



Agenda Item # 12

SUB-002893-2024 & ZON-UDC-002892-2024

View additional details on this proposal and all application materials using the following link:

[Applicant Materials for Consideration – Subdivision](#)

[Applicant Materials for Consideration – Rezoning](#)

DETAILS

Location:

South Side of Zeigler Boulevard, 275'± West of Zeigler Circle West, extending South to the North Termini of Avenue A, 5th Avenue, and Harding Boulevard

Subdivision Name:

Cypress Place Subdivision

Applicant / Agent:

Tonya Anderson, D.R. Horton, Inc. / Evan M. Geerts, PE, Duplantis Design Group, PC

Property Owners:

HC20WS, LLC & Indian Hills, LLC

Current Zoning:

R-1, Single-Family Residential Suburban District & B-3, Community Business Suburban District

Proposed Zoning:

R-1, Single-Family Residential Suburban District

Future Land Use:

Mixed Commercial Corridor

Applicable Codes, Policies, and Plans:

- Unified Development Code
- Subdivision Regulations
- Map for Mobile Comprehensive Plan

Proposal:

- Subdivision approval to create 209 legal lots of record.
- Rezoning from R-1 & B-3 to R-1
 - Any use permitted in the proposed district would be allowed at this location if the zoning is approved. The Planning Commission may consider other zoning districts than the proposed sought by the applicant for this property.

Commission Considerations:

1. Subdivision proposal with thirteen (13) conditions; and
2. Rezoning with three (3) conditions.


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PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential and commercial units.

APPLICATION NUMBER <u> 12 </u> DATE <u> April 18, 2024 </u>	 NTS
APPLICANT <u> Cypress Place Subdivision </u>	
REQUEST <u> Subdivison, Rezoning from R-1 and B-3 to R-1 </u>	

SITE HISTORY

The site was annexed into Mobile City limits in 2007 as part of the West Mobile Annexation. The portion of the site abutting Zeigler Boulevard was rezoned to B-3, Community Business District, as part of the rezoning associated with the annexation, and the remainder of the site retained its R-1, Single-Family Residential District classification.

There are no Planning Commission or Board of Zoning Adjustment cases associated with the site.

STAFF COMMENTS

Engineering Comments:

Subdivision:

FINAL PLAT COMMENTS (should be addressed prior to submitting the FINAL PLAT for review):

- 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 a proposed Subdivision Name. XXXX is not an acceptable subdivision name.
- C. The following Street Names are denied – OAK LANE.
- D. Provide reference, on the map and the description, to a monumented corner.
- E. Provide and label the monument set or found at each subdivision corner.
- F. Add legible street names to the vicinity map.
- G. Provide a written description for the subdivision boundary.
- H. National Wetlands Inventory (NWI) mapping, as shown on City of Mobile GIS information, indicates that there is potential for wetlands within the property or properties shown on this plat. Show and label the delineated wetlands, or provide a note stating that the wetlands shown on this plat are scaled from the NWI data and have not been delineated.
- I. Provide a note that a 25' riparian buffer may be required, during development, along the edge of anything considered by ADEM to be a water of the state.
- J. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer.
- K. Provide the Surveyor's Certificate.
- L. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 17 - #74) the subdivision 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: 5,600 sf.
- M. 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.
- N. 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.
- O. 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.
- P. 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.
- Q. Add a note that all easements shall remain in effect until vacated through the proper Vacation process.

- R. The proposed roads shall be constructed in accordance with current Engineering Department policy letters and design criteria. This would allow the potential for future acceptance of the roadway (and dedicated ROW) by the City.
- S. Provide the as-built certification form, test reports, etc. and as-built plans for the proposed infrastructure prior to providing a copy of the FINAL PLAT to the Engineering Dept. for FINAL PLAT review.
- T. The street must be submitted for acceptance by the Mobile City Council prior to submitting the Final Plat for City Engineer signature.
- U. Show and label each proposed drainage easement as either PUBLIC or PRIVATE.
- V. The FINAL PLAT must show the design weighted runoff coefficient (Cw) for each proposed LOT.
- W. 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:

No comments.

Traffic Engineering Comments:

A traffic impact study will be required for the shown subdivision. 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 Article 3, Section 64-3-12 of the City's Unified Development Code.

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 non-sprinklered commercial buildings and within 300' of all sprinklered commercial buildings. Fire water supply for all commercial buildings will be required to meet the guidance of Appendices B and C of the 2021 International Fire Code. The minimum requirement for fire hydrants is to be within 400' of non-sprinkled commercial buildings, within 600' of sprinkled commercial buildings, and within 100' of fire department connections (FDC) for both standpipes and sprinkler systems.

Planning Comments:

Subdivision

The purpose of this application is to create a 209-lot public street subdivision from three (3) metes-and-bounds parcels. The site is served by public water and sanitary sewer.

Access to the proposed subdivision is from Zeigler Boulevard, a Minor Arterial street requiring a 100-foot wide right-of-way; and from the intersection of Harding Boulevard and Fairway Avenue, both minor streets with ribbon

curbing and gutters requiring 50-foot wide rights-of-way. The preliminary plat depicts a varying right-of-way along Zeigler Boulevard at this location, and no rights-of-way are depicted along Harding Boulevard or Fairway Avenue. If approved, the plat should be revised to illustrate the minimum existing right-of-way width or a 100-foot right-of-way along Zeigler Boulevard (whichever is greater), and the existing rights-of-way along Harding Boulevard and Fairway Avenue.

Five (5) streets are proposed for public dedication within the subdivision, one (1) of which would be an extension of Fairway Avenue where it intersects with Harding Boulevard. Each proposed street is depicted with a 50-foot wide right-of-way, which is compatible with Section 6.B.9. of the Subdivision Regulations for streets equipped with curb and gutter.

The names of the proposed streets are provided on the preliminary plat and should be coordinated with the Engineering Department to avoid any duplicate street names within Mobile City limits. If approved, this information should be retained on the Final Plat, revised with any modifications required by the Engineering Department.

There are multiple corner lots, each requiring a 25-foot corner radius where the streets along which they have frontage intersect, per Section 6.C.6. of the Subdivision Regulations. A table on the preliminary plat depicts that each corner lot will be compatible with this requirement. This information should be retained on the Final Plat, if approved.

As proposed, each of the lots will meet the minimum size requirement for lots served by public water and sanitary sewer in the R-1 and B-3 Suburban districts, and a table on the plat provides each lot size in both square feet and acres. Six (6) common areas are proposed and their sizes are also provided in square feet and acres in the same table on the preliminary plat, as required by Section 5.A.2(f) of the Subdivision Regulations. This information should be retained on the Final Plat, if approved, adjusted for any required dedication.

Each of the lots, as proposed, will meet the minimum width requirement of Section 6.C.2(b)(2) of the Subdivision Regulations for residential lots located within an area designated as Suburban in the Unified Development Code.

No front yard setbacks are illustrated on the preliminary plat. Section 6.C.8. of the Subdivision Regulations requires the minimum front yard setbacks of the underlying zoning district and sub-district to be illustrated along all streets adjoining the subdivision. As such, revision of the plat should be required to illustrate a 25-foot front yard setback along each existing and proposed street where each abutting lot and common area is at least 60 feet wide, in compliance with Section 6.C.8. of the Subdivision Regulations, and with Article 2, Sections 64-2-5.E. and 64-2-14.E. of the Unified Development Code.

It should be noted that approval of the subdivision will create a landlocked parcel not associated with the request, just North of the terminus of the proposed Holly Lane. Extending the proposed street to abut the parcel would resolve this issue. As such, if approved, the plat should be revised to illustrate the proposed Holly Lane providing access to the aforementioned landlocked parcel, or the provision of a cross-access easement to the property.

Proposed Lots 81-88 abut the termini of Avenue A and 5th Avenue. These existing rights-of-way lack adequate turnarounds, as required by Section 6.B.3. of the Subdivision Regulations; however, extensions of these rights-of-way are not proposed. As such, Lots 81-88 should be denied access and a waiver of Section 6.B.3. should be considered by the Planning Commission.

If approved, the subdivision would result in one (1) more lots of record being split-zoned R-1 and B-3. As such, the request for Subdivision Approval will be contingent upon approval of the associated Rezoning request.

Rezoning

As mentioned, if the subdivision request is approved it will result in one (1) or more lots of record being split-zoned R-1 and B-3. The applicant's justification for the rezoning, which can be viewed using the link on Page 1 of this report, is that they would like to avoid any situation of split zoning by creating a consistent zoning designation for the proposed single-family subdivision.

The site is surrounded by properties zoned R-1, Single-Family Residential Suburban District, to the North, Southeast, and South. Properties to the Northeast and West are zoned B-3, Community Business Suburban District.

Subdivision of the property suggests rezoning of the site, in general, is necessary, especially to eliminate the potential for split zoning. Considering the rezoning request is for a zoning designation with greater use restrictions than those in a B-3 Suburban district, approving the request may be appropriate in that it would have little, if any, impact to the surrounding neighborhood.

SUBDIVISION CONSIDERATIONS

Standards of Review:

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.

Considerations:

If the Planning Commission considers approving the Subdivision request, the following conditions could apply:

1. Revision of the plat to illustrate the minimum existing right-of-way and, if less than 100 feet, dedication to provide 50 feet from the centerline of Zeigler Boulevard;
2. Revision of the plat to depict the existing rights-of-way along Harding Boulevard and Fairway Avenue;
3. Approval of the proposed street names by the City Engineer, with any modifications labeled on a revised plat;
4. Retention of the lot sizes in both square feet and acres on the Final Plat, adjusted for any required dedication;
5. Revision of the plat to illustrate a 25-foot front yard setback along each existing and proposed street where each abutting lot and common area is at least 60 feet wide, adjusted for any required dedication, in compliance with Section 6.C.8. of the Subdivision Regulations, and with Article 2, Sections 64-2-5.E. and 64-2-14.E. of the Unified Development Code;
6. Revision of the plat to extend the proposed Holly Lane, or the provision of a cross-access easement, to provide access to the landlocked parcel;
7. Approval of a waiver of Section 6.B.3. of the Subdivision Regulations for Avenue A and 5th Avenue;
8. Placement of a note on the Final Plat stating access to Avenue A and 5th Avenue is prohibited;
9. Completion of the Rezoning request to eliminate the potential for any split-zoned lots;
10. Compliance with all Engineering comments noted in this staff report;
11. Placement of a note on the Final Plat stating all Traffic Engineering comments noted in this staff report;
12. Compliance with all Urban Forestry comments noted in this staff report; and,
13. Compliance with all Fire Department comments noted in this staff report.

REZONING CONSIDERATIONS

Standards of Review:

The Unified Development Code (UDC) in 64-5-5.E. states that Rezoning is intended to carry out the objective of a sound, stable and desirable development and that casual change or amendment would be detrimental to the achievement of that objective.

The UDC goes on to say that zoning changes should be consistent with the Comprehensive Plan. However, the Comprehensive Plan and Future Land Use Plan (FLUP) and Map (FLUM) are meant to serve as a general guide, not a detailed lot and district plan; they are not a legal mandate for development. The FLUP and FLUM allow the Planning Commission and City Council to consider individual cases based on several factors including: surrounding development, classification requested, timing of the request, and the appropriateness and compatibility of the proposed use the zoning classification.

The UDC states that an application for rezoning shall include a statement of the justification for the proposed amendment that addresses all of the following:

- A) Consistency. Whether the proposed amendment is consistent with the Comprehensive Plan;
- B) Mistake. For a Rezoning, whether there was a mistake or error in the original zoning map; and
- C) Compatibility. Whether the proposed amendment is compatible with:
 - (1) The current development trends, if any, in the vicinity of the subject property;
 - (2) Surrounding land uses;
 - (3) Would adversely impact neighboring properties; or
 - (4) Cause a loss in property values.
- D) Health, Safety and General Welfare. Whether the proposed amendment promotes the community's public health, safety, and general welfare;
- E) Capacity. Whether the infrastructure is in place to accommodate the proposed amendment; and
- F) Change. Whether changed or changing conditions in a particular area make an amendment necessary and desirable.
- G) Benefits Consideration. In addition, consideration should also be given to the City's and the larger community's best interests and the need, benefit, or public purpose of the proposed request.

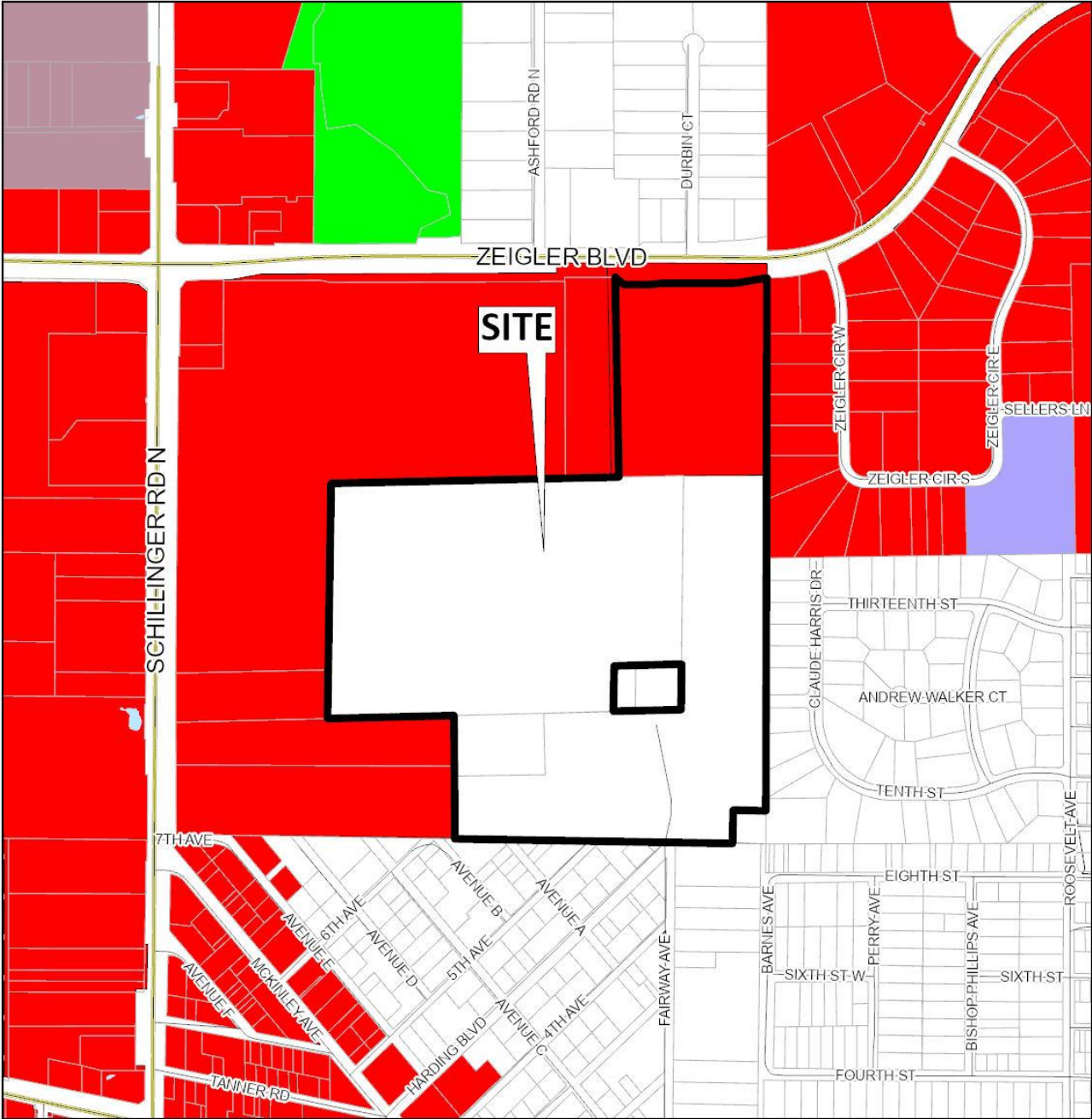
The applicant's responses to address the above criteria are available in the link on page one (1).

Considerations:

If the Planning Commission considers a recommendation of approval of the Rezoning request to the City Council, the following conditions could apply:

1. Completion of the Subdivision process;
2. Compliance with all Engineering, Traffic Engineering, Urban Forestry, and Fire Department comments noted in this staff report; and,
3. Full compliance with all municipal codes and ordinances.

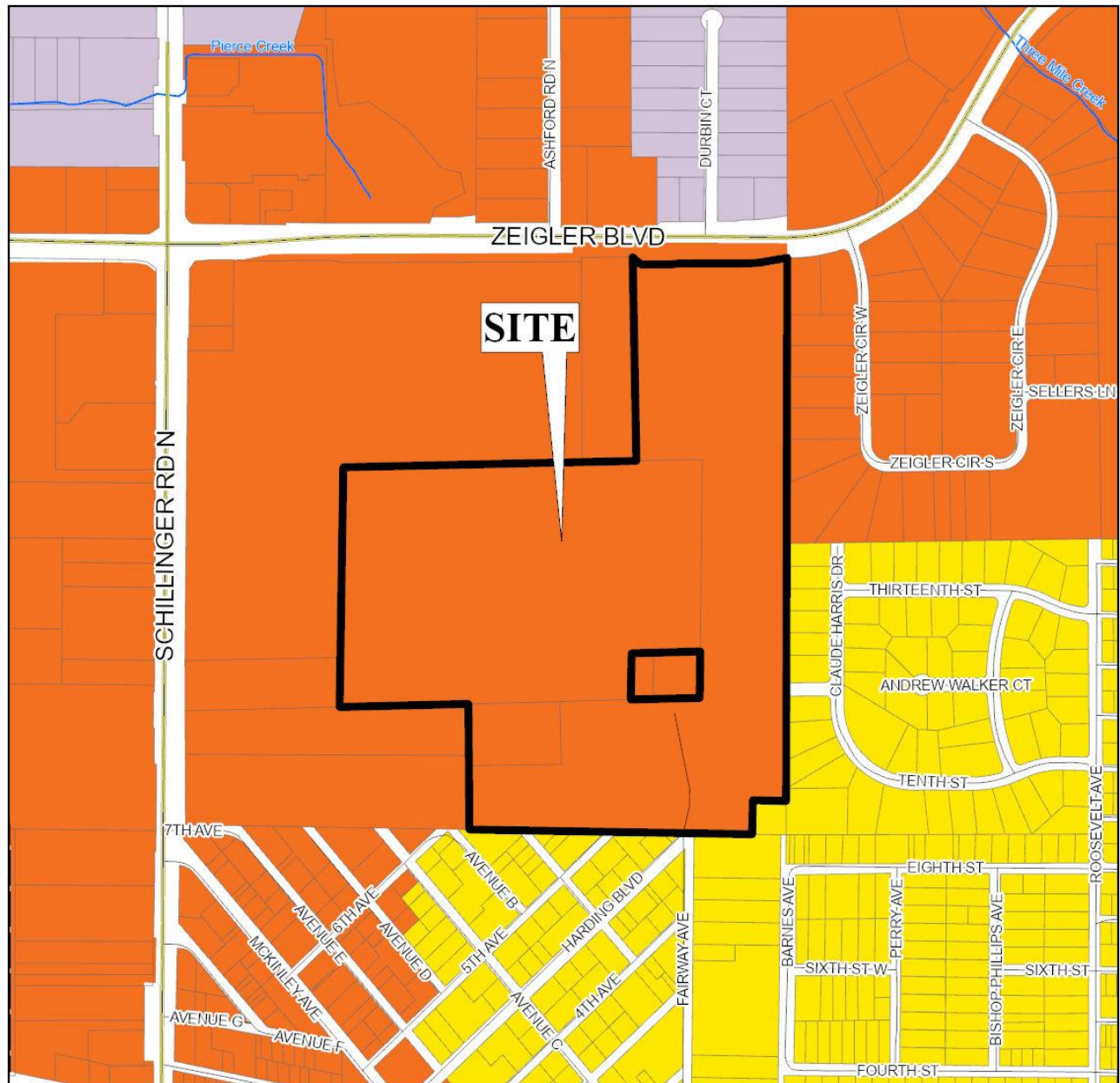
LOCATOR ZONING MAP



APPLICATION NUMBER	12	DATE	April 18, 2024
APPLICANT	Cypress Place Subdivision		
REQUEST	Subdivison, Rezoning from R-1 and B-3 to R-1		



FLUM LOCATOR MAP



APPLICATION NUMBER 12 DATE April 18, 2024

APPLICANT Cypress Place Subdivision

REQUEST Subdivision, Rezoning from R-1 and B-3 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 | |



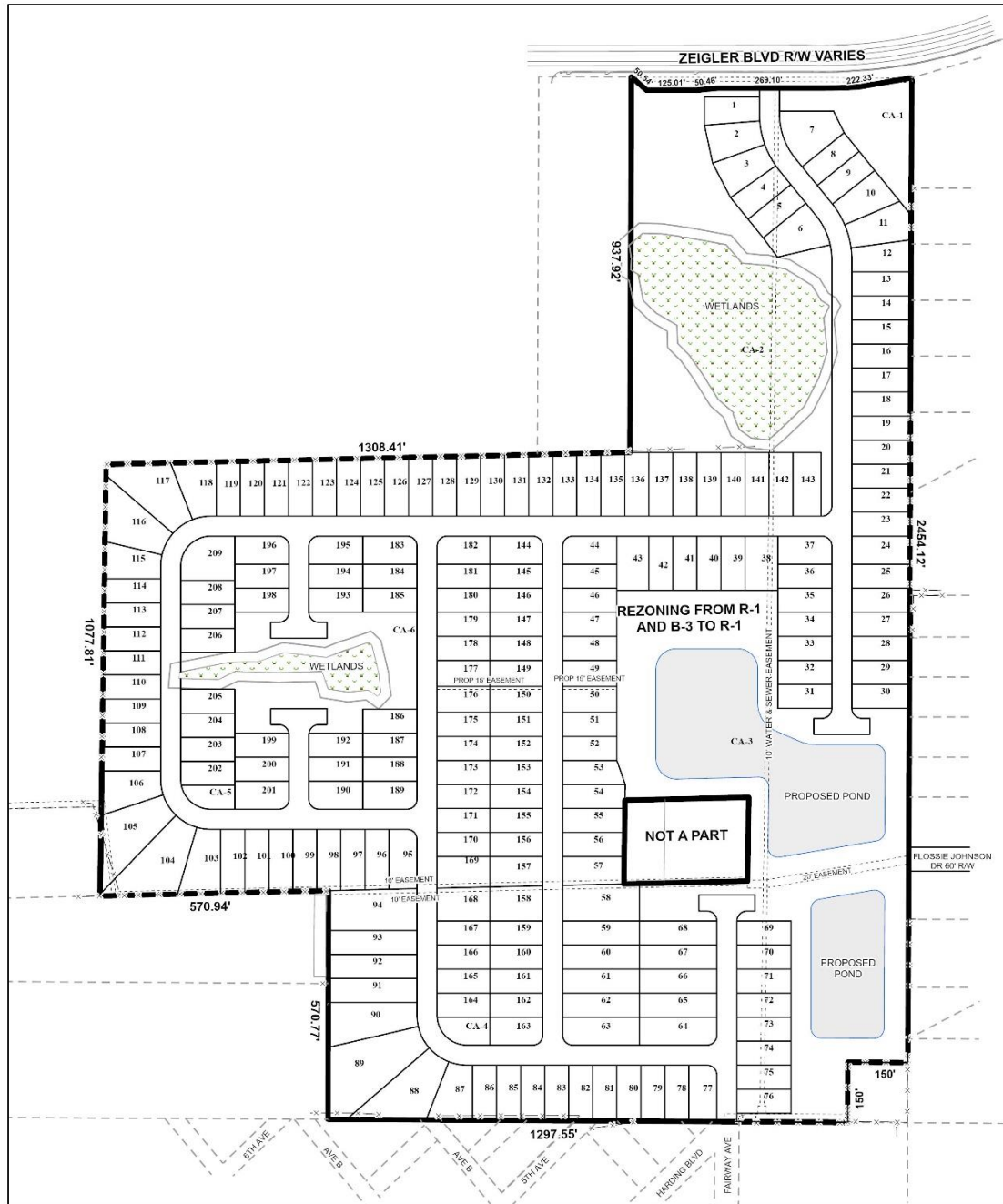
PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential and commercial units.

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<table style="width: 100%; font-size: small;"> <tr> <td style="width: 12.5%;">R-A</td><td style="width: 12.5%;">R-3</td><td style="width: 12.5%;">B-1</td><td style="width: 12.5%;">B-2</td><td style="width: 12.5%;">B-5</td><td style="width: 12.5%;">ML</td><td style="width: 12.5%;">I-2</td><td style="width: 12.5%;">OPEN</td><td style="width: 12.5%;">T-3</td><td style="width: 12.5%;">T-5.2</td> </tr> <tr> <td>R-1</td><td>R-B</td><td>T-B</td><td>B-3</td><td>CW</td><td>MH</td><td>PD</td><td>SD</td><td>T-4</td><td>T-6</td> </tr> <tr> <td>R-2</td><td>H-B</td><td>LB-2</td><td>B-4</td><td>MM</td><td>I-1</td><td>MUN</td><td>SD-WH</td><td>T-5.1</td><td></td> </tr> </table>		R-A	R-3	B-1	B-2	B-5	ML	I-2	OPEN	T-3	T-5.2	R-1	R-B	T-B	B-3	CW	MH	PD	SD	T-4	T-6	R-2	H-B	LB-2	B-4	MM	I-1	MUN	SD-WH	T-5.1	
R-A	R-3	B-1	B-2	B-5	ML	I-2	OPEN	T-3	T-5.2																						
R-1	R-B	T-B	B-3	CW	MH	PD	SD	T-4	T-6																						
R-2	H-B	LB-2	B-4	MM	I-1	MUN	SD-WH	T-5.1																							

SITE PLAN



The site plan illustrates the existing easements, proposed easements, lots, ponds, and wetlands.

APPLICATION NUMBER	12	DATE	April 18, 2024	
APPLICANT	Cypress Place Subdivision			
REQUEST	Subdivision, Rezoning from R-1 and B-3 to R-1			

MIXED COMMERCIAL CORRIDOR (MCC)

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.

ZONING DISTRICT CORRESPONDENCE MATRIX		LOW DENSITY RESIDENTIAL (LDR)	MIXED DENSITY RESIDENTIAL (MXDR)	DOWNTOWN (DT)	DISTRICT CENTER (DC)	NEIGHBORHOOD CENTER - TRADITIONAL (NC-T)	NEIGHBORHOOD CENTER - SUBURBAN (NC-S)	TRADITIONAL CORRIDOR (TC)	MIXED COMMERCIAL CORRIDOR (MCC)	LIGHT INDUSTRIAL (LI)	HEAVY INDUSTRY (HI)	INSTITUTIONAL LAND USE (INS)	PARKS & OPEN SPACE (POS)	DOWNTOWN WATERFRONT (DW)	WATER DEPENDENT USES (WDWURU)
RESIDENTIAL - AG	R-A												<input type="checkbox"/>		
ONE-FAMILY RESIDENCE	R-1	<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>					<input type="checkbox"/>		
TWO-FAMILY RESIDENCE	R-2	<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>					<input type="checkbox"/>	<input type="checkbox"/>	
MULTIPLE-FAMILY	R-3	<input type="checkbox"/>	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>						<input type="checkbox"/>	<input type="checkbox"/>	
RESIDENTIAL-BUSINESS	R-B		<input type="checkbox"/>			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>					<input type="checkbox"/>	<input type="checkbox"/>	
TRANSITIONAL-BUSINESS	T-B		<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					<input type="checkbox"/>		
HISTORIC BUSINESS	H-B			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>					<input type="checkbox"/>		
VILLAGE CENTER	TCD					<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>						<input type="checkbox"/>		
NEIGH. CENTER	TCD					<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>						<input type="checkbox"/>		
NEIGH. GENERAL	TCD					<input checked="" type="checkbox"/>							<input type="checkbox"/>		
DOWNTOWN DEV. DDD	T-6			<input checked="" type="checkbox"/>									<input type="checkbox"/>		
DOWNTOWN DEV. DDD	T-5.1			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input type="checkbox"/>					<input type="checkbox"/>		
DOWNTOWN DEV. DDD	T-5.2			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>							<input type="checkbox"/>		
DOWNTOWN DEV. DDD	T-4			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input type="checkbox"/>					<input type="checkbox"/>		
DOWNTOWN DEV. DDD	T-3			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>							<input type="checkbox"/>		
DOWNTOWN DEV. DDD	SD-WH									<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>		
DOWNTOWN DEV. DD	SD	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>		
BUFFER BUSINESS	B-1		<input type="checkbox"/>			<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>	
NEIGH. BUSINESS	B-2		<input type="checkbox"/>			<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>	
LIMITED BUSINESS	LB-2		<input type="checkbox"/>			<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>	
COMMUNITY BUSINESS	B-3				<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
GEN. BUSINESS	B-4			<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
OFFICE-DISTRIBUTION	B-5								<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	
LIGHT INDUSTRY	I-1									<input checked="" type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HEAVY INDUSTRY	I-2										<input checked="" type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>

Zoning District Correspondence Matrix

- Directly Related
- Elements of the zoning category are related to the future LU category, but with qualifications (such as a development plan with conditions)
- Land use category is appropriate, but the district does not directly implement the category (e.g., open space in an industrial district)