

**SUBDIVISION &  
ZONING AMENDMENT STAFF REPORT****Date: January 17, 2019**

<b><u>APPLICANT NAME</u></b>	Gary D.E Cowles (Cowles, Murphy, Glover & Associates)
<b><u>SUBDIVISION NAME</u></b>	Bean Commercial Subdivision
<b><u>LOCATION</u></b>	5580 & 5590 Todd Acres Drive North side of Todd Acres Drive, 2/10 mile ± West of Commerce Boulevard West
<b><u>CITY COUNCIL DISTRICT</u></b>	Council District 4
<b><u>PRESENT ZONING</u></b>	B-5, Office-Distribution District and I-1, Light Industry District
<b><u>PROPOSED ZONING</u></b>	I-1, Light Industry District
<b><u>AREA OF PROPERTY</u></b>	2 Lots/ 31.8± Acres
<b><u>CONTEMPLATED USE</u></b>	Subdivision Approval to create a two lots of record from three legal lots of record; and Rezoning from B-5, Office- Distribution District, and I-1, Light-Industry District to I-1, Light Industry District. <b>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.</b>

**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 reference, on the map and the description, to a monumented corner.
- C. Provide and label the monument set or found at each subdivision corner.
- D. Provide a vicinity map.
- E. Provide a written legal description and matching bearing and distance labels for the proposed subdivision.
- F. Show and label the existing lot lines.

- G. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer.
- H. Provide the Surveyor's Certificate and Signature.
- I. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
- J. 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.
- K. 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.
- L. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of new development or construction, unless a sidewalk waiver is approved.
- M. Add a note to the plat stating that all proposed detention facilities, common areas, and wetlands shall be the responsibility of the Property Owner(s), and not the responsibility of the City of Mobile.
- N. Add a note to the plat stating that all easements shall remain in effect until vacated through the proper Vacation process.
- O. Provide a copy of the FINAL SUBDIVISION PLAT to the Engineering Dept. for review. No signatures are required on this drawing.
- P. After addressing all of the FINAL SUBDIVISION PLAT review comments by the Engineering Dept. provide the red-line markup, the ORIGINAL (with all other signatures) and one (1) copy of the revised original (signatures not required) of the revised Final Plat to the Engineering Department.

### **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 Department (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**

Site Lot 1 is limited to one curb cut and Lot 2 is limited to the existing curb cuts with any changes in size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Any new 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 2015-116 and City Code Chapters 57 and 64). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site 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. 2012 International Fire Code.

## **TIME SCHEDULE FOR DEVELOPMENT**

None provided

## **REMARKS**

The applicant is requesting Subdivision Approval to create two legal lots of record from three existing legal lots of record; and Rezoning from B-5, Office-Distribution District, and I-1, Light Industry District, to I-1, Light Industry District to eliminate split zoning.

A portion of this site most recently appeared before the Planning Commission at the July 7, 2016 meeting where approvals were granted for a one lot subdivision and Rezoning of the property from R-A, Residential-Agricultural and B-5, Office-Distribution, to I-2, Heavy Industry to allow construction of a warehouse to house a steel service center and eliminate split zoning. The site was rezoned to I-1, Light Industry. The applicant now wishes to resubdivide the site and rezone the properties to become I-1, Light Industry District to better accommodate the use of the site, and eliminate split zoning.

The site has been given a Light Industry (LI) and a Low Density Residential (LDR) land use designation, per the recently adopted Future Land Use Plan and Map. The Future Land Use Plan and Map complements and provides additional detail to the Development Framework Maps in the Map for Mobile, adopted by the Planning Commission at its November 5, 2015 meeting.

Light Industry 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.

Low Density Residential land use designation applies to existing residential neighborhoods found mostly west of the Beltline or immediately adjacent to the east side of the Beltline.

The primary land use in the LDR districts is residential and the predominant housing type is the single-family housing unit, detached or semi-detached, typically placed within a street grid or a network of meandering suburban streets. The density in these districts ranges between 0 and 6 dwelling units per acre (du/ac).

These neighborhoods may also contain small-scale, low-rise multi-unit structures at appropriate locations, as well as complementary retail, parks and civic institutions such as schools, community centers, neighborhood playgrounds, and churches or other religious uses if those uses are designed and sited in a manner compatible with and connected to the surrounding context. The presence of individual ancillary uses should contribute to the fabric of a complete neighborhood, developed at a walkable, bikeable human scale.

It should be noted that the Future Land Use Plan and Map components of the Map for Mobile Plan are meant to serve as a general guide, not a detailed lot and district plan. In many cases the designation on the new Future Land Use Map may match the existing use of land, but in others the designated land use may differ from what is on the ground today. As such, the Future Land Use Plan and Map 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, where applicable, the zoning classification.

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 applicant proposes to create two legal lots of record from three existing legal lots of record. The lot sizes are depicted in square feet and acres on the plat, and exceed the minimum lot size requirements of Section V.D.2. of the Subdivision Regulations. If approved, the lot sizes in square feet and acres should be retained on the Final Plat.

The site has frontage along Todd Acres Drive. Todd Acres Drive, is a minor street without curb and gutter, and is illustrated as having a compliant 80' right-of-way, making no dedication necessary.

The proposed Lot 1 is a flag lot, with a 184'± wide by 556'± long pole. While not a common feature in the area, there is another flag lot approximately 1/3 of a mile to the East of the site that was approved by the Planning Commission at its June 6, 1996 meeting; as well as the previously approved Lot 1, Bean Commercial Subdivision which was approved in July 7, 2016. Therefore a waiver of Section V.D.1. of the Subdivision Regulations may be appropriate.

The applicant states that reason for the resubdivision of the lots is to relocate the drive/ access aisle for easier accessibility for vehicular traffic. There will be heavy equipment transported throughout the site due to the operation of the steel warehouse, outside storage yard/ laydown yard.

The preliminary plat does not illustrate the 25' minimum building setback lines nor does the site plan. If approved, the plat should be revised to depict the 25' minimum building setback lines on both lots where the lots abut road frontage, and/ or where they are a minimum of 60 feet in width.

The site appears to have two existing curb-cuts to Todd Acres Drive. The applicant is requesting a total of four curb-cuts to Todd Acres Drive with one curb-cut for Lot 1 and 3 curb-cuts for Lot 2. As a means of access management, the number, size, location and design of curb-cuts are to be approved by Traffic Engineering and conform to AASHTO standards.

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 is bounded to the North, by undeveloped R-A, Residence-Agricultural District; to the East, by undeveloped R-A, Residential-Agriculture District and B-5, Office-Distribution District; to the West by undeveloped B-5, Office-Distribution District and (across CSX Railroad right-of-way) by R-A, Residence-Agricultural District developed residentially; and to the South, by B-5, Office-Distribution District and I-1, Light Industrial.

The applicant states the following to address the rational for the zoning request:

*To provide better access to the north portion of 5600 Todd Acres Drive, a resubdivision of the property is required. This resubdivision will result in two (2) new lots that will both be split between I-1 and B-5 zoning. A shaped-steel storage and distribution warehouse is proposed to be built on lot #1. Due to the large size and weight involved with the storage and distribution of shaped-steel members, a large surface area will be required within the proposed warehouse and outside. An outside storage/laydown yard with aggregate surfacing is economical for this type of business. Therefore, an I-1 zoning is required to allow for the aggregate surfacing used only for material storage/laydown. Required parking will be asphalt paved and striped. It is proposed that lot #2 also be I-1 zoned to match lot #1 of the new subdivision. I-1 zonings are currently proposed next door at 5560 Todd Acres Drive and exists across the street at 5561 and 5551 Todd Acres Drive. Therefore, this type of zoning would be consistent with the surrounding properties.*

Due to the size of the properties and the adjacent industrial zoning it would be appropriate to consider an industrial classification for the property. Given that the site has a total of 31.8± acres and significantly less than that is being developed, there will be minimal impacts to adjacent properties. It should also be noted that a sidewalk should be provided at time of development, or a request for a sidewalk waiver will be required.

Because the site is adjacent to residentially zoned property, a residential buffer compliant with Section 64-4.D.1. of the Zoning Ordinance should be provided, if approved.

It should be noted full site compliance is required at the time of development to include: tree planting and landscaping, parking, buffering, and dumpster compliance.

Although the site was previously approved for the construction of the warehouse, the current site plan submitted does not clearly depict the square footage of the warehouse, number of warehouse employees, total number of parking spaces, tree planting and landscaping, or dumpster location. It should be noted full site compliance is required.

The site plan also indicates an outside storage and truck maneuvering area that is proposed to have aggregate surfacing, which is allowed in I-1, Light Industrial.

## **RECOMMENDATION**

**Subdivision:** Based upon the preceding, the application is recommended for Tentative Approval, with a waiver of Section V.D.1. of the Subdivision Regulations, subject to the following:

- 1) retention of the lot sizes in square feet and acres;
- 2) revision of the plat to depict the 25' minimum building setback lines for both lots;
- 3) full compliance with Engineering comments: *"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 reference, on the map and the description, to a monumented corner. C. Provide and label the monument set or found at each subdivision corner. D. Provide a vicinity map. E. Provide a written legal description and matching bearing and distance labels for the proposed subdivision. F. Show and label the existing lot lines. G. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer. H. Provide the Surveyor's Certificate and Signature. I. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. J. 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. K. 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. L. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of new development or construction, unless a sidewalk waiver is approved. M. Add a note to the plat stating that all proposed detention facilities, common areas, and wetlands shall be the responsibility of the Property Owner(s), and not the responsibility of the City of Mobile. N. Add a note to the plat stating that all easements shall remain in effect until vacated through the proper Vacation process. O. Provide a copy of the FINAL SUBDIVISION PLAT to the Engineering Dept. for review. No signatures are required on this drawing. P. After addressing all of the FINAL SUBDIVISION PLAT review comments by the Engineering Dept. provide the red-line markup, the ORIGINAL (with all other signatures) and one (1) copy of the revised original (signatures not required) of the revised Final Plat to the Engineering Department."*;
- 4) placement of a note on the site plan stating the following Traffic Engineering comments: *"Site Lot 1 is limited to one curb cut and Lot 2 is limited to the existing curb cuts with any changes in size, location and design to be approved by Traffic Engineering and conform*

*to AASHTO standards. Any new on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance."*

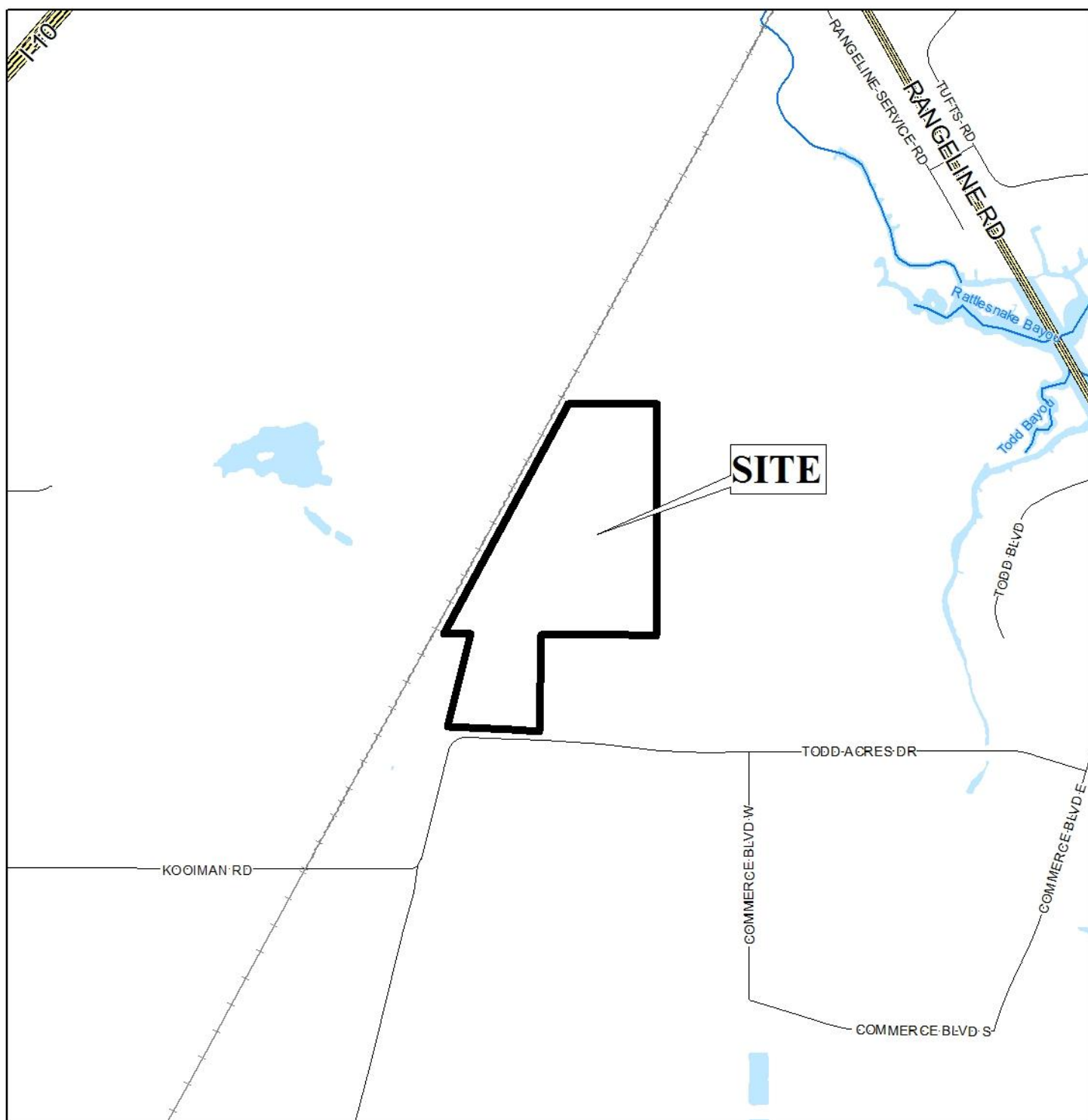
- 5) compliance with Urban Forestry comments: *"Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 2015-116 and City Code Chapters 57 and 64). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site will require a tree removal permit."*; and
- 6) compliance with Fire Department comments: *"All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance. (2012 International Fire Code)"*.

**Rezoning:** Based upon the preceding, the application is recommended for Approval to I-1, Light Industry District, subject to the following:

- 1) completion of the Subdivision process; and
- 2) full compliance with all municipal codes and ordinances.



# LOCATOR MAP



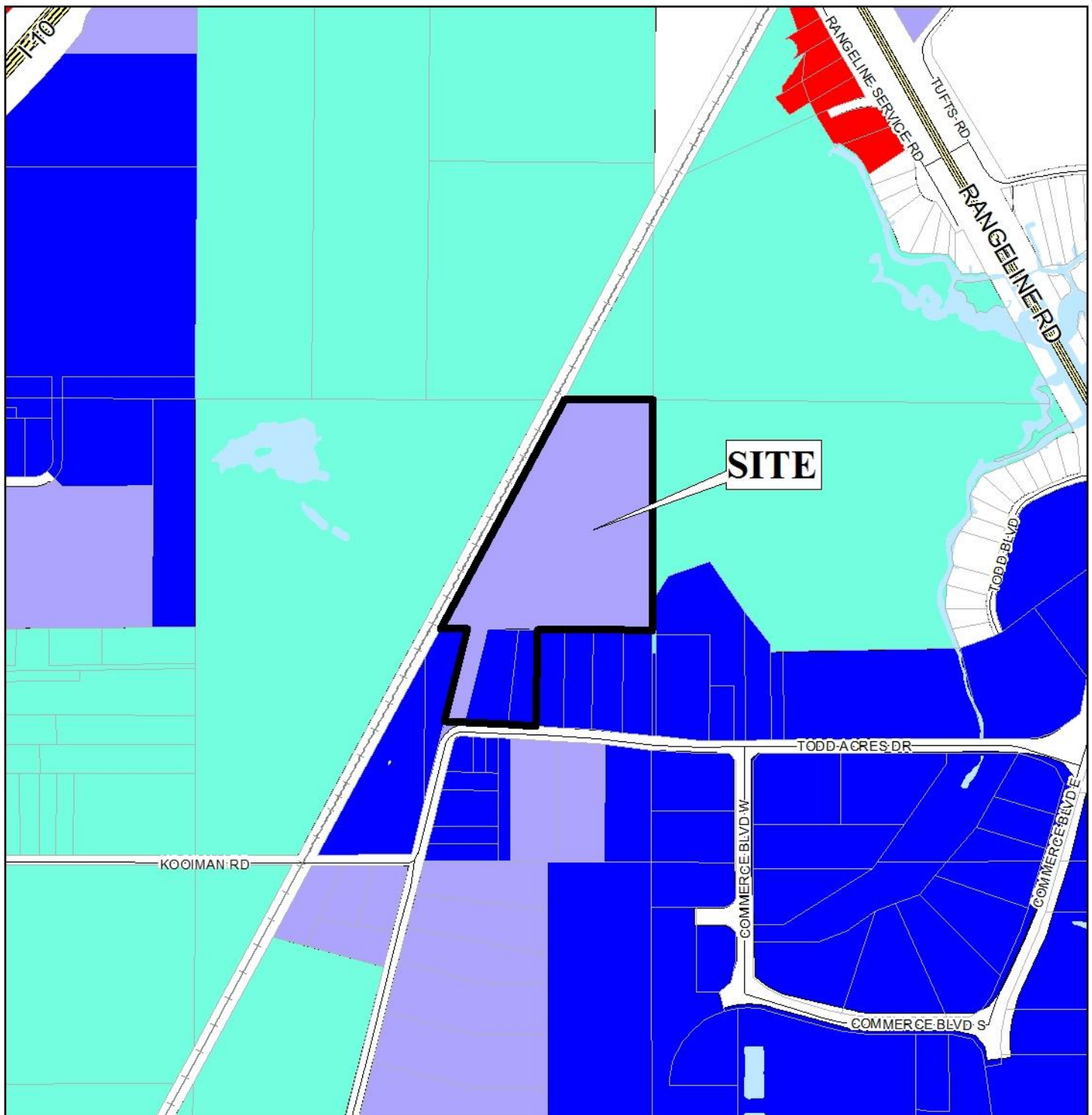
APPLICATION NUMBER 5 DATE January 17, 2019

APPLICANT Bean Commercial Subdivision, Resubdivision 1

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



# LOCATOR ZONING MAP



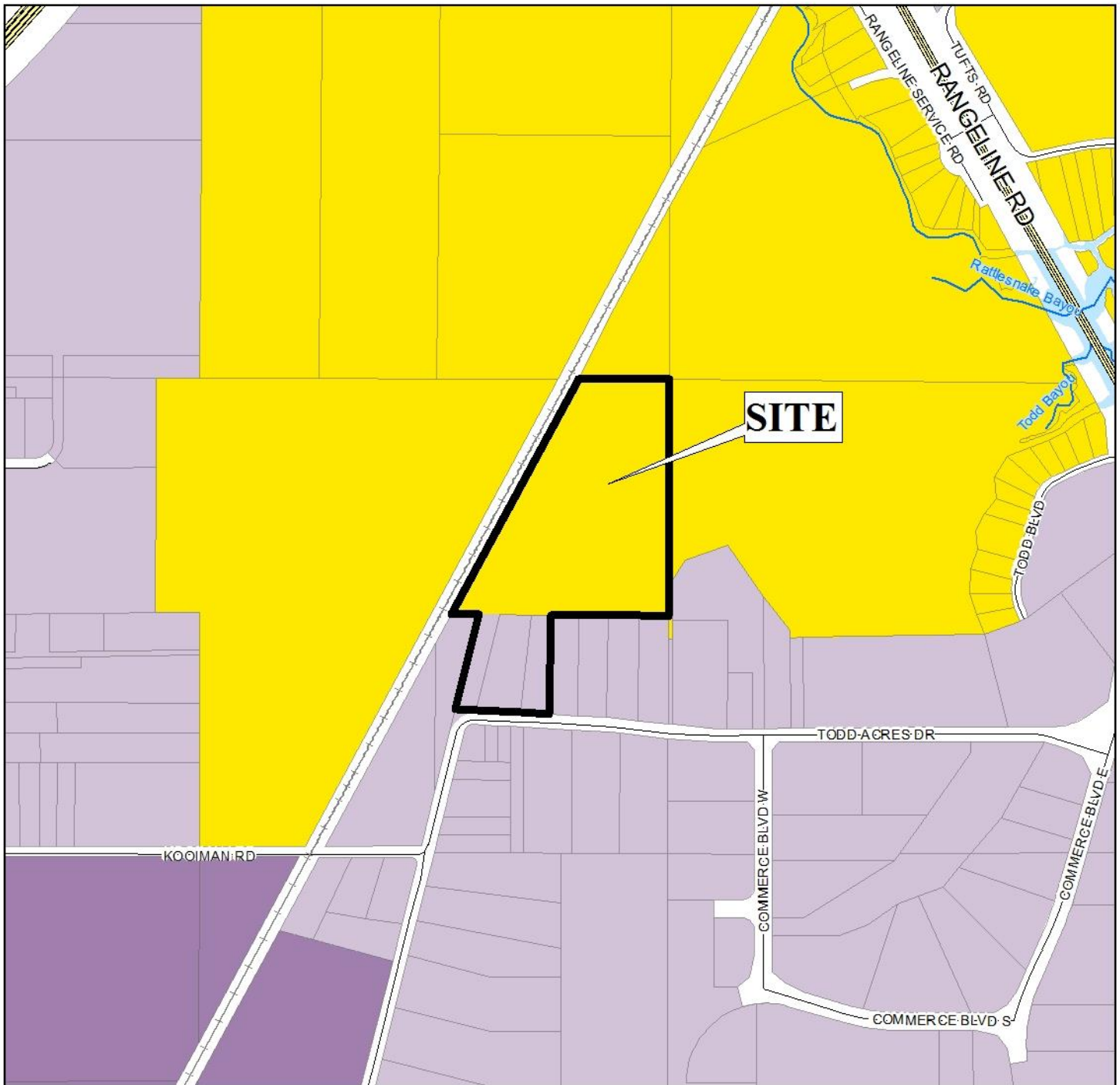
APPLICATION NUMBER 5 DATE January 17, 2019

APPLICANT Bean Commercial Subdivision, Resubdivision 1

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



# FLUM LOCATOR MAP



APPLICATION NUMBER 5 DATE January 17, 2019

APPLICANT Bean Commercial Subdivision, Resubdivision 1

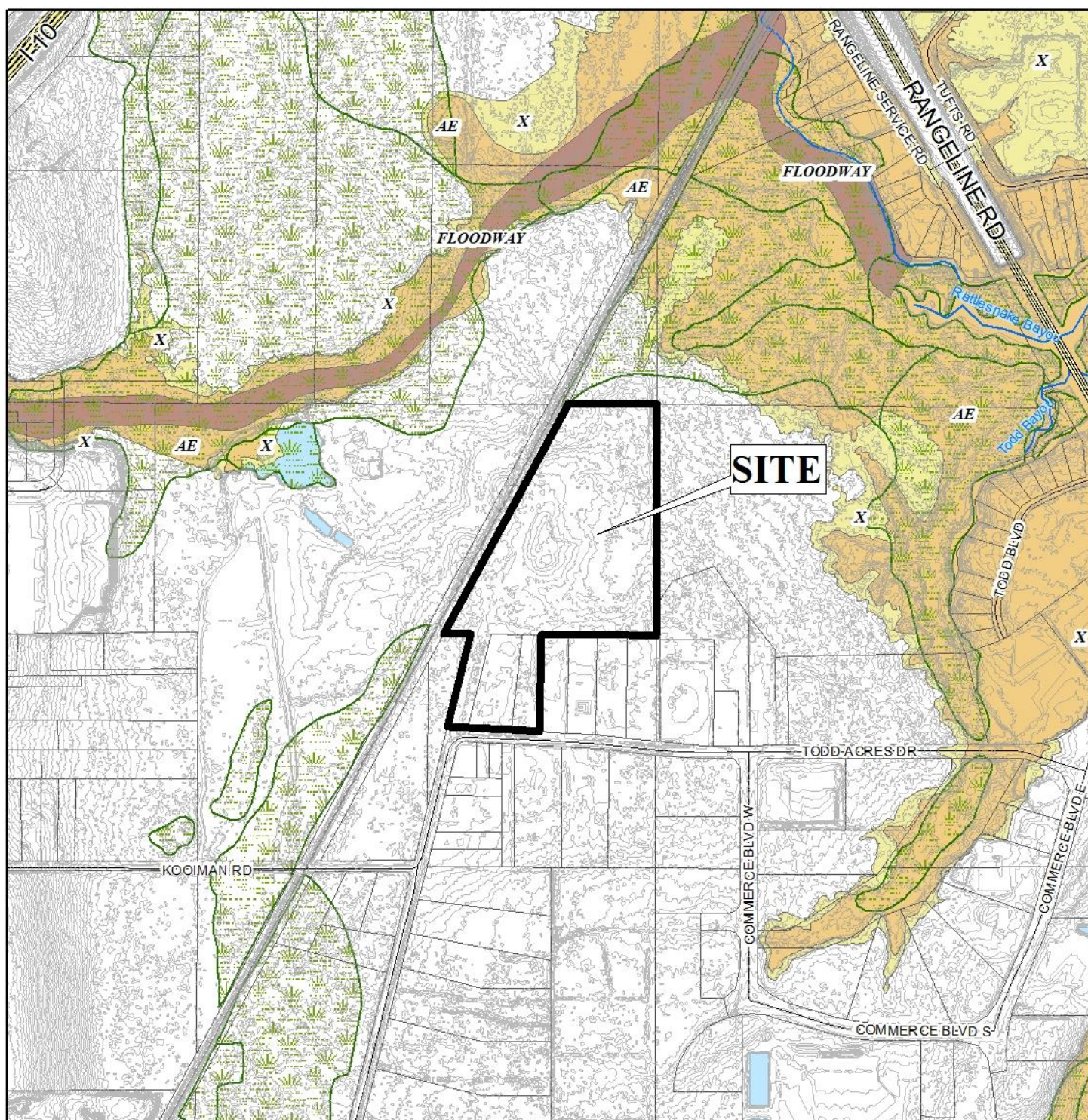
REQUEST Subdivision, Rezoning from I-1 and B-5 to I-1

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	





## ENVIRONMENTAL LOCATOR MAP



APPLICATION NUMBER 5 DATE January 17, 2019

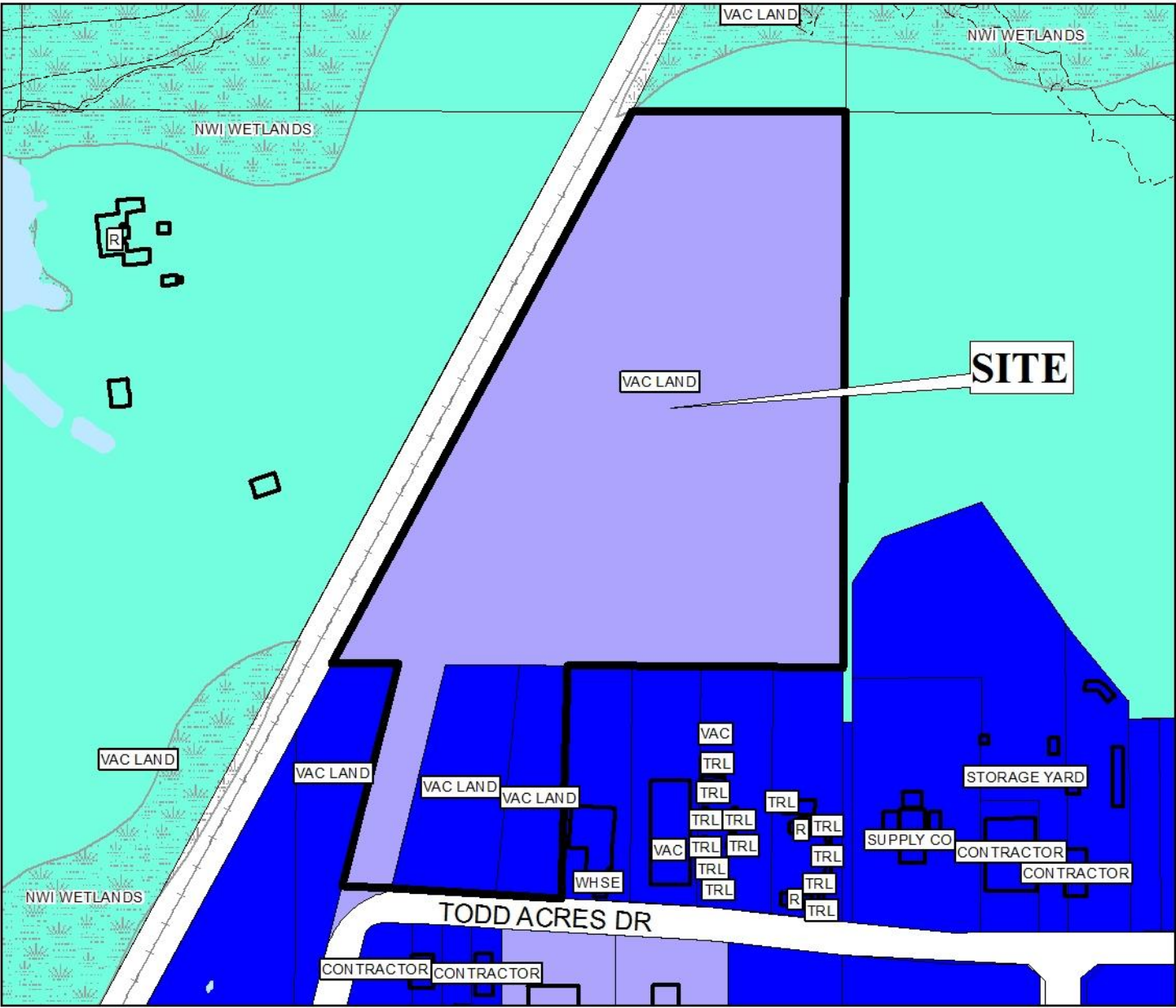
APPLICANT Bean Commercial Subdivision, Resubdivision 1

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





**PLANNING COMMISSION  
VICINITY MAP - EXISTING ZONING**



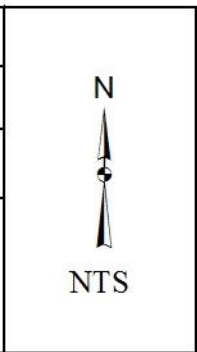
The site is surrounded by a trailer park, and commercial units.

APPLICATION NUMBER 5 DATE January 17, 2019

APPLICANT Bean Commercial Subdivision, Resubdivision 1

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

	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 AERIAL

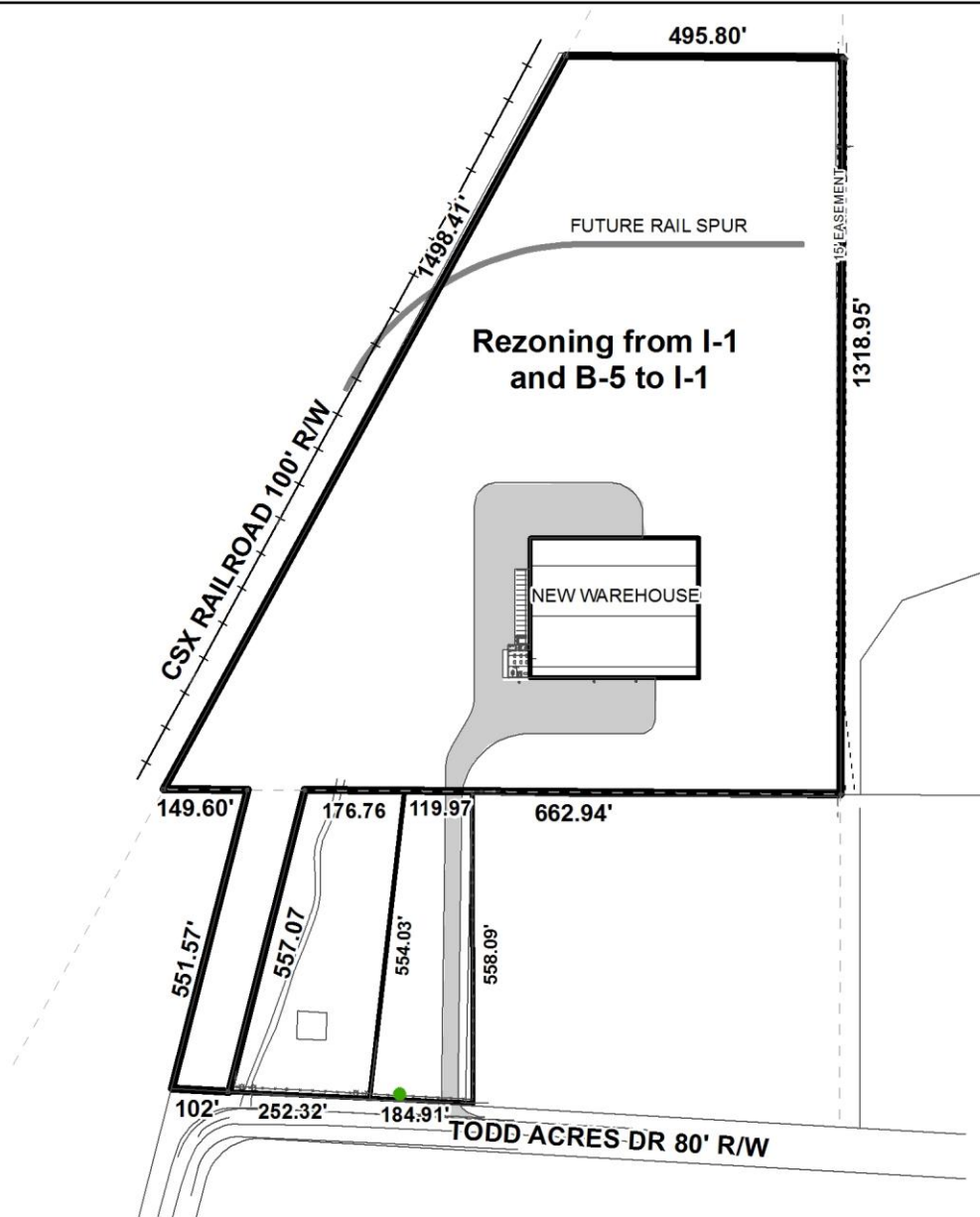


The site is surrounded by a trailer park, and commercial units.

APPLICATION NUMBER 5 DATE January 17, 2019  
 APPLICANT Bean Commercial Subdivision, Resubdivision 1  
 REQUEST Subdivision, Rezoning from I-1 and B-5 to I-1



# SITE PLAN



The site plan illustrates the new warehouse, easement, and future rail spur.

APPLICATION NUMBER 5 DATE January 17, 2019

APPLICANT Bean Commercial Subdivision, Resubdivision 1

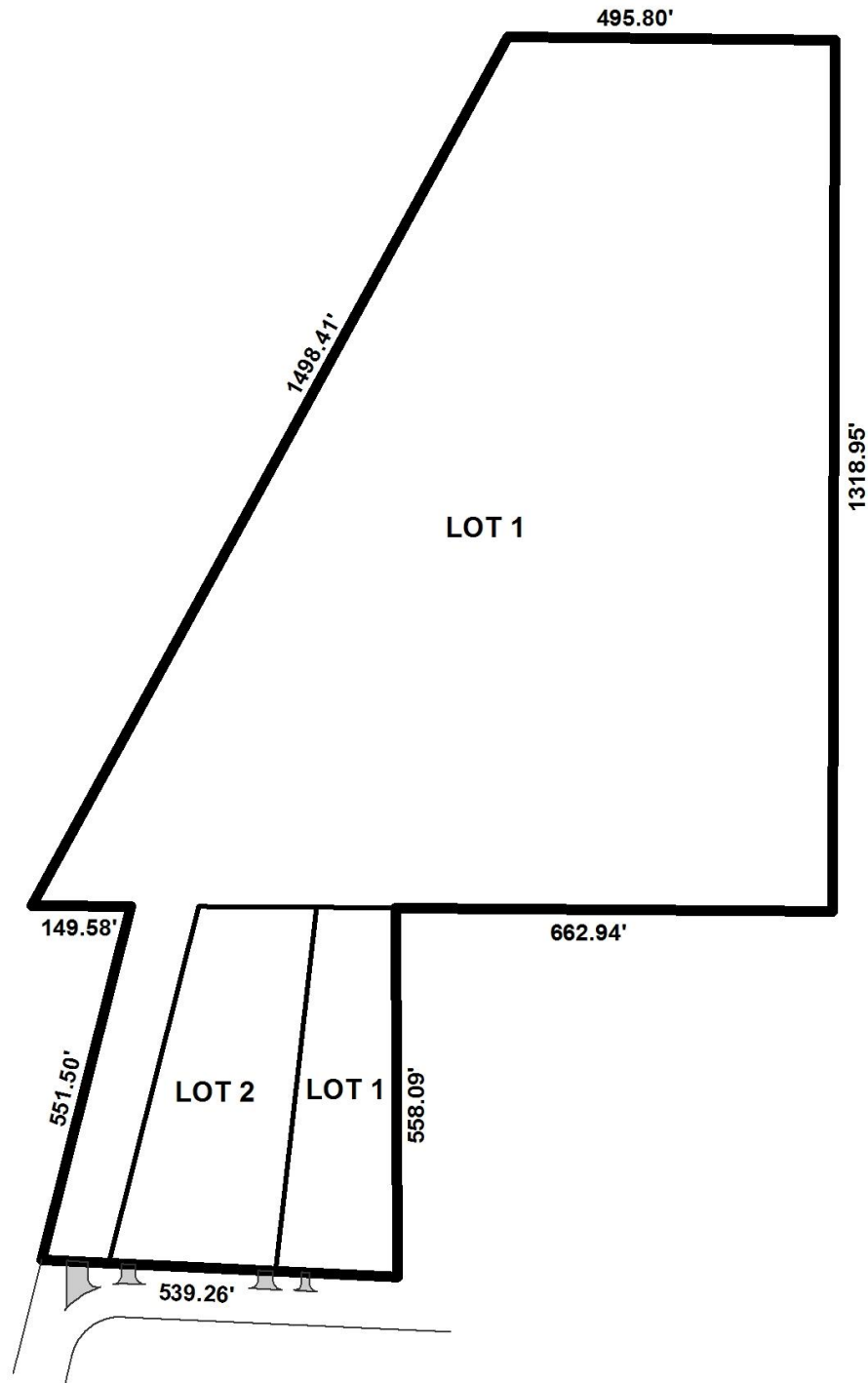
REQUEST Subdivision, Rezoning from I-1 and B-5 to I-1



NTS



# EXISTING DETAIL SITE PLAN



APPLICATION NUMBER 5 DATE January 17, 2019

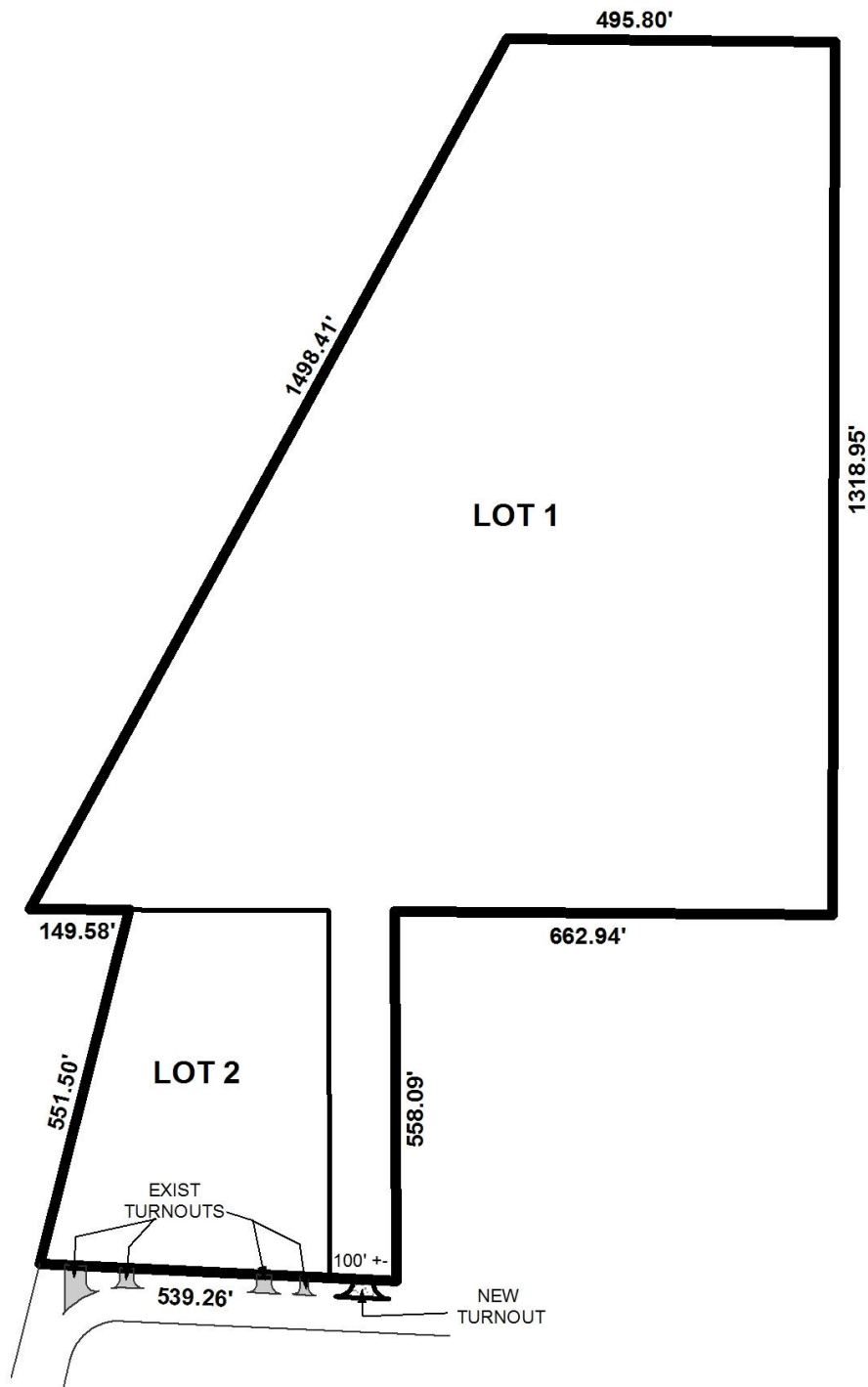
APPLICANT Bean Commercial Subdivision, Resubdivision 1

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





# PROPOSED DETAIL SITE PLAN



APPLICATION NUMBER 5 DATE January 17, 2019

APPLICANT Bean Commercial Subdivision, Resubdivision 1

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



