

**PLANNING APPROVAL,
ZONING AMENDMENT,
& SUBDIVISION STAFF REPORT**

Date: June 16, 2011

NAME Gerald T. Still

DEVELOPMENT NAME Gerald T. Still

LOCATION 2350 Demetropolis Road
(West side of Demetropolis Road, 1900'± South of Cottage Hill Road)

CITY COUNCIL DISTRICT District 4

PRESENT ZONING R-1, Single-Family Residential District

PROPOSED ZONING R-3, Multiple-Family Residential District

REASONS FOR REZONING None given

AREA OF PROPERTY 1 Lot / 12.5± Acres

CONTEMPLATED USE Rezoning from R-1, Single-Family Residential District, to R-3, Multiple-Family Residential District, to allow an assisted living facility; and Planning Approval to allow an assisted living facility in an R-3, Multiple-Family Residential District.

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 Construction to begin by April 2012

ENGINEERING COMMENTS Must comply with all storm water and flood control ordinances. Any increase in impervious area in excess of 4,000 square feet will require detention. Detention required to provide at a minimum of a 100 year storm event with a 2 year release rate and discharge from site shall not be concentrated onto adjacent property without release agreement from downstream property owner. Any work performed in the right of way

will require a right of way permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer.

It appears that storm water discharge from the site will cross private residential properties. Therefore, care needs to be taken to ensure no damage is caused to downstream properties and at a minimum detention for the 100 year storm event with a release rate for the 2 year storm must be provided. The detention pond may need to be repositioned or an additional detention pond provided for the development of the southwestern portion of the property as the change in elevation between the SW corner of the proposed parking lot appears to be in excess of 20' lower than the proposed detention pond. 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. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer.

TRAFFIC ENGINEERING

COMMENTS

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Both lanes of the boulevard entrance are twenty feet wide. Narrow the lanes to between twelve and fourteen feet to prevent two lanes of traffic.

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).

Tree removal permits are required from Urban Forestry before removing or trimming 24" DBH or larger Live Oak Trees.

Coordinate with Urban Forestry to revise site plan to save all 35" and larger Live Oak Trees where possible.

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 rezoning from R-1, Single-Family Residential District, to R-3, Multiple-Family Residential District, as well as Planning Approval to allow an assisted living facility in an R-3, Multi-Family Residential District.

The Planning Commission heard the rezoning case at its June 2, 2011 meeting and decided to hold this matter over until the June 16, 2011, meeting, with the following revisions due by Tuesday, June 7, 2011:

- 1) justification of rezoning according to at least one of the four conditions listed in Section 64-9. of the Zoning Ordinance; and,
- 2) correction of any data errors as it relates to property size depicted on the site plan.

The size of the property has not been corrected on the site plan, nor has any justification for the rezoning request has been submitted.

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 bounded in all directions by an R-1, Single-Family Residential District. The site appears to be 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. The accuracy of recommended land uses on the General Land Use Component map is limited due to the large scale of the map. 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.

It should be noted that these requests are for a currently large, vacant, undeveloped property that has substantial frontage on a major street.

The review required for Planning Approval examines the applicant's location and site plan with regard to transportation, parking and access, public utilities and facilities, traffic congestion and hazard, and to determine if the proposal is in harmony with the orderly and appropriate development of the district.

It is very important to note that the Planning Approval review is site plan specific; therefore *any* future changes to the site plan or to the scope of operations for the assisted living facility, as approved, by current or future applicants must be submitted for Planning Approval.

The site plan appears to depict a building with three wings. The first wing is proposed to have approximately 100 beds for residents who are able to live independently. The second wing is proposed to house approximately 60 beds for residents who require some degree of assisted living. The third wing is proposed to house 20 beds for residents with dementia and require more intensive care. With a total of 180 beds, per Section 64-6-A-6 of the Zoning Ordinance, the site would be required to provide a minimum of 45 parking spaces. The submitted site plan illustrates 131 parking spaces, which provides an excess of 86 parking spaces above the required number of parking spaces. It should also be noted that this proposed development is slightly

below the requirements for a traffic impact study, and if an increase in beds occurs in the future, a traffic impact study may be required.

Storm water detention may be required for the proposed development; however, no storm water detention facilities are depicted on the site plan.

It is also important to note that the proposed development will occur on three separate metes-and-bounds parcels. The applicant is aware that an application for Subdivision will be required, and will submit an application if the Zoning request is approved.

Finally, the site plan does not depict compliance with the tree and landscaping requirements of the Zoning Ordinance; however, full compliance will be required. No sidewalk is depicted along Demetropolis Road; however, a sidewalk will be required unless an application is made for a sidewalk waiver.

RECOMMENDATION

Rezoning: Based on the preceding, the request is recommended for Holdover until the July 21st meeting, with revisions due by June 23rd, so that the following items can be addressed:

- 1) justification of rezoning according to at least one of the four conditions listed in Section 64-9. of the Zoning Ordinance; and
- 2) correction of any data errors as it relates to property size depicted on the site plan.

Planning Approval: Based upon the preceding, this request is recommended for Holdover until the July 21st meeting, with revisions due by June 23rd, so that the following items can be addressed:

- 1) depiction of the general location of any on-site storm water detention;
- 2) submittal of a subdivision application to combine the three metes-and-bounds parcel and create a legal lot of record;
- 3) revision of the site plan to depict a sidewalk along Demetropolis Road, or submittal of an application for a sidewalk waiver; and
- 4) revision of the site plan to depict compliance with the tree and landscaping requirements of the Zoning Ordinance.

Revised for the July 21st, 2011 meeting:

The application was heldover from the June 16th, 2011 meeting at the Commission's request. The Commission required information to be submitted by June 23rd, 2011, so the following items could be addressed:

- 1) *justification of rezoning according to at least one of the four conditions listed in Section 64-9. of the Zoning Ordinance;*
- 2) *correction of any data errors as it relates to property size depicted on the site plan;*
- 3) *depiction of the general location of any on-site storm water detention;*
- 4) *submittal of a subdivision application to combine the three metes-and-bounds parcel and create a legal lot of record;*

- 5) *revision of the site plan to depict a sidewalk along Demetropolis Road, or submittal of an application for a sidewalk waiver; and*
- 6) *revision of the site plan to depict compliance with the tree and landscaping requirements of the Zoning Ordinance.*

No new information was submitted by the applicant. A sidewalk waiver for this location was approved at the Planning Commission's August 3, 2007 meeting. However, since the previously proposed development was single-family residential, a new sidewalk waiver application will be required.

It should be noted that if the required documentation is not submitted as requested, the application will be recommended for denial.

Rezoning: *Based on the preceding, the request is recommended for Holdover until the August 18, 2011 meeting, with revisions due by August 1, 2011 so that the following items can be addressed:*

- 1) *justification of rezoning according to at least one of the four conditions listed in Section 64-9. of the Zoning Ordinance; and*
- 2) *correction of any data errors as it relates to property size depicted on the site plan.*

Planning Approval: *Based upon the preceding, this request is recommended Holdover until the August 18, 2011 meeting, with revisions due by August 1, 2011, so that the following items can be addressed:*

- 1) *depiction of the general location of any on-site storm water detention;*
- 2) *submittal of a subdivision application to combine the three metes-and-bounds parcel and create a legal lot of record;*
- 3) *revision of the site plan to depict a sidewalk along Demetropolis Road, or submittal of an application for a sidewalk waiver; and*
- 4) *revision of the site plan to depict compliance with the tree and landscaping requirements of the Zoning Ordinance.*

Revised for the August 18th, 2011 meeting:

The application was heldover from the July 21st, 2011 meeting at the Commission's request. The Commission required information to be submitted by August 1, 2011, so the following items could be addressed:

- 1) *justification of rezoning according to at least one of the four conditions listed in Section 64-9. of the Zoning Ordinance;*
- 2) *correction of any data errors as it relates to property size depicted on the site plan;*
- 3) *depiction of the general location of any on-site storm water detention;*
- 4) *submittal of a subdivision application to combine the three metes-and-bounds parcel and create a legal lot of record;*
- 5) *revision of the site plan to depict a sidewalk along Demetropolis Road, or submittal of an application for a sidewalk waiver; and*
- 6) *revision of the site plan to depict compliance with the tree and landscaping requirements of the Zoning Ordinance.*

It should be noted that the applicant has since provided the required information with the exception of a sidewalk being depicted along Demetropolis Road or the submittal of an application for a sidewalk waiver.

The applicant states that the justification of the rezoning is due to a change in conditions in the area. The applicant does not specify what changes in the area make the rezoning more appropriate, however, several lots to the North of this site have been rezoned from R-1, Single-Family Residential District to R-3, Multiple-Family Residential District and B-2, Neighborhood-Business District respectively by the Planning Commission at its November 2, 1995 and August 8, 2002 meetings. This shows that the area along Demetropolis Road is becoming developed in such a way that the proposed use as an assisted living facility may be seen as more fitting than its currently allowed use as a single-family residential neighborhood.

It should also be noted that the applicant corrected data errors as it relates to property size depicted on the site plan as requested. The applicant has also illustrated the general location of an on-site storm water detention pond.

In addition, the applicant has submitted an application for subdivision as requested. The purpose of the subdivision is to combine three metes-and-bounds parcels into one legal lot of record. The applicant states that the site is served by city water and sanitary sewer.

The 25-foot minimum building setback is shown and labeled on the preliminary plat; however it is not shown along the entire frontage along Demetropolis Road. This should be corrected and placed on the Final Plat, if approved.

The site is located on Demetropolis Road, which is a major street. As a major street, Demetropolis Road should have a minimum 100' right-of-way width. The preliminary plat submitted shows the right-of-way width at 180' and 164', therefore no further dedication will be required.

The preliminary plat does not label the size of the proposed lot in square feet or acres. It should also be noted that none of the dimensions are given for any of the sides of the proposed lot. If approved, this information should be provided on the Final Plat.

As a means of access management, a note should be placed on the Final Plat stating that the lot is limited to one curb cut to Demetropolis Road, with the size, design, and location of all curb cuts to be approved by City of Mobile Engineering and conform to AASHTO standards.

Regarding the Planning Approval, staff is unable to determine if the site plan depicts compliance with the landscaping regulations due to the fact that the existing trees to remain are not identified by species. The site plan should be revised to identify the species of the trees to remain on site so they can accurately be counted for tree credits.

RECOMMENDATION

Rezoning: *Based on the preceding, the request is recommended for approval.*

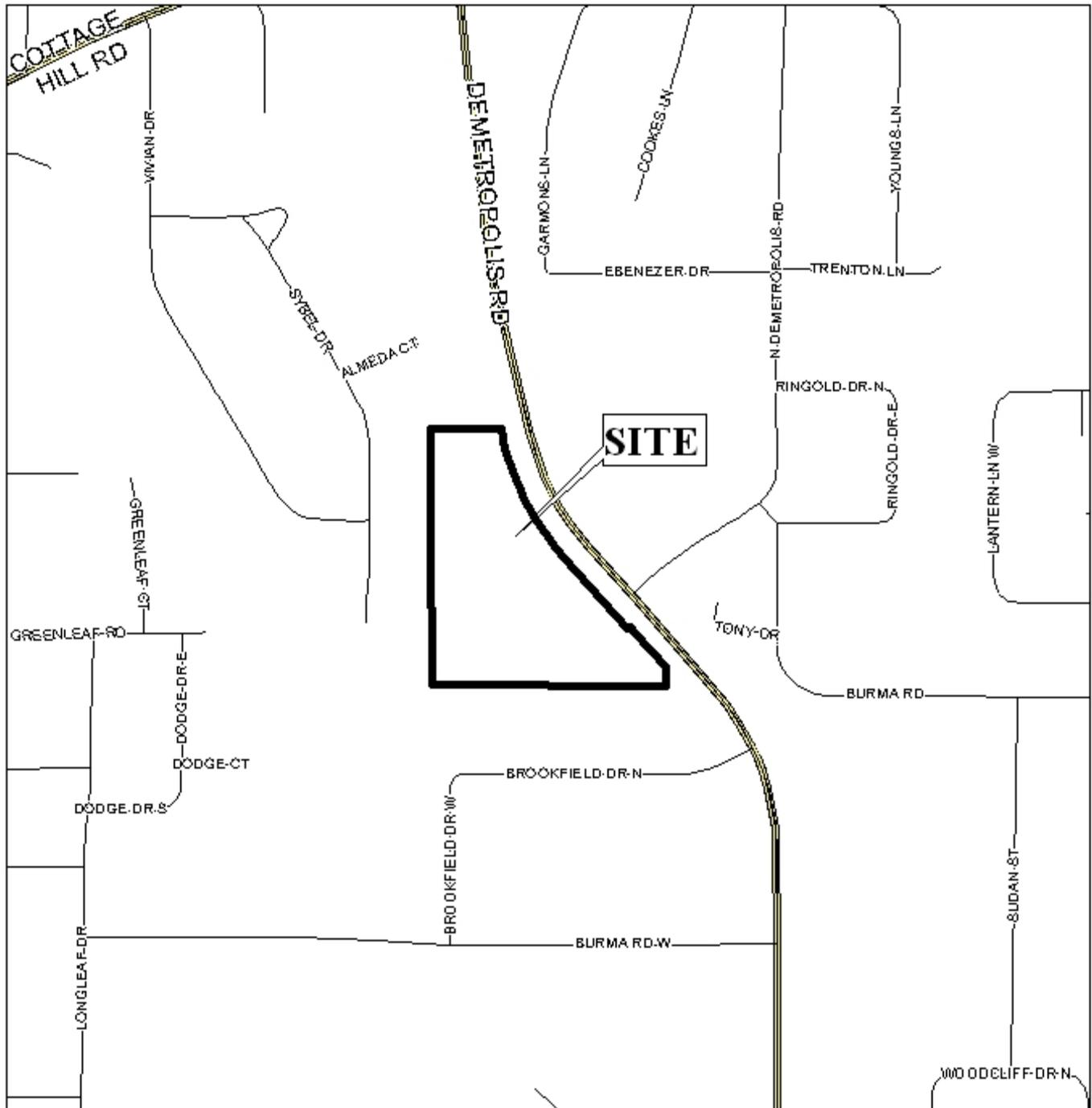
Planning Approval: Based upon the preceding, this request is recommended for approval, subject to the following conditions:

- 1) coordination with Urban Forestry to revise site plan to save all 35" and larger Live Oak Trees where possible;
- 2) revision of the site plan to depict a sidewalk along Demetropolis Road, or submittal of an application for a sidewalk waiver.

Subdivision: Based upon the preceding, this request is recommended for approval, subject to the following conditions:

- 1) labeling of the lot area size, in square feet, or provision of a table on the Final Plat with the same information;
- 2) labeling of the lengths of the sides of the property in feet;
- 3) depiction of the 25-foot minimum building setback line along all right-of-way frontages;
- 4) revision of the site plan to depict a sidewalk along Demetropolis Road, or submittal of an application for a sidewalk waiver;
- 5) placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species; and
- 6) placement of a note on the Final Plat limiting the lot to one curb cut to Demetropolis Road, with the size, design, and location of all curb cuts to be approved by City of Mobile Engineering and conform to AASHTO standards.

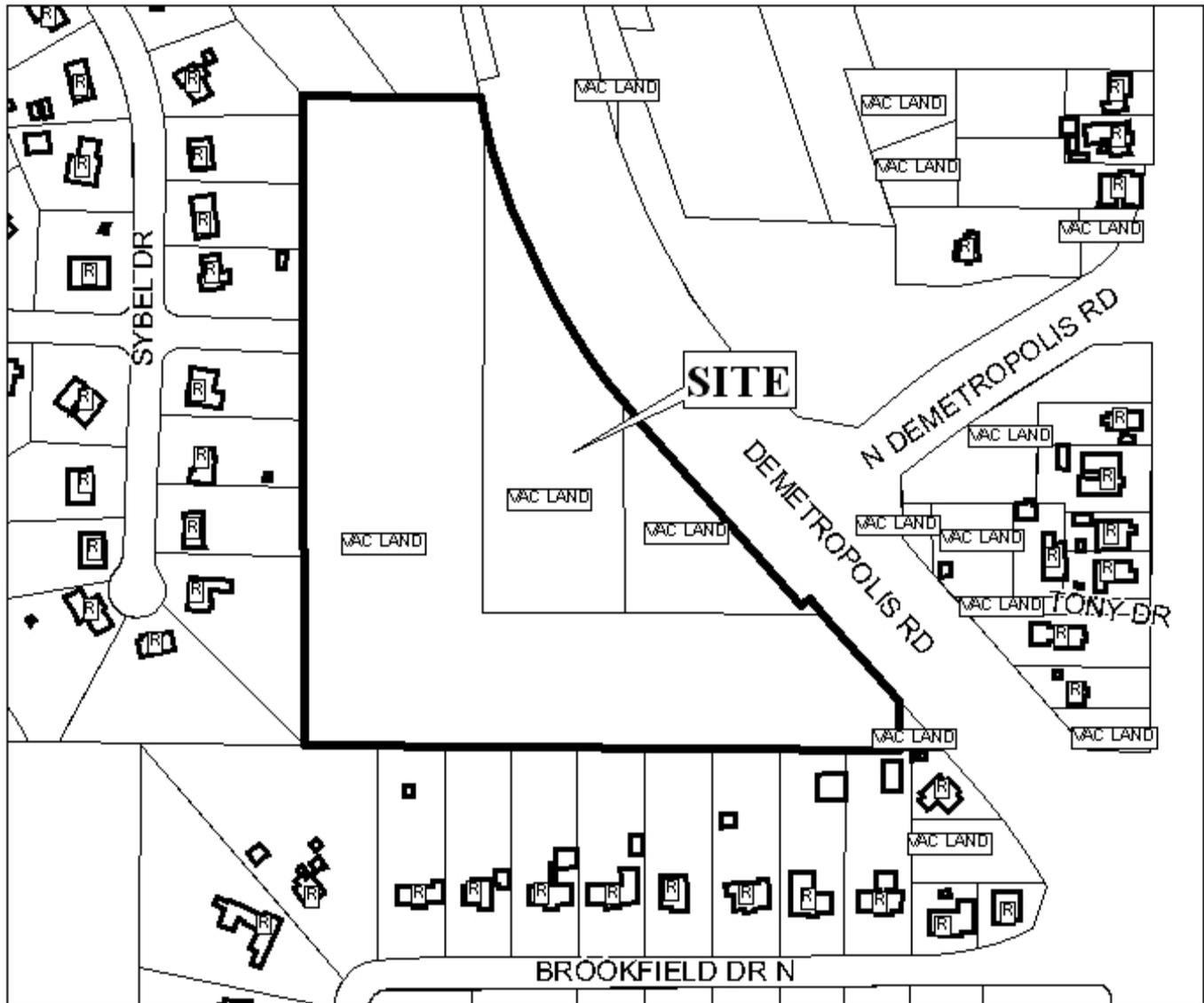
LOCATOR MAP



APPLICATION NUMBER 12, 13 & 14 DATE August 18, 2011
APPLICANT Gerald T. Still
REQUEST Subdivision, Rezoning from R-1 to R-3, Planning Approval



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by single-family residential units.

APPLICATION NUMBER 12, 13 & 14 DATE August 18, 2011

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REQUEST Subdivision, Rezoning from R-1 to R-3, Planning Approval

LEGEND	R-1	R-2	R-3	R-A	R-B	H-B	T-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2
	[White]	[Yellow]	[Green]	[Cyan]	[Light Blue]	[Pink]	[Tan]	[Blue]	[Purple]	[Orange]	[Red]	[Brown]	[Dark Blue]	[Light Purple]	[Grey]



**PLANNING COMMISSION
VICINITY MAP - EXISTING ZONING**

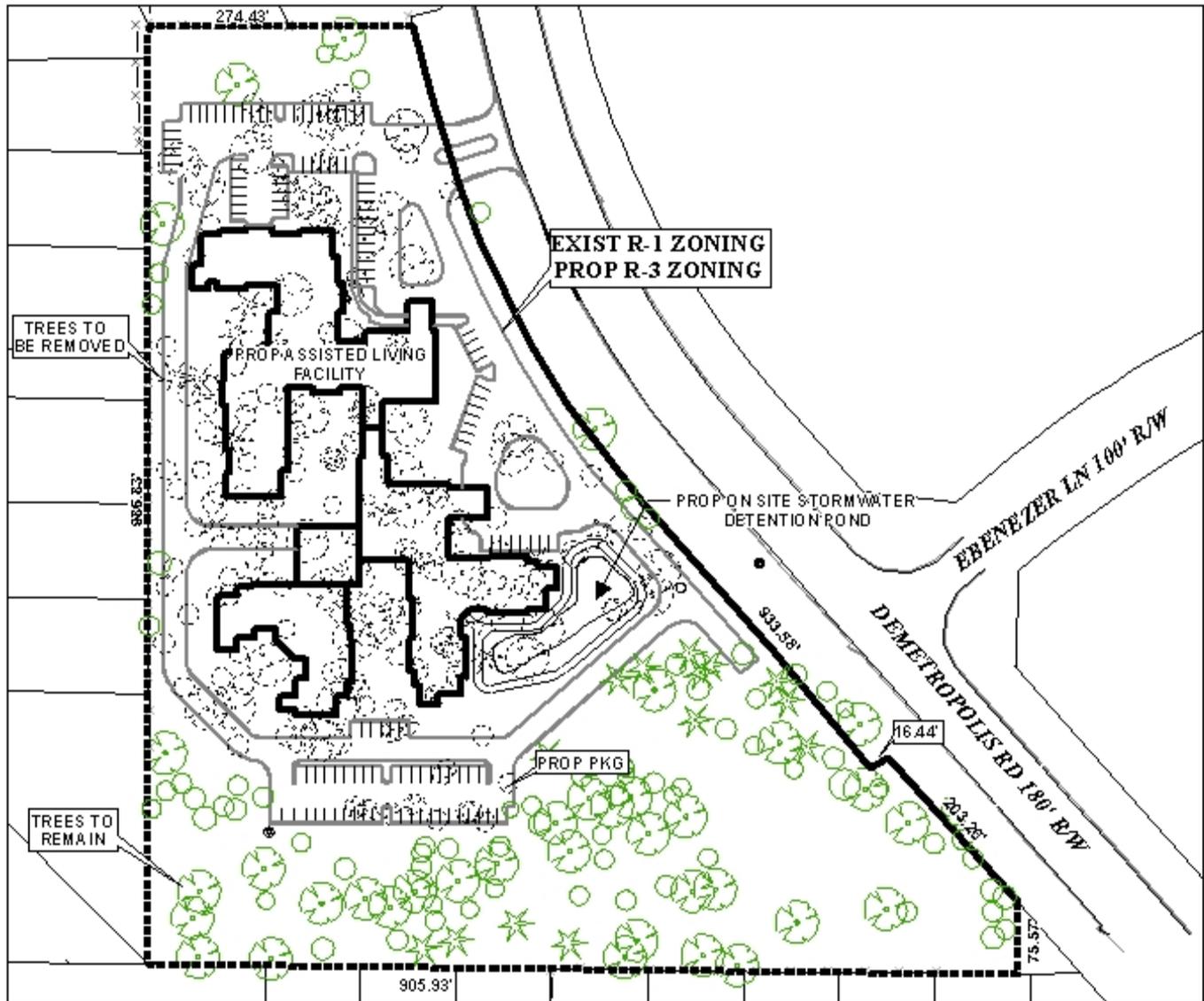


The site is surrounded by single-family residential units.

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SITE PLAN



The site plan illustrates the proposed assisted living facility.

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