

**ZONING AMENDMENT,**  
**PLANNED UNIT DEVELOPMENT &**  
**PLANNING APPROVAL STAFF REPORT**

**Date: June 7, 2007**

**NAME**

Johnny Randall Cotton and Angela K. Cotton

**LOCATION**

4800 Tufts Road  
(West side of Tufts Road, 50'± North of Furman Drive)

**CITY COUNCIL**  
**DISTRICT**

District 4

**PRESENT ZONING**

R-1, Single-Family Residential

**PROPOSED ZONING**

R-3, Multiple-Family Residential District

**AREA OF PROPERTY**

43,125 ± square feet

**CONTEMPLATED USE**

Rezoning from R-1, Single-Family Residential District, to R-3, Multiple-Family Residential, to allow multiple residences on a single-building site, and Planned Unit Development Approval to allow seven single-family residential buildings and two common area/utility 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**

First Phase (2 units) – within 12 months of approval  
Second Phase (2 units) – within 24 months of approval  
Final Phase (3 units) – within 36 months of approval

**ENGINEERING**  
**COMMENTS**

Show the minimum finished floor elevation, on each lot touched by 100 or 500-year flood plain. No fill allowed in the flood plain without a flood study. It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. 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).

**FIRE DEPARTMENT****COMMENTS**

No comments.

**REMARKS**

The applicant is requesting rezoning from R-1, Single-Family Residential District, to R-3, Multiple-Family Residential, to allow multiple residences on a single-building site, and Planned Unit Development Approval to allow seven single-family residential buildings and two common area/utility buildings on a single-building site. Multiple single-family dwelling units on a single building site require Planned Unit Development approval in a minimum R-3, Multiple-Family Residential District.

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.

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. It should be noted that PUD approval is site plan specific, thus any changes to the site plan must be approved by the Planning Commission.

The applicant proposes to build a residential development consisting of seven (7) freestanding single-family residential structures on a single building site. The applicant proposes to construct the development in three phases, with completion anticipated within three (3) years. The proposed single-family residential structures will be “Katrina” cottages, ranging in size from 864 square feet to 1,152 square feet. Katrina cottages are available from national building supply companies, such as Lowe’s Home Improvement, and consist of precut walls and other building systems that are assembled on-site. Katrina cottages were designed in response to the need for affordable and easily built permanent housing created by Hurricane Katrina in August 2005, as an option to FEMA trailers.

The applicant states that the rezoning of the site is necessary due to changing conditions, which are summarized here. The Evergreen Gardens Subdivision was approved in 1952, when the site was in Mobile County and before Interstate 10 and Rangeline Road were built. In addition to the construction of the transportation facilities, new commercial development in Tillman’s Corner (Wal-Mart and Lowe’s), as well as other commercial and industrial growth has changed Mobile: the site is now located within the city limits as well. Hurricane Katrina, because of damage to local housing stock and housing stock in Mississippi and Louisiana, has caused the housing market in the region and specifically in the vicinity of Dog River to experience limited availability. Residents (especially the elderly) displaced in the vicinity of Dog River have been limited to living in FEMA trailers or to finding housing elsewhere within the region, making recovery from the hurricane somewhat difficult.

The applicant also states that the development will fill a niche housing need for the elderly within the area seeking smaller, more affordable housing, without the property maintenance issues of a traditional single family home in the area, as well as singles moving in from out of town needing short term (up to three years) housing. The applicant states that the development will utilize innovative building designs and arrangements to create a “village” setting.

Section 64-3.A.5.a. of the Zoning Ordinance recommends that new R-3 zoning districts be a minimum of 4 acres. The site under consideration, at just under one acre, falls short of the recommended minimum area. It should also be pointed out that an R-3 designation for the site would permit up to 25 dwelling units on the site, however, the reality of providing the necessary parking and landscaping requirements would more than likely prohibit the maximum development of the site. The site has sufficient frontage on Tufts Road to be subdivided into two lots, allowing a maximum of two single-family residences under the current R-1 zoning.

The site is bounded to the North, South, East and West by single-family residences and vacant lots in an R-1 district. Several of the adjacent residences are mobile homes, while the majority are site built homes. The area was annexed into the City in 1993, thus there are non-conforming residential and commercial uses in the general vicinity. The site under consideration is undeveloped, and is approximately 215 feet East of the CSX railroad main line, 460 feet South of a convenience store in a B-2, Neighborhood Business district, and 670 feet North of an I-1, Light Industry district. The site is not served by nor within walking distance of any scheduled public transit service.

The site fronts Tufts Road, a minor street with a 50-foot wide  $\pm$  right-of-way. As Tufts Road lacks curb and gutter, the right-of-way should be a minimum of 60 feet. The minimum building setback line recorded on the subdivision plat for Unit 2 of Evergreen Gardens is 30-feet, thus no additional building setback would be required to meet the City's minimum building setback requirements of 25-feet, or to accommodate future right-of-way dedication.

While no additional building setback is required, the proposed detention area is located within the area that might be required for right-of-way widening. The site plan should be revised to move the detention area so that no portion of it is within the 5 feet strip of land that may be needed for the right-of-way for Tufts Road.

The site plan shows that the proposed development will have one curb-cut onto Tufts Road: the site should be limited to the one proposed curb-cut. The site will be serviced by a 24-foot wide paved roadway that provides access to the cottages and 13 parking spaces. As a "multi-family" development, the minimum required parking is 1 ½ parking spaces per dwelling unit, or a minimum of 11 spaces.

A sidewalk along Tufts Road is not depicted on the site plan, but would be required as part of the development. An application for a Sidewalk Waiver should be submitted to the Planning Commission should the applicant not wish to construct the sidewalk.

Conditions have changed in the area: the area was annexed into the City of Mobile, roads such as Rangeline Road have been built which have dramatically increased accessibility to the area, and Hurricane Katrina has impacted the local housing market. The proposed residential use would generally be compatible with the "residential" designation of the General Land Use Plan, however, a larger development (meeting the recommended minimum R-3 zoning district size of 4 acres) of "Katrina" cottages might be more appropriate in terms of creating the "village" character identified by the applicant.

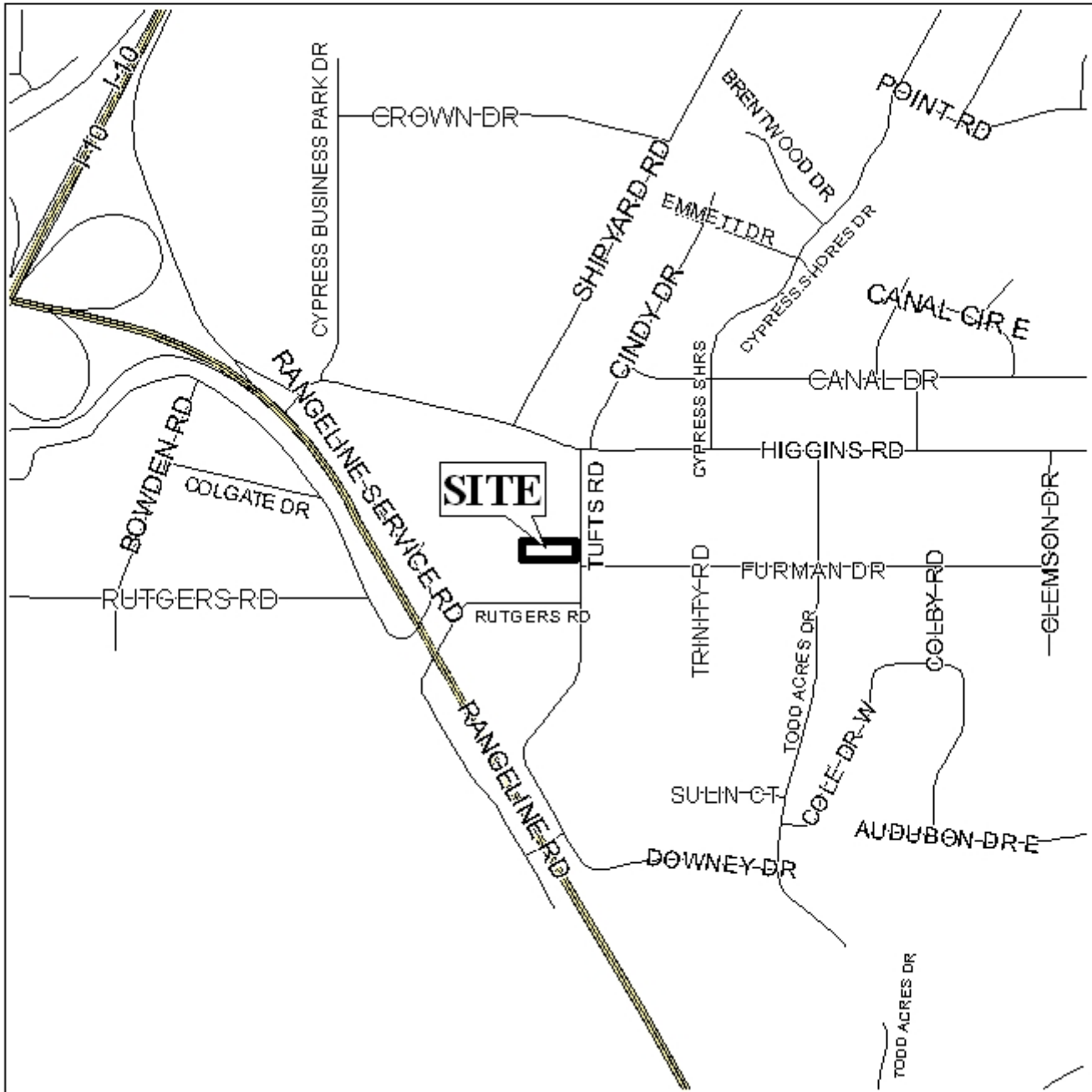
## **RECOMMENDATION**

**Rezoning:** The rezoning request is recommended for Denial for the following reason:

- 1) the site area falls below the minimum area recommended by Section 64-3.A.5.a. of the Zoning Ordinance; and
- 2) the changing conditions are not sufficient to warrant multi-family development within an existing R-1 Single-Family district.

**Planned Unit Development:** The PUD request is recommended for Denial based upon the rezoning request.

## LOCATOR MAP



APPLICATION NUMBER 31 & 32 DATE June 7, 2007

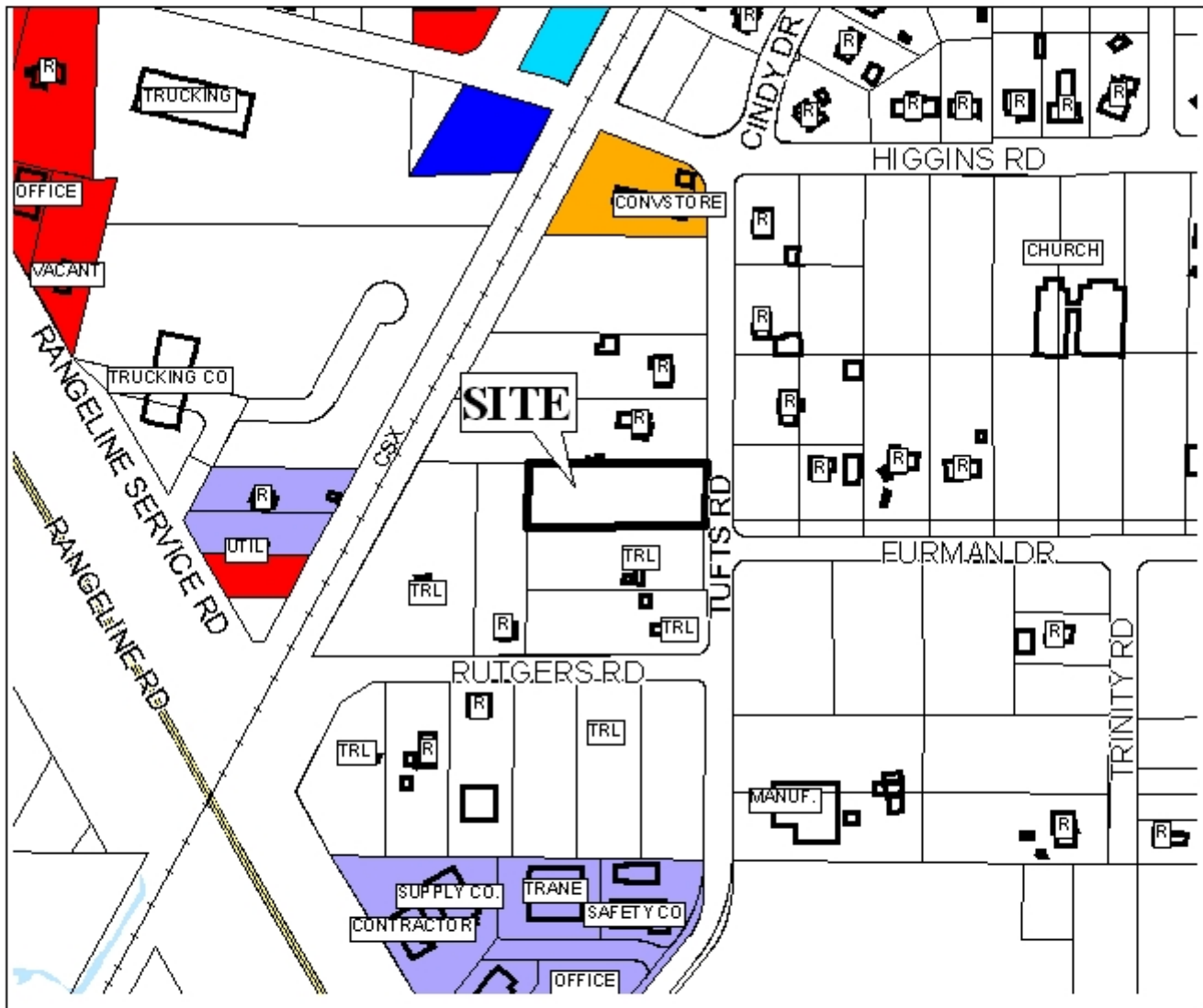
APPLICANT Johnny Randall Cotton and Angela K. Cotton

REQUEST Planned unit Development, Rezoning from R-1 to R-3



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# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Single family residential units are to the north, south and east of the site and a trucking company is to the west.

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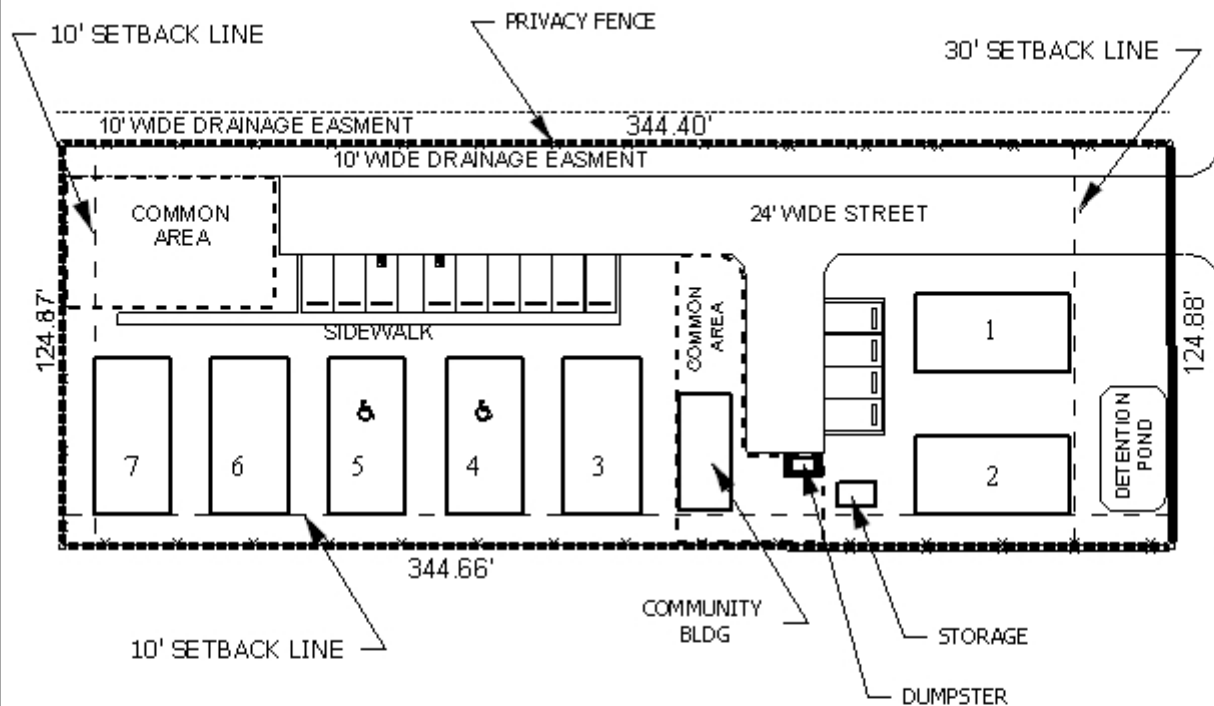
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LEGEND

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
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# SITE PLAN



The site plan illustrates proposed buildings, fences, setbacks, easements, and parking.

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