



Agenda Item # 16

SUB-002935-2024

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

5575 Commerce Boulevard East

Subdivision Name:

The Mobile Commerce Park Subdivision,
Resubdivision of Lot 2 into Lots 2-A & 2-B

Applicant / Agent:

Baker Donelson Law Firm

Property Owner:

Zack Meadows

Current Zoning:

B-5, Office-Distribution

Future Land Use:

Light Industry

Applicable Codes, Policies, and Plans:

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

Proposal:

- Subdivision approval to create two (2) legal lots from one (1) existing legal lot of record.

Commission Considerations:

- Subdivision proposal with nine (9) conditions.

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**THE MOBILE COMMERCE PARK SUBDIVISION,
RESUBDIVISION OF LOT 2 INTO LOTS 2-A & 2-B**



APPLICATION NUMBER 16 DATE June 20, 2024



SITE HISTORY

The subject site was included in the Mobile Commerce Park Subdivision, Phase 1, Resubdivision of Lot 4, Resubdivision of Lot 3, and Lot 4-B, heard before the Commission on January 3, 2008. Additionally, the site was rezoned from R-1, Single-Family Residential to B-5 in 2009 as part of the 2008 annexation process.

At its meeting on September 7, 2023 the Planning Commission approved a similar subdivision request for the subject site which positioned the proposed Lot 2-B near the southeast corner of the site. Concurrent with this decision, the Board of Zoning Adjustment approved requests for Special Exception and Lot Size, Height, and Setback Variances to allow a 180-foot high telecommunications facility requiring a Class 4 permit, on a sub-standard lot, with a reduced setback in a B-5 District.

The 2023 Board of Adjustment decision was appealed and is pending before the Circuit Court of Mobile County Alabama. In response to the appeal, and in discussion with the appellant, the Applicant changed the location of the proposed Lot 2-B, hence this application.

Additionally, the applicant has submitted new requests for Special Exception and Lot Size, Height, and Setback Variances to allow a 180-foot high telecommunications facility requiring a Class 4 permit, on a sub-standard lot, with a reduced setback in a B-5 District, corresponding with the changes made to lot configuration proposed in this application.

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

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. Use the same FONT SIZE and TYPE for the LOT 2-A and LOT 2-B labels.
- C. Delete the NOTE that reads "CITY OF MOBILE RECOMMENDS A 1' FREE BOARD ABOVE THE BASE FLOOD ELEVATION".
- D. Show and label the MFFE (Minimum Finished Floor Elevation) on each lot that contains an A, AE, or X (shaded) flood zone designation. BFE = 11.
- E. Revise the signature block title from "MOBILE COUNTY ENGINEERING DEPARTMENT" to "CITY OF MOBILE ENGINEERING DEPARTMENT".
- F. Revise "COUNTY ENGINEER" to "CITY ENGINEER".
- G. Add a signature block for the Owner and Notary Public.
- H. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo LOTS 2-A and 2-B 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 – NONE AND LOT 2 – NONE.
- 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. 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 purpose of this request is to create two (2) legal lots from one (1) existing legal lot of record. The site is served by public water and sanitary sewer.

Lot 2-A of the subject site has linear frontage along Commerce Boulevard East, a minor street with curb and gutter requiring a 50-foot right-of-way. The preliminary plat does not illustrate the existing right-of-way at this location, and as such, should be revised to either label a compliant right-of-way width or illustrate dedication sufficient to provide 25 feet from the centerline of Commerce Boulevard East.

Lot 2-B of the subject site, as proposed, does not have direct frontage onto public right-of-way. The preliminary plat does, however, illustrate a 30-foot access and utility easement which grants access to the proposed lot from Commerce Boulevard East. It should be noted that Section 64-3-2.A.1. of the Unified Development Code (UDC) allows access to be provided by a recorded dedicated easement, but a waiver of Section 6.C.4. of the Subdivision Regulations will be required if approved.

A 25-foot front yard setback is illustrated along Commerce Boulevard East for Lot 2-A on the preliminary plat, in compliance with Article 2 Section 64-2-16 of the UDC for lots in B-5 districts and should be retained on the Final Plat, if approved.

The proposed Lot 2-A exceeds the minimum size requirements of Article 2, Section 64-2-16 of the UDC for lots in a B-5, Office Distribution District. Lot 2-B does not meet the minimum size requirements of the aforementioned Article. However, as previously mentioned the applicant is in the process of requesting a Variance to allow for the reduced lot size and the lot size. Additionally, the lot size and configuration is typical of telecommunication facilities. As such, if approved, the subdivision approval should be conditioned upon approval and completion of the Variance process.

The preliminary plat should be revised to depict the lot size labels in both square feet and acres on the Final Plat, or a table should be furnished on the Final Plat providing the same information.

Lot 2-A contains access, drainage and utility easements; therefore, a note should be required on the Final Plat stating that no structure may be constructed or placed within any easement without the permission of the easement holder, if approved.

SUBDIVISION CONSIDERATIONS

Standards of Review:

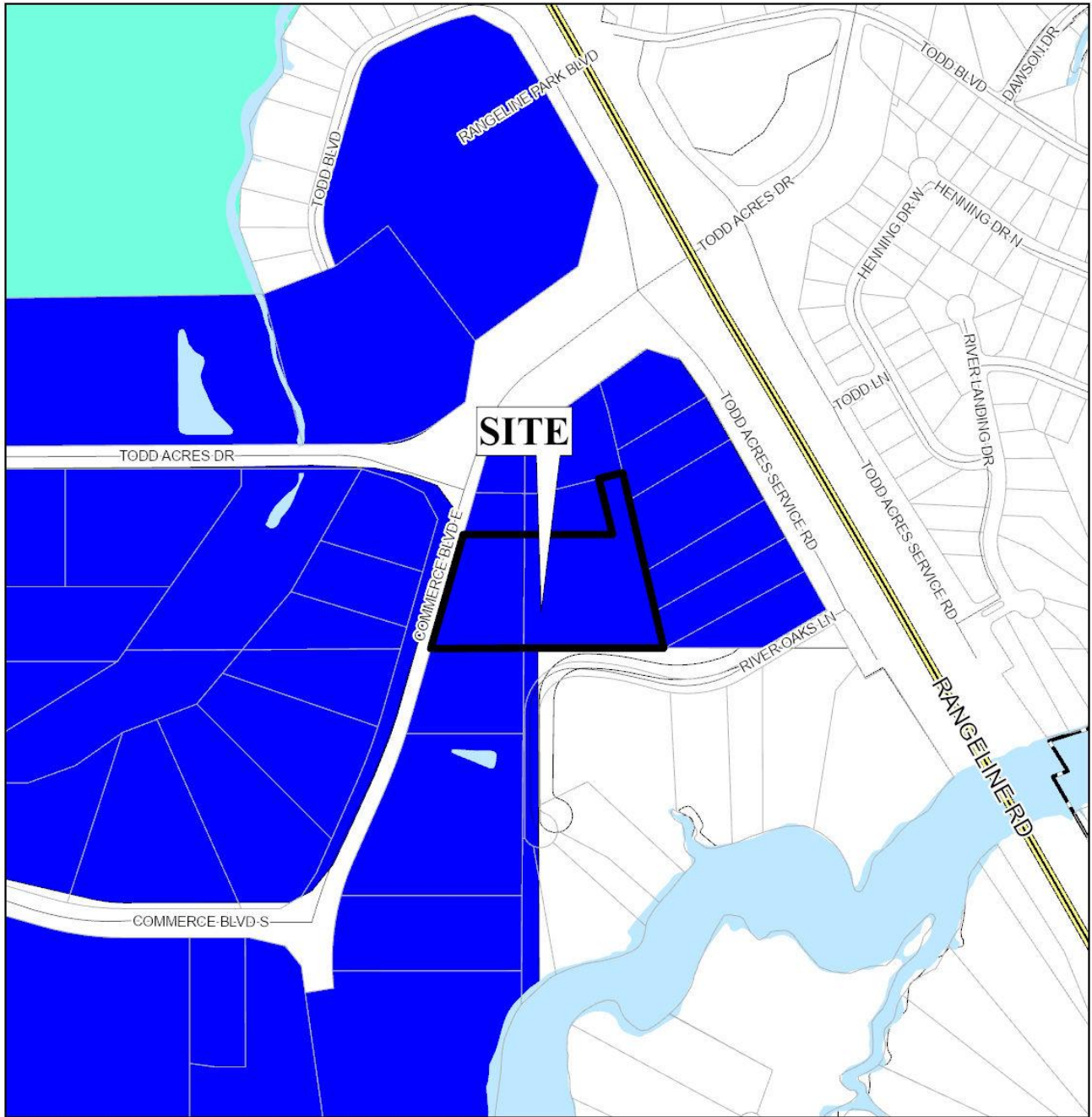
Subdivision review examines the site with regard to promoting orderly development, protecting general health, safety and welfare, and ensuring that development is correlated with adjacent developments and public utilities and services, and to ensure that the subdivision meets the minimum standards set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

Considerations:

Based on the preceding, with a waiver of Section 6.C.4. of the Subdivision Regulations, if the Subdivision request is considered for approval, the following conditions could apply:

1. Revision of the plat to label all abutting streets with their right-of-way widths or illustrate dedication sufficient to provide 25 feet from the centerline of Commerce Boulevard East;
2. Retention of the 25-foot front yard setback along Commerce Boulevard East;
3. Revision of the plat to include lot size labels in both square feet and acres on the Final Plat, or the furnishing of a table on the Final Plat providing the same information;
4. Placement of a note on the Final Plat stating that no structure may be constructed or placed within any easement without the permission of the easement holder;
5. Completion of the Special Exception and Variance processes;
6. Compliance with all Engineering comments noted in this staff report;
7. Placement of a note on the Final Plat stating the 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.

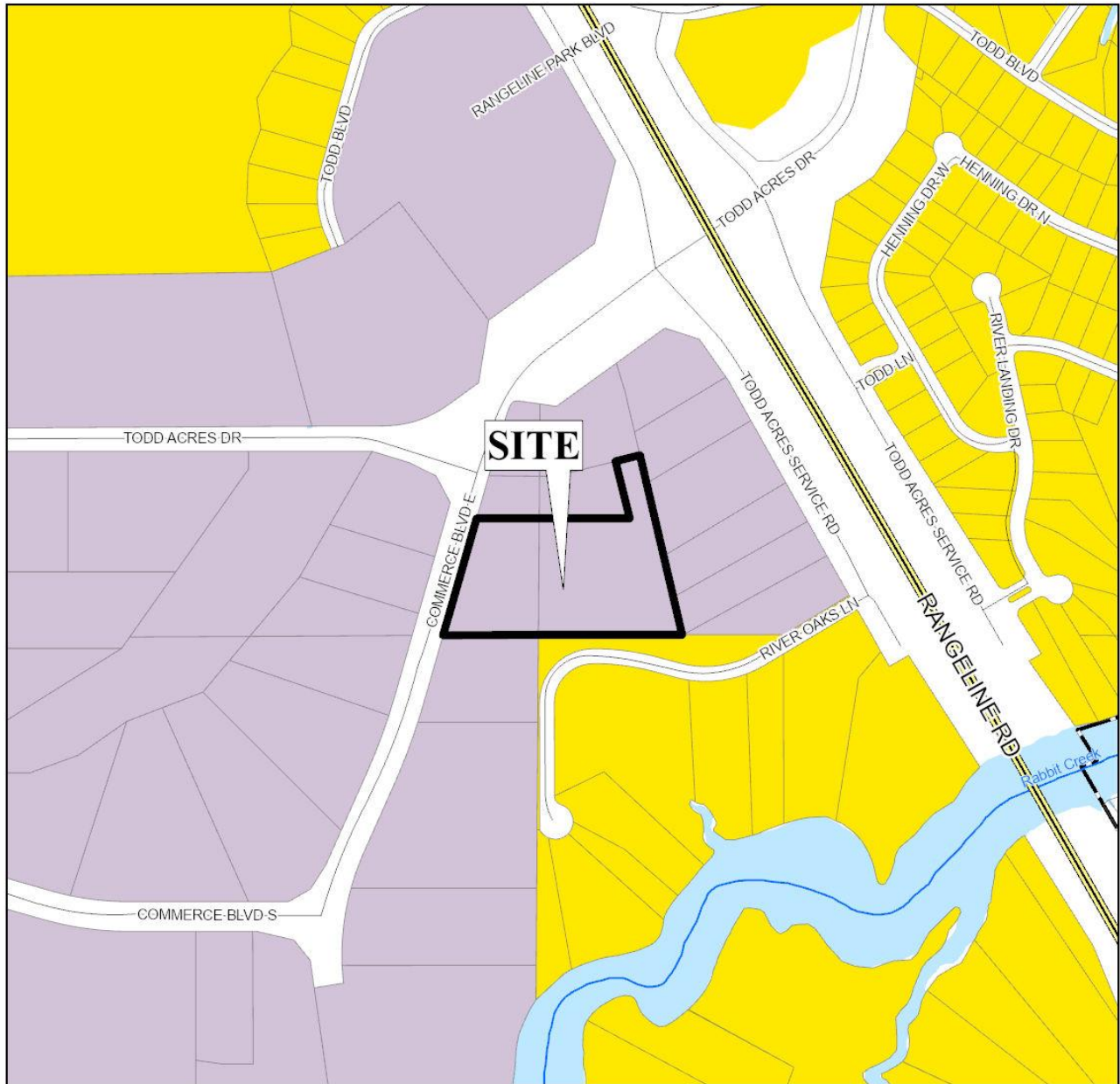
LOCATOR ZONING MAP



APPLICATION NUMBER	16	DATE	June 20, 2024
APPLICANT	The Mobile Commerce Park Subdivision, Resubdivision of Lot 2 into Lots 2-A & 2-B		
REQUEST	Subdivision		



FLUM LOCATOR MAP



APPLICATION NUMBER 16 DATE June 20, 2024

APPLICANT The Mobile Commerce Park Subdivision, Resubdivision of Lot 2 into Lots 2-A & 2-B

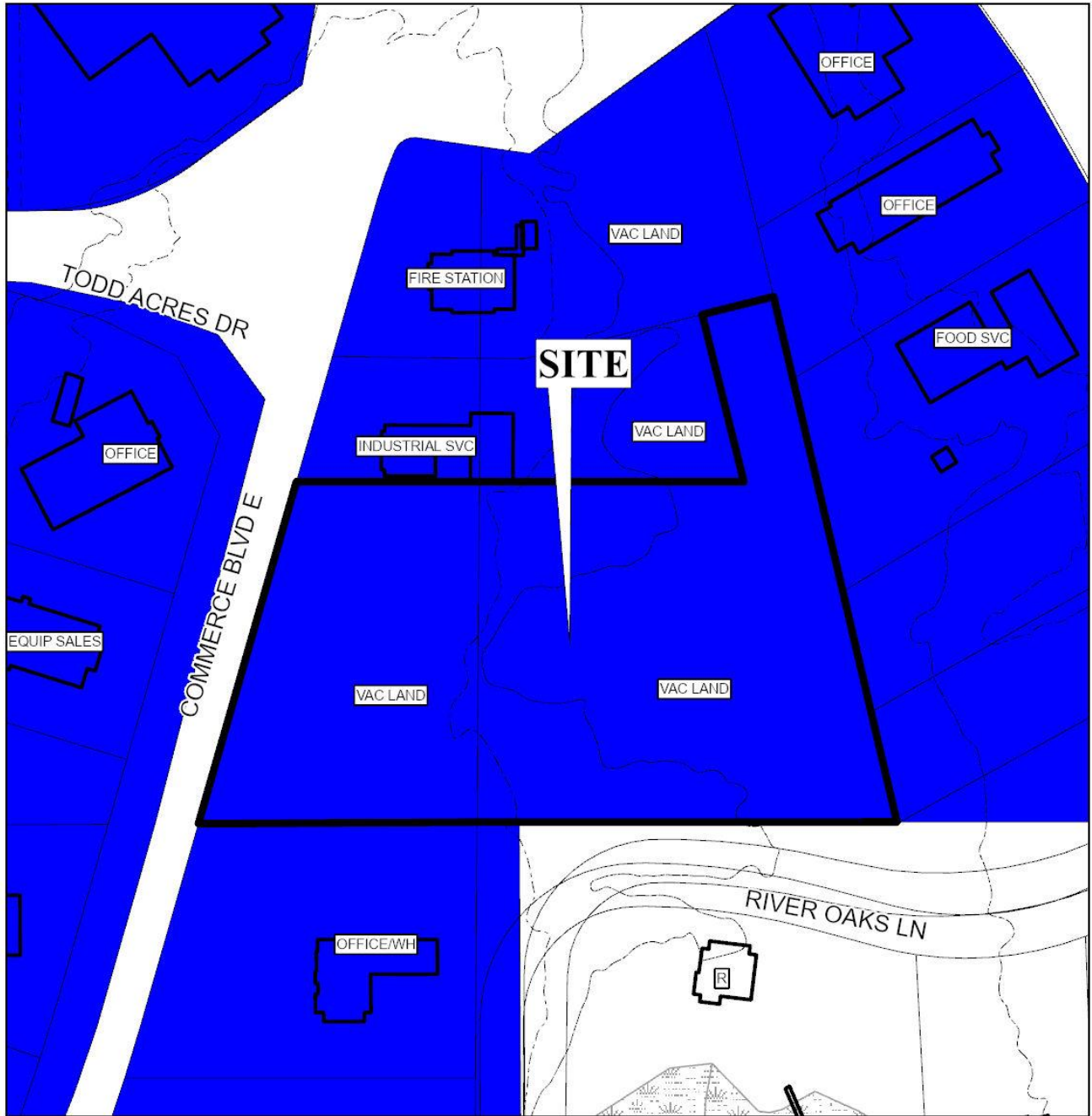
REQUEST Subdivision

- | | | | |
|---|--|---|---|
| ■ 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 | |



NTS

THE MOBILE COMMERCE PARK SUBDIVISION, RESUBDIVISION OF LOT 2 INTO LOTS 2-A & 2-B

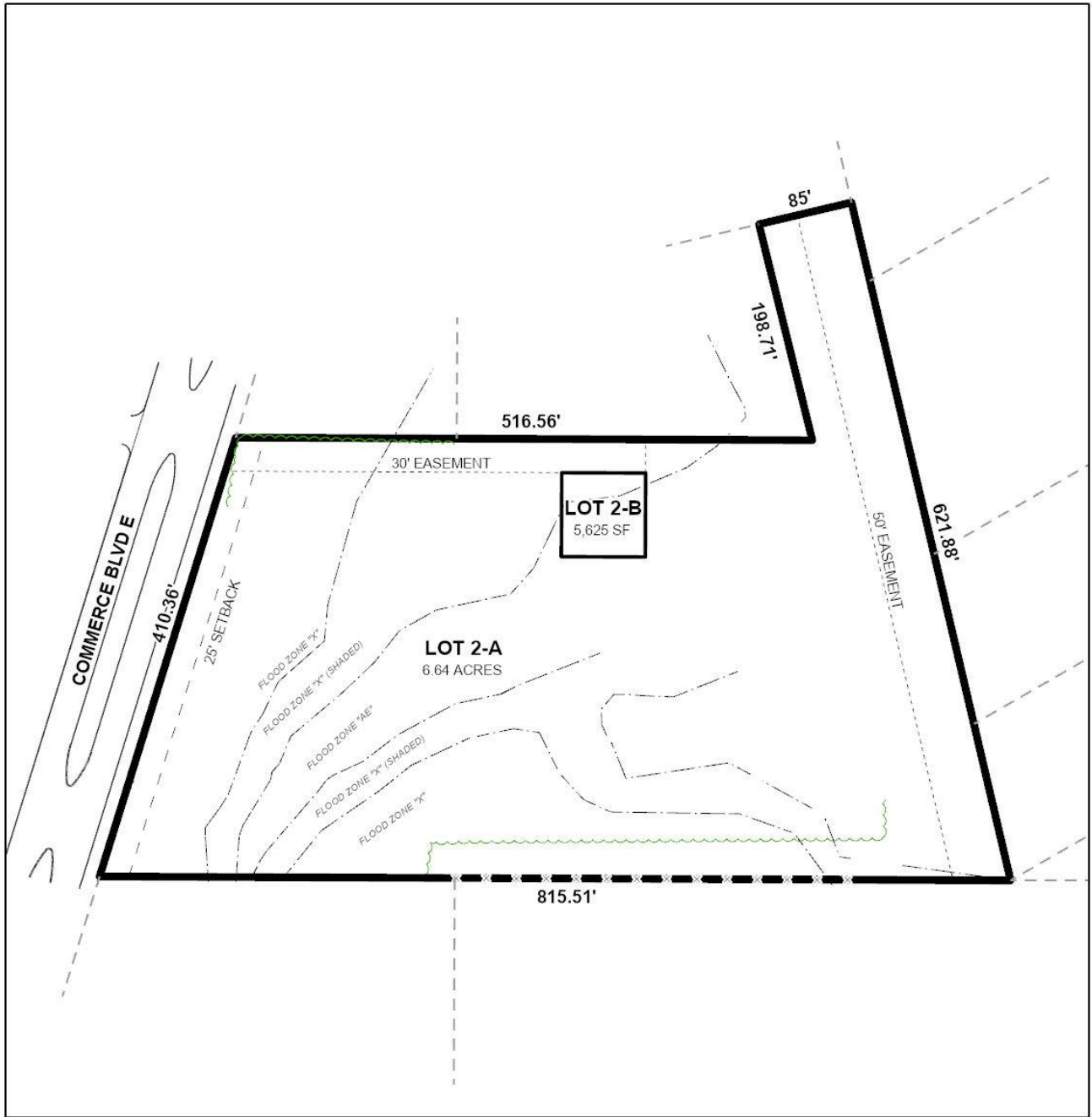


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 R-A	 R-3	 B-1	 B-2	 B-5	 ML	 I-2	 OPEN	 T-3	 T-5.2
 R-1	 R-B	 T-B	 B-3	 CW	 MH	 PD	 SD	 T-4	 T-6
 R-2	 H-B	 LB-2	 B-4	 MM	 I-1	 MUN	 SD-WH	 T-5.1	



DETAIL SITE PLAN



APPLICATION NUMBER <u>16</u>	DATE <u>June 20, 2024</u>
APPLICANT <u>The Mobile Commerce Park Subdivision, Resubdivision of Lot 2 into Lots 2-A & 2-B</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)

LIGHT INDUSTRY (LI)

This land use designation applies to an array of modern, low-impact industrial uses that include assembly and processing, warehousing, distribution and wholesaling facilities. The bulk of the light industrial use must be contained within a building or facility. If a light industrial use requires outside storage, the storage must be limited in area and appropriately screened from view in accordance to specific zoning requirements. This designation may also include uses such as complementary offices and retail.

LI also includes areas that may be regarded as “industrial business”, where the land uses include business administration and logistics operations for industrial concerns, building trade contractors facilities and advance research facilities, as well as stand-alone educational, scientific and industrial research facilities, or any combination of those facilities located in light industrial and technology parks. Many parcels used for industrial business are smaller and scattered throughout Mobile. For this reason, these parcels are not singled out in the FLUM, but rather are addressed through zoning.

Light industrial uses are characterized by attractive, accessible and connected development, compatible with the character of surrounding neighborhoods. Development may take the form of planned campuses in park-like settings or unified design corridors, with consideration to factors such as site and building orientation, building design, landscaping and buffering, lighting, continuity of pedestrian networks, access and connectivity to transit and to freight transportation.

Heavy commercial and, in some cases, high-density residential land uses may serve as transitions between LI and other, lower-intensity land use designations. Protection buffers may also be required by zoning.