

**ZONING AMENDMENT &  
SUBDIVISION STAFF REPORT****Date: November 3, 2005****APPLICANT NAME**

Alabama Realty Co., Inc.

**SUBDIVISION NAME**

Alabama West (Proposed)

**LOCATION**

Southeast corner of Halls Mill Road and McVay Drive, extending East and South to the North side of Bolton Branch and McLaughlin's 2<sup>nd</sup> Addition to Navco Road Subdivision.

**CITY COUNCIL  
DISTRICT**

District 4

**PRESENT ZONING**

R-1, Single-Family Residential

**PROPOSED ZONING**

B-3, Community Business District

**AREA OF PROPERTY**26.2 acres  $\pm$ **CONTEMPLATED USE**

13-lot Commercial Subdivision.

**It should be noted, however, that any use permitted in the proposed district would be allowed at this location if the zoning is changed. Furthermore, the Planning Commission may consider zoning classifications other than that sought by the applicant for this property.**

**REASON FOR  
REZONING**

Applicant states that it is their desire that all lots as shown on the plot of subdivision shall be held, sold and conveyed subject to restrictions, covenants and conditions for the purposes of protecting the value and desirability of, and which shall run with, such real property and be binding on all parties having any rights, title or interest in such real property or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner of any portion thereof.

**TIME SCHEDULE  
FOR DEVELOPMENT**

The applicant states that the property will be planned and developed in stages based on the economy and demand for its use.

**ENGINEERING  
COMMENTS**

Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit.

**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 (State Act 61-929 and City Code Chapters 57 and 64).

Due to existing trees on right of way along Halls Mill Road, all new curb cuts for lots 1, 2, and 3 shall be coordinated with Urban Forestry.

**FIRE DEPARTMENT****COMMENTS**

All commercial projects shall comply with the 2003 International Fire Code and Appendices B through G, as adopted by the City of Mobile on July 6, 2004. All One- or Two-Family residential developments shall comply with Appendices B, C, and D of the 2003 International Fire Code, as adopted by the City of Mobile on July 6, 2004.

**REMARKS**

The applicant is requesting Rezoning and Subdivision Approvals to allow the development of a 13-lot commercial subdivision within a B-3, Community Business District. No specific commercial uses are proposed by the applicant.

The site was the subject of an approved Zoning Amendment from R-1 to B-3, and an approved 15-lot Subdivision Request in 2003. As no final plat was submitted in 2004, the subdivision approval expired. The approved rezoning expired because the applicant failed to proceed to the City Council for final approval. The conditions for the rezoning were as follows:

- (1) full compliance with the Engineering Comments as follows--corrected flood zone information; compliance with the minimum finished floor requirement for structures on any lot that is located within the Floodway; that Flood Zone AE and x-shaded be shown on each lot; that the drainage easement along the detention pond (common area) and lots 14 and 15 be defined; compliance with all stormwater and flood control ordinances; and that any work performed in the right of way obtain a right of way permit;*
- (2) full compliance with Urban Forestry Comments as follows--property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64); all ingress and egress from Halls Mill Road to be coordinated with Urban Forestry; and all work on existing trees on city right of way obtain a permit from the Mobile Tree Commission;*
- (3) the provision of a 25-foot wide buffer, exclusive of any easement(s), where the site adjoins residentially developed property;*
- (4) the provision of a 3-foot high wall or vegetative hedge along McVay Drive to screen all parking from the residences across McVay Drive;*
- (5) denial of access to McLaughlin Drive West;*

- (6) dedication of adequate right-of-way to provide 35-feet from the centerline of Halls Mill Road;*
- (7) the submission and approval of an Administrative PUD(s) for all curb cuts and internal circulation between lots; and*
- (8) full compliance with all municipal codes and ordinances.*

The conditions for the subdivision were as follows:

- (1) dedication of adequate right-of-way to provide 35-feet from the centerline of Halls Mill Road;*
- (2) placement of a note on the final plat stating that access to McLaughlin Drive West is denied;*
- (3) provision of 25-foot minimum building setback lines (from any dedication along Halls Mill Road); and*
- (4) placement of a note on the final plat stating that all curb cuts must be approved by both the Urban Development Department (including Urban Forestry) and Traffic Engineering.*

The current applications propose the same rezoning to B-3, but reduce the total number of lots to 13 for the site.

There has been very little, if any change in the surrounding area to alter concerns regarding the proposed rezoning and subdivision.

The 26.2 acre  $\pm$  site is currently vacant. The site fronts Halls Mill Road, a proposed collector street, and McVay Drive, a minor street. The site also abuts a street-stub for McLaughlin Drive, a minor street, located on the south side of the site.

North of the site, across McVay, are vacant parcels as well as a residential subdivision, all zoned R-1. South of the site is a residential subdivision in an R-1 district, and commercially developed parcels in a B-3 district. The eastern portion of the site abuts a parcel in a B-2 Neighborhood Business District, located across Bolton's Branch, a tributary to Dog River. West, across Halls Mill Road, are primarily undeveloped parcels in B-2 and B-3 districts.

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.

As a proposed collector street, the two-lane Halls Mill Road should have a minimum right-of-way of 70 feet to allow for future widening, thus sufficient right-of-way should be dedicated along the Halls Mill Road frontage to provide 35 feet from the centerline of Halls Mill Road. The right-of-way for the four-lane McVay Drive meets minimum requirements. It should also be noted that the property line at the corner of Halls Mill Road and McVay Drive should reflect the minimum required curb radius detailed in Section V.D.6. of the Subdivision Regulations.

Access management is a concern due to Halls Mill Road's status as a collector street, and due to the fact that McVay Drive connects Government Boulevard with Halls Mill Road, Navco Road and Dauphin Island Parkway. The site has extensive frontage onto both streets, thus there is potential for an extensive number of curb cuts, which consequently would reduce the traffic capacity of each roadway if the potential were fulfilled. Therefore, it would be appropriate for the applicant to consider an internal circulation system for the site in order to limit the number of curb cuts for the site. Furthermore, the consideration of an internal circulation system by the applicant may provide opportunities for innovative design. The applicant should coordinate with Urban Development (including Urban Forestry) and Traffic Engineering to determine the optimal layout for such a circulation system. Curb cut limitations should be as follows: Lots 1-3 are limited to two shared curb-cuts onto Halls Mill Road; Lots 4-5 are limited to one shared curb-cut; Lot 6 is limited to two curbs-cuts; Lots 7-9 are limited to two shared curb-cuts; Lots 10-12 are limited to two shared curb-cuts; and Lot 13 is limited to two curb-cuts. The size, design and location of all curb-cuts to be approved by Urban Forestry and Traffic Engineering, and conform to AASHTO standards. Administrative PUDs will be required for the shared curb-cuts and internal circulation system.

The proposed Lot 7 exceeds the depth to width ratio of 3.5 recommended by Section V.D.3. of the Subdivision Regulations. Due to the unusual shape of the site, a waiver of Section V.D.3. may be appropriate. All other lots meet minimum requirements.

The eastern portion of the site is bounded by the Bolton Branch of Dog River, and wetlands associated with the water body may occur on a portion of the site. The site, additionally, appears to be partially located in the "floodway" and "100-year" frequency flood zone as depicted on FEMA maps, and thus may be subject to flooding and hurricane-related storm surge. The presence of wetlands and floodplains indicate that the area may be environmentally sensitive; therefore, the approval of all applicable federal, state and local agencies would be required prior to the issuance of any permits.

The preliminary plat does not indicate any means of access to the proposed detention pond, a common area for the subdivision. The plat should be revised to indicate an easement or dedicated access to the detention facility. Furthermore, a portion of the detention pond appears to be located in the 100-year floodplain. A note should be placed on the Final Plat, if approved, stating that maintenance of the detention pond common areas, and any other common areas, are the responsibility of the subdivision's property owners.

The 25-foot minimum building setback line, required in Section V.D.9. of the Subdivision Regulations, is not shown for the subdivision, but would be required on the Final Plat, if approved.

Regarding the zoning application, the site appears to be depicted as residential on the General Land Use Component of the Comprehensive Plan, which is meant to serve as a general guide, not a detailed lot and district plan or mandate for development. The accuracy of recommended land uses on the General Land Use Component map is limited due to the large scale of the map. Moreover, the General Land Use Component allows the Planning Commission and City Council

to consider individual cases based on additional information such as the classification request, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and zoning classification.

As stated in Section IX. of the Zoning Ordinance, the intent of the Ordinance and corresponding Zoning Map is to carry out the comprehensive planning objective of sound, stable and desirable development. While changes to the Ordinance are anticipated as the city grows, the established public policy is to amend the ordinance only when one or more of the following conditions prevail: 1) there is a manifest error in the Ordinance; 2) changing conditions in a particular area make a change in the Ordinance necessary and desirable; 3) there is a need to increase the number of sites available to business or industry; or 4) the subdivision of land into building sites makes reclassification of the land necessary and desirable.

The trend in the overall area is toward heavy commercial as evidenced by the existing B-3 districts along McVay Drive, Halls Mill Road and Boltons Branch Drive. Moreover, the rezoning of this site would simply expand an existing B-3 district. Market absorption, i.e. development of rezoned properties in the area, has been rather slow, thus there does not appear to be a strong demand for commercial properties in the area. However, this area of the city does comprise one of the last large areas of undeveloped land east of Interstate 65, thus the demand for commercially zoned properties is expected to increase.

The proposed B-3 zoning category for the site will permit a wide variety of uses, many of which may be incompatible with adjacent single-family homes in R-1 Districts. When the property to the West (adjacent to Crown Products) was rezoned, the provision of a 25-foot wide buffer, exclusive of any easement(s), was required where the property adjoins residential property. The same condition should apply to this site. It should also be noted that there are residences across McVay Drive, and the provision of a 3-foot high wall or vegetative hedge should be required to screen all parking from these residences, as required by Section VI. of the Zoning Ordinance. Additionally, access to McLaughlin Drive West should be denied.

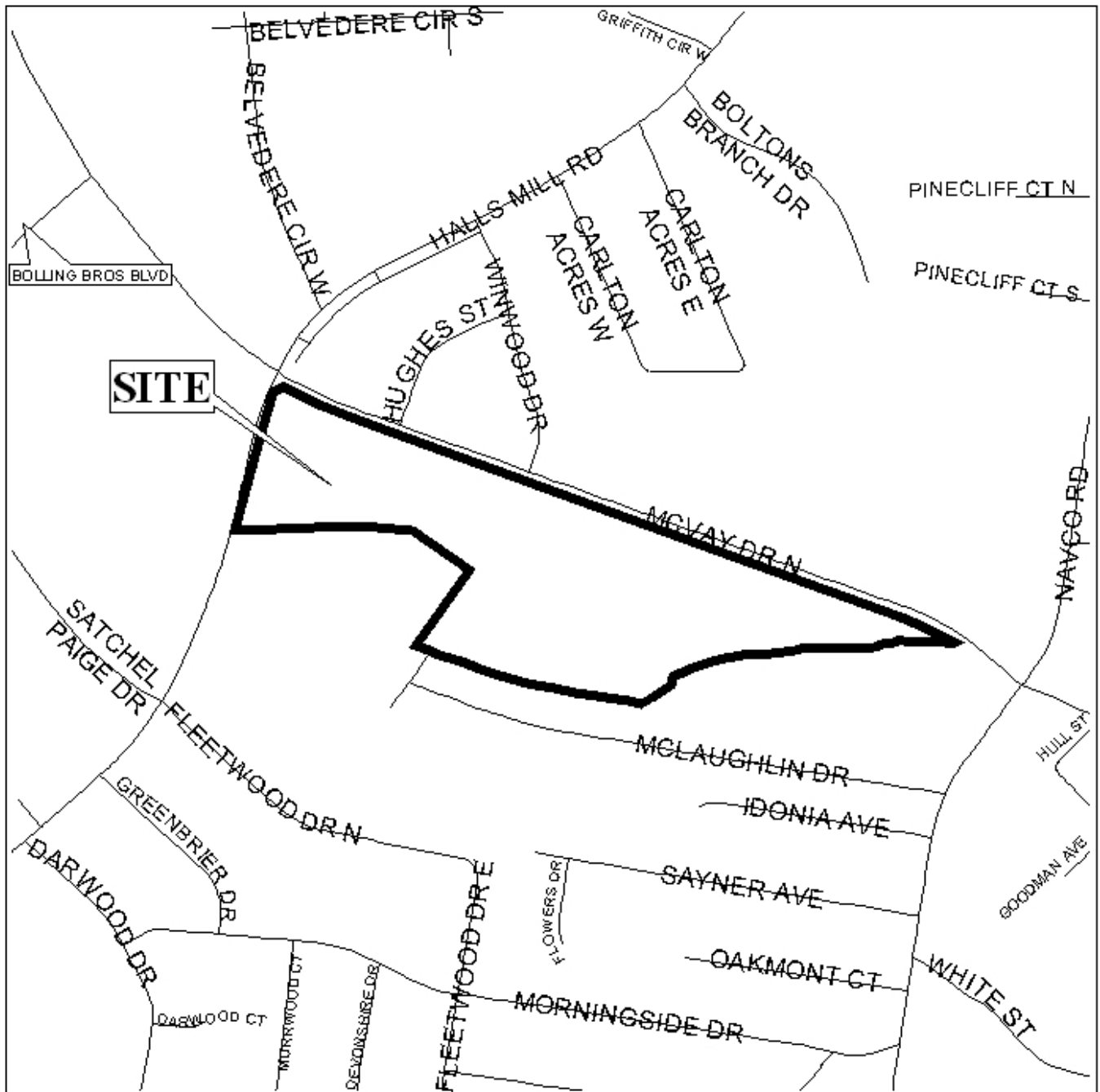
Rezoning from a residential to commercial district will require compliance with the landscaping and tree requirements of the Zoning Ordinance, as well as compliance with the parking requirements of the Ordinance.

**Rezoning:** Based upon the preceding, the Rezoning request is recommended for Approval, subject to the following conditions: 1) Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64). Due to existing trees on right of way along Halls Mill Road, all new curb cuts for lots 1, 2, and 3 shall be coordinated with Urban Forestry; 2) the provision of a 25-foot wide buffer, exclusive of any easement(s), where the site adjoins residentially developed property; 3) the provision of a 3-foot high wall or vegetative hedge along McVay Drive to screen all parking from the residences across McVay Drive; 4) denial of access to McLaughlin Drive West; 5) dedication of adequate right-of-way to provide 35-feet from the centerline of Halls Mill Road; 6) limitation of curb-cuts as follows: Lots 1-3 are limited to two shared curb-cuts onto Halls Mill Road; Lots 4-5 are limited to one shared curb-cut; Lot 6 is limited to two curbs-cuts; Lots 7-9 are limited to two shared curb-cuts; Lots

10-12 are limited to two shared curb-cuts; and Lot 13 is limited to two curb-cuts. The size, design and location of all curb-cuts to be approved by Urban Forestry and Traffic Engineering, and conform to AASHTO standards; 7) the submission and approval of an Administrative PUD(s) for all curb cuts and internal circulation between lots; and 8) full compliance with all municipal codes and ordinances

**Subdivision:** With a waiver of Section V.D.3., the Subdivision request is recommended for Tentative Approval, subject to the following conditions: 1) dedication of adequate right-of-way to provide 35-feet from the centerline of Halls Mill Road; 2) revision of the plat to depict the property line radius requirements at the intersection of Halls Mill Road and McVay Drive, in compliance with Section V.D.6. of the Subdivision Regulations; 3) placement of a note on the final plat stating that access to McLaughlin Drive West is denied; 4) provision of 25-foot minimum building setback lines (reflecting any dedication along Halls Mill Road); 5) placement of a note on the final plat stating that Lots 1-3 are limited to two shared curb-cuts onto Halls Mill Road; Lots 4-5 are limited to one shared curb-cut; Lot 6 is limited to two curbs-cuts; Lots 7-9 are limited to two shared curb-cuts; Lots 10-12 are limited to two shared curb-cuts; and Lot 13 is limited to two curb-cuts. The size, design and location of all curb-cuts to be approved by Urban Forestry and Traffic Engineering, and conform to AASHTO standards; 6) depiction of an access easement or dedicated access to the detention pond; 7) placement of a note on the final plat stating that maintenance of the detention pond common areas, and any other common areas, are the responsibility of the subdivision's property owners; and 8) approval of all applicable federal, state and local agencies regarding the wetlands and floodplain issues prior to the issuance of any permits.

## LOCATOR MAP

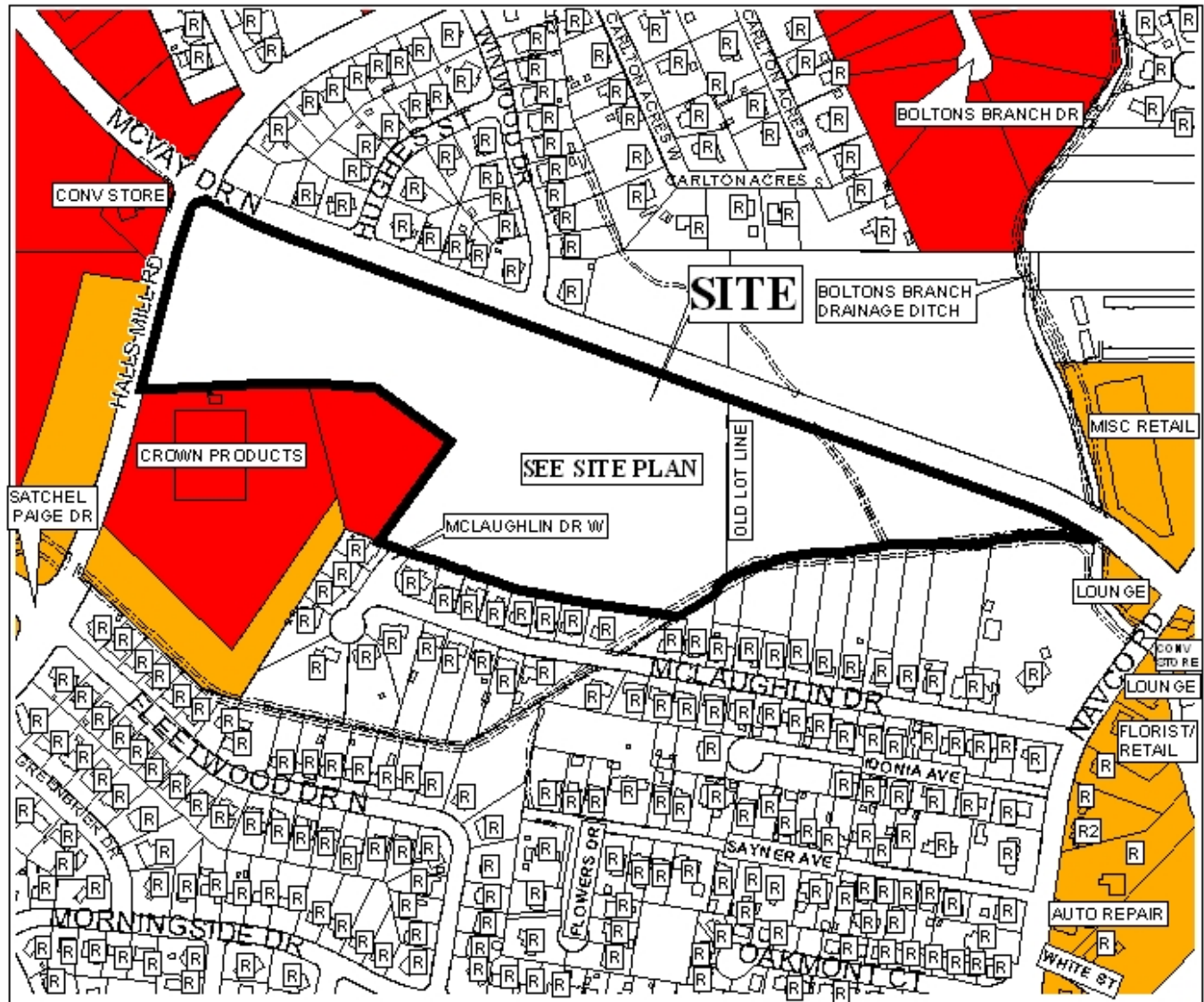


APPLICATION NUMBER 1 & 2 DATE November 3, 2005  
APPLICANT Alabama Realty Co., Inc.  
REQUEST Rezoning from R-1 to B-3, Subdivision



NTS

# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial sites and single-family, residential dwellings.

APPLICATION NUMBER 1 & 2 DATE November 3, 2005

APPLICANT Alabama Realty Co., Inc.

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

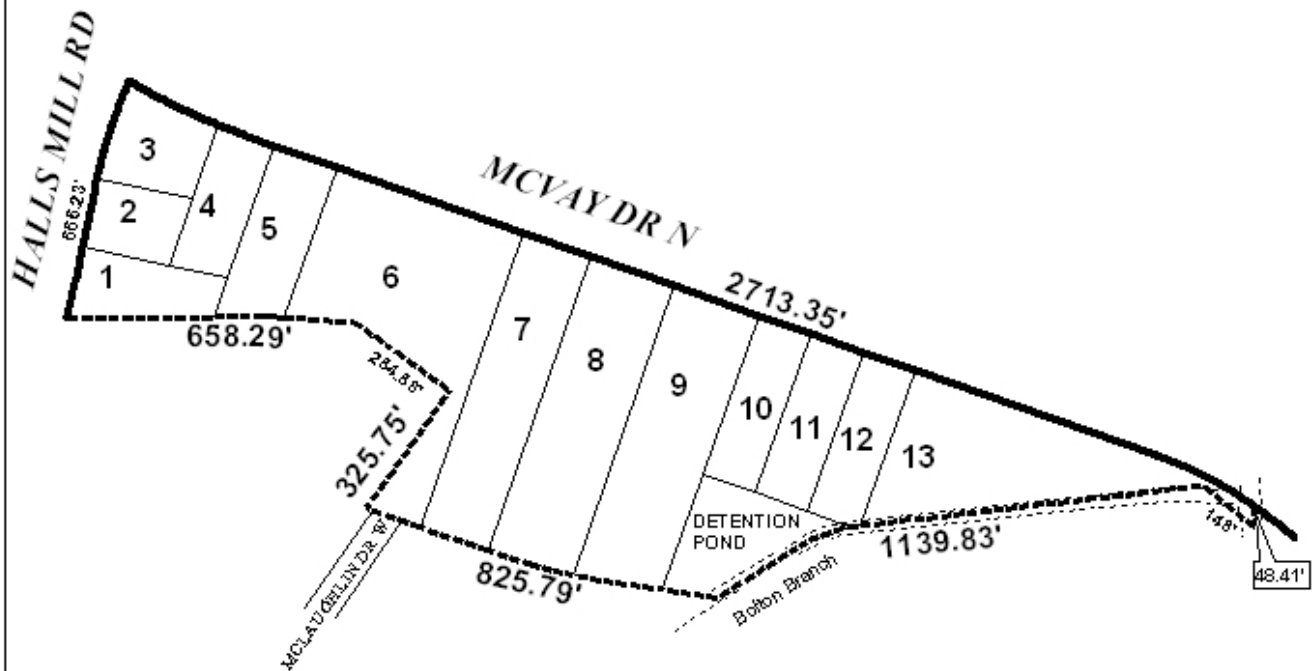
LEGEND



NTS



# SITE PLAN



The site plan illustrates the proposed lot configuration

APPLICATION NUMBER 1 & 2 DATE November 3, 2005  
APPLICANT Alabama Realty Co., Inc.  
REQUEST Rezoning from R-1 to B-3, Subdivision



NTS