

ZONING AMENDMENT,
PLANNED UNIT DEVELOPMENT &
SUBDIVISION STAFF REPORT

Date: August 4, 2005

<u>NAME</u>	Millennium Mobile, LLC
<u>LOCATION</u>	11 Government Street (Southeast corner of Government Street and South Water Street extending to the Mobile River)
<u>CITY COUNCIL DISTRICT</u>	District 2
<u>PRESENT ZONING</u>	R-1, Single-Family Residential, I-1, Light Industry, and I-2, Heavy Industry
<u>PROPOSED ZONING</u>	B-4, General Business
<u>AREA OF PROPERTY</u>	4.6 acres \pm
<u>CONTEMPLATED USE</u>	<p>Subdivision, Planned Unit Development and Rezoning approval to permit residential condominiums and retail sales, with multiple buildings on a single building site and shared access between two lots.</p> <p>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.</p>
<u>TIME SCHEDULE FOR DEVELOPMENT</u>	Immediate
<u>ENGINEERING COMMENTS</u>	<p>Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit. Maps indicate a storm water culvert is located within this property. Applicant should coordinate with COM Engineering Department any plans to relocate culvert. An appropriate drainage easement will be required to allow for maintenance of culvert.</p>
<u>TRAFFIC ENGINEERING COMMENTS</u>	<p>Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Minimum driveway widths are twenty-four feet. Modifications should be made to the driveway to accommodate the minimum required width.</p>

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 commercial projects shall comply with the 2003 International Fire Code and Appendices B through G, as adopted by the City of Mobile on July 6, 2004. All One- or Two-Family residential developments shall comply with Appendices B, C, and D of the 2003 International Fire Code, as adopted by the City of Mobile on July 6, 2004.

REMARKS

The applicant is requesting Rezoning, Planned Unit Development, and Subdivision Approvals to allow residential condominiums and retail sales, with multiple buildings on a single building site, and shared access between two lots. Residential condominiums and retail sales are allowed by right in a B-4, General Business District.

The site is currently used by the CSX Corporation for various railroad-related operations, by AMTRAK as its local passenger-boarding platform, and by the City of Mobile for Cooper Riverside Park. The site fronts Government Street to the north, a major street, and has as its eastern boundary the Mobile River, and Water Street, a major street, as its western boundary. To the north of the site is the park area located at the foot of Government Street, and the Arthur Outlaw Convention Center, in a B-4 district. South of the site is the future location of the Mobile Maritime Museum, and the recently completed cruise ship terminal, located in a B-4 district. West of the site is the Museum of Mobile and the Exploreum, located in a B-4 district. The site includes the Cooper Riverside Park, and is bisected by mainline railroad tracks operated by CSX.

The applicant proposes to demolish the existing CSX station to permit construction of a mixed-use high-rise building, that will include residential, retail and restaurant uses. The proposal also includes the use of a portion of the Cooper Riverside Park for the mixed-use development. The main structure proposed as part of this application will span the CSX railroad tracks.

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.

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.

The intent of the Zoning Ordinance and corresponding Zoning Map, as stated in Section IX. of the Ordinance, is to carry out the comprehensive planning objective of sound, stable and desirable development. While changes to the Ordinance are anticipated as the city grows, the established public policy is to amend the ordinance only when one or more of the following conditions prevail: 1) there is a manifest error in the Ordinance; 2) changing conditions in a particular area make a change in the Ordinance necessary and desirable; 3) there is a need to increase the number of sites available to business or industry; or 4) the subdivision of land into building sites makes reclassification of the land necessary and desirable.

Due to the interrelated nature of this proposal, the Subdivision, PUD and Rezoning analysis will be consolidated.

The site is depicted as commercial and public/semi-public on the General Land Use Component of the Comprehensive Plan, which is meant to serve as a general guide, not a detailed lot and district plan or mandate for development. Moreover, the General Land Use Component allows the Planning Commission and City Council to consider individual cases based on additional information such as the classification request, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and zoning classification.

It should also be noted that this application is generally consistent with plans formulated since the early 1990s for downtown Mobile. These plans, including the “String of Pearls” plan, recommended a return of this portion of the industrial waterfront to more commercial and public-oriented uses – uses designed to promote tourism, water access for residents, and an invigorated downtown environment. Other developments, including the convention center, the cruise ship terminal, and the waterfront park have contributed to the fulfillment of the recommendations contained within the plans. This application represents a continuation of such efforts.

The proposed subdivision will create two lots from three parcels. The proposed Lot 1 will include property between the CSX line and Water Street, stretching from approximately Monroe Street north to Government Street, and east to include a portion of the CSX rail line right-of-way and a portion of Cooper Riverside Park on the east side of the CSX line. The proposed Lot 2 will encompass the remaining portion of Cooper Riverside Park. The shape of Lot 1 reflects the unique situation of being located primarily between existing railroad tracks and an existing road, thus practicable alternatives to this shape are limited. Thus a waiver of Section V.D. of the Subdivision Regulations would be appropriate.

The 25-foot minimum building setback line, required by Section V.D.9. of the Subdivision Regulations, is not depicted on the plat. As the B-4 zoning category does not require setbacks, the setback line requirement should be waived.

The legal description and the depicted plat boundary bearings appear to be different in terms of orientation. The applicant should review and modify, as appropriate, so that the bearings depicted on the plat are in agreement with the provided legal description.

The site appears to be located in the 100-year floodplain for the Mobile River / Mobile Bay, and thus is potentially subject to tidal flooding and storm surge during storm events. Therefore, the approval of all applicable federal, state and local agencies would be required prior to the issuance of any permits.

As Government and Water Streets are major streets, access management is a concern. Due to the complexity of the project, provision of access to and from the site should be closely coordinated with Traffic Engineering and, potentially, with the Alabama Department of Transportation and the CSX Corporation.

The request to rezone the site from R-1, I-1 and I-2, to B-4, reflects changing conditions in the immediate vicinity, and the need to provide additional waterfront locations for mixed-used commercial and residential development. The existing industrial zoning for the site reflects the railroad and “working” waterfront heritage of the site. While the mainline railroad use will remain on a portion of the site, the site is no longer being used as a “working” waterfront location; instead the waterfront portion of the site is now a public park, with waterfront promenade and special use docking facilities. The B-4 zoning category will permit the continued use of a portion of the site for AMTRAK passenger facilities by right, as well as for a railroad right-of-way and parks (with Planning Approval). Sufficient evidence, therefore, is available to justify the change of zoning, as requested.

The proposed use is compatible with the location in the urban core, and specifically the adjacent convention center, museum, park and passenger maritime uses. However, there are several concerns regarding the proposed development. A majority of the site is located in the “Core Area” – an area in downtown Mobile that is exempt from the parking requirements of the Zoning Ordinance. As a vast majority of the development proposed for the site will be located within the parking exempt area, and as the remaining portion of the site is severely constrained by adjacent railroad tracks and road rights-of-way, an exemption from all parking requirements would be appropriate. It is anticipated, however, that parking on-site or off-site will be needed to satisfy residential and commercial market demands. Furthermore, proposed on-site vehicular and pedestrian circulation, including access to adjacent roads and pedestrian facilities, should be clearly delineated on the site plan.

A second concern is the proposed location of a portion of the proposed buildings within or over a portion of the right-of-way of Water Street. Specifically, a portion of the structure proposed for the western side of Lot 1 appears to project 15 feet into the right-of-way for Water Street, but is approximately 10 feet from the edge of pavement. Close proximity of structures to the edge of pavement is not uncommon in the downtown area, however, all structures and portions thereof must be located on private property. Therefore, either that portion of Water Street would have to be vacated or the building redesigned to be completely contained within the private property.

A third concern is the apparent lack of waste disposal and loading dock facilities indicated on the site plan. A mixed-use development of this nature will likely require dumpster and loading dock facilities, thus, such facilities should be indicated on the site plan.

A fourth concern is that the site plan provided for the PUD application does indicate the provision of a sidewalk along Water Street. Sidewalks are provided north at the convention center, and south of the CSX terminal, along Water Street. Providing a sidewalk to bridge the gap between the two locations would be appropriate, especially due to the pedestrian traffic that is currently being generated by the convention center, cruise terminal, the Exploreum, and the existing museums. Furthermore, the proposed development and the anticipated maritime museum will significantly increase the number of people in the area, thus the provision of a continuous sidewalk along this segment of Water Street is in the interest of the general public's health, safety and welfare.

Finally, the applicant has not stated or indicated their intent to comply with the tree and landscaping requirements of the Zoning Ordinance. It is anticipated that the site may present difficulties regarding full compliance with these aspects of the Ordinance, but compliance to the fullest extent possible is recommended, and should be coordinated with Urban Forestry.

Due to the complexity of the proposal and the number of issues that have been identified as part of this application, it would be appropriate to consider the PUD application as "preliminary," and therefore request additional "final" review in the future as plans are refined and revised. It should be noted that substantial changes to the site plan will require additional application(s) and approval(s) by the Planning Commission.

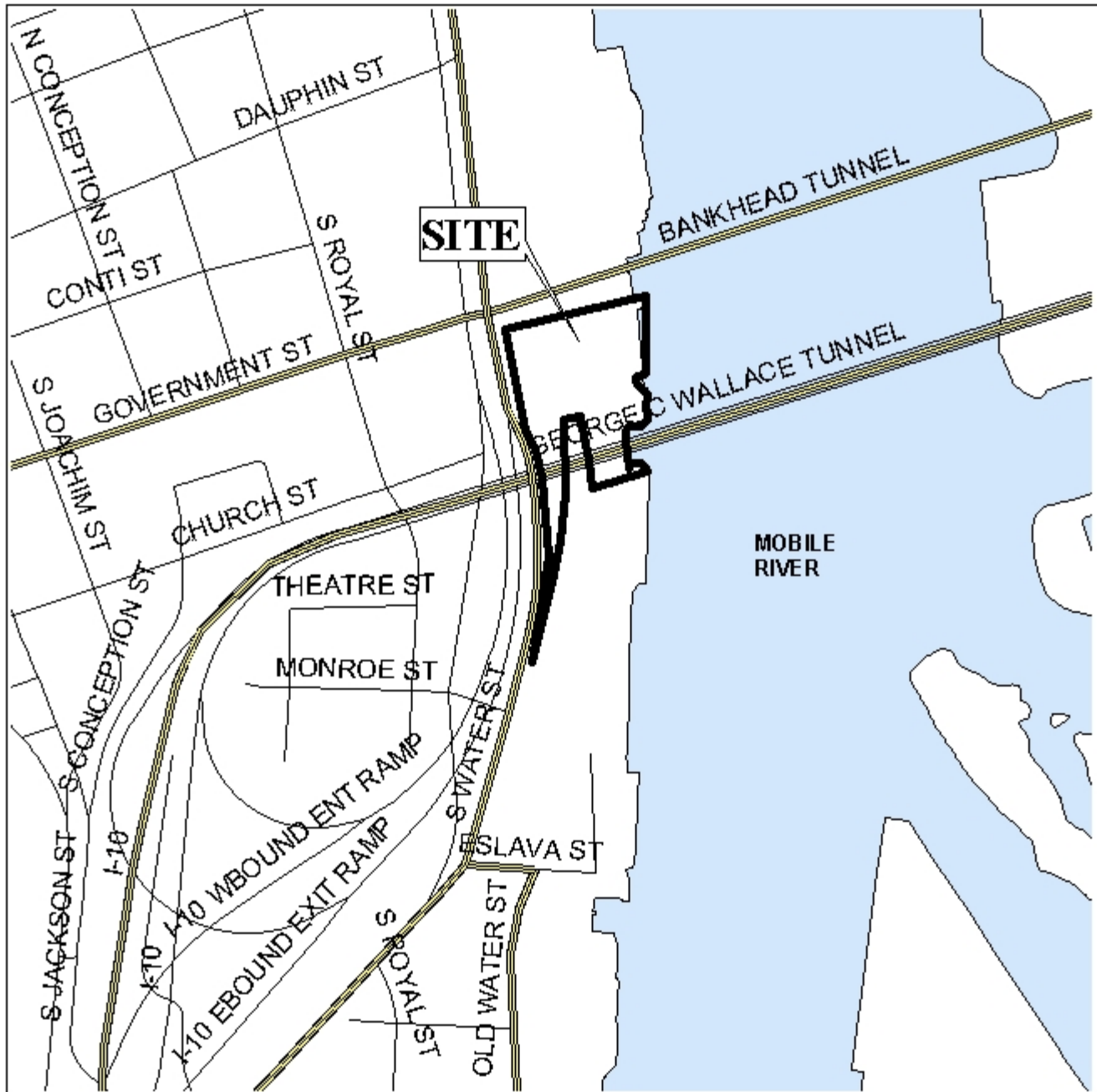
RECOMMENDATION

Subdivision: With a waiver of Section V.D. of the Subdivision Regulations, the Subdivision request is recommended for Tentative Approval, subject to the following conditions: 1) restatement of the bearings depicted on the plat to conform to those stated in the written legal description; 2) approval of all applicable federal, state and local agencies prior to the issuance of any permits, and; 3) full compliance with all municipal codes and ordinances.

Rezoning: The rezoning request is recommended for Approval, subject to the following conditions: 1) provision of a sidewalk, where lacking, along Water Street; 2) compliance with the tree and landscaping requirements of the Zoning Ordinance, to the greatest extent possible, in coordination with Urban Forestry; and 3) full compliance with all other municipal codes and ordinances.

Planned Unit Development: The PUD request is recommended for Preliminary Approval, subject to revision of the site plan and the following conditions: 1) depiction of on-site vehicular circulation; 2) vacation of the right-of-way, or redesign of the structure so as not to protrude into the right-of-way for Water Street; 3) depiction of dumpster and loading facilities on the site plan; 4) provision of a sidewalk, where lacking, along Water Street; 5) compliance with the tree and landscaping requirements of the Zoning Ordinance, to the greatest extent possible, in coordination with Urban Forestry; 6) full compliance with all other municipal codes and ordinances, and; 7) additional application/approval from the Planning Commission if substantial changes are made to the site plan.

LOCATOR MAP



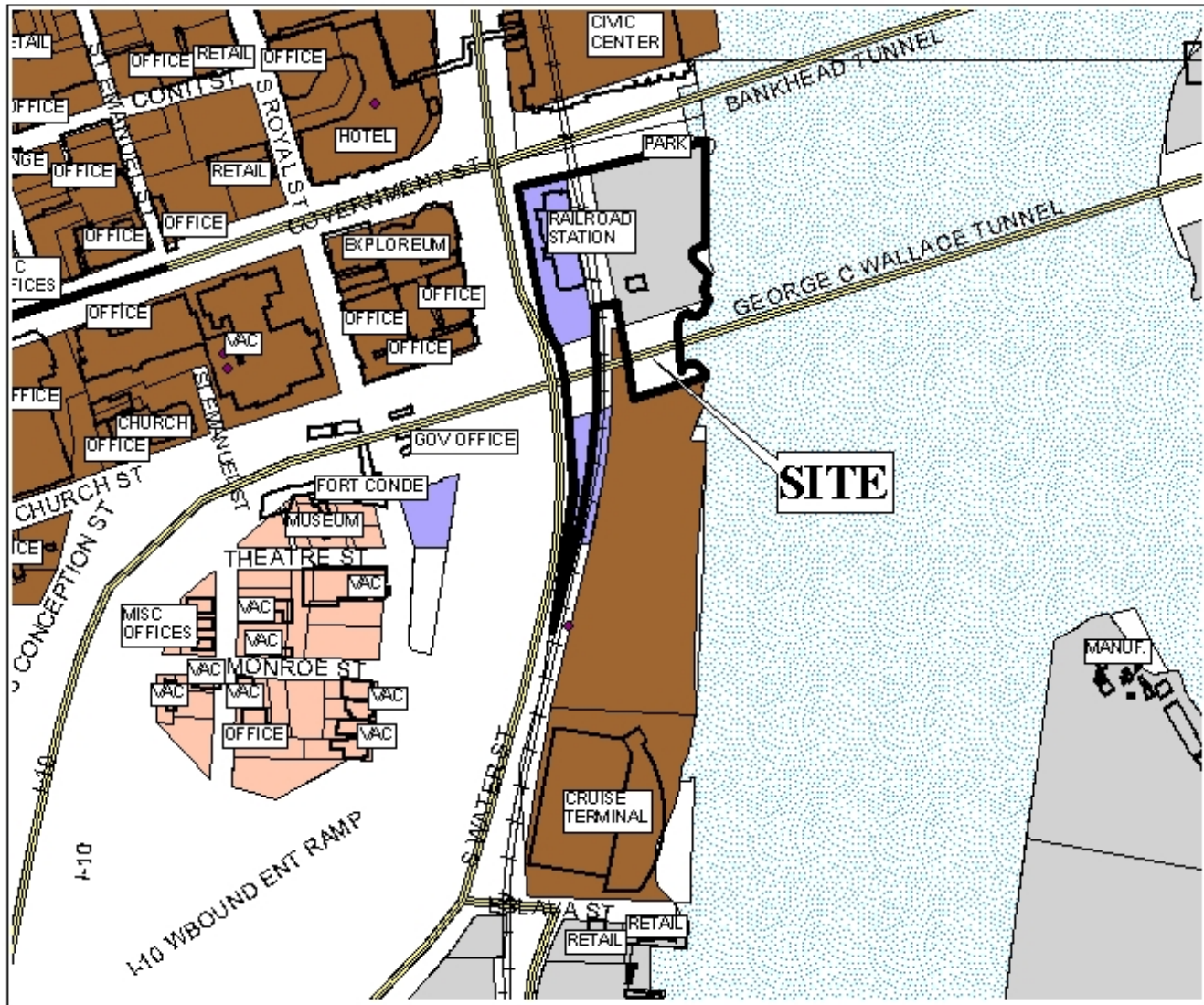
APPLICATION NUMBER 1 & 2 & 3 DATE August 4, 2005

APPLICANT Millenium Mobile, L.L.C.

REQUEST Rezoning, PUD, Subdivision



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by miscellaneous businesses, with Mobile Bay located to the East.

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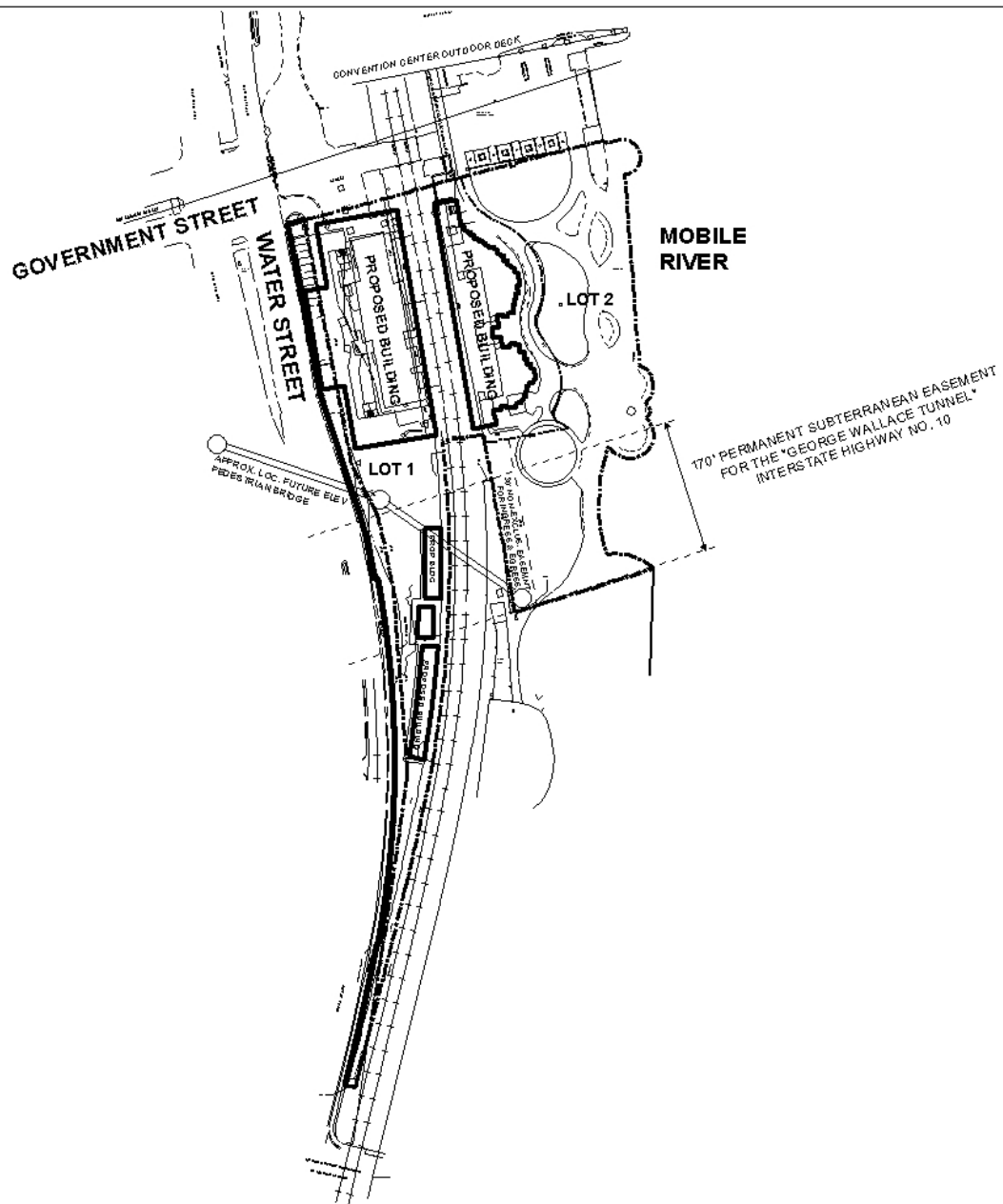
REQUEST Rezoning, PUD, Subdivision

LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2	NTS
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SITE PLAN



The site is located on the Southeast corner of Government Street and South Water Street extending to the Mobile River. The plan illustrates the proposed structures and park layout, along with the existing railroad tracks.

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