



Agenda Item #: 7

SUB-002741-2023 & SUB-SW-002742-2023

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

[Applicant Materials for Consideration – Subdivision](#)

[Applicant Materials for Consideration – Sidewalk Waiver](#)

DETAILS

Location:

1300 & 1310 Schillinger Road South

Subdivision Name:

Magnolia Pointe Subdivision

Applicant / Agent:

J. Casey Pipes, Helmsing Leach, P.C.

Property Owner:

Twenty Lake Holdings, LLC dba Magnolia Pointe MHP, LLC

Current Zoning:

R-1, Single-Family Residential Suburban District

Future Land Use:

Mixed Commercial Corridor

Applicable Codes, Policies, and Plans:

- Unified Development Code
- Subdivision Regulations
- Map for Mobile Comprehensive Plan

Proposal:

- Subdivision approval to create three (3) legal lots of record from one (1) existing metes-and-bounds parcel; and
- Waive the construction of a sidewalk along Schillinger Road South.

Commission Considerations:

1. Subdivision proposal with ten (10) conditions; and
2. Sidewalk Waiver with two (2) conditions.


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PLANNING COMMISSION
VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential units.

APPLICATION NUMBER <u> 7 </u> DATE <u>December 21, 2023</u>	 NTS
APPLICANT <u> Magnolia Pointe Subdivision </u>	
REQUEST <u> Subdivision, Sidewalk Waiver </u>	

SITE HISTORY

The site was annexed into Mobile City limits in July 2023 as part of the Cottage Hill annexed area.

At its meeting on November 16, 2023 the subject site was brought before the Planning Commission as part of the zoning study process for the three (3) annexed areas. During this meeting the owners requested specific zoning districts that align with the site's current development such that, if approved, it would create a split-zoned parcel. The proposed Subdivision application is required to prevent split zoning.

There have been no other Planning Commission or Board of Zoning Adjustment applications associated with the site.

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. National Wetlands Inventory (NWI) mapping, as shown on City of Mobile GIS information, indicates that there is potential for wetlands within the property or properties shown on this plat. Show and label the delineated wetlands, or provide a note stating that the wetlands shown on this plat are scaled from the NWI data and have not been delineated.
- C. 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.
- D. As shown on the 1984 aerial photo (FLIGHT 16 - #77) LOTS 1, 2, and 3 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). Applicant will need to coordinate with the City Engineering Permitting Department (G. Davis) to establish the exact amount that each Lot will receive prior to the submittal of the Final Plat from review.
- E. Add a note 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.
- F. Add a note 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.
- G. 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.
- H. 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.
- I. Add a note that all easements shall remain in effect until vacated through the proper Vacation process.
- J. 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.

Sidewalk Waiver:

1. Schillinger Rd.: It appears that there is sufficient room within the ROW, or within the property, for the construction of a sidewalk that could be permitted through the ROW Permit process.
2. Grelot Rd.: This section of ROW contains a large, open drainage ditch therefore it is recommended that this request be approved.

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 three (3) legal lots of record from one (1) existing metes-and-bounds parcel. The site is served by public water and sanitary sewer.

As proposed, all three (3) lots have frontage along Schillinger Road South, a Principal Arterial street on the Major Street Plan requiring a 100-foot right-of-way. Lot 3 is a corner lot with frontage along both Schillinger Road South and Grelot Road, a Minor Arterial street on the Major Street Plan also requiring a 100-foot right-of-way. The Preliminary Plat labels both rights-of-way as variable. If approved, the Final Plat should be revised to label both roadways with a 100-foot right-of-way width and illustrate a minimum of 50 feet to the centerlines of both Schillinger Road South and Grelot Road.

The proposed lots exceed the minimum size requirements of Article 2, Section 64-2-7, and Section 64-2-14 for lots in an R-3, Multi-Family Residential Suburban District, and B-3, Community Business Suburban District, the zoning districts proposed by the zoning plan of the annexed areas. Each Lot is appropriately labeled in both square feet and acres. If approved, this information should be retained on the Final Plat, or a table should be furnished on the Final Plat providing the same information.

The Preliminary Plat depicts Lot 2 as an irregular, flag-shaped lot. Per Section 6.C.9. of the Subdivision Regulations, flag-shaped lots are generally not allowed. There are existing flag-shaped lots in the vicinity of the site, some of which were approved by the Planning Commission under various subdivision requests. If approved, a waiver of Section 6.C.9. will be required.

The Preliminary Plat does not illustrate compliant minimum building setback lines along any of the proposed lots. As such, the Final Plat should be revised to illustrate a 25-foot minimum building setback line along Schillinger Road South for Lot 1 and a 25-foot minimum building setback line along both Schillinger Road South and Grelot Road for Lot 3. If approved as a flag lot, Lot 2 should be revised to illustrate a minimum building setback line located 25 feet from the point where the lot “balloons” out to a minimum width of 60 feet.

As previously mentioned, Lot 3 is a corner lot and must illustrate dedication sufficient to provide a corner radius in compliance with Section 6.C.6. of the Subdivision Regulations. However, per the city Engineering Department, dedication will not be required at this time. As such, a waiver of Section 6.C.6. may be appropriate.

Lots 1, 2, and 3 contain numerous access and utility easements which should be retained on the Final Plat. Additionally, a note should be required on the Final Plat, if approved, stating that no structure may be constructed or placed within any easement without the permission of the easement holder.

Sidewalk Waiver

The applicant is not proposing any new development to the subject site at this time. However, future development of the site would require full compliance with current regulations which has the potential to include the provision of sidewalks along all street frontages. As such, the applicant is preemptively requesting to waive the construction of sidewalks along Schillinger Road South.

The applicant has submitted a site plan and images depicting the existing development, and states that there are no improvements to the site planned at this time. Justification for the request was not provided to Planning Staff.

Per the Engineering comments, along Schillinger Road the subject site appears to have sufficient room within the ROW, or within the property, for the construction of a sidewalk that could be approved through the Land Disturbance Permit process. However, the section of ROW along Grelot Road contains a large, open drainage ditch therefore it is recommended that sidewalk be waived along this portion of Grelot Road.

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:

Based on the preceding, and with a waiver of Sections 6.C.6. and 6.C.9. of the Subdivision Regulations, if the Subdivision request is considered for approval, the following conditions could apply:

1. Revision of the Final Plat to label Schillinger Road South and Grelot Road with 100-foot right-of-way widths;

2. Revision of the Final Plat to illustrate a minimum of 50 feet to the centerlines of both Schillinger Road South and Grelot Road;
3. Retention of the lot sizes in both square feet and acres on the Final Plat, or the furnishing of a table on the Final Plat providing the same information;
4. Revision of the Final Plat to illustrate a 25-foot minimum building setback line along Schillinger Road South for Lot 1 and a 25-foot minimum building setback line along both Schillinger Road South and Grelot Road for Lot 3;
5. Revision of the Final Plat to illustrate the minimum building setback line for Lot 2 to be located 25 feet from the point where the lot “balloons” out to a minimum width of 60 feet;
6. Provision of a note on the Final Plat stating that no structure may be constructed or placed within any easement without the permission of the easement holder;
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.

SIDEWALK WAIVER CONSIDERATIONS

Standards of Review:

The Mobile City Council adopted a “Complete Streets” policy on May 31, 2011. The purpose of the Complete Streets Policy is to support the design and construction of streets to enable safe access to all users, including pedestrians, bicyclists, transit riders, motorists, commercial and emergency vehicles, and for people of all ages and abilities.

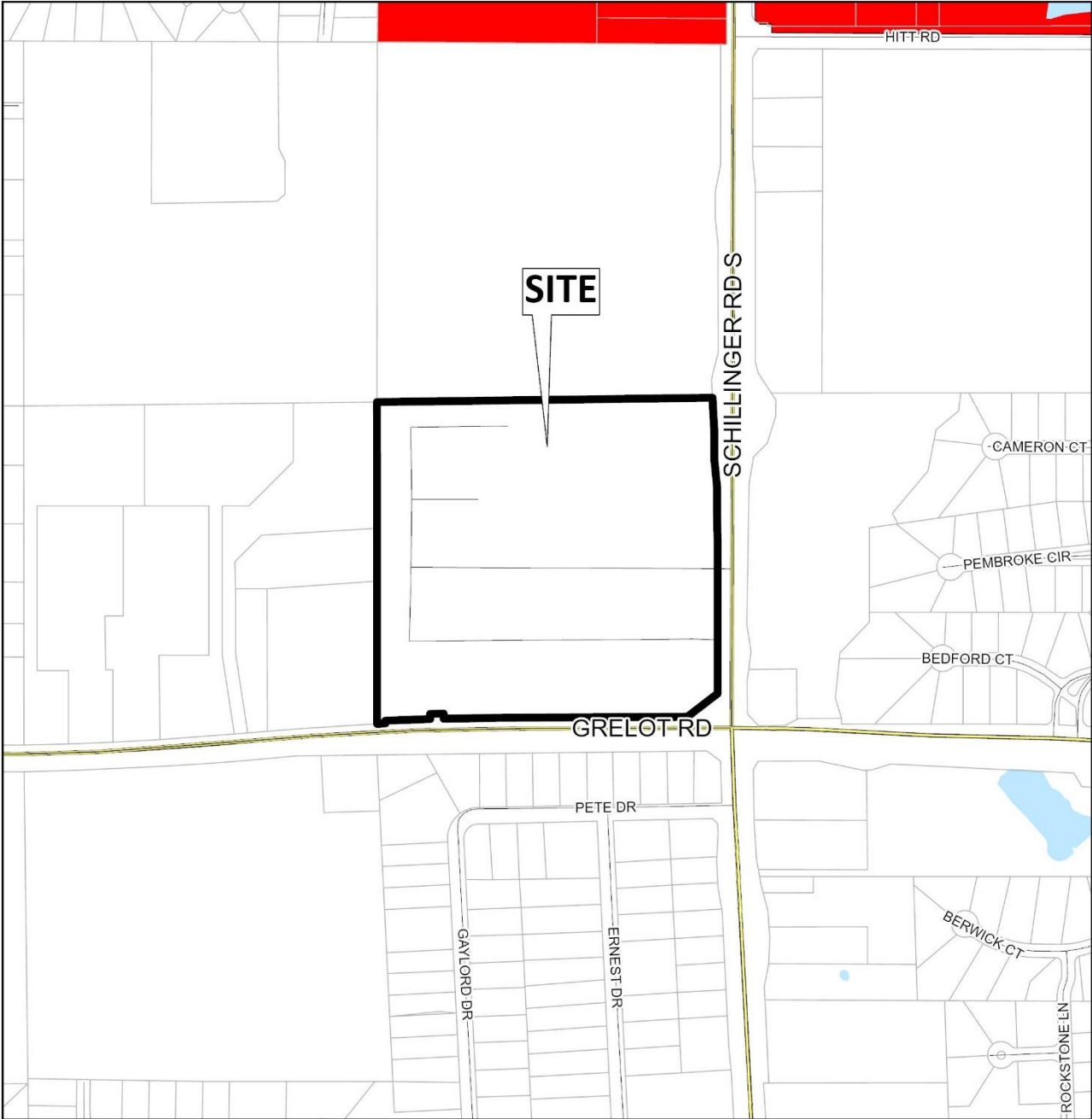
Sidewalks are typically encouraged, even in areas where none currently exist, although the appropriateness of sidewalks should also consider the existing infrastructure in the area.

Considerations:

In rendering a decision, the Planning Commission should evaluate the following factors:

1. The City of Mobile Complete Streets Policy which supports the design and construction of streets for all users, including pedestrians; and
2. The existing infrastructure in the area, such as adequate room for construction of a sidewalk, as well as connectivity to existing sidewalks.

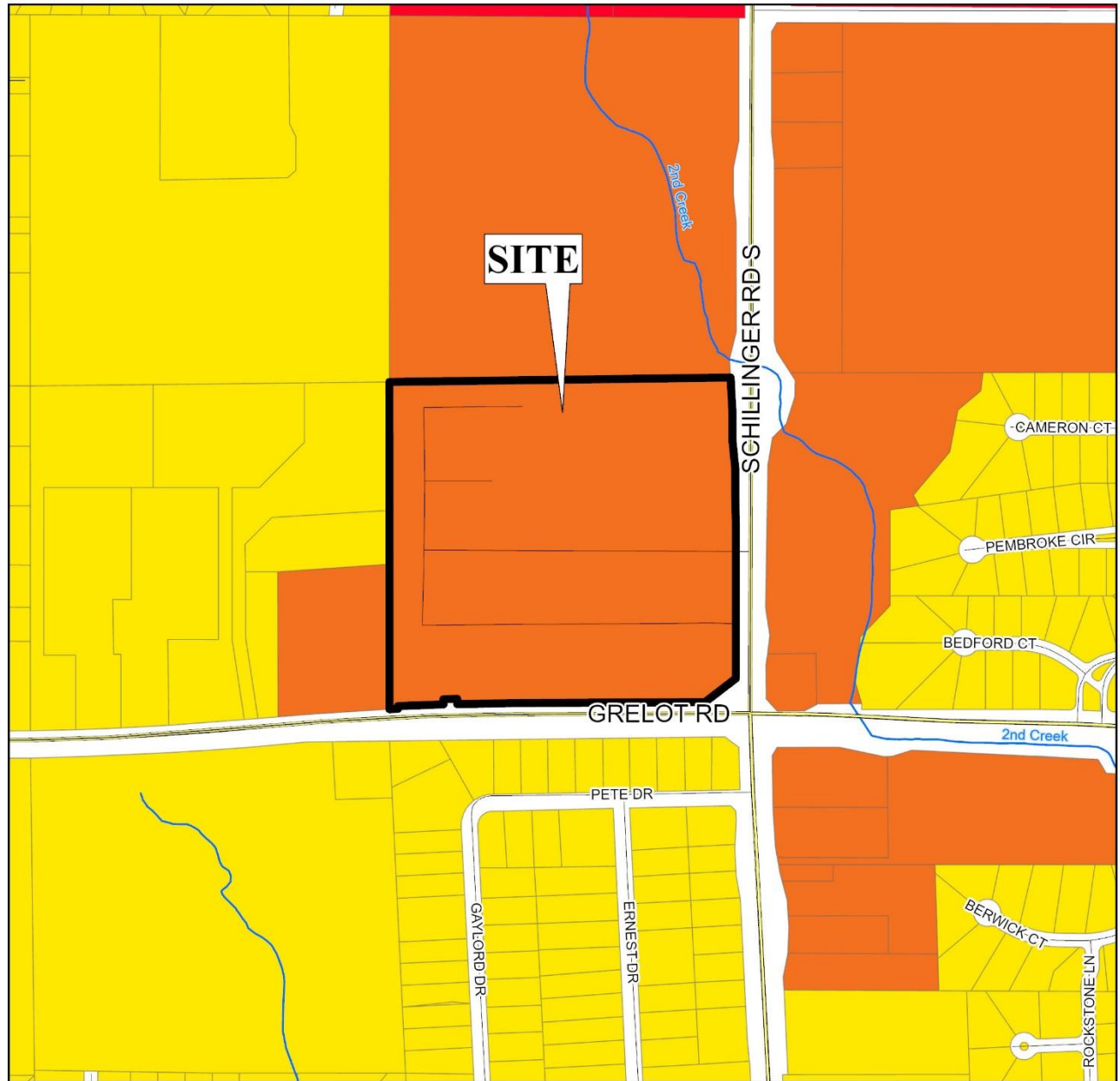
LOCATOR ZONING MAP



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FLUM LOCATOR MAP



APPLICATION NUMBER 7 DATE December 21, 2023

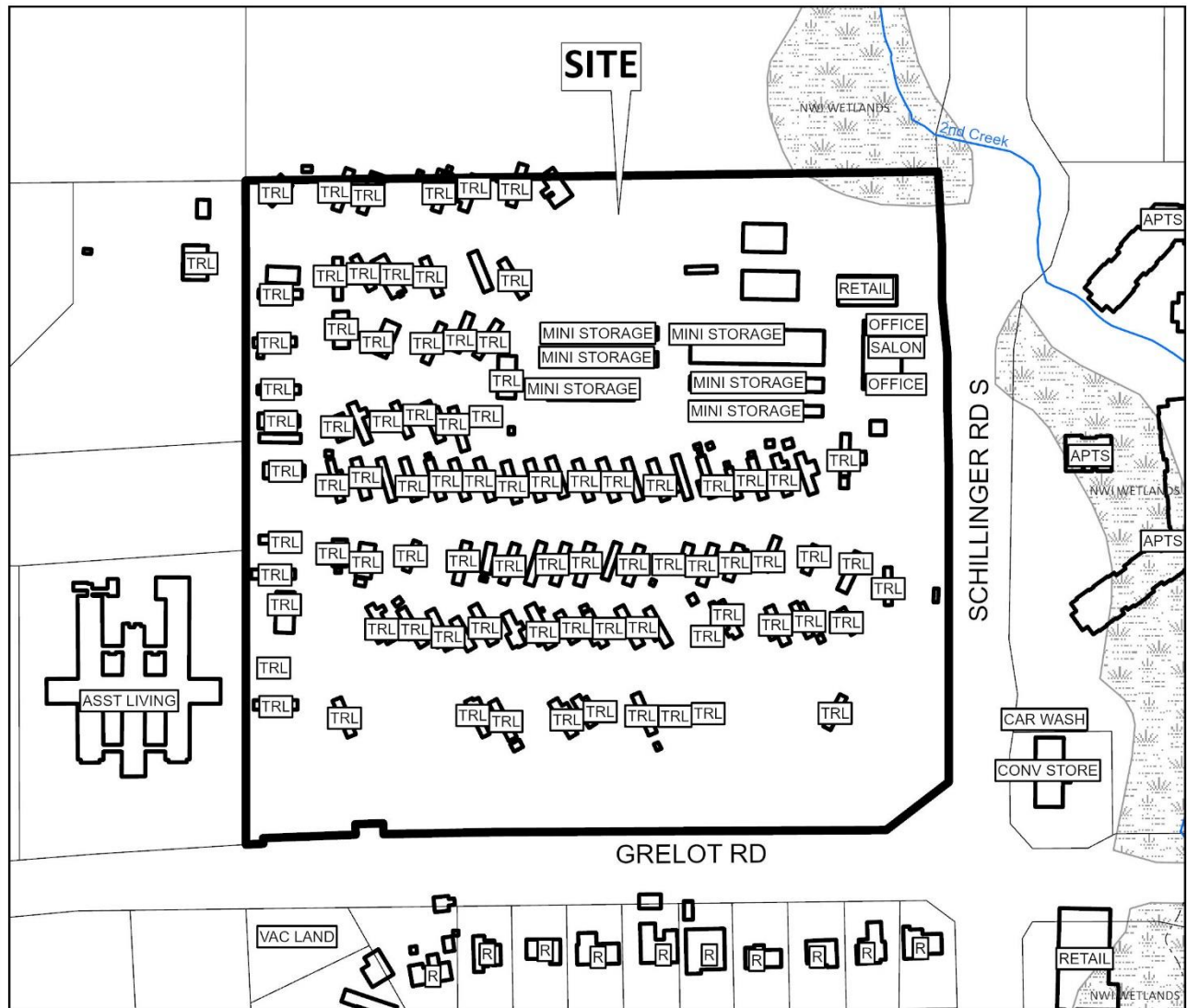
APPLICANT Magnolia Pointe Subdivision

REQUEST Subdivision, Sidewalk Waiver

- | | | | |
|---|--|---|---|
| ■ 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 | |



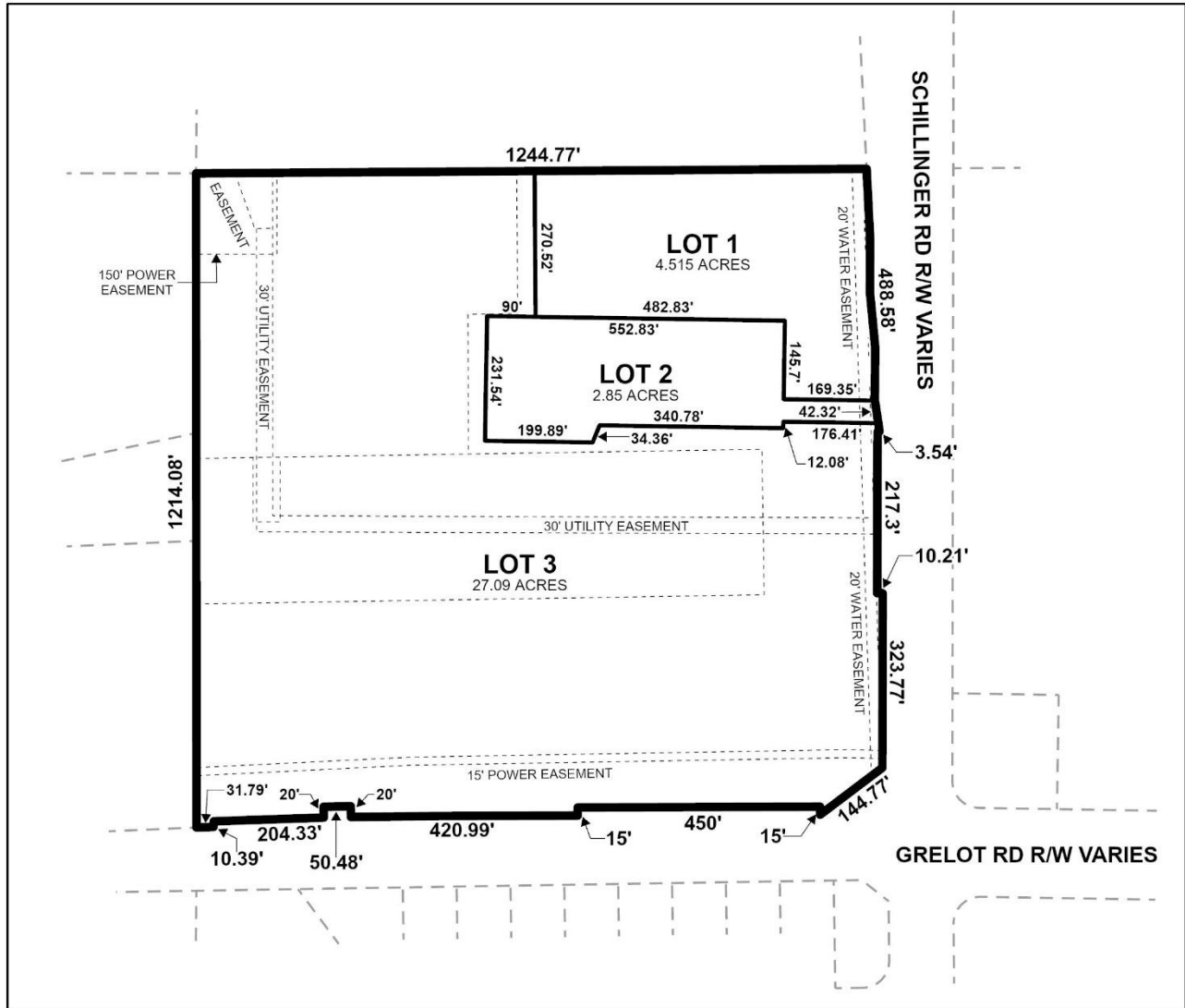
PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units.

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<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																						
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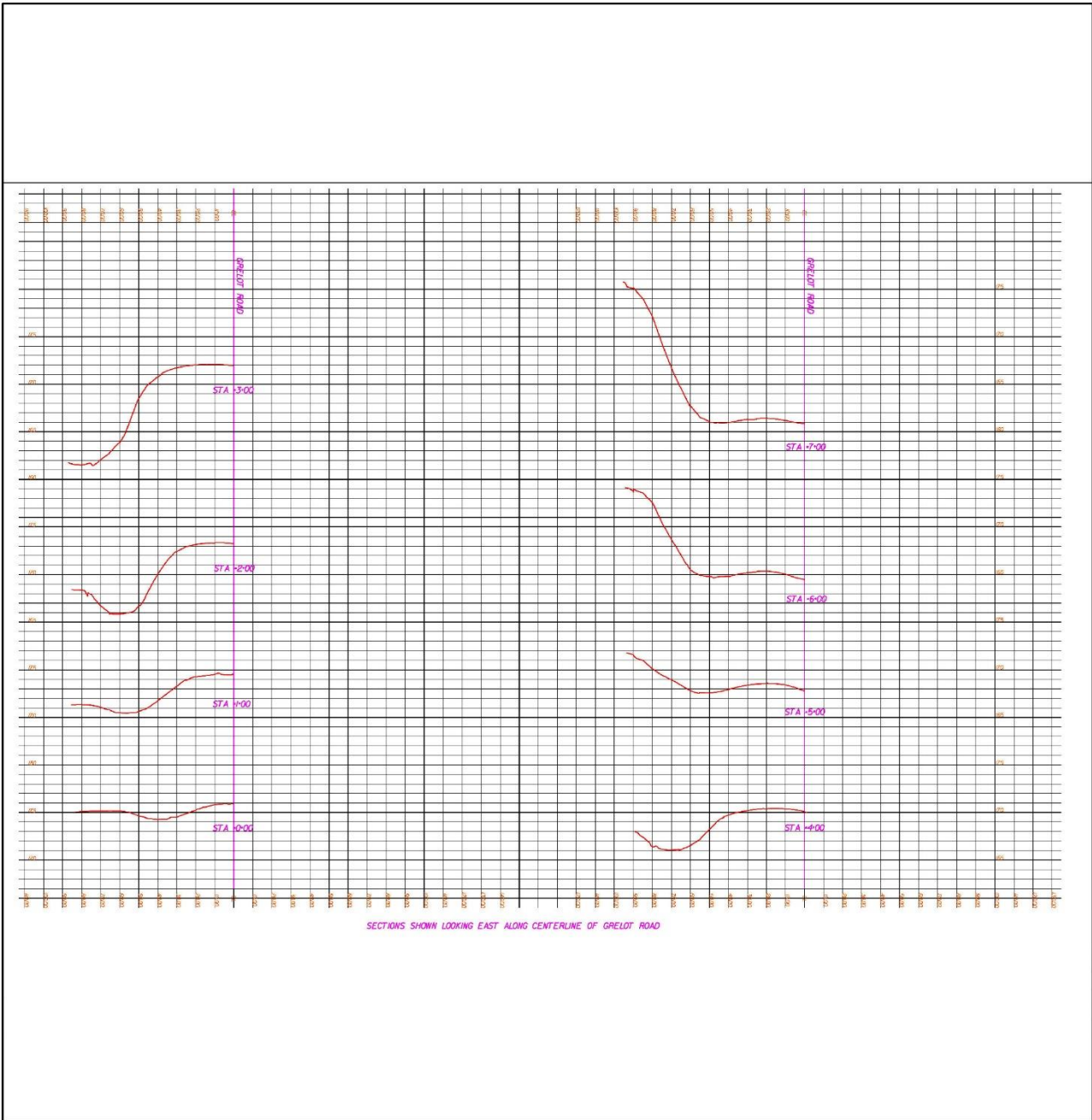
SITE PLAN



The site plan illustrates the existing easements and proposed lots.

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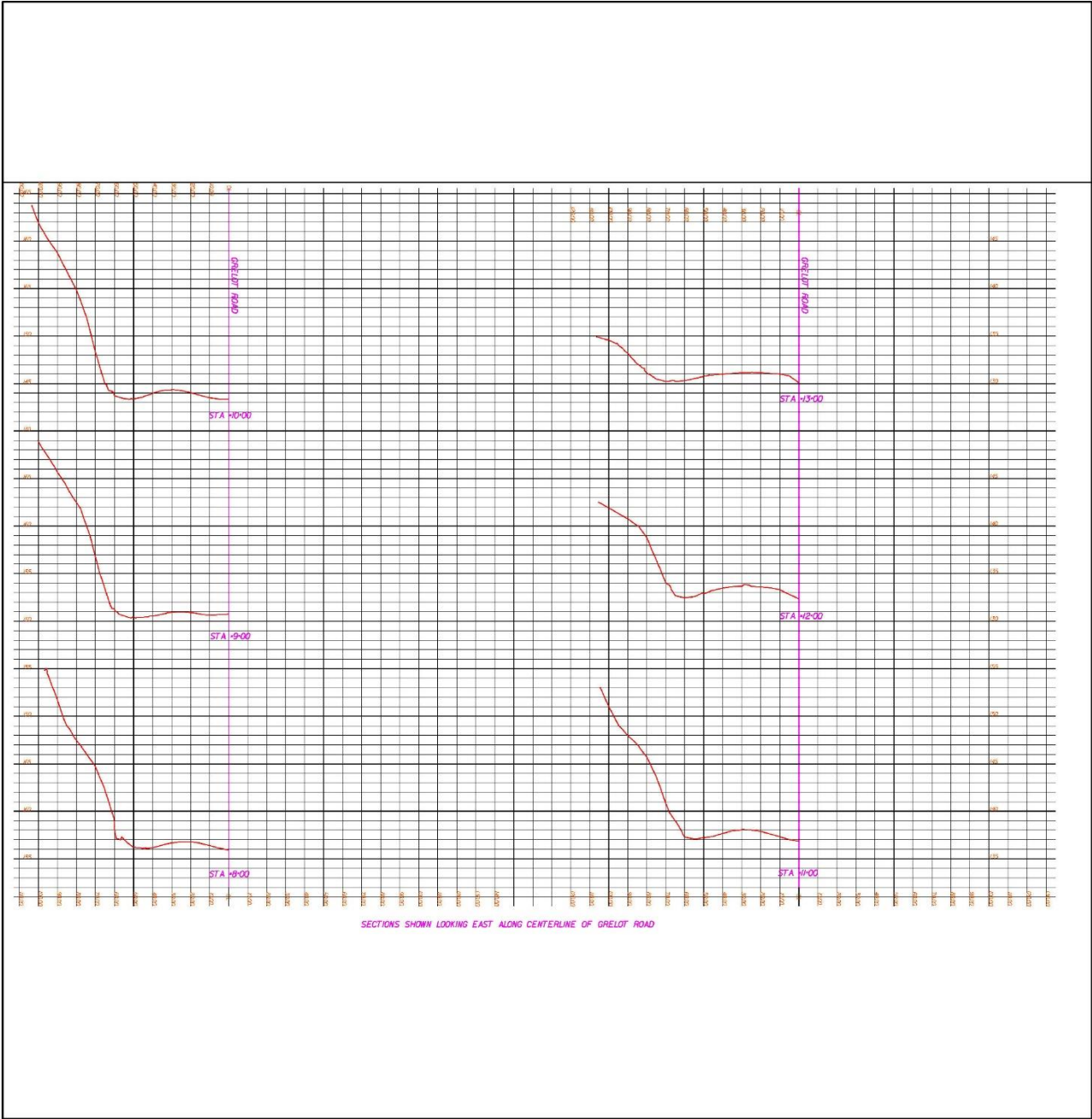
DETAIL SITE PLAN



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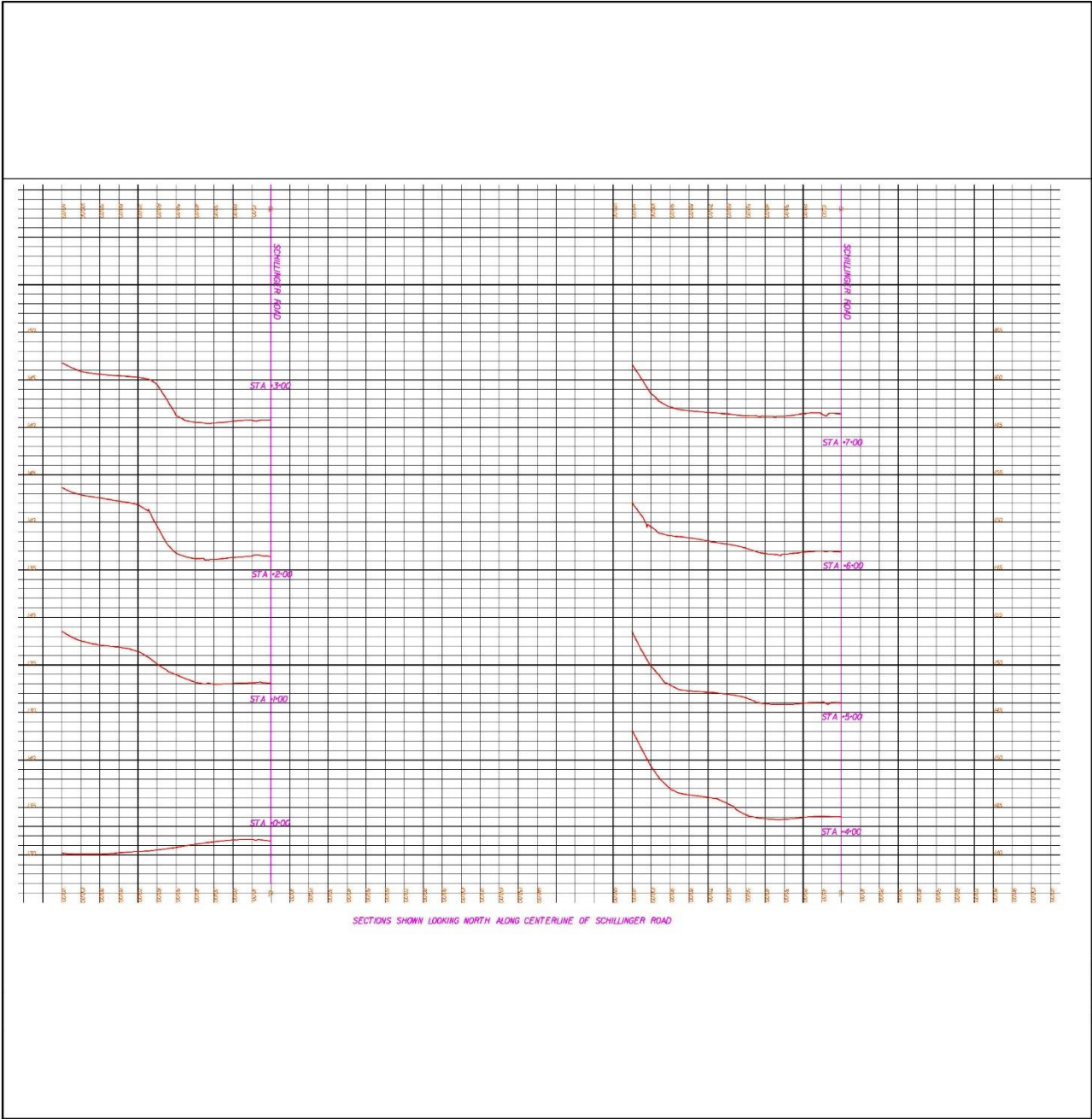
DETAIL SITE PLAN



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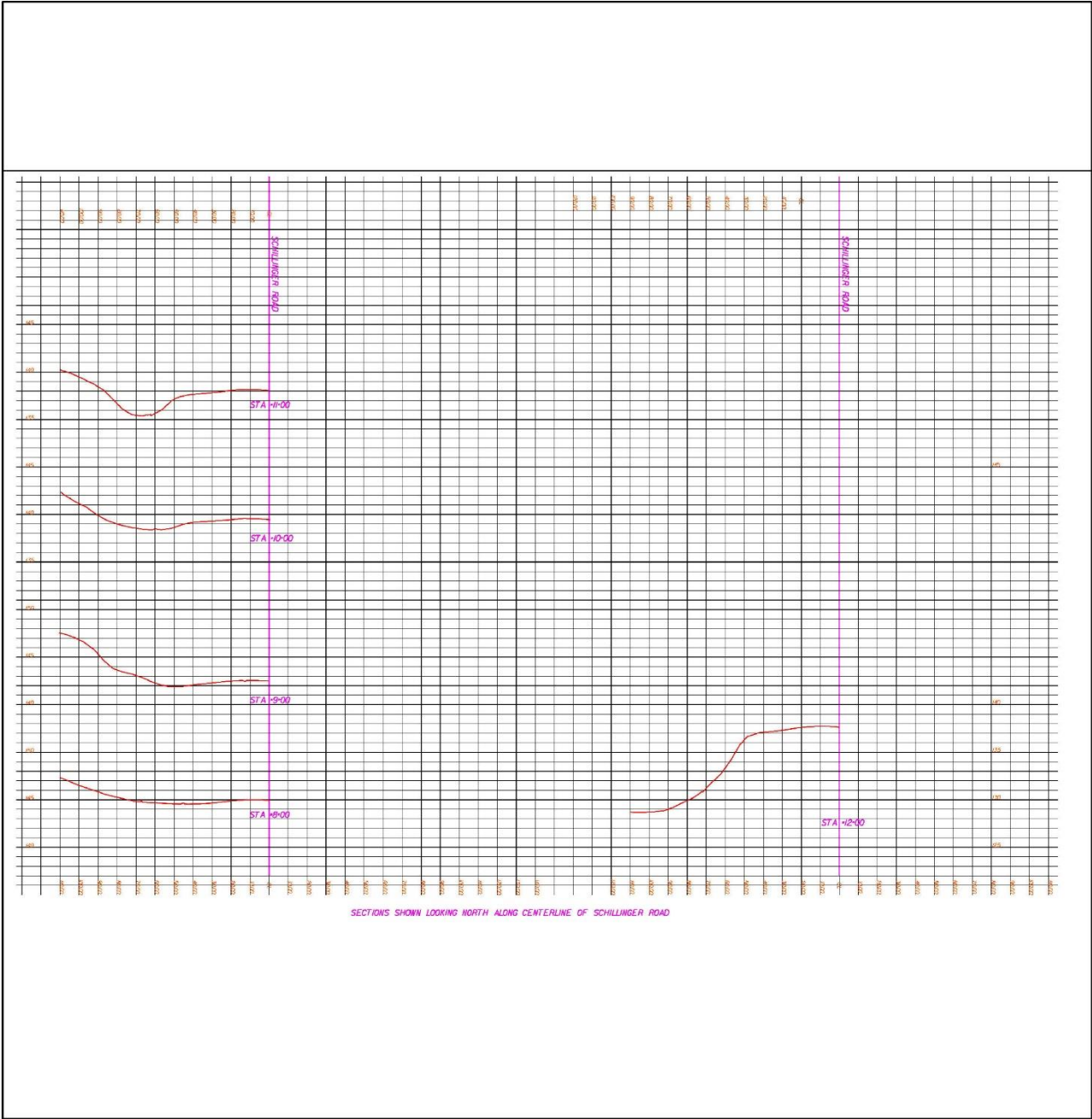
DETAIL SITE PLAN



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DETAIL SITE PLAN



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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 (WDWUR)
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)

MIXED COMMERCIAL CORRIDOR (MCC)

This land use designation mostly applies to transportation corridors west of I-65 serving primarily the low-density (suburban) residential neighborhoods. MCC includes a wide variety of retail, services and entertainment uses.

This designation acknowledges existing commercial development that is spread along Mobile's transportation corridors in a conventional strip pattern or concentrated into shorter segments of a corridor.

Over time, new development and redevelopment in Mixed Commercial Corridors is encouraged to raise design quality, improve connectivity to surrounding neighborhoods; improved streetscapes; and improve mobility and accessibility for all users of the corridor.