

**ZONING AMENDMENT,
& SUBDIVISION STAFF REPORT**

Date: January 6, 2011

<u>APPLICANT NAME</u>	Anil Badve
<u>SUBDIVISION NAME</u>	H.S. Norden Place Subdivision, Resubdivision of Lots 2 & 3
<u>LOCATION</u>	1016 Hillcrest Road (West side of Hillcrest Road, 470' ± South of Wall Street)
<u>CITY COUNCIL DISTRICT</u>	District 6
<u>PRESENT ZONING</u>	B-2, Neighborhood Business and B-3, Community Business
<u>PROPOSED ZONING</u>	B-3, Community Business
<u>AREA OF PROPERTY</u>	1 Lot / 1.2± Acres
<u>CONTEMPLATED USE</u>	<p>Subdivision approval to combine two legal lots of record into one lot and Rezoning from B-2, Neighborhood Business District, and B-3, Community Business District, to B-3, Community Business District, to amend the condition of a previous rezoning to allow visitation at an existing funeral home and allow funeral home parking expansion.</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>	To amend the condition of a previous rezoning to allow visitation at an existing funeral home and eliminate split zoning in a proposed commercial subdivision and allow funeral home parking expansion.
<u>TIME SCHEDULE FOR DEVELOPMENT</u>	Immediate

ENGINEERING

COMMENTS

Must comply with all storm water and flood control ordinances. Any increase in impervious area in excess of 4,000 square feet will require detention. Need to indicate size and type of drainage structures located in drainage easement. Need an Engineer’s certification of that the receiving storm drainage system has the capacity and functionality to receive the proposed runoff. The radii for the proposed driveway shall be a minimum of 20’ and the width of the proposed drive shall be a minimum of 24’, unless approved otherwise by Traffic Engineering and ROW. Any work performed in the right of way as well as any public drainage easement will require a right of way permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer.

TRAFFIC ENGINEERING

COMMENTS

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Narrow driveway widths to sixteen feet or less and improve the radii to twenty feet. Sign and mark the driveways as one-way. An abbreviated traffic impact study is required for this development.

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 combine two legal lots of record into one lot, and Zoning approval to rezone the site from B-2, Neighborhood Business District, and B-3, Community Business District, to B-3, Community Business District, to amend the condition of a previous rezoning to allow visitation at an existing funeral home and eliminate split zoning in a proposed commercial subdivision and allow funeral home parking expansion. The applicant states that the site is served by public water and sanitary sewer facilities.

The site fronts Hillcrest Road, a major street with sufficient right-of-way; therefore, no dedication is required.

This area is shown as commercial on the General Land Use component of the Comprehensive Plan. 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 based 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.

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 has been the subject of several applications to the Commission in the past. The Southern portion of this site where the existing funeral home is located was successfully rezoned in 2001, to B-3. However, at that time, the applicant voluntarily placed a restriction onto the property that the funeral home would not include visitation. When approved, the site was then limited to only uses that are also allowed within a B-2 Zoning District (with the exception of a non-visitation funeral home). In 2007, the applicant acquired the Northern portion of the site (zoned B-2) and in 2008 submitted a one-lot subdivision with an accompanying rezoning application to rezone the Northern lot from B-2 to B-3 and also remove the restriction from the 2001 rezoning and allow visitation and also a crematorium. The subdivision was approved by the Planning Commission and the rezoning was recommended for approval to the City Council but was denied by the Council, and the subdivision plat was never signed and its approval expired. The applicant now proposes to again create a one-lot subdivision to allow the parking lot expansion and a rezoning to bring the entire site into B-3 to eliminate split zoning in the proposed one-lot subdivision. The rezoning request also seeks to amend the voluntary condition of the 2001 rezoning which limited the funeral home operation to non-visitation only to now allow visitation. There is no request this time to allow a crematorium.

The voluntary restrictions of the 2001 rezoning on the property prevent ALL B-3 uses that are not also allowed in a B-2 district, with the exception of a non-visitation funeral home. With regard to the applicant's request to allow visitation, it would not appear to physically impact the surrounding area. As the previous 2008 request to allow visitation was recommended for approval by both staff and the Commission, it would stand to reason that this request should also be recommended for approval, especially in light of the fact that a crematorium is not part of the request this time. The applicant has also demonstrated that there is an increase in need for the rezoning due to the proposed parking lot expansion.

There is no depiction of a buffer where the site abuts residentially zoned property to the West. One condition of the previous rezoning was that the wooded area on the Western portion of the site be left undisturbed as a natural buffer from the adjacent residentially zoned property. However, as illustrated on the site plan, a portion of this natural buffer is to be removed to accommodate storm-water detention. Therefore, while a privacy fence was not necessary in the past, one will be required, if approved as requested.

The site plan illustrates the proposed parking lot expansion onto the currently vacant Northern lot with a total of 42 parking spaces for the over-all site. There appears to be adequate parking for the proposed use; however, the parking ratio used is one per 300 square feet of gross floor. The applicant should revise the site plan to provide information specifying the ratio of office to

visitation use. Office use requires one parking space for every 300 square feet of gross floor area, whereas the visitation aspect will require one space for every four seats, based upon maximum Building Code seating capacity.

As already mentioned, the applicant is proposing two one-way curb cuts. There are two issues with this proposal:

- 1) typically, sites with less than 200' of road frontage are limited to one curb cut (this site has approximately 166' of frontage); and
- 2) the width of the proposed cuts, along with the design of the proposed parking lot, do not support one-way circulation. Typical one-way drives are between 12 and 16' in width, rather than 24' as proposed, and parking lots are designed (angled and painted with arrows) in such a way as to discourage two-way traffic.

Given the fact that the applicant is combining two existing legal lots (currently being allowed one curb cut each), along with the potential traffic volume associated with funeral visitation, the applicant should revise the site plan to comply with the condition of the approved 2008 rezoning requiring both drive entrances to be narrowed to between fourteen and sixteen feet to prevent two-way traffic.

It should be noted that the site plan, as proposed, does not meet the minimum requirements of Zoning Ordinance with regard to trees/landscaping. Of the 1.15 acres (50,094 square feet), 12 percent (6,011 square feet) shall be landscaped; 60 percent (3,607 square feet) of this requirement shall be located on the building site between the street line and the building wall facing the street. The front setback shall have one over-story tree for every 30' of road frontage. There should also be a tree for every 30' of perimeter (no more than one half of the perimeter trees may be under-story). Furthermore, any existing trees for which the applicant wishes to receive credit must be labeled with type and size on the site plan.

No dumpster is indicated on the site plan. The site plan should either be revised to show a compliant dumpster or a note should be placed on the site plan stating that no dumpster will be utilized on the site.

The plat meets the minimum size requirement for developments with access to public water and sewer. However, it is requested that the applicant revise the preliminary plat to label the lot with its size in square feet, or provide a table on the plat with the same information.

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 Tentative Approval, subject to the following conditions:

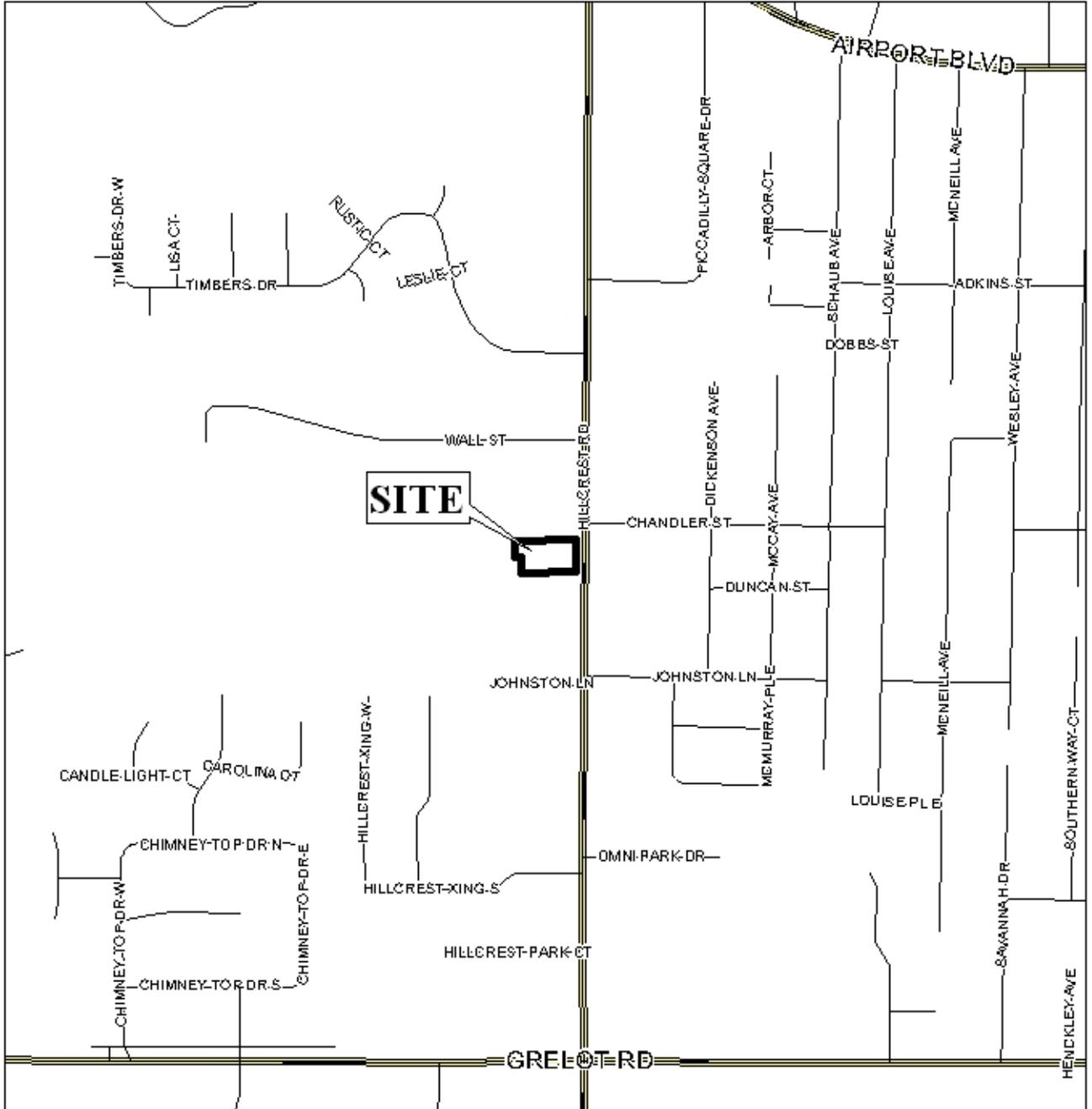
- 1) completion of the Subdivision process;
- 2) provision of a 6' high privacy fence, in compliance with Section 64-4.D. of the Zoning Ordinance, where the site abuts residentially zoned property to the West;
- 3) revision of the site plan to comply with the requirements of the Zoning Ordinance;
- 4) compliance with Traffic Engineering comments: *(Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Narrow driveway widths to sixteen feet or less and improve the radii to twenty feet. Sign and mark the driveways as one-way. An abbreviated traffic impact study is required for this development.)*;
- 5) revision of the site plan to either show a compliant dumpster or the placement of a note on the site plan stating that no dumpster will be utilized on the site;
- 6) approval of all applicable federal, state and local agencies is required for endangered, threatened or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities;
- 7) Subject to Engineering comments: *(Must comply with all storm water and flood control ordinances. Any increase in impervious area in excess of 4,000 square feet will require detention. Need to indicate size and type of drainage structures located in drainage easement. Need an Engineer's certification of that the receiving storm drainage system has the capacity and functionality to receive the proposed runoff. The radii for the proposed driveway shall be a minimum of 20' and the width of the proposed drive shall be a minimum of 24', unless approved otherwise by Traffic Engineering and ROW. Any work performed in the right of way as well as any public drainage easement will require a right of way permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer);* and
- 8) full compliance with all other municipal codes and ordinances.

Subdivision: Based upon the preceding, the Subdivision request is recommended for Tentative Approval, subject to the following conditions:

- 1) placement of a note on the final plat stating that the site is limited to two curb-cuts onto Hillcrest Road, with the size, design and location of all curb-cuts to be approved by Traffic Engineering and in conformance with AASHTO standards;
- 2) labeling of the lot with its size in square feet, or the provision of a table on the plat with the same information;
- 3) placement of a note on the plat stating that approval of all applicable Federal, state and local agencies is required for endangered, threatened or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities;
- 4) subject to the Traffic Engineering comments: *(Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Narrow driveway widths to sixteen feet or less and improve the radii to twenty feet. Sign and mark the driveways as one-way. An abbreviated traffic impact study is required for this development.);* and
- 5) subject to Engineering comments: *(Must comply with all storm water and flood control ordinances. Any increase in impervious area in excess of 4,000 square feet will require detention. Need to indicate size and type of drainage structures located in drainage*

easement. Need an Engineer's certification of that the receiving storm drainage system has the capacity and functionality to receive the proposed runoff. The radii for the proposed driveway shall be a minimum of 20' and the width of the proposed drive shall be a minimum of 24', unless approved otherwise by Traffic Engineering and ROW. Any work performed in the right of way as well as any public drainage easement will require a right of way permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer).

LOCATOR MAP



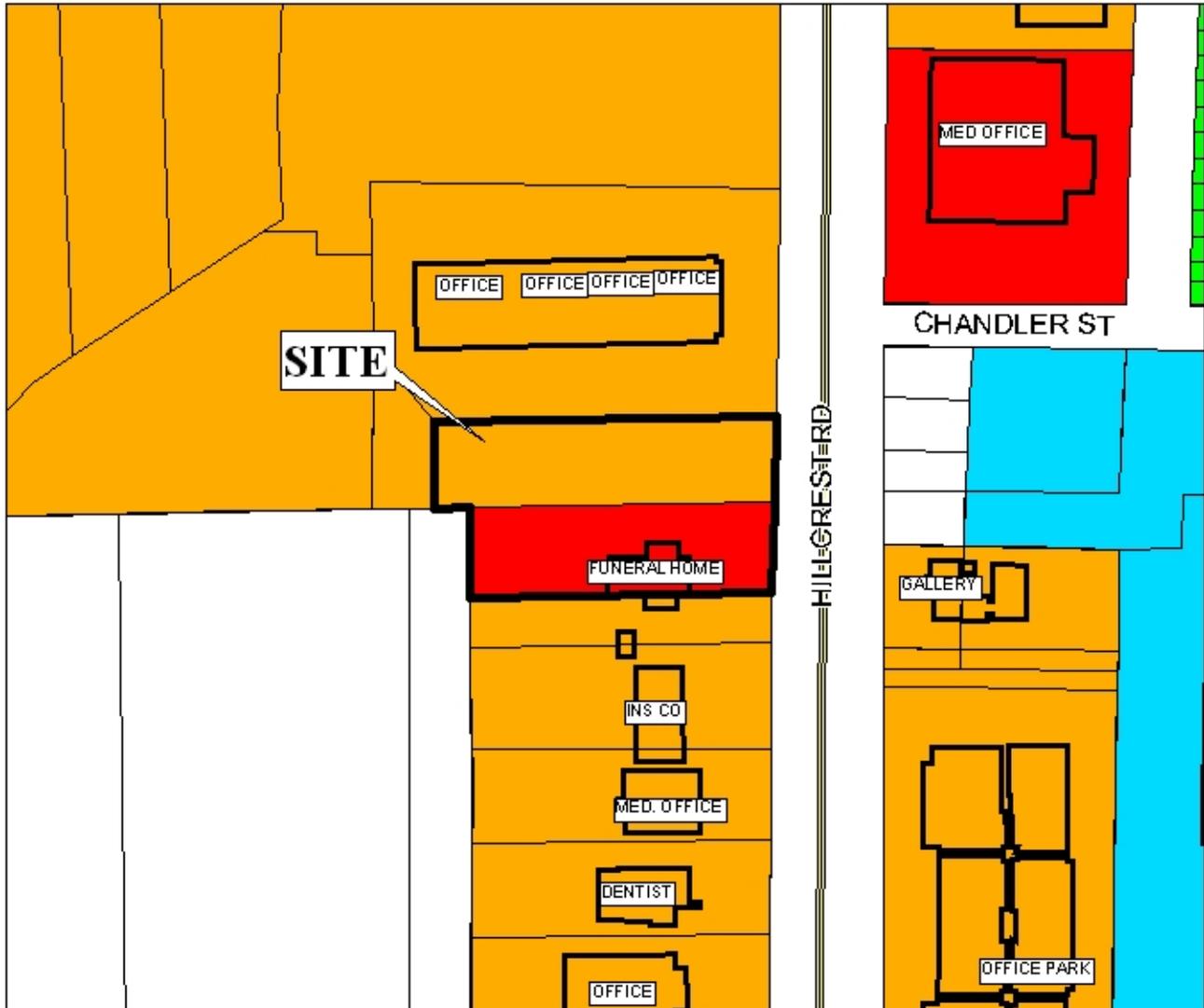
APPLICATION NUMBER 10 & 11 DATE January 6, 2011

APPLICANT Anil Badve

REQUEST Subdivision, Rezoning from B-2 and B-3 to B-3



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING

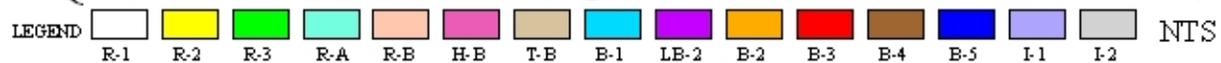


Businesses are located to the north, east, and south of the site. Undeveloped land is located to the west of the site.

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**PLANNING COMMISSION
VICINITY MAP - EXISTING ZONING**



Businesses are located to the north, east, and south of the site. Undeveloped land is located to the west of the site.

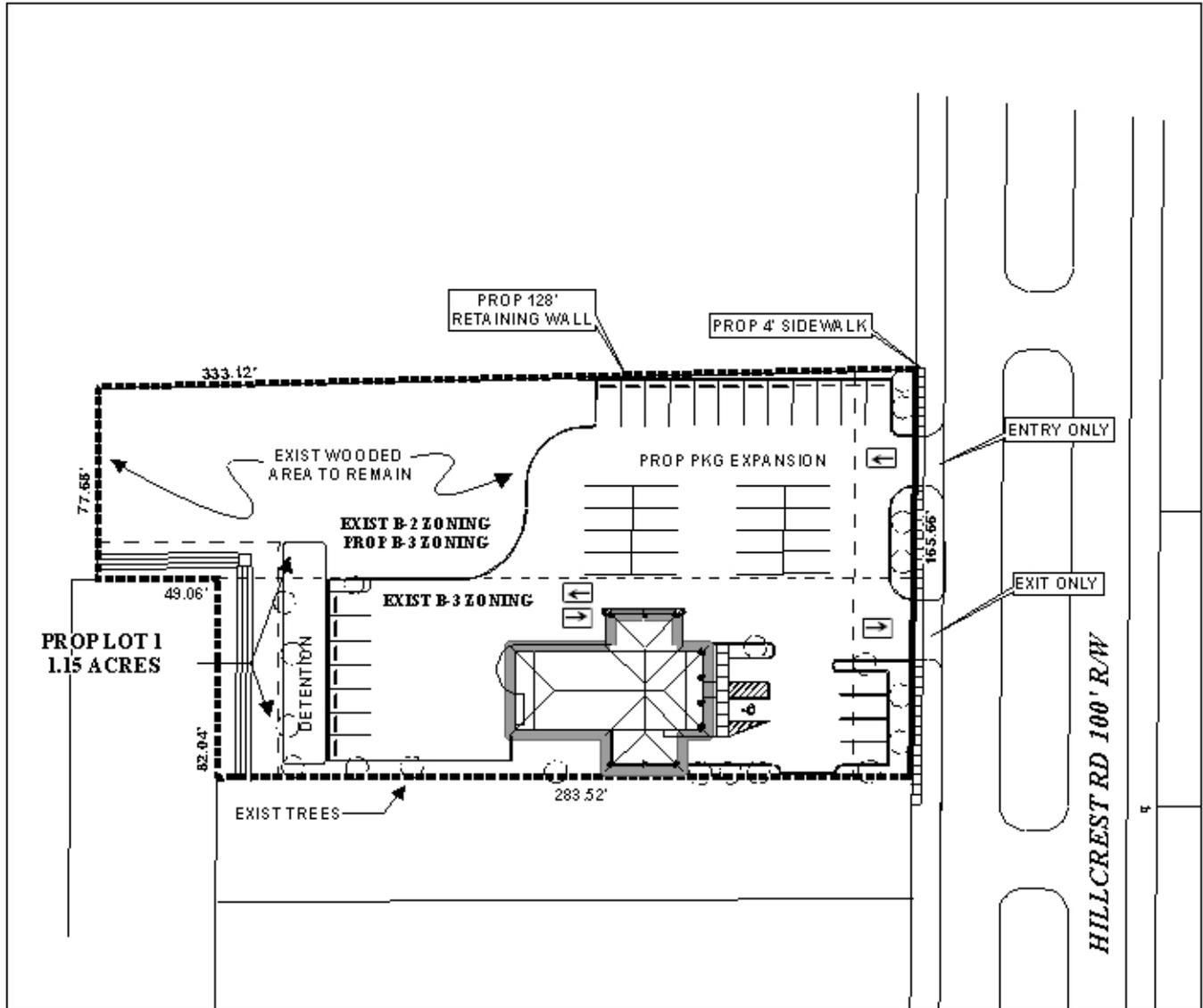
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SITE PLAN



The site plan illustrates the proposed parking expansion, and proposed zoning

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