

SUBDIVISION & ZONING
AMENDMENT STAFF REPORT**Date: January 20, 2011****APPLICANT NAME**

Lee D. and Patti P. Peacock

SUBDIVISION NAME

Peacock Subdivision

LOCATION6015 Cottage Hill Road
(South side of Cottage Hill Road, 175'± East of Spring
Creek Circle).**CITY COUNCIL**
DISTRICT

District 4

PRESENT ZONING

R-1, Single-Family Residential District

PROPOSED ZONING

B-1, Buffer Business District

AREA OF PROPERTY

1-Lot/1.2± Acres

CONTEMPLATED USESubdivision approval to create a legal lot of record and
Zoning approval to rezone the site from R-1, Single-Family
Residential District, to B-1, Buffer Business District, to
allow commercial office space.**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.****REASON FOR**
REZONINGChanges in conditions in a particular area make a change in
the Ordinance necessary and desirable.**TIME SCHEDULE**
FOR DEVELOPMENT

Immediately

ENGINEERING
COMMENTSShow the limits of the flood plain on the plat. Also show
the Minimum Finished Floor Elevation on each lot on Plat. There is to be no fill placed within
the limits of the flood plain without providing compensation. Width of drainage easement
subject to change upon completion of review by City Engineer. 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, as adopted by the City of Mobile, and the 2003 International Existing Building Code, as appropriate. Fire hydrants shall be provided per Section 508.5.1 of the 2003 IFC. Access to building shall be provided per Section 503.1.1 & 503.2.1 of the 2003 IFC.

REMARKS

The applicant is requesting Subdivision approval to create a legal lot of record from an existing metes and bounds parcel, and Zoning approval to rezone the lot from R-1, Single-Family Residential, to B-1, Buffer Business District, to allow commercial office space.

The site currently is a metes and bounds parcel, approximately 1.2± acres, zoned R-1, Single-Family Residential, and is currently developed with a single-story (1,826 square-feet) residential structure that has been used and occupied as an insurance agent office, by Use Variance since February 1983. The application states the site will remain as it has and no additional improvements are contemplated at this time. A sidewalk will also be required along any public right-of-way unless a waiver is submitted to and approved by the Planning Commission.

The property sits on the Southside of Cottage Hill Road and approximately ½-mile from both Hillcrest Road and Knollwood Drive is bounded to the East, West and South by residentially developed property in a R-1, Single-Family Residential district; and across Cottage Hill Road to the North by a R-2, Two-Family Residential district and R-1, Single-Family Residential district currently developed as a church site..

The site fronts onto Cottage Hill Road, a proposed major street according to the Major Street Plan Component of the Comprehensive Plan. The preliminary plat illustrates the current right-of-way along Cottage Hill Road as 100-feet. As a Major Street, Cottage Hill Road is required to provide a right-of-way of 100 feet, thus no dedication is required.

Currently, the site is accessed by two, one-way curb cuts from Cottage Hill Road. No change is illustrated on the site plan. However, if determined by Traffic Engineering that curbs cuts should be modified, the size, location, and design of all curb cuts to be approved by Traffic Engineering and conform to AASHTO standards.

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 industrial sites in addition to sites that are available, make it necessary and desirable to rezone an area or extend the boundaries of an existing district; or 4) the subdivision of land into urban building sites makes reclassification of the land necessary and desirable.

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 appears to be depicted as residential 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. The accuracy of recommended land uses on the General Land Use Component map is limited due to the large scale of the map. 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.

The applicant claims one of the four conditions for rezoning are present at the site; the applicant states “Changes in conditions in a particular area make a change in the Ordinance necessary and desirable” and alleges that the widening of Cottage Hill Road is such a change. Given the Use Variance history of the site, a new variance may be more appropriate. Additionally, rezoning the site may be considered “Spot Zoning” and the range of future uses may be less compatible and set a negative precedent.

Section 64-9.2.b., states new B-1 district *should* contain at least two (2) acres of gross area; provided ,a proposed B-1 district would abut an existing B-2, B-3, B-4, I-1 or I-2 district. Additionally, the site may continue to be used as an insurance agency without any further approvals since the Board of Zoning Adjustment approved this use in 1983.

The proposed lot size is indicated on the plat; therefore the lot size, in square feet, should be depicted on the Final Plat as well, or a table with same information provided.

Finally, the geographic area defined by the city of Mobile and its planning jurisdiction, including this site, may contain Federally-listed threatened or endangered species as well as protected non-game species. Development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.

RECOMMENDATION

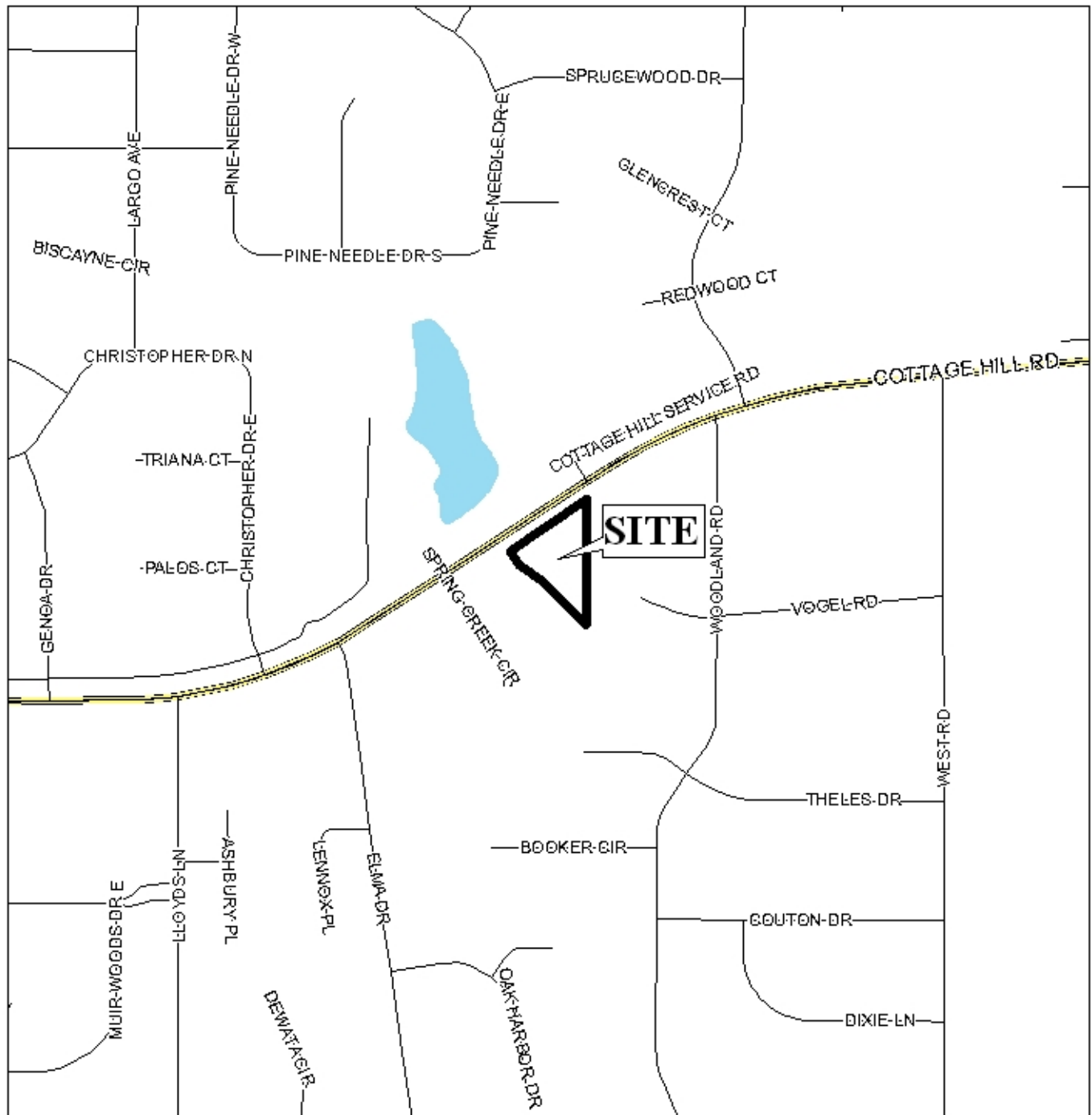
Subdivision: The Subdivision request is recommended for tentative approval subject to the following conditions:

- 1) placement of a note on the Final Plat limiting the development to the two existing curb cuts to Cottage Hill Road, if the site is redeveloped in the future the size, location, and design of all new curb cuts to be approved by Traffic Engineering and conform to AASHTO standards;
- 2) compliance with Traffic Engineering comments (*Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.*)
- 3) depiction 25-feet minimum building setback from the centerline of Cottage Hill Road on the Final Plat;
- 4) compliance with Engineering comments (*Show the limits of the flood plain on the plat. Also show the Minimum Finished Floor Elevation on each lot on Plat. There is to be no fill placed within the limits of the flood plain without providing compensation. Width of drainage easement subject to change upon completion of review by City Engineer. 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.*);
- 5) placement of a note on the final plat stating that development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species;
- 6) placement of the lot size labeling to depict the lot size in square feet on the Final Plat; and
- 7) full compliance with all municipal codes and ordinances.

Rezoning: Based upon the preceding, the Rezoning request is recommended for denial for the following reasons:

- 1) site does not meet the criteria of Section 64-9.2b., states a new free-standing B-1 district should contain at least two (2) acres of gross area; the site enjoys a Use Variance to allow an insurance agency at this time; and
- 2) a new variance application is more appropriate.

LOCATOR



APPLICATION NUMBER 12 & 13 DATE January 20, 2011

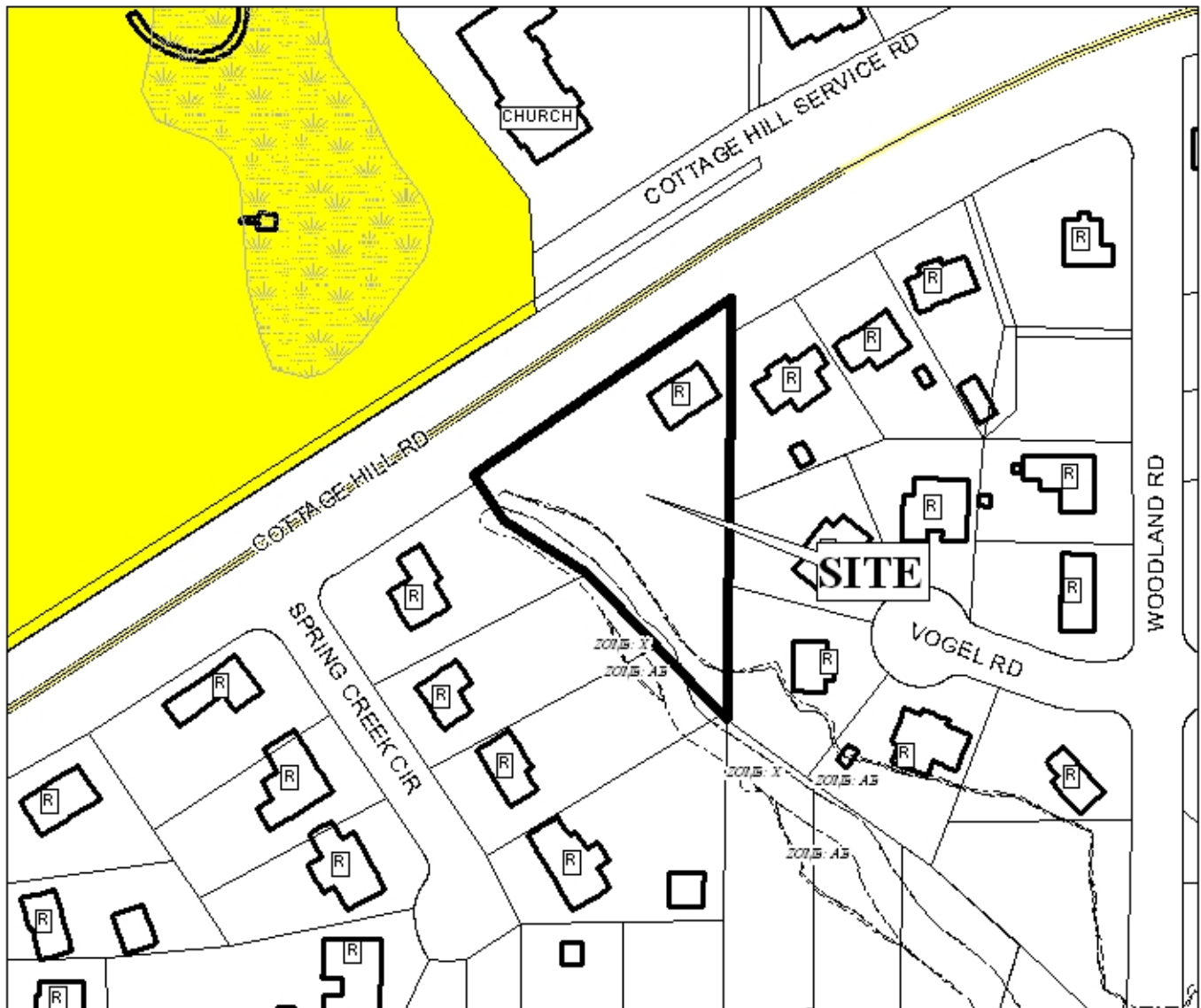
APPLICANT Peacock Subdivision

REQUEST Subdivision, Rezoning of R-1 to B-1



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



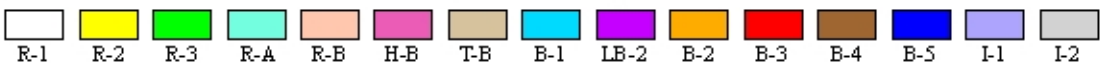
This site is surrounded by residential land use with business land use to the northwest.

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REQUEST Subdivision, Rezoning of R-1 to B-1

LEGEND



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



This site is surrounded by residential land use with business land use to the northwest.

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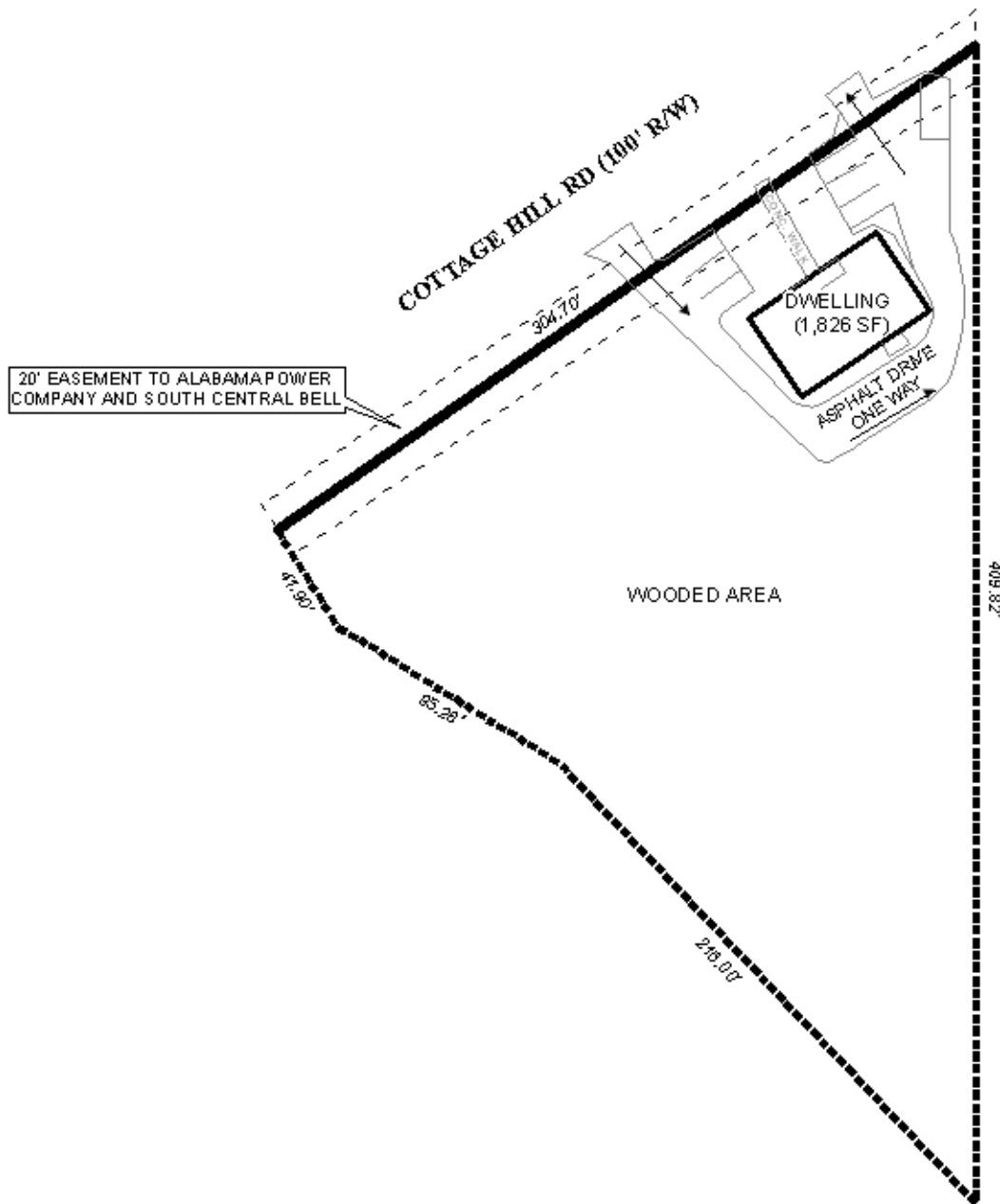
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REQUEST Subdivision, Rezoning of R-1 to B-1



NTS

DETAIL SITE PLAN



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REQUEST Subdivision, Rezoning of R-1 to B-1



NTS