

**REVISED
HOLDOVER**

3, 4, 5

File # ZON2005-00664, ZON2005-00662, SUB2005-00053

**REZONING, PLANNED UNIT DEVELOPMENT,
& SUBDIVISION STAFF REPORT**

Date: April 21, 2005

<u>DEVELOPMENT NAME</u>	Bay Shore Avenue Apartments Subdivision
<u>SUBDIVISION NAME</u>	Bay Shore Avenue Apartments Subdivision
<u>LOCATION</u>	East side of Bay Shore Avenue, extending from Frederick Street to Elsmore Street
<u>CITY COUNCIL DISTRICT</u>	District 1
<u>PRESENT ZONING</u>	B-3, Community Business
<u>PROPOSED ZONING</u>	R-3, Multi-family Residential
<u>AREA OF PROPERTY</u>	0.7± acre
<u>CONTEMPLATED USE</u>	Multi-tenant apartment buildings on a single-building site consisting of multiple lots with shared parking and access. 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 FOR DEVELOPMENT</u>	Immediate
<u>ENGINEERING COMMENTS</u>	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.
<u>TRAFFIC ENGINEERING COMMENTS</u>	Driveway number, sizes, location and design to be approved by Traffic Engineering and conform to AASHTO standards.

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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). 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.

Revised for the April 21st meeting:

This application has been held over from the April 21st meeting, to allow the applicant an opportunity to submit required information substantiating the reason(s) for rezoning. The applicant has stated the following:

The property has sat vacant as a B-3 property for at least 20 years, and two neighboring B-3 properties remain vacant as well. The area has changed, making B-3 uses unsuitable,

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and therefore rezoning would be appropriate, according to the requirements of the Zoning Ordinance.

Rezoning to R-3 would be consistent with the large neighboring property to the South, which is developed as apartments for the elderly; it would also be more compatible with the neighboring R-1 residential properties, particularly those located on the same block; thus the rezoning of the site from B-3 to R-3 would be not only compatible with the surrounding development, but also complementary to it. Where the site adjoins R-1 zoning, buffers will be required, per Section

Typically with R-3, the rezoning is subject to the accompanying PUD. 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.

The site is currently undeveloped, and the applicant proposes to build three, two-story, apartment buildings, which would contain four apartments each. Six parking spaces would be provided for each building, meeting the minimum requirement of 18 spaces, and there would be two, one-way, driveways: one at Bay Shore Avenue, and one at Elsmore Street. The development of proposed Lot 1 would require full compliance with the landscaping and tree planting requirements of the Ordinance, as well as the provision of adequate paved parking and stormwater detention (per City Engineering). The proposed site plan provides for the required trees and more than the minimum required landscaped area.

Regarding the proposed subdivision, the site fronts Bay Shore Avenue, with an apparent 80' right-of-way, Elsmore Street, with a 50' right-of-way, and Frederick Street, with a 40' right-of-way; as the Frederick Street right-of-way is substandard in width, dedication of sufficient right-of-way to provide 25' from the centerline should be required. In terms of the proposed subdivision, the applicant will consolidate four existing lots into one lot.

RECOMMENDATION **Rezoning** *Based on the preceding, this application is recommended for approval, subject to the following conditions: 1) full compliance with the landscaping and tree planting requirements of the Ordinance; 2) the provision of storm water detention facilities, to be approved by City Engineering; 3) the provision of a buffer between the site and R-1 zoned property; 4) that the site be developed in compliance with the accompanying Planned Unit Development; 5) the dedication of sufficient right-of-way to provide 25' from the centerline of Frederick Street; and 6) full compliance with all municipal codes and ordinances.*

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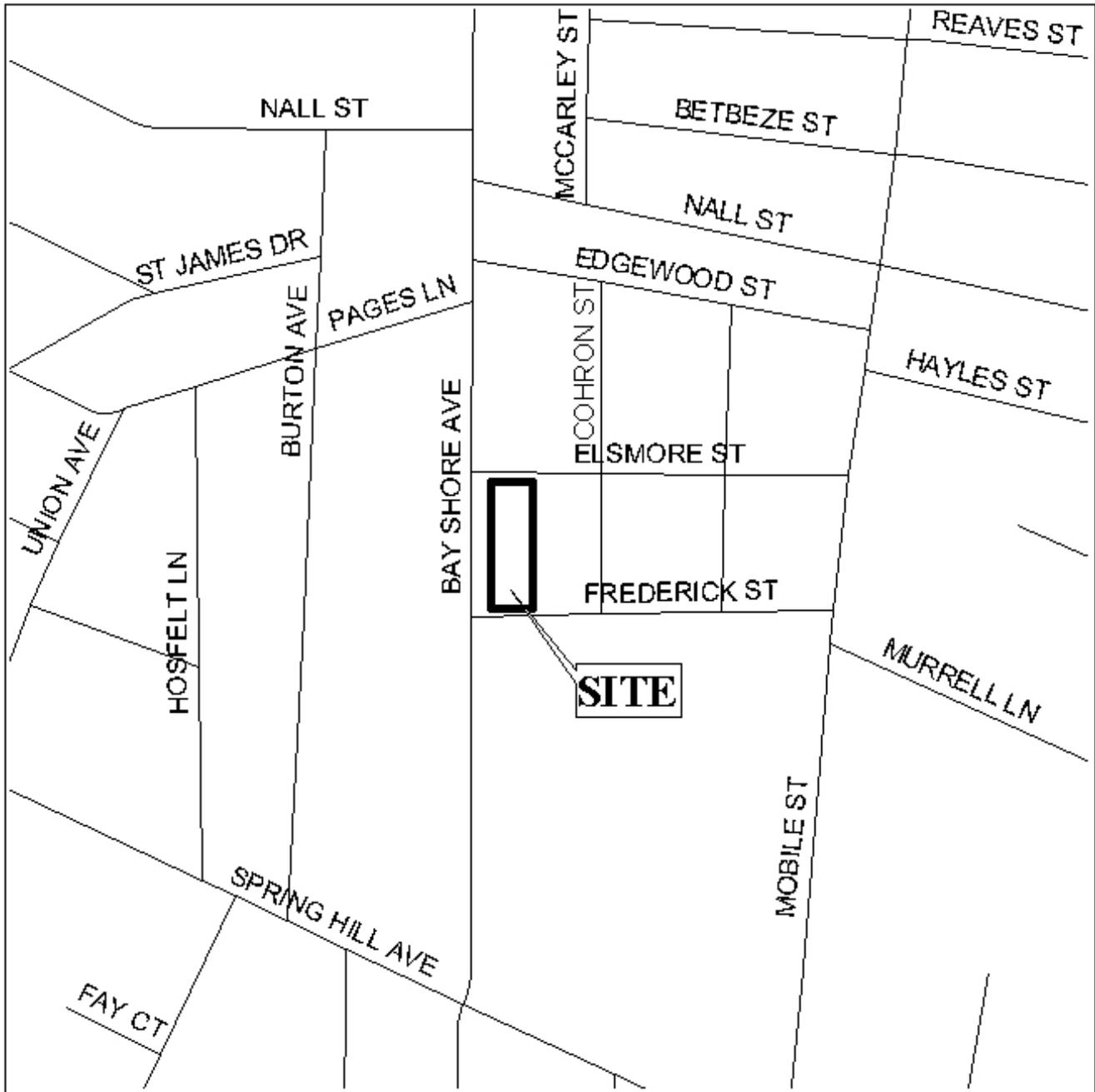
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Planned Unit Development *Based on the preceding, this application is recommended for approval, subject to the following conditions: 1) full compliance with the landscaping and tree planting requirements of the Ordinance; 2) the provision of storm water detention facilities, as approved by City Engineering; 3) the provision of a buffer between the site and R-1 zoned property; and 4) full compliance with all municipal codes and ordinances.*

Subdivision *Based on the preceding, this application is recommended for Tentative Approval, subject to the following condition: 1) the dedication of sufficient right-of-way to provide 25' from the centerline of Frederick Street; and 2) the provision of storm water detention facilities, as approved by City Engineering.*

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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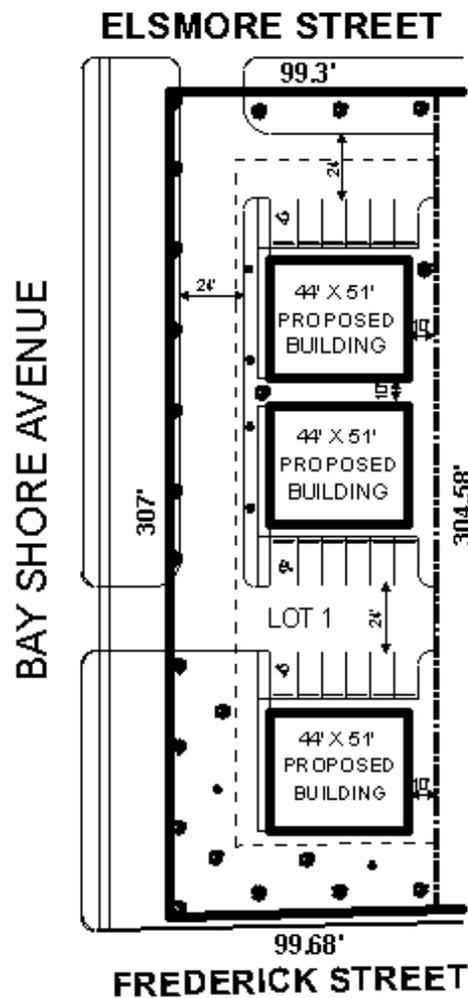
REQUEST Rezoning, PUD, Subdivision

LEGEND



NTS

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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