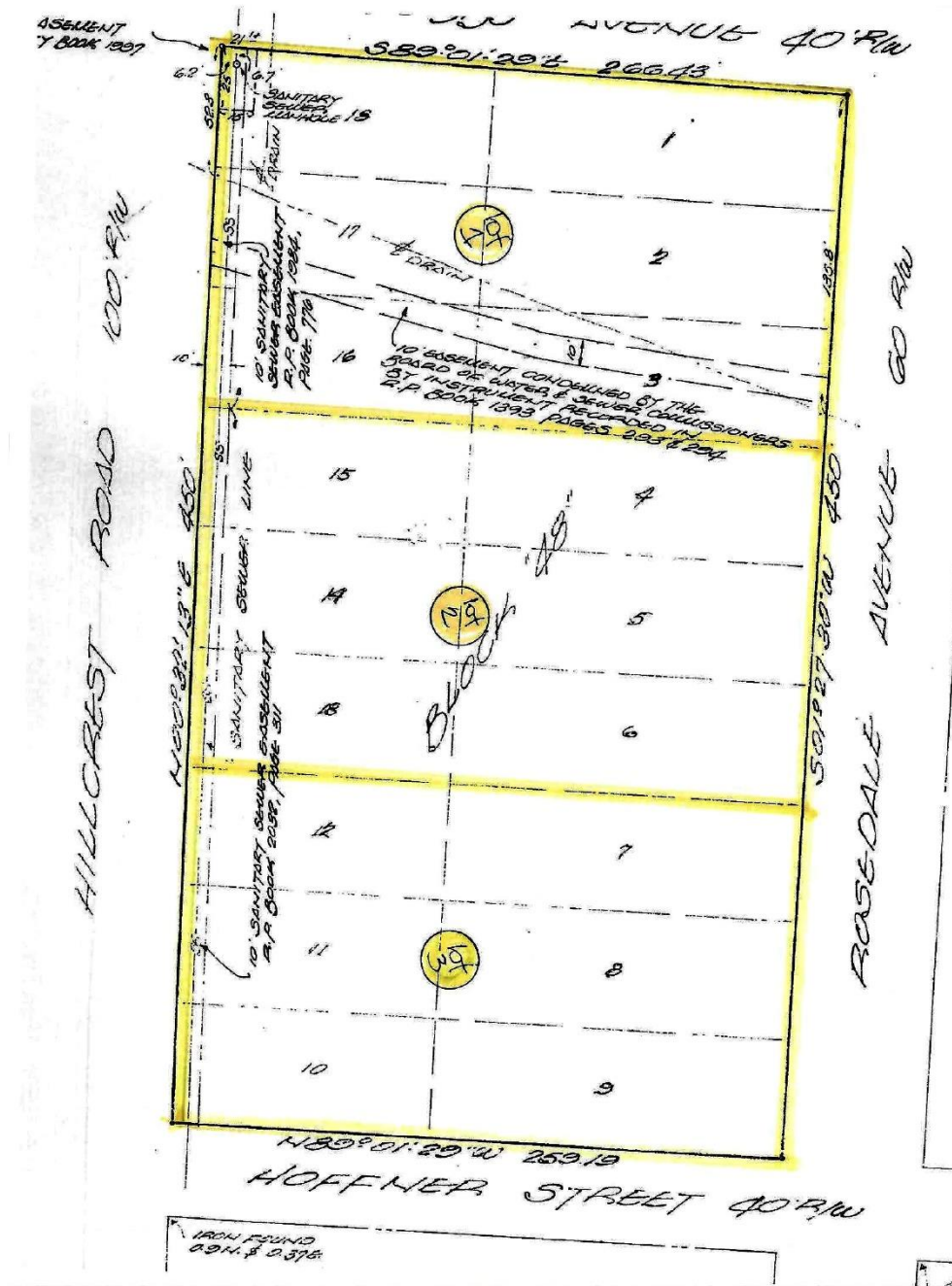
REQUEST Subdivision, Rezoning



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# DETAIL SITE PLAN



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 APPLICANT Square 1 Plaza  
 REQUEST Subdivision, Rezoning

