



## Agenda Item # 6

### SUB-002664-2023 & ZON-UDC-002665-2023

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:**

4305 and 4315 Halls Mill Road

**Subdivision Name:**

Kitchens – Persons Subdivision

**Applicant / Agent:**

Kari Givens, Byrd Surveying, Inc.

**Property Owner:**

Leigh K. Mello and Persons Development & Construction Services, LLC

**Current Zoning:**

B-3, Community Business Suburban District, and I-1, Light Industry District

**Proposed Zoning:**

I-1, Light Industry District

**Future Land Use:**

Light Industry

**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 I-1 to I-1
- **Note:**  
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 ten (10) conditions; and
2. Rezoning with three (3) conditions.

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## SITE HISTORY

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The subject site was assigned R-A, Residential-Agricultural zoning with the adoption of the Zoning Ordinance in 1967. In 1973, the Eastern portion of the site was granted a Use Variance to allow home sales. In 1974, a Use Variance was granted for that portion to operate as an office building for an electrical contractor. In 1978, a Use Variance was denied for the Western portion of the site to be developed as a business for telephone communications.

The Western portion of the site was rezoned from R-A to I-1, Light Industry, in 1979. The Eastern portion of the site was rezoned from R-A to B-3, Community Business, in 1980.

In 2005, the Commission approved Landmark Industrial Park Subdivision, Unit Three, Phase 1, and the Western portion of the site was recorded as Lot 1 of that subdivision. A Sidewalk Waiver was also approved at that time for Lot 1.

## STAFF COMMENTS

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### 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. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 23 - #86) 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 – 24,000 sf.
- C. 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.

#### 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 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:**

#### **Subdivision**

The applicant is proposing a two (2)-lot subdivision consisting of one (1) recorded lot of record, and one (1) existing metes-and-bounds parcel. The preliminary plat indicates that the existing common internal property line is to be relocated thirty (30) feet to the East to enlarge the recorded lot (Lot 1, Landmark Industrial Park Subdivision, Unit Three, Phase 1). Both proposed lots would exceed the minimum area requirements of the Subdivision Regulations and the Unified Development Code for the respective zoning districts. If approved, 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.

The site has frontage on Halls Mill Road, a minor arterial street with a required 70-foot right-of-way. The preliminary plat indicates a current varying right-of-way width, with proposed dedication to provide a compliant 35 feet from the centerline of Halls Mill Road along the site frontage.

As on the preliminary plat the 25-foot minimum building setback line along Halls Mill Road from the dedicated right-of-way should be retained on the Final Plat, if approved.

The plat indicates a drainage easement along the South end of proposed Lot 1. Therefore, a note should be placed on the Final Plat stating that no structures are allowed in any easement without permission of the easement holder.

Lot 1, Landmark Industrial Park Subdivision, Unit Three, Phase 1 is currently zoned I-1, Light Industry, and the adjacent metes-and-bounds parcel is currently zoned B-3, Community Business Suburban. As proposed Lot 1 would incorporate 30 feet of the existing metes-and-bounds parcel which is zoned B-3, the proposed rezoning from B-3 and I-1 to I-1 for proposed Lot 1 should be completed to eliminate split zoning before the Final Plat can be signed.

It should also be noted that due to the expansion of the existing lot and the proposed new construction, a new Sidewalk Waiver request will be required, or sidewalk provided.

### **Rezoning**

With the proposed subdivision, a split-zoned situation would occur. In order to eliminate split zoning, the applicant proposes to rezone the proposed Lot 1 from B-3 and I-1 to I-1. In this instance, the subdivision of land makes reclassification necessary and desirable to eliminate split zoning. The proposed I-1 classification would be in keeping with the Future Land Use Map I-1 Light Industry classification for the site. The Rezoning process should be completed prior to signing the Final Plat for the proposed subdivision.

## **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. Completion of the Rezoning process from B-3 and I-1 to I-1 for proposed Lot 1 prior to signing the Final Plat;
2. 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;
3. Dedication to provide 35 feet from the centerline of Halls Mill Road along the site frontage;
4. Retention of the 25-foot minimum building setback line along Halls Mill Road as measured from the dedicated right-of-way;
5. Placement of a note on the Final Plat stating that no structures are allowed in any easement without permission of the easement holder;
6. Provision of a sidewalk along Halls Mill Road at time of new construction/expansion, or submission of a Sidewalk Waiver for the lot;
7. Compliance with all Engineering comments noted in this staff report;

8. Placement of a note on the Final Plat stating all Traffic Engineering comments noted in this staff report;
9. Compliance with all Urban Forestry comments noted in this staff report; and,
10. Compliance with all Fire Department comments noted in this staff report.

## REZONING CONSIDERATIONS

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### 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 with 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.

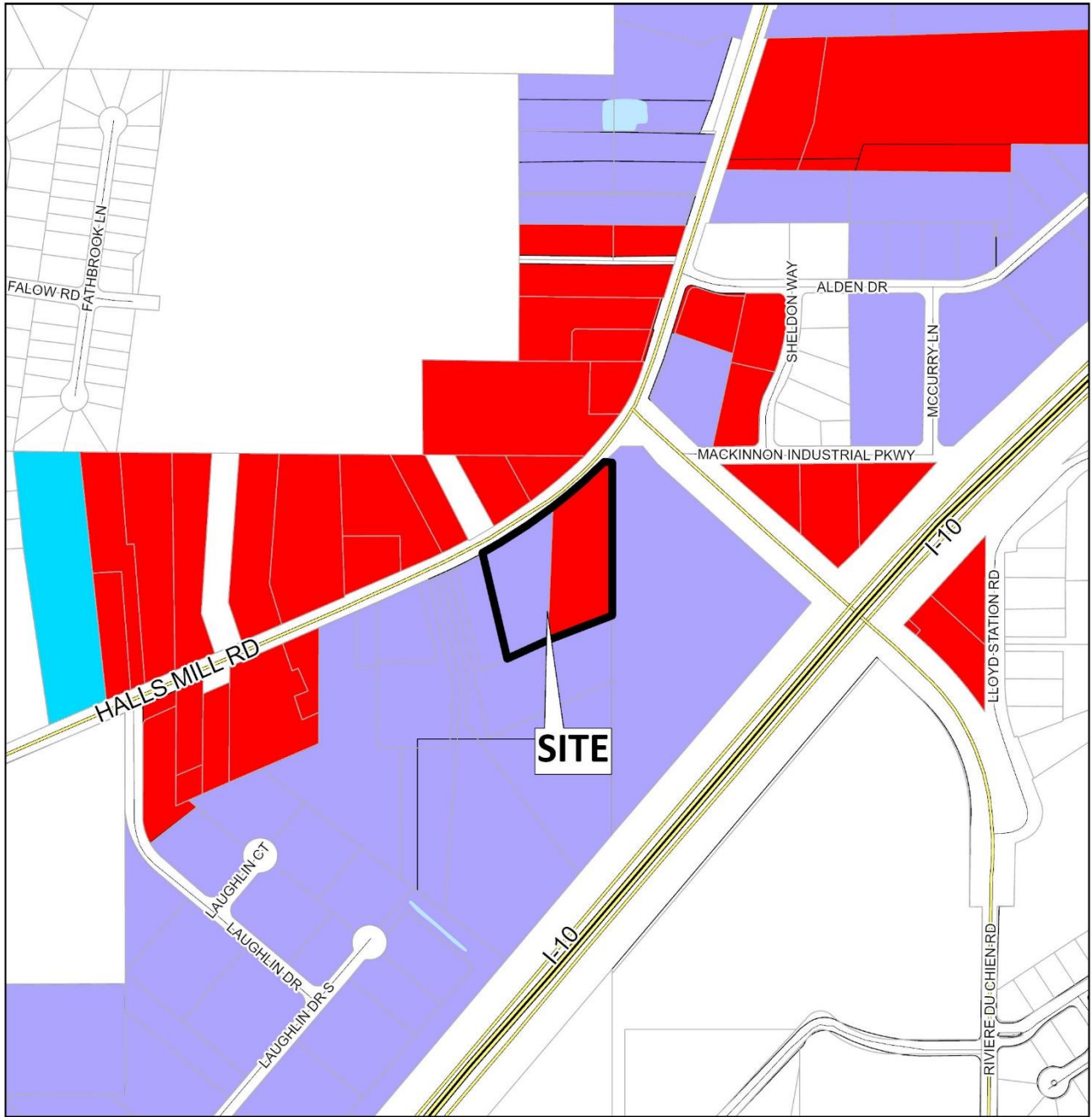
The applicant's responses to address the above criteria are available in the link on page one (1).

### 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 for proposed Kitchens-Persons Subdivision;
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.

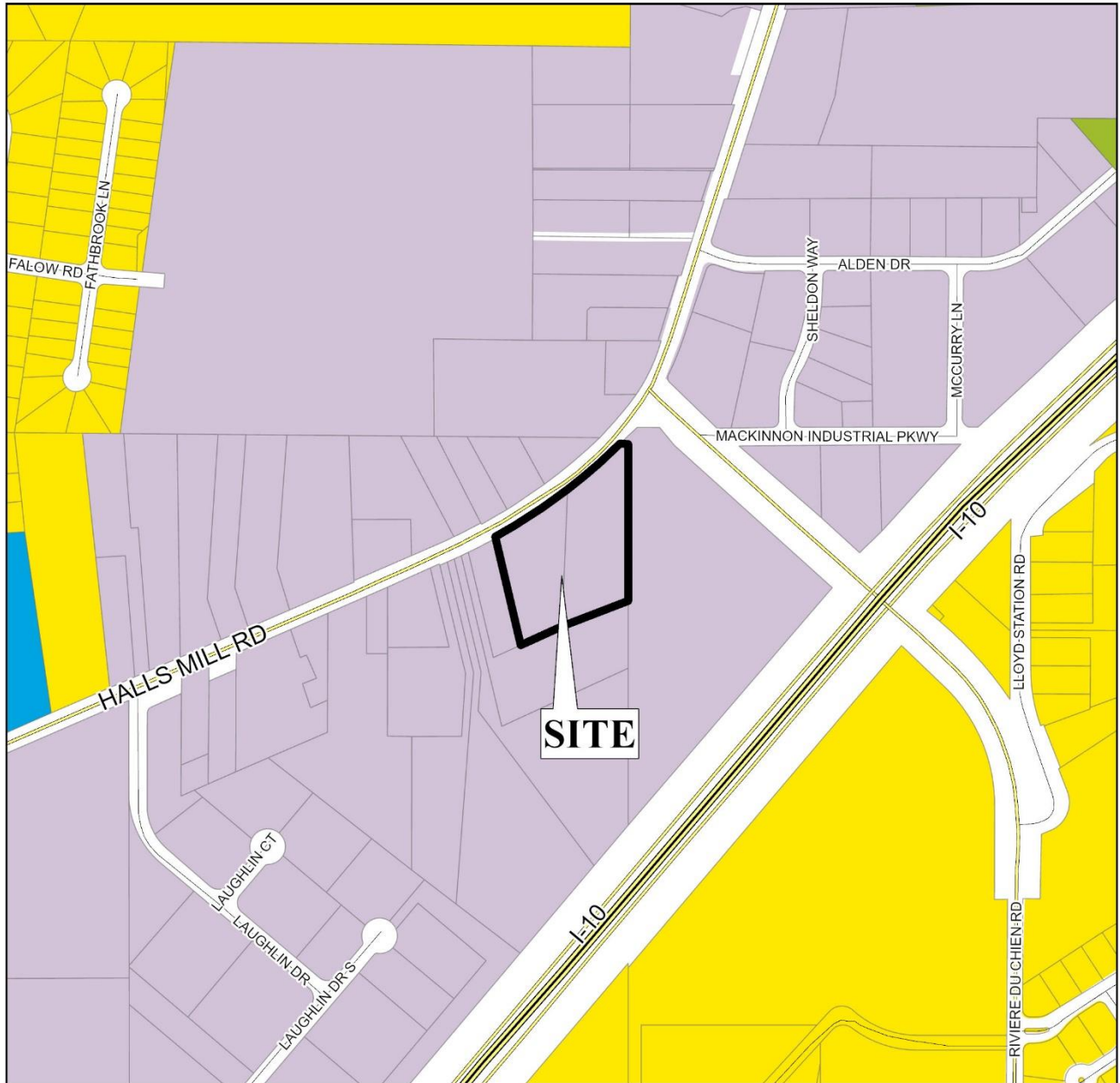
# LOCATOR ZONING MAP



APPLICATION NUMBER _____ 6 _____	DATE _____ November 2, 2023 _____
APPLICANT _____ Kitchens-Persons Subdivision _____	
REQUEST _____ Subdivision, and Rezoning from I-1 and B-3 to I-1 _____	



# FLUM LOCATOR MAP



APPLICATION NUMBER 6 DATE November 2, 2023

APPLICANT Kitchens-Persons Subdivision

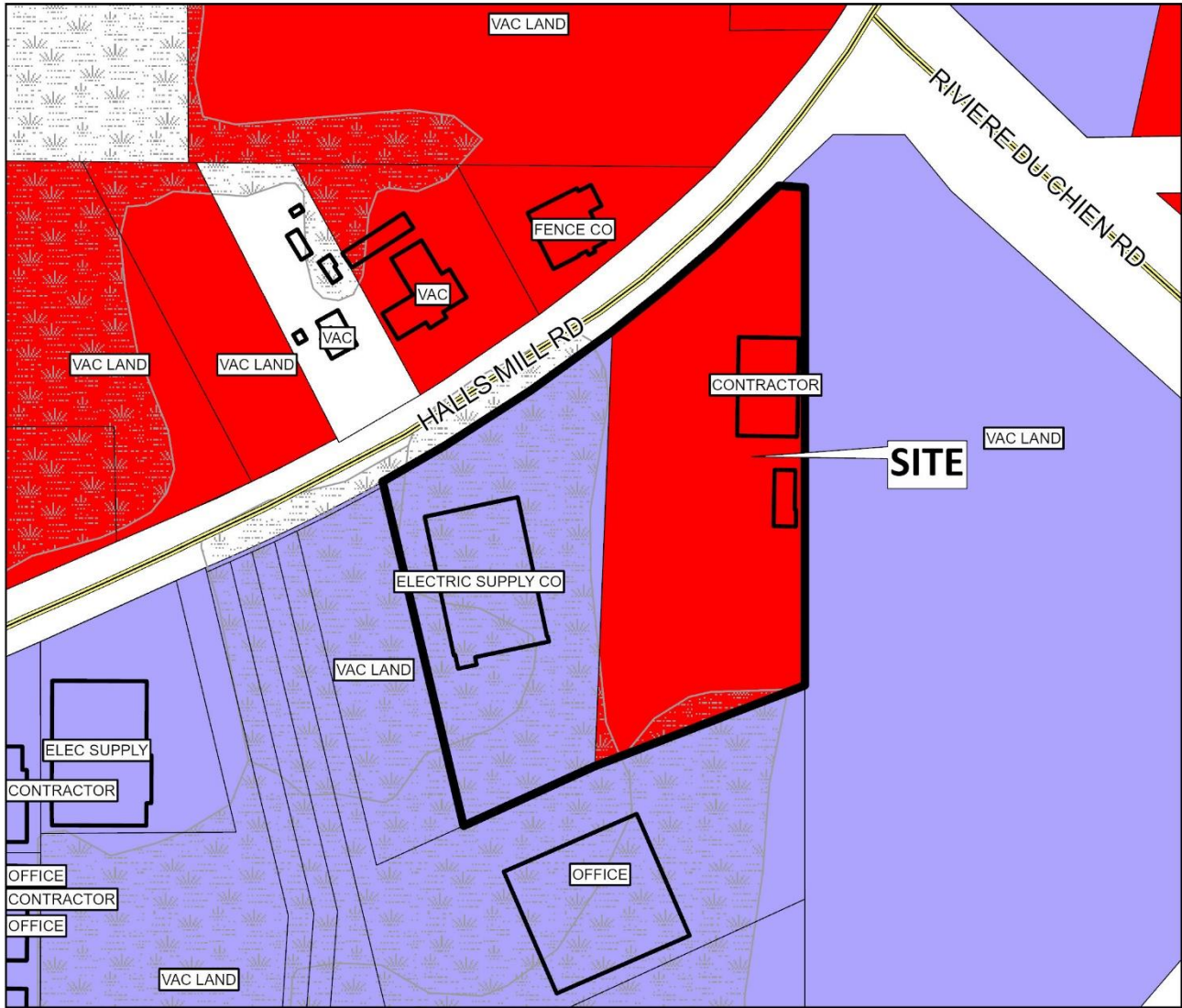
REQUEST Subdivision, and Rezoning from I-1 and B-3 to I-1

- |                           |                                   |                     |                    |
|---------------------------|-----------------------------------|---------------------|--------------------|
| 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       |                    |





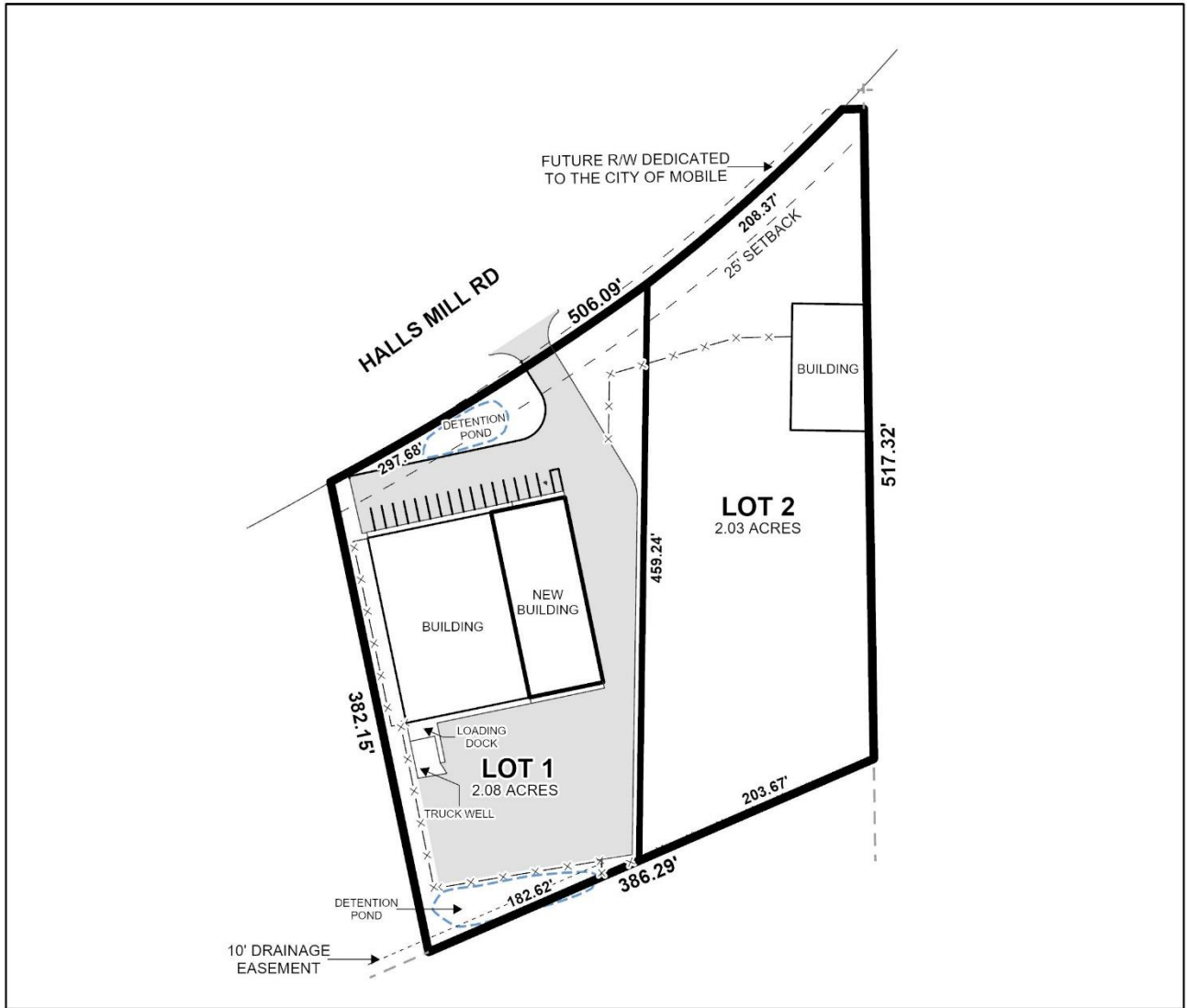
# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING




The site is surrounded by commercial and industrial units.

APPLICATION NUMBER <u>        6        </u> DATE <u>November 2, 2023</u>																															
APPLICANT <u>Kitchens-Persons Subdivision</u>																															
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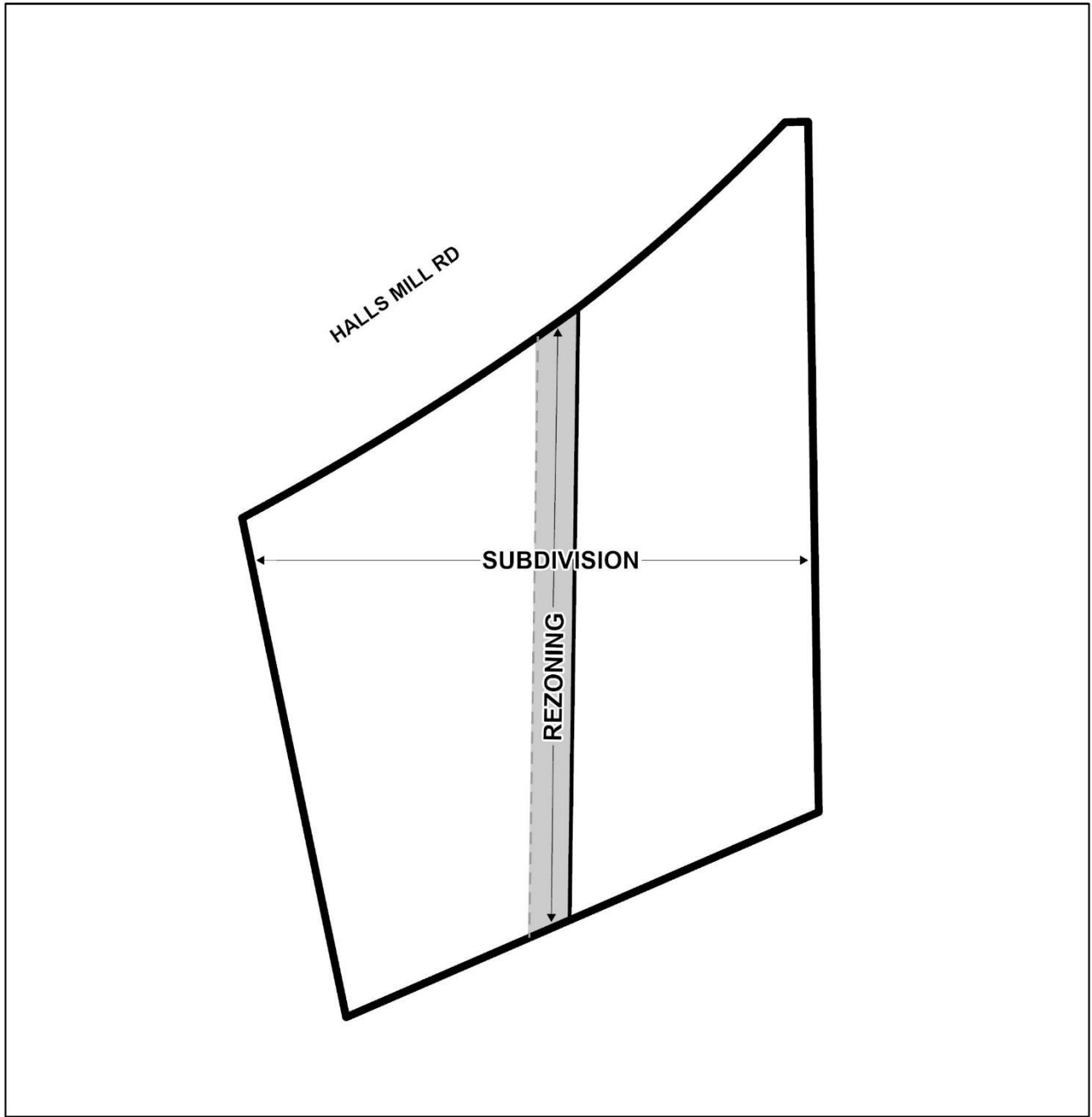
# SITE PLAN



The site plan illustrates the proposed lots,  
existing buildings, new buildings, ponds, and setbacks

APPLICATION NUMBER <u>        6        </u> DATE <u>  November 2, 2023  </u>	
APPLICANT <u>                    Kitchens-Persons Subdivision                    </u>	
REQUEST <u>          Subdivision, and Rezoning from I-1 and B-3 to I-1          </u>	

# DETAIL SITE PLAN



APPLICATION NUMBER _____ 6 _____	DATE _____ November 2, 2023 _____
APPLICANT _____ Kitchens-Persons Subdivision _____	
REQUEST _____ Subdivision, and Rezoning from I-1 and B-3 to I-1 _____	



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)

## LIGHT INDUSTRY (LI)

This land use designation applies to an array of modern, low-impact industrial uses that include assembly and processing, warehousing, distribution and wholesaling facilities. The bulk of the light industrial use must be contained within a building or facility. If a light industrial use requires outside storage, the storage must be limited in area and appropriately screened from view in accordance to specific zoning requirements. This designation may also include uses such as complementary offices and retail.

LI also includes areas that may be regarded as “industrial business”, where the land uses include business administration and logistics operations for industrial concerns, building trade contractors facilities and advance research facilities, as well as stand-alone educational, scientific and industrial research facilities, or any combination of those facilities located in light industrial and technology parks. Many parcels used for industrial business are smaller and scattered throughout Mobile. For this reason, these parcels are not singled out in the FLUM, but rather are addressed through zoning.

Light industrial uses are characterized by attractive, accessible and connected development, compatible with the character of surrounding neighborhoods. Development may take the form of planned campuses in park-like settings or unified design corridors, with consideration to factors such as site and building orientation, building design, landscaping and buffering, lighting, continuity of pedestrian networks, access and connectivity to transit and to freight transportation.

Heavy commercial and, in some cases, high-density residential land uses may serve as transitions between LI and other, lower-intensity land use designations. Protection buffers may also be required by zoning.