

**ZONING AMENDMENT,
& SUBDIVISION STAFF REPORT****Date: March 6, 2008**

<u>APPLICANT NAME</u>	Ball Healthcare Services, Inc.
<u>SUBDIVISION NAME</u>	Twin Oaks Subdivision
<u>LOCATION</u>	North, East, and South sides of Crawford Lane at its East terminus.
<u>CITY COUNCIL DISTRICT</u>	District 2
<u>PRESENT ZONING</u>	R-1, Single-Family Residence District and B-1, Buffer Business District
<u>PROPOSED ZONING</u>	B-1, Buffer Business District
<u>AREA OF PROPERTY</u>	1 Lot / 7.2± Acres
<u>CONTEMPLATED USE</u>	<p>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.</p> <p>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.</p>
<u>REASON FOR REZONING</u>	Applicant is requesting rezoning of the site to eliminate split zoning in a commercial subdivision.
<u>TIME SCHEDULE FOR DEVELOPMENT</u>	None given.
<u>ENGINEERING COMMENTS</u>	<p>Flood study required for fill in AE or X-shaded flood hazard areas. 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.</p>

TRAFFIC ENGINEERING**COMMENTS**

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**

No comments.

REMARKS

The applicant is requesting 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.

The applicant currently owns and operates a nursing home by variance on the North side of Crawford Lane on property which is zoned R-1. A parking lot expansion is proposed on property on the South side of Crawford Lane, zoned B-1, which the applicant also owns. The applicant has also petitioned the City for vacation of the unopened East terminus of Crawford Lane. Once vacated, this would give the applicant contiguous properties on the North, East, and South sides of Crawford Lane at the East terminus of the open right-of-way. A one-lot subdivision is proposed to combine the various parcels into a legal lot, and the rezoning would make the entire site B-1, an appropriate zoning for the nursing home, and would eliminate the split zoning which would otherwise occur.

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 completion of the Vacation process for the unopened East terminus of Crawford Lane would be required to make the applicant's properties contiguous prior to the signing of the final plat. The plat indicates a proposed cul-de-sac without a center median at the East terminus of the existing open Crawford Lane right-of-way. As the current right-of-way is indicated to be 45.6', dedication would be required along both sides of Crawford Lane to provide 25' from centerline. The cul-de-sac is indicated to be 100' in diameter; however, the 2003 International Fire Code Standard requires a 120' right-of-way diameter for cul-de-sacs without a center median. Therefore, the plat should be revised to indicate a 120' diameter cul-de-sac. Construction of the cul-de-sac to City standards would be required prior to the signing of the final plat. The subdivision also has frontage along the North side of Carver Street, currently with a 40' right-of-way width; therefore,

dedication would be required to provide 25' from the centerline of Carver Street. A 25' minimum building setback line is indicated along Crawford Lane as measured from the current right-of-way line. This should be revised to indicate a 25' minimum setback as measured from any required dedication. A 25' minimum building setback along the North side of Carver Street should also be indicated, as measured from any required dedication.

As a means of access management, a note should be placed on the final plat stating the site is limited to the three existing curb cuts along the North side of Crawford Lane, and two curb cuts along the South side of Crawford Lane, with the size, location and design of all curb cuts to be approved by Traffic Engineering and conform to AASHTO standards. A note should also be required stating that access to Carver Street is denied.

As proposed, a Northern portion of the site lies in the right-of-way of Lawrence Street Extension, a planned major street with a 200' width in this area. Normally, dedication of right-of-way and setback allowances would be required for such, but, since the exact route has not yet been determined, such requirements cannot be placed upon this application.

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

The City of Mobile GIS appears to indicate wetlands in the Eastern portion of the site, or in close proximity to the site. Therefore, the approval of all applicable Federal, State and local agencies would be required prior to the issuance of any permits. 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 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.

The site is bounded on the West 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'-high wooden privacy fence or 10'-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 residential. 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 and 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.

In this instance, the zoning is being brought into compliance for an existing use while expanding the on-site parking for that use into an already appropriately zoned district. To that extent, rezoning of the entire site to eliminate split zoning would be in order.

RECOMMENDATION

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

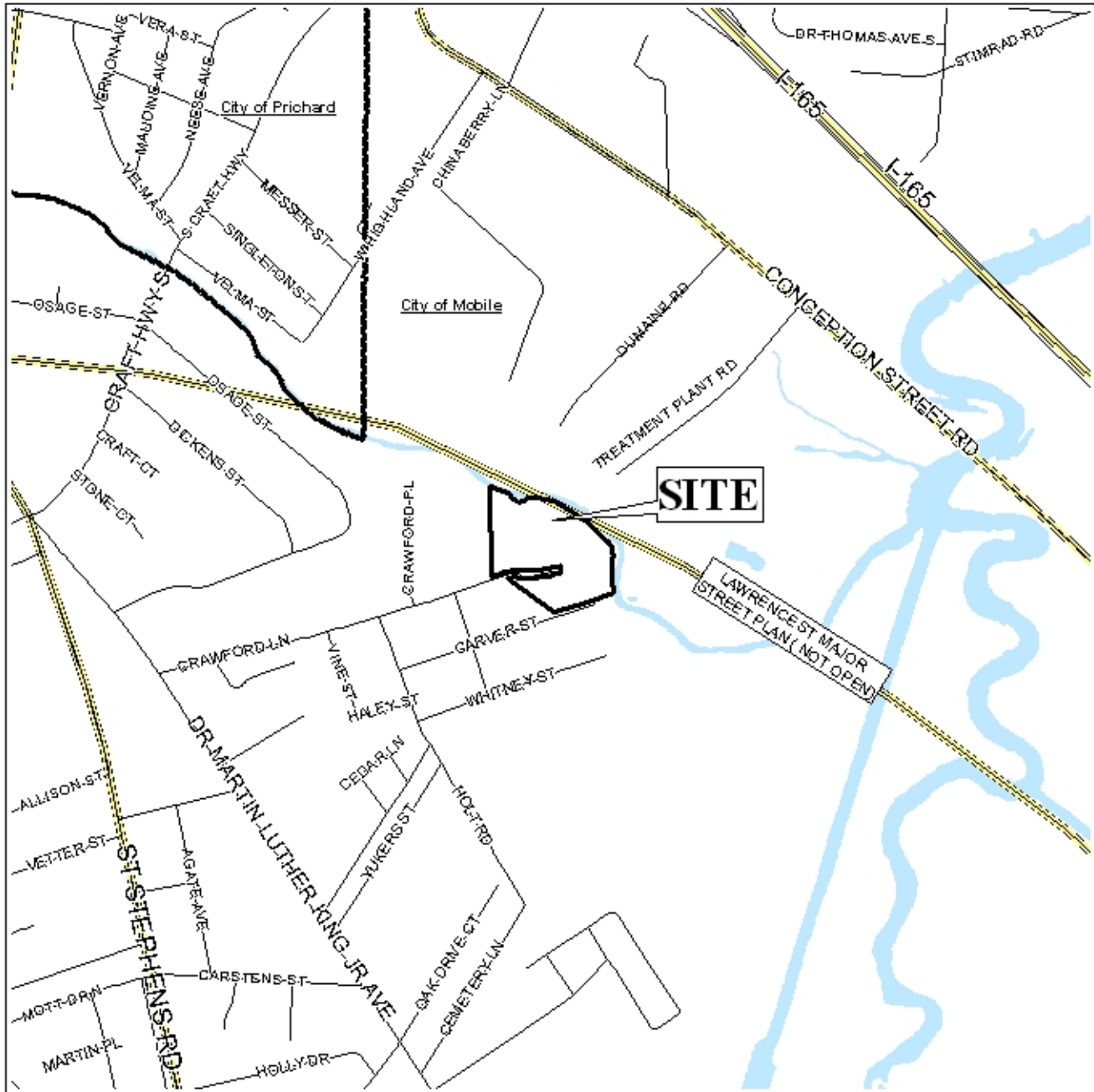
- 1) completion of the Vacation process for the unopened East terminus of Crawford Lane;
- 2) dedication along both sides of Crawford Lane to provide 25' from centerline
- 3) revision of the plat to indicate a 120' diameter cul-de-sac without a center median;
- 4) construction of the cul-de-sac to City standards prior to signing the final plat;
- 5) dedication to provide 25' from the centerline of Carver Street;
- 6) revision of the plat to indicate the 25' minimum building setback line as measured from any required dedication along Crawford Lane and Carver Street;
- 7) placement of a note on the final plat stating that the site is limited to the existing curb cuts on the North side of Crawford Lane, and two curb cuts on the South side of Crawford Lane, with the size, location and design of all curb cuts to be approved by Traffic engineering and conform to AASHTO standards;
- 8) placement of a note on the final plat stating that access to Carver Street is denied;
- 9) labeling of the lot with its size in acres, or the furnishing of a table on the plat providing the same information;
- 10) placement of a note on the final plat stating that the approval of all applicable Federal, State and local agencies would be required prior to the issuance of any permits;
- 11) 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;
- 12) 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
- 13) compliance with the Engineering Comments: *Flood study required for fill in AE or X-shaded flood hazard areas. 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) completion of the Vacation process for the unopened East terminus of Crawford Lane;
- 2) dedication along both sides of Crawford Lane to provide 25' from centerline;

- 3) revision of the cul-de-sac to provide a 120' diameter right-of-way to conform to the 2003 International Fire Code Standard;
- 4) construction of the cul-de-sac to City standards;
- 5) dedication to provide 25' from the centerline of Carver Street;
- 6) the site is limited to the three existing curb cuts on the North side of Crawford Lane and two curb cuts on the South side of Crawford Lane, with the size, location and design of all curb cuts to be approved by Traffic Engineering and conform to AASHTO standards;
- 7) access to Carver Street is denied;
- 8) 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;
- 9) completion of the Subdivision process; and
- 10) full compliance with all other municipal codes and ordinances

LOCATOR MAP



APPLICATION NUMBER 35 & 36 DATE March 6, 2008

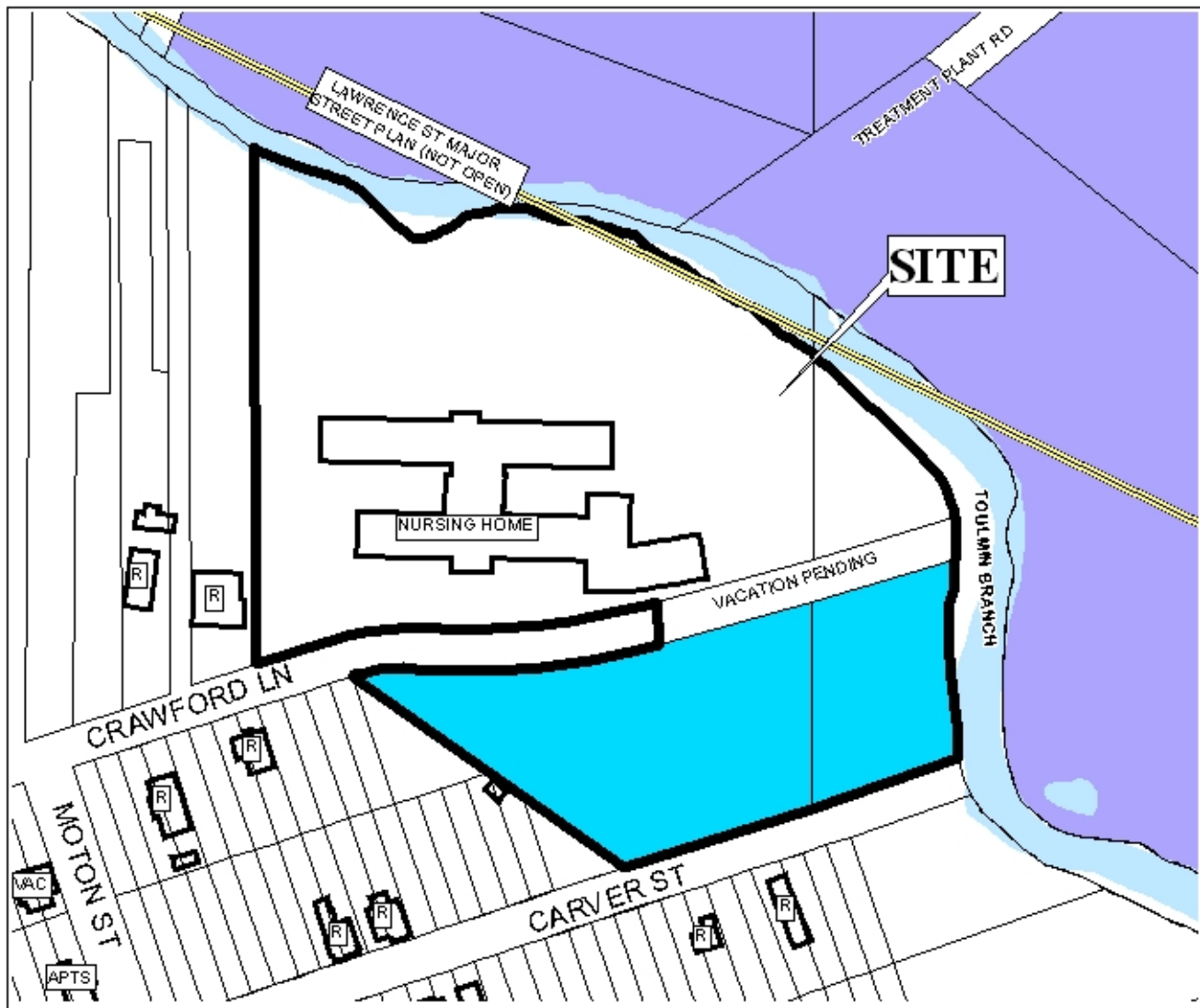
APPLICANT Ball Healthcare Services, Inc.

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



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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Residential land use is located to the west and south of the site.
Undeveloped land is located to the north and east of the site.

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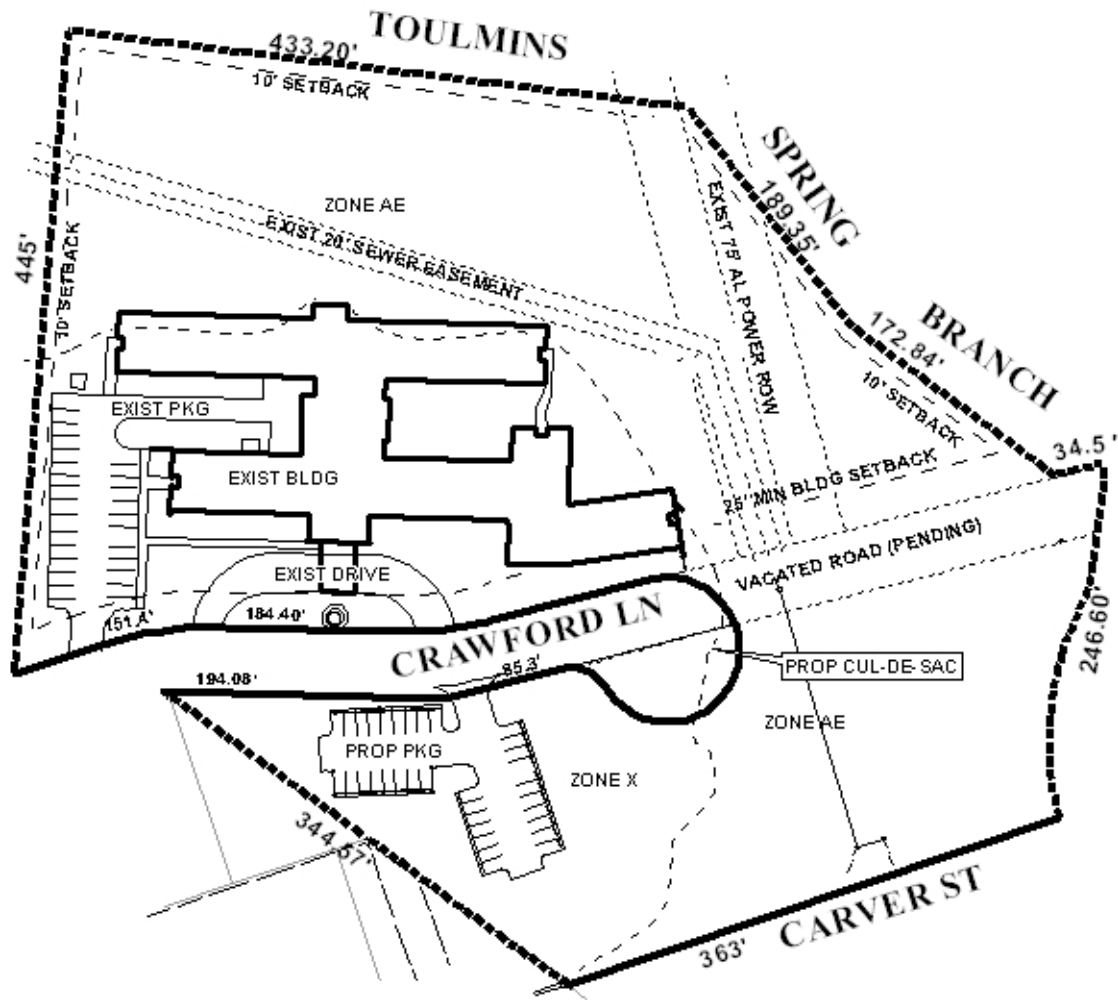
REQUEST Rezoning from R-1 and B-1 to B-1, Subdivision

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
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SITE PLAN



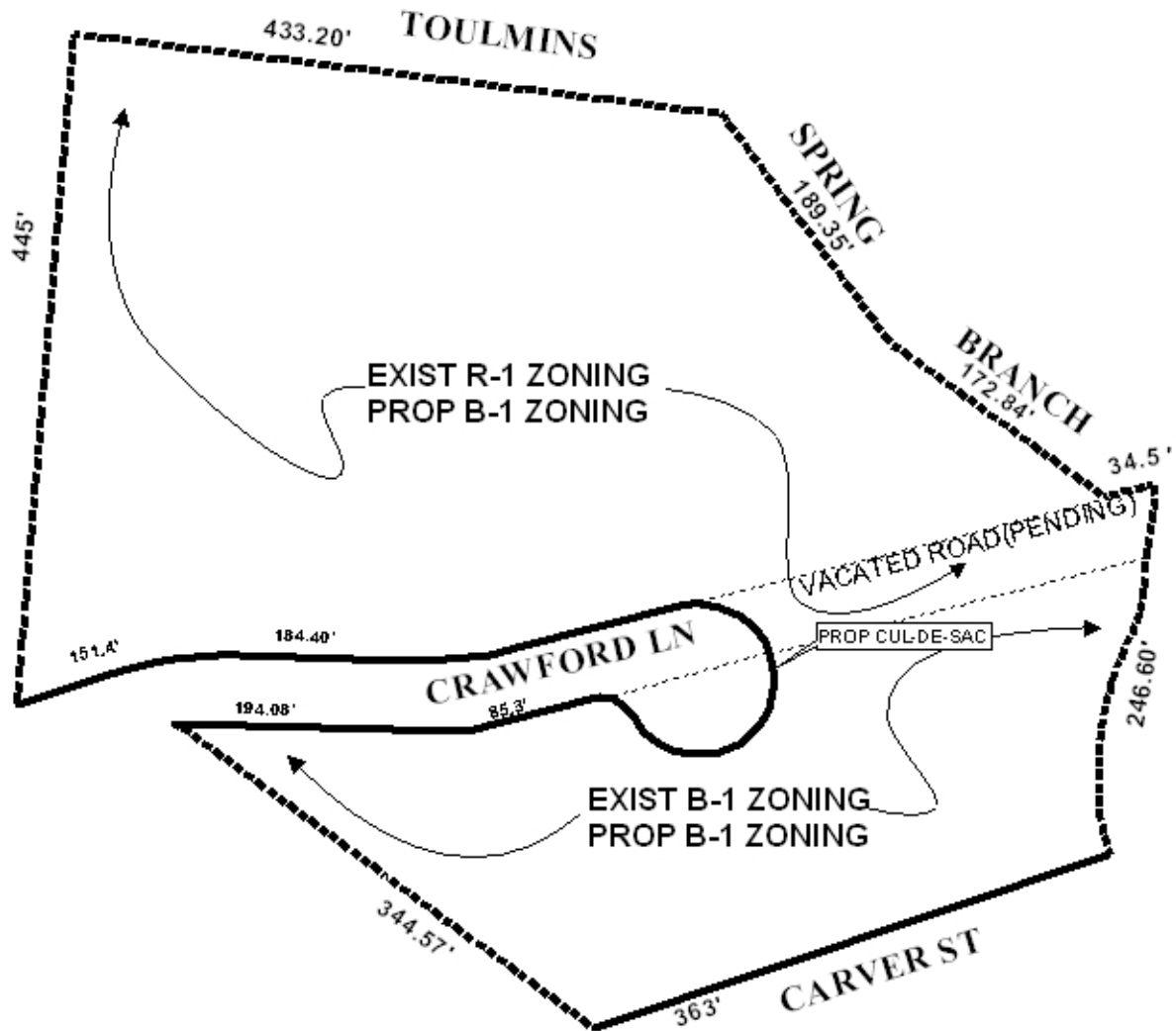
The site plan illustrates the existing building, easements, and proposed parking lot

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 APPLICANT Ball Healthcare Services, Inc.
 REQUEST Rezoning from R-1 and B-1 to B-1, Subdivision



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DETAIL SITE PLAN



APPLICATION NUMBER 35 & 36 DATE March 6, 2008
 APPLICANT Ball Healthcare Services, Inc.
 REQUEST Rezoning from R-1 and B-1 to B-1, Subdivision



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