

**REZONING, PLANNED UNIT DEVELOPMENT,  
& SUBDIVISION STAFF REPORT****Date: April 7, 2006**

<b><u>DEVELOPMENT NAME</u></b>	Bay Shore Avenue Apartments Subdivision
<b><u>SUBDIVISION NAME</u></b>	Bay Shore Avenue Apartments Subdivision
<b><u>LOCATION</u></b>	East side of Bay Shore Avenue, extending from Frederick Street to Elsmore Street
<b><u>CITY COUNCIL DISTRICT</u></b>	District 1
<b><u>PRESENT ZONING</u></b>	B-3, Community Business
<b><u>PROPOSED ZONING</u></b>	R-3, Multi-family Residential
<b><u>AREA OF PROPERTY</u></b>	0.7± acre
<b><u>CONTEMPLATED USE</u></b>	<p>Multi-tenant apartment buildings on a single-building site consisting of multiple lots with shared parking and access.</p> <p><b>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.</b></p>
<b><u>TIME SCHEDULE FOR DEVELOPMENT</u></b>	Immediate
<b><u>ENGINEERING COMMENTS</u></b>	<p>Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit. Engineering will require storm water detention to be provided upon re-development of property.</p>
<b><u>TRAFFIC ENGINEERING COMMENTS</u></b>	<p>Driveway number, sizes, location and design to be approved by Traffic Engineering and conform to AASHTO standards.</p>
<b><u>URBAN FORESTRY COMMENTS</u></b>	<p>Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and</p>

private properties (State Act 61-929 and City Code Chapters 57 and 64). Full compliance with landscaping and tree requirements of the Zoning Ordinance to be coordinated with Urban Forestry.

## **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. All Multi-family residential buildings will require an approved automatic sprinkler system. Private fire hydrants may be required.

### **REMARKS**

The applicant is requesting Rezoning, Planned Unit Development (PUD) and Subdivision approvals, to rezone the site from B-3, Community Business, to R-3, Multi-Family Residential, and to allow multiple multi-family buildings on a single building site.

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.

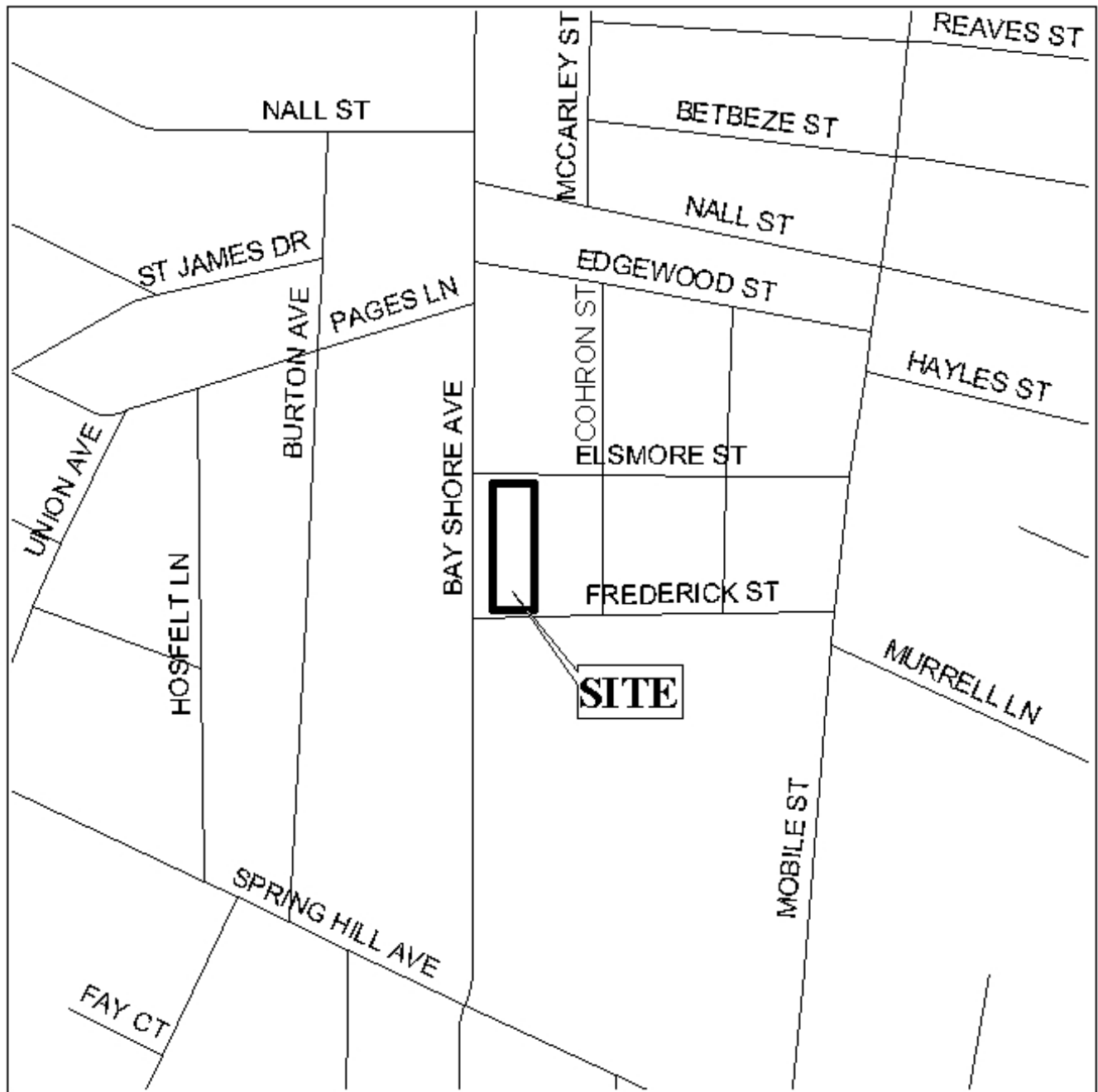
The applicant states that surrounding properties are zoned R-1, Single-Family Residential and R-3, Multi-Family Residential; and that the proposed zoning change would have no negative effect on surrounding areas and would be more compatible with surrounding area than the present B-3, Community Business, zoning. However, the Ordinance requires that the applicant cite one of the aforementioned reasons for rezoning, and provide evidence supporting that claim. The applicant has not provided this required information.

As this application involves downzoning from a commercial to a residential use, it could be appropriate for the Commission to hold this application over, to allow the applicant to submit additional information. As all three applications should be considered simultaneously, recommend holdover for all

### **RECOMMENDATION**

Based upon the preceding, it is recommended that these applications be heldover to allow the applicant an opportunity to submit required information substantiating the reason(s) for rezoning.

## LOCATOR MAP



APPLICATION NUMBER 3 & 4 & 5 DATE April 7, 2005  
APPLICANT Andrew Shepard  
REQUEST Rezoning, PUD, Subdivision



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



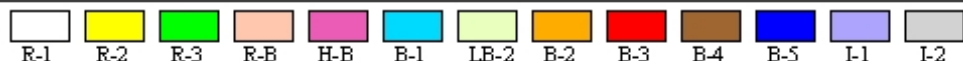
Located to the North of the site is retail; to the East are single family residential dwellings. Located to the South are multiple family residential dwellings; to the West is retail, and vacant structure.

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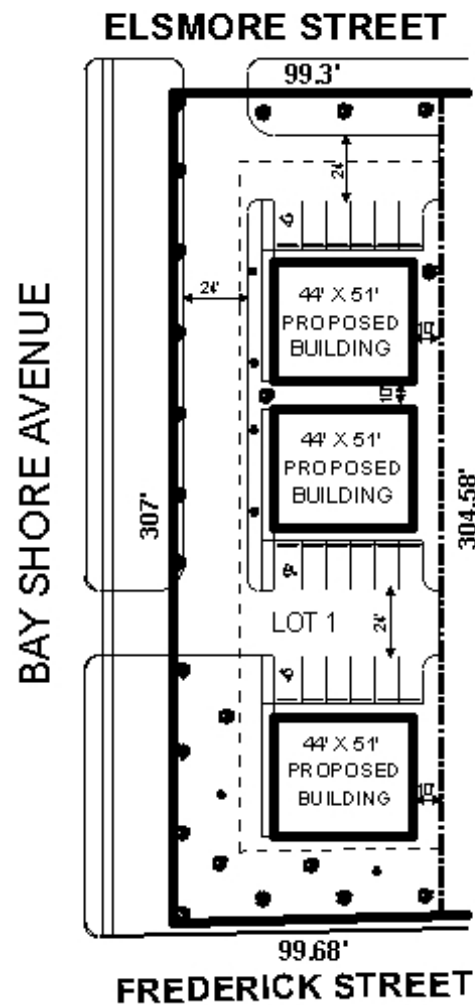
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LEGEND



# SITE PLAN



The site is located on the East side of Bay Shore Avenue, extending from Frederick Street to Elsmore Street. The plan illustrates the proposed buildings and parking.

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