



Agenda Item # 2 SUB-003027-2024

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

1859 Toulmin Avenue

Subdivision Name:

1859 Toulmin Avenue Subdivision

Applicant / Agent:

Richard Byrd, Brizo Construction (Timothy Hudson, Permit Us Now, Agent)

Property Owner:

Eric Powell and Debra Powell

Current Zoning:

R-1, Single-Family Residential Urban District

Future Land Use:

Mixed Density Residential

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 from one (1) metes-and-bounds parcel.

Commission Considerations:

- Subdivision proposal with eight (8) conditions.

Report Contents:

	Page
Context Map	2
Site History	3
Staff Comments	3
Subdivision Considerations	5
Exhibits	6

1859 TOULMIN AVENUE SUBDIVISION



APPLICATION NUMBER 2 DATE September 19, 2024



NTS

SITE HISTORY

The site was originally part of the Lewis Addition to Toulminville Subdivision, the plat for which was recorded in Mobile County Probate Court in September 1919. Since that time, development of the area has resulted in the shifting of lot lines without approval from the Planning Commission, such that the designs of many of the lots are no longer compatible with the recorded subdivision plat. This includes the subject site, which now has a metes-and-bounds legal description.

There have been no Planning Commission or Board of Zoning Adjustment applications associated with the site.

The applicant plans to redevelop the property with a new single-family dwelling, thus requiring full compliance with current regulations, including the Subdivision Regulations.

STAFF COMMENTS

Engineering Comments:

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 reference, on the map and the description, to a monumented corner.
- C. Add a graphic scale.
- D. Provide a written legal description and matching bearing and distance labels for the proposed subdivision.
- E. Provide a LOT designator (i.e. LOT 1, LOT A).
- F. Label each LOT with its size in acres and square feet, or the furnishing of a table on the Plat providing the same information.
- G. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer.
- H. Add the flood zone note.
- I. 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.
- J. 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.
- K. 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.
- L. 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.
- M. Add a note that all easements shall remain in effect until vacated through the proper Vacation process.
- N. 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.

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 (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:

The purpose of this application is to create one (1) legal lot of record from one (1) metes-and-bounds parcel. The site is served by public water and sanitary sewer services.

No plat was submitted as part of the request, but staff utilized the survey provided by the applicant to determine the site's compatibility with the Subdivision Regulations. A subdivision plat will be required for final approval of the request, per Section 5.A.

The site has frontage on Toulmin Avenue, a minor street with curb and gutter requiring a 50-foot right-of-way width. The survey depicts a 50-foot right-of-way width at this location, making additional dedication unnecessary.

The lot, as proposed, does not meet the minimum size requirements for lots served by public water and sanitary sewer in an R-1 urban district. Additionally, the survey is not appropriately labeled with the lot size in both square feet and acres. If approved, a waiver of Section 6.C.2(a)(1) of the Subdivision Regulations will be necessary for the reduced lot size. Additionally, the Final Plat should be revised to include the lot size in both square feet and acres; or placement of a table on the Final Plat with the same information.

The lot does not meet the minimum 60-foot width requirement of Section 6.C.2(b)(3) for residential lots located within the urban sub-district. If approved, a waiver of Section 6.C.2(b)(3) of the Subdivision Regulations will be necessary.

The survey illustrates a five (5)-foot front yard setback along Toulmin Avenue, in compliance with Section 64-2-5.E. of the Unified Development Code (UDC) for lots in the R-1 urban district. If approved, this information should be retained on the Final Plat.

Five (5)-foot side yard setbacks and a five (5)-foot rear yard setback are illustrated along side and rear property lines, which is not required by the Subdivision Regulations. As such, removal of the side and rear setbacks from the Final Plat should be required, if approved.

The survey does not provide the specifications for Final Plat approval regarding the general form, information to be shown, or attendant items required by Section 5 of the Subdivision Regulations. Such requirements include the items, notes, and certifications that should be placed on a subdivision plat. As such, the Final Plat should provide all

the information required by Section 5 of the Subdivision Regulations, along with any additional information required by the Engineering Department.

SUBDIVISION CONSIDERATIONS

Standards of Review:

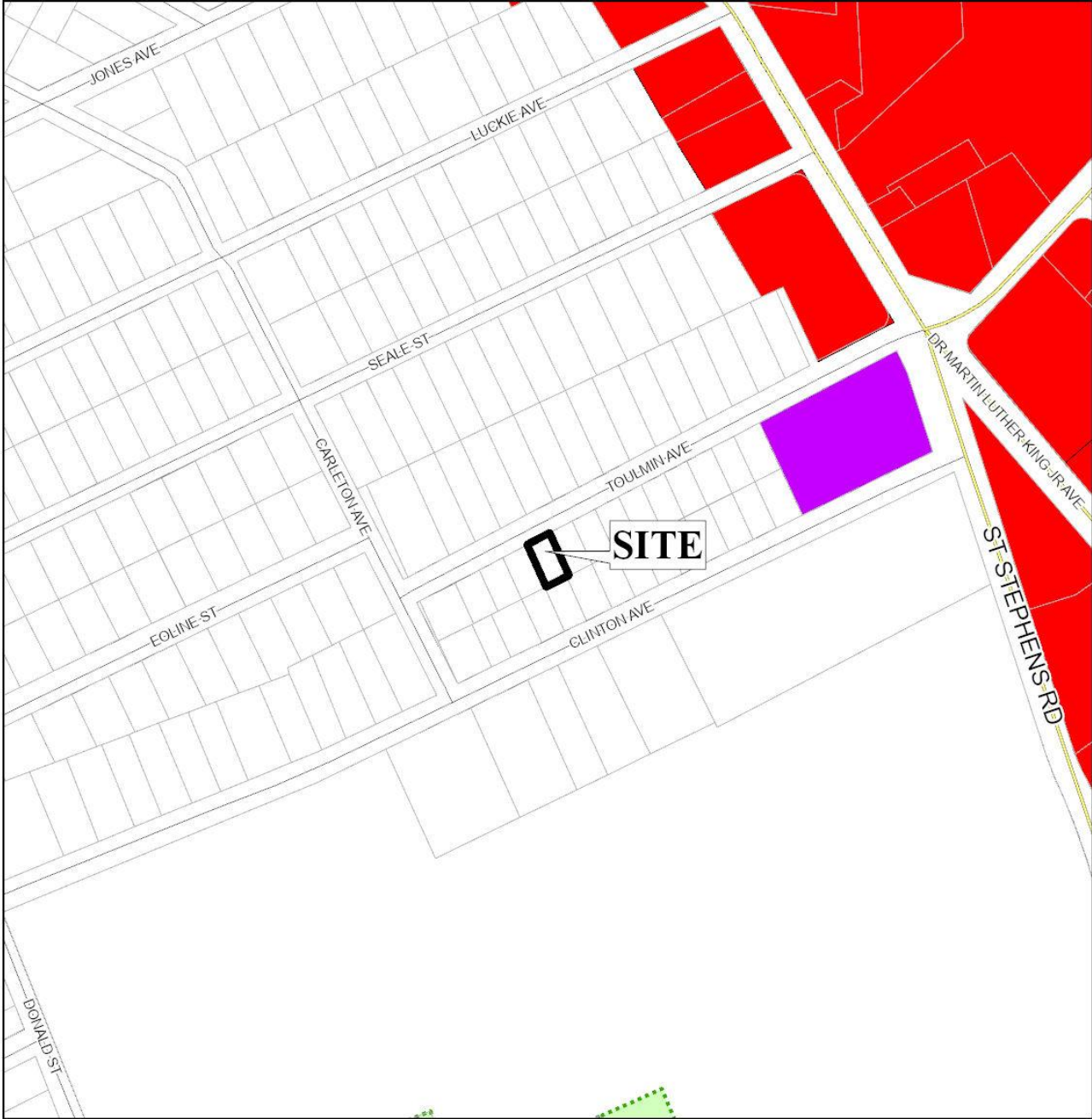
Subdivision review examines the site with regard to promoting orderly development, protecting general health, safety and welfare, and ensuring that development is correlated with adjacent developments and public utilities and services, and to ensure that the subdivision meets the minimum standards set forth in the Subdivision Regulations for lot size, road frontage, lot configuration, etc.

Considerations:

Based on the preceding, and with waivers from Section 6.C.2(a)(1) (for the substandard lot size) and Section 6.C.2(b)(2) (for the substandard lot width) of the Subdivision Regulations, if the Planning Commission considers approving the Subdivision request, the following conditions could apply:

1. Retention of the right-of-way along Toulmin Avenue, as depicted on the survey;
2. Revision of the Final Plat to include the lot size in both square feet and acres, or placement of a table on the Final Plat with the same information;
3. Retention on the Final Plat of the five (5)-foot minimum front yard setback along Toulmin Avenue;
4. Removal of the side and rear yard setback lines from the Final Plat;
5. Compliance with all Engineering comments noted in this staff report;
6. Placement of a note on the Final Plat stating the Traffic Engineering comments noted in this staff report;
7. Compliance with all Urban Forestry comments noted in this staff report; and
8. Compliance with all Fire Department comments noted in this staff report.

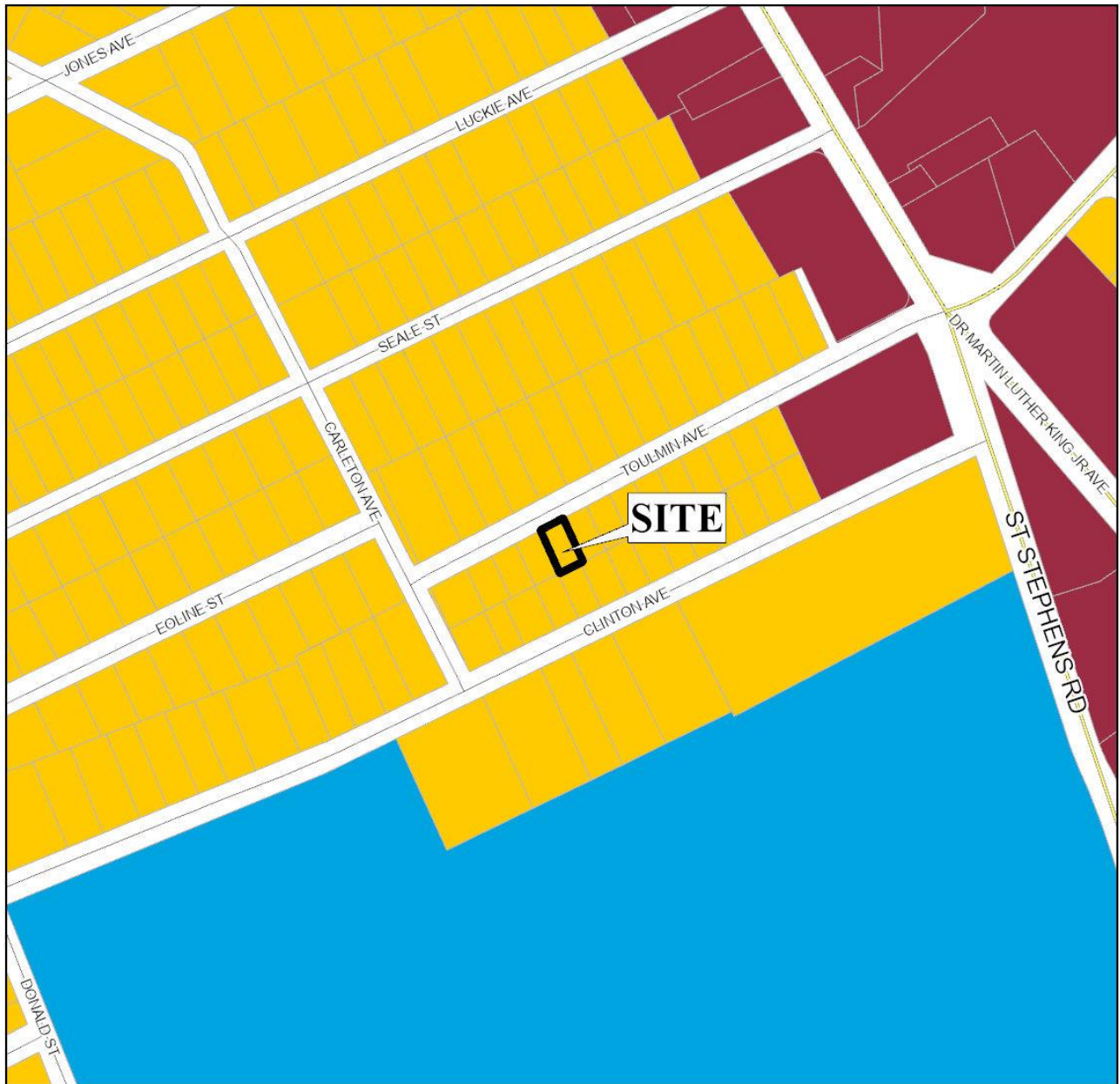
LOCATOR ZONING MAP



APPLICATION NUMBER	2	DATE	September 19, 2024
APPLICANT	1859 Toulmin Avenue Subdivision		
REQUEST	Subdivision		



FLUM LOCATOR MAP



APPLICATION NUMBER 2 DATE September 19, 2024

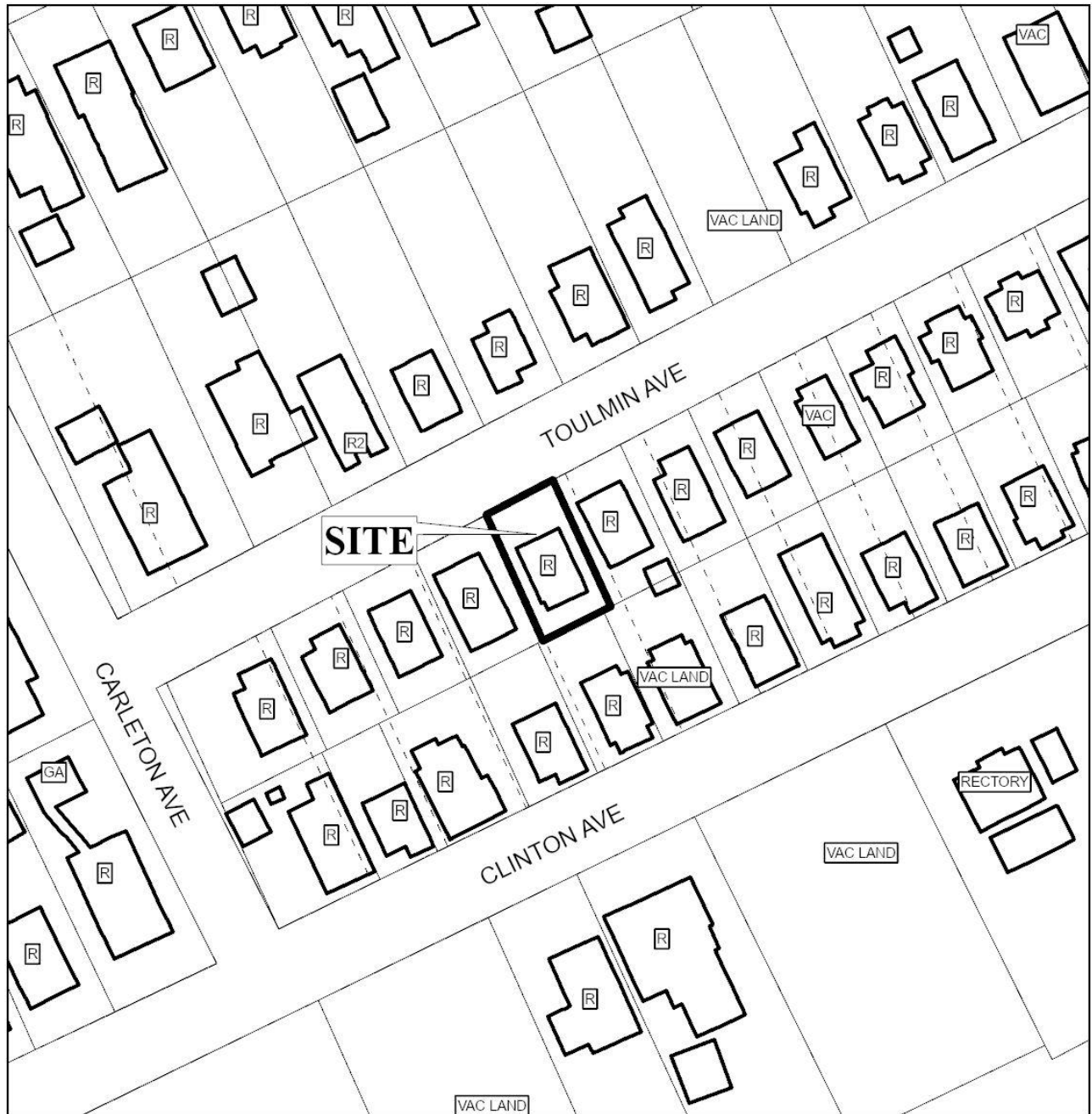
APPLICANT 1859 Toulmin Avenue Subdivision

REQUEST Subdivision

- | | | | |
|---------------------------|-----------------------------------|---------------------|--------------------|
| 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 | |



1859 TOULMIN AVENUE SUBDIVISION



APPLICATION NUMBER 2 DATE September 19, 2024

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	



DETAIL SITE PLAN



APPLICATION NUMBER <u>2</u>	DATE <u>September 19, 2024</u>
APPLICANT <u>1859 Toulmin Avenue Subdivision</u>	
REQUEST <u>Subdivision</u>	



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	■				■		■					□	○	
MULTIPLE-FAMILY	R-3	○	■			■	■						□	○	
RESIDENTIAL-BUSINESS	R-B		○			■		■					□	○	
TRANSITIONAL-BUSINESS	T-B		○		■	■	■	■					□		
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									○	○		□		
DOWNTOWN DEV. DD	SD	○	○	○	○	○	○	○		○	○		□		
BUFFER BUSINESS	B-1		□			□	■	■	■				□	○	
NEIGH. BUSINESS	B-2		○			□	■	■	■				□	○	
LIMITED BUSINESS	LB-2		○			□	■	■	■				□	○	
COMMUNITY BUSINESS	B-3				■				■			○	□	○	
GEN. BUSINESS	B-4			■					■			○	□	○	
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 mid-rise 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.