

**ZONING AMENDMENT
& SUBDIVISION STAFF REPORT****Date: September 17, 2015****APPLICANT NAME**

Springhill & Davenport, LLC

SUBDIVISION NAME

Springhill & Davenport, LLC

LOCATION

2825 Spring Hill Avenue
(Southeast corner of Springhill Avenue and Davenport Avenue, and Southwest corner of Springhill Avenue and McLean Avenue, extending to the North side of Haas Avenue)

**CITY COUNCIL
DISTRICT**

District 1

PRESENT ZONING

R-1, Single-Family Residential District

PROPOSED ZONING

B-3, Community Business District

AREA OF PROPERTY

3 Lot / 4.5± Acres

CONTEMPLATED USE

Subdivision approval to create 3 legal lots of record, and Zoning approval to rezone the site from R-1, Single-Family Residential District to B-3, Community Business District, to allow retail sales, a restaurant, and a fire station.

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**

Approximately 6-9 months

**ENGINEERING
COMMENTS**

Subdivision: The following comments should be addressed prior to submitting the FINAL PLAT for acceptance and 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. Dedicate the corner radius (25' minimum or as approved by the City Engineer and Traffic Engineer) at each street intersection.
- C. Show and label each and every Right-Of-Way, alleyway and easement. Provide the recording data for any recorded Vacations.
- D. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
- E. Add a note to the SUBDIVISION PLAT stating that a Land Disturbance permit will be required for any land disturbing activity in accordance 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.
- F. 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.
- G. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of development, unless a sidewalk waiver is approved.
- H. Provide a copy of the FINAL PLAT to the Engineering Dept. for review prior to obtaining any signatures.
- I. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.

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 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.

TRAFFIC ENGINEERING**COMMENTS**

Springhill Avenue is an ALDOT maintained roadway. Lot 1 and Lot 2 are limited to a combined total of three curb cuts between both lots. Lot 3 is limited to no more than four curb cuts. Driveway number, size, location and design to be approved by ALDOT (where applicable) and Traffic Engineering and conform to AASHTO standards. Any new 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 61-929 and City Code Chapters 57 and 64).).

Preservation status is to be given to all 24 inch and larger Live Oak trees located on Lots 2 and 3. Any work on or under these trees is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger. Tree protection barriers shall be placed a distance of 10 feet around all 24 inch and larger Live Oaks prior to land disturbance and during construction activities, and no site development may occur within 5 feet of a 24 inch and larger Live Oak that will be retained on the site, per Section 64-4.H.5. of the Zoning Ordinance. Removal of trees in the right-of-way will require an application to and approval by the Mobile Tree Commission.

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) Projects outside the City Limits of Mobile, yet within the Planning Commission Jurisdiction fall under the State or County Fire Code. (2012 IFC)

REMARKS

The applicant is requesting Subdivision approval to create 3 legal lots of record, and Zoning approval to rezone the site from R-1, Single-Family Residential District to B-3, Community Business District, to allow retail sales, a restaurant, and a fire station.

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 preliminary plat submitted provides the lot sizes in square feet, but should be revised to include acres as well. It should be noted that the proposed lots exceed the minimum required lot size in Section V.D.2. of the Subdivision Regulations.

The site fronts onto Spring Hill Avenue, McLean Avenue, Haas Avenue, and Davenport Avenue. Spring Hill Avenue, a planned major street, is illustrated as having an existing right-of-way width of 100', making no dedications necessary. McLean Avenue, Haas Avenue, and Davenport Avenue are all minor streets with curb and gutter, and are illustrated as having compliant rights-of-way of 50' each. Dedication of the corner radii at all street corners per Section V.D.6. of the Subdivision Regulations should be required, if approved.

Per Traffic Engineering comments, Lots 1 and 2 should be limited to a combined total of three curb cuts, and Lot 3 is limited to a total of four curb cuts with the size, location and design to be approved by ALDOT (where applicable) and Traffic Engineering and conform to AASHTO standards.

The 25-foot minimum building setback is depicted for the proposed lots, and should be retained along all frontages on the Final Plat, if approved.

The site is currently vacant, and is bounded to the North by B-3, Community Business District; to the West and East by B-3, Community Business District and R-1, Single-Family Residential District; and to the South by R-1, Single-Family Residential 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 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 states that the rezoning should be approved due to the fact the all other properties along Spring Hill Avenue in the area are zoned commercially.

It should be noted that a sidewalk will be required at such a time as the site is developed, unless a Sidewalk Waiver application is approved by the Planning Commission.

The submitted site plan indicates that the proposed Lots 1 and 2 will have shared access and parking. If the lots will have shared access and parking, an application for an Administrative Planned Unit Development, and approval thereof, will be required prior to the issuance of permits.

While the site plan illustrates sufficient parking for all proposed structures and uses on the site (a total of 108 parking spaces), it should be noted that the applicant incorrectly calculated the parking requirements for a proposed restaurant at 1 parking space per 300 square feet of restaurant, when it should have been 1 parking space for every 100 square feet of restaurant.

Since each site is proposed to have more than 25 parking spaces, parking lot lighting must be provided in compliance with Section 64-6.A.8. of the Zoning Ordinance. A photometric plan will be required for each lot at time of application for land disturbance.

No dumpsters are illustrated on the site plan, however it should be noted that any dumpsters on site must be connected to sanitary sewer and have a dumpster enclosure compliant with Section 64-4.D.9. of the Zoning Ordinance. Site plans submitted for permits must illustrate the location of any dumpsters.

It should be noted that while the site plan illustrate several existing trees on site that appear to be proposed as remaining on site, there are no tree planting or landscaped area calculations presented. Development of the site will require full compliance with all tree planting and landscape area requirements of the Zoning Ordinance.

RECOMMENDATION

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

- 1) dedication of the corner radii at all street corners;
- 2) retention of the 25' minimum building setback line along all frontages;
- 3) provision of the lot size in square feet and acres;
- 4) placement of a note on the Final Plat stating that Lots 1 and 2 are limited to a combined total of 3 curb cuts, while Lot 3 is limited to four curb cuts with the size, location and design to be approved by ALDOT and Traffic Engineering and conform to AASHTO standards;
- 5) submittal of an Administrative Planned Unit Development is multiple lots are to have shared access and parking, prior to the issuance of permits;
- 6) full compliance with Engineering comments: *(The following comments should be addressed prior to submitting the FINAL PLAT for acceptance and 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. Dedicate the corner radius (25' minimum or as approved by the City Engineer and Traffic Engineer) at each street intersection. C. Show and label each and every Right-Of-Way, alleyway and easement. Provide the recording data for any recorded Vacations. D. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. E. Add a note to the SUBDIVISION PLAT stating that a Land Disturbance permit will be required for any land disturbing activity in accordance 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. F. 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. G. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of development, unless a sidewalk waiver is approved. H. Provide a copy of the FINAL PLAT to the Engineering Dept. for review prior to obtaining any signatures. I. Provide*

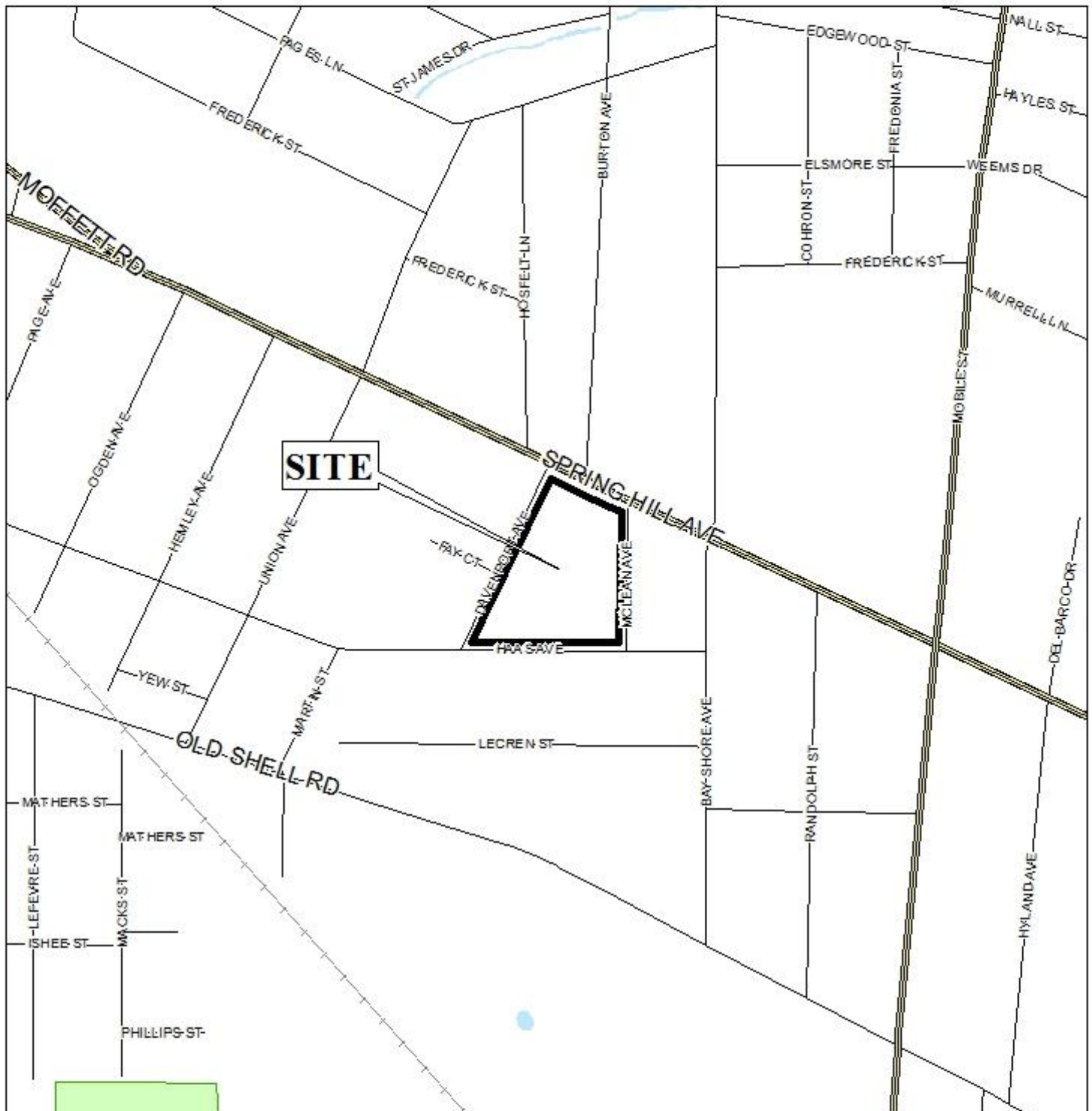
a copy of the Final Plat along with the original when submitting for City Engineer signature.);

- 7) *full compliance with Traffic Engineering comments, and placement as a note on the final plat (Springhill Avenue is an ALDOT maintained roadway. Lot 1 and Lot 2 are limited to a combined total of three curb cuts between both lots. Lot 3 is limited to no more than four curb cuts. Driveway number, size, location and design to be approved by ALDOT (where applicable) and Traffic Engineering and conform to AASHTO standards. Any new 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) *full compliance with Urban Forestry comments, and placement as a note on the final plat (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. Preservation status is to be given to all 24 inch and larger Live Oak trees located on Lots 2 and 3. Any work on or under these trees is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger. Tree protection barriers shall be placed a distance of 10 feet around all 24 inch and larger Live Oaks prior to land disturbance and during construction activities, and no site development may occur within 5 feet of a 24 inch and larger Live Oak that will be retained on the site, per Section 64-4.H.5. of the Zoning Ordinance. Removal of trees in the right-of-way will require an application to and approval by the Mobile Tree Commission.); and*
- 9) *compliance with Fire comments, and placement as a note on the final plat: (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) Projects outside the City Limits of Mobile, yet within the Planning Commission Jurisdiction fall under the State or County Fire Code. (2012 IFC).).*

Rezoning: Based upon the preceding, the Rezoning request is recommended for Approval subject to the following conditions:

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

LOCATOR MAP



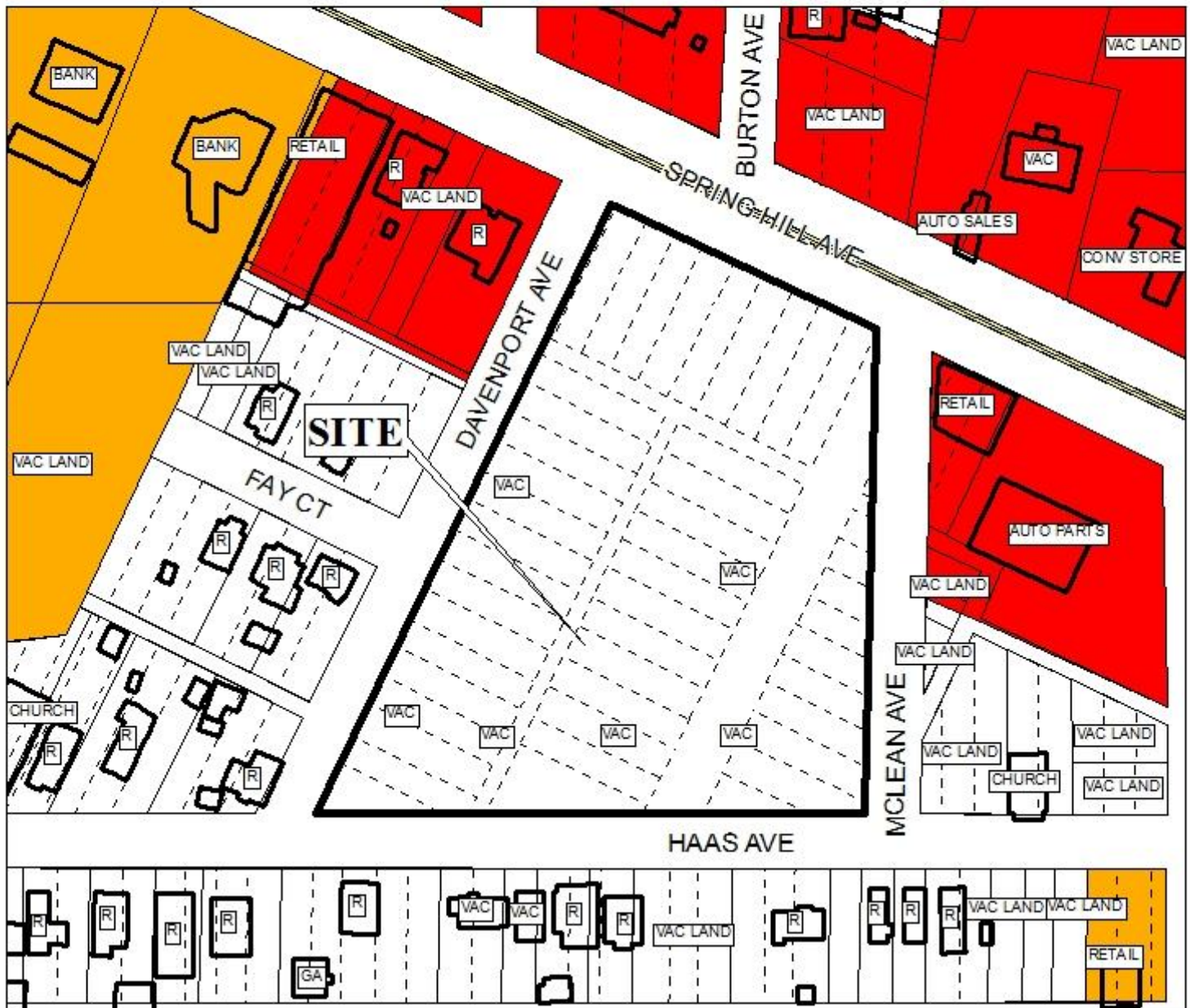
APPLICATION NUMBER 11 DATE September 17, 2015

APPLICANT Springhill & Davenport, LLC

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



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units to the south and commercial units to the north.

APPLICATION NUMBER 11 DATE September 17, 2015

APPLICANT Springhill & Davenport, LLC

REQUEST Subdivision, Rezoning from R-1 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 ZONING



The site is surrounded by residential units to the south and commercial units to the north.

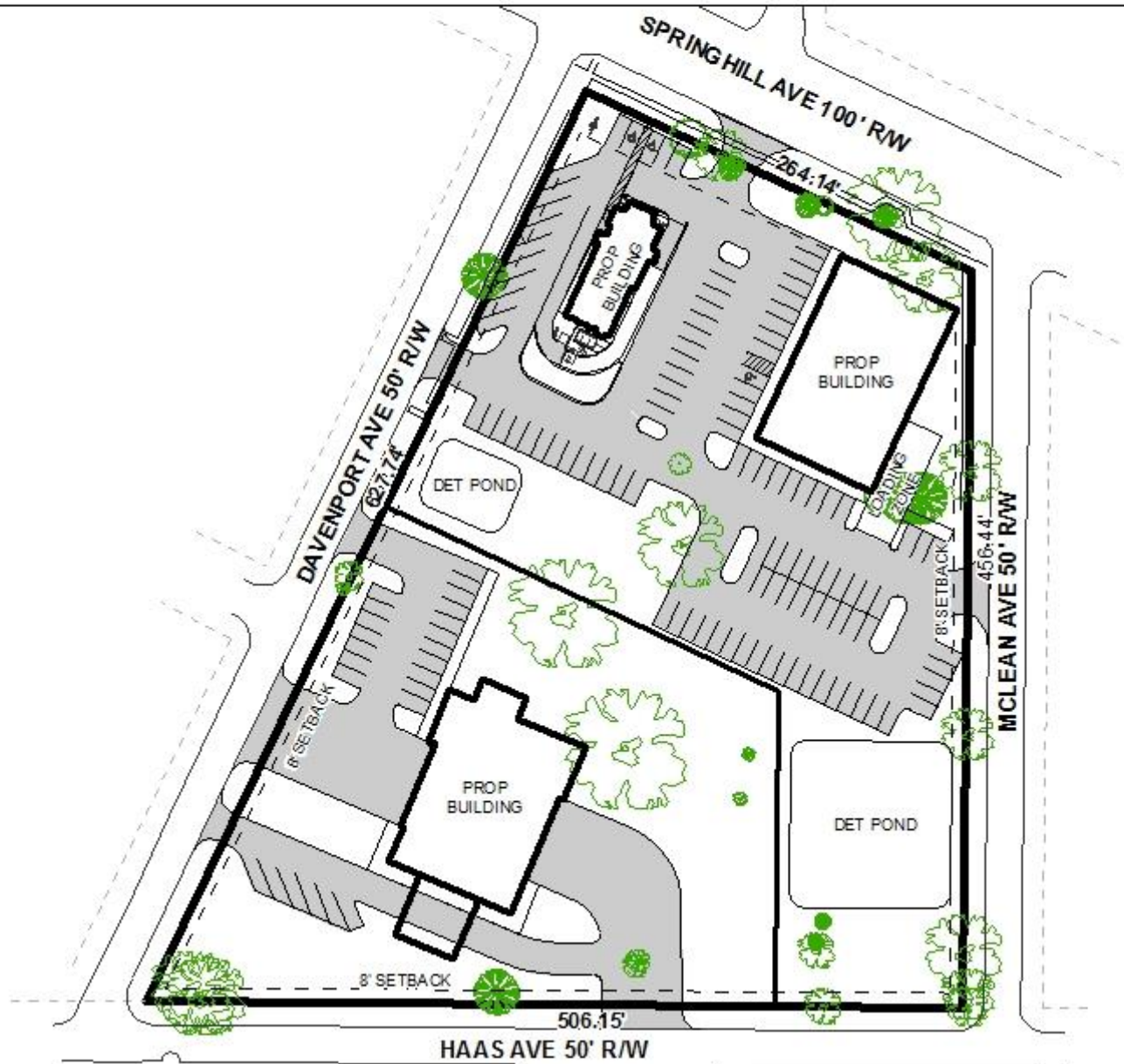
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SITE PLAN

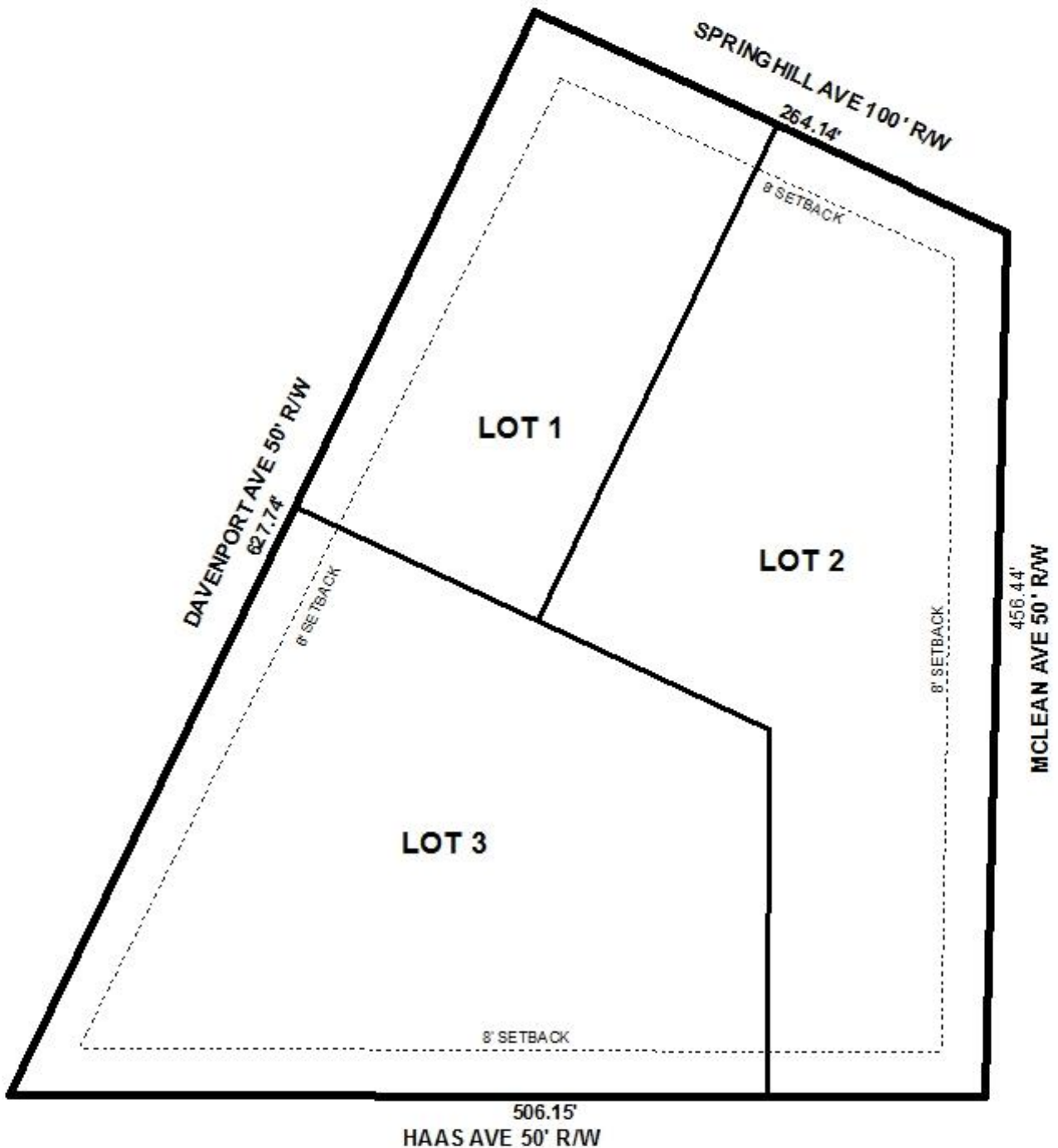


The site plan illustrates the proposed buildings, parking, stormwater detention areas, and setbacks.

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 APPLICANT Springhill & Davenport, LLC
 REQUEST Subdivision, Rezoning from R-1 to B-3



DETAIL SITE PLAN



APPLICATION NUMBER 11 DATE September 17, 2015

APPLICANT Springhill & Davenport, LLC

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

