

**ZONING AMENDMENT
& SUBDIVISION STAFF REPORT**

Date: December 1, 2016

APPLICANT NAME

O.A. Pesnell

SUBDIVISION NAME

Moss Creek Addition to Brookview at Brookside
Subdivision

LOCATION

2251 & 2255 Pesnell Court, and 2250 Moss Creek Court
(North terminus of Pesnell Court extending to the North
terminus of Moss Creek Court.)

**CITY COUNCIL
DISTRICT**

District 6

PRESENT ZONING

R-1, Single-Family Residential District, and R-3, Multiple-
Family District

PROPOSED ZONING

R-1, Single-Family Residential District, and R-3, Multiple-
Family District

AREA OF PROPERTY

2 Lots / 27.3± Acres

CONTEMPLATED USE

Subdivision approval to relocate the interior lot line
between 2 legal lots of record, and Zoning approval to re-
zone the site from R-1, Single-Family Residential District,
and R-3, Multiple-Family District, to R-1, Single-Family
Residential District, and R-3, Multiple-Family District, to
eliminate split-zoning.

**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 those sought by the applicant for this property.**

**REASON FOR
REZONING**

To eliminate split-zoning resulting from the subdivision.

**TIME SCHEDULE
FOR DEVELOPMENT**

Not specified

ENGINEERING**COMMENTS**

Subdivision: FINAL PLAT COMMENTS (should be addressed prior to submitting the FINAL PLAT for acceptance and signature by the City Engineer):

- A. Provide all of the required information on the FINAL SUBDIVISION PLAT (i.e. signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings and distances) that is required by the current Alabama State Board of Licensure for Professional Engineers and Land Surveyors.
- B. Boundary line between LOT 1 and 2 was not evident. It appears that the creek centerline is a proposed LOT boundary line.
- C. Show and label the existing roads, culverts, structures, and areas of detention.
- D. Show and label the existing lot lines and recording information.
- E. Provide and label the monument set or found at each subdivision corner.
- F. Provide information about the wetlands – date of flagging, US Army Corps of Engineers delineation information, extent and limits of wetlands.
- G. Show and label the MFFE (Minimum Finished Floor Elevation) on each lot that contains an AE, V, or X (shaded) flood zone designation. Consult with the Engineering Department for required MFFE.
- H. Show and label each and every drainage easement.
- I. Add a note to the FINAL SUBDIVISION PLAT stating that a Land Disturbance permit will be required for any land disturbing activity in accordance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control; the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.
- J. Add a note to the Plat stating that the approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit.
- K. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of new development or construction, unless a sidewalk waiver is approved.
- L. Provide a copy of the FINAL SUBDIVISION PLAT to the Engineering Dept. for review. No signatures are required on this drawing.
- M. After addressing all of the FINAL SUBDIVISION PLAT review comments by the Engineering Dept. provide the ORIGINAL and one (1) copy of the revised Final Plat with all of the required signatures including Owner's (notarized), Planning Commission, and Traffic Engineering signatures.

Rezoning: No Comments.

TRAFFIC ENGINEERING**COMMENTS**

Each lot is limited to one curb cut with 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 2015-116 and City Code Chapters 57 and 64).

FIRE DEPARTMENT**COMMENTS**

All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 International Fire Code).

MAWSS COMMENTS

MAWSS has water and sewer services available, but a Capacity Assurance application for **additional** sewer service has not been applied for. MAWSS cannot guarantee **additional** sewer service until a Capacity application is approved by Volkert Engineering, Inc.

REMARKS

The preliminary plat illustrates the proposed 2-lot, 27.3± acres subdivision located at the North terminus of Pesnell Court extending to the North terminus of Moss Creek Court, in Council District 6. The applicant is requesting Subdivision approval to relocate the interior lot line between two legal lots of record, and Zoning approval to re-zone the site from R-1, Single-Family Residential District, and R-3, Multiple-Family District, to R-1, Single-Family Residential District, and R-3, Multiple-Family District, to eliminate split-zoning.

Proposed Lot 1 was originally the subject of a 1-lot subdivision approved at the March 2, 2006 meeting of the Planning Commission, which was subsequently recorded in Mobile County Probate Court on July 13, 2006.

Proposed Lot 2 has been the subject of various Planning Commission applications since an initial request for Planning Approval in 1998. Most recently, at its November 2, 2006 meeting, the Planning Commission approved a 1-lot subdivision, Planned Unit Development, and re-zoning of proposed Lot 2 from R-1, Single-Family Residential, and R-3, Multiple-Family District, to R-3, Multiple-Family District, to eliminate split-zoning. An extension of the subdivision approval was granted at the March 6, 2008 meeting of the Planning Commission, afterwards being recorded in Mobile County Probate Court on June 12, 2008.

The applicant now wishes to adjust an interior lot line between both proposed lots to coincide with the current centerline of Milkhouse Creek; doing so results in split-zoning in the north of proposed Lot 1, as well as in a small, southwest portion of proposed Lot 2.

It should be noted that 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.

Proposed Lot 1 is irregularly shaped, with 123'± of frontage along the terminus of Moss Creek Court, a minor street with curb and gutter requiring 50' of right-of-way. Proposed Lot 2 is also

irregularly shaped, with 100'± of frontage along the terminus of Pesnell Court, a minor street with curb and gutter requiring 50' of right-of-way. The preliminary plat illustrates sufficient right-of-way dedication along both street frontages; therefore, no additional dedications should be required.

It should be noted that the width of the portions of the lots along which they each have frontage are large enough to be potentially re-subdivided and, in accordance with Section V.D.3. of the Subdivision Regulations, are not exclusive of unusable land, thus contributing to maximum depths more than 3.5 times the widths of the lots at their potential building lines. Such designs may also be regarded as “panhandle” lots, which are generally discouraged by Section V.D.1. of the Subdivision Regulations; the exception being the approval of lots located where varied and irregularly-shaped lot designs are common, and the informality of design is consistent with other lots in the vicinity. Planning Commission approval of various irregularly shaped, “panhandle” lots within the immediate vicinity of the subject site, along with previous approval of proposed Lot 2, may facilitate approval of this request; however, it should be noted that waivers of Sections V.D.1. and V.D.3. will be required. Also, a note should be required on the Final Plat stating further re-subdivision of the lots will not be allowed until additional public street frontage is provided.

Irrespective of their width-to-depth ratios and irregular designs, the proposed lots do exceed the minimum size requirements of the Subdivision Regulations and are appropriately labeled on the preliminary plat. The 25' minimum building setback line is also appropriately labeled for each lot on the preliminary plat. This information should be retained on the Final Plat, or a table indicating the same information should be provided on the Final Plat, if approved.

With regards to access management, a note should be placed on the Final Plat stating each lot is limited to one curb cut, with any changes in their sizes, designs, or locations to be approved by Traffic Engineering and conform to AASHTO standards.

Multiple easements are illustrated on the preliminary plat, including: a 15' drainage easement in the north of proposed Lot 1; an indeterminate drainage easement toward the center of proposed Lot 1; an Alabama Power easement in the south of proposed Lot 1; an indeterminate drainage easement in the north of proposed Lot 2; two 15' drainage easements in the southeast of proposed Lot 2; and, a 20' water and sewer easement in the southeast of proposed Lot 2. As such, a note should be required on the Final Plat stating no structures will be constructed in any easement.

It should be noted that there is some confusion with respect to the identification labels of the proposed lots, as well as with respect to proposed lot lines: both Lot 1 and Lot 2 are illustrated as being the same lot; and, various lot lines are emboldened on the preliminary plat, thus rendering the boundaries of each lot ambiguous. Also, the vicinity map on the preliminary plat incorrectly illustrates lots not included in the proposed subdivision. As such, if approved, the Final Plat should be revised to clarify the aforementioned ambiguities, as well as illustrate an appropriate vicinity map.

Re-subdivision of the lots necessitates amending the most recent Planned Unit Development to account for changes to the approved site plan inherent of altering the shape of proposed Lot 2.

Finally, a majority of the central portion of the site contains Milkhouse Creek, and wetlands associated with the creek occur on both proposed lots. Additionally, the site appears to be partially located in the flood zone as depicted on FEMA maps, and thus may be subject to flooding. The presence of wetlands and floodplains 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.

Regarding the zoning application, Section 64-9. of the Zoning Ordinance states that 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.

It should be noted that the site is within what the Map for Mobile Comprehensive Plan considers a Suburban Neighborhood development area, wherein the intent for development includes:

- emphasize connectivity to surrounding neighborhoods and close services and retail;
- accommodation of pedestrian and bicycle traffic in addition to automobiles; and
- appropriate scaled infill development to complement existing character of neighborhoods.

It should also be noted that the Map for Mobile Plan is meant to serve as a general guide, not a detailed lot and district plan or mandate for development. Moreover, the Plan 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 mentions:

The reason for this zoning application is to adjust the zoning line to be coincidental with the new lot line on the proposed Moss Creek Addition to Brookview at Brookside.

The site plan provided by the applicant is a duplicate of the preliminary plat; therefore, existing site improvements are not illustrated. No new building construction appears to be proposed at this time.

Proposed Lot 1 of the subdivision is surrounded by R-1, Single-Family Residential, to the North, East, and West; and R-3, Multiple-Family District, to the Southeast and South. Proposed Lot 2 is surrounded by R-1, Single-Family Residential, to the North, South, and West; and R-3, Multiple-Family District, to the East. The purpose of the re-zoning request is to eliminate split-zoning

resulting from the aforementioned adjustment of an interior lot line between both proposed lots to coincide with the current centerline of Milkhouse Creek.

Finally, as was mentioned, and with respect to the Map for Mobile Comprehensive Plan, no additional development of the site is proposed at this time; therefore, Staff cannot speculate in which ways the subject site will accommodate the intent for Suburban Neighborhood development other than by complementing the existing character of the neighborhood. As such, re-consideration of the Map for Mobile Comprehensive Plan with respect to its intent for the development of the subject site should take place at a time when additional development is proposed.

RECOMMENDATION

Subdivision: Based on the preceding, and with a waiver of Sections V.D.1. and V.D.3. of the Subdivision Regulations, this application is recommended for Tentative Approval, subject to the following conditions:

- 1) placement of a note on the Final Plat stating further re-subdivision of the lots to create additional lots will not be allowed until additional public street frontage is provided;
- 2) retention of the lot sizes in square feet and acres on the Final Plat, or the furnishing of a table on the Final Plat providing the same information;
- 3) retention of the 25' minimum building setback line along all frontages;
- 4) placement of a note on the Final Plat stating each lot is limited to one curb cut, with any changes in their sizes, designs, or locations to be approved by Traffic Engineering and conform to AASHTO standards;
- 5) placement of a note on the Final Plat stating no structures will be constructed in any easement;
- 6) revision of the plat to correctly identify each lot and clarify lot lines;
- 7) revision of the plat to show a correct vicinity map;
- 8) compliance with Engineering comments: (*FINAL PLAT COMMENTS (should be addressed prior to submitting the FINAL PLAT for acceptance and signature by the City Engineer): A) Provide all of the required information on the FINAL SUBDIVISION PLAT (i.e. signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings and distances) that is required by the current Alabama State Board of Licensure for Professional Engineers and Land Surveyors. B) Boundary line between LOT 1 and 2 was not evident. It appears that the creek centerline is a proposed LOT boundary line. C) Show and label the existing roads, culverts, structures, and areas of detention. D) Show and label the existing lot lines and recording information. E) Provide and label the monument set or found at each subdivision corner. F) Provide information about the wetlands – date of flagging, US Army Corps of Engineers delineation information, extent and limits of wetlands. G) Show and label the MFFE (Minimum Finished Floor Elevation) on each lot that contains an AE, V, or X (shaded) flood zone designation. Consult with the Engineering Department for required MFFE. H) Show and label each and every drainage easement. I) Add a note to the FINAL SUBDIVISION PLAT stating that a Land Disturbance permit will be*

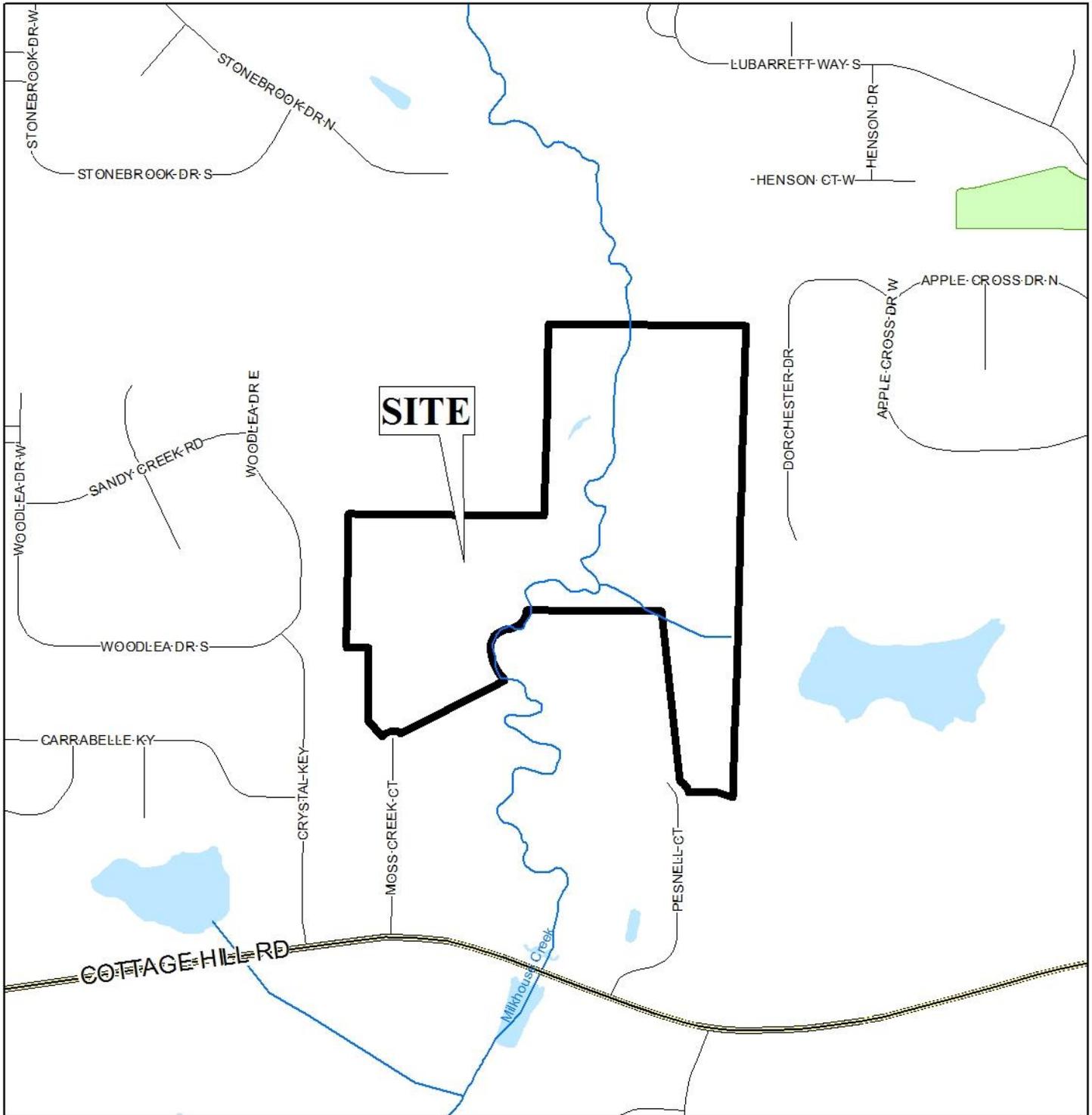
required for any land disturbing activity in accordance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. J) Add a note to the Plat stating that the approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. K) Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of new development or construction, unless a sidewalk waiver is approved. L) Provide a copy of the FINAL SUBDIVISION PLAT to the Engineering Dept. for review. No signatures are required on this drawing. M) After addressing all of the FINAL SUBDIVISION PLAT review comments by the Engineering Dept. provide the ORIGINAL and one (1) copy of the revised Final Plat with all of the required signatures including Owner's (notarized), Planning Commission, and Traffic Engineering signatures.);

- 9) compliance with Traffic Engineering comments: *(Each lot is limited to one curb cut with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.);*
- 10) 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 2015-116 and City Code Chapters 57 and 64).);*
- 11) compliance with Fire Department comments: *(All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 International Fire Code).);*
- 12) approval of a new Planned Unit Development for Lot 2 prior to the signing of the Final Plat;
- 13) completion of the subdivision process prior to any requests for new construction or land disturbance activity; and
- 14) compliance with all other municipal codes and ordinances.

Rezoning: Based upon the preceding, Staff recommends Approval subject to the following conditions:

- 1) completion of the subdivision process;
- 2) development on Lot 2 limited to an approved Planned Unit Development; and
- 3) full compliance with all other municipal codes and ordinances.

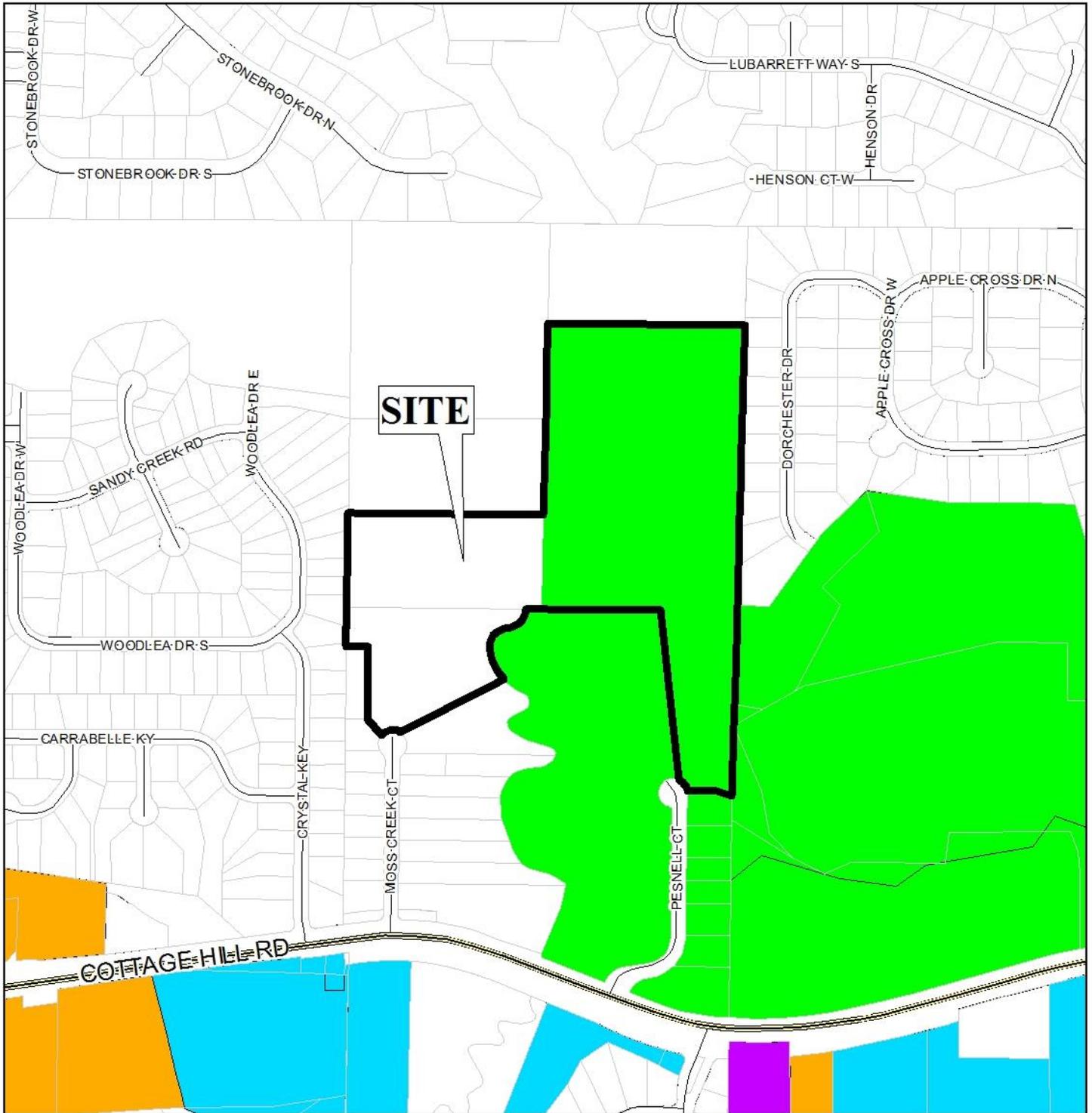
LOCATOR MAP



APPLICATION NUMBER 15 DATE December 1, 2016
APPLICANT Brookview at Brookside Subdivision, Moss Creek Addition to
REQUEST Subdivision, Rezoning from R-1 and R-3 to R-1 and R-3



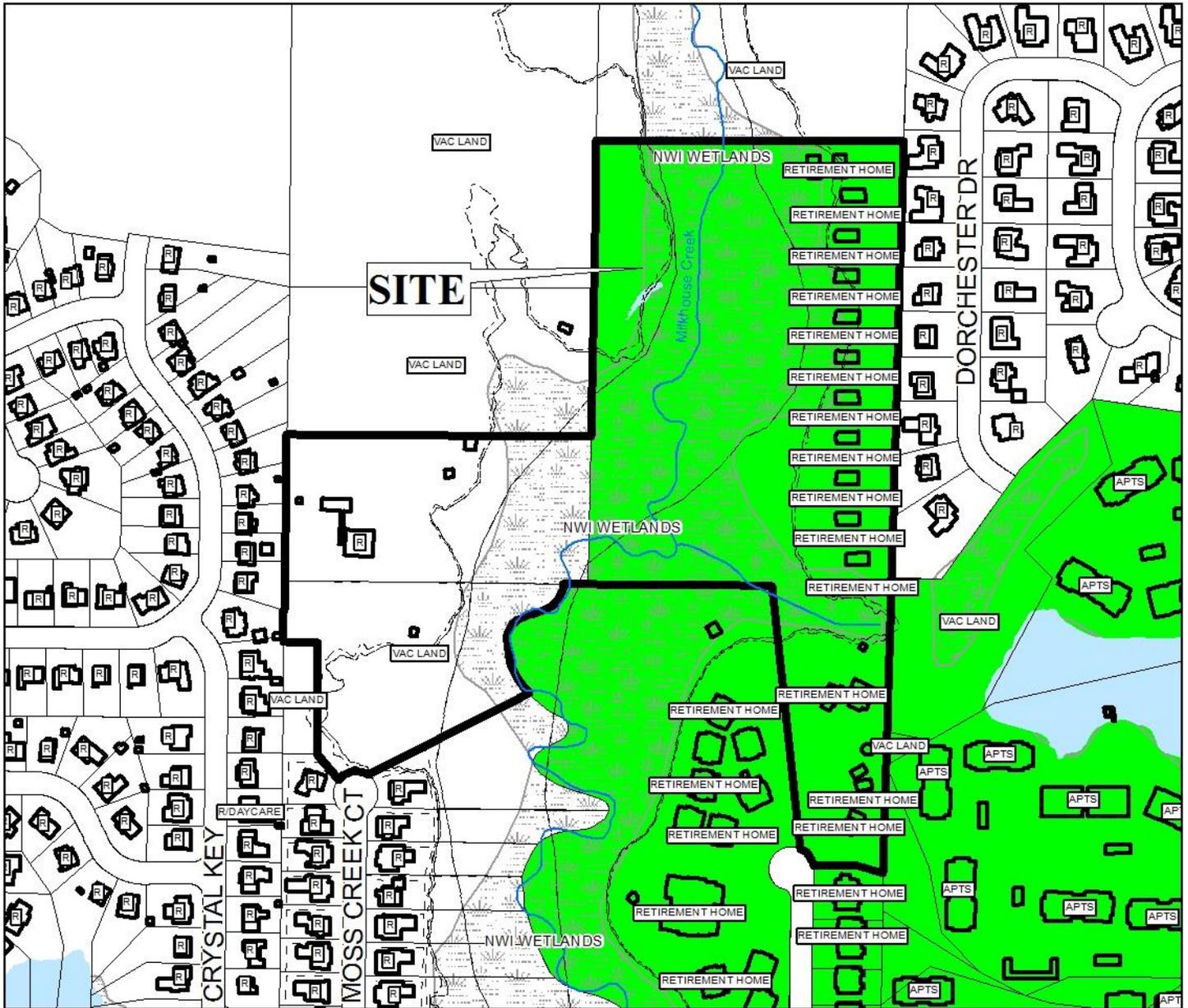
LOCATOR ZONING MAP



APPLICATION NUMBER 15 DATE December 1, 2016
APPLICANT Brookview at Brookside Subdivision, Moss Creek Addition to
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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units.

APPLICATION NUMBER 15 DATE December 1, 2016

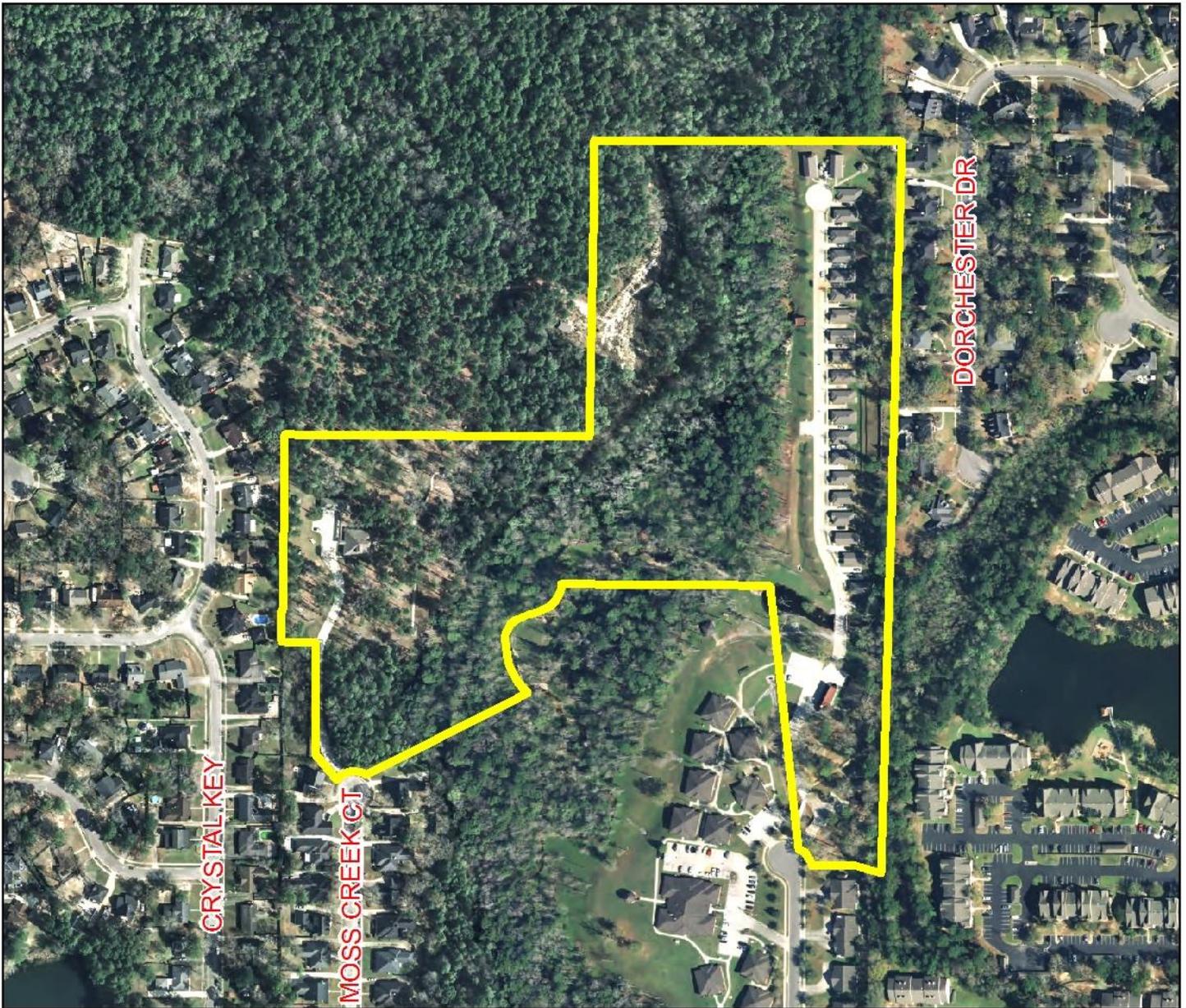
APPLICANT Brookview at Brookside Subdivision, Moss Creek Addition to

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R-A	R-3	T-B	B-2	B-5	MUN	SD-WH	T5.1
R-1	R-B	B-1	B-3	I-1	OPEN	T3	T5.2
R-2	H-B	LB-2	B-4	I-2	SD	T4	T6



PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL

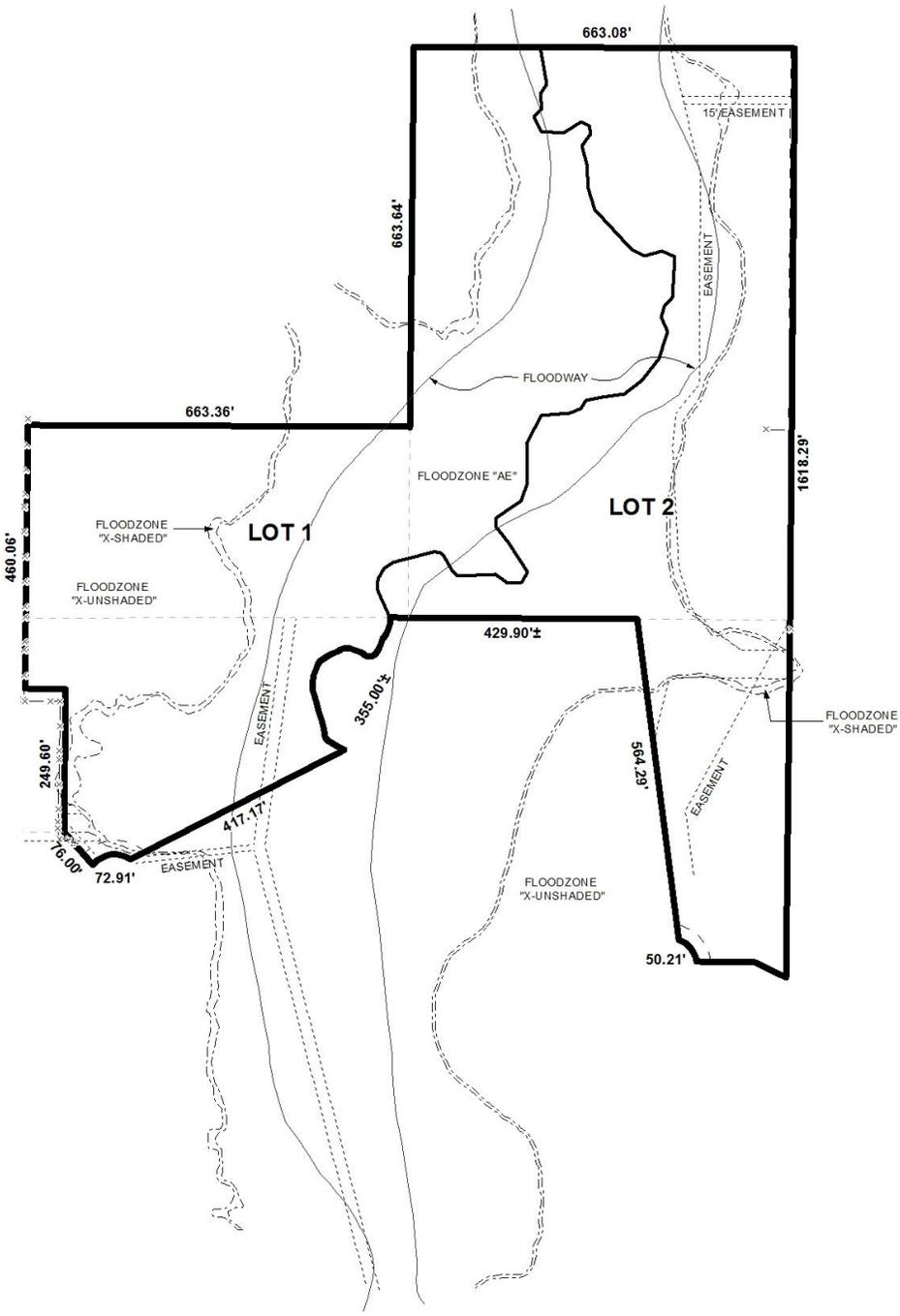


The site is surrounded by residential units.

APPLICATION NUMBER 15 DATE December 1, 2016
APPLICANT Brookview at Brookside Subdivision, Moss Creek Addition to
REQUEST Subdivision, Rezoning from R-1 and R-3 to R-1 and R-3



SITE PLAN



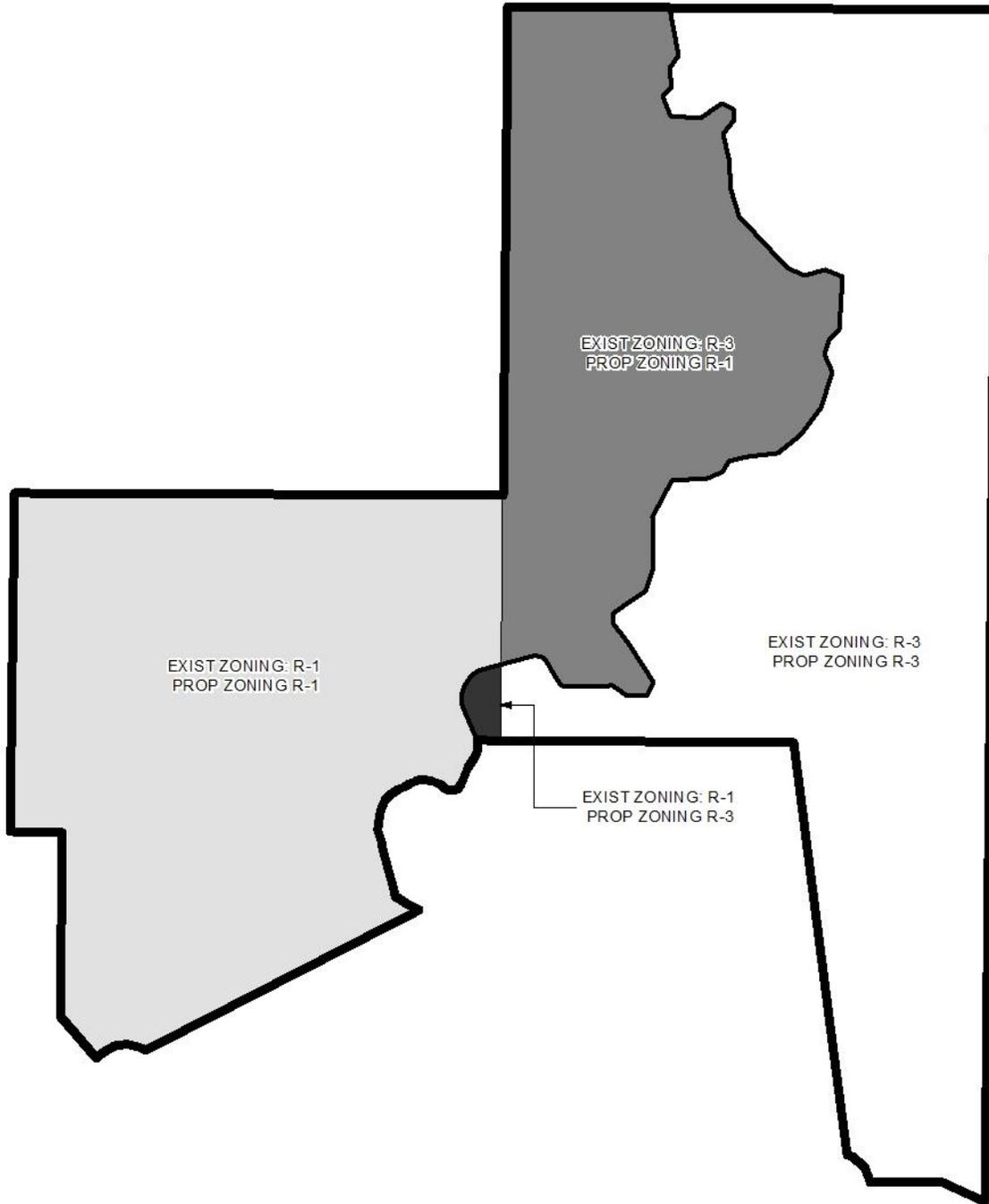
The site plan illustrates the proposed lots, floodzones, and easements.

APPLICATION NUMBER <u>15</u>	DATE <u>December 1, 2016</u>
APPLICANT <u>Brookview at Brookside Subdivision, Moss Creek Addition to</u>	
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NTS

DETAIL SITE PLAN



APPLICATION NUMBER 15 DATE December 1, 2016
APPLICANT Brookview at Brookside Subdivision, Moss Creek Addition to
REQUEST Subdivision, Rezoning from R-1 and R-3 to R-1 and R-3



