

**ZONING AMENDMENT  
& SUBDIVISION STAFF REPORT****Date: November 5, 2009****APPLICANT NAME**

Property Solutions Now, LLC

**SUBDIVISION NAME**

Anton Street Subdivision

**LOCATION**2421 Anton Street  
(West side of Anton Street, 3/10± mile North of West I-65  
Service Road North).**CITY COUNCIL  
DISTRICT**

District 1

**PRESENT ZONING**

R-1, Single-Family Residential District

**PROPOSED ZONING**

I-1, Light Industry District

**AREA OF PROPERTY**

1 Lot / 7.8 ± Acres

**CONTEMPLATED USE**

Subdivision approval to create 1 lot, and Zoning approval to rezone the site from R-1, Single-Family Residential District, to I-1, Light Industry District, to allow a trucking company.

**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**

None specifically stated

**TIME SCHEDULE  
FOR DEVELOPMENT**

12-18 months from approvals

**ENGINEERING  
COMMENTS**

Must comply with all storm water and flood control ordinances. Add a note to the plat that detention must be provided and a land disturbance permit will be required for any cumulative increase in impervious area added to the site in excess of 4000 square feet. Wetlands are shown on the City of Mobile GIS database. Need to show the limits of the wetlands on the plat or supply documentation that the wetlands do not exist. Add a note to the plat that any development within the limits of the wetlands is prohibited without the approvals of the City Engineer and the Corps of Engineers. Any work performed in the right of way will require a right of way permit.

**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 must comply with the requirements of the 2003 International Fire Code, including Appendices B through D, as adopted by the City of Mobile, and the 2003 International Existing Building Code, as appropriate. Fire hydrants shall be provided per Section 508.5.1 of the 2003 IFC. Access to building shall be provided per Section 503.1.1 & 503.2.1 of the 2003 IFC.

**REMARKS**

The applicant is requesting Subdivision approval to create one lot from an existing metes and bounds parcel, and Zoning approval to rezone proposed lot from R-1, Single-Family Residential, to I-1, Light Industry District, to allow a trucking company.

The site is large tract, 7.8± acres, and is currently developed with a building that was previously used as a dwelling. The applicant proposes to use the dwelling as an office and to provide ten parking spaces and 42 tractor-trailer parking spaces. It should be noted that the existing dwelling must be brought up to commercial building code standards, and that the site must meet all site development requirements of commercial properties. The requirements include paved access and parking, trash pickup, landscaping, and storm water detention. A sidewalk will also be required along any public right-of-way unless a waiver is approved by the Planning Commission.

The property is bounded to the East by a vacant property in an R-1, single-family residential district; to the South by vacant property in an I-2, Heavy Industry District; to the West, across Anton Street, by vacant property zoned R-1, and I-1, Light Industry, and to the North by property in the City of Prichard, which, according to the Inspection Department of the City of Prichard, is zoned M-1, or industrial.

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 appears to be depicted as industrial and residential 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. The accuracy of recommended land uses on the General Land Use Component map is limited due to the large scale of the map. 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.

The applicant did not specifically state which of the four conditions for rezoning were present at the site. The applicant only stated that the site is in “an area of existing commercial and industrial uses.” The applicant should specifically state whether or not there is 1) 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.

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.

The preliminary plat depicts the proposed one lot, 7.8± acre subdivision. The lot depicted, however, does not encompass the entire tax parcel as shown on the tax assessor’s parcel data. The applicant states in the application that “Mobile GIS indicates there is additional property that should be included with this parcel.” The applicant further states that the property was foreclosed on, and that the applicant only purchased a portion of the property. Further, the applicants are requesting that the remaining portions of the parcel not be included. According to the records of the Probate Court, the applicant’s purchased this property in 2008. If indeed the applicants only purchased a portion of the parcel in 2008, then an illegal subdivision of land occurred, and this must be corrected by the preliminary plat being revised to include all portions of the parent parcel.

Otherwise, the proposed lot appears to meet the minimum size requirements as regulated by Section V.D.2 of the Subdivision Regulations. However, the proposed lot size is not indicated on the plat. The lot size, in square feet, should be depicted on the plat, or a table with same information provided.

The site fronts onto Anton Street, a minor street, not provided with curb and gutter. Section V.B.14 of the Subdivision Regulations requires a right-of-way of 60 feet for minor streets not provided with curb and gutter. Accordingly, dedication sufficient to provide 30 feet from the centerline of Anton Street should be required.

The 25-foot minimum building setback is not depicted for proposed lot, but would be required on the final plat, if approved. The 25-foot setback line should be depicted behind any required dedication.

The City of Mobile environmental viewer indicates the possible presence of NWI wetlands on the site. As such, the area may be environmentally sensitive. The approval of all applicable federal, state and local agencies would be required prior to the issuance of any permits or land disturbance activities.

Finally, 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 is recommended for Holdover until the December 3, 2009, meeting, with revisions due by Friday, November 20, 2009, for the applicant to address the following:

- 1) Address the specific reason for rezoning; and
- 2) Address the discrepancies in the Subdivision Application.

**Subdivision:** The Subdivision request is recommended for Holdover until the December 3, 2009, meeting, with revisions due by Friday, November 20, 2009, for the applicant to address the following:

- 1) Address the discrepancy between the proposed lot and the remaining portions of the parcel by inclusion in this application;
- 2) Depict the dedication sufficient to provide 30 feet from the centerline of Anton Street;
- 3) Depict the 25-foot setback line behind any required dedication;
- 4) Depict the lot size, in square feet, on the plat; and
- 5) Depict compliance with Engineering Comments: *“Must comply with all storm water and flood control ordinances. Add a note to the plat that detention must be provided and a land disturbance permit will be required for any cumulative increase in impervious area added to the site in excess of 4000 square feet. Wetlands are shown on the City of Mobile GIS database. Need to show the limits of the wetlands on the plat or supply documentation that the wetlands do not exist. Add a note to the plat that any development within the limits of the wetlands is prohibited without the approvals of the City Engineer and the Corps of Engineers. Any work performed in the right of way will require a right of way permit.”*

### ***Revised for the December 3, 2009, meeting***

*The applicant submitted a revised plat, foreclosure deed, and a letter explaining the discrepancies noted in the previous report. The revised plat depicts the previously requested changes. The foreclosure deed submitted describes the subject property depicted on the*

*preliminary plat with the exception of the property line dimension along Anton Street. This dimension should be corrected to read 214.50 feet, as noted on the legal description.*

*The remaining portions of the tax parcel appear to have been parceled off as a result of foreclosure proceedings, and, as such, are not required to be a part of this application. The lot appears to meet the minimum standards as required by the subdivision regulations. The lot should be limited to two curb cuts to Anton Street, with the size, design, and exact location of all curb cuts to be approved by Traffic Engineering and conform to AASHTO standards.*

*In regards to the Rezoning request, the applicant states that there are changing conditions in the area due to other properties in the immediate vicinity having been rezoned to Industrial classifications. This request does not seem unreasonable due to the existing industrial zoning in the area.*

### **RECOMMENDATION**

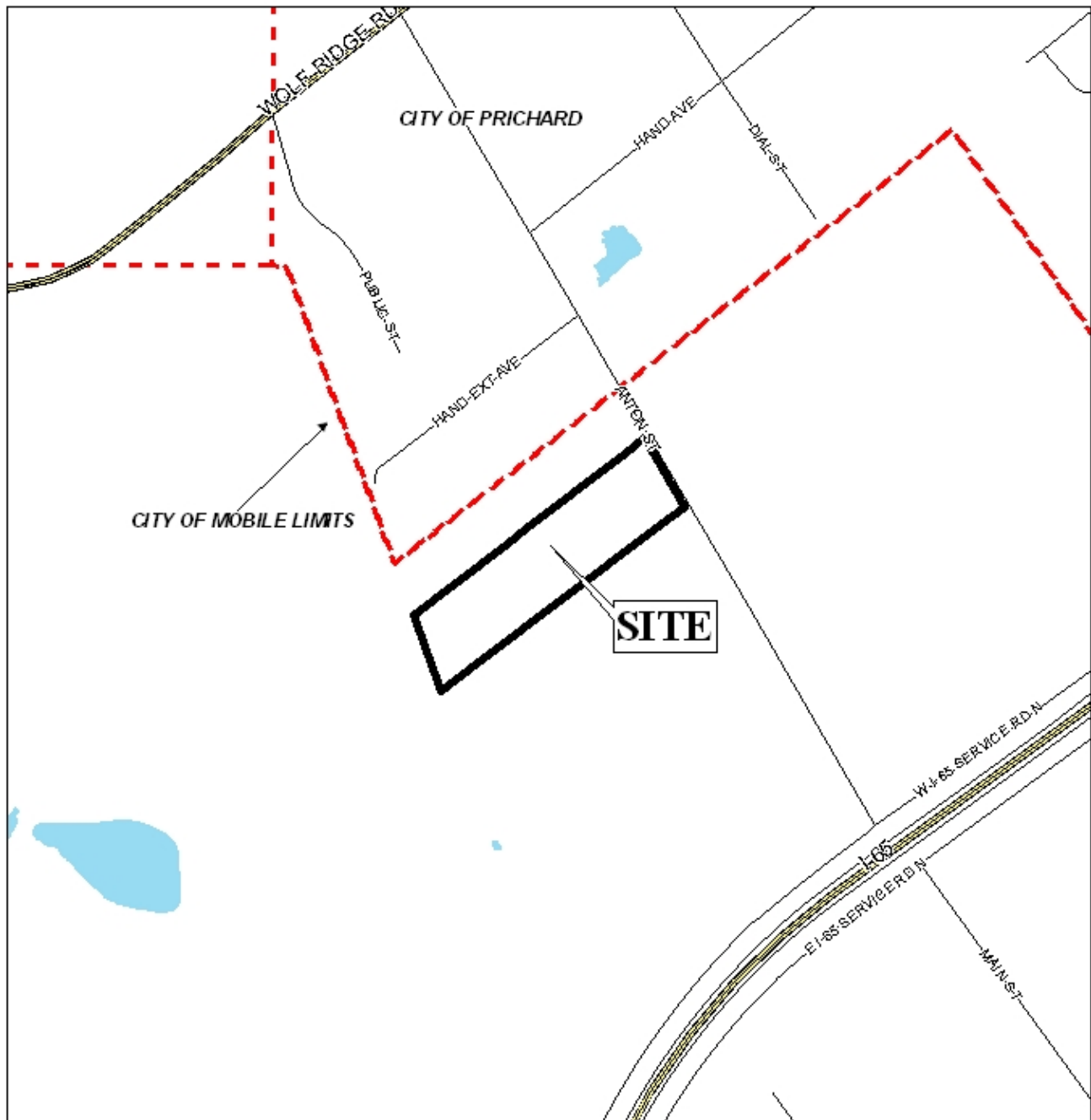
**Rezoning:** *Based upon the preceding, the Rezoning request is recommended for approval subject to the following conditions:*

- 1) Completion of the subdivision process; and*
- 2) Full compliance with all municipal codes and ordinances.*

**Subdivision:** *The Subdivision request is recommended for tentative approval subject to the following conditions:*

- 1) Revision of the plat to correct the property dimension along Anton Street;*
- 2) Retention of all plat notes on the preliminary plat;*
- 3) Provision of a note on the final plat limiting the site to two curb cuts to Anton Street, with the size, design, and exact location of all curb cuts to be approved by Traffic Engineering and conform to AASHTO standards;*
- 4) Depict compliance with Engineering Comments: "Must comply with all storm water and flood control ordinances. Add a note to the plat that detention must be provided and a land disturbance permit will be required for any cumulative increase in impervious area added to the site in excess of 4000 square feet. Wetlands are shown on the City of Mobile GIS database. Need to show the limits of the wetlands on the plat or supply documentation that the wetlands do not exist. Add a note to the plat that any development within the limits of the wetlands is prohibited without the approvals of the City Engineer and the Corps of Engineers. Any work performed in the right of way will require a right of way permit";*
- 5) Provision of a note on the final plat stating that the approval of all applicable federal, state and local agencies would be required prior to the issuance of any permits or land disturbance activities; and*
- 6) Provision 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.*

## LOCATOR MAP



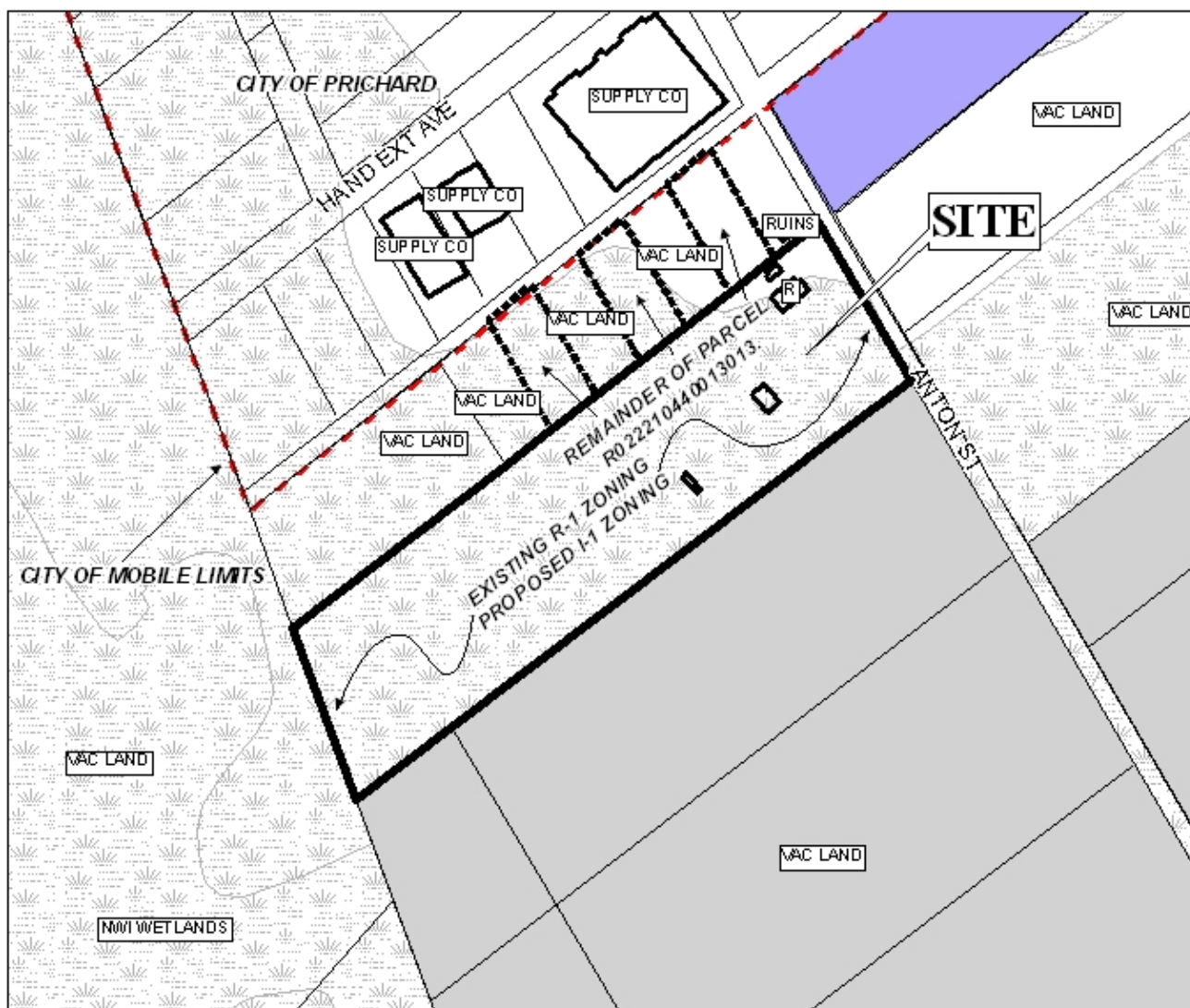
APPLICATION NUMBER 2 & 3 DATE December 3, 2009

APPLICANT Anton Street Subdivision

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



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



This site is surrounded by residential and industrial land use.

APPLICATION NUMBER 2 & 3 DATE December 3, 2009

APPLICANT Anton Street Subdivision

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

LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	T-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2
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## PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



This site is surrounded by vacant land and industrial land use.

APPLICATION NUMBER 2 & 3 DATE December 3, 2009

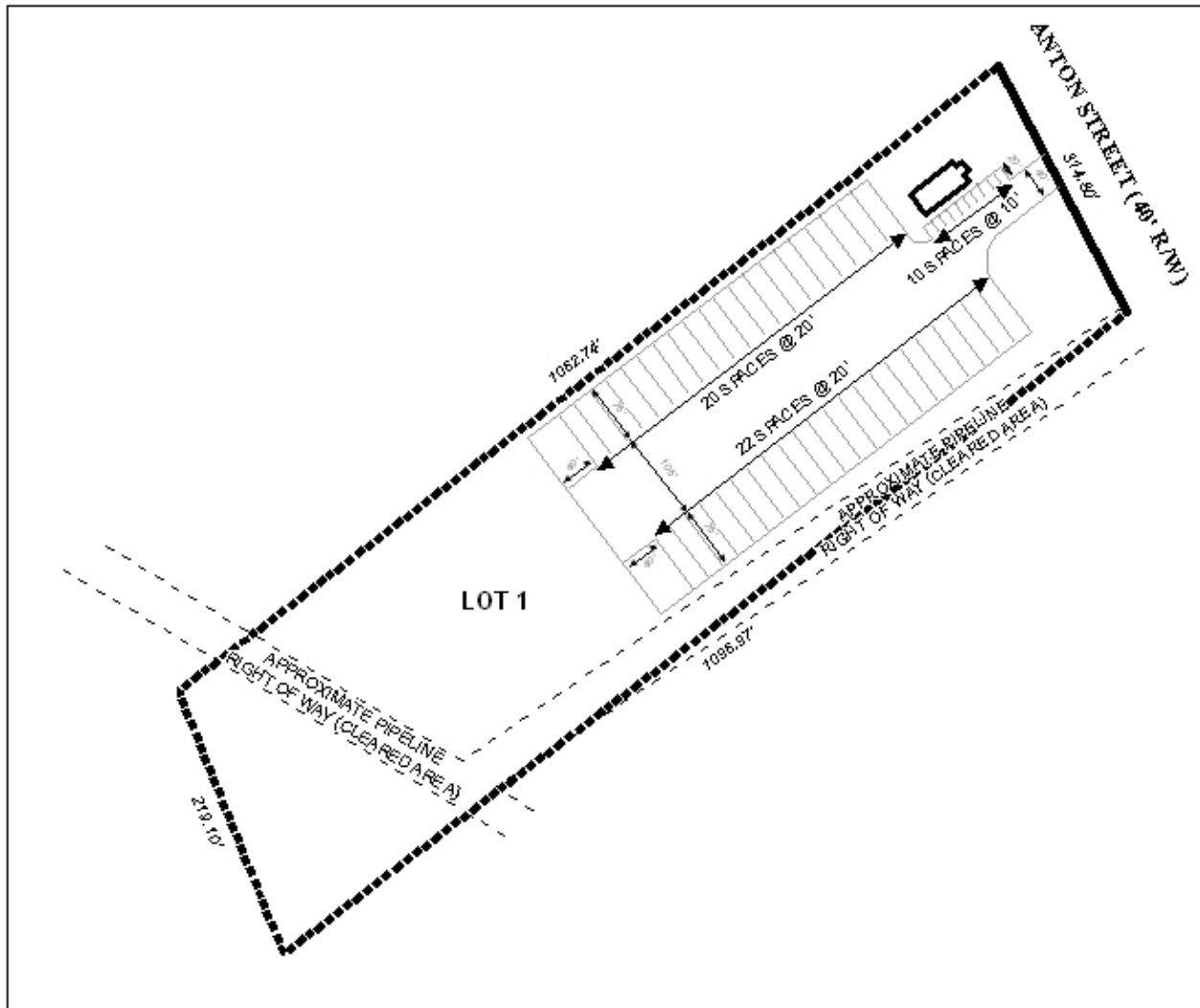
APPLICANT Anton Street Subdivision

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





# SITE PLAN



This site plan illustrates the proposed subdivision and lot improvements.  
The present zoning is R-1 and the proposed zoning is I-1.

APPLICATION NUMBER 2 & 3 DATE December 3, 2009

APPLICANT Anton Street Subdivision

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

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