

**PLANNING APPROVAL &  
SUBDIVISION STAFF REPORT**

**Date: August 18, 2022**

**APPLICANT NAME**

Alabama Power Company

**SUBDIVISION NAME**

One Mile D.S. Substation Subdivision

**LOCATION**

850 Marion Street  
(North side of Marion Street, at the north termini of North Cedar Street and Fishers Alley).

**CITY COUNCIL  
DISTRICT**

Council District 2

**PRESENT ZONING**

R-2, Two-Family Residential District

**AREA OF PROPERTY**

1 Lot / 10.5± Acres

**CONTEMPLATED USE**

Subdivision Approval to create one (1) legal lot of record from several legal lots of record and metes-and-bounds parcels, and Planning Approval to allow an electrical substation in an R-2, Two-Family Residential District.

**TIME SCHEDULE  
FOR DEVELOPMENT**

Immediate.

**ENGINEERING  
COMMENTS**

**Subdivision:** 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 reference, on the map and the description, to a monumented corner.
- C. Add street names to the vicinity map (i.e. Marion St. and Lawrence St.).
- D. Show the edge or water on and adjacent to the property.
- E. Provide a written description for the subdivision boundary.
- F. 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.
- G. 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.

- H. Show and label all flood zones.
- I. Show and label the BFE (Base Flood Elevation) on each lot that contains an AE, V, or X (shaded) flood zone designation.
- 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 29 - #73) 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 – 27,000 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. 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](mailto:land.disturbance@cityofmobile.org) prior to obtaining any signatures. No signatures are required on the drawing.

**Planning Approval:**

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.

**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 (State Act 2015-116 and City Code Chapters 57 and 64). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site 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.

**REMARKS**

The applicant is requesting Subdivision Approval to create one (1) legal lot of record from several legal lots of record and metes-and-bounds parcels, and Planning Approval to allow an electrical substation in an R-2, Two-Family Residential District.

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 review required for Planning Approval examines the applicant’s location and site plan with regard to: transportation, parking and access; public utilities and facilities; traffic congestion and hazards; and, to determine if the proposal is in harmony with the orderly and appropriate development of the district.

It is very important to note that the Planning Approval review is site plan-specific and limited to the scope of operations; therefore, any future changes to the site plan or scope of operations, as approved, by current or future applicants, must be submitted for Planning Approval.

The site has been given a Parks and Open Space land use designation, per the Future Land Use Plan and Map, adopted on May 18, 2017 by the Planning Commission. 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.

The Parks and Open Space land use designation applies to parkland maintained in a natural, semi-natural state, or developed with facilities and set aside for human enjoyment and recreation or for the protection of wildlife or natural habitats. Parks may include squares, playgrounds, playfields, gardens, greens, greenways and blueways, and other recreational areas and facilities that are accessible to the public. Open space may include any open piece of land, publicly or privately held, that is undeveloped (has no buildings or other built structures). This designation is not intended to identify public land acquisition or to prohibit the development potential of individual properties.

The designation applies to all existing and future parks and open space within the City, including both active and passive uses. Open space, including public access to water bodies, is generally consistent with all other land use categories, i.e., a park can be located within any other land use category, either incidental to a development or as part of a publicly owned or publicly sponsored local, community or regional park. Therefore, a Parks and Open Space designation is deemed consistent with all land use categories in the Future Land Use Map.

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 of 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 the 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.

A majority of the site consists of lots that are part of the Orange Grove Tract Subdivision, a large tract subdivision recorded in Mobile County Probate Court in April 1889. The remainder of the site is composed of a metes-and-bounds parcel and a portion of another metes-and-bounds parcel. Records indicate that a portion of this area was developed for use as an early childhood education facility, but the property is now vacant and the applicant is requesting to combine multiple lots of record and metes-and-bounds parcels into a single legal lot of record, and develop the site with an electrical substation. Because the site is zoned R-2, Two-Family Residential District, Planning Approval is required for the proposed use.

The plat illustrates the site has frontage along Marion Street, a partially developed minor street with curb and gutter requiring a 50-foot right-of-way where the right-of-way has been improved, and a 60-foot right-of-way where the right-of-way is unimproved. It appears, however, that the

existing right-of-way along Marion Street is 50 feet, as illustrated on the plat, thus no additional dedication should be required at this time.

The site also has frontages along Lawrence Street, Sullivan Street, Maple Street, and Fisher Alley, all of which are unimproved at this location and should require 60-foot rights-of-way; however, the plat depicts 50-foot rights-of-way along each frontage, with the exception of Fisher Alley, which is depicted with a varying right-of-way. While adjacent subdivisions depict 50-foot rights-of-way along Sullivan Street and Maple Street, it appears that Lawrence Street has a right-of-way that ranges from 100 feet to the South of Sumpter Street, to 50 feet to the North of Sumpter Street. As such, revision of the plat should be required to illustrate the existing right-of-way along Lawrence Street. No additional dedication should be required along Sullivan Street or Maple Street at this time.

As far as Fisher Alley is concerned, Section V.B.14 requires alleys to have a 20-foot right-of-way. As such, the plat should be revised to illustrate dedication of a 20-foot right-of-way along Fisher Alley, or to illustrate its existing minimum right-of-way at this location.

While unimproved, dedication to provide 25-foot corner radii at the intersections of Sullivan Street and Lawrence Street, and Lawrence Street and Marion Street, should be required, per Section V.B.16. of the Subdivision Regulations, and if determined to be necessary by the City Engineer.

The lot exceeds the minimum size requirements for lots served by public water and sanitary sewer in R-2 zoning districts, and is appropriately labeled in acres and square feet on the preliminary plat. If approved, this information should be retained on the Final Plat, adjusted for any required dedication.

The 25-foot minimum building setback is not illustrated along any frontage. As such, the plat should be revised to illustrate the 25-foot minimum building setback line along all street frontages, per Section V.D.9. of the Subdivision Regulations, adjusted for any required dedication.

Regarding access management, a note reflecting Traffic Engineering's comments should be required on the Final Plat and Planning Approval site plans, if approved.

The specifications for Final Plat approval regarding the general form, information to be shown, and attendant items required by Section IV.C. of the Subdivision Regulations appear to be adequate, with additional information and required signature blocks provided on a second sheet of the plat. This information should be retained on the Final Plat, if approved, with any additional amendments requested by the Engineering or Traffic Engineering Departments shown on a revised plat.

It should be noted that the design of the proposed lot appears to include a portion of a City-owned parcel (R022906151000001.002), the remainder of which is not depicted as part of the subdivision. Moreover, staff cannot find evidence the City has authorized the subdivision. Considering subdivision review ensures development is correlated with adjacent developments

and public utilities and services, and ensures that the subdivision meets the minimum standards set forth in the Subdivision Regulations, such subdivision of an existing metes-and-bounds parcel will require Planning Commission approval. Therefore, holdover of the request may be appropriate to allow the applicant to include the remainder of the parcel from which a portion is proposed to be incorporated into the lot, and to present evidence that the City has authorized the subdivision. Furthermore, it should be noted that parcel # R022906151000001.002 is split-zoned R-2, Two-Family Residential, and R-1, Single-Family Residential; if the applicant wishes to include this property in the development, a rezoning application will be required as well.

Regarding Planning Approval, the site plan illustrates an electric distribution substation is proposed to be developed along the South property line of the proposed lot. The substation is meant to replace an older substation located  $\frac{1}{4}\pm$  of a mile from the subject site. Two (2) driveways will provide access to the substation, as well as access to what appears to be either a detention or retention pond. It is unclear if the driveways and drive aisles will be paved, although the paving of driveways in R-2 zoning districts is not required.

A fence is proposed on the site per the application, the details of which are not illustrated on the site plan. As such, any fence placed on the property should meet the requirements of Section 64-4.D.6. of the Zoning Ordinance regarding height and setback limitations. Electrified fences must be approved by the Director of the Planning and Zoning Department, and it should be noted that barbed wire is not a permitted material in the R-2 zoning district without approval of a variance from the Board of Zoning Adjustment.

Any gates that limit access to the site are required to be set back from the public right-of-way a minimum of 60 feet so as to allow adequate vehicle queuing; however, gates equipped with automated access, or left open during business hours, are exempt from this requirement. Considering the site will most likely only be accessed by Alabama Power Company employees, presumably for maintenance and repairs, the queuing requirement for any gate may be unnecessary if such a gate or gates is or are not automatic. Waiving the queuing requirement may also be appropriate as the gates will prevent anyone from entering the site, which is potentially dangerous given the proposed use.

No sidewalk is illustrated along any street frontage. The Complete Streets Policy, adopted by City Council in May 2011, requires sidewalks to be built along any street a new development has frontage. As such, the site plan should be revised to illustrate compliant sidewalks; or, the applicant may submit an application for a Sidewalk Waiver for the Planning Commission to review.

Plan Consistency and Zoning Statements were provided by the applicant, wherein they indicate that the proposed substation is necessary so as to share the electrical distribution load of a substation located near Mobile Infirmary Hospital, thus allowing for more capacity for future residential and industrial growth and better reliability to current power customers. The applicant also states that the subject site is located near existing transmission sources, which will prevent the need to run additional transmission lines through downtown. As such, the proposed facility will allow Alabama Power Company to continue providing a public utility to the surrounding area in a more efficient manner.

In terms of the proposal being in harmony with the orderly and appropriate development of the district, the applicant states that the property is surrounded on multiple sides with existing woodlands, which will not be disturbed. The applicant also states that they will surround the substation with an eight (8)-foot masonry wall and provide tree plantings and landscape area. All property adjacent to the subject site is undeveloped, thus the proposed substation will have little impact on the neighborhood; however, by providing a masonry wall, tree plantings and landscape area, and preserving the existing woodland area, the applicant is further mitigating any negative impact the substation may have on any future neighborhood development.

Compliance with tree plantings and landscape area requirements of Section 64-4.E. of the Zoning Ordinance should be coordinated with Staff.

### **RECOMMENDATION**

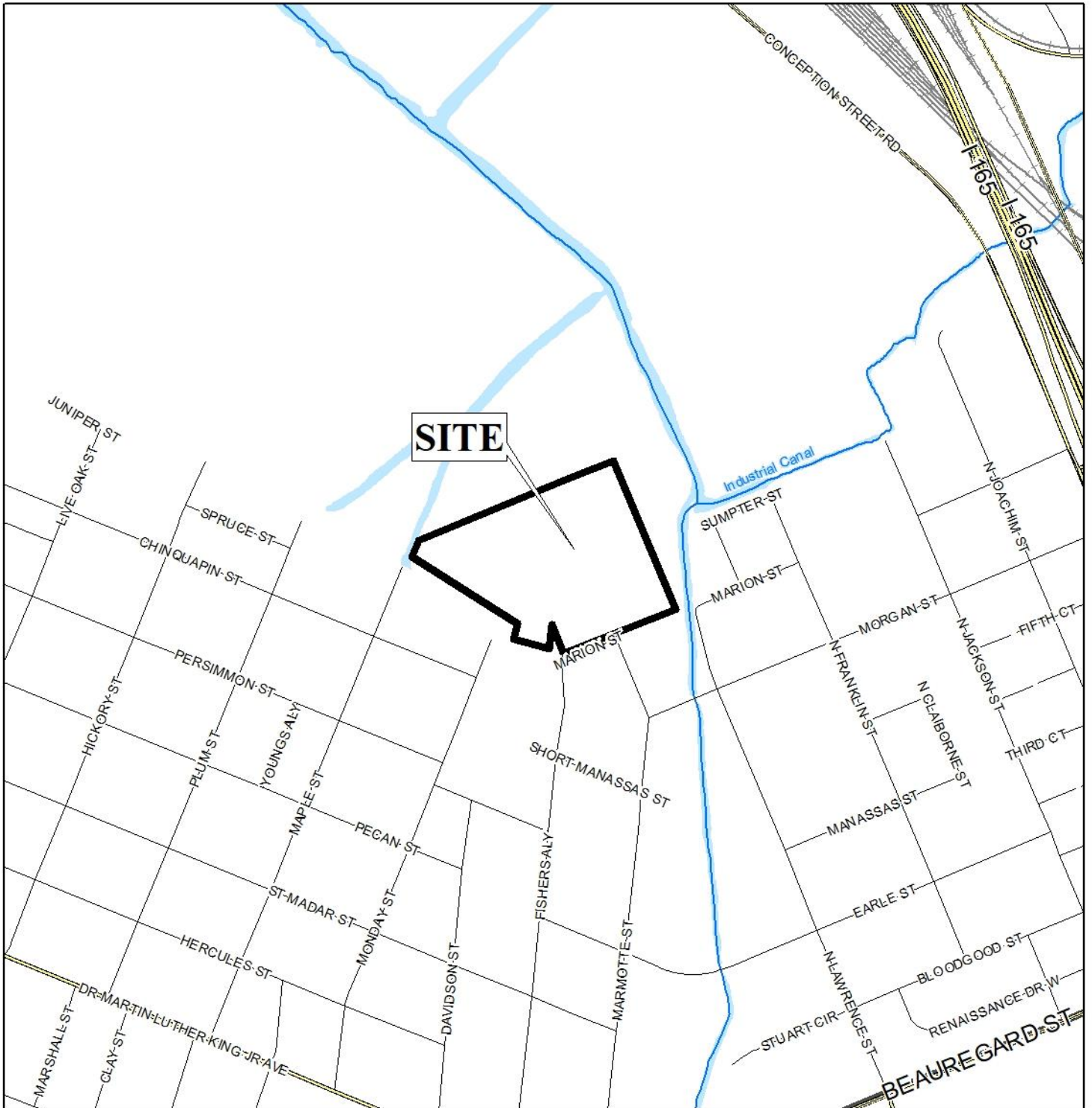
**Subdivision:** Based on the preceding, the plat is recommended for Holdover to the September 15, 2022 meeting, with revisions and any additional labels and fees submitted by August 31<sup>st</sup>, to allow the applicant to address the following:

- 1) Submit a revised preliminary plat to include the entirety of parcel #: R022906151000001.002 to be incorporated into the subdivision;
- 2) Submit a rezoning application to eliminate split-zoning; and,
- 3) Submit documentation from the City of Mobile authorizing the subdivision.

**Planning Approval:** Based on the preceding, the request is recommended for Holdover to the September 15, 2022 meeting, with revisions and any additional labels and fees submitted by August 31<sup>st</sup>, to allow the applicant to address the following:

- 1) Resolve the issues associated with the Subdivision request;
- 2) Revise the site plan to identify the location of the proposed fence and any associated gates; and,
- 3) Revise the site plan to illustrate sidewalks along all improved street frontages, or submit an application for Sidewalk Waiver review.

# LOCATOR MAP



APPLICATION NUMBER 6 DATE August 18, 2022

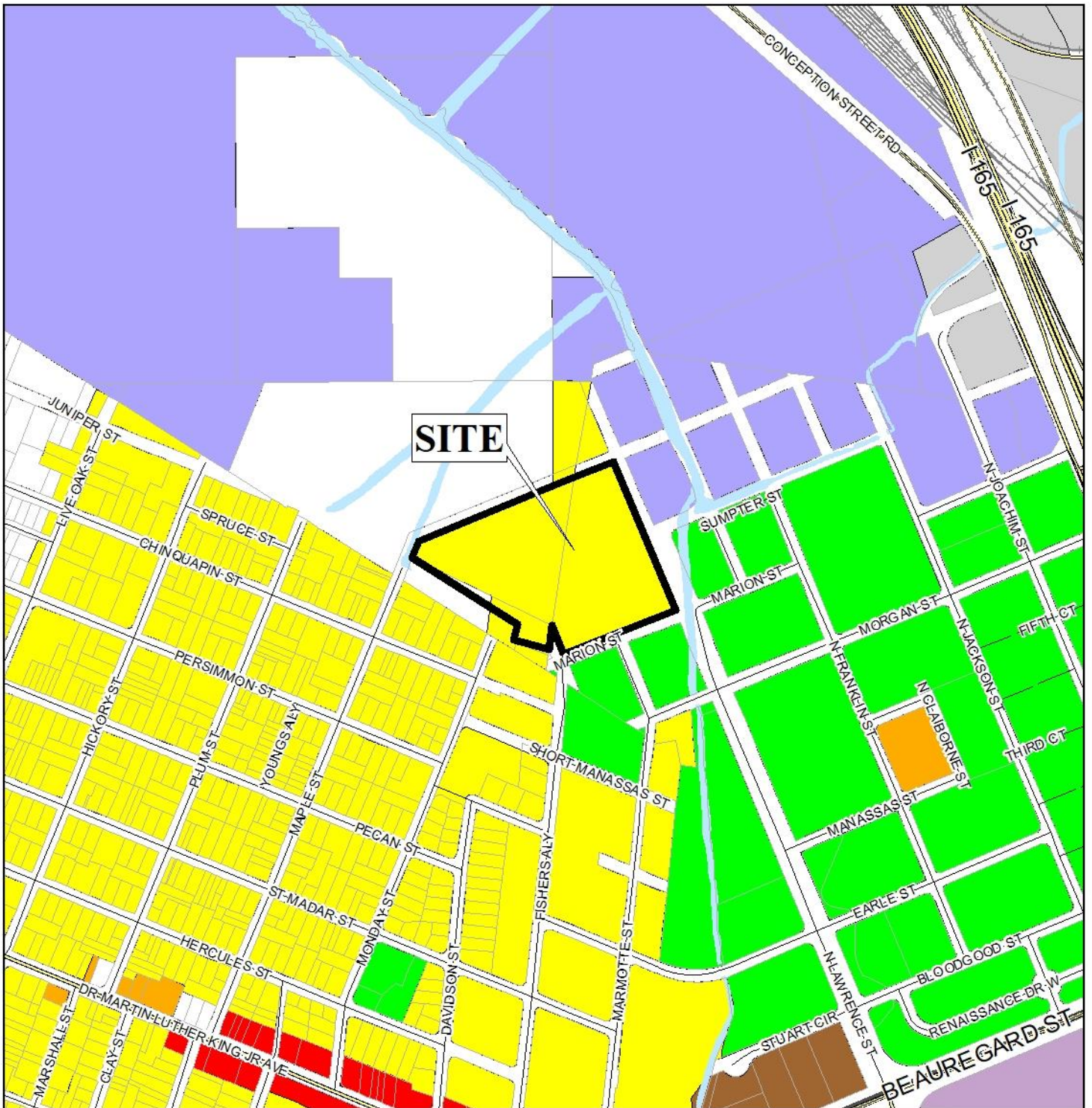
APPLICANT One Mile D.S. Substation Subdivision

REQUEST Subdivision, Planning Approval





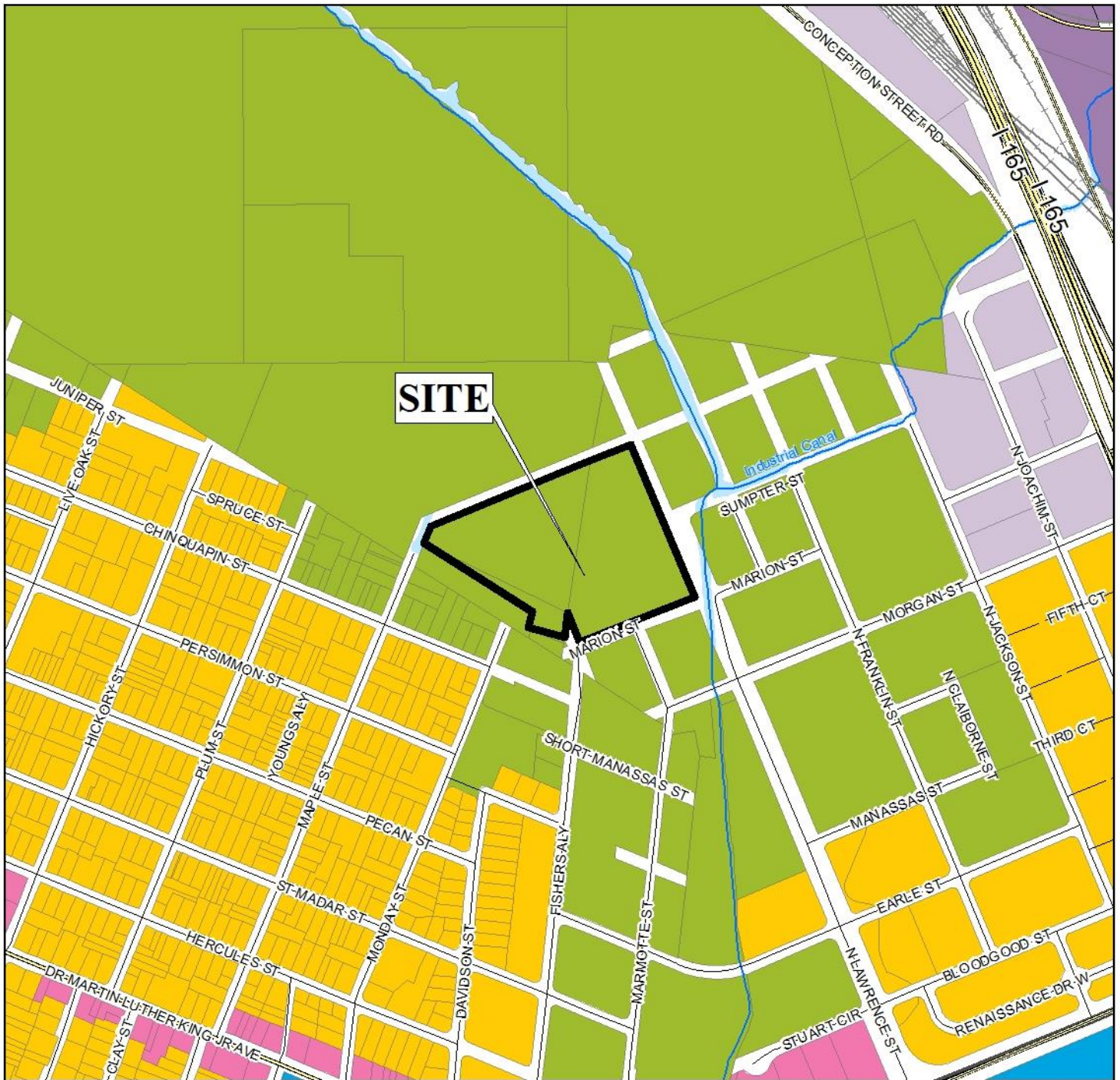
# LOCATOR ZONING MAP



APPLICATION NUMBER 6 DATE August 18, 2022  
APPLICANT One Mile D.S. Substation Subdivision  
REQUEST Subdivision, Planning Approval



# FLUM LOCATOR MAP



APPLICATION NUMBER 6 DATE August 18, 2022

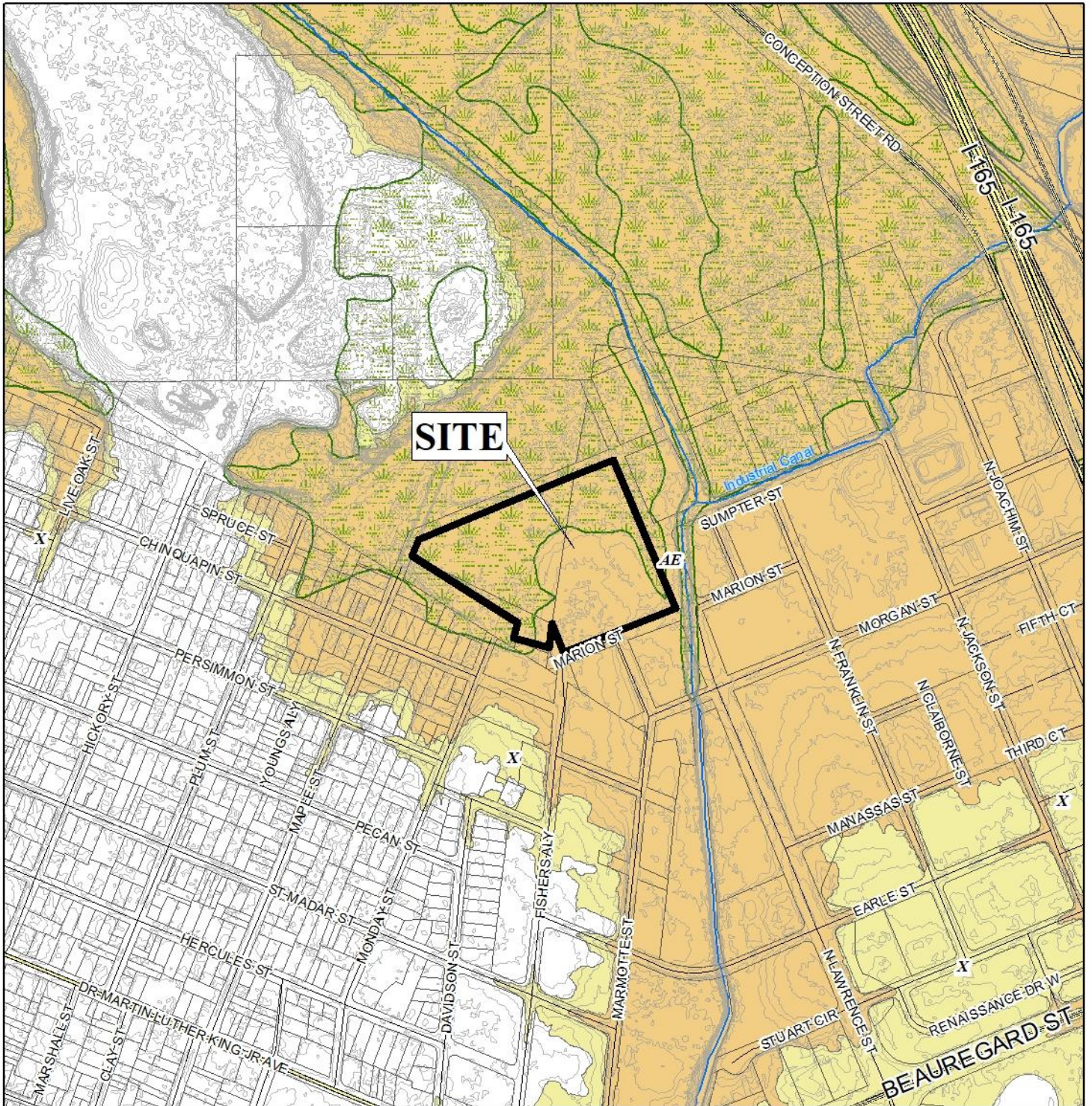
APPLICANT One Mile D.S. Substation Subdivision

REQUEST Subdivision, Planning Approval

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



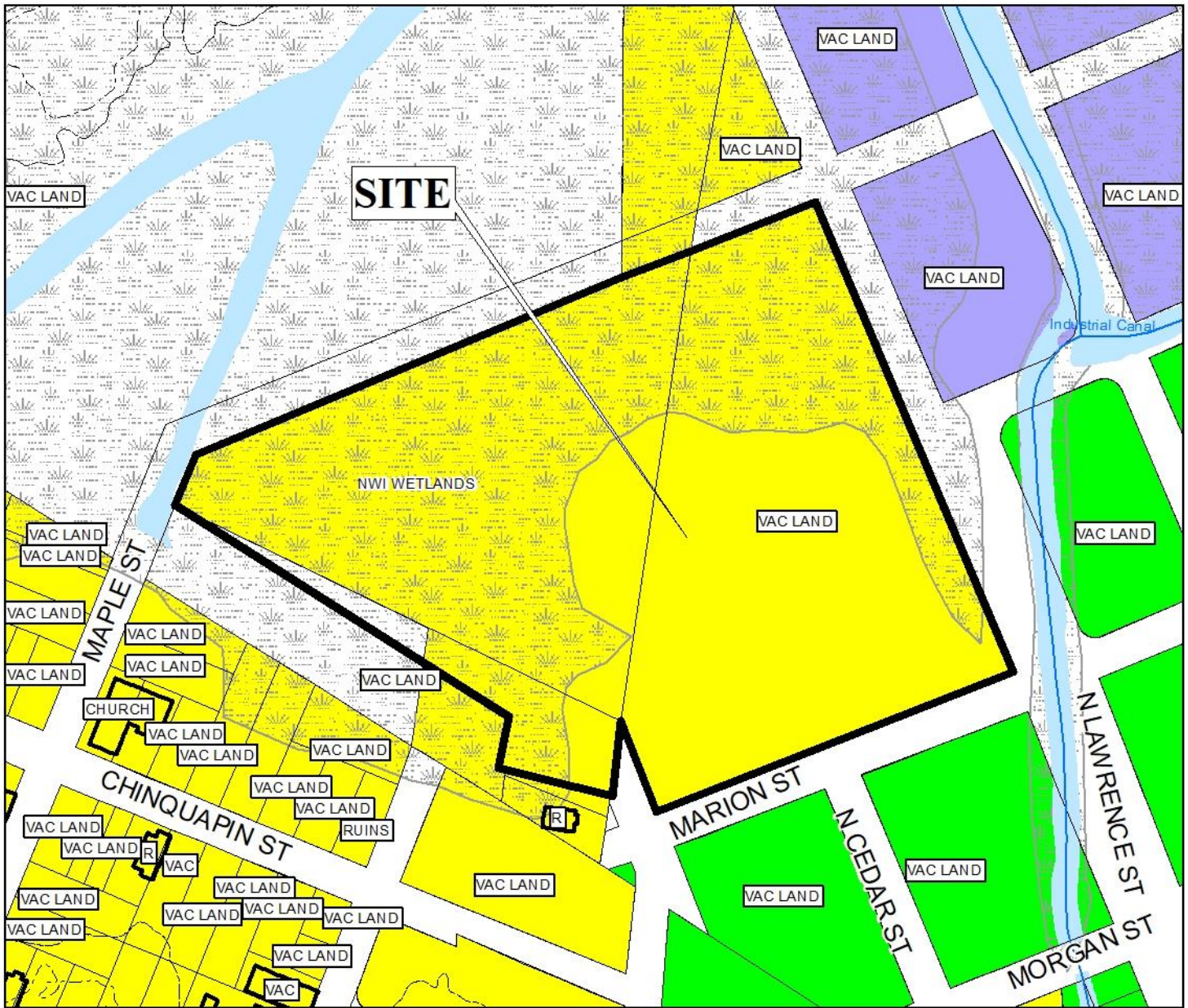
APPLICATION NUMBER 6 DATE August 18, 2022

APPLICANT One Mile D.S. Substation Subdivision

REQUEST Subdivision, Planning Approval



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by vacant land and wetlands.

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REQUEST Subdivision, Planning Approval

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 vacant land and wetlands.

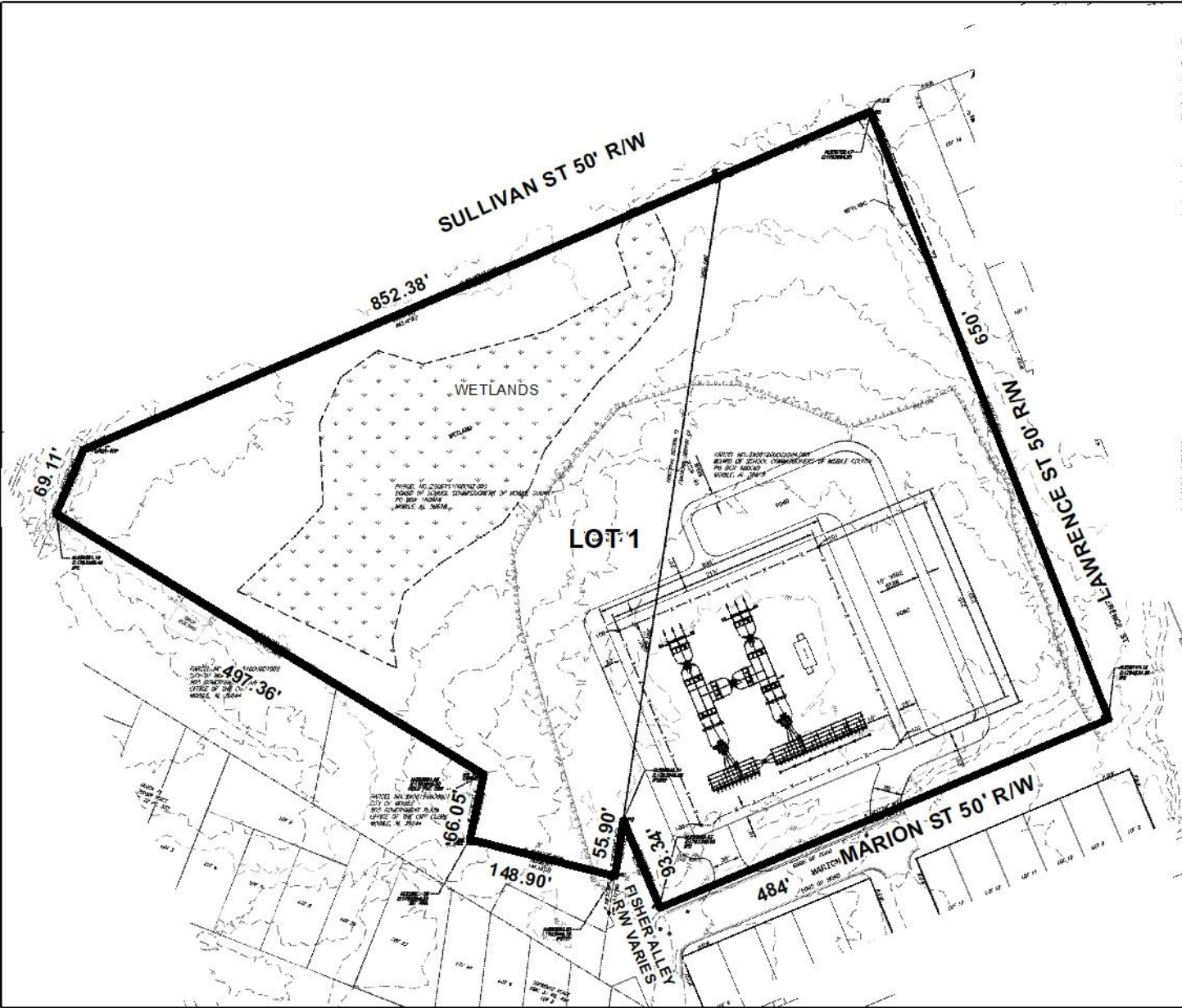
APPLICATION NUMBER     6     DATE     August 18, 2022    

APPLICANT     One Mile D.S. Substation Subdivision    

REQUEST     Subdivision, Planning Approval    




# SITE PLAN

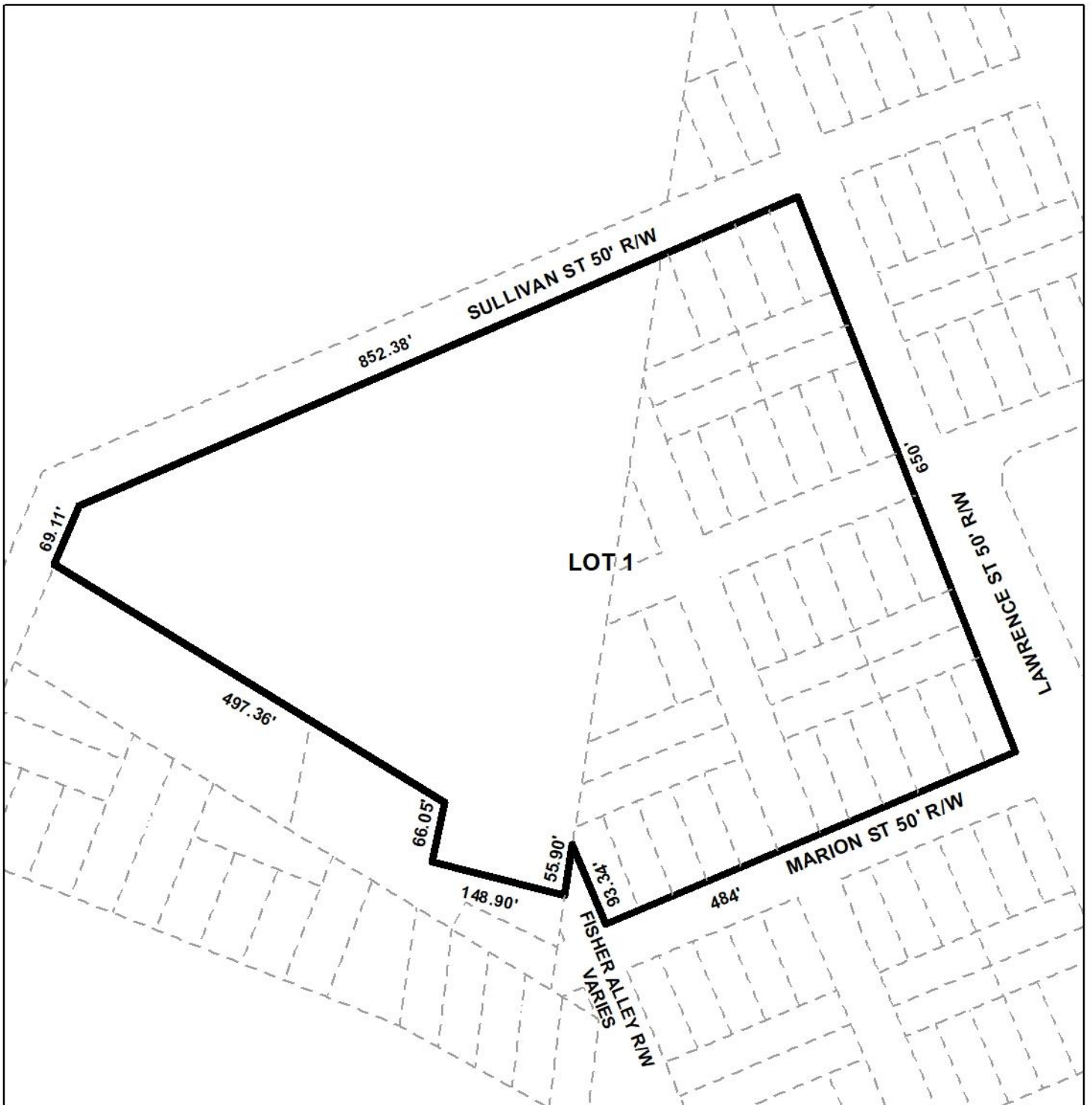


The site plan illustrates the proposed electrical substation, and wetlands.

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N  
  
 NTS

# DETAIL SITE PLAN



APPLICATION NUMBER 6 DATE August 18, 2022

APPLICANT One Mile D.S. Substation Subdivision

REQUEST Subdivision, Planning Approval



