

ZONING AMENDMENT,
PLANNED UNIT DEVELOPMENT &
SUBDIVISION STAFF REPORT

Date: September 21, 2006

<u>NAME</u>	David R. Coley, III (Robert S. Coley, Agent)
<u>SUBDIVISION NAME</u>	Coley's Addition to Grelot Road Subdivision
<u>LOCATION</u>	Northeast and Northwest corners of Grelot Road and Somerby Drive
<u>CITY COUNCIL DISTRICT</u>	District 6
<u>PRESENT ZONING</u>	R-1, Single-Family Residential, R-3, Multi-Family Residential and B-2, Neighborhood Business
<u>PROPOSED ZONING</u>	R-3, Multi-Family Residential and B-2, Neighborhood Business
<u>AREA OF PROPERTY</u>	5 Lots/ 57.1± Acres
<u>CONTEMPLATED USE</u>	<p>Rezoning from R-1, Single-Family Residential and B-2, Neighborhood Business, to R-3, Multi-Family Residential district, to allow a residential apartment complex, and Planned Unit Development Approval to allow a 12-building, 316-unit apartment complex on a single building site.</p> <p>Rezoning from R-1, Single-Family Residential and R-3, Multi-Family Residential, to B-2, Neighborhood Business to allow an unspecified use.</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>	Immediately
<u>ENGINEERING COMMENTS</u>	The contractor that built Somerby Drive has not yet made the necessary repairs to the existing drainage system that were a condition of the COM accepting

the road for maintenance. Therefore, the Engineering Department recommends no approval of the final plat until the necessary repairs have been completed and accepted by the COM. Engineering recommends dedication of drainage easement at any place public water crosses the property, from the top-of-bank to top-of-bank plus 15 feet on one side to allow for maintenance vehicles.

Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit. The applicant is responsible for verifying if the site contains wetlands. The site can be checked against the National Wetlands Inventory on the COM web site Environmental Viewer. If the site is included on the NWI, it is the applicant's responsibility to confirm or deny the existence of regulatory wetlands.

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).

FIRE DEPARTMENT

COMMENTS

All commercial projects shall comply with the 2003 International Fire Code and Appendices B through G, as adopted by the City of Mobile on July 6, 2004. All One- or Two-Family residential developments shall comply with Appendices B, C, and D of the 2003 International Fire Code, as adopted by the City of Mobile on July 6, 2004.

REMARKS

The applicant is requesting Rezoning, from R-1, Single-Family Residential and B-2, Neighborhood Business, to R-3, Multi-Family Residential district, to allow a residential apartment complex, and Planned Unit Development Approval to allow a 12-building, 316-unit residential apartment complex on a single building site. Residential apartments are allowed by right in R-3, Multi-Family Residential Districts. The applicant is also requesting rezoning from R-1, Single-Family Residential and R-3, Multi-Family Residential, to B-2, Neighborhood Business to allow an unspecified use.

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 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. 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.

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 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 concerning the PUD is currently undeveloped and zoned R-1, Single-Family Residential; R-3, Multi-Family Residential; and B-2, Neighborhood Business. The applicant proposes to develop Lot 2 to accommodate a 12-building, 316-unit apartment complex. The site plan depicts “building footprints” that will be separated from each other by a minimum of 30-feet, with the maximum separation of 130-feet, and all “building footprints” will be a minimum of 40-feet from the front property line, 15-feet from the side property lines, and at least 30-feet from rear property line. The applicant proposes the change in zoning for Lot 3, from R-1, Single-Family to R-3 (No site plan submitted); Multi-Family; Lots 1 and 4 from R-1, Single-Family Residential to B-2, Neighborhood Business; and Lot 5 would remain R-1, Single-Family Residential.

The apartment complex proposed for Lot 2 would not exceed the maximum density allowed within R-3, Multi-Family districts, which equates to approximately 26-units per acre. The Zoning Ordinance requires a minimum gross site area of 479,000 square feet for 316 dwelling units in an R-3 district, which equates to an average gross site area of 1,515 square feet per dwelling unit. Moreover, the proposed density of 3,262 square feet per dwelling unit for the development is *half* of the density allowed in R-3, Multi-Family districts.

The site as proposed would be surrounded to the North by undeveloped land within an R-1 district. An R-3 district containing apartments is located adjacent to the West, while a commercial zoning district is proposed to the South and East of the site.

The site fronts Grelot Road, a major street as illustrated on the Major Street Plan, which has the required 100-foot right-of-way, and Somerby Drive, a minor street that serves an existing age-in-place retirement village and a large undeveloped area which also has access to Cody Road South.

As the site has extensive frontage, on a major street (Grelot Road), Lot 1 should be limited to one curb-cut onto Grelot Road (due to significant wetlands) and one curb-cut to Somerby Drive, Lot 2 should be limited to two curb-cuts onto Somerby Drive, Lot 3 should be limited to two curb-cuts to Somerby Drive, Lot 4 should be limited to one curb-cut to Grelot Road and two curb-cuts to Somerby Drive, Lot 5 should be limited to one curb-cut to Grelot Road. The size, design and location of all curb-cuts must be approved by the Traffic Engineering Department.

The site plan does not indicate the location of a stormwater detention basin, which may be required for the site due to new construction. A stormwater detention basin, sized to meet the requirements of the City's Storm Water Drainage Ordinance, must be indicated on the site plan if it is required. A note should be placed on the site plan, if approved, stating that maintenance of the detention basin common area, and any other common areas, are the responsibility of the development's property owners.

The proximity to Floodways and 100-year flood zones and illustration that the site contains 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.

Developments in the area over the last 5 years, particularly along the Northeast quadrant of the intersection of Grelot Road and Cody Road; and along Somerby Drive, have included projects with increased density. There has also been a development containing reduced setbacks on lots that otherwise meet minimum R-1 lot-size requirement.

The applicant states that market demand has created economic growth within the city limits that has caused a greater need for higher levels of land utilization for "highest and best" uses. The applicant additionally states that the R-3 zoning would create a desirable buffer between the commercial uses associated with Grelot Road and the residential uses East of the site.

Section 64-3.A.5. of the Zoning Ordinance recommends that new R-3 districts be a minimum of 4-acres in size. The site in question exceeds the minimum requirements, the site as proposed is approximately 32 acres \pm in size. Moreover, a large portion of Lot 2 is already zoned R-3, thus this application includes a parcel zoned R-1, Single-Family sandwiched between two existing R-3 districts.

As previously stated, the applicant is seeking rezoning in order to develop a 12-building, 316-unit apartment complex on Lot 2. Furthermore, the proposed PUD will limit the maximum development of the site in a manner that makes the proposal more compatible with single-family residential uses within the vicinity. Approval of the rezoning can be made contingent upon an approved PUD, which would assure that the property is not developed other than as proposed without future public hearings.

Additionally, the applicant proposes to rezone Lot 4 to B-2, Neighborhood Business. As illustrated on the overall plan, the lot would be buffered by an existing undeveloped lot that will remain zoned R-1, Single-Family Residential. This site could supply the surrounding area with various uses associated with neighborhood development; such as, restaurants, retail establishments, barber shops and other uses.

Conceptually, the development depicted on the proposed site/layout plan will minimize impacts to the potential residential and/or commercial development, especially with future development along Somerby Drive. It should be noted, however, that there is no indication on the site plan regarding the perimeter treatment of the property; specifically if a fence and/or landscape buffer will be provided to minimize impacts to adjacent lower-density residential development to the North. A privacy fence and landscape buffer is recommended for development on the North and East property lines. Furthermore, generalized landscaping proposed for the development should be depicted on the site plan, with the understanding that the final landscape plan will be more detailed and require approval by the Urban Forester.

The vehicular circulation depicts a 24-foot wide parking and maneuvering areas. The site would access with Somerby Drive and does illustrate a two-way, entrance with a landscaped median. However, depending on the Fire Department apparatus movement, the site may require two separate entrances. It should be noted that sidewalks are not illustrated, and would be required as each lot is developed.

Finally, the minimum building setback line required in Section V.D.9. of the Subdivision Regulations is not shown for the overall lot, but would be required on the Final Plat.

RECOMMENDATION

Rezoning: (Rezoning from R-1, Single-Family Residential and B-2, Neighborhood Business, to R-3, Multi-Family Residential district, to allow a residential apartment complex) The rezoning request is recommended for Approval, subject to the following conditions: 1) completion of the Subdivision process; 2) compliance with Engineering Department comments for any future development (*The contractor that built Somerby Drive has not yet made the necessary repairs to the existing drainage system that was a condition of the COM accepting the road for maintenance. Therefore, the Engineering Department recommends no approval of the final plat until the necessary repairs have been completed and accepted by the COM. Engineering recommends dedication of drainage easement at any place public water crosses the property, from the top-of-bank to top-of-bank plus 15 feet on one side to allow for maintenance vehicles. Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit. The applicant is responsible for verifying if the site contains wetlands. The site can be checked against the National Wetlands Inventory on the COM web site Environmental Viewer. If the site is included on the NWI, it is the applicant's responsibility to confirm or deny the existence of regulatory wetlands*); 3) development is limited to an approved PUD; and 4) full compliance with all other municipal codes and ordinances.

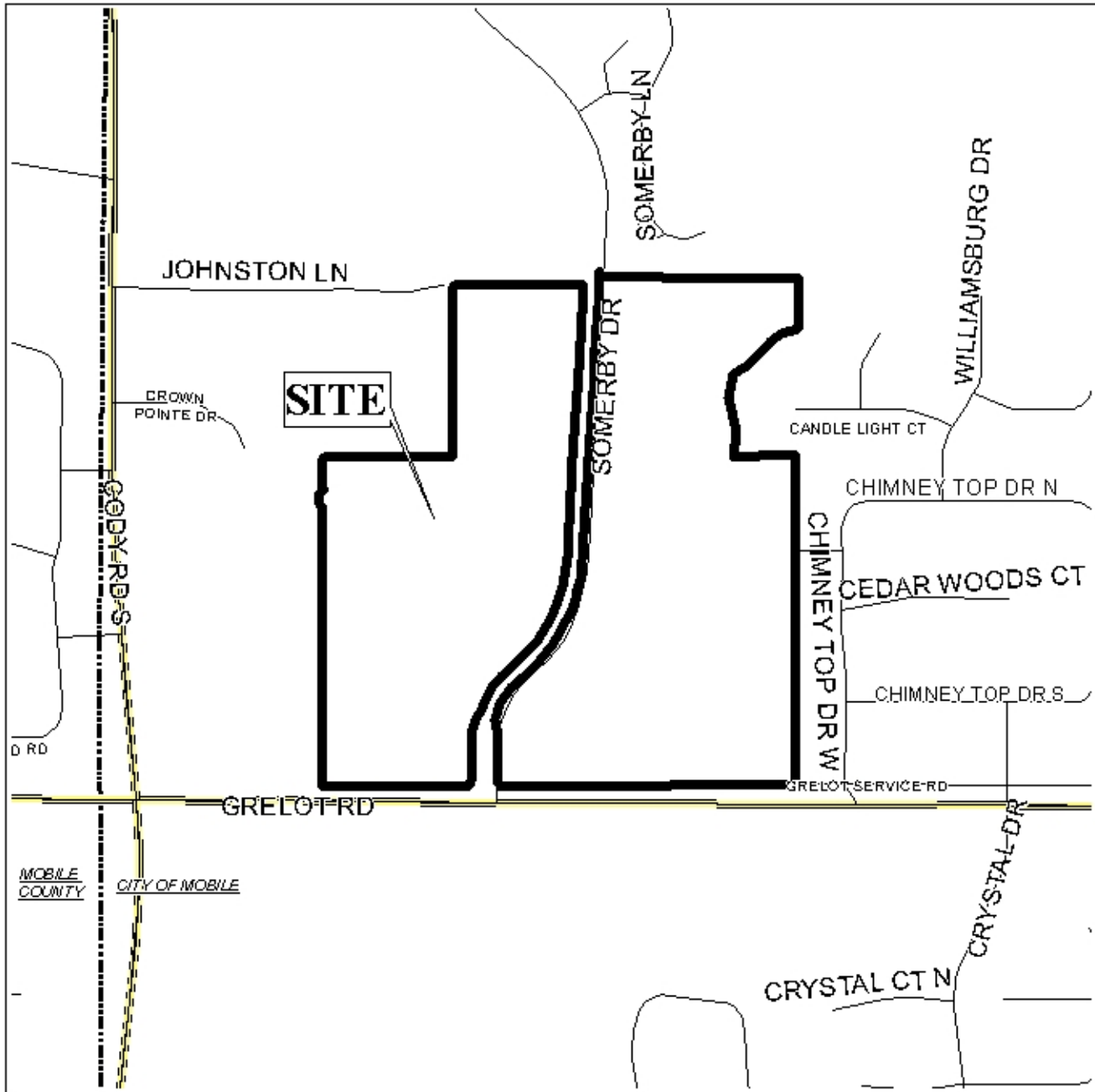
Rezoning: (Rezoning from R-1, Single-Family Residential and R-3, Multi-Family Residential, to B-2, Neighborhood Business to allow an unspecified use) The rezoning request is recommended for Approval, subject to the following

conditions: 1) completion of the Subdivision process prior to the issuance of any permits; 2) compliance with Engineering Department comments for any future development (*The contractor that built Somerby Drive has not yet made the necessary repairs to the existing drainage system that was a condition of the COM accepting the road for maintenance. Therefore, the Engineering Department recommends no approval of the final plat until the necessary repairs have been completed and accepted by the COM. Engineering recommends dedication of drainage easement at any place public water crosses the property, from the top-of-bank to top-of-bank plus 15 feet on one side to allow for maintenance vehicles. Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit. The applicant is responsible for verifying if the site contains wetlands. The site can be checked against the National Wetlands Inventory on the COM web site Environmental Viewer. If the site is included on the NWI, it is the applicant's responsibility to confirm or deny the existence of regulatory wetlands*); and 3) full compliance with all other municipal codes and ordinances.

Planned Unit Development: The PUD request is recommended for approval, subject to the following conditions: 1) completion of the Subdivision process; 2) compliance with Engineering Department comments for any future development (*The contractor that built Somerby Drive has not yet made the necessary repairs to the existing drainage system that was a condition of the COM accepting the road for maintenance. Therefore, the Engineering Department recommends no approval of the final plat until the necessary repairs have been completed and accepted by the COM. Engineering recommends dedication of drainage easement at any place public water crosses the property, from the top-of-bank to top-of-bank plus 15 feet on one side to allow for maintenance vehicles. Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit. The applicant is responsible for verifying if the site contains wetlands. The site can be checked against the National Wetlands Inventory on the COM web site Environmental Viewer. If the site is included on the NWI, it is the applicant's responsibility to confirm or deny the existence of regulatory wetlands*); and 3) full compliance with all other municipal codes and ordinances.

Subdivision: The Subdivision request is recommended for Tentative Approval, subject to the following conditions: 1) depiction of the 25-foot minimum building setback line; 2) the placement of note on the final plat stating that Lot 1 be limited to one curb-cut onto Grelot Road (due to significant wetlands) and one curb-cut to Somerby Drive, Lot 2 be limited to two curb-cuts onto Somerby Drive, Lot 3 be limited to two curb-cuts to Somerby Drive, Lot 4 be limited to one curb-cut to Grelot Road and two curb-cuts to Somerby Drive, Lot 5 be limited to one curb-cut to Grelot Road, with the size, design and location of all curb-cuts be approved by the Traffic Engineering Department; and 3) completion of the rezoning process prior to the signing of the final plat.

LOCATOR MAP



APPLICATION NUMBER 11 & 12 & 13 & 14 DATE September 21, 2006

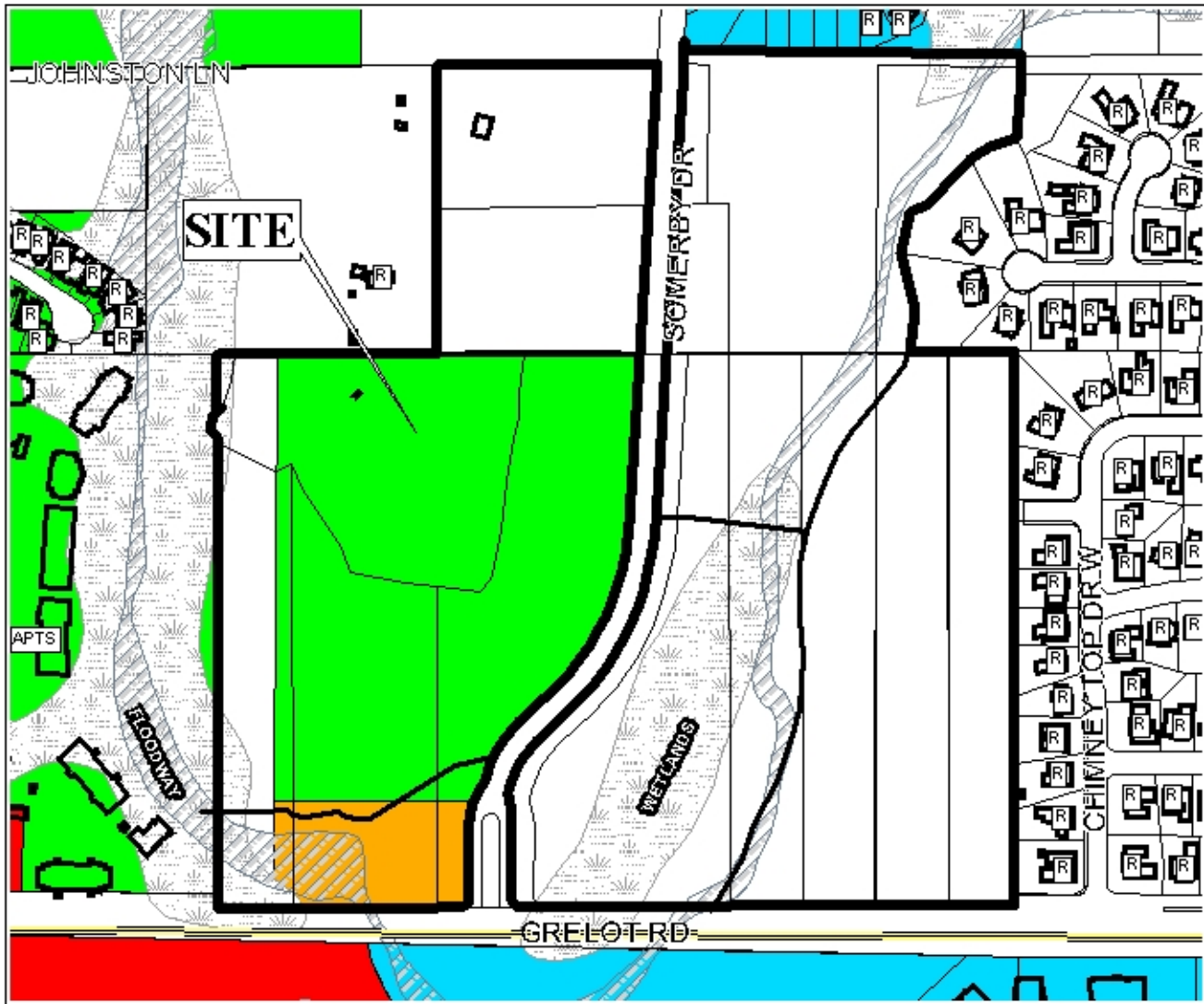
APPLICANT David R. Coley, III (Robert S. Coley, Agent)

REQUEST Subdivision, Planned Unit Development, Rezoning



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by single-family residential units.
An apartment complex is located to the west of the site.

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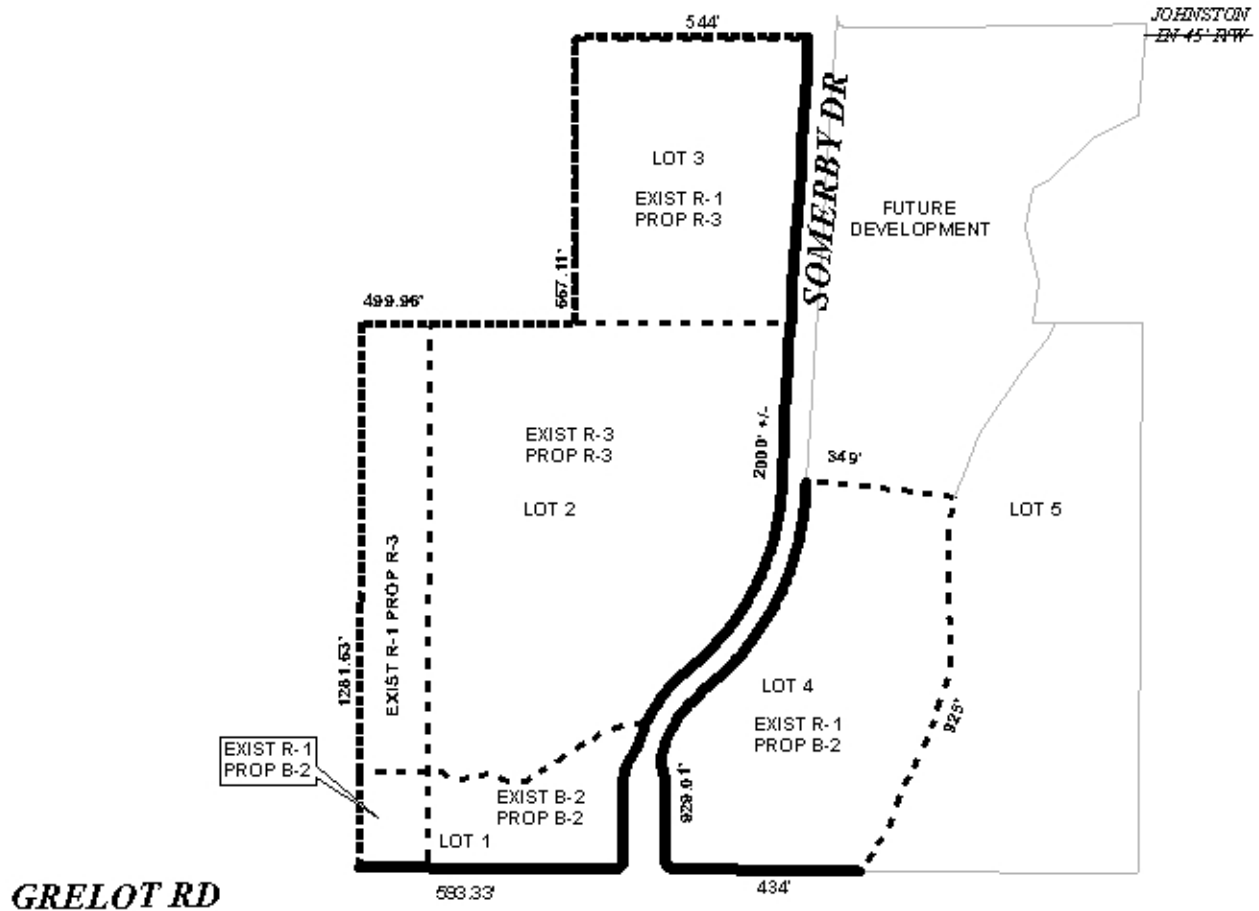
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REQUEST Subdivision, Planned Unit Development, Rezoning

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	NTS
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ZONING DETAIL

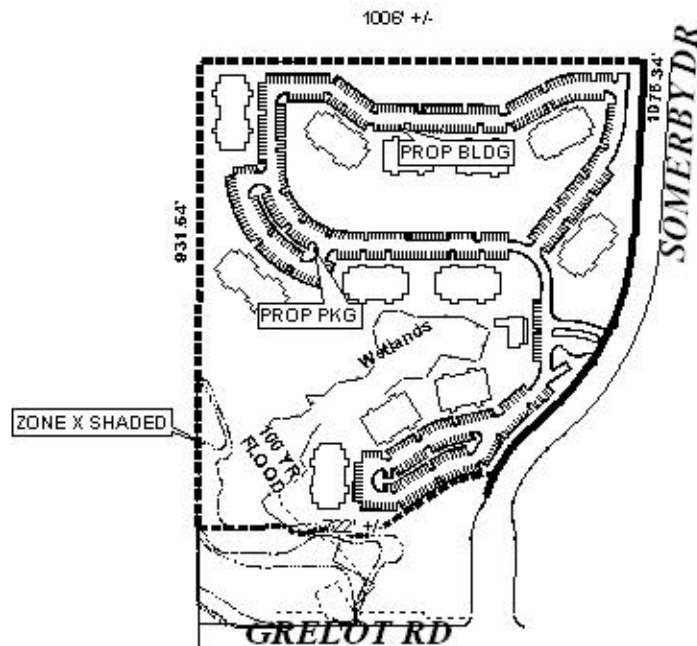


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SITE PLAN



The site plan illustrates the proposed development

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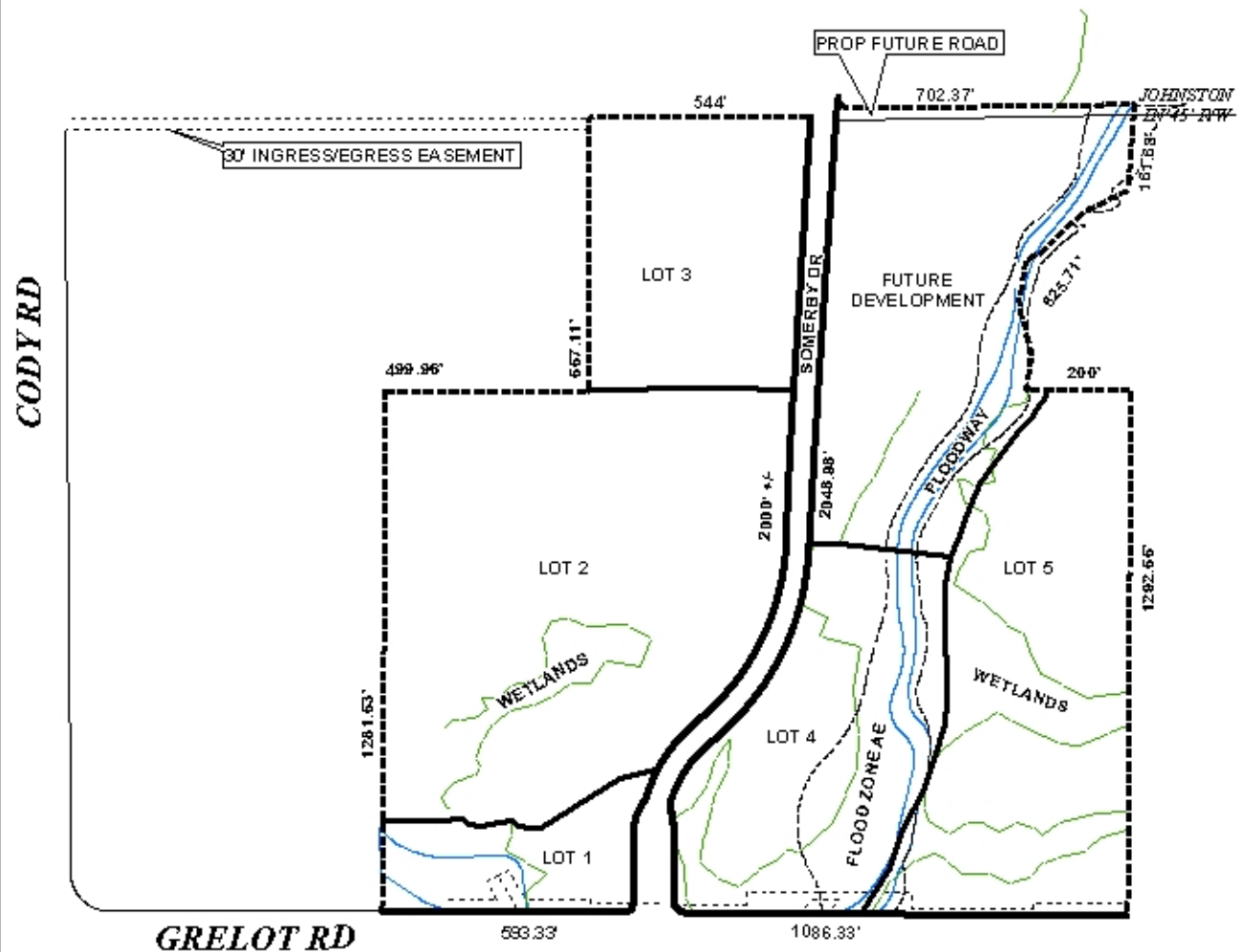
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SUBDIVISION PLAT



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