

**ZONING AMENDMENT
& SUBDIVISION STAFF REPORT****Date: December 18, 2008**

<u>APPLICANT NAME</u>	911 Dauphin Street, Inc.
<u>SUBDIVISION NAME</u>	The Moors at Springhill Subdivision
<u>LOCATION</u>	North side of Springhill Avenue, 100'± West of the North terminus of Wacker Lane North
<u>CITY COUNCIL DISTRICT</u>	District 7
<u>PRESENT ZONING</u>	R-1, Single-Family Residential District
<u>PROPOSED ZONING</u>	B-1, Buffer Business District
<u>AREA OF PROPERTY</u>	1 Lot / 1.5 ± Acres 5 ± Acres – “Future Development”
<u>CONTEMPLATED USE</u>	Subdivision approval to create 1 lot, and Zoning approval to rezone the lot from R-1, Single-Family Residential, to B-1, Buffer Business, to allow professional offices. 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.
<u>REASON FOR REZONING</u>	Applicant is requesting rezoning of the lot to allow professional offices. Adjacent property to the East is already commercially zoned.
<u>TIME SCHEDULE FOR DEVELOPMENT</u>	Immediately
<u>ENGINEERING COMMENTS</u>	Show Flood Zones and Minimum FFE on plans and plat. No fill allowed within a special flood hazard area without providing compensation or completing a flood study showing that there is no rise for the proposed fill within the special flood hazard area. Must provide drainage easement for any areas receiving public water, size and location of easement to be approved by City Engineer. 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. It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and

verify if NWI wetlands are depicted on the site. If the COM GIS show wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. 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.

TRAFFIC ENGINEERING

COMMENTS

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Minimum driveway width is twenty-four feet with a twenty foot radius. Changes should be made to accommodate these 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).

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 (1) lot, and Zoning approval to rezone the proposed lot from R-1, Single-Family Residential, to B-1, Buffer Business, to allow professional offices.

This site was the subject of a similar application to the Planning Commission earlier in 2008, and was denied at its April 3, 2008 meeting for the following reasons:

Zoning

1. concerns relating to the flood way and flood zones;
2. the applicant failed to meet the criteria set forth in 64.9.A - Reasons for Amendment.

Subdivision

1. concerns relating to the flood way and flood zones;
2. the rezoning was recommended for denial, and thus the subdivision would be unnecessary.

The application at hand is different in that only 1 lot is proposed, and that three existing lots that previously were part of a proposed lot 2 are not included in this application. The remainder of the site being subdivided is reserved for "future development." The previous application had the future development area (with the three adjacent lots) as a lot, however, no change in zoning was proposed for the future development area (or the adjacent lots).

The site is currently vacant, and is bounded to the East by a vacant property in a B-1 district, across an unopened right-of-way by various businesses operating in strip shopping center in a B-3, Community Business District, and to the South (across Spring Hill Avenue), West and North by residences and vacant properties in an R-1 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.

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 and 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 they would like to construct an office building, and that an adjacent property is commercially zoned. The applicant does not state if any of the four conditions for amending the Zoning Ordinance are applicable to their request.

The site has been the subject of several applications to the Planning Commission. Prior to the earlier application in 2008, there was an application for a residential subdivision in 2005, which was denied due to the environmental difficulties present on the site. Prior applications for rezoning and PUD approvals were withdrawn before the public hearing in 2002.

The site fronts onto Spring Hill Avenue, a major street, a service road for Spring Hill Avenue, and an unopened right-of-way for Wacker Lane, a minor street. The right-of-way for Spring Hill Avenue meets minimum requirements, however the right-of-way for Wacker Lane, at 33-feet, does not meet the minimum minor street requirements of 50-feet.

Spring Hill Avenue is a five-lane major street, with 22,000 cars per day on average (per 2006 data), and as such access management is a concern. The applicant is proposing two curb-cuts for proposed Lot 1, the lot that will be commercially zoned. Due to the number of existing curb-cuts

on the South side of Spring Hill Avenue, proposed Lot 1 should be limited to one (1) curb-cut, to align with the larger existing curb-cut across the street, with the size, design and exact location to be approved by Traffic Engineering and conform to AASHTO standards. It should be pointed out that there is a note on the Zoning site plan and Subdivision preliminary plat that states that the proposed lot is limited to one curb-cut, yet the site plan depicts two curb-cuts.

The plat should be revised to depict dedication of right-of-way along Wacker Lane sufficient to provide 25-feet, as measured from the centerline.

The proposed future development area will only have 25 feet of frontage on Spring Hill Avenue, but will have approximately 207 feet of frontage onto the unopened right-of-way of Wacker Lane. All of the Wacker Lane frontage for the future development area is within the 100-year floodplain and/or floodway for Three Mile Creek. Furthermore, what little frontage the future development area has onto Spring Hill Avenue is compromised by sewer easements and significant drainage outlets, making the provision of access to Spring Hill Avenue nearly unfeasible.

Nearly all of the proposed lot is within the 100-year floodplain for Three Mile Creek. A portion of the future development area, additionally, appears to be partially within the floodway for Three Mile Creek. Data also indicates that the proposed lot may contain wetlands associated with the creek and the drainage ditches traversing the site. The presence of wetlands and floodplains indicate that the area may be environmentally sensitive; therefore, the approval of all applicable federal, state and local agencies would be required prior to the issuance of any permits.

It should be pointed out that the strip center to the East is also located within the floodplain, and has flooded in the past. What makes the site under consideration more challenging, however, is the fact that multiple sanitary sewer lines and storm water drainage lines or ditches cross the site. Construction over these utility or drainage features either is not permitted or would not be advisable.

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

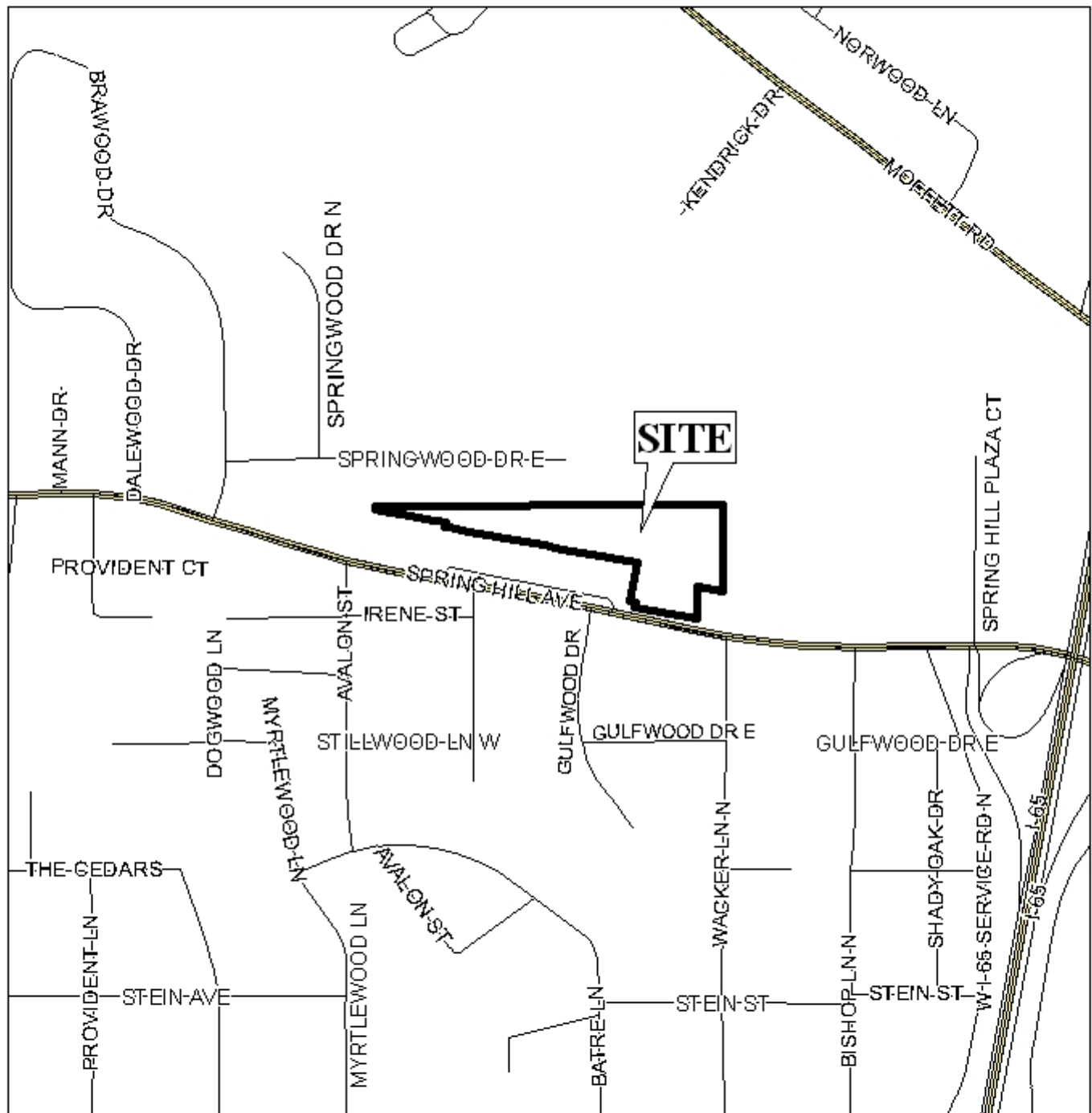
Rezoning: Based upon the preceding, the Rezoning request is recommended for Denial for the following reasons:

- 1) concerns relating to the flood zones and multiple easements across the site;
- 2) the applicant failed to meet the criteria set forth in 64.9.A - Reasons for Amendment.

Subdivision: The Subdivision request is recommended for Denial for the following reasons:

- 1) concerns relating to the flood zones and multiple easements across the site;
- 2) the rezoning is recommended for denial, and thus the subdivision would be unnecessary.

LOCATOR MAP



APPLICATION NUMBER 19 & 20 DATE December 18, 2008

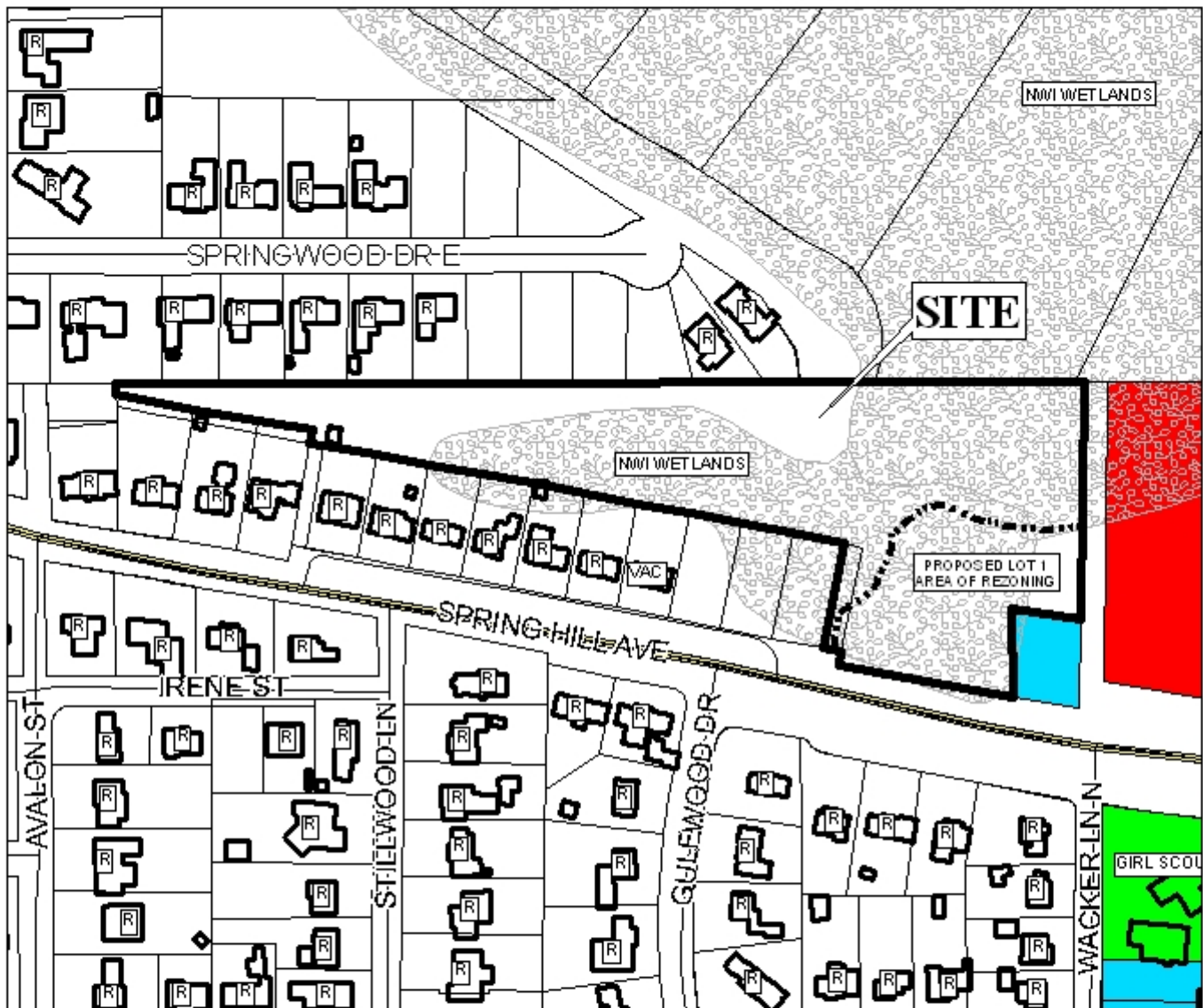
APPLICANT The Moors at Springhill Subdivision

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



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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



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

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

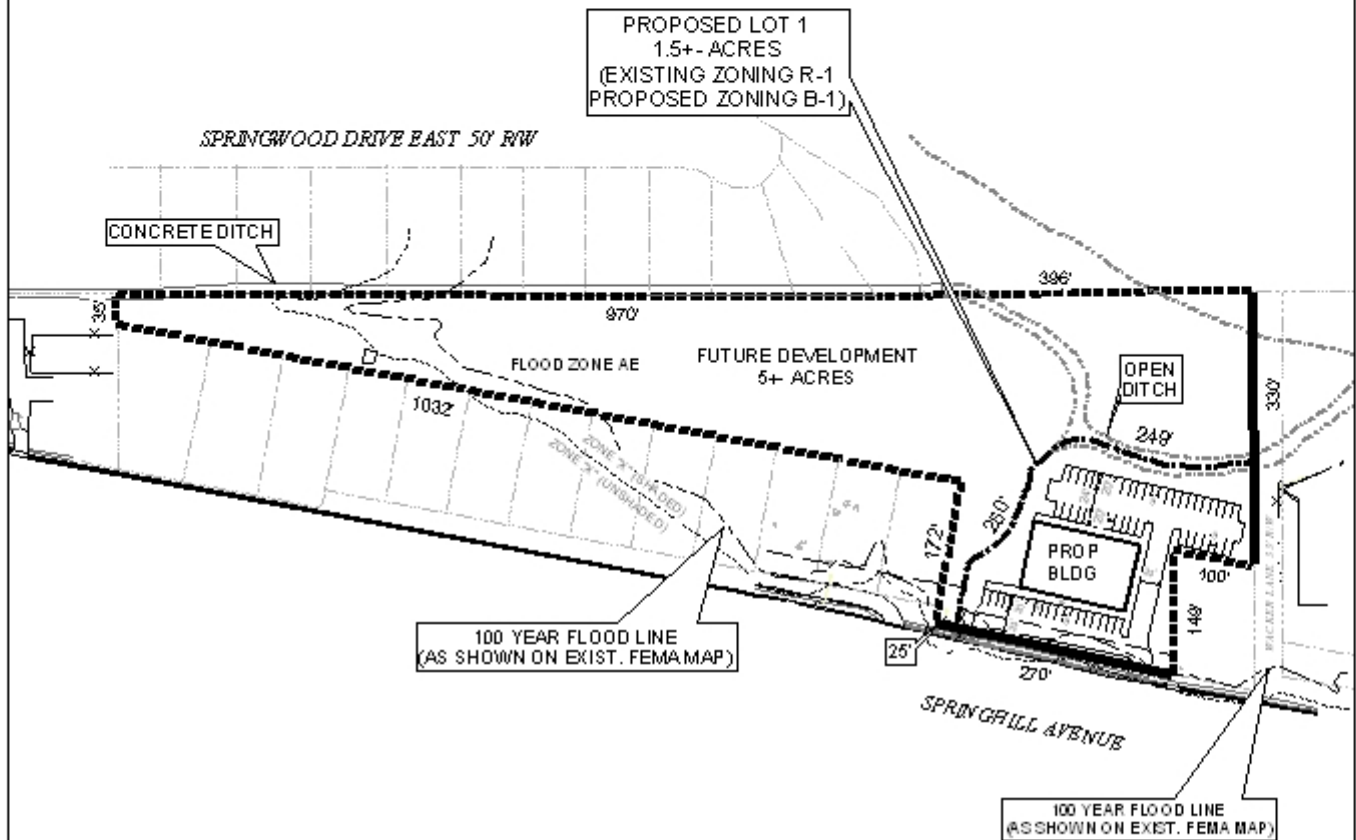
LEGEND

R-1	R-2	R-3	R-4	R-B	H-B	T-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2
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SITE PLAN



The site plan illustrates the proposed building, parking, setbacks, flood zones, and lot layout.

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