

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

Date: September 4, 2003

NAME

O. A. Pesnell, Jr.

DEVELOPMENT NAME

Brookview at Brookside Subdivision

LOCATION

Rezoning: 580'± North of the North terminus of Pesnell Court, adjacent to the West side of Inverness Subdivision, Unit

Planned Unit Development/Subdivision: North terminus of Pesnell Court extending North to the West side of Inverness Subdivision, Unit Two

PRESENT ZONING

R-1, Single-Family Residential

PROPOSED ZONING

R-3, Multi-Family Residential

AREA OF PROPERTY

Rezoning: 5 Acres±

PUD/Subdivision: 6.5 Acres±

CONTEMPLATED USE

Multiple buildings on a single-building site for a elderly housing

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 Six Months

**ENGINEERING
COMMENTS**

Recommend holdover. The applicant has initiated the clearing phase of construction without a permit and the site plan does not show existing contours as required by the Subdivision Regulations. The proposed development appears to encroach over a major drainage easement that conveys storm flows from a significant watershed to the East. In addition, it is the Engineering Department's

understanding that the proposed site also includes wetlands that are not shown on the plans. If this site is approved for development at all, significant changes may be required to comply with the Storm Water Ordinance.

The initial development had a significant detrimental effect on Milkhouse Creek with filling of the floodplain and floodway. Two engineering firms were involved with the initial development; an engineer from one of the firms certified to the City of Mobile that the majority of the siltation was in the floodplain, not the floodway and that impedance was not more than 3%. The engineer that provided the certification has since been suspended from engineering practice by the State Board of Registration for Professional Engineers and Land Surveyors. Although the suspension was not related to the project, it is the opinion of the City of Mobile Engineering Department that the floodway and floodplain were impacted. Although there is no empirical data to support this opinion, field visits during and post construction indicate an impact.

If these applications are reviewed and approved without requiring the contours and wetlands delineation, the Engineering Department recommends requiring the applicant to hire a licensed engineering and surveying firm to perform a certified survey of the floodway and flood plain prior to any more clearing or other construction. Prior to initiation, this survey should be coordinated with the City Engineer so that Engineering Department personnel can observe all phases of the survey. City Engineering requests that the Planning Commission include the aforementioned survey as a condition of any approvals for these applications.

Must comply with all stormwater 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 (City Code Chapters 57 and 64 and State Act 61-929).

REMARKS

The applicant is requesting rezoning to R-3 to construct multiple elderly housing units; Planned Unit Development (PUD) approval to allow multiple buildings on a single building site, and Subdivision approval to create one lot.

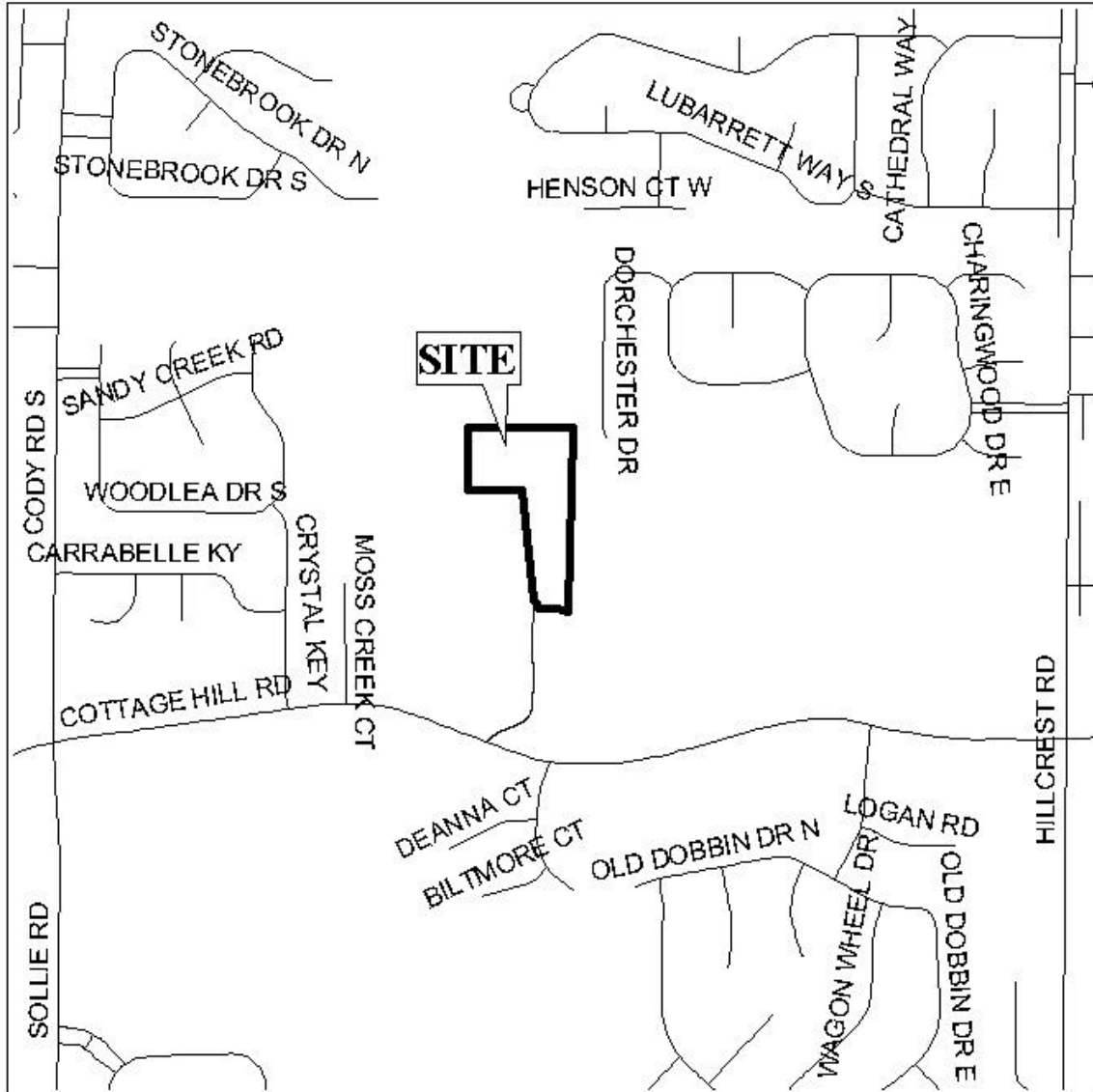
As outlined above, City Engineering has numerous concerns regarding the proposed project. It should be noted that Planned Unit Development approval is site plan specific, and as outlined in the Engineering Comments, significant changes may be required to comply with City Ordinance(s). Additionally both PUD and R-3 zoning are proposed, and as a condition of rezoning, the Planning Commission and City Council typically

require that the property be developed in accordance with the associated PUD. Moreover, as referenced in the Engineering Comments, the Subdivision Regulations require contour information, as well as the location of easements, water courses, marshes and other significant features to be shown on the preliminary plat. It should also be noted that as illustrated on the Vicinity Map, it appears that the overall parcel from which the rezoning site is being taken is not included in the Subdivision application, and if the balance is not included, it would be land-locked.

RECOMMENDATION

Based upon the preceding, all three applications are recommended for holdover until the October 2nd meeting to allow the applicant to provide the following information: 1) the balance of the property from which the rezoning site is being taken; 2) contours and/or spot elevations as required by Section IV.A.2.b. of the Subdivision; 3) the location, width and purpose of existing and proposed easements as required by Section IV.A.2.g. of the Subdivision Regulations; 4) the location of water courses, marshes and other significant features as required by Section IV.A.2.i. of the Subdivision Regulations (this would include wetlands). This information must be submitted by September 15th to allow adequate time for review prior to the October 2nd meeting.

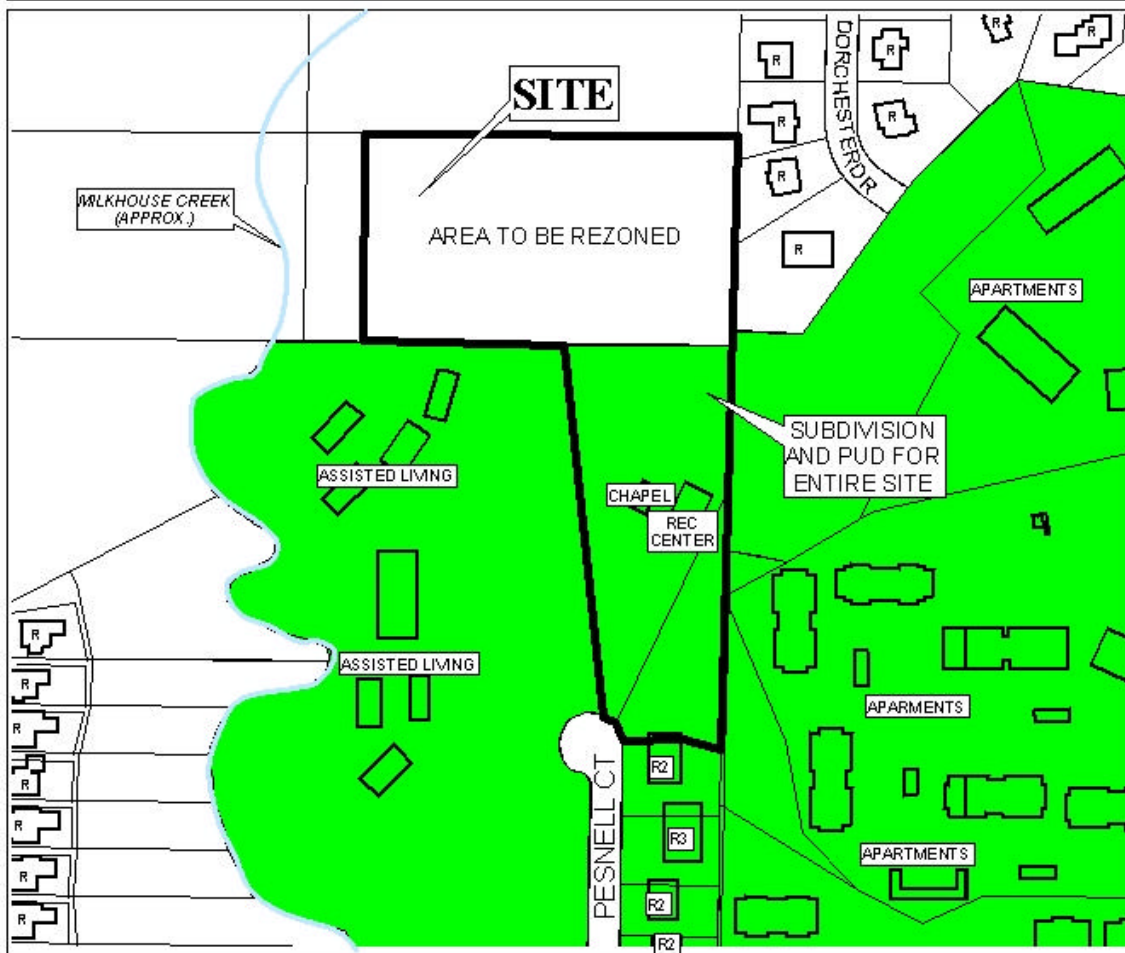
LOCATOR MAP



APPLICATION NUMBER 3,4 & 5 DATE September 4, 2003
APPLICANT O. A. Pesnell, Jr.
REQUEST Rezoning, PUD and Subdivision

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NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



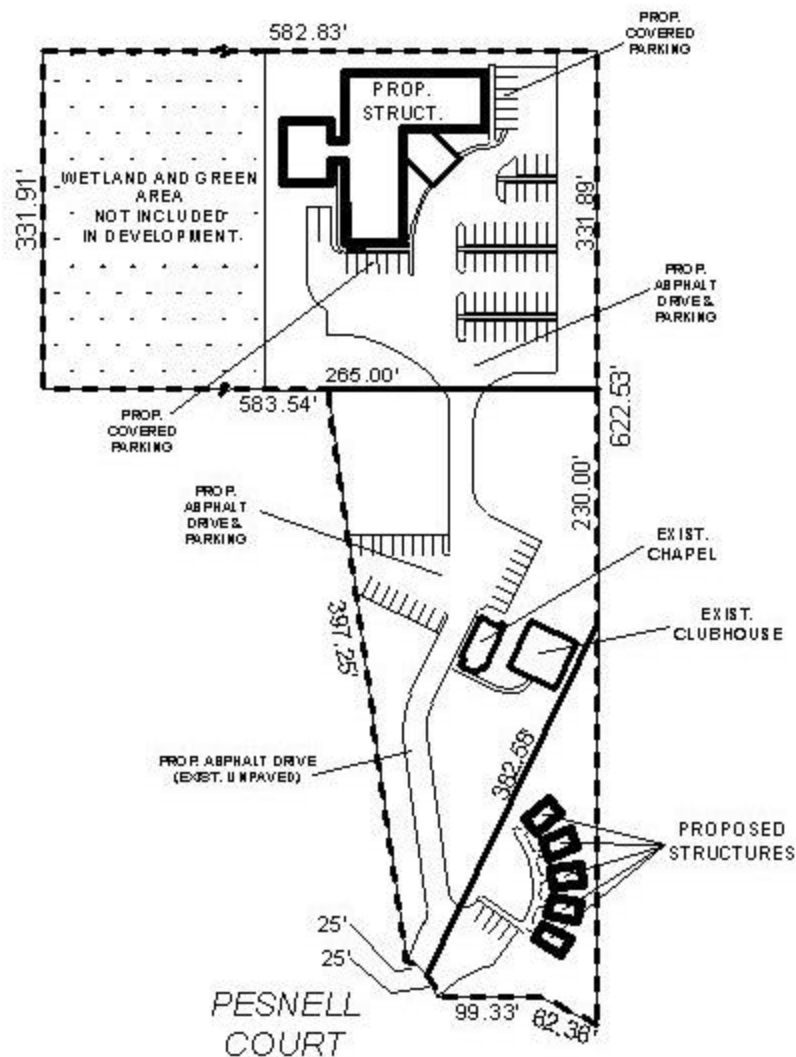
The site is located in an area of mixed land use. Single-family residential dwellings are located to the Northeast and apartments are to the East. Assisted living facilities are to the South.

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LEGEND



SITE PLAN

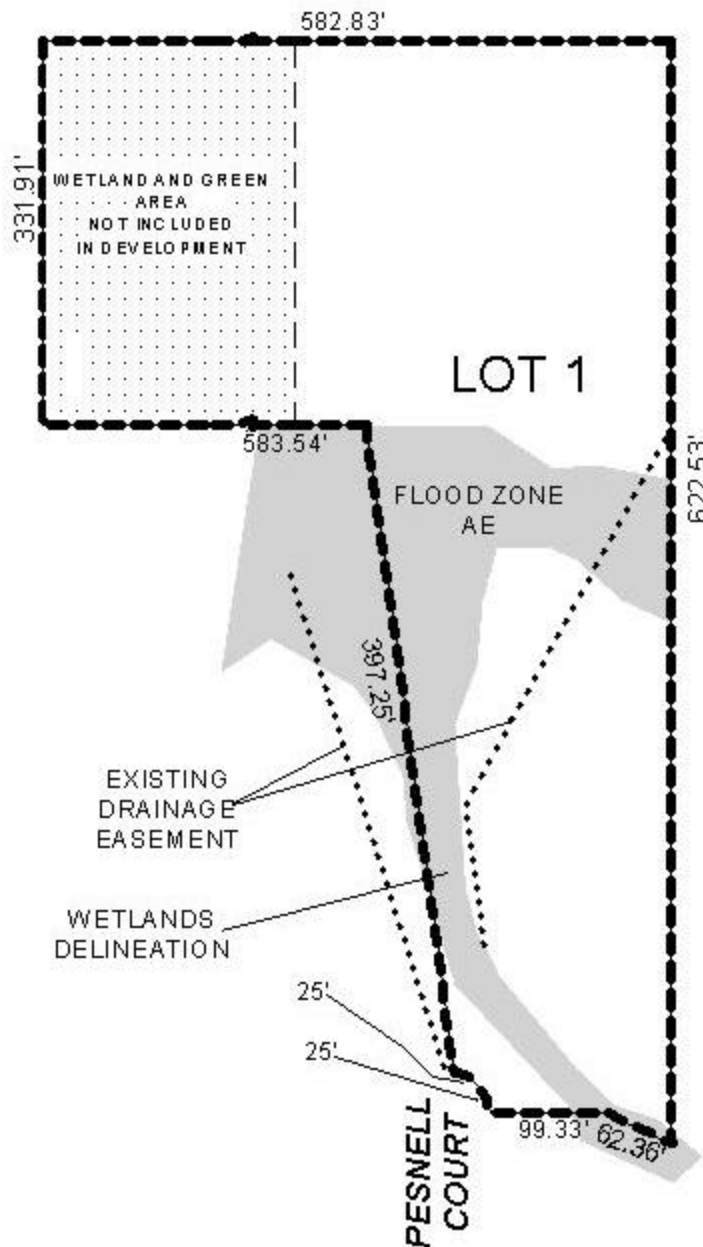


The site is located 580' North of the North terminus of Pesnell Court, adjacent to the West side of Inverness Subdivision, Unit Two. The plan illustrates the existing and proposed structures and parking.

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DETAIL SITE PLAN



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