

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

Date: December 3, 2009

<u>NAME</u>	Goodwyn, Mills & Cawood, Inc.
<u>SUBDIVISION NAME</u>	White Oak Subdivision
<u>LOCATION</u>	328 Dogwood Drive (Northwest corner of Dogwood Drive and Oak Ridge Road)
<u>CITY COUNCIL DISTRICT</u>	District 5
<u>PRESENT ZONING</u>	R-1, Single-Family Residential District
<u>PROPOSED ZONING</u>	R-2, Two-Family Residential District
<u>REASON FOR REZONING</u>	To allow a single-family residential subdivision with reduced lot sizes and increased site coverage.
<u>AREA OF PROPERTY</u>	7 Lots / 1.0± Acres
<u>CONTEMPLATED USE</u>	Subdivision approval to create seven legal lots of record from one legal lot; Planned Unit Development Approval to allow reduced lot sizes, reduced lot widths, reduced side yard setbacks, and increased site coverage; and Rezoning from R-1, Single-Family Residential District, to R-2, Two-Family Residential District, to allow a single-family residential subdivision with up to 41% site coverage per lot. 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.
<u>TIME SCHEDULE</u>	Within 90 days of approval

ENGINEERING

COMMENTS

Detention will be required; the location of the detention area(s) shall be shown on the final plat. This subdivision will also require the formation of a Property Owners Association, which will be responsible for the maintenance of the detention system. A note shall be added to the plat clearly stating that the maintenance of the detention system shall be the responsibility of the POA and not the City of Mobile. 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.

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 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. Fire hydrants shall be installed to comply with 2003 IFC 508.5.1

REMARKS

The applicant is requesting Subdivision approval to create seven legal lots of record; Planned Unit Development Approval to allow reduced lot sizes and widths, reduced side yard setbacks, and increased site coverage; and Rezoning from R-1, Single-Family Residential District, to R-2, Two-Family Residential District, to allow a single-family residential subdivision with up to 41% site coverage per lot.

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 if any new construction is anticipated that will change an approved site plan, an application to amend an existing, approved PUD must be made prior to any construction activities.

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. 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 applicant proposes to subdivide an existing lot of record into seven lots and build zero-lot line single-family dwellings on each. The existing lot is approximately 1.02 acres in area, and six of the lots would be approximately 5,970 square feet in area and the seventh would be approximately 8,358 square feet in area. Proposed dwelling and garage size would be approximately 2401 total square feet, or approximately 41% site coverage on the six smaller lots. Due to the increased density proposed for the subdivision, rezoning from R-1 to R-2 must be received.

With regard to the proposed Planned Unit Development, such have been allowed in areas where surrounding lot sizes are fairly typical of the lot sizes proposed or where larger land areas have been proposed for the development. In this instance, an area just over one acre in size is available, and six of the lots would be approximately 0.14-acre in size and the seventh would be approximately 1/5-acre in size. Most of the surrounding lot sizes within the neighborhood are within 4/5-acre to 1.6 acres in area. The smallest lot size in the neighborhood is approximately 7/10-acre. Therefore, the majority of the proposed lots would only be 1/5 the size of the smallest lot in the neighborhood. Therefore, the proposed lot sizes are out of character with the surrounding neighborhood. And the site coverage requested of 41% is also distinctly out of character with the neighborhood where no lots even remotely approach the 35% maximum allowable site coverage in R-1 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 applicant states that at the time of the platting of the original Government Street Highlands Subdivision, large lots and ranch style homes were very desirable, but that today people have less time to spend on home and yard upkeep and desire to downsize both. The argument is made that justification for the rezoning is based on the Zoning Ordinance's condition that "*The subdivision of land into urban building sites makes reclassification necessary and desirable*". Along with that prevailing condition, the area to be rezoned should meet certain minimum area guidelines, and in the case of rezoning to R-2, a minimum gross area of four acres is the general rule. Similar rezonings have occurred within R-1 districts, but in most instances, they were granted because of changing housing trends within the immediate neighborhoods and the proposed developments were in keeping with those changing trends. However, in this case, the area proposed to be rezoned is only 1/4 the minimum guideline size, and there are no changing housing trends within the immediate neighborhood. Furthermore, the entire surrounding neighborhood is currently zoned R-1 and the proposed R-2 would create a spot zoning situation.

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.

As proposed, the seven-lot subdivision within the one-acre area is out of character with the lot sizes of the surrounding neighborhood and clashes with the open space concept of the neighborhood and more particularly, the abutting property to the North.

RECOMMENDATION

Planned Unit Development: The request for Planned Unit Development is recommended for denial for the following reasons:

- 1) the proposed lot sizes are out of character with the surrounding neighborhood; and
- 2) the proposed site coverage is out of character with the surrounding neighborhood.

Rezoning: The request for Rezoning approval is recommended for denial for the following reasons:

- 1) a need for subdivision of the property into additional building sites is not substantiated by changing conditions within the neighborhood;
- 2) the property size does not meet the 4-acre minimum guideline; and
- 3) the rezoning would create a spot-zoning situation within the neighborhood.

Subdivision: The Subdivision request is recommended for denial for the following reasons:

- 1) the proposed lot sizes would be out of character with the surrounding neighborhood; and
- 2) the proposed subdivision clashes with the open space concept of the surrounding neighborhood, and more particularly with the abutting property to the North.

Revised for the January 7th, 2010 meeting:

These applications were heldover from the December 3rd, 2009 meeting at the applicant's request. As there have been no revised plats or site plans or further justification for the applications submitted, the original recommendations would stand.

RECOMMENDATION

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

- 1) the proposed lot sizes are out of character with the surrounding neighborhood; and*
- 2) the proposed site coverage is out of character with the surrounding neighborhood.*

Rezoning: *The request for Rezoning approval is recommended for denial for the following reasons:*

- 1) a need for subdivision of the property into additional building sites is not substantiated by changing conditions within the neighborhood;*
- 2) the property size does not meet the 4-acre minimum guideline; and*
- 3) the rezoning would create spot-zoning within the neighborhood.*

Subdivision: *The Subdivision request is recommended for denial for the following reasons:*

- 1) the proposed lots sizes would be out of character with the surrounding neighborhood; and*
- 2) the proposed subdivision clashes with the open space concept of the surrounding neighborhood, and more particularly with the abutting property to the North.*

LOCATOR MAP



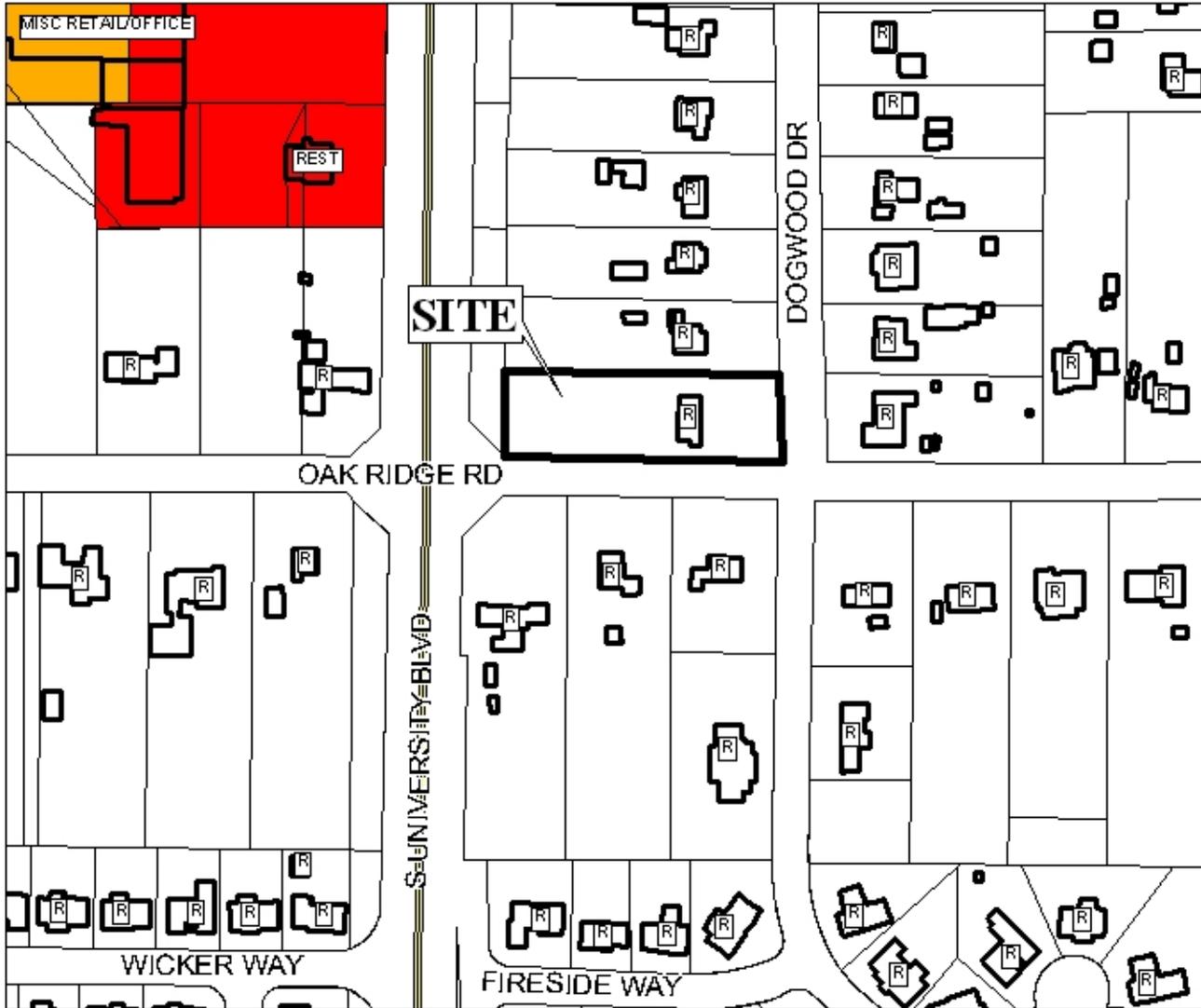
APPLICATION NUMBER 3, 4, & 5 DATE January 7, 2010

APPLICANT Goodwyn, Mills, & Cawood, Inc.

REQUEST Subdivision, Rezoning from R-1 to R-2, PUD



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential units and there is miscellaneous retail and a restaurant to the northwest

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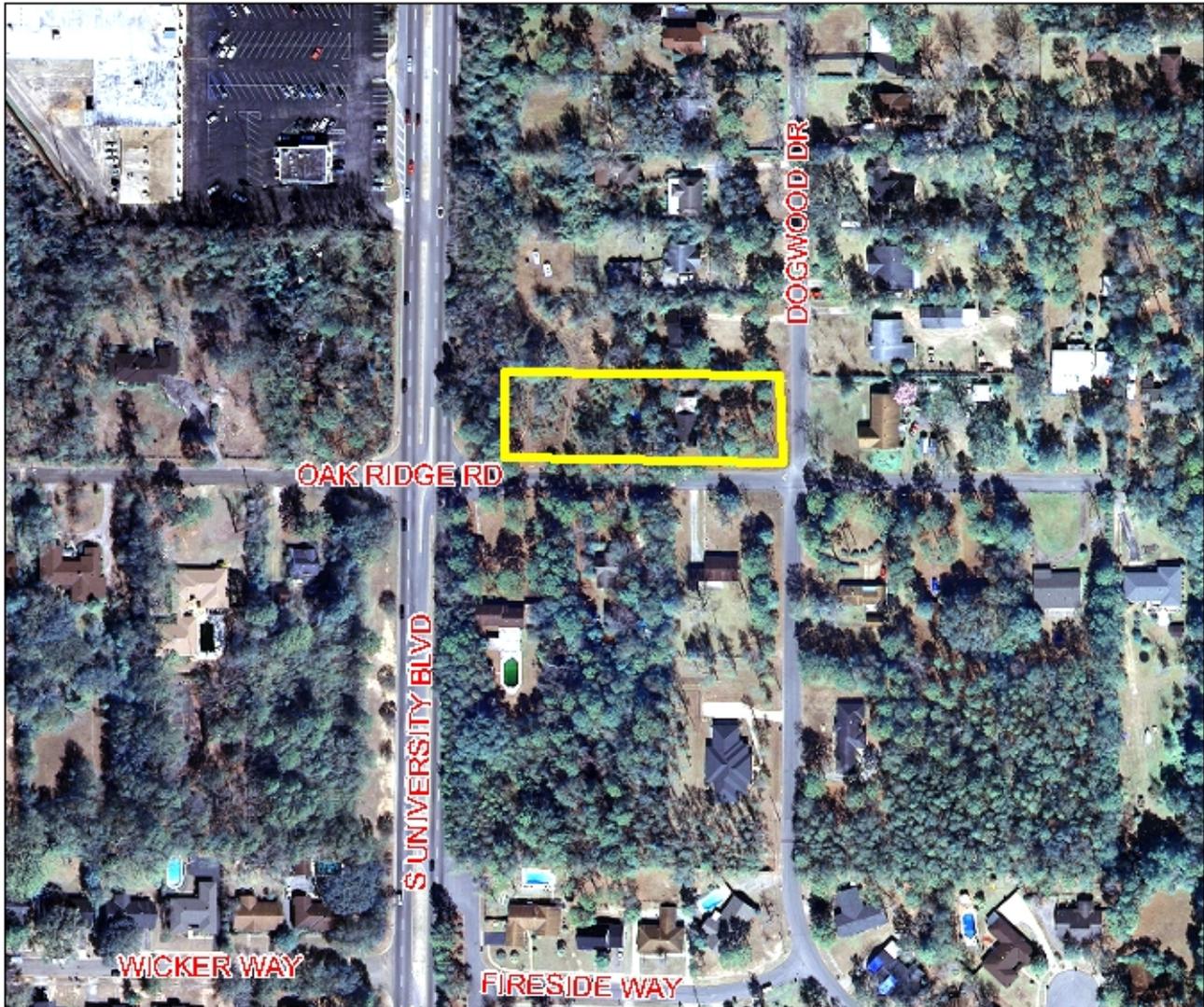
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LEGEND

 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
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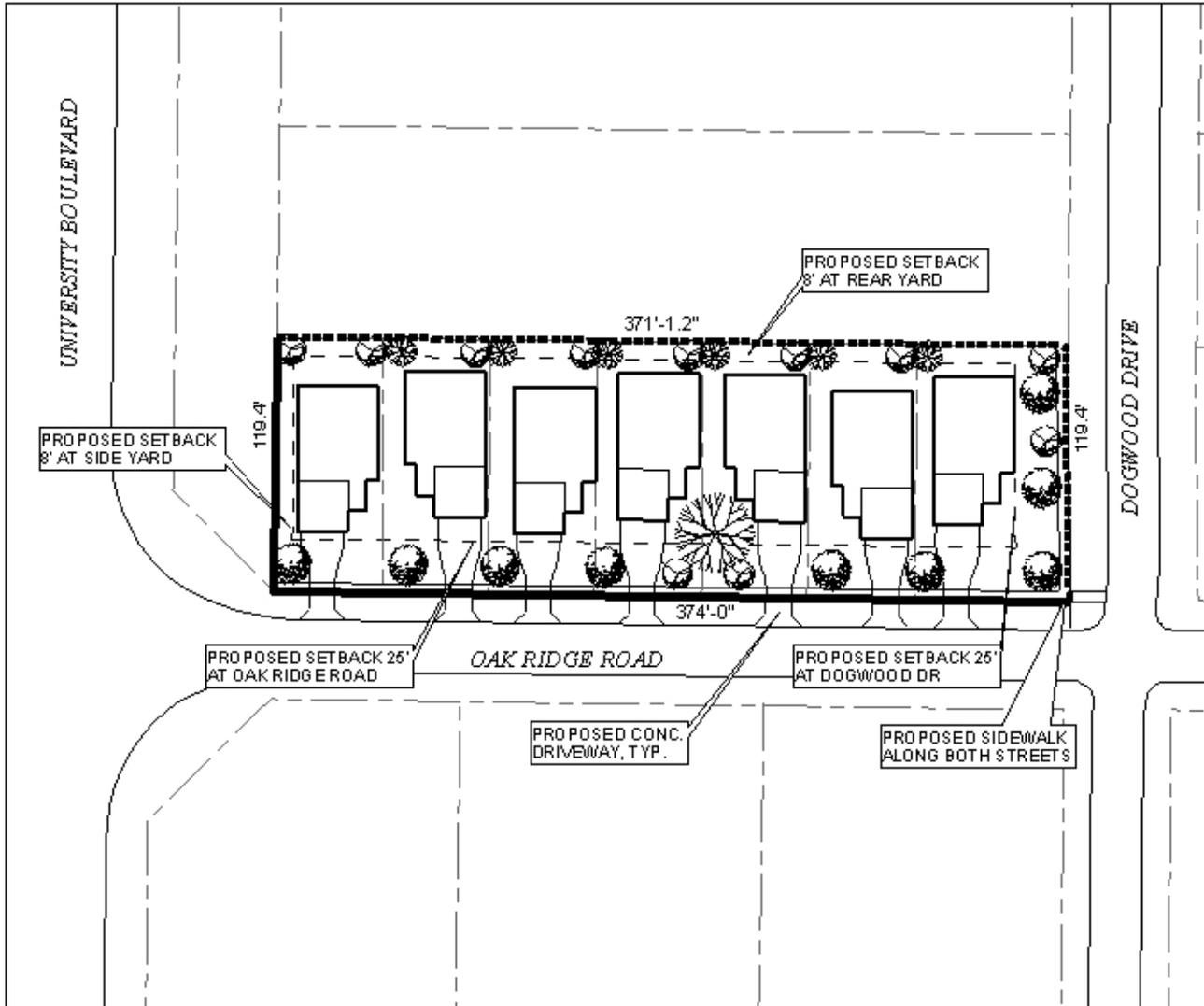
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SITE PLAN



The site plan illustrates the proposed buildings, setbacks, drives, and landscaping.

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