

**SUBDIVISION &
ZONING AMENDMENT STAFF REPORT****Date: May 21, 2020****APPLICANT NAME**

Henry Taleton

SUBDIVISION NAME

Taleton Subdivision

LOCATION

1073 Bernice Hudson Drive
(South side of Bernice Hudson Drive, 194'± West of
Quigley Street).

**CITY COUNCIL
DISTRICT**

Council District 3

PRESENT ZONING

R-1, Single-Family Residential District, and R-2, Two-
Family Residential District

PROPOSED ZONING

R-1, Single-Family Residential District

AREA OF PROPERTY

1 Lot / 0.3± Acres

CONTEMPLATED USE

Subdivision Approval to create one (1) legal lot of record
from two (2) existing metes-and-bounds parcels, and
Rezoning from R-1, Single-Family Residential District, and
R-2, Two-Family Residential District, to R-1, Single-
Family Residential 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 reference markers for the subdivision corner located in an existing tree along the south boundary line.

- C. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
- D. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 29 - #79) LOTS 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) as follows: LOT 1 – 2000 sf.
- E. 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.
- F. 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**

Lot is limited to one curb cut to Bernice Hudson Drive with size, location and design to be approved by Traffic Engineering and conform to AASHTO standard.

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**

Not specified.

REMARKS

The applicant is requesting Subdivision Approval to create one (1) legal lot of record from two (2) existing metes-and-bounds parcels, and Rezoning from R-1, Single-Family Residential District, and R-2, Two-Family Residential District, to R-1, Single-Family Residential District.

The site has been given a Mixed Density Residential land use designation per the adopted 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 mostly to residential areas located between Downtown and the Beltline, where the predominant character is that of a traditional neighborhood laid out on an urban street grid.

These residential areas should offer a mix of single family homes, townhouses, 2- to 4-residential unit buildings, accessory dwellings, and low- and mid-rise multifamily apartment buildings. The density varies between 6 and 10 du/ac, depending on the mix, types, and locations of the housing as specified by zoning.

Like Low Density Residential areas, Mixed Density Residential areas may incorporate compatibly scaled and sited complementary uses such as neighborhood retail and office uses, schools, playgrounds and parks, and churches and other amenities that create a complete neighborhood fabric and provide safe and convenient access to daily necessities.

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 subject site fronts Bernice Hudson Drive, a minor street with a varying right-of-way width. The preliminary plat indicates a current compliant width of 50' from the centerline of the street for the Eastern-most of the two parcels involved; therefore, no dedication would be required along that frontage. Bernice Hudson Drive has a substandard right-of-way width along the North of the Western-most parcel and the preliminary plat contains a legal description of a shaded area within the right-of-way to be dedicated for right-of-way which would be sufficient to provide at least 25' from the centerline of the street. The plat should be revised to label this area as dedication in addition to retaining the legal description of that area. As on the preliminary plat, the 25' minimum building setback line should be retained on the Final Plat as measured from the existing right-of-way line of the Eastern-most lot, and the future right-of-way line of the Western-most lot, if approved.

The proposed lot is labeled with its size in both square feet and acres after frontage dedication, and this label should be retained on the Final Plat, or a table should be furnished on the Final Plat providing the same information.

Both existing parcels are bordered along the rear by Boyd's Lane which is a substandard and unopened public right-of-way. Therefore, a note should be required on the Final Plat stating that access to Boyd's Lane is denied.

As per the Traffic Engineering comments, the lot should be limited to one curb cut to Bernice Hudson Drive with size, location and design to be approved by Traffic Engineering and conform to AASHTO standard. A note should be required on the Final Plat stating these comments. The preliminary plat contains a note limiting the site to two curb cuts. As this differ from the Traffic Engineering comments, the plat should contain only new specific Traffic Engineering 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 within an older part of town with most surrounding properties zoned R-1. The Eastern-most subject lot is zoned R-2, as are the three lots adjacent to the East and those across Bernice Hudson Drive. The Western-most lot is zoned R-1. In order to eliminate a split-zoning situation on the resultant one lot of the subdivision, the applicant proposes to rezone both lots to R-1. The Rezoning process should be completed prior to signing the Final Plat for the subdivision.

In this instance, the subdivision of land makes reclassification of the land necessary and desirable in order to eliminate split zoning.

RECOMMENDATION

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

- 1) revision of the plat to label the area to be dedicated and retention of the legal description of that area on the Final Plat;
- 2) retention of the 25' minimum building setback line on the Final Plat as measured from the existing right-of-way line of the Eastern-most lot, and the future right-of-way line of the Western-most lot;
- 3) retention of the lot size label on the Final Plat, or the furnishing of a table on the Final Plat providing the same information;
- 4) placement of a note on the Final Plat stating that access to Boyd's Lane is denied;
- 5) 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 reference markers for the subdivision corner located in an existing tree along the south boundary line. C. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. D. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 29 - #79) LOTS 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) as follows: LOT 1 – 2000 sf. E. 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. F. 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.];

- 6) placement of a note on the Final Plat stating the Traffic Engineering comments: *(Lot is limited to one curb cut to Bernice Hudson Drive with size, location and design to be approved by Traffic Engineering and conform to AASHTO standard.)* ;
- 7) removal of the note on the plat limiting the site to two curb cuts;
- 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 (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.];*
- 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. (2012 International Fire Code)];* and
- 10) completion of the Rezoning process prior to signing the Final Plat.

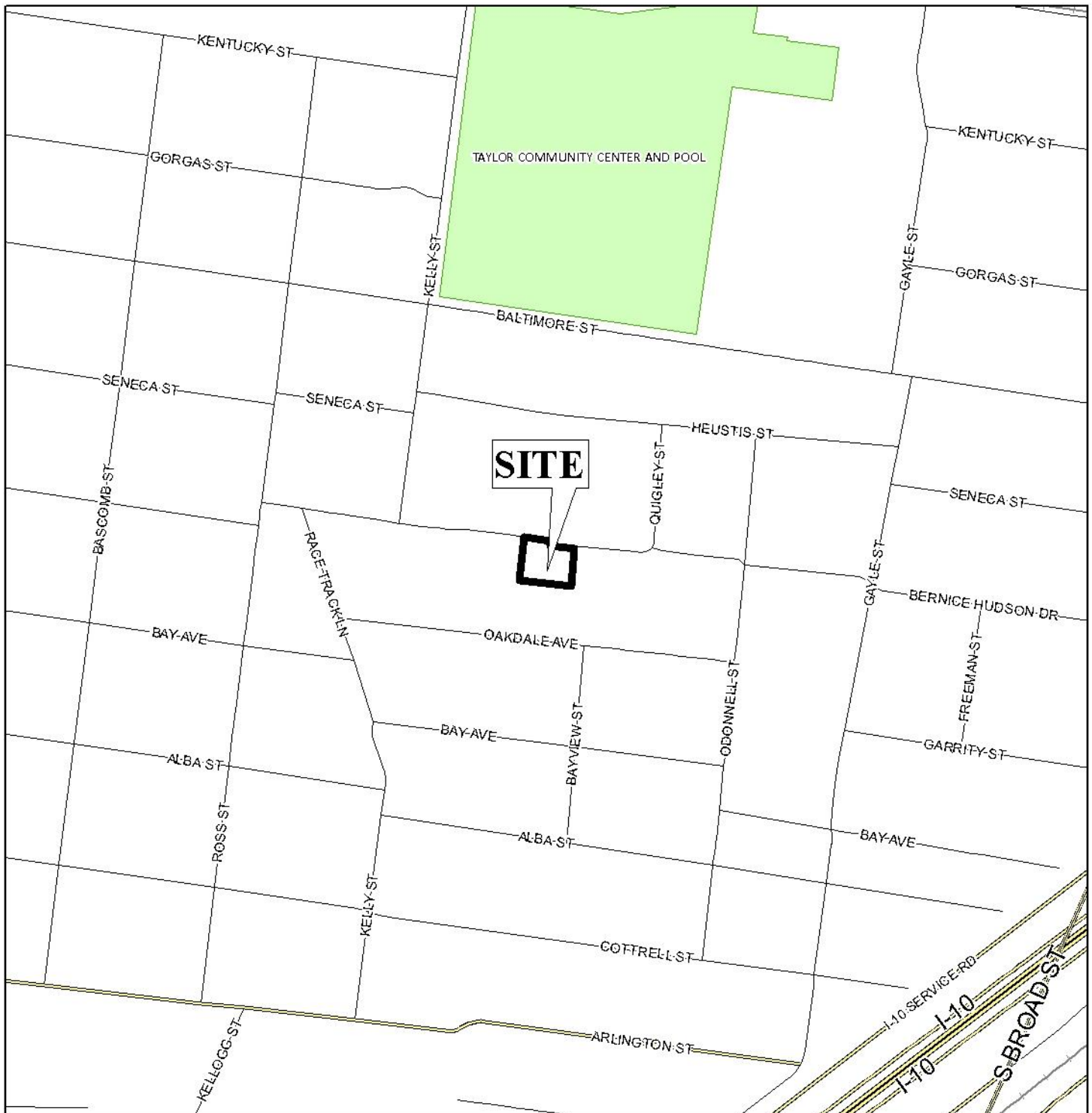
Rezoning: Based upon the preceding, staff finds that the following condition prevails to support the rezoning request:

- i. the subdivision of land into building sites makes reclassification of the land necessary and desirable.

The application is recommended for Approval to R-1, Single-Family Residential District, 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 8 DATE May 21, 2020

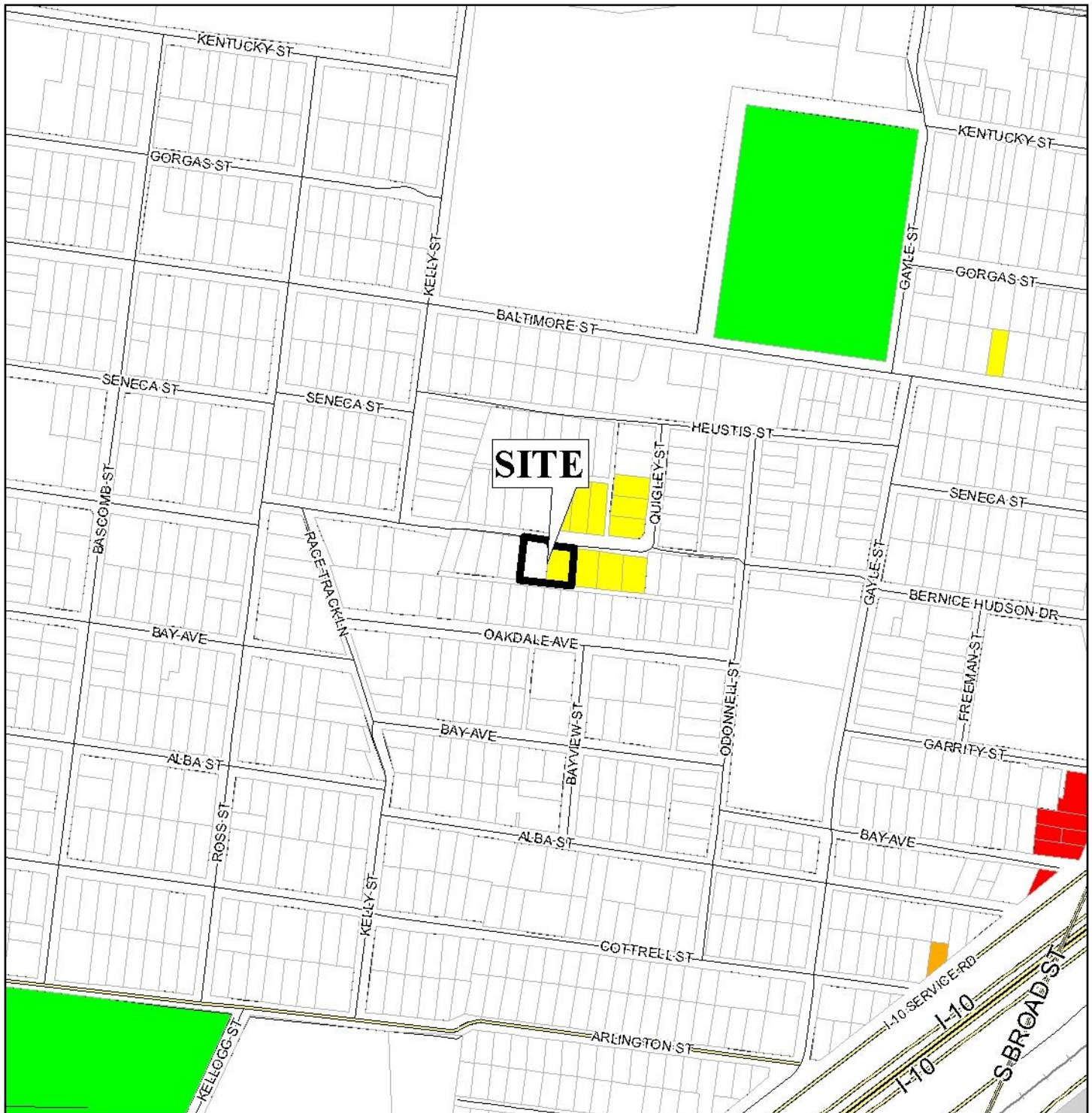
APPLICANT Taleton Subdivision

REQUEST Subdivision, Rezoning from R-2 to R-1



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LOCATOR ZONING MAP



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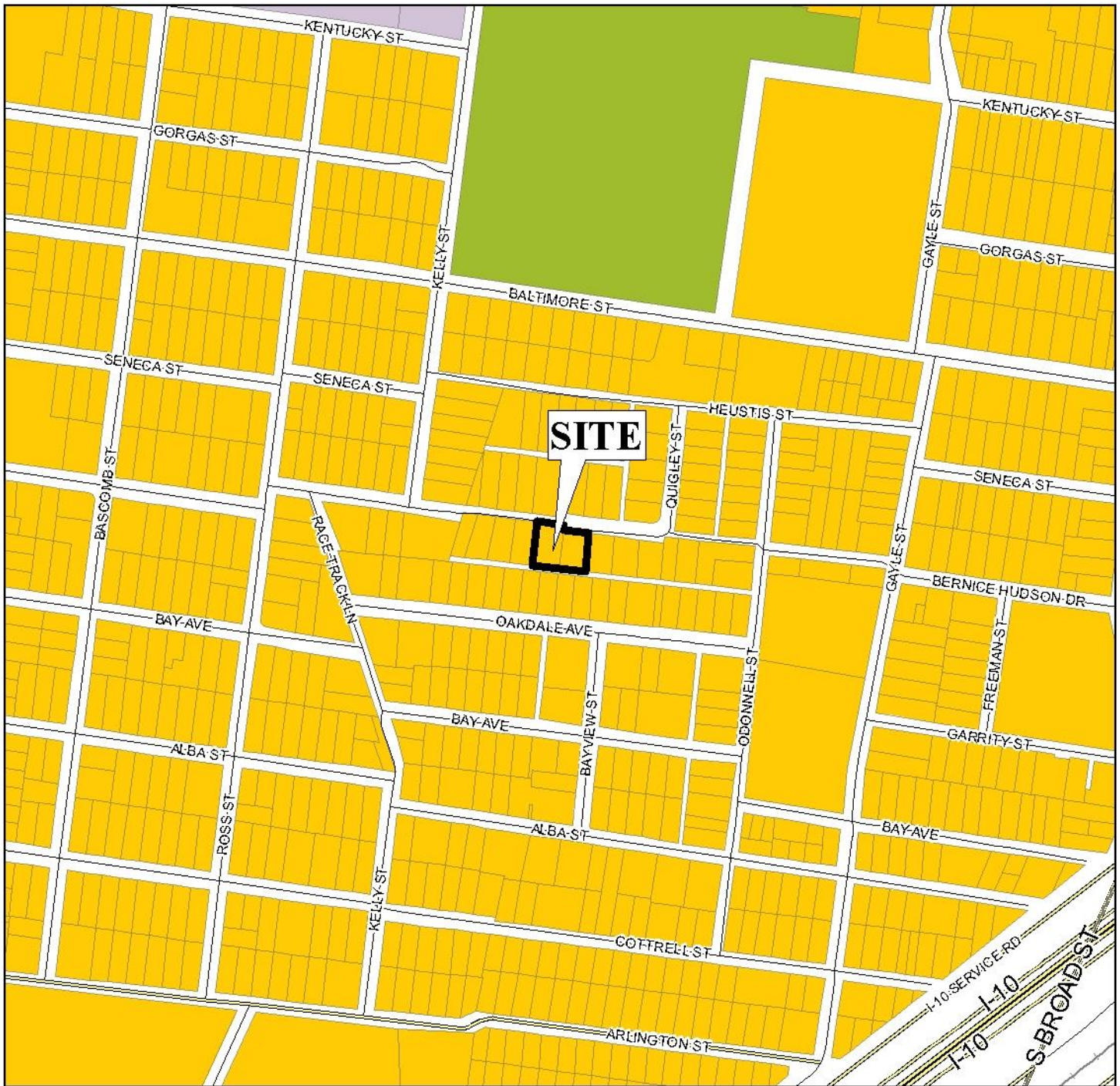
APPLICANT Taleton Subdivision

REQUEST Subdivision, Rezoning from R-2 to R-1



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FLUM LOCATOR MAP



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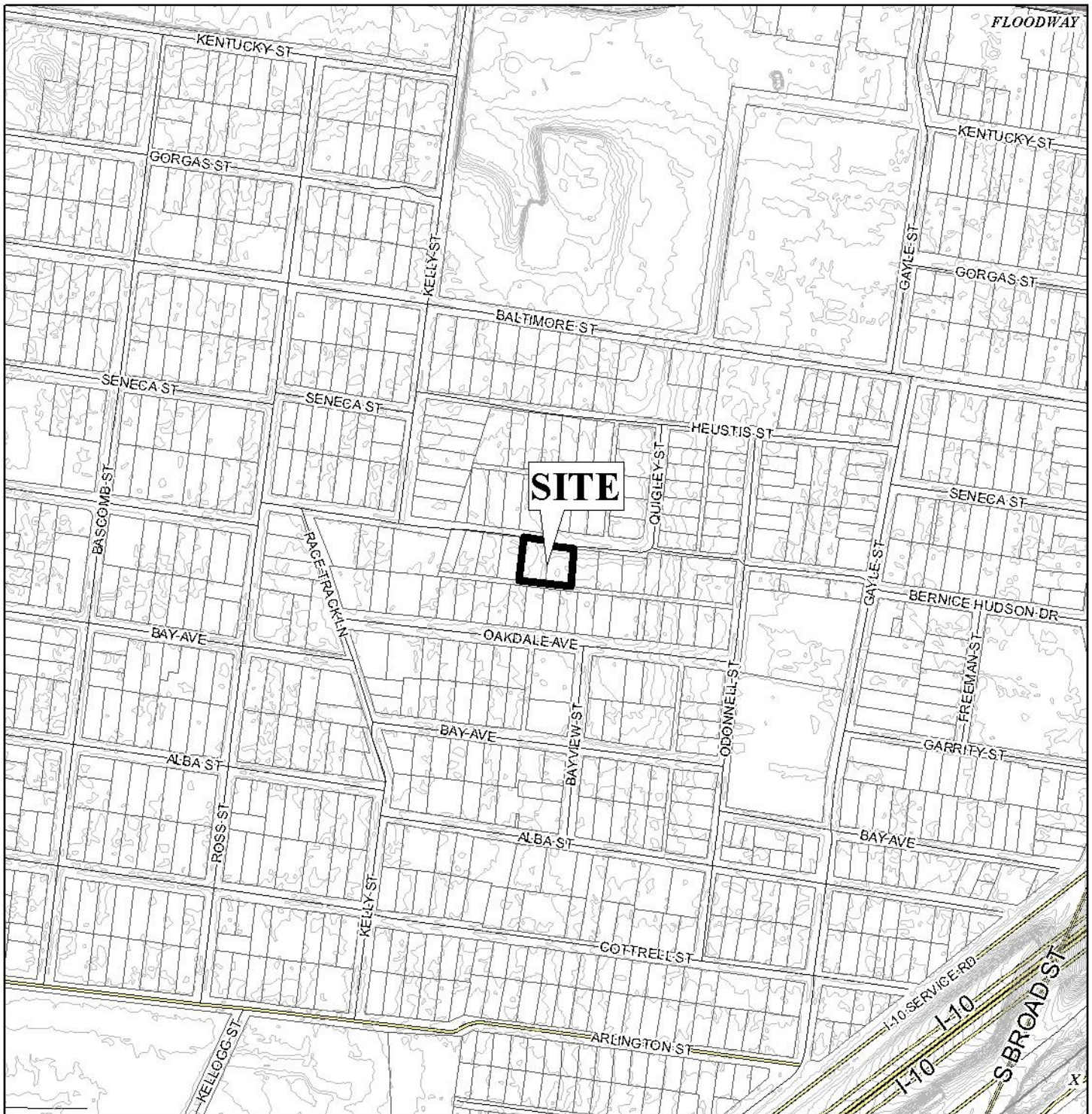
APPLICANT Taleton Subdivision

REQUEST Subdivision, Rezoning from R-2 to R-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



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APPLICANT Taleton Subdivision

REQUEST Subdivision, Rezoning from R-2 to R-1



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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units.

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REQUEST Subdivision, Rezoning from R-2 to R-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 units.

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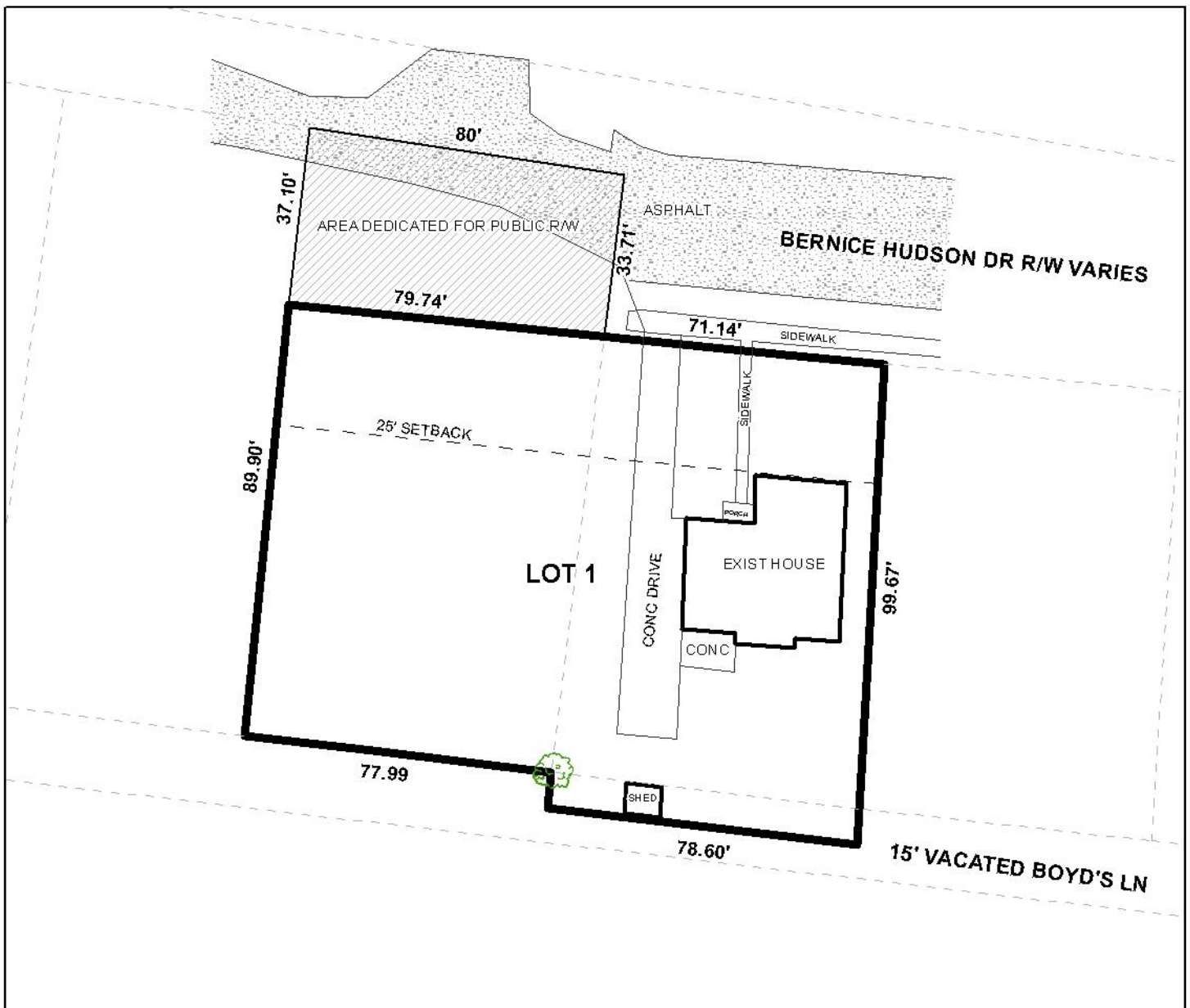
APPLICANT Taleton Subdivision

REQUEST Subdivision, Rezoning from R-2 to R-1



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SITE PLAN



The site plan illustrates the existing house, setback, proposed lot, and proposed dedicated right of way.

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REQUEST Subdivision, Rezoning from R-2 to R-1



DETAIL SITE PLAN



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APPLICANT Taleton Subdivision

REQUEST Subdivision, Rezoning from R-2 to R-1

