

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

Date: June 1, 2006

NAME River 4 Properties L.L.C.
LOCATION 4061 Hillcrest Lane West
South side of Hillcrest Lane West at Pansy Court (private street)

CITY COUNCIL DISTRICT District 4

PRESENT ZONING R-1, Single-Family Residential

PROPOSED ZONING R-3, Multi-Family Residential

AREA OF PROPERTY 3.6 ± Acres

CONTEMPLATED USE Rezoning from R-1, Single-Family Residential district, to R-3, Multi-Family Residential district, to allow residential condominiums, and Planned Unit Development Approval to allow 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 Phase One – initiate 6 months after approval
Phase Two – complete within 24 months of approval
Total of 23 units

ENGINEERING COMMENTS 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 applicant is responsible for verifying if the site contains wetlands. The site can be checked against the National Wetlands Inventory on the COM web site Environmental Viewer. If the site is included on the NWI, it is the applicant’s responsibility to confirm or deny the existence of regulatory wetlands.

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 is to be given to the 44” Live Oak Tree located on the boundary of the common area and building site 19, the 48” Live Oak Tree located on building site 16, and the 42” Live Oak Tree located on building site 7. Any work on or under these trees is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.

Due to the request of R-3 zoning, full compliance with road frontage tree requirements of the Zoning Ordinance to be coordinated with Urban Forestry.

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 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.

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.

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.

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 in question has eleven rental residences, and thus is not in conformance with the existing R-1 zoning. The applicant proposes to remove the existing residences and redevelop the site to accommodate 23 single-family dwelling units as condominiums, with living areas of from 1,437 to 1,627 square feet, exclusive of non-living areas such as garages. The site plan depicts “building areas” that will be separated from each other by a minimum of 5 feet, and all “building areas” will be a minimum of 25 feet from the front property line, 8 feet from the side property lines, and at least 30 feet from rear property line.

The 23 structures proposed for the site will not exceed an averaged building footprint size of 1,957 square feet, which equates to a 28.6% maximum gross site coverage, and a 36.9% maximum net site coverage (less road and detention basin). The proposed gross site area per dwelling unit is approximately 6,846 square feet, while the net site area (less road and detention basin) per dwelling unit is approximately 5,297 square feet. The Zoning Ordinance requires a minimum gross site area of 39,500 square feet for 23 dwelling units in an R-3 district, which equates to an average gross site area of 1,717 square feet per dwelling unit.

The site is surrounded to the North, South, East and West by residences in an R-1 district. An R-3 district containing condominiums occurs approximately 800 feet to the Northeast, while commercial zoning districts occur approximately 300 feet due North of the site.

The site fronts Hillcrest Lane West, a minor street with adequate right-of-way. Hillcrest Lane West, a cul-de-sac, is intersected by Wildwood Drive approximately 200 feet East of the site, and is linked via Wildwood to Cottage Hill Road. Hillcrest Lane West intersects Azalea Road approximately 2,000 feet East of the site.

Section 64-3.A.5. of the Zoning Ordinance recommends that new R-3 districts be a minimum of 4-acres in size. The site in question falls short of the recommendation, as it is only 3.6 acres ± in size.

The applicant states that the site *“has been used as R-3 for approximately 40 years, therefore this proposal should have no adverse effect on the neighborhood.”*

Development in the area over the last 20 years, particularly along Japonica Lane to the South, has included many cul-de-sacs with lots meeting minimum R-1 lot-size requirements. There

have also been a few developments built containing zero-lot line homes on lots that otherwise meet minimum R-1 lot-size requirements.

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%), and the potential number of units; R-1 zoning would permit no more than 21 single-family residential units on the site, while R-3 would permit up to 101 residential units (however achieving the maximum number of units in either case is unlikely due to the need for roads, and additionally for R-3, the need for parking, landscaping and the height restrictions). As previously stated, the applicant is seeking rezoning in order to develop 23 condominium units. Furthermore, the proposed PUD will limit the maximum development of the site in a manner that makes the proposal more compatible with adjacent single-family residential uses. Approval of the rezoning can be made contingent upon the PUD, which would assure that the property is not developed other than as proposed.

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 23-unit development will require a minimum of 0.37 acres \pm of open space, which the applicant will exceed by providing a total of 1.76 acres \pm of open space.

Conceptually, the development depicted on the proposed site/layout plan will minimize impacts to the surrounding residential development, especially with the proposed common area along the Southern boundary of the site. It should be noted, however, that there is no indication on the site plan regarding the perimeter treatment of the property; specifically if a fence and/or landscape buffer will be provided to minimize impacts to adjacent lower-density residential developments. A privacy fence and landscape buffer is recommended for development on the West, East and South property lines. Furthermore, generalized landscaping proposed for the common areas should be depicted on the site plan, with the understanding that final landscape plan will be more detailed and require approval by the Urban Forester.

The vehicular circulation system depicts a 40-foot wide private right-of-way, with a pavement width of less than 20 feet, and a cul-de-sac diameter of 80 feet. Section V.B.15. of the Subdivision Regulations requires a minimum pavement width of 26 feet, thus the site plan should be revised to depict the minimum required width. The intersection of the private road with West Hillcrest Lane should include a minimum curb radius of 20 feet. The sidewalks, as depicted, meet minimum width requirements.

The site plan additionally appears to indicate that each “building site” will have the equivalent of a “lot” that is associated with the “building site.” As a condominium development, all land area is owned by the condominium governing board: there are no individual lots. Therefore, the site plan should be revised to remove the “lot” lines, however the “building site” areas may remain as depicted.

A detention basin is proposed for the site. A note should be placed on the site plan, if approved, stating that maintenance of the detention basin common area, and any other common areas, are the responsibility of the development's property owners.

Finally, the minimum building setback line required in Section V.D.9. of the Subdivision Regulations is not shown for the overall lot, but would be required on the Final Plat.

RECOMMENDATION

Rezoning: The applicant has requested that the case be Heldover until the June 15th meeting.

Planned Unit Development: The applicant has requested that the case be Heldover until the June 15th meeting.

Subdivision: The applicant has requested that the case be Heldover until the June 15th meeting.

Revised for the June 15th meeting:

No additional information has been provided by the applicant.

RECOMMENDATION

Rezoning: *The rezoning request is recommended for Holdover until the July 20th meeting, for the following reason: 1) to allow revision of the PUD site plan.*

Planned Unit Development: *The PUD request is recommended for Holdover until the July 20th meeting, for the following reasons: 1) revision of the site plan to depict the minimum required pavement width and curb radii; 2) revision of the site plan to remove the "lot" lines; and 3) revision of the site plan to depict fence and landscape buffering along the East, South and West property lines that complies with Section 64-4.D. of the Zoning Ordinance. The revised site plan should be provided to Urban Development by June 27th.*

Subdivision: *The Subdivision request is recommended for Holdover until the July 20th meeting, for the following reason: 1) to allow revision of the PUD site plan.*

LOCATOR MAP



APPLICATION NUMBER Holdover DATE June 15, 2006

APPLICANT River 4 Properties, LLC

REQUEST Rezoning, PUD, Subdivision



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential dwellings.

APPLICATION NUMBER Holdover DATE June 15, 2006

APPLICANT River 4 Properties, LLC

REQUEST Rezoning, PUD, Subdivision

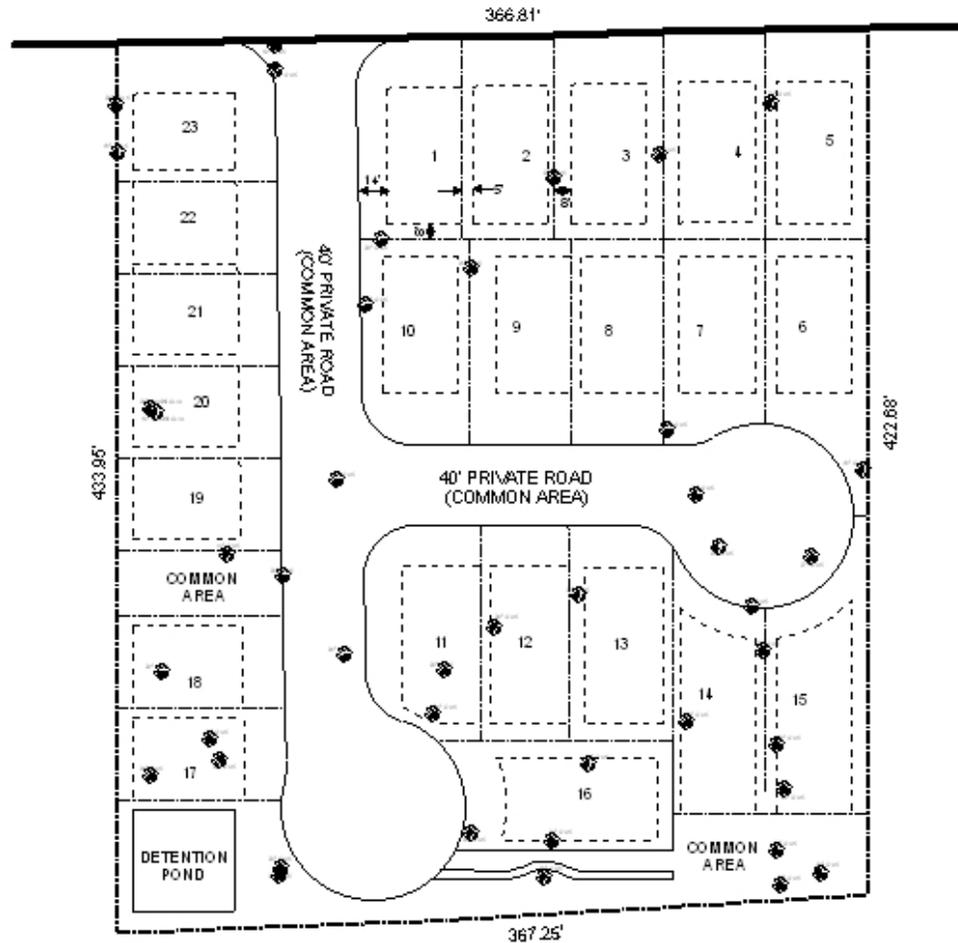
LEGEND



NTS

SITE PLAN

WEST HILLCREST LANE (AKA PANSY LANE)



The site is located on the South side of Hillcrest Lane West at Pansy Court (private street). The plan illustrates the proposed private streets and building sites.

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APPLICANT River 4 Properties, L.L.C.

REQUEST Rezoning, PUD, Subdivision

