



Agenda Item # 3 - HOLDOVER

SUB-002846-2024 & ZON-UDC-002848-2024

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

[Applicant Materials for Consideration – Subdivision](#)

[Applicant Materials for Consideration – Rezoning](#)

DETAILS

Location:

5632 & 5572 Commerce Boulevard West

Subdivision Name:

The Mobile Commerce Park Subdivision, Phase 1,
Resubdivision of Lots 16 & 17

Applicant / Agent:

Kari Givens, Byrd Surveying, Inc. & Ritesh Gupta,
Pinnacle, LLC / Eric J. Adams, Clark, Geer, Latham &
Associates

Property Owner:

Ritesh Gupta, Pinnacle, LLC

Current Zoning:

B-5, Office Distribution District

Proposed Zoning:

I-2, Heavy Industry District

Future Land Use:

Light Industry

Applicable Codes, Policies, and Plans:

- Unified Development Code
- Subdivision Regulations
- Map for Mobile Comprehensive Plan

Proposal:

- Subdivision approval to create one (1) legal lot of record from two (2) existing legal lots of record;
- Rezoning from B-5 and I-2 to I-2
- Any use permitted in the proposed district would be allowed at this location if the zoning is approved. The Planning Commission may consider other zoning districts than the proposed sought by the applicant for this property.

Commission Considerations:

1. Subdivision proposal with nine (9) conditions; and
2. Rezoning with two (2) conditions.


Report Contents:

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PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL



The site is surrounded by industrial and commercial units.

| | |
|---|--|
| APPLICATION NUMBER <u> 3 </u> DATE <u> April 18, 2024 </u> |  NTS |
| APPLICANT <u> The Mobile Commerce Park Subdivision, Phase 1, Resubdivision of Lots 16 & 17 </u> | |
| REQUEST <u> Subdivision, Rezoning from B-5 and I-2 to I-2 </u> | |

HOLDOVER COMMENTS

This application was heldover from the Planning Commission's March 21st meeting at the applicant's request. No changes have been made to the initial request, and staff has not received any additional information.

HOLDOVER SUBDIVISION CONSIDERATIONS

Standards of Review:

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.

Considerations:

If the Planning Commission considers approving the Subdivision request, the following conditions could apply:

1. Provision of the lot size labels in both square feet and acres, or the furnishing of a table on the Final Plat providing the same information;
2. Retention of the right-of-way width on the Final Plat;
3. Revision of the Final Plat to illustrate a 25-foot minimum building setback line along all frontages;
4. Placement of a note on the Final Plat stating that no structures are allowed in any easement without permission of the easement holder;
5. Completion of the Rezoning process from B-5 to I-2 for proposed Lot A prior to signing the Final Plat;
6. Compliance with all Engineering comments noted in this staff report;
7. Placement of a note on the Final Plat stating all Traffic Engineering comments noted in this staff report;
8. Compliance with all Urban Forestry comments noted in this staff report; and,
9. Compliance with all Fire Department comments noted in this staff report.

HOLDOVER REZONING CONSIDERATIONS

Standards of Review:

The Unified Development Code (UDC) in 64-5-5.E. states that Rezoning is intended to carry out the objective of a sound, stable and desirable development and that casual change or amendment would be detrimental to the achievement of that objective.

The UDC goes on to say that zoning changes should be consistent with the Comprehensive Plan. However, the Comprehensive Plan and Future Land Use Plan (FLUP) and Map (FLUM) are meant to serve as a general guide, not a detailed lot and district plan; they are not a legal mandate for development. The FLUP and FLUM allow the Planning Commission and City Council to consider individual cases based on several factors including: surrounding development, classification requested, timing of the request, and the appropriateness and compatibility of the proposed use with the zoning classification.

The UDC states that an application for rezoning shall include a statement of the justification for the proposed amendment that addresses all of the following:

- A. Consistency. Whether the proposed amendment is consistent with the Comprehensive Plan;
- B. Mistake. For a Rezoning, whether there was a mistake or error in the original zoning map; and
- C. Compatibility. Whether the proposed amendment is compatible with:
 - The current development trends, if any, in the vicinity of the subject property;
 - Surrounding land uses;
 - Would adversely impact neighboring properties; or
 - Cause a loss in property values.
- D. Health, Safety and General Welfare. Whether the proposed amendment promotes the community’s public health, safety, and general welfare;
- E. Capacity. Whether the infrastructure is in place to accommodate the proposed amendment; and
- F. Change. Whether changed or changing conditions in a particular area make an amendment necessary and desirable.
- G. Benefits Consideration. In addition, consideration should also be given to the City’s and the larger community’s best interests and the need, benefit, or public purpose of the proposed request.

The applicant’s responses to address the above criteria are available in the link on page one (1).

Considerations:

If the Planning Commission considers a recommendation of approval of the request to the City Council to Rezone the site to I-2, the following conditions could apply:

1. Compliance with all Engineering, Traffic Engineering, Urban Forestry, and Fire Department comments noted in this staff report; and,
2. Full compliance with all municipal codes and ordinances.

SITE HISTORY

Since being annexed into the City of Mobile in 2008, the site was rezoned in 2009 by the City Council from R-1, Single-Family Residential District, to B-5, Office Distribution District. The southern half of proposed Lot A, formerly known as Lot 16 of Todd Acres Industrial Park Subdivision, was rezoned a second time in 2022 by the City Council from B-5 to I-2.

Prior to annexation, the subject site went before the Planning Commission in 1990 for Subdivision approval as part of Mobile Commerce Park Phase 1, which was subsequently recorded in Mobile County Probate Court.

There have been no other Planning Commission or Board of Zoning Adjustment cases associated with the site.

STAFF COMMENTS

Engineering Comments:

Subdivision (SUB-002846-2024)

FINAL PLAT COMMENTS (should be addressed prior to submitting the FINAL PLAT for review):

- A. Provide all of the required information on the SUBDIVISION PLAT (i.e. signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings and distances) that is required by the current Alabama State Board of Licensure for Professional Engineers and Land Surveyors.
- B. Label the 10' DRAINAGE AND UTILITY EASEMENT along the west property line as "10' DRAINAGE (PRIVATE) AND UTILITY EASEMENT".
- C. Revise note #2 from "... (FLIGHT 25 - #79)..." to "... (FLIGHT 23 - #93)...".
- D. Revise the NOTARY PUBLIC signature block date from 2023 to 2024.
- E. Email a pdf copy of the FINAL SUBDIVISION PLAT and LETTER OF DECISION to the Permitting Engineering Dept. for review at land.disturbance@cityofmobile.org prior to obtaining any signatures. No signatures are required on the drawing.

Rezoning (ZON-UDC-002848-2024)

1. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Permitting Department (251-208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII).
2. A Land Disturbance Permit application shall be submitted for any proposed land disturbing activity with the property. A complete set of construction plans including, but not limited to, drainage, utilities, grading, storm water detention systems and paving will need to be included with the Land Disturbance permit. This Permit must be submitted, approved, and issued prior to beginning any of the construction work.
3. Any and all proposed land disturbing activity within the property will need to be submitted for review and 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.
4. Any existing or proposed detention facility shall be maintained as it was constructed and approved. The Land Disturbance Permit application for any proposed construction includes a requirement of a Maintenance and Inspection Plan (signed and notarized by the Owner) for the detention facility. This Plan shall run with the land and be recorded in the County Probate Office prior to the Engineering Department issuing their approval for a Final Certificate of Occupancy.
5. 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. The Owner/Developer is responsible for acquiring all of the necessary permits and approvals.
6. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

Traffic Engineering Comments:

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Any required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Article 3, Section 64-3-12 of the City's Unified Development Code.

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:

Subdivision

The purpose of this subdivision request is to create one (1) legal lot of record from two (2) existing lots of record. The subject site is served by public water and sanitary services.

The site is a corner lot with frontage along Commerce Boulevard West, a minor street with curb and gutter typically requiring a 50-foot right-of-way; however, the Preliminary Plat illustrates a 100-foot right-of-way, and is consistent with plats previously recorded for Mobile Commerce Park Subdivision Phases I and II. As such, if approved, no additional dedication should be required.

The Preliminary Plat does not illustrate front yard setbacks as required by Section 6.C.8. of the Subdivision Regulations. As such, if approved the Final Plat should be revised to illustrate a 25-foot front yard setback along all frontages, in compliance with Article 2, Sections 4-2-16.E and 64-2-22.E of the UDC for lots in the B-5 and I-2 districts, respectively.

The proposed lot exceeds the minimum size requirement for lots served by public water and sanitary sewer in B-5 and I-2 zoned districts. However, the lot area is not labeled with its size in both square feet or acres. If approved, the lot size should be provided on the Final Plat in both square feet and acres, or a table should be furnished on the Final Plat providing the same information.

The Preliminary Plat illustrates multiple easements on the site, which should be retained on the Final Plat, if approved. Additionally, if approved, a note should be included on the Final Plat stating that no structure may be constructed or placed within any easement without the permission of the easement holder.

Lot 17, Mobile Commerce Park Phase 1 is currently zoned B-5, Office Distribution District, and the adjacent Lot 16, Mobile Commerce Park Phase 1 is currently zoned I-2, Heavy Industry District. As proposed, Lot A would combine the two properties; therefore, the proposed rezoning from B-5 to I-2 for proposed Lot A should be completed to eliminate split zoning before the Final Plat can be signed.

Rezoning

A detailed description of the proposed request is available via the link on Page 1 of this report. In summary, the applicant is requesting to rezone the subject site from B-5, Office Distribution District, and I-2, Heavy Industry District, to I-2, Heavy Industry District. A proposed use was not provided.

As mentioned, the site was annexed into Mobile City limits in 2008. Upon annexation, the property was given a B-5, Office Distribution District zoning designation. The southern portion of the proposed Lot A, formerly known as

Lot 16 of Todd Acres Industrial Park Subdivision, was later rezoned in 2022 by the City Council from B-5 to I-2. The subject site is currently undeveloped.

A split-zoned situation would occur if the proposed Subdivision is approved. In order to eliminate split zoning, the applicant proposes to rezone the proposed Lot A from B-5 and I-2 to I-2. In this instance, the subdivision of land may make reclassification necessary and desirable to eliminate split zoning. If approved, the Rezoning process should be completed prior to signing the Final Plat for the proposed subdivision.

The site is within a predominantly commercial and heavy industrial area, with numerous warehousing and distribution facilities in close proximity. This area has been given a Light Industry future land use designation, which indicates a limited amount of commercial development should be supported. The applicant has not proposed a use which would necessitate the I-2 zoning district.

A site plan was not provided to staff, however, if rezoning of the site is approved it should be noted that all future development will require full compliance with the Unified Development Code (UDC). Any signage placed on the property will also need to meet the requirements of the UDC, and be permitted separately through the Planning and Zoning Department.

SUBDIVISION CONSIDERATIONS

Standards of Review:

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Considerations:

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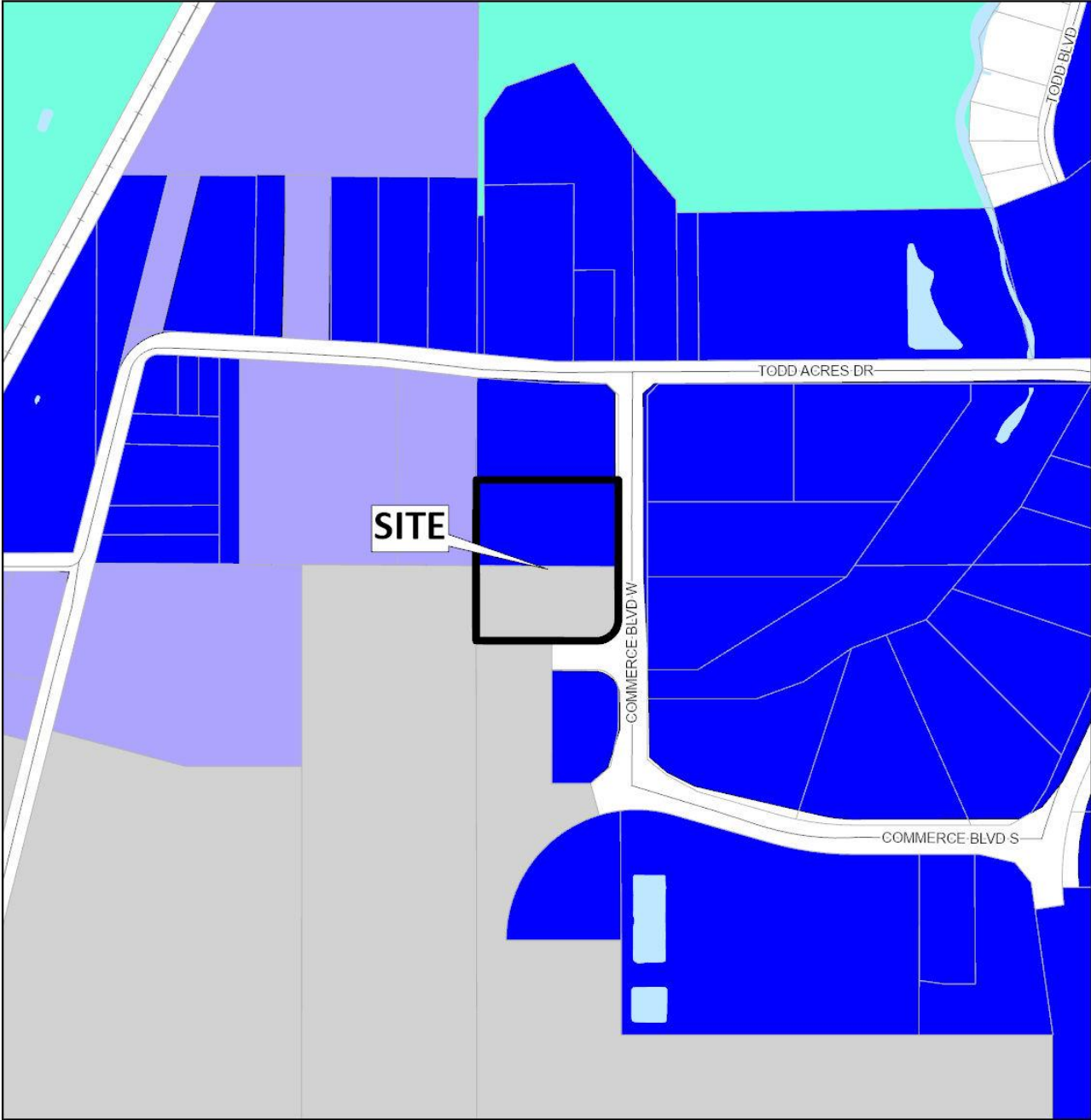
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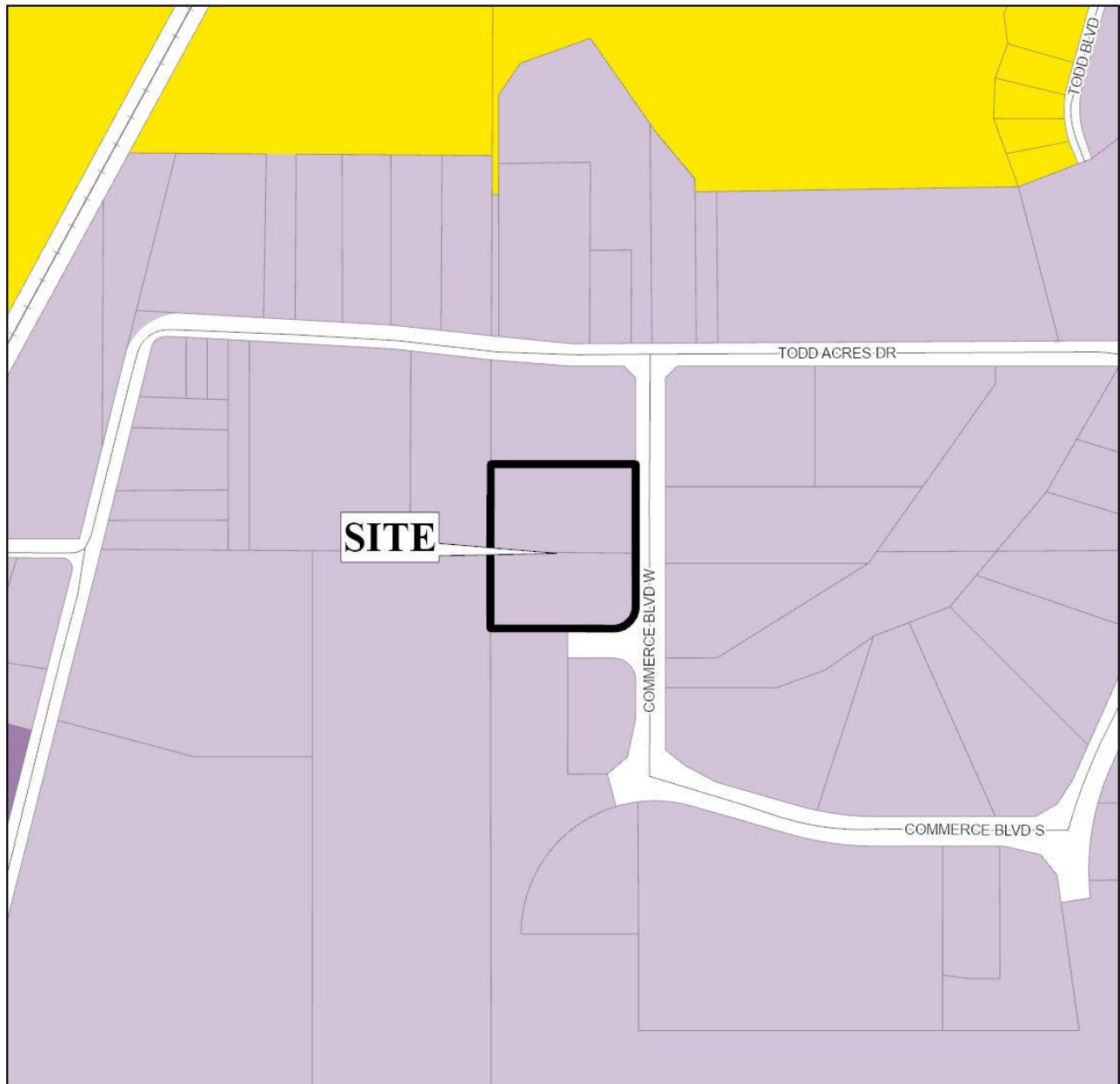
LOCATOR ZONING MAP



| | |
|--|---------------------------------|
| APPLICATION NUMBER _____ 3 _____ | DATE _____ April 18, 2024 _____ |
| APPLICANT _____ The Mobile Commerce Park Subdivision, Phase 1, Resubdivision of Lots 16 & 17 _____ | |
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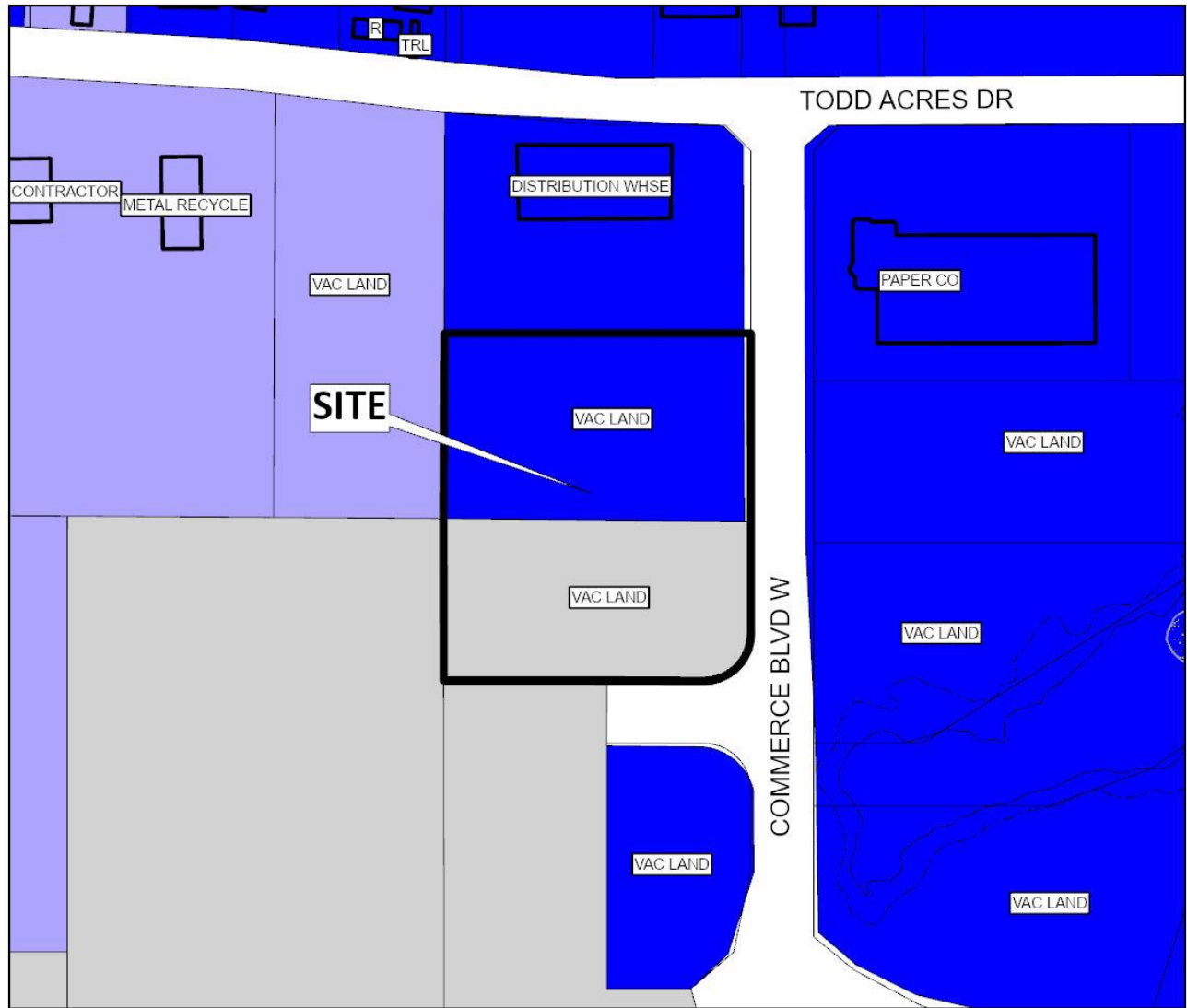


FLUM LOCATOR MAP



| | | | | | | | | | | | | | | | | | |
|--|---|--|---|---|--|---|--|--|---|--|--|--|--|---|---|---|--|
| APPLICATION NUMBER <u> 3 </u> DATE <u> April 18, 2024 </u> |  | | | | | | | | | | | | | | | | |
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| <table style="width: 100%; font-size: small;"> <tr> <td> Low Density Residential</td> <td> Neighborhood Center - Traditional</td> <td> Downtown Waterfront</td> <td> Parks & Open Space</td> </tr> <tr> <td> Mixed Density Residential</td> <td> Neighborhood Center - Suburban</td> <td> Light Industry</td> <td> Water Dependent</td> </tr> <tr> <td> Downtown</td> <td> Traditional Corridor</td> <td> Heavy Industry</td> <td></td> </tr> <tr> <td> District Center</td> <td> Mixed Commercial Corridor</td> <td> Institutional</td> <td></td> </tr> </table> | | Low Density Residential | Neighborhood Center - Traditional | Downtown Waterfront | Parks & Open Space | Mixed Density Residential | Neighborhood Center - Suburban | Light Industry | Water Dependent | Downtown | Traditional Corridor | Heavy Industry | | District Center | Mixed Commercial Corridor | Institutional | |
| Low Density Residential | Neighborhood Center - Traditional | Downtown Waterfront | Parks & Open Space | | | | | | | | | | | | | | |
| Mixed Density Residential | Neighborhood Center - Suburban | Light Industry | Water Dependent | | | | | | | | | | | | | | |
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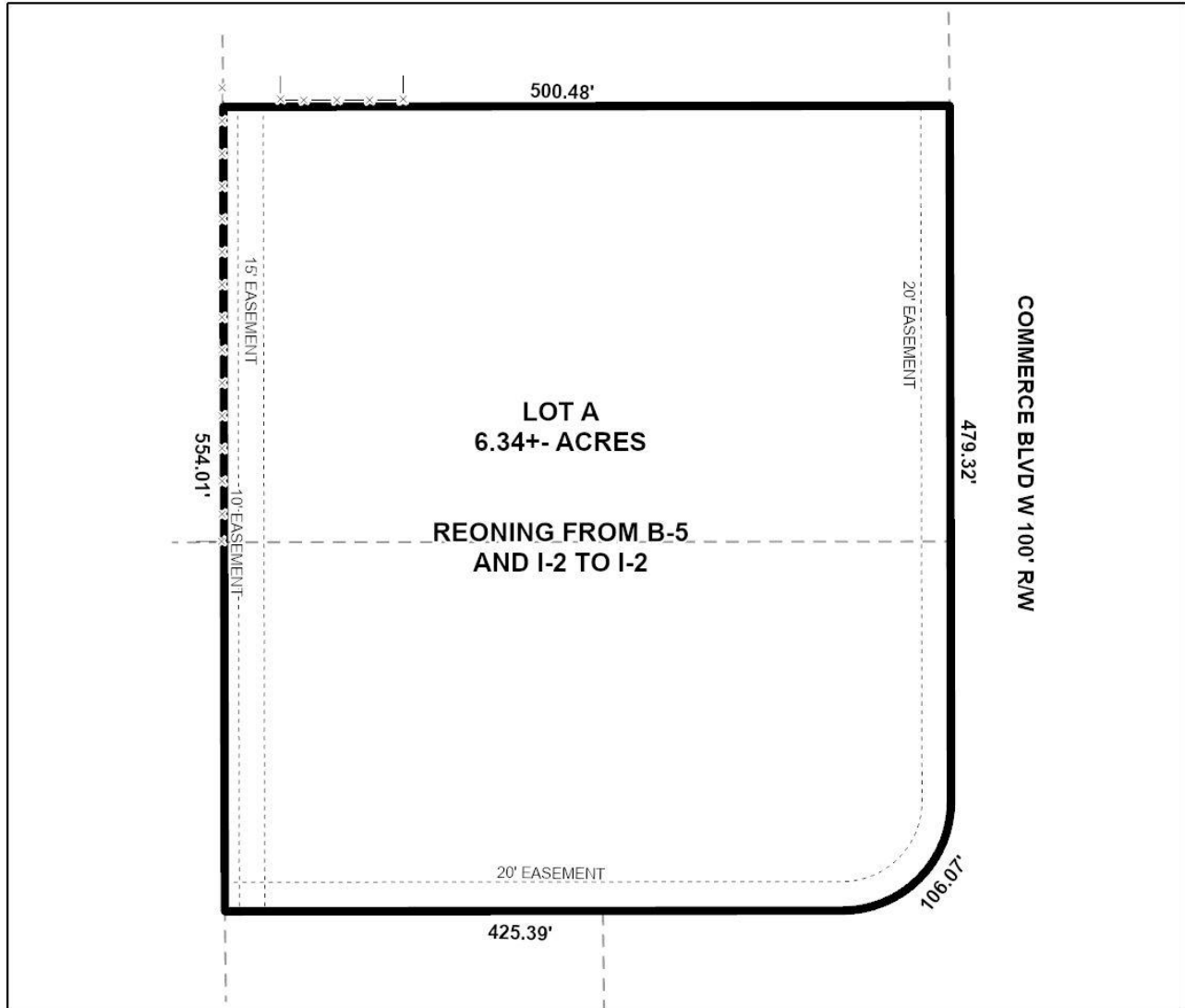
PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by industrial and commercial units.

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|-----|------|-----|-----|-----|-----|-------|-------|-------|-----|-------|-----|-----|-----|-----|----|----|----|----|-----|-----|-----|-----|------|-----|----|-----|-----|-------|-------|--|
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| <table style="width: 100%; font-size: small;"> <tr> <td style="width: 12.5%;">R-A</td> <td style="width: 12.5%;">R-3</td> <td style="width: 12.5%;">B-1</td> <td style="width: 12.5%;">B-2</td> <td style="width: 12.5%;">B-5</td> <td style="width: 12.5%;">ML</td> <td style="width: 12.5%;">I-2</td> <td style="width: 12.5%;">OPEN</td> <td style="width: 12.5%;">T-3</td> <td style="width: 12.5%;">T-5.2</td> </tr> <tr> <td>R-1</td> <td>R-B</td> <td>T-B</td> <td>B-3</td> <td>CW</td> <td>MH</td> <td>PD</td> <td>SD</td> <td>T-4</td> <td>T-6</td> </tr> <tr> <td>R-2</td> <td>H-B</td> <td>LB-2</td> <td>B-4</td> <td>MM</td> <td>I-1</td> <td>MUN</td> <td>SD-WH</td> <td>T-5.1</td> <td></td> </tr> </table> | | R-A | R-3 | B-1 | B-2 | B-5 | ML | I-2 | OPEN | T-3 | T-5.2 | R-1 | R-B | T-B | B-3 | CW | MH | PD | SD | T-4 | T-6 | R-2 | H-B | LB-2 | B-4 | MM | I-1 | MUN | SD-WH | T-5.1 | |
| R-A | R-3 | B-1 | B-2 | B-5 | ML | I-2 | OPEN | T-3 | T-5.2 | | | | | | | | | | | | | | | | | | | | | | |
| R-1 | R-B | T-B | B-3 | CW | MH | PD | SD | T-4 | T-6 | | | | | | | | | | | | | | | | | | | | | | |
| R-2 | H-B | LB-2 | B-4 | MM | I-1 | MUN | SD-WH | T-5.1 | | | | | | | | | | | | | | | | | | | | | | | |

SITE PLAN



The site plan illustrates

| | |
|---|------------------|
| APPLICATION NUMBER <u> 3 </u> DATE <u> April 18, 2024 </u> | N NTS |
| APPLICANT <u> The Mobile Commerce Park Subdivision, Phase 1, Resubdivision of Lots 16 & 17 </u> | |
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| ZONING DISTRICT CORRESPONDENCE MATRIX | | | LOW DENSITY RESIDENTIAL (LDR) | MIXED DENSITY RESIDENTIAL (MIXDR) | 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) | INSTITUTIONAL LAND USE (INS) | PARKS & OPEN SPACE (POS) | DOWNTOWN WATERFRONT (DW) | WATER DEPENDENT USES (WDWRU) |
|---------------------------------------|-------|---|-------------------------------|-----------------------------------|---------------|----------------------|--|---------------------------------------|---------------------------|---------------------------------|-----------------------|---------------------|------------------------------|--------------------------|--------------------------|------------------------------|
| RESIDENTIAL - AG | R-A | | | | | | | | | | | | | | | |
| ONE-FAMILY RESIDENCE | R-1 | ■ | | | | | ■ | | ■ | | | | | □ | | |
| TWO-FAMILY RESIDENCE | R-2 | ■ | | | | | ■ | | ■ | | | | | □ | ○ | |
| MULTIPLE-FAMILY | R-3 | ○ | ■ | | | | ■ | ■ | | | | | | □ | ○ | |
| RESIDENTIAL-BUSINESS | R-B | | ○ | | | | ■ | | ■ | | | | | □ | ○ | |
| TRANSITIONAL-BUSINESS | T-B | | ○ | | ■ | | ■ | ■ | ■ | | | | | □ | | |
| 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 | | | | | | | | | | ○ | ○ | | □ | | |
| DOWNTOWN DEV. DD | SD | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | | ○ | ○ | | □ | | |
| BUFFER BUSINESS | B-1 | | □ | | | | □ | ■ | ■ | ■ | | | | □ | ○ | |
| NEIGH. BUSINESS | B-2 | | ○ | | | | □ | ■ | ■ | ■ | | | | □ | ○ | |
| LIMITED BUSINESS | LB-2 | | ○ | | | | □ | ■ | ■ | ■ | | | | □ | ○ | |
| COMMUNITY BUSINESS | B-3 | | | | ■ | | | | | ■ | | | ○ | □ | ○ | |
| GEN. BUSINESS | B-4 | | | ■ | | | | | | ■ | | | ○ | □ | ○ | |
| OFFICE-DISTRIBUTION | B-5 | | | | | | | | | ■ | ■ | | | □ | □ | |
| LIGHT INDUSTRY | I-1 | | | | | | | | | | ■ | | | □ | □ | □ |
| HEAVY INDUSTRY | I-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 advance 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 park-like 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.