

**SUBDIVISION, &
ZONING AMENDMENT STAFF REPORT****Date: September 15, 2022****NAME**

Ellery Development, LLC

SUBDIVISION NAME

OBC Subdivision

LOCATION

6960 #C Overlook Road and 1408 Cody Road North
(Southeast corner of Overlook Road and Cody Road North,
extending to the North side of Victor Road, 625'± East of
Cody Road North).

**CITY COUNCIL
DISTRICT**

District 7

PRESENT ZONING

B-1, Buffer Business District and R-3, Multi-Family
Residential District

PROPOSED ZONING

B-1, Buffer Business District and R-1, Single-Family
Residential District

AREA OF PROPERTY

3 Lots / 23.6± Acres

CONTEMPLATED USE

Subdivision approval to create three (3) legal lots of record
from one (1) metes-and-bounds parcel and one (1) legal lot
of record; and Rezoning from B-1, Buffer Business District
and R-3, Multi-Family Residential District, to B-1, Buffer
Business District and R-1, Single-Family Residential
District.

**It should be noted, however, that any use permitted in
the proposed district would be allowed at this location if
the zoning is changed. Furthermore, the Planning
Commission may consider zoning classifications other
than that sought by the applicant for this property.**

**TIME SCHEDULE
FOR DEVELOPMENT**

Not provided

**ENGINEERING
COMMENTS**

Subdivision: FINAL PLAT COMMENTS (should be addressed prior to submitting the FINAL
PLAT for review and/or signature by the City Engineer):

- 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 and label the monument set or found at each subdivision and lot corner.
- C. Clarify the label “23.43 acres”. Is it another lot?
- D. 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.

Rezoning:

- a. 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).
- b. 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.
- c. 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.
- d. 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.
- e. 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.
- f. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

TRAFFIC ENGINEERING
COMMENTS

An impact study may be required as the development changes or defined uses are presented to the City that may warrant additional review and study. Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City’s Zoning Ordinance.

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 (2012 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.

REMARKS

The applicant is requesting Subdivision approval to create three (3) lots from one (1) metes-and-bounds parcel and one (1) legal lot of record, and Rezoning from B-1, Buffer Business District and R-3, Multi-Family Residential District, to B-1, Buffer Business District and R-1, Single-Family Residential District.

The site has been given a Mixed Density Residential (MxDR) land use designation per the Future Land Use Plan and Map, adopted by the Planning Commission at its May 18, 2017 meeting. The Future Land Use Plan and Map complements and provides additional detail to the Development Framework Maps in the Map for Mobile, adopted by the Planning Commission at its November 5, 2015 meeting. 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.

This designation applies mostly to residential areas located between Downtown and the Beltline, where the predominant character is that of a traditional neighborhood laid out on an urban street grid.

These residential areas should offer a mix of single family homes, townhouses, 2- to 4- residential unit buildings, accessory dwellings, and low- and mid-rise multifamily apartment buildings. The density varies between 6 and 10 dwelling units per acre, depending on the mix, types, and locations of the housing as specified by zoning.

Like Low Density Residential areas, Mixed Density Residential areas may incorporate compatibly scaled and sited complementary uses such as neighborhood retail and office uses, schools, playgrounds and parks, and churches and other amenities that create a complete neighborhood fabric and provide safe and convenient access to daily necessities.

It should be noted that the Future Land Use Plan and Map components of the Map for Mobile Plan are meant to serve as a general guide, not a detailed lot and district plan. In many cases the designation on the new Future Land Use Map may match the existing use of land, but in others the designated land use may differ from what is on the ground today. As such, the Future Land Use

Plan and Map allows the Planning Commission and City Council to consider individual cases based on additional information such as the classification request, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and, where applicable, the zoning classification.

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.

The site fronts Cody Road North, Overlook Road, and Victor Road. Cody Road North, is a major street on the Major Street Plan, and as such, should have a right-of-way of 100-feet. The plat states that the right-of-way varies, therefore if approved, dedication to provide 50-feet to the centerline should be required. Overlook Road is a minor arterial road, shown with a compliant 70-foot right-of-way, making no dedication necessary. Victor Road, a minor street with ribbon curb and gutter is depicted as having a 45-foot right-of-way, making dedication necessary to provide 25-feet to the centerline.

The proposed lot sizes are provided in acres, but not square feet, and exceed minimum lot area standards. If approved, the lots sizes should be provided on the Final Plat in square feet and acres, adjusted for any dedication.

It should be noted that the preliminary plat only depicts the 25-foot minimum building setback along Overlook Road. If approved, the Final Plat should depict the 25-foot minimum building setback line along all street frontages, adjusted for dedication.

The plat submitted shows an existing drainage easement on the proposed Lot 2. If approved, a note should be placed on the Final Plat stating that no structures are allowed in any easements without the easement holder's permission.

Regarding access management, a note should be placed on the Final Plat stating Traffic Engineering comments, if approved.

It should be noted that there is an existing church development on the majority of Lot 1, with part of it extending onto proposed Lot 2, which was the subject of a Planned Unit Development (PUD) in 2007. As PUDs are site plan specific, any change to this development, including lot line changes, require a new PUD to be submitted. It should be noted that with the proposed R-1 zoning, any changes to the existing church development will also require Planning Approval.

Section 64-9. of the Zoning Ordinance states that the intent of the Ordinance and corresponding Zoning Map is to carry out the comprehensive planning objective of sound, stable and desirable development. While changes to the Ordinance are anticipated as the city grows, the established public policy is to amend the ordinance only when one or more of the following conditions prevail: 1) there is a manifest error in the Ordinance; 2) changing conditions in a particular area make a change in the Ordinance necessary and desirable; 3) there is a need to increase the number of sites available to business or industry; or 4) the subdivision of land into building sites makes reclassification of the land necessary and desirable.

In regards to the proposed rezoning, the applicant states:

Ellery Development, LLC is requesting that the parcels shown in the Plat included be zoned B-1 & R-1. The current zoning of the parent parcels is B-1 & R-3. It was discussed in our predevelopment meeting that the Planning Staff recommended residential lots of the new subdivision (proposed OBC Subdivision - lots 2 & 3) be rezoned to R-1 and that the existing building remain B-1 (OBC Subdivision – lot 1).

The requested rezoning will eliminate the split zoning that the OBC Subdivision will create.

As proposed, Lot 2 will be split-zoned as a result of the Subdivision, and Lot 3 is developed with an existing single-family development, thus making the rezoning of these lots necessary and desirable. Lot 1 will remain as B-1 and will allow continued use of the existing church development on the lot.

RECOMMENDATION

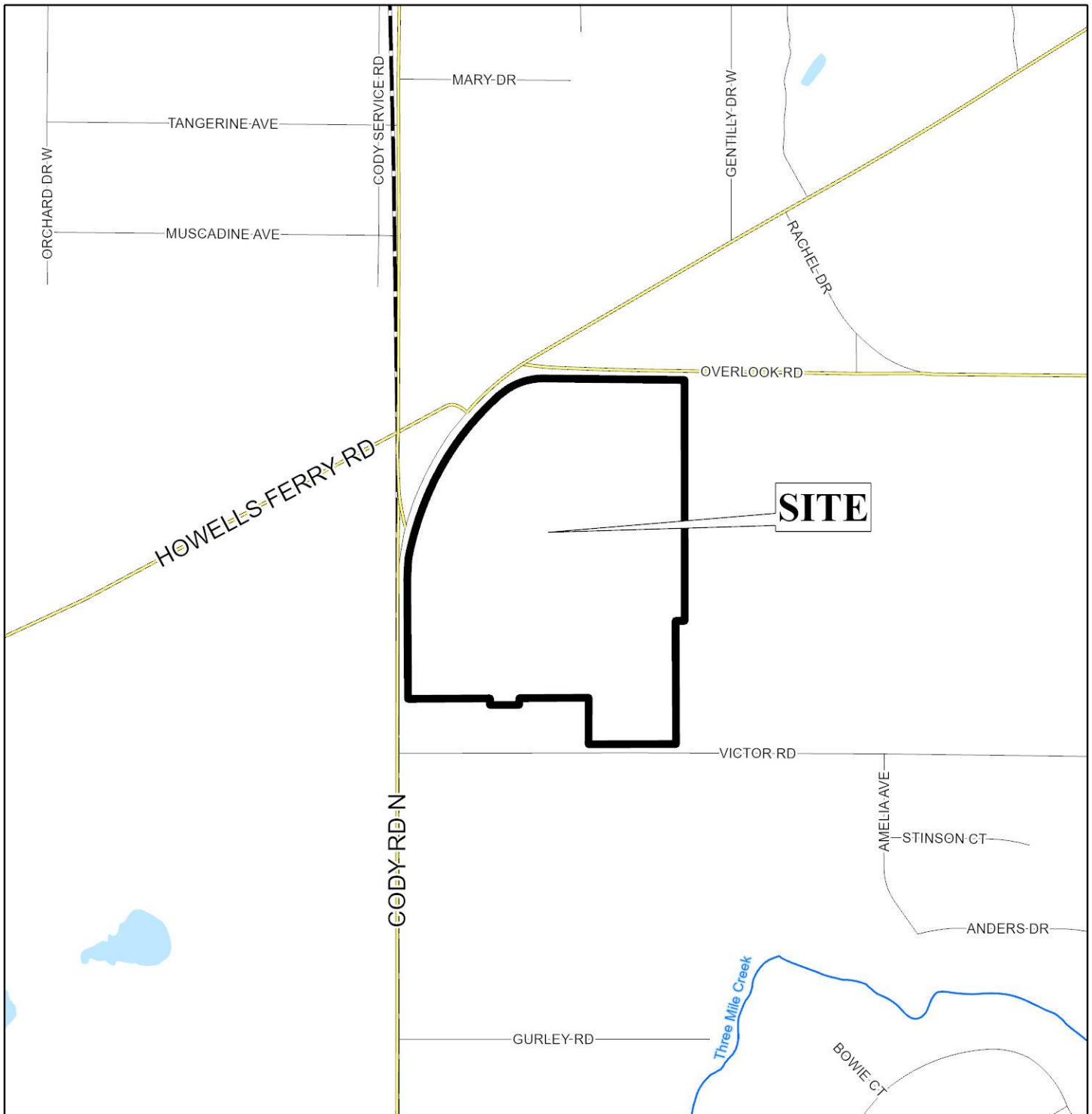
Subdivision: The application is recommended for Holdover to the October 20th meeting, so that the following items can be addressed by September 29th:

- 1) Submittal of a Planned Unit Development to amend the previous Planned Unit Development for the existing church development on proposed Lots 1 & 2; and
- 2) Submittal of a Planning Approval application if there is a change to the existing church development on proposed Lot 2.

Rezoning: The application is recommended for Holdover to the October 20th meeting, so that the following items can be addressed by September 29th:

- 1) Submittal of a Planned Unit Development to amend the previous Planned Unit Development for the existing church development on proposed Lot 2; and
- 2) Submittal of a Planning Approval application if there is a change to the existing church development on proposed Lot 2.

LOCATOR MAP



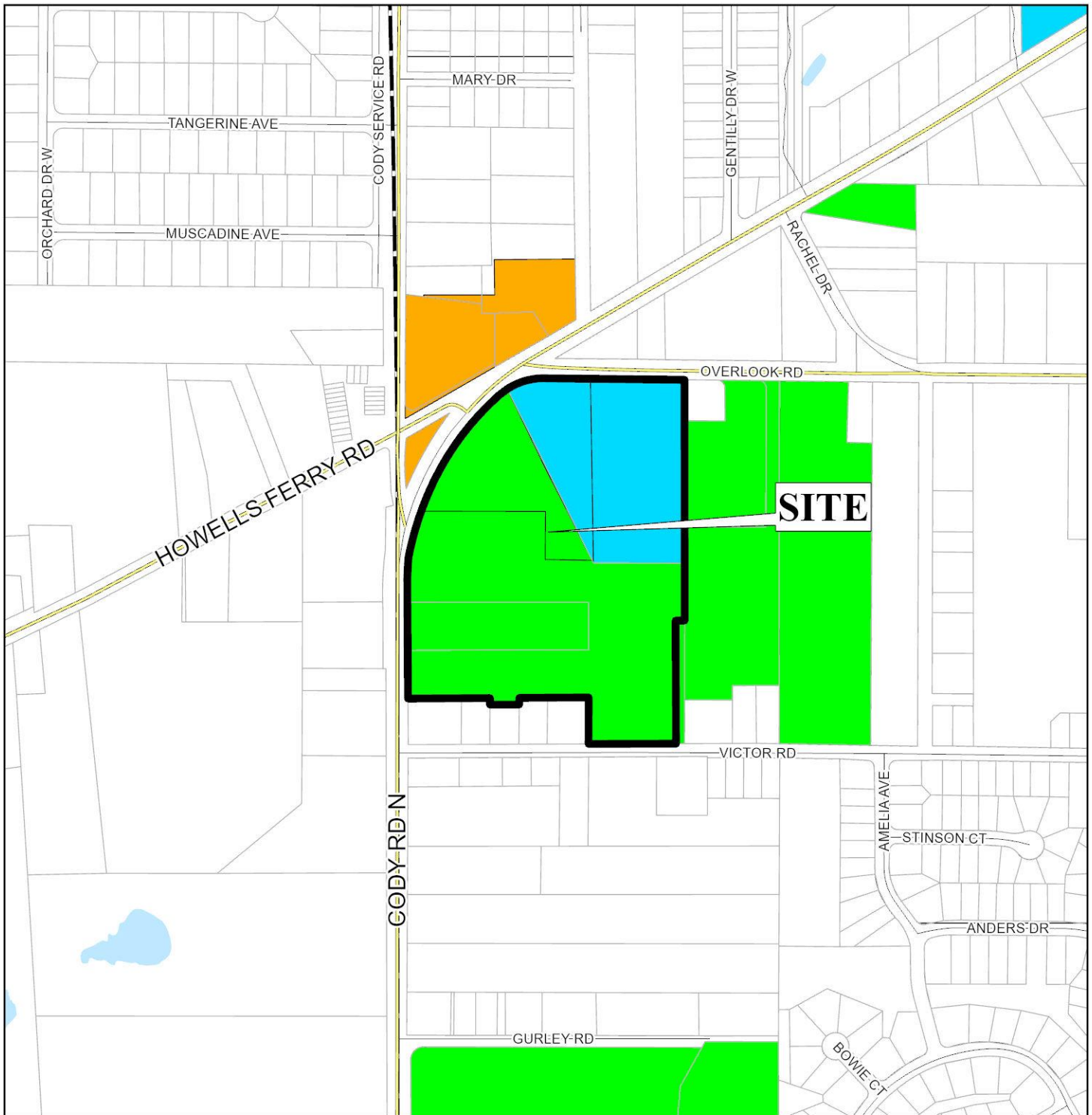
APPLICATION NUMBER 5 DATE September 15, 2022

APPLICANT OBC Subdivision

REQUEST Subdivision, Rezoning From B-1 And R-3 To B-1 And R-1



LOCATOR ZONING MAP



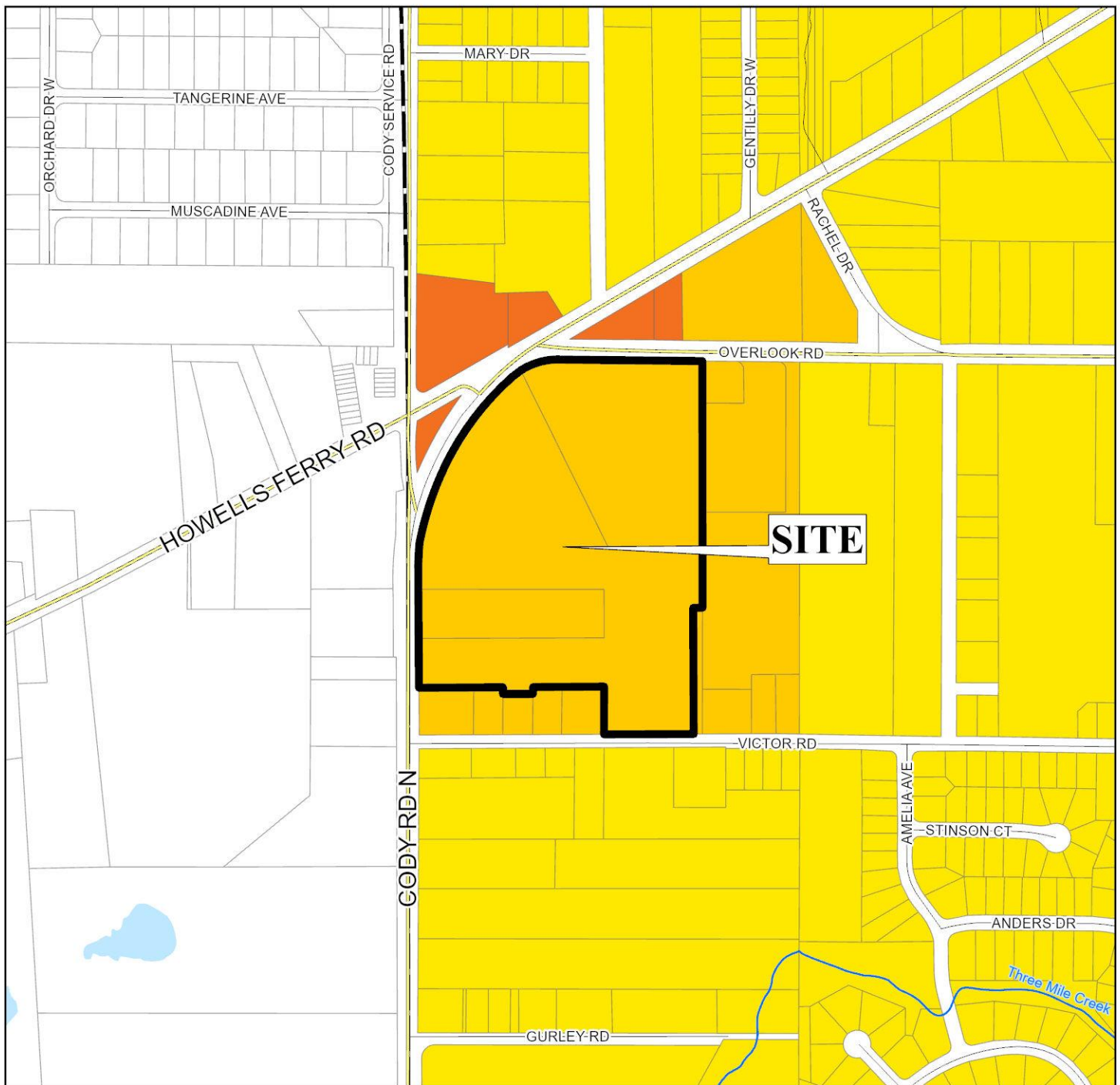
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REQUEST Subdivision, Rezoning From B-1 And R-3 To B-1 And R-1



FLUM LOCATOR MAP



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APPLICANT OBC Subdivision

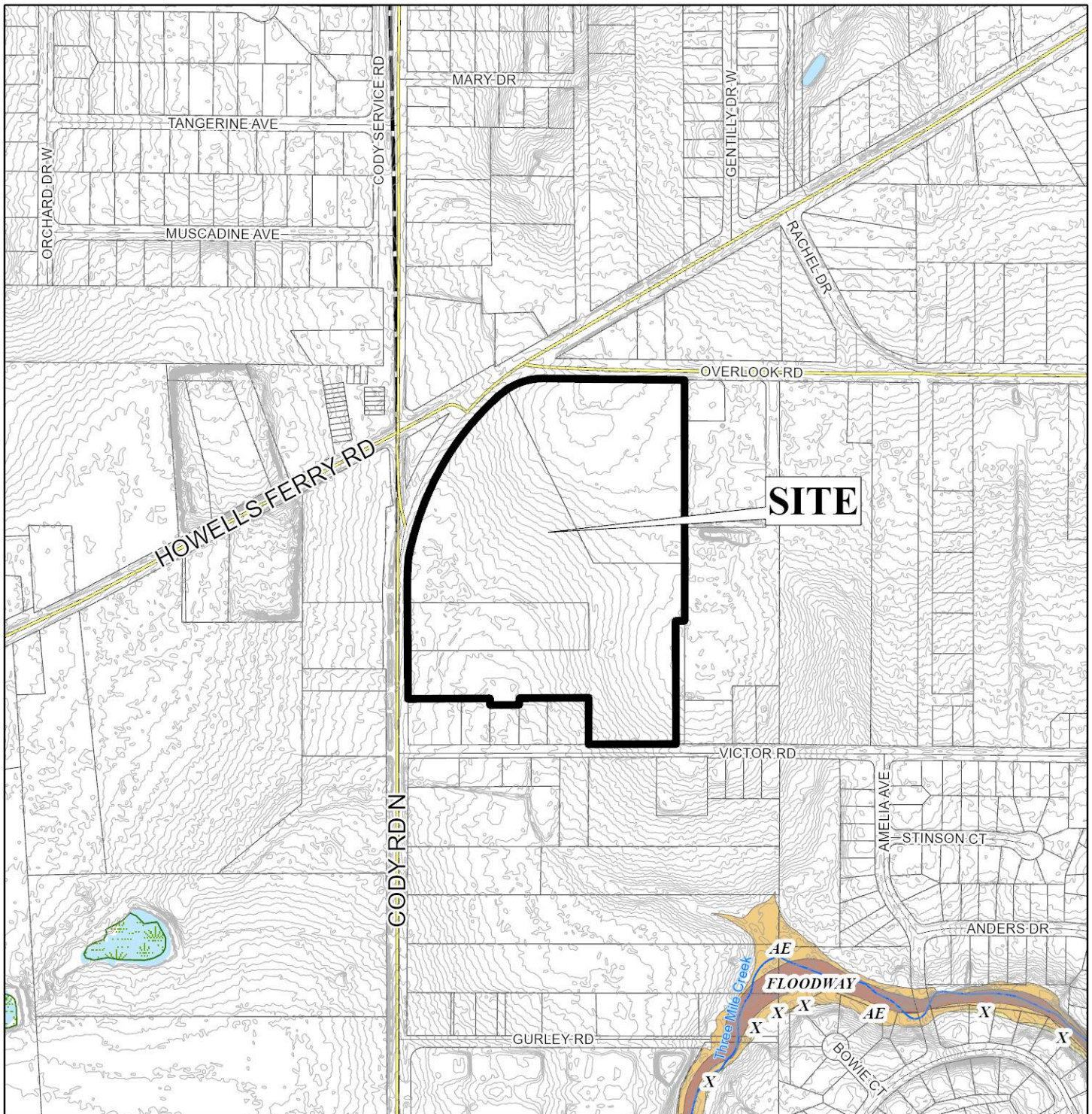
REQUEST Subdivision, Rezoning From B-1 And R-3 To B-1 And R-1

Layer2

Low Density Residential	Downtown	Traditional Corridor
Mixed Density Residential	District Center	Mixed Commercial Corridor
	Neighborhood Center - Traditional	Downtown Waterfront
	Neighborhood Center - Suburban	Light Industry
		Heavy Industry
		Institutional
		Parks & Open Space
		Water Dependent



ENVIRONMENTAL LOCATOR MAP



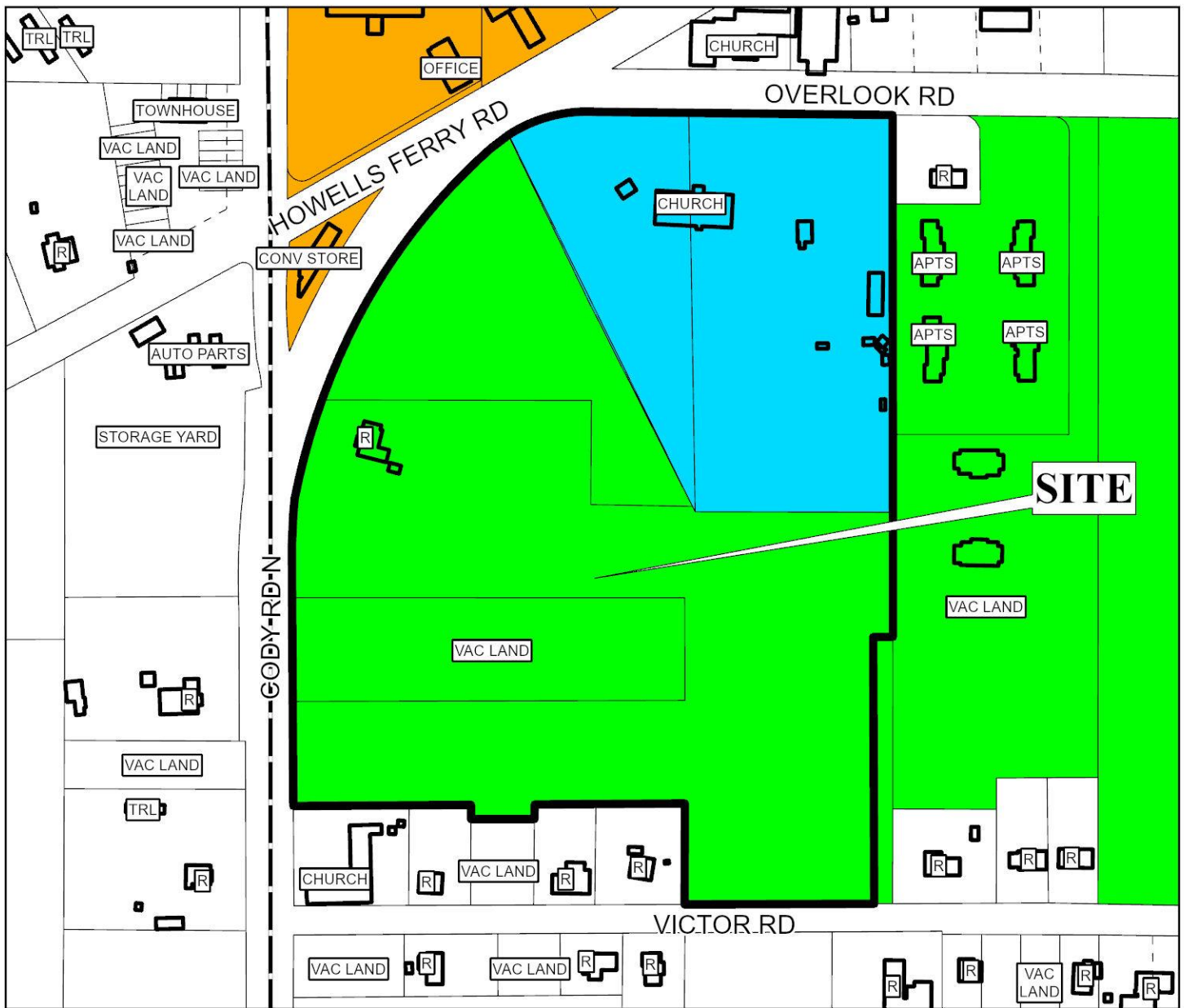
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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial and residential units.

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REQUEST Subdivision, Rezoning From B-1 And R-3 To B-1 And R-1

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



PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL

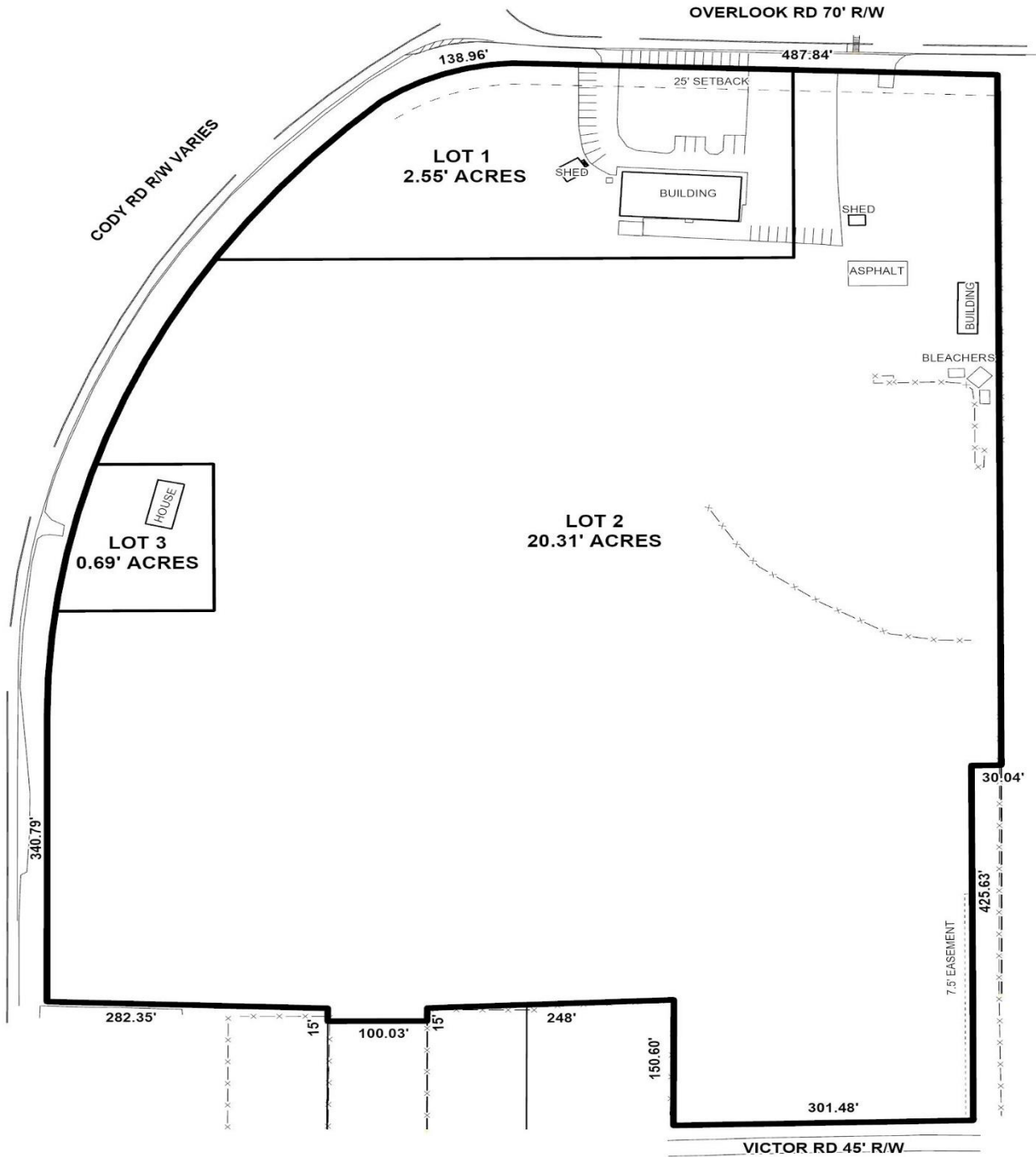


The site is surrounded by commercial and residential units.

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SITE PLAN



The site plan illustrates the proposed lots, setback, easement, and fences.

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REQUEST Subdivision, Rezoning From B-1 And R-3 To B-1 And R-1



NTS