

ZONING AMENDMENT STAFF REPORT**Date: March 6, 2008****NAME**

George E. Jenson Contractor (Dulari J. Smith, President)

LOCATION88 Hillcrest Road
(West side of Hillcrest Road, 270'± North of Cedar Bend Court)**CITY COUNCIL
DISTRICT**

District 7

PRESENT ZONING

R-1, Single-Family Residence District

PROPOSED ZONING

LB-2, Limited Neighborhood Business District

AREA OF PROPERTY

0.87 ± Acres

CONTEMPLATED USE

Rezoning from R-1, Single Family Residential, to LB-2, Limited Neighborhood Business District, 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.

**TIME SCHEDULE
FOR DEVELOPMENT**

First Quarter 2008.

**ENGINEERING
COMMENTS**

It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. 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.

**TRAFFIC ENGINEERING
COMMENTS**

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Close unused curb cuts.

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**

Fire hydrants shall be provided per Section 508.5.1 of the 2003 IFC. Access to building shall be provided per Section 503.1.1 & 503.2.1 of the 2003 IFC.

REMARKS

The applicant is requesting rezoning from R-1, Single-Family Residential District to LB-2, Limited Neighborhood Business District, to allow limited retail sales. Limited retail sales are allowed by right in LB-2 districts.

The application was previously submitted by the applicant requesting subdivision (1-lot), Planned Unit Development (to allow two buildings on a single building site), and rezoning from R-1, Single-Family Residential to B-2, Neighborhood Business. The Planning Commission approved all applications with several conditions; however, as with all rezoning approvals the Commissions approval is only a recommendation. The Planning Commissions recommendation was forwarded to City Council for adoption, City Council suggested that the applicant resubmit the rezoning application to allow the rezoning from R-1, Single-Family Residential to LB-2, Limited Business.

North of the site are dwellings in an R-1, Single-Family Residential District and apartments in an R-3 District, East (across Hillcrest Road) of the site is a credit union in a B-1 District, while West of the site are single-family residences in an R-3, 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.

LB-2, Limited-Neighborhood Business districts are composed of land and structures occupied by or suitable for furnishing retail goods, such as groceries and drugs, and services, such as barbering and shoe repairing, to satisfy the daily household needs of the surrounding residential neighborhoods. Locational guidelines for LB-2 districts are the same as for B-2 districts. The district regulations are designed to permit the development of the districts for there purpose and to protect the abutting and surrounding residential areas by prohibiting certain commercial uses and requiring certain minimum yard and area standards to be met with standards that are comparable to those called for in residential districts. LB-2 districts do not supplant or replace B-2 districts, but is another option for certain permitted uses in lieu of B-2.

Regarding the zoning application, the entire site appears to be depicted as 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.

The applicant states that the anticipated use is “speculative retail buildings.” The applicant goes on to state that:

“George E. Jenson Contractor, Inc. owns the lot located at 88 Hillcrest Road and wishes to change zoning from residential to a zoning of LB-2 due to the fact that Hillcrest has been widened, and that there are other commercial entities already across the street and two lots to the North, those being a credit union and the Banana Docks Restaurant respectively. We wish to maximize our investment without being intrusive to the surrounding areas.”

The Zoning site plans provided for the current application depicts two one-story buildings, a 1,600 square foot retail building to the rear of the site and a 3,378 square foot retail building along the South side of the site and 45 parking spaces. The site plan does not depict landscaping and tree compliance. It appears that the proposed driveway would not meet the width requirements of the Zoning Ordinance.

Whereas, the proposed development exceeds the minimum parking requirements (45 provided, 17 required); however, there is adequate parking on site to allow for some level of food or beverage establishment (s). While this “discrepancy” should not have a direct bearing on whether the site should be rezoned, it should be noted as a condition if the request is recommended for approval.

The proposed parking areas contain more than 10 spaces. Lighting for the parking areas must comply with Section 64-6.A.3.c. of the Zoning Ordinance, *Lighting*, which states that “if they contain ten (10) or more cars, lighting shall be provided and maintained during their operation, and shall be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic.”

A sidewalk is illustrated along Hillcrest Road; however, with the widening of Hillcrest Road the construction of the new sidewalk would be required as part of the development, if approved. The site plan should be revised to show the sidewalk.

The site will have adequate area to meet the minimum requirements for landscape area, as required by the Zoning Ordinance. The site plan does not, however, show specific compliance with the tree requirements of the Ordinance.

Finally, the submission and approval of a Subdivision application and the recording of the Final Plat must be completed prior to completion of the Zoning process.

RECOMMENDATION

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

1. compliance with Engineering comments (*It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. 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*);
2. placement of a note on the site plan stating that any changes to the site plan, that would normally require a building or land disturbance permit, will require a new application for Planned Unit Development approval prior to the issuance of any permits;
3. depiction of a fence or protection buffer strip along the North, West and South perimeters of the site, in accordance with Section 64-4.D.1. of the Zoning Ordinance;
4. that the parking area will 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;
5. the site is limited to one curb-cut onto Hillcrest Road, with the size, design and location of the curb-cut to be approved by Traffic Engineering and in compliance with AASHTO standards;
6. provision of a revised Planned Unit Development site plan to the Planning Section of Urban Development prior to the signing of the Final Plat;
7. the submission and completion of the Subdivision process; and
8. full compliance with all municipal codes and ordinances.

LOCATOR MAP



APPLICATION NUMBER 32 DATE March 6, 2008

APPLICANT George E. Jensen Contractor (Dulari J. Smith, President)

REQUEST Rezoning from R-1 to LB-2



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



There are apartments to the west of the site, a single family residential unit to the south, a credit union to the east, and single family residential units to the north.

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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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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



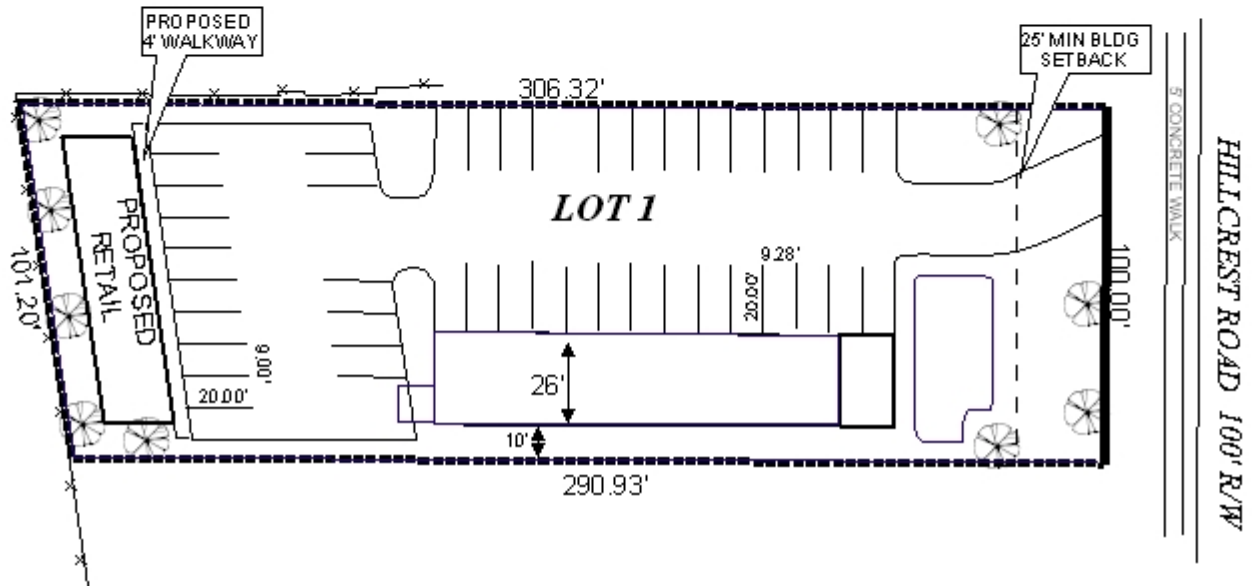
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SITE PLAN



The site plan illustrates the proposed parking, proposed building, setback, and proposed walkways.

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