

# Agenda Item # 3

# SUB-002658-2023 (HOLDOVER) & MOD-002791-2023

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

<u>Applicant Materials for Consideration – Subdivision</u>

**Applicant Materials for Consideration – Planning Approval Modification** 

# **DETAILS**

#### Location:

3107 Halls Mill Road

#### **Subdivision Name:**

The Resubdivision of Southern Oaks Subdivision

#### Applicant / Agent:

FGP Manufacturing, LLC

#### **Property Owner:**

Shipyard Road, LLC

# **Current Zoning:**

B-2, Neighborhood Business Suburban District & B-3, Community Business 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 three (3) legal lots of record from two (2) legal lots of record.
- Modification of a previously approved Planning Approval.

#### **Commission Considerations:**

- Subdivision approval with nine (9) conditions; and,
- 2. Modification of a previously approved Planning Approval with twelve (12) conditions.

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# PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial and residential units.

APPLICATION NUMBER3 DATEJanuary 18, 2024						
APPLICANT The Resubdivision of Southern Oaks Subdivision	N					
REQUEST Subdivision, PA Modification						
	NTS					

## SITE HISTORY

In 1982 the Board of Zoning Adjustment approved a Use Variance for a portion of the subject site to be used as a golf driving range. The property has since been redeveloped.

In 2000 the Planning Commission approved a two-lot subdivision, Southern Oaks Subdivision, and the corresponding plat was recorded in 2001. The rezoning of Lot 1 from R-1 to B-3, and Lot 2 from R-1 to B-2, was adopted by City Council at its February 6, 2001 meeting.

In 2003 the Planning Commission approved the replat of Lot 1 to incorporate an adjacent parcel, thus creating a one-lot subdivision distinct from the original subdivision. In 2006, the one-lot subdivision was again resubdivided to incorporate Lot 6 of the adjacent Alabama West Unit One Subdivision, approved in 2005. Rezoning of Lot 6 of the Alabama West Unit One Subdivision from R-1 to B-3 was adopted by City Council at its December 13, 2005 meeting.

The plat from 2006 remains the most recently-recorded subdivision; however, since that time, it appears a portion of the lot along the South property line was conveyed to an adjacent property owner (Parcel #: R023202370005017.000) by a "Settlement Agreement" resulting from a property boundary dispute, as recorded in 2007 (Real Property Book 6131, Page 303). This was done without approval of a subdivision and has resulted in a split-zoned, R-1 and B-3, metes-and-bounds parcel (see parcel at Northwest terminus of McLaughlin Drive West). The request at hand does depict this alteration of property lines, but does not include the split-zoned parcel.

A Sidewalk Waiver was approved by the Planning Commission in 2007 to waive construction of a sidewalk along Halls Mill Road.

The Planning Commission granted Planning Approvals in 2003 and 2021, first to allow the construction of a distribution warehouse greater than 50,000 square feet in a B-3 zoning district, then to allow a popsicle manufacturing facility in a building larger than 50,000 square feet in a B-3 zoning district.

Most recently, at its October 19, 2023 meeting, the Planning Commission reviewed a request to subdivide the property into three (3) lots; however, because the site was the subject of Planning Approvals in 2006 and 2021, and the proposed revision of the lot lines would also modify the Planning Approvals, a Major Modification was required to be reviewed by the Planning Commission and approved by City Council, per Section 64-5-8.B.2. of the UDC. As such, the subdivision request could not be considered for approval by the Planning Commission until the Major Modification request was submitted for review, per Section 64-5-1.D. of the UDC, which requires all applications related to the same site to be filed and considered concurrently.

#### 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 a written description for the subdivision boundary.
- C. Show and label the MFFE (Minimum Finished Floor Elevation) on each lot that contains an A, AE, or X (shaded) flood zone designation. BFE = 11.

- D. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 25 #80) LOTS A, B, and C 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: LOT A 2,000 sf, LOT B NONE AND lot C NONE.
- E. 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.
- F. 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.
- G. 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.
- H. 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.
- I. Add a note that all easements shall remain in effect until vacated through the proper Vacation process.
- J. Email a pdf copy of the FINAL SUBDIVISION PLAT and LETTER OF DECISION to the Permitting Engineering Dept. for review at <a href="mailto:land.disturbance@cityofmobile.org">land.disturbance@cityofmobile.org</a> prior to obtaining any signatures. No signatures are required on the drawing.

#### PLANNING APPROVAL 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. 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, shall meet the minimum standards as defined in Article 3, Section 64-3-12 of the City's Unified Development Code.

# **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 (Holdover Comments)**

At the applicant's request, this application was heldover from the October 19, 2023 meeting to allow them time to submit an application for a Major Modification of a previously approved Planning Approval. Besides the Major Modification application, no additional information regarding the subdivision request was provided. As such, no changes to the previous comments regarding the subdivision were made.

The purpose of the subdivision application is to create three (3) legal lots of record from two (2) legal lots of record. The site is served by public water and sanitary sewer services.

Proposed Lot A has frontage along McVay Drive North, a Minor Arterial street with an 80-foot right-of-way at this location. Proposed Lots B and C have frontage along Halls Mill Road, a Minor Arterial street requiring a 70-foot right-of-way at this location. The preliminary plat depicts adequate right-of-way along McVay Drive North and a varying right-of-way along Halls Mill Road. The Southern Oaks Subdivision plat, approved by the Planning Commission at its December 21, 2000 meeting and recorded in 2001, dedicated the required right-of-way along Halls Mill Road, thus no additional dedication is required; however, if approved, the Final Plat should be revised to depict the existing right-of-way along Halls Mill Road.

It should be noted that Lot C also has frontage along an unimproved service road proposed along Halls Mill Road.

It should also be noted that McVay Drive North is inaccurately labeled "McVay Drive". If approved, the Final Plat should be revised to correctly label McVay Drive North.

Each lot, as proposed, exceeds the minimum size requirements for lots served by public water and sanitary sewer in both the B-2 and B-3 zoning districts. Their sizes are appropriately labeled in square feet and acres on the preliminary plat. If approved, this information should be retained on the Final Plat; or, provision of a table on the Final Plat with the same information will suffice.

Each proposed lot is irregularly shaped, and the depth of Lot C exceeds its width by more than 3.5, which is discouraged by Section 6.C.3 of the Subdivision Regulations. Such lot designs are not uncommon within the vicinity of the subject site, and previous subdivision approvals of the site with similar lot designs may again justify their approval. Previous approval of Lot C with nearly the same configuration may also justify an additional waiver of Section 6.C.3. regarding the excessive width-to-depth ratio of Lot C.

Lots A and B are proposed to share a common lot line through an existing building, and through part of an existing parking lot. The resulting setbacks of the building on each lot should not be an issue considering Section 64-2-14.E. of the UDC allows for either a zero-foot, or a five (5)-foot side and rear yard setback for lots in the B-3 zoning district; however, shared access to the parking lot should be facilitated via the appropriate legal instrument (e.g. ingress/egress easement, reciprocal easement, etc.), which has not been presented to Staff, and is not illustrated on the preliminary plat. As such, submission of a copy of the appropriate legal instrument facilitating shared access between Lots A and B should be required, prior to Staff signing the Final Plat; or, revision of the Final Plat illustrating an easement granting shared access may suffice.

If approved, the Final Plat should be revised to illustrate the 25-foot minimum building setback along each street frontage, per Sections 64-2-13.E. and 64-2-14.E. of the UDC for lots in the B-2 and B-3 zoning districts within the Suburban sub-district.

It should be noted that the site is subject to four (4) different zoning ordinances covering different portions of the site, with differing conditions. To create one set of conditions for the site, it would be beneficial to submit a rezoning application to consolidate the B-3 portion of the property to one zoning ordinance with one set of conditions.

## **Planning Approval Modification**

The most recently approved Planning Approval allowed a popsicle manufacturing facility to operate in a building larger than 50,000 square feet in a B-3 zoning district. There are no proposed physical modifications to the Planning Approval site at this time, and no changes to the use (or uses) of the properties were presented; the applicant is simply amending the most recently approved Planning Approval to reflect the proposed change in lot lines. Any future development or redevelopment of any of the lots, or any change in the uses of the lots, may require additional modification of the Planning Approval to be approved by the Planning Commission and City Council. A note stating as much should be placed on the recorded site plan, if approved.

The site plan provided reflects the changes proposed by the associated Subdivision request, and includes the size of each proposed lot in square feet and acres. Two (2) of the proposed lots, Lots A and B, are developed and, as mentioned, are proposed to share a common lot line through an existing building, and through part of an existing parking lot. The resulting setbacks of the building on each lot should not be an issue, but shared access to the parking lot should be facilitated via the appropriate legal instrument (e.g. ingress/egress easement, reciprocal easement, etc.) and illustrated on the plat and Planning Approval site plan. This was requested by Staff as part of their review of the Subdivision request, but no additional information regarding the easement was provided, and no easement is depicted on the site plan. As such, revision of the site plan illustrating an easement granting shared access should be illustrated on the recorded site plan.

It should be noted that, while parking is illustrated, no information is provided for staff to verify the site has an adequate number of parking spaces. As such, if approved, revision of the site plan to provide a table noting the off-street parking requirements of Table 64-3-12.1 of Article 3 of the UDC for each use of the site must be required, along with the number of parking spaces provided.

Proposed Lot C is undeveloped and when it was rezoned to B-2 it was to serve as a buffer between the existing development and the adjoining residential neighborhood. A wooden privacy fence is illustrated along a portion of the site that abuts single-family residential property, but it does not extend the entire length of the property line where the site abuts other single-family residential properties. Recent aerial photos depict a wooded area that may serve as an adequate vegetative buffer, but it should be noted that where any portion of the subject site abuts a residentially zoned property, a buffer in compliance with the applicable standards of Article 3, Section 64-3-8 of the UDC is required to be provided and/or maintained. A note stating as much should be placed on the recorded site plan, if approved.

If approved, the site plan should be revised to illustrate the required 25-foot minimum building setback along each street frontage, per Sections 64-2-13.E. and 64-2-14.E. of the UDC for lots in B-2 and B-3 zoning districts within the Suburban sub-district.

McVay Drive North is inaccurately labeled "McVay Drive". If approved, the site plan should be revised to correctly label McVay Drive North.

It should be noted that both the 2003 and 2022 Planning Approvals referenced continuation of the preservation status of two (2) Live Oak trees on the site, one with a Diameter at Breast Height (DBH) of 68-inches, and the other with a DBH of 74-inches. No trees are depicted on the site plan, but it appears the trees are still on the site. If approved, the site plan should be revised to illustrate each of these trees, depicting their sizes and noting their preservation status.

Finally, no dumpster pad is illustrated on the site plan, and no note regarding waste removal is provided. Any dumpster placed on the site must meet the placement and enclosure standards of Article 3, Section 64-3-13.A. of the UDC and illustrated on a revised site plan, if approved; or, placement of a note on the revised site plan stating curbside waste removal services will be utilized should be required.

## 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 request, with a waiver of Section 6.C.3. of the Subdivision Regulations, the following conditions could apply:

- 1. Revision of the plat to depict the existing right-of-way along Halls Mill Road;
- 2. Revision of the plat to correctly label "McVay Drive North";
- 3. Retention of the lot sizes in both square feet and acres on the Final Plat, or provision of a table on the Final Plat with the same information;
- 4. Revision of the Final Plat to illustrate a cross-access easement between Lots A and B, or provision of a recorded legal document with the same information;
- 5. Revision of the plat to illustrate the 25-foot minimum building setback line along each street frontage, per Section 64-2-13.E. and 64-2-14.E. of the UDC for lots in B-2 and B-3 zoning districts;
- 6. Compliance with all Engineering comments noted in this staff report;
- 7. Provision 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.

# PLANNING APPROVAL MODIFICATION CONSIDERATIONS

#### Standards of Review:

The Unified Development Code (UDC) in Section 64-5-8-B.2(b)(5) states the following concerning Planning Approval Modifications:

Approval Criteria. The Planning Commission shall not recommend a major modification for approval, and the City Council shall not approve the modification, unless the proposed modification:

- a. Is consistent with all applicable requirements of this Chapter;
- b. Is compatible with the character of the surrounding neighborhood;
- c. Will not impede the orderly development and improvement of surrounding property;
- d. Will not adversely affect the health, safety or welfare of persons living or working in the surrounding neighborhood, or be more injurious to property or improvements in the neighborhood:
  - In making this determination, the Planning Commission and City Council shall consider the location, type and height of buildings or structures, the type and extent of landscaping and screening, lighting, hours of operation or any other conditions that mitigate the impacts of the proposed development; and
  - 2. Includes adequate public facilities and utilities;
- e. Is subject to adequate design standards to provide ingress and egress that minimize traffic hazards and traffic congestion on the public roads;
- f. Is not noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas; and
- g. Shall not be detrimental or endanger the public health, safety or general welfare.
- h. 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.

# **Considerations:**

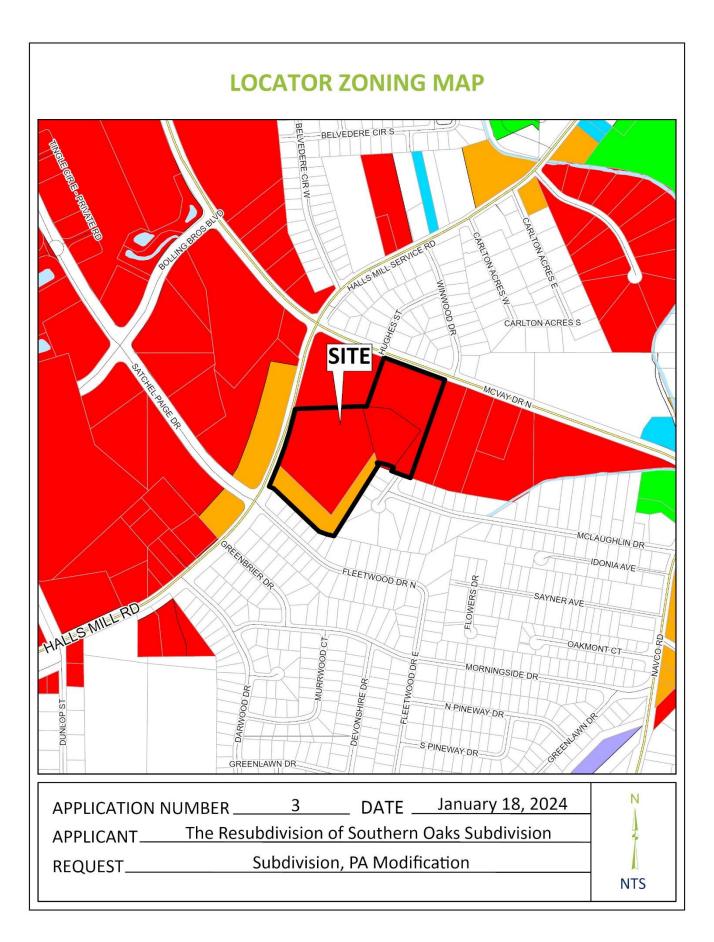
If the Planning Commission considers a recommendation of approval for the Modified Planning Approval, the following Findings of Fact must apply:

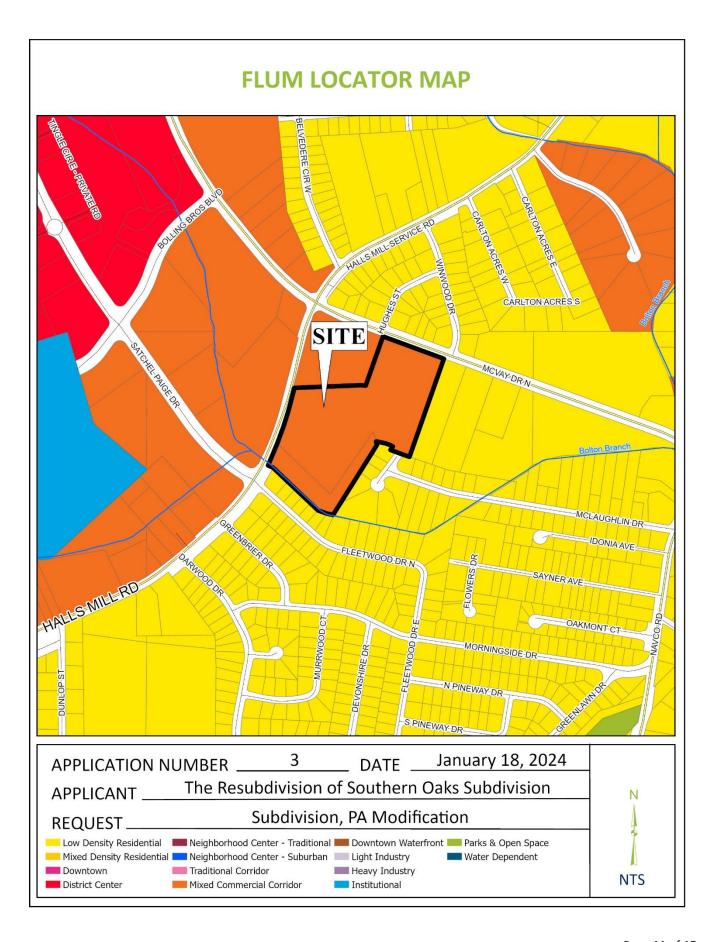
- a. Is consistent with all applicable requirements of this Chapter;
- b. Is compatible with the character of the surrounding neighborhood;
- c. Will not impede the orderly development and improvement of surrounding property;
- d. Will not adversely affect the health, safety or welfare of persons living or working in the surrounding neighborhood, or be more injurious to property or improvements in the neighborhood:
  - In making this determination, the Planning Commission and City Council shall consider the location, type and height of buildings or structures, the type and extent of landscaping and screening, lighting, hours of operation or any other conditions that mitigate the impacts of the proposed development; and
  - 2. Includes adequate public facilities and utilities;
- e. Is subject to adequate design standards to provide ingress and egress that minimize traffic hazards and traffic congestion on the public roads;
- f. Is not noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas; and
- g. Shall not be detrimental or endanger the public health, safety or general welfare.

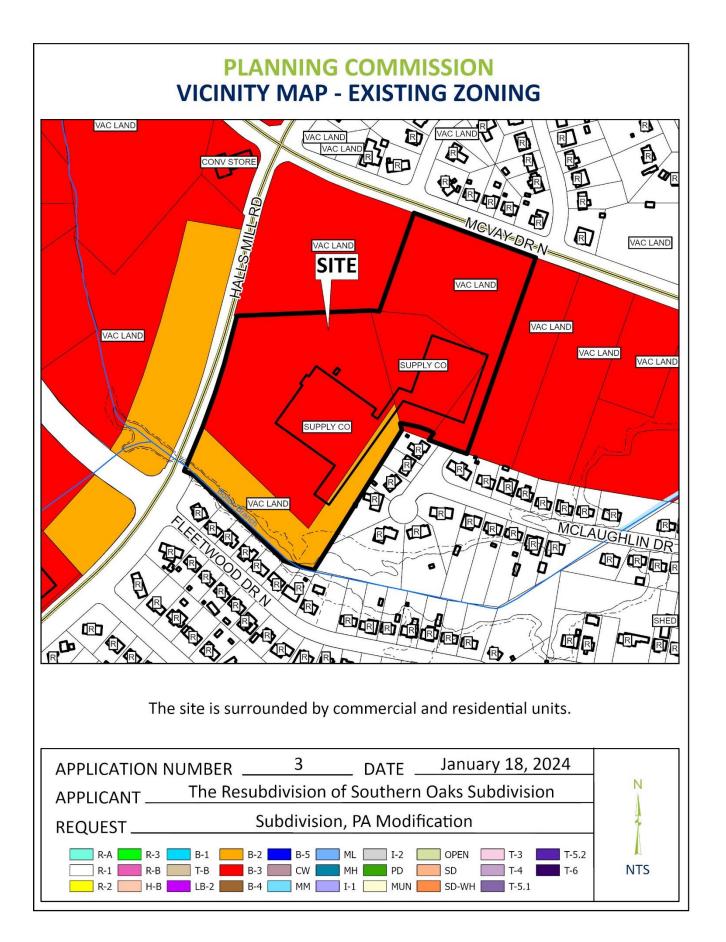
h. Benefits Consideration. In addition, consideration should also be given to the City's and the larger community's best interests and the need, benefit, or public purpose of the proposed request.

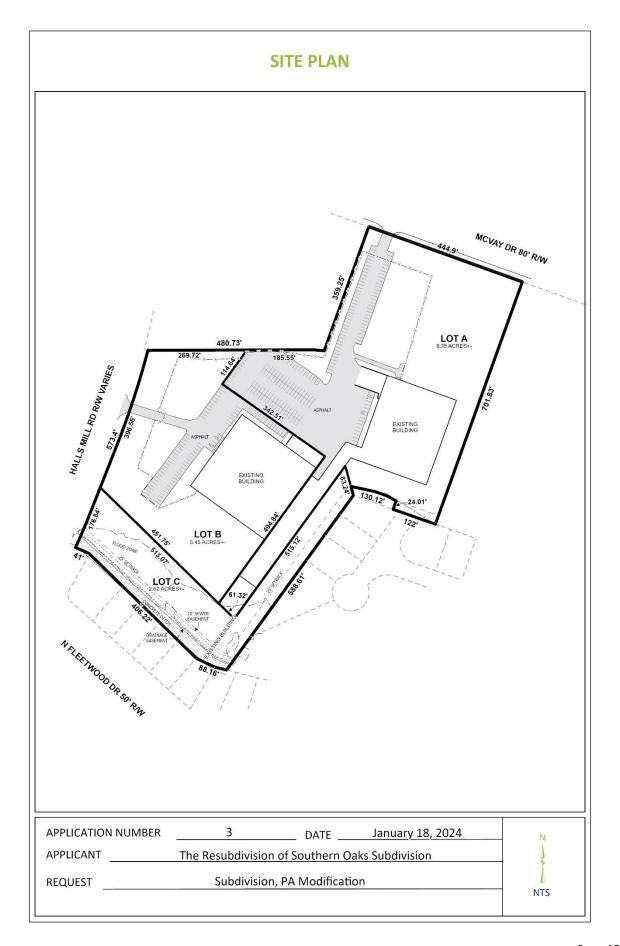
If approved, the following conditions could apply:

- 1. Provision of a note on the recorded site plan stating future development, redevelopment, or any changes to the use and/or scope of operations of an existing use of the site may require additional modification of the Planning Approval to be approved by the Planning Commission and City Council;
- 2. Revision of the site plan to illustrate a cross-access easement between Lots A and B, or provision of a recorded legal document with the same information;
- 3. Revision of the site plan to provide a table noting the off-street parking requirements of Table 64-3-12.1 of Article 3 of the UDC for each use of the site, along with the number of parking spaces provided;
- 4. Provision of a note on the recorded site plan stating that a buffer in compliance with the applicable standards of Article 3, Section 64-3-8 of the UDC is required to be provided and/or maintained where any portion of the subject site abuts a residentially zoned property;
- 5. Revision of the site plan to illustrate the 25-foot minimum building setback line along each street frontage, per Section 64-2-13.E. and 64-2-14.E. of the UDC for lots in B-2 and B-3 zoning districts;
- 6. Revision of the site plan to correctly label "McVay Drive North";
- 7. Revision of the site plan to illustrate the two (2) protected Live Oak trees, depicting their sizes (68" and 74" DBH or larger due to growth) and noting their preservation status;
- 8. Revision of the site plan to illustrate any existing or proposed dumpster pads, or placement of a note on the recorded site plan stating curbside waste services will be utilized;
- 9. Compliance with all Engineering comments noted in this staff report;
- 10. Provision of a note on the Final Plat stating all Traffic Engineering comments noted in this staff report;
- 11. Compliance with all Urban Forestry comments noted in this staff report; and,
- 12. Compliance with all Fire Department comments noted in this staff report.









ZONING DISTRICT CORRESPONDENCE MATRIX															
		OW DENSITY RESIDENTIAL (LDR)	MIXED DENSITY RESIDENTIAL (MXDR)	DOWNTOWN (DT)	DISTRICT CENTER (DC)	NEIGHBORHOOD CENTER - TRADITIONAL (NC-T)	NEIGHBORHOOD CENTER - SUBURBAN (NC-S)	RADITIONAL CORRIDOR (TC)	MIXED COMMERCIAL CORRIDOR (MCC)	IGHT INDUSTRIAL (LI)	HEAVY INDUSTRY (HI)	NSTITUTIONAL LAND USE (INS)	PARKS & OPEN SPACE (POS)	DOWNTOWN WATERFRONT (DW)	WATER DEPENDENT USES (WDWRU)
RESIDENTIAL - AG	R-A		2						2			=			>
ONE-FAMILY RESIDENCE	R-1				-										
TWO-FAMILY RESIDENCE	R-2													0	
MULTIPLE-FAMILY	R-3	0												0	
RESIDENTIAL-BUSINESS	R-B		0											0	
TRANSITIONAL-BUSINESS	T-B		0												
HISTORIC BUSINESS	H-B				9										
VILLAGE CENTER	TCD														
NEIGH. CENTER	TCD														
NEIGH. GENERAL	TCD				95										
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									0	0				
DOWNTOWN DEV. DD	SD	0	0	0	0	0	0	0		0	0				8
BUFFER BUSINESS	B-1													0	
NEIGH. BUSINESS	B-2		0											0	
LIMITED BUSINESS	LB-2		0											0	
COMMUNITY BUSINESS	B-3											0		0	
GEN. BUSINESS	B-4											0		0	
OFFICE-DISTRIBUTION	B-5														
LIGHT INDUSTRY	I-1														
HEAVY INDUSTRY	I-2														

# **Zoning District Correspondence Matrix**

- Directly Related
- O 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.