

ZONING AMENDMENT STAFF REPORT**Date: December 2, 2021****NAME**

Salt Line Development, LLC

LOCATION

South side of Overlook Road, 745'± East of the Illinois Central Gulf Railroad right-of-way.

**CITY COUNCIL
DISTRICT**

District 7

PRESENT ZONING

R-1, Single-Family Residential District

PROPOSED ZONING

R-3, Multi-Family Residential District

AREA OF PROPERTY

2.0± Acres

CONTEMPLATED USE

Rezoning from R-1. Single-Family Residential District, to R-3, Multi-Family Residential District.

It should be noted 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.

**TIME SCHEDULE
FOR DEVELOPMENT**

None given.

**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. A Land Disturbance Permit application shall be submitted 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 and paving 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.
3. Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance 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.

5. 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. The Owner/Developer is responsible for acquiring all of the necessary permits and approvals.
6. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

TRAFFIC ENGINEERING

COMMENTS

The development as proposed with 12 dwelling units is not anticipated to have a negative impact on traffic in the area, with approximately 10-12 trips in the peak hour. If the density of the site changes, Traffic Engineering reserves the right to require an impact study based on any new proposed development.

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 [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.

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). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.

REMARKS

The applicant is requesting rezoning from R-1. Single-Family Residential District, to R-3, Multi-Family Residential District.

The site has been given a Low Density Residential (LDR) land use designation per the adopted Future Land Use Plan and Map. The Future Land Use Plan and Map complements and provides additional detail to the Development Framework Maps in the Map for Mobile, adopted by the Planning Commission at its November 5, 2015 meeting. This designation acknowledges existing commercial development that is spread along Mobile's transportation corridors in a conventional strip pattern or concentrated into shorter segments of a corridor.

This designation applies to existing residential neighborhoods found mostly west of the Beltline or immediately adjacent to the east side of the Beltline.

The primary land use in the LDR districts is residential and the predominant housing type is the single-family housing unit, detached or semi-detached, typically placed within a street grid or a

network of meandering suburban streets. The density in these districts ranges between 0 and 6 dwelling units per acre (du/ac).

These neighborhoods may also contain small-scale, low-rise multi-unit structures at appropriate locations, as well as complementary retail, parks and civic institutions such as schools, community centers, neighborhood playgrounds, and churches or other religious uses if those uses are designed and sited in a manner compatible with and connected to the surrounding context. The presence of individual ancillary uses should contribute to the fabric of a complete neighborhood, developed at a walkable, bikeable human scale.

It should also be noted that the Future Land Use Plan and Map components of the Map for Mobile Plan are meant to serve as a general guide, not a detailed lot and district plan. In many cases the designation on the new Future Land Use Map may match the existing use of land, but in others the designated land use may differ from what is on the ground today. As such, the Future Land Use Plan and Map 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, where applicable, the zoning classification.

The applicant states the following:

Zoning Statement

Salt Line Development is requesting the zoning be changed from R-1 to R-3 due the limited number of R3 sites available within the city limits that are suitable for a low-density development. It is noted that Salt Line Development has been searching for a suitable R-3 zoned site within the Mobile, AL area for three years.

The subject property is located along Overlook Road, which is a secondary roadway that provides east-west access from University Boulevard to Cody Road in west Mobile. Properties along this roadway are zoned R-1, R-3, B-1, and B-2. The properties immediately surrounding the subject include R-1 to the west, R-1 to the east, R-1 to the south, and R-3 to the north.

The property to the west is a church facility and the property to the east is vacant but owned by another church entity. The properties to the south are separated from the subject by railroad tracks and have limited visibility of the subject. The property to the north is currently vacant and is zoned R-3.

The proposed development is low density with only 12 proposed units. The R-1 allows for 12 single-family homes in the suburban subdistrict of the Map for Mobile. The proposed development has a similar density of an R-1 subdivision development.

A zoning change from R-1 to R-3 should have extraordinarily little impact on the surrounding land uses and properties given the characteristics of the local neighborhood and the proposed development.

Application Description

The buyer of the property plans to construct a low-density apartment complex on the site. The complex will have a total of 12 units within two separate single-story buildings. Each building will have six two bedroom and two-bathroom units. The proposed improvements will be constructed in one phase. The construction is expected to begin during the Summer of 2022. The property will be heavily landscaped to reduce visibility of the complex from the road.

Plan Consistency Statement

The subject property is currently zoned R-1 and the future land use under the Map for Mobile: Framework for Growth is Low Density Residential. The buyers have applied for the property to be rezoned R-3. The following chart from the Mobile Unified Development Code (April 1, 2021 Planning Commission Version) details the dimensional standards for R-3 Suburban Subdistrict zoning:

The buyer's proposed development will have a density of 6 units per acre and the allowable units per acre would be 25. The proposed development will have a much lower coverage ratio and lower building height than the maximum. The development will also have a much higher percentage of landscaping and common open space per dwelling unit than the minimum figures proposed in the plan. The developer believes the proposed project keeps with the intent of the Map of Mobile through its low density and preservation of greenspace.

Conceptual site plans have been provided on the following pages:

The site plan submitted illustrates two (2) buildings, with six dwelling units in each building, for a total of twelve units. It should be noted that, if the applicant wishes to develop the site with multiple structures, a Planned Unit Development will be required prior to the issuance of permits.

With twelve dwelling units, the site is required to have a minimum of 18 parking spaces; 24 are shown on the site plan. If approved, lighting should be provided in compliance with the Zoning Ordinance. A photometric site plan will be required if there will be more than 25 parking spaces.

No trees or landscape area are illustrated on the site plan, and as this will be the first commercial development of the site, if approved, the site will be required to come into full compliance with these requirements. Tree plantings should be coordinated with staff to ensure that they are given sufficient room to thrive. It appears the development will exceed the minimum amount of open space per dwelling unit required by the Zoning Ordinance.

No sidewalk is illustrated on the site plan, and one will be required at the time of development.

A dumpster is not depicted on the site plan. Any dumpster placed on the property must be in compliance with the current enclosure and sanitary sewer connection requirements of Section 64-4.D.9. of the Zoning Ordinance, and must be illustrated on any revised site plan(s); or, placement of a note on the site plan stating that curbside pickup will be utilized may suffice, if approved.

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.

Regarding rezoning, the site is adjacent to property to the South, East, and West that is zoned R-1, Single-Family Residential, with the property to the West used as a church. Property to the North of the site, across Overlook Road is zoned R-3, Multi-Family Residential.

While the site across the street is zoned R-3, it was rezoned from R-A, Residential-Agricultural to R-3 in 1973, and is currently developed with a single-family dwelling. There is another R-3 property less than 600'± from the site, that was rezoned from R-1 to R-3 in 1973, and is developed with a neighborhood swim club. Similarly, there is another R-3 property, approximately 0.6± miles West on Overlook, which was rezoned from R-1 to R-3 in 1986, and is currently developed with a single-family dwelling. Finally, there is a vacant property, approximately 0.5± miles to the West of the site, that is currently zoned B-2, and would allow the proposed use by-right.

As previously stated, the Zoning Ordinance gives four conditions under which rezoning requests are to be evaluated, none of which seem to apply to this application. Moreover, there are several appropriately zoned sites in the immediate area.

It should also be noted that Section 64-9.A.2. of the Zoning Ordinance states that R-3 zoning districts should contain at least four (4) acres. The subject site is two (2) acres.

If no conditions prevail which justify a change in zoning per Section 64-9 of the Zoning Ordinance, then approving the request may be inappropriate.

RECOMMENDATION

Denial due to the following:

Based on the preceding, the application is recommended for

- 1) the applicant has not demonstrated there is a manifest error in the Ordinance that would be corrected by rezoning the property;
- 2) the applicant has not demonstrated changing conditions in the area make a change in the Ordinance necessary and desirable;
- 3) the applicant has not demonstrated that there is a need to increase the number of sites available to business or industry in the area;
- 4) there is no subdivision of the land proposed that would require reclassification of the land; and,
- 5) the proposed zoning district does not meet the minimum size recommendation for a new zoning classification as set forth in Section 64-9.A.2. of the Zoning Ordinance.

Revised for the December 2, 2021 meeting:

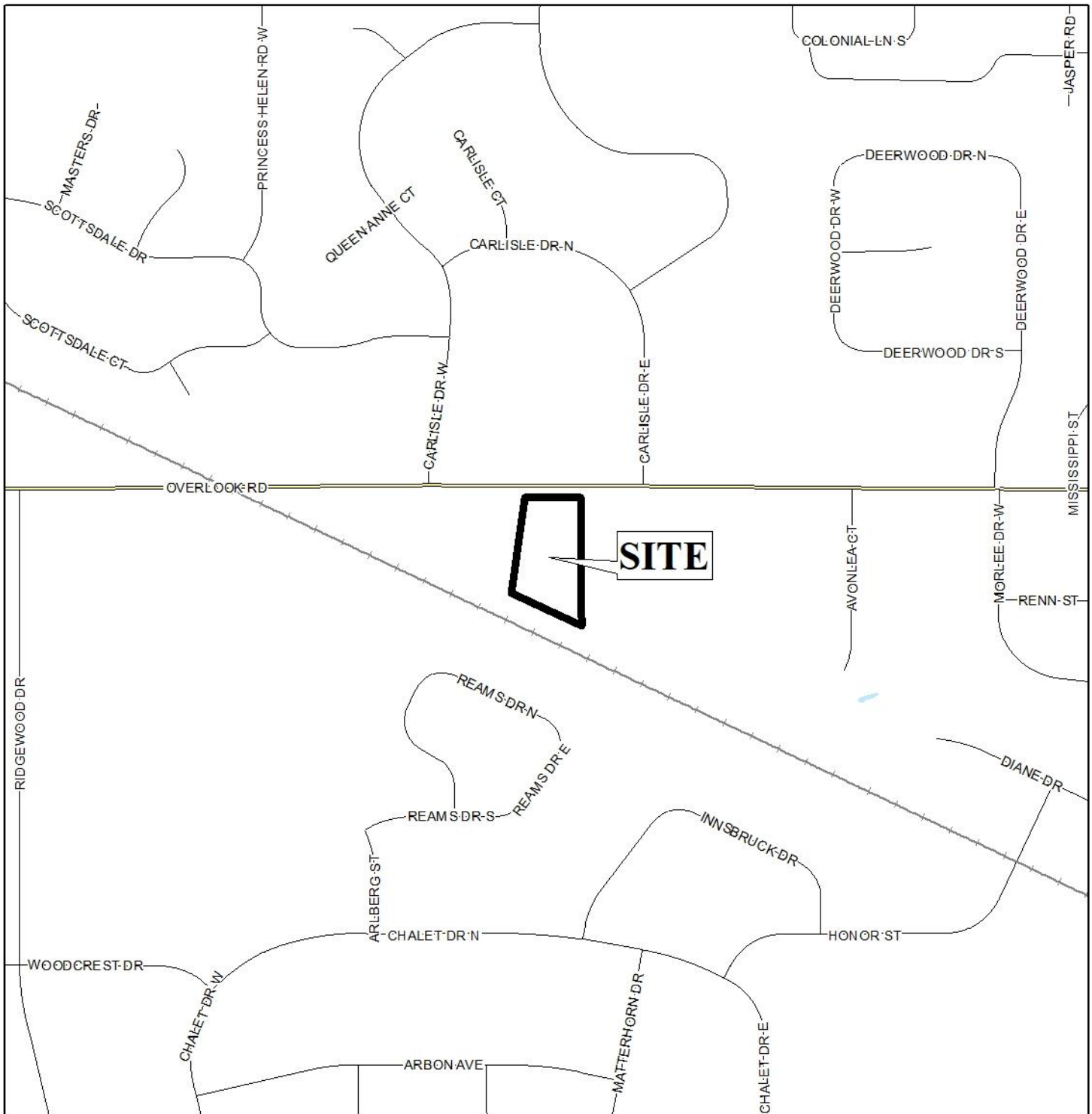
The application was heldover by the Planning Commission at its August 19th meeting to allow the applicant time to submit a Planned Unit Development application, additional information regarding the rezoning request, and to reach out to area residents. Neither the PUD, nor additional information have been submitted.

RECOMMENDATION

Based on the preceding, the application is recommended for denial due to the following reasons:

- 1) the applicant has not demonstrated there is a manifest error in the Ordinance that would be corrected by rezoning the property;*
- 2) the applicant has not demonstrated changing conditions in the area make a change in the Ordinance necessary and desirable;*
- 3) the applicant has not demonstrated that there is a need to increase the number of sites available to business or industry in the area;*
- 4) there is no subdivision of the land proposed that would require reclassification of the land; and,*
- 5) the proposed zoning district does not meet the minimum size recommendation for a new zoning classification as set forth in Section 64-9.A.2. of the Zoning Ordinance.*

LOCATOR MAP



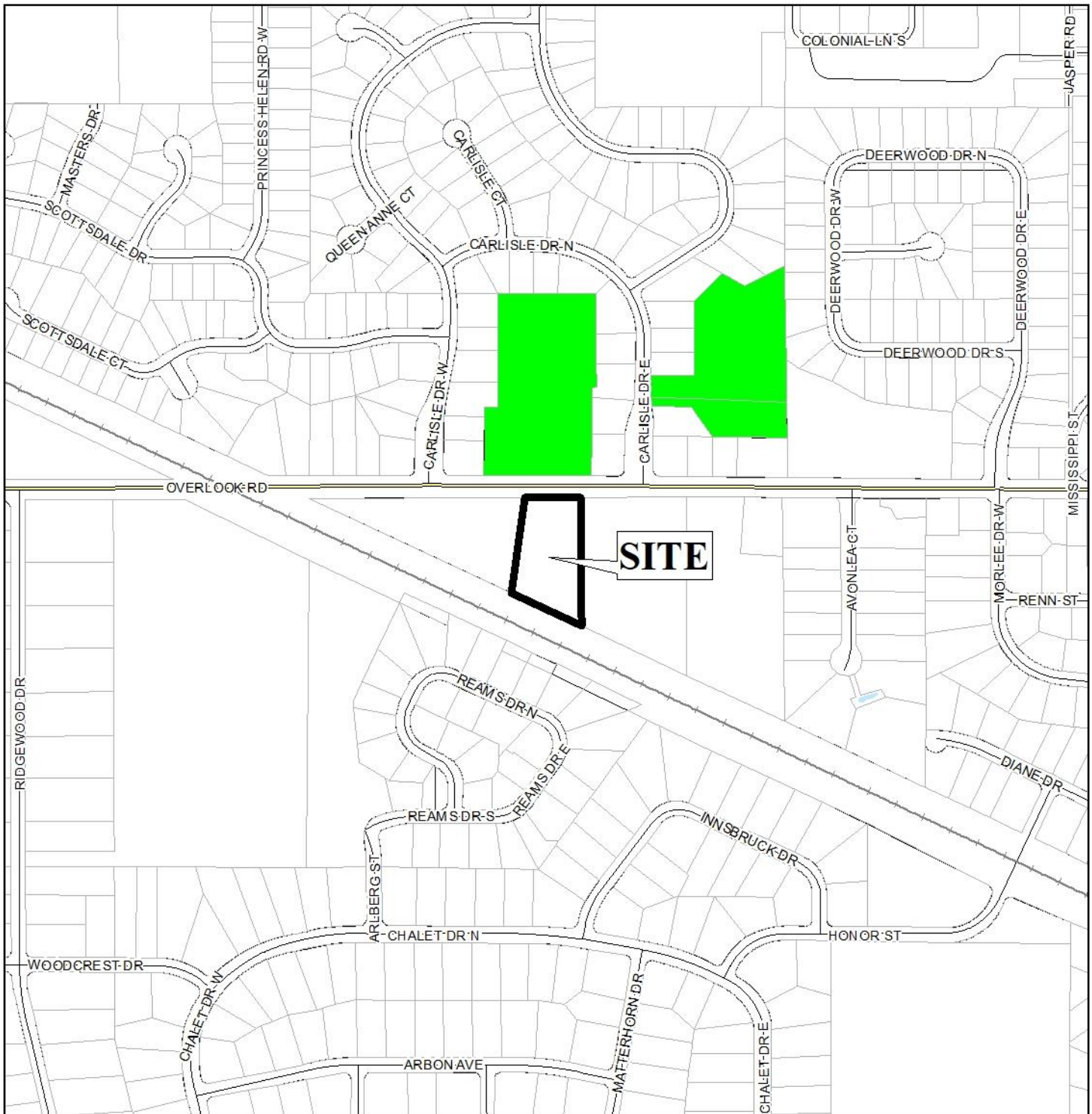
APPLICATION NUMBER 1 DATE December 2, 2021

APPLICANT Salt Line Development, LLC

REQUEST Rezoning from R-1 to R-3



LOCATOR ZONING MAP



APPLICATION NUMBER 1 DATE December 2, 2021

APPLICANT Salt Line Development, LLC

REQUEST Rezoning from R-1 to R-3



FLUM LOCATOR MAP



APPLICATION NUMBER 1 DATE December 2, 2021

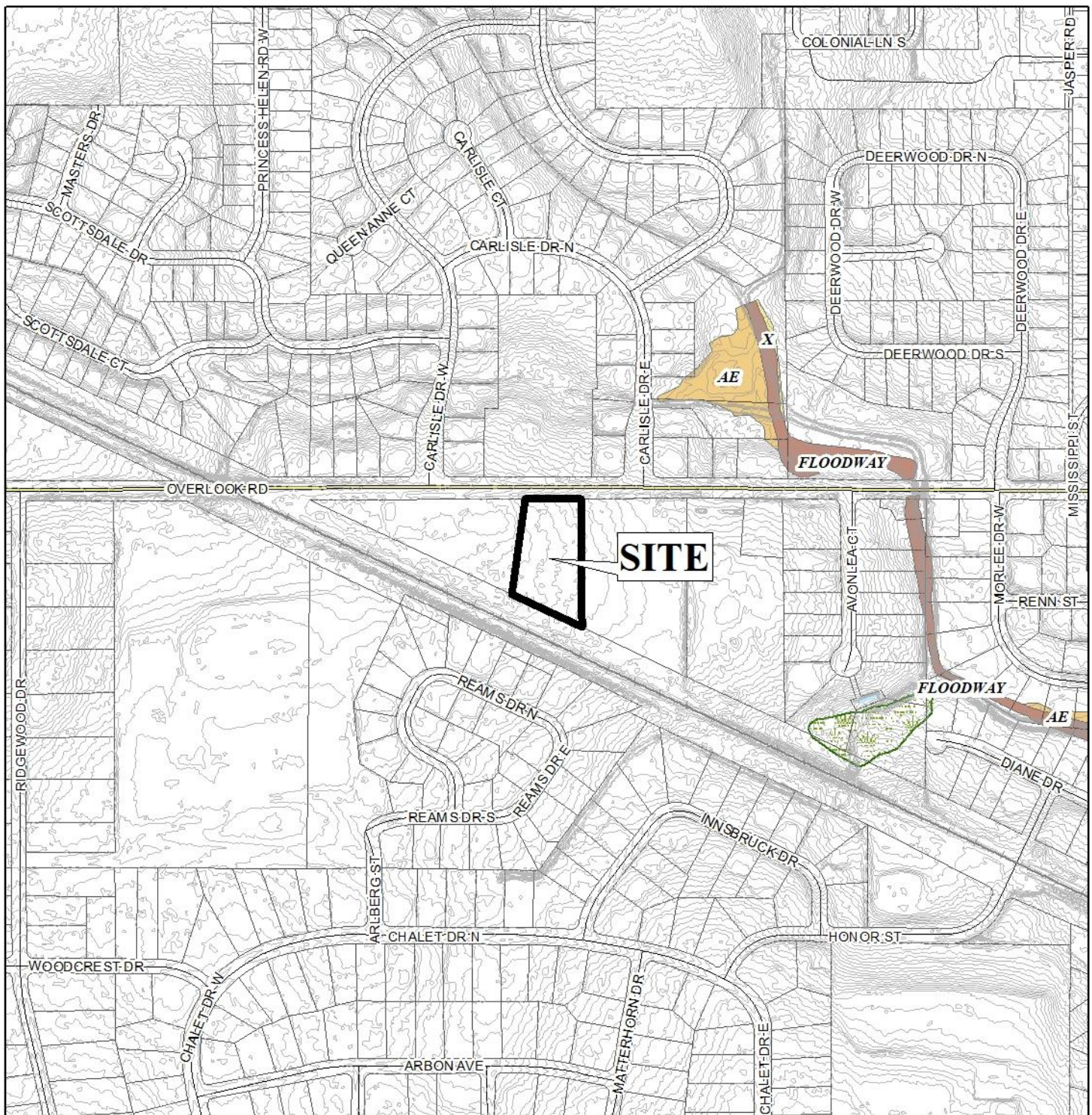
APPLICANT Salt Line Development, LLC

REQUEST Rezoning from R-1 to R-3

Low Density Residential	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
Mixed Density Residential	Neighborhood Center - Suburban	Light Industry	Water Dependent
Downtown	Traditional Corridor	Heavy Industry	
District Center	Mixed Commercial Corridor	Institutional	



ENVIRONMENTAL LOCATOR MAP



APPLICATION NUMBER 1 DATE December 2, 2021

APPLICANT Salt Line Development, LLC

REQUEST Rezoning from R-1 to R-3



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential units.

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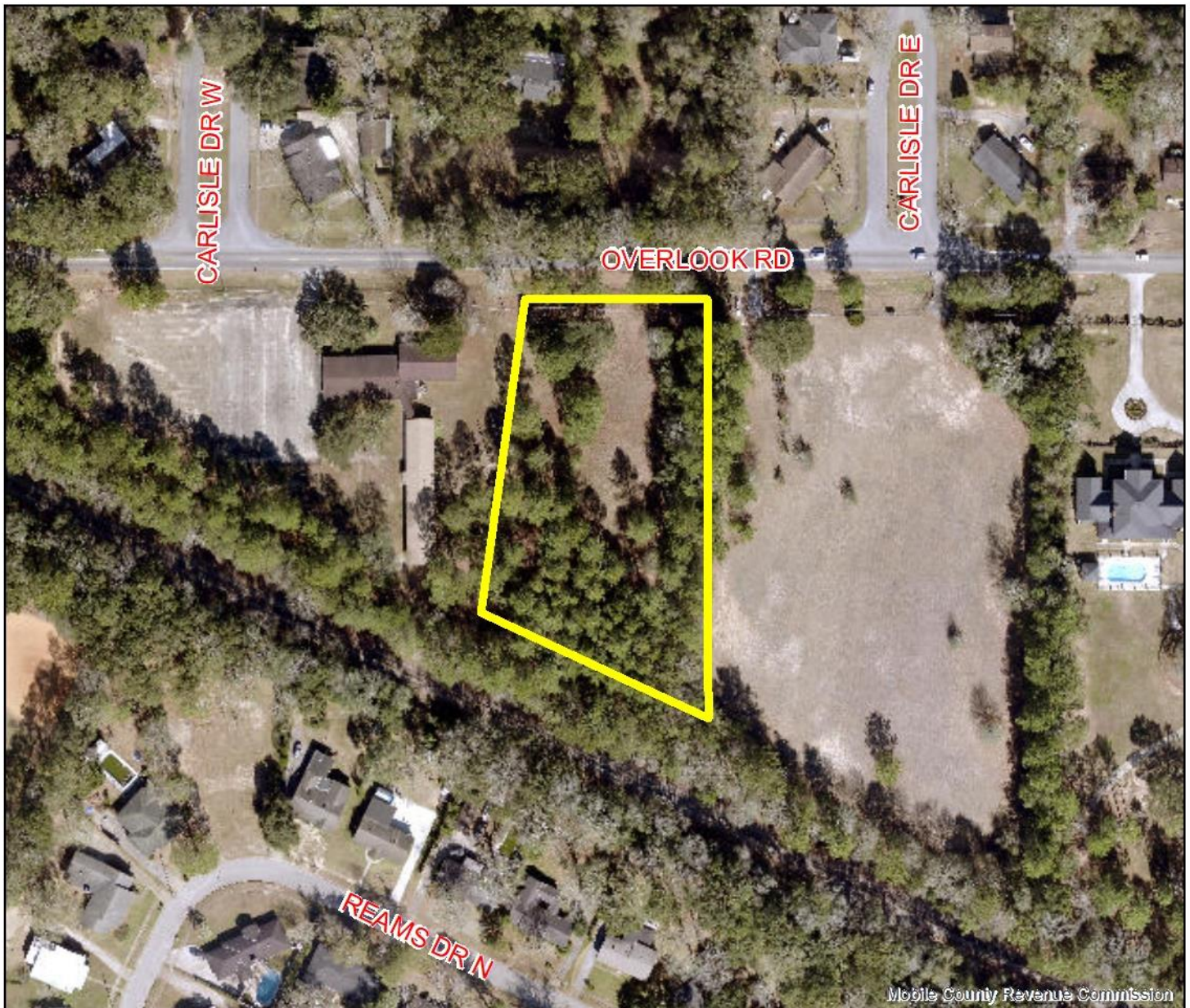
APPLICANT Salt Line Development, LLC

REQUEST Rezoning from R-1 to R-3

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 single family residential units.

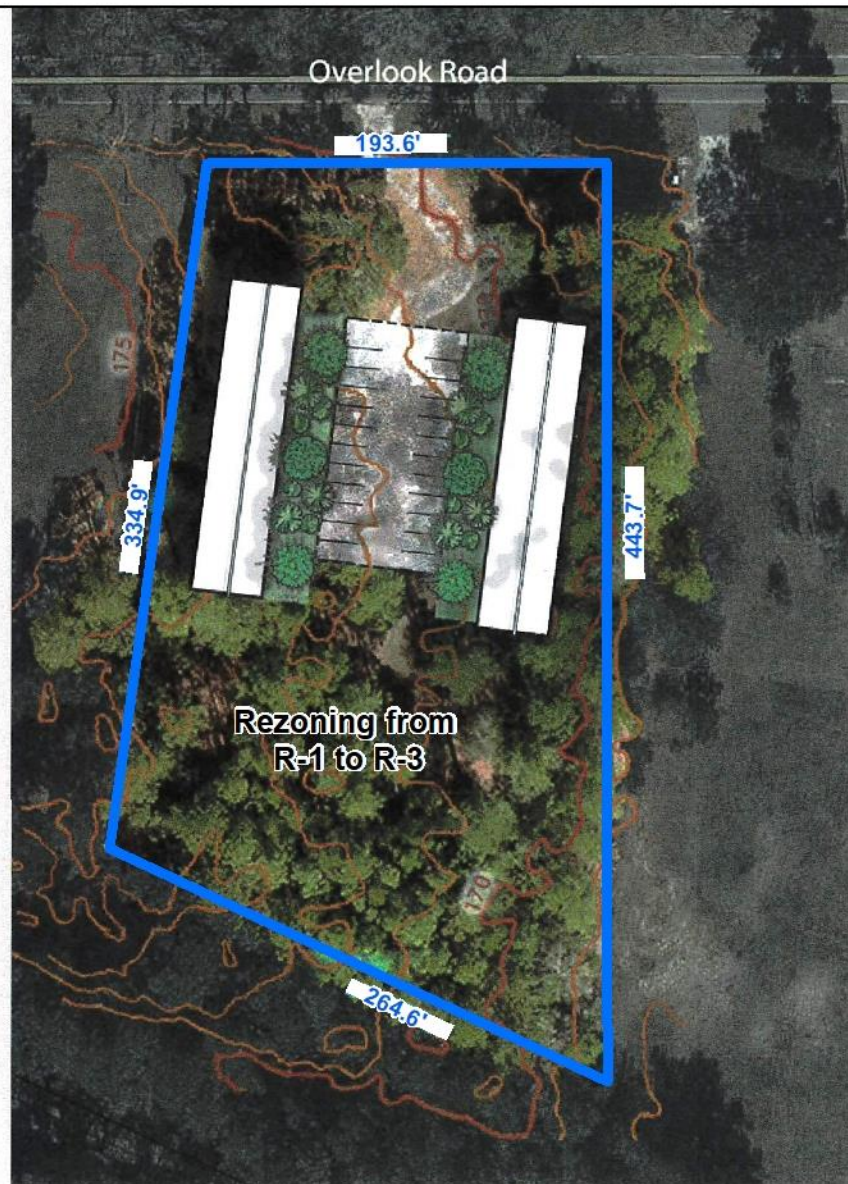
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REQUEST Rezoning from R-1 to R-3



SITE PLAN



The site plan illustrates the proposed buidlings, and parking.

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REQUEST Rezoning from R-1 to R-3



NTS

