

ZONING AMENDMENT STAFF REPORT**Date: October 1, 2009****NAME**

McMurray Place Subdivision.

LOCATION

South side of Johnston Lane, extending from the West side of Rosedale Avenue (vacated right-a-way) to the centerline of Dickenson Avenue (vacated right-a-way), and to McCay Avenue (vacated right-a-way), 95'± South of Johnston Lane

**CITY COUNCIL
DISTRICT**

District 6

PRESENT ZONING

R-3, Multiple Family District

PROPOSED ZONING

R-3, Multiple Family District

AREA OF PROPERTY

12.3 ± Acres

CONTEMPLATED USE

Rezoning from R-3, Multiple Family District, to R-3, Multiple Family District to remove a previously approved condition.

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**

Immediate

**ENGINEERING
COMMENTS**

Need to show calculations verifying that the detention system is adequately sized to accommodate the increase in site coverage. 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).

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.

REMARKS

The applicant is requesting rezoning from R-3, Multiple Family District to R-3, Multiple Family District, to remove a previously approved condition. The rezoning request is necessary because the condition in question limits development to a Planned Unit Development approved by the Planning Commission at its January 3, 2008 meeting, and the applicant wishes to develop the Planned Unit Development approved by the Planning Commission at its September 17, 2009 meeting.

The Planning Commission's January 3, 2008 zoning approval of the site was subject to the following conditions:

- 1) *Revision of the legal description to properly describe the entirety of the site;*
- 2) *Provision of a 6-foot high wooden privacy fence or masonry wall around the perimeter of the development, except within required building setbacks from streets, prior to the completion of the Subdivision process, and with the appropriate permits;*
- 3) *Approval of all applicable Federal, state and local agencies for endangered, threatened or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities;*
- 4) *Completion of the Subdivision process; and*
- 5) *Full compliance with all other municipal codes and ordinances.*

The City Council approved the zoning request at its April 1, 2008 meeting, with the following additional condition:

- 6) *development of the site limited to the PUD approved January 3, 2008*

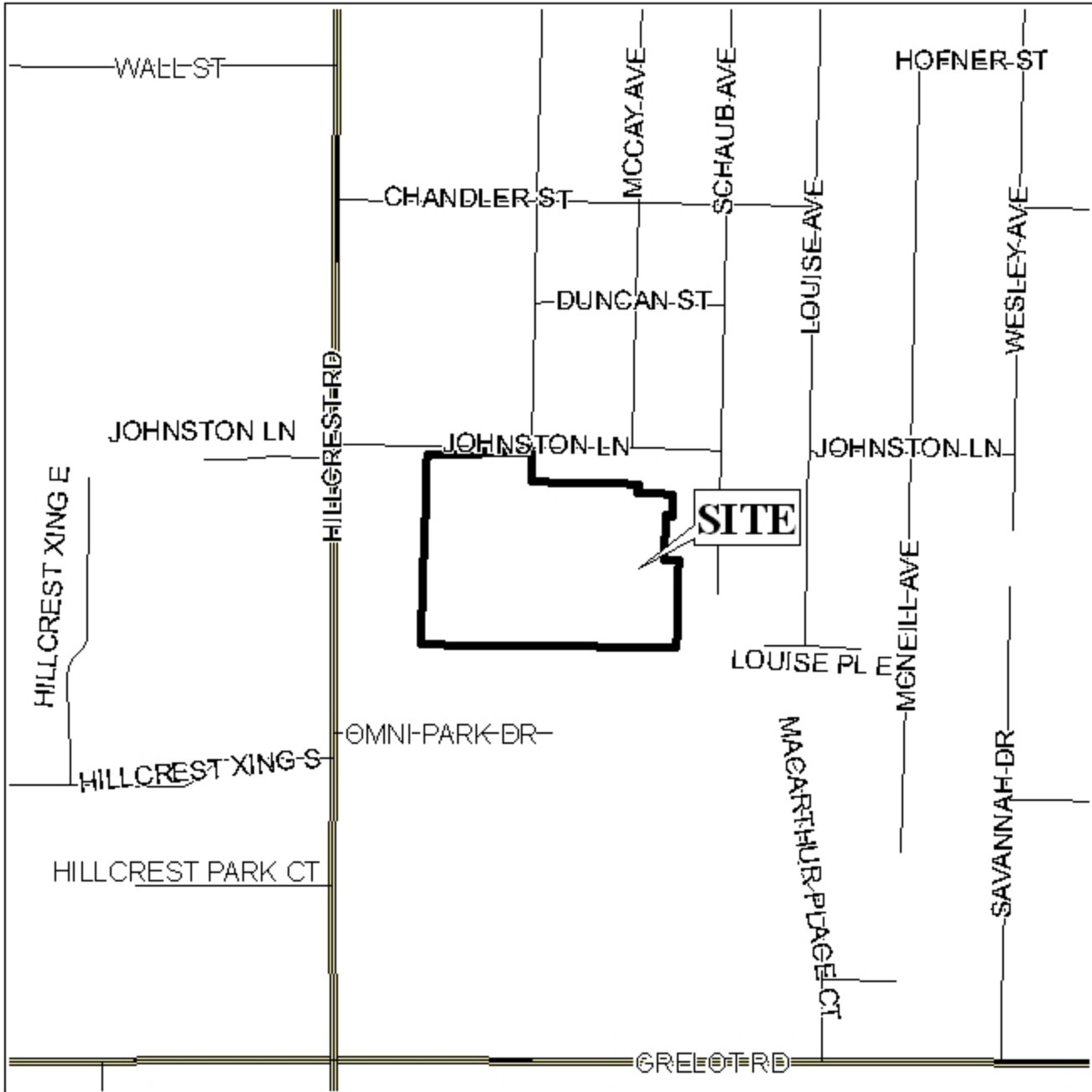
The Planning Commission approved new Planned Unit Development (PUD) and Subdivision applications for the site at its September 17, 2009 meeting. The new 58-lot single-family residential PUD is approved for reduced front and side yard setbacks. As the approval of the Subdivision and PUD includes numerous limiting conditions, such as a perimeter fence or wall, staff recommends that the conditions for the rezoning be simplified.

RECOMMENDATION

Based on the preceding, the rezoning request is recommended for Approval, subject to the following conditions:

- 1) Limited to an approved Planned Unit Development;
- 2) Completion of the Subdivision process; and
- 3) Full compliance with all other applicable municipal codes and ordinances.

LOCATOR MAP



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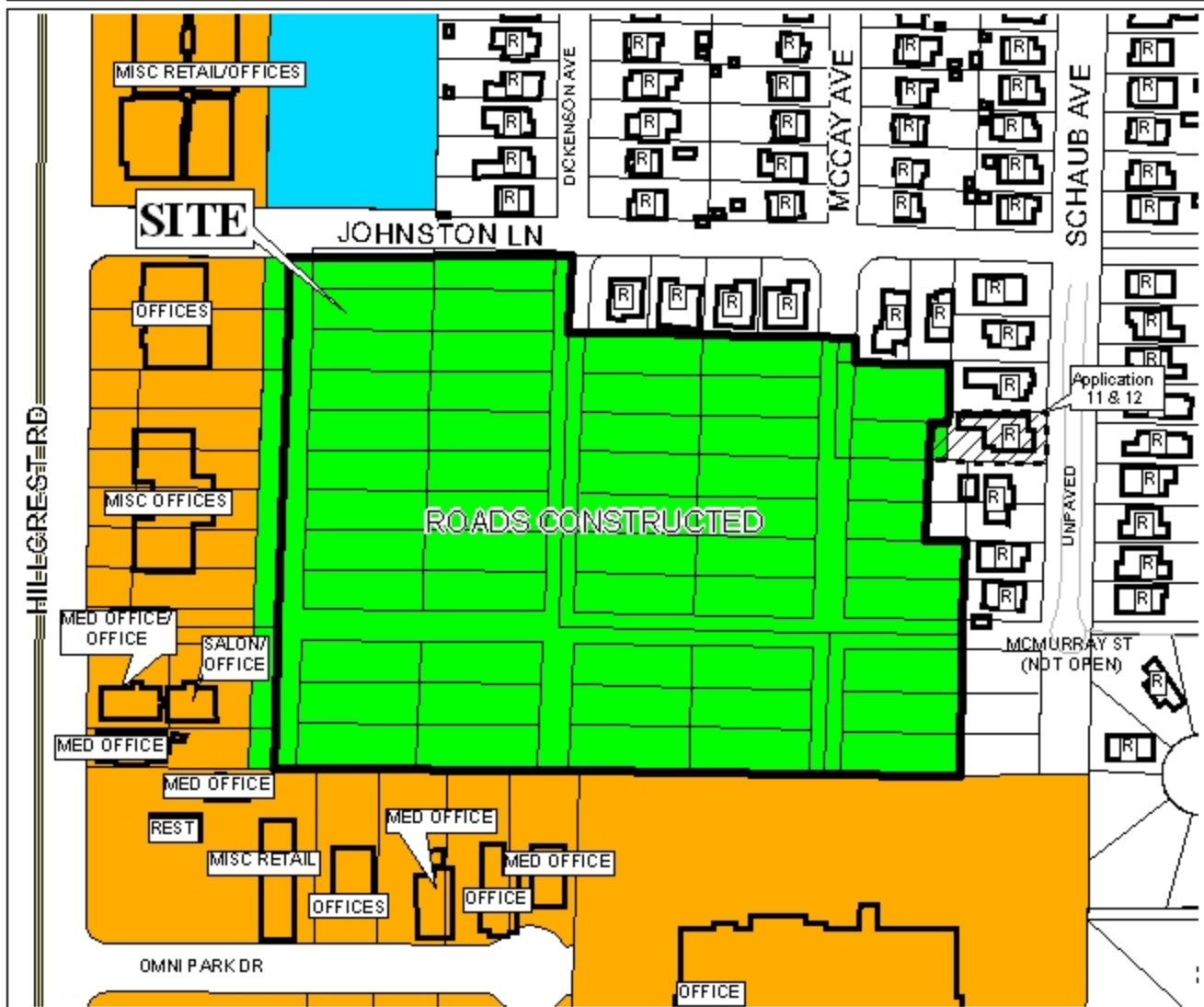
APPLICANT McMurray Place Subdivision

REQUEST Rezoning from R-3 to R-3



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



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

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REQUEST Rezoning from R-3 to R-3

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



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



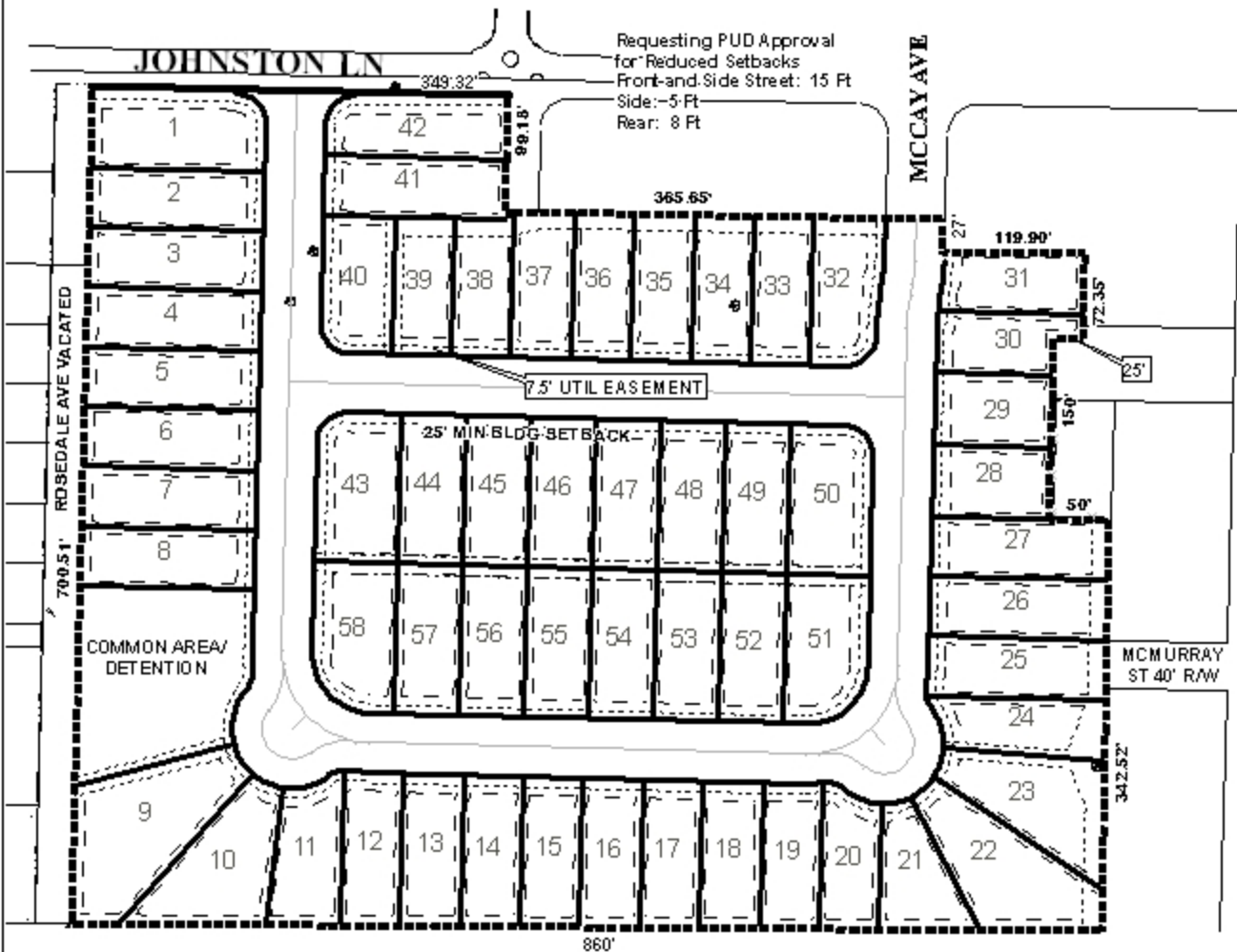
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SITE PLAN



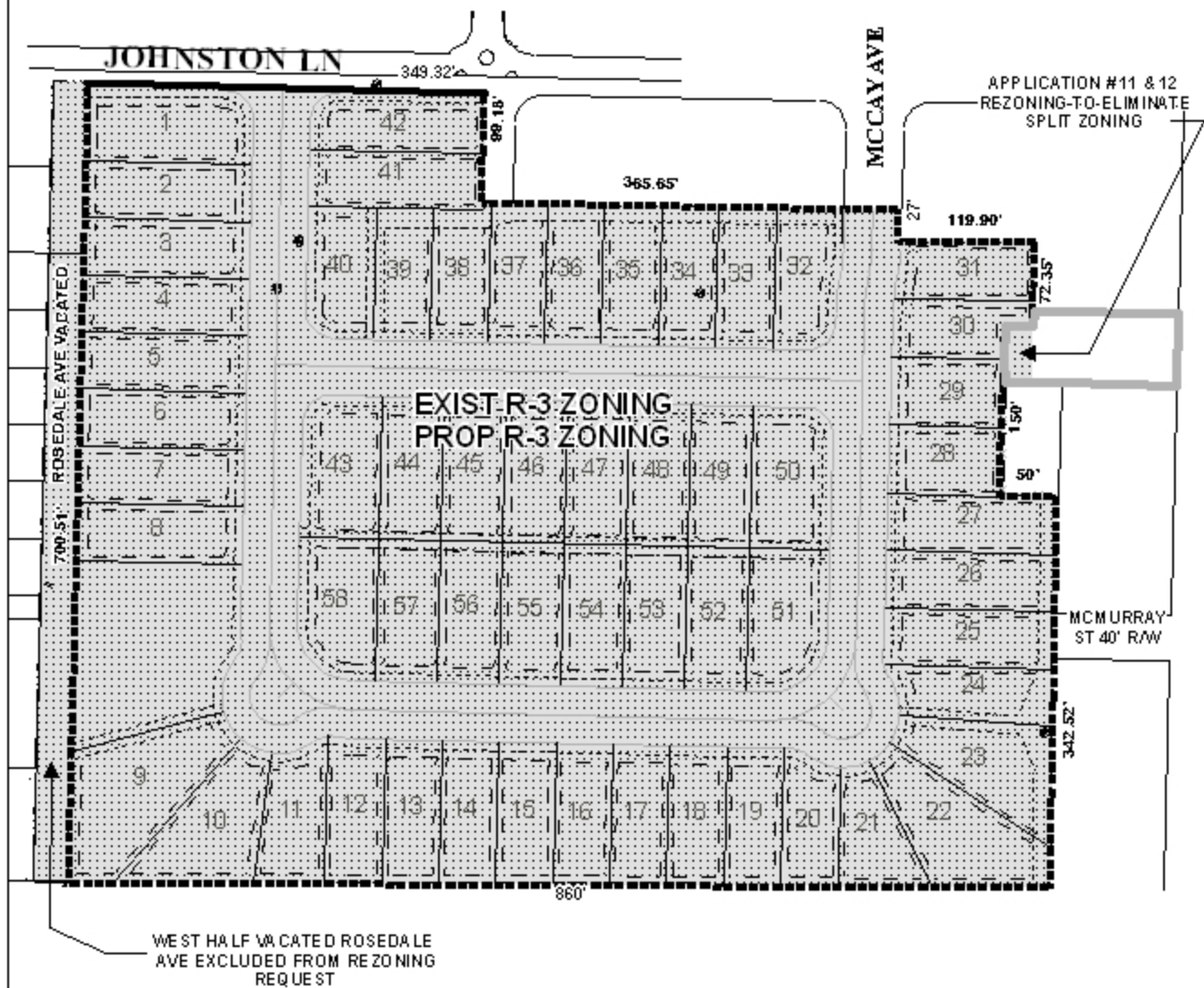
The site plan illustrates the proposed development

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ZONING DETAIL



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