

**ZONING AMENDMENT
& SUBDIVISION STAFF REPORT****Date: September 6, 2012****APPLICANT NAME**

Development Consulting, Inc.

SUBDIVISION NAME

Magnolia Village Subdivision

LOCATION7025 Magnolia Grove Avenue
(North terminus of Magnolia Grove Parkway)**CITY COUNCIL
DISTRICT**

District 7

PRESENT ZONING

B-3, Community Business District

PROPOSED ZONING

R-1, Single-Family Residential District

AREA OF PROPERTY

25 Lots/10.0± Acres

CONTEMPLATED USE

Subdivision approval to create 25 legal lots of record from a metes and bounds parcel, and Zoning approval to rezone the site from B-3, Community Business District to R-1, Single-Family Residential District, to allow a single-family residential subdivision.

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.

**REASON FOR
REZONING**

Applicant is requesting rezoning of the site because the changes in conditions in a particular area make a change in the ordinance necessary and desirable; and subdivision of land into building sites makes reclassification of the land necessary and desirable, in order to allow a single-family residential development.

**TIME SCHEDULE
FOR DEVELOPMENT**

Immediately

**ENGINEERING
COMMENTS**

Any and all proposed development for the subdivision infrastructure will need to be in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of

Mobile, Alabama Flood Plain Management Plan (1984); the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control; and the Engineering Department policies and procedures pertaining to subdivisions. A complete set of construction plans for the site work (including drainage, utilities, grading, storm water systems, paving) will be required to be submitted with the Land Disturbance permit. These plans are to be submitted and approved prior to beginning any of the construction work. The final size and location of drainage and utility easements shall be approved by the City Engineer. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes, including a Traffic Engineering Dept). Stop and street name signs will need to be installed at the intersection of Champion run and Fairway Lane. Provide existing ROW information along Magnolia Grove Parkway. Additional ROW or radii may be required by Traffic Engineering or the City Engineer.

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 projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.

REMARKS

The applicant is requesting Subdivision approval to create 25 lots from a metes and bounds parcel, and Zoning approval to rezone the site from B-3, Community Business District, to R-1, Single-Family Residential District, to allow a single-family residential subdivision.

The 10.0± acre site is currently undeveloped. The site is entirely surrounded by R-1 zoned property to the North and East (Legends at Magnolia Grove Subdivision and Legends at Magnolia Grove Subdivision, Unit Two), of which Legends at Magnolia Grove, Unit Two provides a street stub to this undeveloped property.

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 appears to be depicted as primarily 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. The accuracy of recommended land uses on the General Land Use Component map is limited due to the large scale of the map. 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's justification for rezoning is that changing conditions in a particular area make a change in the Ordinance necessary and desirable and the subdivision of land into a building site makes reclassification of the land necessary and desirable, to allow a single-family residential subdivision.

As the site is bounded by R-1 properties the proposed rezoning to R-1 may be justified due to the location adjacent to other single-family residential subdivisions and a public golf course (Magnolia Grove). Additionally, it could be considered a natural setting to locate a residential subdivision in close proximity of a golf course.

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 proposed 25-lots, as depicted meet the minimum size and street frontage requirements as regulated by Section V.D.2. of the Subdivision Regulations. The area of the lots are depicted in square feet/acres, and the 25-foot minimum building setback lines are also depicted along all frontages and these should be retained on the Final Plat, if approved.

The site is located on Magnolia Grove Parkway, a minor street, provided with curb and gutter, and is depicted with variable right-of-way. As such, dedication to provide 25-feet from the centerline of Magnolia Grove Parkway would be required. The site plan illustrates two compliant cul-de-sacs, 50-feet of right-of-way for the proposed streets and a compliant street stub to the adjacent residential subdivision to the North (Legends at Magnolia Grove, Unit Two).

Finally, the geographic area defined by the city of Mobile and its planning jurisdiction, including this site, may contain Federally-listed threatened or endangered species as well as protected non-game species. Development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.

RECOMMENDATION

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

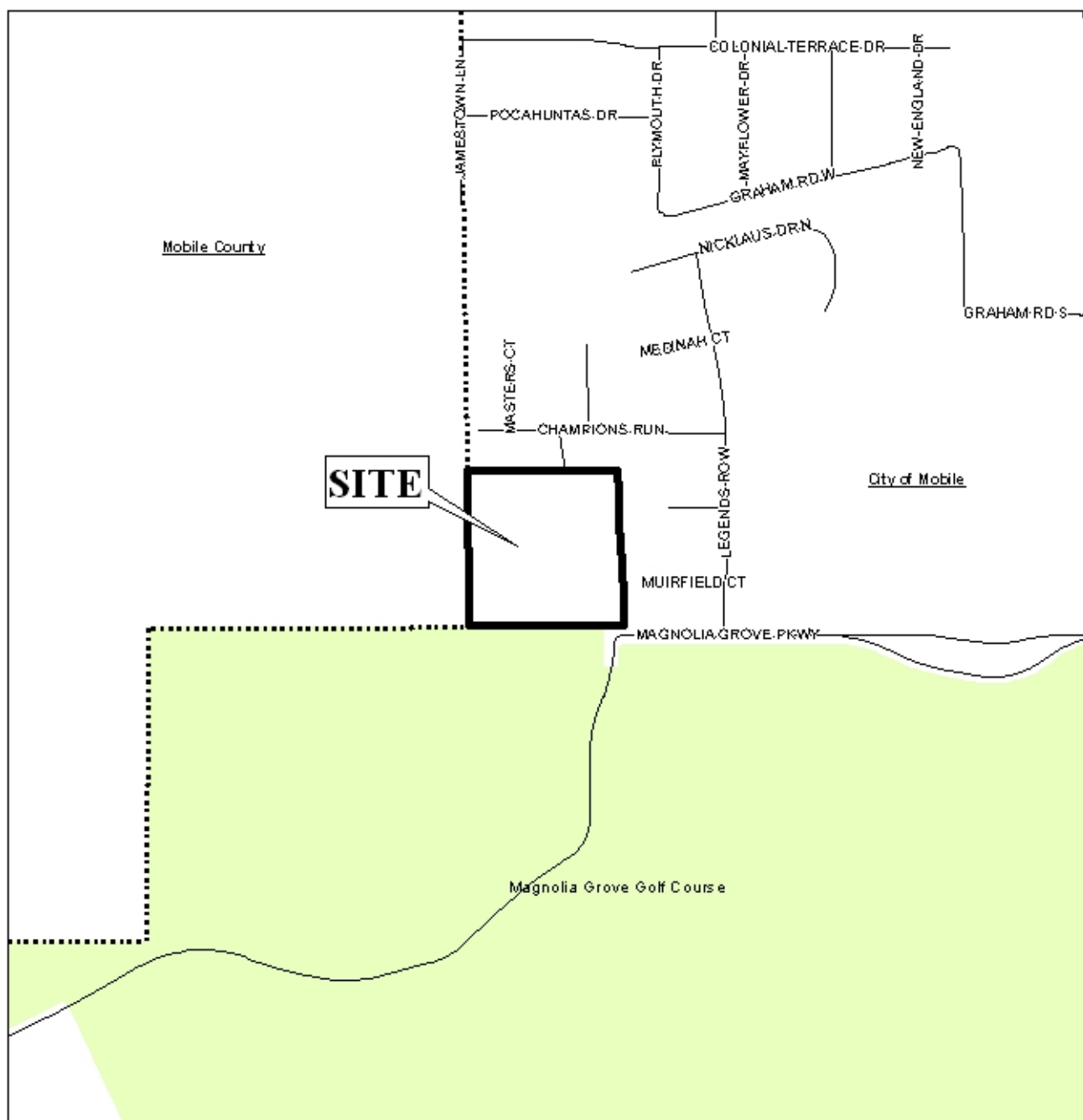
- 1) placement of a note on the Final Plat, stating each lot be limited to one curb cut;

- 2) retention of the labeling of the lots with its size in square feet/acres;
- 3) provision of the 25-foot minimum building setback line along all street frontages;
- 4) dedication to provide 50-foot right-of-way for all streets and 120-foot diameter for all cul-de-sacs;
- 5) labeling of any required detention area as common area and the placement of a note on the Final Plat stating that the maintenance of the common area is the responsibility of the property owners;
- 6) placement of a note on the Final Plat stating that approval of all applicable federal, state, and local agencies for endangered, threatened, or otherwise protected species is required prior to the issuance of any permits or land disturbance activities;
- 7) compliance with Engineering comments (*Any and all proposed development for the subdivision infrastructure will need to be in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control; and the Engineering Department policies and procedures pertaining to subdivisions. A complete set of construction plans for the site work (including drainage, utilities, grading, storm water systems, paving) will be required to be submitted with the Land Disturbance permit. These plans are to be submitted and approved prior to beginning any of the construction work. The final size and location of drainage and utility easements shall be approved by the City Engineer. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes, including a Traffic Engineering Dept). Stop and street name signs will need to be installed at the intersection of Champion run and Fairway Lane. Provide existing ROW information along Magnolia Grove Parkway. Additional ROW or radii may be required by Traffic Engineering or the City Engineer.*); and,
- 8) completion of the Subdivision process prior to any application for land disturbance or building permits.

Rezoning: Based upon the preceding, the Rezoning request is recommended for Approval, subject to the following conditions:

- 1) completion of the subdivision process; and,
- 2) full compliance with all municipal codes and ordinances.

LOCATOR MAP



APPLICATION NUMBER 31 & 32 DATE September 6, 2012

APPLICANT Development Consulting, Inc.

REQUEST Subdivision, Rezoning from B-3 to R-1



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING

















Single-family residences are located to the north and east of the site. A golf course is located to the south of the site.

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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



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Single-family residences are located to the north and east of the site. A golf course is located to the south of the site.

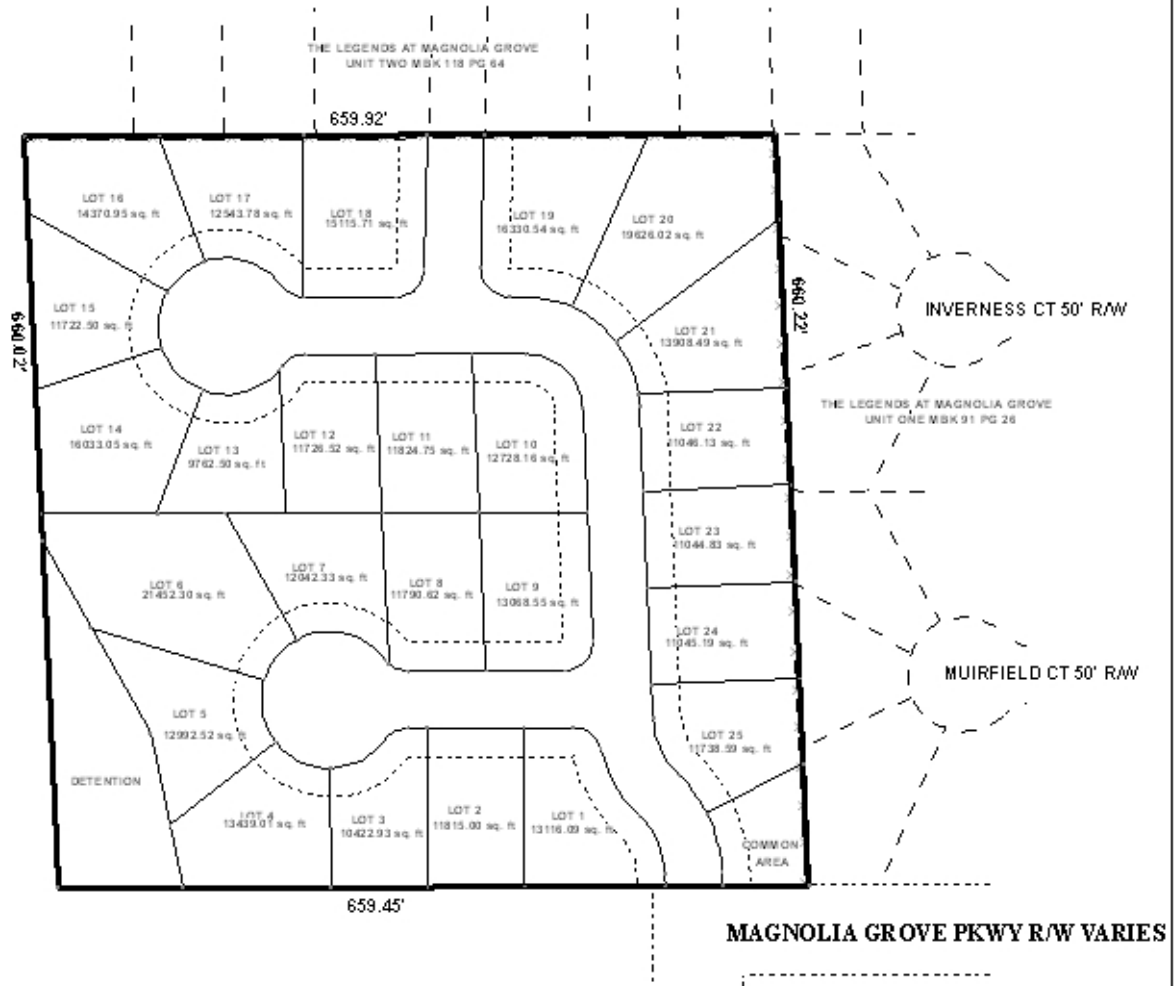
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SITE PLAN



The site plan illustrates the proposed single-family residential subdivision.

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