

**REZONING, PLANNED UNIT DEVELOPMENT
& SUBDIVISION STAFF REPORT****Date: January 8, 2009****DEVELOPMENT NAME**

Moran Investments, Inc.

SUBDIVISION NAME

Somerby Subdivision, Resubdivision of Lot 1

LOCATIONEast side of Somerby Drive, 100'+ North of Somerby Lane
[private street]**CITY COUNCIL
DISTRICT**

City Council District 6

**PRESENT
ZONING DISTRICT**

R-1, Single-Family Residential

**PROPOSED
ZONING DISTRICT**

R-3, Multi-Family Residential

AREA OF PROPERTY

2 lots / 22.4± acres

CONTEMPLATED USE

Subdivision Approval to resubdivide a legal lot of record into two lots, Planned Unit Development Approval to allow 28 apartment buildings, clubhouse, leasing office, and a maintenance/carwash facility on a single building site, and Zoning Approval to rezone the site from R-1, Single-Family Residential District, to R-3, Multi-Family Residential District, to allow the construction of an apartment complex. **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**

Immediate

**ENGINEERING
COMMENTS**

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. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet. Need to verify that there is sufficient capacity for the receiving drainage system to accept drainage from this property.

**TRAFFIC ENGINEERING
COMMENTS**

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. A traffic impact study is required for this development.

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**

Shall comply with 2003 IFC – Appendices C and D with regard to adequate hydrant spacing, road widths and turn-arounds. Shall comply with Section 508.5.1.

REMARKS

The applicant is seeking Subdivision Approval to resubdivide a legal lot of record into two lots, Planned Unit Development Approval to allow allow 28 apartment buildings, clubhouse, leasing office, and a maintenance/carwash facility on a single building site, and Zoning Approval to rezone the site from R-1, Single-Family Residential District, to R-3, Multi-Family Residential District, to allow the construction of an apartment complex. The site is located in Council District 6, and according to the applicant is served by public water and sanitary sewer facilities.

The site fronts Somerby Drive, a minor street with sufficient right-of-way. No dedication is required.

As proposed, Lots 1 and 2 have approximately 517' and 754', respectively. As a means of access management, a note should be placed on the final plat stating that each lot is limited to three curb cuts, with the size, design, and location to be approved by Traffic Engineering and in conformance with AASHTO standards. For Lot 2, the site plan illustrates one double curb cut (two 24' wide drives separated by a median) and a one-way "exit only" curb cut. The applicant should be aware that Lot 2 will be limited to the approved Planned Unit Development site plan.

A 20' buffer strip is illustrated along the northern line of Lot 1; however, it is not required.

The Zoning Ordinance states that an amendment is to be made only when one or more of the following conditions prevail: there is a manifest error in the ordinance; changes in conditions in a particular area make a change in the ordinance necessary and desirable; an increased need for business or industrial sites in addition to sites that are available make it necessary and desirable to rezone an area or extend the boundaries of an existing district; the subdivision of land into urban building sites makes reclassification 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.

It is very important to note that Planned Unit Development review is site plan specific; therefore any future changes (parking, structure expansion, etc.) must be resubmitted for Planned Unit Development review, and be approved through the planning process. It should also be noted that the Planned Unit Development and Rezoning applications are for proposed Lot 2 only.

The applicant has not addressed any of the conditions for rezoning, as mentioned above; the applicant simply wishes to rezone Lot 2, in order to construct an apartment complex. The site is bounded to the North and West by residential property. Property to the South and East is commercial, which includes a gated assisted living retirement community. It should be noted that the maximum density of the proposed zoning would allow up to 345 dwelling units (only 240 are proposed).

The site plan illustrates 10 apartment buildings (all 3 stories and ranging from 6,000 to 10,000 square feet) and a club house (4,135 square feet). For the 240 units proposed, 401 parking spaces are provided (only 360 are required), 60 of which are covered/garage parking spaces. While the site plan complies with the minimum landscaping requirements, there is no depiction of trees. The applicant should be aware that a Tree Plan, in compliance with Section 64-4.E.3 of the Zoning Ordinance, will be required at the time of permitting.

As already mentioned, the applicant is proposing 240 units; therefore, consideration should be given to the amount of traffic that will be generated by the proposed use. The noticeable size of the site makes a Traffic Impact Study required in order to ensure that the number and location of access points will be safe and compatible with the surrounding area. The study should meet Institute of Transportation Engineers standards and must be reviewed and accepted by the Urban Development Department and City of Mobile Traffic Engineering Department.

The applicant should revise the site plan to illustrate a buffer, in compliance with Section 64-4.D of the Zoning Ordinance, where the site abuts residentially zoned property. Furthermore, as required by Section 64-6.A.3.c of the Zoning Ordinance, any lighting for the parking lot shall be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic.

Dumpster locations for the site are indicated on the site plan and in compliance with Section 64-4.D.9 of the Zoning Ordinance; however, the applicant should place a note on the site plan stating that dumpsters will be completely screened from view.

The applicant should also revise the site plan to provide a sidewalk along Somerby Drive.

Wetlands exist near the site. The presence of wetlands and floodplains 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 geographic area defined by the city of Mobile and its planning jurisdiction, including this site, may contain Federally-listed threatened or endangered species as well as protected non-

game species. Development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.

RECOMMENDATION

Subdivision: Based upon the preceding, the plat meets the minimum requirements of the Subdivision Regulations and is recommended for Tentative Approval, subject to the following conditions:

- 1) placement of a note on the final plat stating that each lot is limited to three curb-cuts onto Hillcrest Road, with the sizes, designs and locations to be approved by Traffic Engineering and in conformance with AASHTO standards;
- 2) placement of a note on the plat stating that approval of all applicable Federal, state and local agencies is required for wetland issues, if any, prior to the issuance of any permits or land disturbance activities;
- 3) placement of a note on the plat stating that the site must be developed in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species;
- 4) provision of a Traffic Impact Study meeting ITE standards, to be reviewed and accepted by Urban Development Department and City of Mobile Traffic Engineering prior to signing the final plat; and
- 5) subject to City Engineering comments: *(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. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet. Need to verify that there is sufficient capacity for the receiving drainage system to accept drainage from this property).*

Planned Unit Development: Based upon the preceding, this application is recommended for approval, subject to the following conditions:

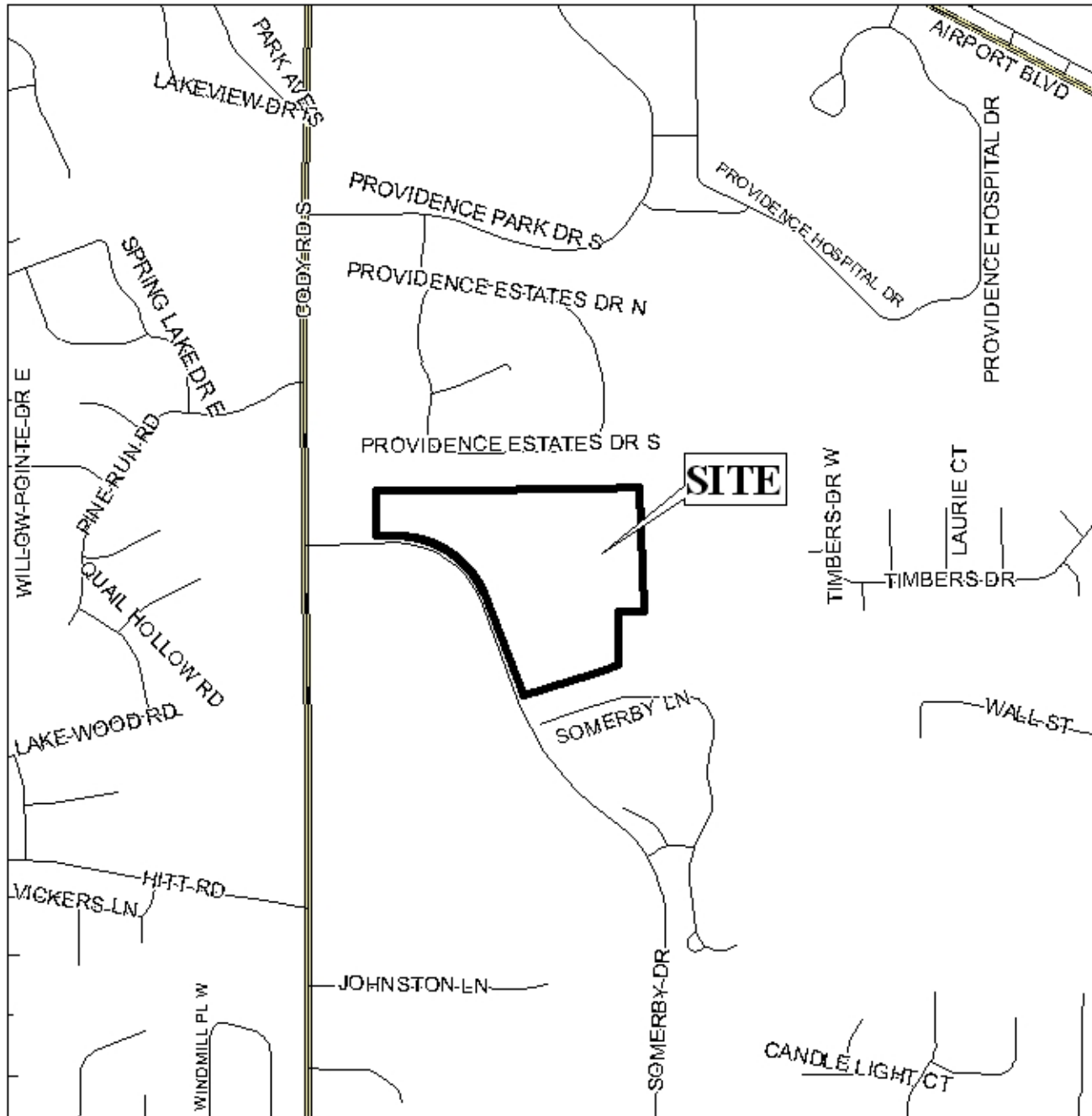
- 1) placement of a note on the site plan stating that curb cuts for the site are limited to the approved Planned Unit Development site plan with the sizes, designs and locations to be approved by Traffic Engineering and in conformance with AASHTO standards;
- 2) provision of buffering, in compliance with Section 64-4.D of the Zoning Ordinance, where the site abuts residentially zoned property;
- 3) placement of a note on the site plan stating that lighting of parking facilities will comply with Section 64-6.A.3.c of the Zoning Ordinance;
- 4) placement of a note on the site plan stating that dumpsters will be completely screened from view;
- 5) provision of a sidewalk along Somerby Drive;
- 6) placement of a note on the site plan stating that approval of all applicable Federal, state and local agencies is required for wetland issues, if any, prior to the issuance of any permits or land disturbance activities;
- 7) placement of a note on the site plan stating that the site must be developed in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species;

- 8) submission of a revised Planned Unit Development site plan to the Planning Section of Urban Development prior to the issuance of any permits or land disturbance activities;
- 9) provision of a Traffic Impact Study meeting ITE standards, to be reviewed and accepted by Urban Development Department and City of Mobile Traffic Engineering prior to signing the final subdivision plat; and
- 10) subject to City Engineering comments: *(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. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet. Need to verify that there is sufficient capacity for the receiving drainage system to accept drainage from this property).*

Rezoning: Based on the preceding, this application is recommended for approval, subject to the following conditions:

- 1) completion of the subdivision process; and
- 2) development limited to an approved Planned Unit Development site plan;
- 3) full compliance with all municipal codes and ordinances.

LOCATOR MAP



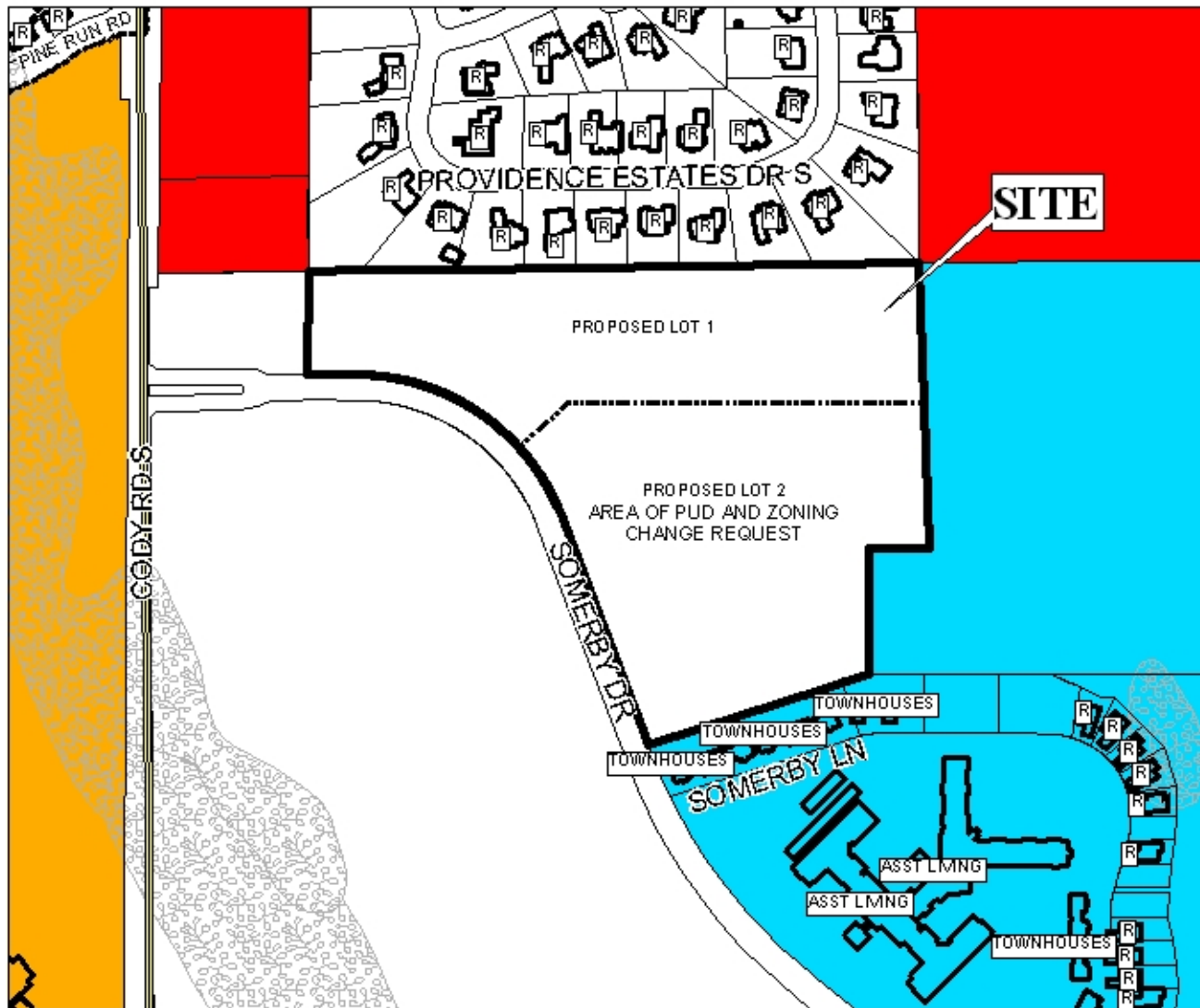
APPLICATION NUMBER 16,17,& 18 DATE January 8, 2009

APPLICANT Somerby Subdivision, Resubdivision of Lot 1

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



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Single family residential units are located to the north of the site and an assisted living facility is located to the south.

APPLICATION NUMBER 16,17,& 18 DATE January 8, 2009

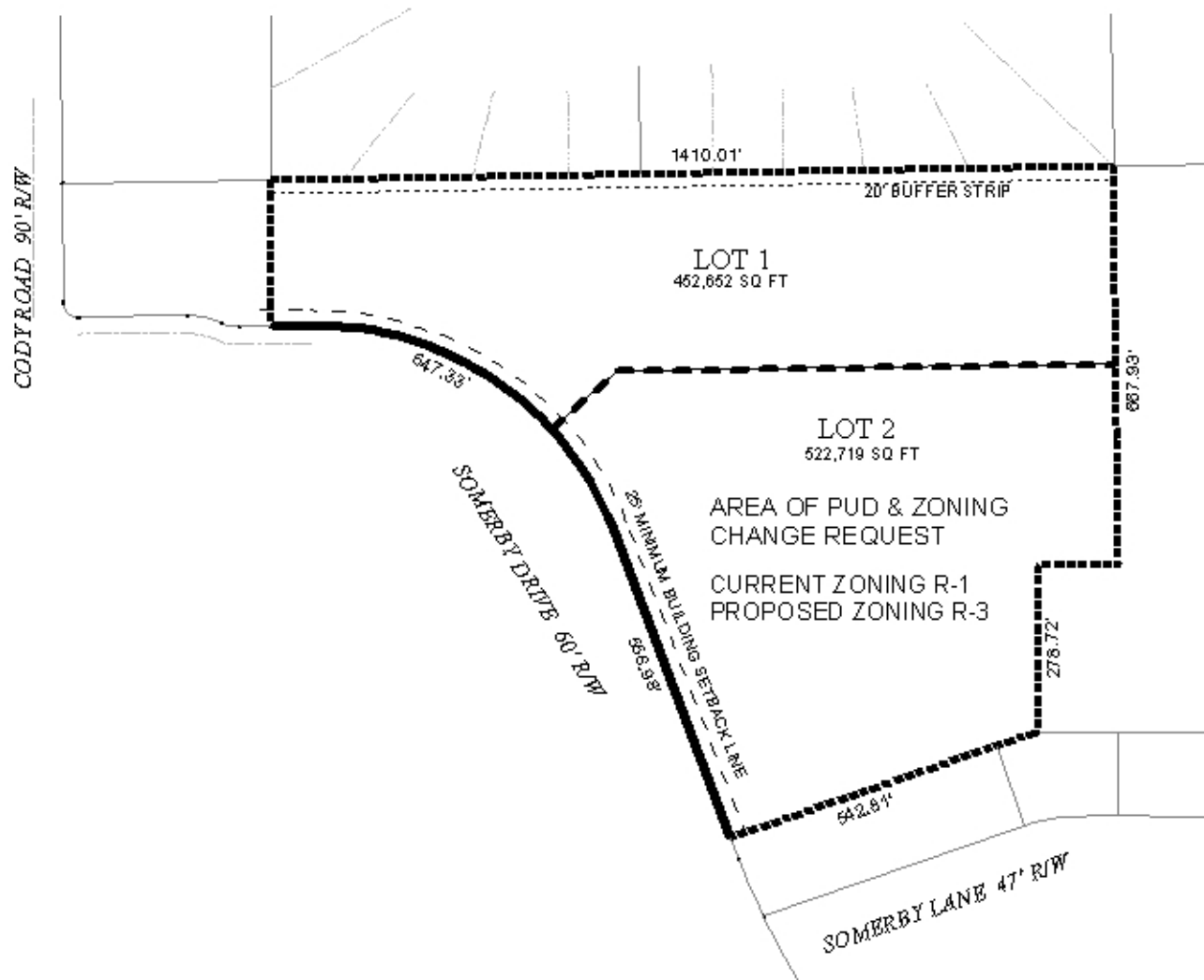
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N
NTS

SUBDIVISION AND ZONING DETAIL



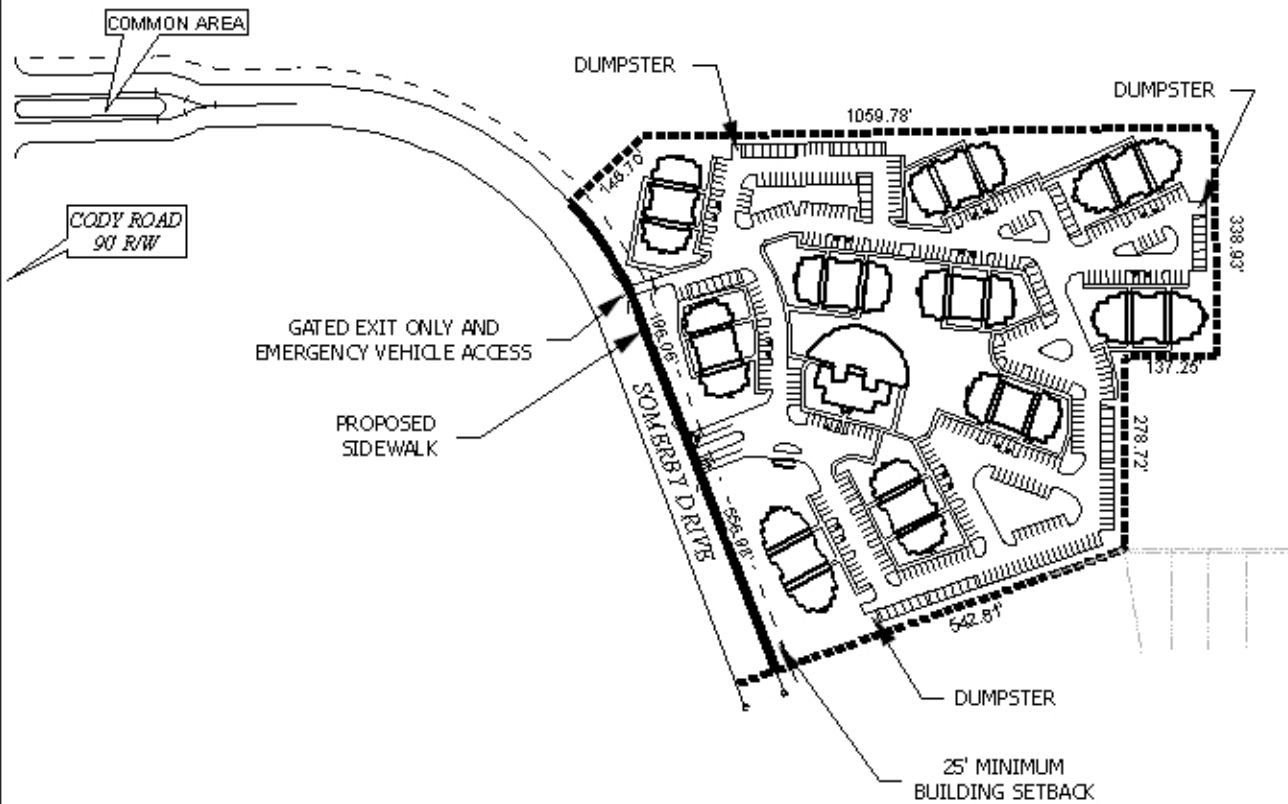
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N
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SITE PLAN



The building locations, drives, parking, and setbacks are illustrated in the site plan.

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