

ZONING AMENDMENT STAFF REPORT**Date: September 15, 2016****NAME**

Clear Water, LLC

LOCATION3490 Hurricane Bay Road
(Northeast corner of Hurricane Bay Road and Hurricane Bay Lane)**CITY COUNCIL
DISTRICT**

District 4

PRESENT ZONING

B-5, Office-Distribution District

PROPOSED ZONING

I-1, Light Industry District

AREA OF PROPERTY

2.03 ± Acres

CONTEMPLATED USE

Rezoning from B-5, Office-Distribution District, to I-1, Light Industry District to accommodate existing businesses. **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.**

**TIME SCHEDULE
FOR DEVELOPMENT**

None given.

**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 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, paving, and all above ground structures, 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

No comments.

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).

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). Projects outside the City Limits of Mobile, yet within the Planning Commission Jurisdiction fall under the State or County Fire Code. (2012 IFC).

REMARKS

The applicant is requesting rezoning from B-5, Office-Distribution District, to I-1, Light Industry District, to accommodate an existing business on an existing legal lot of record.

The site is currently developed as an industrial valve and pipe company that has been in operation at this location since 2007. This particular lot is a part of a 19 lot industrial subdivision off Rangeline Road.

According to the recently adopted Map for Mobile Plan, the site is located within an Industrial Development District. The intent of this Development District includes:

- Minimize impacts to adjacent properties;
- Connect to major infrastructure for ease of major industry;
- Better streetscaping and aesthetic improvements;
- Connect to nearby areas through transit accommodation for ease of workers' access.

Industrial districts are composed of land and structures used for light manufacturing or wholesaling, or suitable for such uses, where the use and its operation do not directly adversely affect nearby residential and business uses. These districts are usually separated from residential areas by business areas or by natural barriers. The district regulations are designed to allow a wide range of industrial activities subject to limitations designed to protect nearby residential and business districts. Based on staff's review, the proposed business appears to meet the requirements associated with an Industrial Development District.

It should be noted that the Map for Mobile Plan is meant to serve as a general guide, not a detailed lot and district plan or mandate for development. Thus, as this request is solely related to the subdivision of property, not the use of the property, application of the Map for Mobile principles may be not be appropriate.

As stated in Section 64-9.A.1. 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 states that the original developer's intent for the subdivision was to be used for light industrial uses and to allow for aggregate surfacing (limestone lay-down yards). The statement also mentions that the subdivision was developed while the property was located in the County and therefore was not zoned. The applicant believes once the City annexed the property in 2009 *"the new zoning classification created numerous instances of illegal uses as stone lay down yards are not allowed in B-5 districts and after annexation almost half of the lots in the subdivision have been subsequently rezoned to I-1"*. The request for the zoning change is to correct the *"improper blanket zoning at the time of annexation"* and to make the property compliant with the I-1 zoning classification.

The applicant is correct in stating that zoning enforcement within the annexed area did began in February 2009. Per state law and the Zoning Ordinance, all of the annexed area, including this site, were zoned R-1, Single Family Residential at the time of the annexation. The Mobile City Council approved a rezoning plan for the entire annexed area at its July 7, 2009 meeting; this site was rezoned from R-1 to B-5 as part of the rezoning plan. Staff is aware that over time the character and conditions of an area may change; thus allowing for a reassessment of the site through the rezoning process.

The site is bounded to the North by undeveloped and unincorporated property, to the West and East by other businesses located in a B-5 zoning district fronting onto Hurricane Bay Drive, and to the South by I-1 businesses and zoning district as well as two B-5 properties. Other I-1 properties are located approximate 900 feet to the South, across Hamilton Boulevard, and 800 feet to the West, across Rangeline Road.

It should be pointed out that while this is a rezoning application, due to the fact the site is adjacent to undeveloped property, at the time of development of the unincorporated property a buffer will be required if the adjacent property is developed residentially.

Several of the businesses within the subdivision appear to store heavy equipment on their sites, and to have materials of various sorts stacked over 6-feet in height. The storage of heavy equipment and the stacking of materials would eliminate B-5 or lower zoning from consideration. The applicant has also pointed out the presence of gravel surfacing: such

surfacing is generally only allowed for active parking and maneuvering in I-2 districts, however, gravel surfacing can be used for specified “lay-down yard” areas. The business can continue to operate under a “Non-Conforming” status until a substantial amount of development/redevelopment takes place, in which case full compliance of the site will be required.

Section 64-3.A.5.a. of the Zoning Ordinance recommends that a new proposed I-1 district should contain at least 4 acres and although this site is only 2.03 acres a precedent has been set and the zoning change would be consistent with the change in the area.

It should also be pointed out that the applicant proposes no improvements to bring the property into compliance with the commercial site requirements of the Zoning Ordinance. All properties annexed into the City come with various non-conforming attributes, such as parking, landscaping and signage. When the rezoning plan for the annexed area was approved by the City Council, there were no requirements to improve sites – the non-conforming attributes were allowed to continue (although compliance over time is expected to occur due to site improvements through building permit, Planning Commission, or Board of Adjustment actions, or site redevelopment).

The site appears to be fenced with barbed-wire topped chain link fencing. Any new fencing must be permitted through the permitting department, and any new fencing that will include barbed-wire, electrified materials, or other dangerous materials must be specifically approved by the Deputy Director of Planning and Zoning, per the Zoning Ordinance.

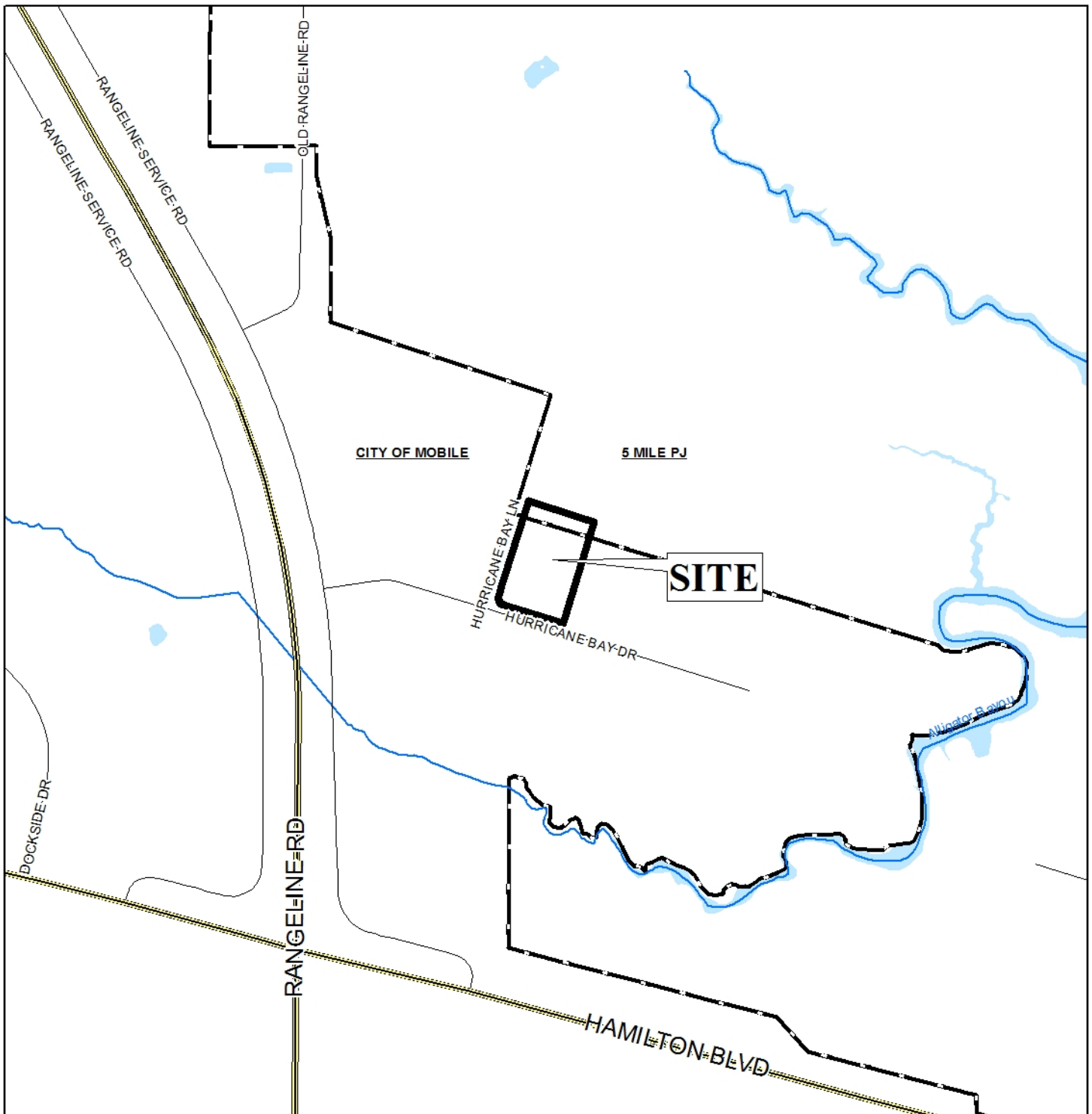
RECOMMENDATION

Based on the preceding, the rezoning request to I-1, Light Industrial District, is recommended for Approval, subject to the following conditions:

- 1) compliance with 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 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, paving, and all above ground structures, 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) 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).”;and*
- 3) 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). Projects outside the City Limits of Mobile, yet within the Planning Commission Jurisdiction fall under the State or County Fire Code. (2012 IFC).”;*

LOCATOR MAP



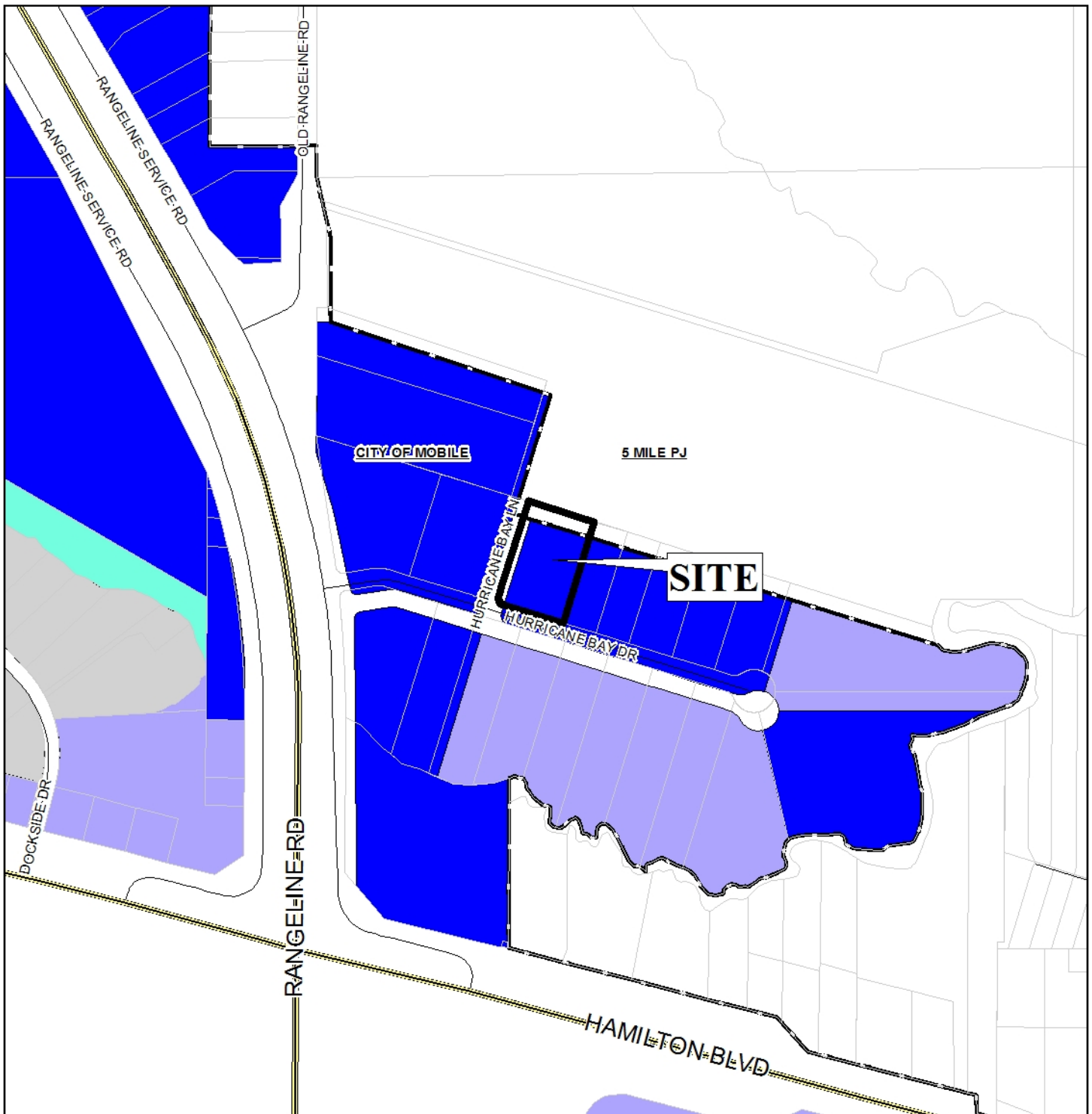
APPLICATION NUMBER 8 DATE September 15, 2016

APPLICANT Clear Water, LLC

REQUEST Rezoning from B-5 to I-1



LOCATOR ZONING MAP



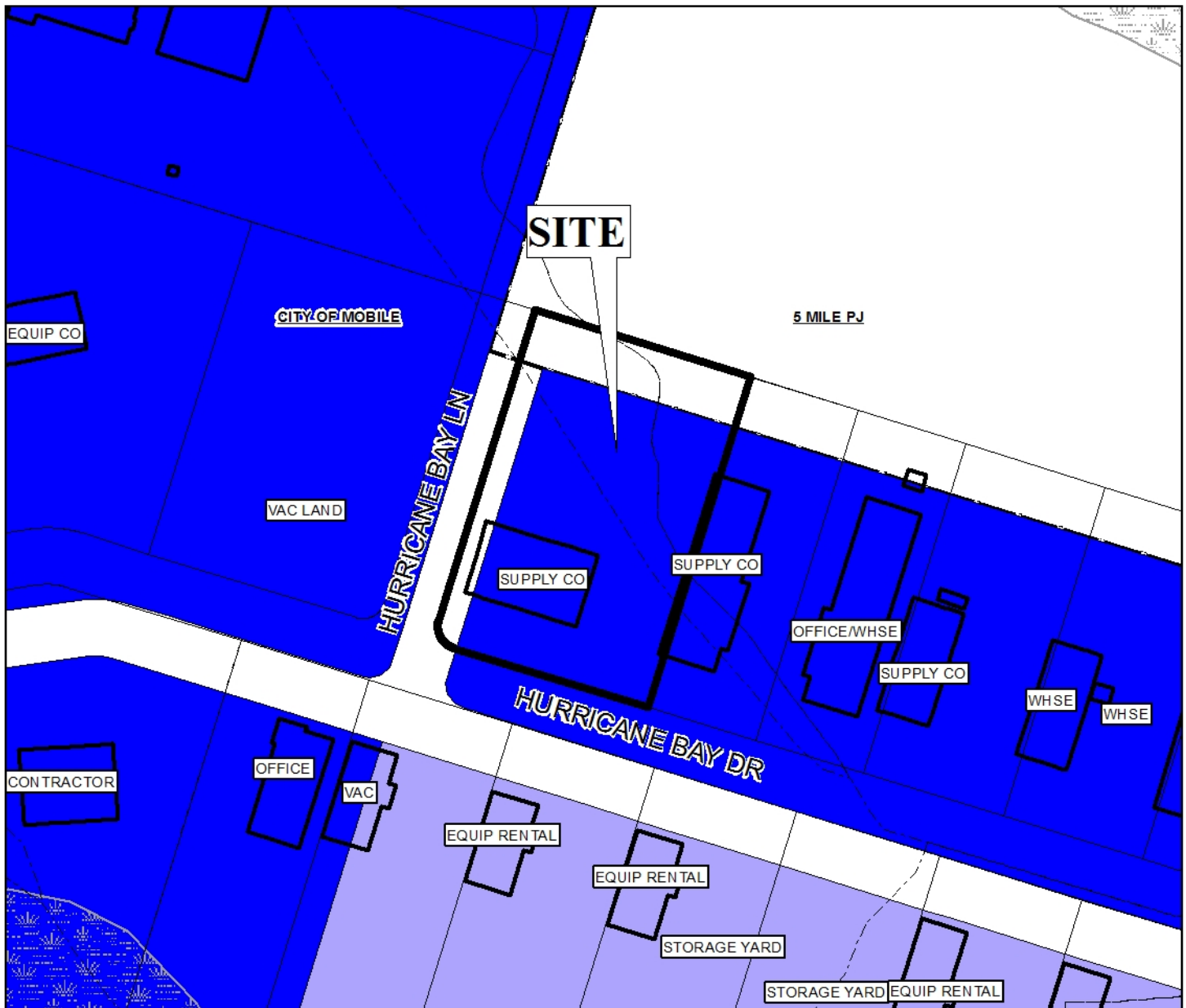
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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

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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

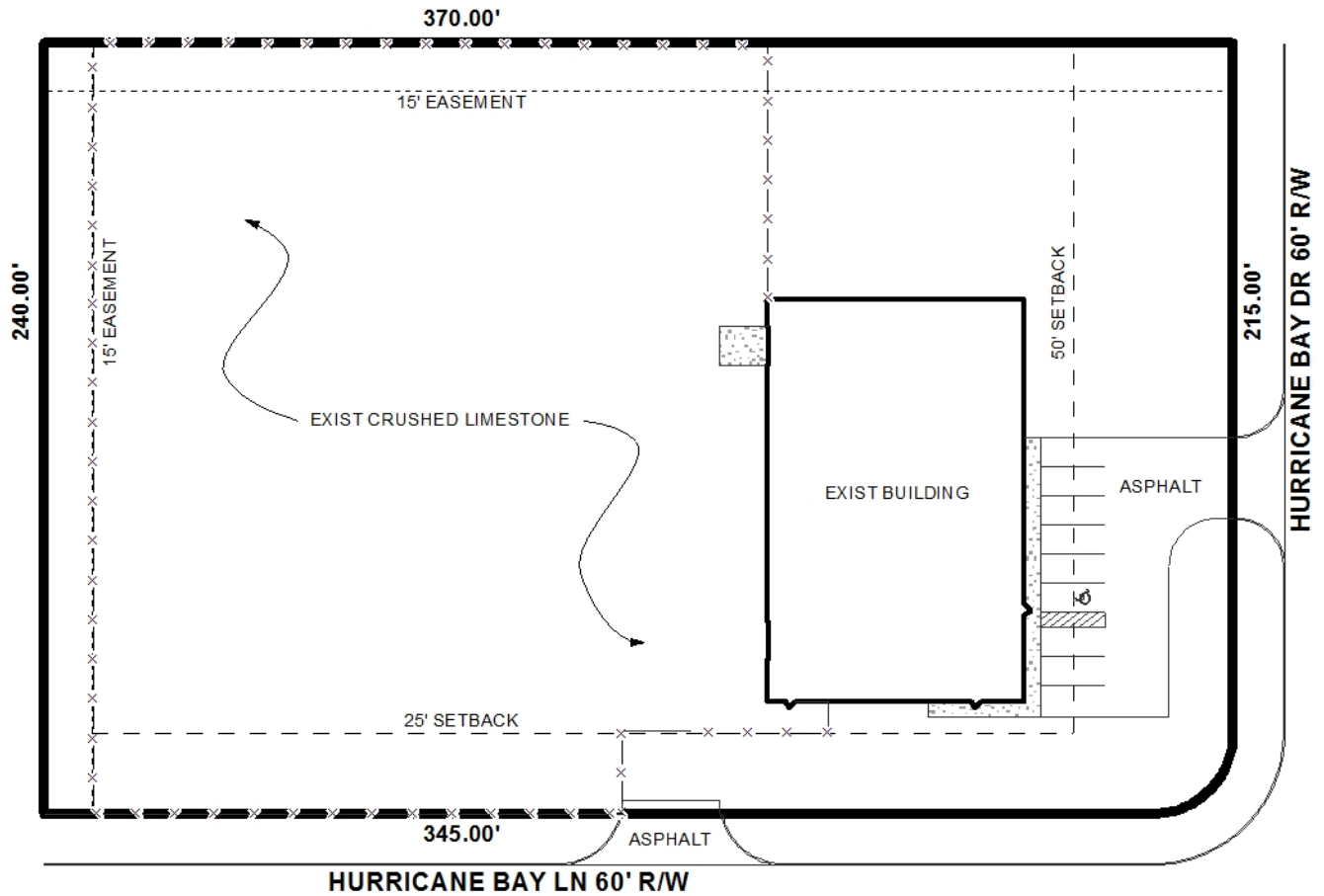


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SITE PLAN

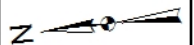


The site plan illustrates the existing building, asphalt parking facility, easements, and setbacks.

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