

**REZONING, PUD, SUBDIVISION &  
SIDEWALK WAIVER STAFF REPORT****Date: November 18, 2010****APPLICANT NAME**

High Gear Land Development, LLC

**DEVELOPMENT NAME**Pinehurst, Delaney's Addition to Spring Hill, Block 21,  
Resubdivision of and Addition to Lot 18**SUBDIVISION NAME**Pinehurst, Delaney's Addition to Spring Hill, Block 21,  
Resubdivision of and Addition to Lot 18**LOCATION**East side of Wesley Avenue, 600'± South of Airport  
Boulevard.**CITY COUNCIL  
DISTRICT**

District 6

**PRESENT ZONING**

R-1, Single-Family Residential

**PROPOSED ZONING**

R-2, Two-Family Residential

**AREA OF PROPERTY**

0.3± acres / 2 Lots

**CONTEMPLATED USE**

Subdivision approval to create two legal lots of record from an existing lot and a vacated right-of-way; Planned Unit Development Approval to allow reduced lot sizes and widths, reduced front and side yard setbacks, and increased site coverage in a single-family residential subdivision; Rezoning from R-1, Single-Family Residential District, to R-2, Two-Family Residential District, to allow a single-family residential subdivision and waiver of the sidewalk requirements along Wesley Avenue.

**TIME SCHEDULE  
FOR DEVELOPMENT**

Immediate

**ENGINEERING  
COMMENTS**

Must comply with all storm water and flood control ordinances. Detention must be provided, show location of detention area on each lot on Plat. Place note on plat that a land disturbance permit will be required and that each lot is responsible for providing and maintaining detention for any impervious area (building, sidewalk, driveway, patio, etc.) in excess of 2,000 square feet (detention for the 100 year storm event with 2 year storm event release rate). Any work performed in the right of way will require a right of way permit in addition to any required land disturbance permit.

Regarding the sidewalk waiver request, it is recommend for approval due to slope.

**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).

**REMARKS**

The applicant is requesting Subdivision approval to create two legal lots of record from an existing lot and a vacated right-of-way; Planned Unit Development Approval to allow reduced lot sizes and widths, reduced front and side yard setbacks, and increased site coverage in a single-family residential subdivision; Rezoning from R-1, Single-Family Residential District, to R-2, Two-Family Residential District, to allow a single-family residential subdivision and waiver of the sidewalk requirements along Wesley Avenue.

The applicant plans to create two 6,750 square foot lots, with 15-foot front yard setbacks, 5-foot side yard setbacks, 8-foot rear yard setbacks, and with 45% maximum building site coverage.

This area is shown on the General Land Use component of the Comprehensive Plan as residential. However, the Comprehensive Plan is meant to be a general guide, not a detailed lot and district plan or mandate for development. The Planning Commission and City Council may consider individual cases based on additional information such as the classification requested, the surrounding development, the timing of the request and the appropriateness and compatibility of the proposed use and zoning classification.

In August 2009, property located immediately to the North was approved for rezoning from R-1, Single-Family District to R-2, Two-Family Residential to allow the construction of single-family homes. In addition, a Planned Unit Development and Subdivision (to allow increased site coverage to 45% and reduced front and side yard setbacks), as well as a Sidewalk Waiver were also approved. This application is very similar, although it proposes wider, larger lots.

While the Zoning Ordinance allows for reduced lot sizes for innovative subdivisions, such as a zero lot line or patio home development, generally sufficient open space shall be provided to justify the reduction of the building site. With that said, it should be noted that the two 45-foot wide proposed lots will be 6,750 square feet each, with no provision for open space. However, as already mentioned, this proposal is very similar to the previously approved subdivision to the North (Wesley Avenue Subdivision, with 40-foot wide lot sizes ranging from 5,783 to 6,165 square feet along Wesley Avenue).

The site fronts Wesley Avenue, which has an existing right-of-way of 60-feet: no additional right-of-way dedication will be required.

As a means of access management, a note should be placed on the final plat stating that each lot is limited to one curb cut each with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.

It should also be pointed out that the Zoning Ordinance states in Section 64-6.A.2. that “*required off-street parking facilities for dwelling uses shall not occupy any part of a required front yard.*” It has come to staff’s attention that adjacent developments with small lots may not provide adequate off-street parking to meet the Zoning Ordinance requirements.

As illustrated on the plat, the applicant has requested reduced front yard setbacks of 15 feet instead of 25 feet, and side yard setbacks of 5 feet instead of 8 feet. The applicant has also requested maximum site coverage of 45%, as depicted on the site plan and preliminary plat.

The reduced front yard setback of 15 feet is the same as requested and approved by the Wesley Avenue Subdivision and PUD to the North of the site.

Regarding the requested side yard setbacks, it should be noted that while the subdivision is proposed to provide 5-foot side yard setbacks, typically 8-foot side yard setbacks are required where the site abuts adjacent properties not included within the development: the PUD to the North was required to provide 8-foot side yard setbacks. Therefore, the site plan should be revised to show side yard setbacks to be a minimum of 8 feet, where the site abuts property not part of the application.

Regarding the increased site coverage, an R-2 zoning designation allows a 40% site coverage by right, thus the applicant could construct a house (and accessory structures) with a footprint of 2,700 square feet. The applicant has requested a 45% site coverage, which would allow a house (and accessory structures) with a footprint of 3,037 square feet. The homes being built on the lots in the adjacent Wesley Avenue Subdivision and PUD, which has an allowed 45% maximum site coverage on smaller lots, are apparently only achieving a 27% site coverage for the houses. As this proposed development will have larger lots than the Wesley Avenue Subdivision, it would appear that an increase in allowed site coverage from 40% (by right in R-2) to 45% would seem unjustified.

The applicant states that the sidewalks requirements should be waived due to the site being located within an old established neighborhood with no sidewalks along any streets in the Pinehurst area.

A sidewalk waiver application for the development adjacent to the site was approved in 2009, thus it would seem that a waiver for this site would be a consistent policy decision for this street. However, this site is adjacent to traffic calming devices, which indicate that traffic problems have been determined to exist on the street, thus the provision of a sidewalk may be justified. Without a sidewalk, any person walking through the neighborhood is left with a choice of walking in the street, or walking in the adjacent landscape area. Engineering, however, states that the waiver request should be approved due to the

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.

Finally, it should be pointed out that the Subdivision Regulations do not apply to side or rear yard setbacks, nor to site coverage, thus the plat should be revised to remove these items, leaving only the requested 15-foot front yard setback and lot size in square feet. The PUD site plan, however, should depict all setbacks, and include a note regarding the maximum site coverage.

**RECOMMENDATION**

**Subdivision:** Based on the preceding, this application is recommended for approval, subject to the following conditions:

- 1) placement of a note on the site plan stating that each lot is limited to one curb cut, with the size, design and location to be approved by Traffic Engineering and in conformance with AASHTO standards;
- 2) depiction and labeling of the 15-foot front yard setback, and removal of all other setbacks and site coverage information;
- 3) labeling of the lot size in square feet;
- 4) Compliance with Engineering comments (*Must comply with all storm water and flood control ordinances. Detention must be provided, show location of detention area on each lot on Plat. Place note on plat that a land disturbance permit will be required and that each lot is responsible for providing and maintaining detention for any impervious area (building, sidewalk, driveway, patio, etc.) in excess of 2,000 square feet (detention for the 100 year storm event with 2 year storm event release rate). Any work performed in the right of way will require a right of way permit in addition to any required land disturbance permit.*);
- 5) placement of a note on the plat stating that the site must be developed in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species; and
- 6) submission of a revised PUD site plan to the Planning Section of Urban Development prior to signing the Final Plat.

**Planned Unit Development:** Based on the preceding, this application is recommended for approval, subject to the following conditions:

- 1) placement of a note on the site plan stating that each lot is limited to one curb cut, with the size, design and location to be approved by Traffic Engineering and in conformance with AASHTO standards;
- 2) labeling of the lots with their maximum site coverage (40%), or the provision of a table with the same information;
- 3) depiction and labeling of the 15-foot front yard setback;
- 4) revision of the side yard setback where the site abuts adjacent lots to be a minimum of 8-feet, with the internal side yard setback to remain 5-feet, as proposed;
- 5) Compliance with Engineering comments (*Must comply with all storm water and flood control ordinances. Detention must be provided, show location of detention area on each lot on Plat. Place note on plat that a land disturbance permit will be required and that each lot is responsible for providing and maintaining detention for any impervious area (building, sidewalk, driveway, patio, etc.) in excess of 2,000 square feet (detention for the 100 year storm event with 2 year storm event release rate). Any work performed in the right of way will require a right of way permit in addition to any required land disturbance permit.*);

- 6) compliance with the off-street parking requirements of Section 64-6.A.2. of the Zoning Ordinance;
- 7) placement of a note on the PUD site plan that any air conditioning unit over 3-feet in height will be required to be in compliance with the Zoning Ordinance;
- 8) placement of a note on the site plan stating that the site must be developed in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species; and
- 9) submission of a revised PUD site plan to the Planning Section of Urban Development prior to signing the Final Plat.

**Rezoning:** Based on the preceding, this application is recommended for approval, subject to the following conditions:

- 1) completion of the Subdivision process; and
- 2) rezoning limited to an approved Planned Unit Development.

**Sidewalk Waiver:** Based on the preceding, the sidewalk waiver along Wesley Avenue is recommended for Approval.

# LOCATOR



APPLICATION NUMBER 10, 11, 12, 13 DATE November 18, 2010

APPLICANT Pinehurst, Delaney's Addition to Spring Hill,  
Block 21, Resubdivision of and Addition to Lot 18

REQUEST Subdivision, Sidewalk Waiver, PUD, Rezoning from R-1 to R-2



NTS

# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



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

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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	NTS
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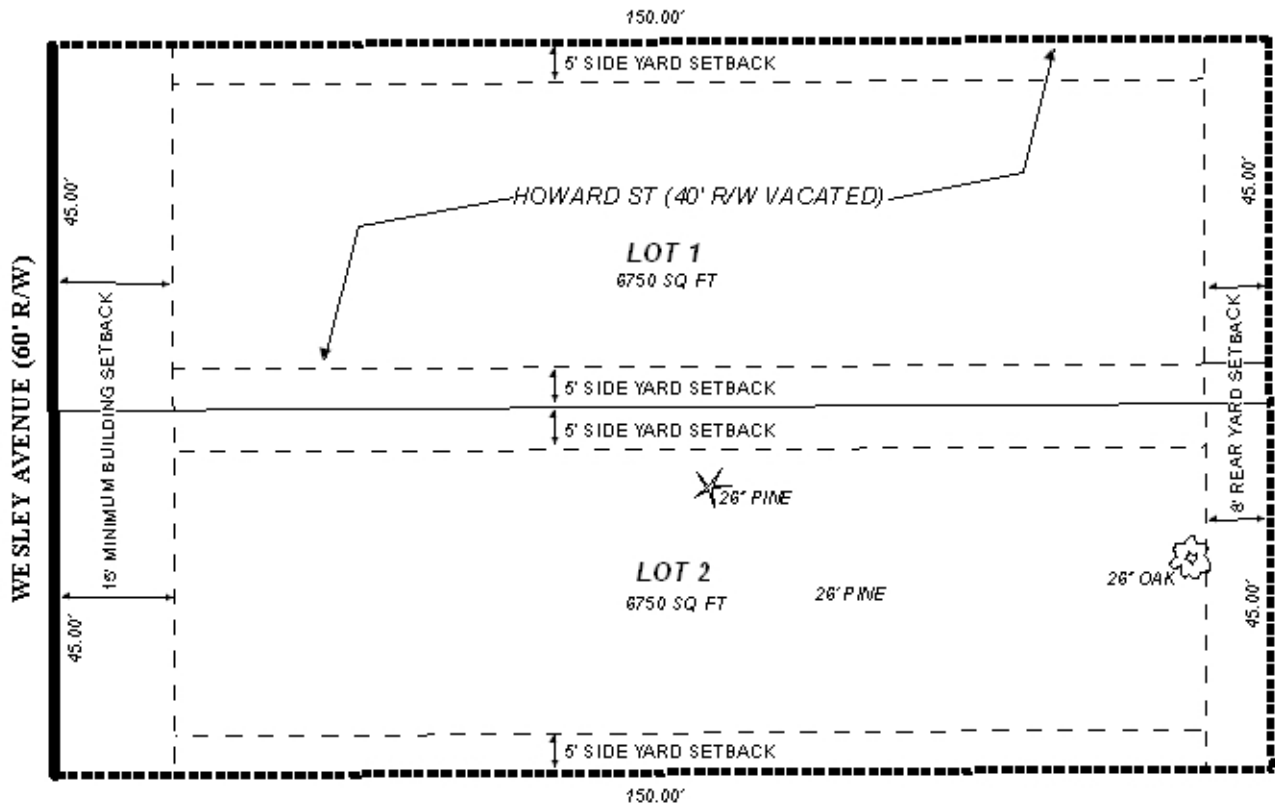
REQUEST Subdivision, Sidewalk Waiver, PUD, Rezoning from R-1 to R-2



NTS



# SITE PLAN



This site plan illustrates the proposed subdivision and planned unit development with reduced setback backs. The existing zoning is R-1 and request rezoning to R-2. The site proposes to waive the construction of a sidewalk along Wesley Avenue. See detail site plan for sidewalk cross sections.

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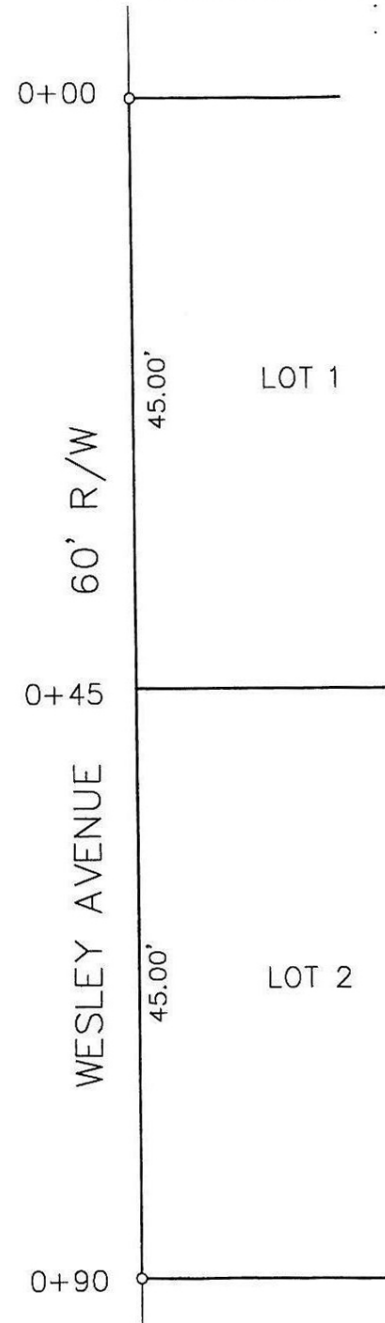
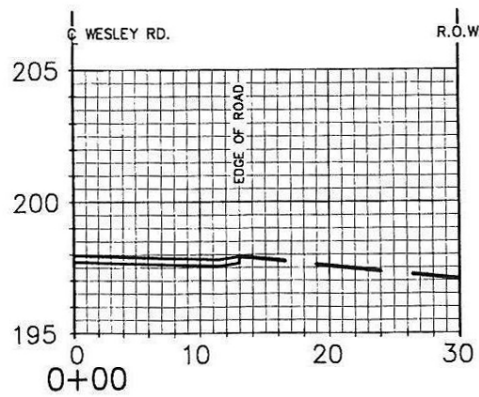
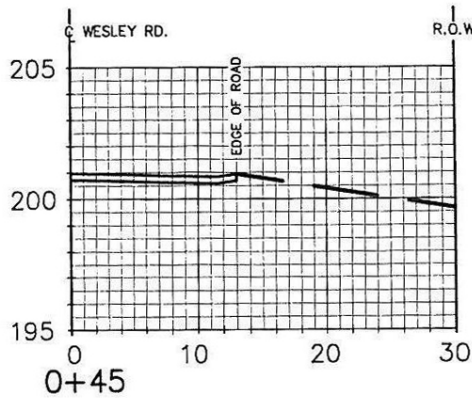
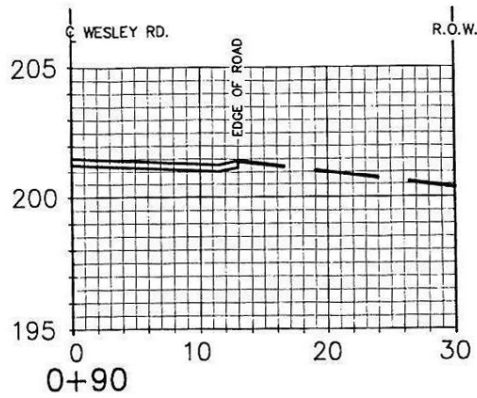
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REQUEST Subdivision, Sidewalk Waiver, PUD, Rezoning from R-1 to R-2



NTS

# DETAIL SITE PLAN



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REQUEST Subdivision, Sidewalk Waiver, PUD, Rezoning from R-1 to R-2

