

**ZONING AMENDMENT
& SUBDIVISION STAFF REPORT****Date: April 4, 2013****APPLICANT NAME**

Daniel Clark, PLS

SUBDIVISION NAME

Cypress Lake Industrial Park Subdivision

LOCATION

East side of Todd Acres Drive, at the East terminus of Kooiman Road and South side of Todd Acres Drive, 500'± West of Commerce Boulevard West.

**CITY COUNCIL
DISTRICT**

District 4

PRESENT ZONINGR-A, Residential-Agricultural District, and
*B-5, Office-Distribution District***PROPOSED ZONING**

I-1, Light-Industry District

AREA OF PROPERTY10 Lots / 72.6 ± Acres
Future Development Area: 284.7 ± Acres***Revised for the May 2 meeting:****8 Lots / 55.2 ± Acres
Future Development Area: 238 ± Acres***CONTEMPLATED USE**

Subdivision approval to create 10 lots, and Zoning approval to rezone the proposed lots from R-A, Residential-Agricultural, to I-1, Light-Industry, to allow a proposed light industry park.

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**

Applicant is requesting rezoning of two existing businesses to be located in a more appropriate zoning district, and to establish an industrial park on undeveloped property fronting Todd Acres Drive.

**TIME SCHEDULE
FOR DEVELOPMENT**

No immediate plans for new development

ENGINEERING**COMMENTS**

The following comments should be addressed prior to review, acceptance and signature by the City Engineer:

- 1) Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes).
- 2) A signature block and signature for the Traffic Engineering Department shall be placed on the Final Plat.
- 3) Add a note to the Plat stating that storm water detention will be required for any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045).
- 4) Add a note to the plat any development or land disturbing activity on a LOT will require a Land Disturbance Permit; and any work within the Kooiman Road or Todd Acres Drive ROW will require a ROW Permit.

TRAFFIC ENGINEERING**COMMENTS**

Each lot is limited to one curb-cut each, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.

Revised for the May 2 meeting: Driveway number, size, location and design to be approved by Traffic Engineering, and conform to AASHTO standards. Lots 3-8 limited to one curb cut each.

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 10 lots, and Zoning approval to rezone the proposed lots from R-A, Residential-Agricultural, to I-1, Light-Industry, to allow a proposed light industry park.. The proposed lots and area to be rezoned compromise 72.6 ± acres, with the remaining 284.7 ± acres of the site to be reserved for future development.

The purpose of this application is to accommodate two existing businesses located in a B-5, Office-Distribution District, by rezoning the sites to I-1, Light-Industry, and to additionally create 8 additional undeveloped lots in an I-1 district to allow new development.

A portion of the parcels included as part of this application were the subject of rezoning (from R-A to I-1) and subdivision (to create 7 lots) applications approved by the Planning Commission at

its January 3, 2013 meeting. Neither the subdivision nor rezoning process has been completed for the approved Crigler Industrial Park Subdivision.

The current Zoning application indicates that the rezoning will be from R-A to I-1, yet the site plan provided with the application and the narrative show that two B-5 properties are also included in the rezoning request to I-1. The applicant should provide a revised application and narrative to accurately describe what is being requested.

The preliminary plat shows the proposed lots and two “future development” areas. The future development areas were also shown on the previously approved Crigler Industrial Park Subdivision, and the acreage of the application at hand should have been subtracted from the future development area: it appears that the acreage calculations are not correct and thus the preliminary plat is erroneous.

With the exception of the two properties at 5551 and 5561 Todd Acres Drive, which are developed, the remainder site is currently vacant, and is bounded to the East by vacant properties in a B-5 Office-Distribution District, an R-A and an R-1, Single Family Residential District. To the South, the site is bounded by vacant properties in an R-A and I-2, Heavy Industrial District, while to the West the site is bounded by vacant and developed properties in an R-A District. To the North the site is bounded by vacant and developed properties in an R-A and B-5 District.

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 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 site was annexed into the City of Mobile as part of the Theodore / Tillman’s Corner annexation in late 2008.

The applicant’s justification for rezoning is that they would like to allow two existing businesses the opportunity to have their sites rezoned to the appropriate district for the existing use, and for the undeveloped property, establish an industrial park on Todd Acres Drive.

As the applicant is subdividing undeveloped land into building sites, the re-classification of land from Residential-Agricultural to another category can be considered. The applicant is also proposing to create legal lots from two existing metes and bounds parcels containing existing businesses. The applicant is requesting I-1, Light Industrial, which is not unusual for this area, as the overall site abuts I-1 property to the South. Other I-1 and I-2 properties within several miles of the site either are not currently legal lots or are somewhat encumbered by floodplains. The sparseness of adjacent residential development and the proximity of a railroad and other semi-industrial developments along Todd Acres and Kooiman Road may give the requested rezoning a basis for approval.

It should be noted, however, that the existing developed properties must be brought into compliance with the requirements of the Zoning Ordinance, including tree and landscaping requirements, as well as the paved parking requirements. As such, land disturbance permits for each of the existing sites will be required, and improvements must be completed in order to comply with any approved rezoning of the site. The undeveloped sites must be developed in compliance with the requirements of the Zoning Ordinance and all other applicable codes and ordinances.

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.

A total of 10 lots are proposed, two of which will be North and East of Kooiman Road, accommodating existing businesses, and eight of which will be located South and East of Kooiman Road, to accommodate future development. While both Todd Acres Drive and Kooiman Road are minor streets with adequate rights-of-way, access management is a concern. The two sites with the existing businesses have 270 feet of road frontage each, and two existing curb-cuts each: the lots, proposed Lots 1 and 2, should be limited to the existing curb-cuts, with any modifications to be approved by Traffic Engineering.

Regarding the new lots for future development, each proposed lot will have between 215 and 300 feet of road frontage along Todd Acres Drive. The approved Crigler Park Subdivision, adjacent to the proposed lots, was limited to one curb-cut each, and such a limitation should be applied to the proposed lots in question. Thus Lots 3 – 10 should be limited to one curb-cut each, with the size, design and location to be approved by Traffic Engineering, and conform to AASHTO standards.

The 25-foot minimum building setback line is not depicted on the preliminary plat. The setback line should be depicted on the final plat, if approved.

It appears that the width to depth ratio recommended in Section V.D.3. of the Subdivision Regulations will be exceeded for proposed Lots 5-10. It appears that the maximum ratio will be 7.2 instead of the recommended 3.5 ratio. The depth to width request does appear to be excessive for several of the proposed lots, and as such, the applicant should consider the provision of a public or private street (with a Planned Unit Development) onto the property to

minimize oddly shaped lots that will make future development or re-subdivision problematic for future property owners. The applicant could also consider a resizing of several of the lots to reduce the ratio to more compliant levels.

Sidewalks are required as part of the Subdivision Regulations. As no application has been made for Sidewalk Waivers, sidewalks will required for all proposed lots (Lots 1-10), or Sidewalk Waiver applications for each lot will be required.

Portions of the future development area appear to contain wetlands or floodplains associated with Rabbit Creek. The presence of wetlands and floodplains indicate that the area may be environmentally sensitive; therefore, the approval of all applicable federal, state and local agencies would be required prior to the issuance of any permits.

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.

As the adjacent Crigler Industrial Park plat has not been recorded, and as a majority of the site at hand is a part of the parcel that also includes Crigler Industrial Park, the applicant should ensure that both the Crigler and Cypress Lake plats correctly label future development areas in acres, and that they also reflect each other in terms of dimensions and platting.

Finally, it appears that much of the undeveloped property on the East side of Todd Acres Drive (both as part of this application, and the previously approved Crigler Industrial Park application) has been cleared without the appropriate land disturbance permits. The applicant should be aware that they are possibly in violation of City codes and ordinances because of the unpermitted clearing and grubbing work.

RECOMMENDATION

Rezoning: Based upon the preceding, the Rezoning request is recommended for Holdover until the May 2, 2013 meeting so that the following revisions can be submitted by April 15th:

- 1) Revision of the rezoning request to correctly identify the existing zoning districts that are included as part of the application;
- 2) Revision of the rezoning narrative to identify the existing zoning for the existing businesses;
- 3) Provision of a statement regarding the clearing and grubbing that has apparently occurred without appropriate permits;
- 4) Revision of the site plan to depict the existing curb-cuts on Lots 1 and 2; and
- 5) Revision of the site plan for the two developed properties to depict full compliance with the paved parking and tree and landscaping requirements of the Zoning Ordinance.

Subdivision: Based upon the preceding, the Subdivision request is recommended for Holdover until the May 2, 2013 meeting so that the following revisions can be submitted by April 15th:

- 1) Revision of the plat to eliminate or minimize lots exceeding the width to depth ratio recommended in Section V.D.3. of the Subdivision Regulations, or revision of the plat to provide a public or private street to serve the larger lots;
- 2) Revision of the plat to correctly identify the acreages for “future development” areas, so that the proposed Cypress Lake plat reflects the approved but not yet recorded Crigler Industrial Park plat;
- 3) Revision of the plat to depict and label the minimum 25-foot front setback line;
- 4) Placement of a note on the final plat/site plan stating that approval of all applicable federal, state and local environmental agencies for wetlands or floodplain issues is required prior to the issuance of any permits or land disturbance activities;
- 5) Placement of a note on the final plat/site plan stating that approval of all applicable Federal, state and local agencies for endangered, threatened or otherwise protected species is required prior to the issuance of any permits or land disturbance activities;
- 6) Placement of a note on the plat stating that Lots 1 and 2 are limited to two existing curb-cuts each, and that Lots 3-10 are limited to one curb-cut each, with the size, design and location of all curb-cuts to be approved by Traffic Engineering, and to conform with AASHTO standards;
- 7) Revision of the plat to reflect Engineering comments (*The following comments should be addressed prior to review, acceptance and signature by the City Engineer: 1) Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes). 2) A signature block and signature for the Traffic Engineering Department shall be placed on the Final Plat. 3) Add a note to the Plat stating that storm water detention will be required for any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045). 4) Add a note to the plat any development or land disturbing activity on a LOT will require a Land Disturbance Permit; and any work within the Kooiman Road or Todd Acres Drive ROW will require a ROW Permit.*); and
- 8) Compliance with Fire 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 May 2, 2013 meeting:

The applicant submitted revised information and drawings to address a majority of the issues of concern identified by staff.

The applicant now proposes only 8 lots for a total of 55.2 acres: approximately 238 acres will be for future development. Two of the proposed lots were removed from the subdivision and rezoning request, and will be submitted with another request at some point in the future.

As revised, the Zoning request reflects that two of the existing properties are B-5, and that the request is to change the zoning to I-1. The site plan depicts that each of the existing properties

can be brought into compliance with the frontage tree and landscaping requirements of the Zoning Ordinance for I-1 sites.

Regarding the revised Subdivision request, the undeveloped lots will either comply or nearly comply with the 3.5 width to depth ratio recommended in Section V.D.3. of the Subdivision Regulations, thus a waiver of this Section would be reasonable.

No statement specifically addressing the unpermitted land disturbance was provided by the applicant for proposed Lots 3-8, however, any future development of the lots will require compliance at that time.

Finally, it appears that the legal descriptions on both the Zoning site plan and the Subdivision plat contain an error. The legal descriptions contain a reference to the West margin of Todd Acres, when in fact it should reference the East margin. The legal descriptions must be revised prior to any request to forward the Zoning information to City Council, and prior to the signing of the final plat.

RECOMMENDATION

Rezoning: Based upon the revised information, the Rezoning request is recommended for Approval, subject to the following conditions:

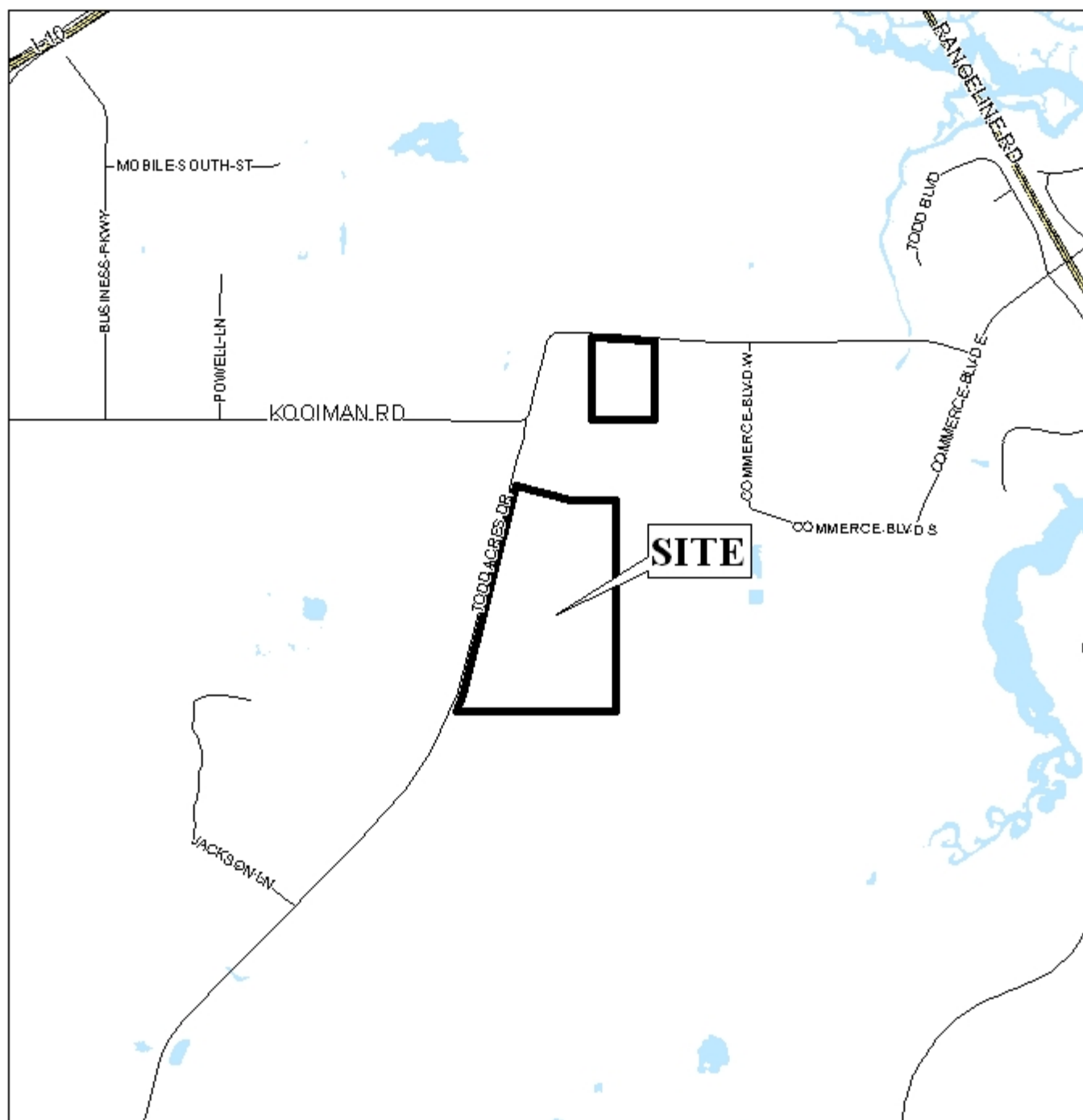
- 1) Completion of the Subdivision process;
- 2) Lots 1 and 2 to be brought into compliance with the tree, landscaping and paved parking requirements of the Zoning Ordinance within six (6) months of City Council approval; and
- 3) Full compliance with all other municipal codes and ordinances.

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

- 1) Revision of the legal description to correctly identify the area within the Subdivision;
- 2) Placement of a note on the final plat stating that Lots 1 and 2 are limited to two (2) curb-cuts each, and that Lots 3-8 are limited to one (1) curb-cut each, with the size, design and location to be approved by Traffic Engineering and to conform to AASHTO standards;
- 3) Compliance with Traffic Engineering comments (*Driveway number, size, location and design to be approved by Traffic Engineering, and conform to AASHTO standards. Lots 3-8 limited to one curb cut each.*);
- 4) Compliance with Engineering comments (*The following comments should be addressed prior to review, acceptance and signature by the City Engineer: 1) Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes). 2) A signature block and signature for the Traffic Engineering Department shall be placed on the Final Plat. 3) Add a note to the Plat stating that storm water detention will be required for any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045). 4) Add a note to the plat any development or land disturbing activity on a LOT will require a Land Disturbance Permit; and any work within the Kooiman Road or Todd Acres Drive ROW will require a ROW Permit.*);

- 5) Compliance with Fire 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.*).
- 6) Retention of the minimum 25-foot front setback line on the final plat;
- 7) Retention of the note on the final plat stating that approval of all applicable federal, state and local environmental agencies for wetlands or floodplain issues is required prior to the issuance of any permits or land disturbance activities;
- 8) Retention of the note on the final plat stating that approval of all applicable Federal, state and local agencies for endangered, threatened or otherwise protected species is required prior to the issuance of any permits or land disturbance activities; and
- 9) Completion of the Subdivision process prior to any request for permits for Lots 3-8.

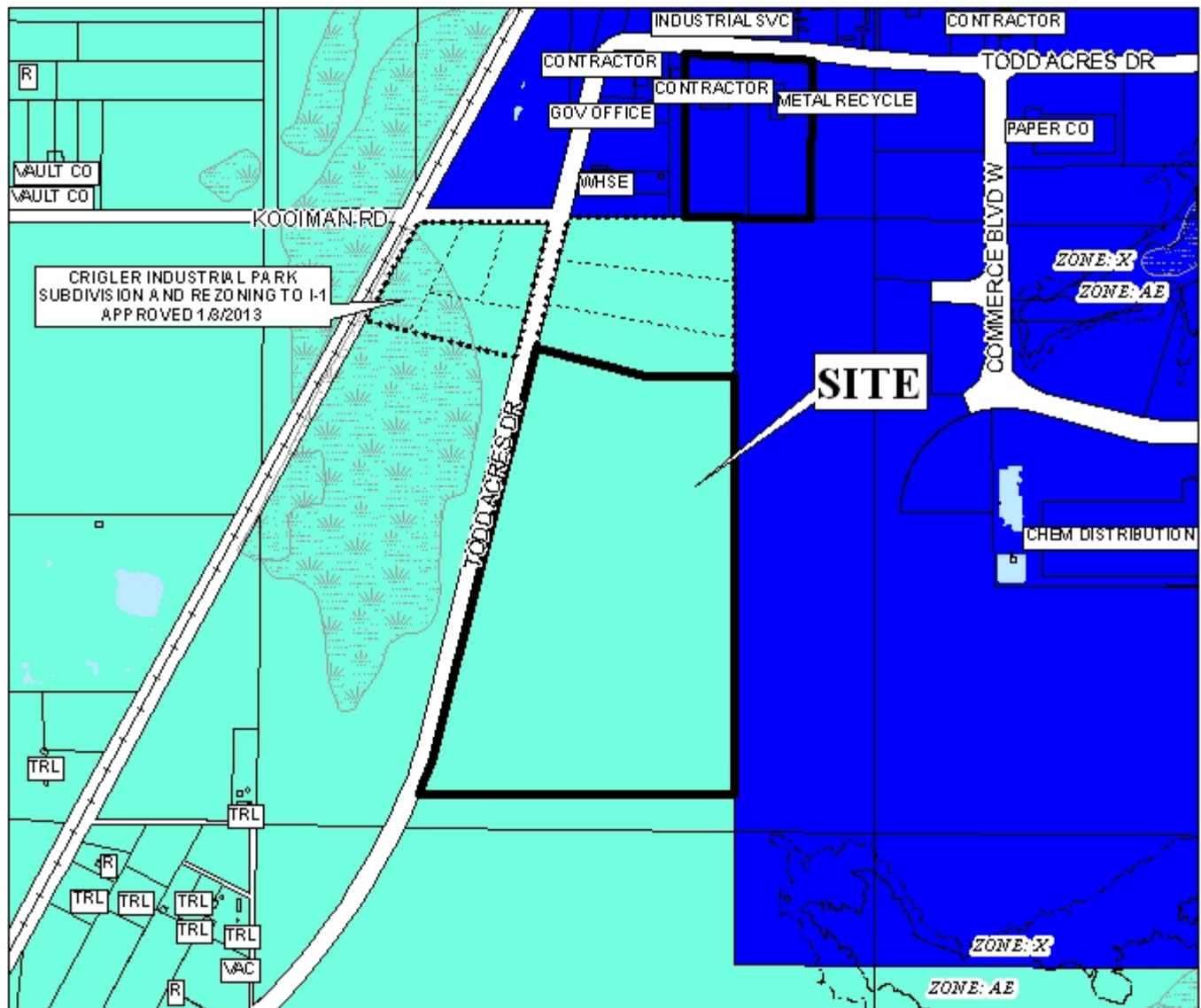
LOCATOR MAP



APPLICATION NUMBER 3 & 4 DATE April 4, 2013
APPLICANT Cypress Lake Industrial Park Subdivision
REQUEST Subdivision, Rezoning from R-A and B-5 to I-1

N
NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Commercial and industrial land use is located to the north and east of the site. Residential land use is located to the west of the site.

APPLICATION NUMBER 3 & 4 DATE May 2, 2013
 APPLICANT Cypress Lake Industrial Park Subdivision
 REQUEST Subdivision, Rezoning from R-A and B-5 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

N

 NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING

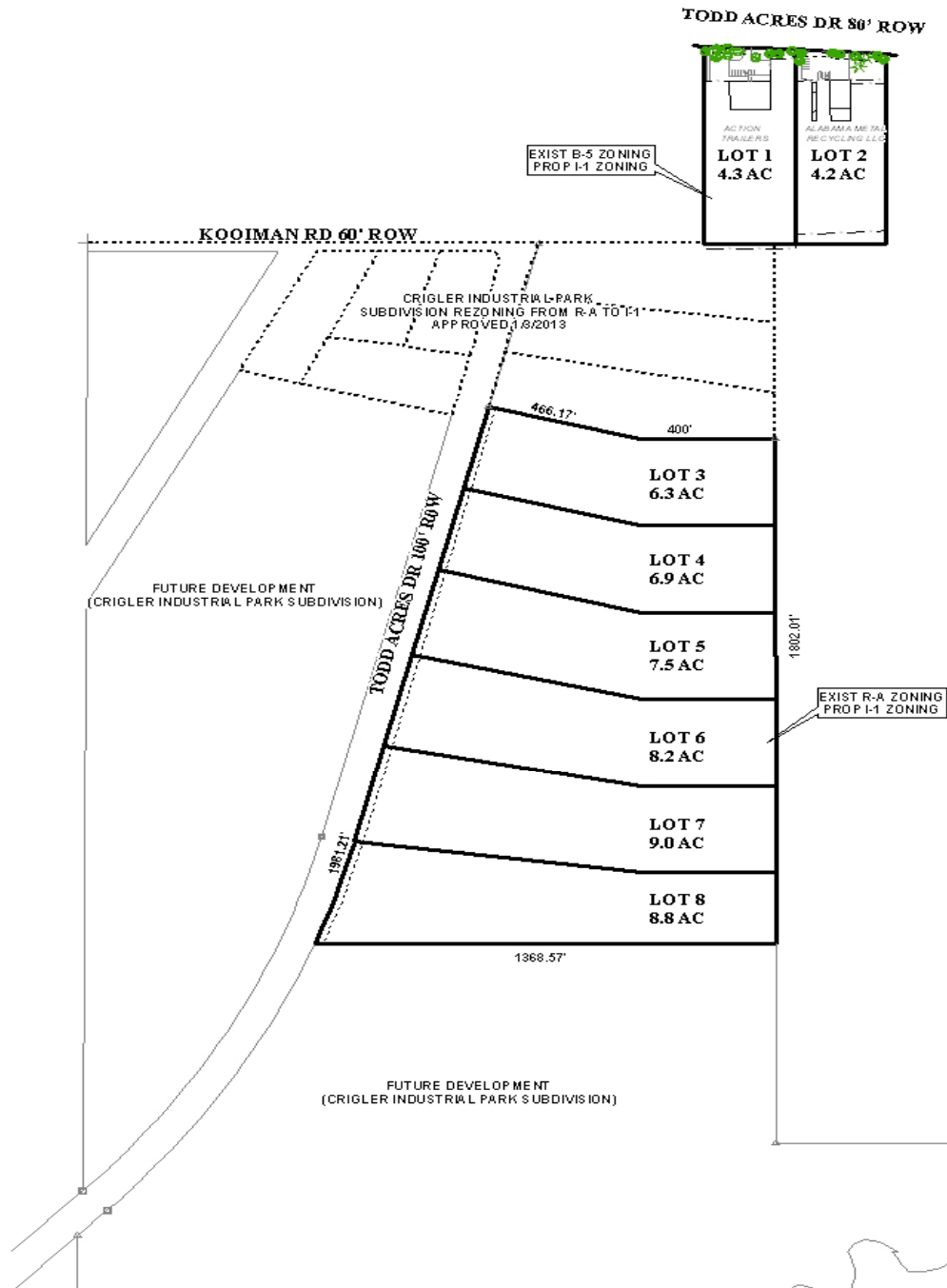


Commercial and industrial land use is located to the north and east of the site. Residential land use is located to the west of the site.

APPLICATION NUMBER 3 & 4 DATE May 2, 2013
APPLICANT Cypress Lake Industrial Park Subdivision
REQUEST Subdivision, Rezoning from R-A and B-5 to I-1

N
NTS

SITE PLAN



The site plan illustrates the proposed subdivision and zoning.

APPLICATION NUMBER 3 & 4 DATE May 2, 2013

APPLICANT Cypress Lake Industrial Park Subdivision

REQUEST Subdivision, Rezoning from R-A and B-5 to I-1



NTS