

**ZONING AMENDMENT (*Holdover*),  
PLANNED UNIT DEVELOPMENT &  
SUBDIVISION STAFF REPORT**

**Date: June 1, 2017**

<b><u>NAME</u></b>	O. A. Pesnell, Jr.
<b><u>SUBDIVISION NAME</u></b>	Addison Woods Subdivision
<b><u>LOCATION</u></b>	3450 Girby Road (North side of Girby Road 160'± East of Hillcrest Road)
<b><u>CITY COUNCIL DISTRICT</u></b>	District 6
<b><u>PRESENT ZONING</u></b>	B-1, Buffer-Business and B-3, Community Business
<b><u>PROPOSED ZONING</u></b>	B-1, Buffer-Business
<b><u>REASON FOR REZONING</u></b>	To eliminate split zoning.
<b><u>AREA OF PROPERTY</u></b>	3 Lots / 16.3 ± Acres
<b><u>CONTEMPLATED USE</u></b>	Subdivision approval to create 3 lots, Planned Unit Development Approval to allow multiple buildings on a single building site, and Rezoning from B-1, Buffer-Business District, and B-3, Community Business District, to B-1, Buffer-Business District, to eliminate split zoning. <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>
<b><u>TIME SCHEDULE</u></b>	Development to begin upon approvals, to be completed in approximately one year.
<b><u>ENGINEERING COMMENTS</u></b>	

**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. Review and revise the written legal description or the listed "Bearing Basis".
- C. Show and label each and every Right-Of-Way and easement.
- D. Revise the signature block from "CITY OF MOBILE ENGINEERING" to "CITY ENGINEER".
- 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 new development or construction, unless a sidewalk waiver is approved.
- I. Provide a copy of the FINAL SUBDIVISION PLAT to the Engineering Dept. for review. No signatures are required on this drawing.
- J. After addressing all of the FINAL SUBDIVISION PLAT review comments by the Engineering Dept. provide the ORIGINAL (with all other signatures) and one (1) copy (signatures not required) of the revised Final Plat to the Engineering Department.

**Planned Unit Development:****ADD THE FOLLOWING NOTES TO THE PUD SITE PLAN:**

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**

Each lot is limited to one curb cut each, 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).

## **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)

## **REMARKS**

The applicant is requesting Subdivision approval to create 3 lots, Planned Unit Development Approval to allow multiple buildings on a single building site, and Rezoning from B-1, Buffer-Business District, and B-3, Community Business District, to B-1, Buffer-Business District, to eliminate split zoning.

The rezoning aspect of the request was heldover from the May 18, 2017 meeting so that it could be heard with the corresponding Subdivision and Planned Unit Development requests.

The 16.3 ± acre site is bounded to the North by a senior center located in an R-3, Multi-Family District, to the East by apartments in both an R-3 and a B-2, Neighborhood Business District, to the South, across Girby Road, by Mobile County School Board property that is undeveloped, and to the West, across Hillcrest Road, by single-family residences in an R-1, Single-Family Residential District and mixed-commercial uses in a B-3 District.

The site has been given a Low Density Residential 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 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 Low Density Residential 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.

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.

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.

Please note that a Planned Unit Development approval by the Planning Commission expires after one year if no permits are obtained.

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 provided the following statement regarding the requests:

*The subject property is a 17 acre parcel approximately 160' East of Hillcrest Road on the North side of Girby Road. Of the 17 acre parcel, 8.5 acres is upland and outside and East of any wetland area. The remaining 8.5 acres is wetlands and will remain as wetlands, unimproved. We have mitigated with the Corp of Engineering to allow for the taking of 0.39 acres to use for stormwater detention.*

*A proposed senior community development with approximately 20-25 single family, detached, single level rental homes, a specialty care assisted living facility, also known as a specialty care and a regular assisted living facility of approximately 10,000 sq ft each will be located toward the North end of the property accessible off Girby Road by way of a private street. Two commercial lots both fronting Girby Road for private offices and/or ancillary commercial uses for a development such as this for aging seniors is proposed.*

*The property at this time is split zoned B-1 and B-3. To accommodate the city split zone requirement, we are requesting the B-3 portion to be down-graded to B-1 and we will follow any and all state and local laws regarding tree preservation and protection, as well as all requirements of the City of Mobile fire codes.*

*Development of this project will begin upon approval and is expected to be completed in approximately one year.*

The undeveloped site was rezoned from R-A, Residential-Agricultural to B-1 and B-3 in April 1982. The applicant at the time proposed to develop the property with a medical complex, offices and a shopping center. No other Planning Commission applications have been received since the approval in 1982.

The site has frontage on two streets that are part of the Major Street Plan: Hillcrest Road and Girby Road. Each proposed major street requires a minimum right-of-way width of 100 feet, and it appears that the right-of-way for Hillcrest Road meets the minimum requirements. The right-of-way width of Girby Road is labeled as 80 feet on the preliminary plat, thus dedication to provide 50 feet from the centerline will be required. Right-of-way dedication will impact all three proposed lots, thus the lot sizes and the minimum building setback lines should be revised to reflect the dedication of right-of-way along Girby Road.

The Planned Unit Development site plan depicts 28 "garden cottages," each approximately 1,200 square feet in size, and two assisted living facilities, one of which is designated to be a "specialty care" facility. The assisted living facilities appear to contain 20 beds each, for a total of 40 beds, according to information on the site plan. Regarding parking, ten combined spaces are required for the assisted living facilities, and two spaces are required for each garden cottage: the applicant proposes 97 parking spaces, well in excess of the 66 required. Due to the type of

facilities proposed, additional accessible parking spaces may be advisable or, potentially, required, based upon the 2012 International Building Code (IBC) and 2003 International Code Council (ICC) /American National Standards Institute (ANSI) A117.1, as applicable.

The site plan indicates that the private road serving the proposed development on Lot 3 will only access Girby Road. Due to the fact that Girby Road is a major street, and the proximity of the intersection with Hillcrest Road to the West and Burns Middle School to the East, the two proposed commercial lots (Lots 1 and 2) should be denied direct access to Girby Road, and instead should be limited to one curb-cut onto the private road. Direct access to Hillcrest Road for Lot 3 should be denied, primarily due to the presence of a large area of designated wetlands. The size, design and location of any curb-cuts must be approved by Traffic Engineering and comply with AASHTO standards.

Regarding the lot sizes, each lot will meet the minimum size requirements outlined by the Subdivision Regulations. Although dedication of right-of-way along Girby Road is required, there is sufficient room on the property to slightly shift the boundaries of proposed Lots 1 and 2 so that their size can be maintained.

Regarding the proposed uses on Lot 3, the applicant is proposing a combination of a domiciliary care facility, a nursing home facility, and retirement homes / elderly housing facilities. All of the proposed uses are allowed by right in a B-1 district. Additionally, B-1 will allow certain ancillary uses on proposed Lots 1 and 2, intended to support the elder-focused development.

It appears that fire access to the property may be sufficient, however, the applicant should ensure that there is sufficient turn-around area for a fire apparatus.

Also, it should be noted that no dumpsters are depicted on the site plan, however, if provided, they must be installed in compliance with 64-4.D.9. of the Zoning Ordinance.

As more than 25 parking spaces will be provided in the vicinity of the two assisted living facilities, a photometric plan for that portion of the site will be required at time of land disturbance. Lighting of the site will have to comply with Sections 64-4.A.2., 64-6.A.3.c. and 64-6.A.8. of the Zoning Ordinance.

Since approximately half of the site has been identified as wetlands, which the applicant proposes to not develop, construction will be limited to, primarily, the upland portions of the site. The proposed uses (primarily residential in nature) and proposed development density (about 4 dwelling units per acre) are compatible with the Future Land Use Map's designation of the property as Low Density Residential. The physical layout of the site, with only one point of access, limits connectivity with abutting properties. However, the site is constrained by the presence of wetlands, thus design options are limited. It should be noted, however, that the applicant does propose to construct sidewalks along Girby Road and along the private street within the development. Furthermore, a sidewalk already exists along the entire frontage of Hillcrest Road. Development of the large site should, however, be limited to an approved Planned Unit Development.

Finally, development of Lots 1 and 2 will require new applications to the Planning Commission for Planned Unit Development approval, due to each property being limited access to the private drive on Lot 3.

## **RECOMMENDATION**

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

- 1) Dedication of right-of-way along Girby Road to provide 50-feet from centerline;
- 2) Revision of the lot size and minimum building setback information to reflect right-of-way dedication;
- 3) Placement of a note on the plat stating that Lots 1 and 2 are denied direct access to Girby Road, and are limited to one curb-cut each to the private drive on Lot 3, that Lot 3 is limited to one curb-cut to Girby Road and denied direct access to Hillcrest Road, with the size, design and location of curb-cuts to be approved by Traffic Engineering and comply with AASHTO standards;
- 4) Compliance with Engineering comments: (*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. Review and revise the written legal description or the listed "Bearing Basis". C. Show and label each and every Right-Of-Way and easement. D. Revise the signature block from "CITY OF MOBILE ENGINEERING" to "CITY ENGINEER". 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 new development or construction, unless a sidewalk waiver is approved. I. Provide a copy of the FINAL SUBDIVISION PLAT to the Engineering Dept. for review. No signatures are required on this drawing. J. After addressing all of the FINAL SUBDIVISION PLAT review comments by the Engineering Dept. provide the ORIGINAL (with all other signatures) and one (1) copy (signatures not required) of the revised Final Plat to the Engineering Department.);*
- 5) Compliance with Traffic Engineering comments (*Each lot is limited to one curb cut each, 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.);*

- 6) Compliance with 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).*);
- 7) 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)*);
- 8) Provision of a revised PUD site plan prior to the signing of the final plat; and
- 9) Completion of the Subdivision process prior to any request for land disturbance.

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

- 1) Dedication of right-of-way along Girby Road to provide 50-feet from centerline;
- 2) Revision of the lot size and minimum building setback information to reflect right-of-way dedication;
- 3) Placement of a note on the site plan stating that Lots 1 and 2 are denied direct access to Girby Road, and are limited to one curb-cut each to the private drive on Lot 3, that Lot 3 is limited to one curb-cut to Girby Road and denied direct access to Hillcrest Road, with the size, design and location of curb-cuts to be approved by Traffic Engineering and comply with AASHTO standards;
- 4) Compliance with Engineering comments: (*ADD THE FOLLOWING NOTES TO THE PUD SITE PLAN: 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.*);
- 5) Compliance with Traffic Engineering comments (*Each lot is limited to one curb cut each, 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.*);

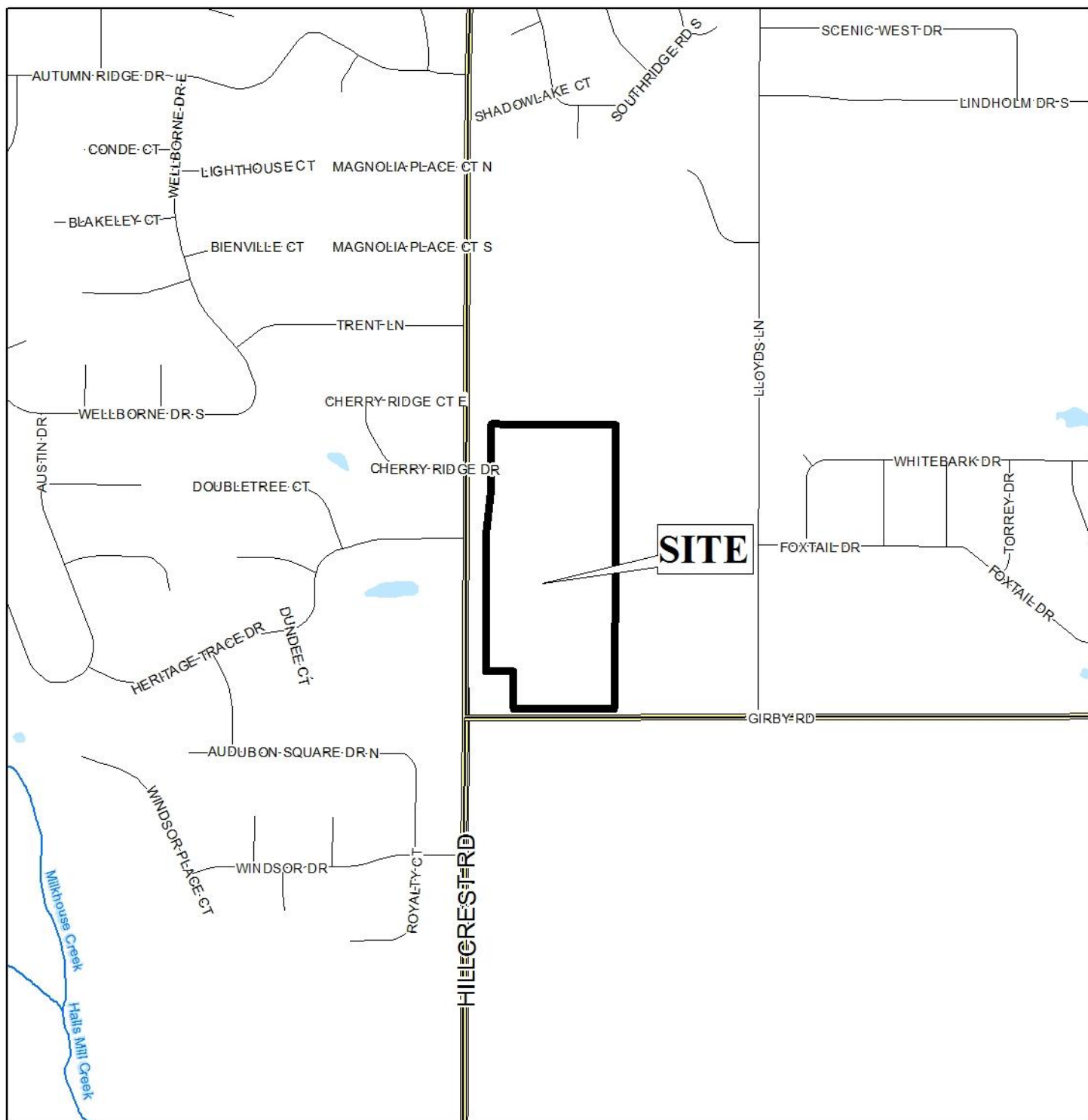


- 6) Compliance with Urban Forestry comments (*Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 2015-116 and City Code Chapters 57 and 64).*);
- 7) Compliance with Fire comments (*All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance. (2012 International Fire Code)*);
- 8) Sites to be developed in compliance with Zoning Ordinance requirements, including Sections 64-4.D.9., 64-4.A.2., 64-6.A.3.c. and 64-6.A.8.;
- 9) Development of Lots 1 and 2 will require new applications to the Planning Commission for Planned Unit Development review;
- 10) Provision of a revised PUD site plan prior to the signing of the final plat; and
- 11) Completion of the Subdivision process prior to any request for land disturbance.

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

- 1) Approval limited to an approved Planned Unit Development;
- 2) Completion of the Subdivision process; and
- 3) Full compliance with all other municipal codes and ordinances.

# LOCATOR MAP



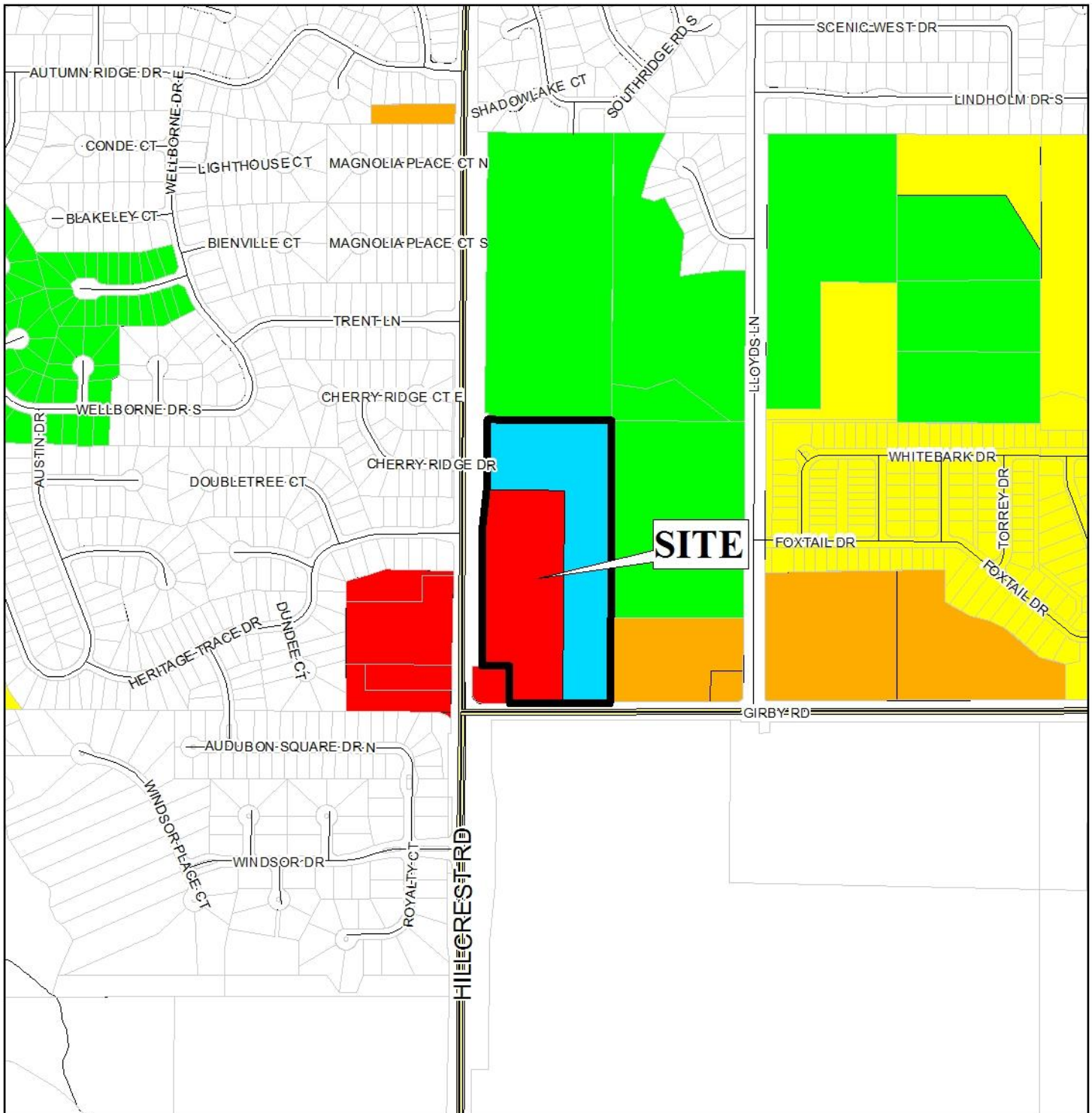
APPLICATION NUMBER 10 DATE June 1, 2017

APPLICANT Addison Woods Subdivision

REQUEST Subdivision, PUD, Rezoning from B- and B-3 to B-1



# LOCATOR ZONING MAP



APPLICATION NUMBER 10 DATE June 1, 2017

APPLICANT Addison Woods Subdivision

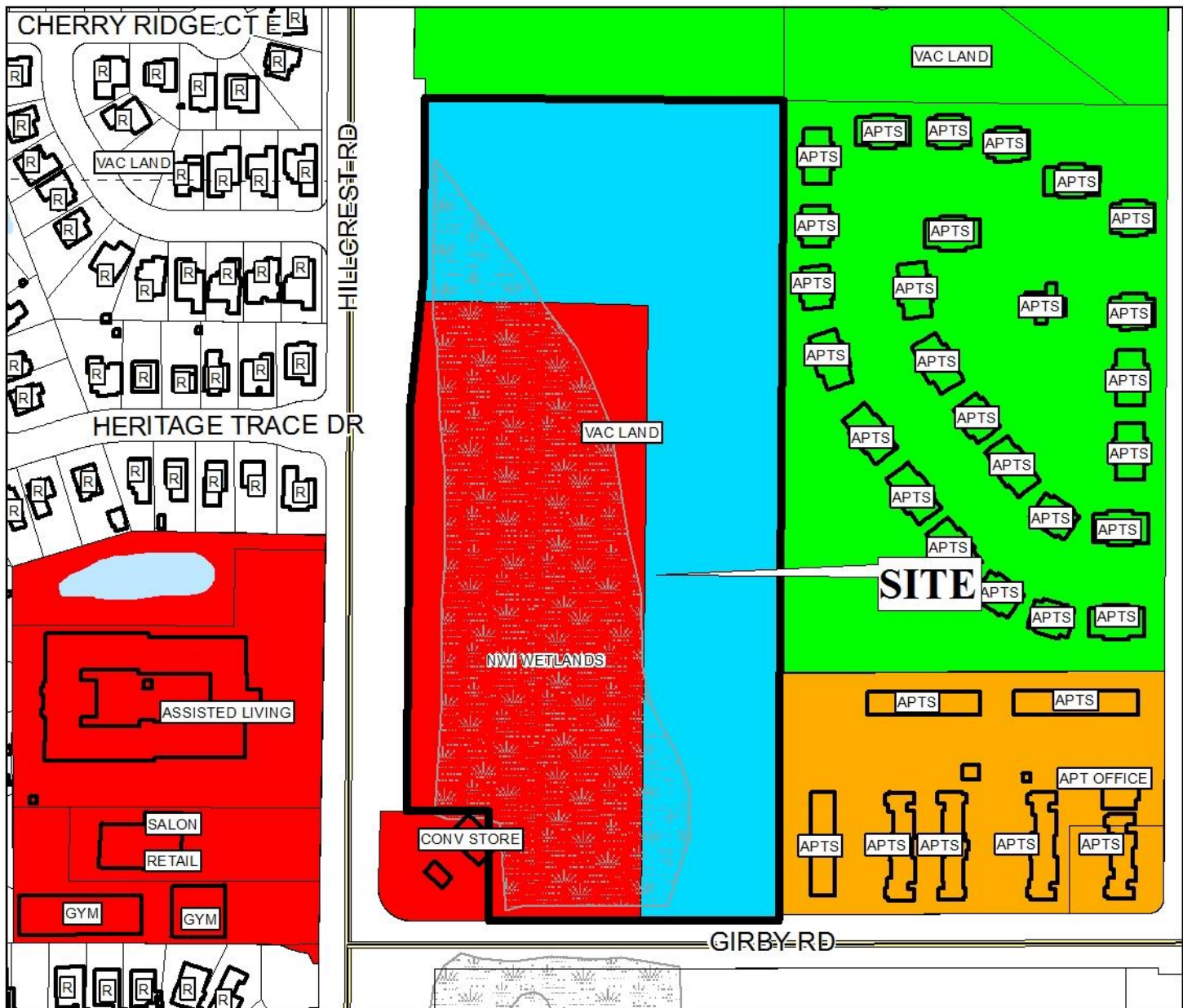
REQUEST Subdivision, PUD, Rezoning from B- and B-3 to B-1



NTS



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units to the northwest and east.  
Commercial units lie to the southwest.

APPLICATION NUMBER 10 DATE June 1, 2017

APPLICANT Addison Woods Subdivision

REQUEST Subdivision, PUD, Rezoning from B- and B-3 to B-1

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 residential units to the northwest and east.  
Commercial units lie to the southwest.

APPLICATION NUMBER 10 DATE June 1, 2017

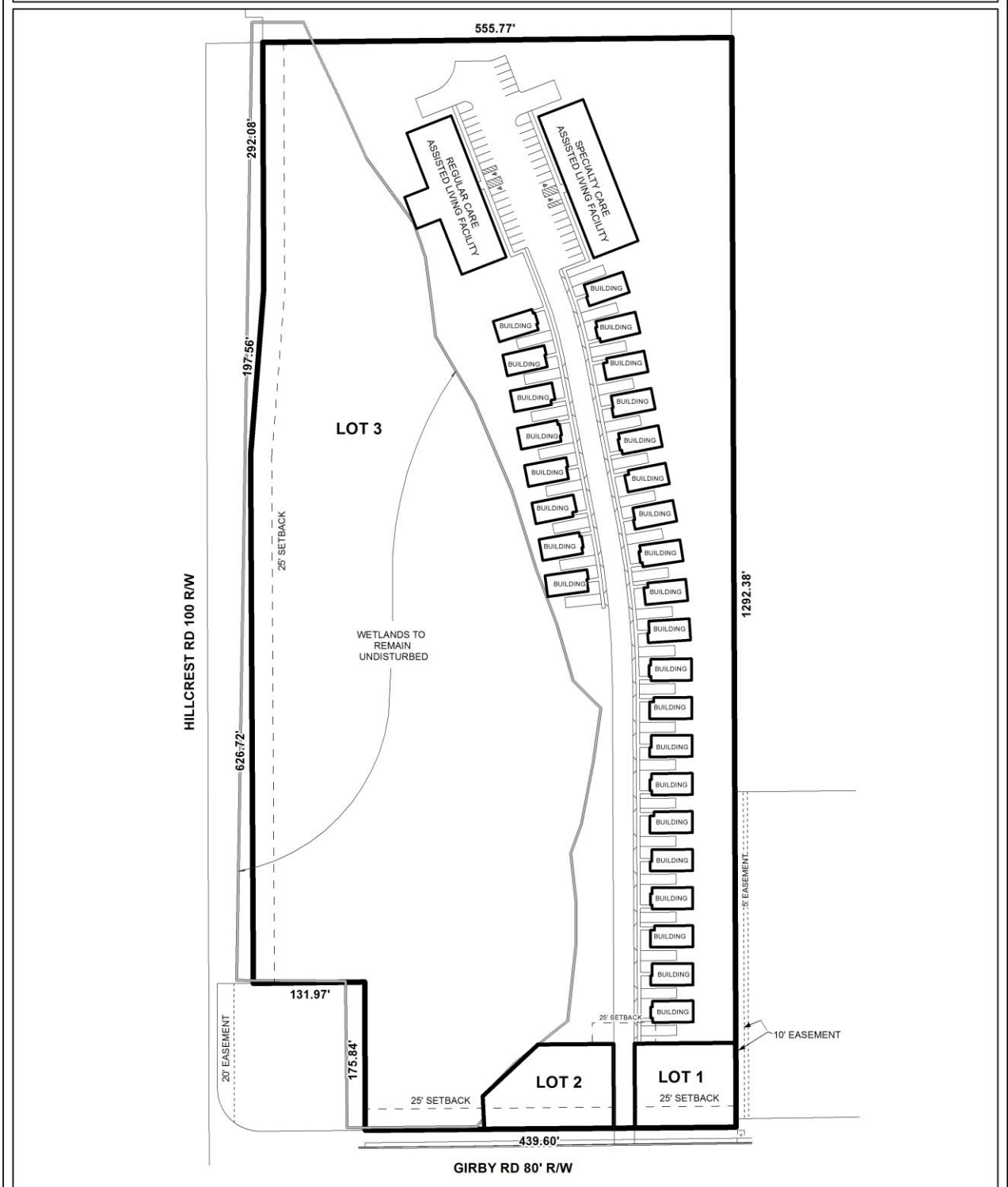
APPLICANT Addison Woods Subdivision

REQUEST Subdivision, PUD, Rezoning from B- and B-3 to B-1





## SITE PLAN

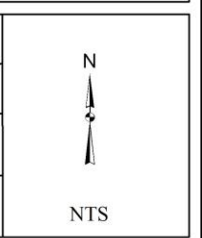


The site plan illustrates the proposed lots, proposed buildings, parking, setbacks, and easements.

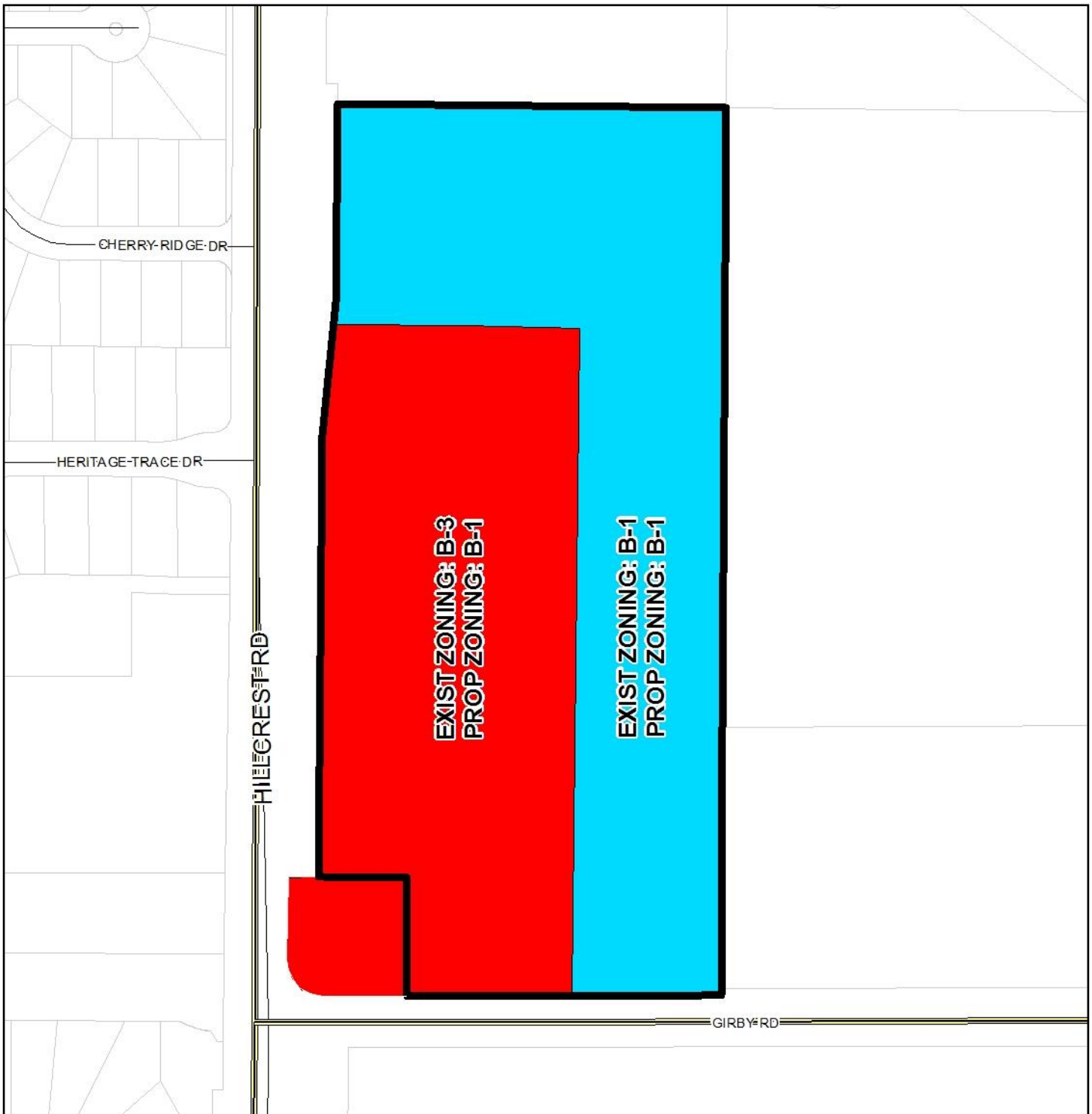
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REQUEST	Subdivision, PUD, Rezoning from B- and B-3 to B-1		



# DETAIL SITE PLAN



APPLICATION NUMBER 10 DATE June 1, 2017

APPLICANT Addison Woods Subdivision

REQUEST Subdivision, PUD, Rezoning from B- and B-3 to B-1



