

**ZONING AMENDMENT,
PLANNED UNIT DEVELOPMENT &
SUBDIVISION STAFF REPORT****Date: July 7, 2011**

<u>NAME</u>	Dog River Venture, LLC
<u>SUBDIVISION NAME</u>	Grandview Apartments Subdivision
<u>LOCATION</u>	6151 Marina Drive South (East side of Marina Drive South at the mouth of Dog River).
<u>CITY COUNCIL DISTRICT</u>	District 3
<u>PRESENT ZONING</u>	R-1, Single-Family Residential District
<u>PROPOSED ZONING</u>	R-3, Multiple-Family Residential District
<u>REASON FOR REZONING</u>	Changing conditions.
<u>AREA OF PROPERTY</u>	16.1 Acres ±
<u>CONTEMPLATED USE</u>	<p>Subdivision approval to create 2 legal lots of record from an existing metes and bounds parcel, Planned Unit Development Approval to allow multiple buildings on a single building site with shared access and parking between two building sites, and Rezoning from R-1, Single-Family Residential District, to R-3, Multiple Family Residential District to allow an apartment complex.</p> <p>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.</p>
<u>TIME SCHEDULE</u>	No timeframe provided.

ENGINEERING**COMMENTS**

The majority of the site is located in the VE flood zone and the remainder of the property is located in the AE flood zone. On each lot, show required Minimum Elevation for the lowest horizontal structural member on the plat. There is to be no structural fill placed within the limits of the VE flood zone, therefore any proposed buildings will require pile foundations. There is to be no fill placed within the limits of the VE zone and any proposed development will require a No Rise Certificate or an approved Flood Study. 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 in addition to any required land disturbance permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer.

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 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 two legal lots of record from an existing metes and bounds parcel, Planned Unit Development Approval to allow multiple buildings on a single building site with shared access and parking between two building sites, and Rezoning from R-1, Single-Family Residential District, to R-3, Multiple Family Residential District to allow an apartment complex. This subdivision and PUD application are essentially the same as those approved on August 21, 2008; those approvals were never completed due the plat not being signed. A rezoning application has also been submitted to bring the site into further compliance as an existing, nonconforming apartment complex is currently on the property, and has been since the site was annexed into the City of Mobile in 1986.

The plat illustrates the proposed 2 lot, 16.1 acres \pm subdivision. The applicant states that the subdivision is served by both public water and sanitary sewer.

The proposed lots, as depicted, meet the minimum size requirements, as regulated by the Subdivision Regulations, however, only the proposed Lot 1 meets the minimum frontage requirement. The proposed Lot 2 only has 50 feet of frontage at the terminus of Bay Road North. However, the lots are proposed under the Planned Unit Development to share access to

Marina Drive South, and, as such, if the PUD is approved, a waiver of Section V.D.2. of the Subdivision Regulations regarding the 60-foot minimum frontage requirement could be considered appropriate.

The lot area size is depicted on the plat in square feet, and this should be retained on the Final Plat, if approved. The 25-foot minimum building setback line is not depicted and it should be depicted along all public rights-of-way, including Bay Road North, on the Final Plat, if approved.

The site fronts Marina Drive South (which functions as a service road for Dauphin Island Parkway), and is coextensive to the Dauphin Island Parkway right-of-way, to the West and the terminus of Bay Road North, a minor street, not provided with curb and gutter, to the South. As Marina Drive South functions as a service road to Dauphin Island Parkway, the Major Street Plan designations apply to it. The Major Street Plan requires a right-of way width of 100 feet in this area. The plat indicates that the right-of-way varies, and, as such, dedication sufficient to provide 50 feet from the centerline of Dauphin Island Parkway should be required.

Bay Road North is a minor street not provided with curb and gutter, and dead ends into the site. Ordinarily, construction of a turnaround with a right-of-way diameter of 120 feet would be required on a closed-end street; however, the site is already substantially developed and construction of the cul-de-sac would potentially have a significant impact on several existing structures. As such, a waiver of Section V.B.14. of the Subdivision Regulations could be considered appropriate.

The previous approval required Bay Road North to be fully constructed to County Standards before the plat was signed and access allowed. In this case, some paving has occurred, however, it is unclear if this has been to County Paved Road Standards. The applicant should submit written evidence from the County Engineer indicating that Bay Road has been constructed to County Paved Road Standards. Regardless, if approved, Lot 1 should be limited to one curb cut to Marina Drive South and Lot 2 should be limited to one curb cut to Bay Road North. The size, design, and exact location of the Marina Drive South curb cut to be approved by Traffic Engineering and conform to AASHTO standards and the size, design, and exact location of the Bay Road North curb cut to be approved by County Engineering and conform to AASHTO standards.

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 / Subdivision plat will require approval by the Planning Commission.

In this case, the site plan submitted by the applicant does not depict all of the improvements on the site, including fences, parking spaces, and dumpster locations. In addition, a gated entrance at Marina Drive South was constructed without permits at some point, and is also not shown on the site plan. The site plan should be revised to depict all improvements, existing and proposed.

With regards to the rezoning, 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 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. 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.

The site has functioned as an apartment complex since it was annexed into the City of Mobile. When property is brought into the City, the initial zoning is R-1, Single-Family Residential. No application for rezoning has ever been received, and this is an initial request for rezoning. Due to the current functionality of the site, rezoning to R-3, multiple-family would seem to be appropriate.

RECOMMENDATION

Subdivision: The Subdivision request is recommended for Holdover until the August 4, 2011, meeting, with revisions and documentation due to the Planning Section by July 20, 2011, to address the following:

- 1) submittal of written documentation from the County Engineer that Bay Road North either is or is not constructed to County Paved Road Standards;
- 2) revision of the plat to depict the 25-foot minimum building setback line along all street frontages; and
- 3) depiction of existing right-of-way width for Dauphin Island Parkway / Marina Drive South.

Planned Unit Development: The Planned Unit Development request is recommended for Holdover until the August 4, 2011, meeting, with revisions and documentation due to the Planning Section by July 20, 2011, to address the following:

- 1) depiction of all improvements on the site including fences, parking space, and dumpster locations;
- 2) depiction of the front entrance gate and queuing spaces along Marina Drive South;
- 3) depiction of parking spaces and sizes;
- 4) depiction of parking calculations;
- 5) depiction of dumpster enclosures;

Rezoning: The rezoning request is recommended for Holdover until the August 4, 2011, meeting, so that the applicant can address the deficiencies in the Subdivision and Planned Unit Development applications.

Revised for the August 4, 2011, meeting

The applicant has submitted a revised preliminary plat and a revised site plan for the application. A letter from Mobile County Engineering has also been received indicating that their position is that Bay Road North is not constructed to Mobile County Paved Road Standards.

Given that Bay Road North is not constructed to paved road standards, access from the proposed Lot 2 should be denied until such time as the roadway is improved to county paved road standards; a curb cut could be allowed, once the road is constructed to county paved road standards. As such, a note should be placed on the Final Plat, if approved, stating that Lot 2 is limited to one curb cut to Bay Road North, with size, design, and exact location to be approved by County Engineering and conform to AASHTO standard whenever such time as Bay Road North is constructed to County Paved Road Standards as evidenced by certification from the County Engineer.

The revised site plan depicts the entry gate, as well as adequate queuing area, along Marina Drive South. The site plan does not indicate queuing area at the proposed Bay Road North entrance. As access to Bay Road North is currently denied due to the road quality, this is not as much of a concern as the Marina Drive South entry; however, should Bay Road North be constructed, and an entrance to the apartment complex be constructed from Bay Road, submittal of a new PUD would be required to review the new entrance and queuing spaces. The site plan does indicate cross-access between the two proposed lots. As long as access to Bay Road North is denied, this cross access should remain open. Any closure of this cross access must be approved by a new Planned Unit Development Application. It should also be noted that any redevelopment of either lot will also require a new PUD review.

The site plan did not indicate dumpster locations or curbside pickup. The site plan should be revised to indicate dumpster locations and appropriate enclosures and connections to the

sanitary sewer or a note placed on the site plan indicating that garbage removal will be by curbside pickup.

Finally, 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.

RECOMMENDATION

Subdivision: With a waiver of Section V.D.2. of the Subdivision Regulations regarding the 60-foot minimum frontage requirement for Lot 2, the Subdivision request is recommended for tentative approval subject the following conditions:

- 1) retention of the 25-foot minimum building line along all public right-of-way frontages on the Final Plat;
- 2) retention of the lot area size labeling, in square feet, on the Final Plat;
- 3) placement of a note on the Final Plat stating that Lot 2 is limited to one curb cut to Bay Road North , with size, design, and exact location to be approved by County Engineering and conform to AASHTO standards whenever such time as Bay Road North is constructed to County Paved Road Standards as evidenced by certification from the County Engineer.
- 4) placement of a note on the Final Plat stating that Lot 1 is limited to the existing curb cut to Marina Drive South with size, design, and exact location to be approved by County Engineering and conform to AASHTO standards;
- 5) placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species; and
- 6) compliance with Engineering comments: "The majority of the site is located in the VE flood zone and the remainder of the property is located in the AE flood zone. On each lot, show required Minimum Elevation for the lowest horizontal structural member on the plat. There is to be no structural fill placed within the limits of the VE flood zone, therefore any proposed buildings will require pile foundations. There is to be no fill placed within the limits of the VE zone and any proposed development will require a No Rise Certificate or an approved Flood Study. 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 in addition to any required land disturbance permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer."

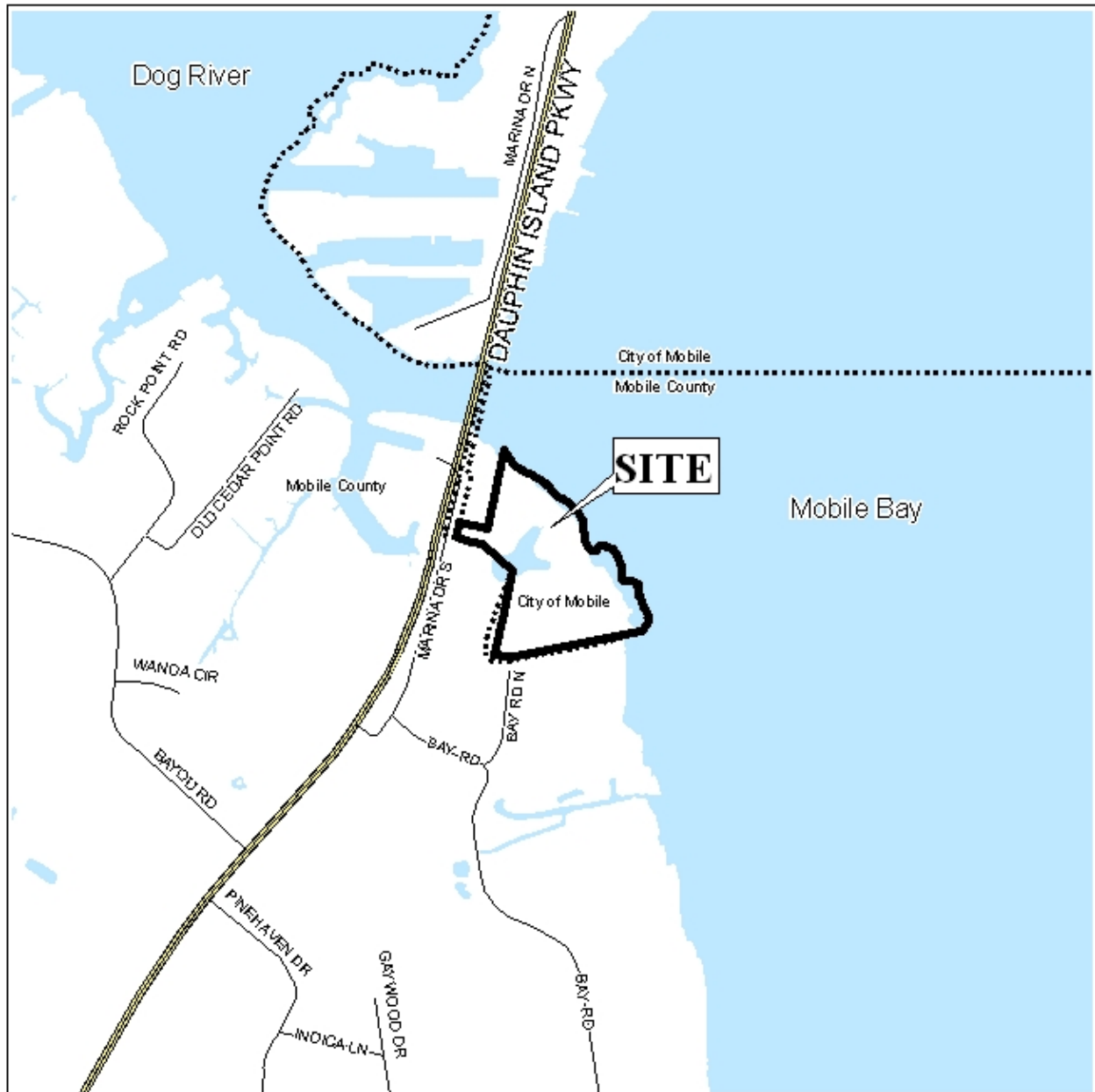
Planned Unit Development: The Planned Unit Development request is recommended for approval subject to the following conditions:

- 1) completion of the rezoning process;
- 2) revision of the site plan to indicate the location of dumpsters, with appropriate enclosures and connections to the sanitary sewer, or placement of a note on the site plan indicating that garbage removal will be by curbside pickup;
- 3) placement of a note on the site plan that access to Bay Road North is denied until such time as Bay Road North is constructed to county paved road standards as evidenced by a certification from the County Engineer;
- 4) any gated access to Bay Road North, if properly constructed, will require submittal of a PUD to review the access and queuing spaces;
- 5) placement of a note on the site plan stating that development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species;
- 6) compliance with Engineering comments: *“The majority of the site is located in the VE flood zone and the remainder of the property is located in the AE flood zone. On each lot, show required Minimum Elevation for the lowest horizontal structural member on the plat. There is to be no structural fill placed within the limits of the VE flood zone, therefore any proposed buildings will require pile foundations. There is to be no fill placed within the limits of the VE zone and any proposed development will require a No Rise Certificate or an approved Flood Study. 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 in addition to any required land disturbance permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer”* and
- 7) full compliance with all municipal codes and ordinances.

Rezoning: The rezoning request is recommended for approval subject to the following conditions:

- 1) subject to an approved Planned Unit Development;
- 2) full compliance with all municipal codes and ordinances.

LOCATOR MAP



APPLICATION NUMBER 1, 2 & 3 DATE August 4, 2011

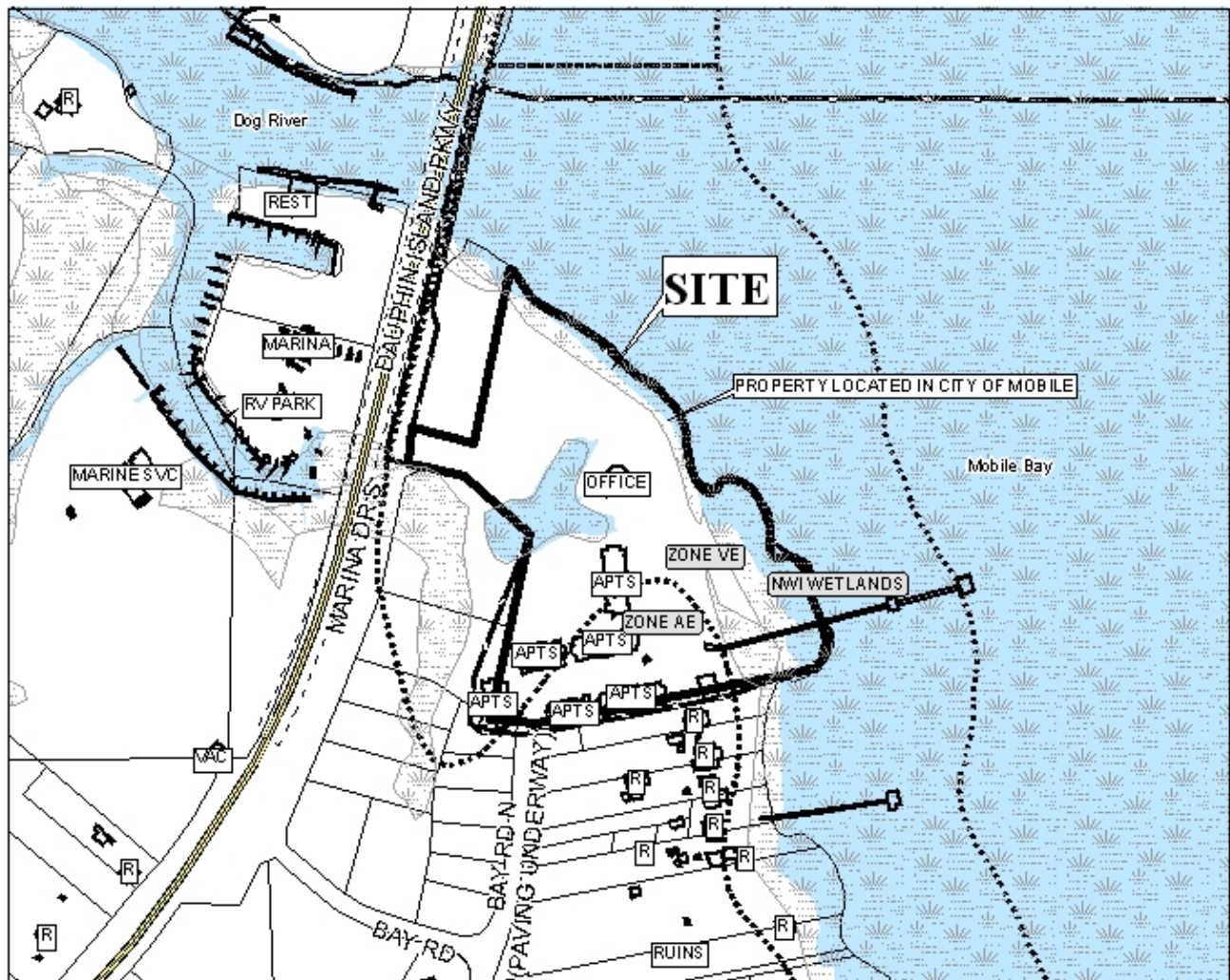
APPLICANT Dog River Venture, LLC

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



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Commercial sites are located to the west of the site.
Residential sites are located to the south of the site.

APPLICATION NUMBER 1, 2 & 3 DATE August 4, 2011

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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	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



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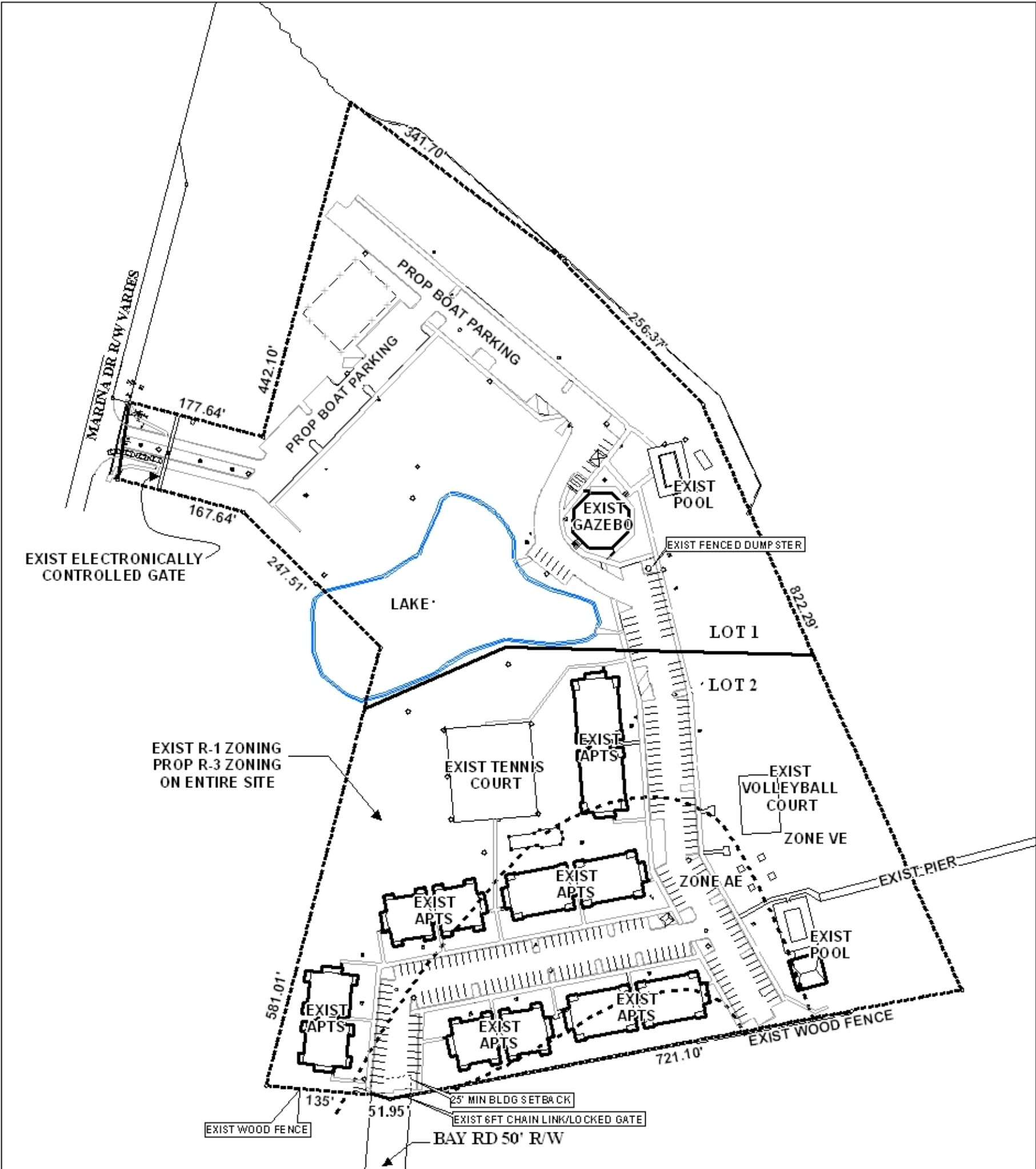
APPLICANT Dog River Venture, LLC

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



NTS

SITE PLAN



The site plan illustrates the existing development, proposed zoning, and lot configuration.

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

