

**SUBDIVISION,  
PLANNED UNIT DEVELOPMENT,  
ZONING AMENDMENT, &  
SIDEWALK WAIVER STAFF REPORT****Date: June 16, 2022**

<b><u>NAME</u></b>	WaWa, Inc.
<b><u>SUBDIVISION NAME</u></b>	Davis Pilot Family Subdivision
<b><u>LOCATION</u></b>	Southeast corner of Cottage Hill Road and Sollie Road
<b><u>CITY COUNCIL DISTRICT</u></b>	District 6
<b><u>PRESENT ZONING</u></b>	B-1, Buffer Business District and B-2, Neighborhood Business District
<b><u>PROPOSED ZONING</u></b>	B-2, Neighborhood Business District
<b><u>AREA OF PROPERTY</u></b>	2 Lots / 13.0 ± Acres
<b><u>CONTEMPLATED USE</u></b>	<p>Subdivision approval to create two (2) legal lots of record from three metes-and-bounds parcels; Planned Unit Development Approval to allow a unique sign package and shared access between two building sites; Rezoning from B-1, Buffer Business District and B-2, Neighborhood Business District, to B-2, Neighborhood Business District; and a Sidewalk Waiver request to waive construction of a sidewalk along Sollie Road and Cottage Hill Road.</p> <p><b>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.</b></p>
<b><u>TIME SCHEDULE FOR DEVELOPMENT</u></b>	Immediately
<b><u>ENGINEERING COMMENTS</u></b>	

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

- A. Provide a SUBDIVISION NAME.
- B. 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.
- C. Provide reference, on the map and the description, to a monumented corner.
- D. Provide and label the monument set or found at each subdivision corner.
- E. Provide a Vicinity map and add street names.
- F. Provide a written legal description and matching bearing and distance labels for the proposed subdivision.
- G. Show and label all flood zones. New maps went into effect on June 5, 2020.
- H. Show and label the BFE (Base Flood Elevation) on each lot that contains an AE, V, or X (shaded) flood zone designation.
- I. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer.
- J. Provide the Surveyor's Certificate.
- K. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo TRACT 1 and 2 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: TRACT 1 – 2,500 sf and TRACT 2 - NONE.
- L. Add a note that a Land Disturbance permit will be required for any land disturbing activity in accordance 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.
- M. Add a note that 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.
- N. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of new development or construction, unless a sidewalk waiver is approved.
- O. Add a note that all existing and proposed detention facilities, common areas, and wetlands shall be the responsibility of the Property Owner(s), and not the responsibility of the City of Mobile.
- P. Add a note that all easements shall remain in effect until vacated through the proper Vacation process.
- Q. 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:** 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 (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.

**Rezoning:**

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 (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.

**Sidewalk Waiver:**

Both Cottage Hill Rd and Cody/Sollie Rd adjacent to PROPOSED TRACT 1 have existing curb and gutter sections.

It appears that there is sufficient room within the ROW, or within the property, for the construction of a sidewalk that could be approved through the ROW Permit process.

**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 (2012 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 two (2) legal lots of record from three metes-and-bounds parcels; Planned Unit Development Approval to allow a unique sign package and shared access between two building sites; Rezoning from B-1, Buffer Business District and B-2, Neighborhood Business District, to B-2, Neighborhood Business District; and a Sidewalk Waiver request to waiver construction of a sidewalk along Sollie Road and Cottage Hill Road.

The site has been given a Mixed Commercial Corridor (MCC) 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 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.

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.

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 lots fronts Cottage Hill Road and Sollie Road. Cottage Hill Road, is a minor arterial street, per the Major Street Plan, and as such should have a right-of-way of 100-feet. Sollie Road is a major collector street, per the Major Street Plan, and as such should have a right-of-way of 100-feet. The preliminary plat indicates both Cottage Hill Road and Sollie Road as having a rights-of-way that varies, therefore if approved, the Final Plat should be revised to either depict a compliant existing rights-of-way or to depict dedication to provide a minimum of 50-feet to the centerline of each street.

The proposed lot sizes are provided in square feet and acres, and exceed the minimum standards. If approved, the Final Plat should provide the lot size in square feet and acres, adjusted for any required dedication.

It should be noted that the preliminary plat does not depict the 25-foot minimum building setback for either proposed lot. If approved, the Final Plat should be revised to depict a 25-foot minimum building setback line along both street frontages.

Regarding access management, a note should be placed on the Final Plat stating Traffic Engineering comments, if approved.

The preliminary plat depicts an existing drainage easement at the rear of the site, as well as a proposed shared access easement on proposed Lot 2, for use by the proposed Lot 1. If approved, a note should be placed on the Final Plat stating that no structure is allowed in any easement, without the approval of the easement holder.

PUD review examines the site with regard to its location to ensure that it is generally compatible with neighboring uses; that adequate access is provided without generating excess traffic along minor residential streets in residential districts outside the PUD; and, that natural features of the site are taken into consideration. PUD review also examines the design of the development to provide for adequate circulation within the development; to ensure adequate access for emergency vehicles; and, to consider and provide for protection from adverse effects of adjacent properties as well as provide protection of adjacent properties from adverse effects from the PUD.

In pursuit of these purposes, the objectives to be met by a PUD are as follows: a) to encourage innovative and diversified design in building form and site development; b) flexibility, to permit greater flexibility in the location and arrangement of buildings and uses than is generally possible under district regulations; c) to encourage the most efficient and sustainable use of land, especially tracts in the inner part of the city that remain undeveloped or that are appropriate for re-development; d) to preserve and protect as urban amenities the natural features and characteristics of land; e) to encourage the provision of common open space through efficient site design; and, f) to encourage optimum use of available public utilities, streets and community facilities.

It is very important to note that PUD review is site plan specific; therefore any future changes to the overall site plan must be submitted for PUD review. Furthermore, PUD approvals expire after one year if no permits are obtained.

The site plan submitted depicts a gas station on the proposed Lot 1, existing of a convenience store and gas canopy; with no development depicted on the proposed Lot 2. A shared curb cut for the lots is depicted, as well as a connection to Lot 2 and an additional curb cut to Cottage Hill Road. If approved, curbing or a similar barrier should be provided at the stub out to prevent vehicular access to the adjacent undeveloped lot. It should also be noted that a new Planned Unit Development will be required at the time of development for Lot 2.

The applicant states:

***Development Proposal***

*The proposed development is for the construction of a neighborhood-scale Wawa convenience store and gas station of 6,119 SF with 8 fueling stations. Wawa's key commitment to "Fulfilling Lives, Every Day" is providing a sense of place in the communities they serve by always having open, bright, clean, warm and welcoming stores that serve as a trusted "town square" playing a meaningful role in the community.*

*The development is proposed on a 2.53-acre parcel of land located at the Southeast corner of Sollie Road, a major collector and Cottage Hill Road, a minor arterial and designated suburban corridor. The parcel is at the edge of the Mobile municipal city limits and was rezoned in 2004 from R-1 (Single-Family Residential) and R-3 (Multi-family Residential) to the B-2 (Neighborhood Business) zoning district per City Ordinance 1494.*

**Access Management**

*The gas canopy with fueling stations is proposed to be located facing Cottage Hill Road with the convenience store located directly behind it also with its entrance facing Cottage Hill. The project is proposing one right-in, right-out access drive from Sollie Road and two driveway access points from Cottage Hill Road. One right-in, right-out access drive from Cottage Hill will be located on the subject property and a second full access drive from Cottage Hill will be located further east on the adjacent property (R023303053000002). A condition of approval for the original rezoning (Ordinance 1494) limited the property to two curb cuts to Sollie Road and two curb cuts to Cottage Hill (one of which is to be shared with the lot adjacent to the East). The required joint and cross access to the adjacent parcel to the East is being met by the access points proposed and also creates a secondary way for vehicles to maneuver between the two developments in order to maintain the flow of traffic along Cottage Hill Road. Additionally, by providing only one curb cut to Sollie Road the development is doing its part to maintain the access management goals of the major collector roadway.*

**Landscaping, Buffering and Open Space**

*The applicant is committed to providing an aesthetically pleasing development that will enhance and exemplify the Mayor's goal to bring high-quality development to the City. The development is proposing 0.94 acres of the 2.53-acre site as open space/landscape/buffer area. Additionally, the site will meet all the landscaping requirements of code related to parking lot landscaping and perimeter landscaping.*

*The development is proposing a landscape buffer directly south of the parking area and directly north of an existing public drainage easement, so that plantings do not impact the drainage easement or compromise drainage patterns or capacity. The applicant is proposing to replant larger caliper trees than typically required in this area to maximize opacity. The location of the landscape buffer also creates a better shield to block car headlights when cars park on the southern side of the parking lot.*

**Stormwater/Drainage**

*Stormwater runoff for the development is proposed to be managed onsite in an underground vault system. The post-development discharge rate will be less than the pre-development discharge rate for the 10-year 24-hour storm event.*

*The proposed system will tie-into an existing City drainage system located within the Cottage Hill Road right-of-way.*

**Site Lighting**

*Site lighting will be focused inward to the development to create a safe, well-lit development while minimizing off site impacts due to lighting. In addition to the inward focused lighting, a significant vegetative buffer is proposed along the southern side of the site as additional protection to the surrounding properties.*

**Signage**

*The applicant is requesting a flexible sign package as a part of the PUD approval to allow for more creative sign design for the site. The applicant is proposing two (2) monument*

*signs for the project site. The code only allows for one monument sign. Please see the Flexible Sign Plan request for more detail on this request. Wall and canopy signage is proposed consistent with the City requirements. Please see enclosed preliminary signage plan.*

***Site Enhancements***

*The applicant is proposing to house multiple EV charging station parking spaces in the parking area adjacent to Sollie Road. This will further enhance the City's environmental and sustainability goals and meet electric vehicle charging needs of area residents.*

*Additionally, the site will have a substantial vegetative buffer along the southern property line of the property to protect adjacent properties from light and noise impacts of the development.*

The site plan submitted shows all proposed structures meeting required minimum setbacks. The proposed convenience store is 6,119± square feet, and as such, requires a minimum of 21 parking spaces; 63 parking spaces are depicted. As the site will have more than 25 parking spaces, a compliant photometric site plan will be required at the time of permitting, if approved.

The applicant is requesting a unique sign package rather than the standard Zoning Ordinance allowance. A total of two (2) freestanding, four (4) wall, and three (3) canopy signs are requested for a total of nine (9) signs; the Zoning Ordinance allows a single business site a total of three (3) signs, with no more than one (1) freestanding sign. It should be noted that both of the proposed freestanding signs contain digital gas pricers, one of which may be located within 300' of residentially zoned property, which is prohibited by the Zoning Ordinance. If approved, the applicant should be advised that they will need to either insure the signage is more than 300' from residentially zoned property, or obtain a variance from the Board of Zoning Adjustment.

The purpose of the Sign Regulations is to protect the health, safety and welfare of the citizens of the City of Mobile and the general aesthetics of the city by providing for uniform standards for the locations, spacing, height, setback, lighting, and other regulation of off-premise and on-premise signs within the city.

In regards to the proposed sign package, the applicant states:

***Request***

*The applicant is requesting a flexible sign plan as a part of the PUD approval to allow for more creative sign design for the site. The applicant is proposing two (2) monument signs for the project site; one sign to be located along Cottage Hill Road at the western driveway and one sign to be located along Sollie Road, just north of the driveway. The code only allows for one monument sign.*

*The proposed monument signs are in accordance with the City's Land Development Code requirements for sign height and location. The signs have been designed to be 35-ft in height and will be located within the property, outside the public rights-of-way as required. Wall and canopy signage is proposed consistent with the City requirements. Please see enclosed preliminary signage plan.*



***Justification***

*Pursuant to Code Section 64-5 Planned unit developments, Objectives states that “in pursuit of these purposes, the objectives to be met by a PUD are as follows:*

*2.b. Flexibility. To permit greater flexibility in the location and arrangement of buildings and uses than is generally possible under district regulations;”*

*The ability to provide for two monument signs on the subject property will allow for greater flexibility to the applicant and for the customer. The signs will allow for better visibility from two alternating transportation corridors. A future customer driving north on Sollie Road will see the fuel pricing before the Sollie Road driveway into the site, therefore lowering the traffic movement making an east bound right turn onto Cottage Hill Road.*

While it may be the applicant’s desire to have a unique sign package for their development, it should be noted that the Planning Commission has only allowed such allowances for large, multi-tenant developments, such as McGowin Park or Springdale Mall. This PUD is not proposing a comprehensive development plan for the entire PUD, thus the requested sign package seems unwarranted. Furthermore, approving an increase in signage from three (3) total signs to nine (9) would result in a cluttered site, and would set a precedent for other sites wishing to have an abundance of signage.

Regarding the rezoning request, the site is bounded by R-1, Single-Family Residential property to the South; B-2, Neighborhood Business District and R-1 property to the North; B-1, Buffer Business District to the East; and unincorporated property located in Mobile County to the West.

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.

In regards to the proposed rezoning, the applicant states:

*The applicant is requesting a Rezoning to amend the Zoning Map, and to Modify Rezoning Conditions of Approval...*

*The 2.5+/- acre parcel is part of a larger 13.5+/- acre property owned by the Pilot Davis Family Limited Partnership. Approximately 6.7+/- acres of the overall property was rezoned in 2004 from R-1 (Single-Family Residential) and R-3 (Multi-family Residential) to the B-2 (Neighborhood Business) zoning district per City Ordinance 1494. The remaining 6.8+/- acres of the property to the east is within the B-1 zoning district and requires a rezoning to the B-2 zoning district to avoid split zoning over one parcel. It is important to note this portion of the property is not the subject of the current development proposal but requires the rezoning to ensure consistency.*

*At the time of the rezoning for the first 6.7+/- acres, it was anticipated that the property would be developed with a commercial shopping center/office space. This development did not commence. The conditions that were approved as part of the 2004 zoning approval are no longer functional for the proposed development.*

*Rezoning Ordinance 1494 set forth the following conditions of approval:*

- 1. Dedication of sufficient right-of-way along Sollie Road to provide a minimum of 50-feet from centerline;*
- 2. Dedication of an appropriate radius at the intersection of Cottage Hill and Sollie Road, to be coordinated with the Engineering Department and Traffic Engineering;*
- 3. Limited to two curb cuts to Sollie Road and two curb cuts to Cottage Hill (one of which is to be shared with the lot adjacent to the East);*
- 4. Provision of a 6' wood privacy fence along the South property line and a 15' buffer strip to remain in its natural undisturbed state;*
- 5. Developer to obtain all necessary federal, state and local approvals prior to the issuance of any permits;*
- 6. Submission of an Administrative PUD prior to the issuance of any permits.*

*The condition of approval that the applicant is requesting to modify is Condition #4, which requires the provision for a 6' wood privacy fence along the South property line and a 15' buffer strip to remain in its natural undisturbed state. The Southern property, also previously owned by Pilot Davis Family Limited Partnership, was also rezoned and developed as a 17-lot single-family residential neighborhood (The Colonnades) in 2006. The Colonnades neighborhood, knowing that commercial uses were now allowed to the north, constructed a 10-foot-tall masonry wall around the entire subdivision which completely separates the neighborhood from the subject property. In addition, as a part of the Colonnades plat, a 60-foot-wide drainage easement straddles the subject property and the Colonnades property. Further east of the southern boundary of the subject property are wetlands. Further west on the southern end of the property and in the right-of-way of Sollie Road is an existing concrete headwall and a storm drainage pipe that traverses under the roadway. Existing drainage patterns on the subject property go through the middle of the site. As the proposed development will require extensive site grading, drainage is now logically being provided in the existing drainage easement at the southern property boundary and will connect to the headwall and storm pipe draining under Sollie Road.*

*In order to create this new drainage pattern, the southern end of the property has to be graded and pipes installed which means that existing vegetation has to be removed. Therefore, the prior condition that any future development on the property provide a "6' wood privacy fence along the South property line and 15' buffer strip to remain in its natural undisturbed state" is not feasible.*

*The development is proposing a landscape buffer directly south of the parking area on the north side of the drainage area, so that plantings do not impact the drainage easement or compromise drainage pipes. The applicant is proposing to replant larger caliber trees than typically required in this area to maximize opacity. The location of the landscape buffer*

*also creates a better shield of car headlights when cars park on this end of the parking lot. It should be noted that only two single-family homes border the subject property and area considerable distance away from the development, are separated by a 10-foot masonry wall and have maintained natural buffers to the rear of the properties on the home sites.*

*Additionally, the requirement for a 6-foot wood privacy fence along the South property line is also not feasible in the drainage easement and would not serve its intended function to buffer the commercial development from the single-family development because of the site slopes which fall from the NW corner of the development to the South. Additionally, as mentioned previously, the Colonnade subdivision constructed at 10-foot masonry wall in this area already so to erect a 6-foot wooden fence on the backside of this would in effect be useless and would not be aesthetically pleasing.*

*The applicant believes the enhanced plantings and location proposed better serve the intent of the fence and landscape buffer requirements previously conditioned in Ordinance 1494 by buffering the parking lot and car lights from the neighboring properties.*

In regards to the rezoning request for the proposed Lot 1, the applicant is primarily requesting to remove the condition requiring the six-foot privacy fence and 15-foot vegetative buffer along the South property line. The applicant makes a compelling argument for the removal of the vegetative buffer, due to drainage and grading needs for the development of the site, making the removal of that portion of the condition seem appropriate. The applicant states that the neighboring residential properties to the South have a 10-foot high masonry wall, making the need for a privacy fence, unnecessary; however, given that the Zoning Ordinance requires a compliant residential buffer between residential and commercial properties, it is the commercial applicant's responsibility to make sure that a proper buffer is maintained, in the event that the adjacent residential property owners remove the existing wall.

In regards for the rezoning request for the proposed Lot 2, the proposed Subdivision would otherwise result in a split-zoned lot, therefore the proposed Subdivision of land makes the proposed rezoning necessary and desirable.

Finally, the applicant is requesting a waiver of the provision of sidewalks along both Cottage Hill Road and Sollie Road.

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.

In regards to the Sidewalk Waiver request, the applicant states the following:

*The Cottage Hill/Cody Road intersection is extremely busy, and there are not any existing crosswalks in place to protect pedestrians. The existing Cody Road right-of-way adjacent to the site is very tight, with steep slopes. The Cody Road right-of-way immediately south of the site has a paved, concrete ditch in close proximity to the roadway. Pedestrian facilities along this portion of the roadway are unlikely in the future. This this portion of*

*Cody Road is also a rural section, which does not have curb and gutter to protect pedestrians.*

Per Engineering comments, there is sufficient room for provision of a sidewalk either in the right-of-way, or on private property along both frontages. Furthermore, when the proposed Lot 2 is developed, a sidewalk will be required for that site as well. Therefore, denial of the sidewalk waiver may be appropriate.

## **RECOMMENDATION**

**Subdivision:** Based upon the preceding, the application is recommended for Tentative Approval, subject to the following:

- 1) either depiction of an existing compliant right-of-way along Cottage Hill Road, or dedication to provide 50-feet to the centerline;
- 2) either depiction of an existing compliant right-of-way along Sollie Road, or dedication to provide 50-feet to the centerline;
- 3) provision of the lot sizes in square feet and acres, adjusted for dedication;
- 4) full compliance with 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 a SUBDIVISION NAME. B. 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. C. Provide reference, on the map and the description, to a monumented corner. D. Provide and label the monument set or found at each subdivision corner. E. Provide a Vicinity map and add street names. F. Provide a written legal description and matching bearing and distance labels for the proposed subdivision. G. Show and label all flood zones. New maps went into effect on June 5, 2020. H. Show and label the BFE (Base Flood Elevation) on each lot that contains an AE, V, or X (shaded) flood zone designation. I. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer. J. Provide the Surveyor's Certificate. K. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo TRACT 1 and 2 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: TRACT 1 – 2,500 sf and TRACT 2 - NONE. L. Add a note that a Land Disturbance permit will be required for any land disturbing activity in accordance 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. M. Add a note that 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. N. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of new development or construction, unless a sidewalk waiver is approved. O. Add a note that all existing and proposed detention facilities, common areas, and wetlands shall be the responsibility of the Property Owner(s), and not the*

*responsibility of the City of Mobile. P. Add a note that all easements shall remain in effect until vacated through the proper Vacation process. Q. 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.);*

- 5) placement of a note on the Final Plat stating 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.);*
- 6) compliance with 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.);*
- 7) compliance with Fire Department comments: *(All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 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.);* and
- 8) full compliance with all municipal codes and ordinances.

**Planned Unit Development:** Staff recommends the following Findings of Fact for Approval:

- a. the proposal promotes the objective of Flexibility *(to permit greater flexibility in the location and arrangement of buildings and uses than is generally possible under district regulations)*, because it allows for new commercial developments to have shared access, therefore limiting curb cuts to streets;
- b. the proposal promotes the objective of Efficient land use *(to encourage the most efficient and sustainable use of land, especially tracts in the inner part of the city that remain undeveloped or that are appropriate for redevelopment)*, because it will allow increased connectivity between commercial sites;
- c. the proposal promotes the objective of Public services *(to encourage optimum use of available public utilities, streets and community facilities)*, because all infrastructure is in place to serve the site.

Based upon the preceding, this application is recommended for Approval, subject to the following conditions:

- 1) either depiction of an existing compliant right-of-way along Cottage Hill Road, or dedication to provide 50-feet to the centerline;
- 2) either depiction of an existing compliant right-of-way along Sollie Road, or dedication to provide 50-feet to the centerline;
- 3) provision of the lot sizes in square feet and acres, adjusted for dedication;
- 4) maintenance of a compliant residential buffer along the South property line;
- 5) provision of a compliant photometric site plan at the time of permitting;

- 6) development of the site is limited to the standard sign allowances in the Zoning Ordinance for a single-business site;
- 7) full compliance with 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 (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.);*
- 8) placement of a note on the Final Plat stating 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.);*
- 9) compliance with 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.);*
- 10) compliance with Fire Department comments: (*All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 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.); and*
- 11) full compliance with all municipal codes and ordinances.

**Rezoning:** Based on the preceding, this application is recommended for Approval for the following reason:

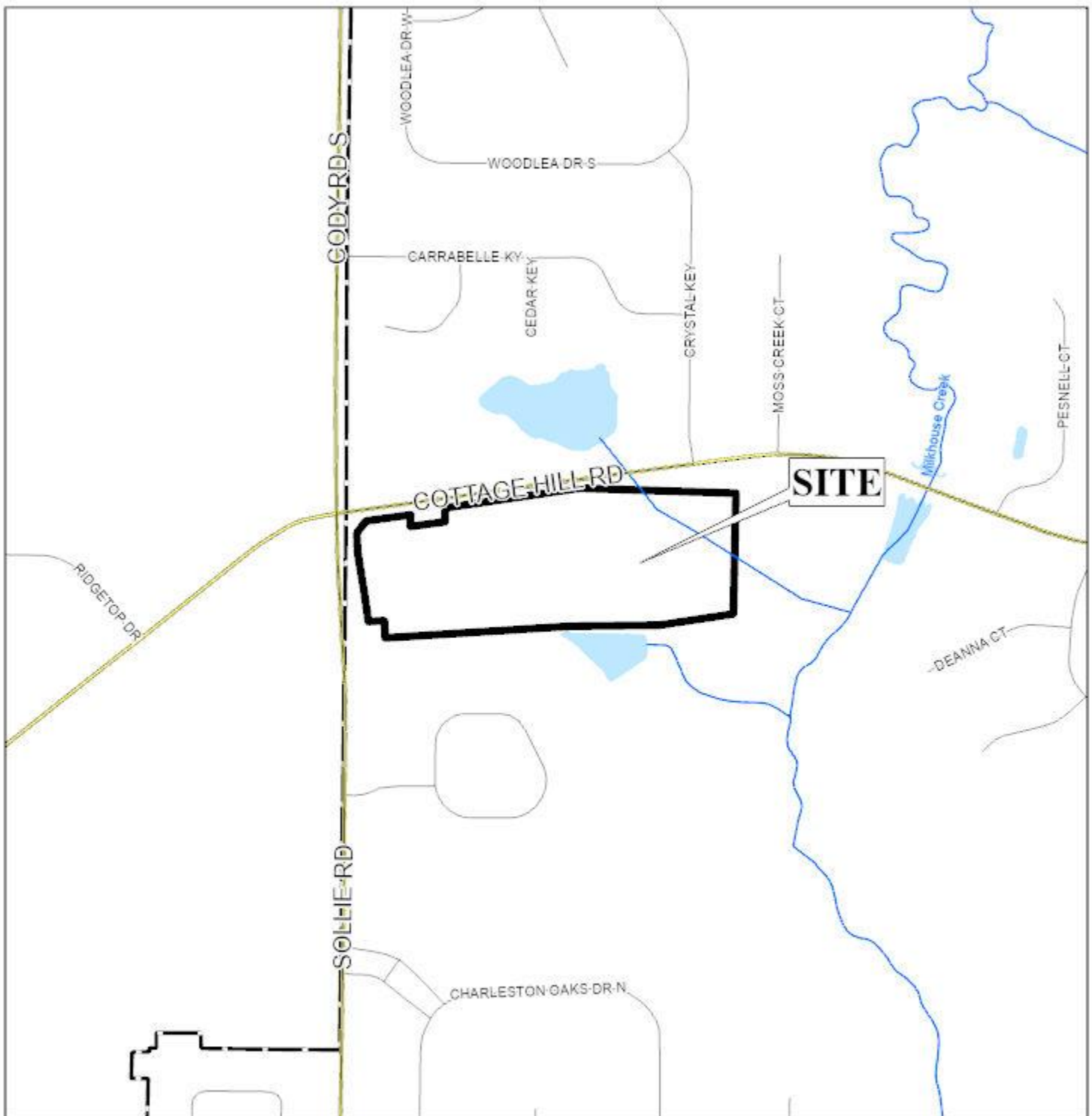
- 1) the subdivision of land into building sites makes reclassification of the land necessary and desirable

The rezoning should be subject to the following conditions:

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

**Sidewalk Waiver:** Based on the preceding, this application is recommended for Denial.

# LOCATOR MAP



APPLICATION NUMBER 7 DATE June 16, 2022

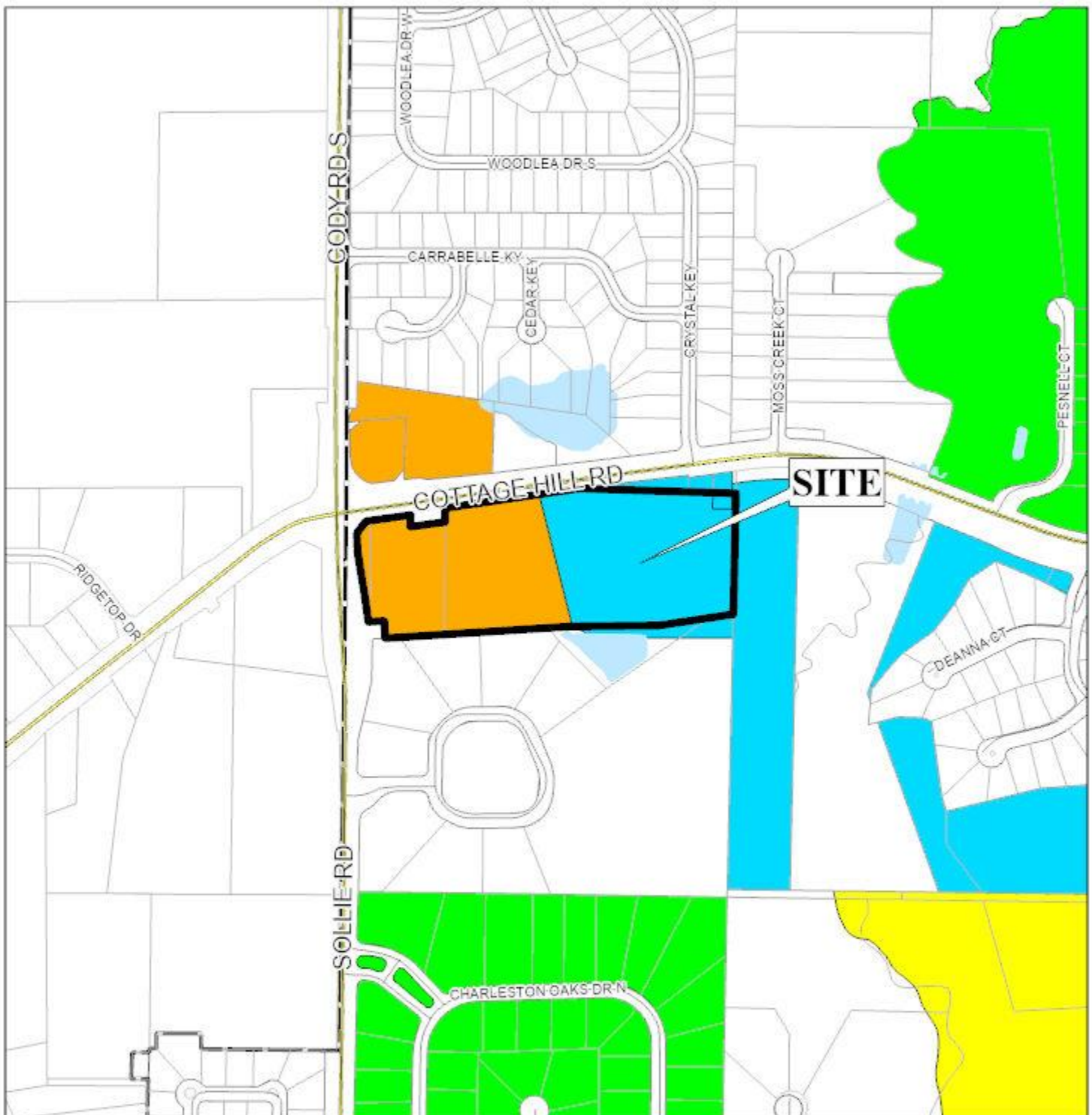
APPLICANT Davis Pilot Family Subdivision

REQUEST Subdivision, PUD, Rezoning, & Sidewalk Waiver





# LOCATOR ZONING MAP



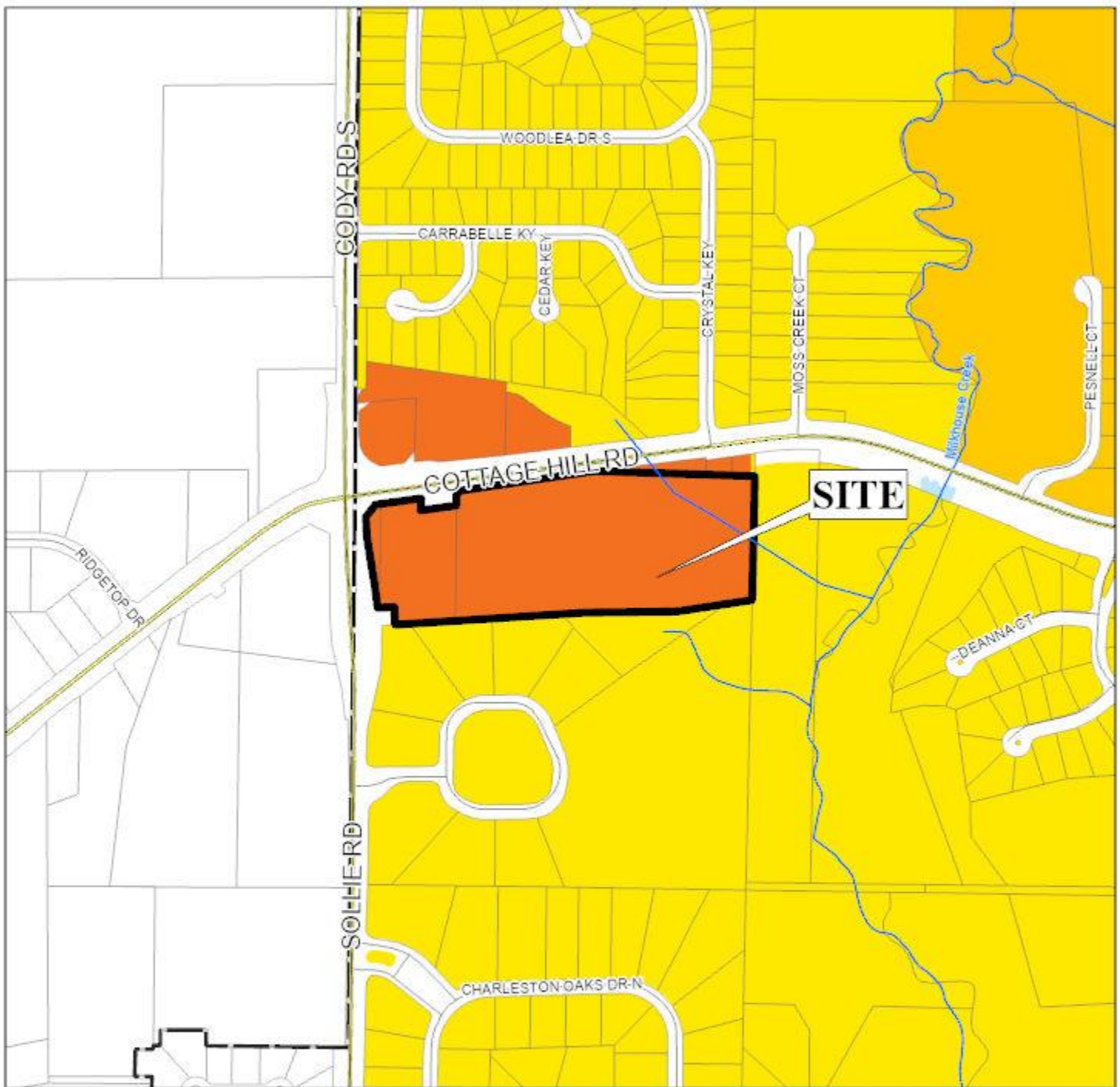
APPLICATION NUMBER 7 DATE June 16, 2022

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# FLUM LOCATOR MAP



APPLICATION NUMBER 7 DATE June 16, 2022

APPLICANT Davis Pilot Family Subdivision

REQUEST Subdivision, PUD, Rezoning, & Sidewalk Waiver

Layer2

Low Density Residential  
Mixed Density Residential

Downtown

District Center

Neighborhood Center - Traditional

Neighborhood Center - Suburban

Traditional Corridor

Mixed Commercial Corridor

Downtown Waterfront

Light Industry

Heavy Industry

Institutional

Parks & Open Space

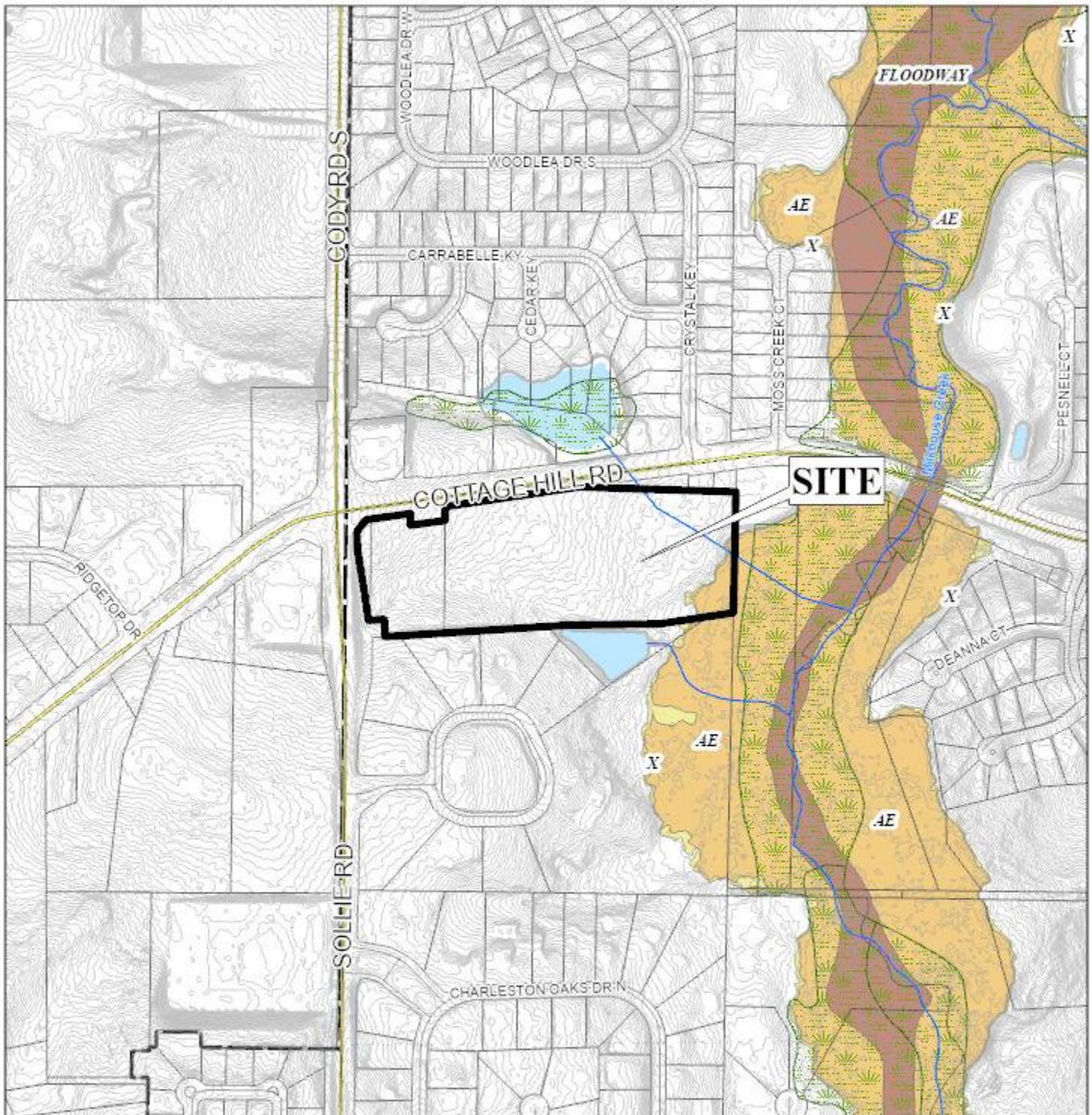
Water Dependent



NTS



# ENVIRONMENTAL LOCATOR MAP



APPLICATION NUMBER 7 DATE June 16, 2022

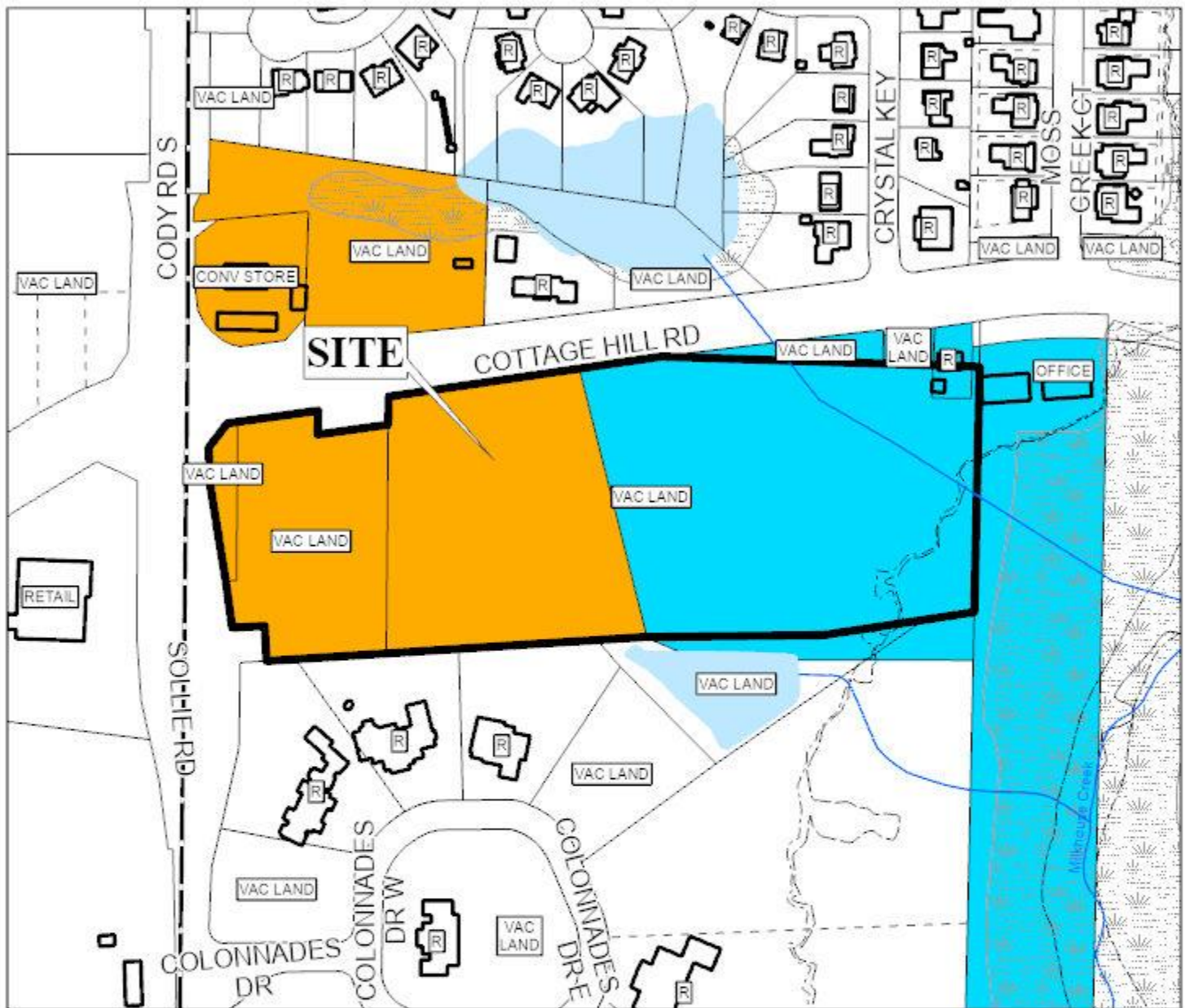
APPLICANT Davis Pilot Family Subdivision

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# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



This site has residential units to the south and northeast,  
& commercial units to the northwest.

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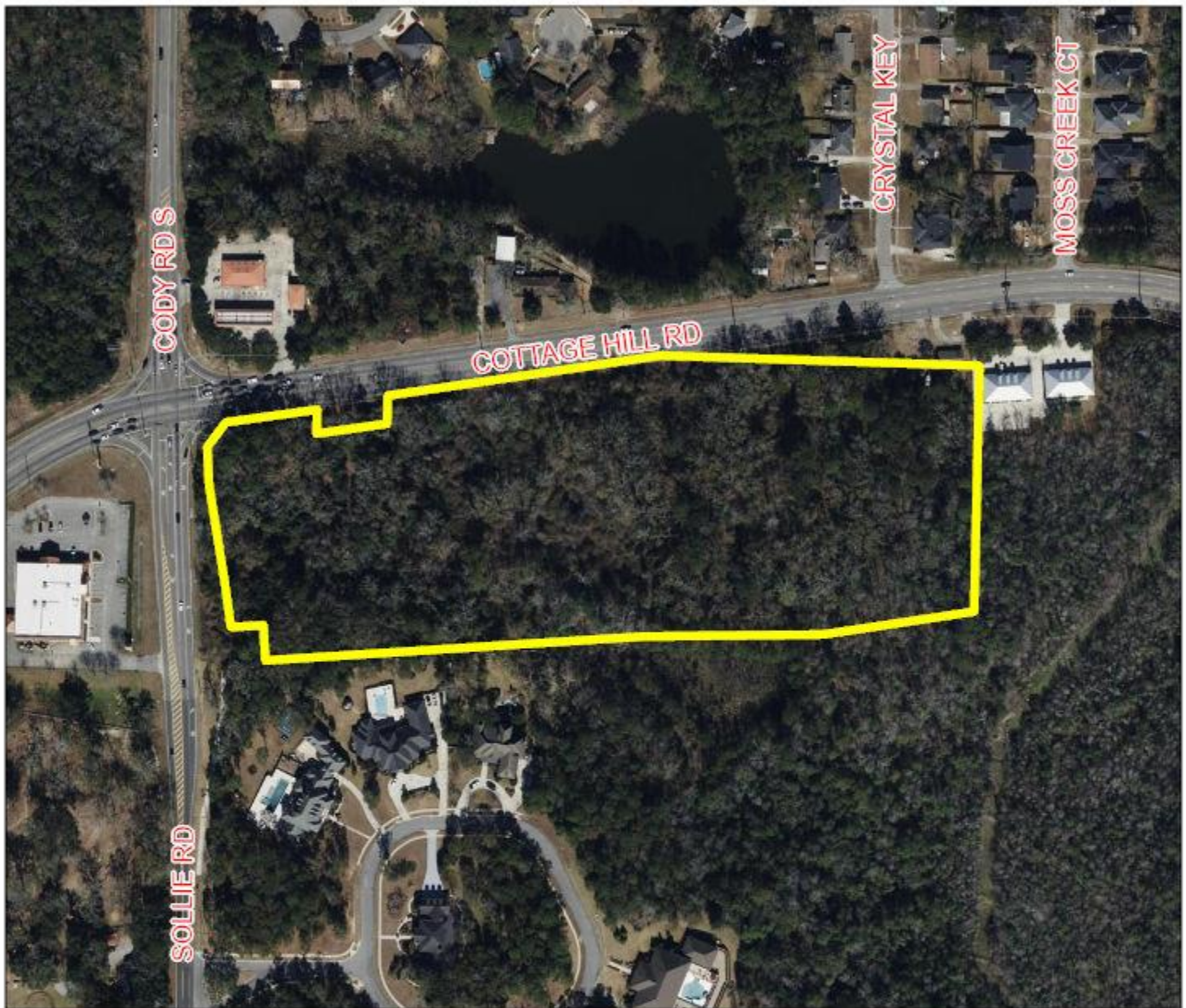
R-A	R-3	T-B	B-2	B-5	MUN	SD-WH	T5.1
R-1	R-B	B-1	B-3	I-1	OPEN	T3	T5.2
R-2	H-B	LB-2	B-4	I-2	SD	T4	T6



NTS



# PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL

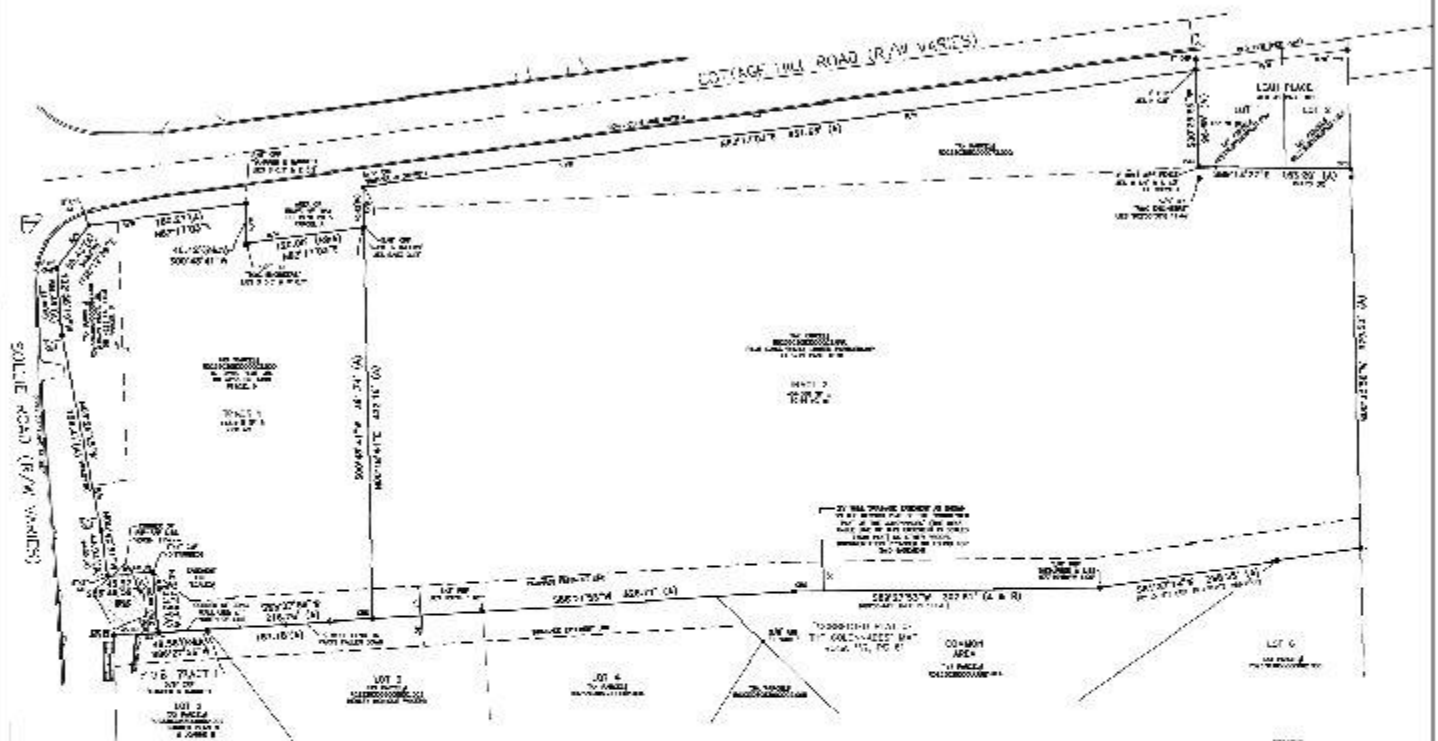


This site has residential units to the south and northeast,  
& commercial units to the northwest.

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# SITE PLAN



This site illustrates the lots and easements.

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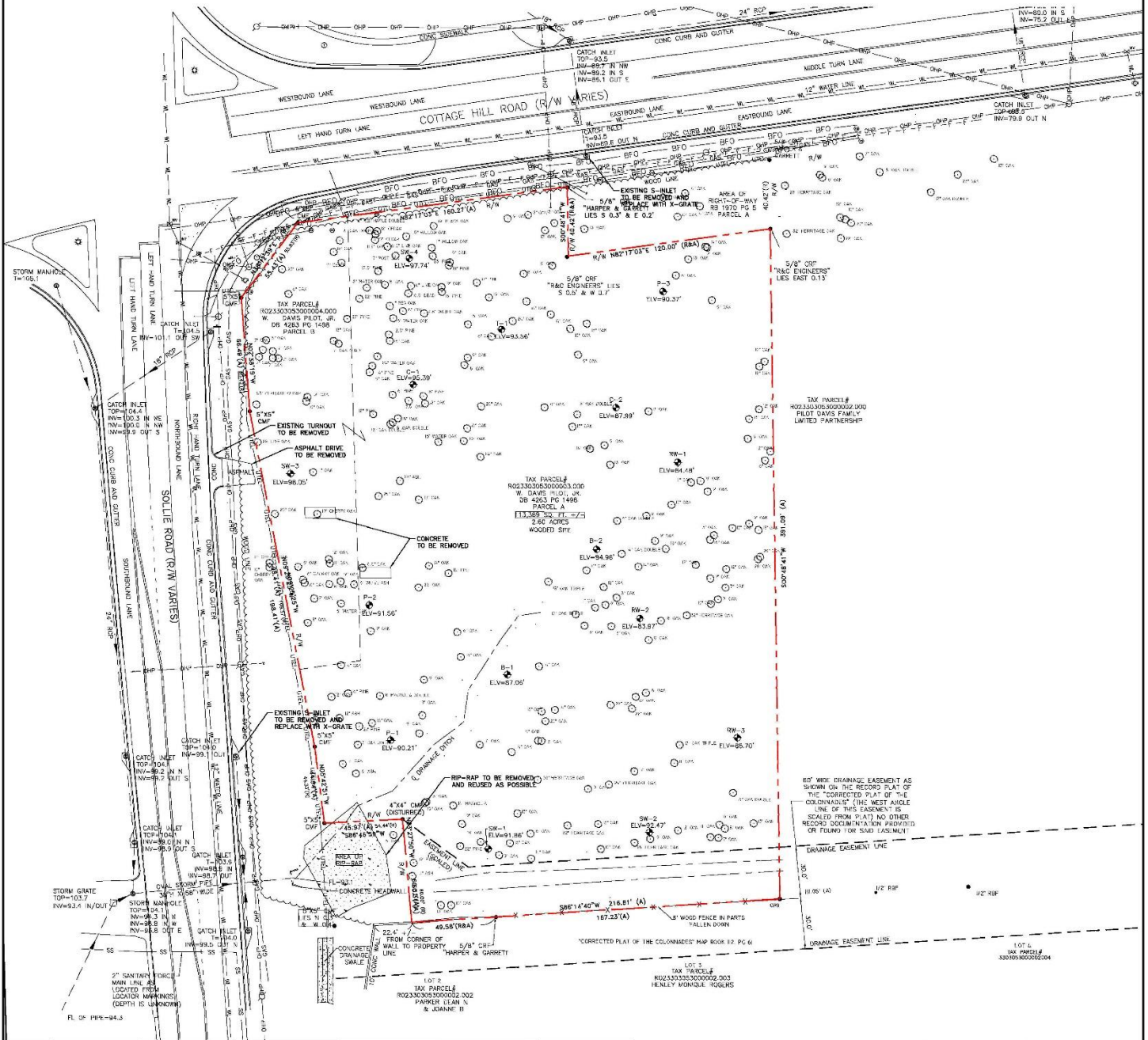
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# DETAIL SITE PLAN



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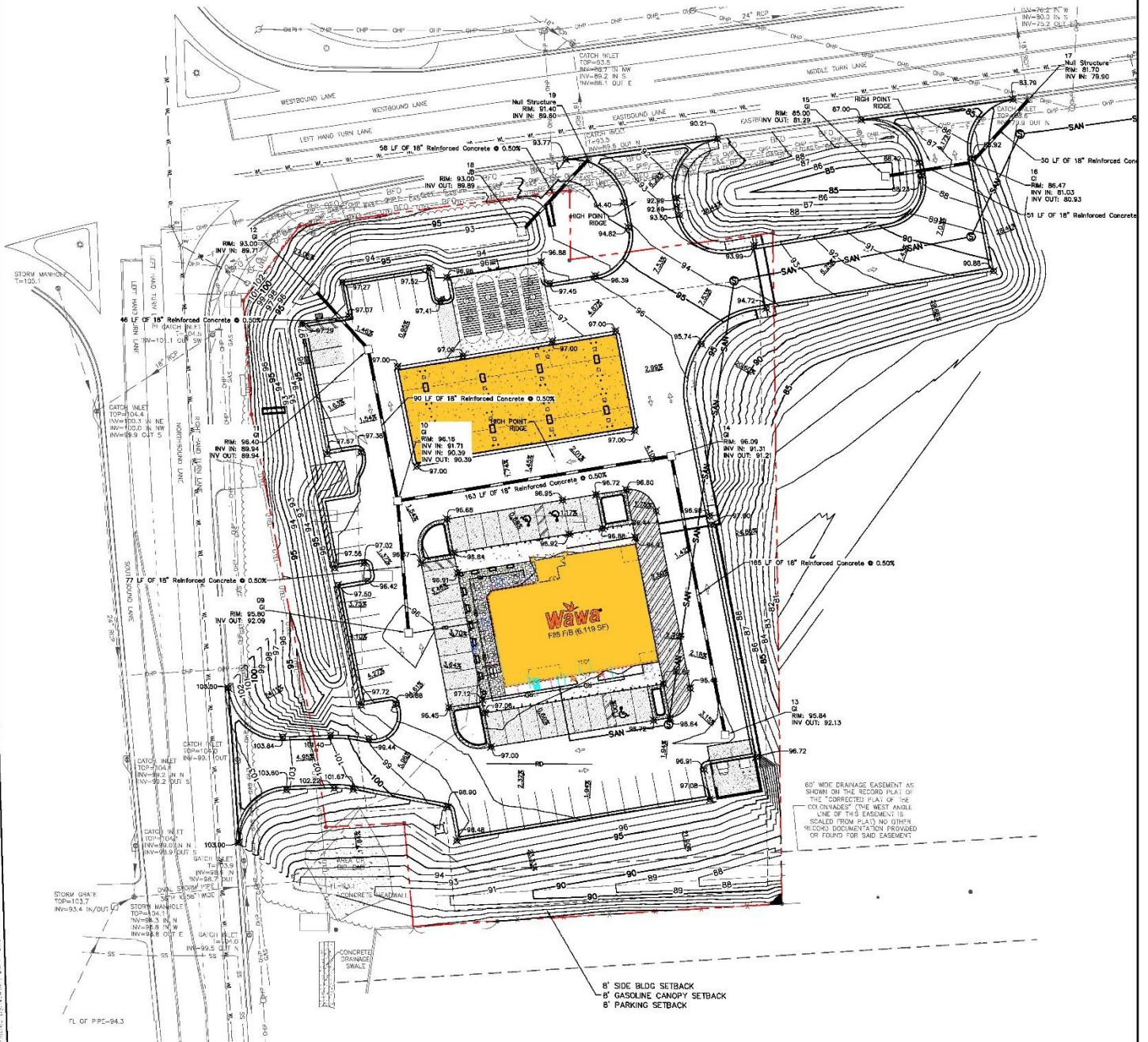


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# DETAIL SITE PLAN



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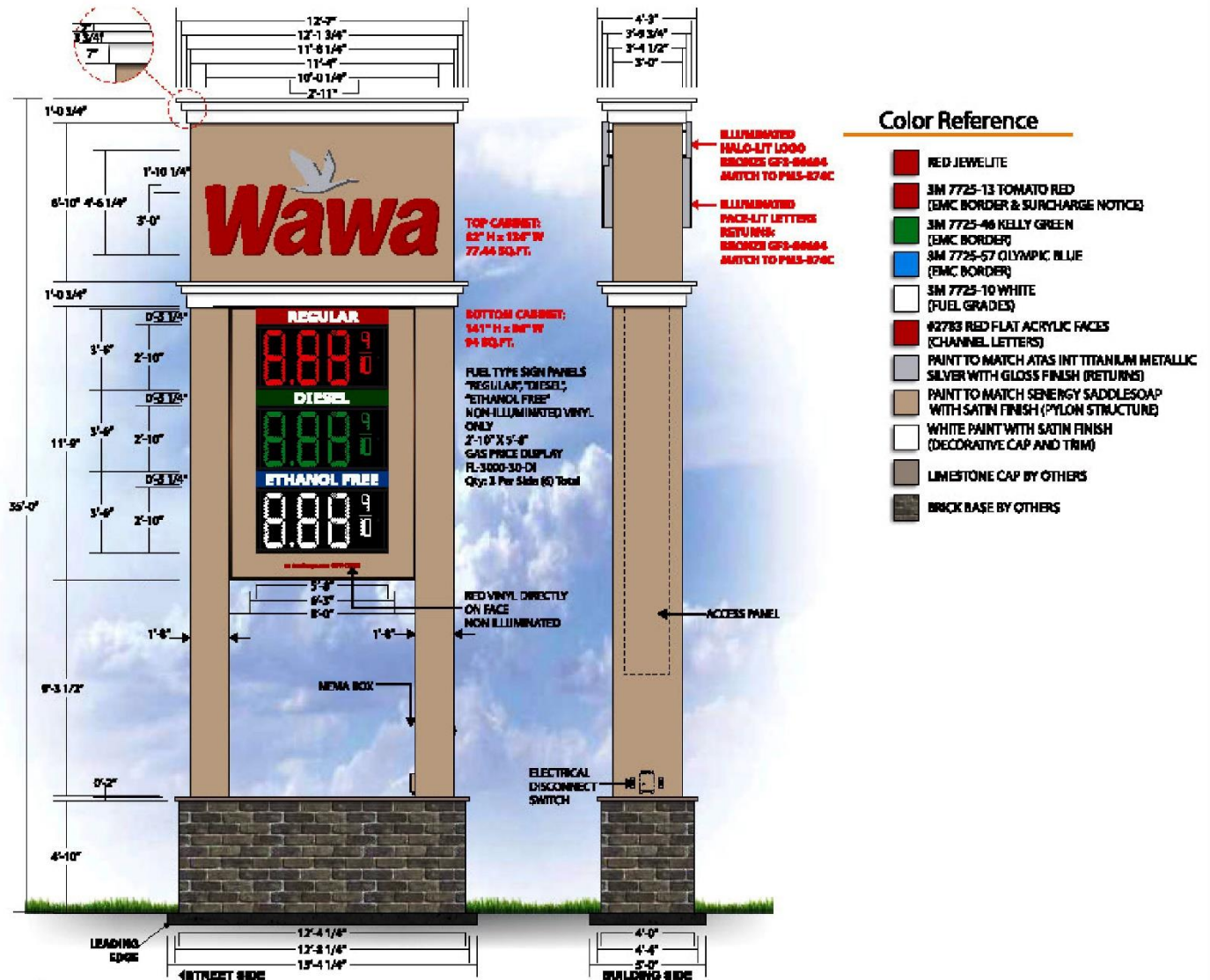
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# DETAIL SITE PLAN



**A** 30" / 3 PRODUCT  
CUSTOM P-150 D/F ILLUMINATED PYLON SIGN (171.44 SQ. FT.) - QTY: 2

Scale: 3/16" = 1'-0"

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# DETAIL SITE PLAN



**Proposed Condition Front (North) Elevation**

Scale: 3/32"=1'-0"

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# DETAIL SITE PLAN



**Proposed Condition Right (West) Elevation**

Scale: 3/32"=1'-0"

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# DETAIL SITE PLAN



**Proposed Condition Rear (South) Elevation NON ILLUMINATED**

Scale: 3/32"=1'-0"

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# DETAIL SITE PLAN



**Proposed Condition Left (East) Elevation**

Scale: 3/32" = 1'-0"

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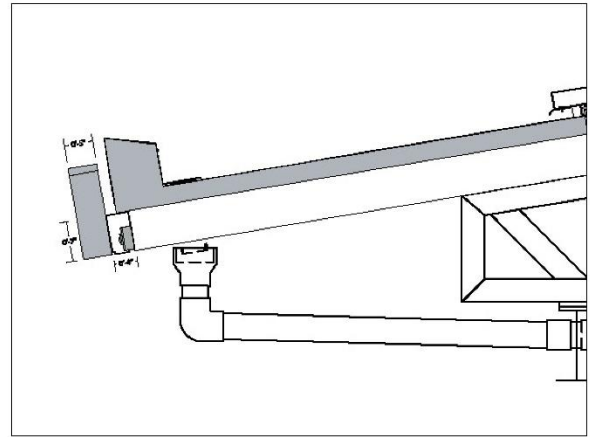
# DETAIL SITE PLAN

**F** 5" Deep Front Lit LED Illuminated Letters & Logo (on 4" x 7" Extruded Raceway) - **Right Side**

SCALE: 1" = 1'-0"  
SQ FT: 9.02'

## Color Reference

- RED JEWELITE
- 1/8" #2793 RED FLAT ACRYLIC FACES FOR LETTERS
- PAINT TO MATCH ATAS INT TITANIUM
- AKZO NOBEL WHITE RACEWAY
- PAINT TO MATCH ATAS INT TITANIUM METALLIC SILVER WITH GLOSS FINISH (RETURNS)



Self-Contained Flush Mount Canopy Sign (Side View)

Scale: 3/4" = 1'-0"

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N

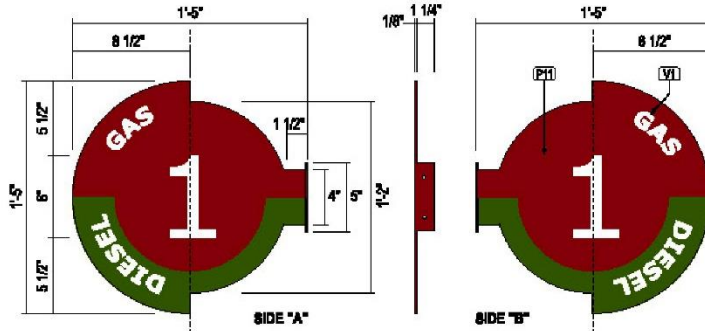


NTS



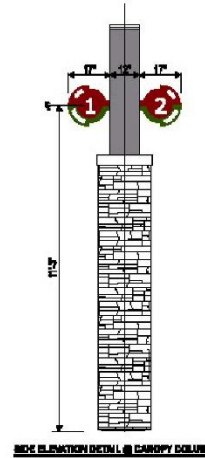


# DETAIL SITE PLAN



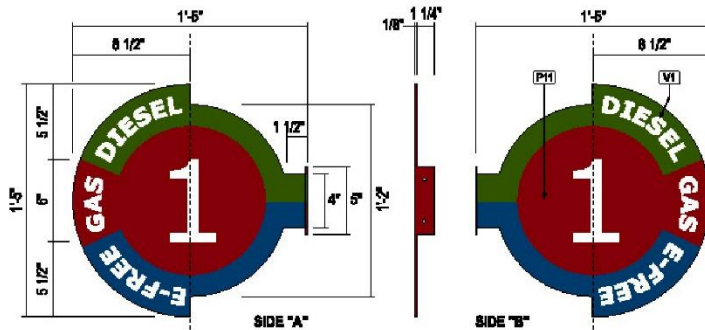
**H** DETAIL H DF PUMP INDICATOR SIGN - GAS & DIESEL  
QTY: 8  
ALUMINUM FACES PAINTED RED & GREEN.  
WHITE VINYL COPY & NUMBERS.  
FONT STYLE: VERDANA

SCALE: 1 1/2"=1'-0"



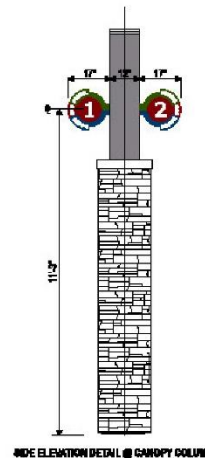
## Color Reference

- TO MATCH RED  
PMS 187C SATIN FINISH
- TO MATCH GREEN  
PMS 377C SATIN FINISH
- 3M 7725-10 WHITE



**I** DETAIL I DF PUMP INDICATOR SIGN - E-FREE, GAS & DIESEL  
QTY: 8  
ALUMINUM FACES PAINTED RED, BLUE AND GREEN.  
WHITE VINYL COPY & NUMBERS.  
FONT STYLE: VERDANA

SCALE: 1 1/2"=1'-0"



## Color Reference

- TO MATCH RED  
PMS 187C SATIN FINISH
- TO MATCH BLUE  
PMS 7496C SATIN FINISH
- TO MATCH GREEN  
PMS 377C SATIN FINISH
- 3M 7725-10 WHITE

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