



# Agenda Item #: 4

## ZON-UDC-002697-2023

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

[Applicant Materials for Consideration](#)

### DETAILS

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**Location:**

2201, 2223 & 2260 Halls Mill Road

**Applicant / Agent (as applicable):**

Legendary Investment Ventures - Dismuke Transport, LLC / J. Casey Pipes, Helmsing Leach, P.C., Agent

**Property Owner:**

Gulf Coast Truck & Equipment Co., Inc.

**Current Zoning:**

R-1, Single-Family Residential Suburban District, and B-3, Community Business Suburban District

**Proposed Zoning (as applicable):**

B-5, Office-Distribution District

**Future Land Use:**

Low Density Residential and Mixed Commercial Corridor

**Applicable Codes, Policies, and Plans:**

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

**Schedule for Development:**

To be used as-is upon approval. Future development according to needs.

**Proposal:**

- Rezoning from R-1, Single-Family Residential Suburban District, and B-3, Community Business Suburban District, to B-5, Office-Distribution District.
- **Rezoning 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.

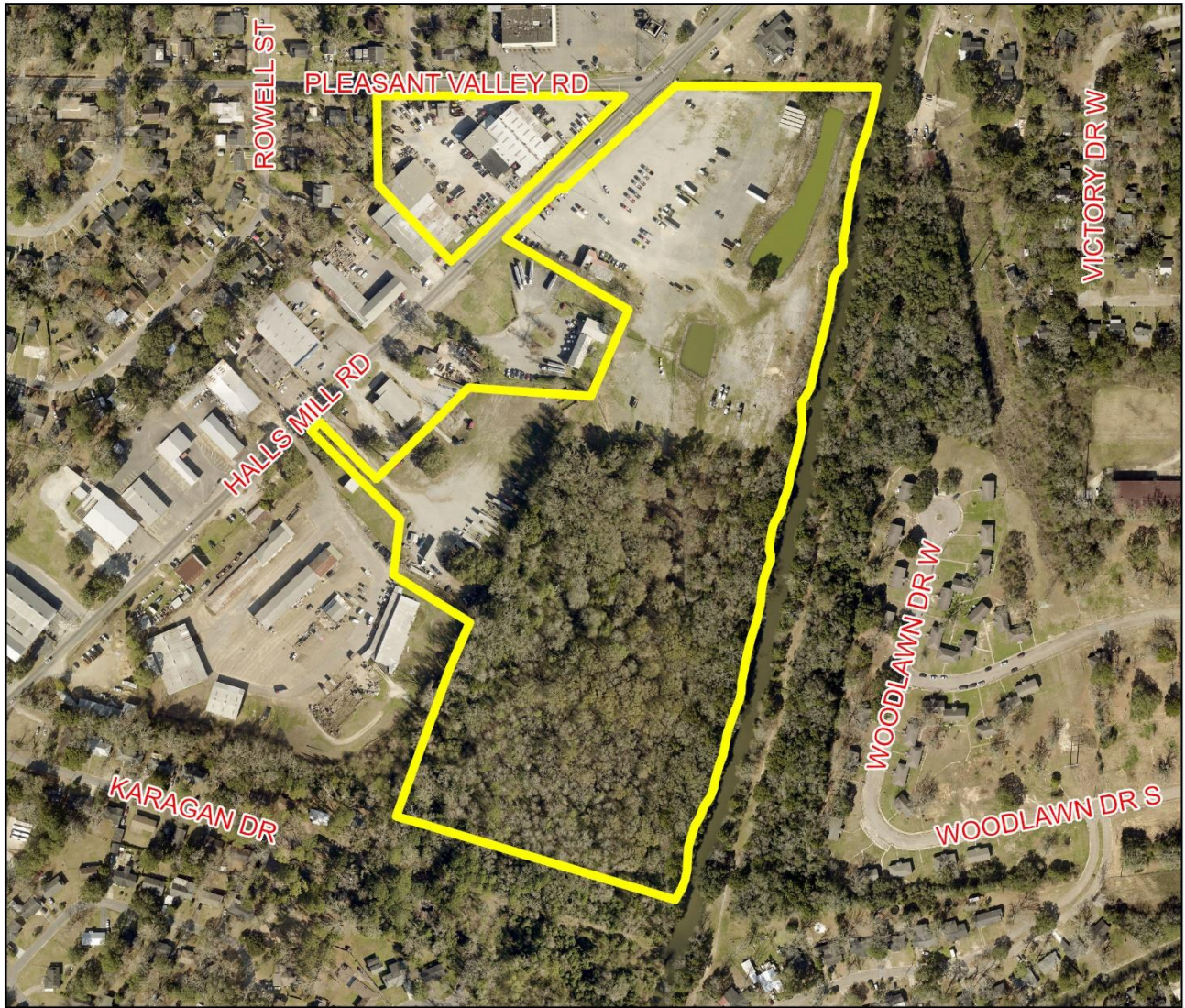
**Commission Considerations:**

1. Rezoning with three (3) conditions.


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# PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial and residential units.

APPLICATION NUMBER <u>      4      </u> DATE <u>November 16, 2023</u>	
APPLICANT <u>Legendary Investment Ventures/Dismuke Transport, LLC (J. Casey Pipes, Helmsing Leach, P.C., Agent)</u>	
REQUEST <u>                    Rezoning from R-1 and B-3 to B-5                    </u>	

## SITE HISTORY

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Most of the subject site was assigned a B-3, Community Business District classification with the adoption of the Zoning Ordinance in 1967. Since then, there have been various cases before the Board of Zoning Adjustment and Planning Commission for portions of the site.

In 1984, the Board of Zoning Adjustment approved a Front Yard Setback Variance for the portion of the site at the Southwest corner of Halls Mill Road and Pleasant Valley Road to allow an office expansion.

In 1996, the major portion of the site along the West side of Durand Canal was approved by the Commission as Cross Pond Subdivision, and the lower part of that area was rezoned from R-1, Single-Family Residential District, to B-3, Community Business District, to eliminate split zoning within the subdivision.

In 1998, Cross Pond Subdivision, First Addition, was approved by the Commission to include the area adjoining the West side of the original Cross Pond Subdivision. The portion of that subdivision that consisted of the vacated GM&O Railroad right-of-way was rezoned from R-1, Single-Family Residential District, to B-3, Community Business District, to eliminate split zoning within the subdivision.

In 2000, the Board approved a Parking Surface Variance for the area of Cross Pond Subdivision, First Addition.

In 2009, the Board approved Parking Surface and Front Landscaping Variances for the Northern portion of the site along the East side of Halls Mill Road.

At the Commission's January 19, 2023 meeting, Cross Pond Subdivision, Resubdivision of, was approved to incorporate the area of the two previous subdivisions of the site on the East side of Halls Mill Road into one legal lot of record. That subdivision has yet to be finalized. An associated rezoning for the entire area of that proposed subdivision from B-3, Community Business District, to I-1 Light Industry District, was recommended for denial by the Commission to the City Council. The applicant has not paid a legal ad fee; thus, no action has been taken by the City Council.

## STAFF COMMENTS

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### Engineering 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 non-sprinklered commercial buildings and within 300' of all sprinklered commercial buildings. Fire water supply for all commercial buildings will be required to meet the guidance of Appendices B and C of the 2021 International Fire Code. The minimum requirement for fire hydrants is to be within 400' of non-sprinkled commercial buildings, within 600' of sprinkled commercial buildings, and within 100' of fire department connections (FDC) for both standpipes and sprinkler systems.

### **Planning Comments:**

The applicant is requesting to rezone the subject site from R-1, Single-Family Residential Suburban District, and B-3, Community Business Suburban District, to B-5, Office-Distribution District, to allow a freight/trucking depot. The portion of the site at the Southwest corner of Halls Mill Road and Pleasant Valley Road is split-zoned R-1 and B-3, and all of that property is proposed to be rezoned to B-5. The major portion of the site along the East side of Halls Mill Road, extending to the West side of Durand Canal, is also split-zoned R-1 and B-3. With the exception of the small R-1 portion at the East terminus of Karagan Drive, which is proposed to remain R-1, all of the rest of that area is proposed to be rezoned to B-5.

The site is bounded to the North and West by B-3, Community Business Suburban District zoning, and to the South by R-1, Single-Family Residential Suburban District, and R-2, Two-Family Residential Suburban District zoning. To the West across Halls Mill Road is B-3, Community Business Suburban District zoning, and to the East across Durand Canal is R-1, Single-Family Residential Suburban District zoning. At the Northeast corner of the site across Durand Canal is B-3 zoning.

In January of this year, prior to the effective date of the Unified Development Code, the Commission recommended denial of the previous rezoning request for I-1, Light Industry District to the City Council after determining that none of the following conditions prevailed to support the rezoning request:

- 1) Error. There is a manifest error in the chapter;
- 2) Change in conditions. Changed or changing conditions in a particular area, or in the planning region generally, make a change in the chapter necessary and desirable;
- 3) Increase in need for sites for business or industry. Increased or increasing needs for business or industrial sites, in addition to sites that are available, make it necessary and desirable to rezone an area or to extend the boundaries of an existing district;  
or
- 4) Subdivision of land. The subdivision or imminent subdivision of land into urban building sites makes reclassification necessary and desirable.

It should be noted that the previously proposed rezoning did not include the portion of the site at the Southwest corner of Halls Mill Road and Pleasant Valley Road, which is currently split-zoned, but it did include the R-1 portion at the East terminus of Karagan Drive.

Since the adoption of the Zoning Ordinance in 1967, there have not been any commercial rezoning requests for any abutting properties, or any others within one-half mile of the subject site along Halls Mill Road. All properties have remained zoned B-3 since 1967. There is no B-5 zoning within the area.

The portion of the site on the East side of Halls Mill Road is currently developed within its Northern area as a trucking operation. The Southwestern portion is vacant, and the Southern half of the site remains undeveloped and wooded. The portion of the site on the West side of Halls Mill Road at the Southwest corner of Halls Mill Road and Pleasant Valley Road is currently used as truck sales and service. No site plan showing any proposed improvements was submitted with the application; however, the applicant's narrative states that the site is to be used as-is upon approval, and future development will be done according to needs.

It is customary to have a commercial site assigned the lowest zoning classification which would allow a proposed use. It should be noted that most of the site is currently zoned B-3, and a B-3 classification would allow a freight depot by a Special Exception under the Unified Development Code (UDC). The existing truck sales and service would also be allowed in a B-3 district and truck repairs would be allowed with a Special Exception.

As the applicant also owns, as part of the overall property, R-1 property at the East terminus of Karagan Drive, a subdivision will be necessary to separate that portion from the remainder of the site, if the rezoning is approved. Likewise, if the rezoning is approved for the portion of the site at the Southwest corner of Halls Mill Road and Pleasant Valley Road, that portion would also need to be made a legal lot of record.

While zoning consideration is not site plan-specific, the provided site plan does not depict required site compliance. If the rezoning is approved, development (or redevelopment) of the site must comply with the requirements of the UDC.

## 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.

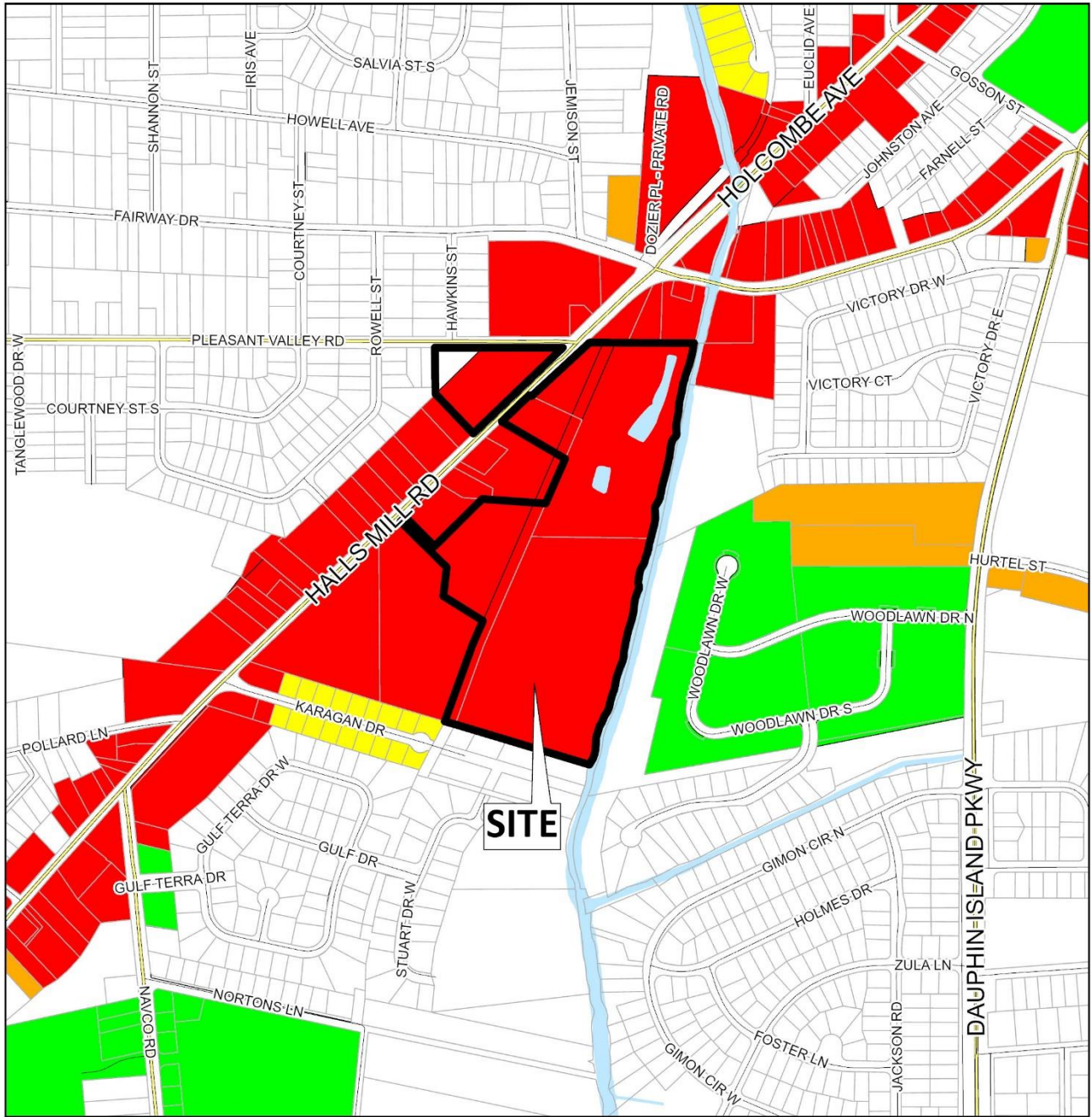
The "Applicant Materials for Consideration" link at the beginning of the staff report will take you to the documents submitted to address the UDC requirements.

### Considerations:

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

1. Submittal and completion of a subdivision application to create three (3) legal lots of record for the site prior to the approval of any permits for development;
2. Compliance with all Engineering, Traffic Engineering, Urban Forestry, and Fire Department comments noted in this staff report; and, and,
3. Full compliance with all municipal codes and ordinances.

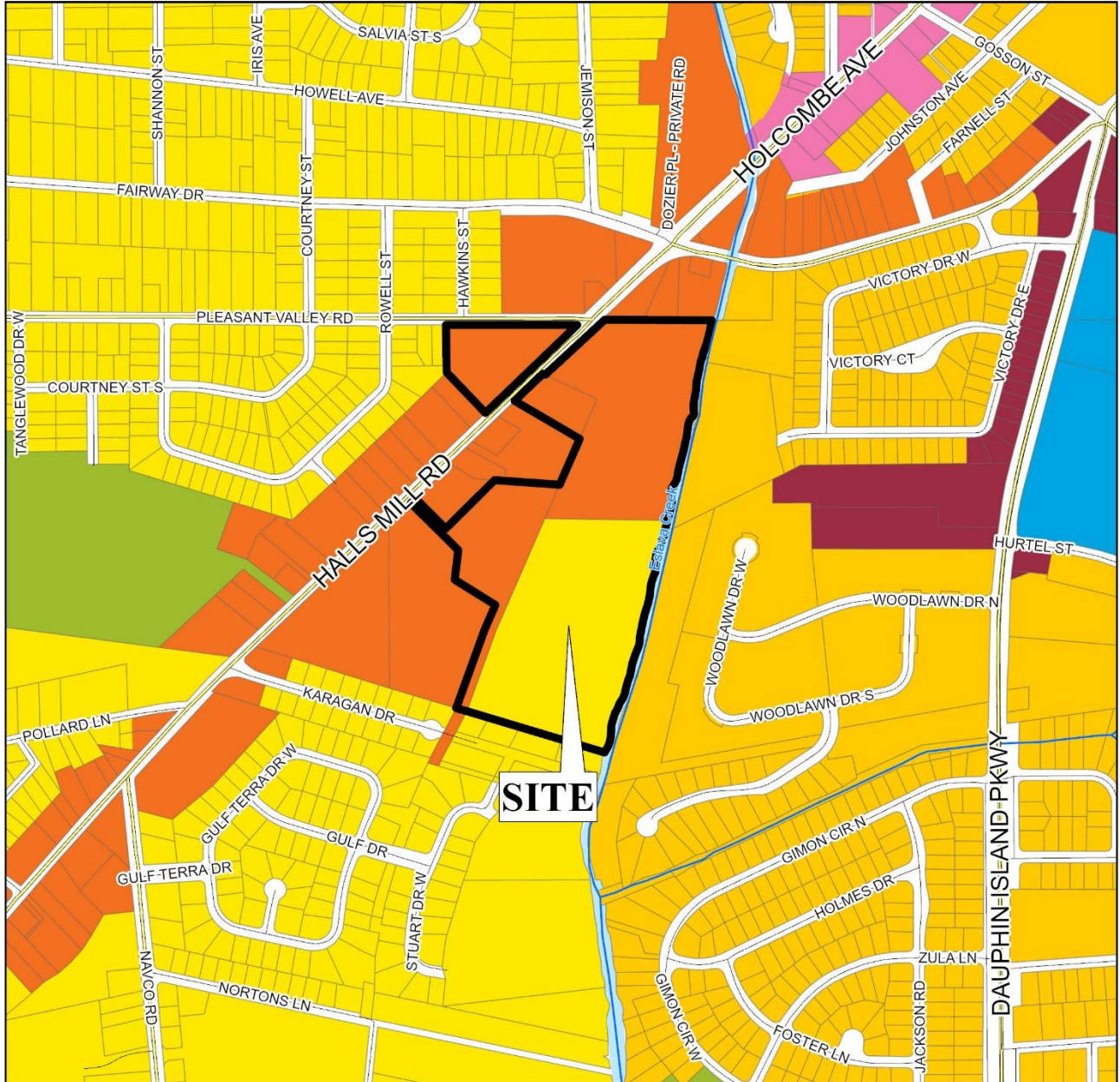
# LOCATOR ZONING MAP



APPLICATION NUMBER 4 DATE November 16, 2023  
 APPLICANT Legendary Investment Ventures/Dismuke Transport, LLC (J. Casey Pipes, Helmsing Leach, P.C., Agent)  
 REQUEST Rezoning from R-1 and B-3 to B-5



# FLUM LOCATOR MAP



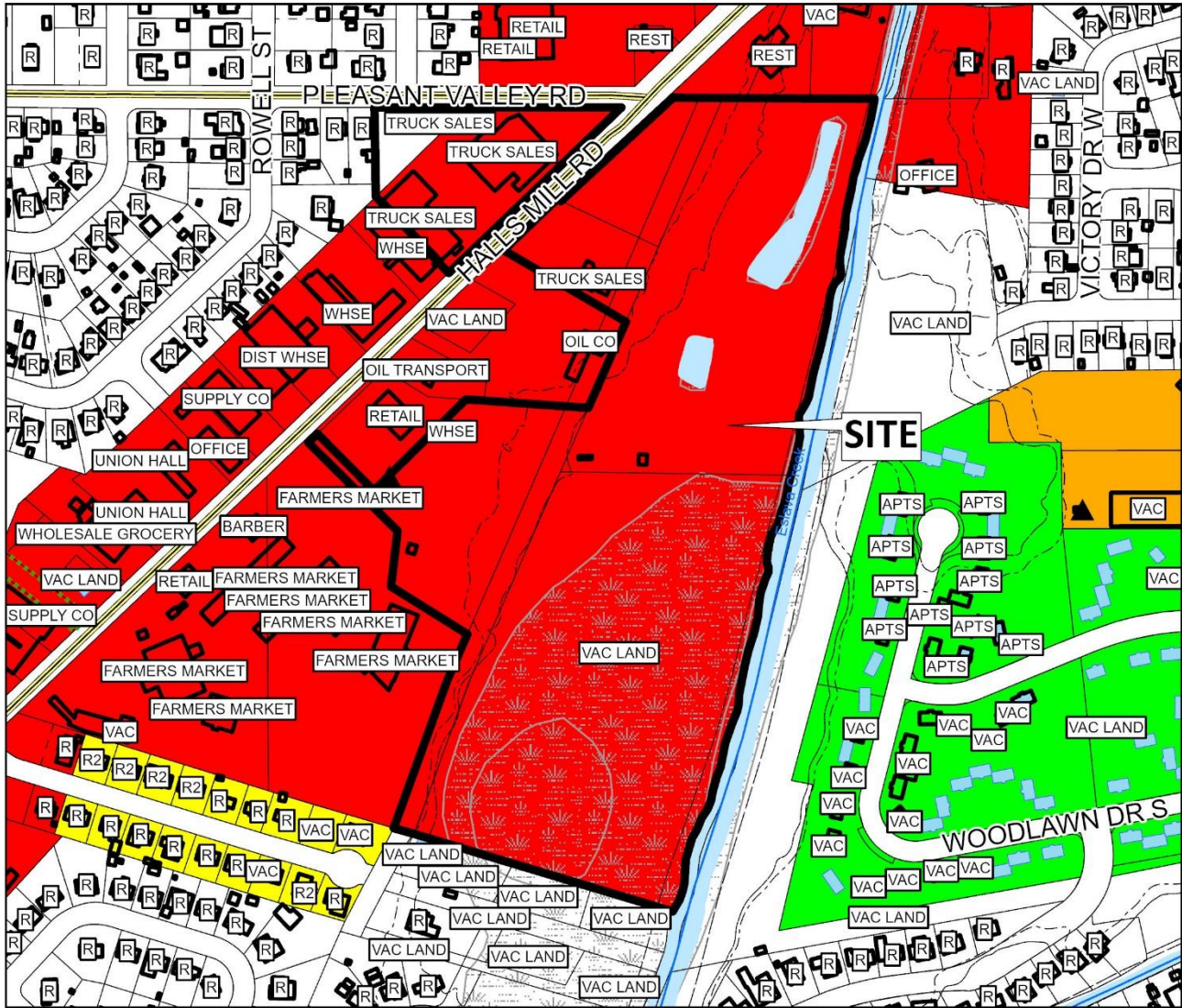
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| <span style="display: inline-block; width: 15px; height: 10px; background-color: orange; border: 1px solid black;"></span> Mixed Density Residential | <span style="display: inline-block; width: 15px; height: 10px; background-color: blue; border: 1px solid black;"></span> Neighborhood Center - Suburban       | <span style="display: inline-block; width: 15px; height: 10px; background-color: lightblue; border: 1px solid black;"></span> Light Industry  | <span style="display: inline-block; width: 15px; height: 10px; background-color: darkblue; border: 1px solid black;"></span> Water Dependent      |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: pink; border: 1px solid black;"></span> Downtown                    | <span style="display: inline-block; width: 15px; height: 10px; background-color: lightpink; border: 1px solid black;"></span> Traditional Corridor            | <span style="display: inline-block; width: 15px; height: 10px; background-color: purple; border: 1px solid black;"></span> Heavy Industry     |   |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: red; border: 1px solid black;"></span> District Center              | <span style="display: inline-block; width: 15px; height: 10px; background-color: orange; border: 1px solid black;"></span> Mixed Commercial Corridor          | <span style="display: inline-block; width: 15px; height: 10px; background-color: cyan; border: 1px solid black;"></span> Institutional        |   |





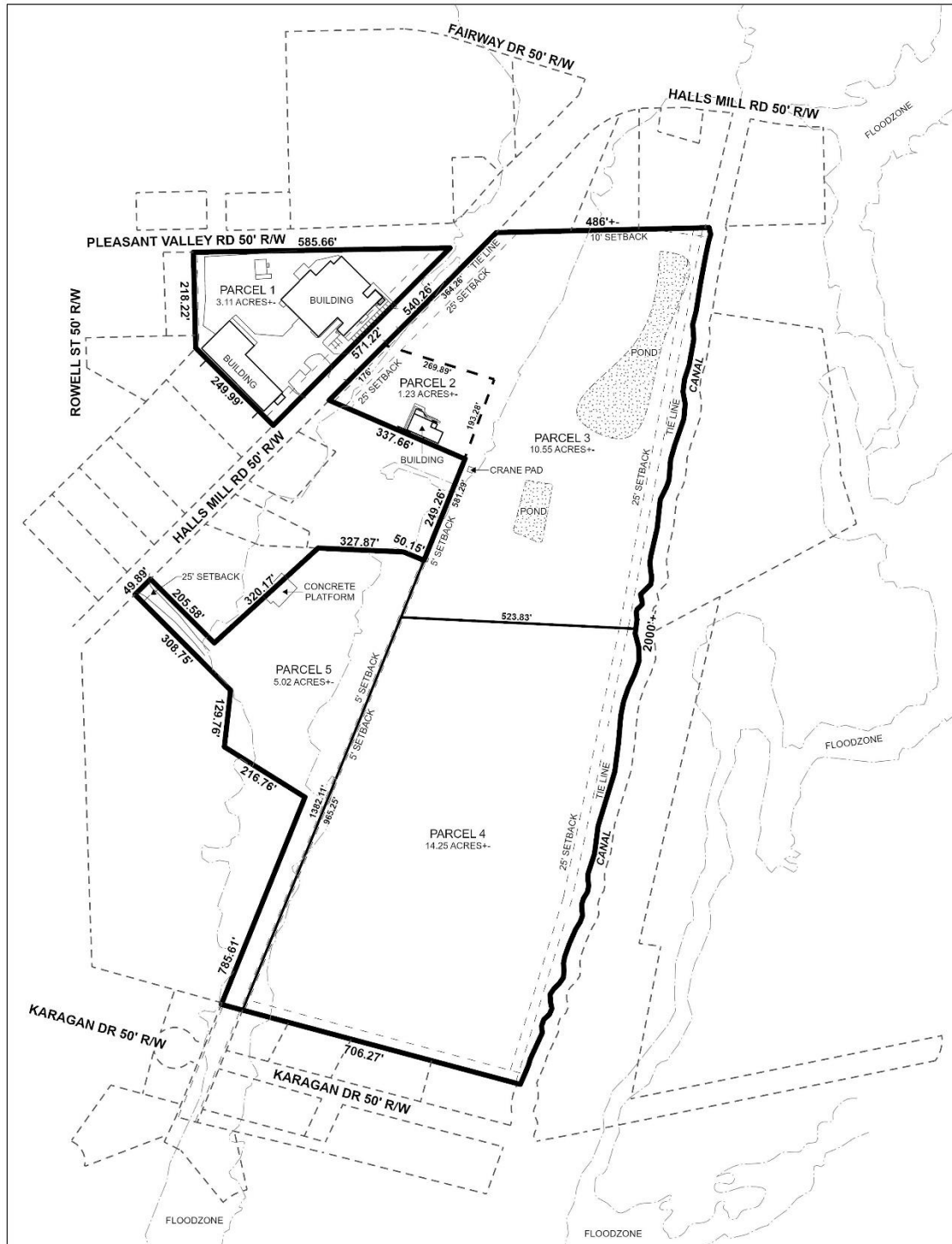
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<span style="display: inline-block; width: 15px; height: 10px; background-color: #90EE90; border: 1px solid black;"></span> R-A	<span style="display: inline-block; width: 15px; height: 10px; background-color: #00FF00; border: 1px solid black;"></span> R-3	<span style="display: inline-block; width: 15px; height: 10px; background-color: #00FFFF; border: 1px solid black;"></span> B-1	<span style="display: inline-block; width: 15px; height: 10px; background-color: #FFA500; border: 1px solid black;"></span> B-2	<span style="display: inline-block; width: 15px; height: 10px; background-color: #0000FF; border: 1px solid black;"></span> B-5	<span style="display: inline-block; width: 15px; height: 10px; background-color: #ADD8E6; border: 1px solid black;"></span> ML	<span style="display: inline-block; width: 15px; height: 10px; background-color: #D3D3D3; border: 1px solid black;"></span> I-2	<span style="display: inline-block; width: 15px; height: 10px; background-color: #C8E6C9; border: 1px solid black;"></span> OPEN	<span style="display: inline-block; width: 15px; height: 10px; background-color: #FFB6C1; border: 1px solid black;"></span> T-3	<span style="display: inline-block; width: 15px; height: 10px; background-color: #483D8B; border: 1px solid black;"></span> T-5.2																						
<span style="display: inline-block; width: 15px; height: 10px; background-color: #FFFFFF; border: 1px solid black;"></span> R-1	<span style="display: inline-block; width: 15px; height: 10px; background-color: #FF69B4; border: 1px solid black;"></span> R-B	<span style="display: inline-block; width: 15px; height: 10px; background-color: #D2B48C; border: 1px solid black;"></span> T-B	<span style="display: inline-block; width: 15px; height: 10px; background-color: #FF0000; border: 1px solid black;"></span> B-3	<span style="display: inline-block; width: 15px; height: 10px; background-color: #A9A9A9; border: 1px solid black;"></span> CW	<span style="display: inline-block; width: 15px; height: 10px; background-color: #008080; border: 1px solid black;"></span> MH	<span style="display: inline-block; width: 15px; height: 10px; background-color: #008000; border: 1px solid black;"></span> PD	<span style="display: inline-block; width: 15px; height: 10px; background-color: #FFDAB9; border: 1px solid black;"></span> SD	<span style="display: inline-block; width: 15px; height: 10px; background-color: #DDA0DD; border: 1px solid black;"></span> T-4	<span style="display: inline-block; width: 15px; height: 10px; background-color: #4B0082; border: 1px solid black;"></span> T-6																						
<span style="display: inline-block; width: 15px; height: 10px; background-color: #FFFF00; border: 1px solid black;"></span> R-2	<span style="display: inline-block; width: 15px; height: 10px; background-color: #FFD700; border: 1px solid black;"></span> H-B	<span style="display: inline-block; width: 15px; height: 10px; background-color: #8A2BE2; border: 1px solid black;"></span> LB-2	<span style="display: inline-block; width: 15px; height: 10px; background-color: #8B4513; border: 1px solid black;"></span> B-4	<span style="display: inline-block; width: 15px; height: 10px; background-color: #87CEEB; border: 1px solid black;"></span> MM	<span style="display: inline-block; width: 15px; height: 10px; background-color: #9370DB; border: 1px solid black;"></span> I-1	<span style="display: inline-block; width: 15px; height: 10px; background-color: #FFFFE0; border: 1px solid black;"></span> MUN	<span style="display: inline-block; width: 15px; height: 10px; background-color: #FF8C00; border: 1px solid black;"></span> SD-WH	<span style="display: inline-block; width: 15px; height: 10px; background-color: #6A5ACD; border: 1px solid black;"></span> T-5.1																							

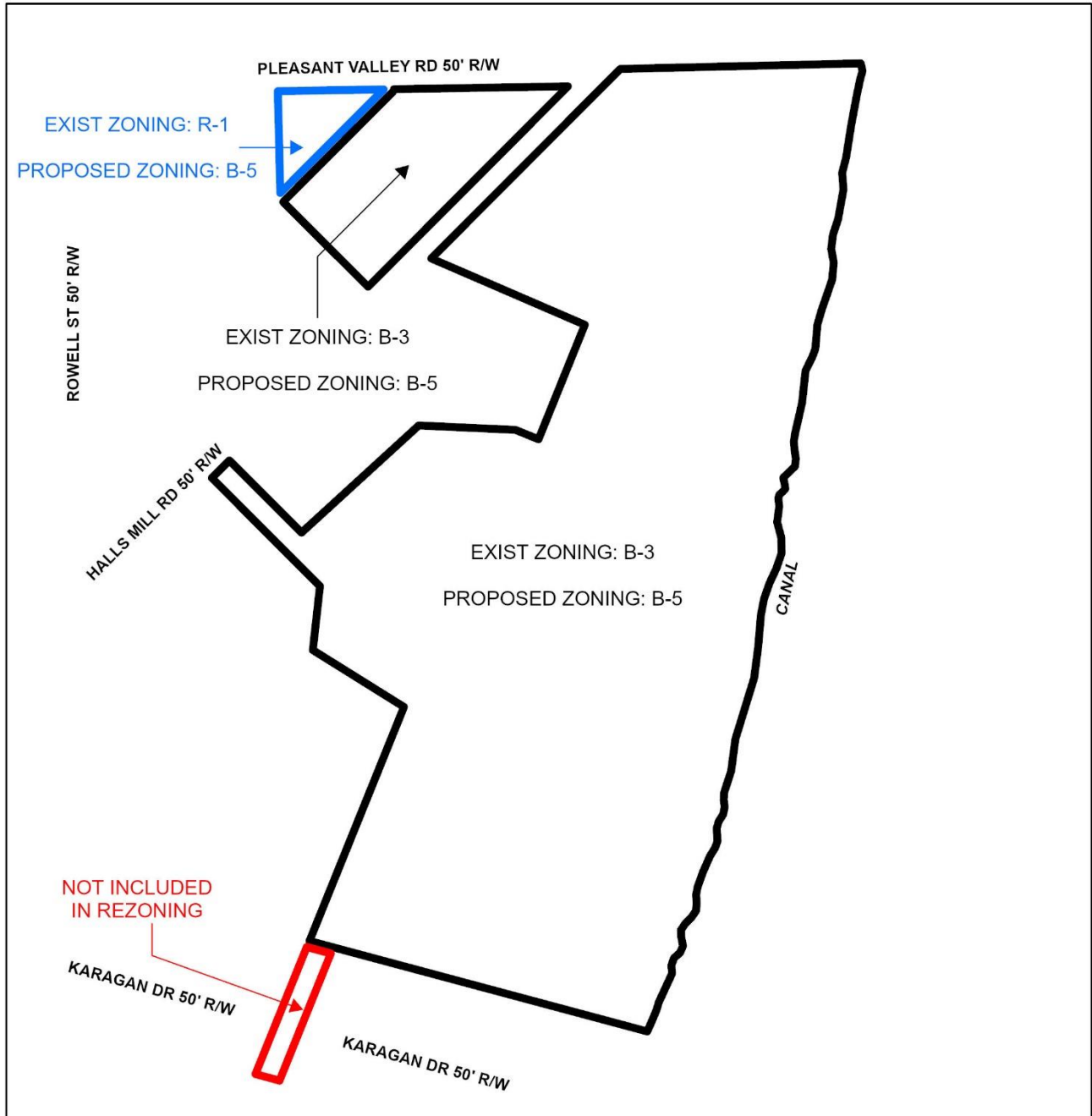
# SITE PLAN



APPLICATION NUMBER	4	DATE	November 16, 2023
APPLICANT	Legendary Investment Ventures/Dismuke Transport, LLC (J. Casey Pipes, Helmsing Leach, P.C., Agent)		
REQUEST	Rezoning from R-1 and B-3 to B-5		



## DETAIL SITE PLAN



APPLICATION NUMBER <u>4</u>	DATE <u>November 16, 2023</u>
APPLICANT <u>Legendary Investment Ventures/Dismuke Transport, LLC (J. Casey Pipes, Helmsing Leach, P.C., Agent)</u>	
REQUEST <u>Rezoning from R-1 and B-3 to B-5</u>	



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 (WDW/URU)
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)

## Residential Land Use

### 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.

### 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.