

**ZONING AMENDMENT,
PLANNED UNIT DEVELOPMENT &
SUBDIVISION STAFF REPORT**

Date: March 5, 2015

<u>NAME</u>	H. Pace Burt, Jr.
<u>SUBDIVISION NAME</u>	Old Shell Elementary Subdivision
<u>LOCATION</u>	1706 Old Shell Road (Northwest corner of Old Shell Road and Gilbert Street)
<u>CITY COUNCIL DISTRICT</u>	District 2
<u>PRESENT ZONING</u>	R-1, Single-Family Residential
<u>PROPOSED ZONING</u>	R-3, Multiple Family
<u>REASON FOR REZONING</u>	Changing conditions in the area make a change in zoning necessary and desirable.
<u>AREA OF PROPERTY</u>	2 Lots / 3.7 + Acres
<u>CONTEMPLATED USE</u>	Subdivision approval to create 2 lots, Planned Unit Development Approval to allow multiple buildings on a single building site, and Rezoning from R-1, Single-Family Residential to R-3, Multiple Family District, to allow 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.
<u>TIME SCHEDULE</u>	No timeframe provided.
<u>ENGINEERING COMMENTS</u>	

Subdivision:

The following comments should be addressed prior to submitting the FINAL PLAT for acceptance and 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. The Preliminary Plat submitted does not show the current site conditions. Revise as necessary.
- C. Add a note to the SUBDIVISION PLAT stating that a Land Disturbance permit will be required for any land disturbing activity in accordance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.
- D. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 28 - #73) the Lot(s) will receive historical credit of impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control. Coordinate with City Engineering Department staff to establish the exact amount prior to the submittal of the Land Disturbance Permit application.
- E. Add a note to the Plat stating that the approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit.
- F. Add the street names in the vicinity map.
- G. Provide a written legal description for the proposed subdivision and matching bearing and distance labels.
- H. Show and label all flood zones according to the current FIRM panel. The flood zones shown do not match the current FIRM panel information.
- I. Show and label the MFFE (Minimum Finished Floor Elevation) on each lot that contains an AE, V, or X (shaded) flood zone designation.
- J. Provide and label the monument set or found at each subdivision corner.
- K. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer.
- L. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
- M. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of development, unless a sidewalk waiver is approved.
- N. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.

Planned Unit Development:**ADD THE FOLLOWING NOTES TO THE PUD SITE PLAN:**

- 1. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII).
- 2. A Land Disturbance Permit application shall be submitted for any proposed land disturbing activity with the property. A complete set of construction plans including, but not limited to, drainage, utilities, grading, storm water detention systems, paving, and all above ground

structures, will need to be included with the Land Disturbance permit. This Permit must be submitted, approved, and issued prior to beginning any of the construction work.

3. Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.
4. Add a note to the Plat stating that the approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. The Owner/Developer is responsible for acquiring all of the necessary permits and approvals.
5. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

TRAFFIC ENGINEERING

COMMENTS

A traffic impact study will be required to be submitted and approved by Traffic Engineering. Current traffic concerns exist along Old Shell Road that may be aggravated by the proposed development. The site has been vacant for a number of years, and as such the trip generation from the previous site can no longer be considered. Traffic Engineering approval of this site is contingent upon the construction by the developer/owner of all improvements (if any) identified in the study. Site is limited to two curb cuts to Old Shell Road, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. All 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 (State Act 61-929 and City Code Chapters 57 and 64).

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 Subdivision approval to create 2 lots, Planned Unit Development Approval to allow multiple buildings on a single building site, and Rezoning from R-1, Single-Family Residential to R-3, Multiple Family District, to allow an apartment complex. Apartments are allowed by right in R-3, Multiple Family Districts.

The purpose of this application is to allow a developer to convert an existing, vacant public school into 24 multi-family units, and construct four new three-story buildings that will contain 12 dwelling units each, for a total of 72 dwelling units on the property. The applicant also proposes to add 116 parking spaces and a swimming pool.

The site was most recently before the Planning Commission at its February 7, 2013 meeting, where the applicant withdrew a request to allow 134 dwelling units to be on the site, through renovation of the school as well as via new construction. The application included additional property which is not included in the application at hand.

The site is bounded to the Northeast and East by single-family residences, to the South primarily by single-family residences (mixed with a few commercial uses) in B-2, Neighborhood Business and R-1 districts, and to the West and Northwest by commercial uses in B-2 and B-1, Buffer Business districts.

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 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 if any new construction is anticipated that will change an approved site plan, an application to amend an existing, approved PUD must be made prior to any construction activities.

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 appears to be depicted as a mix of commercial and 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.

The applicant states that changing conditions in the area justify the rezoning request. A new drug store has been developed to the Northwest on Spring Hill Avenue, and new businesses are locating around the Old Shell / Mobile Infirmary Boulevard intersection. The applicant believes that the area is becoming more mixed-use, and that there is a need for additional residential development with increased density over standard single-family residential uses, and that the additional residences may help spur the filling of existing vacant commercial space along Old Shell Road. There is also a belief that the rezoning of the school site to R-3 will provide a buffer between the commercial zoning at the nearby intersection and the residential areas to the East.

An R-3 designation of the 3.69 acre site could allow up to 104 dwelling units by right, however, the applicant is only proposing a total of 72 dwelling units. With 72 dwelling units, a minimum of 108 parking spaces would be required, but the applicant is proposing 115 parking spaces between two parking lots: 43 will be located in a parking lot on the East side of the existing school, and 72 are proposed for a new parking lot located on the West side of the property, adjacent to four new buildings. Both parking areas will only have access to Old Shell Road.

The applicant states that the new buildings will have a maximum height of 40 feet, which is less than the 45 feet allowed in an R-3 district. No information is provided regarding the total building site coverage that is proposed, however, 45% is allowed by right.

With 72 proposed dwelling units, a total of 50,400 square feet of common open space is required by Section 64-5.C.2.c. of the Zoning Ordinance, of which 19,320 square feet must be landscape area according to Section 64-4.E.3.a. of the Zoning Ordinance. The applicant did not submit any information regarding the amount of proposed landscape area or common open space.

Regarding tree compliance, the applicant will endeavor to retain two large live oaks within the adjacent right of way of Old Shell Road. Furthermore, the applicant is aware that a minimum of 44 overstory trees and 22 understory trees will be required on the site (not adjusted for any possible credits for existing trees that will remain). The site plan, however, does not depict actual tree compliance.

A dumpster pad is indicated on the site plan. All new dumpster facilities must comply with the enclosure and sanitary sewer connection requirements of Section 64-4.D.9. of the Zoning Ordinance.

As new parking areas are proposed, each having more than 25 parking spaces, a photometric plan will be required at time of submittal for land disturbance. All new lighting on the site must comply with Sections 64-4.A.2., 64-6.A.3.c. and 64-6.A.8. of the Zoning Ordinance.

Regarding the Subdivision request, the applicant proposes to make two lots out of three parcels. One lot will contain the existing school buildings, while the second lot will contain the four proposed buildings. A total of two curb-cuts are proposed, one for each lot, and both only onto Old Shell Road. Both Old Shell Road and Gilbert Streets are minor streets. It appears that the right of way for Gilbert Street is only 40-feet, which is substandard. Thus, dedication to provide 25 feet from centerline should be required along the Gilbert Street frontage, as should a corner radius at the Old Shell Road, Gilbert Street intersection. Each lot should be limited to one curb-

cut each, as proposed, with the size, design and location to be approved by Traffic Engineering, and to comply with AASHTO standards. All unused curb-cuts should be removed. The 25-foot minimum building setback line should be adjusted for any required dedication.

It should also be noted that the site is located within the Old Dauphin Way Historic District, thus any exterior modifications to the existing school buildings and any new building construction, as well as some site elements, will require additional approvals from the Architectural Review Board.

The site plan does not depict buffering of the property from adjacent residential uses. It is recommended that a 6-foot high wooden privacy fence be provided where the site abuts residentially-zoned property, except within the 25-foot setback from Gilbert Street. The parking area should also be buffered with landscaping where it is across from residentially-zoned property, specifically, along Gilbert Street.

The site presents many challenges to anyone wishing to preserve the historic school, while also changing the use of the site from a public school to a private venture. It is obvious that the scale of the existing school greatly reduces the probability of its use as one single-family residence: determining what use or mix of uses is reasonable for both the neighborhood, the market, and the developer is what will ultimately result in the success or failure of any reuse of the site.

There is a concern that an increase in traffic that may result from a multi-family development could impact the single-family residences across Old Shell from the site. However, most of the residences are actually on commercially zoned property that was established prior to 1967: thus most of the residences could be converted to commercial uses (subject to compliance with Zoning Ordinance, Building and Fire Code requirements).

The applicant's proposed reuse and number of proposed dwelling units appears to be a reasonable effort to address neighborhood concerns expressed during the course of the previous applications withdrawn in 2013, as well as still provide a development that will meet local market demands.

RECOMMENDATION

Subdivision: The subdivision request 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 one curb-cut each to Old Shell Road, with the size, design and location to be approved by Traffic Engineering, and to comply with AASHTO standards;
- 2) Removal of all unused curb-cuts;
- 3) Dedication along Gilbert Street to provide 25-feet from centerline;
- 4) Provision of a corner radius at Gilbert Street and Old Shell Road, in compliance with Section V.D.6. of the Subdivision Regulations;
- 5) Revision of the 25-foot minimum building setback line to reflect any required dedication;

- 6) Compliance with Engineering comments (*The following comments should be addressed prior to submitting the FINAL PLAT for acceptance and 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. The Preliminary Plat submitted does not show the current site conditions. Revise as necessary. C. Add a note to the SUBDIVISION PLAT stating that a Land Disturbance permit will be required for any land disturbing activity in accordance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. D. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 28 - #73) the Lot(s) will receive historical credit of impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control. Coordinate with City Engineering Department staff to establish the exact amount prior to the submittal of the Land Disturbance Permit application. E. Add a note to the Plat stating that the approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. F. Add the street names in the vicinity map. G. Provide a written legal description for the proposed subdivision and matching bearing and distance labels. H. Show and label all flood zones according to the current FIRM panel. The flood zones shown do not match the current FIRM panel information. I. Show and label the MFFE (Minimum Finished Floor Elevation) on each lot that contains an AE, V, or X (shaded) flood zone designation. J. Provide and label the monument set or found at each subdivision corner. K. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer. L. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. M. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of development, unless a sidewalk waiver is approved. N. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.);
- 7) Compliance with Traffic Engineering comments (*A traffic impact study will be required to be submitted and approved by Traffic Engineering. Current traffic concerns exist along Old Shell Road that may be aggravated by the proposed development. The site has been vacant for a number of years, and as such the trip generation from the previous site can no longer be considered. Traffic Engineering approval of this site is contingent upon the construction by the developer/owner of all improvements (if any) identified in the study. Site is limited to two curb cuts to Old Shell Road, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. All on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.);*
- 8) Compliance with 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).);*

- 9) Compliance with Fire 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.*);
- 10) Provision of a revised PUD site plan prior to the signing of the final plat;
- 11) Completion of the Subdivision process prior to any request for land disturbance or new building construction (permits for demolition activities can be requested); and
- 12) Completion of the Zoning process.

Planned Unit Development: The request is recommended for Approval, subject to the following conditions:

- 1) Placement of a note on the PUD site plan stating that each lot is limited to one curb-cut each to Old Shell Road, with the size, design and location to be approved by Traffic Engineering, and to comply with AASHTO standards;
- 2) Removal of all unused curb-cuts;
- 3) Dedication along Gilbert Street to provide 25-feet from centerline;
- 4) Provision of a corner radius at Gilbert Street and Old Shell Road, in compliance with Section V.D.6. of the Subdivision Regulations;
- 5) Revision of the 25-foot minimum building setback line to reflect any required dedication;
- 6) Compliance with Engineering comments (*ADD THE FOLLOWING NOTES TO THE PUD SITE PLAN: 1. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). 2. A Land Disturbance Permit application shall be submitted for any proposed land disturbing activity with the property. A complete set of construction plans including, but not limited to, drainage, utilities, grading, storm water detention systems, paving, and all above ground structures, will need to be included with the Land Disturbance permit. This Permit must be submitted, approved, and issued prior to beginning any of the construction work. 3. Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. 4. Add a note to the Plat stating that the approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. The Owner/Developer is responsible for acquiring all of the necessary permits and approvals. 5. The proposed development must comply with all Engineering Department design requirements and Policy Letters.*);
- 7) Compliance with Traffic Engineering comments (*A traffic impact study will be required to be submitted and approved by Traffic Engineering. Current traffic concerns exist along Old Shell Road that may be aggravated by the proposed development. The site has been vacant for a number of years, and as such the trip generation from the previous site can no longer be considered. Traffic Engineering approval of this site is contingent upon the construction by the developer/owner of all improvements (if any) identified in the*

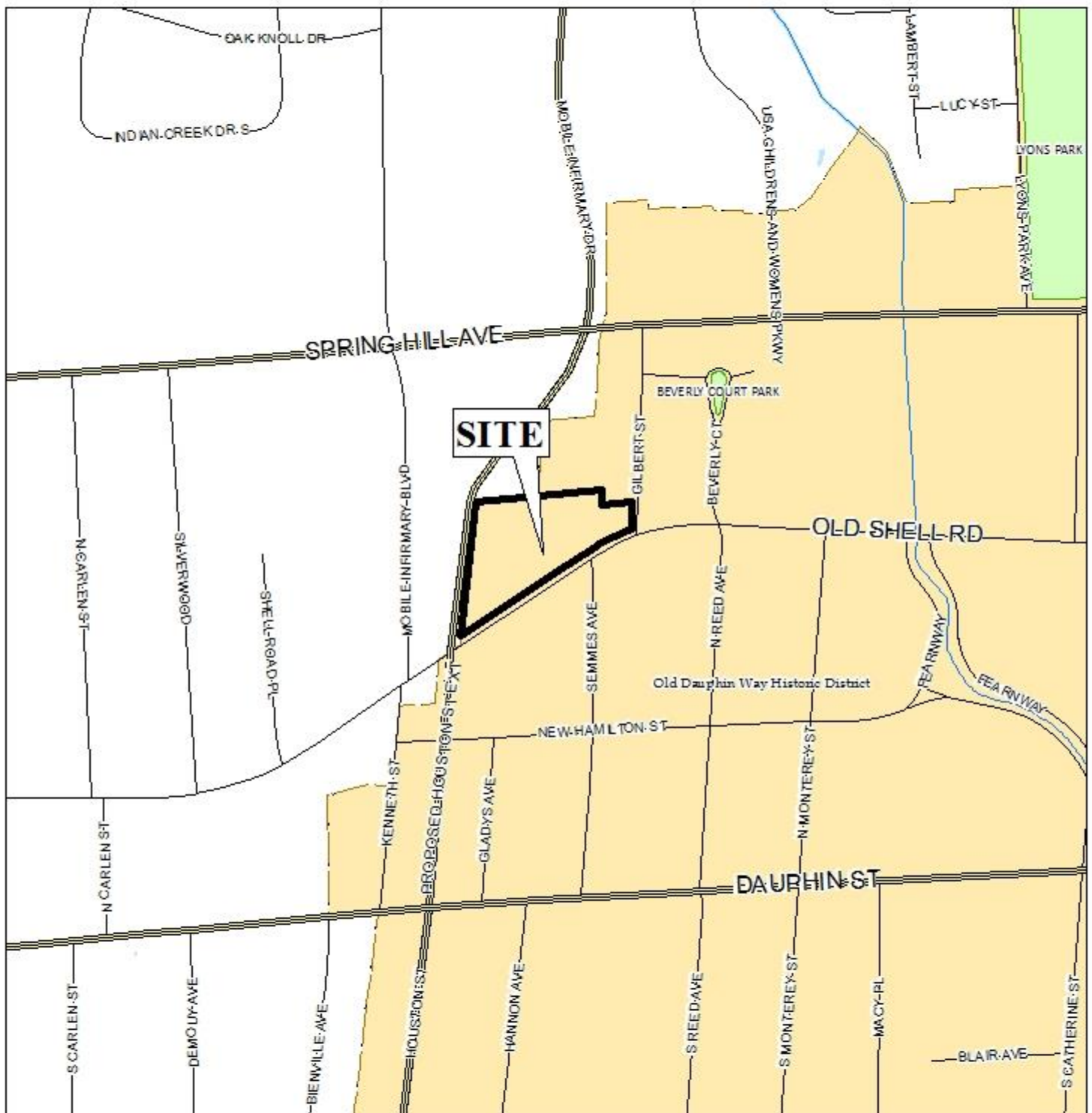
study. Site is limited to two curb cuts to Old Shell Road, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. All on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.);

- 8) Compliance with 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).);*
- 9) Compliance with Fire 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.);*
- 10) Revision of the PUD site plan to depict a 6-foot high wooden privacy fence where the site abuts residentially-zoned property, except within the 25-foot setback of Gilbert Street;
- 11) Revision of the site plan to depict the buffering of parking spaces which abut the Gilbert Street right-of-way;
- 12) Compliance with Sections 64-5.C.2.c. and 64-4.E.3.a. of the Zoning Ordinance (common open space and landscape area);
- 13) All new dumpsters to comply with of Section 64-4.D.9. of the Zoning Ordinance;
- 14) All new lighting on the site to comply with Sections 64-4.A.2., 64-6.A.3.c. and 64-6.A.8. of the Zoning Ordinance, with a photometric plan required at time of land disturbance submittal for new construction;
- 15) Provision of a revised PUD site plan prior to the signing of the final plat;
- 16) Completion of the Subdivision process prior to any request for land disturbance or new building construction (permits for demolition activities can be requested); and
- 17) Completion of the Zoning process.

Rezoning: The rezoning request is recommended for Approval, subject to the following conditions:

- 1) Limited to an approved Planned Unit Development;
- 2) Completion of the Subdivision process; and
- 3) Development to comply with all other municipal codes and ordinances.

LOCATOR MAP



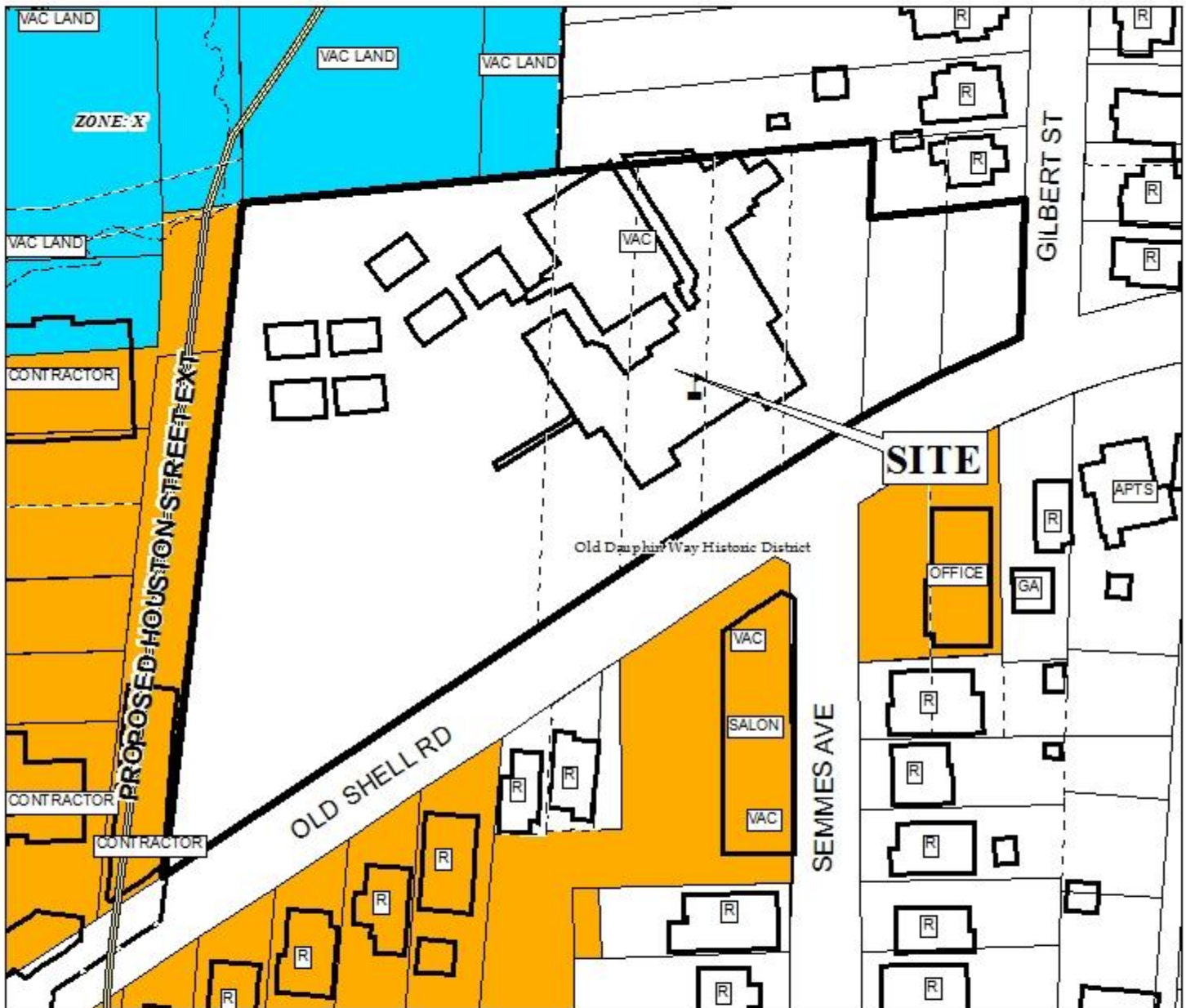
APPLICATION NUMBER 21 DATE March 5, 2015

APPLICANT Old Shell Elementary Subdivision

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



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units. Contractors lie to the west of the site.

APPLICATION NUMBER 21 DATE March 5, 2015

APPLICANT Old Shell Elementary Subdivision

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

RA	R-3	T-B	B-2	B-5	MUNI	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



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units. Contractors lie to the west of the site.

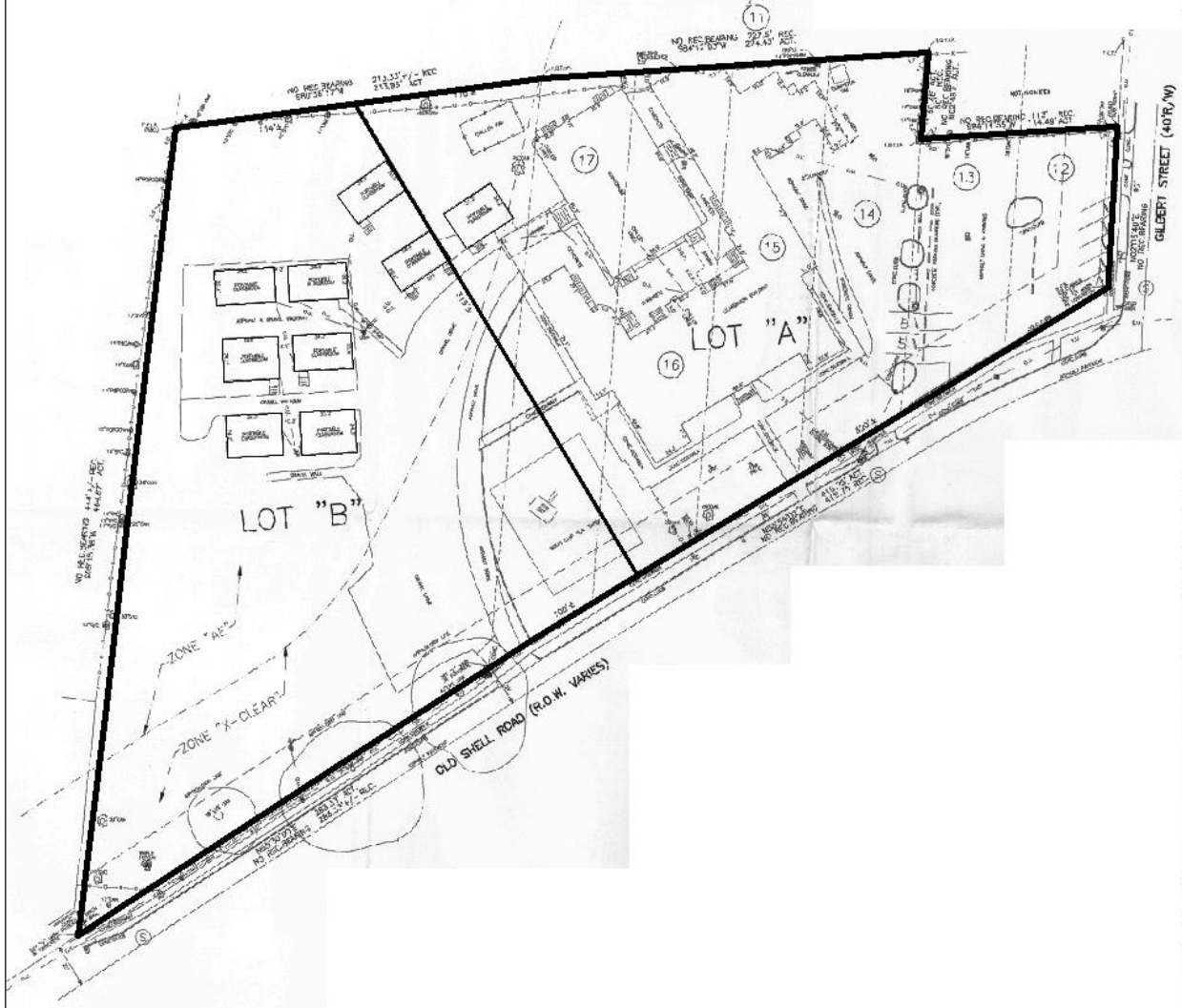
APPLICATION NUMBER 21 DATE March 5, 2015

APPLICANT Old Shell Elementary Subdivision

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



SITE PLAN



The site plan illustrates the existing buildings.

APPLICATION NUMBER 21 DATE March 5, 2015

APPLICANT Old Shell Elementary Subdivision

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



NTS

SITE PLAN



The site plan illustrates the existing buildings, proposed buildings and parking, setback, and easement.

APPLICATION NUMBER 21 DATE March 5, 2015

APPLICANT Old Shell Elementary Subdivision

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

