

**ZONING AMENDMENT,  
PLANNED UNIT DEVELOPMENT &  
SUBDIVISION STAFF REPORT**

**Date: February 18, 2010**

<b><u>NAME</u></b>	1151 Hillcrest, LLC
<b><u>SUBDIVISION NAME</u></b>	Eleven Fifty One Hillcrest Subdivision, Resubdivision of and Addition to Lot B
<b><u>LOCATION</u></b>	1151 Hillcrest Road (East side of Hillcrest Road, 300'± North of Omni Park Drive)
<b><u>CITY COUNCIL DISTRICT</u></b>	District 6
<b><u>PRESENT ZONING</u></b>	B-2, Neighborhood Business District and R-3, Multiple-Family Residential District
<b><u>PROPOSED ZONING</u></b>	B-2, Neighborhood Business District
<b><u>REASON FOR REZONING</u></b>	Subdivision of land.
<b><u>AREA OF PROPERTY</u></b>	2 Lots / .78± Acre
<b><u>CONTEMPLATED USE</u></b>	<p>Subdivision approval to reorient a legal lot of record by adding a portion of a vacated right-of-way; Planned Unit Development Approval to allow amend a previously approved Planned Unit Development which allowed shared access and parking; and Rezoning of the vacated right-of-way from R-3, Multiple-Family Residential District, to B-2, Neighborhood Business District, to eliminate split zoning as a result of the proposed subdivision.</p> <p><b>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.</b></p>
<b><u>TIME SCHEDULE</u></b>	Immediate.

**ENGINEERING****COMMENTS**

The widths and locations of the proposed drainage easements will need to be coordinated with City Engineering. The applicant's engineer shall coordinate with City Engineering the type of drainage pipe located within the easement. If the existing drainage pipe is deemed inadequate to handle the loading from the proposed vehicular traffic and parking then the applicant will be required to replace the drainage pipe with the appropriately sized reinforced concrete pipe. The plat must clearly state that City will not be responsible for the replacement of the asphalt or any structures located within any drainage easement if maintenance of the system is required. Must comply with all storm water and flood control ordinances. Any increase in impervious area in excess of 4,000 square feet will require detention. Any work performed in the right of way will require a right of way permit. 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.

**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 installed to comply with 2003 IFC 508.5.1

**REMARKS**

The applicant is requesting subdivision approval to reorient a legal lot of record by adding a portion of a vacated right-of-way; Planned Unit Development Approval to allow amend a previously approved Planned Unit Development which allowed shared access and parking; and Rezoning of the vacated right-of-way from R-3, Multiple-Family Residential District, to B-2, Neighborhood Business District, to eliminate split zoning as a result of the proposed subdivision.

The City of Mobile vacated a portion of Rosedale Avenue on May 1, 2007, as part of the approval process for the McMurray Place Subdivision which is directly to the East of the site. The applicant wishes to modify a Planned Unit Development and Subdivision that was approved by the Planning Commission on July 10, 1997. At that time, the applicant created two lots from a single lot of record, one of the lots being a flag lot. The Planned Unit Development was approved due to the shared access and parking between the sites. The modifications consist of adding a vacated Rosedale Avenue right-of-way to the existing Lot B, and realigning the parking and access on the site.

Planned Unit Development review examines the site with regard to its location to ensure that it is generally compatible with neighboring uses; that adequate access is provided without generating excess traffic along minor residential streets in residential districts outside the PUD; and that natural features of the site are taken into consideration. PUD review also examines the design of the development to provide for adequate circulation within the development; to ensure adequate access for emergency vehicles; and to consider and provide for protection from adverse effects of adjacent properties as well as provide protection of adjacent properties from adverse effects from the PUD. PUD approval is site plan specific, thus if any new construction is anticipated that will change an approved site plan, an application to amend an existing, approved PUD must be made prior to any construction activities.

Essentially, the character of the site, along with circulation will not be changed substantially, and will actually be improved. An additional 10 parking spaces are being provided. This will bring the total amount of parking on site to 43 parking spaces. The site requires at least 33 parking spaces to comply with the requirements of the zoning ordinance. It should be noted that the vacated Rosedale Avenue right-of-way is proposed to hold 9 of these parking spaces. A condition of the right-of-vacation was that the entire 30-foot wide area of vacated right-of-way be designated as a drainage easement. Required parking is not normally allowed to be placed in an easement, however, the 9 spaces in the easement are over and above the minimum parking requirements. City Engineering has indicated that these parking spaces will be acceptable in the drainage easement.

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. 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.

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.

McMurray Place is a Planned Unit Development which is zoned R-3, Multiple-Family Residential to allow for increased density in the neighborhood. The site was initially rezoned from R-1 to R-3 in 2006 with conditions. Those conditions have been amended twice, with the last time being in November 2009. During the rezoning of the of the McMurray Place site, the legal description improperly included the entirety of the vacated right-of-way of Rosedale Avenue. As the applicant now wishes to utilize that vacated right-of-way, the zoning error needs to be corrected, hence this application, and meeting condition #1 and condition #4 of the

conditions necessary for rezoning. As such, the rezoning request should be approved, subject to completion of the subdivision process.

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 lot configuration is essentially unchanged from the previously approved and recorded subdivision except for the addition of the vacated Rosedale Avenue right-of-way. One change that should be made, however, is a revision to the depicted 25-foot minimum building line. The 25-foot minimum building line should be depicted 25-feet from where the lot opens up to 131 feet, as is standard practice for flag lots.

The Rosedale Avenue right-of-way was vacated by the City Council with a condition that a drainage easement for the entire length and width of Rosedale Avenue be granted to the City of Mobile. As such, this should be depicted on the Final Plat, if approved.

The area, in square feet, of the proposed Lot 1 is shown on the preliminary plat, and should be shown on the Final Plat, if approved.

## **RECOMMENDATION**

**Planned Unit Development:** The request for Planned Unit Development approval is recommended for approval subject to the following conditions:

- 1) completion of the Subdivision process; and
- 2) full compliance with all municipal codes and ordinances.

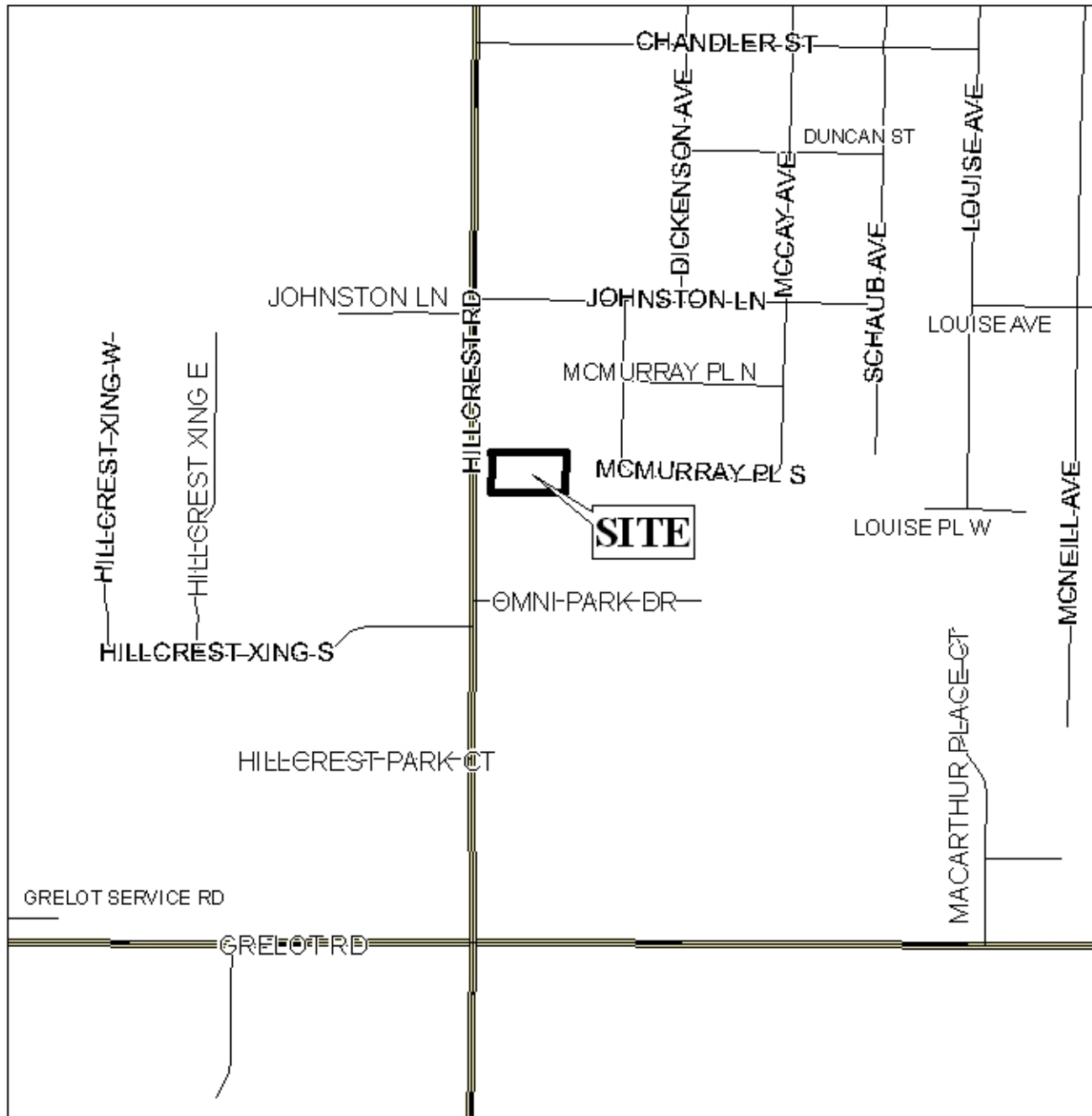
**Rezoning:** The request for Rezoning approval is recommended for approval subject to the following conditions:

- 1) completion of the Subdivision process; and
- 2) full compliance with all municipal codes and ordinances.

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

- 1) retention of the lot area size, in square feet, on the Final Plat or provision of a table on the Final Plat with the same information;
- 2) revision of the 25-foot minimum building line to be depicted where the lot opens up to 131 feet, behind the flagpole;
- 3) depiction of the drainage easement along the entire length and width of the vacated Rosedale Avenue right-of-way; and
- 4) completion of the rezoning process.

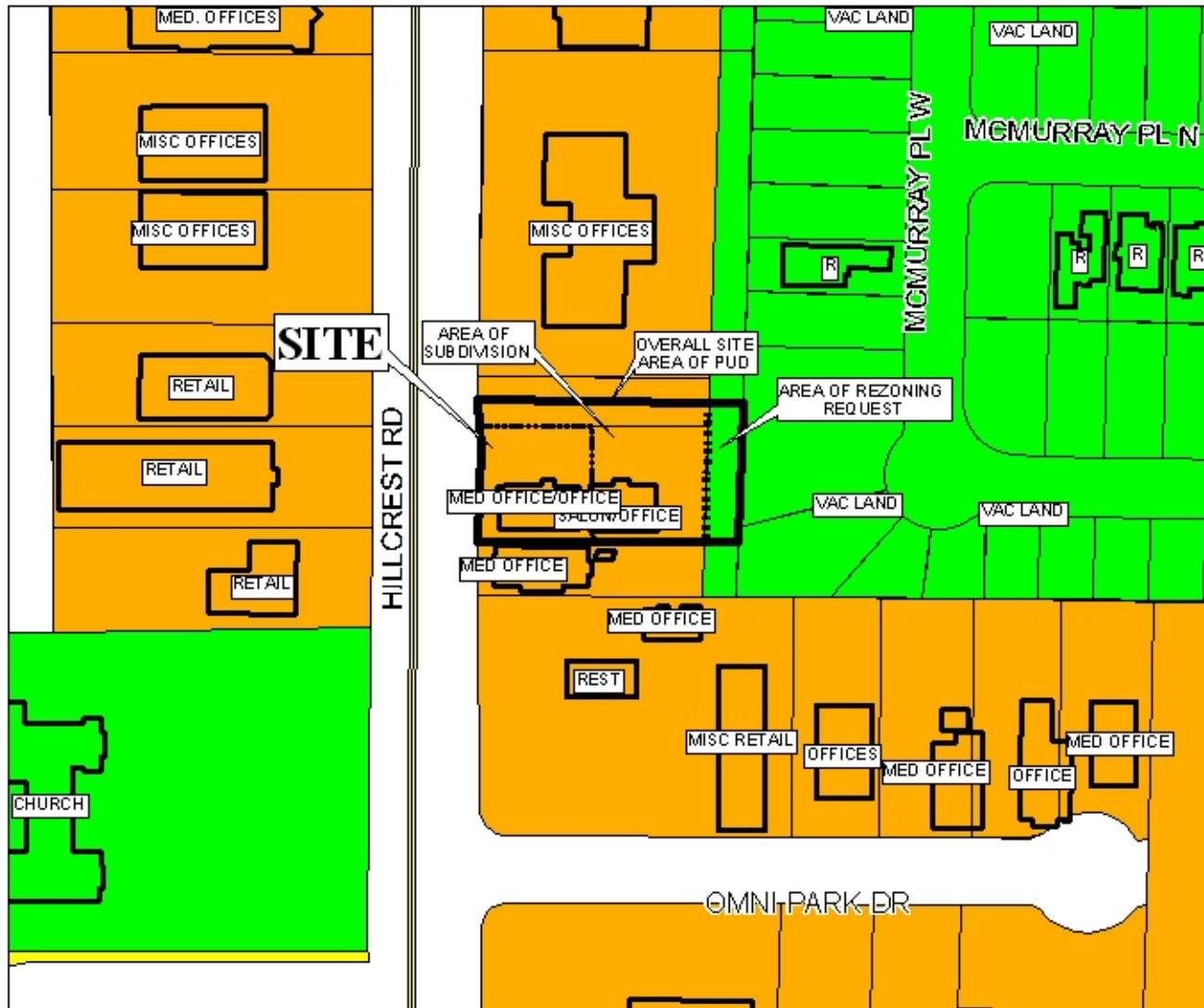
# LOCATOR MAP



APPLICATION NUMBER 23,24,&25 DATE February 18, 2010  
 APPLICANT Eleven Fifty One Hillcrest Subdivision, Resubdivision of and Addition to Lot B  
 REQUEST Subdivision, Rezoning from R-3 to B-2, PUD



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by miscellaneous offices and retail land uses, with single family residential land use to the east.

APPLICATION NUMBER 23,24,&25 DATE February 18, 2010

Eleven Fifty One Hillcrest Subdivision, Resubdivision of and  
APPLICANT Addition to Lot B

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

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
-----	-----	-----	-----	-----	-----	-----	-----	------	-----	-----	-----	-----	-----	-----

N  
NTS



## PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by miscellaneous offices and retail land uses, with single family residential land use to the east.

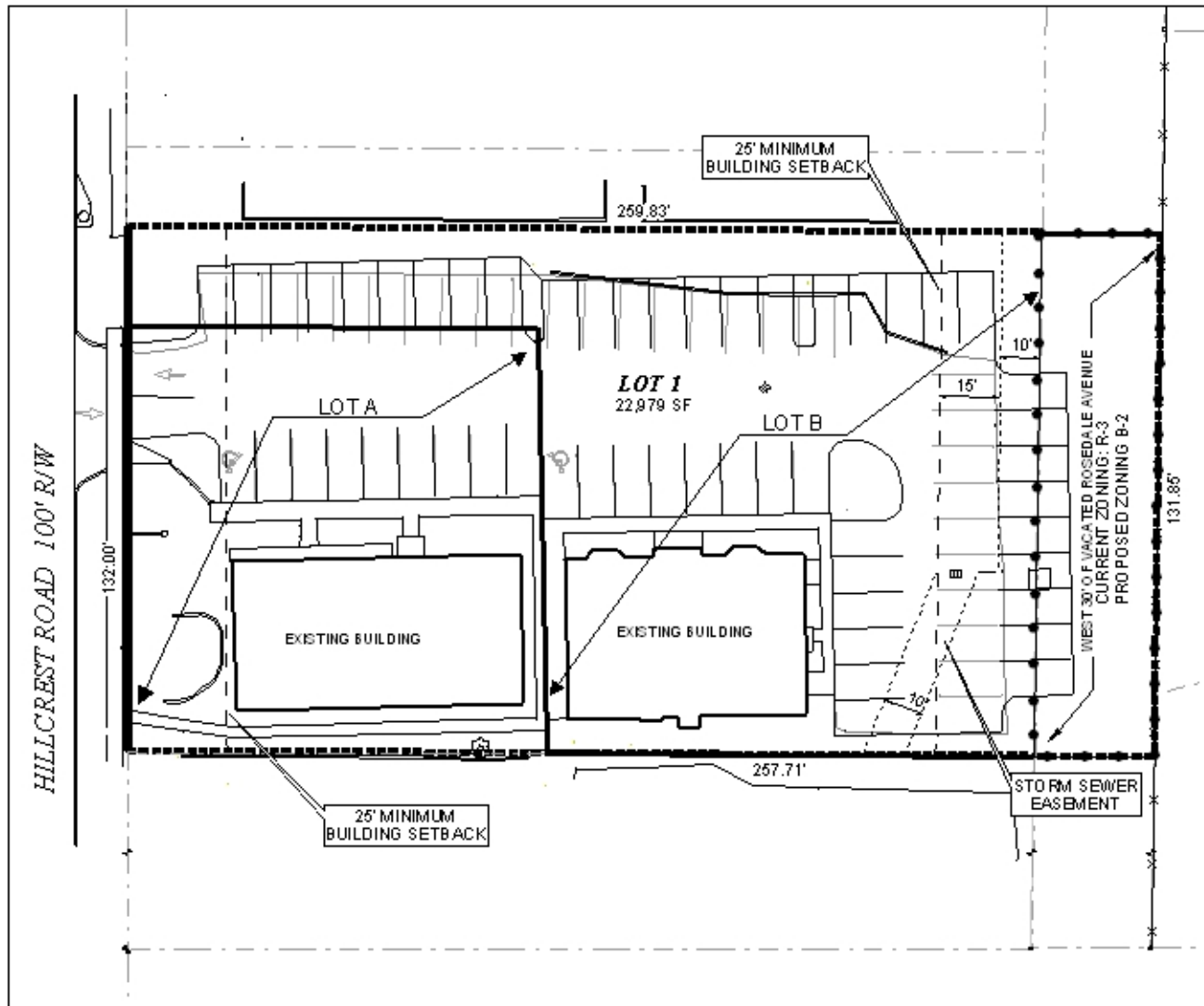
APPLICATION NUMBER 23,24,&25 DATE February 18, 2010

APPLICANT Eleven Fifty One Hillcrest Subdivision, Resubdivision of and Addition to Lot B

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

N  
NTS

# SITE PLAN



The site plan illustrates the existing buildings, setbacks, and area of rezoning request.

APPLICATION NUMBER 23,24,&25 DATE February 18, 2010  
 ELEVEN FIFTY ONE HILLCREST SUBDIVISION, RESUBDIVISION OF AND  
 APPLICANT Addition to Lot B  
 REQUEST Subdivision, Rezoning from R-3 to B-2, PUD

N  
 NTS