



## Agenda Item #: 9 ZON-UDC-003001-2024

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

[Applicant Materials for Consideration](#)

### DETAILS

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**Location:**

4589 Hermitage Avenue & 5340 U.S. Highway 90  
West

**Applicant / Agent:**

KD Tillmans Corner, LLC / MS One, LLC

**Property Owner:**

KD TILLMANS CORNER LLC

**Current Zoning:**

Unincorporated – no zoning

**Proposed Zoning:**

B-3, Community Business Suburban

**Future Land Use:**

District Center

**Applicable Codes, Policies, and Plans:**

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

**Schedule for Development:** Upon approval

**Proposal:**

- Pre-Zoning Request pursuant to Alabama Code 11-52-85 to pre-zone property to B-3, Community Business Suburban District upon completion of the annexation process.
- **Rezoning Note:** 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.

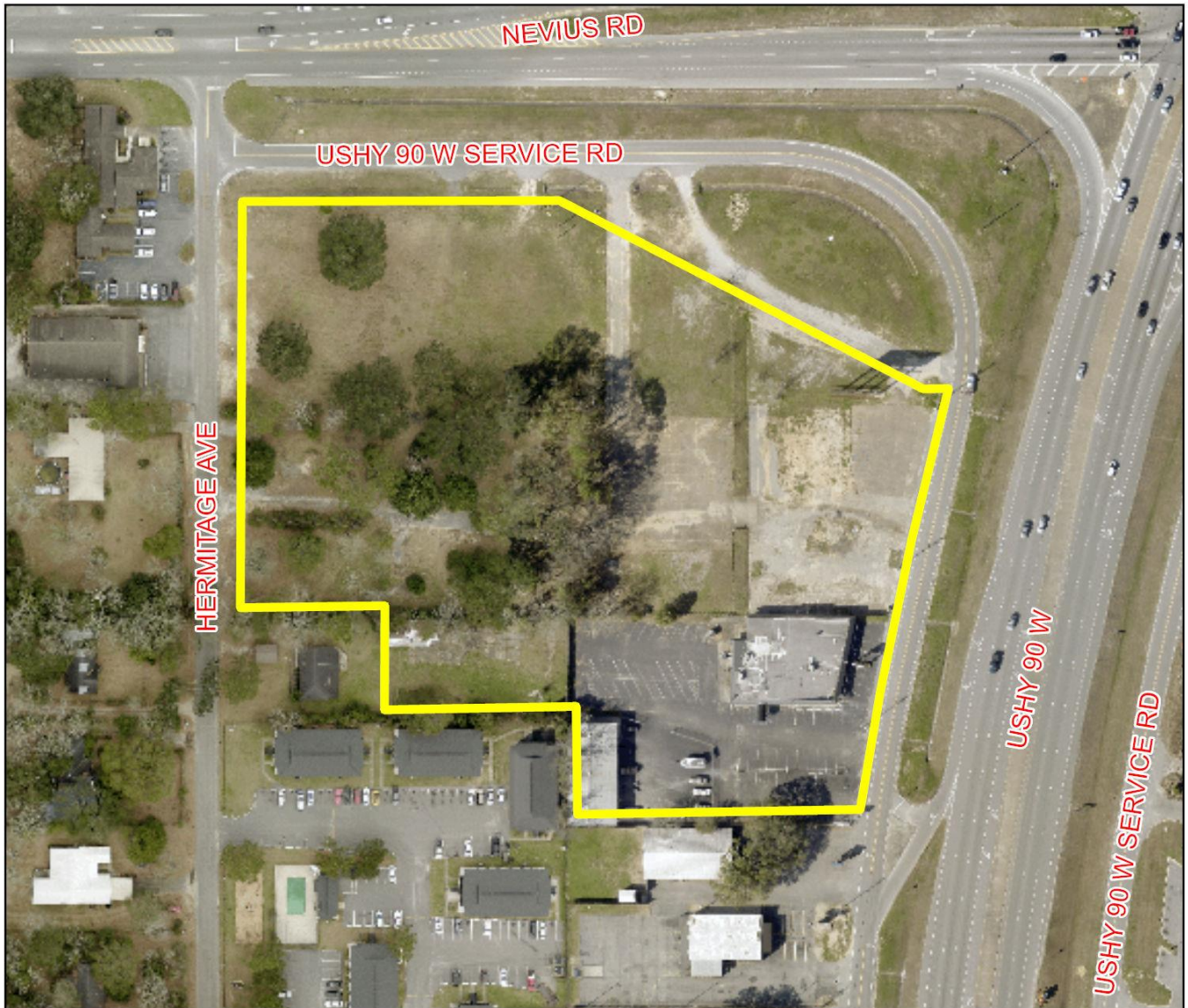
**Commission Considerations:**

1. Pre-Rezoning with two (2) conditions.


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# PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential and commercial units.

APPLICATION NUMBER <u>      9      </u> DATE <u>      July 18, 2024      </u>	 NTS
APPLICANT <u>      KD Tillmans Corner, LLC / MS One, LLC      </u>	
REQUEST <u>      Pre-Zoning to B-3      </u>	

## SITE HISTORY

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The site is currently located adjacent to, but outside the city limits of Mobile, in an unincorporated area of Mobile County. As the site is in an unincorporated area of the County, there are no zoning requirements associated with the property.

## STAFF COMMENTS

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### Engineering Comments:

No comments.

### Traffic Engineering Comments:

A traffic impact study will be required. 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:

The applicant has submitted a signed Petition for Annexation into the City of Mobile along with a Pre-Zone Request Letter; a copy of which is available via the link on page 1. Alabama Code §11-52-85 allows for such pre-annexation zoning determinations and is inserted below for reference.

#### §11-52-85 Pre-Zoning of Territory Proposed for Annexation by Municipality

- (a) A municipality which exercises its authority to zone territory within its corporate limits may pre-zone territory proposed for annexation into the corporate limits of the municipality prior to the effective date of the annexation by complying with this article. If all the requirements, including all notice and public hearing requirements, of this article are met, the zoning shall become effective upon the date the territory is annexed into the corporate limits, or upon the date the zoning process is completed, whichever is later.

- (b) A municipality which exercises its authority to zone territory within its corporate limits shall pre-zone territory as provided in subsection (a) and issue a statement of zoning classification to an affected property owner if the individual property owner residing in the area to be annexed requests in writing that a zoning determination be made pursuant to this section prior to being annexed.
- (c) Any pre-zoning established by a municipality pursuant to this section for territory proposed for annexation shall be null and void as to any portion of the territory that is not annexed into the corporate limits within 180 days of the initiation of annexation proceedings as provided by law.
- (d) Nothing contained in this section shall allow a municipality to zone territory outside the corporate limits of the municipality that is not in the process of being annexed into the corporate limits of a municipality as provided by law.
- (e) Section 6-5-127 shall be applicable to any property pre-zoned pursuant to this section.

As illustrated on the maps and plans, over one-half of the proposed site is currently within the city limits of Mobile and is zoned B-3, Community Business Suburban. The applicant is requesting that the portion of site to be annexed be zoned B-3, Community Business Suburban upon annexation. This “pre-annexation zoning” is allowed by Alabama State Code and would be a logical extension of the existing B-3 District.

Upon annexation and zoning to B-3, Community Business Suburban, the property must fully comply with the UDC, the Subdivision Regulations and all municipal codes and ordinances.

## REZONING CONSIDERATIONS

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### 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.

It 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 goes on to states that a proposed rezoning should comply with the following:

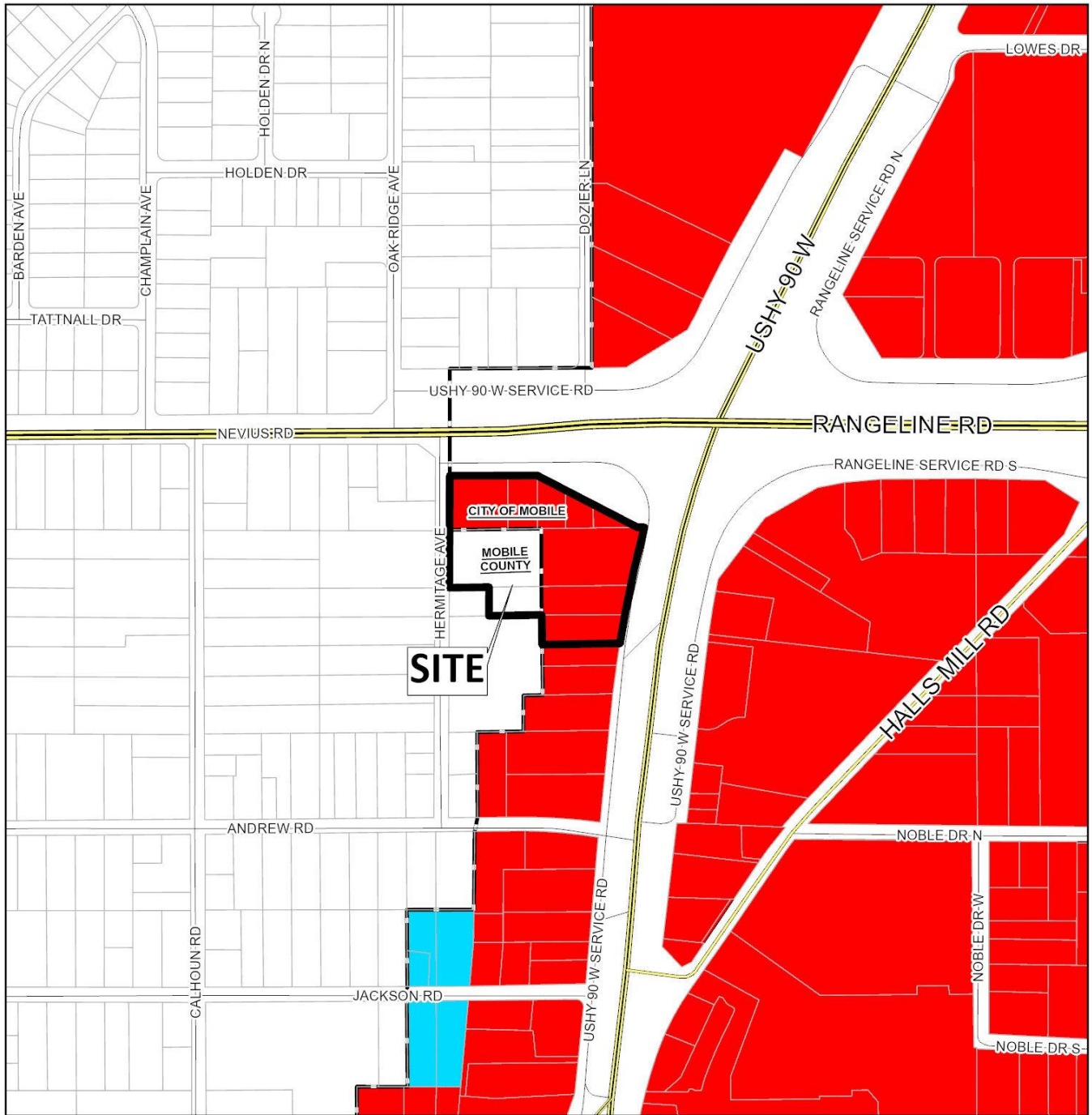
- Consistency. Is the proposed amendment is consistent with the Comprehensive Plan;
- Mistake. Was there a mistake or error in the original zoning map; and
- Compatibility. Whether the proposed amendment is compatible with:
  - The current development trends, if any, in the vicinity of the subject property;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

### Considerations:

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

1. Full compliance with the Subdivision Regulations and all municipal codes and ordinances.

# LOCATOR ZONING MAP



APPLICATION NUMBER 9 DATE July 18, 2024

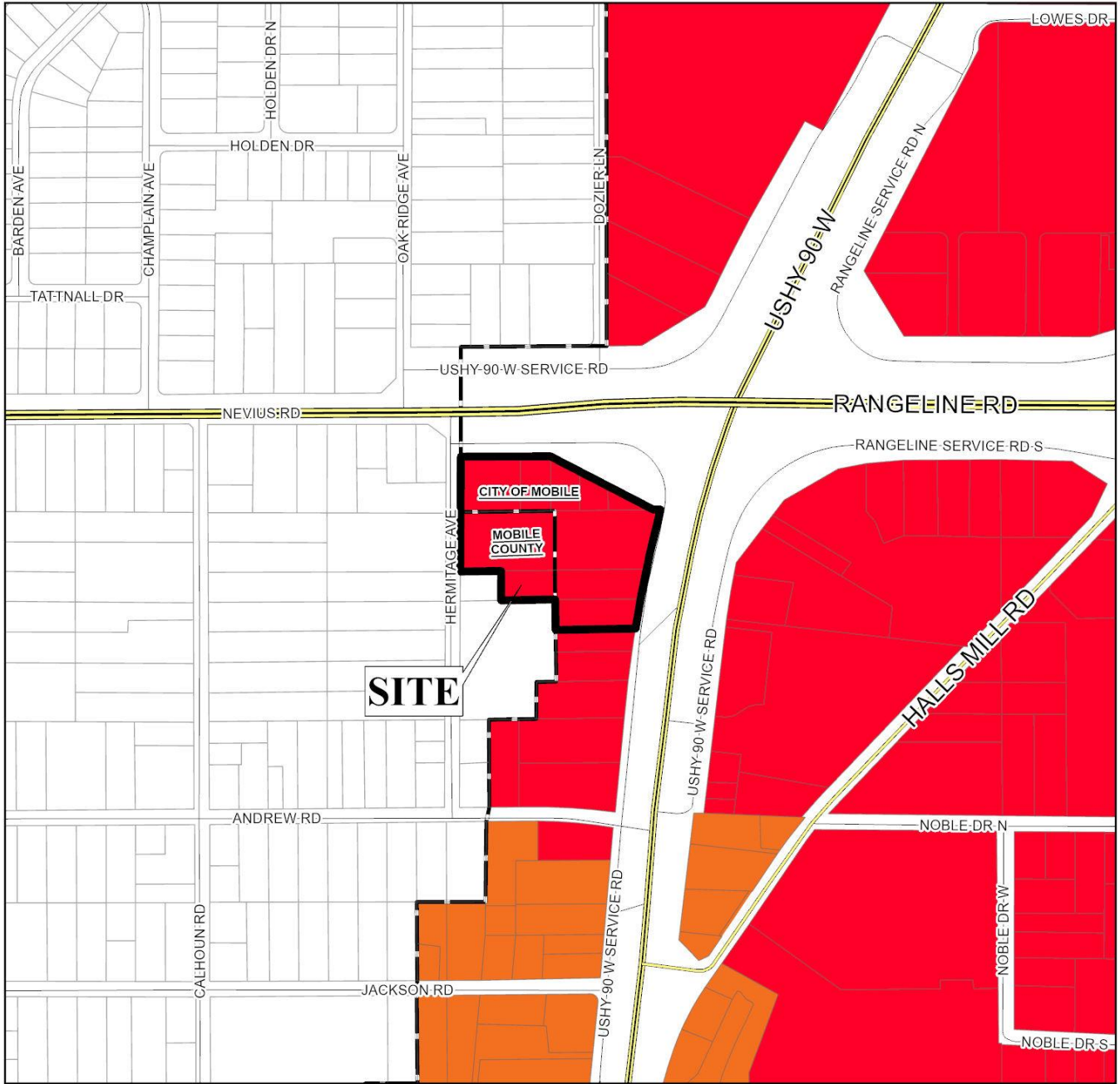
APPLICANT KD Tillmans Corner, LLC / MS One, LLC

REQUEST Pre-Zoning to B-3



NTS

# FLUM LOCATOR MAP



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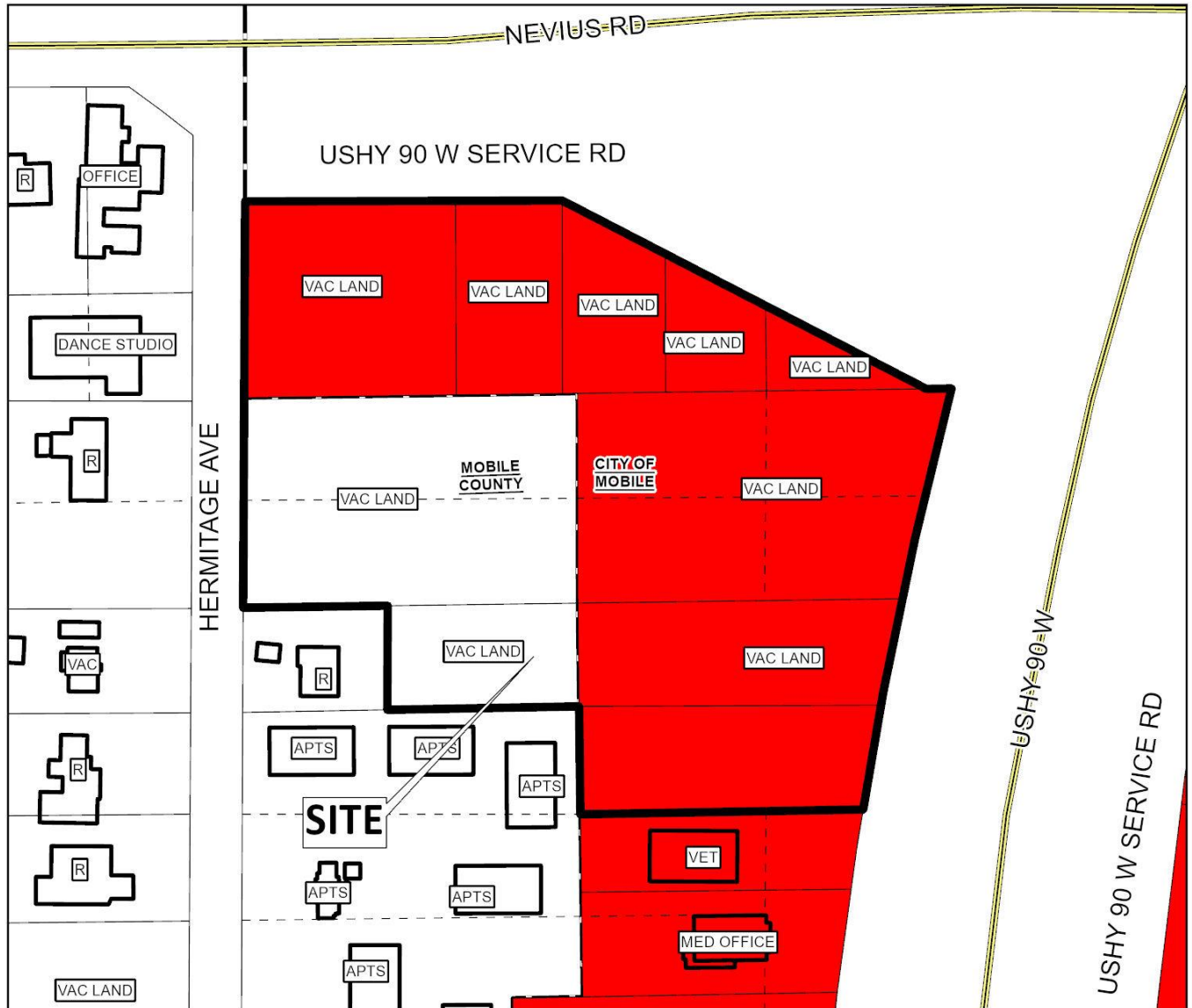
APPLICANT KD Tillmans Corner, LLC / MS One, LLC

REQUEST Pre-Zoning to B-3


- |   |  |   |  |
|---|--|---|--|
| <span style="color: yellow;">■</span> Low Density Residential   | <span style="color: brown;">■</span> Neighborhood Center - Traditional | <span style="color: orange;">■</span> Downtown Waterfront | <span style="color: lightgreen;">■</span> Parks & Open Space |
| <span style="color: orange;">■</span> Mixed Density Residential | <span style="color: blue;">■</span> Neighborhood Center - Suburban     | <span style="color: lightpurple;">■</span> Light Industry | <span style="color: darkblue;">■</span> Water Dependent      |
| <span style="color: pink;">■</span> Downtown                    | <span style="color: pink;">■</span> Traditional Corridor               | <span style="color: purple;">■</span> Heavy Industry      |  |
| <span style="color: red;">■</span> District Center              | <span style="color: orange;">■</span> Mixed Commercial Corridor        | <span style="color: blue;">■</span> Institutional         |  |



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING

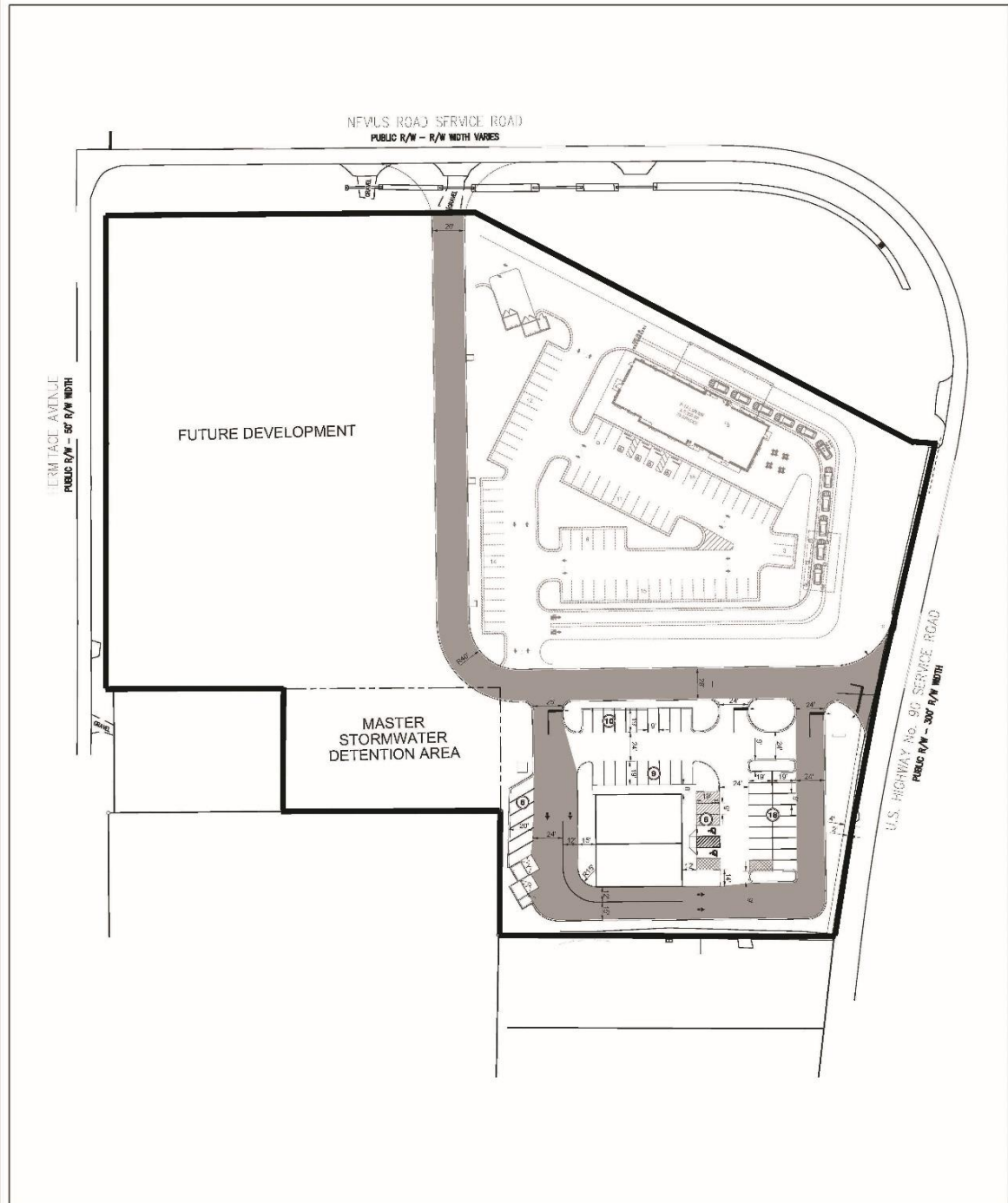


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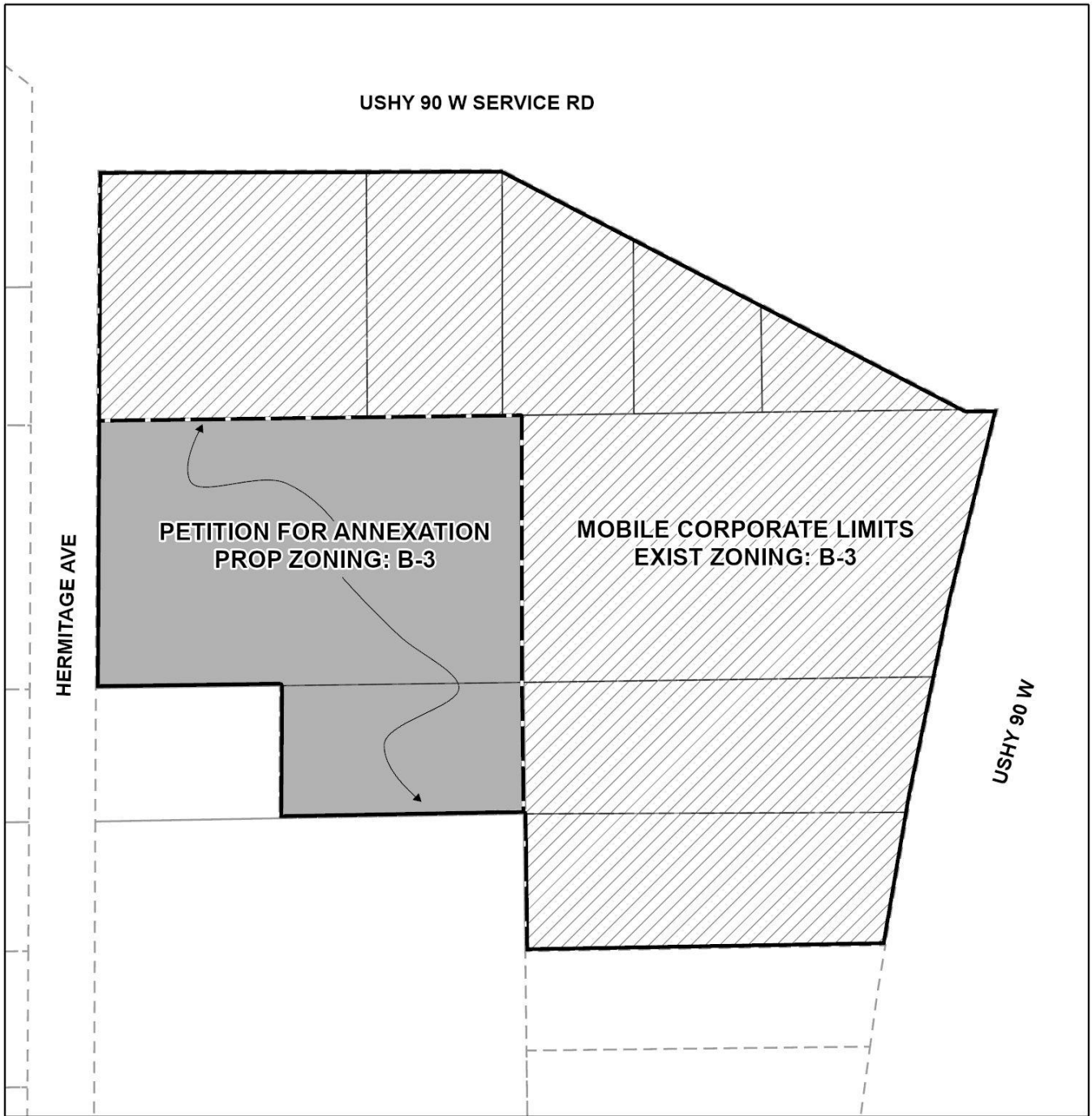
# SITE PLAN




The site plan illustrates the proposed buildings, parking, and drives.

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APPLICANT	KD Tillmans Corner, LLC / MS One, LLC			
REQUEST	Pre-Zoning to B-3			

# DETAIL SITE PLAN



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APPLICANT <u>KD Tillmans Corner, LLC / MS One, LLC</u>	
REQUEST <u>Pre-Zoning to B-3</u>	



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)



## **DISTRICT CENTER (DC)**

This designation applies across the city to larger areas of existing mixed-use character or where such character is encouraged. These areas will include moderate to high-density residential (minimum densities of 6 du/ac) in dynamic, horizontal or vertical mixed use environments, to provide a balance of housing and employment.

District Centers generally serve several surrounding neighborhoods and may even have a city-wide or region-wide reach. As such, they are often anchored by a major commercial or institutional employer such as a shopping mall or a medical center.

Depending on location and assigned zoning, residential areas in District

Centers may incorporate a mix of housing types, ranging from mid-rise multifamily buildings containing apartments and lofts, to townhouses and detached single-family homes. Major civic cultural institutions and public spaces provide regional and neighborhood destinations.

District Centers should be designed to induce pedestrian activity, with high quality streetscapes connecting the different components of a center as well as the center to its surrounding area. DC districts may be served by transit and include development of an intensity and design that supports transit use.