

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

**Date: September 18, 2008**

<b><u>NAME</u></b>	Ashland Park LLC
<b><u>SUBDIVISION NAME</u></b>	Frazier Park Subdivision
<b><u>LOCATION</u></b>	2165 Old Shell Road (South side of Old Shell Road at the South terminus of Frazier Court)
<b><u>CITY COUNCIL DISTRICT</u></b>	District 1
<b><u>PRESENT ZONING</u></b>	R-1, Single-Family Residential
<b><u>PROPOSED ZONING</u></b>	R-3, Multi-Family Residential
<b><u>REASON FOR REZONING</u></b>	None provided.
<b><u>AREA OF PROPERTY</u></b>	1 Lots / 0.5 ± Acres
<b><u>CONTEMPLATED USE</u></b>	<p>Subdivision approval to create 1 lot, Planned Unit Development Approval to allow reduced side yard setbacks for a three unit residential condominium complex and Rezoning from R-1, Single-Family Residential to R-3, Multi-Family Residential, to allow the construction of three residential town home condominiums.</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>	No timeframe provided.
<b><u>ENGINEERING COMMENTS</u></b>	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. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet. Need to verify that there is sufficient capacity for the receiving drainage system to accept drainage from this property.

**TRAFFIC ENGINEERING**

**COMMENTS**

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Final approval for all driveways, proposed and existing will be given upon submittal of final plans.

**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 must comply with the requirements of the 2003 International Fire Code, including Appendices B through D, as adopted by the City of Mobile, and the 2003 International Existing Building Code, as appropriate.

**REMARKS**

The applicant is requesting Subdivision approval to create 1 lot, Planned Unit Development Approval to allow reduced side yard setbacks for a three unit residential condominium complex and Rezoning from R-1, Single-Family Residential to R-3, Multi-Family Residential, to allow the construction of three residential town home condominiums.

The site is located on the South side of Old Shell Road, East of Upham Street, and is currently undeveloped. The site abuts a telephone exchange facility in a B-2, Neighborhood Business District to the East, and single-family residences located in an R-1 district to the South, West and North.

The site appears to be 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. 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.

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 applicant provided no justification for the requested rezoning, other than as indicated by the necessity to have the R-3 district to allow the proposed development. The nearest R-3 district is approximately 750-feet to the Northeast, along Upham Street and Spring Hill Avenue

(Summerville Court condominiums). The size of the site would allow the theoretical development of up to 11 dwelling units with R-3 zoning.

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.

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 applicant intends to build three 2,400 square foot dwelling units and three two-car garages that will be detached from the dwelling units. Three private courtyards will link the dwelling units to the garages. The applicant states that the site plan depicts 25%  $\pm$  site coverage, however, he states that site coverage may actually achieve 45% due to changes in dwelling unit design: 45% site coverage is allowed by right in R-3 districts. The site plan also indicates a maximum height of 45 feet, which is allowed by right in R-3 districts. PUD approval is site plan specific, thus the site plan should be revised to depict the maximum anticipated development as a building envelope per dwelling unit, which will allow for reductions in actual development.

The site plan indicates that the proposed dwelling units will be 5-feet from the East property line where it abuts the B-2 district: the normal minimum side yard setback is 8 feet. An 8-foot high masonry wall is proposed along Old Shell Road, within the 25-foot minimum building setback line: 3-feet is the normal maximum height for any solid fence within the front setback area. All other setbacks appear to meet minimum requirements.

The development will be somewhat uncharacteristic for this segment of Old Shell Road, as no town home developments have been built in this area (they are more common in the Spring Hill area along Old Shell Road). The Ashland Park development, 150  $\pm$  feet to the West of the site, is the nearest marginally similar development in that it is a PUD, with increased site coverages and reduced setbacks. Ashland Park, however, is composed of single-family residences on individual lots.

The applicant proposes 4 “guest” parking spaces between the town homes and the street, and 6 parking spaces in 3 two-car garages. A total of 5 spaces are required for 3 dwelling units. A 20-foot wide driveway will lead from the front parking area to the private garages at the rear of the property. The Zoning Ordinance normally requires a 24-foot wide driveway for two-way traffic, thus the drive will be below the width requirement. A 20-foot wide driveway may be acceptable due to the fact that it only serves 6 parking spaces and because no parking or maneuvering to serve parking would be required in the driveway area. However, fire apparatus access onto the site would not be possible due to the limited maneuvering area.

Residential PUDs also require the provision of 700 square feet of open space per dwelling unit (2100 square feet required). The landscape information depicted on the site plan shows that over 2,600 square feet of landscape area will be provided, not including the private courtyards.

The site plan also depicts trees. It appears that the site plan is one understory tree short of full compliance with the requirements of Section 64-4.E. of the Zoning Ordinance.

Storm water detention is not depicted on the site plan, but compliance with the City's storm water and flood control regulations will be required.

A dumpster is not depicted on the site plan, however, if one will be used, it must be depicted, or a note must be placed on the site plan stating how garbage will be handled.

The site will be bounded by fencing along the West, South and East property line, up to 8 feet in height. An 8-foot high masonry wall is proposed along the Old Shell Road frontage, and around the proposed private courtyards.

Regarding the subdivision, the proposed lot will meet minimum size requirements of the Subdivision Regulations. No dedication of right-of-way will be required along Old Shell Road due to its existing adequate width. Access management is a concern, however, thus the site should be limited to one curb-cut, with the size and design to be approved by Traffic Engineering, and to conform to AASHTO standards.

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.

The argument against the request is that the applicant provided no justification for the rezoning request, that the rezoning will place additional pressure on the two remaining single-family residences between this site and Ashland Park, and that common wall town homes would be uncharacteristic to this segment of Old Shell Road. Also, tall masonry walls along public rights-of-way are generally detrimental to the (urban design) character of a single-family residential neighborhoods in that they greatly change the streetscape, are exclusionary, and create visibility hazards for auto/pedestrian conflicts where sidewalks and driveways meet.

## **RECOMMENDATION**

**Rezoning:** The rezoning request is recommended for Denial because the applicant did not provide evidence regarding one or more of the following:

- 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.

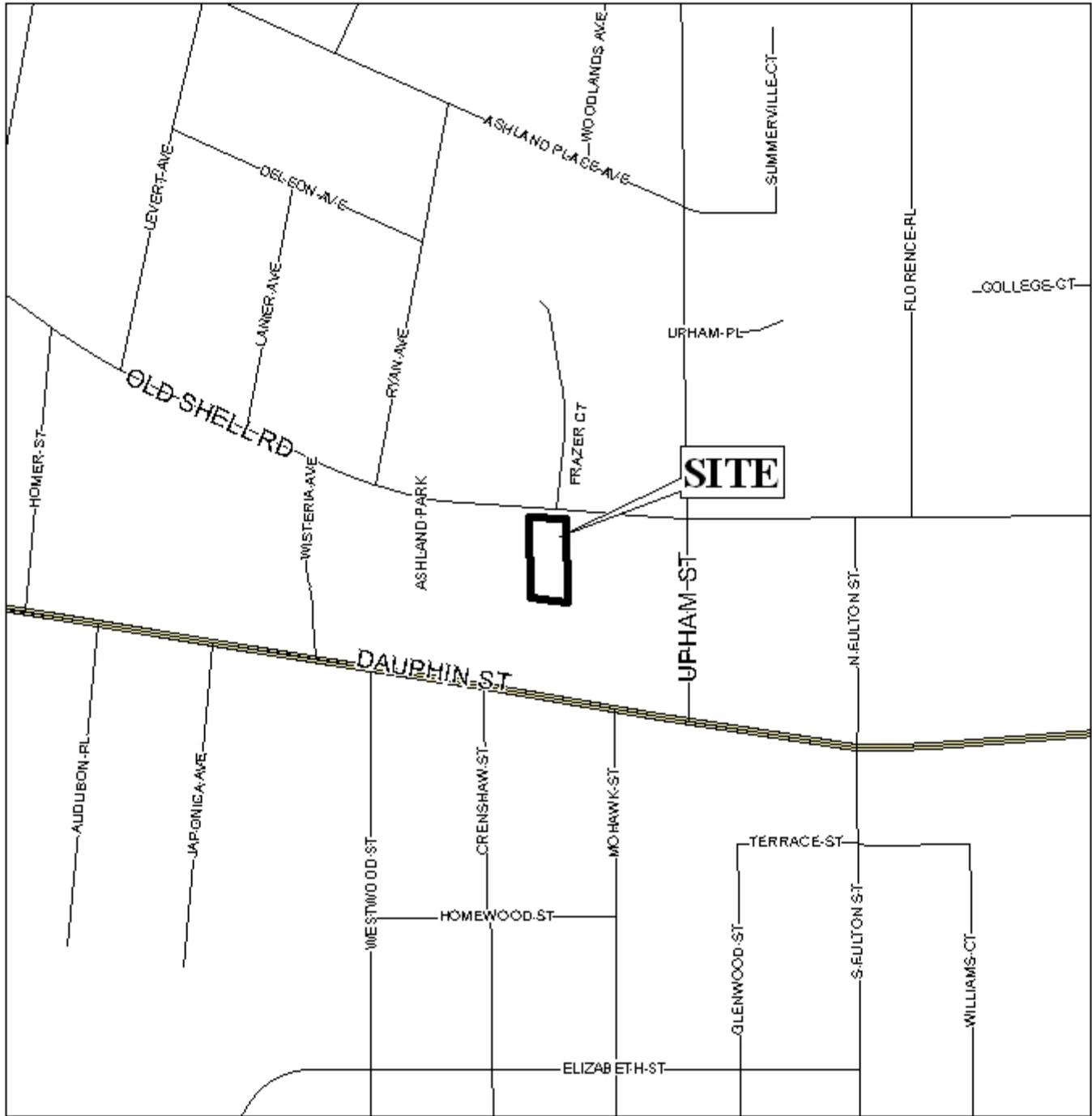
**Planned Unit Development:** The PUD request is recommended for Denial for the following reasons:

- 1) The proposed development is not generally compatible with the adjacent single-family uses;
- 2) The construction of 8-foot high masonry wall along the Old Shell Road frontage would adversely impact adjacent existing single-family residences, and the general character of the neighborhood; and
- 3) The common wall town home development would be uncharacteristic for the area.

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

- 1) Placement of a note on the final plat stating that the site is limited to one curb-cut, with the size, design and location to be approved by Traffic Engineering and conform to AASHTO standards; and
- 2) Placement of a note on the plat / site plan stating that the site must be developed in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.

# LOCATOR MAP



APPLICATION NUMBER 2 & 3 & 4 DATE November 20, 2008  
APPLICANT Ashland Park LLC  
REQUEST Subdivision, PUD, Rezoning from R-1 to R-3



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Single-family residential units are located to the north, west, and south of the site. Commercial land use is located to the east of the site.

APPLICATION NUMBER 2 & 3 & 4 DATE November 20, 2008

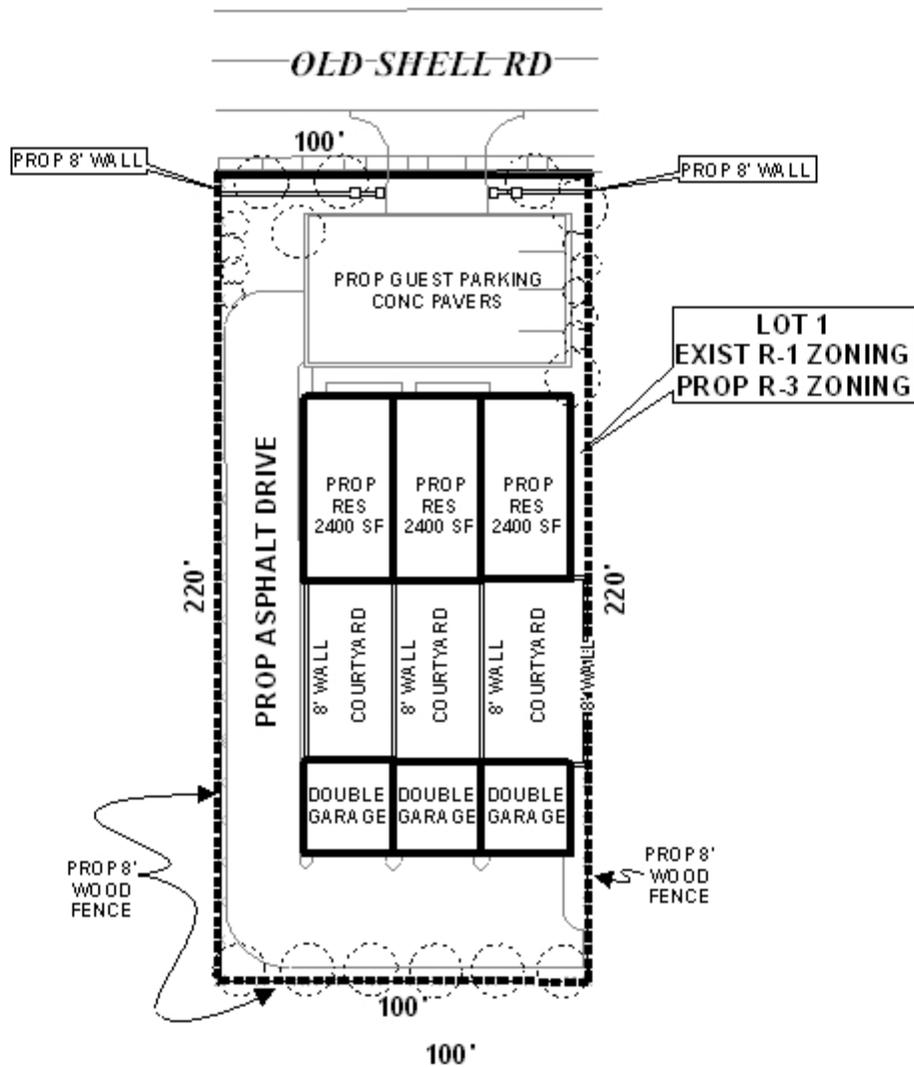
APPLICANT Ashland Park LLC

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

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



# SITE PLAN



The site plan illustrates the proposed development

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