

Agenda Item # 9

SUB-002813-2024 & MOD-002814-2024

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

Applicant Materials for Consideration – Subdivision

Applicant Materials for Consideration – Planned Unit Development Modification

DETAILS

Location:

4464 & 4474 Halls Mill Road

Subdivision Name:

First Addition to, Resubdivision of, Paul Persons Subdivision

Applicant / Agent:

Buddy Persons, Persons Development & Construction Services, LLC

Property Owner:

Buddy Persons dba Persons Development & Construction Services, LLC

Current Zoning:

B-3, Community Business Suburban District

Future Land Use:

Light Industry

Applicable Codes, Policies, and Plans:

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

Schedule for Development:

Upon approval

Proposal:

- Subdivision approval to create one (1) legal lot of record from two (2) legal lots of record.
- Modification of a previously approved Planned Unit Development allowing multiple buildings on multiple building sites with shared access and reduced landscaping.

Considerations:

- Subdivision proposal with eleven (11) 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 commercial, industrial, and residential units.

APPLICATION	NUMBER	9	_ DATE _	February 22, 2024				
APPLICANT	APPLICANTFirst Addition to, Resubdivision of, Paul Persons Subdivision							
REQUESTSubdivision, PUD Modification								
					NTS			

SITE HISTORY

Since being annexed into the City of Mobile in 1956, the site was rezoned in 1997 by the City Council from R-1, Single-Family Residential District to B-3, Community Business District and a second time in 2007 to amend certain conditions of the 1997 rezoning.

The site has been before the Planning Commission several times for various Subdivisions and Planned Unit Developments (PUD). Most recently, the subject site was before the Planning Commission at its January 7, 2021 meeting to create one (1) legal lot from two (2) existing legal lots by incorporating "Parcel 1" on the Preliminary Plat into Paul Persons Subdivision, and to amend a previously approved PUD to allow for the expansion of an existing parking lot onto the newly incorporated western portion of the lot. Shortly thereafter, in March 2021 a second PUD request was approved by the Commission to amend the January site plan to increase the size of the proposed parking lot expansion, and to provide a 100-foot minimum building setback line for this portion of the lot to accommodate compliance with front landscape area and tree planting requirements.

The 2021 Subdivision was allowed to expire in January 2022. However, the March 2021 PUD received a one (1) year extension of approval and was subsequently developed in accordance with the approved site plan. As such, this application seeks to officially create one (1) legal lot from one (1) legal lot and one (1) metes-and-bounds parcel by incorporating "Parcel 1" on the Preliminary Plat into Paul Persons Subdivision, and to modify the previously approved PUD allowing multiple buildings on multiple building sites with shared access and reduced landscaping to reflect the change resulting from the Subdivision request.

There have been no Board of Zoning Adjustment cases associated with the site.

STAFF COMMENTS

Engineering Comments:

Subdivision (SUB-0002813-2024)

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. Provide a written description for the subdivision boundary.
- C. Provide a note that a 25' riparian buffer may be required, during development, along the edge of anything considered by ADEM to be a water of the state.
- D. Revise NOTES #9 from "Lot A-1 NONE." To "Lot A-1 2,300 sf."
- E. Revise NOTES #12 from "All proposed..." to "All existing and proposed...".
- 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.

Planned Unit Development Modification (MOD-002814-2024)

a. Retain NOTES #7 - #12, as shown on the PUD drawing SHEET 1.

Traffic Engineering Comments:

Site is limited to driveways as shown on the approved PUD plan with size, location, and design to be approved by ALDOT (where applicable) and Traffic Engineering and conform to AASHTO standards. Any required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Article 3, Section 64-3-12 of the City's Unified Development Code.

Urban Forestry Comments:

Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.

Fire Department Comments:

All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2021 International Fire Code). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.

Planning Comments:

Subdivision

The purpose of this subdivision request is to create one (1) legal lot of record from one (1) legal lot and one (1) metes-and-bounds parcel. The site is served by public water and sanitary sewer.

Proposed Lot A-1 has frontage along Halls Mill Road, a Minor Arterial requiring a 70-foot right-of-way. The Preliminary Plat illustrates dedication sufficient to provide 35 feet from the centerline of Halls Mill Road, as such, no additional dedication is required. If approved, this should be retained on the Final Plat.

As proposed, Lot A-1 will exceed the minimum size requirements for lots served by public water and sanitary sewer in a B-3, Community Business Suburban District. The Lot is labeled with its size in both square feet and acres on the Preliminary Plat. If approved, this information should be retained on the Final Plat, or a table should be provided on the Final Plat with the same information.

A note on the plat recorded in 2008 prohibited the future subdivision of Lots A, B and C. According to the 2008 staff report, this was due to the fact that the lots exceeded the width to depth ratio of Section V.D.3. of the Subdivision Regulations. As the proposal at hand will increase the size of Lot A and, consequently, reduce the width to depth ratio issue for the new lot, it is recommended that the condition from 2008 be waived for proposed Lot A-1.

As illustrated, proposed Lot A-1 has a 25-foot minimum building setback line along 109± feet of Halls Mill Road and a 100-foot minimum building setback line along the remainder of its frontage. This abnormal setback was carried over from a previous revision to the PUD to allow for landscaped area north of the existing parking lot to comply with frontage tree planting requirements. However, Article 2 Section 64-2-14 of the UDC only requires a 25-foot minimum building setback along all frontages. As such, if approved, the Final Plat should be revised to illustrate a compliant 25-foot minimum building setback along the entirety of the frontage for Lot A-1. Doing so

means the site may no longer comply with front lot landscaping and tree requirements, but the Planning Commission may consider approving a waiver of these requirements as part of the PUD request.

The Preliminary Plat illustrates multiple easements on the site. These easements should be retained on the Final Plat, if approved, with provision of a note stating that no structure shall be constructed in any easement without permission of the easement holder.

Planned Unit Development Modification

A detailed description of the proposed Modification request is available via the link on Page 1 of this report. In summary, this application seeks to modify lot lines and add two (2) additional structures to Lot A-1 of the existing PUD.

The site plan depicts new development of a portion of Lot A-1 of First Addition to, Resubdivision of, Paul Persons Subdivision for the purposes of expanding the existing use of a contracting business with storage yard. One (1) 7,200 square-foot building is proposed, as well as a 6,598± square-foot pole barn, along with a concrete sidewalk connecting the new building to existing parking.

It should be noted that the proposed use of a contracting business with storage yard is not allowed by right in B-3 zoning districts. The existing development on the West half of Lot A-1 as well as Lots B and C are permitted to operate this use through a Use Variance approved by the Board of Zoning Adjustment in 2011. As Variances are site plan specific, prior to submittal of development permits for the proposed structures, the applicant must apply for a new Use Variance to amend the previously approved Variance to incorporate the entirety of Lot A-1.

The site plan reflects the changes proposed by the Subdivision request and illustrates the existing buildings and parking facilities, as well as proposed buildings and parking facilities. The applicant states in their justification of the request that the preliminary PUD site plan has been designed under the previous Zoning Ordinance standards. It should be noted, however, that as the proposed development (East half of proposed Lot A-1) was not included in any previous PUD approval, the new development must be designed in compliance with current standards as detailed in the Unified Development Code (UDC).

The new development proposed for Lot A-1 constitutes an increase in gross floor area greater than 50% of presently existing structures. As such, if approved, upon development of the site all of Lot A-1 will be required to be brought into compliance with current UDC Landscaping & Tree standards. Placement of a note on the Final PUD Site Plan stating as much and revision of the Final PUD Site Plan to remove the Tree Planting and Landscaping data as it is currently depicted, should be required.

No new tree plantings are proposed and it is unclear if the existing trees located on Lot A-1 are compliant with current UDC standards. A tree and landscape area plan for Lot A-1 will be required at the time of permitting, and must illustrate full compliance with Section 64-3-7 of the UDC.

It should be noted that maintenance of all tree plantings and landscape area is the responsibility of the property owner. As such, the property owner is required to sign the tree and landscape plan acknowledging these requirements; or, the applicant may submit a notarized letter signed by the property owner with the same information.

It should be noted that as this is a PUD, the Planning Commission has the flexibility to allow some modifications to the normal requirements, as long as the overall PUD site complies with the general intent of the UDC. Alternatively, per Article 3 Section 64-3-7.B. of the UDC, the applicant may request a Review for Alternative

Compliance, which has the potential to provide relief from Landscaping and Tree standards under certain conditions.

It is important to note that upon development of Lot A-1, zoning compliance for the PUD site will be split between the previous Zoning Ordinance and the Unified Development Code. As they are already developed, Lots B and C will fall under the previous Zoning Ordinance until such time re-development necessitates compliance with current standards. However, Lot A-1 must be developed to current standards. As such, the Final PUD Site Plan should be revised such that notes referencing sections from the previous Zoning Ordinance are updated to their corresponding Sections in the Unified Development Code.

Off-street parking, tree planting, and landscaping is illustrated and calculations provided, however, the calculations were performed using the previous Zoning Ordinance. The Final PUD Site Plan should be revised to remove parking calculations and data as they are currently depicted, and provision of a note stating that all proposed and future development must comply with current code requirements should be required.

Two (2) bicycle parking spaces are required and must meet the standards of Section 64-3-12.A.9. Compliance with these requirements should be illustrated on a revised site plan.

Additionally, two (2) small off-street loading space are required per Section 64-3-12.B. and should be illustrated on the revised site plan.

No pedestrian walkway is illustrated connecting the building to a public sidewalk. The site needs to meet the pedestrian walkway requirements of Section 64-3-3 of Article 3 of the UDC.

No elevation drawings were provided as part of this application, but it should be noted that the proposed building 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) Architectural Feature.

The site plan illustrates a proposed 10-foot protection buffer where Lot A-1 abuts neighboring R-1, Single-Family Residential property. It should be noted that Section 64-3-8 of the UDC requires the 10-foot wide protection buffer to include both a wall or fence and screen planting where a B-3 zoned site abuts residential districts or a residentially used building site. As such, the Final PUD Site Plan should be revised to include a note stating as such.

An existing dumpster enclosure is illustrated on the site plan. Nevertheless, a note should be placed on the site plan stating any dumpster placed on the property must meet the enclosure and placement standards of Section 64-3-13.A.4. of the UDC.

The site plan illustrates multiple easements on the subject site. These easements should be retained on the Final PUD Site Plan, if approved, with provision of a note stating that no structure shall be constructed in any easement without permission of the easement holder.

No signage is depicted on the site plan, and no information regarding signage was provided to staff for review. All proposed signage for the site requires separate reviews by, and permits from, the Planning and Zoning Department. Illuminated signage also requires its design and construction to be completed by a licensed and bonded sign contractor, along with additional 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 should be placed on a revised site plan.

A revised Modified Planned Unit Development site plan 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).

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 should apply:

- 1. Retention of the right-of-way widths along Halls Mill Road;
- 2. Depiction of the right-of-way label for Halls Mill Road 35-feet from the centerline;
- 3. Retention of the lot size labels in both square feet and acres, or provision of a table on the Final Plat with the same information:
- 4. Revision of the Final Plat to illustrate a compliant 25-foot minimum front building setback along the entirety of Lot A-1, as required by Section 64-2-14.E of the Unified Development Code;
- 5. Retention of all easements, as illustrated, on the Final Plat;
- 6. Provision of a note on the Final Plat stating no structures shall be constructed in any easement without permission from the easement holder;
- 7. Retention of a note on the Final Plat stating that there shall be no future subdivision of Lot A-1 to create additional lots;
- 8. Compliance with all Engineering comments noted in this staff report;
- 9. Placement of a note on the Final Plat stating all Traffic Engineering comments noted in this staff report;
- 10. Compliance with all Urban Forestry comments noted in this staff report; and,
- 11. 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.2(b)(5) states the following concerning Planned Unit Development / Planning Approval 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:

- a. Is consistent with all applicable requirements of this Chapter;
- b. Is compatible with the character of the surrounding neighborhood;

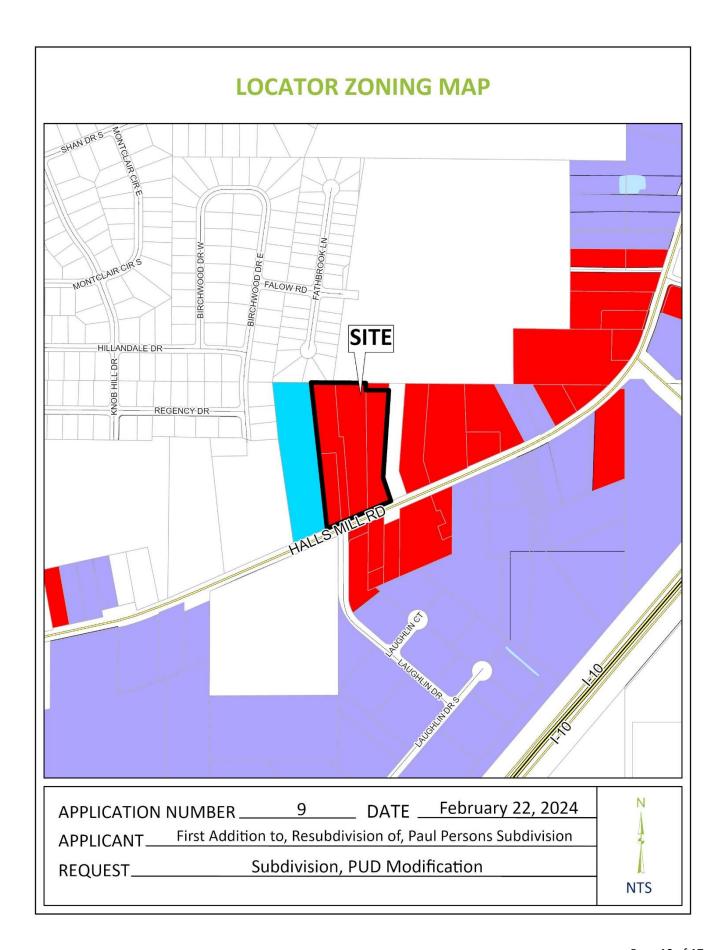
- c. Will not impede the orderly development and improvement of surrounding property;
- d. Will not adversely affect the health, safety or welfare of persons living or working in the surrounding neighborhood, or be more injurious to property or improvements in the neighborhood:
 - In making this determination, 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
 - 2. Includes adequate public facilities and utilities;
- e. Is subject to adequate design standards to provide ingress and egress that minimize traffic hazards and traffic congestion on the public roads;
- f. Is not noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas; and
- g. Shall not be detrimental or endanger the public health, safety or general welfare.
- h. 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.

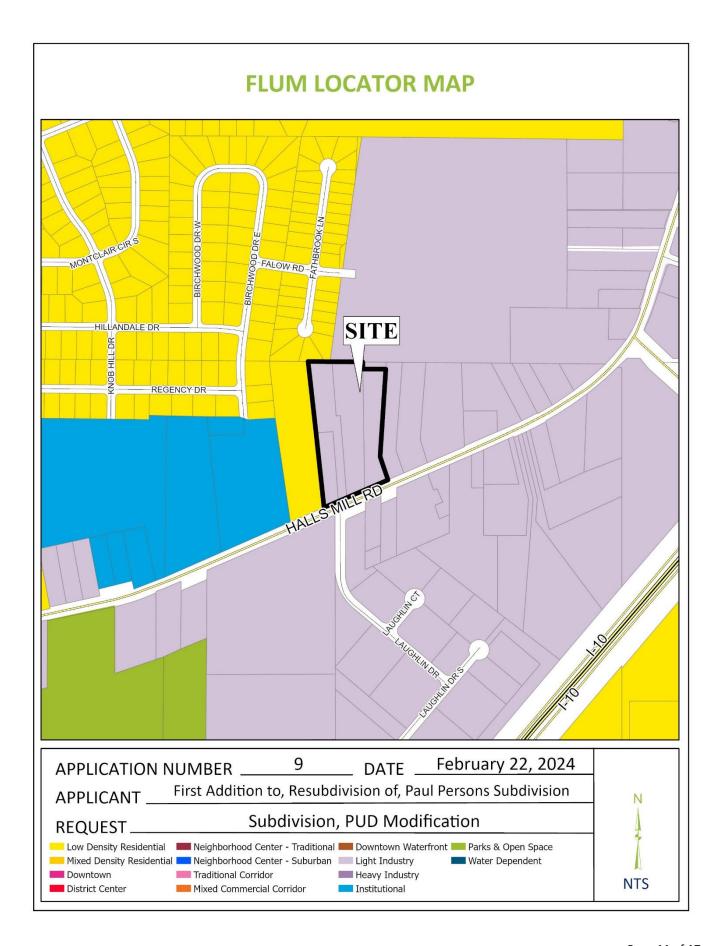
Considerations:

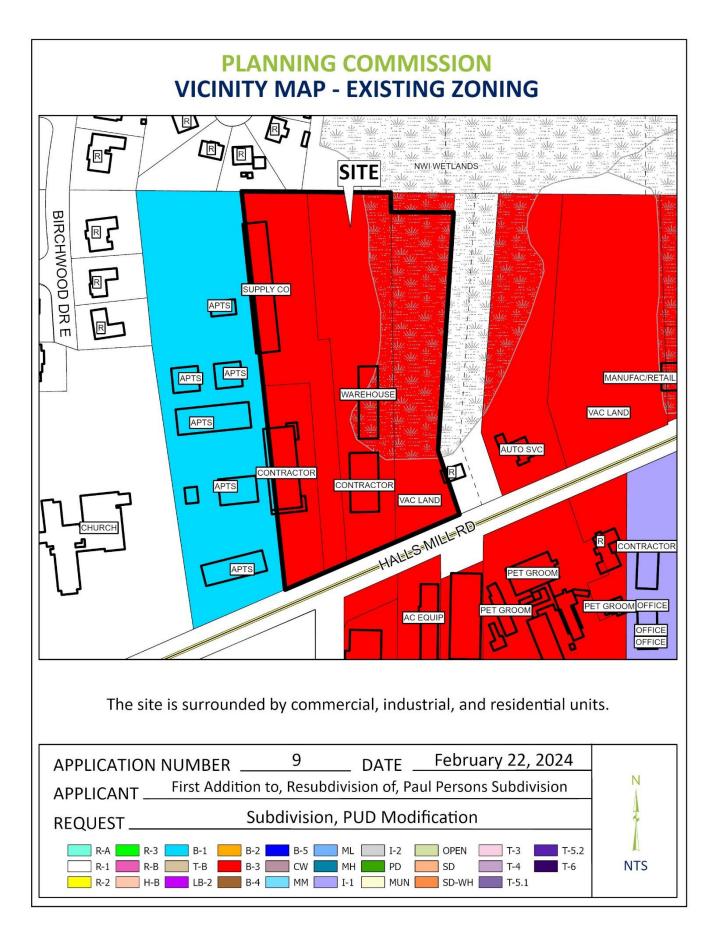
If the Planning Commission considers a recommendation of approval of the Modified Planned Unit Development, the following conditions should apply:

- 1. Revision of the Final PUD site plan to reflect any/all revisions to easements as a result of the associated Subdivision request;
- 2. Completion of the Use Variance process to amend a previously approved Use Variance, prior to issuance of development permits;
- 3. Placement of a note on the Final PUD Site Plan stating that, upon development of the site, as proposed, the entirety of Lot A-1 must comply with current UDC Landscaping & Tree standards as detailed in Article 3 Section 64-3-7 of the Unified Development Code;
- 4. Revision of the Final PUD Site Plan to remove Tree Planting, Landscaping, and Parking data and calculations as they are currently depicted;
- 5. Provision of a note stating that all proposed and future development must comply with current UDC requirements;
- 6. Revision of the Final PUD Site Plan such that notes referencing sections from the previous Zoning Ordinance are updated to their corresponding Sections in the Unified Development Code;
- 7. Revision of the site plan to illustrate compliance with the bicycle parking standards of Section 64-3-12.A.9;
- 8. Revision of the site plan to illustrate compliance with the off-street loading facilities standards of Section 64-3-12.B;
- 9. Revision of the site plan to illustrate compliance with the on-site pedestrian safety standards of Section 64-3-3;
- 10. Provision of a revised tree and landscape plan at the time of permitting illustrating compliance with the City Council's decision, or in compliance with Section 64-3-7;
- 11. Provision of a note on the site plan stating any dumpster placed on the property must meet the enclosure and placement standards of Section 64-3-13.A.4. of the UDC;
- 12. Provision of a note on the site plan stating that all proposed and future protection buffers must comply with Section 64-3-8 of the UDC;
- 13. Retention of all easements, as illustrated;
- 14. Provision of a note on the site plan stating no structures shall be constructed in any easement without permission from the easement holder;

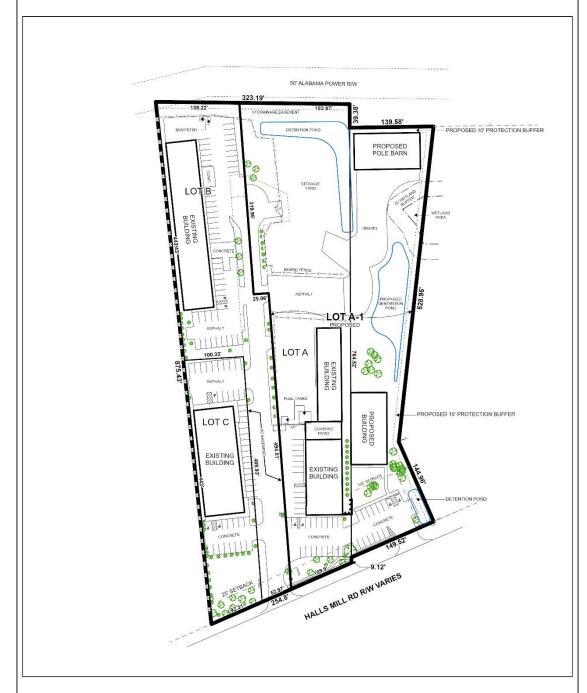
- 15. Provision of a note on the site plan stating future development or redevelopment of the site may require additional modification of the PUD to be reviewed and approved by the Planning Commission and City Council;
- 16. Compliance with all Engineering comments noted in this staff report;
- 17. Compliance 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 their recording in Probate Court, and the provision of a copy of the recorded site plan (pdf) to Planning and Zoning; and,
- 21. Full compliance with all municipal codes and ordinances.





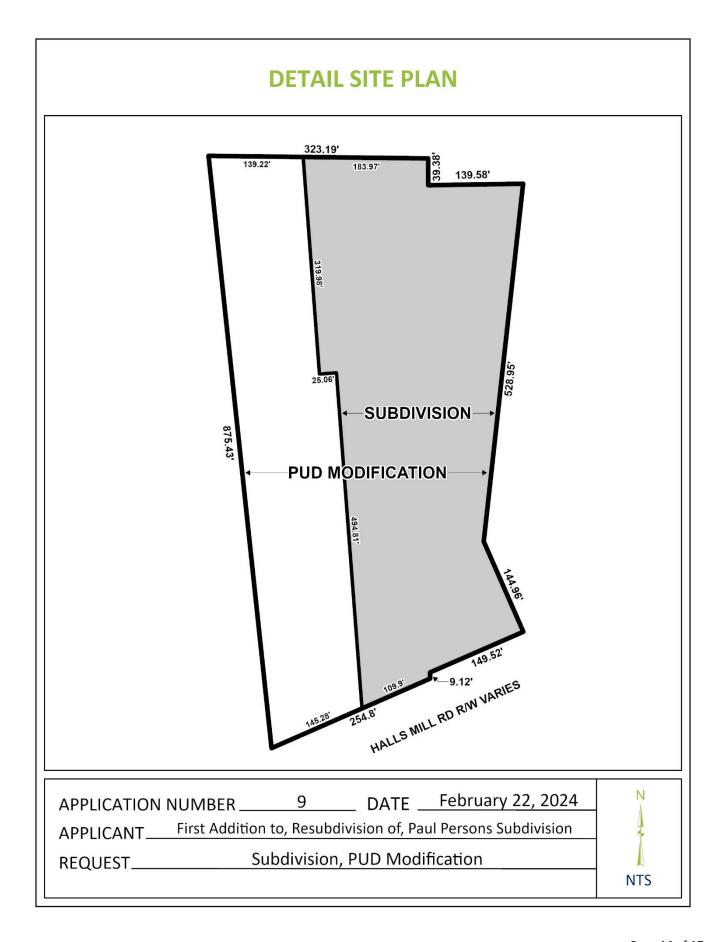


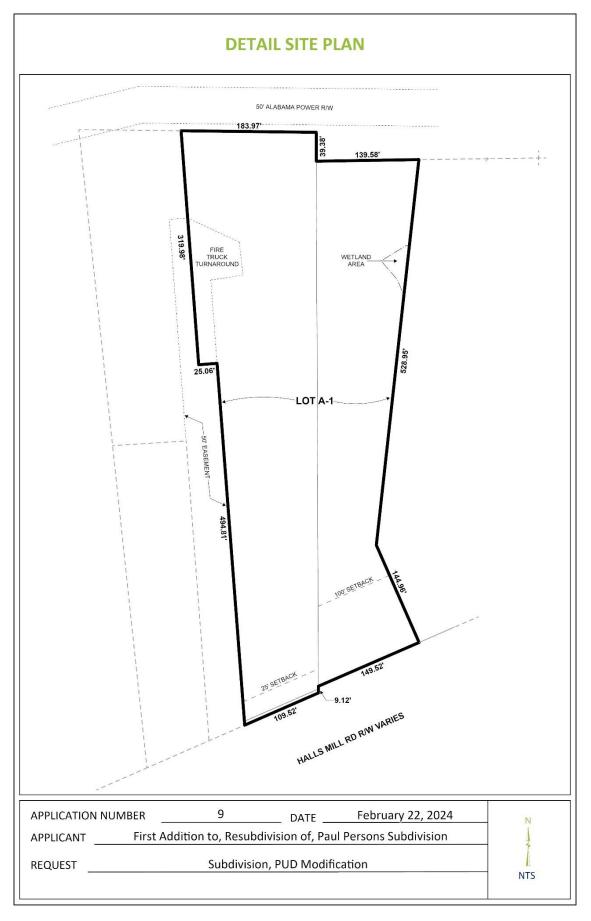
SITE PLAN



The site plan illustrates the proposed subdivision, proposed buildings, proposed parking, existing buildings, existing parking, and reduced landscaping.

APPLICATION NUMBER	9	DATE	February 22, 2024	N			
APPLICANT Fir							
REQUEST	QUEST Subdivision, PUD Modification						
				NTS			





ZONING DISTRICT CORRESPONDENCE MATRIX															
		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	7	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)

LIGHT INDUSTRY (LI)

This land use designation applies to an array of modern, low-impact industrial uses that include assembly and processing, warehousing, distribution and wholesaling facilities. The bulk of the light industrial use must be contained within a building or facility. If a light industrial use requires outside storage, the storage must be limited in area and appropriately screened from view in accordance to specific zoning requirements. This designation may also include uses such as complementary offices and retail.

LI also includes areas that may be regarded as "industrial business", where the land uses include business administration and logistics operations for industrial concerns, building trade contractors facilities and advance research facilities, as well as stand-alone educational, scientific and industrial research facilities, or any combination of those facilities located in light industrial and technology parks. Many parcels used for industrial business are smaller and scattered throughout Mobile. For this reason, these parcels are not singled out in the FLUM, but rather are addressed through zoning.

Light industrial uses are characterized by attractive, accessible and connected development, compatible with the character of surrounding neighborhoods. Development may take the form of planned campuses in parklike settings or unified design corridors, with consideration to factors such as site and building orientation, building design, landscaping and buffering, lighting, continuity of pedestrian networks, access and connectivity to transit and to freight transportation.

Heavy commercial and, in some cases, high-density residential land uses may serve as transitions between LI and other, lower-intensity land use designations. Protection buffers may also be required by zoning.