

**SUBDIVISION &  
ZONING AMENDMENT STAFF REPORT****Date: November 18, 2021****APPLICANT NAME**

David Shumer, Agent

**SUBDIVISION NAME**

McKinley Sparks Subdivision

**LOCATION**5527 Todd Acres Drive  
(South side of Todd Acres Drive, 500'± West of Commerce  
Boulevard West).**CITY COUNCIL  
DISTRICT**

Council District 4

**PRESENT ZONING**

B-5, Office-Distribution District

**PROPOSED ZONING**

I-1, Light Industry District

**AREA OF PROPERTY**

1 Lot/ 4.1± Acres

**CONTEMPLATED USE**Subdivision Approval to create one (1) legal lot of record  
from one (1) metes-and-bounds parcel; and Rezoning from  
B-5, Office-Distribution District to I-1, Light Industry  
District.**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.****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 the Surveyor's Certificate.
- C. Provide the Surveyor's and Owner's (notarized) signatures.
- D. Revise NOTES #4. It contains two (2) separate notes. Delete the second sentence.
- E. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 22 - #98) LOT 1 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 – 6,000 sf.

- F. 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.
- G. After addressing all of the FINAL SUBDIVISION PLAT review comments provide the ORIGINAL (with all signatures except for the Planning Commission, Traffic Engineering, and City Engineer), one (1) copy, and a transmittal letter to the Engineering Permitting Department. They can be dropped off at 205 Government St. or mailed to PO Box 1827, Mobile, AL, 36633.

#### **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. Any existing or proposed detention facility shall be maintained as it was constructed and approved. The Land Disturbance Permit application for any proposed construction includes a requirement of a Maintenance and Inspection Plan (signed and notarized by the Owner) for the detention facility. This Plan shall run with the land and be recorded in the County Probate Office prior to the Engineering Department issuing their approval for a Final Certificate of Occupancy.
- 5. The approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. The Owner/Developer is responsible for acquiring all of the necessary permits and approvals.
- 6. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

#### **TRAFFIC ENGINEERING**

##### **COMMENTS**

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Any required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in 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 (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.

**TIME SCHEDULE****FOR DEVELOPMENT**

None provided

**REMARKS**

The applicant is requesting Subdivision Approval to create one (1) legal lot of record from one (1) metes-and-bounds parcel; and Rezoning from B-5, Office-Distribution District to I-1, Light Industry District.

The site has been given a Light Industry (LI) land use designation, per the 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.

The applicant proposes to create one (1) legal lot of record from a one (1) metes-and-bounds parcel. The lot size is depicted in square feet and acres on the plat, and exceeds the minimum lot size requirements of Section V.D.2. of the Subdivision Regulations. If approved, the lot size in square feet and acres should be retained on the Final Plat.

The 25-foot minimum building setback line is depicted along the property frontage, and should be retained on the Final Plat, if approved.

Todd Acres Drive is a minor street without curb and gutter, with a compliant 80-foot right-of-way, making no dedication necessary.

If approved, a note should be placed on the Final Plat stating Traffic Engineering comments.

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 by B-5, Office-Distribution District to the North, South, and East and I-1, Light Industry District to the West. The property to the West was rezoned from R-A and B-5 to I-1 in 2013.

The applicant states the following:

**Existing Conditions**

*This project is located at 5527 Todd Acres Drive. The property was previously developed as a mobile home park and contained multiple residential structures and a warehouse. The property is currently zoned B-3 and does not lie within a flood zone. Properties to the north, south, and east are zoned B-3 and the property to the west is zoned I-1. The adjacent uses include metal recycling, freight hub, HVAC distribution, and a mobile home park.*

**Proposed Development**

*The proposed project consists of providing an aggregate storage area for truck trailers, boats, RV, etc. The site will be surrounded by a security fence with access from Todd Acres through a powered gate. The required landscaping and a City standard sidewalk will be provided. There are no structures or enclosed storage proposed.*

**Consistency**

*The development is surrounded by industrial uses including metal recycling, metal fabrication, contractor offices with outside laydown area, and multiple truck and warehouse distribution centers. This property is adjacent to an I-1 zoned development and the proposed use is in line with and will support the current developments in the area.*

The site plan submitted shows a concrete paved area approximately 30-feet wide and 75-feet deep for customers entering and existing the property to be located out of the right-of-way while closing and opening the proposed gate. Other than a security chain link fence around the perimeter of the site, no structures are proposed to be built in association with the proposed truck, boat, and RV storage use proposed. As there are no proposed structures, there is no required parking.

Areas used to be parked vehicles or equipment, that is not required parking, in an I-1 district, can be aggregate surfacing, by-right, which the applicant proposes to use. However, the site plan should be revised to clearly delineate parking spaces, with the use of bumper stops, if approved.

A note on the site plan states “landscaping compliance to be maintained at existing levels”. As the subject property is being completely redeveloped, if approved, this note should be removed from the site plan and replaced with a note stating that the site will fully comply with tree planting and landscaping area requirements, with tree plantings to be coordinated with staff.

Finally, a note on the site plan references a curb cut to Lakeside Drive West. If approved, this note should be removed and replaced with the Traffic Engineering comments.

While the applicant does not specify which condition exists that makes the rezoning necessary and desirable, the subject site is over four (4) acres, and is adjacent to existing I-1 zoning. The fact that the adjacent site was rezoned in 2013, may indicate changing conditions in the area.

## **RECOMMENDATION**

**Subdivision:** Based upon the preceding, the application is recommended for Tentative Approval, subject to the following:

- 1) retention of the lot sizes in square feet and acres;
- 2) retention of the 25-foot minimum building setback along Todd Acres Drive;
- 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 the Surveyor's Certificate. C. Provide the Surveyor's and Owner's (notarized) signatures. D. Revise NOTES #4. It contains two (2) separate notes. Delete the second sentence. E. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 22 - #98) LOT 1 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 – 6,000 sf. F. 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. G. After addressing all of the FINAL SUBDIVISION PLAT review comments provide the ORIGINAL (with all signatures except for the Planning Commission, Traffic Engineering, and City Engineer), one (1) copy, and a transmittal letter to the Engineering Permitting Department. They can be dropped off at 205 Government St. or mailed to PO Box 1827, Mobile, AL, 36633.*)
- 4) placement of a note on the site plan stating the following 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.*);
- 5) 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 [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.*); and
- 6) 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). 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.*).

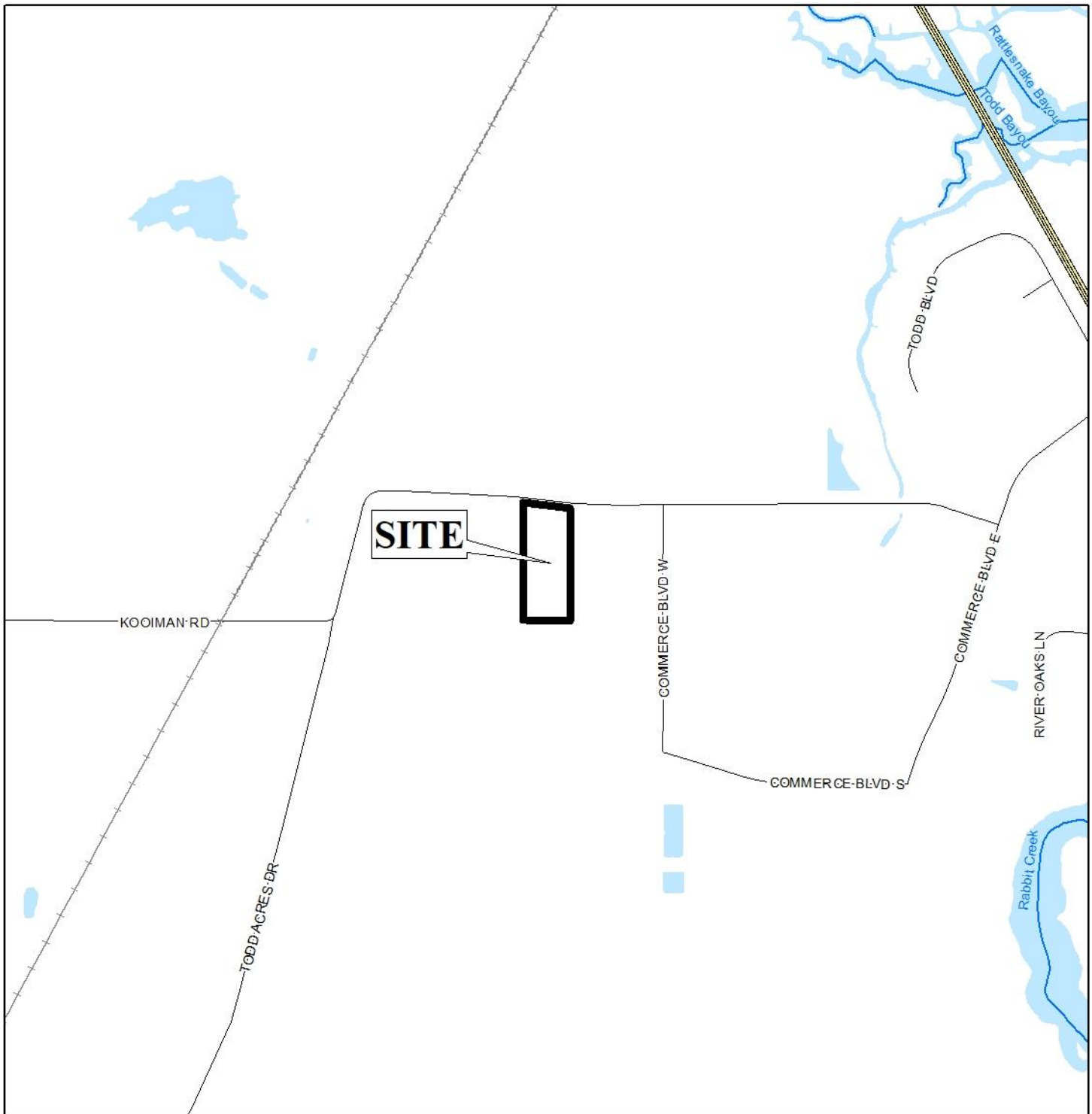
**Rezoning:** Based on the preceding, this application is recommended for Approval for the following reason:

- a) there are changing conditions in the area.

The approval should be 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 8 DATE November 18, 2021

APPLICANT McKinley Sparks Subdivision

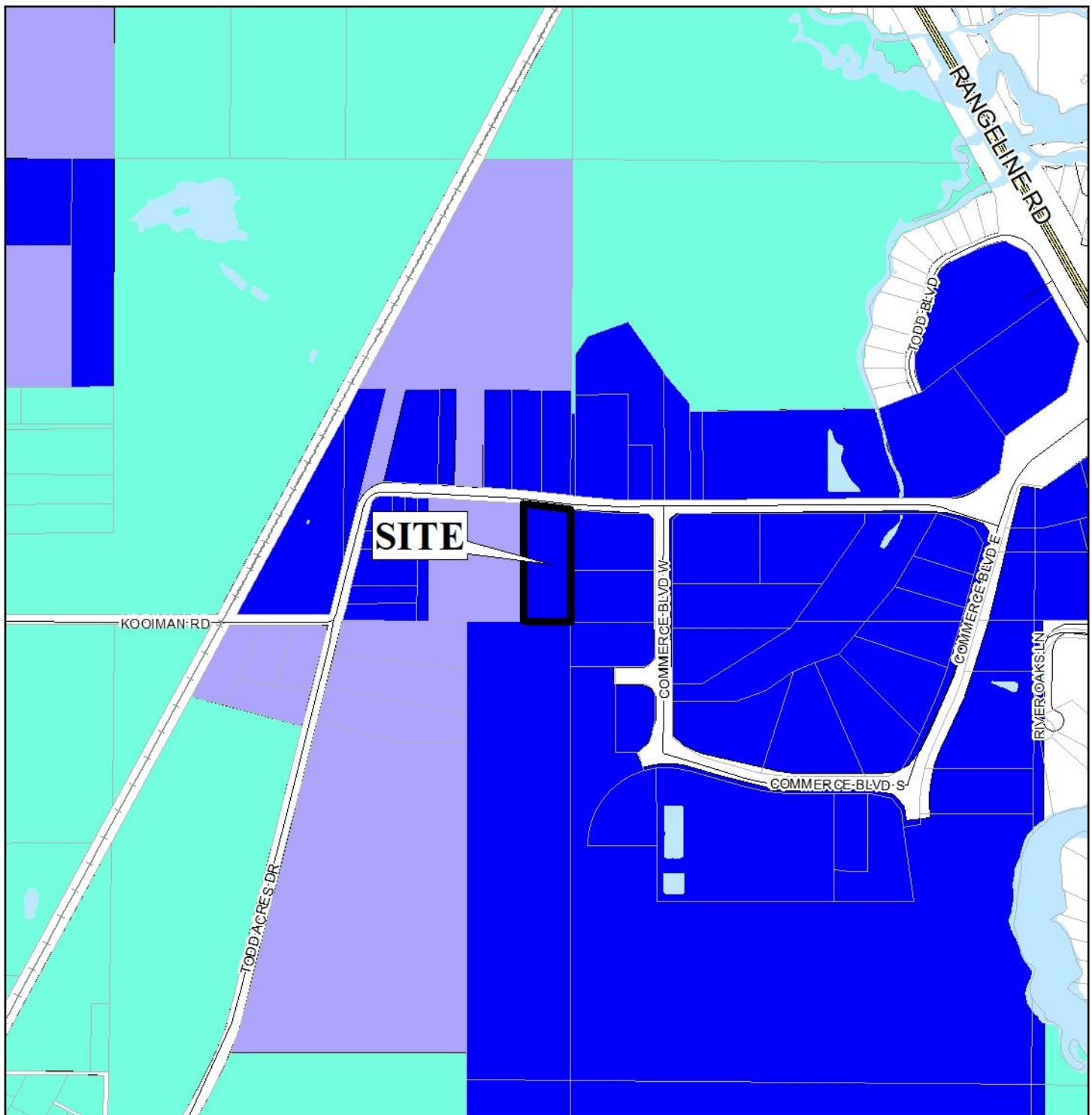
REQUEST McKinley Sparks Subdivision, Rezoning from B-5 to I-1



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# LOCATOR ZONING MAP



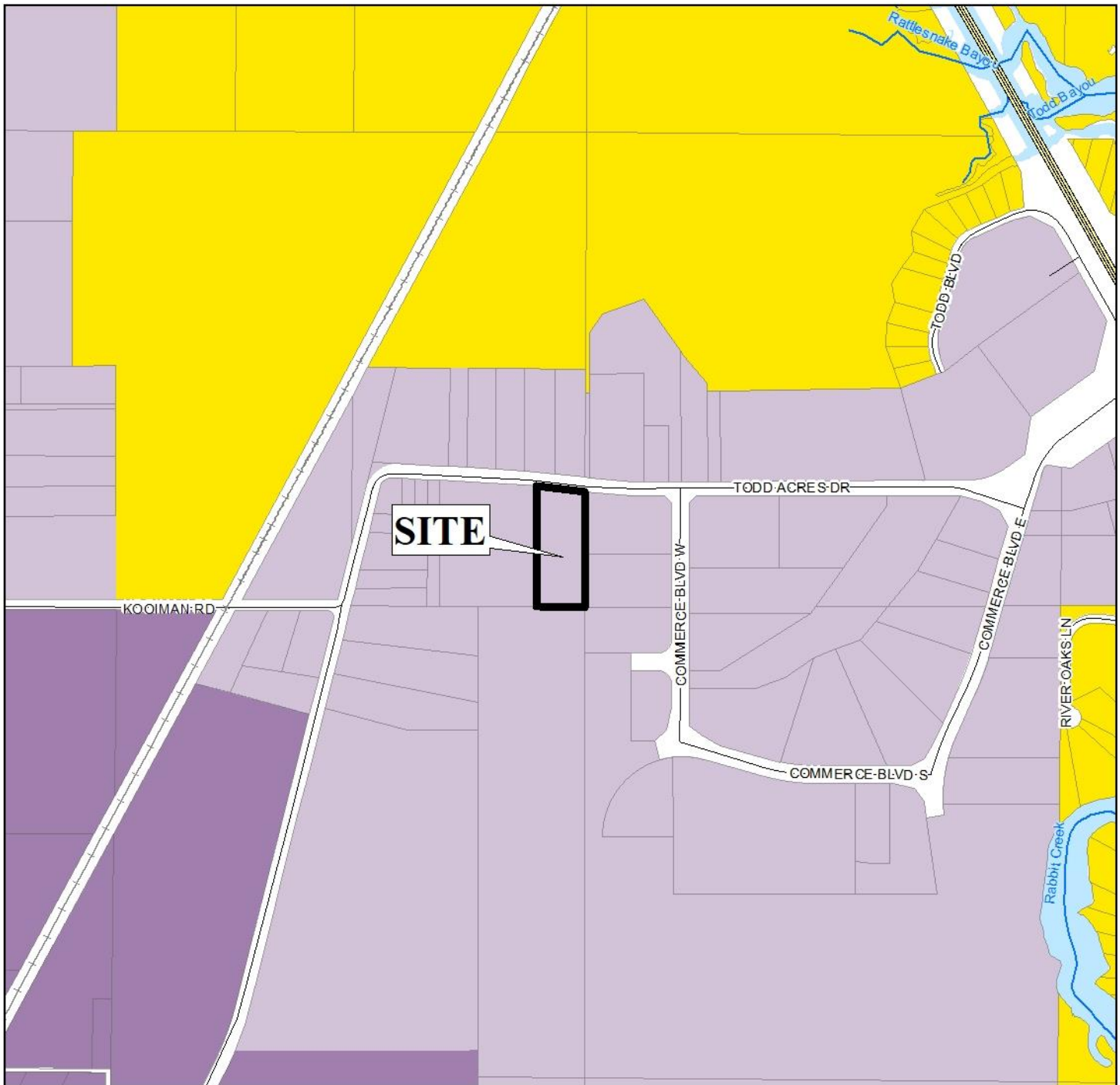
APPLICATION NUMBER 8 DATE November 18, 2021

APPLICANT McKinley Sparks Subdivision

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



# FLUM LOCATOR MAP



APPLICATION NUMBER 8 DATE November 18, 2021

APPLICANT McKinley Sparks Subdivision

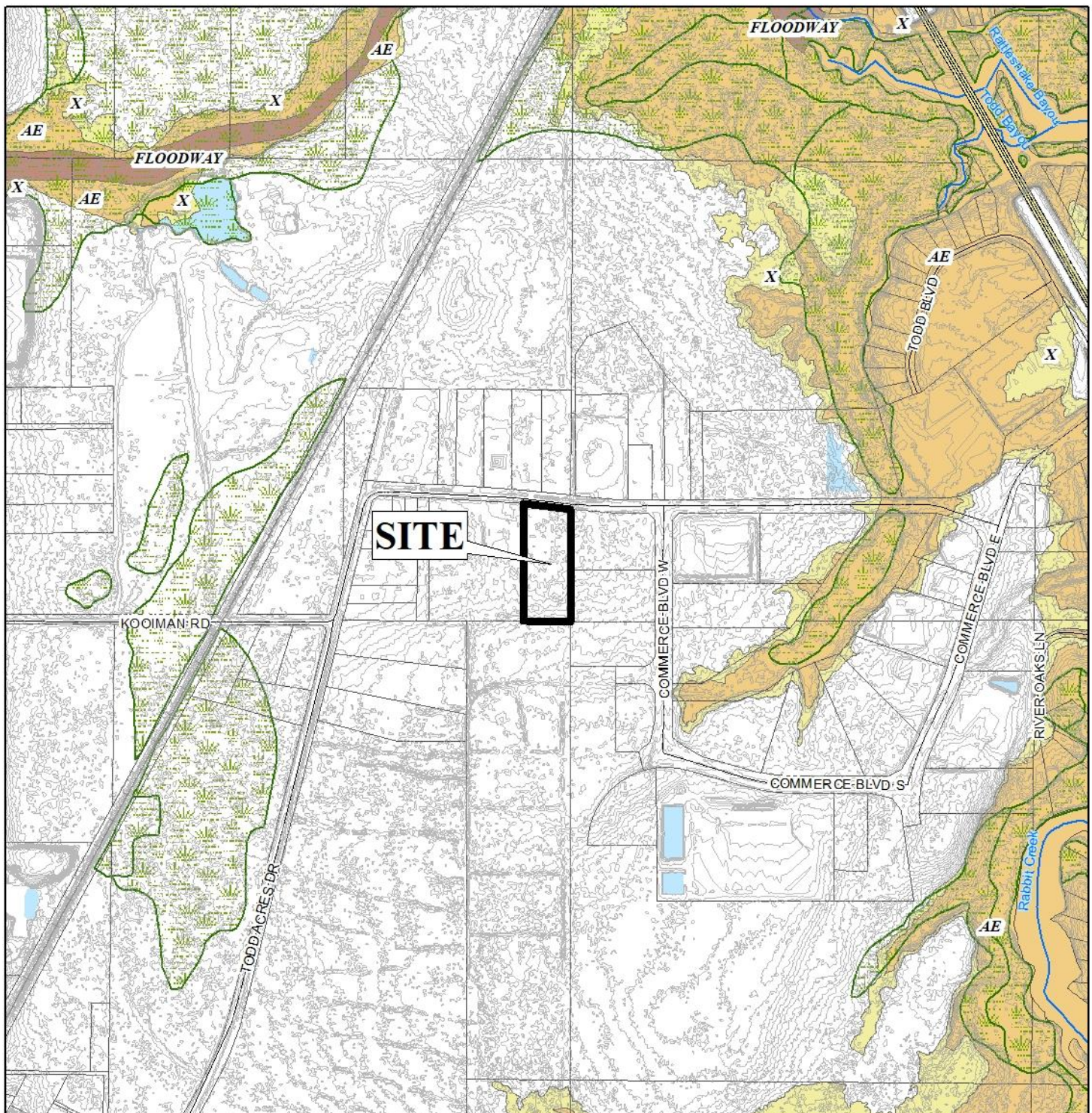
REQUEST McKinley Sparks Subdivision, Rezoning from B-5 to I-1

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 8 DATE November 18, 2021

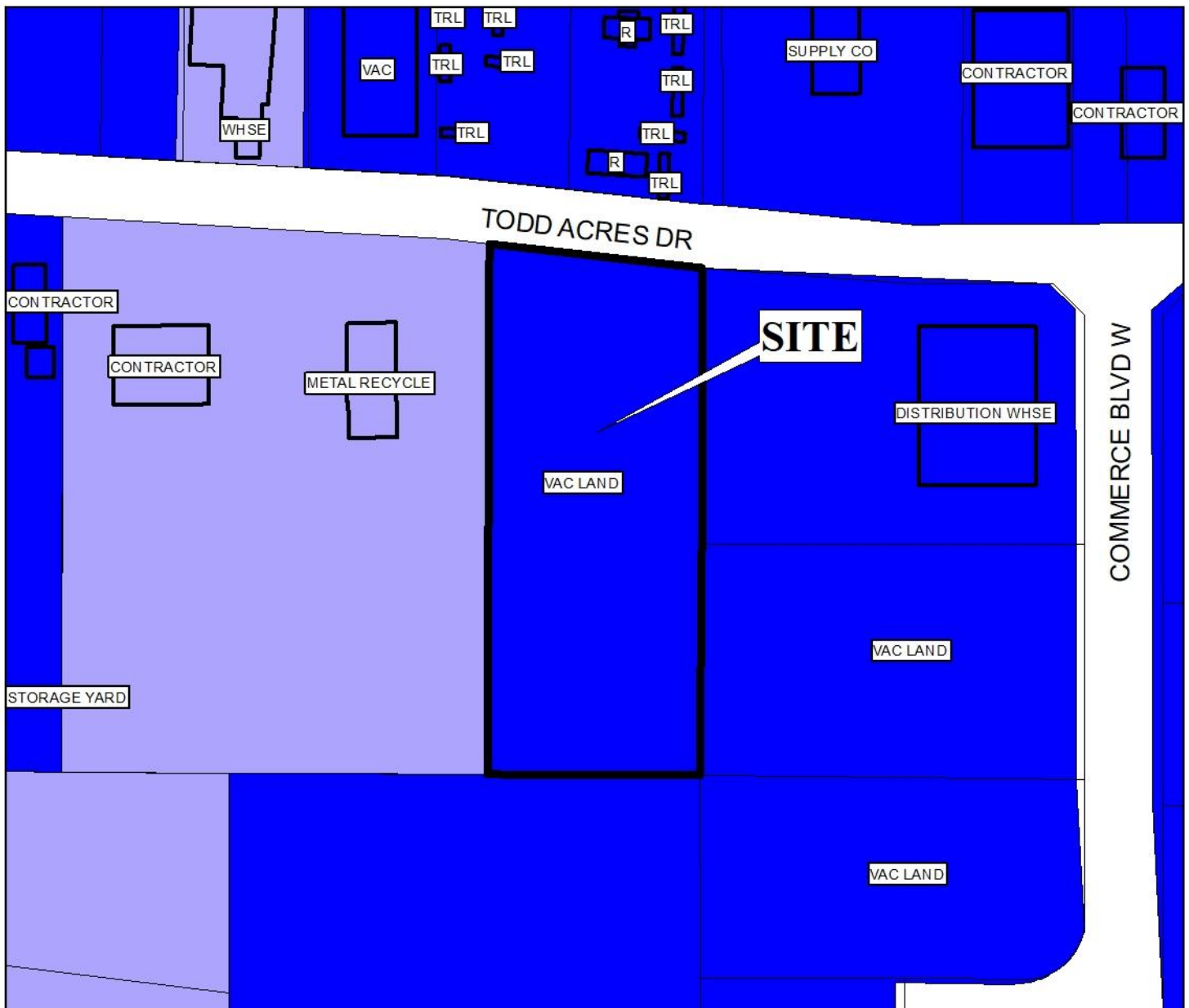
APPLICANT McKinley Sparks Subdivision

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





# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by industrial units. Residential units lie north of the site.

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APPLICANT McKinley Sparks Subdivision

REQUEST McKinley Sparks 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 industrial units. Residential units lie north of the site.

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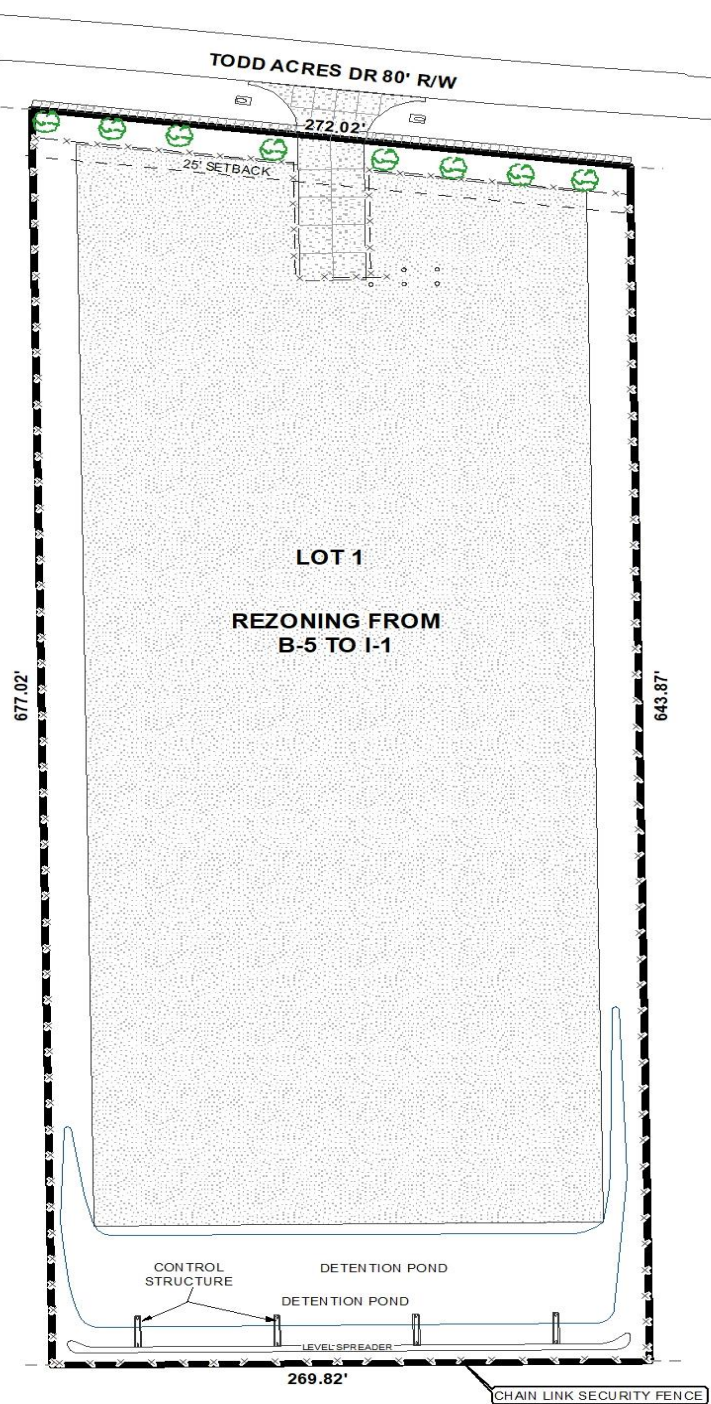
REQUEST McKinley Sparks Subdivision, Rezoning from B-5 to I-1



NTS



# SITE PLAN



The site plan illustrates the drive, setback, and fences.

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 APPLICANT McKinley Sparks Subdivision  
 REQUEST McKinley Sparks Subdivision, Rezoning from B-5 to I-1



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