



## Agenda Item #: 5

### SUB-002523-2023 & MOD-002522-2023

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

[Applicant Materials for Consideration – Subdivision](#)

[Applicant Materials for Consideration – PUD Modification](#)

## DETAILS

**Location:**

2970 McVay Drive North and 3030 McVay Drive  
North

**Subdivision Name (as applicable):**

DAA-McVay Subdivision

**Applicant / Agent (as applicable):**

Byrd Surveying

**Property Owner:**

DAA Acquisition of Alabama, LLC

**Current Zoning:**

B-3, Community Business Suburban

**Proposed Zoning (as applicable):**

Not applicable

**Future Land Use:**

Mixed Commercial Corridor

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

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

**Schedule for Development (as applicable):**

Not Applicable

**Proposal:**

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

**Commission Considerations:**

1. Subdivision proposal with eleven (11) conditions; and
2. Modification of a previously approved Planned Unit Development with thirteen (13) conditions.

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# PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL



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

APPLICATION NUMBER	5	DATE	June 15, 2023
APPLICANT	DAA-McVay Subdivision		
REQUEST	Subdivision, PUD Modification		



## SITE HISTORY

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The site has been the subject of numerous Planned Unit Developments (PUD's), both Commission-approved and Administrative PUD's, since 1999 to allow multiple buildings on a single building site and shared access between building sites. A Sign Variance was granted by the Board of Zoning Adjustment in 1999 for the Northern portion of the site. The Northern portion of the site also received Subdivision approval in 1999, and the Southern portion of the site received Subdivision approval in 2019. The latest PUD for the site was approved in 2020.

## STAFF COMMENTS

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### Engineering Comments:

#### Subdivision

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. Add a graphic scale.
- C. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 25 - #79) LOTS A and B will receive historical credit of existing (1984) impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control) as follows: LOT A – NONE AND lot B – NONE.
- D. 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.

#### Modification of Planned Unit Development

ADD THE FOLLOWING NOTES TO THE PUD SITE PLAN:

- 1. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Permitting Department (251-208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII).
- 2. A Land Disturbance Permit application shall be submitted for any proposed land disturbing activity with the property. A complete set of construction plans including, but not limited to, drainage, utilities, grading, storm water detention systems and paving will need to be included with the Land Disturbance permit. This Permit must be submitted, approved, and issued prior to beginning any of the construction work.
- 3. Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.
- 4. Any existing or proposed detention facility shall be maintained as it was constructed and approved. The Land Disturbance Permit application for any proposed construction includes a requirement of a Maintenance and Inspection Plan (signed and notarized by the Owner) for the detention facility. This Plan shall run with the land and be recorded in the County Probate Office prior to the Engineering Department issuing their approval for a Final Certificate of Occupancy.



5. The approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. The Owner/Developer is responsible for acquiring all of the necessary permits and approvals.
6. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

### **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 Section 64-6 of the City's Zoning Ordinance.

### **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 commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.

### **Planning Comments:**

#### **Subdivision**

The subject site consists of Lot 1, McGowin North Subdivision, approved in 2019, and Lot 2, Grady Automotive Subdivision, approved in 1999. The applicant is proposing a 2-lot, 24.1±- acre subdivision by relocating the common internal property line between the two lots. Both lots would front on existing public streets and exceed the minimum lot size for a newly platted property in a B-3, Community Business Suburban District. If approved, the lot size labels in in both square feet and acres should be retained on the Final Plat. The subject site is served by public water and sanitary sewer services.

The site has frontage on McVay Drive North and McMaie Drive. McVay Drive North is a collector street with a complaint 80-foot right-of-way, and McMaie Drive is a minor street with curb and gutter and a compliant 50-foot right-of-way. Therefore, no frontage dedication would be required. The right-of-way widths of both streets should be retained on the Final Plat, if approved.

The preliminary plat shows a 25-foot minimum building setback line along McVay Drive North, and this should be retained on the Final Plat, if approved. The recorded 25-foot minimum building setback line along McMaie Drive is illustrated, but not labeled as such. Therefore, the plat should be revised to label the 25-foot minimum building setback line along McMaie Drive, if approved.

The preliminary plat indicates a recorded 25-foot drainage and utility easement along a portion of the Northern boundary of the site. Also illustrated, but not identified, is a recorded 10-foot slope easement along McMaie Drive. Therefore, the plat should be revised to label this easement. A note should be placed on the Final Plat

stating that no structure may be placed or constructed within any easement without the permission of the easement holder.

As per the Traffic Engineering comments, the driveway number, size, location, and design are 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 Section 64-6 of the City's Zoning Ordinance. A note should be placed on the Final Plat stating these comments.

#### **Planned Unit Development Modification**

The previously approved Planned Unit Development (PUD) allowed for multiple buildings on a single building site along with shared access between building sites. The applicant states there are no physical modifications to that PUD proposed in the current request, with the only revision proposed is the relocation of the common interior property line between the two lots associated with the PUD. However, it appears there will be a bit of a parking reduction for the use on proposed Lot 1, as some parking appears to extend into the proposed Lot 2.

As no new construction is proposed at this time, only minor revisions would be required to the site plan. Some of the approval conditions of the previous PUD will still apply, while others will not.

It should be noted that the proposed location of the common property line through existing parking and vehicle inventory areas will result in substandard parking circulation aisles. As such, the site plan should be revised to assure that all impacted parking and circulation areas are revised to comply with UDC requirements.

The site plan should also be revised to label each lot with its size in both square feet and acres to correspond with the associated subdivision, or a table should be furnished on the site plan providing the same information. The right-of-way widths of McVay Drive North and McMae Drive should be retained on the site plan. The 25-foot minimum building setback line should be retained as shown along McVay Drive North. As the 25-foot minimum building setback line is not labeled along McMae Drive, the site plan should be revised to do so. The site plan should also be revised to label the 10-foot slope easement along McMae Drive.

As the site plan indicates easements within the site, a note should be placed on a revised site plan stating that no structure may be placed or constructed within any easement without the permission of the easement holder. Proposed Lot 1 is developed and proposed Lot 2 is vacant; however, as the purpose of the current application is to create Lot 2 and remove it from the current PUD, only Lot 1 will be required to modify the previously approved PUD in the future.

As per the Traffic Engineering comments, the driveway number, size, location, and design are 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 Section 64-6 of the City's Zoning Ordinance. A note should be required on the site plan stating these comments.

A revised Modified Planned Unit Development site plan (hard copy and pdf) should be submitted to and approved by Planning and Zoning prior to signing the Final Plat for the associated subdivision.

## 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 Subdivision request, the following conditions could apply:

1. Retention of the lot size labels in both square feet and acres, or the furnishing of a table on the Final Plat providing the same information;
2. Retention of the right-of-way widths of McVay Drive North and McMae Drive as depicted on the preliminary plat;
3. Retention of the 25-foot minimum building setback line along McVay Drive North;
4. Revision of the plat to label the 25-foot minimum building setback line along McMae Drive;
5. Revision of the plat to label the 10-foot slope easement along McMae Drive;
6. Placement of a note on the Final Plat stating that no structure may be placed or constructed within any easement without the permission of the easement holder;
7. Compliance with all Engineering comments noted in this staff report;
8. Placement of a note on the Final Plat stating all Traffic Engineering comments noted in this staff report;
9. Compliance with all Urban Forestry comments noted in this staff report;
10. Compliance with all Fire Department comments noted in this staff report; and
11. Submittal to and approval by Planning and Zoning of a revised Modified Planned Unit Development site plan (hard copy and pdf) prior to signing the Final Plat.

## PLANNED UNIT DEVELOPMENT MODIFICATION CONSIDERATIONS

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### Standards of Review:

The Unified Development Code (UDC) in 64-5-8-B.(5) states the following concerning Planned Unit Development Modifications:

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:

1. Is consistent with all applicable requirements of this Chapter;
2. Is compatible with the character of the surrounding neighborhood;
3. Will not impede the orderly development and improvement of surrounding property;
4. 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:
  - a. 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
  - b. Includes adequate public facilities and utilities;

5. Is subject to adequate design standards to provide ingress and egress that minimize traffic hazards and traffic congestion on the public roads;
6. Is not noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas; and
7. Shall not be detrimental or endanger the public health, safety or general welfare.
8. 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.

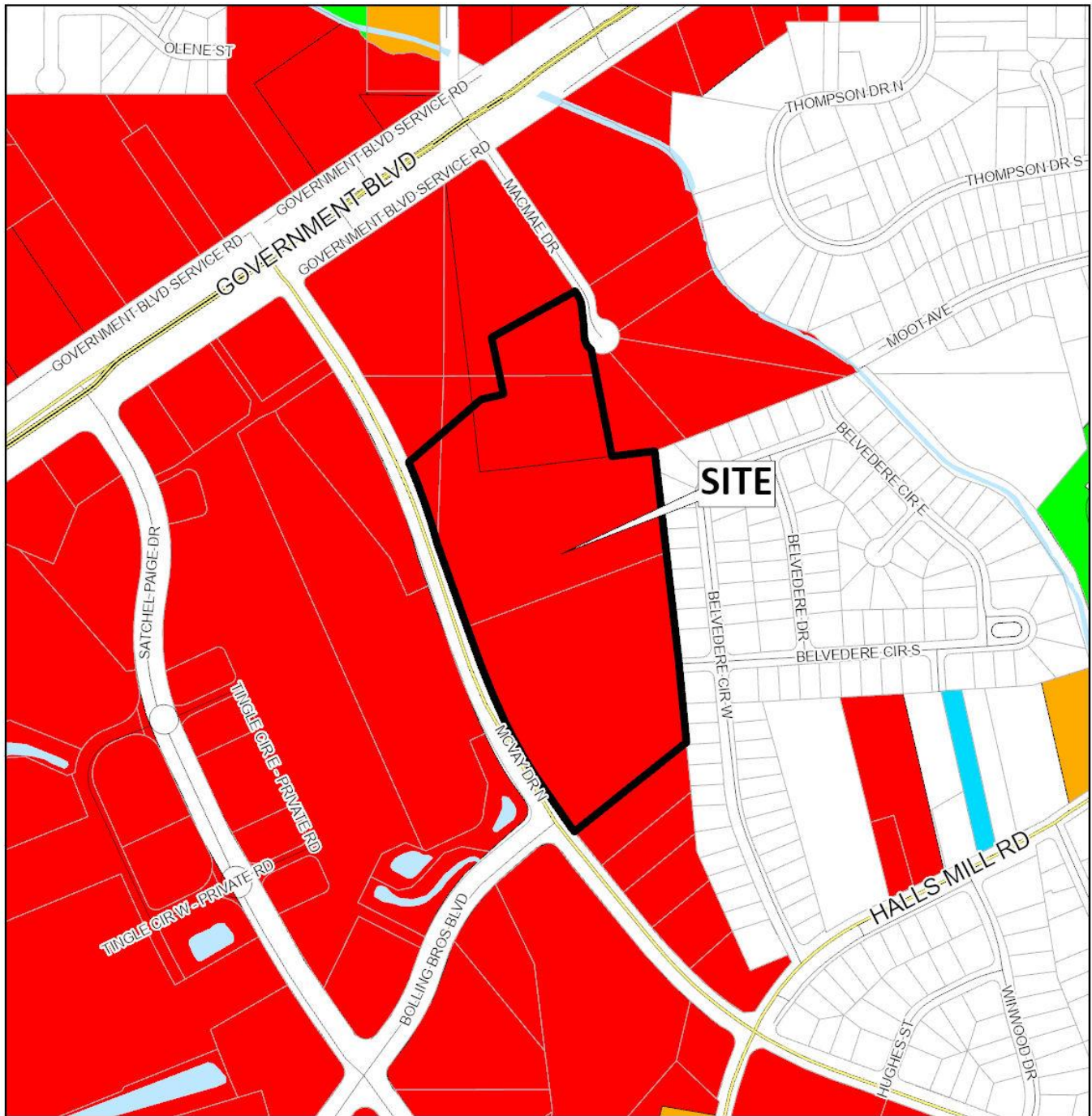
The applicant's responses to address the above criteria are available in the link on page one (1).

### **Considerations:**

If the Planning Commission considers a recommendation of approval of the Modified Planned Unit Development, the following conditions could apply:

1. Revision of the site plan to ensure that parking and access aisles on Lot 1 impacted by the property line relocation remain compliant with UDC requirements;
2. Revision of the site plan to label each lot with its size in both square feet and acres, or the furnishing of a table on the site plan providing the same information;
3. Retention of the right-of-way widths of McVay Drive North and McMaie Drive as depicted on the site plan;
4. Retention of the 25-foot minimum building setback line along McVay Drive North;
5. Revision of the site plan to label the 25-foot minimum building setback line along McMaie Drive;
6. Revision of the site plan to label the 10-foot slope easement along McMaie Drive;
7. Placement of a note on the site plan stating that no structure may be placed or constructed within any easement without the permission of the easement holder;
8. Placement of a note on the site plan stating that future proposed development on Lot 1 will require a Modified PUD;
9. Compliance with all Engineering comments noted in this staff report;
10. Compliance with all Traffic Engineering comments noted in this staff report;
11. Compliance with all Urban Forestry comments noted in this staff report;
12. Compliance with all Fire Department comments noted in this staff report;
13. Submittal to and approval by Planning and Zoning of a revised Modified Planned Unit Development site plan (hard copy and pdf) prior to signing the Final Plat for the associated subdivision; and,
14. Full compliance with all municipal codes and ordinances.

## LOCATOR ZONING MAP



APPLICATION NUMBER 5 DATE June 15, 2023

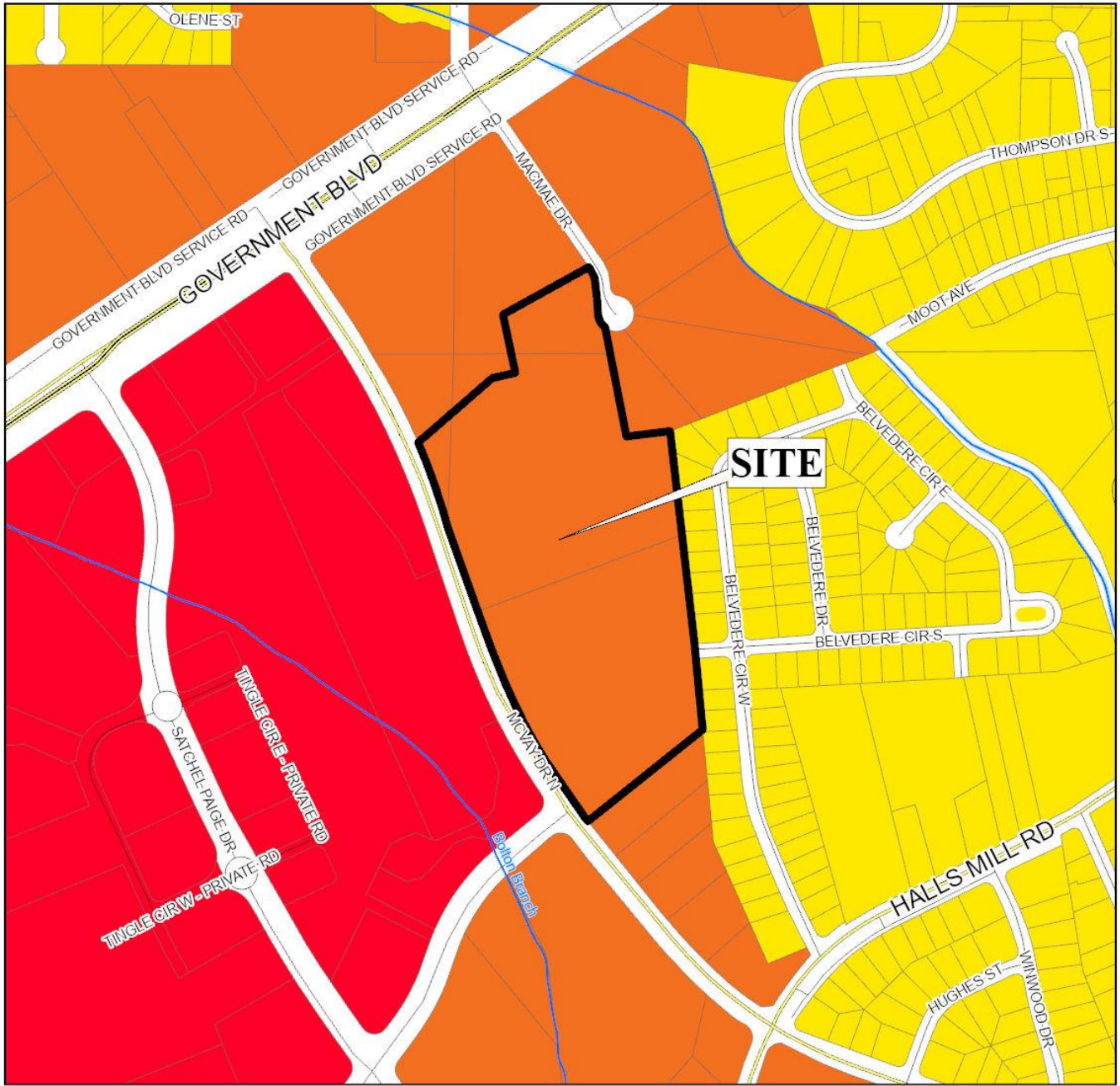
APPLICANT DAA-McVay Subdivision

REQUEST Subdivision, PUD Modification





# FLUM LOCATOR MAP



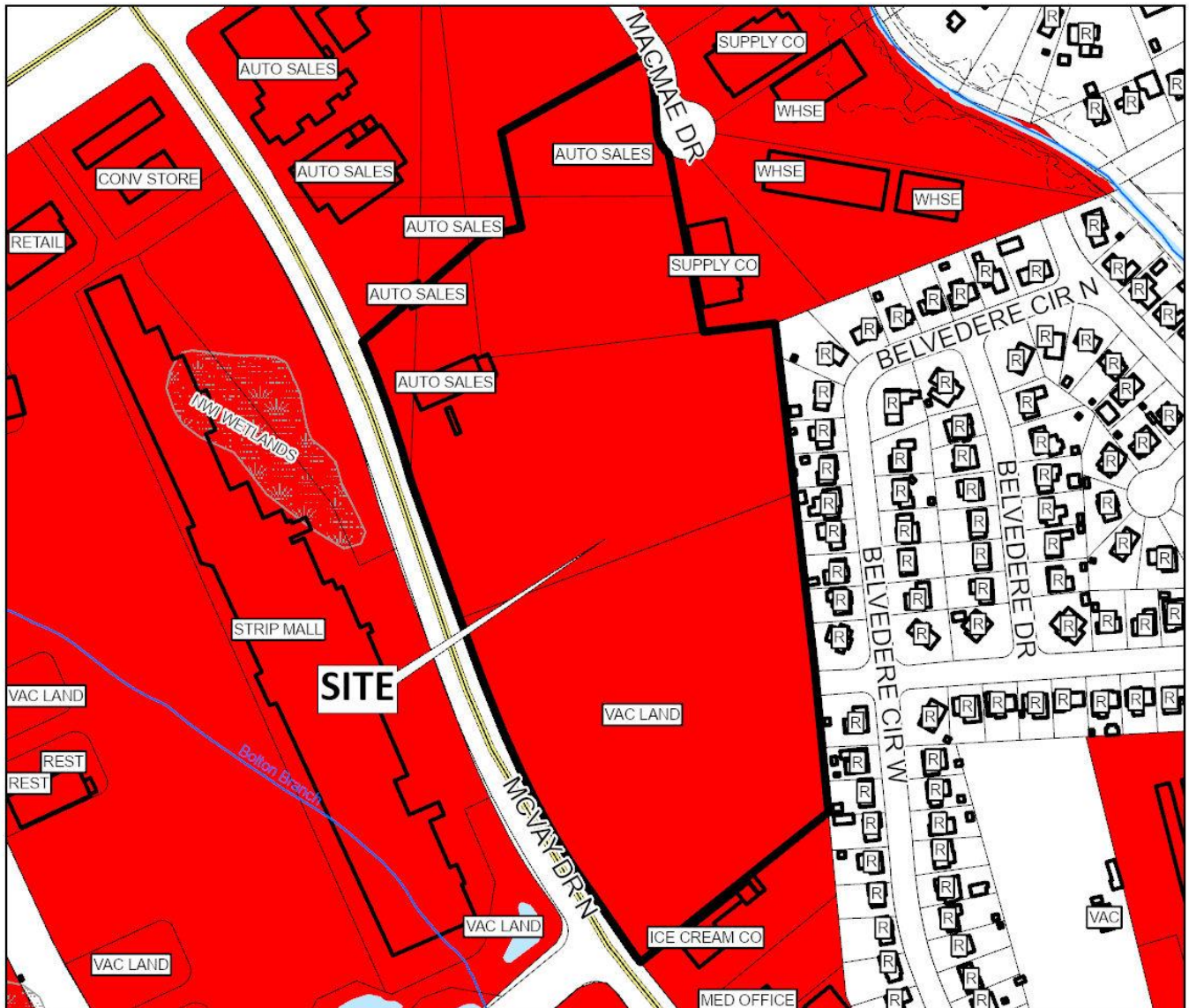
APPLICATION NUMBER 5 DATE June 15, 2023  
 APPLICANT DAA-McVay Subdivision  
 REQUEST Subdivision, PUD Modification

- |   |  |   |  |
|---|--|---|--|
| <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:darkred; border:1px solid black;"></span> Neighborhood Center - Traditional | <span style="display:inline-block; width:15px; height:10px; background-color:darkorange; border:1px solid black;"></span> Downtown Waterfront | <span style="display:inline-block; width:15px; height:10px; background-color:lightgreen; border:1px solid black;"></span> Parks & Open Space |
| <span style="display:inline-block; width:15px; height:10px; background-color:orange; border:1px solid black;"></span> Mixed Density Residential | <span style="display:inline-block; width:15px; height:10px; background-color:blue; border:1px solid black;"></span> Neighborhood Center - Suburban       | <span style="display:inline-block; width:15px; height:10px; background-color:lightgrey; border:1px solid black;"></span> Light Industry       | <span style="display:inline-block; width:15px; height:10px; background-color:darkblue; border:1px solid black;"></span> Water Dependent      |
| <span style="display:inline-block; width:15px; height:10px; background-color:darkred; border:1px solid black;"></span> Downtown                 | <span style="display:inline-block; width:15px; height:10px; background-color:lightpink; border:1px solid black;"></span> Traditional Corridor            | <span style="display:inline-block; width:15px; height:10px; background-color:purple; border:1px solid black;"></span> Heavy Industry          |  |
| <span style="display:inline-block; width:15px; height:10px; background-color:red; border:1px solid black;"></span> District Center              | <span style="display:inline-block; width:15px; height:10px; background-color:orange; border:1px solid black;"></span> Mixed Commercial Corridor          | <span style="display:inline-block; width:15px; height:10px; background-color:lightblue; border:1px solid black;"></span> Institutional        |  |



# PLANNING COMMISSION

## VICINITY MAP - EXISTING ZONING



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

APPLICATION NUMBER 5 DATE June 15, 2023

APPLICANT DAA-McVay Subdivision

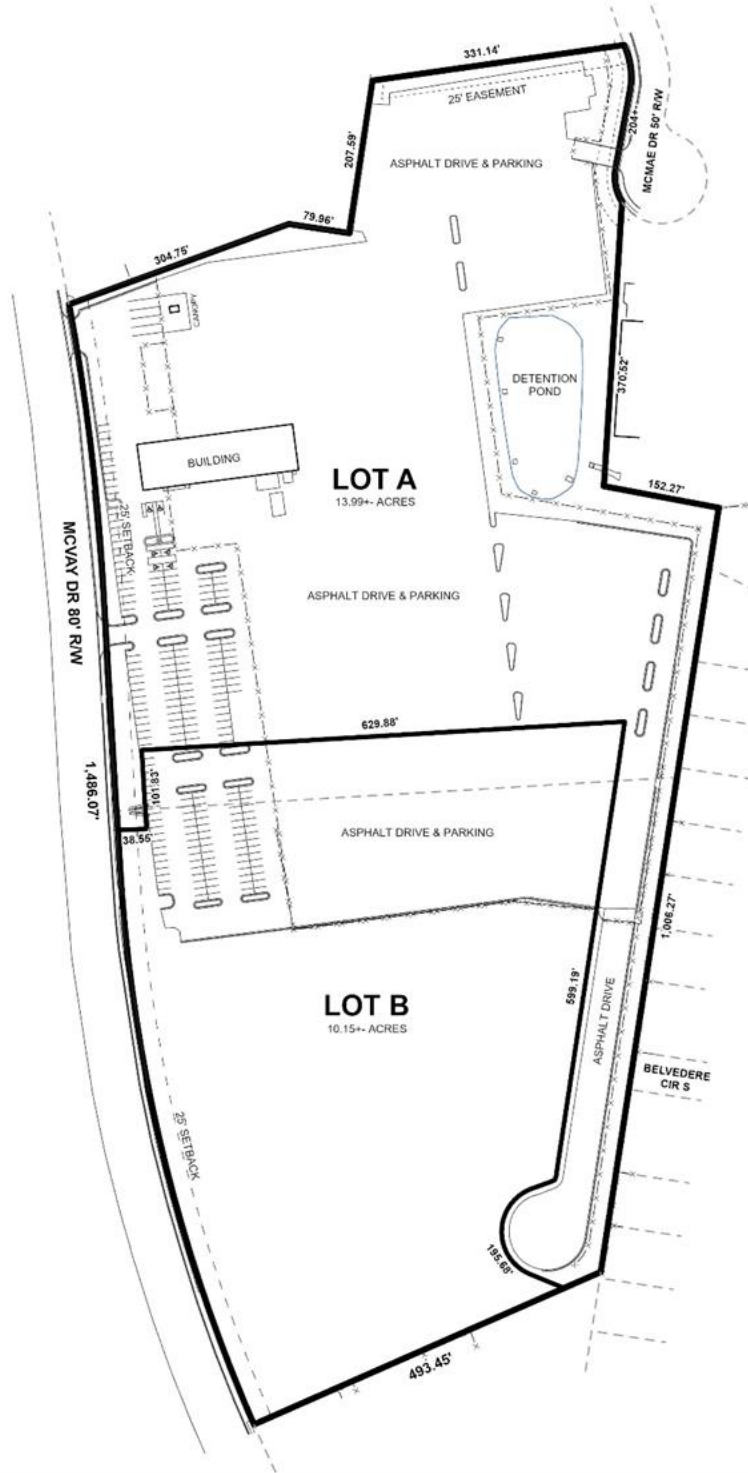
REQUEST Subdivision, PUD Modification

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





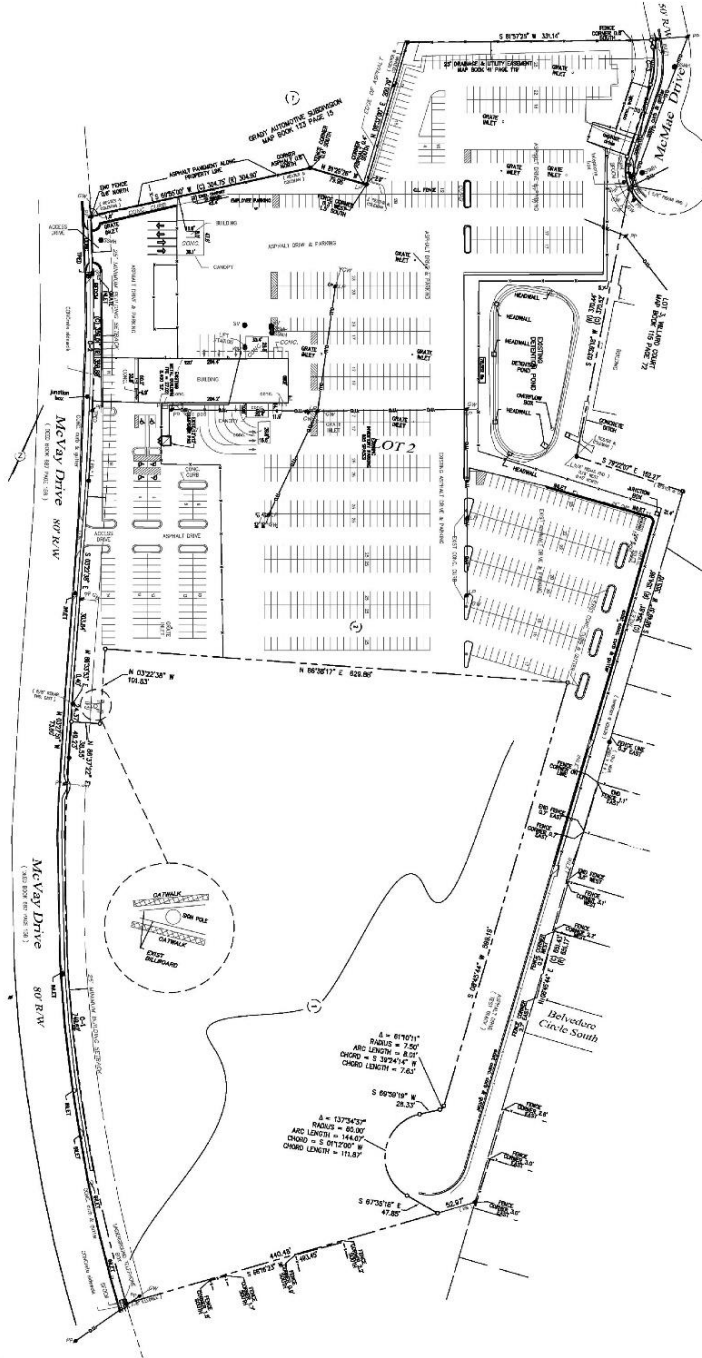
## DETAIL SITE PLAN



APPLICATION NUMBER	5	DATE	June 15, 2023
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REQUEST	Subdivision, PUD Modification		



# MODIFICATION SITE PLAN



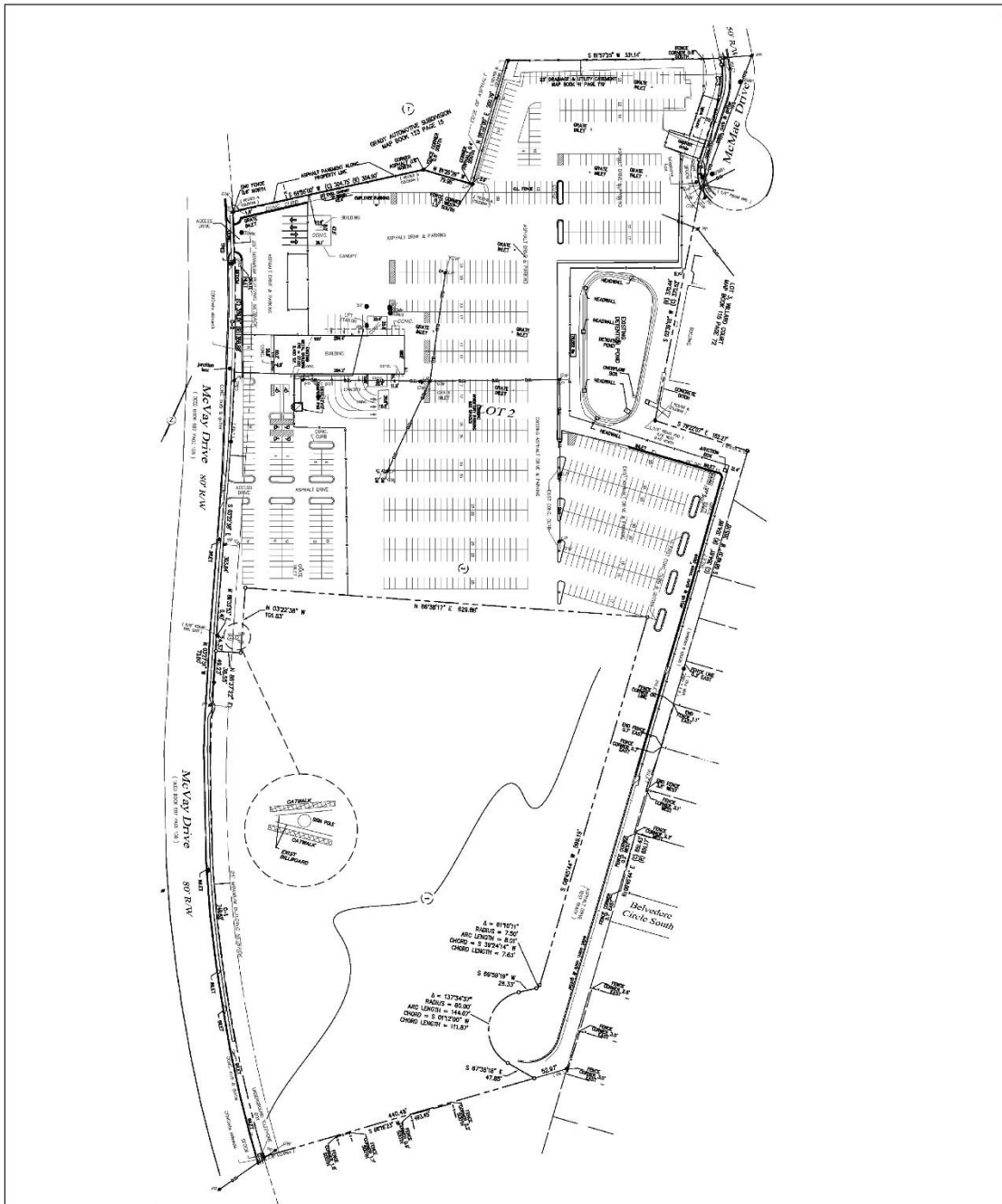
The site plan illustrates the proposed modifications to the existing PUD.

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## MODIFICATION SITE PLAN



The site plan illustrates the proposed modifications to the existing 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 (WDWU)
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)

## MIXED COMMERCIAL CORRIDOR (MCC)

This land use designation mostly applies to transportation corridors west of I-65 serving primarily the low-density (suburban) residential neighborhoods. MCC includes a wide variety of retail, services and entertainment uses.

This designation acknowledges existing commercial development that is spread along Mobile's transportation corridors in a conventional strip pattern or concentrated into shorter segments of a corridor.

Over time, new development and redevelopment in Mixed Commercial Corridors is encouraged to raise design quality, improve connectivity to surrounding neighborhoods; improved streetscapes; and improve mobility and accessibility for all users of the corridor.

