

ZONING AMENDMENT STAFF REPORT**Date: July 18, 2019****NAME**

Spring Hill Insurance Company, Inc.

LOCATION3901 Cottage Hill Road
(South side of Cottage Hill Road, 25'± West of Hawthorne Drive)**CITY COUNCIL
DISTRICT**

District 4

PRESENT ZONING

B-1, Buffer Business District

PROPOSED ZONING

R-1, Single-Family Residential District

AREA OF PROPERTY

1 Lot / 0.51± Acre

CONTEMPLATED USE

Rezoning from B-1, Buffer Business District to R-1, Single-Family Residential 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

None given.

**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 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. Each Lot Owner shall be required to submit a Land Disturbance Permit application with the initial construction of a single family dwelling or other impervious surface (shed, driveway, slab, asphalt, gravel, etc.). The application shall include a site grading and drainage plan, details, and calculations, all of which are to be signed by a licensed Alabama Professional Engineer.
5. 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.
6. 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.
7. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

TRAFFIC ENGINEERING

COMMENTS

No comments.

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)

REMARKS

The applicant is requesting Rezoning from B-1 Buffer Business District to R-1, Single-Family Residential District.

The site has been given a Neighborhood Center-Suburban (NC) 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 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 dwelling units per acre — 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 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.

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 subject site was made a legal lot of record by the approval of New Life Housing Subdivision, approved by the Commission in 2016. Along with the subdivision application, a Rezoning was heard to rezone the site from R-1 to B-2, Neighborhood Business District, to allow a counseling service office. The Commission and City Council ultimately approved a Rezoning to the current B-1. A condition of the Rezoning was that the use of the site be limited to offices only, as per the Voluntary Conditions and Use Restrictions submitted by the applicant at that time. The current applicant now owns the property and wishes to use it as a single-family dwelling which is allowed in B-1 districts. However, as the previous Rezoning limited the use of the site to offices only, it must be rezoned again to allow residential use; hence this application.

The applicant provided the following statement:

I am requesting my house and property be changed from Commercial Property back to Residential Property. The previous owner operated a business from their home, but I am not. This is solely a house and property for residential use.

The site is bordered by R-1, Single-Family Residential zoning and uses to the East and South, and vacant B-1 to the West. To the North across Cottage Hill Road is B-2 zoning occupied with offices.

The existing building on the site was originally permitted as a single-family dwelling in 2007 when the site was zoned R-1. Because of various reasons, the dwelling was not completed. In early 2016 the property was rezoned to its current B-1, and in spring 2016, a zoning clearance was requested for a property management and consulting business, but it was never issued due to no commercial compliance inspections for the site. In the fall of 2016, a complaint indicated the building was being used commercially and without a Certificate of Occupancy. The business then vacated the premises. In spring of 2019, Planning and Zoning approved a building permit for the applicant to complete the build-out for a single-family dwelling with the condition that it be rezoned to R-1. The build-out is now complete and final inspections have been passed. In order to allow the single-family residential use, the property must be rezoned.

The subject site was originally platted as a part of a single-family residential subdivision, Bayview Heights Subdivision, and was originally assigned an R-1 zoning classification with the

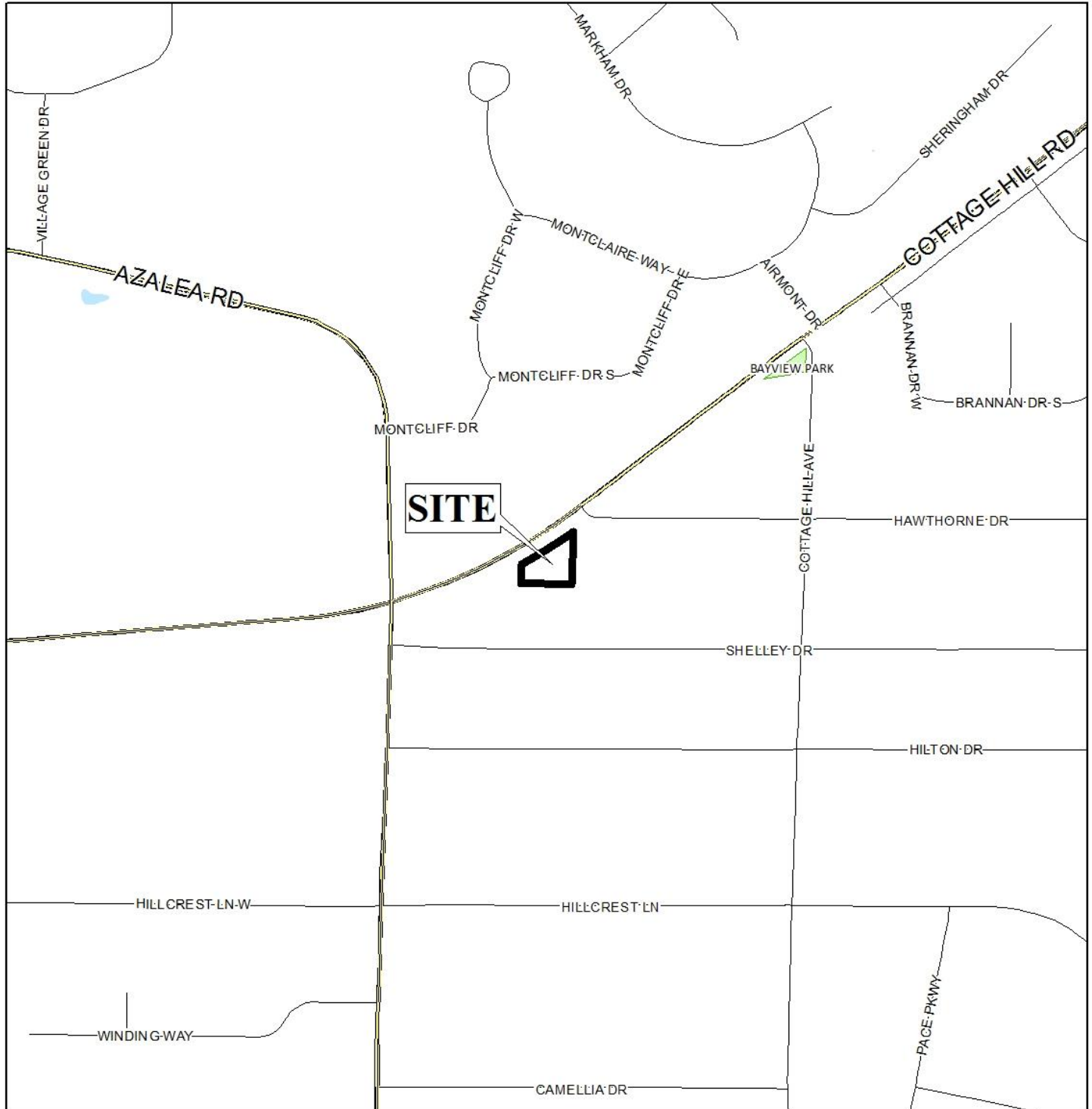
adoption of the Zoning Ordinance in 1967. It remained such until the 2016 rezoning to the current B-1 classification. As that Rezoning contained the condition that the property be used for offices only, as per the Voluntary Conditions and Use Restrictions accompanying that application, and as B-1 zoning normally allows any type of residential use by right, it would seem that there is an error in the Ordinance with respect to the site's use, especially given that it was originally a part of a single-family residential subdivision.

RECOMMENDATION

Based on the preceding, this application is recommended for Approval subject to the following:

- 1) full compliance with all municipal codes and ordinances.

LOCATOR MAP



APPLICATION NUMBER 12 DATE July 18, 2019

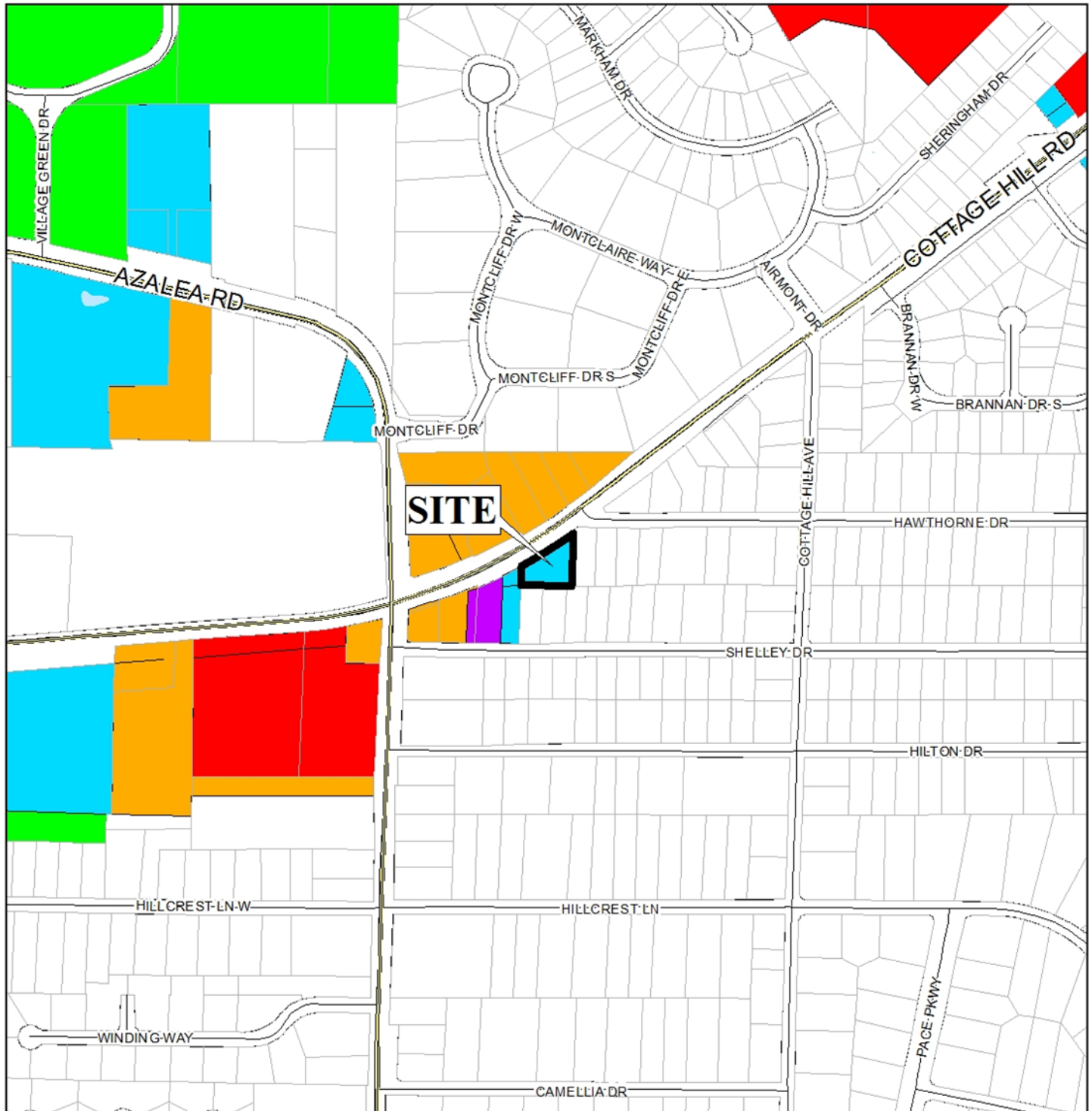
APPLICANT Spring Hill Insurance Company Inc.

REQUEST Rezoning from B-1 to R-1



NTS

LOCATOR ZONING MAP



APPLICATION NUMBER 12 DATE July 18, 2019

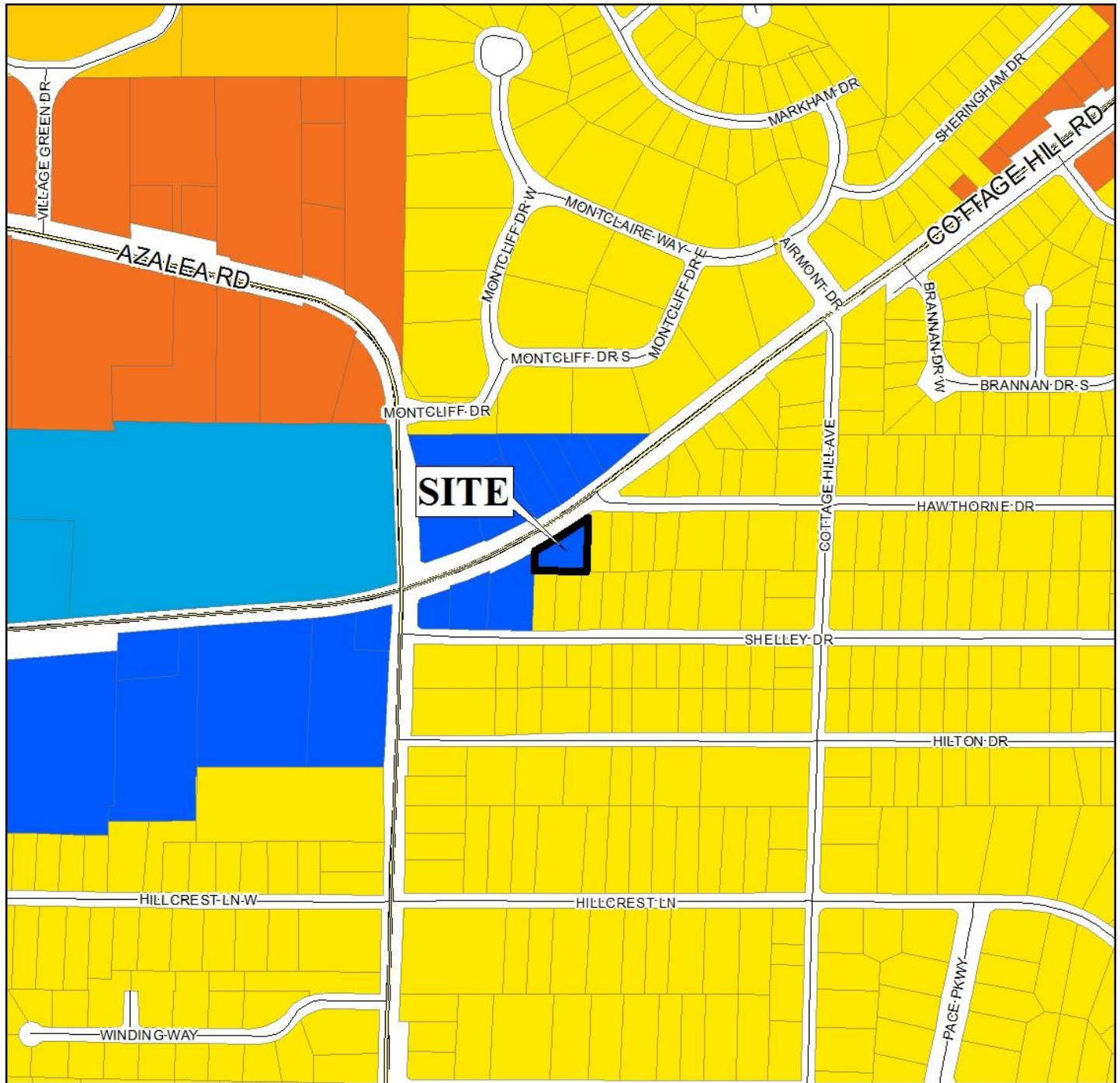
APPLICANT Spring Hill Insurance Company Inc.

REQUEST Rezoning from B-1 to R-1



NTS

FLUM LOCATOR MAP



APPLICATION NUMBER 12 DATE July 18, 2019

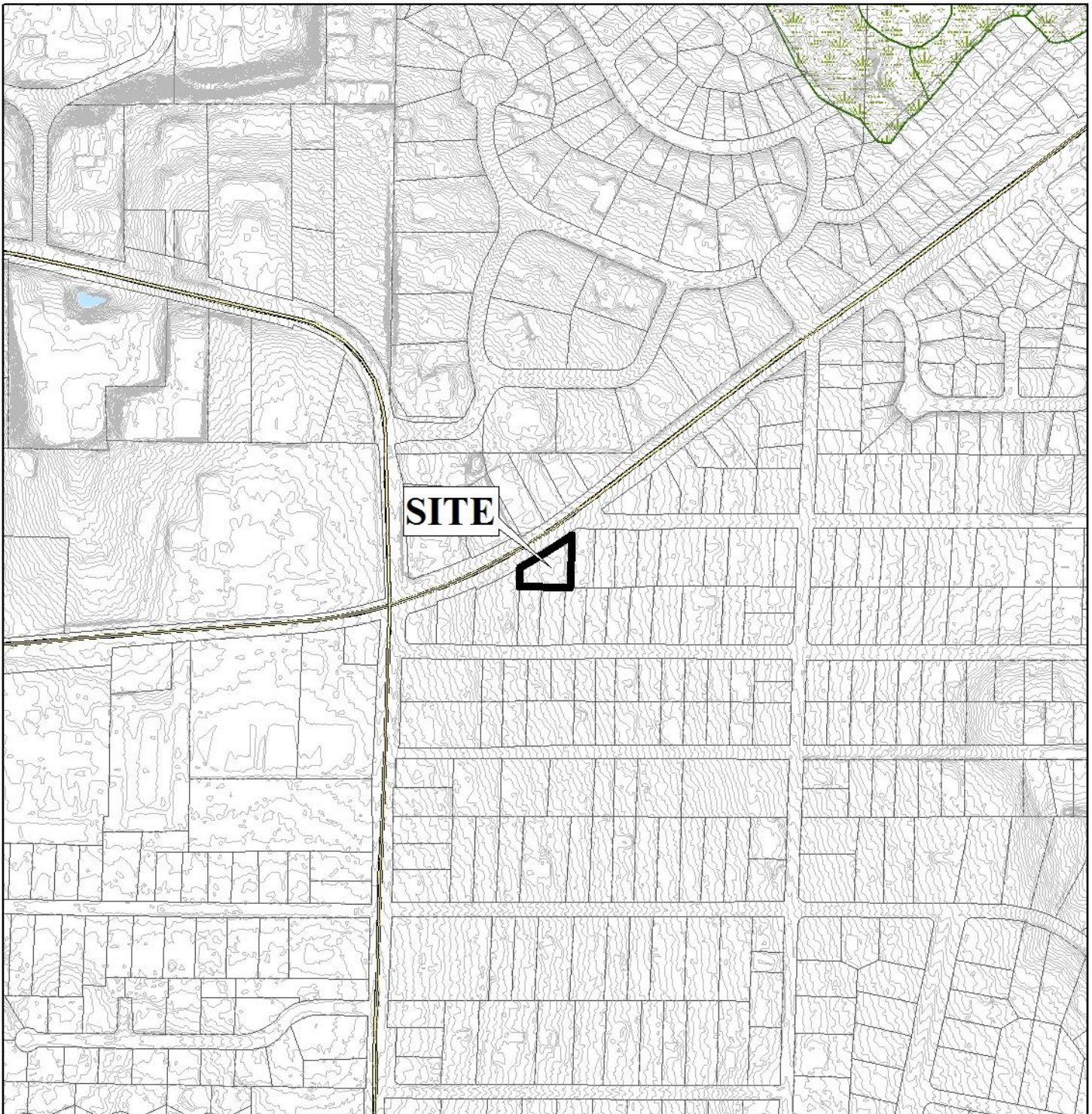
APPLICANT Spring Hill Insurance Company Inc.

REQUEST Rezoning from B-1 to R-1

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	



ENVIRONMENTAL LOCATOR MAP



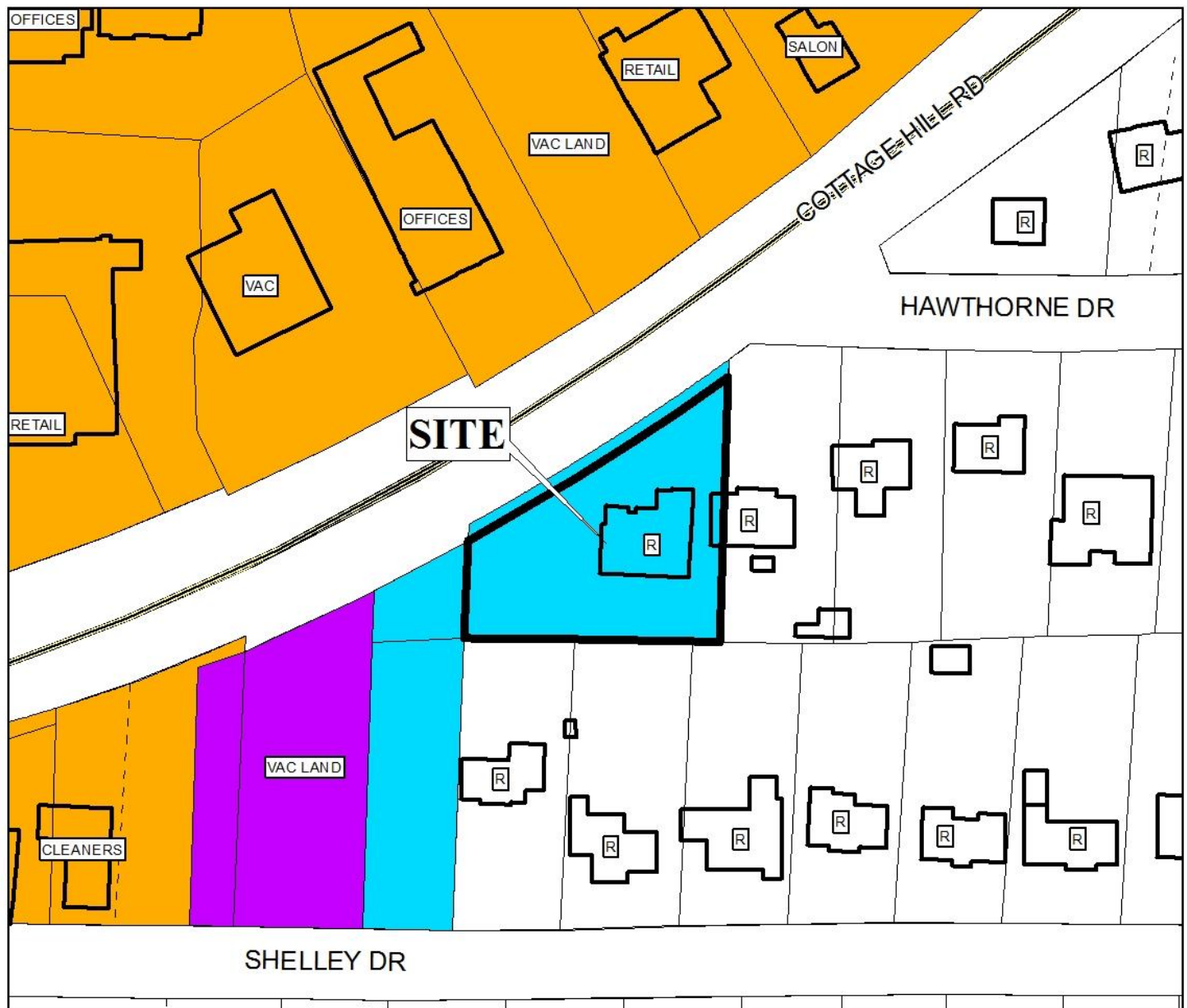
APPLICATION NUMBER 12 DATE July 18, 2019

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REQUEST Rezoning from B-1 to R-1



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential and commercial units.

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REQUEST Rezoning from B-1 to R-1

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 ZONING



The site is surrounded by residential and commercial units.

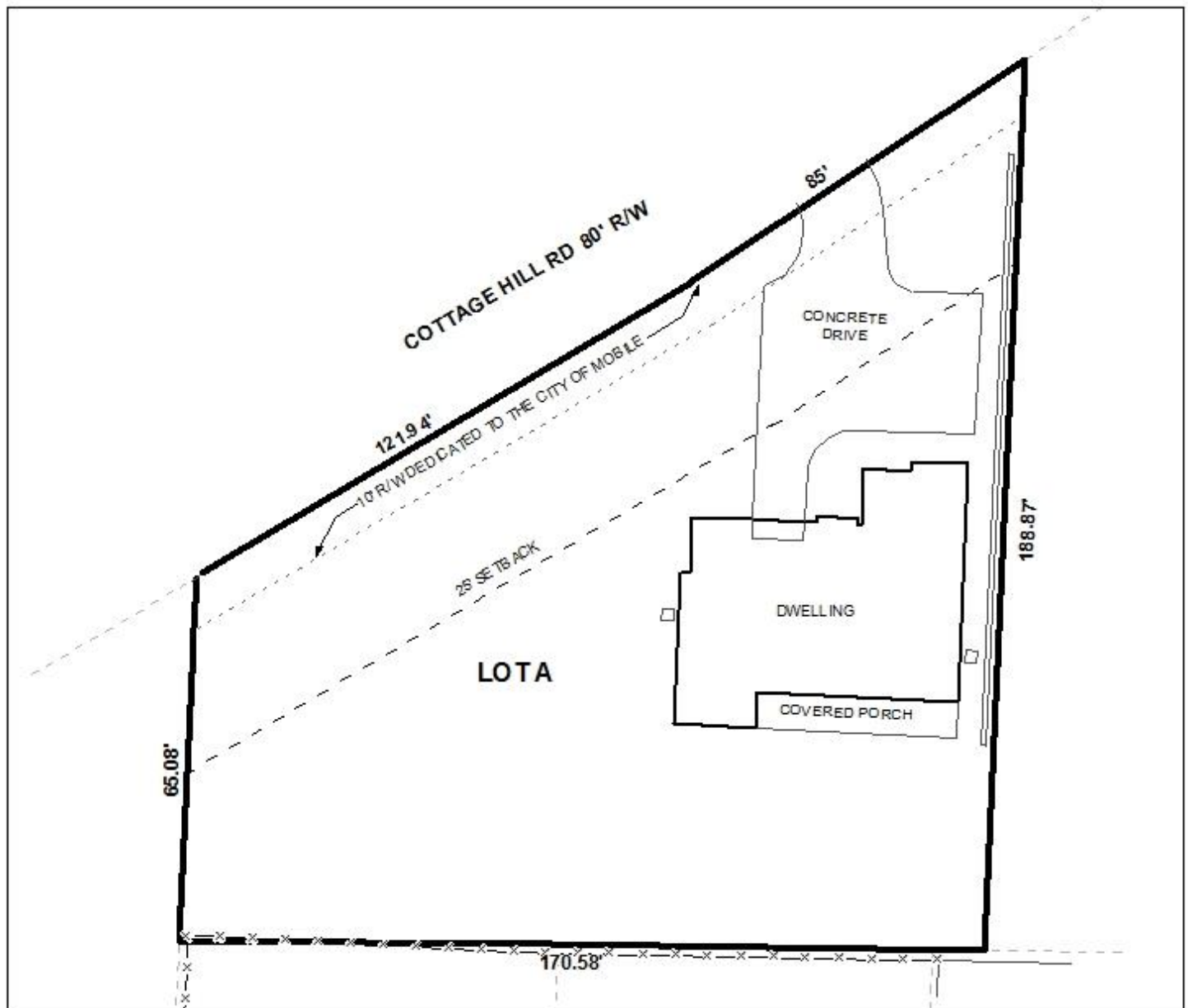
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REQUEST Rezoning from B-1 to R-1



SITE PLAN



The site plan illustrates the existing building, setbacks and right of ways.

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REQUEST Rezoning from B-1 to R-1

