

**REZONING, PUD &
SUBDIVISION STAFF REPORT**

Date: May 19, 2005

APPLICANT NAME John F. Loupe

DEVELOPMENT NAME The Quarters at Heron Lakes

SUBDIVISION NAME The Quarters at Heron Lakes Subdivision

LOCATION North terminus of Skyview Drive, Extending to the West side of Skywood Drive, 650'± South of Government Boulevard.

CITY COUNCIL DISTRICT District 4

PRESENT ZONING R-1, Single-Family Residential and R-3, Multi-Family Residential

PROPOSED ZONING R-3, Multi-Family Residential

AREA OF PROPERTY 18.3± Acres 85 Lots

CONTEMPLATED USE A gated, private street, town home and single family residential subdivision with reduced lot widths and sized, reduced building setbacks, increased site coverage, alleyway access, and on-street parking.

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.

REASON FOR REZONING The reason for rezoning provided by the applicant reads as follows:

The proposed site requires rezoning and PUD approval to achieve desired density and character, controlled setbacks, neighborhood alleyways, street landscaping with preservation of wetlands to include park settings within smaller neighborhoods.

TIME SCHEDULE Begin Immediately upon approvals. Completion August 2006.

ENGINEERING COMMENTS Significant, serious drainage problems existing on site and downstream. Contours not provided by applicant therefore, thorough evaluation of all problems not available. Drainage from Burma Road and significant area north of

Govt Blvd drain through site. Applicant must accommodate all existing drainage systems through site AND ensure existing outfall systems are adequate to handle the impact of the additional discharge from this development. 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. The addition of the projected traffic flows of this development to Skywood Drive will cause Skywood Drive to meet MUTCD warrants for the installation of a traffic signal. The installation of a signal will require geometric changes to the roadway at the intersection of Highway 90. With the additional time allotted by the holdover, the Traffic Engineering Department conducted a more detailed study of the intersection of Skywood Drive and Highway 90. Because the majority of the current traffic is right turn movements, the installation of a signal may not be necessary. However, the additional traffic may warrant geometric changes to the intersection such as turn lanes or an acceleration lane.

URBAN FORESTRY

COMMENTS

Property to be brought into full compliance with landscape and tree requirements of the zoning ordinance. 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).

FIRE DEPARTMENT

COMMENTS

All commercial projects shall comply with the 2003 International Fire Code and Appendices B through G as adopted by the City of Mobile on July 6, 2004. All One- or Two-Family residential developments shall comply with Appendices B, C, and D of the 2003 International Fire Code as adopted by the City of Mobile on July 6, 2004. May require private fire hydrants on property. May require approved automatic sprinkler system.

REMARKS

The applicant is proposing a gated, 85 lot, single-family residential subdivision consisting of detached single-family dwellings and attached single-family town homes, with reduced lot sizes, reduced setbacks and increased site coverage, on a private street. To accomplish this, rezoning is needed to allow for the increased density; subdivision approval is required to allow the division of land into lots; and, Planned Unit Development (PUD) approval is needed to allow the reduced lot sizes, reduced, setbacks, increased site coverage, and the gated private street.

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.

The applicant is requesting a change in zoning from R-1, single-family residential and R-3, multi-family residential (the site is “split-zoned”) to R-3, multi-family residential to allow the increased density. While the density appears to exceed the allowances for an R-1 district, given the amount of common open space provided, the aggregate area of the site (excluding streets, alleys and detention areas) appears to be sufficient to allow the number of proposed lots in an R-2, two-family residential district. When considering applications for rezoning to allow increased density, the staff generally considers and recommends the least intensive classification. Additionally, when such an application also requires PUD and Subdivision approvals, a recommendation for approval includes conditions limiting the development to the accompanying PUD and subdivision.

The Zoning Ordinance states that an amendment for rezoning is appropriate only when one or more of the following conditions prevail: there is a manifest error in the ordinance; changes in conditions in a particular area make a change in the ordinance necessary and desirable; an increased need for business or industrial sites in addition to sites that are available, make it necessary and desirable to rezone an area or extend the boundaries of an existing district; the subdivision of land into urban building sites makes reclassification necessary and desirable.

In this case, the applicant is proposing the subdivision of land into urban building sites, the density of which makes the reclassification necessary.

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.

In concept, this application is very similar to recent applications in the Girby Road area – The Preserve and The Woodlands. While smart growth amendments to the city code have not yet been identified and made, some smart growth concepts have been incorporated into these developments – increased density with the preservation of common open space; reduced roadways with on-street parking, the provision of alleyways with parking and garages located to the rear of each lot, buildings located close to the street (pedestrian oriented), and a mixture of housing types (detached single-family and attached townhouses).

With regard to the proposed subdivision, Section VIII of the Subdivision Regulations allows for modifications to minimum standards for innovative designs. In this instance,

the proposed development would qualify for modifications; however, since it is located within the City, it would be tied to the accompanying PUD.

While this is an innovative development and appears to meet the general requirements for rezoning, PUD approval, and innovative subdivision approval, there were some minor issues relating to the application as originally submitted that have now been addressed. The applicant agreed that there would be no changes to the street or parking layout, unless required by engineering or the Fire Department; the side setbacks have been modified to a minimum of 3'-1" on one side and 6'-11" on the other for the single-family detached units; and, the Skyview Drive access has been changed to be a gated ingress and egress to accommodate Fire Department standard of two points of access for developments containing more than 29 residential units.

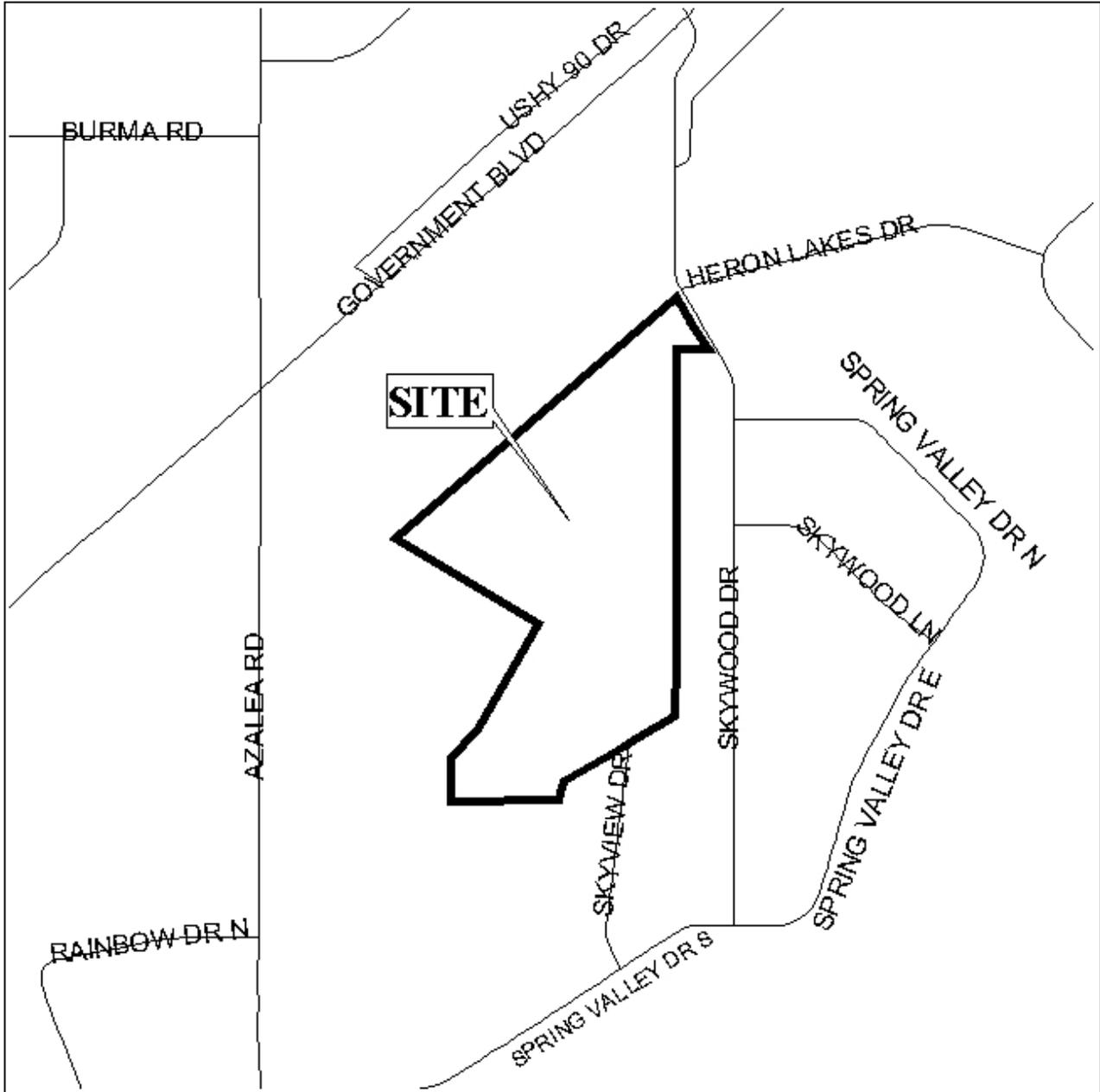
The revised comments from the Traffic Engineering Department indicate that signalization of Skywood Drive at Government Boulevard may not be necessary with the second point of access, but geometric changes may be needed at that intersection.

RECOMMENDATION **Rezoning:** based on the preceding, it is recommended that the request for R-3, Multi-Family Residential not be approved, but that the Commission consider a recommendation of rezoning to R-2, Two-Family Residential, subject to the following conditions: 1) development of the site limited to the accompanying (amended) PUD and Subdivision; and 2) full compliance with all municipal codes and ordinances.

Planned Unit Development: based on the preceding, it is recommended that this application be approved subject to the following conditions: 1) completion of the rezoning and subdivision processes prior to the issuance of any permits; 2) development to be limited to the revised plan showing Ingress and Egress to be via gated access to Skywood Drive and Skyview Drive, and detached single-family dwelling side setbacks of 3' on one side and 7' on the other, and 83 lots; 3) full compliance with Engineering Department comments (Significant, serious drainage problems existing on site and downstream. Contours not provided by applicant therefore, thorough evaluation of all problems not available. Drainage from Burma Road and significant area north of Govt Blvd drain through site. Applicant must accommodate all existing drainage systems through site AND ensure existing outfall systems are adequate to handle the impact of the additional discharge from this development. Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit.); 4) full compliance Urban Forestry Comments - for the overall development (Property to be brought into full compliance with landscape and tree requirements of the zoning ordinance. 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]); 5) submission of a revised drawing to reflect access and setback changes (for file copy); and 6) full compliance with all municipal codes and ordinances.

Subdivision: based on the preceding, it is recommended that the subdivision be considered under Section VIII as an innovative subdivision to allow the gated, private street and alleys, reduced lot sizes (Section V.D.2), and be granted Tentative Approval for 83 lots, subject to the following conditions: 1) compliance with Section VIII.E.2 of the Subdivision Regulations for private streets (minimum standard); 2) gates to remain functional (the gate to remain operational and in use, if gate ceases to be used, the street must be brought into compliance with city standards and dedicated to the city); 3) full compliance with Engineering Department comments (Significant, serious drainage problems existing on site and downstream. Contours not provided by applicant therefore, thorough evaluation of all problems not available. Drainage from Burma Road and significant area north of Govt Blvd drain through site. Applicant must accommodate all existing drainage systems through site AND ensure existing outfall systems are adequate to handle the impact of the additional discharge from this development. Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit.); 4) all areas not designated as placement of a note on the final plat stating that maintenance of all common areas and detention facilities shall be the responsibility of the property owners; 5) completion of the rezoning process prior to the issuance of any permits; and 6) placement of a note on the final plat stating that development limited the accompanying (amended) PUD.

LOCATOR MAP



APPLICATION NUMBER 10 & 11 & 12 DATE May 19, 2005

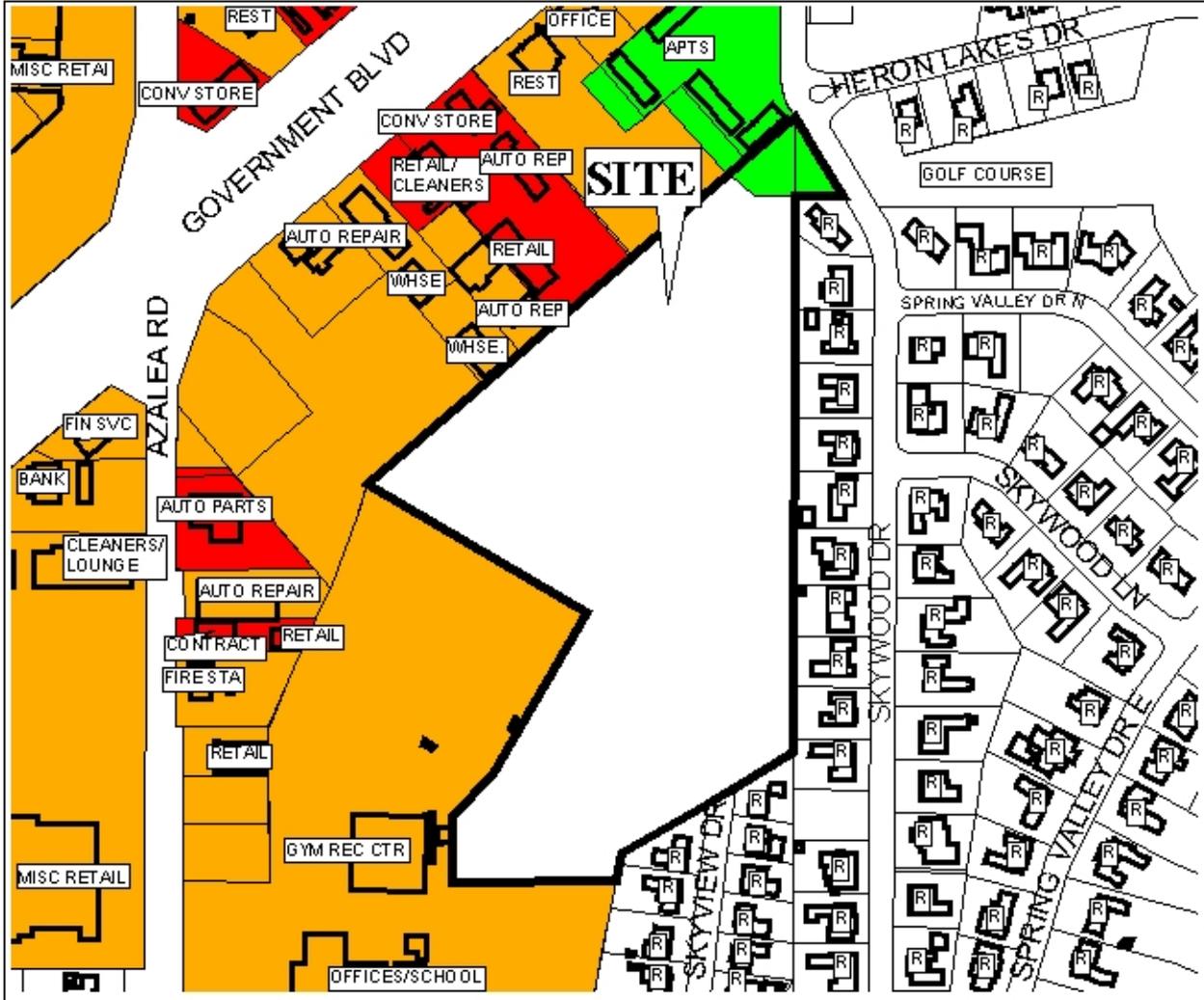
APPLICANT John F. Loupe

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



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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Commercial sites are located to the north and west of the site.
Single-family residential units are located to the east of the site.

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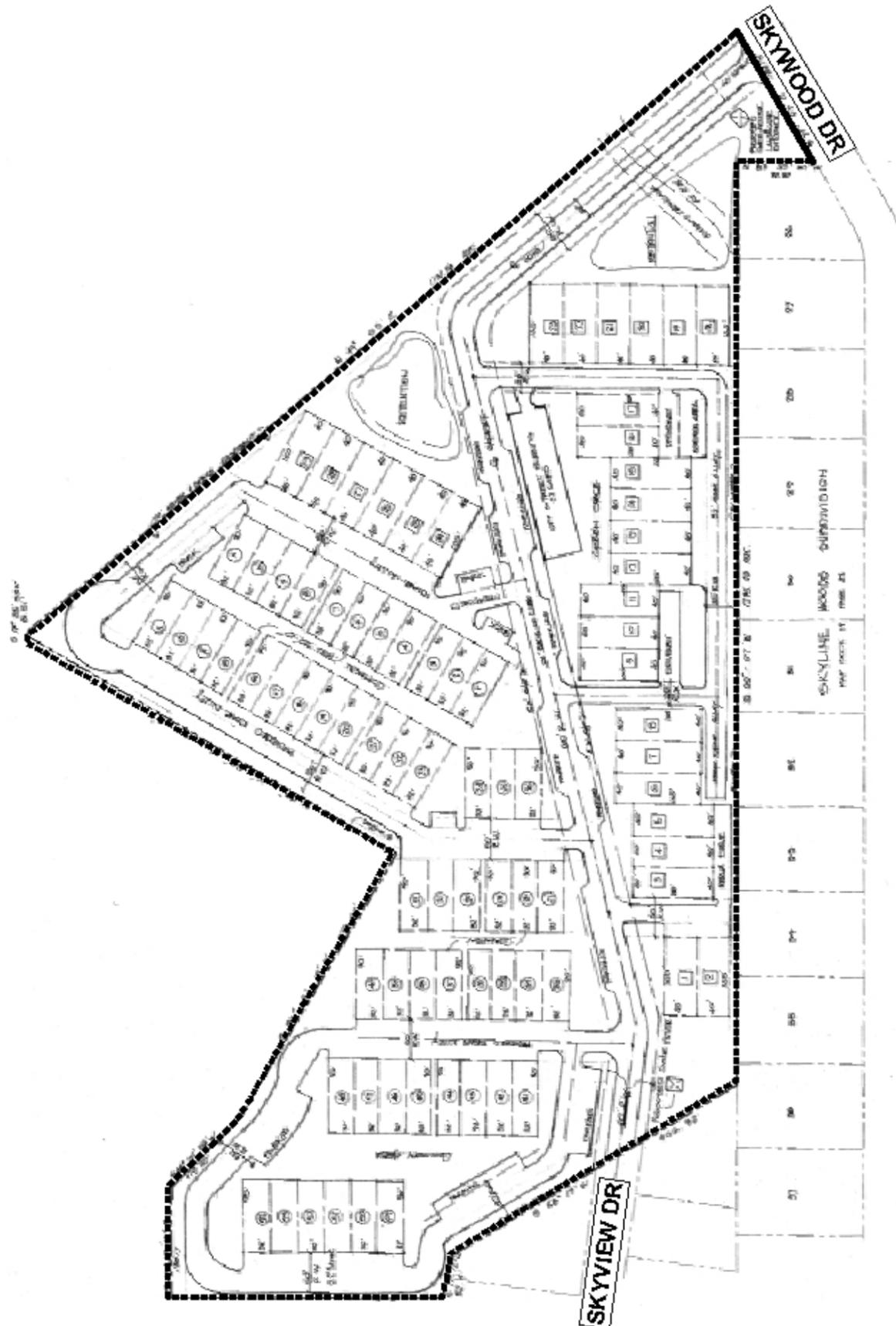
LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2

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SITE PLAN



The site plan illustrates the proposed development and proposed zoning

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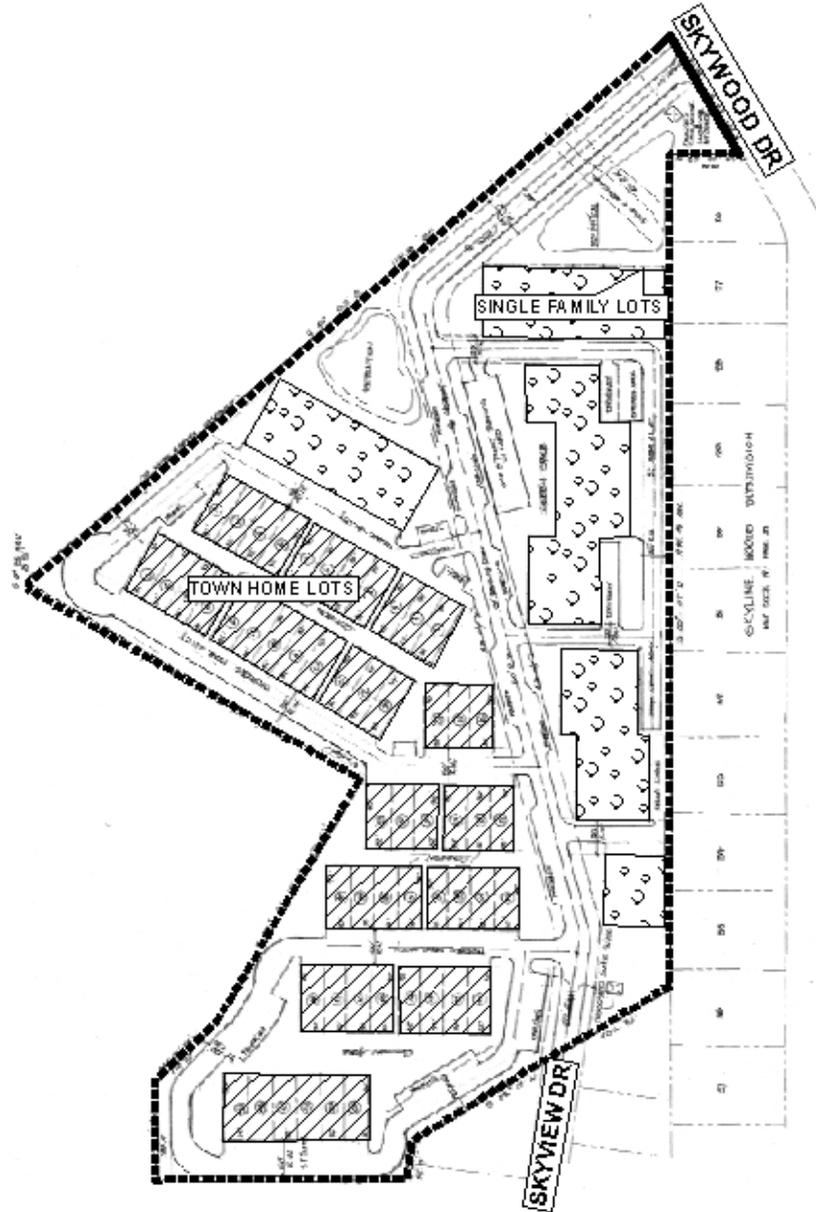
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TYPICAL LOT LAYOUT



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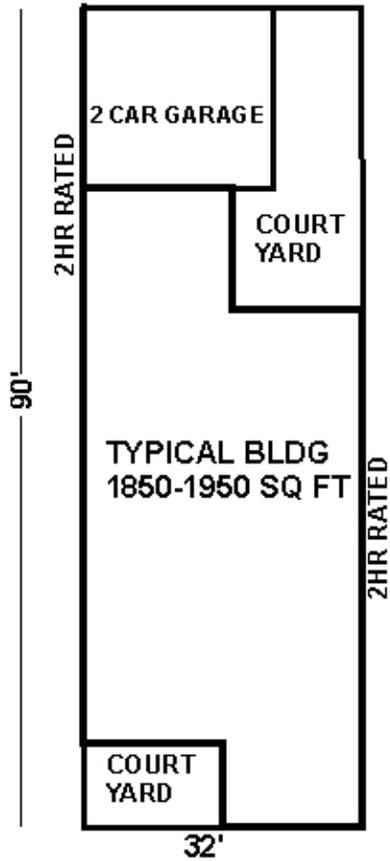
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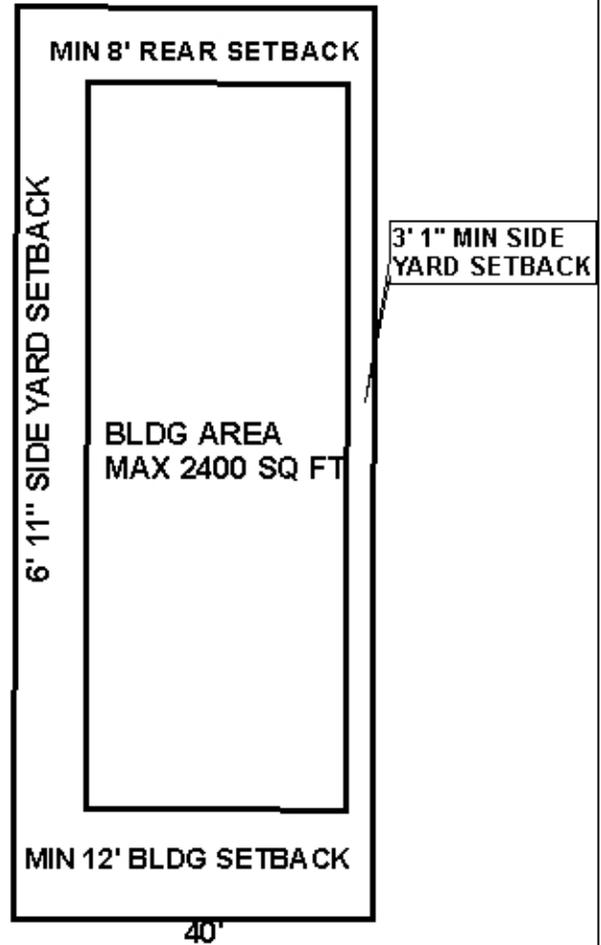
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DETAIL SITE PLAN

Town Home Lot



Single Family Lot



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