

**SIDEWALK WAIVER REQUEST
STAFF REPORT****Date: February 3, 2021****NAME**

Clark Geer Latham and Associates

LOCATION1812 Old Shell Road
(North side of Old Shell Road, 200'± West of Mobile
Infirmary Boulevard).**PRESENT ZONING**

B-2, Neighborhood Business District

ENGINEERING**COMMENTS**

It appears that there is sufficient room within the ROW for the construction of a sidewalk that could be approved through the ROW Permit process.

TRAFFIC ENGINEERING**COMMENTS**

Based on the pictures provided, there appears to be room within the right of way between the tree and the roadway to construct a sidewalk. The alignment of the sidewalk is not limited to one foot off the right of way; it is a standard but can be deviated from. There is sidewalk nearby on Old Shell Road, although not along the adjacent property but only three parcels to the west.

Revised for the February 18th meeting:

If the water meters are an issue for realigning the sidewalk, the nearest parking space could be eliminated to bring the sidewalk back to the right of way. It appears to be possible to construct the sidewalk weaving through the power poles and crossing near the edge of the roadway. Crossing pedestrians near the intersection of the driveway and the street is more appropriate than further back up the driveway so that turning vehicles can see them before they turn. A setback crossing is more dangerous for pedestrians when they have to step out behind vehicles stopped to exit the driveway.

If the Commission is considering waiving the sidewalk through the driveway to the western property line, the sidewalk must terminate at the driveway on the east side in the right of way so the City does not have to acquire an easement from this property owner or an adjacent property owner to extend the sidewalk in the future.

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 2015-116 and City Code Chapters 57 and 64). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site will require a tree removal permit.

Revised for the February 18th meeting:

A site visit by Urban Forestry and in consultation with the site superintendent determined that driveway /sidewalk installation can be achieved in compliance ANSI A300 Root Management Standards.

REMARKS

The applicant is requesting a waiver for the construction of a sidewalk along a portion of Old Shell Road.

The site has been given a Traditional Corridor (TC) land use designation, per the Future Land Use Plan and Map, adopted on May 18, 2017 by the Planning Commission. The Future Land Use Plan and Map complements and provides additional detail to the Development Framework Maps in the Map for Mobile, adopted by the Planning Commission at its November 5, 2015 meeting.

This land use designation generally applies to transportation corridors east of I-65, which serve as the primary commercial and mixed-use gateway to Downtown and the City’s traditional neighborhoods (equivalent to Map for Mobile’s Traditional Neighborhoods).

Depending on their location (and as allowed by specific zoning), TC designations incorporate a range of moderately scaled single-use commercial buildings holding retail or services; buildings that combine housing units with retail and/or office; a mix of housing types including low- or mid-rise multifamily structures ranging in density from 4 to 10 du/ac; and attractive streetscapes and roadway designs that safely accommodate all types of transportation – transit, bicycling, walking, and driving. In these areas, special emphasis is placed on the retention of existing historic structures, compatible infill development, and appropriate access management.

It should be noted that the Future Land Use Plan and Map components of the Map for Mobile Plan are meant to serve as a general guide, not a detailed lot and district plan. In many cases the designation on the new Future Land Use Map may match the existing use of land, but in others the designated land use may differ from what is on the ground today. As such, the Future Land Use Plan and Map 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, where applicable, the zoning classification.

The applicant states the following to justify the sidewalk waiver request:

THERE IS NO SIDEWALK TO CONNECT TO ALONG THE WESTERN BOUNDARY. IN ORDER TO EXTEND THE SIDEWALK TO THE WESTERN BOUNDARY, WE WILL NEED TO REMOVE A 42" OAK TREE. IT IS THE PREFERENCE OF THE PROPERTY OWNER AND NEIGHBORS TO SAVE THE OAK TREE. WE ARE PROPOSING TERMINATING THE SIDEWALK AT THE EASTERN EDGE OF THE DRIVE AISLE IN ORDER TO SAVE THE OAK TREE.

It should be pointed out that the Mobile City Council adopted a “complete streets” policy on May 31, 2011. The purpose of the complete streets policy is to support the design and

construction of streets to enable safe access to all users, including pedestrians, bicyclists, transit riders, motorists, commercial and emergency vehicles, and for people of all ages and abilities.

The subject site is currently under construction as a mixed-use commercial/residential development. The site plan approved for construction indicated the required sidewalk along the entire front of the property. The applicant proposes to eliminate the sidewalk within the area where it crosses the two-way drive into the site along the West boundary.

As per the Engineering comments, it appears that there is sufficient room within the ROW for the construction of a sidewalk that could be approved through the ROW Permit process. However, as the basis of the waiver request is saving the 42" Oak tree along the Western property line, staff is of the opinion that the Commission should make a decision based upon the input of the applicant and neighbors within the area.

In order to determine the type of oak tree and its health, staff reached out to the Urban Forester to inspect the 42" oak tree the applicant references saving. Findings regarding this tree are not yet available; however, the results will be provided to the Commission at the public hearing.

RECOMMENDATION

Based upon the preceding, staff is of the opinion that the Commission should make a decision based upon the input of the applicant and neighbors within the area.

Revised for the February 18th meeting:

This application was heldover from the February 3rd meeting. Any revised information was required to be submitted by Friday, February 5, 2021.

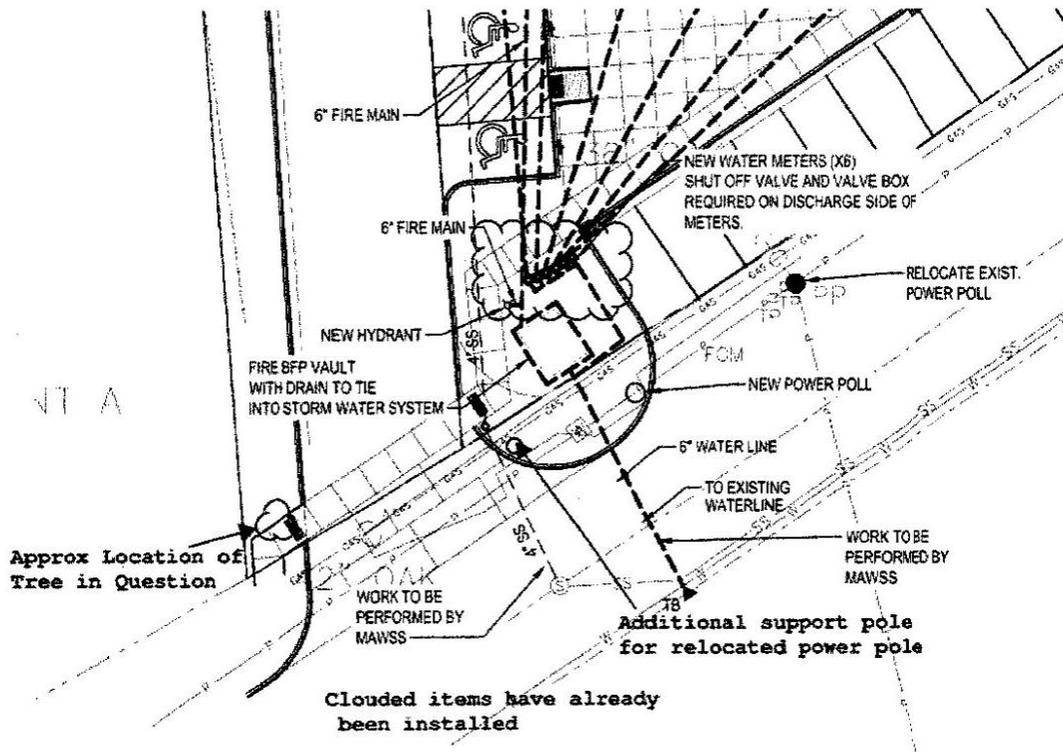
The applicant submitted the following revision concerning the request:

As referenced in the Letter of Decision dated February 4th, 2021 regarding the above referenced item, RGH Midtown, LLC, as Owner of the subject Property provides the following information:

Following the Planning Commission hearing the Owner engaged a local tree service and certified arborist to review the tree in question and consider ANSI A300 root management standards suggested by the City of Mobile Urban Forestry Department. It was determined after reviewing the tree in question onsite, that the exact method for root management could not be guaranteed but pending a pneumatic removal of the dirt with air compressors, the likely root management practice to be implemented would be selective excavation and installation of a pea gravel subgrade, the limits of which could only be determined once the roots are exposed. Estimated costs to be incurred by the Owner for the ANSI A300 root management standards were determined by the Owner to be too high to proceed in that manner.

Additionally, as provided in the attached Image-A the re-routing of the sidewalk as suggested by the Planning Commission is likely to be unfeasible due to the tight area constraints of the island in question and specific utilities having already been installed as designed and approved.

Image A



The intent of this development has always been to create a place for the Midtown Neighborhood to Live, Work, and Play. A crucial component to creating that environment is walkability. Additionally, the charm of this neighborhood is largely influenced by the trees in the area such as the one in question. We are by no means opposed to constructing the sidewalk as we have been approved to. However, seeing as there is no sidewalk on the West side of the property for over 200', we feel that it is unnecessary to run the risk of damaging the tree's critical root structure with the construction of the sidewalk nor is it feasible for the Owner to bear the economic burden of the ANSI A300 root management standards to construct a sidewalk that does not connect to anything.

We respectfully ask the Planning Commission, that in light of these findings, a sidewalk waiver be granted as requested in the original application.

As per the revised Traffic Engineering and Urban Forestry comments, a sidewalk can be installed. Thus, any decision by the Commission should be based upon the revised information provided by the applicant, staff, and at the meeting.

RECOMMENDATION *Based upon the preceding, staff is of the opinion that the Commission should make a decision based upon the input of the applicant, neighbors within the area, and reviewing entities within the City.*

LOCATOR MAP



APPLICATION NUMBER 1 DATE February 18, 2021

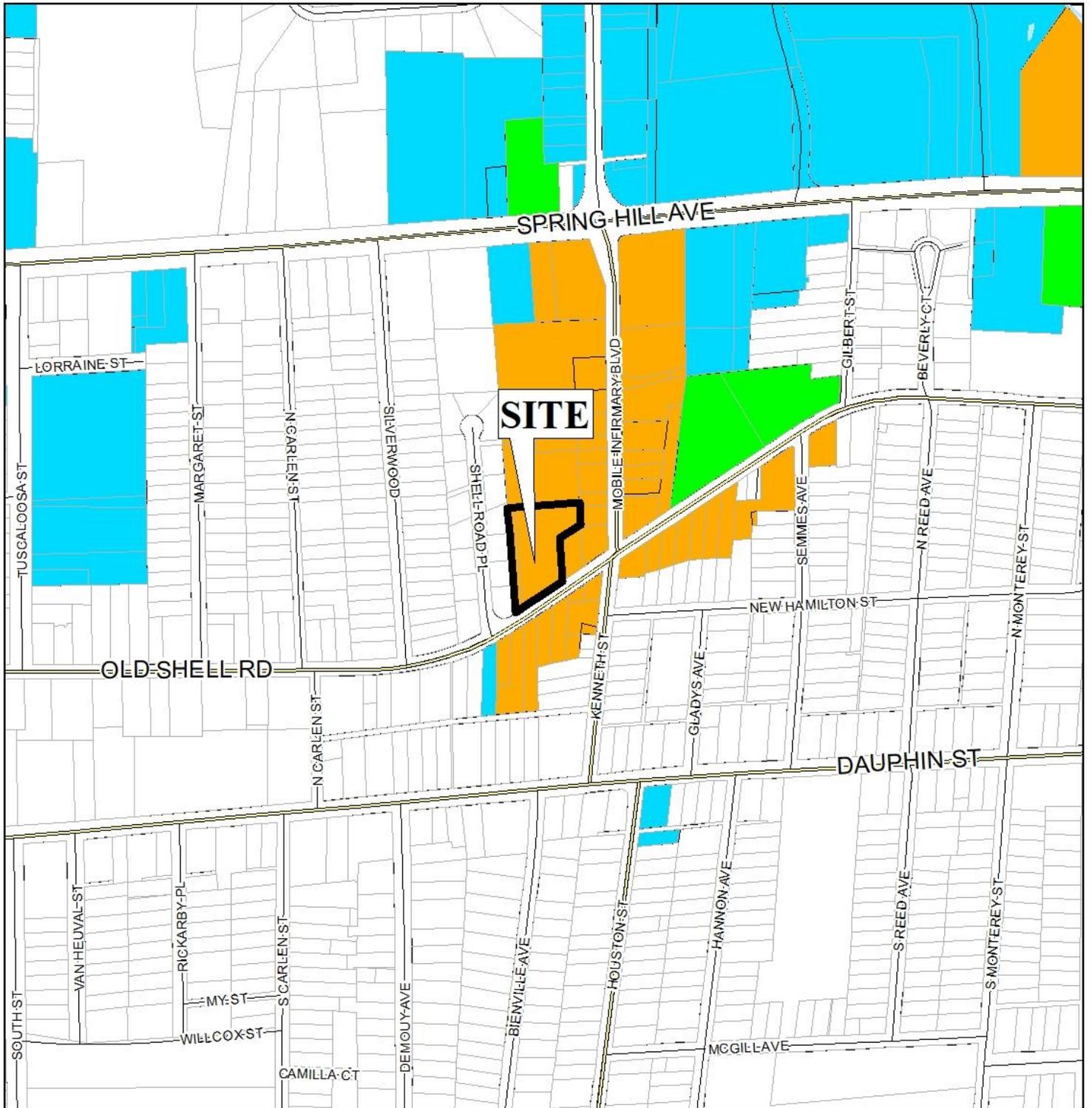
APPLICANT Clark Geer Latham and Associates

REQUEST Sidewalk Waiver



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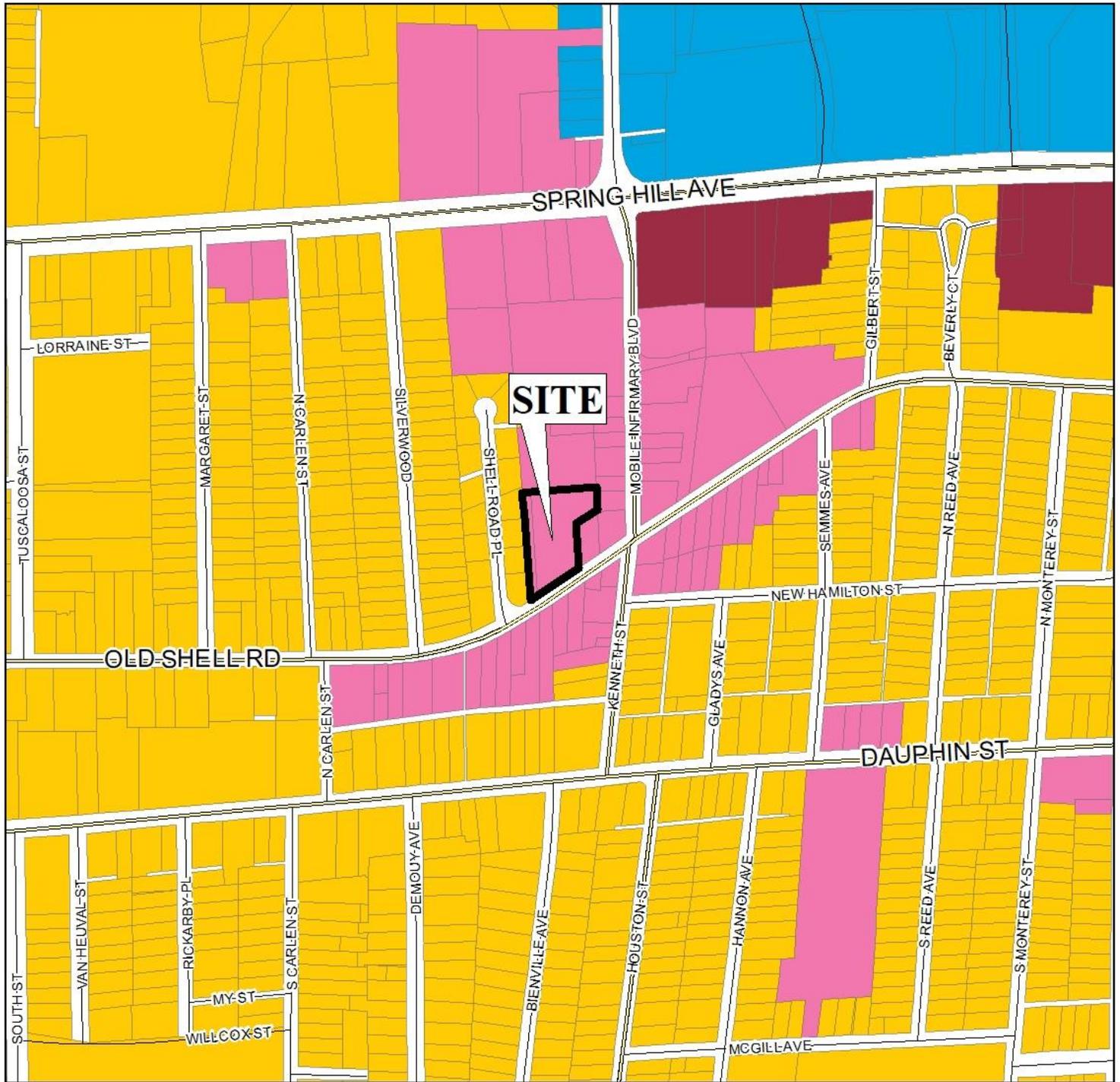
LOCATOR ZONING MAP



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FLUM LOCATOR MAP



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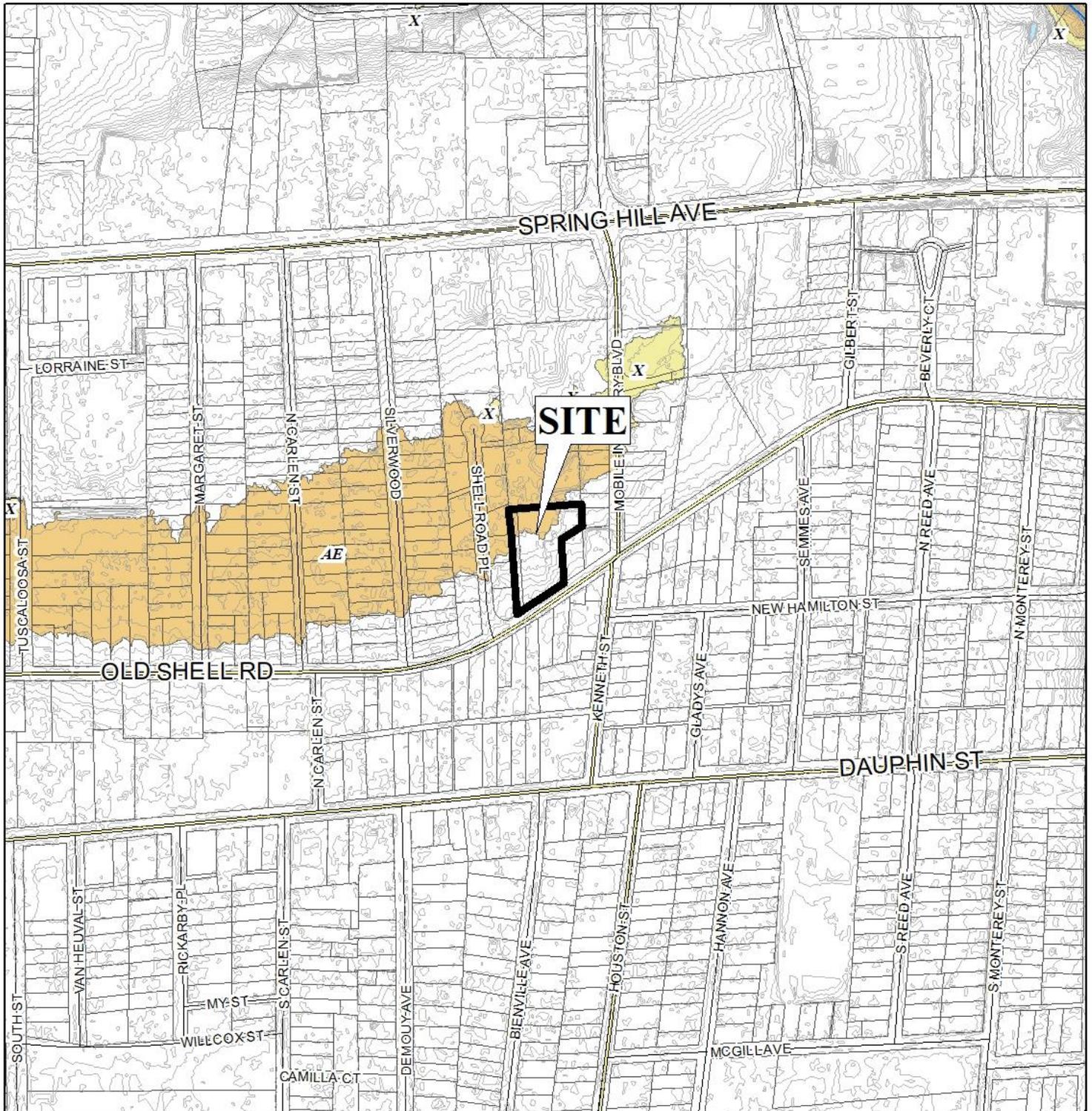
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- | | | | |
|---------------------------|-----------------------------------|---------------------|--------------------|
| Low Density Residential | Neighborhood Center - Traditional | Downtown Waterfront | Parks & Open Space |
| Mixed Density Residential | Neighborhood Center - Suburban | Light Industry | Water Dependent |
| Downtown | Traditional Corridor | Heavy Industry | |
| District Center | Mixed Commercial Corridor | Institutional | |



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ENVIRONMENTAL LOCATOR MAP



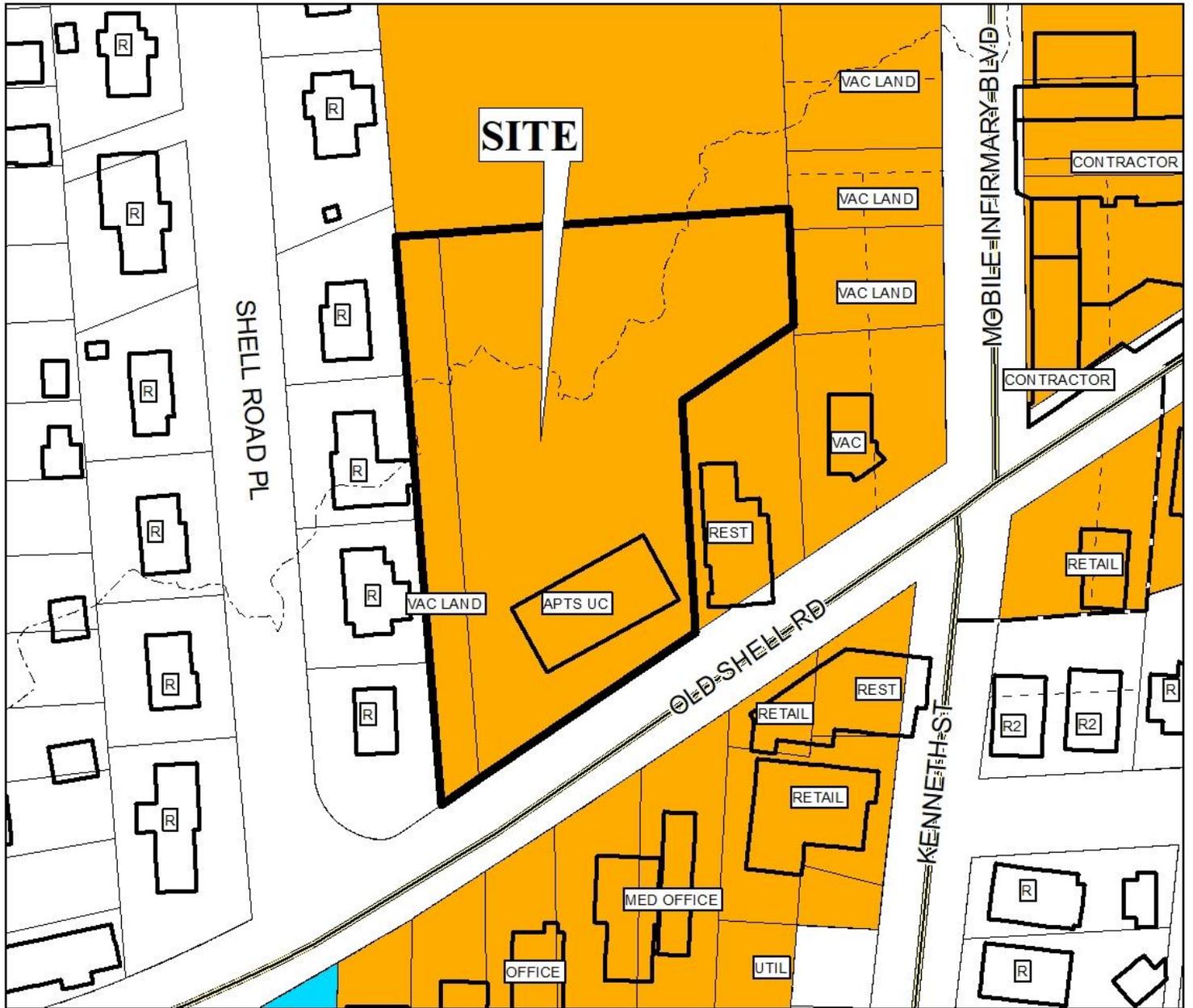
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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units to the west, and commercial units to the south and east.

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R-A	R-3	T-B	B-2	B-5	MUN	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



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PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential units to the west,
and commercial units to the south and east.

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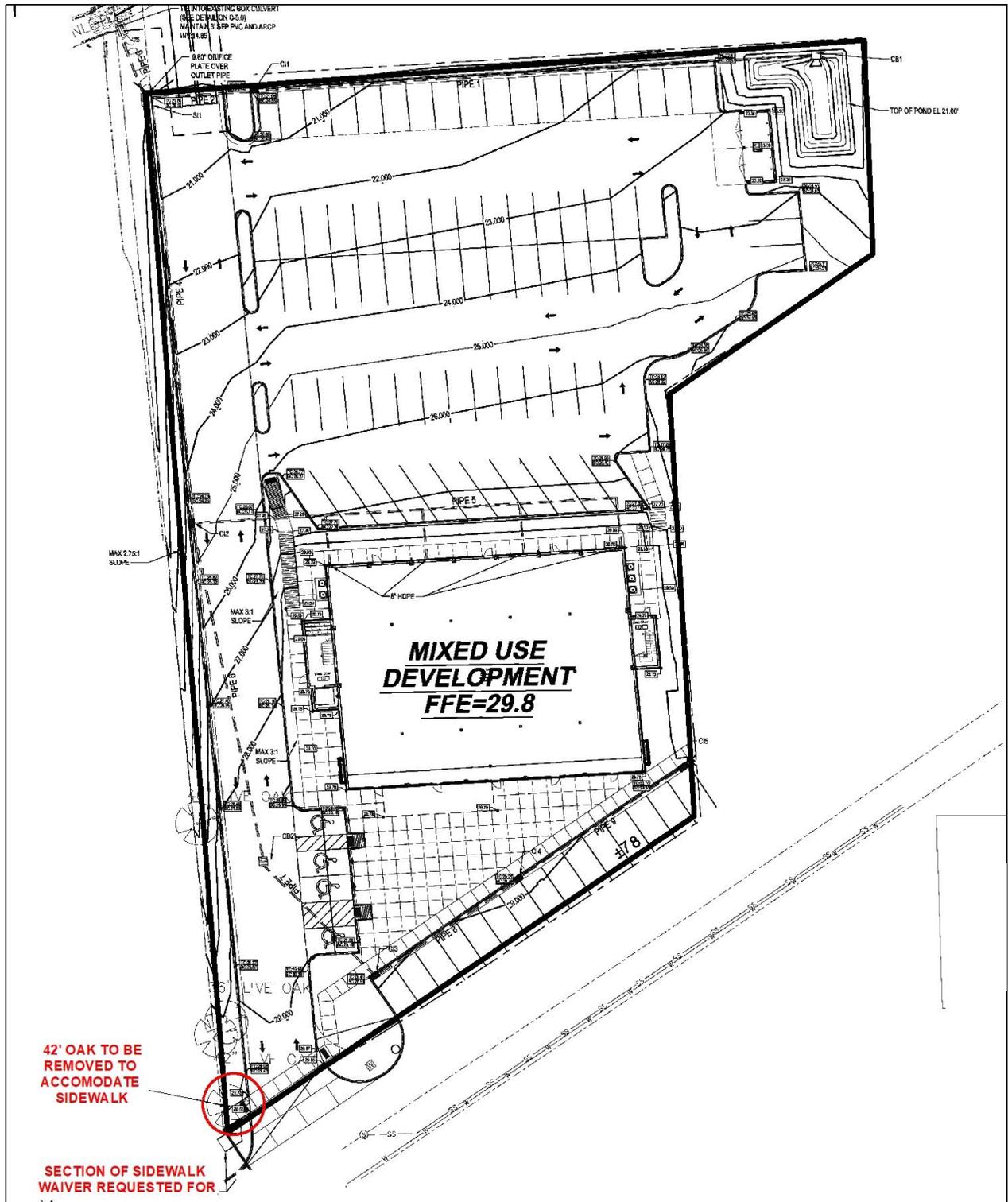
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SITE PLAN



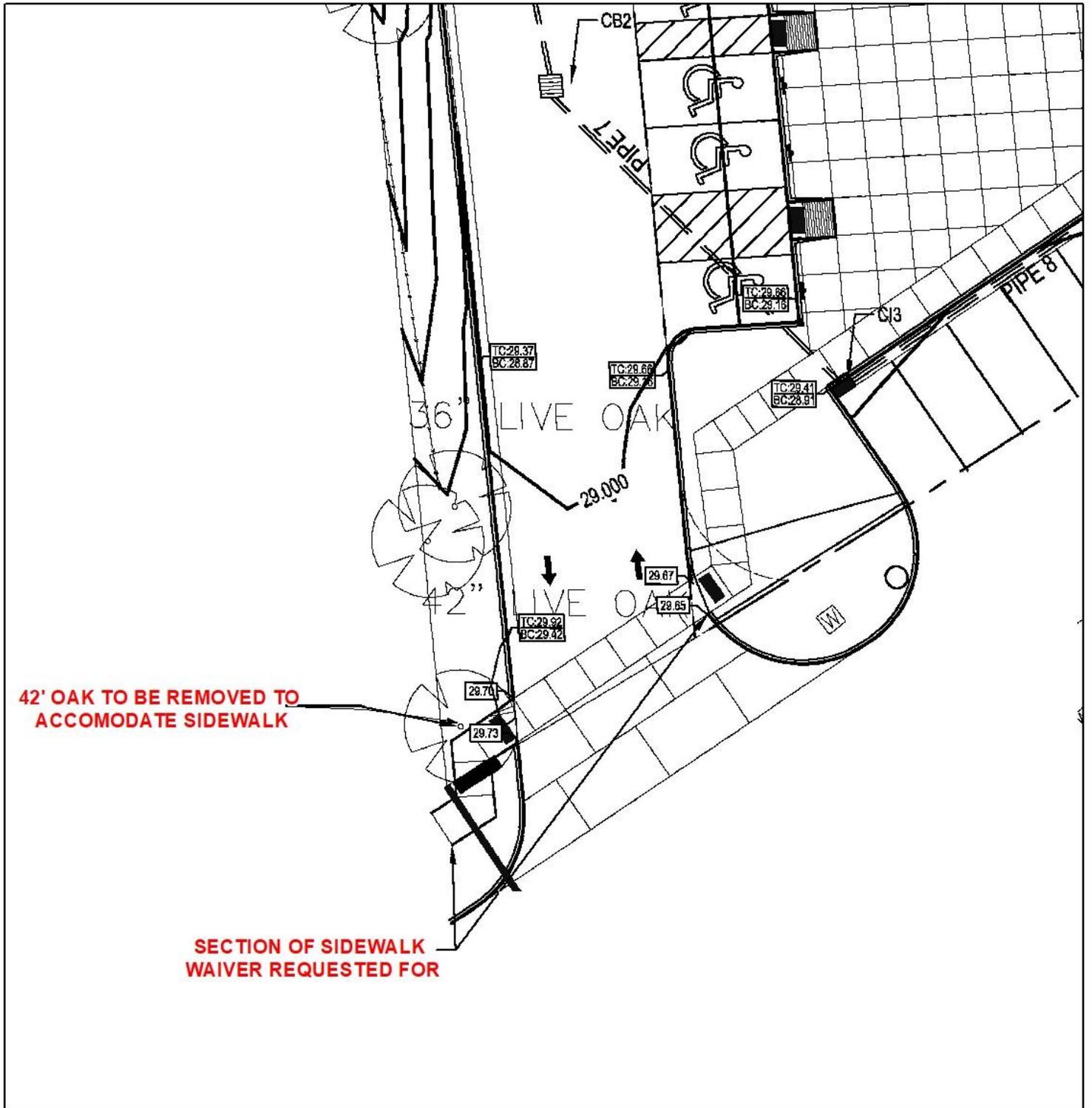
The site plan illustrates the existing building, parking, and proposed section of sidewalk waiver requested for.

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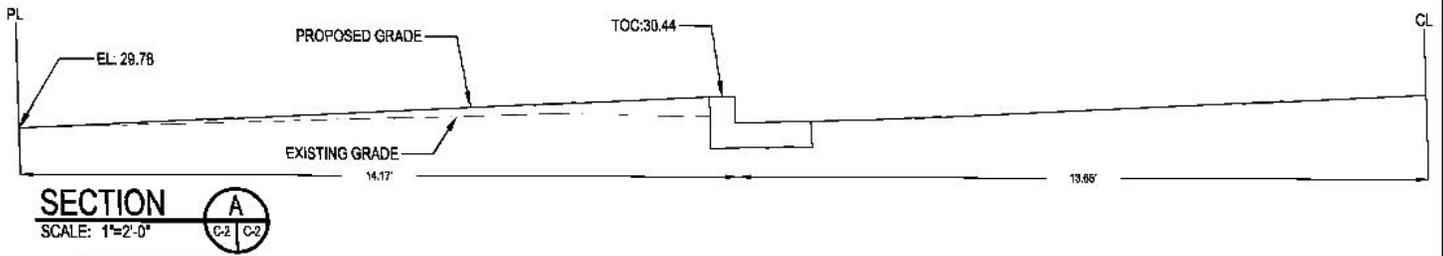
DETAIL SITE PLAN



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