



Agenda Item # 4

SUB-002856-2024

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

100 Hardwood Lane

Subdivision Name:

Waterways Subdivision

Applicant / Agent:

B D P, LLC / Jeremy Milling, Milling Commercial Realty, Inc., Agent

Property Owners:

B D P, LLC

Current Zoning:

I-2, Heavy Industry District

Future Land Use:

Water Dependent

Applicable Codes, Policies, and Plans:

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

Proposal:

- Subdivision approval to create two (2) legal lots of record from two (2) metes-and-bounds parcels.

Considerations:

1. Subdivision approval with twelve (12) conditions.

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WATERWAYS SUBDIVISION



APPLICATION NUMBER 4 DATE March 21, 2024



SITE HISTORY

The site was annexed into the city in 1960.

There are no Planning Commission or Board of Adjustment cases associated with the site.

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 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.
- C. Show and label all flood zones. New maps went into effect on June 5, 2020.
- D. Show and label the MFFE (Minimum Finished Floor Elevation) on each lot that contains an A, AE, or X (shaded) flood zone designation. BFE = 12.
- E. Since POINT B is inaccessible and no monument was set, a reference monument will need to be set on the north and south side of the east property line of LOT 1 and LOT 2.
- F. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo 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
- G. 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 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 purpose of this request is to create two (2) legal lots of record from two (2) metes-and-bounds parcels. The applicant has not indicated if the site is served by public water or sanitary sewer services.

Proposed Lot 1 has frontage on Hardwood Lane, a private street that extends from the adjoining property to the North and connects the site to North Craft Highway through the adjoining property to the South. Section 6.B.4. of the Subdivision Regulations allows private street subdivisions, subject to compliance with the requirements of Section 9.D.1.

Hardwood Lane is not equipped with curb and gutter, thus requiring a 60-foot right-of-way per Section 6.B.9. of the Subdivision Regulations. A 50-foot wide ingress and egress easement is illustrated on the preliminary plat, which is insufficient; however, aerial photos indicate use of the private street, as-is, has occurred since at least 1984. As such, a waiver of Section 6.B.9. may be appropriate.

The design of proposed Lot 2 is such that its West property line does not abut the private street. As such, if approved, revision of the plat is required to illustrate that Lot 2 will abut or otherwise have access to the private street.

If approved, the revised plat should depict utility easements acceptable to the appropriate provider of utility services within the proposed subdivision, per Section 9.1(b)(4).

As the street is private, a note should be required on the revised plat, if approved, stating that the street is privately maintained and that there shall be no public right-of-way, per Sections 9.D.1(b)(5) and 9.D.1(b)(7). Another note should be required on the revised plat, if approved, stating that if the private street is ultimately dedicated for public use and maintenance, 100-percent of the cost of the improvements required to bring the street up to the prevailing standards shall be assessed to the property owner(s) at the time the private street is dedicated, and that said assessment shall run with the land to any subsequent property owners, per Section 9.D.1(b)(9).

Per Section 9.D.1(b)(6), prior to signing of the plat the applicant should be required to present a legal document to the Planning and Zoning Department to run as a covenant with the land providing for continuing maintenance of the private street by an owners' association, or other entity, granting rights of ingress and egress for emergency and utility maintenance vehicles, and holding harmless the city from damages to any owner within the subdivision arising, or which may arise, out of the existence of the private street. This document shall be approved by the City Attorney or their designee as to form and legality and shall be properly executed and recorded simultaneously with the plat in the records of Mobile County Probate Court. Furthermore, each and every owner of property abutting upon and with legal access to the private street shall be a party to such document and agreement.

In compliance with Section 9.D.1(b)(8), if one is not already provided, a sign should be posted and maintained at the entrance to the private street with the street name and identifying it as a private street, per Manual on Uniform Traffic Control Devices (MUTCD) standards with a blue background and white legend. The sign shall be made to city standards.

If a security gate is provided at the entrance to the private street it must be constructed in compliance with the currently adopted IFC standards, and approved by the Fire Department. If the gate is not electronically operated, then it must be placed to meet the vehicle stacking requirements of Article 4, Section 64-4-6.B of the UDC.

The proposed lots are within an I-2 zoning district in which there are no minimum lot size requirements, but the plat is nevertheless labeled with their sizes in both square feet and acres on the preliminary plat. If approved, this information should be retained on the Final Plat, adjusted for the provision of access to Lot from the private street.

Proposed Lot 1 exceeds the minimum 60-foot width requirement of Section 6.C.2(b)(4) of the Subdivision Regulations for industrially zoned lots. Proposed Lot 2 will also exceed the minimum 60-foot width requirement of Section 6.C.2(b)(4) once access to the private street is provided.

Lot 1, as proposed, is considered a flag shaped lot, which is discouraged by Section 6.C.9(a) of the Subdivision Regulations unless there are natural barriers that would cause an undue hardship on the land owner, where disparate uses exist on a single lot, or where odd shaped lots are common and the lot design is consistent with other lots in the vicinity. It does not appear that Lot 1 meets any of these criteria for a waiver of Section 6.C.9(a), and is instead designed to exclude Lot 2 from accessing the private street. As such, there appear to be two (2) options:

1. The plat can be revised to provide access to Lot 2 from the private street, as previously mentioned, thus retaining the flag shape of Lot 1; or
2. The plat can be revised to eliminate the flag shape in favor of the private street running through both Lots 1 and 2, similar to the current configuration of the metes-and-bounds parcels.

If the first option is approved, a waiver of Section 6.C.9(a) will be required.

A 50-foot wide navigational easement straddles a proposed interior lot line and provides access to Chickasabogue Creek. A note on the plat states no structure shall be constructed or placed within any easement without the permission of the easement holder. This note should be retained on the Final Plat, if approved.

Finally, Chickasabogue Creek is incorrectly labeled as "Chickasaw Creek." If approved, the plat should be revised to correctly label Chickasabogue Creek.

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.

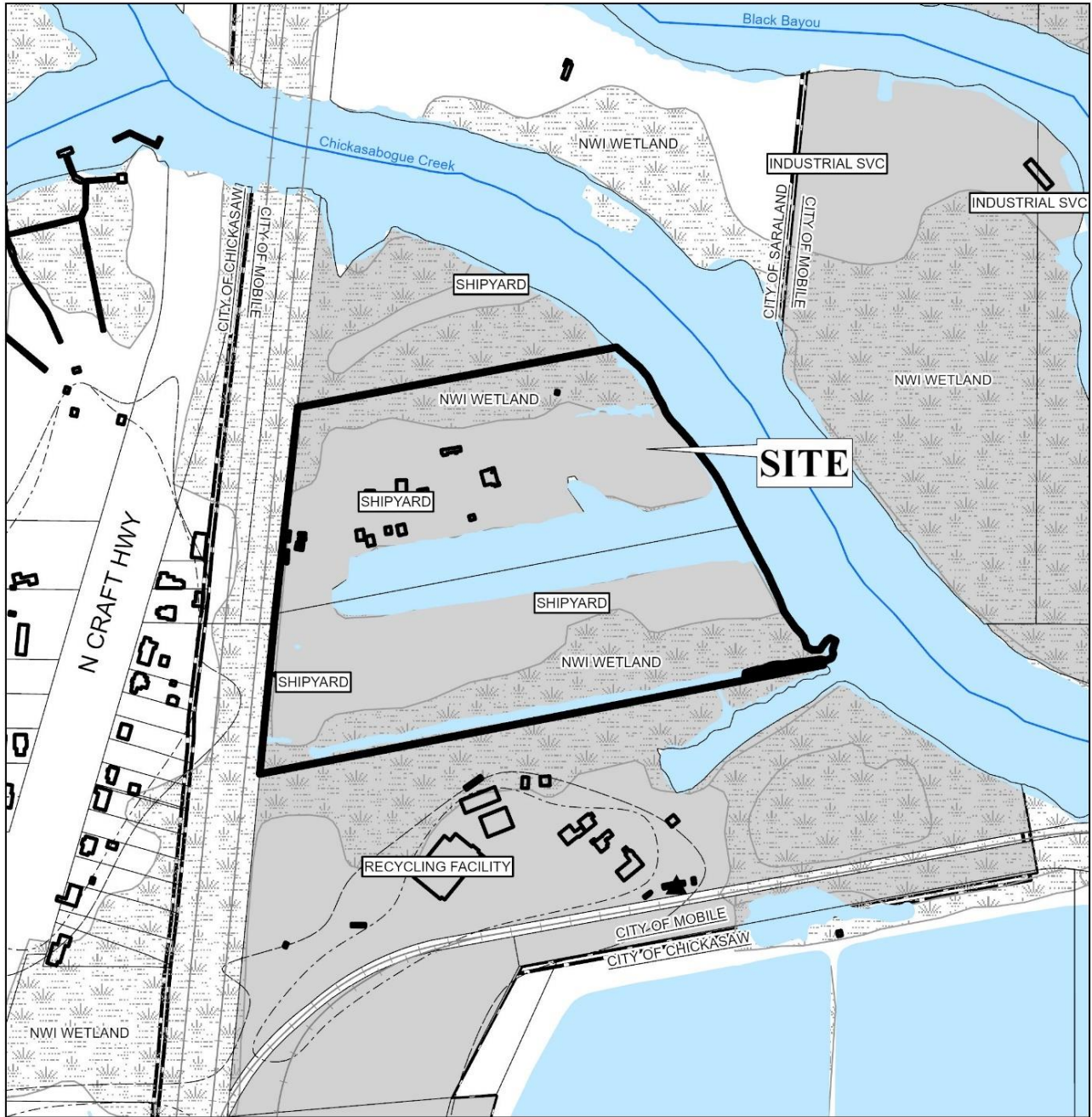
Considerations:

Based on the preceding, if the Subdivision request is considered for approval, waivers of Sections 6.B.9. and 6.C.9(a) will be required, and the following conditions could apply:

1. Revision of the plat to illustrate that Lot 2 will abut or otherwise have access to the private street;
2. Revision of the plat to illustrate the applicable utility easements, per Section 9.1(b)(4);

3. Placement of a note on the revised plat stating that the street is privately maintained and that there shall be no public right-of-way, per Sections 9.D.1(b)(5) and 9.D.1(b)(7);
4. Placement of a note on the revised plat stating that if the private street is ultimately dedicated for public use and maintenance, 100-percent of the cost of the improvements required to bring the street up to the prevailing standards shall be assessed to the property owner(s) at the time the private street is dedicated, and that said assessment shall run with the land to any subsequent property owners, per Section 9.D.1(b)(9);
5. Retention of the lot sizes in both square feet and acre on the Final Plat, or provision of a table on the Final Plat with the same information;
6. Revision of the plat to illustrate the 25-foot minimum front yard setback where each lot is at least 60 feet wide, exclusive of the private street easement;
7. Retention of a note on the Final Plat stating no structure shall be constructed or placed within any easement without the permission of the easement holder;
8. Revision of the plat to correctly label "Chickasabogue Creek";
9. Compliance with all Engineering comments noted in this staff report;
10. Placement 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.

WATERWAYS SUBDIVISION

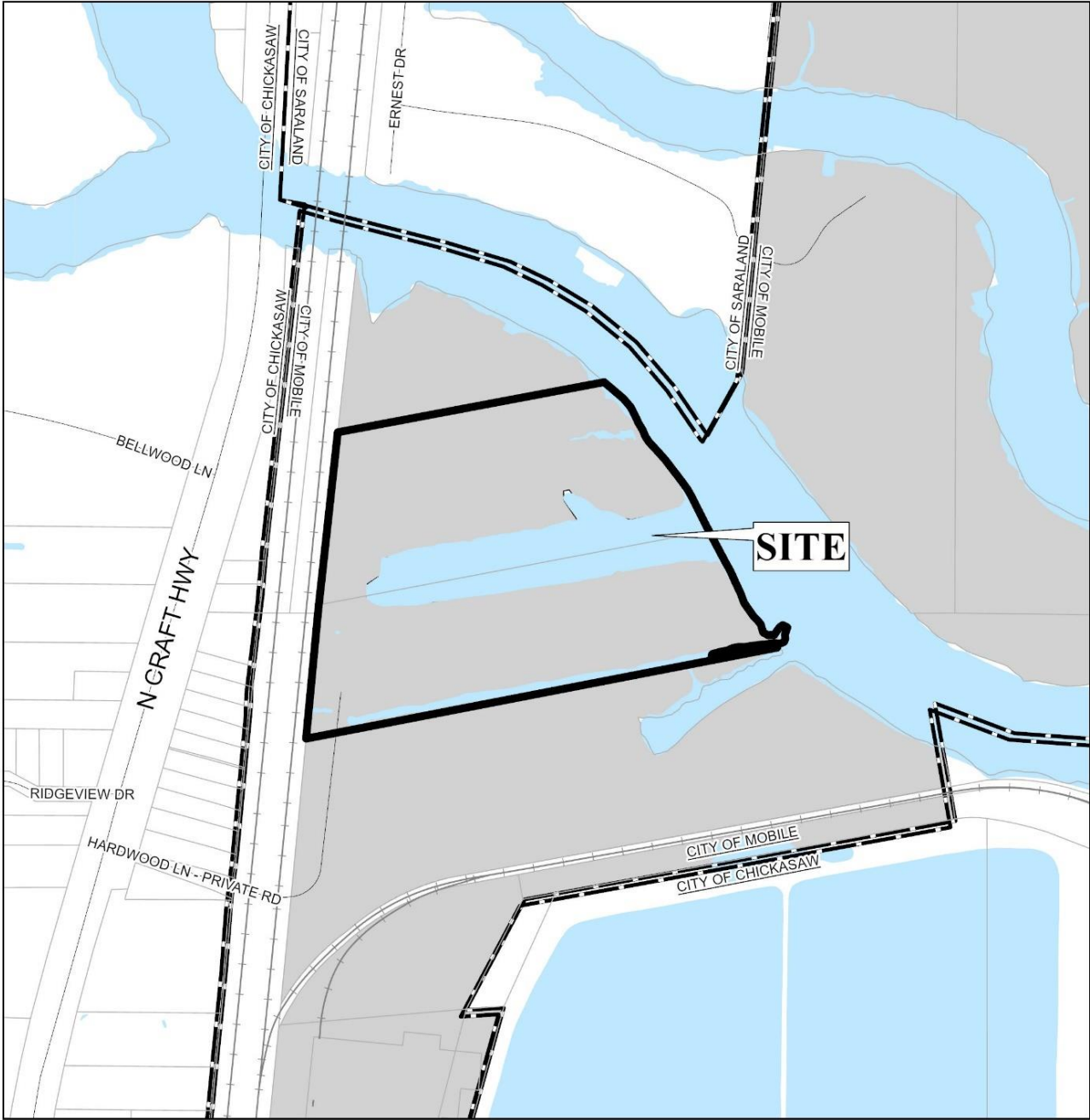


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R-A	R-3	B-1	B-2	B-5	ML	I-2	OPEN	T-3	T-5.2
R-1	R-B	T-B	B-3	CW	MH	PD	SD	T-4	T-6
R-2	H-B	LB-2	B-4	MM	I-1	MUN	SD-WH	T-5.1	



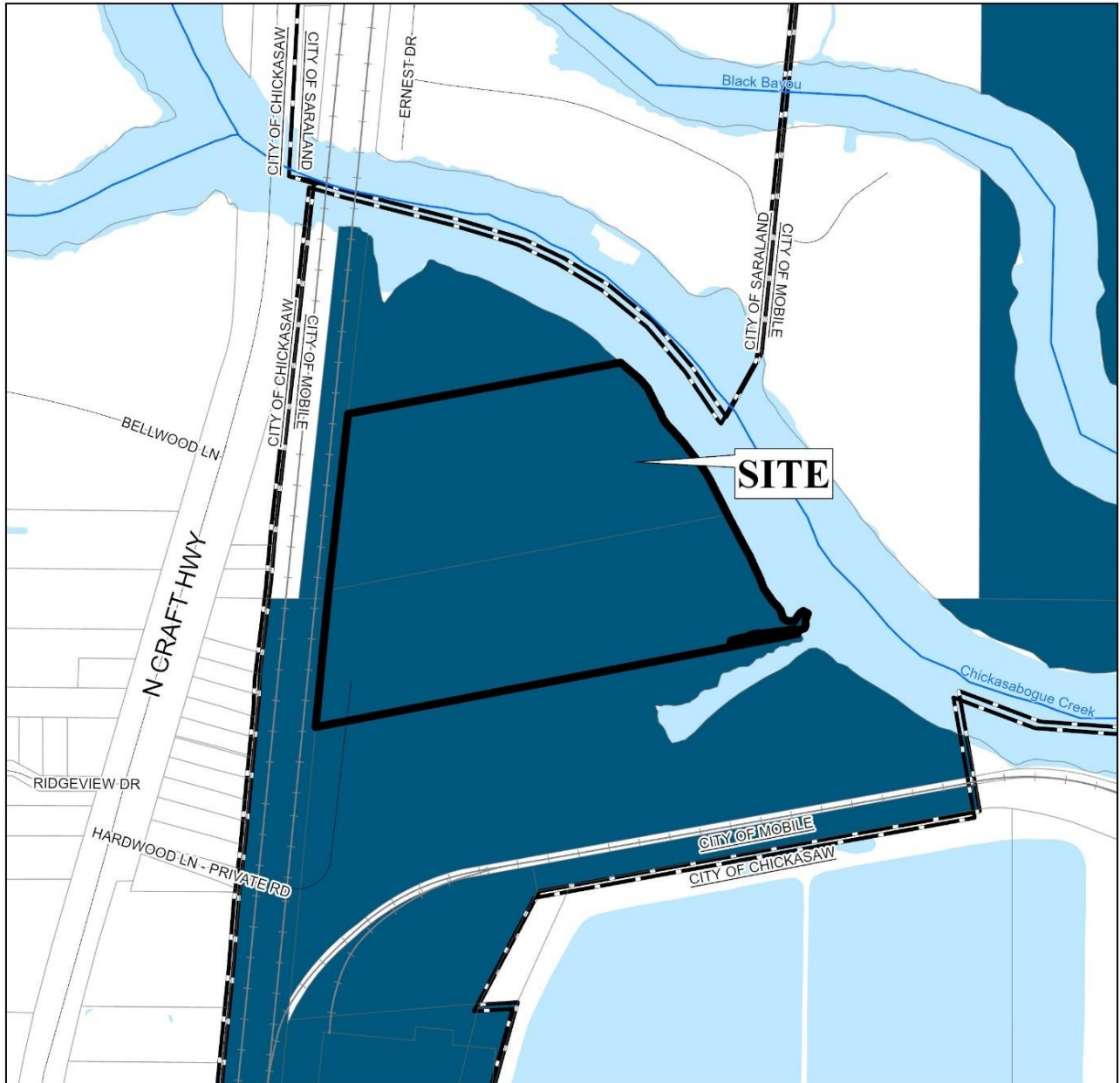
LOCATOR ZONING MAP



APPLICATION NUMBER	4	DATE	March 21, 2024
APPLICANT	Waterways Subdivision		
REQUEST	Subdivision		



FLUM LOCATOR MAP



APPLICATION NUMBER 4 DATE March 21, 2024

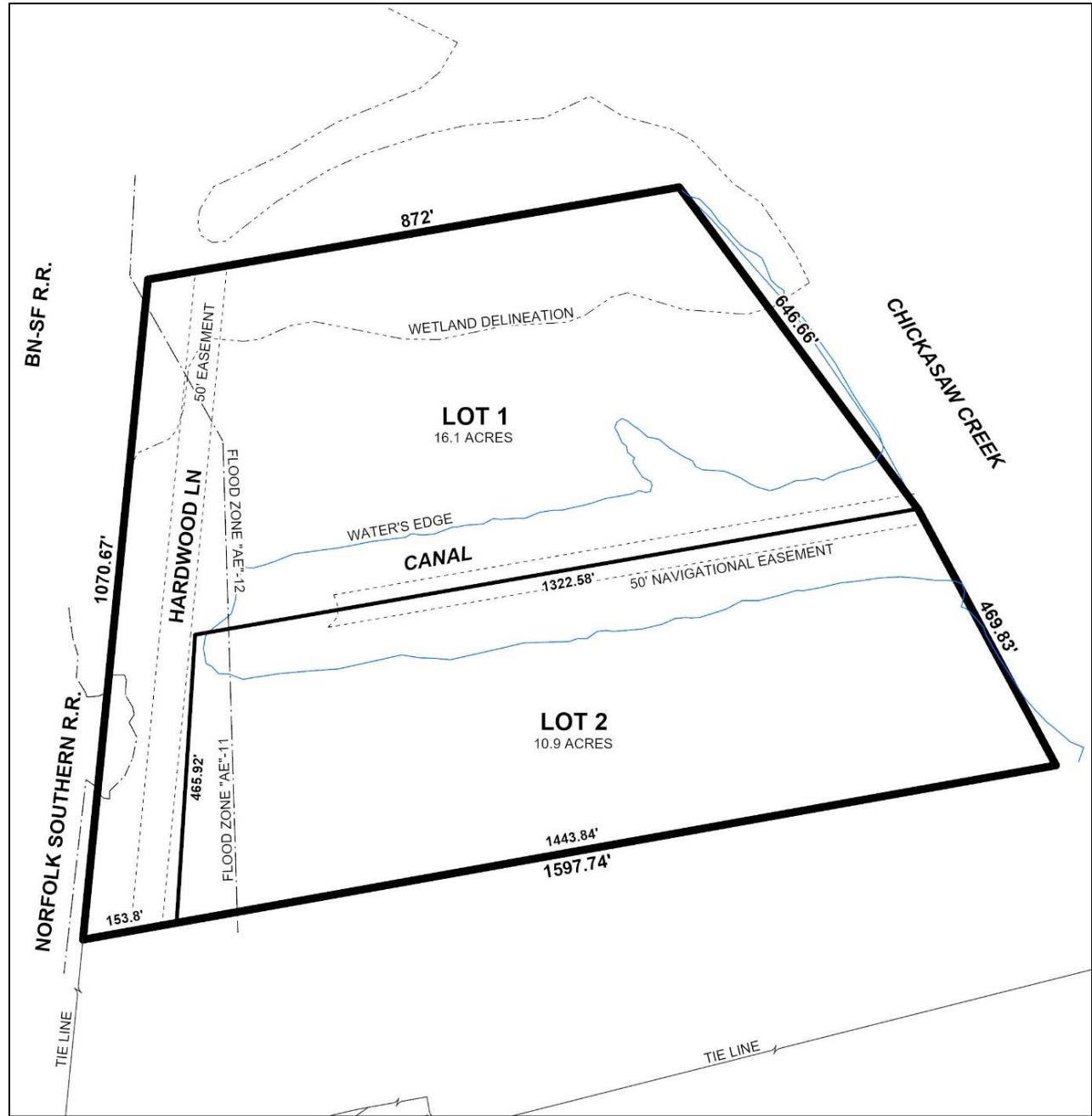
APPLICANT Waterways Subdivision

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 | |



SITE PLAN



APPLICATION NUMBER	4	DATE	March 21, 2024
APPLICANT	Waterways Subdivision		
REQUEST	Subdivision		



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 (WDWURU)
RESIDENTIAL - AG	R-A												<input type="checkbox"/>		
ONE-FAMILY RESIDENCE	R-1	<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>					<input type="checkbox"/>		
TWO-FAMILY RESIDENCE	R-2	<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>					<input type="checkbox"/>	<input type="checkbox"/>	
MULTIPLE-FAMILY	R-3	<input type="checkbox"/>	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>						<input type="checkbox"/>	<input type="checkbox"/>	
RESIDENTIAL-BUSINESS	R-B		<input type="checkbox"/>			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>					<input type="checkbox"/>	<input type="checkbox"/>	
TRANSITIONAL-BUSINESS	T-B		<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					<input type="checkbox"/>		
HISTORIC BUSINESS	H-B			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>					<input type="checkbox"/>		
VILLAGE CENTER	TCD					<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>						<input type="checkbox"/>		
NEIGH. CENTER	TCD					<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>						<input type="checkbox"/>		
NEIGH. GENERAL	TCD					<input checked="" type="checkbox"/>							<input type="checkbox"/>		
DOWNTOWN DEV. DDD	T-6			<input checked="" type="checkbox"/>									<input type="checkbox"/>		
DOWNTOWN DEV. DDD	T-5.1			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input type="checkbox"/>					<input type="checkbox"/>		
DOWNTOWN DEV. DDD	T-5.2			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>							<input type="checkbox"/>		
DOWNTOWN DEV. DDD	T-4			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input type="checkbox"/>					<input type="checkbox"/>		
DOWNTOWN DEV. DDD	T-3			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>							<input type="checkbox"/>		
DOWNTOWN DEV. DDD	SD-WH									<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>		
DOWNTOWN DEV. DD	SD	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>		
BUFFER BUSINESS	B-1		<input type="checkbox"/>			<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>	
NEIGH. BUSINESS	B-2		<input type="checkbox"/>			<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>	
LIMITED BUSINESS	LB-2		<input type="checkbox"/>			<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>	
COMMUNITY BUSINESS	B-3				<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
GEN. BUSINESS	B-4			<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
OFFICE-DISTRIBUTION	B-5								<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	
LIGHT INDUSTRY	I-1									<input checked="" type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HEAVY INDUSTRY	I-2										<input checked="" type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>

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)

Water-Dependent and Water-Related Uses (WDWRU)



This designation applies to areas within the Mobile-Tensaw River Delta, Mobile Bay, Dog River, and associated tributaries, where potential future uses must, under normal operating conditions, be located on or in or immediately adjacent to coastal waters in order to be physically and economically practicable, which promote Uses of Regional Benefit. It may also apply to water-related and water-enhanced uses such as marinas, complementary marine businesses, industry and warehousing, housing, restaurants, and other facilities that are open to the public and offer public access to the waters of the state.