

**ZONING AMENDMENT  
& SUBDIVISION STAFF REPORT****Date: June 5, 2008****APPLICANT NAME**

Kilson Uhn

**SUBDIVISION NAME**

Kilson Uhn Subdivision

**LOCATION**

Southwest corner of Springhill Avenue and Hemley Avenue, extending to the East side of Ogden Avenue, 160± South of Springhill Avenue.

**CITY COUNCIL  
DISTRICT**

District 1

**PRESENT ZONING**

R-1, Single-Family Residential District and B-3, Community Business Districts

**PROPOSED ZONING**

B-3, Community Business Districts

**AREA OF PROPERTY**

1 Lots / 1.5 ± Acres

**CONTEMPLATED USE**

Rezoning from R-1, Single-Family Residential, and B-3, Community Business, to B-3, Community Business to allow retail sales.

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 allow retail sales. Rezoning is requested to avoid a split-zone condition due to the Subdivision.

**TIME SCHEDULE  
FOR DEVELOPMENT**

To be built in 2 phases

**ENGINEERING  
COMMENTS**

Must comply with all storm water and flood control ordinances. Cannot concentrate storm water runoff to an adjacent property without a release agreement or a private drainage easement. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet. Any work performed in the right of way will

require a right of way permit. Need to verify that there is sufficient capacity for the receiving drainage system to accept drainage from this property.

### **TRAFFIC ENGINEERING**

Driveway number, size, location, and design to be approved by Traffic Engineering and ALDOT and conform to AASHTO standards. Final approval for all driveways, proposed and existing will be given upon submittal of final plans. Remove or relocate driveway western most driveway because of its proximity to the intersection of Ogden Drive.

### **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 create one (1) lot, and Zoning approval to rezone the proposed Lot 1 from R-1, Single-Family Residential, and B-3, Community Business to B-3, Community Business, to allow retail sales.

The site is currently a retail facility and parking lot. It is bounded to the North and West by retail in B-2 and B-3 districts, to the East by a restaurant and church, and to the South 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.

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 a retail building, *implying*, but not specifically stating that there is a need to increase the number of sites available to business or industry. In addition, the resubdivision would create a split-zoning condition.

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 fronts onto Spring Hill Avenue, a major street, Hemley Avenue, a minor street and Ogden Avenue, also a minor street. The right-of-way for Spring Hill Avenue meets minimum requirements, as do Hemley Avenue and Ogden Avenue.

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. There are currently 4 existing curb cuts onto Spring Hill Avenue and one onto Hemley Avenue. The applicant is proposing two curb-cuts onto Spring Hill Avenue and one curb cut onto Ogden Avenue, closing all other existing curb-cuts. A note should be placed on the final plat that states Lot 1 is limited to two curb cuts onto Spring Hill Avenue, one curb cut to Ogden Avenue with access denied to Hemley Avenue. In addition, the size, design and exact location to be approved by Traffic Engineering and conform to AASHTO standards.

It should also be noted that a right-of-way for an unopened alley crosses the site. The alley must be vacated prior to the recording of the final plat.

A buffer in compliance with Section 64-4.D.1 of the Zoning Ordinance and Section V.A.7 of the Subdivision Regulations will be required where the site abuts residential districts.

Lighting of the parking area and site must comply with Sections 64-4.A.2 and 64-6.A.3.C of the Zoning Ordinance.

The 25-foot minimum building setback is not depicted for proposed Lot 1, but would be required on the final plat, if approved. The 25-foot setback should also be depicted from the frontage on Ogden Avenue and Hemley Avenue.

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**

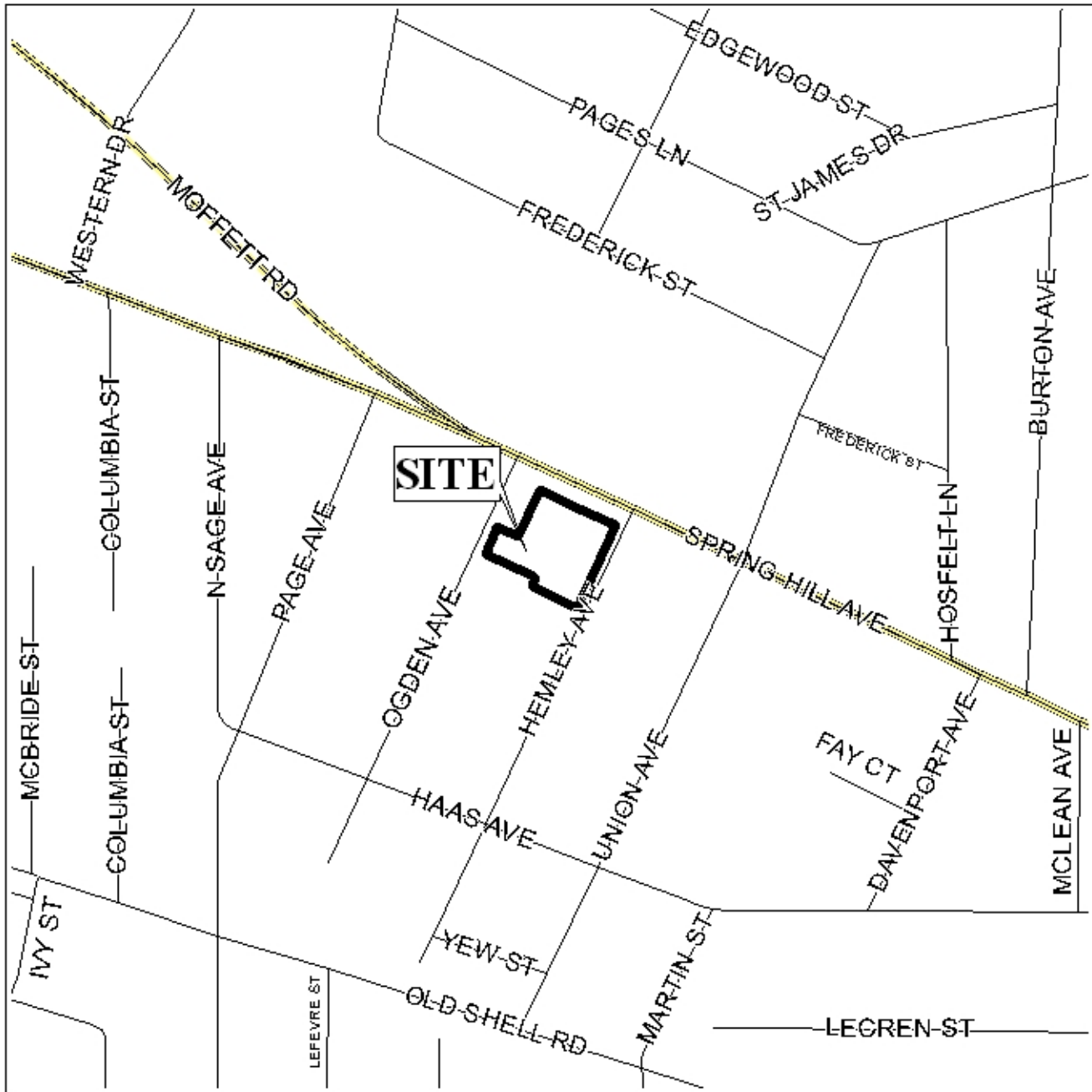
**Rezoning:** Based upon the preceding, the Rezoning request is recommended for Approval subject to the following conditions:

- 1) The site is limited to two curb cuts onto Spring Hill Avenue with access denied to Ogden Avenue and Hemley Avenue. The size, design, and exact location are to be approved by Traffic Engineering and conform to AASHTO standards;
- 2) Provision of a buffer in compliance with Section 64-4.D.1 of the Zoning Ordinance ;
- 3) the parking area shall be illuminated in accordance with the requirements of Section 64-6.A.3.c. of the Zoning Ordinance, if the parking area is used at night;
- 4) Full compliance with the tree and landscape ordinance; and
- 5) Full compliance with all other municipal codes and ordinances.

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

- 1) Placement of a note on the final plat stating that Lot 1 is limited to two curb cuts onto Spring Hill Avenue with access denied to Ogden Avenue and Hemley Avenue. The size, design, and exact location are to be approved by Traffic Engineering and conform to AASHTO standards;
- 2) Revision of the plat to depict a 25' minimum building setback line on all street frontages;
- 3) Vacation of the 15' right-of-way for the unopened alley prior to signing of the final plat;
- 4) placement of a note on the final plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.7 of the Subdivision Regulations;
- 5) Construction of standard city sidewalks on all street frontages; and
- 6) placement of a note on the plat stating that the site must be developed in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.

## LOCATOR MAP



APPLICATION NUMBER 29 & 30 DATE June 5, 2008

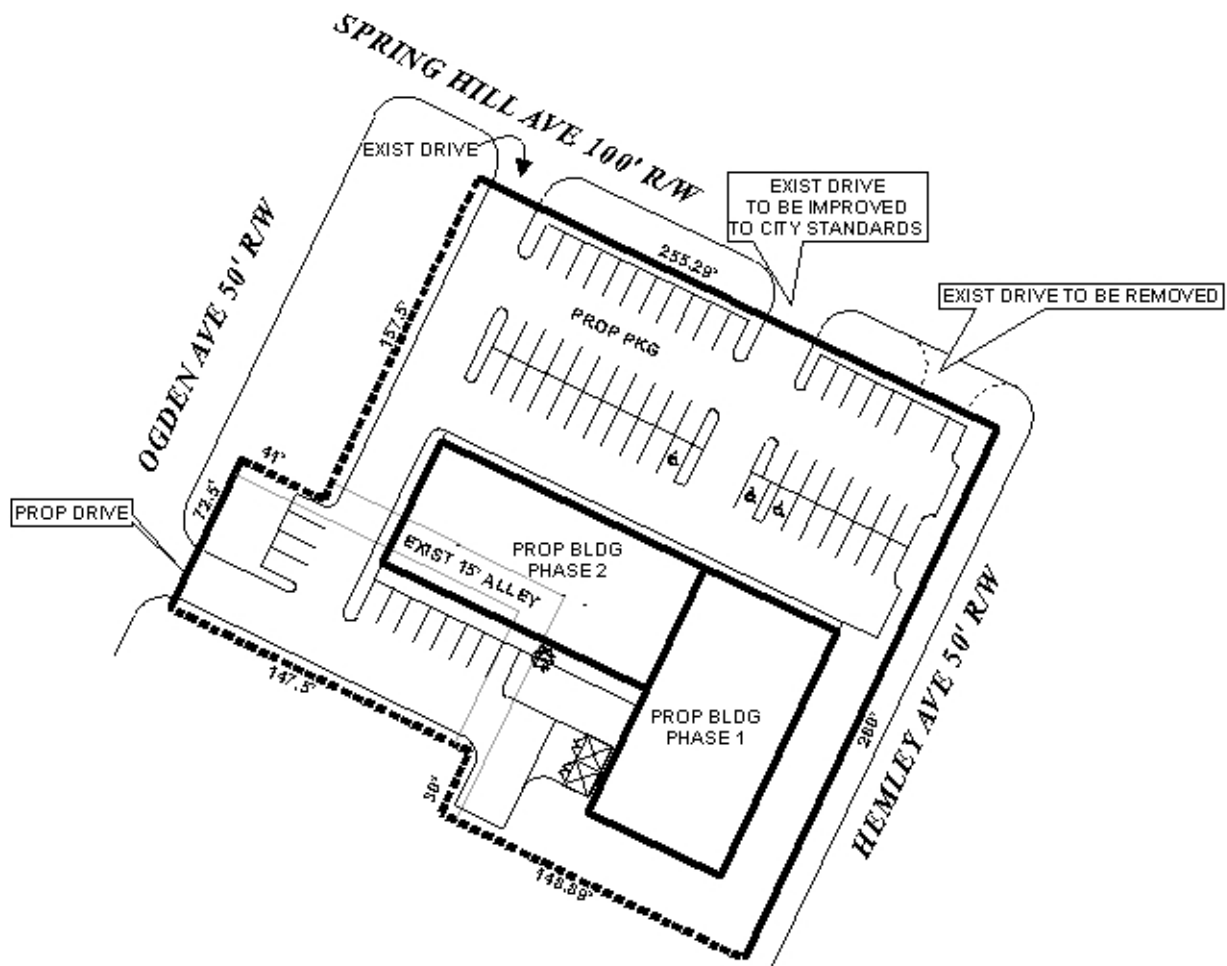
APPLICANT Kilsun Uhn

REQUEST Subdivision, Rezoning from R-1 and B-3 to B-3



NTS

# SITE PLAN



The site plan illustrates the proposed building, parking, and drives

APPLICATION NUMBER 29 & 30 DATE June 5, 2008

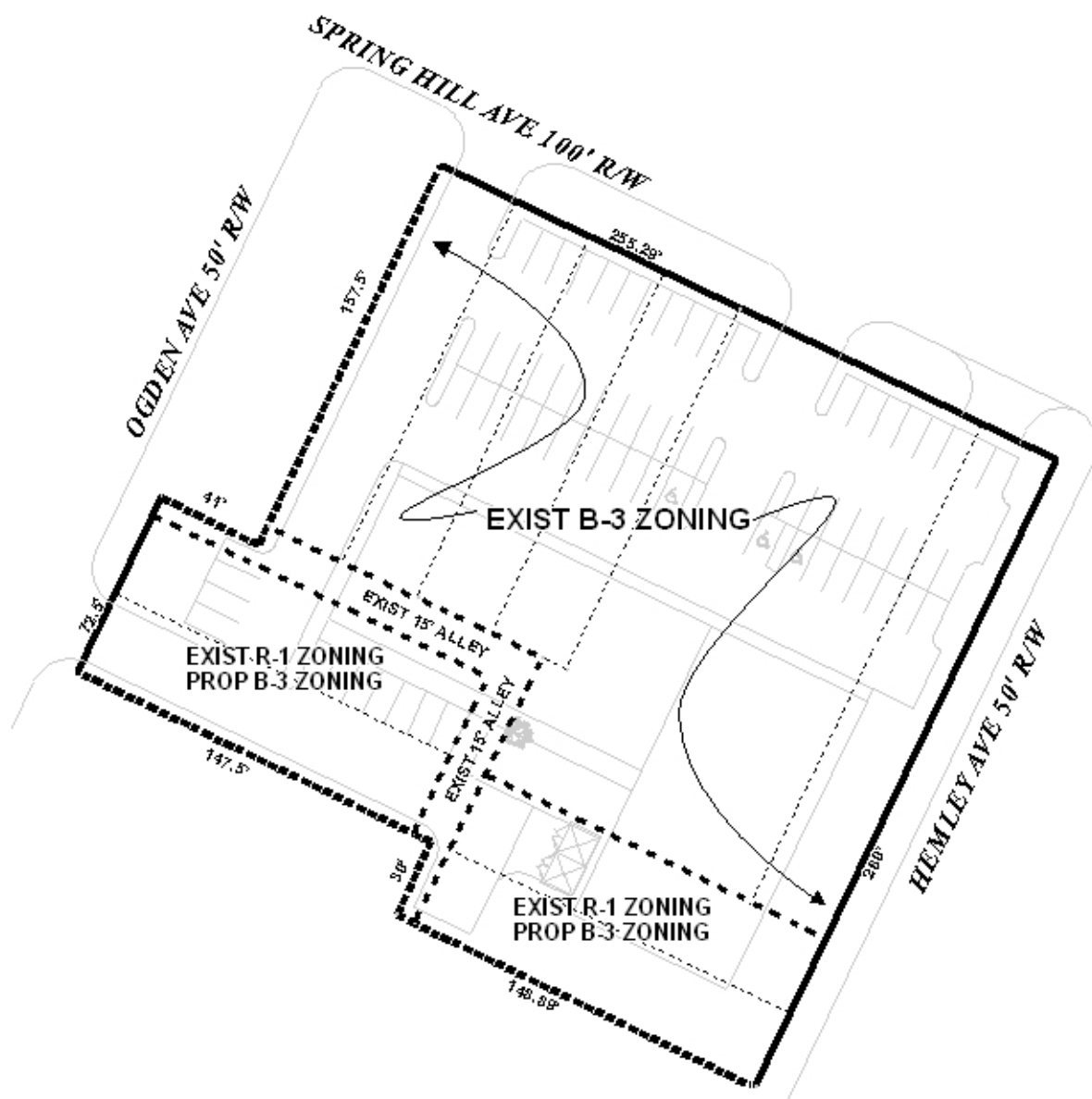
APPLICANT Kilsun Uhn

REQUEST Subdivision, Rezoning from R-1 and B-3 to B-3



NTS

## SUBDIVISION AND ZONING DETAIL



APPLICATION NUMBER 29 & 30 DATE June 5, 2008

APPLICANT Kilsun Uhn

REQUEST Subdivision, Rezoning from R-1 and B-3 to B-3



NTS