



Agenda Item # 13

MOD-003152-2024 & MOD-003150-2024

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

[Applicant Materials for Consideration – Planning Approval Modification](#)

[Applicant Materials for Consideration – Planned Unit Development Modification](#)

DETAILS

Location:

817 Downtowner Boulevard & 3275 Airport Boulevard

Applicant / Agent:

Accel Academy (Charles D. Tisher, Jr., P.E., Agent)

Property Owner:

Mobile Festival Acquisition, LLC & MAEF Real Estate Holdings, Inc.

Current Zoning:

B-3, Community Business Suburban District

Future Land Use:

Mixed Commercial Corridor & District Center

Applicable Codes, Policies, and Plans:

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

Schedule for Development:

- Within one (1) year of approval

Proposal:

- Modification of a previously approved Planning Approval
- Modification of a previously approved Planned Unit Development

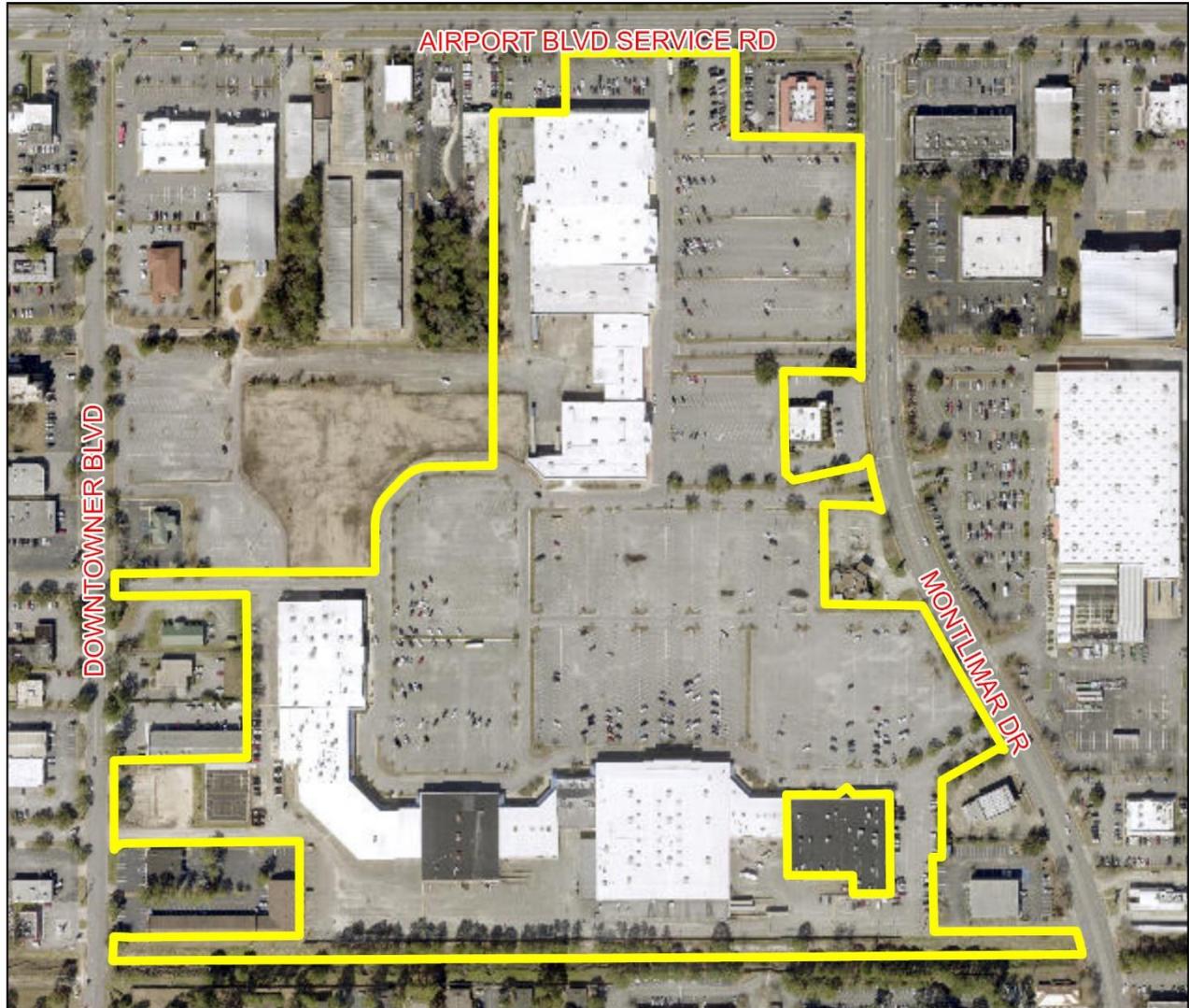
Considerations:

1. Modification of a previously approved Planning Approval with ten (10) conditions; and
2. Modification of a previously approved Planned Unit Development with ten (10) conditions.

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PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial units.

| | |
|--|--|
| APPLICATION NUMBER <u>13</u> DATE <u>December 19, 2024</u> |  NTS |
| APPLICANT <u>Accel Academy (Charles D. Tisher, Jr., P.E., Agent)</u> | |
| REQUEST <u>PUD Modification, Planning Approval Modification</u> | |

SITE HISTORY

The site has been the subject of various Subdivision and Planned Unit Development (PUD) approvals since 1986, as the Festival Center. Planning Approval to allow use of a portion of the property as a charter secondary school was granted by the Planning Commission in 2021. In September 2022, the Planning Commission approved amendments to the Subdivision, Planning Approval and PUD to expand the school use to include an adjacent lot on which a gymnasium was proposed to be constructed. While the Subdivision process was completed, the PUD approval expired prior to any permits being issued for development of the adjacent site.

The Board of Zoning Adjustment approved Sign Variances in 2010, 2012, and 2013 to allow an increase in the number of wall signs on the property.

It should be noted that two (2) basketball courts were constructed on the property (at 817 Downtowner Boulevard) without any permits.

STAFF COMMENTS

Engineering Comments:

Planning Approval Modification

No comments.

Planned Unit Development Modification

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 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. 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.
5. 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.

6. 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 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 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:

Planning Approval and Planned Unit Development Modifications

As mentioned, the most recently approved Planning Approval and PUD allowed for the expansion of the school use to include an adjacent lot on which a gymnasium was proposed to be constructed. The request at hand will modify the previous amendments to allow construction of a larger gymnasium than was first proposed and approved. Applications for each modification request and all supporting documentation can be viewed via the links on Page 1 of this report.

The site plan illustrates the lot adjacent to the overall Festival Center property on which a 14,885± square-foot gymnasium is proposed to be constructed. The previously mentioned basketball courts are also illustrated, along with four (4) parking spaces and an area dedicated to bus loading. A dumpster enclosure and several additional parking spaces located on the Festival Center site are also detailed on the site plan for the gymnasium. A site plan for the overall development was submitted with the requests, but only highlights the adjacent site on which the gymnasium is proposed versus the proposed building and parking spaces, and existing basketball courts. As such, a revised site plan illustrating the proposed changes to the overall PUD site should be required prior to the approval of any associated development permits.

No parking calculations were provided that justify the amount of parking provided for the gymnasium, but shared access with the Festival Center may satisfy any off-street parking requirements for the proposed use. It should be noted, however, that the site shares access via a private drive, to the South, and other than driveways providing vehicle access, there does not appear to be any infrastructure allowing pedestrians to access the gymnasium site from the Festival Center. A sidewalk is illustrated along Downtowner Boulevard, and a sidewalk is illustrated around the proposed basketball courts, but no other pedestrian connection to the site is provided, particularly

from the existing school. As such, the site plan should be revised to either provide pedestrian access between the two sites or to depict existing pedestrian access between the two sites.

No tree plantings or landscape area are illustrated on the site plan for the gymnasium site, and are not required for this review; however, a note should be placed on both the Planning Approval and PUD site plans stating that the gymnasium site will comply with the tree planting and landscape area requirements of Article 3 of the Unified Development Code. A compliant tree planting and landscape area plan for the gymnasium site will be required at the time of permitting.

The site is surrounded to the North, East, and West by commercial uses in B-2, Neighborhood Business, and B-3, Community Business Districts. To the South of the Festival Center is a multi-family apartment complex in a B-1, Buffer Business District. To the South of the proposed gymnasium site are additional commercial uses, also in B-2, Neighborhood Business, and B-3, Community Business Districts.

The Festival Center has frontages and access along Airport Boulevard, Montlimar Drive, and Downtowner Boulevard. The proposed gymnasium site can be accessed via the Festival Center but has its own frontage and access along Downtowner Boulevard.

Expansion of the existing school onto the adjacent property for use as a gymnasium does not appear to constitute an increase in the number of students or teachers such that it would impact the school's consistency with previous uses. It also does not appear that it would impact the other uses within the Festival Center as the expansion will be located on an adjacent property, with direct access to Downtowner Boulevard, thereby limiting the need to access the site through the larger Festival Center site.

It should be noted that future development or redevelopment of the site may require additional modifications of the Planning Approval and PUD to be approved by the Planning Commission and City Council. A note stating as much should be placed on the recorded site plans, if approved.

PLANNING APPROVAL / PLANNED UNIT DEVELOPMENT MODIFICATION CONSIDERATIONS

Standards of Review:

The Unified Development Code (UDC) in Section 64-5-8-B.(5) states the following concerning Planning Approval / 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,

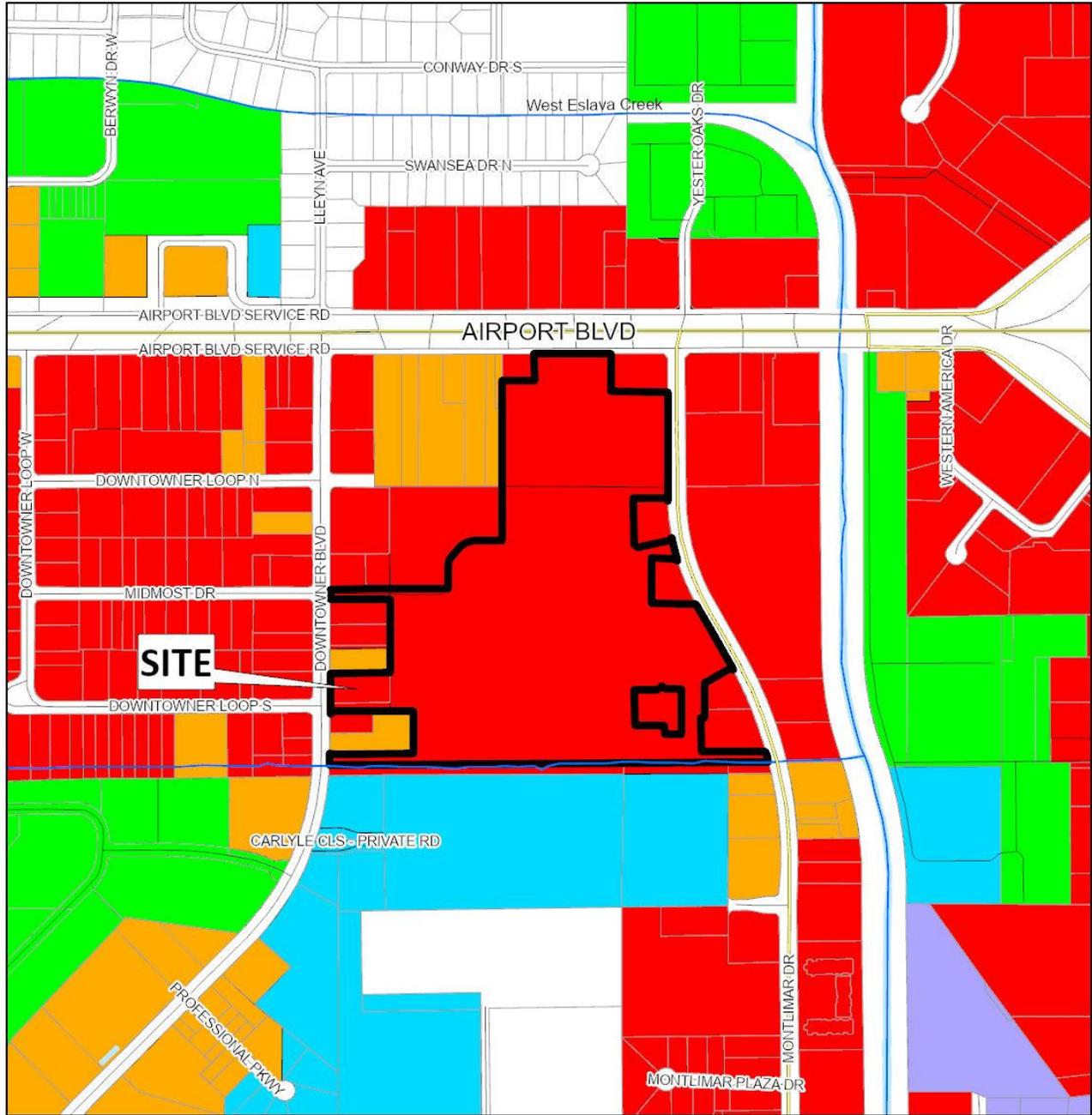
- hours of operation or any other conditions that mitigate the impacts of the proposed development;
and
- b. Includes adequate public facilities and utilities;
5. Is subject to adequate design standards to provide ingress and egress that minimize traffic hazards and traffic congestion on the public roads;
 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 of the Modified Planned Unit Development / Planning Approval, the following conditions should apply:

1. Provision of revised Planning Approval and Planned Unit Development (PUD) site plans showing the overall development, as amended by the Major Modification requests;
2. Revision of the final Planning Approval and PUD site plans to either provide pedestrian access between the two sites, or depict existing pedestrian access between the two sites;
3. Placement of a note on the revised site plans stating the gymnasium site will comply with the tree planting and landscape area requirements of Article 3 of the Unified Development Code;
4. Placement of a note on the revised site plans stating that future development or redevelopment of the property may require additional modifications of the Planning Approval and PUD to be approved by the Planning Commission and City Council;
5. Compliance with all Engineering comments noted in this staff report;
6. Compliance with all Traffic Engineering comments noted in this staff report;
7. Compliance with all Urban Forestry comments noted in this staff report;
8. Compliance with all Fire Department comments noted in this staff report;
9. Provision of revised Planning Approval and PUD site plans for review by Planning and Zoning prior to recording, and provision of copies of the recorded site plans (hard copy and pdf) to Planning and Zoning;
and
10. Full compliance with all municipal codes and ordinances.

LOCATOR ZONING MAP



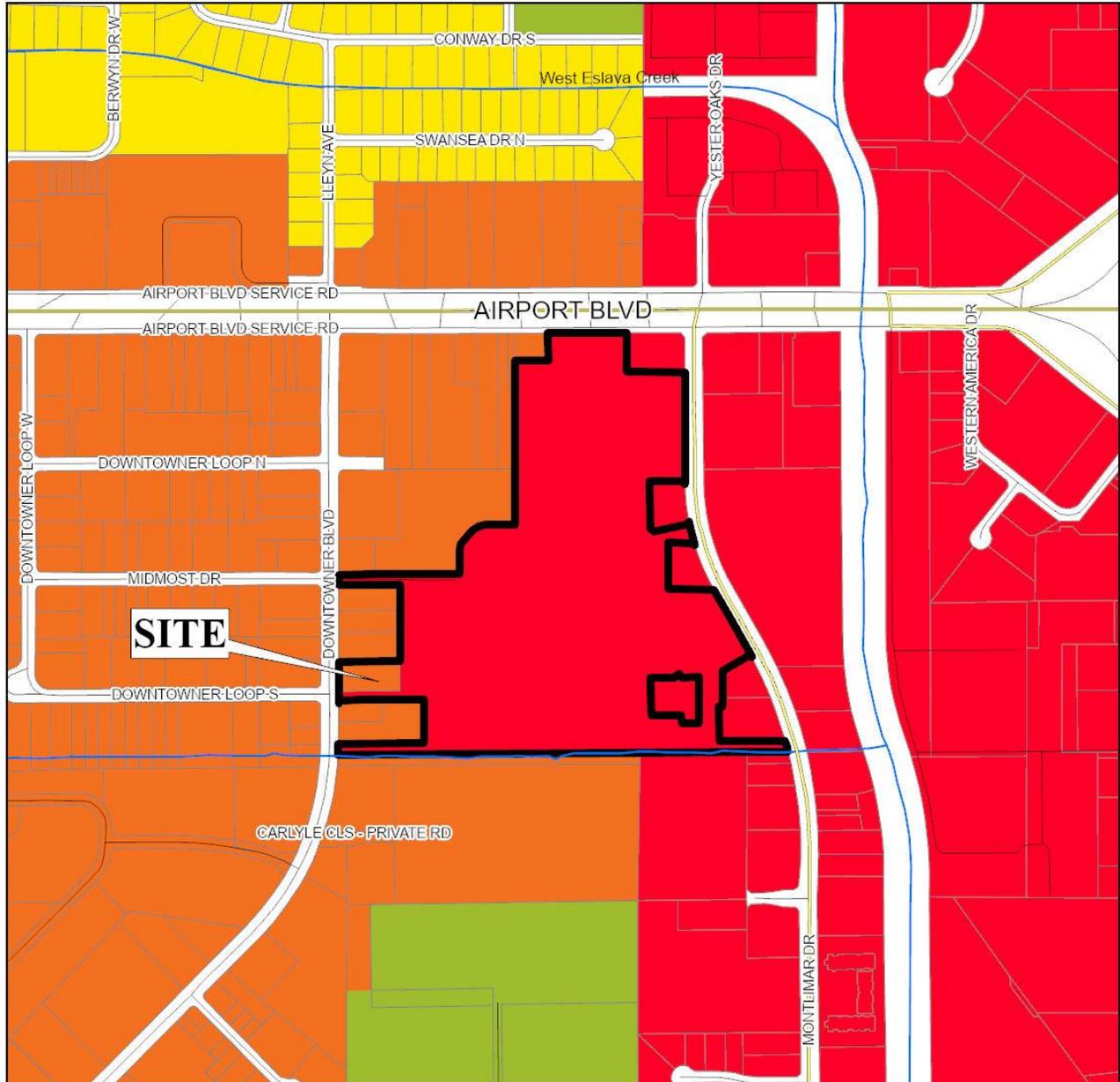
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REQUEST PUD Modification, Planning Approval Modification



FLUM LOCATOR MAP



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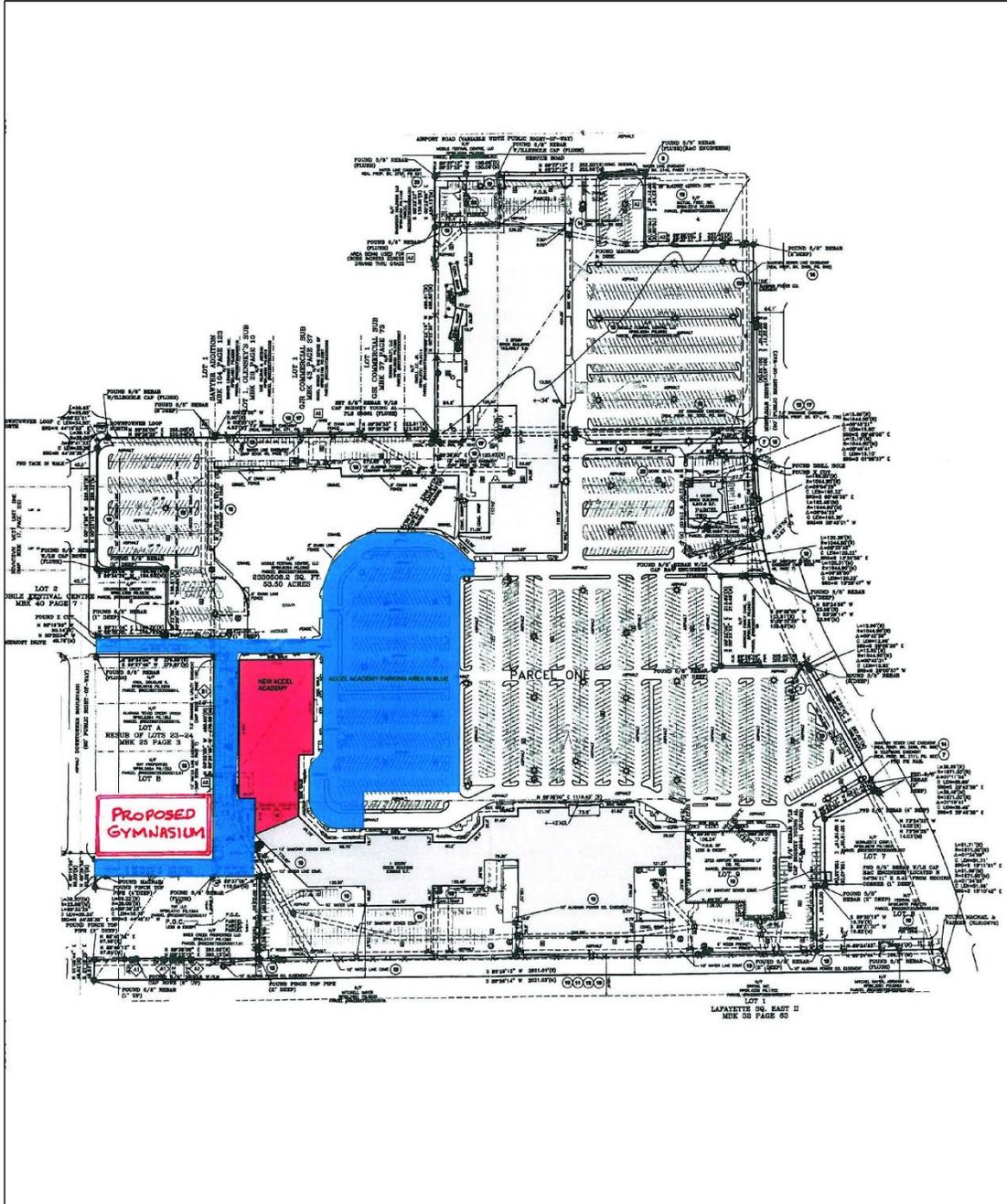
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- | | | | |
|---|--|---|---|
| ■ Low Density Residential | ■ Neighborhood Center - Traditional | ■ Downtown Waterfront | ■ Parks & Open Space |
| ■ Mixed Density Residential | ■ Neighborhood Center - Suburban | ■ Light Industry | ■ Water Dependent |
| ■ Downtown | ■ Traditional Corridor | ■ Heavy Industry | |
| ■ District Center | ■ Mixed Commercial Corridor | ■ Institutional | |



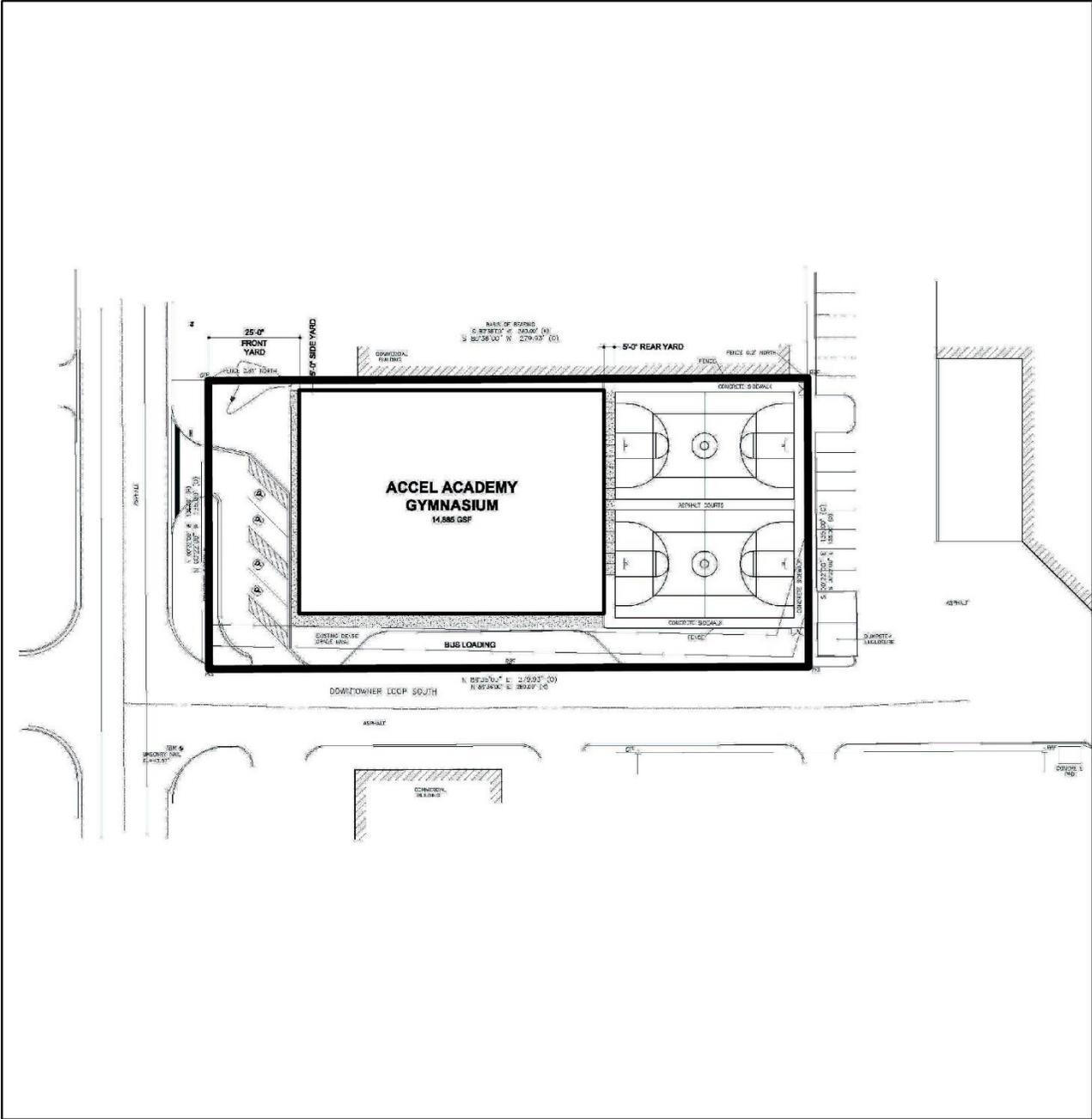
SITE PLAN



The site plan illustrates the existing academy, parking, and proposed gymnasium.

| | | | | |
|--------------------|---|------|-------------------|--|
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DETAIL SITE PLAN



APPLICATION NUMBER _____ 13 _____ DATE December 19, 2024
 APPLICANT _____ Accel Academy (Charles D. Tisher, Jr., P.E., Agent)
 REQUEST _____ PUD Modification, Planning Approval Modification



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.



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.