

**SUBDIVISION &
ZONING AMENDMENT STAFF REPORT****Date: May 6, 2021****APPLICANT NAME**

Byrd Surveying, Inc.

SUBDIVISION NAME

Beaver Creek Subdivision

LOCATION

Area bounded by Rangeline Road, Todd Boulevard, and Todd Acres Drive

**CITY COUNCIL
DISTRICT**

Council District 4

PRESENT ZONING

R-1, Single-Family Residential District

PROPOSED ZONING

I-1, Light Industry District (proposed Lot 8 only)

AREA OF PROPERTY

8 Lots/ 6.1± Acres

CONTEMPLATED USE

Subdivision Approval to create eight lots of record from one metes-and-bounds parcel and a portion of existing right-of-way; and Rezoning from R-1, Single-Family Residential District to I-1, Light Industry District (proposed Lot 8 only). **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 and label the monument set or found at each subdivision corner.
- C. Add legible street names to the vicinity map.
- D. Provide a written description for the subdivision boundary.
- E. Show and label all flood zones. New maps went into effect on June 5, 2020.
- F. Show and label the MFFE (Minimum Finished Floor Elevation) on each lot that contains an AE, V, or X (shaded) flood zone designation.

- G. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer.
- H. Provide the Surveyor's Certificate.
- I. Provide the Surveyor's and Owner's (notarized) signatures.
- J. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 23 - #92) LOTS 1 and 8 and the COMMON AREA DETENTION 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 thru 8 – NONE and COMMON AREA DETENTION - NONE.
- K. 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.
- L. 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.
- M. 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.
- N. 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.
- O. Add a note that all easements shall remain in effect until vacated through the proper Vacation process.
- P. 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.

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

Rangeline Service Road (State Route 163) is an ALDOT maintained roadway. Driveway number, size, location, and design to be approved by Traffic Engineering and ALDOT (where applicable) 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

None provided

REMARKS

The applicant is requesting Subdivision Approval to create eight lots of record from one metes-and-bounds parcel and a portion of existing right-of-way; and Rezoning from R-1, Single-Family Residential District to I-1, Light Industry District (proposed Lot 8 only).

The site has been given a Low Density Residential (LDR) 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.

Low Density Residential land use designation applies to existing residential neighborhoods found mostly west of the Beltline or immediately adjacent to the east side of the Beltline.

The primary land use in the LDR districts is residential and the predominant housing type is the single-family housing unit, detached or semi-detached, typically placed within a street grid or a network of meandering suburban streets. The density in these districts ranges between 0 and 6 dwelling units per acre (du/ac).

These neighborhoods may also contain small-scale, low-rise multi-unit structures at appropriate locations, as well as complementary retail, parks and civic institutions such as schools, community centers, neighborhood playgrounds, and churches or other religious uses if those uses are designed and sited in a manner compatible with and connected to the surrounding context. The presence of individual ancillary uses should contribute to the fabric of a complete neighborhood, developed at a walkable, bikeable human scale.

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 applicant proposes to create eight legal lots of record from one metes-and-bounds parcel and a portion of existing right-of-way. If the applicant wishes to include what is labeled as "Parcel B", it should be vacated by the City and ALDOT (if applicable), first. Otherwise, the preliminary plat and site plan will need to be revised to include private property only. As this will greatly impact the layout of the lots and their sizes, the plat should be brought back to the Planning Commission for consideration in the event the right-of-way is not successfully vacated.

The applicant provided the following statements in regards to the proposed Subdivision:

CURRENTLY THIS PROPERTY IS COMPRISED OF TWO METES AND BOUNDS PARCELS AND IS BEING COMBINED FOR A PROPOSED EIGHT LOT SUBDIVISION. LOTS 1 – 7 WILL BE RESIDENTIAL LOTS AND LOT 8 IS PLANNED FOR A COMMERCIAL BUSINESS WHICH A REZONING APPLICATION HAS BEEN FILED.

The lot sizes are depicted in square feet and acres on the plat, and exceed the minimum lot size requirements of Section V.D.2. of the Subdivision Regulations. If approved, the lot sizes in square feet and acres should be retained on the Final Plat.

The site has frontage along Todd Acres Drive, Todd Boulevard, and Rangeline Road. Todd Acres Drive is a minor street without curb and gutter, and is illustrated as having a compliant 80' right-of-way, making no dedication necessary. Todd Boulevard is a minor unpaved road without curbs and gutters, and is illustrated as having a 50' right-of-way, when a 60' right-of-way is required; therefore, dedication to provide 30' from the centerline should be required, if approved. Rangeline Road is a major road, and is illustrated as having a minimum of 180' of right-of-way from the centerline, making no dedication necessary. The preliminary plat depicts the dedication of the corner radius of Todd Boulevard and Todd Acres Drive, in compliance with Section V.D.6. of the Subdivision Regulations, and should be retained on the Final Plat, if approved.

The preliminary plat illustrates the 25' minimum building setback line along all frontages. If approved, the setback should be retained on the Final Plat, as adjusted for any required dedication.

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

A common area is proposed as part of the Subdivision. If approved, a note should be placed on the Final Plat stating that maintenance of the common area is the responsibility of the property owners, and not the City of Mobile.

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, South, and East by R-1, Single-Family Residential District; and to the West, across Rangeline Road, by B-5, Office-Distribution District.

The applicant states the following to address the rational for the zoning request:

THE OWNER/APPLICANT IS PROPOSING TO CONSTRUCT A 6,000 SF BUILDING FOR HIS EXISTING BUSINESS THAT DOES GENERAL MAINTENANCE AND ENGINE REPAIRS ON 18- WHEELER TRUCKS AND ALSO WORKS ON THE WHEELS AND BRAKES OF THE TRAILERS. THIS IS A SMALL BUSINESS WITH THE OWNER AND ONE EMPLOYEE PERFORMING ALL WORK WITHIN THE BUILDING. THEIR NORMAL HOURS OF OPERATION ARE 8:00 AM TO 5:00 PM, MONDAY THROUGH FRIDAY.

THE BUILDING IS POSITIONED TO LESSEN THE VISUAL IMPACT FROM RANGELINE ROAD AND TODD ACRES DRIVE WITH THE ENTRANCES TO THE SERVICE BAYS BEING ON THE BACK SIDE OF THE BUILDING. THIS BUILDING WILL LOOK NO DIFFERENT THAN THE RV STORAGE BUILDINGS AT RANGELINE ROAD AND RABBIT CREEK DRIVE. THE BUILDING LOCATION IS MORE THAN 300' FROM THE DWELLINGS LOCATED ON THE SOUTHEAST SIDE OF TODD ACRES DRIVE, THEREFORE THIS PROPOSAL SHOULD NOT HAVE A NEGATIVE AFFECT ON THIS AREA.

THIS BUSINESS CATEGORY, AS DEFINED IN THE ZONING ORDINANCE, REQUIRES AN I-1 OR I-2 ZONING, ALTHOUGH THE TRUCK REPAIR WORK IS PERFORMED INSIDE A SHOP BUILDING. IN CONTRAST, AUTOMOTIVE REPAIR INSIDE A STRUCTURE ONLY REQUIRES A B-3 OR B-4 ZONING. WE ARE PROPOSING THAT LOTS 1 – 7 REMAIN R-1 TO BE USED AS A BUFFER BETWEEN THE EXISTING RESIDENTIAL AND THE COMMERCIAL DEVELOPMENT.

Section 64-9.A.2.a. of the Zoning Ordinance states that new I-1 districts should contain a minimum of four (4) acres, unless abutting an existing commercially or industrially zoned property. As the proposed lot to be rezoned is 3.45 acres, it does not meet the minimum size recommendations for the creation of a freestanding I-1 district.

The applicant states that the seven (7) lots proposed to remain residentially zoned will serve as a buffer between the existing residential development and the proposed industrial project, however due to the discrepancy in the intensity of the proposed lots, it may not be desirable to approve a change in zoning that would allow not only the currently proposed business, but a potential number of other businesses that will not be compatible with the existing residential character of the area.

Additionally, the seven (7) proposed residential lots would have no distinct buffer between their lots and the adjacent industrial district. However, a residential buffer compliant with Section 64-4.D.1. of the Zoning Ordinance must be provided, if approved. As illustrated on the Future Land Use Map, the East side of Rangeline Road consists of stable residential development. Furthermore, the I-1 property would front a well-established residential neighborhood to the South and East.

The applicant is proposing to construct a 6,000 square foot shop where engine work and maintenance would be performed on 18-wheelers and trailers. As no office space is proposed, and there are only two employees proposed to work on-site, only one parking space is required; the site plan illustrates four parking spaces.

The site plan does not specifically state what the proposed material for the parking and maneuvering area will be, but it should be noted that all required parking and maneuvering areas in an I-1 district are required to be paved with asphalt or concrete. However, if the applicant chose to have an area for 18-wheelers to be stored while they are waiting repair or pickup, there could be an aggregate area for that purpose.

A note on the site plan states that curb-side pickup will be utilized in lieu of a dumpster. If approved, this be retained on the site plan.

If approved, it should be noted full site compliance is required at the time of development to include: tree planting and landscaping, parking, buffering, etc.

RECOMMENDATION

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

- 1) retention of the lot sizes in square feet and acres;
- 2) retention of the 25' minimum building setback lines along all frontages, adjusted for dedication;
- 3) placement of a note on the Final Plat stating that maintenance of the common area is the responsibility of the property owners;
- 4) vacation of the right-of-way along Todd Acres Drive prior to the signing of the Final Plat;
- 5) full compliance with 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 and label the monument set or found at each subdivision corner. C. Add legible street names to the vicinity map. D. Provide a written description for the subdivision boundary. E. Show and label all flood zones. New maps went into effect on June 5, 2020. F. Show and label the MFFE (Minimum Finished Floor Elevation) on each lot that contains an AE, V, or X (shaded) flood zone designation. G. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer. H. Provide the Surveyor's Certificate. I. Provide the Surveyor's and Owner's (notarized) signatures. J. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 23 - #92) LOTS 1 and 8 and the COMMON AREA DETENTION 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 thru 8 – NONE and COMMON AREA DETENTION - NONE. K. 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*. L. 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. M. 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. N. 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. O. Add a note that all easements shall remain in effect until vacated through the proper Vacation process. P. 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. 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.);

- 6) placement of a note on the Final Plat stating Traffic Engineering comments: (*Rangeline Service Road (State Route 163) is an ALDOT maintained roadway. Driveway number, size, location, and design to be approved by Traffic Engineering and ALDOT (where applicable) 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.*);
- 7) 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.*); and
- 8) 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). 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.*).

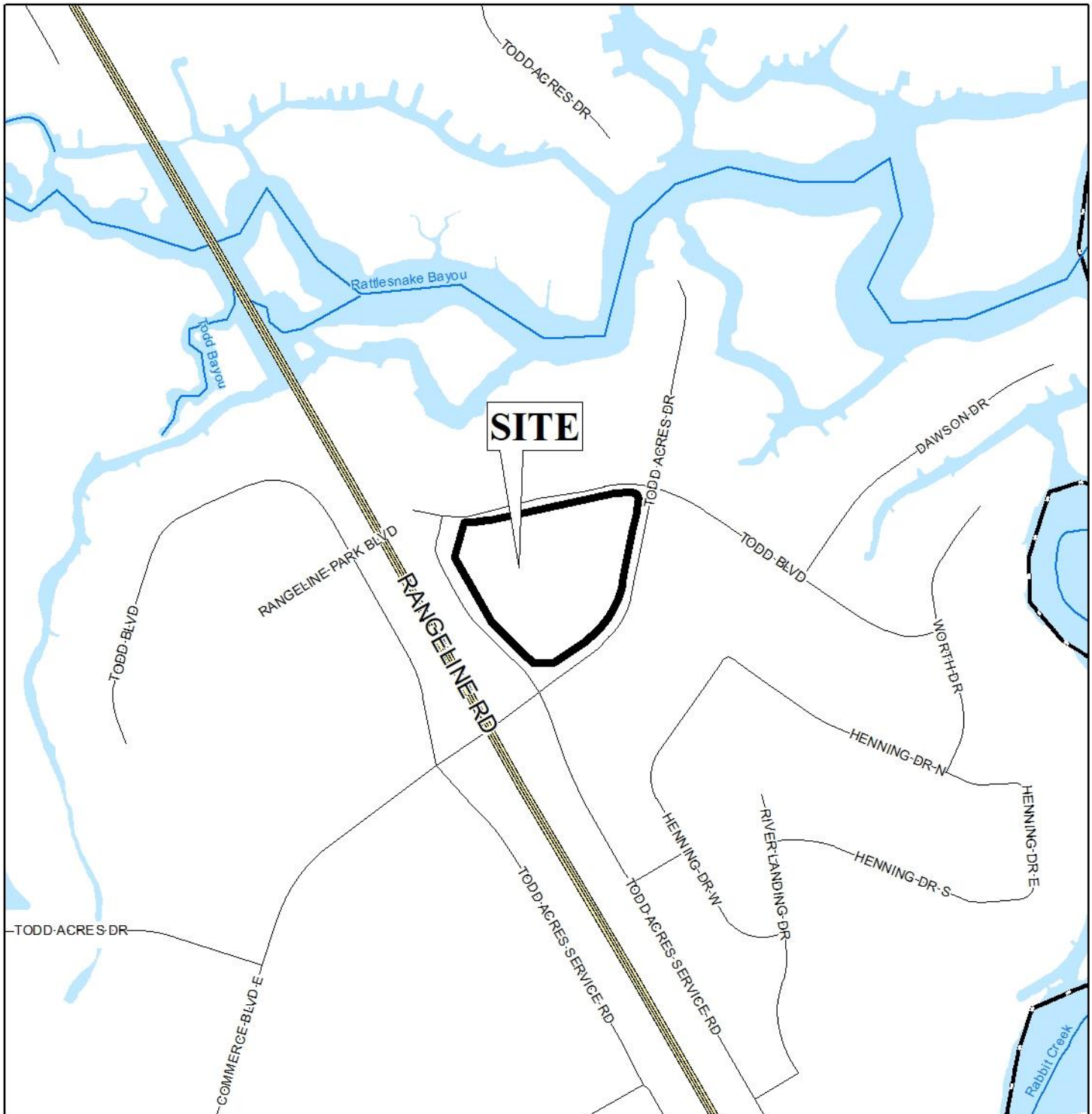
Rezoning: Based upon the preceding, staff finds that the applicant has **not** shown that any of the following conditions prevail to support the rezoning request:

- i. Error. There is a manifest error in the chapter;
- ii. Change in conditions. Changed or changing conditions in a particular area, or in the planning region generally, make a change in the chapter necessary and desirable;
- iii. Increase in need for sites for business or industry. Increased or increasing needs for business or industrial sites, in addition to sites that are available, make it necessary and desirable to rezone an area or to extend the boundaries of an existing district; or

- iv. Subdivision of land. The subdivision or imminent subdivision of land into urban building sites makes reclassification necessary and desirable.

As such, staff recommends Denial of the rezoning request.

LOCATOR MAP



APPLICATION NUMBER 10 DATE May 6, 2021

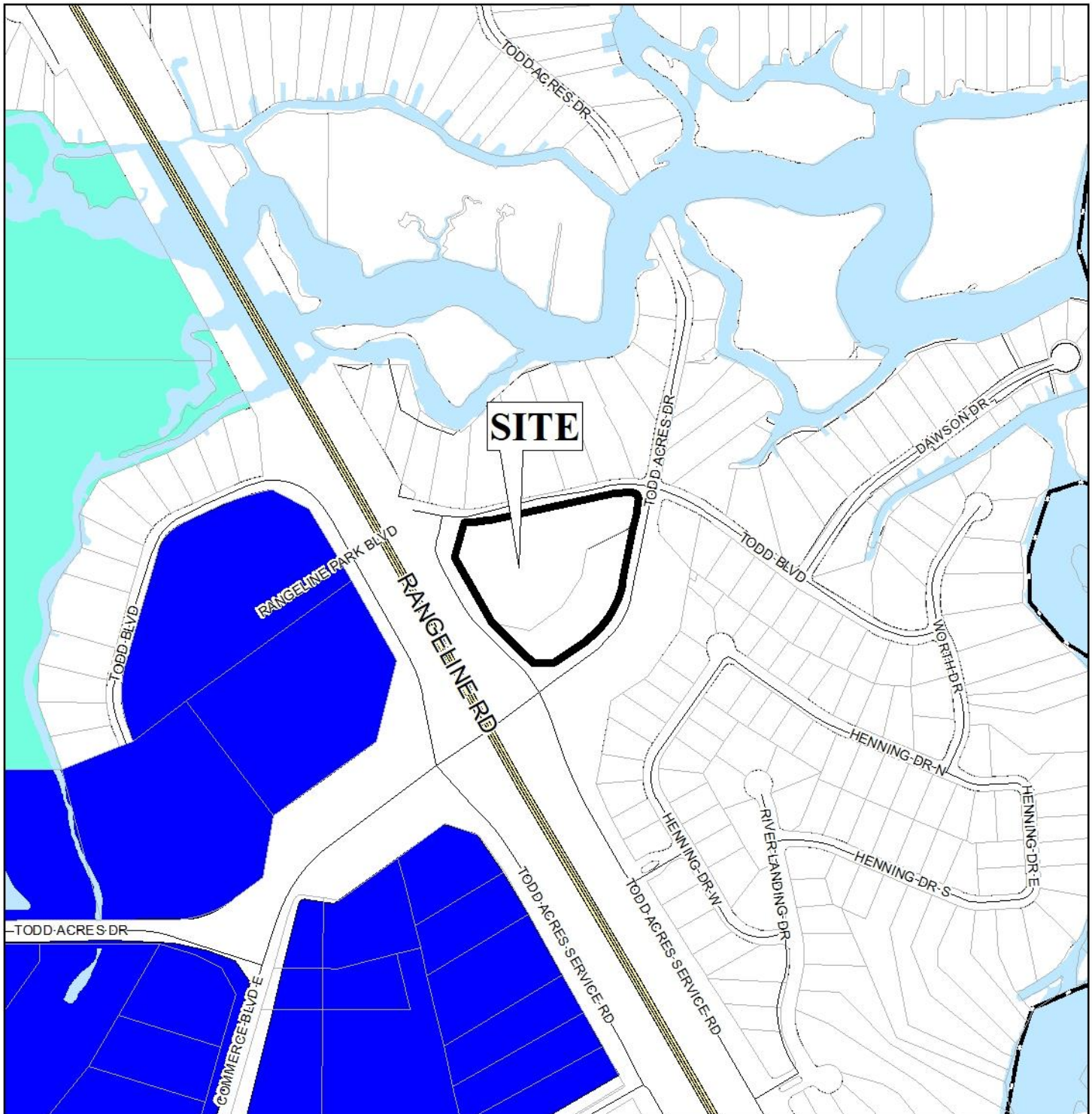
APPLICANT Beaver Creek Subdivision

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



NTS

LOCATOR ZONING MAP



APPLICATION NUMBER 10 DATE May 6, 2021

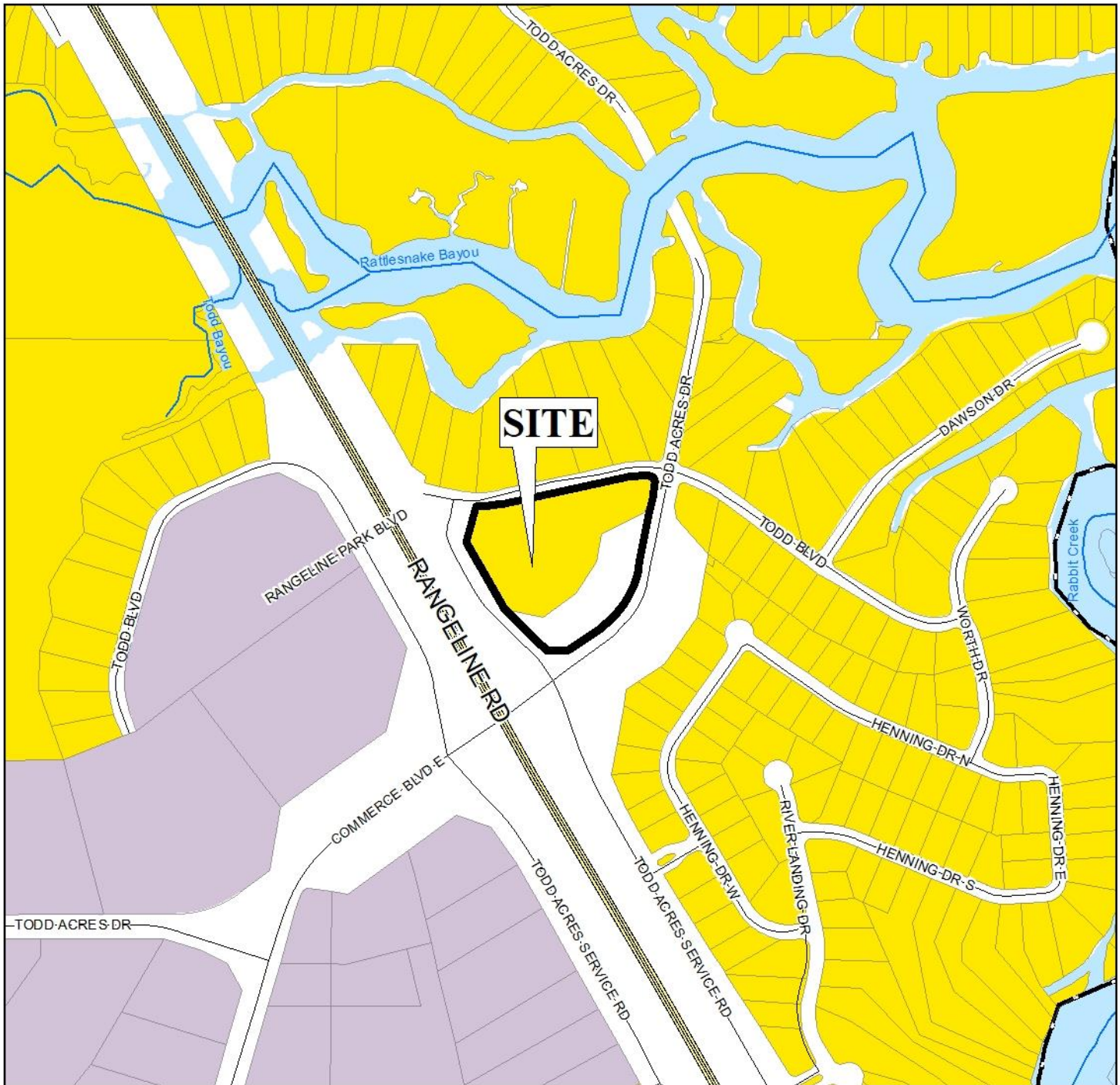
APPLICANT Beaver Creek Subdivision

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



NTS

FLUM LOCATOR MAP



APPLICATION NUMBER 10 DATE May 6, 2021

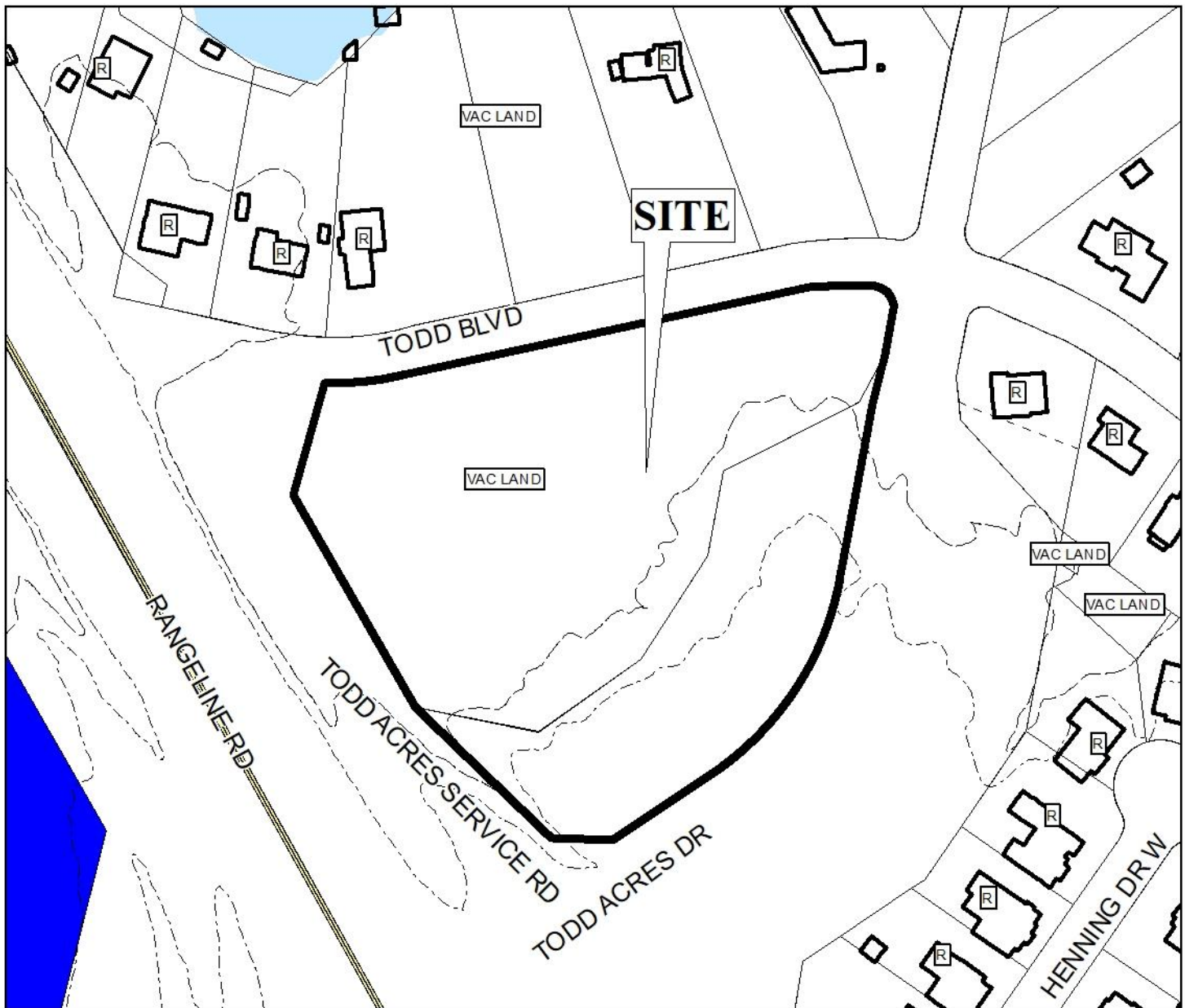
APPLICANT Beaver Creek Subdivision

REQUEST Subdivision, Rezoning from 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	
District Center	Mixed Commercial Corridor	Institutional	



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential units.

APPLICATION NUMBER 10 DATE May 6, 2021

APPLICANT Beaver Creek Subdivision

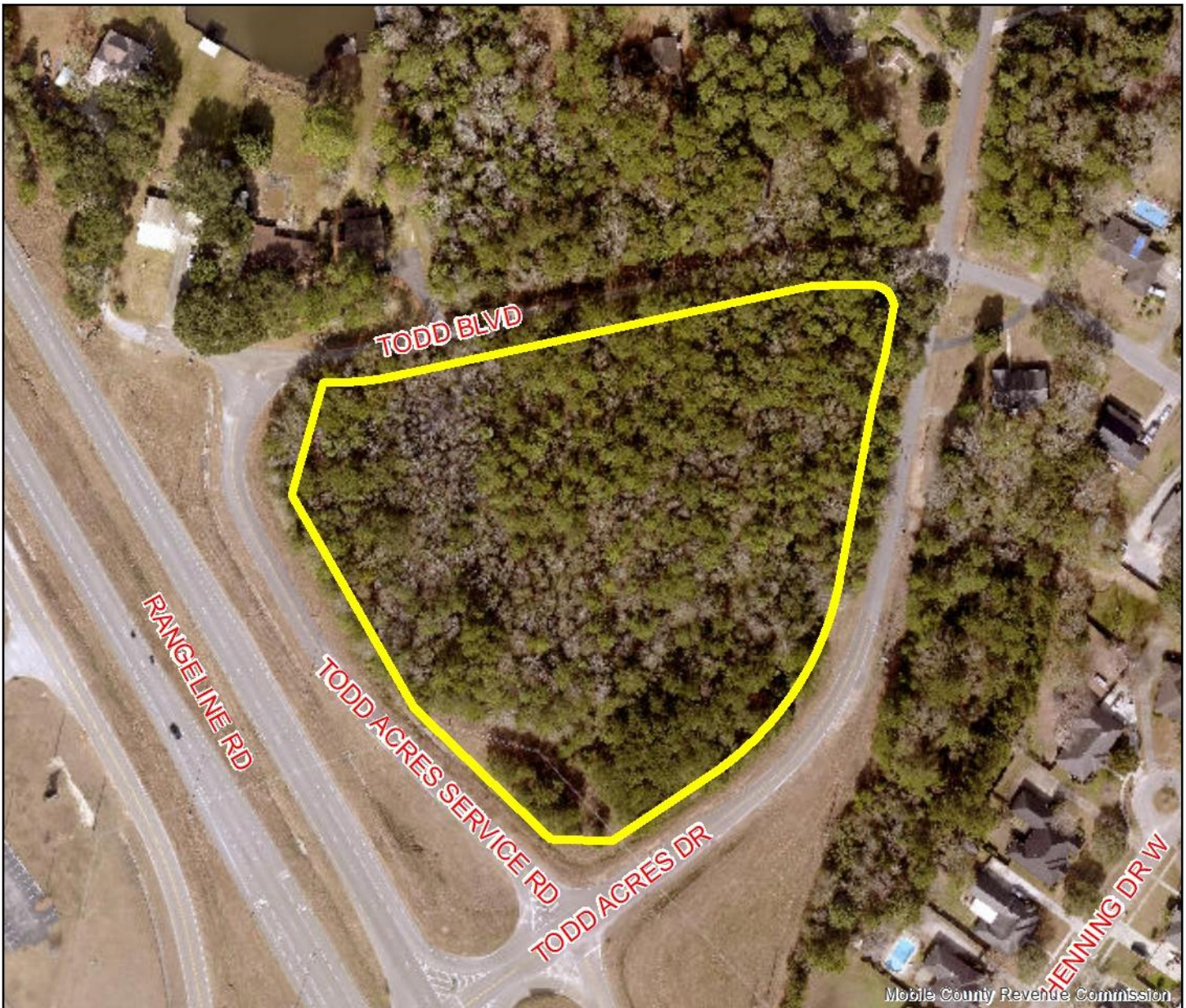
REQUEST Subdivision, Rezoning from R-1 to I-1

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 single family residential units.

APPLICATION NUMBER 10 DATE May 6, 2021

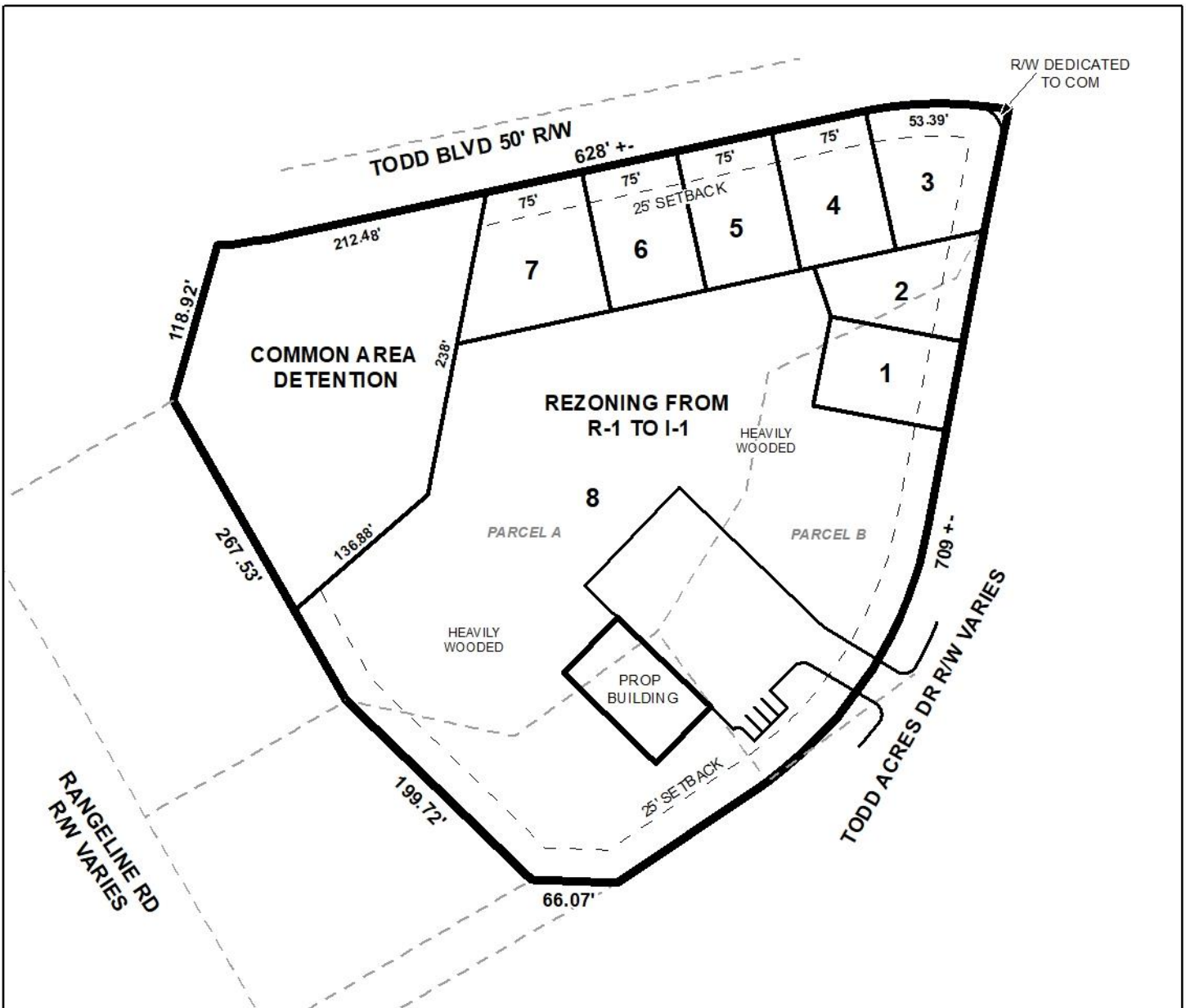
APPLICANT Beaver Creek Subdivision

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



NTS

SITE PLAN



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

APPLICATION NUMBER 10 DATE May 6, 2021

APPLICANT Beaver Creek Subdivision

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



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