

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

**Date: September 17, 2015**

<b><u>NAME</u></b>	Zimmer Development Company
<b><u>SUBDIVISION NAME</u></b>	Campus Crest Subdivision
<b><u>LOCATION</u></b>	139 East Drive (East side of East Drive extending to the West side of Long Road (not open), 90'± North of Windham Court)
<b><u>CITY COUNCIL DISTRICT</u></b>	District 6
<b><u>PRESENT ZONING</u></b>	R-3, Multiple-Family Residential District
<b><u>PROPOSED ZONING</u></b>	R-3, Multiple-Family Residential District
<b><u>REASON FOR REZONING</u></b>	To remove conditions of previous zoning approvals.
<b><u>AREA OF PROPERTY</u></b>	1 Lot / 10.6 ± Acres
<b><u>CONTEMPLATED USE</u></b>	<p>Subdivision approval to create 1 lot, Planned Unit Development approval to allow multiple buildings on a single building site, and Rezoning from R-3, Multiple-Family Residential to R-3, Multiple-Family Residential, to remove conditions of previous zoning approvals, to allow an apartment complex.</p> <p><b>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.</b></p>
<b><u>TIME SCHEDULE</u></b>	Immediate.

**ENGINEERING  
COMMENTS**

**Subdivision:** The following 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 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. Add Long Street ROW to the drawing.
- C. Provide a written legal description for the proposed subdivision and matching bearing and distance labels.
- D. Show and label the MFFE (Minimum Finished Floor Elevation) on each lot that contains an AE, V, or X (shaded) flood zone designation.
- E. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
- F. Add a note to the 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.
- G. 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.
- H. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of development, unless a sidewalk waiver is approved.
- I. Provide a copy of the FINAL PLAT to the Engineering Dept. for review prior to obtaining any signatures.
- J. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.

**Planned Unit Development:**

- 1. Label the Minimum Finished Floor Elevation (MFFE) for each lot.

**ADD THE FOLLOWING NOTES TO THE PUD SITE PLAN:**

- 1. The applicant shall extend Long Street to the south to provide access to this site. The roadway shall be approved, constructed and accepted in accordance with Engineering Department requirements prior to issuance of any Certificate of Occupancy.

**TRAFFIC ENGINEERING  
COMMENTS**

A traffic impact study has been requested for this site, but has not yet been submitted for review. With a development of this intensity, the traffic impact study should be reviewed and approved prior to the site approval by the Planning Commission. Traffic Engineering approval of this site is contingent upon the construction by the developer/owner of all improvements (if any) identified in the study. Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Any new 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 for the October 1<sup>st</sup> meeting:*** A traffic impact study was submitted and reviewed for this development. Two hard copies (one for Traffic Engineering and one for Planning) of a final report will need to be submitted prior to permitting for this site. Traffic Engineering approval of this site is contingent upon the construction of all improvements identified in the study, including the modification to the roadway median on Old Shell Road adjacent to Long Street. The modification will allow full access to Long Street, by separating the left turn movements from the through movement with a raised island. This arrangement will provide space for northbound left turning traffic to store in the median, allowing a two-stage left turn movement. Design plans for all improvements within the public right-of-way must be approved by Engineering and Traffic Engineering. Tree Commission approval will be required to remove crape myrtle trees from the median. Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. 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.

## **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).

***Revised for the October 1<sup>st</sup> meeting:*** Preservation status is to be given to all 24 inch and larger Live Oak trees depicted on the PUD site plan as remaining on the site after construction. Tree protection barriers shall be placed a distance of 10 feet around all 24 inch and larger Live Oaks prior to land disturbance and during construction activities, and no site development may occur within 5 feet of a 24 inch and larger Live Oak that will be retained on the site, per Section 64-4.H.5. of the Zoning Ordinance. Removal of all other 24 inch and larger Live Oaks on the site will require a tree removal permit, to be submitted for Urban Forestry review. Removal of trees in the right-of-way will require an application to and approval by the Mobile Tree Commission.

## **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) Projects outside the City Limits of Mobile, yet within the Planning Commission Jurisdiction fall under the State or County Fire Code. (2012 IFC)

### **REMARKS**

The applicant is requesting Subdivision approval to create 1 lot, Planned Unit Development approval to allow multiple buildings on a single building site, and Rezoning from R-3, Multiple-Family Residential to R-3, Multiple-Family Residential, to remove conditions of previous zoning approvals, to allow an apartment complex. Apartments are allowed by right in R-3, Multiple-Family Residential Districts.

The purpose of this application is to allow the construction of an apartment complex. The site has been before the Planning Commission several times for similar proposals, most recently in 2005, when an apartment development proposal was approved for the site. The site is composed of multiple properties, all zoned R-3, but comprised of three separate zoning amendments (from 1985, 2001 and 2005), each with different conditions of approval. The 2001 approval limited the

site to a PUD development site plan approved in 2000 by the Planning Commission. Thus, the rezoning aspect of this application is to remove specific conditions from previous zoning approvals that would otherwise prevent the proposed development currently under consideration.

The site is bounded to the North by multi-family residences in an R-3 district and single-family residences in an R-1, Single-Family Residential district, to the East by commercial and multi-family developments in B-3, Community Business, and B-1, Buffer Business districts, and to the South and West by single-family homes in an R-3 district and in an R-1 district.

The site has frontage on Long Street to the East, and East Drive to the West. Each street is a minor street with adequate right-of-way, however, Long Street must be improved to City standard to the entrance to the site.

The majority of the site appears to be depicted as residential, with a very small area depicted as commercial, 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 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.

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.

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.

The applicant proposes to develop a 168 unit, 516 bed apartment complex with 567 parking spaces. The apartments will be in 8 three-story buildings, and there will be a separate club house with pool, a maintenance building, and tennis, volleyball and basketball courts. The recreational courts will be located via pedestrian bridge on the East side of Twelve Mile Creek. Vehicular, gated access for residents and guests will be from Long Street, while an “*emergency vehicle only*” gated access point will be provided on East Drive.

One lot and two metes and bounds parcels will be combined to form one 10.6 ± acre lot, a portion of which is located on the East side of Twelve Mile Creek. An existing single-family residence fronting East Drive must be removed prior to the development of the proposed apartment complex.

As previously stated, the conditions associated with the existing R-3 zoning of the site prohibit the currently proposed development. That, in addition to the combination of multiple properties into one legal lot, makes the rezoning necessary and desirable, according to the applicant.

The site plan includes information regarding landscape area compliance, however, no information is provided regarding tree compliance. The site will meet landscape area requirements. A site plan also depicting full compliance with the tree requirements of the Zoning Ordinance will be required at time of submittal for land disturbance permits.

The site is located within the area impacted by the amended multi-family parking requirements adopted by the City Council earlier in 2015. The amendment requires “One (1) space per bedroom plus 10% of the total amount of spaces” for the development, which staff calculates to be  $516 \times 1.1 = 567.6$  or 568 parking spaces required. It appears that the site is 1 parking space short of the total required.

As the site will have more than 25 parking spaces, full compliance with Section 64-6.A.8. of the Zoning Ordinance will be required. A photometric plan will be required at time of submittal for land disturbance permits.

One dumpster is depicted on the site plan. The dumpster and enclosure must comply with Section 64-4.D.9. of the Zoning Ordinance.

Long Street is not currently improved to City standard to the site. Other developments currently under construction on Long Street will result in at least the majority of the length of the street to this site being improved, however, the applicant must complete street and sidewalk improvements to the site. The right-of-way for Long Street continues across Twelve Mile Creek, but is not improved. Access to the unimproved segments of Long Street should be denied.

The site abuts single-family residences. A minimum 6-foot high wooden privacy fence should be provided where the site abuts single-family residences. The fence should be no taller than 3-feet where it is within the 25-foot setback from the improved portions of Long Street or East Drive.

The 25-foot minimum building setback is not shown on the preliminary plat along Long Street, but it is depicted for East Drive. The setback is shown for both streets on the PUD site plan. The plat should be revised to show the minimum building setback along all abutting rights-of-way.

It is assumed that the primary residents of the proposed complex will be students attending the nearby University of South Alabama. For this reason, it is recommended that a pedestrian gate be provided at both the Long Street and the East Drive frontages. A sidewalk is depicted as being provided along East Drive, and such should also be depicted and provided for the frontage on the improved portion of Long Street.

Finally, Traffic Engineering has noted the need for a Traffic Impact Study (TIS). Since a TIS has yet to be submitted, it is recommended that the Planning Commission not consider the proposed development until a TIS has been reviewed and approved by Traffic Engineering.

## **RECOMMENDATION**

**Subdivision:** The Subdivision request is recommended for Holdover until the October 15<sup>th</sup> meeting, with any revisions or additional information to be submitted by September 28<sup>th</sup>:

- 1) Revision of the plat to depict a 25-foot setback along all abutting street frontages.

**Planned Unit Development:** The PUD request is recommended for Holdover until the October 15<sup>th</sup> meeting, with any revisions or additional information to be submitted by September 28<sup>th</sup>:

- 1) Submission of two copies of a Traffic Impact Study;
- 2) Revision of the site plan to depict 568 parking spaces;
- 3) Revision of the site plan to depict and label an “emergency vehicle only” access gate on East Drive, and a pedestrian gate;
- 4) Revision of the site plan to depict a 6-foot high wooden privacy fence (3-feet high in the 25-foot setback) where the site abuts single-family residences;
- 5) Revision of the site plan to depict and label any other perimeter fencing, and a pedestrian gate at the Long Street entrance; and
- 6) Revision of the site plan to depict a sidewalk on the to-be improved segment of Long Street.

**Rezoning:** The rezoning request is recommended for Holdover until the October 15<sup>th</sup> meeting, with any revisions or additional information to be submitted by September 28<sup>th</sup>:

- 1) Provision of revisions as requested for the Subdivision and PUD applications.

### ***Revised for the October 1<sup>st</sup> meeting:***

*The applications were heldover from the August 20<sup>th</sup> meeting to allow time for staff to review the Traffic Impact Study (TIS) submitted on August 17<sup>th</sup>.*

*Traffic Engineering has reviewed the TIS, and their revised comments are reflected at the beginning of the staff report.*

*The plat and site plans have also been revised to address those items identified by staff as part of the holdover conditions.*

*It should be noted that 20-foot wide access easement depicted along Twelve Mile Creek is to allow the Mobile Area Water and Sewer System the right to access the sanitary sewer facility that parallels Twelve Mile Creek, and is within an 80-foot wide City of Mobile drainage easement. Therefore the access easement is not provided for general public use, but for maintenance of the sanitary sewer system.*

## **RECOMMENDATION**

**Subdivision:** The Subdivision request is recommended for Tentative Approval, subject to the following conditions:

- 1) Compliance with Engineering comments (*The following 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 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. Add Long Street ROW to the drawing. C. Provide a written legal description for the proposed subdivision and matching bearing and distance labels. D. Show and label the MFFE (Minimum Finished Floor Elevation) on each lot that contains an AE, V, or X (shaded) flood zone designation. E. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. F. Add a note to the 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. G. 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. H. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of development, unless a sidewalk waiver is approved. I. Provide a copy of the FINAL PLAT to the Engineering Dept. for review prior to obtaining any signatures. J. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.);*
- 2) Compliance with Traffic Engineering comments (*A traffic impact study was submitted and reviewed for this development. Two hard copies (one for Traffic Engineering and one for Planning) of a final report will need to be submitted prior to permitting for this site. Traffic Engineering approval of this site is contingent upon the construction of all improvements identified in the study, including the modification to the roadway median on Old Shell Road adjacent to Long Street. The modification will allow full access to Long Street, by separating the left turn movements from the through movement with a raised island. This arrangement will provide space for northbound left turning traffic to store in the median, allowing a two-stage left turn movement. Design plans for all*

*improvements within the public right-of-way must be approved by Engineering and Traffic Engineering. Tree Commission approval will be required to remove crape myrtle trees from the median. Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. 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.);*

- 3) Compliance with Urban Forestry comments, and placement of the comments as a note on the Final Plat (*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 is to be given to all 24 inch and larger Live Oak trees depicted on the PUD site plan as remaining on the site after construction. Tree protection barriers shall be placed a distance of 10 feet around all 24 inch and larger Live Oaks prior to land disturbance and during construction activities, and no site development may occur within 5 feet of a 24 inch and larger Live Oak that will be retained on the site, per Section 64-4.H.5. of the Zoning Ordinance. Removal of all other 24 inch and larger Live Oaks on the site will require a tree removal permit, to be submitted for Urban Forestry review. Removal of trees in the right-of-way will require an application to and approval by the Mobile Tree Commission.); and*
- 4) Compliance with Fire 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)).*
- 5) Provision of a revised PUD site plan prior to the signing of the Final Plat;
- 6) Removal of the existing single family residence at 139 East Drive, with appropriate permits, prior to the signing the Final Plat; and
- 7) Completion of the Subdivision process prior to any request for land disturbance permits for new construction (permits for clearing and grubbing will be allowed).

**Planned Unit Development:** The PUD request is recommended for Approval, subject to the following conditions:

- 1) Vehicular access to East Drive to be gated and limited to emergency vehicles only;
- 2) Compliance with Engineering comments (*1. Label the Minimum Finished Floor Elevation (MFFE) for each lot. ADD THE FOLLOWING NOTES TO THE PUD SITE PLAN: 1. The applicant shall extend Long Street to the south to provide access to this site. The roadway shall be approved, constructed and accepted in accordance with Engineering Department requirements prior to issuance of any Certificate of Occupancy.);*
- 3) Compliance with Traffic Engineering comments (*A traffic impact study was submitted and reviewed for this development. Two hard copies (one for Traffic Engineering and one for Planning) of a final report will need to be submitted prior to permitting for this site. Traffic Engineering approval of this site is contingent upon the construction of all improvements identified in the study, including the modification to the roadway median on Old Shell Road adjacent to Long Street. The modification will allow full access to Long Street, by separating the left turn movements from the through movement with a raised island. This arrangement will provide space for northbound left turning traffic to store in the median, allowing a two-stage left turn movement. Design plans for all improvements within the public right-of-way must be approved by Engineering and*



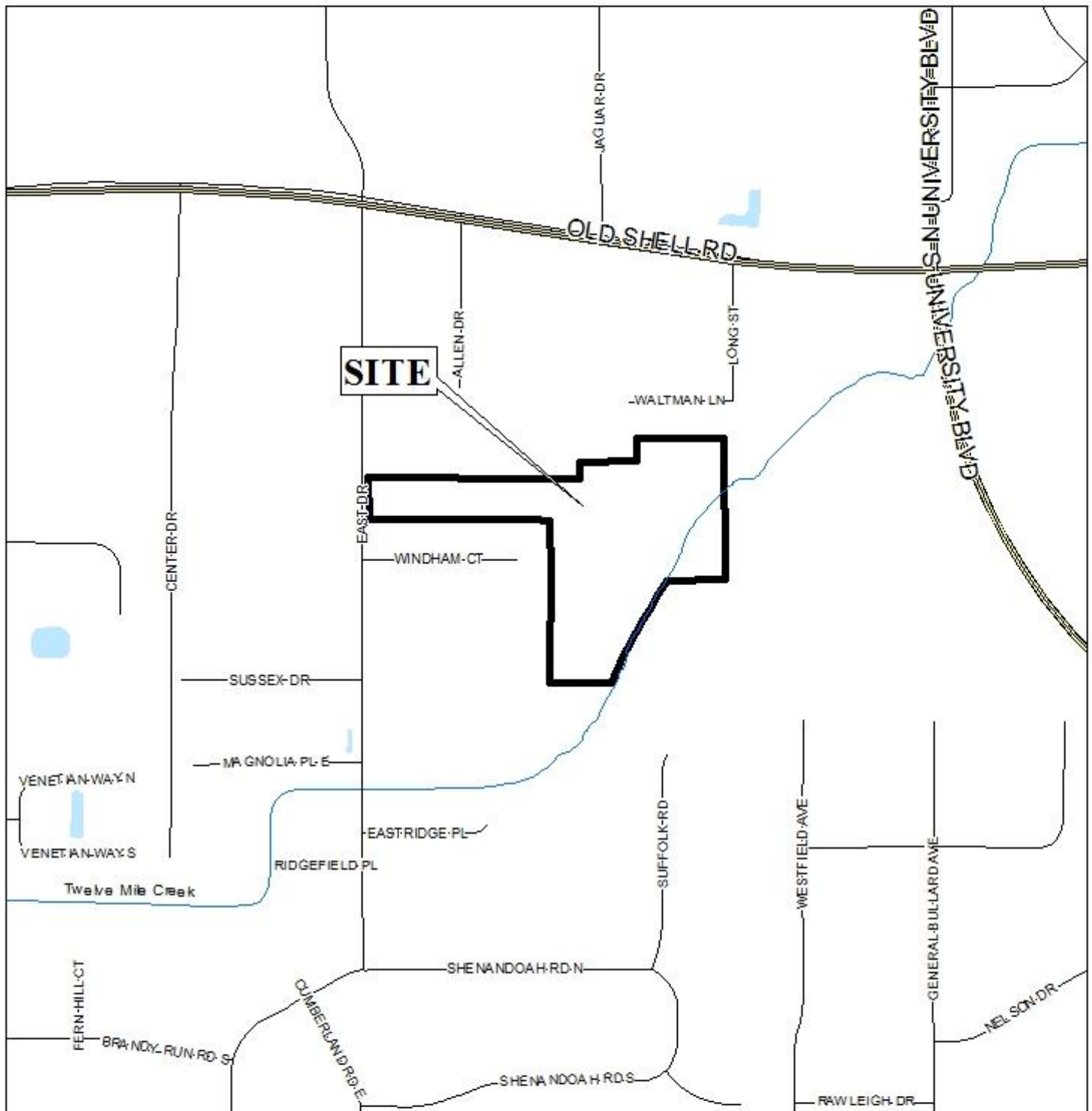
*Traffic Engineering. Tree Commission approval will be required to remove crape myrtle trees from the median. Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. All on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.);*

- 4) *Compliance with Urban Forestry comments, and placement of the comments as a note on the site plan (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 is to be given to all 24 inch and larger Live Oak trees depicted on the PUD site plan as remaining on the site after construction. Tree protection barriers shall be placed a distance of 10 feet around all 24 inch and larger Live Oaks prior to land disturbance and during construction activities, and no site development may occur within 5 feet of a 24 inch and larger Live Oak that will be retained on the site, per Section 64-4.H.5. of the Zoning Ordinance. Removal of all other 24 inch and larger Live Oaks on the site will require a tree removal permit, to be submitted for Urban Forestry review. Removal of trees in the right-of-way will require an application to and approval by the Mobile Tree Commission.);*
- 5) *Compliance with Fire 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));*
- 6) *Provision of a photometric plan at time of application for land disturbance;*
- 7) *Provision of a revised PUD site plan prior to the signing of the Final Plat; and*
- 8) *Full compliance with all other municipal codes and ordinances.*

**Rezoning:** The rezoning request is recommended for Approval, subject to the following conditions:

- 1) Limited to an approved Planned Unit Development;
- 2) Completion of the Subdivision process;
- 3) Vehicular access to East Drive to be gated and limited to emergency vehicles only; and
- 4) Full compliance with all other municipal codes and ordinances.

# LOCATOR MAP



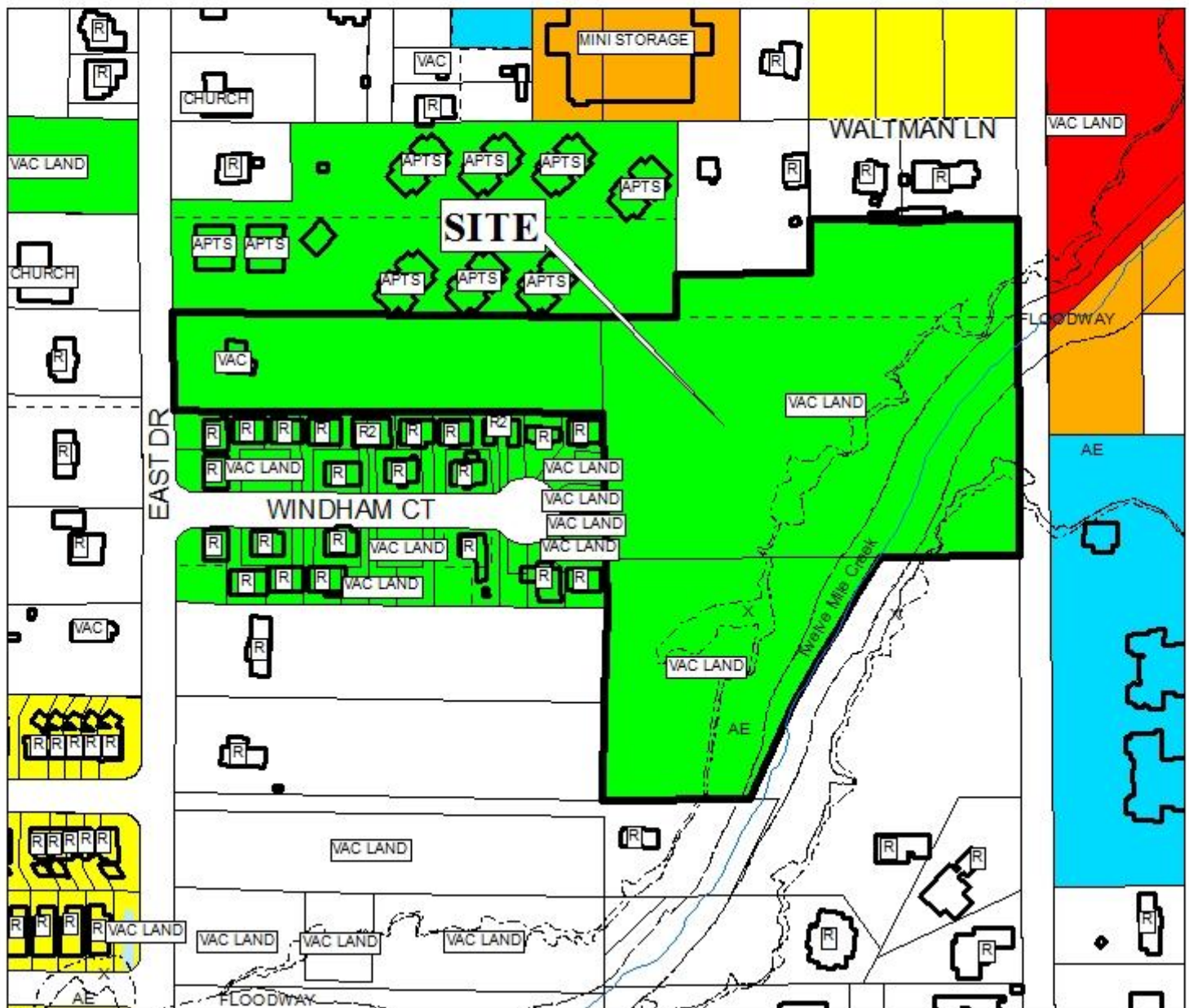
APPLICATION NUMBER 3 DATE October 1, 2015

APPLICANT Campus Crest Subdivision

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



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units, two churches, and a storage facility.

APPLICATION NUMBER 3 DATE October 1, 2015

APPLICANT Campus Crest Subdivision

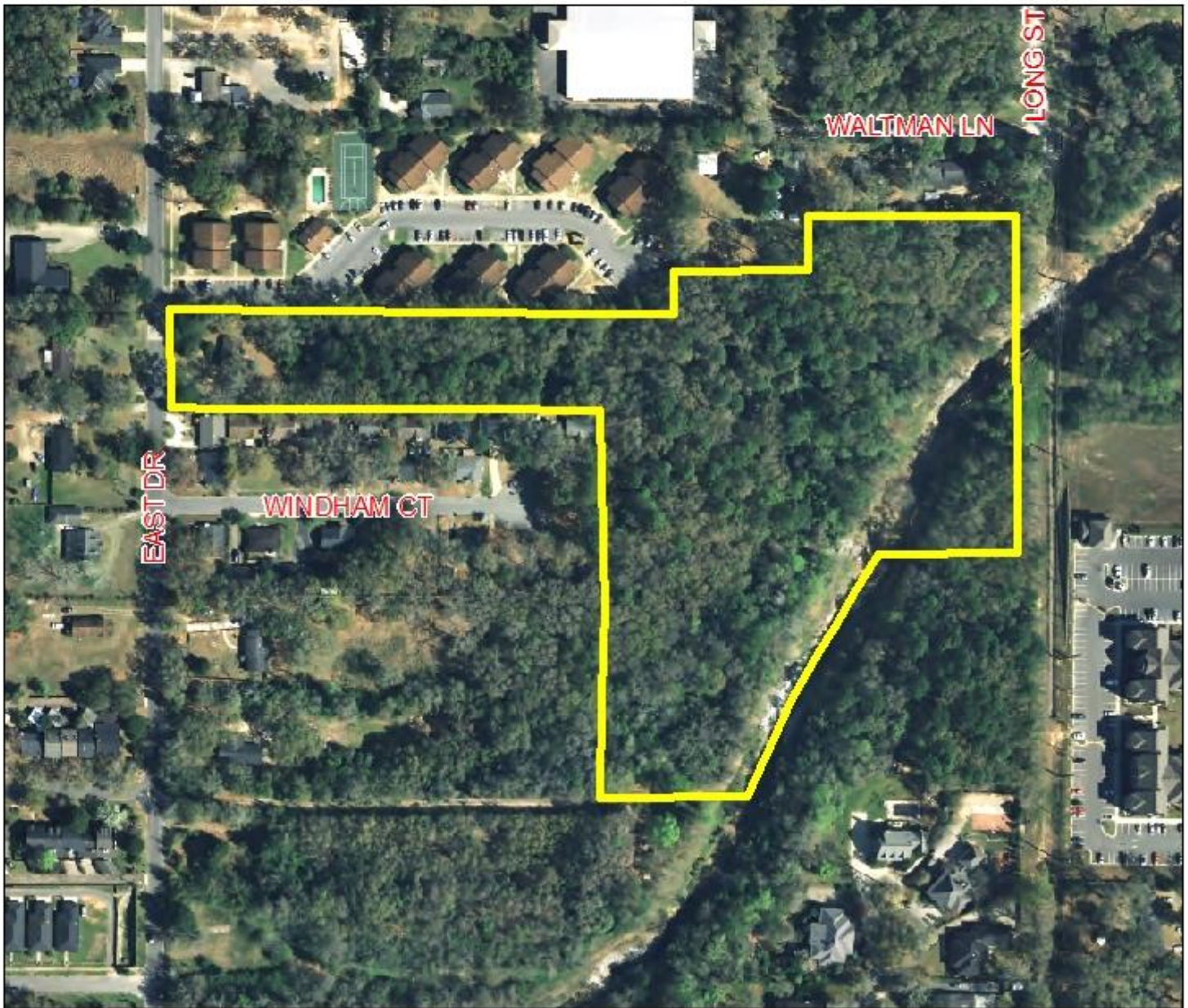
REQUEST Subdivision, PUD, Rezoning from R-3 to R-3

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 ZONING



The site is surrounded by residential units, two churches, and a storage facility.

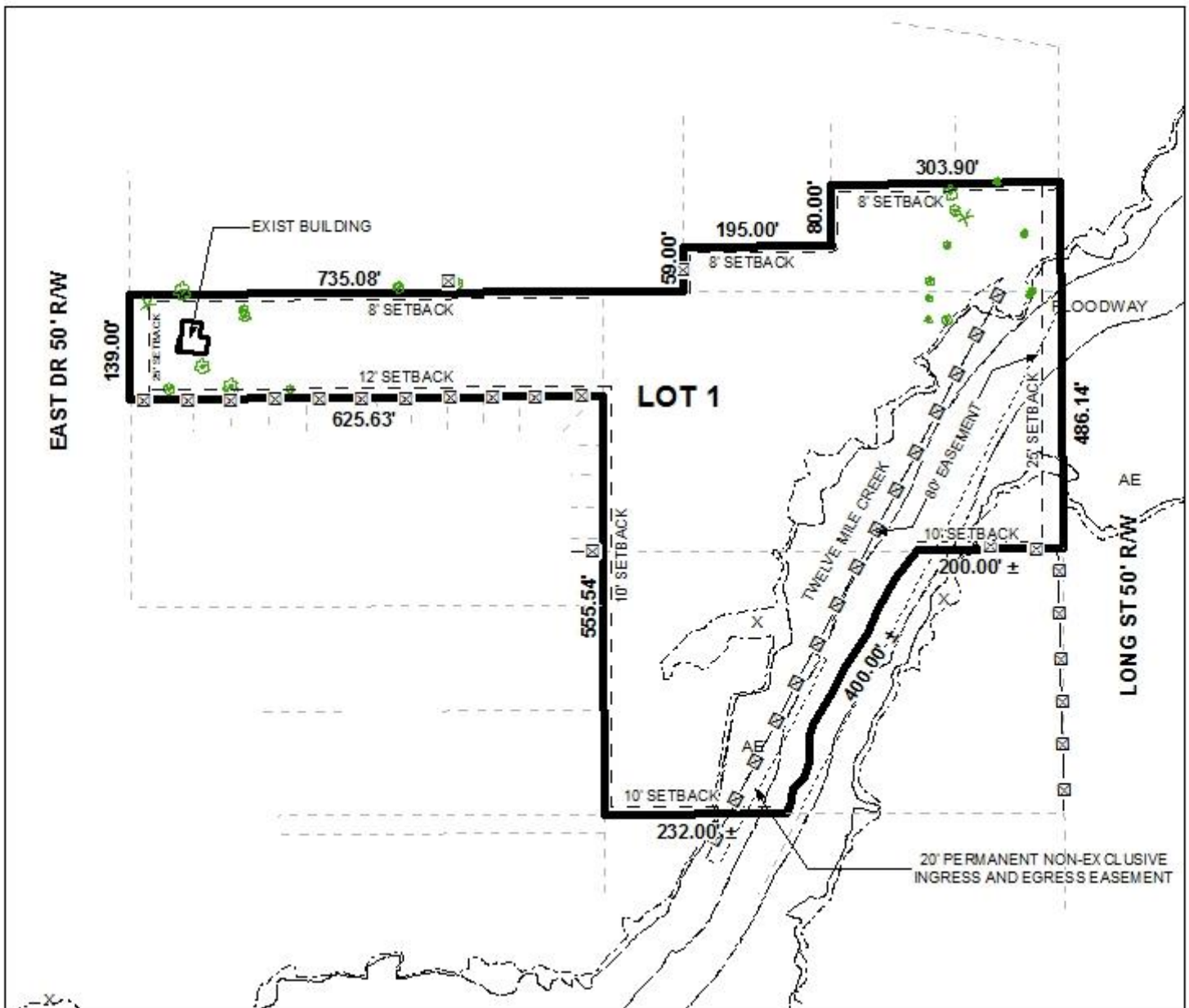
APPLICATION NUMBER 3 DATE October 1, 2015

APPLICANT Campus Crest Subdivision

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



# EXISTING SITE PLAN



The site plan illustrates the existing building, setbacks, easements, and floodzones.

APPLICATION NUMBER 3 DATE October 1, 2015

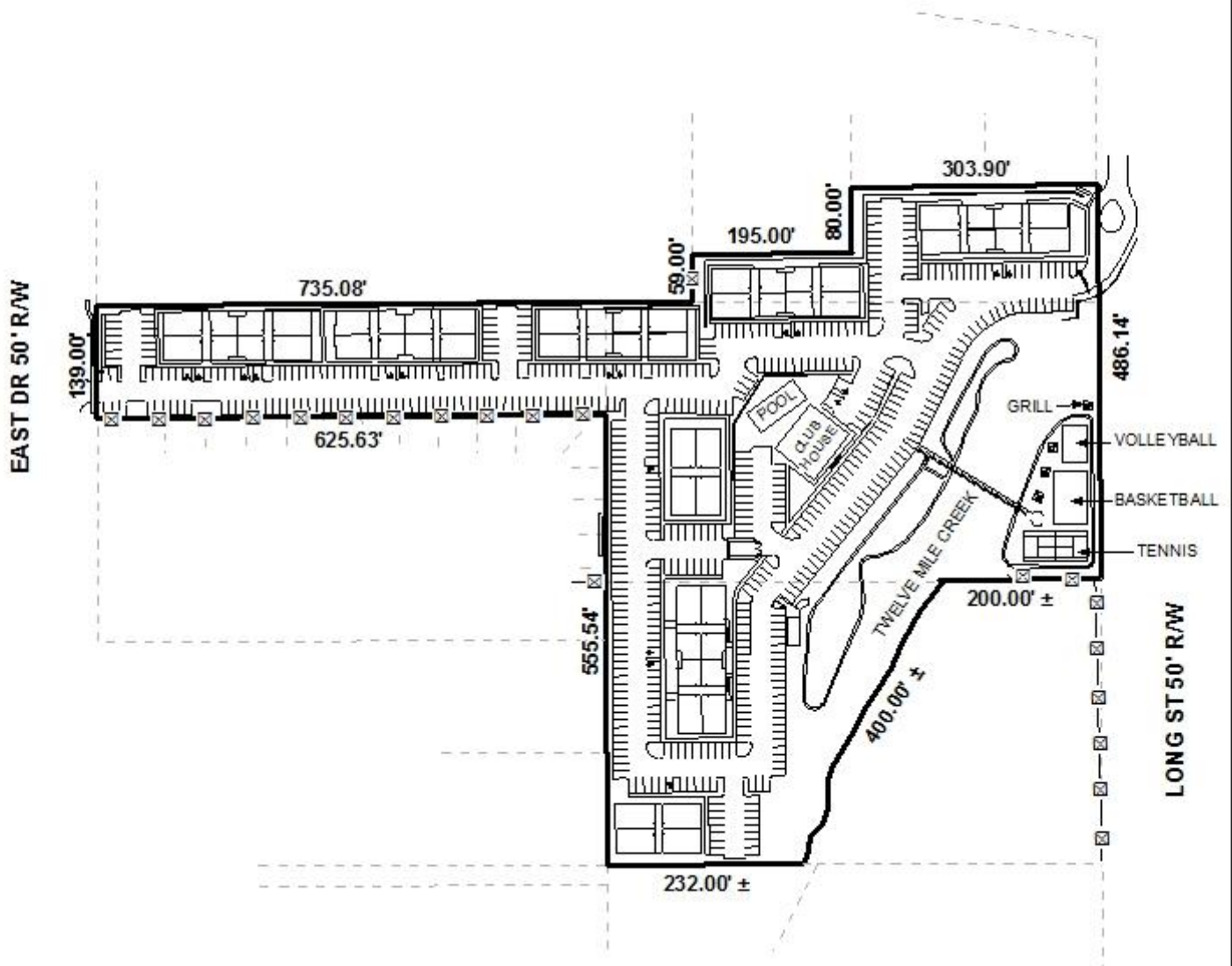
APPLICANT Campus Crest Subdivision

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





# PROPOSED SITE PLAN



The site plan illustrates the proposed buildings, parking, pool, and recreation facilities.

APPLICATION NUMBER 3 DATE October 1, 2015

APPLICANT Campus Crest Subdivision

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

