

**SUBDIVISION &  
ZONING AMENDMENT STAFF REPORT****Date: December 16, 2021****APPLICANT NAME**

Cowles, Murphy, Glover &amp; Associates (Bruce Smith, Agent)

**SUBDIVISION NAME**

Cindy Haber Center Subdivision

**LOCATION**1452 Government Street  
(North side of Government Street, extending from South Lafayette Street to Etheridge Street).**CITY COUNCIL  
DISTRICT**

Council District 2

**PRESENT ZONING**

R-3, Multi-Family Residential District

**PROPOSED ZONING**

B-1, Buffer Business District

**AREA OF PROPERTY**2 Lots / 1.1± Acres (Subdivision)  
1 Lot / 1.0± Acres (Rezoning)**CONTEMPLATED USE**

Subdivision Approval to create two legal lots of record from four metes-and-bounds parcels and a portion of a vacated alley; and Rezoning from R-3, Multi-Family Residential District to B-1, Buffer Business 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. Dedicate the corner radius (25' minimum or as approved by the City Engineer and Traffic Engineer) at the southeast corner of LOT A (Lafayette St.) to the City of Mobile, and list the amount of dedicated acreage.

- C. Dedicate the corner radius (15' minimum or as approved by the City Engineer and Traffic Engineer) at the southwest corner of LOT A (Etheridge St.) to the City of Mobile, and list the amount of dedicated acreage.
- D. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 28 - #74) 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 – NONE.
- 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](mailto:land.disturbance@cityofmobile.org) prior to obtaining any signatures. No signatures are required on the drawing.
- K. After addressing all of the FINAL SUBDIVISION PLAT review comments provide the ORIGINAL (with all signatures except for the Planning Commission, Traffic Engineering, and City Engineer), one (1) copy, and a transmittal letter to the Engineering Permitting Department. They can be dropped off at 205 Government St. or mailed to PO Box 1827, Mobile, AL, 36633.

**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**

Government Street (US Highway 90) is an ALDOT maintained roadway. Lot A is limited to one curb cut each to S Lafayette St and Etheridge St. The access on Etheridge St shall be designed as such to discourage travel northbound on Etheridge St from the project site. For both Lot A and B, the driveway size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. 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 (2012 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.

## **TIME SCHEDULE FOR DEVELOPMENT**

May 2022 – March 2023

## **REMARKS**

The applicant is requesting Subdivision Approval to create two legal lots of record from four metes-and-bounds parcels and a portion of a vacated alley; and Rezoning from R-3, Multi-Family Residential District to B-1, Buffer Business District. The applicant is only proposing to rezone proposed Lot A of the proposed Subdivision.

The site has been given a Traditional Corridor (TC) land use designation, per the recently adopted Future Land Use Plan and Map. 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 generally applies to transportation corridors east of I-65, which serve as the primary commercial and mixed-use gateway to Downtown and the City's traditional neighborhoods (equivalent to Map for Mobile's Traditional Neighborhoods).

Depending on their location (and as allowed by specific zoning), TC designations incorporate a range of moderately scaled single-use commercial buildings holding retail or services; buildings that combine housing units with retail and/or office; a mix of housing types including low- or mid-rise multifamily structures ranging in density from 4 to 10 du/ac; and attractive streetscapes and roadway designs that safely accommodate all types of transportation – transit, bicycling, walking, and driving. In these areas, special emphasis is placed on the retention of existing historic structures, compatible infill development, and appropriate access management.

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 along Government Street, Etheridge Street, and South Lafayette Street. Government Street is shown on the Major Street Plan as having a compliant, existing, right-of-way of 100-feet, making no dedication necessary. South Lafayette Street is a minor road with curb and gutter, and a compliant, existing, right-of-way of 50-feet, making no dedication necessary. Etheridge Street is a minor road with curb and gutter, and an existing right-of-way of 37.5-feet, making dedication to provide 25-feet from the centerline necessary, if approved. Dedication of the curb radii at South Lafayette Street and Government Street as well as Etheridge Street and Government Street per Section V.D.6. of the Subdivision Regulations, should also be required, if approved.

The applicant proposes to create two legal lots of record from four metes-and-bounds parcels and a portion of a vacated alley. The lot sizes are depicted in square feet and acres on the plat. The proposed Lot B is 4,991 square feet, which is below the minimum allowable size of 7,200 square feet. Lot B, as proposed, would be of the same area dimensions as the existing parcel, without the

vacated alley. However, required dedication for Etheridge Street will further reduce the size of the lot; therefore, the plat should be revised to provide more area for Lot B. While the Planning Commission has not approved a lot of similar size in this area, there are several existing parcels that are approximately the same size, therefore approval of the Subdivision may be in keeping with the character of the neighborhood.

The subject site is located within the Old Dauphin Way Historic District, and as such, is subject to the Historic District Overlay, which allows for reduced setbacks as established by existing structures on the same side of the street, within 150-feet. Therefore, if approved, a waiver of Section V.D.9. of the Subdivision Regulations may be appropriate.

In regards to access management, the site plan depicts one curb cut each to Etheridge Street and South Lafayette Street. If approved, a note stating Traffic Engineering comments should be placed on the Final Plat.

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 site is bounded to the North, by R-1, Single-Family Residential District; to the South, across Government Street, by B-2, Neighborhood Business District; to the West, across Etheridge Street by LB-2, Limited-Neighborhood Business District; and to the East, across South Lafayette Street, by R-1 and B-1, Buffer Business District.

In 1984, the City of Mobile conducted the Government Street Zoning Study, in which large areas of property were rezoned in order to more closely reflect what residents wished to see in the area. During this time, the subject property was rezoned from B-1, Buffer Business District to R-3, Multi-Family Residential District. Later, in 1992, a rezoning application was made to have the property rezoned from R-3 to B-3, Community Business District, to accommodate a proposed tire store. That rezoning application was denied due to concerns of the site using Etheridge Street, a residential street, to access the site, as well as concerns over allowing such an extensive commercial zoning to encroach into a residential area.

The applicant provided the following statements:

*The Cindy Haber Center proposes to purchase the subject parcels and construct a new 8,000 sf office building at 1452 Gov't St. The new building will contain space for approximately 20 new offices. The three parcels are currently zoned R-3. The proposed use for this property will require a B-1 zoning. The site will include new sidewalks around the building and 40 parking spaces. The site will also include improvements to the corner of Etheridge Street and Gov't Street as required by the City of Mobile Engineering Dept.*

*The entrances to the development have been strategically located to prevent the removal of heritage trees. The proposed development will utilize approximately 14 large heritage trees in the final landscaping plan. The retention of these heritage trees will help the site maintain its current character.*

*Proposed Construction Dates: May 2022 – March 2023*

*The Cindy Haber Center proposes to purchase the subject parcels and construct a new 8,000 sf office building at 1452 Gov't St. The new building will contain space for approximately 20 new offices. The three parcels are currently zoned R-3, which prohibits the proposed office building. The proposed use for this property will require a B-1 zoning. The proposed change from R-3 to B-1 should not have an adverse effect on the neighborhood as there are existing B-1 zoned properties directly across Lafayette St. and Government St. from the subject parcels. Furthermore, the proposed site plan utilizes 14 existing heritage trees to maintain the current neighborhood character. The proposed development will also improve the corner of Government St. and Etheridge St. in accordance with City of Mobile Engineering Department requirements. The subject parcels are currently vacant lots. The proposed development will improve the beauty of the parcels.*

*The Cindy Haber Center proposes to purchase the subject parcels and construct a new 8,000 sf office building at 1452 Gov't St. The new building will contain space for approximately 20 new offices. The three parcels are currently zoned R-3. The proposed use for this property will require a B-1 zoning. There are existing B-1 zoned properties directly across Lafayette St. and Government St. from the subject parcels. These parcels have been designated as Traditional Mixed Use Corridor in the City of Mobile's Future Land Use Map. The Traditional Mixed Use Corridor use would accommodate the proposed use. The proposed site plan utilizes 14 existing heritage trees to maintain the current neighborhood character. The proposed development will also improve the corner of Government St. and Etheridge St. in accordance with City of Mobile Engineering Department requirements. A one lot subdivision is also proposed to join these three parcels into one lot.*

Section 64-9.A.2.b. of the Zoning Ordinance recommends that new B-1 districts be a minimum of two (2) acres. As the subject site proposed to be rezoned is 0.97± acres, it does not meet this minimum. Furthermore, the applicant does not state which of the four prevailing conditions exist which make the proposed rezoning necessary and desirable.

Because the site is adjacent to residentially zoned property, a residential buffer compliant with Section 64-4.D.1. of the Zoning Ordinance should be provided, if approved.

The site plan illustrates that the site will comply with landscape area requirements, and states that compliant tree plantings will be provided. It should be noted that the site plan illustrates several existing trees to remain on the site for planting credits, but only the sizes of the trees are provided. If approved, the size and species of all existing trees to remain on-site should be provided at the time of permitting. Furthermore, this information should be provided in such a way that it is more

easily legible than on the site plan provided. All new tree plantings should be coordinated with staff at the time of permitting to insure all trees planted have sufficient room to thrive. If any existing trees on the site are to be removed, a private property tree permit may be required.

The site plan shows an 8,000 square foot office building, therefore requiring 27 parking spaces; the site plan submitted has 40 parking spaces, therefore a photometric site plan will be required at the time of permitting.

The proposed site plan depicts one curb cut each to Etheridge Street and South Lafayette Street. As mentioned previously, Etheridge Street has a sub-standard right-of-way, and while dedication along Etheridge Street should be required, for the time being, the roadway itself is narrow. Therefore, per Traffic Engineering comments, the site plan should be revised so that the access on Etheridge Street shall be designed as such to discourage travel North-bound on Etheridge Street from the project site.

The site plan states that no dumpster will be used on-site, and that curbside pickup will be utilized to handle waste disposal. If approved, this note should be retained on the site plan.

It should be noted that the site plan does not depict a sidewalk along either street frontage. A sidewalk must be constructed at the time of development, unless a Sidewalk Waiver is granted by the Planning Commission.

In regards to signage, it should be noted that as a commercial site in a historic district, the site will be limited to a total of 64 square feet of signage per tenant. Finally, it should be noted that the site is located in a historic district, and as such, any exterior improvements to the site, including signage require approval by the Architectural Review Board, prior to the issuance of permits.

As previously stated, Etheridge Street has a sub-standard right-of-way. When property on the West side of Etheridge was developed, dedication from the East of Etheridge Street, to that site was required. Dedication along Etheridge Street for the site will necessitate that the subdivision plat be redrawn to provide adequate area for Lot B. This, in turn, requires the site plan submitted to be revised as well. Moreover, the applicant should also revise the narrative to illustrate the prevailing condition that necessitates this rezoning. It should also be noted that reconfiguration of Lot B may necessitate an additional rezoning application to eliminate a potential split-zoning situation.

### **RECOMMENDATION**

**Subdivision:** Based upon the preceding, the application is recommended for Holdover to the January 20, 2022 meeting to allow the applicant to address item:

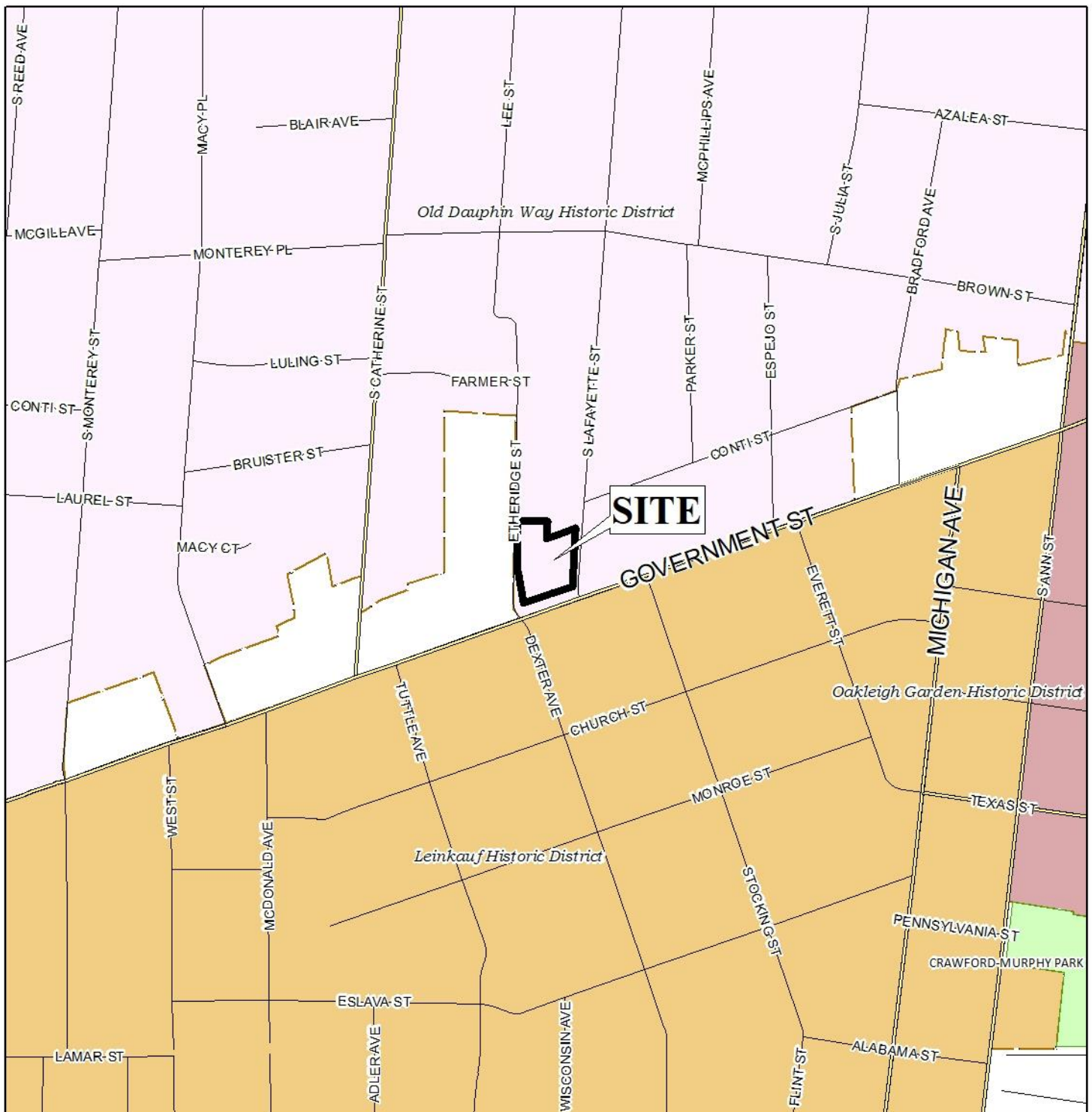
- 1) Revise the site plan to show the impact the dedication along Etheridge Street will have on the site and to reconfigure Lot B.

**Rezoning:** Based upon the preceding, the application is recommended for Holdover to the January 20, 2022 meeting to allow the applicant to address the following items:

- 1) Provide justification for the proposed rezoning;
- 2) Revise the site plan to show the impact the dedication along Etheridge Street will have on the site;
- 3) Reconfigure the curb cut to Etheridge Street so it is designed as such to discourage travel North-bound on Etheridge Street from the project site; and
- 4) If needed, to submit a separate zoning application such that Lot B does not create a split-zoned lot.



# LOCATOR MAP



APPLICATION NUMBER 9 DATE December 16, 2021

APPLICANT Cindy Haber Center Subdivision

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



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# LOCATOR ZONING MAP



APPLICATION NUMBER 9 DATE December 16, 2021

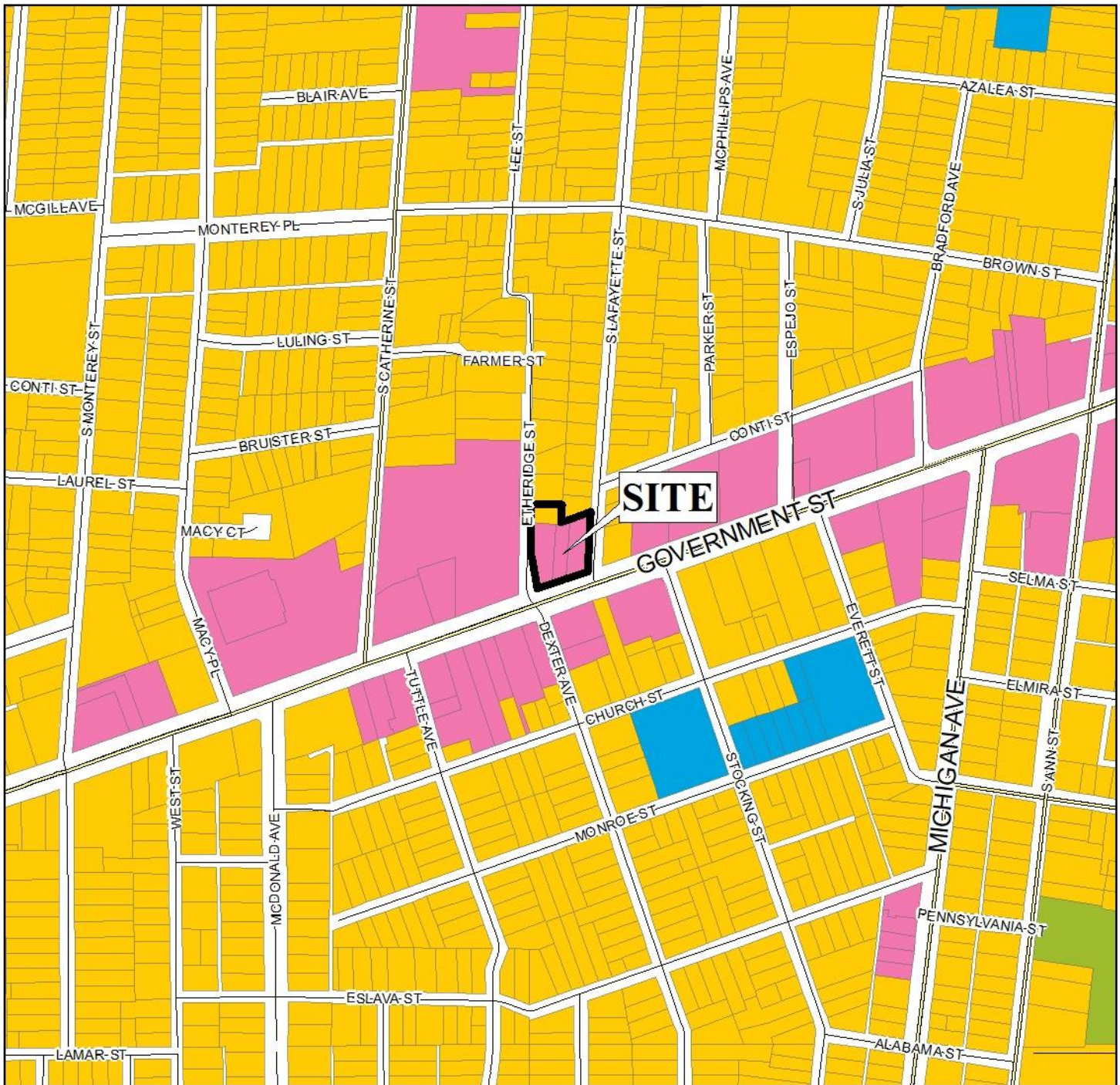
APPLICANT Cindy Haber Center Subdivision

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





# FLUM LOCATOR MAP



APPLICATION NUMBER 9 DATE December 16, 2021

APPLICANT Cindy Haber Center Subdivision

REQUEST Subdivision, Rezoning from R-3 to B-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 9 DATE December 16, 2021

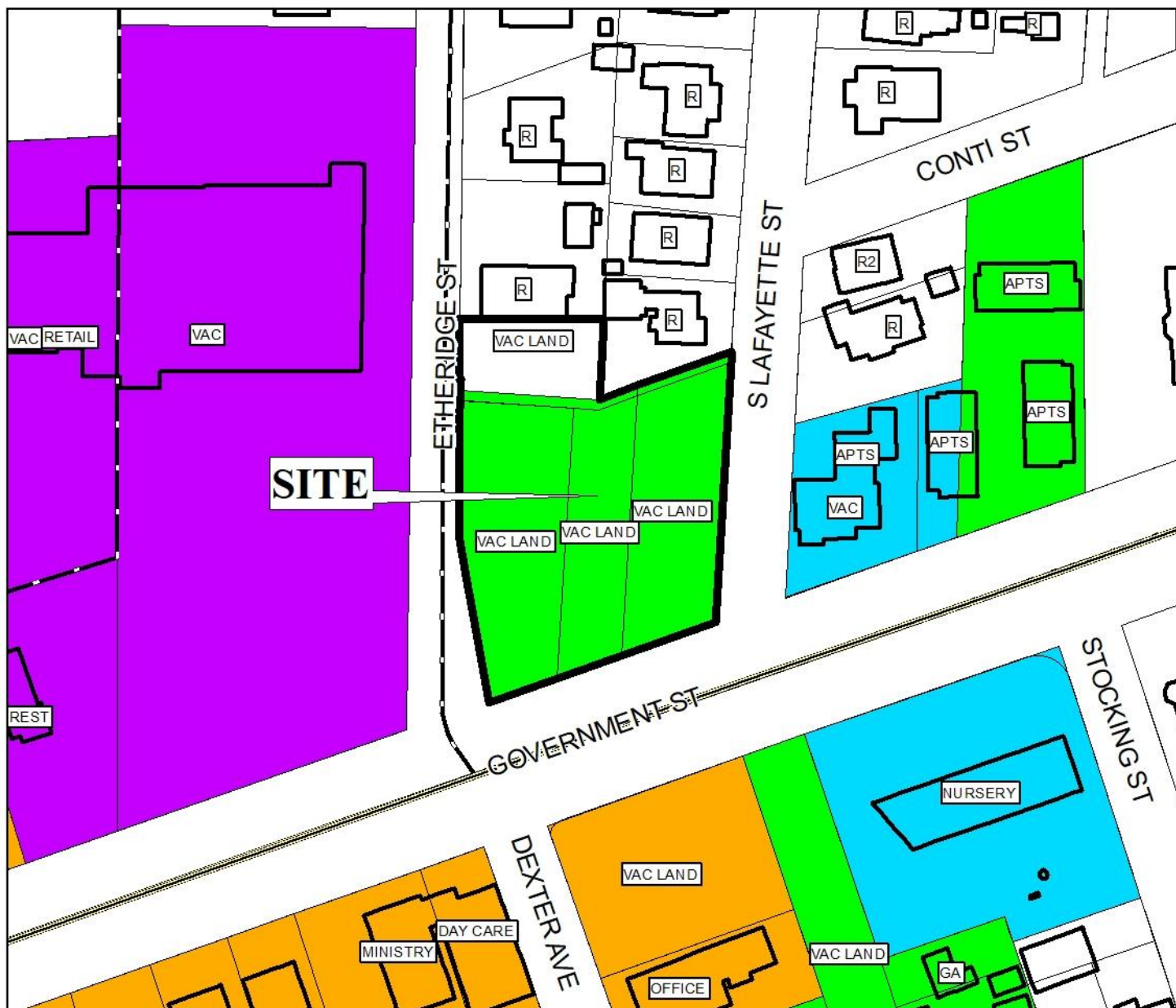
APPLICANT Cindy Haber Center Subdivision

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





# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units to the west and south, and residential units to the north.

APPLICATION NUMBER 9 DATE December 16, 2021

APPLICANT Cindy Haber Center Subdivision

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

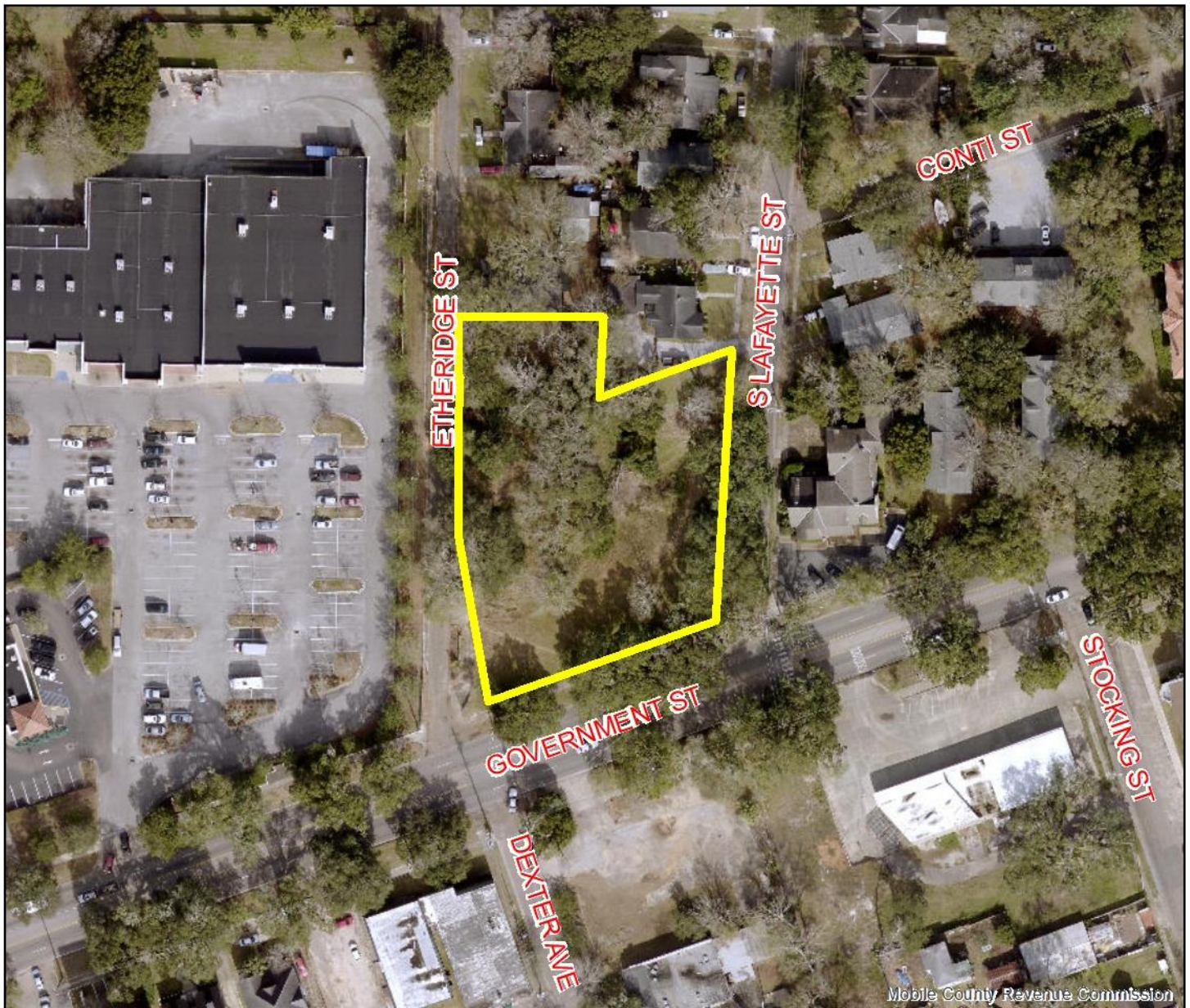
R-A	R-3	T-B	B-2	B-5	MUN	SD-WH	T5.1
R-1	R-B	B-1	B-3	I-1	OPEN	T3	T5.2
R-2	H-B	LB-2	B-4	I-2	SD	T4	T6





# PLANNING COMMISSION

## VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial units to the west and south, and residential units to the north.

APPLICATION NUMBER 9 DATE December 16, 2021

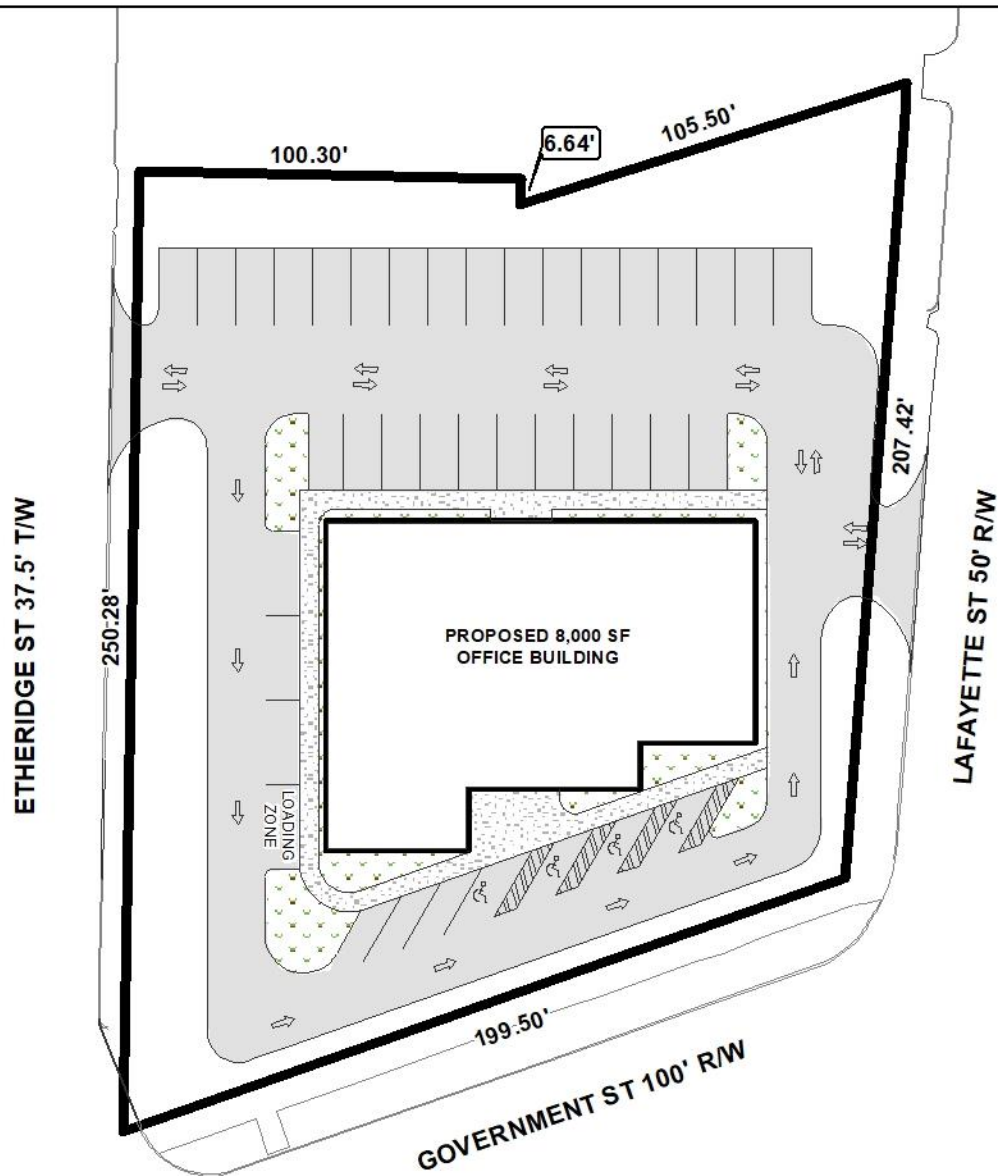
APPLICANT Cindy Haber Center Subdivision

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



NTS

# PROPOSED SITE PLAN



The site plan illustrates the proposed building, and parking.

APPLICATION NUMBER 9 DATE December 16, 2021

APPLICANT Cindy Haber Center Subdivision

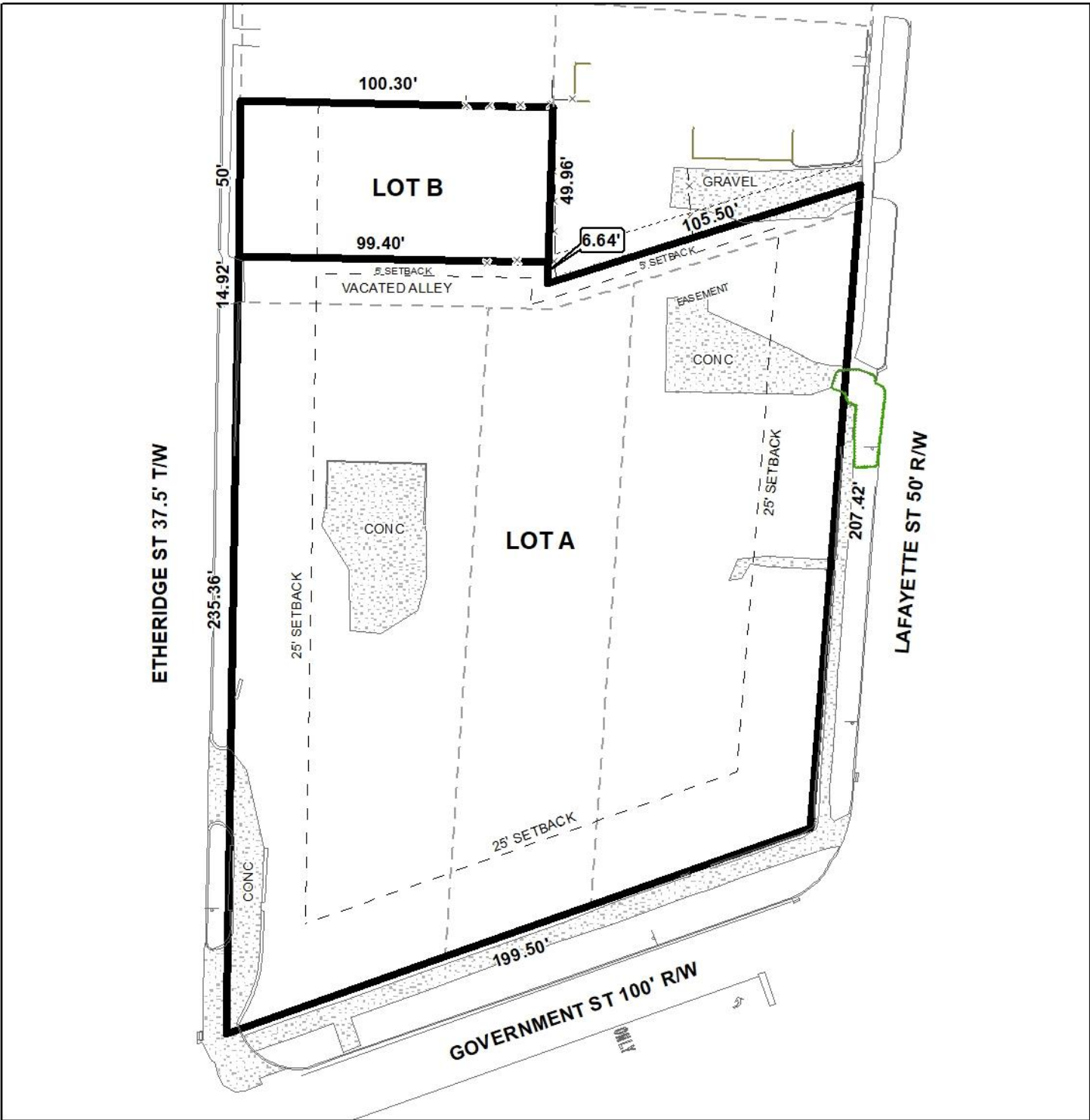
REQUEST Subdivision, Rezoning from R-3 to B-1



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# DETAIL SITE PLAN



APPLICATION NUMBER 9 DATE December 16, 2021

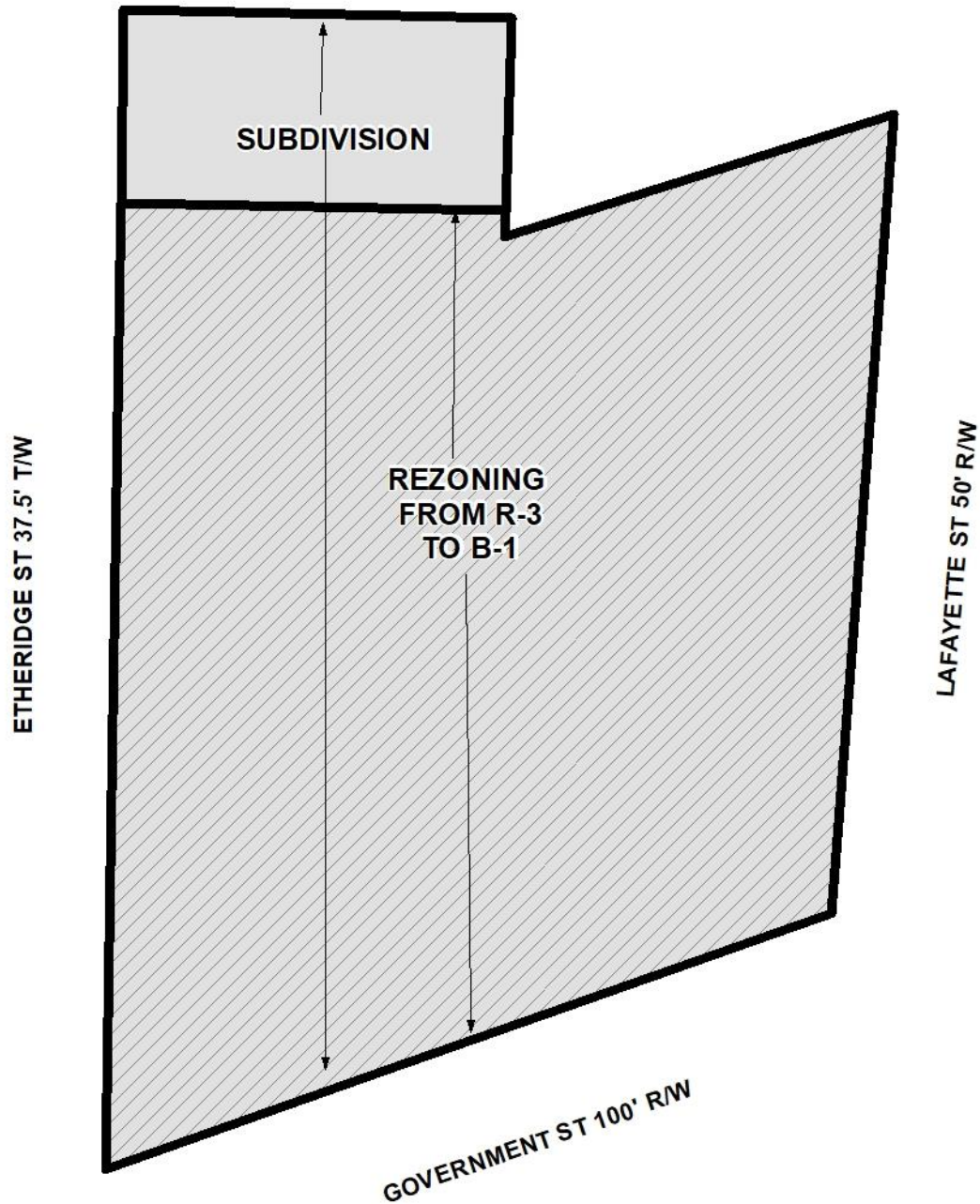
APPLICANT Cindy Haber Center Subdivision

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





# DETAIL SITE PLAN



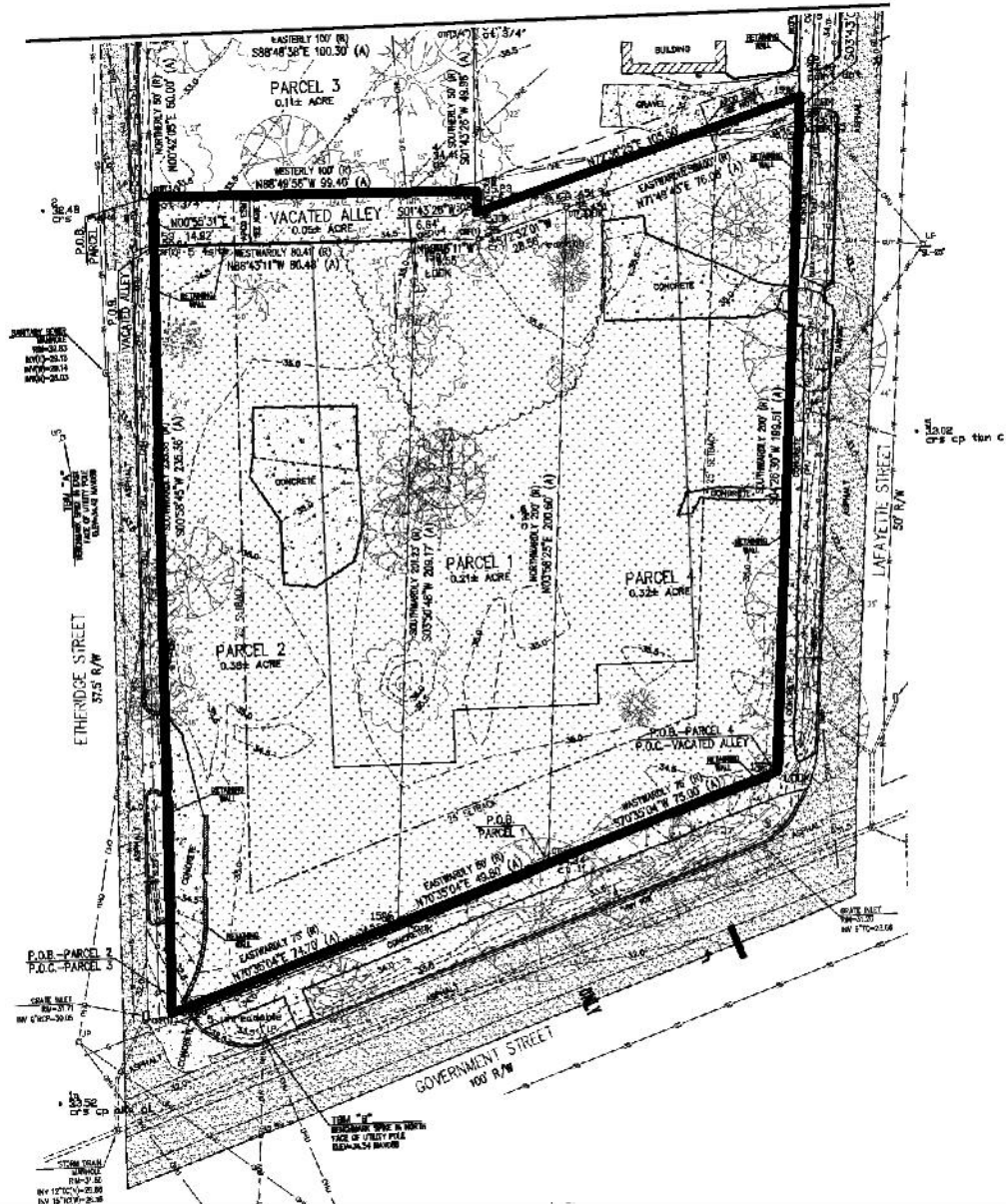
APPLICATION NUMBER 9 DATE December 16, 2021

APPLICANT Cindy Haber Center Subdivision

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



# EXISTING SITE PLAN



The site plan illustrates the existing property, setbacks and easements.

APPLICATION NUMBER 9 DATE December 16, 2021

APPLICANT Cindy Haber Center Subdivision

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



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