



## Agenda Item # 10

SUB-002854-2024 & SUB-SW-002853-2024

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

[Applicant Materials for Consideration – Subdivision](#)

[Applicant Materials for Consideration – Sidewalk Waiver](#)

### DETAILS

**Location:**

2200 West I-65 Service Road South

**Subdivision Name:**

Fireside of Mobile Subdivision

**Applicant / Agent:**

Kari Givens, Byrd Surveying, Inc.

**Property Owners:**

I-65 Office II, LLC

**Current Zoning:**

B-3, Community Business Suburban District

**Future Land Use:**

Mixed Commercial Corridor

**Applicable Codes, Policies, and Plans:**

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

**Proposal:**

- Subdivision approval to create two (2) legal lots of record.
- Waive construction of a sidewalk along West I-65 Service Road South.

**Commission Considerations:**

1. Subdivision proposal with nine (9) conditions; and
2. Sidewalk Waiver request.


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## PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL



The site is surrounded by industrial and commercial units.

APPLICATION NUMBER <u>      10      </u> DATE <u>      March 21, 2024      </u>	 NTS
APPLICANT <u>      Fireside of Mobile Subdivision      </u>	
REQUEST <u>      Subdivision, Sidewalk Waiver      </u>	

## SITE HISTORY

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Subdivision of the site to create two (2) lots of record, Lots 1 and 2 of McGowin Interstate Subdivision, was approved in November 1991, and subsequently recorded in Mobile County Probate Court.

In March 2007 the Planning Commission approved the resubdivision of Lot 2 into eight (8) lots. Phase One of the 2007 subdivision was recorded as Lot 7 in Mobile County Probate Court, but no other plat of any other phase was recorded for the remaining lots. As such, the subject site is now composed of one (1) metes-and-bounds parcel.

An application for Height, Density, and Front Landscape Area Variances to allow apartment buildings taller than 45 feet, a density greater than 25 dwelling units per acre, and reduced front lot landscape area was approved at the March 4, 2024 Board of Zoning Adjustment meeting.

## STAFF COMMENTS

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### 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. National Wetlands Inventory (NWI) mapping, as shown on City of Mobile GIS information, indicates that there is potential for wetlands within the property or properties shown on this plat. Show and label the delineated wetlands, or provide a note stating that the wetlands shown on this plat are scaled from the NWI data and have not been delineated.
- 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. Label the 10' DRAINAGE AND UTILITY EASEMENT along the east property line as "10' DRAINAGE (PRIVATE) AND UTILITY EASEMENT".
- E. Revise NOTE # 7 to read "As shown on the 1984 aerial photo (FLIGHT 24 - #82) LOTS A and B 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: LOT 1 – NONE AND LOT 2 – NONE.
- 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](mailto:land.disturbance@cityofmobile.org) prior to obtaining any signatures. No signatures are required on the drawing.

#### Sidewalk Waiver:

- 1. It appears that there is sufficient room behind the existing roadway ditch for the construction of a sidewalk that could be approved through the Permitting 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 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 non-sprinklered commercial buildings and within 300' of all sprinklered commercial buildings. Fire water supply for all commercial buildings will be required to meet the guidance of Appendices B and C of the 2021 International Fire Code. The minimum requirement for fire hydrants is to be within 400' of non-sprinkled commercial buildings, within 600' of sprinkled commercial buildings, and within 100' of fire department connections (FDC) for both standpipes and sprinkler systems.

## **Planning Comments:**

### **Subdivision**

The purpose of this application is to create two (2) legal lots of record from one (1) metes-and-bounds parcel. The site is served by public water and sanitary sewer services.

The proposed lots have frontage on West I-65 Service Road North, an ALDOT-maintained street that services Interstate 65 and requires a 300-foot right-of-way. A varying right-of-way is depicted along West I-65 Service Road North at this location, with a note indicating the minimum right-of-way is 300 feet; therefore, this note should be retained on the Final Plat, if approved.

Proposed Lot A abuts the Montlimar Creek Drainage Canal, to the West, which is depicted with a 200-foot right-of-way and is consistent with the previously approved subdivision of the site. As such, if approved, this information should be retained on the Final Plat.

Both lots, as proposed, exceed the minimum size requirement for lots served by public water and sanitary sewer in a B-3 Suburban district, and are appropriately labeled in square feet and acres. If approved, this information should be retained on the Final Plat; or, provision of a table on the Final Plat with the same information will suffice.

The 25-foot minimum front yard setback is illustrated along West I-65 Service Road South, in compliance with Article 2, Section 64-2-14.E. of the Unified Development Code for lots zoned B-3.

A 10-foot drainage easement is depicted along West I-65 Service Road North, and a 15-foot sanitary sewer easement is depicted along Montlimar Creek Drainage Canal, to the West. A note on the preliminary plat states no structures shall be constructed in any easement without permission of the easement holder, and should be retained on the Final Plat, if approved.

The site is currently undeveloped, but plans to construct a two (2)-phase apartment complex are forthcoming. Approval of the subdivision will create two (2) lots that share access between the two (2) phases, which is permissible by Article 3, Section 64-3-4.C. of the UDC, subject to the recording of the appropriate legal instrument

establishing such access. As such, if approved, revision of the plat should be required to depict the appropriate easement that facilitates cross access between the two (2) properties; or provision of a legal document providing the same information and recorded in Mobile County Probate Court may instead be accepted, prior to signing of the Final Plat.

### **Sidewalk Waiver**

As mentioned, the applicant plans to develop an apartment complex on the site, one (1) phase on each proposed lot. As such, full compliance with the UDC standards is required which includes the provision of a sidewalk along West I-65 Service Road South.

The applicant's narrative is available via the link on the first page of this report. The applicant references a lack of sidewalk connections in the area, and a roadside ditch that would make sidewalk construction difficult, as justification for the request.

There are no sidewalks within the vicinity of the subject site, and Engineering states that it appears there is sufficient room behind the existing roadway ditch for the construction of a sidewalk that could be approved through the Permitting process.

## **SUBDIVISION CONSIDERATIONS**

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### **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. Retention of the right-of-way width(s) as depicted on the preliminary plat;
2. Retention of the lot sizes in both square feet and acres, or the provision of a table on the Final Plat with the same information;
3. Retention of the 25-foot front yard setback along West I-65 Service Road South;
4. Retention of a note on the Final Plat stating no structures shall be constructed in any easement without permission of the easement holder;
5. Revision of the Final Plat to illustrate a cross-access easement, or provision of a recorded legal document with the same information, prior to signing of the Final Plat;
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.

## SIDEWALK WAIVER CONSIDERATIONS

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### **Standards of Review:**

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.

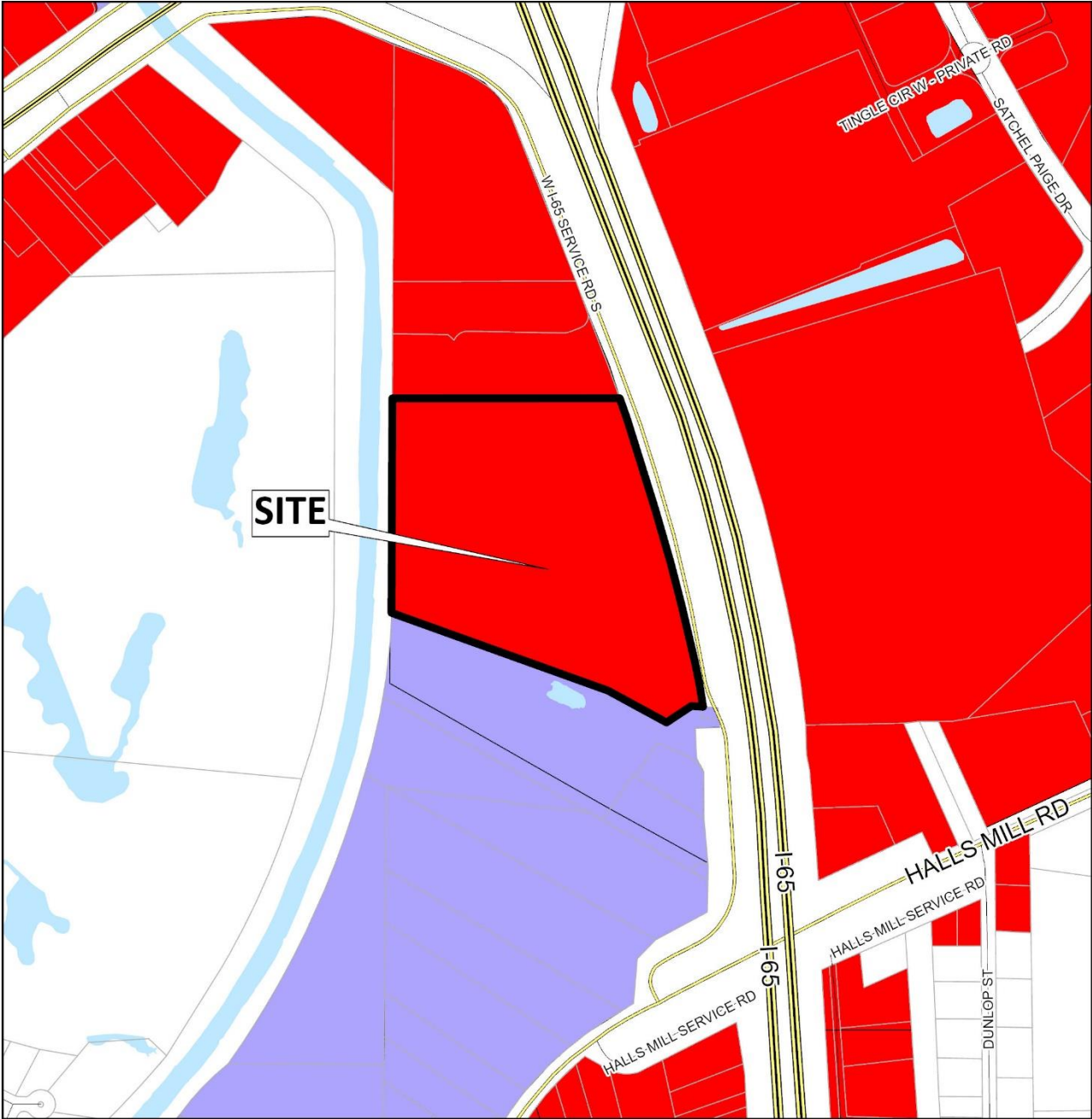
Sidewalks are typically encouraged, even in industrial developments, although the appropriateness of sidewalks should also take into account the existing infrastructure in the area, i.e., does the construction of the existing roadway safely allow for a sidewalk to be utilized.

### **Considerations:**

In rendering a decision, the Planning Commission should evaluate the following factors:

1. The City of Mobile Complete Streets Policy which supports the design and construction of streets for all users, including pedestrians;
2. The existing infrastructure in the area, such as adequate room for construction of a sidewalk, as well as connectivity to existing sidewalks; and
3. Engineering comments, which indicate there is sufficient room behind the existing roadway ditch for the construction of a sidewalk that could be approved through the Permitting process.

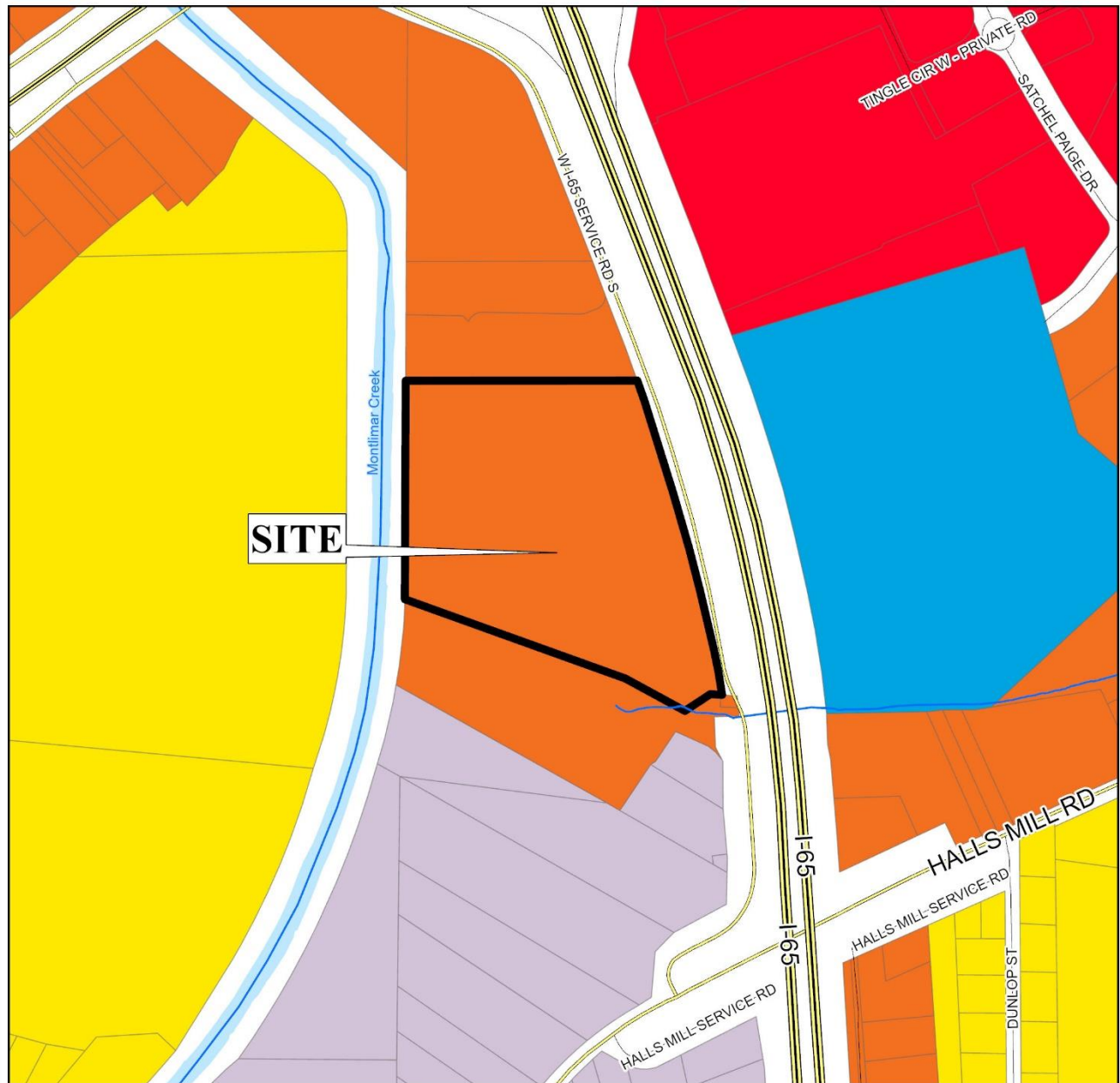
# LOCATOR ZONING MAP



APPLICATION NUMBER	10	DATE	March 21, 2024
APPLICANT	Fireside of Mobile Subdivision		
REQUEST	Subdivision, Sidewalk Waiver		



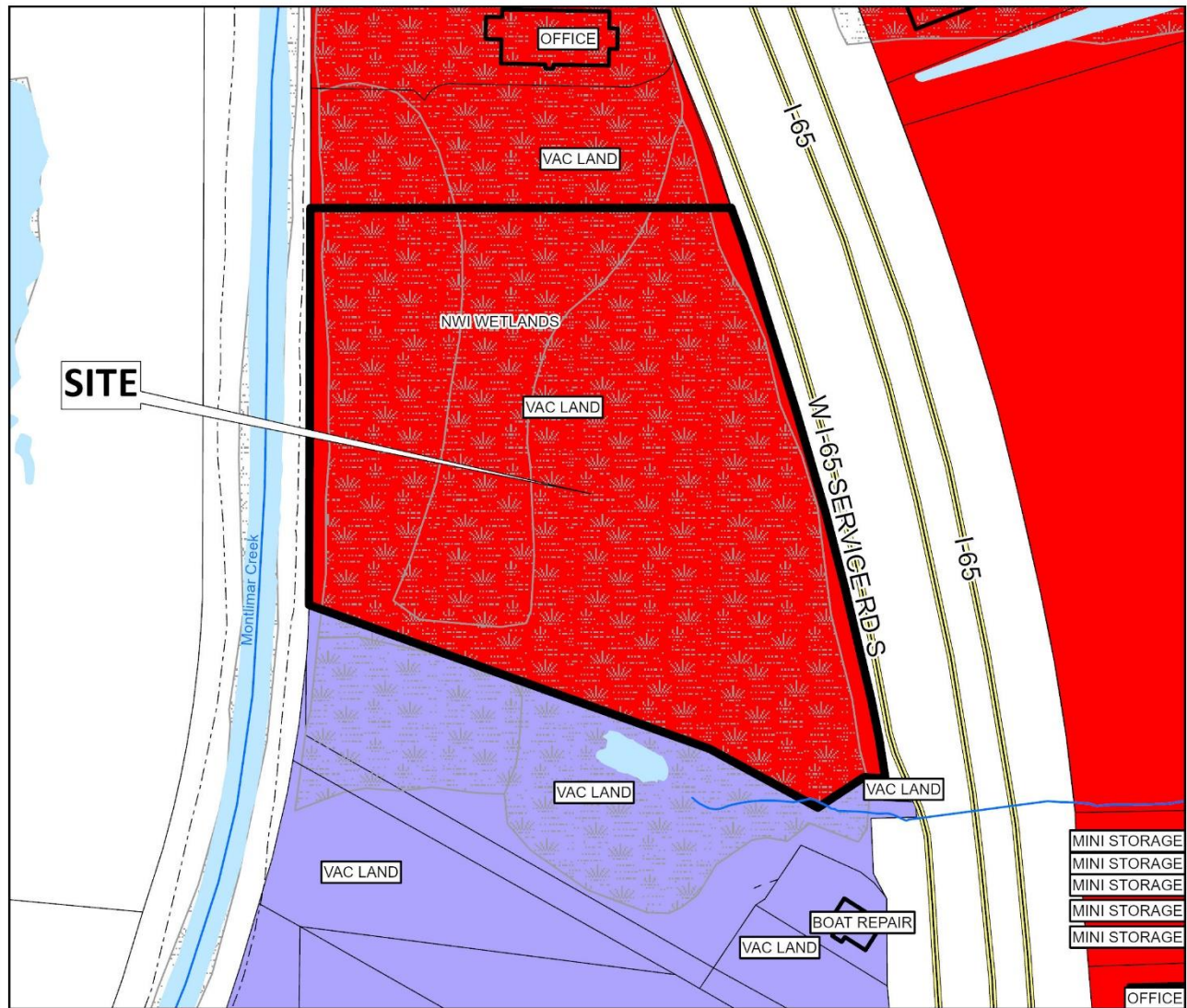
# FLUM LOCATOR MAP



APPLICATION NUMBER <u>10</u> DATE <u>March 21, 2024</u>		 NTS	
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<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: yellow; border: 1px solid black; margin-right: 5px;"></span> Low Density Residential</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: orange; border: 1px solid black; margin-right: 5px;"></span> Mixed Density Residential</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: red; border: 1px solid black; margin-right: 5px;"></span> District Center</li> </ul>	<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: darkred; border: 1px solid black; margin-right: 5px;"></span> Neighborhood Center - Traditional</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: blue; border: 1px solid black; margin-right: 5px;"></span> Neighborhood Center - Suburban</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: pink; border: 1px solid black; margin-right: 5px;"></span> Traditional Corridor</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: orange; border: 1px solid black; margin-right: 5px;"></span> Mixed Commercial Corridor</li> </ul>	<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: brown; border: 1px solid black; margin-right: 5px;"></span> Downtown Waterfront</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: lightpurple; border: 1px solid black; margin-right: 5px;"></span> Light Industry</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: purple; border: 1px solid black; margin-right: 5px;"></span> Heavy Industry</li> </ul>	<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: lightgreen; border: 1px solid black; margin-right: 5px;"></span> Parks &amp; Open Space</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: darkblue; border: 1px solid black; margin-right: 5px;"></span> Water Dependent</li> </ul>



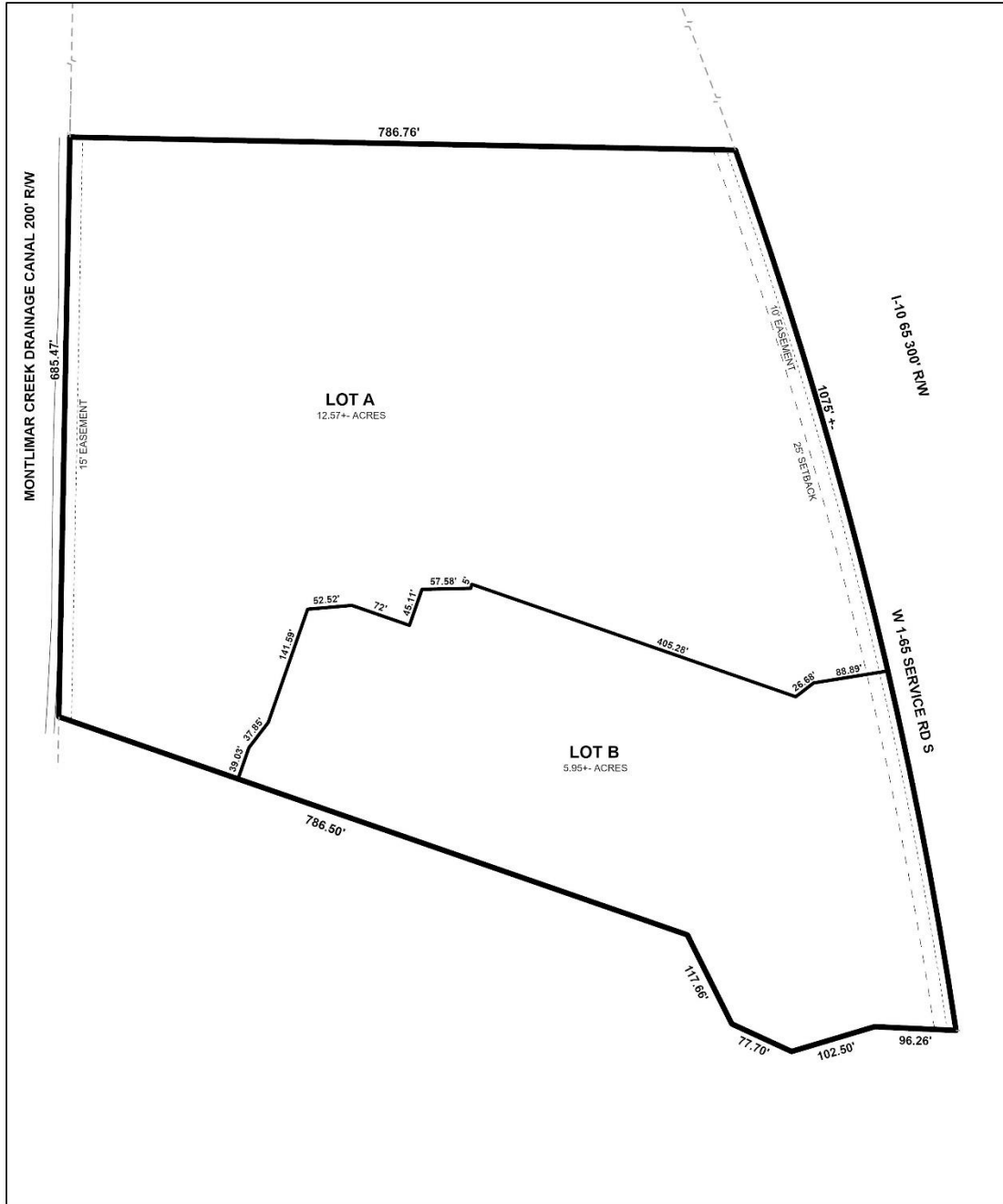
# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING




The site is surrounded by industrial and commercial units.

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<table style="width: 100%; font-size: small;"> <tr> <td style="width: 12.5%;">R-A</td><td style="width: 12.5%;">R-3</td><td style="width: 12.5%;">B-1</td><td style="width: 12.5%;">B-2</td><td style="width: 12.5%;">B-5</td><td style="width: 12.5%;">ML</td><td style="width: 12.5%;">I-2</td><td style="width: 12.5%;">OPEN</td><td style="width: 12.5%;">T-3</td><td style="width: 12.5%;">T-5.2</td> </tr> <tr> <td>R-1</td><td>R-B</td><td>T-B</td><td>B-3</td><td>CW</td><td>MH</td><td>PD</td><td>SD</td><td>T-4</td><td>T-6</td> </tr> <tr> <td>R-2</td><td>H-B</td><td>LB-2</td><td>B-4</td><td>MM</td><td>I-1</td><td>MUN</td><td>SD-WH</td><td>T-5.1</td><td></td> </tr> </table>		R-A	R-3	B-1	B-2	B-5	ML	I-2	OPEN	T-3	T-5.2	R-1	R-B	T-B	B-3	CW	MH	PD	SD	T-4	T-6	R-2	H-B	LB-2	B-4	MM	I-1	MUN	SD-WH	T-5.1	
R-A	R-3	B-1	B-2	B-5	ML	I-2	OPEN	T-3	T-5.2																						
R-1	R-B	T-B	B-3	CW	MH	PD	SD	T-4	T-6																						
R-2	H-B	LB-2	B-4	MM	I-1	MUN	SD-WH	T-5.1																							

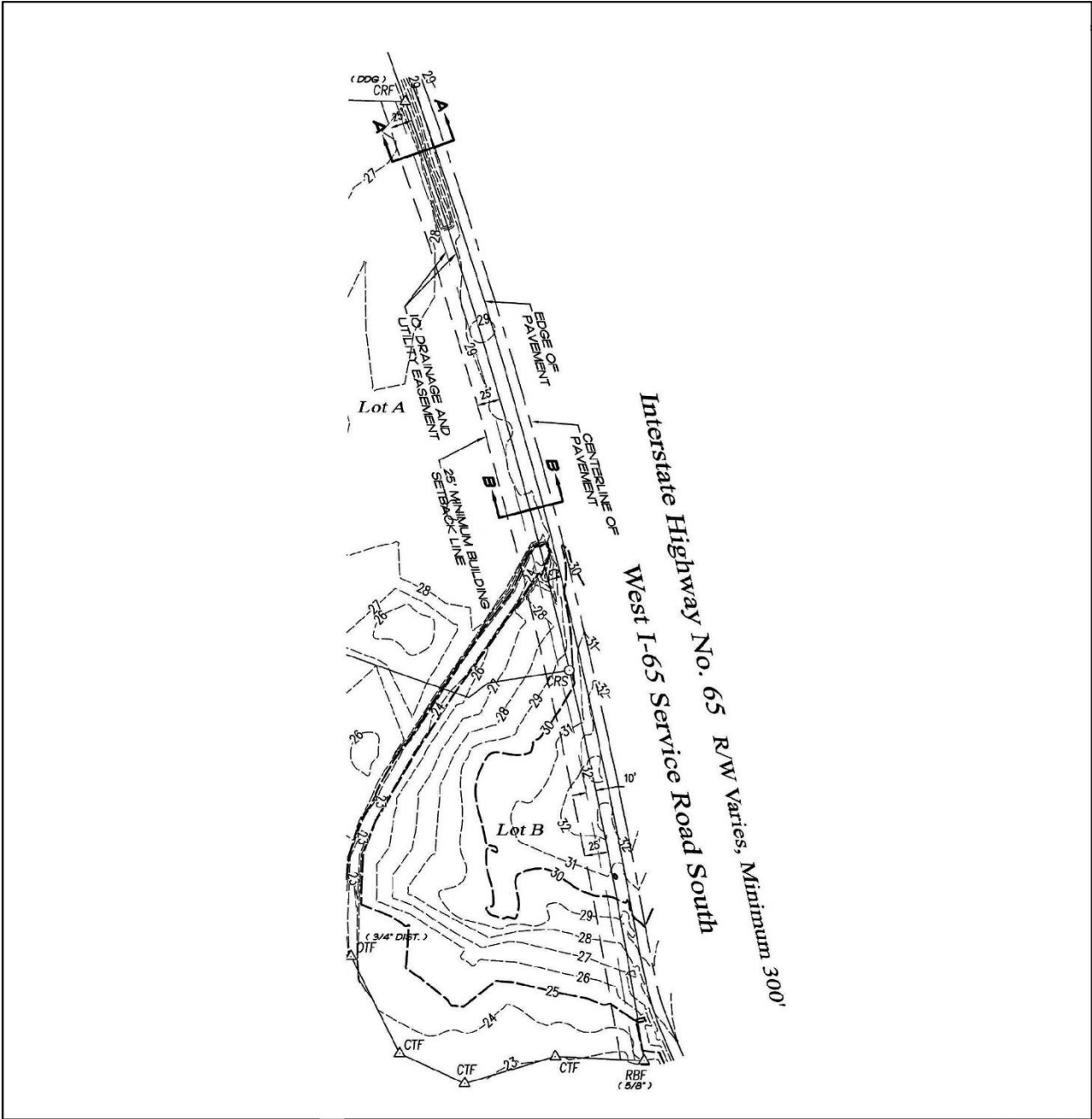
## SITE PLAN



The site plan illustrates the proposed lot boundaries, setbacks, and easements.

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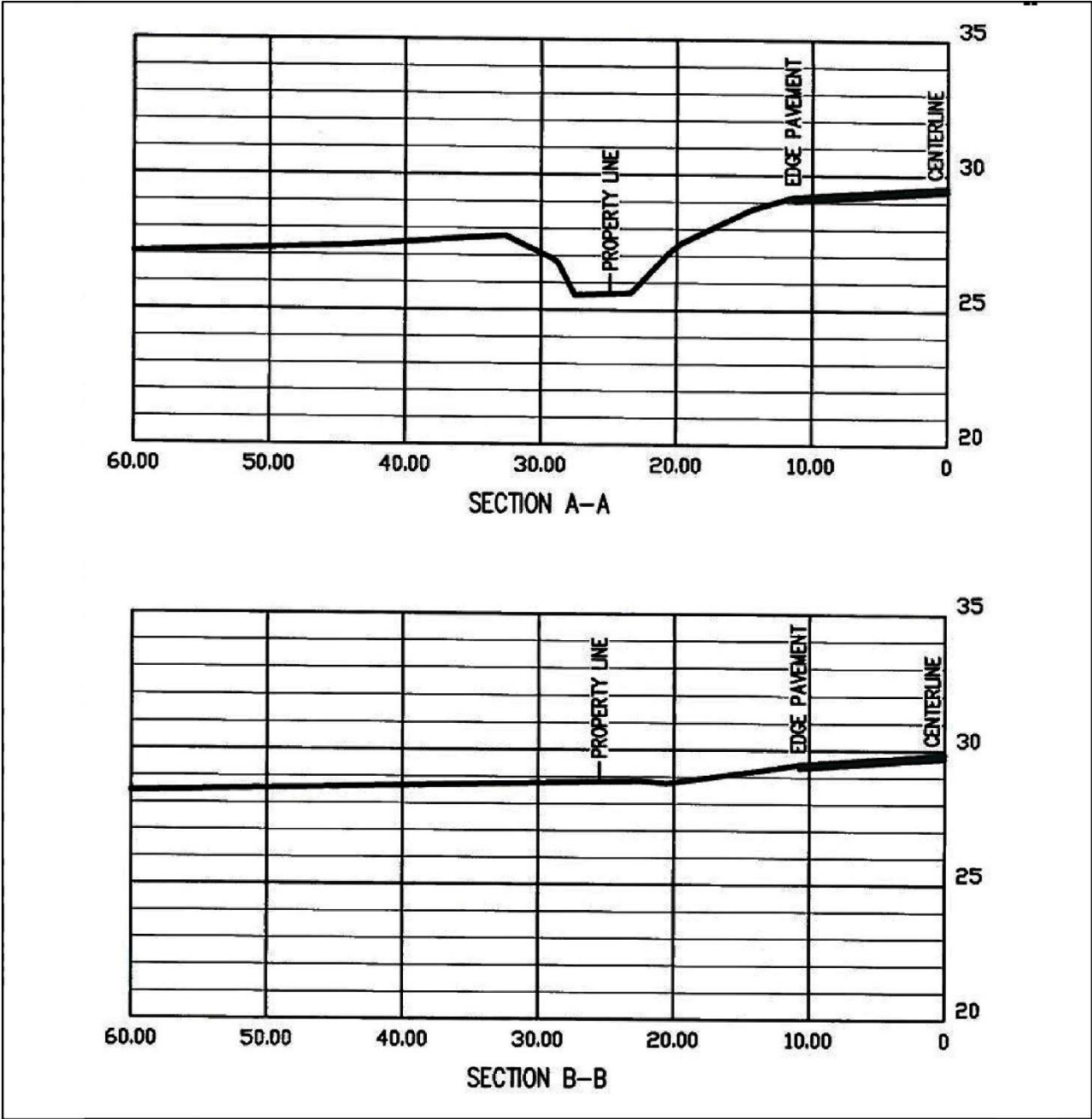
# DETAIL SITE PLAN



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# DETAIL SITE PLAN



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ZONING DISTRICT CORRESPONDENCE MATRIX		LOW 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)	LIGHT INDUSTRIAL (LI)	HEAVY INDUSTRY (HI)	INSTITUTIONAL LAND USE (INS)	PARKS & OPEN SPACE (POS)	DOWNTOWN WATERFRONT (DW)	WATER DEPENDENT USES (WDWRU)
RESIDENTIAL - AG	R-A														
ONE-FAMILY RESIDENCE	R-1	■				■		■					□		
TWO-FAMILY RESIDENCE	R-2	■				■		■					□	○	
MULTIPLE-FAMILY	R-3	○	■			■	■						□	○	
RESIDENTIAL-BUSINESS	R-B		○			■		■					□	○	
TRANSITIONAL-BUSINESS	T-B		○		■	■	■	■					□		
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									○	○		□		
DOWNTOWN DEV. DD	SD	○	○	○	○	○	○	○		○	○		□		
BUFFER BUSINESS	B-1		□			□	■	■	■				□	○	
NEIGH. BUSINESS	B-2		○			□	■	■	■				□	○	
LIMITED BUSINESS	LB-2		○			□	■	■	■				□	○	
COMMUNITY BUSINESS	B-3				■				■			○	□	○	
GEN. BUSINESS	B-4			■					■			○	□	○	
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)

## MIXED COMMERCIAL CORRIDOR (MCC)

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.