

ZONING AMENDMENT,
PLANNED UNIT DEVELOPMENT &
SUBDIVISION STAFF REPORT

Date: March 19, 2009

<u>NAME</u>	Reid Cummings
<u>SUBDIVISION NAME</u>	Snowden Place Subdivision
<u>LOCATION</u>	North side of Cottage Hill Road, 110'+ East of Christopher Drive East.
<u>CITY COUNCIL DISTRICT</u>	District 6
<u>PRESENT ZONING</u>	R-1, Single-Family Residential and R-3, Multiple-Family
<u>PROPOSED ZONING</u>	R-3, Multiple-Family
<u>AREA OF PROPERTY</u>	57 Lots / 13.3 ± Acres

CONTEMPLATED USE

Subdivision approval to create 57 lots, Planned Unit Development Approval to allow Single family residences having lots less than 60' wide, reduced building setbacks and increased site coverage, and private 40-foot right-of-way street, amending a previously approved Planned Unit Development to allow a condominium complex and single family subdivision with a private street, and Rezoning from R-1, Single-Family Residential District, to R-3, Multiple-Family Residential District to allow the single-family residential development.

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

Immediate

ENGINEERING
COMMENTS

If the ditch takes public water, provide a drainage easement (size and location of easement to be coordinated with City Engineer). If the lake is to be used for detention, the pond design should be submitted for the additional impervious area. The applicant is responsible for verifying if the site contains wetlands. If the site is included on the NWI, it is

the applicant's responsibility to confirm or deny the existence of regulatory wetlands. 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).

Preservation status granted for all 50" and larger trees. All work under the canopies is to be permitted and coordinated with Urban Forestry, removal to be permitted by Urban Forestry only in the case of disease or impending danger. Exact curb cut locations and location of the proposed street should also be coordinated with Urban Forestry to ensure that no trees 50" and larger are effected.

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 comply with Section 508.5.1 of the 2003 IFC. Dead ends shall comply with Table D105.1 of the 2003 IFC.

REMARKS

The applicant is requesting Subdivision approval to create 57 lots, Planned Unit Development Approval to allow single-family residences having lots less than 60' wide, reduced building setbacks and increased site coverage, and private 40-foot right-of-way street, amending a previously approved Planned Unit Development to allow a condominium complex and single family subdivision with a private street, and Rezoning from R-1, Single-Family Residential District, to R-3, Multiple-Family Residential District to allow the single-family residential development. Single-family residential dwellings are allowed by right in R-3, Multiple-Family Residential Districts.

The site was approved at the March 15, 2007 and November 1, 2007 meetings of the Planning Commission for a mixed residential development containing single-family homes and townhouses, for a maximum of 15 single-family dwellings and 35 townhouses. This application differs from the previously approved applications in that the entire development is now proposed to be composed of 57 single-family homes, with the entire site being rezoned to R-3 to allow the increased site coverage and density.

The site is currently developed with a single-family residence, associated accessory structures and a small lake with several piers. The site is bounded to the West and North by single-family

homes in an existing R-1, Single-Family Residential District, to the East by a church in an R-1 district, and to the South, across Cottage Hill Road, by single-family residences in an R-1 district and commercial uses in a B-2 Neighborhood Business District.

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, stated in Section 64-5. of the Zoning Ordinance, 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 any changes to the site plan must be approved by the Planning Commission.

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

The applicant is proposing a 57 single-family zero-lot line development, with reduced setbacks and increased site coverage on a private, gated street. The site will be developed in two phases, which is depicted on the site plan and plat. The applicant is requesting R-3 zoning to address site coverage issues, as *individual* lots will have up to 64.61% site coverage, and will be as small as 3,600 square feet. When taking the entire site into consideration, less private road right-of-way, site coverage averages only 26.48%. Excluding the existing lake, which also acts as a detention facility, the average site coverage only increases to 34.12%. Note number 17 on the PUD site plan and Subdivision plat states that an overall coverage of 45% shall be maintained: this note should be removed and replaced with a note stating that each lot is limited to the site coverage as depicted on the table on the site plan and plat.

The site will have approximately 133,000 square feet of common area, excluding the lake, the private street, and the individual lots. The amount of common area provided will exceed the minimum required either by the landscape requirements of the Zoning Ordinance (which applies due to the proposed R-3 designation), or the PUD common area requirements of the Zoning Ordinance. The site plan and plat have notes stating that the common area will be maintained by the property owners.

Staff believes that the overall density proposed for the site may allow the entire site to be rezoned to R-2, Two-Family Residence (maximum site coverage of 40%), which would allay the concerns of some neighbors regarding the R-3, Multi-Family designation. The PUD aspect of the application would “lock” development of the site as well as provide the increased individual site coverage flexibility proposed by the applicant. The only benefit of R-3 zoning is that the maximum allowed height is 45 feet, versus 35 feet for R-2. It should be noted that rezoning the entire site to R-2 would require a new legal description from the applicant prior to the forwarding of the application to City Council, if approved by the Planning Commission.

The building site for each lot will be setback 15-feet from the edge of the private street right-of-way, zero feet from one side yard, 8 feet on the other side yard, and 8 feet from the rear property line. The setbacks are depicted on the site plan and plat, and a typical example is also shown on both drawings. Each lot will have an individual site coverage ratio, which is shown on a table on the plat and site plan.

The site fronts onto Cottage Hill Road, a major street with a right-of-way of 80-feet (as depicted on the submitted site plan and plat, however, staff believes the right-of-way to be 100-feet). The right-of-way for this segment of Cottage Hill Road should be 100 feet, thus dedication sufficient to provide 50-feet from centerline is required.

Service roads occur on the North side of Cottage Hill Road, immediately East and West of the site. While service roads are no longer required as part of the Major Street Plan, normally they are required for sites that are adjacent to or in between existing service road facilities. As per the previous approvals, all dwelling units must be a minimum of 40-feet from the Cottage Hill Road right-of-way, and the site plan and plat reflect this requirement. The site plan and plat should be revised, however, to depict a 40-foot minimum building setback line from Cottage Hill Road, adjusted for any required dedication.

The site also fronts a stub of an existing 40-foot service, which will be the primary access for the site. A 40-foot wide private road was approved with the previous application. The applicant proposes to continue the 40-foot wide right-of-way into the site, with a gate at the service road entrance, and a “fire gate” (for emergency access only) entrance onto Cottage Hill Road. The applicant proposes a 15-foot minimum building setback from the private street, thus the site plan and plat should be revised to either depict the setback, or a note should be placed on the site plan and plat stating that the depicted building limits supercede the minimum setback, where greater than the setback.

The proposed private street shall comply with Section VIII.E.2.c. through Section VIII.E.2.k. of the Subdivision Regulations, including the provision of notes on the plat, covenants, and certification letter from a licensed engineer. Regarding the gate, the gate must remain operational and in use as a condition of the continuation of private street status. Notes are on the site plan and plat indicating the private street and gate issues.

Due to the limited width of the proposed private street, access management is a concern. All lots should be limited to one curb-cut each onto the private street, and denied direct access to Cottage Hill Road, and the overall development should be limited to the access points to Cottage Hill Road and the service road stub as depicted on the PUD site plan. The size, design and location of all curb-cuts and access points are to be approved by Traffic Engineering and comply with AASHTO standards.

As a Planned Unit Development, staff recommends that the site plan include the provision of frontage trees along Cottage Hill Road, where not precluded by existing trees (and canopies, which should be depicted) that will be retained, and where they will not compromise the structure of the dam retaining the existing lake. To protect adjacent property owners, a six foot high wooden privacy fence should be provided where the site abuts existing R-1 zoned properties (East, North and West). And finally, a sidewalk should be provided at least on one side along the proposed private street, and should connect to the existing sidewalk on the service road. The revised PUD site plan should be submitted prior to the signing of the Subdivision plat, and the plat should note the fence and sidewalk requirements.

The existing residence has a large wall along Cottage Hill Road. If the applicant intends to modify the wall to accommodate the revised main entrance and gate, it should be depicted on the site plan, and should be approved by Traffic Engineering for visibility issues prior to submittal of the revised PUD site plan.

As the proposed development will be a private, gated subdivision, city garbage collection may not be available. If a dumpster will be provided to serve the residents, it must be shown on the PUD site plan and must meet all required setbacks.

RECOMMENDATION

Rezoning: It is recommended that the rezoning request be modified to **R-2, Two-Family Residence District** for the entire site, and recommended for Approval, subject to the following conditions:

- 1) Provision of a 6-foot high wooden privacy fence where the site abuts existing R-1 zoned property;
- 2) Provision of frontage trees along Cottage Hill Road, to be coordinated with Urban Development;
- 3) Compliance with 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). Preservation status granted for all 50" and larger trees. All work under the canopies is to be permitted and coordinated with Urban Forestry, removal to be permitted by Urban Forestry only in*

the case of disease or impending danger. Exact curb cut locations and location of the proposed street should also be coordinated with Urban Forestry to ensure that no trees 50" and larger are effected.);

- 4) Completion of the Subdivision process; and
- 5) Full compliance with all other municipal codes and ordinances.

Planned Unit Development: The PUD request is recommended for Approval, subject to the following conditions:

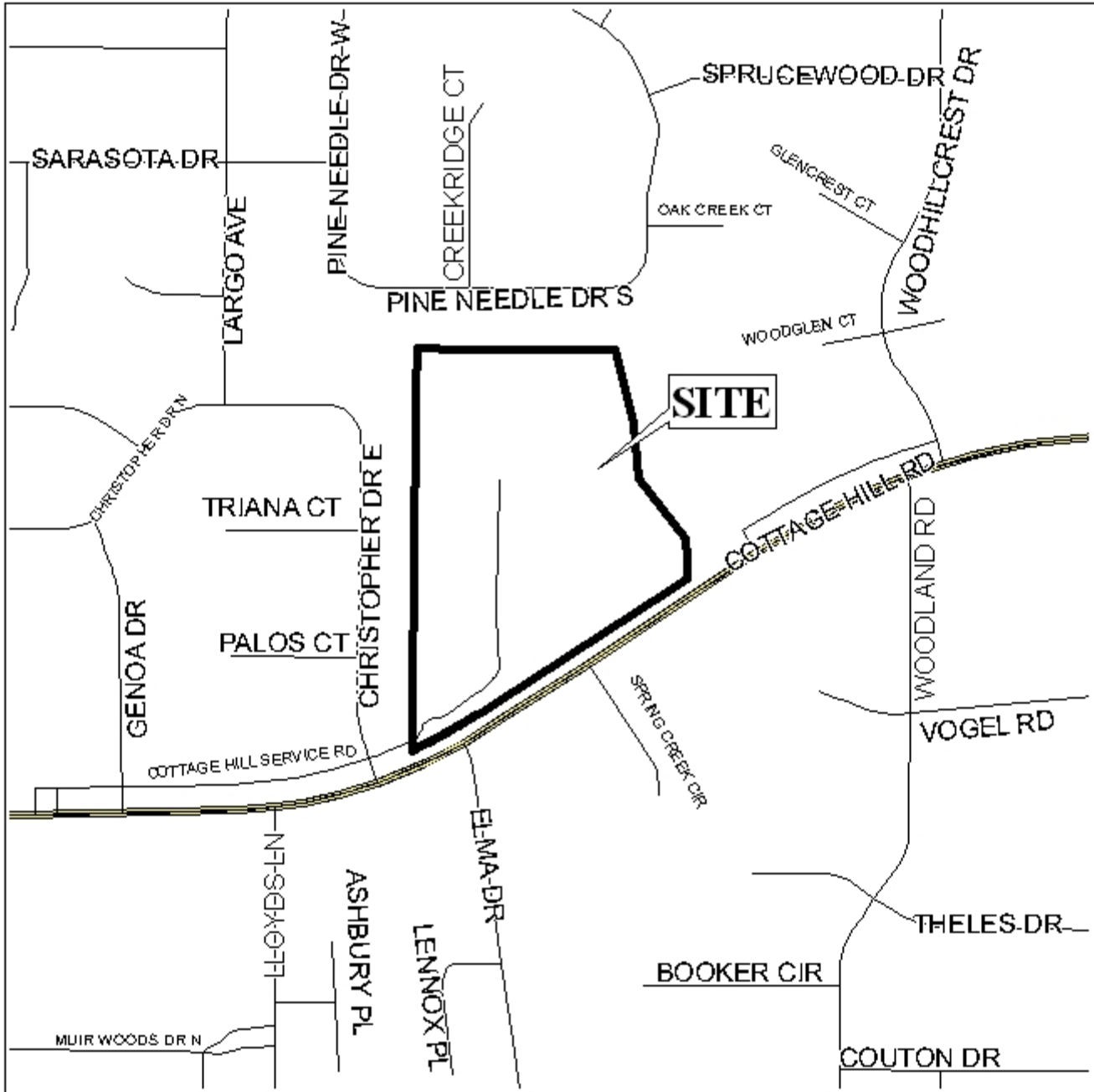
- 1) Completion of the Subdivision process;
- 2) Completion of the Zoning process;
- 3) Compliance with Engineering comments (*If the ditch takes public water, provide a drainage easement (size and location of easement to be coordinated with City Engineer). If the lake is to be used for detention, the pond design should be submitted for the additional impervious area. The applicant is responsible for verifying if the site contains wetlands. If the site is included on the NWI, it is the applicant's responsibility to confirm or deny the existence of regulatory wetlands. 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.);*
- 4) Compliance with 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). Preservation status granted for all 50" and larger trees. All work under the canopies is to be permitted and coordinated with Urban Forestry, removal to be permitted by Urban Forestry only in the case of disease or impending danger. Exact curb cut locations and location of the proposed street should also be coordinated with Urban Forestry to ensure that no trees 50" and larger are effected.);*
- 5) Provision of frontage trees along Cottage Hill Road, to be coordinated with Urban Development;
- 6) Placement of a note on the site plan stating that each lot is limited to one (1) curb-cut onto the private street and denied direct access to Cottage Hill Road, and that the overall site is limited to two (2) access points as shown, with the location, size and design to be approved by Traffic Engineering and comply with AASHTO standards;
- 7) Compliance with Section VIII.E.2.c. through Section VIII.E.2.k. of the Subdivision Regulations, including the provision of notes on the Subdivision plat and site plan (as shown), covenants, and certification letters from a licensed engineer.;
- 8) Placement of a note on the plat and site plan stating that the gate must remain operational and in use as a condition of the continuation of private street status (as shown);
- 9) Revision of the site plan to label the correct width of the right-of-way for Cottage Hill Road, or dedication of right-of-way necessary to provide 50-feet, as measured from the centerline of Cottage Hill Road;
- 10) Revision of the site plan if the existing wall along Cottage Hill Road will be modified near the primary entrance from the service road stub, with approval of the revised wall design for traffic visibility issues by Traffic Engineering prior to the submittal of the site plan to Planning;
- 11) Revision of the site plan to depict a dumpster pad meeting setback and screening requirements, or placement of a note that individual private service will be provided;

- 12) Depiction of the 40-foot setback line from Cottage Hill Road, and the 15-foot setback line along the private street;
- 13) Revision of note number 17 on the PUD site plan and Subdivision plat to state that each lot is limited to the site coverage depicted on the table on the site plan and plat;
- 14) Provision of a revised PUD site plan to the Planning Section of Urban Development prior to the signing of the Subdivision plat; and
- 15) Full compliance with all other municipal codes and ordinances.

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

- 1) Compliance with Engineering comments (*If the ditch takes public water, provide a drainage easement (size and location of easement to be coordinated with City Engineer). If the lake is to be used for detention, the pond design should be submitted for the additional impervious area. The applicant is responsible for verifying if the site contains wetlands. If the site is included on the NWI, it is the applicant's responsibility to confirm or deny the existence of regulatory wetlands. 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.*);
- 2) Compliance with 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). Preservation status granted for all 50" and larger trees. All work under the canopies is to be permitted and coordinated with Urban Forestry, removal to be permitted by Urban Forestry only in the case of disease or impending danger. Exact curb cut locations and location of the proposed street should also be coordinated with Urban Forestry to ensure that no trees 50" and larger are effected.*);
- 3) Compliance with Section VIII.E.2.c. through Section VIII.E.2.k. of the Subdivision Regulations, including the provision of notes on the plat, covenants, and certification letter from a licensed engineer;
- 4) Placement of a note on the plat and site plan stating that the gate must remain operational and in use as a condition of the continuation of private street status;
- 5) Keeping of the note on the final plat regarding maintenance of all common areas by property owners;
- 6) Placement of a note on the plat stating that each lot is limited to one (1) curb-cut onto the private street and denied direct access to Cottage Hill Road, and that the overall site is limited to two (2) access points as shown, with the location, size and design to be approved by Traffic Engineering and comply with AASHTO standards;
- 7) Revision of the plat to label the correct width of the right-of-way for Cottage Hill Road, or dedication of right-of-way necessary to provide 50-feet, as measured from the centerline of Cottage Hill Road;
- 8) Depiction of the 40-foot setback line from Cottage Hill Road, and the 15-foot setback line along the private street ;
- 9) Revision of note number 17 on the PUD site plan and Subdivision plat to state that each lot is limited to the site coverage depicted on the table on the site plan and plat; and
- 10) Provision of a revised PUD site plan to the Planning Section of Urban Development prior to the signing of the Subdivision plat.

LOCATOR MAP



APPLICATION NUMBER 21, 22, 23 DATE March 19, 2009

APPLICANT Reid Cummings

REQUEST Subdivision, Planned Unit Development, Rezoning from R-1 to R-3



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by single-family residential units. A church is located to the east of the site.

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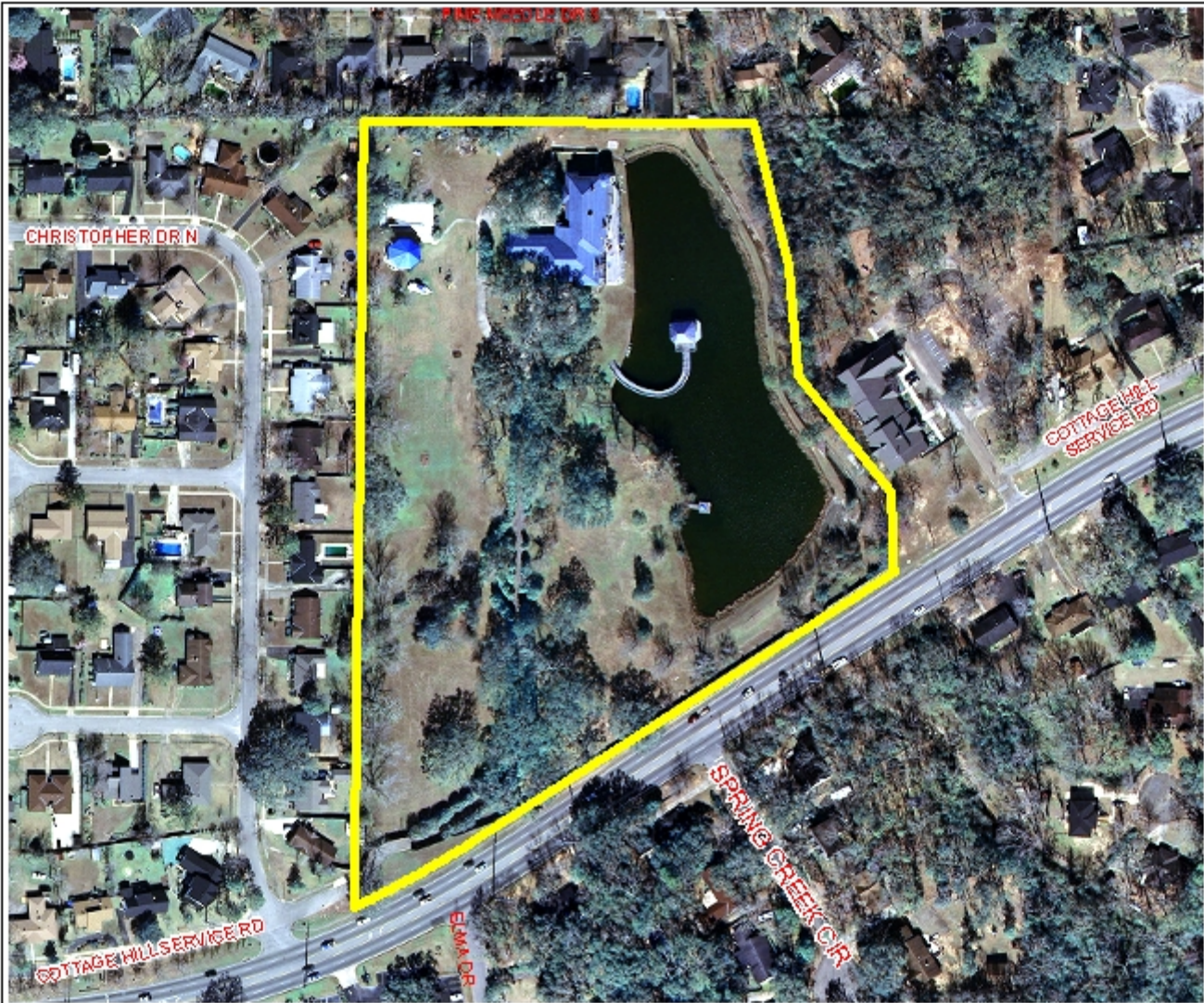
APPLICANT Reid Cummings

REQUEST Subdivision, Planned Unit Development, Rezoning from R-1 to R-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	NTS
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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



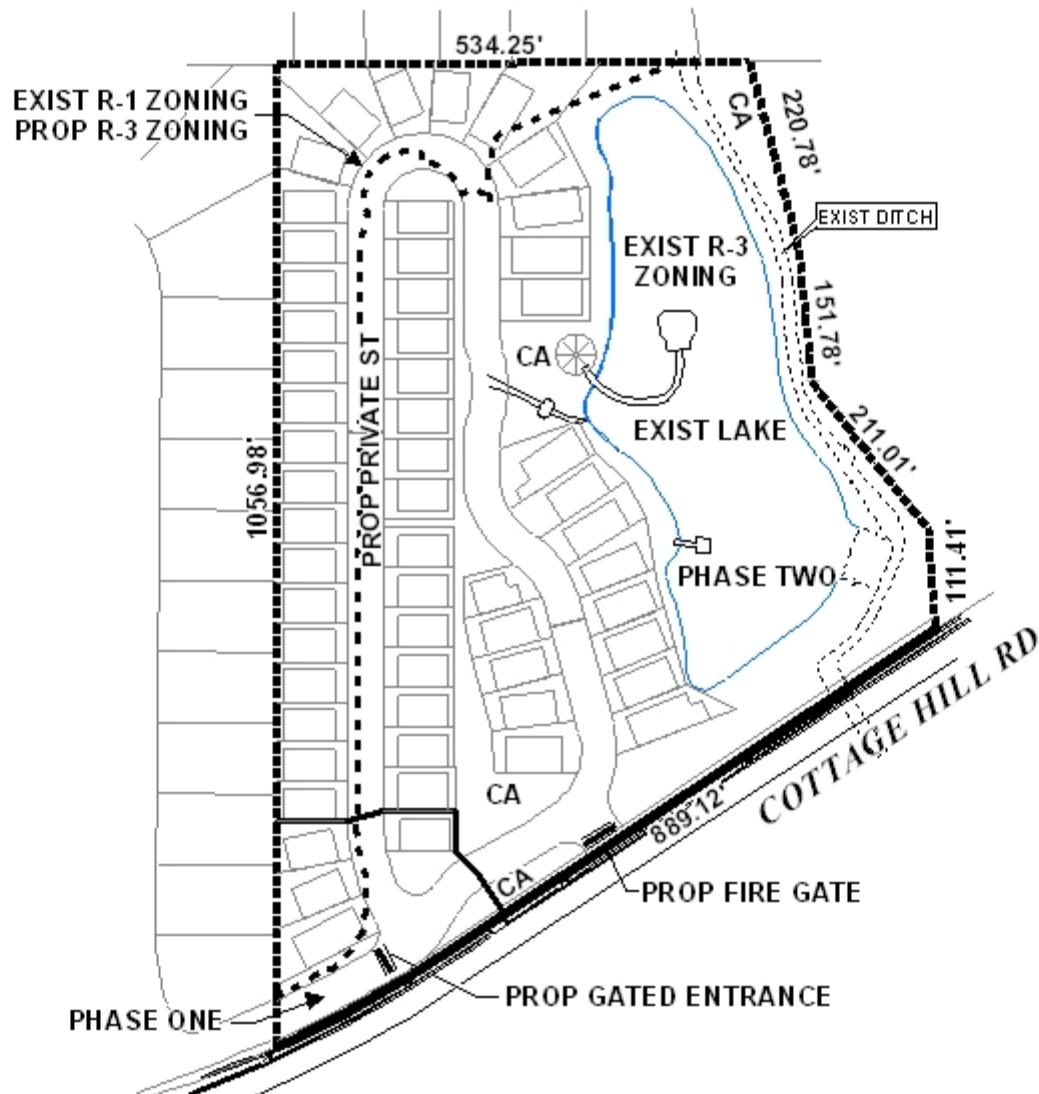
The site is surrounded by single-family residential units. A church is located to the east of the site.

APPLICATION NUMBER 21, 22, 23 DATE March 19, 2009
APPLICANT Reid Cummings
REQUEST Subdivision, Planned Unit Development, Rezoning from R-1 to R-3



NTS

SITE PLAN

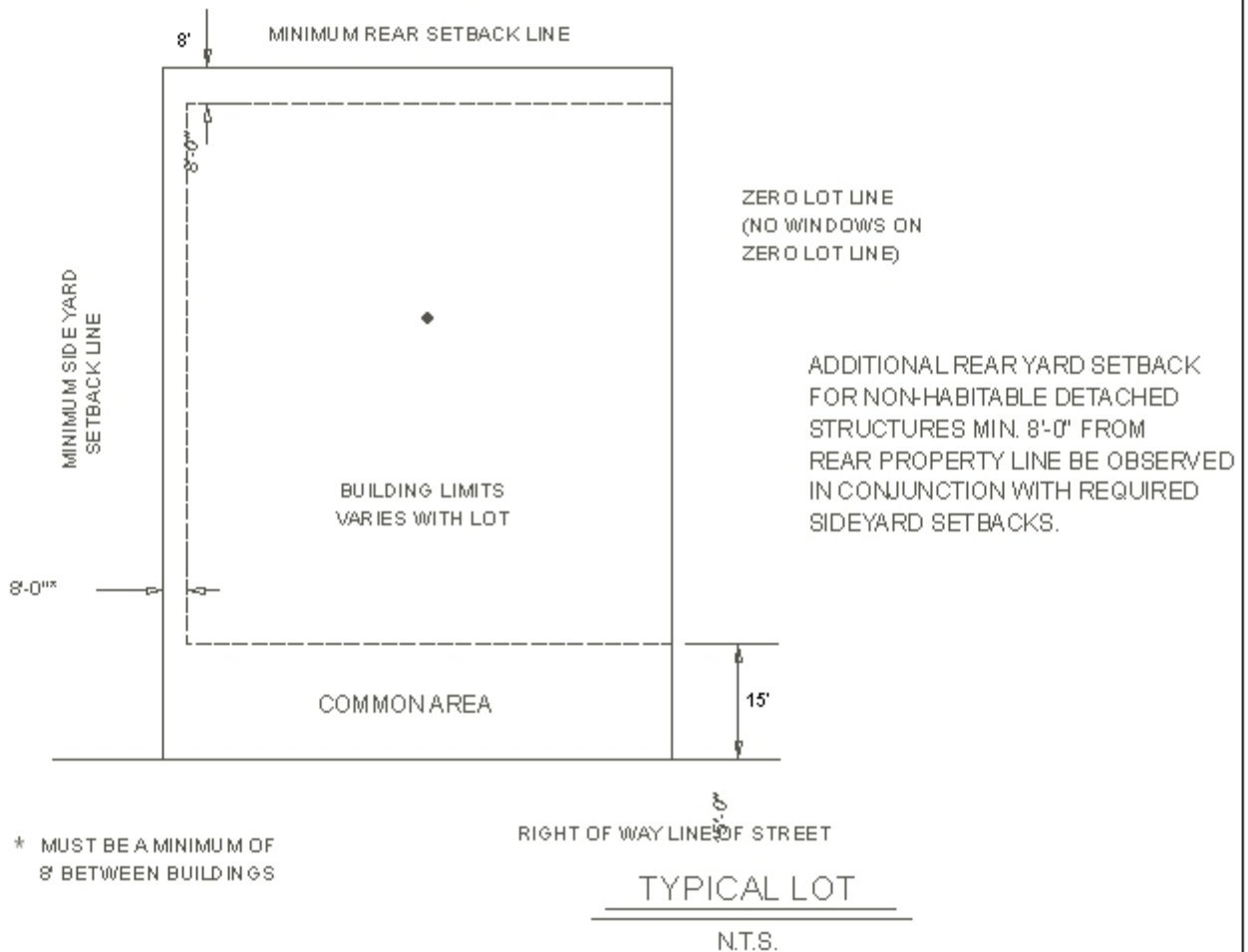


The site plan illustrates the proposed condominium development and proposed zoning

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 NTS

DETAIL SITE PLAN



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APPLICANT Reid Cummings

REQUEST Subdivision, Planned Unit Development, Rezoning from R-1 to R-3

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NTS