

**ZONING AMENDMENT,  
PLANNED UNIT DEVELOPMENT &  
SUBDIVISION STAFF REPORT**

**Date: January 20, 2011**

**APPLICANT NAME**

Volunteers of America

**SUBDIVISION NAME**

Overlook Road VOA Housing Subdivision

**LOCATION**

6917 Overlook Road  
(South side of Overlook Road, 625'± East of Cody Road)

**CITY COUNCIL  
DISTRICT**

District 7

**PRESENT ZONING**

R-1, Single-Family Residential District

**PROPOSED ZONING**

R-3, Multi-Family Residential District

**AREA OF PROPERTY**

7.8± Acres

**CONTEMPLATED USE**

Subdivision approval to create two legal lots of record from two existing metes-and-bounds parcels, and Zoning approval to rezone the site from R-1, Single-Family Residential District, to R-3, Multi-Family Residential District, to allow the construction of a multi-family residential neighborhood.

**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 states that the property to the East of the subject property is zoned R-3, and properties to the West are zoned R-3, and B-1, Buffer Business District, and the request for R-3 zoning appears to be in keeping with the current trend of multi-family residential and businesses along Overlook Road.

**TIME SCHEDULE  
FOR DEVELOPMENT**

Construction to begin early in 2011.

**ENGINEERING****COMMENTS**

Must comply with all storm water and flood control ordinances. Proposed detention pond shall be sized to accommodate the 100 year storm event with a 2 year release to discharge onto adjacent properties unless a release agreement is recorded in Probate court for all downstream properties or the discharge is contained within a private easement until it discharges into a City maintained drainage system. Any work performed in the right of way will require a right of way permit in addition to any required land disturbance permit. Drainage from any new dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer. Driveway radii shall not extend beyond the projected property line at the edge of pavement, without written authorization from adjacent property owner to do so.

**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. Fire hydrants shall be provided per Section 508.5.1 of the 2003 IFC. Access to building shall be provided per Section 503.1.1 & 503.2.1 of the 2003 IFC.

**MAWSS COMMENTS**

MAWSS has only water services available.

**REMARKS**

The applicant is requesting Subdivision approval to create two legal lots of record from two existing metes-and-bounds parcels, and Zoning approval to rezone the site from R-1, Single-Family Residential District, to R-3, Multi-Family Residential District, to allow the construction of a multi-family residential neighborhood. Proposed Lot 1 would be developed as a multi-family residential apartment complex containing three, four-unit, one-story apartment buildings, and one one-story community building with caretaker facilities. Proposed Lot 2 would be reserved for future development. The entire site is currently vacant.

The site is bounded entirely along the East side by R-3 zoning (vacant land); on the South by R-1 zoning (with three single-family dwellings); on the West by R-3 zoning (with a single-family dwelling), and B-1 zoning (with a church); and on the North by R-1 zoning (with a single-family dwelling).

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 is 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.

As proposed, the rezoning would be in keeping with the previously approved adjacent rezonings to R-3. The site plan submitted indicates four one-story buildings proposed for Lot 1, three with four dwelling units each, and one for a community building with caretaker facilities. Also shown are adequate associated parking, dumpster pad, buffer fencing and stormwater detention. Existing trees are shown on the site, but no landscaping and tree planting plan for development is included. Development of the site would require full compliance with the landscaping and tree planting requirements of the Zoning Ordinance. Also, the site is adjacent to single-family dwellings; therefore, compliance with Section 64-4.A.2. pertaining to illumination of uses would apply so that light does not shine directly into adjacent residential properties. Site coverage for the lot is well below the maximum allowable of 45%. The proposed development of Lot 1 should not create an adverse traffic impact in the area. Inasmuch as the applicant has submitted a viable site plan, it has not been demonstrated that any of the previously mentioned four conditions prevail which would justify the rezoning to R-3, especially when considering the large areas of adjacent R-3 zoning which are currently vacant.

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 Western portion of the site consists of most of Parcel "B", Moffett's Subdivision, approved by the Commission and recorded in 1977. However, the Northwest corner of that lot was parceled-out in an illegal subdivision in 2003, but was later included in Overlook Place Subdivision, Phase I & Phase II, which was approved by the Commission in 2006 but was never finalized. That portion was later sold under different ownership via an estate sale in 2008; therefore, inclusion of that portion in this subdivision would be impracticable. Likewise, the original Southern portion of the Eastern portion of the site was separated into two lots via illegal subdivisions many years ago, but those properties have changed ownership several times and their inclusion in this subdivision would also be impracticable.

The proposed lots are of sufficient size and have sufficient public right-of-way frontage to be compliant with the requirements of the Subdivision Regulations. The lot area sizes are depicted on the plat in square feet; this should be revised to also include acres.

The site fronts Overlook Road with a compliant 70' right-of-way; therefore, no dedication would be required. As there is proposed to be shared access between the two lots via the one driveway, a note should be required on the final plat stating that the subdivision is limited to the one shared driveway and curb cut. A note should be placed on the final plat stating that the driveway number, size, location, and design are to be approved by Traffic Engineering and conform to AASHTO standards.

The 25-foot minimum building setback is depicted along the entire Overlook Road frontage for both lots. This should be revised to be along Overlook Road for Lot 1 only. The 25' minimum building setback line for Lot 2 should be depicted as measured from the Southern boundary of Lot 1.

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.

As proposed Lot 1 contains multiple buildings and both lots share a common driveway, a Planned Unit Development application should also be submitted. The applicant's engineer has submitted a letter stating that such will be submitted once plans are finalized. Therefore, approvals should be subject to an approved PUD prior to signing the final subdivision plat or the issuance of any permits for development.

### **RECOMMENDATION**

**Rezoning:** Based upon the preceding, the request for rezoning to R-3, Multi-Family Residential District, is recommended for holdover to the meeting of January 20, 2011, to allow the applicant time to submit evidence that one or more of the four conditions necessary to justify rezoning prevail. Such evidence should be submitted no later than January 3, 2011.

**Subdivision:** The subdivision is recommended for holdover to the meeting of January 20, 2011, in order to be heard in conjunction with the rezoning request.

### ***Revised for the January 20, 2011 meeting***

*The Rezoning Request was heldover from the December 16, 2010 meeting to allow the applicant to submit evidence that one or more of the four conditions necessary to justify rezoning prevail, and the Subdivision was heldover from the same meeting to be heard in conjunction with the*

*Rezoning Request. The applicant has also submitted a Planned Unit Development Approval to allow multiple buildings on a single building site and shared access between two lots.*

*With regard to the Rezoning Request, the applicant submitted a revised narrative stating that justification of rezoning is due to changing conditions in the area which make a change in the Ordinance necessary and desirable evident by the existence of R-3 districts on either side of the subject property. However, the existence of such zoning classifications is not necessarily evidence of changing conditions within the area especially in light of the fact that the property to the East was rezoned to R-3 in 1980 and is still undeveloped, as is the property to the West which was rezoned to R-3 in 2008. There has been no evidence of an increased need for R-3 zoning demonstrated within the area by any development.*

*As previously stated, the applicant submitted a Planned Unit Development Approval application for the multiple buildings proposed on one lot with shared access between the two lots of the proposed subdivision. 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. PUD approval is site plan specific, thus if any new construction is anticipated that will change an approved site plan, an application to amend an existing, approved PUD must be made prior to any construction activities.*

*Although the site plan indicates compliance with required building setbacks, parking and site coverage, no landscaping calculations are indicated and tree plantings which are indicated are insufficient for the site. Also, the lot configuration on the landscaping site plan for the proposed development does not agree with the lot configuration for Lot 1 of the proposed subdivision in that the detention area is not included, but some of the proposed Lot 2 is included. Therefore, an accurate review cannot be done for the site.*

*As the proposed Subdivision would create a flag lot which is now generally discouraged by the Subdivision Regulations, a waiver of Section V.D.1. of the Regulations would ordinarily be in order if the rezoning request and Planned Unit Development were looked upon favorably. However, since those are both lacking in criteria for approval, the subdivision would be speculative and approval of a flag lot subdivision cannot be justified at this time.*

### **RECOMMENDATION**

**Rezoning:** *Based upon the preceding, the request for rezoning to R-3, Multi-Family Residential District, is recommended for denial for the following reasons:*

- 1) the applicant has not demonstrated that there is an increased need for R-3 zoning within the area, as required by Section 64-9.A.1. of the Zoning Ordinance;*
- 2) the conditions have not significantly changed to warrant rezoning, per Section 64-9.A.1. of the Zoning Ordinance; and*

- 3) *the applicant has failed to show that there is an increase in the need for sites for the proposed use, per Section 64-9.A.1.*

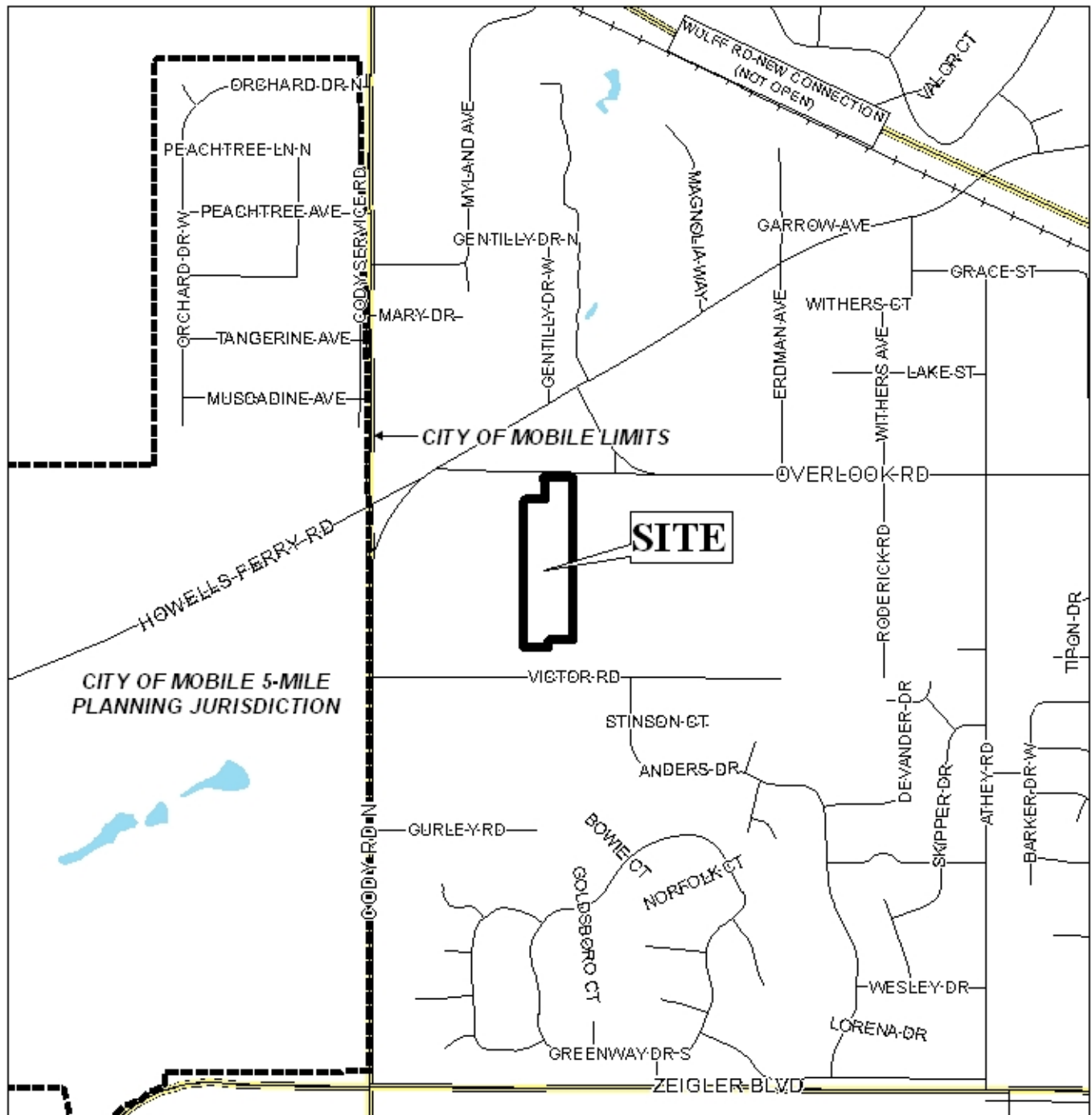
***Planned Unit Development:*** *Based upon the preceding, the request for Planned Unit Development Approval is recommended for denial for the following reasons:*

- 1) *no need has been demonstrated for rezoning; and*
- 2) *the site plan and plat have discrepancies and the site plan has deficiencies.*

***Subdivision:*** *Based upon the preceding, the Subdivision is recommended for denial for the following reasons:*

- 1) *the associated Rezoning and Planned Unit Development are also recommended for denial; and*
- 2) *the subdivision would create a flag lot without adequate justification required by Section V.D.1. of the Subdivision Regulations.*

# LOCATOR



APPLICATION NUMBER 14, 15, & 16 DATE January 20, 2011

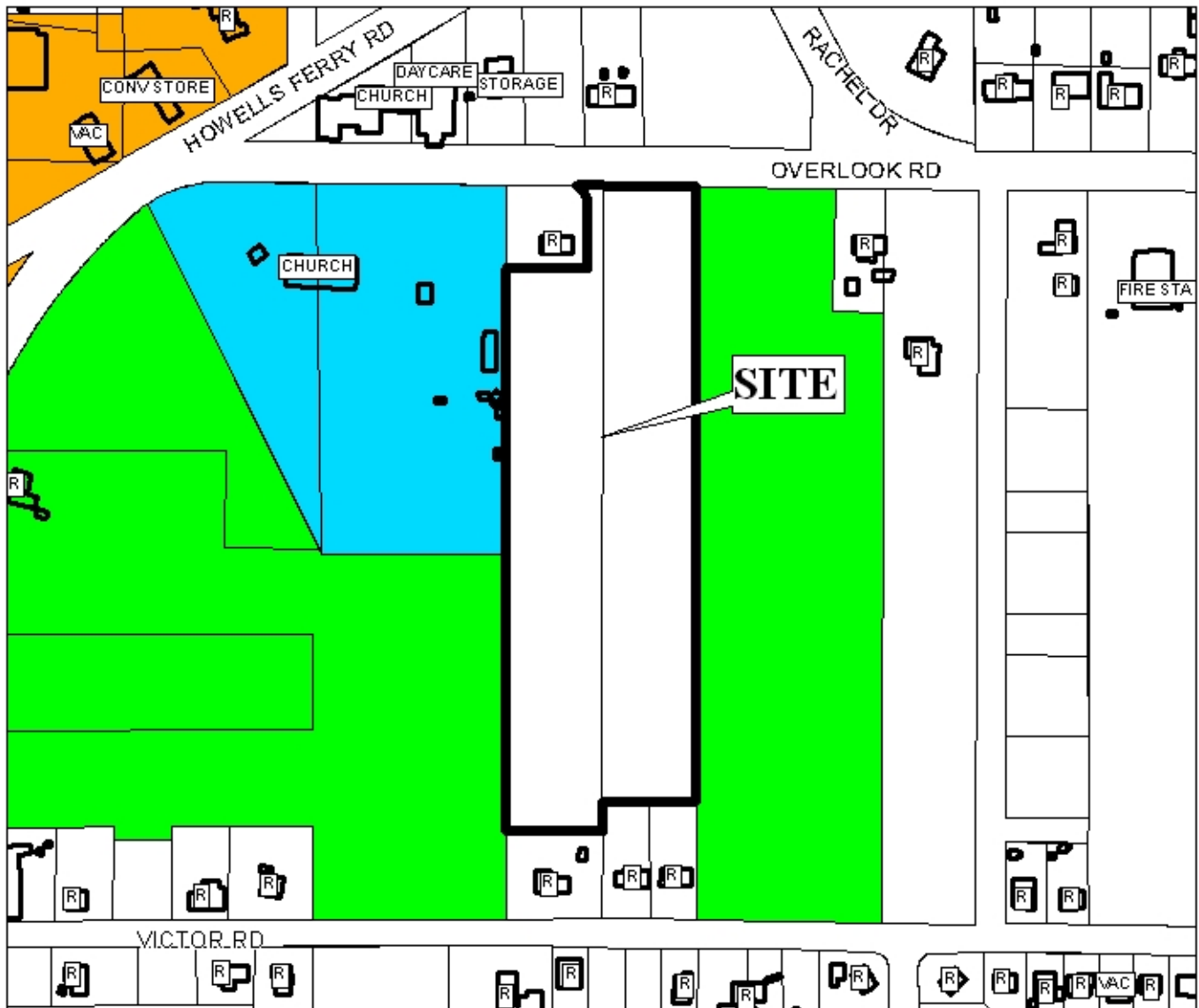
APPLICANT Overlook Road VOA Housing Subdivision

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



NTS

# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



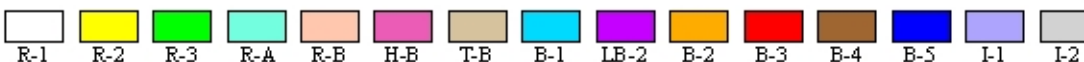
This site plan is surrounded by residential land use with  
business land use to the northwest.

APPLICATION NUMBER 14, 15, & 16 DATE January 20, 2011

APPLICANT Overlook Road VOA Housing Subdivision

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

LEGEND



NTS



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



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

APPLICATION NUMBER 14, 15, & 16 DATE January 20, 2011

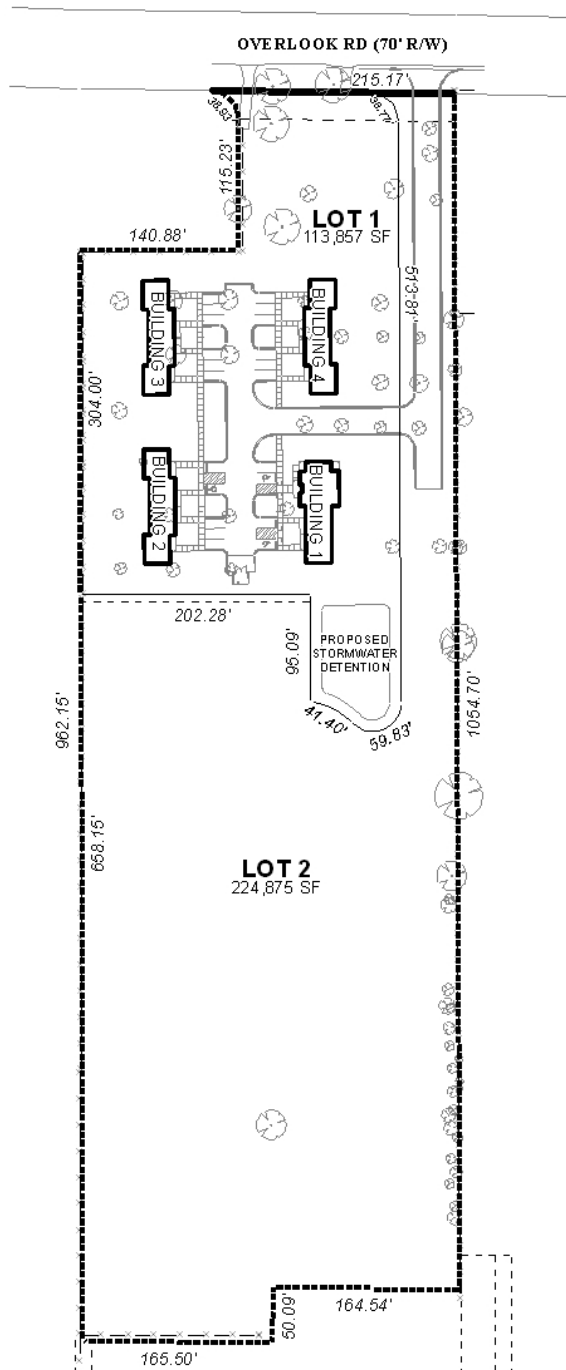
APPLICANT Overlook Road VOA Housing Subdivision

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



NTS

# SITE PLAN



This site plan illustrates the proposed subdivision and proposed buildings.

APPLICATION NUMBER 14, 15, & 16 DATE January 20, 2011  
 APPLICANT Overlook Road VOA Housing Subdivision  
 REQUEST Subdivision, PUD, Rezoning from R-1 to R-3

N  
 NTS