

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

Date: February 18, 2010

<u>NAME</u>	Goodwyn, Mills & Cawood, Inc.
<u>SUBDIVISION NAME</u>	White Oaks Subdivision
<u>LOCATION</u>	328 Dogwood Drive (Northwest corner of Dogwood Drive and Oak Ridge Road)
<u>CITY COUNCIL DISTRICT</u>	District 5
<u>PRESENT ZONING</u>	R-1, Single-Family Residential District
<u>PROPOSED ZONING</u>	R-2, Two-Family Residential District
<u>REASON FOR REZONING</u>	To allow a single-family residential subdivision with reduced lot sizes and widths, increased site coverage and reduced side yard setbacks.
<u>AREA OF PROPERTY</u>	6 Lots / 1.0± Acres
<u>CONTEMPLATED USE</u>	Subdivision approval to create six legal lots of record from one legal lot; Planned Unit Development Approval to allow a single-family residential subdivision with reduced lot sizes and widths, increased site coverage and reduced side yard setbacks; and Rezoning from R-1, Single-Family Residential District, to R-2, Two-Family Residential District, to allow a single-family residential subdivision with reduced lots sizes and widths, increased site coverage and reduced side yard setbacks. 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.
<u>TIME SCHEDULE</u>	Within 90 days of approval.

ENGINEERING**COMMENTS**

At the corner of Dogwood and Oak Ridge Rd (SE corner of Lot 6), need to dedicate to the City a radius of 25' or as otherwise approved by the City Engineer. 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. The driveway for Lot 1 is located too close to the intersection and should be relocated to the far East side of the lot.

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 installed to comply with 2003 IFC 508.5.1

REMARKS

The applicant is requesting Subdivision approval to create six legal lots of record; Planned Unit Development Approval to allow reduced lot sizes and widths, reduced side yard setbacks, and increased site coverage; and Rezoning from R-1, Single-Family Residential District, to R-2, Two-Family Residential District, to allow a single-family residential subdivision with reduced lot sizes and widths, reduced side yard setbacks, and increased site coverage. Similar applications for this site as a seven-lot subdivision were withdrawn by the applicant at the January 7, 2010 meeting. Planning Commission comments indicated that approval as a 7-lot subdivision was not likely and that a reduction in the number of lots was needed.

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.

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

The applicant proposes to subdivide an existing lot of record into six lots and build single-family dwellings on each, and provide a common area. Front and rear setbacks would be standard for all lots, and the two end lots would have standard side yard setbacks on the outer sides, but reduced setbacks on the interior sides. The remaining four lots would have reduced and varying side yard setbacks; however, no dimensions are given for any of the reduced setbacks on any of the lots. The proposed lot width for five of the six lots is 50' and 66' for the sixth lot. The existing lot is approximately 1.02 acres in area, and five of the proposed lots would be approximately 5,970 square feet in area and the sixth would be approximately 7,880 square feet in area. The proposed total dwelling and garage size would be approximately 2,406 square feet, or approximately 40% site coverage on the five smaller lots, and 30% on the sixth larger lot. A proposed 6,567 square-foot neighborhood pocket park common area would contain the detention area and preserve the one existing heritage tree on the site, a 38" Live Oak. Due to the increased density proposed for the subdivision, rezoning from R-1 to R-2 is required.

With regard to the proposed Planned Unit Development, such have been allowed in areas where surrounding lot sizes are fairly typical of the lot sizes proposed or where larger land areas have been proposed for the development. In this instance, an area just over one acre in size is available, and five of the lots would be approximately 0.14-acre in size and the sixth would be approximately 0.18-acre in size. Most of the surrounding lot sizes within the neighborhood are within 0.8-acre to 1.6 acres in area. The smallest lot size in the neighborhood is approximately 7/10-acre. This would make the majority of the proposed lots only 1/5 the size of the smallest lot in the neighborhood. Therefore, the proposed lot sizes are out of character with the surrounding neighborhood. And the site coverage requested of 40% is also distinctly out of character with the neighborhood where no lots even remotely approach the 35% maximum allowable site coverage in R-1 districts. Also, due to the fact that no reduced setbacks are dimensioned on the site plan and vary from lot-to-lot, no specific reduced setbacks can be approved. The pocket park containing the detention area may not wholly be available as compensating open space due to possible fencing requirements related to the depth of the detention area or wetness of the area if fencing is not required.

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 applicant states that at the time of the platting of the original Government Street Highlands Subdivision, large lots and ranch style homes were very desirable, but that today people have

less time to spend on home and yard upkeep and desire to downsize both. The argument is made that justification for the rezoning is based on the Zoning Ordinance's condition that "*The subdivision of land into urban building sites makes reclassification necessary and desirable*". Along with that prevailing condition, the area to be rezoned should meet certain minimum area guidelines, and in the case of rezoning to R-2, a minimum gross area of four acres is the general rule. Similar rezonings have occurred within R-1 districts, but in most instances, they were granted because of changing housing trends within the immediate neighborhoods and the proposed developments were in keeping with those changing trends. However, in this case, the area proposed to be rezoned is only ¼ the minimum guideline size, and there are no changing housing trends within the immediate neighborhood. Furthermore, the entire surrounding neighborhood is currently zoned R-1 and the proposed R-2 would create a spot zoning situation.

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.

As proposed, the six-lot subdivision within the one-acre area is out of character with the lot sizes of the surrounding neighborhood and clashes with the open space concept of the neighborhood and more particularly, the abutting property to the North.

RECOMMENDATION

Planned Unit Development: The request for Planned Unit Development is recommended for denial for the following reasons:

- 1) the proposed lot sizes are out of character with the surrounding neighborhood;
- 2) the proposed site coverage is out of character with the surrounding neighborhood; and
- 3) proposed setbacks are out of character with the surrounding neighborhood.

Rezoning: The request for Rezoning approval is recommended for denial for the following reasons:

- 1) a need for subdivision of the property into additional building sites is not substantiated by changing conditions within the neighborhood;
- 2) the property size does not meet the 4-acre minimum guideline; and
- 3) the rezoning would create a spot-zoning situation within the neighborhood.

Subdivision: The Subdivision request is recommended for denial for the following reasons:

- 1) lot sizes do not meet the minimum requirements;
- 2) the proposed lot sizes would be out of character with the surrounding neighborhood; and
- 3) the proposed subdivision clashes with the open space concept of the surrounding neighborhood, and more particularly with the abutting property to the North.

LOCATOR MAP



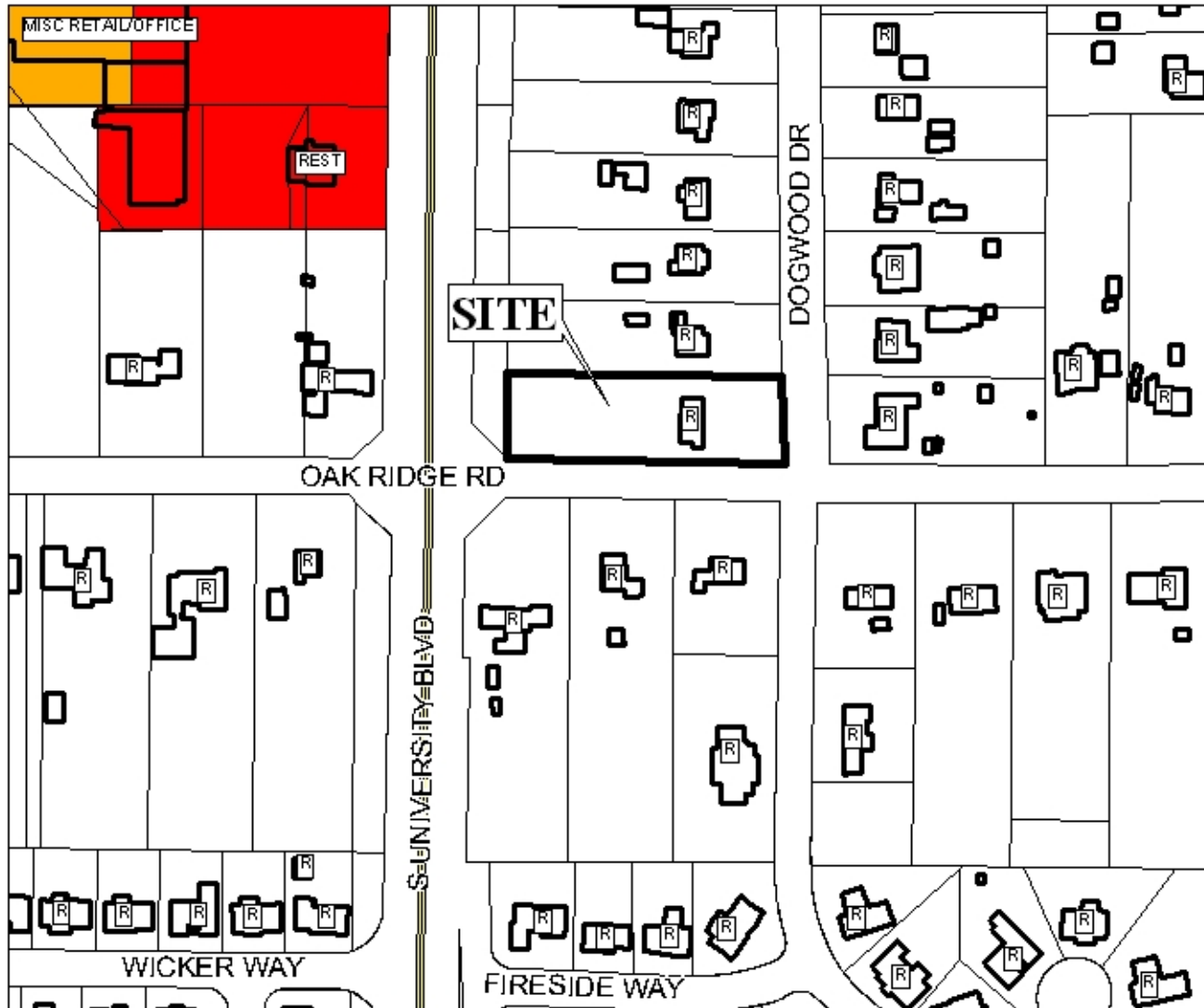
APPLICATION NUMBER 20,21,&22 DATE February 18, 2010

APPLICANT White Oaks Subdivision

REQUEST Subdivision, Rezoning from R-1 to R-2, PUD



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential units and there is a restaurant to the northwest.

APPLICATION NUMBER 20,21,&22 DATE February 18, 2010

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REQUEST Subdivision, Rezoning from R-1 and R-2, PUD

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
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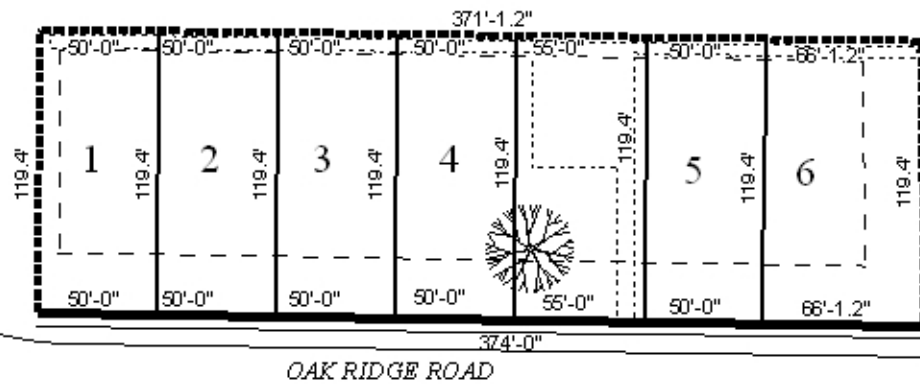
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SUBDIVISION DETAIL

UNIVERSITY BOULEVARD



DOGWOOD DRIVE

OAK RIDGE ROAD

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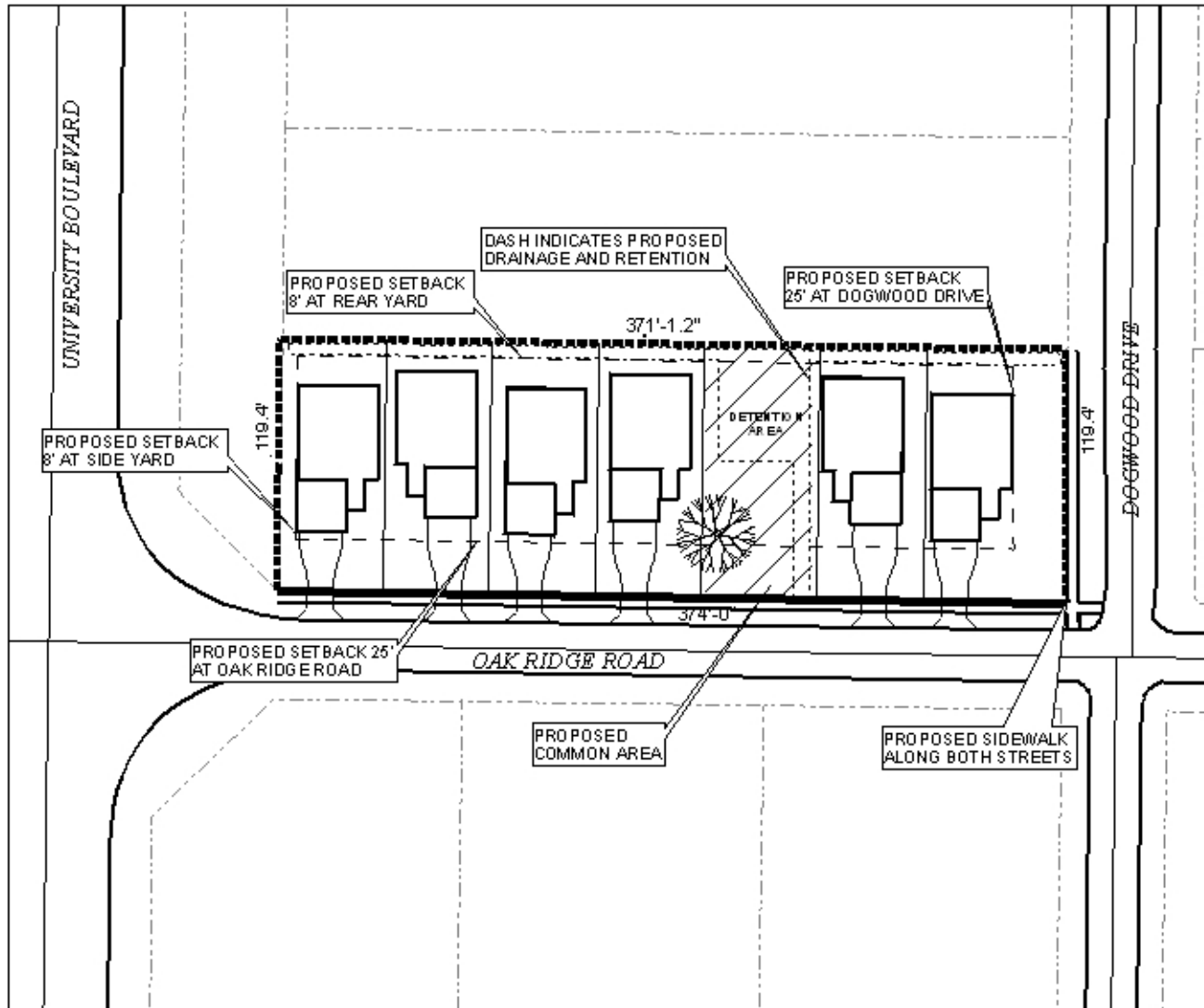
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SITE PLAN



The site plan illustrates the proposed buildings, setbacks, drives, and landscaping.

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