

**ZONING AMENDMENT,  
& SUBDIVISION STAFF REPORT**

**Date: March 6, 2008**

**APPLICANT NAME** Infirmiry Health Systems, Inc.

**SUBDIVISION NAME** IHS Medical Park Subdivision

**LOCATION** South side of Spring Hill Avenue, 140'± West of Gilbert Street.

**CITY COUNCIL  
DISTRICT** District 2

**PRESENT ZONING** R-1, Single-Family Residence District and B-1, Buffer Business District

**PROPOSED ZONING** B-1, Buffer Business District

**AREA OF PROPERTY** 1 Lot / 1.3± Acres

**CONTEMPLATED USE** Subdivision approval to create 1 lot, and Zoning approval to rezone the site from R-1, Single-Family Residential, and B-1, Buffer Business, to B-1, Buffer Business, to eliminate split zoning in a commercial subdivision.  
**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 eliminate split zoning in a commercial subdivision.

**TIME SCHEDULE  
FOR DEVELOPMENT** None given.

**ENGINEERING  
COMMENTS** Need to analyze the receiving drainage system's ability to adequately handle the flow. 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 ALDOT 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**

No comments.

**REMARKS**

The applicant is requesting Subdivision approval to create a 1 lot, and Zoning approval to rezone the site from R-1, Single-Family Residential, and B-1, Buffer Business, to B-1, Buffer Business, to eliminate split zoning in a commercial subdivision.

The site currently contains a medical clinic and associated parking. The existing building is undergoing interior renovations, and modifications to the parking lot and access points are proposed. As part of the access/parking modifications, an adjacent lot is proposed to be developed as an entrance drive. The incorporation of this lot into the use of the site requires subdivision to incorporate it, and all other parcels and lots to be used, into one lot. All properties to be incorporated are currently zoned B-1, except for a very small parcel which was actually the rear portion of a single-family residential site on Gilbert Street. Because of a paving encroachment, that parcel was separated from the residential site in 1984 and became part of the applicant’s site. The residential site has changed ownership several times since and inclusion of that site as a second lot in this application would not be necessary. Since the parcel is still zoned R-1 and is to be part of the subdivision, it must be rezoned to eliminate split zoning within the subdivision. (And since policy is to have an entire site under one zoning amendment for consistency and to avoid future confusion, both the R-1 and B-1 portions of the site must be included in the rezoning. B-1 is an appropriate zoning for a medical clinic.)

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.

Regarding the proposed subdivision, the site is served by public water and sewer services and would meet the minimum requirements of the subdivision. The site fronts Spring Hill Avenue, a major street with 100’ right-of-way, compliant with the Major Street Plan; therefore, no dedication would be required along Spring Hill Avenue. However, the site is directly in the path of the proposed Houston Street Extension component of the Major Street Plan. This section is planned to connect at Spring Hill Avenue with the existing Mobile Infirmary Drive directly on the North side of Spring Hill Avenue from the site. A 100’ right-of-way width is planned for this

section. City Engineering has not determined a specific route for the proposed right-of-way; therefore, requirements for right-of-way dedication and building setbacks off the proposed right-of-way cannot be placed upon this application.

No building setback line along Spring Hill Avenue is indicated on the plat. The plat should be revised to illustrate a minimum 25' building setback line along Spring Hill Avenue.

As a means of access management, the site should be limited to two curb cuts to Spring Hill Avenue, with the size, location and design of all curb cuts to be approved by Traffic Engineering and ALDOT and conform to AASHTO standards.

The lot is labeled with its size in square feet and acres and should also be labeled with such on the final plat, or a table should be furnished providing the same information.

Also, 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 a protected non-game species. Development of the site just be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.

The site is bounded on the East and South by residential zoning. As the site is intended to be developed commercially, the provision of appropriate residential buffers required by Section 64-4.D.1 of the Zoning Ordinance, such as a 6-foot wooden privacy fence or 10-foot wide landscaped buffer should be required.

Regarding the proposed rezoning, this area is shown on the General Land Use component of the Comprehensive Plan as commercial. However, the Comprehensive Plan is meant to be a general guide, not a detailed lot and district plan or mandate for development. The Planning Commission or City Council may consider individual cases on additional information such as the classification requested, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and zoning classification. The Zoning Ordinance states that an amendment is to be made only when one or more of the following conditions prevail: there is a manifest error in the ordinance; changes in conditions in a particular area make a change in the ordinance necessary and desirable; an increased need for business or industrial sites in addition to sites that are available, make it necessary and desirable to rezone an area or extend the boundaries of an existing district; the subdivision of land into urban building sites makes reclassification necessary and desirable.

When considering rezoning, site compliance is a factor of review. The subject site was developed prior to the landscaping and tree planting requirements of the Zoning Ordinance; therefore, green space allowances were not considered for initial construction. Site modifications to afford better access and internal traffic flow are proposed. In order to maintain the minimum parking required for the site, full landscaping and tree planting compliance would be impractical,. However, compliance to the greatest extent practicable should be required, to be coordinated with the Planning Section of Urban Development.

In this instance, the rezoning is to eliminate split zoning for a site which, for almost its entirety, is appropriately zoned. To that extent, the rezoning would be in order.

## **RECOMMENDATION**

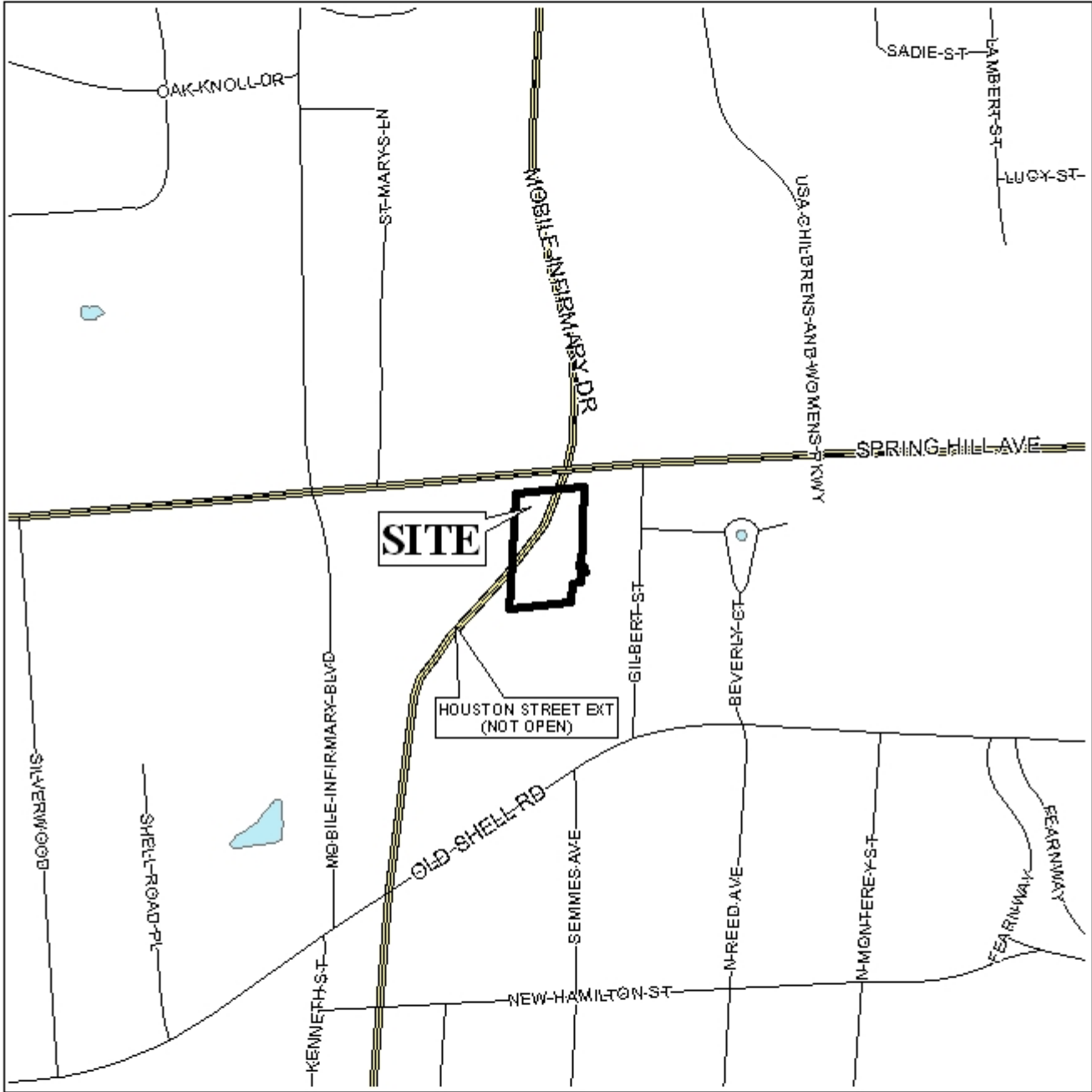
**Subdivision:** Based on the preceding, the Subdivision request is recommended for tentative approval, subject to the following conditions:

- 1) illustration of the 25' minimum building setback line along Spring Hill Avenue;
- 2) placement of a note on the final plat stating that the site is limited to two curb cuts to Spring Hill Avenue, with the size, location and design of all curb cuts to be approved by Traffic Engineering and ALDOT and conform to AASHTO standards;
- 3) labeling of the lot with its size in square feet and acres, or the furnishing of a table on the final plat providing the same information;
- 4) placement of a note on the final plat stating that development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species;
- 5) placement of a note on the final plat stating the provision of appropriate residential buffers required by Section 64-4.D.1. of the Zoning ordinance, such as a 6' wooden privacy fence or 10'-wide landscaped buffer are required; and
- 6) compliance with the Engineering Comments: *Need to analyze the receiving drainage system's ability to adequately handle the flow. 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.*

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

- 1) the site is limited to two curb cuts to Spring Hill Avenue, with the size, location and design of all curb cuts to be approved by Traffic Engineering and ALDOT and conform to AASHTO standards;
- 2) compliance with the landscaping and tree planting requirements of the Zoning Ordinance to the greatest extent practicable, to be coordinated with the Planning Section of Urban Development;
- 3) completion of the Subdivision process;
- 4) provision of appropriate residential buffers as required by Section 64-4.D.1. of the Zoning Ordinance, such as a 6' wooden privacy fence or 10'-wide landscaped buffer; and
- 5) full compliance with all other municipal codes and ordinances.

# LOCATOR MAP



APPLICATION NUMBER 33 & 34 DATE March 6, 2008

APPLICANT IHS Medical Park Subdivision

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



NTS

# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



This site is surrounded by miscellaneous landuse.

APPLICATION NUMBER 33 & 34 DATE March 6, 2008

APPLICANT IHS Medical Park Subdivision

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

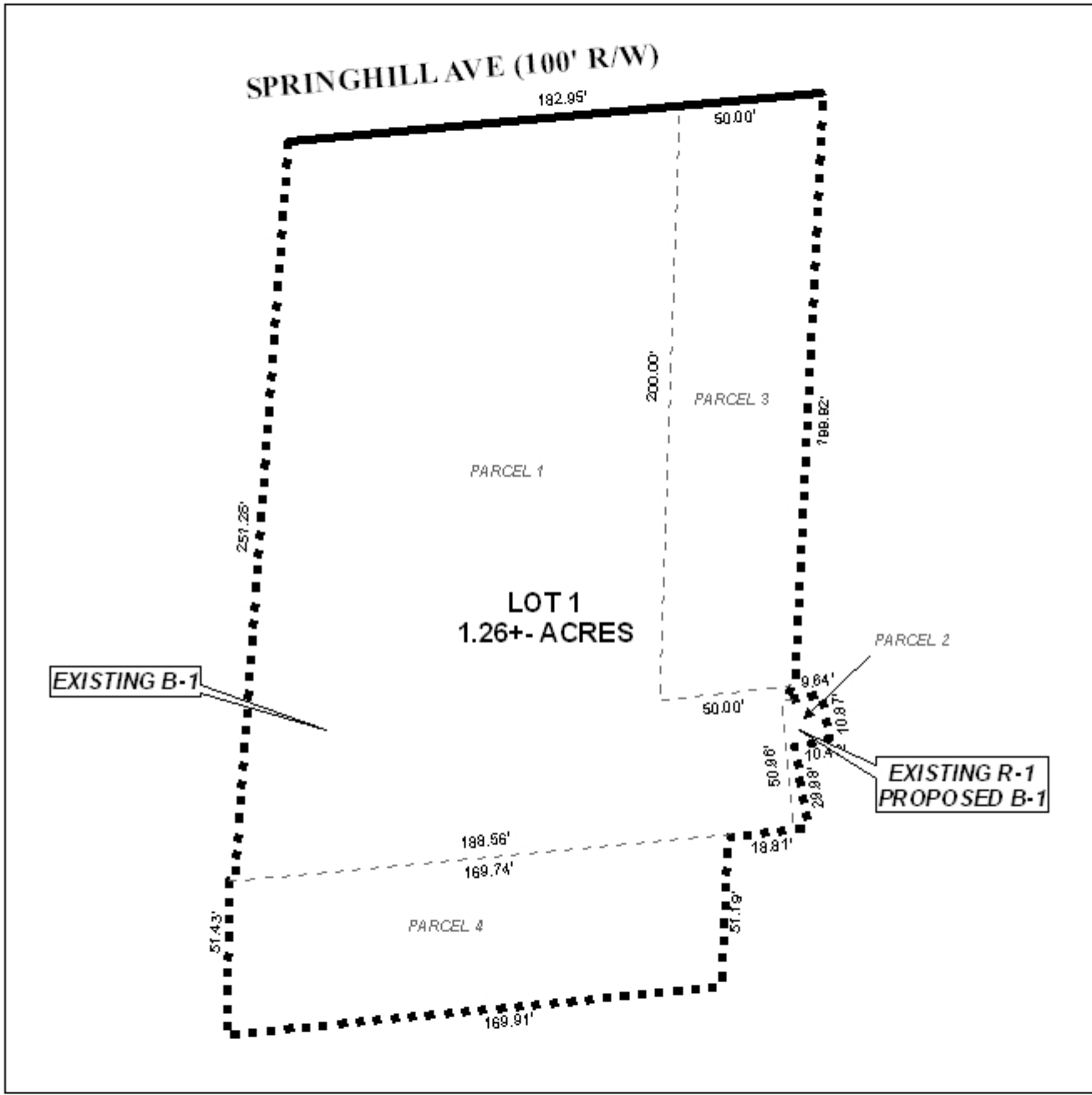


LEGEND	R-1	R-2	R-3	R-A	R-B	H-B	T-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2	NTS
	[White]	[Yellow]	[Green]	[Cyan]	[Light Blue]	[Pink]	[Tan]	[Light Blue]	[Purple]	[Orange]	[Red]	[Brown]	[Dark Blue]	[Light Purple]	[Grey]	

LEGEND	R-1	R-2	R-3	R-A	R-B	H-B
	[White]	[Vertical Lines]	[Horizontal Lines]	[Dotted]	[Diagonal Lines]	[Cross-hatch]



# DETAIL SITE PLAN



APPLICATION NUMBER 33 & 34 DATE March 6, 2008  
 APPLICANT IHS Medical Park Subdivision  
 REQUEST Subdivision, Rezoning from R-1/B-1 to B-1

