

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

**Date: April 15, 2004**

**NAME**

O. A. Pesnell, Jr.

**LOCATION**

**Rezoning:** 580'± North of the North terminus of Pesnell Court, adjacent to the West side of Inverness Subdivision, Unit Two

**Planned Unit Development/Subdivision:** North terminus of Pesnell Court extending North to the West side of Inverness Subdivision, Unit Two

**CITY COUNCIL  
DISTRICT**

District 6

**PRESENT ZONING**

R-1, Single-Family Residential

**PROPOSED ZONING**

R-3, Multi-Family Residential

**AREA OF PROPERTY**

**Rezoning:** 5± acres

**Planned Unit Development/Subdivision:** 8± acres

**CONTEMPLATED USE**

Multiple retirement homes located on one lot

**It should be noted, however, that any use permitted in the proposed district would be allowed at this location if the zoning were changed. Furthermore, the Planning Commission may consider zoning classifications other than that sought by the applicant for this property.**

**TIME SCHEDULE  
FOR DEVELOPMENT**

None given

**ENGINEERING  
COMMENTS**

According to the application this PUD is for elderly housing and will be located on a private drive. Negotiation of two bridges/culverts will be required to access the development. One of the bridges/culverts will be located within the 100-year floodplain and the other is located within a significant drainage easement conveying storm waters from the east. Both of the bridges have already been constructed by the applicant or with his permission. The bridge to the north, located within the 100-year floodplain, was constructed without benefit of any permits from the COM Engineering Department.

FEMA defines a critical care facility to be “Hospitals, nursing homes and housing likely to have occupants who may not be sufficiently mobile to avoid injury or death during a flood”. Since this development is for elderly housing both of the bridges should be designed, constructed and maintained to City of Mobile (Engineering, Traffic, and Fire Departments etc.) Alabama Department of Transportation, and FEMA requirements. The design, construction, and maintenance should be coordinated with the appropriate agencies.

Engineering requests dedication of drainage easement for Milkhouse Creek Floodplain as per field location delineated as “Actual Base Flood Elevation Line” on plat.

This site is located in a highly environmentally and flood control sensitive watershed. Engineering recommends requiring the applicant to hire a licensed engineering and surveying firm to perform a certified survey of the floodway and floodplain **prior** to any construction activities at this site. The survey should encompass the area delineated by the “Base Flood Elevation Line” as shown on the plat. Prior to initiation, this survey should be coordinated with the City Engineer so that Engineering Department personnel can observe all phases of the survey. A post-construction certified survey should also be required to confirm no adverse impact to the floodway and/or floodplain from any construction activities at this site. City Engineering requests the Planning Commission include the aforementioned survey(s) as a condition of any approvals for these applications.

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).

**REMARKS**

The applicant has submitted applications to rezone the northern portion of the site from R-1, Single-Family Residential to R-3, Multi-Family Residential; a Planned Unit Development (PUD) application to construct multiple elderly homes on one lot; and a Subdivision application to combine three lots into one lot.

At this point, a brief history of the property is appropriate. In 2003, the applicant submitted rezoning, PUD and subdivision applications. At that time, the applicant requested rezoning from R-1 to R-3, as well as PUD approval for multiple buildings on a single building site. Those applications proposed the construction of a three-story assisted living facility; however, wetlands and the actual base flood elevation line were located well within the footprint of the proposed building. In considering applications for R-3, if there is an associated PUD, the Commission typically “ties” the two approvals together to assure that a site is developed as presented to the Commission. Furthermore, PUD approval is site plan specific and based upon these factors, the

Commission denied both the rezoning and PUD requests. Moreover, the subdivision did not include all of the property and would have essentially validated a land-locked, metes and bounds parcel, thus the Commission denied the Subdivision application as well.

The site is illustrated 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 proposed rezoning would simply expand the existing R-3 district that is located to the South and East, and as outlined above, would be consistent with the General Land Use Plan. However, the site adjoins existing R-1 development to the East and undeveloped R-1 property to the North; thus the provision of a 10-foot buffer, as well as a six-foot wooden privacy fence should be provided where the site adjoins R-1 development.

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 and there are serious issues associated with this site. As outlined in the City Engineering Comments, this site is located in an environmentally sensitive area; therefore, any approval should be subject to the provision a drainage easement for the Milkhouse Creek Floodplain, as well as any necessary surveys and coordination thereof with the City Engineering Department. Additionally, there are existing bridges/culverts located on the site, which may not comply with City Engineering and Life Safety Code requirements, thus the approval of City Engineering, Traffic Engineering and the Bureau of Fire Prevention would be required prior to the issuance of any permits for new construction on the site.

The southern portion of the site is currently developed with five homes, a chapel and clubhouse. This existing development obtained parking surface and driveway width variances to allow gravel parking and an 18-foot wide driveway. Gravel is not an approved paving surface and two-way driveways require a minimum width of 24-feet.

When the parking surface and driveway variances were approved, the proposed development (14 new homes on the northern portion of the site) was not illustrated on the site plan. While vehicular traffic to the existing chapel and clubhouse is not intense, 14 new homes would generate daily traffic on this driveway; therefore, the driveway should be paved with asphalt or concrete, and increased to a minimum width of 24-feet.

In terms of building spacing, only 13-15 feet is proposed between buildings, thus no windows would be allowed on the side of a building that would face a neighboring building. While only one parking space per house is proposed, the Zoning Ordinance requires only one parking space per two dwelling units for elderly housing.

In regard to the proposed subdivision application, the applicant proposes to combine multiple lots into one lot, and with the completion of the rezoning process, the plat would comply with the minimum requirements of the Subdivision Regulations.

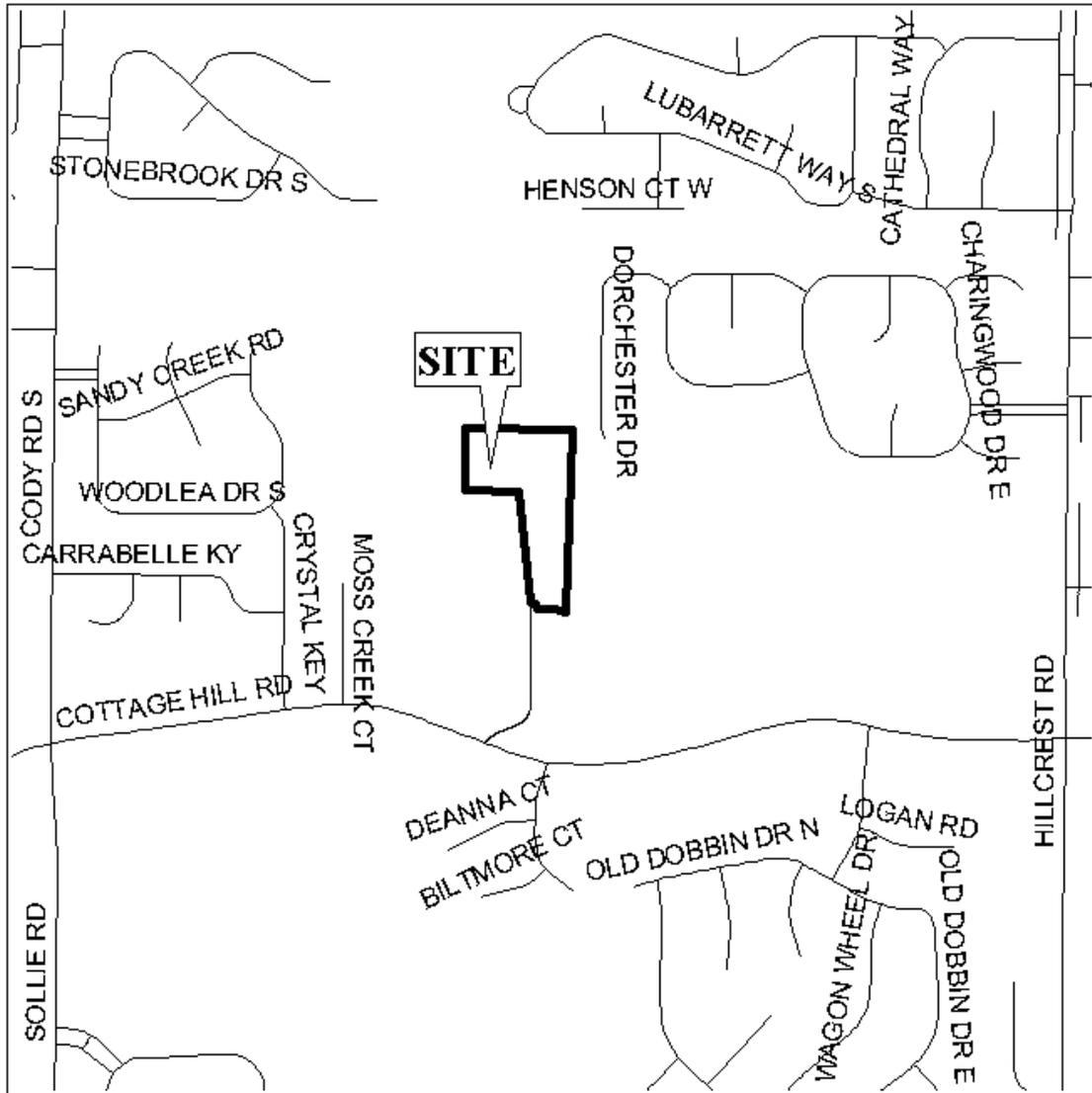
### **RECOMMENDATION**

**Rezoning** Based upon the preceding, this application is recommended for approval subject to the following conditions: 1) completion of the rezoning and subdivision processes; 2) provision of a six-foot wooden privacy fence where the site adjoins R-1 development; 3) the provision a drainage easement for the Milkhouse Creek Floodplain, as well as any necessary surveys and coordination thereof with the City Engineering Department; 4) approval of City Engineering, Traffic Engineering and the Bureau of Fire Prevention for any existing or proposed bridges/culverts prior to the issuance of any permits for new construction on the site; 5) that the driveway, from Pesnell Court to the north terminus, be widened to a minimum width of 24-feet and paved with asphalt or concrete; 6) the approval of all applicable federal, state and local agencies; and 7) full compliance with all municipal codes and ordinances.

**Planned Unit Development** Based upon the preceding, this application is recommended for approval subject to the following conditions: 1) limited to the approved Planned Unit Development application; 2) provision of a six-foot wooden privacy fence where the site adjoins R-1 development; 3) the provision a drainage easement for the Milkhouse Creek Floodplain, as well as any necessary surveys and coordination thereof with the City Engineering Department; 4) approval of City Engineering, Traffic Engineering and the Bureau of Fire Prevention for any existing or proposed bridges/culverts prior to the issuance of any permits for new construction on the site; 5) that the driveway, from Pesnell Court to the north terminus, be widened to a minimum width of 24-feet and paved with asphalt or concrete; 6) that there be no windows on the side of a building that would face a neighboring building; 7) the approval of all applicable federal, state and local agencies; and 8) full compliance with all municipal codes and ordinances.

**Subdivision** The plat meets the minimum requirements of the Subdivision Regulations and is recommended for Tentative Approval subject to the following conditions: 1) the approval of all applicable federal, state and local agencies; and 2) completion of the rezoning process prior to the recording of the final plat.

# LOCATOR MAP



APPLICATION NUMBER 3, 4 & 5 DATE April 15, 2004

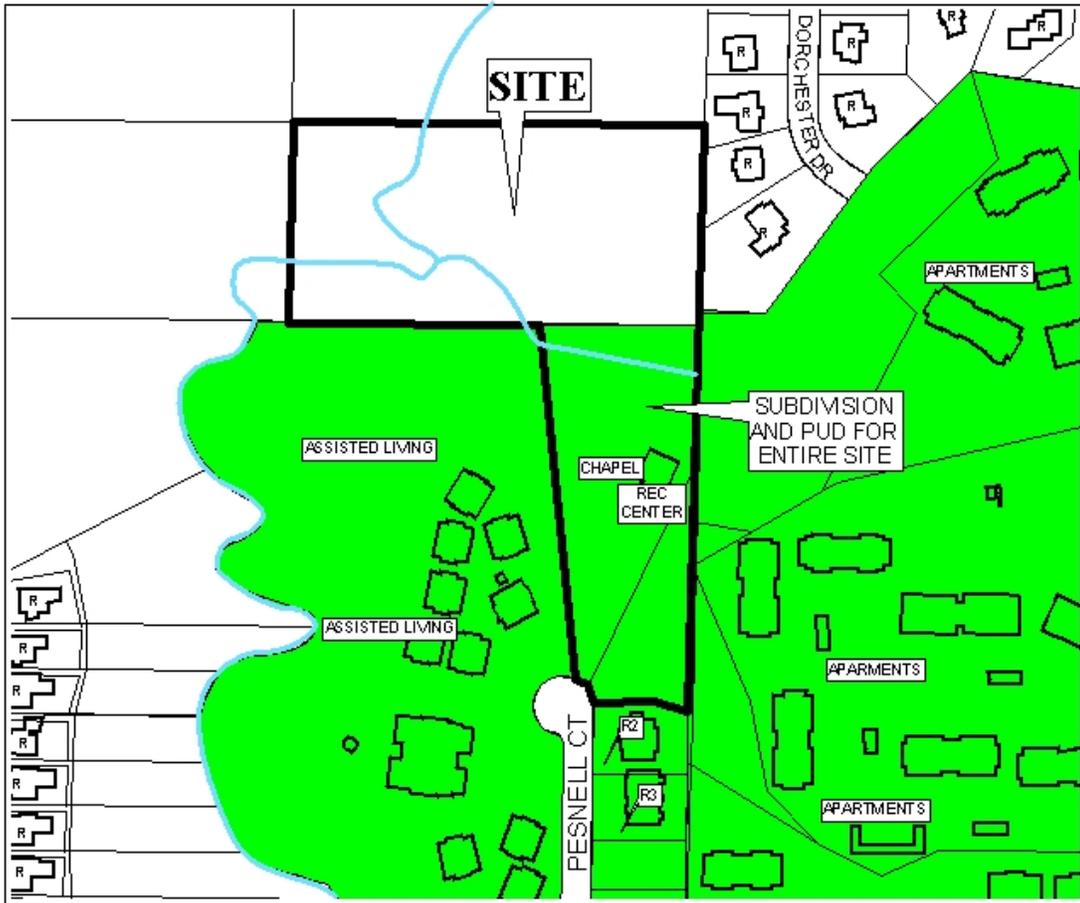
APPLICANT O. A. Pesnell, Jr.

REQUEST Rezoning, PUD and Subdivision



NTS

## PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is located in an area of mixed land use. Single-family residential dwellings are located to the Northeast and apartments are to the East. Assisted living facilities are to the South.

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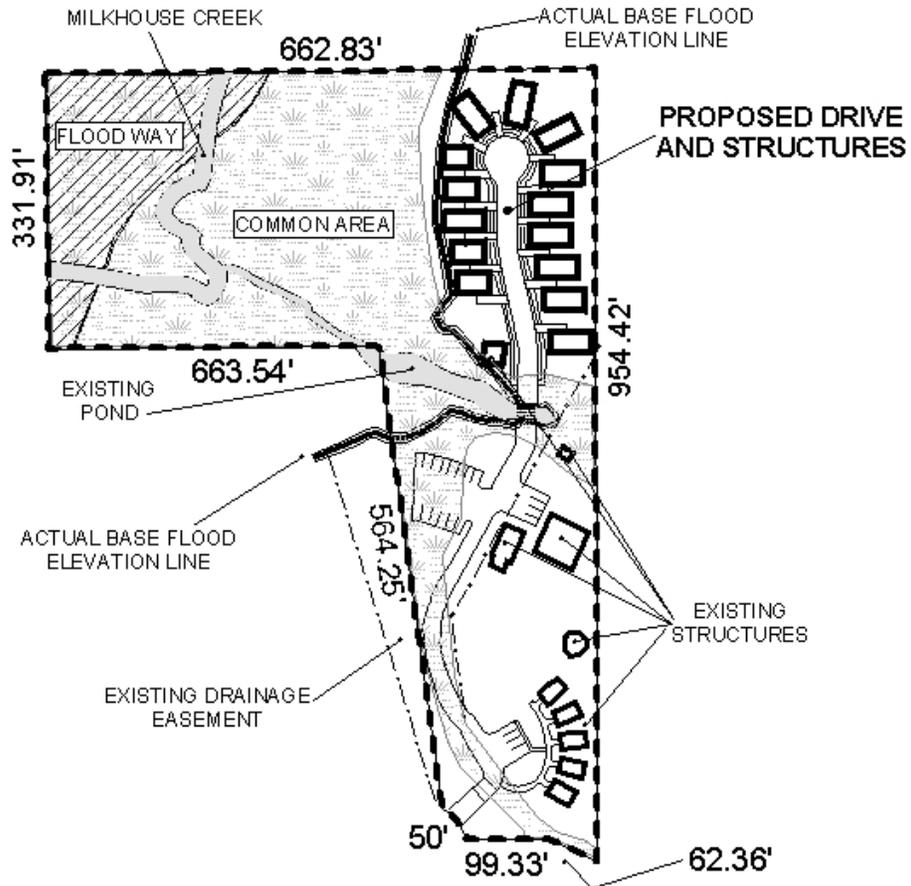
LEGEND 

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

 NTS



# SITE PLAN



The site is located 580' North of the North terminus of Pesnell Court, adjacent to the West side of Inverness Subdivision, Unit Two. The plan illustrates the existing and proposed structures and parking.

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