



# Agenda Item #1 - HOLDOVER

## SUB-002723-2023

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

[Applicant Materials for Consideration](#)

### DETAILS

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**Location:**

3768 Spring Hill Avenue

**Subdivision Name:**

Divine Mercy Cemetery Subdivision

**Applicant / Agent:**

Reverend Monsignor William Skoneki, St. Ignatius Parish

**Property Owner:**

St. Ignatius Parish, Mobile

**Current Zoning:**

R-1, Single-Family Residential Suburban District

**Future Land Use:**

Low 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 three (3) metes-and-bounds parcels.

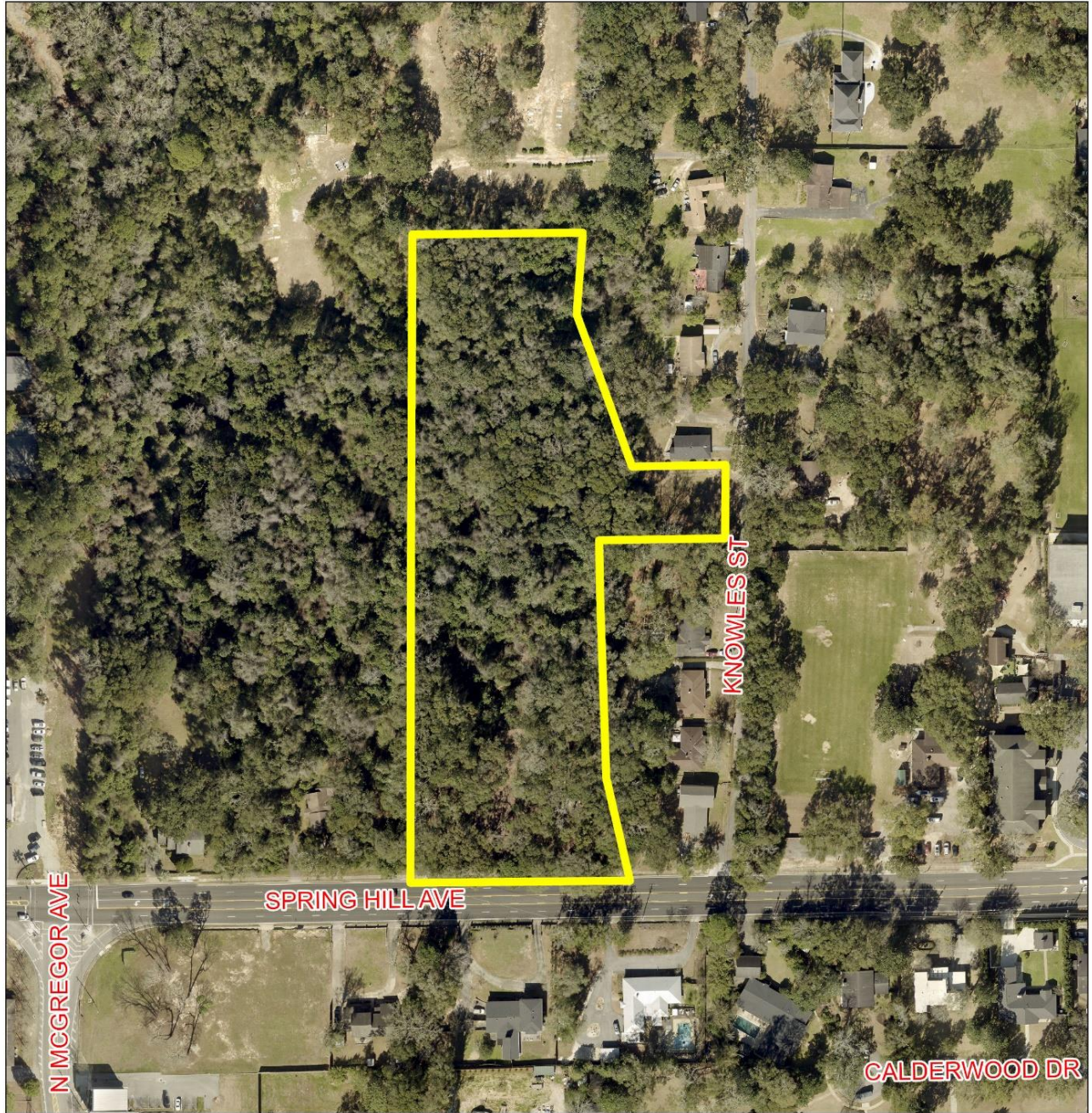
**Considerations:**

1. Subdivision proposal with nine (9) conditions.

**Report Contents:**

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# DIVINE MERCY CEMETERY SUBDIVISION



APPLICATION NUMBER <u>          1          </u> DATE <u>          April 18, 2024          </u>	 NTS
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## HOLDOVER COMMENTS

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At the applicant's request, the application was heldover from the December 7, 2023 Planning Commission meeting. Since that time, the applicant has revised their request, and the purpose of this application is to now create two (2) legal lots of record from three (3) metes-and-bounds parcels. The site is served by public water and sanitary sewer services.

Proposed Lot 1 has frontage along Spring Hill Avenue, a principal arterial street requiring a 100-foot right-of-way, and proposed Lot 2 has frontage along Knowles Street, a minor street without curb and gutter requiring a 60-foot right-of-way. The preliminary plat depicts that the right-of-way varies along both streets at this location. It should be noted that subdivisions (from 1974 and 1983) abutting proposed Lot 2 only required dedication of 25-feet from the centerline of Knowles Street. As such, if approved, a waiver of section 6.B.9. and revision of the plat to illustrate dedication sufficient to provide 25' feet from the centerline of Knowles Street, and 50 feet from the centerline of Spring Hill Avenue, should be required.

Proposed Lot 1 also has frontage along an unnamed, unimproved street right-of-way, along the West property line. As depicted, the right-of-way is inadequate for the construction of a minor street; and, previous subdivision approval of the site did not require additional right-of-way dedication. As such, it may be appropriate to again waive dedication of additional right-of-way where the site abuts the unnamed, unimproved street.

It should be noted that the preliminary plat incorrectly identifies Knowles Street as "Knowles Street (Lane)." If approved, Knowles Street should be correctly labeled on the Final Plat.

The lots exceed the minimum size requirement for lots served by public water and sanitary sewer in an R-1, Single-Family Residential Suburban district, and are appropriately labeled in square feet and acres on the preliminary plat. If approved, this information should be retained on the Final Plat, adjusted for dedication; or provision of a table on the Final Plat with the same information, adjusted for dedication, will suffice.

Proposed Lot 1 exceeds the maximum width-to-depth ratio of Section 6.C.3. of the Subdivision Regulations by approximately six (6) feet. Considering the proposed lot's depth is not excessively longer than its width with respect to Section 6.C.3., a waiver of this requirement may be appropriate.

A 25-foot front yard setback is illustrated along Knowles Street and Springhill Avenue, in compliance with Section 64-2-5.E of the Unified Development Code. This information should be retained on the Final Plat, if approved, adjusted for dedication.

## HOLDOVER SUBDIVISION CONSIDERATIONS

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Based on the preceding, and with waivers of Sections 6.B.9. and 6.C.3. of the Subdivision Regulations, if the Subdivision request is considered for approval, the following conditions could apply:

1. Revision of the plat to illustrate dedication sufficient to provide 25 feet from the centerline of Knowles Street;
2. Revision of the plat to illustrate dedication sufficient to provide 50 feet from the centerline of Spring Hill Avenue;
3. Revision of the plat to correctly label Knowles Street (and not Knowles Street (Lane));
4. Retention of the lot sizes in both square feet and acre on the Final Plat, or provision of a table on the Final Plat with the same information, adjusted for dedication;

5. Retention of setbacks as shown on the preliminary plat, adjusted for dedication;
6. Compliance with all Engineering comments noted in this staff report;
7. Placement of a note on the Final Plat stating all Traffic Engineering comments noted in this staff report;
8. Compliance with all Urban Forestry comments noted in this staff report; and,
9. Compliance with all Fire Department comments noted in this staff report.

## SITE HISTORY

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At its August 1, 2019 meeting, the Planning Commission approved: a four (4)-lot subdivision of the site; a Planned Unit Development to allow shared access between two (2) of the proposed lots; rezoning of two (2) of the proposed lots from R-1, Single-Family Residential District, to B-1, Buffer Business District; and a Planning Approval to allow development of one (1) of the proposed lots as an animal clinic with outside runs if City Council adopted its rezoning to B-1. The rezoning request was denied by City Council at its November 14, 2019 meeting, and all the other Planning Commission applications were allowed to expire.

The site remains undeveloped and has not been the subject of any additional Planning Commission cases. The Board of Zoning Adjustment considers Special Exception request to allow a cemetery at its April 1, 2024 meeting. The request was denied due to lack of affirmative votes.

## STAFF COMMENTS

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### 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. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 23 - #71) LOT 1 will receive historical credit of existing (1984) impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control) as follows: LOT 1 – NONE.
- C. 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.
- D. 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.
- E. 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.
- F. 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.
- G. Add a note that all easements shall remain in effect until vacated through the proper Vacation process.
- H. 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](mailto: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. 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 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 one (1) legal lot of record from three (3) metes-and-bounds parcels. The site is served by public water and sanitary sewer services.

The proposed lots have frontage along Knowles Street, a minor street without curb and gutter requiring a 60-foot right-of-way; and Spring Hill Avenue, a principal arterial street requiring a 100-foot right-of-way. The preliminary plat depicts that the right-of-way varies along both streets at this location. As such, if approved, revision of the plat to illustrate dedication sufficient to provide 30 feet from the centerline of Knowles Street, and 50 feet from the centerline of Spring Hill Avenue should be required.

The proposed lot also has frontage along an unnamed, unimproved street right-of-way, along the West property line. As depicted, the right-of-way is inadequate for the construction of a minor street; however, previous subdivision approval of the site did not require additional right-of-way dedication. As such, it may be appropriate to again waive dedication of additional right-of-way where the site abuts the unnamed, unimproved street.

It should be noted that the preliminary plat incorrectly identifies Knowles Street as "Knowles Street (Lane)." If approved, Knowles Street should be correctly labeled on the Final Plat.

The lot exceeds the minimum size requirement for lots served by public water and sanitary sewer in an R-1, Single-Family Residential Suburban district, and is appropriately labeled in square feet and acres on the preliminary plat. If approved, this information should be retained on the Final Plat, adjusted for dedication; or provision of a table on the Final Plat with the same information, adjusted for dedication, will suffice.

The lot exceeds the maximum width-to-depth ratio of Section 6.C.3. of the Subdivision Regulations by approximately six (6) feet. Considering the proposed lot's depth is not excessively longer than its width with respect to Section 6.C.3., a waiver of this requirement may be appropriate.

A 25-foot front yard setback is illustrated along Knowles Street and Springhill Avenue, in compliance with Section 64-2-5.E of the Unified Development Code. This information should be retained on the Final Plat, if approved, adjusted for dedication.

## **SUBDIVISION CONSIDERATIONS**

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### **Standards of Review:**

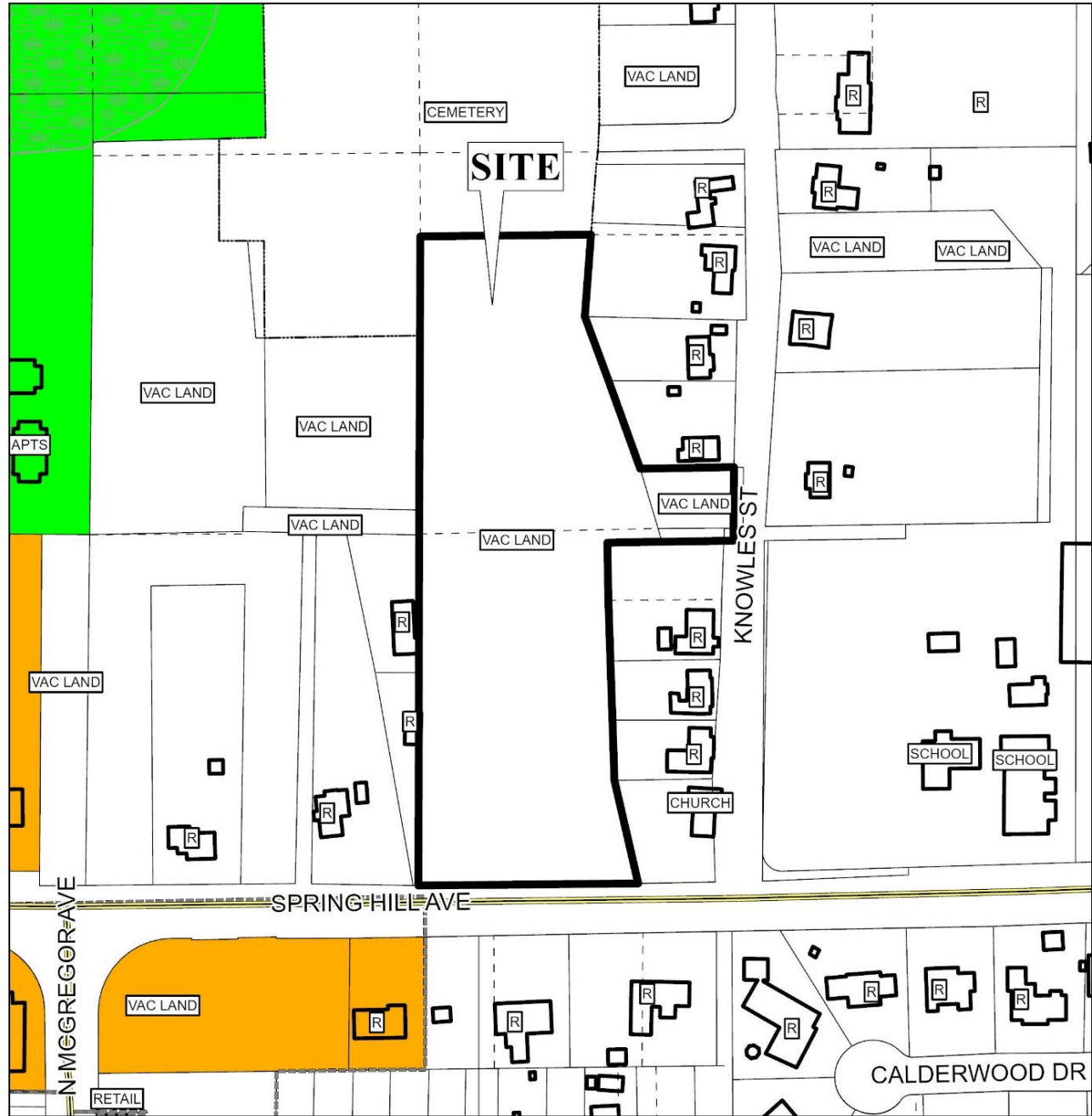
Subdivision review examines the site with regard to promoting orderly development, protecting general health, safety and welfare, and ensuring that development is correlated with adjacent developments and public utilities and services, and to ensure that the subdivision meets the minimum standards set forth in the Subdivision Regulations for lot size, road frontage, lot configuration, etc.

### **Considerations:**

Based on the preceding, and with a waiver of Sections 6.C.3. of the Subdivision Regulations, if the Subdivision request is considered for approval, the following conditions could apply:

1. Revision of the plat to illustrate dedication sufficient to provide 30 feet from the centerline of Knowles Street;
2. Revision of the plat to illustrate dedication sufficient to provide 50 feet from the centerline of Spring Hill Avenue;
3. Revision of the plat to correctly label Knowles Street (and not Knowles Street (Lane));
4. Retention of the lot sizes in both square feet and acre on the Final Plat, or provision of a table on the Final Plat with the same information, adjusted for dedication;
5. Retention of setbacks as shown on the preliminary plat, adjusted for dedication;
6. Compliance with all Engineering comments noted in this staff report;
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9. Compliance with all Fire Department comments noted in this staff report.

# DIVINE MERCY CEMETERY SUBDIVISION

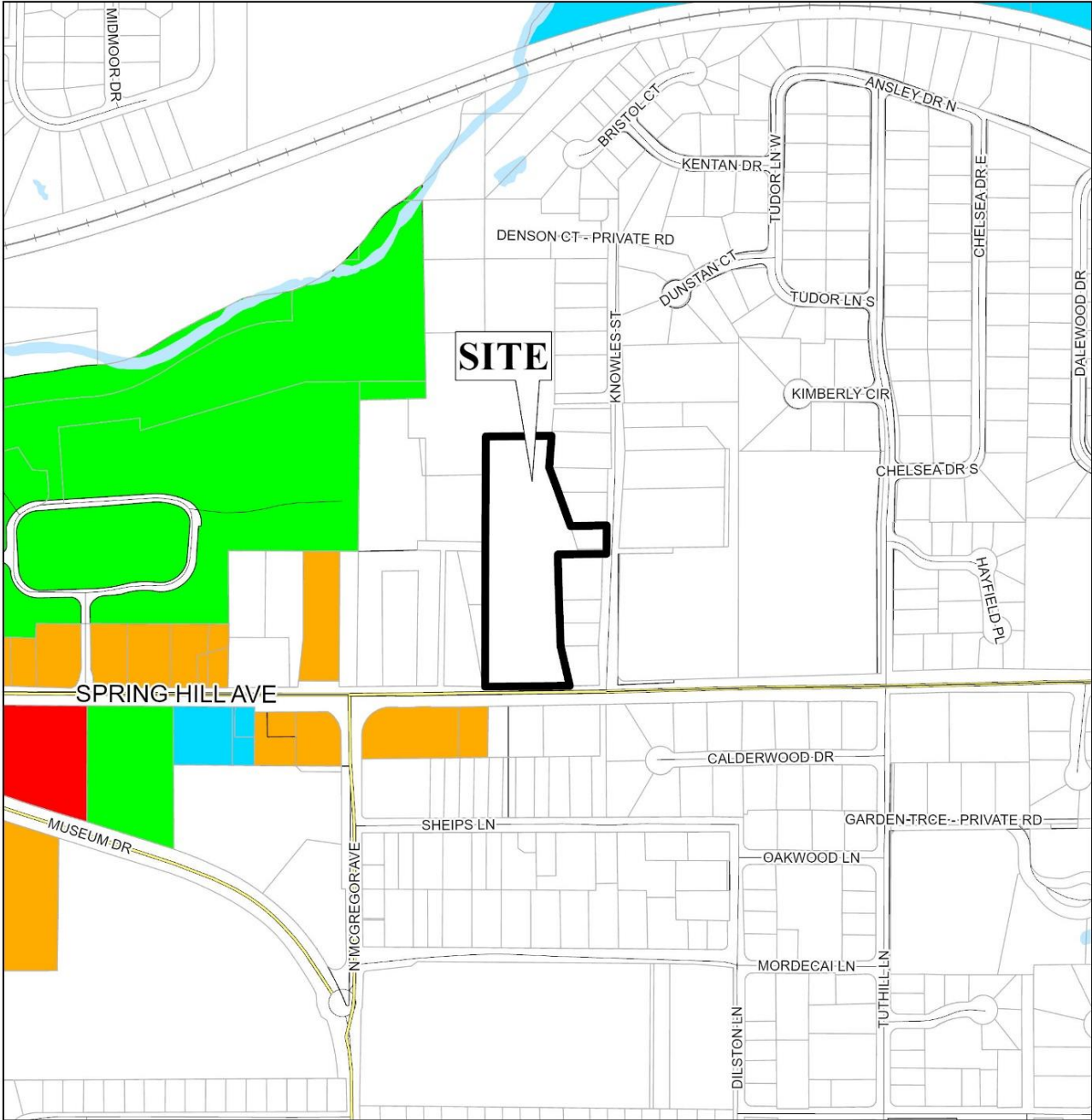


APPLICATION NUMBER 1 DATE April 18, 2024

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<span style="display: inline-block; width: 15px; height: 10px; background-color: #FFFFFF; border: 1px solid black;"></span> R-1	<span style="display: inline-block; width: 15px; height: 10px; background-color: #FF69B4; border: 1px solid black;"></span> R-B	<span style="display: inline-block; width: 15px; height: 10px; background-color: #D2B48C; border: 1px solid black;"></span> T-B	<span style="display: inline-block; width: 15px; height: 10px; background-color: #FF0000; border: 1px solid black;"></span> B-3	<span style="display: inline-block; width: 15px; height: 10px; background-color: #FF8C00; border: 1px solid black;"></span> CW	<span style="display: inline-block; width: 15px; height: 10px; background-color: #008080; border: 1px solid black;"></span> MH	<span style="display: inline-block; width: 15px; height: 10px; background-color: #008000; border: 1px solid black;"></span> PD	<span style="display: inline-block; width: 15px; height: 10px; background-color: #FFDAB9; border: 1px solid black;"></span> SD	<span style="display: inline-block; width: 15px; height: 10px; background-color: #9370DB; border: 1px solid black;"></span> T-4	<span style="display: inline-block; width: 15px; height: 10px; background-color: #4B0082; border: 1px solid black;"></span> T-6
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# LOCATOR ZONING MAP

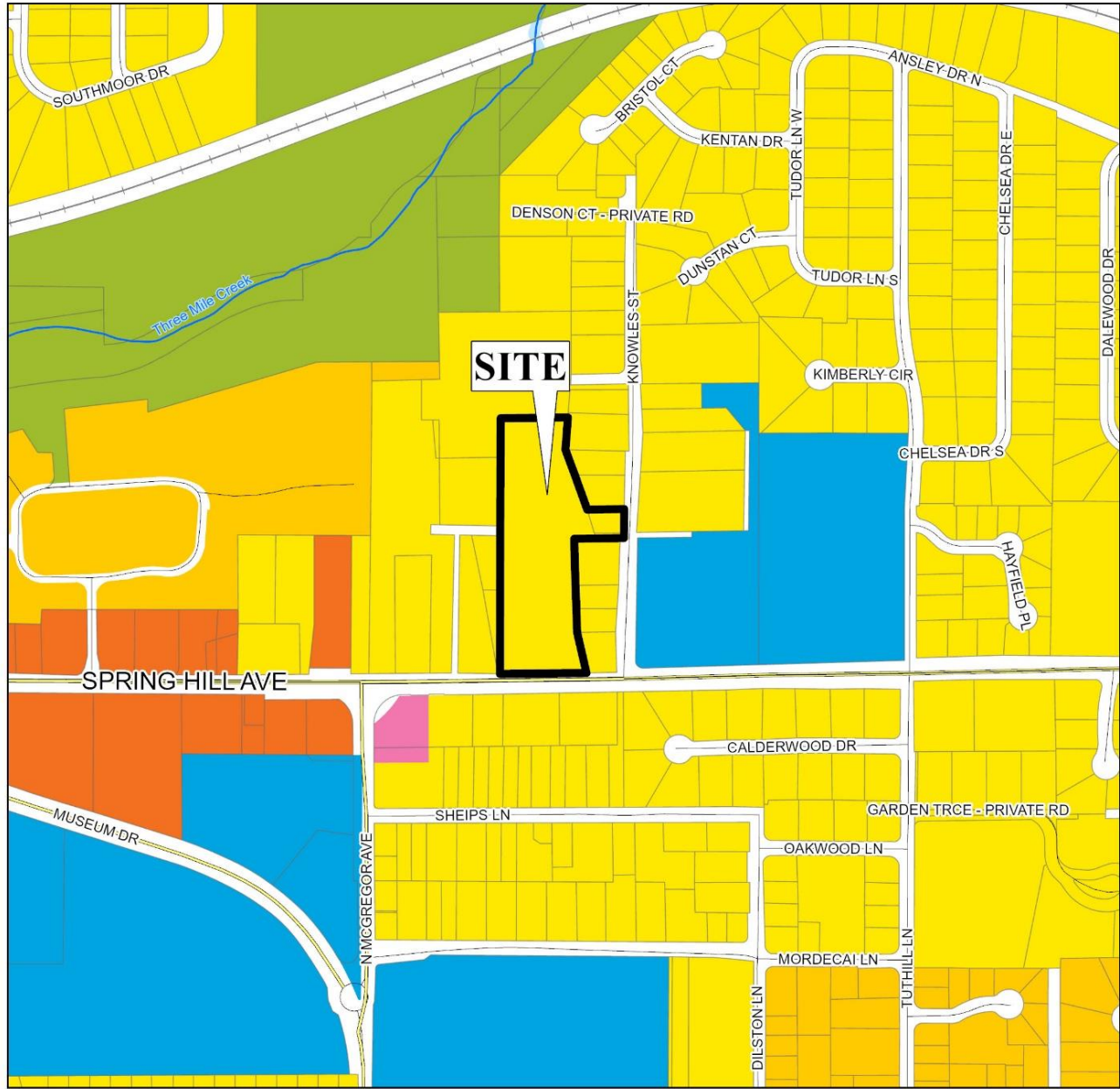



APPLICATION NUMBER	1	DATE	April 18, 2024
APPLICANT	Divine Mercy Cemetery Subdivision		
REQUEST	Subdivision		



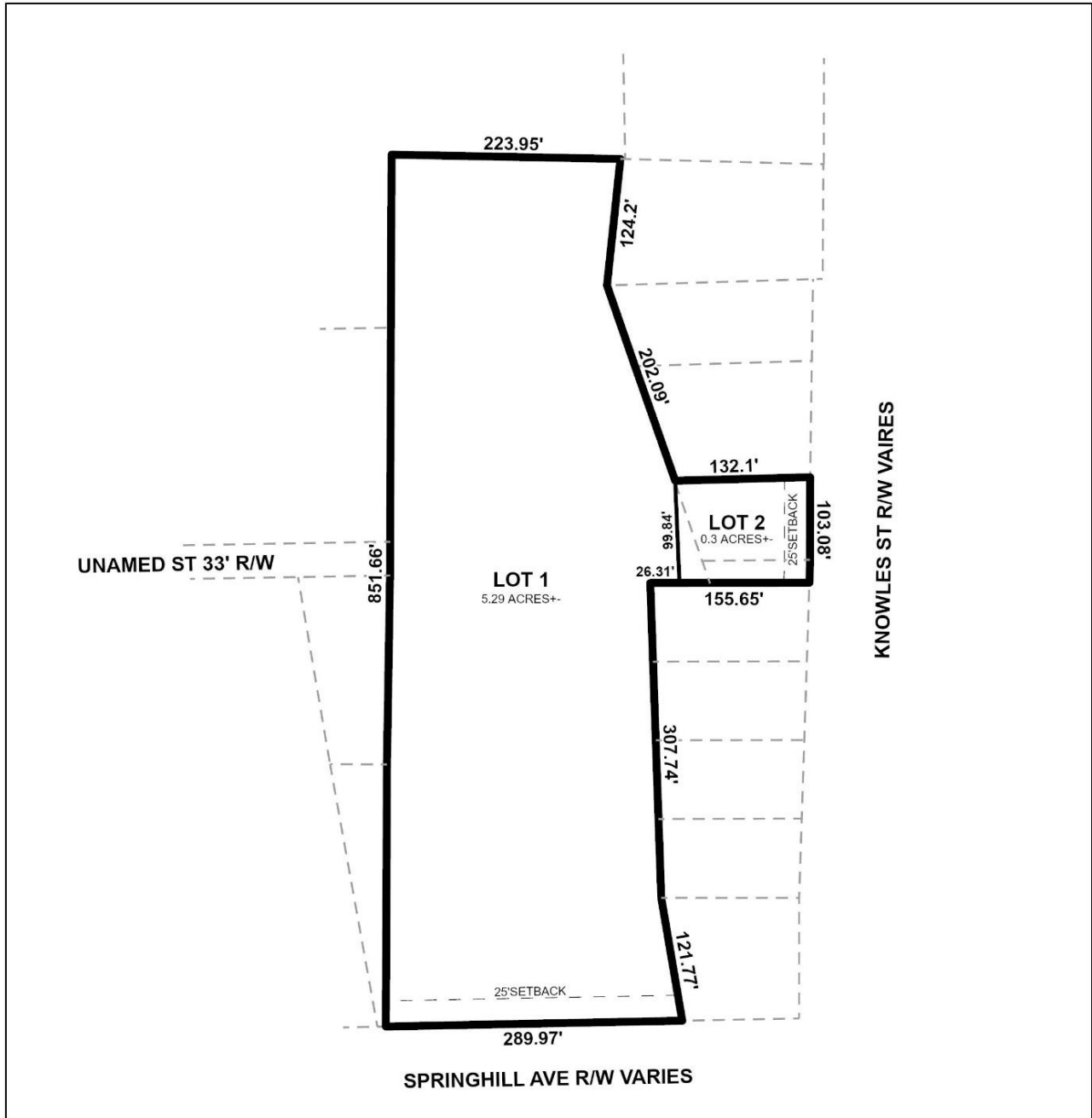



# FLUM LOCATOR MAP



APPLICATION NUMBER <u>1</u> DATE <u>April 18, 2024</u>			
APPLICANT <u>Divine Mercy Cemetery Subdivision</u>			
REQUEST <u>Subdivision</u>			
<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: yellow; border: 1px solid black; margin-right: 5px;"></span> Low Density Residential</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: orange; border: 1px solid black; margin-right: 5px;"></span> Mixed Density Residential</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: red; border: 1px solid black; margin-right: 5px;"></span> Downtown</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: pink; border: 1px solid black; margin-right: 5px;"></span> District Center</li> </ul>	<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: brown; border: 1px solid black; margin-right: 5px;"></span> Neighborhood Center - Traditional</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: blue; border: 1px solid black; margin-right: 5px;"></span> Neighborhood Center - Suburban</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: purple; border: 1px solid black; margin-right: 5px;"></span> Traditional Corridor</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: orange; border: 1px solid black; margin-right: 5px;"></span> Mixed Commercial Corridor</li> </ul>	<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: lightgrey; border: 1px solid black; margin-right: 5px;"></span> Downtown Waterfront</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: lightblue; border: 1px solid black; margin-right: 5px;"></span> Light Industry</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: darkblue; border: 1px solid black; margin-right: 5px;"></span> Heavy Industry</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: cyan; border: 1px solid black; margin-right: 5px;"></span> Institutional</li> </ul>	<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: lightgreen; border: 1px solid black; margin-right: 5px;"></span> Parks &amp; Open Space</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: darkblue; border: 1px solid black; margin-right: 5px;"></span> Water Dependent</li> </ul>

# SITE PLAN



APPLICATION NUMBER <u>1</u> DATE <u>April 18, 2024</u>	 NTS
APPLICANT <u>Divine Mercy Cemetery 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 (WDWURU)
RESIDENTIAL - AG	R-A												<input type="checkbox"/>		
ONE-FAMILY RESIDENCE	R-1	<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>					<input type="checkbox"/>		
TWO-FAMILY RESIDENCE	R-2	<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>					<input type="checkbox"/>	<input type="checkbox"/>	
MULTIPLE-FAMILY	R-3	<input type="checkbox"/>	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>						<input type="checkbox"/>	<input type="checkbox"/>	
RESIDENTIAL-BUSINESS	R-B		<input type="checkbox"/>			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>					<input type="checkbox"/>	<input type="checkbox"/>	
TRANSITIONAL-BUSINESS	T-B		<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					<input type="checkbox"/>		
HISTORIC BUSINESS	H-B			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>					<input type="checkbox"/>		
VILLAGE CENTER	TCD					<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>						<input type="checkbox"/>		
NEIGH. CENTER	TCD					<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>						<input type="checkbox"/>		
NEIGH. GENERAL	TCD					<input checked="" type="checkbox"/>							<input type="checkbox"/>		
DOWNTOWN DEV. DDD	T-6			<input checked="" type="checkbox"/>									<input type="checkbox"/>		
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DOWNTOWN DEV. DDD	T-4			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input type="checkbox"/>					<input type="checkbox"/>		
DOWNTOWN DEV. DDD	T-3			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>							<input type="checkbox"/>		
DOWNTOWN DEV. DDD	SD-WH									<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>		
DOWNTOWN DEV. DD	SD	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>		
BUFFER BUSINESS	B-1		<input type="checkbox"/>			<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>	
NEIGH. BUSINESS	B-2		<input type="checkbox"/>			<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>	
LIMITED BUSINESS	LB-2		<input type="checkbox"/>			<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>	
COMMUNITY BUSINESS	B-3				<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
GEN. BUSINESS	B-4			<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
OFFICE-DISTRIBUTION	B-5								<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	
LIGHT INDUSTRY	I-1									<input checked="" type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HEAVY INDUSTRY	I-2										<input checked="" type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>

**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)

# Residential Land Use



## LOW DENSITY RESIDENTIAL (LDR)

This designation applies to existing residential neighborhoods found mostly west of the Beltline or immediately adjacent to the east side of the Beltline.

The primary land use in the LDR districts is residential and the predominant housing type is the single-family housing unit, detached or semi-detached, typically placed within a street grid or a network of meandering suburban streets. The density in these districts ranges between 0 and 6 dwelling units per acre (du/ac).

These neighborhoods may also contain small-scale, low-rise multi-unit structures at appropriate locations, as well as complementary retail, parks and civic institutions such as schools, community centers, neighborhood playgrounds, and churches or other religious uses if those uses are designed and sited in a manner compatible with and connected to the surrounding context. The presence of individual ancillary uses should contribute to the fabric of a complete neighborhood, developed at a walkable, bikeable human scale.