



## Agenda Item # 2 - HOLDOVER SUB-002792-2023 & MOD-002804-2024

View additional details on this proposal and all application materials using the following link:

[Applicant Materials for Consideration – Subdivision](#)

[Applicant Materials for Consideration – Planned Unit Development  
Modification](#)

### DETAILS

**Location:**

3201 Airport Boulevard, 410 & 450 Bel Air Boulevard

**Subdivision Name:**

Resubdivision of Lot 1 of the Resubdivision of Lot 2 of  
Bel Air Mall Subdivision

**Applicant / Agent:**

Felix Reznick, 4th Dimension Properties, LLC

**Property Owner:**

Bel Air Mall Realty Holding, LLC

**Current Zoning:**

B-3, Community Business Suburban District

**Future Land Use:**

District Center

**Applicable Codes, Policies, and Plans:**

- Unified Development Code
- Subdivision Regulations
- Map for Mobile Comprehensive Plan

**Proposal:**

- Subdivision approval to create two (2) legal lots of record from one (1) legal lot of record.
- Modification of a previously approved Planned Unit Development.

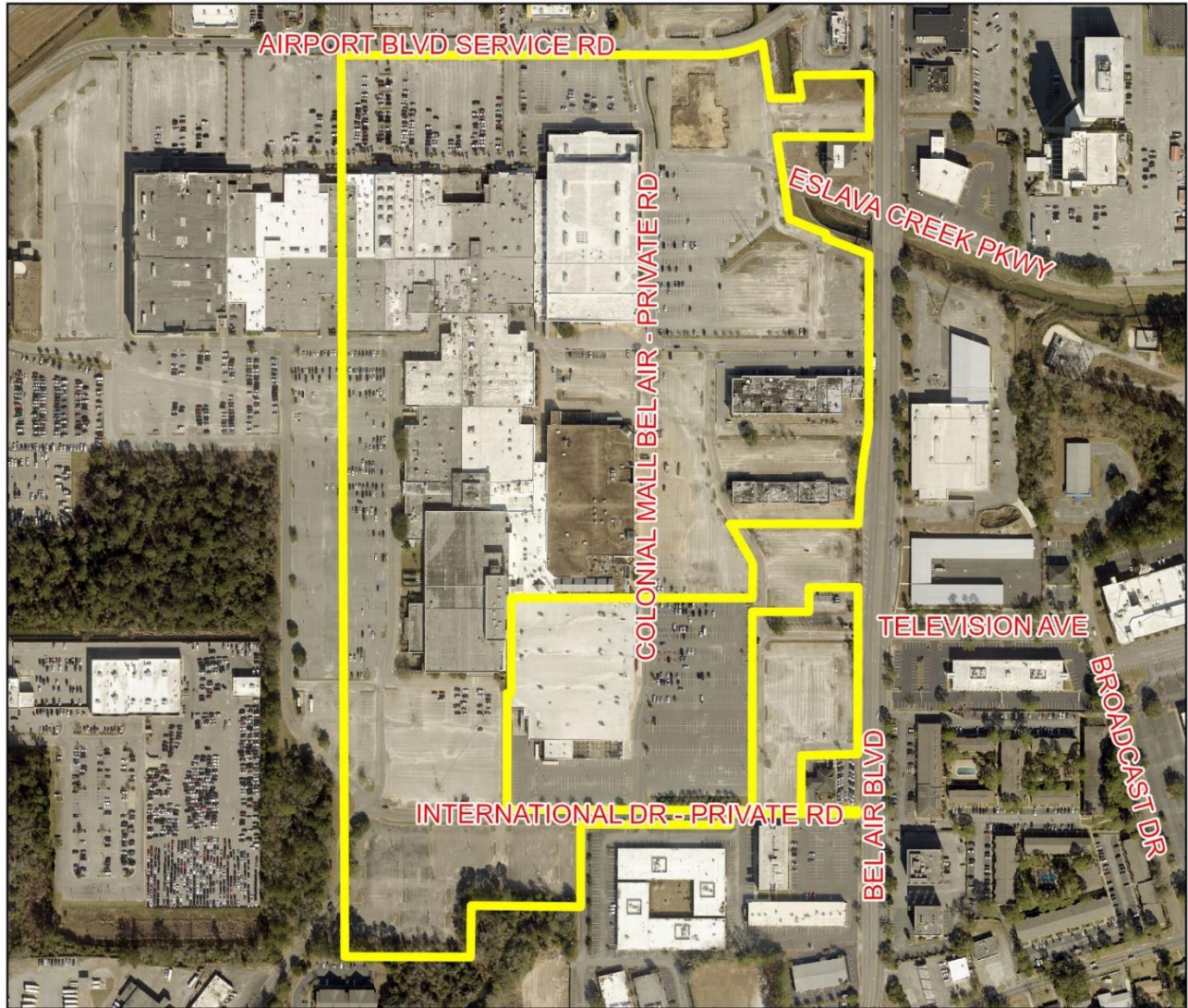
**Commission Considerations:**

1. Subdivision proposal with seven (7) conditions.
2. Modification of a previously approved Planned Unit Development with seven (7) conditions.


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# PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial and residential units.

APPLICATION NUMBER <u>      2      </u> DATE <u>      March 21, 2024      </u>	 NTS
APPLICANT <u>      Resubdivision of Lot 1 of the Resubdivision of Lot 2 of Bel Air Mall Subdivision      </u>	
REQUEST <u>      Subdivision, PUD Modification      </u>	

## HOLDOVER COMMENTS

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This application was heldover from the Planning Commission's February 15<sup>th</sup> meeting to allow the applicant to obtain property owner authorizations for four (4) parcels required to participate in the Modification to the Previously Approved PUD. The applicant has since submitted the required letters of authorization for all of the adjacent parcels to participate in the current Modification application. However, it should be noted that neither the site plan nor the legal description for the Modification has been revised to reflect the addition of these parcels. Therefore, if approved, the site plan, including the legal description, should be revised to clearly depict all parcels included in the Modification of the PUD.

No changes have been made to the initial request, and staff has not received any other additional information.

## HOLDOVER SUBDIVISION CONSIDERATIONS

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### Standards of Review:

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.

### Considerations:

If the Planning Commission considers approving the request, with a waiver of Section 6.C.3. of the Subdivision Regulations, the following conditions should apply:

1. Retention of the lot sizes in both square feet and acres on the Final Plat, or provision of a table on the Final Plat with the same information;
2. Retention of all easements on the plat and the note stating that no structures are to be placed in any easement, without the permission of the easement holder
3. Retention of the 25-foot minimum building setback line along each street frontage, per 64-2-14.E. of the UDC for lots in B-3 zoning districts;
4. Compliance with all Engineering comments noted in this staff report;
5. Provision of a note on the Final Plat stating all Traffic Engineering comments noted in this staff report;
6. Compliance with all Urban Forestry comments noted in this staff report; and,
7. Compliance with all Fire Department comments noted in this staff report.

## HOLDOVER MODIFICATION CONSIDERATIONS

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### Standards of Review:

The Unified Development Code (UDC) in Section 64-5-8-B.(5) states the following concerning a major modification to an existing Planned Unit Development:

Approval Criteria. The Planning Commission shall not recommend a major modification for approval, and the City Council shall not approve the modification, unless the proposed modification:

- a. Is consistent with all applicable requirements of this Chapter;

- b. Is compatible with the character of the surrounding neighborhood;
- c. Will not impede the orderly development and improvement of surrounding property;
- d. Will not adversely affect the health, safety or welfare of persons living or working in the surrounding neighborhood, or be more injurious to property or improvements in the neighborhood:
  - 1. In making this determination, the Planning Commission and City Council shall consider the location, type and height of buildings or structures, the type and extent of landscaping and screening, lighting, hours of operation or any other conditions that mitigate the impacts of the proposed development; and
  - 2. Includes adequate public facilities and utilities;
- e. Is subject to adequate design standards to provide ingress and egress that minimize traffic hazards and traffic congestion on the public roads;
- f. Is not noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas; and
- g. Shall not be detrimental or endanger the public health, safety or general welfare.
- h. Benefits Consideration. In addition, consideration should also be given to the City's and the larger community's best interests and the need, benefit, or public purpose of the proposed request.

If approved, the following conditions could apply:

- 1. Revision of the site plan, including the legal description, to clearly depict all parcels included in the Modification of the PUD;
- 2. Provision of a note on the recorded site plan stating future development, redevelopment, or any changes to the use and/or scope of operations of an existing use of the site may require additional modification of the Planning Approval to be approved by the Planning Commission and City Council;
- 3. Revision of the site plan to clearly label adjacent lots and their associated Subdivision names as well as map book and page or instrument number;
- 4. Compliance with all Engineering comments noted in this staff report;
- 5. Provision of a note on the Final Plat stating all Traffic Engineering comments noted in this staff report;
- 6. Compliance with all Urban Forestry comments noted in this staff report;
- 7. Compliance with all Fire Department comments noted in this staff report; and,
- 8. Submittal to and approval by Planning and Zoning of the Major Modification of the Planned Unit Development site plan prior to recording in Probate Court, and the provision of a copy of the recorded site plan (hard copy and .pdf) to Planning and Zoning;

## SITE HISTORY

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The site has been before the Planning Commission several time for Subdivisions and Planned Unit Developments (PUDs). The most recent, approved on November 4, 2021, was the Bell Air Mall Subdivision, Resubdivision of Lot 2, and associated PUD to allow multiple buildings on a single building site and shared access and parking between multiple building sites. The Subdivision plat was recorded in Probate Court, and the PUD was completed.

The site has also had several sign variance applications over the years. In August 2012, a sign variance was granted to allow a tenant in the mall fronting Airport Boulevard (Versona) to have a total of three (3) wall signs. In April 2016, a sign variance was granted to allow a tenant in the mall fronting Airport Boulevard (Belk) to have a total of three (3) wall signs. Most recently, in June 2016, a sign variance was denied to allow an exterior wall sign for a tenant (Versona) without an individual entrance.

## STAFF COMMENTS

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### Engineering Comments:

FINAL PLAT COMMENTS (should be addressed prior to submitting the FINAL PLAT for review):

- 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. Email a pdf copy of the FINAL SUBDIVISION PLAT and LETTER OF DECISION to the Permitting Engineering Dept. for review at [land.disturbance@cityofmobile.org](mailto:land.disturbance@cityofmobile.org) prior to obtaining any signatures. No signatures are required on the drawing.

PLANNED UNIT DEVELOPMENT MODIFICATION COMMENTS:

Retain PLANNED UNIT DEVELOPMENT NOTES #2 - #7, as shown on the PUD SITE PLAN.

### Traffic Engineering Comments:

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Any required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Article 3, Section 64-3-12 of the City's Unified Development Code.

### 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 [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.

### Fire Department Comments:

All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2021 International Fire Code). Fire apparatus access is required to be within 150' of all non-sprinklered commercial buildings and within 300' of all sprinklered commercial buildings. Fire water supply for all commercial buildings will be required to meet the guidance of Appendices B and C of the 2021 International Fire Code. The minimum requirement for fire hydrants is to be within 400' of non-sprinkled commercial buildings, within 600' of sprinkled commercial buildings, and within 100' of fire department connections (FDC) for both standpipes and sprinkler systems.

### Planning Comments:

#### Subdivision

The purpose of the subdivision application is to create two (2) legal lots of record from one (1) legal lot of record. The site is served by public water and sanitary sewer services.

The site has frontages along two public streets, Airport Boulevard and Bel Air Boulevard, both with existing compliant rights-of-way, making no dedication necessary. International Drive is a private street contained on the proposed Lot 1, which has a 37' right-of-way. As a private street with curb and gutter, International Drive should

have a right-of-way of 50', however the most recent Subdivision of this site, approved by the Planning Commission at its November 4, 2021 meeting did not require any additional right-of-way to be set aside, therefore it should not be required at this time.

Both lots, as proposed, exceed the minimum size requirements for lots served by public water and sanitary sewer in B-3 zoning districts. Their sizes are appropriately labeled in square feet and acres on the preliminary plat. If approved, this information should be retained on the Final Plat; or, provision of a table on the Final Plat with the same information will suffice.

If approved, the Final Plat should retain the 25-foot minimum building setback along each street frontage, per Section 64-2-14.E. of the UDC for lots in B-3 zoning districts within the Suburban subdistrict.

There are several ingress and egress easements throughout the site. If approved, the note should be retained on the Final Plat, stating that no structures are to be placed in any easement, without the permission of the easement holder.

The proposed Lot 1 is an unusual shape, presumably to accommodate both the existing structures and associated lease parcels. As such, a waiver of Section 6.C.3. of the Subdivision Regulations may be appropriate.

### **Planned Unit Development Modification**

The applicant is not proposing any physical changes to the site at this time. It is simply the desire of the applicant to create a new lot for an existing structure on the site, that they wish to sell to a new owner. As such, the existing PUD must be modified to alter the previously approved lot lines.

It should be noted that the PUD site plan correctly labels existing lots adjacent to the subject site, but does not clearly indicate that they are not a part of the subject Subdivision application. If approved, the Final Plat should be revised to clearly label adjacent lots and their associated Subdivision names as well as the associated map book and page or instrument number.

Additionally, the 2021 PUD included Lots 2 and 3, Resubdivision of Lot 2, Bel Air Mall Subdivision, and a condition of approval for that PUD was "inclusion of Lots 3 and 4, Bel Air Mall Subdivision". As submitted, the site plan states that only Lot 1, Resubdivision of Lot 2, Bel Air Mall Subdivision is included. As such, the application should be heldover so that the applicant can revise the site plan to include the required parcels highlighted in red on the images on pages 2 and 10 in this report. The inclusion of these additional parcels will not result in any additional notifications being required. However, the consent of the owners of those parcels will be required.

It should be noted that future development or redevelopment of the proposed lots may require additional modifications of the PUD to be approved by the Planning Commission and City Council. A note stating as much should be placed on the recorded site plan, if approved.

## **SUBDIVISION CONSIDERATIONS**

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### **Standards of Review:**

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.

## Considerations:

It is recommended that the Subdivision be heldover to the March 21<sup>st</sup> meeting, so that it can be considered with the Modification to the Planned Unit Development.

## PLANNED UNIT DEVELOPMENT MODIFICATION CONSIDERATIONS

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### Standards of Review:

The Unified Development Code (UDC) in Section 64-5-8-B.(5) states the following concerning a major modification to an existing Planned Unit Development:

Approval Criteria. The Planning Commission shall not recommend a major modification for approval, and the City Council shall not approve the modification, unless the proposed modification:

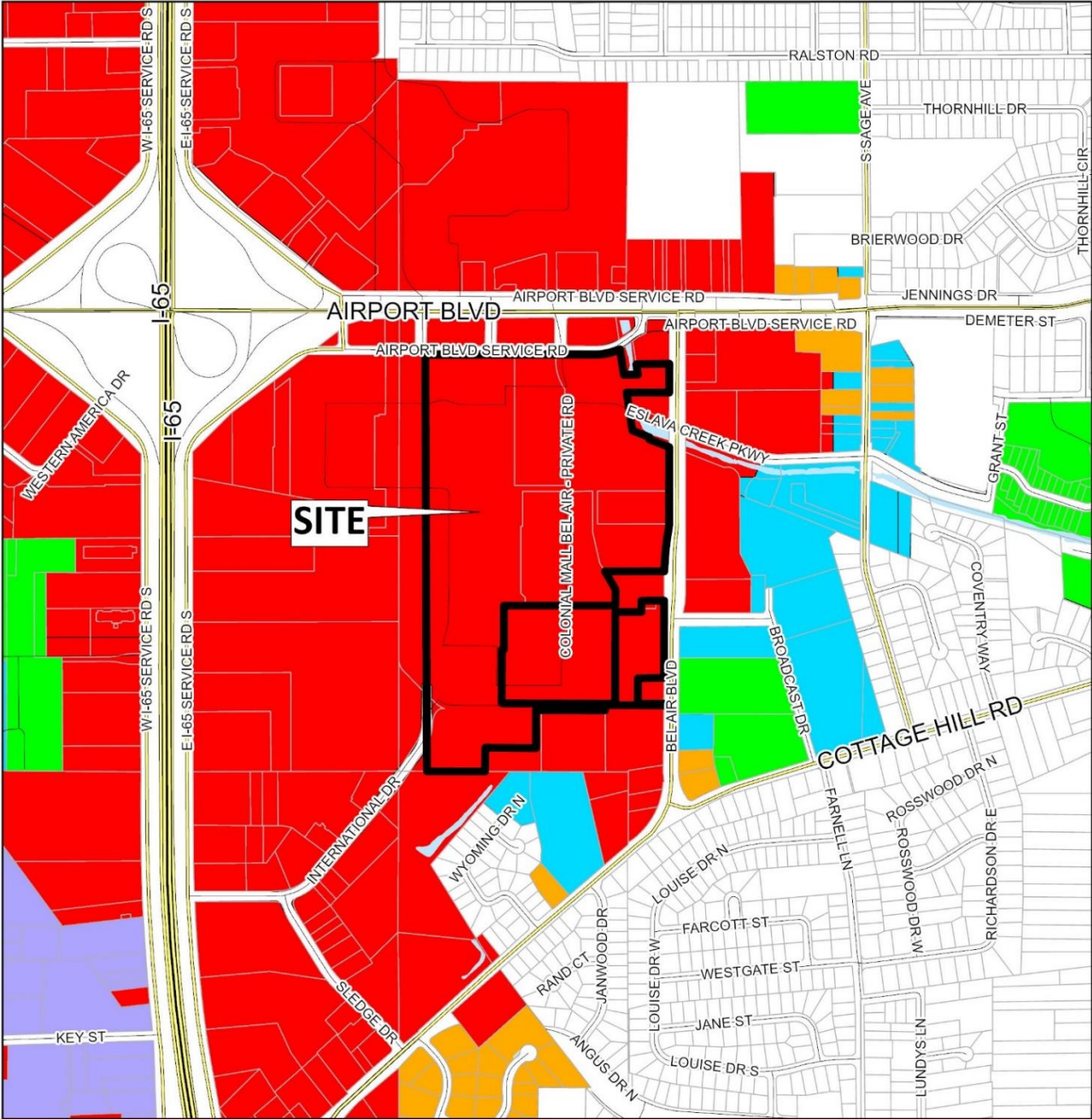
- a. Is consistent with all applicable requirements of this Chapter;
- b. Is compatible with the character of the surrounding neighborhood;
- c. Will not impede the orderly development and improvement of surrounding property;
- d. Will not adversely affect the health, safety or welfare of persons living or working in the surrounding neighborhood, or be more injurious to property or improvements in the neighborhood:
  3. In making this determination, the Planning Commission and City Council shall consider the location, type and height of buildings or structures, the type and extent of landscaping and screening, lighting, hours of operation or any other conditions that mitigate the impacts of the proposed development; and
  4. Includes adequate public facilities and utilities;
- e. Is subject to adequate design standards to provide ingress and egress that minimize traffic hazards and traffic congestion on the public roads;
- f. Is not noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas; and
- g. Shall not be detrimental or endanger the public health, safety or general welfare.
- h. Benefits Consideration. In addition, consideration should also be given to the City's and the larger community's best interests and the need, benefit, or public purpose of the proposed request.

## Considerations:

It is recommended that the Modification to the Planned Unit Development be heldover to the March 21<sup>st</sup> meeting, with revisions due by March 5<sup>th</sup> so that the applicant can address the following:

- 1) Revision of the site plan to include Lots 3 and 4, Bel Air Mall Subdivision as required by the 2021 PUD
- 2) Submittal of authorization of the property owners for Lots 2 and 3, Resubdivision of Lot 2, Bel Air Mall Subdivision and Lots 3 and 4, Bel Air Mall Subdivision; and
- 3) Revision of the site plan to clearly label adjacent lots and their associated Subdivision names as well as map book and page or instrument number.

# LOCATOR ZONING MAP

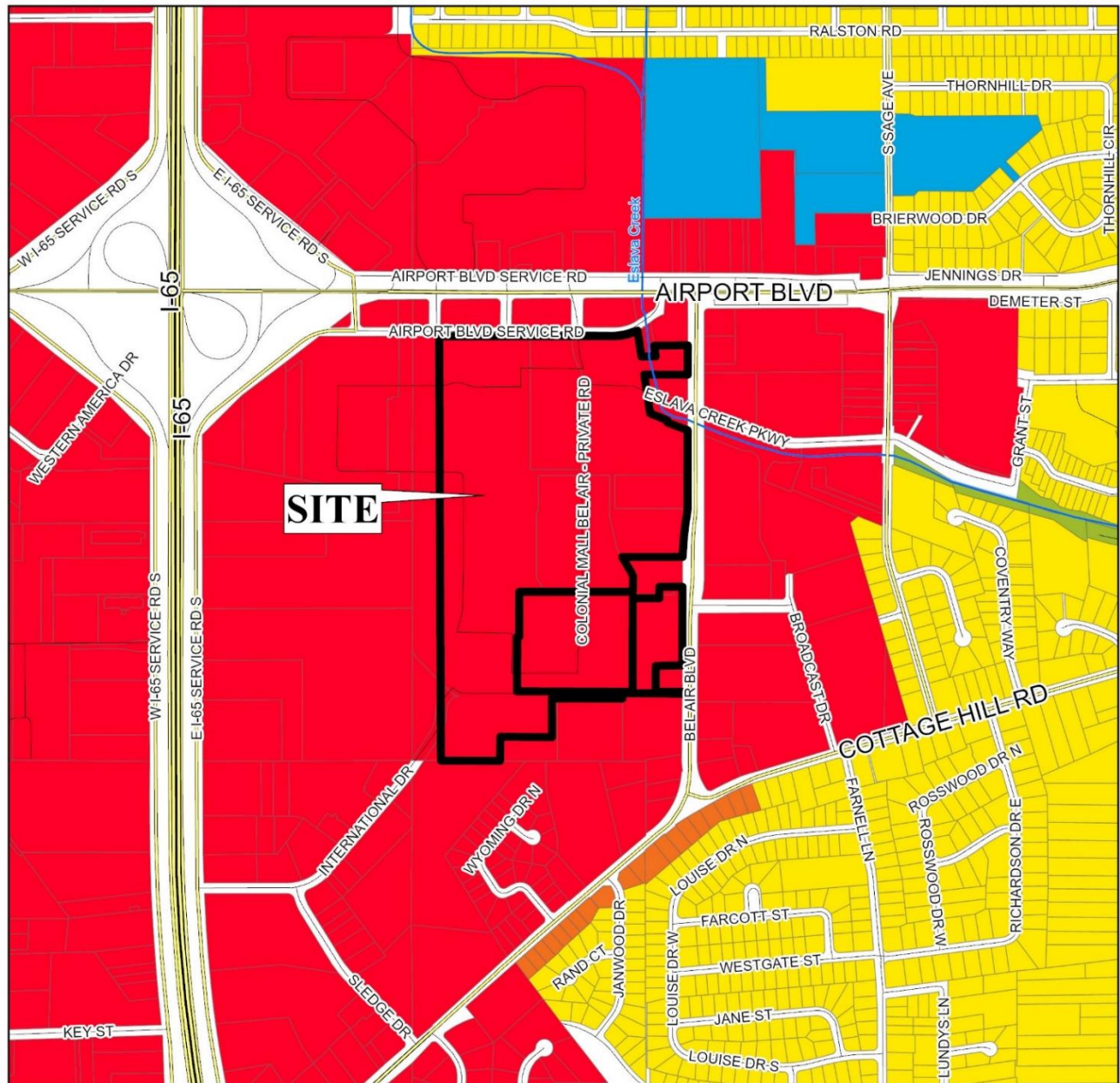


APPLICATION NUMBER	<u>2</u>	DATE	<u>March 21, 2024</u>
APPLICANT	<u>Resubdivision of Lot 1 of the Resubdivision of Lot 2 of Bel Air Mall Subdivision</u>		
REQUEST	<u>Subdivision, PUD Modification</u>		





# FLUM LOCATOR MAP



APPLICATION NUMBER 2 DATE March 21, 2024

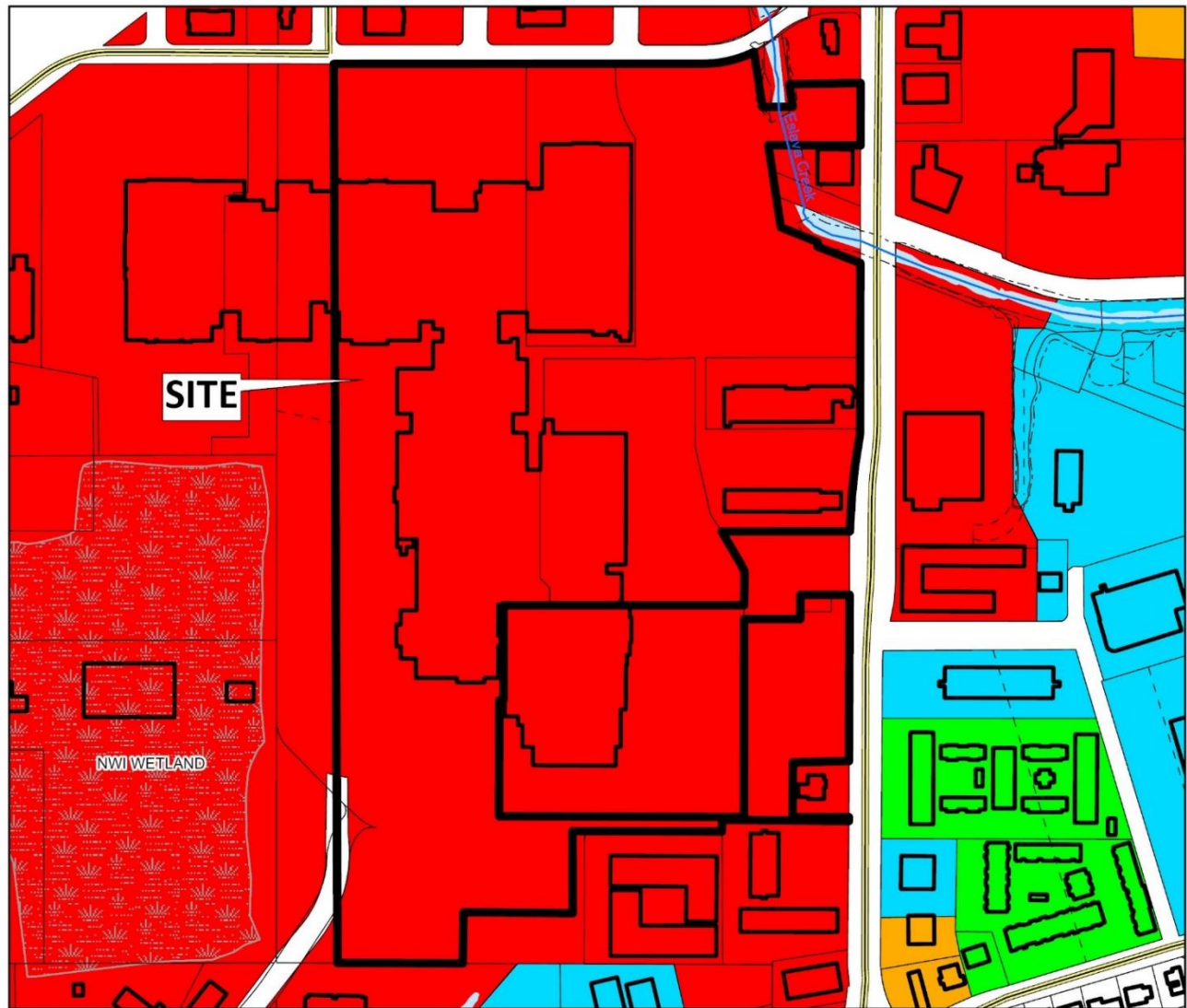
APPLICANT Resubdivision of Lot 1 of the Resubdivision of Lot 2 of Bel Air Mall Subdivision

REQUEST Subdivision, PUD Modification

- |   |   |   |  |
|---|---|---|--|
| <span style="display: inline-block; width: 15px; height: 10px; background-color: yellow; border: 1px solid black;"></span> Low Density Residential    | <span style="display: inline-block; width: 15px; height: 10px; background-color: #800000; border: 1px solid black;"></span> Neighborhood Center - Traditional | <span style="display: inline-block; width: 15px; height: 10px; background-color: #8B4513; border: 1px solid black;"></span> Downtown Waterfront | <span style="display: inline-block; width: 15px; height: 10px; background-color: #9ACD32; border: 1px solid black;"></span> Parks & Open Space |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #FFD700; border: 1px solid black;"></span> Mixed Density Residential | <span style="display: inline-block; width: 15px; height: 10px; background-color: #4169E1; border: 1px solid black;"></span> Neighborhood Center - Suburban    | <span style="display: inline-block; width: 15px; height: 10px; background-color: #D3D3D3; border: 1px solid black;"></span> Light Industry      | <span style="display: inline-block; width: 15px; height: 10px; background-color: #008080; border: 1px solid black;"></span> Water Dependent    |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #FF00FF; border: 1px solid black;"></span> Downtown                  | <span style="display: inline-block; width: 15px; height: 10px; background-color: #FF69B4; border: 1px solid black;"></span> Traditional Corridor              | <span style="display: inline-block; width: 15px; height: 10px; background-color: #808080; border: 1px solid black;"></span> Heavy Industry      |  |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #FF0000; border: 1px solid black;"></span> District Center           | <span style="display: inline-block; width: 15px; height: 10px; background-color: #FF8C00; border: 1px solid black;"></span> Mixed Commercial Corridor         | <span style="display: inline-block; width: 15px; height: 10px; background-color: #00BFFF; border: 1px solid black;"></span> Institutional       |  |



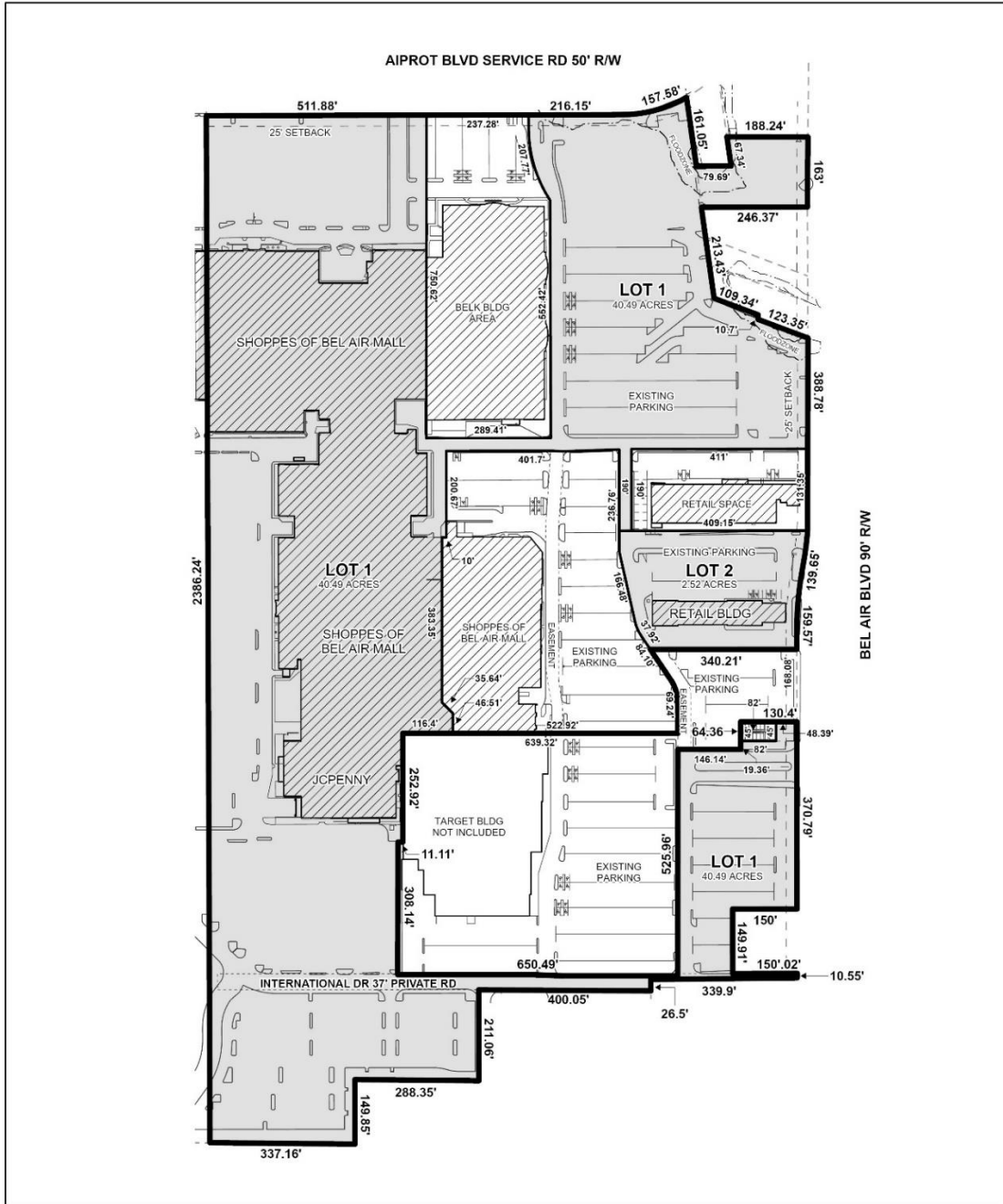
## PLANNING COMMISSION VICINITY MAP - EXISTING ZONING




The site is surrounded by commercial and residential units.

APPLICATION NUMBER <u>      2      </u> DATE <u>      March 21, 2024      </u>																															
APPLICANT <u>      Resubdivision of Lot 1 of the Resubdivision of Lot 2 of Bel Air Mall Subdivision      </u>																															
REQUEST <u>      Subdivision, PUD Modification      </u>																															
<table style="width: 100%; font-size: small;"> <tr> <td style="width: 12.5%;"> R-A</td> <td style="width: 12.5%;"> R-3</td> <td style="width: 12.5%;"> B-1</td> <td style="width: 12.5%;"> B-2</td> <td style="width: 12.5%;"> B-5</td> <td style="width: 12.5%;"> ML</td> <td style="width: 12.5%;"> I-2</td> <td style="width: 12.5%;"> OPEN</td> <td style="width: 12.5%;"> T-3</td> <td style="width: 12.5%;"> T-5.2</td> </tr> <tr> <td> R-1</td> <td> R-B</td> <td> T-B</td> <td> B-3</td> <td> CW</td> <td> MH</td> <td> PD</td> <td> SD</td> <td> T-4</td> <td> T-6</td> </tr> <tr> <td> R-2</td> <td> H-B</td> <td> LB-2</td> <td> B-4</td> <td> MM</td> <td> I-1</td> <td> MUN</td> <td> SD-WH</td> <td> T-5.1</td> <td></td> </tr> </table>		R-A	R-3	B-1	B-2	B-5	ML	I-2	OPEN	T-3	T-5.2	R-1	R-B	T-B	B-3	CW	MH	PD	SD	T-4	T-6	R-2	H-B	LB-2	B-4	MM	I-1	MUN	SD-WH	T-5.1	
R-A	R-3	B-1	B-2	B-5	ML	I-2	OPEN	T-3	T-5.2																						
R-1	R-B	T-B	B-3	CW	MH	PD	SD	T-4	T-6																						
R-2	H-B	LB-2	B-4	MM	I-1	MUN	SD-WH	T-5.1																							

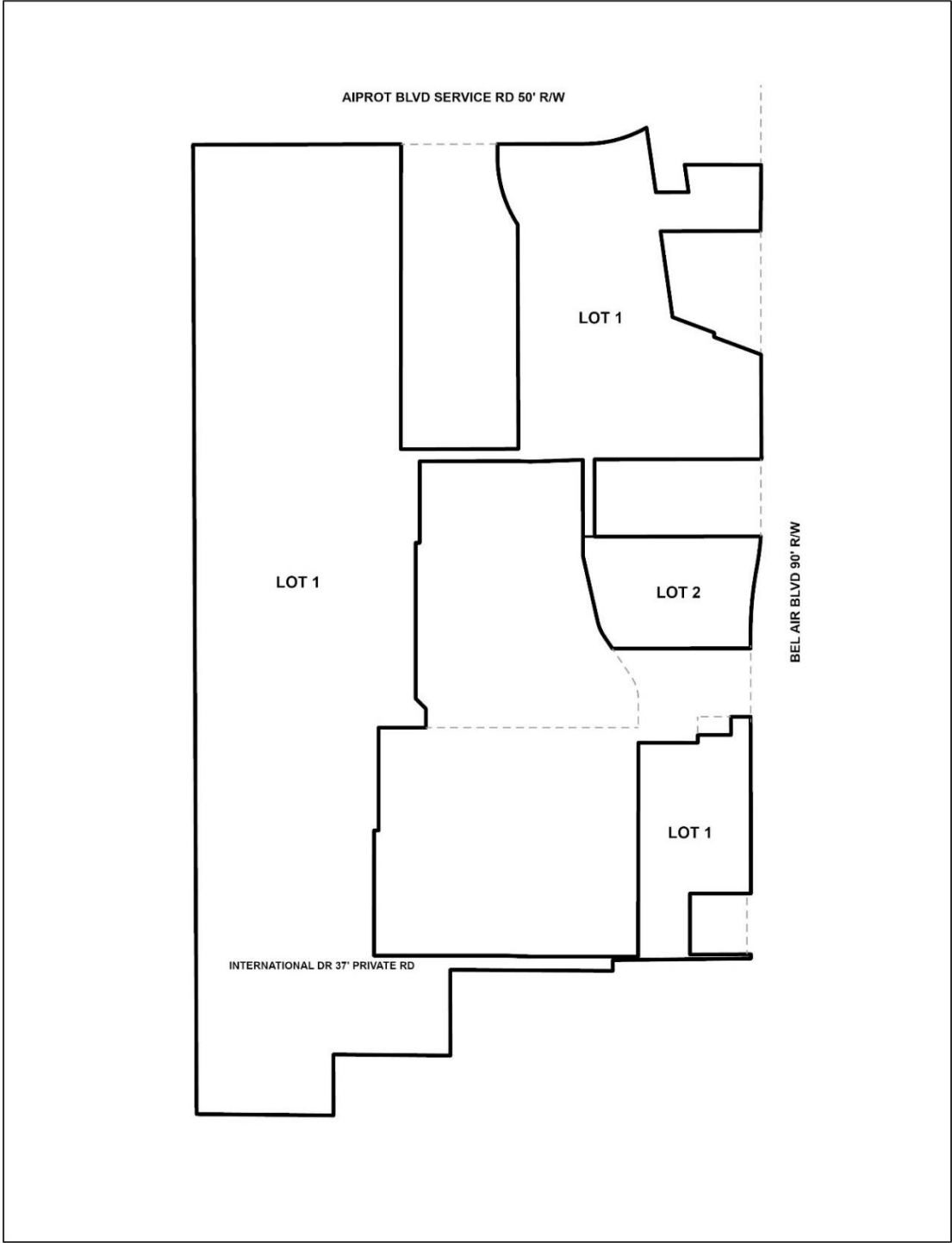
# SITE PLAN



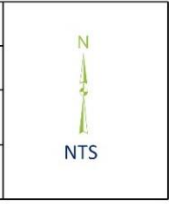
The site plan illustrates existing buildings, easements, parking areas, and proposed lots.

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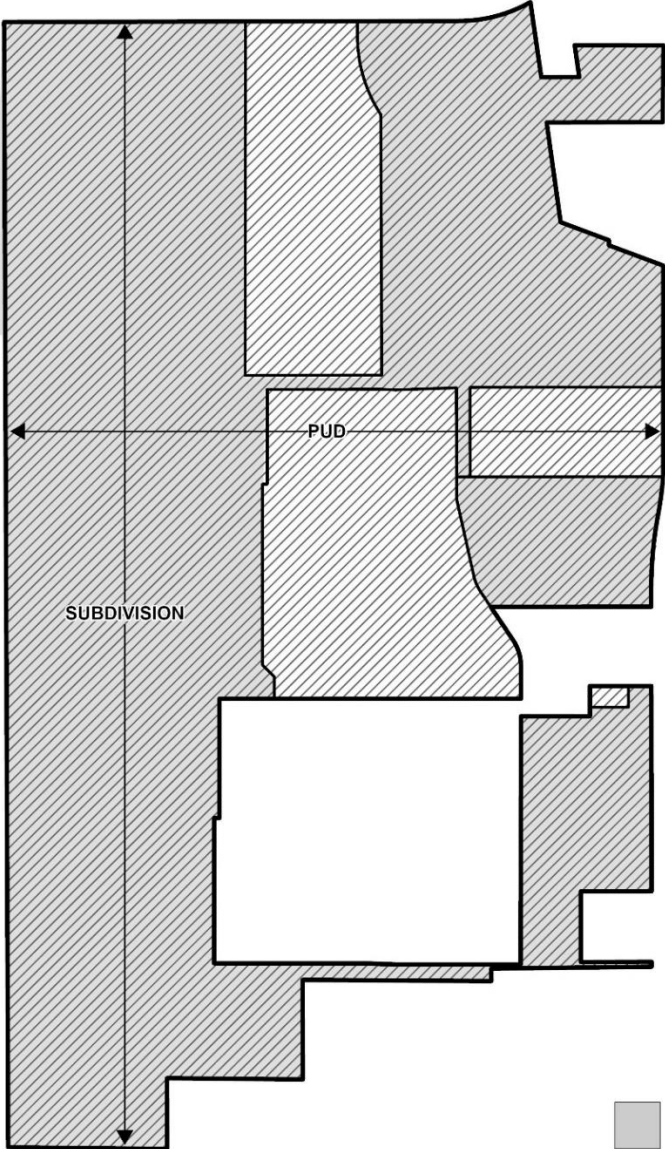
# DETAIL SITE PLAN



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# DETAIL SITE PLAN



SUBDIVISION  
 PUD

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ZONING DISTRICT CORRESPONDENCE MATRIX		LOW DENSITY RESIDENTIAL (LDR)	MIXED DENSITY RESIDENTIAL (MXDR)	DOWNTOWN (DT)	DISTRICT CENTER (DC)	NEIGHBORHOOD CENTER - TRADITIONAL (NC-T)	NEIGHBORHOOD CENTER - SUBURBAN (NC-S)	TRADITIONAL CORRIDOR (TC)	MIXED COMMERCIAL CORRIDOR (MCC)	LIGHT INDUSTRIAL (LI)	HEAVY INDUSTRY (HI)	INSTITUTIONAL LAND USE (INS)	PARKS & OPEN SPACE (POS)	DOWNTOWN WATERFRONT (DW)	WATER DEPENDENT USES (WDWRU)
RESIDENTIAL - AG	R-A														
ONE-FAMILY RESIDENCE	R-1	■				■		■					□		
TWO-FAMILY RESIDENCE	R-2	■				■		■					□	○	
MULTIPLE-FAMILY	R-3	○	■			■	■						□	○	
RESIDENTIAL-BUSINESS	R-B		○			■		■					□	○	
TRANSITIONAL-BUSINESS	T-B		○		■	■	■	■					□		
HISTORIC BUSINESS	H-B			■		■		■					□		
VILLAGE CENTER	TCD					■	■						□		
NEIGH. CENTER	TCD					■	■						□		
NEIGH. GENERAL	TCD					■							□		
DOWNTOWN DEV. DDD	T-6			■									□		
DOWNTOWN DEV. DDD	T-5.1			■		■		□					□		
DOWNTOWN DEV. DDD	T-5.2			■		■							□		
DOWNTOWN DEV. DDD	T-4			■		■		□					□		
DOWNTOWN DEV. DDD	T-3			■		■							□		
DOWNTOWN DEV. DDD	SD-WH									○	○		□		
DOWNTOWN DEV. DD	SD	○	○	○	○	○	○	○		○	○		□		
BUFFER BUSINESS	B-1		□			□	■	■	■				□	○	
NEIGH. BUSINESS	B-2		○			□	■	■	■				□	○	
LIMITED BUSINESS	LB-2		○			□	■	■	■				□	○	
COMMUNITY BUSINESS	B-3				■				■			○	□	○	
GEN. BUSINESS	B-4			■					■			○	□	○	
OFFICE-DISTRIBUTION	B-5								■	■			□	□	
LIGHT INDUSTRY	I-1									■			□	□	□
HEAVY INDUSTRY	I-2										■		□		□

**Zoning District Correspondence Matrix**

- Directly Related
- Elements of the zoning category are related to the future LU category, but with qualifications (such as a development plan with conditions)
- Land use category is appropriate, but the district does not directly implement the category (e.g., open space in an industrial district)



## **DISTRICT CENTER (DC)**

This designation applies across the city to larger areas of existing mixed-use character or where such character is encouraged. These areas will include moderate to high-density residential (minimum densities of 6 du/ac) in dynamic, horizontal or vertical mixed use environments, to provide a balance of housing and employment.

District Centers generally serve several surrounding neighborhoods and may even have a city-wide or region-wide reach. As such, they are often anchored by a major commercial or institutional employer such as a shopping mall or a medical center.

Depending on location and assigned zoning, residential areas in District

Centers may incorporate a mix of housing types, ranging from mid-rise multifamily buildings containing apartments and lofts, to townhouses and detached single-family homes. Major civic cultural institutions and public spaces provide regional and neighborhood destinations.

District Centers should be designed to induce pedestrian activity, with high quality streetscapes connecting the different components of a center as well as the center to its surrounding area. DC districts may be served by transit and include development of an intensity and design that supports transit use.