



# Agenda Item # 5

## SUB-002566-2023

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

[Applicant Materials for Consideration](#)

### DETAILS

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**Location:**

4459 Government Boulevard

**Subdivision Name:**

Lee’s Subdivision, Resubdivision of Lot 1

**Applicant / Agent:**

James Devery, Jr. & Becky Devery

**Property Owner:**

James Devery, Jr. & Becky Devery

**Current Zoning:**

B-3, Community Business, Suburban District

**Future Land Use:**

Neighborhood Center - Suburban

**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 one (1) existing legal lot of record.

**Commission Considerations:**

1. Subdivision proposal with eight (8) conditions;

**Report Contents:**

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# LEE'S SUBDIVISION, RESUBDIVISION OF LOT 1



APPLICATION NUMBER 5 DATE July 20, 2023



NTS

## SITE HISTORY

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The subject site is part of Lee's Subdivision, approved by the Planning Commission at its July 1, 2004 meeting and recorded in Mobile County Probate Court. Most recently, rezoning of the site from B-2, Neighborhood Business, to B-3, Community Business District, was recommended for approval by the Planning Commission at its October 21, 2021 meeting and adopted by the City Council at its December 7, 2021 meeting.

## STAFF COMMENTS

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### 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 a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 22 - #91) 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 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](mailto:land.disturbance@cityofmobile.org) prior to obtaining any signatures. No signatures are required on the drawing.

### Traffic Engineering Comments:

Access to the unimproved portion of the service road is denied. Prior to the access being granted, the unimproved right-of-way must be constructed to the City standards. 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 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:**

The purpose of this request is to create two (2) legal lots of record from one (1) existing legal lot of record. The site is served by public water and sanitary sewer services.

The proposed lots have frontages on Demetropolis Road, a Major Collector street without curb and gutter, requiring an 80-foot right-of-way, and US Highway 90 West (Government Boulevard), an ALDOT-maintained Principal Arterial street requiring a 250-foot right-of-way. The preliminary plat illustrates compliant rights-of-way for Demetropolis Road and US Highway 90 West (Government Boulevard); therefore, additional dedication should not be required.

Lot 1, as proposed, has frontage along an unimproved section of the Government Boulevard Service Road. Section 6.C.4. requires lots to abut a dedicated and maintained public street. As such, if approved, the Final Plat should illustrate access to Lot 1 via an improved public right-of-way or a shared access easement.

The preliminary plat submitted illustrates a 25-foot building setback line along all street frontages, which meets the minimum setback requirements of Section 64-2-14.E. of the Unified Development Code for lots in a B-3 Suburban District. This should be retained on the Final Plat, if approved.

The lots exceed the minimum size requirements of the Subdivision Regulations for lots served by public water and sanitary sewer services and are labeled with their sizes in square feet and acres. If approved, this information should be retained on the Final Plat.

## **SUBDIVISION CONSIDERATIONS**

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### **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.

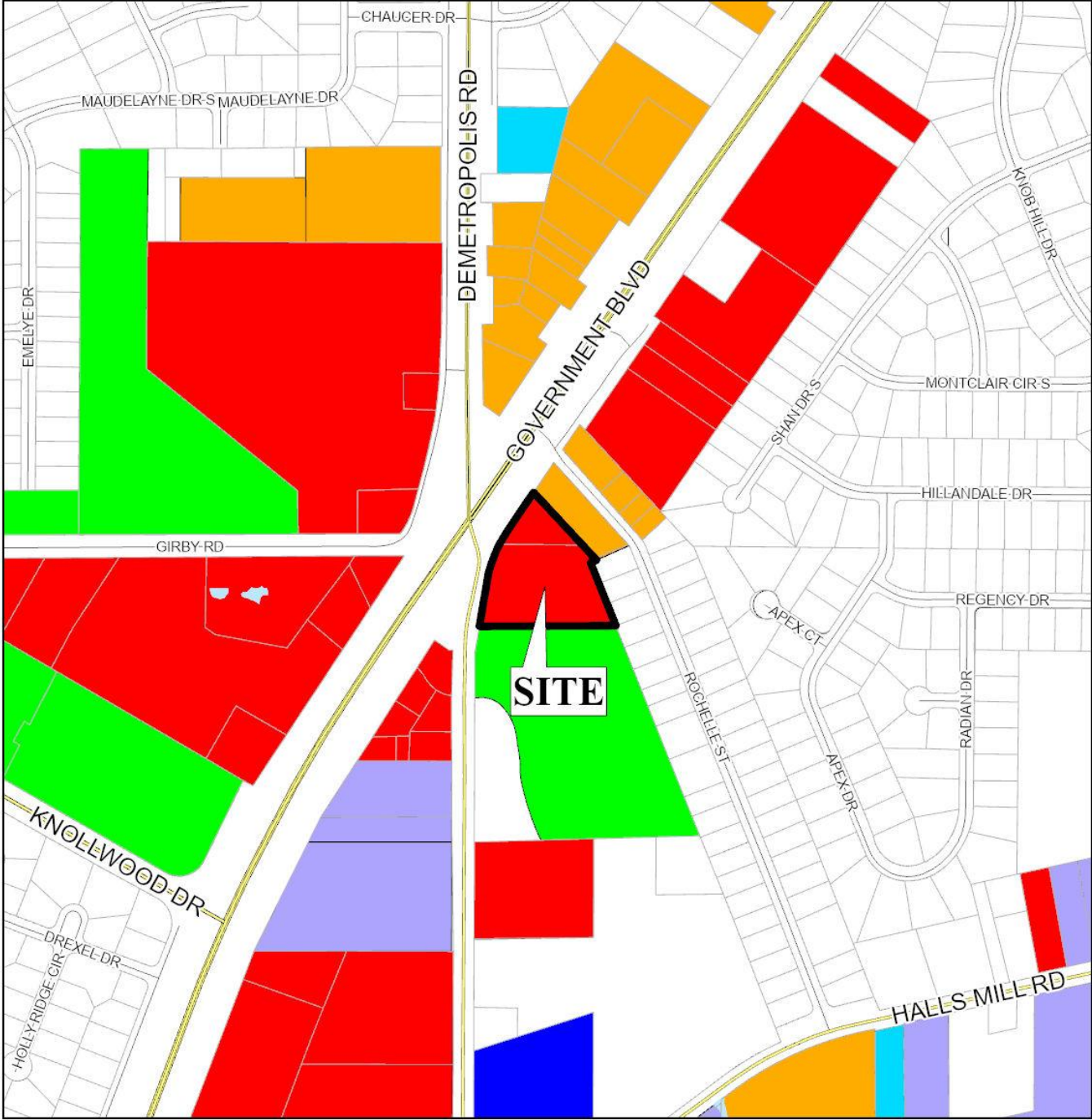
### **Considerations:**

If the Planning Commission considers approving the Subdivision request, the following conditions could apply:

1. Retention of all right-of-way widths as depicted on the preliminary plat;

2. Retention of the lot sizes in both square feet and acres, or the furnishing of a table on the Final Plat providing the same information;
3. Revision of the plat to illustrate access to Lot 1 via an improved public right-of-way or shared access easement;
4. Retention of setbacks as illustrated on the preliminary plat;
5. Compliance with all Engineering comments noted in this staff report;
6. Placement of a note on the Final Plat stating all Traffic Engineering comments noted in this staff report;
7. Compliance with all Urban Forestry comments noted in this staff report; and,
8. Compliance with all Fire Department comments noted in this staff report.

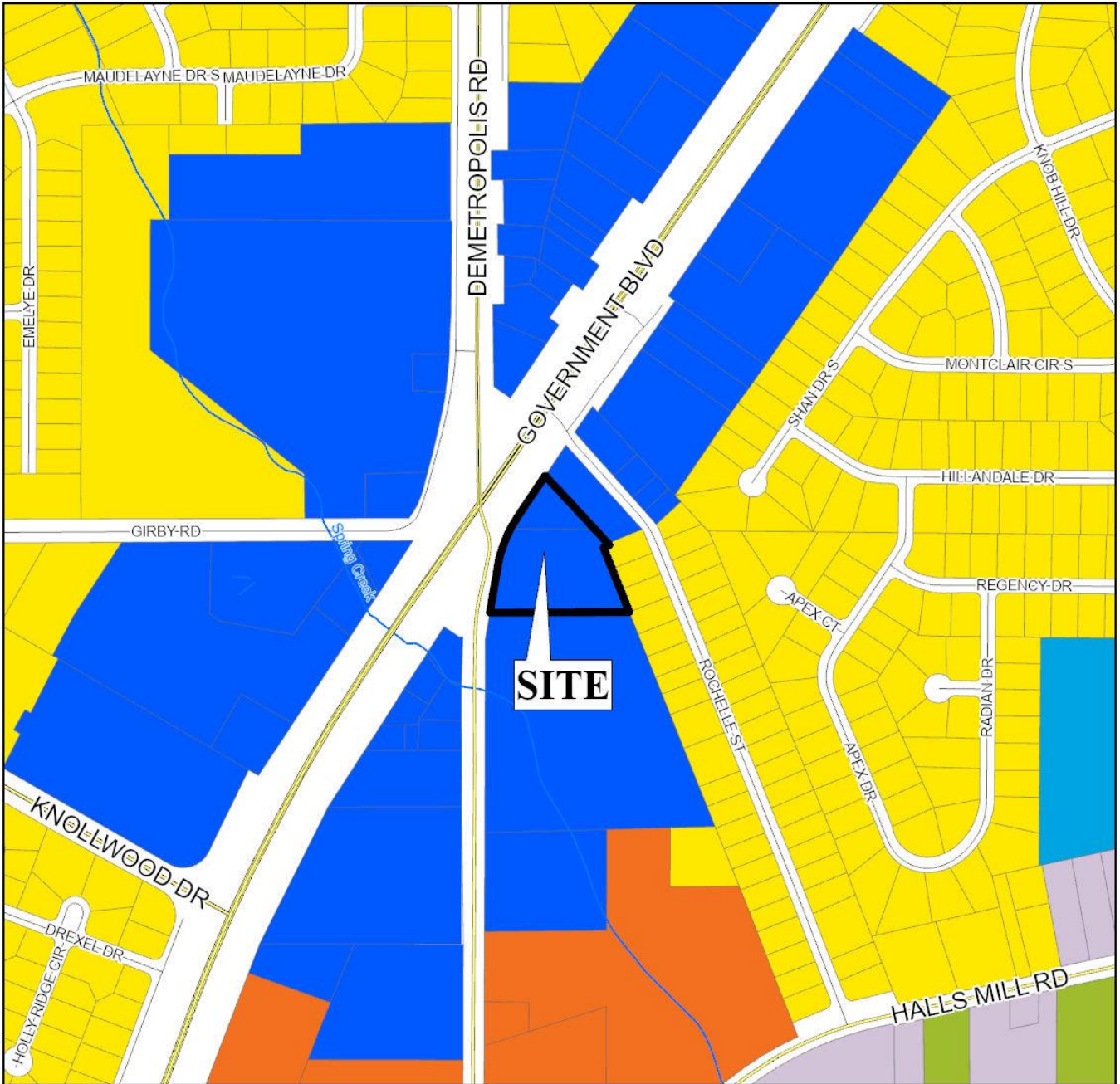
# LOCATOR ZONING MAP



APPLICATION NUMBER	5	DATE	July 20, 2023
APPLICANT	Lee's Subdivision, Resubdivision of Lot 1		
REQUEST	Subdivision		

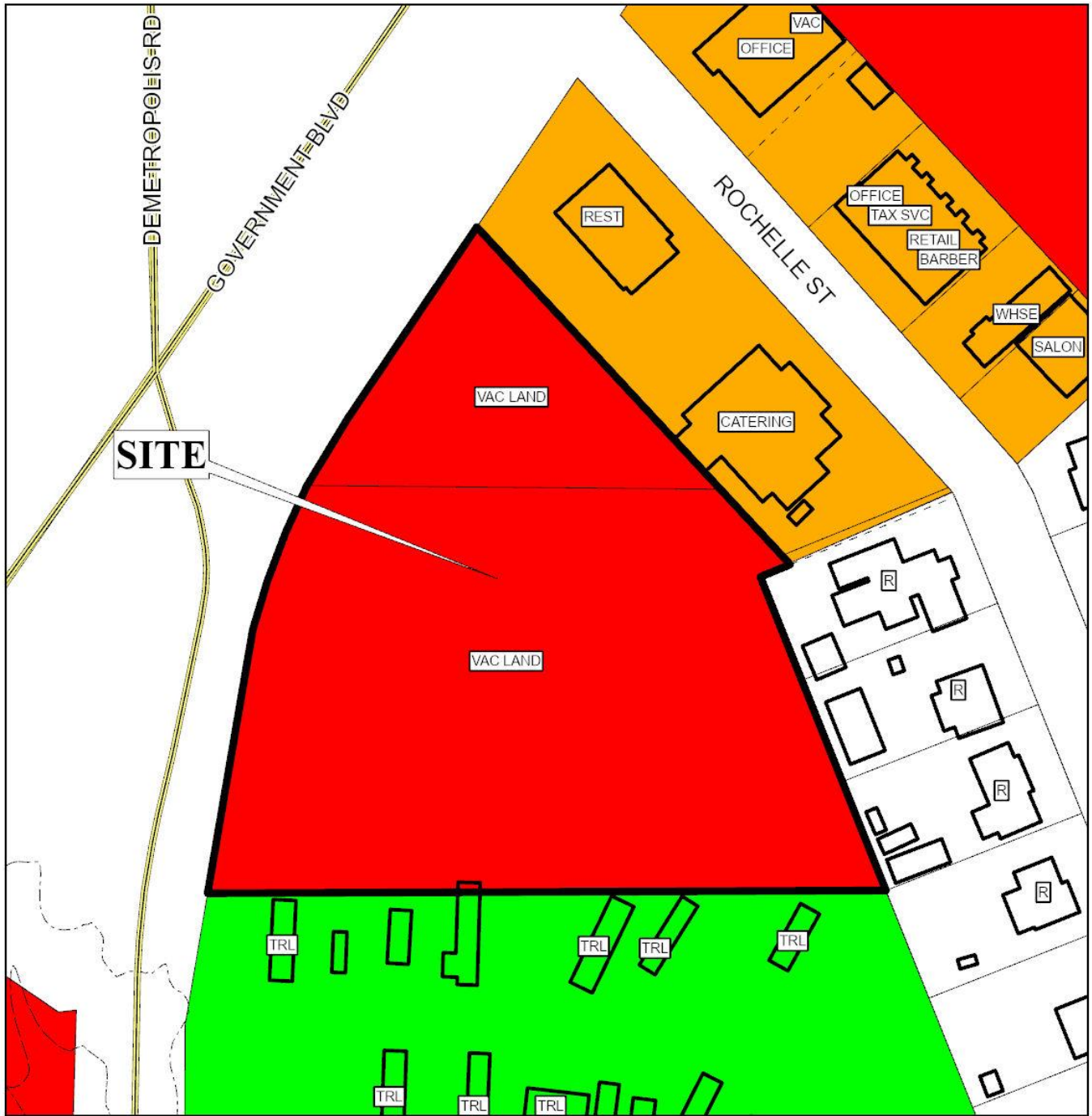


# FLUM LOCATOR MAP



APPLICATION NUMBER	5	DATE	July 20, 2023
APPLICANT	Lee's Subdivision, Resubdivision of Lot 1		
REQUEST	Subdivision		
<div style="display: flex; flex-wrap: wrap; padding: 0;"> <div style="width: 25%; padding-right: 5px;"> <span style="display: inline-block; width: 10px; height: 10px; background-color: yellow; border: 1px solid black; margin-bottom: 2px;"></span> Low Density Residential         </div> <div style="width: 25%; padding-right: 5px;"> <span style="display: inline-block; width: 10px; height: 10px; background-color: darkred; border: 1px solid black; margin-bottom: 2px;"></span> Neighborhood Center - Traditional         </div> <div style="width: 25%; padding-right: 5px;"> <span style="display: inline-block; width: 10px; height: 10px; background-color: brown; border: 1px solid black; margin-bottom: 2px;"></span> Downtown Waterfront         </div> <div style="width: 25%; padding-right: 5px;"> <span style="display: inline-block; width: 10px; height: 10px; background-color: lightgreen; border: 1px solid black; margin-bottom: 2px;"></span> Parks &amp; Open Space         </div> <div style="width: 25%; padding-right: 5px;"> <span style="display: inline-block; width: 10px; height: 10px; background-color: yellow; border: 1px solid black; margin-bottom: 2px;"></span> Mixed Density Residential         </div> <div style="width: 25%; padding-right: 5px;"> <span style="display: inline-block; width: 10px; height: 10px; background-color: blue; border: 1px solid black; margin-bottom: 2px;"></span> Neighborhood Center - Suburban         </div> <div style="width: 25%; padding-right: 5px;"> <span style="display: inline-block; width: 10px; height: 10px; background-color: lightgrey; border: 1px solid black; margin-bottom: 2px;"></span> Light Industry         </div> <div style="width: 25%;"> <span style="display: inline-block; width: 10px; height: 10px; background-color: darkblue; border: 1px solid black; margin-bottom: 2px;"></span> Water Dependent         </div> <div style="width: 25%; padding-right: 5px;"> <span style="display: inline-block; width: 10px; height: 10px; background-color: pink; border: 1px solid black; margin-bottom: 2px;"></span> Downtown         </div> <div style="width: 25%; padding-right: 5px;"> <span style="display: inline-block; width: 10px; height: 10px; background-color: lightpink; border: 1px solid black; margin-bottom: 2px;"></span> Traditional Corridor         </div> <div style="width: 25%; padding-right: 5px;"> <span style="display: inline-block; width: 10px; height: 10px; background-color: purple; border: 1px solid black; margin-bottom: 2px;"></span> Heavy Industry         </div> <div style="width: 25%;"> <span style="display: inline-block; width: 10px; height: 10px; background-color: cyan; border: 1px solid black; margin-bottom: 2px;"></span> Institutional         </div> <div style="width: 25%; padding-right: 5px;"> <span style="display: inline-block; width: 10px; height: 10px; background-color: red; border: 1px solid black; margin-bottom: 2px;"></span> District Center         </div> <div style="width: 25%; padding-right: 5px;"> <span style="display: inline-block; width: 10px; height: 10px; background-color: orange; border: 1px solid black; margin-bottom: 2px;"></span> Mixed Commercial Corridor         </div> </div>			
			<p style="text-align: center; margin-top: 5px;">NTS</p>

# LEE'S SUBDIVISION, RESUBDIVISION OF LOT 1



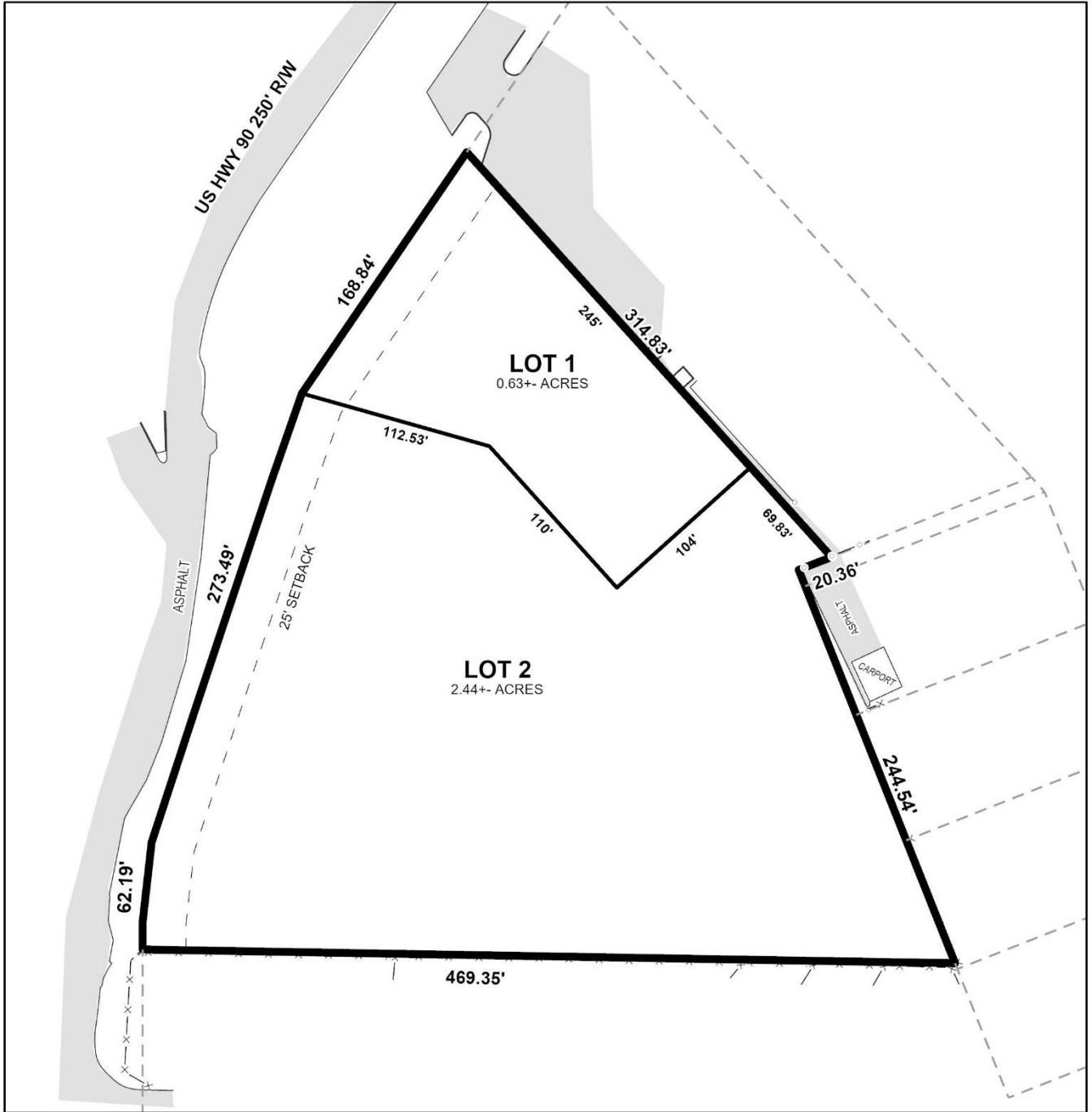
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R-A	R-3	T-B	B-2	B-5	MUN	SD-WH	T5.1
R-1	R-B	B-1	B-3	I-1	OPEN	T3	T5.2
R-2	H-B	LB-2	B-4	I-2	SD	T4	T6





# DETAIL SITE PLAN



APPLICATION NUMBER 5 DATE July 20, 2023

APPLICANT Lee's Subdivision, Resubdivision of Lot 1

REQUEST Subdivision



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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)

## NEIGHBORHOOD CENTER (NC)

This land use designation applies to smaller hubs of mixed commercial, community, and recreational activity that cater to adjacent residential areas. Many of these centers exist today in some form. Therefore, the following common principles apply not just to the future development of new centers, but also to the redevelopment (wholesale or incremental) of existing centers.

### *General Principles for Neighborhood Centers:*

- NC should support a limited amount of commercial employment
- NC should incorporate some residential use, which may vary in type from detached single family, townhouse, accessory and live-work units in mixed use and low-rise multifamily structures.
- The residential density in NC designations –ranging from 4 to 10 du/ac— must be compatible in character with that of surrounding residential development, providing appropriate transitions in height, massing and other buffering from one land use district to the next.
- The retail and housing uses should merge around vibrant, compact, accessible nodes, located at key

neighborhood intersections or along short road segments.

- The NC nodes should be connected to the surrounding neighborhood and nearby public uses (e.g., schools, parks, etc.) via well-designed sidewalks and complete streets.

While the above-listed principles are common to all NC districts, the design attributes of neighborhood centers generally vary depending on whether a center is in a more “traditional” or more “suburban” context.

### *Additional Attributes of Neighborhood Centers:*

- NC in traditional contexts: These tend to be in those areas east of the Beltline and correspond to MxDR neighborhoods. In these NCs, buildings should orient to the street, with on-site parking typically pushed to the back of the site. The design qualities of the public realm are emphasized, including the provision of continuous sidewalks, tree canopy, pedestrian amenities, on-street parking and bicycle facilities where appropriate.
- NC in suburban contexts: These generally are located among the LDR land use designations in the areas west of the Beltline. Where they exist, these centers currently have a more pronounced

vehicular orientation. Therefore, the emphasis is on retrofitting to improve internal walkability (e.g., through the addition of sidewalks, tree canopy, protection from the elements) and external connectivity to the surrounding areas (via sidewalks, paths and trails, street crossings, transit stops, etc.) and to increase the mix and density of uses (e.g., infill of outparcels, addition of housing, etc.).

