

**ZONING AMENDMENT,  
& SUBDIVISION STAFF REPORT****Date: September 6, 2012****APPLICANT NAME**

The Creel Company, Inc.

**SUBDIVISION NAME**

Creel Company Subdivision

**LOCATION**

3804 Norwood Lane  
(North side of Norwood Lane, 70'± West of Stimpson Lane  
[not open], extending to the South side of Isabella Lane  
[not open], 100'± West of Stimpson Lane [not open]).

**CITY COUNCIL  
DISTRICT**

District 1

**PRESENT ZONING**

R-1, Single-Family Residential

**PROPOSED ZONING**

I-1, Light Industry

**AREA OF PROPERTY**

1 Lot / 2.3± Acres Subdivision size  
3 Lots / 4.3± Acres Rezoning size

**CONTEMPLATED USE**

Subdivision approval to create a legal lot of record from a metes-and-bounds parcel and Rezoning from R-1, Single-Family Residential District, to I-1, Light Industry District, to allow a contractor's storage yard.

**It should be noted, however, that any use permitted in the proposed district would be allowed at this location if the zoning is changed. Furthermore, the Planning Commission may consider zoning classifications other than that sought by the applicant for this property.**

**REASON FOR  
REZONING**

To allow a contractor's storage yard and other unspecified uses.

**TIME SCHEDULE  
FOR DEVELOPMENT**

Currently being used.

**ENGINEERING  
COMMENTS**

*Revised for the August 2<sup>nd</sup> meeting. 1. On the plat, show the location (if any) of wetlands or state that there are no wetlands present if applicable. 2. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes). 3. Stormwater detention is required for the existing development. 4. The existing improvements made since 1984 and any proposed*

*improvements will need to be submitted for a Land Disturbance permit. Submitted plans and engineering calculations will need to be in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. 5. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). 6. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes).*

## **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 61-929 and City Code Chapters 57 and 64).

## **FIRE DEPARTMENT**

### **COMMENTS**

All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.

## **REMARKS**

The applicant is requesting Subdivision approval to create a legal lot of record from a metes-and-bounds parcel, and Zoning approval to rezone the Subdivision site from R-1, Single-Family Residential District, to I-1, Light Industry District, to allow a contractor's storage yard. Two other properties are also included in the rezoning request, but no use has been specified. The applicant states that the site is served by public water and sanitary sewer facilities.

The applications at hand are due to the fact that the subdivision site has been developed after 2007 into a contractor's storage yard, without any permits or appropriate approvals. It should be noted that the Subdivision site is also the subject of Surfacing, Tree Planting and Screening Variances scheduled for the July Board of Zoning Adjustment meeting.

The subject site of the Subdivision and part of the rezoning request is an existing metes-and-bounds parcel consisting of one legal lot of record and a portion of that lot to the West. Since the portion to the West and the subject site have changed ownership since the parceling in the 1950's, inclusion of that portion to the West in the Subdivision would be impracticable. The proposed lot meets the minimum size requirement of the Subdivision Regulations. The other two properties involved in the rezoning request are existing legal lots of record.

The subject site of the Subdivision has frontage along Norwood Lane, a minor street with a substandard 33' right-of-way; therefore, dedication would be required to provide 25' from the centerline of Norwood Lane. It also has frontage along Isabella Lane, an un-opened public right-of-way of unspecified width; therefore, dedication would be required to provide 25' from the centerline of Isabella Lane, if not currently provided. The two existing lots included in the rezoning request also have frontage along Norwood Lane and Isabella Lane, as well as along Stimpson Lane, an unopened public right-of-way of unspecified width; therefore, dedication would be required to provide 25' from the centerline of all three streets for both lots, if not currently provided. And both existing lots have street corners where Stimpson Lane intersects Norwood Lane and Isabella Lane; therefore, dedication would be required to provide a street corner radius for both lots where Stimpson Lane intersects Norwood Lane and Isabella Lane, with the size to be coordinated with City Engineering. No building setback lines are illustrated on the Subdivision plat; therefore the plat should be revised to illustrate a 25' minimum building setback line along all street frontages as measured from any required frontage dedications. As a means of access management, the proposed lot should be limited to one curb cut to Norwood Lane, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Access to Isabella Lane should be denied until such time it is developed to City standards, at which time the site should be limited to one curb cut to Isabella Lane, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. The lot size is shown in a table on the Subdivision plat; however this should be revised to reflect the lot size after any required dedications. The site plan for the other two lots in the rezoning application should also be revised to indicate the actual lot sizes after any required dedications.

This area is shown as industrial on the General Land Use component of the Comprehensive Plan. However, the Comprehensive Plan is meant to be a general guide, not a detailed lot and district plan or mandate for development. The Planning Commission and City Council may consider individual cases based on additional information such as the classification requested, the surrounding development, the timing of the request and the appropriateness and compatibility of the proposed use and zoning classification.

As stated in Section 64-9. of the Zoning Ordinance, the intent of the Ordinance and corresponding Zoning Map is to carry out the comprehensive planning objective of sound, stable and desirable development. While changes to the Ordinance are anticipated as the city grows, the established public policy is to amend the ordinance only when one or more of the following conditions prevail: 1) there is a manifest error in the Ordinance; 2) changing conditions in a particular area make a change in the Ordinance necessary and desirable; 3) there is a need to increase the number of sites available to business or industry; or 4) the subdivision of land into building sites makes reclassification of the land necessary and desirable.

Within the area are commercial uses and zoning to the South, light industrial uses and zoning to the East, and heavy industrial use and zoning to the North. Immediately adjacent to the West is a single-family dwelling and use and zoning. The applicant states that it is highly unlikely that a home will ever be built on the subject property and that rezoning is both necessary and desirable to achieve its highest and best use. It is stated that impact on surrounding properties will be minimal and that if anything, it would increase adjacent land values.

The site plan submitted shows little detail with regard to site improvements for the proposed lot other than two proposed parking spaces and the existing aggregate surface which was placed by the owner without approvals. As previously mentioned, that site is the subject of Surfacing, Tree Planting and Screening Variances before the Board of Zoning Adjustment. No information regarding entrance detail, landscaping, dumpster(s), if any, and a public sidewalk, is provided. The other two properties have no site plan details other than existing property boundaries, and no proposed uses are given; thus it would appear that their rezoning is speculative in nature.

As all three properties each currently contain less than the four-acre minimum size generally specified in Section 64-3.5. of the Zoning Ordinance, and each would be reduced further with required street frontage dedications, the rezoning of each as a separate site would not be justified.

It should be noted that the Northern portions of all three properties contain NWI wetlands. The presence of wetlands indicates that the area may be environmentally sensitive; therefore if approved, the approval of all applicable federal, state and local agencies would be required prior to the issuance of any permits. As one of the sites has been improved without permits, wetlands may have already been impacted.

The geographic area defined by the City of Mobile and its planning jurisdiction, including this site, may contain Federally-listed threatened or endangered species as well as protected non-game species. Development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.

## **RECOMMENDATION**

**Rezoning:** Based upon the preceding, the Rezoning request for all three properties is recommended for Denial for the following reasons:

- 1) the site plan submitted for the proposed one-lot Subdivision does not indicate any improvements other than two parking spaces and the existing aggregate surface placed by the owner, without approvals;
- 2) the Subdivision site contains approximately 2.4 acres, before any required street frontage dedications, and less than the four acres generally specified by Section 64-3.5. of the Zoning Ordinance;
- 3) there is no site plan provided for the lot on the East side of Stimpson Lane and it contains approximately 1.05 acres, before any required street frontage dedications, and is less than the four acres generally specified by Section 64-3.5. of the Zoning Ordinance;
- 4) there is no site plan provided for the lot on the West side of Stimpson Lane and it contains approximately 0.89 acre, before any required street frontage dedications, and is less than the four acres generally specified by Section 64-3.5. of the Zoning Ordinance; and
- 5) Norwood, Isabella and Stimpson Lanes are substandard, thus they may not be able to accommodate the intensity of uses allowed in I-1 districts.

**Subdivision:** Based upon the preceding, the Subdivision request is recommended for Tentative Approval, subject to the following conditions:

- 1) dedication to provide 25' from the centerline of Norwood Lane;
- 2) dedication to provide 25' from the centerline of Isabella Lane;
- 3) illustration of the 25' setback line along Norwood Lane and Isabella Lane as measured from any required dedications;
- 4) placement of a note on the Final Plat stating that the lot is limited to one curb cut to Norwood Lane, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards;
- 5) placement of a note on the Final Plat stating that the site is denied access to Isabella Lane until such time it is developed to City Standards, and then the lot is limited to one curb cut to Isabella Lane, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards;
- 6) revision of the plat to label the lot with its size in square feet and acres, after any required dedication, or the furnishing of a table on the Final Plat providing the same information;
- 7) placement of a note on the Final Plat stating that the approval of all applicable federal, state and local agencies would be required due to wetland issues prior to the issuance of any permits;
- 8) placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species; and
- 9) subject to the Engineering comments: *(1. On the plat, show the location (if any) of wetlands or state that there are no wetlands present if applicable. 2. Provide all other information required for a Final Plat review. 3. Stormwater detention is required for the existing development. 4. Any and all proposed development will need to be in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. 5. A complete set of construction plans for the site work (including drainage, utilities, grading, stormwater systems, paving) will be required to be submitted with the Land Disturbance permit. These plans are to be submitted and approved prior to beginning any of the construction work. 3. Provide all other information required for a Final Plat review).*

**Revised for the August 2<sup>nd</sup> meeting:**

*This application was heldover from the July 5<sup>th</sup> meeting to allow the applicant to submit a revised site plan by July 16th. As no new information has been submitted as of July 23rd, the previous recommendations for both the Rezoning and Subdivision would stand.*

## **RECOMMENDATION**

**Rezoning:** Based upon the preceding, the Rezoning request for all three properties is recommended for Denial for the following reasons:

- 1) *the site plan submitted for the proposed one-lot Subdivision does not indicate any improvements other than two parking spaces and the existing aggregate surface placed by the owner, without approvals;*
- 2) *the Subdivision site contains approximately 2.4 acres, before any required street frontage dedications, and less than the four acres generally specified by Section 64-3.5. of the Zoning Ordinance;*
- 3) *there is no site plan provided for the lot on the East side of Stimpson Lane and it contains approximately 1.05 acres, before any required street frontage dedications, and is less than the four acres generally specified by Section 64-3.5. of the Zoning Ordinance;*
- 4) *there is no site plan provided for the lot on the West side of Stimpson Lane and it contains approximately 0.89 acre, before any required street frontage dedications, and is less than the four acres generally specified by Section 64-3.5. of the Zoning Ordinance; and*
- 5) *Norwood, Isabella and Stimpson Lanes are substandard, thus they may not be able to accommodate the intensity of uses allowed in I-1 districts.*

***Subdivision:*** *Based upon the preceding, the Subdivision request is recommended for Tentative Approval, subject to the following conditions:*

- 1) *dedication to provide 25' from the centerline of Norwood Lane;*
- 2) *dedication to provide 25' from the centerline of Isabella Lane;*
- 3) *illustration of the 25' setback line along Norwood Lane and Isabella Lane as measured from any required dedications;*
- 4) *placement of a note on the Final Plat stating that the lot is limited to one curb cut to Norwood Lane, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards;*
- 5) *placement of a note on the Final Plat stating that the site is denied access to Isabella Lane until such time it is developed to City Standards, and then the lot is limited to one curb cut to Isabella Lane, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards;*
- 6) *revision of the plat to label the lot with its size in square feet and acres, after any required dedication, or the furnishing of a table on the Final Plat providing the same information;*
- 7) *placement of a note on the Final Plat stating that the approval of all applicable federal, state and local agencies would be required due to wetland issues prior to the issuance of any permits;*
- 8) *placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species;*
- 9) *subject to the Engineering comments: [1. On the plat, show the location (if any) of wetlands or state that there are no wetlands present if applicable. 2. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes). 3. Stormwater detention is required for the existing development. 4. The existing improvements made since 1984 and any proposed*

improvements will need to be submitted for a Land Disturbance permit. Submitted plans and engineering calculations will need to be in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. 5. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). 6. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes); and

- 10) compliance with the Fire Department comments: (All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile).

**Revised for the September 6<sup>th</sup> meeting:**

*This application was heldover from the August 2<sup>nd</sup> meeting at the applicant's request, and to allow staff to review the revised information submitted on July 24, 2012.*

*With regard to the rezoning request, the applicant revised the site plan for the proposed lay down yard (one-lot subdivision site) to indicate frontage dedication to provide 25' from the centerline of Norwood Lane, a 25' minimum building setback line from the dedication, nine frontage heritage trees, and screening along the front and West sides of the site. Also indicated for that site is a curb cut, although not dimensioned, with gates at the 25' building setback line. Two standard vehicle parking spaces are indicated within the site on the proposed aggregate surface. It is stated that dedication for Isabella Lane will be provided at the time of final platting or it will be vacated. No revisions were indicated on the other two existing lots for which rezoning is requested. It is stated that the lot on the West side of Stimpson Lane adjacent to the laydown yard site is in negotiations for purchase as future expansion of the laydown yard, and the lot on the East side of Stimpson Lane is in negotiations for purchase as future expansion of the applicant's current cabinet manufacturing company adjacent to the East side of that lot. If those two properties are purchased by the applicant, they would be incorporated via subdivisions into one-lot each with the adjoining properties. It is stated that frontage along Norwood Lane would be dedicated at the time of subdivision of those two sites, but no mention is made of Simpson Lane dedication. As each of those two existing lots are already well below the four-acre size generally specified by Section 64-3.5. of the Zoning Ordinance for rezoning, and rezoning and subdivision would further reduce their sizes due to required dedications, it would be appropriate for them to not be rezoned until such time that they can each be included in a one-lot subdivision with their respective adjoining properties. The vacation of Stimpson Lane may be a viable option in preparation for such rezoning and subdivision(s).*

*Rezoning of the larger site at this point in time could be considered more appropriate as the area has generally changed to primarily commercial and light industrial uses. As presented, the site plan would require a few revisions, other than for aspects for which a variance has been*

*requested (surfacing, tree planting and screening). The entrance drive should be indicated as being a minimum 24' wide, and the gates should either be relocated to provide a minimum of 60' of queuing space out of the public right-of-way, or a note should be furnished on the site plan stating that the gates are to be closed only when the site is not in use and are to remain open during operational hours. No dumpster is indicated on the site plan; therefore a compliant dumpster should be indicated, or a note placed on the site plan stating that no dumpster will be utilized and trash collection will be via curb-side or private collection service. Also, no public sidewalk is indicated; therefore the site plan should be revised to indicate a City-standard public sidewalk or a Sidewalk Waiver should be submitted and approved.*

*Since site development commenced without permits, the applicant should obtain all necessary after-the-fact permits required for site development.*

*With regard to the Subdivision application, the original recommendation for approval would stand.*

### **RECOMMENDATION**

***Rezoning:*** *Based upon the preceding, the Rezoning request for the two existing lots of record along the East and West sides of Stimpson Lane are recommended for Denial for the following reasons:*

- 1) there is no site plan provided for the lot on the East side of Stimpson Lane and it contains approximately 1.05 acres, before any required street frontage dedications, and is less than the four acres generally specified by Section 64-3.5. of the Zoning Ordinance;*
- 2) there is no site plan provided for the lot on the West side of Stimpson Lane and it contains approximately 0.89 acre, before any required street frontage dedications, and is less than the four acres generally specified by Section 64-3.5. of the Zoning Ordinance; and*
- 3) the proposed rezoning for each lot is speculative at this time.*

*The Rezoning request for Western-most site is recommended for approval, subject to the following conditions:*

- 1) revision of the site plan to indicate a compliant 24' wide entrance drive;*
- 2) revision of the site plan to indicate a minimum 60' vehicular queuing depth out of the public right-of-way, or the furnishing of a note on the site plan stating that the gates are to be closed only when the site is not in use and are to remain open during operational hours;*
- 3) revision of the site plan to indicate a compliant dumpster or the placement of a note on the site plan stating that no dumpster will be utilized and trash collection will be via curb-side or private collection service;*
- 4) revision of the site plan to indicate a City-standard public sidewalk, or the submission and approval of a Sidewalk Waiver application;*
- 5) obtaining of all required after-the-fact permits for site development;*



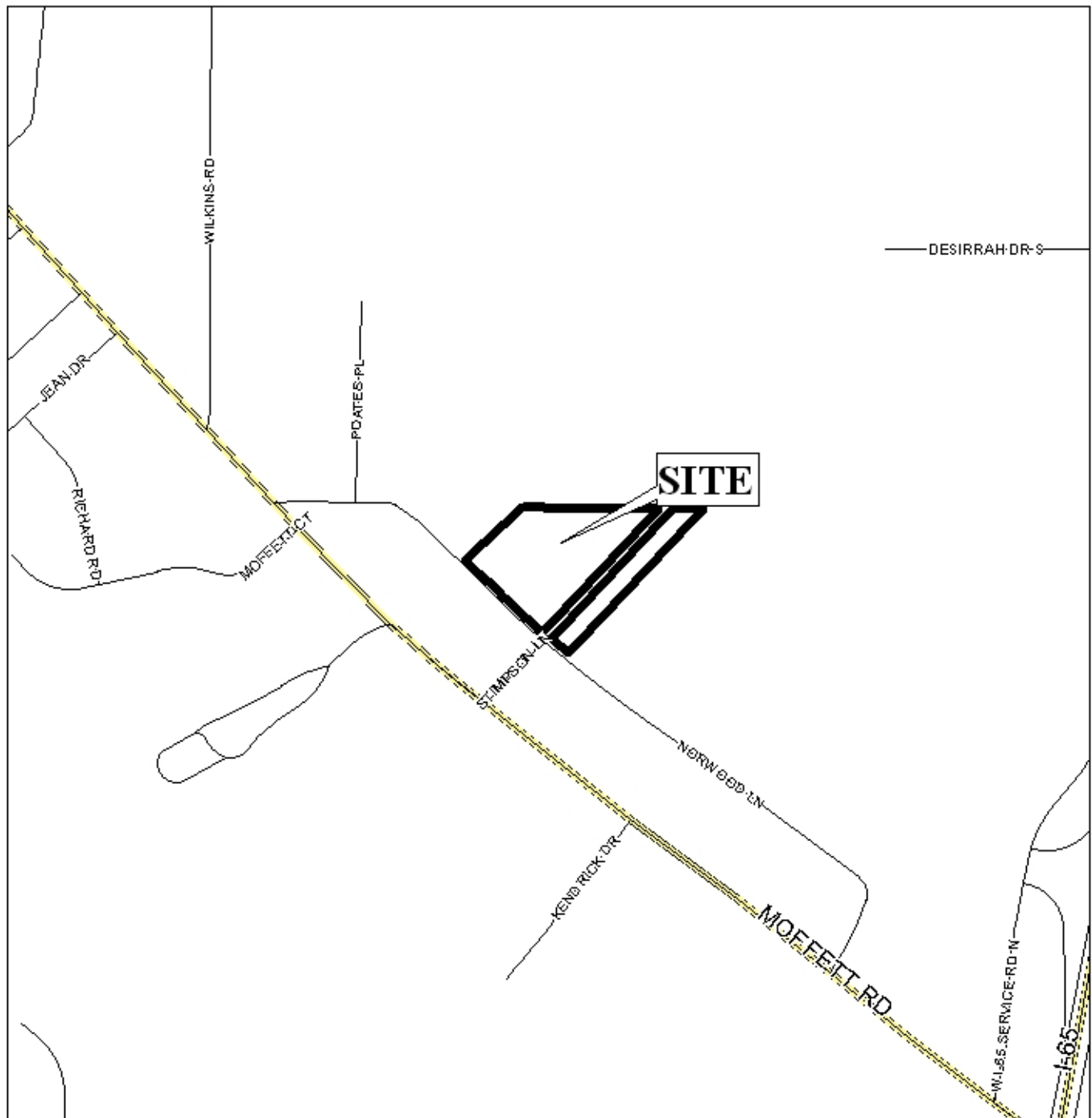
- 6) *completion of the Subdivision process prior to any request for permits;*
- 7) *approval of the pending Surfacing, Tree Planting and Screening Variances by the Board of Zoning Adjustment, or the revision of the site plan to indicate compliance with any such requests denied by the Board; and*
- 8) *full compliance with all other municipal codes and ordinances.*

**Subdivision:** *Based upon the preceding, the Subdivision request is recommended for Tentative Approval, subject to the following conditions:*

- 1) *dedication to provided 25' from the centerline of Norwood Lane;*
- 2) *dedication to provide 25' from the centerline of Isabella Lane;*
- 3) *illustration of the 25' minimum building setback line along both Norwood Lane and Isabella Lane as measured from any required dedication;*
- 4) *placement of a note on the Final Plat stating that the lot is limited to one curb cut to Norwood Lane, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards;*
- 5) *placement of a note on the Final Plat stating that the site is denied access to Isabella Lane until such time it is developed to City standards, and then the lot is limited to one curb cut to Isabella Lane, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards;*
- 6) *revision of the plat to label the lot with its size in square feet and acres, after any required dedication, or the furnishing of a table on the Final Plat providing the same information;*
- 7) *placement of a note on the Final Plat stating that the approval of all applicable federal, state and local agencies would be required due to wetland issues prior to the issuance of any permits;*
- 8) *placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species;*
- 9) *subject to the Engineering comments: [1. On the plat, show the location (if any) of wetlands or state that there are no wetlands present if applicable. 2. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes). 3. Stormwater detention is required for the existing development. 4. The existing improvements made since 1984 and any proposed improvements will need to be submitted for a Land Disturbance permit. Submitted plans and engineering calculations will need to be in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. 5. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). 6. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes)];*

- 10) compliance with the Fire Department comments: (All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile); and*
- 11) submission of a revised zoning site plan prior to the signing of the Final Plat.*

# LOCATOR MAP



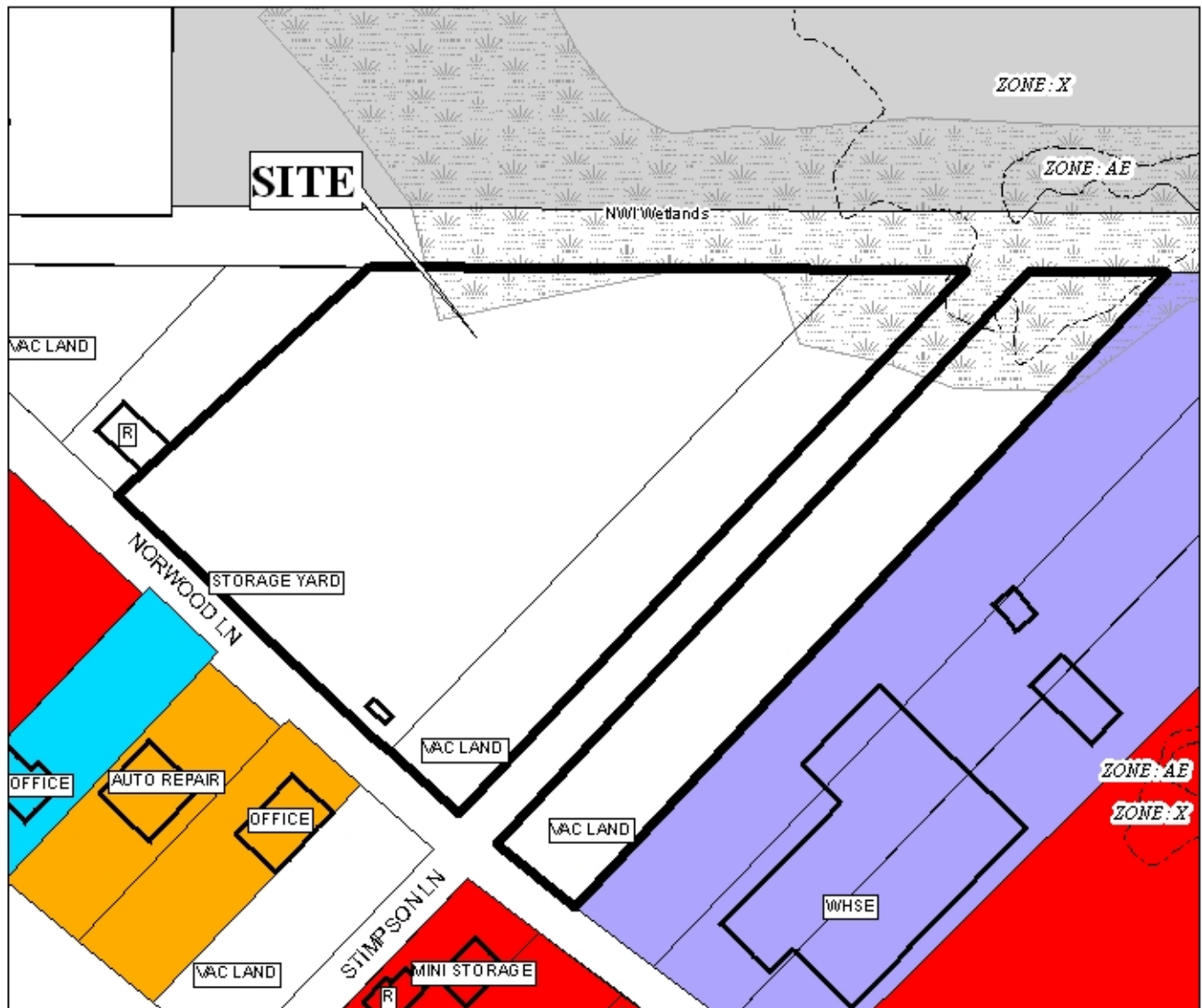
APPLICATION NUMBER 1 & 2 DATE September 6, 2012

APPLICANT The Creel Company, Inc.

REQUEST Subdivision, Rezoning from R-1 to I-1



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



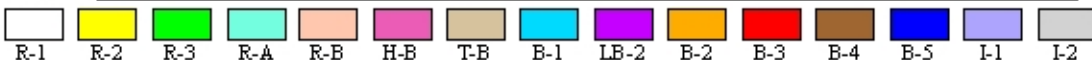
Commercial uses are located to the south and east of the site.  
A single-family residence is located to the west of the site.

APPLICATION NUMBER 1 & 2 DATE September 6, 2012

APPLICANT The Creel Company, Inc.

REQUEST Subdivision, Rezoning from R-1 to I-1

LEGEND



N  
NTS



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING

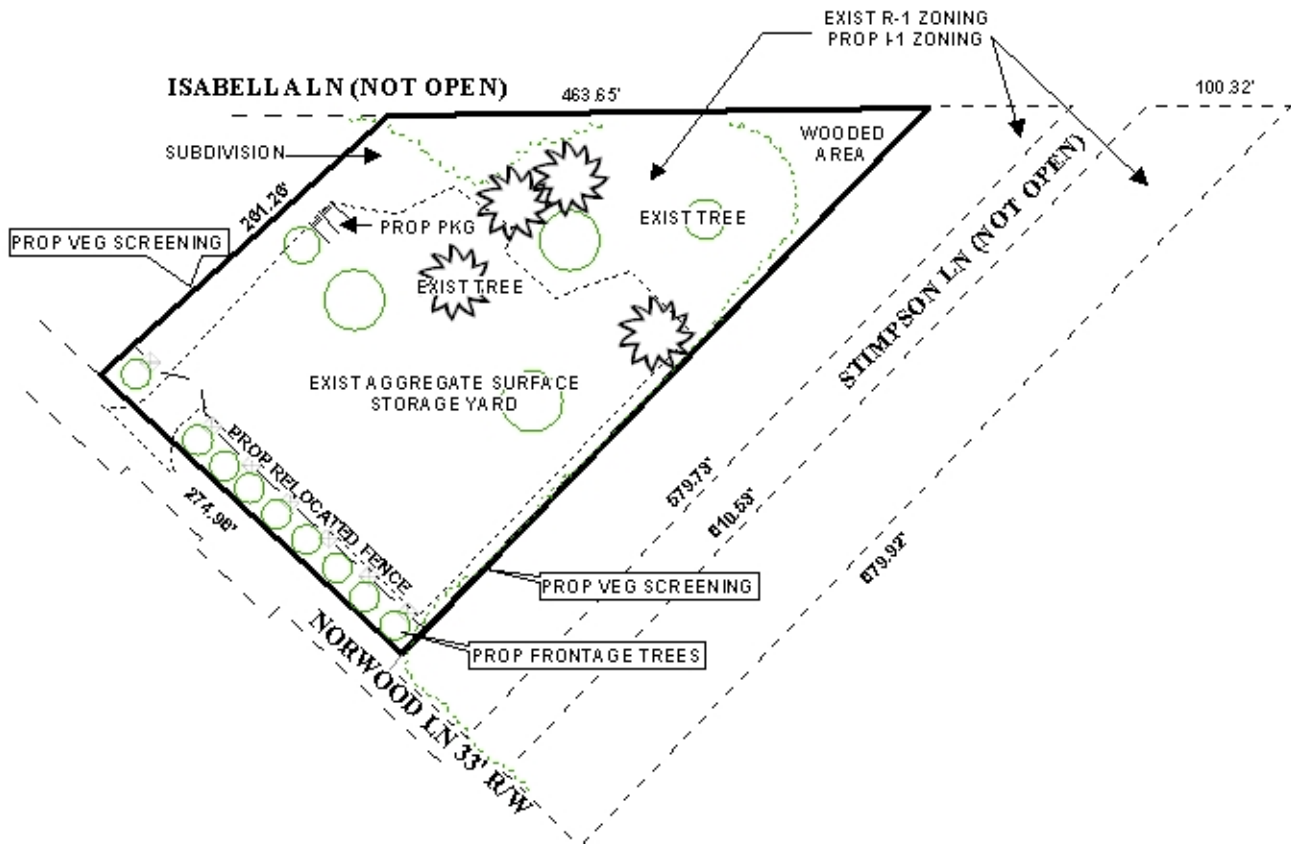


Commercial uses are located to the south and east of the site.  
A single-family residence is located to the west of the site.

APPLICATION NUMBER 1 & 2 DATE September 6, 2012  
APPLICANT The Creel Company, Inc.  
REQUEST Subdivision, Rezoning from R-1 to I-1

N  
NTS

# SITE PLAN



The site plan illustrates the existing storage yard, proposed parking, and proposed zoning.

APPLICATION NUMBER 1 & 2 DATE September 6, 2012  
 APPLICANT The Creel Company, Inc.  
 REQUEST Subdivision, Rezoning from R-1 to I-1

N  
  
 NTS