

ZONING AMENDMENT,
PLANNED UNIT DEVELOPMENT &
SUBDIVISION STAFF REPORT

Date: Ocotober 4, 2007

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| <u>NAME</u> | Reid Cummings |
| <u>SUBDIVISION NAME</u> | Snowden Place Subdivision |
| <u>LOCATION</u> | North side of Cottage Hill Road, 110'+ East of Christopher Drive East. |
| <u>CITY COUNCIL DISTRICT</u> | District 6 |
| <u>PRESENT ZONING</u> | R-1, Single-Family Residential and R-3, Multiple-Family |
| <u>PROPOSED ZONING</u> | R-1, Single-Family Residential and R-3, Multiple-Family |
| <u>AREA OF PROPERTY</u> | 16 Lots / 13.3 \pm Acres (Subdivision and PUD site) 1 Lot / 10.4 \pm Acres (Rezoning site) |
| <u>CONTEMPLATED USE</u> | <p>Subdivision approval to create 16 lots, Planned Unit Development approval to allow 15 single-family residential lots with reduced front and side setbacks, reduced lot sizes, and increased site coverage, and a 35-unit townhouse condominium complex with multiple buildings on a single building site, in a gated, private street subdivision, and Rezoning from R-1, Single-Family Residential District, to R-3, Multiple-Family Residential District to allow a townhouse condominium 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> | Immediate |
| <u>ENGINEERING COMMENTS</u> | Lake needs to be analyzed to accommodate detention for additional runoff. Engineer to analyze functionality and capacity of lake. It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the |

responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. 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).

Preservation status granted for all 50" and larger trees. All work under the canopies is to be permitted and coordinated with Urban Forestry, removal to be permitted by Urban Forestry only in the case of disease or impending danger. Exact curb cut locations and location of the proposed street and internal circulation drive should also be coordinated with Urban Forestry to ensure that no trees 50" and larger are effected.

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 comply with Section 508.5.1 of the 2003 IFC. Dead ends shall comply with Table D105.1 of the 2003 IFC.

REMARKS

The applicant is requesting Subdivision approval to create 16 lots, Planned Unit Development approval to allow 15 single-family residential lots with reduced front and side setbacks, reduced lot sizes, and increased site coverage, and a 35-unit townhouse condominium complex with multiple buildings on a single building site, in a gated, private street subdivision, and Rezoning from R-1, Single-Family Residential District, to R-3, Multiple-Family Residential District to allow a townhouse condominium complex. Multi-family residential dwellings are allowed by right in R-3, Multiple-Family Residential Districts.

The site was approved for a similar use at the March 15, 2007 meeting of the Planning Commission. This application differs from the previously approved applications in that it changes the internal boundaries of the lots, increasing the area being rezoned to R-3, and requests an increase in the maximum site coverage for the residential lots to 50 percent (from the previously requested 45%). Additionally, one less condominium unit is proposed, versus the previous application.

The site is currently developed with a single-family residence, associated accessory structures and a small lake with several piers. The site is bounded to the West and North by single-family homes in an existing R-1, Single-Family Residential District, to the East by a church in an R-1 district, and to the South, across Cottage Hill Road, by single-family residences in an R-1 district and commercial uses in a B-2 Neighborhood Business District.

The site fronts onto Cottage Hill Road, a major street. Service roads occur on the North side of Cottage Hill Road, immediately East and West of the site. While service roads are no longer required as part of the Major Street Plan, normally they are required for sites that are adjacent to or in between existing service road facilities. Thus either a 40-foot service road should be dedicated, or the required minimum building setback line should be adjusted to be a minimum of 50-feet from the current right-of-way edge of Cottage Hill Road. Furthermore, the subdivision plat should be revised to show the requested minimum building setback line for all other lots with private road frontage, and the setback lines should also be depicted on the PUD and Zoning site plans.

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.

Planned Unit Development review, stated in Section 64-5. of the Zoning Ordinance, 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.

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 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.

The applicant is proposing a 35 unit condominium townhouse complex with eleven (apparently multi-story) buildings and an outdoor pool area with cabana: the existing home will be demolished, but the lake and piers will remain. The portion of the site not used for the condominium development will be single-family homes and a private street (the private street will be on the lot utilized for the condominium development, rather than as a separate private right-of-way). Access to the site will be via the private street that connects to the service road street-stub for Cottage Hill Road, on the West side of the site (this is also the access point for the existing residence), and via one curb-cut directly to Cottage Hill Road. It should be noted that Section VIII.E.2.c. of the Subdivision Regulations requires that private streets have private street rights-of-way, thus the site plan and plat should be redesigned to accommodate the Subdivision Regulation requirements.

There are several issues of concern regarding the proposed development. As previously mentioned, the minimum building setback line depicted on the subdivision plat, PUD and Zoning site plans is 25-feet from the right-of-way edge of Cottage Hill Road: previous approvals required this setback to be at least 50 feet from Cottage Hill Road so that structures will not be built where a service road may be required at some point in the future. The site plan should be revised to ensure that all buildings meet the setback requirements from all adjacent street frontages, including the additional setback recommended for the service road area.

There is no information on the site plan regarding the height of the proposed condominiums, in terms of number of stories or total height in feet. It is assumed that each townhome will be at least two stories in height due to a garage being proposed for the ground floor.

While residential adjacency buffers are not required, it is recommended that a 6-foot high wooden privacy fence, at minimum, be provided where the condominium development abuts existing single-family development. The fence should be depicted on the PUD site plan.

The existing residence has a large wall along Cottage Hill Road. If the applicant intends to retain the wall, it should be depicted on the site plan.

Access management is a concern due the presence of a major street. As designed, the overall site will have one access onto Cottage Hill Road via proposed Lot 16 and one curb-cut onto the service road on the West side of the site. As previously mentioned, the Subdivision Regulations require that the private street have its own right-of-way, thus the site plan and plat should be revised.

There is no indication on the site plan as to whether the direct entrance onto Cottage Hill will be gated or not. The site plan should be revised to indicate the access status of that entrance. It should also be pointed out that the gated entrance from the service road does not provide any accommodation for turn-around prior to the gate, thus any vehicle not able to gain access to the site will be required to back-up along the service road.

The applicant should confer with Mobile Fire-Rescue to ensure that the internal vehicular circulation system for the site meets their requirements, and the site plan should be accordingly revised.

As the applicant is proposing a PUD residential development, PUD landscape area requirements apply. Section 64-5.C.2. of the Zoning Ordinance requires 700 square feet of open space per dwelling unit, which cannot include streets, drainageways, parking areas, service areas and land covered by buildings. Furthermore, compliance with the tree and landscaping requirements of the Zoning Ordinance will be required due to the proposed R-3 zoning of the site. Therefore, the site plan should be revised to indicate compliance with the tree and landscaping requirements, as well as to provide the required calculations for the landscape area / open space.

Due to the extent of the proposed development, compliance with the City's stormwater regulations may be required. As PUD approval is site plan specific, and as a changes to the stormwater detention system on the site may be required, the applicant should consult with the Engineering Department and revise the site plan as necessary to depict any required stormwater detention system that will impact the site plan.

It should be noted that the East portion of the site contains a man-made lake and concrete ditch that conveys the upper reaches of Spring Creek across the site. The presence of the lake and creek 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 or land disturbance activities.

The depicted dumpster pad is within the setback area being requested along Cottage Hill Road. The site plan should be revised to relocate this and the mail box kiosk to be outside of the requested 50-foot setback from Cottage Hill Road.

Finally, there appear to be errors with the legal description as well as with some of the lot size information. The legal descriptions, the plat and the site plan should be revised to correct any errors.

RECOMMENDATION

Rezoning: The rezoning request is recommended for Holdover until the November 1st meeting to accommodate revisions listed under the PUD and Subdivision recommendations.

Planned Unit Development: The PUD request is recommended for Holdover until November 1st, with revisions due to Urban Development by October 12th, to give the applicant time to address the following:

- 1) Revision of the site plan and subdivision plat to depict compliance with Engineering comments (*Lake needs to be analyzed to accommodate detention for additional runoff. Engineer to analyze functionality and capacity of lake. It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the*

responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. 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.);

- 2) Revision of the site plan and plat to depict the minimum building setback lines from all street frontages, to include a 50-foot setback along Cottage Hill Road;
- 3) Revision of the site plan to indicate the number of stories/height of all buildings and dimensioning of the minimum spacing between buildings;
- 4) Consultation with Fire / Rescue to determine if modifications to the site plan are necessary to comply with their regulations, and revision of the site plan as appropriate;
- 5) Revision of the site plan to depict compliance with the open space and tree and landscaping requirements of the Zoning Ordinance, including the necessary PUD site calculations required by Section 64-5.C.2. of the Zoning Ordinance;
- 6) Depiction and labeling of any required stormwater detention basins;
- 7) Relocation of the dumpster pad, mail box kiosk and any other structures to comply with the 50-foot setback requirement from Cottage Hill Road;
- 8) Provision and depiction of a 6 to 8 foot high privacy fence or wall where the lot containing the condominium portion of the site abuts existing R-1 districts that are developed with single-family residences;
- 9) Placement of a note on the site plan stating that lighting shall be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic, per the requirements of Section 64-4.A.2. the Zoning Ordinance;
- 10) Placement of a note on the plat stating the site coverage requests for Lots 1-15 (50%), as well as specifically indicating that reduced setbacks indicated on the plat and site plan are also for Lots 1-15;
- 11) Placement of a note on the plat and site plan indicating requested site coverage for Lot 16, the proposed R-3 lot;
- 12) Indication on the site plan as to whether or not the entrance onto Cottage Hill Road will be gated;
- 13) Correction of any errors in the legal description and lot area dimensions; and
- 14) Revision of the site plan to comply with Section VIII.E.2.c. of the Subdivision Regulations, regarding the private street.

Subdivision: The Subdivision request is recommended for Holdover until November 1st, with revisions due to Urban Development by October 12th, to give the applicant time to address the following:

- 1) revision of the plat to address Engineering Comments (*Lake needs to be analyzed to accommodate detention for additional runoff. Engineer to analyze functionality and capacity of lake. It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. 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.);*

- 2) Revision of the plat to comply with Section VIII.E.2.c. of the Subdivision Regulations, regarding the private street;
- 3) Placement of a note on the plat stating the site coverage requests for Lots 1-15 (50%), as well as specifically indicating that reduced setbacks indicated on the plat are also for Lots 1-15;
- 4) Placement of a note on the plat indicating requested site coverage for Lot 16, the proposed R-3 lot;
- 5) Correction of any errors in the legal description and lot area dimensions; and
- 6) Revision of the plat to depict the minimum building setback lines from all street frontages, to include a 50-foot setback along Cottage Hill Road.

Revised for the November 1st meeting:

A revised site plan, plat and legal description were provided by the applicant. The revised site plan depicts a gated private street with a 40-foot wide right-of-way, and with at least a 10-foot minimum building setback along the private street. A 40-foot minimum building setback has been provided where the site abuts Cottage Hill Road, and all proposed structures have been located to be outside of the 40-foot setback.

The site plan indicates that the access point to Cottage Hill Road will be for emergency access only, and will not be available for normal access. The existing wall along Cottage Hill Road will also be retained. A note on the site plan states that the site plan has been reviewed and approved by the City of Mobile Fire Marshal.

The site plan also has notes indicating that the existing pond is adequate for storm water detention requirements, and that there are no wetlands on the site.

The site plan and plat clearly indicate the requested setbacks, however the site coverage information is not included on the plat (it is depicted on the site plan). The Subdivision plat should be revised to also indicate the requested maximum site coverage (50%) specifically for lots 1-15 in order to facilitate the staff's review of residential building permit applications in the future. It should be noted that increases in site coverage above that approved as part of the joint applications will require new PUD and Subdivision applications to amend the coverage on a lot by lot basis (if, for example, an individual home exceeds the site coverage).

New homes and condos proposed for the site will range from two to two and one-half stories in height. It should be noted, however, that the maximum height in an R-1 district is 35 feet (for habitable space), and no specific request above this height has been made for the R-1 portion of the development (two and one-half stories should be possible within 35 feet). Structures within the R-3 portion of the site may be up to 45 feet in height. To buffer existing adjacent residences, a 6-foot high privacy fence will be provided around the entire perimeter of the site.

The proposed private street shall comply with Section VIII.E.2.c. through Section VIII.E.2.k. of the Subdivision Regulations, including the provision of notes on the plat, covenants, and certification letter from a licensed engineer. Regarding the gate, a note should be placed on the

plat and site plan stating that the gate must remain operational and in use as a condition of the continuation of private street status.

Due to the limited width of the proposed private street, access management is a concern. Lots 1-15 should be limited to one curb-cut each, and lot 16 should be limited to the curb-cuts as depicted on the PUD site plan. The size, design and location of all curb-cuts are to be approved by Traffic Engineering and comply with AASHTO standards.

No calculations were provided with the site plan to allow staff to determine compliance with the tree and landscaping requirements, or the PUD open space requirements of the Zoning Ordinance. A site plan depicting full compliance will be required as part of the building permit application process.

Finally, the right-of-way width for Cottage Hill Road is depicted as 80 feet on the site plan and plat. It is believed that the right-of-way at this location is at least 100 feet in width, thus the label on the site plan and plat should be revised, or additional right-of-way should be dedicated to provide 50-feet, as measured from the centerline of Cottage Hill Road.

RECOMMENDATION

Rezoning: As revised, the rezoning request is recommended for Approval, subject to the following conditions:

- 1) Provision of a 6-foot high wooden privacy fence where the site abuts existing single-family residential development;*
- 2) Completion of the Subdivision process; and*
- 3) Full compliance with all other municipal codes and ordinances.*

Planned Unit Development: As revised, the PUD request is recommended for Approval, subject to the following conditions:

- 1) Completion of the Subdivision process;*
- 2) Completion of the Zoning process;*
- 3) Compliance with 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.);*
- 4) Compliance with the open space and tree and landscaping requirements of the Zoning Ordinance, including the necessary PUD site calculations required by Section 64-5.C.2. of the Zoning Ordinance;*
- 5) Compliance with Section VIII.E.2.c. through Section VIII.E.2.k. of the Subdivision Regulations, including the provision of notes on the Subdivision plat, covenants, and certification letters from a licensed engineer.;*
- 6) Placement of a note on the plat and site plan stating that the gate must remain operational and in use as a condition of the continuation of private street status;*
- 7) Revision of the site plan to label the correct width of the right-of-way for Cottage Hill Road, or dedication of right-of-way necessary to provide 50-feet, as measured from the centerline of Cottage Hill Road;*

- 8) *Provision of a revised PUD site plan (conditions 6 and 7) to the Planning Section of Urban Development prior to the signing of the Subdivision plat; and*
- 9) *Full compliance with all other municipal codes and ordinances.*

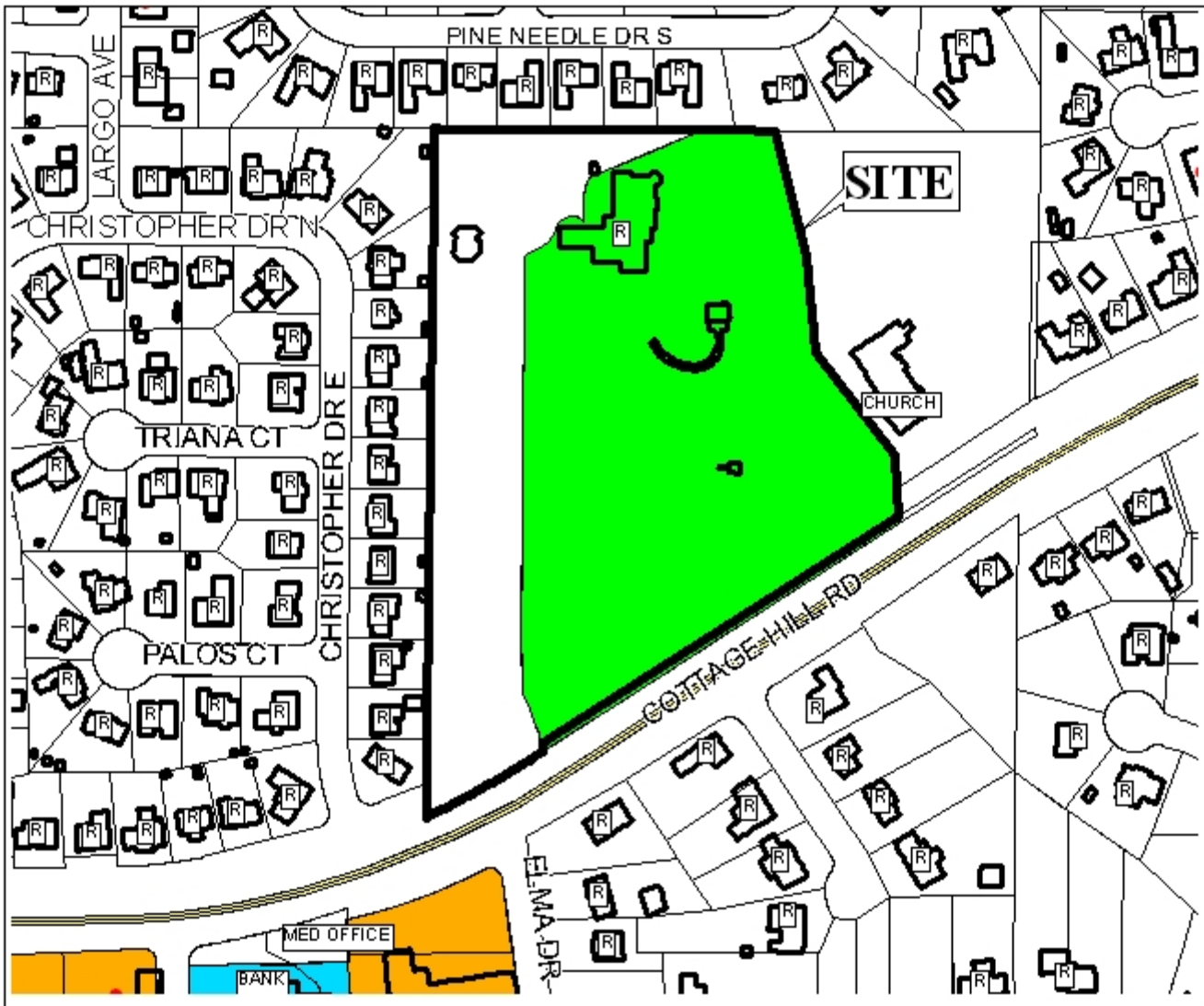
Subdivision: *As revised, the Subdivision request is recommended for Tentative Approval, subject to the following conditions:*

- 1) *Compliance with 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.);*
- 2) *Compliance with Section VIII.E.2.c. through Section VIII.E.2.k. of the Subdivision Regulations, including the provision of notes on the plat, covenants, and certification letter from a licensed engineer;*
- 3) *Placement of a note on the plat and site plan stating that the gate must remain operational and in use as a condition of the continuation of private street status;*
- 4) *Placement of a note on the plat stating the site coverage request for Lots 1-15 (50%), as well as the reduced setbacks for Lots 1-15;*
- 5) *Placement of a note on the final plat stating that Lots 1-15 are limited to one curb-cut each, that Lot 16 is limited to the curb-cuts depicted on the revised PUD site plan, and that the size, design and location of all curb-cuts are to be approved by Traffic Engineering and comply with AASHTO standards;*
- 6) *Revision of the plat to label the correct width of the right-of-way for Cottage Hill Road, or dedication of right-of-way necessary to provide 50-feet, as measured from the centerline of Cottage Hill Road; and*
- 7) *Provision of a revised PUD site plan to the Planning Section of Urban Development prior to the signing of the Subdivision plat.*

APPLICANT Reid Cummings

NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Single family residential units are located to the west, north and south of the site. A church is to the east and a bank and medical office are to the southwest.

APPLICATION NUMBER 3, 4, & 5 DATE November 1, 2007

APPLICANT Reid Cummings

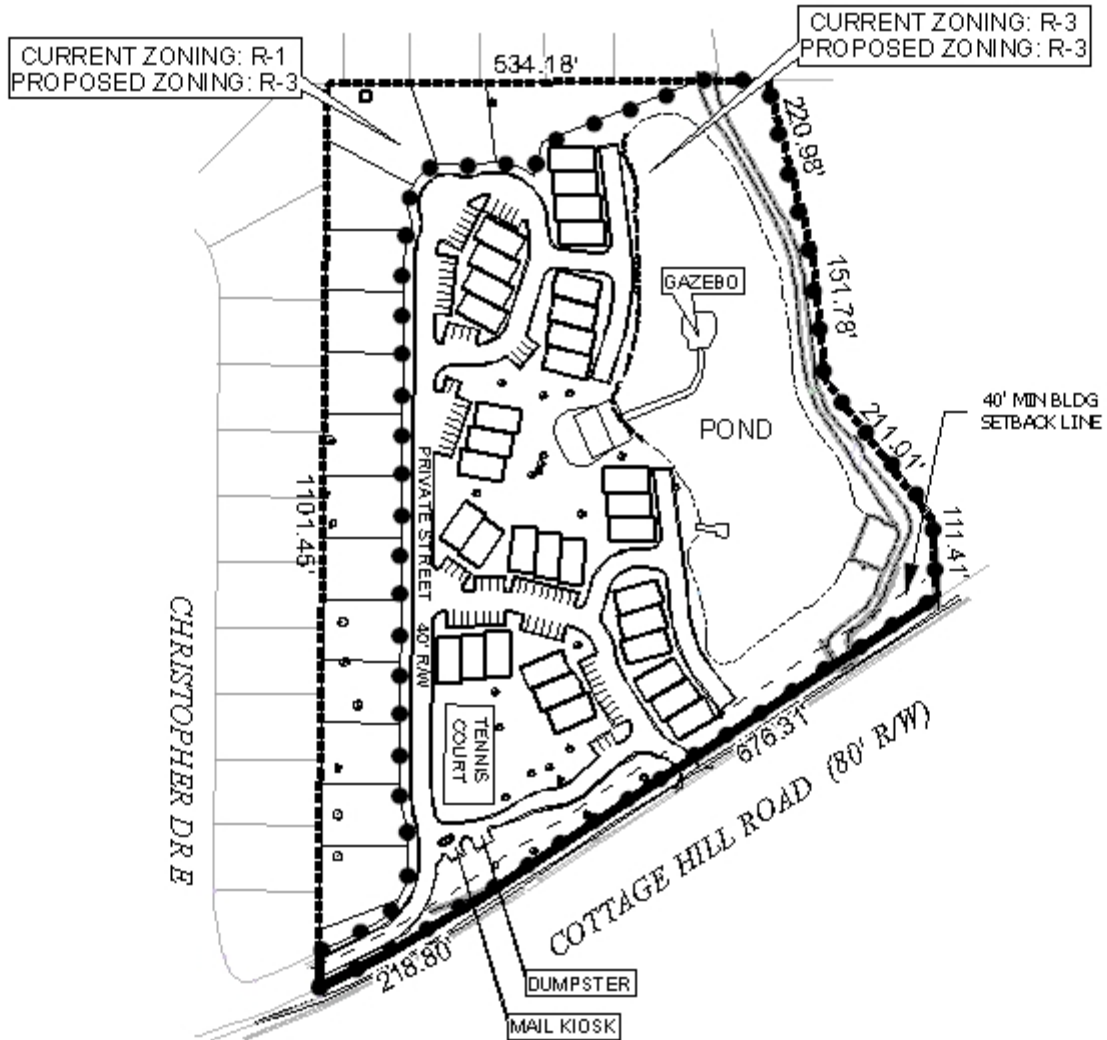
REQUEST Subdivision, Planned Unit Development, Rezoning from R-1 to R-3

LEGEND

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|-----|-----|-----|-----|-----|-----|-----|-----|------|-----|-----|-----|-----|-----|-----|-----|
| 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 |
|-----|-----|-----|-----|-----|-----|-----|-----|------|-----|-----|-----|-----|-----|-----|-----|



SITE PLAN



There are proposed buildings, roads, setbacks, and zoning requests illustrated in the site plan.

APPLICATION NUMBER 3, 4, & 5 DATE November 1, 2007

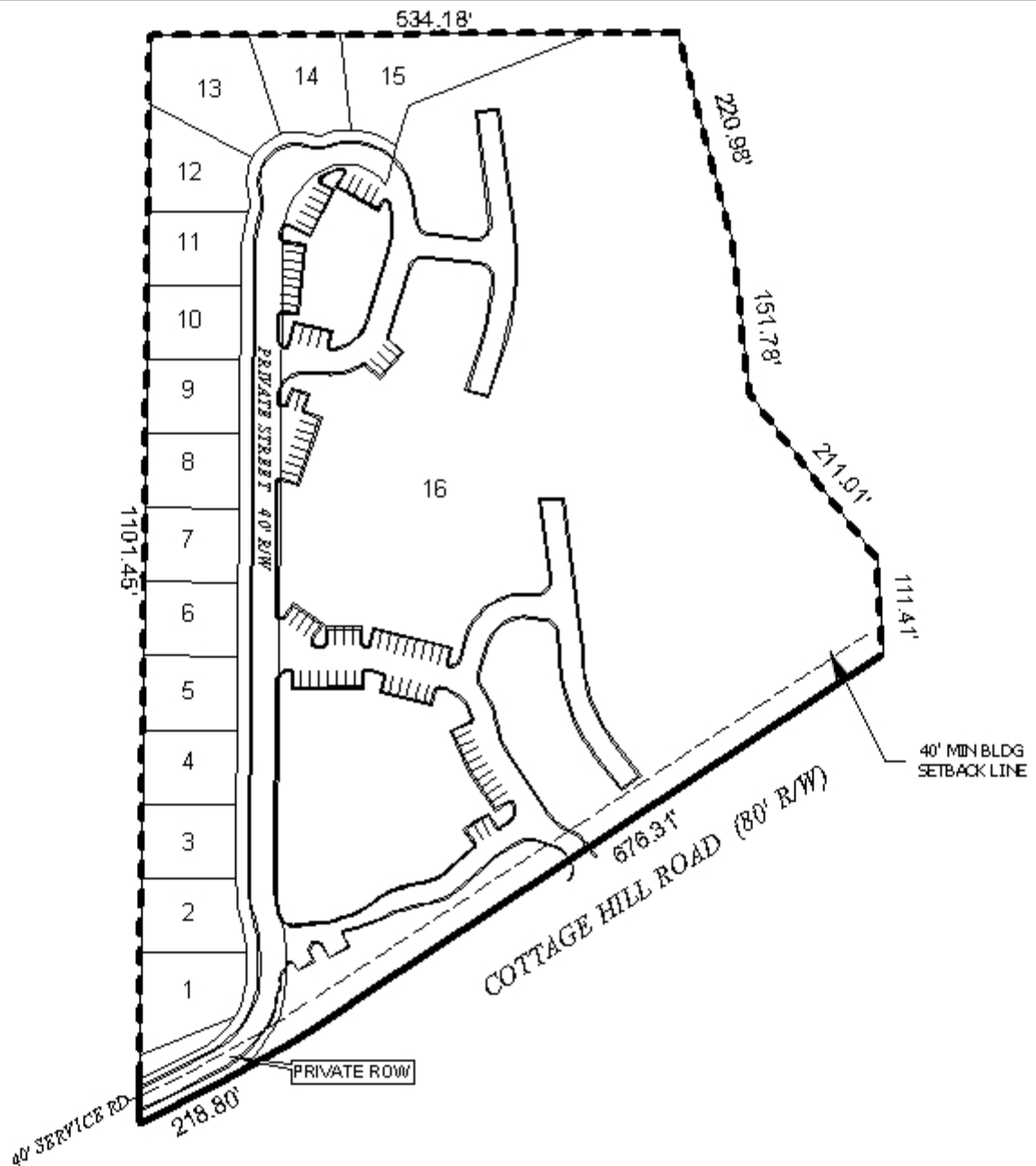
APPLICANT Reid Cummings

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



NTS

DETAIL SITE PLAN



APPLICATION NUMBER 3, 4, & 5 DATE November 1, 2007

APPLICANT Reid Cummings

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



NTS