

**PLANNED UNIT DEVELOPMENT &
SUBDIVISION STAFF REPORT**

Date: November 6, 2008

APPLICANT NAME

James Ryall

DEVELOPMENT NAME

Sheffield Court Resubdivision, Resubdivision of Lot 9

SUBDIVISION NAME

Sheffield Court Resubdivision, Resubdivision of Lot 9

LOCATION

South terminus of Sheffield Court

**CITY COUNCIL
DISTRICT**

District 4

PRESENT ZONING

R-1, Single Family Residential District

AREA OF PROPERTY

0.2± acres 1 Lot

CONTEMPLATED USE

The applicant is requesting to amend the setbacks of a previously approved innovative subdivision (no associated PUD) to bring the existing building footprint into compliance and allow the construction of a screened pool structure.

**TIME SCHEDULE
FOR DEVELOPMENT**

Not specified.

**ENGINEERING
COMMENTS**

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. Final approval for all driveways, proposed and existing will be given upon submittal of final plans.

**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 requesting to amend the setbacks of a previously approved innovative subdivision (no associated PUD) to bring the existing building footprint into compliance and allow the construction of a screened pool structure. The subdivision is required to amend the recorded plat; PUD approval is required to allow reduced site setbacks.

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.

It is very important to note that the PUD review are site plan specific; therefore *any* future changes to the overall site plan must be submitted for PUD review.

Though the site plan submitted shows the proposed setbacks for the new structure, it does not show the type of structure proposed nor does it show the exact location. According to #11 on the PUD application (and as required by Section 64.5.D.2.a.(6) of the Zoning Ordinance), *“the site plan, drawn to scale must illustrate the following information: dimensions of the site which will be affected; streets and easements bounding and intersecting the designated area; dimensions and locations of existing and proposed structures; yards/setbacks of existing and proposed structures; existing and proposed parking spaces, drive-ways and access points; buffer protections (such as fences or planting strip); and landscaping.”* Therefore, a holdover is recommended to allow the applicant to submit a revised site plan showing the footprint of the proposed structure along with all the exact dimensions and height. The applicant should also submit information regarding the proposed site coverage, if more than 35%.

It should be noted that any structure located within 3’1” of a property line may be subject to all applicable building codes including, but not limited to, fire safety rating code.

Sheffield Court has an existing adequate right-of-way width of 50’ therefore; no additional dedication will be required.

As a means of access management, a note should be placed on the final plat stating that Lot 9 is limited to one curb cut with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.

The lot size in square feet, at a minimum, should also be depicted on the final plat, or a table provided furnishing the same information, if approved.

Finally, the geographic area defined by the City of Mobile and its planning jurisdiction, including this site, may contain Federally-listed threatened or endangered species as well as 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 species.

RECOMMENDATION

Planned Unit Development: This application is recommended for Holdover until the December 4th meeting with revisions due by November 17th to allow the applicant to address the following:

- 1) Submittal of a revised plan showing the footprint of the proposed structure with labeling of all proposed setbacks, height information and site coverage; and
- 2) Revision of the plat labeling the size of the lot in square feet along with the size of all existing structures in square feet.

Subdivision: This application is recommended for Holdover until December 4th meeting with revisions due by November 17th to allow the applicant to address the following:

- 1) Submittal of a revised plan showing the footprint of the proposed structure with labeling of all proposed setbacks; and
- 2) Revision of the plat labeling the size of the lot in square feet along with the size of all existing structures in square feet.

Revised for the December 4th meeting:

This application was heldover from the November 6th meeting to allow the applicant to submit a revised site plan showing the footprint of the proposed structure with labeling of all the proposed setbacks, height information, site coverage, size of the lot in square feet and site coverage. The applicant submitted a revised site plan and plat with the requested setback and structure size revisions, but without the height information. A follow-up telephone call secured the height information.

According to the applicant, the addition will be a 1276 ± square foot screened pool enclosure, 14 feet in height with a screened roof. The proposed screen structure will be 2 feet 1 inch from the West property line, which is abutted by a zero-lot line single-family residence with corresponding overhang. The proximity of the adjacent residence and the

decrease in accessibility is a concern. It should also be pointed out that approval of this structure will set a precedent for reduced setbacks for other lots within the development.

The existing residence has a footprint of 2965 square feet, and with the proposed 1276 square foot screen enclosure, 52% of the site will be covered in structure.

The Zoning Ordinance defines a “structure” as “anything constructed or erected which requires location on the ground or is attached to something having a location on the ground; except (a) public utility poles, wires, guy wires, and cables; and (b) fences and walls other than building walls.” The applicability of this screened enclosure as being a structure may be considered due to the fact that the screening fully encloses the pool (even though the screen is permeable).

While the Planning Commission can consider certain modifications of Zoning Ordinance requirements through the Planned Unit Development process, additional areas of concern outside the realm of the Commission appear to apply in this case. The proposed pool enclosure will require a building permit, and either the structure must meet a minimum setback of 3 feet 1 inch, or must have additional fire rating certification. Furthermore, Building Code requirements also necessitate structures being a minimum of depth plus 1 foot from the edge of pool: no pool depth information was provided by the applicant, and it would appear that depth of the pool can only be 3 feet based upon the screen structure setback from the deepest end (the South end, based upon aerial photos).

It should be noted that the applicant also submitted two letters of support in reference to the proposed addition.

RECOMMENDATION

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

- 1) Construction of the screen structure, as proposed, will adversely effect the adjacent property by reducing access for emergency personnel, thus creating a safety hazard;*
- 2) Approval of the proposed reduced setbacks will set a precedent for other properties within the development; and*
- 3) Approval of the proposed reduced setbacks may result in the violation of Building Code requirements.*

Subdivision: *Based upon the proceeding, this application is recommended for Denial for the following reason:*

- 1) To coincide with the Planned Unit Development recommendation.*

Revised for the January 8th meeting:

This application was heldover from the December 4th meeting at the applicant's request to allow the applicant to discuss possible modifications with the staff. Since this meeting date, the staff has met with both the applicant and the engineering representative. A representative from Building Code was also present at the meeting.

Though no revised plans were submitted, the applicant stated that they will be able to meet either the building code requirement of locating the structure 3 feet 1 inch from the adjoining property (including the eave overhang) or the requirement to make the structure fire safety rated. According to the Building Code official, due to no apparent additional footing work being required for the structure, the setback requirement of the minimum depth plus one foot for the proposed structure from the pool will not be required. It should be noted however, that if any additional footing work is needed to comply with Building Code requirements, a new PUD application may be required if setbacks must be changed.

RECOMMENDATION ***Planned Unit Development:*** *Based on the preceding, this application is recommended for Tentative Approval subject to the following conditions:*

- 1) Placement of a note on the site plan and final plat stating that the screened enclosure is limited to 14' in height, 1275.9 square feet in size, and may only have a screened roof and sides;*
- 2) Placement of a note on the site plan and final plat stating that the screened structure will meet all building code requirements regardless of the location on the lot; and*
- 3) Submittal of a revised PUD prior to signing of the final plat.*

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

- 1) Placement of a note on the site plan and final plat stating that the screened enclosure is limited to 14' in height, 1275.9 square feet in size, and may only have a screened roof and sides;*
- 2) Placement of a note on the site plan and final plat stating that the screened structure will meet all building code requirements regardless of the location on the lot;*
- 3) Placement of a note on the final plat stating that Lot 9 is limited to one curb cut with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards;*
- 4) placement of a note on the plat stating that the site must be developed in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species;*
- 5) Provide revised PUD site plan prior to signing final plat; and*
- 6) Completion of subdivision process prior to request for permits.*

LOCATOR MAP



APPLICATION NUMBER 1 & 2 DATE January 8, 2009
 APPLICANT Sheffield Court Subdivision, Resubdivision of Lot 9
 REQUEST Subdivision, Planned Unit Development



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



This site is surrounded by residential land use.

APPLICATION NUMBER 1 & 2 DATE January 8, 2009

APPLICANT Sheffield Court Subdivision, Resubdivision of Lot 9

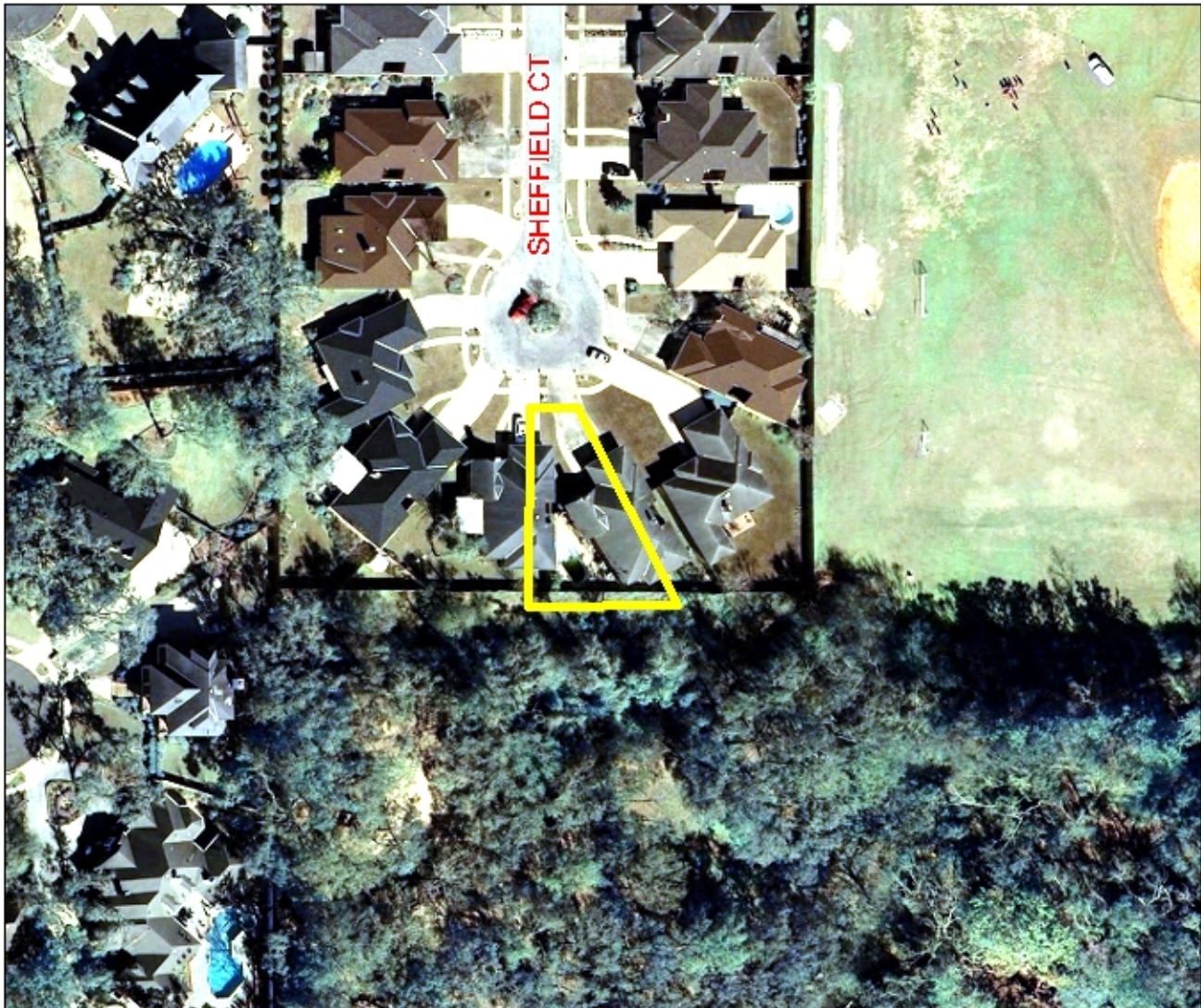
REQUEST Subdivision, Planned Unit Development

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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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING

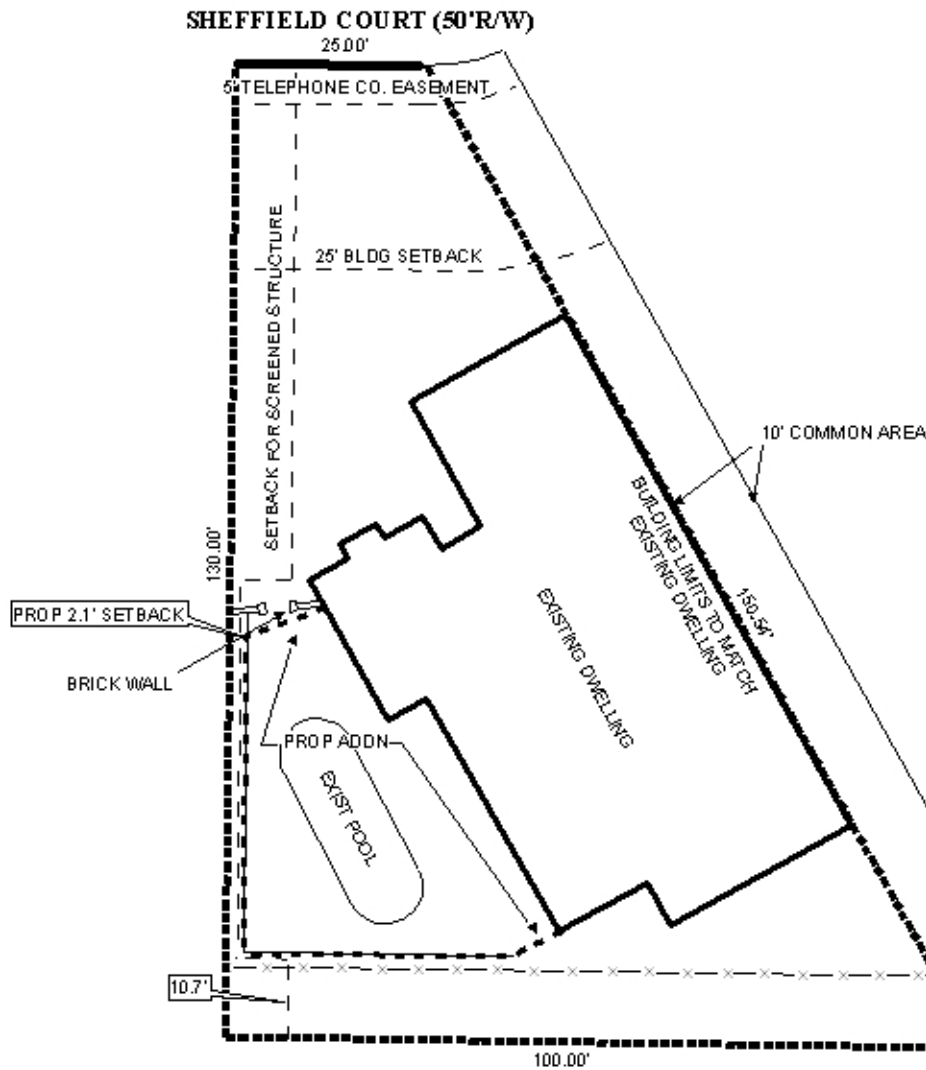


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SITE PLAN



This site plan illustrates the proposed subdivision and planned unit development.

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