

**SUBDIVISION &
ZONING AMENDMENT STAFF REPORT**

Date: August 17, 2017

APPLICANT NAME Ken Knuckles (Development Management Group LLC)

SUBDIVISION NAME Bayview Heights Subdivision, Resubdivision

LOCATION 3915 & 3921 Cottage Hill Road
(South side of Cottage Hill Road, 235'± East of Azalea Road, extending to the North side of Shelley Drive, 215'± East of Azalea Road).

CITY COUNCIL DISTRICT Council District 4

PRESENT ZONING B-1, Buffer Business District and B-2, Neighborhood Business District

PROPOSED ZONING LB-2, Limited-Neighborhood Business District

AREA OF PROPERTY 3 Lot/1.3± Acres

PRESENT ZONING Subdivision Approval to create three legal lots of record from two metes-and-bounds parcels; and Rezoning from B-1, Buffer Business District and B-2, Neighborhood Business District, to LB-2, Limited-Neighborhood Business District, to eliminate split zoning. **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):

- 1) 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.
- 2) Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.

- 3) Provide a copy of the FINAL SUBDIVISION PLAT to the Engineering Dept. for review. No signatures are required on this drawing.
- 4) After addressing all of the FINAL SUBDIVISION PLAT review comments by the Engineering Dept. provide the ORIGINAL (with all other signatures) and one (1) copy (signatures not required) of the revised Final Plat to the Engineering Department.

TRAFFIC ENGINEERING

COMMENTS

Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. 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).

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)

MAWSS

COMMENTS

No Comments

TIME SCHEDULE

FOR DEVELOPMENT

Construction to begin: Late November 2017
Construction to be completed: Mid-April 2018

REMARKS

The applicant is requesting Subdivision Approval to create three legal lots of record from two metes-and-bounds parcels; and Rezoning from B-1, Buffer Business District and B-2, Neighborhood Business District, to LB-2, Limited-Neighborhood Business District, to eliminate split zoning.

The site has had several applications to the Planning Commission and Board of Zoning Adjustment. In 1974, a Use Variance was denied by the Board of Zoning Adjustment to allow the construction of 24 one-bedroom apartments. In 1976, a Use Variance was denied by the Board of Zoning Adjustment to allow 16 townhomes. In 1977, a portion of the site was rezoned from R-1, Single-Family Residential District to B-1, Buffer Business District. In 1986, the remainder of the site was rezoned from R-1, Single-Family Residential District to B-1, Buffer Business District. Both the 1977 and 1986 rezonings appear to have allowed access to and from the site only via Cottage Hill Road. In 2000 a Planned Unit Development was approved by the Planning Commission to allow multiple buildings on a single building site, but subsequently allowed to expire. In 2002, a rezoning request from B-1, Buffer Business District to B-1, Buffer Business District was submitted to remove the previous conditions denying access to Shelley Drive. While the Planning Commission approved the request to allow access to Shelley Drive,

the City Council restricted access and only approved entry/exit via Cottage Hill Road. Later in 2002, a request to rezone the property to B-2, Neighborhood Business District was submitted, but was withdrawn during the Planning Commission meeting. In 2005, a Rezoning application to change the property from B-1, Buffer Business District to LB-2, Limited-Neighborhood Business District to allow a dental office and retail sales was denied by the Planning Commission. Finally, in 2012, a Rezoning application to change the property from B-1, Buffer Business District to B-2, Neighborhood Business District to allow a retail store was withdrawn by the applicant.

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 lot sizes are provided in square feet and acres, and exceed the minimum lot size requirements of Section V.D.2. of the Subdivision Regulations. If approved, the lot size should be retained.

The site has frontage along Cottage Hill Road and Shelley Drive. Cottage Hill Road is a minor arterial street on the Major Street Plan, and as such should have a right-of-way of 100 feet. The preliminary plat illustrates that Cottage Hill Road has a 90 foot right-of-way-width, with half of the subject site having 50 feet to the centerline, and the other half having 40 feet to the centerline. A 10 foot wide strip is illustrated as being dedicated so that the entire site will have 50 feet to the centerline of Cottage Hill Road. If approved, this should be retained. Shelley Drive is a minor street without curb and gutter. Typically, this requires a 60 foot right-of-way; however, as previous Subdivisions did not require dedication, it may be appropriate to waive this requirement at this time.

The preliminary plat illustrates the 25' minimum building setback along both Cottage Hill Road and Shelley Drive. If approved, this should be retained on the Final Plat.

As a means of access management, Lot A should be limited to the existing curb cuts to Cottage Hill Road, and Lots B and C should be limited to a single curb cut to Cottage Hill Road, with no direct access to Shelley Drive for any of the lots, with size, location and design of new curb cuts to be approved by Traffic Engineering and conform to AASHTO standards. Lot A's compliance with the curb-cut elimination to Shelley Drive should be undertaken at such a time when redevelopment of Lot A occurs.

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 applicant wishes to rezone the site to accommodate a proposed restaurant with a drive-thru. It should also be noted that the proposed subdivision would result in a split-zoned lot.

The site has been given a Neighborhood Center - Suburban (NC) land use designation, per the recently adopted Future Land Use Plan and Map. 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 applies to smaller hubs of mixed commercial, community, and recreational activity that cater to adjacent residential areas. Many of these centers exist today in some form. Therefore, the following common principles apply not just to the future development of new centers, but also to the redevelopment (wholesale or incremental) of existing centers.

General Principles for Neighborhood Centers:

- NC should support a limited amount of commercial employment
- NC should incorporate some residential use, which may vary in type from detached single family, townhouse, accessory and live-work units in mixed use and low-rise multifamily structures.
- The residential density in NC designations –ranging from 4 to 10 du/ac— must be compatible in character with that of surrounding residential development, providing appropriate transitions in height, massing and other buffering from one land use district to the next.
- The retail and housing uses should merge around vibrant, compact, accessible nodes, located at key neighborhood intersections or along short road segments.
- The NC nodes should be connected to the surrounding neighborhood and nearby public uses (e.g., schools, parks, etc.) via well designed sidewalks and complete streets.
- While the above-listed principles are common to all NC districts, the design attributes of neighborhood centers generally vary depending on whether a center is in a more “traditional” or more “suburban” context.

Additional Attributes of Neighborhood Centers:

- NC in traditional contexts: These tend to be in those areas east of the Beltline and correspond to MxDR (Mixed Density Residential) neighborhoods. In these NCs, buildings should orient to the street, with on-site parking typically pushed to the back of the site. The design qualities of the public realm are emphasized, including the provision of continuous sidewalks, tree canopy, pedestrian amenities, on-street parking and bicycle facilities where appropriate.
- NC in suburban contexts: These generally are located among the LDR land use designations in the areas west of the Beltline. Where they exist, these centers currently have a more pronounced vehicular orientation. Therefore, the emphasis is on retrofitting to improve internal walkability (e.g., through the addition of sidewalks, tree canopy, protection from the elements) and external connectivity to the surrounding areas (via sidewalks, paths and trails, street crossings, transit stops, etc.) and to increase the mix and density of uses (e.g., infill of outparcels, addition of housing, etc.).

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:

On behalf of the property owners of the two parcels referenced above, I am providing you with the materials outlined below to supplement our formal request for rezoning and for consideration and placement on the 08/17/17 Planning Commission agenda. As it relates to this submittal we also represent the interests of Lagunita Franchise Operations (LFO) who are under contract to purchase and develop the pertinent parcels associated with the proposed restaurant use. The parcels are bounded to the north by Cottage Hill Road (B-2 zoning beyond), to the south by Shelley Drive (R-1 zoning beyond), to the east by R-1 and B-1 zoning, and to the west by B-2 zoning.

Our request is based on a reconfiguration of the (2) referenced parcels that will result in the creation of (3) new lots by way of a subdivision plat (to be submitted under a separate application), and then rezoning the newly created center parcel (Lot 'B') to an L8-2 zoning classification to facilitate the development of the planned restaurant use. The parcel descriptions, along with current and proposed zoning are described in the table below. Our request is to rezone what is noted as Parcel 'B' which currently has a split zoning of B-1 and B-2, to an LB-2 classification. Parcel 'A' will remain B-2 and Parcel 'C' will remain B-1.

The development of Parcel 'B' proposes the construction of a new 1,500 SF building for the use of a freestanding Dunkin Donuts. Our development schedule anticipates a construction commencement in late November with a completion date occurring in Mid-April 2018.

The following table summarizes the parcels associated with this request:

	Owner	Address	Parcel Area	Current Zoning	Proposed Zoning
Parcel 'A'	Margaret Harkness	3921 Cottage Hill Road	0.32AC	B-2	B-2
Parcel 'B'	Margaret Harkness	3921 Cottage Hill Road	0.51 AC	B-2/B-1	LB-2
	Azalea Properties, LLC	3915 Cottage Hill Road			
Parcel 'C'	Azalea Properties, LLC	3915 Cottage Hill Road	0.45 AC	B-1	B-1

Prior to filing this request, the applicant reviewed available information relating to the zoning history of Parcel 'B' and 'C' (3915 Cottage Hill) and is summarized as follows:

1986: Parcel was rezoned to 'B-1' Buffer Business District

2002: Request filed to rezone the property to 'B-2' but was withdrawn by the applicant.

2005: Request submitted to rezone the property from 'B-1' to 'LB-2' to support a proposed dentist office and retail use. The request included proposed access to Shelley Drive. The request failed to pass dues to the proposed rear access and an inadequate buffering adjacent to the residential lots.

2012: Request filed to rezone the property to '8-2 with no access to Shelley Drive. The request failed to pass primarily due to the limited buffer yard proposed along the residential lots.

It's worth mentioning that on 06/13/17 LFO met with the district councilman and several of the neighbors who reside along Shelley Drive to discuss their development objectives and their intention to file a request to rezone the property. What was presented to the neighbors at that meeting reflected a site plan showing the development of the entire 0.82 AC parcel at 3915 Cottage Hill as well as a portion of 3921 Cottage Hill. The plan proposed a 4,400 SF multi-tenant building that included a Dunkin Donut and future retail space. At that meeting the neighbors voiced several concerns that related to; restricting access to Shelley Drive; providing adequate buffering along the east and south property lines to aid in abating perceived noise and lighting nuisances; relocating the proposed trash enclosure away from the east side of the site; and to voluntarily restrict certain uses that are otherwise permitted within the 'LB-2' district.

The applicant has structured this rezoning request in response to the neighbors input and the site plan exhibit and application provided with this submittal are intended to demonstrate our willingness to work with not only the city but with the neighbors in our community. Below is a list of how we have accounted for the issues raised by the neighbors as well as by the city as part of prior rezoning attempts:

- Our requested zoning is 'LB-2' which was suggested by the neighbors and is considered a more 'neighbor friendly' designation.
- With regard to restricting uses as part of the proposed improvements; the current site plan no longer reflects any future or adjacent retail space and is now proposed only as a freestanding 1,500 SF building for the use of Dunkin Donuts.
- The current application proposes to formally create by plat what is shown as Lot 'C'. Lot 'C' will retain its B-1 zoning and will provide a natural 80' wide buffer between the restaurant site on Lot IC and the residentially zoned lots to the east. No development is proposed on Lot 'C' and the existing trees and wooded areas along the east side of the site will not be disturbed.
- No vehicular access to Shelley Drive is proposed or anticipated for this project. The project will be afforded access exclusively from a single proposed driveway along the Cottage Hill frontage.

In summary, our request as submitted is to replat the (2) existing parcels as discussed above into (3) parcels (A B & C), and to rezone Lot 'B' to an 'LB-2' designation in order to support LFO's planned restaurant development. One of the primary reasons the LB-2 zoning district was created was to ensure that commercial properties that are developed in the vicinity of residential properties are more in character with the surrounding neighborhood. It is our contention that with certain voluntary concessions made by LFO that include the removal of the previously proposed retail space; proposing no access to Shelley Drive; and creating an 80' wide buffer area (B-1 zoning) between Lot 'B' and the nearest residentially zoned lot to the east, the proposed project fully meets the spirit of the ordinance with regard to building placement, access, architecture, landscaping and lighting

We feel our justification in making this request is based on the fact that this is a vacant, undeveloped parcel located in an area that is heavily developed commercially along both sides of Cottage Hill Road within either a 'B-1' or 'B-2' zoning district. Our previous discussions with members of staff, the adjacent property owners, the district councilman and others indicated that developing the project under an LB-2 zoning classification would be better received and more in line with the character of this area of Mobile. Therefore, and in further consideration of the concessions noted above, rezoning the already commercially zoned property to a less intensive commercial classification would have no adverse impact on the surrounding properties in the area and would be better aligned with the City's 'neighborhood suburban' vision in this area of the city.

The site is bounded to the North and West by B-2, Neighborhood Business District; to the East by properties zoned B-1, Buffer Business District; and to the South by R-1, Single-Family Residential District.

The site plan submitted illustrates a 1,500 square foot restaurant with a drive-thru and a small patio area (size not provided). The minimum required amount of parking spaces for the restaurant is 15, although if the patio is to be used for outdoor seating, could increase the parking requirements slightly. The site plan illustrates 17 parking spaces to be provided.

It should be noted that no tree planting or landscaped area calculations were provided on the site plan, however it should be noted that full compliance with these regulations will be required at the time of development.

The site plan indicates a dumpster with a masonry enclosure to the South of the property; however, it is located within the required 25' setback along Shelley Drive. If approved, it should be noted that the dumpster must be relocated outside of all required setbacks, and must be connected to sanitary sewer as well as within a compliant enclosure.

A drive thru is being proposed for the restaurant. Queuing spaces are shown, and it appears that there are adequate queuing spaces available. If approved, proper queuing spaces should be retained on the site.

It appears that a sidewalk is illustrated along both Cottage Hill Road and Shelley Drive, but is not labeled along Shelley Drive. A sidewalk will be required at the time of development along both public street frontages.

A condition of the rezoning in 2002 stated "provision of screening along Shelley Drive, in compliance with Section VI.A.3.i. of the Zoning Ordinance". Due to concerns previously expressed by residents in the area, this requirement, now Section should be maintained with the application at hand, if approved.

RECOMMENDATION

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

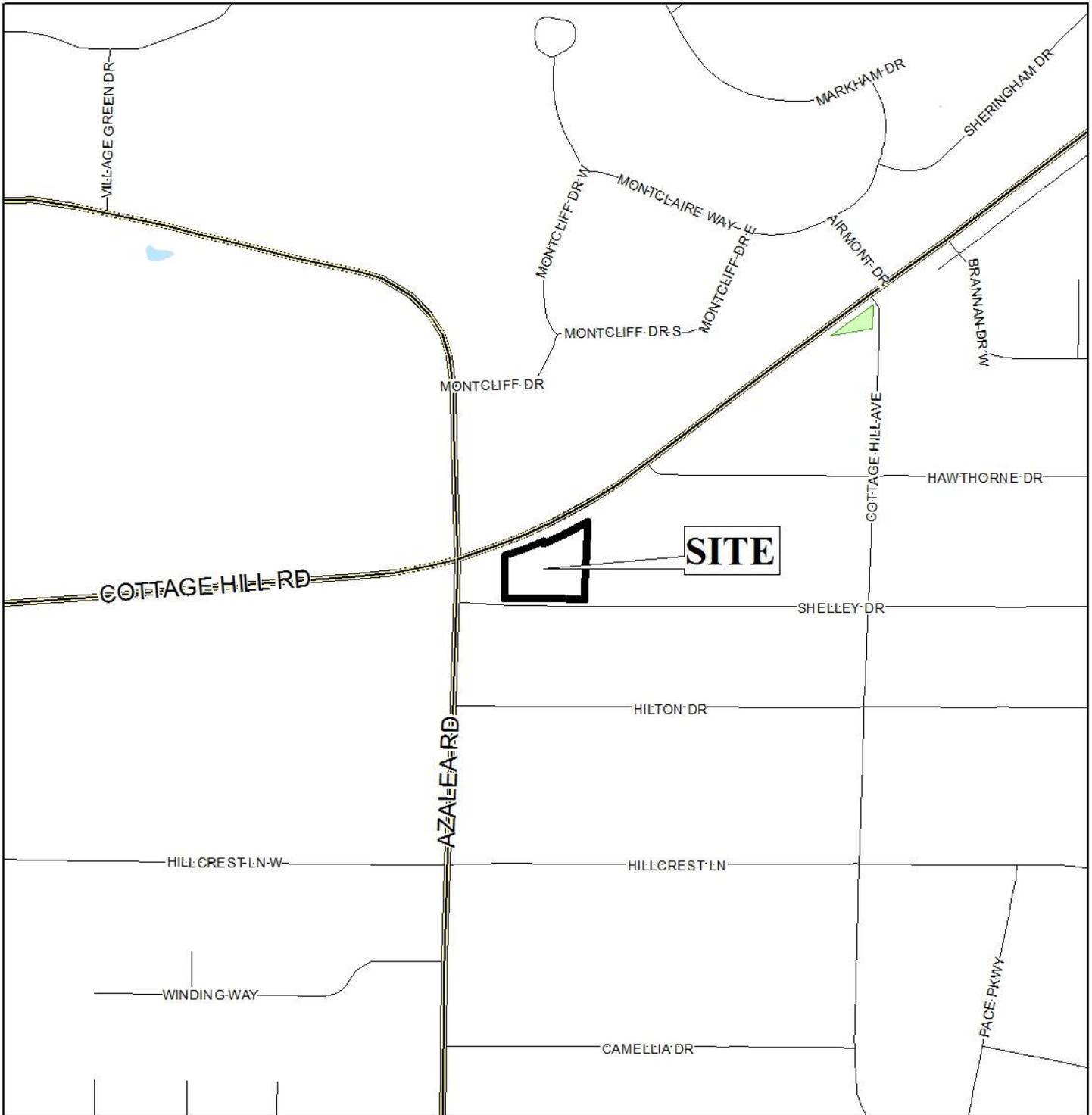
- 1) retention of the dedication to provide 50' from the centerline of Cottage Hill Road;
- 2) retention of the 25' setbacks along Cottage Hill Road and Shelley Drive;
- 3) retention of the lot size in square feet and acres, adjusted for dedication;

- 4) placement of a note on the Final Plat stating that Lot A is limited to the existing curb cuts to Cottage Hill Road;
- 5) placement of a note on the Final Plat stating that Lots B and C are limited to one curb cut each to Cottage Hill Road;
- 6) placement of a note on the site plan stating that all lots are denied access to Shelley Drive, with Lot A's access to eliminated when Lot A is redeveloped;
- 7) 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 the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. C. Provide a copy of the FINAL SUBDIVISION PLAT to the Engineering Dept. for review. No signatures are required on this drawing. D. After addressing all of the FINAL SUBDIVISION PLAT review comments by the Engineering Dept. provide the ORIGINAL (with all other signatures) and one (1) copy (signatures not required) of the revised Final Plat to the Engineering Department.);
- 8) compliance with Traffic Engineering comments (Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. On-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.);
- 9) 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).); and
- 10) compliance with Fire 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)).

Rezoning: Based upon the preceding, the application is recommended for Approval, subject to the following conditions:

- 1) provision of screening along Shelley Drive, in compliance with Section 64-6.A.3.i. of the Zoning Ordinance;
- 2) vehicular access to Shelley Drive is prohibited;
- 3) completion of the Subdivision process; and
- 4) full compliance with all municipal codes and ordinances.

LOCATOR MAP



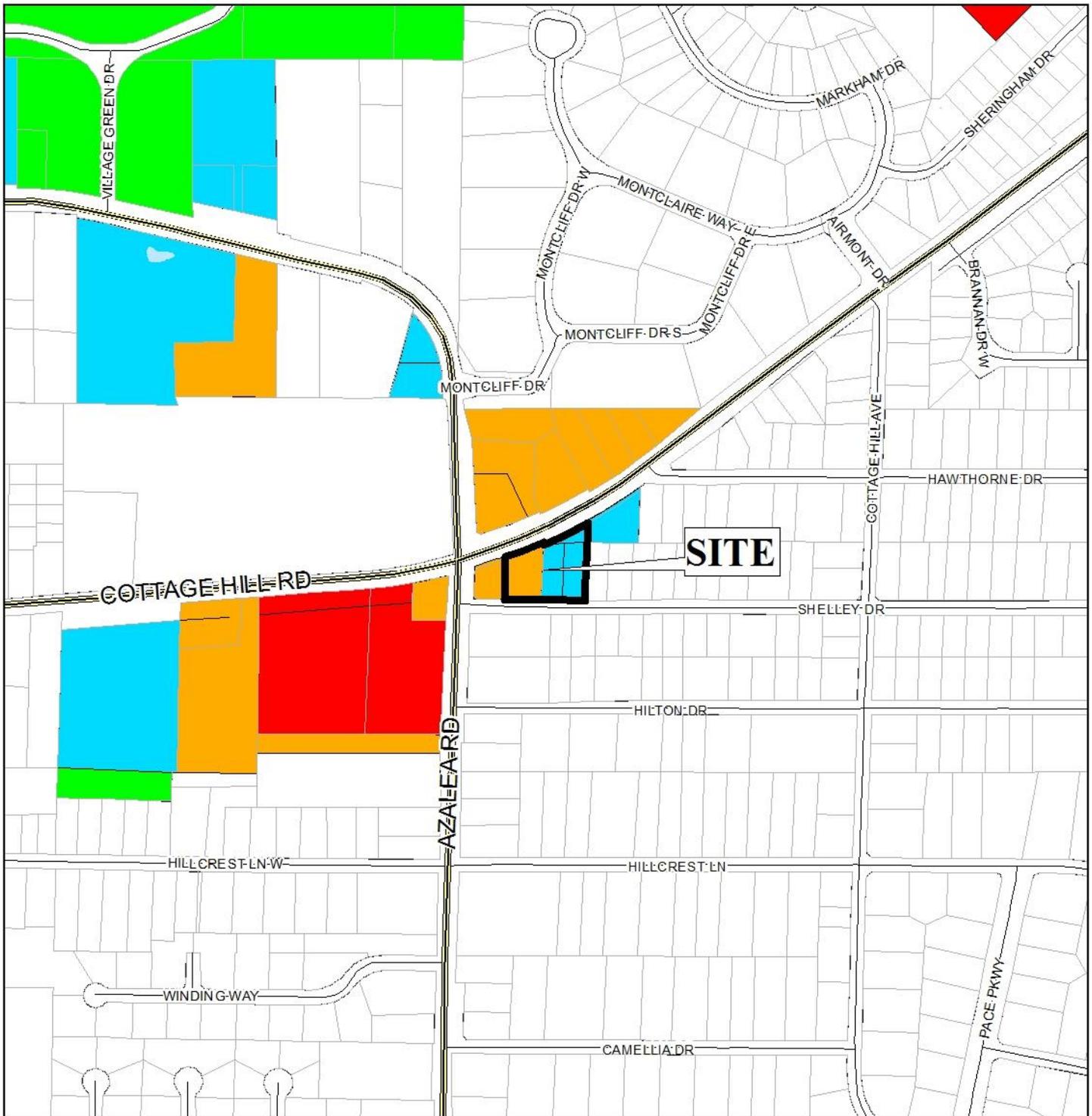
APPLICATION NUMBER 9 DATE August 17, 2017

APPLICANT Bayview Heights Subdivision, Resubdivision

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



LOCATOR ZONING MAP



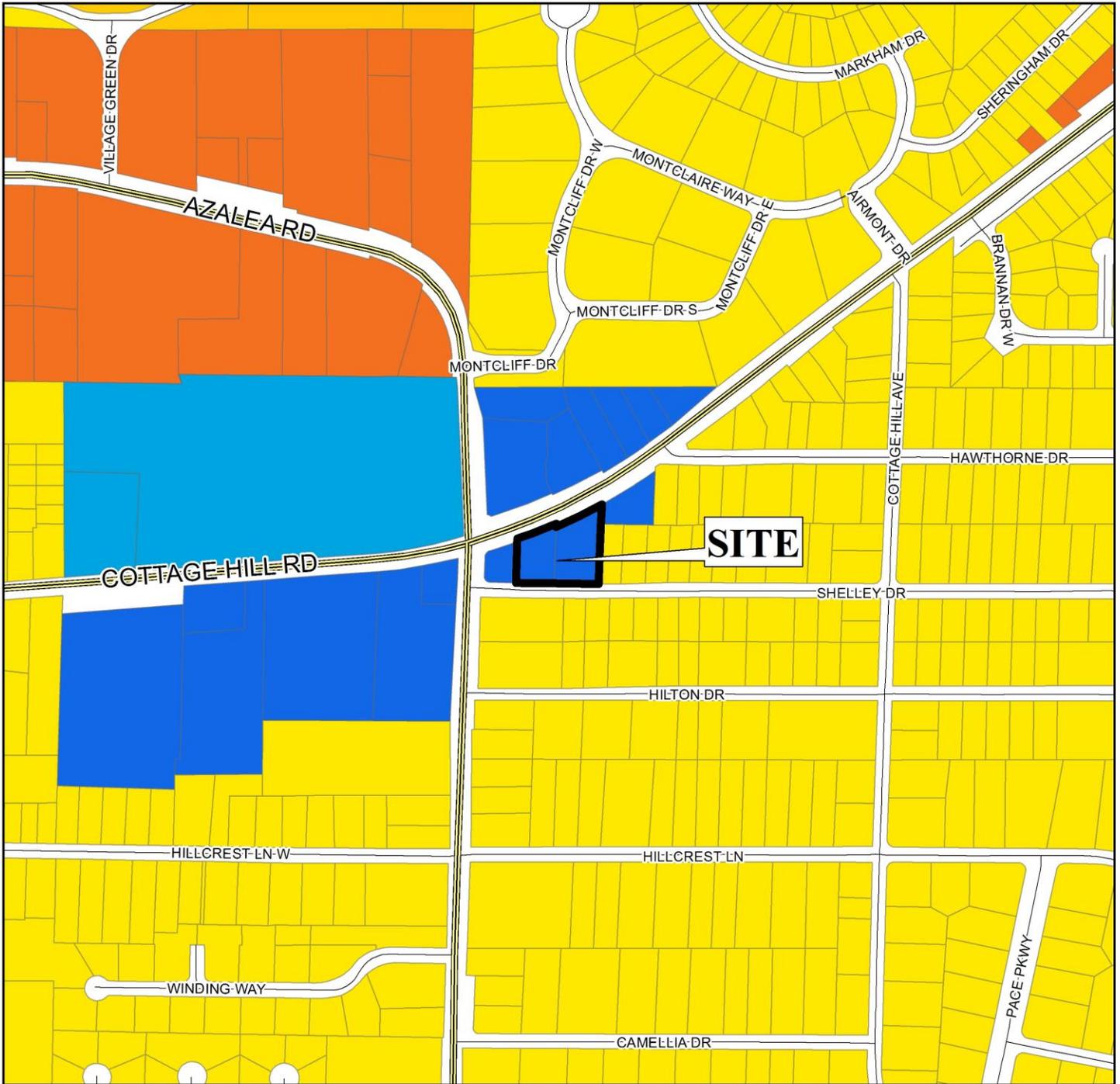
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REQUEST Subdivision, Rezoning from B-1 and B-2 to LB-2



FLUM LOCATOR MAP



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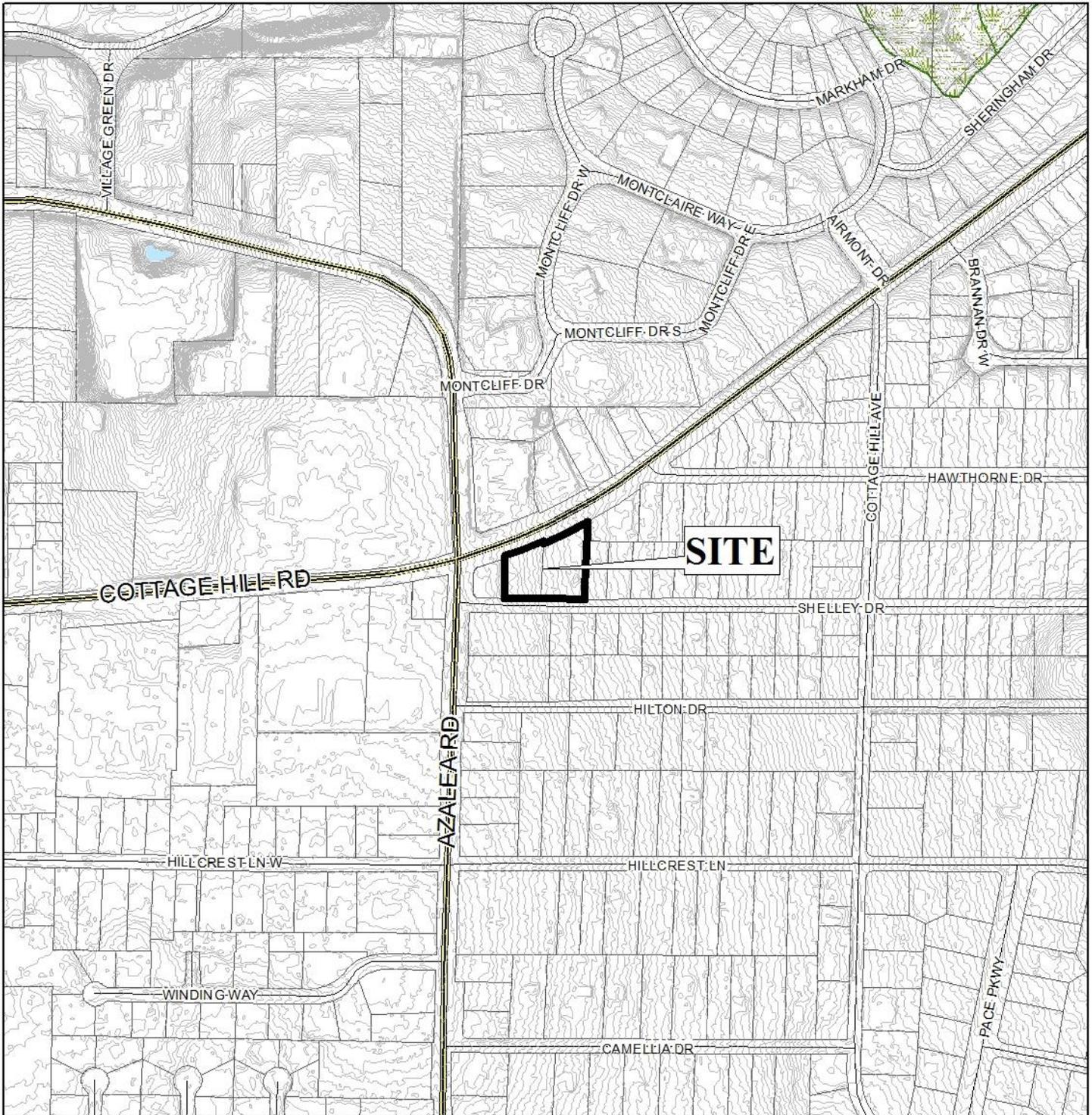
APPLICANT Bayview Heights Subdivision, Resubdivision

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

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



ENVIRONMENTAL LOCATOR MAP



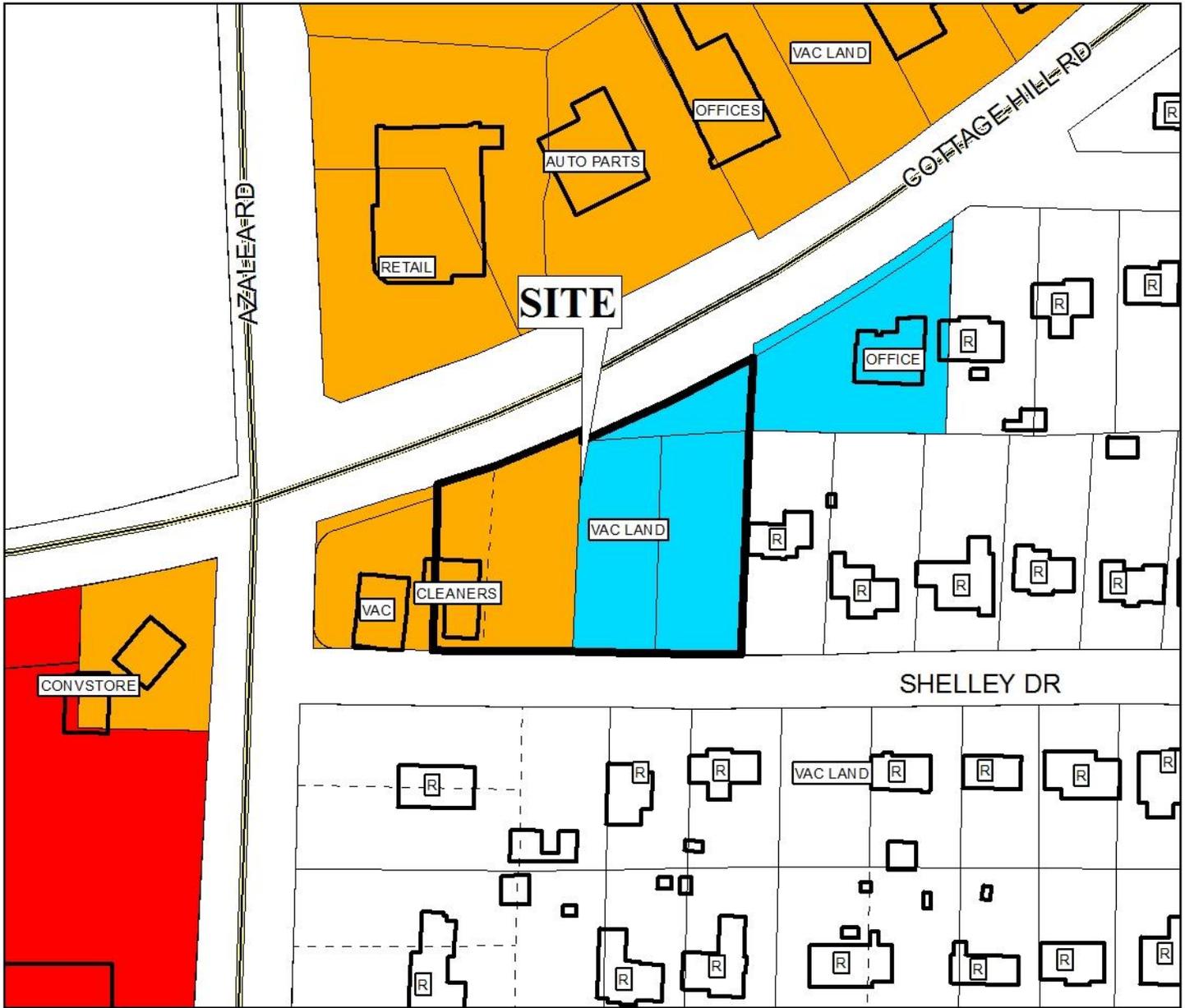
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APPLICANT Bayview Heights Subdivision, Resubdivision

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



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units to the southeast and commercial units to the north and west.

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

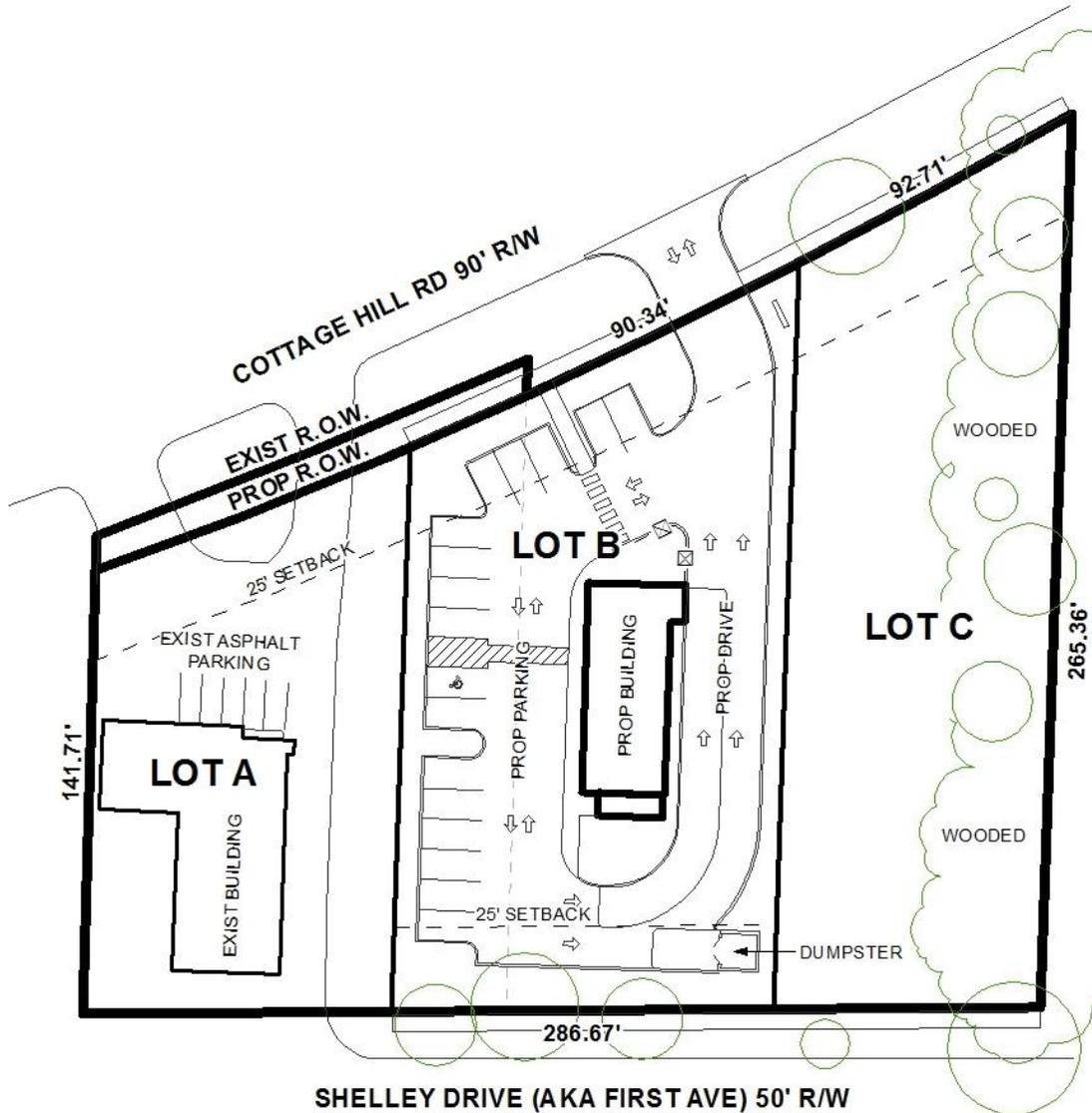


The site is surrounded by residential units to the southeast and commercial units to the north and west.

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SITE PLAN

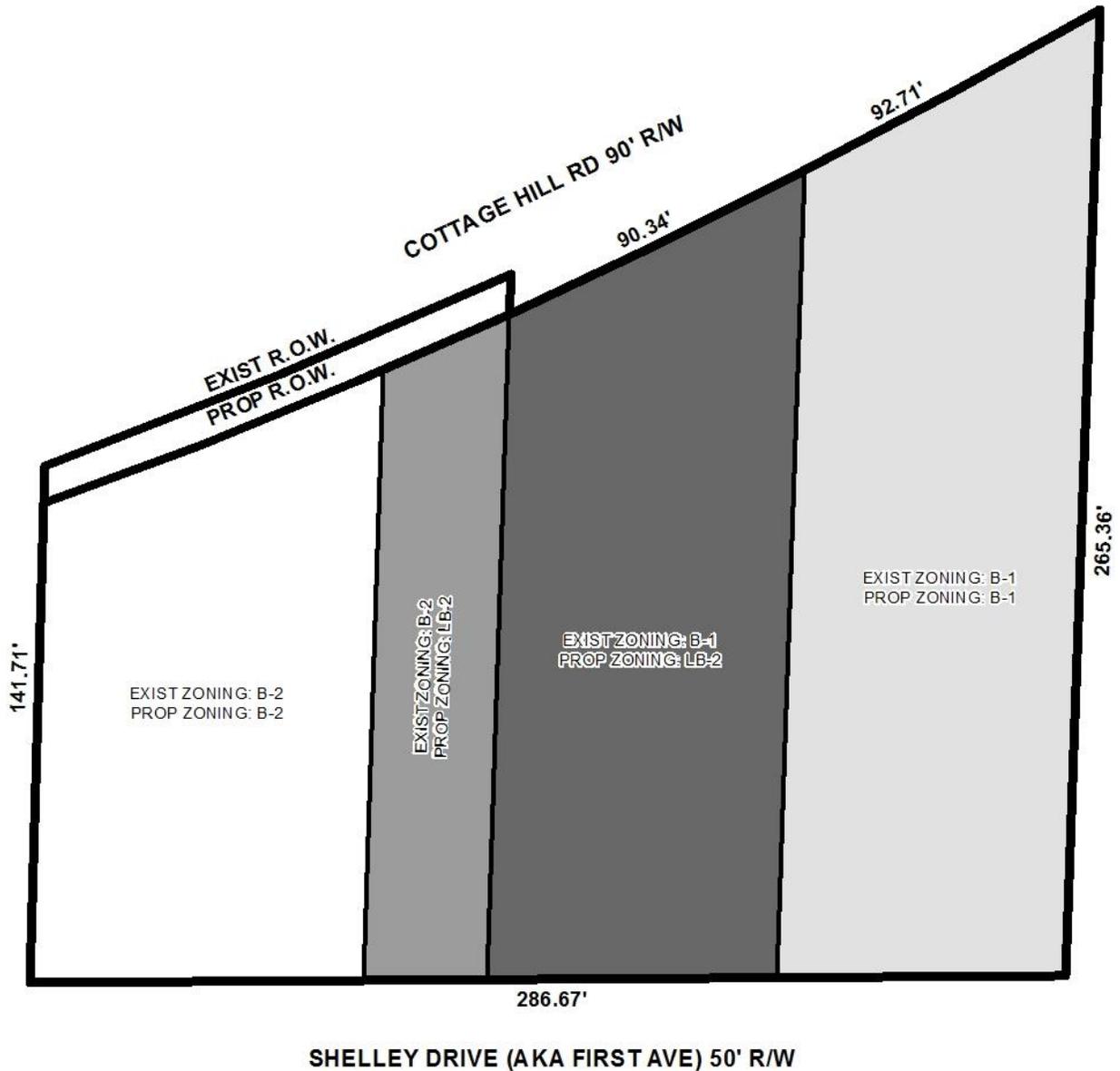


The site plan illustrates the existing building, existing parking, setbacks, proposed building, and proposed parking.

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DETAIL SITE PLAN



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