

**SUBDIVISION, &
ZONING AMENDMENT STAFF REPORT****Date: February 15, 2023****NAME**

William Erwin Barrett

SUBDIVISION NAME

Alabama Power Company Michigan Avenue Subdivision

LOCATION

650 Michigan Avenue
(Southwest corner of Michigan Avenue and Tennessee
Street, extending to the Northwest corner of Michigan
Avenue and Douglas Street).

**CITY COUNCIL
DISTRICT**

District 2

PRESENT ZONING

R-1, Single Family Residential District. R-3, Multiple-
Family Residential District, and I-1, Light Industry District

PROPOSED ZONING

I-1, Light Industry District

AREA OF PROPERTY

1 Lot / 23.9± Acres

CONTEMPLATED USE

Subdivision approval to create one (1) legal lot of record
from nine (9) metes-and-bounds parcels, six (6) legal lots of
record and several vacated rights-of-way; and Rezoning
from R-1, Single Family Residential District, R-3, Multiple-
Family Residential District, and I-1, Light Industry 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**

None 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. Delete NOTES #1 - #4 as they are standard notes for a PUD Site Plan.
- C. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 20 - #88) LOT 1 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 staff to establish the exact amount that each Lot will receive prior to the submittal of the Final Plat from review and signatures.
- D. 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.
- E. 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.
- F. 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.
- G. 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.
- H. Add a note that all easements shall remain in effect until vacated through the proper Vacation process.
- I. 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 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 (2021 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 one (1) legal lot of record from nine (9) metes-and-bounds parcels, six (6) legal lots of record, and multiple vacated rights-of-way; and Rezoning from R-1, Single Family Residential District, R-3, Multiple-Family Residential District, and I-1, Light Industry District to I-1, Light Industry District.

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

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.

Institutional (INS)

This designation includes land and buildings occupied by municipal and other governmental agencies for the exercise of their functions, to serve the public or provide a civic use or amenity. These include major libraries, airports, public schools and public safety facilities, but exclude parks and public open space which are identified under a separate land use classification (see below). Semi-public uses such as grammar and high schools, colleges and universities, hospitals, and other major institutions that serve the public and/or operate in a public function are included. Parks and public open space are not included but have their own land use classification.

Note: Small-scale properties (less than 2 acres) accommodating subsidiary public and semi-public facilities, such as branch libraries, substations, satellite clinics, etc., may not be specifically called out in the FLUM under this land use designation, but may instead be considered part of the array of integrated complementary uses typically found in a residential neighborhood or a mixed-use center or corridor. The specific location and design of these complementary uses is subject to 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.

The site has frontage on Michigan Avenue, a minor arterial street per the Major Street Plan, with an existing compliant right-of-way of 120-feet, making no dedication necessary. The Illinois Central Gulf Railroad immediately abuts the site to the North. Douglas Street, which abuts the subject site to the South, is a minor street with curb and gutter, with an existing compliant right-of-way width of 50-feet, making no dedications necessary. Per Section V.D.6. of the Subdivision Regulations, dedication of the corner radius at the intersection of Michigan Avenue and Douglas Street should be required, if approved.

The lot size is labeled on the preliminary plat in square feet and acres, and should be retained on the Final Plat, adjusted for any dedication.

The 25-foot front minimum building setback is not shown along any street frontage. If approved, the 25-foot setback should be depicted along all public street frontages on the Final Plat, adjusted for any required dedication.

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

It should be noted that there is an easement depicted on the preliminary plat. If approved, a note should be placed on the Final Plat stating that no structures are to be placed within an easement without the approval of the easement holder.

The applicant submitted the following concerning the Rezoning:

Parcel Number 022910284001002.000, is a maintenance building with partial parking. In the past, said parcel was incorrectly or wasn't included in the rezoning for the overall properties owed by the Alabama Power Company located at 650 Michigan Avenue (zoned I-1). The South 3/4th of the said parcel is zone R-3 with the remaining to the North as a zone R-1. We will be submitting a Subdivision to combine all parcels into one at said address in the near future. We would like to change the zones of said parcel to I-1 because the subdivision of land into urban building sites makes reclassification necessary and desirable.

The property is bounded to the West by R-3, Multiple-Family Residential District; to the North, across the railroad tracks and Tennessee Street, by R-1, Single-Family Residential District and B-3, Community Business District; and to the East and South by R-1, Single-Family Residential District.

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.

The site is largely zoned I-1, Light Industrial District currently, with the exception of two vacated rights-of-way, and a split-zoned (R-1 and R-3) parcel. The site is utilized by Alabama Power, with the split-zoned portion being incorporated into the development sometime between 1984 and 2006, per aerial photographs of the site.

As submitted, the proposed one-lot Subdivision would result in a split-zoned parcel, indicating rezoning may be considered necessary and desirable.

RECOMMENDATION

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

- 1) completion of the rezoning process prior to the signing of the Final Plat;
- 2) dedication of the corner radius at Michigan Avenue and Douglas Street per Section V.D.6. of the Subdivision Regulations;
- 3) depiction of the 25-foot minimum building setback line along all public street frontages, adjusted for dedication;
- 4) 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;
- 5) placement of a note stating that no structures are to be placed within an easement without the easement holder's permission;
- 6) 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. Delete NOTES #1 - #4 as they are standard notes for a PUD Site Plan. C. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 20 - #88) LOT 1 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 staff to establish the exact amount that each Lot will receive prior to the submittal of the Final Plat from review and signatures. D. 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*. E. 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. F. 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. G. 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. H. Add a note that all easements shall remain in effect until vacated through the proper Vacation process. I. 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.);

- 7) 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, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.);
- 8) 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
- 9) 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 (2021 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.).

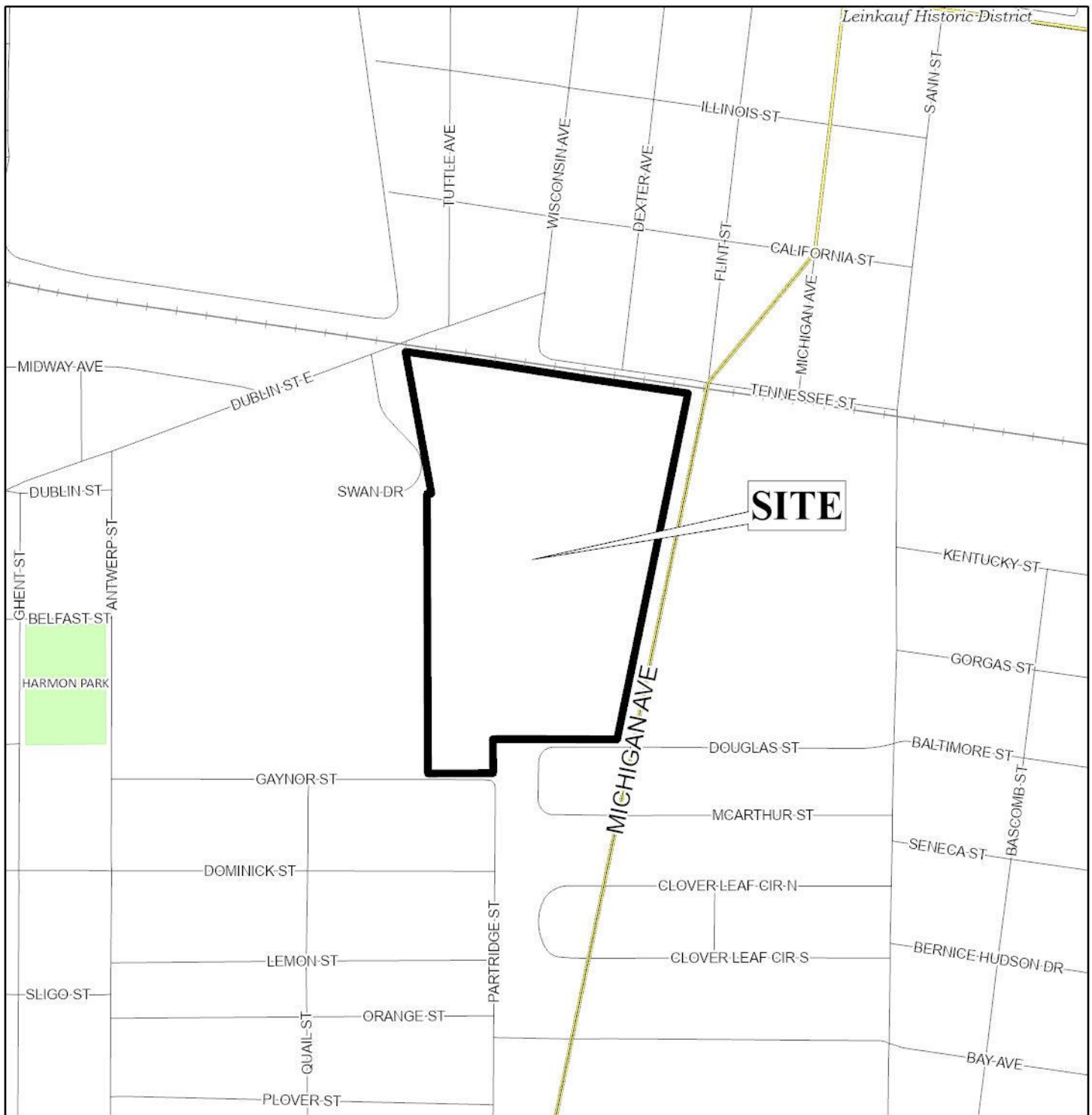
Rezoning: Based on the preceding, this application is recommended for Approval for the following reasons:

- a) the subdivision of land into building sites makes reclassification of the land 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.

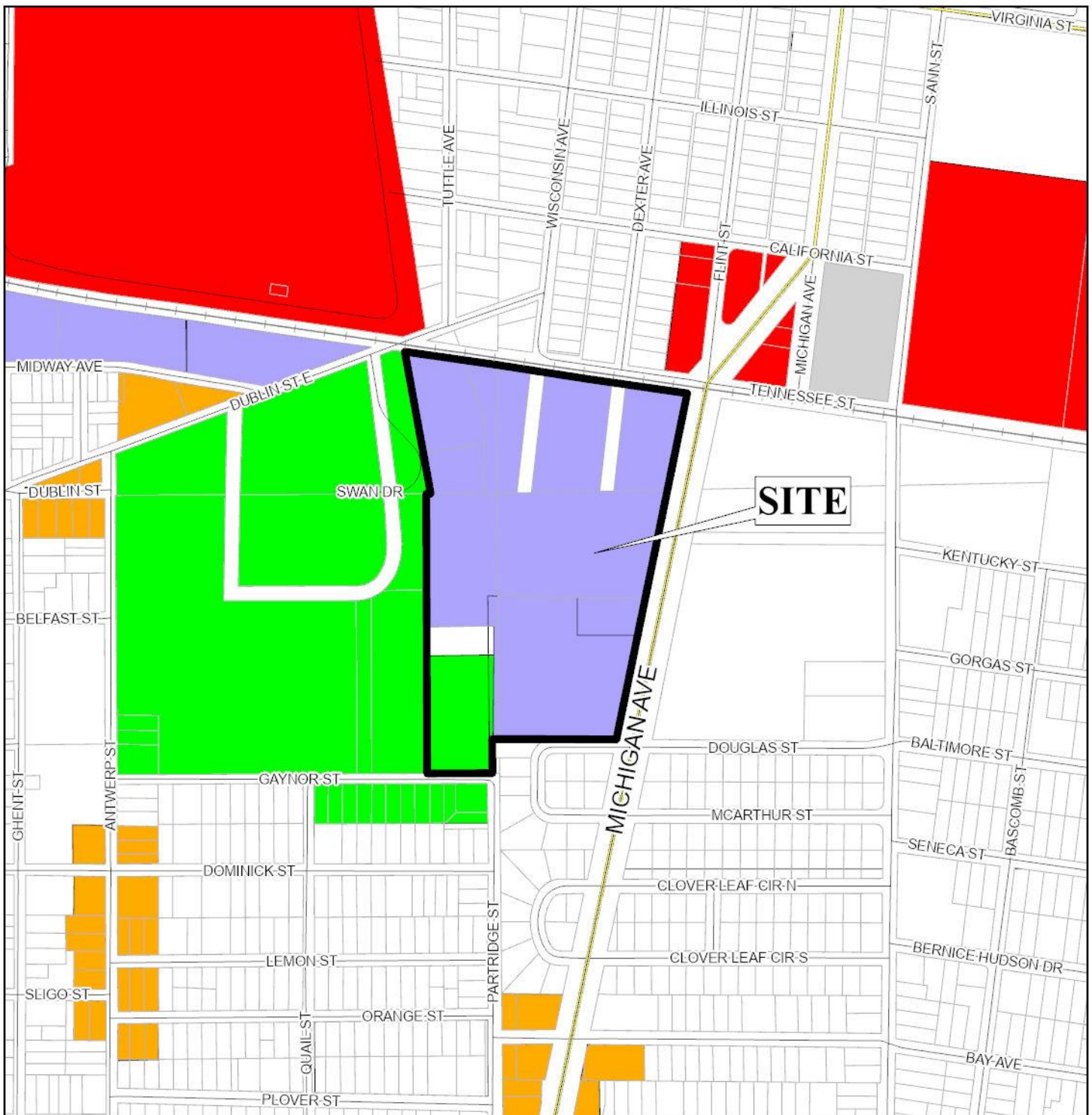
LOCATOR MAP



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 APPLICANT Alabama Power Company Michigan Avenue Subdivision
 REQUEST Subdivision, Rezoning from R-1, R-3 and I-1 to I-1



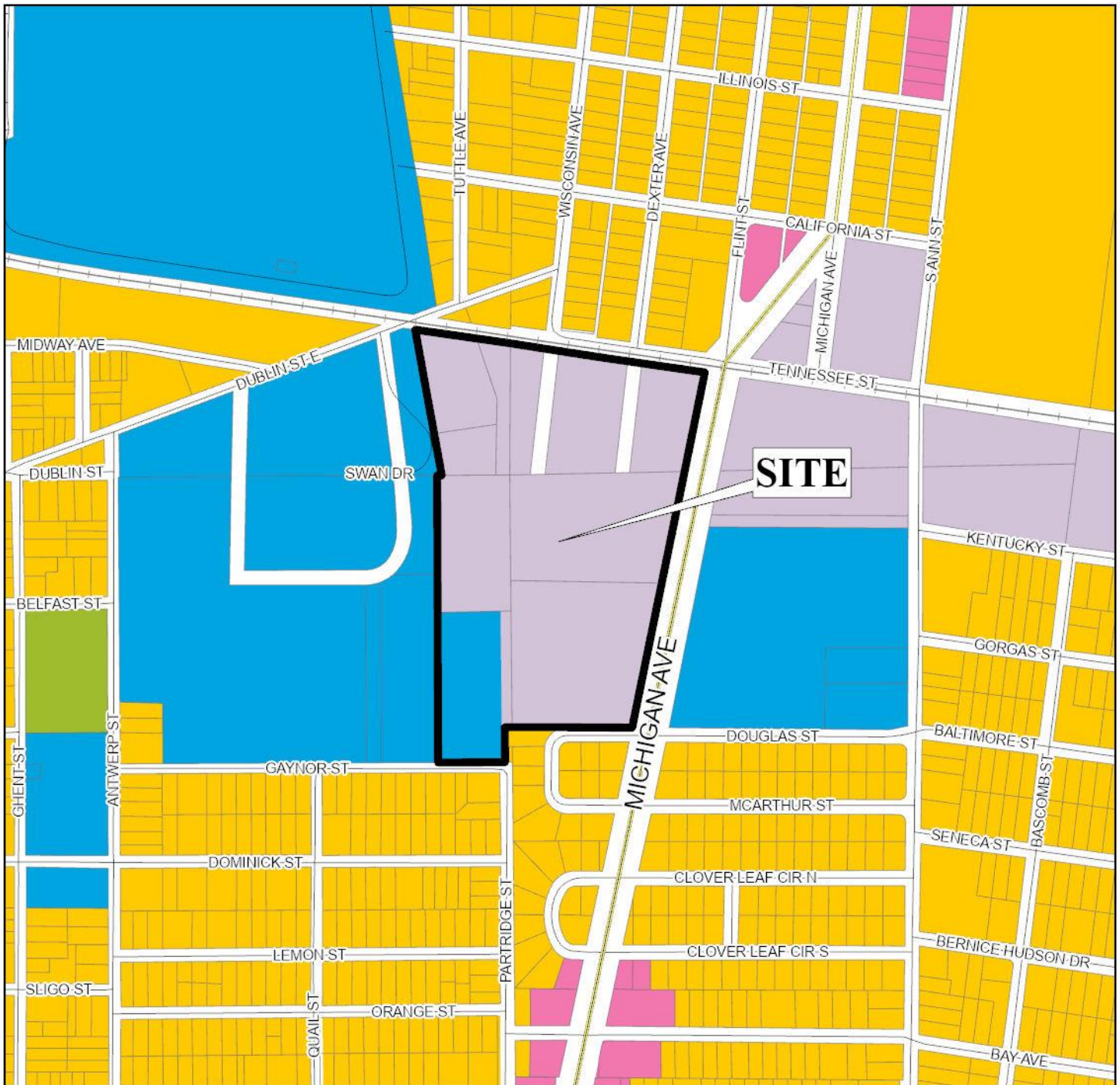
LOCATOR ZONING MAP



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FLUM LOCATOR MAP



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Layer2

Low Density Residential	Downtown	Traditional Corridor	Heavy Industry
Mixed Density Residential	District Center	Mixed Commercial Corridor	Institutional
Neighborhood Center - Suburban	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
	Light Industry		Water Dependent



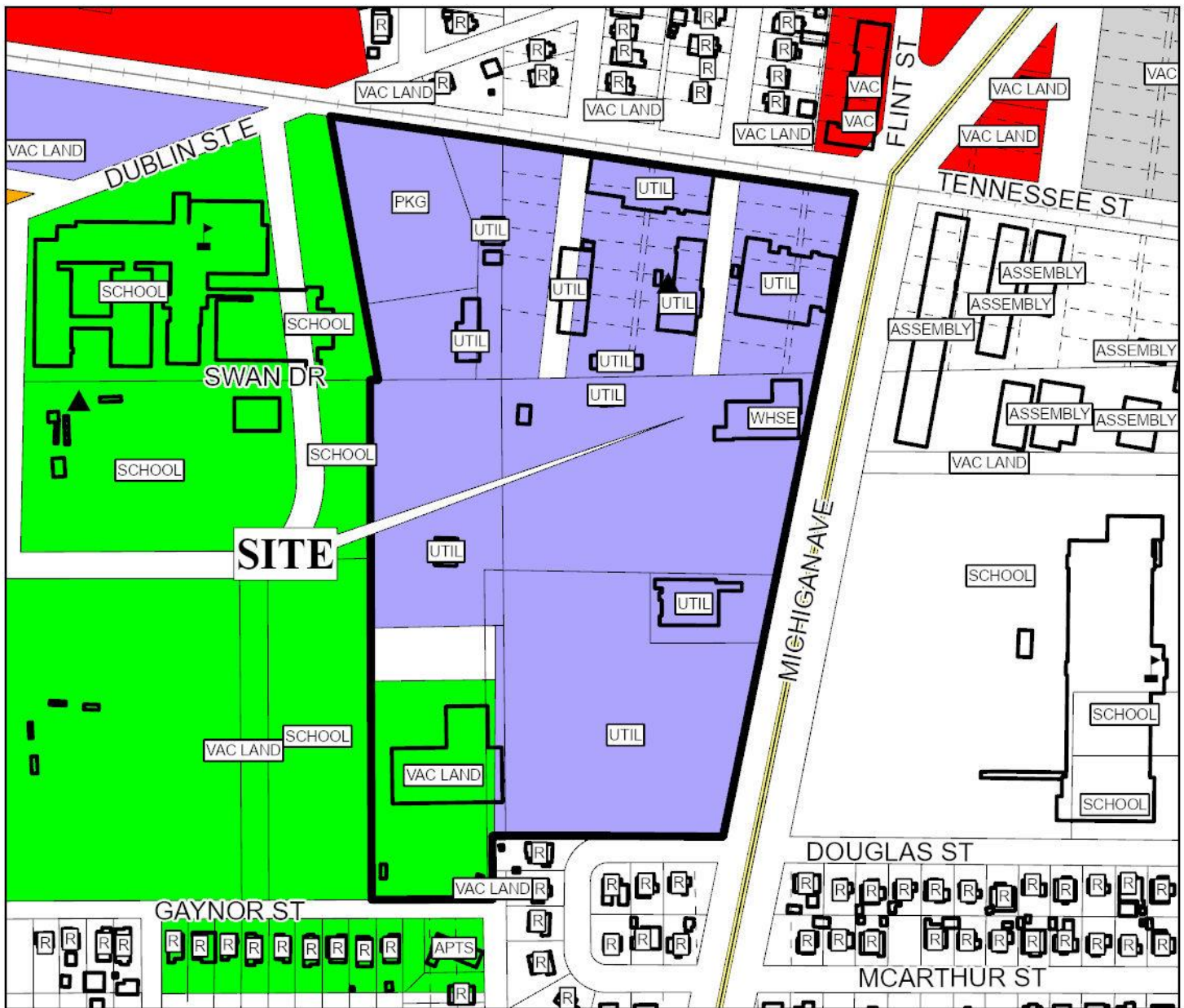
ENVIRONMENTAL LOCATOR MAP



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



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units. Schools lie west and east of the site along with a assembly factory.

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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

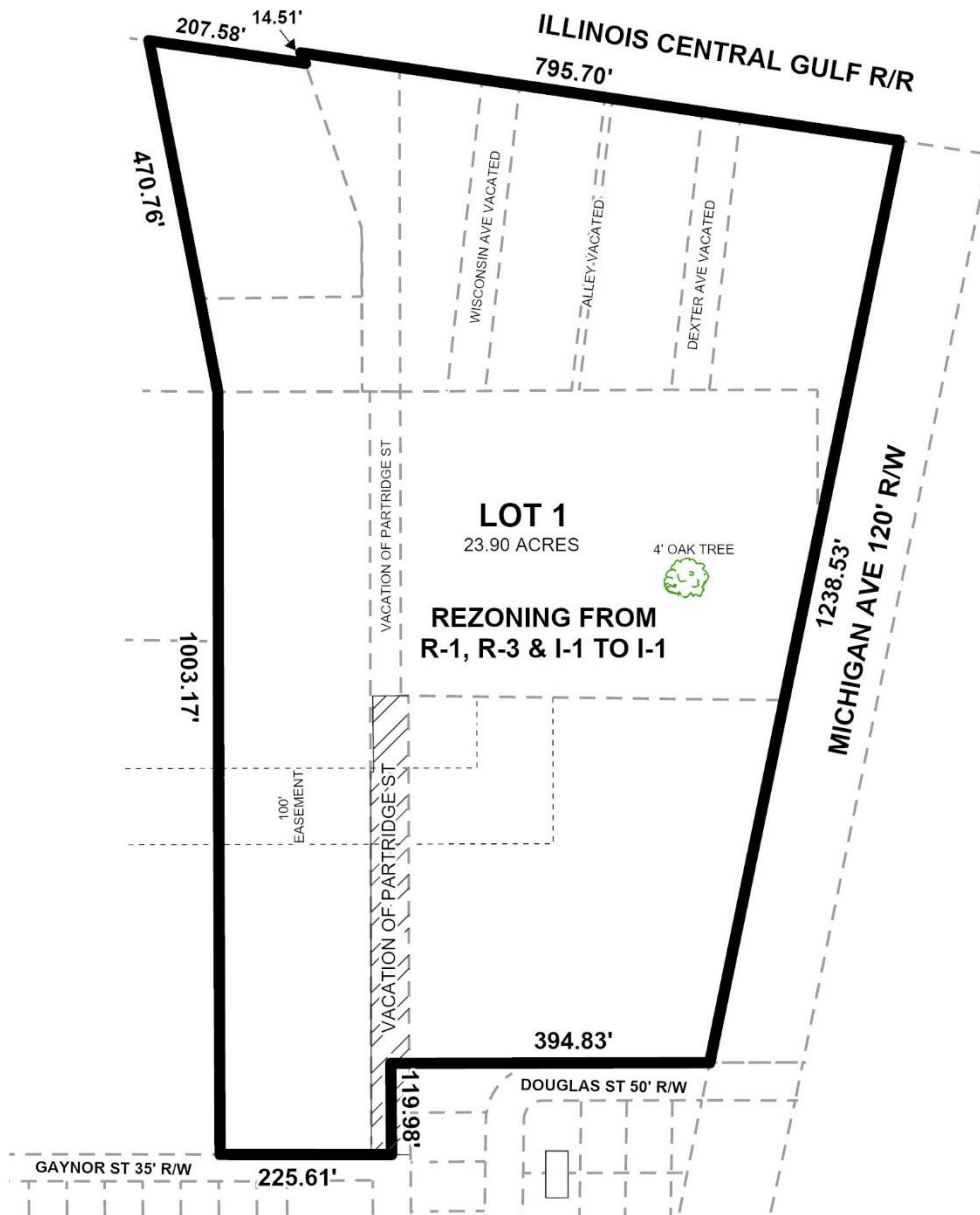


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SITE PLAN



The site plan illustrates the vacated street right of ways, existing lots, and easement.

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