

**SUBDIVISION, &  
ZONING AMENDMENT STAFF REPORT****Date: January 5, 2023**

**NAME** Persons Development & Construction Services, LLC  
(Buddy Persons, Agent)

**SUBDIVISION NAME** Persons Service Subdivision

**LOCATION** 4701 Halls Mill Road  
(South side of Halls Mill Road, 246'± East of Rochelle Street).

**CITY COUNCIL  
DISTRICT** District 4

**PRESENT ZONING** R-1, Single Family Residential District

**PROPOSED ZONING** I-1, Light Industry District

**AREA OF PROPERTY** 2 Lots / 34.4± Acres

**CONTEMPLATED USE** Subdivision approval to create two (2) legal lots of record from one (1) metes-and-bounds parcel; and Rezoning from R-1, Single Family Residential District, to I-1, Light Industry 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 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 the MFFE (Minimum Finished Floor Elevation) on each lot that contains an A, AE, or X (shaded) flood zone designation. BFE = 11.
- D. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 22 - #92) LOTS 1 and 2 will share the historical credit of existing (1984) impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control. The lots will be allowed to add the following amount of impervious area before storm water detention is required: LOT 1 – NONE, LOT 2 – NONE.
- 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. 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. A 25' riparian buffer may be required, during development, along the edge of anything considered by ADEM to be a water of the state.
- 5. 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.
- 6. 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.
- 7. 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, should 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 two (2) legal lots of record from one (1) metes-and-bounds parcel; and Rezoning from R-1, Single Family Residential District, to I-1, Light Industry District.

The site has been given a Parks and Open Space (POS) land use designation, per the Future Land Use Plan and Map, adopted on May 18, 2017 by the Planning Commission. 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 applies to parkland maintained in a natural, semi-natural state, or developed with facilities and set aside for human enjoyment and recreation or for the protection of wildlife or natural habitats. Parks may include squares, playgrounds, playfields, gardens, greens, greenways and blueways, and other recreational areas and facilities that are accessible to the public. Open space may include any open piece of land, publicly or privately held, that is undeveloped (has no buildings or other built structures). This designation is not intended to identify public land acquisition or to prohibit the development potential of individual properties.

The designation applies to all existing and future parks and open space within the City, including both active and passive uses. Open space, including public access to water bodies, is generally consistent with all other land use categories, i.e., a park can be located within any other land use category, either incidental to a development or as part of a publicly-owned or publicly-sponsored local, community or regional park. Therefore, a Parks and Open Space designation is deemed consistent with all land use categories in the Future Land Use Map.

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 Halls Mill Road, a minor arterial street without curb and gutter, and an existing right-of-way that varies, therefore, if approved, dedication to provide 35-feet to the centerline may be appropriate.

The plat does not indicate the required 25-foot minimum building setback line along Halls Mill Road, which should be depicted, adjusted for any dedication, if approved.

The lot sizes are labeled on the preliminary plat in square feet and acres, and should be retained on the Final Plat, adjusted for any dedication, or a table should be furnished on the Final Plat providing the same information, if approved.

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

The applicant submitted the following concerning the Rezoning:

*The purpose of this application is to request a zoning change for the subject property currently zoned R-1 Residential. The owner is proposing warehouses to be constructed on the property requiring I-1 Light Industrial zoning. This area of Halls Mill Road has been shifting from residential to Industrial and Business properties for the past several years. The remaining Residential zoned properties are gradually being vacated and sold for commercial use. It is for this reason we believe a zoning change to I-1 is in keeping with the trend in this area.*

The property is bounded to the East by I-1, Light Industry District and R-1, Single-Family Residential District; to the West by B-1, Buffer Business District, B-2, Neighborhood Business District, and I-1; to the South, by R-1; and to the North, by B-3, Community Business District, R-1, and I-1.

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.

Section 64-9.A.2.a. of the Zoning Ordinance states that a newly proposed I-1 district should contain at least four (4) acres of land. The subject is 34.4± acres, and abuts existing I-1 properties.

The applicant states that changing conditions in the area make the proposed rezoning necessary and desirable. There have been several rezoning applications along this segment of Halls Mill Road to I-1 and I-2 approved by the Planning Commission in the past year, supporting this. Based on the size of the property, and changing conditions in the area, the proposed rezoning may be appropriate.

## **RECOMMENDATION**

**Subdivision:** Based upon the preceding, this application is recommended for Tentative Approval, subject to the following conditions:

- 1) dedication to provide a minimum of 35-feet to the centerline of Halls Mill Road;
- 2) depiction of the 25-foot minimum building setback line along Halls Mill Road, adjusted for dedication;
- 3) retention of the lot size label in both square feet and acres, or the furnishing of a table on the Final Plat providing the same information, adjusted for dedication;
- 4) compliance with the Engineering comments: (*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 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 the MFFE (Minimum Finished Floor Elevation) on each lot that contains an A, AE, or X (shaded) flood zone designation. BFE = 11. D) Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 22 - #92) LOTS 1 and 2 will share the historical credit of existing (1984) impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control). The lots will be allowed to add the following amount of impervious area before storm water detention is required: LOT 1 – NONE, LOT 2 – NONE. 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) 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.*);

- 5) placement of a note on the Final Plat stating the 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, should meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.*);
- 6) compliance with the 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.*); and
- 7) compliance with the 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.*).

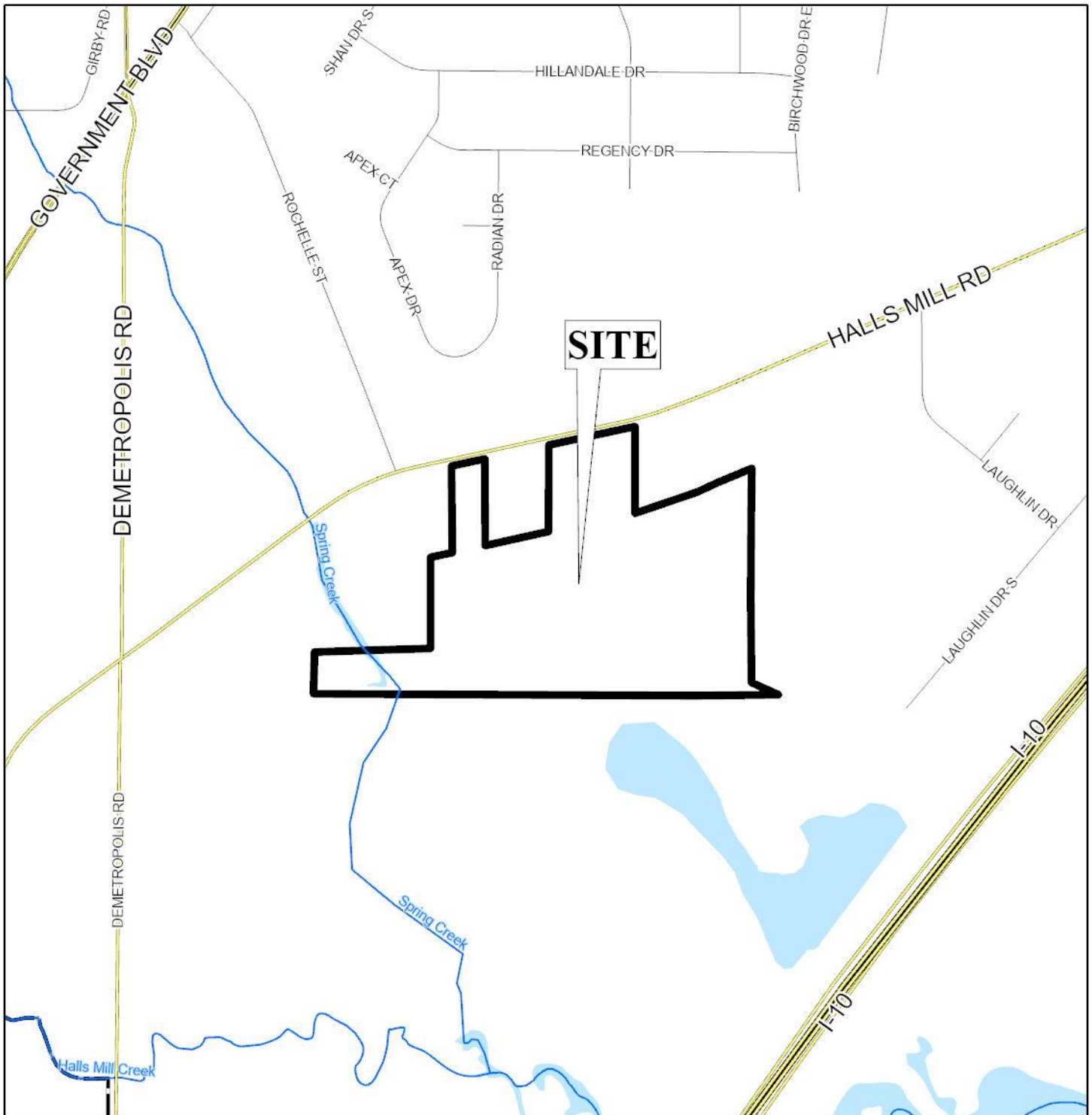
**Rezoning:** Based on the preceding, this application is recommended for Approval for the following reasons:

- a) changing conditions in a particular area make a change in the Ordinance necessary and desirable

The approval should be subject to the following conditions:

- 1) completion of the Subdivision process; and
- 2) full compliance with all municipal codes and ordinances.

# LOCATOR MAP



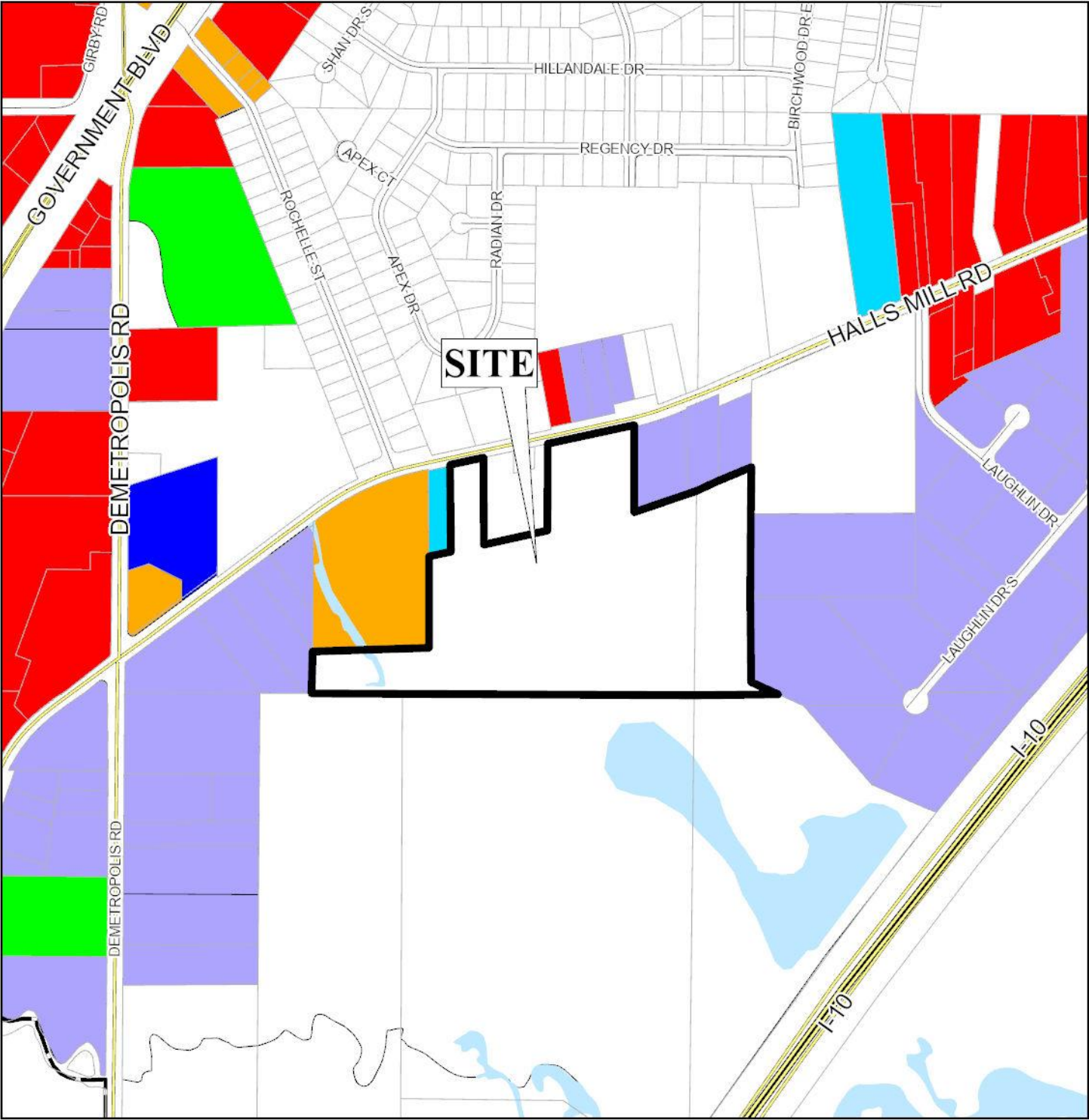
APPLICATION NUMBER 6 DATE January 5, 2023

APPLICANT Persons Service Subdivision

REQUEST Subdivision, Rezoning from R-1 to I-1



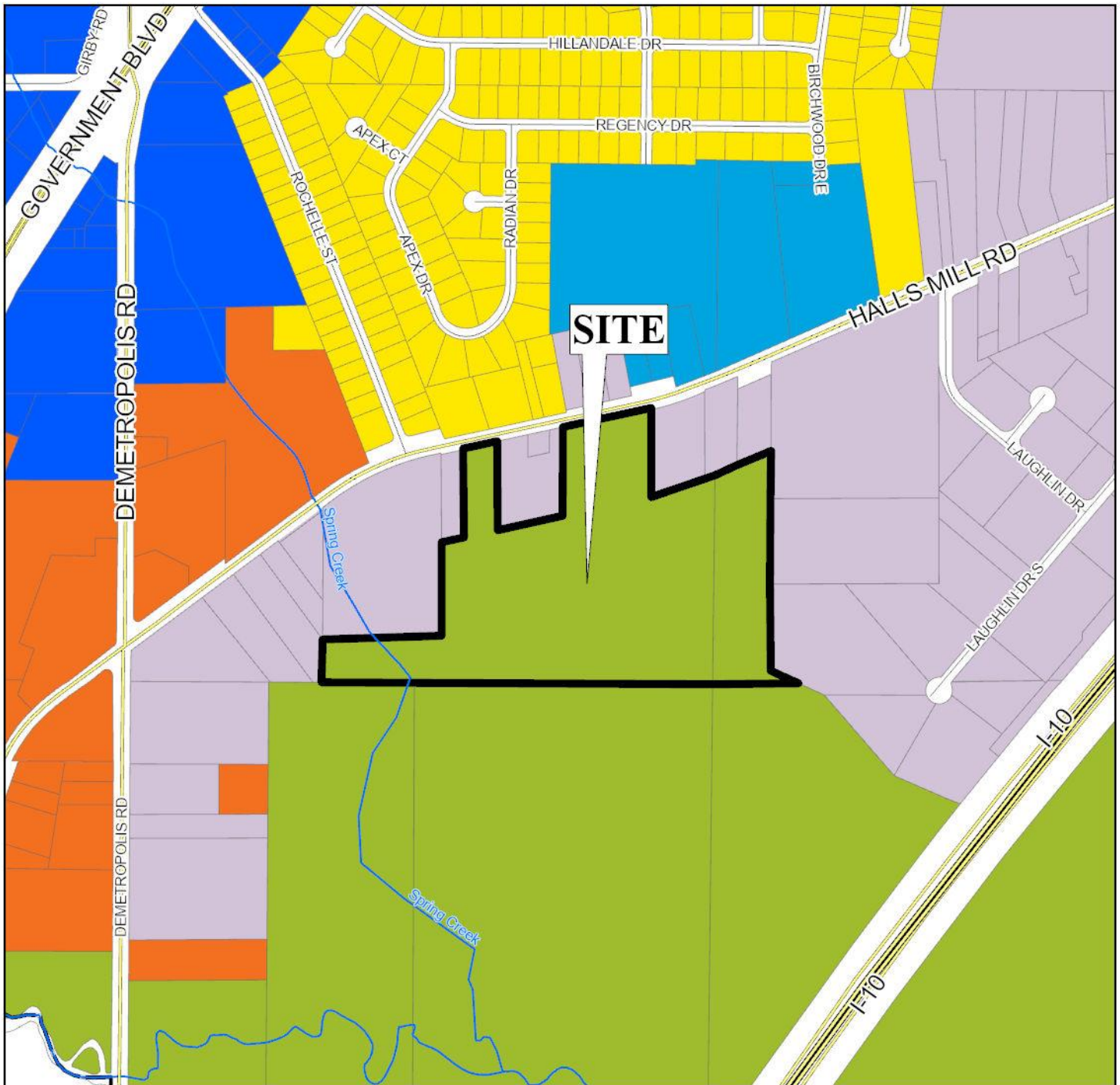
# LOCATOR ZONING MAP



APPLICATION NUMBER 6 DATE January 5, 2023  
APPLICANT Persons Service Subdivision  
REQUEST Subdivision, Rezoning from R-1 to I-1



# FLUM LOCATOR MAP



APPLICATION NUMBER 6 DATE January 5, 2023

APPLICANT Persons Service Subdivision

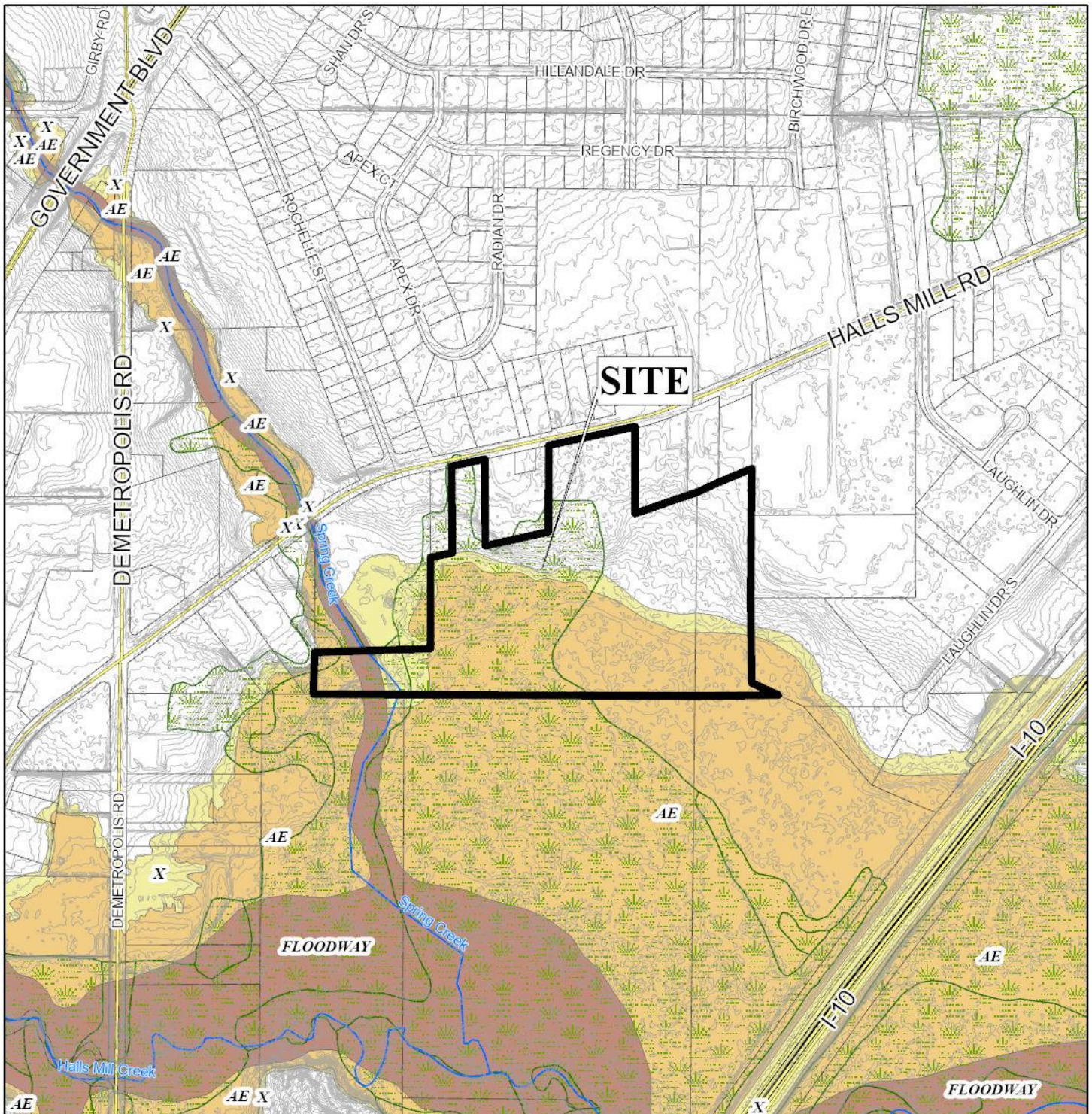
REQUEST Subdivision, Rezoning from R-1 to I-1

Layer2

- |  |   |  |  |
|--|---|--|--|
| <span style="display: inline-block; width: 10px; height: 10px; background-color: yellow; border: 1px solid black;"></span> Low Density Residential           | <span style="display: inline-block; width: 10px; height: 10px; background-color: red; border: 1px solid black;"></span> District Center                     | <span style="display: inline-block; width: 10px; height: 10px; background-color: pink; border: 1px solid black;"></span> Traditional Corridor      | <span style="display: inline-block; width: 10px; height: 10px; background-color: purple; border: 1px solid black;"></span> Heavy Industry    |
| <span style="display: inline-block; width: 10px; height: 10px; background-color: orange; border: 1px solid black;"></span> Mixed Density Residential         | <span style="display: inline-block; width: 10px; height: 10px; background-color: brown; border: 1px solid black;"></span> Neighborhood Center - Traditional | <span style="display: inline-block; width: 10px; height: 10px; background-color: blue; border: 1px solid black;"></span> Mixed Commercial Corridor | <span style="display: inline-block; width: 10px; height: 10px; background-color: lightblue; border: 1px solid black;"></span> Institutional  |
| <span style="display: inline-block; width: 10px; height: 10px; background-color: lightblue; border: 1px solid black;"></span> Neighborhood Center - Suburban | <span style="display: inline-block; width: 10px; height: 10px; background-color: lightgrey; border: 1px solid black;"></span> Downtown Waterfront           | <span style="display: inline-block; width: 10px; height: 10px; background-color: green; border: 1px solid black;"></span> Parks & Open Space       | <span style="display: inline-block; width: 10px; height: 10px; background-color: darkblue; border: 1px solid black;"></span> Water Dependent |
|  | <span style="display: inline-block; width: 10px; height: 10px; background-color: lightgrey; border: 1px solid black;"></span> Light Industry                |  |  |



# ENVIRONMENTAL LOCATOR MAP



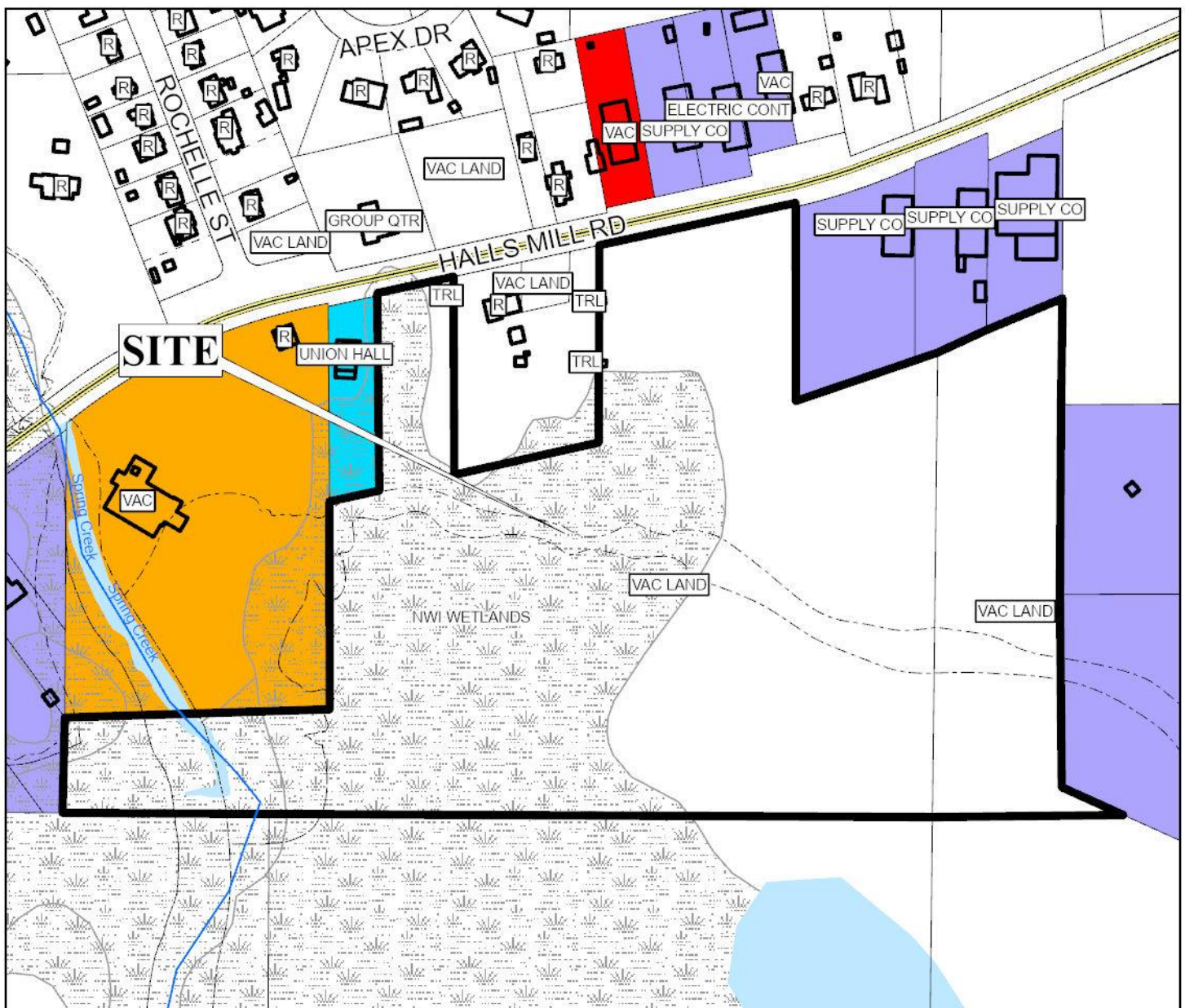
APPLICATION NUMBER 6 DATE January 5, 2023

APPLICANT Persons Service Subdivision

REQUEST Subdivision, Rezoning from R-1 to I-1



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential and industrial units.

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REQUEST Subdivision, Rezoning from R-1 to I-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 residential and industrial units.

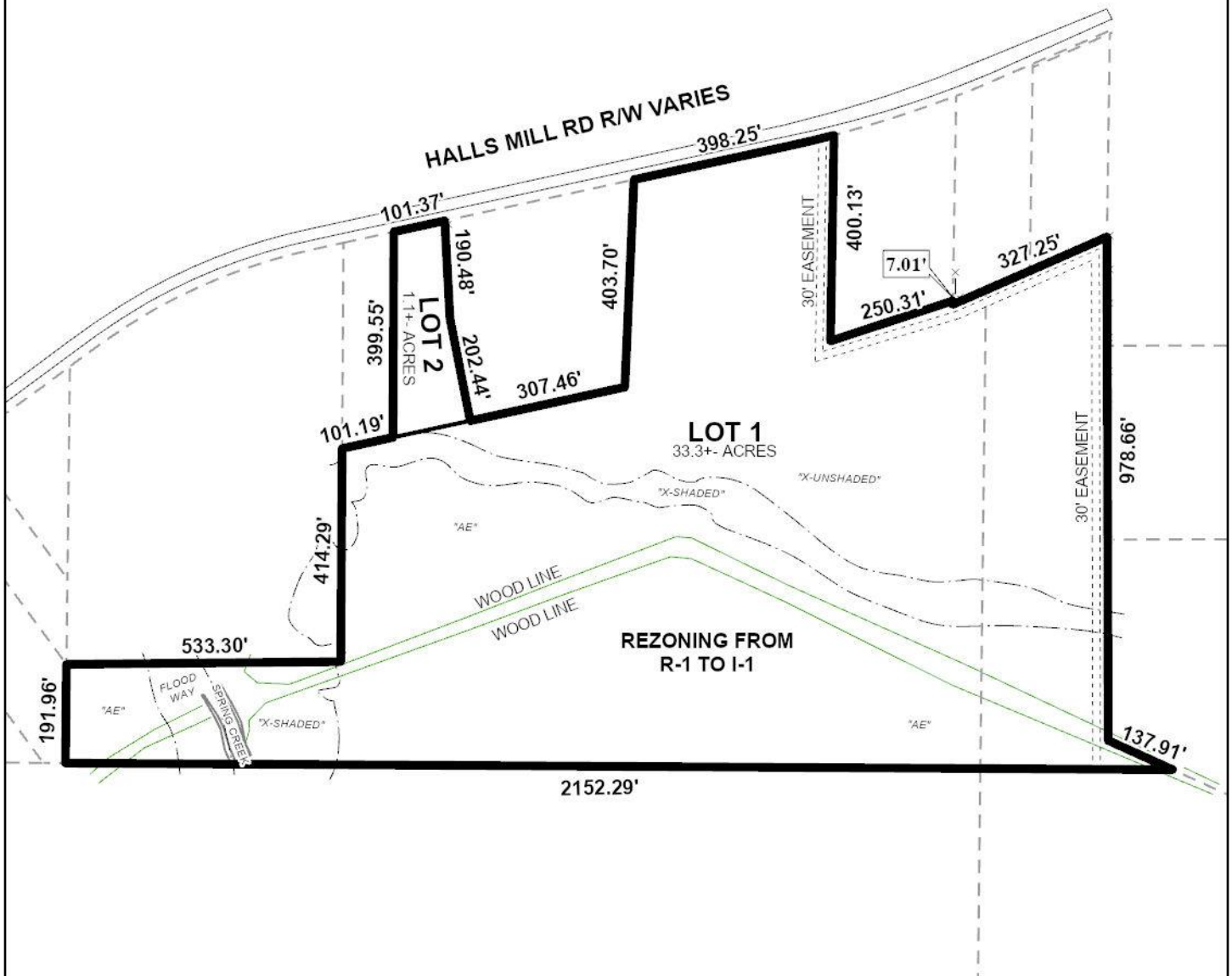
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REQUEST Subdivision, Rezoning from R-1 to I-1



# SITE PLAN



The site plan illustrates the proposed lots, easements, and wood line.

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REQUEST Subdivision, Rezoning from R-1 to I-1



