

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

Bertie Ruth Lowe

SUBDIVISION NAME

Hardy Subdivision, Resubdivision of and Addition to Lot 2

LOCATION1108 Schaub Avenue
(West side of Schaub Avenue, 190'± South of Johnston Lane)**CITY COUNCIL
DISTRICT**

District 6

PRESENT ZONINGR-1, Single-Family Residential District, and
R-3, Multiple Family Residential District**PROPOSED ZONING**

R-1, Single-Family Residential District

AREA OF PROPERTY

1 Lots / 0.2 ± Acres

CONTEMPLATED USE

Subdivision approval to create 1 lot, and Zoning approval to rezone the site from R-1, Single-Family Residential District and R-3, Multiple Family Residential to R-1, Single-Family Residential to eliminate split zoning.

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**

Applicant is requesting rezoning of the site to eliminate a split-zoning condition that will occur because of the requested subdivision. The existing and future use of the site is for one single-family residence.

**TIME SCHEDULE
FOR DEVELOPMENT**

Immediately

**ENGINEERING
COMMENTS**

Must comply with all storm water and flood control ordinances. Add a note to the plat that detention must be provided and a land disturbance permit will be required for any further development or addition of impervious area the site. 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 Subdivision approval to create 1 lot, and Zoning approval to rezone the site from R-1, Single-Family Residential District and R-3, Multiple Family Residential to R-1, Single-Family Residential to eliminate split zoning. The current and future use of the site is for one single-family residence. The applicant states that the site is served by public water and sanitary sewer.

The application is necessitated by a recent parcelization of land to the adjacent McMurray Place development: this application, along with the McMurray Place subdivision application approved by the Planning Commission at its September 17, 2009 meeting will legitimize the land transaction that occurred in July 2005. An existing lot and a portion of a lot will be combined into one new lot. The rezoning application is necessary because a portion of the site was rezoned to R-3 by the previous McMurray Place application, approved by the Planning Commission in January 2008 (previous applications never included information that land had changed hands).

As stated in Section 64-9. of the Zoning Ordinance, the intent of the Ordinance and corresponding Zoning Map is to carry out the comprehensive planning objective of sound, stable and desirable development. While changes to the Ordinance are anticipated as the city grows, the established public policy is to amend the ordinance only when one or more of the following conditions prevail: 1) there is a manifest error in the Ordinance; 2) changing conditions in a particular area make a change in the Ordinance necessary and desirable; 3) there is a need to increase the number of sites available to business or industry; or 4) the subdivision of land into building sites makes reclassification of the land necessary and desirable.

The site appears to be depicted as residential on the General Land Use Component of the Comprehensive Plan, which is meant to serve as a general guide, not a detailed lot and district plan or mandate for development. The accuracy of recommended land uses on the General Land Use Component map is limited due to the large scale of the map. Moreover, the General Land Use Component allows the Planning Commission and City Council to consider individual cases based on additional information such as the classification request, the surrounding development,

the timing of the request, and the appropriateness and compatibility of the proposed use and zoning classification.

Subdivision review examines the site with regard to promoting orderly development, protecting general health, safety and welfare, and ensuring that development is correlated with adjacent developments and public utilities and services, and to ensure that the subdivision meets the minimum standards set forth in the Subdivision Regulations for lot size, road frontage, lot configuration, etc.

The site is abutted to the North, East and West by residential uses within an R-1 district. To the West is the proposed McMurray Place, a 58-lot single-family residential PUD development, but with R-3 zoning to allow the proposed density and site coverage. Rezoning of the site in question to R-1 should have no impact on adjacent properties, is consistent with the recommendations of the General Land Use Plan, and meets the land subdivision criteria for rezoning.

The site fronts onto Schaub Avenue, a minor street with adequate 60-foot right-of-way. Aerial photographs from 2006 indicate that Schaub Avenue is not paved at this point, however, as no new construction is proposed as part of this application, no additional requirements should be placed upon the applicant.

The site has two existing curb-cuts onto Schaub Avenue. Aerial photographs show that the existing curb-cuts have been in place for at least 12 years, therefore the site should be limited to the two existing curb-cuts, with any modifications to be approved by Traffic Engineering, and to comply to AASHTO standards.

The preliminary plat shows a 15-foot wide drainage and utility easement that will run through the lot. The easement is located along the common rear lot line between the existing lot and the portion of an existing lot that will be combined. It should be noted that no buildings, including storage sheds, decks or other structures, can be located within drainage and utility easements: this should be noted on the final plat.

The 25-foot minimum building setback is depicted for proposed lot, and should be retained on the final plat, if approved.

Finally, the lot size is indicated as a note on the drawing: this note should be retained on the final plat, if approved.

RECOMMENDATION

Rezoning: Based upon the preceding, the Rezoning request is recommended for Approval, subject to the following conditions:

- 1) Completion of the Subdivision process; and
- 2) New site development or construction to comply with all municipal codes and ordinances.

Subdivision: The Subdivision request is recommended for Tentative Approval, subject to the following conditions:

- 1) Placement of a note on the final plat stating that the site is limited to the two existing curb-cuts, with any modifications to be approved by Traffic Engineering, and to comply to AASHTO standards;
- 2) Compliance with Engineering comments, including the requested note on the plat (*Must comply with all storm water and flood control ordinances. Add a note to the plat that detention must be provided and a land disturbance permit will be required for any further development or addition of impervious area the site. Any work performed in the right of way will require a right of way permit.*);
- 3) Depiction of the 25-foot minimum building setback line on the final plat, as shown;
- 4) Labeling or notation of the lot size in square feet on the final plat, as shown; and
- 5) Placement of a note on the final plat stating that no buildings, storage sheds, decks, or other permanent structures may be placed in the 15-foot wide drainage and utility easement.

LOCATOR MAP



APPLICATION NUMBER 13 & 14 DATE October 1, 2009

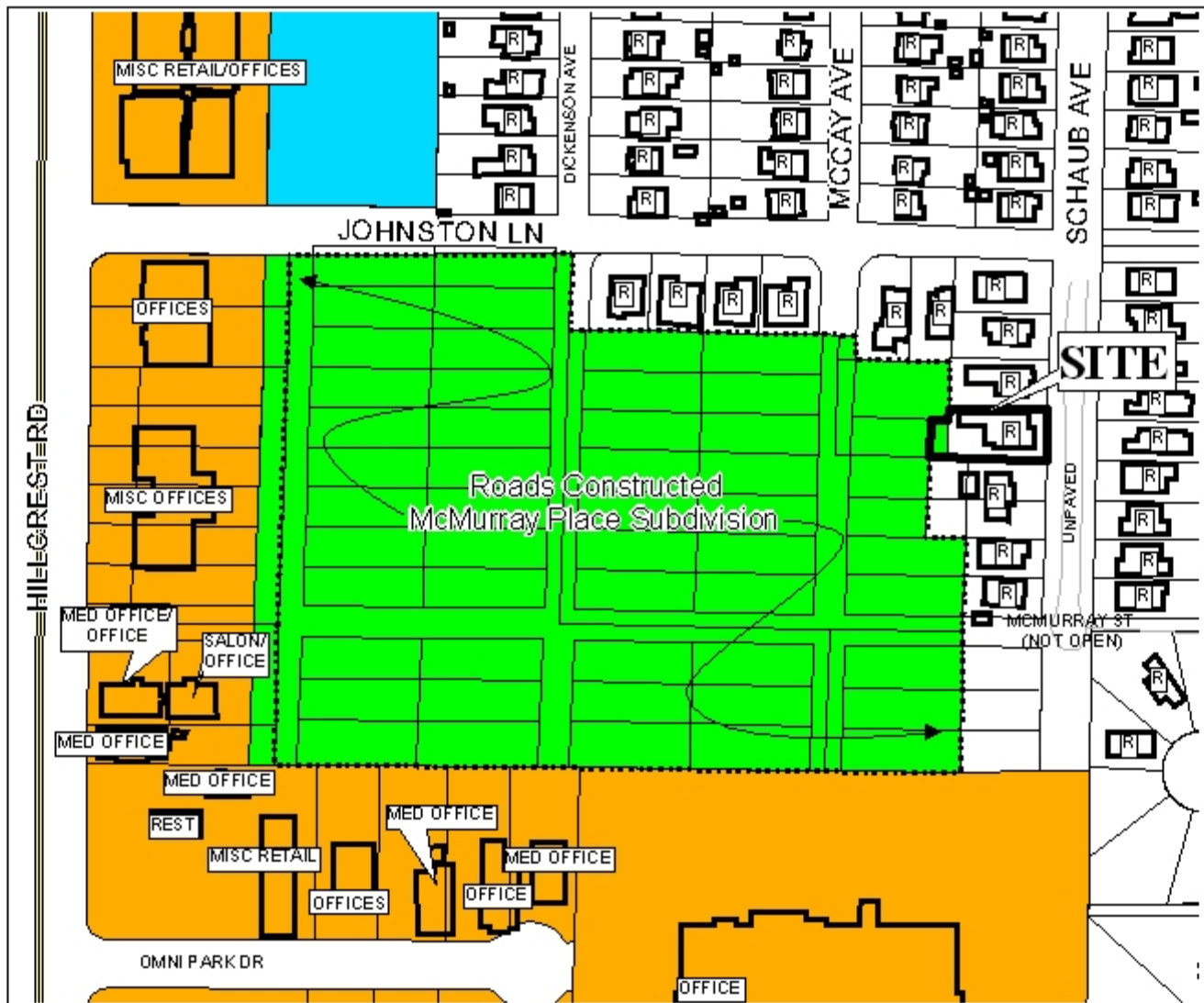
APPLICANT Bertie Ruth Lowe

REQUEST Subdivision, Rezoning from R-1 and R-3 to R-1



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.

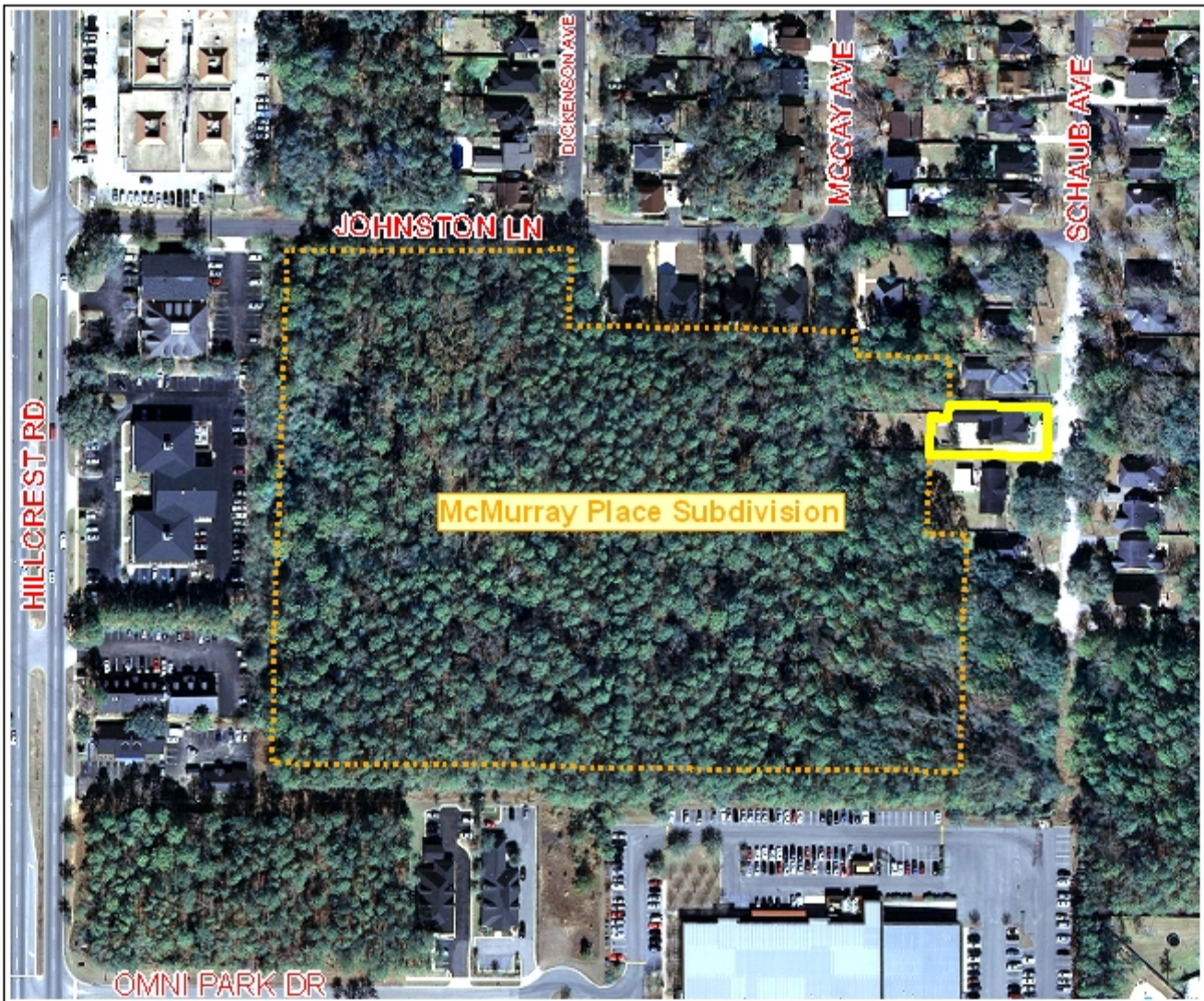
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LEGEND NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



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

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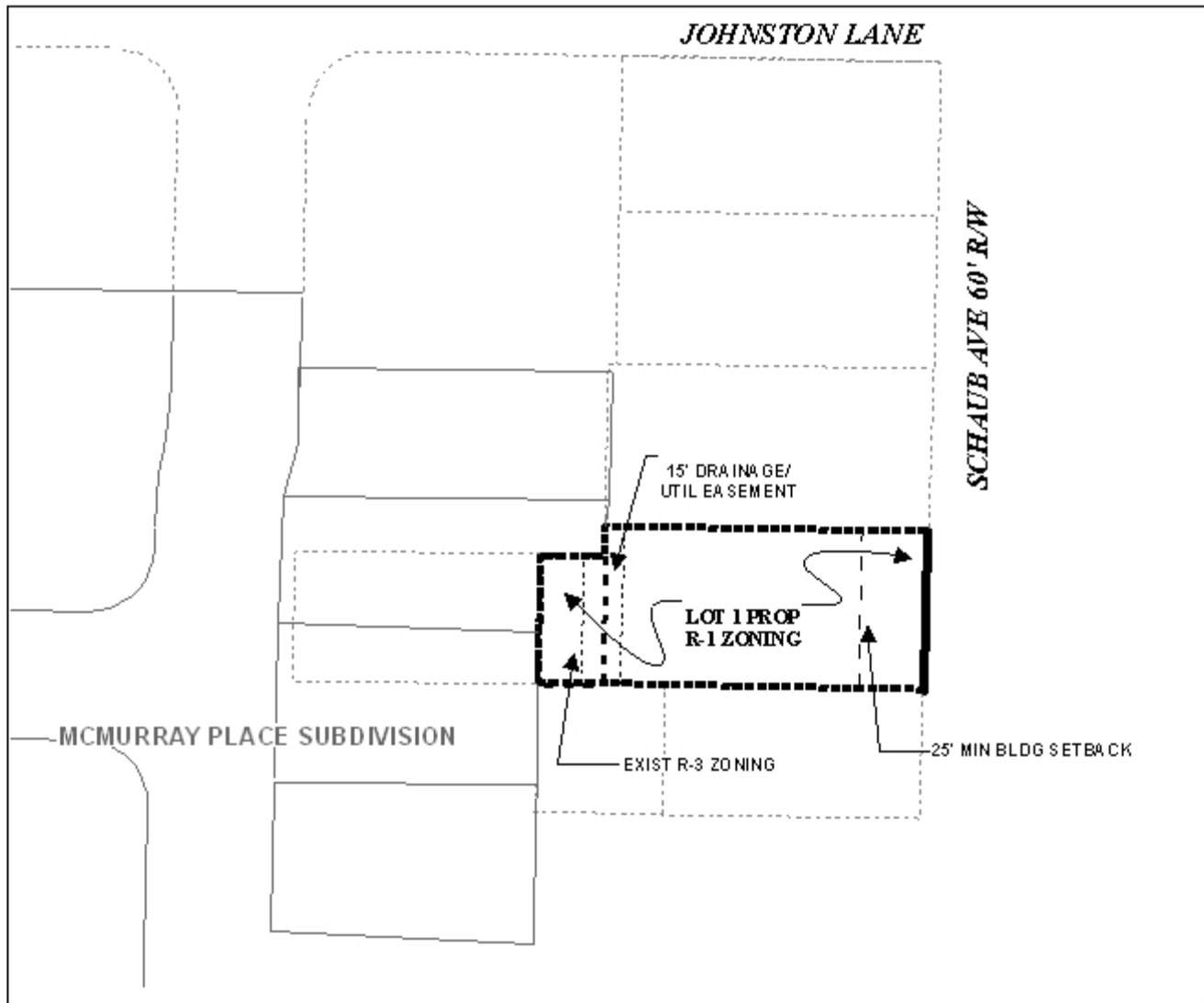
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SITE PLAN



The site plan illustrates the proposed subdivision and zoning

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