



**Agenda Item #: 6**  
**MOD-002751-2023**

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

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

**DETAILS**

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**Location:**

6109 Howells Ferry Road

**Applicant / Agent:**

Claude & Melody Hall

**Property Owner:**

Bishop Russell Kendrick

**Current Zoning:**

R-1, Single-Family Residential Suburban District

**Future Land Use:**

Low Density Residential

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

- Unified Development Code (UDC)
- Map for Mobile Comprehensive Plan

**Schedule for Development:**

- Six (6) to eight (8) months

**Proposal:**

- Modification of a previously approved Planned Unit Development

**Commission Considerations:**

1. Modification of a previously approved Planned Unit Development with eleven (11) conditions.


**Report Contents:**

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# PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL



The site is surrounded by single family residential units.

APPLICATION NUMBER <u>        6        </u> DATE <u>December 21, 2023</u>	 NTS
APPLICANT <u>        Claude &amp; Melody Hall        </u>	
REQUEST <u>        PUD Modification        </u>	

## SITE HISTORY

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Subdivision of the site to create a single lot of record was approved in August 2001, along with Planning Approval to allow a church to operate in an R-1 zoning district, and Planned Unit Development approval to allow multiple buildings on a single building site.

Most recently, the Board of Zoning Adjustment approved a Use Variance at its November 6<sup>th</sup> meeting to allow use of the site as a commercial day care in an R-1, Single-Family Residential Suburban District.

## STAFF COMMENTS

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### Engineering Comments:

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:

Traffic Engineering has concerns related to the future growth of this facility and is requiring a traffic impact study to be conducted for the maximum capacity of the daycare. The total gross square footage based on the submitted Site Plan for the existing building and the two proposed metal buildings shown is 18,400. To meet the minimum standards the daycare as is currently shown will require 53 parking spaces on-site. 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 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:**

A Use Variance was recently approved to allow use of the site as a commercial day care in a residential zoning district. A condition of the use variance required submission and approval of a Major Modification to the previously approved Planned Unit Development (PUD). With the application at hand, the applicant "seeks to remove the PUD requirement" as stipulated by the Board of Adjustment. Although the Commission has recently heard and approved a request to vacate a previously approved PUD, in that instance the site in question was never developed utilizing the previously approved PUD. However, this site was developed utilizing the PUD approval, thus the request to modify the previously approved PUD must be reviewed in accordance with Section 64-5-8.B.2. of the UDC as a typical modification requiring Planning Commission review and City Council approval.

The most recently approved PUD allowed for multiple buildings on a single building site for use by a church that was permitted with concurrent Planning Approval by the Planning Commission. Aerial photos depict that the site has operated in its current footprint since that time. The applicant is now proposing to further develop the property for use, as mentioned, as a day care.

The site plan provided depicts a vacant, 3,400 square-foot church building and two proposed metal buildings, each 7,500 square feet in size. A proposed parking lot is illustrated to the South of an existing parking lot. The total building footprint of the existing and proposed buildings is 18,400 square feet, which requires 53 parking spaces per Table 64-3-12.1 of the UDC. It is unclear how many parking spaces will be provided as individual parking spaces are not illustrated within the existing parking lot. As such, if approved, the site plan will need to be revised to illustrate parking.

Development of the property with the proposed buildings will result in a building footprint greater than 50% of the existing building footprint. As such, if approved, full compliance with the development standards of Article 3 of the UDC will be required. This includes, but is not limited to: the provision of a sidewalk along Howells Ferry Road; the provision of on-site pedestrian walkway connections; compliance with building design and height variation requirements; the provision of a residential protection buffer where the site abuts residentially zoned or utilized property; compliance with parking lot lighting requirements and the provision of a photometric plan; the provision of off-street loading facilities; and the provision of bicycle parking.

The applicant states in their narrative that the hours of operation of the proposed day care are from 6:00 a.m. until 6:00 p.m. The applicant also states that the day care will accommodate 40 children, and employee 20 people. The applicant does not state the days the day care will operate.



The Fire Department has commented via email that the proposed buildings will not meet their standard requirement for fire hose reach, and that apparatus staging is required to be within 150-feet of all exterior walls. The farthest buildings, as proposed, will not be within this distance at the rear of the building. As such, if approved, revision of the site plan will be required to comply with current International Fire Code standards.

It should be noted that future development or redevelopment of the site 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 plans, if approved.

## **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;
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.

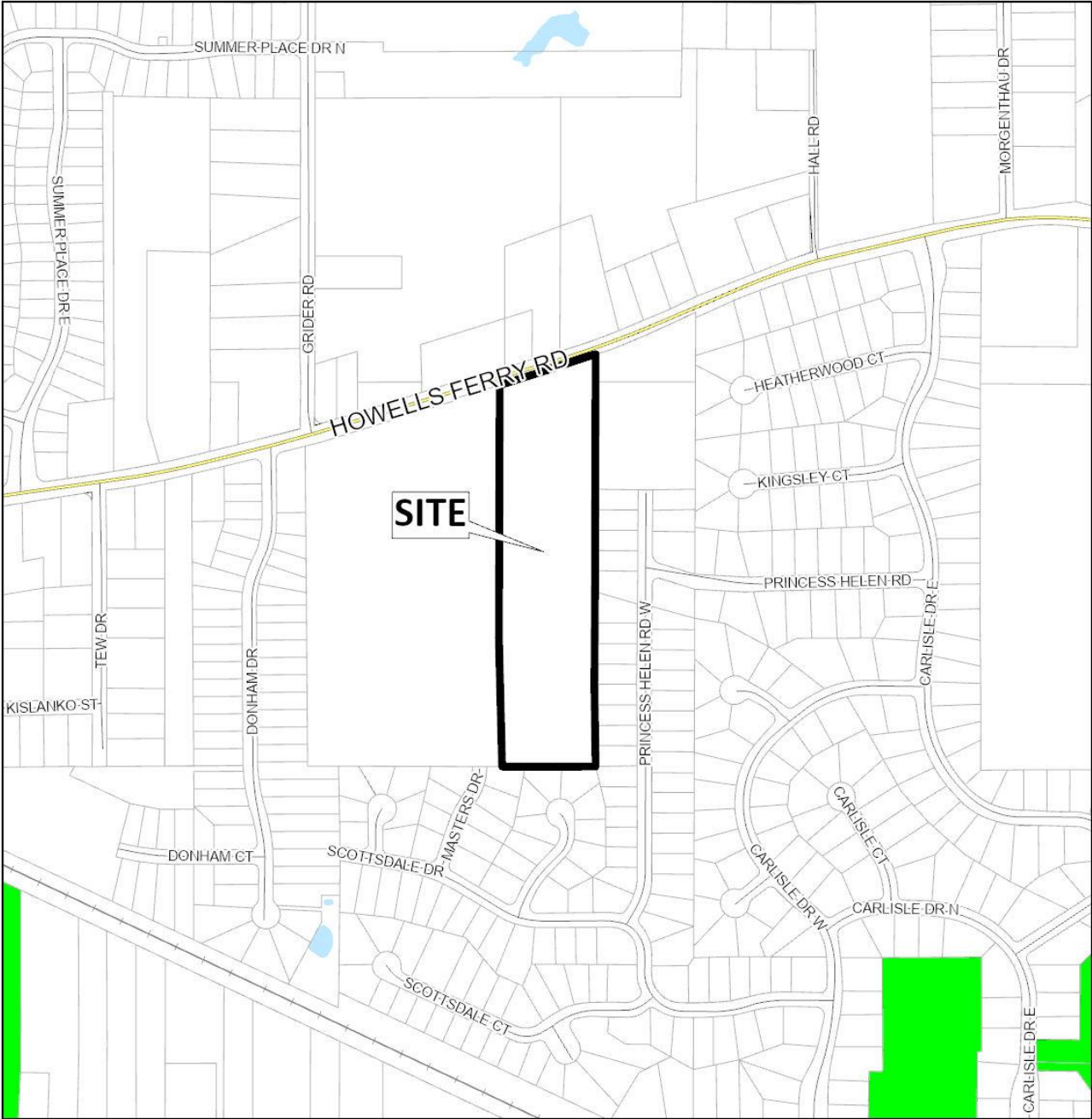
### **Considerations:**

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

1. Revision of the site plan to address Fire Department requirements regarding fire hose reach and apparatus staging;
2. Revision of the site plan to illustrate all existing and proposed parking spaces;
3. Revision of the site plan to illustrate a sidewalk along Howells Ferry Road;

4. Revision of the site plan to illustrate a Protection Buffer where the site abuts residentially zoned property, in compliance with Article 3, Section 64-3-8 of the UDC
5. Placemen of a note on the revised site plan stating future development or redevelopment of the site may require additional modifications of the PUD to be approved by the Planning Commission and City Council;
6. Compliance with all Engineering comments noted in this staff report;
7. Compliance with all Traffic Engineering comments noted in this staff report;
8. Compliance with all Urban Forestry comments noted in this staff report;
9. Compliance with all Fire Department comments noted in this staff report;
10. Submittal to and approval by Planning and Zoning of the revised Modified Planned Unit Development site plan prior to its recording in Probate Court, and provision of a copy of the recorded site plan (hard copy and pdf) to Planning and Zoning; and,
11. Full compliance with all municipal codes and ordinances.

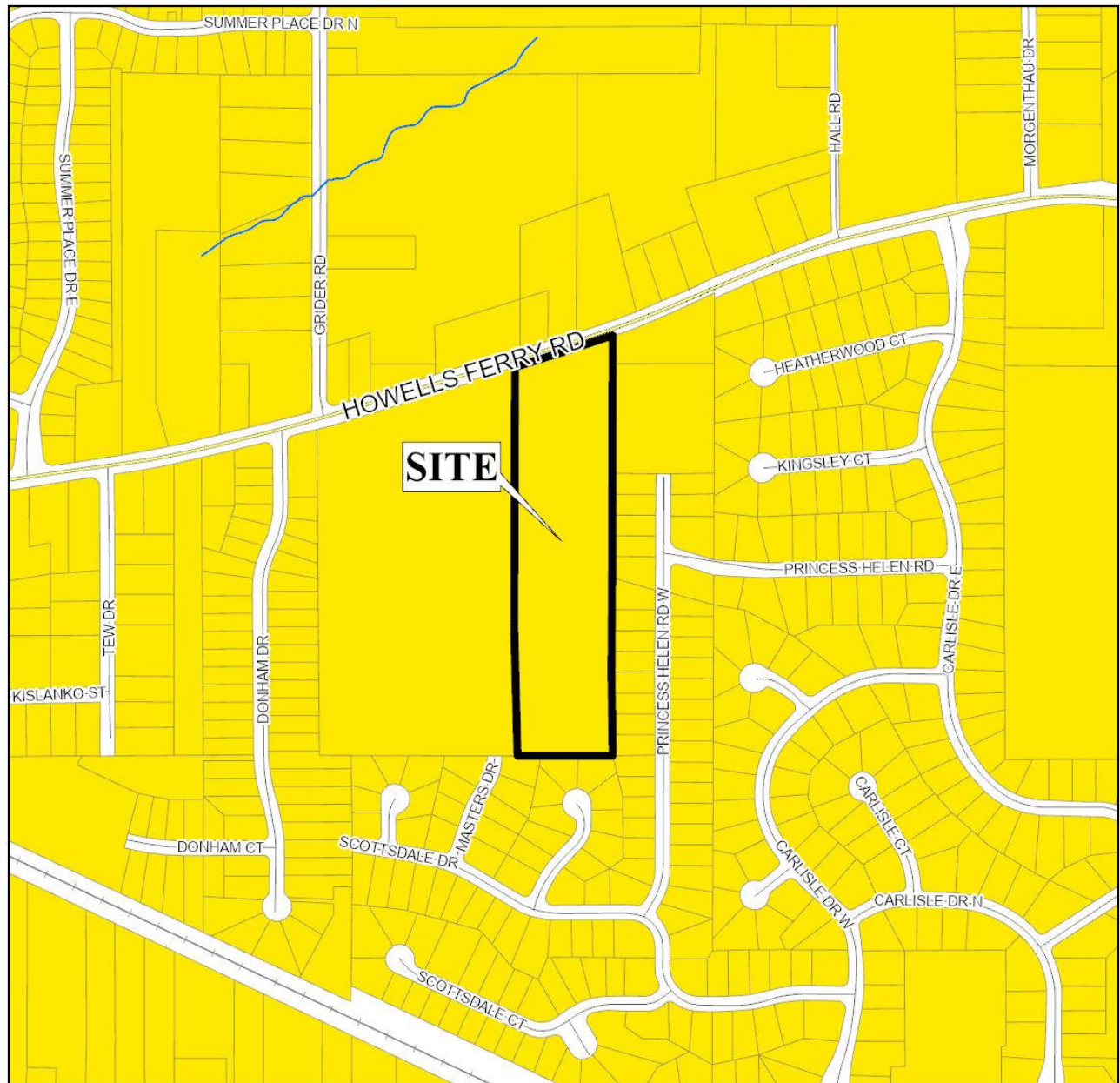
# LOCATOR ZONING MAP




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APPLICANT	Claude & Melody Hall		
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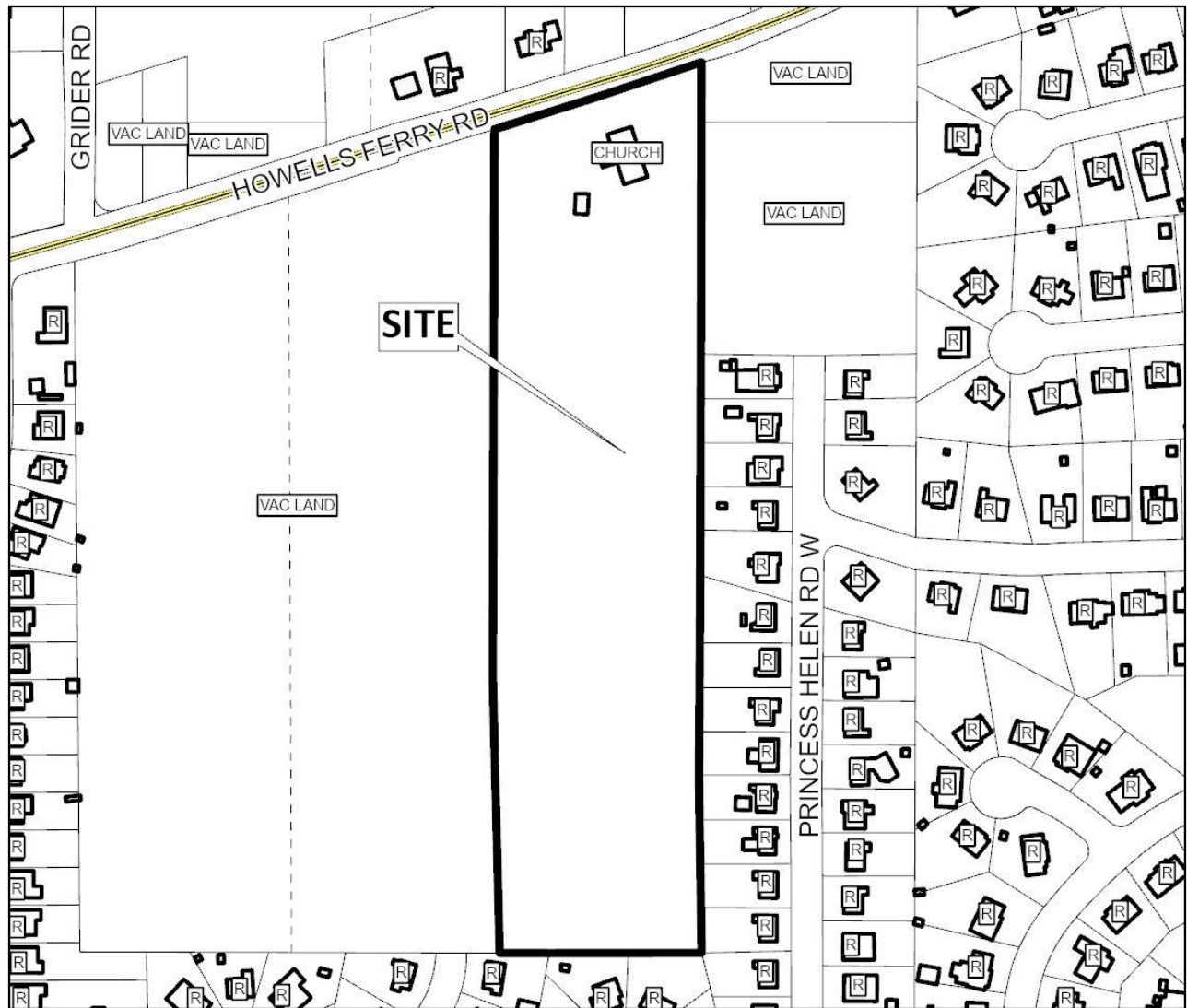
# FLUM LOCATOR MAP



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APPLICANT	Claude & Melody Hall		
REQUEST	PUD Modification		
<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: yellow; border: 1px solid black;"></span> Low Density Residential</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: orange; border: 1px solid black;"></span> Mixed Density Residential</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: red; border: 1px solid black;"></span> Downtown</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: darkred; border: 1px solid black;"></span> District Center</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: darkblue; border: 1px solid black;"></span> Neighborhood Center - Traditional</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: blue; border: 1px solid black;"></span> Neighborhood Center - Suburban</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: pink; border: 1px solid black;"></span> Traditional Corridor</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: orange; border: 1px solid black;"></span> Mixed Commercial Corridor</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: brown; border: 1px solid black;"></span> Downtown Waterfront</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: lightgrey; border: 1px solid black;"></span> Light Industry</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: purple; border: 1px solid black;"></span> Heavy Industry</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: cyan; border: 1px solid black;"></span> Institutional</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: lightgreen; border: 1px solid black;"></span> Parks &amp; Open Space</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: darkblue; border: 1px solid black;"></span> Water Dependent</li> </ul>			
			<p>N</p>  <p>NTS</p>



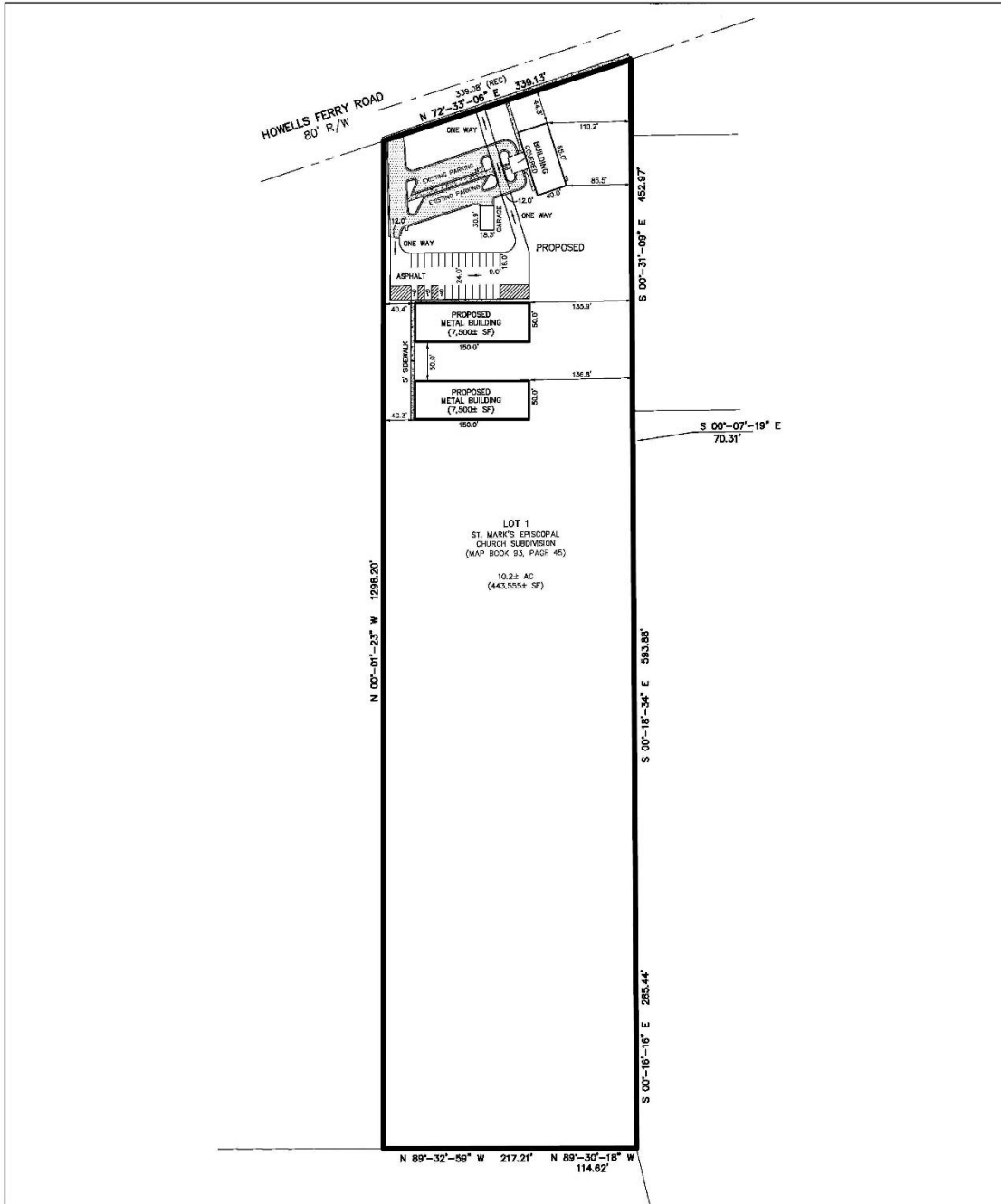
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# SITE PLAN



The site plan illustrates the proposed buildings, proposed parking, existing building, and existing parking.

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REQUEST	PUD Modification		



**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 (WDW/UR)	
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)

# Residential Land Use



## LOW DENSITY RESIDENTIAL (LDR)

This designation applies to existing residential neighborhoods found mostly west of the Beltline or immediately adjacent to the east side of the Beltline.

The primary land use in the LDR districts is residential and the predominant housing type is the single-family housing unit, detached or semi-detached, typically placed within a street grid or a network of meandering suburban streets. The density in these districts ranges between 0 and 6 dwelling units per acre (du/ac).

These neighborhoods may also contain small-scale, low-rise multi-unit structures at appropriate locations, as well as complementary retail, parks and civic institutions such as schools, community centers, neighborhood playgrounds, and churches or other religious uses if those uses are designed and sited in a manner compatible with and connected to the surrounding context. The presence of individual ancillary uses should contribute to the fabric of a complete neighborhood, developed at a walkable, bikeable human scale.