

**SUBDIVISION  
PLANNED UNIT DEVELOPMENT &  
REZONING STAFF REPORT**

**Date: May 5, 2016**

**DEVELOPMENT NAME**

Midtown Mobile Subdivision  
IRC-Mobile Midtown, LLC

**LOCATION  
LOCATION**

100 North Florida Street &  
2518, 2524, 2534, 2536 and 2540 Old Shell Road  
(Northeast corner of North Florida Street and Old Shell  
Road, extending to the North side of Eddington Drive  
South).

**CITY COUNCIL  
DISTRICT**

District 1

**PRESENT ZONING**

R-1, Single-Family Residential and B-2, Neighborhood  
Business

**AREA OF PROPERTY**

Subdivision: 2 Lots / 9.8 ± Acres  
PUD: 10.17 ± Acres  
Rezoning: 9.8 ± Acres

**CONTEMPLATED USE**

Subdivision Approval to create two legal lots of record.  
Planned Unit Development (PUD) Approval to multiple  
building on a single building site and shared access and  
parking with a separate building site. Rezoning from R-1,  
Single-Family Residential and B-2, Neighborhood  
Business, to allow retail development. The Subdivision  
Regulations require subdivision approval to reconfigure  
property lines and create legal lots of record. The Zoning  
Ordinance requires PUD approval to allow multiple  
buildings on a single building site and shared access  
between multiple lots; and a minimum of B-2 zoning for  
retail development.

**It should be noted, however, that any use permitted in  
the proposed district would be allowed at this location if  
the zoning is changed. Furthermore, the Planning  
Commission may consider zoning classifications other  
than that sought by the applicant for this property.**

**TIME SCHEDULE  
FOR DEVELOPMENT**

Immediate

## **ENGINEERING**

### **COMMENTS**

#### **Subdivision**

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

- 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 signature and seal from a surveyor that is licensed in Alabama not Georgia.
- C. Provide a legend.
- D. Correct "S Edington Drive" to "Edington Drive South" in the vicinity map, plan sheet, and written legal description.
- E. Dedicate the corner radius (25' minimum or as approved by the City Engineer and Traffic Engineer) at the northwest corner of LOT 1 (Florida St and Edington Dr. S.).
- F. Label beginning point as POB to match the written legal description.
- G. Show and label "Jackson Place, Lot 12" that is referred to in the written Legal Description.
- H. Show and label each and every Right-Of-Way and their width, including Edington Drive and Hazel Street. Show the ROW width of Old Shell Rd at the two (2) corners of LOT 1 that are adjacent to Old Shell Rd.
- I. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer.
- J. Provide the Surveyor's Certificate and Signature.
- K. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
- L. Show and label any proposed easements (drainage, utility, access, etc.).
- M. Add a note to the SUBDIVISION PLAT stating that a Land Disturbance permit will be required for any land disturbing activity in accordance 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.
- N. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 26 - #77) the Lot(s) will receive historical credit of impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control.
- O. Add a note to the Plat stating that 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.
- P. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of new development or construction, unless a sidewalk waiver is approved.
- Q. Provide a copy of the FINAL PLAT to the Engineering Dept. for FINAL PLAT review prior to obtaining any signatures.
- R. After the Engineering Dept. Final Plat review is complete, provide a copy of the revised Final Plat along with the original when submitting for City Engineer signature.

Due to the proposed development on LOT 1 the proposed structures will need to be addressed. Please contact the Engineering Department (208-6216) to discuss the options prior to submitting any building, land disturbance, or ROW permits.

### **Planned Unit Development**

ADD THE FOLLOWING NOTES TO THE PUD SITE PLAN:

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. 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, 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.
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. 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.
5. The proposed development must comply with all Engineering Department design requirements and Policy Letters.
6. This project will require a perpetual maintenance agreement for the proposed onsite detention/retention system. This agreement must be reviewed, approved, and recorded for the onsite system and include the outfall structure and the pipes that connect to the City maintained drainage system.

### **TRAFFIC ENGINEERING**

#### **COMMENTS**

A traffic impact study was completed for this site. The development intensity illustrated on the PUD plan is approximately 2,000 SF less than the intensity accounted for in the study. The site plan has also been revised to reduce the number of driveways on Old Shell Road. The reduced square footage would generate the approximate number of trips assumed to use the second driveway on Old Shell Road; therefore an updated study is not required for these changes. Development is contingent upon the completion of off-site improvements as indicated in the study. Recommendations from the Traffic Impact Study include widening the roadway for the inclusion of turn lanes. Any improvement in City of Mobile right-of-way included with the development must meet AASHTO Standards and be approved by City of Mobile Engineering and Traffic Engineering staff. Adequate dedication should be included on any street right-of-way to allow for 11' travel lanes as well as

utility/green/sidewalk area. Corner radii dedication should be required at North Florida Street and Edington Drive. Lot 1 is limited to two curb cuts to North Florida Street, limited to one curb cut to Old Shell Road, and denied access to South Edington Drive. Lot 2 is limited to one curb cut to Wilson Avenue. Driveway size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance. Angled parking will not be permitted that backs into or is within the right-of-way. If on-street parking is permitted it should be parallel and located within the right-of-way. The traffic impact study may need to be updated if on-street parking is permitted, to analyze the impacts the on-street parking will have on the roadway level of service. Owner/developer will be responsible for obtaining consent from the adjacent land owner(s) on Old Shell Road for any site improvements (e.g. driveway radius) that extend in front of the adjacent property frontage. The proposed drive-thru on the south side of Shops A-1 is not desirable as currently shown, as traffic in the middle has vehicles opposing it on both sides. Drive-thru widths must be a minimum of 9' per Section 64-4 of the City's Zoning Ordinance. For Shops A-1 and Shops B, this leaves only 21' for two-way traffic. Aisles can be designated one-way, provided they met width requirements for fire truck access where necessary.

## **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 2015-116 and City Code Chapters 57 and 64).

## **FIRE DEPARTMENT**

### **COMMENTS**

All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance. (2012 International Fire Code)

## **REMARKS**

The applicant is requesting Subdivision, Planned Unit Development approval, and Rezoning to allow redevelopment of the former Augusta Evans School and several adjacent commercial properties as a retail development.

The applicant has had the former Augusta Evans School property under contract to purchase from the Mobile County School Board for the purpose of developing a retail shopping complex for several months. During that time there have been multiple meetings/teleconferences between the applicant, the City, and neighborhood/community representatives – individually and collectively. Most of these meetings/teleconferences have been to discuss site design and compatibility. The discussions with the City have been in reference to compatibility with The Map for Mobile, and those with the neighborhood/community representatives have been in reference to a plan the Midtown Mobile Movement is developing. The City is in process of finalizing parameters and procedures for such plans to be vetted by the city before any presentation to the Planning Commission. At this time, the Midtown Mobile Movement Plan, *Design Old Shell*, is not fully developed or realized, and is not a plan upon which the city can base decisions.

The site plan illustrates a grocery store with a pharmacy drive-thru as the anchor or main building, and four smaller retail/restaurant buildings (three of which also have a drive-thru)

located on other parts of the overall site. The site plan also illustrates a cross access driveway to the existing commercial property to the West, which was part of Ashland Station, a 2008 PUD that allowed cross access and shared parking between four properties fronting Old Shell Road. Three of those properties along with most of the Augusta Evans School property are to be Lot 1 of the proposed redevelopment, therefore to maintain the shared access the fourth property had to be included. Lot 2 is to be a residential lot that fronts on Wilson Avenue, a minor residential street.

Old Shell Road is shown as a Traditional Corridor on the Development Framework Map – Corridors and Centers of the Map for Mobile. The Map for Mobile states that the development framework map and development area descriptions serve as a guide for future land use and design decisions and also for decisions regarding public improvements and projects. While the site is not specifically designated as a center, one could conclude, given the fact it is at an intersection on a designated Traditional Corridor, development should follow the guidelines and intent of a Traditional Center.

### **TRADITIONAL CORRIDOR**

#### **Intent**

- Emphasize retaining historic buildings and creating appropriate, denser infill development
- Encourage mixed housing types including small multi-family structures along the corridor
- Retail and neighborhood services at intersections
- Combine and close driveways to create a continuous pedestrian friendly environment
- Auto, bicycle, transit and pedestrian traffic are accommodated
- More dense mixed-use development to include neighborhood services and residential above retail

### **TRADITIONAL CENTER**

#### **Intent**

- Compatible scale (commercial, mixed-use, residential) development
- More dense mixed-use development to include neighborhood services and retail under residential
- Buildings form a continuous street wall along primary streets in the center
- Parking hidden behind structures
- Auto, bicycle, transit and pedestrian traffic are accommodated

A consultant has been hired to review and rewrite the Zoning Ordinance, Subdivision Regulations, as well as develop a new Major Street Plan Map and General Land Use Plan Map. This will be a 24-30 month process. Until that project is completed and the new documents are adopted, we continue to operate under the existing Zoning Ordinance and Subdivision Regulations. Under the existing Zoning Ordinance requirements for Rezoning, Planned Unit Development approval, and B-2 development standards and requirements, most elements of the proposal comply with the existing regulations. However, there appear to be some issues with the

main parking lot with regard to stall depths in some areas that do not comply with the parking standards.

Also related to parking - there have been numerous discussions about use of portions of the site as “district parking”. District parking is referenced in the Draft *Design Old Shell* document, and is defined therein as a shared public parking lot maintained in partnership with the City and local businesses. Currently there are no City regulations that directly address district parking. However, there is also nothing in the code that would preclude individuals from parking in one of the parking areas within the proposed development and walking to businesses, both in the proposed development and out of the proposed development; which could in essence be viewed as district parking.

With regard to the proposed two lot subdivision, with one exception, the subdivision appears to comply with the existing Subdivision Regulations. It appears that a part of one of the Mobile County School Board parcels the applicant has under contract is not included in the subdivision application. Therefore, unless documentation is submitted to establish the not included area as a lot or parcel of record (with the exact legal description) prior to 1952, that partial parcel must be included in the subdivision.

The applicant also submitted an Alternate Site Plan that provides on-street, head-in, angled parking spaces along Florida Street, which are partially on the private property and partially in the right-of-way. No safety lane was provided for vehicles to back out of the spaces and safely enter the traffic lane. The Traffic Engineer has reviewed this proposed alternate design modification and has indicated that any on street parking would have to be parallel spaces, not angled, head in spaces.

Further, there are several design elements that do not follow the principles and vision established by The Map for Mobile. In addition to allowing the Commission to vary requirements of the Ordinance, the PUD section of the Ordinance also allows the Commission to consider other factors in rendering a decision, and require modifications to the proposed development as deemed appropriate to address those issues.

While the previously mentioned *Design Old Shell* plan has not yet been completed, the Map for Mobile has been adopted by the Planning Commission as the new Comprehensive Plan for the city, and as such should be considered the guiding document for development related decisions. To this end, during meetings/teleconferences with the applicant, the staff recommended several modifications to the site plan that would embrace the principles and guidelines of the Map for Mobile, only a few of which were addressed by the applicant.

An email noting some last minute changes was just received, but an accompanying drawing illustrating those changes was not provided. Given the timing of receipt of the changes, the staff has not had the opportunity to fully review and prepare comments for this report. Additional information will be provided at the meeting.

This is the first major development project since the adoption of the Map for Mobile. Therefore it is imperative that the proposal be scrutinized closely for inclusion of the principles and guidelines of the Map for Mobile. If the Map for Mobile is not used as the guiding document for

development now, a precedent would be set regarding the applicability of the plan, and the vision expressed by and for the community may never be realized.

## **RECOMMENDATION**

**Subdivision:** Based on the preceding, it is recommended that the Subdivision be heldover until June 2 for the following reason:

- 1) The plat does not include the entirety of one of the parcels in the subdivision;

Revised plat and additional notification information and fees to be submitted by 12:00 pm, May 13, 2016.

**Planned Unit Development:** Based on the preceding, it is recommended that the Planning Commission take all information, including that presented at the meeting, into consideration when rendering a decision.

Staff has been made aware that there are time constraints regarding the purchase agreement and a specified time frame for closing. However, staff recommends that the PUD aspect of the request be heldover to allow the site plan to be revised to more closely correspond with the principles, guidelines, and intent of the Map for Mobile. Therefore, the PUD could be heldover until June 2, 2016 to be reconsidered with the Subdivision.

The site plan does not correspond with the principles, guidelines, and intent of the Map for Mobile, therefore the following items should be addressed:

- 1) Reorientation of Shops B to front Old Shell Road
- 2) Elimination of the drive-thru, including removal of the rear drive, on Shops 1A to provide a more substantial buffer for the adjacent residential properties
- 3) On-site parking to meet the minimum requirements for aisle and stall sizes
- 4) Any on-street parking to be changed to parallel spaces, as required by the Traffic Engineer.

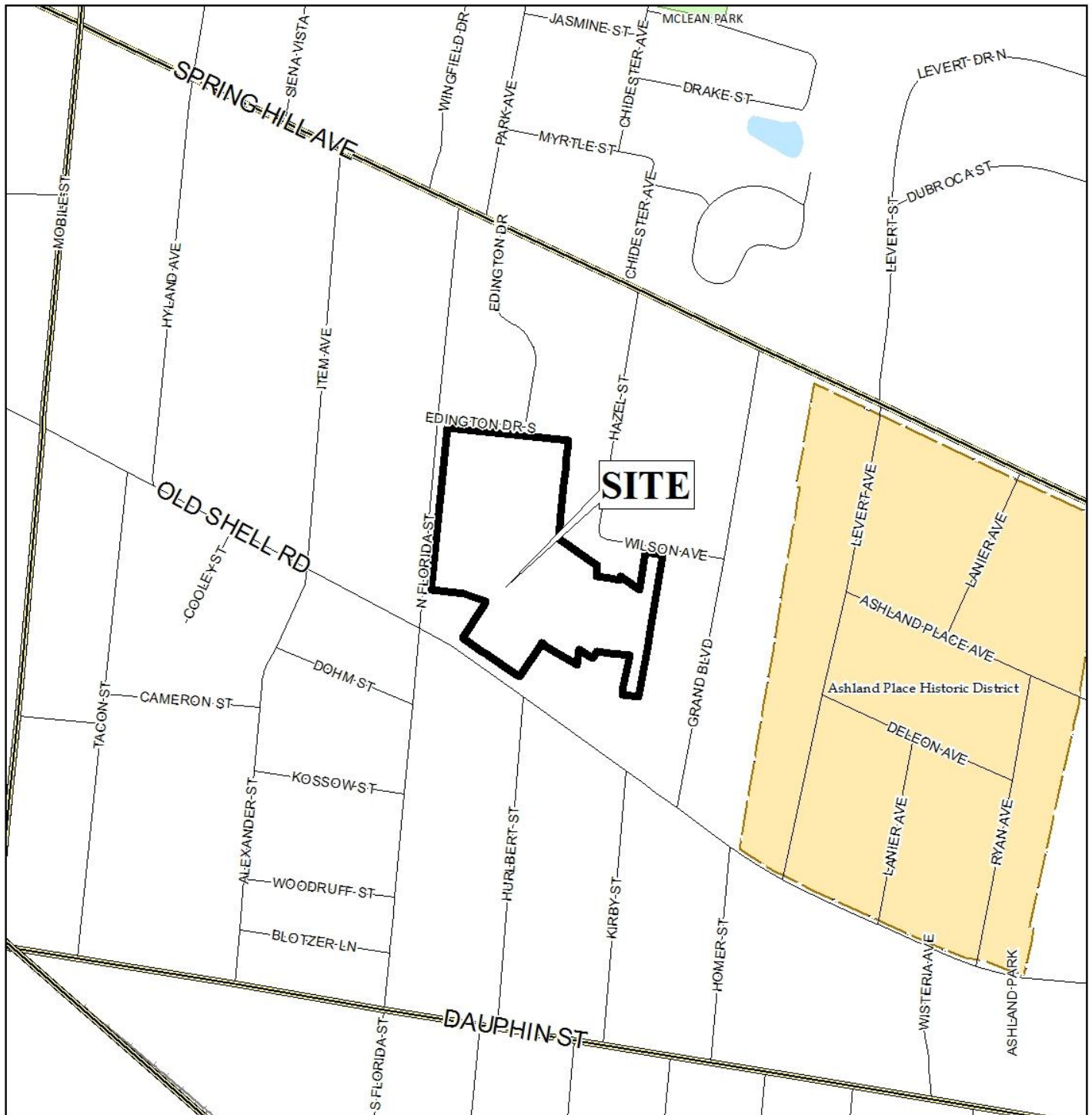
Revised site plan to be submitted by 12:00 pm, May 13, 2016.

**Rezoning:** Based on the preceding, it is recommended that the Planning Commission take all information, including that presented at the meeting, into consideration when rendering a decision.

Staff has been made aware that there are time constraints regarding the purchase agreement and a specified time frame for closing. Therefore, should the Commission choose to make a decision on the rezoning, the following conditions would be recommended:

- 1) Development limited to an approved PUD;
- 2) Completion of the Subdivision process prior to the issuance of any permits;
- 3) Full compliance with all municipal codes and ordinances.

# LOCATOR MAP



APPLICATION NUMBER 13 DATE May 5, 2016

APPLICANT Midtown Mobile Subdivision

REQUEST Subdivision, PUD, Rezoning from R-1 and B-2 to B-2



NTS



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



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

APPLICATION NUMBER 13 DATE May 5, 2016

APPLICANT Midtown Mobile Subdivision

REQUEST Subdivision, PUD, Rezoning from R-1 and B-2 to B-2

R-A	R-3	T-B	B-2	B-5	MUN	SD-WH	T5.1
R-1	R-B	B-1	B-3	I-1	OPEN	T3	T5.2
R-2	H-B	LB-2	B-4	I-2	SD	T4	T6





# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



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

APPLICATION NUMBER 13 DATE May 5, 2016

APPLICANT Midtown Mobile Subdivision

REQUEST Subdivision, PUD, Rezoning from R-1 and B-2 to B-2





# SITE PLAN



The site plan illustrates the buildings, fences, parking, setbacks, and trees.

APPLICATION NUMBER 13 DATE May 5, 2016

APPLICANT Midtown Mobile Subdivision

REQUEST Subdivision, PUD, Rezoning from R-1 and B-2 to B-2



NTS

ALTERNATE SITE PLAN



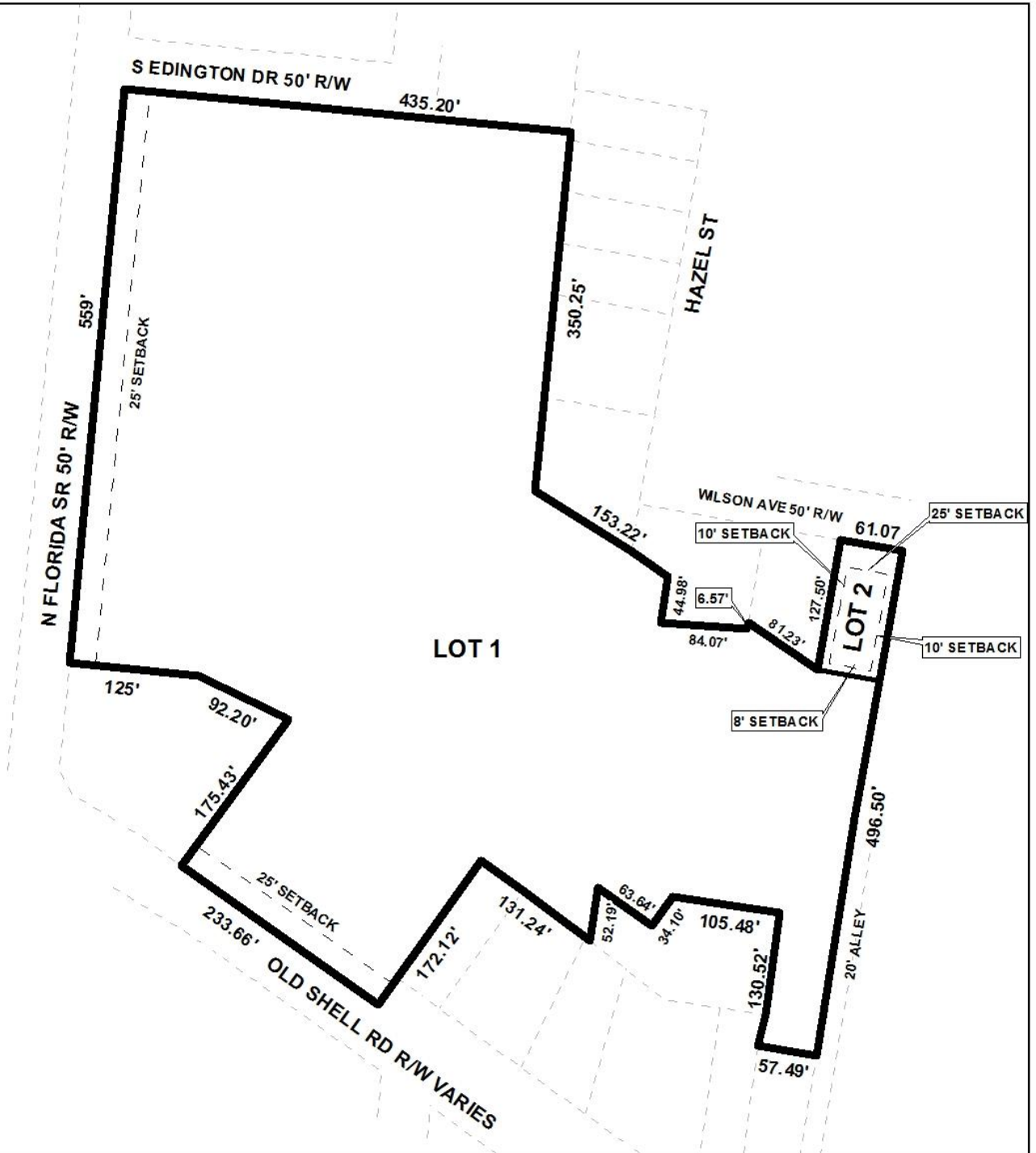
The site plan illustrates the buildings, fences, parking, setbacks, and trees.

APPLICATION NUMBER	13	DATE	May 5, 2016
APPLICANT	Midtown Mobile Subdivision		
REQUEST	Subdivision, PUD, Rezoning from R-1 and B-2 to B-2		

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NTS

# DETAIL SITE PLAN



APPLICATION NUMBER 13 DATE May 5, 2016

APPLICANT Midtown Mobile Subdivision

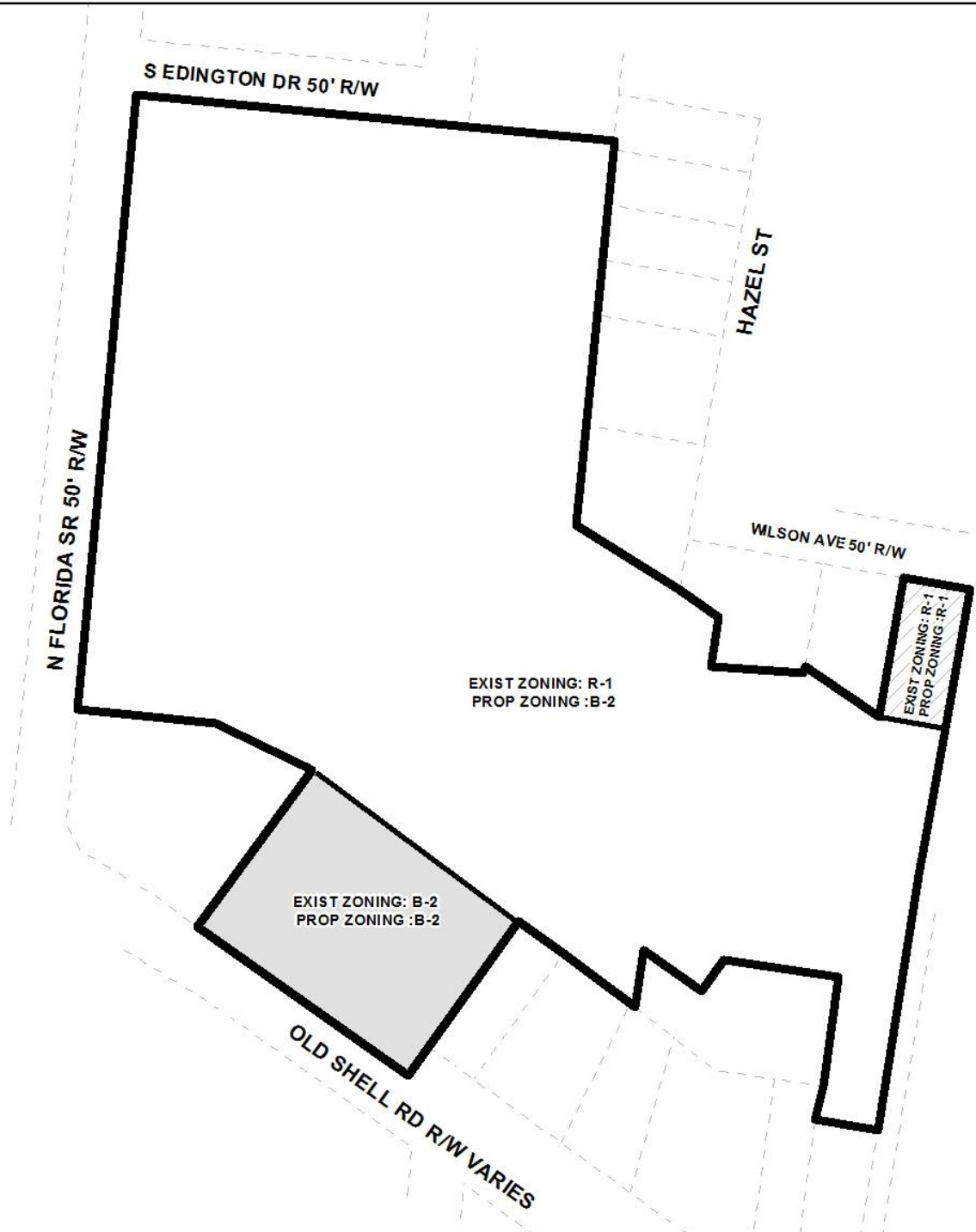
REQUEST Subdivision, PUD, Rezoning from R-1 and B-2 to B-2



NTS



# DETAIL SITE PLAN



APPLICATION NUMBER 13 DATE May 5, 2016

APPLICANT Midtown Mobile Subdivision

REQUEST Subdivision, PUD, Rezoning from R-1 and B-2 to B-2



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