

**ZONING AMENDMENT,
PLANNED UNIT DEVELOPMENT &
SUBDIVISION STAFF REPORT****Date: April 21, 2011**

<u>NAME</u>	Davis Companies, LLC
<u>SUBDIVISION NAME</u>	Summer Subdivision
<u>DEVELOPMENT NAME</u>	University Grande Apartment Complex
<u>LOCATION</u>	6133 & 6201 Old Shell Road and 75 & 79 West Drive (Southeast and Southwest corners of Old Shell Road and West Drive)
<u>CITY COUNCIL DISTRICT</u>	District 6
<u>PRESENT ZONING</u>	R-1, Single-Family Residential
<u>PROPOSED ZONING</u>	R-3, Multiple-Family Residential
<u>REASON FOR REZONING</u>	To allow parking associated with a proposed Multi-Family Residential development.
<u>AREA OF PROPERTY</u>	4 Lots/ 10.3± Acre
<u>CONTEMPLATED USE</u>	<p>Subdivision approval to create three legal lots of record from four legal lots; Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow multiple buildings on a single building site, off-site parking and shared access; and Rezoning from R-1, Single-Family Residential District, to R-3, Multiple-Family Residential District, to allow an off-site parking lot for 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>	Immediate.

ENGINEERING**COMMENTS**

Must comply with all storm water and flood control ordinances. Any increase in impervious area in excess of 4,000 square feet will require detention. Any work performed in the right of way will require a right of way 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. Although a Traffic Impact Study was submitted for this development in June of 2008, the off site parking was not included in the plan. The change in the plan will have a significant difference to the distribution of traffic and the impact study should be updated to account for the change.

Traffic Engineering received an updated Traffic Impact Study which included the offsite parking. The developer must follow the new recommendations as well as the recommendations from the June 2008 study. In addition the developer must submit construction plans for the addition of the turn lane on West Drive as it appears additional ROW may be required.

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 three legal lots of record from four legal lots; Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow multiple buildings on a single building site, off-site parking and shared access; and Rezoning from R-1, Single-Family Residential District, to R-3, Multiple-Family Residential District, to allow an off-site parking lot for an apartment complex.

The applicant received subdivision and Planned Unit Development (PUD) in 2010 to allow two apartment buildings (156 units), a (5,273 square foot) clubhouse, a (676 square feet) storage building, and a (241 square feet) pool storage building on a single building site and Subdivision approval to create one legal lot of record from two metes and bounds parcels. The site plan approved 329 surface parking spaces, which exceeds the 234 spaces that are required by the Zoning Ordinance of 1.5 spaces per unit.

The applicant proposes to create 252 off-site parking spaces to accommodate the residences of the University Grande Apartment complex by rezoning an existing R-1, Single-Family

Residential district to R-3, Multi-Family Residential and using a portion of an existing B-2 district and creating two separate lots (B-2 and R-3).

From a planning standpoint Lots 2 and 3 should be combined into one single lot and rezoned to R-3, Multi-Family Residential to avoid the split zoning of single development due to the separation of the proposed apartment complex by West Drive.

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.

Essentially, the character of the apartment site, along with circulation will not be changed substantially, but West Drive would be impacted by additional traffic and pedestrian traffic. Since this parking lot would significantly impact residential traffic from the neighborhoods South of the proposed parking lot; the Traffic Impact Study completed in 2008 for the initial University Grande Apartment Complex should be amended to take into account the additional traffic on West Drive and eventually onto Old Shell Road.

The site appears to be 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. 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.

The applicant states that the apartment complex has been designed for on-site parking that exceeds the minimum required by the Zoning Ordinance, and states that it is believed that for student apartments, the minimum parking ratio will be significantly exceeded. If in fact the applicant required more parking information on the number of bedrooms should be included. The argument is made that justification for the rezoning is based on the Zoning Ordinance's

condition that “*The subdivision of land into urban building sites makes reclassification necessary and desirable*”. Along with that prevailing condition, the area to be rezoned should meet certain minimum area guidelines, and in the case of rezoning to R-3, a minimum gross area of four acres is the general rule. Similar rezonings have occurred within R-1 districts, but in most instances, they were granted because of changing housing trends within the immediate neighborhoods and the proposed developments were in keeping with those changing trends. However, in this case, the area proposed to be rezoned is less than half the minimum guideline size, and there are no changing housing trends within the immediate neighborhood. Furthermore, the surrounding neighborhoods to the South along West Drive are single-family residential and currently zoned R-1, R-2 and R-3 due to density.

It should be noted that this is a significant change of character from the original proposal approved by the Planning Commission, significant to require amending the Traffic Impact Study to include the addition of 252 more parking spaces along a residential minor street.

As previously mentioned the rezoning from B-2 to R-3 of proposed Lot 2, should be amended, the creation of one lot consisting of the proposed Lots 2 and 3 would create a new R-3 district more in-line with the minimum guidelines.

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.

As proposed the applicant is illustrating a 15-foot landscape buffer, the plan does not illustrate a 6-foot high solid wooden fence as required by the Zoning Ordinance for development adjacent to residential development. Also, the Zoning Ordinance requires a 3-foot high wall or hedgerow along West Drive.

RECOMMENDATION

Planned Unit Development: The request for Planned Unit Development is recommended for Holdover until the April 21st meeting for the following reasons:

- 1) the submission of an amended Traffic Impact Study including the proposed parking lot along West Drive; and
- 2) additions of buffering along adjacent residential properties and West Drive as required by The Zoning Ordinance.

Rezoning: The request for Rezoning from R-1, Single-Family Residential to R-3, Multi-Family Residential is recommended for Holdover until the April 21st meeting for the following reasons:

- 1) the submission of an amended Traffic Impact Study including the proposed parking lot along West Drive; and

- 2) amending the rezoning to B-2, Neighborhood Business and R-1, Single-Family Residential to R-3, Multi-Family Residential.

Subdivision: Based on the preceding, this application is recommended for Holdover until the April 21st meeting, with revisions due by Wednesday, March 30th to address the following:

- 1) submittal of a new preliminary plat illustrating the combining of Lots 2 and 3.

Revised for the April 21st, 2011 meeting:

The application was heldover from the March 17th, 2010 meeting at the Commission's request. The Commission required information to be submitted so the following items could be addressed:

- 1) submittal of a new preliminary plat illustrating the combining of Lots 2 and 3;*
- 2) the submission of an amended Traffic Impact Study including the proposed parking lot along West Drive;*
- 3) additions of buffering along adjacent residential properties and West Drive as required by The Zoning Ordinance; and*
- 4) amending the rezoning to B-2, Neighborhood Business and R-1, Single-Family Residential to R-3, Multi-Family Residential.*

The applicant has submitted the amended Traffic Impact Study and a voluntary conditions and use restrictions:

- 1) to provide design and style characteristics for the parking lot that are consistent with the University Grande Apartment Community;*
- 2) to maintain the lot in order to minimize debris;*
- 3) to provide security measures to enhance safety; and*
- 4) to allow the lot to revert to the original zoning of R-1, Single-Family Residential when/if the parking lot cease to be a parking lot.*

The applicant has not submitted a revised preliminary plat combining Lots 2 and 3, illustrating the additions of buffering along the adjacent residential properties and West Drive as required by the Zoning Ordinance and amending the rezoning of Lot 2 from B-2, Neighborhood Business to R-3, Multi-Family Residential.

The applicant also should provide design and style characteristics for the parking lot, how the lot will be maintained to minimize debris, and security measures to enhance safety.

A stated in the revised Traffic Engineering comments, the developer must follow the new recommendations of the TIS as well as the recommendations from the June 2008 TIS study. In addition the developer must submit construction plans for the addition of the turn lane on West Drive, as it appears additional ROW may be required. If right-of-way is required the dedication

of sufficient right-of-way along West Drive to provide for the addition of the turn lane is required and should be illustrated on the Final Plat.

RECOMMENDATION

Planned Unit Development: *The request for Planned Unit Development is recommended for Holdover until the May 19th meeting, all information should be submitted by May 2nd for the following reasons:*

- 1) additions of buffering along adjacent residential properties and West Drive as required by The Zoning Ordinance;*
- 2) provide an appropriate dumpster enclosure and sanitary sewer connection for all dumpsters on the site;*
- 3) provide signage within the off-site parking lot stating that the lot is for the residents of University Grande Apartment Complex to be approved by Urban Development;*
- 4) provide design and style characteristics for the parking lot;*
- 5) how the lot will be maintained to minimize debris;*
- 6) security measures to enhance safety;*
- 7) full compliance with the tree planting and landscaping requirements of the Zoning Ordinance;*
- 8) compliance with Traffic Engineering Comments: "The developer must follow the new recommendations as well as the recommendations from the June 2008 study. In addition the developer must submit construction plans for the addition of the turn lane on West Drive as it appears additional ROW may be required.;"*
- 9) compliance with Engineering Comments: "Must comply with all storm water and flood control ordinances. Any increase in impervious area in excess of 4,000 square feet will require detention. Any work performed in the right of way will require a right of way permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer;"*
- 10) to provide design and style characteristics for the parking lot that are consistent with the University Grande Apartment Community;*
- 11) to maintain the lot in order to minimize debris;*
- 12) to provide security measures to enhance safety;*
- 13) provision of two copies of the revised site plan to the Planning Section of the Urban Development Department indicating compliance with all of the aforementioned conditions; and*
- 14) full compliance with all municipal codes and ordinances.*

Rezoning: *The request for Rezoning Approval is recommended for Holdover until the May 19th meeting, all information should be submitted by May 2nd for the following reasons:*

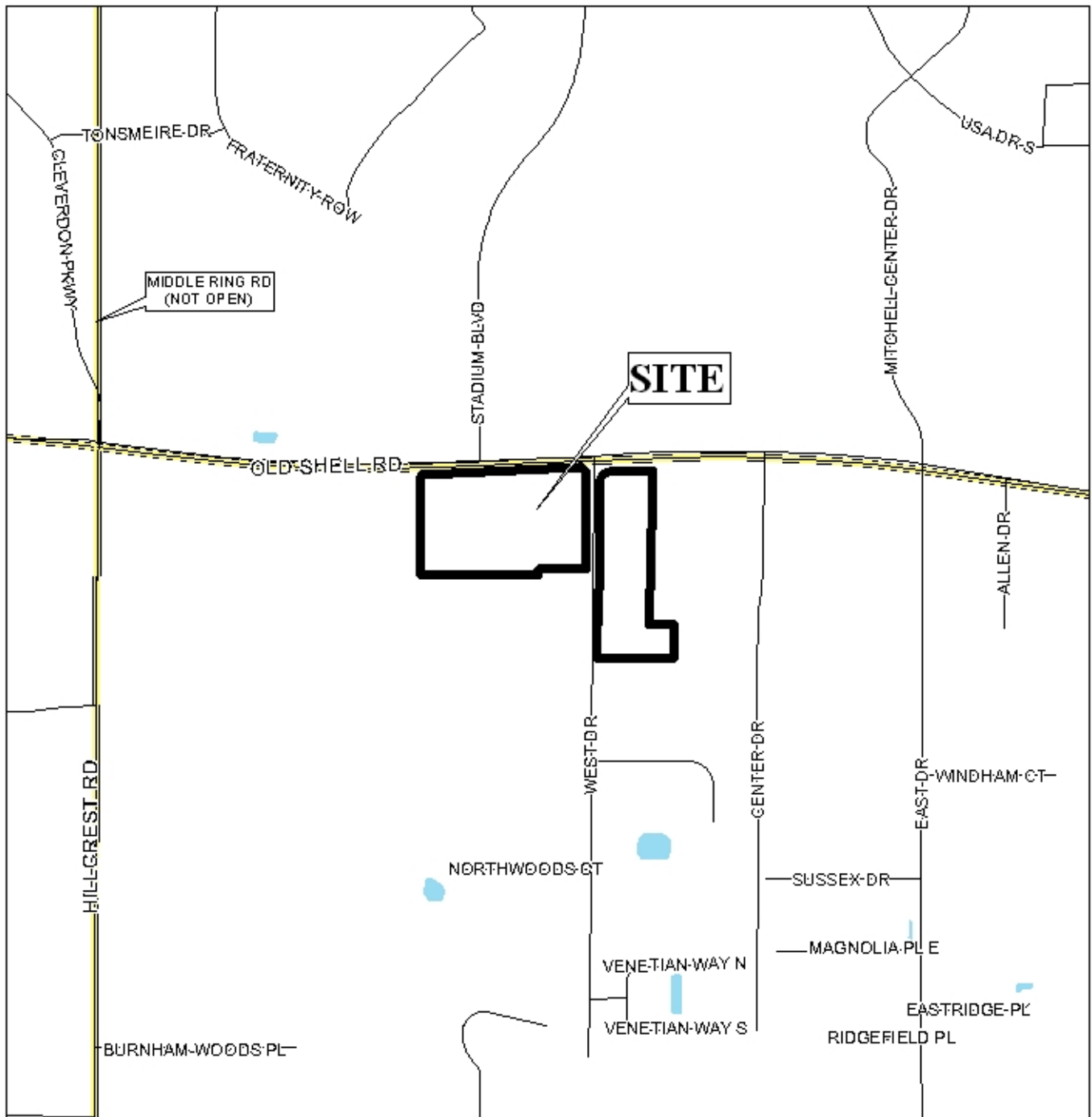
- 1) amending the rezoning from B-2, Neighborhood Business and R-1, Single-Family Residential to R-3, Multi-Family Residential;*
- 2) compliance with Traffic Engineering Comments: "The developer must follow the new recommendations as well as the recommendations from the June 2008 study. In addition the developer must submit construction plans for the addition of the turn lane on West Drive as it appears additional R-O-W may be required.;"*

- 3) *to provide design and style characteristics for the parking lot that are consistent with the University Grande Apartment Community;*
- 4) *to maintain the lot in order to minimize debris;*
- 5) *to provide security measures to enhance safety;*
- 6) *to allow the lot to revert to the original zoning of R-1, Single-Family Residential when/if the parking lot cease to be a parking lot;*
- 7) *full compliance with the tree planting and landscaping requirements of the Zoning Ordinance; and*
- 8) *full compliance with all municipal codes and ordinances.*

Subdivision: *Based on the preceding, this application is recommended for Holdover until the May 19th meeting, all information should be submitted by May 2nd for the following reasons:*

- 1) *dedication to provide sufficient right-of-way along West Drive to provide for the addition of the turn lane, as required by Traffic Engineering;*
- 2) *compliance with Traffic Engineering Comments: "The developer must follow the new recommendations as well as the recommendations from the June 2008 study. In addition the developer must submit construction plans for the addition of the turn lane on West Drive as it appears additional ROW may be required.;"*
- 3) *retention of the 25-foot minimum building line along all public rights-of-way, with modifications as necessary due to any required dedication;*
- 4) *combining Lots 2 & 3 into one lot, named Lot 2;*
- 5) *placement of a note on the Final Plat limiting Lot 2 to two curb cuts, with the size, design, and exact location of all curb cuts to be approved by Traffic Engineering and conform to AASHTO standards;*
- 6) *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*
- 7) *completion of the rezoning process.*

LOCATOR



APPLICATION NUMBER 5,6&7 DATE April 21, 2011

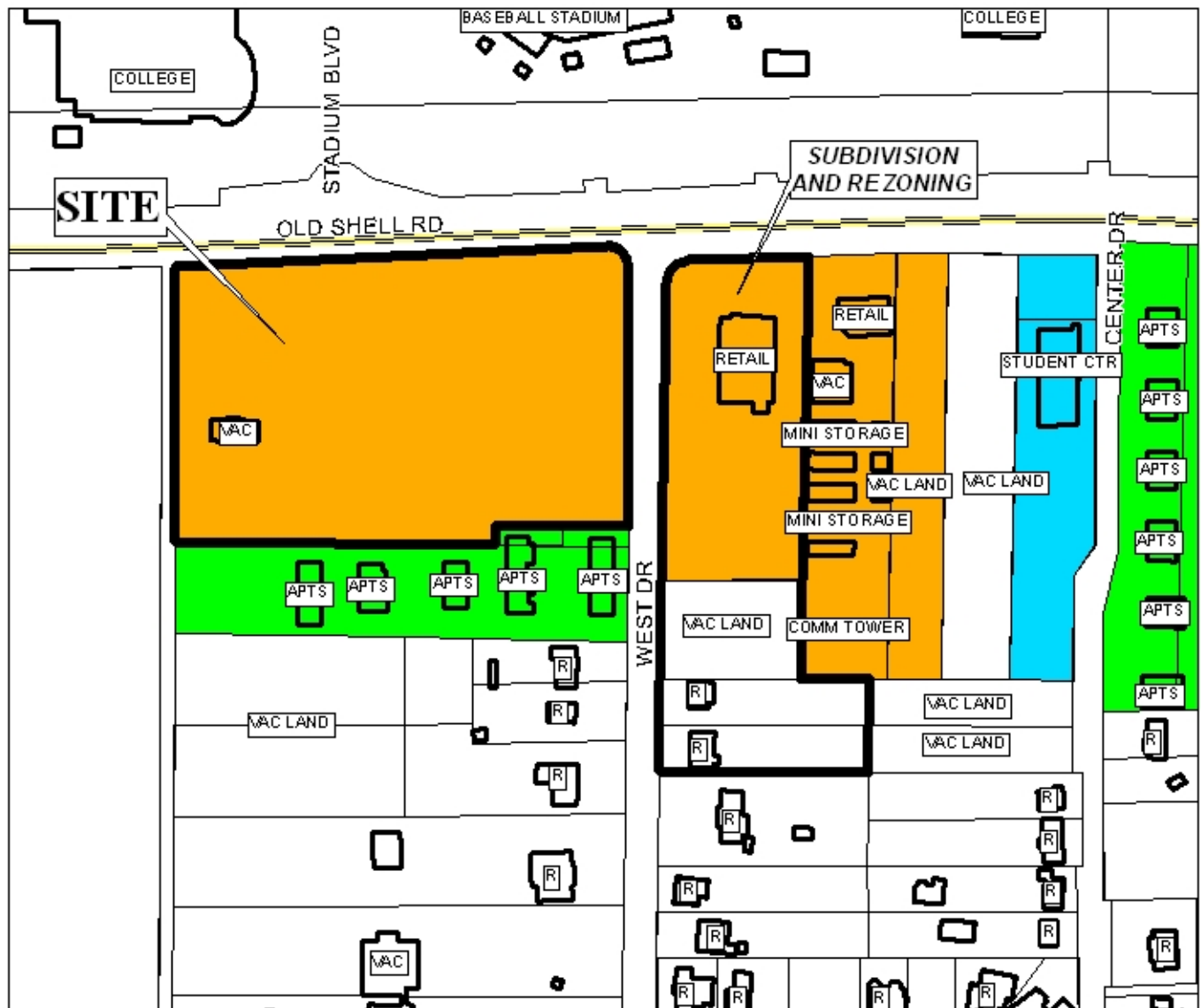
APPLICANT Summer Subdivision

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



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



This site is surrounded by residential and business land use.
The University of South Alabama is located to the north.

APPLICATION NUMBER 5,6&7 DATE April 21, 2011

APPLICANT Summer 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	NTS
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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



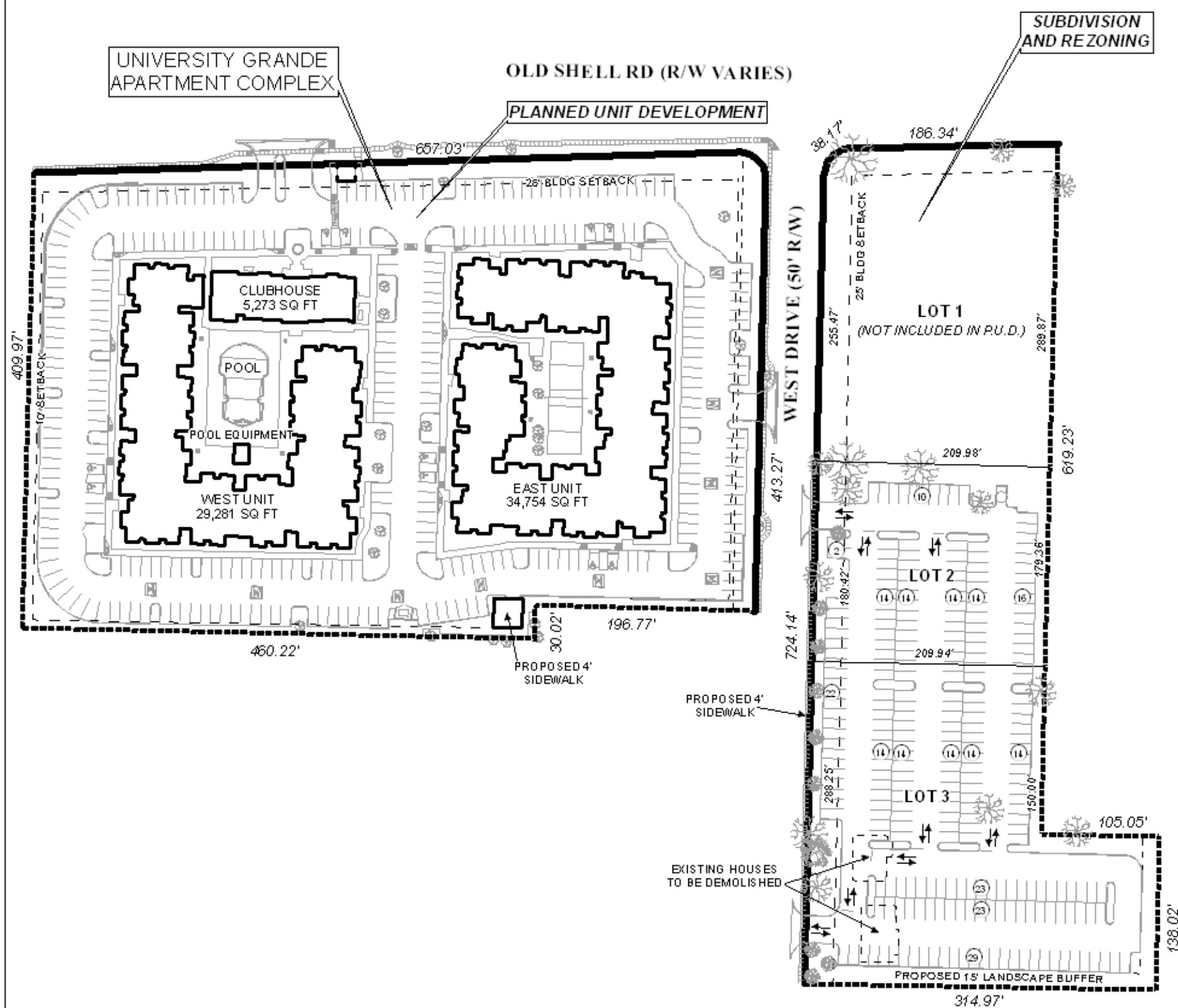
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APPLICATION NUMBER 5,6&7 DATE April 21, 2011
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REQUEST Subdivision, PUD, Rezoning from R-1 to R-3



NTS

SITE PLAN

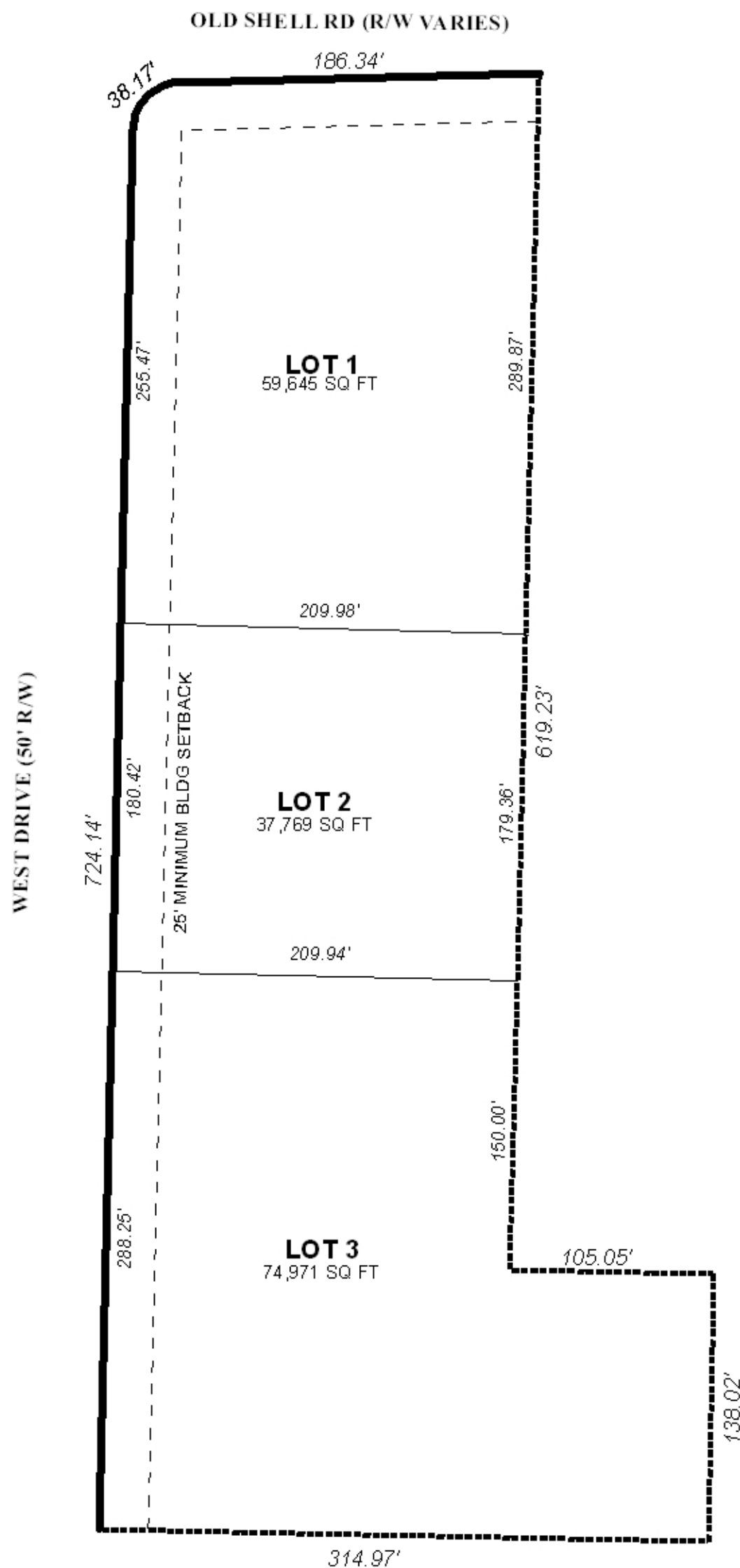


This site plan illustrates the proposed development and associated parking.
Lot 1 is not included in the planned unit development.

APPLICATION NUMBER 5,6&7 DATE April 21, 2011
APPLICANT Summer Subdivision
REQUEST Subdivision, PUD, Rezoning from R-1 to R-3



SUBDIVISION & REZONING DETAIL



APPLICATION NUMBER 5,6&7 DATE April 21, 2011

APPLICANT Summer Subdivision

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

