



# Agenda Item #: 1

## SUB-002630-2023

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

[Applicant Materials for Consideration](#)

### DETAILS

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**Location:**

1010 and 1012 Old Shell Road

**Subdivision Name:**

McCleave Subdivision

**Applicant / Agent:**

Daniel L. McCleave

**Property Owner:**

Daniel L. McCleave

**Current Zoning:**

R-1, Single-Family Residential Urban District

**Future Land Use:**

Medium 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 from two (2) existing metes-and-bounds parcels, and a portion of a vacated public alley.

**Commission Considerations:**

- Subdivision proposal with eleven (11) conditions.

**Report Contents:**

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# MCCLEAVE SUBDIVISION



APPLICATION NUMBER 1 DATE October 5, 2023



## SITE HISTORY

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The subject site has never been before the Planning Commission or the Board of Zoning Adjustment.

## 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. Check the written legal description and the bearings and distances shown along the north property line of the proposed subdivision.
- C. Provide a detail for the area at the NE corner of proposed LOT A.
- D. Clarify the LOT designations – A & B as shown on the plan or 1 & 2 as listed in NOTE #7.
- E. Provide the recording data for the Vacation of Wolfes Alley.
- F. Revise NOTE # 7 to read - As shown on the 1984 aerial photo (FLIGHT 29 - #75) LOTS A and B 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 A – 1,900 sf AND lot B – 2,200 sf.
- G. 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.

### 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:**

The purpose of this request is to create two (2) legal lots from two (2) existing metes-and-bounds parcels and a portion of a vacated public alley.

The subject site consists of two (2) metes-and-bounds parcels and a recently-vacated public alley between the parcels. The applicant proposes to maintain one parcel in its current configuration to create one of the lots, and proposes to combine the vacated alley with the other parcel to create the second lot. The City Council vacated the portion of the alley to be combined with the property on September 26, 2023.

The subject site has linear frontage on Old Shell Road, a minor collector street with curb and gutter, and a compliant 50-foot right-of-way; therefore, no dedication would be required along Old Shell Road. As on the preliminary plat, the right-of-way width of Old Shell Road should be retained on the Final Plat, if approved.

The preliminary plat indicates a ten-foot (10') ingress and egress easement for use by proposed Lots 1 and 2 within the portion of the vacated public alley. As the preliminary plat labels the proposed lots as Lot A and Lot B, either the easement note or the lot labels should be revised to contain the same nomenclature. A note should be required on the Final Plat, if approved, stating that no structure may be constructed or placed within any easement without the permission of the easement holder.

No minimum building setback line along Old Shell Road is indicated on the preliminary plat. As the site is within an R-1, Single-Family Residential Urban District, the Unified Development Code (UDC) allows a five-foot (5') front building setback. The site is also within the Old Dauphin Way Historic District, and Section 64-14-1.C. of the UDC pertaining to historic districts states *"The Front Yard shall be no greater or lesser than the Setback of those Structures on the same side of the Street within 150 feet of both sides (exclusive of right-of-way) of the proposed building site"*. Therefore, a note should be placed on the Final Plat, if approved, stating that the front yard building setback may be either five feet (5'), or in compliance with the Historic District Overlay of Section 64-14-1.C. of the Unified Development Code.

Section 6.C.2 (3) of the Subdivision Regulations requires a lot to be at least 50-feet wide at the building setback line in an area designated as Urban in the UDC. Proposed Lot A would be approximately 39 feet wide at the building setback line. However, as the parent metes-and-bounds parcel is of the same width, and the site is located within an older part of the City with similar sub-standard lot widths, a waiver of Section 6.C.2 (3) of the Subdivision Regulations would seem justified.

The subject site is served by public water and sanitary sewer services. Section 64-2-5.E. of the UDC requires a minimum lot size of 6,000 square feet within an R-1, Single-Family Residential Urban district. Proposed Lot A would contain 4,253 square feet. Therefore, if the subdivision is approved, it should be subject to a Lot Size Variance for Lot A being approved by the Board of Zoning Adjustment. As on the preliminary plat, the lot size labels in both square feet and acres should be retained on the Final Plat, or a table should be furnished on the Final Plat providing the same information.

A note should be required on the Final Plat stating the Traffic Engineering comments.

## SUBDIVISION CONSIDERATIONS

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### Standards of Review:

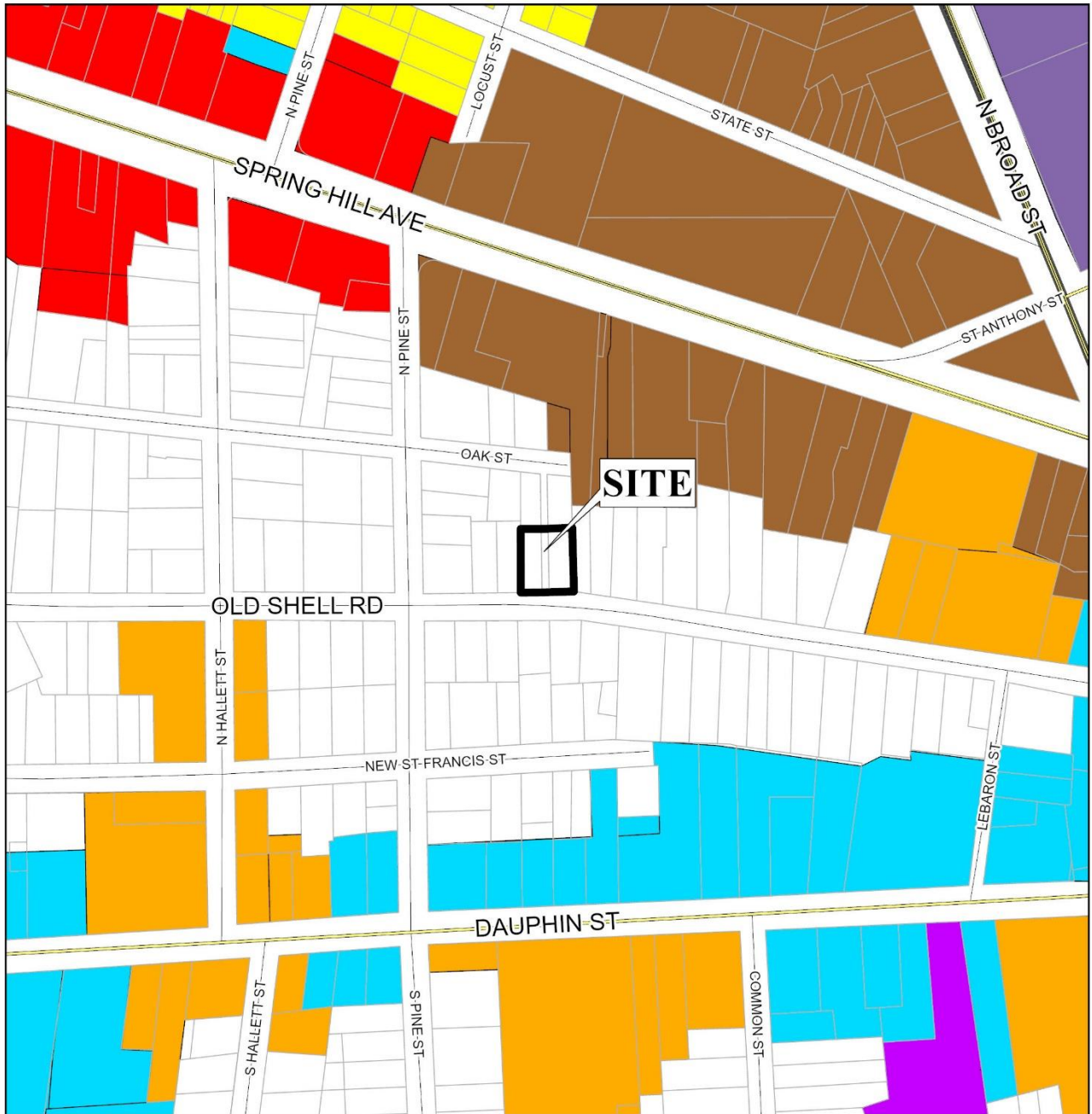
Subdivision review examines the site with regard to promoting orderly development, protecting general health, safety and welfare, and ensuring that development is correlated with adjacent developments and public utilities and services, and to ensure that the subdivision meets the minimum standards set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

### Considerations:

With a waiver of 6.C.2 (3) of the Subdivision Regulations, for the lot width, if the Planning Commission considers approving the Subdivision request, the following conditions could apply:

1. Approval of a Lot Size Variance by the Board of Zoning Adjustment for Lot A;
2. Retention of the right-of-way width of Old Shell Road on the Final Plat;
3. Revision of either the easement note or the lot labels to contain the same lot references;
4. provide
5. Placement of a note on the Final Plat stating that no structure may be constructed or placed within any easement without the permission of the easement holder;
6. Placement of a note on the Final Plat stating that the front yard minimum building setback may be either five feet (5'), or as per the Historic District Overlay of Section 64-14-1.C. of the Unified Development Code;
7. Retention of the lot size labels in both square feet and acres on the Final Plat, or the furnishing of a table on the Final Plat providing the same information;
8. Compliance with all Engineering comments noted in this staff report;
9. Placement of a note on the Final Plat stating the Traffic Engineering comments noted in this staff report;
10. Compliance with all Urban Forestry comments noted in this staff report; and,
11. Compliance with all Fire Department comments noted in this staff report.

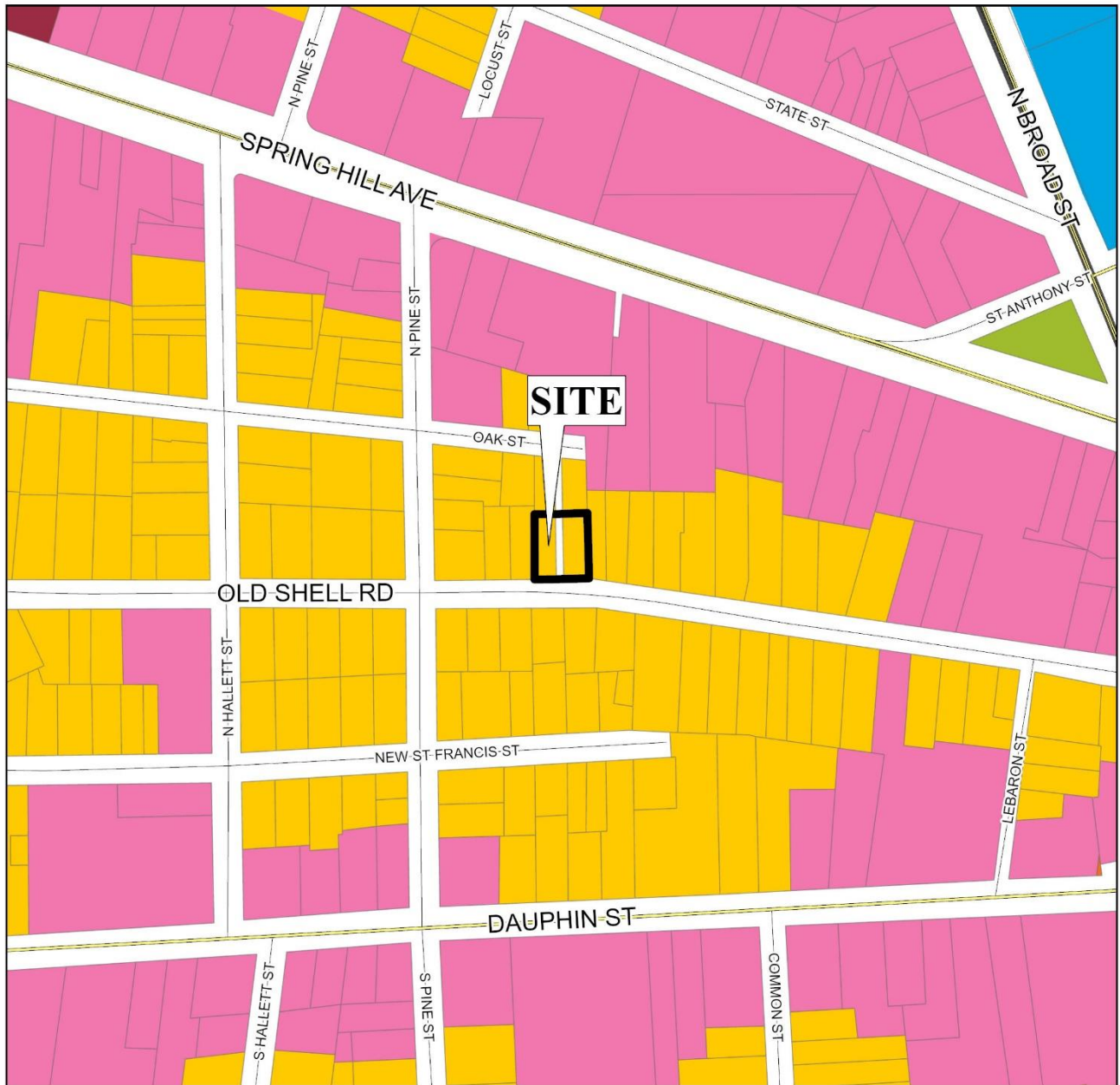
# LOCATOR ZONING MAP



APPLICATION NUMBER	1	DATE	October 5, 2023
APPLICANT	McCleave Subdivision		
REQUEST	Subdivision		



# FLUM LOCATOR MAP



APPLICATION NUMBER	1	DATE	October 5, 2023																
APPLICANT	McCleave Subdivision																		
REQUEST	Subdivision																		
<table style="width: 100%; font-size: small;"> <tr> <td><span style="display: inline-block; width: 10px; height: 10px; background-color: yellow; border: 1px solid black;"></span> Low Density Residential</td> <td><span style="display: inline-block; width: 10px; height: 10px; background-color: #800000; border: 1px solid black;"></span> Neighborhood Center - Traditional</td> <td><span style="display: inline-block; width: 10px; height: 10px; background-color: #8B4513; border: 1px solid black;"></span> Downtown Waterfront</td> <td><span style="display: inline-block; width: 10px; height: 10px; background-color: #9ACD32; border: 1px solid black;"></span> Parks &amp; Open Space</td> </tr> <tr> <td><span style="display: inline-block; width: 10px; height: 10px; background-color: #FFD700; border: 1px solid black;"></span> Mixed Density Residential</td> <td><span style="display: inline-block; width: 10px; height: 10px; background-color: #6495ED; border: 1px solid black;"></span> Neighborhood Center - Suburban</td> <td><span style="display: inline-block; width: 10px; height: 10px; background-color: #D3D3D3; border: 1px solid black;"></span> Light Industry</td> <td><span style="display: inline-block; width: 10px; height: 10px; background-color: #008080; border: 1px solid black;"></span> Water Dependent</td> </tr> <tr> <td><span style="display: inline-block; width: 10px; height: 10px; background-color: #FF69B4; border: 1px solid black;"></span> Downtown</td> <td><span style="display: inline-block; width: 10px; height: 10px; background-color: #FFA07A; border: 1px solid black;"></span> Traditional Corridor</td> <td><span style="display: inline-block; width: 10px; height: 10px; background-color: #808080; border: 1px solid black;"></span> Heavy Industry</td> <td></td> </tr> <tr> <td><span style="display: inline-block; width: 10px; height: 10px; background-color: #FF0000; border: 1px solid black;"></span> District Center</td> <td><span style="display: inline-block; width: 10px; height: 10px; background-color: #FF8C00; border: 1px solid black;"></span> Mixed Commercial Corridor</td> <td><span style="display: inline-block; width: 10px; height: 10px; background-color: #00CED1; border: 1px solid black;"></span> Institutional</td> <td></td> </tr> </table>	<span style="display: inline-block; width: 10px; height: 10px; background-color: yellow; border: 1px solid black;"></span> Low Density Residential	<span style="display: inline-block; width: 10px; height: 10px; background-color: #800000; border: 1px solid black;"></span> Neighborhood Center - Traditional	<span style="display: inline-block; width: 10px; height: 10px; background-color: #8B4513; border: 1px solid black;"></span> Downtown Waterfront	<span style="display: inline-block; width: 10px; height: 10px; background-color: #9ACD32; border: 1px solid black;"></span> Parks & Open Space	<span style="display: inline-block; width: 10px; height: 10px; background-color: #FFD700; border: 1px solid black;"></span> Mixed Density Residential	<span style="display: inline-block; width: 10px; height: 10px; background-color: #6495ED; border: 1px solid black;"></span> Neighborhood Center - Suburban	<span style="display: inline-block; width: 10px; height: 10px; background-color: #D3D3D3; border: 1px solid black;"></span> Light Industry	<span style="display: inline-block; width: 10px; height: 10px; background-color: #008080; border: 1px solid black;"></span> Water Dependent	<span style="display: inline-block; width: 10px; height: 10px; background-color: #FF69B4; border: 1px solid black;"></span> Downtown	<span style="display: inline-block; width: 10px; height: 10px; background-color: #FFA07A; border: 1px solid black;"></span> Traditional Corridor	<span style="display: inline-block; width: 10px; height: 10px; background-color: #808080; border: 1px solid black;"></span> Heavy Industry		<span style="display: inline-block; width: 10px; height: 10px; background-color: #FF0000; border: 1px solid black;"></span> District Center	<span style="display: inline-block; width: 10px; height: 10px; background-color: #FF8C00; border: 1px solid black;"></span> Mixed Commercial Corridor	<span style="display: inline-block; width: 10px; height: 10px; background-color: #00CED1; border: 1px solid black;"></span> Institutional				
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# MCCLEAVE SUBDIVISION



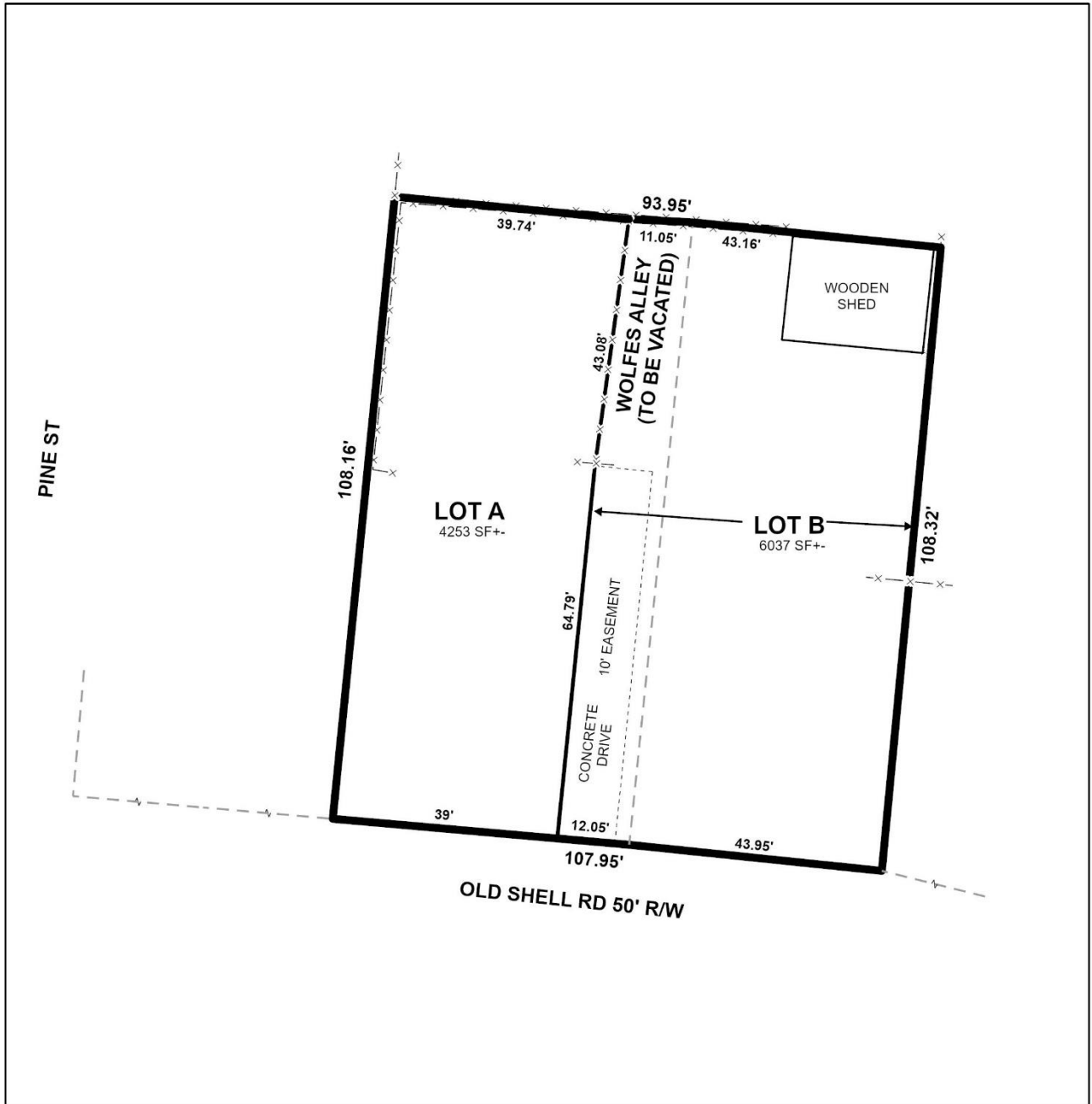
APPLICATION NUMBER 1 DATE October 5, 2023

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<span style="display: inline-block; width: 15px; height: 10px; background-color: #FFFF00; border: 1px solid black;"></span> R-2	<span style="display: inline-block; width: 15px; height: 10px; background-color: #FFDAB9; border: 1px solid black;"></span> H-B	<span style="display: inline-block; width: 15px; height: 10px; background-color: #A020F0; border: 1px solid black;"></span> LB-2	<span style="display: inline-block; width: 15px; height: 10px; background-color: #8B4513; border: 1px solid black;"></span> B-4	<span style="display: inline-block; width: 15px; height: 10px; background-color: #6495ED; border: 1px solid black;"></span> MM	<span style="display: inline-block; width: 15px; height: 10px; background-color: #9370DB; border: 1px solid black;"></span> I-1	<span style="display: inline-block; width: 15px; height: 10px; background-color: #FFFFE0; border: 1px solid black;"></span> MUN	<span style="display: inline-block; width: 15px; height: 10px; background-color: #FF4500; border: 1px solid black;"></span> SD-WH	<span style="display: inline-block; width: 15px; height: 10px; background-color: #6A5ACD; border: 1px solid black;"></span> T-5.1	





# DETAIL SITE PLAN



APPLICATION NUMBER 1 DATE October 5, 2023  
 APPLICANT McCleave Subdivision  
 REQUEST Subdivision



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)

# 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.