

Agenda Item # 12

SUB-002850-2024 & ZON-UDC-002851-2024

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

<u>Applicant Materials for Consideration – Subdivision</u>

Applicant Materials for Consideration – Rezoning

DETAILS

Location:

1100 Spring Hill Avenue

Subdivision Name:

Striker's Club, Inc. Subdivision

Applicant / Agent:

Kari Givens, Byrd Surveying, Inc.

Property Owners:

Striker's Club, Inc.

Current Zoning:

R-2, Two-Family Residential Urban District, B-1, Buffer Business Urban District, & B-3, Community Business Urban District

Proposed Zoning:

B-3, Community Business Urban District

Future Land Use:

Mixed Density Residential & Traditional Mixed-Use Corridor

Applicable Codes, Policies, and Plans:

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

Proposal:

- Subdivision approval to create one (1) legal lot of record.
- Rezoning from R-2, B-1, & B-3 to B-3
 - 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:

- Subdivision proposal with nine (9) conditions; and
- 2. Rezoning with three (3) conditions.

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PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL



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

APPLICATION	NUMBER	12	_ DATE _	March 21, 2024				
APPLICANT		Striker's Cl	ub, Inc. Sub	division	N			
REQUEST	Cubdivision Description D. D. 1 and D. 2 to D. 2							
					NTS			

SITE HISTORY

The is composed of Lots 14, 15, 16, and part of Lot 17 of Block 4 of the Campground Tract Subdivision, the plat for which was recorded in Mobile County Probate Court in the 1890s.

Rezoning of the site currently zoned R-2, from R-2 to B-3, was denied by the Planning Commission in November 1993. A request to rezone the site from R-2 to B-2 was also denied by the Planning Commission in January 1994.

Rezoning of the site currently zoned B-1, from R-2 to B-1, was adopted by City Council at its March 17, 1994 meeting.

There are no other 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. Revise NOTES #7 from "...(FLIGHT 23 #76)..." to "... (FLIGHT 29 #74)...".
- C. Revise NOTES #7 from "...LOT A 26,000 SF." to "LOT A 6,000 SF."
- D. List the amount of ROW dedication in square feet and in acres.
- E. Check and revise either the Bearing callout in the plan or in the legal description for the short 6.30-foot long section along the western property line.
- F. 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:

- 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 (251-208-6070) 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:

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 one (1) legal lot of record from three (3) legal lots of record, and one (1) metes-and-bounds parcel. The site is served by public water and sanitary sewer services.

The proposed lot has frontage on Spring Hill Avenue, a Principal Arterial street requiring a 100-foot right-of-way at this location; and on North Pine Street, a minor street with curb and gutter requiring a 50-foot right-of-way. Sufficient rights-of-way are depicted along both streets on the preliminary plat, thus no additional dedication should be required.

A 25-foot corner radius is required where Spring Hill Avenue and North Pine Street intersect, per Section 6.C.6. of the Subdivision Regulations, but the preliminary plat depicts a sub-standard 10-foot corner radius. Section 6.B.12. of the Subdivision Regulations allows a 20-foot corner radius, but anything less requires approval from the City Engineer. As such, the plat should be revised to illustrate at least a 25-foot corner radius at the intersection of Spring Hill Avenue and North Pine Street unless a reduced corner radius is approved by the City Engineer, in which case a waiver of Section 6.C.6. will be required.

The lot, as proposed, exceeds the minimum size requirement for lots served by public water and sanitary sewer in the R-2, B-1, and B-3 Urban districts, and is appropriated labeled in square feet and acres on the preliminary plat. If approved, this information should be retained on the Final Plat, adjusted for any required dedication; or provision of a table on the Final Plat with the same information will suffice.

No front yard setback is illustrated along either street. A minimum 5-foot front yard setback is required for lots in an R-2 Urban district, and a minimum 10-foot front yard setback is required for lots in B-1 Urban and B-3 Urban districts, per Article 2, Sections 64-2-6.E., 64-2-10.E., and 64-2-14.E., respectively. A rezoning request is being considered concurrently with the subdivision request to rezone the proposed lot to B-3 Urban district. As such, if approved, a front yard setback compliant with the underlying zoning district and sub-district should be illustrated along Spring Hill Avenue and North Pine Street.

If both subdivision and rezoning requests are approved, a portion of the proposed lot will abut residentially zoned properties to the North and West. As such, the site will need to comply with the Protection Buffer requirements of Article 3, Section 64-3-8 of the UDC, including the provision of a 10-foot setback where the site adjoins residential property. Such setbacks, including other side and rear yard setbacks, are not required to be illustrated on the subdivision plat, but the applicant should be aware that they will need to be illustrated on any site plans submitted for the review of any development permits.

A portion of the site is developed with a 4,192± square-foot commercial building and parking lot. It should be noted that future development or redevelopment of the site may require full compliance with the development standards of the UDC.

If approved, the subdivision would result in a single lot of record split-zoned R-2, B-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 a single lot of record being split-zoned R-2, B-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 changing conditions in the area make rezoning necessary and desirable.

The site is surrounded by properties zoned B-3, Community Business Urban District, to the East, South, and West. Properties to the North and Northwest are zoned R-2, Two-Family Residential Urban District. Whether this indicates changing conditions in the surrounding area make rezoning to B-3 appropriate is for the Planning Commission to recommend and for City Council to decide, but subdivision of the property suggests rezoning of the property, in general, is necessary, especially to eliminate the potential for split zoning.

The conceptual plan submitted with the request illustrates that additional parking will be constructed on a portion of the proposed lot and will serve the existing commercial building. Bringing the site under one (1) zoning classification, particularly a commercial classification, is necessary to facilitate further development of the site.

A privacy fence is illustrated on the conceptual plan where the site adjoins residential property; however, if approved, full compliance with the Protection Buffer requirements of Article 3, Section 64-3-8 of the UDC will be required, including a 10-foot setback and the provision of a vegetative screen planting strip. Such compliance should be illustrated on any site plan submitted for the review and approval of development permits.

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. Retention of the right-of-way width(s) as depicted on the preliminary plat;
- 2. Dedication sufficient to provide a 25-foot corner radius at the intersection of Spring Hill Avenue and North Pine Street, in compliance with Section 6.C.6. of the Subdivision Regulations, unless a smaller radius is approved by the City Engineer and the Planning Commission waives Section 6.C.6.;
- 3. Retention of the lot's size in both square feet and acres, adjusted for any required dedication, or the provision of a table on the Final Plat with the same information;
- 4. Revision of the plat to illustrate a front yard setback compliant with the underlying zoning district and sub-district along Spring Hill Avenue and North Pine Street, adjusted for any required dedication;
- 5. Completion of the Rezoning request to eliminate the potential for a split-zoned lot;
- 6. Compliance with all Engineering comments noted in this staff report;
- 7. Placement of a note on the Final Plat stating all Traffic Engineering comments noted in this staff report;
- 8. Compliance with all Urban Forestry comments noted in this staff report; and,
- 9. 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 Rezonings are 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:

- Consistency. Whether the proposed amendment is consistent with the Comprehensive Plan;
- Mistake. For a Rezoning, whether there was a mistake or error in the original zoning map; and
- Compatibility. Whether the proposed amendment is compatible with:
 - The current development trends, if any, in the vicinity of the subject property;
 - Surrounding land uses;

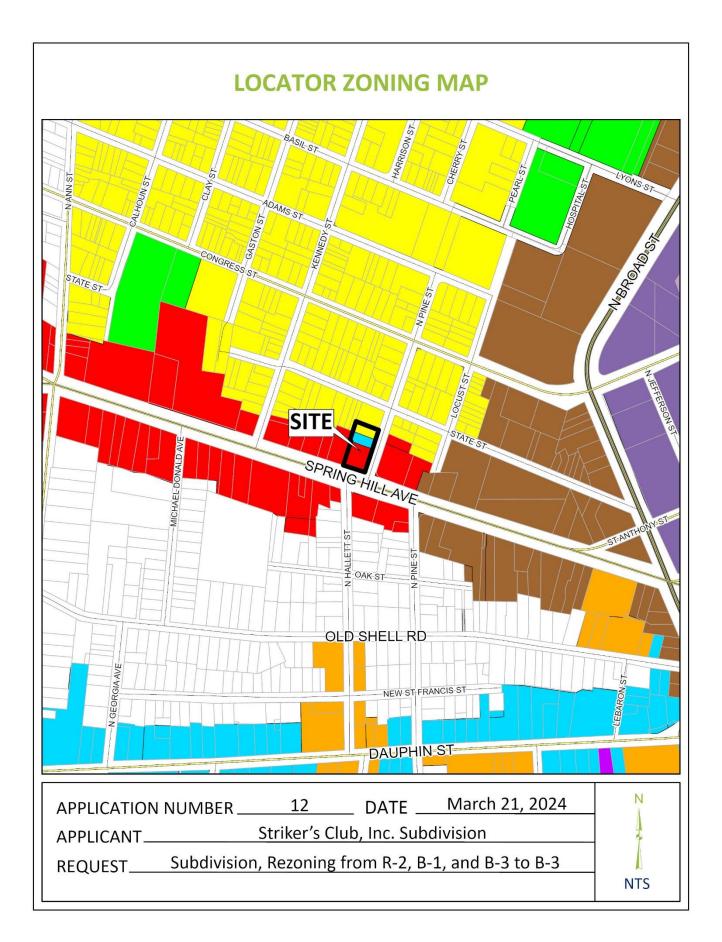
- Would adversely impact neighboring properties; or
- Cause a loss in property values.
- Health, Safety and General Welfare. Whether the proposed amendment promotes the community's public health, safety, and general welfare;
- Capacity. Whether the infrastructure is in place to accommodate the proposed amendment; and
- Change. Whether changed or changing conditions in a particular area make an amendment necessary and desirable.
- 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.

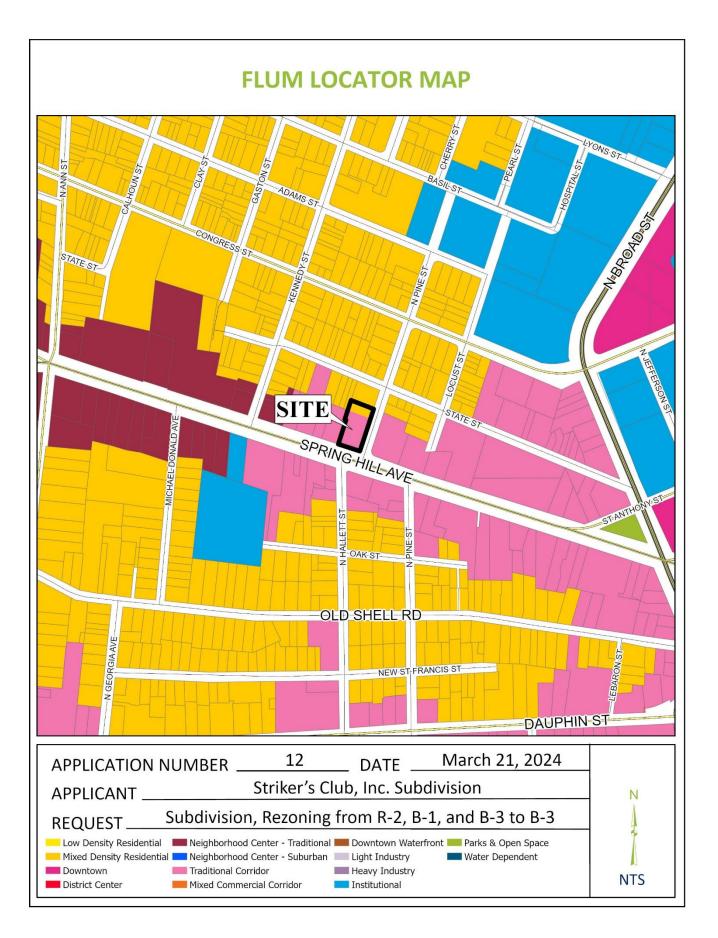
The applicant's responses to address the above criteria are available in the link on page one (1).

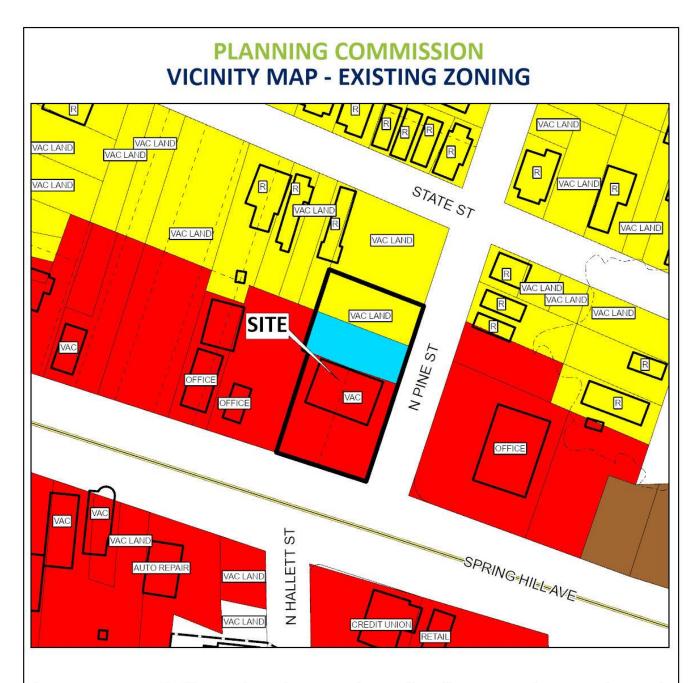
Considerations:

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

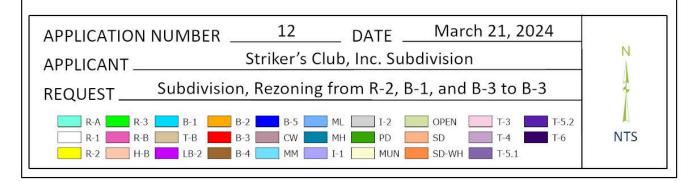
- 1. Completion of the Subdivision process;
- 2. Compliance with all Engineering, Traffic Engineering, Urban Forestry, and Fire Department comments noted in this staff report; and,
- 3. Full compliance with all municipal codes and ordinances.



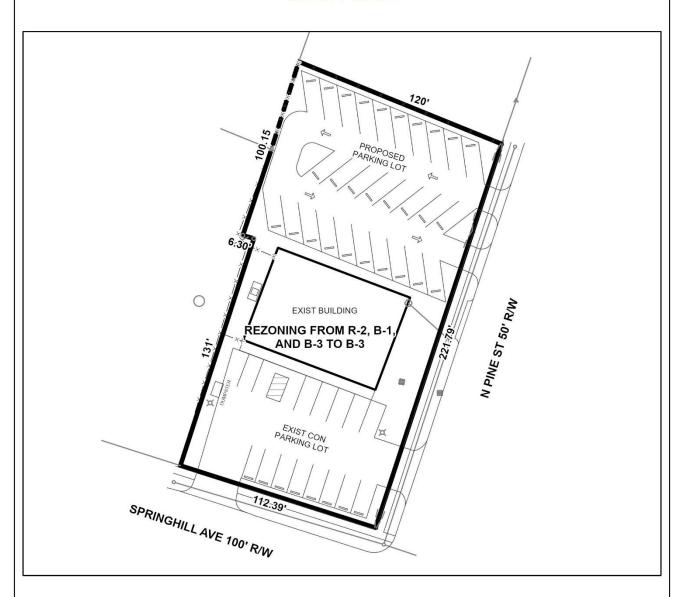




The site is surrounded by residential units to the north and commercial units to the south.



SITE PLAN



The site plan illustrates the existing building and parking, and proposed parking.

APPLICATION	I NUMBER _	12	DATE _	March 21, 2024	N		
APPLICANT _		Striker's Cl	ub, Inc. Sub	division	Į Į		
REQUEST	REQUEST Subdivision, Rezoning from R-2, B-1, and B-3 to B-3						
					NTS		

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 (WDWRU)
RESIDENTIAL - AG	R-A														
ONE-FAMILY RESIDENCE	R-1														
TWO-FAMILY RESIDENCE	R-2													0	
MULTIPLE-FAMILY	R-3	0												0	
RESIDENTIAL-BUSINESS	R-B		0											0	
TRANSITIONAL-BUSINESS	T-B		0												
HISTORIC BUSINESS	H-B														
VILLAGE CENTER	TCD														
NEIGH. CENTER	TCD														
NEIGH. GENERAL	TCD														
DOWNTOWN DEV. DDD	T-6														
DOWNTOWN DEV. DDD	T-5.1														
DOWNTOWN DEV. DDD	T-5.2														
DOWNTOWN DEV. DDD	T-4														
DOWNTOWN DEV. DDD	T-3														
DOWNTOWN DEV. DDD	SD-WH									0	0				
DOWNTOWN DEV. DD	SD	0	0	0	0	0	0	0		0	0				
BUFFER BUSINESS	B-1													0	
NEIGH. BUSINESS	B-2		0											0	
LIMITED BUSINESS	LB-2		0											0	
COMMUNITY BUSINESS	B-3											0		0	
GEN. BUSINESS	B-4											0		0	
OFFICE-DISTRIBUTION	B-5														
LIGHT INDUSTRY	I-1														
HEAVY INDUSTRY	I-2														

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)

MIXED DENSITY RESIDENTIAL (MxDR)

This designation applies mostly to residential areas located between Downtown and the Beltline, where the predominant character is that of a traditional neighborhood laid out on an urban street grid.

These residential areas should offer a mix of single family homes, townhouses, 2- to 4- residential unit buildings, accessory dwellings, and low- and midrise multifamily apartment buildings.

The density varies between 6 and 10 du/ ac, depending on the mix, types, and locations of the housing as specified by zoning.

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

TRADITIONAL CORRIDOR (TC)

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.

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															
		OW 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)	IGHT INDUSTRIAL (LI)	HEAVY INDUSTRY (HI)	NSTITUTIONAL LAND USE (INS)	PARKS & OPEN SPACE (POS)	DOWNTOWN WATERFRONT (DW)	WATER DEPENDENT USES (WDWRU)
RESIDENTIAL - AG	R-A	T	2			Z	Z	_	2	_	工	=			>
ONE-FAMILY RESIDENCE	R-1														8
TWO-FAMILY RESIDENCE	R-2													0	
MULTIPLE-FAMILY	R-3	0												0	
RESIDENTIAL-BUSINESS	R-B		0											0	
TRANSITIONAL-BUSINESS	T-B		0												
HISTORIC BUSINESS	H-B														
VILLAGE CENTER	TCD														
NEIGH. CENTER	TCD														
NEIGH. GENERAL	TCD														
DOWNTOWN DEV. DDD	T-6														
DOWNTOWN DEV. DDD	T-5.1														
DOWNTOWN DEV. DDD	T-5.2														
DOWNTOWN DEV. DDD	T-4														
DOWNTOWN DEV. DDD	T-3														
DOWNTOWN DEV. DDD	SD-WH									0	0				
DOWNTOWN DEV. DD	SD	0	0	0	0	0	0	0		0	0				0
BUFFER BUSINESS	B-1													0	
NEIGH. BUSINESS	B-2		0											0	
LIMITED BUSINESS	LB-2		0											0	
COMMUNITY BUSINESS	B-3											0		0	
GEN. BUSINESS	B-4											0		0	
OFFICE-DISTRIBUTION	B-5														
LIGHT INDUSTRY	I-1														
HEAVY INDUSTRY	I-2														

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)