

**SUBDIVISION,
PLANNED UNIT DEVELOPMENT, &
ZONING AMENDMENT STAFF REPORT****Date: June 17, 2021**

<u>NAME</u>	Creed Cottages
<u>SUBDIVISION NAME</u>	Creed Subdivision
<u>LOCATION</u>	6636, 6638, 6640, 6666, 6680 and 6692 Old Shell Road (North side of Old Shell Road, 520'± West of the North terminus of Dickens Ferry Road).
<u>CITY COUNCIL DISTRICT</u>	District 7
<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 / 5.7± Acres
<u>CONTEMPLATED USE</u>	<p>Subdivision approval to create one (1) legal lot of record from four (4) metes-and-bounds parcels; Planned Unit Development Approval to allow multiple buildings on a single building site; and Rezoning from R-1, Single-Family Residential District, to R-3, Multi-Family Residential District.</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
<u>ENGINEERING COMMENTS</u>	

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 the Surveyor's and Owner's (notarized) signatures.
- C. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
- D. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 19 - #71) LOT 1 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 – 17,000 sf.
- E. 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.
- F. 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 SITE NOTES #3 - #8, as shown on the PLANNED UNIT DEVELOPMENT drawing SHEET 1 of 1.

Rezoning: No Comments.

TRAFFIC ENGINEERING

COMMENTS

Lot is limited to one curb cut as illustrated on the approved PUD, with any changes in size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Required 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 [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites 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 four (4) metes-and-bounds parcels; Planned Unit Development

Approval to allow multiple buildings on a single building site; and Rezoning from R-1, Single-Family Residential District, to R-3, Multi-Family Residential District.

The site has been given a Mixed Commercial Corridor (MCC) 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 land use designation mostly applies to transportation corridors west of I-65 serving primarily the low-density (suburban) residential neighborhoods. MCC includes a wide variety of retail, services and entertainment uses.

This designation acknowledges existing commercial development that is spread along Mobile's transportation corridors in a conventional strip pattern or concentrated into shorter segments of a corridor.

Over time, new development and redevelopment in Mixed Commercial Corridors is encouraged to raise design quality, improve connectivity to surrounding neighborhoods; improved streetscapes; and improve mobility and accessibility for all users of the corridor.

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.

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 lot fronts Old Shell Road, which is listed on the Major Street Plan (MSP) as having a 100' right-of-way width according to the MSP, and is depicted as having a right-of-way width that varies. If approved, the Final Plat should be revised to either show that Old Shell Road has an existing compliant right-of-way, or dedication should be made to provide 50' from the centerline.

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, adjusted for any dedication, if applicable.

The 25' minimum building setback is depicted along Old Shell Road, and should be retained on the Final Plat, if approved, and adjusted for any dedication, if necessary.

Regarding access management, a note should be placed on the Final Plat stating Traffic Engineering comments, if approved.

It should be noted that there are several existing structures on the site currently. If approved, demolition permits will be required for each structure, prior to the signing of the Final Plat.

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 PUD review is 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 submitted depicts 23 structures overall, composed of three 3-bedroom units, eighteen 4-bedroom units, and eighteen 5-bedroom units, for a total of 44 units and 186 bedrooms; plus, a clubhouse, pool, two dumpsters, and a detention pond. The site is required to have 205 parking spaces (1 per bedroom + 10%), and while the site plan states that 205 parking spaces are provided, staff counts 206. If approved, the site plan should be revised to correctly state the number of parking spaces. As there will be more than 25 parking spaces, a photometric site plan will be required at the time of permitting.

The site plan depicts a 15' minimum building setback along the side and rear property lines, in addition to a 6' high privacy fence, which also extends across the front of the property, within 15' of the front property line. Typically, privacy fences are not allowed to exceed 6' tall within the 25' front setback, however the Planning Commission does have the ability to approve the fence as proposed, as part of the PUD consideration. There is also a security gate proposed to be located at the curb cut to Old Shell Road. It should be noted that there are not three (3) queuing spaces (9' x 20') between the gate and the property line. There is 15' between the gate and the property line, and approximately 45' between the gate and the edge of Old Shell Road. If approved, the site plan should either be revised to indicate that the gate will be electronically controlled, or provide sufficient queuing spaces on private property.

The site plan depicts two (2) proposed dumpsters to serve the development, with notes that they will have enclosures. If approved, the site plan should be revised to state that the dumpsters will comply with Section 64-4.D.9. of the Zoning Ordinance.

The site plan illustrates 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 are several existing trees on the site that the applicant will be removing; it should be noted that private property tree permits will be required.

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 bounded by R-1, Single-Family Residential property to the North and East, owned by the University of South Alabama; to the West by B-2, Neighborhood Business District; and to the South, across Old Shell Road, by B-2 and R-1 properties with commercial and multi-family developments.

In regards to the proposed rezoning, the applicant states:

A student housing facility consisting of attached two story dwellings ranging from 3 to 5 bedroom units is proposed.

To accommodate the multiple dwellings, an R-3 zone is requested.

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. The subject property does abut a commercial zoning district, and is thus exempt from this standard, however at 5.7± acres in size, the subject site would exceed the minimum size set forth for a new zoning district.

The applicant does not state which of the four conditions prevail that would justify the proposed rezoning. However, due to the continuing growth and expansion of the adjacent University of South Alabama, either changing conditions in the area, or a need for increased sites available as student housing could possibly justify the request.

RECOMMENDATION

Subdivision: Based upon the preceding, this application is recommended for Tentative Approval, subject to the following conditions:

- 1) revision of the Final Plat to either show that Old Shell Road has an existing compliant right-of-way, or dedication should be made to provide 50' from the centerline
- 2) retention of the 25-foot minimum building setback line, adjusted for dedication, if necessary;
- 3) retention of the lot size label in both square feet and acres on the Final Plat, or the furnishing of a table on the Final Plat providing the same information, adjusted for dedication, if necessary;
- 4) compliance with the 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. Provide the Surveyor's and Owner's (notarized) signatures. C. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. D. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 19 - #71) LOT 1 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 – 17,000 sf. E. 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. F. 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.*);
- 5) placement of a note on the Final Plat stating the Traffic Engineering comments: (*Lot is limited to one curb cut as illustrated on the approved PUD, with any changes in size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Required 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 the 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 [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.*);
- 7) compliance with the 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.*); and

- 8) provision of two Planned Unit Development site plans (hard copy and .pdf) prior to the signing of the Final Plat.

Planned Unit Development: Staff recommends the following Findings of Fact for Approval:

- a. the proposal promotes the objective of Creative design (to encourage innovative and diversified design in building form and site development);
- b. the proposal promotes the objective of Flexibility (to permit greater flexibility in the location and arrangement of buildings and uses than is generally possible under district regulations);
- c. the proposal promotes the objective of Efficient land use (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 redevelopment);
- d. the proposal promotes the objective of Environment (to preserve and protect as urban amenities the natural features and characteristics of the land);
- e. the proposal promotes the objective of Open space (to encourage the provision of common open space through efficient site design); and
- f. the proposal promotes the objective of Public services (to encourage optimum use of available public utilities, streets and community facilities).

The Approval is subject to the following conditions:

- 1) revision of the Final Plat to either show that Old Shell Road has an existing compliant right-of-way, or dedication should be made to provide 50' from the centerline
- 2) retention of the 25-foot minimum building setback line, adjusted for dedication, if necessary;
- 3) retention of the lot size label in both square feet and acres on the Final Plat, or the furnishing of a table on the Final Plat providing the same information, adjusted for dedication, if necessary;
- 4) coordination with staff regarding tree plantings and compliance at the time of permitting;
- 5) provision of a photometric site plan at the time of permitting;
- 6) revision of the site plan to correctly indicate the number of parking spaces;
- 7) revision of the site plan to state that all dumpsters on site will comply with Section 64-4.D.9. of the Zoning Ordinance;
- 8) obtaining private property tree permits prior to removing any existing trees on-site;
- 9) obtaining demolition permits for each existing building on the subject site to be removed;
- 10) revision of the site plan to either indicate that the gate will be electronically controlled, or provide sufficient queuing spaces on private property;
- 11) compliance with the Engineering comments: *(Retain SITE NOTES #3 - #8, as shown on the PLANNED UNIT DEVELOPMENT drawing SHEET 1 of 1.);*
- 12) placement of a note on the Final Plat stating the Traffic Engineering comments: *(Lot is limited to one curb cut as illustrated on the approved PUD, with any changes in size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.);*
- 13) compliance with the 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 [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts*

1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.);

- 14) compliance with the 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.);* and
- 15) provision of two Planned Unit Development site plans (hard copy and .pdf) prior to the signing of the Final Plat.

Rezoning: Based on the preceding, this application is recommended for Approval for the following reasons:

- a) changing conditions in a particular area make a change in the Ordinance necessary and desirable; and
- b) there is a need to increase the number of sites available to business or industry.

The approval should be subject to the following conditions:

- 1) completion of the Subdivision process; and
- 2) full compliance with all municipal codes and ordinances.

LOCATOR MAP



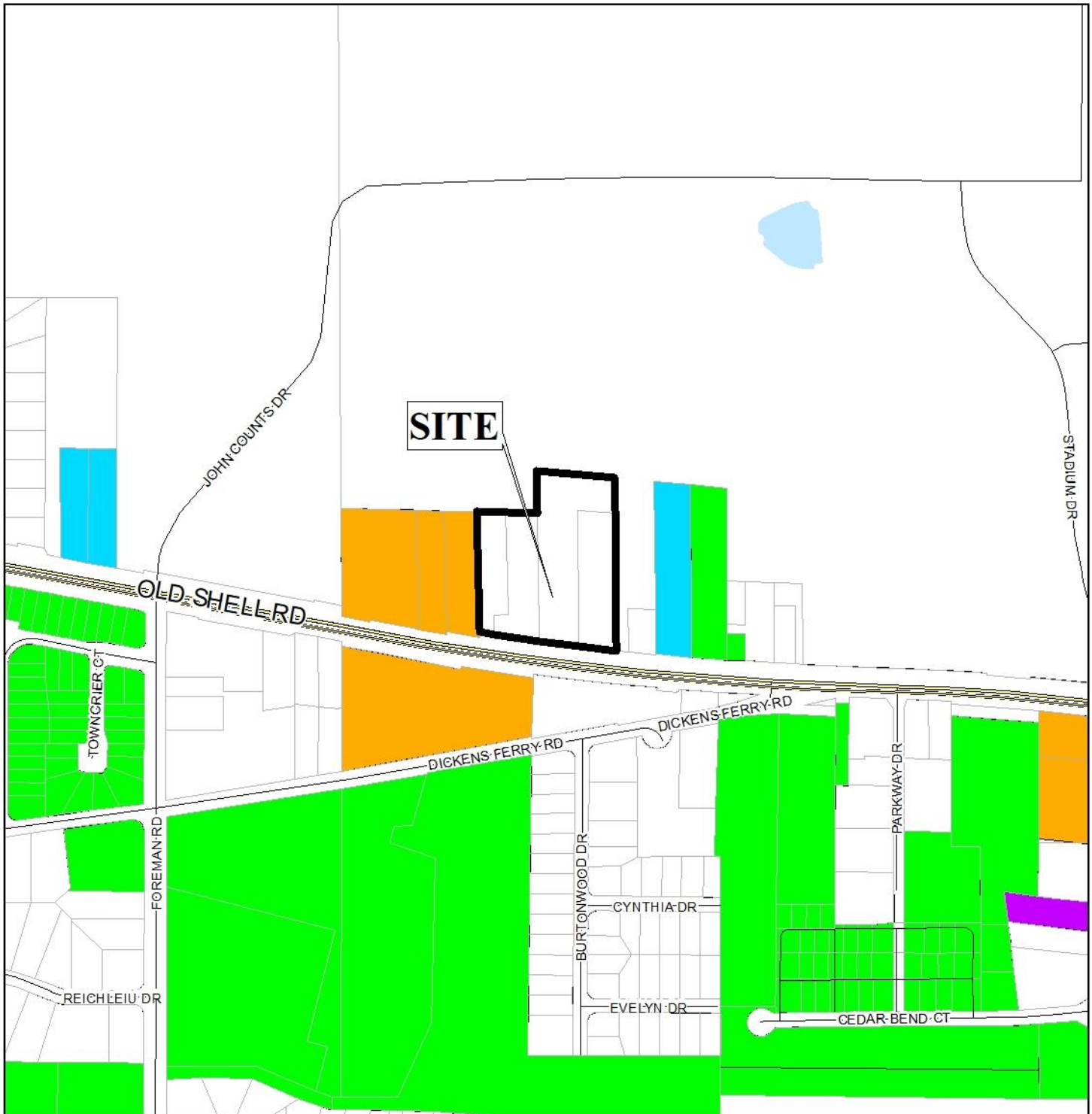
APPLICATION NUMBER 12 DATE June 17, 2021

APPLICANT Creed Subdivision

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



LOCATOR ZONING MAP



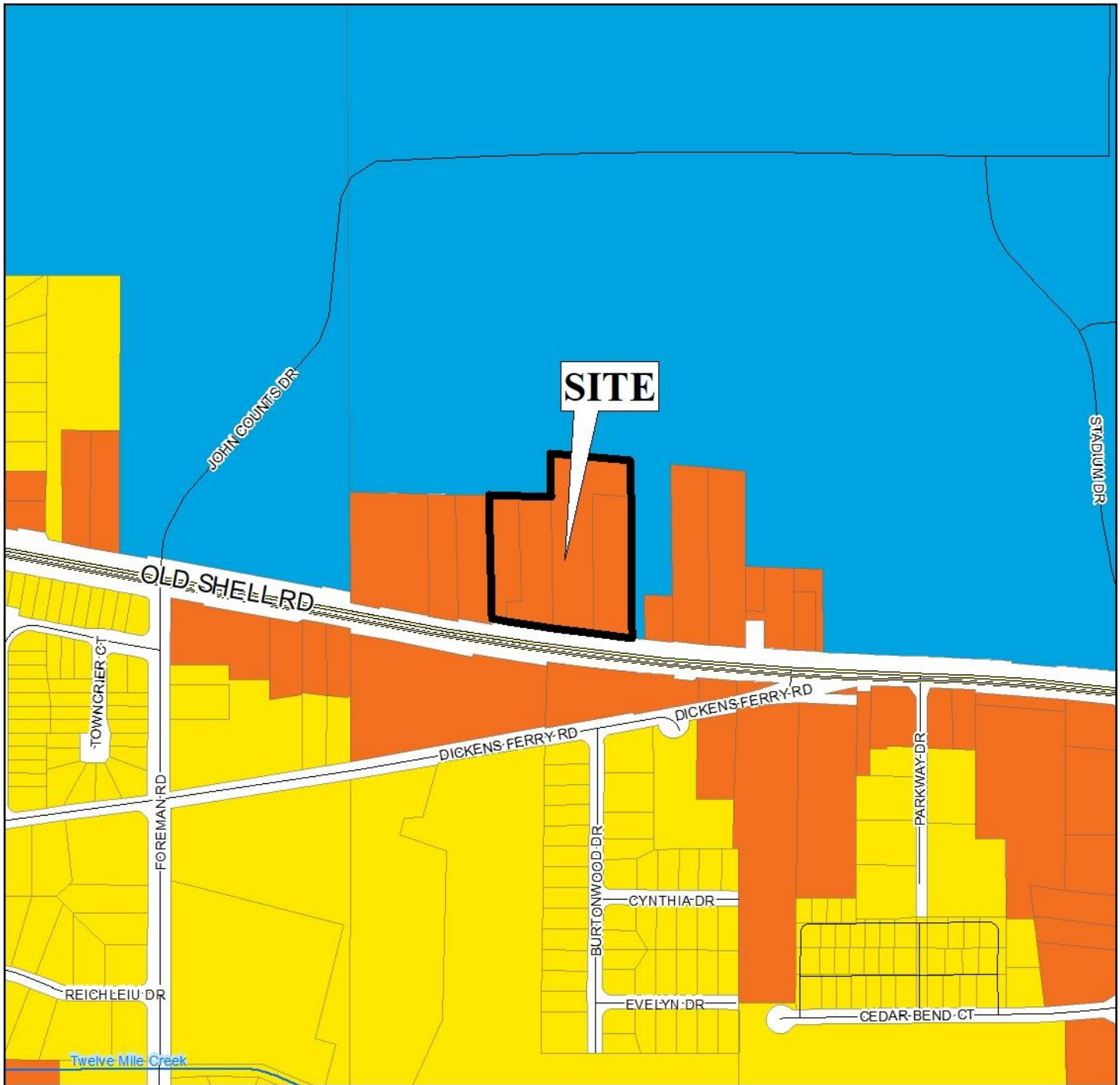
APPLICATION NUMBER 12 DATE June 17, 2021

APPLICANT Creed Subdivision

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



FLUM LOCATOR MAP



APPLICATION NUMBER 12 DATE June 17, 2021

APPLICANT Creed Subdivision

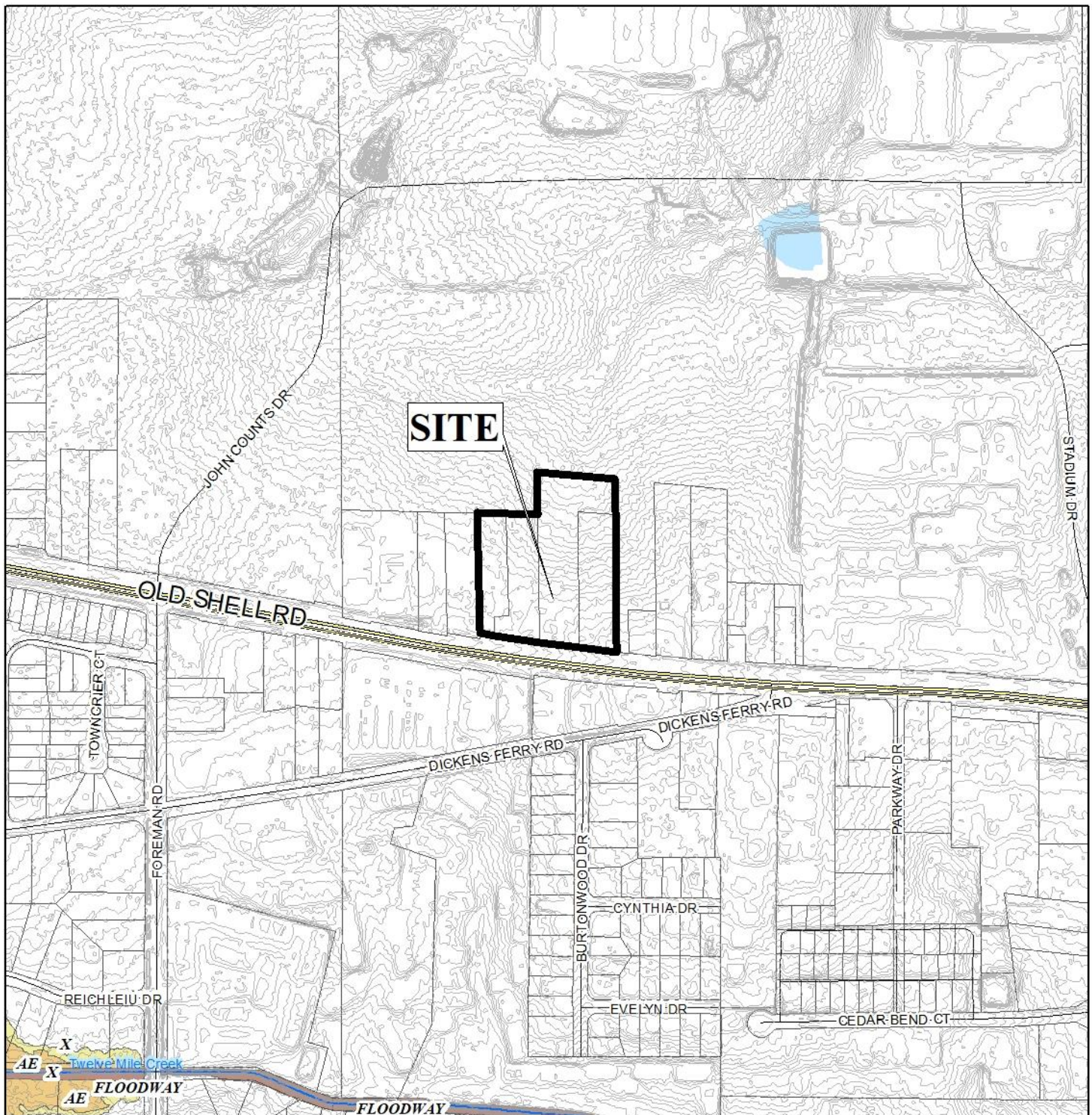
REQUEST Subdivision, PUD, Rezoning from R-1 to R-3

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, Rezoning from R-1 to R-3



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial and residential units.

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REQUEST Subdivision, PUD, 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



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial and residential units.

APPLICATION NUMBER 12 DATE June 17, 2021
 APPLICANT Creed Subdivision
 REQUEST Subdivision, PUD, Rezoning from R-1 to R-3



SITE PLAN



The site plan illustrates the existing trees and sheds to be removed, proposed buildings, and proposed parking.

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



