

**ZONING AMENDMENT,
& SUBDIVISION STAFF REPORT****Date: September 4, 2008****APPLICANT NAME**

Anil Badve

SUBDIVISION NAME

H.S. Norden Place Subdivision, Lot 2 Amended

LOCATION1016 Hillcrest Road
(West side of Hillcrest Road, 470'± South of Wall Street)**CITY COUNCIL
DISTRICT**

District 6

PRESENT ZONING

B-2, Neighborhood Business and B-3, Community Business

PROPOSED ZONING

B-3, Community Business

AREA OF PROPERTY

1 Lot / 1.2± Acres

CONTEMPLATED USE

Subdivision approval to combine two legal lots of record into one lot and Rezoning from B-2, Neighborhood Business District, and B-3, Community Business District, to B-3, Community Business District, to eliminate split zoning in a proposed commercial subdivision, and to remove a condition of a previous rezoning to allow visitation and a crematorium at an existing funeral home.

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**

To remove a condition of a previous rezoning and to eliminate split-zoning

**TIME SCHEDULE
FOR DEVELOPMENT**

Immediate

**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. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet. Need

to verify that there is sufficient capacity for the receiving drainage system to accept drainage from this property. Detention is not permitted within the public drainage easement.

TRAFFIC ENGINEERING

COMMENTS

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Final approval for all driveways, proposed and existing will be given upon submittal of final plans. The new driveway is shown as a one-way drive but it is twenty-four feet in width, which is the standard width for a two-way drive. Both drive entrances should be narrowed to between fourteen and sixteen to prevent two-way traffic.

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.

REMARKS

The applicant is requesting Subdivision approval to combine two legal lots of record, and Zoning approval to rezone the site from B-2, Neighborhood Business District, and B-3, Community Business District, to B-3, Community Business District, to eliminate split zoning in a proposed commercial subdivision, and to remove a condition of a previous rezoning to allow visitation and a crematorium at an existing funeral home. Funeral homes are allowed by right in B-3, Community Business Districts. The applicant states that the site is served by public water and sanitary sewer facilities.

The site fronts Hillcrest Road, a major street with sufficient right-of-way. No dedication is required.

This area is shown as commercial on the General Land Use component of the Comprehensive Plan. 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 based 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.

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 Southern portion of this site was successfully rezoned, in 2001, to B-3. However, at that time, the applicant voluntarily placed a restriction onto the property that the funeral home would not include visitation. When approved, the site was then limited to only uses that are also allowed within a B-2 Zoning District (with the exception of a non-visitation funeral home). The applicant recently acquired the northern portion of the site and proposes to use it for parking for the funeral home. The applicant proposes to limit the existing curb cut to one-way (exit only) and construct an additional curb cut, which will also be one-way (entrance only). This newly acquired property is zoned B-2. A subdivision application is required to combine the two properties, along with a rezoning to eliminate the split-zoning. Additionally, with site expansion, the applicant now wishes to expand the scope of operations to include visitation and add a crematorium.

As already mentioned, the voluntary restrictions on the property prevent ALL B-3 uses that are not also allowed in a B-2 district, with the exception of a non-visitation funeral home. With regard to the applicant's request to allow visitation, it would not appear to physically impact the surrounding area. However, with regard to the addition of the crematorium, the perception of the use of the property is also considered, as the primary function of the business is the handling of human remains and requires a minimum B-3 Zoning District.

There is no depiction of a buffer where the site abuts residentially zoned property to the West. One condition of the previous rezoning was that the wooded area on the Western portion of the site be left undisturbed as a natural buffer from the adjacent residentially zoned property. However, as illustrated on the site plan, a portion of this natural buffer is to be removed to accommodate storm-water detention. Therefore, while a privacy fence was not necessary in the past, one will be required, if approved as requested.

The site plan illustrates the proposed 400 square foot addition to the existing building for a crematorium, along with 42 parking spaces. However, while there appears to be adequate parking, no information is provided regarding the square footage of the existing building. The applicant should revise the site plan to provide this information, specifying the ratio of office to visitation use. Office use requires one parking space for every 300 square feet of gross floor area, whereas the visitation aspect will require one space for every four seats, based upon maximum Building Code seating capacity.

As already mentioned, the applicant is proposing two one-way curb cuts. There are two issues with this proposal:

- 1) typically, sites with less than 200' of road frontage are limited to one curb cut (this site has approximately 166' of frontage); and
- 2) the width of the proposed cuts, along with the design of the proposed parking lot, do not support one-way circulation. Typical one-way drives are between 12 and 16' in width,

rather than 24' as proposed, and parking lots are designed (angled and painted with arrows) in such a way as to discourage two-way traffic.

Given the fact that the applicant is combining two existing legal lots (currently being allowed one each), along with the potential traffic volume associated with funeral visitation, the Commission may find justification to allow the two curb cuts, as proposed, but eliminate the one-way designation. Or, the applicant should revise the site plan with a design that better supports one-way circulation.

It should be noted that the site plan, as proposed, does not meet the minimum requirements of Zoning Ordinance with regard to trees/landscaping. Of the 1.15 acres (50,094 square feet), 12 percent (6,011 square feet) shall be landscaped; 60 percent (3,607 square feet) of this requirement shall be located on the building site between the street line and the building wall facing the street. The front setback shall have one over-story tree for every 30' of road frontage. There should also be a tree for every 30' of perimeter (no more than one half of the perimeter trees may be under-story). Furthermore, any existing trees for which the applicant wishes to receive credit shall be labeled with type and size on the site plan.

The plat meets the minimum size requirement for developments with access to public water and sewer. However, it is requested that the applicant revise the preliminary plat to label the lot with its size in square feet, or provide a table on the plat with the same information.

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

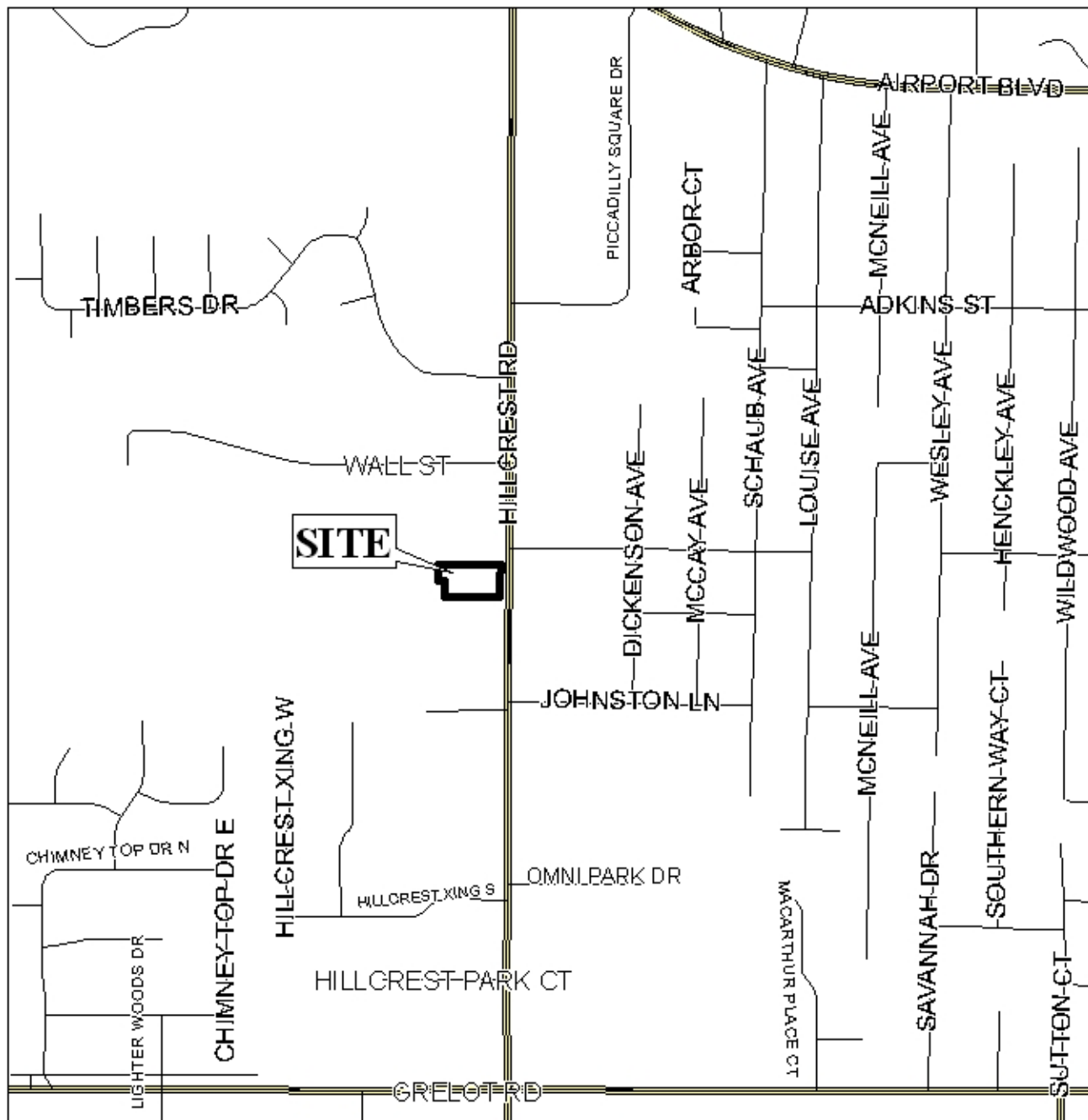
Rezoning: Based upon the preceding, the Rezoning request is recommended for Tentative Approval, subject to the following conditions:

- 1) Completion of the Subdivision process;
- 2) Provision of a 6' high privacy fence, in compliance with Section 64-4.D. of the Zoning Ordinance, where the site abuts residentially zoned property to the West;
- 3) Revision of the site plan to comply with the requirements of the Zoning Ordinance;
- 4) Compliance with Traffic Engineering comments (*Both drive entrances should be narrowed to between fourteen and sixteen to prevent two-way traffic*), or the elimination of the one-way designation of the curb cuts;
- 5) Approval of all applicable federal, state and local agencies is required for endangered, threatened or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities; and
- 6) Full compliance with all other municipal codes and ordinances.

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

- 1) Placement of a note on the final plat stating that the site is limited to two curb-cuts onto Hillcrest Road, with the size, design and location of all curb-cuts to be approved by Traffic Engineering and in conformance with AASHTO standards;
- 2) Labeling of the lot with its size in square feet, or the provision of a table on the plat with the same information;
- 3) Placement of a note on the plat stating that approval of all applicable Federal, state and local agencies is required for endangered, threatened or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities; and
- 4) Subject to 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. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet. Need to verify that there is sufficient capacity for the receiving drainage system to accept drainage from this property. Detention is not permitted within the public drainage easement).*

LOCATOR MAP



APPLICATION NUMBER 21 & 22 DATE September 4, 2008

APPLICANT Anil Badve

REQUEST Subdivision, Rezoning from B-2 to B-3



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Miscellaneous offices are located to the south and north of the site and a studio is to the east.

APPLICATION NUMBER 21 & 22 DATE September 4, 2008

APPLICANT Anil Badve

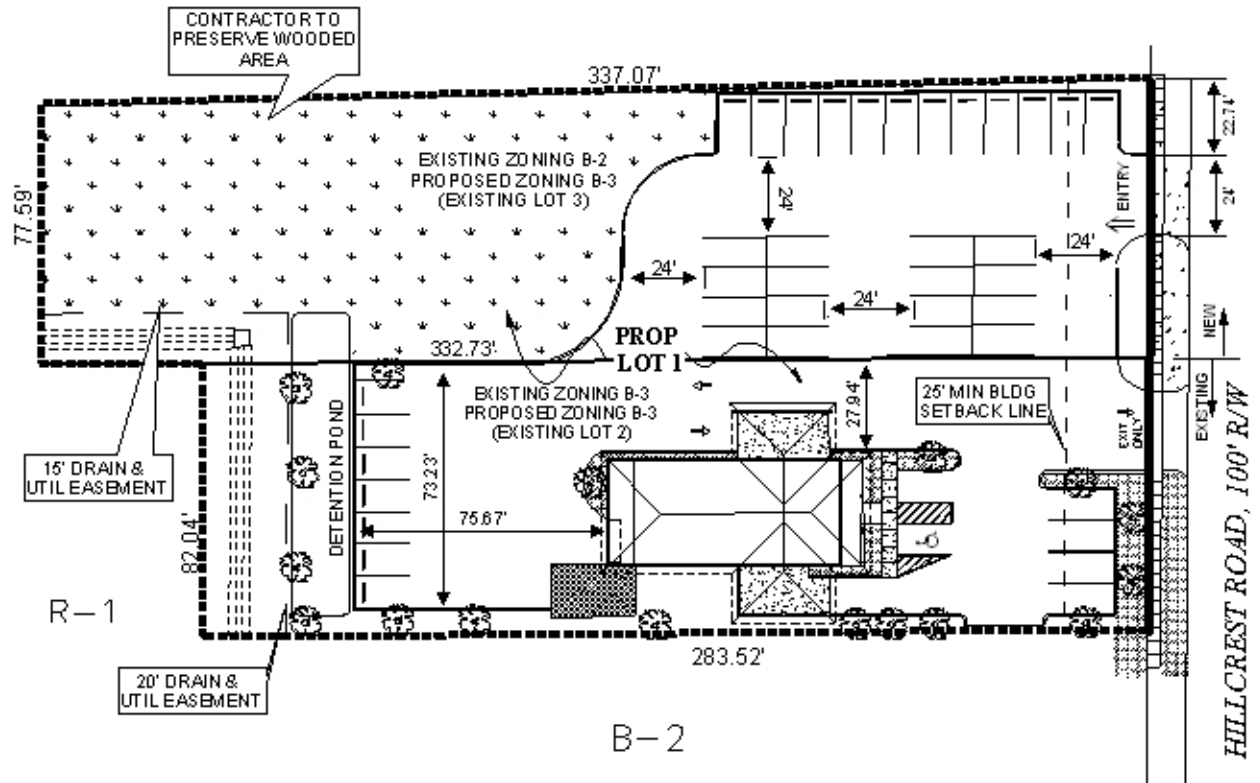
REQUEST Subdivision, Rezoning from B-2 to B-3

LEGEND

R-1	R-2	R-3	R-4	R-5	H-B	T-B	B-1	B-2	B-3	B-4	B-5	I-1	I-2	NTS
-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----



SITE PLAN



The site plan illustrates the existing building, proposed parking, and existing and proposed zoning.

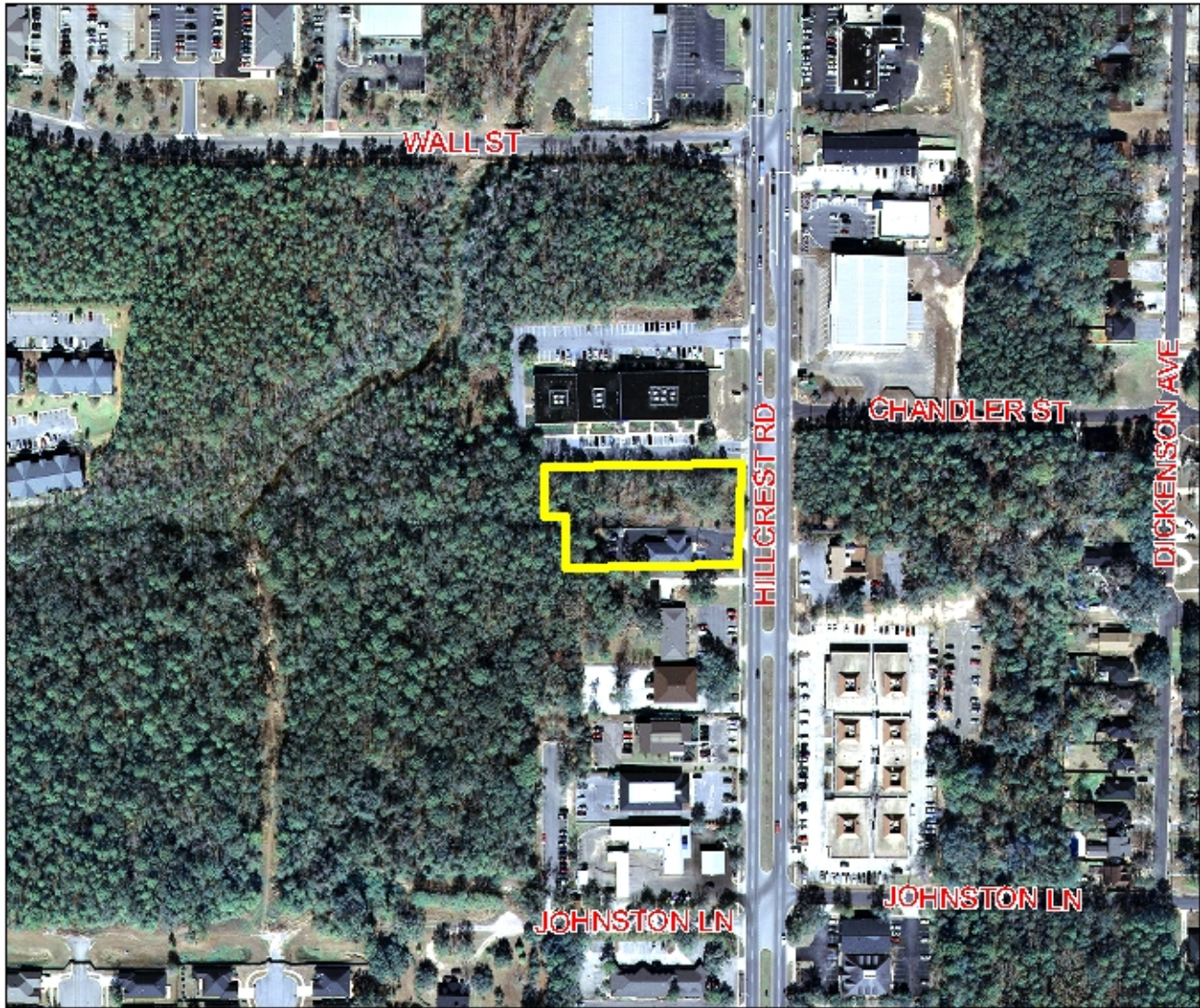
APPLICATION NUMBER 21 & 22 DATE September 4, 2008

APPLICANT Anil Badve

REQUEST Subdivision, Rezoning from B-2 to B-3



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Miscellaneous offices are located to the south and north of the site
and a studio is to the east.

APPLICATION NUMBER 21 & 22 DATE September 4, 2008

APPLICANT Anil Badve

REQUEST Subdivision, Zoning Change from B-2 to B-3



NTS