

**ZONING AMENDMENT  
& SUBDIVISION STAFF REPORT****Date: February 18, 2016****APPLICANT NAME**

New Life Housing, LLC

**SUBDIVISION NAME**

New Life Housing&lt; LLC

**LOCATION**3901 Cottage Hill Road  
(South side of Cottage Hill Road, 25'± West of Hawthorne Drive)**CITY COUNCIL  
DISTRICT**

District 4

**PRESENT ZONING**

R-1, Single-Family Residential

**PROPOSED ZONING**B-2, Neighborhood Business (*Revised to B-1, Buffer Business*)**AREA OF PROPERTY**

22,381± Square Feet / 0.5± Acre

**CONTEMPLATED USE**

Subdivision approval to create one lot, and Rezoning from R-1, Single-Family Residential District, to B-2, Neighborhood Business District, to allow a counseling services office.

**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  
REZONING**

To allow a counseling services office.

**TIME SCHEDULE  
FOR DEVELOPMENT**

March, 2016.

**ENGINEERING  
COMMENTS****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 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, paving, and all above ground structures, 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. 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.
5. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

**Subdivision:**

The following comments should be addressed prior to submitting the FINAL PLAT for acceptance and 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. Present tract designation, name of proposed subdivision, - show existing parcel/lot lines.
- C. Location, width, purpose of existing and proposed easements
- D. Check the written legal description and the labeled bearings and distances. It appears that the last callout in the written description is not shown on the drawing.
- E. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
- F. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of development, unless a sidewalk waiver is approved.
- G. Provide a copy of the FINAL PLAT to the Engineering Dept. for review prior to obtaining any signatures.
- H. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.

**TRAFFIC ENGINEERING  
COMMENTS**

Lot is limited to one curb cut to Cottage Hill Road, with size, location and design to be approved by Traffic Engineering and conform to AASHTO

standards. Site plan does not indicate required number of parking spaces for this site. A variance for parking and maneuvering may be necessary. Any new on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance. The owner/developer is responsible for ADA accessibility, which should require asphalt/concrete surface for the designated space(s) and the path to the building. Sidewalk should be included along all street frontages, unless a sidewalk waiver is approved by the Planning Commission.

### **REVISED TRAFFIC**

### **ENGINEERING**

### **COMMENTS**

*Lot is limited to one curb cut to Cottage Hill Road, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Any new on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance. Sidewalk should be included along all street frontages, unless a sidewalk waiver is approved by the Planning Commission.*

### **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 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 R-1, Single-Family Residential District, to B-2, Neighborhood Business District, to allow a counseling services office.

The applicant states:

7.

a) Contemplated use and character improvements:

- The use of the building is for the office of New Life Housing LLC. We help people to stop paying rent and to own their own home through counseling, workshops, positive credit training. The function of the building as a house will primarily be the same as it is.
- Hours of operation
- Mon-Friday 9 to 5
- Saturday 11 – 2

b) Time Schedule of when the improvements will be done:

- March 2016

8.

a) The present condition:

- The property has a preexisting two story house. It is a residential home. We will not have to any changes to the outside of the building. We will need to pave the adjacent front lawn in the front of the house. One portion of the front lawn is already paved and the other side will need to be paved also. The reason for the application is that it is a residential home and we need are a business.

The applicant submitted an as-built survey of the property but no site plan to indicate any improvements to bring the site into commercial compliance, (which would include accessible parking, trees, landscaping, etc.). Also, the survey indicates the site consists of two legal lots of record and a portion of a third legal lot of record. Therefore, a one-lot Subdivision would be required to create a legal lot of record for the site.

It should also be noted that Building and Fire Code compliance will be required due to the conversion of the residential structure to a business. Compliance could include accessible restrooms, emergency lighting and ventilation modifications. The applicant may wish to schedule a pre-development meeting to determine the scope of all required improvements.

Due to the deficiencies noted, this application should be heldover to the meeting of January 7, 2016, to allow the applicant to prepare a site plan showing improvements needed for commercial compliance and to also submit a one-lot Subdivision to be heard in conjunction with the Rezoning request.

### **RECOMMENDATION**

Based on the preceding, this application is recommended for holdover to the meeting of January 7, 2016, to allow the applicant to address the following items:

- 1) submittal of a site plan indicating site improvements required to meet commercial site standards of the Zoning Ordinance; and
- 2) submittal of a one-lot Subdivision application to combine all portions of the site into one legal lot of record.

Required submittals should be made no later than December 11<sup>th</sup>.

### ***Revised for the January 7, 2016 meeting:***

*The Rezoning application was heldover from the December 3, 2015 meeting to allow the applicant to submit a site plan indicating site improvements required to meet commercial site standards of the Zoning Ordinance and to submit a one-lot Subdivision application to combine all portions of the site into one legal lot of record. The required items were submitted by the applicant for review.*

*The site plan submitted indicates a compliant 24' driveway and parking access aisle, and sufficient parking spaces for the proposed use. Only the total landscaping area required is calculated, but it is erroneous. No indication of required buffering along adjacent residential*

*properties is indicated. With the possible dedication of frontage along Cottage Hill Road required by the accompanying Subdivision, the site may not have sufficient area remaining along Cottage Hill Road to meet the frontage landscaping requirements.*

*With regard to the applicant's reasoning for the zoning change, only a brief mention is made of the fact that the site is a residential home and a business site is needed. As stated in Section 64-9.A.1. 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. In this instance, none of those requirements has been illustrated to justify the Rezoning.*

*It should be noted that the original building permit for the existing dwelling on the site was issued in 2007, but due to problems associated with contractors, two subsequent permits for completion of the construction were issued in 2009, but the structure never received final inspections or a Certificate of Occupancy. However, the intent was to construct a residential dwelling as part of Bayview Heights, a recorded residential Subdivision. As such, the proposed use would be out of character with the adjacent residential uses, and residents of the area have submitted a petition to the Planning Division with 45 signatures in opposition to the proposed Rezoning.*

*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.*

*With regard to the proposed one-lot Subdivision, the site fronts Cottage Hill Road, a component of the Major Street Plan with a planned 100' right-of-way. As the current right-of-way along that section of Cottage Hill Road is 80', dedication sufficient to provide 50' from the centerline of Cottage Hill Road would be required. As per the Traffic Engineering comments, the lot is limited to one curb cut to Cottage Hill Road, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.*

*The plat should be revised to indicate the 25' minimum building setback line as measured from any required street frontage dedication. The lot area label should be revised to indicate the lot size in both square feet and acres after any required frontage dedication, or a table should be furnished on the Final Plat providing the same information.*

**RECOMMENDATION**

**Subdivision:** *The plat meets the minimum requirements of the Subdivision Regulations and is recommended for Tentative Approval, subject to the following conditions:*

- 1) *dedication sufficient to provide 50' from the centerline of Cottage Hill Road;*
- 2) *placement of a note on the Final Plat stating that the lot is limited to one curb cut to Cottage Hill Road, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards;*
- 3) *revision of the plat to indicate the 25' minimum building setback line as measured from any required frontage dedication;*
- 4) *revision of the plat to label the lot size in both square feet and acres after any required frontage dedication, or the furnishing of a table on the Final Plat providing the same information;*
- 5) *subject to the Engineering comments: [The following comments should be addressed prior to submitting the FINAL PLAT for acceptance and 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. Present tract designation, name of proposed subdivision, - show existing parcel/lot lines. C. Location, width, purpose of existing and proposed easements. D. Check the written legal description and the labeled bearings and distances. It appears that the last callout in the written description is not shown on the drawing. E. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. F. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of development, unless a sidewalk waiver is approved. G. Provide a copy of the FINAL PLAT to the Engineering Dept. for review prior to obtaining any signatures. H. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.];*
- 6) *subject to the Traffic Engineering comments: (Lot is limited to one curb cut to Cottage Hill Road, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Any new on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance. Sidewalk should be included along all street frontages, unless a sidewalk waiver is approved by the Planning Commission.);*
- 7) *subject to the 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).]; and*
- 8) *subject to the 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)].*

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

- 1) *none of the requirements of Section 64-9.A.1. of the Zoning Ordinance to justify the Rezoning was provided;*
- 2) *the site may not have sufficient frontage area after the required street frontage dedication of the Subdivision to meet the frontage landscaping requirements; and*
- 3) *the Rezoning would be out of character with the adjacent residential uses.*

***Revised for the February 18<sup>th</sup> meeting:***

*Both applications were heldover from the January 7<sup>th</sup> meeting to be considered together and to allow the applicant to submit a revised site plan, with consideration of B-1 zoning, and voluntary use restrictions as discussed at the meeting.*

*The applicant submitted a revised site plan indicating the frontage right-of-way dedication area required by the Subdivision and a relocated curb cut and drive to the parking area with the existing curb cut and frontage parking area proposed to be removed. The revised entrance and parking would allow for an easier access and maneuvering area than previously proposed and would also allow for compliant frontage landscaping. It should also be noted that if the Zoning request is approved and the project moves forward, a sidewalk will be required along Cottage Hill Road.*

*Also submitted were voluntary conditions and use restrictions. The use restrictions state that the property will be used for office space only “with no retail sales allowed” and the voluntary conditions state that a six foot privacy fence will be placed along the East property line, from the front of the existing building to the existing wood privacy fence along the South property line. Although the use restrictions proposed would limit the commercial activities for the site, the voluntary conditions proposed are standard conditions normally placed on new commercial development adjacent to residential sites, and even then, they are not as complete as those normally placed on such development. Furthermore, retail sales are not allowed in B-1 districts. Nothing beyond or completely equal to the standard conditions is proposed.*

**RECOMMENDATION**

***Subdivision:*** *The plat meets the minimum requirements of the Subdivision Regulations and is recommended for Tentative Approval, subject to the following conditions:*

- 1) *dedication sufficient to provide 50' from the centerline of Cottage Hill Road;*
- 2) *placement of a note on the Final Plat stating that the lot is limited to one curb cut to Cottage Hill Road, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards;*
- 3) *revision of the plat to indicate the 25' minimum building setback line as measured from any required frontage dedication;*
- 4) *revision of the plat to label the lot size in both square feet and acres after any required frontage dedication, or the furnishing of a table on the Final Plat providing the same information;*

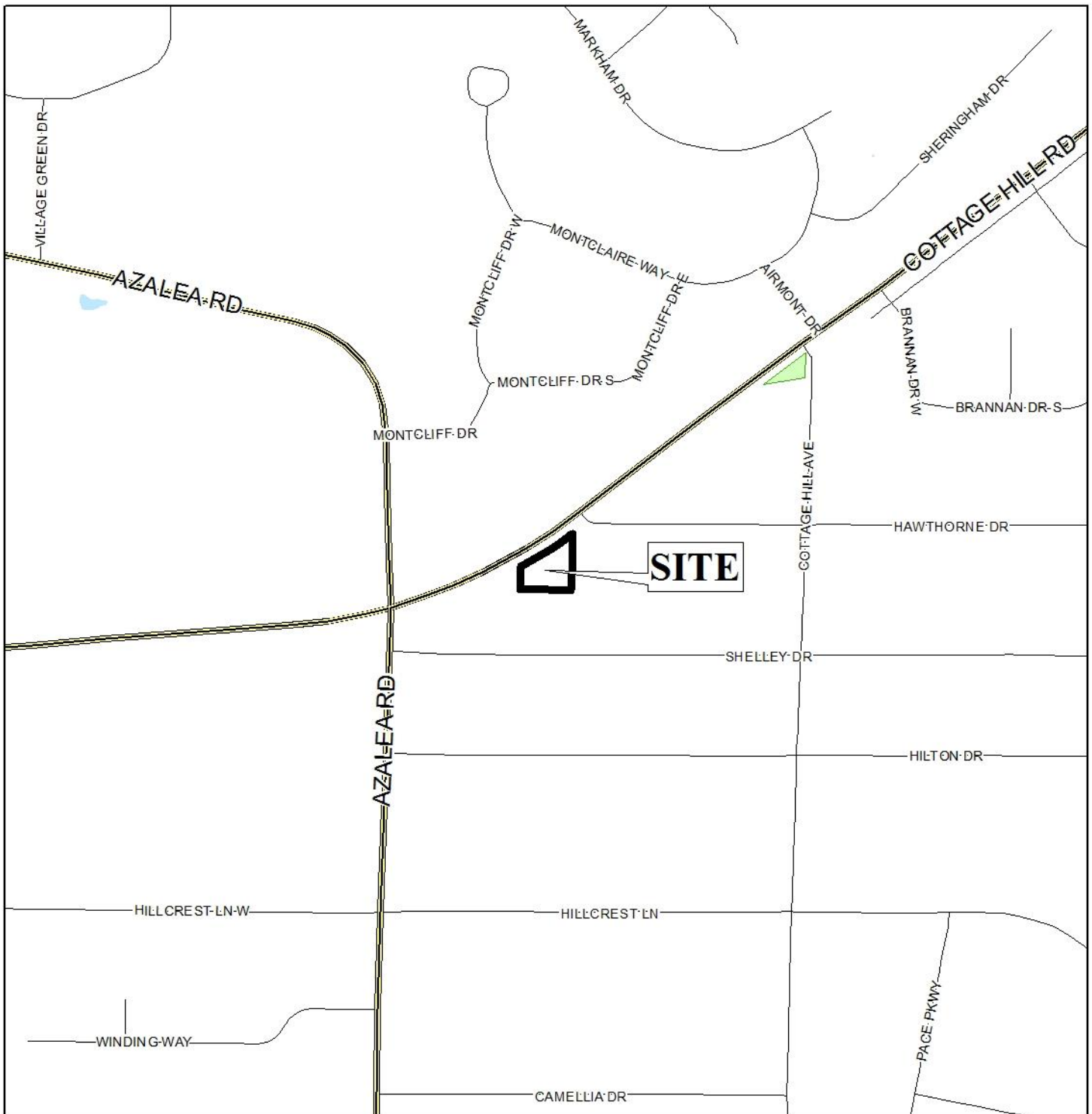
- 5) *subject to the Engineering comments: [The following comments should be addressed prior to submitting the FINAL PLAT for acceptance and signature by the City Engineer: A. Provide all of the required information on the SUBDIVISION PLAT (i.e. signature blocks, signatures, certification statements, 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. Present tract designation, name of proposed subdivision, - show existing parcel/lot lines. C. Location, width, purpose of existing and proposed easements. D. Check the written legal description and the labeled bearings and distances. It appears that the last callout in the written description is not shown on the drawing. E. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. F. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of development, unless a sidewalk waiver is approved. G. Provide a copy of the FINAL PLAT to the Engineering Dept. for review prior to obtaining any signatures. H. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.];*
- 6) *subject to the Traffic Engineering comments: (Lot is limited to one curb cut to Cottage Hill Road, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Any new on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance. Sidewalk should be included along all street frontages, unless a sidewalk waiver is approved by the Planning Commission.);*
- 7) *subject to the 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).]; and*
- 8) *subject to the 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)].*

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

- 1) *none of the requirements of Section 64-9.A.1. of the Zoning Ordinance to justify the Rezoning was provided; and*
- 2) *the Rezoning would be out of character with the adjacent residential uses.*



# LOCATOR MAP



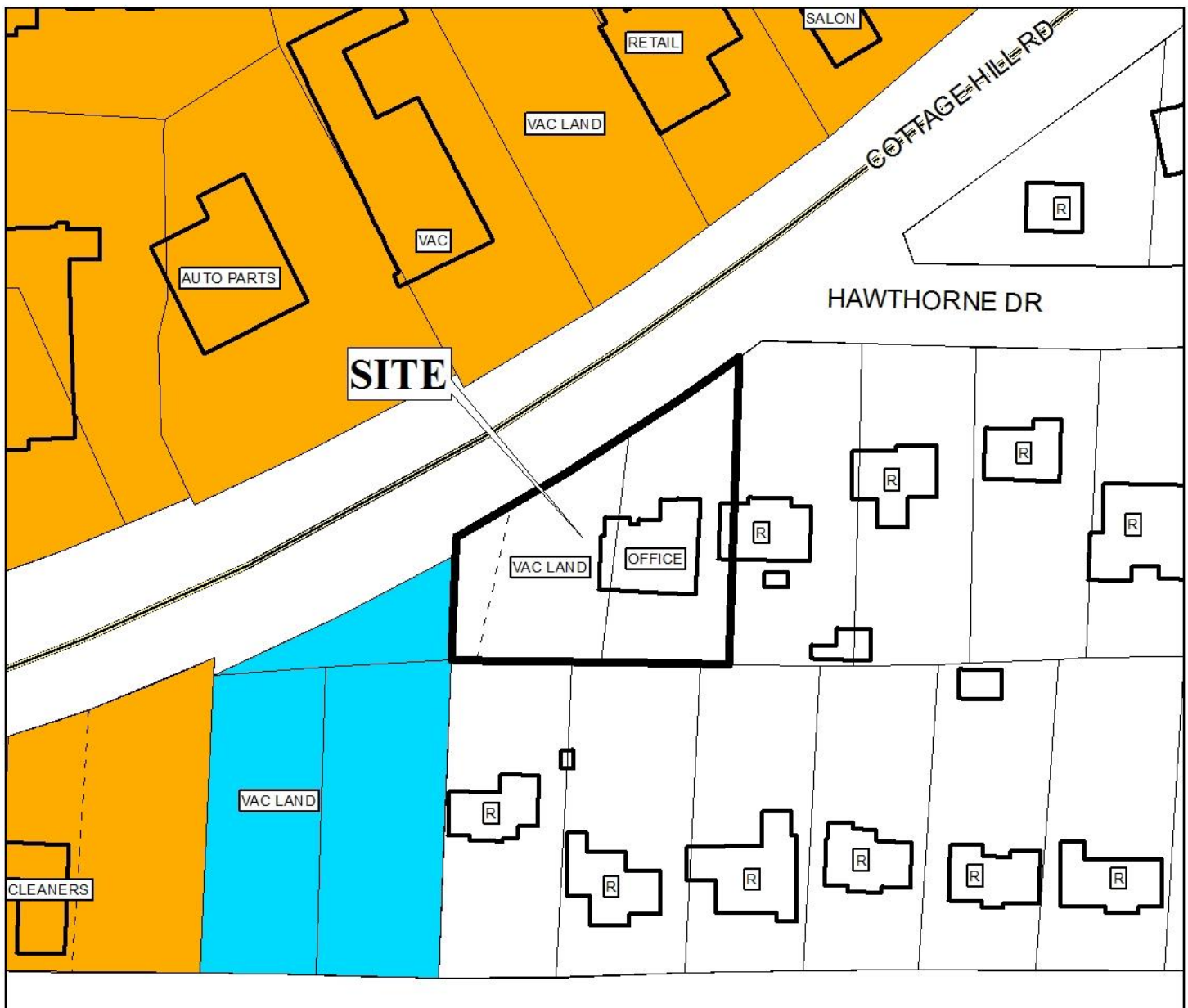
APPLICATION NUMBER 3 DATE February 18, 2016

APPLICANT New Life Housing Subdivision

REQUEST Subdivision, Rezoning from R-1 to B-2



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



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

APPLICATION NUMBER 3 DATE February 18, 2016

APPLICANT New Life Housing Subdivision

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



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

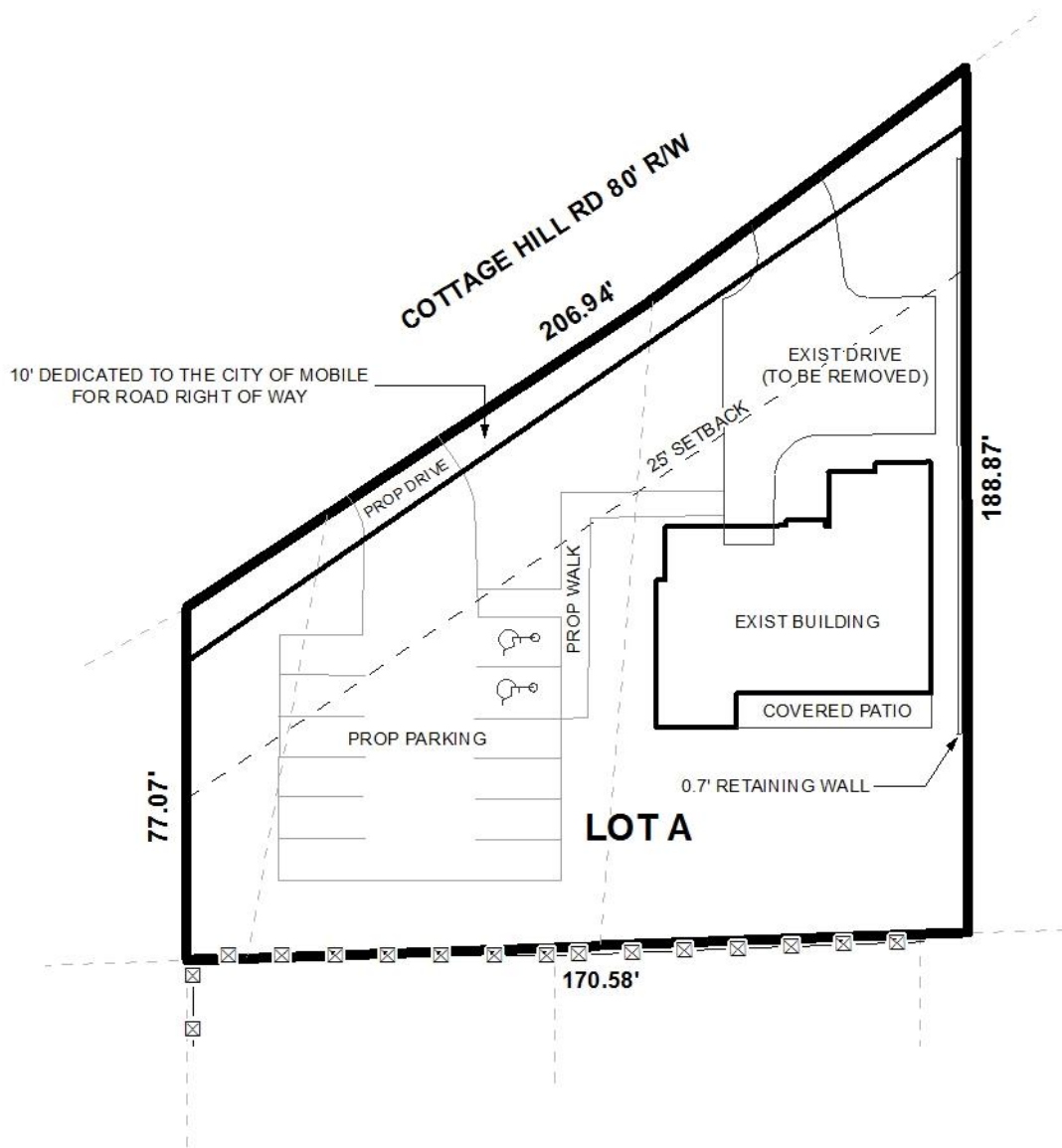
APPLICATION NUMBER 3 DATE February 18, 2016

APPLICANT New Life Housing Subdivision

REQUEST Subdivision, Rezoning from R-1 to B-2



# SITE PLAN



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

APPLICATION NUMBER 3 DATE February 18, 2016  
 APPLICANT New Life Housing Subdivision  
 REQUEST Subdivision, Rezoning from R-1 to B-2

