

**ZONING AMENDMENT,  
PLANNED UNIT DEVELOPMENT &  
SUBDIVISION STAFF REPORT****Date: November 19, 2009**

<b><u>NAME</u></b>	Diana Morgan
<b><u>SUBDIVISION NAME</u></b>	D'Olive Place
<b><u>LOCATION</u></b>	262 West Drive (West side of West Drive, 100'± South of Northwoods Court)
<b><u>CITY COUNCIL DISTRICT</u></b>	District 6
<b><u>PRESENT ZONING</u></b>	R-1, Single-Family Residential District
<b><u>PROPOSED ZONING</u></b>	R-2, Two-Family Residential District
<b><u>REASON FOR REZONING</u></b>	None Given
<b><u>AREA OF PROPERTY</u></b>	24 Lots / 4.0± Acres
<b><u>CONTEMPLATED USE</u></b>	<p>Subdivision approval to create 24 legal lots of record; Planned Unit Development Approval to allow reduced lot sizes, reduced lot widths, and reduced side yard setbacks; and Rezoning from R-1, Single-Family Residential District, to R-2, Two-Family Residential District, to allow a single-family residential subdivision with up to 40% site coverage per lot.</p> <p><b>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.</b></p>
<b><u>TIME SCHEDULE</u></b>	Spring, 2010
<b><u>ENGINEERING COMMENTS</u></b>	<p>If not already completed, need to provide flood study to correct floodway designation as shown on FEMA Mapping. Need to show drainage easement for discharge from detention pond. Place note on plat that maintenance of the detention pond and the drainage easement from detention pond to a City maintained system is the responsibility</p>

of the Property Owners Association and not the City of Mobile. Must comply with all other 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. Fire hydrants shall be installed to comply with 2003 IFC 508.5.1

## **REMARKS**

The applicant is requesting Subdivision approval to create 24 legal lots of record; Planned Unit Development Approval to allow reduced lot sizes, reduced lot widths, and reduced side yard setbacks; and Rezoning from R-1, Single-Family Residential District, to R-2, Two-Family Residential District, to allow a single-family residential subdivision with up to 40% site coverage per lot.

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.

The applicant has not provided an adequate, detailed description of the PUD proposal, only the perceived justification for the PUD. At a minimum, the applicant should outline 1) the type of development proposed (i.e. innovative, traditional, multi-family); 2) the types of structures to be built; 3) a detailed outline of all the lots on the property including their size and right-of-way frontage; 4) the justification for the development; 5) the time frame for the development; and 6) the justification for the “hammerhead” turnaround in lieu of a cul-de-sac. Because of the applicant’s failure to provide this information, the request should be heldover pending further information.

The site appears to be depicted as residential 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.

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 applicant did not provide any justification for rezoning. Justification for the rezoning request stating which of the conditions as outlined in Section 64-9 of the Zoning Ordinance are occurring, along with the time frame for development should be submitted. Because of the applicant's failure to provide this information, the request should be heldover pending further information.

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.

Pending further information needed to complete the review, the subdivision application should, likewise, be heldover.

## **RECOMMENDATION**

**Planned Unit Development:** The request for Planned Unit Development approval is recommended for holdover to the December 17, 2009 meeting, with revisions due by Wednesday December 2, 2009, to address the following:

- 1) the type of development proposed (i.e. innovative, traditional, multi-family);
- 2) the types of structures to be built;
- 3) a detailed outline of all the lots on the property including their size and right-of-way frontage;
- 4) the justification for the development;
- 5) the time frame for the development; and
- 6) the justification for the "hammerhead" turnaround in lieu of a cul-de-sac.

**Rezoning:** The request for Rezoning approval is recommended for holdover to the December 17, 2009 meeting, with revisions due by Wednesday December 2, 2009, to address the following:

- 1) justification for the rezoning request stating which of the conditions as outlined in Section 64-9 of the Zoning Ordinance are occurring; and
- 2) the time frame for development should be submitted

**Subdivision:** The Subdivision request is recommended for holdover to the December 17, 2009 meeting so that the applicant can address the issues with the Planned Unit Development and the Rezoning requests.

***Revised for the December 17, 2009 meeting***

*The applicant submitted updated information to the Planning Section. The applicant states that the Planned Unit Development is being designed as an innovative, zero-lot line, single-family subdivision. The plat depicts a 24-lot subdivision, with a 25-foot front setback line depicts on all lots except Lots 11 and 16. If approved, the 25-foot setback line should be depicted and should be the same as the setback on Lots 12-15. Lots 2-9 and 23-17 depict a zero side yard on the west property line, 8-foot side yard on the east side yard, and a 10-foot rear yard. Lots 1 and 24 have larger east side yards as they face West Drive. Lot 10 likewise has a larger side yard as it faces to the proposed hammerhead turnaround.*

*The application is also proposing reduced lot sizes and widths, as well as a hammerhead style turnaround. The hammerhead turnaround does not meet the criteria of Section V.B.14 of the Subdivision Regulations, but it appears to comply with Appendix D of the 2003 International Fire Code. The street is proposed to be public, and there are no other examples of public hammerhead turnarounds in the City of Mobile. The applicant states that the hammerhead turnaround is more efficient, and in keeping with the efficient design of the subdivision. However, this assertion is suspect, as a hammerhead turnaround would require all vehicles to make a "three-point turn" in order to turn around, including large trash collection and emergency vehicles. This fact, in and of itself, does not lend credence to the applicant's assertion that the design is efficient.*

*As the design of the turnaround is not efficient, the only reason to have a hammerhead turnaround in lieu of a cul-de-sac is that the hammerhead turnaround would allow more lots in the Subdivision. As there are no recently approved examples for public street hammerhead turnarounds in the City of Mobile, and as the design is not efficient, this plat should be denied.*

*It should be noted that the proposed lot sizes and lot widths are not incompatible with the development pattern of the surrounding area.*

*Regarding lot widths and sizes, with the rezoning and PUD applications, a waiver of Section V.D.2 of the Subdivision Regulations would seem to be appropriate. Lots 1 and 24 should be denied access to West Drive due to its role as a collector street for several subdivisions. Lot 10*

*has frontage on both the main portion of Walker Ridge Drive as well as the turnaround portion. Access should be denied to the turnaround from Lot 10 due to the configuration of Lot 11. All lots should be limited to one curb cut each due to the narrowness of the lots.*

*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.*

*The applicant is further requesting rezoning to R-2, two-family residential district. The applicant states in the revised information that the justification for the rezoning is that there are changing conditions in the area. Indeed, there have been rezoning applications in the immediate area in the last ten years, and R-2, and R-3 zoning are both present at the location. The applicant is requesting the R-2 zoning to allow for the reduced lot sizes. Further, rezoning would afford the applicant 40% site coverage on all of the lots. Given the recommendation of denial of the subdivision and PUD applications, the rezoning is a moot point and should also be denied.*

## **RECOMMENDATION**

**Planned Unit Development:** The request for Planned Unit Development approval is recommended for denial due to the following reasons:

- 1) The hammerhead turnaround is not an efficient design and does not comply with the Subdivision Regulations.
- 2) Does not conform with Section I.C.6 of the Subdivision Regulations.

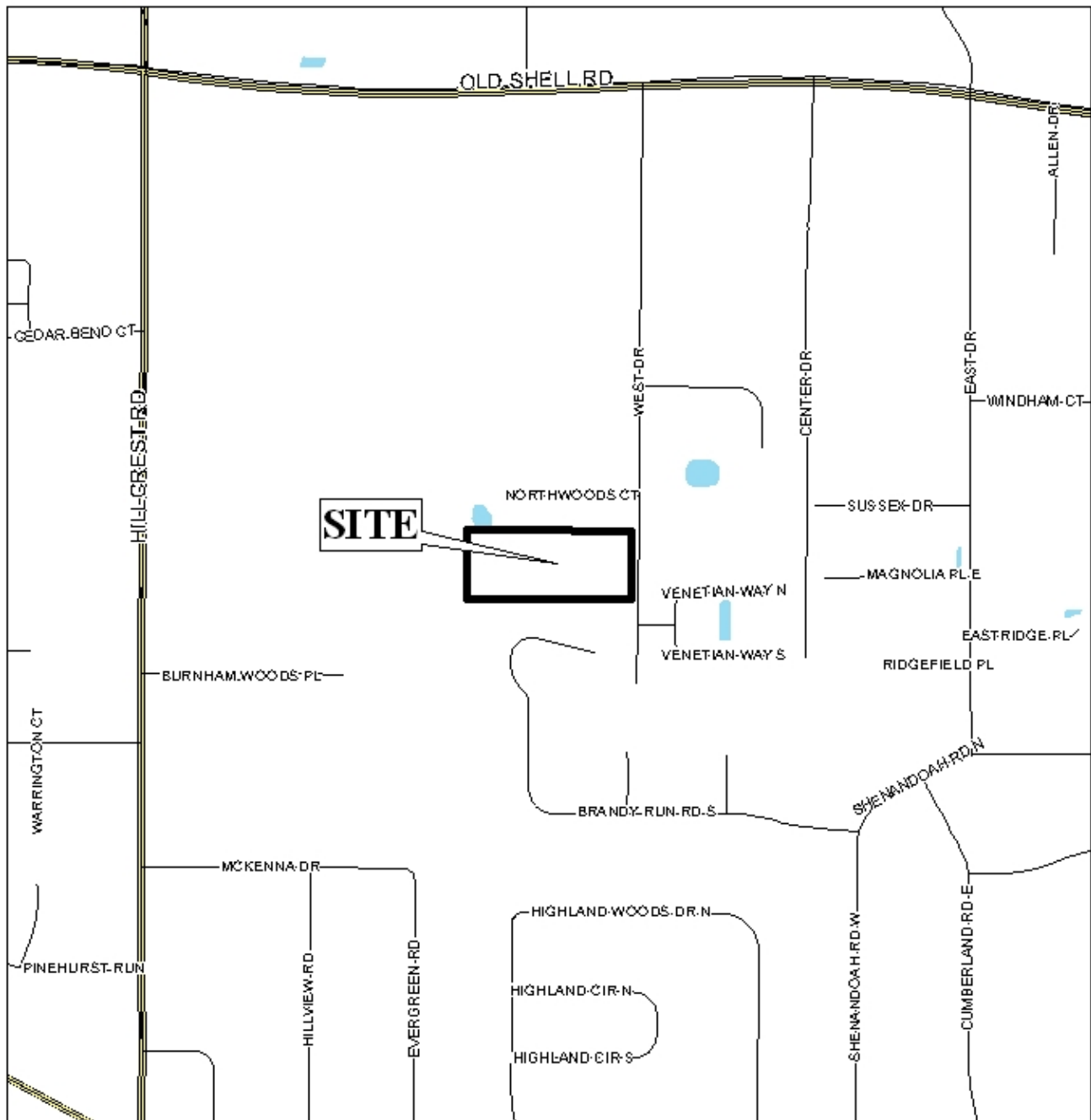
**Rezoning:** The request for Rezoning approval is recommended for denial due to the following reasons:

- 1) The Subdivision and Planned Unit Development Applications are recommended for denial making this application moot.

**Subdivision:** The request for tentative plat approval is recommended for denial due to the following reasons:

- 1) The plat does not comply with Section V.B.14 regarding right-of-way widths for turnarounds on closed-end streets as all closed end streets are required to have a cul-de-sac diameter of 120 feet.

# LOCATOR



APPLICATION NUMBER 2, 3, & 4 DATE December 17, 2009

APPLICANT D'Olive Place Subdivision

REQUEST Subdivision, Planned Unit Development, Rezoning from R-1 to R-2



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



This site is surrounded by residential land use.

APPLICATION NUMBER 2, 3, & 4 DATE December 17, 2009

APPLICANT D'Olive Place Subdivision

REQUEST Subdivision, Planned Unit Development, Rezoning from R-1 to R-2

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
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## PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



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APPLICATION NUMBER 2, 3, & 4 DATE December 17, 2009

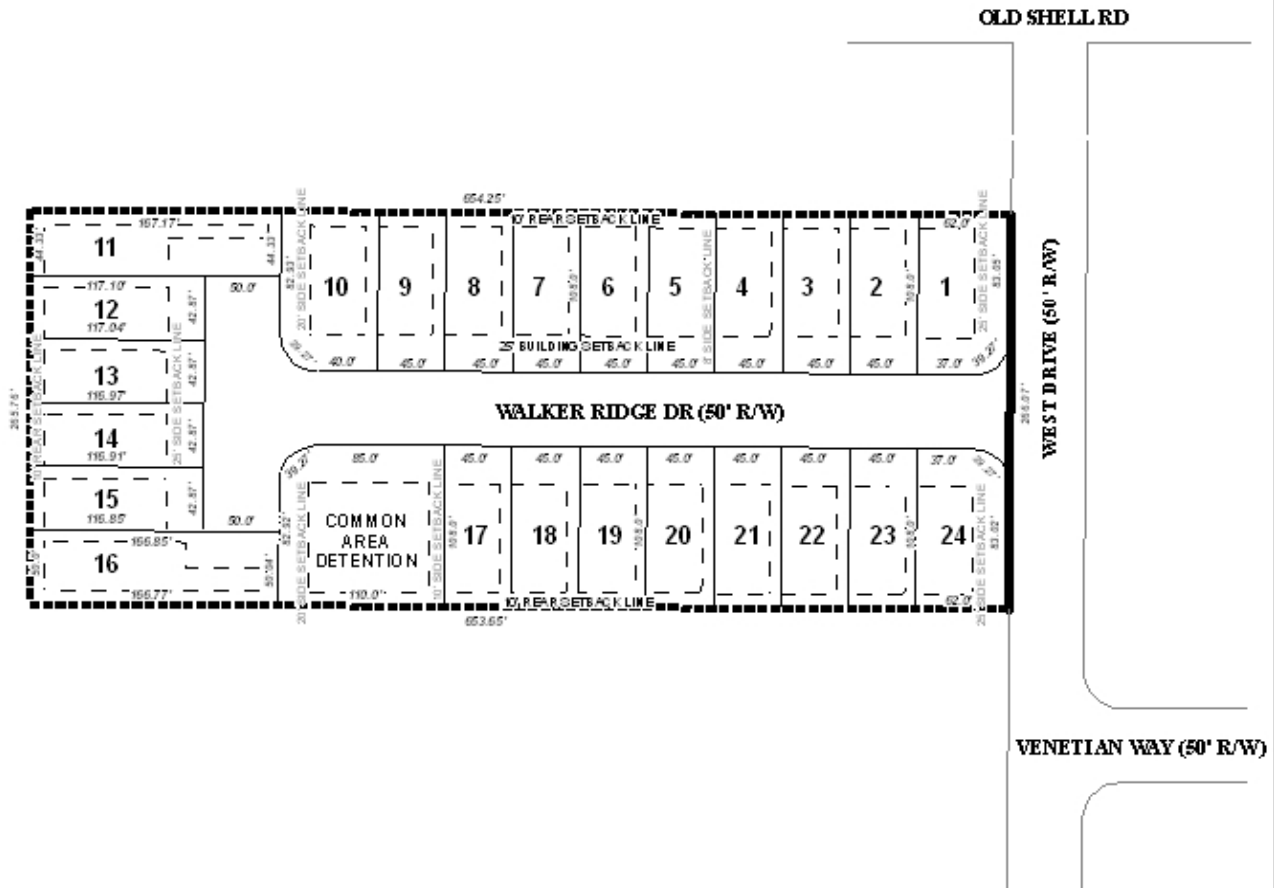
APPLICANT D'Olive Place Subdivision

REQUEST Subdivision, Planned Unit Development, Rezoning from R-1 to R-2





# SITE PLAN



This site plan illustrates the proposed subdivision with reduced lot sizes.

APPLICATION NUMBER 2, 3, & 4 DATE December 17, 2009

APPLICANT D'Olive Place Subdivision

REQUEST Subdivision, Planned Unit Development, Rezoning from R-1 to R-2



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