

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

Date: March 5, 2009

<u>NAME</u>	Kentress Morrisette
<u>SUBDIVISION NAME</u>	Booker T. Washington Highlands Subdivision, First Addition, Block F, Resubdivision of Lots 8 & 9
<u>LOCATION</u>	Southeast corner of First Avenue and Prince Street
<u>CITY COUNCIL DISTRICT</u>	District 1
<u>PRESENT ZONING</u>	R-1, Single-Family Residential
<u>PROPOSED ZONING</u>	R-3, Multiple-Family Residential
<u>REASON FOR REZONING</u>	Changing conditions in the area
<u>AREA OF PROPERTY</u>	1 Lot / 0.3± Acre
<u>CONTEMPLATED USE</u>	<p>Subdivision approval to create 1 legal lot of record, Planned Unit Development Approval to allow two apartment buildings on a single building site, and Rezoning from R-1, Single-Family Residential, to R-3, Multiple-Family Residential, to allow an eight-unit apartment complex.</p> <p>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.</p>
<u>TIME SCHEDULE</u>	As soon as approvals are obtained.
<u>ENGINEERING COMMENTS</u>	Show Minimum FFE and location of flood zones on plans and plat. No fill allowed within a special flood hazard area without providing compensation. 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. Fire hydrants shall be installed to comply with 2003 IFC 508.5.1

REMARKS

The applicant is requesting Subdivision approval to create a single legal lot of record from two existing legal lots of record, Planned Unit Development Approval to allow two apartment buildings on a single building site, and Rezoning from R-1, Single-Family Residential, to R-3, Multiple-Family Residential to allow an eight-unit apartment complex. Apartment complexes are allowed by right in R-3, Multiple-Family Residential Districts.

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 proposes an eight-unit apartment complex consisting of two buildings. The site is proposed to hold 12 parking spaces, the minimum amount required as per the Zoning Ordinance. The applicant proposes to access the parking area from Prince Street, which does not appear to meet City of Mobile standards. Considering the traffic generated by an eight-unit apartment complex, no development of this PUD should be allowed until such time that Prince Street is brought up to City of Mobile standards.

The southernmost building is located within the required side yard. A side yard setback of at least eight feet is required in an R-3 zoning district. Additionally, for an eight-unit apartment complex, a minimum lot area of 17,000 square feet is required (8,000 for the first two units plus 1,500 square feet for each additional unit). The site only contains 12,945 square feet, which does

meet requirements. In fact, a 12,945 square foot site would only contain enough area to allow a five-unit apartment complex.

These conditions illustrate that the proposed development may be too heavy of a development for this site. As there does not appear to be a hardship associated with the property that could be used to justify a Board of Zoning Adjustment variance (which would be required if the PUD were to be approved), the application should be denied.

No buffers are shown between this site and the neighboring single-family residential areas. A buffer in compliance with 64-4.D.1 of the zoning ordinance would be required where the site abuts a single-family residential district.

There is a note on the site plan regarding trash pickup, which will be accomplished via curbside pickup, thus eliminating a dumpster requirement. However, should there come a time when a dumpster needs to be placed on site, an Administrative PUD will be required and the dumpster would need to comply with Section 64-4.D.9 of the Zoning Ordinance.

The landscaping and tree plantings, as depicted, meet the minimum standards of the Zoning Ordinance. Compliance with landscaping and tree planting requirements would be required.

The site appears to be depicted as industrial and 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 has stated that condition number two is occurring, that is, that the character of the area is changing. The applicant further states that the area is no longer desirable for single-family development. The applicant did not elaborate upon this assertion.

Directly to the northwest of the site is I-1 zoned land which has been zoned I-1 since 1967. Directly west, across Prince Street, is B-3 zoned land which was rezoned in 1997 from R-1. The staff report from 1997 justified that rezoning by saying that land abutting East I-65 Service Road North (known then as Beltline Highway North) was unsuitable for residential development. To the south, east, and north of the site is R-1 zoning. All of the R-1 zoned land directly abutting

this site is vacant. It should be noted that there is no other R-3 zoned land in the immediate area of this site.

The above being said, a more dense use of residential land can sometimes provide an effective buffer between intense commercial development and single-family development. Given this, rezoning may be appropriate. However, because the PUD is recommended for denial, and because the rezoning should be limited to an approved PUD, the rezoning request should be denied.

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 subdivision request is to create a single legal lot of record from two existing lots of record. The plat illustrates the proposed 1 lot, 0.3± acre subdivision. The applicant states that the subdivision is served by public water and public sanitary sewer

The proposed lot meets the minimum size requirements as regulated by Section V.D.2 of the Subdivision Regulations. The proposed lot size is not indicated on the plat and labeling of the lot with the size in square feet, or provision of a table with the same information, should be provided.

The site fronts First Avenue to the North and Prince Street to the West. Prince Street is incorrectly labeled as Marie (Princess Street). The plat should be modified to reflect the name Prince Street. First Avenue is a minor street with an adequate 60-foot right-of-way. Prince Street is a minor street not provided with curb and gutter. The Subdivision Regulations require a right-of-way of 60 feet for this type of street. However, the 1997 rezoning approval for the property directly West and across Prince Street from this site only required a dedication sufficient to provide 25 feet from the centerline, thus a 50-foot right-of-way. Because of this, dedication sufficient to provide 25 feet from the centerline of Prince Street is all that should be required. This dedication is depicted and should be retained on the final plat. Compliance with Section V.B.16 of the Subdivision Regulations regarding curb radii will also be required.

Due to limited frontage on First Avenue and Prince Street, the site should be limited to one curb cut to First Avenue or one curb cut to Prince Street.

The 25-foot minimum building line is depicted on the preliminary plat and should be retained on the final plat.

Part of the site is within a FEMA recognized floodplain. The presence of floodplains indicate that the area may be environmentally sensitive; therefore, the approval of all applicable federal, state and local agencies would be required prior to the issuance of any permits.

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. A note should be placed on the final plat stating this.

RECOMMENDATION

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

- 1) The site does not meet the minimum lot size requirements for the proposed eight apartment units; and
- 2) The southernmost structure in the development does not meet minimum setback requirements.

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

- 1) The site does not meet the minimum lot size requirements for the proposed eight apartment units; and
- 2) The southernmost structure in the development does not meet minimum setback requirements.

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

- 1) Labeling of the lot with the size in square feet, or provision of a table with the same information;
- 2) Dedication sufficient to provide 25 feet from the centerline of Prince Street;
- 3) Compliance with Section V.B.16 of the Subdivision Regulations regarding curb radii;
- 4) Labeling of Prince Street as such on the final plat;
- 5) Placement of a note on the final plat stating that the site is limited to one curb cut to First Avenue or one curb cut to Prince Street;
- 6) Retention of the 25-foot minimum building setback line;
- 7) Show the minimum FFE and location of flood zones on the plat;
- 8) Placement of a note on the final plat stating that approval of all applicable federal, state and local agencies will be required prior to the issuance of any permits; and
- 9) 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.

Revised for the April 2, 2009, meeting

The applicant has submitted a revised Rezoning application with a revised site plan. The applicant now proposes one, two-story, four-unit apartment building. As the site no longer is proposed to contain multiple buildings on a single building site, the Planned Unit Development application has been withdrawn by the applicant.

Regarding the new building proposal, the applicant will meet the minimum building site area requirement of Section 64-3.C.3.b of the Zoning Ordinance. The site also meets the minimum parking, landscaping, and tree planting requirements of the Zoning Ordinance.

As stated in the previous application, the applicant has stated that there are changing conditions in the areas, namely, that the character of the area is changing. The applicant further states that the area is no longer desirable for single-family development. The applicant did not elaborate upon this assertion.

Directly to the northwest of the site is I-1 zoned land which has been zoned I-1 since 1967. Directly west, across Prince Street, is B-3 zoned land which was rezoned in 1997 from R-1. The staff report from 1997 justified that rezoning by saying that land abutting East I-65 Service Road North (known then as Beltline Highway North) was unsuitable for residential development. To the south, east, and north of the site is R-1 zoning. All of the R-1 zoned land directly abutting this site is vacant. It should be noted that there is no other R-3 zoned land in the immediate area of this site.

The size of the proposed new R-3 zoning district is approximately 0.3 Acre. Section 64-3.A.5.a of the Zoning Ordinance specifies a guideline of at least four (4) acres of gross area for new R-3 zoning districts. Given this guideline, the proposed lot would not meet the minimum size standards. Further, the site should not be considered adjacent to commercial uses because, frequently, streets are used as a line of demarcation between commercially and residentially zoned properties. In this case, a minor street separates the uses.

Because of the lack of R-3 zoning in the area, because the residential zoning in the area is all single-family residential, and because of the limited size of the lot, 0.3 Acre, this application could be considered spot zoning, and therefore, not appropriate for rezoning.

The subdivision proposal did not change with the new submittal.

RECOMMENDATION

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

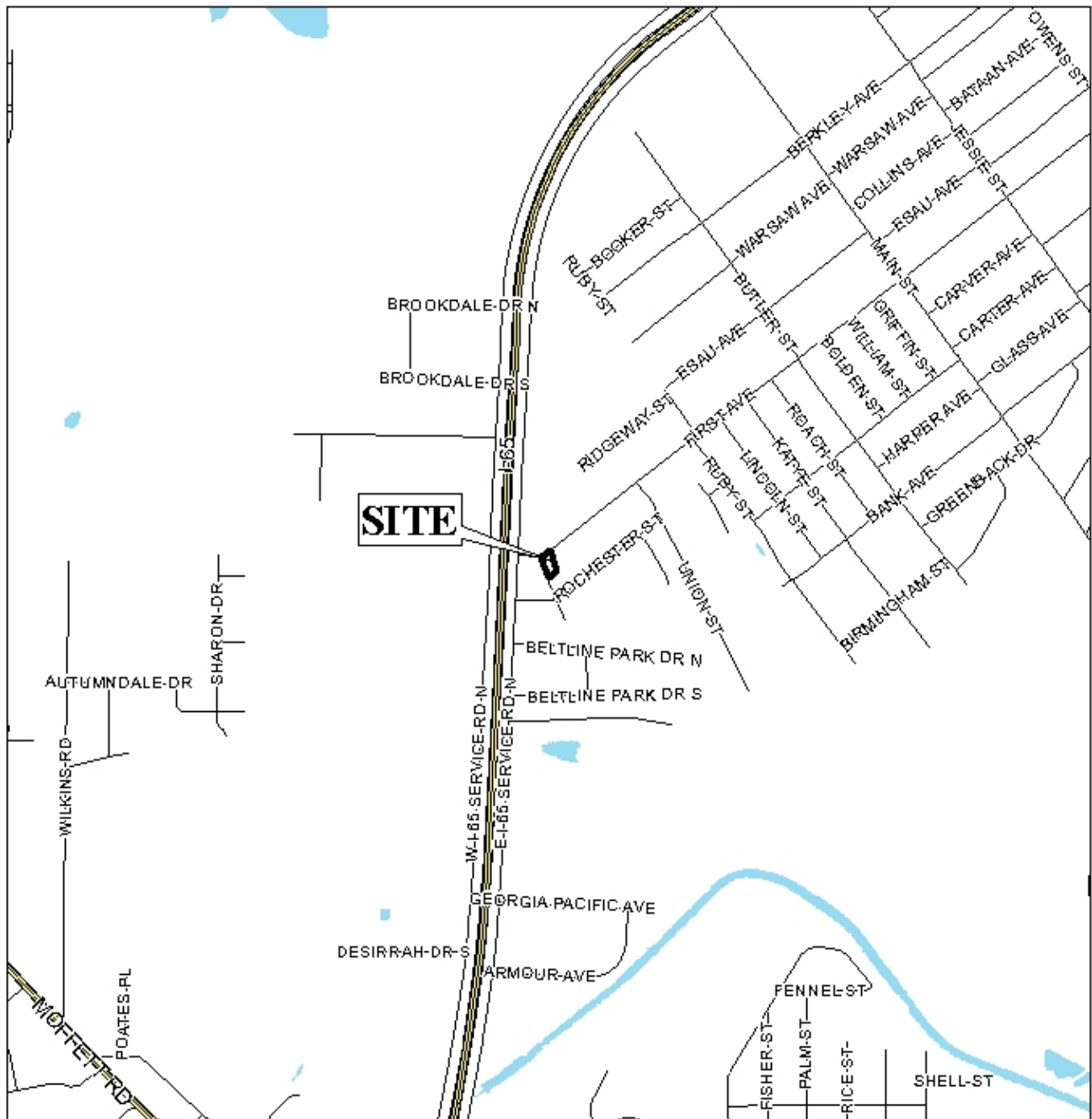
- 1) Does not meet the minimum size requirements for a new R-3 district; and*
- 2) There is no other R-3 zoning in the area, and could be considered spot zoning.*

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

- 1) Labeling of the lot with the size in square feet, or provision of a table with the same information;*
- 2) Dedication sufficient to provide 25 feet from the centerline of Prince Street;*
- 3) Compliance with Section V.B.16 of the Subdivision Regulations regarding curb radii;*
- 4) Labeling of Prince Street as such on the final plat;*
- 5) Placement of a note on the final plat stating that the site is limited to one curb cut to First Avenue or one curb cut to Prince Street;*

- 6) *Retention of the 25-foot minimum building setback line;*
- 7) *Compliance with engineering comments: Show Minimum FFE and location of flood zones on plans and plat, no fill allowed within a special flood hazard area without providing compensation, 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;*
- 8) *Placement of a note on the final plat stating that approval of all applicable federal, state and local agencies will be required prior to the issuance of any permits;*
- 9) *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; and*
- 10) *Compliance with all municipal codes and ordinances.*

LOCATOR MAP



APPLICATION NUMBER 3, 4, & 5 DATE April 2, 2009

APPLICANT Booker T. Washington Highlands Subdivision,
First Addition, Block F, Resubdivision of Lots 8 & 9

REQUEST Subdivision, PUD, Rezoning from R-1 to R-3



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



This site is surrounded by residential and business land use
with industrial land use to the north and south.

APPLICATION NUMBER 3, 4, & 5 DATE April 2, 2009

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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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NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING

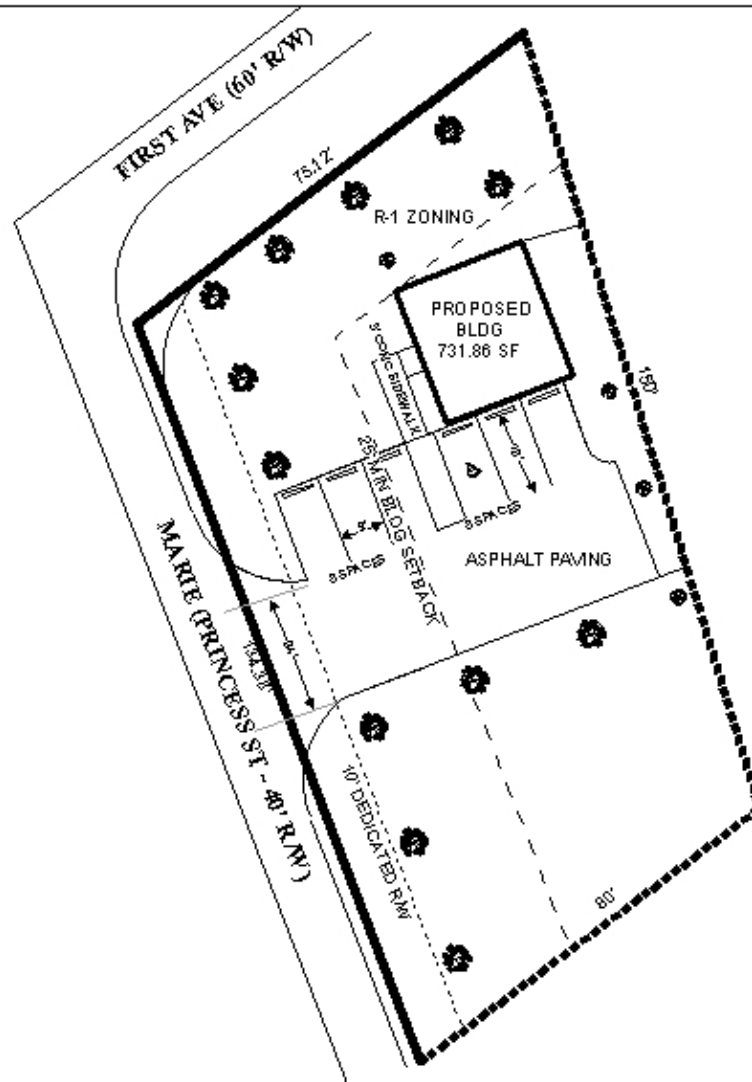


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SITE PLAN



This site plan illustrates the proposed apartment buildings.

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