

Planning Commission Comments – Rewrite of Downtown Development District Code

Public Hearing August 18, 2022

Elizabeth Stevens, President, Downtown Mobile Alliance

Master Planning Process needed before Zoning is determined

In 2014, the City Council approved a document (DDD Code) that knowingly and specifically said that parcels labeled “SD,” which clearly included the Civic Center Site, “require a master plan be completed in coordination with the Planning Section. Transect sub-districts are assigned through the master plan process. Master Plans shall be approved by the Planning Commission and the City Council of Mobile.”

I believe that the council was aware that they owned the Civic Center when they approved this. I believe that they knew that, generally, their properties, when being developed for governmental use, would be exempt from zoning. Based on previous high level planning processes, they were aware that any development of the parking lot at the Civic Center would be private development and therefore they stipulated that a master plan should be developed under a process as specified above.

Zoning cannot generate a well-planned neighborhood on its own, it is only an implementation tool for a master plan, and the plan must come first.

This zoning change proposed is clearly contrary to the council’s wishes.

The proposed code specifically attempts to change this before a master plan has been accomplished. (Page 2 of 49 – line 8)

Proposed CC District creates a spot zone within the DDD code

The zoning code labeled “CC” creates unique districts for each anticipated parcel to be subdivided from the existing Civic Center parcel. The collection of single-parcel zones do not meet the equal protection requirements of zoning districts. The proposed new districts invite spot-zoning challenges. The proposed new districts provide next to no guidance as to form, materials, and siting. Maximum set back allowances are in some cases generous to the point of being irrelevant.

Minimum parking requirements are arbitrary and without grounding in the parking demands any study would determine for the proposed uses. This creates an unfair situation with every other property in the downtown which is zoned to a finely detailed form based code.

The current DDD code is prescriptive in that it sets out the parameters to which all properties are to be built so as to create people-oriented places. That does not mean contemporary construction is forbidden or that 19th century replicas are mandated. It does mean that a minimum standard of quality of materials is detailed. It does mean that shelter, transparency, and setbacks are finely tuned to create environments where the pedestrian's comfort and needs are the highest priority and not that of the car. History shows that for economic development to thrive in the urban form, there must be pedestrians and they must enjoy the experience.

With the short amount of time since this proposed "Regulating Plan" was released and with no master plan to which to refer, I am not ready to comment of the proposed "Plate A Regulating Plan – Detail" other than to say it is a suburban style coding dropped into a historic urban fabric that is otherwise regulated by a carefully calibrated transect-based form-based code. (Page 4 of 49)

The site should be assigned Transect-zones matching those in the DDD code (T-3, T-4, T-5.1, T-5.2, and T-6) after the master plan has been adopted.

Specific Items

- Page 7 of 49 – (Line 31) – Why is SD-CC added? There is no adjacent mapped transect. It is all contained on one block.
- Page 11 of 49 –

SD-CC 1-4 and CC 6 – 60' max. setback should be much less, probably 12' max. This is hard to pinpoint without a master plan that envisions how the site will be developed. PLUS, "unrestricted" setbacks on secondary frontages??? No!

What is the concept proposed of "Outbuildings" not being restricted to the rear of the façade?

Parking should be restricted to the rear of the façade.

SD-CC 5 – Secondary frontages should have min and max setback requirements.

- Page 13 of 49 – Use Table

Request “Boarding Houses and Dormitories,” “Senior & Elderly Housing,” and “Nursing & Retirement Housing” be removed as an “R” from T3. These are higher density uses that do not fit in the T-3 built environment.

No comment on the CC other than noted in previous comments.

- Page 17-18 of 49 – (Line 14) – There should be no exception to the masking requirements. These are important to creating the pedestrian-oriented environment that will make downtown developments economically successful.

Studying C. Vehicular Parking access (Lines 43-16) – Not ready to comment

- Page 20 of 49 – (Lines 4-10) – Not able to comment without a master plan.
- Pages 21-22 of 49 – (Lines 1-10) – Building Materials standards - changes to T-6 and CC – Still studying the list. Not able to comment at this time. Lines 12- 22 Roofing Materials – Ditto. Foundations – Lines 31-5 Ditto. Material regulations are intended to unify the appearance of a zoning district and relate new construction to the surrounding historic fabric. Material regulations discourage trophy buildings that prioritize attention grabbing over contribution to a shared urban fabric that is unique to Mobile’s history and sense of place. The proposed list of materials welcomes challenge as it has no rationale in the historic context and provides no characteristics that would unify new buildings. A list of allowable materials this long cannot unify nor relate the new buildings to each other and to the historic fabric and has no defensible purpose.
- Page 22 of 49 – (Lines 16 – 19) – In a vibrant downtown, fences and walls are important elements that define the shape and proportion of the pedestrian realm. Walls and fences that fail to reinforce the street wall and that detract from the pedestrian experience damage the public realm. –

object the removal of design or material regulations for fences and walls in T-6 and CC

Transparency – (Lines 27-31) – Studying this language. Not able to comment at this time.

- Page 23 of 49 – Building Specification: Frontage Standards

Line 28 – “Plaza” - Studying this language. Not able to comment at this time.

Line 43-3 – Walkaways - Studying this language. Not able to comment at this time.

- Pages 26 -27 of 49 – Additions to existing buildings in CC - Studying this language. Not able to comment at this time.
- Page 28 of 49 – (Line 4) – Perhaps “Lawn” should be allowed under certain circumstances in T-5.1. There are a select few blocks in this area where there is a little row of historic buildings with “lawn” frontages. The 850 block of Dauphin Street is an example. 854 Dauphin Street was recently built alongside a row of three Victorian cottages. A variance was required to allow this. Perhaps this could be allowed as a special exception through whatever the new process is.
- Page 39-40 of 49 – (Lines 12 – 4) - Pylon Signs - Studying this language. Not able to comment at this time.
- Page 427 – Short-Term Rentals – Recommend study and consultation with neighborhood groups as to whether there should be a limitation on short-term rentals in T-3 and select portions of T-4. These are very small neighborhoods that are finally experiencing residential growth after decades of decline. Neighborhoods need a certain percentage of full-time residents to be healthy. The allowance of short-term rentals in the downtown area needs further analysis. Our organization did not know that this had been imposed into downtown’s code when the UDC was adopted. According to the leadership of the Church Street east and DeTonti Square neighborhood associations, they also did not know about this amendment which was made in the proposed UDC before its adoption in July 2022.

Request – Hold this code over until a proper master planning process can be done for Civic Center site

The proposed layout of the SD Stonewater development (projected to be leased to the Corps of Engineers) takes up too much valuable urban land on this site. The siting of this development should be reconsidered so that more land is available for other residential and commercial uses that complement the adjacent neighborhood and the city's yet-to-be-determined goals for the Civic Center. Do not take this as a repudiation of the idea of an office on the southern corner of the site, nor the proposed tenant. It is only one of the form and siting of the parcel proposed for leasing to SD Stonewater and of the suburban-style regulations proposed to guide the private development of the parcel.

Adopting any zoning code at this point would be grossly premature if not harmful to the wise and measured development of the site.

We ask that if you create a sub-committee to work on this code that we be included in the discussions. This will eliminate the needless delays caused by developing a code without true and robust stakeholder input.