



## Agenda Item #: 11

### SUB-002538-2023 & MOD-002570-2023

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

[Applicant Materials for Consideration – Subdivision](#)

[Applicant Materials for Consideration – PUD Modification](#)

## DETAILS

**Location:**

2609 Cameron Street

**Subdivision Name (as applicable):**

EBM Midtown Subdivision, Resubdivision of Lot A

**Applicant / Agent (as applicable):**

Kari Givens, Byrd Surveying

**Property Owner:**

EBM Midtown Investments, LLC

**Current Zoning:**

B-2, Neighborhood Business Urban District

**Future Land Use:**

Traditional Center

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

- Unified Development Code (UDC)
- Subdivision Regulations
- Map for Mobile Comprehensive Plan

**Schedule for Development:**

- Not Applicable

**Proposal:**

- Subdivision approval to create two (2) legal lots of record
- Modification of a previously approved Planned Unit Development

**Commission Considerations:**

1. Subdivision proposal with ten (10) conditions; and
2. Modification of a previously approved Planned Unit Development with twelve (12) conditions.

**Report Contents:**


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# PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential units to the east, and commercial units to the west.

APPLICATION NUMBER <u>    11    </u> DATE <u>    July 20, 2023    </u>	 NTS
APPLICANT <u>    EBM Midtown Subdivision, Resubdivision of Lot A    </u>	
REQUEST <u>    Subdivision, PUD Modification    </u>	

## SITE HISTORY

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Between 1954 and 2008, multiple variances were approved by the Board of Adjustment to allow continued use and subsequent expansions of a commercial development across various residentially zoned parcels that currently comprise the subject site. Since 1991, consolidation of the parcels, rezoning to B-2, Neighborhood Business District, and Planned Unit Development (PUD) approvals by the Planning Commission and City Council have replaced the variances with respect to further expansion of the same commercial development. The most recent Subdivision and PUD applications were approved in January 2010. A Sidewalk Waiver was also approved by the Planning Commission in 2010 to waive the construction of a sidewalk along Cameron Street. In approving these requests, the Planning Commission and City Council placed several conditions on the site, including, but not limited to, denial of access to Alexander Street and compliance with the applicable residential buffer regulations.

## 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. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 26 - #78) LOTS 1 and 2 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 – 28,000 sf AND lot 2 – 2,200 sf.
- C. 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.

#### Modification of Planned Unit Development

ADD THE FOLLOWING NOTES TO THE PUD SITE PLAN:

1. Any work performed in the existing Public 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 Permitting Department (251-208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII).
2. A Land Disturbance Permit application shall be submitted 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 and paving 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.
3. Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.

4. A 25' riparian buffer may be required, during development, along the edge of anything considered by ADEM to be a water of the state.
5. Any existing or proposed detention facility shall be maintained as it was constructed and approved. The Land Disturbance Permit application for any proposed construction includes a requirement of a Maintenance and Inspection Plan (signed and notarized by the Owner) for the detention facility. This Plan shall run with the land and be recorded in the County Probate Office prior to the Engineering Department issuing their approval for a Final Certificate of Occupancy.
6. The approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. The Owner/Developer is responsible for acquiring all of the necessary permits and approvals.
7. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

### **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 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 applicant is proposing a 2-lot, 2.2±-acre subdivision by dividing a portion of the property developed for residential use from the remaining commercial portion. The site is served by public water and sanitary sewer services.

The proposed lots have frontage along Cameron Street and Alexander Street, both minor streets with sufficient rights-of-way. Lot 1 also fronts an 18±-foot alley, labeled Boyles Lane, to the West. If approved, this information should be retained on the Final Plat.

A sufficient radius is depicted at the intersection of Cameron Street and Alexander Street, in compliance with Section 6.B.12. of the Subdivision Regulations. If approved, this information should be retained on the Final Plat.

Both lots, as proposed, will exceed the minimum size requirements for lots served by public water and sanitary sewer in a B-2, Neighborhood Business Urban District. Each lot is labeled with its size in both square feet acres on

the preliminary plat, and this information should be retained on the Final Plat, if approved; or the provision of a table on the Final Plat with the same information will suffice.

A 25-foot front yard setback is illustrated along Cameron Street and Alexander Street, but only a 10-foot front yard setback is required for lots in a B-2, Neighborhood Business Urban District, per Article 2 Section 64-2-13.E. of the Unified Development Code (UDC). The applicant may retain the 25-foot setback, but if approved and the plat recorded in Mobile County Probate Court depicts a 25-foot front yard setback, future development of the properties will be subject to a front yard setback greater than what is required by the UDC. As such, at least a 10-foot front yard setback should be illustrated along Cameron and Alexander Streets on the Final Plat, if approved.

Both lots are developed with buildings that encroach within required front, side, and/or rear yard setbacks. A garage is also depicted on proposed Lot 2 and meets the required setbacks for a B-2, Buffer Business Urban District; however, aerial photos and Google Street View images show that an unenclosed carport was added to the garage sometime after 2010 and it encroaches on the required 10-foot front yard setback. The encroachments can be approved by the Planning Commission via the modified PUD site plan, but it should be noted that because of the reduced setbacks, approval of the subdivision will be contingent upon approval of the modified PUD. If approved, the plat should be revised to illustrate the existing garage with carport addition.

Regarding access management, City Council adopted an ordinance rezoning the property to B-2, Neighborhood Business District, at its June 18, 2002 meeting, with a condition that the site is denied access to Alexander Street. As such, if approved, a note should be placed on the Final Plat stating that both Lots 1 and 2 are denied direct access to Alexander Street.

### **Planned Unit Development Modification**

The most recently approved PUD allowed for multiple buildings on a single building site and off-site parking, to the West. There are no proposed physical modifications to the PUD site; the applicant is simply amending the most recently approved Subdivision and PUD approvals by placing the residential use on Lot 2 and the remaining commercial use on Lot 1. Any future development or redevelopment of either 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 the recorded site plan, if approved.

The site plan provided reflects the changes proposed by the associated Subdivision request, and includes the size of each proposed lot in square feet and acres. Both lots, as mentioned, are developed and contain one (1) or more buildings that encroach on the required 10-foot front yard setback. Furthermore, as mentioned, an unenclosed carport on proposed Lot 2 extends into the required front yard setback. As such, the site plan should be revised to illustrate the existing garage with carport addition.

The legal description noted on the PUD site plan includes Lot 84 of Tacon Place, which references the lot on which off-site parking for the commercial development is located. This information should be retained on the recorded site plan.

In compliance with the subdivision and rezoning from 2002, a note should be placed on the site plan stating that the site is denied direct access to Alexander Street. Additional conditions of the rezoning include: the provision of a landscaped berm along Alexander Street; screening of the parking lot visible from residential properties across Cameron Street; and compliance with the applicable residential buffer requirements where the site abuts residential properties. If approved, the site plan should be revised to either illustrate compliance with the rezoning conditions of approval, or a note should be placed on the recorded site plan stating the site must maintain compliance with these requirements.

In compliance with Traffic Engineering comments, the number of driveways, their sizes, locations, and designs are 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 Section 64-3-12 of the City's Unified Development Code. A note should be placed on the recorded site plan stating these comments.

## 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 lot size labels in both square feet and acres, or provision of a table on the Final Plat with the same information;
2. Retention of the right-of-way widths for each abutting street, as depicted on the preliminary plat;
3. Retention of the 25-foot corner radius at the intersection of Cameron Street and Alexander Street;
4. Retention of at least a 10-foot minimum building setback line along Cameron Street and Alexander Street, as required by Section 64-2-13.E. of the Unified Development Code;
5. Revision of the plat to illustrate the existing garage with carport addition;
6. Placement of a note on the Final Plat stating the subdivision is denied direct access to Alexander Street;
7. Compliance with all Engineering comments noted in this staff report;
8. Placement of a note on the Final Plat stating all Traffic Engineering comments noted in this staff report;
9. Compliance with all Urban Forestry comments noted in this staff report; and,
10. Compliance with all Fire Department comments noted in this staff report.

## PLANNED UNIT DEVELOPMENT MODIFICATION CONSIDERATIONS

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### Standards of Review:

The Unified Development Code (UDC) in 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:

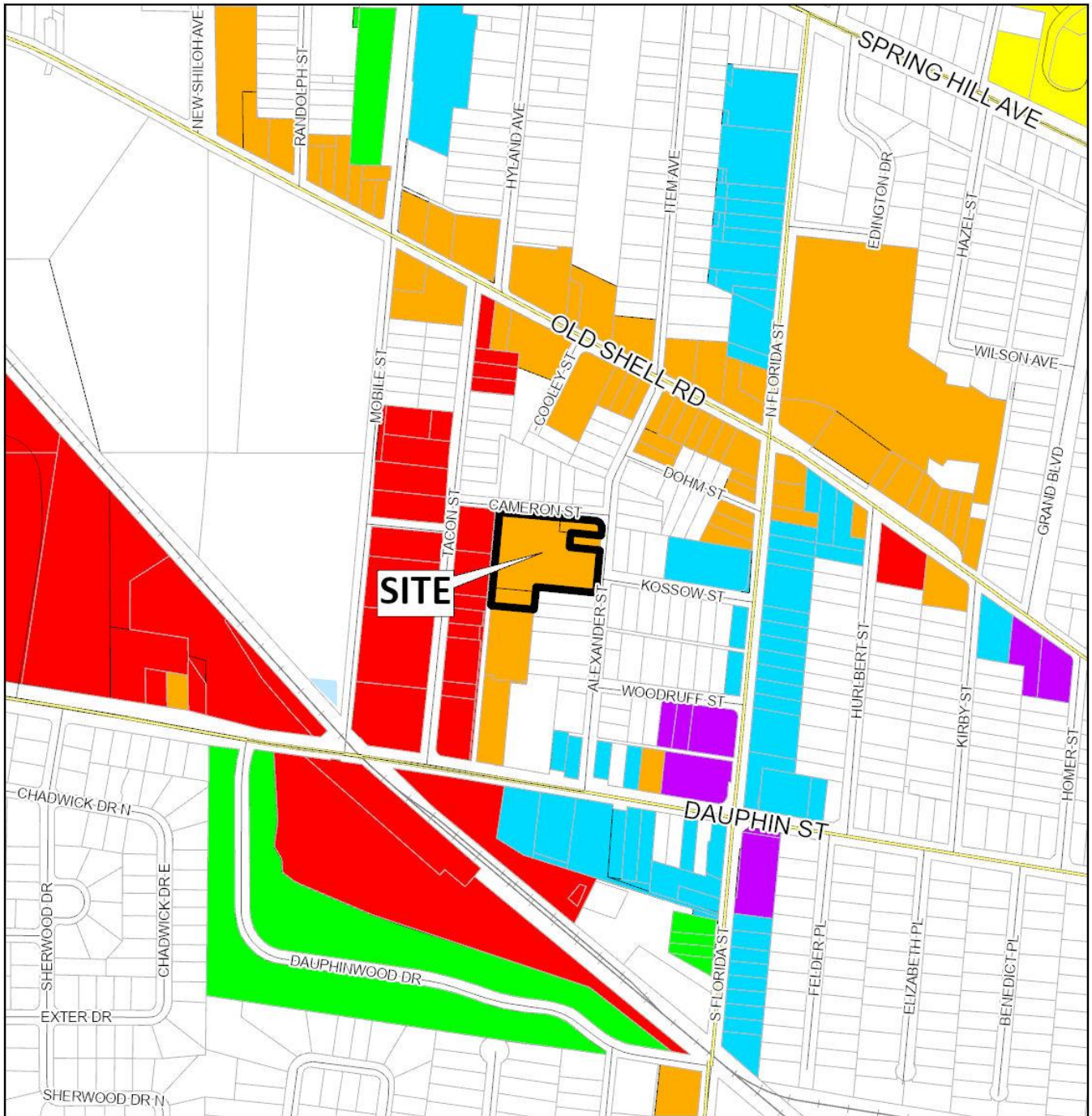
- a. In making this determination, the Planning Commission and City Council shall consider the location, type and height of buildings or structures, the type and extent of landscaping and screening, lighting, hours of operation or any other conditions that mitigate the impacts of the proposed development; 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 for the Modified Planned Unit Development, the following conditions could apply:

1. Provision of a note on a recorded site plan stating future development or development of the site may require additional modification of the PUD to be approved by the Planning Commission and City Council;
2. Retention of at least the 10-foot minimum building setback line along Cameron Street and Alexander Street, as required by Section 64-2-13.E. of the Unified Development Code;
3. Revision of the site plan to illustrate the existing garage with carport addition;
4. Revision of the site plan to illustrate compliance with the conditions of approval for rezoning ordinance 64-044 (adopted June 18, 2022 by the Mobile City Council), or provision of a note on the recorded site plan stating the site must comply with the rezoning conditions;
5. Placement of a note on the recorded site plan stating the subdivision is denied direct access to Alexander Street;
6. Compliance with all Engineering comments noted in this staff report;
7. Compliance with all Engineering comments noted in this staff report;
8. Compliance with all Traffic Engineering comments noted in this staff report;
9. Compliance with all Urban Forestry comments noted in this staff report;
10. Compliance with all Fire Department comments noted in this staff report;
11. 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 provision of a copy of the recorded site plan (hard copy and pdf) to Planning and Zoning; and,
12. Full compliance with all municipal codes and ordinances.

# LOCATOR ZONING MAP



APPLICATION NUMBER 11 DATE July 20, 2023

APPLICANT EBM Midtown Subdivision, Resubdivision of Lot A

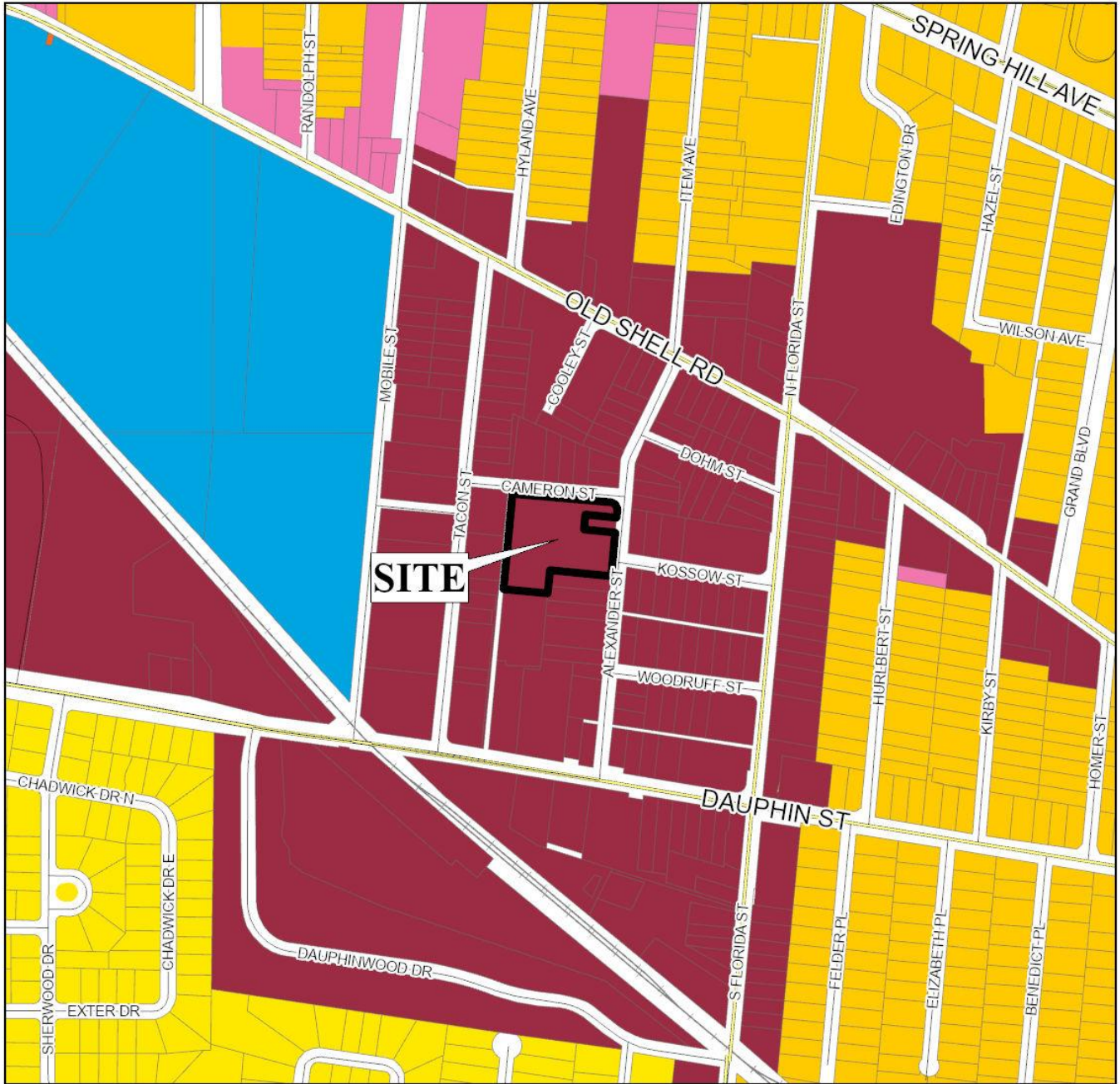
REQUEST Subdivision, PUD Modification



NTS



# FLUM LOCATOR MAP



APPLICATION NUMBER 11 DATE July 20, 2023  
 APPLICANT EBM Midtown Subdivision, Resubdivision of Lot A  
 REQUEST Subdivision, PUD Modification

- |   |   |  |  |
|---|---|--|--|
| <span style="color: yellow;">■</span> Low Density Residential   | <span style="color: maroon;">■</span> Neighborhood Center - Traditional | <span style="color: brown;">■</span> Downtown Waterfront | <span style="color: lightgreen;">■</span> Parks & Open Space |
| <span style="color: orange;">■</span> Mixed Density Residential | <span style="color: blue;">■</span> Neighborhood Center - Suburban      | <span style="color: lightgrey;">■</span> Light Industry  | <span style="color: darkblue;">■</span> Water Dependent      |
| <span style="color: pink;">■</span> Downtown                    | <span style="color: lightpink;">■</span> Traditional Corridor           | <span style="color: purple;">■</span> Heavy Industry     |  |
| <span style="color: red;">■</span> District Center              | <span style="color: orange;">■</span> Mixed Commercial Corridor         | <span style="color: cyan;">■</span> Institutional        |  |



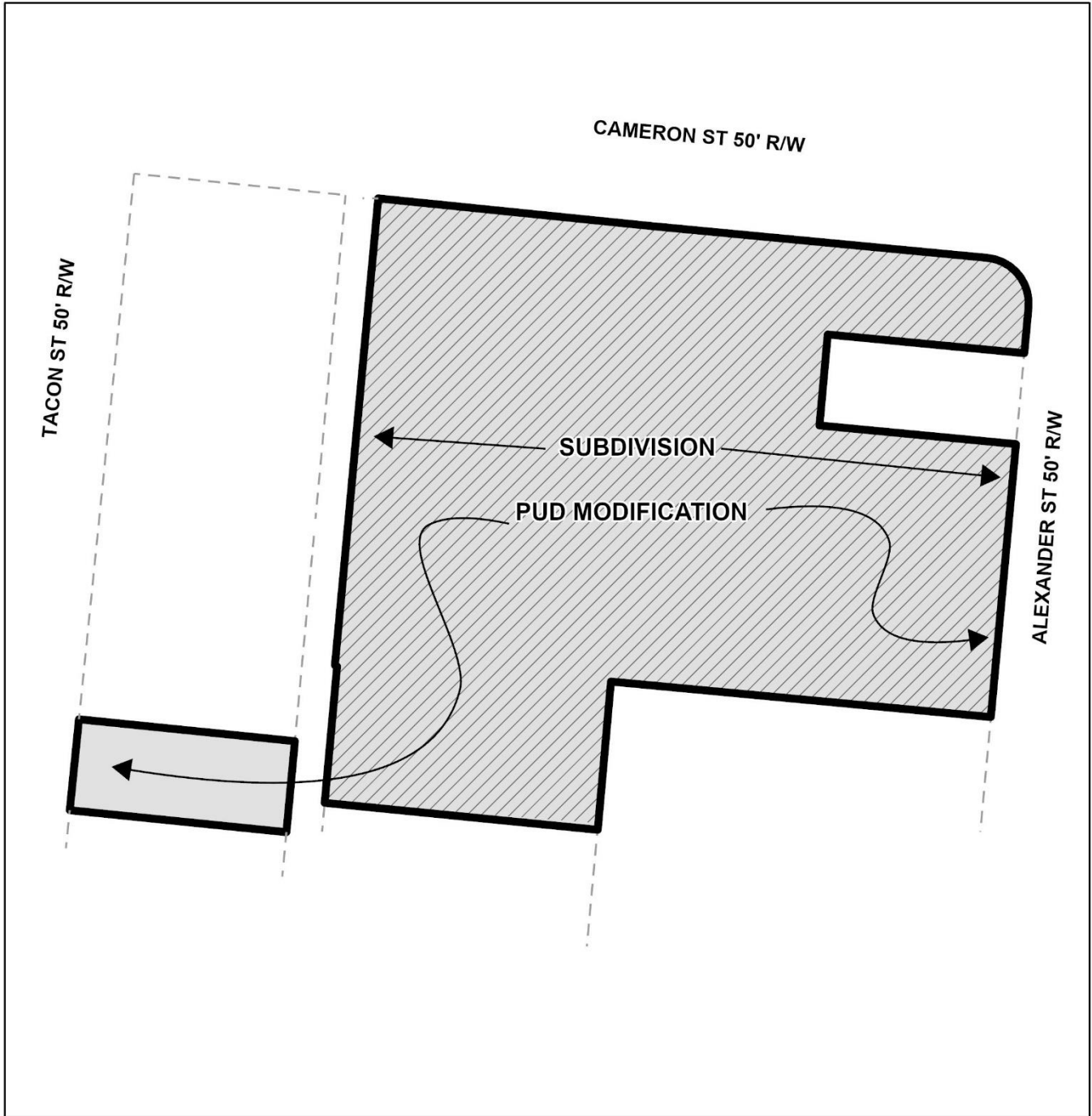
# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units to the east, and commercial units to the west.

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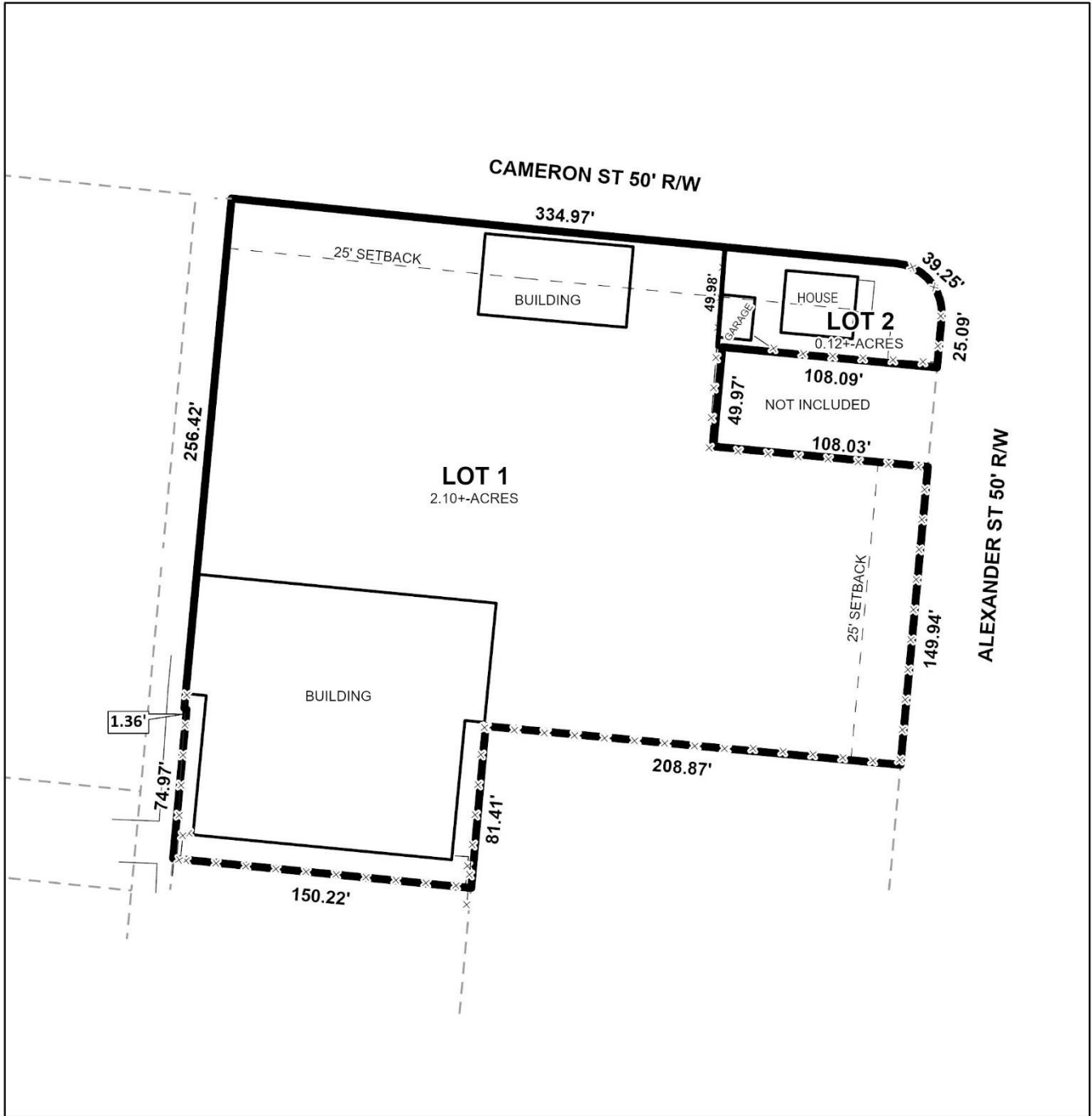
# DETAIL SITE PLAN



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REQUEST Subdivision, PUD Modification



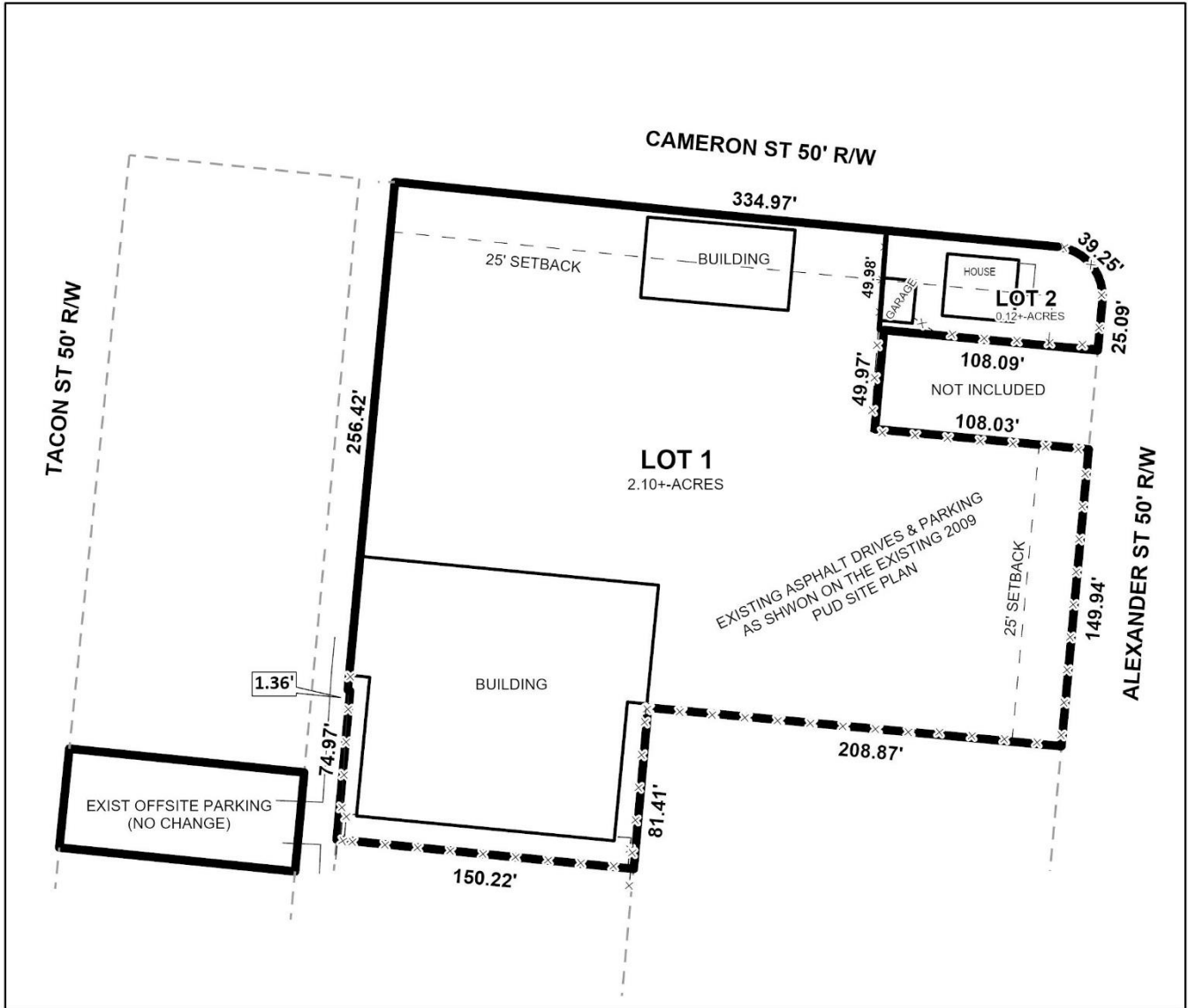
# DETAIL SITE PLAN




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 REQUEST Subdivision, PUD Modification



# SITE PLAN



The site plan illustrates the existing buildings, setbacks, and proposed lots.

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APPLICANT <u>EBM Midtown Subdivision, Resubdivision of Lot A</u>	
REQUEST <u>Subdivision, PUD Modification</u>	

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)

## TRADITIONAL CORRIDOR (TC)

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

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



## DISTRICT CENTER (DC)

This designation applies across the city to larger areas of existing mixed-use character or where such character is encouraged. These areas will include moderate to high-density residential (minimum densities of 6 du/ac) in dynamic, horizontal or vertical mixed use environments, to provide a balance of housing and employment.

District Centers generally serve several surrounding neighborhoods and may even have a city-wide or region-wide reach. As such, they are often anchored by a major commercial or institutional employer such as a shopping mall or a medical center.

Depending on location and assigned zoning, residential areas in District Centers may incorporate a mix of housing types, ranging from mid-rise multifamily buildings containing apartments and lofts, to townhouses and detached single-family homes. Major civic cultural institutions and public spaces provide regional and neighborhood destinations.

District Centers should be designed to induce pedestrian activity, with high quality streetscapes connecting the different components of a center as well as the center to its surrounding area. DC districts may be served by transit and include development of an intensity and design that supports transit use.