

**ZONING AMENDMENT,  
PLANNING APPROVAL &  
SUBDIVISION STAFF REPORT****Date: October 4, 2007****NAME**

Cindy Carter

**SUBDIVISION NAME**Cottage Hill Gardens Subdivision, Resubdivision of Lots  
11 & 12**LOCATION**631 and 633 Azalea Road  
(North side of Azalea Road, 290'± West of Village Green  
Drive)**CITY COUNCIL  
DISTRICT**

District 5

**PRESENT ZONING**

R-1, Single-Family Residential District

**PROPOSED ZONING**

B-1, Buffer Business &amp; B-2, Neighborhood Business

**AREA OF PROPERTY**

2 Lots / 3.0 ± Acres

**CONTEMPLATED USE**

Subdivision approval to shift an interior lot line of two (2) existing lots of record, Rezoning from R-1, Single-Family Residential District, to B-2, Neighborhood Business District, to allow a dog day care facility and retail sales, Rezoning from R-1, Single-Family Residential District, to B-1, Buffer Business, to allow offices, and Planning Approval to allow a dog day care facility with outside runs in a B-2, Neighborhood Business district.

**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.**

**TIME SCHEDULE**

Immediately after approvals.

**ENGINEERING  
COMMENTS**

Detention required for greater than 4000 square feet of impervious area. No storm water can be concentrated on adjacent property without release agreement. 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 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**

All projects must comply with the requirements of the 2003 International Fire Code, including Appendices B through D, with local amendments, and the 2003 International Existing Building Code, as appropriate.

### **REMARKS**

The applicant is requesting Subdivision approval to shift an interior lot line of two existing (2) lots, Rezoning from R-1, Single-Family Residential District, to B-2, Neighborhood Business District, to allow a dog day care facility and retail sales, Rezoning from R-1, Single-Family Residential District, to B-1, Buffer Business, to allow offices, and Planning Approval to allow a dog day care facility with outside runs in a B-2, Neighborhood Business district. Planning Approval is required for the proposed use in a B-2 district.

The applicant proposes to redevelop the site, and such development will have to complete the Subdivision, Planning Approval and Rezoning processes. The proposed Lot A will be used to operate a dog day care facility with a small retail shop for pet supplies. The changes to the site will include the construction of a 3,200 square foot building providing 600 square feet of retail space and the remainder to provide sitting area for the dogs. As stated in the narrative from the applicant, "the dogs will be kept inside except for short periods for exercising within a fenced enclosure". The applicant states that the site will have no fenced dog runs or areas where the dogs are left outside without supervision.

The site is currently a single-family dwelling, and is bounded to the West by an undeveloped B-1, Buffer Business property, to the North and East by existing apartments in an R-3, Multi-Family Residential District and to the South across Azalea Road by a mixture of offices in a B-1, district a residence in an R-1 district. The uses to the South are separated from the site by Azalea Road, a major street, with a required right-of-way of 100-feet.

It should be noted that the site immediately to the West was successfully rezoned from R-1; Single-Family Residential to B-1, Buffer Business to allow a Photography Studio in 2002, and the Commission approved the rezoning to B-1, Buffer Business and was adopted by the City Council.

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.

Section 64-3.A.5.a. of the Zoning Ordinance recommends that new B-1 and B-2 zoning districts be a minimum of 2 acres. The site under consideration as proposed B-2 meets the requirements at just over two acres; however, the proposed B-1, falls short of the recommended minimum area.

The review required for Planning Approval examines the applicant's location and site plan with regard to transportation, parking and access, public utilities and facilities, traffic congestion and hazard, and to determine if the proposal is in harmony with the orderly and appropriate development of the district.

It should be noted that the Planning Approval is site plan specific, thus any changes to the site plan must be approved by the Planning Commission. Thus any proposed expansion of the use in the future must come through the Planning Commission review process again to once again obtain Planning Approval.

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.

The site is depicted as commercial on the General Land Use Component of the Comprehensive Plan, which is meant to serve as a general guide, not a detailed lot and district plan or mandate for development. Moreover, the General Land Use Component 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 zoning classification.

As the site is submitted and proposed for commercial zoning, and as the General Land Use Component of the Comprehensive Plan indicates that the site would be appropriate for a commercial use, the proposed rezoning from a residential to commercial may be appropriate. It should be pointed out that all adjacent properties would not benefit from rezoning of the property to B-2. Therefore, the applicant should consider rezoning the entire site to B-1, Buffer Business to create a more harmonious development with the current surrounding development.

Regarding the specific use of the site as a dog day care facility, the applicant is proposing that the more noise intensive use (primarily barking dogs) be located on the Northern portion of the site, about as near as possible from existing multi-family residences located on the North and East side of the site.

The site fronts Azalea Road, a planned major street with variable right-of-way as illustrated on the preliminary plat. As Azalea Road is a planned major street requiring a 100-foot right-of-way, the dedication of sufficient right-of-way to provide 50-feet from the centerline of Azalea Road should be required. As a means of access management, the placement of a note on the final plat stating that the development should share a common curb cut, due to the location of the new curb cut to Lot A, should be required..

The Zoning and Planning Approval site plans provided for the current applications depict several buildings on each proposed lot. Therefore, the submission of a Planned Unit Development (PUD) application would be required to allow multiple building on a single building lot.

There is no indication on the site plan as to the proposed location of any dumpster or other waste storage facility. If the applicant utilizes a dumpster, the location of the storage area for the dumpster must be indicated on the site plan, and the location and required screening must comply Section 64-4.D.9. of the Zoning Ordinance, as well as with all other applicable regulations.

There is no indication of storm water detention facilities on the site plan, but such facilities will likely be required. The site plan should depict the general location of these facilities.

A sidewalk along Azalea Road will be required as part of the development, if approved. The site plan should be revised to show the sidewalk.

The site will have adequate area to meet the minimum requirements for landscape area, as required by the Zoning Ordinance. The site plan does not, however, show specific compliance with the tree requirements of the Ordinance.

Finally, the approved Subdivision plat must be recorded prior to completion of the Zoning process.

### **RECOMMENDATION**

**Rezoning:** Based upon the preceding, the rezoning request from R-1, Single-Family Residential to B-2, Neighborhood Business is recommended for Denial, for the following reasons:

- 1) the site area falls below the minimum area recommended by Section 64-3.A.5.a. of the Zoning Ordinance; and
- 2) the changing conditions are not sufficient to warrant B-2 development within an existing R-1 Single-Family district.

**Rezoning:** Based upon the preceding, the rezoning request from R-1, Single-Family Residential to B-1, Buffer Business is recommended for Approval, subject to the following conditions:

- 1) completion of the Subdivision process;
- 2) the development is limited to one curb-cut for each lot onto Azalea Road, with the size, design and location to be approved by Traffic Engineering, and conform to AASHTO standards;
- 3) full compliance with the tree and landscaping requirements of Section 64-4.E. of the Zoning Ordinance;
- 4) submission and approval of a Planned Unit Development application; and
- 5) full compliance with all other municipal codes and ordinances.

**Planning Approval:** The Planning Approval request is recommended for Denial based upon the denial of the rezoning request.

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

- 1) the dedication of sufficient right-of-way to provide a minimum of 50-feet from the centerline of Azalea Road;
- 2) placement of a note on the plat stating that the site is limited to two curb cuts to Azalea Road, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards; and
- 3) full compliance with all other municipal codes and ordinances.

***Revised for the October 4<sup>th</sup> meeting:***

*At the September 6<sup>th</sup> Commission meeting it was decided to holdover these applications to allow the staff time to develop conditions of approval.*

**RECOMMENDATION**

**Subdivision:** *With a waiver of Section V.D.3 of the Subdivision Regulations, the plat meets the minimum requirements of the Subdivision Regulations and is recommended for Tentative Approval subject to the following conditions:*

- 1) dedication of sufficient right-of-way to provide a minimum of 50-feet from centerline of Azalea Road;*
- 2) placement of a note on the Final Plat limiting Lot A and B to one curb cut each, with any improvements to be approved by Traffic Engineering and conform to AASHTO standards; and*
- 3) the submission of an Administrative PUD for each lot to allow multiple building on a single building site,*

**Planning Approval:** *As revised, the Planning Approval request is recommended for Approval, subject to the following conditions:*

- 1) submission of a revised site plan depicting compliance with the tree and landscaping requirements of Section 64-4.E. of the Zoning Ordinance;*
- 2) completion of the Subdivision process; and*

3) *full compliance with all municipal codes and ordinances.*

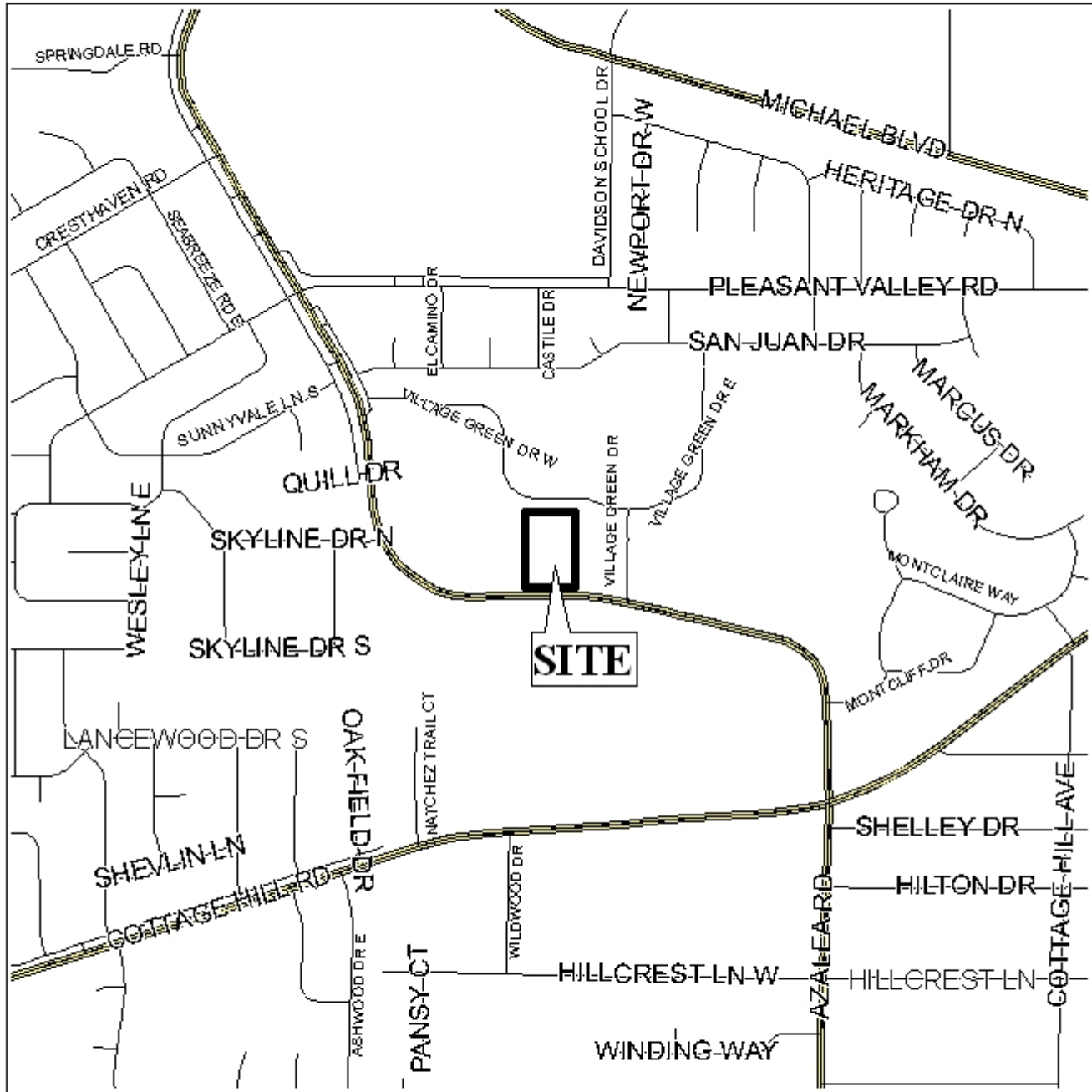
**Rezoning:** *Based upon the preceding, the rezoning request from R-1, Single-Family Residential to B-2, Neighborhood Business is recommended for approval, subject to the following conditions:*

- 1) *completion of the Subdivision process;*
- 2) *the development is limited to one curb-cut for each lot onto Azalea Road, with the size, design and location to be approved by Traffic Engineering, and conform to AASHTO standards;*
- 3) *full compliance with the tree and landscaping requirements of Section 64-4.E. of the Zoning Ordinance;*
- 4) *submission and approval of a Planned Unit Development application; and*
- 5) *full compliance with all other municipal codes and ordinances.*

**Rezoning:** *Based upon the preceding, the rezoning request from R-1, Single-Family Residential to B-1, Buffer Business is recommended for approval, subject to the following conditions:*

- 1) *completion of the Subdivision process;*
- 2) *the development is limited to one curb-cut for each lot onto Azalea Road, with the size, design and location to be approved by Traffic Engineering, and conform to AASHTO standards;*
- 3) *full compliance with the tree and landscaping requirements of Section 64-4.E. of the Zoning Ordinance;*
- 4) *submission and approval of a Planned Unit Development application; and*
- 5) *full compliance with all other municipal codes and ordinances.*

# LOCATOR MAP



APPLICATION NUMBER 4, 5, 6, & 7 DATE October 4, 2007

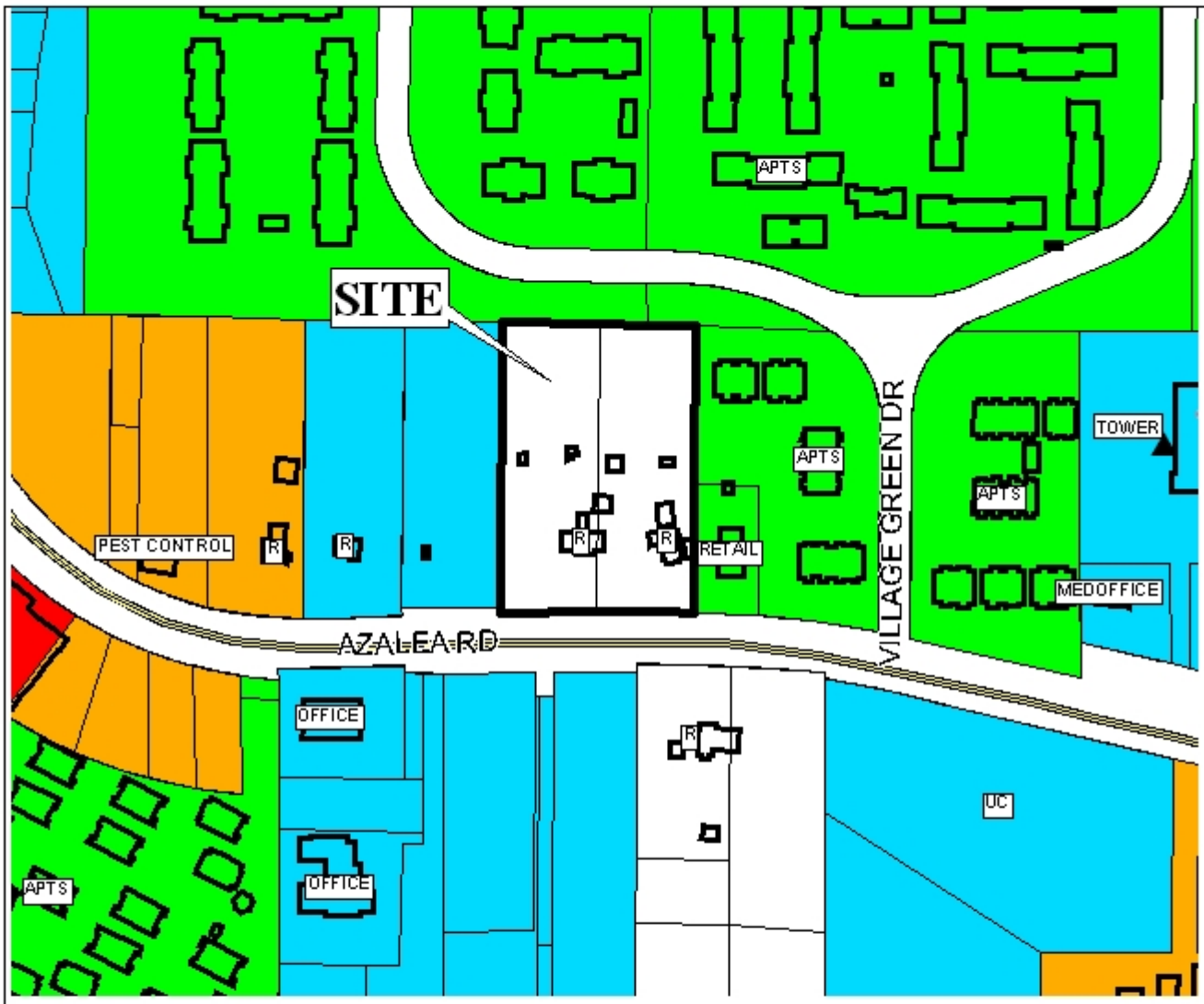
APPLICANT Cindy Carter

REQUEST Subdivision, Planning Approval, Rezoning from R-1 to B-1, Rezoning from R-1 to B-2



NTS

# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Retail land use and apartments are to the east, apartments are to the north, and single family residential units are to the west and south.

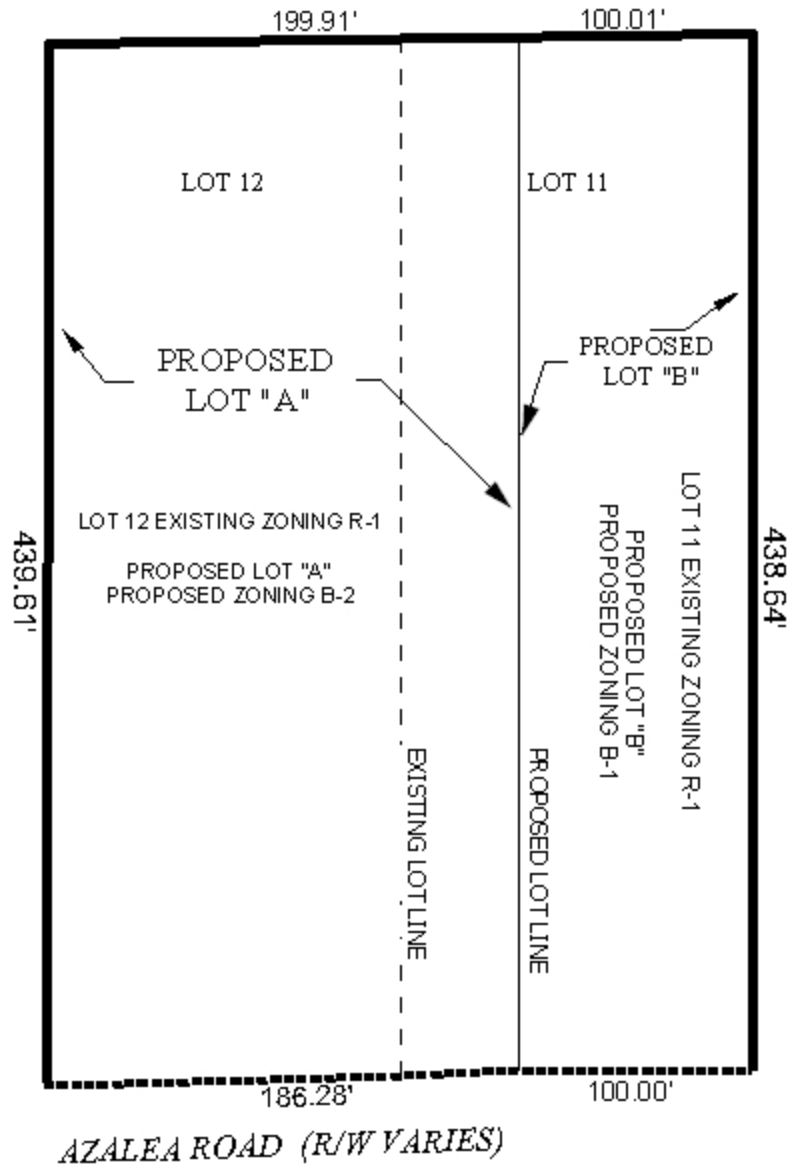
APPLICATION NUMBER 4, 5, 6, & 7 DATE October 4, 2007  
 APPLICANT Cindy Carter  
 Subdivision, Planning Approval, Rezoning from  
 REQUEST R-1 to B-1, Rezoning from R-1 to B-2

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
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# SUBDIVISION AND ZONING DETAIL



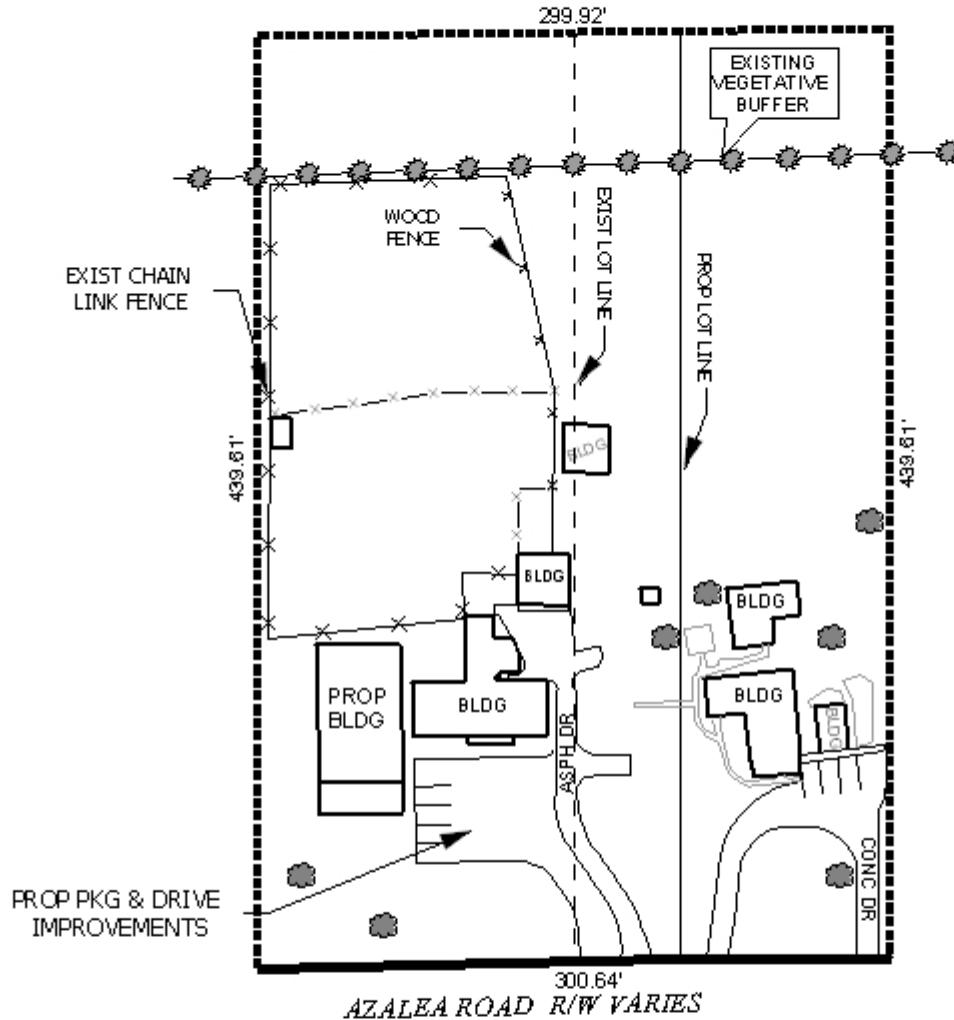
APPLICATION NUMBER 4, 5, 6, & 7 DATE October 4, 2007

APPLICANT Cindy Carter

REQUEST Subdivision, Rezoning from R-1 to B-1 and B-2, Planning Approval

N  
NTS

# SITE PLAN



The site plan illustrates the proposed building, existing buildings, existing trees, fences and parking, and proposed parking.

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REQUEST Subdivision, Rezoning from R-1 to B-1 and B-2, Planning Approval



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