



Agenda Item # 5

SUB-002647-2023 & ZON-UDC-002634-2023

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

[Applicant Materials for Consideration – Subdivision](#)

[Applicant Materials for Consideration – Rezoning](#)

DETAILS

Location:

2660 & 2662 Spring Hill Avenue & 266 Mobile Street

Subdivision Name:

RS Mobile Subdivision

Applicant / Agent:

Trevor McGill, RS Mobile, LLC

Property Owner:

Bay Properties, LLC and Robinson U J Memorial Center, Inc.

Current Zoning:

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

Proposed Zoning:

B-3, Community Business Urban District (proposed Lot B only)

Future Land Use:

Traditional Center

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.
- Rezoning from B-3 and R-1 to B-3 (proposed Lot B only)
 - 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 for this property.

Commission Considerations:

1. Subdivision proposal with fifteen (15) conditions; and
2. Rezoning with three (3) conditions.


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PLANNING COMMISSION
VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential units to the east, and commercial units to the west.

APPLICATION NUMBER <u> 5 </u> DATE <u> October 5, 2023 </u>	 NTS
APPLICANT <u> RS Mobile Subdivision </u>	
REQUEST <u> Subdivision, Rezoning from R-1 and B-3 to B-3 </u>	

SITE HISTORY

A portion of the subject site was before the Board of Zoning Adjustment in 1978 to request a Use Variance for the site to be developed as apartments. That request was denied.

The site has not before the Planning Commission previously.

STAFF COMMENTS

Engineering Comments:

SUBDIVISION:

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 the Subdivision Name – RS Mobile – on the FINAL PLAT.
- C. Provide reference, on the map and the description, to a monumented corner.
- D. Provide a written description for the subdivision boundary.
- E. Provide a complete NOTARY PUBLIC signature block. Complete the rest after "...CERTIFY THAT...".
- F. Revise the signature block from "ENGINEER, CITY OF MOBILE to "CITY ENGINEER".
- G. Remove the note above the Traffic Engineer's signature block.
- H. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 26 - #76) LOTS A & B 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 A – 26,000 sf AND LOT B – 16,000 sf.
- I. 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.
- J. Add a note that all easements shall remain in effect until vacated through the proper Vacation process.
- K. 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:

- 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 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:

Subdivision

The applicant is proposing to create two (2) legal lots of record from three (3) metes-and-bounds parcels. Both proposed lots exceed the minimum required lot sizes, and if approved, the lot size information should be retained on the Final Plat in square feet and acres.

The applicant is proposing to combine two metes-and-bounds parcels, along with a portion of a third parcel to create the proposed Lot B. The remainder of the third parcel is proposed to be Lot A. Lot A will remain zoned R-1, Single-Family Residential Urban District; whereas the proposed Lot B will be split-zoned, if approved as proposed, hence the accompanying rezoning application. If the Subdivision is approved, the rezoning must be finalized by the City Council prior to the signing of the Final Plat.

The subject site has frontage along Spring Hill Avenue and Mobile Street. Springhill Avenue, a planned major street as shown on the Major Street Plan Component of the Comprehensive Plan, requires a 100-foot right-of-way width. Mobile Street is a proposed major street with curb and gutter that requires a right-of-way width of 80-feet; dedication to provide 40' from the centerline along Mobile Street should now be required. No additional right-of-way will be required along Springhill Avenue.

Being that the subject site has frontage along both Springhill Avenue and Mobile Street, the applicant must ensure that the property lines at this intersection provide a compliant curb radius. The Final Plat, if approved, should be revised to illustrate a dimensioned curb radius in compliance with Section 6.C.6. of the Subdivision Regulations.

As a proposed R-1 Urban lot, Lot A should have a five-foot (5') minimum front yard setback depicted along Mobile Street, if approved. As a proposed B-3 Urban lot, Lot B should have a ten-foot (10') minimum front yard setback and a 45-foot (45') maximum front yard setback depicted. The setbacks should be depicted after any right-of-way dedication on Mobile Street and the corner radius, if approved.

There is a note on the preliminary plat stating that there is an apparent Alabama Power easement, but the note referenced states that there are no easements on the site. Deeds for the properties may reference easements on the property. If approved, all easements should accurately be depicted on the Final Plat, with a note stating that no construction is allowed in any easement without the permission of the easement holder.

It should be noted that there is no legal description present on the preliminary plat submitted. If approved, legal descriptions for both Lots A and B will be required.

Rezoning

As previously stated, the proposed Lot B will be split-zoned B-3 and R-1, if the Subdivision request is approved as proposed. In order to eliminate the split-zoning, the applicant proposes to rezone the proposed Lot B from B-3 and R-1 to B-3. In this instance, the subdivision of land into building sites makes reclassification necessary and desirable to eliminate split zoning.

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:

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

1. Completion of the Rezoning process for proposed Lot B prior to signing the Final 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, adjusted for dedication;
3. Dedication to provide 40-feet from the centerline along Mobile Street;
4. Dedication, if necessary, to illustrate a dimensioned curb radius in compliance with Section 6.C.6. of the Subdivision Regulations
5. Revision of all right-of-way widths on the preliminary plat for dedication, as appropriate;
6. Revision of the plat to illustrate a 5-foot minimum building setback line along Mobile Street for Lot A, adjusted for dedication;
7. Revision of the plat to illustrate a 10-foot minimum building setback line along Mobile Street and Spring Hill Avenue for Lot B, adjusted for dedication;

8. Revision of the plat to illustrate a 45-foot maximum building setback line along Mobile Street and Spring Hill Avenue for Lot B, adjusted for dedication;
9. Depiction of any and all easements on the subject site;
10. Placement of a note on the Final Plat stating that no structures are allowed in any easement without permission of the easement holder;
11. Provision of legal descriptions of both Lot A and Lot B;
12. Compliance with all Engineering comments noted in this staff report;
13. Placement of a note on the Final Plat stating all Traffic Engineering comments noted in this staff report;
14. Compliance with all Urban Forestry comments noted in this staff report; and,
15. Compliance with all Fire Department comments noted in this staff report.

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's responses to address the above criteria are available in the link on page one (1).

Considerations:

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

1. Completion of the Subdivision process;
2. Compliance with all Engineering, Traffic Engineering, Urban Forestry, and Fire Department comments noted in this staff report; and,
3. Full compliance with all municipal codes and ordinances.

LOCATOR ZONING MAP



APPLICATION NUMBER	5	DATE	October 5, 2023
APPLICANT	RS Mobile Subdivision		
REQUEST	Subdivision, Rezoning from R-1 and B-3 to B-3		



FLUM LOCATOR MAP



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<table style="width: 100%; font-size: small;"> <tr> <td> Low Density Residential</td> <td> Neighborhood Center - Traditional</td> <td> Downtown Waterfront</td> <td> Parks & Open Space</td> </tr> <tr> <td> Mixed Density Residential</td> <td> Neighborhood Center - Suburban</td> <td> Light Industry</td> <td> Water Dependent</td> </tr> <tr> <td> Downtown</td> <td> Traditional Corridor</td> <td> Heavy Industry</td> <td></td> </tr> <tr> <td> District Center</td> <td> Mixed Commercial Corridor</td> <td> Institutional</td> <td></td> </tr> </table>	 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				
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NTS

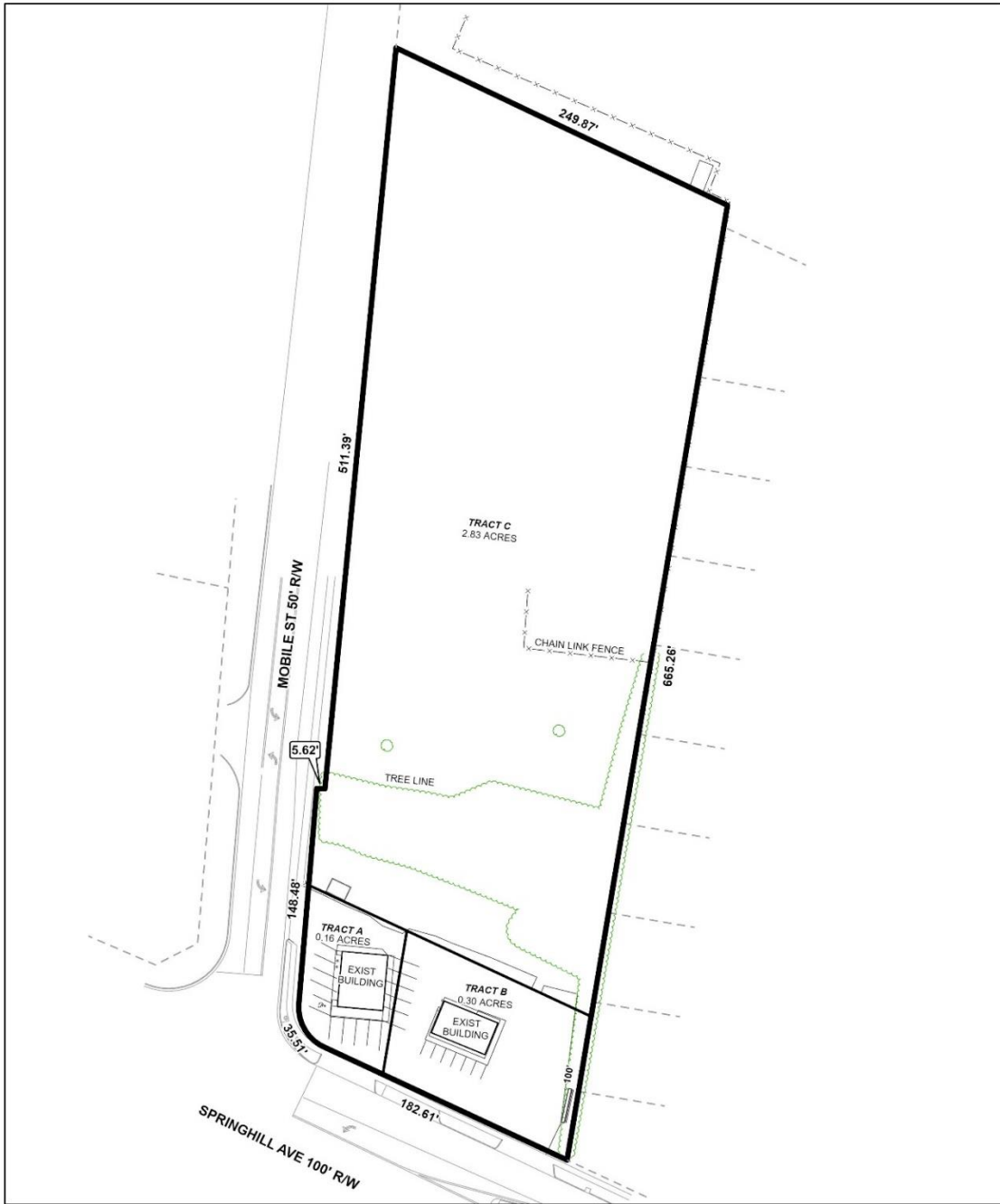
PLANNING COMMISSION VICINITY MAP - EXISTING ZONING




The site is surrounded by residential units to the east, and commercial units to the west.

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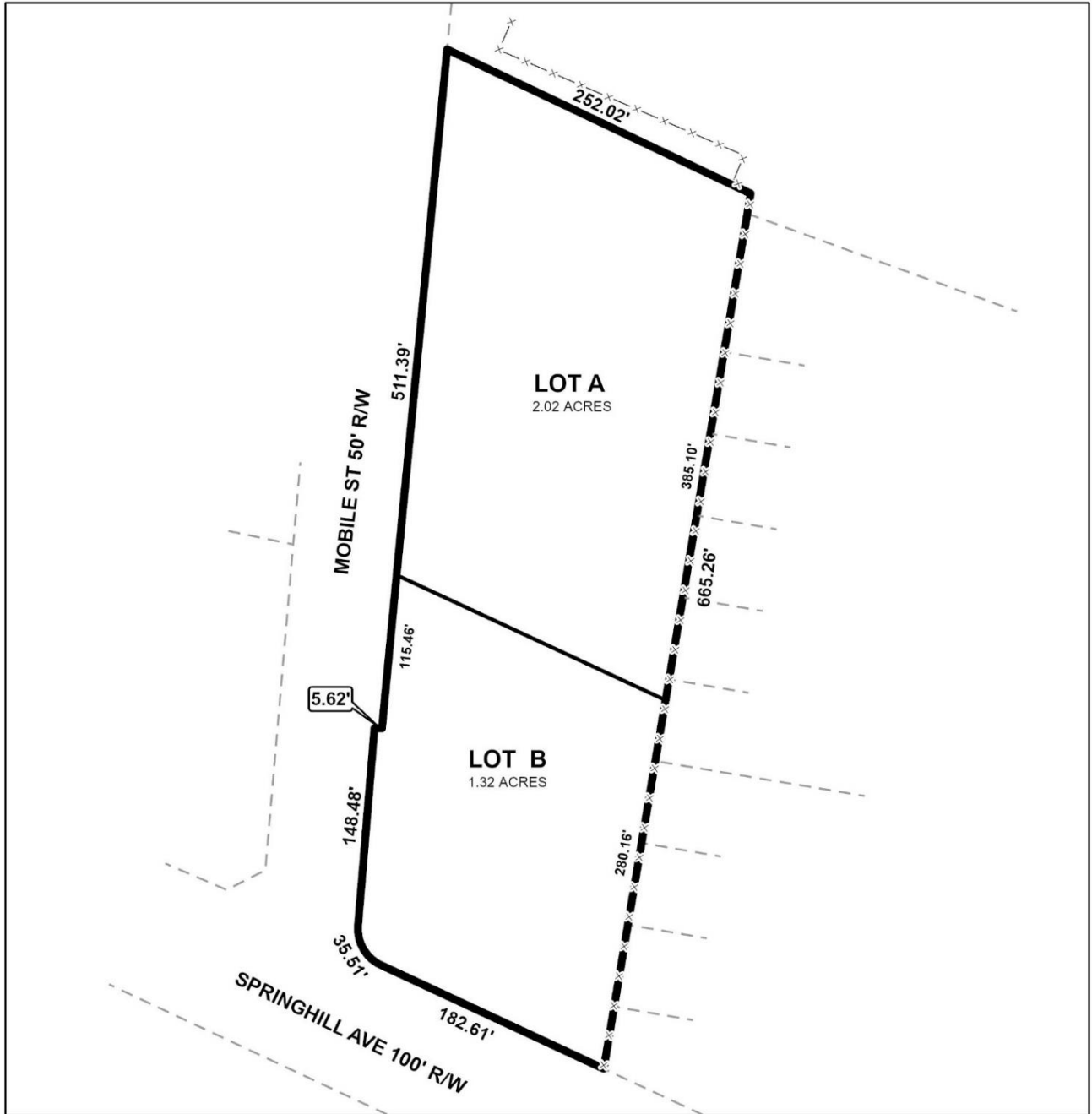
SITE PLAN



The site plan illustrates the existing buildings, tracts, and parking.

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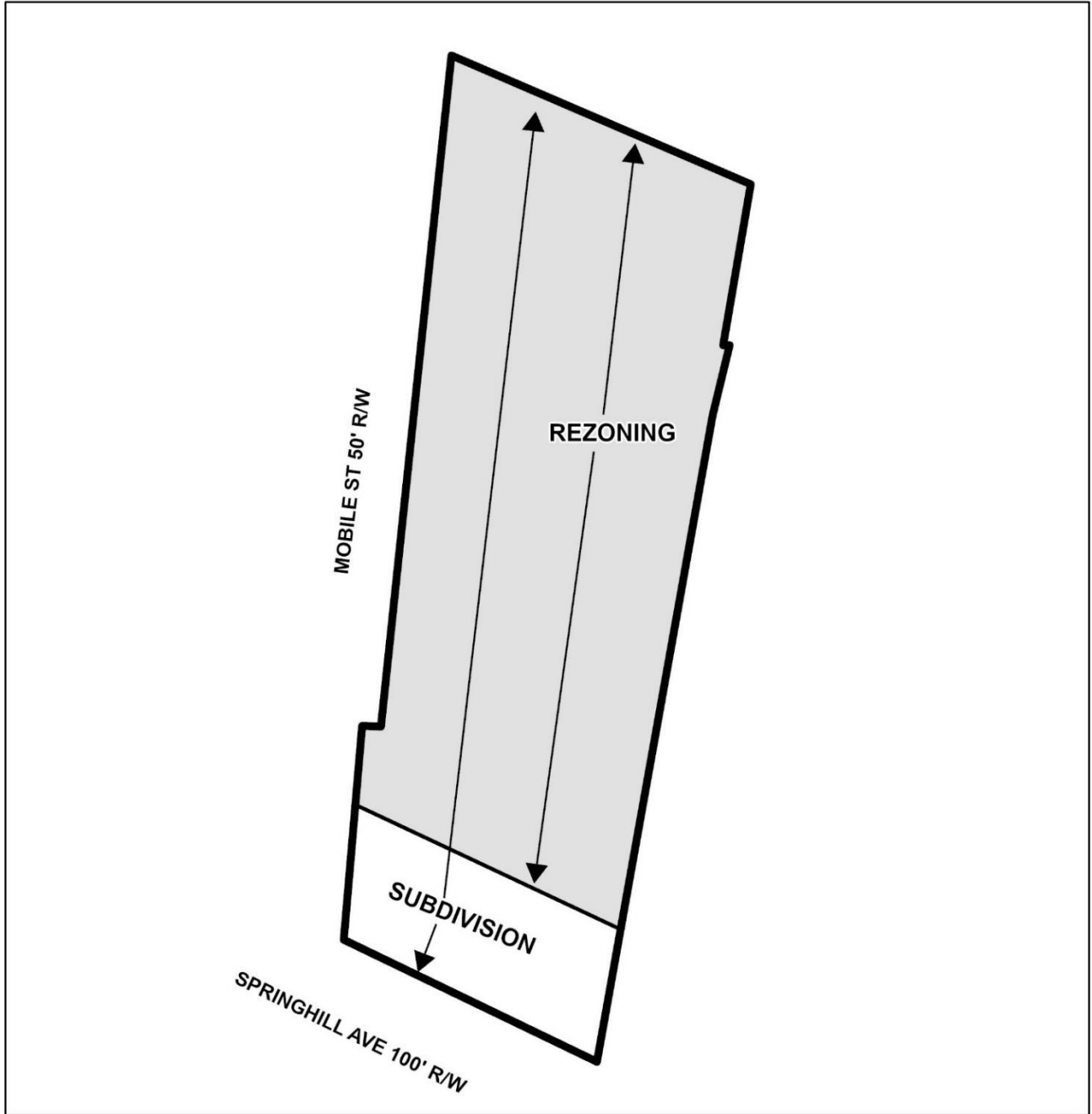
DETAIL SITE PLAN



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DETAIL SITE PLAN



APPLICATION NUMBER <u>5</u> DATE <u>October 5, 2023</u>
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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 (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)

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.).