



## Agenda Item # 3

### SUB-002612-2023 & ZON-UDC-002620-2023

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:

6137 Todd Acres Drive

### Subdivision Name:

Todd Acres Industrial Park Subdivision, Resubdivision of Lots 1 and 4

### Applicant / Agent:

A. Patrick Dungan, Adams and Reese LLP

### Property Owner:

Jerry Lathan and Terry Lathan, and Industrial Park Board of Mobile

### Current Zoning:

B-5, Office Distribution, and I-2, Heavy Industry

### Proposed Zoning:

B-5, Office Distribution

### Future Land Use:

Light Industry and Heavy Industry

### Proposal:

- Subdivision approval to create two (2) legal lots of record.
- Rezoning from B-5 and I-2 to B-5
  - 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 eleven (11) conditions; and
2. Rezoning with three (3) conditions.

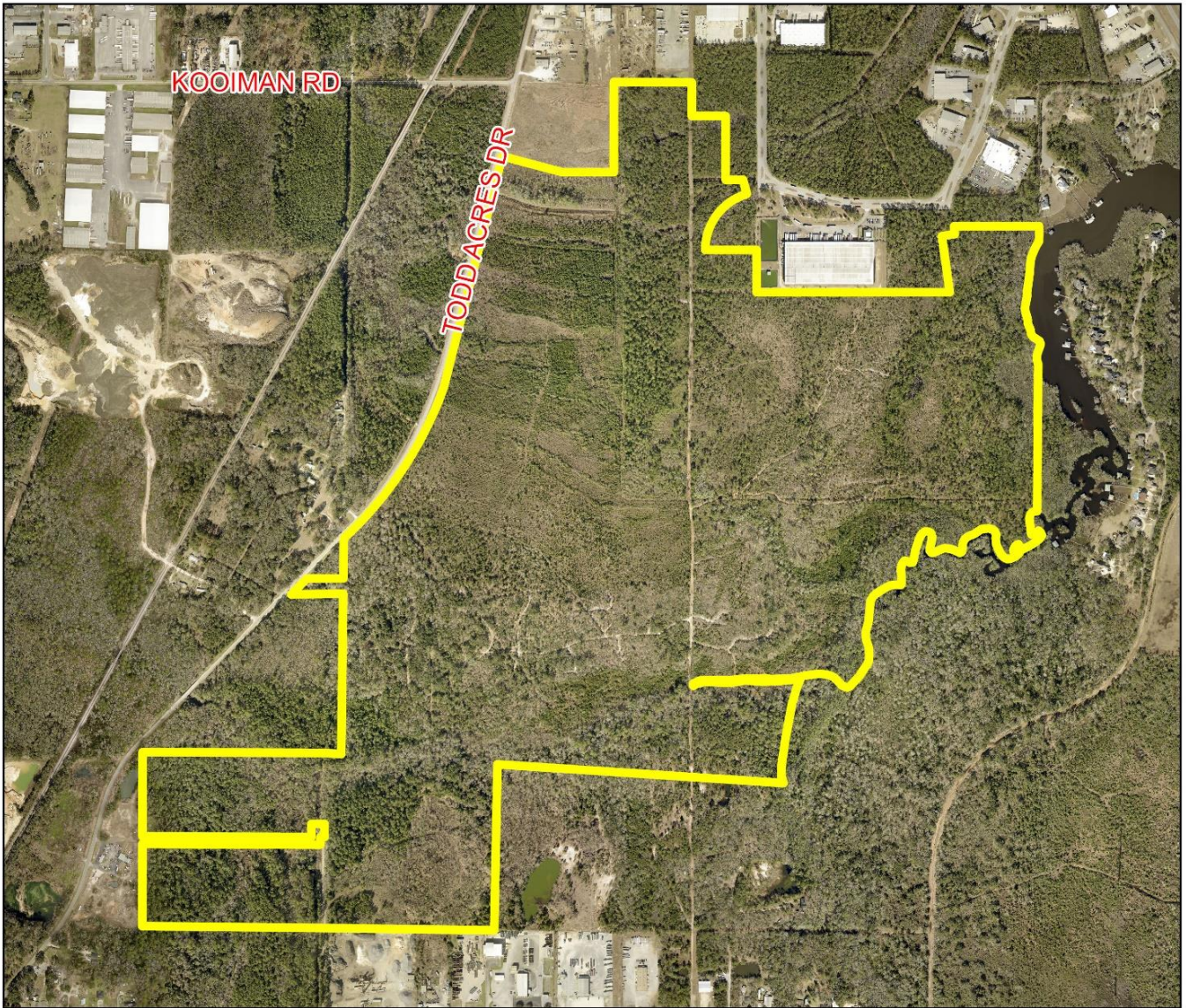
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### Applicable Codes, Policies, and Plans:

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

# PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial, industrial, and residential units.

APPLICATION NUMBER <u>      3      </u> DATE <u>  September 21, 2023  </u>	 NTS
APPLICANT <u>  Todd Acres Industrial Park Subdivision, Re-subdivision  </u>	
REQUEST <u>          Subdivision, Rezoning from B-5 and I-2 to B-5          </u>	

## SITE HISTORY

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The subject site was annexed into the City in 2009, and portions were subsequently assigned R-A, Residential Agricultural, B-5, Office Distribution, I-1, Light Industry, and I-2, Heavy Industry zoning classifications.

On October 20, 2022, the Commission approved Todd Acres Industrial Park Subdivision, a five (5)-lot subdivision with an associated Rezoning to I-2 for portions of the site. That subdivision has yet to be signed and recorded. The Rezoning has been completed.

## STAFF COMMENTS

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### Engineering Comments:

#### SUBDIVISION:

FINAL PLAT COMMENTS (should be addressed prior to submitting the FINAL PLAT for review and/or signature by the City Engineer):

- 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. Provide a detail of LOT 5 at the Todd Acres Road ROW.
- C. Provide a bearing and distance for the chord of the two (2) points on/in Rabbit Creek (south end of line L14 and the east end of the 2333' E-W line). Set reference monuments as needed.
- D. The 611' (line L39) x1477' portion at the SE corner of LOT 1 appears to be separated by Giblin Road ROW (60' wide) from the rest of LOT 1. If this ROW exists then this area should be labeled as a separate LOT (LOT 6?) and provided a separate written legal description.
- E. Show and label the Rabbit Creek centerline.
- F. Show and label the AE and X(S) areas on the south side of Rabbit Creek and west of Whiskey Branch.
- G. National Wetlands Inventory (NWI) mapping, as shown on City of Mobile GIS information, indicates that there is potential for wetlands within the property or properties shown on this plat. Show and label the delineated wetlands, or provide a note stating that the wetlands shown on this plat are scaled from the NWI data and have not been delineated.
- H. Show and label the MFFE (Minimum Finished Floor Elevation) on each lot that contains an AE, V, or X (shaded) flood zone designation. The BFE for LOT 1 is 18' and the BFE for LOT 4 is 11'.
- I. Provide reference, on the map and the description, to a monumented corner.
- J. Provide a written legal description and matching bearing and distance labels for the proposed subdivision. Due to existing ROW (Road and RR) you will need to provide a separate written legal description for the subdivision of LOT 1& 4, LOT 2 & 5, LOT 3, and LOT 6.
- K. Provide a note that a 25' riparian buffer may be required, during development, along the edge of anything considered by ADEM to be a water of the state.
- L. Revise NOTES #13 from "All proposed detention..." to "All existing and proposed detention...".
- M. Revise NOTES #15 to read "As shown on the 1984 aerial LOTS 1-5 will receive historical credit of existing (1984) impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control) as follows: LOT 1 – NONE, LOT 2 – NONE, LOT 3 – NONE, LOT 4 – NONE, LOT 5 – NONE, LOT 6 - NONE.
- N. 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](mailto:land.disturbance@cityofmobile.org) prior to obtaining any signatures. No signatures are required on the drawing.

## **REZONING:**

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. A 25' riparian buffer may be required, during development, along the edge of anything considered by ADEM to be a water of the state.
5. 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.
6. 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.
7. 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 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 [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 applicant is proposing a two (2)-lot resubdivision of proposed Lots 1 and 4 of the previously-mentioned Todd Acres Industrial Park Subdivision. As that subdivision has not yet been signed and recorded, should the application at hand be approved, only Lots 2, 3 and 5 of that subdivision can be recorded.

The area of the current application consists of the East portion of proposed Lot 1, and the South portion of proposed Lot 4. The applicant proposes to shift the common lot line between the two proposed lots to the South in order to expand proposed Lot 4 while decreasing the area of proposed Lot 1. Both lots would exceed the minimum lot sizes for newly platted property in B-5, Office Distribution, and I-2, Heavy Industry districts. If approved, the lot sizes should be retained in both square feet and acres on the Final Plat.

The site has frontage on Todd Acres Drive along proposed Lot 1, and at the South terminus of Commerce Boulevard East for proposed Lot 4. Both rights-of-way are a compliant 100 feet, and the widths should be retained on the Final Plat. The plat should be corrected to label Todd Acres Drive as such instead of Todd Acres Road. The plat should be revised to indicate a 25-foot minimum building setback line along Todd Acres Drive, and a 25-foot minimum building setback line "blocked-out" at the South terminus of Commerce Boulevard East.

The plat indicates various easements within proposed Lot 1; therefore, a note should be placed on the Final Plat stating that no structures are allowed in any easement without permission of the easement holder.

As proposed Lot 4 is currently zoned B-5 and is proposed to be expanded into proposed Lot 1, which is currently zoned I-2, rezoning of proposed Lot 4 from B-5 and I-2, to B-5 must be completed (to eliminate split zoning) before the Final Plat can be signed.

### Rezoning

The area of proposed Lot 4 of Todd Acres Industrial Park Subdivision is currently zoned B-5. With the proposed expansion of Lot 4 into proposed Lot 1, currently zoned I-2, a split-zoned situation would occur. In order to eliminate split zoning, the applicant proposes to rezone the expanded proposed Lot 4 from B-5 and I-2 to B-5. In this instance, the subdivision of land into building sites makes reclassification necessary and desirable to eliminate split zoning.

## SUBDIVISION CONSIDERATIONS

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### 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. Completion of the Rezoning process for proposed Lot 4 prior to signing the Final Plat;
2. Retention of the lot sizes in both square feet and acres, or the furnishing of a table on the Final Plat providing the same information;
3. Retention of all right-of-way widths as depicted on the preliminary plat;

4. Correction of the plat to label Todd Acres Drive as such, instead of Todd Acres Road;
5. Revision of the plat to illustrate a 25-foot minimum building setback line along Todd Acres Drive;
6. Revision of the plat to illustrate a 25-foot minimum building setback line on Lot 4 “blocked-out” at the South terminus of Commerce Boulevard East;
7. Placement of a note on the Final Plat stating that no structures are allowed in any easement without permission of the easement holder;
8. Compliance with all Engineering comments noted in this staff report;
9. Placement of a note on the Final Plat stating all Traffic Engineering comments noted in this staff report;
10. Compliance with all Urban Forestry comments noted in this staff report; and,
11. Compliance with all Fire Department comments noted in this staff report.

## REZONING CONSIDERATIONS

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### 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 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:

- Consistency. Whether the proposed amendment is consistent with the Comprehensive Plan;
- Mistake. For a Rezoning, whether there was a mistake or error in the original zoning map; and
- 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.
- Health, Safety and General Welfare. Whether the proposed amendment promotes the community’s public health, safety, and general welfare;
- Capacity. Whether the infrastructure is in place to accommodate the proposed amendment; and
- Change. Whether changed or changing conditions in a particular area make an amendment necessary and desirable.
- 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.

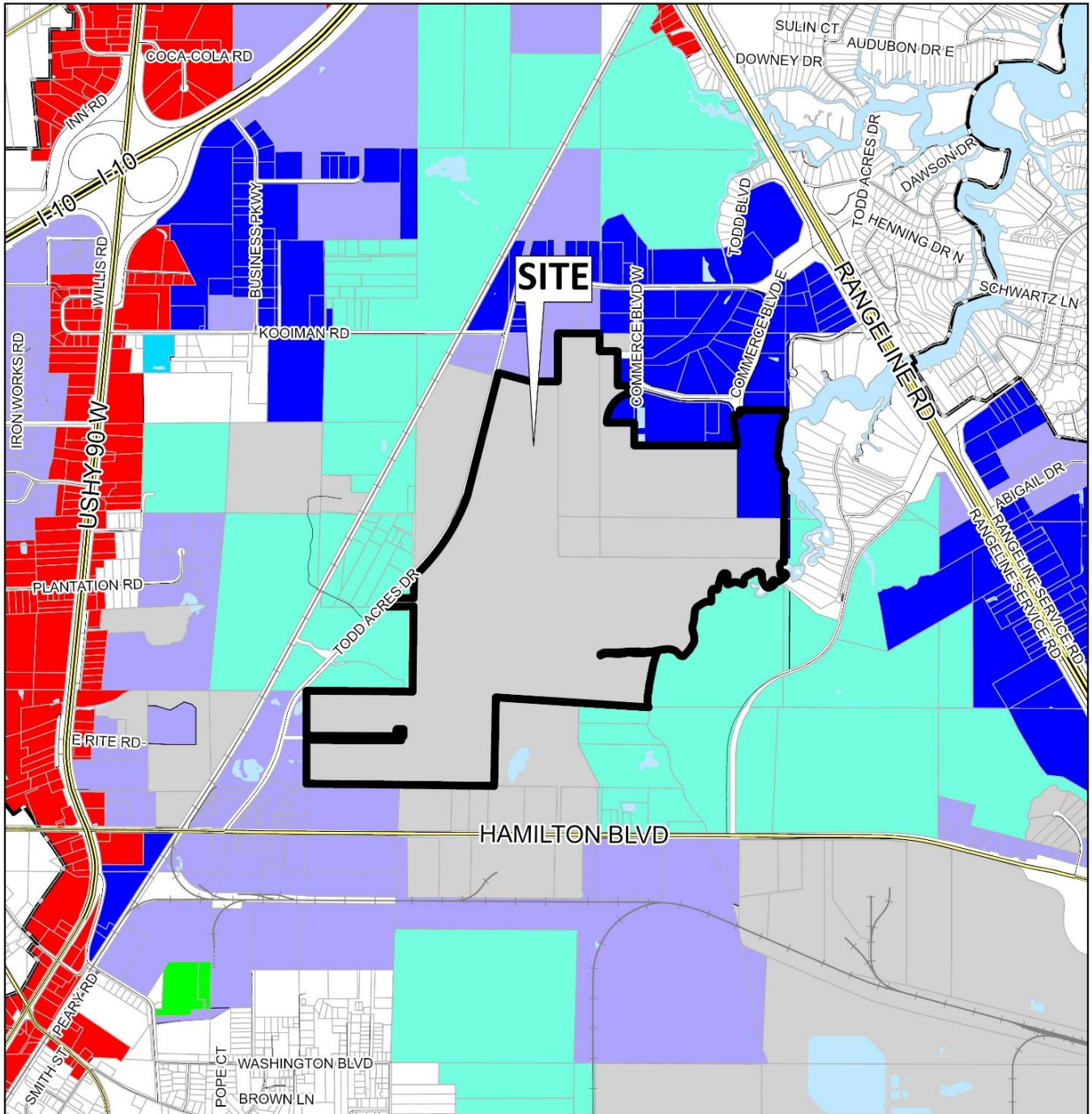
The applicant’s responses to address the above criteria are available in the link on page one (1).

## **Considerations:**

If the Planning Commission considers a recommendation of approval of the Rezoning request to the City Council, the following conditions could apply:

1. Completion of the Subdivision process for proposed Lot 4;
2. Compliance with all Engineering, Traffic Engineering, Urban Forestry, and Fire Department comments noted in this staff report; and,
3. Full compliance with all municipal codes and ordinances.

# LOCATOR ZONING MAP



APPLICATION NUMBER 3 DATE September 21, 2023

APPLICANT Todd Acres Industrial Park Subdivision, Re-subdivision

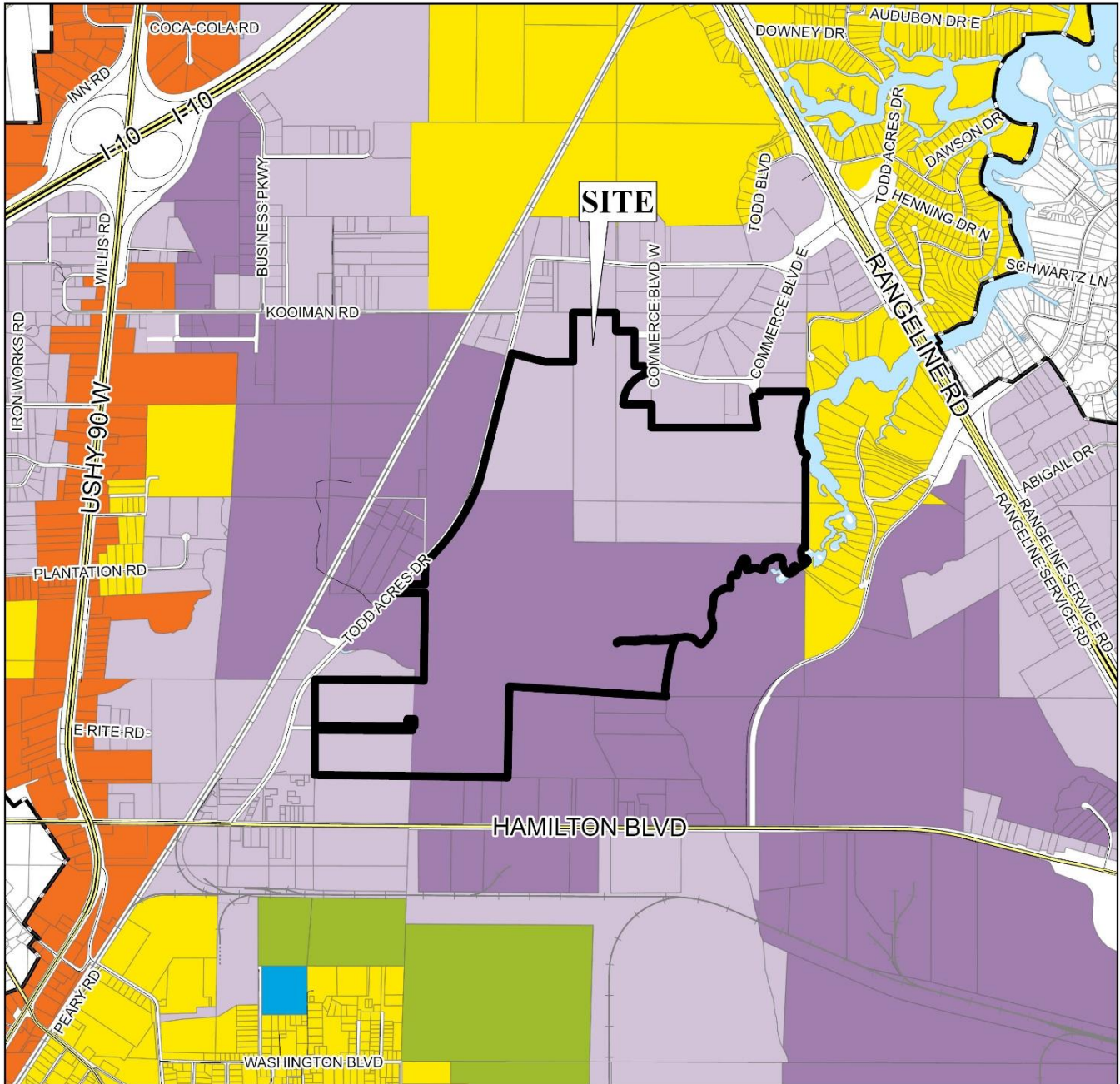
REQUEST Subdivision, Rezoning from B-5 and I-2 to B-5



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# FLUM LOCATOR MAP

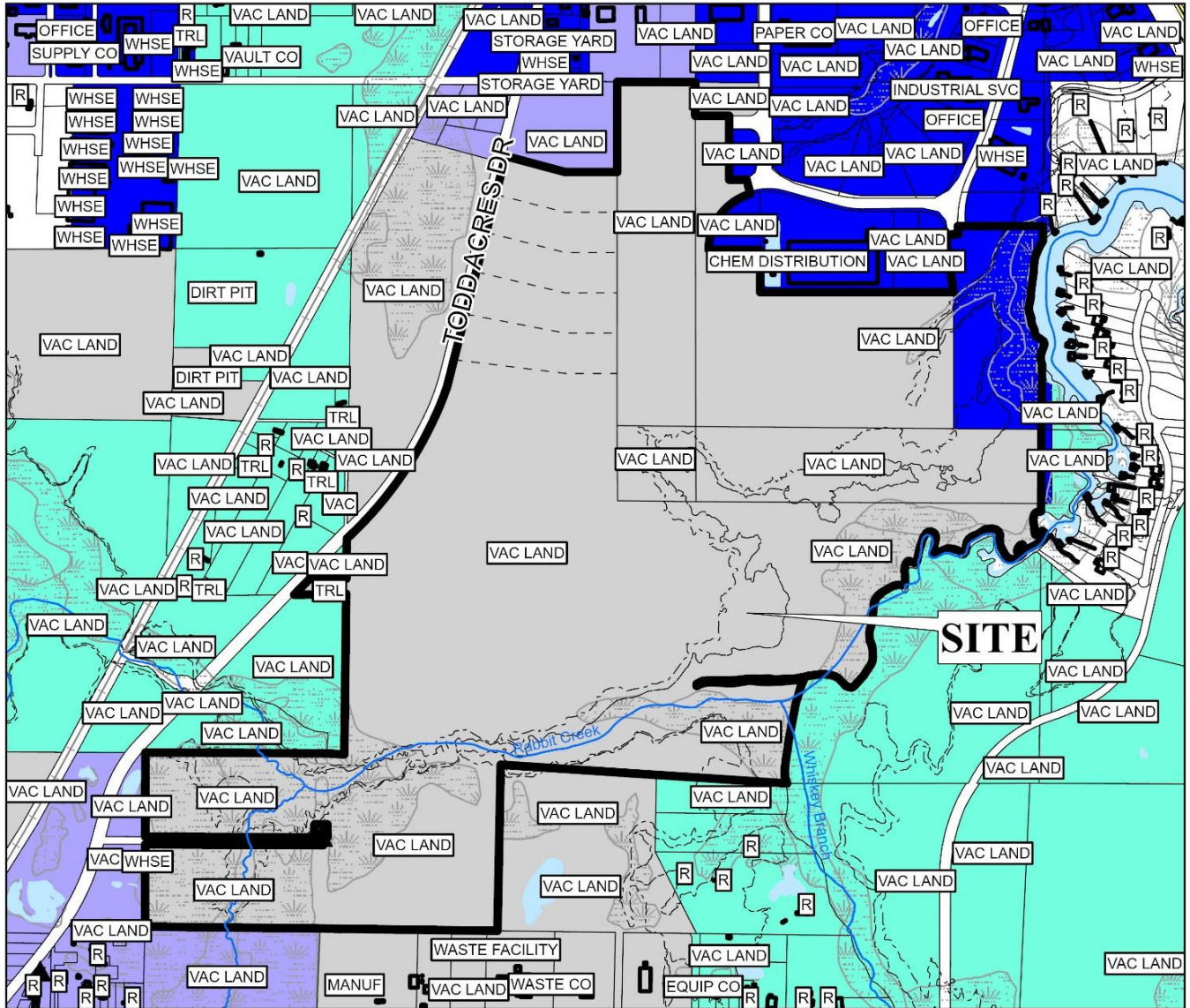


APPLICATION NUMBER 3 DATE September 21, 2023  
 APPLICANT Todd Acres Industrial Park Subdivision, Re-subdivision  
 REQUEST Subdivision, Rezoning from B-5 and I-2 to B-5

- |   |   |   |  |
|---|---|---|--|
| <span style="display: inline-block; width: 15px; height: 10px; background-color: yellow; border: 1px solid black;"></span> Low Density Residential    | <span style="display: inline-block; width: 15px; height: 10px; background-color: #800000; border: 1px solid black;"></span> Neighborhood Center - Traditional | <span style="display: inline-block; width: 15px; height: 10px; background-color: #8B4513; border: 1px solid black;"></span> Downtown Waterfront | <span style="display: inline-block; width: 15px; height: 10px; background-color: #9ACD32; border: 1px solid black;"></span> Parks & Open Space |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #FFD700; border: 1px solid black;"></span> Mixed Density Residential | <span style="display: inline-block; width: 15px; height: 10px; background-color: #0000FF; border: 1px solid black;"></span> Neighborhood Center - Suburban    | <span style="display: inline-block; width: 15px; height: 10px; background-color: #D8BFD8; border: 1px solid black;"></span> Light Industry      | <span style="display: inline-block; width: 15px; height: 10px; background-color: #008080; border: 1px solid black;"></span> Water Dependent    |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #FF00FF; border: 1px solid black;"></span> Downtown                  | <span style="display: inline-block; width: 15px; height: 10px; background-color: #FF69B4; border: 1px solid black;"></span> Traditional Corridor              | <span style="display: inline-block; width: 15px; height: 10px; background-color: #808080; border: 1px solid black;"></span> Heavy Industry      |  |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #FF0000; border: 1px solid black;"></span> District Center           | <span style="display: inline-block; width: 15px; height: 10px; background-color: #FF8C00; border: 1px solid black;"></span> Mixed Commercial Corridor         | <span style="display: inline-block; width: 15px; height: 10px; background-color: #00BFFF; border: 1px solid black;"></span> Institutional       |  |



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial, industrial, and residential units.

APPLICATION NUMBER 3 DATE September 21, 2023

APPLICANT Todd Acres Industrial Park Subdivision, Re-subdivision of Lots 1 and 4

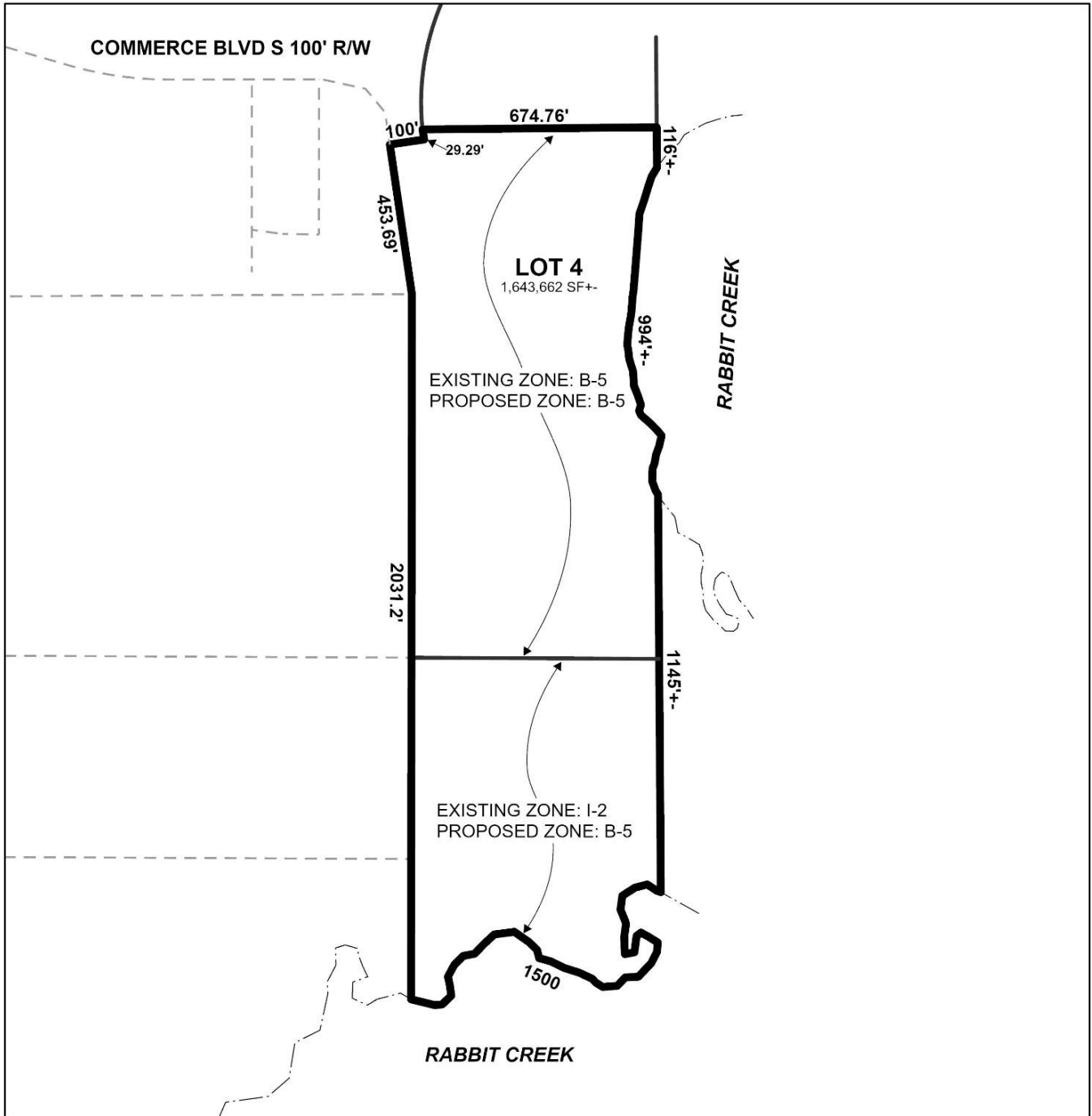
REQUEST Subdivision, Rezoning from B-5 and I-2 to B-5

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	



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# DETAIL SITE PLAN



APPLICATION NUMBER 3 DATE September 21, 2023

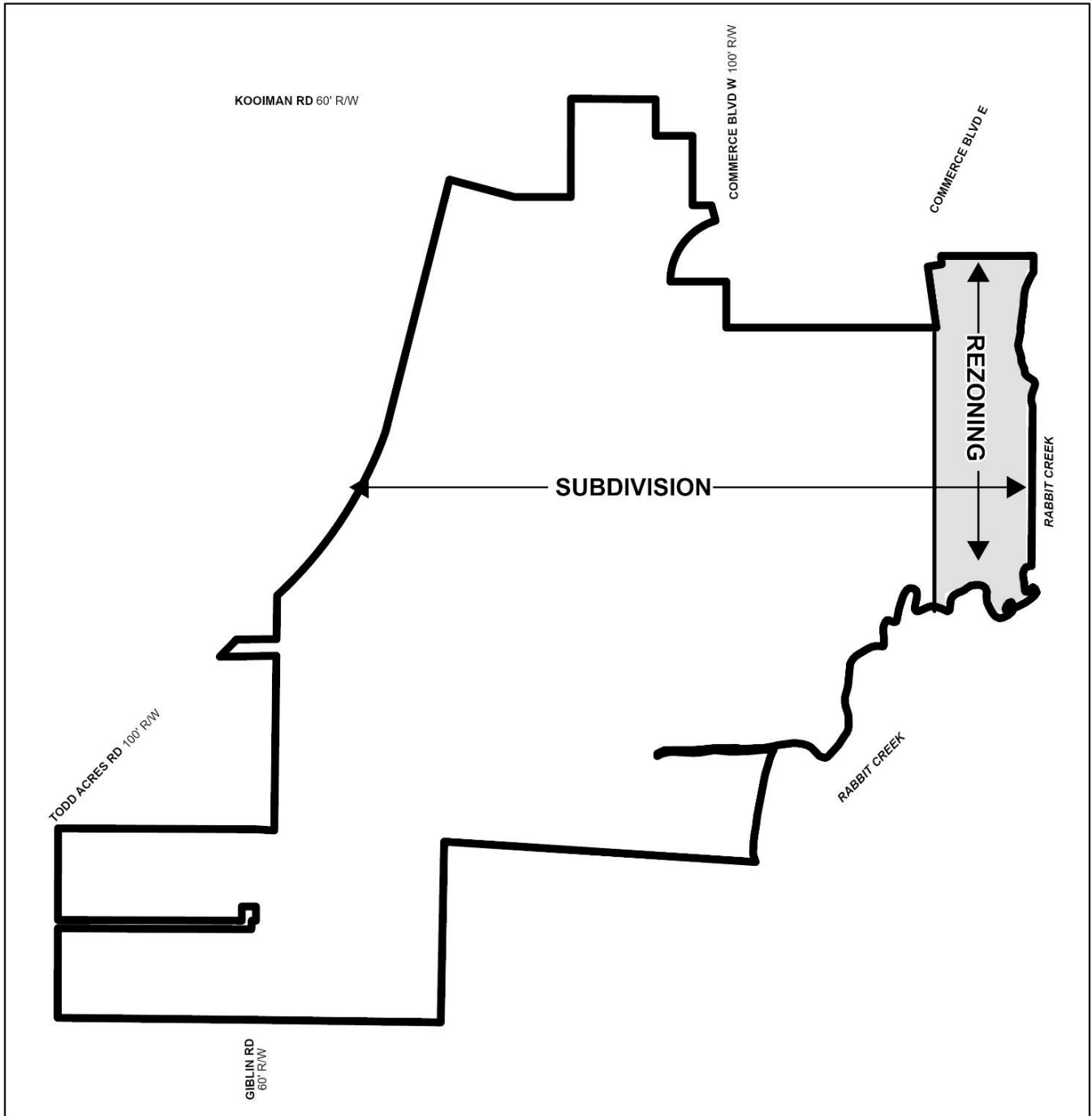
APPLICANT Todd Acres Industrial Park Subdivision, Re-subdivision

REQUEST Subdivision, Rezoning from B-5 and I-2 to B-5



NTS

# DETAIL SITE PLAN



APPLICATION NUMBER 3 DATE September 21, 2023

APPLICANT Todd Acres Industrial Park Subdivision, Re-subdivision

REQUEST Subdivision, Rezoning from B-5 and I-2 to B-5



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ZONING DISTRICT CORRESPONDENCE MATRIX		LOW DENSITY RESIDENTIAL (LDR)	MIXED DENSITY RESIDENTIAL (MXDR)	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.

## HEAVY INDUSTRY (HI)

This designation applies to larger parcels primarily devoted to high-impact industrial activity which is preferably removed from residential and commercial uses. Light industry, industrial business or heavy commercial lands may separate heavy industry from other land uses.

Heavy industrial areas include collection, treatment, and manufacturing processes which use raw materials, are distinguished by the presence of noise, vibration, and/or odors, and benefit from easy access to a multimodal freight transportation network. Certain types of

heavy industry are characterized by low building coverage and activities that rely on large areas of outdoor storage of raw material stockpiles and/or waste-product disposal areas, storage tanks, pipelines, and transportation yards to handle the transfer of heavy materials. The outdoor storage areas should be screened as much as possible by the nature of the stored materials.

Land designated as HI may be underdeveloped due to the presence of wetlands on portions of the parcel. In these cases, the wetlands may serve to buffer surrounding uses from the potential impacts of the heavy industrial use. Undeveloped areas of HI parcels that have tree cover may be used as

buffering between the heavy industrial use and other uses. Where buffers do not exist naturally, they should be provided as spelled out in the zoning and subdivision regulations. Open areas reserved for dredge disposal are also designated as HI and may contain wetlands.

In Mobile, port terminal facilities, docks, shipyards, drydocks, etc., are mostly owned by the State of Alabama. Although not subject to local zoning, these facilities are shown as heavy industrial uses in the FLUM.