

**ZONING AMENDMENT,  
& SUBDIVISION STAFF REPORT****Date: February 21, 2008**

<b><u>APPLICANT NAME</u></b>	Pang Swee-Chin
<b><u>SUBDIVISION NAME</u></b>	Swee Subdivision
<b><u>LOCATION</u></b>	Southeast corner of Cottage Hill Road and Dogwood Court
<b><u>CITY COUNCIL DISTRICT</u></b>	District 4
<b><u>PRESENT ZONING</u></b>	R-1, Single-Family Residential District
<b><u>PROPOSED ZONING</u></b>	B-2, Neighborhood Business District
<b><u>AREA OF PROPERTY</u></b>	1 Lot / 2.9 ± Acres
<b><u>CONTEMPLATED USE</u></b>	Subdivision approval to create 1 lot, and Zoning approval to rezone the site from R-1, Single-Family Residential, to B-2, Neighborhood Business, to allow a restaurant. 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><u>REASON FOR REZONING</u></b>	Applicant is requesting rezoning of the site to allow a restaurant.
<b><u>TIME SCHEDULE FOR DEVELOPMENT</u></b>	Construction to begin within 10 months of completion of rezoning.
<b><u>ENGINEERING COMMENTS</u></b>	Show the Minimum finished floor elevation on plans and plat. No fill allowed in AE Zone without compensation. 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.
<b><u>TRAFFIC ENGINEERING COMMENTS</u></b>	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 comply with Section 508.5.1 of the 2003 IFC.

**REMARKS**

The applicant is requesting Subdivision approval to create one (1) lot, and Zoning approval to rezone the site from R-1, Single-Family Residential, to B-2, Neighborhood Business, to allow a restaurant.

The site is currently vacant, but is bounded to the East by various businesses operating in a B-3, Community Business District, to the South and West by residences in an R-1 district, and to the North, across Cottage Hill Road, by businesses and residences located in B-2 and R-2 districts.

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 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 appears to be that the site fronts onto a major street, that it is adjacent to existing commercial development to the North and East, and that the rezoning would not affect traffic levels or adjacent properties. The applicant also states that they would like to relocate their existing restaurant to this location.

The applicant has requested a rezoning of the site from R-1 to B-2 to allow a 3,500 square foot restaurant. According to the Chart of Permitted uses within the Zoning Ordinance, it appears that the proposed use could occur within an **LB-2 Limited Neighborhood Business District**, which might be more in keeping with the existing residential uses to the West and South of the site.

It should be pointed out that the applicant's request to rezone the site appears to be based upon a desire to relocate an existing restaurant, rather than upon any of the four identified conditions for rezoning a site. As the site is on a residential street, and as it is separated from other commercial uses by either Cottage Hill Road to the North or a creek to the East, it would appear that the conversion of this site from a residential zoning to a commercial zoning may be unjustified.

Cottage Hill Road is a major street, and average daily traffic counts from 2006 show that approximately 28,900 cars per day pass the site. While high traffic volumes might dissuade residential use of the site, appropriate site design could eliminate many impacts related to living next to a major street.

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.

Cottage Hill Road is a proposed major street, and the existing right-of-way of 190 feet is adequate. Dogwood Court North is a minor street with adequate right-of-way.

As the site is a corner lot with frontage on a major street and minor, residential street, access management is a concern. The site plan submitted with the Zoning application depicts one curb-cut onto Cottage Hill Road and no curb-cuts onto Dogwood Court North. It is recommended that the site be limited to one curb-cut onto Cottage Hill Road, and denied access to Dogwood Court North, with the size, design and location to be approved by Traffic Engineering and conform to AASHTO standards.

The site is a corner lot, thus the corner should be modified to provide a radius, as required by Section V.D.6. of the Subdivision Regulations.

Development of the site must comply with the requirements of the Zoning Ordinance in order to minimize negative impacts to adjacent residential development. Buffers and control of site lighting should be provided, as required by the Zoning Ordinance. The depicted 10-foot natural buffer proposed along Dogwood Court North by the applicant may not be adequate to provide much in the way of actual buffering, so it is recommended that buffer be widened to 20-feet and left in a natural state, or augmented with additional plantings to ensure buffering between the site and residences to the West.

The depicted parking lot layout does not appear to provide optimal circulation, and may in fact increase the possibility of traffic accidents within the parking area due to poor design. Redesign of the parking area is recommended prior to the applicant applying for commercial site plan review.

A portion of the site may contain floodplains associated with Spencer's Branch of Moore Creek. Wetlands, coincidentally, may also be present. The potential 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 or land disturbance activities.

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.

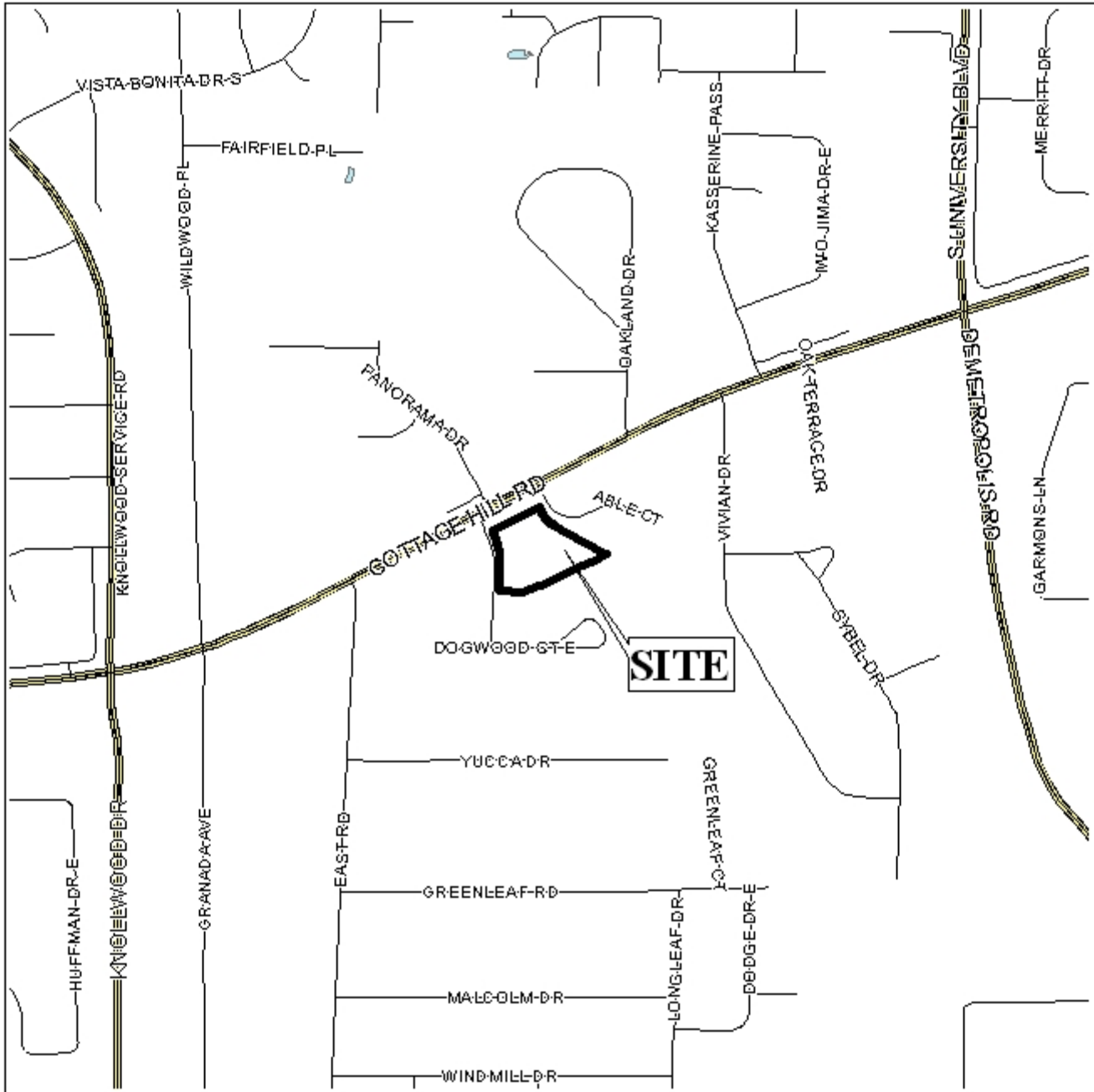
## **RECOMMENDATION**

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

- 1) Expansion of commercial uses to the West side of Spencer's Branch of Moore Creek, into an existing residential subdivision on a cul-de-sac, would result in development that is potentially incompatible with the existing residences on Dogwood Court North;
- 2) There is no need to increase the number of commercial sites, as the proposed use is for an existing restaurant; and
- 3) Changing conditions in the area were not identified to justify the rezoning request.

**Subdivision:** The Subdivision request is recommended for Denial based upon the rezoning request.

# LOCATOR MAP



APPLICATION NUMBER 27 & 28 DATE February 21, 2008

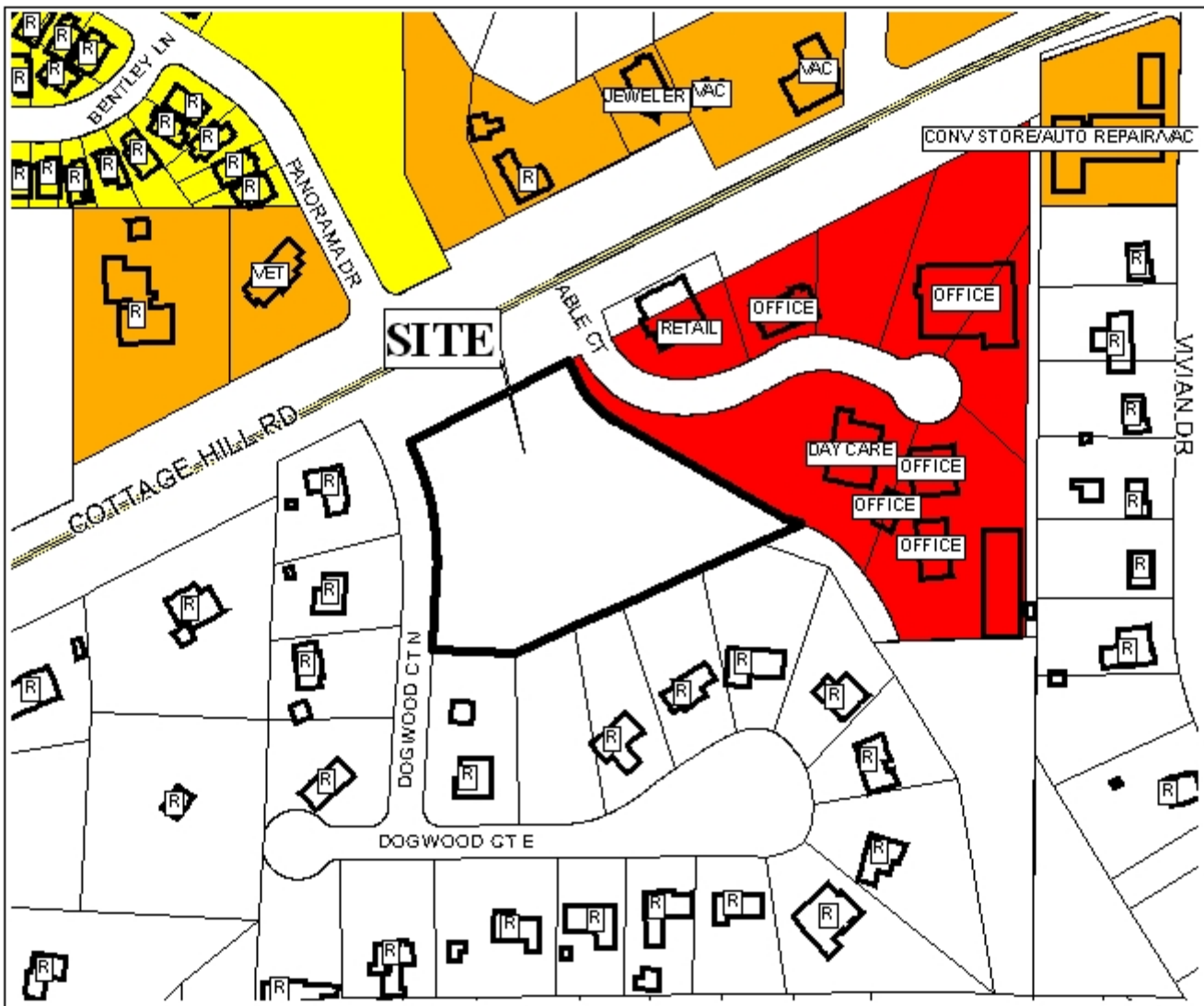
APPLICANT Swee Subdivision

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



NTS

# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



This site is surrounded by miscellaneous residential and business landuse.

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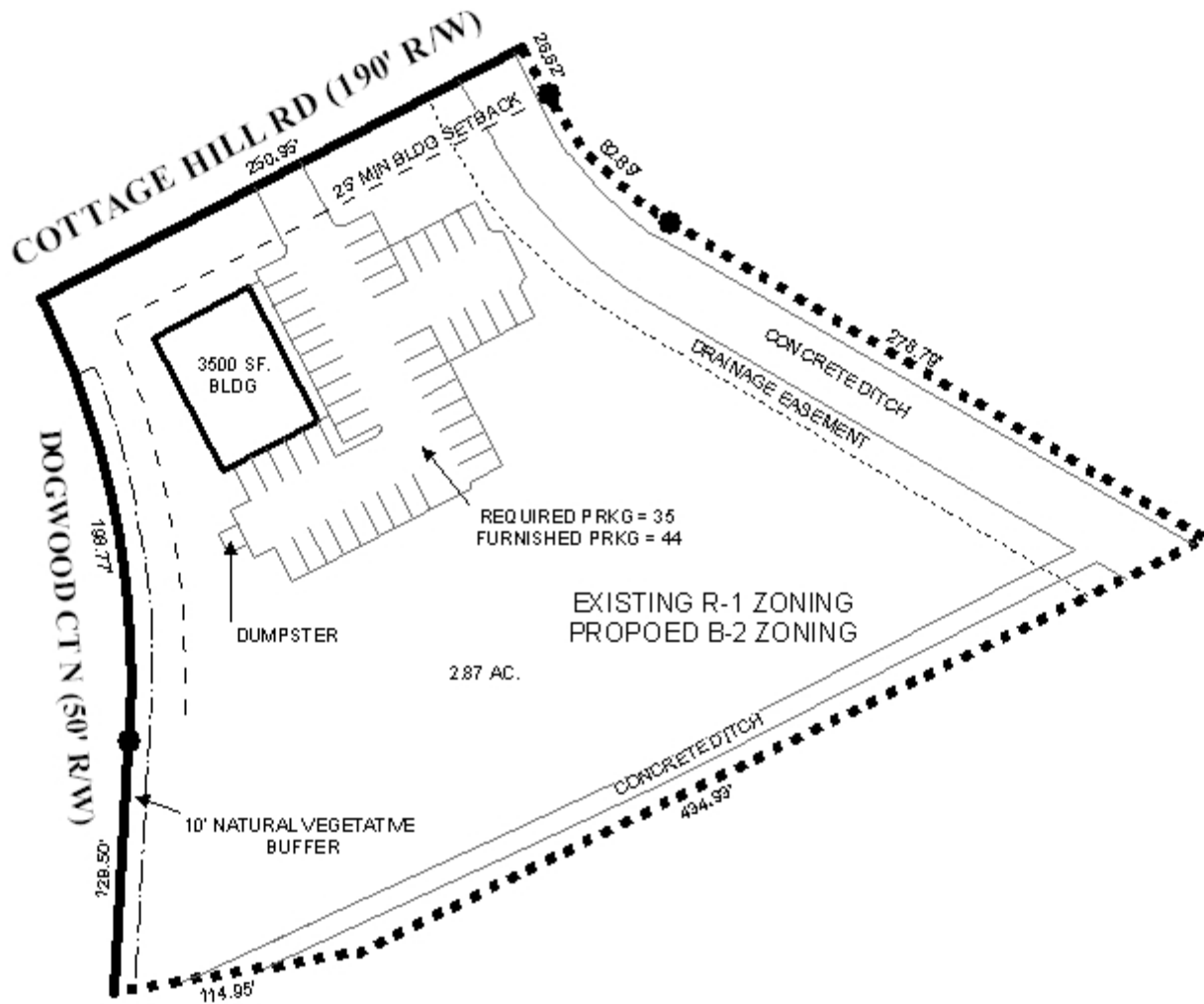
REQUEST Subdivision, Rezoning from R-1 to B-2

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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# SITE PLAN



This site plan illustrates proposed structures and lot configuration.

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