



Agenda Item # 2 - HOLDOVER

SUB-003240-2025 & ZON-UDC-003426-2025

View additional details on this proposal and all application materials using the following link:

[Applicant Materials for Consideration – Subdivision](#)

[Applicant Materials for Consideration – Rezoning](#)

DETAILS

Location:

7211 & 7221 Cottage Hill Road

Subdivision Name:

Star Light at Cottage Hill Subdivision

Applicant / Agent:

Shabbir Hossain / Vincent D. LaCoste, II, Bethel Engineering

Property Owner(s):

Star Signature Homes, LLC

Current Zoning:

R-1, Single-Family Residential Suburban District

Proposed Zoning:

R-3, Multi-Family Residential Suburban District

Future Land Use:

Mixed Commercial Corridor

Applicable Codes, Policies, and Plans:

- Unified Development Code
- Subdivision Regulations
- Map for Mobile Comprehensive Plan

Proposal:

- Subdivision approval to create two (2) legal lots of record.
- Rezoning from R-1 to R-3
 - Any use permitted in the proposed district would be allowed at this location if the zoning is approved. The Planning Commission may consider other zoning districts than the proposed sought by the applicant for this property.

Commission Considerations:

- Subdivision of two (2) lots; and
- Rezoning from R-1 to R-3.

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PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential and commercial units.

APPLICATION NUMBER	2	DATE	September 18, 2025
APPLICANT	Star Light at Cottage Hill Subdivision		
REQUEST	Subdivision, Rezoning from R-1 to R-3		

N



NTS

HOLDOVER COMMENTS

The applications were held over from the August 21st meeting, with revisions required to be submitted no later than Tuesday, September 2nd, in order to address the following:

1. Revise the plat to clearly depict the configuration of both proposed lots;
2. Revise the plat to clearly depict either the minimum existing right-of-way width or a dedicated 100-foot-wide right-of-way, which is greater, along Cottage Hill Road;
3. Revise the plat to include the area of the second lot in both square feet and acres;
4. If the applicant instead intends to create three (3) legal lots to correspond with the boundaries of the lease parcels, the applicant must submit a revised plat, new mailing labels, and additional fees for the third lot.

No additional information was provided by the applicant for staff's review. As a result, staff is unable to determine whether the proposed subdivision meets the minimum requirements of the Subdivision Regulations for lots served by public water and sanitary sewer in either an R-1 Suburban District or an R-3 Suburban District, as proposed via the rezoning application.

Sections 10.C.3. and 10.C.3.(a) of the Subdivision Regulations allow a subdivision application to be held over one (1) time, with any additional holdover requiring a new application and fees. Because the proposed subdivision would not create a split-zoning condition or other regulatory conflict, its approval is not dependent on the outcome of the rezoning request. The Planning Commission may take action on the subdivision independently, based on whether it meets the minimum requirements of the Subdivision Regulations.

Similarly, Article 5, Section 64-5-5.D.2.(b) of the Unified Development Code limits a rezoning application to one (1) holdover. Approval of the rezoning is not contingent upon subdivision approval, provided the legal description accurately identifies the property boundaries. The Planning Commission may act on each request independently, taking action on the rezoning and subdivision separately, as appropriate.

SUBDIVISION HOLDOVER CONSIDERATIONS

Standards of Review:

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.

Considerations:

The Subdivision request is under review for the following considerations:

1. Compliance with Section 5.A.2(e) of the Subdivision Regulations regarding the required lot information necessary to meet minimum subdivision plat standards.
2. Compliance with Section 6.B.9 of the Subdivision Regulations regarding the minimum existing right-of-way along Cottage Hill Road or dedication to provide a 100-foot-wide right-of-way, whichever is greater.

REZONING HOLDOVER CONSIDERATIONS

Standards of Review:

The Unified Development Code (UDC) in 64-5-5.E. states that Rezoning is intended to carry out the objective of a sound, stable and desirable development and that casual change or amendment would be detrimental to the achievement of that objective.

The UDC goes on to say that zoning changes should be consistent with the Comprehensive Plan. However, the Comprehensive Plan and Future Land Use Plan (FLUP) and Map (FLUM) are meant to serve as a general guide, not a detailed lot and district plan; they are not a legal mandate for development. The FLUP and FLUM allow the Planning Commission and City Council to consider individual cases based on several factors including: surrounding development, classification requested, timing of the request, and the appropriateness and compatibility of the proposed use the zoning classification.

The UDC states that an application for rezoning shall include a statement of the justification for the proposed amendment that addresses all of the following:

- A) Consistency. Whether the proposed amendment is consistent with the Comprehensive Plan;
- B) Mistake. For a Rezoning, whether there was a mistake or error in the original zoning map; and
- C) Compatibility. Whether the proposed amendment is compatible with:
 - (1) The current development trends, if any, in the vicinity of the subject property;
 - (2) Surrounding land uses;
 - (3) Would adversely impact neighboring properties; or
 - (4) Cause a loss in property values.
- D) Health, Safety and General Welfare. Whether the proposed amendment promotes the community's public health, safety, and general welfare;
- E) Capacity. Whether the infrastructure is in place to accommodate the proposed amendment; and
- F) Change. Whether changed or changing conditions in a particular area make an amendment necessary and desirable.
- G) Benefits Consideration. In addition, consideration should also be given to the City's and the larger community's best interests and the need, benefit, or public purpose of the proposed request.

The applicant's responses to address the above criteria are available in the link on page one (1).

Considerations:

If the Planning Commission considers approving the Rezoning request it should be subject to the following condition(s):

1. Full compliance with all municipal codes and ordinances.

SITE HISTORY

The site was officially annexed into the City of Mobile as part of the *Cottage Hill Corridor Annexation*, adopted by the City Council on May 9, 2023.

Historically, the property has been used for residential purposes, except for a telecommunications tower located on a leased parcel near the south and west property lines. The telecommunications tower was constructed prior

to annexation and may be considered non-conforming, subject to the applicable provisions of Article 6 of the Unified Development Code (UDC).

There are no Planning Commission or Board of Zoning Adjustment cases associated with the site.

STAFF COMMENTS

Engineering Comments:

Subdivision:

FINAL PLAT COMMENTS (should be addressed prior to submitting the FINAL PLAT for review):

- A. Provide all of the required information on the SUBDIVISION PLAT (i.e. signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings and distances) that is required by the current Alabama State Board of Licensure for Professional Engineers and Land Surveyors.
- B. Show and label LOT 2.
- C. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo LOTS 1 and 2 will receive historical credit of existing (1984) impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control) as follows: LOT 1 – 6,000 SF AND LOT 2 – NONE.
- D. Add a note that a Land Disturbance permit will be required for any land disturbing activity in accordance 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.
- E. Add a note that 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.
- F. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of new development or construction, unless a sidewalk waiver is approved.
- G. Add a note that all existing and proposed detention facilities, common areas, and wetlands shall be the responsibility of the Property Owner(s), and not the responsibility of the City of Mobile.
- H. Add a note that all easements shall remain in effect until vacated through the proper Vacation process.
- I. Email a pdf copy of the FINAL SUBDIVISION PLAT and LETTER OF DECISION to the Permitting Engineering Dept. for review at land.disturbance@cityofmobile.org prior to obtaining any signatures. No signatures are required on the drawing.

Rezoning:

No comments.

Traffic Engineering Comments:

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Any required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Article 3, Section 64-3-12 of the City's Unified Development Code.

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 [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p.

1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.

Fire Department Comments:

All projects located within the City Limits of Mobile shall comply with the provisions of the City of Mobile Fire Code Ordinance, which adopts the 2021 edition of the *International Fire Code (IFC)*.

Fire apparatus access roads shall be provided to within 150 feet of all non-sprinklered commercial buildings and within 300 feet of all sprinklered commercial buildings, as measured along an approved route around the exterior of the facility.

An approved fire water supply capable of meeting the requirements set forth in *Appendices B and C* of the 2021 IFC shall be provided for all commercial buildings.

Fire hydrant placement shall comply with the following minimum standards:

- Within 400 feet of non-sprinklered commercial buildings
- Within 600 feet of sprinklered commercial buildings
- Within 100 feet of fire department connections (FDCs) serving standpipe or sprinkler systems

Although the *International Residential Code (IRC)* functions as a stand-alone document for the construction of one- and two-family dwellings and townhouses, it does not govern the design or layout of emergency access or community-level fire protection infrastructure. Therefore, residential developments must also comply with the applicable requirements of the *International Fire Code*, including, but not limited to, those listed above concerning the design, construction, regulation, and maintenance of fire apparatus access roads and fire protection water supplies.

Planning Comments:

Subdivision

The purpose of this application is to create two (2) legal lots of record from two (2) existing metes-and-bounds parcels. The site is served by public water and sanitary sewer.

The preliminary plat illustrates a single proposed lot, labeled Lot 1, and two (2) lease parcels, each of which exceeds 3,000 square feet in area and are developed with a telecommunications tower and associated equipment. Under current regulations, any parcel 3,000 square feet or more must be established as a legal lot of record. Although the lease parcels existed in their current configuration prior to annexation, the concurrent Rezoning application reflects an intent to redevelop the property, thereby triggering the requirement for full compliance with current regulations, including the Subdivision Regulations.

As the Subdivision request is for two (2) legal lots, the plat must be revised to clearly depict the configuration of both proposed lots, as staff cannot infer the intent of their design from the application materials provided.

If the applicant instead intends to create three (3) legal lots—to correspond with the boundaries of the lease parcels—then the application will need to be held over. In that case, the applicant must submit a revised plat, new mailing labels, and additional fees for the third lot before the application may proceed.

The site fronts Cottage Hill Road, classified as a Minor Arterial Street, which requires a 100-foot-wide right-of-way at this location. Although the preliminary plat reflects a varying right-of-way width, internal mapping data and parcel records suggest that sufficient right-of-way exists. Therefore, if approved, the plat must be revised to clearly depict either the minimum existing right-of-way width or a dedicated 100-foot-wide right-of-way, whichever is greater.

The two (2) lease areas, regardless of their final configuration, do not have frontage on a public street. Per Section 6.C.4. of the Subdivision Regulations, all lots outside of a private street subdivision must abut a dedicated and maintained public street. However, Article 3, Section 64-3-2.A. of the Unified Development Code (UDC) allows for access via a recorded, dedicated easement or other legal instrument.

A 23-foot-wide access and utilities easement is illustrated on the preliminary plat, providing access to both lease areas via a driveway through the proposed development. Given that traffic generated by telecommunications towers is generally limited to periodic maintenance, this configuration may be sufficient. Nonetheless, a waiver of Section 6.C.4. will be required for approval of the subdivision as proposed.

Proposed Lot 1 exceeds the minimum area requirements for lots served by public water and sewer in both the R-1 Suburban (7,200 sq. ft.) and R-3 Suburban (10,000 sq. ft.) zoning classifications. The plat appropriately labels this lot's area in both square feet and acres, as required by Section 5.A.2(e)(4) of the Subdivision Regulations. This information must be retained on the Final Plat, adjusted as needed for any required dedication.

No information is provided for the second proposed lot, preventing staff from verifying whether it meets the minimum size requirements of the UDC. The revised plat must, therefore, include the area of the second lot in both square feet and acres.

The 25-foot minimum front yard setback is shown along Cottage Hill Road, in compliance with Section 6.C.8. of the Subdivision Regulations and Article 2, Sections 64-2-5.E. (for R-1 Suburban districts) and 64-2-7.E. (for R-3 Suburban districts) of the UDC. This setback should be retained on the Final Plat, with adjustments for any required dedication.

Since the lease parcels do not front a public street, no front yard setback is required. Therefore, a waiver of Section 6.C.8. may be granted; however, this waiver should be limited to any proposed lot(s) lacking street frontage. The lease parcels will remain subject to the side and rear yard setback requirements outlined in Article 2 of the UDC for the applicable zoning districts.

As mentioned, an access and utilities easement is depicted on the preliminary plat. If approved, a note should be placed on the Final Plat stating no structures shall be constructed in any easement without permission of the easement holder.

Additionally, two existing easements are shown: a 30-foot-wide access easement along the west property line and a 20-foot-wide access easement near the east property line. Both easements are proposed to be vacated in favor of the newly illustrated access and utilities easements.

Rezoning

The applicant is requesting to rezone the lots resulting from the proposed subdivision from R-1, Single-Family Residential Suburban District, to R-3, Multi-Family Residential Suburban District, to facilitate redevelopment of the property for multi-family residential use. According to the applicant, the proposal will allow for the

construction of residential duplex houses, which is intended to promote a diverse mix of housing types to better accommodate the varied needs of prospective residents.

Additional details and the full application may be viewed using the link provided on Page 1 of this report.

The subject site is bordered by properties zoned R-1 to the east, south, and west, which are generally developed with single-family residential housing. To the north, properties are zoned B-3, Community Business Suburban District, supporting a mix of commercial uses.

The land use along this segment of Cottage Hill Road includes a mix of single-family residences, religious institutions, warehousing, general retail, and office uses. However, the predominant land use in the immediate vicinity remains single-family residential.

The Unified Development Code (UDC) and its associated zoning map are based on long-range comprehensive planning studies and serve to guide orderly and desirable development. Casual or unsupported amendments to the UDC can undermine this goal. Therefore, rezoning requests are evaluated based on the following criteria:

- Consistency with the Comprehensive Plan
- Existence of a mistake or error in the original zoning map
- Compatibility with the surrounding neighborhood
- Promotion of public health, safety, and welfare
- Capacity of infrastructure to support the proposed zoning
- Presence of changed or changing conditions justifying the amendment

In this case, no justification was submitted by the applicant addressing these criteria.

According to the Future Land Use Map, the site lies within a mixed-commercial corridor. While the Future Land Use Plan primarily envisions commercial and office uses, it acknowledges that multi-family residential uses may be appropriate as a secondary use. Given the mixed-use nature of the corridor—despite its predominantly residential character—the proposal may merit consideration. However, without supporting analysis from the applicant, the request lacks documentation of how it meets the above criteria.

If approved, R-3 zoning would permit a more intense residential use of the property by right, beyond the applicant's conceptual plan (which shows eight duplex structures, totaling 16 dwelling units). Approval of the rezoning would not limit development to this specific layout or intensity. Therefore, the Planning Commission must consider whether the rezoning is appropriate in light of:

- The character of surrounding development
- The compatibility of multi-family housing along this specific segment of Cottage Hill Road
- The lack of formal justification based on UDC criteria
- The potential impacts—positive or negative—on the existing neighborhood

While the site's location along a designated corridor and adjacent to B-3 zoning could support a transition in land use intensity, approval should be based on a clear determination that the request aligns with both the intent of the Comprehensive Plan and the UDC's rezoning criteria.

SUBDIVISION CONSIDERATIONS

Standards of Review:

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.

Considerations:

The Planning Commission should consider a holdover of the request until the September 18, 2025, meeting, with revisions submitted no later than Tuesday, September 2nd, to allow the applicant to address the following:

1. Revise the plat to clearly depict the configuration of both proposed lots;
2. Revise the plat to clearly depict either the minimum existing right-of-way width or a dedicated 100-foot-wide right-of-way, which is greater, along Cottage Hill Road;
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- D) Health, Safety and General Welfare. Whether the proposed amendment promotes the community's public health, safety, and general welfare;

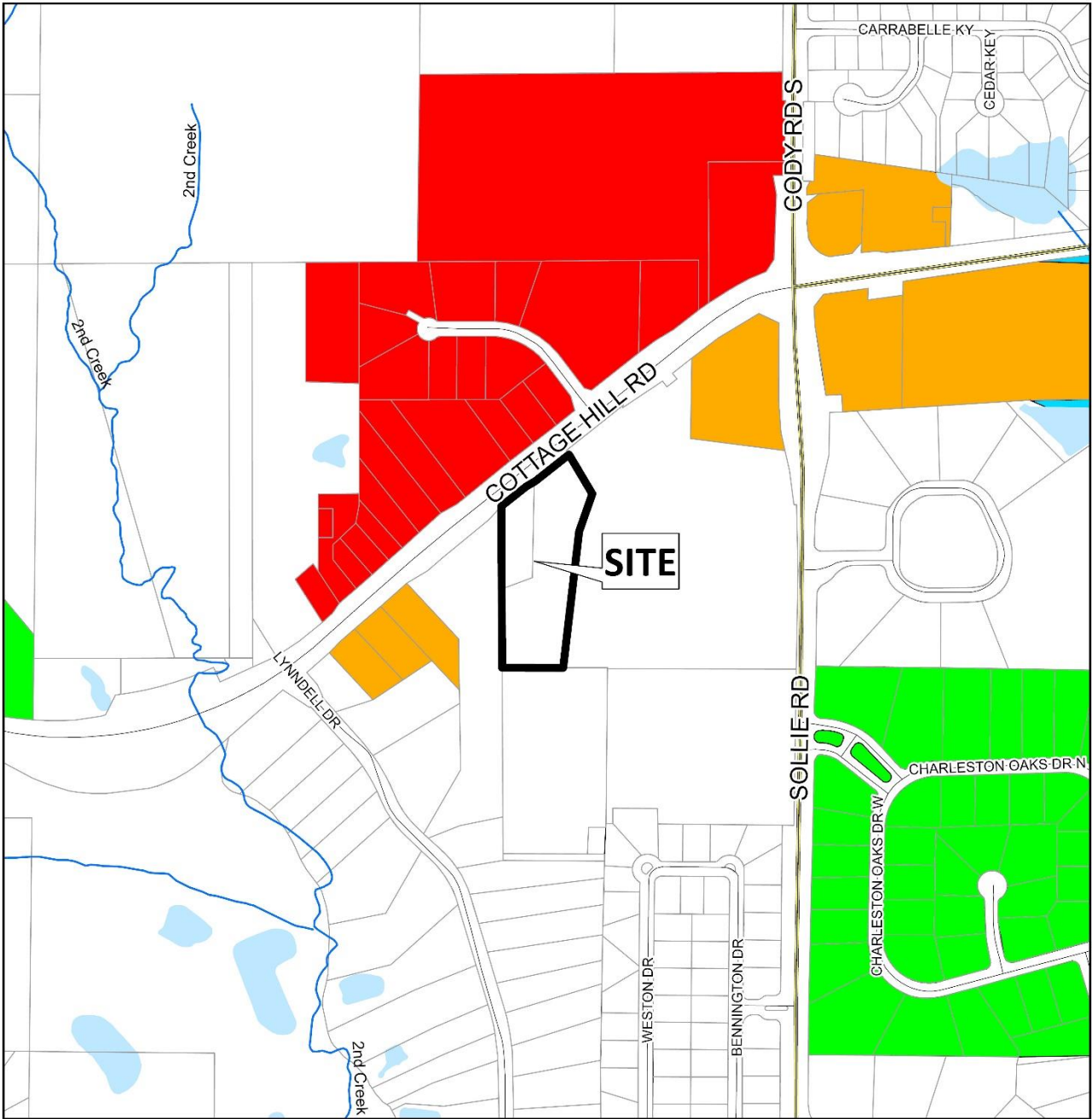
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- G) Benefits Consideration. In addition, consideration should also be given to the City's and the larger community's best interests and the need, benefit, or public purpose of the proposed request.

The applicant's responses to address the above criteria are available in the link on page one (1).

Considerations:

The Planning Commission should consider a holdover of the request until the September 18, 2025, meeting to allow concurrent consideration with the accompanying subdivision application.

LOCATOR ZONING MAP



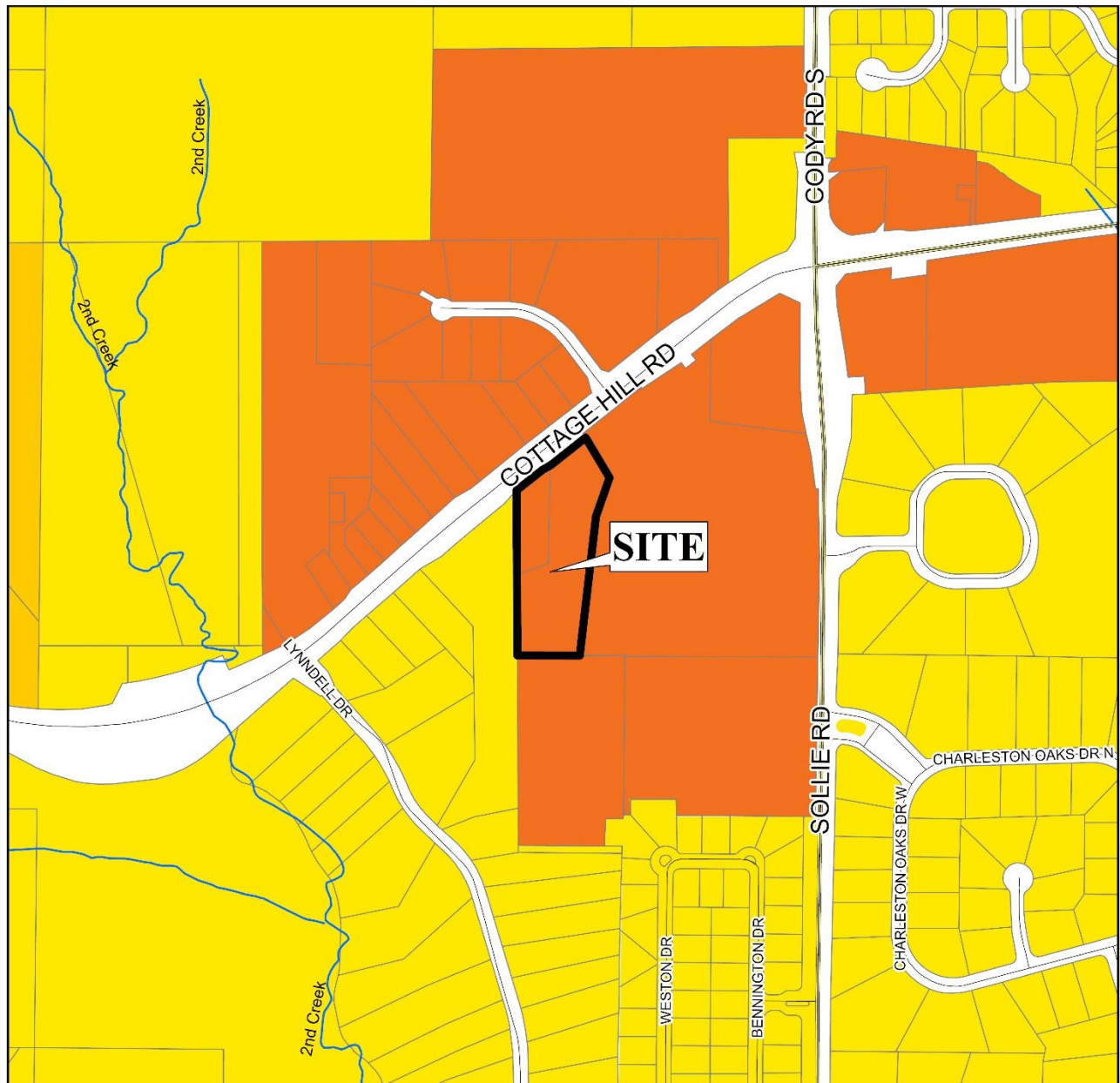
APPLICATION NUMBER 2 DATE September 18, 2025

APPLICANT Star Light at Cottage Hill Subdivision

REQUEST Subdivision, Rezoning from R-1 to R-3



FLUM LOCATOR MAP



APPLICATION NUMBER 2 DATE September 18, 2025

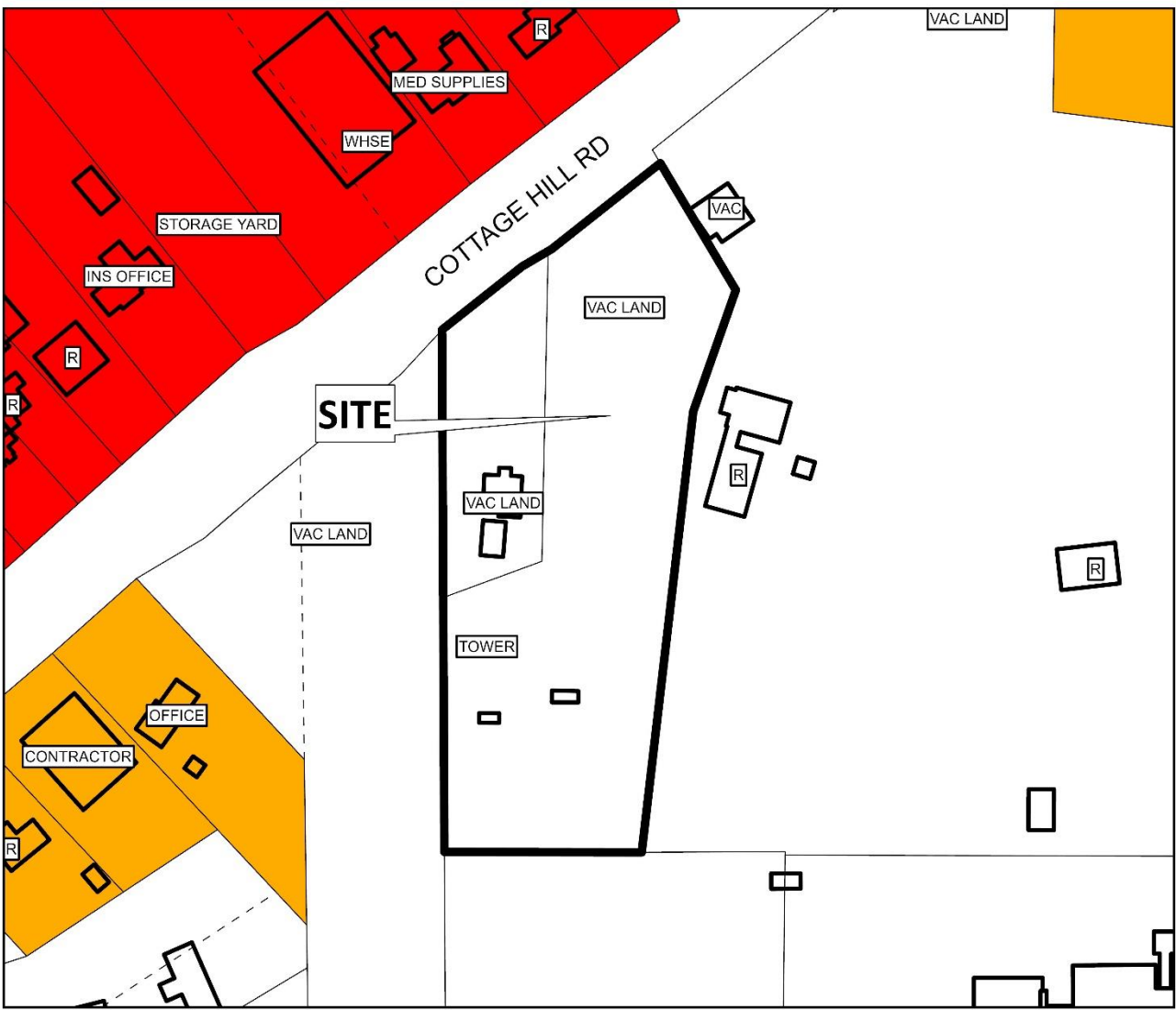
APPLICANT Star Light at Cottage Hill Subdivision

REQUEST Subdivision, Rezoning from R-1 to R-3

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



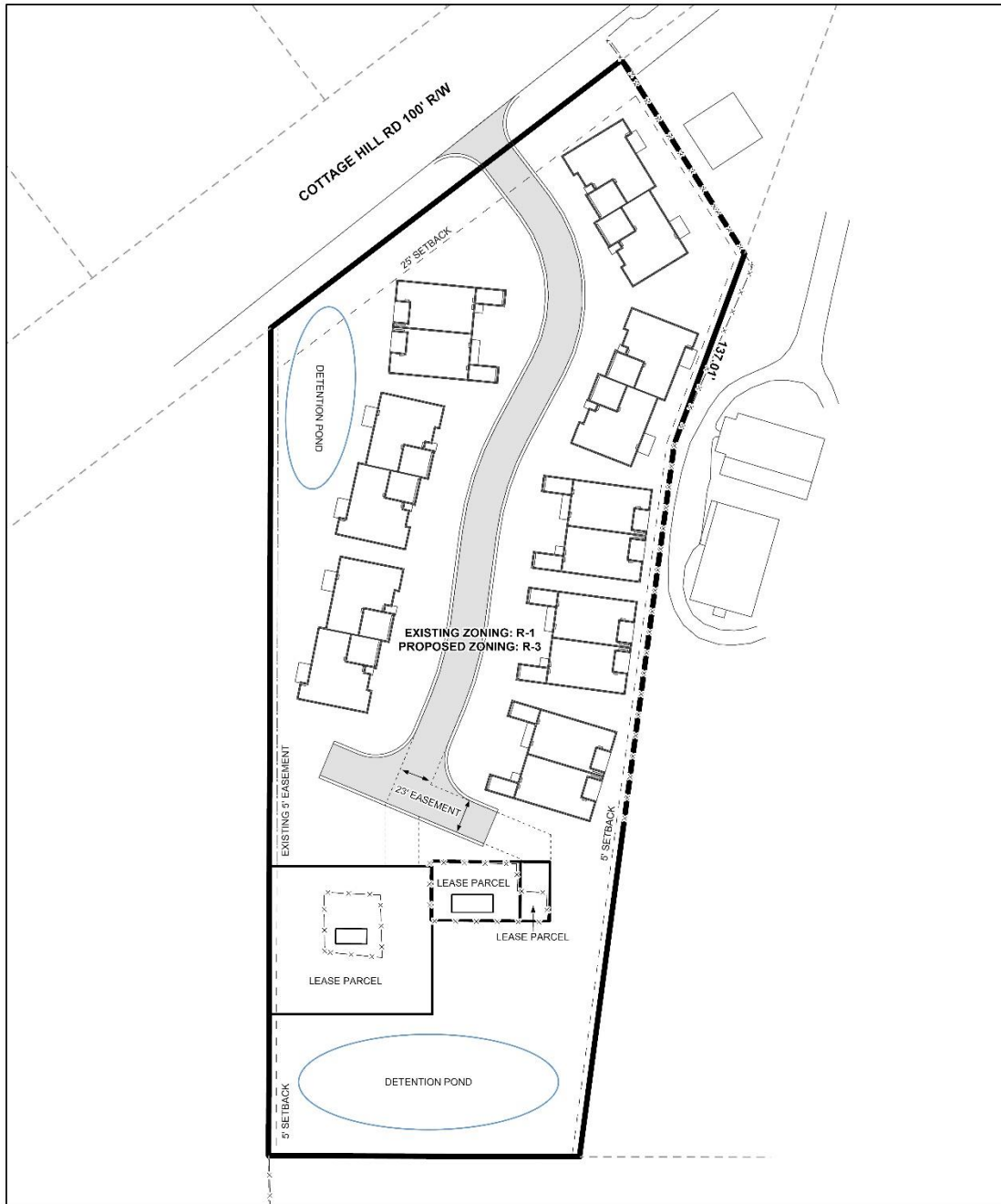
PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential and commercial units.

APPLICATION NUMBER <u>2</u> DATE <u>September 18, 2025</u>																																
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<table border="0"> <tr> <td> R-A</td> <td> R-3</td> <td> B-1</td> <td> B-2</td> <td> B-5</td> <td> ML</td> <td> I-2</td> <td> OPEN</td> <td> T-3</td> <td> T-5.2</td> </tr> <tr> <td> R-1</td> <td> R-B</td> <td> T-B</td> <td> B-3</td> <td> CW</td> <td> MH</td> <td> PD</td> <td> SD</td> <td> T-4</td> <td> T-6</td> </tr> <tr> <td> R-2</td> <td> H-B</td> <td> LB-2</td> <td> B-4</td> <td> MM</td> <td> I-1</td> <td> MUN</td> <td> SD-WH</td> <td> T-5.1</td> <td></td> </tr> </table>			R-A	R-3	B-1	B-2	B-5	ML	I-2	OPEN	T-3	T-5.2	R-1	R-B	T-B	B-3	CW	MH	PD	SD	T-4	T-6	R-2	H-B	LB-2	B-4	MM	I-1	MUN	SD-WH	T-5.1	
R-A	R-3	B-1	B-2	B-5	ML	I-2	OPEN	T-3	T-5.2																							
R-1	R-B	T-B	B-3	CW	MH	PD	SD	T-4	T-6																							
R-2	H-B	LB-2	B-4	MM	I-1	MUN	SD-WH	T-5.1																								

SITE PLAN



The site plan illustrates proposed buildings, setbacks, easements, and drives.

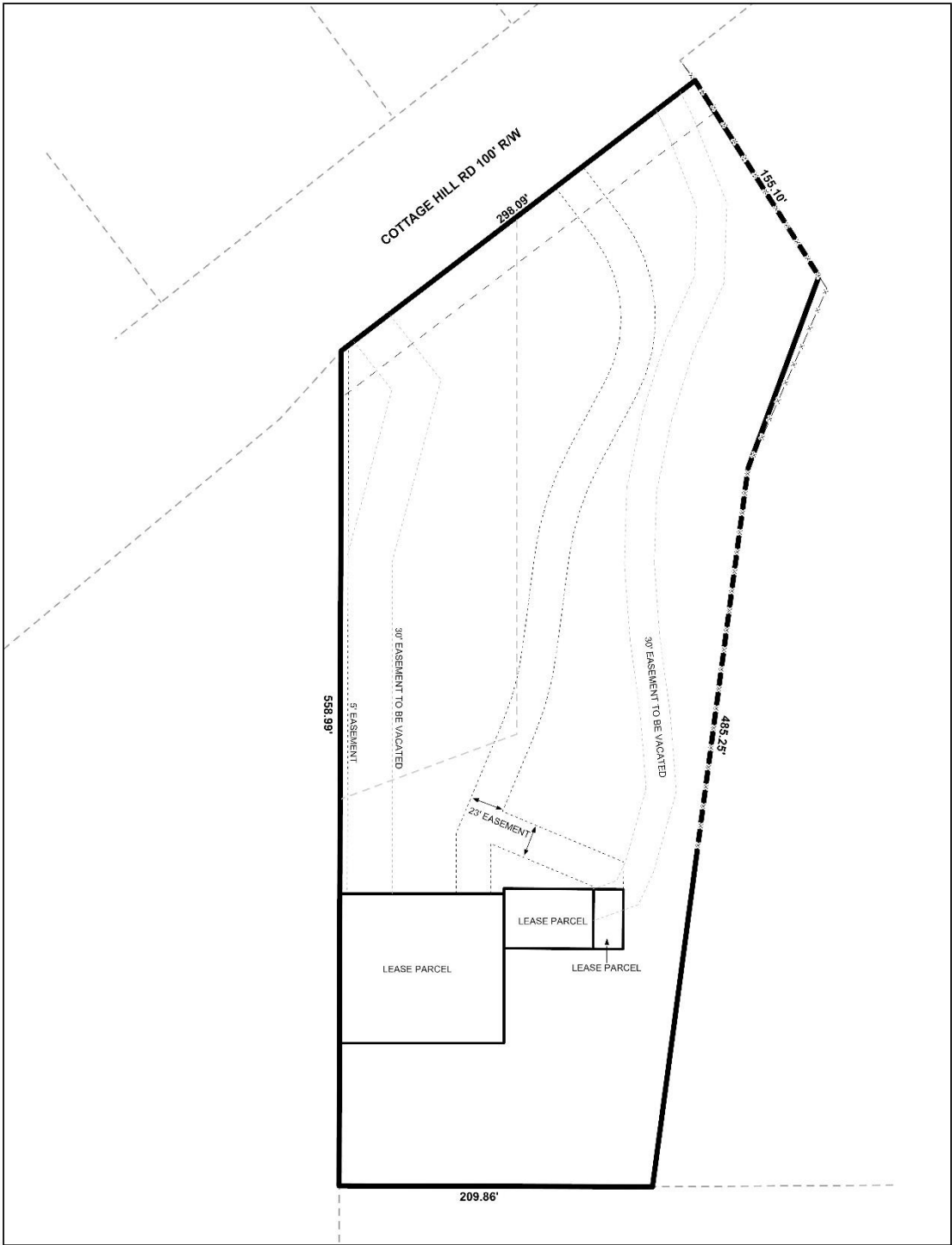
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REQUEST Subdivision, Rezoning from R-1 to R-3

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DETAIL SITE PLAN



APPLICATION NUMBER 2 DATE September 18, 2025
 APPLICANT Star Light at Cottage Hill Subdivision
 REQUEST Subdivision, Rezoning from R-1 to R-3



ZONING DISTRICT CORRESPONDENCE MATRIX			LOW DENSITY RESIDENTIAL (LDR)	MIXED DENSITY RESIDENTIAL (MXDR)	DOWNTOWN (DT)	DISTRICT CENTER (DC)	NEIGHBORHOOD CENTER - TRADITIONAL (NC-T)	NEIGHBORHOOD CENTER - SUBURBAN (NC-S)	TRADITIONAL CORRIDOR (TC)	MIXED COMMERCIAL CORRIDOR (MCC)	LIGHT INDUSTRIAL (LI)	HEAVY INDUSTRY (HI)	INSTITUTIONAL LAND USE (INS)	PARKS & OPEN SPACE (POS)	DOWNTOWN WATERFRONT (DW)	WATER DEPENDENT USES (WDWU)
RESIDENTIAL - AG	R-A															
ONE-FAMILY RESIDENCE	R-1	■					■		■					□		
TWO-FAMILY RESIDENCE	R-2	■					■		■					□	○	
MULTIPLE-FAMILY	R-3	○	■				■	■						□	○	
RESIDENTIAL-BUSINESS	R-B		○				■		■					□	○	
TRANSITIONAL-BUSINESS	T-B		○		■		■	■	■					□		
HISTORIC BUSINESS	H-B			■			■		■					□		
VILLAGE CENTER	TCD						■	■						□		
NEIGH. CENTER	TCD						■	■						□		
NEIGH. GENERAL	TCD						■							□		
DOWNTOWN DEV. DDD	T-6			■										□		
DOWNTOWN DEV. DDD	T-5.1			■			■		□					□		
DOWNTOWN DEV. DDD	T-5.2			■			■							□		
DOWNTOWN DEV. DDD	T-4			■			■		□					□		
DOWNTOWN DEV. DDD	T-3			■			■							□		
DOWNTOWN DEV. DDD	SD-WH										○	○		□		
DOWNTOWN DEV. DD	SD	○	○	○	○	○	○	○	○		○	○		□		
BUFFER BUSINESS	B-1		□				□	■	■	■				□	○	
NEIGH. BUSINESS	B-2		○				□	■	■	■				□	○	
LIMITED BUSINESS	LB-2		○				□	■	■	■				□	○	
COMMUNITY BUSINESS	B-3				■					■			○	□	○	
GEN. BUSINESS	B-4			■						■			○	□	○	
OFFICE-DISTRIBUTION	B-5									■	■			□	□	
LIGHT INDUSTRY	I-1										■			□	□	□
HEAVY INDUSTRY	I-2											■		□		□

Zoning District Correspondence Matrix

- Directly Related
- Elements of the zoning category are related to the future LU category, but with qualifications (such as a development plan with conditions)
- Land use category is appropriate, but the district does not directly implement the category (e.g., open space in an industrial district)

MIXED COMMERCIAL CORRIDOR (MCC)

This land use designation mostly applies to transportation corridors west of I-65 serving primarily the low-density (suburban) residential neighborhoods. MCC includes a wide variety of retail, services and entertainment uses.

This designation acknowledges existing commercial development that is spread along Mobile's transportation corridors in a conventional strip pattern or concentrated into shorter segments of a corridor.

Over time, new development and redevelopment in Mixed Commercial Corridors is encouraged to raise design quality, improve connectivity to surrounding neighborhoods; improved streetscapes; and improve mobility and accessibility for all users of the corridor.