

**SUBDIVISION, PLANNED UNIT DEVELOPMENT,
PLANNING APPROVAL, ZONING AMENDMENT,
& SIDEWALK WAIVER REQUEST
STAFF REPORT**

Date: February 17, 2010

APPLICANT NAME

David L. Pitts

SUBDIVISION NAME

Whisper Oak Subdivision

DEVELOPMENT NAME

Whisper Oak Mobile Home Park

LOCATION

4512 Higgins Road
(North side of Higgins Road, 215'± West
of Shipyard Road)

**CITY COUNCIL
DISTRICT**

Council District 4

PRESENT ZONING

R-1, Single-Family Residential District

PROPOSED ZONING

R-3, Multiple-Family Residential District

AREA OF PROPERTY

2.7 Acres ±

CONTEMPLATED USE

Subdivision Approval to create one legal lot of record from two existing metes and bounds parcels; Planned Unit Development and Planning Approval to allow a mobile home park with 22 mobile home spaces and one apartment building with gravel accessways and parking, rezoning from R-1 to R-3 to allow the mobile home park, and waiver of construction of a sidewalk along Higgins Road.

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**

Within One Year

ENGINEERING**COMMENTS**

Must comply with all storm water and flood control ordinances. Any increase in impervious area in excess of 4,000 square feet will require detention. Any work performed in the right of way will require a right of way permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer. Due to insufficient ROW and an open drainage system, construction of a city standard sidewalk is not practical.

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 provided per Section 508.5.1 of the 2003 IFC. Access to building shall be provided per Section 503.1.1 & 503.2.1 of the 2003 IFC

REMARKS

The applicant is requesting Subdivision Approval to create one legal lot of record from two existing metes and bounds parcels; Planned Unit Development and Planning Approval to allow a mobile home park with 22 mobile home spaces and one, two-unit apartment building with gravel accessways and parking, rezoning from R-1 to R-3 to allow the mobile home park, and waiver of construction of a sidewalk along Higgins Road.

This site is currently developed as a mobile home park, and has operated as such since prior to annexation into the City of Mobile in 1993. As such, the site has been operating as a legal non-conforming use. The applicant wishes to make significant changes to the mobile home park, including increasing the number of spaces and making changes to the layout and circulation patterns.

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 proposed lot, as depicted, meets the minimum size and frontage requirements as regulated by the Subdivision Regulations. The lot area size is depicted on the plat in square feet as well as

the 25-foot minimum building setback line, and this information should be retained on the Final Plat, if approved.

The proposed lot fronts Higgins Road to the South. Higgins Road is a minor street which is not provided with curb and gutter. It is depicted with an adequate right-of-way of 60 feet, and as such, no further dedication should be required.

The site currently has two curb cuts. Higgins Road currently functions as a collector street in the Cypress Shores area, as such, access management should be a concern, and the site should be limited to one curb cut. A note should be placed on the Final Plat, if approved, limiting the site to one curb cut, with the size, design, and exact location to be approved by Traffic Engineering and conform to AASHTO standards.

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 requesting rezoning to R-3, Multiple Family Residential, to accommodate the mobile home park use.

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.

It should be noted that the rezoning site is 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. With that said, the primary reason for this application is to make the zoning compatible with the existing use; thus, it will have minimal impact on the surrounding area.

The site is currently surrounded by either commercially zoned or utilized land except for the single-family residential lot to the immediate East of the site. Higgins Road, along with Shipyard Road and Cypress Business Park Drive in the immediate vicinity function as heavy commercial corridors.

The applicant did not specifically state which of the four acceptable conditions for rezoning is occurring. However, given that the site has functioned in a multi-family capacity since annexation and that the site is surrounded by heavy commercial land uses, it would seem that rezoning would be appropriate. Regardless, the applicant should still provide an acceptable narrative specifically outlining which of the acceptable conditions for rezoning are occurring.

As stated in Section 64-5 of the Zoning Ordinance, 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 must be approved by the Planning Commission.

The review required for Planning Approval examines the applicant's location and site plan with regard to transportation, parking and access, public utilities and facilities, traffic congestion and hazard, and to determine if the proposal is in harmony with the orderly and appropriate development of the district. Planning Approval is site plan and use specific, thus any future changes to the site or operation of the facilities will require additional Planning Approval.

As previously stated, the site is currently operating as a mobile home park, and the applicant wishes to make several substantial changes to the site. Currently, there are 20 mobile homes on the site, one block building, and two substandard driveways. The applicant wishes to redesign the site to allow 22 mobile home spaces, accessed via a 20-foot wide driveway.

Regarding the lot layouts, Lots 1 and 21 appear to show the mobile home location area partially within the 25-foot minimum building setback line. No part of the mobile home location area should be located within the building setback. Also, regarding the size of each mobile home lot, Section 37-53 of the Mobile City Code requires a minimum lot size of 3,200 square feet for each mobile home lot. Area sizes for the lots are not shown, however, it appears that some lots may not meet this requirement. As such, each lot's size should be depicted to ensure that each meets the minimum size requirement.

Regarding access, the site plan depicts access as being via 20-foot wide gravel drives. The minimum size for two way accessways is 24 feet in width, and all accessways must be paved with asphalt or concrete. Additionally, parking of a sufficient number is depicted, however, the parking is depicted as being gravel; this should be revised to show the parking as asphalt or concrete.

The site plan is depicting an 8-foot setback to the East. The property to the East is developed as and zoned Single-Family Residential. As such, a 10-foot setback would be required to comply with buffering requirements. Additionally, no buffer is depicted, and, at a minimum, a privacy fence compliant with Section 64-4.D.1. should be provided.

It should be noted that Chapter 37 of the Mobile City Code sets out several design requirements for mobile home parks, and, as this application proposes substantial changes to the site, the provisions of Chapter 37 apply. Specifically, the site plan needs to show the following:

- Section 37-56: a playground common area surrounded by a fence or a wall of at least 4 feet in height containing 150 square feet for each mobile home lot
- Section 37-57: a dedicated patio area of at least 180 square feet on each lot, surfaced with rigid impervious pavement

The site plan does not indicate compliance with the tree and landscaping requirements of the zoning ordinance. Full compliance should be required.

Lastly, regarding the sidewalk waiver request, city engineering has determined that construction of a sidewalk is not practical due to open drainage and insufficient right-of-way. As such, the sidewalk waiver should be approved.

RECOMMENDATION

Subdivision: The Subdivision request is recommended for holdover until the March 17, 2011, meeting with revisions due to the Planning Section by noon on Friday, March 4, 2011, to address the following:

- 1) revisions to the associated Planned Unit Development, Planning Approval, and Rezoning Applications as outlined.

Planned Unit Development: The request for Planned Unit Development approval is recommended for holdover until the March 17, 2011, meeting with revisions due to the Planning Section by noon on Friday, March 4, 2011, to address the following:

- 1) revision of the site plan to remove all mobile home sites from the 25-foot minimum building setback line;
- 2) revision of the site plan to depict all two way accessways as being at least 24 feet in width;
- 3) revision of the site plan to depict all accessways and parking as either asphalt or concrete;
- 4) revision of the site plan, and redesign, as necessary, to depict all mobile lots as being at least 3,200 square feet in area;
- 5) revision of the site plan to depict the required playground/common area as required in Section 37-56 of the Mobile City Code;
- 6) revision of the site plan to depict the dedicated patio area as required in Section 37-57 of the Mobile City Code;
- 7) revision of the site plan to depict the 10-foot required setback and buffer area where the site abuts residentially zoned property as well as a privacy fence in compliance with Section 64-4.D.1. of the Zoning Ordinance; and

- 8) submittal of a landscape plan showing full compliance with the tree planting and landscaping area requirements of the Zoning Ordinance.

Planning Approval: The request for Planning Approval is recommended for holdover until the March 17, 2011, meeting with revisions due to the Planning Section by noon on Friday, March 4, 2011, to address the following:

- 1) revision of the site plan to remove all mobile home sites from the 25-foot minimum building setback line;
- 2) revision of the site plan to depict all two way accessways as being at least 24 feet in width;
- 3) revision of the site plan to depict all accessways and parking as either asphalt or concrete;
- 4) revision of the site plan, and redesign, as necessary, to depict all mobile lots as being at least 3,200 square feet in area;
- 5) revision of the site plan to depict the required playground/common area as required in Section 37-56 of the Mobile City Code;
- 6) revision of the site plan to depict the dedicated patio area as required in Section 37-57 of the Mobile City Code;
- 7) revision of the site plan to depict the 10-foot required setback and buffer area where the site abuts residentially zoned property as well as a privacy fence in compliance with Section 64-4.D.1. of the Zoning Ordinance; and
- 8) submittal of a landscape plan showing full compliance with the tree planting and landscaping area requirements of the Zoning Ordinance.

Rezoning: The request for Rezoning approval is recommended for holdover until the March 17, 2011, meeting with revisions due to the Planning Section by noon on Friday, March 4, 2011, to address the following:

- 1) submittal of a revised narrative *specifically* outlining which of the four acceptable conditions for rezoning is occurring at this site;
- 2) revision of the site plan to remove all mobile home sites from the 25-foot minimum building setback line;
- 3) revision of the site plan to depict all two way accessways as being at least 24 feet in width;
- 4) revision of the site plan to depict all accessways and parking as either asphalt or concrete;
- 5) revision of the site plan, and redesign, as necessary, to depict all mobile lots as being at least 3,200 square feet in area;
- 6) revision of the site plan to depict the required playground/common area as required in Section 37-56 of the Mobile City Code;
- 7) revision of the site plan to depict the dedicated patio area as required in Section 37-57 of the Mobile City Code;

- 8) revision of the site plan to depict the 10-foot required setback and buffer area where the site abuts residentially zoned property as well as a privacy fence in compliance with Section 64-4.D.1. of the Zoning Ordinance; and
- 9) submittal of a landscape plan showing full compliance with the tree planting and landscaping area requirements of the Zoning Ordinance.

Sidewalk Waiver Request: The request for a Sidewalk Waiver is recommended for holdover until the March 17, 2011, meeting with revisions due to the Planning Section by noon on Friday, March 4, 2011, to address the following:

- 1) revisions to the associated Planned Unit Development, Planning Approval, and Rezoning Applications as outlined.

Revised for the March 17, 2011, meeting

The applicant submitted a revised site plan and narrative to address some of the concerns outlined in the report. Additionally, a community meeting was held by Councilman Williams to solicit feedback from residents of the Cypress Shores Community about this application.

The revised site plan indicates that all of the mobile home sites have been modified to remove all building sites from the setback areas, and the accessways have been increased to 24 feet in width. The applicant has, additionally, removed two of the mobile home lots to be able to maintain the required size of the lot (3,200 square feet), and the applicant has also indicated the common space/playground area as required in Section 37-56 of the Mobile City Code. The site plan also now indicates the required buffer located on the east side of the property, and the landscaping plan also appears to comply with the requirements of the Zoning Ordinance.

The site plan does not indicate the dedicated patio area of at least 180 square feet on each lot, surfaced with rigid impervious pavement as required by Section 37-57 of the Mobile City Code. Chapter 37 gives the Planning Commission the authority to waive this section of the Chapter, and the applicant has requested such a waiver. The applicant states that they wish to construct elevated wooden patio decks “because it would provide better use to the elevated mobile homes.” This modification seems reasonable, however, the decks should be shown on the site plan and a stipulation be placed on the approval stating that the wooden decks must meet all applicable building codes and be maintained perpetually to ensure safety.

The applicant is also continuing to indicate gravel driveways and parking areas. The applicant has submitted an application to the Board of Adjustment for the gravel surfacing, and, if the PUD is approved, it should be subject to Board of Adjustment approval with the stipulation that if it is not approved by the Board, then concrete or asphalt surfacing would be required.

Regarding the rezoning application, the community meeting in the Cypress Shores area indicated that there was strong community opposition to the proposed rezoning. The primary concern heard from the residents was the allowance of apartments by right.

Given that the site is surrounded by commercial and industrial zoning; as well as non-conforming commercial and industrial uses, high density, multiple-family developments are not incompatible with the surrounding land uses. Further, given the existing use of the site, rezoning of the site to R-3, or even to a commercial classification such as B-3, Community Business District, does seem to be appropriate.

RECOMMENDATION

Subdivision: *The Subdivision request is recommended for Tentative Approval subject to the following conditions:*

- 1) retention of the 25-foot minimum building line and the notation of the lot area size in square feet;*
- 2) placement of a note on the Final Plat limiting the site to one curb cut, with the size, design, and exact location to be approved by Traffic Engineering and conform to AASHTO standards, and;*
- 3) placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.*

Planned Unit Development: *The request for Planned Unit Development approval is recommended for approval subject to the following conditions:*

- 1) completion of the rezoning process;*
- 2) approval by the Board of Zoning Adjustment of the surfacing variance to allow gravel parking and driveways, if the variance is not approved, accessways and parking areas will be surfaced with concrete or asphalt;*
- 3) depiction of the wooden decks at each mobile home lot;*
- 4) placement of a note on the site plan stating that the wooden decks must meet all applicable building codes and be maintained perpetually;*
- 5) full compliance with tree planting and landscaping requirements;*
- 6) submittal of two copies of the revised site plan incorporating any changes to the Planning Section of Urban Development prior to the issuance of any permits; and*
- 7) full compliance with all municipal codes and ordinances.*

Planning Approval: *The request for Planning Approval is recommended for approval subject to the following conditions:*

- 1) *completion of the rezoning process;*
- 2) *approval by the Board of Zoning Adjustment of the surfacing variance to allow gravel parking and driveways, if the variance is not approved, accessways and parking areas will be surfaced with concrete or asphalt;*
- 3) *depiction of the wooden decks at each mobile home lot;*
- 4) *placement of a note on the site plan stating that the wooden decks must meet all applicable building codes and be maintained perpetually;*
- 5) *full compliance with tree planting and landscaping requirements;*
- 6) *submittal of two copies of the revised site plan incorporating any changes to the Planning Section of Urban Development prior to the issuance of any permits; and*
- 7) *full compliance with all municipal codes and ordinances.*

Rezoning: *The request for Rezoning approval is recommended for approval subject to the following conditions:*

- 1) *completion of the subdivision process;*
- 2) *limited to an approved Planned Unit Development; and*
- 3) *full compliance with all municipal codes and ordinances.*

Sidewalk Waiver Request: *The request for a Sidewalk Waiver is recommended for approval.*

Revised for the April 21, 2011, meeting

At the March 17, 2011, meeting, the Planning Commission tentatively approved the Subdivision request and approved the Sidewalk Waiver Request. The Commission heldover the Planned Unit Development, Planning Approval, and Rezoning requests due to the applicant seeking of a Use Variance, Surfacing Variance, and Multiple Buildings Variance through the Board of Zoning Adjustment.

At the Board of Zoning Adjustment's April 4, 2011, meeting, the Board of Zoning Adjustment heldover the variance requests due to concerns raised by the Mobile Fire-Rescue Department. The Board will again hear the case on May 2, 2011.

The reasoning of the staff has not changed. The PUD, Planning Approval, and Rezoning requests should be approved as previously recommended.

RECOMMENDATION

Planned Unit Development: *The request for Planned Unit Development approval is recommended for approval subject to the following conditions:*

- 1) completion of the rezoning process;*
- 2) approval by the Board of Zoning Adjustment of the surfacing variance to allow gravel parking and driveways, if the variance is not approved, accessways and parking areas will be surfaced with concrete or asphalt;*
- 3) depiction of the wooden decks at each mobile home lot;*
- 4) placement of a note on the site plan stating that the wooden decks must meet all applicable building codes and be maintained perpetually;*
- 5) full compliance with tree planting and landscaping requirements;*
- 6) submittal of two copies of the revised site plan incorporating any changes to the Planning Section of Urban Development prior to the issuance of any permits; and*
- 7) full compliance with all municipal codes and ordinances.*

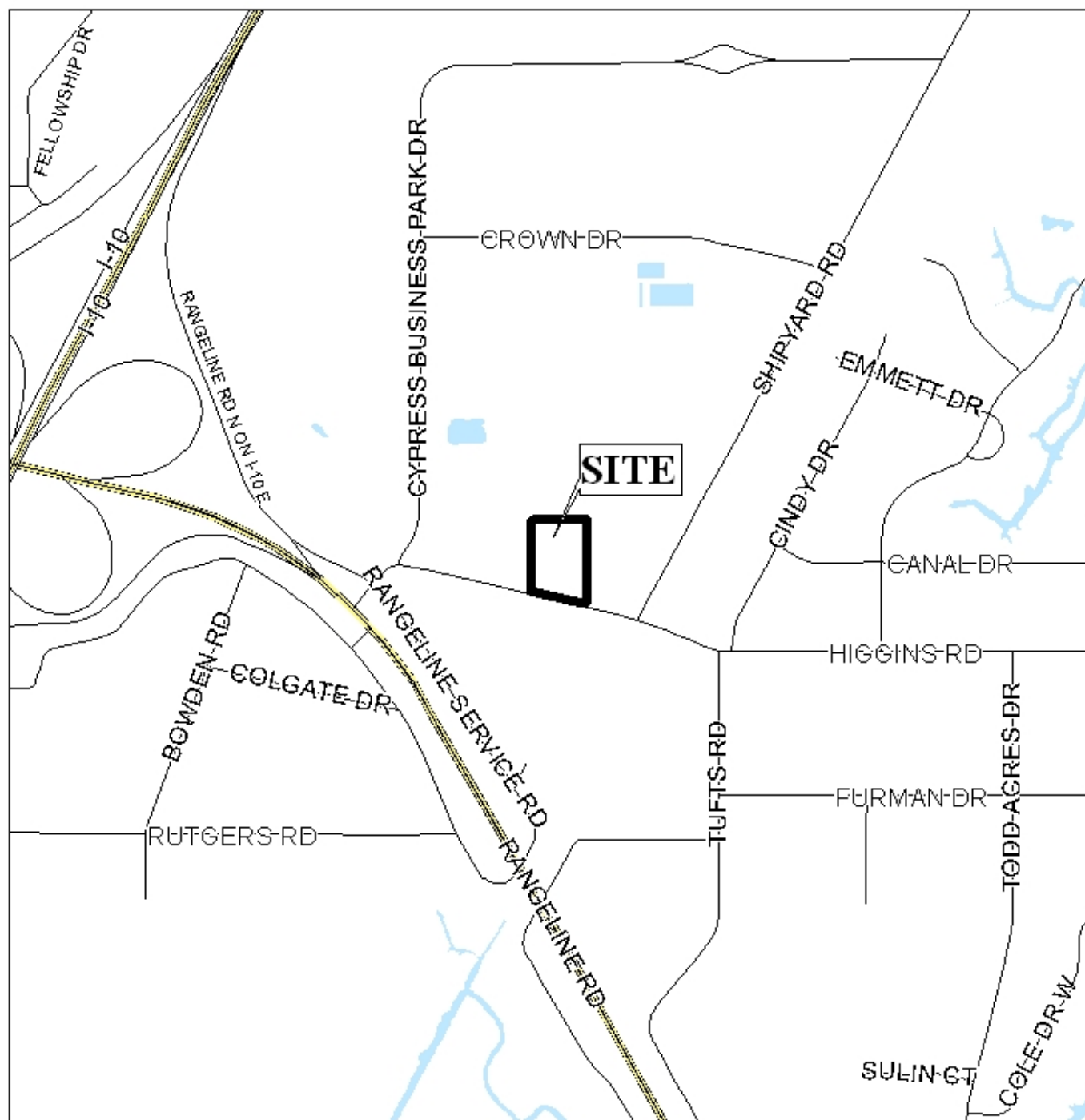
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- 1) completion of the rezoning process;*
- 2) approval by the Board of Zoning Adjustment of the surfacing variance to allow gravel parking and driveways, if the variance is not approved, accessways and parking areas will be surfaced with concrete or asphalt;*
- 3) depiction of the wooden decks at each mobile home lot;*
- 4) placement of a note on the site plan stating that the wooden decks must meet all applicable building codes and be maintained perpetually;*
- 5) full compliance with tree planting and landscaping requirements;*
- 6) submittal of two copies of the revised site plan incorporating any changes to the Planning Section of Urban Development prior to the issuance of any permits; and*
- 7) full compliance with all municipal codes and ordinances.*

Rezoning: *The request for Rezoning approval is recommended for approval subject to the following conditions:*

- 1) completion of the subdivision process;*
- 2) limited to an approved Planned Unit Development; and*
- 3) full compliance with all municipal codes and ordinances.*

LOCATOR MAP



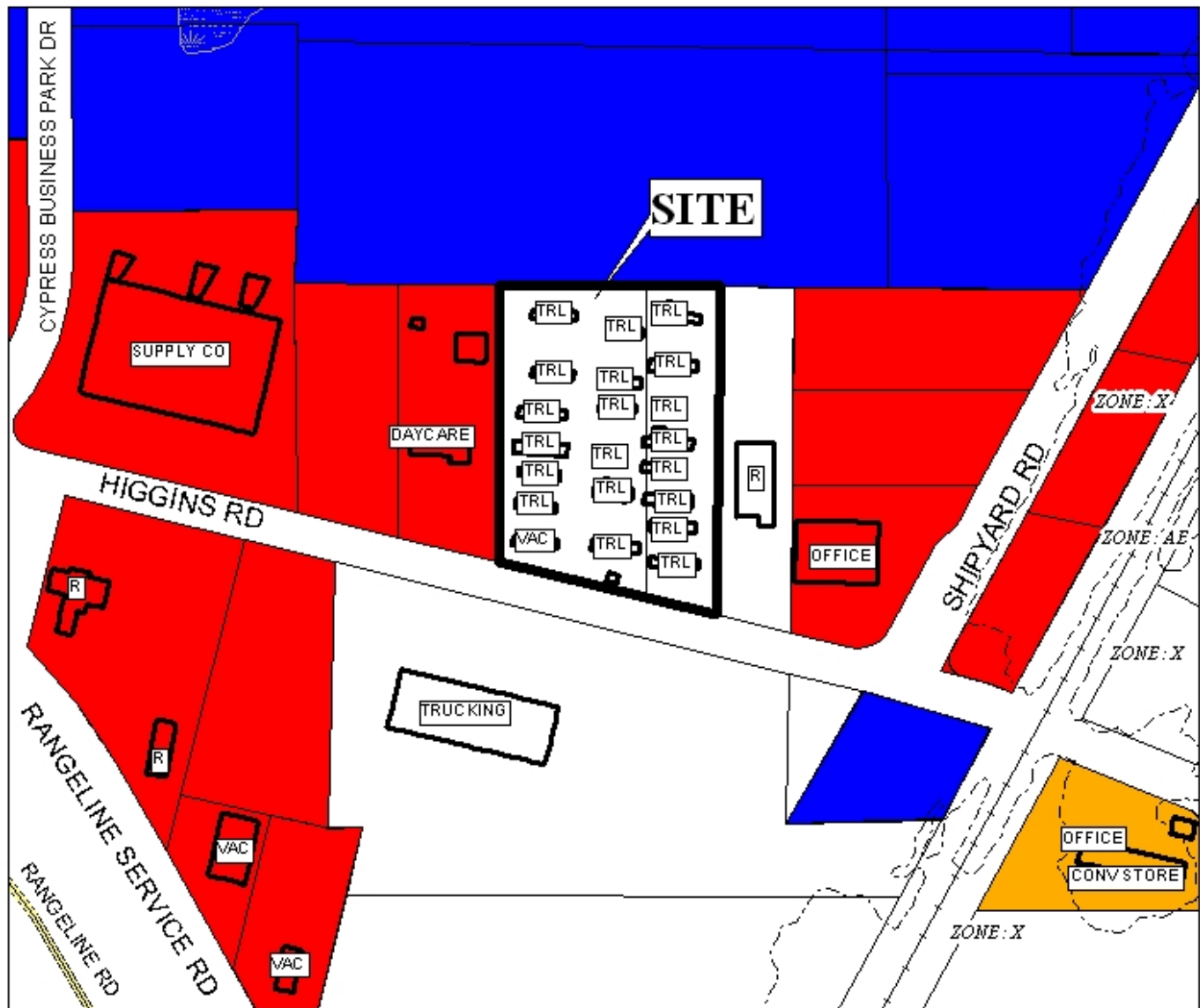
APPLICATION NUMBER 2,3&4 DATE April 21, 2011

APPLICANT David L. Pitts

REQUEST PUD, Planning Approval, Rezoning from R-1 to R-3



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by mixed land use.

APPLICATION NUMBER 2,3&4 DATE April 21, 2011
 APPLICANT David L. Pitts
 REQUEST PUD, Planning Approval, Rezoning from R-1 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
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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING

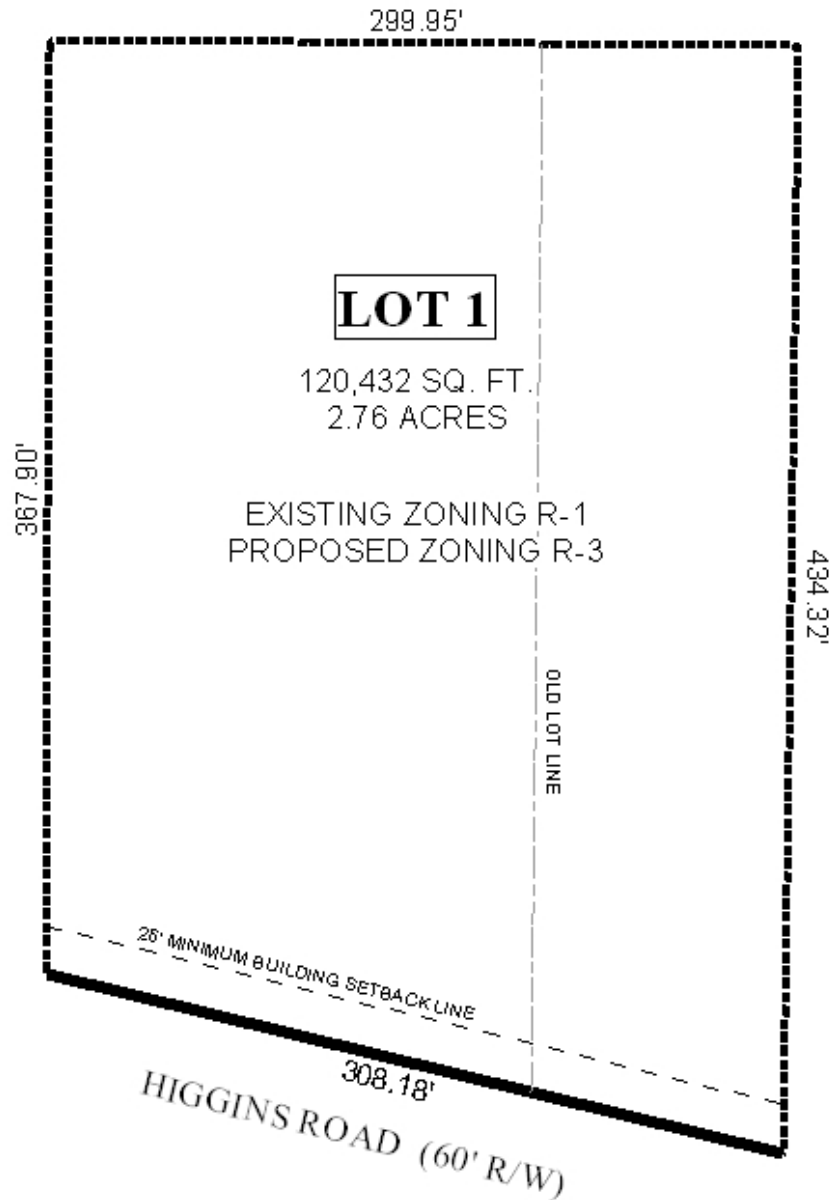


The site is surrounded by mixed land use.

APPLICATION NUMBER 2,3&4 DATE April 21, 2011
APPLICANT David L. Pitts
REQUEST PUD, Planning Approval, Rezoning from R-1 to R-3



ZONING DETAIL



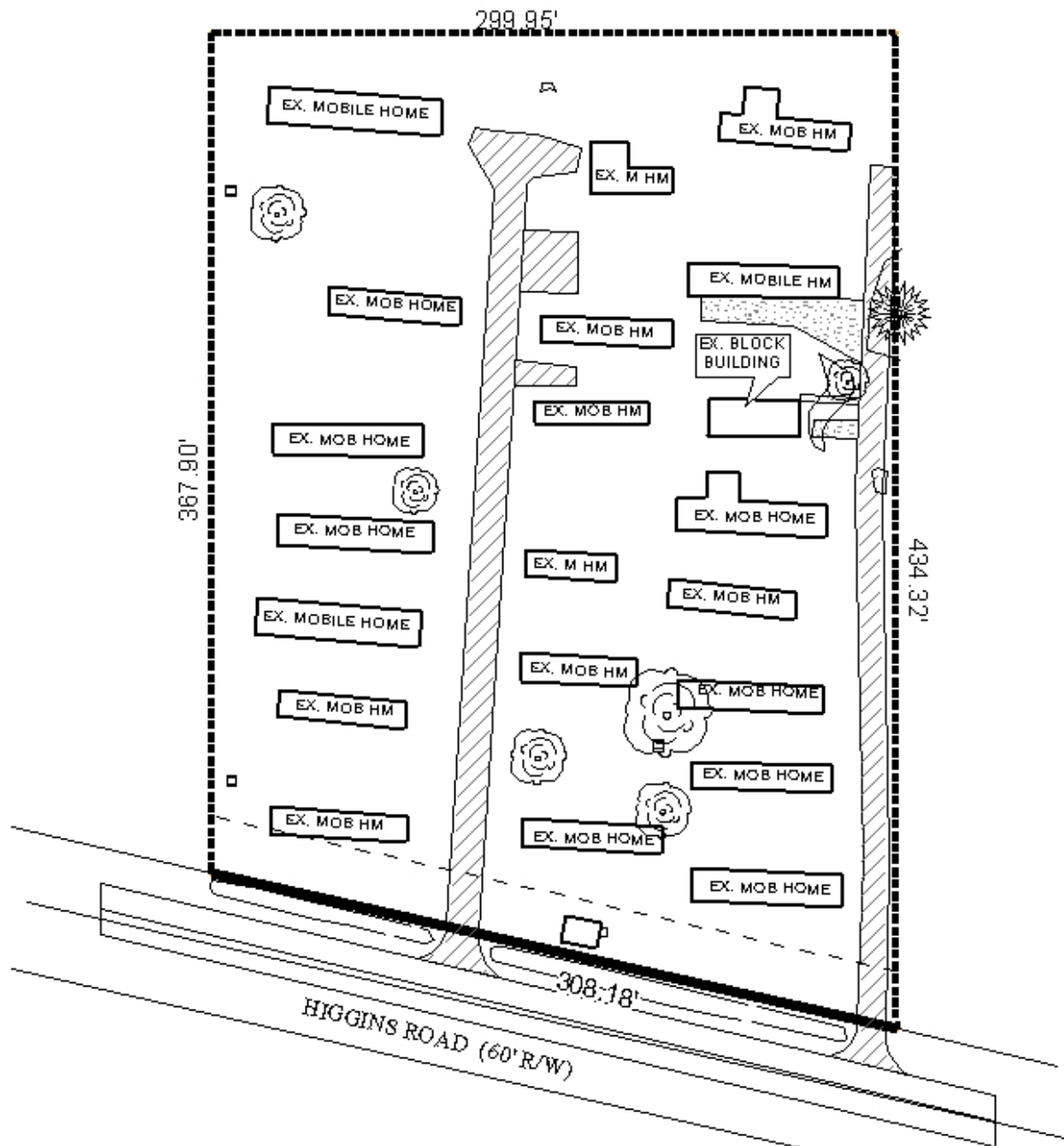
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REQUEST PUD, Planning Approval, Rezoning from R-1 to R-3

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EXISTING SITE PLAN



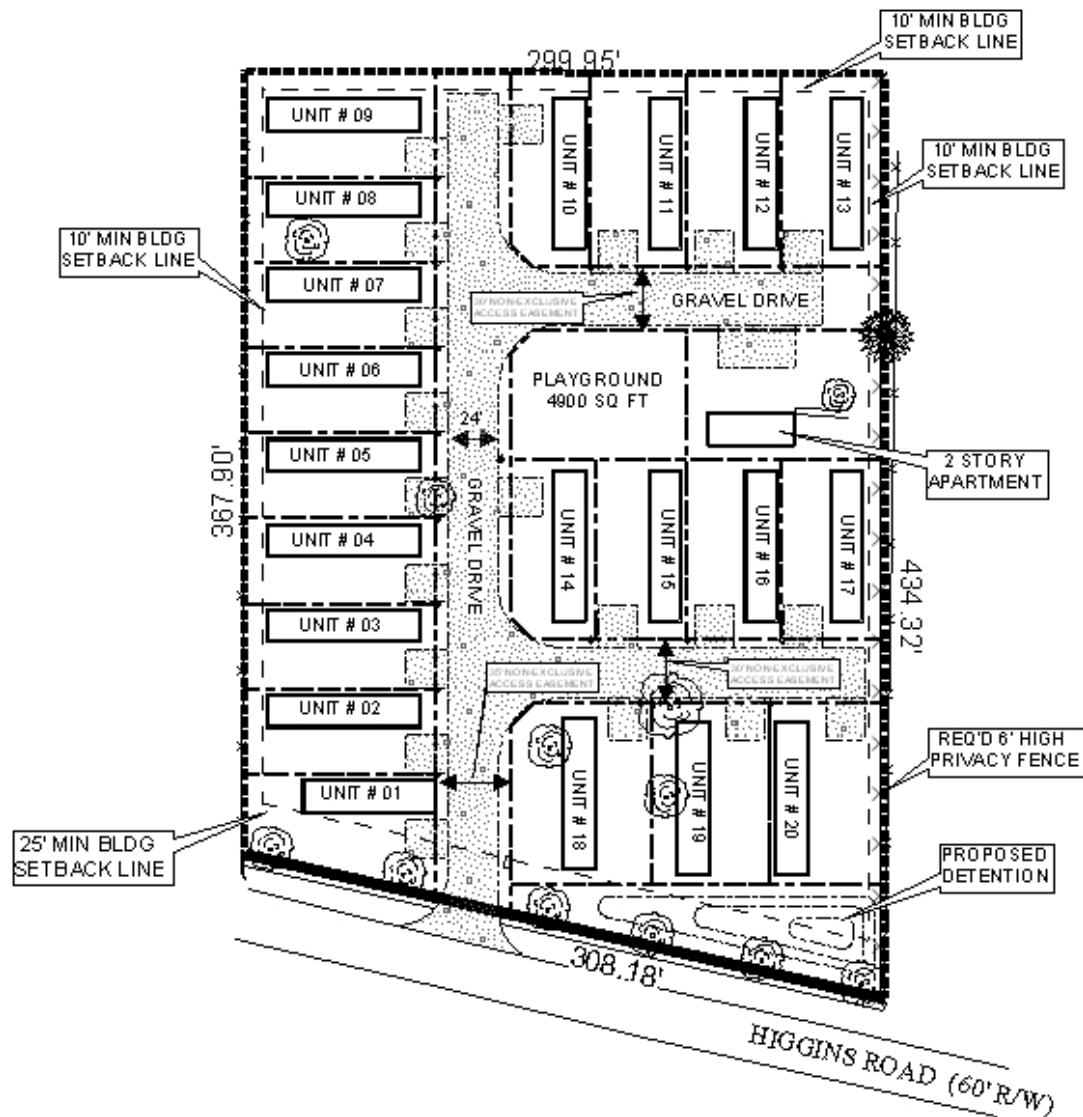
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REQUEST PUD, Planning Approval, Rezoning from R-1 to R-3



SITE PLAN



The site plan illustrates the lot configuration, drives, access easements, setbacks and location of structures.

APPLICATION NUMBER 2,3&4 DATE April 21, 2011

APPLICANT David L. Pitts

REQUEST PUD, Planning Approval, Rezoning from R-1 to R-3

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