

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

**Date: October 5, 2006**

|   |   |
|---|---|
| <b><u>NAME</u></b>                              | Paul Persons  |
| <b><u>SUBDIVISION NAME</u></b>                  | Paul Persons Subdivision, Resubdivision of Lot 1  |
| <b><u>LOCATION</u></b>                          | 4474 Halls Mill Road<br>(North side of Halls Mill Road, 4/10 mile± West of the<br>North terminus of Riviere du Chien Road)  |
| <b><u>CITY COUNCIL<br/>DISTRICT</u></b>         | District 4  |
| <b><u>PRESENT ZONING</u></b>                    | B-3, Community Business District  |
| <b><u>PROPOSED ZONING</u></b>                   | B-3, Community Business District  |
| <b><u>AREA OF PROPERTY</u></b>                  | 3 Lot / 5.3 + Acres   |
| <b><u>CONTEMPLATED USE</u></b>                  | Planned Unit Development Approval to allow multiple<br>buildings on a single building site with shared access<br>between building three building sites, Subdivision<br>Approval to create three lots, and Rezoning from B-3,<br>Community Business, to B-3, Community Business, to<br>amend a buffer strip condition of the previous rezoning.<br><b>It should be noted, however, that any use permitted in the<br/>proposed district would be allowed at this location if the zoning is<br/>changed. Furthermore, the Planning Commission may consider<br/>zoning classifications other than that sought by the applicant for<br/>this property.</b> |
| <b><u>TIME SCHEDULE<br/>FOR DEVELOPMENT</u></b> | Immediate   |
| <b><u>ENGINEERING<br/>COMMENTS</u></b>          | There is a possibility that a significant drainage easement<br>will be required along the rear of the property. Please provide contours as required by the<br>Subdivision Regulations so that an adequate evaluation can be made.   |

Road shown as existing private road was constructed without the benefit of a land disturbance permit. Therefore, no information is available concerning the construction materials and/or materials. Storm water detention will be required for all existing and proposed impervious area.

Prior to approving this plat it must be confirmed that detention is in place for all existing impervious area

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. The applicant is responsible for verifying if the site contains wetlands. The site can be checked against the National Wetlands Inventory (NWI) on the COM web site Environmental Viewer. If the site is included on the NWI, it is the applicant's responsibility to confirm or deny the existence of regulatory wetlands.

**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**

Fire hydrants will have to be added to meet 508.5.1.  
Dead end will have to comply with D103.4

**REMARKS**

The applicant is requesting Planned Unit Development Approval to allow multiple buildings on a single building site with shared access between three building sites, Subdivision Approval to create three lots, and Rezoning from B-3, Community Business, to B-3, Community Business, to amend a buffer strip condition of the previous rezoning. Plumbing/HVAC contractors, light distribution/warehouse (under 40,000 square feet), and contractor's offices with screened outside storage are allowed by right in B-3 districts.

The PUD aspect of this application is a holdover from previous meetings, and the Subdivision application is a modified holdover (from two lots to three lots). The Zoning request is new for this combined application.

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.

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.

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 applicant is requesting subdivision of the existing lot to create three lots, Planned Unit Development to allow multiple buildings on a single building site with shared access between three building sites, and rezoning to reduce a 20-foot buffer strip condition of the previous rezoning to 10-feet in width.

The site fronts onto Halls Mill Road, a collector street. As a collector street, the right-of-way should be a minimum of 70 feet wide, thus dedication of sufficient right-of-way to provide 35-feet as measured from the centerline of Halls Mill Road should be required. The minimum building setback line should be adjusted to reflect the new right-of-way edge, if required.

North of the site are single-family homes and vacant land in an R-1, Single-Family Residential District, while East and South of the site are commercially zoned properties with primarily commercial uses. West of the site are apartments in a B-1, Buffer Business District. The original rezoning approval included a condition of a 20-foot wide buffer strip *“to be left in a natural vegetative state with in-fill plantings as determined necessary by the Land Use Staff, along the North and West property lines.”* According to the staff report from July 10, 1997, this condition was placed on the site to provide additional buffer between adjacent residential uses and the site so that the residential uses would be protected from commercial development on the site. It should also be noted that the presence of a 50-foot Alabama Power easement along the North edge of the property makes compliance with the normal 10-foot buffering requirements difficult, thus a 20-foot wide buffer might be more appropriate.

The site in question was created by an approved one lot subdivision in November, 1999. Since that time, two buildings have been developed on the site, one of which appears to have been developed without building permits. Additionally, the gravel paving associated with the potentially illegal structure does not meet the minimum requirements of the Zoning Ordinance.

The applicant has revised the Subdivision application to propose three lots instead of two lots. Proposed Lots A and C will have frontage onto Halls Mill Road, while proposed Lot B will have no frontage on a public street. Section V.D.4. of the Subdivision Regulations states that *“except for lots on private streets as allowed by Section VIII., every lot shall abut a dedicated and maintained public street.”* Lots are allowed to front a private street when that street is built to the minimum standards contained within Section VIII.E.2.c. of the Subdivision Regulations. Additionally, no documentation was submitted regarding the construction standards of the

private street, which appears to also have been constructed without permits. The site plan and plat do not comply with the private street standards.

The original application proposed two lots, and the staff's concern with that application related to the proposed lots exceeding the recommended depth to width ratio. Specifically, the original proposal included two lots with depth to width ratios of from 6.2 to 6.6, as opposed to the recommended ratio of 3.5 in Section V.D.3. of the Subdivision Regulations. The existing lot has a depth to width ratio of approximately 3.2. There are other sites nearby with depth to width ratios in excess of what is recommended within the Subdivision Regulations, however, the creation of additional lots nearly twice the recommended ratio does not seem appropriate as it relates to fire and emergency vehicle access to the rear of the property, especially if the existing private road on the site is not constructed to private road standards, and the proposed construction is at the rear of the site.

The three proposed lots will be served by an existing common driveway approximately 24-feet in width, and with one curb-cut onto Halls Mill Road. The driveway has a cul-de-sac at the terminus that is approximately 80 feet in diameter. It is not clear if the existing driveway meets minimum construction standards of the Subdivision Regulations for a private street.

The site plan shows proposed new development occurring on Lot B, with Lot C being reserved for future development. The proposed building on Lot B will be set back 10 feet from the North and West property lines, thus the reason for the rezoning application requesting a reduction in the 20-foot wide buffer condition from 1997. The site plan includes a note stating that the West boundary line would include substantial buffering with existing and new landscaping and trees, and a 6-foot high privacy fence as part of the proposed 10-foot wide residential buffer. It appears, however, that there is adequate room on the site to accommodate the proposed development on the site and the required 20-foot buffer setbacks.

It should be noted that the subdivision, as proposed, may result in the existing development on Lot A falling out of compliance with the tree and landscaping requirements of the Zoning Ordinance. Furthermore, insufficient information is provided for the development on Lot A to determine if the site is currently in compliance, especially since a second structure was built on Lot A without a permit.

Development of the site, including the unpermitted development on proposed Lot A, would have to fully comply with the requirements of the City's stormwater regulations, as well as the tree and landscaping requirements of the Zoning Ordinance. All parking must comply with City of Mobile standards.

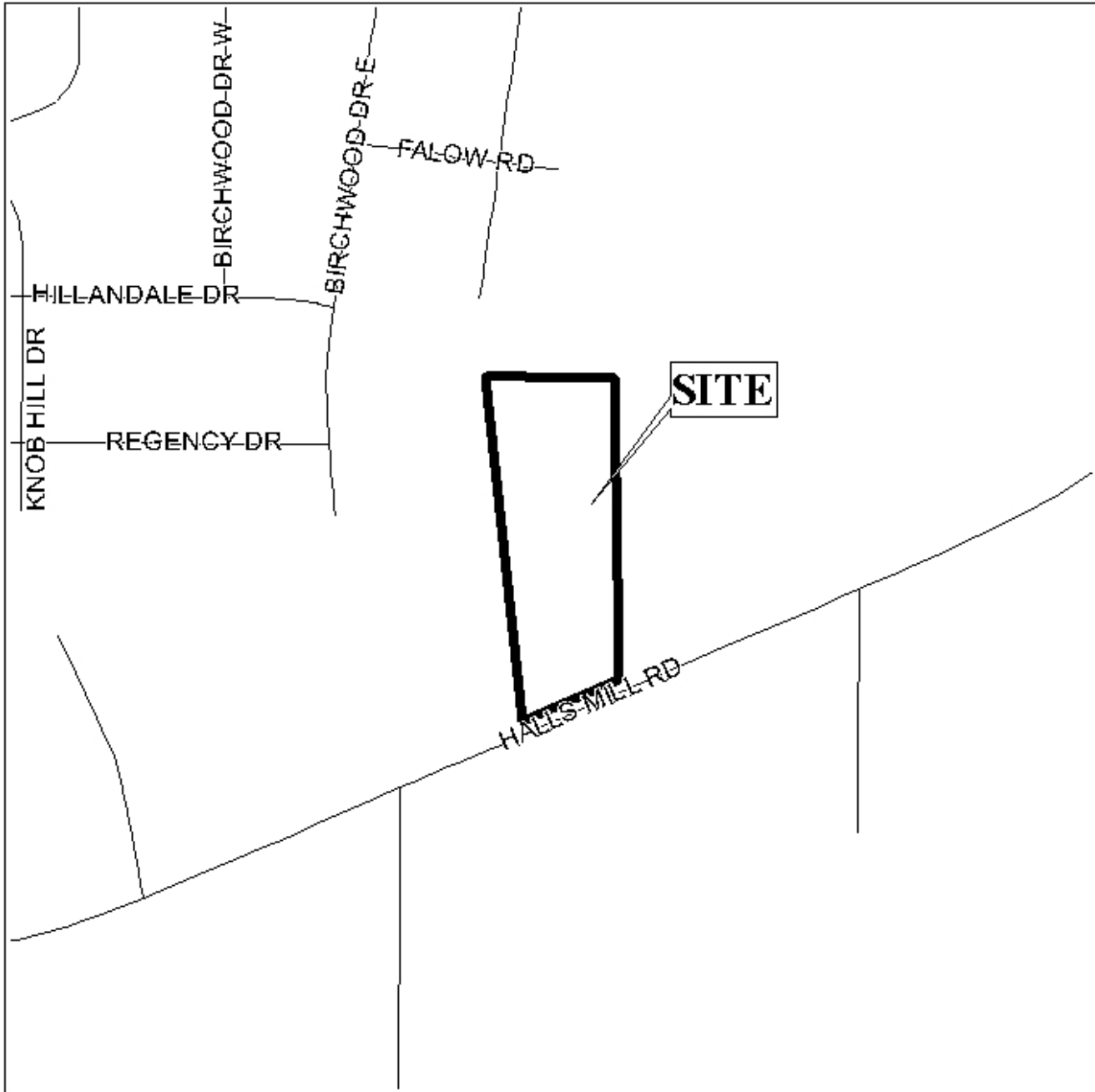
## **RECOMMENDATION**

**Rezoning:** Based upon the preceding, this application is recommended for Denial for the following reasons: 1) the residential development conditions related to the 20-foot buffer requirement along the North and West property lines have not changed, thus a reduction in the buffer would not be appropriate.

**Planned Unit Development:** Based upon the preceding, this application is recommended for Denial for the following reasons: 1) the proposed subdivision will result in a lot that does not have frontage on a public street, and thus will not be in compliance with Section V.D.4. of the Subdivision Regulations; 2) the proposed subdivision is not designed in compliance with Section VIII.E.2.c. of the Subdivision Regulations, nor has evidence been provided that the existing private drive complies with the minimum street requirements; 3) the proposed subdivision may create a lot with existing development that no longer complies with the tree and landscaping requirements of the Zoning Ordinance; 4) the existing development is not in compliance with the Zoning Ordinance due to the structure built without proper permits and site plan review; 5) the site plan locates new development in a manner that will not comply with the buffering requirement established as a condition of rezoning in 1997; and 6) development of the site, as proposed, may create an emergency access hazard.

**Subdivision:** Based upon the preceding, this application is recommended for Denial for the following reasons: 1) the proposed subdivision will result in a lot that does not have frontage on a public street, and thus will not be in compliance with Section V.D.4. of the Subdivision Regulations; and 2) the proposed subdivision is not designed in compliance with Section VIII.E.2.c. of the Subdivision Regulations, nor has evidence been provided that the existing private drive complies with the minimum street requirements;

## LOCATOR MAP



APPLICATION NUMBER 16 & 17 & 18 DATE October 5, 2006

APPLICANT Paul Persons

REQUEST Subdivision, Planned Unit Development, Rezoning from B-3 to B-3



NTS

# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Single-family residential units are located to the north and west of the site.  
A school and an apartment complex are located to the west of the site.  
Comercial sites are located to the south and east of the site.

APPLICATION NUMBER 16 & 17 & 18 DATE October 5, 2006

APPLICANT Paul Persons

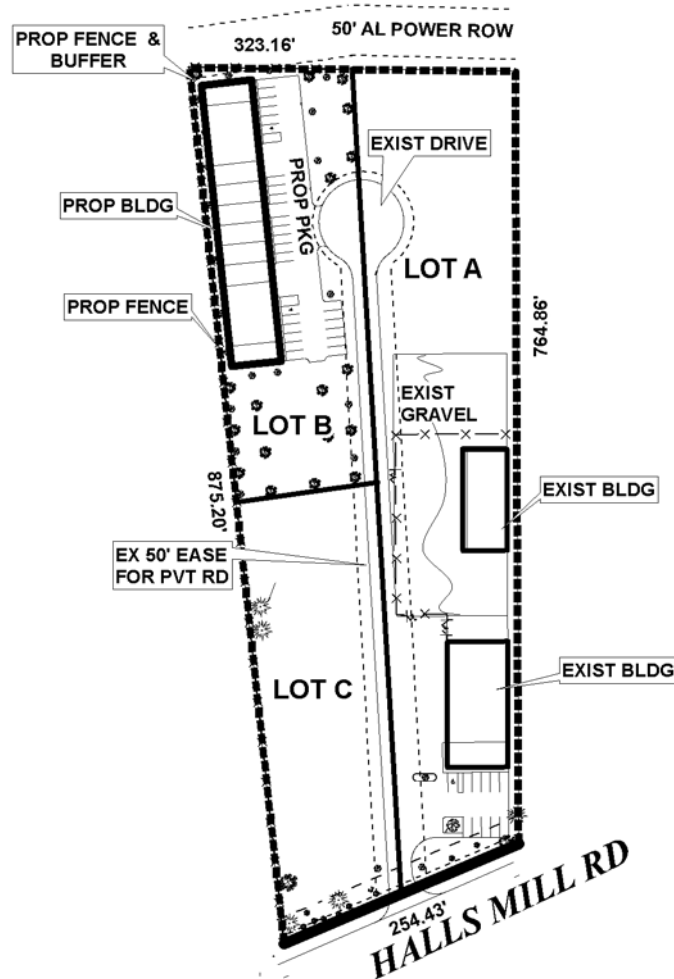
REQUEST Subdivision, Planned Unit Development, Rezoning from B-3 to B-3

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 |



# SITE PLAN



The site plan illustrates the existing buildings and drive along with the proposed building, parking, and landscaping.

APPLICATION NUMBER 16 & 17 & 18 DATE October 5, 2006  
 APPLICANT Paul Persons  
 REQUEST Subdivision, Planned Unit Development, Rezoning from B-3 to B-3



NTS