

ZONING AMENDMENT STAFF REPORT**Date: August 3, 2017****NAME**

Azalea Investors, LLC

LOCATION231 East Drive
(East side of East Drive at the East terminus of Magnolia Place East)**CITY COUNCIL
DISTRICT**

District 6

PRESENT ZONING

R-1, Single-Family Residential District

PROPOSED ZONING

R-3, Multiple Family District

AREA OF PROPERTY

2.0± Acres

CONTEMPLATED USE

Rezoning from R-1, Single Family Residential, to R-3, Multiple Family District, to allow multi-family dwelling units.

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.

**TIME SCHEDULE
FOR DEVELOPMENT**Phase 1: Within 1 year of approval
Phase 2: Within 2-3 years**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, paving, and all above ground structures, 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.

4. 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.
5. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

TRAFFIC ENGINEERING

COMMENTS

Site is limited to one driveway cut with the size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. 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).

FIRE DEPARTMENT

COMMENTS

All property within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance. (2012 International Fire Code).

REMARKS

The applicant is requesting rezoning from R-1, Single-Family Residential District to R-3, Multiple Family District, to allow multi-family dwelling units. Specifically, the applicant intends to build 6 buildings with 3 four-bedroom dwelling units each, for a total of 18 dwelling units and 72 bedrooms.

The project is proposed to be built in two phases, with the two buildings closest to East Drive comprising the first phase, and the remaining four buildings being constructed during the second phase of the development. The first phase is proposed to be built within one year of approval, and the second phase to be built two-three years of approval.

It should be noted that while the subject site is a legal lot of record, and therefore does not require a Subdivision application, the proposed site plan illustrates multiple structures, and if approved, would require a Planned Unit Development as currently illustrated.

The site is bounded to the North, South, and East by R-1, Single-Family Residential District, and to the West (across East Drive) by R-2, Two-Family Residential District. Property to the North is vacant with an undeveloped common area across East Drive, and all other properties are developed as single-family residential dwellings.

Access management is a concern in this location, therefore, the site should be limited to one curb cut to East Drive, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.

The site has been given a Mixed Density Residential (MxDR) land use designation, per the recently 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 applies mostly to residential areas located between Downtown and the Beltline, where the predominant character is that of a traditional neighborhood laid out on an urban street grid.

These residential areas should offer a mix of single family homes, townhouses, 2- to 4-residential unit buildings, accessory dwellings, and low- and mid-rise multifamily apartment buildings. The density varies between 6 and 10 du/ac, depending on the mix, types, and locations of the housing as specified by zoning.

Like Low Density Residential (LDR) areas, MxDR areas may incorporate compatibly scaled and sited complementary uses such as neighborhood retail and office uses, schools, playgrounds and parks, and churches and other amenities that create a complete neighborhood fabric and provide safe and convenient access to daily necessities.

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.

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 changing conditions in the area make the proposed change necessary and desirable, citing both the consistent growth of the University of South Alabama as well as recent zoning changes in the area.

The applicant states:

Applicant seeks to develop a community consisting of six luxury, multi-unit condominium buildings on a two-acre site, currently a vacant lot. Building plan is phased, with a Phase 1 consisting of the two buildings nearest the street, to be built within approximately one year from approval of required zoning. Phase 2 consists of the remaining four buildings. Applicant anticipates completing Phase 2 in a 2-3 year time frame.

The character of the proposed development is much lower in density as compared with the several R-2 and R-3 developments on the same street. In contrast to what might be considered an 'apartment complex', this applicant seeks to build several free-standing, architecturally appealing buildings that resemble large homes more than they do typical multifamily stock. Applicant hopes to contribute to the residential character of the neighborhood, enhancing aesthetics with appropriate landscape elements.

Various aspects make this project potentially desirable to a wide variety of residents. One important factor is the diverse mix of property types in the immediate vicinity, which includes owner-occupied homes, rental homes, owner-occupied townhomes, rental townhomes, and sprawling multifamily complexes. The proposed project will use very high quality materials, finishes, landscaping, and architectural styles that will appeal to upscale residents.

We envision these properties being sought after by a range of possible end-users, including parents who may wish to purchase a unit for their children to use while attending the University of South Alabama, professors and their families, and others who may value the proximity to campus; young professionals with a desire for a luxury condominium in this location, and a wide range of other potential residents.

The ultimate goal is to sell every unit to an owner. We plan to actively market the units as available for purchase, and in the meantime, to find suitable tenants for units that remain unsold.

This application is consistent with the Map for Mobile, and its guiding principles. The area is experiencing consistent annual growth of the University. Such growth calls for 'a mix of housing types that provide for residents diverse needs.' Thus, the neighborhood currently consists of R-1, R-2, and R-3 properties. Applicant's site plan provides safe and attractive accommodations for people and vehicles. This lower-density multifamily development is distinctively appealing in its design, yet is 'in keeping with (the) City and neighborhood character.' The site is a half mile from the USA campus and the surrounding establishments, allowing residents to easily walk or bike to many nearby restaurants, shops and local businesses.

Passage of the zoning amendment is necessary and desirable in the case of this application, due to changes in conditions in this area. Those changes include the consistent, year-over-year growth of the University, as well as the consistent approval over recent years of other R-2 and R-3 zones within a few lots or across the street from the subject property.

The site plan provided illustrating all proposed improvements to the site was not in a standard architectural or engineering scale, making it difficult for staff to verify certain measurements such as setbacks and access aisles. If approved, a to-scale site plan should be provided.

It should be noted that the proposed site plan illustrates 29 parking spaces to be provided for Phase 1, which will be comprised of 24 bedrooms and is required to provide 27 parking spaces. The site plan incorrectly notes that 31 parking spaces will be provided for Phase 1, and should be corrected, if approved. The site plan also illustrates 81 parking spaces will be provided for the site upon completion of Phase 2, which exceeds the minimum required parking of 80 spaces. A photometric site plan will be required at the time of permitting for each phase.

The proposed site plan illustrates a sidewalk along East Drive; which will help accommodate pedestrians and increase connectivity in the area. If approved, the sidewalk should be retained on the site plan.

The site plan provided does not illustrate the use of a dumpster on site, nor does the applicant state that curbside pickup will be utilized. If approved, the site plan should be revised to either illustrate a dumpster connected to sanitary sewer with a compliant enclosure, or include a note stating that curbside pickup will be utilized.

The site plan indicates that a privacy fence will be provided along the North property line, where the site abuts residential property, however, the site also abuts residential property to the East and South, and should therefore have residential buffers provided along those property lines as well. Furthermore, the site plan makes no mention of the height of the privacy fence to be provided. If approved, the site plan should be revised to indicate a 6' high privacy fence will be provided along all property lines abutting residential property with the fence to be reduced to no more than 3' high with the front 25' setback.

The site plan does provide tree planting and landscape area information, and it appears that the site may comply with requirements, however, it should be noted that there are minor miscalculations on the site plan regarding the number of required trees. The site plan states that 5 frontage trees, 23 overstory perimeter trees, 23 understory perimeter trees, and 4 parking trees should be provided. Staff calculates that 4 frontage trees, 23 overstory perimeter, 23 understory perimeter, and 5 parking trees should be provided. Furthermore, regarding the amount of landscaped area, the site will require a minimum of 10,392 square feet, and the site plan simply states "exceeds 10,392". If approved, the site plan should be revised to provide the exact amount of landscaped area to be provided. It should also be noted that there is a 33" magnolia and a 36" sycamore tree near the front of the property. It appears that applicant is proposing to remove these trees from the site. It should be noted that if the trees were to remain on the site, they would count for 1 frontage tree and 11 overstory perimeter tree credits. If the applicant wishes to remove them from the site, private property tree permits will be required.

Section 64-9.A.2.a. of the Zoning Ordinance states that all proposed R-3, Multiple Family Residential Districts should be a minimum of four acres in size, or abut existing B-1, B-2, B-3, B-4, I-1, or I-2 districts. The subject site does not meet either of these criteria.

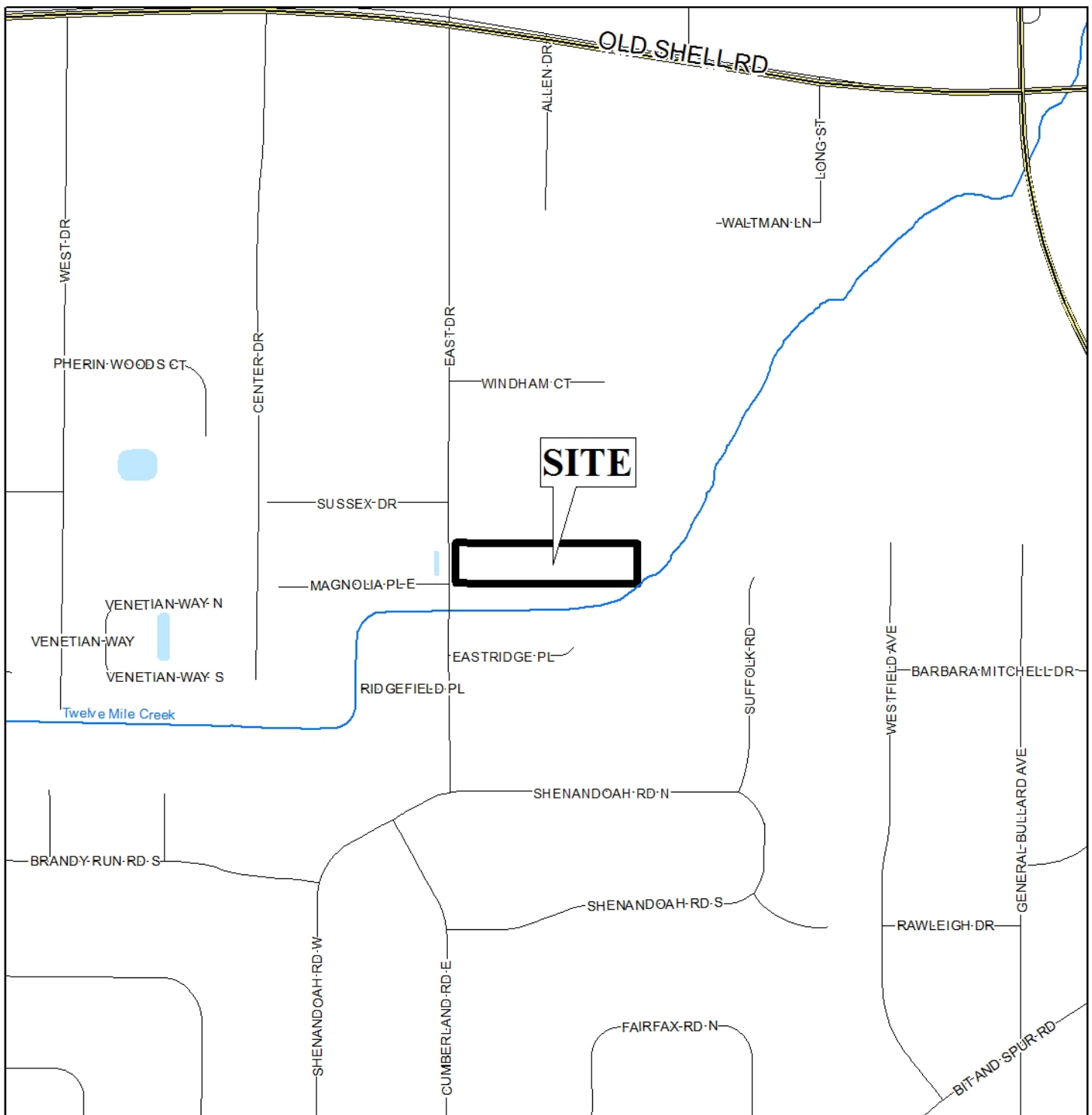
While there have recently been rezonings in this area approved for new multi-family housing, all of these sites were either adjacent to existing to R-3 Multiple Family Residence District, exceeded four acres in size, or both. As this site is surrounded by sites developed as single-family homes, approving this application would result in spot zoning and make neighboring single-family residential properties more likely to be developed as multi-family housing in the future, which would negatively impact the existing character of the neighborhood.

RECOMMENDATION

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

- 1) the subject site does not meet the minimum standards set forth in Section 64-9.A.2.a. of the Zoning Ordinance of the Zoning Ordinance; and
- 2) approval of the rezoning would not be in character with the existing character of the neighborhood.

LOCATOR MAP



APPLICATION NUMBER 9 DATE August 3, 2017

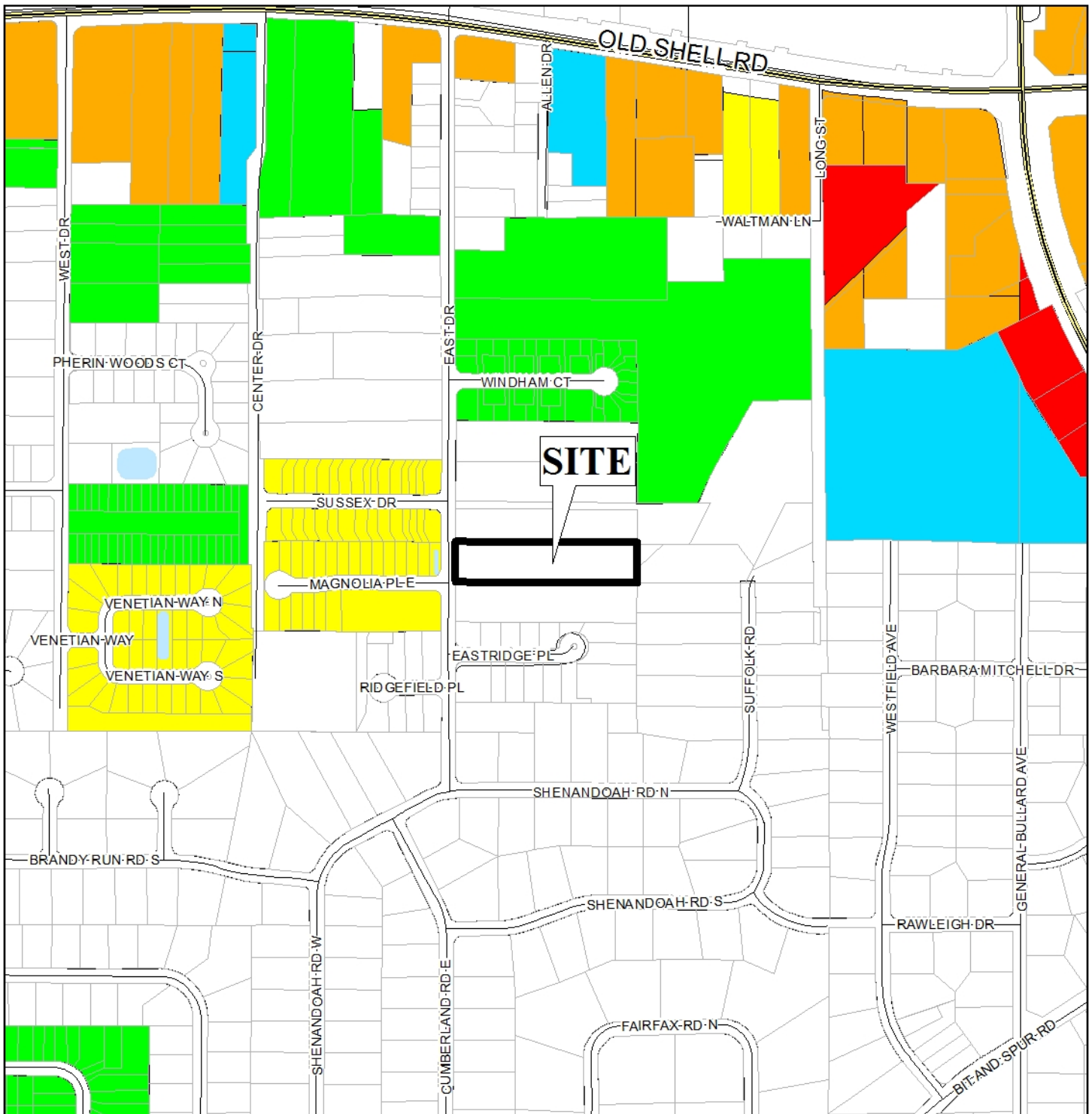
APPLICANT Azalea Investors, LLC

REQUEST Rezoning from R-1 to R-3



NTS

LOCATOR ZONING MAP



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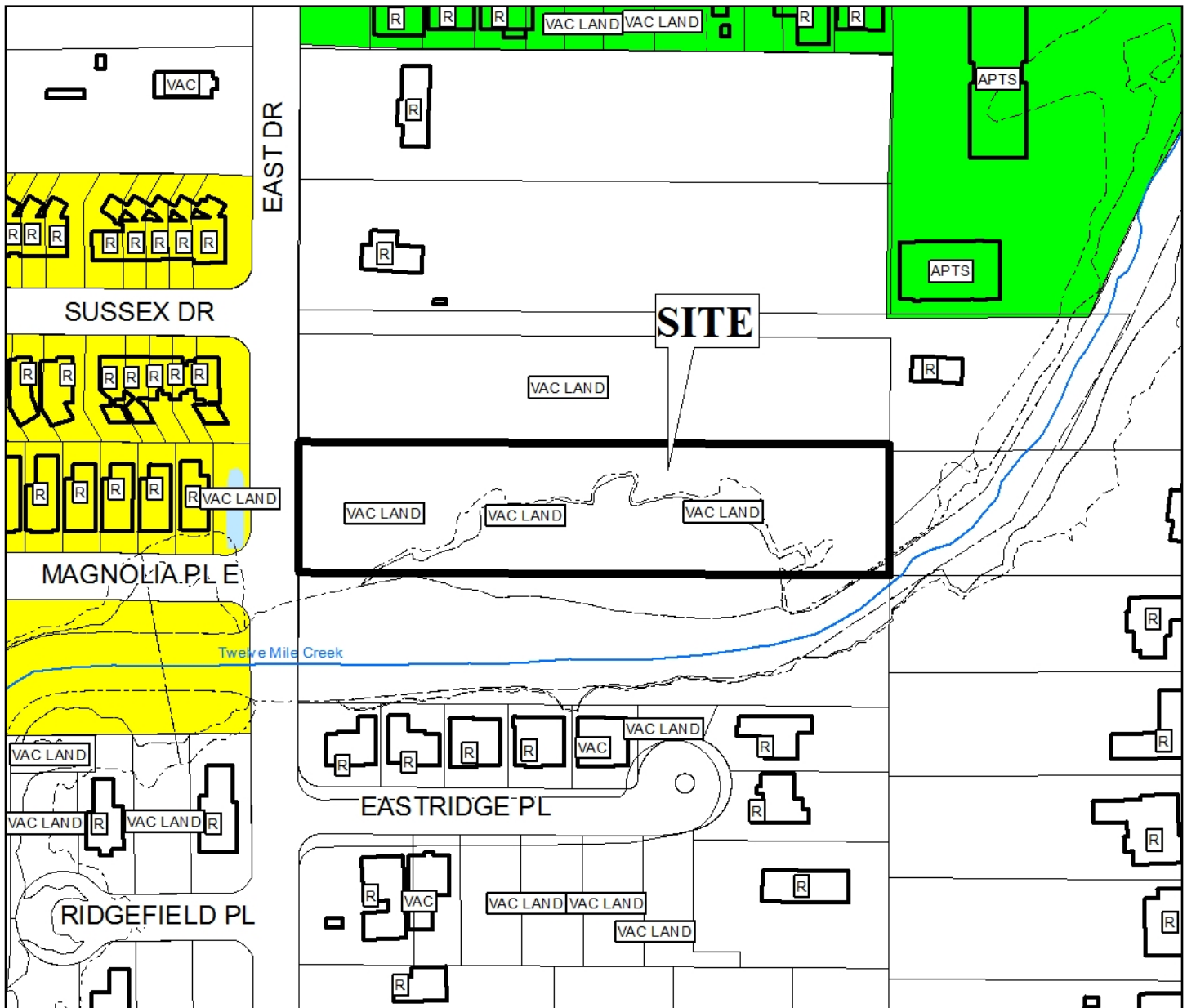
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REQUEST Rezoning from R-1 to R-3



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units.

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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

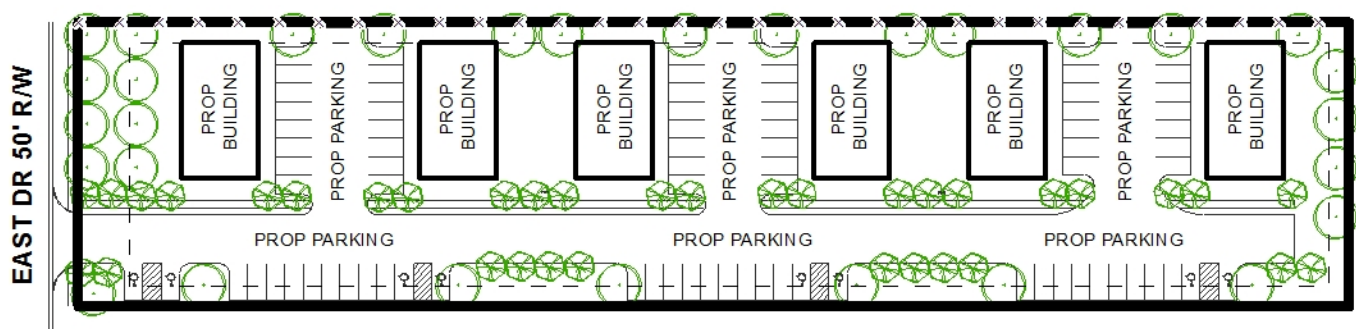


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SITE PLAN



The site plan illustrates the setbacks, proposed buildings, and proposed parking areas.

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REQUEST Rezoning from R-1 to R-3



