

**REZONING &  
SUBDIVISION STAFF REPORT****Date: January 4, 2006****APPLICANT NAME**

Marianna Mobil, LLC

**SUBDIVISION NAME**

Springhill Food Mart

**LOCATION**1507 Springhill Avenue  
(South side of Springhill Avenue, 70'± East of  
North Catherine Street)**CITY COUNCIL  
DISTRICT**

2

**PRESENT ZONING**B-1, Buffer Business  
B-2, Neighborhood Business**PROPOSED ZONING**

B-2, Neighborhood Business

**AREA OF PROPERTY**

0.9± acres      1 Lot

**CONTEMPLATED USE**Convenience Store with gas pumps and rental retail  
space

**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.**

**TIME SCHEDULE  
FOR DEVELOPMENT**

Immediate

**ENGINEERING  
COMMENTS**

Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit.

**TRAFFIC ENGINEERING  
COMMENTS**

Driveway number, sizes, 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). Full compliance with landscaping and tree requirements of the Zoning Ordinance to be coordinated with Urban Forestry.

**REMARKS**

The applicant is requesting subdivision approval to combine several metes and bounds parcels into a single lot of record; and, rezoning approval to rezone the site to one zoning classification (B-2), to eliminate split zoning.

The site is shown as part commercial and part 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. 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.

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.

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.

In this particular instance the subdivision and rezoning request inextricably intertwined due to numerous sales and divisions through metes and bounds legal descriptions over the last 30± years. Therefore, the Subdivision request to incorporate the multiple metes and bounds parcels into one legal lot of record helps to legitimize and clean-up some of the divisions that have occurred. In so doing, the proposed lot would be split zoned (a very small portion of site [one of the inappropriately divided metes and bounds parcels] is zoned B-1).

The applicant stated that the purpose of the application is to correct split zoning; and, that since the past use and the proposed of the B-1 parcel are the same, rezoning should have no adverse affect on the surrounding neighborhood.

While the applicant's statement that the rezoning would eliminate split zoning is accurate, the situation was created by the prior inappropriate divisions discussed above.

There are, however, issues relating to the statement that the past use of the property and the proposed use are the same. The past use was primarily offices, with some associated retail as accessory use, and associated parking facilities in the rear, with access to Springhill Avenue and Catherine Street. The proposed use is a convenience store with gas pumps. These uses are very different. This difference makes the compatibility of the access to Catherine Street questionable.

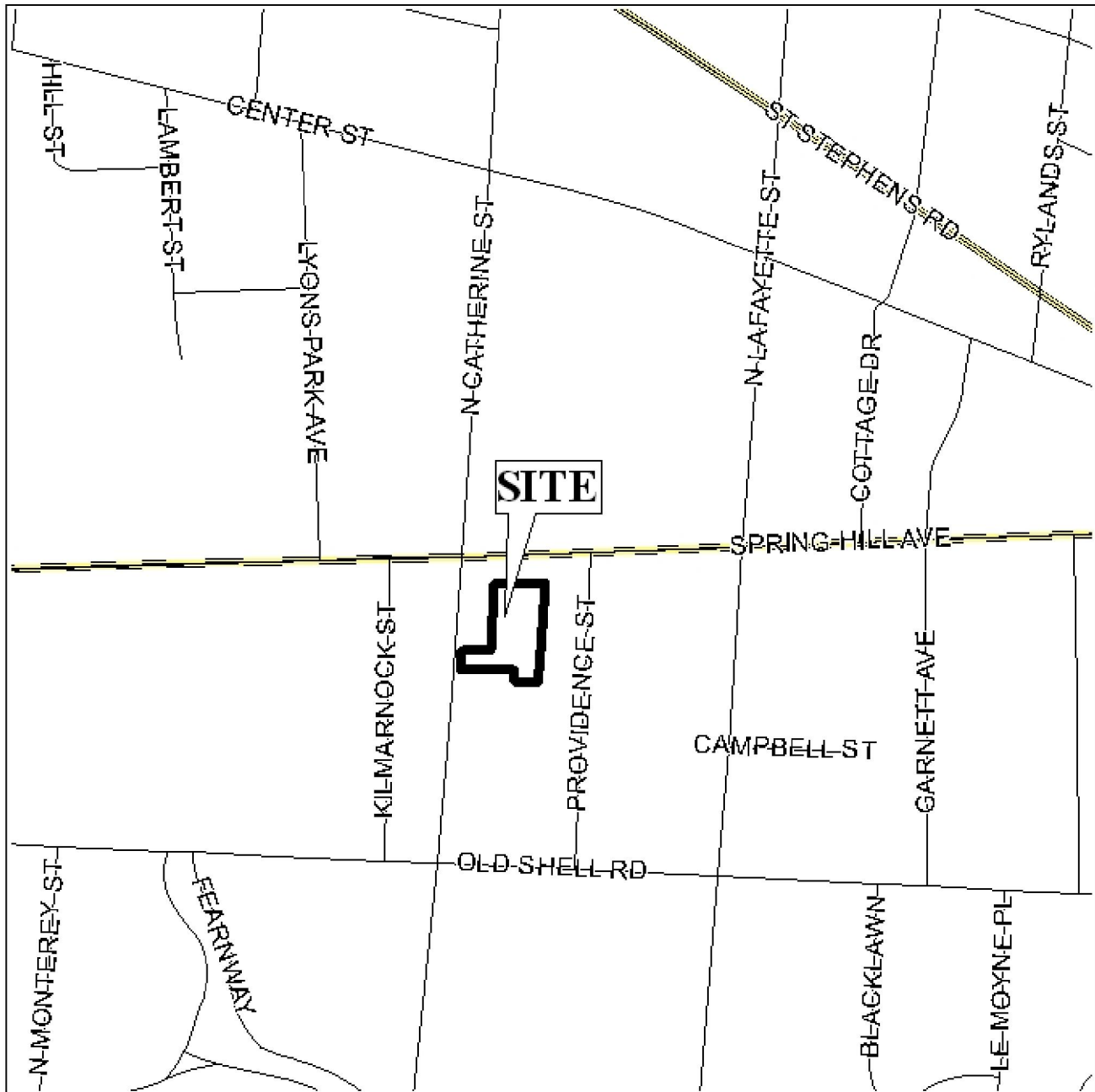
Further exacerbating the disparity in uses and the access to Catherine Street are the facts that much of this section of Catherine Street is developed residential; and, the lot used for access to Catherine Street is located within the Old Dauphin Way District. Because a portion of the site is located within the historic district, the entire site must comply with historic district regulations and obtain approval from the Architectural Review Board.

### **RECOMMENDATION**

***Rezoning:*** Based on the preceding, the application is recommended for Approval subject to the following conditions: 1) completion of the Subdivision process prior to the issuance of any permits; 2) denial of access to Catherine Street; 3) limited to one curb cut to Springhill Avenue, size location and design to be approved by Traffic Engineering and ALDOT; 4) appropriate approval from the Architectural Review Board; and 5) compliance with all municipal codes and ordinances, including but not limited to landscaping, tree plantings, signage, sidewalks, and buffering.

***Subdivision*** Based on the preceding, the application is recommended for Tentative Approval subject to the following conditions: 1) placement of a note on the final plat stating the site is limited to one curb cut to Springhill Avenue, size location and design to be approved by Traffic Engineering and ALDOT; 2) placement of a note on the final plat stating the site is denied access to Catherine Street; and 3) completion of the rezoning process prior to issuance of any building permits.

## LOCATOR MAP



APPLICATION NUMBER 31 & 32 DATE January 4, 2007

APPLICANT Springhill Food Mart Subdivision

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



NTS

# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by mixed landuse.

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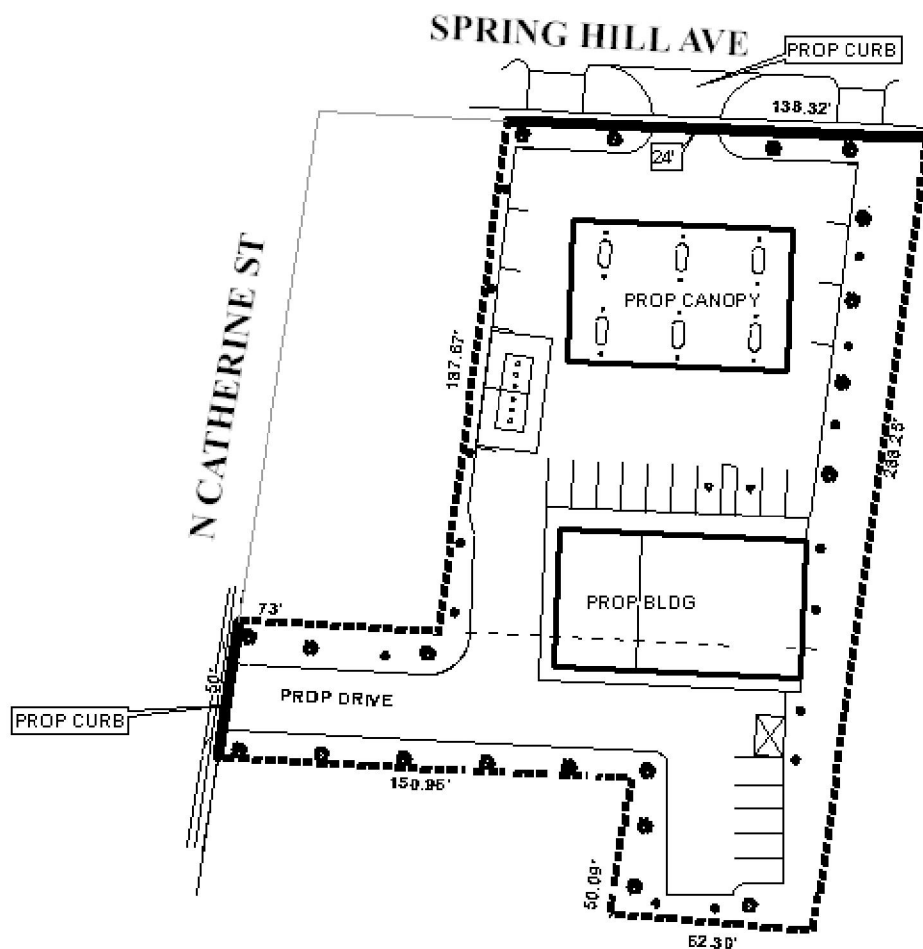
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LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2



# SITE PLAN



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

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