

**ZONING AMENDMENT &  
SUBDIVISION STAFF REPORT****Date: December 6, 2018**

<b><u>DEVELOPMENT NAME</u></b>	Smith, Clark & Associates, LLC
<b><u>SUBDIVISION NAME</u></b>	Todd Acres Industrial Subdivision
<b><u>LOCATION</u></b>	(North side of Todd Acres Drive, 2/10 mile $\pm$ West of Commerce Boulevard West).
<b><u>CITY COUNCIL DISTRICT</u></b>	District 4
<b><u>PRESENT ZONING</u></b>	B-5, Office-Distribution District
<b><u>PROPOSED ZONING</u></b>	I-1, Light Industrial District
<b><u>AREA OF PROPERTY</u></b>	1 Lot/ 2.1 $\pm$ acres
<b><u>CONTEMPLATED USE</u></b>	<p>Subdivision Approval to create one legal lot of record from a metes-and-bounds parcel, Rezoning from B-5, Office-Distribution District to I-1, Light Industrial District.</p> <p><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></p>
<b><u>TIME SCHEDULE</u></b>	None given.

**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 and label the monument set or found at each subdivision corner.
- C. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.

- D. 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.
- E. Add a note to the plat stating that all easements shall remain in effect until vacated through the proper Vacation process.
- F. Provide a copy of the FINAL SUBDIVISION PLAT to the Engineering Dept. for review. No signatures are required on this drawing.
- G. 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. 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.
- 5. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

**TRAFFIC ENGINEERING****COMMENTS**

Lot is limited to its existing curb cuts, with any changes to 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. If improvements are proposed at this location, driveways may be required to be brought up to City standards, which may also require the removal of any gravel in the right-of-way.

**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).

**REMARKS**

The applicant is requesting Subdivision approval to create 1 legal lot, and Rezoning from B-5, Office-Distribution District to I-1, Light Industrial District. The applicant is proposing to operate a transmission repair shop which is not allowed by right in a B-5, Office Distribution District, thus the reason for this application.

It should be pointed out that the subject property has been utilized for industrial uses; and the applicant would like to continue to utilize the site for industrial type uses. The site currently has non-conforming documentation that was recently provided and approved, establishing light industrial uses prior to annexation into the City, and continuing without expiration or abandonment. Approval of the continuance for a non-conforming use is valid for two years, during which time a business must re-establish an I-1, Light Industrial use on the property; otherwise the non-conforming use approval will expire on August 13, 2020. Once a new non-conforming use is re-established, however, the property can continue to be used for I-1 uses, as long as there is no more than a two-year period of inactivity or vacancy of the property.

The site has been given a Light Industrial 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.

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.

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.

Todd Acres Drive is a minor street, with adequate right-of-way, thus no dedication will be required.

The site is currently developed with two existing curb-cuts. As access management is a concern, a note should be placed on the Final Plat and site plan stating that the lot is limited to the two existing curb-cuts to Todd Acres Drive, with the size, design, and location to be approved by Traffic Engineering.

The lot size is provided in square feet and acres. This information should be retained on future site plans and the final plat.

The 25' minimum building setback line is not depicted on the plat or the site plan. The setback line should be depicted on the final plat, if approved.

The proposed lot appears to meet the minimum size and frontage requirements of Section V.D.2. of the Subdivision Regulations. However, the lot does not comply with Section V.D.3. of the Subdivision Regulations regarding the maximum width to depth ratio. Thus, a waiver of Section V.D.3 will be required in order to approve the subdivision as proposed.

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 applicant provided the following statement:

*“In July of 2018 the current leasee of the property in question applied for a business license with the City of Mobile, to operate a transmission repair shop, and was denied. It was explained to them that the property was zoned B-5 and their business required I-1. The owner of the property provided evidence that the property has been leased and used for Industrial use for at least 13 years. This pre-dates the City’s annexation and zoning of the property. A variance was allowed, and the business license issued with the stipulation that the owner pursue a zoning change for appropriate use.”*

This site is bounded to the north by properties within an I-1, Light Industrial District, to the east and west by B-5, Office Distribution District, and to the south by I-1, Light Industrial District and B-5, Office Distribution District.

The B-5 designation was assigned to the property as part of the 2009 Theodore/ Tillman’s Corner rezoning study. The I-2 property abutting the site to the North was rezoned from R-A and B-5 to I-2 zoning in 2016. The I-1 property to the South of the site was rezoned from R-A and B-5 to I-1 in 2013. This helps support the justification that the surrounding properties within the area are centered around industrial uses.

The applicant provided a site plan illustrating the existing 14,612 square foot steel fabrication building with fencing, gravel driveways and a gravel laydown yard. The site has nonconforming status, and since the site is not expanding, there is nothing that would trigger full site compliance at this time.

## **RECOMMENDATION**

**Subdivision:** With a waiver of Section V.D.3 of the Subdivision Regulations, the application is recommended for Tentative Approval, subject to the following conditions:

- 1) revision of the plat to depict the 25’ minimum building setback line;
- 2) retention of the of the lot size is square feet and acres on the Final Plat;
- 3) retention of right-of-way width along Todd Acres Drive;
- 4) 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.*

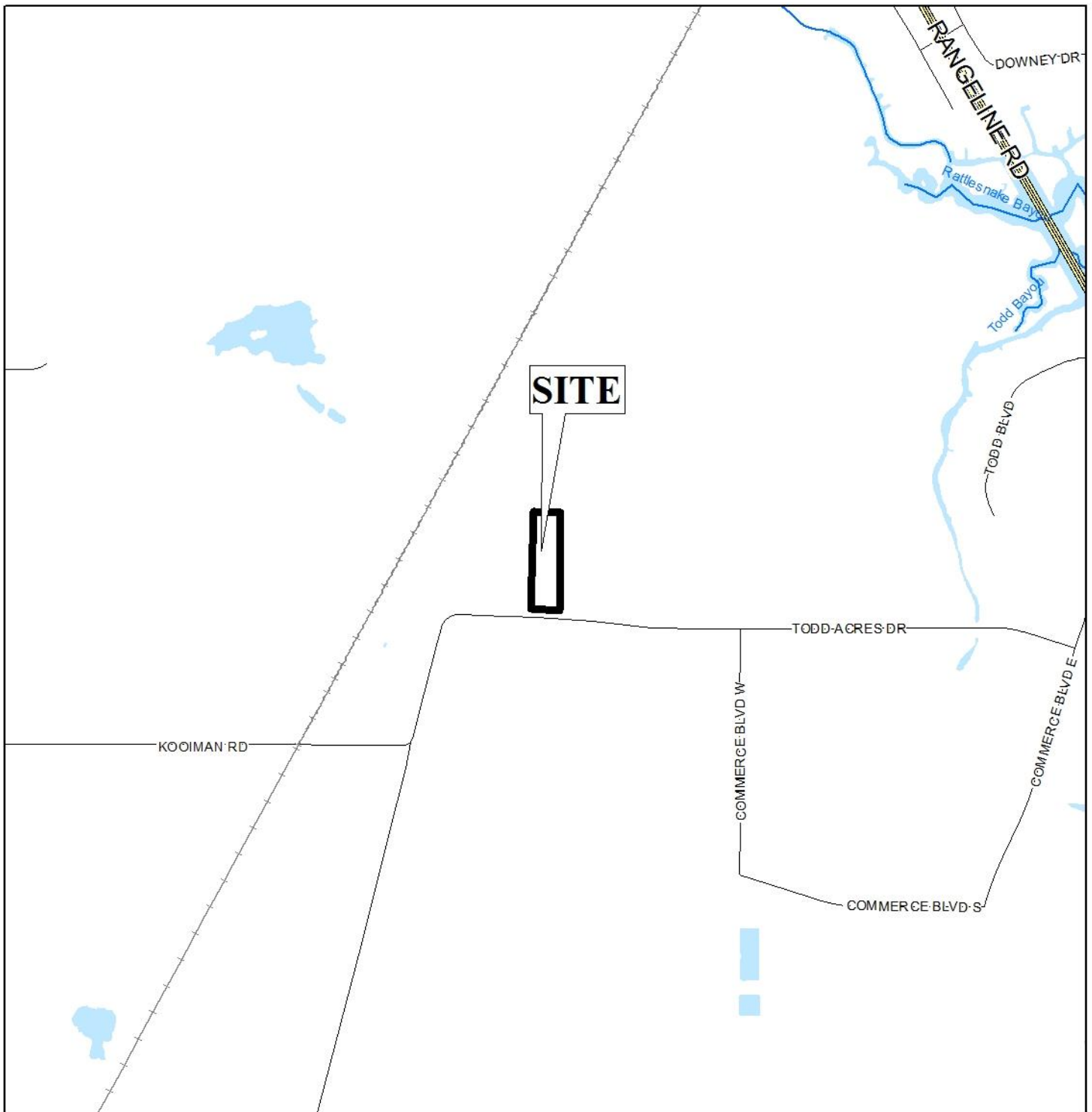
*signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings and distances) that is required by the current Alabama State Board of Licensure for Professional Engineers and Land Surveyors. B. Provide and label the monument set or found at each subdivision corner. C. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. D. 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. E. Add a note to the plat stating that all easements shall remain in effect until vacated through the proper Vacation process. F. Provide a copy of the FINAL SUBDIVISION PLAT to the Engineering Dept. for review. No signatures are required on this drawing. G. 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.;*"

- 5) full compliance with Traffic Engineering comments: "Lot is limited to its existing curb cuts, with any changes to 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. If improvements are proposed at this location, driveways may be required to be brought up to City standards, which may also require the removal of any gravel in the right-of-way.";
- 6) full 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.";
- 7) full compliance with Fire 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)."; and
- 8) completion of the Subdivision process prior to the issuance of permits.

**Rezoning:** Based upon the preceding, the application is recommended for Approval subject to the following conditions:

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

# LOCATOR MAP



APPLICATION NUMBER 7 DATE December 6, 2018

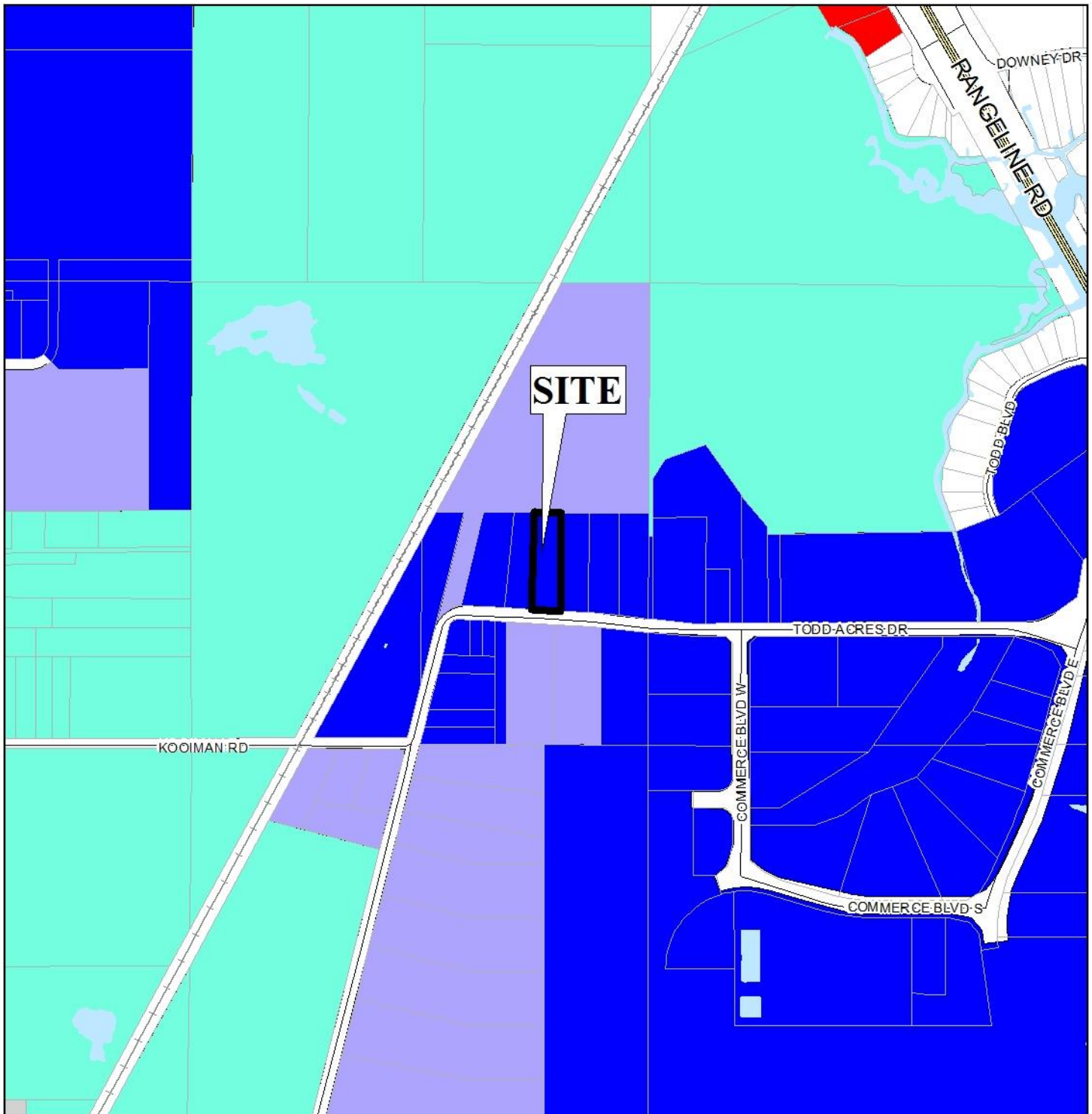
APPLICANT Todd Acres Industrial Subdivision

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



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# LOCATOR ZONING MAP



APPLICATION NUMBER 7 DATE December 6, 2018

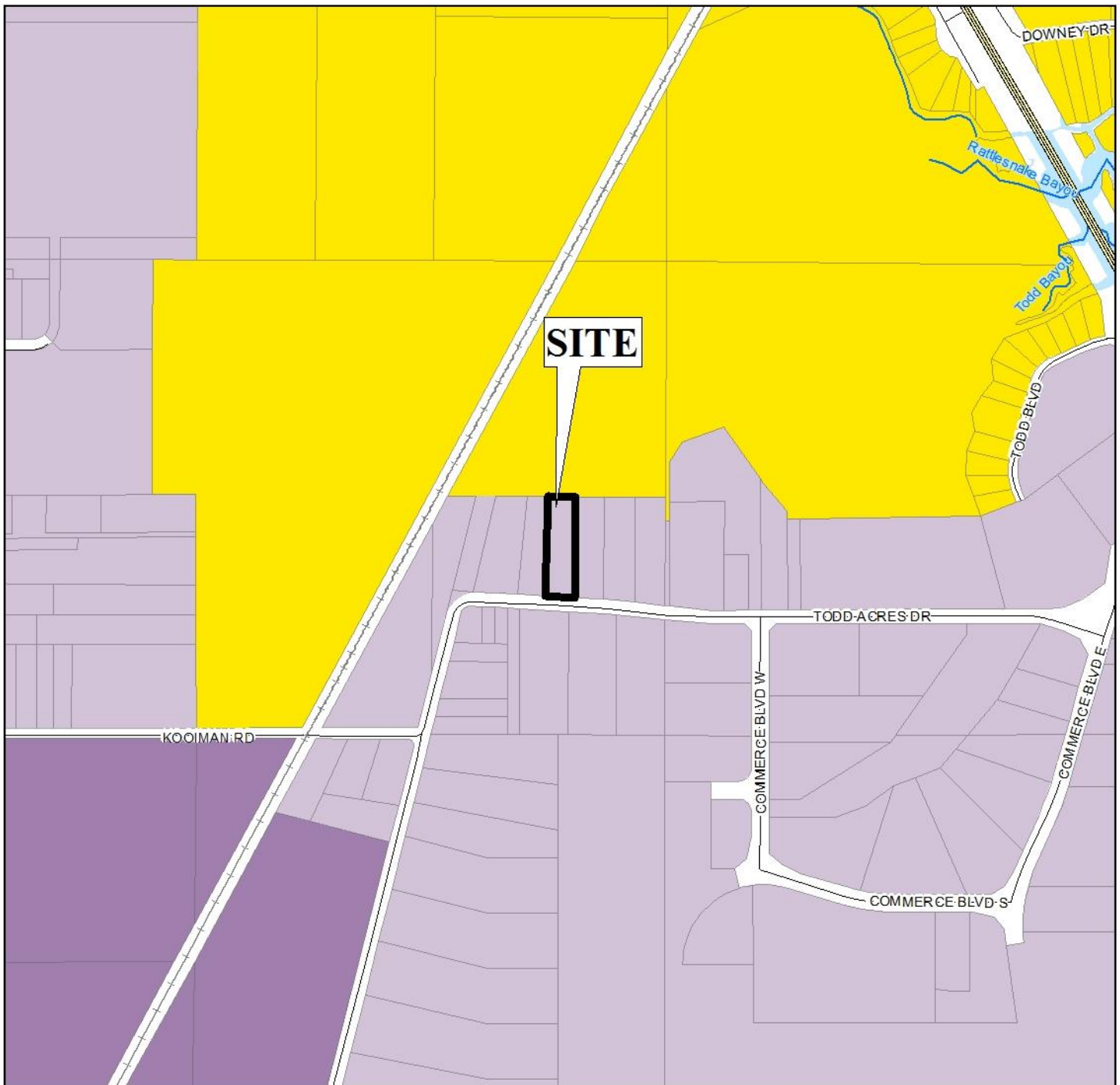
APPLICANT Todd Acres Industrial Subdivision

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





# FLUM LOCATOR MAP



APPLICATION NUMBER 7 DATE December 6, 2018

APPLICANT Todd Acres Industrial Subdivision

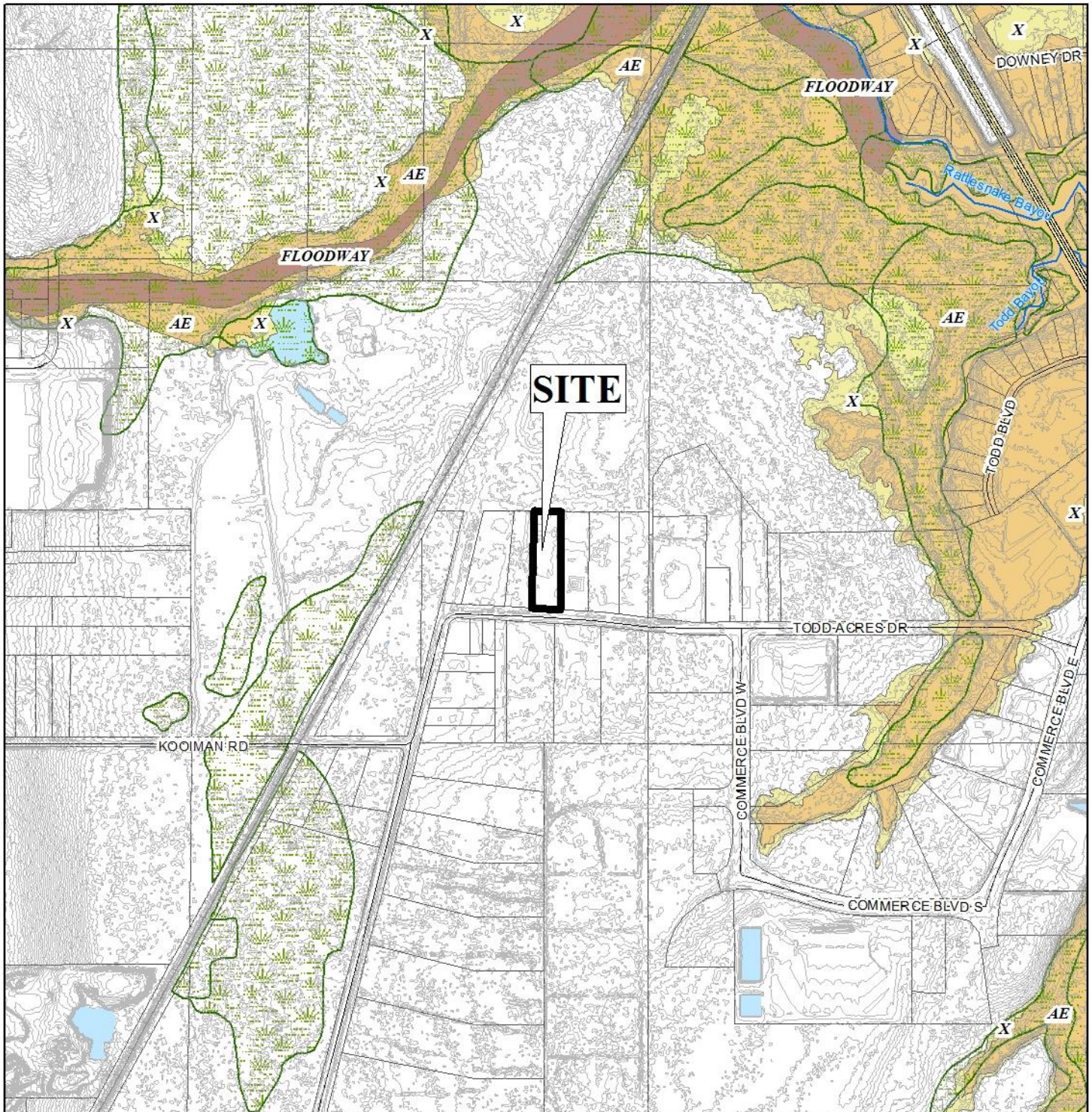
REQUEST Subdivision, Rezoning from B-5 to I-1

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 7 DATE December 6, 2018

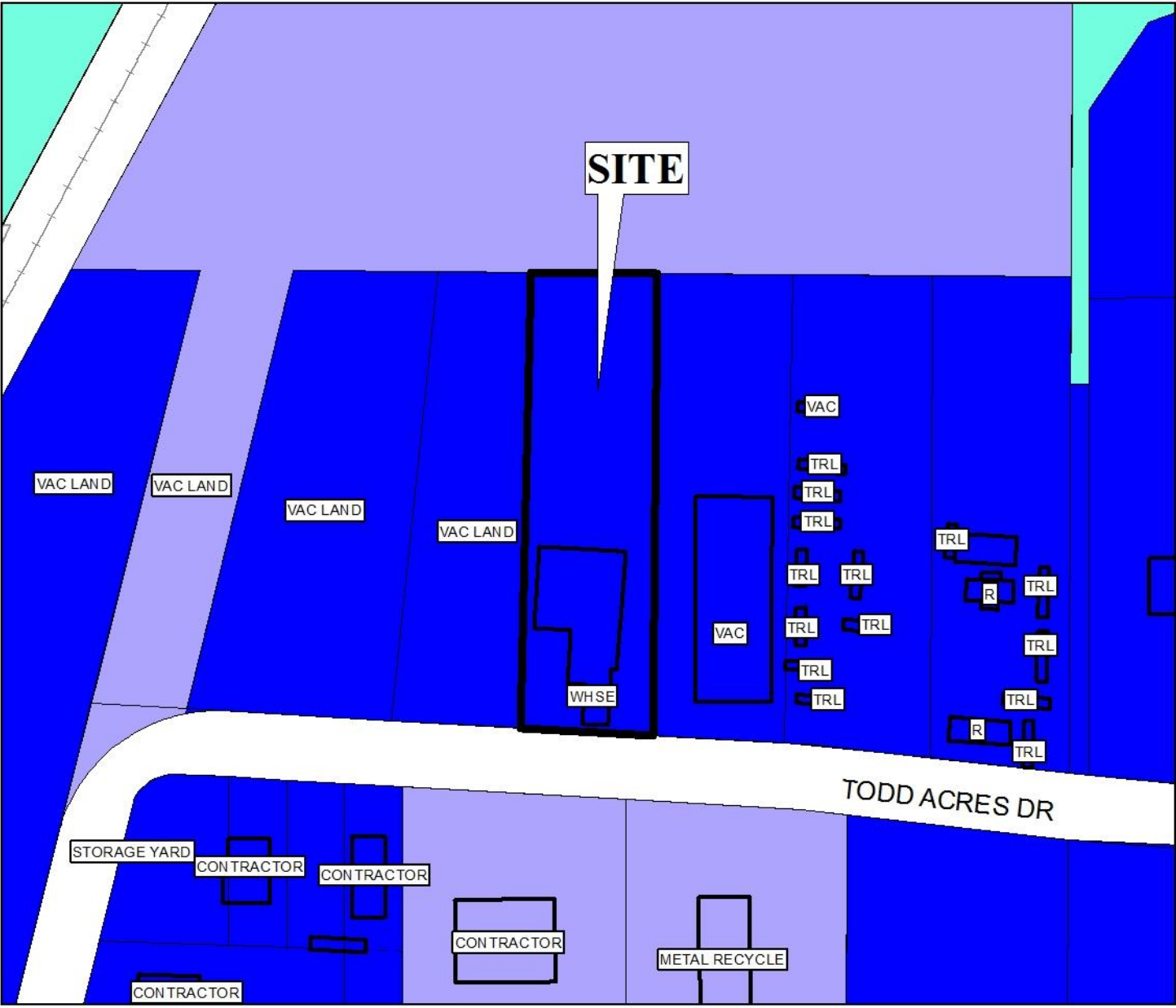
APPLICANT Todd Acres Industrial Subdivision

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





**PLANNING COMMISSION  
VICINITY MAP - EXISTING ZONING**



























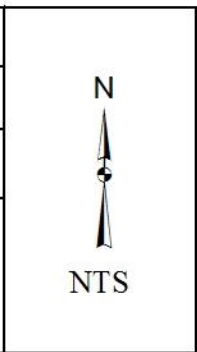
The site is surrounded by commercial and industrial units to the south and residential units to the east.

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APPLICANT Todd Acres Industrial Subdivision

REQUEST Subdivision, Rezoning from 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 commercial and industrial units to the south and residential units to the east.

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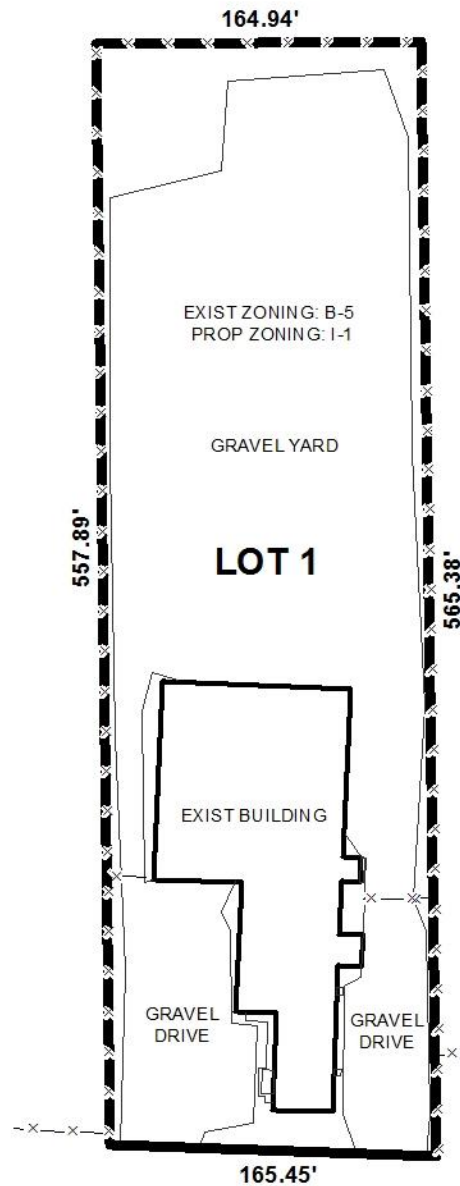
REQUEST Subdivision, Rezoning from B-5 to I-1



NTS



# SITE PLAN



The site plan illustrates the existing building and gravel drives.

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