



Agenda Item # 7

SUB-002666-2023 & ZON-UDC-002667-2023

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:

4354 & 4364 Halls Mill Road

Subdivision Name:

HMR One Subdivision

Applicant / Agent:

Kari Givens, Byrd Surveying, Inc.

Property Owners:

Joseph W. Penton, Jr. & Walter P. Tidwell

Current Zoning:

R-1, Single-Family Residential Suburban District
& B-3, Community Business Suburban 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 one (1) legal lot of record.
- Rezoning from R-1 and B-3, to I-1
 - 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 eight (8) conditions; and
2. Rezoning with three (3) conditions.


Report Contents:

	Page
Context Map	2
Site History	3
Staff Comments	3
Commission Considerations	5
Exhibits	8

PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial and industrial units.

APPLICATION NUMBER <u> 7 </u> DATE <u> November 2, 2023 </u>	
APPLICANT <u> HMR One Subdivision </u>	
REQUEST <u> Subdivision, Rezoning from B-3 and R-1 to I-1 </u>	

SITE HISTORY

The portion of the site currently zoned R-1 was the subject of Use and Parking Variance approvals by the Board of Zoning Adjustment in 1999 to allow a tax preparation office with aggregate parking. The site has not been the subject of any Planning Commission cases, and is a metes-and-bounds parcel.

The portion of the site currently zoned B-3 was part of a three-lot subdivision approved by the Planning Commission in 2002, the plat for which was subsequently recorded. Rezoning of the site from R-1 to B-3 was adopted by City Council at its February 25, 2003 meeting, subject to additional dedication sufficient to provide 35 feet from the centerline of Halls Mill Road, and compliance with the residential protection buffer requirements of the Zoning Ordinance. The site has not been the subject of any Board of Zoning Adjustment cases.

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. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 23 - #86) LOT A 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 – 2,500 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 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 purpose of this application is to create one (1) legal lot of record from one (1) legal lot of record, and one (1) metes-and-bounds parcel. The site is served by public water and sanitary sewer services.

The proposed lot has frontage along Halls Mill Road, a Minor Arterial street requiring a 70-foot right-of-way at this location. The preliminary plat depicts dedication of right-of-way for the East portion of the proposed lot, as the West portion has sufficient right-of-way due to prior dedication.

The lot, as proposed, exceeds the minimum size requirement for lots served by public water and sanitary sewer in the R-1 and B-3 Suburban districts. There is no minimum size requirement for lots zoned I-1 should the proposed rezoning request be approved. Nevertheless, the size of the proposed lot is appropriately labeled in square feet and acres on the preliminary plat. If approved, this information should be retained on the Final Plat; or, provision of a table on the Final Plat with the same information will suffice.

The 25-foot minimum front yard setback is illustrated along Halls Mill Road, adjusted for dedication, in compliance with Article 2, Sections 64-2-5.E., 64-2-14.E., and 64-2-21.E. of the Unified Development Code for lots zoned R-1, B-3, and, if applicable, I-1.

In their application, the applicant states that both of the existing properties are vacant; however, a building and several accessory structures are visible in recent aerial photos on the site currently zoned R-1. No demolition permit appears to be on file for the structures and, as such, if they have been demolished, an after-the-fact demolition permit may need to be obtained from the Permitting Department.

If approved, the subdivision would result in a single lot of record split-zoned R-1 and B-3. As such, the request for Subdivision Approval will be contingent upon approval of the associated Rezoning request.

Rezoning

As mentioned, if the subdivision request is approved it will result in a single lot of record being split-zoned R-1 and B-3. The applicant's justification for the rezoning, which can be viewed using the link on Page 1 of this report, is that the Future Land Use Map (FLUM) identifies this area as Light Industry.

While the FLUM is meant to serve as a general guide and not a detailed lot and district plan, developments along this portion of Halls Mill Road have trended toward commercial warehousing and other light industrial uses in recent years. Whether this indicates changing conditions in the surrounding area make rezoning of the subject site to I-1 appropriate is for the Planning Commission to decide, but it would seem rezoning to CW, Commercial Warehouse District, may be more suitable as it is a slightly lower intensity than I-1. Nevertheless, subdivision of the property suggests rezoning of the property, in general, is necessary, especially to eliminate the potential for 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. Dedication, as proposed, to provide 35 feet from the centerline of Halls Mill Road for that portion of the site not previously subdivided;
2. Retention of the lot's size in both square feet and acres, or the provision of a table on the Final Plat with the same information, reflecting dedication;
3. Retention of the 25-foot front yard setback along Halls Mill Road, adjusted for dedication;
4. Acquisition of an after-the-fact demolition permit from the Permitting Department, if necessary;
5. Compliance with all Engineering comments noted in this staff report;
6. Placement of a note on the Final Plat stating all Traffic Engineering comments noted in this staff report;
7. Compliance with all Urban Forestry comments noted in this staff report; and,
8. 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 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.

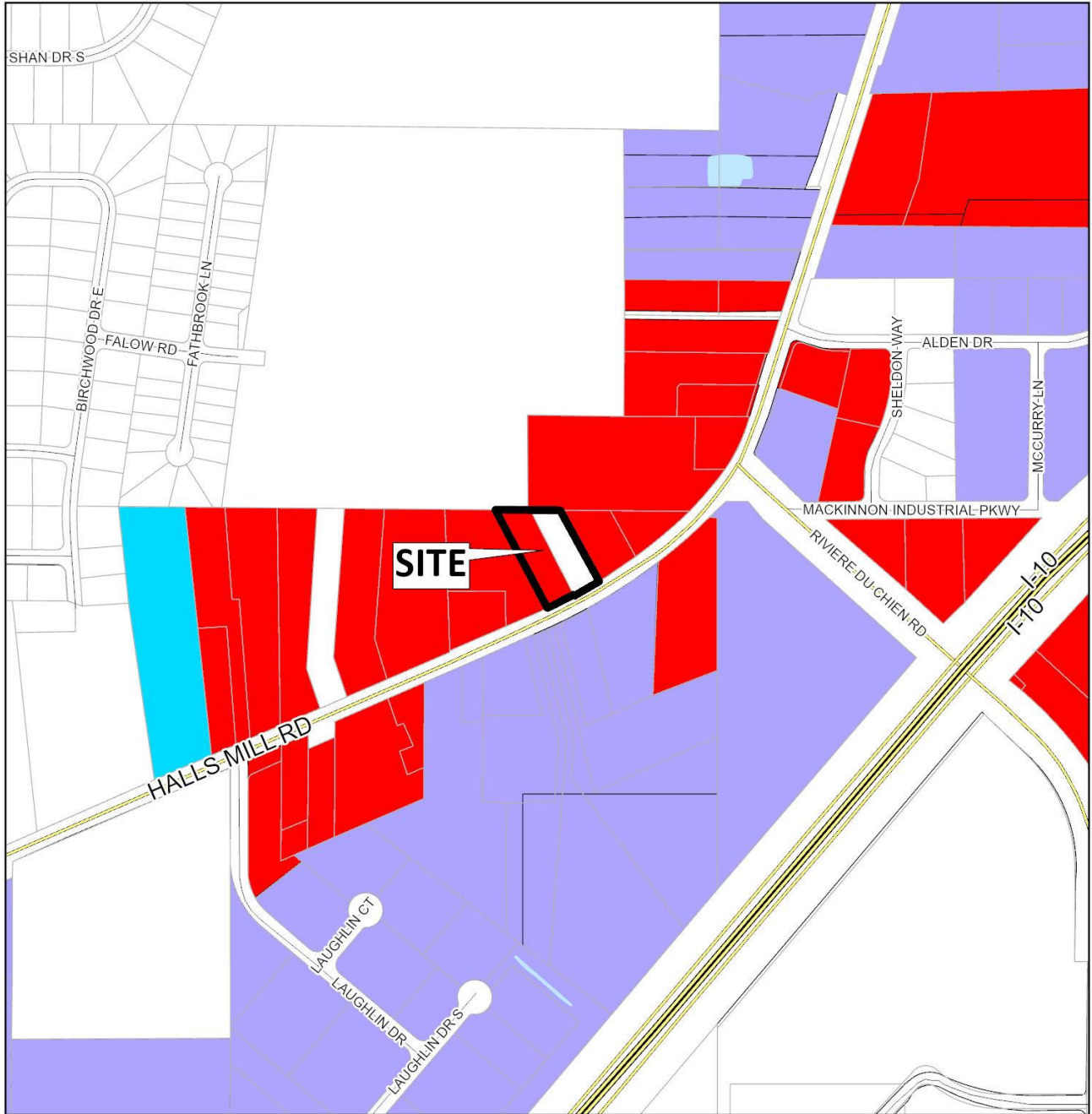
The applicant's responses to address the above criteria are available in the link on page one (1).

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;
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.

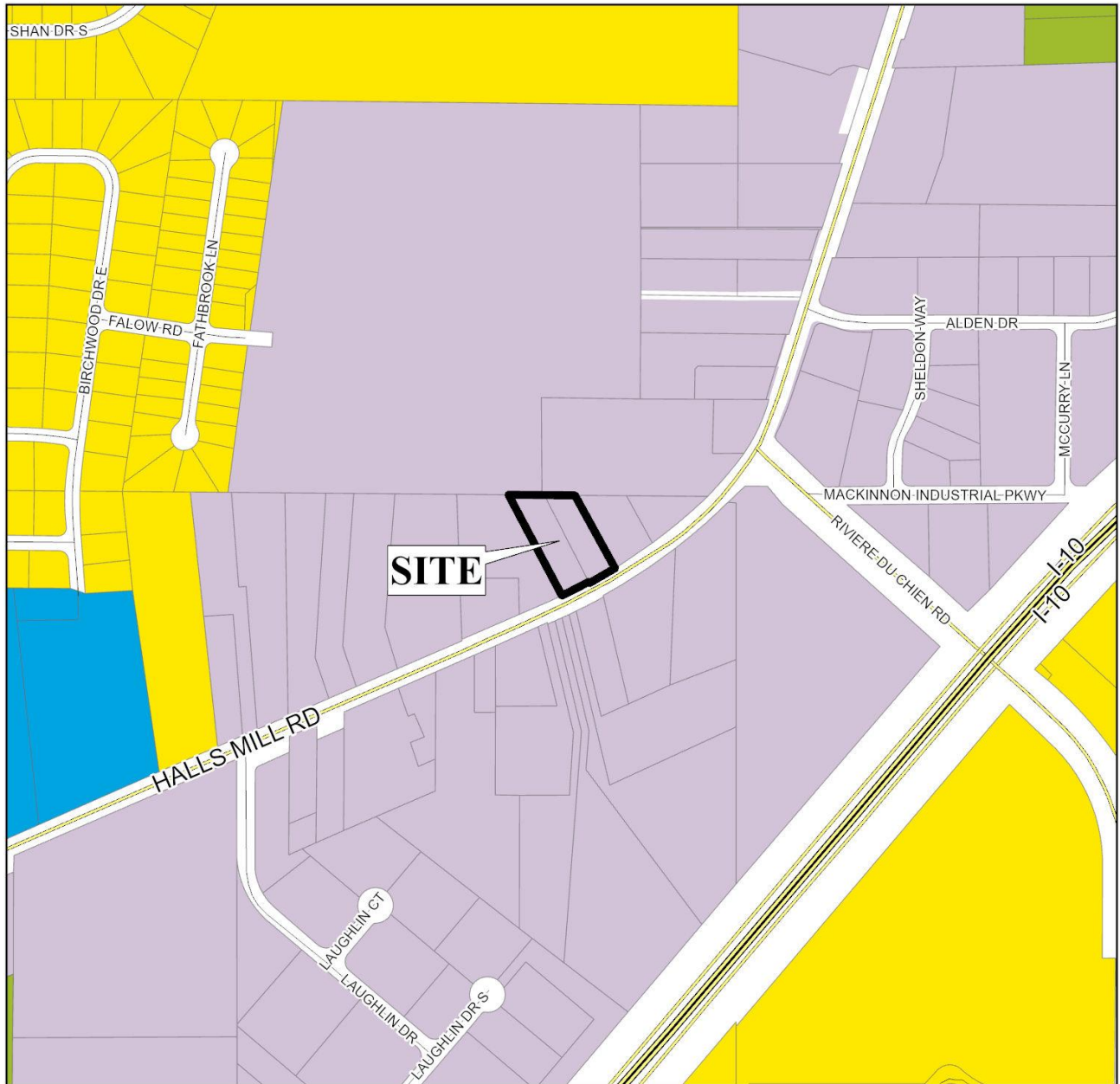
LOCATOR ZONING MAP



APPLICATION NUMBER	7	DATE	November 2, 2023
APPLICANT	HMR One Subdivision		
REQUEST	Subdivision, Rezoning from B-3 and R-1 to I-1		



FLUM LOCATOR MAP

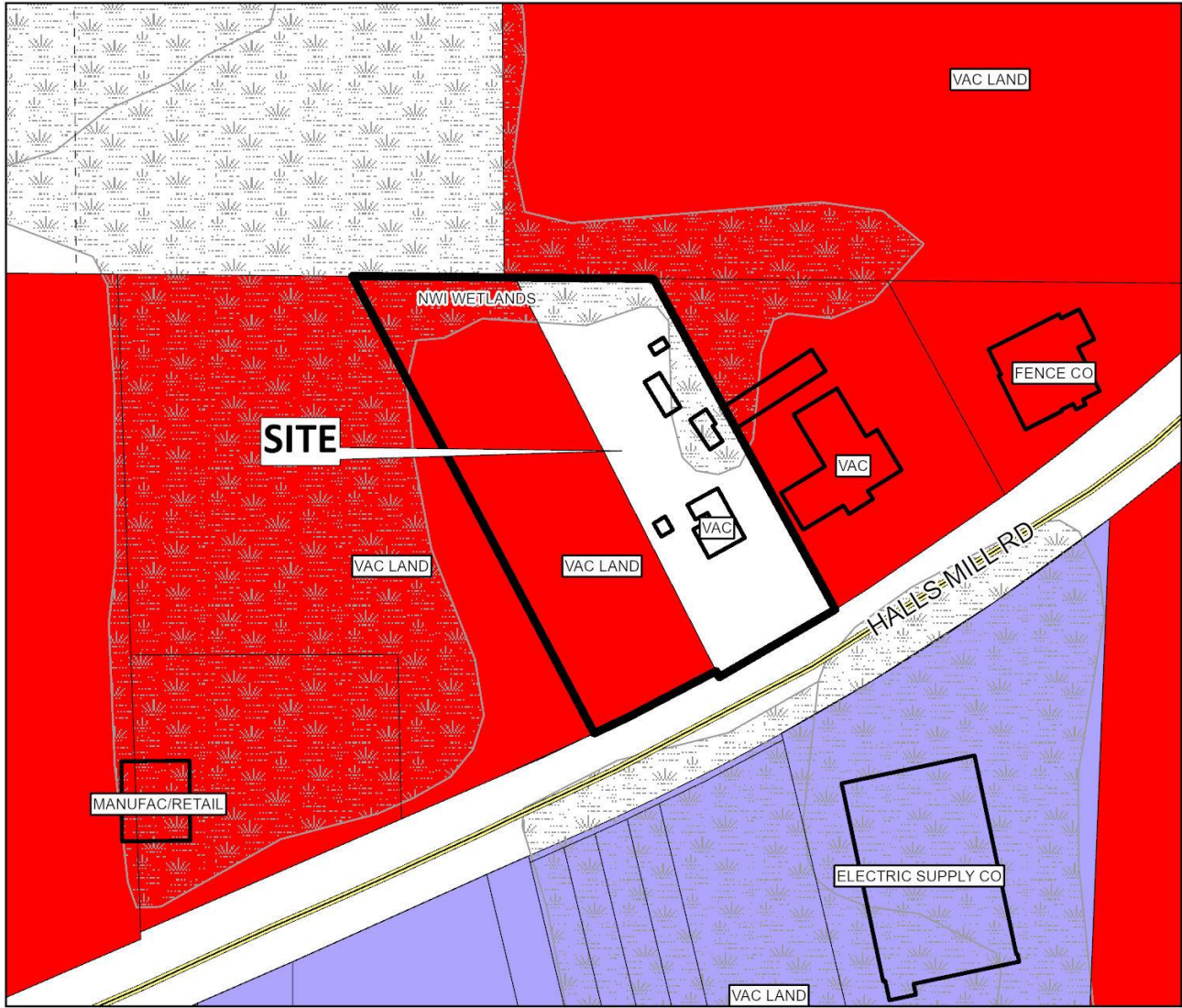


APPLICATION NUMBER	7	DATE	November 2, 2023
APPLICANT	HMR One Subdivision		
REQUEST	Subdivision, Rezoning from B-3 and R-1 to I-1		


- | | | | |
|---|---|---|--|
| 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 | Institutional |
| District Center | Mixed Commercial Corridor | Institutional | |



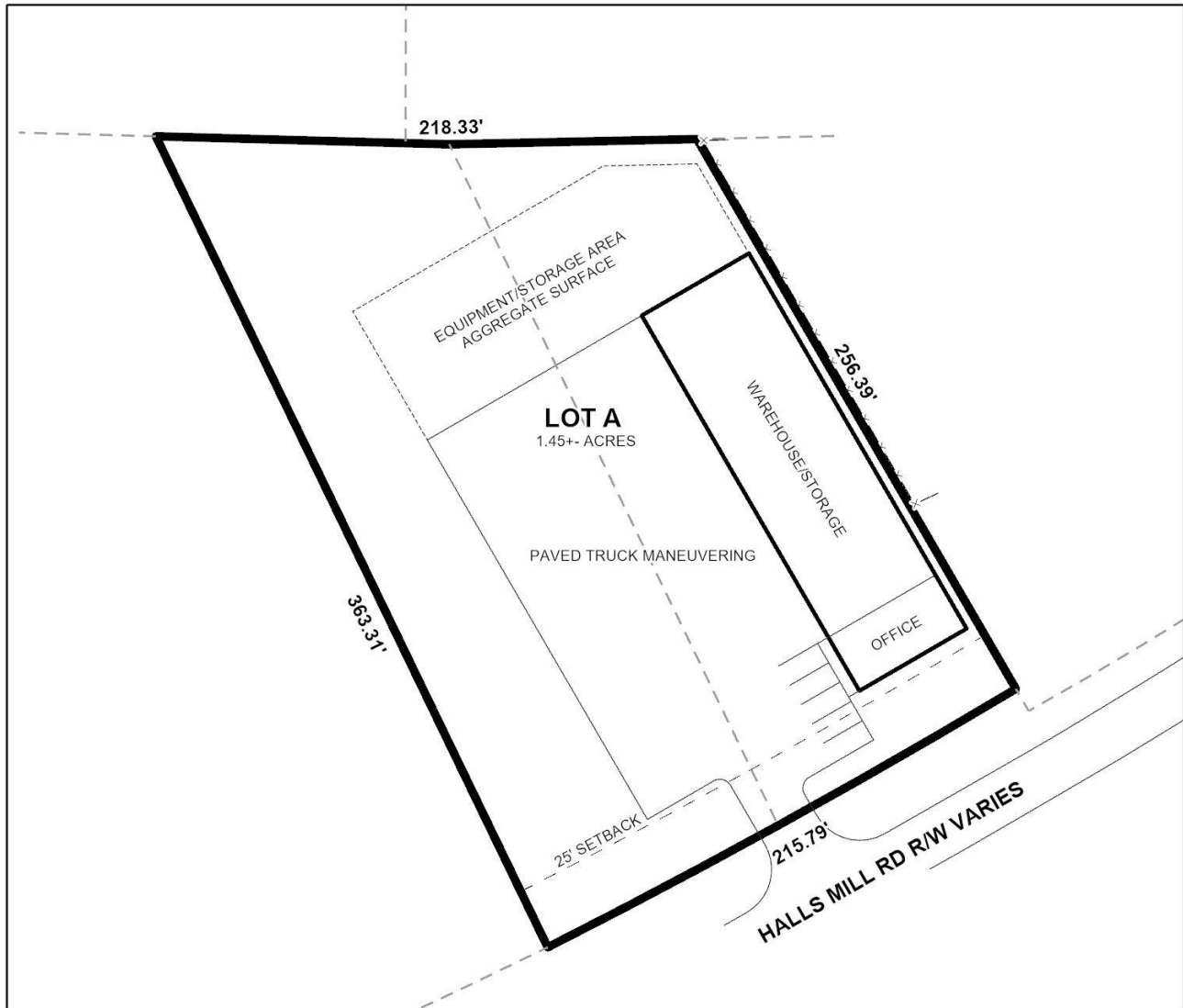
PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial and industrial units.

APPLICATION NUMBER <u>7</u>	DATE <u>November 2, 2023</u>																															
APPLICANT <u>HMR One Subdivision</u>																																
REQUEST <u>Subdivision, Rezoning from B-3 and R-1 to I-1</u>																																
<table style="width: 100%; font-size: small;"> <tr> <td> R-A</td> <td> R-3</td> <td> B-1</td> <td> B-2</td> <td> B-5</td> <td> ML</td> <td> I-2</td> <td> OPEN</td> <td> T-3</td> <td> T-5.2</td> </tr> <tr> <td> R-1</td> <td> R-B</td> <td> T-B</td> <td> B-3</td> <td> CW</td> <td> MH</td> <td> PD</td> <td> SD</td> <td> T-4</td> <td> T-6</td> </tr> <tr> <td> R-2</td> <td> H-B</td> <td> LB-2</td> <td> B-4</td> <td> MM</td> <td> I-1</td> <td> MUN</td> <td> SD-WH</td> <td> T-5.1</td> <td></td> </tr> </table>			 R-A	 R-3	 B-1	 B-2	 B-5	 ML	 I-2	 OPEN	 T-3	 T-5.2	 R-1	 R-B	 T-B	 B-3	 CW	 MH	 PD	 SD	 T-4	 T-6	 R-2	 H-B	 LB-2	 B-4	 MM	 I-1	 MUN	 SD-WH	 T-5.1	
 R-A	 R-3	 B-1	 B-2	 B-5	 ML	 I-2	 OPEN	 T-3	 T-5.2																							
 R-1	 R-B	 T-B	 B-3	 CW	 MH	 PD	 SD	 T-4	 T-6																							
 R-2	 H-B	 LB-2	 B-4	 MM	 I-1	 MUN	 SD-WH	 T-5.1																								

SITE PLAN



The site plan illustrates the proposed lot, proposed building, parking, and setback.

APPLICATION NUMBER 7 DATE November 2, 2023

APPLICANT HMR One Subdivision

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

N



NTS

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.