



Agenda Item # 1 - HOLDOVER

SUB-002777-2023

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

5377 Moffett Road

Subdivision Name:

The Hive Subdivision

Applicant / Agent:

Imran Balbale/ D. Todd Shirk, Agent

Property Owner:

Imran Balbale

Current Zoning:

R-1, Single Family Residential Suburban District

Future Land Use:

Mixed Commercial Corridor

Applicable Codes, Policies, and Plans:

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

Proposal:

- Subdivision approval to create eleven (11) legal lots of record from one (1) metes-and-bounds parcel.

Commission Considerations:

1. Subdivision proposal with eleven (11) conditions;

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THE HIVE SUBDIVISION



APPLICATION NUMBER 1 DATE February 22, 2024



HOLDOVER COMMENTS

This application was heldover from the Planning Commission's January 18th Meeting to allow time for public hearing notices to be sent to all abutting and adjacent property owners.

No changes have been made to the initial request, and staff has not received any additional information.

HOLDOVER CONSIDERATIONS

Planning Comments:

Based on the preceding, and with a waiver of Section 6.C.7. of the Subdivision Regulations, if the Subdivision request is considered for approval, the following conditions should apply:

1. Retention of all right-of-way widths as depicted on the preliminary plat;
2. Revision of the plat to depict an adequate turnaround diameter where the street will terminate, with the design approved by the Traffic Engineer and City Engineer;
3. 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;
4. Revision of the Final Plat to illustrate at least a 25-foot front yard setback along McIntyre Drive and Moffett Road;
5. Removal of side and rear setbacks from the Final Plat;
6. Placement of a note on the Final Plat stating that maintenance of the Common Area shall be the responsibility of the property owners and not the City of Mobile;
7. 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;
8. Compliance with all Engineering comments noted in this staff report;
9. Placement of a note on the Final Plat stating all 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.

SITE HISTORY

In April 1989 the Board of Zoning Adjustment approved a Use Variance request to allow for the operation of an antique/handicraft shop in half of a former dwelling on the site.

The subject site first came before the Planning Commission in February 2021 as the subject of requests for Subdivision, Planned Unit Development (PUD), and Rezoning to create one (1) legal lot of record from a single metes-and-bounds parcel, allow multiple buildings on a single building site, and to rezone the site from R-1, Single-Family Residential District to B-1, Buffer Business District. It should be noted that the 2021 subdivision, which was approved by the Planning Commission, was never recorded in Mobile County Probate Court and has since expired. The Planning Commission recommended denial of the Rezoning request, which was subsequently denied by the City Council. As a result of the rezoning denial, the PUD was determined to be moot.

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

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 reference, on the map and the description, to a properly monumented corner. A “found concrete monument” is not an acceptable corner.
- C. Provide and label the monument set or found at each subdivision corner. They are not labeled and do not match the legend.
- D. Add legible street names to the vicinity map. It does not need to contain an aerial photo.
- E. Label the name of the proposed Public ROW.
- F. Show and label the existing Public ROW.
- G. Show the recording information and property line ties for the existing sewer easement.
- H. Check and revise proposed building setback lines to be outside of any easement.
- I. Revise PLAT NOTE #12 to read - “As shown on the 1984 aerial photo (FLIGHT 21 - #69) LOTS 1 through 11 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) in the amount of 2,000 sf.”
- J. 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.
- K. 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.
- L. The street must be submitted for acceptance by the Mobile City Council prior to submitting the Final Plat for City Engineer signature.
- M. 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:

Traffic Engineering has concerns about the distance from the end of the cul-de-sac to Moffett Road. We are requiring a visual barrier be put in place so that Moffett Road can't be seen from the cul-de-sac. Lots are limited to one curb cut and/or driveway per street frontage. Driveway access shall be limited to McIntyre Drive and existing curb cuts on US Highway 98 are to be closed. Size, Location, and Design of Any New Cut and/or driveway, or changes to existing cuts and/or driveways, 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 eleven (11) legal lots of record from one (1) metes-and-bounds parcel. The site is served by public water and sanitary sewer.

The site has frontage on Moffett Road, a Principal Arterial road requiring a 100-foot right-of-way, which is adequately depicted on the preliminary plat. If approved, this information should be retained on the Final Plat.

The site also has frontage along the East terminus of McIntyre Drive, a minor street with curb and gutter requiring a 50-foot right-of-way. A closed-end extension of this street is proposed as part of this request, and is depicted on the preliminary plat with a compliant 50-foot public right-of-way. A turnaround is illustrated where McIntyre Drive will end, in compliance with Section 6.B.3 of the Subdivision Regulations, but its diameter is not provided. For a closed-end street the right-of-way diameters are determined by the City Engineer and must comply with the most recently adopted International Fire Code (IFC). If approved, the plat should be revised to depict the right-of-way diameter of the turnaround, as approved by both the Traffic and City Engineer. The 50-foot right-of-way for the remainder of McIntyre Drive should be retained on the Final Plat, if approved.

The Preliminary Plat illustrates utility and sewer easements. If approved, a note should be required on the Final Plat stating that no structure may be constructed or placed within any easement without the permission of the easement holder.

The 25-foot minimum setback is illustrated along the proposed McIntyre Drive extension, and along Moffett Road, in compliance with Section 64-2.5 of the UDC, but it is not labeled. Revision of the plat to label the 25-foot minimum setback should be required, if approved.

It should be noted that double-frontage lots are discouraged by Section 6.C.7. of the Subdivision Regulations. However, the proposed double-frontage is a common lot configuration for subdivisions that "back up" to major streets; as such, a waiver of Section 6.C.7. may be appropriate. If approved, a note should be placed on the Final Plat stating that Lot 5 and Lot 11 are denied access to Moffett Road.

With regard to setbacks, per Article 2 Section 64-2-5 of the Unified Development Code, a 25-foot front yard setback, 5-foot side yard setbacks, and 8-foot rear yard setbacks are required for lots in an R-1, Single-Family Residential Suburban District. Additionally, per Section 6.C.8. of the Subdivision Regulations, only a front yard setback is required to be illustrated on a Final Plat. Though not labeled with specific measurements, the Preliminary Plat illustrates a minimum setback which appears to be greater than what is required by the Unified Development Code. The applicant may retain setbacks as illustrated, with the addition of setback labels, but if approved and the plat recorded in the Mobile County Probate Court depicts the setbacks as illustrated, future development of the properties will be subject to setbacks greater than what are required by the UDC. As such, only the 25-foot front yard setback should be illustrated along McIntyre Drive and Moffett Road, and no side or rear setbacks should be illustrated on the Final Plat.

The lot sizes are provided in both square feet and acres on the preliminary plat and exceed the minimum size requirements 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 Suburban District. If approved, this information should be retained on the Final Plat; or a table should be furnished on the Final Plat providing the same information.

As proposed, the site includes "Common Area" to be utilized for stormwater detention. If approved, a note should be placed on the Final Plat stating that the maintenance of Common Areas shall be the responsibility of the property owners, and not the City of Mobile.

SUBDIVISION CONSIDERATIONS

Standards of Review:

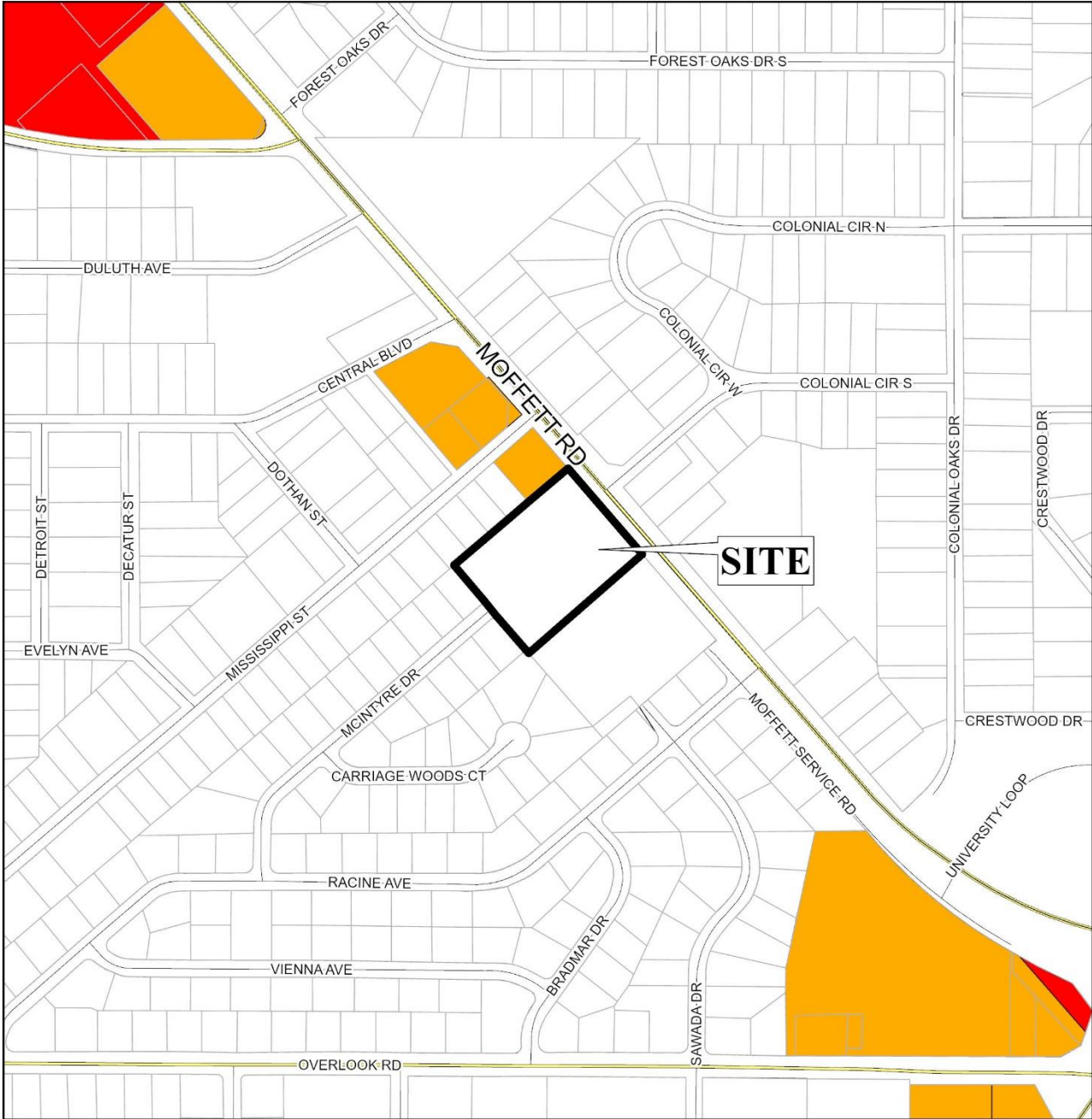
Subdivision review examines the site with regard to promoting orderly development, protecting general health, safety and welfare, and ensuring that development is correlated with adjacent developments and public utilities and services, and to ensure that the subdivision meets the minimum standards set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

Considerations:

Based on the preceding, and with a waiver of Section 6.C.7. of the Subdivision Regulations, if the Subdivision request is considered for approval, the following conditions should apply:

1. Retention of all right-of-way widths as depicted on the preliminary plat;
2. Revision of the plat to depict an adequate turnaround diameter where the street will terminate, with the design approved by the Traffic Engineer and City Engineer;
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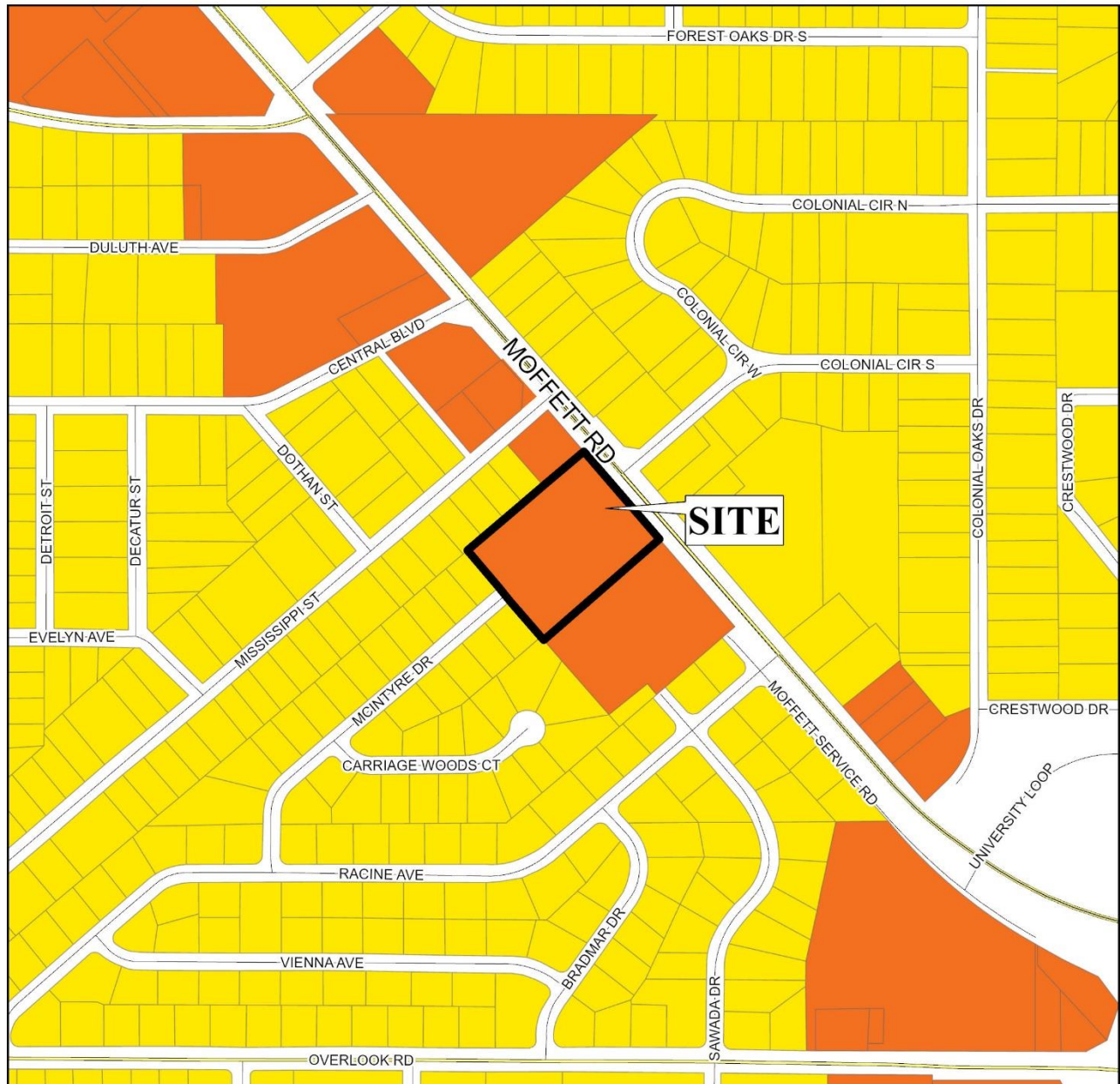
LOCATOR ZONING MAP



APPLICATION NUMBER	1	DATE	February 22, 2024
APPLICANT	The Hive Subdivision		
REQUEST	Subdivision		



FLUM LOCATOR MAP



APPLICATION NUMBER 1 DATE February 22, 2024

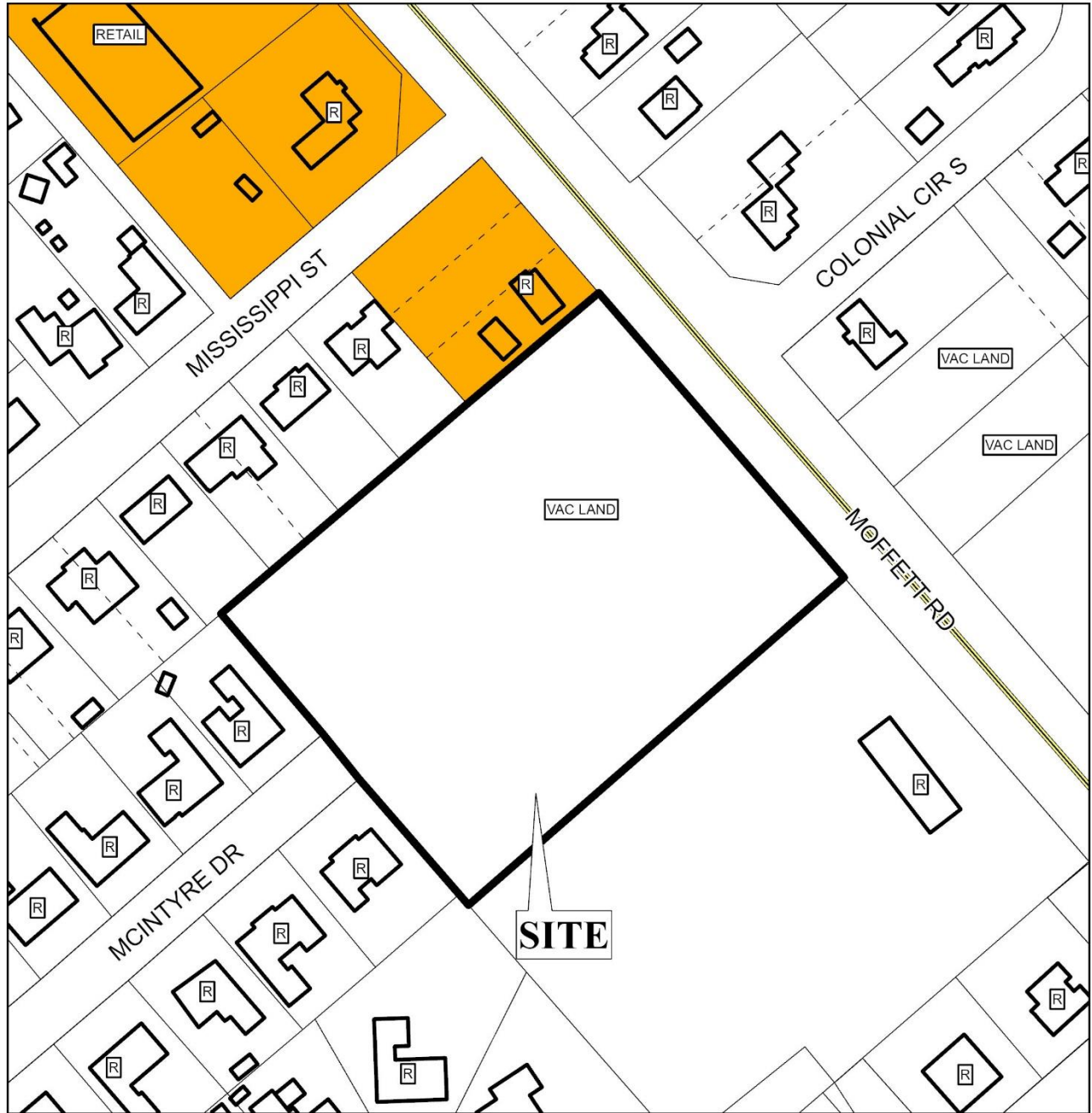
APPLICANT The Hive Subdivision

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 | |



THE HIVE SUBDIVISION

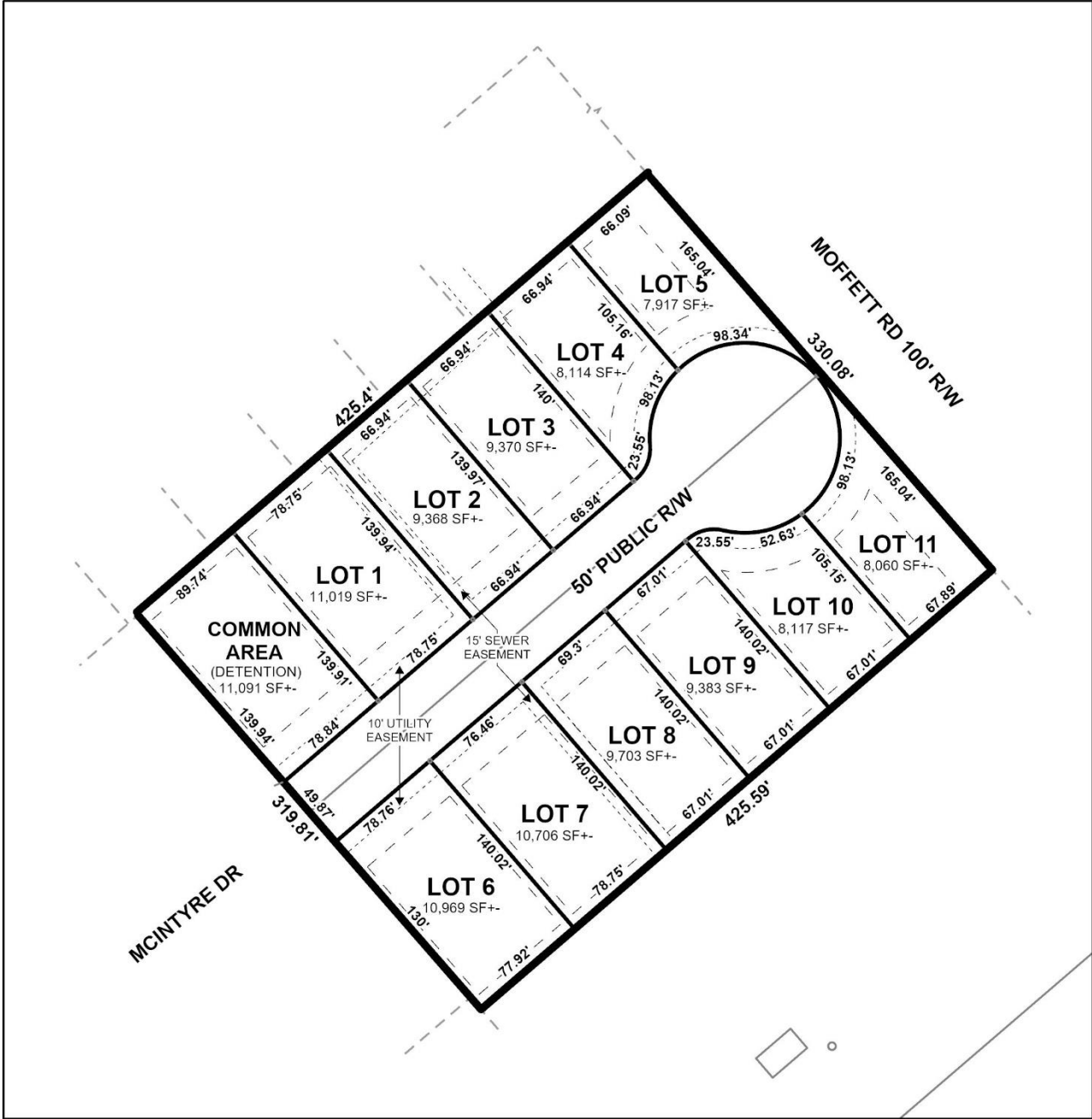


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R-A	R-3	B-1	B-2	B-5	ML	I-2	OPEN	T-3	T-5.2
R-1	R-B	T-B	B-3	CW	MH	PD	SD	T-4	T-6
R-2	H-B	LB-2	B-4	MM	I-1	MUN	SD-WH	T-5.1	



SITE PLAN



APPLICATION NUMBER	1	DATE	February 22, 2024
APPLICANT	The Hive 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 (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"/>		
DOWNTOWN DEV. DDD	T-5.1			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input type="checkbox"/>					<input type="checkbox"/>		
DOWNTOWN DEV. DDD	T-5.2			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>							<input type="checkbox"/>		
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)

MIXED COMMERCIAL CORRIDOR (MCC)

This land use designation mostly applies to transportation corridors west of I-65 serving primarily the low-density (suburban) residential neighborhoods. MCC includes a wide variety of retail, services and entertainment uses.

This designation acknowledges existing commercial development that is spread along Mobile's transportation corridors in a conventional strip pattern or concentrated into shorter segments of a corridor.

Over time, new development and redevelopment in Mixed Commercial Corridors is encouraged to raise design quality, improve connectivity to surrounding neighborhoods; improved streetscapes; and improve mobility and accessibility for all users of the corridor.