

ZONING AMENDMENT STAFF REPORT**Date: June 18, 2020****NAME**

Broussard's Pianos

LOCATION3154 Cottage Hill Road
(North side of Cottage Hill Road, 100'± East of Wyoming Drive West).**CITY COUNCIL
DISTRICT**

District 5

PRESENT ZONING

B-1, Buffer Business District

PROPOSED ZONING

B-2, Neighborhood Business District

AREA OF PROPERTY

0.6± Acres

PRESENT ZONING

Rezoning from B-1, Buffer Business District, to B-2, Neighborhood Business District.

It should be noted 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**

None provided.

**ENGINEERING
COMMENTS**

1. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII).
2. A Land Disturbance Permit application shall be submitted for any proposed land disturbing activity with the property. A complete set of construction plans including, but not limited to, drainage, utilities, grading, storm water detention systems and paving will need to be included with the Land Disturbance permit. This Permit must be submitted, approved, and issued prior to beginning any of the construction work.
3. Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain

Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.

4. Any existing or proposed detention facility shall be maintained as it was constructed and approved. The Land Disturbance Permit application for any proposed construction includes a requirement of a Maintenance and Inspection Plan (signed and notarized by the Owner) for the detention facility. This Plan shall run with the land and be recorded in the County Probate Office prior to the Engineering Department issuing their approval for a Final Certificate of Occupancy.
5. The approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. The Owner/Developer is responsible for acquiring all of the necessary permits and approvals.
6. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

TRAFFIC ENGINEERING

COMMENTS

No comments.

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 2015-116 and City Code Chapters 57 and 64). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site will require a tree removal permit.

FIRE DEPARTMENT

COMMENTS

All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 International Fire Code).

REMARKS

The applicant is requesting rezoning from B-1, Buffer Business District, to B-2, Neighborhood Business District.

The site has been given a District Center land use designation, per the recently adopted Future Land Use Plan and Map, adopted on May 18, 2017 by the Planning Commission. The Future Land Use Plan and Map complements and provides additional detail to the Development Framework Maps in the Map for Mobile, adopted by the Planning Commission at its November 5, 2015 meeting.

This designation applies across the city to larger areas of existing mixed-use character or where such character is encouraged. These areas will include moderate to high-density residential (minimum densities of 6 dwelling units per acre) in dynamic, horizontal or vertical mixed use environments, to provide a balance of housing and employment.

District Centers generally serve several surrounding neighborhoods and may even have a city wide or region-wide reach. As such, they are often anchored by a major commercial or institutional employer such as a shopping mall or a medical center.

Depending on location and assigned zoning, residential areas in District Centers may incorporate a mix of housing types, ranging from mid-rise multifamily buildings containing apartments and lofts, to townhouses and detached single-family homes. Major civic cultural institutions and public spaces provide regional and neighborhood destinations.

District Centers should be designed to induce pedestrian activity, with high quality streetscapes connecting the different components of a center as well as the center to its surrounding area. DC districts may be served by transit and include development of an intensity and design that supports transit use.

It should be noted that the Future Land Use Plan and Map components of the Map for Mobile Plan are meant to serve as a general guide, not a detailed lot and district plan. In many cases the designation on the new Future Land Use Map may match the existing use of land, but in others the designated land use may differ from what is on the ground today. As such, the Future Land Use Plan and Map 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, where applicable, the zoning classification.

It should be noted that the Future Land Use Plan and Map components of the Map for Mobile Plan are meant to serve as a general guide, not a detailed lot and district plan. In many cases the designation on the new Future Land Use Map may match the existing use of land, but in others the designated land use may differ from what is on the ground today. As such, the Future Land Use Plan and Map 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, where applicable, the zoning classification.

The applicant states the following:

The property is currently zoned B-1. We are requesting that it be rezoned to B-2. The client hopes to utilize the existing building and proposed addition primarily as a music academy (educational services). Additionally, a portion of the facility will be dedicated for piano sales which will require the existing zoning to be changed to B-2.

The existing building is abandoned and in despair. The revitalization of the property should have a positive impact on the surrounding land uses and properties. The proposed zoning will not be uncommon to the area as there are other B-2 zoned properties nearby.

Section 64-9. of the Zoning Ordinance states that 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.

To the East is B-1 zoning used as an office complex. To the North and West, and to the South across Cottage Hill Road is R-1, Single-Family Residential zoning. The subject site was used as a single-family dwelling, which is allowed by right in B-1 districts.

The site plan indicates the existing 1,850 square-foot dwelling building to remain and a 2,400 square-foot addition is proposed to be added. A compliant drive is proposed along the East side of the site with a small parking area in the front and a larger parking area in the rear. The parking calculations on the site plan are calculated for a 3,850 square-foot building and indicate that 13 parking spaces are required. However, the site plan only indicates 12 parking spaces to be provided. But the total square footage of the existing dwelling and the proposed addition would be 4,250 square feet and would require 15 parking spaces. Therefore, the site plan is short by 3 parking spaces.

No dumpster is indicated to be provided on the site plan, nor is there a note referencing refuse collection. The site plan should be revised to provide a dumpster, in compliance with Section 64-4.D.9.c. of the Zoning Ordinance, or a note should be placed on the site plan stating that no dumpster will be utilized, and refuse collection will be either by curbside pickup or by a commercial can service.

As the site abuts residentially used property to the North and West, a compliant residential buffer would be required. The applicant proposes a 10' landscaped buffer. This should be in compliance with Section 64-4.D.1.b. of the Zoning Ordinance regarding planting density and height.

Landscaping and tree planting information is provided on the site plan, and shows that the site will be in compliance, as proposed.

Furthermore, the applicant should be made aware that converting a residential structure to a commercial building requires the structure to be brought into compliance with commercial building, mechanical, electrical, and plumbing code requirements. Also, for existing out-buildings on the site to be removed, the necessary demolition permits should be obtained.

Regarding rezoning, the site is bounded by residential uses on two sides (North and West), and by commercial uses to the East. Cottage Hill Road is a major street, and commercial development is encouraged along major streets. Since the adoption of the current zoning ordinance in 1967, there have been various rezonings from residential zoning to commercial zonings along this portion of Cottage Hill Road, as well as various reclassifications of commercial zonings. Therefore, changing conditions in a particular area make a change in the Ordinance necessary and desirable.

It should be noted that Section 64-3.A.5.b. (Size of New Districts) states that new B-1 and B-2 districts require as least two (2) acres of gross area. The site has approximately 0.6 acre of gross area. However, as the current B-1 classification is the same size as the proposed B-2 classification, a waiver of this section of the Ordinance would be in order

It should be noted that the site is a metes-and-bounds legal description. If the current legal description pre-dates 1952, it would not have to be made a legal lot of record. If a pre-1952 legal description as currently described cannot be presented, the site would have to be made a legal lot of record via a one-lot subdivision prior to finalizing the Rezoning.

Although the Rezoning from B-1 to B-2 would seem appropriate for the area, since this would constitute a first-time commercial use for the site, commercial site compliance would be required. As there are some concerns about the site plan submitted, this application should be heldover for revision of the site plan to illustrate that commercial site compliance can be achieved.

RECOMMENDATION

Based on the preceding, the application is recommended for Holdover to the June 18th meeting, with revisions due by June 3rd, to allow the applicant to address the following items:

- 1) revision of the parking calculations to account for the actual proposed total square footage of 4,250 square feet of combined building area instead of the 3,850 square feet as listed on the provided calculations;
- 2) revision of the site plan to provide additional parking spaces as required;
- 3) revision of the site plan to either provide a dumpster, in compliance with Section 64-4.D.9.c. of the Zoning Ordinance, or the placement of a note on the site plan stating that no dumpster will be utilized and that refuse collection will be either by curbside pickup or commercial can service;
- 4) placement of a note on the site plan stating that the 10' residential buffer will be in compliance with Section 64-4.D.1.b. of the Zoning Ordinance; and
- 5) presentation of a pre-1952 legal description for the site, or the completion of a one-lot subdivision to make the site a legal lot of record prior to the completion of the Rezoning process.

Revised for the June 18th meeting:

This application was heldover from the May 21st meeting to allow the applicant to address the following items:

- 1) revision of the parking calculations to account for the actual proposed total square footage of 4,250 square feet of combined building area instead of the 3,850 square feet as listed on the provided calculations;*
- 2) revision of the site plan to provide additional parking spaces as required;*

- 3) *revision of the site plan to either provide a dumpster, in compliance with Section 64-4.D.9.c. of the Zoning Ordinance, or the placement of a note on the site plan stating that no dumpster will be utilized and that refuse collection will be either by curbside pickup or commercial can service;*
- 4) *placement of a note on the site plan stating that the 10' residential buffer will be in compliance with Section 64-4.D.1.b. of the Zoning Ordinance; and*
- 5) *presentation of a pre-1952 legal description for the site, or the completion of a one-lot subdivision to make the site a legal lot of record prior to the completion of the Rezoning process.*

The applicant submitted a revised site plan with a slightly different arrangement of the building and parking lot. A portion of the existing dwelling on the site will be removed leaving 885 square feet of that structure, and the addition has been enlarged to be 2,800 square feet instead of the originally-proposed 2,400 square feet. The total combined square footage of 3,785 square feet would require 13 parking spaces, and that number is provided. A note on the site plan states that that refuse collection will be either by curbside pickup or commercial can service. Another note on the site plan states that the 10' residential buffer will be in compliance with Section 64-4.D.1.b. of the Zoning Ordinance.

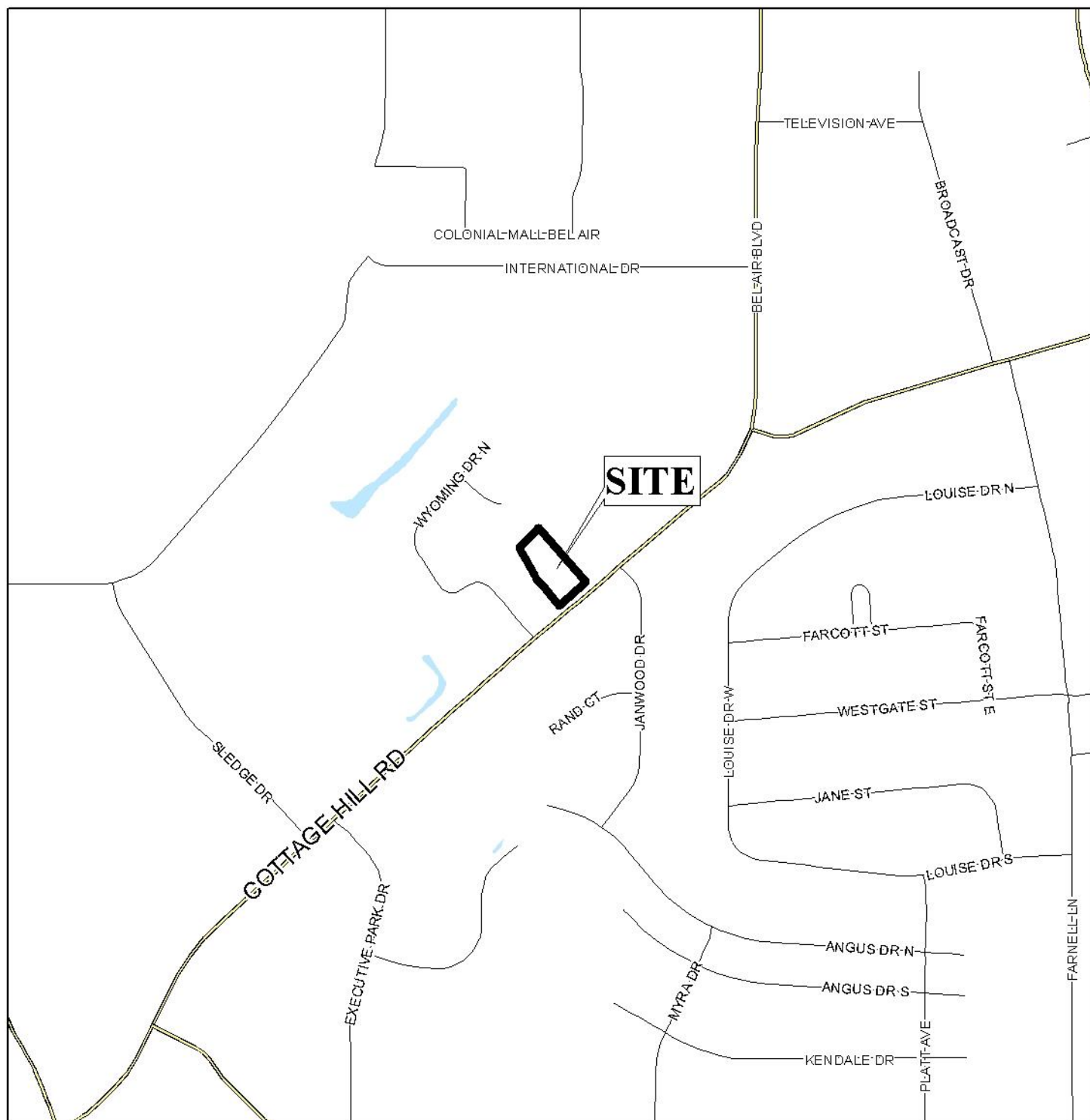
The applicant was not able to provide a pre-1952 legal description for the subject site. Therefore, if the Rezoning should be approved, it should be subject to the site being made a legal lot of record through the Subdivision process.

RECOMMENDATION

Based on the preceding, this application is recommended for approval, subject to the following conditions:

- 1) completion of the Subdivision process; and*
- 2) full compliance with all municipal codes and ordinances.*

LOCATOR MAP



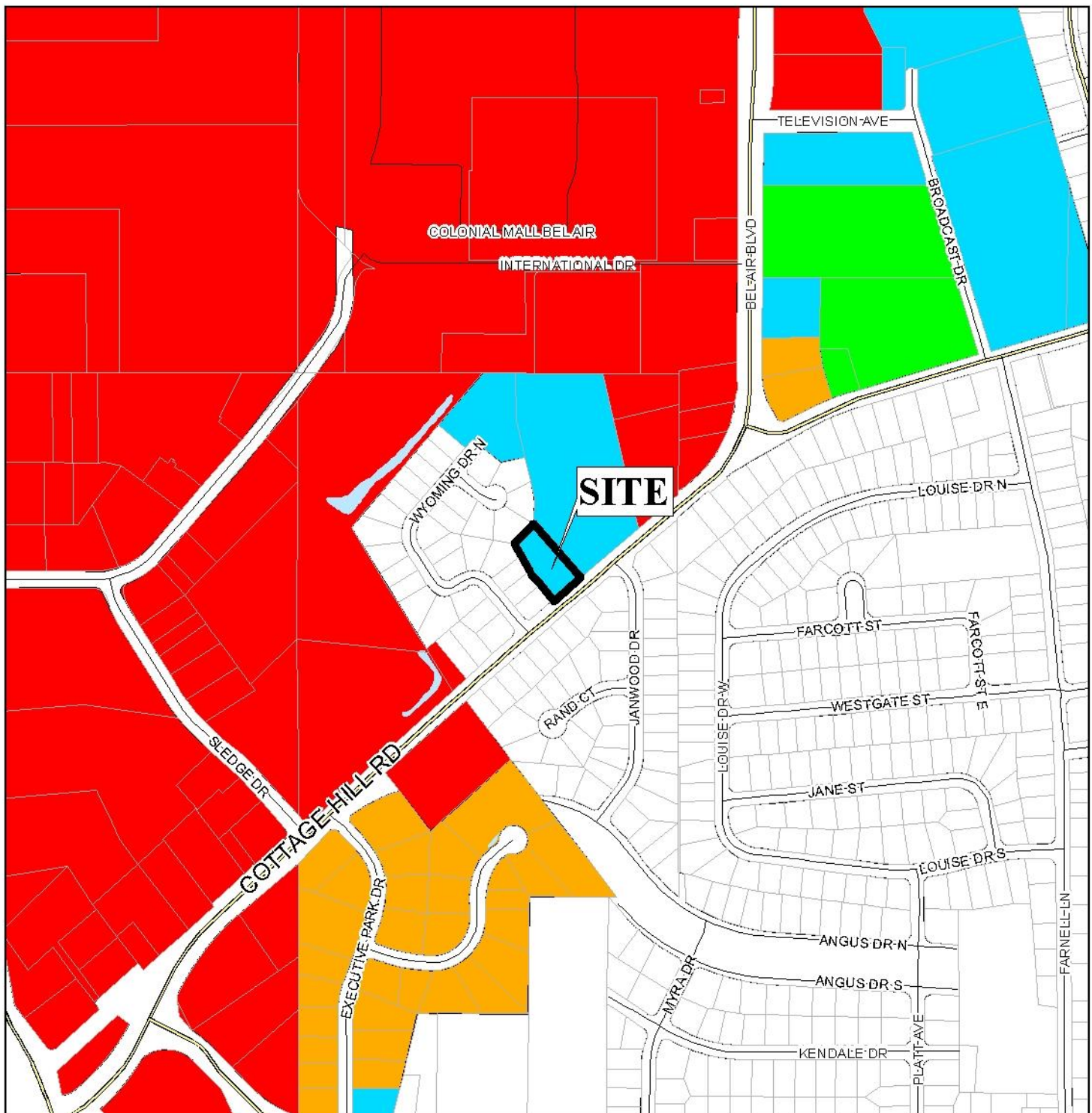
APPLICATION NUMBER 1 DATE June 18, 2020

APPLICANT Broussard's Pianos

REQUEST Rezoning from B-1 to B-2



LOCATOR ZONING MAP



APPLICATION NUMBER 1 DATE June 18, 2020

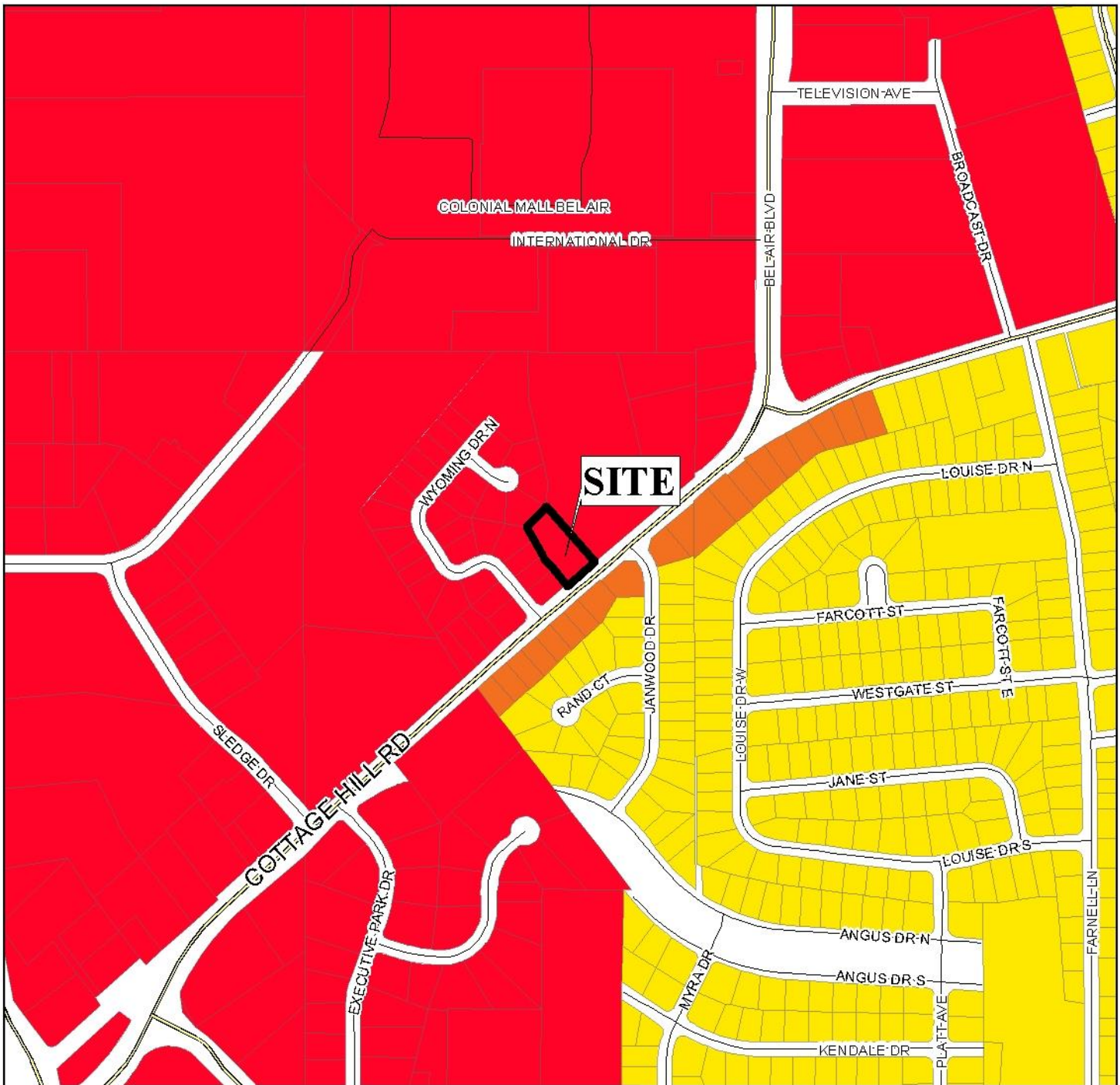
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REQUEST Rezoning from B-1 to B-2



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FLUM LOCATOR MAP



APPLICATION NUMBER 1 DATE June 18, 2020

APPLICANT Broussard's Pianos

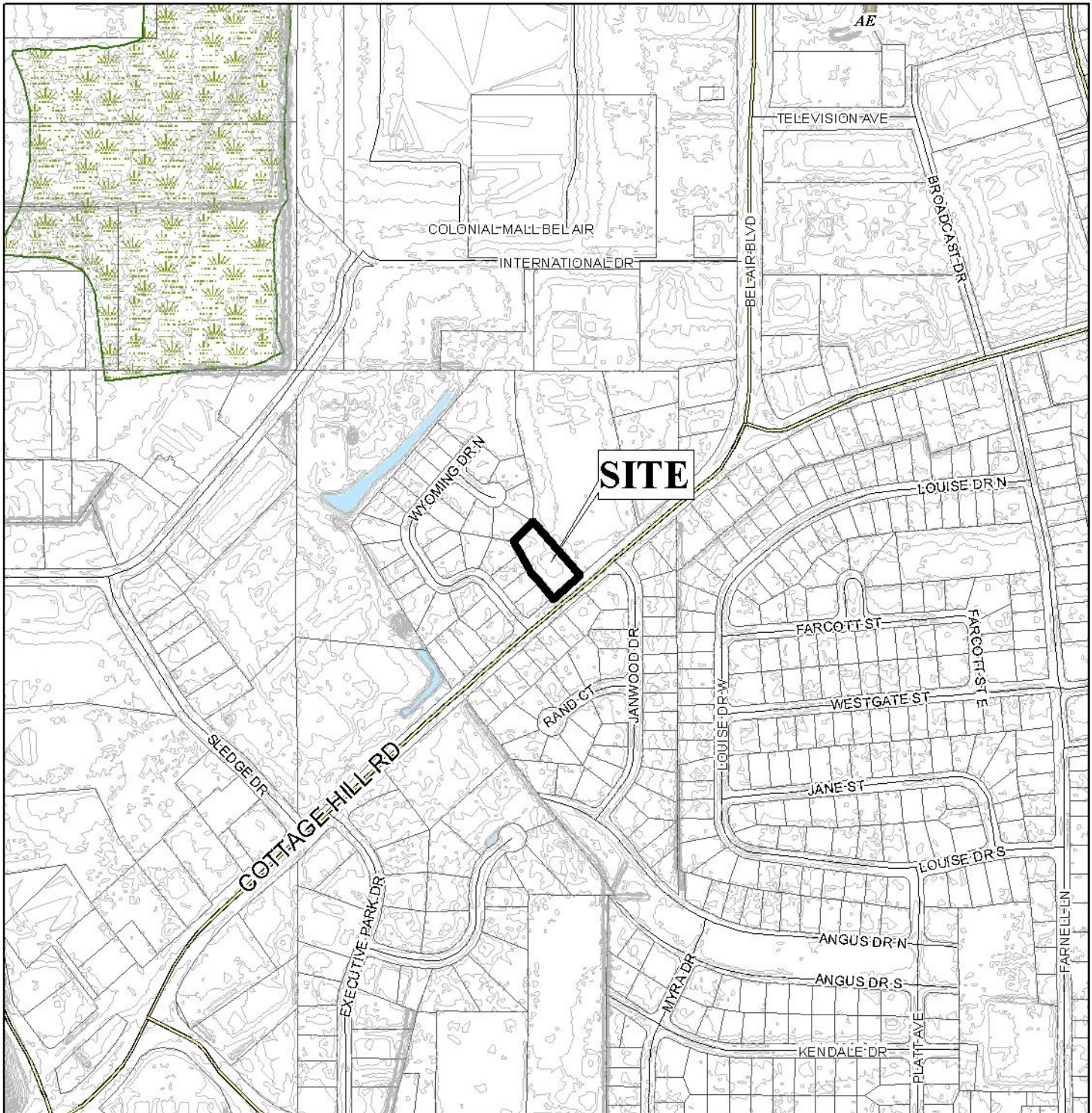
REQUEST Rezoning from B-1 to B-2

Low Density Residential	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
Mixed Density Residential	Neighborhood Center - Suburban	Light Industry	Water Dependent
Downtown	Traditional Corridor	Heavy Industry	
District Center	Mixed Commercial Corridor	Institutional	



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ENVIRONMENTAL LOCATOR MAP



APPLICATION NUMBER 1 DATE June 18, 2020

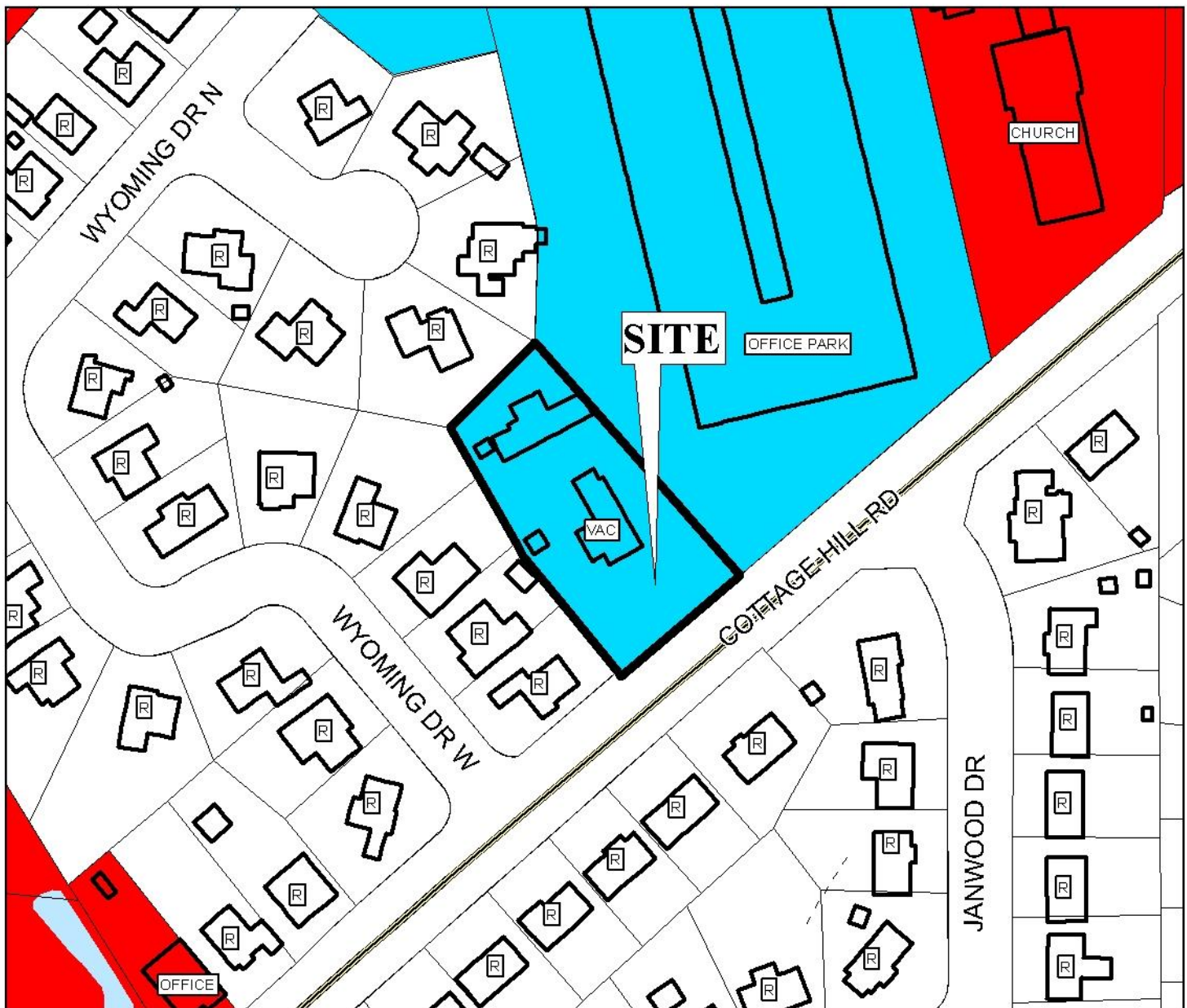
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REQUEST Rezoning from B-1 to B-2



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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units. An office park lies east of the site.

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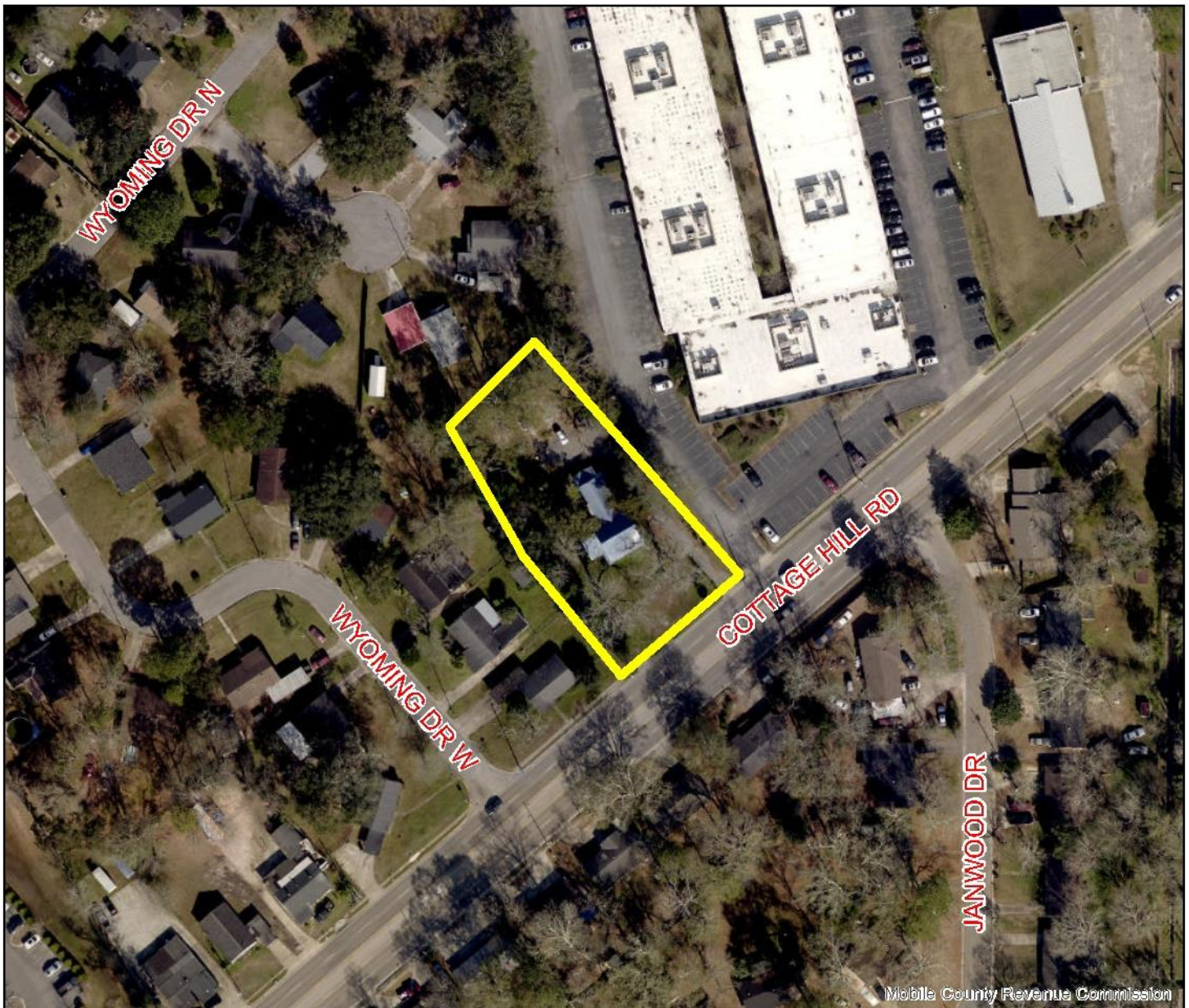
APPLICANT Broussard's Pianos

REQUEST Rezoning from B-1 to B-2

R-A	R-3	T-B	B-2	B-5	MUN	SD-WH	T5.1
R-1	R-B	B-1	B-3	I-1	OPEN	T3	T5.2
R-2	H-B	LB-2	B-4	I-2	SD	T4	T6



PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential units. An office park lies east of the site.

APPLICATION NUMBER 1 DATE June 18, 2020
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 REQUEST Rezoning from B-1 to B-2



SITE PLAN



The site plan illustrates the existing dwelling, proposed addition, proposed parking, setback, and landscape buffer.

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REQUEST Rezoning from B-1 to B-2



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