

**PLANNED UNIT DEVELOPMENT  
& SUBDIVISION STAFF REPORT**

**Date: November 1, 2007**

**DEVELOPMENT NAME**

McMurray Place Subdivision

**SUBDIVISION NAME**

McMurray Place Subdivision

**LOCATION**

South side of Johnston Lane, extending from the West side of Rosedale Avenue (vacated right-of-way) to the centerline of Dickenson Avenue (vacated right-of-way), and to McCay Avenue (vacated right-of-way), 95'+ South of Johnston Lane.

**CITY COUNCIL  
DISTRICT**

District 6

**PRESENT ZONING**

*R-3, Multiple-Family*

**PROPOSED ZONING**

*R-3, Multiple-Family*

**AREA OF PROPERTY**

61 Lots / 12.8+ Acres

**CONTEMPLATED USE**

Planned Unit Development Approval to allow reduced lot widths, sizes, and setbacks, and 45% site coverage in a zero-lot line single-family residential subdivision, and Subdivision approval to create 61 lots, *and Rezoning from R-3, Multi-Family Residential, to R-3, Multi-Family Residential, to remove a condition of the previous rezoning.* **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  
FOR DEVELOPMENT**

Immediate

**ENGINEERING  
COMMENTS**

No storm water can be concentrated onto an adjacent property owner without a release agreement. Provide drainage easement for any drainage way on-site accepting public water. 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, 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.

## **REMARKS**

The applicant is seeking Planned Unit Development approval to allow reduced lot widths, sizes, and setbacks, and 45% site coverage in a zero-lot line single-family residential subdivision, and Subdivision approval to create 61 lots, with two points of access onto Johnston Lane. All streets will be public streets. The site is located in Council District 6 and according to the applicant is served by public water and sanitary sewer.

The site was most recently approved for a 91 unit residential condominium development at the April 6, 2006 meeting of the Planning Commission. Prior to the condominium proposal, the site had been approved for a 60-lot, zero lot line single-family residential development, very similar to the application at hand, at the April 7, 2005 meeting of the Planning Commission. Both the 2005 and 2006 approvals included the following comment as part of the conditions for approval:

*“Significant existing storm water problems downstream from proposed development. MINIMUM requirements will be detention for a 100-year storm with a 10 year release rate.”*

Planned Unit Development review examines the site with regard to its location to ensure that it is generally compatible with neighboring uses; that adequate access is provided without generating excess traffic along minor residential streets in residential districts outside the PUD; and that natural features of the site are taken into consideration. PUD review also examines the design of the development to provide for adequate circulation within the development; to ensure adequate access for emergency vehicles; and to consider and provide for protection from adverse effects of adjacent properties as well as provide protection of adjacent properties from adverse effects from the PUD. PUD approval is site plan specific, thus any changes to the site plan / Subdivision plat will require approval by the Planning Commission.

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 fronts onto Johnston Lane, a minor street that does not appear to meet the minimum right-of-way width of 50 feet, as required in Section V.B.14. of the Subdivision Regulations (the plat does not indicate the right-of-way width of Johnston Lane, as required by the Subdivision Regulations). The plat should be revised to dedicate right-of-way sufficient to provide 25-feet of right-of-way, as measured from the centerline of Johnston Lane, or the plat should be revised to show the right-of-way width if the existing width is adequate. Hillcrest Road, a major street, is located approximately 250 feet West of the site.

The site is bounded to the West and South by properties with various commercial uses in a B-2, Neighborhood Business District, and to the North and East by vacant lots and single-family homes in an R-1, Single-Family Residential District.

The site was approved as an R-3, Multi-Family zoning district by the City Council at its June 13, 2006 meeting. One of the conditions of approval was that the site was limited to the accompanying PUD, thus a new application to rezone the site to R-3 to remove the PUD limitation should be provided. An additional condition of the zoning approval imposed by the City Council was that the site be bounded by a 6-foot privacy or masonry fence buffer.

As an R-3 zoned site, the maximum allowed site coverage by right is 45%, thus the proposed PUD request for 45% is technically unnecessary. However, both the PUD site plan and the Subdivision plat should have a note stating that the maximum building site coverage is 45% in order to facilitate future residential building site plan reviews.

Regarding the proposed building setbacks, 25-feet is proposed for the front yard setback, while 20-feet is proposed as the street-side side yard setback for corner lots. Other side yard setbacks are proposed to be zero feet and 10-feet. The rear yard minimum setback would remain 8-feet. The PUD site plan depicts a 25-foot setback from all streets (except from Johnston Lane), while the Subdivision plat provides a note stating 25-foot setbacks, but does not depict any setbacks. Both the PUD site plan and Subdivision plat should be revised to depict, label and note the requested setbacks, especially regarding where the 20-foot side yard setback for corner lots is desired, and which side of each lot will be required to provide a minimum 10-foot side yard setback (with the other side yard setback being 0 feet). As a 20-foot side yard setback for corner lots is allowed by the Zoning Ordinance, but not by the Subdivision Regulations, the Subdivision Regulation requirements should be waived in favor of the requested setbacks. The corner lot side-yard setback should also be depicted from Johnston Lane.

Thirty-seven of the proposed sixty-one lots will be less than 7,200 square feet, thus a waiver of Section V.D.2. of the Subdivision Regulations will be required. Due to the reduced size of many of the lots, each lot should be limited to one curb-cut, with the size, design and location to be approved by Traffic Engineering and conform to AASHTO standards.

As storm water detention will likely be required for the development, and as no information has been provided by the applicant regarding how storm water will be handled (detention pond versus in pipe storage), this application should be heldover to allow the applicant to address the storm water issues, and to revise the PUD site plan and Subdivision plat to depict setbacks. As a reminder, PUD approval is site plan specific, thus if a detention pond will be provided, the general location must be depicted and appropriately labeled (storm water detention common area) on the site plan and plat.

Finally, the site plan and plat depict an area of land behind proposed lots 32 and 33 that is not labeled as a lot or any other use. Aerial photographs from 2006 imply that the house fronting onto Schuab Avenue is using this area as well as the rest of area to the McCay Avenue right-of-way. If the depicted block of land is being sold to the adjacent single-family residence, then the residence should be included within the Subdivision application so that a new lot can be created.

## **RECOMMENDATION**

**Subdivision:** Based upon the preceding, this application is recommended for Holdover until the December 6<sup>th</sup> meeting, with revisions due by Wednesday, November 7<sup>th</sup>, so that the following can be addressed:

- 1) Dedication of right-of-way sufficient to provide 25-feet of right-of-way, as measured from the centerline of Johnston Lane, or revision the plat to show the right-of-way width if the existing width is adequate (already 50 feet);
- 2) Placement of a note on the plat stating that a 6-foot high privacy fence or masonry wall shall be provided, with appropriate permits, as a buffer around the perimeter of the development, except within any required setback area adjacent to a street;
- 3) Placement of a note on the plat stating that the building site coverage is limited to 45%;
- 4) Depiction, labeling and notation of the requested setbacks, including from Johnston Lane (25-foot front, 20-foot street-side side yard, 10-foot non-street side yard, 0-foot other side yard, 8-foot rear), with clear indication of which side will be the zero lot line;
- 5) Placement of a note on the plat stating that each lot is limited to one curb-cut, with the size, design and location to be approved by Traffic Engineering, and to conform to AASHTO standards;
- 6) Revision of the plat to depict and label any required storm water detention basin common area (*minimum detention for a 100-year storm with a 10 year release rate*), with accompanying drainage and utility easements, or provision of a statement if storm water will be accommodated by other means (such as in pipe storage);
- 7) Revision of the plat to eliminate the unexplained lot behind lots 32 and 33, or revision of the application (with new labels and postage for notification) to include the adjacent single-family residence so that a new lot can be created; and
- 8) Revision of lot size labels as necessary due to other revisions to the plat.

**Planned Unit Development:** Based upon the preceding, this application is recommended for Holdover until the December 6<sup>th</sup> meeting, with revisions due by Wednesday, November 7<sup>th</sup>, so that the following can be addressed:

- 1) Submission of an application to rezone the site to remove the existing PUD restriction associated with the current R-3 zoning conditions of approval;
- 2) Dedication of right-of-way sufficient to provide 25-feet of right-of-way, as measured from the centerline of Johnston Lane, or revision the site plan to show the right-of-way width if the existing width is adequate (already 50 feet);
- 3) Placement of a note on the site plan stating that a 6-foot high privacy fence or masonry wall shall be provided, with appropriate permits, as a buffer around the perimeter of the development, except within any required setback area adjacent to a street;
- 4) Placement of a note on the site plan stating that the building site coverage is limited to 45%;
- 5) Depiction, labeling and notation of the requested setbacks, including from Johnston Lane (25-foot front, 20-foot street-side side yard, 10-foot non-street side yard, 0-foot other side yard, 8-foot rear), with clear indication of which side will be the zero lot line;
- 6) Placement of a note on the site plan stating that each lot is limited to one curb-cut, with the size, design and location to be approved by Traffic Engineering, and to conform to AASHTO standards;
- 7) Revision of the plat to depict and label any required storm water detention basin common area (*minimum detention for a 100-year storm with a 10 year release rate*), with accompanying drainage and utility easements, or provision of a statement if storm water will be accommodated by other means (such as in pipe storage);
- 8) Revision of the site plan to eliminate the unexplained lot behind lots 32 and 33, or revision of the application (with new labels and postage for notification) to include the adjacent single-family residence so that a new lot can be created; and
- 9) Revision of lot size labels as necessary due to other revisions to the site plan.

***Revised for the December 6<sup>th</sup> meeting:***

*The Subdivision and Planned Unit Development (PUD) applications were heldover from the November 1<sup>st</sup> meeting to allow the applicant to submit a Zoning application, and to revise the PUD site plan and Subdivision plat. The applicant submitted a Zoning application, but failed to provide a revised site plan and plat.*

*The application for rezoning does not appear to include the entirety of the R-3 site that was adopted by City Council at its June 13, 2006 meeting, as it does not include the western half of Rosedale Avenue. No documentation was provided by the applicant indicating that the Western portion of the vacated right-of-way was acquired.*

*As several of the requested revisions would result in potentially significant changes to the site plan and plat, and as PUD approval is site plan specific, staff does not believe that the current applications can be approved.*

*It should also be pointed out that the site may contain federally listed endangered or threatened species, such as the gopher tortoise, or 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 flora and fauna.*

## **RECOMMENDATION**

**Rezoning:** *The rezoning request is recommended for Denial due to the application not including all of the original parcels, and revisions for the Subdivision and Planned Unit Development applications not being provided.*

**Planned Unit Development:** *Based upon the preceding, this application is recommended for Denial for the following reasons:*

- 1) The site plan was not revised to depict dedication of right-of-way sufficient to provide 25-feet of right-of-way, as measured from the centerline of Johnston Lane, or to show the right-of-way width if the existing width is adequate (already 50 feet);*
- 2) The site plan was not revised to depict and label any required storm water detention basin common area (minimum detention for a 100-year storm with a 10 year release rate), with accompanying drainage and utility easements, nor was a statement provided indicating if storm water would be accommodated by other means (such as in pipe storage); and*
- 3) The site plan was not revised to eliminate the unexplained lot behind lots 32 and 33, nor was the application revised (with new labels and postage for notification) to include the adjacent single-family residence so that a new lot can be created.*

**Subdivision:** *Based upon the preceding, this application is recommended for Denial for the following reasons:*

- 1) The site plan was not revised to depict dedication of right-of-way sufficient to provide 25-feet of right-of-way, as measured from the centerline of Johnston Lane, or to show the right-of-way width if the existing width is adequate (already 50 feet);*
- 2) The site plan was not revised to depict and label any required storm water detention basin common area (minimum detention for a 100-year storm with a 10 year release rate), with accompanying drainage and utility easements, nor was a statement provided indicating if storm water would be accommodated by other means (such as in pipe storage); and*
- 3) The site plan was not revised to eliminate the unexplained lot behind lots 32 and 33, nor was the application revised (with new labels and postage for notification) to include the adjacent single-family residence so that a new lot can be created.*

### ***Revised for the January 3, 2008 meeting:***

*The applications were heldover from the December 6, 2007 meeting, at the applicant's request.*

*Revised drawings were provided by the applicant, depicting a reduced number of lots (58 instead of 61 lots), a new detention area of approximately 20,000 square feet, and inclusion of the vacated right-of-way on the West side of the site, as additional common area. The revisions reflect most, though not all of the requested changes to the drawings. As revised, 21 of the proposed 58 lots will meet the minimum lot area requirements (the smallest proposed lot will be 6,000 square feet), though it appears that most of the lots will be less than 60-feet in width.*

*The primary concern not addressed is the proposed side yard setbacks. The reduced setbacks (zero lot line, 10-foot other side yard setback, and 20-foot street side yard setback) are not depicted on the plat or site plans. Section V.D.3. of the Zoning Ordinance states that corner lots must have a minimum buildable width of at least 30 feet: proposed lots 40 and 42 appear to fall below this requirement, however, if the requested 20-foot street side yard setback had been depicted, each of these lots might meet the minimum buildable width requirements.*

*It appears that the legal description for all three applications is missing a 50-foot long segment description for the Northern boundary of proposed Lot 27.*

*The corner lots proposed along Johnston Lane should be denied direct access to Johnston Lane. A note should be placed on the site plan and plat stating that all lots are denied direct access to Johnston Lane, and each lot is limited to one curb-cut, with the size, design and location to be approved by Traffic Engineering, and conform to AASHTO standards.*

*It should also be pointed out that the Pinehurst area, which includes this site, only has two points of access to Hillcrest Road. While McMurray Place does not, by itself, necessarily warrant a traffic impact study to determine the necessity of a traffic signal at either Johnston Lane or Chandler Street, a study should be undertaken at some point due to the number of residences located within Pinehurst.*

## **RECOMMENDATION**

**Rezoning:** *The rezoning request is recommended for Approval, subject to the following conditions:*

- 1) Revision of the legal description to properly describe the entirety of the site;*
- 2) Provision of a 6-foot high wooden privacy fence or masonry wall around the perimeter of the development, except within required building setbacks from streets, prior to the completion of the Subdivision process, and with the appropriate permits;*
- 3) Approval of all applicable Federal, state and local agencies for endangered, threatened or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities;*
- 4) Completion of the Subdivision process; and*
- 5) Full compliance with all other municipal codes and ordinances.*

**Planned Unit Development:** *Based upon the revised site plan depicting a maximum of 58-lots, the application is recommended for Approval, subject to the following conditions:*

- 1) Revision of the legal description to properly describe the entirety of the site;*
- 2) Provision of a 6-foot high wooden privacy fence or masonry wall around the perimeter of the development, except within required building setbacks from streets, prior to the completion of the Subdivision process, and with the appropriate permits;*
- 3) Approval of all applicable Federal, state and local agencies for endangered, threatened or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities;*

- 4) *Revision of the site plan and plat to ensure that all lots have a minimum buildable width of 30-feet, exclusive of required setbacks or proposed drainage easements;*
- 5) *Revision of the site plan and plat to clearly depict requested front (25 feet), side (zero, 10 feet, 20 feet street side) and rear (8 feet) setbacks, and placement of the same information as a note on the site plan;*
- 6) *Placement of a note on the site plan and plat indicating the requested maximum building site coverage (45%);*
- 7) *Placement of a note on the site plan and plat stating that all lots are denied direct access to Johnston Lane, and each lot is limited to one curb-cut, with the size, design and location to be approved by Traffic Engineering, and conform to AASHTO standards;*
- 8) *Placement of a note on the site plan and plat stating that the detention facility will be design to provide minimum detention for a 100-year storm with a 10 year release rate, per Engineering requirements;*
- 9) *Placement of a note on the site plan and plat stating that the maintenance of all common areas, including the detention common area, is the responsibility of the property owners;*
- 10) *Revision of lot size labels as necessary due to other revisions to the site plan;*
- 11) *Submission of a revised PUD site plan to the Planning Section of Urban Development prior to the signing of the Subdivision plat;*
- 12) *Completion of the Subdivision process; and*
- 13) *Full compliance with all other municipal codes and ordinances.*

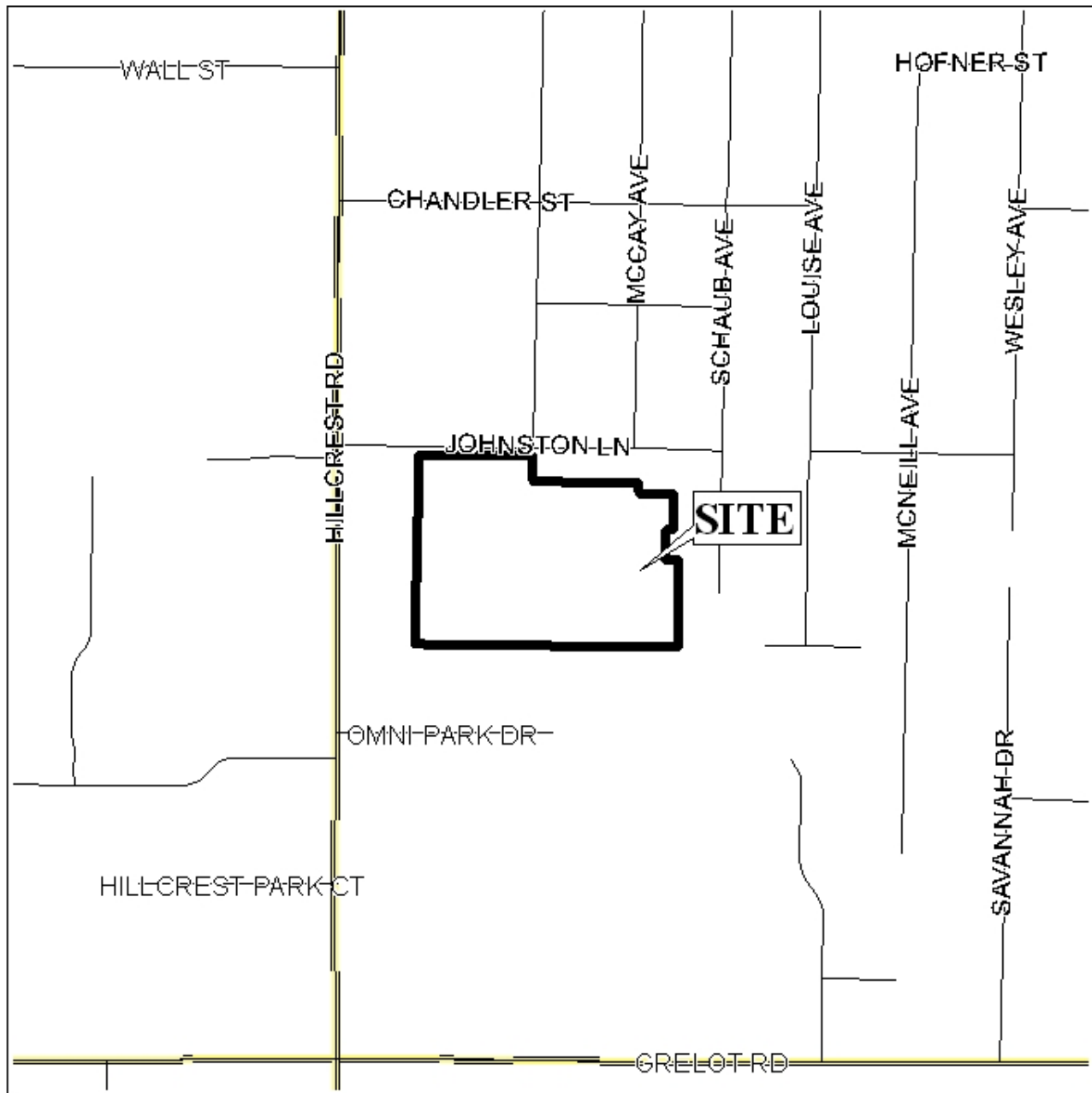
***Subdivision:*** *Based upon the revised plat depicting a maximum of 58-lots, and with a waiver of Section V.D.2. for the overall development, and Section V.D.9. for the street-side side yards for corner lots (in favor of 20 feet, as required by the Zoning Ordinance), the application is recommended for Tentative Approval, subject to the following conditions:*

- 1) *Revision of the legal description to properly describe the entirety of the site;*
- 2) *Approval of all applicable Federal, state and local agencies for endangered, threatened or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities;*
- 3) *Revision of the site plan and plat to ensure that all lots have a minimum buildable width of 30-feet, exclusive of required setbacks or proposed drainage easements;*
- 4) *Revision of the site plan and plat to clearly depict requested front (25 feet), side (zero, 10 feet, 20 feet street side) and rear (8 feet) setbacks, and placement of the same information as a note on the site plan;*
- 5) *Placement of a note on the site plan and plat indicating the requested maximum building site coverage (45%);*
- 6) *Placement of a note on the site plan and plat stating that all lots are denied direct access to Johnston Lane, and each lot is limited to one curb-cut, with the size, design and location to be approved by Traffic Engineering, and conform to AASHTO standards;*
- 7) *Placement of a note on the site plan and plat stating that the detention facility will be design to provide minimum detention for a 100-year storm with a 10 year release rate, per Engineering requirements;*
- 8) *Placement of a note on the site plan and plat stating that the maintenance of all common areas, including the detention common area, is the responsibility of the property owners;*
- 9) *Revision of lot size labels as necessary due to other revisions to the site plan;*



- 10) Submission of a revised PUD site plan to the Planning Section of Urban Development prior to the signing of the Subdivision plat*
- 11) Completion of the Subdivision process; and*
- 12) Full compliance with all other municipal codes and ordinances.*

## LOCATOR MAP



APPLICATION NUMBER 1 & 2 & 3 DATE January 3, 2008

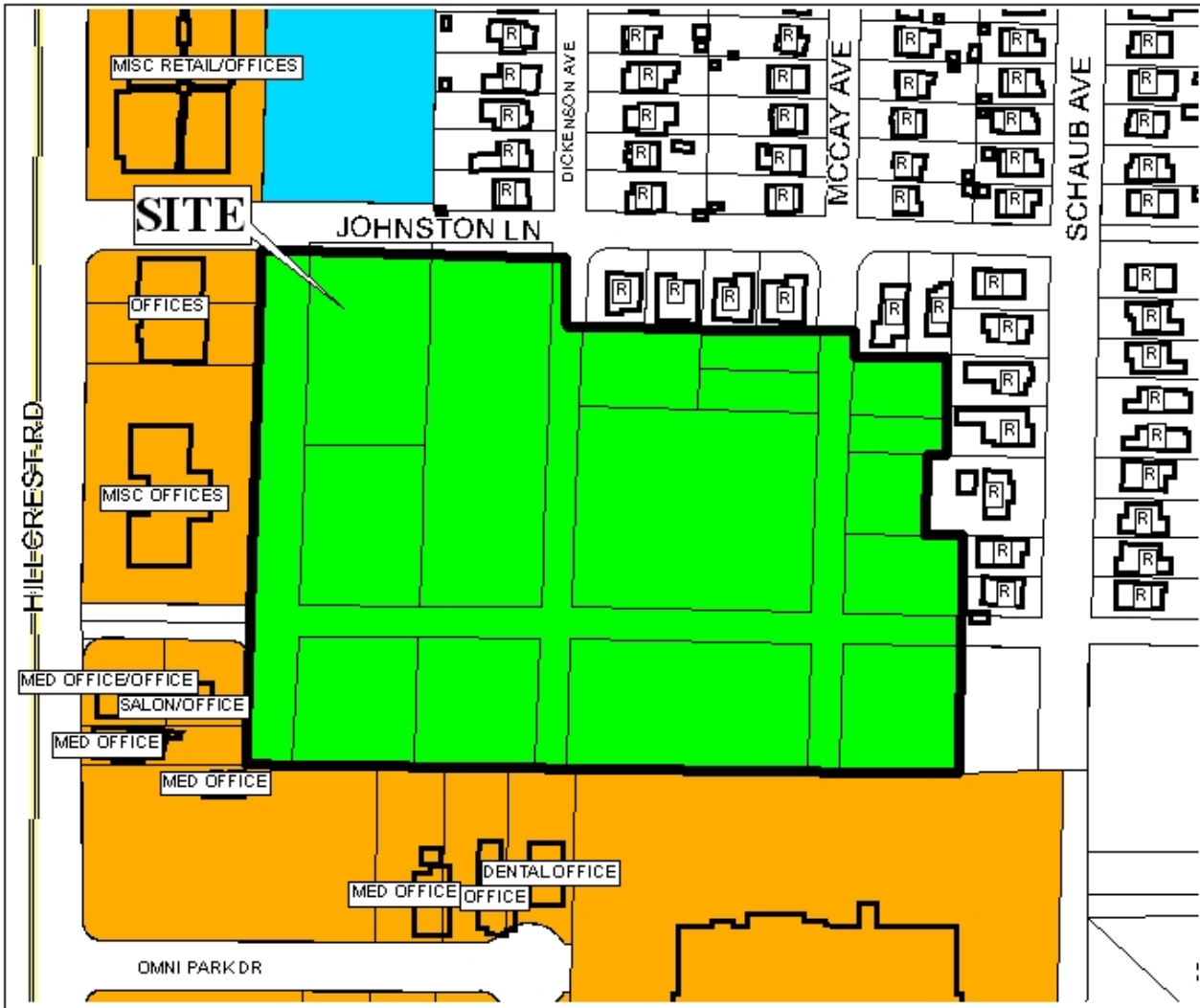
APPLICANT McMurray Place Subdivision

REQUEST Subdivision, Planned Unit Development, Rezoning from R-3 to R-3



NTS

# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Single-family residential units are located to the north and west of the site. Commercial sites are located to the west and south of the site.

APPLICATION NUMBER 1 & 2 & 3 DATE January 3, 2008

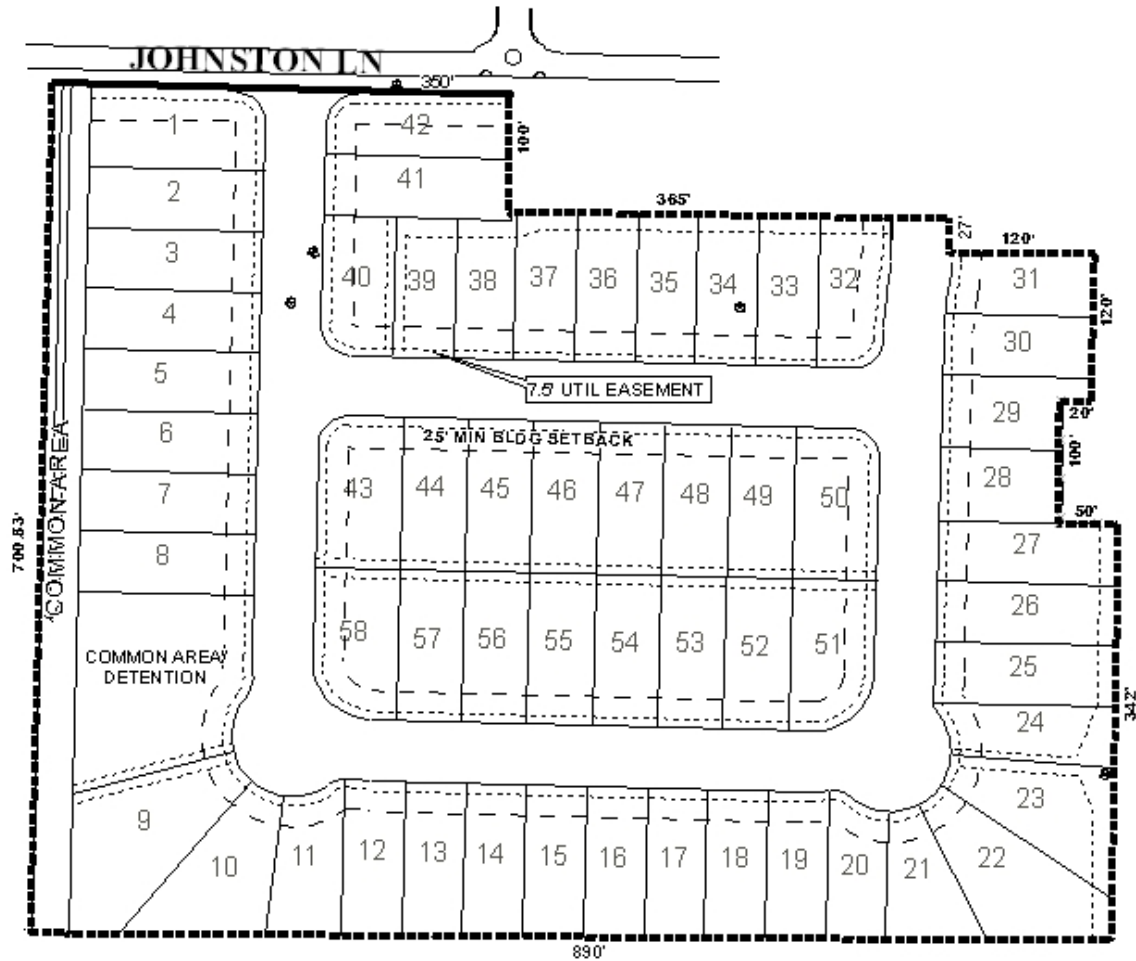
APPLICANT McMurray Place Subdivision

REQUEST Subdivision, Planned Unit Development, Rezoning from R-3 to R-3

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 development

APPLICATION NUMBER 1 & 2 & 3 DATE January 3, 2008  
 APPLICANT McMurray Place Subdivision  
 REQUEST Subdivision, Planned Unit Development, Rezoning from R-3 to R-3



NTS