

**ZONING AMENDMENT,  
& SUBDIVISION STAFF REPORT****Date: December 17, 2009****APPLICANT NAME**

Ball Healthcare Services, Inc.

**SUBDIVISION NAME**

Twin Oaks Subdivision

**LOCATION**

North, East, and South sides of Crawford Lane at its East terminus.

**CITY COUNCIL  
DISTRICT**

District 2

**PRESENT ZONING**

R-1, Single-Family Residence District and B-1, Buffer Business District

**PROPOSED ZONING**

B-1, Buffer Business District

**AREA OF PROPERTY**

1 Lot / 7.2± Acres

**CONTEMPLATED USE**

Subdivision approval to create 1 lot, and Zoning approval to rezone the site from R-1, Single-Family Residential, and B-1, Buffer Business, to B-1, Buffer Business, to eliminate split zoning in a commercial subdivision.

**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 eliminate split zoning in a commercial subdivision.

**TIME SCHEDULE  
FOR DEVELOPMENT**

None given.

**ENGINEERING  
COMMENTS**

Label plat showing the required minimum finished floor elevation (MFFE). Since the site is located in the AE Flood Zone; add a note to the plat stating that there is to be no fill brought onto the property without the approval of the City Engineer. Flood-proofing may be required if the existing FFE is lower than the minimum required FFE. Construction of a City standard cul-de sac will be required. Must comply with all other storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit. Any existing damaged sidewalk panels will be required to be replaced. Any new dumpster pads must have sanitary sewer connection.

**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).

Preservation status is to be given to the 60" Live Oak Tree located in front of the existing Structure. Any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.

**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.

**REMARKS**

The applicant is requesting Subdivision approval to create 1 lot, and Zoning approval to rezone the site from R-1, Single-Family Residential, and B-1, Buffer Business, to B-1, Buffer Business, to eliminate split zoning in a commercial subdivision. Both of these applications have been previously approved by the Planning Commission on March 6, 2008. As no action was taken on either approval, and no extensions were filed, the approvals expired in March, 2009, hence these applications.

The applicant currently owns and operates a nursing home by variance on the North side of Crawford Lane on property which is zoned R-1. A parking lot expansion is proposed on property on the South side of Crawford Lane, zoned B-1, which the applicant also owns. The applicant has also petitioned the City for vacation of the unopened East terminus of Crawford Lane. Once vacated, this would give the applicant contiguous properties on the North, East, and South sides of Crawford Lane at the East terminus of the open right-of-way. It should be noted that the submitted plat shows the right-of-way as already being vacated, however, according to the City Clerk's Office, the vacation process is not yet complete.

A one-lot subdivision is proposed to combine the various parcels into a legal lot, and the rezoning would make the entire site B-1, an appropriate zoning for the nursing home, and would eliminate the split zoning which would otherwise occur.

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.

Regarding the proposed subdivision, the site is served by public water and sewer services and would meet the minimum requirements of the subdivision. The completion of the vacation process for the unopened East terminus of Crawford Lane would be required to make the applicant's properties contiguous prior to the signing of the final plat. The plat indicates a proposed cul-de-sac without a center median at the East terminus of the existing open Crawford Lane right-of-way.

A discrepancy appears between the current application and the application that was approved in 2008. The 2008 application indicates a current right-of-way width of 45.6 feet for Crawford Lane, however the current application indicates a 50-foot right-of-way width. The actual right-of-way width should be noted on the plat and any dedication required be depicted as such.

Crawford Lane is a minor street, provided with curb and gutter and, as per Section V.B.14 of the Subdivision Regulations, requires a right-of-way width of 50 feet. As such, dedication sufficient to provide 25' from centerline along both sides of Crawford Lane should be required.

The cul-de-sac is indicated to be 120' in diameter which meets the requirements of Section V.B.14. Construction of the cul-de-sac to City standards would be required prior to the signing of the final plat.

The subdivision also has frontage along the North side of Carver Street, currently with a 40' right-of-way width; therefore, dedication would be required to provide 25' from the centerline of Carver Street. A 25' minimum building setback line is not indicated along Crawford Lane, and as such should be added and reflect any required dedication.

As a means of access management, a note should be placed on the final plat stating the site is limited to the three existing curb cuts along the North side of Crawford Lane, and two curb cuts along the South side of Crawford Lane, with the size, location and design of all curb cuts to be approved by Traffic Engineering and conform to AASHTO standards. A note should also be required stating that access to Carver Street is denied.

As proposed, a Northern portion of the site lies adjacent to the right-of-way of Lawrence Street Extension, a planned major street with a 200' width in this area. Normally, dedication of right-of-way and setback allowances would be required for such, but, since the exact route has not yet been determined, such requirements cannot be placed upon this application.

The lot is labeled with its size in acres. This should be revised to indicate the size, in square feet, and be indicated on the final plat, or a table should be furnished providing the same information.

The City of Mobile GIS appears to indicate wetlands and floodplains in the Eastern portion of the site, or in close proximity to the site which are associated with the Toulmin Spring Branch of Three Mile Creek. Therefore, the approval of all applicable Federal, State and local agencies would be required prior to the issuance of any permits. Also, 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.

The site is bounded on the West by residential zoning. As the site is intended to be developed commercially, the provision of appropriate residential buffers required by Section 64-4.D.1. of the Zoning Ordinance, such as a 6'-high wooden privacy fence or 10'-wide landscaped buffer should be required.

Regarding the proposed rezoning, this area is shown on the General Land Use component of the Comprehensive Plan as residential. However, the Comprehensive Plan is meant to be a general guide, not a detailed lot and district plan or mandate for development. The Planning Commission and City Council may consider individual cases on additional information such as the classification requested, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and zoning classification. The Zoning Ordinance states that an amendment is to be made only when one or more of the following conditions prevail: there is a manifest error in the ordinance; changes in conditions in a particular area make a change in the ordinance necessary and desirable; an increased need for 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; the subdivision of land into urban building sites makes reclassification necessary and desirable.

In this instance, the zoning is being brought into compliance for an existing use while expanding the on-site parking for that use into an already appropriately zoned district. To that extent, rezoning of the entire site to eliminate split zoning would be in order.

As a new parking area is proposed to be constructed on a site that is currently heavily wooded, compliance with the tree and landscaping ordinance for the site would seem to be appropriate to mitigate the loss of trees in this area. As such, full compliance with the tree and landscaping ordinance should be required as a condition of rezoning.

Lastly, sidewalks will be required along Crawford Lane due to the proposed new parking lot construction. Sidewalks are not indicated on the submitted site plan, but nonetheless must be provided, or a sidewalk waiver be obtained.

## **RECOMMENDATION**

**Subdivision:** Based on the preceding, the Subdivision request is recommended for tentative approval, subject to the following conditions:

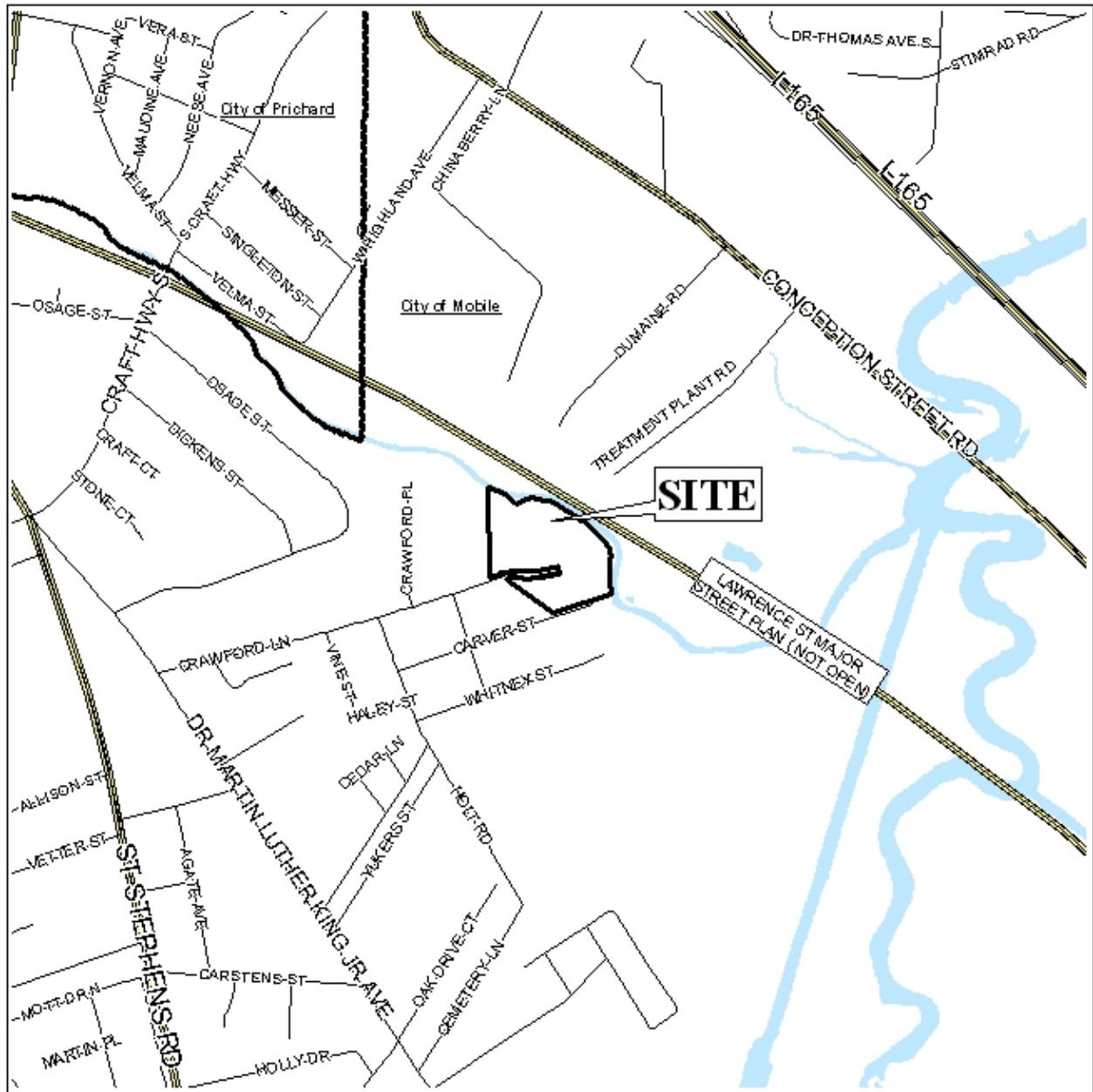
- 1) completion of the Vacation process for the unopened East terminus of Crawford Lane;
- 2) construction of the cul-de-sac to City standards prior to signing the final plat;
- 3) dedication along both sides of Crawford Lane to provide 25' from centerline;
- 4) dedication to provide 25' from the centerline of Carver Street;
- 5) revision of the plat to indicate the 25' minimum building setback line as measured from any required dedication along Crawford Lane and Carver Street;
- 6) placement of a note on the final plat stating that the site is limited to the existing curb cuts on the North side of Crawford Lane, and two curb cuts on the South side of Crawford

- Lane, with the size, location and design of all curb cuts to be approved by Traffic engineering and conform to AASHTO standards;
- 7) placement of a note on the final plat stating that access to Carver Street is denied;
  - 8) placement of a note on the final plat stating the provision of appropriate residential buffers required by Section 64-4.D.1. of the Zoning ordinance, such as a 6' wooden privacy fence or 10'-wide landscaped buffer are required.
  - 9) labeling of the lot with its size in square feet, or the furnishing of a table on the plat providing the same information;
  - 10) compliance with 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 the 60" Live Oak Tree located in front of the existing Structure. Any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger;*
  - 11) compliance with Engineering comments: *Label plat showing the required minimum finished floor elevation (MFFE). Since the site is located in the AE Flood Zone; add a note to the plat stating that there is to be no fill brought onto the property without the approval of the City Engineer. Flood-proofing may be required if the existing FFE is lower than the minimum required FFE. Construction of a City standard cul-de sac will be required. Must comply with all other storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit. Any existing damaged sidewalk panels will be required to be replaced. Any new dumpster pads must have sanitary sewer connection;*
  - 12) placement of a note on the final plat stating that the approval of all applicable Federal, State and local agencies would be required for wetlands and floodplains prior to the issuance of any permits; and
  - 13) placement of a note on the final plat stating that development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species;

**Rezoning:** Based on the preceding, the Rezoning is recommended for Approval, subject to the following conditions:

- 1) completion of the Vacation process for the unopened East terminus of Crawford Lane;
- 2) completion of the subdivision process;
- 3) provision of appropriate residential buffers as required by Section 64-4.D.1. of the Zoning Ordinance;
- 4) compliance with 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 the 60" Live Oak Tree located in front of the existing Structure. Any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger;*
- 5) full compliance with tree planting and landscape requirements;
- 6) installation of sidewalks along Crawford Lane, or approval of a sidewalk waiver application by the Planning Commission;
- 7) full compliance with all other municipal codes and ordinances

# LOCATOR MAP



APPLICATION NUMBER 17 & 18 DATE December 17, 2009

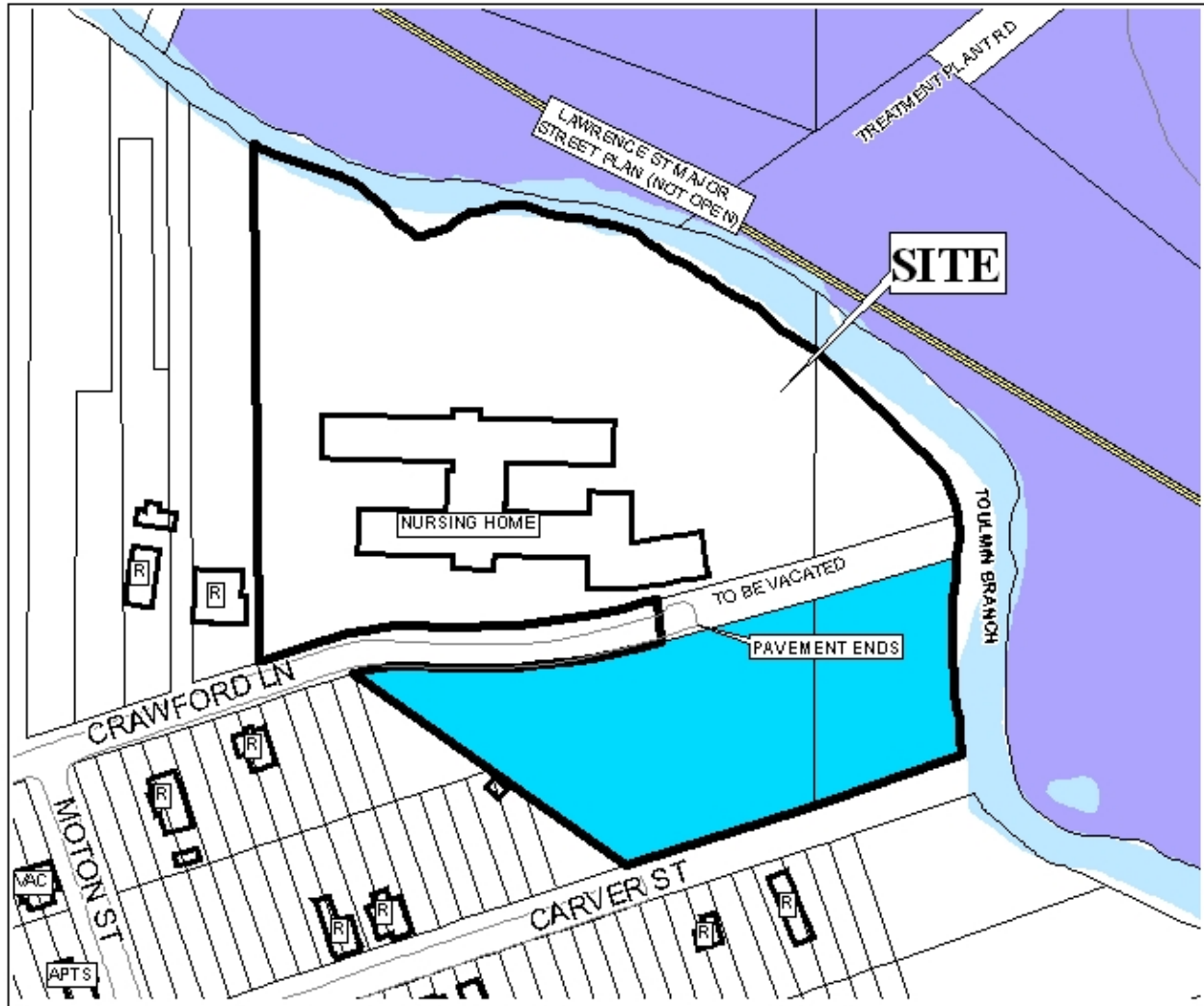
APPLICANT Twin Oaks Subdivision

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



NTS

# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Residential land use is located to the west and south of the site.  
Undeveloped land is located to the north and east of the site.

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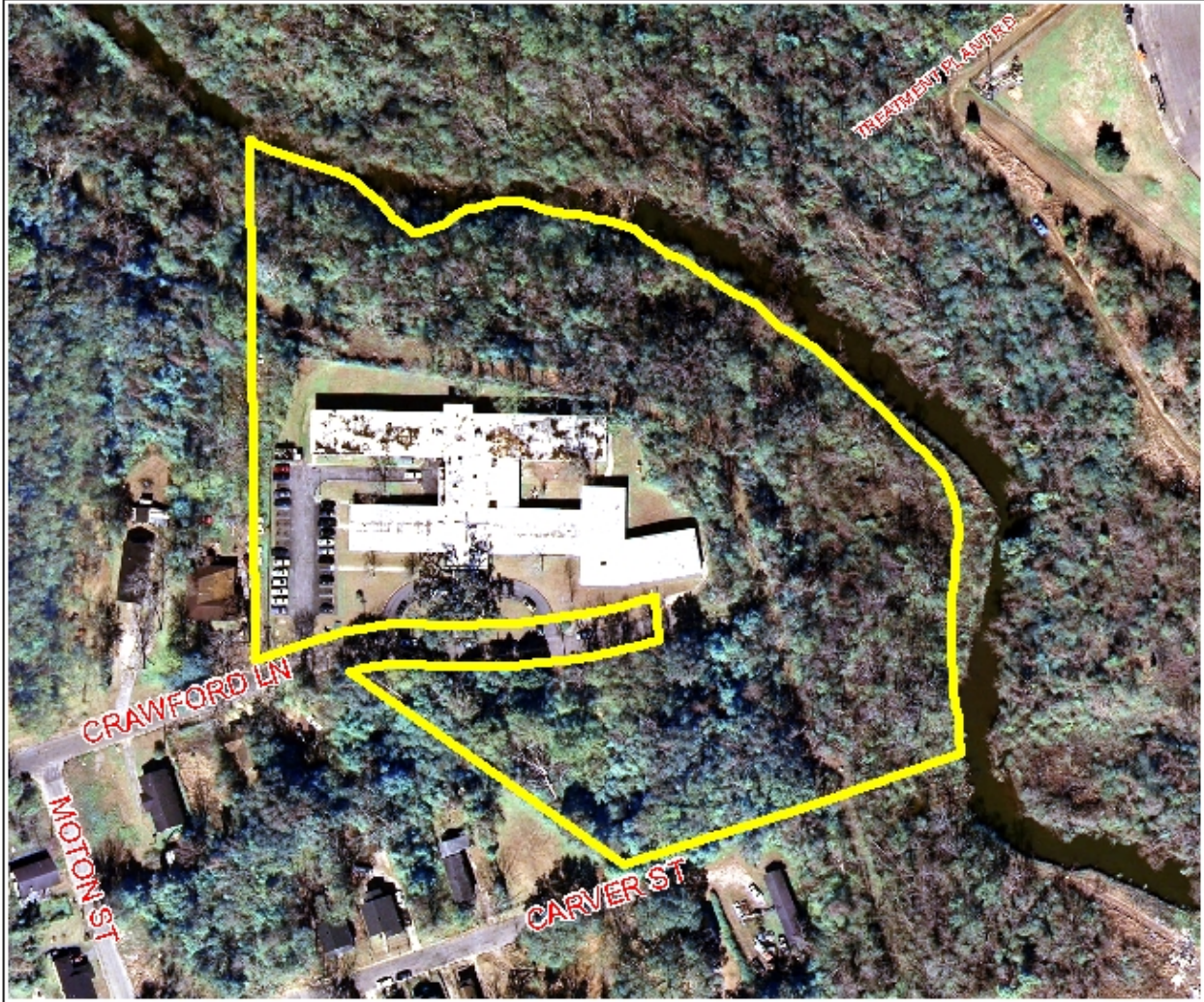
REQUEST Subdivision, Rezoning from R-1 and B-1 to B-1

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
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## PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Residential land use is located to the west and south of the site.  
Industrial land use is located to the north and east of the site.

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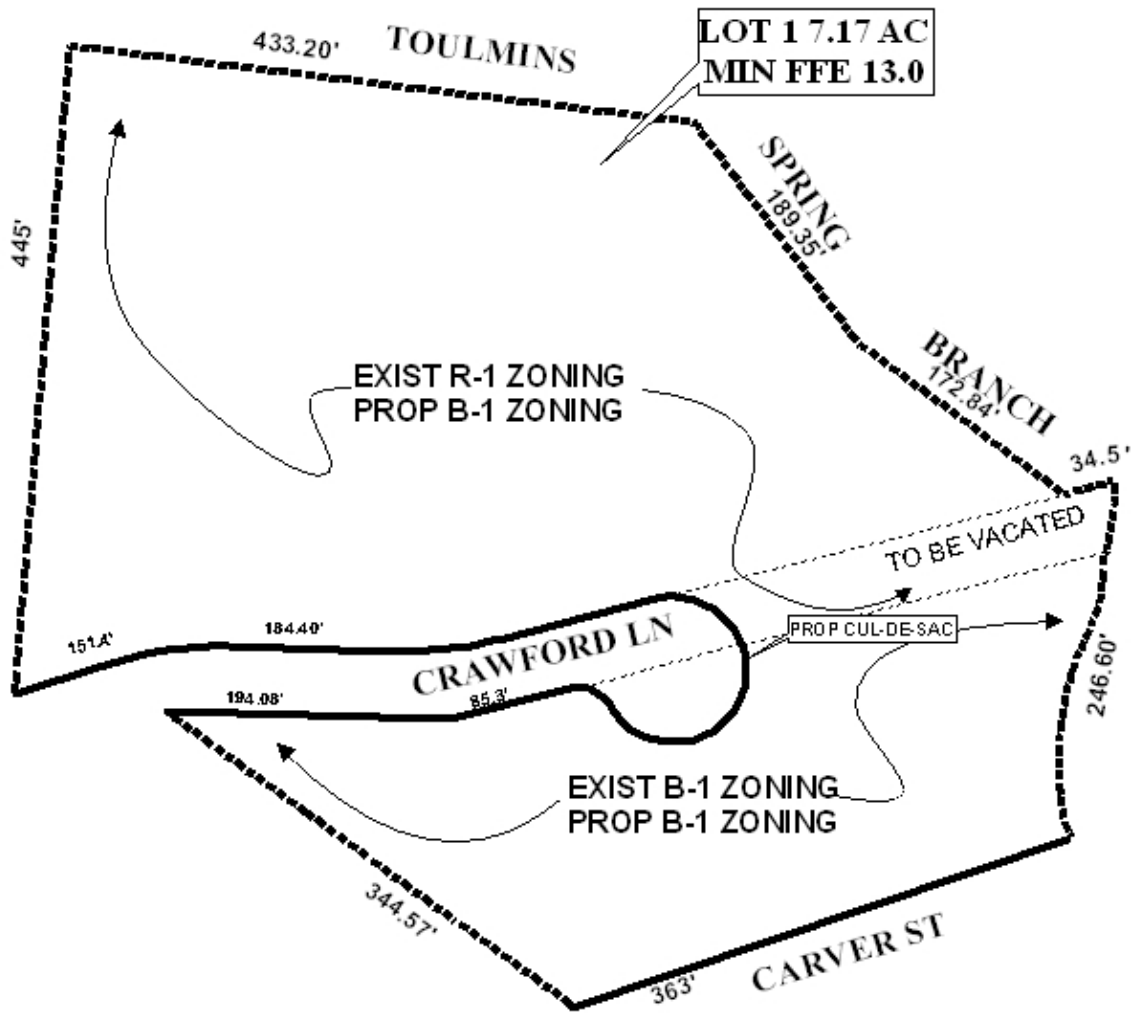
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N  
NTS



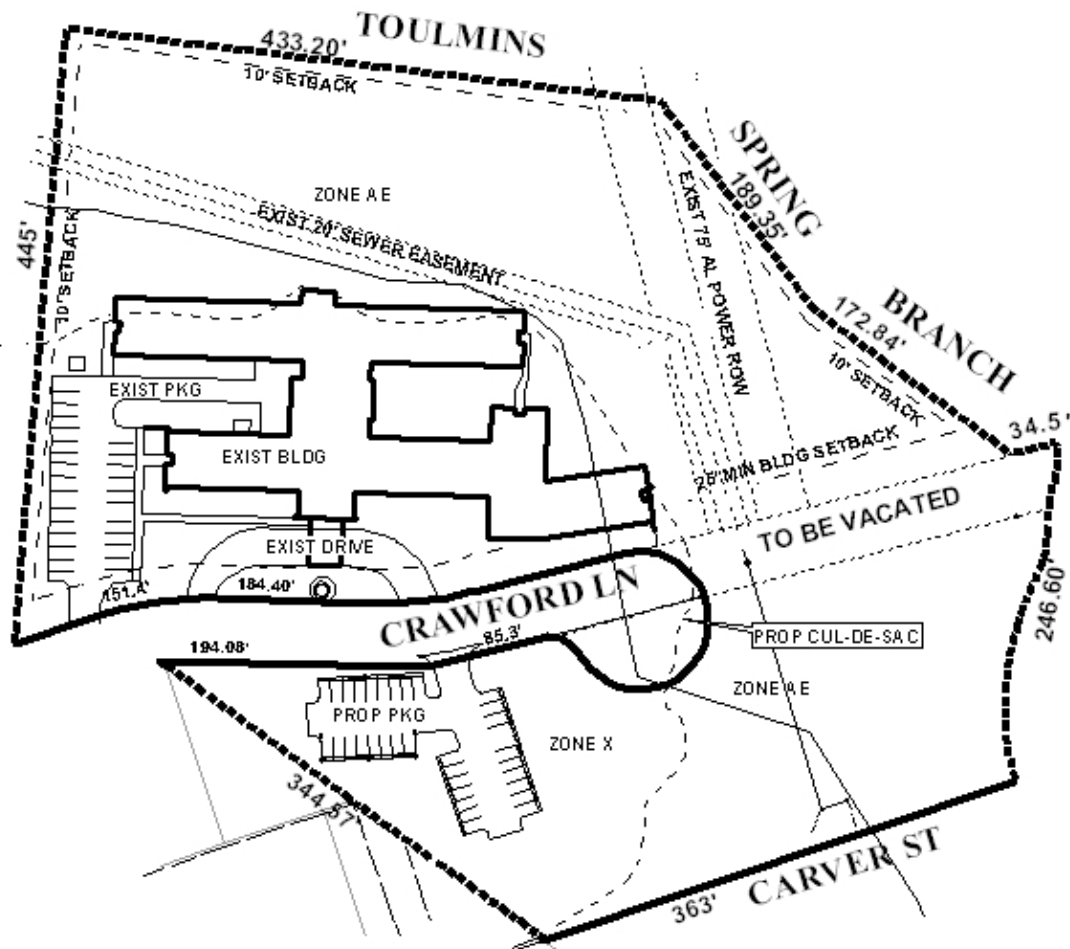
## ZONING AND SUBDIVISION DETAIL



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N  
  
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# SITE PLAN



The site plan illustrates the existing building, easements, and proposed parking lot

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