

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

Date: December 6, 2012

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| <u>NAME</u> | Southeast Real Estate Acquisitions, LLC |
| <u>SUBDIVISION NAME</u> | Old Shell Road Elementary Subdivision |
| <u>LOCATION</u> | <p>Subdivision: 1706 Old Shell Road and 107 & 109 Gilbert Street (Northwest corner of Old Shell Road and Gilbert Street, extending 290 feet \pm North on Gilbert Street)</p> <p>Zoning and Planned Unit Development: 1706 Old Shell Road (Northwest corner of Old Shell Road and Gilbert Street)</p> |
| <u>CITY COUNCIL DISTRICT</u> | District 2 |
| <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 in a particular area make a change in the Ordinance necessary and desirable |
| <u>AREA OF PROPERTY</u> | 3 Lots / 4.5 \pm Acres (Subdivision) 1 Lot / 4.1 + Acres (Zoning and PUD site) |
| <u>CONTEMPLATED USE</u> | <p>Subdivision approval to create 3 lots, Planned Unit Development Approval to allow multiple buildings on a single building site, and Rezoning from R-1, Single-Family Residential to R-3, Multiple-Family Residential District to allow a multi-family 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> | Development schedule contingent upon approvals by the Planning Commission, City Council and the Architectural Review Board |

ENGINEERING
COMMENTS

Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes).

1. A signature block and signature for the Traffic Engineering Department shall be placed on the Final Plat.
2. Add a note to the Plat stating that storm water detention will be required for any unapproved development (since 1984) and any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045).
3. Provide additional ROW along Old Shell Rd that may be required by the Planning Commission or Traffic Engineering.
4. Any work performed in the existing Old Shell Road or Gilbert Street ROW (right-of-way) such as grading, drainage, driveways, sidewalks, utility connections, 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).
5. Any and all proposed development will need to 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.
6. According to the City of Mobile's 1984 aerial photographs these parcels were improved in 1984; therefore some historic credit can be used in calculating the required detention. Need engineer's analysis of the capacity of the receiving storm system to ensure that the receiving system is capable of handling the additional flow.
7. It appears that storm water discharge from the site may cross private residential properties. If this is the case care needs to be taken to ensure no damage is caused to downstream properties. The applicant will need to provide a court recorded release agreement from any and all effected downstream properties or each detention facility would need to be designed for the 100 year storm event with a release rate for the 2 year storm.
8. Any proposed dumpster pad(s) must be contained and directed to a surface drain that is connected to the Sanitary Sewer system. The drainage from any dumpster pads cannot discharge to storm sewer.
9. An ADEM NOR is required for any land disturbance activity over 1 acre. Provide a copy of the ADEM registration information for the site prior to the issuance of a Land Disturbance permit.

TRAFFIC ENGINEERING
COMMENTS

The proposed development (134 Residential Condo units) does not meet the threshold to warrant a traffic study. In addition, considering the land use and trip generation of the existing site (Elementary school), the anticipated trip generation is less than the previous land use, therefore no traffic study will be required. 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 3 lots, and Planned Unit Development Approval to allow multiple buildings on a single building site, and Rezoning from R-1, Single-Family Residential to R-3, Multiple-Family Residential District to allow a multi-family apartment complex. Multi-family dwellings are allowed by right in R-3 Districts.

The applicant specifically proposes to create three (3) lots, two of which will accommodate existing single-family residences, and the remainder of which will accommodate the proposed Planned Unit Development and rezoning site.

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.

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.

Zoning review examines the site in relation to Section 64-9. of the Zoning Ordinance, which 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. It additional states that 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 appears to be depicted as a mix of commercial and 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.

The applicant wishes to renovate the existing Old Shell Road Elementary School into 50 apartments, and construct a new 4-story building that will contain up to 84 additional apartments. As part of the proposal, the applicant will purchase the rear 170 feet of two existing single-family lots to the North, expanding the School site and creating two new smaller lots for the existing single-family dwellings.

The applicant states that changing conditions in the area justify the rezoning request. A new drug store is being developed to the Northwest on Spring Hill Avenue, which the applicant believes will spur additional commercial and medical-field related developed due to the proximity of the area to the Mobile Infirmary medical campus, and other nearby hospitals and medical offices. The applicant believes that the continued rebirth of the Old Shell Road corridor provides the opportunity for additional housing in the area.

The renovation of the existing vacant school complex, and the construction of a new building, for a total of 134 dwelling units, will be accompanied by other site improvements, including the provision of a swimming pool, common open space areas, and new parking lots providing a total of 147 parking spaces. A note on the site plan indicates that the proposed new 4 story building may be reduced to 3 stories in height, and may be separated from one L-shaped building into two separate buildings.

An R-3 designation would allow by right 115 dwelling units on the 4.1 acre site, and would require a minimum of 173 parking spaces. The applicant is by comparison proposing 134 dwelling units, and only 147 parking spaces. A development of 134 dwelling units would typically require 201 parking spaces. Thus 19 more dwelling units than allowed by right are being proposed, while 54 fewer parking spaces than would be required for the number of proposed units is also requested. The applicant justifies the reduced parking through a “walkable community” reference, which is not a part of the Zoning Ordinance: reduced parking ratios are only allowed by right within the Hank Aaron Loop, and within the optional Traditional Center District Overlay (currently only in the Spring Hill area), however, the Planning Commission can consider the requests due to the fact that Planned Unit Developments allow for innovative design. Additional justification by the applicant should be provided regarding the proposed number of dwelling units, and the reduced parking ratio.

The site is located within the Old Dauphinway Historic District, thus any exterior modifications to the existing school buildings and any new building construction, as well as some site elements, will require additional approvals from the Architectural Review Board.

The site plan depicts new trees and landscape areas, and also indicates that some of the existing trees on site will be preserved. No calculations are provided, however, that allow staff to determine if the site will 1) have adequate overall and frontage landscape area, 2) that a

minimum of 700 square feet of common area per dwelling unit will be provided (a multi-family residential PUD requirement), and 3) that the development will comply with the frontage, perimeter and parking area tree requirements.

The site plan also depicts a total of three new curb-cuts for the site. Two will be provided onto Old Shell Road, and one will be provided onto Gilbert Street. The proposed curb-cuts will replace four existing sub-standard curb-cuts on the site. The substandard nature of Gilbert Street makes the provision of a curb-cut for the multi-family development possibly questionable.

It should also be pointed out that no dumpsters are depicted on the PUD site plan. If dumpsters will be placed on the site, they must be depicted on the site plan if they will be outside. Additionally, the height of the new building should be indicated in feet, so that staff can determine if the proposed height will comply with the limitations for R-3 districts.

Regarding the Subdivision request, the two existing residential lots front only Gilbert Street, a minor street with only a 40-foot right-of-way. The school site fronts onto both Gilbert Street and Old Shell Road. Old Shell is also a minor street, but with adequate right-of-way. The residential lots, proposed Lots B and C, have one existing curb-cut each, thus they should be limited to the existing curb-cuts. Proposed Lot A, the school site, should be limited to a maximum of three curb-cuts onto Old Shell Road, and denied access to Gilbert Street. Furthermore, as the school site will be the focus of new development, dedication sufficient to provide 25-feet from centerline should be provided along Gilbert Street, as well as a corner radius where Gilbert and Old Shell Road intersect. Lots B and C should not be required to dedicate any right-of-way due to the fact that no new construction is proposed. The plat should be revised to depict a 25-foot minimum building setback line for all proposed lots. The size, design and location of any new curb-cuts are to be approved by Urban Forestry, Planning and Traffic Engineering, and comply with AASHTO standards.

Finally, the plat indicates that the site is partially located within FEMA designated flood zones, however, preliminary research by staff indicates this to be incorrect. Also the plat has an error regarding the size in square feet of Lot A.

RECOMMENDATION

Rezoning: The rezoning request is recommended for Holdover until the January 3rd meeting so that the following can take place (revisions due by December 17th):

- 1) Revision of the Zoning site plan to reflect PUD and Subdivision changes.

Planned Unit Development: The request is recommended for Holdover until the January 3rd meeting so that the following can take place (revisions due by December 17th):

- 1) Provision of additional justification to exceed the allowed by right number of dwelling units on the site, or reduction in the number of proposed units to comply with the Zoning Ordinance;
- 2) Provision of additional justification to reduce the required parking ratio to allow a reduced number of parking spaces per dwelling unit, or provision of additional parking spaces to comply with the number per dwelling unit required by the Zoning Ordinance;

- 3) Revision of the site plan to provide 1. Total landscape area, 2. Frontage landscape area, 3. Frontage, perimeter and parking area tree calculations, and 4. Common area open space per dwelling unit calculations;
- 4) Revision of the site plan to eliminate access for the school site to Gilbert Street;
- 5) Revision of the site plan to depict any exterior dumpster storage locations;
- 6) Revision of the site plan to include a maximum building height for any new construction; and
- 7) Revision of the site plan to reflect dedication along Gilbert Street, and dedication of a corner radius at the Gilbert Street and Old Shell Road intersection.

Subdivision: The Subdivision request is recommended for Holdover until the January 3rd meeting so that the following can take place (revisions due by December 17th):

- 1) Revision of the plat to depict dedication along Gilbert Street for Lot A to provide 25-feet from centerline;
- 2) Revision of the plat to depict dedication of a corner radius where Gilbert Street and Old Shell Road intersect;
- 3) Revision of the plat to correctly identify flood zones;
- 4) Revision of the plat to depict the 25-foot minimum building setback line on all lots, adjusted for any dedication; and
- 5) Revision of the plat to label each lot with its size in square feet, or the placement of the information on a table, reflecting any required dedication.

Revised for the February 7th meeting:

The applications were heldover from the December 6, 2012 meeting, at the applicant's request.

No additional information has been received by staff.

RECOMMENDATION

Rezoning: *The rezoning request is recommended for Denial due to a failure to provide the additional information and revisions requested regarding the Planned Unit Development and Subdivision applications.*

Planned Unit Development: *The request is recommended for Denial due to a failure to provide the additional information and revisions requested regarding the Planned Unit Development application.*

Subdivision: *The Subdivision request is recommended for Denial due to a failure to provide the additional information and revisions requested regarding the Subdivision application.*

LOCATOR MAP



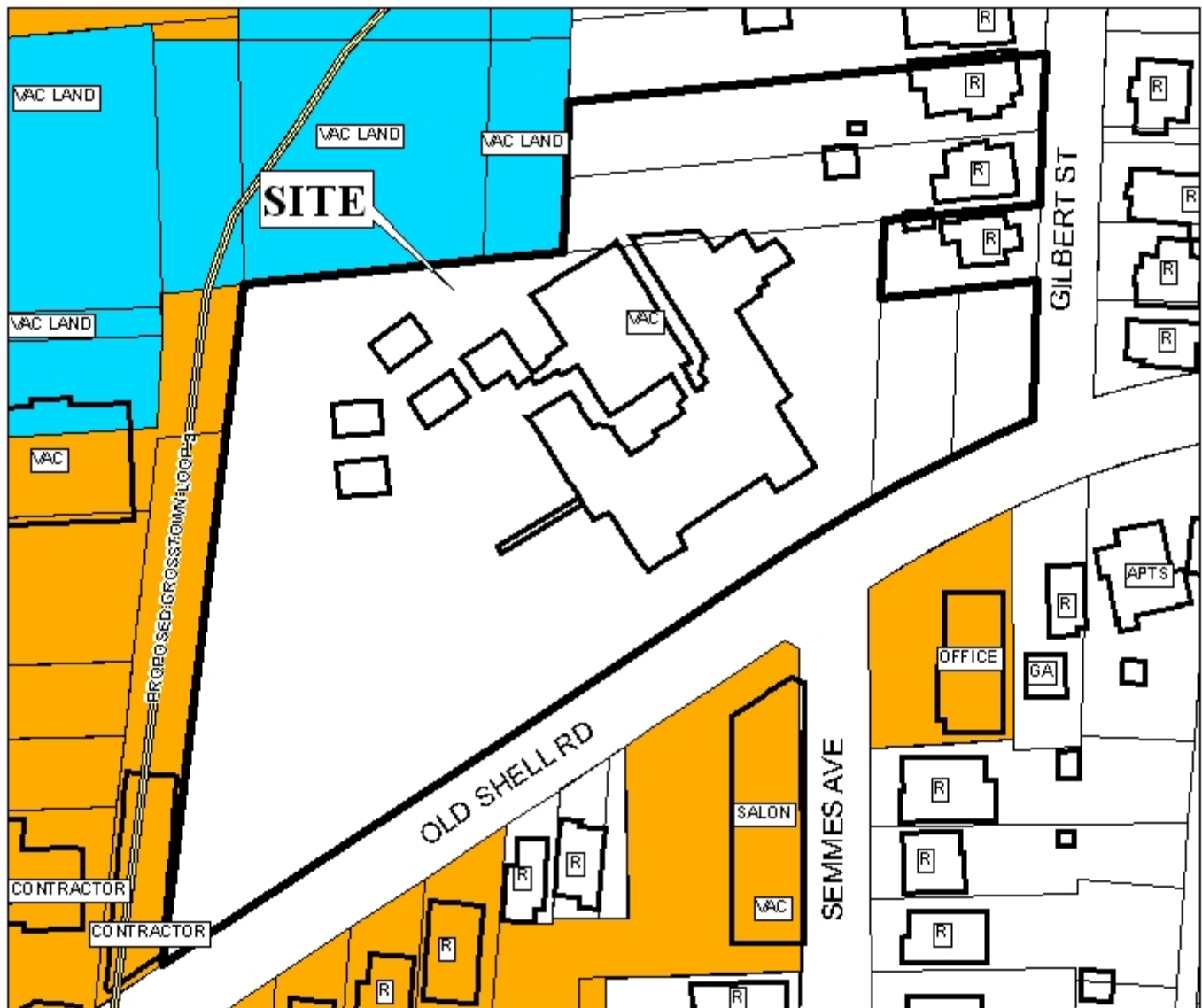
APPLICATION NUMBER 1, 2 & 3 DATE February 7, 2013

APPLICANT Southeast Real Estate Acquisitions, LLC

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

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NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by miscellaneous land use.

APPLICATION NUMBER 1, 2 & 3 DATE February 7, 2013

APPLICANT Southeast Real Estate Acquisitions, LLC

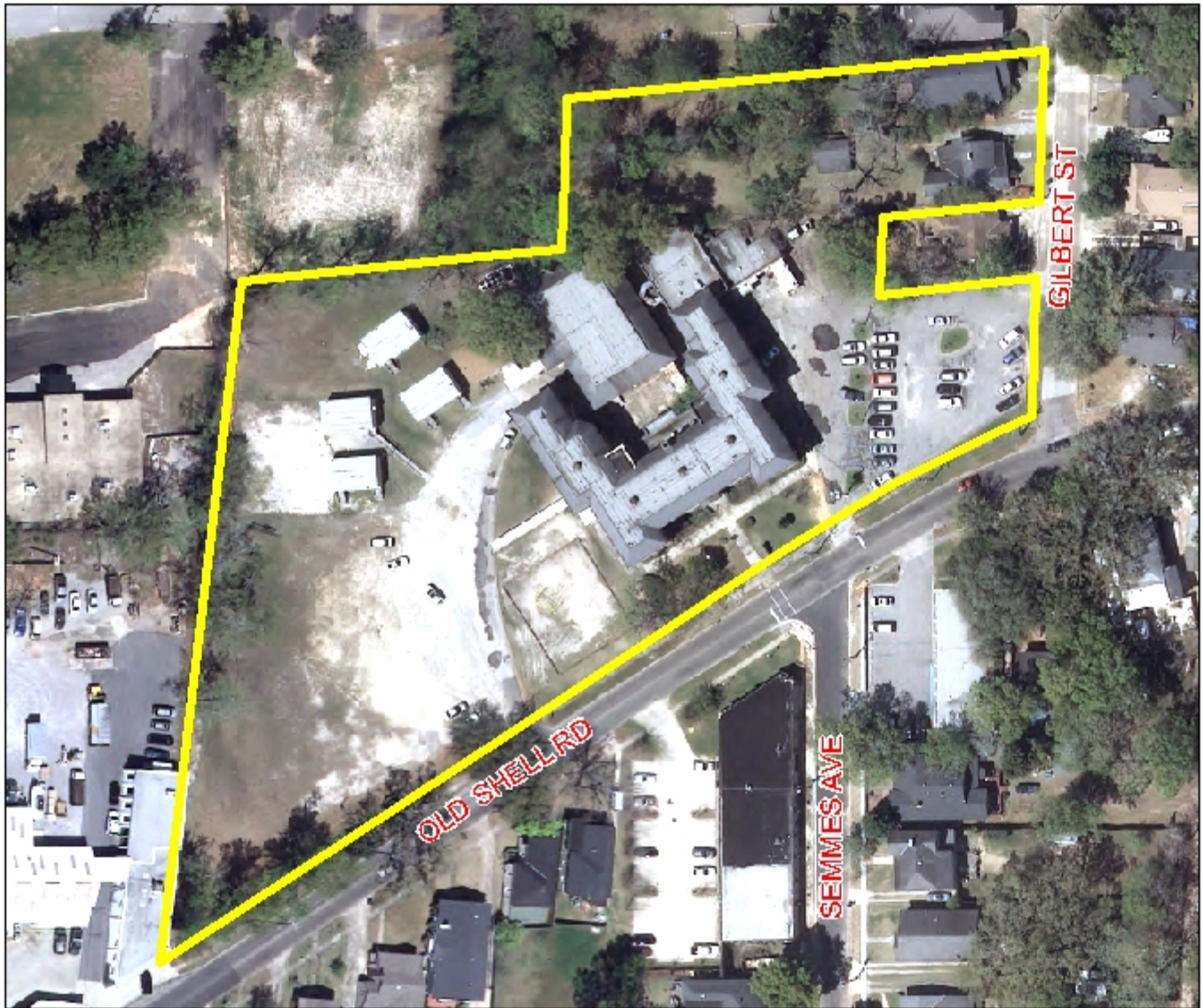
REQUEST Subdivision, PUD, Rezoning from R-1 to R-3

LEGEND

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|-----|-----|-----|-----|-----|-----|-----|-----|------|-----|-----|-----|-----|-----|-----|
| 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 |
|-----|-----|-----|-----|-----|-----|-----|-----|------|-----|-----|-----|-----|-----|-----|



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by miscellaneous land use.

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

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NTS

SITE PLAN



The site plan illustrates the proposed lot configuration, zoning, and multi-family units.

APPLICATION NUMBER 1, 2 & 3 DATE February 7, 2013
 APPLICANT Southeast Real Estate Acquisitions, LLC
 REQUEST Subdivision, PUD, Rezoning from R-1 to R-3

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 NTS