

SUBDIVISION & ZONING
AMENDMENT STAFF REPORT**Date: August 5, 2010****APPLICANT NAME**

Springhill Medical Complex

SUBDIVISION NAME

McGregor Commercial Subdivision

LOCATION266 South McGregor Avenue
(Southeast corner of South McGregor Avenue and Berwyn Drive South).**CITY COUNCIL**
DISTRICT

District 5

PRESENT ZONING

R-1, Single-Family Residential District

PROPOSED ZONING

B-3, Community Business District

AREA OF PROPERTY

1 Lot/0.97± Acres

CONTEMPLATED USE

Subdivision approval to create 1 lot, and Zoning approval to rezone the site from R-1, Single-Family Residential District, to B-3, Community Business District, to allow a restaurant.

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

There is a manifest error in the Ordinance and the

TIME SCHEDULE
FOR DEVELOPMENT

Immediately

ENGINEERING
COMMENTS

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, in addition to any required land disturbance permits. Any existing damaged sidewalk panels will need to be replaced. Drainage from any new dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer.

TRAFFIC ENGINEERING**COMMENTS**

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Close the north driveway closest to Berwyn Drive and widen the south driveway to twenty-four feet in width.

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).

Compliance with landscaping and tree requirements of the Zoning Ordinance to be coordinated with Urban Forestry.

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 one lot from two existing metes and bounds parcels, and Zoning approval to rezone these parcels from R-1, Single-Family Residential, to B-3, Community Business District, to allow a restaurant.

The site currently is two metes and bounds parcels, approximately 0.97± acres, zoned R-1, Single-Family Residential, and is currently developed with a two-story (6,400 square-feet, first floor & 5,436 square feet, second floor) building that has been used and occupied as office/retail use since the middle of the 60's. The applicant proposes to use a portion (1,500± square feet) of the first floor of the building as a restaurant use. It should be noted that the proposed commercial space must be brought up to commercial building code standards due to a "change of occupancy," and that the site may be required to meet all site development requirements of commercial properties. The site improvement requirements may include paved access and parking, trash pickup and storm water detention. A sidewalk will also be required along any public right-of-way unless a waiver is submitted to and approved by the Planning Commission.

The property sits on the Southeast corner of South McGregor Avenue and Berwyn Drive South is bounded to the East, by commercial zoned property in a B-2, Neighborhood Business district; to the South and West by commercial zoned property in a B-3, Community Business District and to the North by a large metes and bounds parcel zoned R-1, Single Family Residential.

The site fronts onto South McGregor Avenue, a proposed major street according to the Major Street Plan Component of the Comprehensive Plan, and Berwyn Drive South, a minor street, provided with curb and gutter. The preliminary plat illustrates the current right-of-way along South McGregor Avenue varies from 60-feet to 80-feet and the current right-of-way along Berwyn Drive South as 50-feet. As a proposed Major Street, South McGregor Avenue should

have a right-of-way of 100 feet, thus dedication sufficient to provide 50-feet from the centerline of South McGregor Avenue should be required; however, previous adjacent subdivisions to the South have not required dedication. Therefore, the depiction and labeling of a 75-foot minimum building setback from the centerline of South McGregor Avenue on the Final Plat may be appropriate, in lieu of dedication.

Currently, the site is accessed by two curb cuts from South McGregor Avenue, one curb cut from Berwyn Drive South and a 24-foot internal curb cut from an adjacent property. The internal curb cut to the adjacent property will be closed off according to a note on the Final Plat stating that ingress/egress is not permitted from the adjacent properties unless a Planned Unit Development application is submitted and approved to allow such access. Lot 1 should be limited to the one curb cut to the development from South McGregor Avenue and one curb cut to Berwyn Drive South, with the size, location, and design of all curb cuts to be approved by Traffic Engineering and conform to AASHTO standards. Additionally, Traffic Engineering has requested that the site only be allowed one curb-cut onto McGregor and one onto Berwyn, and that the one curb-cut to McGregor be widened to meet minimum standards.

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 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; or 4) the subdivision of land into urban building sites makes reclassification of the land necessary and desirable.

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 appears to be depicted as commercial 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 did not specifically state which of the four conditions for rezoning were present at the site. The applicant stated, however, that the site is currently being used as a commercial office/retail, and is within “an area of existing commercial and industrial uses.” Given the

commercial use history of the site and the subdivision application, it could be argued that the site does meet several if not all of the conditions to allow rezoning of this site to B-3.

The proposed lot size is indicated on the plat. The lot size, in square feet, should be depicted on the Final Plat, or a table with same information provided.

Typically, rezoning requests require the owner to provide some provision of landscaping and tree plantings; however, on this developed site the opportunity to provide more landscaping and trees may be problematic. Therefore, the owner should provide landscaping and tree plantings, but still maintain the parking ratio and circulation required by the Zoning Ordinance for the proposed restaurant and office/retail uses: tree and landscape compliance should be coordinated with Urban Forestry.

RECOMMENDATION

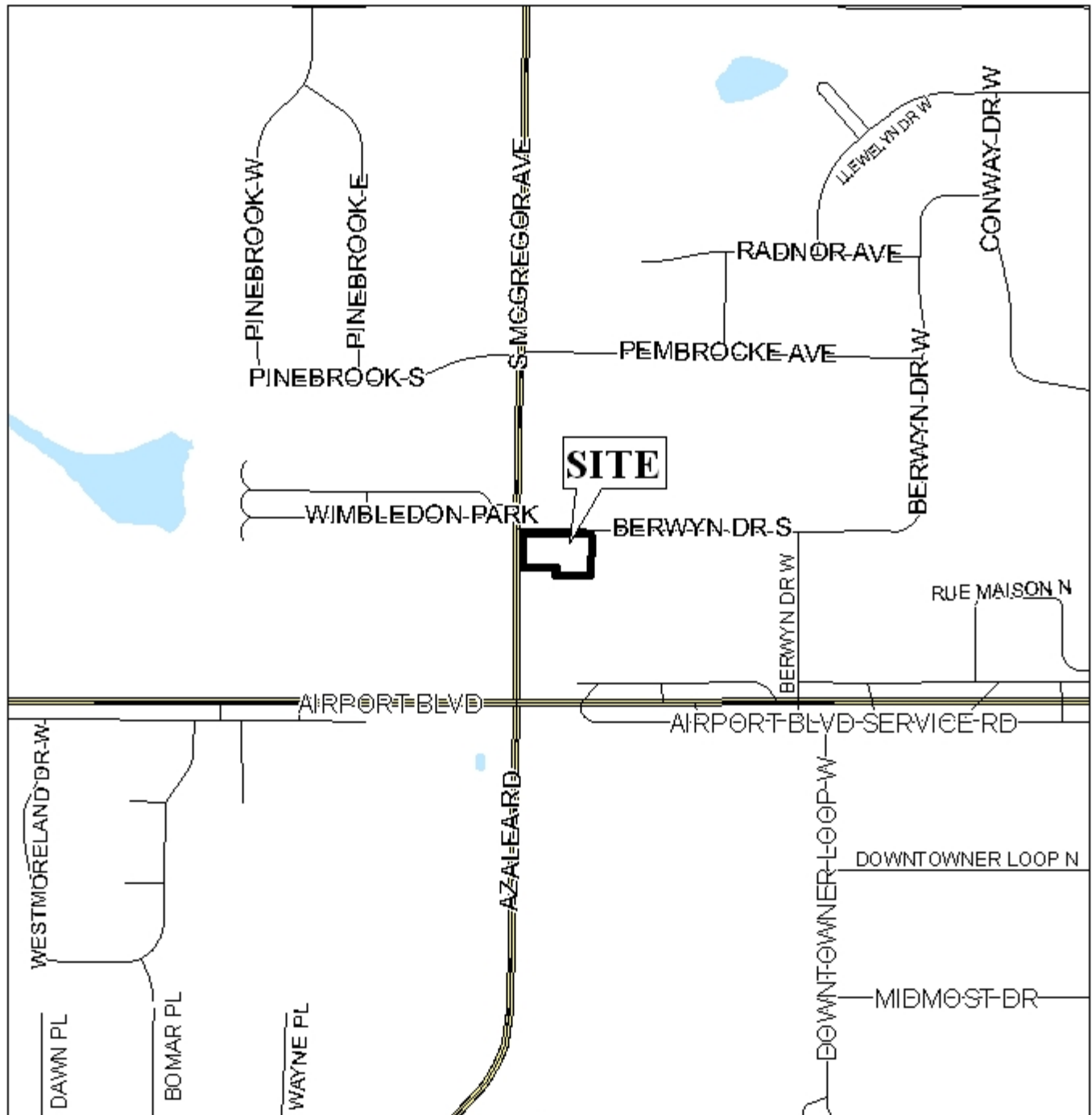
Subdivision: The Subdivision request is recommended for tentative approval subject to the following conditions:

- 1) Placement of a note on the Final Plat limiting the development to two curb cuts (one curb cut to South McGregor Avenue and one curb cut to Berwyn Drive South) with the size, location, and design of all new curb cuts to be approved by Traffic Engineering and conform to AASHTO standards;
- 2) Compliance with Traffic Engineering comments (*Close the north driveway closest to Berwyn Drive and widen the south driveway to twenty-four feet in width.*)
- 3) Depiction and labeling of a 75-foot minimum building setback from the centerline of South McGregor Avenue on the Final Plat;
- 4) Placement of a note on the final plat stating that ingress/egress is not permitted from the adjacent properties unless a Planned Unit Development application is submitted and approved to allow such access;
- 5) Compliance with landscaping and tree requirements of the Zoning Ordinance to be coordinated with Urban Forestry;
- 6) Compliance with Engineering comments (*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, in addition to any required land disturbance permits. Any existing damaged sidewalk panels will need to be replaced. Drainage from any new dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer.*)
- 7) Revision of the lot size labeling to depict the lot size in square feet; and
- 8) Full compliance with all municipal codes and ordinances.

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

- 1) Completion of the Subdivision process;
- 2) Compliance with landscaping and tree requirements of the Zoning Ordinance to be coordinated with Urban Forestry; and
- 3) Full compliance with all municipal codes and ordinances.

LOCATOR MAP



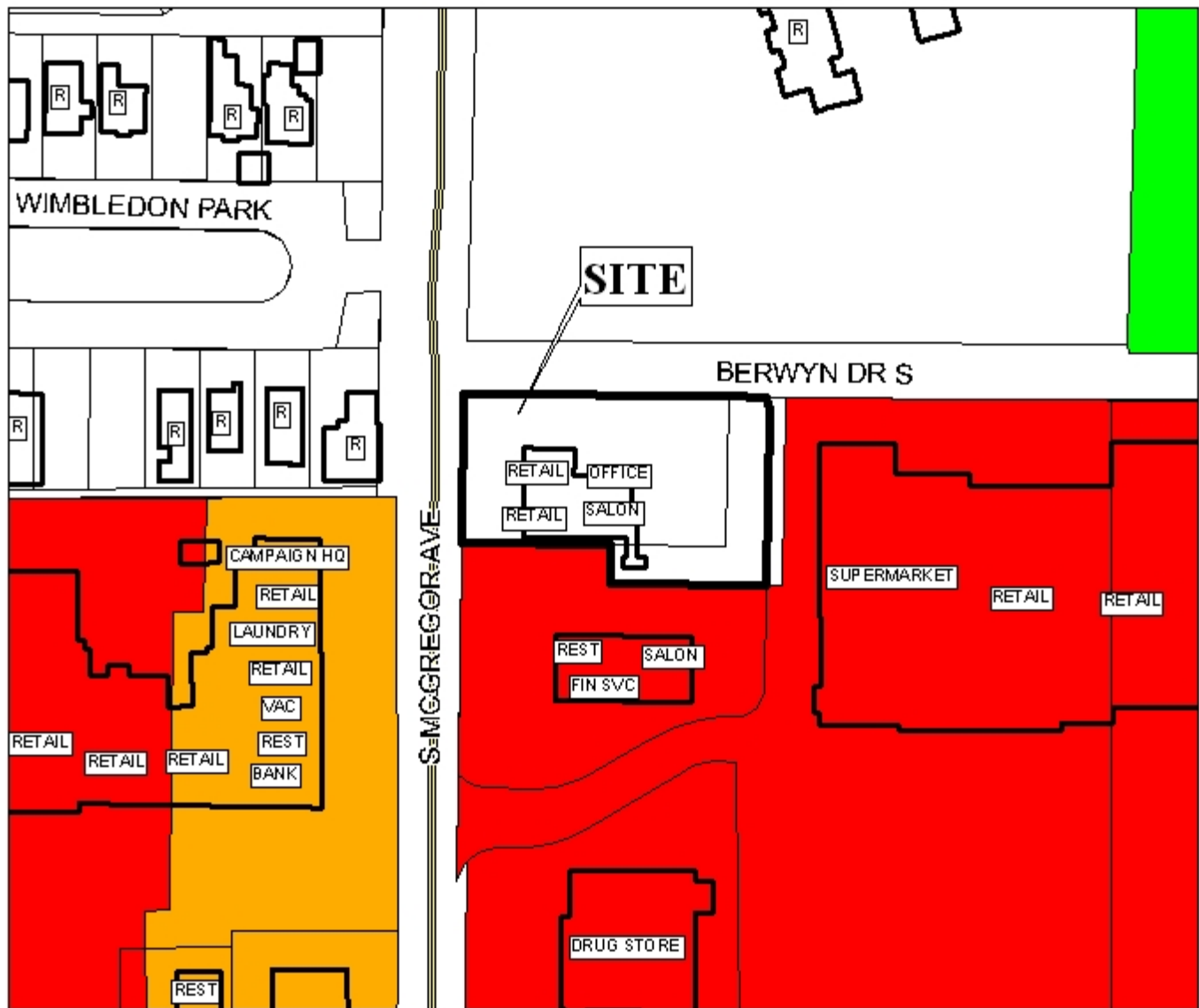
APPLICATION NUMBER 13 & 14 DATE August 5, 2010

APPLICANT McGregor Commercial Subdivision

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



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



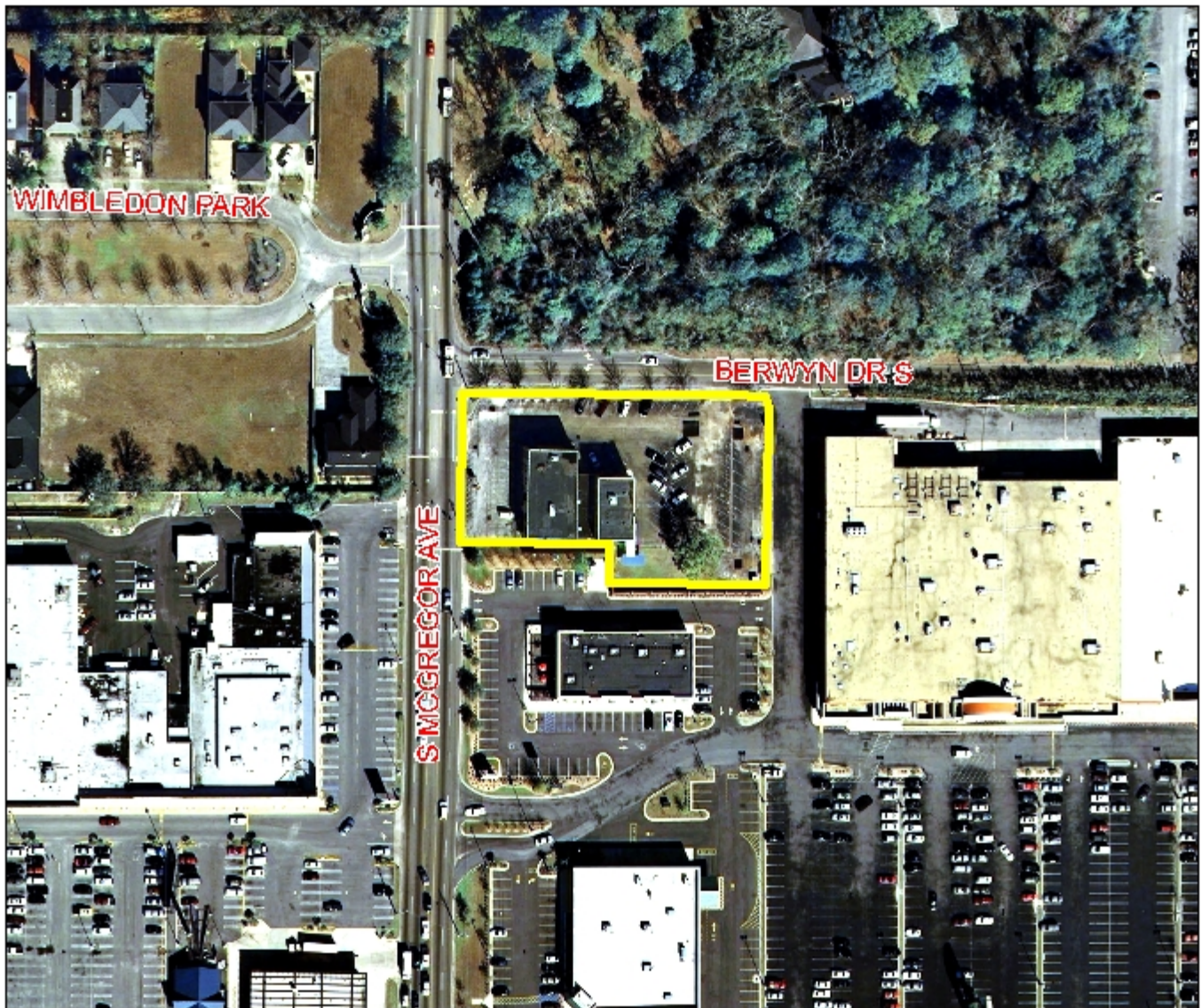
Miscellaneous retail is to the east and south of the site, single family residential units are to the west and north.

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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



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



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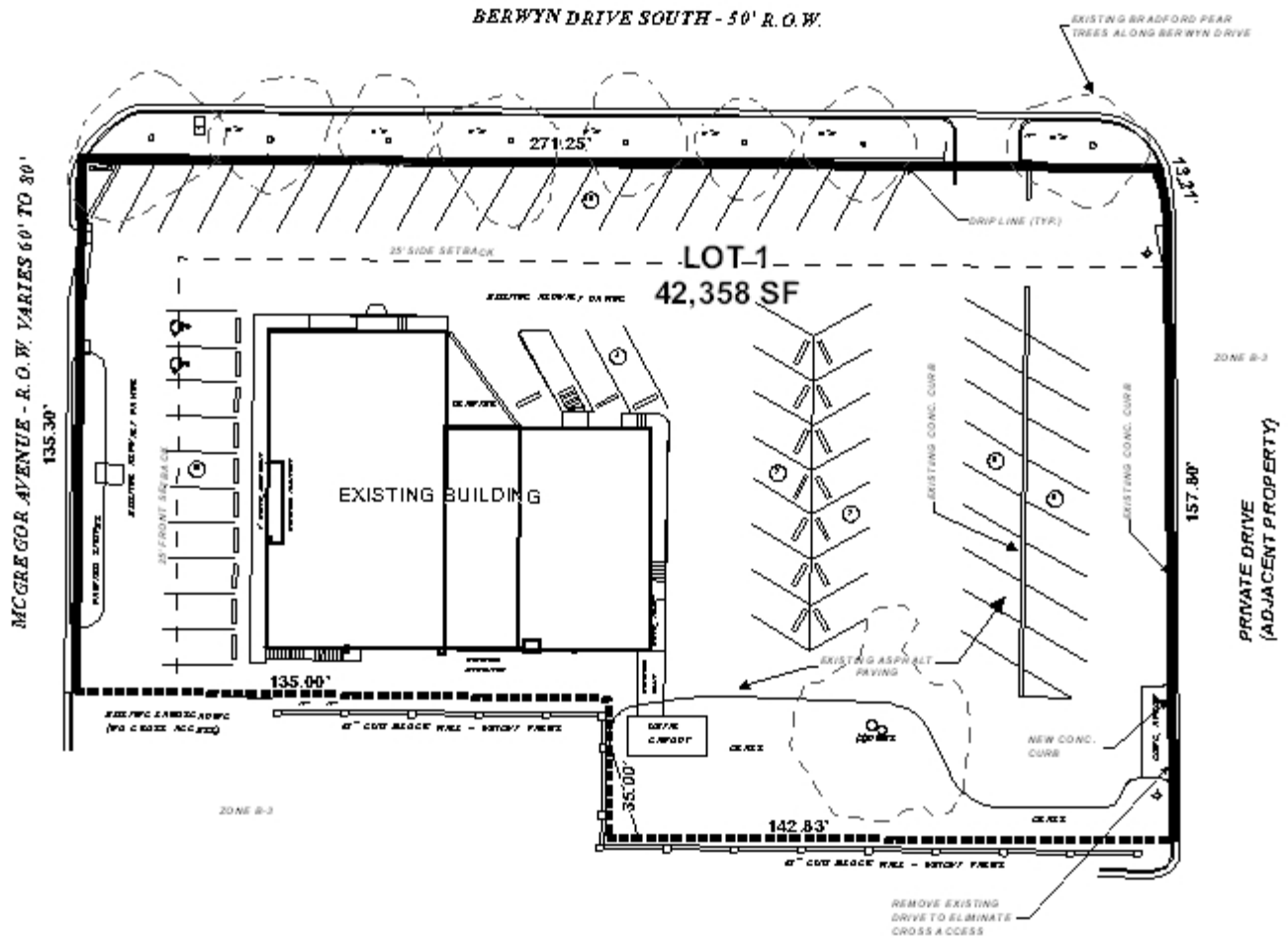
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NTS

SITE PLAN



The existing building, parking, drives, and landscaping are illustrated in the site plan.

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