



# Agenda Item # 1

## SUB-002653-2023

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

[Applicant Materials for Consideration](#)

### DETAILS

**Location:**

2958 Edgewood Street

**Subdivision Name:**

Neese Addition to Chrichton Subdivision,  
Resubdivision of Lot 14, Block D

**Applicant / Agent:**

Kari Givens, Byrd Surveying, Inc.

**Property Owner:**

Theodore L. Smith, Jr.

**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 one (1) legal lot of record.

**Commission Considerations:**

- Subdivision proposal with eight (8) conditions.

**Report Contents:**

	<b>Page</b>
Context Map .....	2
Site History .....	3
Staff Comments .....	3
Subdivision Considerations .....	5
Exhibits .....	6

**NEESE ADDITION TO CRICHTON SUBDIVISION,  
RESUBDIVISION OF LOT 14, BLOCK D**



APPLICATION NUMBER 1 DATE October 19, 2023





## SITE HISTORY

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The site was originally part of the large tract, Neese Addition to Chrichton Subdivision, the plat for which was recorded in 1945.

There have been no other Planning Commission or Board of Zoning Adjustment applications associated with the site.

## 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. Revise NOTE #7 to read “As shown on the 1984 aerial photo (FLIGHT 25 - #70) LOTS 14-A and 14-B will share the historical credit of existing (1984) impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control). The lots will be allowed to add the following amount of impervious area before storm water detention is required: LOT 14-A – 2,700 sf, LOT 14-B – 2,700 sf.” Coordinate with the Engineering Dept. if the applicant wishes to provide a different split of the 5,400 sf of allowable impervious area.
- C. 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 application is to create two (2) legal lots of record from one (1) legal lot of record. The site is served by public water and sanitary sewer services.

Proposed Lot 14-A has frontage along Nall Street, and proposed Lot 14-B has frontage along Edgewood Street, both minor streets with curb and gutter requiring 50-foot rights-of-way. The preliminary plat depicts sufficient rights-of-way along each street, therefore no additional dedication should be required. If approved, this information should be retained on the Final Plat.

The site is within the R-1, Single-Family Residential Urban District, which requires lots to be a minimum of 6,000 square feet. Each lot, as proposed, does not meet this requirement. If approved, Lot 14-A would be 3,781± square feet, and Lot 14-B would be 3,790± square feet. The applicant's narrative can be found using the link on Page 1 of this report, but in summary they cite adjacent properties with similar configurations as justification for the request. However, in reviewing the legal descriptions for each of these properties, none of them were subdivided with Planning Commission approval and, as such, can be considered metes-and-bounds parcels.

Each of the adjacent properties is developed with a single-family residence, which suggests that they were subdivided prior to current regulations and are therefore non-conforming. It appears that two of the adjacent properties received variances, one in 1955 and one in 1957, both for the construction of dwellings on the properties (variance case numbers 393 and 691). The request at hand would create two (2) substandard lots and it should be noted that any structure(s) built on the properties will be required to meet the dimensional standards of current regulations, such as setbacks and lot coverage, which may be difficult due to the small size of the properties. Approval of the subdivision may, therefore, contribute to a self-imposed hardship if any proposed structure could not comply with these requirements.

If the Planning Commission considers approving the request, a waiver of Section 6.C.2(a)(1) of the Subdivision Regulations for lot size would be required. If approved, the lot sizes should remain labeled in square feet and acres on the Final Plat; or provision of a table on the Final Plat with the same information may suffice.

It should be noted that a variance application was filed with the Planning and Zoning Department for the reduced lot sizes, which is scheduled to be reviewed by the Board of Zoning Adjustment at its November 6, 2023 meeting. If the Planning Commission waives the size requirements of Section 6.C.2(a)(1) of the Subdivision Regulations, the variance application will not be necessary.

Each lot, as proposed, would be at least 50 feet in width, which is compatible with Section 6.A.C.2(b)(3) of the Subdivision Regulations for residential lots located within the Urban sub-district.

A 25-foot front yard setback is illustrated along Nall Street and Edgewood Street, but only a 5-foot front yard setback is required in the R-1, Single-Family Residential Urban District, per Section 64-2-5.E. of the Unified Development Code (UDC). The applicant may retain the 25-foot front yard setback, but if approved and the plat recorded in Mobile County Probate Court depicts a 25-foot front yard setback, future development of the properties will be subject to front yard setbacks greater than what is required by the UDC. As such, at least a 5-foot front yard setback should be illustrated along Nall Street and Edgewood Street on the Final Plat, if approved.

Finally, it appears that a dwelling located on the site was demolished between 2021 and 2023, without permits. As such, if approved, after-the-fact permits should be required to be obtained prior to Planning and Zoning signing the Final Plat.

## SUBDIVISION CONSIDERATIONS

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### Standards of Review:

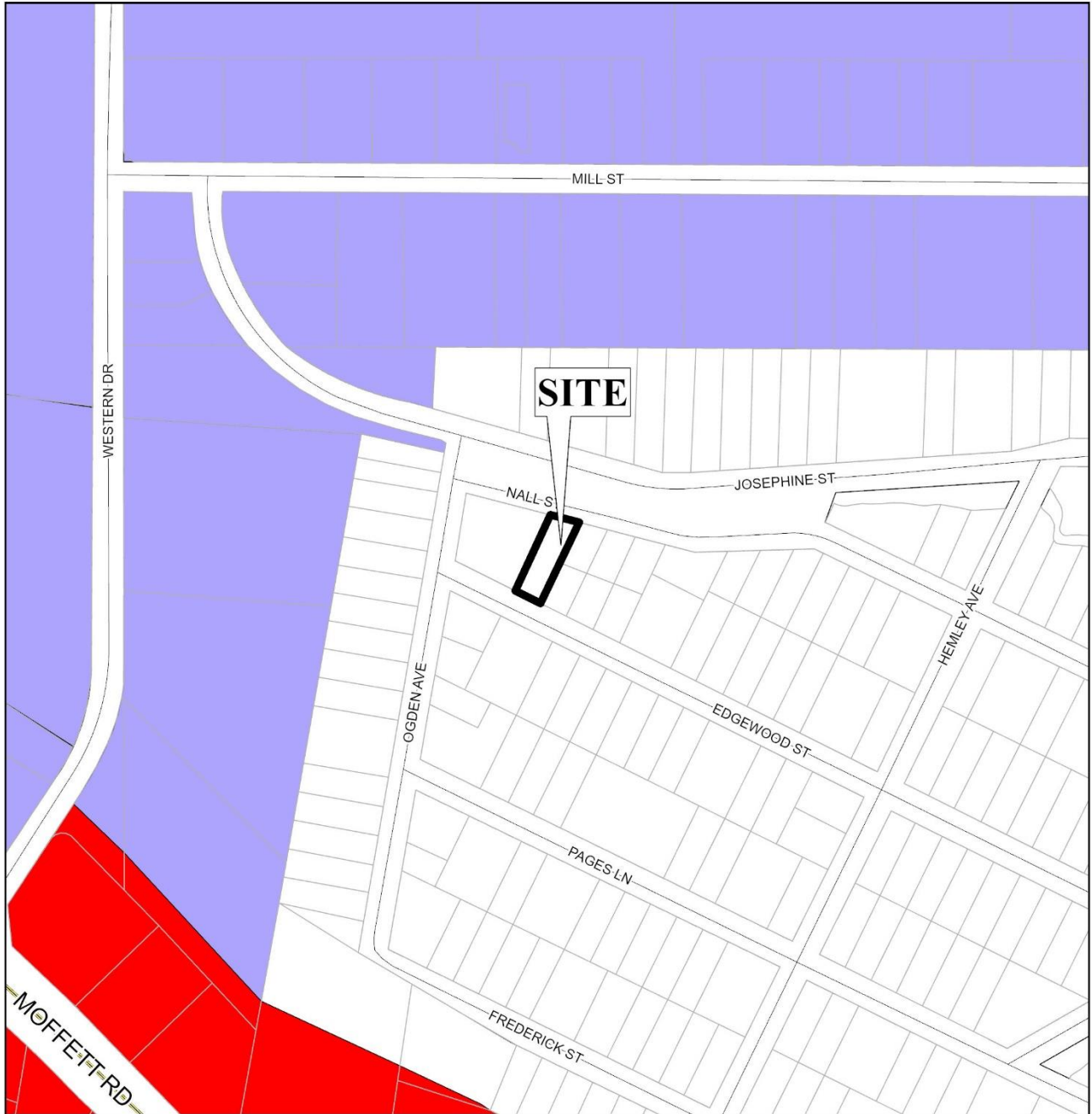
Subdivision review examines the site with regard to promoting orderly development, protecting general health, safety and welfare, and ensuring that development is correlated with adjacent developments and public utilities and services, and to ensure that the subdivision meets the minimum standards set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

### Considerations:

Based on the preceding, with a waiver of Section 6.C.2(a)(1) of the Subdivision Regulations, if the Subdivision request is considered for approval, the following conditions should apply:

1. Acquisition of an after-the-fact permit for the demolition of the residential structure prior to signing of the Final Plat;
2. Retention of the right-of-way widths for each abutting street, as depicted on the preliminary plat;
3. Retention of at least a 5-foot front yard setback line along Nall Street and Edgewood Street, as required by Section 64-2-5.E. of the Unified Development Code;
4. Retention of the lot size labels in both square feet and acres, or provision of a table on the Final Plat with the same information;
5. Compliance with all Engineering comments noted in this staff report;
6. Placement of a note on the Final Plat stating the Traffic Engineering comments noted in this staff report;
7. Compliance with all Urban Forestry comments noted in this staff report; and
8. Compliance with all Fire Department comments noted in this staff report.

# LOCATOR ZONING MAP



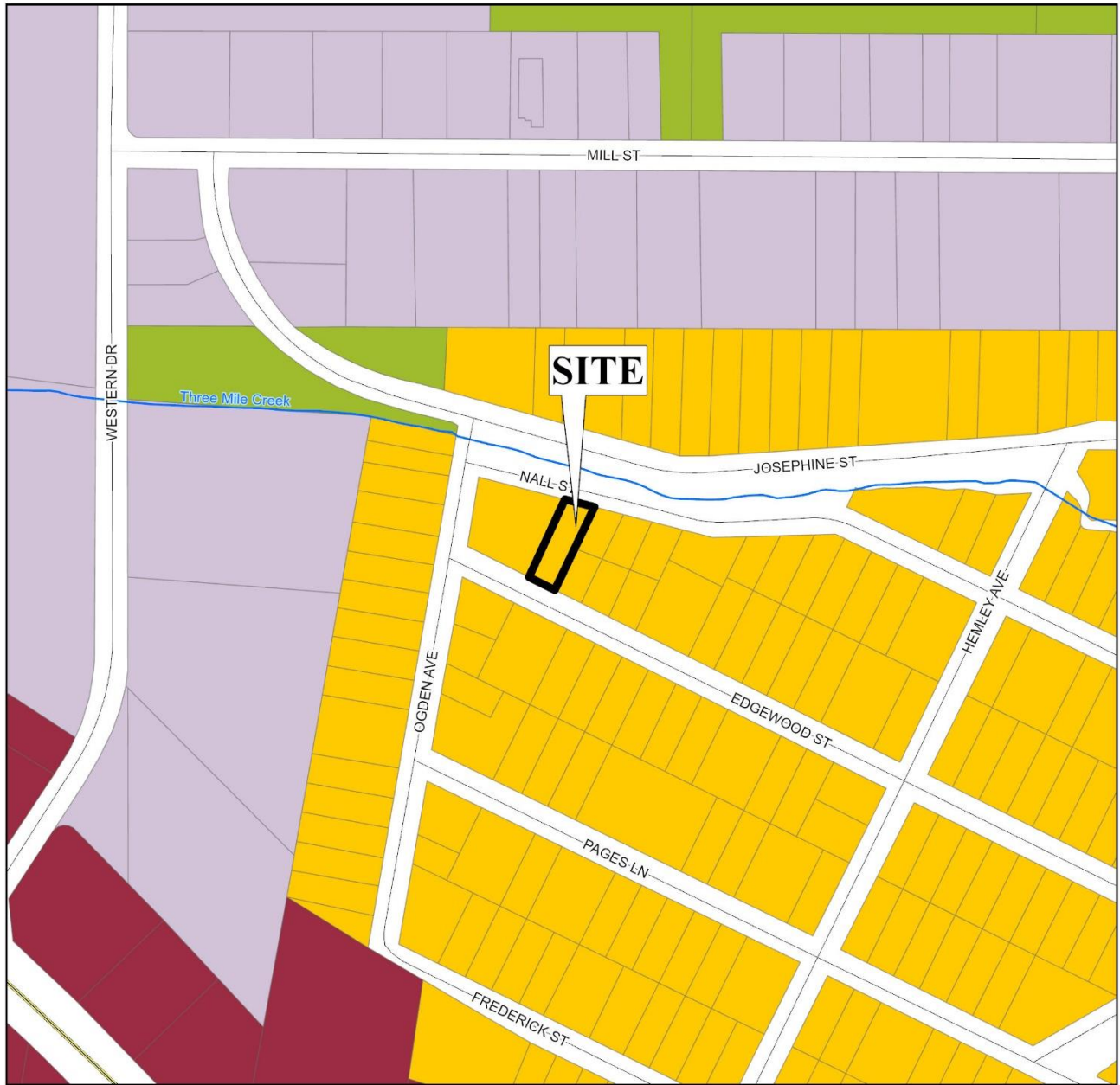
APPLICATION NUMBER 1 DATE October 19, 2023

APPLICANT Neese Addition to Crichton Subdivision, Resubdivis

REQUEST Subdivision



# FLUM LOCATOR MAP



APPLICATION NUMBER 1 DATE October 19, 2023

APPLICANT Neese Addition to Crichton Subdivision, Resubdivis

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       |                    |





# NEESE ADDITION TO CRICHTON SUBDIVISION, RESUBDIVISION OF LOT 14, BLOCK D



APPLICATION NUMBER 1 DATE October 19, 2023

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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: #32CD32; 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: #DDA0DD; 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
<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: #8A2BE2; 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: #87CEEB; 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: #FF8C00; 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 <u>1</u>	DATE <u>October 19, 2023</u>
APPLICANT <u>Neese Addition to Crichton Subdivision, Resubdivision of Lot 14, Block D</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.