

ZONING AMENDMENT,
PLANNED UNIT DEVELOPMENT &
SUBDIVISION STAFF REPORT

Date: December 21, 2006

<u>NAME</u>	University of South Alabama Foundation
<u>SUBDIVISION NAME</u>	The Madeira of Mobile Subdivision
<u>LOCATION</u>	West side of South University Boulevard, 750'+ South of Old Shell Road, extending to the North termini of Barbara Mitchell Drive East, General Bullard Avenue, and Westfield Avenue, and extending to the East side of Long Street, 900'+ South of Old Shell Road.
<u>CITY COUNCIL DISTRICT</u>	District 5
<u>PRESENT ZONING</u>	B-1, Buffer Business, B-2, Neighborhood Business, and B-3, Community Business
<u>PROPOSED ZONING</u>	B-1, Buffer Business
<u>AREA OF PROPERTY</u>	17.5 ± Acres
<u>CONTEMPLATED USE</u>	<p>Rezoning from B-1, Buffer Business, B-2, Neighborhood Business, and B-3, Community Business, to B-1, Buffer Business, to eliminate split zoning in a commercial subdivision and to allow an apartment complex, and unspecified commercial use, Planned Unit Development Approval for multiple buildings on a single building site for a 240 unit residential apartment complex, and Subdivision of four parcels into three lots.</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</u>	Immediate
<u>ENGINEERING COMMENTS</u>	<p>Flood zone should be depicted on plat based on the flood zone limits from FIRM maps, not based on elevation. Show minimum finished floor elevation on each lot. Show drainage easements. Must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit.</p>

TRAFFIC ENGINEERING**COMMENTS**

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.

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).

Preservation status is to be given to the 60" Live Oak Tree located on the East side of Lot 1. Any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.

FIRE DEPARTMENT**COMMENTS**

No comments.

REMARKS

The applicant is requesting rezoning from B-1, Buffer Business, B-2, Neighborhood Business, and B-3, Community Business, to B-1, Buffer Business, to eliminate split zoning in a commercial subdivision and to allow an apartment complex, and unspecified commercial use, Planned Unit Development approval for multiple buildings on a single building site for a 240 unit residential apartment complex, and Subdivision of four parcels into three lots. Multi-family residential dwellings are allowed by right in B-1, Buffer Business Districts.

The site, which is undeveloped, is bounded to the South by single-family homes in an existing R-1, Single-Family Residential District, to the West by an unopened public right-of-way and undeveloped land with R-1 and R-3 zoning districts, to the North by undeveloped land that is a mixture of R-1 and B-2 zoning districts, and to the East by University Boulevard and a portion of the University of South Alabama campus in a B-2 district and single-family residential uses in an R-1 district.

The site fronts onto University Boulevard, a major street with adequate right-of-way. The southern boundary of the site is intersected by street-stubs for Westfield Avenue, General Bullard Avenue, and Barbara Mitchell Drive East. The West side of the site is bounded by the unopened right-of-way for Long Street.

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, stated in Section 64-5. of the Zoning Ordinance, 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 any changes to the site plan must be approved by the Planning Commission.

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 site is depicted as a mix of commercial and residential uses 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. 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's accompanying Subdivision application necessitates the rezoning in order to correct a split-zoning condition that would occur if the subdivision is approved.

The applicant is proposing a 240 unit apartment complex with five (apparently three-story) apartment buildings and a community building with an outdoor pool. Five multi-car garages and ten multi-car carport accessory structures are proposed. It appears that 389 parking spaces plus parking spaces within garages will be provided, which exceeds the 360 spaces required by the Zoning Ordinance (however, calculations were not made for the "community" building, and no size has been provided for this structure – it appears that total parking will still be sufficient).

Access to the proposed apartment developed will be via University Boulevard: no access points are proposed to Westfield Avenue, General Bullard Avenue, or Barbara Mitchell Drive, to the south of the site, or to Long Street, the unopened right-of-way on the West side of the site. Proposed lot 1 will have approximately 210 feet of frontage onto University Boulevard, while lot 2 will have approximately 538 feet, and lot 3 approximately 300 feet.

Access management is a concern due to the location of the proposed lots, the presence of a major street, and the numerous abutting streets. Lot 1 should be limited to one curb-cut onto University Boulevard and denied access to Westfield Avenue, General Bullard Avenue, and Long Street (until Long Street is constructed to city standards from the site North to Old Shell Road, at which time Lot 1 should be limited to two curb-cuts). Proposed Lots 2 and 3 should be limited to two

curb-cuts each onto University Boulevard. Lot 3 should additionally be denied access to Barbara Mitchell Drive East. The size, design and location of all curb-cuts must be approved by Traffic Engineering and meet AASHTO standards.

Internal vehicular circulation generally appears adequate, however, the parking area North of General Bullard Avenue does not provide adequate space for a fire truck to turn around. The applicant should consult with Fire Rescue to ensure that the internal vehicular circulation system meets their requirements, and the site plan should be accordingly revised.

No pedestrian circulation is depicted on the site plan, however, sidewalks should be depicted. The site plan should be revised to depict sidewalks within the PUD and along the University Boulevard street frontage. It should be noted that the WAVE transit system appears to have a route along University Boulevard. It should also be pointed out that University Boulevard is a five-lane roadway at this location, without a median, and that it is likely that the proposed apartment complex would generate residential traffic associated with the University of South Alabama, potentially associated with E.R. Dickson Elementary School, as well as adjacent retail and food-related services.

The applicant is proposing a “multi-family” PUD residential development, and consequently, PUD landscape area requirements apply. Section 64-5.C.2. of the Zoning Ordinance requires 700 square feet of open space per dwelling unit, which cannot include streets, drainageways, parking areas, service areas and land covered by buildings. Furthermore, compliance with the tree and landscaping requirements of the Zoning Ordinance will be required due to the proposed B-1 zoning of the site. Therefore, the site plan should be revised to indicate compliance with the tree and landscaping requirements, as well as to provide the required calculations for the landscape area / open space. It should also be noted that it appears that the site will have more than adequate area devoted to landscaping.

Due to the extent of the proposed development, full compliance with the City’s stormwater regulations will be required. As PUD approval is site plan specific, and as a stormwater detention basin will likely be required, the applicant should consult with the Engineering Department and revise the site plan as necessary to depict any required stormwater detention area.

It should be noted that the Northwest portion of the site contains floodplains (and possibly wetlands) associated with Twelvemile Creek. The presence of floodplains (and possibly wetlands) indicate that the area may be environmentally sensitive; therefore, the approval of all applicable federal, state and local agencies would be required prior to the issuance of any permits or land disturbance activities. The Northwest portion of the site also appears to have significant elevation changes, thus the applicant should take proper precautions to minimize erosion and stream siltation during site clearing and development.

A location for a dumpster appears to be indicated on the site plan, however, the location is not labeled. The location of the storage area for the dumpster must be indicated on the site plan, and the location and required screening must comply Section 64-4.D.9. of the Zoning Ordinance, as well as with all other applicable regulations.

It also appears that two of the proposed carports on the West side encroach upon the required setback from Long Street, and three of the structures encroach upon the 25-foot setbacks that project from the street-stubs along the southern boundary of the site. The site plan should be revised to ensure that all structures meet setback requirements delineated in the Zoning Ordinance and the Subdivision Regulations, and that appropriate adjacency buffers are depicted where the site abuts residentially-developed property (residentially-zoned property that is undeveloped can remain unbuffered until such time the sites are developed with single-family homes).

The site abuts one land-locked parcel to the North, however, that parcel is owned by the University of South Alabama (or its foundation), and is adjacent to another parcel under the same ownership which fronts onto University Boulevard.

The minimum building setback line required in Section V.D.9. of the Subdivision Regulations is not shown for the lots, but would be required on the final plat and site plan. The minimum building setback line should be depicted from all street frontages, including the street stubs along the southern portion of the site.

RECOMMENDATION

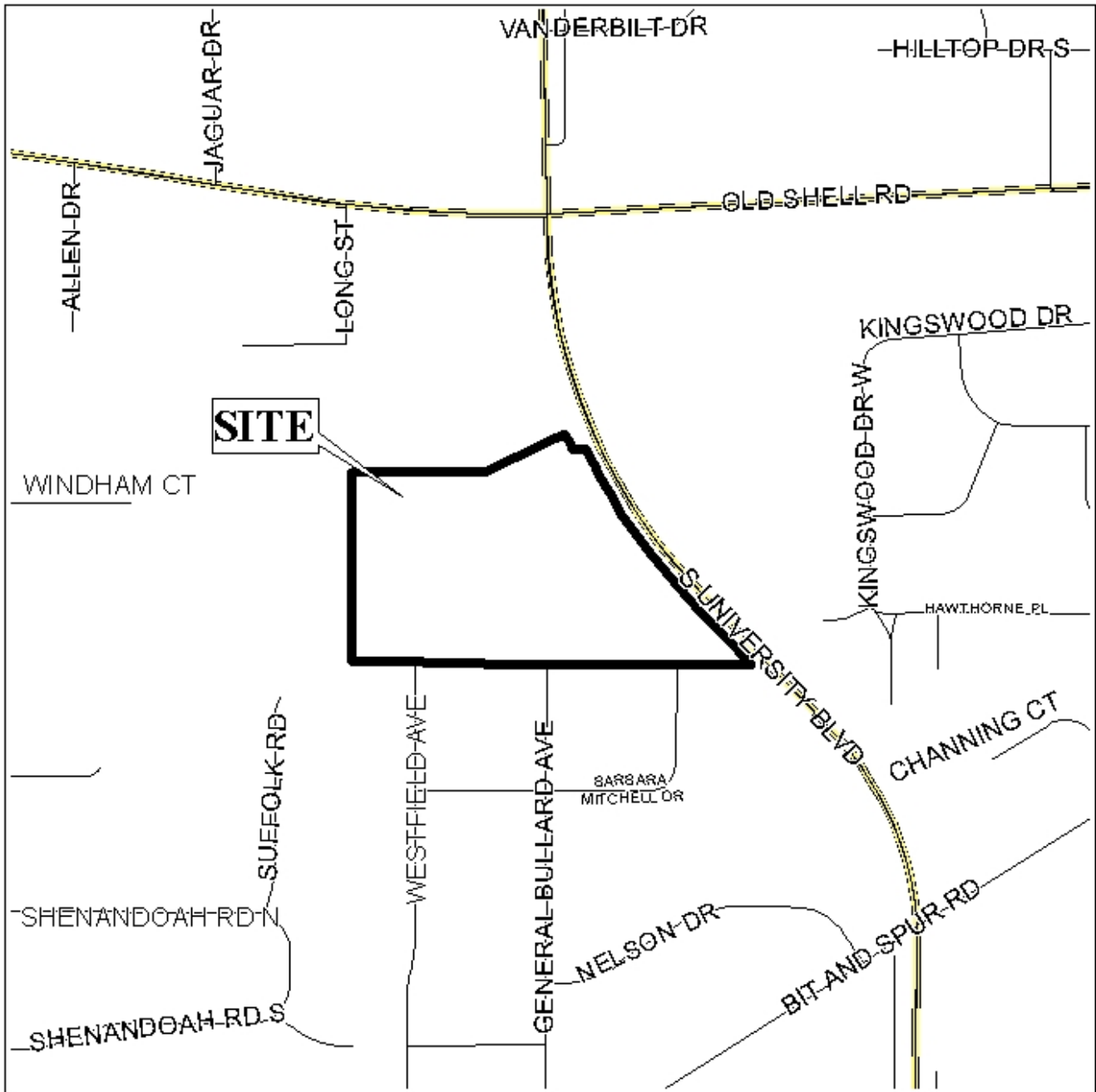
Rezoning: The rezoning request is recommended for Holdover until the January 18th meeting to accommodate revisions listed under the PUD and Subdivision recommendations.

Planned Unit Development: The PUD request is recommended for Holdover until January 18th, with revisions due to Urban Development by December 27th, to give the applicant time to address the following: 1) revision of the site plan and subdivision plat to depict compliance with Engineering comments (*Flood zone should be depicted on plat based on the flood zone limits from FIRM maps, not based on elevation. Show minimum finished floor elevation on each lot. Show drainage easements. Must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit.*); 2) revision of the site plan and subdivision plat to depict compliance with 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). Preservation status is to be given to the 60" Live Oak Tree located on the East side of Lot 1. Any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.*); 3) revision of the site plan to indicate the total number of parking spaces, including within garages, the total size of the "community building," the number of stories of all buildings, and labeling of the proposed pool; 4) consultation with Fire / Rescue to determine if modifications to the site plan are necessary to comply with their regulations, and revision of the site plan as appropriate; 5) revision of the site plan to depict compliance with the open space and tree and landscaping requirements of the Zoning Ordinance, including the necessary site calculations required by Section 64-5.C.2. of the Zoning Ordinance; 6) depiction and labeling of any required stormwater detention basins; 7) depiction and labeling of dumpster locations, with screening that complies with Section 64-4.D.9. of the Zoning Ordinance; 8) revision of the site plan to ensure that all proposed structures

meet setback requirements, and depicted of the minimum building setback line on both the site plan and the subdivision plat; 9) provision and depiction of a 10-foot wide vegetative buffer and 6 to 8 foot high privacy fence or wall where the portion of the site to be developed abuts adjacent R-1 districts that are developed with single-family residences; 10) placement of a note on the site plan stating that maintenance of all common areas and detention areas is the responsibility of the property owners; 11) placement of a note on the site plan stating that lighting shall be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic, per the requirements of Section 64-4.A.2. the Zoning Ordinance; 12) depiction of the pedestrian circulation system on the site plan, including the depiction of a sidewalk along University Boulevard; 13) placement of a note on the site plan and plat stating that the approval of all applicable federal, state and local agencies prior to the issuance of any permits or land disturbance activities; and 14) placement of a note on the site plan and subdivision plat stating that Lot 1 is limited to one curb-cut onto University Boulevard and denied access to Westfield Avenue, General Bullard Avenue, and Long Street (until Long Street is constructed to city standards from the site North to Old Shell Road, at which time Lot 1 should be limited to two curb-cuts), Lots 2 and 3 are limited to two curb-cuts each onto University Boulevard, that Lot 3 is denied access to Barbara Mitchell Drive East, and that the size, design and location of all curb-cuts must be approved by Traffic Engineering and conform to AASHTO standards.

Subdivision: The Subdivision request is recommended for Holdover until the January 18th meeting to accommodate the PUD revisions, and the following requirements: 1) revision of the plat to address Engineering Comments; 2) revision of the plat to place Forestry Comments as a note on the plat; 3) placement of a note on the plat stating that the approval of all applicable federal, state and local agencies prior to the issuance of any permits or land disturbance activities; 4) placement of a note on the site plan and subdivision plat stating that Lot 1 is limited to one curb-cut onto University Boulevard and denied access to Westfield Avenue, General Bullard Avenue, and Long Street (until Long Street is constructed to city standards from the site North to Old Shell Road, at which time Lot 1 should be limited to two curb-cuts), Lots 2 and 3 are limited to two curb-cuts each onto University Boulevard, that Lot 3 is denied access to Barbara Mitchell Drive East, and that the size, design and location of all curb-cuts must be approved by Traffic Engineering and conform to AASHTO standards; and 5) depiction of the minimum building setback line for all lots, from all street frontages.

LOCATOR MAP

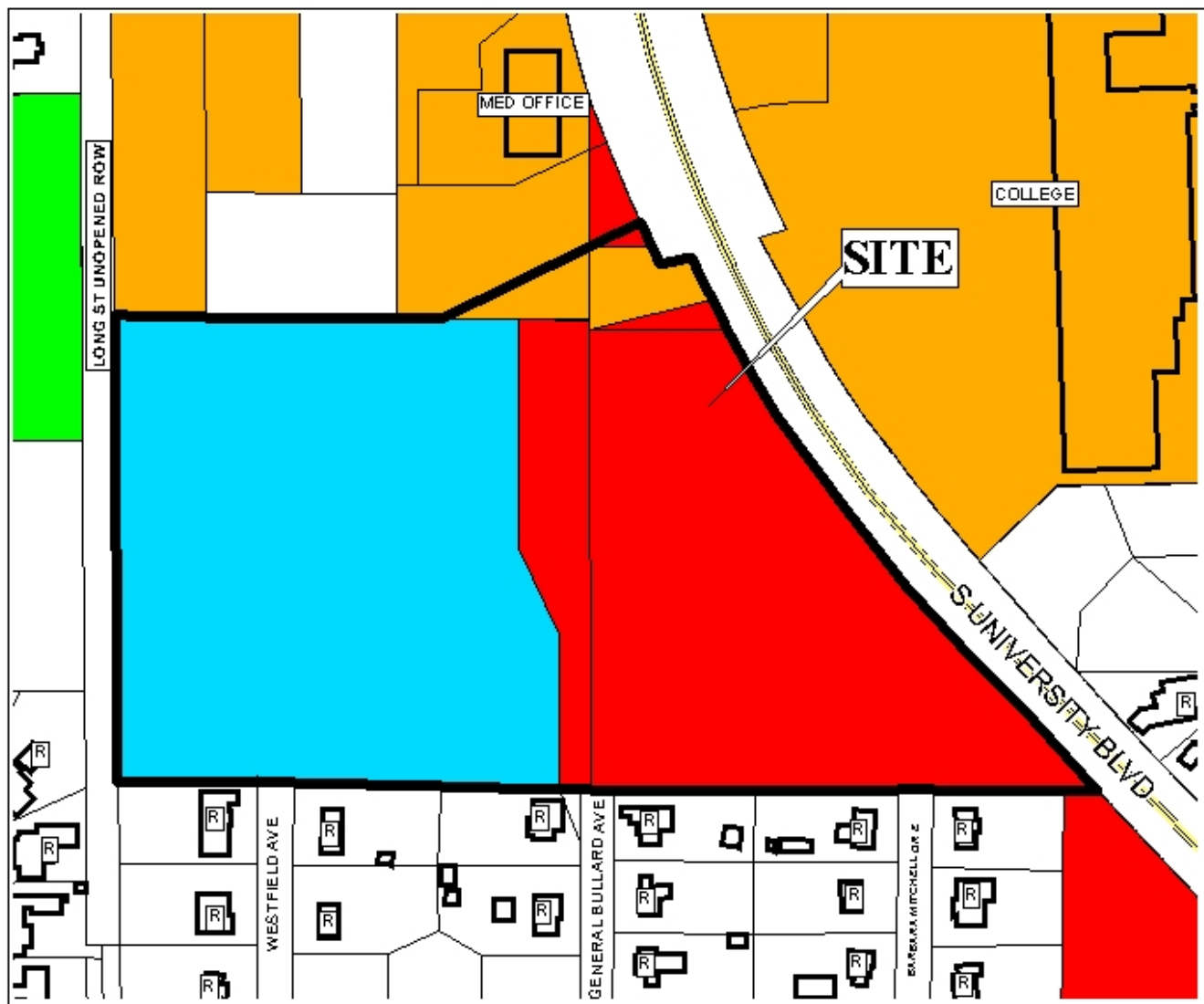


APPLICATION NUMBER 15 & 16 & 17 DATE December 21, 2006
APPLICANT University of South Alabama Foundation
REQUEST Subdivision, Planned Unit Development, Rezoning



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Single-family residential units are located to the south and east of the site.
Commercial sites and college facilities are located to the north of the site.

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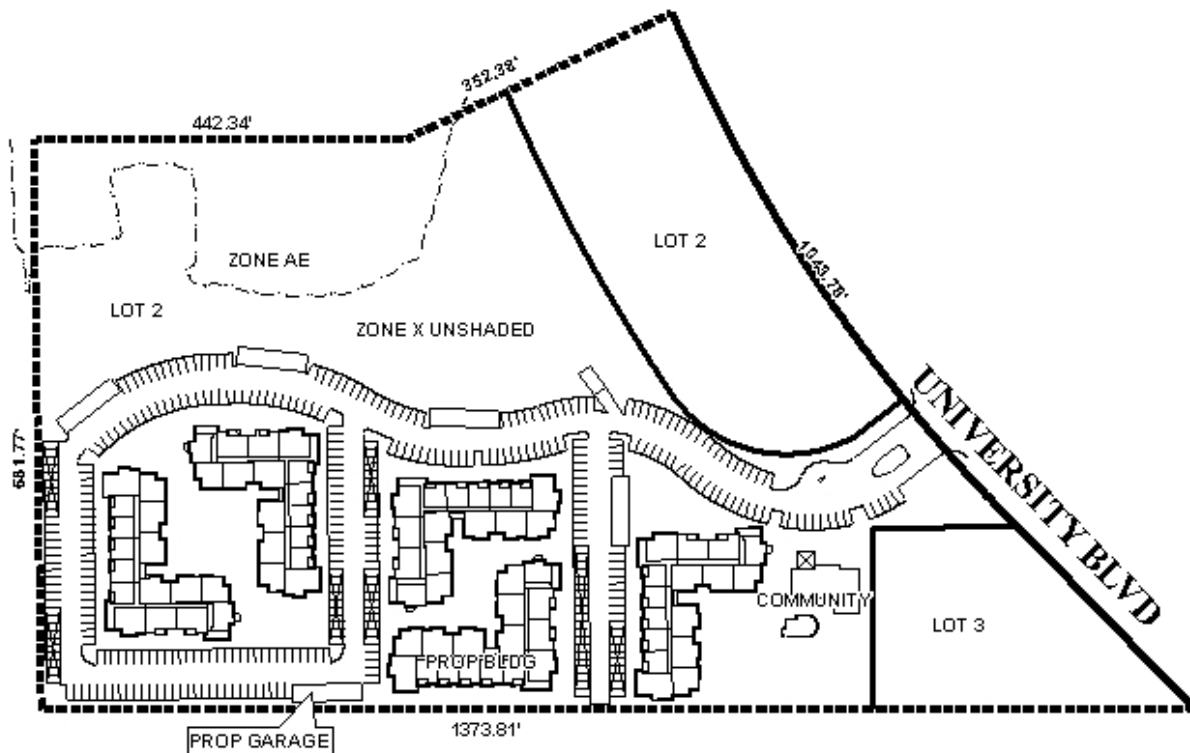
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LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2



SITE PLAN



The site plan illustrates the proposed development

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