

**ZONING AMENDMENT &
SUBDIVISION STAFF REPORT****Date: March 19, 2015****APPLICANT NAME**

Lawler and Company

SUBDIVISION NAME

J.B. Properties and Investment, LLC Subdivision

LOCATION600 Fisher Street
(South terminus of Fisher Street, 125' South of Cotton Street)**CITY COUNCIL
DISTRICT**

District 1

PRESENT ZONING

I-1, Light Industry District

PROPOSED ZONING

I-2, Heavy Industry District

AREA OF PROPERTY

1 Lot / 6.4± Acre

CONTEMPLATED USE

Rezoning from I-1, Light Industry District, to I-2, Heavy Industry District, to allow the operation of a scrap metal recycling facility to include an automotive salvage yard and Subdivision approval to create one legal lot of record.

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 the operation of a scrap metal recycling facility to include an automotive salvage yard.

**TIME SCHEDULE
FOR DEVELOPMENT**

Not specified.

**ENGINEERING
COMMENTS****Subdivision:** The following comments should be addressed prior to submitting the FINAL PLAT for acceptance and signature by the City Engineer:

- A. Add a note to the SUBDIVISION PLAT stating 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.

- B. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 25 - #71) the Lot will receive historical credit of impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control. Coordinate with City Engineering Department staff to establish the exact amount prior to the submittal of the Land Disturbance Permit application.
- C. Add a note to the Plat stating 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.
- D. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
- E. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.

Rezoning:

No Comments

TRAFFIC ENGINEERING

COMMENTS

Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. All on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.

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. As per Appendix D, Section D107.1, one and two family developments with more than 30 dwelling units shall be provided with separate and approved fire apparatus access roads and shall meet the requirements of Section D104.3.

REMARKS

The applicant is requesting Rezoning from I-1, Light Industry District, to I-2, Heavy Industry District, to allow the operation of a scrap metal recycling facility to include an automotive salvage yard and Subdivision approval to create one legal lot of record.

The site is shown as Industrial on the General Land Use Component of the Comprehensive Plan, which is meant to serve as a general guide, not a detailed lot and district plan or mandate for development. Moreover, the General Land Use Component allows the Planning Commission and City Council to consider individual cases based on additional information such as the

classification request, 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.

The site has been designated as an I-1 district since the adoption of the current Zoning Ordinance in 1967. Prior to that, it was also designated as an industrial district under the 1951 Zoning Ordinance.

The applicant's justification mentions the need to relocate their existing business near downtown Mobile onto this site "due to circumstances out of its control SMR is being forced to relocate its operations. A suitable location at 600 Fisher St. has been found. However the zoning is different at 600 Fisher St., I-1 Light Industrial instead of the zoning at our current location of I-2 Heavy Industrial." It should be pointed out that there was more than one inquiry by different parties within a two-week time frame regarding a recycling-type use requiring an I-2 zoning district at this location, which could indicate a limited number of sites available for this type of industry. Although the applicant does not specifically address the above conditions, condition #3 may seem applicable. There does appear to be other I-1 zoned properties within a half-mile distance from this site along Interstate 65 which may be more appropriate for an I-2 zoning classification.

Currently, the site is bounded on the north by B-3, Community Business District and R-1, Single Family Residential District - as are the majority of the properties along Fisher Street and Cotton Street, which runs parallel to the northern lot line. Although the southern, eastern and western lot lines abut other I-1 zoned property, the adjacent properties to the south and east of the site are undeveloped. A rezoning to an I-2 zoning classification for this site would change conditions in this area which may not be in the best interest of the adjacent area, given the close proximity to residential neighborhoods. An I-2 zoning classification would allow other heavy-industrial uses to locate to this site by-right, should the proposed business relocate or use change.

The most recent Zoning Clearance for this site was approved for a warehouse – a use permitted by-right in an I-1 zoning district. A recycling use is now proposed and will consist of buying and selling scrap metal, including junk cars. The applicant states that "Only one portion of our operations requires the I-2 designation, the fact that we purchase junk cars." The Chart of Permitted Uses within the Zoning Ordinance classifies the proposed use as: *Automotive wrecking, dismantling or salvage*. As proposed, the use will require an I-2 zoning district with Planning Approval, and any outside storage would be limited to a paved or gravel surface (not on any unimproved surfaces) and enclosed within an 8' high wall or privacy fence, which will require proper Land Disturbance and building permits. The applicant also mentions that "Once

the material has been purchased it is sorted out and then loaded on trucks to be sold. The junk cars, like all other metals, are purchased and then sold in a timely manner.” Given the nature of the proposed business, it would seem that outside storage would be anticipated. The site appears to contain existing landscaped area, as well as paved and what appears to be gravel surfacing; however, the site plan does not depict a location of any proposed outside storage area.

In reference to tree and landscaping compliance, no data is listed on the site plan; however, as the applicant does not propose any structural expansions at this time, full compliance with the tree and landscaping requirements of the Zoning Ordinance will not be required until the time of development if the total gross floor area of the site is increased and/or decreased by at least 50% of the existing building’s footprint.

It should be pointed out that there is no dumpster depicted on the site plan. Any revised site plan should illustrate the location of a dumpster in compliance with Section 64-4.D.9. of the Zoning Ordinance, or a note stating that waste removal will be via curb-side pick-up.

Lighting is illustrated on the site plan. Any new lighting on the site will have to comply with the requirements of Sections 64-4.A.2., 64-6.A.3.c., and 64-6.A.8. of the Zoning Ordinance. A note reflecting this requirement should appear on any revised site plan.

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, 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.

The purpose of the subdivision request is to create 1 legal lot of record from 1 metes-and-bounds parcel. The proposed 6.4 ± acre, 1-lot subdivision is served by both city water and sewer.

In accordance with the Subdivision Regulations, the proposed lot is compliant with the minimum size requirements, and the lot size in square feet and acres is illustrated on the preliminary plat. The 25’ minimum building setback line is depicted at the southern terminus of Fisher Street and along a 10’ wide unopened alley and should be retained on the Final Plat, if approved.

The site is provided frontage to a paved public street via a 60’ wide by 150’ long southern street stub of Fisher Street. There is also a 10’ wide unopened alley which runs along the entire northern lot line. Although no dedication would be required at this time, due to the limited amount of street frontage, any future subdivision of the proposed lot would be prohibited until additional frontage is provided along a paved public or private street. If approved, this note should appear on the Final Plat.

The site has 1 existing curb-cut to the southern terminus of Fisher Street and 1 existing curb-cut to the adjacent property to the west within a Non-exclusive Access Easement. The site should be limited to the existing curb-cuts, with any changes to the size, design and location to be approved by Traffic Engineering and conform to AASHTO standards.

The preliminary plat illustrates utilities on the site which may indicate the presence of easements which are not depicted. In accordance with Section IV.C.2.h of the Subdivision Regulations, the Final Plat and site plan should be revised to illustrate all easements on the site, as necessary, along with a note stating that no permanent structure(s) can be placed or constructed in any easement, if approved.

RECOMMENDATION

Subdivision: The application is recommended for tentative approval, subject to the following conditions:

- 1) Depiction of all easements on the Final Plat, along with a note stating that no permanent structure(s) can be placed or constructed in any easement;
- 2) Retention of the lot size information and 25' minimum building setback line on the Final Plat;
- 3) Placement of a note on the Final Plat stating: *(No future subdivision is allowed until additional frontage is provided along a paved, public or private street.);*
- 4) Placement of a note on the Final Plat stating: *(The lot is limited to the existing curb-cuts, with any changes to the size, design, and location to be approved by Traffic Engineering and conform to AASHTO standards.);*
- 5) Compliance with Engineering comments: *(The following comments should be addressed prior to submitting the FINAL PLAT for acceptance and signature by the City Engineer: A. Add a note to the SUBDIVISION PLAT stating 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. B. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 25 - #71) the Lot will receive historical credit of impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control). Coordinate with City Engineering Department staff to establish the exact amount prior to the submittal of the Land Disturbance Permit application. C. Add a note to the Plat stating 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. D. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. E. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.);*
- 6) Compliance with Traffic Engineering comments: *(Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. All on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.);*
- 7) Compliance with 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).);*
- 8) Compliance with 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. As per Appendix D, Section D107.1, one and two family developments with more than 30 dwelling units shall be provided with separate and*

approved fire apparatus access roads and shall meet the requirements of Section D104.3.); and

- 9) Completion of the Subdivision process prior any requests for Land Disturbance.

Rezoning Based upon the preceding, this application is recommended for denial for the following reason:

- 1) There does not appear to be any changing conditions in this particular area which would make a change in the Ordinance necessary and desirable, given the close proximity to residentially zoned properties; and
- 2) There does not appear to be a need to increase the number of sites available to business or industry.

Revised for the May 7th meeting:

The applications were heldover from the March 19th meeting allow the applicant to consider submitting voluntary use restrictions and the required Planning Approval Application – both of which have been submitted.

Per the submitted voluntary use restrictions, the applicant states that ‘with the exception of automotive wrecking, crushing, dismantling or salvage, and the storage of scrap metal, no other I-2 uses will be allowed on the property.’ It appears the applicant has not submitted any additional information demonstrating an apparent need to increase the number of sites available for this type of industry nor proven any changing conditions in this particular area which would make a change in the Ordinance necessary and desirable, given the close proximity to residentially zoned properties.

*The review required for Planning Approval examines the applicant’s location and site plan with regard to transportation, parking and access, public utilities and facilities, traffic congestion and hazard, and to determine if the proposal is in harmony with the orderly and appropriate development of the district. **Planning Approval is site plan specific, thus the plan must be accurate at time of submittal, and any changes to the site plan must be approved by the Planning Commission.***

It should be pointed out that since automotive wrecking, dismantling and/or salvage is only allowed by-right within an I-2 zoning district with Planning Approval, if the Commission were to deny the Rezoning request from I-1 to I-2, the Planning Approval Application would no longer be needed.

As mentioned previously, with regard to the nature of the proposed business, it would seem that outside storage would be anticipated; however, the site plan does not depict a location of any proposed outside storage area, which may be cause for concern given the close proximity of the site to residentially zoned properties. The provision of residential buffering, to include a 6’ high wooden privacy fencing may help mitigate adverse impacts of the proposed business.

RECOMMENDATION

Subdivision: The application is recommended for tentative approval, subject to the following conditions:

- 1) *Depiction of all easements on the Final Plat, along with a note stating that no permanent structure(s) can be placed or constructed in any easement;*
- 2) *Retention of the lot size information and 25' minimum building setback line on the Final Plat;*
- 3) *Placement of a note on the Final Plat stating: (No future subdivision is allowed until additional frontage is provided along a paved, public or private street.);*
- 4) *Placement of a note on the Final Plat stating: (The lot is limited to the existing curbs, with any changes to the size, design, and location to be approved by Traffic Engineering and conform to AASHTO standards.);*
- 5) *Compliance with Engineering comments: (The following comments should be addressed prior to submitting the FINAL PLAT for acceptance and signature by the City Engineer: A. Add a note to the SUBDIVISION PLAT stating 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. B. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 25 - #71) the Lot will receive historical credit of impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control). Coordinate with City Engineering Department staff to establish the exact amount prior to the submittal of the Land Disturbance Permit application. C. Add a note to the Plat stating 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. D. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. E. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.);*
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- 9) *Completion of the Subdivision process prior any requests for Land Disturbance.*

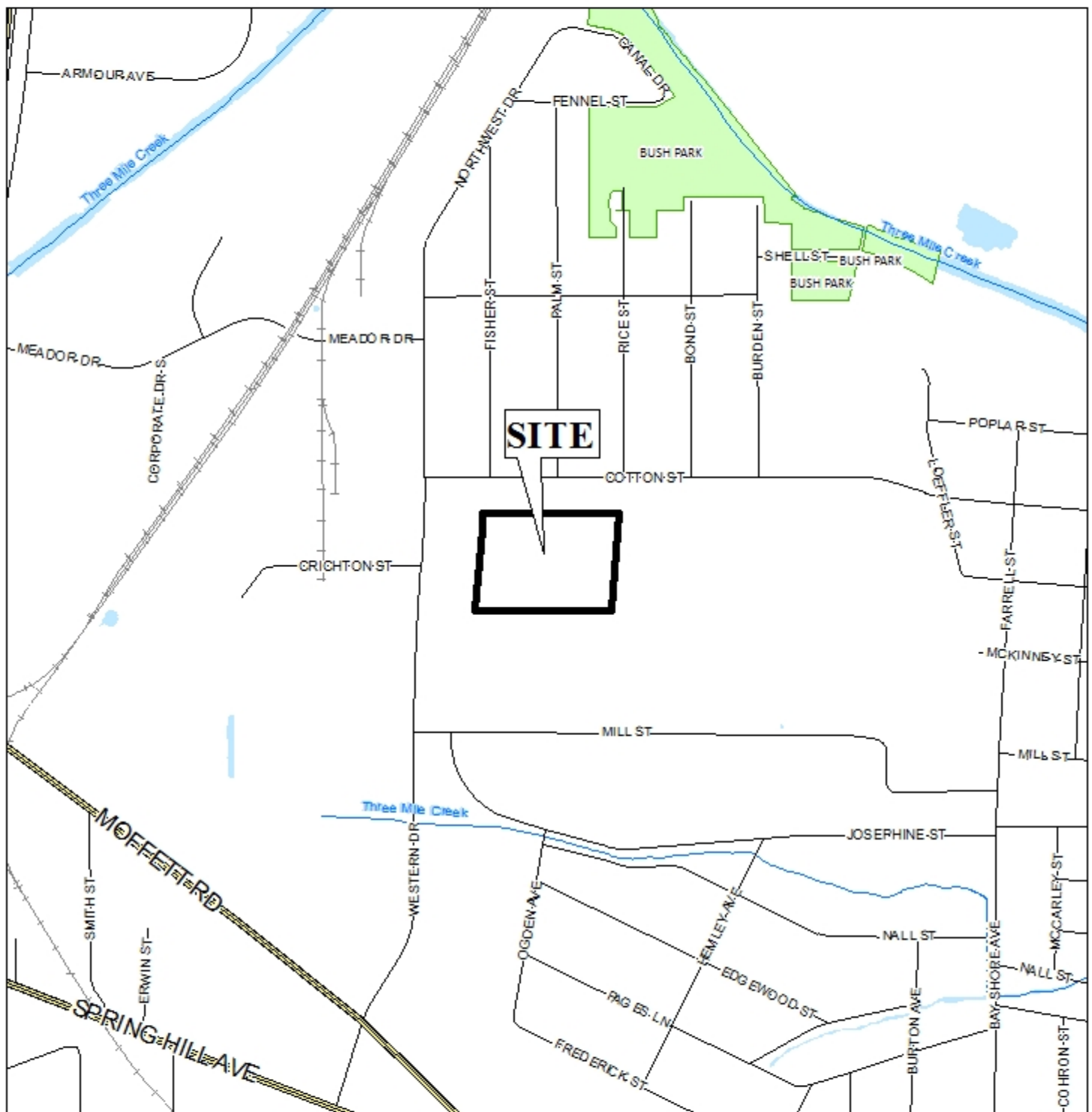
Rezoning Based upon the preceding, the rezoning request from I-1, Light Industry to I-2, Heavy Industry is recommended for denial for the following reasons:

- 1) There does not appear to be any changing conditions in this particular area which would make a change in the Ordinance necessary and desirable, given the close proximity to residentially zoned properties;
- 2) There does not appear to be a need to increase the number of sites available to business or industry; and
- 3) Even with the Voluntary Use Restrictions, 'automotive wrecking, crushing, dismantling or salvage, and the storage of scrap metal' would not be a compatible use for the area.

Planning Approval Based upon the preceding, this application is recommended for denial for the following reason:

- 1) With a denial of the Rezoning request from I-1, Light Industry to I-2, Heavy Industry, the Planning Approval application is no longer valid; and
- 2) Automotive wrecking, crushing, dismantling or salvage, and the storage of scrap metal would not be a compatible use for the area.

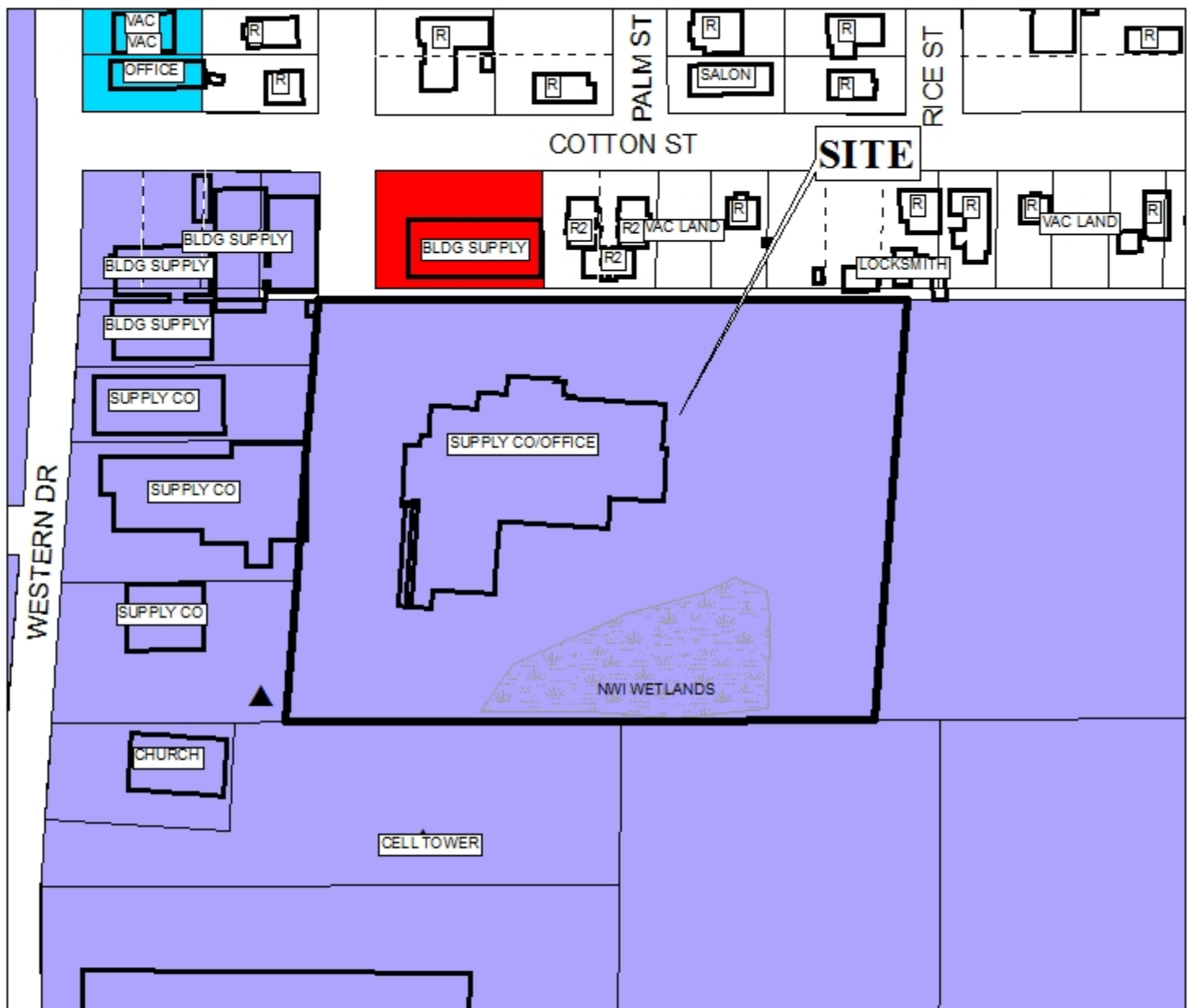
LOCATOR MAP



APPLICATION NUMBER 1 DATE May 7, 2015
APPLICANT J.B. Properties and Investment, LLC Subdivision
REQUEST Subdivision, Planning Approval, Rezoning from I-1 to I-2



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



















The site is surrounded by residential and commercial units.









APPLICATION NUMBER 1 DATE May 7, 2015

APPLICANT J.B. Properties and Investment, LLC Subdivision

REQUEST Subdivision, Planning Approval, Rezoning from I-1 to I-2

 R-A
  R-3
  T-B
  B-2
  B-5
  MUN
  SD-WH
  T5.1

 R-1
  R-B
  B-1
  B-3
  I-1
  OPEN
  T3
  T5.2

 R-2
  H-B
  LB-2
  B-4
  I-2
  SD
  T4
  T6



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING

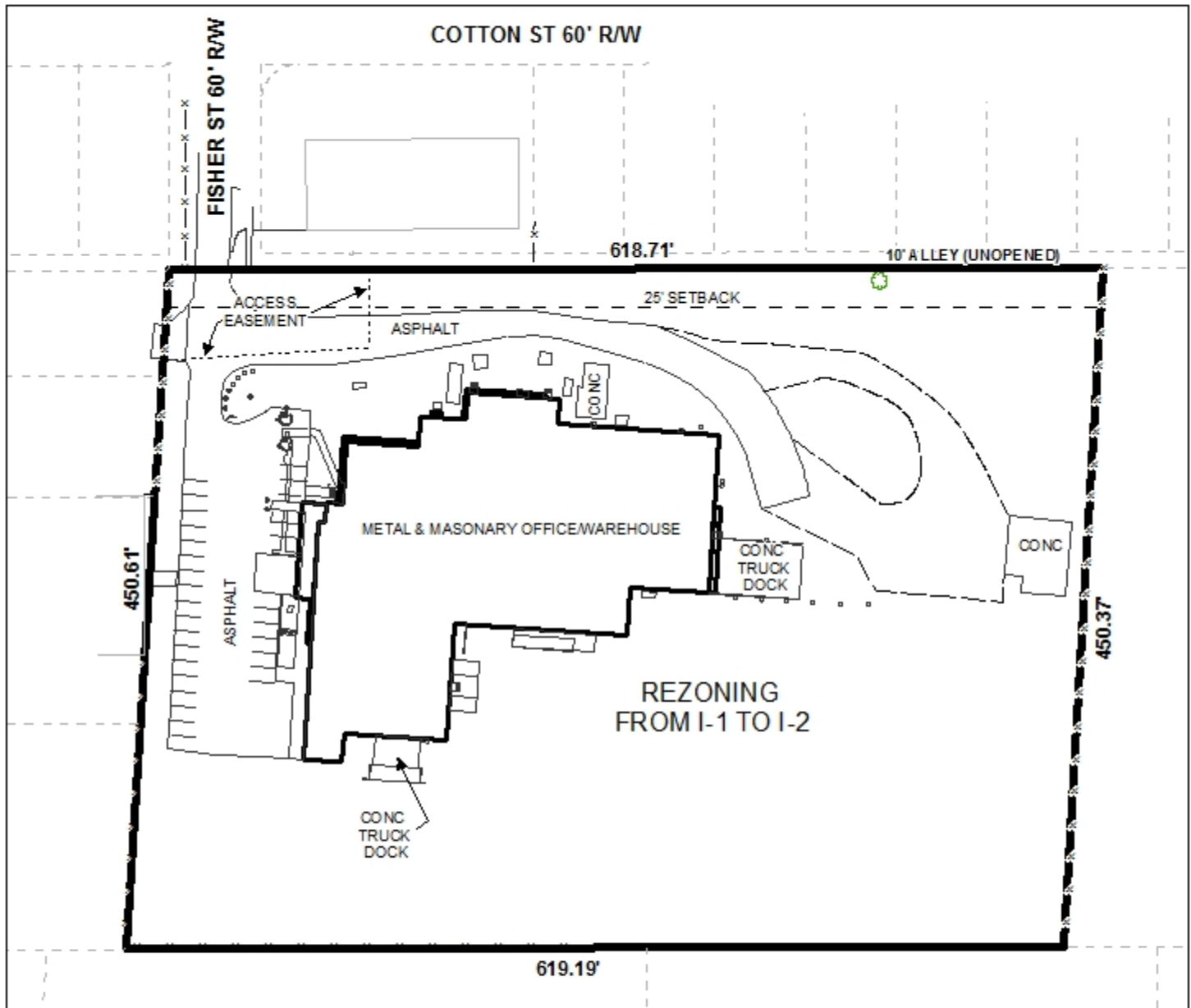


The site is surrounded by residential and commercial units.

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SITE PLAN



The site plan illustrates the existing building, parking, easement, and setback.

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