

**SUBDIVISION &
ZONING AMENDMENT STAFF REPORT****Date: August 19, 2021**

<u>APPLICANT NAME</u>	McFadden Engineering (Brad Newton, Agent)
<u>SUBDIVISION NAME</u>	Zoghby Subdivision
<u>LOCATION</u>	East side of Hillcrest Road, 326'± South of Old Shell Road
<u>CITY COUNCIL DISTRICT</u>	Council District 6
<u>PRESENT ZONING</u>	B-2, Neighborhood Business District
<u>PROPOSED ZONING</u>	R-1, Single-Family Residential District
<u>AREA OF PROPERTY</u>	1 Lot/ 0.9± Acres
<u>CONTEMPLATED USE</u>	<p>Subdivision Approval to create one (1) legal lot of record from one (1) metes-and-bounds parcel; and Rezoning from B-2, Neighborhood Business District to R-1, Single-Family Residential District.</p> <p>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.</p>

**ENGINEERING
COMMENTS**

- Subdivision: FINAL PLAT COMMENTS** (should be addressed prior to submitting the FINAL PLAT for review and/or signature by the City Engineer):
- 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.
 - Provide the Owner's (notarized) signature.
 - Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 19 - #71) 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) as follows: LOT 1 – 2,800 SF.
 - 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.
- J. 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 Permitting 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. 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.

TRAFFIC ENGINEERING
COMMENTS

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.

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**

Late 2021

REMARKS

The applicant is requesting Subdivision Approval to create one (1) legal lot of record from one (1) metes-and-bounds parcel; and Rezoning from B-2, Neighborhood Business District to R-1, Single-Family Residential District.

The site has been given a Mixed Commercial Corridor (MCC) land use designation, per the 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 mostly applies to transportation corridors west of I-65 serving primarily the low-density (suburban) residential neighborhoods. MCC includes a wide variety of retail, services and entertainment uses.

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

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

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 one (1) legal lot of record from a one (1) metes-and-bounds parcel. The lot size is depicted in square feet and acres on the plat, and exceeds the minimum lot size requirements of Section V.D.2. of the Subdivision Regulations. If approved, the lot size in square feet and acres should be retained on the Final Plat.

The site has frontage along Hillcrest Road, a major street, which is shown to have a compliant 100' right-of-way, making no dedications necessary.

The proposed lot slightly exceeds the maximum width-to-depth ratio of Section V.D.3. of the Subdivision Regulations, by 2.08± feet. While there do not appear to be any other legal lots of record in the area which exceed the width-to-depth ratio, there are several other parcels in the area with almost identical dimensions, possibly making a waiver of Section V.D.3. of the Subdivision Regulations appropriate.

The preliminary plat illustrates the 25' minimum building setback line, and should be retained on the Final Plat, if approved.

If approved, a note should be placed on the Final Plat stating 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 site was the subject of rezoning from R-1 to B-2, and Planning Approval to allow an office and mini-warehouse self-storage facility at the Planning Commission's August 22, 1991 meeting. When the City Council finalized the rezoning of the site in October 1991, it was approved with the following condition: "subject to the submission of a Planning Approval application to the Planning Commission which includes a site plan that meets the standards of the Zoning Ordinance." The current property owner wishes to build a single-family dwelling on the site, which is only allowed by-right above the first floor in a B-2 district; this in combination the requirement for Planning Approval prior to development of the site, prompted the current application to rezone the property.

The site is bounded to the North and West, by B-2, Neighborhood Business District and R-1, Single-Family Residential; and to the South and East, by R-1.

The applicant states the following:

The subject property is currently a vacant, undeveloped lot. Mr. Zoghby is planning to build a single-family home on the property. Site improvements will include the single-family home, a driveway, and a privacy fence. Currently, the property is zoned B-2 and this application is to change the zoning to R-1. Once the zoning change takes place, the owner plans to move forward with design, permitting, and construction of the single-family home. It is expected that this will occur towards the end of this year.

This application is consistent with the Comprehensive Plan and the Future Land Use Plan. The Future Land Use Plan currently has the property in a "Mixed Commercial Corridor". See Figure 1 which shows that the area around the subject property has neighborhoods with low density single-family housing as well as the mixed commercial corridor. The proposed development of a single-family residence on this property would fit in with the "mixed" corridor as there will be businesses as well as single-family residences along Hillcrest Road. While the property is proposed to not be commercial, there currently are residences along Hillcrest Road that will likely be there for the foreseeable future in which the subject property would fit in.

The zoning amendment is necessary in order to build a single-family residence on the subject property. This amendment will likely not affect the surrounding land uses and properties because there is currently a residence directly to the south of the subject property, and there are other residences in the vicinity of the property. This zoning change request meets the Zoning Ordinance condition - 2) Changes in conditions in a particular area make a change in the ordinance necessary and desirable. Due to the residence directly to the south of the subject property, the zoning change is desirable.

The applicant states that changing conditions in the area make the rezoning necessary and desirable. There are several existing dwellings along this portion of Hillcrest Road, making the proposed dwelling in keeping with the character of the area.

The site plan submitted shows a single-family dwelling, which will comply with all setbacks and site coverage restrictions.

RECOMMENDATION

Subdivision: Based upon the preceding, the application is recommended for Tentative Approval, with a waiver of Section V.D.3. of the Subdivision Regulations, subject to the following:

- 1) retention of the lot sizes in square feet and acres;
- 2) retention of the 25' minimum building setback line;
- 3) 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.*

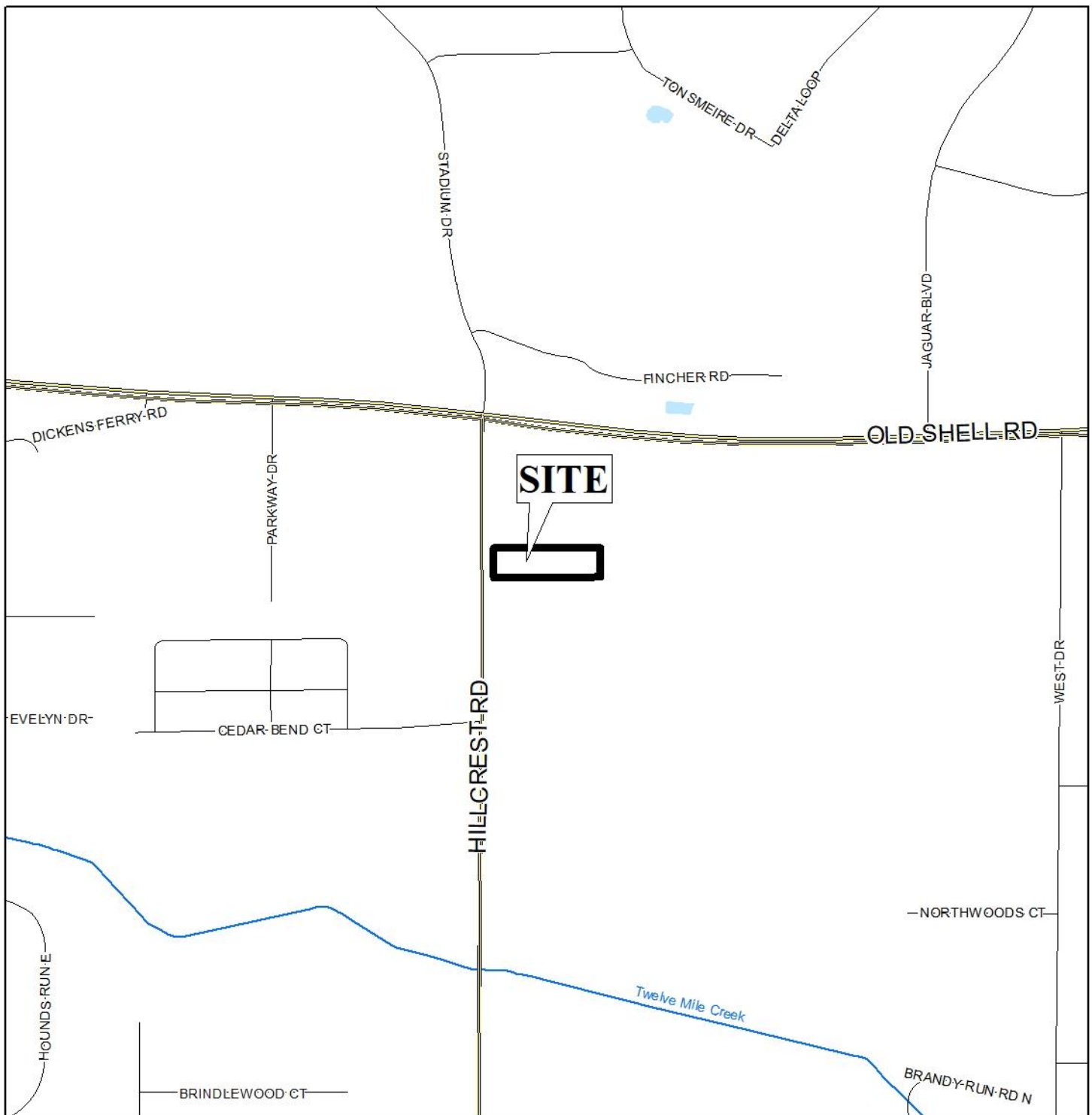
signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings and distances) that is required by the current Alabama State Board of Licensure for Professional Engineers and Land Surveyors. B. Provide the Owner's (notarized) signature. C. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 19 - #71) 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) as follows: LOT 1 – 2,800 SF. 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. J. 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.)

- 4) placement of a note on the site plan stating the following Traffic Engineering comments: (Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.);
- 5) 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
- 6) 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.); and

Rezoning: Based upon the preceding, the application is recommended for Approval to R-1, Single-Family Residential District, subject to the following:

- 1) completion of the Subdivision process; and
- 2) full compliance with all municipal codes and ordinances.

LOCATOR MAP



APPLICATION NUMBER 11 DATE August 19, 2021

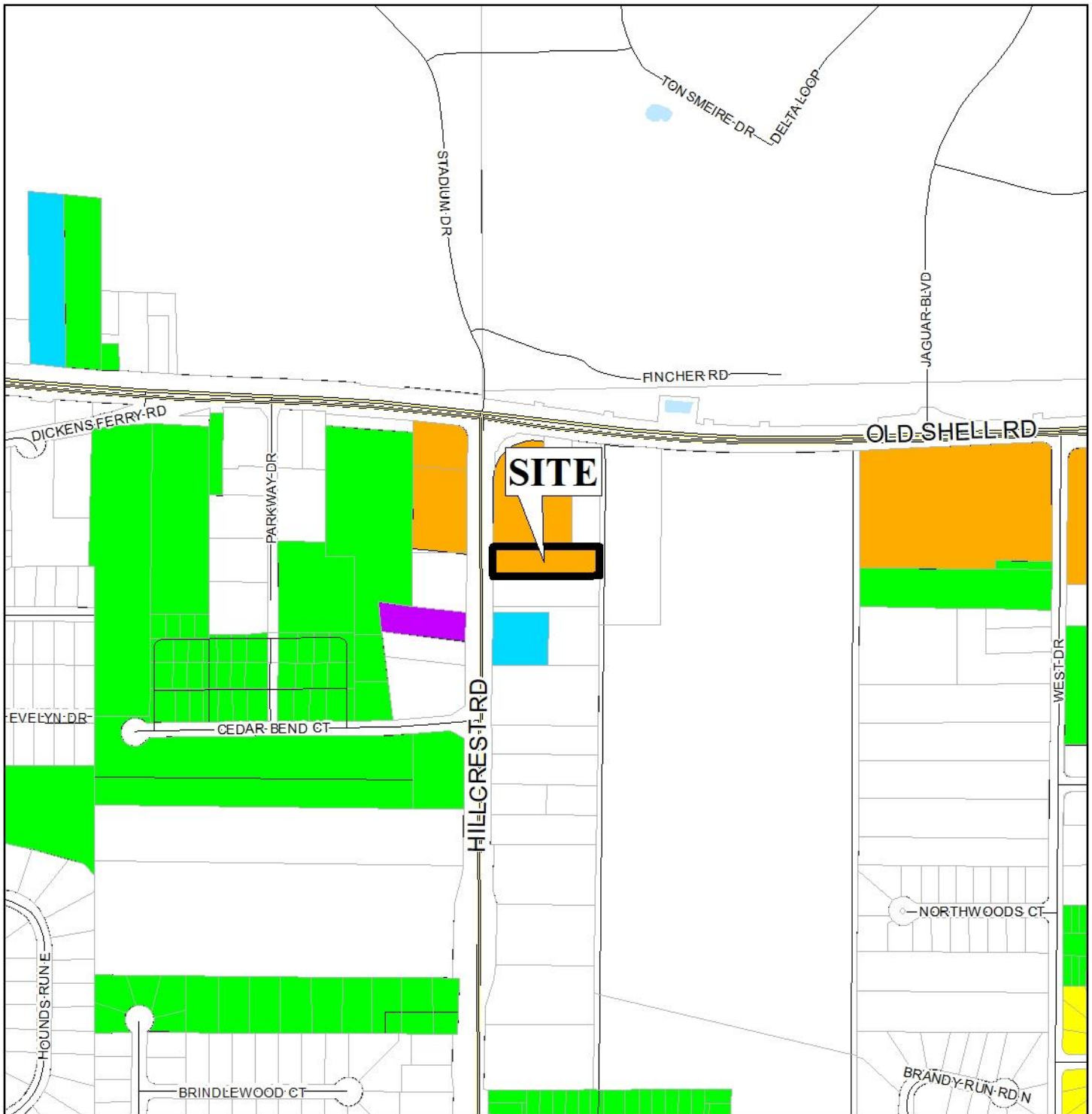
APPLICANT Zoghby Subdivision

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



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LOCATOR ZONING MAP



APPLICATION NUMBER 11 DATE August 19, 2021

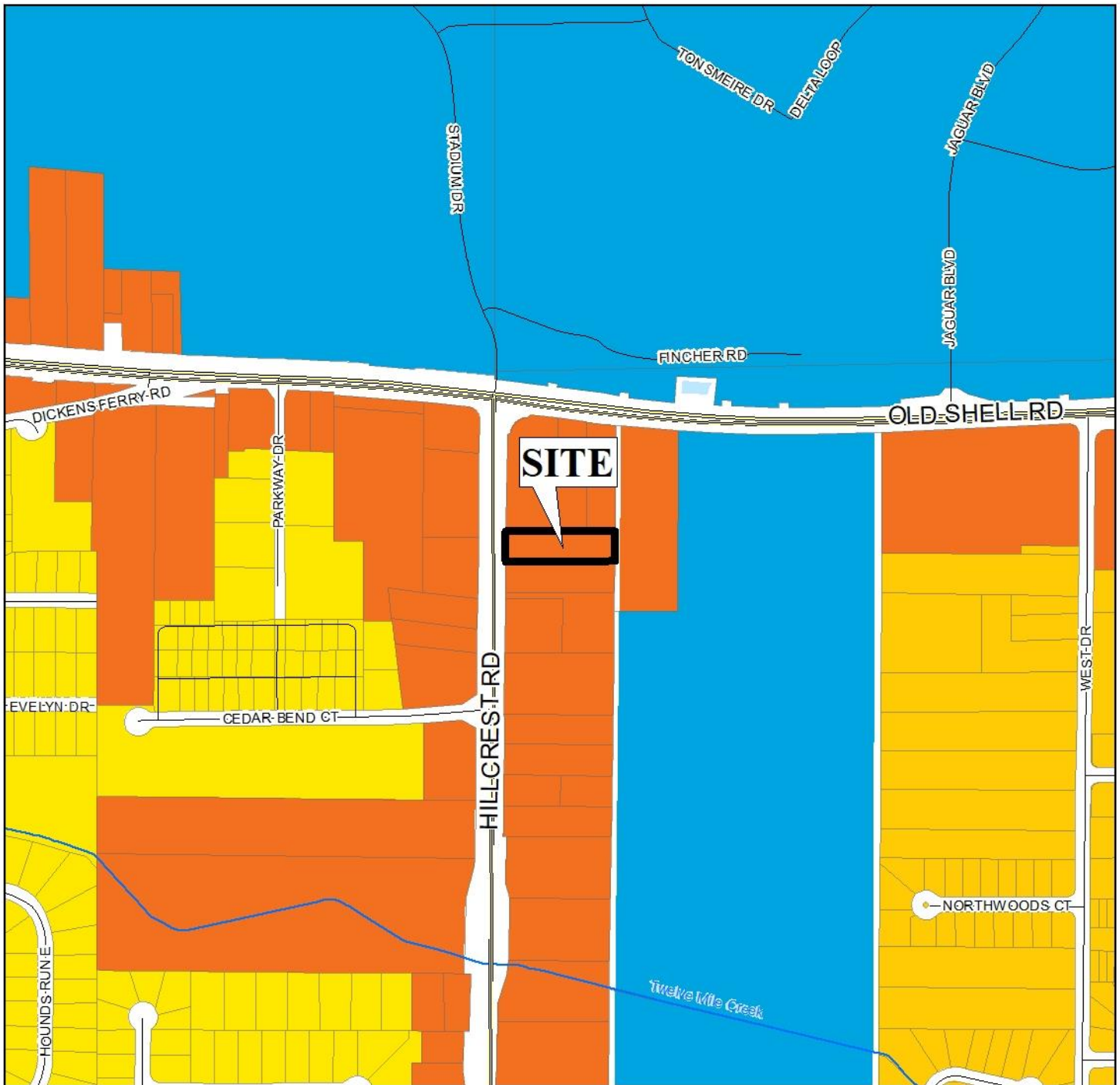
APPLICANT Zoghby Subdivision

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



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FLUM LOCATOR MAP



APPLICATION NUMBER 11 DATE August 19, 2021

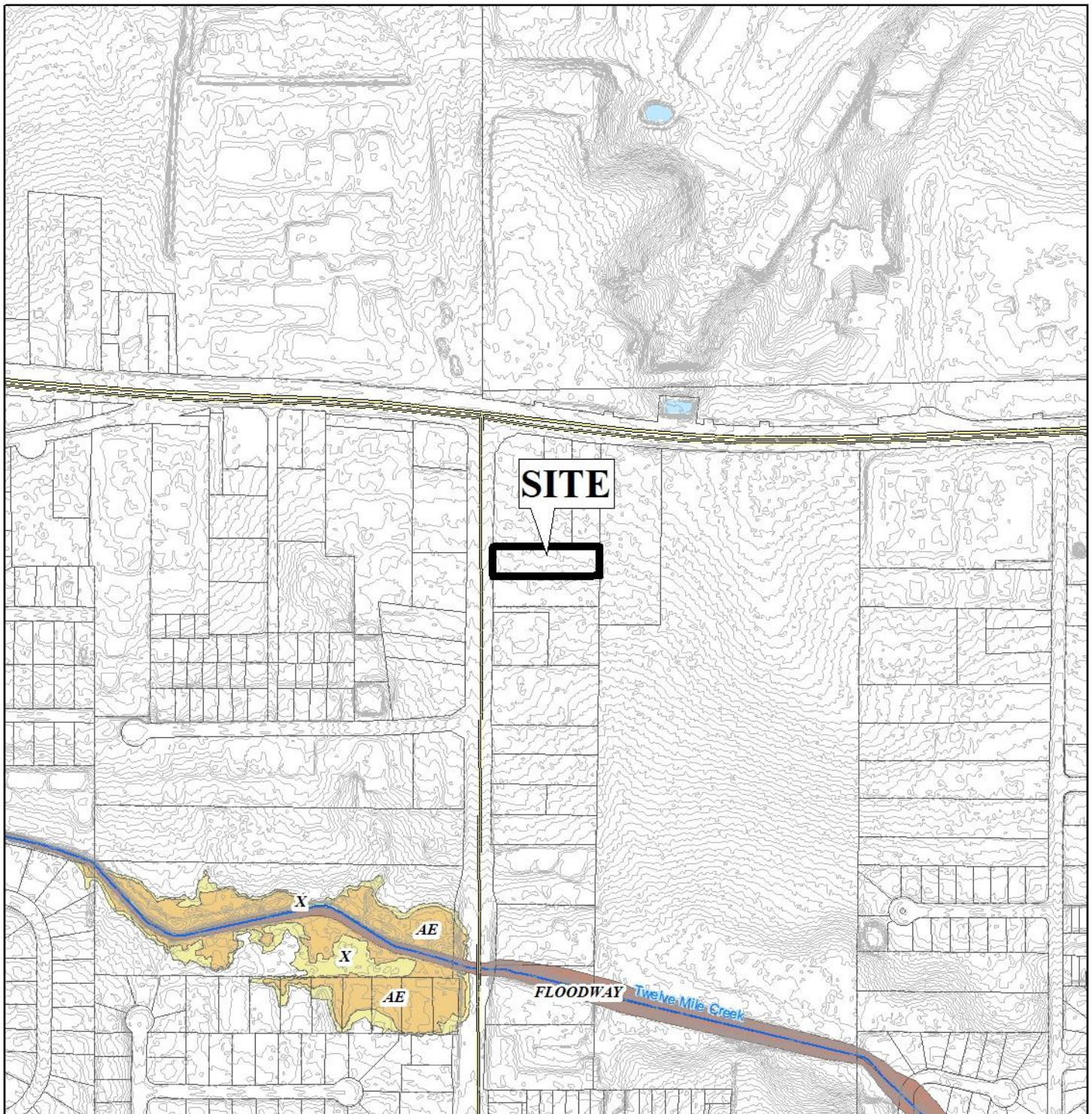
APPLICANT Zoghby Subdivision

REQUEST Subdivision, Rezoning from B-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



APPLICATION NUMBER 11 DATE August 19, 2021

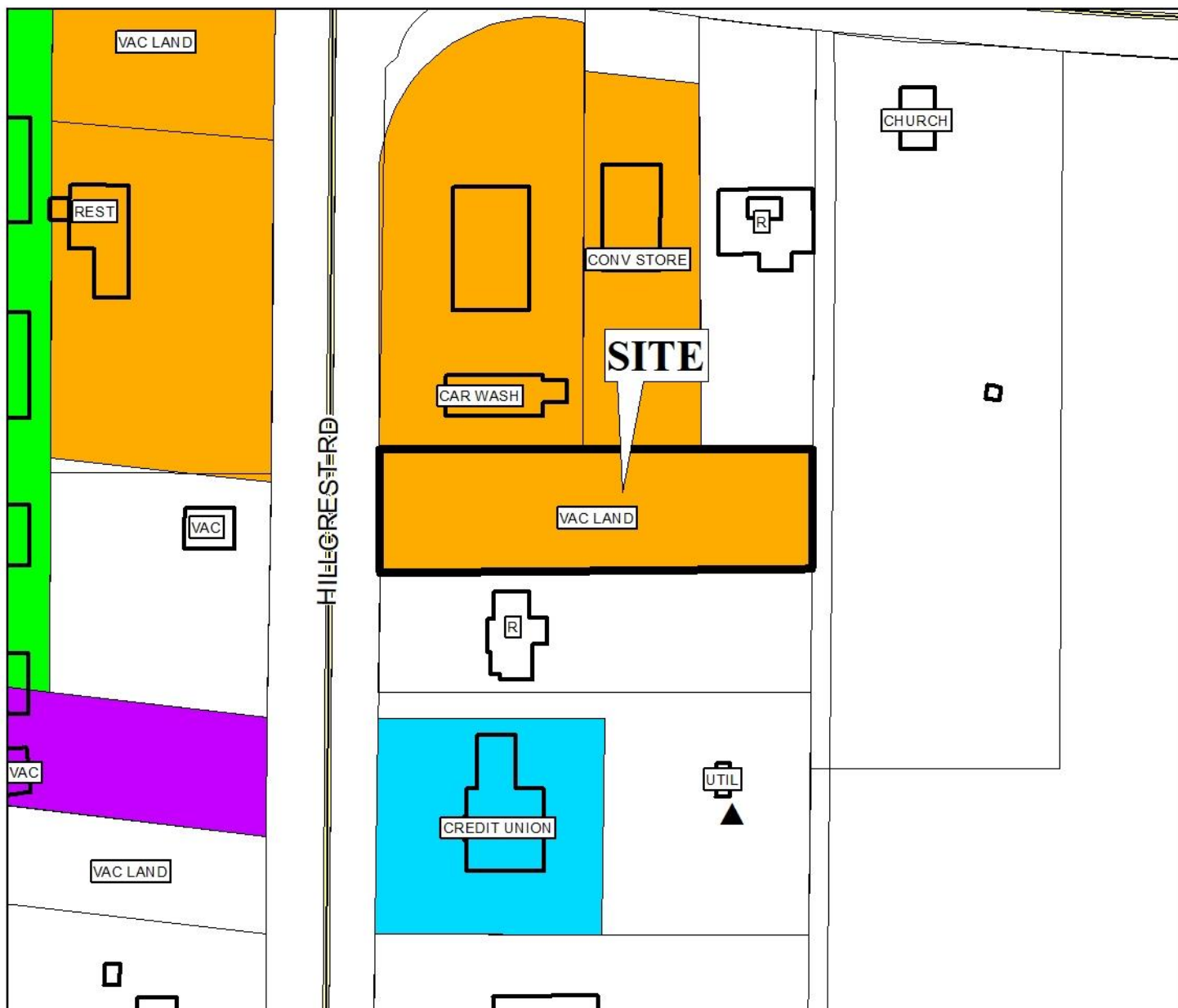
APPLICANT Zoghby Subdivision

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



PLANNING COMMISSION

VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units, commerical units, and a church.

APPLICATION NUMBER 11 DATE August 19, 2021

APPLICANT Zoghby Subdivision

REQUEST Subdivision, Rezoning from B-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, commercial units, and a church.

APPLICATION NUMBER 11 DATE August 19, 2021

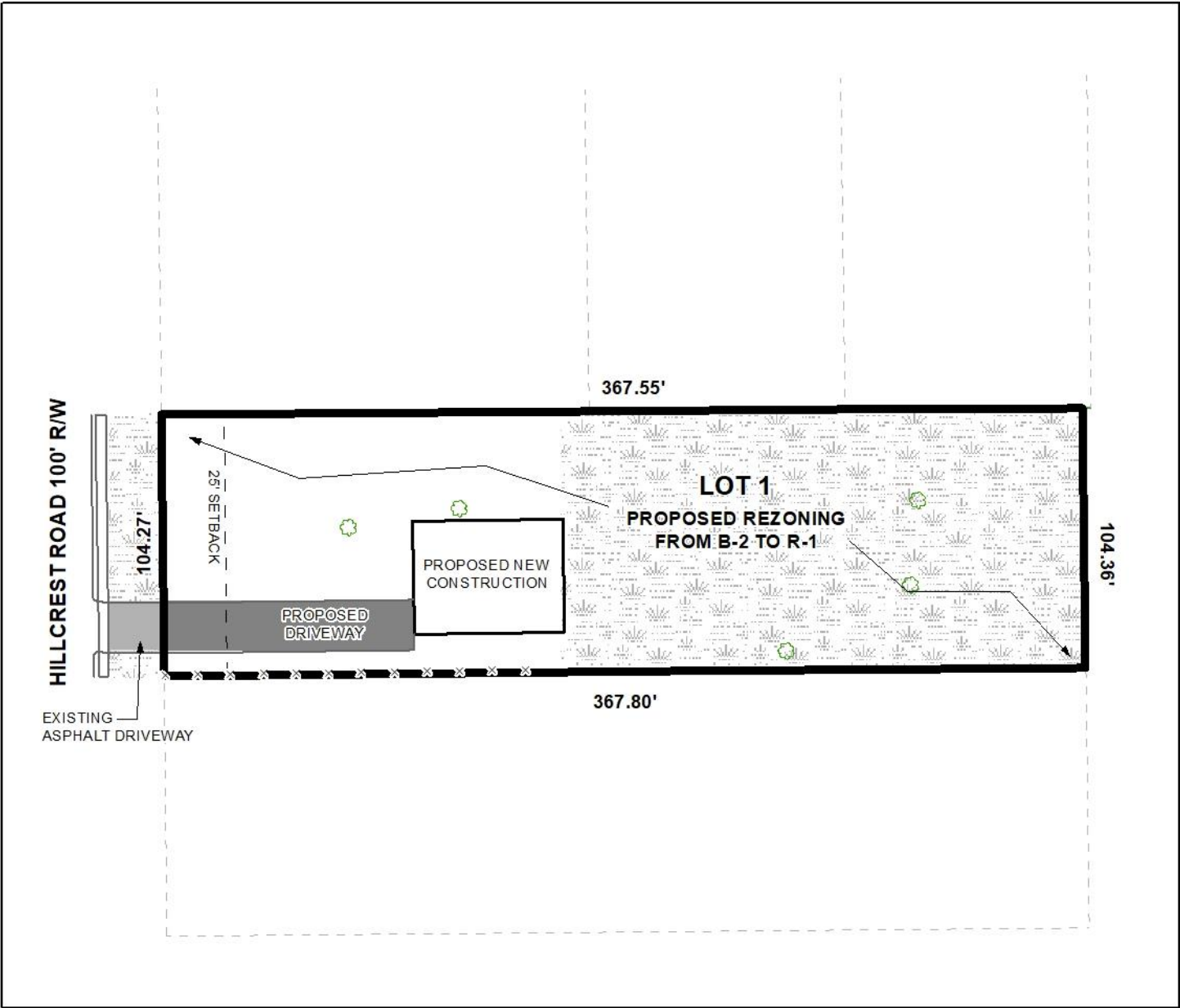
APPLICANT Zoghby Subdivision

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



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PROPOSED SITE PLAN

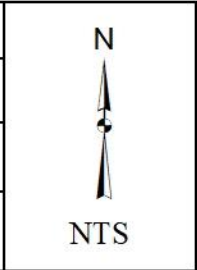


The site plan illustrates proposed construction and driveway, as well as existing setback and fencing.

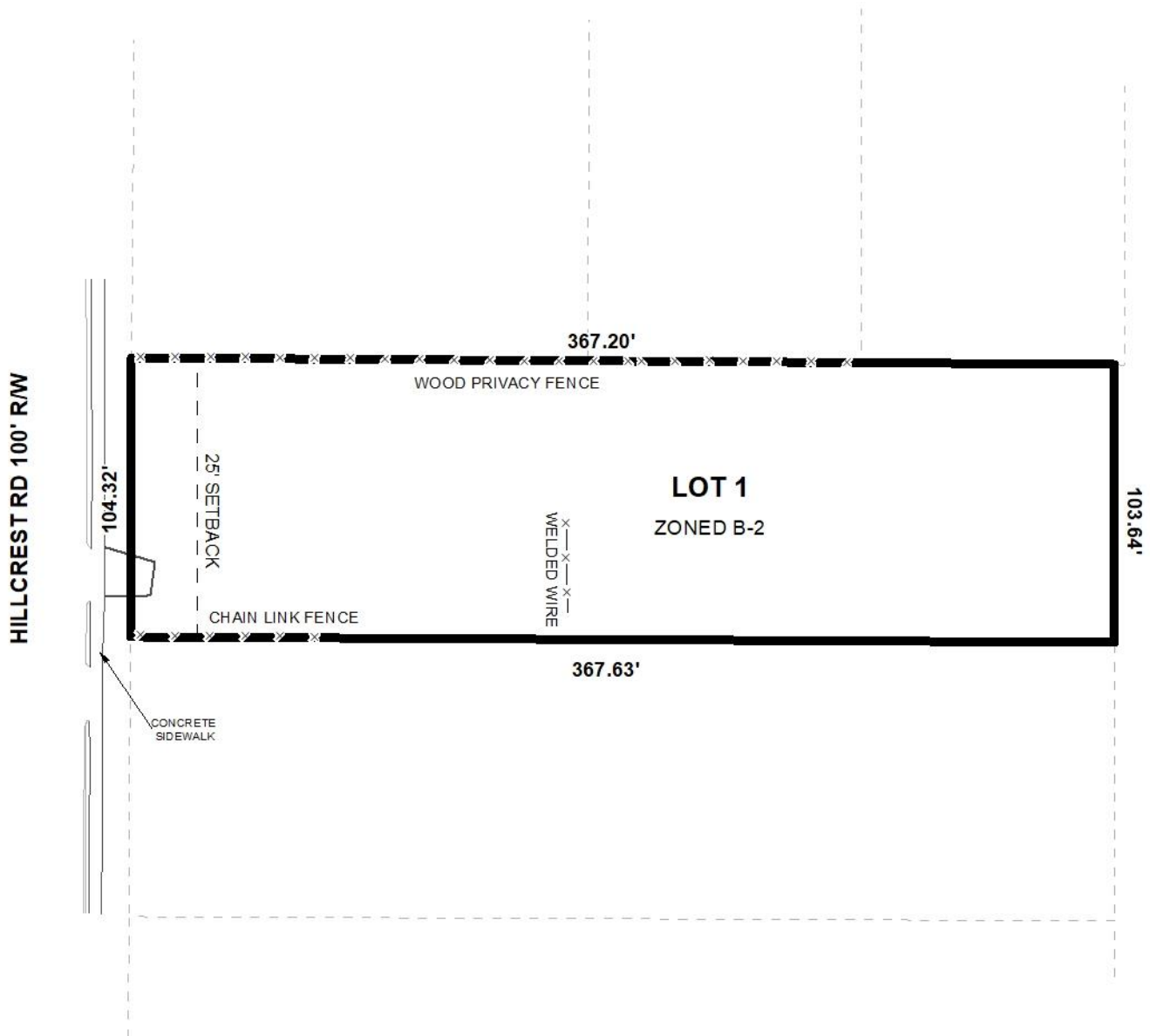
APPLICATION NUMBER	11	DATE	August 19, 2021
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APPLICANT Zoghby Subdivision

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



EXISTING SITE PLAN



The site plan illustrates existing setback, zoning, fencing and proposed lot.

APPLICATION NUMBER 11 DATE August 19, 2021

APPLICANT Zoghby Subdivision

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



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