



Agenda Item # 8

SUB-003069-2024 & ZON-UDC-003070-2024

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:

2660 & 2662 Spring Hill Avenue, 266 Mobile Street,
and 251 Del Barco Drive

Subdivision Name:

RS Mobile Subdivision

Applicant / Agent:

Trevor McGill, RS Mobile, LLC (Lawrence Carroll, U.J.
Robinson Memorial Center, Agent)

Property Owner:

Bay Properties, LLC, Robinson U J Memorial Center,
Inc., and David Druhan

Current Zoning:

B-3, Community Business Urban District, and R-1,
Single-Family Residential Urban District

Proposed Zoning:

B-3, Community Business Urban District (proposed Lot
B only)

Future Land Use:

Traditional Center and Mixed Density Residential

Applicable Codes, Policies, and Plans:

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

Proposal:

- Subdivision approval to create two (2) legal lots of record.
- Rezoning from B-3 and R-1 to B-3 (proposed Lot B only)
 - 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 fourteen (14) conditions; and
2. Rezoning with two (2) conditions.


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PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial units to the west and residential units to the east.

APPLICATION NUMBER <u> 8 </u> DATE <u> October 17, 2024 </u>	 NTS
APPLICANT <u> RS Mobile Subdivision </u>	
REQUEST <u> Subdivision, Rezoning from R-1 and B-3 to B-3 </u>	

SITE HISTORY

A portion of the subject site (266 Mobile Street) was before the Board of Zoning Adjustment in 1978 to request a Use Variance for the site to be developed as apartments. That request was denied.

The majority of the site was before the Planning Commission on October 5, 2023 for a 2-lot Subdivision and Rezoning applications, which were both approved by the Planning Commission. The Rezoning advertising fees were not paid, so the application did not go before the City Council for final approval. The current applications include an additional property (251 Del Barco Drive).

The property at 251 Del Barco Drive was approved as part of the Del Barco Drive Subdivision in 1949, which was subsequently recorded in Probate Court.

STAFF COMMENTS

Engineering Comments:

Subdivision:

A Plat review could not be completed since a complete PRELIMINARY PLAT was not uploaded for review.

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 access will not be allowed to Del Barco Drive. 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 commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.

Planning Comments:

Subdivision

The applicant is proposing to create two (2) legal lots of record from three (3) metes-and-bounds parcels and an existing legal lot of record. Both proposed lots exceed the minimum required lot sizes, and if approved, the lot size information should be retained on the Final Plat in square feet and acres.

The applicant is proposing to combine a single legal lot of record, two (2) metes-and-bounds parcels, and a portion of a third parcel to create the proposed Lot B. The remainder of the third parcel is proposed to be Lot A. Lot A will remain zoned R-1, Single-Family Residential Urban District; whereas the proposed Lot B will be split-zoned, if approved as proposed, hence the accompanying rezoning application. If the Subdivision is approved, the rezoning must be finalized by the City Council prior to the signing of the Final Plat.

The subject site has frontage along Spring Hill Avenue, Mobile Street, and Del Barco Drive. Springhill Avenue, an ALDOT facility, and a planned major street as shown on the Major Street Plan Component of the Comprehensive Plan, requires a 100-foot right-of-way width. No additional right-of-way will be required along Springhill Avenue. Mobile Street is a proposed major street with curb and gutter that requires a right-of-way width of 80-feet; dedication to provide 40' from the centerline along Mobile Street should now be required, and is depicted on the preliminary plat. Del Barco Drive is a minor street with ribbon curb and gutters, and an existing 50-foot right-of-way, making no dedication necessary. As discussed in Traffic Engineering comments, if approved, a note should be placed on the Final Plat prohibiting Lot B from accessing Del Barco Drive.

Being that the subject site has frontage along Springhill Avenue, Mobile Street, and Del Barco Drive, the applicant must ensure that the property lines at the intersections provide a compliant curb radius. The Final Plat, if approved, should be revised to illustrate a dimensioned curb radius in compliance with Section 6.C.6. of the Subdivision Regulations.

As a proposed R-1 Urban lot, Lot A should have a five-foot (5') minimum front yard setback depicted along Mobile Street, if approved. As a proposed B-3 Urban lot, Lot B should have a ten-foot (10') minimum front yard setback and a 45-foot (45') maximum front yard setback depicted. The setbacks should be depicted after any right-of-way dedication on Mobile Street and the corner radii, if approved.

It should be noted that there is a legal description on the preliminary plat submitted, however it appears to contain errors and includes an adjacent property not depicted on the plat, or authorized to be part of the application. If approved, correct legal descriptions for both Lots A and B will be required.

Rezoning

As previously stated, the proposed Lot B will be split-zoned B-3 and R-1 if the Subdivision request is approved as proposed. In order to eliminate the split-zoning, the applicant proposes to rezone the proposed Lot B from B-3 and R-1 to B-3. In this instance, the subdivision of land into building sites makes reclassification necessary and desirable to eliminate split zoning.

The site is bounded to the North and East by R-1 districts with institutional and residential uses, and to the South and West by commercial uses in a B-3 district.

A site plan was submitted showing a convenience store being placed on the proposed Lot B. It should be noted that the site plan does not illustrate compliance with the UDC standards for a B-3 Urban property, including compliance with the maximum allowed setback, and will need to be revised prior to the issuance of permits.

The proposed development of Lot B with a convenience store with gas sales would be allowed in a lower B-2 classification. A lower zoning classification may benefit the residences fronting Del Barco Drive.

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. Completion of the Rezoning process for proposed Lot B prior to signing the Final Plat;
2. Retention of the lot sizes in both square feet and acres, or the furnishing of a table on the Final Plat providing the same information, adjusted for dedication;
3. Dedication to provide 40-feet from the centerline along Mobile Street;
4. Dedication to provide a dimensioned curb radius in compliance with Section 6.C.6. of the Subdivision Regulations
5. Revision of right-of-way widths on the preliminary plat for dedication, as appropriate;
6. Retention of the 5-foot minimum building setback line along Mobile Street for Lot A, adjusted for dedication;
7. Revision of the plat to illustrate a 10-foot minimum building setback line along Mobile Street, Spring Hill Avenue, and Del Barco Drive for Lot B, adjusted for dedication;
8. Revision of the plat to illustrate a 45-foot maximum building setback line along Mobile Street, Spring Hill Avenue, and Del Barco Drive for Lot B, adjusted for dedication;
9. Provision of correct legal descriptions of both Lot A and Lot B;

10. Placement of a note on the plat stating that Lot B is prohibited from having direct access to Del Barco Drive;
11. Compliance with all Engineering comments noted in this staff report;
12. Placement of a note on the Final Plat stating all Traffic Engineering comments noted in this staff report;
13. Compliance with all Urban Forestry comments noted in this staff report; and,
14. 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 with 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; and
2. Full compliance with all municipal codes and ordinances.

LOCATOR ZONING MAP



APPLICATION NUMBER	8	DATE	October 17, 2024
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REQUEST	Subdivision, Rezoning from R-1 and B-3 to B-3		



FLUM LOCATOR MAP



APPLICATION NUMBER 8 DATE October 17, 2024

APPLICANT RS Mobile Subdivision

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


- | | | | |
|---|---|--|--|
| ■ 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 | |



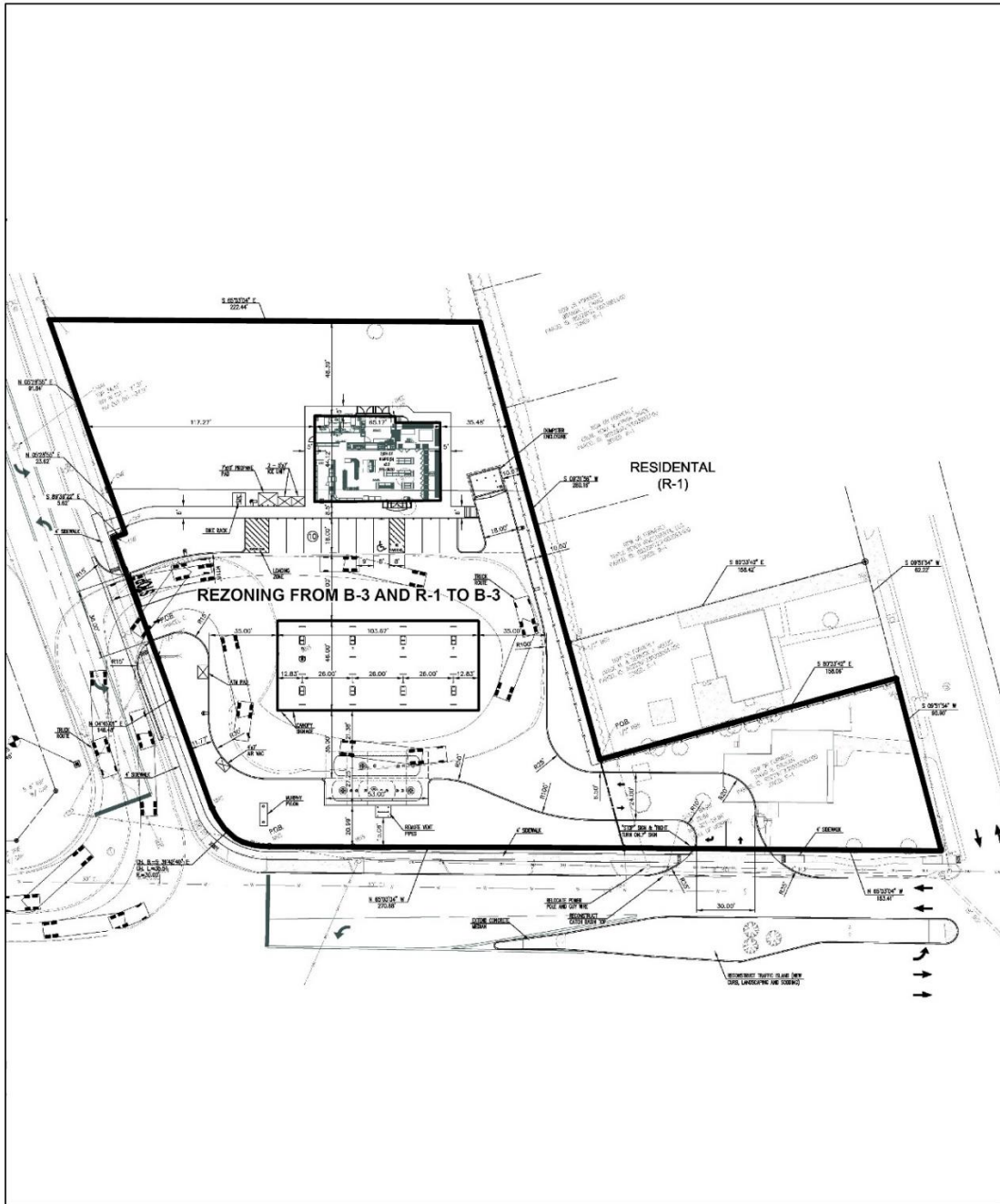
PLANNING COMMISSION VICINITY MAP - EXISTING ZONING




The site is surrounded by commercial units to the west and residential units to the east.

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<table 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																								

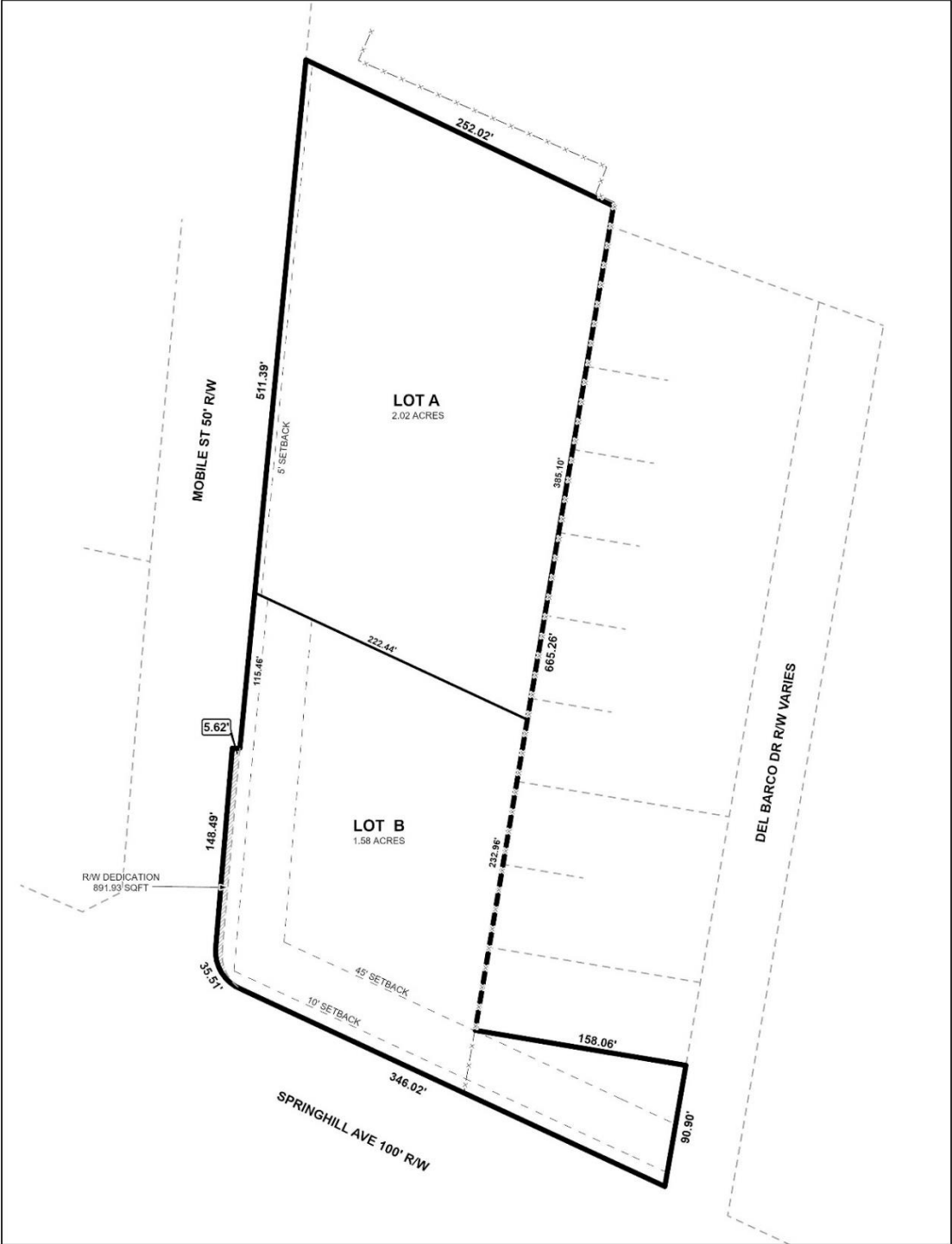
SITE PLAN



The site plan illustrates the proposed building, canopy, parking, drives, and fencing.

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DETAIL SITE PLAN

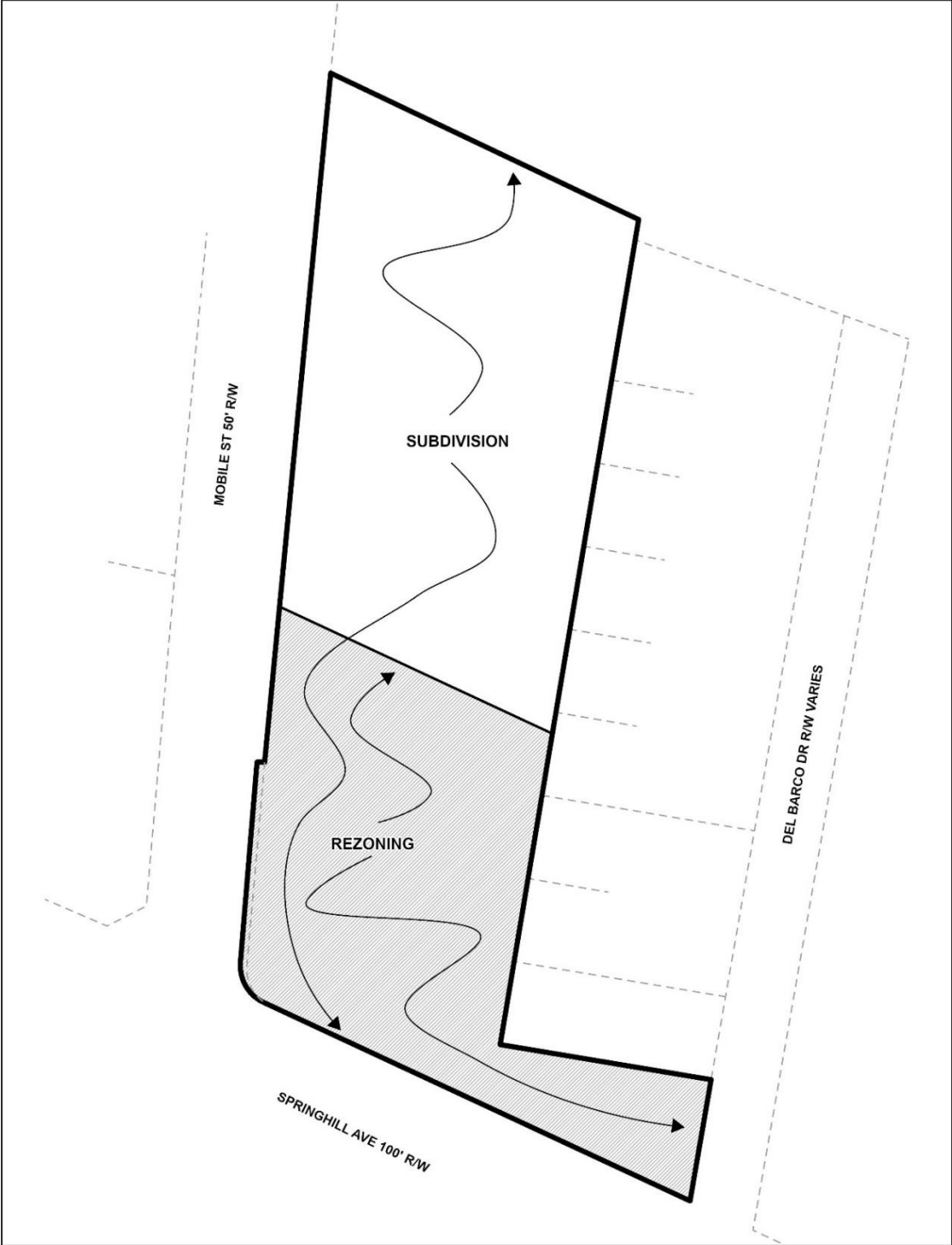


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NTS

DETAIL SITE PLAN



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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	■				■		■					□	○	
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)

NEIGHBORHOOD CENTER (NC)

This land use designation applies to smaller hubs of mixed commercial, community, and recreational activity that cater to adjacent residential areas. Many of these centers exist today in some form. Therefore, the following common principles apply not just to the future development of new centers, but also to the redevelopment (wholesale or incremental) of existing centers.

General Principles for Neighborhood Centers:

- › NC should support a limited amount of commercial employment
 - › NC should incorporate some residential use, which may vary in type from detached single family, townhouse, accessory and live-work units in mixed use and low-rise multifamily structures.
 - › The residential density in NC designations –ranging from 4 to 10 du/ac– must be compatible in character with that of surrounding residential development, providing appropriate transitions in height, massing and other buffering from one land use district to the next.
 - › The retail and housing uses should merge around vibrant, compact, accessible nodes, located at key neighborhood intersections or along short road segments.
- › The NC nodes should be connected to the surrounding neighborhood and nearby public uses (e.g., schools, parks, etc.) via well-designed sidewalks and complete streets.

While the above-listed principles are common to all NC districts, the design attributes of neighborhood centers generally vary depending on whether a center is in a more “traditional” or more “suburban” context.

Additional Attributes of Neighborhood Centers:

- › **NC in traditional contexts:** These tend to be in those areas east of the Beltline and correspond to MxDR neighborhoods. In these NCs, buildings should orient to the street, with on-site parking typically pushed to the back of the site. The design qualities of the public realm are emphasized, including the provision of continuous sidewalks, tree canopy, pedestrian amenities, on-street parking and bicycle facilities where appropriate.
- › **NC in suburban contexts:** These generally are located among the LDR land use designations in the areas west of the Beltline. Where they exist, these centers currently have a more pronounced vehicular orientation. Therefore, the emphasis is on retrofitting to improve internal walkability (e.g., through the addition of sidewalks, tree canopy, protection from the elements) and external connectivity to the surrounding areas (via sidewalks, paths and trails, street crossings, transit stops, etc.) and to increase the mix and density of uses (e.g., infill of outparcels, addition of housing, etc.).



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.