

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

**Date: February 1, 2007**

<b><u>NAME</u></b>	Reid Cummings
<b><u>SUBDIVISION NAME</u></b>	Snowden Place Subdivision
<b><u>LOCATION</u></b>	North side of Cottage Hill Road, 110'+ East Christopher Drive East.
<b><u>CITY COUNCIL DISTRICT</u></b>	District 6
<b><u>PRESENT ZONING</u></b>	R-1, Single-Family Residential District
<b><u>PROPOSED ZONING</u></b>	R-1, Single-Family Residential and R-3, Multiple-Family
<b><u>AREA OF PROPERTY</u></b>	16 Lots / 13.3 ± Acres (Subdivision site) 1 Lot / 9.0 ± Acres (PUD and Rezoning site)
<b><u>CONTEMPLATED USE</u></b>	<p>Subdivision to create 16 lots, Planned Unit Development Approval to allow a 36-unit condominium complex consisting of 9 buildings, a pool, and a two wooden piers on a single building site, and Rezoning from R-1, Single-Family Residential District, to R-3, Multiple-Family Residential District to allow a 36-unit condominium complex.</p> <p><b>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.</b></p>
<b><u>TIME SCHEDULE</u></b>	Immediate
<b><u>ENGINEERING COMMENTS</u></b>	<p>If the ditch takes public water, provide a drainage easement. If the lake is to be used for detention, the pond design should be submitted for the additional impervious area. 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. Must comply with all storm water and</p>

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).

Preservation status granted for all 50" and larger trees. All work under the canopies is to be permitted and coordinated with Urban Forestry, removal to be permitted by Urban Forestry only in the case of disease or impending danger. Exact curb cut locations and location of the proposed street and internal circulation drive should also be coordinated with Urban Forestry to ensure that no trees 50" and larger are effected.

**FIRE DEPARTMENT**

**COMMENTS**

No comments.

**REMARKS**

The applicant is requesting Subdivision approval to create 16 lots, Planned Unit Development approval to allow a 36-unit condominium complex consisting of 9 buildings, a pool, and a two wooden piers on a single building site, and Rezoning approval from R-1, Single-Family Residential District, to R-3, Multiple-Family Residential District to allow a 36-unit condominium complex. Multi-family residential dwellings are allowed by right in R-3, Multiple-Family Residential Districts.

The site is currently developed with a single-family residence, associated accessory structures and a small lake with several piers. The site is bounded to the West and North by single-family homes in an existing R-1, Single-Family Residential District, to the East by a church in an R-1 district, and to the South, across Cottage Hill Road, by single-family residences in an R-1 district and commercial uses in a B-2 Neighborhood Business District.

The site fronts onto Cottage Hill Road, a major street. Service roads occur on the North side of Cottage Hill Road, immediately East and West of the site. While service roads are no longer required as part of the Major Street Plan, normally they are required for sites that are adjacent to or in between existing service road facilities. Thus either a 40-foot service road should be dedicated, or the required minimum building setback line, which is not depicted on the subdivision plat, should be shown a minimum of 65-feet from the current right-of-way edge of Cottage Hill Road. Furthermore, the subdivision plat should be revised to show the 25-foot minimum building setback line for all other lots with road frontage, and the setback lines should also be depicted on the PUD and Zoning site plans.

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, stated in Section 64-5. of the Zoning Ordinance, 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 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.

The applicant is proposing a 36 unit condominium townhouse complex with nine (apparently multi-story) buildings and an outdoor pool area: the existing home will be demolished, but the lake and piers will remain. The portion of the site not used for the condominium development will be single-family homes and a public street. Access to the site will be via a new public street that connects to the service road street-stub for Cottage Hill Road, on the West side of the site (this is also the access point for the existing residence). No access is proposed directly to Cottage Hill Road.

There are several issues of concern regarding the proposed development. As previously mentioned, the minimum building setback line is not depicted on the subdivision plat or the PUD and Zoning site plan: it appears that at least one of the proposed buildings will be less than 25-feet from the right-of-way edge of Cottage Hill Road. The site plan should be revised to ensure that all buildings meet the setback requirements from all adjacent street frontages, including the additional setback recommended for the service road area.

There is no information on the site plan regarding the height of the proposed condominiums, in terms of number of stories or total height in feet. It is assumed that each townhome will be at least two stories in height due to a garage being proposed for the ground floor. As one of the buildings will abut existing single-family residential development, the building height is of concern to existing neighbors.

While residential adjacency buffers are not required, it is recommended that a 6-foot high wooden privacy fence, at minimum, be provided where the condominium development abuts existing single-family development.

The existing residence has a large wall along Cottage Hill Road. If the applicant intends to retain the wall, it should be depicted on the site plan.

Access management is a concern due the presence of a major street. All proposed lots should be denied direct access to Cottage Hill Road. Lots 1-15 should be limited to one curb-cut each onto the new cul-de-sac street, while Lot 16 should be limited to a maximum of three curb-cuts. The size, design and location of all curb-cuts must be approved by Traffic Engineering and meet AASHTO standards.

It should also be pointed out that the proposed cul-de-sac will exceed the recommended maximum length of 600 feet, thus emergency access may be a concern. The applicant should also confer with Mobile Fire-Rescue to ensure that the internal vehicular circulation system for the condominium portion of the site meets their requirements, and the site plan should be accordingly revised.

No pedestrian circulation is depicted on the site plan, however, sidewalks should be depicted. The site plan should be revised to depict sidewalks within the PUD and along all street frontages. It should be noted that the WAVE transit system appears to have a route along Cottage Hill Road, which is a five-lane roadway at this location.

As the applicant is proposing a PUD residential development, 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. Furthermore, compliance with the tree and landscaping requirements of the Zoning Ordinance will be required due to the proposed R-3 zoning of the site. Therefore, the site plan should be revised to indicate compliance with the tree and landscaping requirements, as well as to provide the required calculations for the landscape area / open space. It should also be noted that it appears that the site will have more than adequate area devoted to landscaping.

Due to the extent of the proposed development, compliance with the City's stormwater regulations may be required. As PUD approval is site plan specific, and as a changes to the stormwater detention system on the site may be required, the applicant should consult with the Engineering Department and revise the site plan as necessary to depict any required stormwater detention system that will impact the site plan.

It should be noted that the East portion of the site contains a man-made lake and concrete ditch that conveys the upper reaches of Spring Creek across the site. The presence of the lake and creek indicate that the area may be environmentally sensitive; therefore, the approval of all applicable federal, state and local agencies would be required prior to the issuance of any permits or land disturbance activities.

No dumpster or other waste management system has been indicated for the condominium development. As the condominium development will require a private waste disposal system, the location of the storage area for the dumpster or garbage cans must be indicated on the site plan, and the location and required screening must comply Section 64-4.D.9. of the Zoning Ordinance, as well as with all other applicable regulations.

It is also assumed by staff that there will be a central mail box location, thus the site plan should be revised to show any structures associated with mail facilities.

## **RECOMMENDATION**

**Rezoning:** The rezoning request is recommended for Holdover until the March 15<sup>th</sup> meeting to accommodate revisions listed under the PUD and Subdivision recommendations.

**Planned Unit Development:** The PUD request is recommended for Holdover until March 15<sup>th</sup>, with revisions due to Urban Development by February 21<sup>st</sup>, to give the applicant time to address the following: 1) revision of the site plan and subdivision plat to depict compliance with Engineering comments (*If the ditch takes public water, provide a drainage easement. If the lake is to be used for detention, the pond design should be submitted for the additional impervious area. 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. 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.*); 2) revision of the site plan and subdivision plat to depict compliance with 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 granted for all 50" and larger trees. All work under the canopies is to be permitted and coordinated with Urban Forestry, removal to be permitted by Urban Forestry only in the case of disease or impending danger. Exact curb cut locations and location of the proposed street and internal circulation drive should also be coordinated with Urban Forestry to ensure that no trees 50" and larger are effected.*); 3) revision of the site plan and plat to depict the minimum building setback lines from all street frontages, to include an additional 40-foot setback along Cottage Hill Road; 4) revision of the site plan to depict all buildings meeting the required minimum building setbacks, or provision of a written statement justifying reduced setbacks; 5) revision of the site plan to indicate the number of stories of all buildings and dimensioning of the minimum spacing between buildings; 6) consultation with Fire / Rescue to determine if modifications to the site plan are necessary to comply with their regulations, and revision of the site plan as appropriate; 7) revision of the site plan to depict

compliance with the open space and tree and landscaping requirements of the Zoning Ordinance, including the necessary PUD site calculations required by Section 64-5.C.2. of the Zoning Ordinance; 8) depiction and labeling of any required stormwater detention basins; 9) depiction and labeling of dumpster or other waste storage locations, with screening that complies with Section 64-4.D.9. of the Zoning Ordinance; 10) provision and depiction of a 6 to 8 foot high privacy fence or wall where the lot containing the condominium portion of the site abuts existing R-1 districts that are developed with single-family residences; 11) placement of a note on the site plan stating that maintenance of all common areas and detention areas is the responsibility of the property owners; 13) placement of a note on the site plan stating that lighting shall be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic, per the requirements of Section 64-4.A.2. the Zoning Ordinance; 14) depiction of the pedestrian circulation system on the site plan, including the depiction of sidewalks along all public streets; 15) placement of a note on the site plan and plat stating that the approval of all applicable federal, state and local agencies is required prior to the issuance of any permits or land disturbance activities; and 16) placement of a note on the site plan and subdivision plat stating that all lots are denied direct access to Cottage Hill Road, that lots 1-15 are limited to one curb-cut each and that lot 16 is limited to three curb-cuts, and that the size, design and location of all curb-cuts must be approved by Traffic Engineering and conform to AASHTO standards.

**Subdivision:** The Subdivision request is recommended for Holdover until March 15<sup>th</sup> meeting, with revisions due to Urban Development by February 21<sup>st</sup>, to accommodate the PUD revisions, and the following requirements: 1) revision of the plat to address Engineering Comments; 2) revision of the plat to address Forestry Comments; 3) placement of a note on the plat stating that the approval of all applicable federal, state and local agencies is required prior to the issuance of any permits or land disturbance activities; 4) placement of a note on the site plan and subdivision plat stating that all lots are denied direct access to Cottage Hill Road, that lots 1-15 are limited to one curb-cut each and that lot 16 is limited to three curb-cuts, and that the size, design and location of all curb-cuts must be approved by Traffic Engineering and conform to AASHTO standards; and 5) depiction of the minimum building setback line for all lots, from all street frontages, with an additional 40-foot setback from Cottage Hill Road.

***Revised for the March 15<sup>th</sup> meeting:***

*A revised plat and site plan provided by the applicant depict changes in the layout of the subdivision and condominium development, and a reduction in the number of condominium units by one (35 instead of 36). The site plan also shows one additional access point for the site to Cottage Hill Road, reserved for emergency vehicles. The proposed street serving the development will be private and gated.*

*The single-family lots have been rearranged to provide more of a buffer between the proposed condominium development and the existing single-family residences North of the site. The condominiums are now a minimum of 60-feet from the nearest property line that abuts existing residential development.*

*Information was also provided regarding the maximum heights of the structures within the proposed development. Homes proposed for the single-family lots will be a maximum of two and one-half stories in height, while condominiums 1-18 (fronting the lake) will be limited to three stories, and condominiums 19-35 will be limited to two stories. The maximum building height (habitable space and bulk of roof) according to the Zoning Ordinance is 35 feet in an R-1 district and 45 feet in an R-3 district.*

*The applicant is requesting that the proposed subdivision be a gated community with a private street. Section VIII. of the Subdivision Regulations permits modifications to standard regulatory requirements under three circumstances: 1) Unusual difficulties, generally related to natural circumstances, where the normal application of the Regulations would cause undue hardship; 2) Innovative design, which can include cluster or Traditional Neighborhood Development subdivisions, as well as townhomes, terrace houses, multi-family projects, and commercial development; or 3) Family subdivisions, which allow a private street to serve up to 5 lots. The proposed provision of a gate for the subdivision indicates “innovative” design, however, if the subdivision is approved, the gate must remain operational and in use as a condition of the continuation of private street status.*

*Section VIII.E.2.f. of the Subdivision Regulations requires that a legal covenant be recorded with the Final Plat in Mobile County Probate Court, that: 1) provides for continuing maintenance of the street by an owners’ association or other entity; 2) grants right of ingress and egress for emergency and utility maintenance vehicles; and 3) saves harmless the governing body from damages to any owner within the association arising or which may arise out of the existence of such a private street. Furthermore, each and every owner of property abutting upon and with legal access to the proposed private street shall be a part to such document and agreement.*

*Section VIII.E.2.i. of the Regulations additionally requires that a sign shall be posted and maintained at the entrance to the private street, with the sign including the street name, and identifying the street as a private street. The sign shall be constructed to City standards, and must be approved by Traffic Engineering.*

*The following items from Section VIII.E.2. will be required on the Final Plat, if approved with a private street: 1) designation on the plat of utility easements acceptable to the appropriate provider of utility services within the subdivision; 2) a note on the plat stating that the street is privately maintained and not dedicated to the public; and 3) a note on the plat stating that if the private street is not constructed and maintained to the appropriate City standard, and is ultimately dedicated for public use and maintenance, 100 percent of the cost of the improvements required to bring the street up to the prevailing standard shall be assessed to the property owners at the time the private street is dedicated, with the assessment running with the land to any subsequent property owners.*

*Regarding the condominiums and the private street, units 24 and 32 are less than 10 feet from the private street “property line.” If the street were a public street, the buildings would normally be required to be a minimum of 25 feet from the edge of the right-of-way. It is recommended that the site plan be revised to ensure that each building is a minimum of 10 feet from the edge of the private street right-of-way. It should also be pointed out that unit 18 is less*

*than 10 feet from the requested 40-foot setback from Cottage Hill Road: the 40-foot setback is to allow for a future service road. It is recommended that unit 18 be set back an additional 10 feet, so that all buildings are a minimum of 50 feet from the Cottage Hill Road right-of-way. The depicted mail box unit should also be moved so that it is at least 10 feet from the private street right-of-way, and in fact it would be better located on an internal circulation street for Lot 16.*

*The last item of concern regards the proposed location of the dumpster, which is depicted within the 40-foot setback from Cottage Hill Road. Because of the purpose of the 40-foot setback, to allow space for a service road, the proposed dumpster should be removed from the setback area and located elsewhere within the proposed development, and should meet all minimum setback and screening requirements.*

## **RECOMMENDATION**

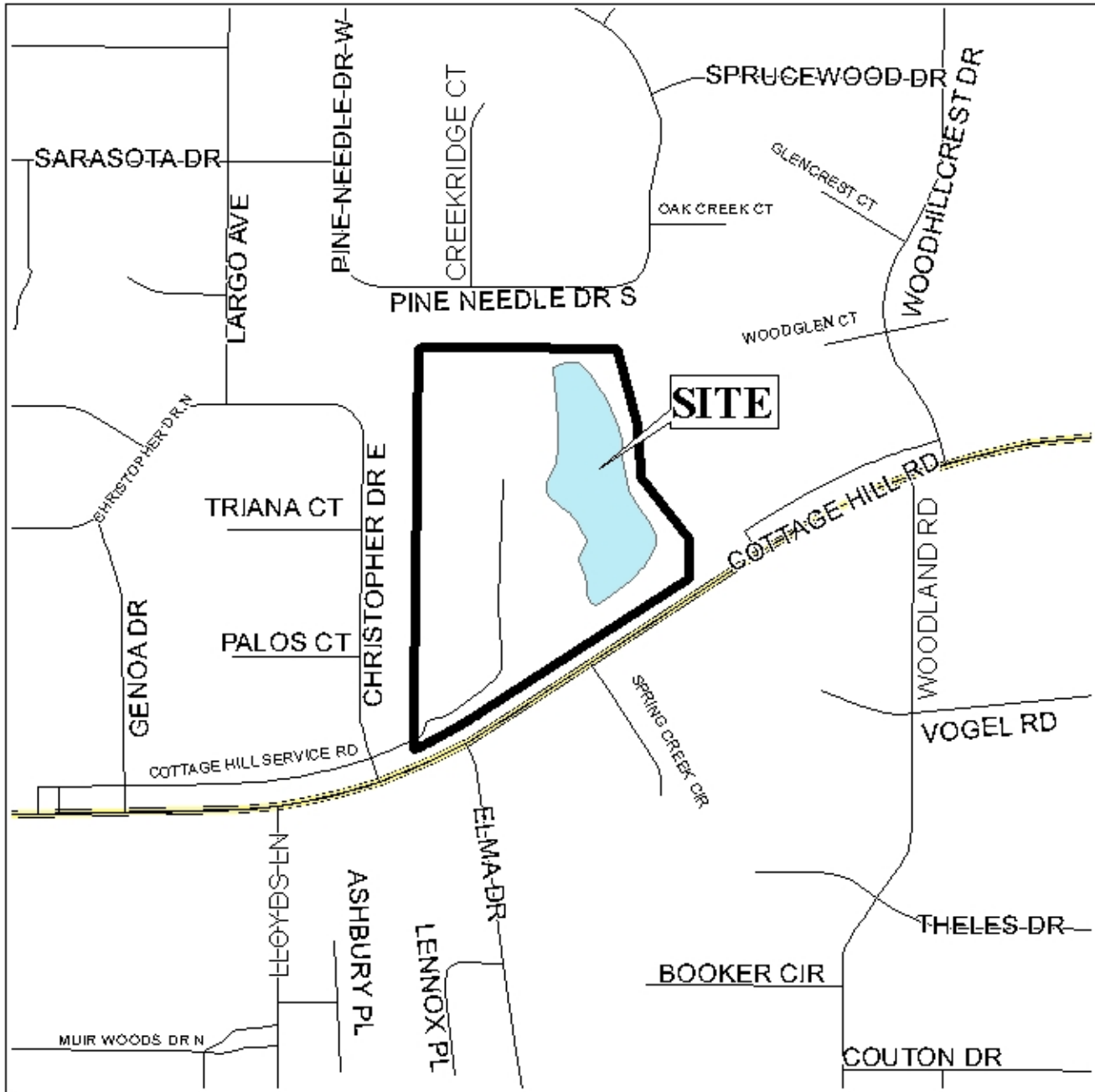
**Rezoning:** Based upon the revised site plan, the rezoning request is recommended for Approval, subject to the following conditions: 1) revision of the legal description, if necessary, to reflect the revised boundary of the R-3 area; 2) provision of a minimum building setback line of 50 feet from the existing right-of-way of Cottage Hill Road; 3) completion of the Subdivision process; and 4) full compliance with all other municipal codes and ordinances.

**Planned Unit Development:** Based upon the revised site plan, the PUD request is recommended for Approval, subject to the following conditions: 1) revision of the legal description, if necessary, to reflect the boundary of the entire Subdivision site; 2) revision of the site plan to relocate the proposed dumpster pad from the 40-foot setback along Cottage Hill Road; 3) revision of the site plan to locate all condominium units a minimum of 10-feet from the edge of the private road right-of-way; 4) revision of the site plan to locate the mail box facility a minimum of 10-feet from the edge of the private road right-of-way, preferably so that access is from a street internal to Lot 16; 5) placement of a note on the site plan stating that the maximum building site coverage for Lots 1-15 is 35%, and for Lot 16 is 45%; 6) revision of Note 1 on the site plan regarding setbacks to state that the setbacks apply specifically to Lots 1-15; 7) provision of a note stating that the minimum building setbacks for Lot 16 are 50-feet from Cottage Hill Road, 10-feet from the private street, and 8-feet from all other property lines, and depiction of these setbacks on the site plan; 8) compliance with Engineering comments (*If the ditch takes public water, provide a drainage easement. If the lake is to be used for detention, the pond design should be submitted for the additional impervious area. 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. 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.*); 9) compliance with 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 granted for all 50" and larger trees. All work under the canopies is to be permitted and coordinated with Urban Forestry, removal to be permitted by Urban Forestry only in the case of disease or impending danger. Exact curb cut locations and location of the proposed street and internal circulation drive should also be coordinated with*

*Urban Forestry to ensure that no trees 50" and larger are effected.); 10) provision of a revised PUD site plan to the Planning Section of Urban Development prior to the signing of the Subdivision plat; 11) completion of the Subdivision process, and; 12) full compliance with all other municipal codes and ordinances.*

**Subdivision:** Based upon the revised plat, the Subdivision request is recommended for Tentative Approval, subject to the following conditions: 1) placement of a note on the plat stating that Lots 1-15 are limited to one curb-cut each onto the proposed private street, that Lot 16 is limited to one emergency access only curb-cut onto Cottage Hill Road and six (6) curb-cuts onto the proposed private street, and that all curb-cuts are to be approved by Traffic Engineering and conform to AASHTO standards; 2) placement of a note on the plat stating that the maximum building site coverage for Lots 1-15 is 35%, and for Lot 16 is 45%, subject to the rezoning of Lot 16 to R-3; 3) revision of Note 1 on the plat regarding setbacks to state that the setbacks apply specifically to Lots 1-15; 4) provision of a note stating that the minimum building setbacks for Lot 16 are 40-feet from Cottage Hill Road, 10-feet from the private street, and 8-feet from all other property lines, and depiction of these setbacks on the plat; 5) compliance with Engineering comments (*If the ditch takes public water, provide a drainage easement. If the lake is to be used for detention, the pond design should be submitted for the additional impervious area. 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. 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.*); 6) compliance with 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 granted for all 50" and larger trees. All work under the canopies is to be permitted and coordinated with Urban Forestry, removal to be permitted by Urban Forestry only in the case of disease or impending danger. Exact curb cut locations and location of the proposed street and internal circulation drive should also be coordinated with Urban Forestry to ensure that no trees 50" and larger are effected.*); 7) compliance with Section VIII. of the Subdivision Regulations, regarding the provision of a private street; 8) designation on the plat of utility easements acceptable to the appropriate provider of utility services within the subdivision; 9) placement of a note on the plat stating that the street is privately maintained and not dedicated to the public; 10) placement of a note on the plat stating that if the private street is not constructed and maintained to the appropriate City standard, and is ultimately dedicated for public use and maintenance, 100 percent of the cost of the improvements required to bring the street up to the prevailing standard shall be assessed to the property owners at the time the private street is dedicated, with the assessment running with the land to any subsequent property owners; 11) placement of a note on the plat stating that the gate must remain operational and in use as a condition of the continuation of private street status, and; 12) full compliance with all other municipal codes and ordinances.

# LOCATOR MAP



APPLICATION NUMBER Holdover DATE March 15, 2007

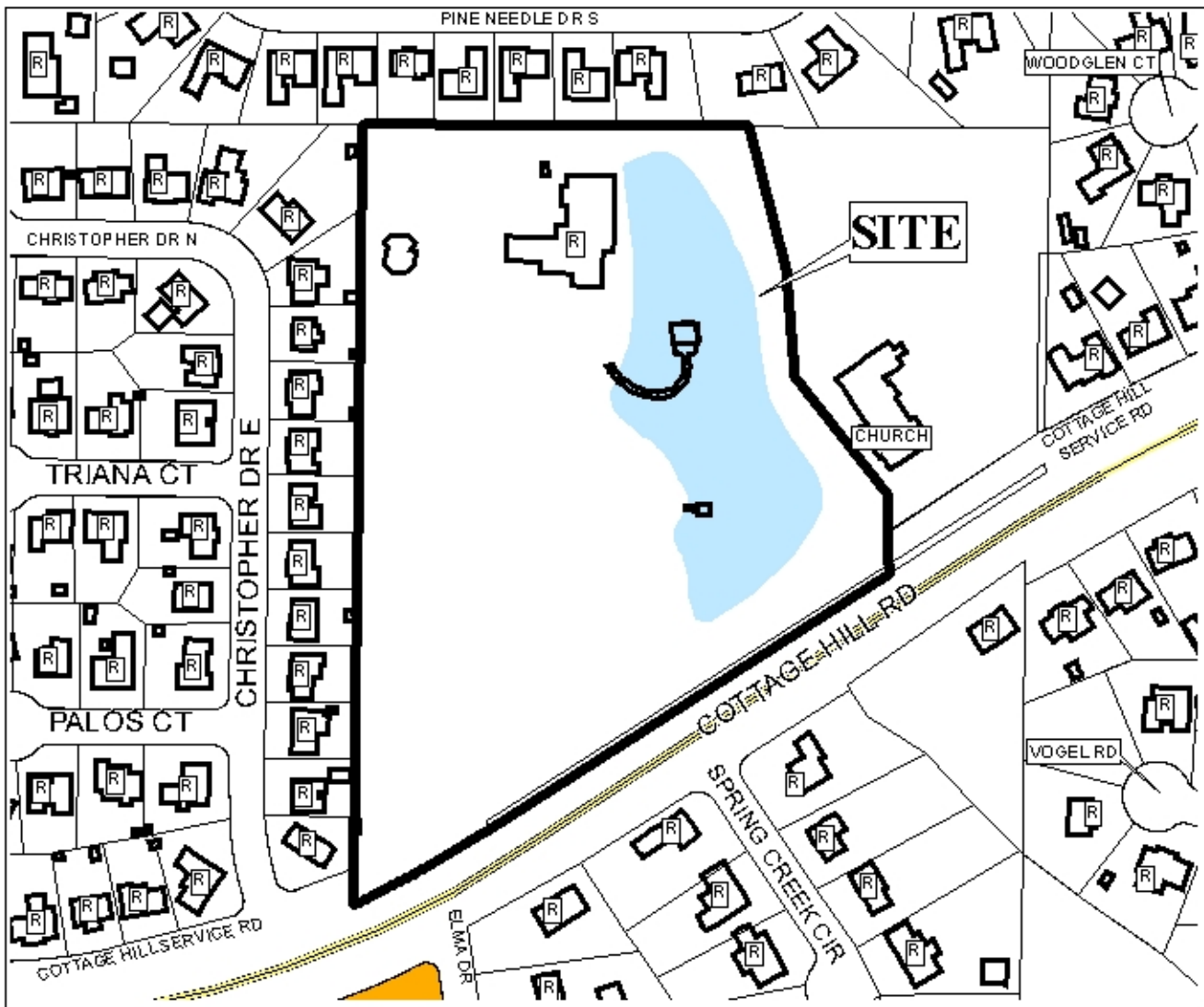
APPLICANT Reid Cummings

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



NTS

# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by single-family residential units. A church is located to the east of the site.

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APPLICANT Reid Cummings

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

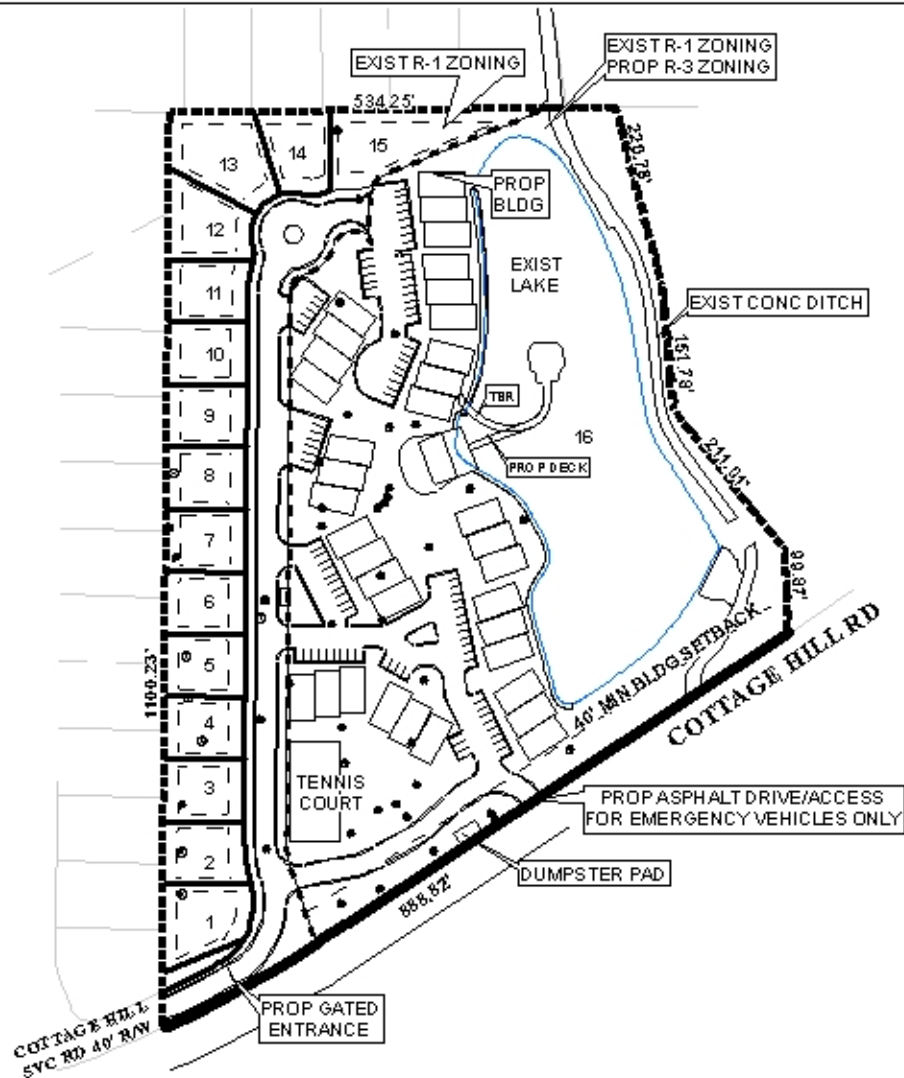
LEGEND

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 plan illustrates the proposed buildings, lot configuration, and proposed zoning.

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



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