

**SUBDIVISION &  
ZONING AMENDMENT STAFF REPORT****Date: November 21, 2019****APPLICANT NAME**

Byrd Surveying, Inc.

**SUBDIVISION NAME**

Dalton-Ellison Subdivision

**LOCATION**

4213 Halls Mill Road and 4180 Alden Drive  
(East side of Halls Mill Road, 165'± North of Alden Drive,  
extending to the North side of Alden Drive, 276'± East of  
McCurry Lane).

**CITY COUNCIL  
DISTRICT**

Council District 4

**PRESENT ZONING**

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

**PROPOSED ZONING**

I-1, Light Industry District

**AREA OF PROPERTY**

2 Lots / 4.72± Acres

**CONTEMPLATED USE**

Subdivision Approval to create two (2) legal lots of record from two existing lots of record, and Rezoning from B-3, Community Business 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.**

**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 legible vicinity map.

- C. Show and label the access easement to the MAWSS parcel located within the interior of LOT B.
- D. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
- E. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 23 - #85) LOTS A & B will receive the following historical credit of impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control), as follows: LOT A – NONE; LOT B – NONE.
- F. Add a note to the SUBDIVISION PLAT stating 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.
- G. Add a note to the Plat stating 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.
- H. 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.
- I. Add a note to the plat stating that all 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 to the plat stating that all easements shall remain in effect until vacated through the proper Vacation process.
- K. Provide a copy of the FINAL SUBDIVISION PLAT and LETTER OF DECISION to the Engineering Dept. for review. No signatures are required on the drawing. Place the information for the Subdivision Plat on the PLAT Review sign-in sheet.
- L. After addressing all of the FINAL SUBDIVISION PLAT review comments provide the red-line markup, the ORIGINAL (with all other signatures) and one (1) copy of the revised original (signatures not required) of the revised Final Plat to the Engineering Department. Place the information for the Subdivision Plat on the PLAT Review sign-in sheet.

**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 Department (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**

Each lot is limited to its existing curb cuts with any changes to size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Any new 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 (State Act 2015-116 and City Code Chapters 57 and 64). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site 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.

## **TIME SCHEDULE FOR DEVELOPMENT**

None provided

## **REMARKS**

The applicant is requesting Subdivision Approval to create two (2) legal lots of record from two existing lots of record, and Rezoning from B-3, Community Business District, to I'1, Light Industry District.

The site has been given a Light Industry (LI) 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 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.

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.

It should be noted that one of the existing lots is described as Lot 2, Resubdivision of Lots 4 & 5, Lloyd’s Station Industrial Development Venture, First Addition, as recorded in Plat Book 137, Page 24, Probate Court Records, Mobile County, Alabama. That subdivision was approved by

the Commission in 2017. However, an existing recorded parcel owned by the Mobile Area Water and Sewer System which is land-locked within the boundaries of that subdivision was erroneously not accounted for and was not shown on the recorded plat. The current applications account for that parcel and it is specifically excluded in the legal description and is not part of the Subdivision or Rezoning.

Proposed Lot A has a 40' drainage easement crossing it, and proposed Lot B has a 20' roadway and sanitary sewer/water line easement extending from Alden Drive to a sewer lift station on the land-locked MAWSS parcel within that proposed lot. Therefore, a note should be required on the Final Plat stating that no structure may be constructed or placed within any easements.

The applicant proposes to create two legal lots of record from two existing legal lots of record by relocating the common internal property line between the lots. The lots are labeled with their sizes in both square feet and acres on the preliminary plat, and these labels should be retained on the Final Plat, or a table should be furnished on the Final Plat providing the same information. Both proposed lots meet the minimum lot size requirements of Section V.D.2. of the Subdivision Regulations. The applicant states that the site is served by public water and sanitary sewer services.

The site has frontage along Halls Mill Road and Alden Drive. Halls Mill Road is a collector street with a compliant 35' right-of-way from the centerline. Alden Drive is a minor street with curb and gutter and a compliant 50' right-of-way width. Therefore, no dedication would be required along either street frontage.

As on the preliminary plat, the 25' minimum building setback line should be retained on the Final Plat.

As per the Traffic Engineering comments, each lot is limited to its existing curb cuts with any changes to size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Any new on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance. A note should be required on the Final Plat stating these comments.

As stated in Section 64-9. of the Zoning Ordinance, 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.

The subject site is bordered to the North by B-3 and I-1 zoning; to the East by I-1 zoning; to the South by R-1, Single-Family Residential zoning and I-1 zoning, and by I-1 zoning across Alden Drive to the South; and by B-3 and I-1 zoning across Halls Mill Road to the West. All surrounding properties are either zoned or used commercially, except for two R-1 sites on the

South side of proposed Lot A, one of which is used as a church and one which is in residential use.

The applicant states the following to address the rational for the zoning request:

*The subdivision is comprised of 2 lots in different subdivisions. One lot fronts on Halls Mill Road and is owned by Dalton Holdings and the other lot fronts on Alden Drive and is owned by Brad Ellison. Dalton is proposing to sell the East half of his lot to Ellison which will become Lot B in the proposed subdivision.*

*The Ellison lot on Alden Drive is currently zoned I-1 and with the addition of half of the Dalton property, all of the proposed Lot B needs to be included in the Zoning application. The lots adjoining the South line of Lot B that face Alden Drive are zoned I-1, therefore the zoning of Lot B to I-1 should not have an effect on the neighborhood.*

*The West half of the Dalton property (Lot A) currently is zoned B-3, but the owner needs I-1 to allow for metal fabrication (industrial ladders, platforms, fire escapes, etc.). Other uses for I-1 property would be a piping supplier that needs a large laydown yard or equipment rental business that needs temporary outside storage of their equipment. Each of these types of businesses are currently located along this area of Halls Mill Road in a mixture of I-1 and B-3 zoning classifications, therefore a rezoning of Lot A to I-1 should not have a negative effect on the area.*

*The Rezoning of Lot A is due to the changing conditions along Halls Mill Road. This area extends from this site for 0.3 miles to the North and 0.5 miles to the South.*

*The Rezoning of Lot B is due to the need for additional property adjacent to his current location.*

The Western portion of proposed Lot B was rezoned from R-1 to B-3 to eliminate split zoning with the creation of Robert Moore Park Subdivision in 2007. There does not appear to have ever been any development on the existing B-3 portion of the over-all site. Development of the current Alden Drive site was completed in 2006 as a plumbing contractor. Given that the existing Alden Drive site was developed commercially and has been used as such, and most of the surrounding properties are zoned and developed commercially or industrially, and with all surrounding rezonings for commercial and industrial use, it seems there have been changes in the area since the site was initially zoned residentially in the 1960's. The existing and proposed uses for the over-all site would be consistent with other uses in the surrounding area and the Future land Use Map.

## **RECOMMENDATION**

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

- 1) 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;
- 2) retention of the 25' minimum building setback lines on the Final Plat;
- 3) placement of a note on the Final Plat stating that no structure may be constructed or placed within any easements;
- 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 legible vicinity map. C. Show and label the access easement to the MAWSS parcel located within the interior of LOT B. D. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. E. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 23 - #85) LOTS A & B will receive the following historical credit of impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control), as follows: LOT A – NONE; LOT B – NONE. F. Add a note to the SUBDIVISION PLAT stating 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. G. Add a note to the Plat stating 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. H. 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. I. Add a note to the plat stating that all 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 to the plat stating that all easements shall remain in effect until vacated through the proper Vacation process. K. Provide a copy of the FINAL SUBDIVISION PLAT and LETTER OF DECISION to the Engineering Dept. for review. No signatures are required on the drawing. Place the information for the Subdivision Plat on the PLAT Review sign-in sheet. L. After addressing all of the FINAL SUBDIVISION PLAT review comments provide the red-line markup, the ORIGINAL (with all other signatures) and one (1) copy of the revised original (signatures not required) of the revised Final Plat to the Engineering Department. Place the information for the Subdivision Plat on the PLAT Review sign-in sheet.];*
- 5) placement of a note on the Final Plat stating the following Traffic Engineering comments: *(Each lot is limited to its existing curb cuts with any changes to size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Any new on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.);*
- 6) compliance with 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 (State Act 2015-116 and City Code Chapters 57 and 64). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site will require a tree removal permit.]; and*

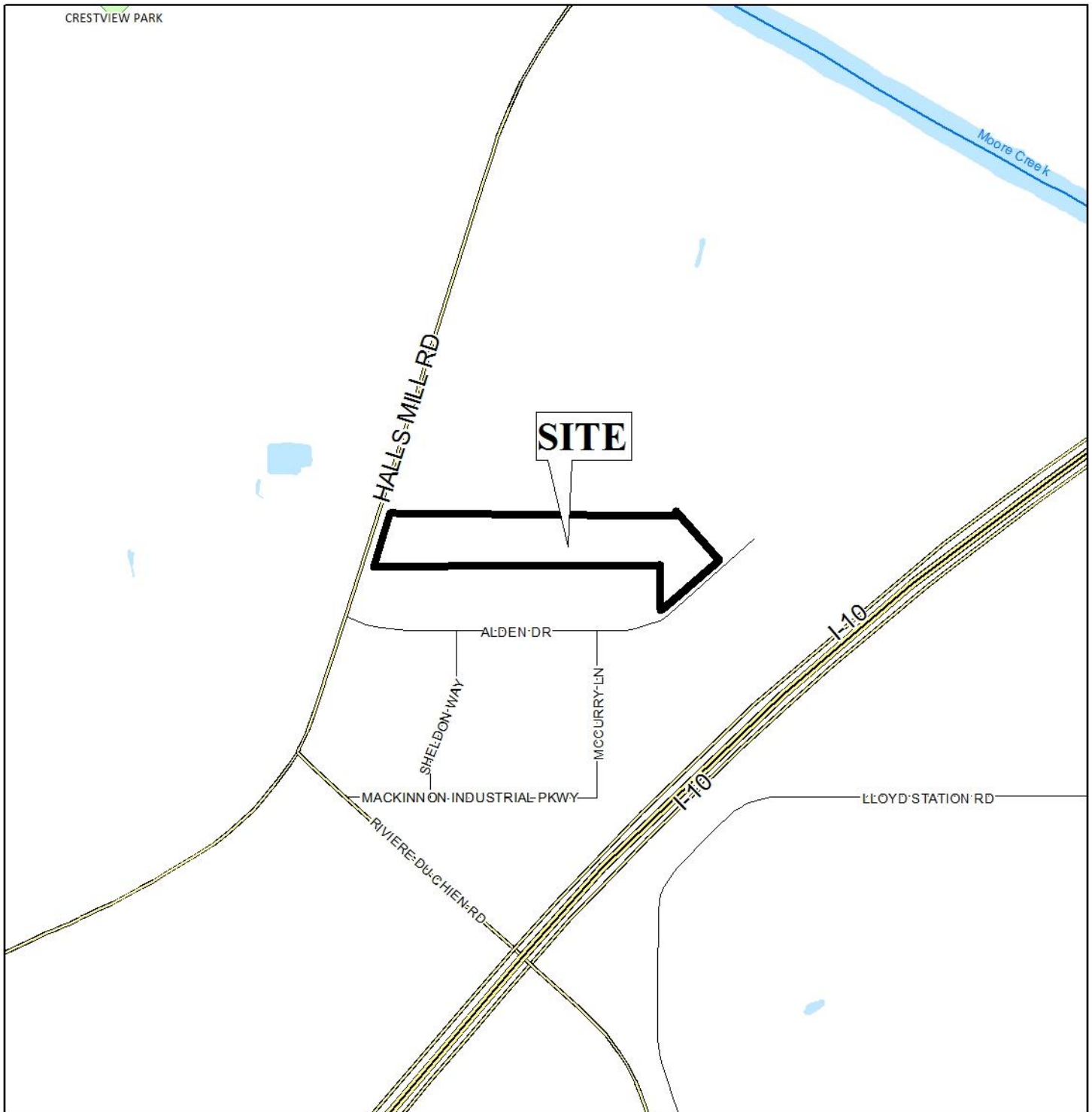
- 7) compliance with the Fire Department comments: *[All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance. (2012 International Fire Code)].*

**Rezoning:** Based upon the preceding, the application is recommended for Approval to I-1, Light Industry District, subject to the following:

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



# LOCATOR MAP



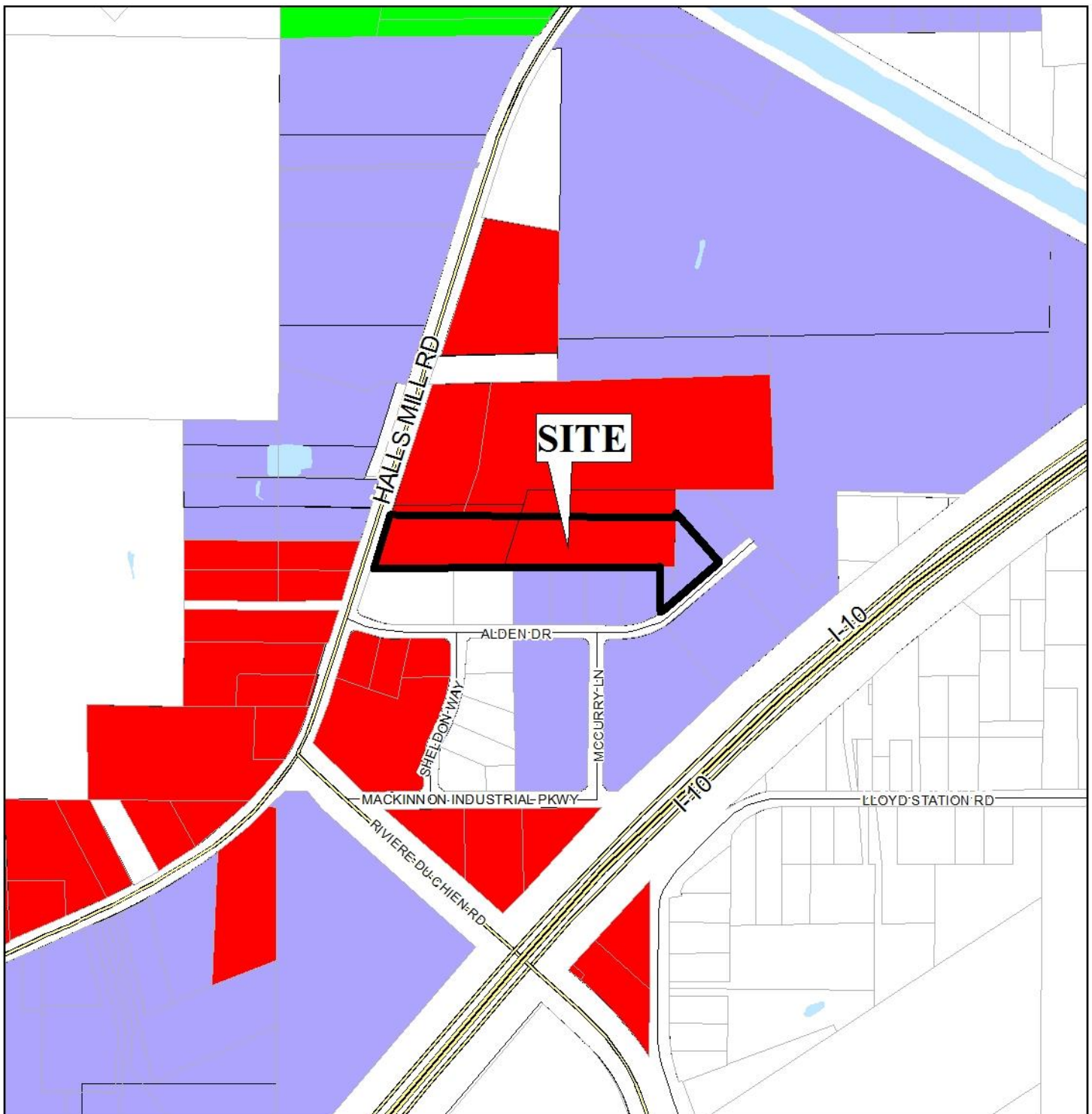
APPLICATION NUMBER 7 DATE November 21, 2019

APPLICANT Dalton-Ellison Subdivision

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



# LOCATOR ZONING MAP



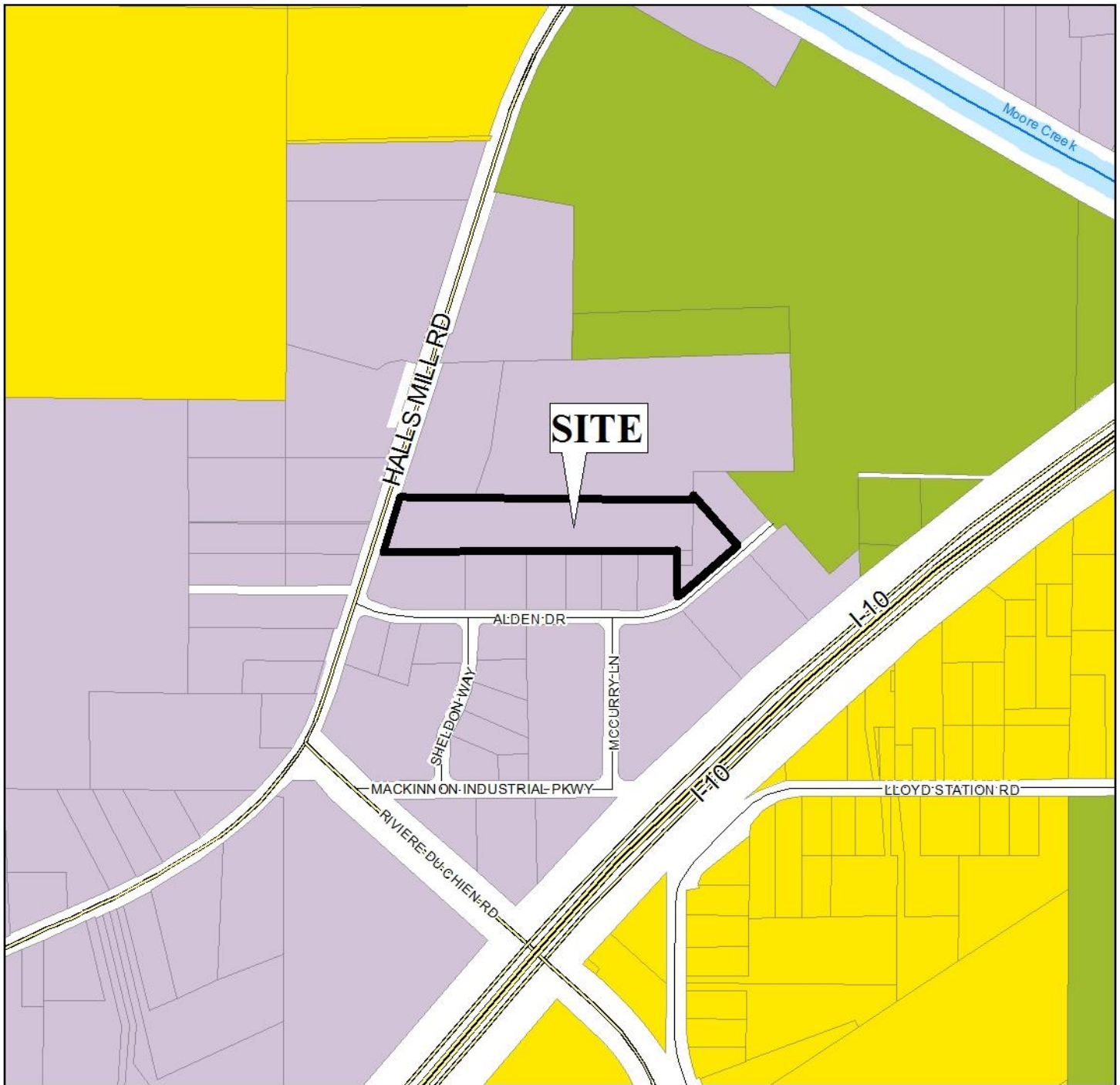
APPLICATION NUMBER 7 DATE November 21, 2019

APPLICANT Dalton-Ellison Subdivision

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



# FLUM LOCATOR MAP



APPLICATION NUMBER 7 DATE November 21, 2019

APPLICANT Dalton-Ellison Subdivision

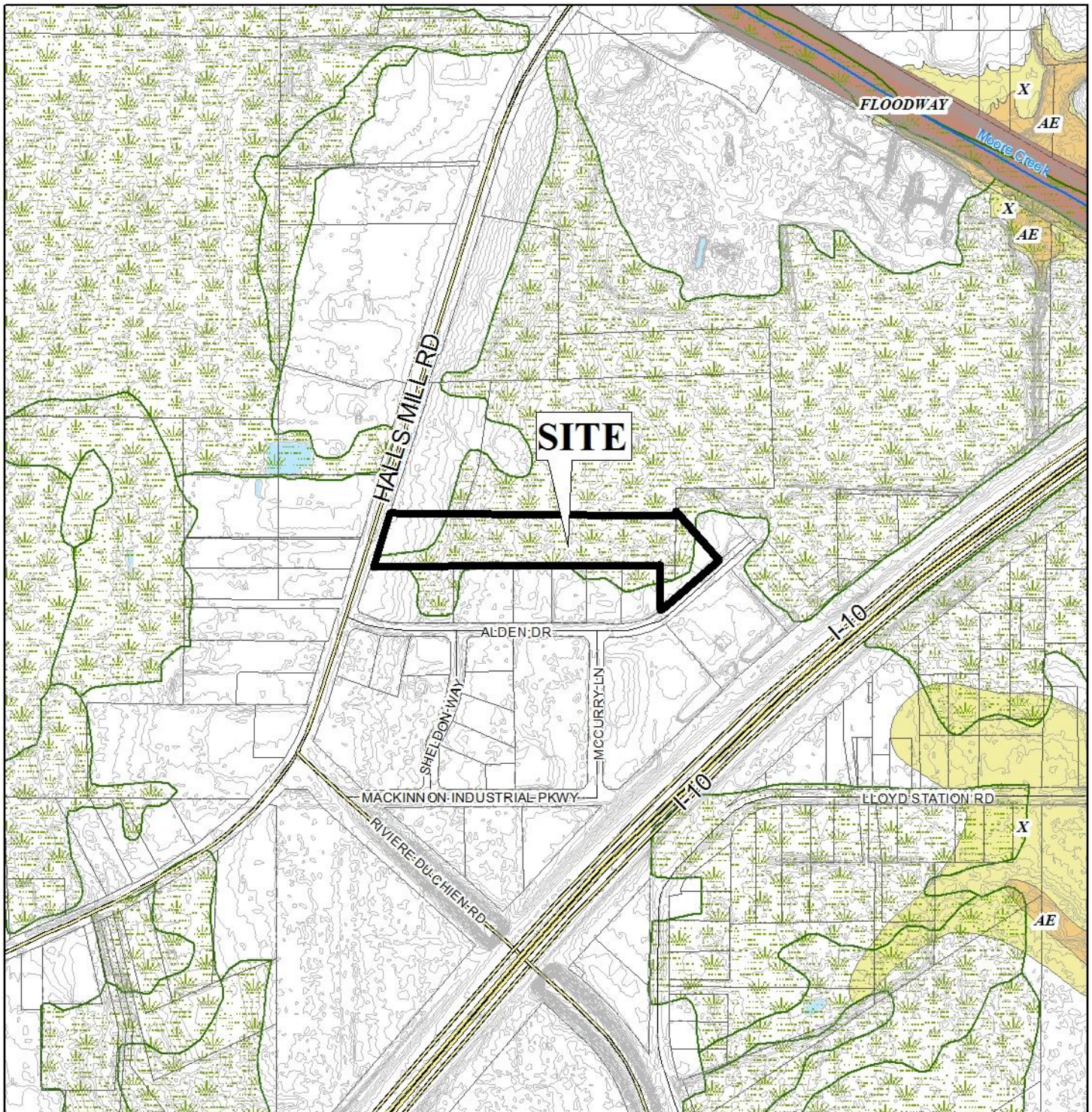
REQUEST Subdivision, Rezoning from from B-3 to I-1

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	





# ENVIRONMENTAL LOCATOR MAP

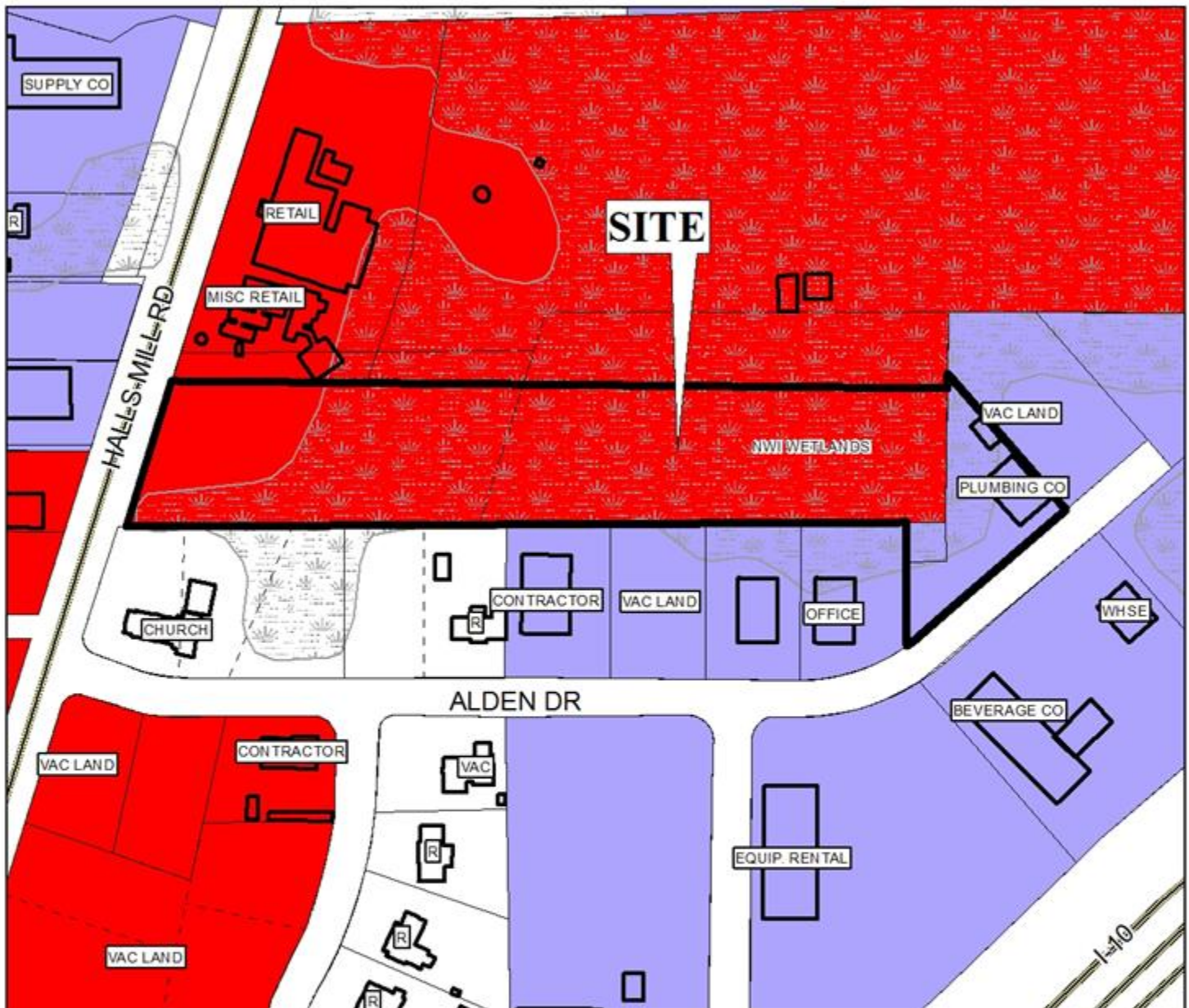


APPLICATION NUMBER 7 DATE November 21, 2019  
APPLICANT Dalton-Ellison Subdivision  
REQUEST Subdivision, Rezoning from from B-3 to I-1





# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by miscellaneous commercial and residential units.

APPLICATION NUMBER 7 DATE November 21, 2019

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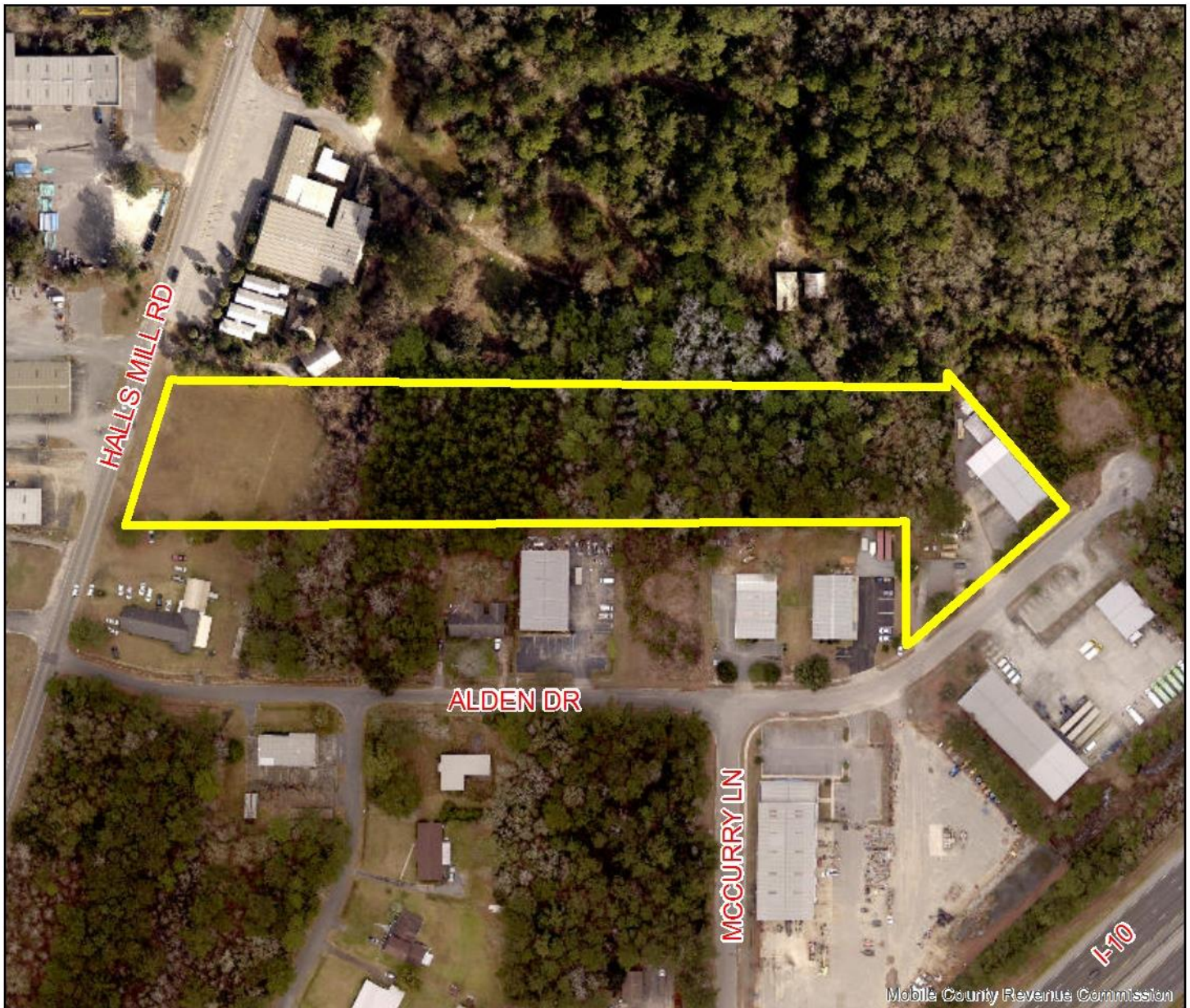
REQUEST Subdivision, Rezoning from from B-3 to I-1

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

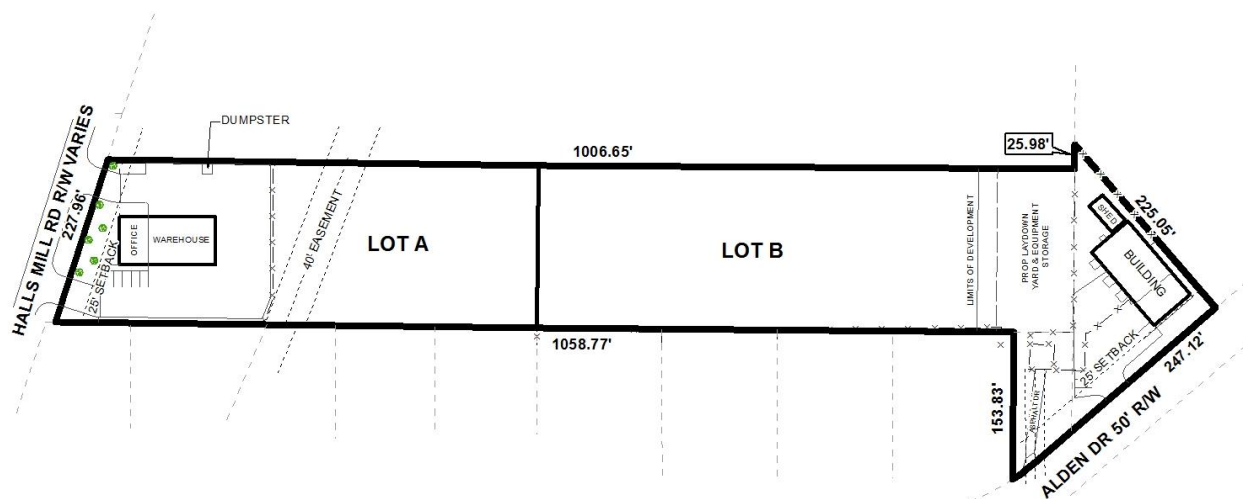


The site is surrounded by miscellaneous commercial and residential units.

APPLICATION NUMBER 7 DATE November 21, 2019  
 APPLICANT Dalton-Ellison Subdivision  
 REQUEST Subdivision, Rezoning from from B-3 to I-1



SITE PLAN



The site plan illustrates the proposed lots, setbacks, easements, and buildings.

APPLICATION NUMBER 7 DATE November 21, 2019

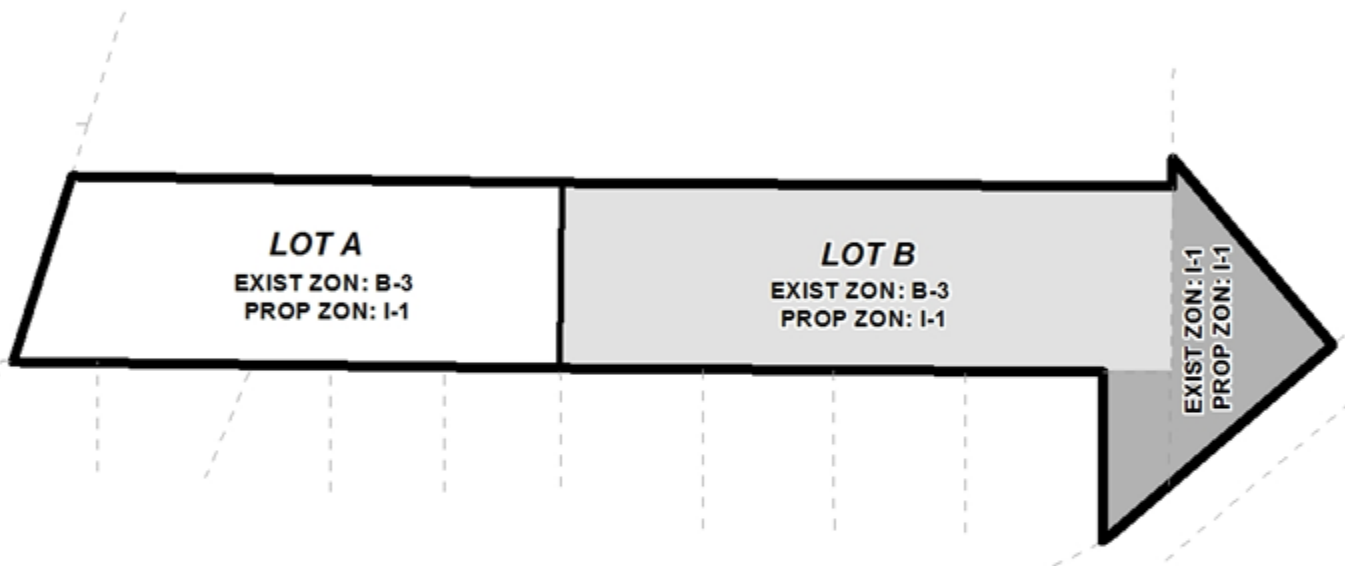
APPLICANT Dalton-Ellison Subdivision

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



NTS

## DETAIL SITE PLAN



APPLICATION NUMBER 7 DATE November 21, 2019

APPLICANT Dalton-Ellison Subdivision

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

