

**SUBDIVISION &
ZONING AMENDMENT STAFF REPORT****Date: February 15, 2023****APPLICANT NAME**

Adam J. Metcalfe

SUBDIVISION NAME

Theodore Distribution Complex Subdivision

LOCATION6815 Cary Hamilton Road
(North side of Cary Hamilton Road at the North terminus of Peary Road).**CITY COUNCIL
DISTRICT**

Council District 4

PRESENT ZONING

R-A, Residential-Agricultural District

PROPOSED ZONING

I-1, Light Industry District

AREA OF PROPERTY

1 Lot / 30.8± Acres

CONTEMPLATED USE

Subdivision Approval to create one (1) legal lot of record from two (2) existing metes-and-bounds parcels, and Rezoning from R-A, Residential-Agricultural 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. Show and label the monument set or found at the PC of the C1.
- C. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 21 - #96) 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 – 5,000 sf.

- D. Add a note 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 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.
- F. 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.
- G. Add a note that all existing and 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.
- H. Add a note that all easements shall remain in effect until vacated through the proper Vacation process.
- I. 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 prior to obtaining any signatures. No signatures are required on the drawing.

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 (251-208-6070) 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 is limited to one curb cut with any changes in 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 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 (2021 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 two (2) existing metes-and-bounds parcels, and Rezoning from R-A, Residential-Agricultural District, to I-1, Light Industry District.

The site has been given a Low Density Residential (LDR) land use designation, per the Future Land Use Plan and Map adopted 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 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 of 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 the 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 two (2) existing metes-and-bounds parcels. The proposed lot exceeds the minimum requirements of the Subdivision Regulations.

The site has frontage along Cary Hamilton Road, which is a minor street without curb and gutter, but with a compliant 60-foot right-of-way; therefore, no frontage dedication would be required. The right-of-way width of Cary Hamilton Road should be retained on the Final Plat, if approved. As on the preliminary plat, the lot size label in both square feet and acres should be retained on the Final Plat, if approved, or a table should be furnished on the Final Plat providing the same information.

The 25-foot minimum building setback line along Cary Hamilton Road is not illustrated on the preliminary plat. Therefore, if approved, the plat should be revised to illustrate the 25-foot minimum building setback line along Cary Hamilton Road. The plat indicates a 50-foot Alabama Power Company easement along most of the Western boundary of the site. Therefore, a note should be required on the Final Plat, if approved, stating that no structure may be constructed or located within any easement without the permission of the easement holder.

As per the Traffic Engineering comments, the site is limited to one curb cut with any changes in 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 the City's Zoning Ordinance. A note should be required on the Final Plat stating these 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 to the North by R-1, Single-Family Residential District, used as a railroad access by the Alabama State Docks. To the West, across the CSX Railroad right-of-way, is B-5, Office-Distribution District, used as warehousing, supply services and retail sales and repair services. Across Cary Hamilton Road, to the South, is R-1 zoning in use as mainly vacant single-family dwellings. Adjacent to the site to the South is additional vacant R-1 zoning, and R-3, Multi-Family Residential District, used as an apartment complex. Adjacent to the site to the East is I-1 zoning in use as a building roofing truss manufacturing facility.

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

Need for Industrial Sites

The developer for this site is BendPak. BendPak is a distributor of automotive lifts and shop equipment based in Santa Paula, CA. In 2020 the company purchased a 100,000 square foot warehouse on Willis Road near Highway 90 and Interstate 10 to establish an East Coast distribution division for their products that now come into the eastern US via the Port of Mobile. This move to Mobile was heralded by Mayor Stimpson and the Chamber of Commerce as a major local success story.

After establishing operations in Mobile the company was so pleased that it built another building on an adjacent property consisting of 88,000 square feet. After their continued success in Mobile the company has revised its long term business strategy to move up to 75% of its entire operations to Mobile.

Since there is no more property located adjacent to or near their existing facilities, they began searching for a suitable location to accommodate their near and long term business needs and strategies. After much diligent searching they identified the subject property and has since placed in under contract and the contract is subject to this proposed zoning change and subdivision.

This situation illustrates the fact that there is an ever increasing need and demand for industrial sites in the city and county. This makes it necessary and desirable to rezone and extend the boundaries of existing and adjacent I-1, Light Industrial districts, which this application does.

Changes in Conditions

This subject property is situated near the southeastern quadrant of Highway 90 and Hamilton Boulevard/Theodore Dawes road and is less than two mile from the intersection of Interstate 10 and Theodore Dawes Road. Hamilton Boulevard consists of both heavy and light industrial zoning and uses stretching from Highway 90 east to beyond Rangeline Road.

The areas surrounding Interstate 10 and Theodore Dawes Road has emerged the "Center of Gravity" for new large industrial distribution facilities and development. The northwest quadrant is home to both Federal Express, Amazon and others with facilities totaling close to 1,000,000 square feet of space.

The southwest quadrant is the location of the South Alabama Logistics Park which is a public/private venture with plans for years of development with large industrial distribution facilities.

The availability of suitable land in Mobile for industrial is extremely limited. With the lack of available and suitable land for development to keep up with the current demand for warehouse/distribution space, there is a distinct need and demand for properly zoned sites. The Mobile Area Chamber of Commerce estimates the need for an additional 30 million square feet of space in the coming years to keep up with the demand being created by E Commerce and the rapid growth of the Mobile Container Port. The plan for this property is to build a first-class warehouse/distribution buildings with the first to begin construction as soon as possible.

The residential element in this particular area has been in decline for decades and new residential development is not practical or feasible. There are three residential structures across Carey Hamilton Road to the south of the subject property. One is abandoned and uninhabitable. One is unoccupied and the furthest one to the east is occupied, but the subject property is visually shielded by trees from this home. In my opinion, based on over 30 years in the commercial and industrial real estate business, this property has practically no value or utility with its current zoning classification, nor Low-Density Residential as shown on the FLUM.

The reasoning for our request for the I-1, Light Industrial zoning classification is due to the anticipated yard need for outside storage, laydown and trailer parking..

The applicant contends that changing conditions in a particular area make a change in the Ordinance necessary and desirable, and that there is a need to increase the number of sites available to business or industry. The surrounding area has been changing since the closure of the Theodore Naval Ammunition Magazine in the mid 1960's when the vast area of the military reservation became available for industrial development known as the Theodore Industrial Park. The development within the original boundaries of the military reservation has led to further industrial and support services development in the periphery due to the proximity to U.S. Highway 90 West and Hamilton Boulevard, both major roads, and the proximity to the CSX Railroad main line and

the spur railroad access to peripheral sites and those within the main industrial park. Due to the development of other sites adjacent to or within close proximity to major road systems, there is an increased need for the number of sites available for business or industrial development.

As the subject site is adjacent to both the CSX Railroad main line right-of-way, and the spur railroad access, there is little likelihood of residential development for the site. The site's proximity to both major roads and railroad access indicate its viability for industrial development. Moreover, the site would serve as an expansion of the existing I-1 zoning adjacent to the East. However, the site does abut an existing apartment complex and some of the structures across the street are residentially occupied; thus, a compliant buffer with evergreen landscape plantings and fencing should be required.

RECOMMENDATION

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

- 1) retention of the right-of-way width of Cary Hamilton Road on the Final Plat;
- 2) retention of the lot size label in both square feet and acres on the Final Plat, or the furnishing of a table on the Final Plat providing the same information;
- 3) revision of the plat to illustrate the 25-foot minimum building setback line along Cary Hamilton Road on the Final Plat;
- 4) placement of a note on the Final Plat stating that no structure may be constructed or located within any easement without the permission of the easement holder;
- 5) 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. Show and label the monument set or found at the PC of the C1. C. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 21 - #96) 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 – 5,000 sf. D. Add a note 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 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 F. 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. G. Add a note that all existing and 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. H. Add a note that all easements shall remain in effect until vacated through the proper Vacation process. I. 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 prior to obtaining any signatures. No signatures are required on the drawing.);

- 6) *placement of a note on the Final Plat stating the Traffic Engineering comments: (Site is limited to one curb cut with any changes in 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 the City's Zoning Ordinance.);*
- 7) *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 [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*
- 8) *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 (2021 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).*

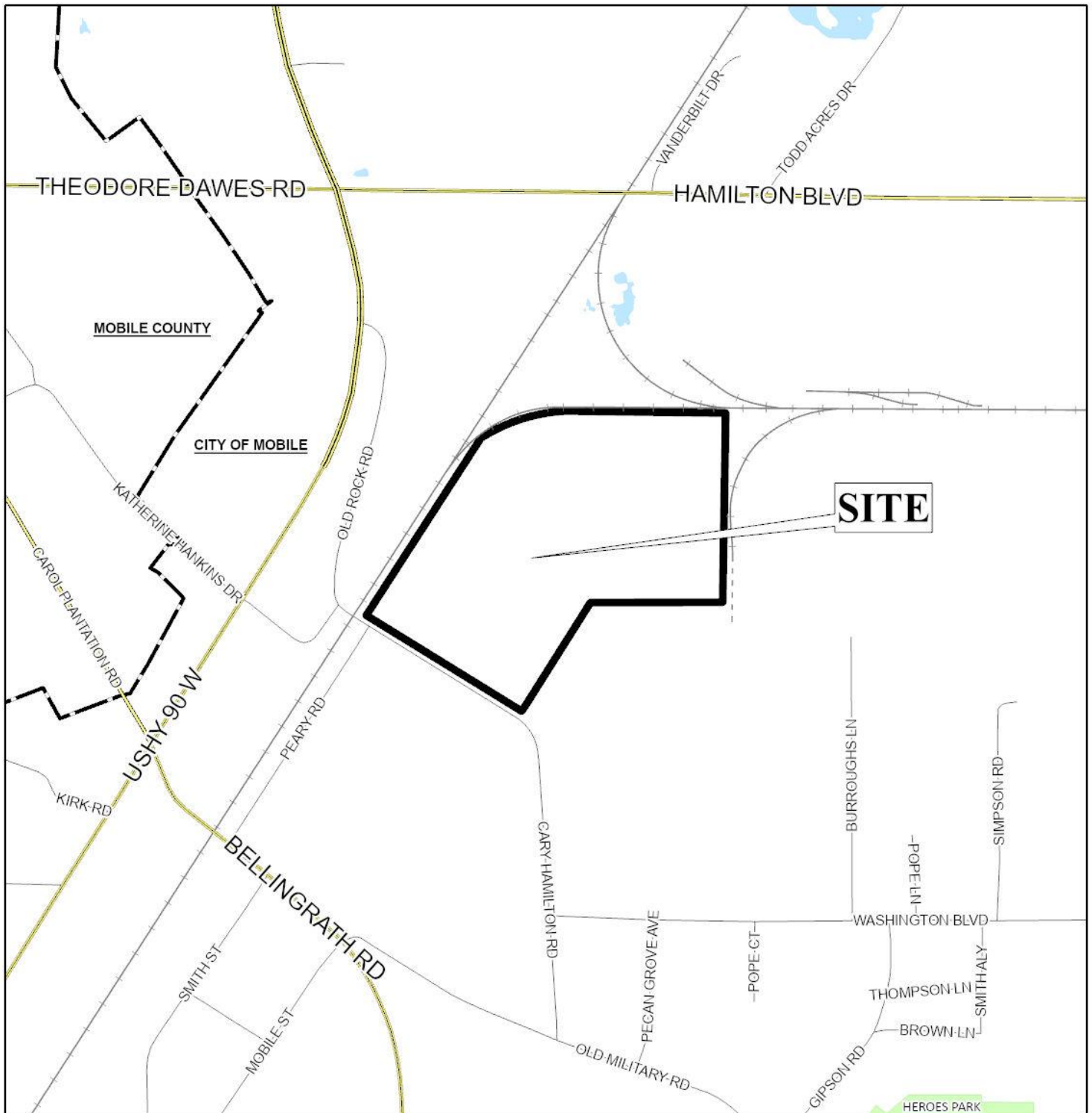
Rezoning: Based on the preceding, this application is recommended for Approval for the following reason:

- 1) *changing conditions in a particular area make a change in the Ordinance necessary and desirable; and*
- 2) *there is a need to increase the number of sites available to business or industry.*

The rezoning should be subject to the following conditions:

- 1) *compliance with the residential buffer requirements of Section 64-4.D. of the Zoning Ordinance; and*
- 2) *full compliance with all municipal codes and ordinances.*

LOCATOR MAP



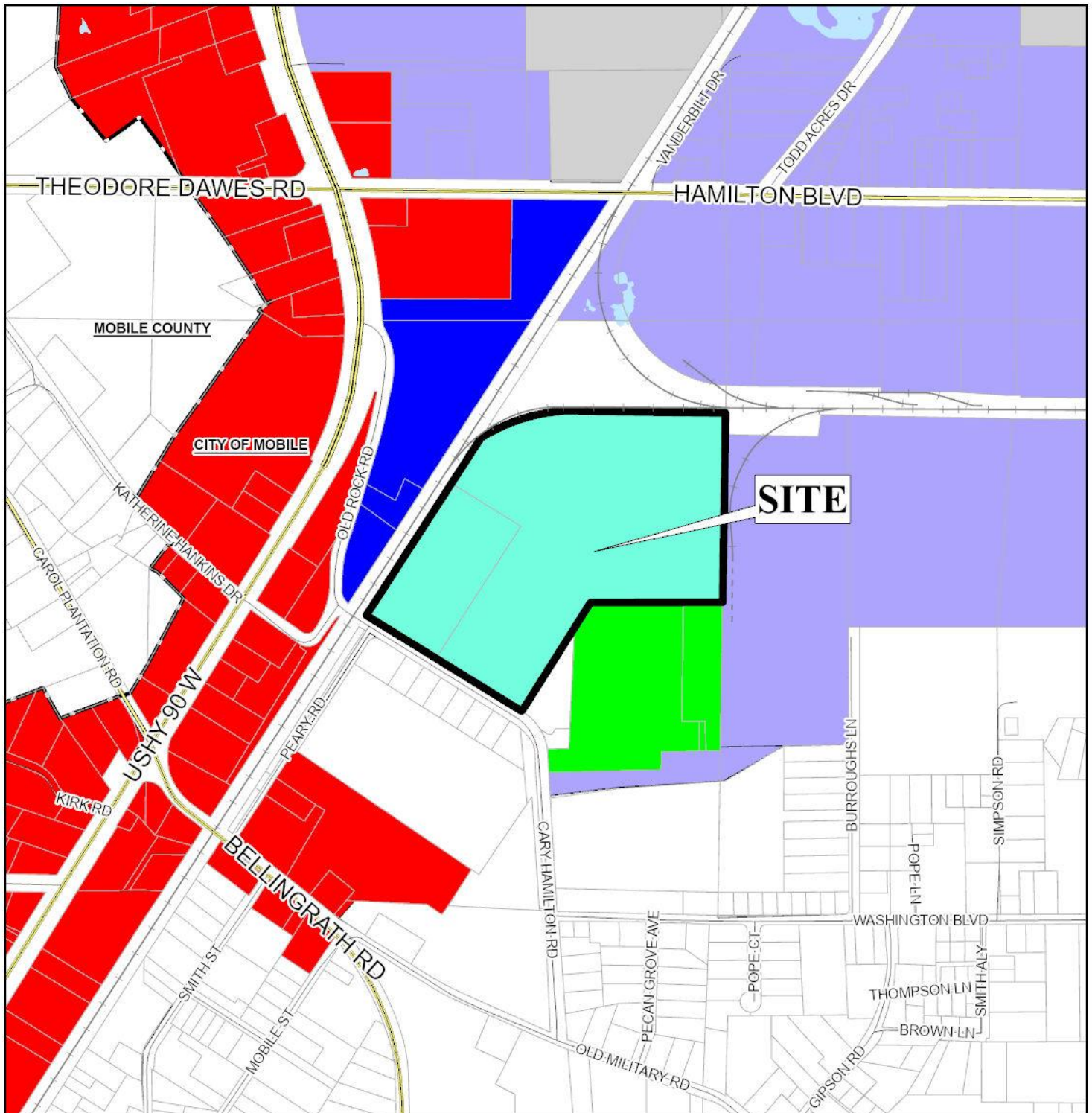
APPLICATION NUMBER 9 DATE February 15, 2023

APPLICANT Theodore Distribution Complex Subdivision

REQUEST Subdivision, Rezoning from R-A to I-1



LOCATOR ZONING MAP



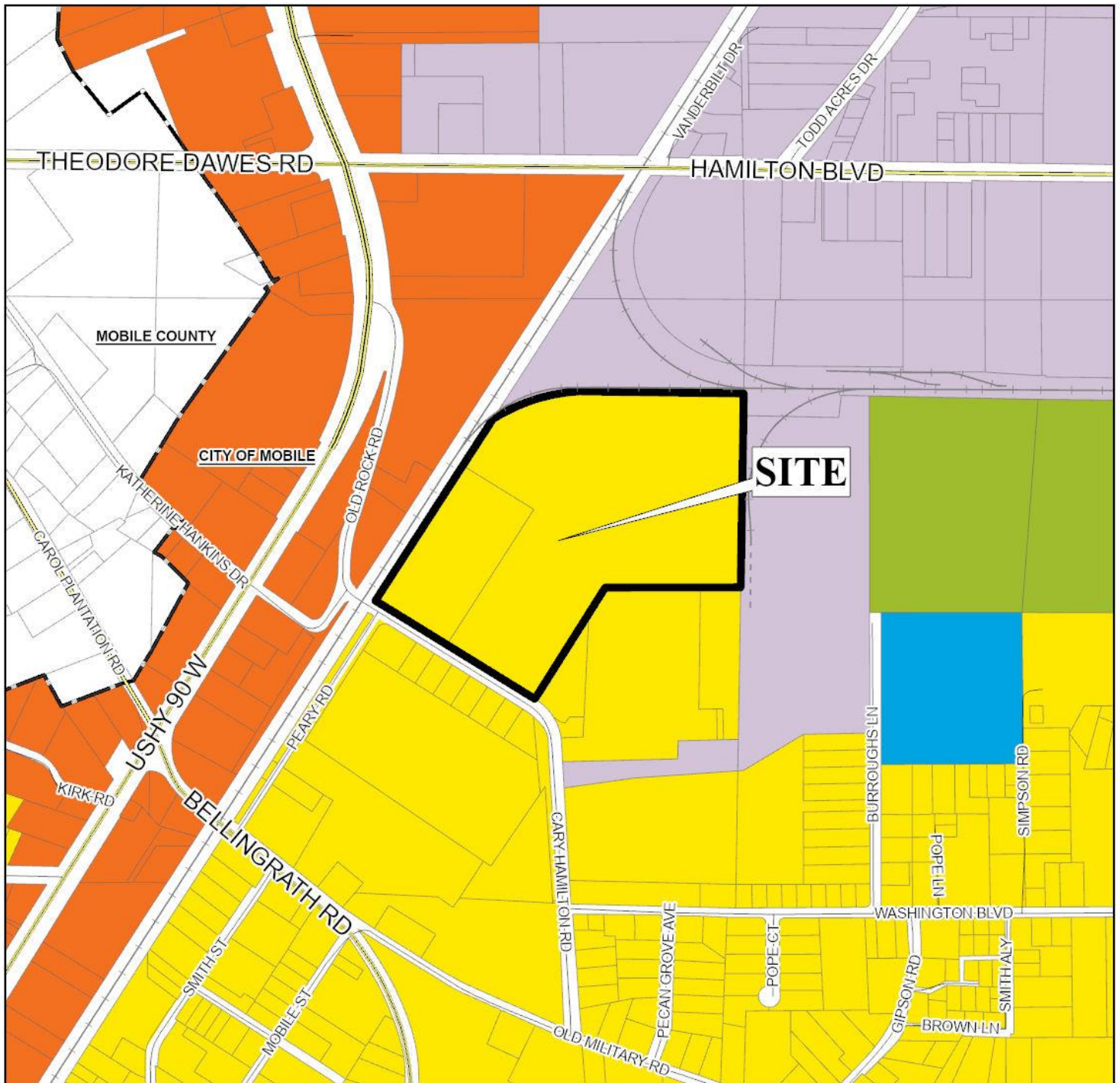
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REQUEST Subdivision, Rezoning from R-A to I-1



FLUM LOCATOR MAP



APPLICATION NUMBER 9 DATE February 15, 2023

APPLICANT Theodore Distribution Complex Subdivision

REQUEST Subdivision, Rezoning from R-A to I-1

Layer2

Low Density Residential
Mixed Density Residential

Downtown

District Center

Neighborhood Center - Traditional

Neighborhood Center - Suburban

Traditional Corridor

Mixed Commercial Corridor

Downtown Waterfront

Light Industry

Heavy Industry

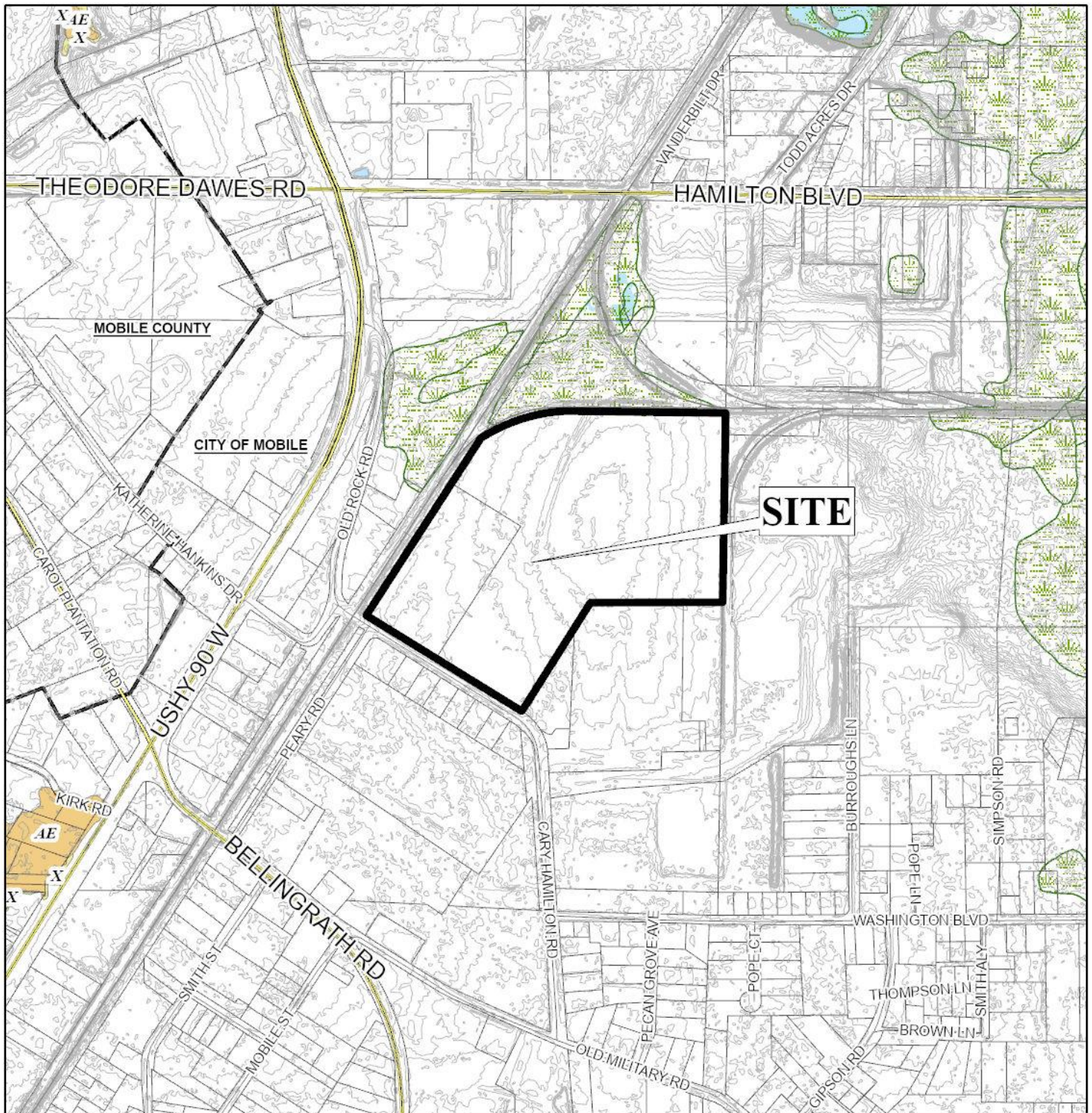
Institutional

Parks & Open Space

Water Dependent



ENVIRONMENTAL LOCATOR MAP



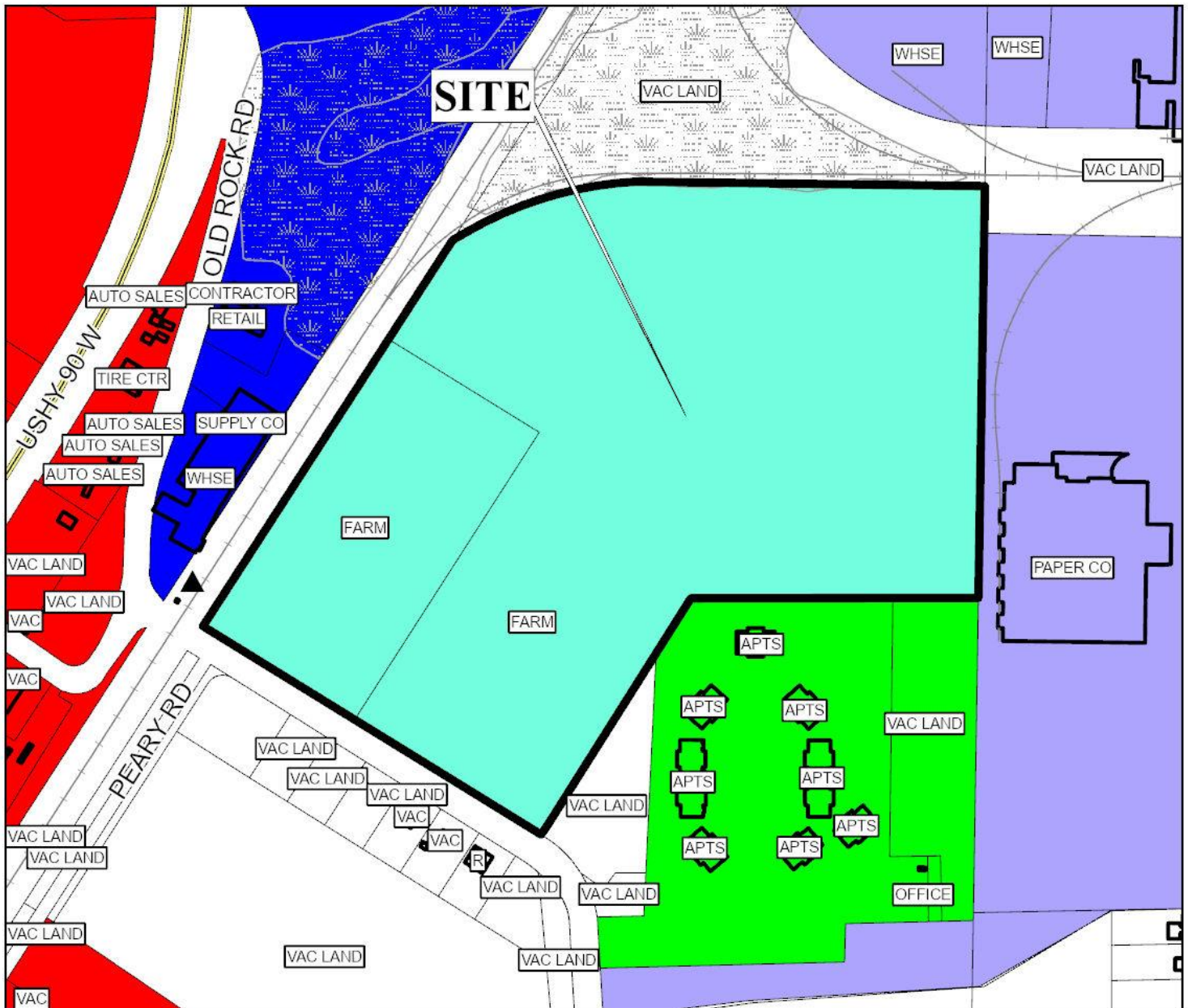
APPLICATION NUMBER 9 DATE February 15, 2023

APPLICANT Theodore Distribution Complex Subdivision

REQUEST Subdivision, Rezoning from R-A to I-1



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



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

APPLICATION NUMBER 9 DATE February 15, 2023

APPLICANT Theodore Distribution Complex Subdivision

REQUEST Subdivision, Rezoning from R-A 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 units to the west, industrial units to the east, and residential units to the south.

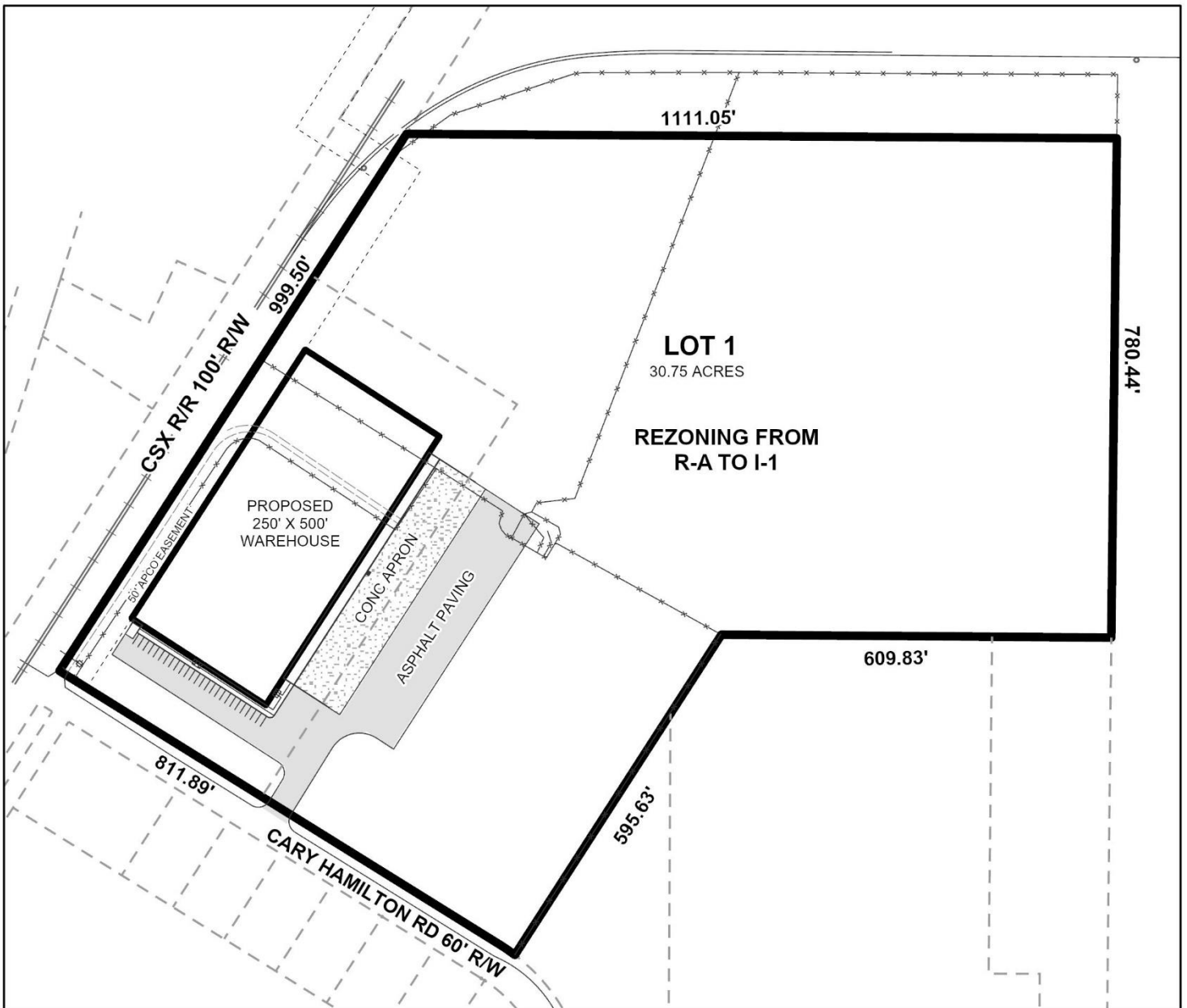
APPLICATION NUMBER 9 DATE February 15, 2023

APPLICANT Theodore Distribution Complex Subdivision

REQUEST Subdivision, Rezoning from R-A to I-1



SITE PLAN



The site plan illustrates the proposed building, parking, and fencing.

APPLICATION NUMBER 9 DATE February 15, 2023

APPLICANT Theodore Distribution Complex Subdivision

REQUEST Subdivision, Rezoning from R-A to I-1



