

**ZONING AMENDMENT &
PLANNED UNIT DEVELOPMENT
STAFF REPORT**

Date: August 2, 2012

<u>NAME</u>	Mayo Blackmon
<u>DEVELOPMENT NAME</u>	Mayo Blackmon
<u>LOCATION</u>	1446 Navco Road & 2452 McLaughlin Drive. (North side of McLaughlin Drive, 140'± West of Navco Road, extending to the West side of Navco Road, 140'± North of McLaughlin Drive).
<u>CITY COUNCIL DISTRICT</u>	District 4
<u>PRESENT ZONING</u>	R-1, Single-Family Residential
<u>PROPOSED ZONING</u>	R-3, Multi-Family Residential
<u>REASON FOR REZONING</u>	Rezoning from R-1, Single-Family Residential District, to R-3, Multi-Family Residential District, to allow multiple dwellings on multiple building sites.
<u>AREA OF PROPERTY</u>	3 Lots / 3.0± Acres (P.U.D.) 2 Lots / 2.7± Acres (Rezoning)
<u>CONTEMPLATED USE</u>	Planned Unit Development to allow multiple buildings on a single building site, and shared access between three building sites, and Rezoning from R-1, Single-Family Residential District, to R-3, Multi-Family Residential District, to allow multiple dwellings on multiple building sites. 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.
<u>TIME SCHEDULE</u>	Within six months after Rezoning.

ENGINEERING

COMMENTS

1. Any and all proposed development will need to be in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. 2. A complete set of construction plans for the site work (including drainage, utilities, grading, storm water detention systems, paving) will be required to be submitted with the Land Disturbance permit. These plans are to be submitted and approved prior to beginning any of the construction work. 3. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, 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 ROW (Mobile City Code, Chapter 57, Article VIII). 4. This proposed development will require stormwater detention. 5. Label each of the flood zones and show the Minimum Finished Floor Elevation on each lot on the Plat.

TRAFFIC ENGINEERING

COMMENTS

Revised for the August 2nd meeting. Revised site plan includes turn-around at end of driveway. Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. The site plan should include, at a minimum, the construction of a sidewalk along Navco Road matching the adjacent sidewalk on the bridge section. If a fence or buffer is required between the proposed R-3 and R-1 zoning, primarily as it relates to Lots 2 and 3, this buffer may create a sight distance problem for the curved section of driveway proposed near the existing dwelling on Lot 3.

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 of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.

REMARKS

The applicant is requesting Planned Unit Development to allow multiple buildings on a single building site, and shared access between three building sites, and Rezoning from R-1, Single-Family Residential District, to R-3, Multi-Family Residential District, to allow multiple dwellings on multiple building sites. In November, 2009, the applicant received Subdivision approval for a four-lot subdivision, Canal Subdivision, of which Lots 1, 3 and 4 are the subject of the PUD, and Lots 3 and 4 are the subject of the Rezoning.

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 if any new construction is anticipated that will change an approved site plan, an application to amend an existing, approved PUD must be made prior to any construction activities.

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 entire site appears to be depicted as commercial 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. 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 site is bounded to the North by Bolton Branch with a vacant B-3, Community Business District across the branch, and a B-2, Neighborhood Business District with a lounge, across the branch, and on the West and South by R-1, Single-Family Residential District zoning and use. Across Navco Road to the East is B-2, Neighborhood Business District, zoning with a lounge and vacant land.

The applicant previously received Subdivision approval in November, 2009, for Canal Subdivision, a four-lot subdivision of which two of the lots are proposed to be rezoned and three are included in the PUD within this current application. In October, 2012, the applicant submitted a rezoning request from R-1 to R-2, Two-Family Residential District, for the middle portion of the subject site (Lot 3, Canal Subdivision), which was denied. Rezoning for Lots 3 and 4 of Canal Subdivision are now proposed, and the PUD consists of Lots 1, 3 and 4 of Canal Subdivision to allow multiple buildings on Lot 4 and shared access across all three lots.

Lot 1 consists of a single-family dwelling which is proposed to remain in such use. Lot 3 consists of a single-family dwelling with an attached garage. It is proposed to place a second dwelling unit within the garage area to establish a two-family dwelling on that lot. Lot 4 is proposed to be developed with six "Katrina Cottages" thereby establishing multi-family residential use. All regular access to Lots 3 and 4 is proposed to be via a drive across Lot 1 from McLaughlin Drive. Lot 3 is proposed to have a gated, un-paved emergency access to Navco Road.

The applicant states that the area has changed in previous years and the request for R-3 classification would not have a negative effect on the businesses that adjoin the property, nor the neighborhood along McLaughlin Drive. However, the most recent rezoning within the immediate area was the property along the North side of Bolton's Branch, which was rezoned

from R-1 to B-3, Community Business District, in 2005. There appear to be a few non-conforming residential uses across Navco Road South of the subject site, but nonconforming uses should not be considered as justification for rezoning. The rezoning would create spot zoning on the West side of Navco Road in an area where the residential use is totally R-1 in the immediate surrounding neighborhood. Just as the applicant's previous attempt at R-2 rezoning for a portion of the site was denied for, among other reasons, being out of character with the neighborhood, the currently proposed R-3 rezoning for a larger portion would be even further out of character with the neighborhood. Also, the site does not meet the 4-acre minimum size as per Section 64-3.A.5.a. of the Zoning Ordinance.

With regard to the Planned Unit Development, access to the proposed multifamily sites on Lots 3 and 4 is proposed off McLaughlin Drive via Lot 1 containing a single-family dwelling. No access is proposed off Navco Road other than an unpaved emergency drive. As McLaughlin Drive is considered a residential street, the allowance of access to a multi-family development which has direct road frontage on a major road (Navco Road) is contradictory to Section 64-5.C.1.b. of the Zoning Ordinance. No dumpster is indicated on the site plan, nor is compliant dumpster truck maneuvering area. Also, the internal drive does not appear to have adequate maneuvering area for fire trucks and no turn-around is provided for such. No stormwater detention is indicated as such is required by Engineering for this site. And as landscaping and tree planting compliance would be required, the site plan does not indicate such.

RECOMMENDATION

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

- 1) there have been no changes in conditions within the area which would make a change in zoning necessary and desirable;
- 2) reclassification would create spot zoning in the area;
- 3) reclassification would be out of character with the immediate surrounding residential uses;
- 4) the proposed R-3 district does not meet the 4-acre minimum size as per Section 64-3.A.5.a. of the Zoning Ordinance; and
- 5) the site plan does not indicate any compliance with the landscaping and tree planting requirements of the Zoning Ordinance.

Planned Unit Development: Based on the preceding, the request is recommended for denial for the following reasons:

- 1) the proposed site access is contradictory to Section 64-5.C.1.b. of the Zoning Ordinance;
- 2) the site plan does not appear to have adequate maneuvering area for fire trucks and no turn-around is provided for such;
- 3) the site plan does not indicate any compliance with the landscaping and tree planting requirements of the Zoning Ordinance;
- 4) the site plan does not indicate a compliant dumpster, and no dumpster/waste removal truck access/maneuvering area is indicated; and
- 5) no stormwater detention compliance is indicated.

Revised for the July 5th meeting:

This application was heldover at the June 7th meeting by the Commission. As no new information has been submitted for review by the applicant, the original recommendations would stand.

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

- 1) there have been no changes in conditions within the area which would make a change in zoning necessary and desirable;*
- 2) reclassification would create spot zoning in the area;*
- 3) reclassification would be out of character with the immediate surrounding residential uses;*
- 4) the proposed R-3 district does not meet the 4-acre minimum size as per Section 64-3.A.5.a. of the Zoning Ordinance; and*
- 5) the site plan does not indicate any compliance with the landscaping and tree planting requirements of the Zoning Ordinance.*

Planned Unit Development: *Based on the preceding, the request is recommended for denial for the following reasons:*

- 1) the proposed site access is contradictory to Section 64-5.C.1.b. of the Zoning Ordinance;*
- 2) the site plan does not appear to have adequate maneuvering area for fire trucks and no turn-around is provided for such;*
- 3) the site plan does not indicate any compliance with the landscaping and tree planting requirements of the Zoning Ordinance;*
- 4) the site plan does not indicate a compliant dumpster, and no dumpster/waste removal truck access/maneuvering area is indicated; and*
- 5) no stormwater detention compliance is indicated.*

Revised for the August 2nd meeting:

This application was heldover from the July 5th meeting to allow the applicant to submit a revised site plan.

A revised site plan was submitted addressing some of the items listed as reasons for staff's original recommendations for denial of each application. Detention ponds are indicated and a 96' diameter turn-around has been added at the North terminus of the proposed internal drive. The emergency access drive to Navco Road has been eliminated and a note has been added to the site plan to indicate that no dumpster will be utilized and that waste disposal will be via private curbside pickup at each dwelling. Landscaping calculations have been added illustrating sufficient landscaping area; however, no tree planting plan has been provided.

The revised site plans do not indicate any buffering along the West and South sides where the site adjoins R-1 uses, nor are sidewalks indicated along Navco Road and McLaughlin Drive.

Inasmuch as some of the items listed as previous reasons for the recommendations for denial have been addressed, there are still other major issues. With regard to the Rezoning request, the fact still remains that there have been no changes in conditions within the area which would make a change in zoning necessary and desirable, and rezoning would create spot zoning within the area. The proposed R-3 would be out of character with the surrounding residential neighborhood. And the site still does not meet the 4-acre minimum size per the Zoning Ordinance. With regard to the PUD request, access to the site is still shown to be via McLaughlin Drive, contrary to Section 64-5.C.1.b. of the Zoning Ordinance. Access to a multi-family residential development with direct street frontage on a major street should be via the major street and not a minor residential street.

The majority of the site is in the AE flood zone for the Bolton Branch of Dog River; as such the new dwellings must comply with all applicable City of Mobile and FEMA requirements. The site must also comply with Section 64-4.A.1. of the Zoning Ordinance pertaining to sites subject to inundation

RECOMMENDATION

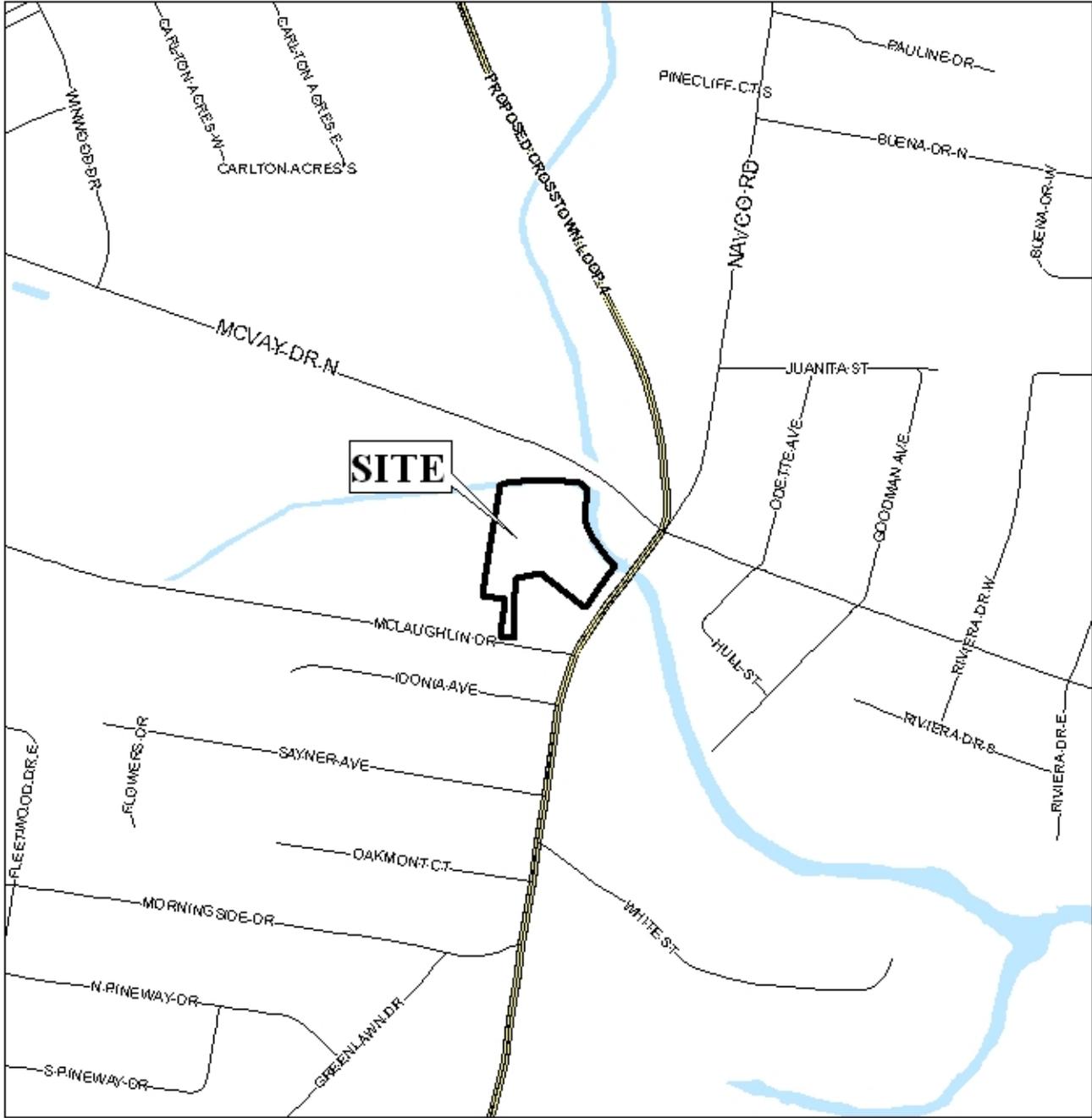
Rezoning: *Based on the preceding, this application is recommended for denial for the following reasons:*

- 1) there have been no changes in conditions within the area which would make a change in zoning necessary and desirable;*
- 2) reclassification would create spot zoning in the area;*
- 3) reclassification would be out of character with the immediate surrounding residential uses;*
- 4) the proposed R-3 district does not meet the 4-acre minimum size as per Section 64-3.A.5.a. of the Zoning Ordinance; and*
- 5) the site plan does not indicate a tree planting plan.*

Planned Unit Development: *Based on the preceding, the request is recommended for denial for the following reasons:*

- 1) the proposed site access is contradictory to Section 64-5.C.1.b. of the Zoning Ordinance;*
- 2) no buffering is indicated along adjoining R-1 uses;*
- 3) no public sidewalks along Navco Road or McLaughlin Drive are indicated; and*
- 4) the site plan does not indicate a tree planting plan.*

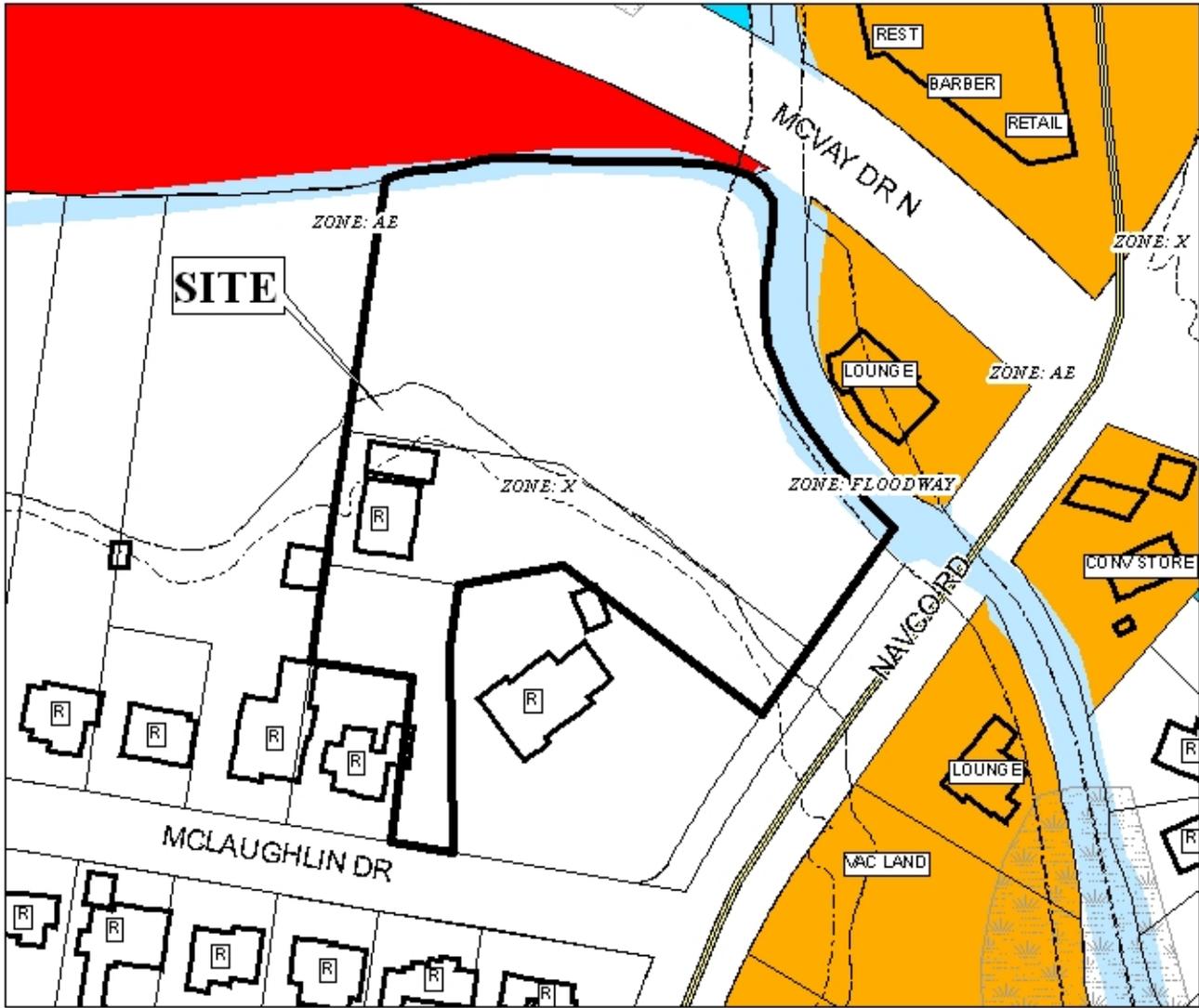
LOCATOR MAP



APPLICATION NUMBER 1 & 2 DATE August 2, 2012
APPLICANT Mayo Blackmon
REQUEST Planned Unit Development, Rezoning from R-1 to R-3



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING

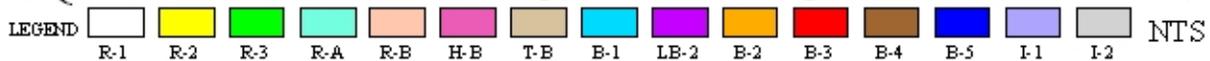


Commercial land use is located to the north and east of the site.
Residential land use is located to the south and west of the site.

APPLICATION NUMBER 1 & 2 DATE August 2, 2012

APPLICANT Mayo Blackmon

REQUEST Planned Unit Development, Rezoning from R-1 to R-3



**PLANNING COMMISSION
VICINITY MAP - EXISTING ZONING**

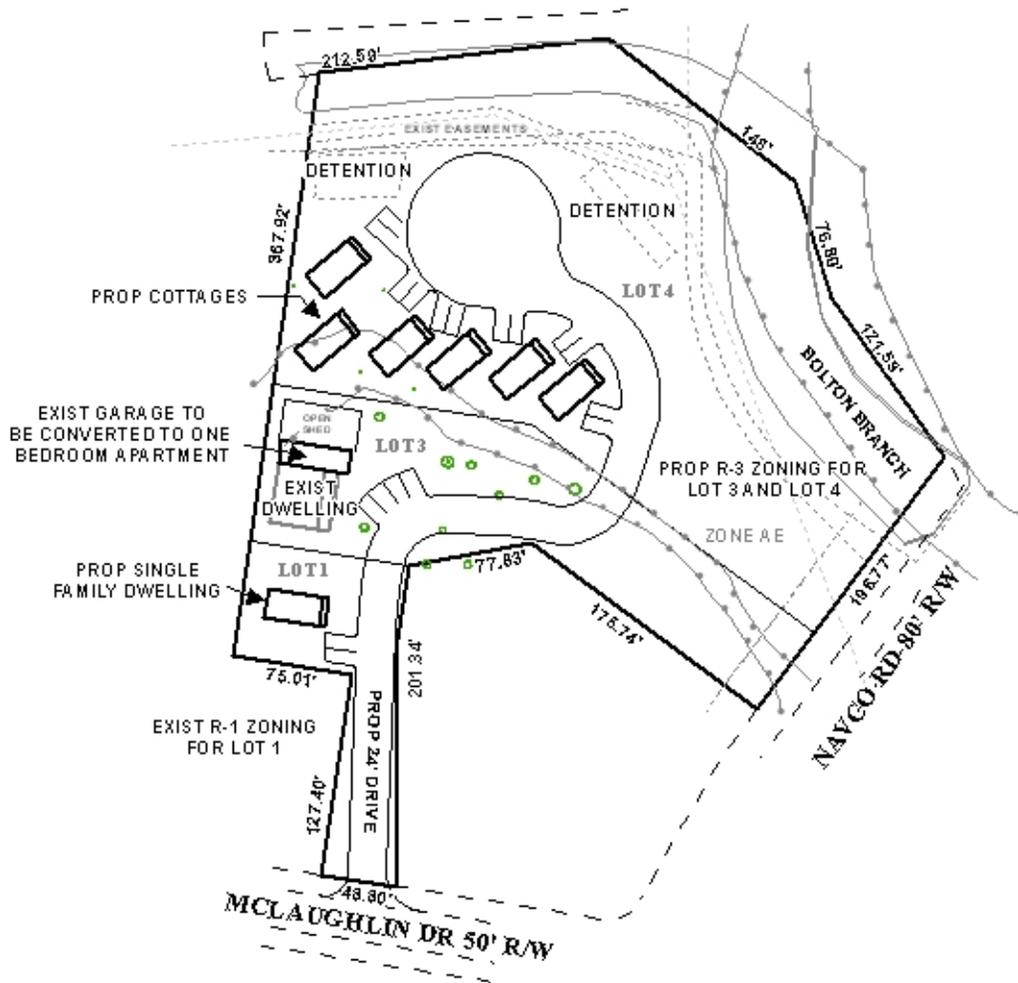


Commercial land use is located to the north and east of the site.
Residential land use is located to the south and west of the site.

APPLICATION NUMBER 1 & 2 DATE August 2, 2012
APPLICANT Mayo Blackmon
REQUEST Planned Unit Development, Rezoning from R-1 to R-3



SITE PLAN



The site plan illustrates the existing residence, proposed residences, proposed drive, parking, and zoning.

APPLICATION NUMBER 1 & 2 DATE August 2, 2012
 APPLICANT Mayo Blackmon
 REQUEST Planned Unit Development, Rezoning from R-1 to R-3

