

ZONING AMENDMENT STAFF REPORT**Date: June 2, 2011****NAME**

Gerald T. Still

LOCATION2350 Demetropolis Road
(West side of Demetropolis Road, 1900'± South of Cottage Hill Road)**CITY COUNCIL
DISTRICT**

District 4

PRESENT ZONING

R-1, Single-Family Residence District

PROPOSED ZONING

R-3, Multiple-Family Residential District

AREA OF PROPERTY

12.5 ± Acres

CONTEMPLATED USE

Rezoning from R-1, Single-Family Residential District, to R-3, Multiple-Family Residential District, to allow an assisted living facility.

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**

Construction to begin by April 2012

**ENGINEERING
COMMENTS**

Must comply with all storm water and flood control ordinances. Any increase in impervious area in excess of 4,000 square feet will require detention. Detention required to provide at a minimum of a 100 year storm event with a 2 year release rate and discharge from site shall not be concentrated onto adjacent property without release agreement from downstream property owner. Any work performed in the right of way will require a right of way permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer.

**TRAFFIC ENGINEERING
COMMENTS**

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Both lanes of the boulevard entrance are twenty feet wide. Narrow the lanes to between twelve and fourteen feet to prevent two lanes of traffic.

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). Tree removal permits are required from Urban Forestry before removing or trimming 24" DBH or larger Live Oak Trees. Coordinate with Urban Forestry to revise site plan to save all 35" and larger Live Oak Trees where possible.

FIRE DEPARTMENT**COMMENTS**

All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.

REMARKS

The applicant is requesting rezoning from R-1, Single-Family Residential District, to R-3, Multiple-Family Residential District, to allow an assisted living facility.

The applicant specifically is proposing to develop an assisted living facility for the elderly, with the following mix of units:

75 Independent living apartments (studio, one and two bedroom)

50 Assisted living apartments (studio, one and two bedroom)

20 Dementia care apartments (studio only)

145 total units, containing 180 beds

Review of the proposed scope of services provided by the applicant has led staff to the determination that an application for Planning Approval will be required, as the dementia care aspect triggers a "nursing home" categorization, which requires Planning Approval in an R-3 district. A Planning Approval application has been submitted, and is scheduled for the June 16, 2011 meeting of the Planning Commission.

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 has not clearly stated which of the above conditions apply to the application at hand, however, it is apparent that the proposed use requires a rezoning of the site. The applicant should provide a statement outlining the reasons for the requested rezoning.

The site appears to be depicted as residential on the General Land Use Component of the Comprehensive Plan, which is meant to serve as a general guide, not a detailed lot and district plan or mandate for development. The accuracy of recommended land uses on the General Land Use Component map is limited due to the large scale of the map. Moreover, the General Land Use Component allows the Planning Commission and City Council to consider individual cases based on additional information such as the classification request, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and zoning classification.

The applicant is also aware that an application for Subdivision will be required, and will submit an application if the Zoning request is approved.

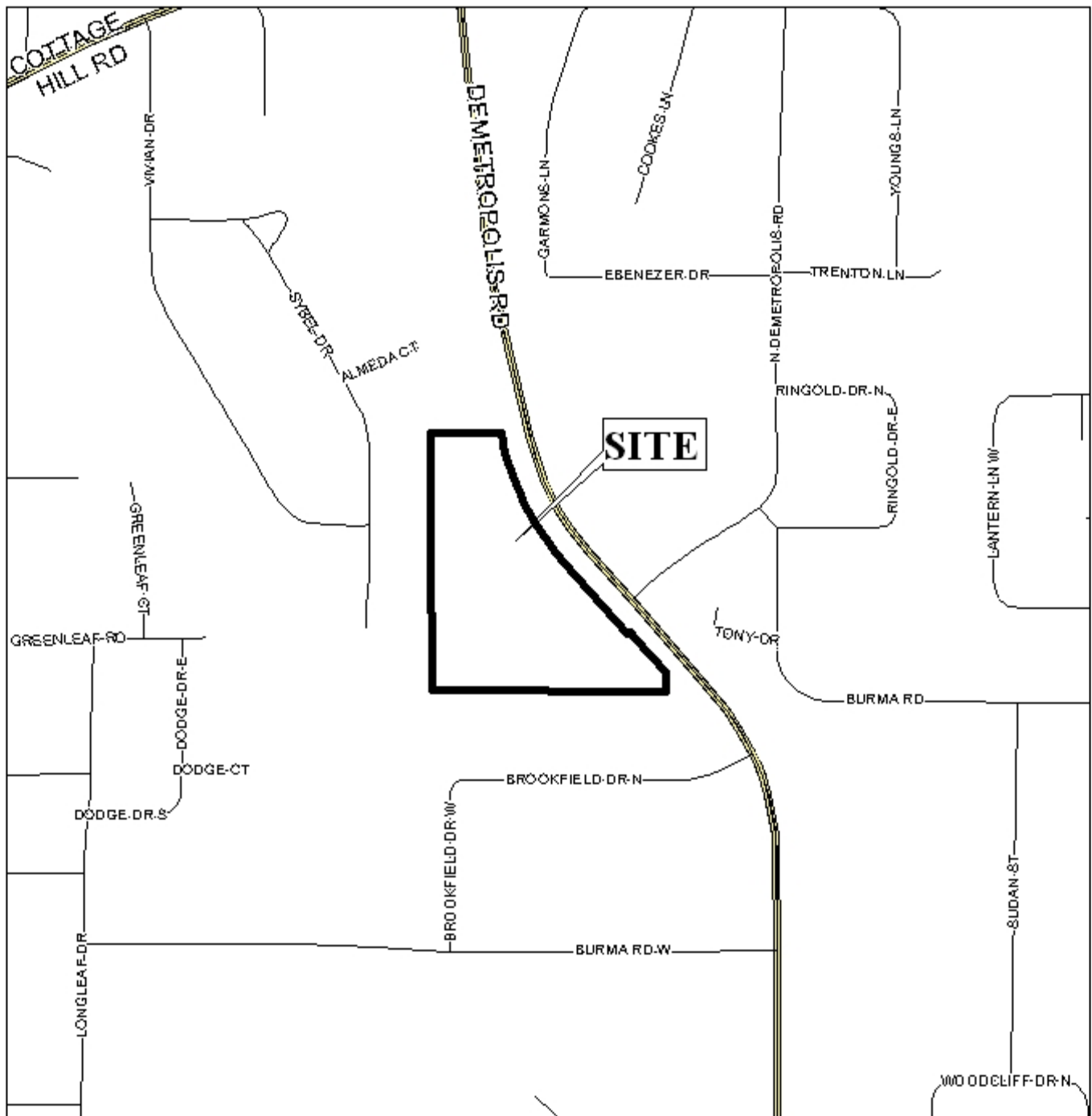
It appears that the site size information on the provided site plan is incorrect. The size information should be revised to reflect the actual size of the site in acres and square feet (8.6 acres \pm versus staff's estimate of 12.5 acres \pm).

Finally, it should be pointed out that Planning Approval review is site plan specific, and as such, documentation of compliance with the tree and landscaping requirements of the Zoning Ordinance will be required as part of the application.

RECOMMENDATION Based on the preceding, the rezoning request is recommended for Holdover until the June 16 meeting, with the following revisions due by Tuesday, June 7th:

- 1) justification of rezoning according to at least one of the four conditions listed in Section 64-9. of the Zoning Ordinance; and
- 2) correction of any data errors as it relates to property size depicted on the site plan.

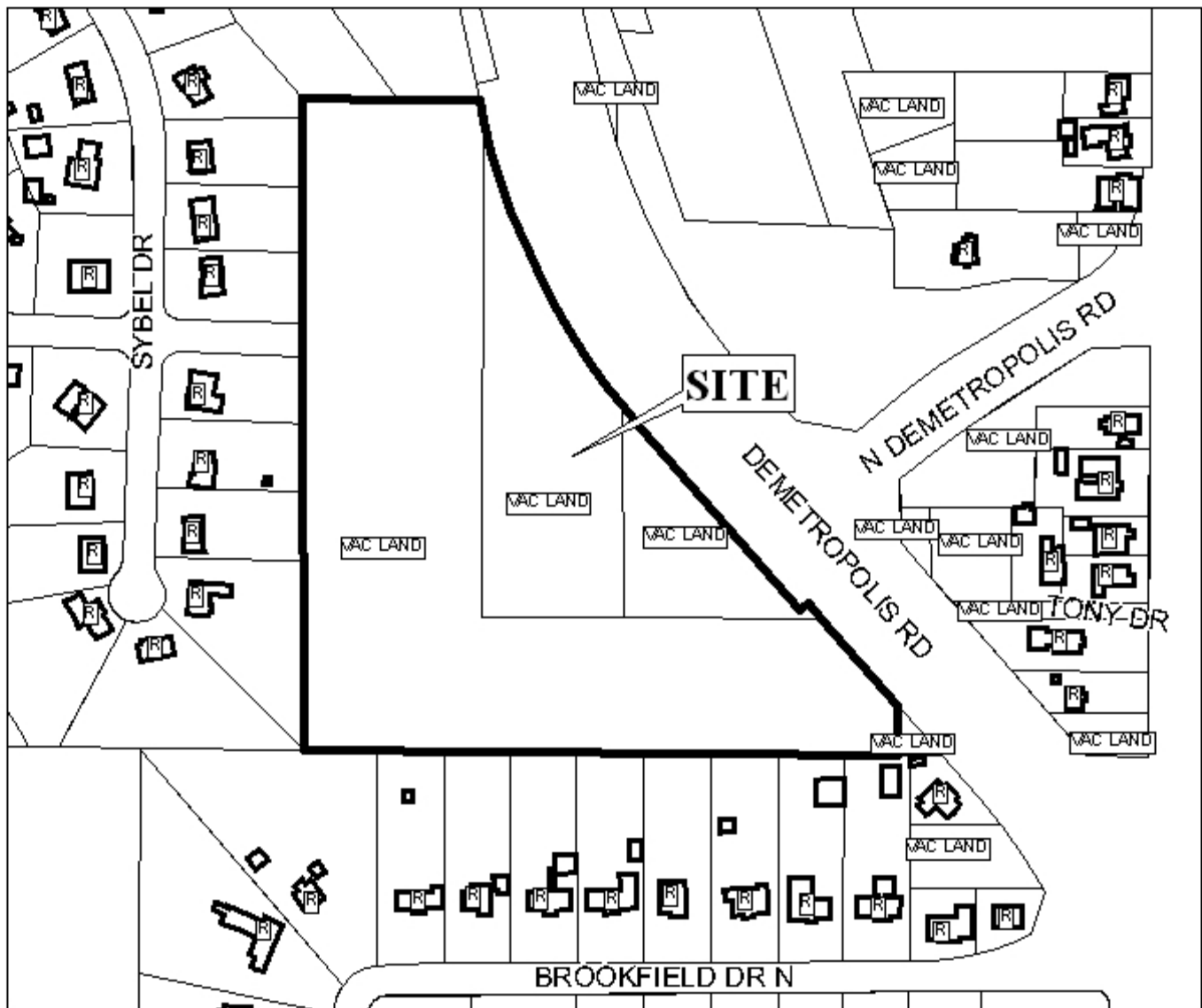
LOCATOR MAP



APPLICATION NUMBER 13 DATE June 2, 2011
APPLICANT Gerald T. Still
REQUEST Rezoning from R-1 to R-3



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by single-family residential units.

APPLICATION NUMBER 13 DATE June 2, 2011

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REQUEST Rezoning from R-1 to R-3

LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	T-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2
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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING

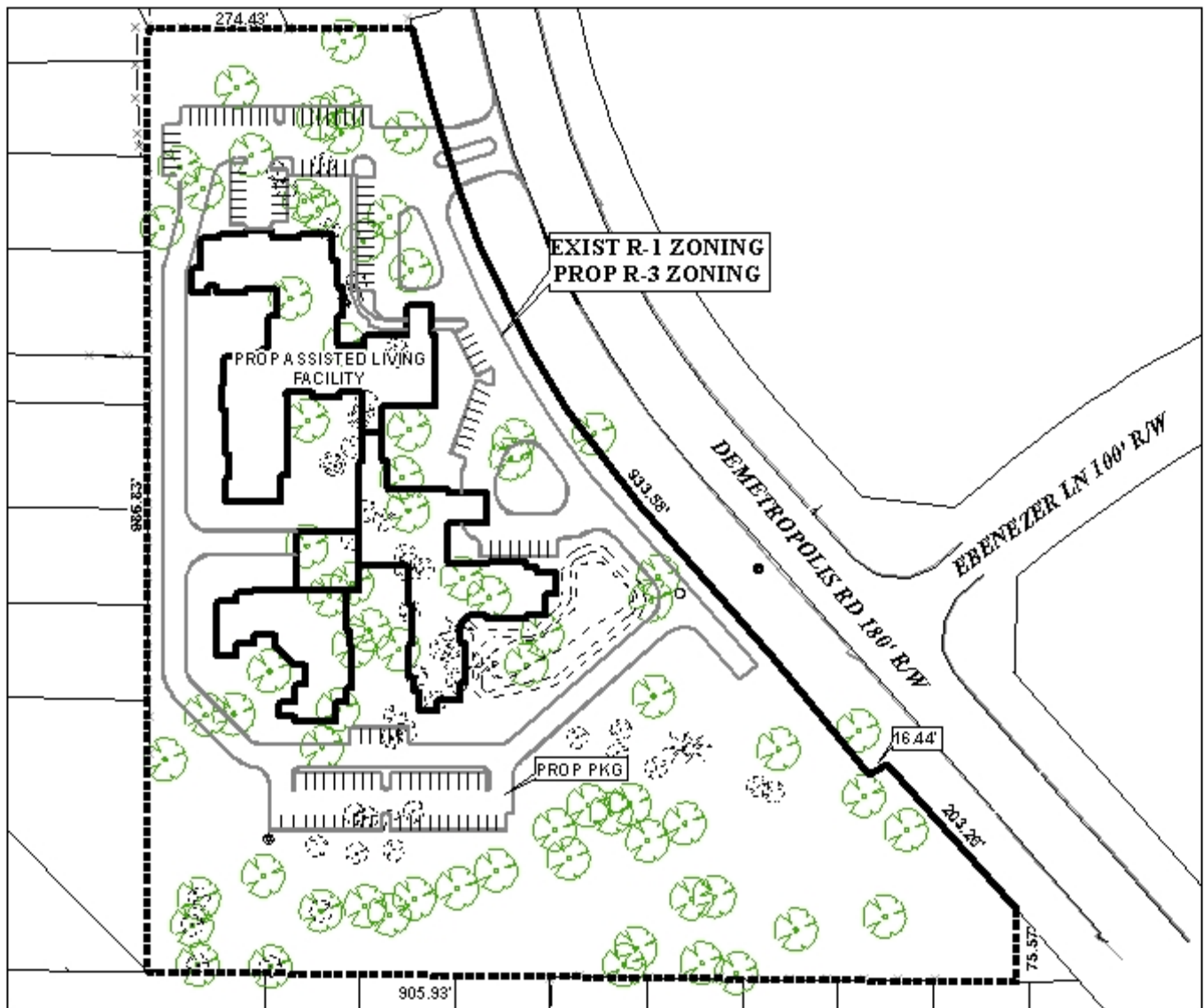


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SITE PLAN



The site plan illustrates the proposed assisted living facility.

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