

**SUBDIVISION, &
ZONING AMENDMENT STAFF REPORT****Date: January 5, 2023**

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| <u>NAME</u> | Carol Joann Harder Trust (Carol Lloyd Harder, Agent) |
| <u>SUBDIVISION NAME</u> | Harder Subdivision |
| <u>LOCATION</u> | 1459 Montlimar Court (East side of Montlimar Court, 477'± North of Cottage Hill Road). |
| <u>CITY COUNCIL DISTRICT</u> | District 5 |
| <u>PRESENT ZONING</u> | B-2, Neighborhood Community District and B-3, Community Business District |
| <u>PROPOSED ZONING</u> | B-3, Community Business District |
| <u>AREA OF PROPERTY</u> | 1 Lot / 0.4± Acres |
| <u>CONTEMPLATED USE</u> | <p>Subdivision approval to create one (1) legal lot of record from one (1) metes-and-bounds parcel; and Rezoning from B-2, Neighborhood Community District and B-3, Community Business District, to B-3, Community Business District.</p> <p>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.</p> |
| <u>TIME SCHEDULE FOR DEVELOPMENT</u> | Not provided |
| <u>ENGINEERING COMMENTS</u> | |

Subdivision: 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. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 24 - #79) LOT A will receive 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 A – 12,500 sf.
- C. 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.
- D. 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.
- E. 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.
- F. 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.
- G. Add a note that all easements shall remain in effect until vacated through the proper Vacation process.
- H. 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:

- 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. 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.

5. 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.
6. 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, should 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 (2012 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.

REMARKS

The applicant is requesting Subdivision approval to create one (1) legal lot of record from one (1) metes-and-bounds parcel; and Rezoning from B-2, Neighborhood Community District and B-3, Community Business District, to B-3, Community Business District.

The site has been given a Mixed Commercial Corridor (MCC) land use designation, per the Future Land Use Plan and Map, adopted on May 18, 2017 by the Planning Commission. The Future Land Use Plan and Map complements and provides additional detail to the Development Framework Maps in the Map for Mobile, adopted by the Planning Commission at its November 5, 2015 meeting.

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.

It should be noted that the Future Land Use Plan and Map components of the Map for Mobile Plan are meant to serve as a general guide, not a detailed lot and district plan. In many cases the designation on the new Future Land Use Map may match the existing use of land, but in others the designated land use may differ from what is on the ground today. As such, the Future Land Use Plan and Map 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, where applicable, the zoning classification.

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.

The site was originally approved as part of Lot 1, Montlimar Commercial Park, which was approved by the Planning Commission in 1966, and recorded in Probate Court. Since that time, the rear half of Lot 1 has been developed in conjunction with Lot 2, to the East. In 1988, a rezoning application was approved to rezone property to the West of the subject site from B-2, Neighborhood Business District to B-3, Community Business District. The legal description associated with this rezoning included a portion of the subject site, thus resulting in a split-zoned property.

The site fronts Montlimar Court, a minor street with curb and gutter, and an existing compliant right-of-way of 60-feet, making no dedications necessary, if approved. The plat indicates the required 25-foot minimum building setback line along Montlimar Court, which should be retained, if approved.

The lot size is labeled on the preliminary plat in square feet and acres, and should be retained on the Final Plat, or a table should be furnished on the Final Plat providing the same information, if approved.

Regarding access management, a note should be placed on the Final Plat stating the Traffic Engineering comments, if approved.

The applicant submitted the following concerning the Rezoning:

The subject property is located on the north side of Montlimar Court, a short distance from the intersection of Montlimar Drive and Cottage Hill Road.

Parcel No. R02-28-07-36-1-000-003.01

The southwest portion of Lot 1, Montlimar Commercial Subdivision, MB 18, PG 113

This application is being submitted to correct the current split zoning. The western 2/3 of the property is currently zoned B-3 while the eastern 1/3 is zoned B-2. There is no proposed change of use or change of improvements.

The property is bounded to the East by B-2, Neighborhood Business District; to the West by B-3, Community Business District; to the South, across Montlimar Court, by B-1, Buffer Business District and B-3; and to the North, across Montlimar Canal, by I-1, Light Industry District and B-3.

Section 64-9. of the Zoning Ordinance states that 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.

As the applicant states, the proposed one-lot Subdivision would result in a split-zoned lot, thus requiring the site to be rezoned. Furthermore, it seems that the 1988 rezoning ordinance contained an error, which resulted in this split-zoning. Therefore, approval of the rezoning request may be appropriate, and in keeping with the area.

RECOMMENDATION

Subdivision: Based upon the preceding, this application is recommended for Tentative Approval, subject to the following conditions:

- 1) retention of the existing Montlimar Court right-of-way;
- 2) retention of the 25-foot minimum building setback line along Montlimar Court;
- 3) retention of the lot size label in both square feet and acres, or the furnishing of a table on the Final Plat providing the same information;
- 1) compliance with the 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) Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 24 - #79) LOT A will receive 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 A – 12,500 sf. C) 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. D) 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. E) 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. F) 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. G) Add a note that all easements shall remain in effect until vacated through the proper Vacation process. H) 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.);

- 4) *placement of a note on the Final Plat stating the 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, should meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.);*
- 5) *compliance with the 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.);*
- 6) *compliance with the Fire Department comments: (All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 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.); and,*
- 7) *completion of the Rezoning process prior signing the Final Plat.*

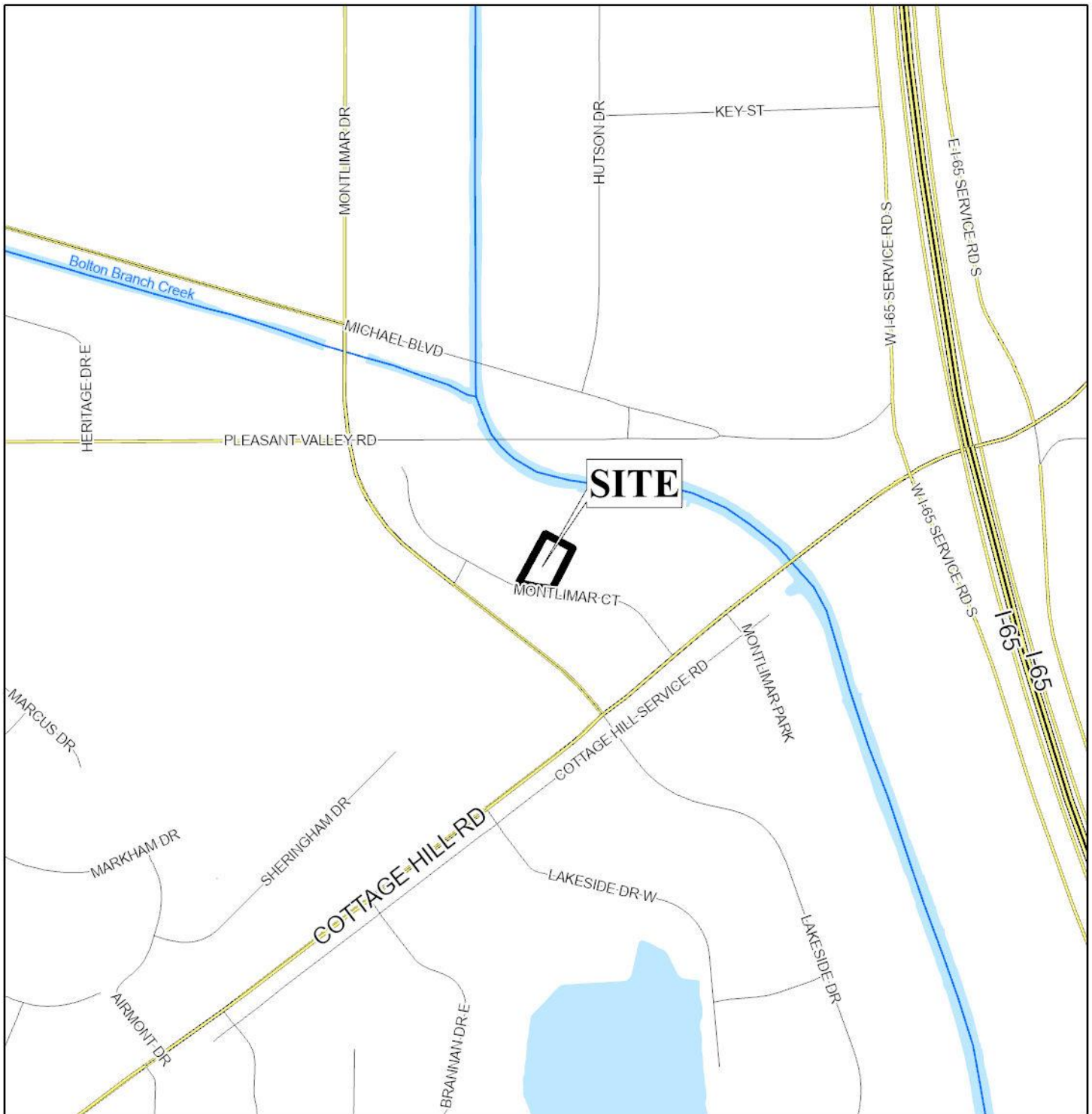
Rezoning: Based on the preceding, this application is recommended for Approval for the following reasons:

- a) *there is a manifest error in the Ordinance; and*
- b) *the subdivision of land into building sites makes reclassification of the land necessary and desirable.*

The approval should be subject to the following conditions:

- 1) *completion of the Subdivision process; and*
- 2) *full compliance with all municipal codes and ordinances.*

LOCATOR MAP



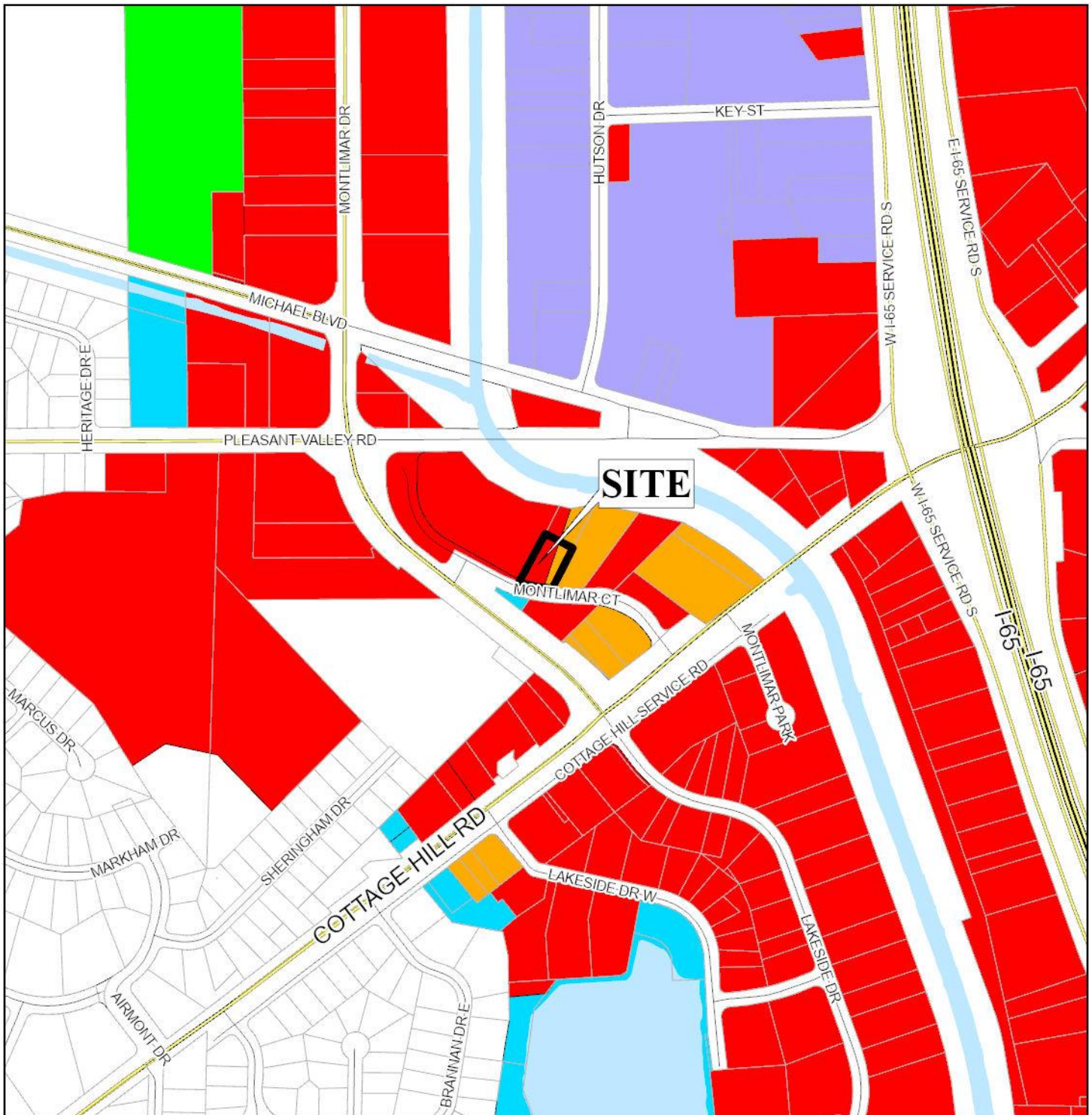
APPLICATION NUMBER 3 DATE January 5, 2023

APPLICANT Harder Subdivision

REQUEST Subdivision, Rezoning from B-2 and B-3 to B-3



LOCATOR ZONING MAP



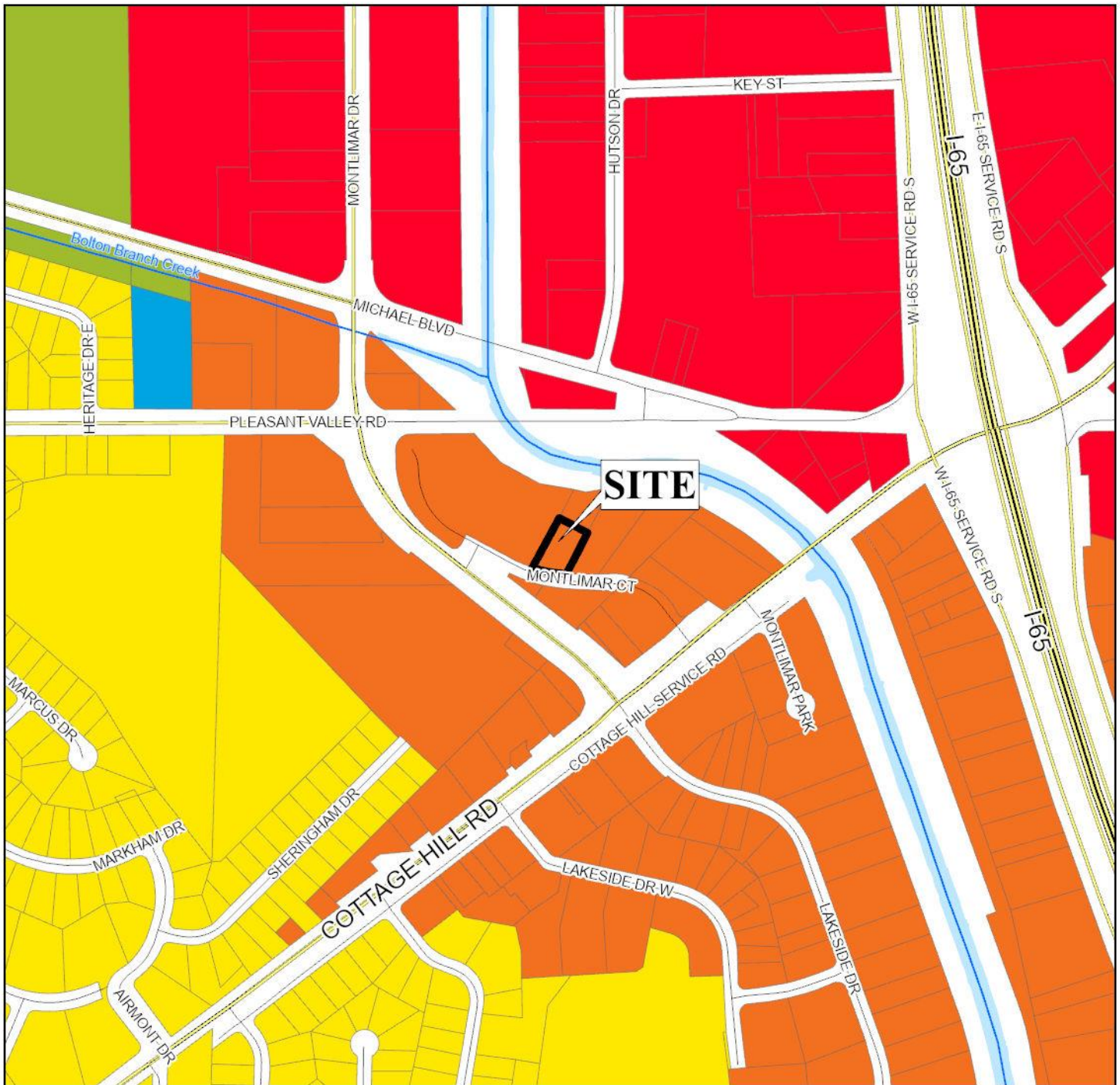
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FLUM LOCATOR MAP



APPLICATION NUMBER 3 DATE January 5, 2023

APPLICANT Harder Subdivision

REQUEST Subdivision, Rezoning from B-2 and B-3 to B-3

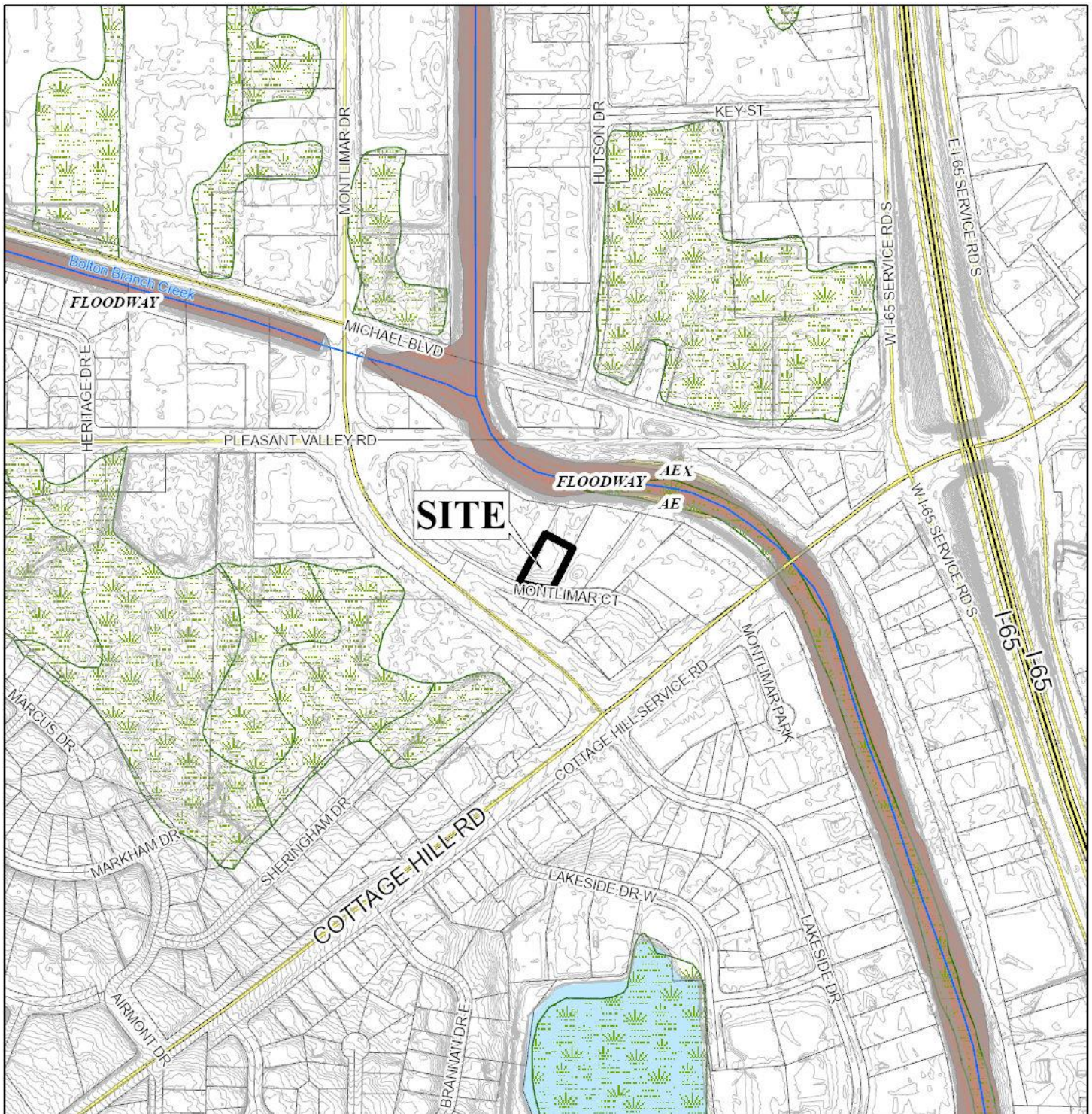
Layer2

| | | |
|---|---|--|
| Low Density Residential | Neighborhood Center - Traditional | Heavy Industry |
| Mixed Density Residential | Neighborhood Center - Suburban | Parks & Open Space |
| District Center | Downtown Waterfront | Water Dependent |
| Traditional Corridor | Light Industry | Institutional |
| Mixed Commercial Corridor | | |



NTS

ENVIRONMENTAL LOCATOR MAP



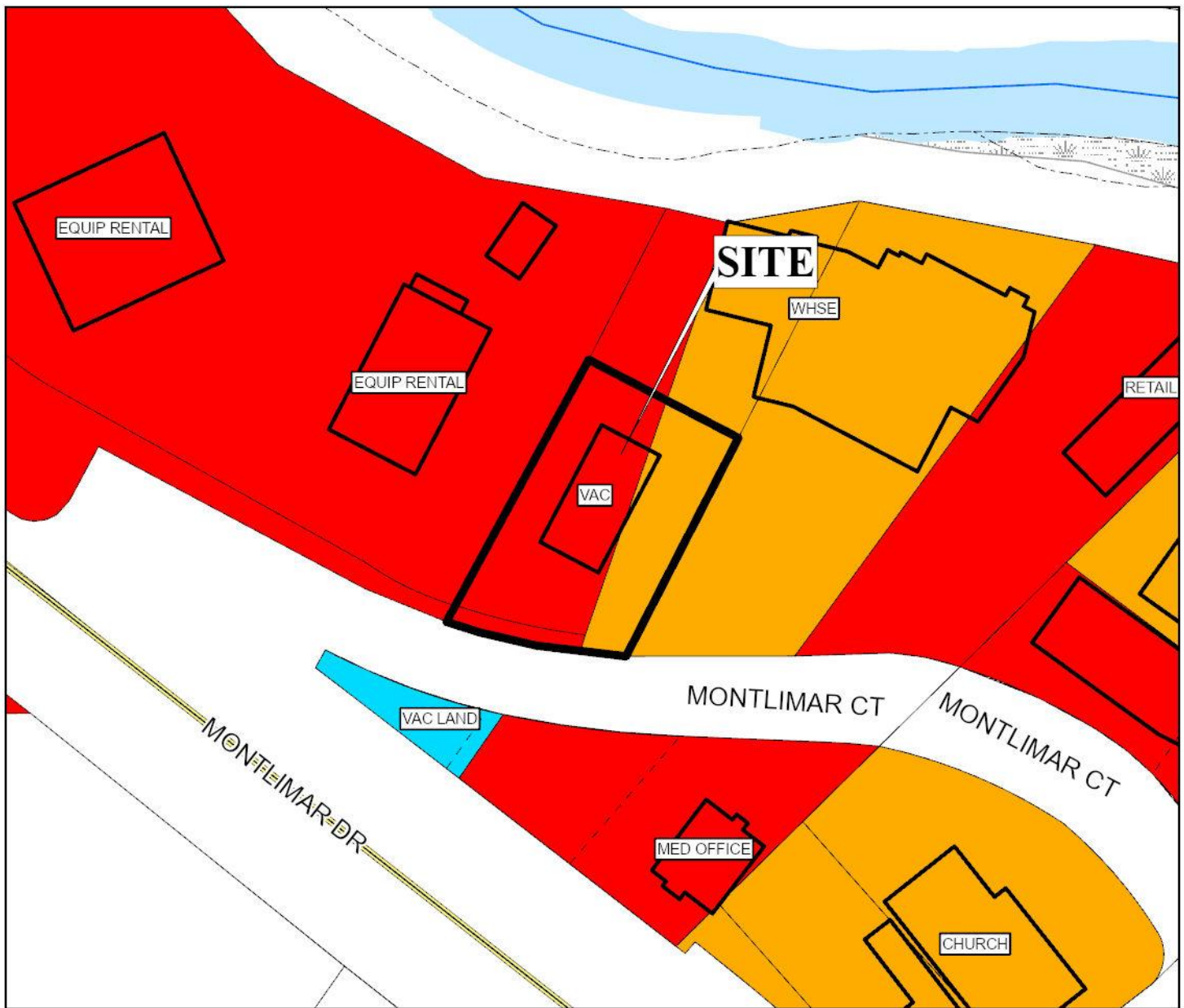
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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

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



PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial units.

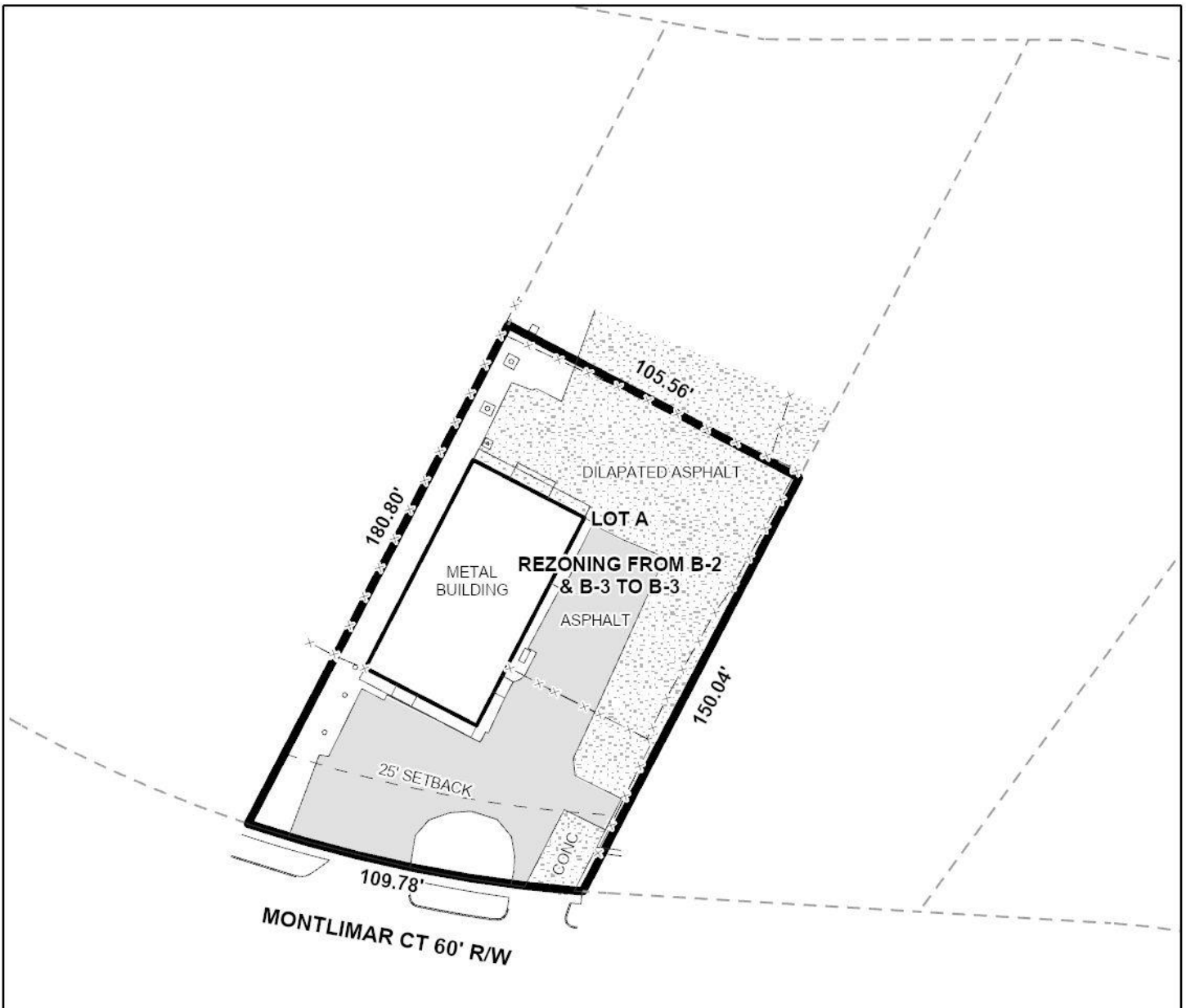
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SITE PLAN



The site plan illustrates the existing building, asphalt, and setback.

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