

**SUBDIVISION &
REZONING STAFF REPORT****Date: December 17, 2020**

<u>NAME</u>	Cypress Business Park Logistics Subdivision
<u>LOCATION</u>	4583 Cypress Business Park Drive (West side of Cypress Business Park Drive, extending to the East side of Interstate 10)
<u>CITY COUNCIL DISTRICT</u>	District 4
<u>PRESENT ZONING</u>	B-3, Community Business and B-5, Office-Distribution
<u>PROPOSED ZONING</u>	B-5, Office Distribution District
<u>AREA OF PROPERTY</u>	45.2 ± Acres / 3 lots
<u>CONTEMPLATED USE</u>	Subdivision approval to create three (3) legal lots of record and Rezoning from B-3, Community Business District and B-5 Office Distribution District to B-5, Office Distribution District
<u>TIME SCHEDULE FOR DEVELOPMENT:</u>	Immediately
<u>ENGINEERING COMMENTS:</u>	

Subdivision:

It appears that the existing access drive (4583 Cypress Business Park Drive) is providing access to proposed LOT 1 and LOT 3 from this Private road on an existing parcel.

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. Show/label existing property lines to be able to differentiate between existing and proposed property lines.

- D. Provide and label the monument set or found at each subdivision corner.
- E. Add legible street names to the vicinity map.
- F. Provide a legend. There are numerous unknown markings, numbers, etc. that are shown on the drawing.
- G. Provide a proper Notary Public statement/signature block.
- H. The ROW between LOT 2 and LOT 3 shall be labeled as PRIVATE. This is NOT a public ROW.
- I. Provide a written description for the entire subdivision boundary.
- J. Review and revise the written descriptions. We were not able to recreate the boundary for LOTS 1, 2, and 3 due to errors in various written bearing and distance information.
- K. Provide a written legal description and matching bearing and distance labels for the proposed subdivision.
- L. Show and label all flood zones. New maps went into effect on June 5, 2020.
- M. Show and label the MFFE (Minimum Finished Floor Elevation) on each lot that contains an AE, V, or X (shaded) flood zone designation.
- N. Add a signature block for the Owner and Notary Public.
- O. Provide the Surveyor's and Owner's (notarized) signatures.
- P. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photos LOTS 1, 2, and 3 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.
- Q. Provide a copy of the FINAL SUBDIVISION PLAT and LETTER OF DECISION to the Engineering Dept. for review. No signatures are required on the drawing. Place the information for the Subdivision Plat on the PLAT Review sign-in sheet.
- R. After addressing all of the FINAL SUBDIVISION PLAT review comments 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. Place the information for the Subdivision Plat on the PLAT Review sign-in sheet.

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 (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 1 is limited to four curb cuts and Lots 2 and 3 are limited to one curb cut each, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. 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. A traffic impact study has been submitted for proposed development on Lot 1 of this site and is currently under review by City staff. Offsite improvements may be necessary to mitigate the volume of traffic anticipated by this development.

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). 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.

REMARKS

The applicant is requesting Subdivision approval to create three (3) legal lots of record and rezoning from B-3, Community Business District and B-5 Office Distribution District to B-5, Office Distribution District.

The site has been given a Heavy Industry (HI) land use designation, per the Future Land Use Plan and Map, adopted on May 18, 2017 by the Planning Commission. 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 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.

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.

The applicant provided the following narrative for the applications:

The Applicant is requesting approval for a three lot subdivision and the re-zoning of proposed Lot 1 from a split of B-3 and B-5 to B-5. Previously this site was before the Planning Commission on November 5, 2020 for a two lot subdivision, planning approval to allow a Warehouse/Distribution Center in a B-3 zone, and a planned unit development approval. All three applications were granted. After that approval, applicant was able to acquire additional property for access to the site which was previously under easement. By incorporating the new access drives, the applicant would like the development site (Lot 1) to be a single lot with a B-5 zoning throughout.

As support for the request to rezone the southern half of proposed Lot 1, Applicant would point to the changing conditions in the area around the subject property.

The south portion of proposed Lot 1 was initially zoned B-3 in 1997. Since that time, commercial uses along the Cypress Business Park have increased. The properties fronting Cypress Business Park were initially zoned B-5 and much has been developed pursuant to that classification. Properties across Cypress Business Park are also zoned either B-5 or

I-1 and there are active distribution and truck terminal facilities operating at this time on those parcels. A parcel along the railroad tracks east of the subject property was recently rezoned from B-3 to B-5. Similarly, a large tract across Rangeline Road from the subject property was rezoned to I-1 in 2009. The existing activities on the surrounding parcels as well as the recent re-zonings of properties in the area evidences the changing conditions in the area.

It is also of note that the Future Land Use Map shows the subject property as being designated for Heavy Industry. The proposed re-zoning of the south portion of the proposed Lot 1 would allow for the Distribution and Warehouse use but in a less intense classification than I-1 zoning. In meetings with the neighbors, it was made very clear that there would be substantial opposition to any attempt to change the zoning at the subject site to any I classification.

Last, the location of the site minimizes any impact a zoning change would have on the surrounding properties. The site is bordered on the North and East by B-5 zoning, the West frontage is on Interstate 10, the South is bounded by Higgins Road and, then, almost immediately adjacent to Rangeline Road.

Based on the changing conditions surrounding the subject property and its location re-zoning from B-3 to B-5 would be appropriate.

The overall site was before the Planning Commission at the November 5th meeting and received Subdivision, Planned Unit Development and Planning Approval. The Subdivision approval allowed two lots following the existing zoning boundary between B-3 and B-5 districts, the Planned Unit Development approval allowed for the warehouse to cross the common/interior property line and the Planning Approval allowed a warehouse exceeding 40,000 square feet in a B-3 district. While the Commission approved all the applications, since that time, as illustrated in the applicant's narrative above, the applicant was able to acquire additional street frontage and from a planning and zoning perspective it is preferable for the entire building to be located on one lot of the same the same zoning designation; hence these applications. It should be noted that with the approval of this rezoning and subdivision application the previous Planning Approval, Subdivision and PUD approvals are no longer needed.

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 purpose of the Subdivision is to resubdivide multiple existing lots of record into three legal lots. In accordance with the Subdivision Regulations, the proposed lots exceed the minimum lot size requirement and the lot sizes are illustrated in both square feet and acres, which should be retained on the Final Plat (or the provision of a table providing the same information).

There are multiple easements located on the property, some of which may be relocated. At the time of the recording of the Final Plat all easements must be illustrated, and a note should be placed on the Final Plat stating that no structure may be placed or constructed within any easement without the permission of the easement holder.

The proposed lots front Cypress Business Park Drive, a minor street with a compliant 60' right-of-way with curb and gutters; therefore, no dedication would be required. The site also fronts Higgins Road an existing city street, as well as frontage along the Rangeline /I-10 interchange and I-10 all of which have complaint right-of-way widths. The right-of-way widths were confirmed via the previous plat submitted to the Commission and city GIS data, and these compliant right-of-way widths should be illustrated on the Final Plat. Additionally, a note containing the Traffic Engineering comments should be placed on the Final Plat.

Regarding the subdivision plat submitted, subdivision note #2 states "No further resubdivision of the Lot is allowed until frontage on a roadway meeting city standards is provided." Most likely, this was a note on a prior plat when a large lot had only a small amount of frontage on Cypress Business Park Drive; as proposed all lots have extensive street frontage this note is no longer applicable.

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.

As stated by the applicant, changing conditions in the area, as well as subdivision land into building sites indicate the compatibility of rezoning the entire site to B-5. As illustrated on the various maps in this report, the site is located within an existing warehouse development. The location of the site near an active railroad and at the intersection of a five-lane highway and interstate interchange, make it an appropriate location for a warehouse distribution center. Furthermore, the overall area including the adjoining properties are zoned I-1 and B-5 and are warehousing in nature; existing warehouses in the area range from 45,000 to 202,500 square feet, thus indicating compatibility with the surrounding development.

The proposed site plan illustrates the proposed 181,000 square foot building with 349 automobile parking spaces, 939 delivery van spaces and additional spaces provided for loading and staging. A maximum of 110 employees will be in the warehouse for a single work shift, thus the plan provides compliant parking. Regarding landscaping and tree plantings, full compliance with the landscaping requirements of the Zoning Ordinance is required, and the applicant should coordinate with staff to ensure adequate protections are provided for any trees to be preserved and claimed for credit, as well as to make sure any proposed tree plantings are in conformance with Right Tree / Right Place standards

It should be noted that a sidewalk is not illustrated along Cypress Business Park Drive. If a sidewalk is not to be provided, a sidewalk waiver approved by the Planning Commission would be required.

RECOMMENDATION

Subdivision: Based upon the preceding, the plat will meet the minimum requirements of the Subdivision Regulations and is recommended for Tentative Approval, subject to the following conditions:

- 1) Provision of the lot sizes in both square feet and acres, (or the provision of a table providing the same information);
- 2) Illustration of all easements and placement of a note on the Final Plat stating that no structure may be placed or constructed within any easement without the permission of the easement holder;
- 3) Illustration of compliant rights-of-way along all street frontages on the Final Plat;
- 4) Placement of the required the 25-foot minimum building setback line along all street frontages on the Final Plat;
- 5) Compliance with the City Engineering Comments: 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. *Show/label existing property lines to be able to differentiate between existing and proposed property lines.* D. *Provide and label the monument set or found at each subdivision corner.* E. *Add legible street names to the vicinity map.* F. *Provide a legend. There are numerous unknown markings, numbers, etc. that are shown on the drawing.* G. *Provide a proper Notary Public statement/signature block.* H. *The ROW between LOT 2 and LOT 3 shall be labeled as PRIVATE. This is NOT a public ROW.* I. *Provide a written description for the entire subdivision boundary.* J. *Review and revise the written descriptions. We were not able to recreate the boundary for LOTS 1, 2, and 3 due to errors in various written bearing and distance information.* K. *Provide a written legal description and matching bearing and distance labels for the proposed subdivision.* L. *Show and label all flood zones. New maps went into effect on June 5, 2020.* M. *Show and label the MFFE (Minimum Finished Floor Elevation) on each lot that contains an AE, V, or X (shaded) flood zone designation.* N. *Add a signature block for the Owner and Notary Public.* O. *Provide the Surveyor's and Owner's (notarized) signatures.* P. *Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photos LOTS 1, 2, and 3 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.* Q. *Provide a copy of the FINAL SUBDIVISION PLAT and LETTER OF DECISION to the Engineering Dept. for review. No signatures are required on the drawing. Place the information for the Subdivision Plat on the PLAT Review sign-in sheet.* R. *After addressing all of the FINAL SUBDIVISION PLAT review comments 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. Place the information for the Subdivision Plat on the PLAT Review sign-in sheet.;

- 6) Compliance with the Traffic Engineering Comments: (Lot 1 is limited to four curb cuts and Lots 2 and 3 are limited to one curb cut each, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. 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. A traffic impact study has been submitted for proposed development on Lot 1 of this site and is currently under review by City staff. Offsite improvements may be necessary to mitigate the volume of traffic anticipated by this development);
- 7) Compliance with the 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;
- 8) Compliance with the 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); and
- 9) Full compliance with all municipal codes and ordinances.

Rezoning: Based on the preceding, the application is recommended for Approval for the following reasons:

- 1) The applicant has illustrated that there are changing conditions in the area which make a change in the Ordinance necessary and desirable; and
- 2) The applicant has illustrated that the subdivision of land into building sites makes reclassification of the land necessary and desirable.

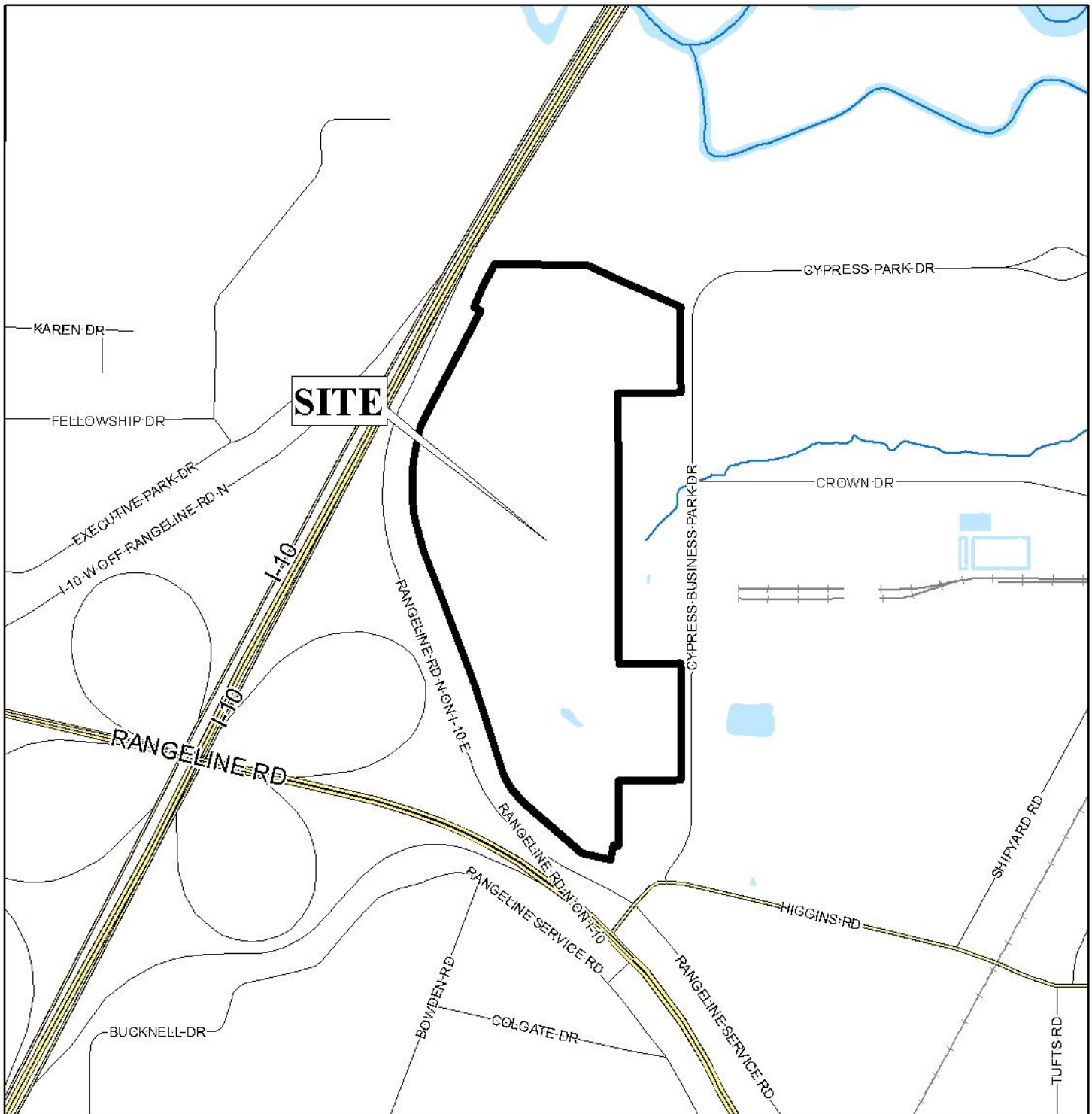
The approval should be subject to the following conditions:

1. Compliance with the Engineering Comments: *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 (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);

2. Full compliance with all municipal codes and ordinances.

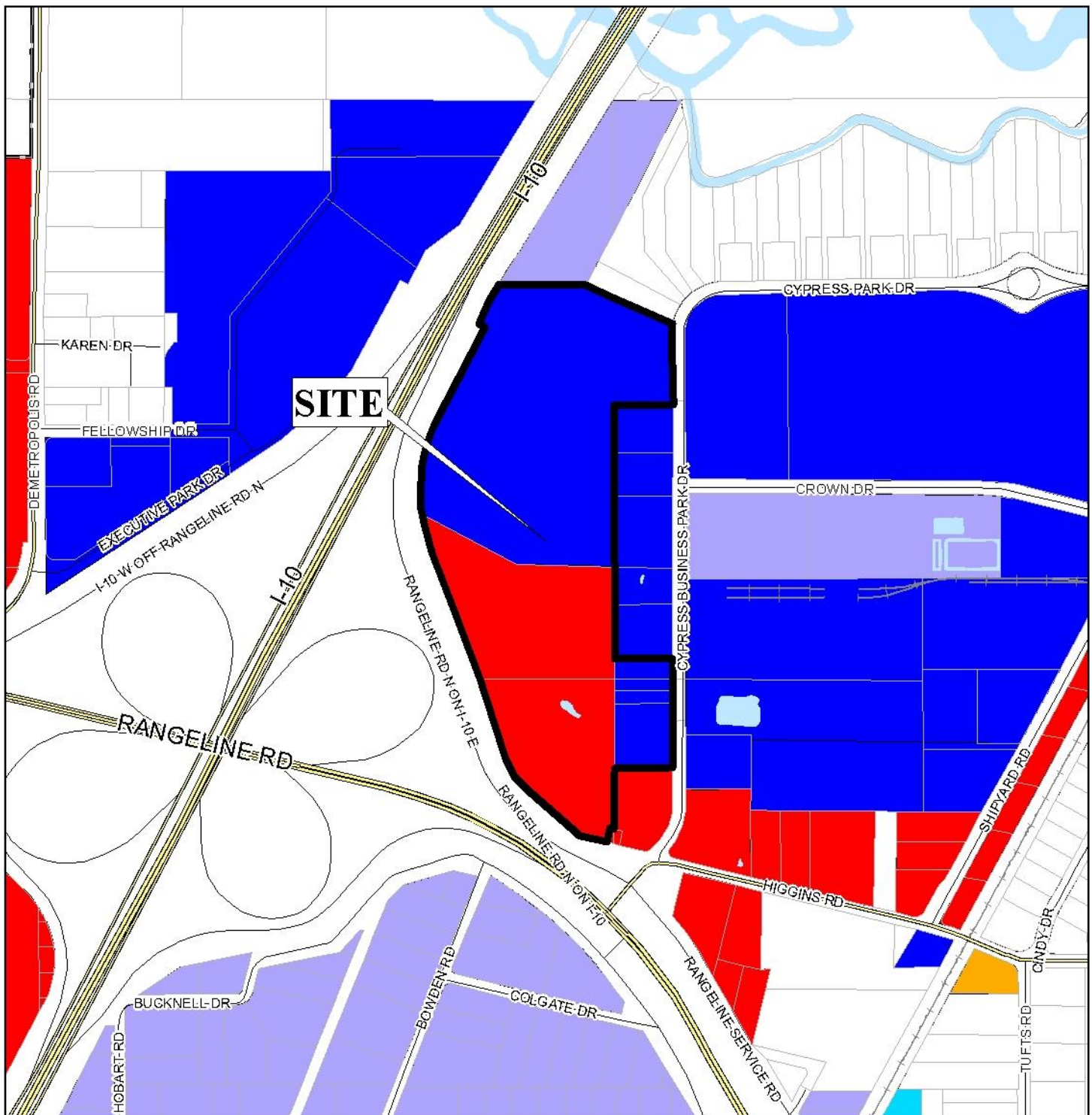
LOCATOR MAP



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APPLICANT Cypress Business Park Logistics Subdivision
REQUEST Subdivision, Rezoning from B-3 and B-5 to B-5



LOCATOR ZONING MAP



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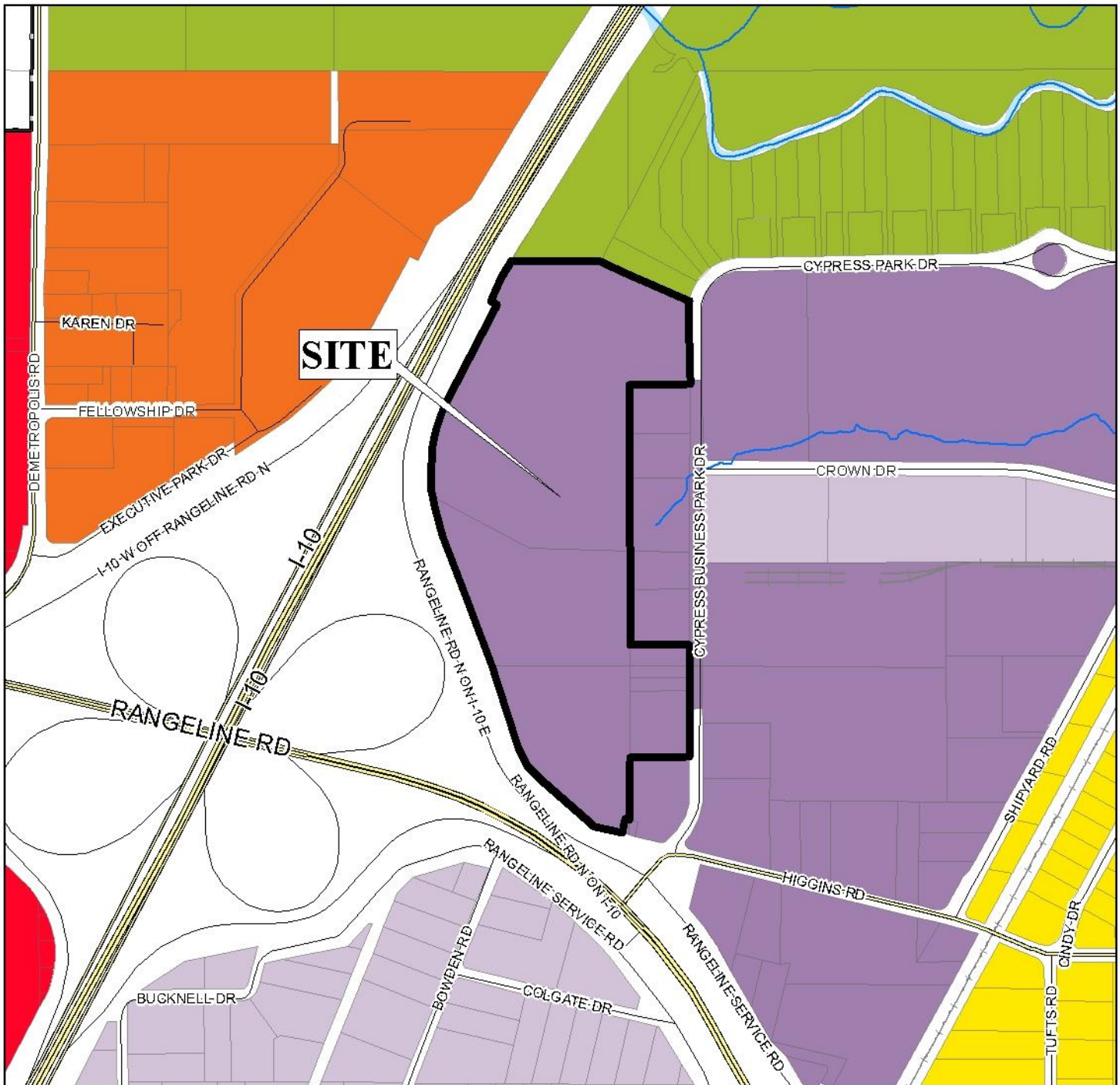
APPLICANT Cypress Business Park Logistics Subdivision

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NTS

FLUM LOCATOR MAP



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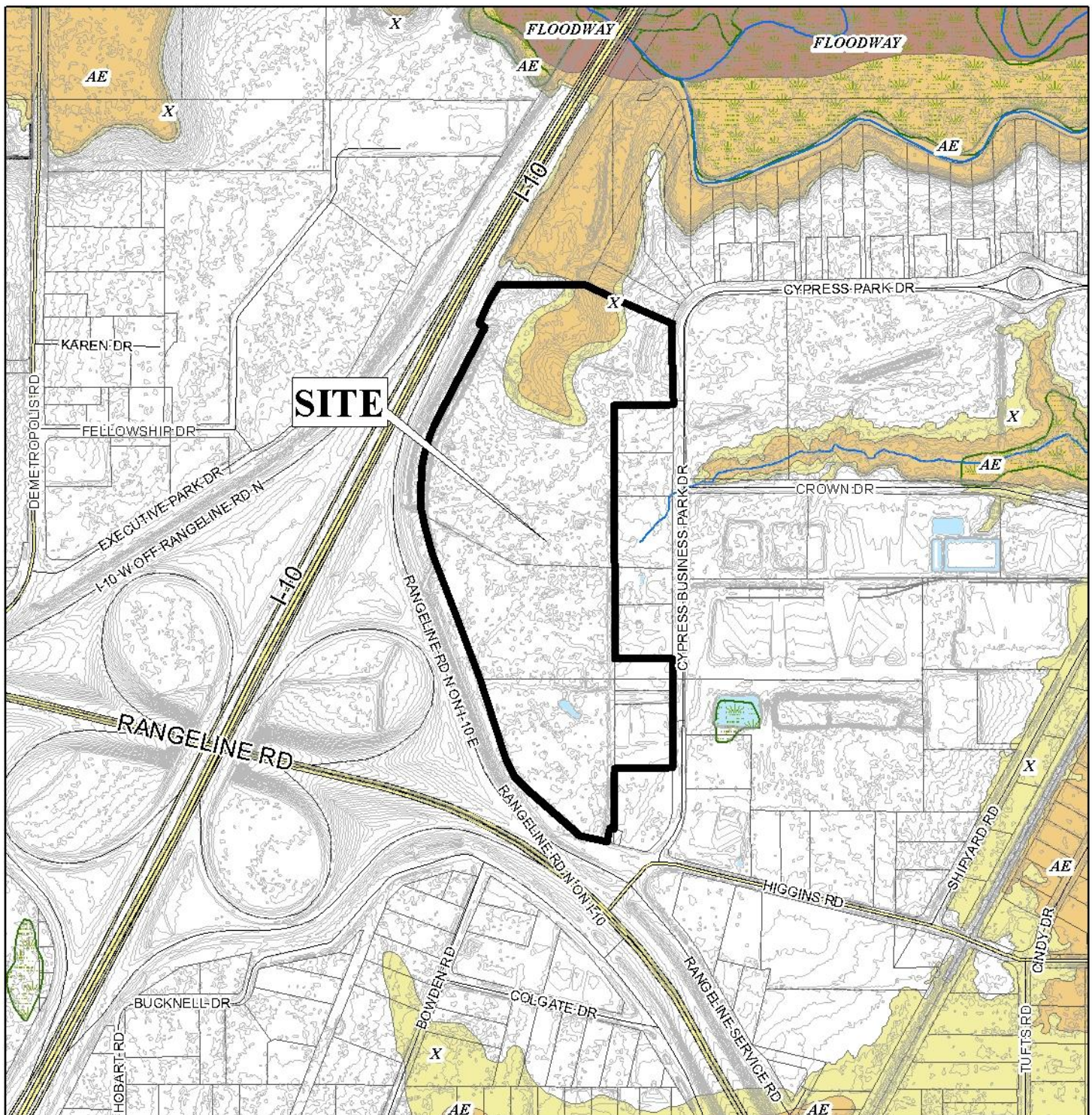
APPLICANT Cypress Business Park Logistics Subdivision

REQUEST Subdivision, Rezoning from B-3 and B-5 to B-5

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	



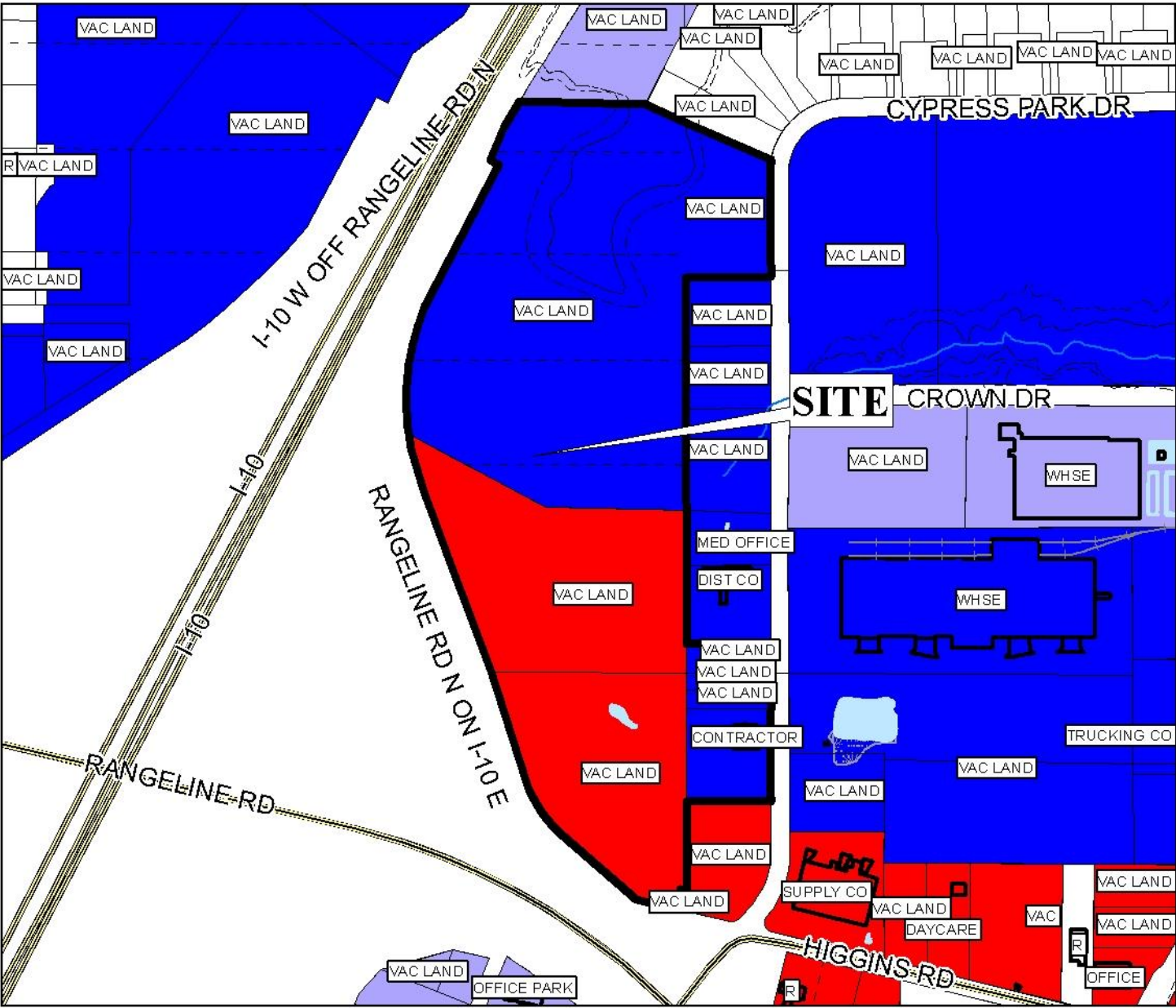
ENVIRONMENTAL LOCATOR MAP



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**PLANNING COMMISSION
VICINITY MAP - EXISTING ZONING**



























The site is surrounded by commercial units.

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REQUEST Subdivision, Rezoning from B-3 and B-5 to B-5

	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

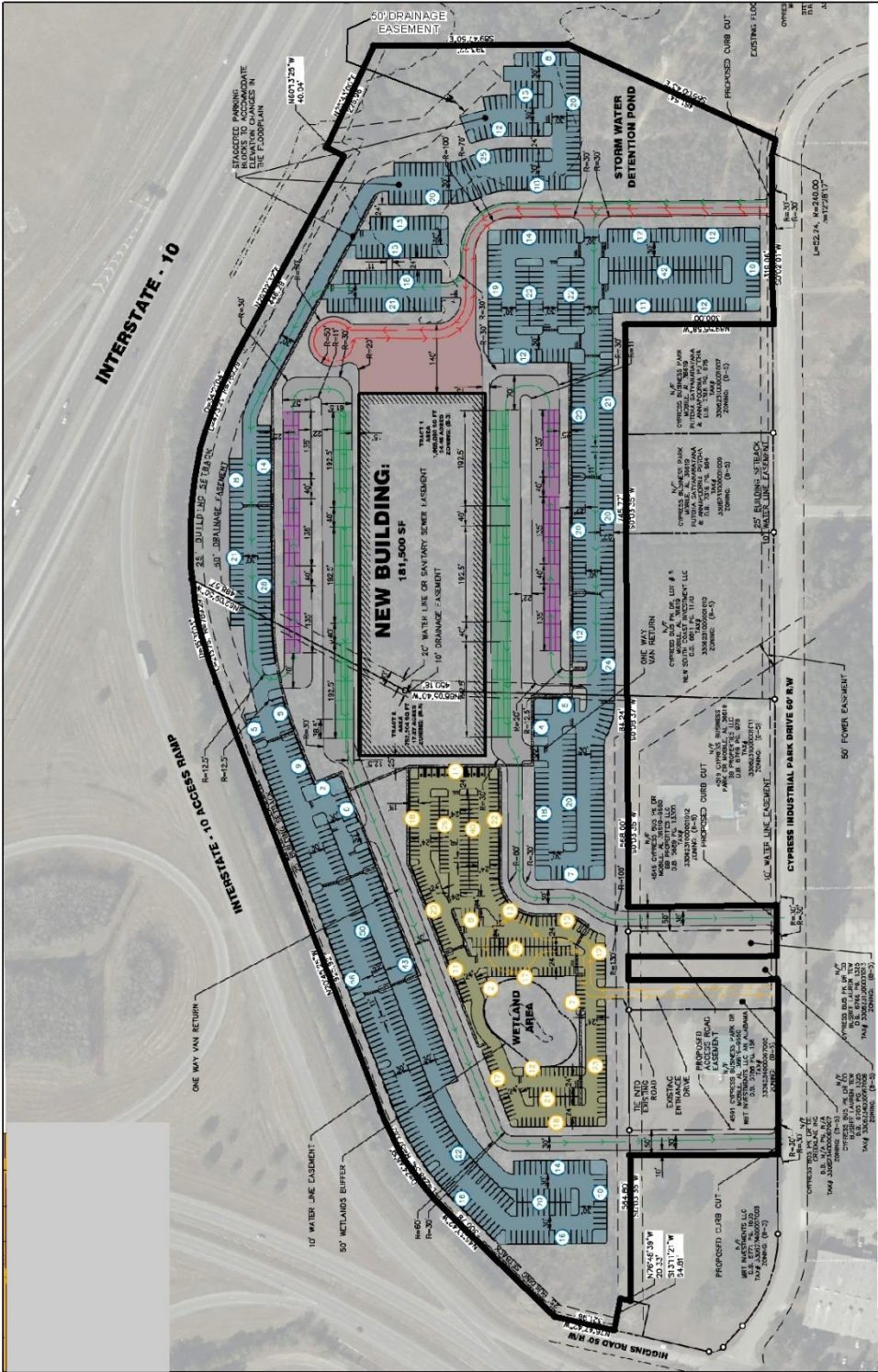


The site is surrounded by commercial units.

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SITE PLAN

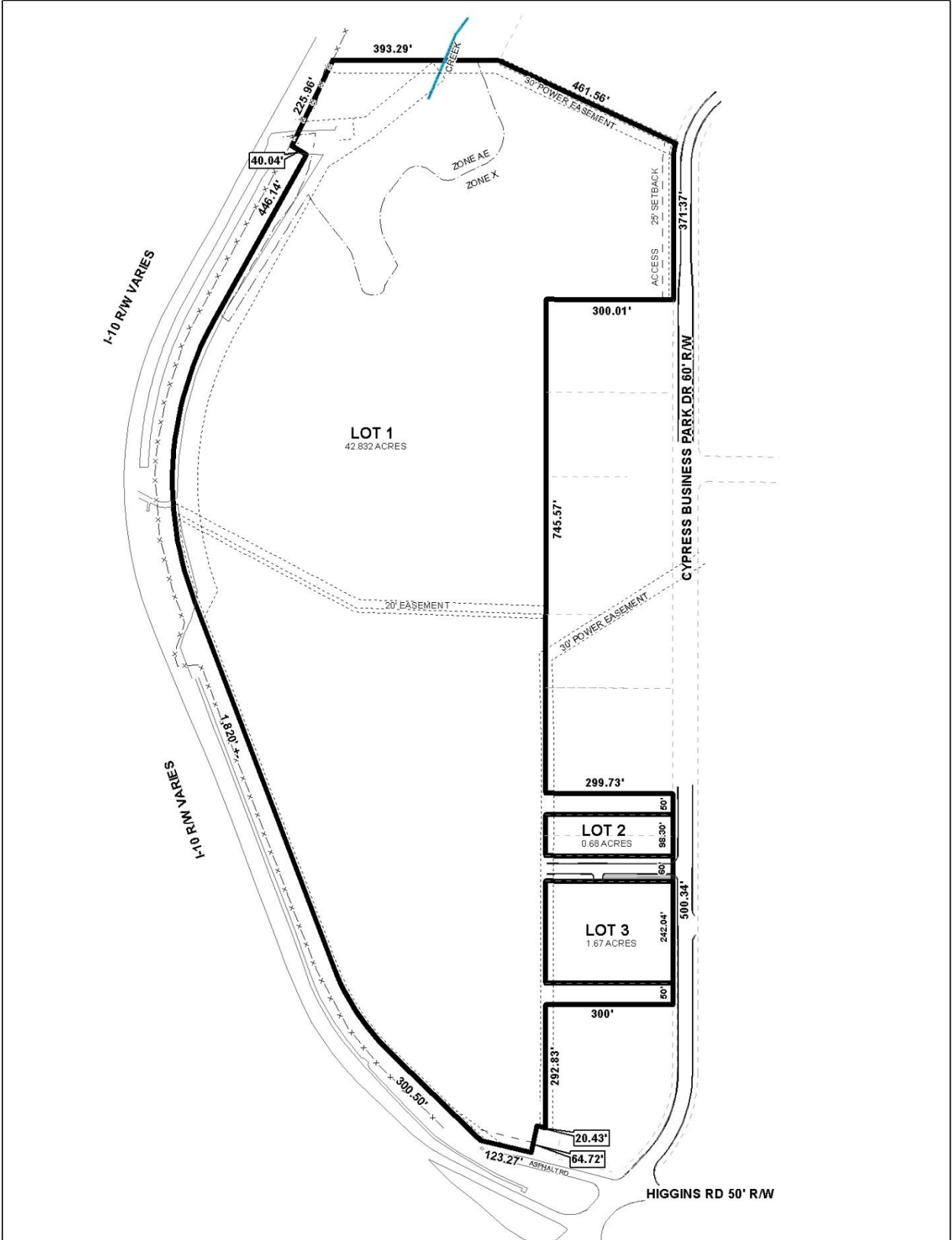


The site plan illustrates the new building, parking, setbacks, and easements.

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DETAIL SITE PLAN



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APPLICANT Cypress Business Park Logistics Subdivision

REQUEST Subdivision, Rezoning from B-3 and B-5 to B-5



NTS