



Agenda Item # 1 - HOLDOVER

SUB-002810-2024

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

1852 and 1856 Butler Street

Subdivision Name:

Butler – Esau Subdivision

Applicant / Agent:

Lawrence Cain / Nick Hadji, SLSCO, Ltd. Agent

Property Owners:

Lawrence Cain

Current Zoning:

R-1, Single-Family Residential Urban District

Future Land Use:

Mixed Density Residential

Applicable Codes, Policies, and Plans:

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

Proposal:

- Subdivision approval to create two (2) legal lots of record from two (2) metes-and-bounds parcels.

Considerations:

1. Holdover to allow the applicant to revise the plat to possibly be approvable.

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BUTLER-ESAU SUBDIVISION



APPLICATION NUMBER 1 DATE March 21, 2024



HOLDOVER COMMENTS

This application was heldover from the February 22nd meeting to allow the applicant time to address the following:

1. Revision of Lot 1 to contain only one (1) dwelling, with compliant setbacks;
2. Revision of the plat to indicate a dedication to provide 30 feet from the centerline of Butler Street;
3. Revision of the plat to indicate a dedication to provide a 25-foot radius curve at the intersection of Butler Street and Esau Avenue;
4. Revision of the plat to indicate a five-foot (5') minimum building setback line along both street frontages, as measured from any required dedication;
5. Revision of the plat to label each lot with its size in both square feet and acres after any required dedication.

To address the issues above, a revised plat was submitted that eliminated the parcel at the corner of Butler Street and Esau Avenue. The revised plat illustrates the needed dedication along Butler Street (# 2) and the illustration of a compliant front yard setback (#4).

Regarding item #1, the revised plat does NOT address the number of dwellings on Lot 1. Item #2 required the dedication of a radius at the intersection of Butler Street and Esau Avenue and Item #5 required the illustration of the lot sizes in square feet and acres after any required dedication. As stated, the revised plat simply eliminated the metes and bounds parcel at the corner of Esau Avenue and Butler Street. The current owner of the omitted parcel at the corner of Esau Avenue and Butler Streets deeded off proposed Lot 1 in 1991, without subdivision approval; consequently, neither the proposed lot nor the omitted parcel is a legal lot of record as required by Section E.1. of the Subdivision Regulations.

The minimum lot size is 6,000 square feet for a site located in a R-1, Single-Family Urban District. While the proposed Lot 1 would be 6,336 square feet (after dedication) and would thus be compliant, the "remainder" of the lot at the corner would be 4,104 square feet (without dedication) and thus woefully substandard.

While dedication has been provided, further research indicates that while Butler Street is not constructed to city standards; ie, without curb and gutters, there is a sidewalk along one side of Butler Street. If dedication is not required, the overall site (including the "omitted portion" at the corner) would consist of 11,400 square feet, and if then equally divided, both lots would be roughly 5,700 square feet (when accounting for the dedication of the radius). Two slightly substandard lots would seem to be more in keeping with the surrounding development than having one compliant lot, and the other lot much smaller than all the surrounding lots.

HOLDOVER CONSIDERATIONS

If the Commission chooses to waive the dedication requirement along Butler Avenue, a waiver of Section 6. B.9. would be required; in addition, a waiver of Section 6.C.1. (minimum lot size) would be required to allow the approval of two-5,700 +/- square foot lots. With these waivers, the following conditions should apply:

1. Revision of the plat to illustrate two (2) equally sized lots of approximately 5,700 square feet each,
2. Removal of at least one (1) of the dwellings from the proposed lot,
3. Revision of the plat to illustrate the dedication of a 25-foot radius curve at the intersection Butler Street and Esau Avenue;

4. The illustration of the required five (5) foot minimum building setback line along both street frontages (as measured from radius dedication); and
5. Revision of the plat to label both lots with their size in both square feet and acres after any required dedication.

SITE HISTORY

The subject site is composed of Lot 141, Trinity Gardens Subdivision 2nd Addition, recorded in October 1938. Since that time, the lot was split into two tax parcels without Planning Commission approval of a subdivision. A search of deed history on the parcels indicates that the current owner of proposed Lot 2 sold the North portion of the recorded Lot 141 in October 1991.

The site has not been the subject of any Planning Commission or Board of Zoning Adjustment cases.

STAFF COMMENTS

Engineering Comments:

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. Provide and label the monument set or found at each subdivision corner.
- C. Add a graphic scale.
- D. Label the Vicinity Map and the site within the Vicinity Map.
- E. Add a north arrow, scale, and legible street names to the vicinity map.
- F. Dedicate the corner radius (15' minimum or as approved by the City Engineer and Traffic Engineer) at the southwest corner of LOT 2, and list the amount of dedicated acreage (sf and ac).
- G. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer.
- H. Provide the Surveyor's Certificate.
- I. Are the names and mailing addresses on SHEET 2 OF 2 necessary on the Final Plat?
- J. As shown on the 1984 aerial photo LOTS 1 and 2 will share the 2600 sf historical credit of existing (1984) impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control). Applicant will need to coordinate with the City Engineering Permitting Department (G. Davis) to establish the exact amount that each Lot will receive prior to the submittal of the Final Plat from review.
- K. Add a note 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.
- L. Add a note 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.
- M. 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.

- N. Add a note that all existing and proposed detention facilities, common areas, and wetlands shall be the responsibility of the Property Owner(s), and not the responsibility of the City of Mobile.
- O. Add a note that all easements shall remain in effect until vacated through the proper Vacation process.
- P. 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 prior to obtaining any signatures. No signatures are required on the drawing.

Traffic Engineering Comments:

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.

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 non-sprinklered commercial buildings and within 300' of all sprinklered commercial buildings. Fire water supply for all commercial buildings will be required to meet the guidance of Appendices B and C of the 2021 International Fire Code. The minimum requirement for fire hydrants is to be within 400' of non-sprinkled commercial buildings, within 600' of sprinkled commercial buildings, and within 100' of fire department connections (FDC) for both standpipes and sprinkler systems.

Planning Comments:

The purpose of this request is to create two (2) legal lots of record from two (2) existing metes-and-bounds parcels. The site is served by public water and sanitary sewer services.

The proposed lots have frontage along Butler Street and Esau Avenue, both minor streets without curb and gutter, and requiring 60-foot (60') rights-of-way. Butler Street has a substandard 45-foot right-of-way. Therefore, dedication would be required to provide 30 feet from the centerline of Butler Street, if approved. Esau Avenue has a compliant 60-foot right-of-way; therefore, no dedication would be required along Esau Avenue. A 25-foot (25') radius curve should be dedicated at the corner of Butler Street and Esau Avenue as required by Section 6.C.6. of the Subdivision Regulations. The right-of-way widths of both streets should be provided on the Final Plat, if approved, revised for any right-of-way dedication.

The site is within an Urban sub-district, which allows five-foot (5') front yard setbacks. The five-foot (5') minimum building setback line is only indicated for proposed Lot 1 along Butler Street. No minimum building setbacks are indicated for proposed Lot 2 along either street frontage.

Lot 1, as proposed, exceeds the minimum size requirement of Article 2, Section 64-2-5.E. of the UDC for lots served by public water and sanitary sewer in an R-1, Single-Family Residential Urban district, and is appropriately labeled in square feet and acres on the preliminary plat. This label should be retained on the Final Plat, if approved, or a

table furnishing the same information should be provided on the Final Plat. However, proposed Lot 1 currently has two (2) dwellings on it, in violation of Article 2, Section 64-2-5.E. of the UDC, and as such, cannot be approved.

Proposed Lot 2 is currently vacant, but does not meet the minimum 6,000 square-foot size requirement of Article 2, Section 64-2-5.E. of the UDC for lots in an R-1, Single-Family Residential Urban district, as it is labeled to be 4,100.97 square feet. It appears from a review of Probate Court records that the parcel was created after 1962, thus it cannot be considered to have been legally created.

SUBDIVISION CONSIDERATIONS

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:

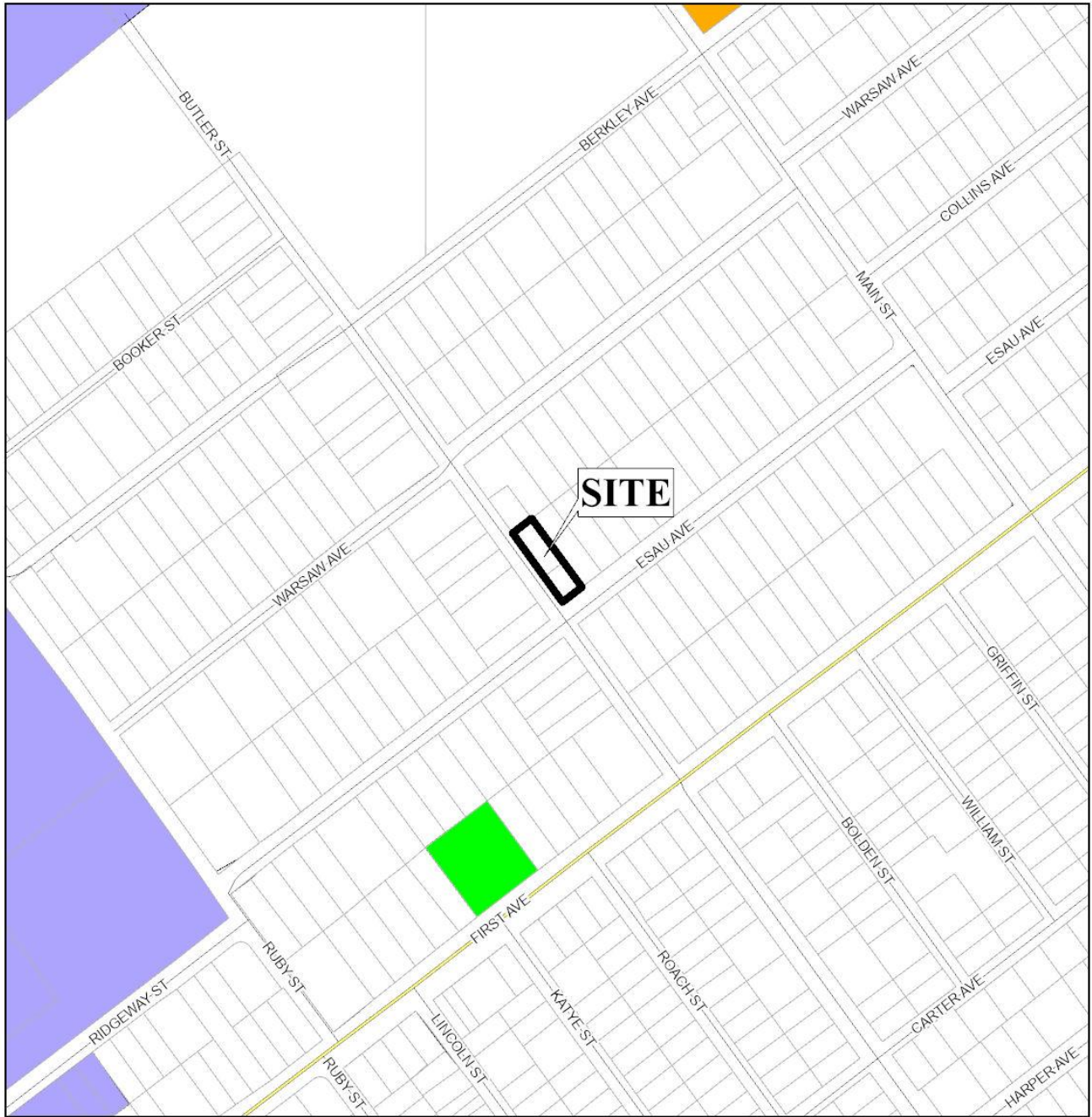
Based on the preceding, as proposed, the Planning Commission cannot consider the subdivision for approval for the following reasons:

1. Lot 2 would be of a substandard size, in violation of Article 2, Section 64-2-5.E. of the UDC, and appears to have been created without Subdivision approval; and
2. Lot 1 would have two (2) dwellings, in violation of Article 2, Section 64-2-5.E. of the UDC.

Holdover may be possible to allow the applicant to revise the plat to place each dwelling on a separate, albeit substandard size lot, subject to Approval by the Board of Zoning Adjustment. If heldover, the applicant should address the following items:

1. Revision of Lot 1 to contain only one (1) dwelling, with compliant setbacks;
2. Revision of the plat to indicate a dedication to provide 30 feet from the centerline of Butler Street;
3. Revision of the plat to indicate a dedication to provide a 25-foot radius curve at the intersection of Butler Street and Esau Avenue;
4. Revision of the plat to indicate a five-foot (5') minimum building setback line along both street frontages, as measured from any required dedication;
5. Revision of the plat to label each lot with its size in both square feet and acres after any required dedication.

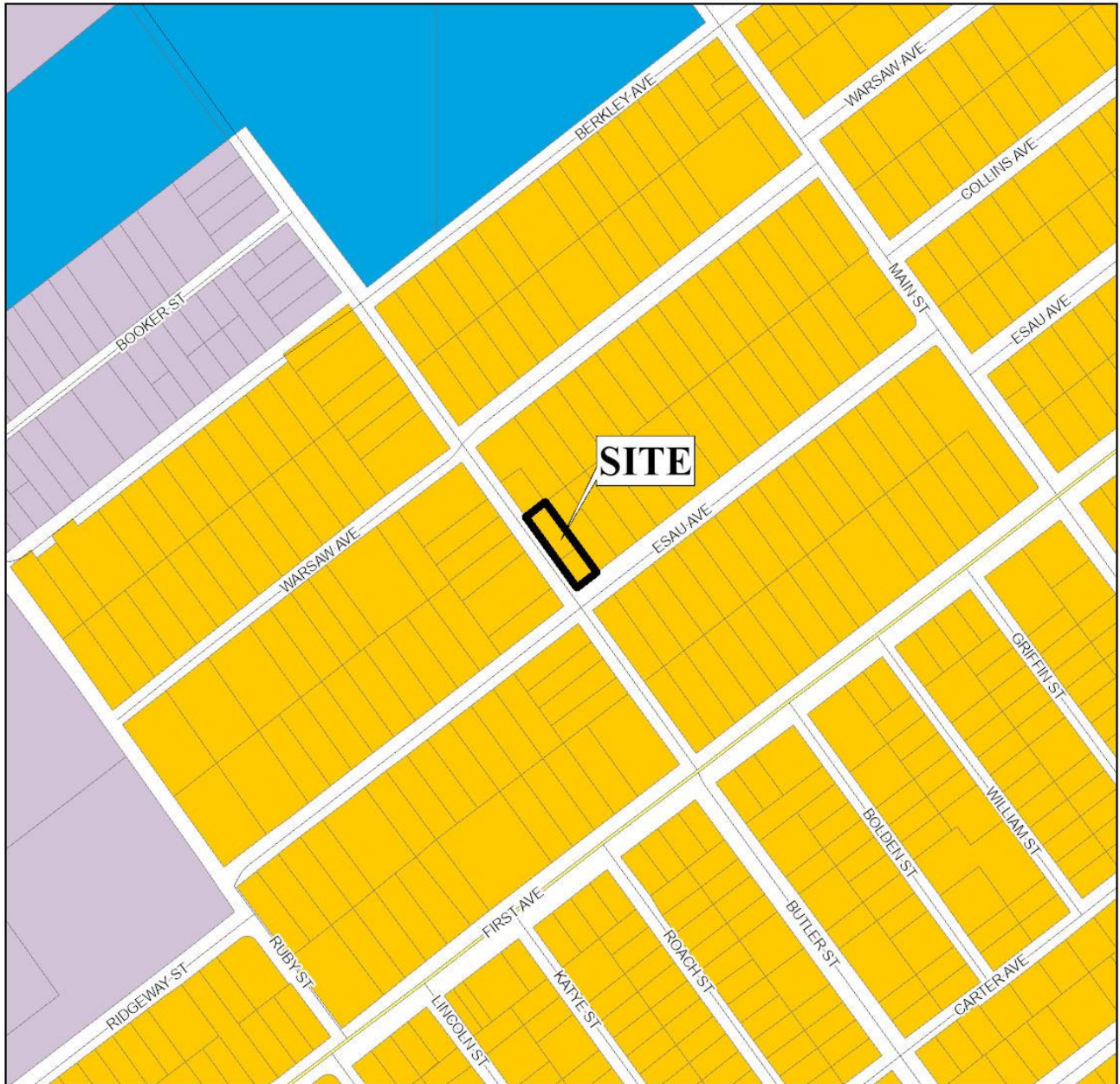
LOCATOR ZONING MAP



APPLICATION NUMBER <u>1</u>	DATE <u>March 21, 2024</u>
APPLICANT <u>Butler-Esau Subdivision</u>	
REQUEST <u>Subdivision</u>	



FLUM LOCATOR MAP



APPLICATION NUMBER 1 DATE March 21, 2024

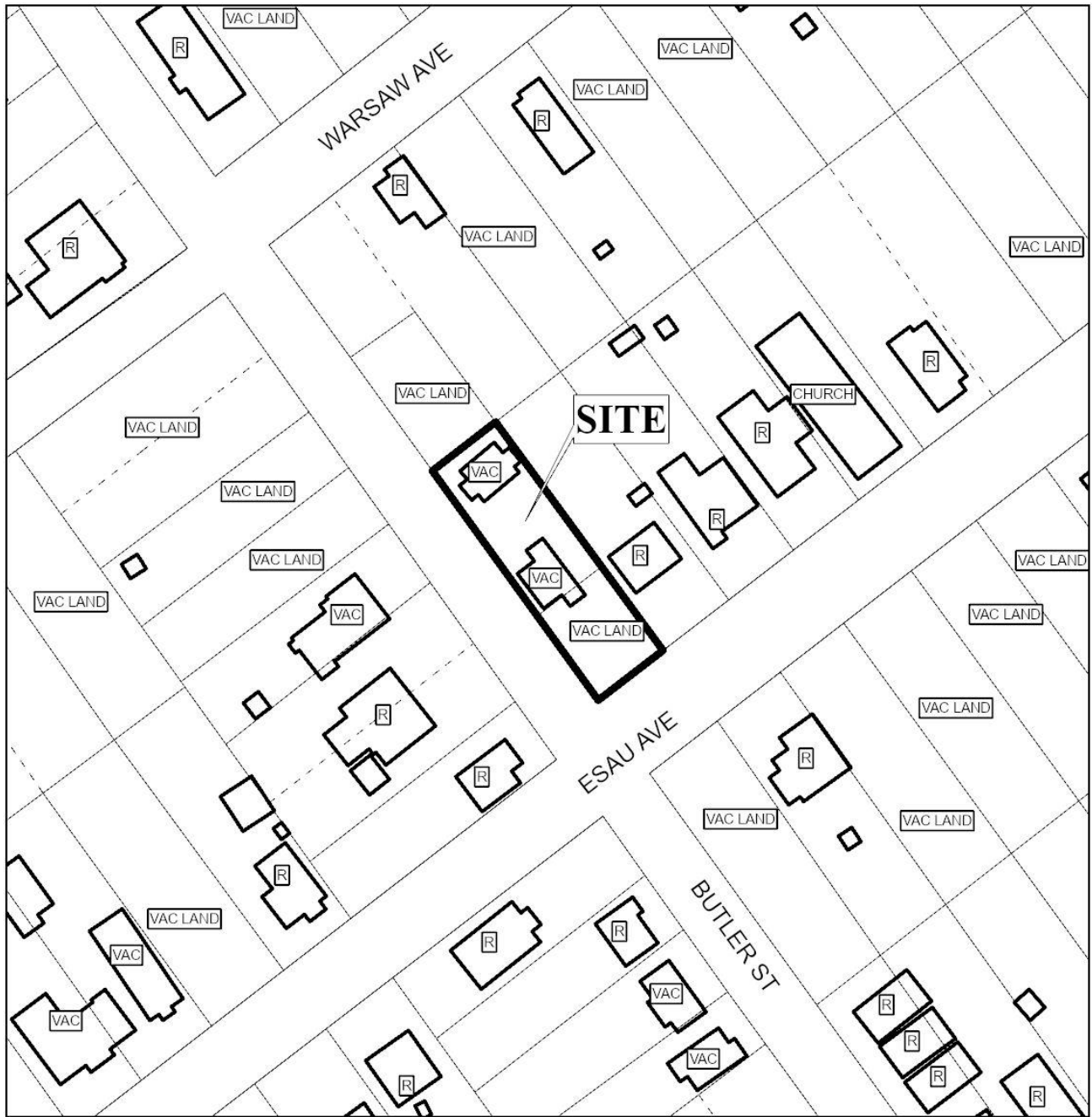
APPLICANT Butler-Esau Subdivision

REQUEST Subdivision

- | | | | |
|---------------------------|-----------------------------------|---------------------|--------------------|
| 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 | |



BUTLER-ESAU SUBDIVISION

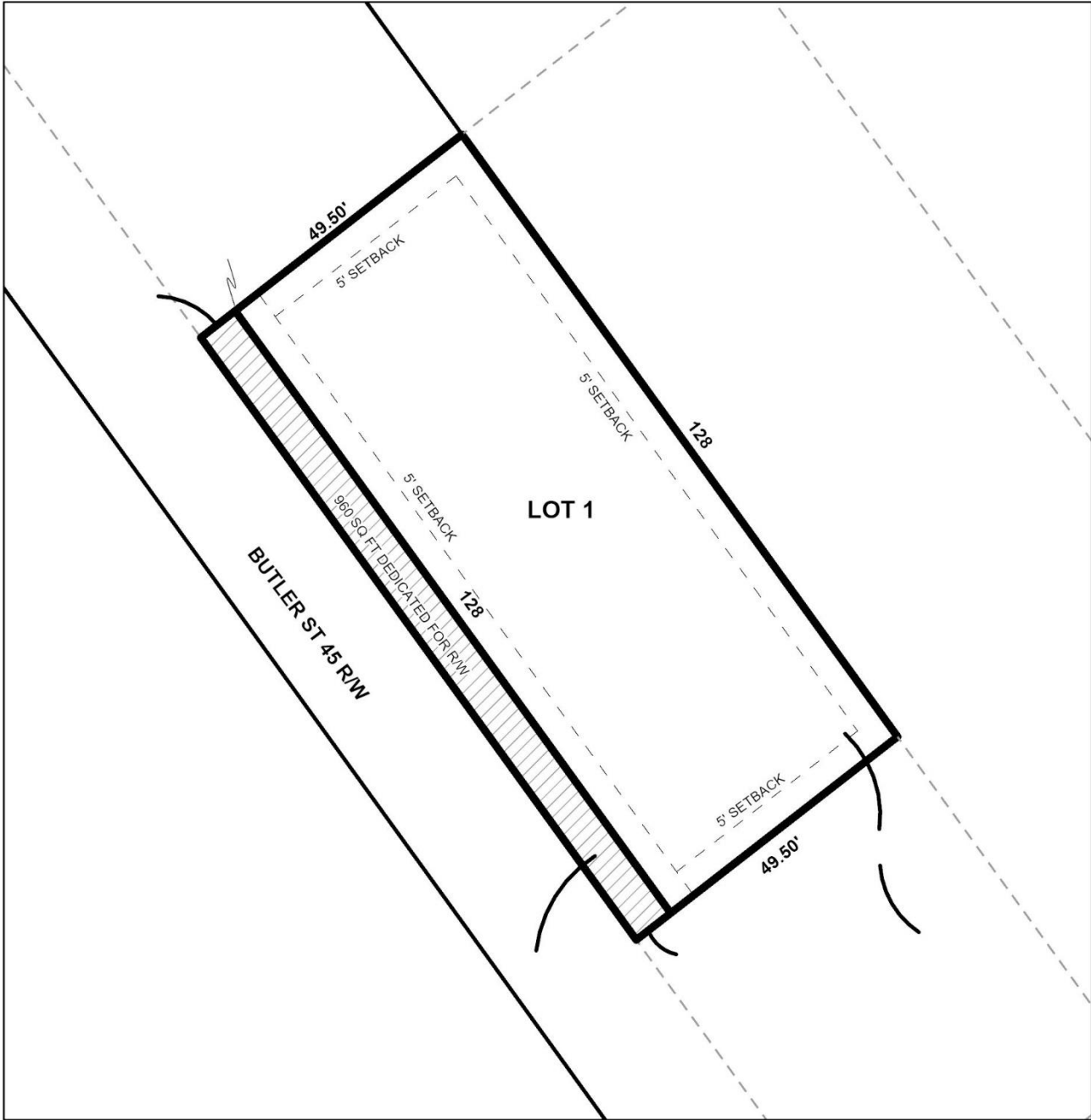


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 R-A	 R-3	 B-1	 B-2	 B-5	 ML	 I-2	 OPEN	 T-3	 T-5.2
 R-1	 R-B	 T-B	 B-3	 CW	 MH	 PD	 SD	 T-4	 T-6
 R-2	 H-B	 LB-2	 B-4	 MM	 I-1	 MUN	 SD-WH	 T-5.1	



DETAIL SITE PLAN



APPLICATION NUMBER <u>1</u>	DATE <u>March 21, 2024</u>
APPLICANT <u>Butler-Esau Subdivision</u>	
REQUEST <u>Subdivision</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)

MIXED DENSITY RESIDENTIAL (MxDR)

This designation applies mostly to residential areas located between Downtown and the Beltline, where the predominant character is that of a traditional neighborhood laid out on an urban street grid.

These residential areas should offer a mix of single family homes, townhouses, 2- to 4- residential unit buildings, accessory dwellings, and low- and mid-rise multifamily apartment buildings. The density varies between 6 and 10 du/ac, depending on the mix, types, and locations of the housing as specified by zoning.

Like LDR areas, MxDR areas may incorporate compatibly scaled and sited complementary uses such as neighborhood retail and office uses, schools, playgrounds and parks, and churches and other amenities that create a complete neighborhood fabric and provide safe and convenient access to daily necessities.