

**PLANNED UNIT DEVELOPMENT
& SUBDIVISION STAFF REPORT****Date: May 15, 2014****DEVELOPMENT NAME**MLK Avenue Redevelopment Corporation Subdivision,
Resubdivision of Lot 1A**SUBDIVISION NAME**MLK Avenue Redevelopment Corporation Subdivision,
Resubdivision of Lot 1A**LOCATION**320 North Broad Street
(Northeast corner of North Broad Street and Congress
Street)**CITY COUNCIL
DISTRICT**

District 2

AREA OF PROPERTY2 Lots/2.8 ± Acres (Subdivision)
3 Lots/4.1 ± Acres (PUD)**CONTEMPLATED USE**Planned Unit Development Approval to amend a
previously approved Planned Unit Development to allow shared access between two building
sites and Subdivision Approval to create 2 lots by subdividing an existing legal lot.**TIME SCHEDULE
FOR DEVELOPMENT**

Immediate.

**ENGINEERING
COMMENTS****Subdivision**

The following comments should be addressed prior to acceptance and signature by the City Engineer:

- A. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 29 - # 75) each LOT will receive historical credit of impervious area towards storm water detention requirement per the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045), latest edition. Coordinate with City Engineering Department staff to establish the exact amount prior to the submittal of the Land Disturbance Permit application.
- B. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.

Planned Unit Development

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 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. Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.
3. Each Lot Owner shall be required to submit a Land Disturbance Permit application 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, paving, and all above ground structures, 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.
4. Add a note to the PUD Plan stating that the proposed development must comply with all Engineering Department Policy Letters:
 - i. 5-13-2009 Policy Letter(Car wash drains and dumpster pads to drain to Sanitary Sewer System)

TRAFFIC ENGINEERING

COMMENTS

Broad Street is an ALDOT maintained roadway. Broad Street is limited to a maximum of two curb cuts, with size, location and design to be approved by ALDOT and Traffic Engineering and conform to AASHTO standards. Congress Street is limited to a maximum of two curb cuts, and Lyons Street is limited to one curb cut, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.

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 (State Act 61-929 and City Code Chapters 57 and 64)

FIRE DEPARTMENT

COMMENTS

All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.

MAWSS COMMENTS

MAWSS has water and sewer services available, but a Capacity Assurance application for sewer service has not been applied for. MAWSS cannot guarantee sewer service until the Capacity application is approved by Volkert Engineering Inc.

REMARKS

The applicant is requesting Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow shared access between two building sites and Subdivision Approval to create 2 lots by subdividing an existing legal lot.

Planned Unit Development 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. PUD approval is **site plan specific**, thus any changes to the site plan / Subdivision plat will require approval by the Planning Commission.

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 purpose of the subdivision request for this site is to create 2 legal lots of record by subdividing an existing legal lot which was most recently approved by the Planning Commission at its January 3, 2013 meeting.

The preliminary plat illustrates the proposed 2.8 ± Acre subdivision which is located at the Northeast corner of North Broad Street and Congress Street. The site is located in Council District 2 and the applicant states that the subdivision is served by city water and sanitary sewer.

In accordance to the Subdivision Regulations, both proposed lots appear to exceed the minimum size requirements; however, the lot sizes in square feet and acres differ on both the preliminary plat and site plan. If approved, the preliminary plat and site plan should be revised to reflect the correct lot size in both square feet and acres.

As the site is located within a B-4, General Business District, the Zoning Ordinance has no required front yard setback within this District and therefore, it would seem appropriate to waive Section V.D.9. of the Subdivision Regulations in regards to the minimum front yard setback.

The site fronts North Broad, Congress, and Lyon Streets. North Broad is a major street according to the Major Street Plan component of the Comprehensive Plan, with a compliant 120' right-of-way. Lyons and Congress Streets are both minor streets with compliant 70' and 80' of right-of-way respectively, and, as such, no dedication would be required.

As a means of access management, the site should be limited to the curb-cuts as recommended in the Traffic Engineering comments. Any changes to the size, design, and location of the existing curb-cuts should be approved by Traffic Engineering and ALDOT (as necessary), and conform to AASHTO standards.

The overall PUD site is developed with a strip shopping center on the existing Lot 1B, a proposed 9,977 square-foot retail building on the proposed Lot 2 and vacant land on the proposed Lot 1. It should be pointed out that as this PUD request is for shared access and not for shared parking between two lots, the proposed retail building for the proposed Lot 2 would require 34 parking spaces and, as 48 are proposed, parking for the proposed Lot 2 appears to be compliant.

All proposed parking areas for the proposed Lot 2 also appear to be compliant in terms of travel aisle width and parking stall dimensions; however, it should be pointed out that the proposed handicapped parking spaces appear to be substandard as it relates to City of Mobile standards, and should comply with the minimum standards set forth in Section 64-6. of the Zoning ordinance: all parking spaces should be a minimum of 9' in width, with accessible spaces additionally having an adjacent access aisle of a width applicable for regular and van accessible spaces.

Although the Planning Section does not enforce accessible parking or ADA, certain aspects of ADA do impact site design, and as PUDs are site plan specific, a revised PUD site plan should depict design compliance with the requirements of the ADA for all proposed accessible parking.

The site plan also shows proposed development on Lot 2 crossing the proposed lot line into Lot 1 with parking access aisle. The Lot line should be adjusted to include this in Lot 2.

The site plan depicts an existing 13,750 square-foot retail building divided into separate tenant spaces located on the existing Lot 1B. Currently, the existing building would require 46 parking spaces at a ratio of 1 parking space for every 300 square feet. As there are 73 existing parking spaces on the lot, parking appears compliant; however, parking could be an issue if any restaurant uses are proposed in the future within any existing suite.

It should be pointed out that there was no signage information provided for the proposed retail building to be located on the proposed Lot 2. Also, as no plans or additional information was provided regarding the building layout, Staff cannot determine whether the proposed Lot 2 will be a single or multi-tenant site.

The applicant should keep in mind that as PUDs are site plan specific, the PUD site plan should be revised to depict the location of any proposed freestanding sign structure and comply with Section 64-11. of the Zoning Ordinance at the time of permitting.

Sidewalks are shown on the site plan as well as proposed dumpster locations along with a note acknowledging compliance with Section 64-4.D.9. of the Zoning Ordinance. If approved, the note and illustrations should be retained on any revised PUD site plan.

Landscaping notes are included on the site plan; however, no new trees or landscaping are illustrated. The applicant has made reference to obtaining tree credits for two existing trees on the site, but the site plan does not depict any additional trees which may be required for compliance with the Zoning Ordinance. It should be noted that if there is a desire for credits for existing trees, the applicant should refer to Section 64-4.E.4. of the Zoning Ordinance. The site plan should be revised to depict full tree and landscaping compliance and identify any trees meeting the criteria which qualify for tree credits.

Any new lighting on the site will have to comply with the requirements of Sections 64-4.A.2., 64-6.A.3.c., and 64-6.A.8. of the Zoning Ordinance. A note reflecting this requirement should appear on the site plan, and photometric plans will be required at the time of permitting.

The PUD site plan and preliminary plat illustrate a 15' Fiber Optics Easement near the southwestern corner of the proposed Lot 2. If approved, a note should be placed on the PUD site plan and Final Plat stating that no permanent structure can be constructed in any easement.

It should also be pointed out that the site plan depicts a small 8' x 8' shed, also within southwestern portion of the proposed Lot 2. Photographic data confirms the portable shed was removed from the site between 2011 and 2013 and, as such, the site plan should be revised to reflect the removal of the structure.

The applicant should also be aware of the proposed Form Based Code which is planned for the downtown area. Although not adopted at the time of this report, the adoption of this code would add additional site and building-related requirements for any proposed development or future renovations of this site.

GIS data indicates the entire site to be within the X-Shaded Flood Zone and partially within the AE Flood Zone associated with Mobile River and Three Mile Creek. The proximity of the site to water may mean that the site is environmentally sensitive, thus approvals from local, state and federal agencies for floodplain issues may be required prior to development.

The geographic area defined by the city of Mobile and its planning jurisdiction, including this site, may contain Federally-listed threatened or endangered species as well as protected non-game species. Development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.

RECOMMENDATION

Subdivision: With a waiver of Section V.D.9. of the Subdivision Regulations, the application is recommended for tentative approval, subject to the following conditions:

- 1) Adjustment of the lot line between Lot 1 and Lot 2 so that all proposed development will occur entirely on Lot 2, and not cross over to Lot 1;
- 2) Revision of the Final Plat to depict the correct lot size in square feet and acres to coincide with the lot size on the PUD site plan;
- 3) Retention of the right-of-way widths for all streets;
- 4) Placement of a note on the Final Plat stating the site is limited to curb-cuts defined by Traffic Engineering Comments, with any changes to the size, design, and location to be approved by Traffic Engineering and ALDOT (as necessary), and conform to AASHTO standards;
- 5) Placement of a note on the Final Plat stating that no permanent structures can be constructed in any easement;
- 6) Placement of a note on the Final Plat stating: *(Development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.);*
- 7) Placement of a note on the Final Plat stating: *(Development of the site must comply with local, state and federal regulations regarding flood zones.);*
- 8) Compliance with Traffic Engineering Comments and placement of a note on the Final Plat stating: *(Broad Street is an ALDOT maintained roadway. Broad Street is limited to a maximum of two curb cuts, with size, location and design to be approved by ALDOT and Traffic Engineering and conform to AASHTO standards. Congress Street is limited*

to a maximum of two curb cuts, and Lyons Street is limited to one curb cut, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.);

- 9) Compliance with Engineering Comments: *(The following comments should be addressed prior to acceptance and signature by the City Engineer: A. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 29 - # 75) each LOT will receive historical credit of impervious area towards storm water detention requirement per the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045), latest edition. Coordinate with City Engineering Department staff to establish the exact amount prior to the submittal of the Land Disturbance Permit application. B. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.);*
- 10) 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 (State Act 61-929 and City Code Chapters 57 and 64).);*
- 11) Compliance with Fire Department Comments: *(All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.); and*
- 12) Submission of a revised PUD site plan prior to the signing of the Final Plat.

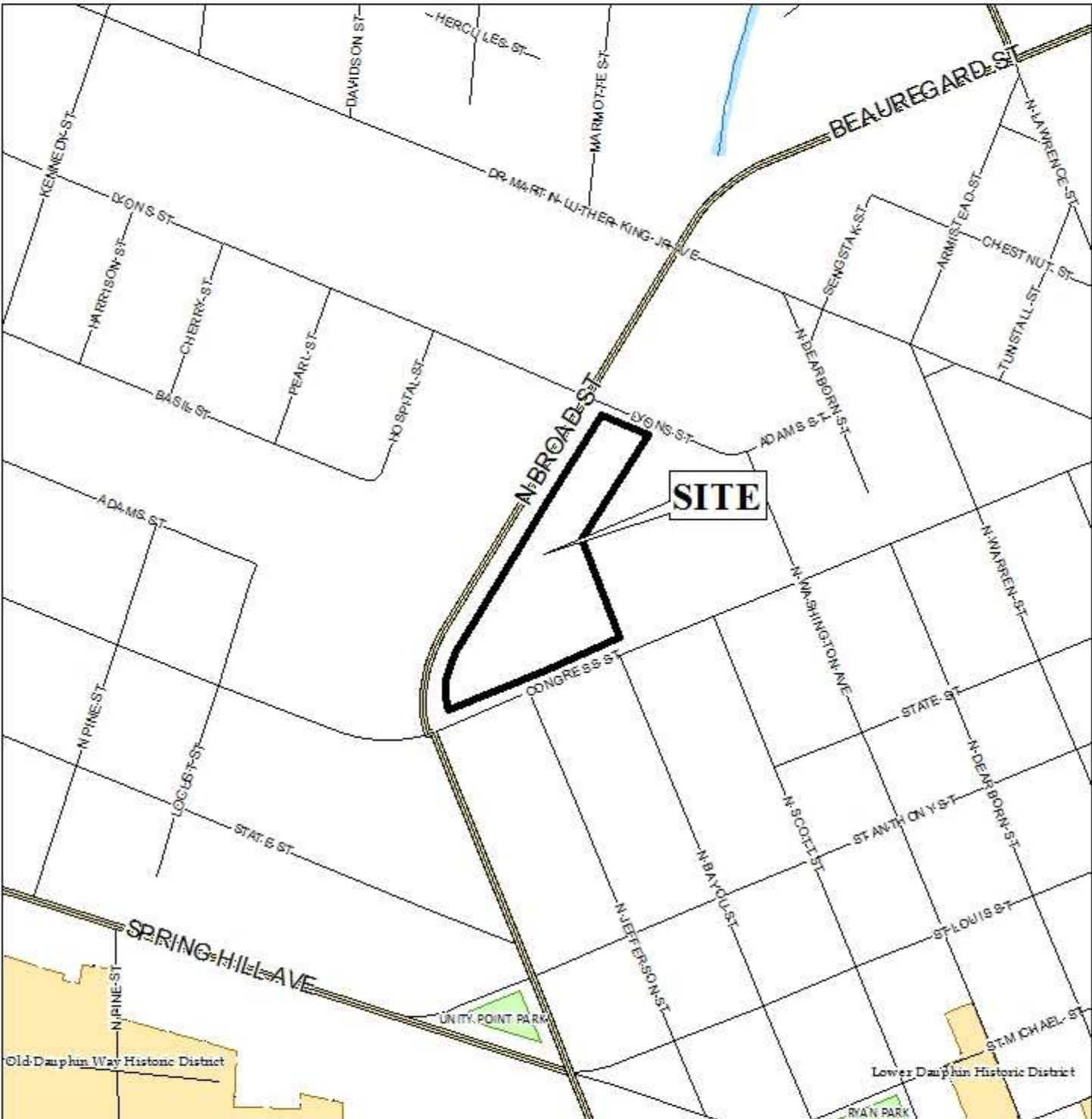
Planned Unit Development: The application is recommended for approval, subject to the following conditions:

- 1) Adjustment of the lot line between Lot 1 and Lot 2 so that all proposed development will occur entirely on Lot 2, and not cross over to Lot 1;
- 2) Revision of the site plan to depict the correct site and lot sizes in square feet and acres to coincide with the lot sizes on the Final Plat;
- 3) Revision of the site plan to illustrate compliant accessible parking spaces for the proposed Lot 2 and design compliance with the requirements of the applicable building code section 1106 (and 2010 ADA Standards for Accessible Design);
- 4) Revision of the site plan to identify any trees desired for tree credits and to reflect full compliance with Section 64-4.E. of the Zoning Ordinance regarding tree and landscaping compliance;
- 5) Revision of the site plan to depict any proposed lighting along with a note stating any new lighting on the site will have to comply with the requirements of Sections 64-4.A.2., 64-6.A.3.c., and 64-6.A.8. of the Zoning Ordinance;
- 6) Revision of the site plan to depict the location of any proposed freestanding sign structure and comply with Section 64-11. of the Zoning Ordinance at the time of permitting;
- 7) Revision of the site plan to reflect the removal of the 8' x 8' shed near the southwest corner of Lot 2;
- 8) Retention of sidewalks, proposed dumpster locations and associated notes on the site plan;
- 9) Placement of a note on the site plan stating that no permanent structure can be constructed in any easement;
- 10) Compliance with Traffic Engineering Comments and placement of a note on the site plan stating: *(Broad Street is an ALDOT maintained roadway. Broad Street is limited to a maximum of two curb cuts, with size, location and design to be approved by ALDOT and*

Traffic Engineering and conform to AASHTO standards. Congress Street is limited to a maximum of two curb cuts, and Lyons Street is limited to one curb cut, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.);

- 11) Compliance with Engineering Comments: (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 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. Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. 3. Each Lot Owner shall be required to submit a Land Disturbance Permit application 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, paving, and all above ground structures, 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. 4. Add a note to the PUD Plan stating that the proposed development must comply with all Engineering Department Policy Letters: i. 5-13-2009 Policy Letter(Car wash drains and dumpster pads to drain to Sanitary Sewer System).);
- 12) 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 (State Act 61-929 and City Code Chapters 57 and 64).);
- 13) Compliance with Fire Department Comments: (All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.); and
- 14) Completion of the Subdivision process prior to any request for building-related permits;
- 15) Submission of a revised PUD site plan prior to the signing of the Final Plat; and
- 16) Full compliance with all other municipal codes and ordinances.

LOCATOR MAP



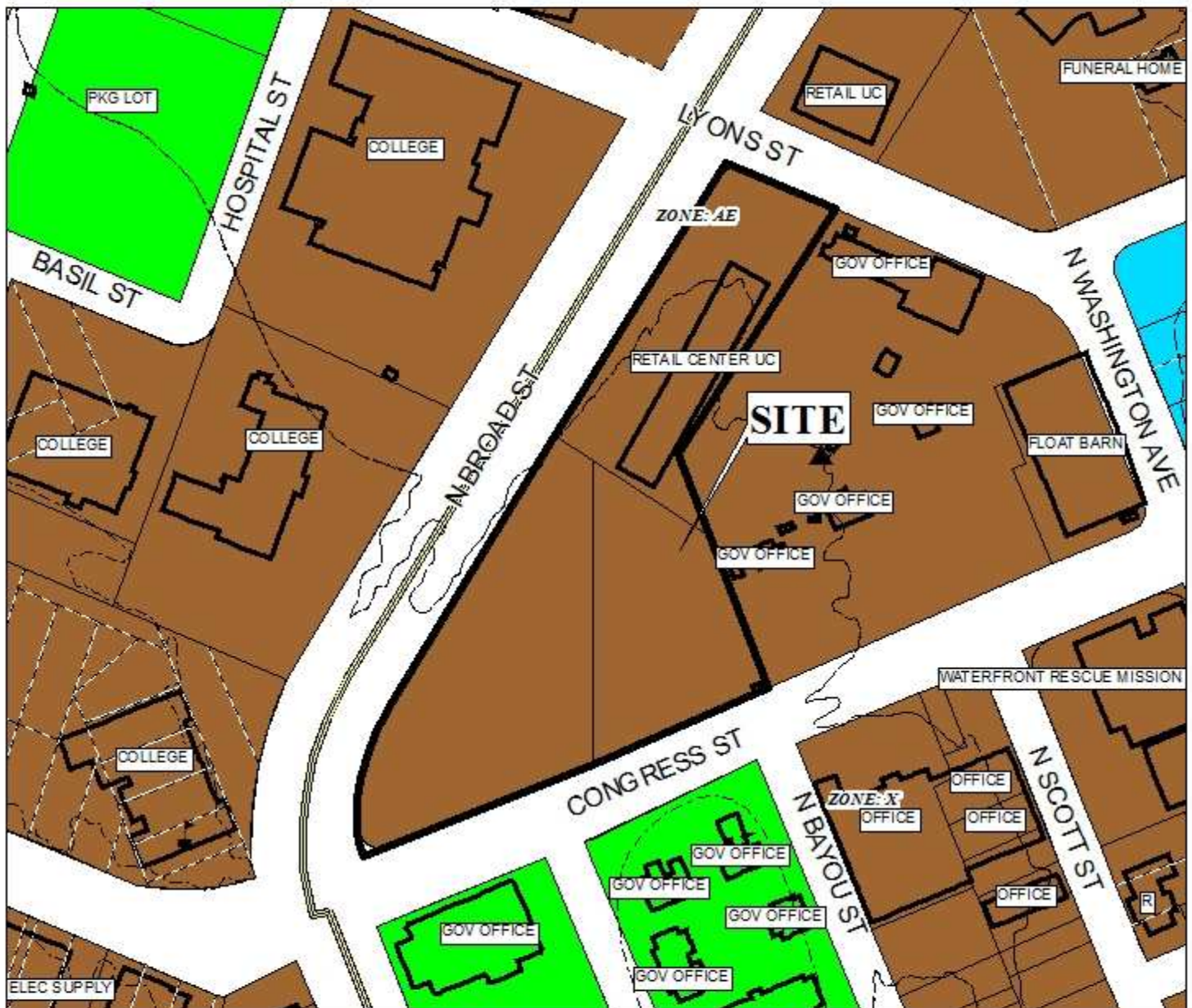
APPLICATION NUMBER 11 & 12 DATE May 15, 2014

APPLICANT MLK Avenue Redevelopment Corporation Subdivision, Resubdivision of Lot 1A

REQUEST Subdivision, Planned Unit Development



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



A community college is located to the west of the site.
Offices are located to the east and south of the site.

APPLICATION NUMBER 11 & 12 DATE May 15, 2014

APPLICANT MLK Avenue Redevelopment Corp Subdivision, Resubdivision of Lot 1A

REQUEST Subdivision, Planned Unit Development

LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	T-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2
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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



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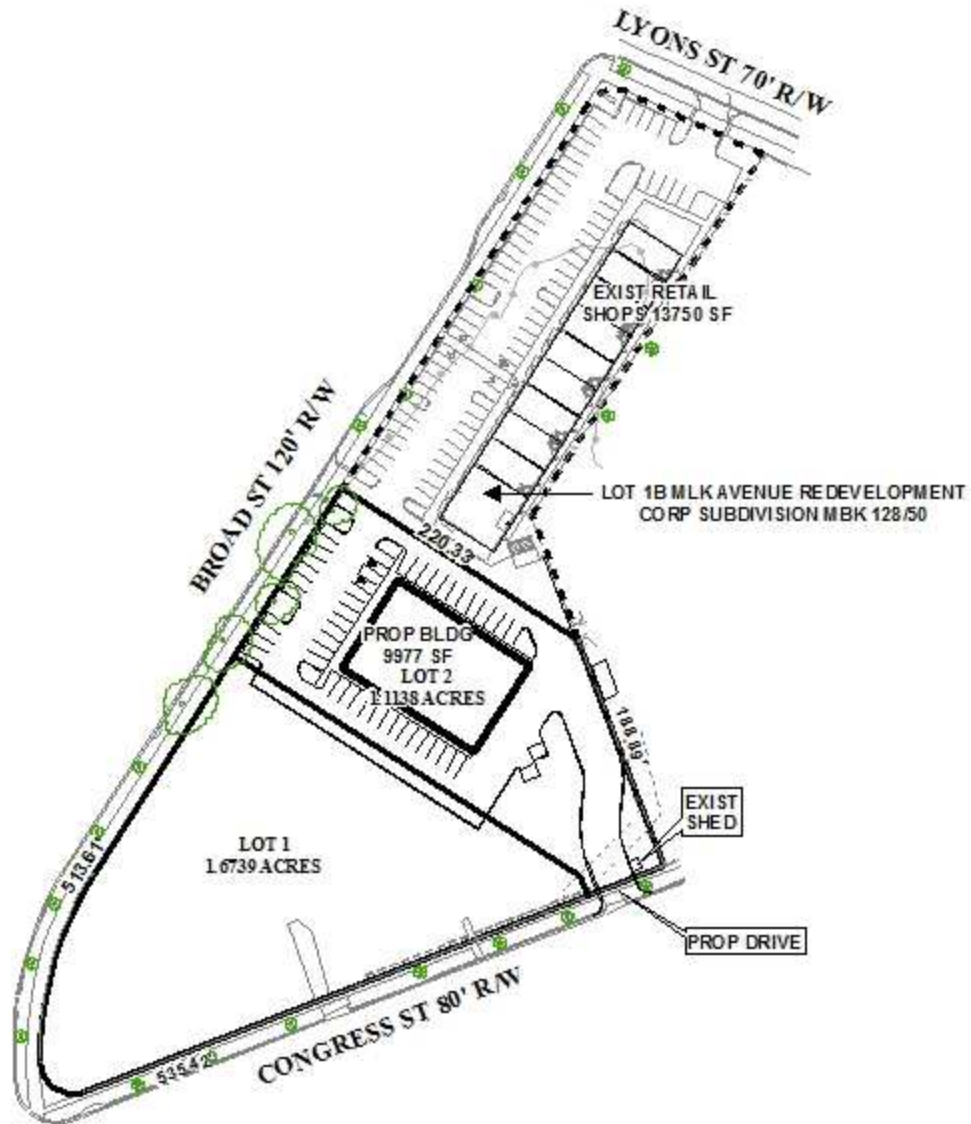
APPLICATION NUMBER 11 & 12 DATE May 15, 2014

APPLICANT MLK Avenue Redevelopment Corp Subdivision, Resubdivision of Lot 1A

REQUEST Subdivision, Planned Unit Development



SITE PLAN



The site plan illustrates the proposed building, parking, and drives.

APPLICATION NUMBER 11 & 12 DATE May 15, 2014

APPLICANT MLK Avenue Redevelopment Corporation Subdivision, Resubdivision of Lot 1A

REQUEST Subdivision, Planned Unit Development

