

**REZONING &
SUBDIVISION STAFF REPORT****Date: August 2, 2007**

<u>APPLICANT NAME</u>	JME Realty, Inc.
<u>SUBDIVISION NAME</u>	JME Cottage Knoll Subdivision
<u>LOCATION</u>	5662 Cottage Hill Road (Northeast corner of Cottage Hill Road and Knollwood Drive)
<u>CITY COUNCIL DISTRICT</u>	Council District 6
<u>PRESENT ZONING</u>	R-1, Single-Family Residential District
<u>PROPOSED ZONING</u>	B-1, Buffer Business District
<u>AREA OF PROPERTY</u>	0.9 acres/1 Lot
<u>CONTEMPLATED USE</u>	Professional offices
<u>TIME SCHEDULE FOR DEVELOPMENT</u>	Begin construction after approvals

**ENGINEERING
COMMENTS**

There are probable outfall problems and no apparent location for stormwater to discharge. Any concentrated and/or increased stormwater discharge onto an adjacent property will require a release agreement from the affected property owner(s). 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, sizes, 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).

Preservation status is to be given to the 56" Live Oak Tree and the 48" Live Oak Tree located on the South East side of the Lot. Any work on or under these trees is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.

Due to existing trees on right of way, all new curb cuts are to be coordinated with Urban Forestry. Any work to the trees on right of way will require a permit from the Mobile Tree Commission.

REMARKS

The applicant is requesting Rezoning approval to rezone a metes and bounds parcel from R-1, Single Family Residential, to B-1, Buffer Business, to allow the applicant to construct a 10,000 square-foot, two-story, multi-tenant building as office space, with 41 paved parking spaces. Additionally, the applicant is requesting subdivision approval to establish the existing metes and bounds parcel as a legal lot of record.

The site is located on the northeast corner of Cottage Hill Road and Knollwood Drive; both are designated as major streets on the Major Street Plan which require a minimum 100-foot right-of-way. The plan illustrates that this section of Knollwood Drive has an existing right-of-way of 140' and Cottage Hill Road with an existing right-of-way of 80'. As the existing right-of-way for Cottage Hill Road is not in compliance with Major Street Standards, dedication sufficient to provide a minimum of 50' from centerline should be required, if approved.

The Zoning Ordinance states that an amendment is to be made only when one or more of the following conditions prevail: there is a manifest error in the ordinance; changes in conditions in a particular area make a change in the ordinance necessary and desirable; an increased need for 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; the subdivision of land into urban building sites makes reclassification necessary and desirable.

The applicant states the character of the building is designed to fit in within the immediate area, maximizing tree preservation and buffering the site from the adjacent residential properties. As there is an existing B-2 district located on the Southwest corner of this intersection, as well as other commercial on the north side of Cottage Hill Road east of the site, the site would be appropriate for rezoning. Additionally, they contend that the uses allowed in B-1 districts would not be detrimental to the neighborhood.

Arguably, it can be stated that the character of Cottage Hill Road has changed and become more commercial in nature for those properties fronting it.

This site is depicted on the General Land Use component of the Comprehensive Plan as residential. However, the Comprehensive Plan is meant to be a general guide, not a detailed lot

and district plan or mandate for development. The Planning Commission and City Council may consider individual cases based on additional information such as the classification requested, the surrounding development, the timing of the request and the appropriateness and compatibility of the proposed use and zoning classification.

The Zoning Ordinance states that the locational guidelines for B-1 are the same as for B-2, and thus recommends that a proposed new B-1 district should contain at least 2-acres of gross area; the nearest existing B-2 district is located (diagonal) at the southwest corner of Cottage Hill Road and Knollwood Drive, and is approximately 2.5-acres in size. As stated in the Zoning Ordinance, the creation of new districts of smaller size may be created where unusual conditions or circumstances justify them in the opinion of the planning commission. Approval of this rezoning application would set a precedent on the other adjacent residences to be converted to commercial uses; however, rezoning this corner of a major intersection to B-1 would lessen the effect.

As referenced in Urban Forestry comments the preservation of the 56" and 48" Live Oak Trees located on the South East side of the lot are not illustrated on the site plan.

This intersection is mixed in zoning, with the majority of the intermediate area zoned and used residentially. While the site in question would not adjoin commercial property, it would be located (diagonal) from an existing B-2 site and R-1 sites (across the street and adjacent); this is an ideal position for a B-1, Buffer Business district. Furthermore, as the site in question would appear to benefit from redevelopment, rezoning the site for "Buffer Business" appears to be the best response to the existing conditions.

This site was the subject of a rezoning request to B-2, Neighborhood Business in May 2006 and a rezoning request to LB-2 Limited Business in May 2007. These requests, to allow a convenience store with gas pumps, and then to allow specialty shops were ultimately denied. At that time the staff report indicated that professional offices would be a viable alternative for this site.

It should be noted that approval of the rezoning application does not constitute site plan approval, nor does it limit the site development to a specific site plan. Therefore, the site will be subject to review for full compliance with all municipal codes and ordinances. In addition, a buffer in compliance with Section IV.D.1 of the Zoning Ordinance would be required where the site adjoins residentially zoned or residentially developed property.

RECOMMENDATION

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

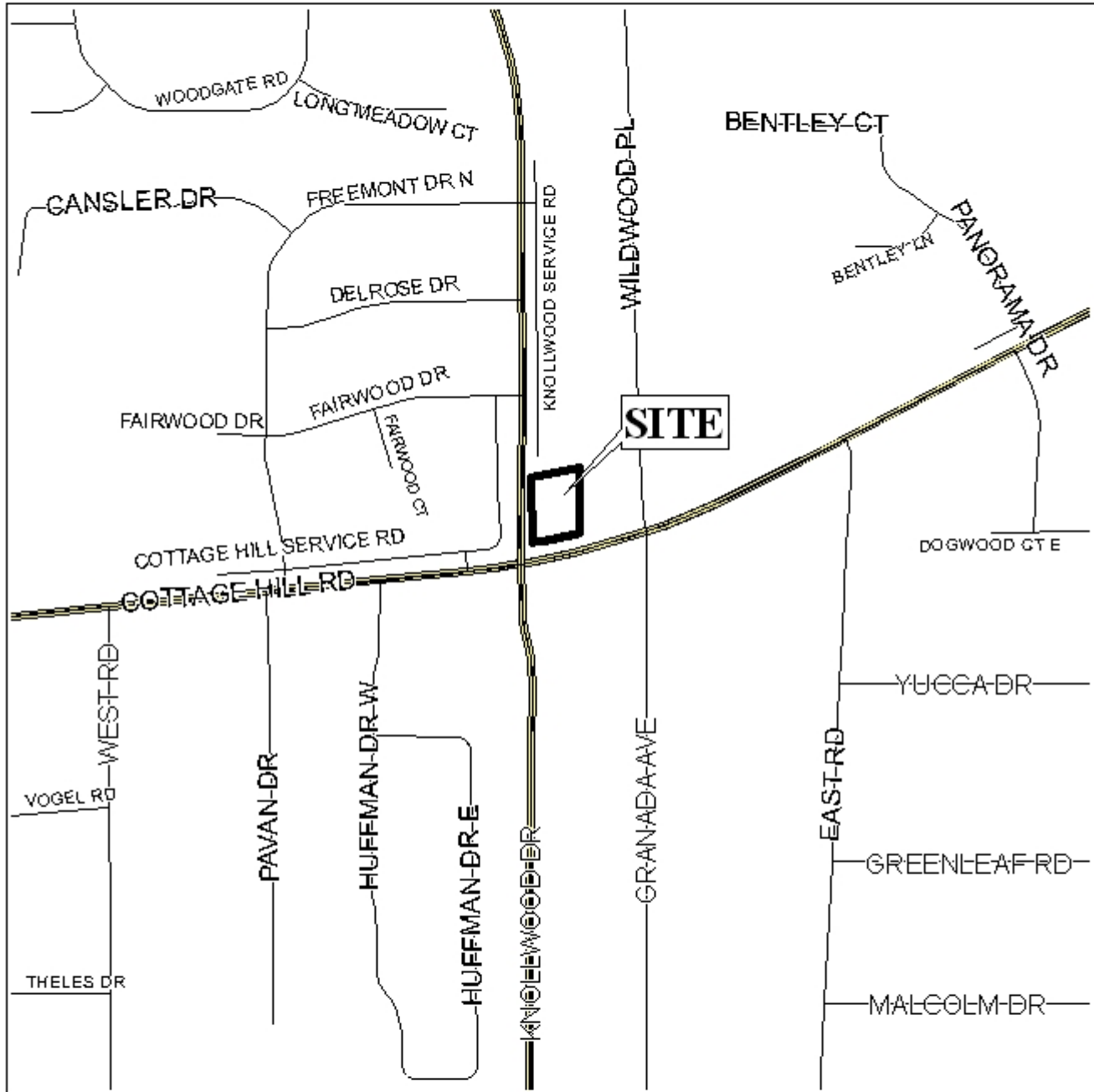
- 1) dedication along Cottage Hill Road sufficient to provide a minimum of 50' from centerline;
- 2) dedication of an appropriate radius at the intersection of Cottage Hill Road and Knollwood Drive, to be determined by the Engineering and Traffic Engineering Departments;

- 3) placement of a note on the final plat stating that the site be limited to one curb cut to each, Knollwood Drive and Cottage Hill Road, size, location and design to be approved by Traffic Engineering;

Rezoning: Based on the preceding, the application is recommended for approval, subject to the following conditions:

- 1) completion of the subdivision process;
- 2) compliance with Engineering Comments (There are probable outfall problems and no apparent location for stormwater to discharge. Any concentrated and/or increased stormwater discharge onto an adjacent property will require a hold harmless agreement from the affected property owner(s). Development must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit);
- 3) 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 61-929 and City Code Chapters 57 and 64). Preservation status is to be given to the 56" Live Oak Tree and the 48" Live Oak Tree located on the South East side of the Lot. Any work on or under these trees is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger. Due to existing trees on right of way, all new curb cuts are to be coordinated with Urban Forestry. Any work to the trees on right of way will require a permit from the Mobile Tree Commission.);
- 4) the site be limited to one curb cut to each, Knollwood Drive and Cottage Hill Road, size, location and design to be approved by Traffic Engineering;
- 5) provision of a minimum 6' high privacy fence along the North and East property lines, where the site abuts residential properties (can be no higher than 3' in the required 25' setback from both streets); and
- 6) full compliance with all municipal codes and ordinances.

LOCATOR MAP



APPLICATION NUMBER 18 & 19 DATE August 2, 2007

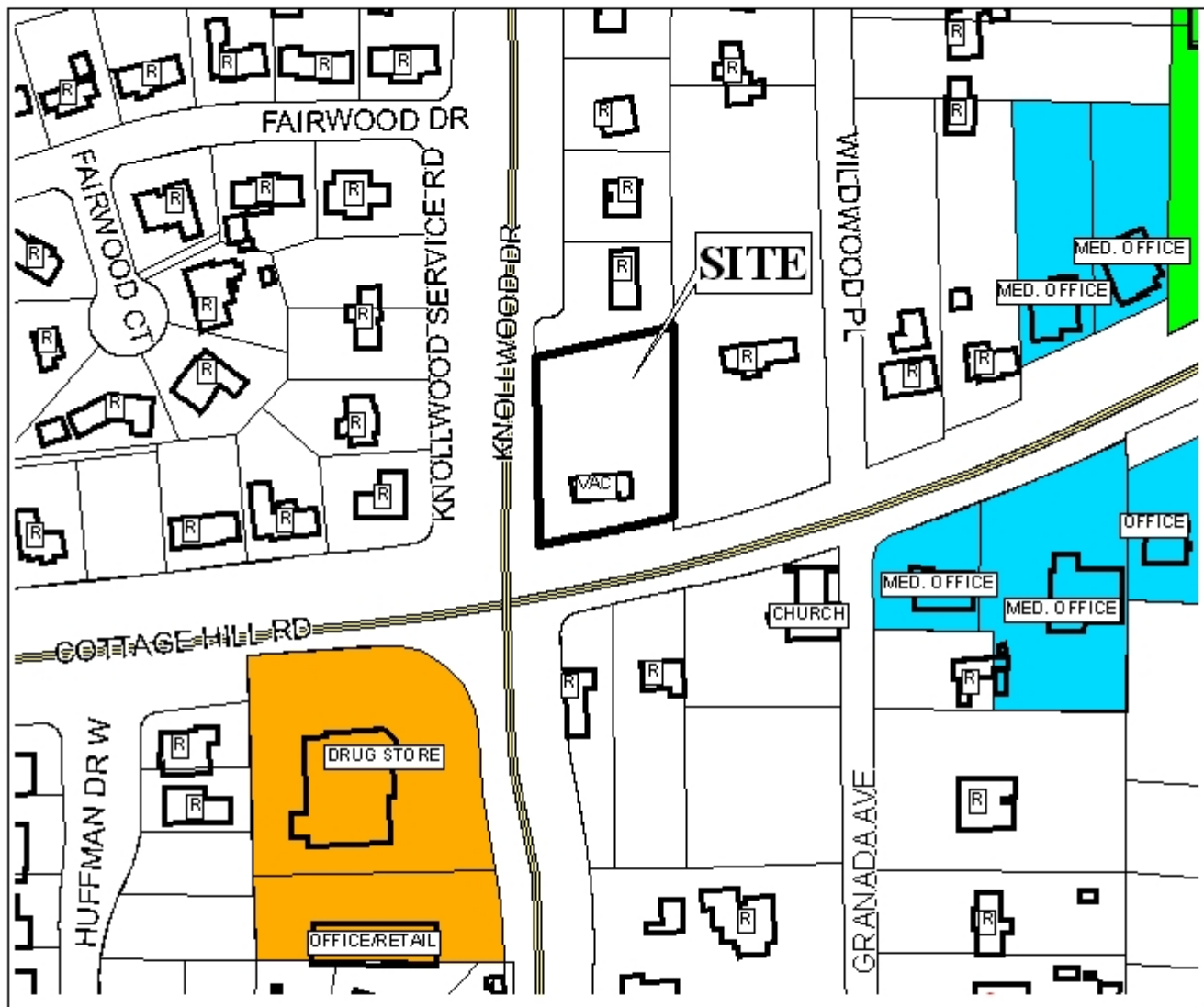
APPLICANT JME Realty, Inc.

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



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Single family residential units are located to the north, west, and east of the site, a drug store is located to the southwest, and a church to the southeast.

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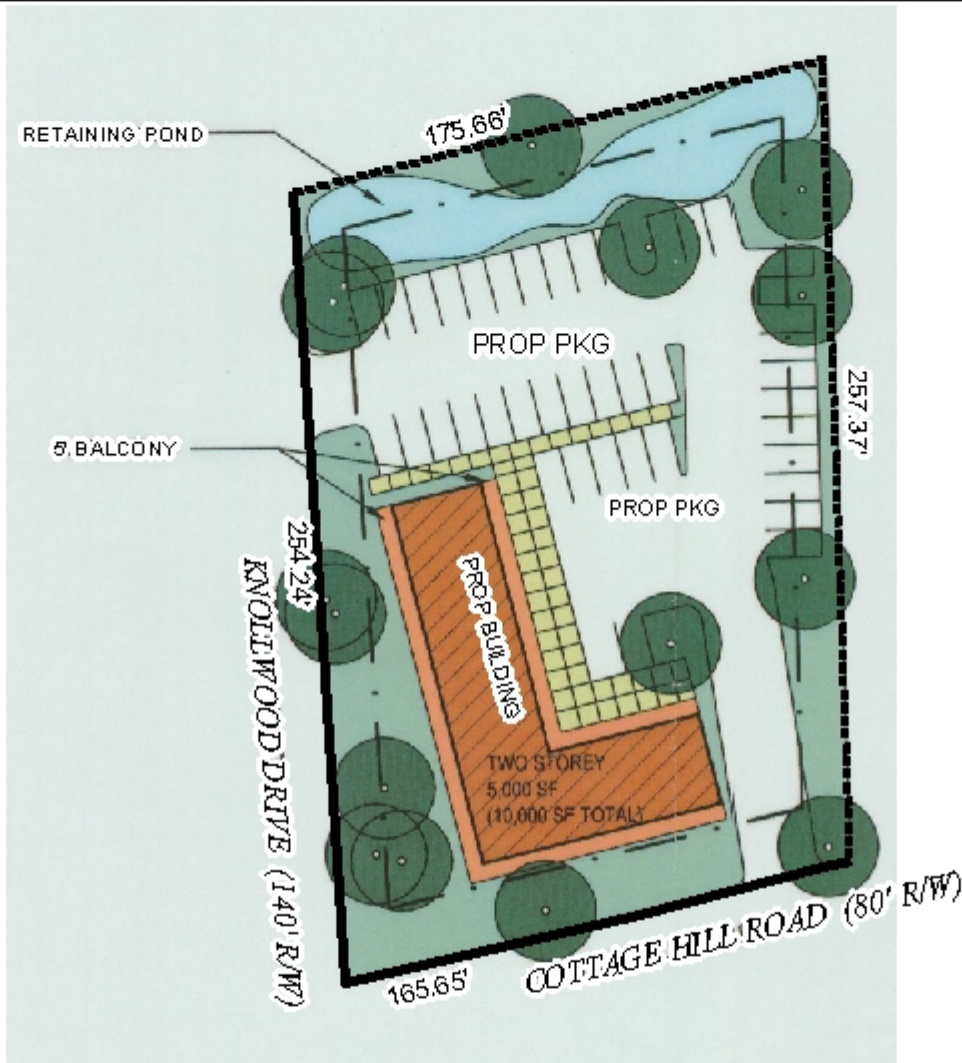
REQUEST Subdivision, Rezoning from R-1 to B-1

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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SITE PLAN



The site plan illustrates the proposed building, parking, building setback, and retaining pond.

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NTS