

**ZONING AMENDMENT
& SUBDIVISION STAFF REPORT**

Date: June 19, 2014

APPLICANT NAME

Rasp, LLC

SUBDIVISION NAME

Heroes USA Subdivision

LOCATION

36 & 48 Hillcrest Road
(West side of Hillcrest Road, 110'± South of Old Shell Road)

**CITY COUNCIL
DISTRICT**

District 7

PRESENT ZONING

R-1, Single-Family Residential District and B-2, Neighborhood Business District

PROPOSED ZONING

B-2, Neighborhood Business District

AREA OF PROPERTY

1 Lots / 1.3 ± Acres

CONTEMPLATED USE

Subdivision approval to create 1 lot, and Zoning approval to rezone the site from R-1, Single-Family Residential District, and B-2, Neighborhood Business District, to B-2, Neighborhood Business District to allow the construction of a parking lot and eliminate split zoning.

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 the construction of a parking lot to serve an adjacent restaurant. Changing conditions and the resubdivision of land make the rezoning desirable.

**TIME SCHEDULE
FOR DEVELOPMENT**

Construction to commence approximately 45 days of City Council approval of the rezoning

**ENGINEERING
COMMENTS**

The following comments should be addressed prior to 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).
- B. Add a note to the SUBDIVISION PLAT stating that a Land Disturbance permit will be required for any land disturbing activity in accordance with the of the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045), latest edition. Storm water detention may be required for any existing development (since 1984) that did not receive Land Disturbance permitting and for any future addition(s) and/or land disturbing activity.
- C. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 19 - # 72) the Lot will not receive historical credit of impervious area towards storm water detention requirement per the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045), latest edition.
- D. 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.
- E. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer.
- F. Provide the Surveyor's Certificate.
- G. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
- H. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.

TRAFFIC ENGINEERING

COMMENTS

Lot A is limited to the two existing curb cuts, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. All 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).

Recommend increasing the green space to a minimum of 5 feet from the trunk of the existing 36" Live Oak Tree located on the North portion of the development next to existing building. Currently the asphalt is paved to the trunk of the tree.

FIRE DEPARTMENT

COMMENTS

All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.

REMARKS

The applicant is requesting Subdivision approval to create 1 lot, and Zoning approval to rezone the site from R-1, Single-Family Residential District, and B-2, Neighborhood Business District, to B-2, Neighborhood Business District to allow the construction of a parking lot and eliminate split zoning.

The site is currently developed with a restaurant and a residential structure with a commercial non-conforming use history. The site is bounded to the East, across Hillcrest Road, by a vacant property in a B-2 district, to the South by a residence in an R-1 district, to the West by apartments in an R-3 district, and to the North by a convenience store in a B-2 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's justification for rezoning is that conditions are changing with adjacent commercial properties, there is a need to expand the parking for the adjacent restaurant, and the subdivision of the land would otherwise create a split-zoning condition.

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 Hillcrest Road, a major street. The right-of-way for Hillcrest Road meets the minimum requirements according to the width depicted on the preliminary plat.

Hillcrest Road is a five-lane major street, with 19,000 cars per day on average (per 2010 data), and as such access management is a concern. The applicant is proposing to retain two existing curb-cuts for the proposed Lot A. Any modification to the two existing curb-cuts, such as the size, design and exact location, are to be approved by Traffic Engineering and conform to AASHTO standards.

While approval of a rezoning request is not site plan specific, there are a few items that should be addressed. First, it appears that the dumpster enclosure will be within the required 10-foot wide residential buffer, thus it should be relocated to a compliant location. A residential protection buffer must be provided along the South and West sides of the property. It appears that the width of the parking spaces vary, however, all spaces including accessible spaces must be at least 9 feet wide and 18 feet long. It also appears that the accessible parking spaces and required access aisles may not comply with the requirements of the 2009 International Building Code (and, by reference, ANSI 117.1). No bumper stops or curbing are depicted on the site plan, however, bumper stops or curbing will be required where the parking area abuts a landscape area or property line. No new lighting is depicted on the site plan, however, lighting compliant with Section 64-6.A.8. of the Zoning Ordinance: a photometric plan will be required at the time of submission for land disturbance permits. There is no on site surface storm water detention depicted on the site plan. And finally, landscape area information is provided, but tree compliance information is not provided.

The preliminary plat shows that the residential structure will be removed from the property prior to construction of the parking lot. The structure should be removed, with the appropriate permits, prior to the signing of the final plat.

The 25-foot minimum building setback is depicted, and should be retained on the final plat, if approved.

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 Approval, subject to the following conditions:

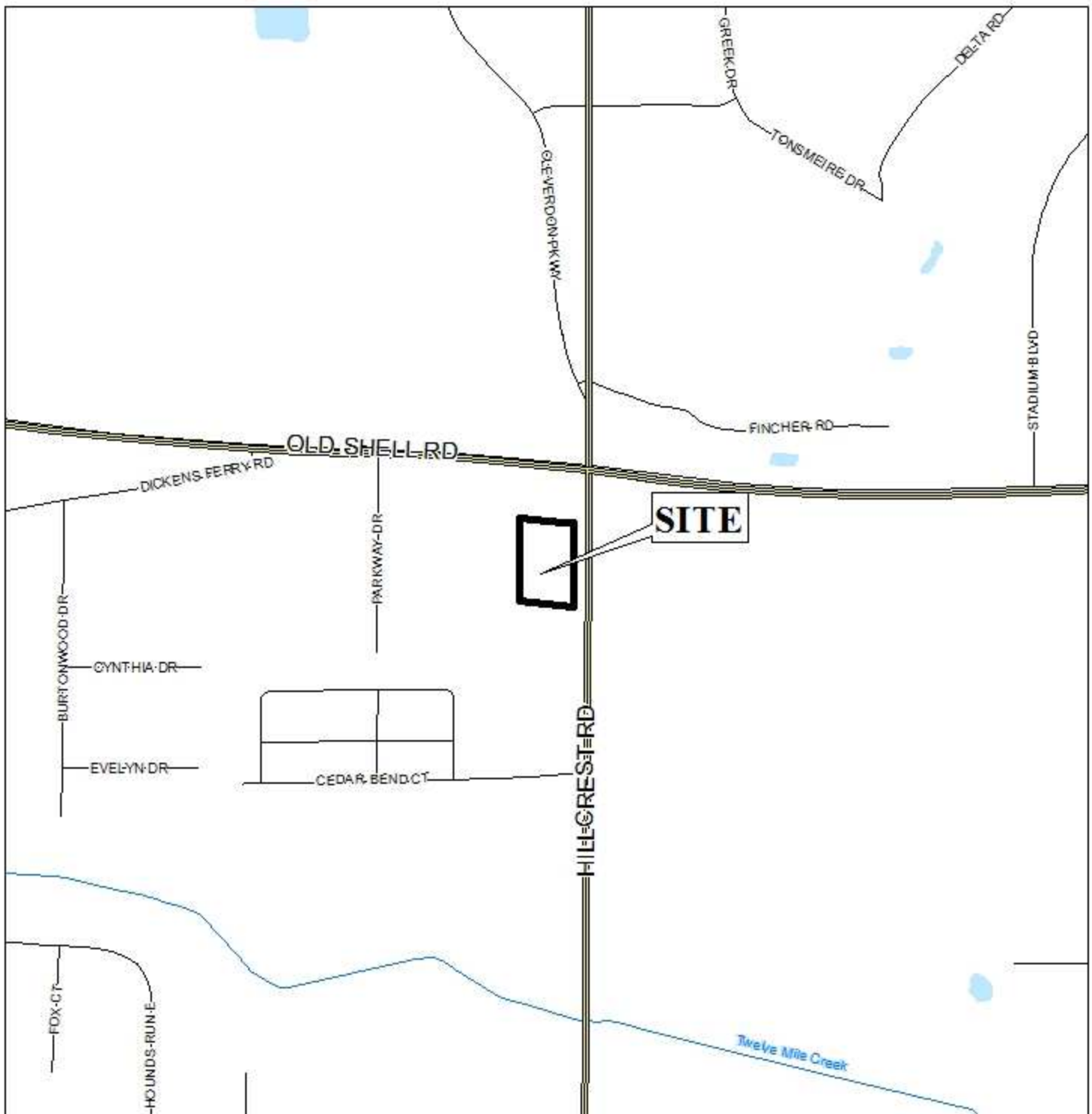
- 1) Completion of the Subdivision process;
- 2) Compliance with Urban Forestry comments (*Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64). Increase the green space to a minimum of 5 feet from the trunk of the existing 36" Live Oak Tree located on the North portion of the development next to existing building – removing the asphalt paved to the trunk of the tree.*); and
- 3) Full compliance with all municipal codes and ordinances.

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

- 1) Compliance with Engineering comments (*The following comments should be addressed prior to 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). B. Add a note to the SUBDIVISION PLAT stating that a Land Disturbance permit will be required for any land disturbing activity in accordance with the of the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045), latest edition. Storm water detention may be required for any existing development (since 1984) that did not receive Land Disturbance permitting and for any future addition(s) and/or land disturbing activity. C. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 19 - # 72) the Lot will not receive historical credit of impervious area towards storm water detention requirement per the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045), latest edition. D. 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. E. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer. F. Provide the Surveyor's Certificate. G. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. H. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.);*
- 2) *Compliance with Traffic Engineering comments (Lot A is limited to the two existing curb cuts, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.);*
 - 3) *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 61-929 and City Code Chapters 57 and 64).);*
 - 4) *Compliance with Fire comments (All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.);*
 - 5) *Removal of the residential structure prior to the signing of the final plat;*
 - 6) *Completion of the rezoning process prior to any request for land disturbance permits for new construction; and*
 - 7) *Placement of a note on the final plat stating: "Development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species."*

LOCATOR MAP



APPLICATION NUMBER 15 & 16 DATE June 19, 2014

APPLICANT Heroes USA Subdivision

REQUEST Subdivision, Rezoning from R-1 to B-2



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site plan is surrounded by residential units. A convenience store lies to the north of the site.

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LEGEND



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site plan is surrounded by residential units. A convenience store lies to the north of the site.

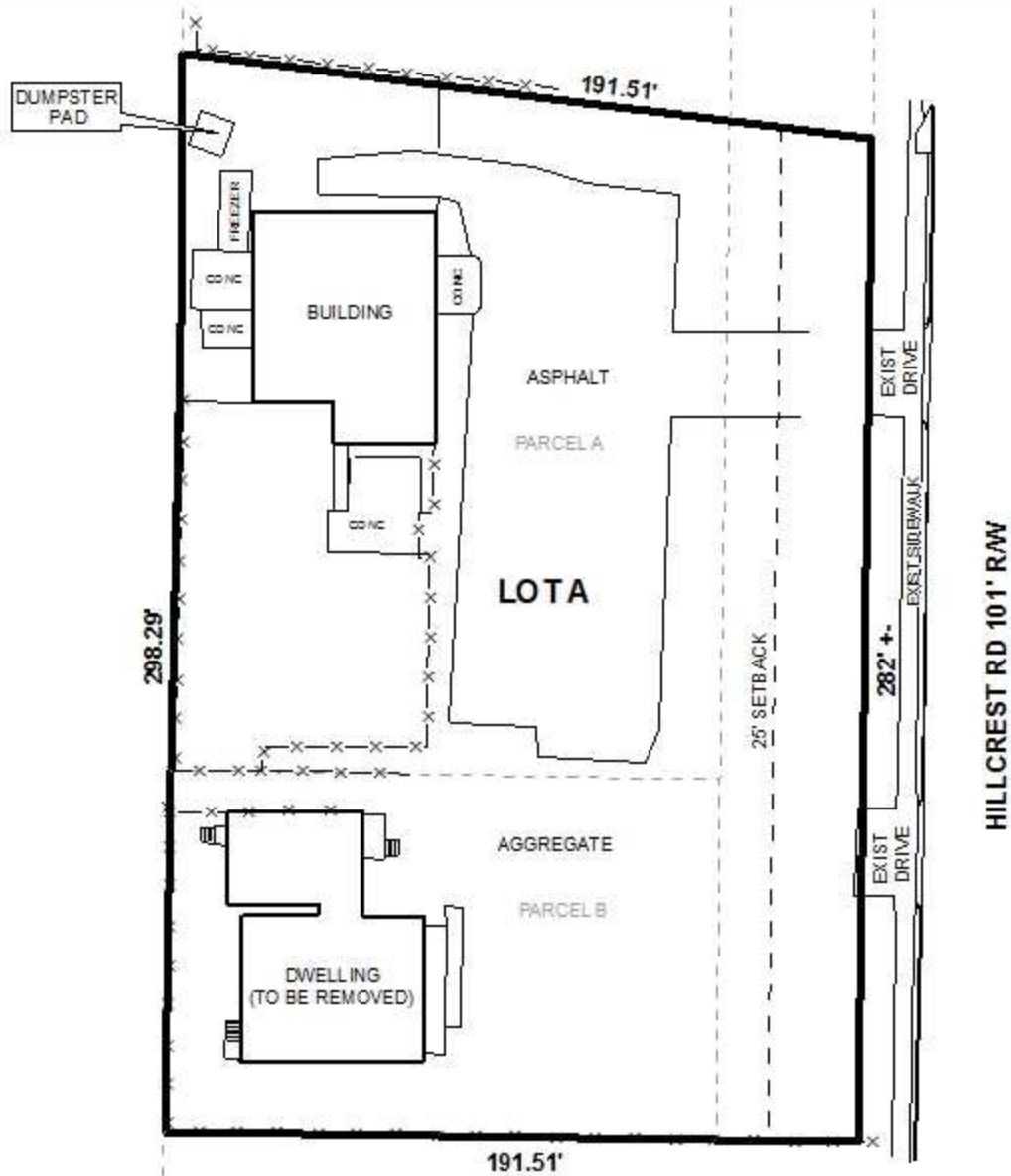
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APPLICANT Heroes USA Subdivision

REQUEST Subdivision, Rezoning from R-1 to B-2



SITE PLAN



The site plan illustrates the existing buildings, setback, and drives.

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APPLICANT Heroes USA Subdivision

REQUEST Subdivision, Rezoning from R-1 to B-2



SITE PLAN



The site plan illustrates the areas for the proposed subdivision and rezoning, setback, proposed parking, and the existing building and parking.

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REQUEST Subdivision, Rezoning from R-1 to B-2

