



Agenda Item #: 4
SUB-002584-2023

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

5761 U.S. Highway 90 West

Subdivision Name::

Theodore Veterinary Hospital Subdivision

Applicant / Agent:

Dr. Carl Myers

Property Owner:

TVH Properties, LLC

Current Zoning:

B-3, Community Business Suburban

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 two (2) legal lots from two (2) existing legal lots.

Commission Considerations:

- Subdivision proposal with twelve (12) conditions.

Report Contents:

	Page
Context Map	2
Site History	3
Staff Comments	3
Commission Considerations	5
Exhibits	6

THEODORE VETERINARY HOSPITAL SUBDIVISION



APPLICATION NUMBER 4 DATE August 17, 2023



SITE HISTORY

The subject site was annexed into the City in 2009, and subsequently assigned its current B-3 zoning classification. The Northern portion of the site consists of Lot 21, Plantation Commercial Park Subdivision, a 24-lot subdivision approved by the Commission in 2000. The Southern portion consists of Lot 1, Resubdivision of Lots 5, 6 & 7, Rite Industrial Park Subdivision, a seven (7)-lot subdivision, approved by the Commission in 1996.

In February, 2021, the Commission approved Theodore Veterinary Hospital Subdivision, a one (1)-lot subdivision, containing the same area as the current application, but the approval expired.

In May, 2023, the Board of Zoning Adjustment approved Special Exception and Frontage Landscaping Variances to allow the expansion of an existing veterinary hospital with outside runs, and to allow reduced frontage landscaping area, in a B-3, Community Business Suburban District. The area covered by that variance is the same as that of proposed Lot 1 of the current subdivision application.

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. Add E. Rite Rd to the vicinity map.
- C. Show the recording information for the vacated the US Hwy 90 Service Road ROW.
- D. Provide a written description for the proposed subdivision boundary that includes the area of the ROW Vacation.
- E. Show and label the southern proposed property line for LOT 2. It should follow the existing creek centerline as recorded.
- F. Provide a correct designation for each LOT. LOT 1 is labeled twice. Label LOT 2.
- G. The frontage shown for LOT 2 does not provide adequate access to US Hwy 90; it is located behind the existing guardrail along US Hwy 90 and is directly in front of the north wingwall of the existing bridge under US Hwy 90.
- H. Show and label the recorded 80-foot-wide drainage easement (book 508, page 99-100) along the centerline of Rabbit Creek.
- I. National Wetlands Inventory (NWI) mapping, as shown on City of Mobile GIS information, indicates that there is potential for wetlands within the property or properties shown on this plat. Show and label the delineated wetlands, or provide a note stating that the wetlands shown on this plat are scaled from the NWI data and have not been delineated.
- J. Provide a note that a 25' riparian buffer may be required, during development, along the edge of anything considered by ADEM to be a water of the state.
- K. Show and label all flood zones. New maps went into effect on June 5, 2020. There is no "X" flood zone; it is either X(S) or X(U).
- L. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 21 - #94) LOTS 1 and 2 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 1 – NONE AND lot 2 – NONE.

- M. 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.
- N. 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.
- O. 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.
- P. 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.
- Q. Add a note that all easements shall remain in effect until vacated through the proper Vacation process.
- R. 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:

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 the 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:

The purpose of this request is to subdivide two (2) existing legal lots of record into two (2) legal lots of record.

The applicant proposes to expand Lot 21, Plantation Commercial Park Subdivision by combining it with a portion of Lot 1, Resubdivision of Lots 5, 6 & 7, Rite Industrial Park Subdivision, by removing the common interior property line. A portion of the Highway 90 Service Road is proposed to be vacated and combined with the expanded lot.

The site has frontage along U.S. Highway 90 West and U.S. Highway 90 Service Road. U.S. Highway 90 West is a major street with a planned 180-foot right-of-way, as per a 2017 amendment to the Major Street Plan. The plat indicates a current right-of-way width of 174 feet for U.S. Highway 90 West; however, as all of the involved

properties are legal lots of record via previous subdivision approvals, no right-of-way dedication would be required. The current right-of-way width of U.S. Highway 90 West should be retained on the Final Plat. Most of the 50-foot wide service road along the front of the site is proposed to be vacated. If the subdivision is approved, the Final Plat should not be signed until the Right-of-Way Vacation process has been completed.

For proposed Lot 1, the plat illustrates a 25-foot minimum building setback line from the current right-of-way line along U.S. Highway 90 West, and from the proposed right-of-way line after vacation of a portion of the Highway 90 Service Road. This should be retained on the Final Plat. An existing 25-foot minimum building setback line is illustrated along proposed lot 1 from the current right-of-way line of the Highway 90 Service Road not proposed to be vacated, and this should also be retained on the Final Plat.

Both proposed lots exceed the minimum size requirements of the Subdivision Regulations for lots served by public water and sanitary sewer in B-3, Community Business Suburban Districts. As on the preliminary plat, the lot size labels in both square feet and acres should be retained on the Final Plat, or a table should be furnished on the Final Plat providing the same information.

Proposed Lot 2 is a flag lot with a 25-foot “pole” extending Eastward into the Lot approximately 380 feet from U.S. Highway 90 West. The preliminary plat illustrates the 25-foot minimum building setback line as measured from the right-of-way line. However, Section 6.C.2(b)(4) of the Subdivision Regulations states that the lot must be a minimum of sixty feet (60’) wide at the building setback line. Therefore, the plat should be revised to illustrate the 25-foot minimum building setback line at a point where the lot is at least 60 feet wide.

As proposed Lot 2 is a flag lot, such are generally prohibited under Section 6.C.9. of the Subdivision Regulations, but may be permitted where there are natural barriers which may cause an undue hardship on the land owner. All of the buildable area of proposed lot 2 lies within wetlands associated with the upper reaches of Rabbit Creek which could be considered a hardship toward development and justification for the flag lot.

The plat indicates a 15-foot drainage easement through proposed Lot 1 which is proposed to be extinguished with the recording of the Final Plat. Not shown on the preliminary plat is a recorded 80-foot wide drainage easement along the centerline of Rabbit Creek. Therefore, the plat should be revised to illustrate this easement. A note should be required on the Final Plat stating that no structure may be placed or constructed in any easement without the permission of the easement holder.

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.

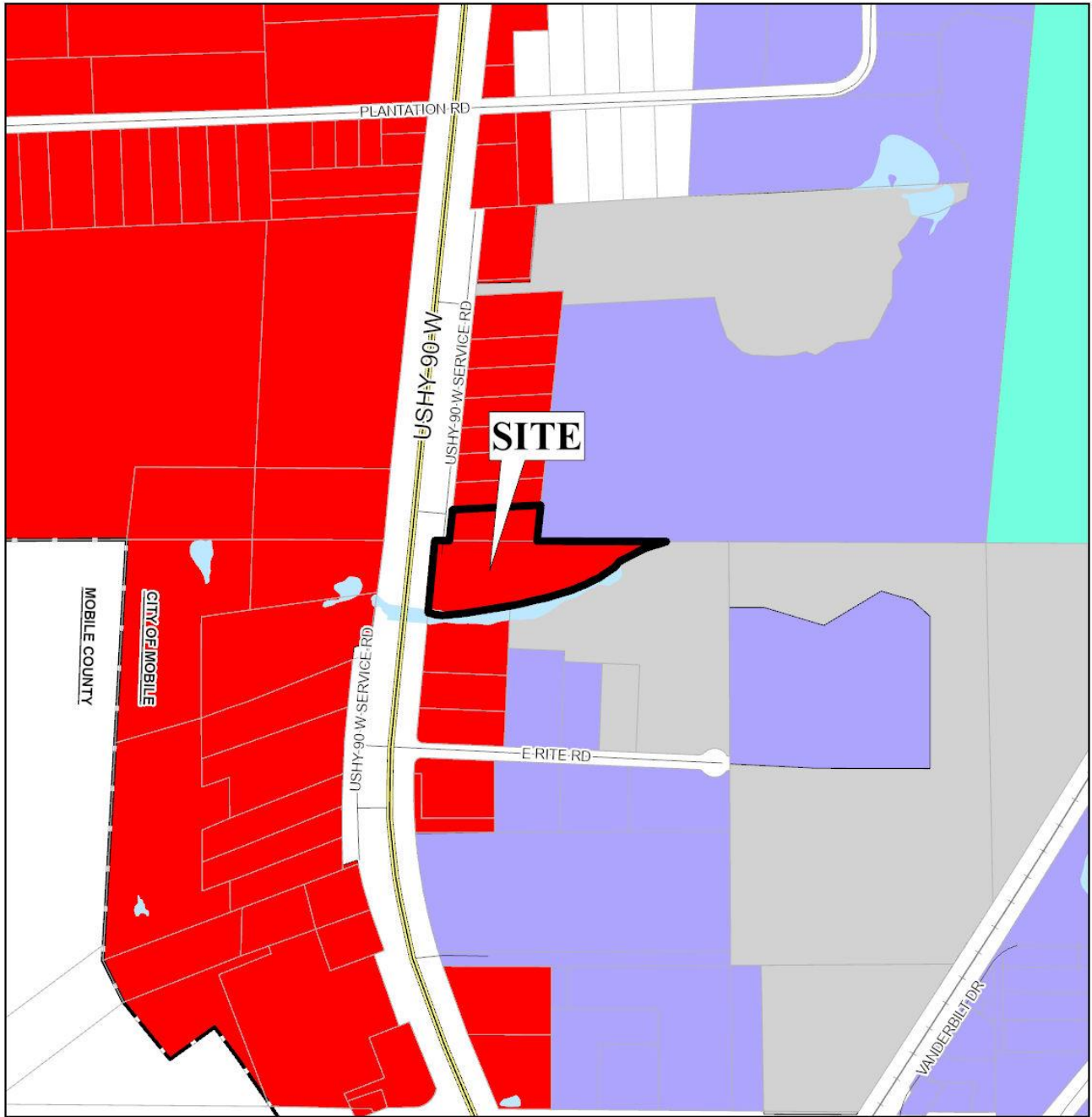
Considerations:

Based on the preceding, with a waiver of Section 6.C.9. of the Subdivision Regulations, if the Planning Commission considers approving the Subdivision request, the following conditions could apply:

1. Retention of the current right-of-way widths of U.S. Highway 90 West and the portion of the Highway 90 Service Road not to be vacated on the Final Plat;

2. Completion of the Right-of-Way Vacation process for the Highway 90 Service Road (proposed to be vacated) prior to signing the Final Plat;
3. Retention of the 25-foot minimum building setback line from the current right-of-way line along U.S. Highway 90 West, and from the proposed right-of-way line after vacation of a portion of the Highway 90 Service Road for Lot 1;
4. Retention of the existing 25-foot minimum building setback line for Lot 1 from the current right-of-way line of the Highway 90 Service Road not proposed to be vacated;
5. Retention of the lot size labels in both square feet and acres, or the furnishing of a table on the Final Plat providing the same information;
6. Revision of the plat to illustrate the 25-foot minimum building setback line on Lot 2 at a point where the lot is at least 60 feet wide;
7. Revision of the plat to illustrate the recorded 80-foot wide drainage easement along the centerline of Rabbit Creek on the Final Plat;
8. 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;
9. Compliance with all Engineering comments noted in this staff report;
10. Placement of a note on the Final Plat stating the 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.

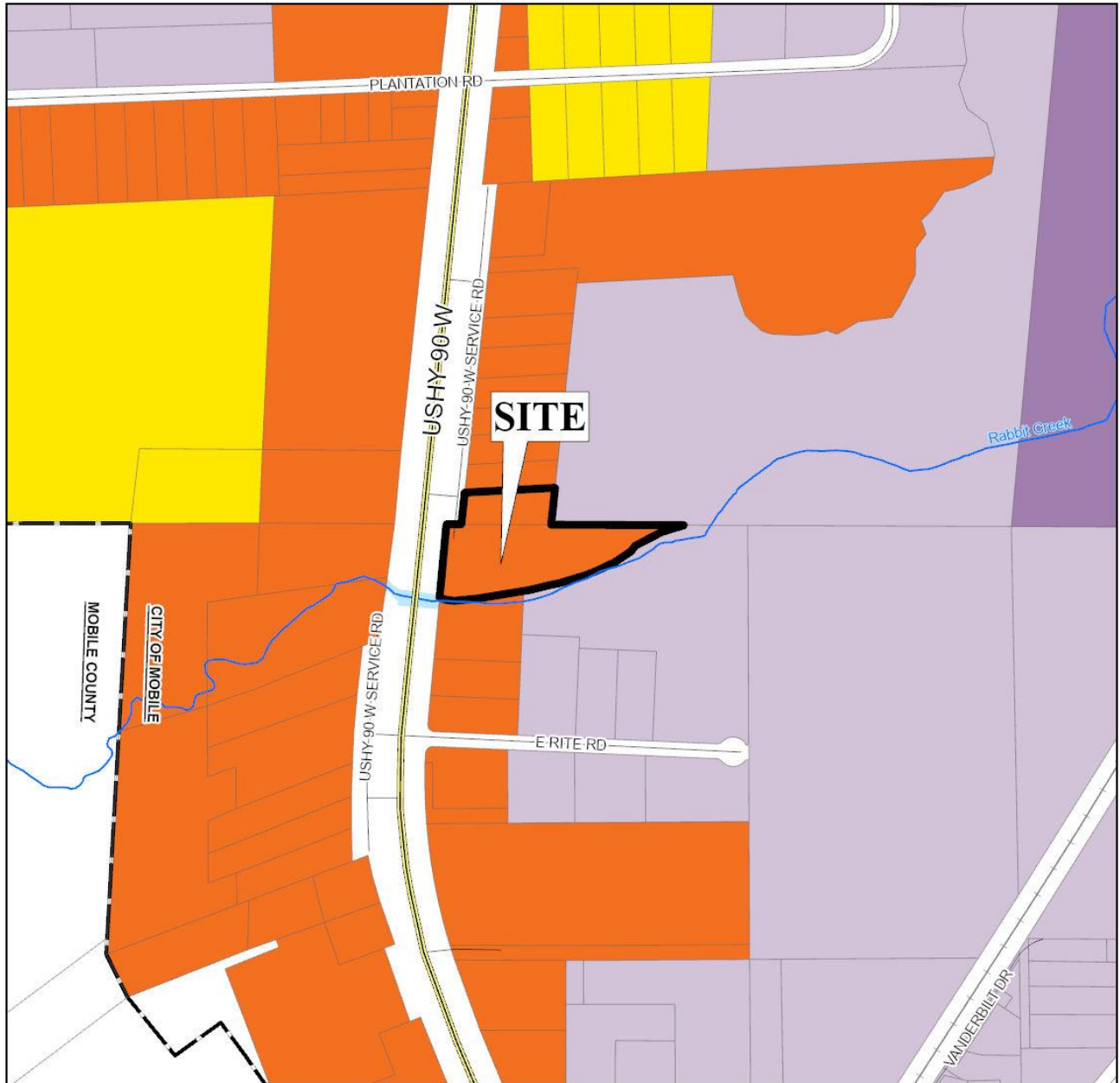
LOCATOR ZONING MAP



APPLICATION NUMBER <u>4</u>	DATE <u>August 17, 2023</u>
APPLICANT <u>Theodore Veterinary Hospital Subdivision</u>	
REQUEST <u>Subdivision</u>	



FLUM LOCATOR MAP



APPLICATION NUMBER 4 DATE August 17, 2023

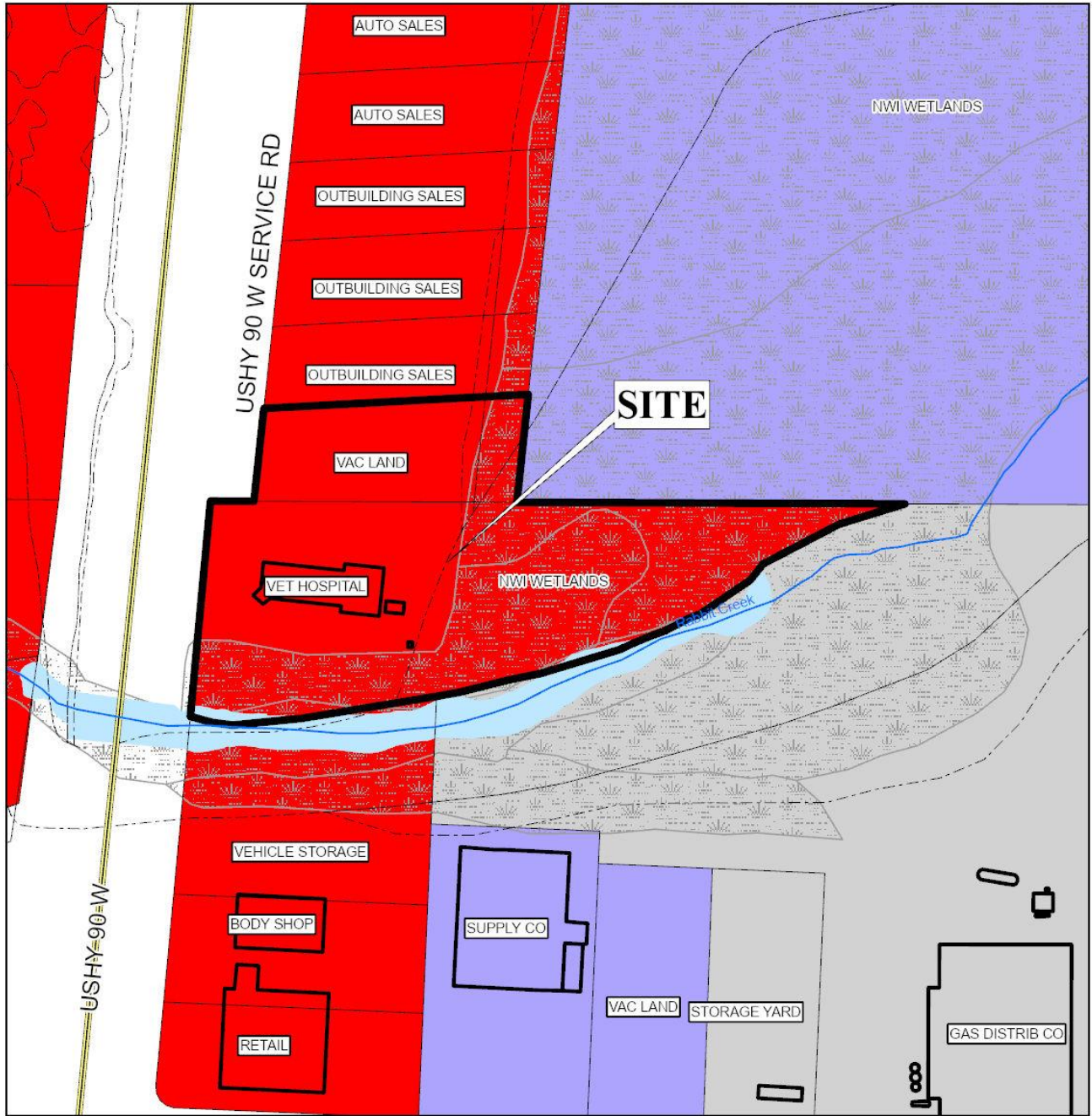
APPLICANT Theodore Veterinary Hospital Subdivision

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 | |



THEODORE VETERINARY HOSPITAL SUBDIVISION

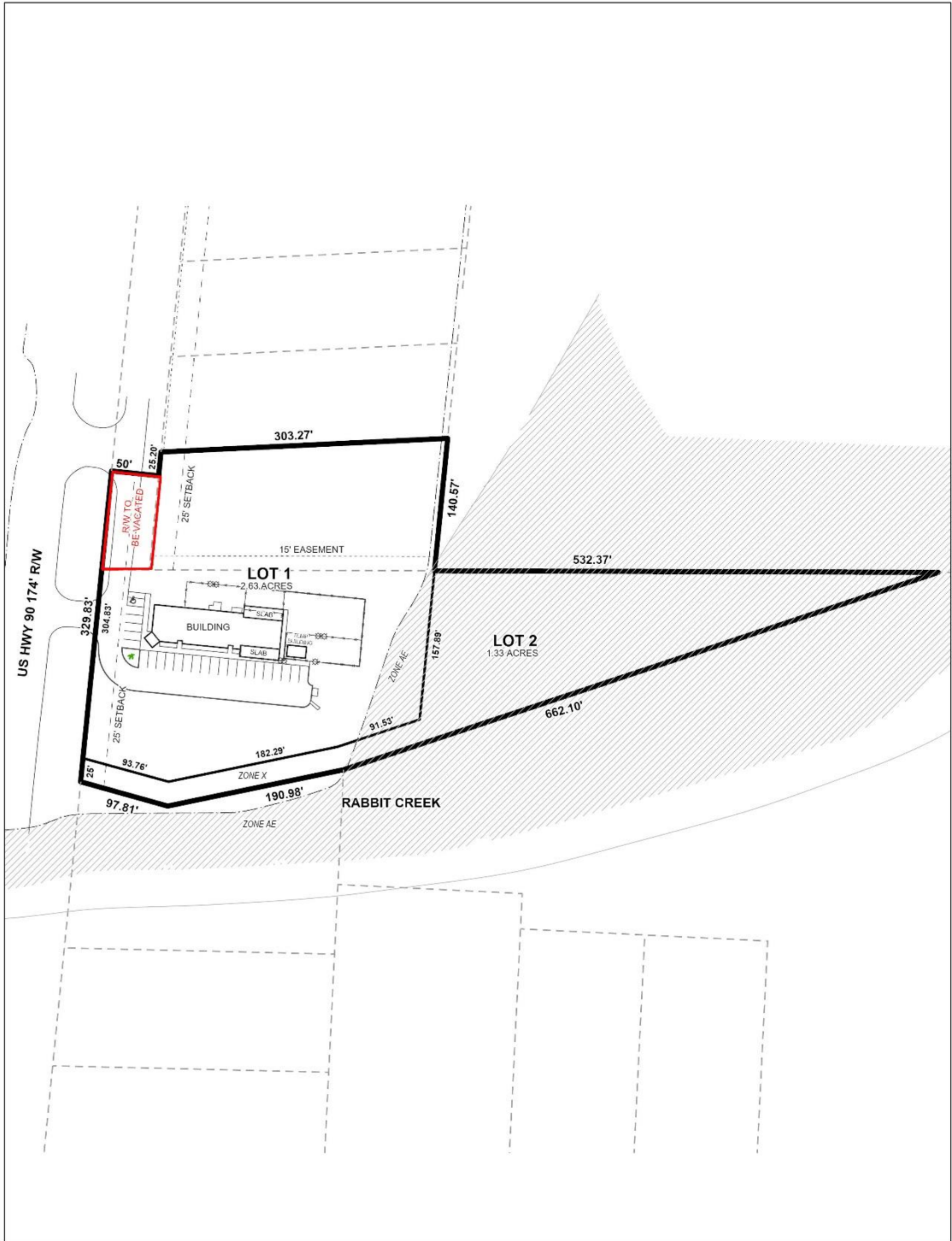


APPLICATION NUMBER 4 DATE August 17, 2023

	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



DETAIL SITE PLAN



APPLICATION NUMBER	4	DATE	August 17, 2023
APPLICANT	Theodore Veterinary Hospital Subdivision		
REQUEST	Subdivision		



NTS

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 (WDWRU)
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)

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.