

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

Clark Geer Latham and Associates

**LOCATION**1812 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.

**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.

**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.

# LOCATOR MAP



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# LOCATOR ZONING MAP



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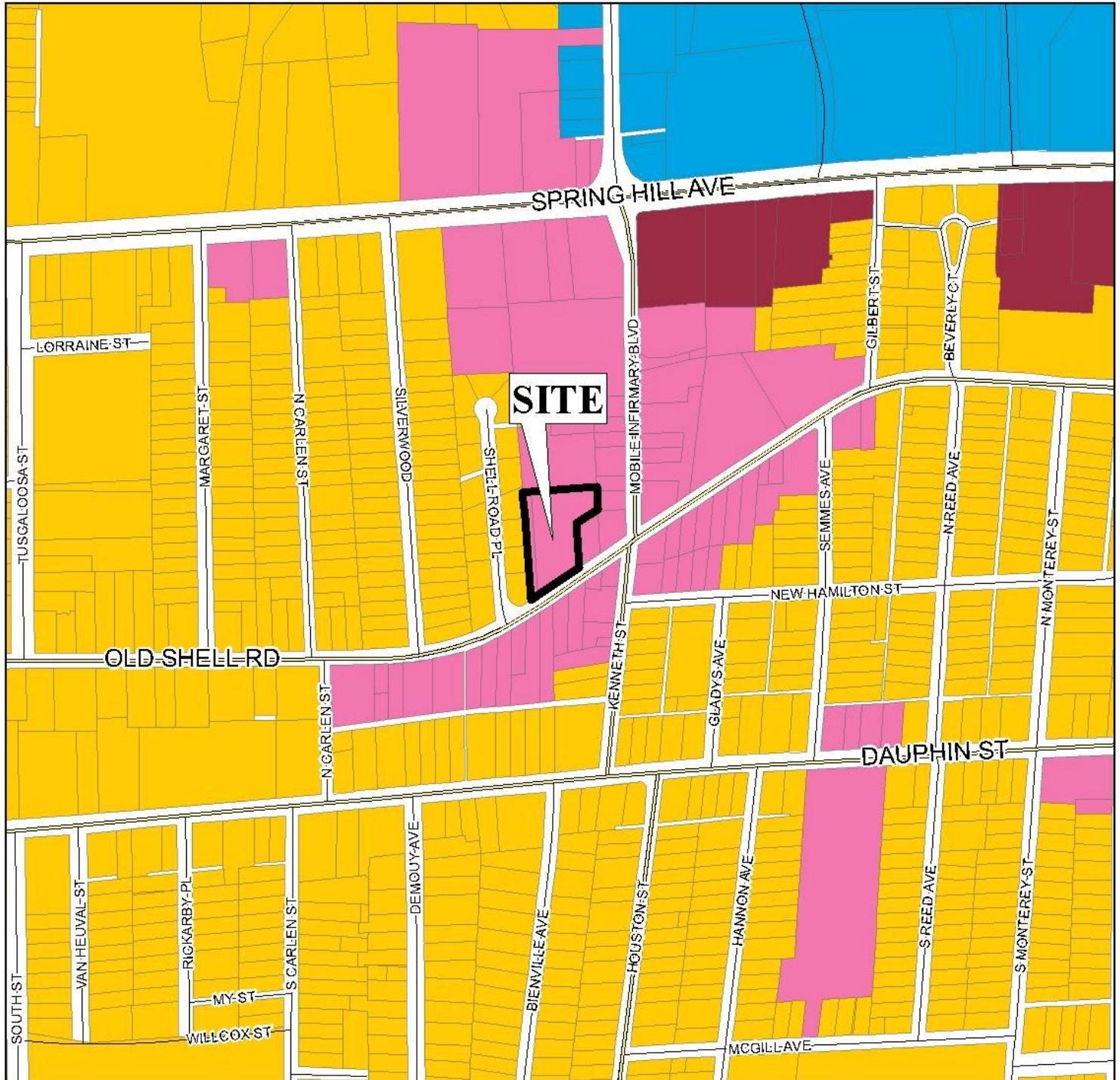
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# FLUM LOCATOR MAP



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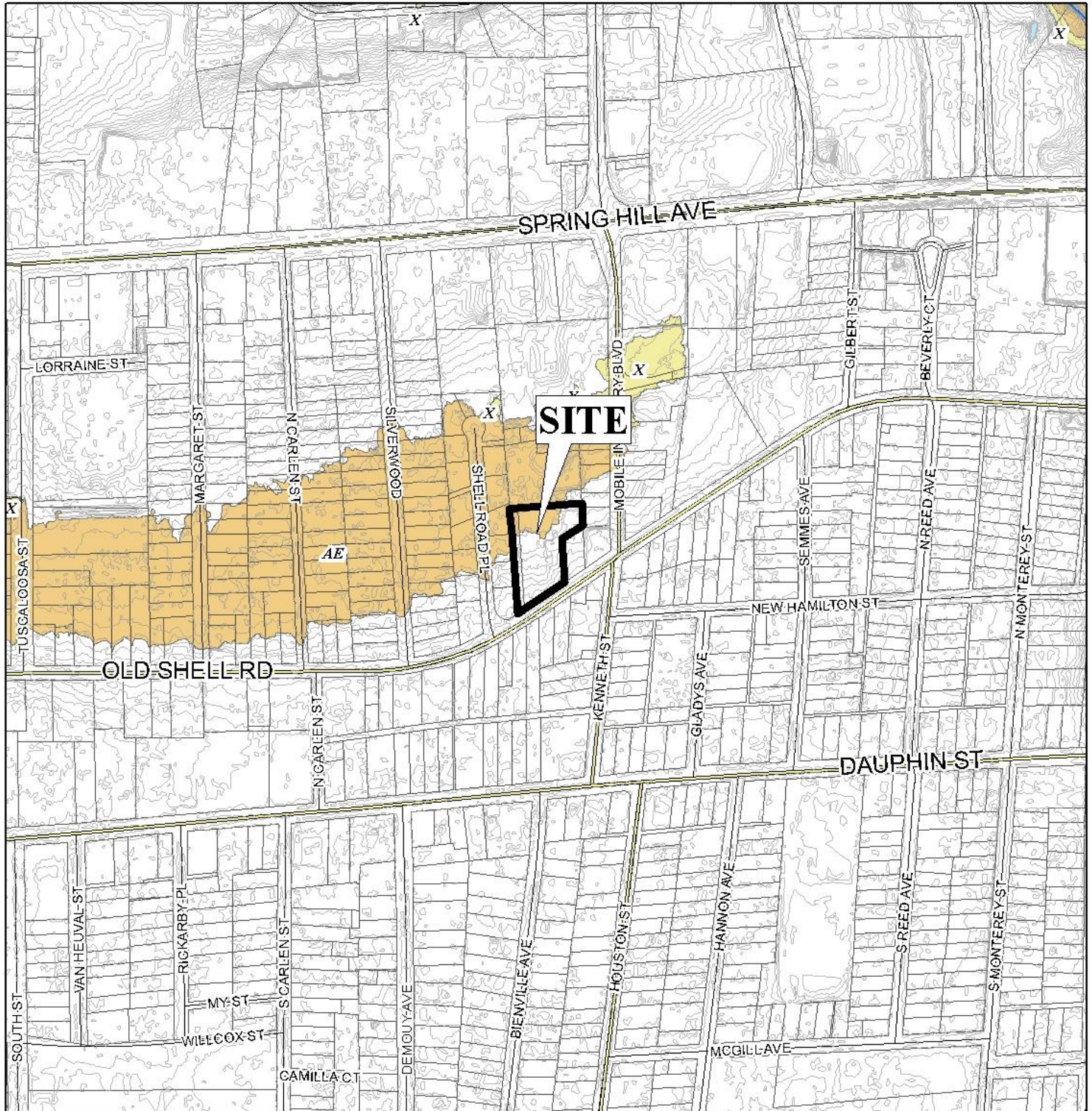
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- |  |   |   |   |
|--|---|---|---|
| <span style="display: inline-block; width: 15px; height: 10px; background-color: yellow; border: 1px solid black;"></span> Low Density Residential   | <span style="display: inline-block; width: 15px; height: 10px; background-color: darkred; border: 1px solid black;"></span> Neighborhood Center - Traditional | <span style="display: inline-block; width: 15px; height: 10px; background-color: brown; 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: lightblue; 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: pink; border: 1px solid black;"></span> Downtown                    | <span style="display: inline-block; width: 15px; height: 10px; background-color: magenta; 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: cyan; border: 1px solid black;"></span> Institutional        |   |





# ENVIRONMENTAL LOCATOR MAP



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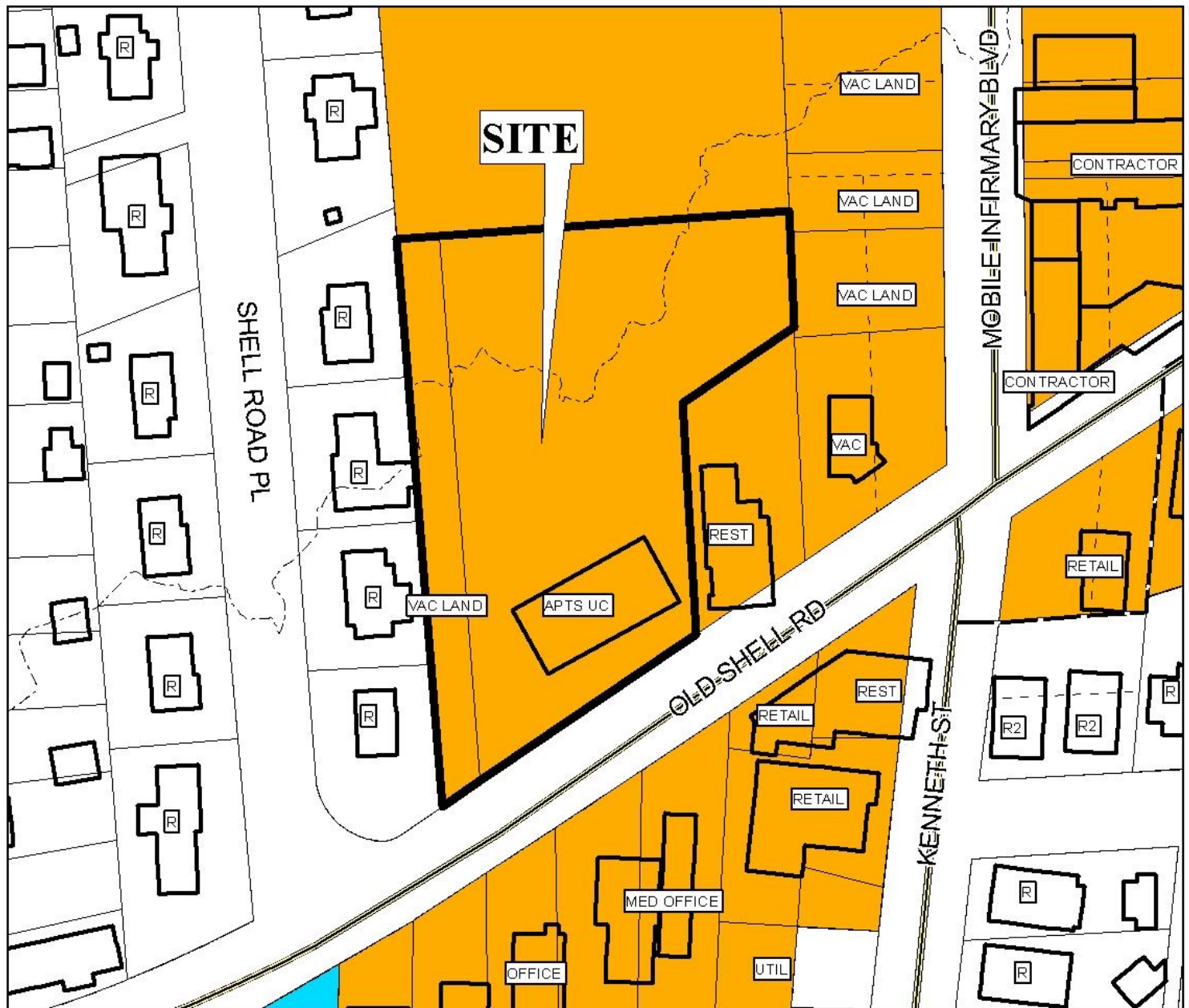
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# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



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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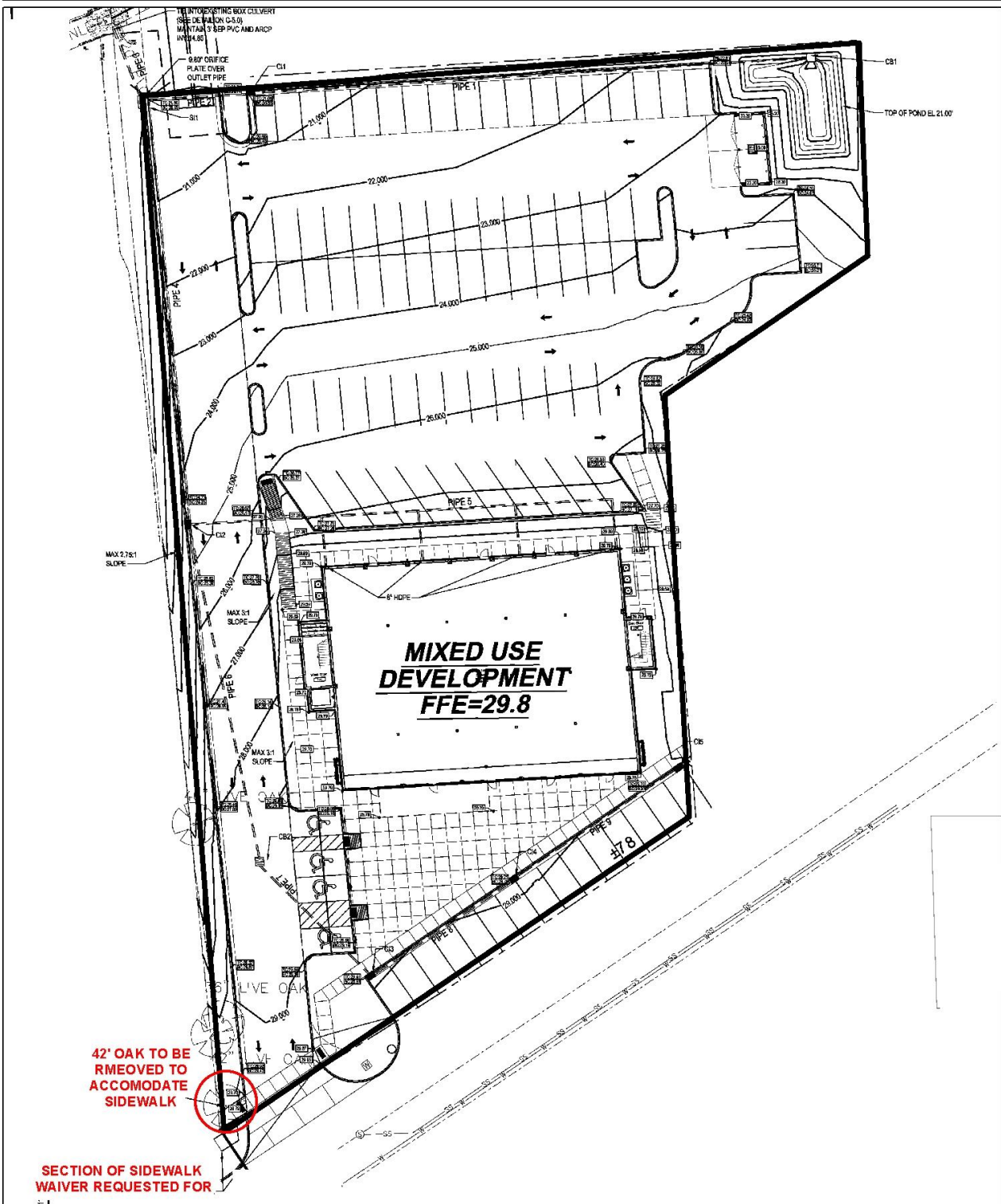
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# SITE PLAN



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

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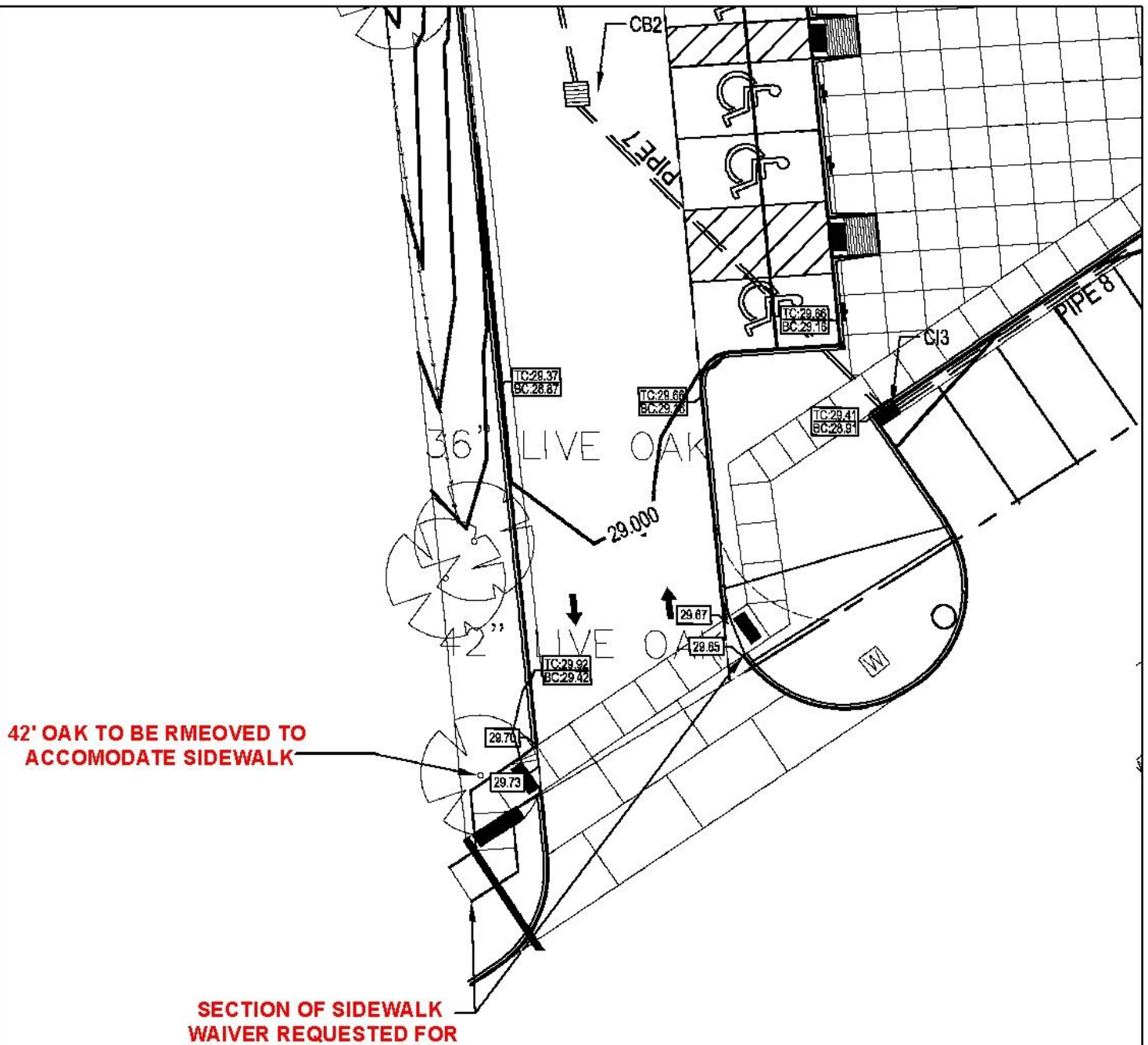
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# DETAIL SITE PLAN



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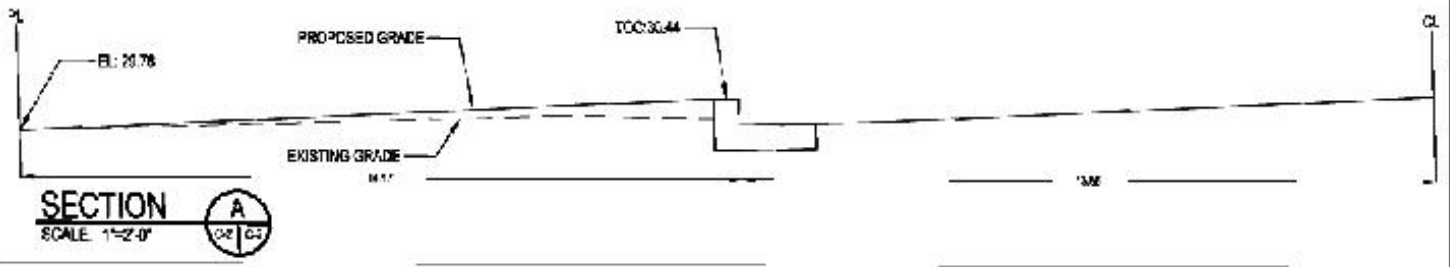
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