

Agenda Item # 9

SUB-003417-2025 & MOD-003418-2025

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

<u>Applicant Materials for Consideration – Subdivision</u>

Applicant Materials for Consideration – Planned Unit Development Modification

DETAILS

Location:

4350 Moffett Road

Applicant / Agent:

Kari Givens, Byrd Surveying, Inc.

Property Owner:

Chris Pfeiffer, 24/7 Development Partners of Alabama, LLC

Current Zoning:

R-3, Multi-Family Residential Suburban District

Future Land Use:

Low Density Residential

Applicable Codes, Policies, and Plans:

- Unified Development Code
- Subdivision Regulations
- Map for Mobile Comprehensive Plan

Schedule for Development:

N/A

Proposal:

- Subdivision approval to create one (1) legal lot of record
- Modification of a previously approved Planned Unit Development

Considerations:

- 1. Subdivision proposal with nine (9) conditions; and
- 2. Modification of a previously approved Planned Unit Development with twenty-one (21) conditions.

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PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential units.

APPLICATION NUMBER	9	DATE _	August 21, 2025				
APPLICANT	Fred Marshall	Court Sul	odivision	N			
REQUESTSubdivision, PUD Modification							
				NTS			

SITE HISTORY

The site was approved as a non-conforming lot of record in 1998. That same year, in June, an Administrative Planned Unit Development (PUD) was approved to allow construction of multiple buildings on a single building site for use as a residential treatment and alternative education facility for children under 18. Administrative amendments to the PUD were approved in November 1999.

In May 2011, the Board of Zoning Adjustment approved a Use Variance to allow use of a separate building on the property as transitional housing for unhoused youth between the ages of 18 and 21.

Most recently, at its May 15, 2025, meeting, the Planning Commission tentatively approved a one-lot subdivision of the site and a Major Modification to the previously approved PUD to allow a multi-family development consisting of 50 dwelling units in multiple buildings on a single building site.

STAFF COMMENTS

Engineering Comments:

Subdivision

FINAL PLAT COMMENTS (should be addressed prior to submitting the FINAL PLAT for review):

- 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. 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.

Planned Unit Development Modification

1. Retain NOTES #1 - #7, as shown on the PUD MODIFICATION drawing.

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 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 located within the City Limits of Mobile shall comply with the provisions of the City of Mobile Fire Code Ordinance, which adopts the 2021 edition of the *International Fire Code (IFC)*.

Fire apparatus access roads shall be provided to within 150 feet of all non-sprinklered commercial buildings and within 300 feet of all sprinklered commercial buildings, as measured along an approved route around the exterior of the facility.

An approved fire water supply capable of meeting the requirements set forth in *Appendices B and C* of the 2021 IFC shall be provided for all commercial buildings.

Fire hydrant placement shall comply with the following minimum standards:

- Within 400 feet of non-sprinklered commercial buildings
- Within 600 feet of sprinklered commercial buildings
- Within 100 feet of fire department connections (FDCs) serving standpipe or sprinkler systems

Although the *International Residential Code (IRC)* functions as a stand-alone document for the construction of one- and two-family dwellings and townhouses, it does not govern the design or layout of emergency access or community-level fire protection infrastructure. Therefore, residential developments must also comply with the applicable requirements of the *International Fire Code*, including, but not limited to, those listed above concerning the design, construction, regulation, and maintenance of fire apparatus access roads and fire protection water supplies.

Planning Comments:

Subdivision

As previously noted, the site was approved as a non-conforming lot of record in 1998; however, any redevelopment of the property must comply fully with current regulations, including the Subdivision Regulations. Accordingly, the subdivision request considered in May 2025 sought to create one legal lot of record from an existing metes-and-bounds parcel. The request was tentatively approved, contingent upon the rezoning of a portion of the property containing what had been considered a private drive—Fred Marshall Court—which provides access to the site from Moffett Road.

Since that time, the applicant has revised the subdivision plat to reflect the dedication of this segment of land for public maintenance. Although a deed describing the dedication was recorded in the Mobile County Probate Court in August 1962, it was not accounted for on recent parcel maps of the property. This application therefore serves to formally recognize the previously recorded dedication, thereby eliminating the need for rezoning.

Reference to the recorded deed dedicating Fred Marshall Court for public maintenance—such as its book and page number, instrument number, or other applicable recording information—should be provided on the Final Plat, if approved.

The site is served by public water and sanitary sewer.

The proposed lot has frontage on Fred Marshall Court, which may be considered a minor street with curb and gutter requiring a 50-foot-wide right-of-way. The preliminary plat depicts sufficient right-of-way, making additional dedication unnecessary.

The lot, as proposed, exceeds the minimum size requirements for lots served by public water and sanitary sewer in an R-3, Multi-Family Residential Suburban District, and is appropriately labeled with this information in square feet and acres on the preliminary plat, as required by Section 5.A.2(e)(4) of the Subdivision Regulations. This information should be retained on the Final Plat, if approved, adjusted for any required dedication; or the provision of a table on the Final Plat with the same information will suffice.

A 25-foot building setback line is illustrated along Fred Marshall Court, in compliance with Section 6.C.8. of the Subdivision Regulations and Article 2 Section 64-2-7.E. of the Unified Development Code (UDC) for lots in an R-3 Suburban zoning district. This information should be retained on the Final Plat, if approved, adjusted for any required dedication.

A 75-foot building setback line is illustrated along the rear property line, to the North. This is not a requirement of either the Subdivision Regulations or the UDC. As such, if approved, development of the property will be subject to a building setback at this location that is greater than what is required by current regulations. If the Final Plat is recorded with this setback, its removal in the future will require re-subdivision of the property to amend the plat.

Planned Unit Development Modification

The site plan depicts re-development of the property with a 50-unit apartment complex with ten (10) apartment buildings, a community building, and multiple dumpster pads. Each of the proposed apartment buildings contains five (5) dwelling units with a mixture of one (1), two (2), and three (3)-bedroom apartments. A detailed description of the request and all application materials are available at the link on Page 1 of this report.

The required 25-foot front yard setback is illustrated along Fred Marshall Court and should be retained on the Final PUD Site Plan, if approved, adjusted for any required dedication resulting from the subdivision request.

A 75-foot building setback is illustrated along the rear property line, which will serve as a residential buffer for the single-family dwellings to the North. No such buffer is proposed for the single-family dwellings to the East, or for the single-family residentially zoned property to the West; however, the Unified Development Code (UDC) does not require a residential buffer between residentially zoned properties, and it should be noted that the R-3, Multi-Family Residential Suburban District, is a residential zoning district.

The size of the lot is provided in square feet in a table on the site plan. This information should be retained on the Final PUD Site Plan, if approved, adjusted for any required dedication resulting from the subdivision request.

Table 64-3-12.1 of Article 3 of the UDC requires 1.5 off-street parking spaces per dwelling unit, thus the site requires 70 off-street parking spaces. A table on the site plan indicates there are 90 off-street parking spaces, each of which appears to meet the dimensional standards outlined in Table 64-3-12.2 of Article 3 of the UDC.

Curbing is illustrated where vehicles could extend beyond the proposed parking facilities, along with pedestrian walkways leading from each parking area to each of the proposed buildings.

No sidewalk is proposed along Fred Marshall Court. The existing frontage is already fully developed with roadway improvements, leaving minimal space to accommodate sidewalk construction.

Bicycle parking is not shown on the site plan or addressed in the parking table. The site plan should be revised to illustrate compliance with the bicycle parking standards of Article 3, Section 64-3-12.A.9. of the UDC, including required minimums and location specifications.

Two-way traffic circulation is proposed throughout the site, requiring 24-foot-wide drive aisles in accordance with Table 64-3-12.2 of Article 3 of the UDC. All proposed drive aisles meet this requirement, except for the aisle located to the rear of the community building, which provides access to a dumpster enclosure and is shown as only 20 feet wide. Therefore, the site plan should be revised to illustrate a minimum 24-foot-wide drive aisle at this location, unless the layout is reconfigured to accommodate one-way circulation, which would require a minimum aisle width of 14 feet.

Directional arrows illustrating traffic circulation are depicted on the site plan and should be retained on the Final PUD Site Plan, if approved. This information should be updated, as needed, to reflect any revisions to the drive aisle behind the community building.

Redevelopment of the site requires the provision of parking lot lighting, which must meet the illumination standards of Section 64-3-9.C. of the UDC. A note stating as much is provided on the site plan and should be retained on the Final PUD Site Plan, if approved. A photometric plan will be required at the time of permitting to verify the site will comply with these requirements.

No elevation drawings were provided as part of this application, but it should be noted that the proposed buildings will need to include at least one feature from each of the following design categories, the details of which are found in Section 64-3-6 of Article 3 of the UDC: 1) Site Frontage; 2) Building Form – Height; 3) Building Form – Wall; and, 4) an Architectural Feature.

The narrative from the prior PUD modification stated that all buildings would not exceed 26 feet in height, but no height information was submitted with the current application. Therefore, it should be noted that the maximum height allowed in the R-3 Suburban District is 50 feet.

The size of each building should be labeled in square feet on a revised site plan, if approved. Alternatively, a table on the Final PUD Site Plan containing this information would suffice.

In addition to approval of the PUD modification, the applicant is seeking relief from the UDC to allow reduced landscape area. Based on the size of the property, Section 64-2-7.E. of the UDC requires 58,393± square feet (15%) of the site to be landscaped, 35,036± square feet (60%) of which is required to be planted between the street-facing property line and any building wall(s) facing the street. The applicant proposes planting a total of 225,415± square feet (56%) of landscaping, 20,113± square feet of which will be front landscape area (5% of the site and 33% of the required amount of front landscape area). No justification for this request was provided.

Although the proposed total landscape area may fulfill the general intent of the UDC landscaping requirements, the stated 225,415 square feet may be inaccurate, as this area exceeds five (5) acres and the total site area is approximately nine (9) acres. The applicant should verify and, if necessary, revise this calculation for inclusion on the Final PUD Site Plan.

Tree plantings are illustrated on the site plan, but compliance with Article 3 tree planting requirements cannot be confirmed. A note on the site plan states the development will comply with Section 64-3-7 of the UDC. This note should be retained on the Final PUD Site Plan, if approved. A detailed tree and landscape plan will be required at the time of permitting to confirm full compliance.

Pursuant to Article 2, Section 64-2-7.E. of the UDC, a minimum of 700 square feet of open space is required per dwelling unit within an R-3 Suburban District. For 50 dwelling units, 35,000 square feet of open space is required. The site appears to meet this requirement, based on the proposed 225,415± square feet of landscape area.

Multiple dumpster enclosures are illustrated and labeled on the site plan. A note indicating that all dumpsters must comply with the enclosure and placement standards of Section 64-3-13.A.4. of the UDC is included and should be retained on the Final PUD Site Plan, if approved.

No signage is illustrated or described in the submitted application materials. Any proposed signage must be reviewed and permitted separately by the Planning and Zoning Department. Illuminated signage must be designed and installed by a licensed and bonded sign contractor and will also require electrical permits from the Permitting Department.

Any future development or redevelopment of the lot may require additional modification of the PUD to be approved by the Planning Commission and City Council. A note stating as much is on the site plan and should be retained on the Final PUD Site Plan, if approved.

A revised Modified PUD site plan (hard copy and pdf) should be submitted to and approved by Planning and Zoning prior to recording the plan in Probate Court, as required by Section 64-5-8-B.2(f) of the UDC.

SUBDIVISION CONSIDERATIONS

Standards of Review:

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.

Considerations:

If the Planning Commission considers approving the Subdivision request the following conditions could apply:

- 1. Placement of a reference on the Final Plat to the recorded deed dedicating Fred Marshall Court for public maintenance (e.g., book and page number, instrument number, etc.);
- 2. Retention of the 50-foot-wide right-of-way along Fred Marshall Court;
- 3. Retention of the lot size label in both square feet and acres, or provision of a table on the Final Plat with the same information;
- 4. Retention of the 25-foot minimum front yard setback line along Fred Marshall Court, in compliance with Section 6.C.8. of the Subdivision Regulations and Article 2 Section 64-2-7.E. of the Unified Development Code;
- 5. Retention of the illustrated 75-foot rear setback line, if the applicant intends to exceed minimum setback requirements, with the understanding that its removal in the future will require re-subdivision of the property;
- 6. Compliance with all Engineering comments noted in this staff report;
- 7. Placement of a note on the Final Plat stating all Traffic Engineering comments noted in this staff report;
- 8. Compliance with all Urban Forestry comments noted in this staff report; and,
- 9. Compliance with all Fire Department comments noted in this staff report.

PLANNED UNIT DEVELOPMENT MODIFICATION CONSIDERATIONS

Standards of Review:

The Unified Development Code (UDC) in Section 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:

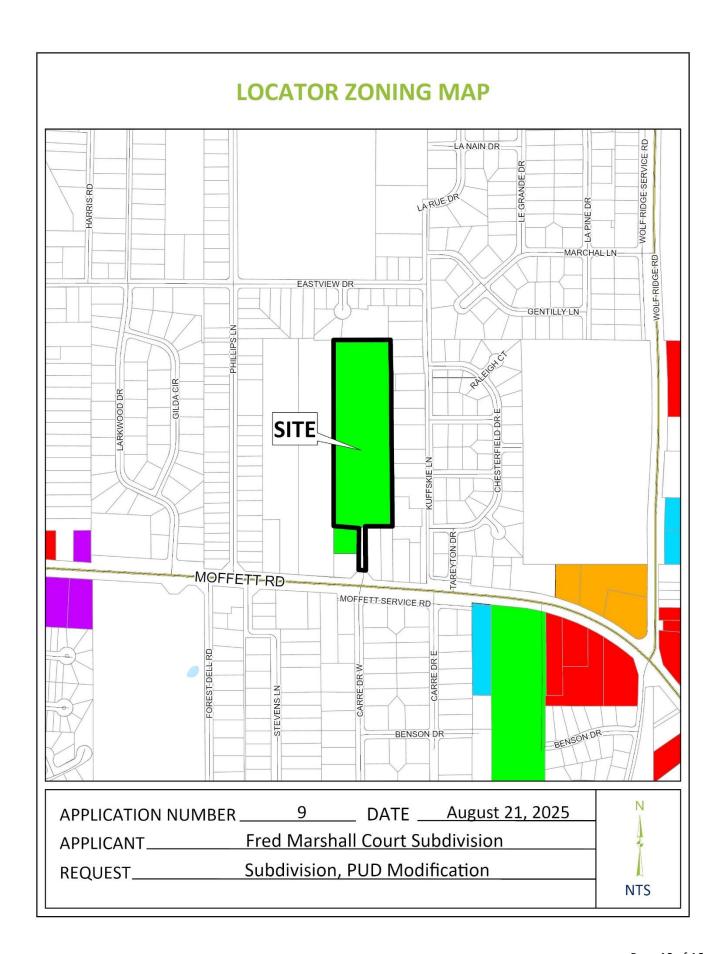
- 1. Is consistent with all applicable requirements of this Chapter;
- 2. Is compatible with the character of the surrounding neighborhood;
- 3. Will not impede the orderly development and improvement of surrounding property;
- 4. Will not adversely affect the health, safety or welfare of persons living 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; and
- 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.

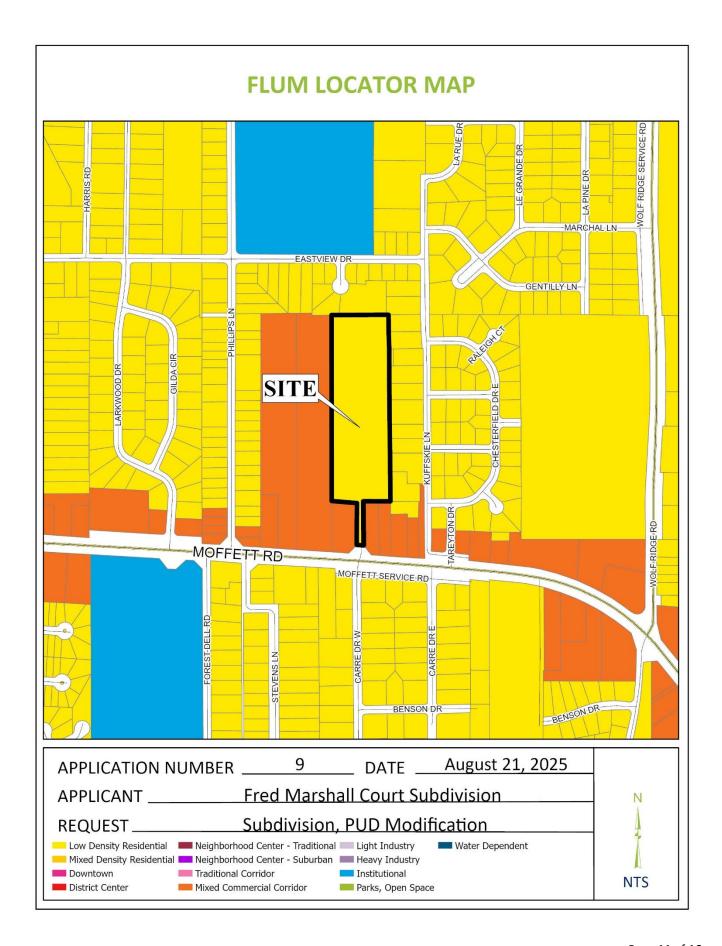
Considerations:

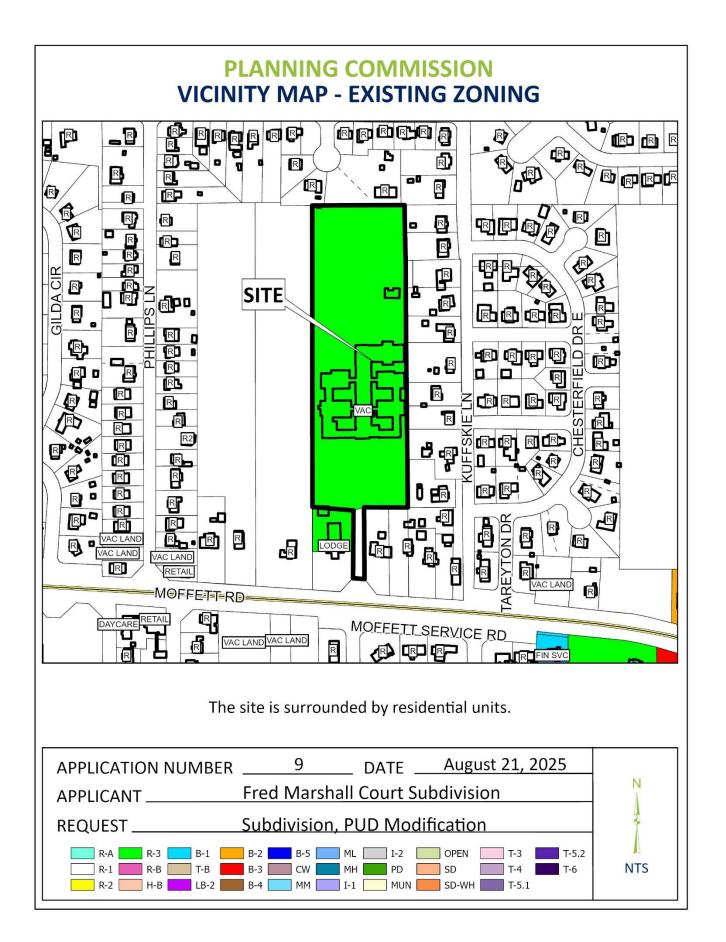
If the Planning Commission considers a recommendation of approval of the Modified Planned Unit Development, the following conditions could apply:

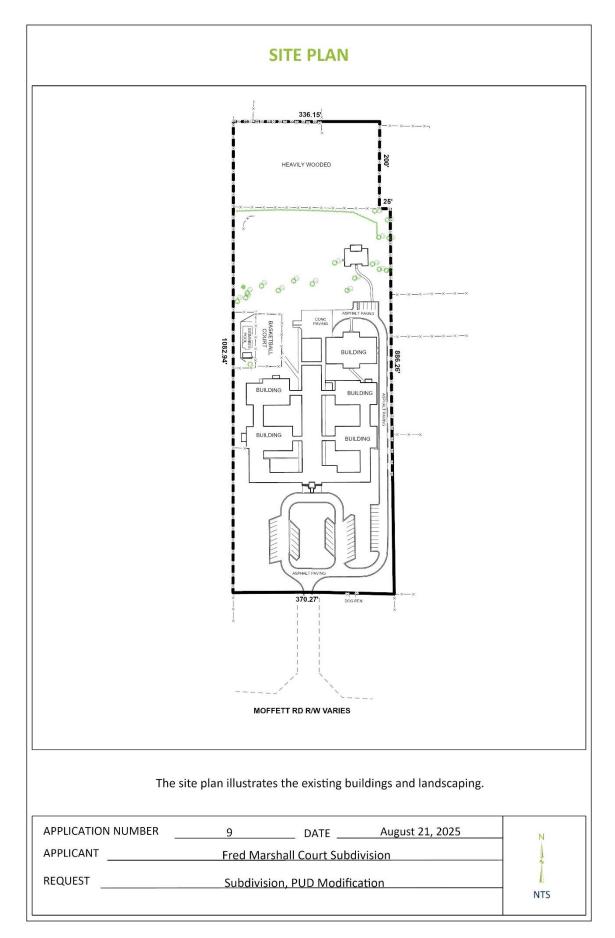
- 1. Retention of the 25-foot front yard setback along Fred Marshall Court on the Final PUD Site Plan, adjusted for any required dedication resulting from the subdivision request;
- 2. Retention of the lot size in square feet on the Final PUD Site Plan, adjusted for any required dedication, or provision of a table with this information;
- 3. Labeling of each building with its size in square feet on the Final PUD Site Plan, or provision of a table with this information;
- 4. Retention of the illustrated 75-foot rear setback on the Final PUD Site Plan, noting that removal in the future would require re-subdivision;
- 5. Revision of the Final PUD Site Plan to illustrate compliance with the bicycle parking requirements of Article 3, Section 64-3-12.A.9. of the UDC, including minimum required quantity and location;
- 6. Revision of the site plan to depict a minimum 24-foot-wide drive aisle to the rear of the community building providing access to a dumpster enclosure, unless the site is reconfigured for one-way circulation requiring only 14-foot-wide aisles;
- 7. Retention of directional arrows illustrating on-site traffic circulation on the Final PUD Site Plan, updated as necessary to reflect any revisions to drive aisle widths;

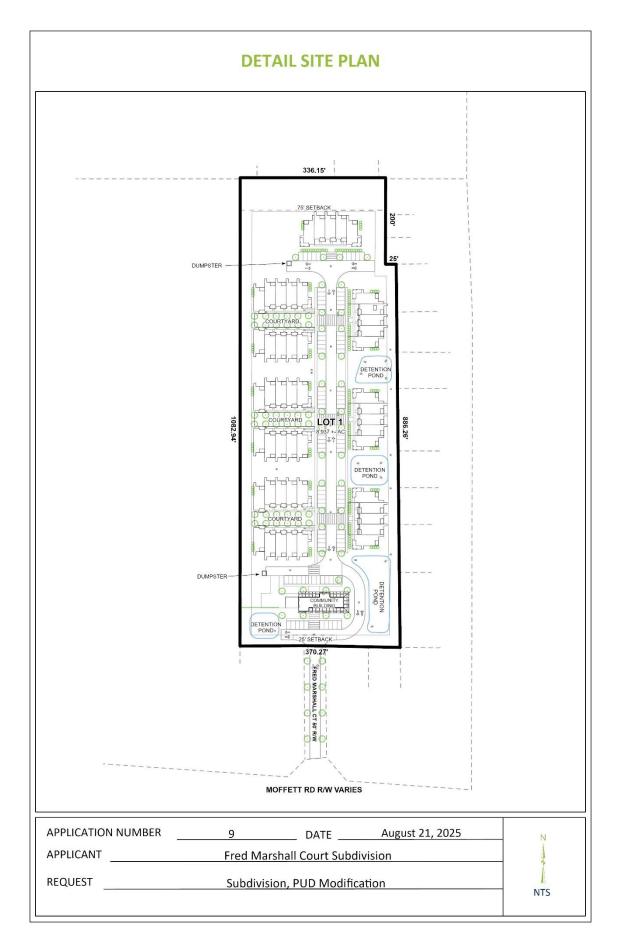
- 8. Retention of a note on the Final PUD Site Plan stating that parking lot lighting will comply with the illumination standards of Section 64-3-9.C. of the UDC;
- 9. Provision of a note on the Final PUD Site Plan stating that the site will comply with the architectural design feature requirements of Article 3, Section 64-3-6 of the UDC, including at least one element from each applicable design category (Site Frontage, Building Form Height, Building Form Wall, Architectural Feature);
- 10. Provision of a note stating the proposed buildings will not exceed 50 feet in height, in compliance with Article 2, Section 64-2-7.E. of the UDC;
- 11. Verification and, if necessary, revision of the landscape area calculation (currently listed as 225,415± square feet) on the Final PUD Site Plan to ensure accuracy and consistency with the total site area;
- 12. Retention of a note on the Final PUD Site Plan stating that the site will comply with the tree planting requirements of Article 3, Section 64-3-7 of the UDC;
- 13. Retention of the note on the Final PUD Site Plan stating all dumpsters will comply with the enclosure and placement standards of Section 64-3-13.A.4. of the UDC;
- 14. Provision of a note stating any signage proposed for the site must be reviewed and permitted separately by the Planning and Zoning Department; illuminated signage must be installed by a licensed and bonded contractor and permitted through the Permitting Department;
- 15. Retention of the note on the Final PUD Site Plan stating that future development or redevelopment of the site may require additional modifications to the PUD, subject to approval by the Planning Commission and City Council;
- 16. Compliance with all Engineering comments noted in this staff report;
- 17. Compliance with all Traffic Engineering comments noted in this staff report;
- 18. Compliance with all Urban Forestry comments noted in this staff report;
- 19. Compliance with all Fire Department comments noted in this staff report;
- 20. 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 the provision of one (1) copy of the recorded site plan (hard copy and pdf) to Planning and Zoning; and,
- 21. Full compliance with all municipal codes and ordinances.











ZONING DISTRICT CORRE	SPOND	ENCE	MA	TRIX	i i										
		OW 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)	IGHT INDUSTRIAL (LI)	HEAVY INDUSTRY (HI)	NSTITUTIONAL LAND USE (INS)	PARKS & OPEN SPACE (POS)	DOWNTOWN WATERFRONT (DW)	WATER DEPENDENT USES (WDWRU)
RESIDENTIAL - AG	R-A	1	V			_	_		_		1	=			>
ONE-FAMILY RESIDENCE	R-1														
TWO-FAMILY RESIDENCE	R-2													0	
MULTIPLE-FAMILY	R-3	0												0	
RESIDENTIAL-BUSINESS	R-B		0											0	
TRANSITIONAL-BUSINESS	T-B		0												
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									0	0				
DOWNTOWN DEV. DD	SD	0	0	0	0	0	0	0		0	0				
BUFFER BUSINESS	B-1													0	
NEIGH. BUSINESS	B-2		0											0	
LIMITED BUSINESS	LB-2		0											0	
COMMUNITY BUSINESS	B-3											0		0	
GEN. BUSINESS	B-4											0		0	
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.