

ZONING AMENDMENT,
PLANNED UNIT DEVELOPMENT &
SUBDIVISION STAFF REPORT

Date: April 6, 2006

NAME

McMurray Place, LLC

LOCATION

South side of Johnston Lane, extending from the West side of Rosedale Avenue (to be vacated) to the centerline of Dickerson Avenue (to be vacated), and to McCay Avenue (to be vacated), 95'+ South of Johnston Lane.

CITY COUNCIL
DISTRICT

District 6

PRESENT ZONING

R-1, Single-Family Residential

PROPOSED ZONING

R-3, Multi-Family Residential

AREA OF PROPERTY

12.8+ Acres

CONTEMPLATED USE

Two-story residential condominiums in multiple buildings on a single building site

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
FOR DEVELOPMENT

Immediate for Phase One – 30 units ±
Phase Two approximately 18 months after approval
Phase Three approximately 36 months after approval
Total of 91 units ±

ENGINEERING
COMMENTS

Significant existing stormwater problems downstream from proposed development. MINIMUM requirements will be detention for a 100-year storm with a 10 year release rate and possible downstream system upgrades. Must comply with all stormwater 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).

FIRE DEPARTMENT**COMMENTS**

All commercial projects shall comply with the 2003 International Fire Code and Appendices B through G, as adopted by the City of Mobile on July 6, 2004. All One- or Two-Family residential developments shall comply with Appendices B, C, and D of the 2003 International Fire Code, as adopted by the City of Mobile on July 6, 2004.

REMARKS

The applicant is requesting Rezoning, Planned Unit Development, and Subdivision Approvals to allow two-story residential condominiums in multiple buildings on a single building site. Single-family residential condominiums are allowed by right in R-3, Multi-Family Residential Districts.

The site in question, currently undeveloped, is located within the "Pinehurst" subdivision and contains 54 existing platted lots and several unimproved rights-of-ways. The site was the subject of a previous PUD and Subdivision application, approved April 8, 2005, which proposed the development of a 60 lot, zero lot-line single-family development with increased site coverage and reduced setbacks. Extensions for the approved PUD and Subdivision are on the same agenda as this case.

The PUD was approved with the following conditions:

- (1) construction of the connection to McCay Avenue, from the new subdivision street to Johnston Lane;
- (2) completion of the vacation process for existing rights-of-ways within the proposed subdivision;
- (3) compliance with City Engineering Comments (No common area shown for stormwater detention which is required for this project. Significant existing stormwater problems downstream from proposed development. MINIMUM requirements will be detention for a 100 year storm with a 10 yr release rate. Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit); and
- (4) full compliance with all municipal codes and ordinances.

The Subdivision application was approved with the following conditions:

- (1) construction of the connection to the existing right-of-way of McCay Avenue, from the new subdivision street to Johnston Lane;
- (2) completion of the vacation process for existing rights-of-ways within the proposed subdivision; and
- (3) compliance with City Engineering Comments (No common area shown for stormwater detention which is required for this project. Significant existing stormwater problems downstream from proposed development. MINIMUM requirements will be detention for a 100 year storm with a 10 yr release rate. Must

comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit).

The site fronts onto Johnston Lane, a minor street that does not meet the minimum right-of-way width of 50 feet, as required in Section V.B.14. of the Subdivision Regulations. The preliminary plat indicates that the applicant will dedicate 5 feet for the needed right-of-way width, meeting the requirements of the Subdivision Regulations. Hillcrest Road, a major street, is located approximately 250 feet West of the site. Several unimproved rights-of-way cross the site, and would have to be vacated by the City before a final plat could be recorded. If the PUD, Rezoning and Subdivision applications are approved, the applicant will need to follow-through with the vacation request process that was initiated with the 2005 applications.

The site is bounded to the West and South by properties with various commercial uses in a B-2, Neighborhood Business District, and to the North and East by vacant lots and single-family homes in an R-1, Single-Family Residential District. An existing R-3, Multi-Family Residential District is located on the West side of Hillcrest Road, approximately 400 feet from the site, and two blocks North of the site within Pinehurst. The Hillcrest Road R-3 district is used for a church, while the R-3 district within Pinehurst contains duplexes, single-family homes, and group home facilities for the disabled.

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. 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.

Because the site abuts an existing B-2 district, Section 64-3.A.5. of the Zoning Ordinance waives the 4-acre minimum district size requirement that normally applies to new R-3 districts.

The applicant states that urbanization and market demand forces have created economic growth within the city limits that has caused a greater need for higher levels of land utilization for "highest and best" uses. The applicant additionally states that the R-3 zoning would create a desirable buffer between the commercial uses associated with Hillcrest Road and the residential uses within Pinehurst.

The key differences between the existing R-1 and proposed R-3 zoning requirements are maximum height (35 feet versus 45 feet), maximum site coverage (35% versus 45% - although

the existing PUD has 45% approved site coverage), and the potential number of units; R-1 zoning would permit no more than 77 single-family residential units on the site, while R-3 would permit up to 368 residential units (however achieving the maximum number of units is unlikely due to the need for roads, parking, landscaping and height restrictions).

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

The proposed site/layout plan indicates that the development will only access Johnston Lane, and will do so via two locations. It is the applicant's belief that the majority of the traffic associated with the development will arrive and depart via Hillcrest Road, rather than filtering through Pinehurst; this will likely be the case, however, some traffic associated with the development will undoubtedly flow through Pinehurst.

Internal circulation, as presented on the site/layout plan, appears to show that the two-way circulation occurs on a pavement width of approximately 20 feet. The layout of the proposed internal circulation appears adequate. Parking includes rear-loaded garages, accessed by alleys, as well as "on-street" parallel parking (which includes additional pavement width) and 90-degree nose-in parking at the pool / playground area. Current development trends across the United States, including the Southeast, are promoting reduced street widths, alleys serving garages, on-street parking and increased development densities. These development trends are associated with Smart Growth planning, New Urbanism, and Traditional Neighborhood Design.

The pool / playground area abuts the rear of developed single-family home sites on the east side of the property, and this siting may result in noise and night time lighting conflicts, thus additional buffering may be required. Noise and lighting may also be an issue where rear-loaded garages abut existing residential development. It is recommended that the perimeter buffer of the site, where it abuts existing residential development, be at least a 10-foot wide vegetative buffer and include a 6 to 8 foot high privacy fence or wall.

The applicant is proposing a PUD that includes, for the purposes of the Zoning Ordinance, "multi-family" residential development, and consequently, PUD landscape area requirements apply. Section 64-5.C.2. of the Zoning Ordinance requires 700 square feet of open space per dwelling unit, which cannot include streets, drainageways, parking areas, service areas and land covered by buildings. The 91-unit development will require a minimum of 1.5 acres + of open space, and the applicant is providing a total of 5.3 acres ± of open space, of which 4.5 acres ± will be common open space.

Conceptually, the development depicted on the proposed site/layout plan will minimize impacts to the surrounding residential development, and will create an innovative residential development that reflects regional and national development trends.

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 minimum building setback line required in Section V.D.9. of the Subdivision Regulations is not shown for the lot, but would be required on the Final Plat. The building setback line should be a minimum of 25-feet from the future right-of-way for Johnston Lane, and from all unopened rights-of-way that abut the proposed lot.

As previously mentioned, unimproved rights-of-way are included within the bounds of the proposed Lot. Since it is the intent of the applicant to utilize the land for private use, the applicant must have the rights-of-way vacated by the City before a Final Plat can be recorded.

RECOMMENDATION

Rezoning: The rezoning request is recommended for Approval, subject to the following conditions: 1) completion of the vacation process for existing rights-of-ways within the proposed subdivision; 2) completion of the Sudivision process; 3) compliance with Engineering Department comments for any future development (*Significant existing stormwater problems downstream from proposed development. MINIMUM requirements will be detention for a 100-year storm with a 10 year release rate and possible downstream system upgrades. Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit.*); 4) development is limited to the accompanying PUD; 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 vacation process for existing rights-of-ways within the proposed subdivision; 2) completion of the Sudivision process; 3) compliance with Engineering Department comments for any future development (*Significant existing stormwater problems downstream from proposed development. MINIMUM requirements will be detention for a 100-year storm with a 10 year release rate and possible downstream system upgrades. Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit.*); 4) provision of a 10-foot wide vegetative buffer and 6 to 8 foot high privacy fence or wall where the site abuts adjacent R-1 districts; 5) provision of a lighting plan for the pool / playground area specifically, and the site in general, that ensures that adjacent residential properties will not be impacted by on-site lighting; 6) placement of a note on the site plan stating that maintenance of all common areas, private streets, alleys and detention areas is the responsibility of the property owners; 7) labeling of all common areas; 8) placement of site calculations required by Section 64-5.C.2. of the Zoning Ordinance on the site plan; and 9) full compliance with all other municipal codes and ordinances.

Subdivision: The Subdivision request is recommended for Tentative Approval, subject to the following conditions: 1) depiction of the 25-foot minimum building setback line; and 2) completion of the vacation process for existing rights-of-ways within the proposed subdivision.

LOCATOR MAP



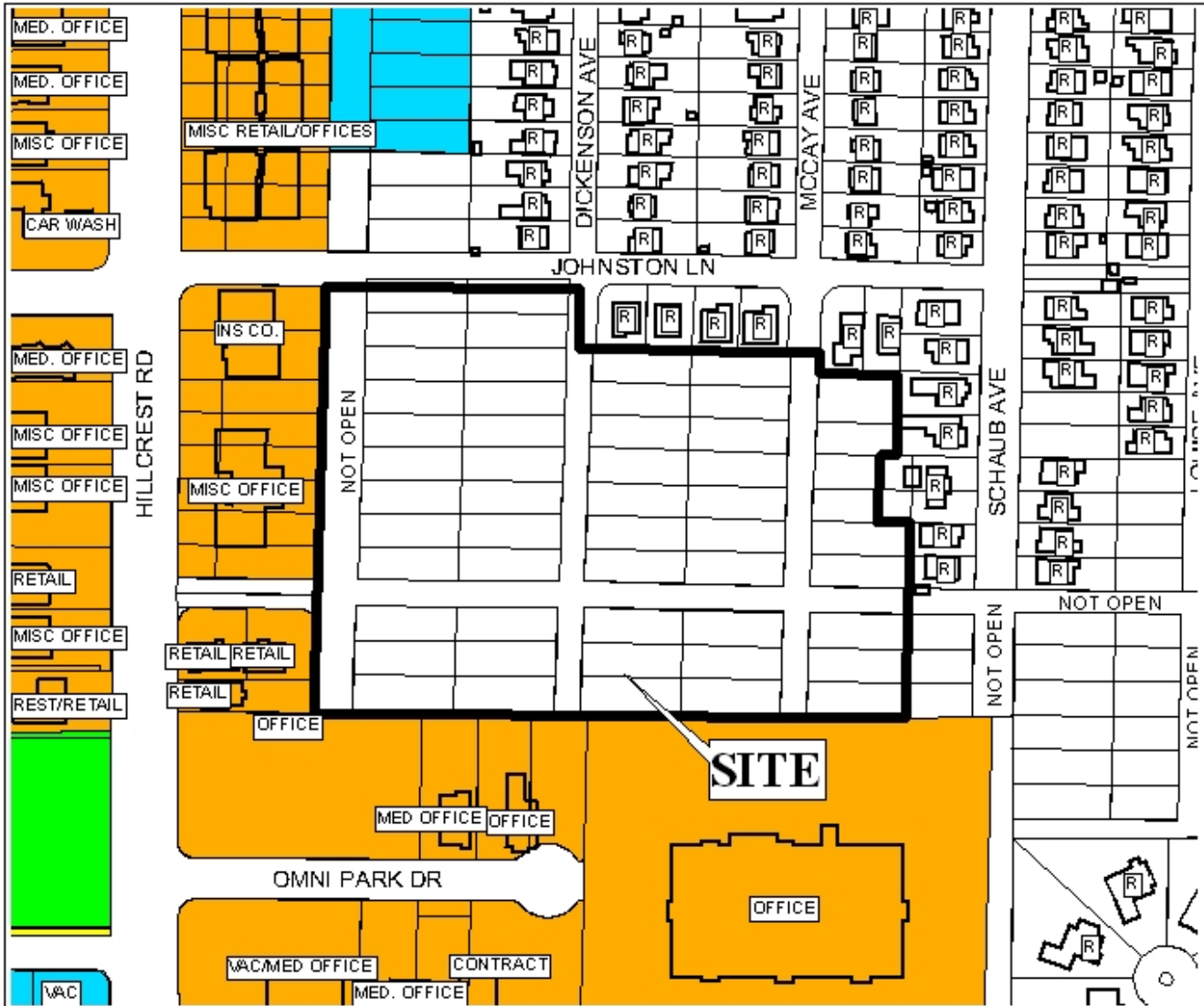
APPLICATION NUMBER 7 & 8 & 9 DATE April 6, 2006

APPLICANT McMurray Place, L.L.C.

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



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Located to the North and East of the site are single family residential dwellings; to the South and West are miscellaneous offices and retail.

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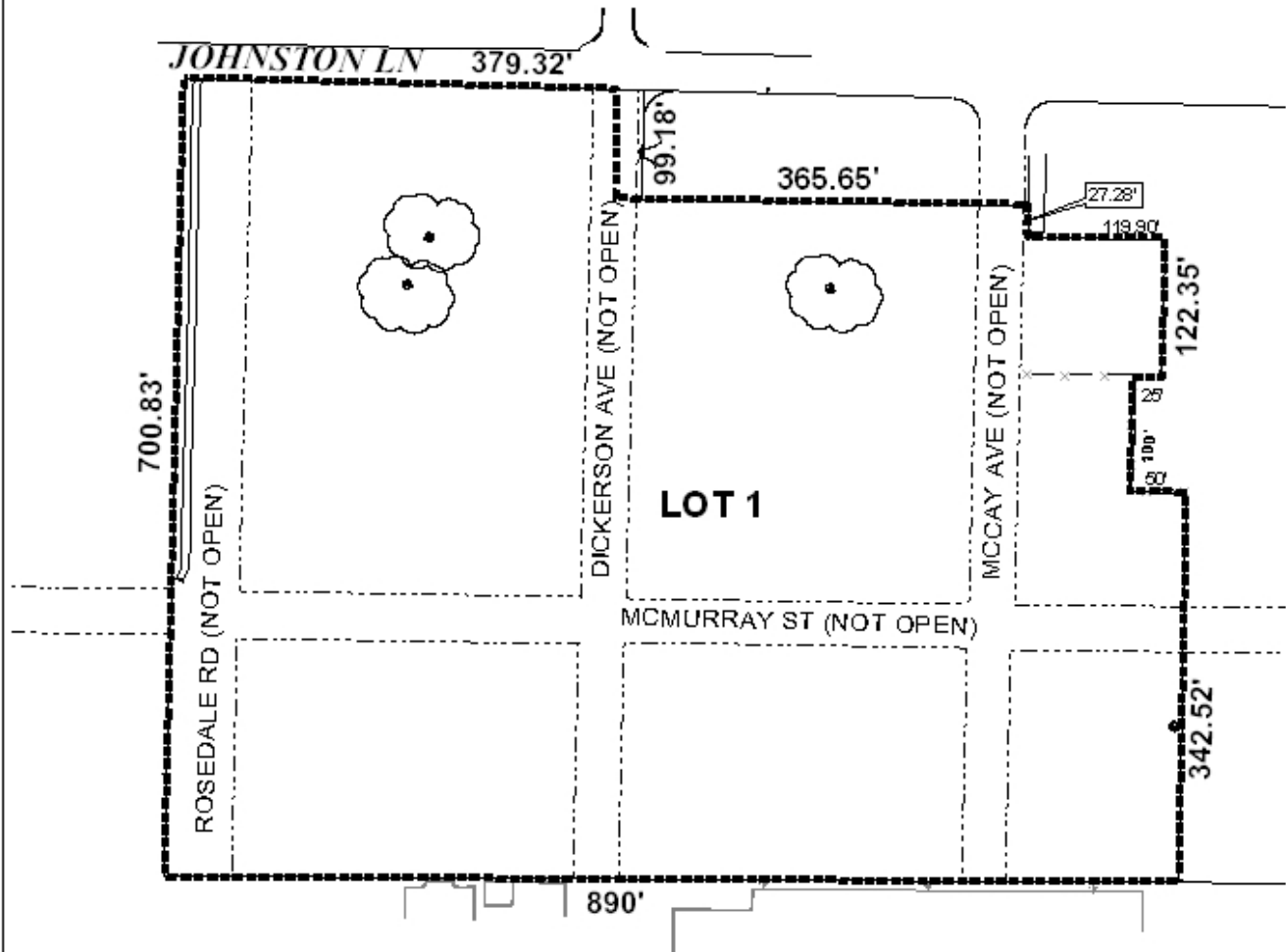
REQUEST Rezoning from R-1 to R-3, Planned Unit Development, Subdivision

LEGEND

 R-1
  R-2
  R-3
  R-B
  H-B
  B-1
  LB-2
  B-2
  B-3
  B-4
  B-5
  I-1
  I-2
 NTS

NTS

SUBDIVISION PLAT



APPLICATION NUMBER 7 & 8 & 9 DATE April 6, 2006

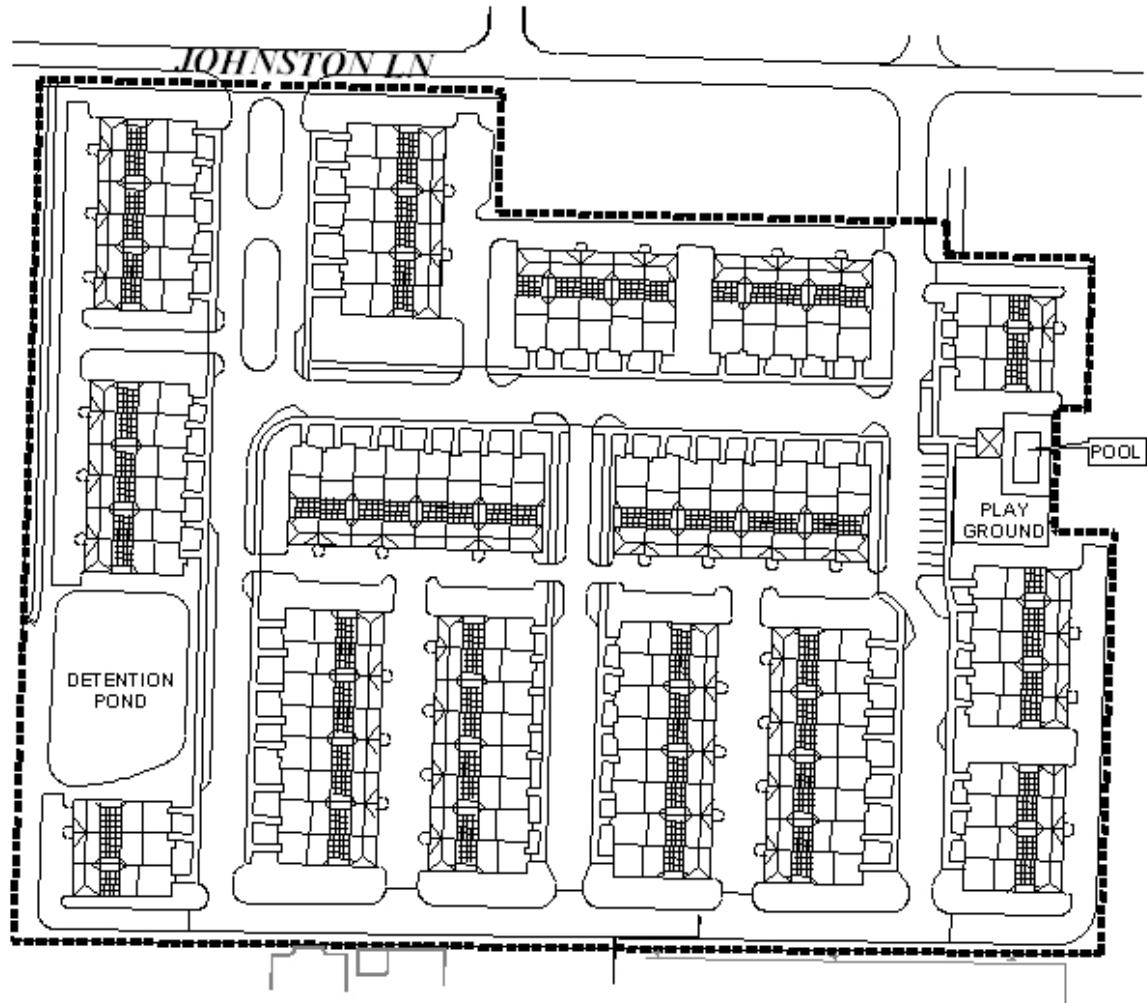
APPLICANT McMurray Place, L.L.C.

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



NTS

SITE PLAN



The site plan illustrates the proposed development

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