

Agenda Item # 9 BOA-SE-002598-2023

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

Applicant Materials for Consideration

DETAILS

Location:	

2600 Burden Lane

Applicant / Agent:

McDowell Knight / Stephen Harvey, Agent

Property Owner:

Greenmound LLC

Current Zoning:

I-1, Light Industry District

Future Land Use:

Light Industry & Parks and Open Space

Case Number(s):

6537/6205

Unified Development Code (UDC) Requirement:

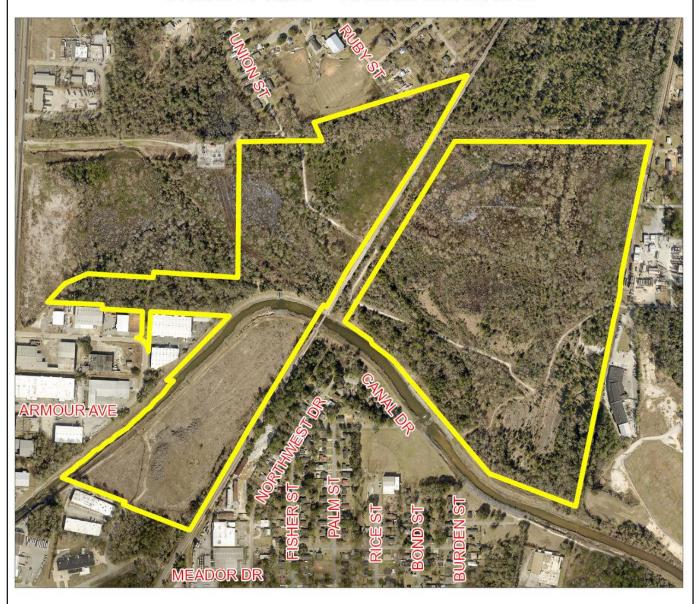
 Special Exception to allow the expansion of railroad facilities in an I-1, Light Industry District

Board Consideration:

To allow the expansion of railroad facilities in an I 1, Light Industry District

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BOARD OF ADJUSTMENTVICINITY MAP - EXISTING AERIAL



The site is surrounded by residential and industrial units, and wetlands.

APPLICATION NUMBER6537 DATESeptember 11, 2023						
APPLICANT McDowell Knight (Stephen Harvey, Agent)	N					
REQUEST Special Exception						
	NTS					

SITE HISTORY

In September 2018, a portion of the site obtained a surfacing variance to allow aggregate surfacing for the access to a proposed cell tower. It should be noted the cell tower was erected on a 2,500 square foot lease parcel, and thus is not required to be a separate legal lot of record.

In August 2019, a portion of the site obtained approval for a one (1) lot Subdivision from the Planning Commission, but the approval was allowed to expire.

STAFF COMMENTS

Engineering Comments:

If the proposed variance is approved the applicant will need to have the following conditions met:

- A. The proposed improvements shown on the submitted plans will require a Land Disturbance Permit be submitted through Central Permitting.
- B. The existing drainage patterns and surface flow characteristics should not be altered so as to have a negative impact on any adjoining properties or any public rights-of-way.
- C. Any and all proposed land disturbing activity within the property will need to 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.
- D. Applicant agrees to install adequate BMPs during construction to protect from sediment/pollutants leaving the site.

Traffic Engineering Comments:

No comments.

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 requested a Special Exception to allow railroad facilities in an I-1, Light Industry District; the Unified Development Code (UDC) requires a Special Exception to allow railroad facilities in an I-1, Light Industry District.

The subject site is largely undeveloped, with the exception of the aforementioned cell tower, and is bisected by existing railroad lines. The applicant proposes to construct three (3) new segments of rail track from the existing, to service three (3) new warehouses also to be built on the site.

While the site plan submitted depicts the three (3) proposed warehouses and associated parking, it should be noted that the applicant has stated that these locations and designs are conceptual only. As the application in hand is only required due to the proposed railroad track, and not the warehouses, the size, and placement of the warehouses may be altered, so long as they are compliant with the development standards set forth in the Unified Development Code (UDC), and the position of the railroad spurs will match the site plan submitted with the application.

The site plan submitted depicts a 30-foot vegetative buffer where the subject site abuts residentially zoned property. If approved, this residential buffer should remain on the site plan, where appropriate.

SPECIAL EXCEPTION CONSIDERATIONS

Standards of Review:

Special Exceptions are those uses that may have some special impact which differs from the potential impacts of permitted uses, exceeds permitted uses in intensity, or have a uniqueness such that their effect on the surrounding environment cannot readily be determined in advance of the use being proposed in a particular location.

Article 5 Section 11-E.1. of the Unified Development Codes states the Board of Adjustment will not approve an Application for Special Exception unless the request complies with the following criteria:

- (a) The proposed use is in harmony with the general purpose, goals, objectives and standards of this Chapter, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City.
- (b) The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety and general welfare either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of this Chapter, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City or other governmental agency having jurisdiction to guide growth and development.
- (c) The proposed use will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, and services specified in this subsection. Where any such improvements, facilities, utilities or services are not available or adequate to service the proposed use in the proposed location, the Applicant shall, as part of the application and as a condition to approval of the proposed Special Exception permit, be responsible for establishing ability, willingness and commitment to provide such improvements, facilities, utilities and services in sufficient time and in a manner consistent with this Chapter, and other plans, programs, maps and ordinances adopted

by the City to guide its growth and development. The approval of the Special Exception Permit shall be conditioned upon such improvements, facilities, utilities and services being provided and guaranteed by the Applicant.

- (d) The proposed use is consistent with all applicable requirements of this Chapter, including:
 - (1) Any applicable development standards in Article 3; and
 - (2) Any applicable use regulations in Article 4.
- **(e)** The proposed use is compatible with the character of the neighborhood within the same zoning district in which it is located;
- (f) The proposed use will not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district; and
- (g) The proposed use will have no more adverse effects on health, safety or comfort of persons living or working in the neighborhood, or will be no more injurious to property or improvements in the neighborhood than would any other use generally permitted in the same district.
- (1) In making this determination, the Board of Adjustment shall consider:
 - **a.** The location, type and height of buildings or structures;
 - **b.** The type and extent of landscaping and screening;
 - c. Lighting;
 - **d.** Hours of operation; or
 - **e.** Other conditions that might require mitigation of any adverse impacts of the proposed development.
- (h) The site is designed to provide ingress and egress that minimize traffic hazards and traffic congestion on the public roads;
- (i) The site is designed to minimize the impact on storm water facilities;
- (j) The use will be adequately served by water and sanitary sewer services;
- (k) The use is not noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas; and
- (I) The use will not be detrimental or endanger the public health, safety or general welfare.

Article 5 Section 11-E.2. states; that when considering a Special Exception application, the City's and the larger community's best interests and the need, benefit, or public purpose of the proposed request should also be evaluated.

Additionally, Article 5, Section 11-E.3. states:

The Board of Adjustment shall give careful consideration to the warrants and criteria set forth in this section in judging applications for Special Exceptions involving the following uses. In granting a Special Exception, the board may attach such reasonable conditions and safeguards in addition to those set forth in this section, as it may deem necessary to implement the purposes of this Chapter.

Considerations:

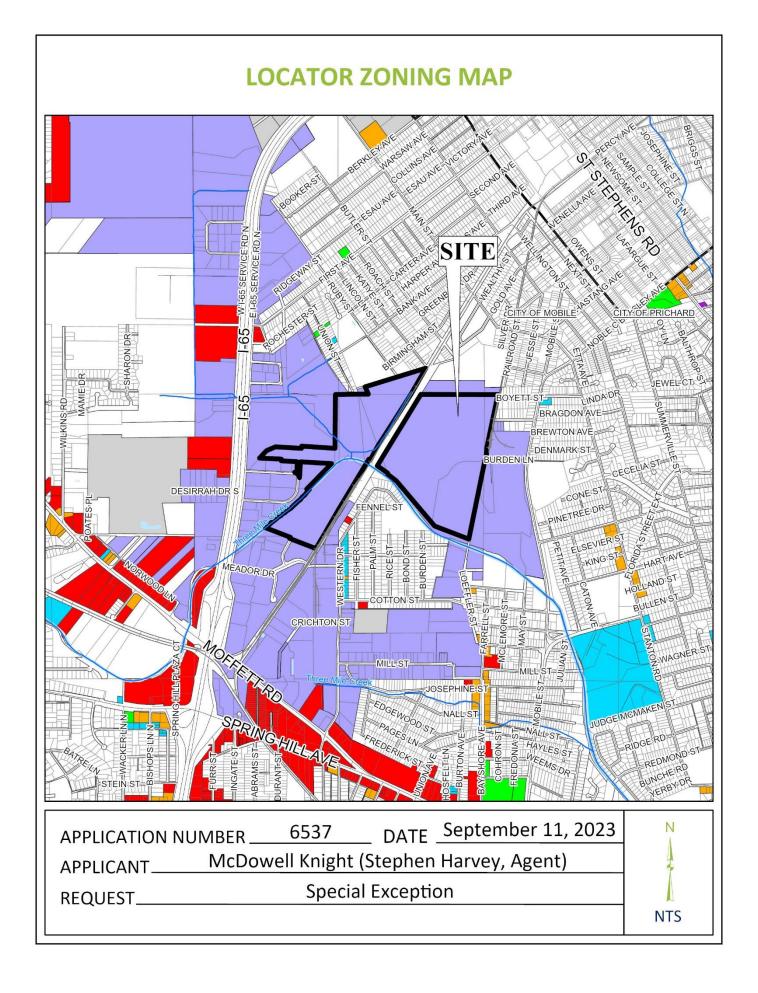
Based on the requested Special Exception application, if the Board should consider approval of the request, the following findings of fact must be considered:

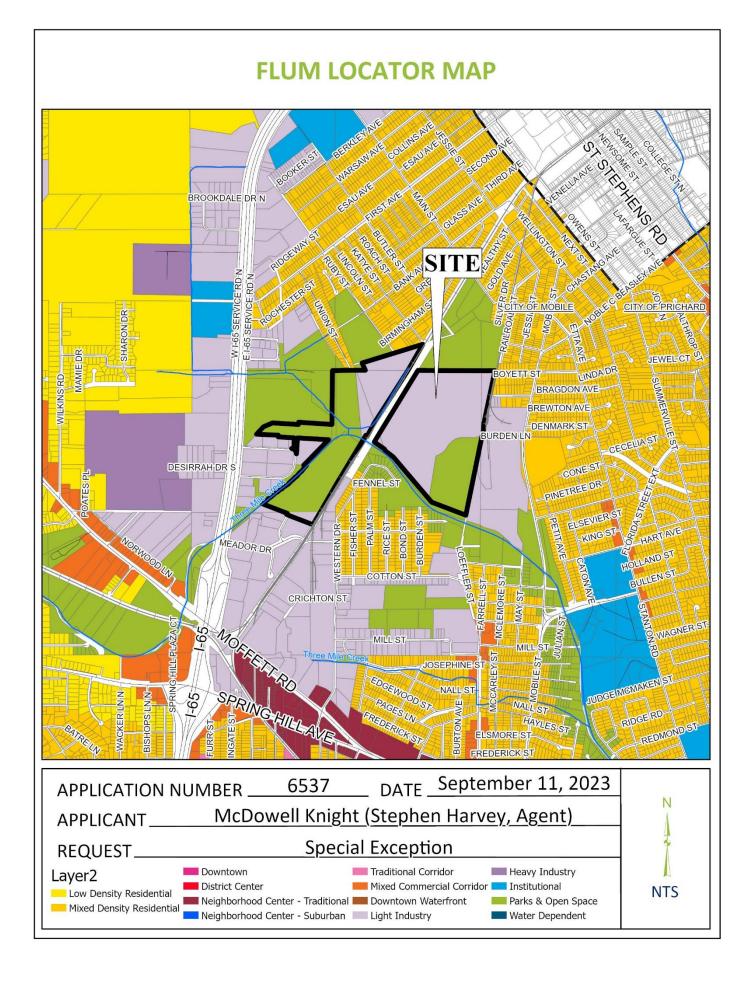
1) The proposed use **is** in harmony with the general purpose, goals, objectives and standards of this Chapter, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City.

- 2) The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety and general welfare either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of this Chapter, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City or other governmental agency having jurisdiction to guide growth and development.
- 3) The proposed use **will** be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, and services specified in this subsection.
- 4) The proposed use **is** consistent with all applicable requirements of this Chapter, including: any applicable development standards in Article 3; and any applicable use regulations in Article 4.
- 5) The proposed use **is** compatible with the character of the neighborhood within the same zoning district in which it is located.
- 6) The proposed use **will not** impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.
- 7) The proposed use **will** have no more adverse effects on health, safety or comfort of persons living or working in the neighborhood, or will be no more injurious to property or improvements in the neighborhood than would any other use generally permitted in the same district.
- 8) The site **is** designed to provide ingress and egress that minimize traffic hazards and traffic congestion on the public roads.
- 9) The site **is** designed to minimize the impact on storm water facilities.
- 10) The use **will** be adequately served by water and sanitary sewer services.
- 11) The use **is not** noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas; and
- 12) The use will not be detrimental or endanger the public health, safety or general welfare.

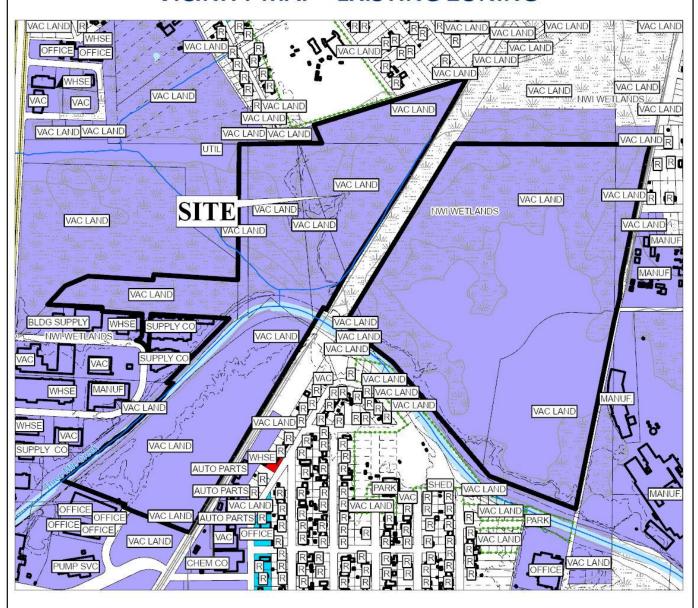
If the Board is inclined to approve the application, the following conditions should apply:

- 1) The location of the railroad ties will not be altered from what is approved by the Board;
- 2) Retention of the 30-foot vegetative buffer, where the site abuts residentially zoned property;
- 3) Compliance with all Engineering comments noted in this staff report; and
- 4) Full compliance with all municipal codes and ordinances.





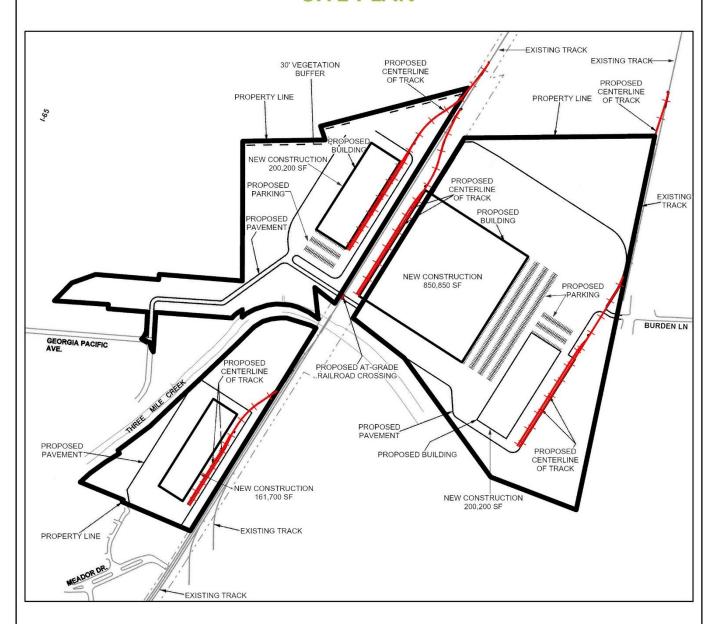
BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential and industrial units, and wetlands.



SITE PLAN



The site plan illustrates the proposed buildings and parking areas.

APPLICATION NUMBER 6537 DATE September 11, 2023

APPLICANT McDowell Knight (Stephen Harvey, Agent)

REQUEST Special Exception

ZONING DISTRICT CORRESPONDENCE MATRIX															
		OW 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)	NSTITUTIONAL LAND USE (INS)	PARKS & OPEN SPACE (POS)	DOWNTOWN WATERFRONT (DW)	WATER DEPENDENT USES (WDWRU)
RESIDENTIAL - AG	R-A	1	1]		-			1			_			
ONE-FAMILY RESIDENCE	R-1														
TWO-FAMILY RESIDENCE	R-2													0	
MULTIPLE-FAMILY	R-3	0												0	
RESIDENTIAL-BUSINESS	R-B		0											0	
TRANSITIONAL-BUSINESS	T-B		0												
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									0	0				
DOWNTOWN DEV. DD	SD	0	0	0	0	0	0	0		0	0				
BUFFER BUSINESS	B-1													0	
NEIGH. BUSINESS	B-2		0											0	
LIMITED BUSINESS	LB-2		0											0	
COMMUNITY BUSINESS	B-3											0		0	
GEN. BUSINESS	B-4											0		0	
OFFICE-DISTRIBUTION	B-5														
LIGHT INDUSTRY	I-1														
HEAVY INDUSTRY	1-2														

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 advanced 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 parklike 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.

Parks and Open Space (POS)

This 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.