

**SUBDIVISION,
PLANNED UNIT DEVELOPMENT,
PLANNING APPROVAL,
ZONING AMENDMENT &
SIDEWALK WAIVER STAFF REPORT****Date: March 4, 2021**

<u>NAME</u>	Big River Partners (Casey Pipes, Agent)
<u>SUBDIVISION NAME</u>	Feeder Springs Subdivision
<u>LOCATION</u>	3905 Dauphin Street and 220 & 226 South McGregor Avenue (Southeast corner of South McGregor Avenue and Dauphin Street).
<u>CITY COUNCIL DISTRICT</u>	District 5
<u>PRESENT ZONING</u>	R-1, Single-Family Residential District
<u>PROPOSED ZONING</u>	R-3, Multi-Family Residential District
<u>AREA OF PROPERTY</u>	1 Lot / 10.8± Acres
<u>CONTEMPLATED USE</u>	<p>Subdivision approval to create one (1) legal lot of record from seven (7) legal lots of record and one (1) metes-and-bounds parcel; Planned Unit Development Approval to allow multiple buildings on a single building site; Planning Approval to allow a domiciliary care facility and nursing home in an R-3, Multi-Family Residential District; Rezoning from R-1, Single-Family Residential District, to R-3, Multi-Family Residential District; and Sidewalk Waiver approval to waive construction of a sidewalk along South McGregor Avenue.</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 FOR DEVELOPMENT</u>	Not Provided

ENGINEERING
COMMENTS

Subdivision: FINAL PLAT COMMENTS (should be addressed prior to submitting the FINAL PLAT for review and/or 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. Provide and label the monument set or found at each subdivision corner.
- C. Provide the Surveyor's and Owner's (notarized) signatures.
- D. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 23 - #74) LOT A will receive historical credit of existing (1984) impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control) as follows: LOT 1 – 29,300 sf.
- E. Add a note 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.
- F. Add a note 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.
- G. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of new development or construction, unless a sidewalk waiver is approved.
- H. Add a note that all existing and proposed detention facilities, common areas, and wetlands shall be the responsibility of the Property Owner(s), and not the responsibility of the City of Mobile.
- I. Add a note that all easements shall remain in effect until vacated through the proper Vacation process.
- J. Email a pdf copy of the FINAL SUBDIVISION PLAT and LETTER OF DECISION to the Permitting Engineering Dept. for review at land.disturbance@cityofmobile.org prior to obtaining any signatures. No signatures are required on the drawing.
- K. After addressing all of the FINAL SUBDIVISION PLAT review comments provide the ORIGINAL (with all signatures except for the Planning Commission, Traffic Engineering, and City Engineer), one (1) copy, and a transmittal letter to the Engineering Permitting Department. They can be dropped off at 205 Government St. or mailed to PO Box 1827, Mobile, AL, 36633.

Planned Unit Development: Retain NOTES #1 - #6 listed in NOTES (COMPLIANCE WITH CITY OF MOBILE ENGINEERING REQUIREMENTS) as shown on the PUD Site Plan SHEET NUMBER C-1.0.

Planning Approval: No Comments.

Rezoning: No Comments.

Sidewalk Waiver:

1. No information received on this request.
2. It appears that there is sufficient room within the ROW or on private property for construction of a sidewalk, providing removal of the trees is permitted.

TRAFFIC ENGINEERING**COMMENTS**

Based on the proposed density of this senior housing development, a traffic impact study is required. The impact study may identify offsite improvements that would be necessary to mitigate traffic impacts this site would have on the adjacent roadway network. The City is currently work on a project to improve McGregor Avenue which may alleviate the traffic impacts. There may be improvements needed in the interim to mitigate these impacts if the timeline for this project does not align with the City's improvement project. Site should be limited to one curb cut per street frontage with 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.

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 2015-116 and City Code Chapters 57 and 64). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site 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 Subdivision approval to create one (1) legal lot of record from seven (7) legal lots of record and one (1) metes-and-bounds parcel; Planned Unit Development Approval to allow multiple buildings on a single building site; Planning Approval to allow a domiciliary care facility and nursing home in an R-3, Multi-Family Residential District; Rezoning from R-1, Single-Family Residential District, to R-3, Multi-Family Residential District; and Sidewalk Waiver approval to waive construction of a sidewalk along South McGregor Avenue.

The site has been given a Low Density Residential (MxDR) land use designation, per the Future Land Use Plan and Map, adopted on May 18, 2017 by the Planning Commission. 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 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 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.

A portion of the subject site was last before the Planning Commission at its January 18, 2001 meeting where Subdivision, Rezoning, and Planned Unit Development applications were considered to rezone the property to R-3, Multi-Family Residential District to allow the construction of a 79-unit condominium development. These applications were denied.

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 entirely surrounded by R-1, Single-Family Residential property.

In regards to the proposed rezoning, the applicant states:

There are two grounds for the zoning change – a change in conditions in the neighborhood and an increased need for the type of proposed development, and the proposed zoning district, in this area.

The subject property is currently zoned for single family residential use, but most of the site remains unusable and underimproved despite development all around it. Single family residential housing is unappealing at this corner due to the high volume of traffic and the lack of sufficiently level, developable land. The 10.44 acre site is currently only improved with two (2) dwelling units despite being in the center of the Spring Hill area. This is far below the normal density in this area. For whatever reasons, this property was not included in the Llanfair development or any similar type of large development plan where the houses would back up to Dauphin and McGregor and be served by an internal street system. Single Family residential facing McGregor or Dauphin Street at this intersection is unappealing and would require very, very deep front yards today. Worse, the new intersection proposed for Dauphin Street and McGregor will change it from being a 4-way traffic lighted intersection to a round-a-bout. These changes will only facilitate the movement of more cars through this intersection going forward which will likely make residential use facing these streets and this intersection even less appealing.

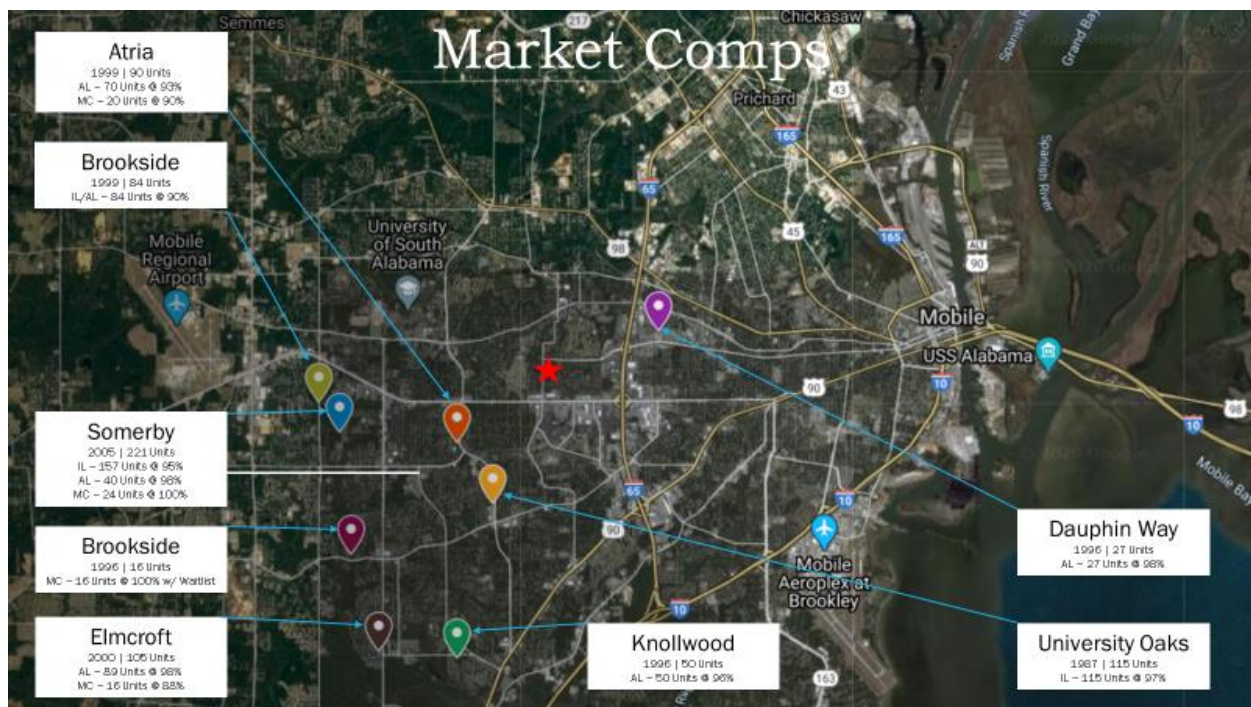
There is an increase in the need for all forms of senior living facilities in the City of Mobile in the Spring Hill neighborhood. Attached or included with this application is a map showing the location of the different facilities that provide senior independent or other forms of living or nursing care. None are in the Spring Hill area, but this is where a large number of people live. Mobile has an inadequate supply of senior living options (as indicated by the very low vacancy rates at the existing facilities), and it does not have any supply in key neighborhoods like Spring Hill. The market for senior living facilities tends to primarily be cost based, and thereafter decisions are made based on proximity to family. Seniors who are moving into an independent living unit are moving there from a single-family residential home, and they generally want to stay in very close proximity to where their current home is located. Family members who are moving a parent or loved one into an assisted living facility or a memory care facility again generally want them to be close to where they lived before, or close to where the children or family currently live, as possible. There are ZERO comparable senior independent living facilities, assisted living facilities or memory care facilities in the entire 36608 zip code. The only one that comes close is SpringHill Manor, which is an old, 34 bed nursing home located in an R-1 district. By contrast, however, there are thousands of some of the highest priced single-family residential homes located in the 36608 zip code. Mobile has not experienced net population growth over recent decades, and one reason is the outbound migration to Baldwin County by retirees and seniors, and many of these from the Spring Hill area. Providing seniors in the Spring Hill neighborhood with an option to “downsize” to a senior independent living facility that is in the same neighborhood as their home, with the future ability to transition to the nursing home facilities, will be a step to retaining these people who may otherwise choose to leave.

The Future Land Use Map (FLUM) shows the subject property as being “low-density residential.” The Future Land Use Plan (FLUP) contained a “zoning district correspondence matrix” as figure 5. This Matrix states that “low-density residential” under the FLUP is “directly related” to the R-3 zoning district and that the R-3 zoning district contains “elements of the zoning category [which] are related to the future land

use category, but with qualifications (such as a development plan with conditions)". Therefore, the request to change the zoning for the subject property to R-3 is entirely consistent with the FLUM and FLUP adopted by the City Planning Commission. The "low-density residential" areas of the FLUP call for predominantly single family housing units, but these areas also allow for additional types of structures. The FLUP provides as follows:

These neighborhoods may also contain small-scale, low-rise multi-unit structures at appropriate locations, as well as complimentary retail, parks and civic institutions such as schools, community centers, neighborhood playgrounds, and churches or other religious uses if those uses are designed and cited in a manner compatible with and connected to the surrounding context.

The proposed zoning change is also attached to a PUD request which is a site plan specific development. The proposed structures are single family residential structures as well as "small-scale, low-rise, multi-unit structures" which are set back from the public roads and which are to be located at a major intersection of two arterial streets under the Major Street Plan (with a proposed round-about intersection).



Section 64-9 of the Zoning Ordinance states that new R-3 districts should be a minimum of four (4) acres in size, if not abutting an existing commercial zoning district, such as the case with this application. The subject property is over 10 acres in size, exceeding the minimum size set forth for a new zoning district.

The applicant states that there are changing conditions in the area, however there have been no rezonings or variances granted to allow commercial development in the area. Furthermore, while the site may be located at the intersection of two major streets, it should be noted that all three other corners are zoned and developed residentially, with single-family homes fronting Wimbledon Drive East, McGregor Avenue, and Dauphin Street.

As previously stated, in January 2001, there was an application for R-3 zoning for a 79-unit condominium complex which was denied. Comparison of aerial photography from 2006 to 2020 illustrates increased single-family residential construction along South McGregor Avenue between Dauphin Street and South Pinebrook Drive, thus illustrating the area is a stable single-family residential area.

Regarding the increased need for all forms of senior living in the area, there are at least two facilities less than one mile away, on both the North and South sides of Dauphin Street, West of Interstate 65. Furthermore, an existing senior living facility which was located on the South side of Old Shell Road, East of McGregor Avenue, which opened in the early 2000's, is now closed.

The applicant states that the proposed development fits with the low-density residential classification of this property on the Future Land Use Map, in that it is a small-scale development. It is staff's opinion that the term "small-scale" in this context would not apply to a project that would result in 166 dwelling units, such as is currently proposed.

PLANNING APPROVAL

The review required for Planning Approval examines the applicant's location and site plan with regard to transportation, parking and access, public utilities and facilities, traffic congestion and hazard, and to determine if the proposal is in harmony with the orderly and appropriate development of the district.

Additionally, if the site plan or scope of operations is changed from what is approved by the Planning Commission, a new application for Planning Approval will be required.

As proposed, the development would consist of 22 single-story cottages for independent living, with a large, main building which will have a two-story portion for assisted living and memory care facilities, with a three-story portion for independent living units. There is a proposed total of 166 units for the development.

The proposed development is partly for individuals who are not able to live independently, and there may be less traffic associated with the development as there would be for an apartment complex with a similar number of dwelling units; however, this may be offset by the additional employees required for additional care.

It should be noted that typically, R-3 zoned properties do not require the provision of a residential buffer for adjacent properties. However, due to the unique nature of the proposed development, a compliant residential buffer should be provided where the site abuts R-1 property, if approved.

PLANNED UNIT DEVELOPMENT

PUD 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.

In pursuit of these purposes, the objectives to be met by a PUD are as follows: a) to encourage innovative and diversified design in building form and site development; b) flexibility, to permit greater flexibility in the location and arrangement of buildings and uses than is generally possible under district regulations; c) to encourage the most efficient and sustainable use of land, especially tracts in the inner part of the city that remain undeveloped or that are appropriate for re-development; d) to preserve and protect as urban amenities the natural features and characteristics of land; e) to encourage the provision of common open space through efficient site design; and, f) to encourage optimum use of available public utilities, streets and community facilities.

It is very important to note that the Planning Approval and PUD review are site plan specific; therefore *any* future changes to the overall site plan must be submitted for PUD review. Furthermore, PUD approvals expire after one year if no permits are obtained.

The site plan as submitted has a few items that need to be addressed. The site plan depicts fencing along Dauphin Street and South McGregor Avenue, but does not mention the height or material of the fence. Furthermore, a portion of the fence along Dauphin Street is depicted in the right-of-way. If approved, the fence should be relocated to be on private property, or a non-utility-right-of-way use agreement will be required to allow the fencing in the right-of-way.

As mentioned previously, a residential buffer should be provided for adjacent R-1 properties, and should be depicted on the site plan, if approved.

The site plan shows two curb cuts, one to South McGregor Avenue, and the other to Dauphin Street. It should be noted that a gate will block the access to Dauphin Street, and that it is indicated for emergency use only. However, all site access will be subject to an approved Traffic Impact Study and Traffic Engineering.

The site has frontage on a small body of water, and the site plan shows a proposed wooden dock for residents to utilize. It is important to note, however, that the proposed dock is shown as crossing the property line, and would therefore extend onto property not owned by the applicant. If approved, the dock should be relocated to be located entirely on the applicant's property, or should be removed.

The site plan has a note stating that the site will fully comply with tree planting and landscape area requirements of the Zoning Ordinance. As the City is looking closely at the spacing of heritage

overstory tree plantings to provide a more favorable growth space, the applicant should coordinate with staff on the location of heritage trees at the time of permitting, if approved.

There is a note on the site plan stating that dumpster pads will be connected to sanitary sewer and have a compliant enclosure, but no dumpsters are actually illustrated on the site plan. If approved, any dumpsters proposed to be on the property should be illustrated on the site plan.

The site plan has notes indicating the front, side, and rear setbacks; however, the side and rear setbacks are both listed incorrectly as eight feet. As the site will abut R-1 zoning on the sides and rear, the site plan should be revised to state these setbacks are ten feet, if approved.

The site plan proposes 114 parking spaces to serve the development, while a minimum of 47 parking spaces are required. As more than 25 parking spaces will be on the site, a photometric plan will be required at the time of permitting, if approved.

SUBDIVISION

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 proposed lot size is provided in square feet and acres, and exceed the minimum standards. As such, if approved, this information should be retained on the Final Plat.

The lot fronts Dauphin Street and South McGregor Avenue, and both are listed on the Major Street Plan (MSP). Dauphin Street should have a 100' right-of-way width according to the MSP, and is depicted as having a right-of-way width that varies. South McGregor Avenue should have an 80' right-of-way width, and is also depicted as having a right-of-way width that varies. If approved, the Final Plat should be revised to either show that each street has an existing compliant right-of-way, or dedication should be made to provide 50' and 40' from the centerlines of Dauphin Street and South McGregor Avenue, respectively. Furthermore, dedication of the corner radii of: Dauphin Street and South McGregor Avenue per Section V.D.6. of the Subdivision Regulations is depicted on the preliminary plat in addition to a "proposed future right-of-way dedication for intersection improvement project", and should be retained on the Final Plat, if approved.

The 25' minimum building setback is depicted along all frontages for the proposed Lot A. It should be noted however, that the setback line does not follow the proposed property line at the intersection where dedication is to be made. If approved, the setback line should be revised to follow all property lines, adjusted for dedication.

As previously mentioned, the applicant is proposing one curb cut to South McGregor Avenue, and one emergency access only curb cut to Dauphin Street. If approved, the Final Plat should include Traffic Engineering comments regarding access.

SIDEWALK WAIVER

It should be noted that the Mobile City Council adopted a “complete streets” policy on May 31, 2011. The purpose of the complete streets policy is to support the design and construction of streets to enable safe access to all users, including pedestrians, bicyclists, transit riders, motorists, commercial and emergency vehicles, and for people of all ages and abilities.

The site plan submitted depicts sidewalks along both street frontages, but is requesting a waiver of the sidewalk along McGregor Avenue. No justification or elevation contours were provided regarding the sidewalk waiver request; however, this area is undergoing some traffic improvements in the area, including the addition of sidewalks in the area. There appear to be no physical barriers to prevent the construction of a sidewalk in the area.

RECOMMENDATION

Rezoning: Based on the preceding, staff recommends that the Board consider all relevant facts prior to making a decision.

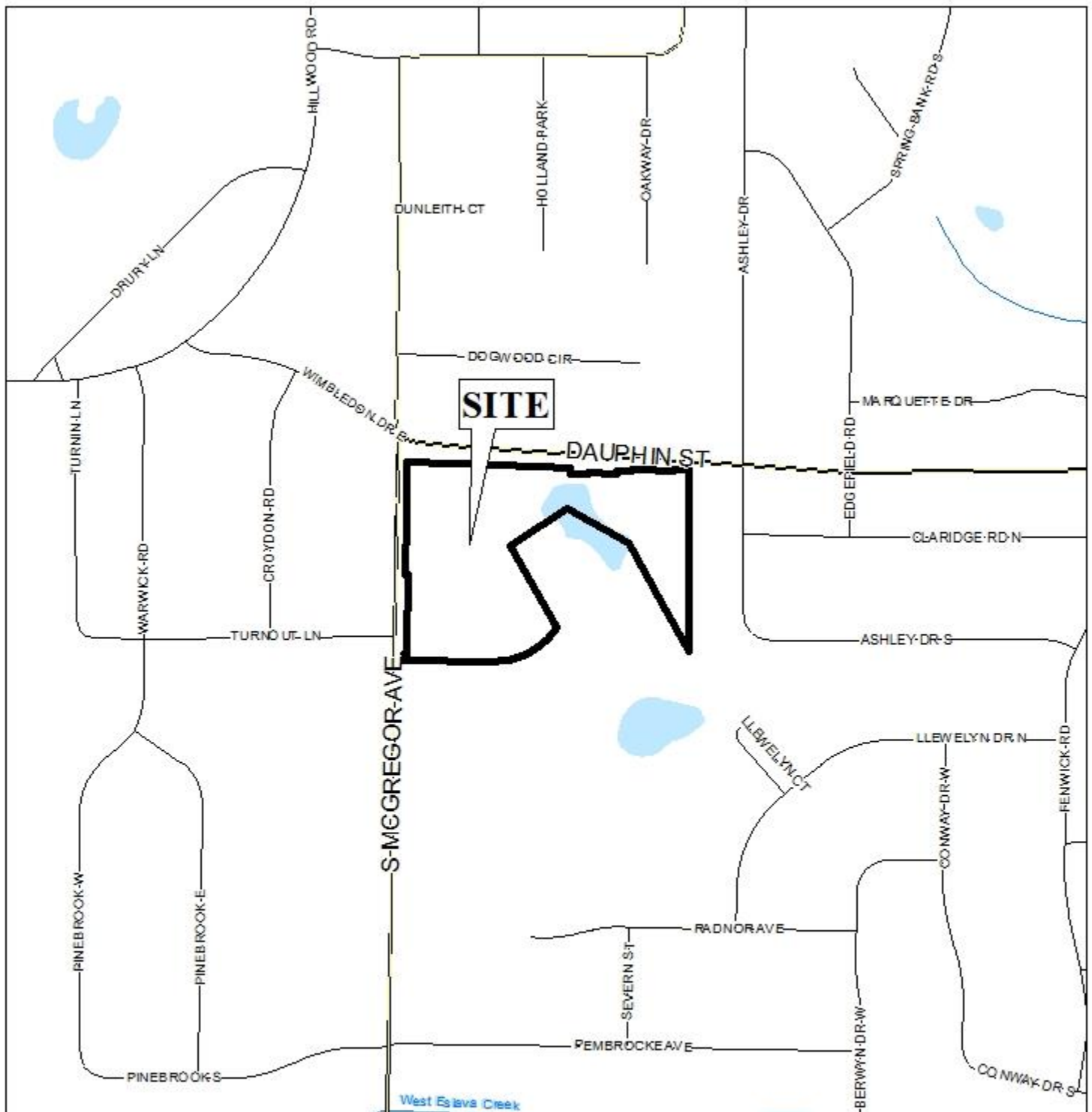
Planning Approval: Based on the preceding, staff recommends that the Board consider all relevant facts prior to making a decision.

Planned Unit Development: Based on the preceding, staff recommends that the Board consider all relevant facts prior to making a decision.

Subdivision: Based on the preceding, staff recommends that the Board consider all relevant facts prior to making a decision.

Sidewalk Waiver: Based on the preceding, staff recommends that the Board consider all relevant facts prior to making a decision.

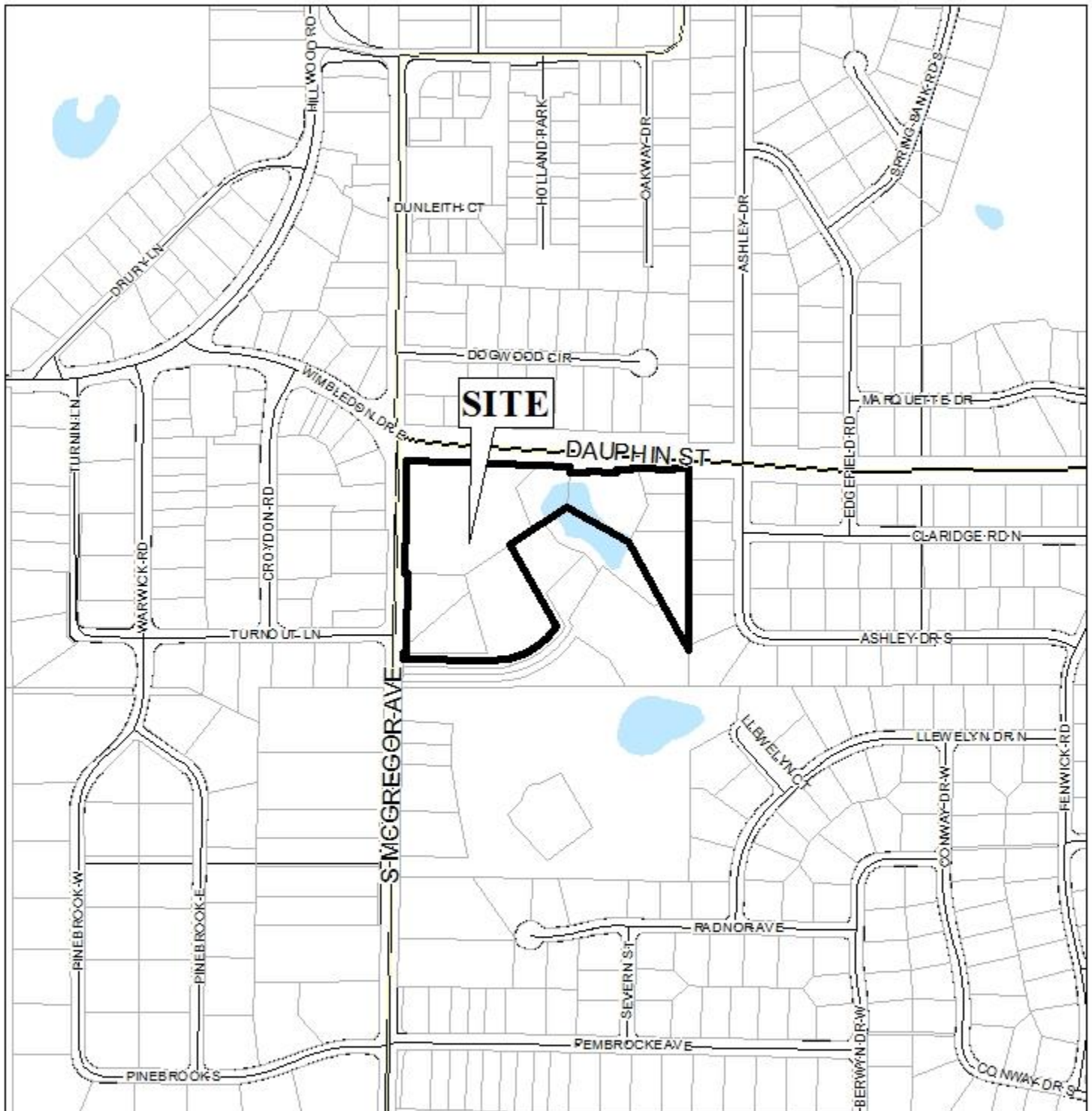
LOCATOR MAP



APPLICATION NUMBER 5 DATE March 4, 2021
 APPLICANT Feeder Springs Subdivision
 REQUEST Subdivision, PUD, PA, Sidewalk Waiver, Rezoning from R-1 to R-3



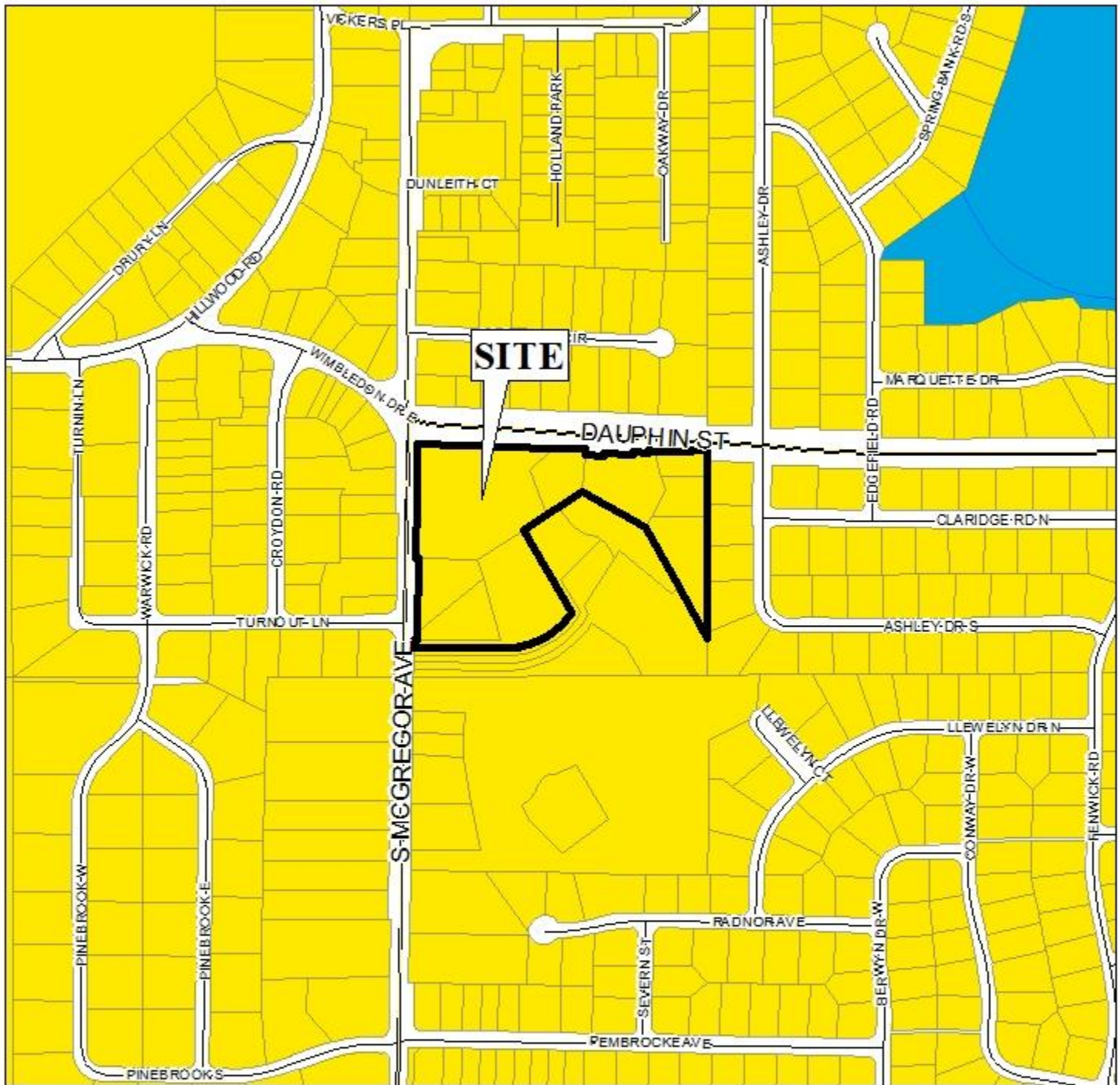
LOCATOR ZONING MAP



APPLICATION NUMBER 5 DATE March 4, 2021
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REQUEST Subdivision, PUD, PA, Sidewalk Waiver, Rezoning from R-1 to R-3



FLUM LOCATOR MAP



APPLICATION NUMBER 5 DATE March 4, 2021

APPLICANT Feeder Springs Subdivision

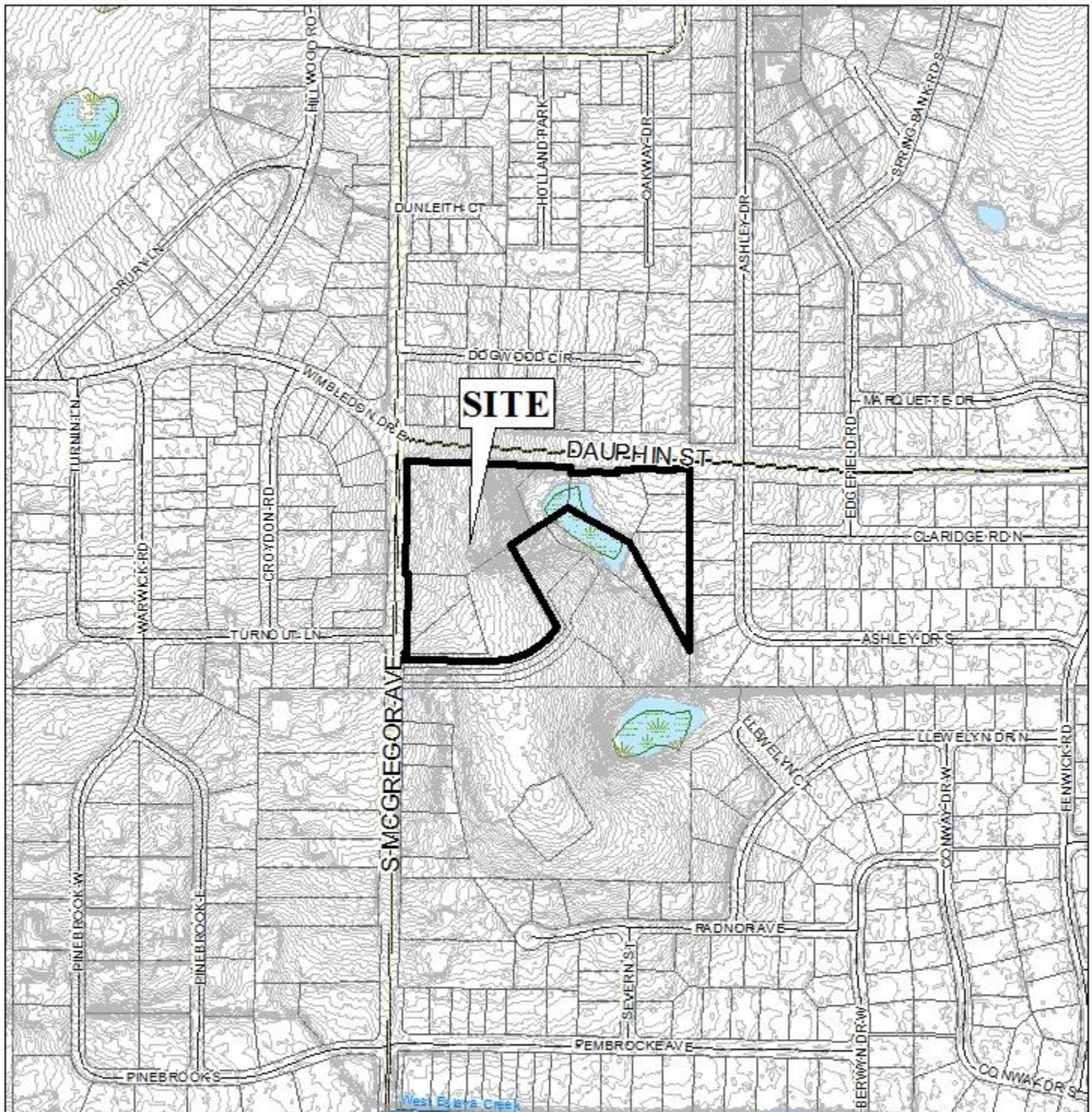
REQUEST Subdivision, PUD, PA, Sidewalk Waiver, Rezoning from R-1 to R-3

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	



NTS

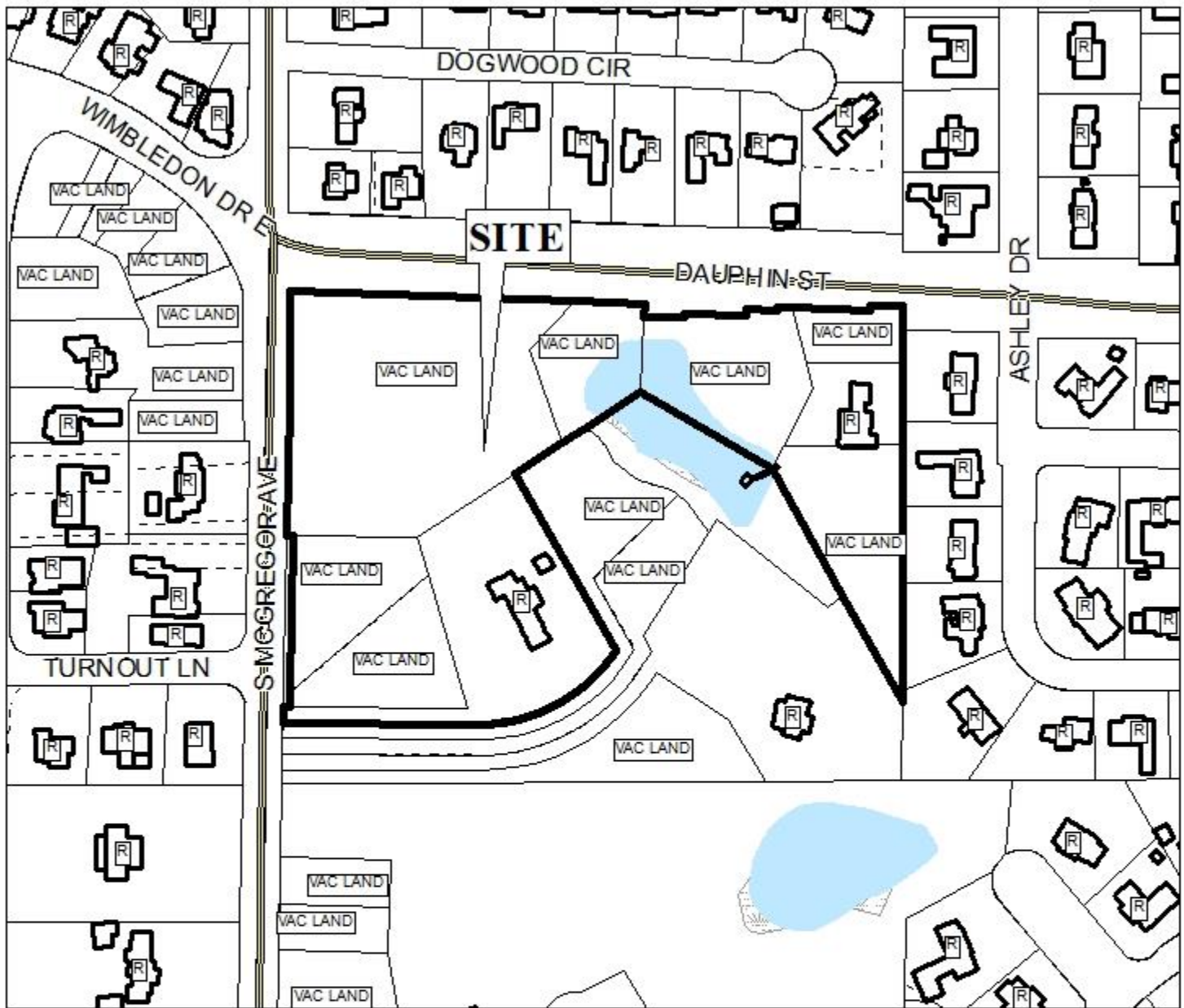
ENVIRONMENTAL LOCATOR MAP



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REQUEST Subdivision, PUD, PA, Sidewalk Waiver, Rezoning from R-1 to R-3



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential units.

APPLICATION NUMBER 5 DATE March 4, 2021

APPLICANT Feeder Springs Subdivision

REQUEST Subdivision, PUD, PA, Sidewalk Waiver, 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

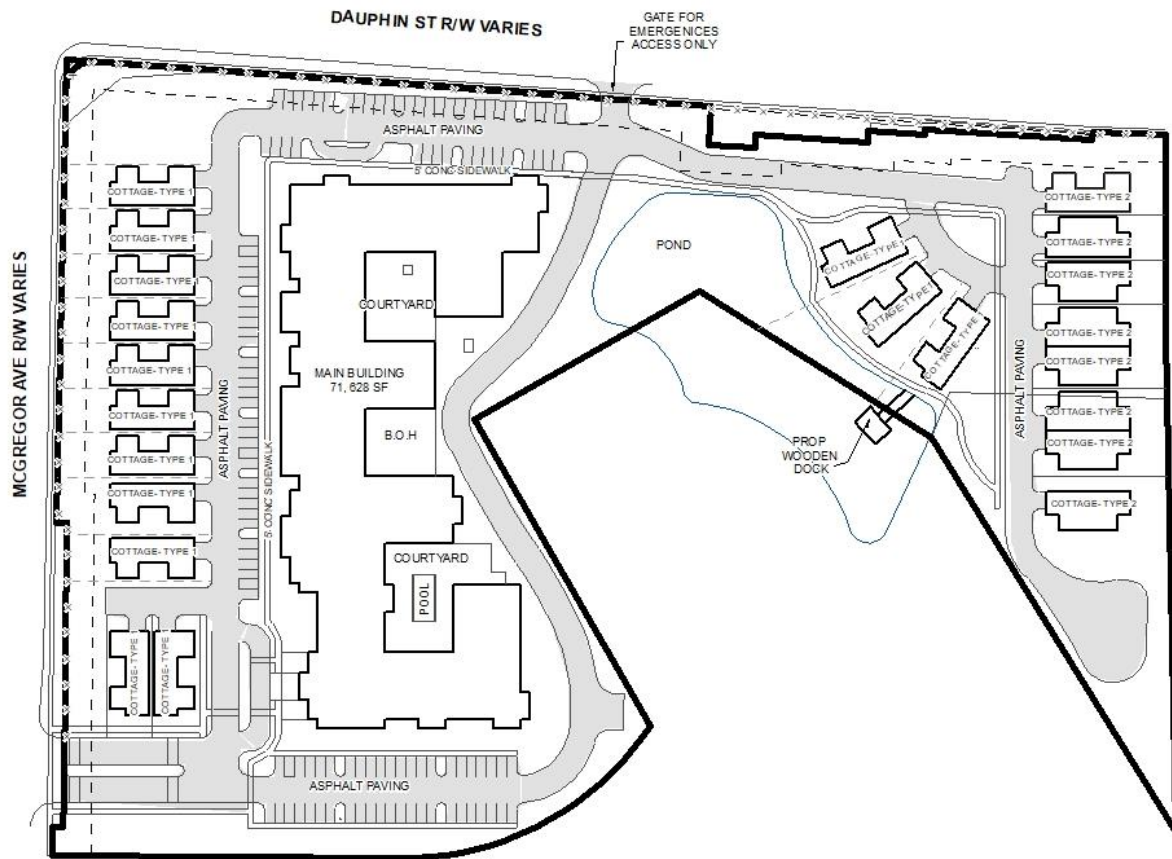


The site is surrounded by single family residential units.

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REQUEST Subdivision, PUD, PA, Sidewalk Waiver, Rezoning from R-1 to R-3



SITE PLAN



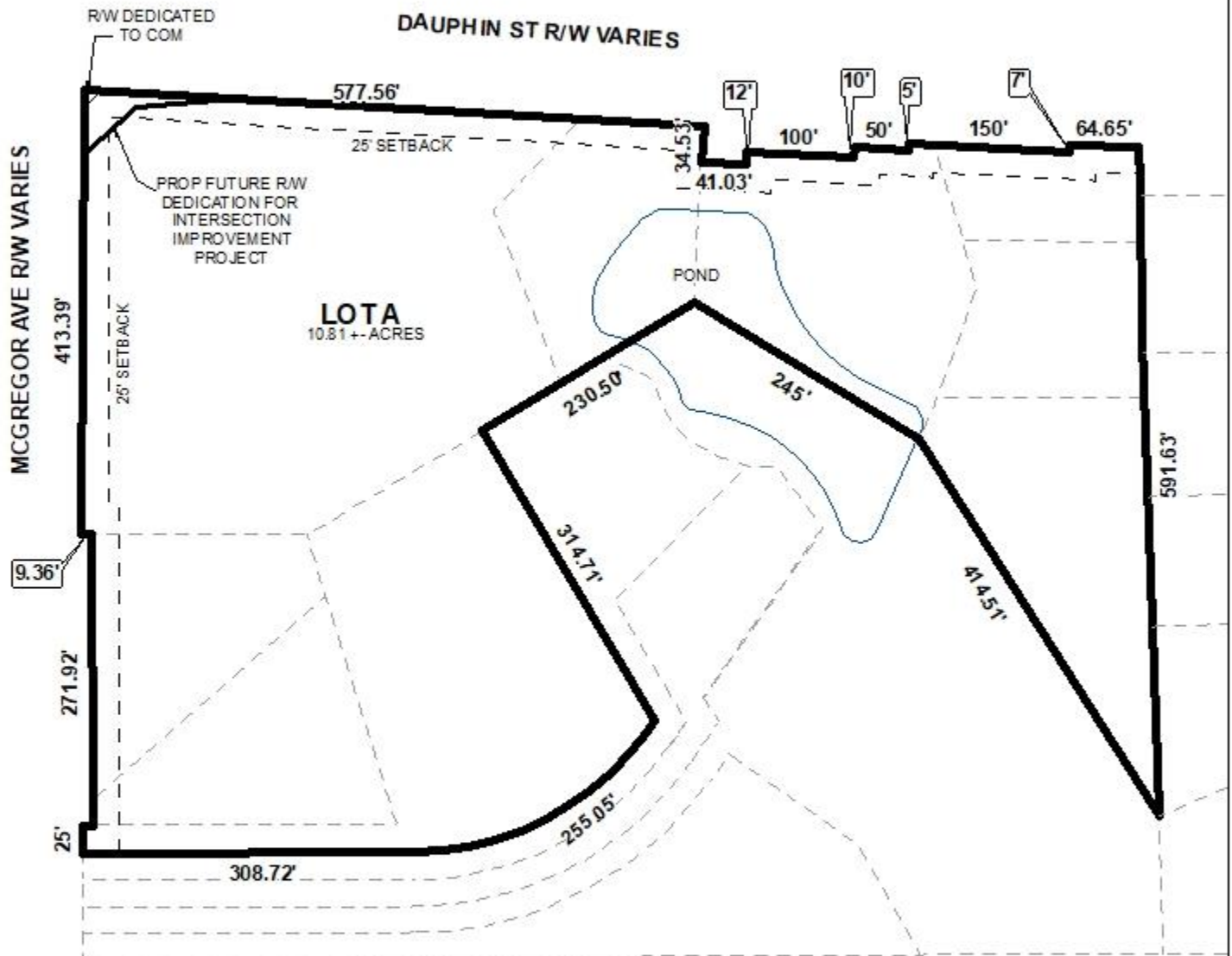
The site plan illustrates the proposed buildings, parking, setback, and fence.

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 REQUEST Subdivision, PUD, PA, Sidewalk Waiver, Rezoning from R-1 to R-3



NTS

DETAIL SITE PLAN



APPLICATION NUMBER 5 DATE March 4, 2021
 APPLICANT Feeder Springs Subdivision
 REQUEST Subdivision, PUD, PA, Sidewalk Waiver, Rezoning from R-1 to R-3

