



Agenda Item # 1

SUB-002495-2023 & ZON-UDC-002502-2023

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

[Applicant Materials for Consideration – Subdivision](#)

[Applicant Materials for Consideration – Rezoning](#)

DETAILS

Location:

7701, 7705, 7709, 7621, and 7631 Old Government
Street Road

Subdivision Name (as applicable):

Tate Property Subdivision

Applicant / Agent (as applicable):

Amanda Crose, D.R. Horton / Jay Broughton,
Overstreet & Associates, RLLC

Property Owner:

James LeGrande Tate, James LeGrande Tate Jr, and
William P Tate

Current Zoning:

R-1, Single-Family Residential Suburban

Proposed Zoning (as applicable):

R-1, Single-Family Residential Suburban and R-3,
Multi-Family Residential Suburban

Future Land Use:

Low Density Residential

Applicable Codes, Policies, and Plans:

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

Schedule for Development (as applicable):

Not Applicable

Proposal:

- Subdivision approval to create 27 legal lots of record;
- Rezoning from R-1 to R-3

Note:

Any use permitted in the proposed district would be allowed at this location if the zoning is approved. The Planning Commission may consider other zoning districts than the proposed sought by the applicant for this property.

Commission Considerations:

1. Subdivision proposal with nine (9) conditions; and
2. Rezoning with three (3) conditions.

Report Contents:

	Page
Context Map	2
Site History	3
Staff Comments	3
Commission Considerations	6
Exhibits	8

PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential and commercial units.

APPLICATION NUMBER	1	DATE	June 1, 2023
APPLICANT	Tate Property Subdivision		
REQUEST	Subdivision, Rezoning from R-1 to R-3		



SITE HISTORY

The site has not had any applications before the Planning Commission or Board of Adjustment. The site was annexed into the City of Mobile in 2007.

STAFF COMMENTS

Engineering Comments:

FINAL PLAT COMMENTS (should be addressed prior to submitting the FINAL PLAT for review and/or signature by the City Engineer):

- 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. Correct the name of Old Government St. to Old Government Street Rd. on the drawing (plan view), the Surveyor's Certificate, the Title Block, and the Property Description.
- C. Provide a proposed Street Name.
- D. Provide and label the monument set or found at each subdivision corner.
- E. Provide additional information for the various callouts of "xx' OFF" or "xx' ON".
- F. Provide the proposed curve data.
- G. Provide the recording data for the Vacation of the existing Drainage/Utility easement.
- H. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 17 - #78) LOTS 1 - 27 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: LOTS 1-26 – NONE and lot 27 – 17,000 sf.
- I. 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.
- J. 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.
- K. 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.
- L. 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.
- M. Add a note that all easements shall remain in effect until vacated through the proper Vacation process.
- N. The proposed road shall be constructed in accordance with current Engineering Department policy letters and design criteria. This would allow the potential for future acceptance of the roadway (and dedicated ROW) by the City.
- O. Provide the as-built certification form, test reports, etc. and as-built plans for the proposed infrastructure prior to providing a copy of the FINAL PLAT to the Engineering Dept. for FINAL PLAT review.
- P. The street must be submitted for acceptance by the Mobile City Council prior to submitting the Final Plat for City Engineer signature.
- Q. 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.

REZONING COMMENTS

1. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Permitting Department (251-208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII).
2. A Land Disturbance Permit application shall be submitted for any proposed land disturbing activity with the property. A complete set of construction plans including, but not limited to, drainage, utilities, grading, storm water detention systems and paving will need to be included with the Land Disturbance permit. This Permit must be submitted, approved, and issued prior to beginning any of the construction work.
3. Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance 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.
4. Each Lot Owner (LOTS 1 – 26) shall be required to submit a Single-Family Residential Affidavit application with the initial construction of a single-family dwelling or other impervious surface (driveway, shed, slab, asphalt, gravel, etc.). The application shall include a site plan showing the proposed improvements and a verification that the amount of impervious area is less than or equal to the approved amount of impervious area.
5. Any existing or proposed detention facility shall be maintained as it was constructed and approved. The Land Disturbance Permit application for any proposed construction includes a requirement of a Maintenance and Inspection Plan (signed and notarized by the Owner) for the detention facility. This Plan shall run with the land and be recorded in the County Probate Office prior to the Engineering Department issuing their approval for a Final Certificate of Occupancy.
6. 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. The Owner/Developer is responsible for acquiring all of the necessary permits and approvals.
7. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

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 Section 64-6 of the City's Zoning Ordinance.

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:

Subdivision

The applicant is proposing a 27-lot subdivision. Lots 1-26 would be served by a new public right-of-way to be constructed, and are to be developed with single-family residential dwellings. Lots 1-26 exceed the minimum lot size for a newly platted property in an R-1, Single-Family Residential Suburban District, and Lot 27 exceeds the minimum lot size for a newly platted property in an R-3, Multi-Family Residential Suburban District. If approved, the lot sizes should be retained in square feet and acres on the Final Plat.

The site has frontage on Old Government Street Road, a minor street without curb and gutter, and has an existing compliant right-of-way of 60-feet, making no dedication necessary. The unnamed, proposed right-of-way is depicted to have a compliant 60-foot right-of-way, with a sufficient cul-de-sac.

There is a 30-foot drainage and utility easement depicted through proposed Lot 27, that is labeled as “to be vacated.” If the Subdivision application is approved, either the vacation of the easement will need to be completed prior to the signing of the Final Plat, or the easement will need to be retained on the Final Plat, with a note stating that no structures are allowed to encroach in any easement without permission of the easement holder.

The preliminary plat shows the required 25-foot minimum building setback along all frontages, and should be retained on the Final Plat, if approved. It should be noted that side and rear setbacks are depicted for the proposed Lots 1-26, and exceed those required by the Unified Development Code (UDC), with the exception of Lots 1 and 25 depicted as having a 20-foot setback along Old Government Street Road.

The proposed Lot 14 is proposed to be the location of the central mail pickup for the proposed single-family development. As such, it should be relabeled as “Common Area”. If approved, a note should be placed on the Final Plat stating the maintenance of Common Areas is the responsibility of the property owners, and not the City of Mobile.

Rezoning

The applicant is proposing to maintain the existing R-1 zoning for Lots 1-26, with the proposed Lot 27 to be rezoned to R-3, in order to accommodate a planned 222-unit townhome development. It should be noted that based on the size of Lot 27 (17.03± Acres), and the maximum density allowable (25 dwelling units/acre), Lot 27 could have up to approximately 425 dwelling units.

The site abuts the City Limit line to the East and South, with the abutting properties being used residentially and as a park. To the West and South, is zoned B-3, and used commercially. To the North, across Old Government Street Road, is R-1, properties that are largely used residentially as well as non-conforming commercial uses.

It should be noted that the lot numbering on the plat submitted does not correspond with the rezoning application. While the rezoning application is not site plan specific, this discrepancy should be corrected; including the revision of Lot 14 to be a “Common Area”.

The townhome development is depicted as having a clubhouse with pool, and a mailbox kiosk. There are no dumpsters or trash compactors shown on the site. If dumpsters or trash compactors are to be utilized, they must be placed outside of any setbacks or easements, and have a compliant enclosure.

Each townhome is shown as having a one-car garage, with a driveway, as well as 17 parking spaces by the clubhouse, and three (3) parking spaces by the mail kiosk. It should be noted that the driveways provide approximately 8-feet wide by 16-feet deep driveways for vehicles to park. Parking for the development is

required at a ratio of 1.5 parking spaces per dwelling unit, and cannot be stacked, but rather side-by-side. Furthermore, no accessible parking spaces are depicted. If approved, accessible parking spaces should be provided, as required by the International Building Code and Americans with Disabilities Act.

No sidewalks are shown along the Old Government Street Road or the new single-family residential street. Sidewalks will be required unless a waiver is approved.

The site plan depicts a pool in the front yard, along Old Government Street Road. Pools are allowed in side and rear yards, but not front yards. As such, if approved, the pool should be relocated.

As previously stated, the rezoning application is not site plan specific; however, if the property (proposed Lot 27) is rezoned, full compliance with the Unified Development Code (UDC) is required. To comply with the Unified Development Code the developer should be mindful of all UDC requirements, but below is a short list of particular items in Articles 2 and 3 that must be addressed at the time of permitting.

- Provision of 700 square feet of common open area (64-2-7), with an approved instrument recorded in Probate Court regarding these areas and the long-term maintenance thereof (64-3-11).
- Compliance with the Building Design and Height standards (64-3-6).
- Compliance with the Parking and Loading, as well as Pedestrian Circulation and Sidewalks requirements (64-3-12 and 64-3-3).
- Provision of compliant Landscaping and Tree Plantings (64-3-7).

Again, it must be noted that full compliance with the UDC will be required, the above is simply a short list of specific items that the applicant must take into consideration when preparing plans for compliance with the entire UDC prior to submission for permits.

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:

If the Planning Commission considers approving the Subdivision request, the following conditions could apply:

1. Retention of all right-of-way widths as depicted on the preliminary plat;
2. Retention of the lot sizes in both square feet and acres, or the furnishing of a table on the Final Plat providing the same information;
3. Relabel "Lot 14" to be "Common Area";
4. Placement of a note stating that maintenance of the Common Area is the responsibility of the property owners and not the City of Mobile;
5. Either completion of the vacation of the easement on Lot 27, or retention of the easement with placement of a note stating that no structures are allowed to be erected in any easement without the easement holder's permission;
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.

REZONING CONSIDERATIONS

Standards of Review:

The Unified Development Code (UDC) in 64-5-5.E. states that Rezoning is intended to carry out the objective of a sound, stable and desirable development and that casual change or amendment would be detrimental to the achievement of that objective.

The UDC goes on to say that zoning changes should be consistent with the Comprehensive Plan. However, the Comprehensive Plan and Future Land Use Plan (FLUP) and Map (FLUM) are meant to serve as a general guide, not a detailed lot and district plan; they are not a legal mandate for development. The FLUP and FLUM allow the Planning Commission and City Council to consider individual cases based on several factors including: surrounding development, classification requested, timing of the request, and the appropriateness and compatibility of the proposed use the zoning classification.

The UDC states that an application for rezoning shall include a statement of the justification for the proposed amendment that addresses all of the following:

- Consistency. Whether the proposed amendment is consistent with the Comprehensive Plan;
- Mistake. For a Rezoning, whether there was a mistake or error in the original zoning map; and
- Compatibility. Whether the proposed amendment is compatible with:
 - The current development trends, if any, in the vicinity of the subject property;
 - Surrounding land uses;
 - Would adversely impact neighboring properties; or
 - Cause a loss in property values.
- Health, Safety and General Welfare. Whether the proposed amendment promotes the community's public health, safety, and general welfare;
- Capacity. Whether the infrastructure is in place to accommodate the proposed amendment; and
- Change. Whether changed or changing conditions in a particular area make an amendment necessary and desirable.
- Benefits Consideration. In addition, consideration should also be given to the City's and the larger community's best interests and the need, benefit, or public purpose of the proposed request.

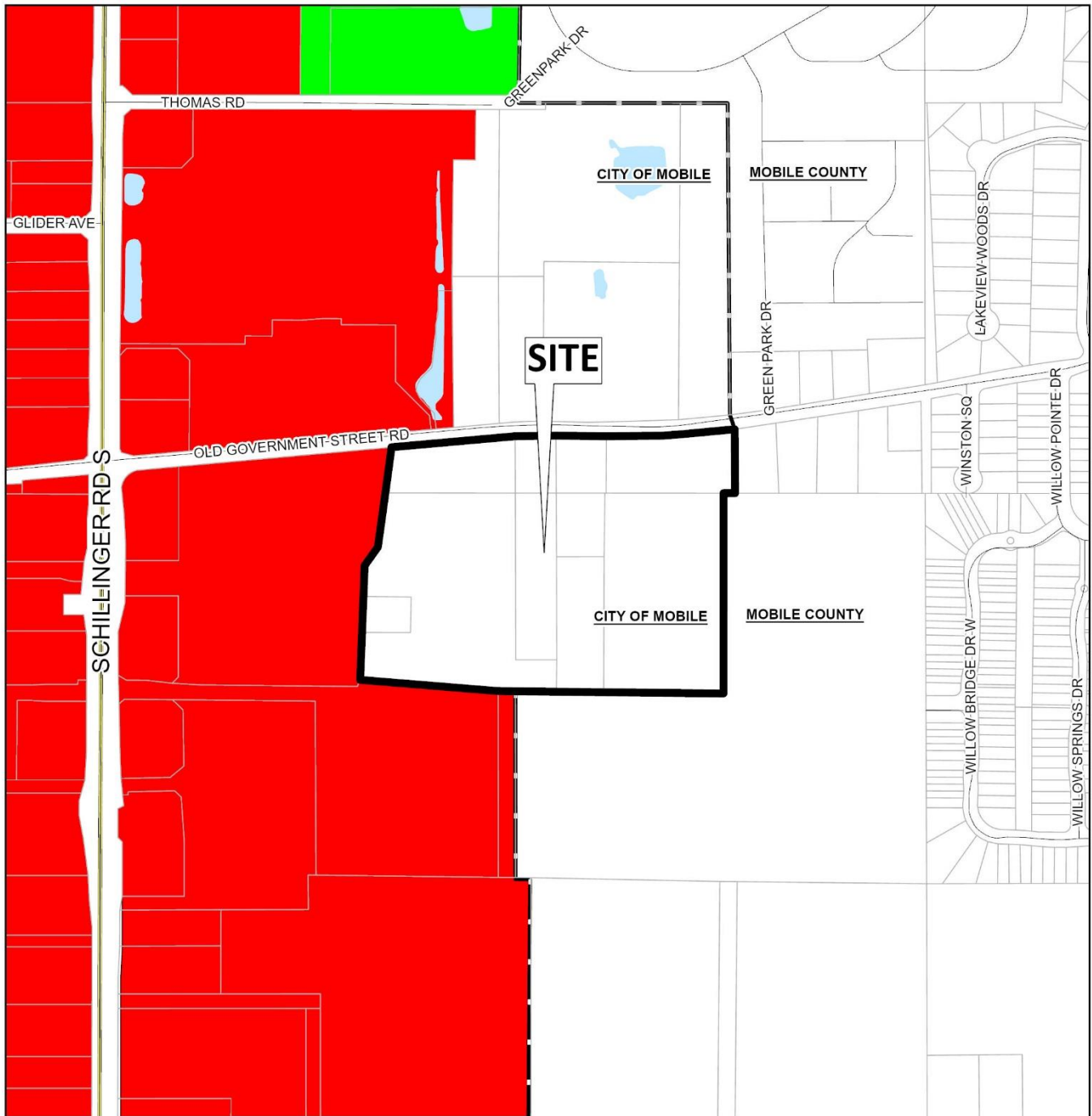
The applicant's responses to address the above criteria are available in the link on page one (1).

Considerations:

If the Planning Commission considers a recommendation of approval of the Rezoning request to the City Council, the following conditions could apply:

1. Completion of the Subdivision process;
2. Compliance with all Engineering, Traffic Engineering, Urban Forestry, and Fire Department comments noted in this staff report; and,
3. Full compliance with all municipal codes and ordinances.

LOCATOR ZONING MAP



APPLICATION NUMBER 1 DATE June 1, 2023

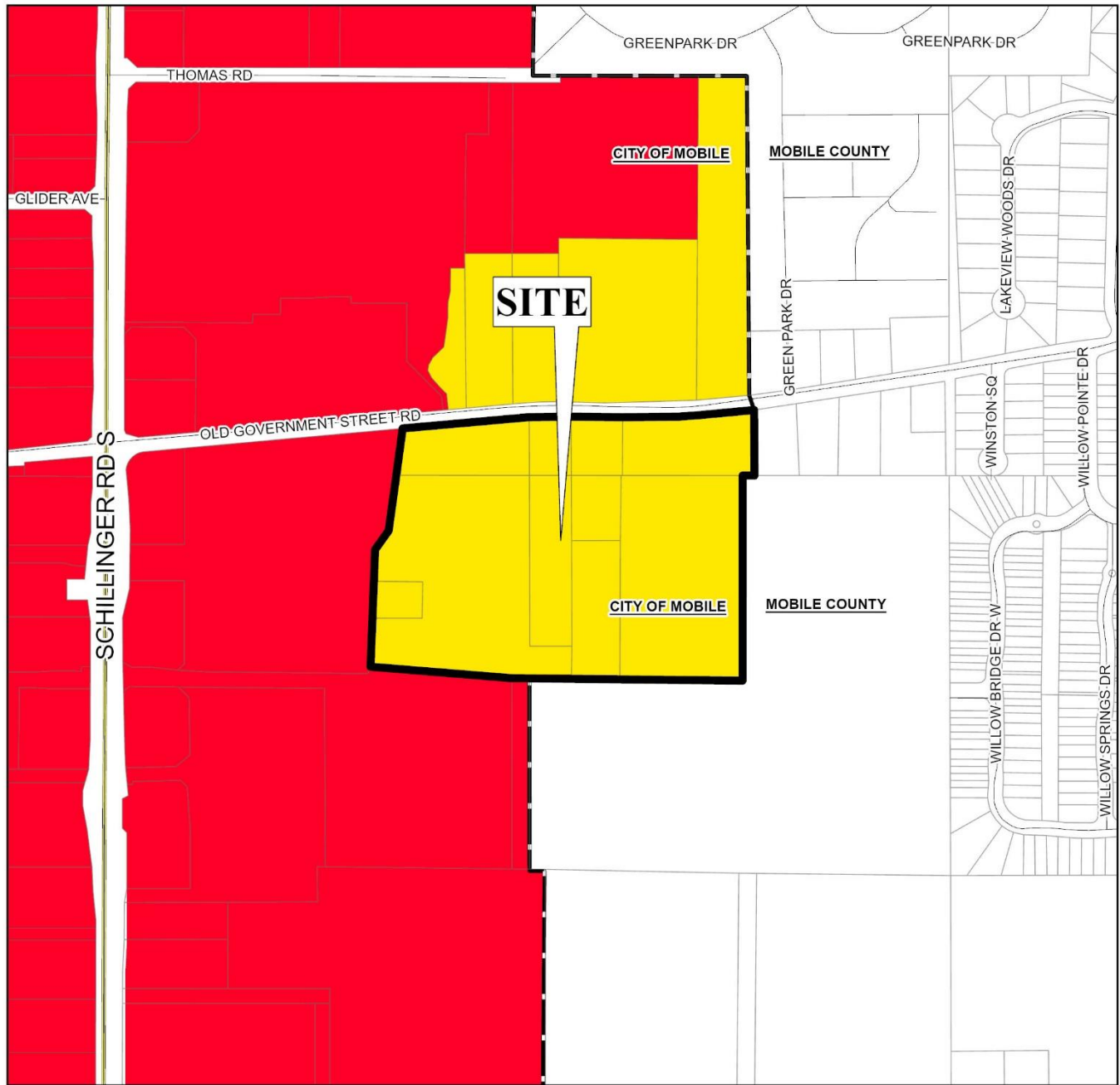
APPLICANT Tate Property Subdivision

REQUEST Subdivision, Rezoning from R-1 to R-3



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FLUM LOCATOR MAP



APPLICATION NUMBER 1 DATE June 1, 2023

APPLICANT Tate Property Subdivision

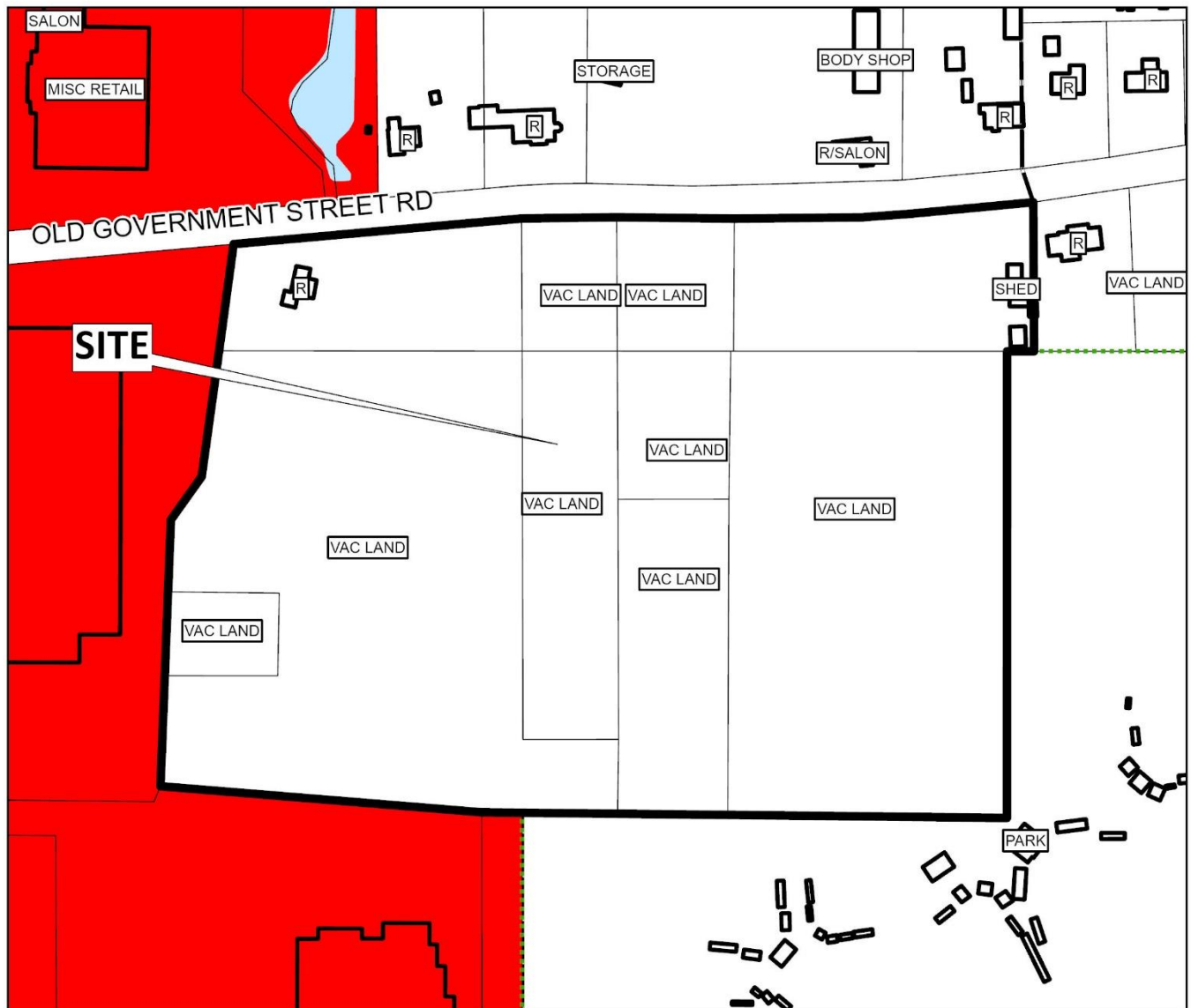
REQUEST Subdivision, Rezoning from R-1 to R-3

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



PLANNING COMMISSION

VICINITY MAP - EXISTING ZONING



The site is surrounded by residential and commercial units.

APPLICATION NUMBER 1 DATE June 1, 2023

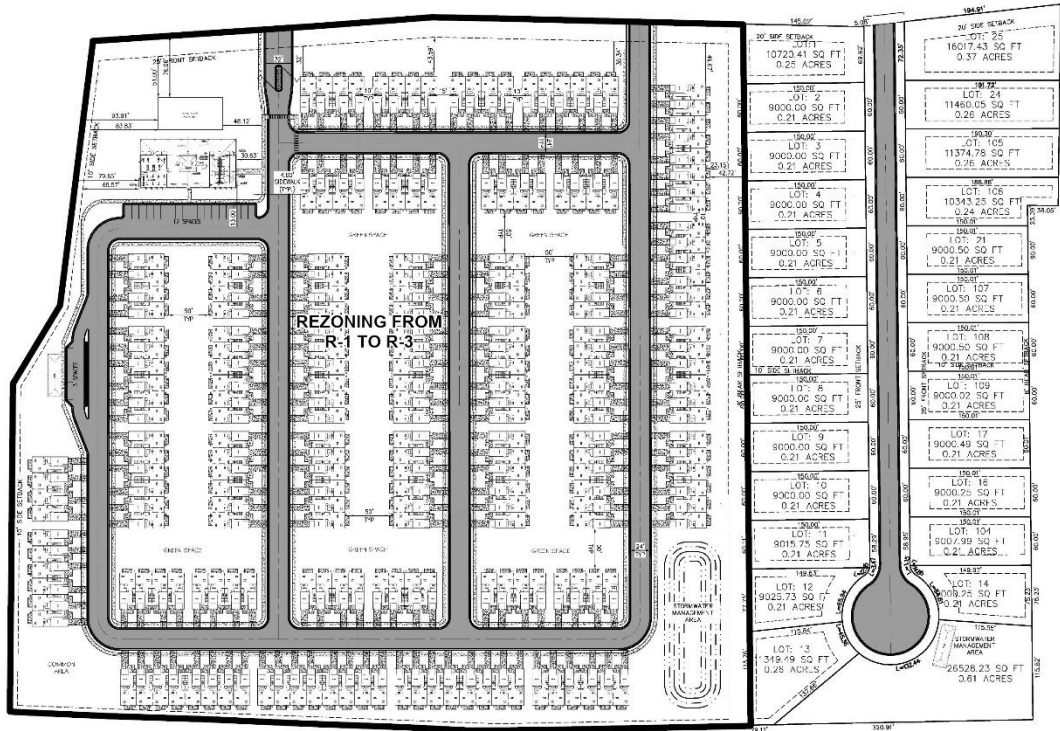
APPLICANT Tate Property Subdivision

REQUEST Subdivision, Rezoning from R-1 to R-3

R-A	R-3	T-B	B-2	B-5	MUN	SD-WH	T5.1
R-1	R-B	B-1	B-3	I-1	OPEN	T3	T5.2
R-2	H-B	LB-2	B-4	I-2	SD	T4	T6



SITE PLAN

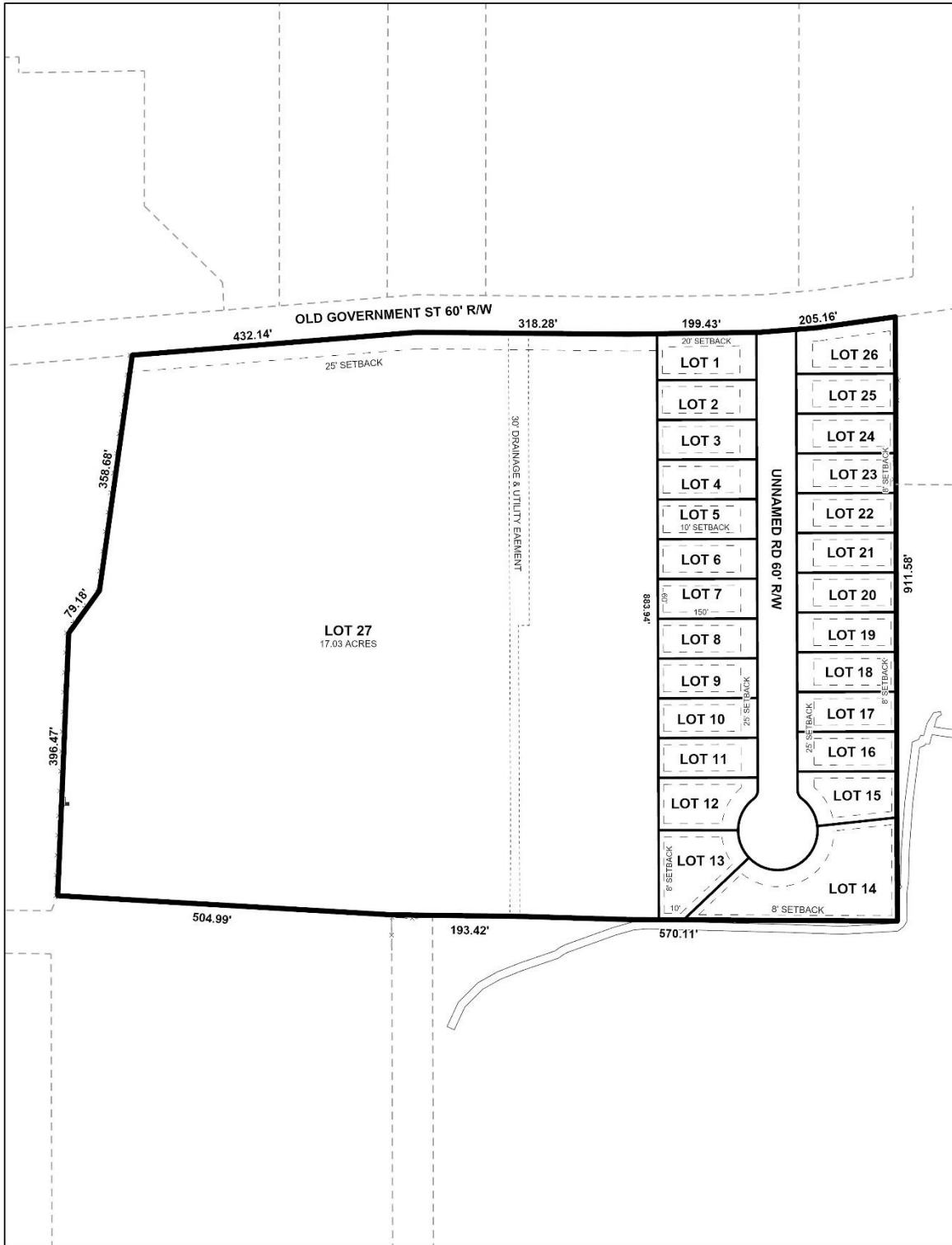


The site plan illustrates the proposed roads, lots, setbacks, and townhomes.

APPLICATION NUMBER 1 DATE June 1, 2023
 APPLICANT Tate Property Subdivision
 REQUEST Subdivision, Rezoning from R-1 to R-3



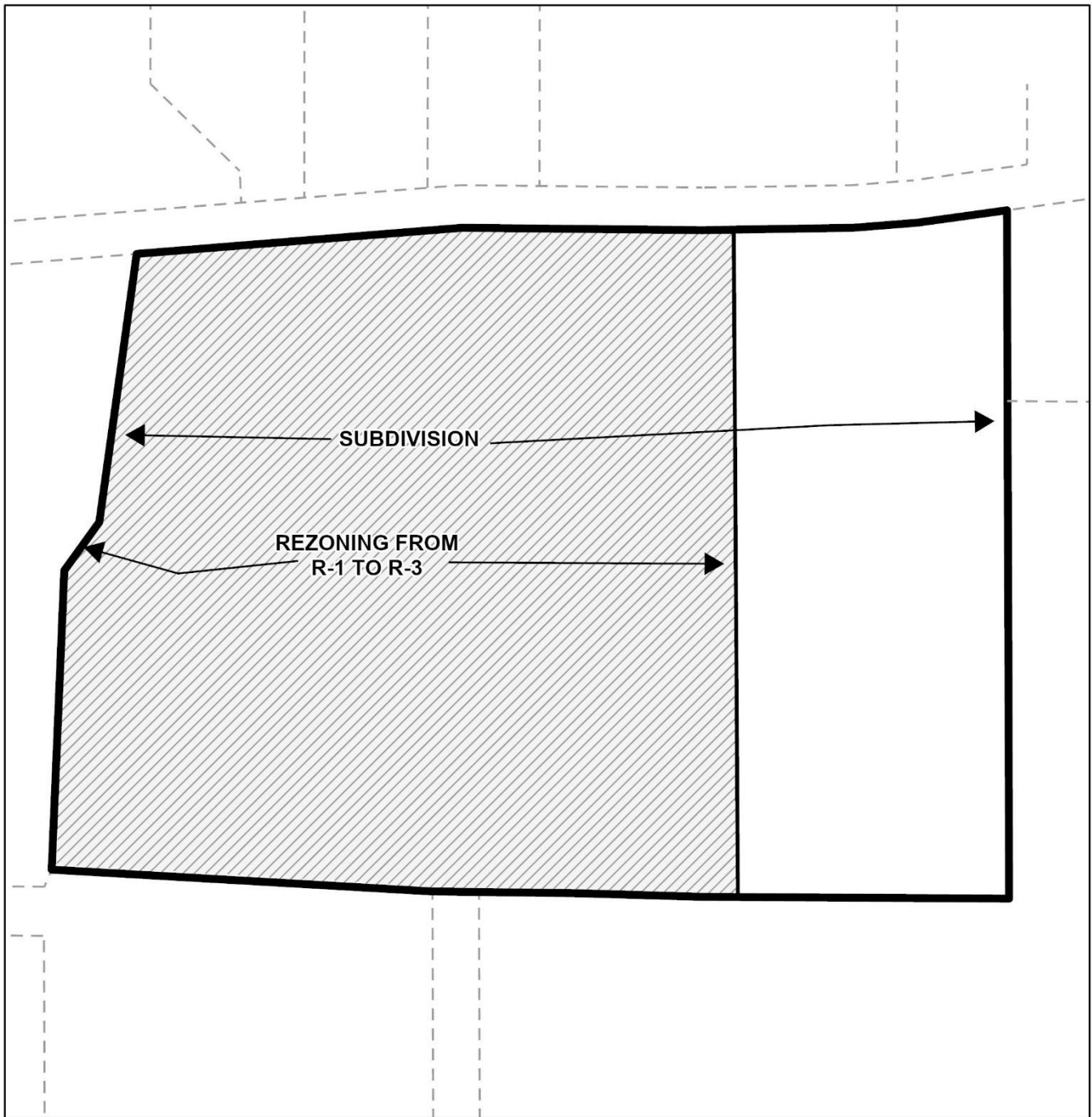
DETAIL SITE PLAN



APPLICATION NUMBER	1	DATE	June 1, 2023
APPLICANT	Tate Property Subdivision		
REQUEST	Subdivision, Rezoning from R-1 to R-3		



DETAIL SITE PLAN



APPLICATION NUMBER 1 DATE June 1, 2023

APPLICANT Tate Property Subdivision

REQUEST Subdivision, Rezoning from R-1 to R-3



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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 (WDWU)
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)

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.

