

**REZONING, PUD, SUBDIVISION &  
SIDEWALK WAIVER STAFF REPORT**

**Date: August 20, 2009**

**APPLICANT NAME**

B. C. Daniels, Inc.

**DEVELOPMENT NAME**

Wesley Avenue Subdivision

**SUBDIVISION NAME**

Wesley Avenue Subdivision

**LOCATION**

East side of Wesley Avenue, 400'± South of Airport Boulevard, extending to the West side of Henckley Avenue.

**CITY COUNCIL**

**DISTRICT**

District 4

**PRESENT ZONING**

R-1, Single-Family Residential

**PROPOSED ZONING**

R-2, Two-Family Residential

**AREA OF PROPERTY**

1.0± acres/7-Lots

**CONTEMPLATED USE**

Subdivision approval to create seven legal lots of record from six lots of record; 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 and Avenue and Henckley Avenue.

**TIME SCHEDULE**

**FOR DEVELOPMENT**

Immediate

**ENGINEERING**

**COMMENTS**

Detention will be required; the location of the detention area(s) shall be shown on the final plat. 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. It appears that a City standard sidewalk can be constructed for this property.

**TRAFFIC ENGINEERING**

**COMMENTS**

Driveway number, sizes, 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 seven legal lots of record from six lots of record; 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 and Avenue and Henckley Avenue.

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 2006, property located on Louise Avenue, two blocks to the West (St. Francis Place Subdivision), was approved for rezoning from B-3, Community Business District to R-2, Two-Family Residential to allow the construction of single-family homes. In addition, a Planned Unit Development and Subdivision were also approved. This application is very similar (lot sizes, widths, density) to the approved St. Francis Place development and it should be pointed out that both developments are located within the Pinehurst neighborhood.

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 seven proposed lots range from 5,592 square feet to 5,979 square feet, with no provision for open space. However, as already mentioned, this proposal is very similar to the previously approved subdivision on Louise Avenue (St. Francis Place).

To the West, the site fronts Wesley Avenue, which has an existing right-of-way of 60-feet and to the East fronts Henckley Avenue, which has an existing right-of-way of 40-feet and a cul-de-sac illustrated as 100-feet fronting Lots 1 and 2. The minimum right-of-way required would be 50' for curb and gutter construction. The plat does not indicate dedication to provide 25' from centerline of Henckley Avenue; therefore, the Final Plat should indicate the dedication to provide 25-feet from the centerline of Henckley Avenue.

It should be noted that the existing cul-de-sac was constructed and approved by Traffic Engineering, Engineering and Fire Department when Wesley Station Subdivision was

completed due to the condition of approval stating the provision of a modified turnaround at the northern terminus of Henckley Avenue.

As a means of access management, a note should be placed on the final plat stating that all lots are limited to one curb cut each with the sizes, locations, and designs to be approved by Traffic Engineering and conform to AASHTO standards.

As illustrated on the plat, the applicant has requested reduced side yard setbacks. The applicant has also requested maximum site coverage of 45%, as depicted on the site plan and preliminary plat.

It should be noted that while the subdivision is proposed to provide 5-foot side yard setbacks; therefore, any air conditioning unit over 3-feet in height will be required to meet the setbacks.

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.

Whereas the need for sidewalks may not be a factor for requiring sidewalks at this time and previous sidewalk waiver applications have been approved, it would seem logical for this waiver to be approved as well. Furthermore, there are very few sidewalks in the Pinehurst neighborhood.

Finally, 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.

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

- 1) completion of the rezoning process prior to the issuance of a Certificate of Occupancy;
- 2) 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;
- 3) labeling of the lots with their maximum site coverage (45%), or the provision of a table with the same information;
- 4) 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
- 5) 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:

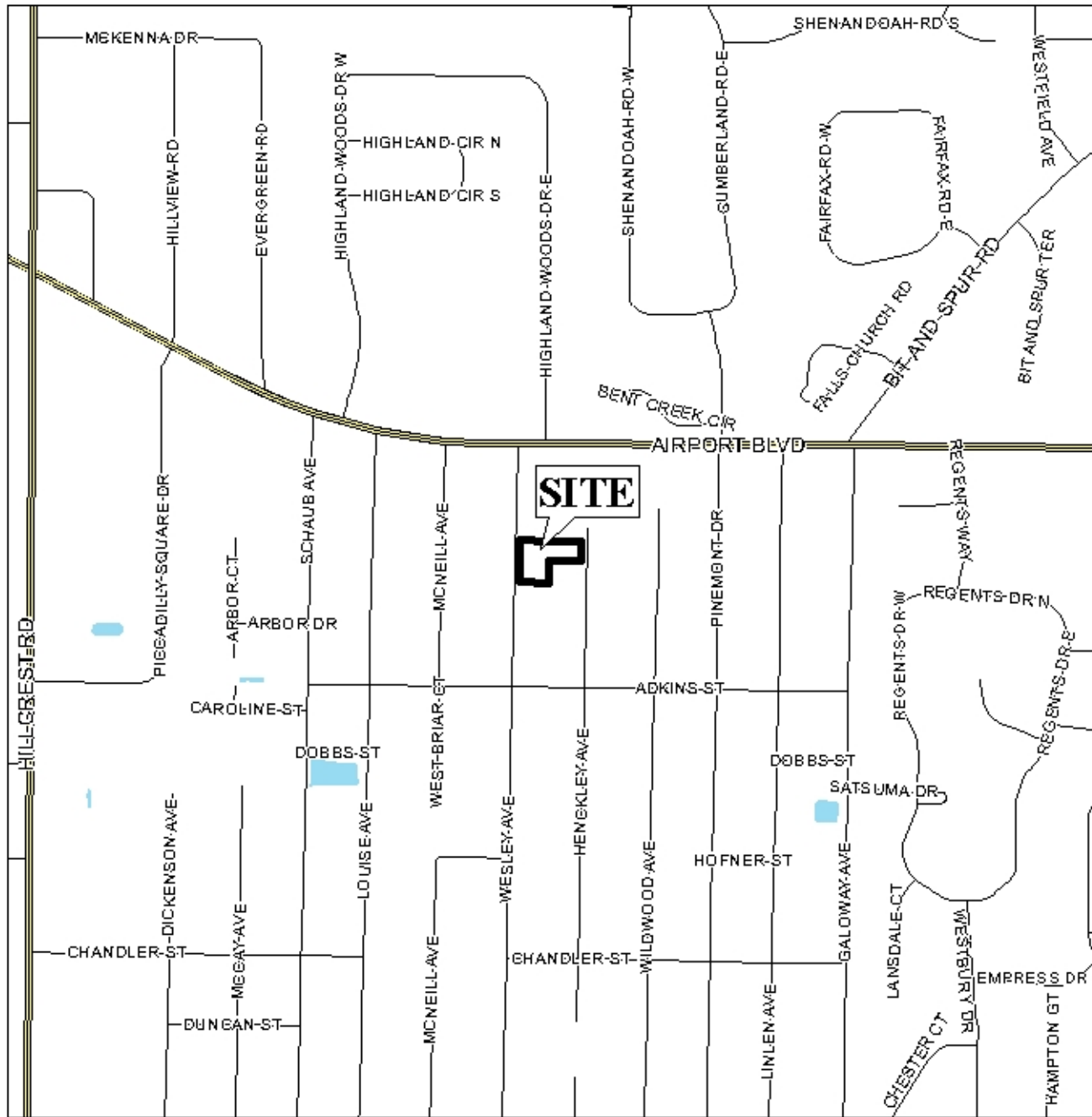
- 1) completion of the rezoning process prior to the issuance of a Certificate of Occupancy;
- 2) placement of a note on the site plan stating that each lot is limited to one curb cut, with the size, design and location to be approved by Traffic Engineering and in conformance with AASHTO standards;
- 3) labeling of the lots with their maximum site coverage (45%), or the provision of a table with the same information;
- 4) 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;
- 5) 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
- 6) 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 and Henckley Avenue is recommended for approval.

# LOCATOR MAP



APPLICATION NUMBER 11, 12, 13, 14 DATE August 20, 2009

APPLICANT Wesley Avenue Subdivision

REQUEST Subdivision, Planned Unit Development,  
Sidewalk Waiver, Rezoning from R-1 to R-2



NTS

# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



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

APPLICATION NUMBER 11, 12, 13, 14 DATE August 20, 2009

APPLICANT Wesley Avenue Subdivision

REQUEST Subdivision, Planned Unit Development,  
Sidewalk Waiver, Rezoning from R-1 to R-2

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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N  
NTS



## PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



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

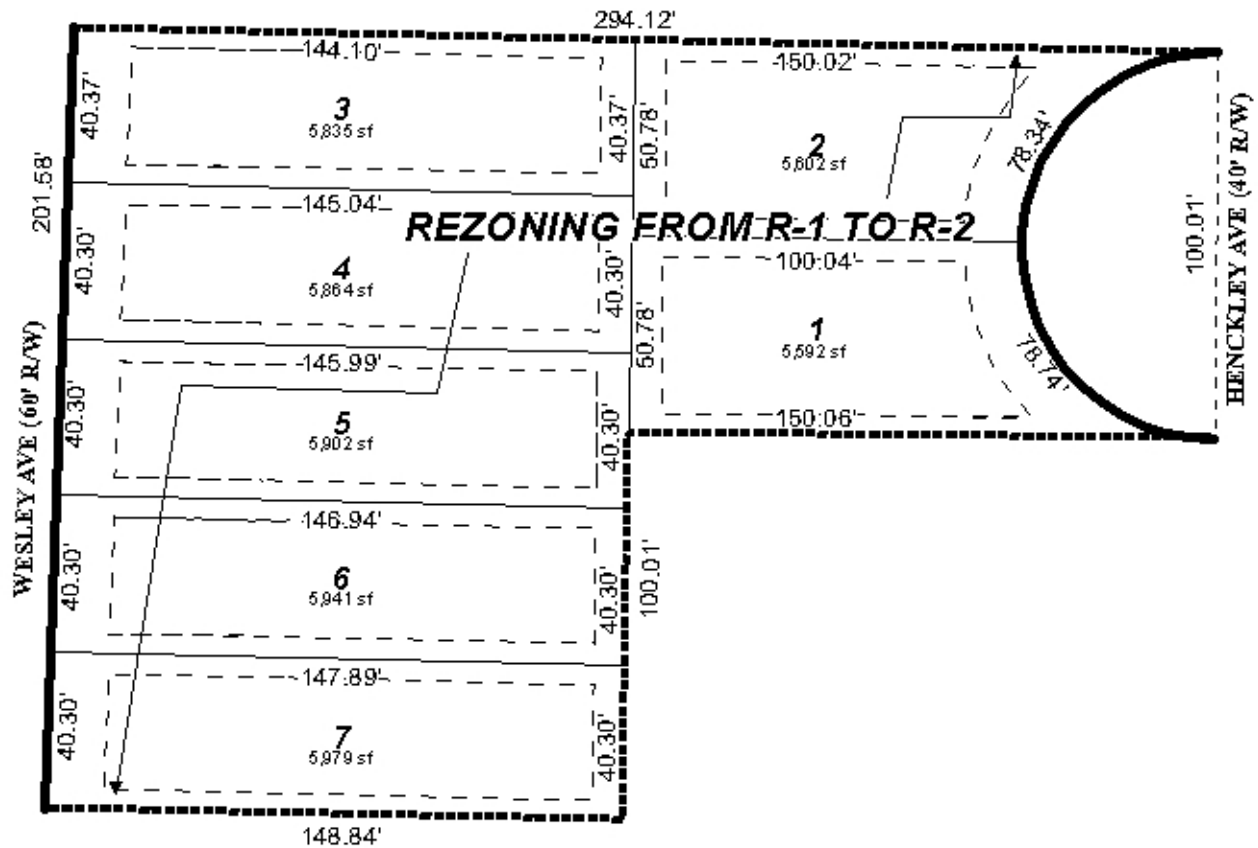
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# SITE PLAN



This site plan illustrates the proposed lot configuration.

APPLICATION NUMBER 11, 12, 13, 14 DATE August 20, 2009

APPLICANT Wesley Avenue Subdivision

REQUEST Subdivision, Planned Unit Development,  
Sidewalk Waiver, Rezoning from R-1 to R-2

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