

**SUBDIVISION, ZONING &
TEXT AMENDMENT STAFF REPORT****Date: February 15, 2023****APPLICANT NAME**

Maynard Cooper & Gale

SUBDIVISION NAME

GDH Adams Subdivision

LOCATION401 Water Street
(Southwest corner of Water Street and Beauregard Street)**CITY COUNCIL
DISTRICT**

District 2

PRESENT ZONING

T-4 and SD-Special District

PROPOSED ZONING

SD-WH, Special District - Warehouse

AREA OF PROPERTY

1 Lots / 14.8± Acres

CONTEMPLATED USE

Subdivision approval to create 1 lot, amendment of the Regulating Plan to rezone the properties from T-4 and SD-Special District to SD-WH, and Text Amendment to modify Appendix A. Section 10.B.7.(b). Transparency, to allow commercial offices, warehouse and distribution.

It should be noted, however, that any use permitted in the proposed district would be allowed at this location if the zoning is changed. Furthermore, the Planning Commission may consider zoning classifications other than that sought by the applicant for this property.

**REASON FOR
REZONING**

To assign an existing Transect District to an undesignated property and eliminate split-zoning.

**TIME SCHEDULE
FOR DEVELOPMENT**

24 months from October 1, 2023

**ENGINEERING
COMMENTS**

FINAL PLAT COMMENTS (should be addressed prior to submitting the FINAL PLAT for review and/or signature by the City Engineer):

- 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. Label the POB.
- C. Revise the written legal description to include the correct recording information for LOT 2 De Tonti Pointe Subdivision.
- D. Show and label the MFFE (Minimum Finished Floor Elevation) on each lot that contains an A, AE, or X (shaded) flood zone designation. BFE = 11.
- E. Revise SUBDIVISION NOTE 1 to read: As shown on the 1984 aerial photo (FLIGHT 30 - #69) LOT 1 will receive the 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 1 – 87,000 sf.
- F. 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 prior to obtaining any signatures. No signatures are required on the drawing.

TRAFFIC ENGINEERING

COMMENTS

Site is limited to its existing curb cuts with any changes in 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 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.

REMARKS

The applicant is requesting Subdivision approval to create 1 lot, amendment of the Regulating Plan to rezone the properties from T-4 and SD-Special District to SD-WH, and Text Amendment to modify Appendix A. Section 10.B.7.(b). Transparency, to allow commercial offices, warehouse and distribution.

The future development of the property includes the removal of an existing 15,000± square foot one-story office-warehouse building, construction of a 93,000± square foot warehouse expansion connected to the existing Press-Register building, and construction of a 6,000± square foot vehicle

maintenance facility with 33 delivery truck parking spaces. The site plan included with the application is the “Master Plan” required for the amendment of the Regulating Plan.

Two lots abut the site and provide a portion of surface parking for the site. These two lots are not included in this application and will remain as-is, retaining the existing T-4 sub-district zoning.

The 14.8± acre site is partially developed, with approximately 3 acres undeveloped. The site is bounded to the East by a multi-family development and commercial property in a T-5.1 district and across North Water Street by I-1 (light) and I-2 (heavy) industrial districts, to the South by developed T-4 residential and commercial properties within the DeTonti Square Historic District, to the West by Calloway-Smith Middle School in a T-4 district, and to the North, across Beauregard Street by residences and vacant properties in an R-3 Multi-Family Residential district.

As stated in Section 64-9. of the Zoning Ordinance, the intent of the Ordinance and corresponding Zoning Map is to carry out the comprehensive planning objective of sound, stable and desirable development. While changes to the Ordinance are anticipated as the city grows, the established public policy is to amend the ordinance only when one or more of the following conditions prevail: 1) there is a manifest error in the Ordinance; 2) changing conditions in a particular area make a change in the Ordinance necessary and desirable; 3) there is a need to increase the number of sites available to business or industry; or 4) the subdivision of land into building sites makes reclassification of the land necessary and desirable.

The site has been given “Downtown” and “Institutional” land use designations, 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.

Downtown is called out as a separate land use designation due to its distinct role, layout and fabric.

As a land use district, Downtown is the ultimate mixed-use environment. Land development and redevelopment will emphasize variety, mixed uses, and unity of form within buildings or complexes.

As the city’s and region’s center for commercial and service employment, Downtown supports intense development and a dynamic combination of uses: specialty and regional retail shopping and offices; business support services; urban housing at higher densities (starting at 10 dwelling units per acre); civic, educational and cultural destinations; entertainment options; and other public amenities including active and passive park space. The successful integration of a mix of housing types and densities will be critical to achieve a vibrant, 24/7-active Downtown Mobile.

Development in the Downtown district will focus on new, redeveloped and adaptively reused buildings that frame attractive, human-scaled streetscapes, memorable public spaces, bicycle and pedestrian-friendly streets and convenient transit access to jobs, housing and entertainment. Accordingly, certain areas of Downtown will be more intensively developed to facilitate that pedestrian orientation.

The Institutional designation includes land and buildings occupied by municipal and other governmental agencies for the exercise of their functions, to serve the public or provide a civic use or amenity. These include major libraries, airports, public schools and public safety facilities, but exclude parks and public open space which are identified under a separate land use classification (see below). Semi-public uses such as grammar and high schools, colleges and universities, hospitals, and other major institutions that serve the public and/or operate in a public function are included. Parks and public open space are not included but have their own land use classification.

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 current zoning designations of T-4 and SD for the site were assigned in May 2014, when the Downtown Development District (DDD) regulations were adopted by the City Council. The site was developed before the adoption of the DDD regulations.

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.

The Downtown Development District (DDD) regulations include requirements regarding minimum lot size, curb-cuts and minimum setback requirements which differ than those found in the Subdivision Regulations. Therefore, the subdivision review will take into account the DDD requirements.

The most recent subdivision applications for the site were in December 2022, creating the western property that is the subject of this application, and in June 2003 for the eastern property that is the subject of this application. This request will combine two existing lots into one lot.

The site fronts onto Saint Joseph Street, an “A” street per the DDD regulations, as well as North Water Street and Beauregard Street, which are “B” streets per the DDD regulations. As the overall site has been the subject of previously approved and recorded subdivisions, no additional right-of-way will be required.

The site has one existing curb-cut to Beauregard Street and two existing curb-cuts to Saint Joseph Street. No changes are proposed to any of the existing curb-cuts in relation to the proposed use of the site.

The applicant provided the following statement regarding the subdivision and amendment of the Regulating Plan to rezone the property to SD-WH:

The applicant is requesting that the subject properties be combined into a single lot of record and be designated as SD-WH. The larger of the two lots is currently designated as SD. In order for any future development of that parcel, that parcel will be required to be brought into the regulating plan in an existing transect or a new transect created for the site. Given the type of use proposed at the site (warehouse and distribution) the applicant believes that the existing SD-WH transect is the appropriate designation. The incorporation of the DeTonti Pointe lot into this site would otherwise create a split zoned parcel. To avoid that split zoned lot, and consistent with the proposed use of the entire parcel, the applicant is asking that the entire site be designated as SD-WH.

The applicant would argue that this request would be appropriate given the changing conditions of the surrounding area (much of the northeast end of Beauregard Street is now warehouse and distribution facilities given its close proximity to the port operations). Also, the increased need for business or industrial sites makes it desirable to expand the boundaries of existing districts to include the 3 acre parcel being incorporated into the overall development plan. Ultimately, in this case, the larger of the two sites was given an SD designation when the regulating plan was adopted. In order develop that site, it needs to be given a designation which contains appropriate regulating standards and the applicant believes that the SD-WH designation is most appropriate given the existing structures and use and the proposed redevelopment plans.

The proposed use of the property for commercial offices, warehouse and distribution is allowed by right within the proposed SD-WH, Special District-Warehouse district. The majority of the site was originally developed in 2002 for a newspaper printing and distribution facility with associated commercial offices. As the applicant proposes to expand the existing structure, amendment of the Regulating Plan to assign a transect district other than the undefined SD, Special District, is required.

The proposed lot will have approximately 200± feet of frontage on North Water Street, 132± feet of frontage onto Saint Joseph Street, and approximately 1,100± feet of frontage on Beauregard Street. The lot will comply with the minimum width requirements of the Subdivision Regulations. There are no width requirements for lots in SD-WH districts within the DDD.

The proposed lot will be approximately 14.7± acres, or 663,376± square feet. The lot will comply with the minimum lot area requirements of the Subdivision Regulations. There are no lot area requirements for lots within the DDD.

The preliminary plat does not depict any setbacks, however, notes on the plat reference setbacks required by prior approvals. The setbacks required for the SD-WH sub-district are a maximum 10-foot setback for the Primary Building along the Primary (street) Frontage (in this case, Saint Joseph Street due to its designation as an “A” street per the DDD regulations), and “*Unrestricted if fire rating requirements are met*” for the Secondary (street) Frontages and side and rear setbacks. The plat should be revised to note the applicable zoning setbacks.

The DDD regulations limit the number of curb-cuts for properties in SD-WH districts to one (1) per street frontage. As previously noted, the proposed lot has two (2) existing curb-cuts to Saint Joseph Street and one (1) existing curb-cut to Beauregard Street. No changes are proposed by the applicant to the existing curb-cuts and these will remain “as-is.”

Finally, prior to any applications for demolition or construction, the applicant must apply to the Consolidated Review Committee for review, as required by the Downtown Development District regulations.

TEXT AMENDMENT REMARKS

As previously stated, the applicant is proposing a 93,000± square foot warehouse addition to the existing structure. This new expansion will have frontage along approximately 300± feet of Beauregard Street. The DDD regulations, Appendix A. Section 10.B.7.(b)., require that all new construction with frontage on a Primary or Secondary Street have a minimum of 20% window transparency per floor facing the street frontage as stated below:

“All building Facades along public frontages shall have a minimum of twenty (20) percent transparency measured on each floor. Higher percentages are required for some frontage types as stipulated in Appendix A Section 10 C below.”

In order to accommodate the proposed re-development and expansion of this site, the applicant is requesting that the proposed SD-WH district for this site be exempted from this requirement via a text amendment to the Downtown Development District regulations. The proposed change to the text is in *italics* as stated below:

“Except for buildings located in a SD-WH district fronting Beauregard Street between Saint Joseph Street, North Water Street and North Lawrence Street all building Facades along public frontages shall have a minimum of twenty (20) percent transparency measured on each floor. Higher percentages are required for some frontage types as stipulated in Appendix A Section 10 C below.”

There have been very few instances since the adoption of the DDD in 2014 of warehouse construction or expansion within the DDD. Where it has occurred, it has typically consisted of less than 5,000 square feet, and in association with buildings constructed prior to 1950. In contrast, the anticipated warehouse addition for the site in question is proposed to be over 90,000 square feet, and will be part of a structure originally built in 2002 which has almost no windows along the Beauregard Street frontage.

RECOMMENDATION

Subdivision: The Subdivision request is recommended for Tentative Approval, subject to the following conditions:

- 1) Retention of all right-of-way widths as depicted on the preliminary plat;
- 2) Retention of the lot sizes in both square feet and acres, or the furnishing of a table on the Final Plat providing the same information;
- 3) Revision of notes regarding setbacks to reflect the applicable zoning setbacks;
- 4) compliance with the Engineering comments: (*FINAL PLAT COMMENTS (should be addressed prior to submitting the FINAL PLAT for review and/or signature by the City Engineer): 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. Label the POB. C. Revise the written legal description to include the correct recording information for LOT 2 De Tonti Pointe Subdivision. D. Show and label the MFFE (Minimum Finished Floor Elevation) on each lot that contains an A, AE, or X (shaded) flood zone designation. BFE = 11. E. Revise SUBDIVISION NOTE 1 to read: As shown on the 1984 aerial photo (FLIGHT 30 - #69) LOT 1 will receive the 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 1 – 87,000 sf. F. 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 prior to obtaining any signatures. No signatures are required on the drawing.*);
- 5) placement of a note on the Final Plat stating the Traffic Engineering comments: (*Site is limited to its existing curb cuts with any changes in 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 the City's Zoning Ordinance.*);
- 6) compliance with the 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.*); and
- 7) compliance with the 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.*).

Regulating Plan Amendment - Rezoning: Based upon the preceding, staff finds that the following condition(s) prevail to support the rezoning request:

- i. Change in conditions. Changed or changing conditions in a particular area, or in the planning region generally, make a change in the chapter necessary and desirable;
- ii. Increase in need for sites for business or industry. Increased or increasing needs for business or industrial sites, in addition to sites that are available, make it necessary and desirable to rezone an area or to extend the boundaries of an existing district; or
- iii. Subdivision of land. The subdivision or imminent subdivision of land into urban building sites makes reclassification necessary and desirable.

As such, staff recommends Approval of the request to amend the Regulating Plan for the site from SD and T-4 to SD-WH, subject to the following conditions:

- 1) Completion of the Subdivision process; and
- 2) full compliance with all municipal codes and ordinances.

Text Amendment: Staff recommends that the Commission consider all relevant facts prior to deciding if the proposed text amendment to Appendix A. Section 10.B.7.(b). should be recommended for approval or denial to the City Council.

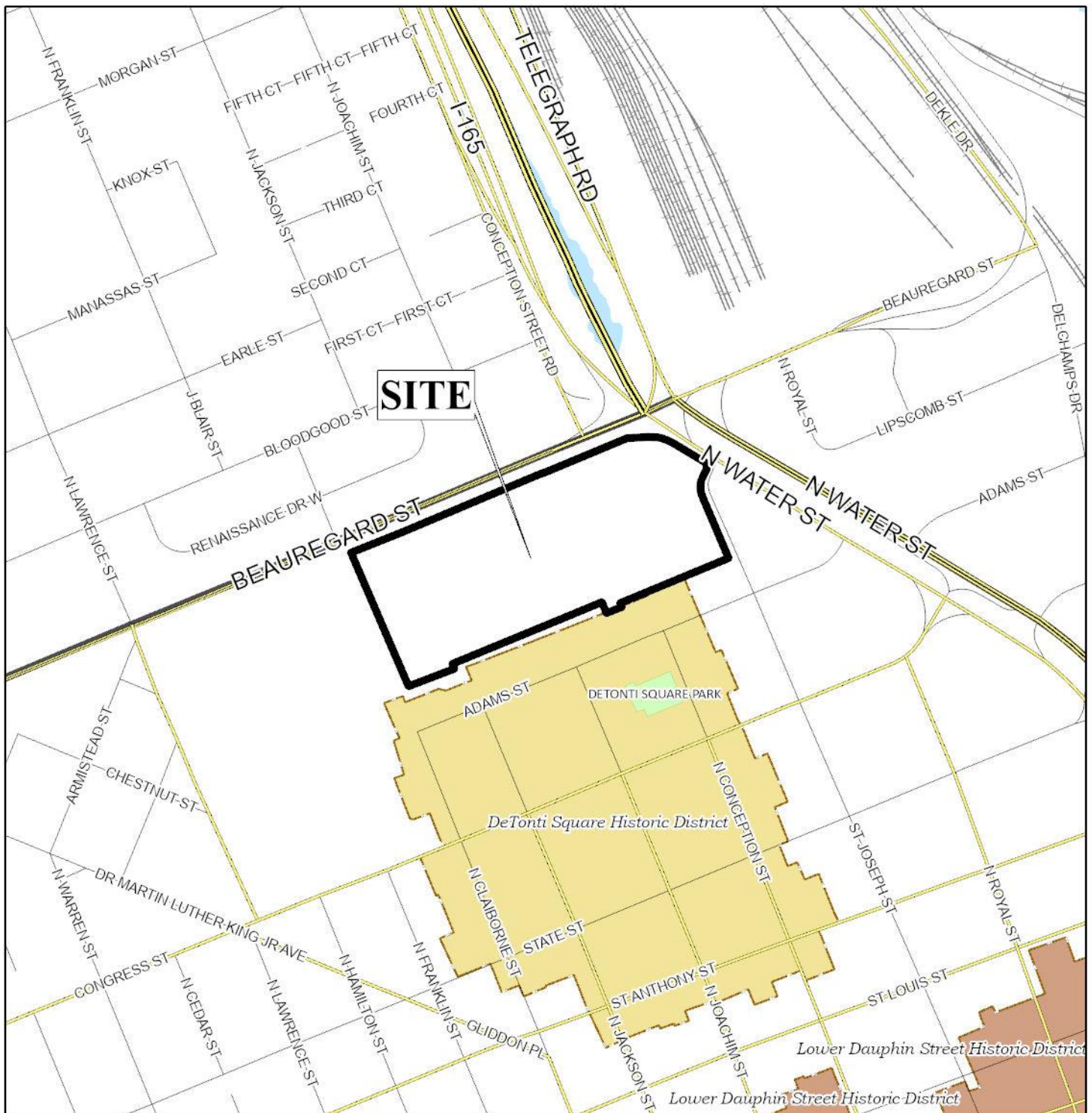
Amend Appendix A. Section 10.B.7.(b). Transparency from:

“All building Facades along public frontages shall have a minimum of twenty (20) percent transparency measured on each floor. Higher percentages are required for some frontage types as stipulated in Appendix A Section 10 C below.”

to

“Except for buildings located in a SD-WH district fronting Beauregard Street between Saint Joseph Street, North Water Street and North Lawrence Street all building Facades along public frontages shall have a minimum of twenty (20) percent transparency measured on each floor. Higher percentages are required for some frontage types as stipulated in Appendix A Section 10 C below.”

LOCATOR MAP



APPLICATION NUMBER 7 DATE February 15, 2023

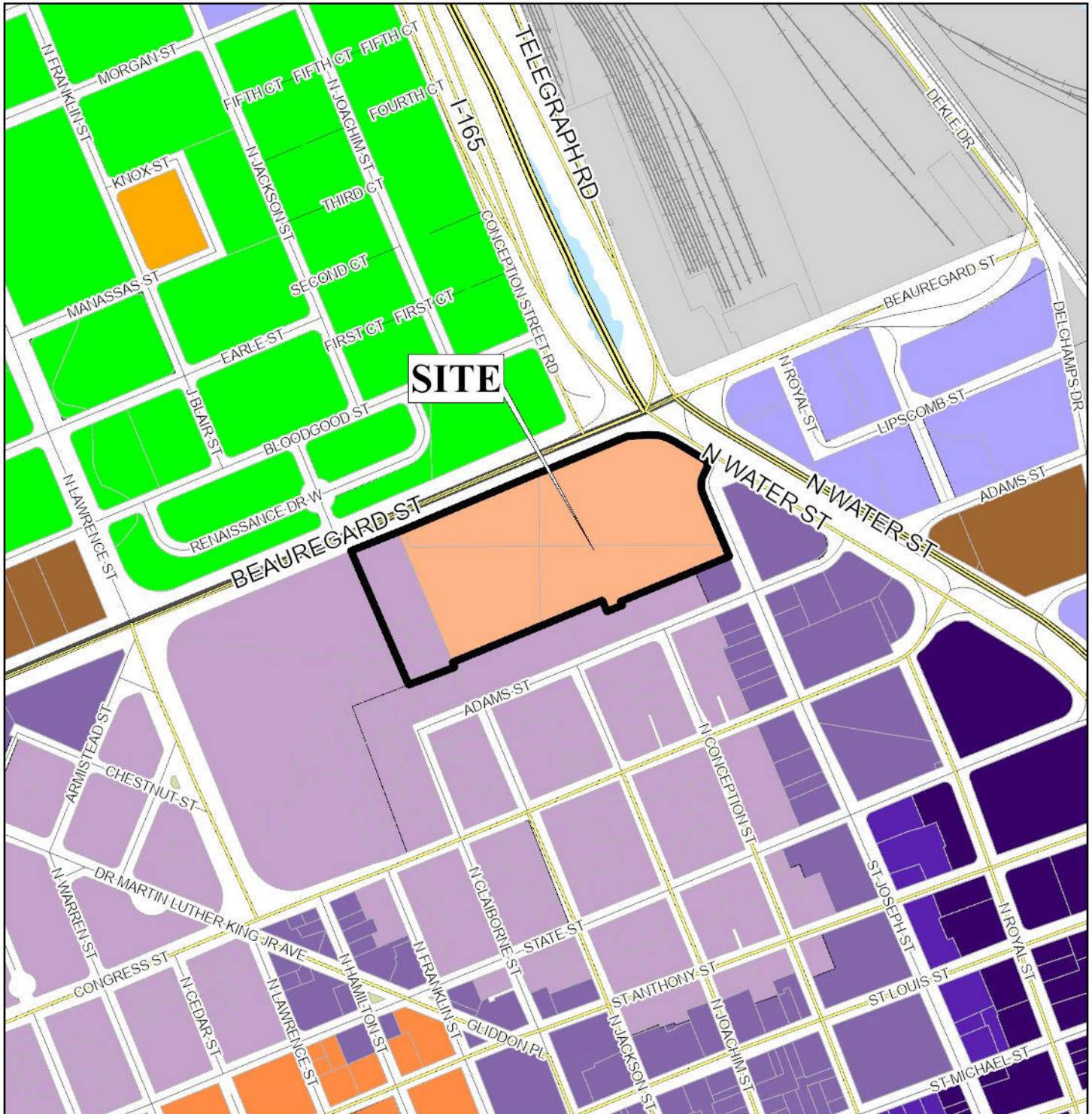
APPLICANT GDH Adams Subdivision

REQUEST Subdivision, Rezoning from T-4 and SD to SD-WH



NTS

LOCATOR ZONING MAP



APPLICATION NUMBER 7 DATE February 15, 2023

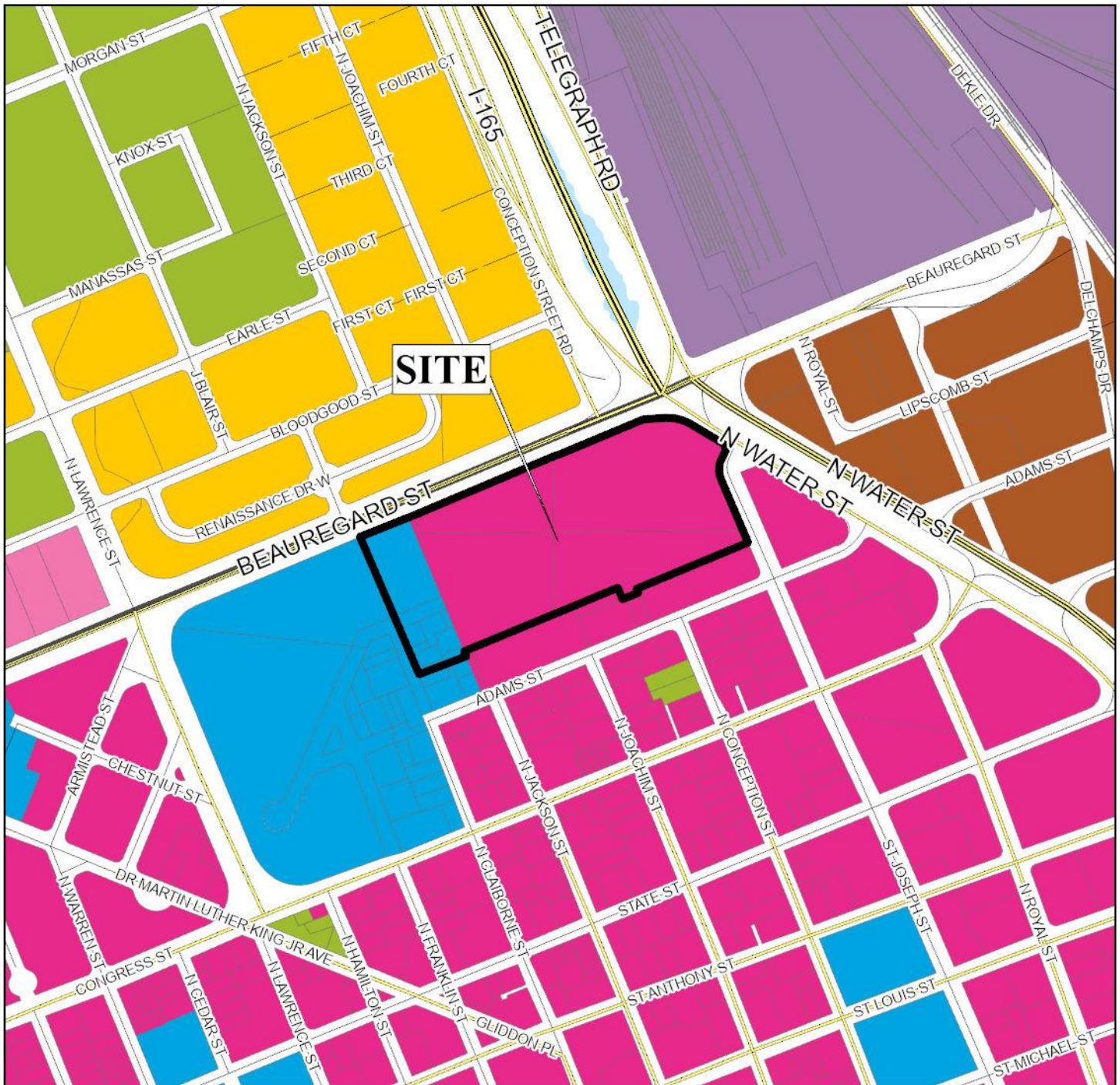
APPLICANT GDH Adams Subdivision

REQUEST Subdivision, Rezoning from T-4 and SD to SD-WH



NTS

FLUM LOCATOR MAP



APPLICATION NUMBER 7 DATE February 15, 2023

APPLICANT GDH Adams Subdivision

REQUEST Subdivision, Rezoning from T-4 and SD to SD-WH

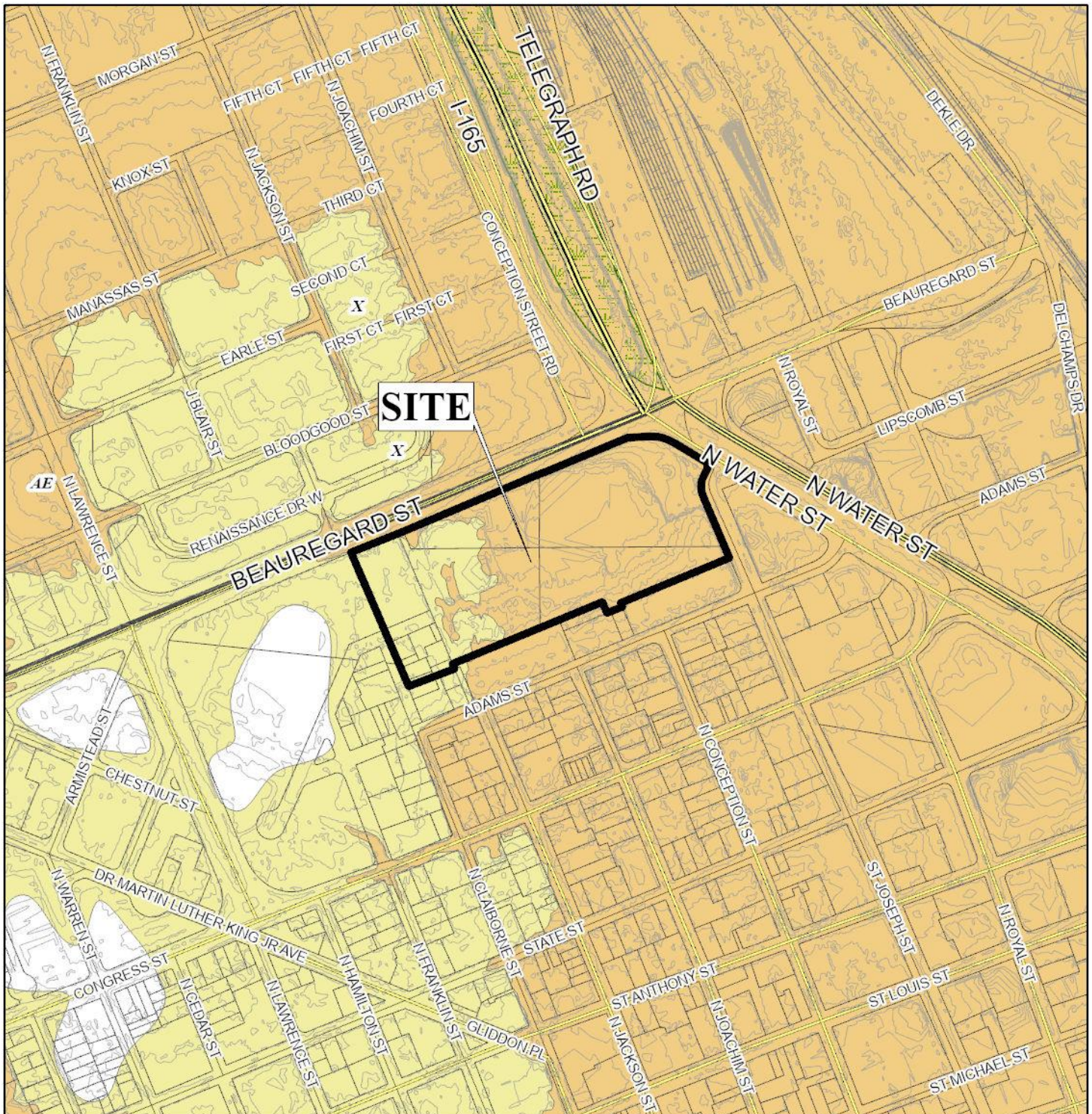
Layer2

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



NTS

ENVIRONMENTAL LOCATOR MAP



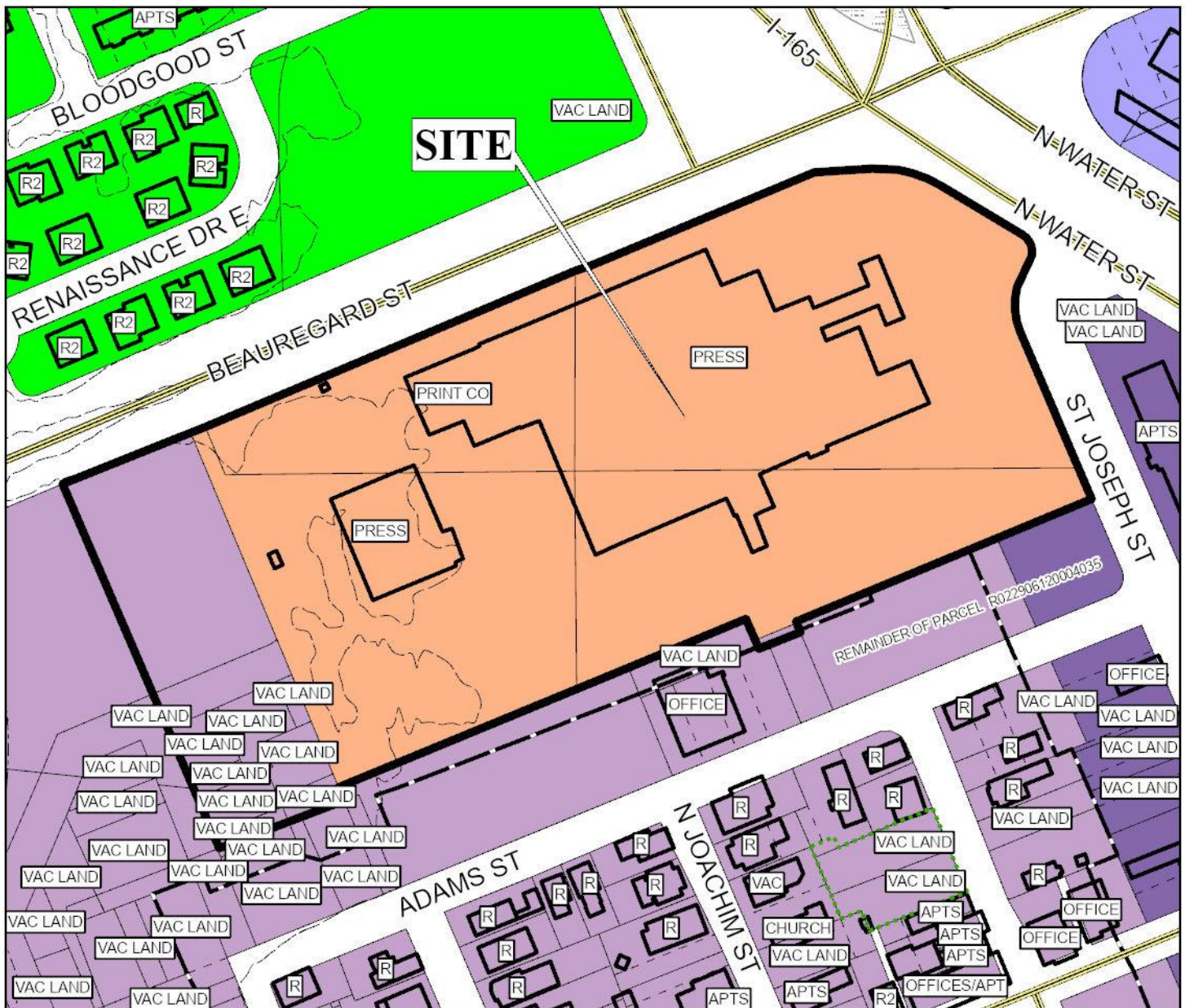
APPLICATION NUMBER 7 DATE February 15, 2023

APPLICANT GDH Adams Subdivision

REQUEST Subdivision, Rezoning from T-4 and SD to SD-WH



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential and commercial units.

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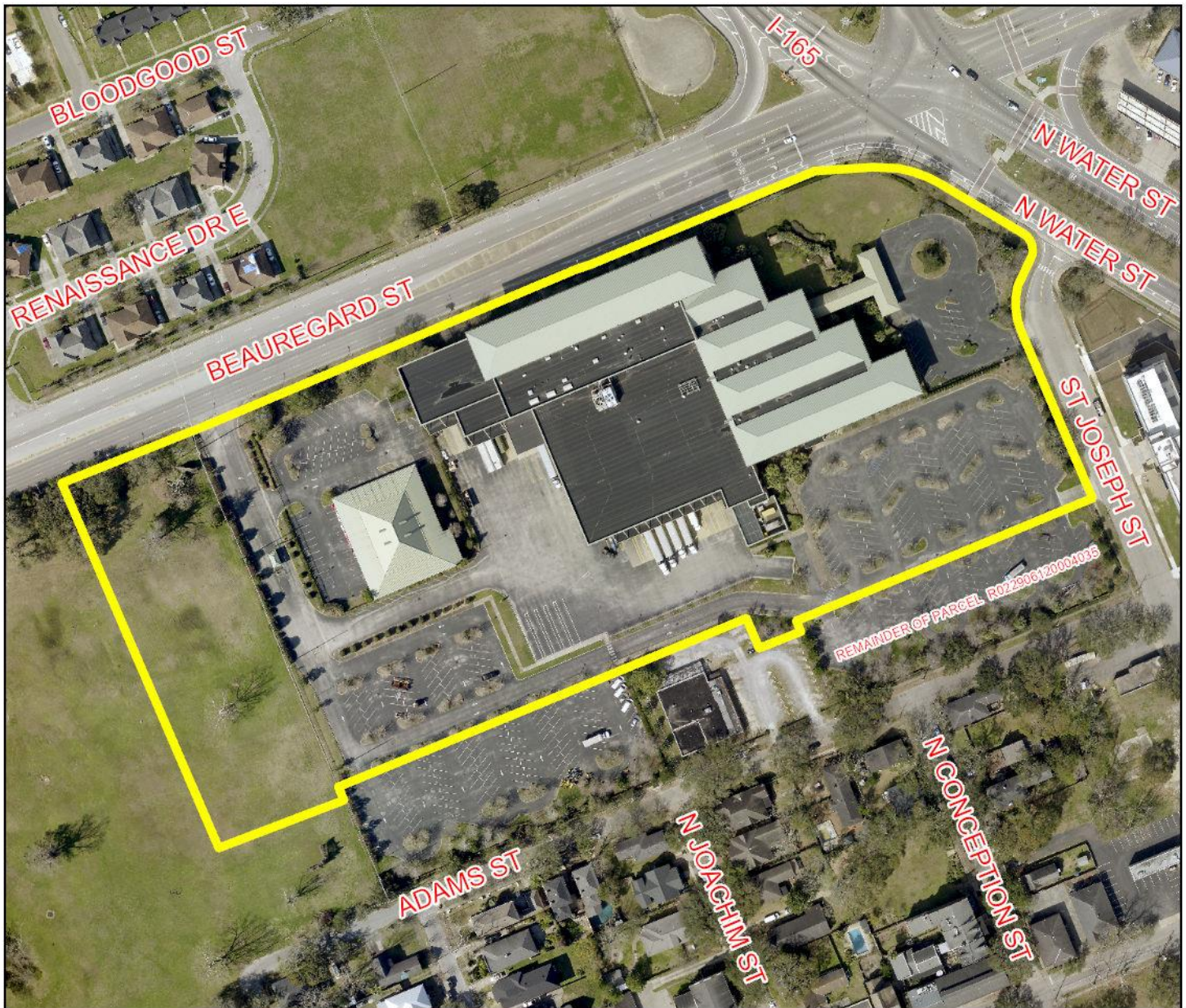
APPLICANT GDH Adams Subdivision

REQUEST Subdivision, Rezoning from T-4 and SD to SD-WH

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



PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL

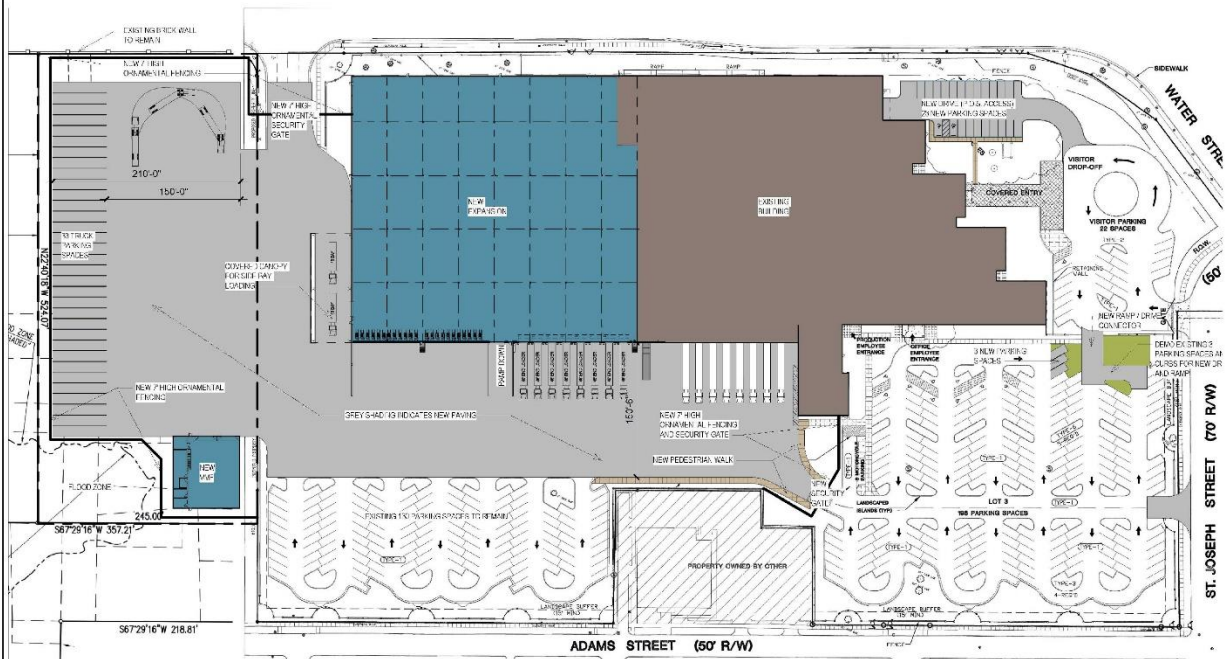


The site is surrounded by residential and commercial units.

APPLICATION NUMBER 7 DATE February 15, 2023
 APPLICANT GDH Adams Subdivision
 REQUEST Subdivision, Rezoning from T-4 and SD to SD-WH



SITE PLAN

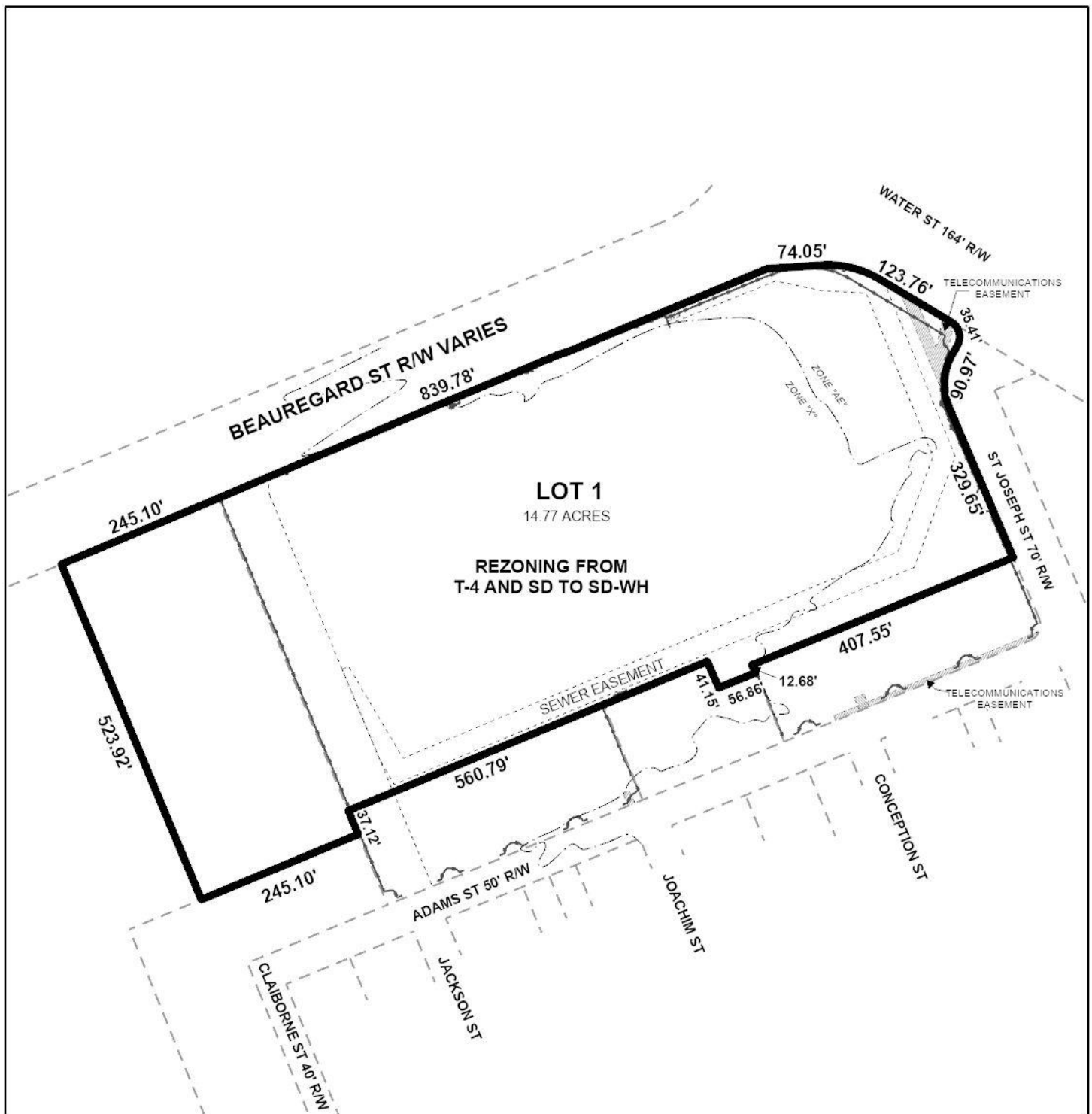


The site plan illustrates the existing building and parking, and proposed addition and parking.

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REQUEST Subdivision, Rezoning from T-4 and SD to SD-WH



DETAIL SITE PLAN



APPLICATION NUMBER 7 DATE February 15, 2023

APPLICANT GDH Adams Subdivision

REQUEST Subdivision, Rezoning from T-4 and SD to SD-WH



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