

**SUBDIVISION
PLANNED UNIT DEVELOPMENT &
REZONING
STAFF REPORT****Date: March 20, 2014****APPLICANT NAME**

Emerald Oaks LLC, Subdivision

SUBDIVISION NAME

Emerald Oaks LLC, Subdivision

LOCATION2350 Demetropolis Road
(West side of Demetropolis Road, 400'± North of
Brookfield Drive North)**CITY COUNCIL
DISTRICT**

District 4

PRESENT ZONING

R-1, Single-family Residential District

PROPOSED ZONING

R-3, Multiple-family Residential District

AREA OF PROPERTY

1 Lot / 12.5 ± Acre

CONTEMPLATED USE

Subdivision approval to create 1 legal lot of record from 3 metes and bounds parcels; Planned Unit Development approval to allow multiple buildings on a single building site; and Rezoning approval to rezone the site from R-1, Single-family Residential to R-3, Multiple-family Residential to allow a multi-family development.

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.

**REASON FOR
REZONING**

To allow a multi-family development.

**TIME SCHEDULE
FOR DEVELOPMENT**

Immediate.

ENGINEERING
COMMENTS

Subdivision: The following comments should be addressed prior to acceptance and signature by the City Engineer:

- A. Provide all of the required information on the SUBDIVISION PLAT (i.e. signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings and distances).
- B. Add a note to the SUBDIVISION PLAT stating that a Land Disturbance permit will be required for any land disturbing activity in accordance with the of the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045), latest edition.
- C. 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.
- D. Revision of the plat to label each lot with its size in acres and square feet, or the furnishing of a table on the Plat providing the same information;
- E. Provide a written legal description for the proposed subdivision and matching bearing and distance labels.
- F. Provide a vicinity map.
- G. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, City Engineer, and County Engineer.
- H. Provide the Surveyor's Certificate and Signature.
- I. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
- J. Add a note that sidewalk is required to be constructed along the frontage of each lot, or parcel, at time of development, unless a sidewalk waiver is approved.
- K. Any areas receiving drainage from a public street will require a drainage easement, the width and alignment of any required easement shall be coordinated with, and approved by, the City Engineer.

Planned Unit Development:

1. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII).
2. Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.
3. A Land Disturbance Permit application will be required for any proposed land disturbing activity with the property. A complete set of construction plans including, but not limited to, drainage, utilities, grading, storm water detention systems, paving, and all above ground structures, will need to be included with the Land Disturbance

- permit. This Permit must be submitted, approved, and issued prior to beginning any of the construction work.
4. The existing drainage way and drainage easement will need to be protected and maintained during each phase of construction. Any proposed revisions to either will need to be approved by the City Engineer.
 5. Add a note to the PUD Plan stating that the proposed development must comply with all Engineering Department Policy Letters:
 - i. 5-13-2009 Policy Letter(Car wash drains and dumpster pads to drain to Sanitary Sewer System)
 - ii. 8-4-2004 Policy Letter (Video inspection of new Storm Sewer System Piping)
 - iii. 3-18-2004 Policy Letter (Additional subdivision street requirements)

Rezoning: No comments.

TRAFFIC ENGINEERING

COMMENTS

Site is limited to one curb-cut to Demetropolis Road, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. A secondary access may be granted if needed based on fire code requirements. Any secondary access will be restricted to emergency access only. Access to the unimproved right-of-way of Vivian Drive is denied. A traffic impact study will need to be conducted for this site, based on its development intensity and proposed access point aligned with the existing signalized intersection. All on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.

Revised Traffic Engineering Comments for the April 17th meeting:

Previous comments apply. The submission and approval of the traffic study must be completed prior to the issuance of any permits for land disturbing activities.

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 45" 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 location, building 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

All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.

REMARKS

The applicant is requesting Subdivision approval to create 1 legal lot of record from 3 metes and bounds parcels; Planned Unit Development approval to allow multiple buildings on a single building site; and Rezoning approval to rezone the site from R-1, Single-family Residential to R-3, Multiple-family Residential to allow a multi-family development.

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, 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 purpose of the subdivision request is to create 1 legal lot of record from 3 metes and bounds parcels. This site most recently appeared before the Planning Commission at its August 18, 2011 meeting where the Commission approved a 1-lot Subdivision; a Rezoning request from R-1, Single-family Residential to R-3, Multiple-family Residential; and a Planning Approval request to allow an assisted living facility in an R-3, Multiple-family Residential District. Since that time, the previous approval has expired and, as such, new requests to the Planning Commission are required.

The preliminary plat illustrates the proposed 12.5 ± acre, 1-lot subdivision. It should be pointed out that it is assumed the proposed subdivision will be served by both city water and city sewer, though the applicant has not specified.

In accordance with the Subdivision Regulations, the proposed lot is compliant with the minimum size requirements and the lot size in acres is illustrated on the preliminary plat. If approved, the Final Plat should be revised to depict the lot size in square feet and acres and illustrate the required 25' minimum building setback line along Demetropolis Road and the abutting street stub on the west side of the property.

The site has frontage along Demetropolis Road, a planned major street, as defined in the Major Street Plan component of the Comprehensive Plan. As such, a 100' right-of-way is required; however, the existing right-of-way is sufficient and, as a result no dedication is required. If approved, the Final Plat should be revised to illustrate the minimum right-of-way for Demetropolis Road adjacent to the site.

As a means of access management, full compliance with Traffic Engineering Comments is required. In addition, if approved, a note should be placed on the Final Plat limiting the site to one curb-cut to Demetropolis Road with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.

It should be pointed out that the site contains a large 30' ± wide drainage easement which bisects the property and is illustrated on the preliminary plat and site plan. If approved, a note should be placed on the Final Plat and site plan stating that no permanent structures can be constructed in any easement.

It should be noted that there is a detention pond in the southwest corner of the proposed lot. The proposed detention pond is also bisected by the 30' ± drainage easement. If approved, the Final Plat should be revised to include a note stating that all common and detention areas shall be maintained by the property owners.

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.

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 will require approval by the Planning Commission.

The applicant proposes multiple buildings on the site and has provided a site plan to depict the proposed site layout; however, the applicant does not provide the total number of proposed dwelling units and plan submitted does not appear to be to scale.

It should be noted that there appear to be several discrepancies on the site plan. The site plan does not indicate:

- 1) A sidewalk along Demetropolis Road;
- 2) A 10' residential buffer in compliance with Section 64-4.D. of the Zoning Ordinance;
- 3) Tree and landscaping in compliance with Section 64-4.E. of the Zoning Ordinance;
- 4) Proposed lighting in compliance with Sections 64-4.A.2., 64-6.A.3.c., and 64-6.A.8. of the Zoning Ordinance; nor a
- 5) Dumpster pad location in compliance with Section 64-4.D.9. of the Zoning Ordinance or a note stating garbage collection will be via curb-side pick-up;

Although the site plan illustrates parking spaces and maneuverability areas, Staff could not verify if the proposed parking and maneuverability area are compliant because the applicant did not provide the total number of dwelling units nor provide a site plan to scale. Any proposed parking and maneuverability area must be in compliance with Section 64-6.A. of the Zoning Ordinance.

It should be pointed out that a Sidewalk Waiver was approved for this site by the Planning Commission at its August 3, 2007 meeting. At that time, the applicant proposed a 31-lot, single-family residential subdivision; however, as the applicant now desires a multi-family residential use for the site, a new Sidewalk Waiver should be required. The site plan should be revised to illustrate a sidewalk along Demetropolis Road or the applicant may submit a Sidewalk Waiver request.

Any new lighting on the site will have to comply with the requirements of Sections 64-4.A.2., 64-6.A.3.c., and 64-6.A.8. of the Zoning Ordinance. A note reflecting this requirement should appear on the site plan, and photometric plans will be required at the time of permitting.

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 has stated that the reason for "... seeking to rezone the subject property from R-1 single family to R-3 multi family (is) due to the change in the nature and character of the surrounding properties." The applicant also states that "changes in the market" as another reason for the rezoning, and, as such, the above condition # 2 would be most appropriate.

This site is bounded on all sides by R-1, Single-family Residential and is shown 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.

As the Commission previously approved an R-3, Multi-family Residential District for this site, approval of the rezoning request may be appropriate.

RECOMMENDATION **Subdivision:** The application is recommended for Holdover until the April 17th meeting to coincide with the timetable of the PUD request.

Planned Unit Development: The application is recommended for Holdover until the April 17th meeting, with revisions due by April 3rd, to address the following:

- 1) Submittal of the total number of proposed dwelling units;
- 2) Submittal of a site plan to scale;
- 3) Revision of the site plan to illustrate a sidewalk along Demetropolis Road or the submittal of a Sidewalk Waiver request;
- 4) Revision of the site plan to illustrate and quantify full compliance with the tree and landscaping requirements of Section 64-4.E. of the Zoning Ordinance;
- 5) Revision of the site plan to depict a 10' residential buffer in compliance with Section 64-4.D. of the Zoning Ordinance where the site abuts R-1, Single-family Residential;
- 6) Revision of the site plan depicting a dumpster(s) connected to sanitary sewer as required by Section 64-4.D.9 of the Zoning Ordinance;

- 7) Revision of layout, as necessary, to reflect Engineering, Traffic Engineering and Urban Forestry comments; and
- 8) Completion of a traffic impact study, as required by Traffic Engineering.

Rezoning: The application is recommended for Holdover until the April 17th meeting to coincide with the timetable of the PUD request.

Revised for the April 17th meeting:

The application was heldover from the March 20th meeting to allow the applicant to make revisions to the PUD site plan and to complete a traffic impact study. The Subdivision and Rezoning request were heldover to coincide with the timetable of the PUD request.

*Since that time, the applicant has submitted a **conceptual** PUD site plan for the site; however, the conceptual PUD site plan does not illustrate and quantify full compliance with the tree and landscaping requirements of Section 64-4.E. of the Zoning Ordinance. The plan does, however, depict the number of proposed dwelling units and proposed parking, illustrate a sidewalk along Demetropolis Road, as well as the required 10' residential buffer and a dumpster pad which is connected to sanitary sewer.*

It should be pointed out that Staff has concerns in relation to the proposed on-site parking. As the plan illustrates 161 proposed dwelling units, 242 parking spaces would be required using the standard multiple-family parking ratio of 1 ½ parking spaces per dwelling unit. The conceptual PUD site plan appears to illustrate only 209 uncovered parking spaces, however, the data chart on the plan states that there are 204 open parking spaces and 43% of the total units provided as garage parking. The data on the plan also states that the total number of required parking spaces is 299 and that 300 would be provided on site.

As parking has been an issue throughout the City in relation to multiple-family apartment sites, Staff has to ensure that on-site parking will be sufficient and, as such, the revised PUD site plan would need to include the number of uncovered spaces and the number of garage spaces to determine compliance.

The data chart on the conceptual PUD site plan also references a 2,486 sf clubhouse that does not appear to be labelled or illustrated on the site plan. There does, however, appear to be a 40' x 50', 2,000 ± sf structure located on the site and it could be assumed the structure may be the mentioned clubhouse but Staff would need the applicant to verify the location on the revised PUD site plan and provide the exact size so that compliant parking could be verified.

The applicant should be aware that Section 64-3.C.3. of the Zoning Ordinance pertains to R-3, Multiple-family Districts, which maintains a maximum site coverage of 45% and a maximum building height of 45'.

It should be pointed out that the applicant still has not submitted a traffic impact study, as required by Traffic Engineering and, if approved, will be required prior to the issuance of any permits for land disturbance activities.

*It should be noted that as the applicant has only submitted a **conceptual** PUD site plan, Staff's recommendation for the PUD request will **only** apply to the conceptual proposal: a final revised PUD site plan will need to be submitted to the Planning Commission with associated labels and fees for final approval.*

RECOMMENDATION

Subdivision: *The application is recommended for tentative approval, subject to the following conditions:*

- 1) Revision of the Final Plat to illustrate the lot size in square feet and acres;*
- 2) Revision of the Final Plat to illustrate the 25' minimum building setback line along Demetropolis Road and the abutting street stub on the west side of the property;*
- 3) Revision of the Final Plat to illustrate a 100' right-of-way for Demetropolis Road;*
- 4) Placement of a note on the Final Plat stating the site is denied access to Vivian Drive and limited to one curb-cut to Demetropolis Road with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;*
- 5) Placement of a note on the Final Plat stating that no permanent structures can be constructed in any easement;*
- 6) Placement of a note on the Final Plat stating that all common and detention areas shall be maintained by the property owners;*
- 7) Placement of a note on the Final Plat stating: (Development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.);*
- 8) Compliance with Engineering Comments: (The following comments should be addressed prior to acceptance and signature by the City Engineer: A. Provide all of the required information on the SUBDIVISION PLAT (i.e. signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings and distances). B. Add a note to the SUBDIVISION PLAT stating that a Land Disturbance permit will be required for any land disturbing activity in accordance with the of the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045), latest edition. C. 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. D. Revision of the plat to label each lot with its size in acres and square feet, or the furnishing of a table on the Plat providing the same information; E. Provide a written legal description for the proposed subdivision and matching bearing and distance labels. F. Provide a vicinity map. G. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, City Engineer, and County Engineer. H. Provide the Surveyor's Certificate and Signature. I. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. J. Add a note that sidewalk is required to be constructed along the frontage of each lot, or parcel, at time of development, unless a sidewalk waiver is approved. K. Any areas receiving drainage from a public street will require a drainage easement, the width and alignment*

of any required easement shall be coordinated with, and approved by, the City Engineer.);

- 9) Compliance with Traffic Engineering Comments: (Site is limited to one curb-cut to Demetropolis Road, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. A secondary access may be granted if needed based on fire code requirements. Any secondary access will be restricted to emergency access only. Access to the unimproved right-of-way of Vivian Drive is denied. A traffic impact study will need to be conducted for this site, based on its development intensity and proposed access point aligned with the existing signalized intersection. All on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance. The submission and approval of the traffic study must be completed prior to the issuance of any permits for land disturbing activities.);*
- 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 61-929 and City Code Chapters 57 and 64). Preservation status granted for all 45" 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 location, building 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.);*
- 11) Compliance with Fire Department Comments: (All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.); and*
- 12) Completion of the Rezoning process prior to the signing of the Final Plat.*

Planned Unit Development: *As the applicant has only submitted a conceptual PUD site plan, the application is recommended for **conceptual approval only**, subject to the following conditions:*

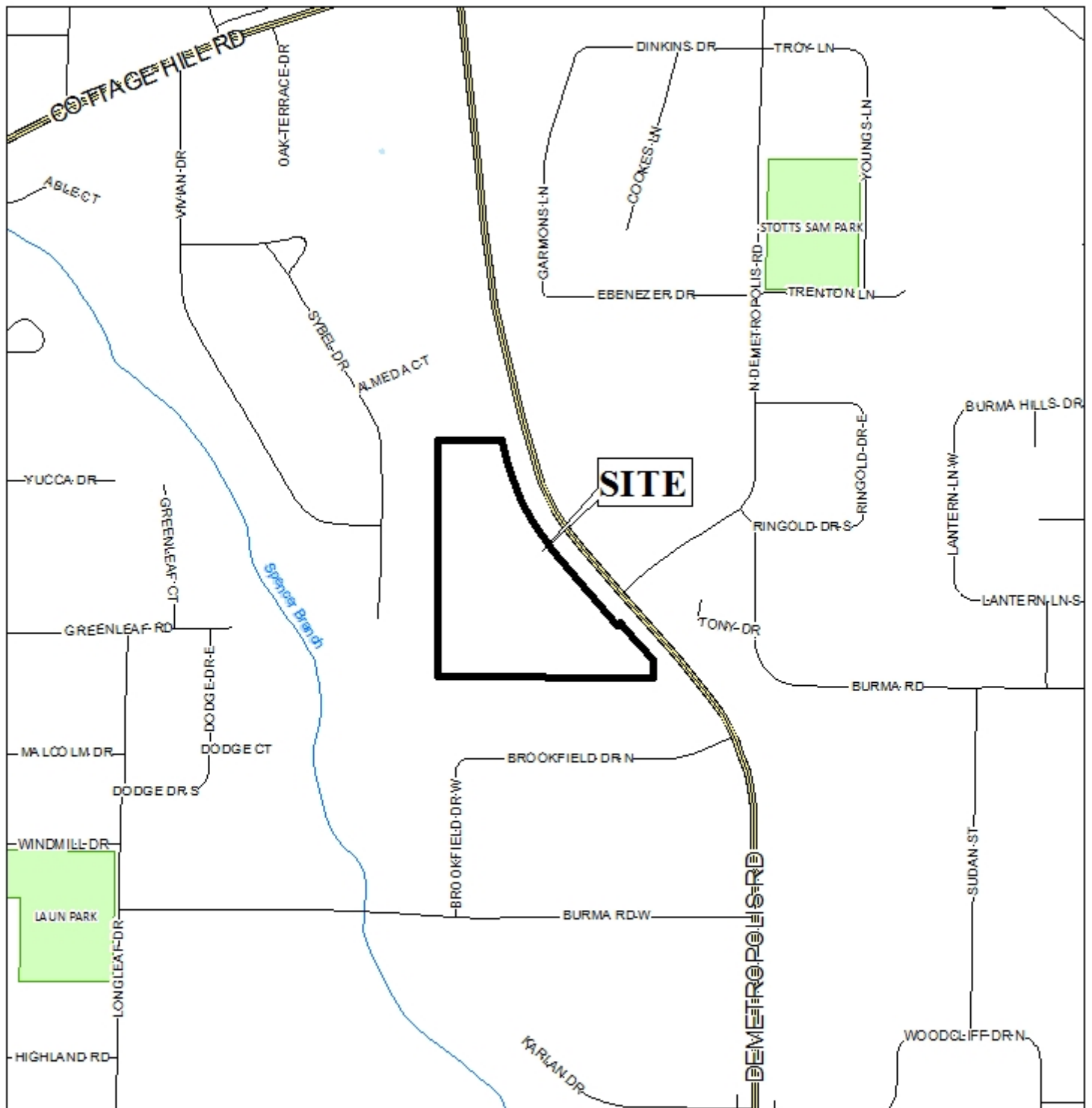
- 1) Submission of a PUD request to the Planning Commission with associated labels and fees once a finalized site plan for development has been prepared;*
- 2) Compliance with Engineering Comments: (1. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). 2. Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. 3. A Land Disturbance Permit application will be required for any proposed land disturbing activity with the property. A complete set of construction plans including, but not limited to, drainage, utilities, grading, storm water detention systems, paving, and all above ground structures, will need to be included with the Land Disturbance permit. This*

- Permit must be submitted, approved, and issued prior to beginning any of the construction work. 4. The existing drainage way and drainage easement will need to be protected and maintained during each phase of construction. Any proposed revisions to either will need to be approved by the City Engineer. 5. Add a note to the PUD Plan stating that the proposed development must comply with all Engineering Department Policy Letters: i. 5-13-2009 Policy Letter (Car wash drains and dumpster pads to drain to Sanitary Sewer System) ii. 8-4-2004 Policy Letter (Video inspection of new Storm Sewer System Piping) iii. 3-18-2004 Policy Letter (Additional subdivision street requirements));*
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 - 4) 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 45" 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 location, building 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.);*
 - 5) Revision of the layout, as necessary, to reflect Engineering, Traffic Engineering and Urban Forestry comments;*
 - 6) Completion of a traffic impact study, as required by Traffic Engineering; and*
 - 7) Full compliance with all other municipal codes and ordinances.*

Rezoning: *Based upon the preceding, the Rezoning request from R-1, Single-family Residential District to R-3, Multiple-family Residential District, is recommended for approval, subject to the following conditions:*

- 1) Completion of the Subdivision process;*
- 2) Limited to an approved PUD; and*
- 3) Full compliance with all other municipal codes and ordinances.*

LOCATOR MAP



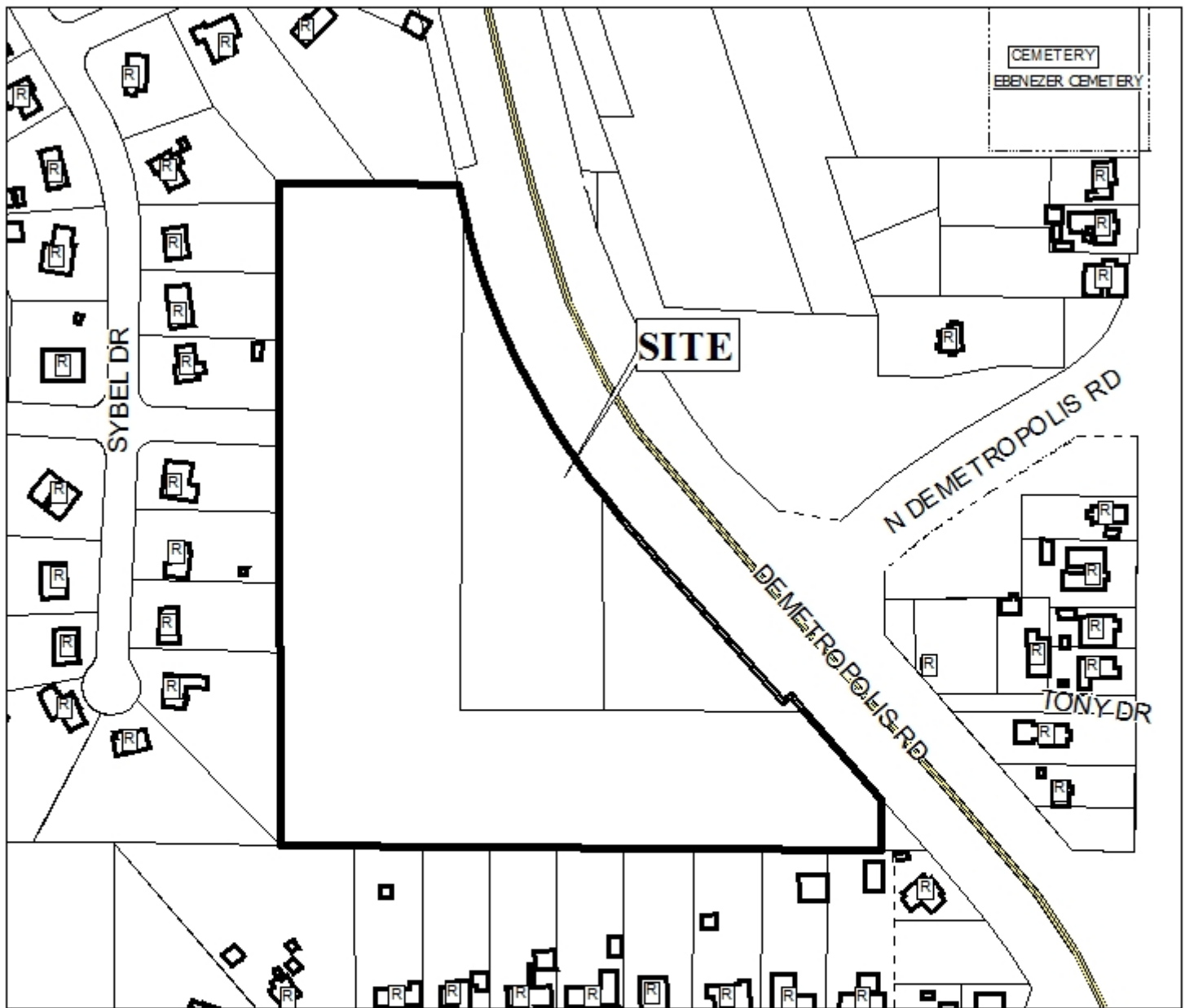
APPLICATION NUMBER 1, 2 & 3 DATE April 17, 2014

APPLICANT Emerald Oaks LLC Subdivision

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



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residences.

APPLICATION NUMBER 1, 2 & 3 DATE April 17, 2014

APPLICANT Emerald Oaks LLC Subdivision

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
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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residences.

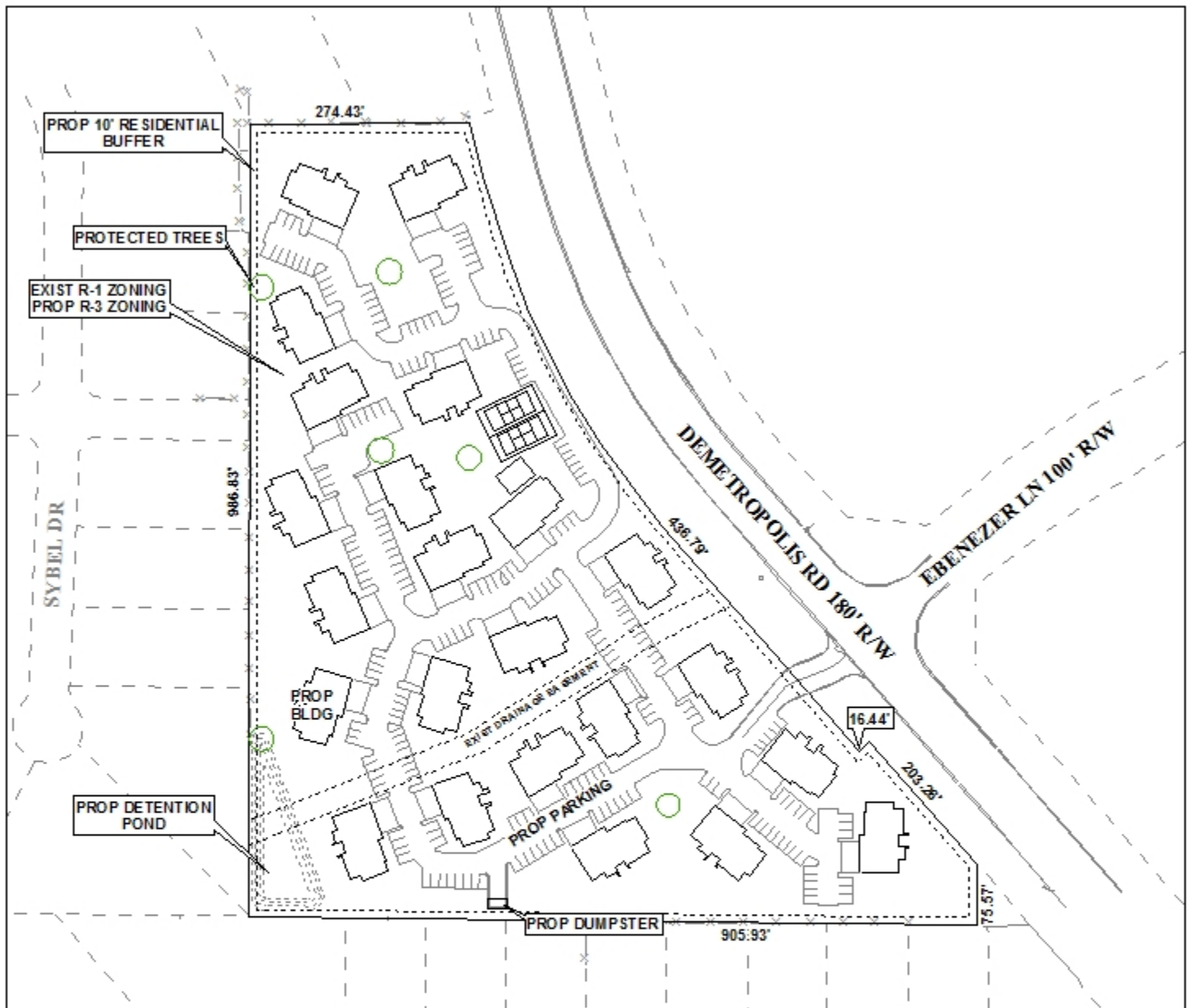
APPLICATION NUMBER 1, 2 & 3 DATE April 17, 2014

APPLICANT Emerald Oaks LLC Subdivision

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



SITE PLAN



The site plan illustrates the proposed development.

APPLICATION NUMBER 1, 2 & 3 DATE April 17, 2014

APPLICANT Emerald Oaks LLC Subdivision

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

