

**SUBDIVISION &  
ZONING AMENDMENT STAFF REPORT****Date: January 7, 2021****APPLICANT NAME** Majure Real Estate Company, LLC (Edward Majure, Agent)**SUBDIVISION NAME** Lakeside Commercial Park Subdivision, Twelfth Addition,  
Resubdivision of Lots 4 and 5**LOCATION** 3755 Cottage Hill Road and 704 Lakeside Drive West  
(South side of Cottage Hill Road, 200'± West of Lakeside  
Drive West, extending to the West side of Lakeside Drive  
West, 150'± South of Cottage Hill Road)**CITY COUNCIL  
DISTRICT** Council District 4**PRESENT ZONING** B-1, Buffer Business District and B-2, Neighborhood  
Business District**PROPOSED ZONING** B-3, Community Business District**AREA OF PROPERTY** 3 Lots/ 1.3± Acres**CONTEMPLATED USE** Subdivision Approval to create three (3) legal lots of record  
from three (3) existing legal lots; and Rezoning from B-1,  
Buffer Business District, and B-2, Neighborhood Business  
District, to B-3, Community 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.**

**ENGINEERING  
COMMENTS**

**Subdivision: FINAL PLAT COMMENTS** (should be addressed prior to submitting the FINAL PLAT for review and/or signature by the City Engineer):

- 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. Provide reference, on the map and the description, to a monumented corner.
- C. Provide and label the monument set or found at each subdivision corner. Clarify NOTE #4.

- D. Provide and label the monument set or found at each subdivision corner.
- E. Provide the Field Date in NOTE #3.
- F. Provide the Surveyor's and Owner's (notarized) signatures.
- G. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 24 - #80) LOTS 1, 2, and 3 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 – 9,200 sf, LOT 2 – 3,900 sf, and LOT 3 - NONE.
- H. 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.
- I. 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.
- J. 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.
- K. Add a note that all 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.
- L. Add a note that all easements shall remain in effect until vacated through the proper Vacation process.
- M. 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](mailto:land.disturbance@cityofmobile.org) prior to obtaining any signatures. No signatures are required on the drawing.
- N. After addressing all of the FINAL SUBDIVISION PLAT review comments provide the ORIGINAL (with all signatures except for the Planning Commission, Traffic Engineering, and City Engineer), one (1) copy, and a transmittal letter to the Engineering Permitting Department. They can be dropped off at 205 Government St. or mailed to PO Box 1827, Mobile, AL, 36633.

**Rezoning:**

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 Permitting 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**

Verify the location of the reciprocal easement on Lot 2 to include the existing driving aisle on Lot 1 as necessary. Lots 1 and 2 are limited to one shared curb cut to Cottage Hill Road Service Road and Lot 3 is limited to one curb cut to Lakeside Drive West. Driveway size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.

### **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). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.

### **TIME SCHEDULE FOR DEVELOPMENT**

Immediately

#### **REMARKS**

The applicant is requesting Subdivision Approval to create three (3) legal lots of record from three (3) existing legal lots; and Rezoning from B-1, Buffer Business District, and B-2, Neighborhood Business District, to B-3, Community Business District.

The proposed Lot 3 had a variance approved by the Board of Zoning Adjustment in 1980 to allow the construction of two (2) mini-warehouses. Based on aerial imagery, both structures appear to have been removed some time prior to 1984. Additionally, Lot 3 was included in a rezoning request

approved by the Planning Commission in 1991 to rezone the property from B-1, Buffer Business to the current B-2, Neighborhood Business. It should also be noted that the site was included in the Lakeside Commercial Park Twelfth Addition subdivision request approved by the Planning Commission in 1985 creating the legal lots as they exist today.

The site has been given a Mixed Commercial Corridor (MCC) land use designation, per the 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 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.

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.

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 applicant proposes to create three (3) legal lots of record from three (3) existing legal lots. The lot size is depicted in square feet and acres on the plat and exceeds the minimum lot size requirements of Section V.D.2. of the Subdivision Regulations. If approved, the lot sizes should be retained in square feet and acres on the Final Plat or a table should be furnished on the Final Plat providing the same information.

As illustrated, Lots 1 and 2 front Cottage Hill Service Road a marginal access street depicted as having a right-of-way width of 30 feet. An access road would typically have a 40-foot right of

way width (30 feet of pavement and 10 feet of divider); however, based on the existing right-of-way for Cottage Hill and its development to the Major Street Plan standards, it appears that additional right-of-way may not be needed. Therefore, no further dedication will be required at this time. Lot 3 fronts Lakeside Drive West a minor street with curb and gutter, depicted as having a compliant right-of-way width of 50'. As such, no right-of-way dedication is required at this time. If approved, the right-of-way widths should be retained on the Final Plat.

The preliminary plat illustrates compliant minimum building setback lines for all proposed Lots and should be retained on the Final Plat.

The plat indicates a reciprocal easement for ingress and egress located on Lot 2 and should be retained on the Final Plat and include a note stating that no structures shall be constructed within any easement without the permission of the easement holder.

Section V.D.1. of the Subdivision Regulations states that panhandle and flag lots should generally not be allowed, but may be permitted in locations where varied and irregularly-shaped lot designs are common and the informality of design is consistent with other lots in the vicinity. As irregularly-shaped lots do exist in the area a waiver of Section V.D.1. may be in order.

It's important to note that as illustrated the proposed subdivision creates shared access and parking between Lots 1 and 2 for which a Planned Unit Development (PUD) would be required. Typically, this would require approval by the Planning Commission as other approvals are also necessary (those included in this group application). However, as no new development is currently being proposed for Lot 2, the Commission may approve the application as proposed; subject to the submission and approval of an Administrative PUD prior to any additional development on Lot 2.

The applicant states the following to address the rationale for the zoning request:

*The purpose of this application is to request a zoning district change from B-2 Neighborhood Business to B-3 Community Business. The owner wishes to relocate a beauty salon and beauty supply sales business from another location to the subject property. This type of business is allowed by right in Zoning District B-3. Three parcels Northwest of the subject property fronting on Cottage Hill Road are the last ones in the area Zoned B-2. Properties to the North, East and South are currently Zoned B-3 with the property adjacent to the South line of the subject property currently being used as a beauty supply facility. With the majority of property in the area now zoned B-3 and an apparent trend to B-3 zoning along Cottage Hill Road, we believe rezoning this property to B-3 would be in keeping with the trend and would be appropriate for the area.*

It should be noted that the rezoning request pertains only to Lot 3 of the proposed subdivision and does not include Lots 1 or 2. The site is bounded to the North by B-2, Neighborhood Business District; to the East and South by B-3, Community Business District; and to the West by B-1, Buffer Business District (Lot 2 of the proposed subdivision).

The applicant is proposing to relocate a beauty salon and beauty supply sales business from another location to the subject site. Under its current zoning designation of B-2, the Zoning Ordinance

would allow for the use of a beauty salon by right. However, B-2 does not allow light distribution of beauty supplies and equipment, hence the rezoning request.

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.

As justification for rezoning, the application references the changing conditions in the area making a change in the Ordinance desirable. Furthermore, the proposed request would simply expand the existing B-3 district while maintaining the B-1, Buffer Business District adjacent to R-1 development.

### **RECOMMENDATION**

**Subdivision:** Based upon the preceding, and with a waiver of Section V.D.1. of the Subdivision Regulations the application is recommended for Tentative Approval, subject to the following:

- 1) Retention of the lot sizes in both square feet and acres on the Final Plat or provision of a table providing the same information;
- 2) Retention of the rights-of-way widths for Cottage Hill Service Road and Lakeside Drive West on the Final Plat;
- 3) Retention of compliant minimum building setback lines along all frontages on the Final Plat;
- 4) Placement of a note on the Final Plat stating that no structure may be constructed or placed within any easement without the permission of the easement holder;
- 5) Submission and approval of an Administrative PUD prior to any additional development on Lot 2;
- 6) Full compliance with Engineering comments: *(FINAL PLAT COMMENTS (should be addressed prior to submitting the FINAL PLAT for review and/or signature by the City Engineer): 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. Provide reference, on the map and the description, to a monumented corner. C. Provide and label the monument set or found at each subdivision corner. Clarify NOTE #4. D. Provide and label the monument set or found at each subdivision corner. E. Provide the Field Date in NOTE #3. F. Provide the Surveyor's and Owner's (notarized) signatures. G. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 24 - #80) LOTS 1, 2, and 3 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 – 9,200 sf, LOT 2 – 3,900 sf, and LOT 3 - NONE. H. 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. I. 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. J. 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. K. Add a note that all 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. L. Add a note that all easements shall remain in effect until vacated through the proper Vacation process. M. 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. N. After addressing all of the FINAL SUBDIVISION PLAT review comments provide the ORIGINAL (with all signatures except for the Planning Commission, Traffic Engineering, and City Engineer), one (1) copy, and a transmittal letter to the Engineering Permitting Department. They can be dropped off at 205 Government St. or mailed to PO Box 1827, Mobile, AL, 36633.);*

- 7) placement of a note on the site plan stating the following Traffic Engineering comments: *(Verify the location of the reciprocal easement on Lot 2 to include the existing driving aisle on Lot 1 as necessary. Lots 1 and 2 are limited to one shared curb cut to Cottage Hill Road Service Road and Lot 3 is limited to one curb cut to Lakeside Drive West. Driveway size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.);*
- 8) compliance with 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.); and
- 9) compliance with 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). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings).

**Rezoning:** Based on the preceding, the application is recommended for Approval for the following reasons:

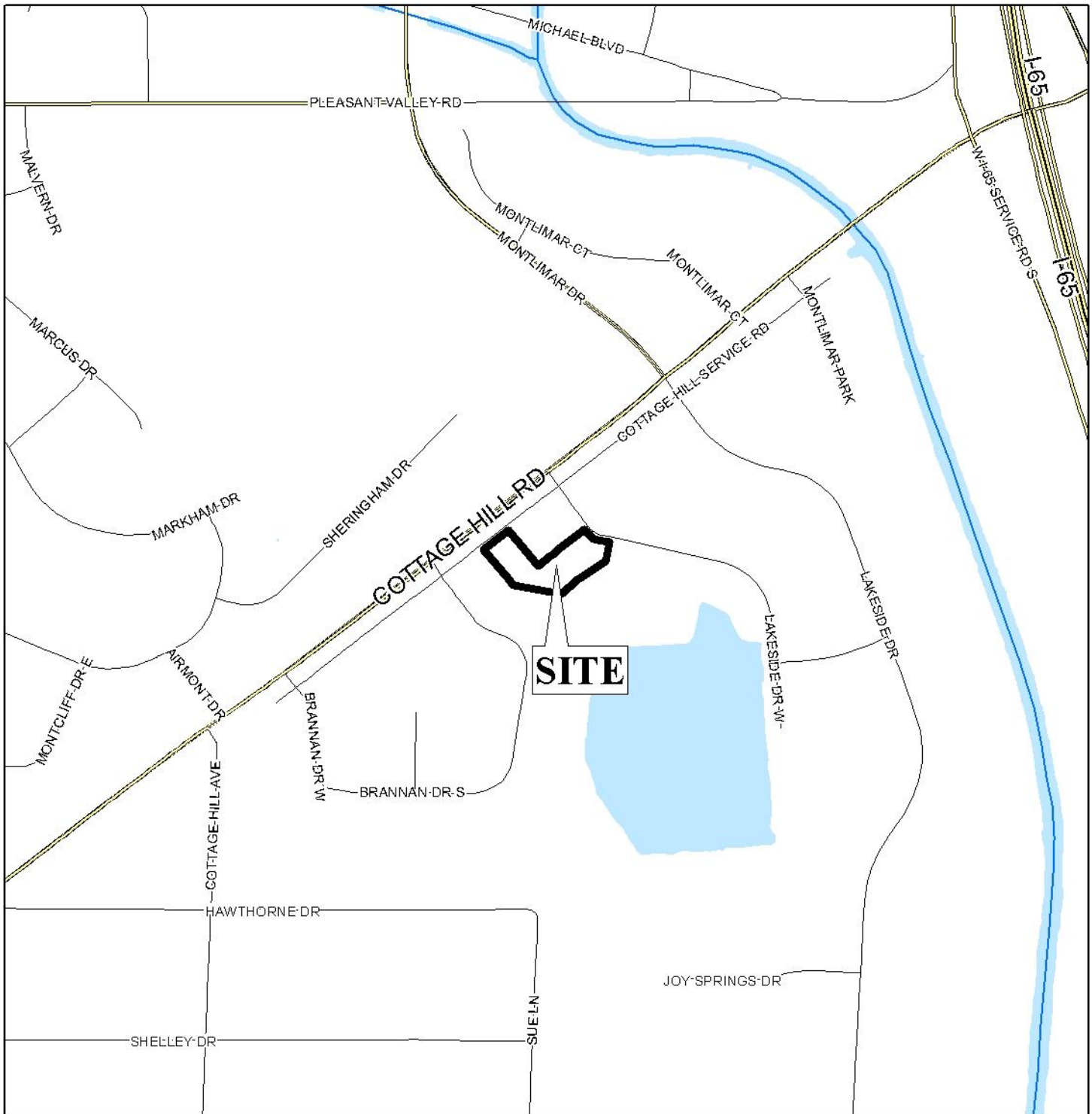
- 1) The applicant has illustrated that there are changing conditions in the area which make a change in the Ordinance necessary and desirable; and

The approval should be subject to the following conditions:

1. Compliance with the 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 Permitting 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.;*
2. Full compliance with all municipal codes and ordinances.



# LOCATOR MAP



APPLICATION NUMBER 4 DATE January 7, 2021

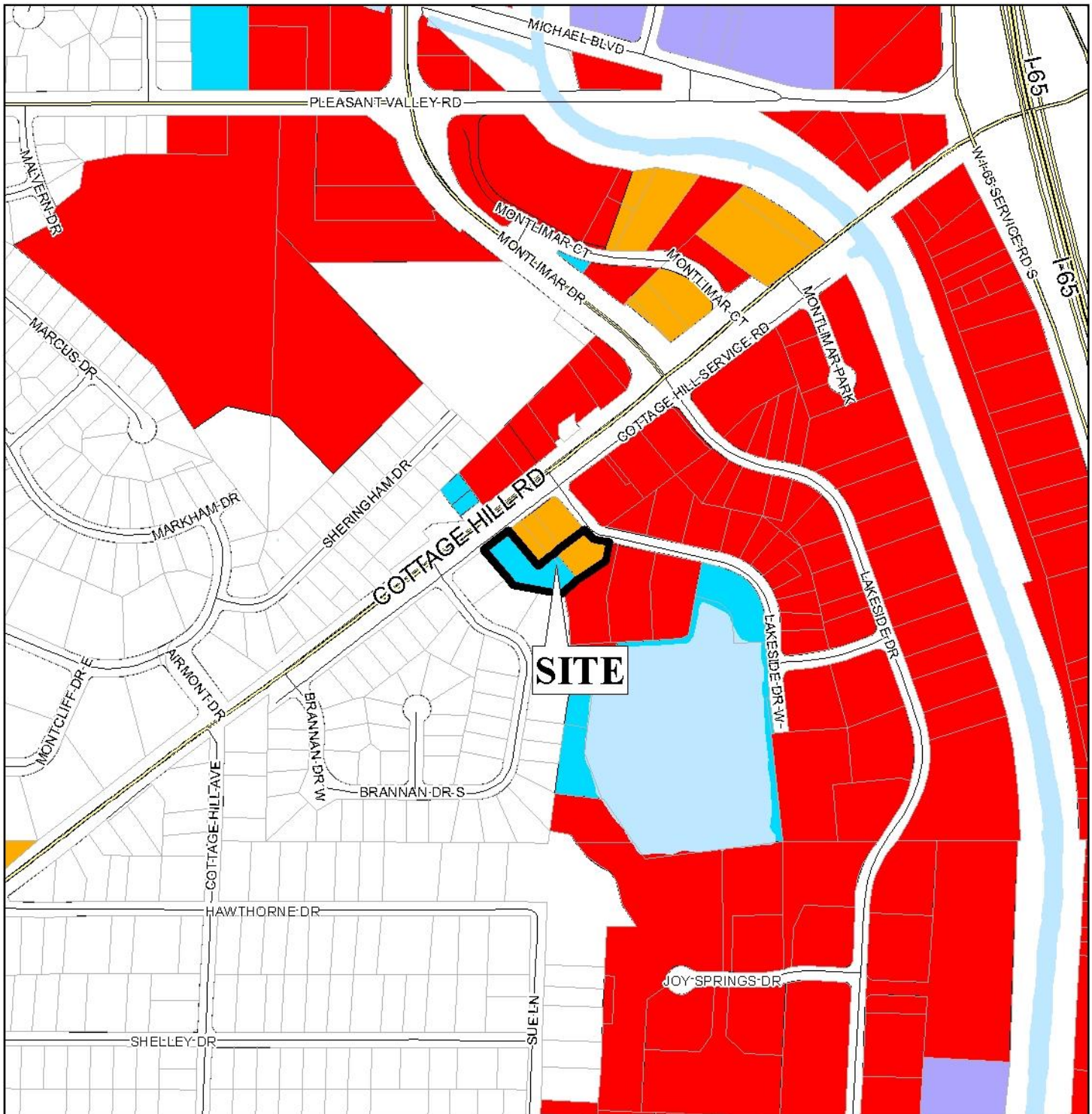
APPLICANT Lakeside Commercial Park Subdivision, Twelfth Addition,  
Resubdivision of Lots 4 and 5

REQUEST Subdivision, Rezoning from B-1 and B-2 to B-3



NTS

# LOCATOR ZONING MAP

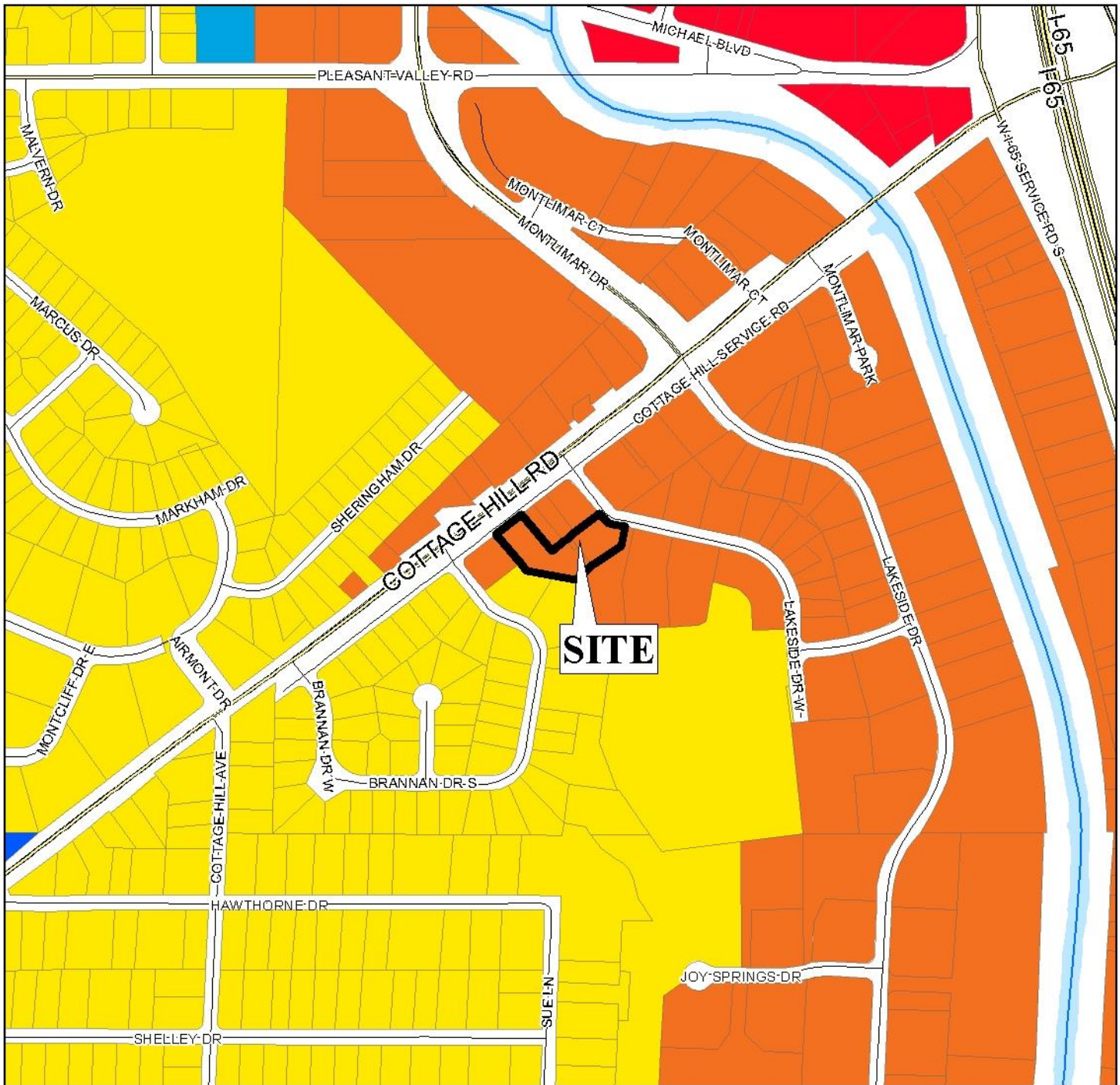


APPLICATION NUMBER 4 DATE January 7, 2021  
 APPLICANT Lakeside Commercial Park Subdivision, Twelfth Addition,  
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 REQUEST Subdivision, Rezoning from B-1 and B-2 to B-3





# FLUM LOCATOR MAP



APPLICATION NUMBER 4 DATE January 7, 2021

Lakeside Commercial Park Subdivision, Twelfth Addition,  
APPLICANT Resubdivision of Lots 4 and 5

REQUEST Subdivision, Rezoning from B-1 and B-2 to B-3

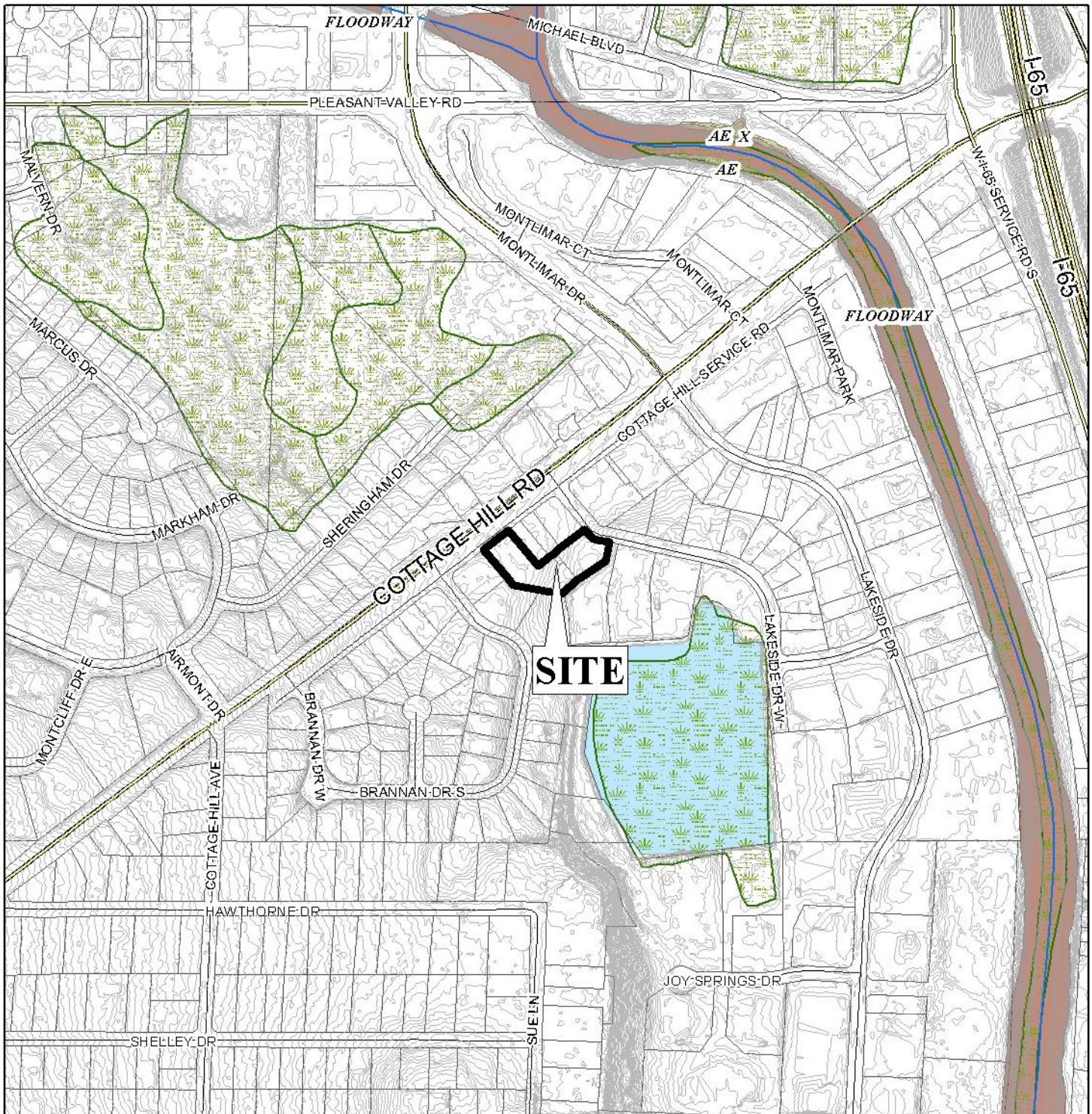
Low Density Residential	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
Mixed Density Residential	Neighborhood Center - Suburban	Light Industry	Water Dependent
Downtown	Traditional Corridor	Heavy Industry	
District Center	Mixed Commercial Corridor	Institutional	



NTS



# ENVIRONMENTAL LOCATOR MAP

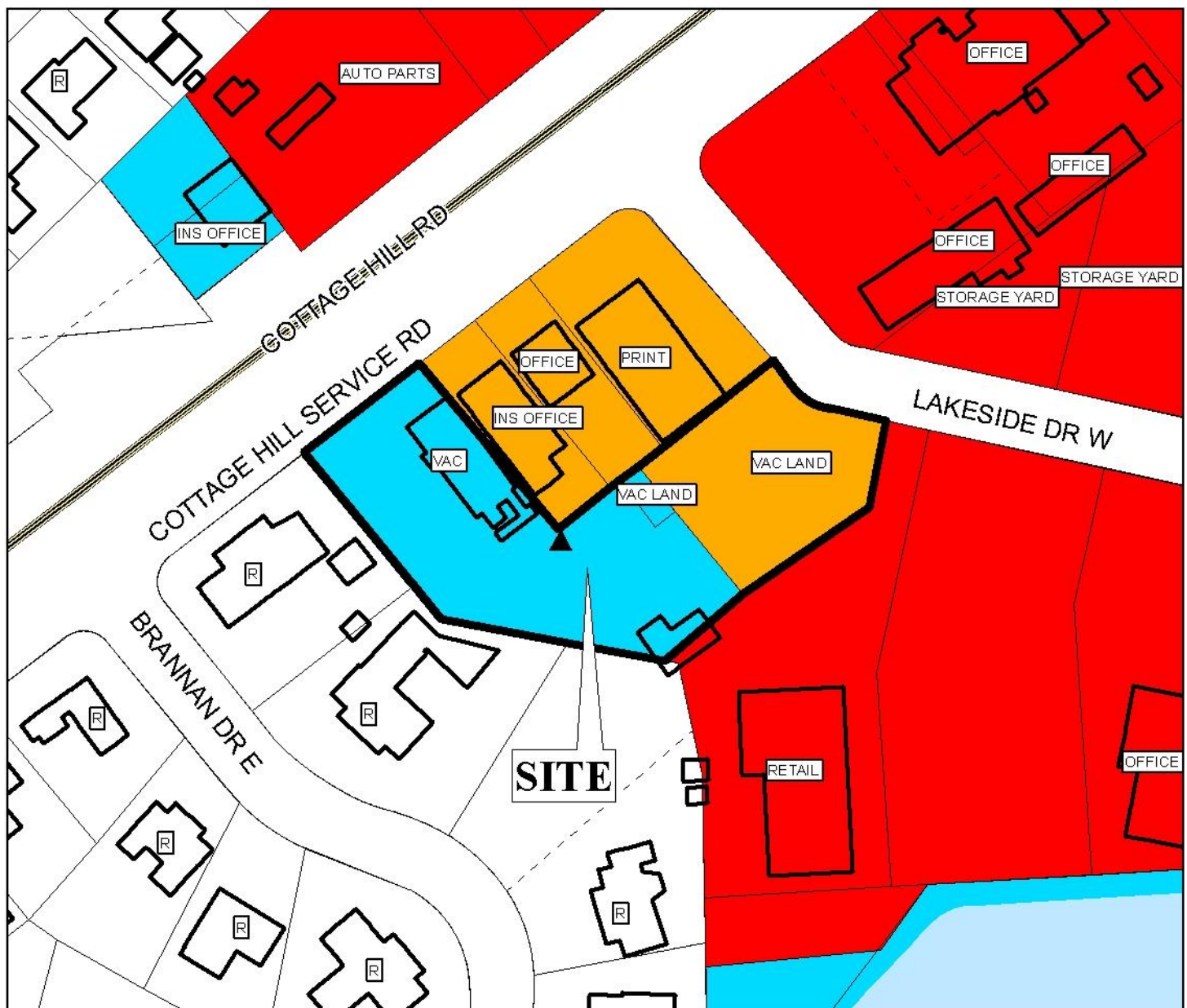


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# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units to the west, and commercial units to the east.

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Resubdivision of Lots 4 and 5

REQUEST Subdivision, Rezoning from B-1 and B-2 to B-3

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 to the west, and commercial units to the east.

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 REQUEST Subdivision, Rezoning from B-1 and B-2 to B-3





# SITE PLAN

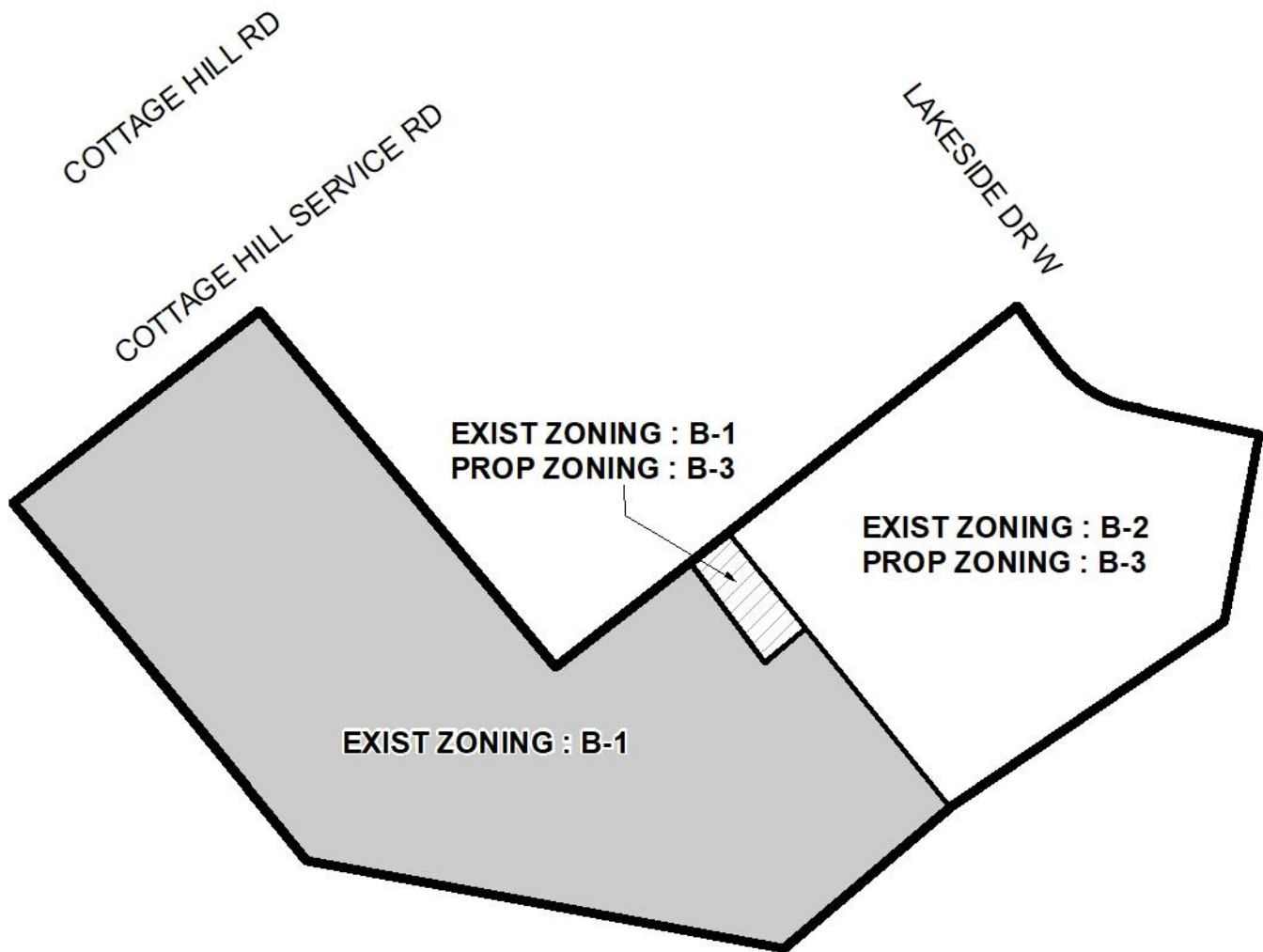


The site plan illustrates the existing buildings, proposed building, proposed parking, setbacks, and easements.

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# DETAIL SITE PLAN



APPLICATION NUMBER 5 DATE January 7, 2021  
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