



Agenda Item # 4

SUB-003171-2024 & ZON-UDC-003172-2024

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:

1400 Dauphin Island Parkway, 2007 Webb Avenue,
and 2006 McVay Drive North

Subdivision Name:

Fulton Heights Subdivision

Applicant / Agent:

New Life United Methodist Church (Kari Givens, Byrd
Surveying, Inc., Agent)

Property Owners:

New Life United Methodist Church of Mobile, Inc.

Current Zoning:

R-1, Single-Family Residential Suburban District

Proposed Zoning:

B-2, Neighborhood Business Suburban District

Future Land Use:

Mixed Density Residential and 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 from five (5) existing legal lots of record.
- Rezoning from R-1 to B-2
 - 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.

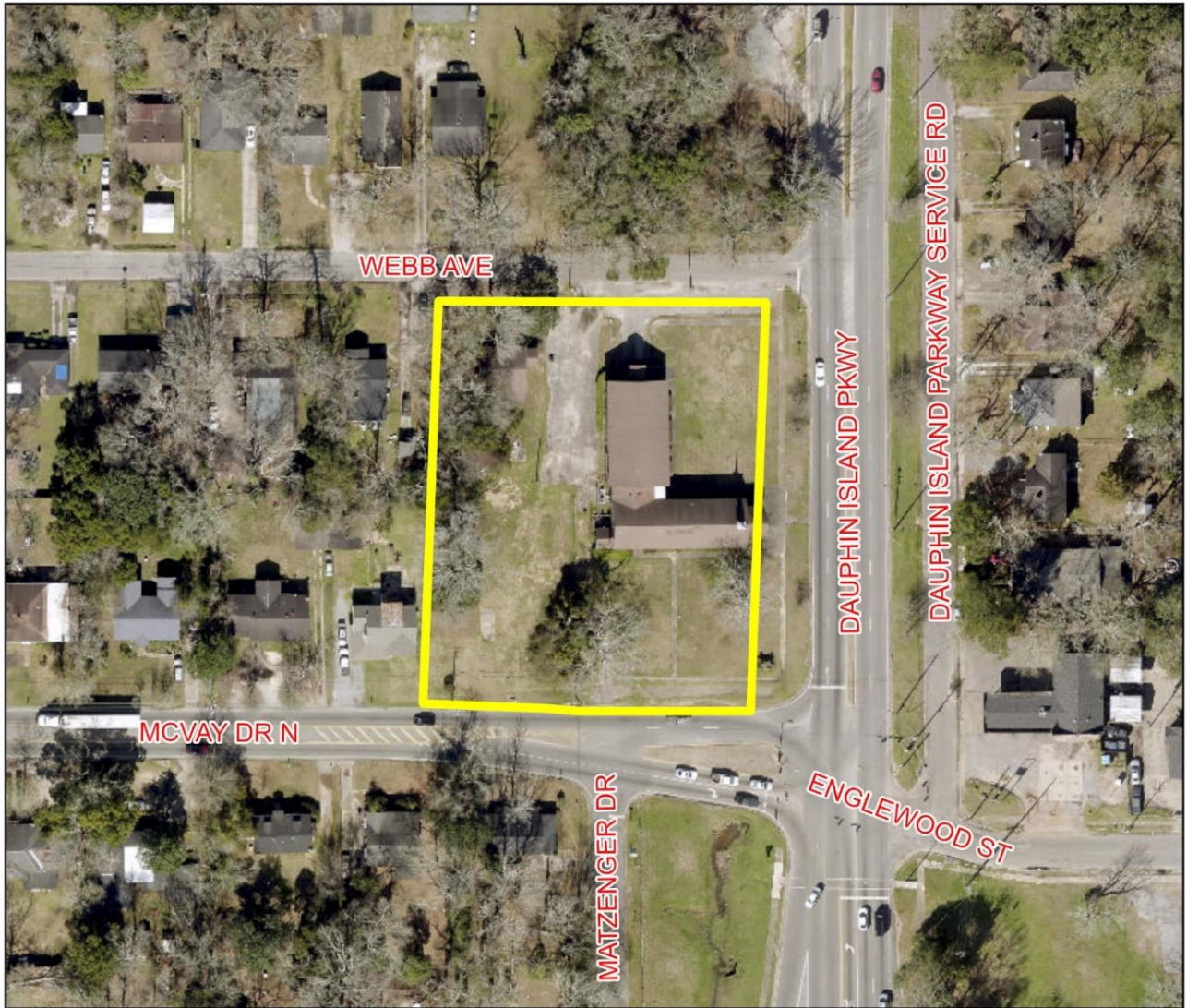
Commission Considerations:

1. Subdivision proposal with 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. A convenience store lies southeast of the site.

APPLICATION NUMBER <u> 4 </u> DATE <u> January 16, 2025 </u>	 NTS
APPLICANT <u> Fulton Heights Subdivision </u>	
REQUEST <u> Subdivision, Rezoning from R-1 to B-2 </u>	

SITE HISTORY

The subject site is comprised of five (5) existing legal lots of record which were part of the Resubdivision of Englewood Subdivision, which was signed by the City Engineer and recorded in Probate Court in 1947.

Fulton Heights Methodist Church purchased the majority of the subject site in 1954. The existing structures were in their current configuration in 1984.

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. Delete NOTE #7 and insert the following - As shown on the 1984 aerial photo LOT A, receive 16,000 SF historical credit of existing (1984) impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control).
- C. 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:

A full access driveway will not be allowed along McVay Drive North. A traffic impact study will be required for the shown gas station. Driveway number, size, location, and design to be approved by ALDOT (where applicable) and 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 five (5) existing legal lots of record. The site is served by public water and sanitary sewer.

The site has frontage along Dauphin Island Parkway, McVay Drive North, and Webb Avenue. Dauphin Island Parkway is a major street on the Major Street Plan, and is an ALDOT controlled right-of-way, with a required minimum right-of-way of 100-feet; the preliminary plat depicts an existing right-of-way of 127-feet, making no dedication required. McVay Drive North is a minor arterial street with a required minimum right-of-way of 50-feet; the preliminary plat depicts that the right-of-way varies. Webb Avenue is a minor street without curb and gutter with a required minimum right-of-way of 60-feet; the preliminary plat depicts that the right-of-way as 50-feet. As the site consists of legal lots of record, a waiver of Section 6.B.9. of the Subdivision Regulations may be appropriate to waive any dedication requirement along McVay Drive North and Webb Avenue.

The lot will exceed the minimum size requirement for lots served by public water and sanitary sewer in the R-1 zoning district, as well as in the B-2 zoning district if rezoning of the property is approved with a B-2 classification. The size of the lot is labeled in both square feet and acres 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; the provision of a table with the same information on the Final Plat will suffice.

The lot exceeds the minimum width requirements of Section 6.C.2(b)(4) of the Subdivision Regulations for non-residential lots.

The preliminary plat illustrates a 25-foot front setback for the proposed Lot A in compliance with Section 6.C.8. of the Subdivision Regulations. This information should be retained on the Final Plat, if approved.

A 10-foot utility easement is illustrated on the preliminary plat. If approved, a note should be placed on the Final Plat stating no structures shall be constructed in any easement without permission of the easement holder.

Rezoning

A detailed description of the proposed request is available via the link on Page 1 of this report. In summary, the applicant is requesting to rezone the subject sites from R-1, Single-Family Residential Suburban District to B-2, Neighborhood Business Suburban District.

Properties to the West and South of the site are zoned R-1 and developed with single-family dwellings; to the North is vacant B-2 land and R-1 land developed with single-family dwellings; and to the East are properties that are zoned R-1 and developed with single-family dwellings as well as an existing gas station with auto repair that is zoned B-2.

The site plan provided with the rezoning application depicts the existing structures are to be demolished, and a new structure with a 3,750 square foot convenience store and a 1,250 square foot restaurant are proposed. As such, the site will be required to fully comply with the Unified Development Code (UDC). Any signage placed on the property will also need to meet the requirements of the UDC, and be permitted separately through the Planning and Zoning Department.

It should be noted that the proposed structure is depicted as being located over the existing utility easement. As such, prior to its construction, the easement will need to be vacated by all appropriate entities through the City Clerk's office.

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, with a waiver of Section 6.B.9. of the Subdivision Regulations, the following conditions could apply:

1. Retention of the existing right-of-way width on the Final Plat, as depicted on the preliminary plat;
2. Retention of the lot's size in both square feet and acres on the Final Plat;

3. Retention of the 25-foot front yard setback for all street frontages, in compliance with Section 6.C.8. of the Subdivision Regulations and Article 2 of the Unified Development Code;
4. Placement of a note on the Final Plat stating that future development or redevelopment of the site shall comply with the development provisions of Article 3 of the Unified Development Code;
5. Placement of a note on the Final Plat stating no structures shall be constructed in any easement without permission from the easement holder;
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 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.

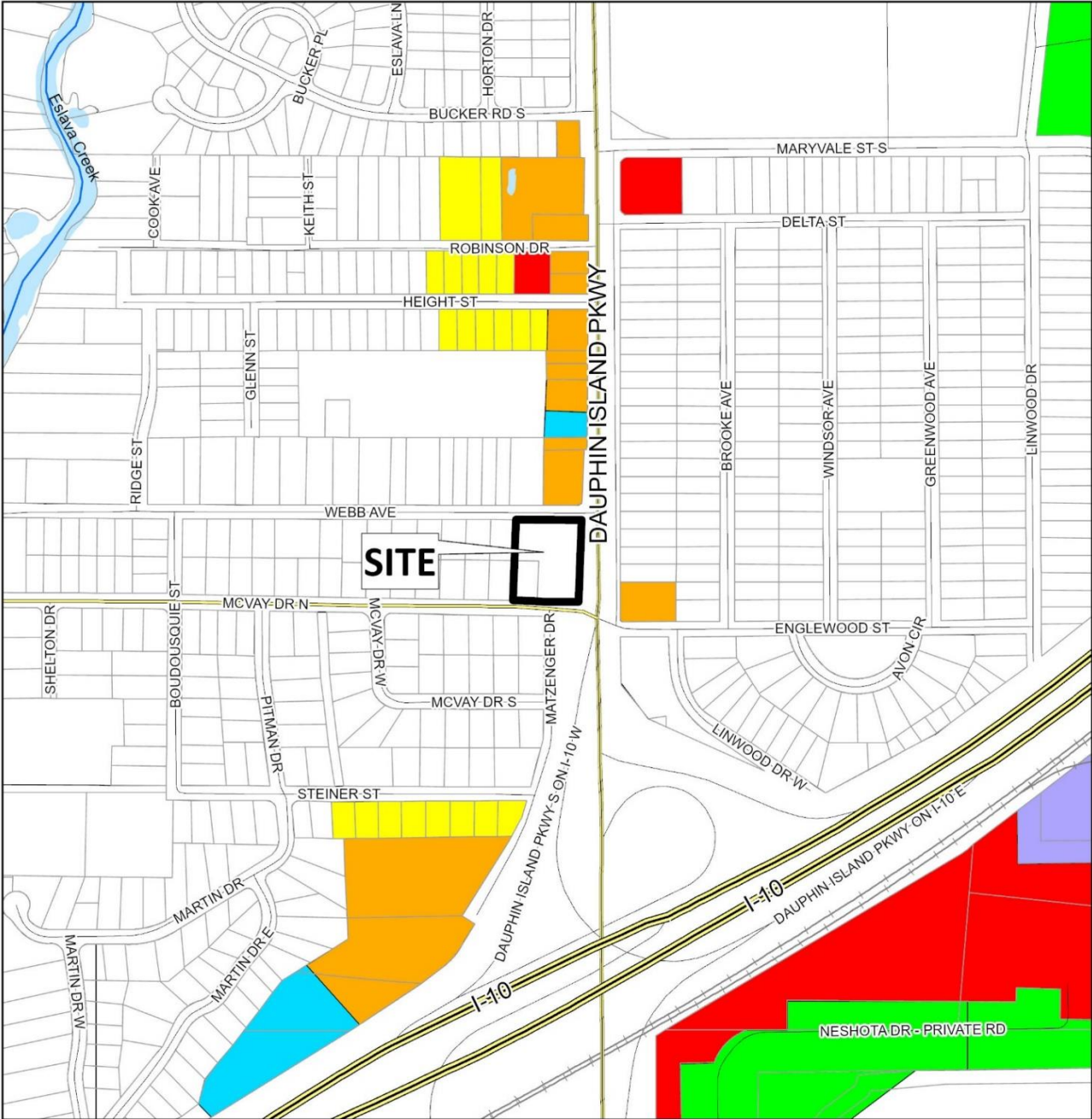
The applicant's responses to address the above criteria are available in the link on page one (1).

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.

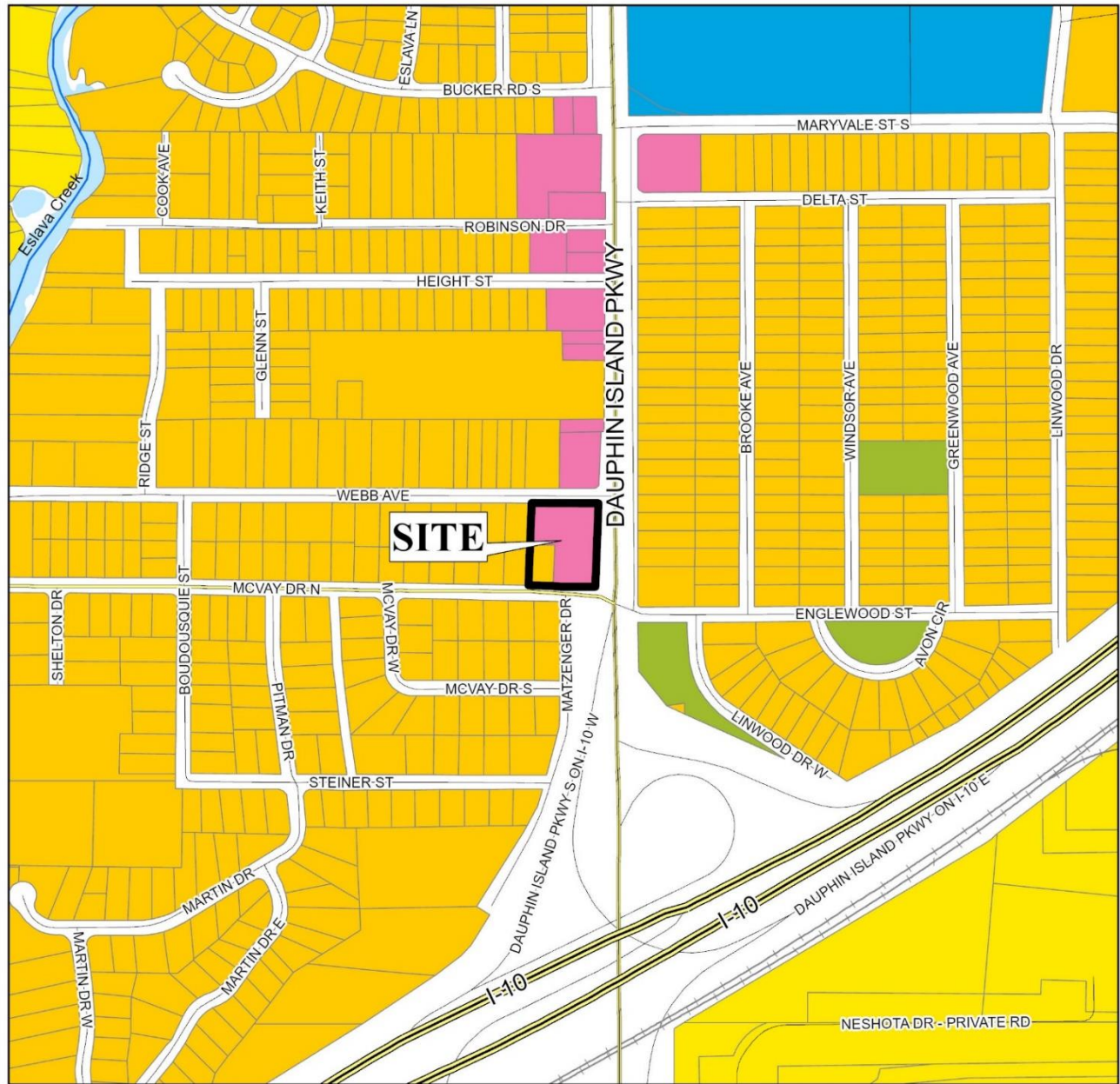
LOCATOR ZONING MAP



APPLICATION NUMBER	4	DATE	January 16, 2025
APPLICANT	Fulton Heights Subdivision		
REQUEST	Subdivision, Rezoning from R-1 to B-2		



FLUM LOCATOR MAP



APPLICATION NUMBER 4 DATE January 16, 2025

APPLICANT Fulton Heights Subdivision

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


- | | | | |
|---|--|--|--|
| ■ 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 | |



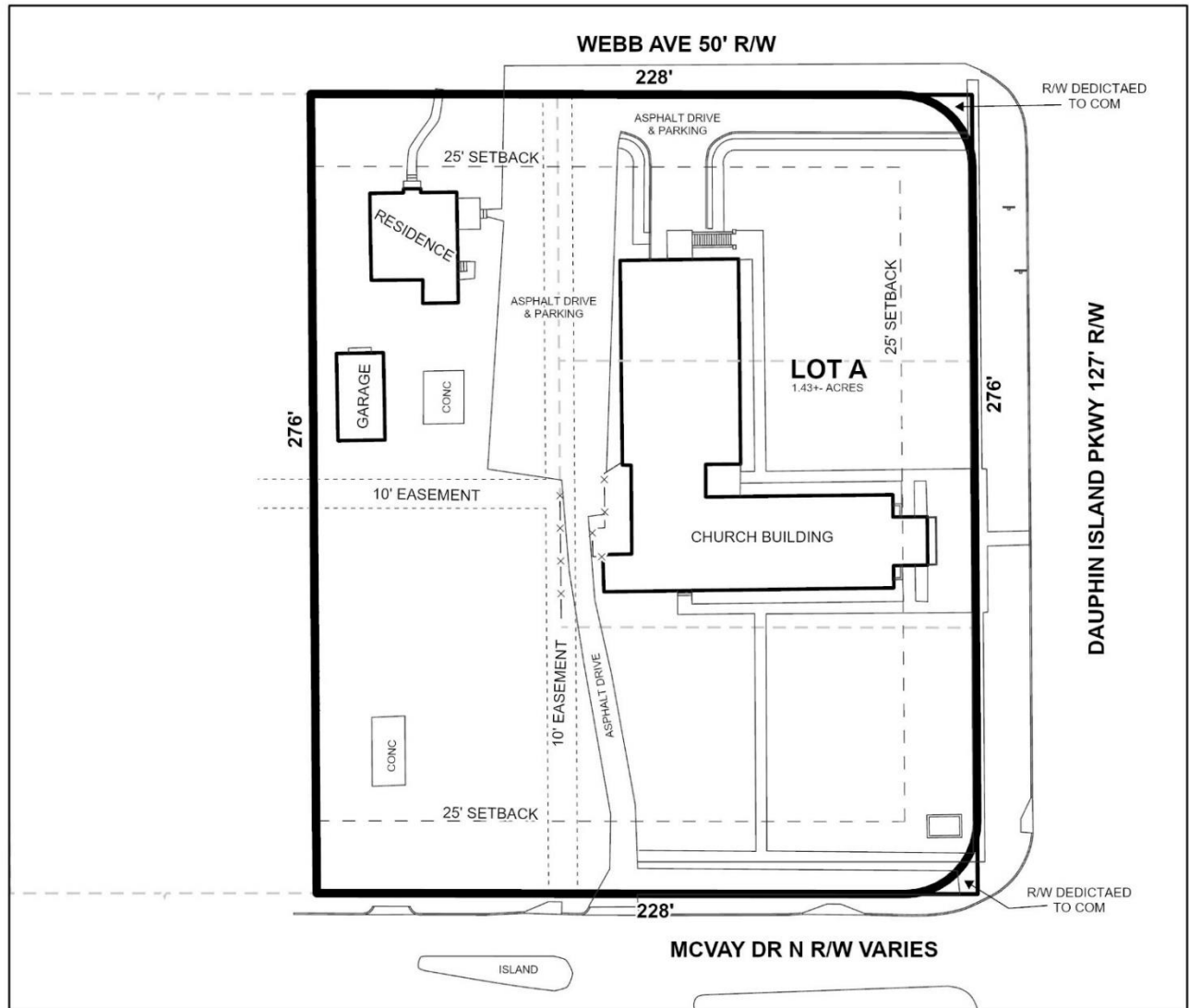
PLANNING COMMISSION VICINITY MAP - EXISTING ZONING




The site is surrounded by residential units. A convenience store lies southeast of the site.

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<table border="0" style="width: 100%; font-size: small;"> <tr> <td> R-A</td> <td> R-3</td> <td> B-1</td> <td> B-2</td> <td> B-5</td> <td> ML</td> <td> I-2</td> <td> OPEN</td> <td> T-3</td> <td> 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																								

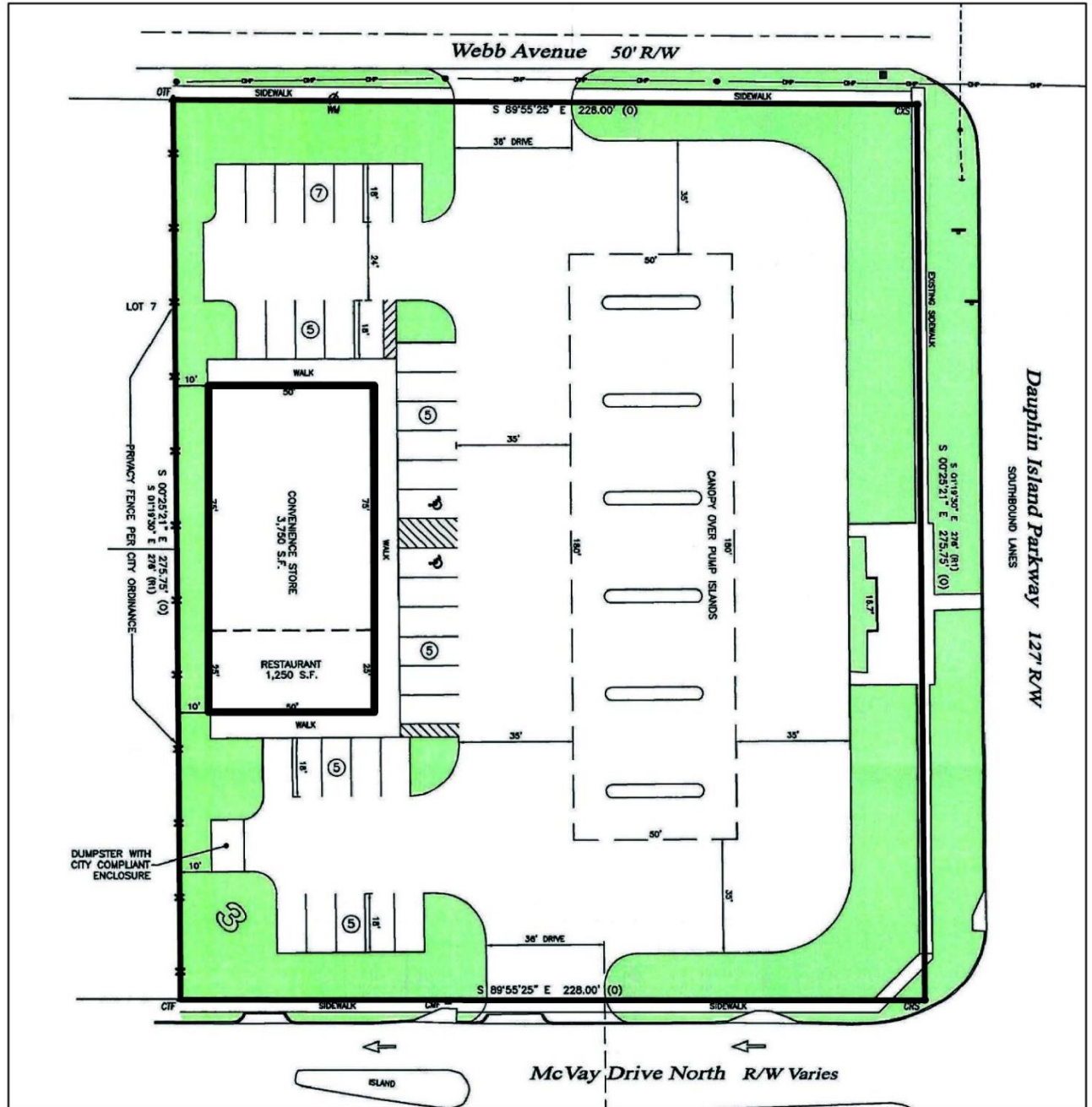
EXISTING SITE PLAN



The site plan illustrates the existing buildings, drive, parking, setbacks, and easements.

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PROPOSED SITE PLAN



APPLICATION NUMBER	4	DATE	January 16, 2025
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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														
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.



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.