

**SIDEWALK WAIVER REQUEST
STAFF REPORT****Date: December 16, 2021****NAME**

RGH Development, LLC (Stephen Howle, Agent)

LOCATION1812 Old Shell Road
(North side of Old Shell Road, 200'± West of Mobile
Infirmary Boulevard).**PRESENT ZONING**

B-2, Neighborhood Business District

ENGINEERING**COMMENTS**

It appears that there is insufficient room for construction of a sidewalk unless the removal of an existing 42" oak tree is permitted.

TRAFFIC ENGINEERING**COMMENTS**

If the City were to ever construct sidewalk west of this site in the future, because of how the sidewalk was designed and constructed on the east side of the site driveway, an easement would be necessary to align the sidewalk with what has already been constructed. This development is terminating the sidewalk on private property. This was pointed out when this sidewalk waiver was previously applied for.

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 a waiver for the construction of a sidewalk along a portion of Old Shell Road.

The site has been given a Traditional Corridor (TC) land use designation, per the Future Land Use Plan and Map, adopted on May 18, 2017 by the Planning Commission. The Future Land Use Plan and Map complements and provides additional detail to the Development Framework Maps in the Map for Mobile, adopted by the Planning Commission at its November 5, 2015 meeting.

This land use designation generally applies to transportation corridors east of I-65, which serve as the primary commercial and mixed-use gateway to Downtown and the City's traditional neighborhoods (equivalent to Map for Mobile's Traditional Neighborhoods).

Depending on their location (and as allowed by specific zoning), TC designations incorporate a range of moderately scaled single-use commercial buildings holding retail or services; buildings that combine housing units with retail and/or office; a mix of housing types including low- or mid-rise multifamily structures ranging in density from 4 to 10 du/ac; and attractive streetscapes and roadway designs that safely accommodate all types of transportation – transit, bicycling, walking, and driving. In these areas, special emphasis is placed on the retention of existing historic structures, compatible infill development, and appropriate access management.

It should be noted that the Future Land Use Plan and Map components of the Map for Mobile Plan are meant to serve as a general guide, not a detailed lot and district plan. In many cases the designation on the new Future Land Use Map may match the existing use of land, but in others the designated land use may differ from what is on the ground today. As such, the Future Land Use Plan and Map allows the Planning Commission and City Council to consider individual cases based on additional information such as the classification request, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and, where applicable, the zoning classification.

The applicant states the following concerning the sidewalk waiver request:

The applicant is seeking the waiver of an approximately 9' section of sidewalk required in conjunction with the development of a mixed-use building at the property. The subject section of sidewalk does not connect to any previously existing sidewalk on the adjacent property. There is no existing sidewalk for this section of proposed sidewalk to connect to for over 200'. Additionally, the construction of the subject section of sidewalk will require the removal of an approximately 42-inch diameter, healthy live oak tree that contributes to the charm and historic character of the neighborhood. The applicant has explored alternative options and determined that there is no reasonable alternative means to construct the subject section of sidewalk, in a manner compliant with required ADA standards, without removing the 42-inch diameter live oak tree. The applicant seeks a waiver of the sidewalk requirement ONLY for the subject 9' section of sidewalk to avoid the demolition of a 42 inch, live oak tree.

It should be pointed out that the Mobile City Council adopted a "complete streets" policy on May 31, 2011. The purpose of the complete streets policy is to support the design and construction of streets to enable safe access to all users, including pedestrians, bicyclists, transit riders, motorists, commercial and emergency vehicles, and for people of all ages and abilities.

The subject site is currently under construction as a mixed-use commercial/residential development. The site plan approved for construction indicated the required sidewalk along the entire front of the property. The applicant proposes to eliminate the sidewalk within the area West of the two-way drive into the site along the West boundary.

At its meeting on December 19, 2019, the Planning Commission reviewed requests for a 3-lot Subdivision, Planned Unit Development to allow shared access, and Planning Approval to allow

the continued use of an existing 100' monopole cell tower in a B-2 district. All three requests were approved by the Commission to prepare the site for development of a three-story multi-use building. On June 1, 2020 initial building permits for the proposed development were submitted and construction began.

A similar application for a sidewalk waiver recently came before the Commission at its February 3, 2021 meeting. At that time Traffic Engineering Staff had concerns with the removal of any required sidewalk on site when sufficient room seemed to exist within the city ROW that could allow sidewalk by way of the ROW permit process. As the basis of the February request was in saving the 42" oak tree, at the time Planning staff recommended the Commission make their decision based upon the input of the applicant and neighbors within the area.

After discussion, the Commission chose to holdover the request until the February 18 meeting. On February 17, 2021 the applicant withdrew their request stating that they planned to proceed with construction as previously approved. The applicant has now returned to request a smaller amount of required sidewalk be waived.

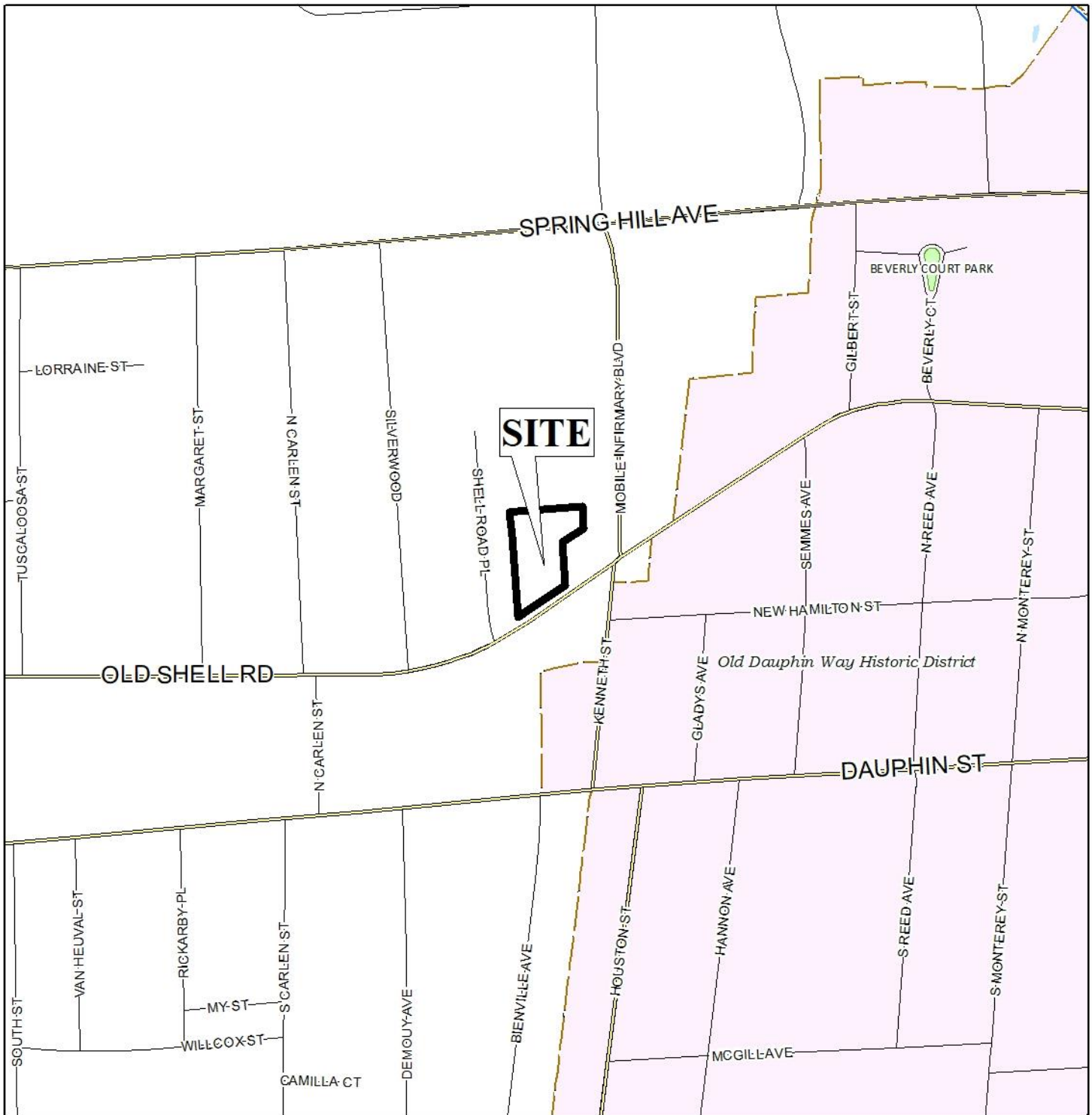
If approved, it is important to note, as detailed in the comments provided by Traffic Engineering; should the City ever construct sidewalk West of the site in the future, because of how the sidewalk was designed and constructed on the east side of the site driveway, an easement would be necessary to align the sidewalk with what has already been constructed. As such, the site plan should be revised to provide said easement as stipulated in the Traffic Engineering Comments, and recorded in Probate Court.

RECOMMENDATION

Based upon the preceding, this application for waiver of a sidewalk along a portion of Old Shell Road is recommended for approval subject to the following conditions:

- 1) revision of the site plan to provide and illustrate a sidewalk easement as stipulated by the Traffic Engineering Comments, with said easement being recorded in Probate Court.

LOCATOR MAP



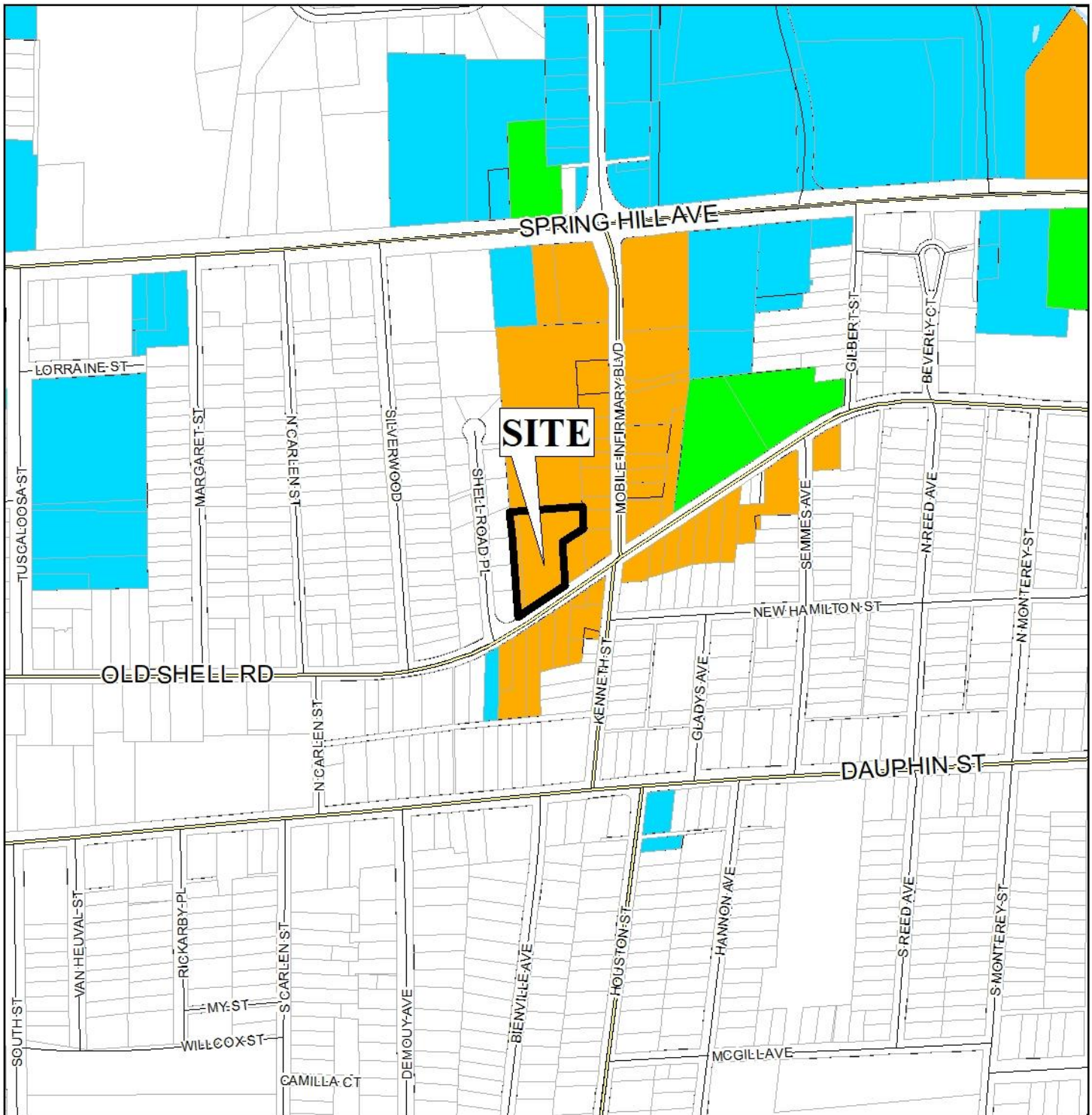
APPLICATION NUMBER 7 DATE December 16, 2021

APPLICANT RGH Development, LLC (Stephen Howle, Agent)

REQUEST Sidewalk Waiver



LOCATOR ZONING MAP



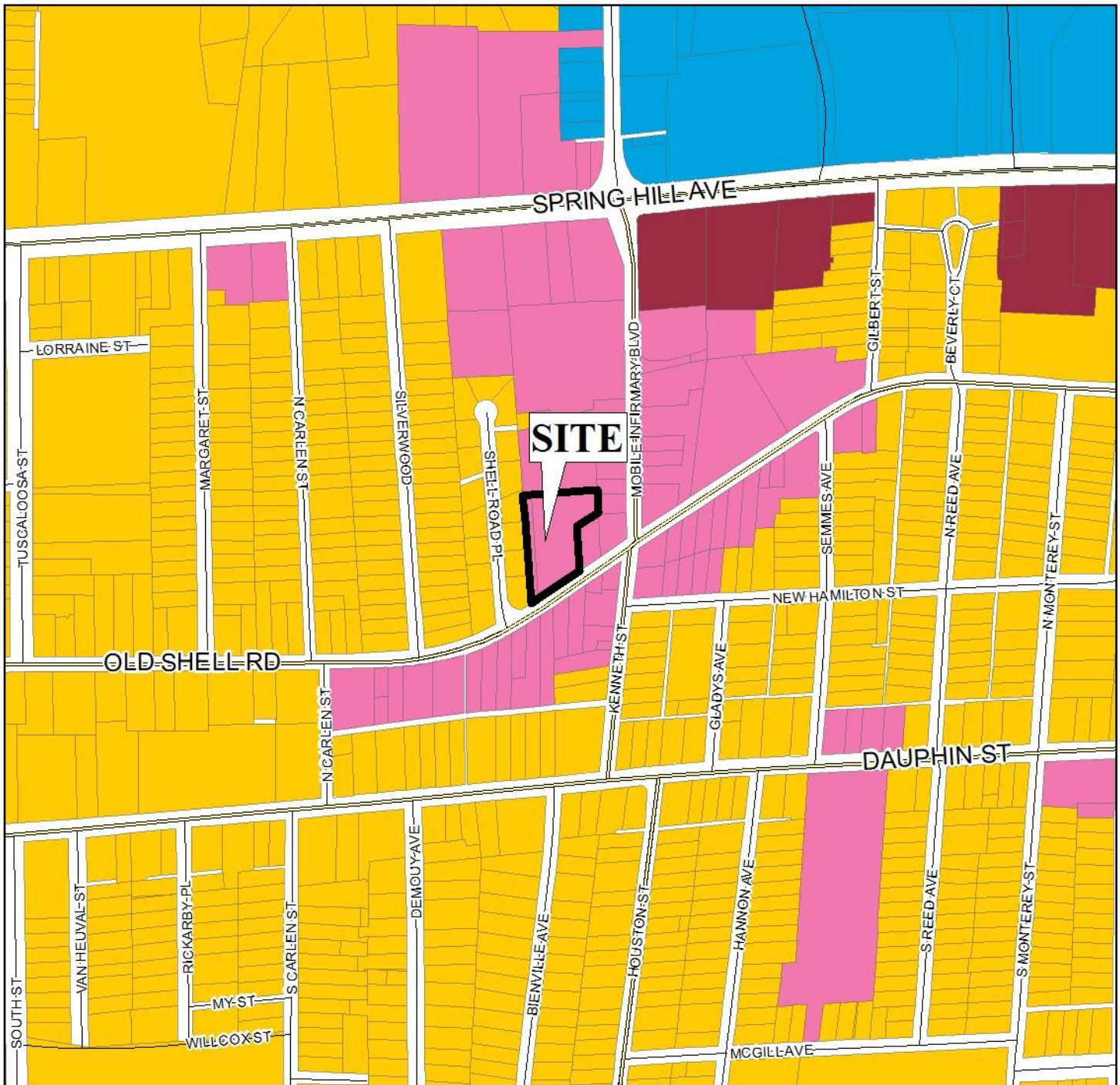
APPLICATION NUMBER 7 DATE December 16, 2021

APPLICANT RGH Development, LLC (Stephen Howle, Agent)

REQUEST Sidewalk Waiver



FLUM LOCATOR MAP



APPLICATION NUMBER 7 DATE December 16, 2021

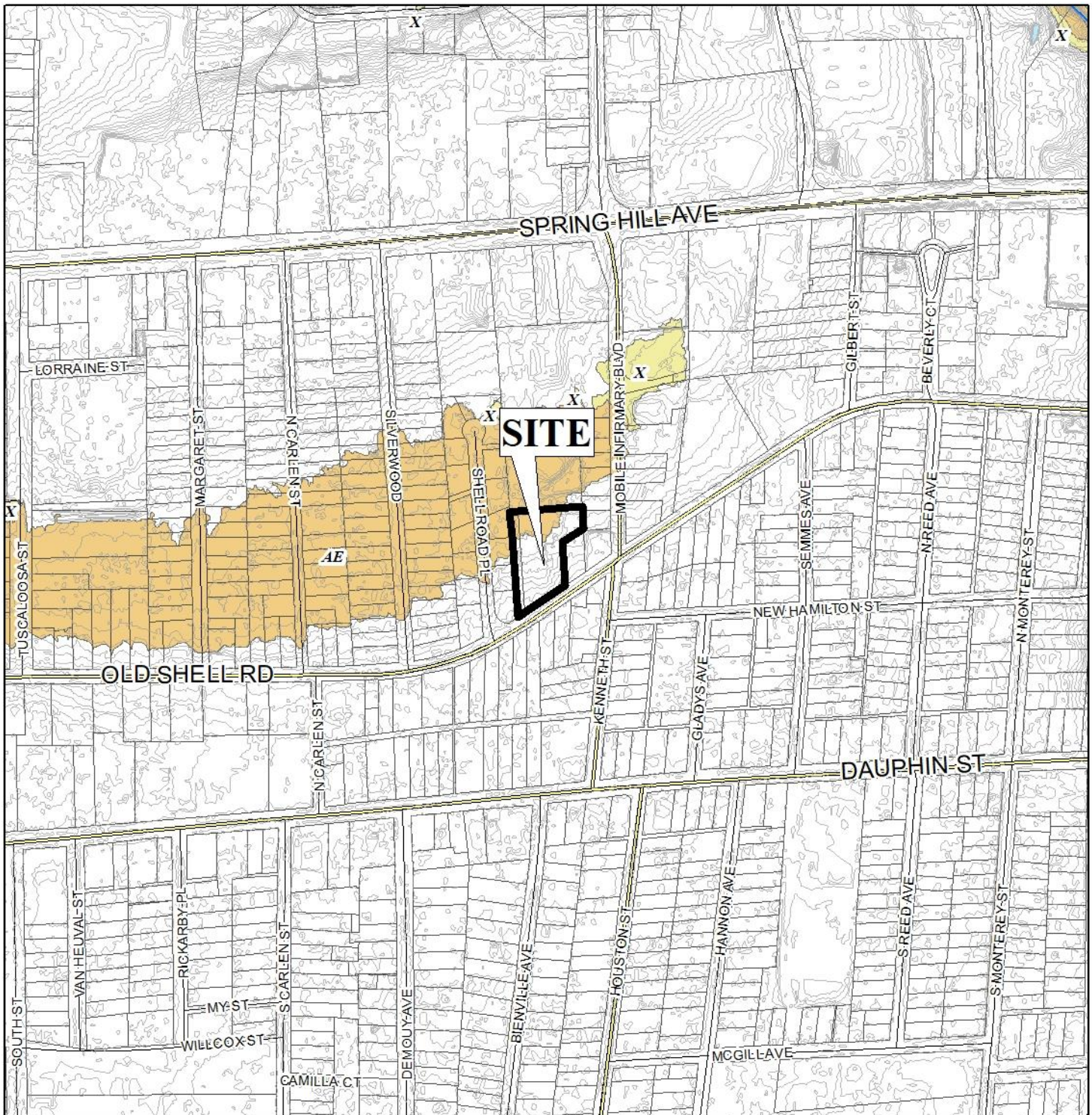
APPLICANT RGH Development, LLC (Stephen Howle, Agent)

REQUEST Sidewalk Waiver

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



ENVIRONMENTAL LOCATOR MAP



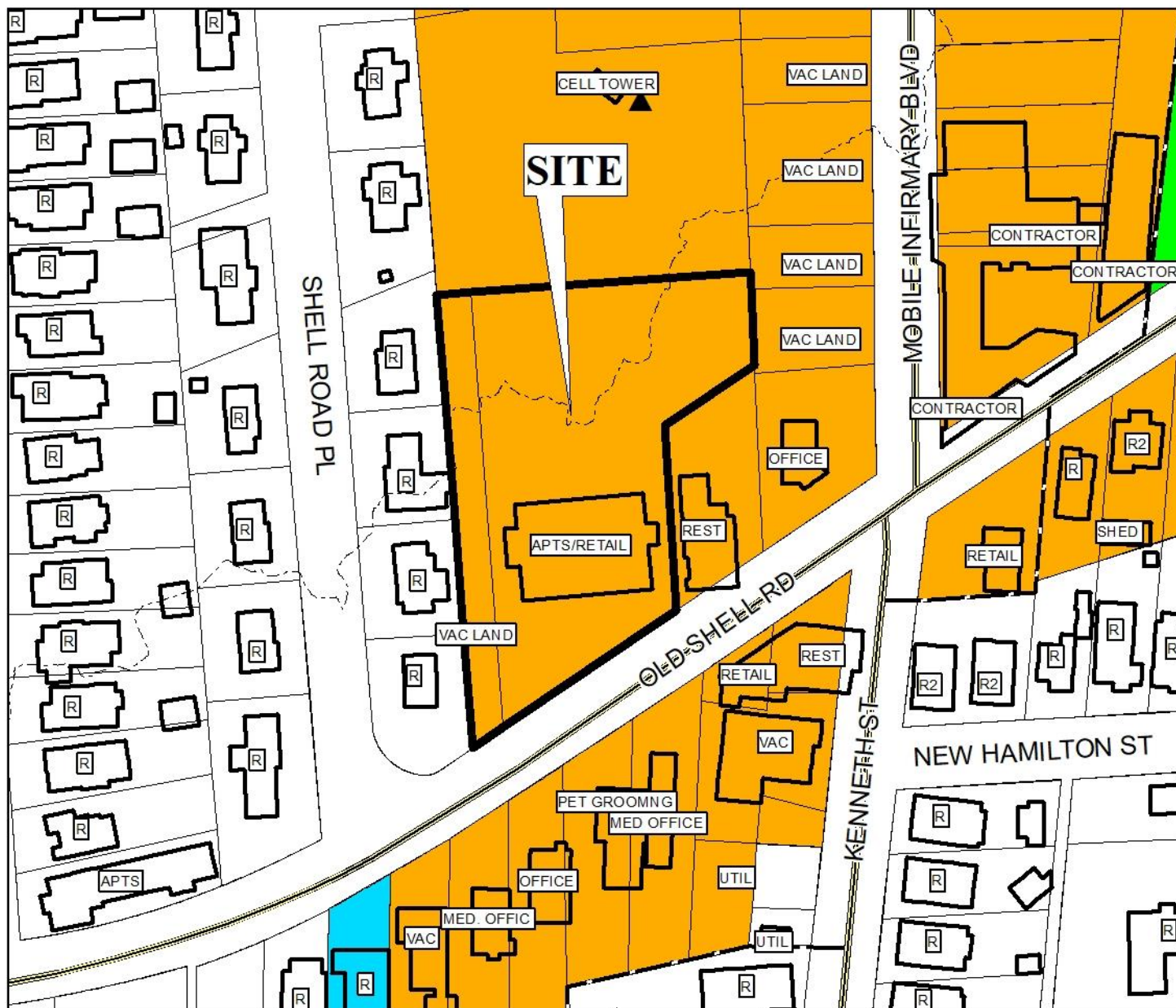
APPLICATION NUMBER 7 DATE December 16, 2021

APPLICANT RGH Development, LLC (Stephen Howle, Agent)

REQUEST Sidewalk Waiver



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential and commercial units.

APPLICATION NUMBER 7 DATE December 16, 2021

APPLICANT RGH Development, LLC (Stephen Howle, Agent)

REQUEST Sidewalk Waiver

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

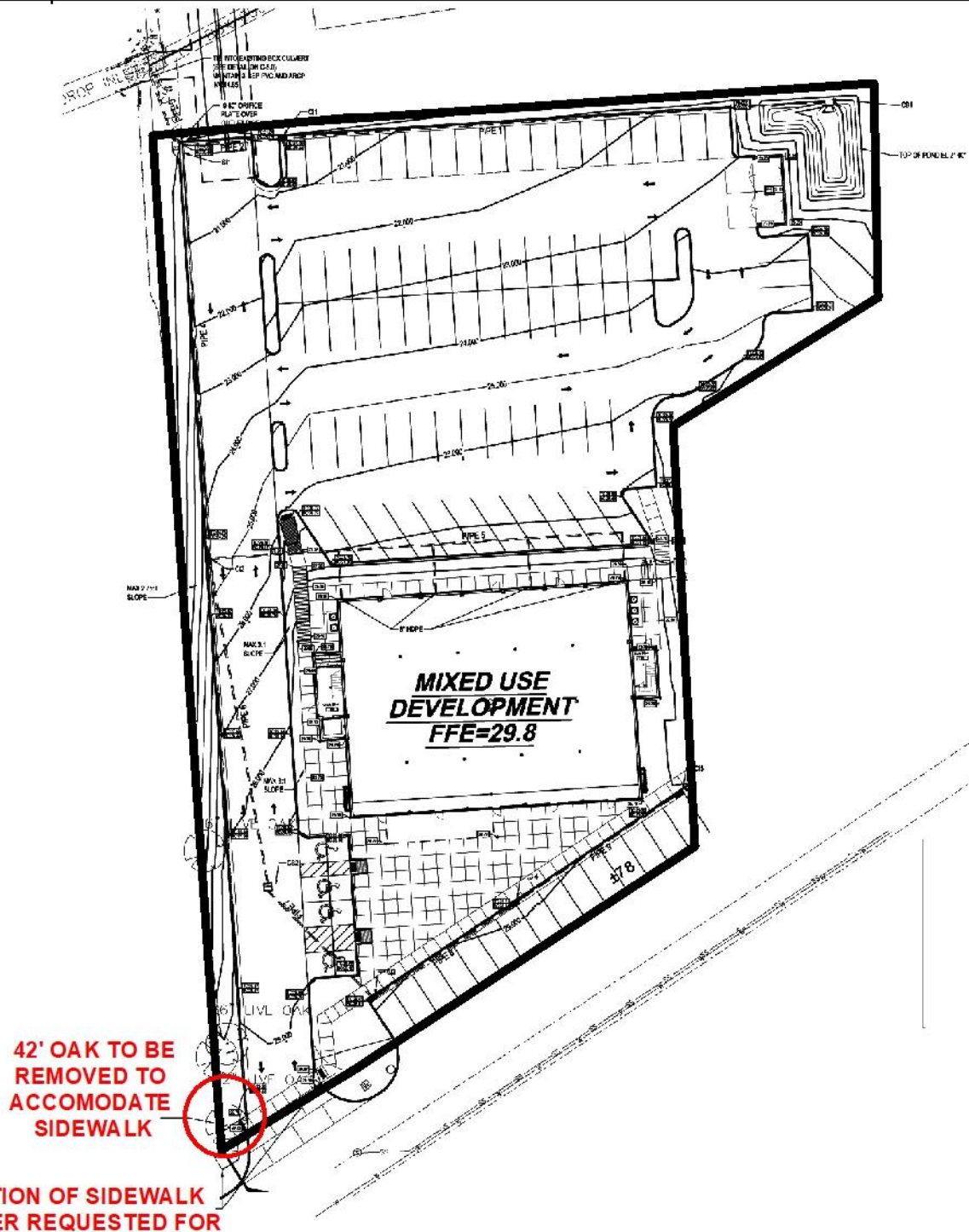


The site is surrounded by residential and commercial units.

APPLICATION NUMBER 7 DATE December 16, 2021
 APPLICANT RGH Development, LLC (Stephen Howle, Agent)
 REQUEST Sidewalk Waiver



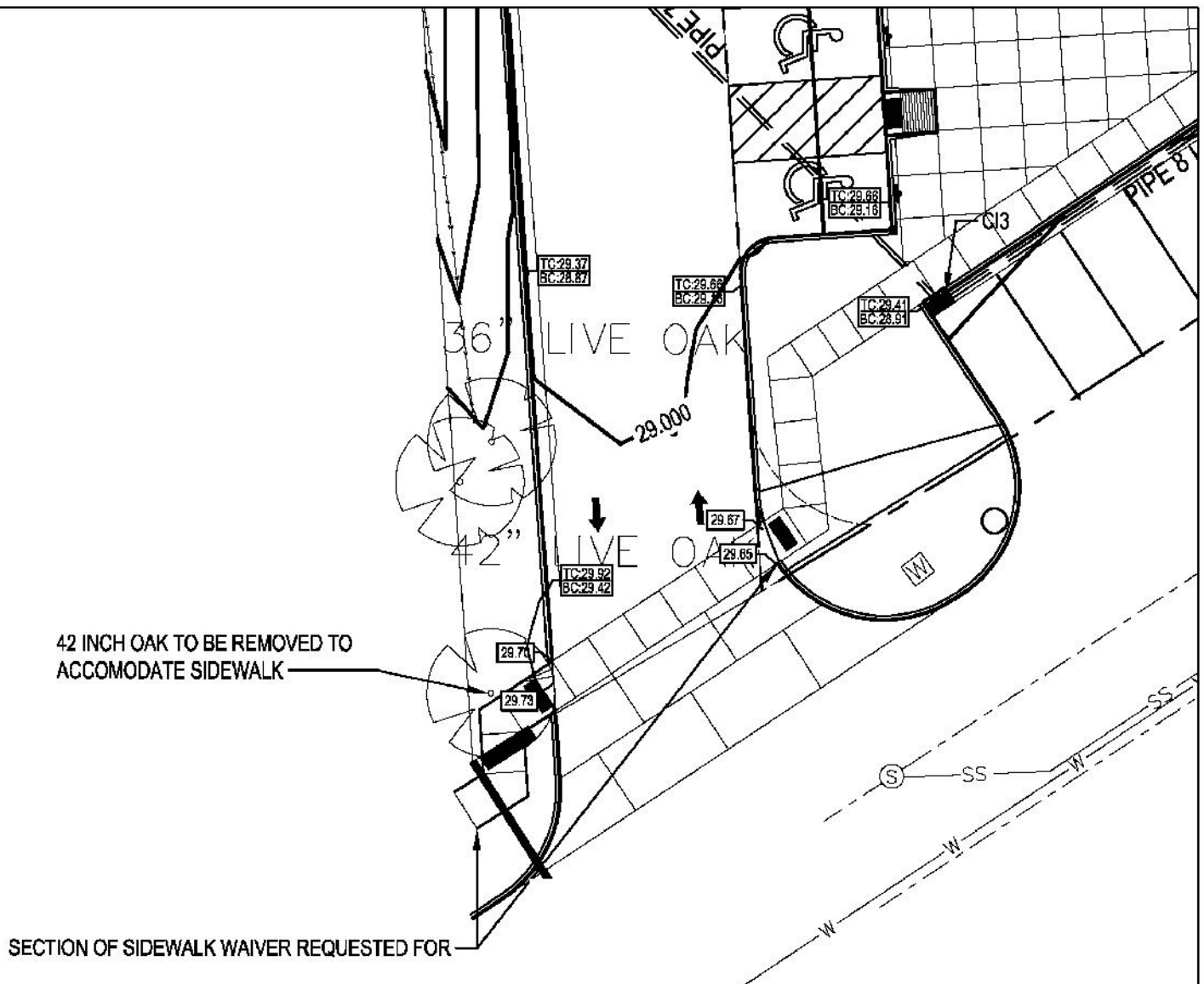
DETAIL SITE PLAN



APPLICATION NUMBER 7 DATE December 16, 2021
 APPLICANT RGH Development, LLC (Stephen Howle, Agent)
 REQUEST Sidewalk Waiver



DETAIL SITE PLAN



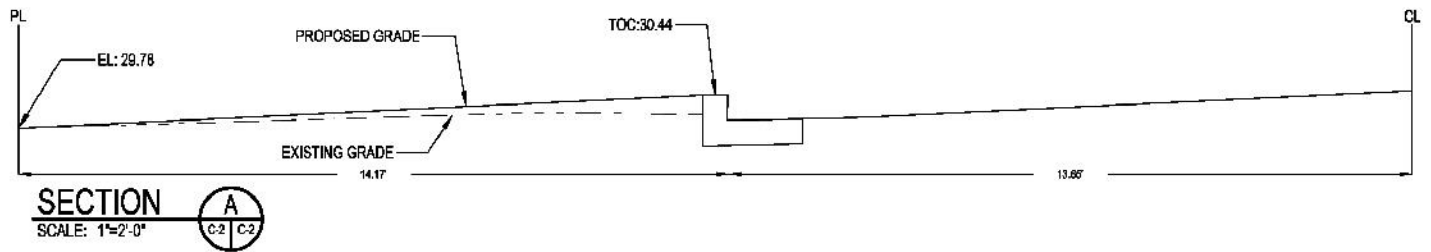
APPLICATION NUMBER 7 DATE December 16, 2021

APPLICANT RGH Development, LLC (Stephen Howle, Agent)

REQUEST Sidewalk Waiver



DETAIL SITE PLAN



APPLICATION NUMBER 7 DATE December 16, 2021
APPLICANT RGH Development, LLC (Stephen Howle, Agent)
REQUEST Sidewalk Waiver

