

**PLANNING APPROVAL &
SIDEWALK WAIVER STAFF REPORT****Date: May 21, 2020****NAME**

Zenith Energy Dredge Spoil Site

LOCATION830 Cochrane Causeway
(East side of Cochrane Causeway, 1.0± mile North of Bankhead Tunnel).**CITY COUNCIL
DISTRICT**

District 2

ZONING DISTRICT

I-2, Heavy Industry District

AREA OF PROPERTY

1 Lot / 30.0± Acres

CONTEMPLATED USE

Planning Approval to allow a dredge spoil site in an I-2, Heavy Industry District; and a Sidewalk Waiver request to waive construction of a sidewalk along Cochrane Causeway.

TIME SCHEDULE

Not Specified.

**ENGINEERING
COMMENTS:****Planning Approval:**

1. Any work performed in the existing ROW (right-of-way) such as driveways, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from ALDOT.
2. Any new sidewalk work performed in the existing ROW (right-of-way) will require a ROW permit from 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).
3. 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.
4. 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.

5. A 25' riparian buffer may be required, during development, along the edge of anything considered by ADEM to be a water of the state.
6. 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.
7. 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.
8. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

Sidewalk Waiver: Due to the location and size of the existing roadside drainage ditch on Cochrane Causeway that is subject to frequent inundation it is recommended that this request be approved.

TRAFFIC ENGINEERING

COMMENTS

Sidewalk Waiver: ALDOT is planning to widen this roadway to include a center turn lane and should be contacted prior to any improvements are constructed 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 Planning Approval to allow a dredge spoil site in an I-2, Heavy Industry District; and a Sidewalk Waiver request to waive construction of a sidewalk along Cochrane Causeway.

The site has been given a Heavy Industry (HI) 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 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 review required for Planning Approval examines the applicant's location and site plan with regard to transportation, parking and access, public utilities and facilities, traffic congestion and hazard, and to determine if the proposal is in harmony with the orderly and appropriate development of the district.

The site has two existing tank foundations, and the applicant does not propose to place any structures or storage tanks on the site. The site would solely be utilized for the placement of sediment and other materials resulting from dredging associated with the applicant's ocean-going ship and barge dock areas at the site across Cochrane Causeway (835 Cochrane Causeway).

The applicant submitted the following narrative:

Zenith Energy Terminals proposes to construct a dredge spoil area for use of dewatering and storage of dredged material from the Mobile River within their ocean-going ship/barge dock areas from their two terminals located on the River. The dredge spoil

area will be located directly across the street from their Mobile Terminal located at 835 Cochrane Causeway. This approximately 30-acre site was once permitted for expansion of their asphalt tank farm. The site is currently heavily vegetated and has 2 existing tank foundations which will remain. The two existing driveways/turnout locations will also remain. No new turnouts are proposed.

A new berm will be constructed around 3 sides of the property. The berm will tie into the existing berm used for ASPA and USACE dredging on the east side of the property. The berm will be constructed to elevation +20 and will be 10' wide at the top. The hydraulic dredging operations will utilize the existing pipe that is buried beneath the road for the hydraulic dredged material to transverse the highway. A new culvert will be constructed crossing the highway which will help mitigate the existing roadside ditch flooding due to tidal and storm events. The dredged material will be pumped into the new dredge area from the north. The effluent dredge water will slowly move to the south of the spoil area around the proposed sheet pile wall to a new weir/outfall structure. The proposed weir/outfall structure will be connected to a new outfall pipe that will also be constructed and will cross the highway. This pipe will be installed by jack and bore method. The effluent dredge water during the dewatering process and stormwater during storm events will empty into the Mobile River via this new discharge pipe.

Landscape and tree requirements will be met as required by Planning and Mobile Tree Commission. Due to the large length of road frontage, further discussion with Mobile Tree Commission requirements will be scheduled to determine the best course of action for the required frontage trees.

A sidewalk waiver request has also been submitted. A sidewalk waiver is requested due to the location of the required, existing roadside ditch.

This project has been applied for permit and approved with an United States Corps of Engineers and ADEM Joint Permit. Wetland mitigation credits will be purchased as required by the USACE/ADEM Joint Permit. ALDOT permitting is currently ongoing.

As there will be no structures on the site, there is no parking required. It should be noted that any vehicles or containers used for transporting material to and from the site will be required to either be stored at the site where the dredging activity is occurring (835 Cochrane Causeway), or the area where vehicles will be stored on site will be required to be surfaced with gravel, asphalt, or concrete.

It should also be noted that despite having no structures, the site will be required to comply with tree planting and landscape area compliance.

It should be noted that the Mobile City Council adopted a "complete streets" policy on May 31, 2011. The purpose of the complete streets policy is to support the design and construction of streets to enable safe access to all users, including pedestrians, bicyclists, transit riders, motorists, commercial and emergency vehicles, and for people of all ages and abilities. However, nearby

properties along Cochrane Causeway do not have sidewalks, as waivers have been previously granted along much of the Cochrane Causeway corridor.

This area from Cochrane Bridge to the city limits is zoned and/or utilized industrially, adjoining a four to five lane federal highway. Engineering notes that a sidewalk may not be appropriate due to frequent flooding of the area in which a sidewalk would be located.

RECOMMENDATION

Planning Approval: Staff recommends the following Findings of Fact for Approval:

- a. the proposal will be appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities, because those services are already in place;
- b. the proposal will cause undue traffic congestion or create a traffic hazard, because the proposed project will not generate large quantities or traffic; and
- c. the proposal will be in harmony with the orderly and appropriate development of the district in which the use is located, because the proposed use will help support other existing industrial sites in the area.

The Planning Approval requests is recommended for Approval subject to the following conditions:

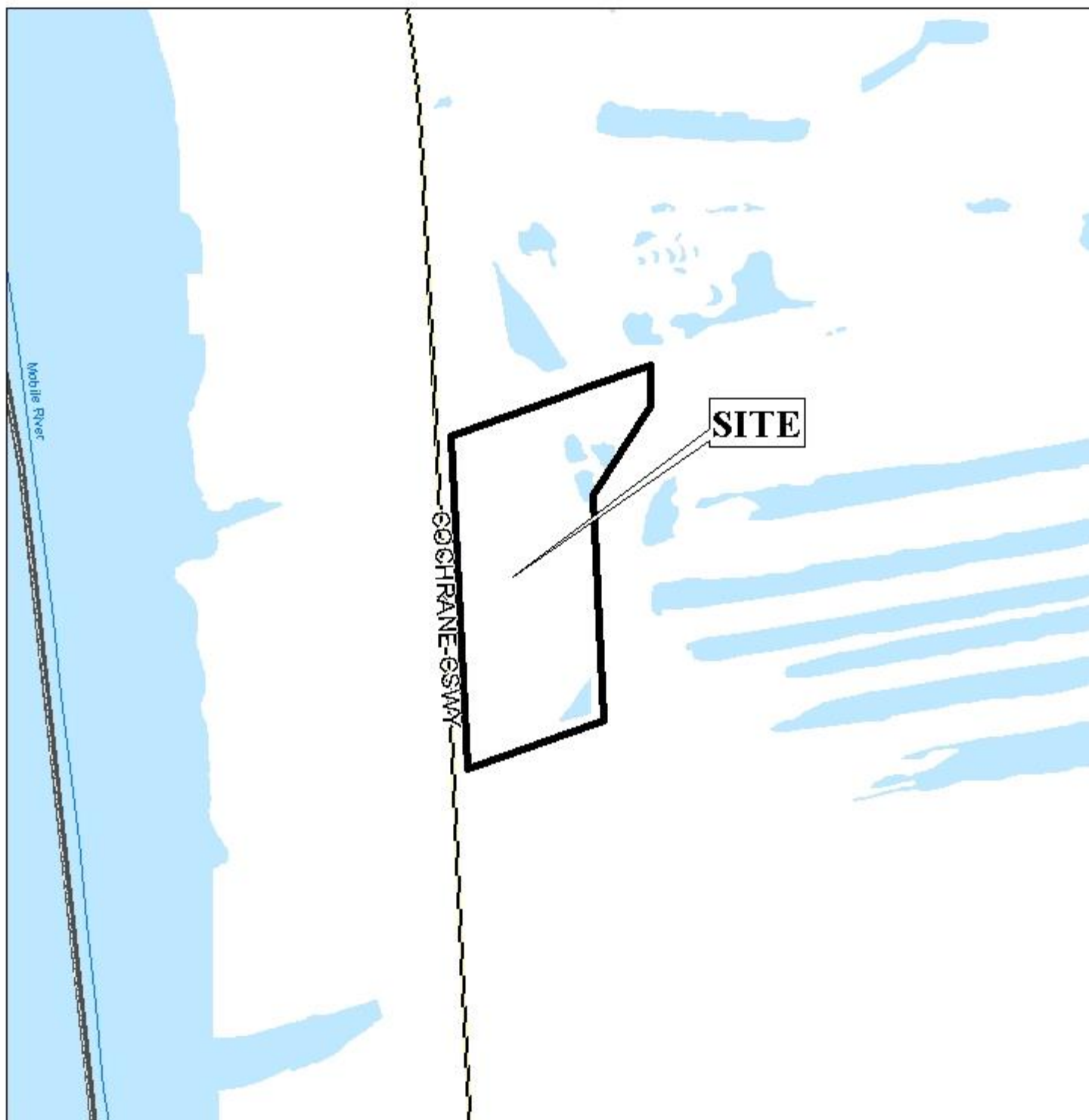
- 1) All vehicles and containers used to either bring material to the site or remove material from the site will be stored at the location the associated dredging will occur;
- 2) Full compliance with tree plantings and landscape area, with tree plantings to be coordinated with staff;
- 3) Compliance with Engineering comments: *(1. Any work performed in the existing ROW (right-of-way) such as driveways, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from ALDOT. 2. Any new sidewalk work performed in the existing ROW (right-of-way) will require a ROW permit from 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). 3. 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. 4. 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. 5. A 25' riparian buffer may be required, during development, along the edge of anything considered by ADEM to be a water of the state. 6. 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. 7. 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. 8. The proposed development must comply with all Engineering Department design requirements and Policy Letters.);

- 4) Any change in the scope of operations or to the site plan will require new Planning Approval from the Planning Commission; and
- 5) Full compliance with all municipal codes and ordinances.

Sidewalk Waiver: The sidewalk waiver request is recommended for Approval.

LOCATOR MAP



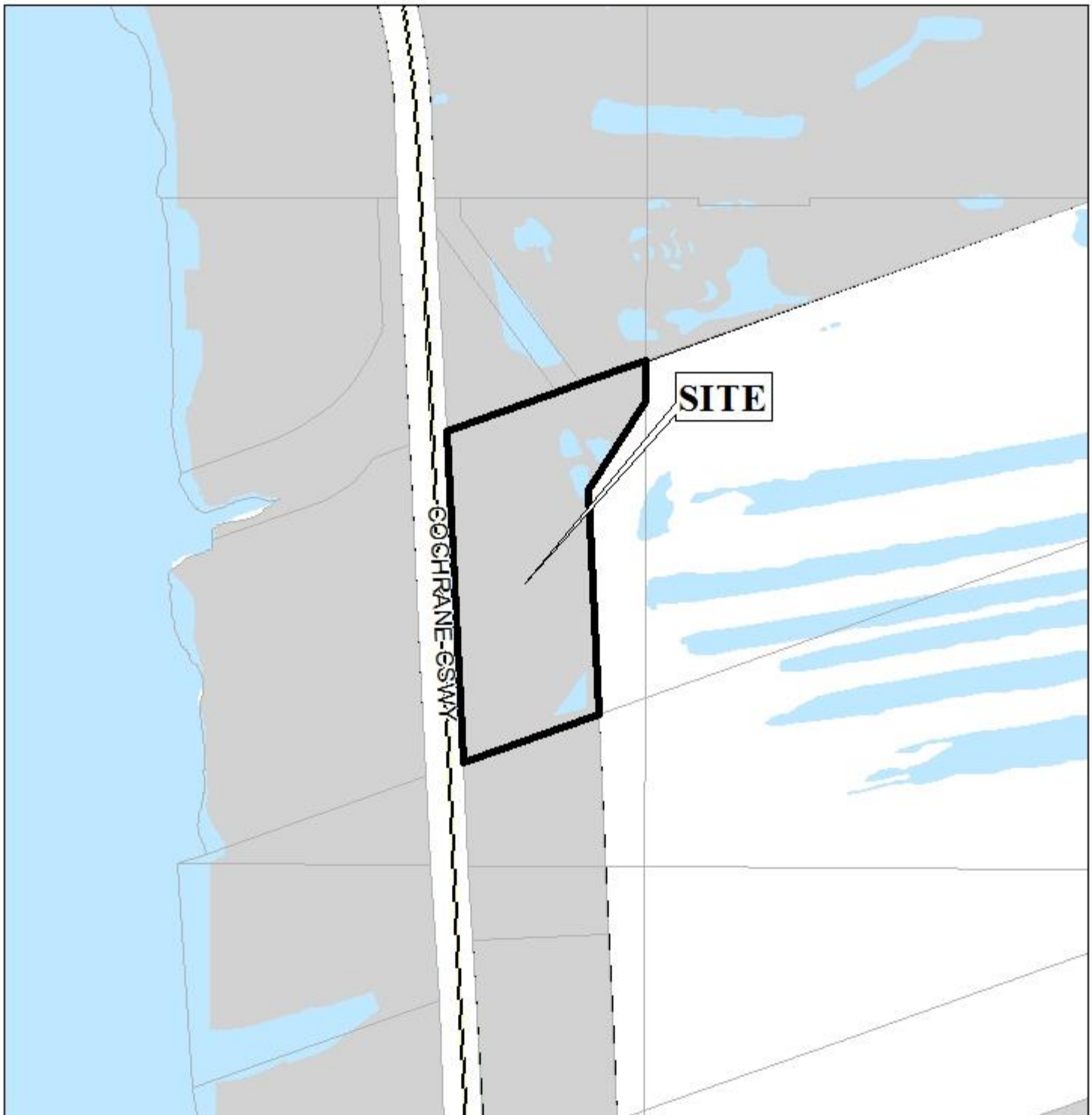
APPLICATION NUMBER 9 DATE May 21, 2020

APPLICANT Zenith Energy Dredge Spoil Site

REQUEST Sidewalk Waiver, Planning Approval



LOCATOR ZONING MAP



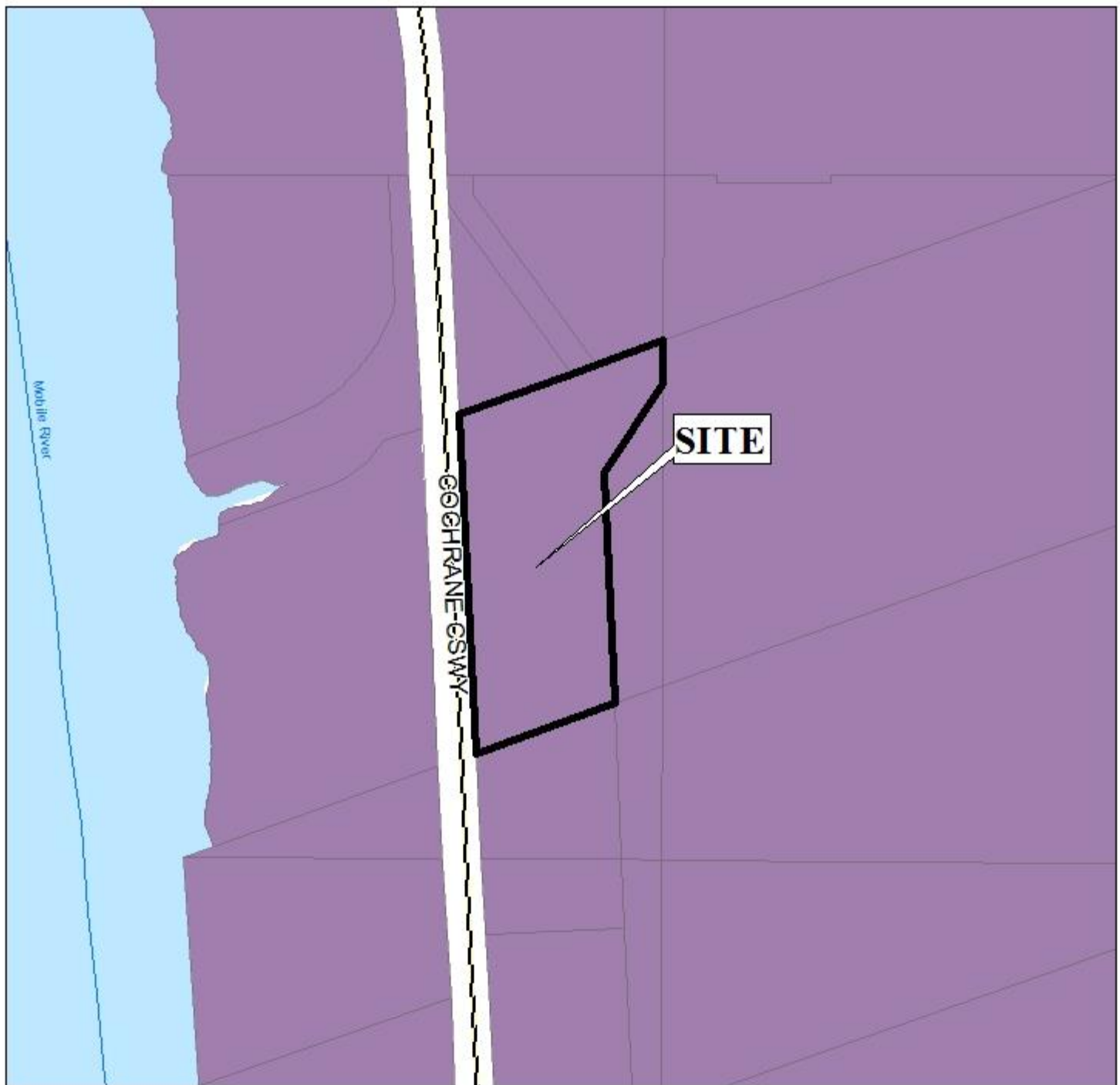
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FLUM LOCATOR MAP



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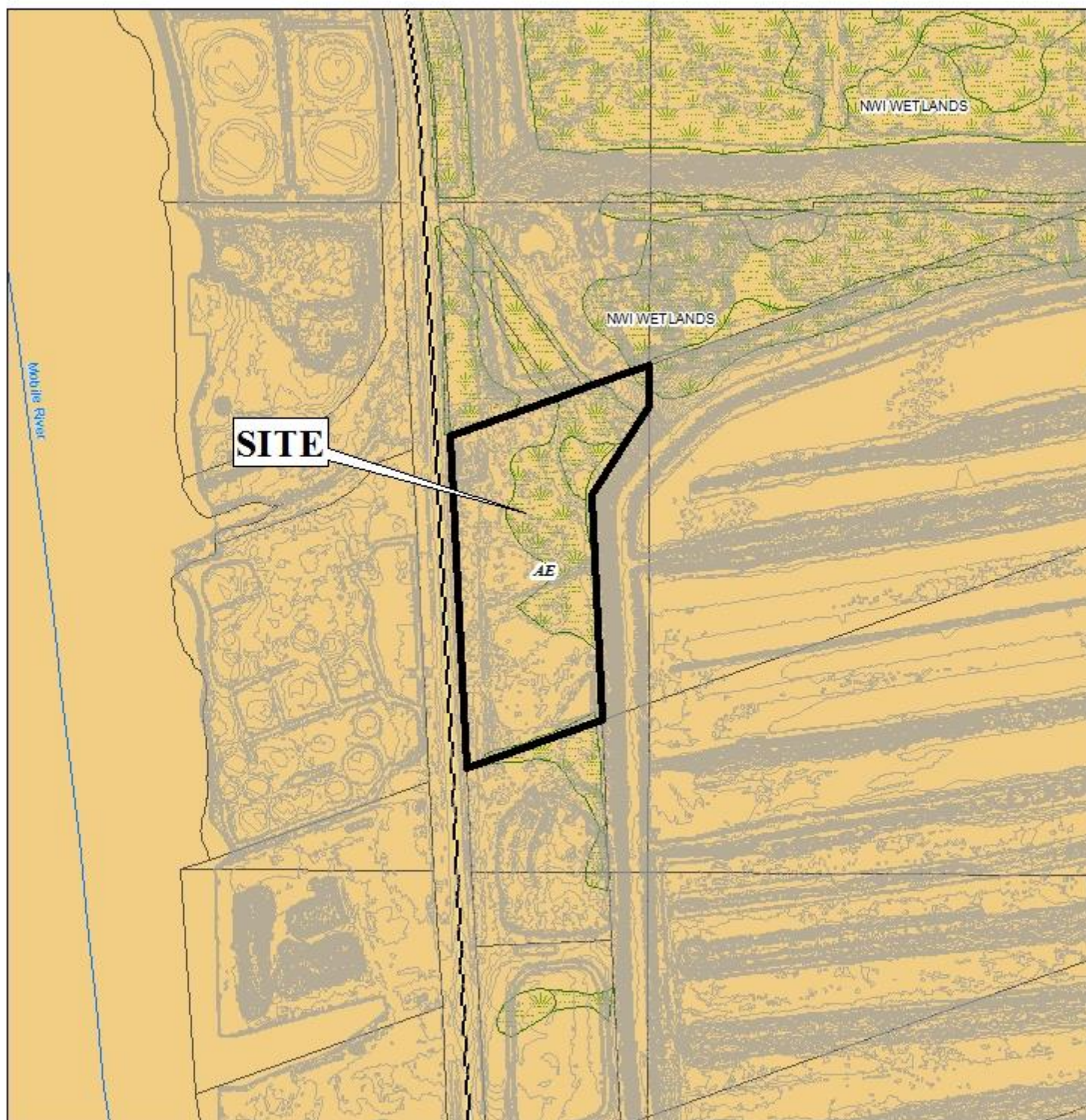
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Low Density Residential	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
Mixed Density Residential	Neighborhood Center - Suburban	Light Industry	Water Dependent
Downtown	Traditional Corridor	Heavy Industry	
District Center	Mixed Commercial Corridor	Institutional	



ENVIRONMENTAL LOCATOR MAP



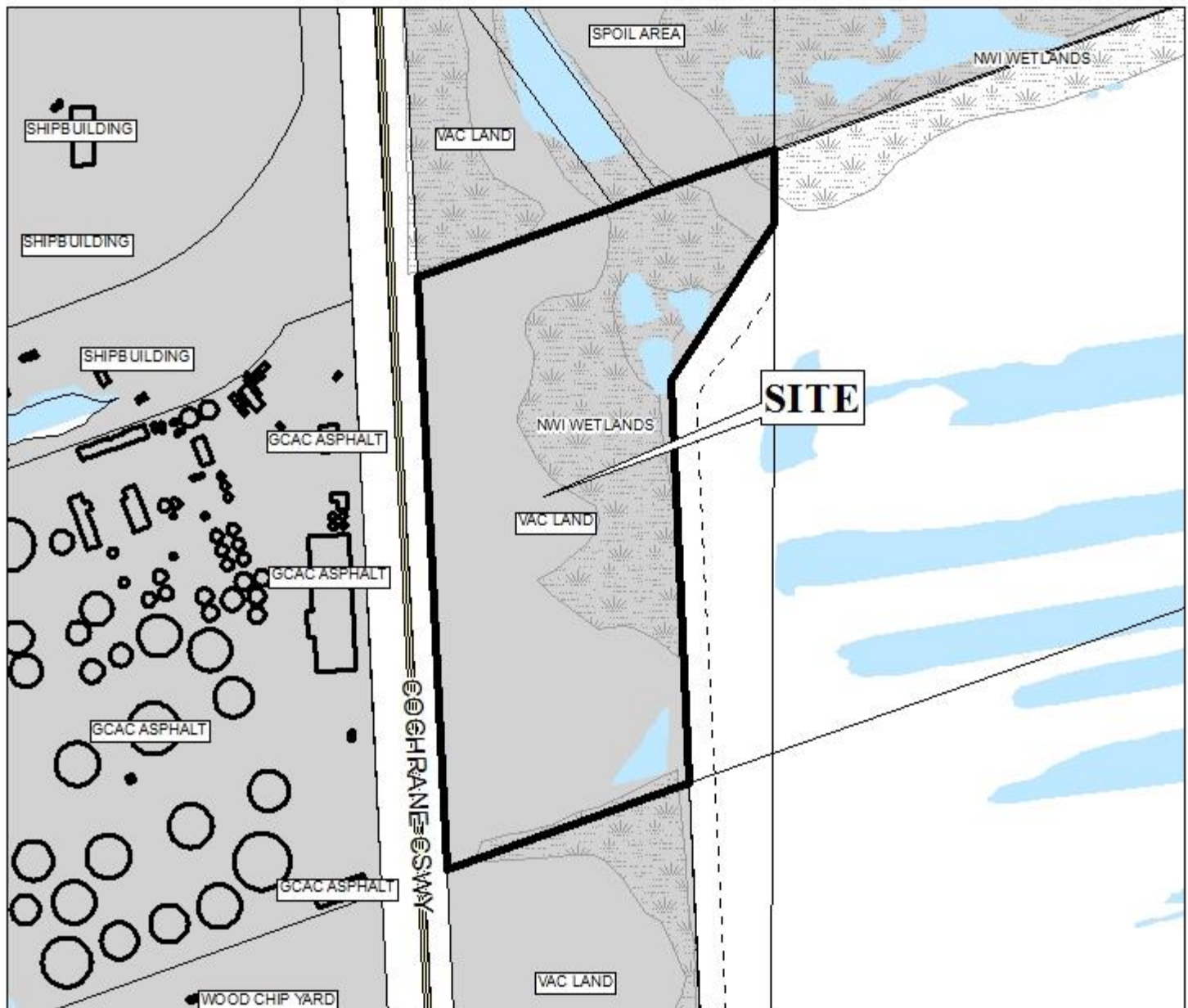
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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by industrial units and wetlands.

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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

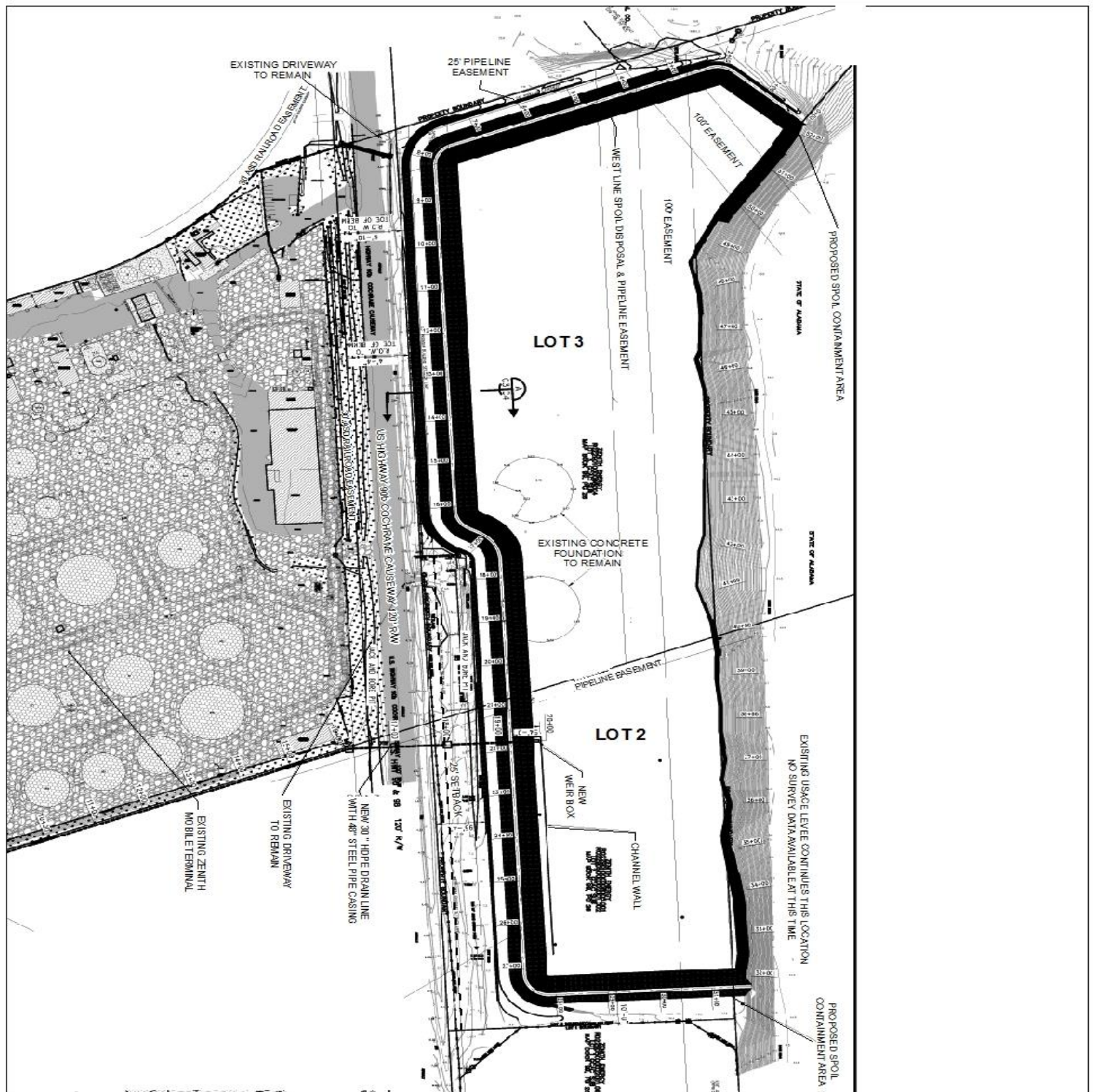


The site is surrounded by industrial units and wetlands.

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SITE PLAN

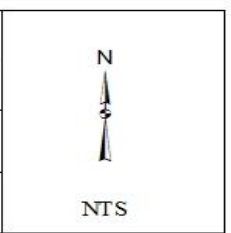


The site plan illustrates existing tanks, proposed spoil site, proposed berm, and easements.

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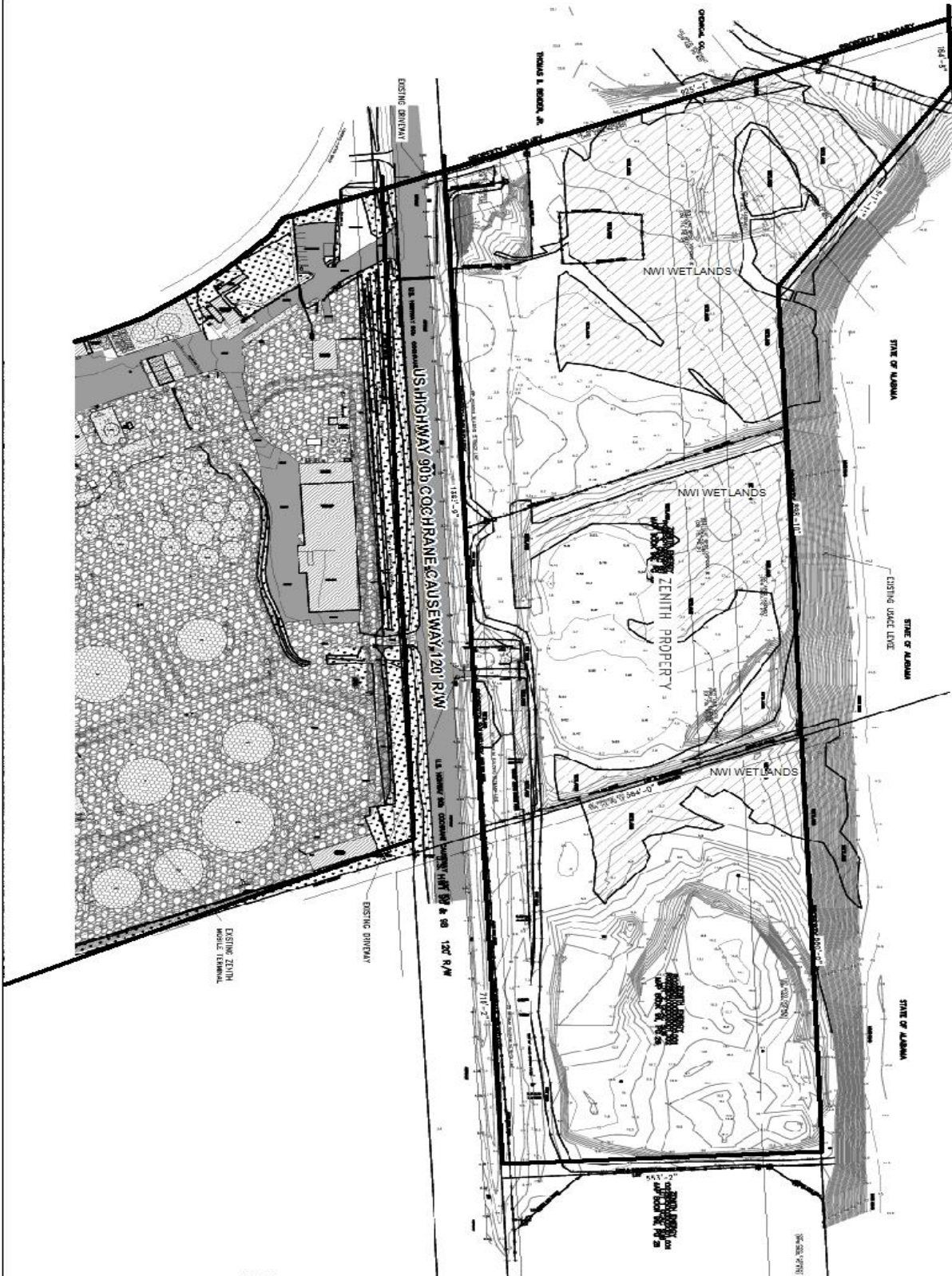
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EXISTING SITE PLAN



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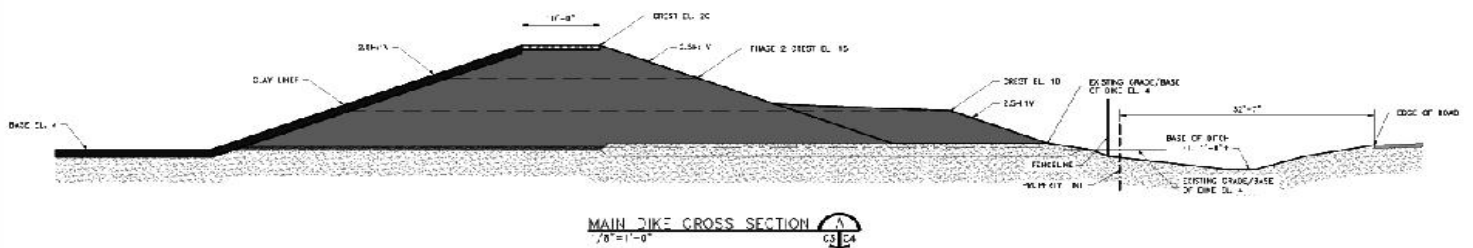
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DETAIL SITE PLAN



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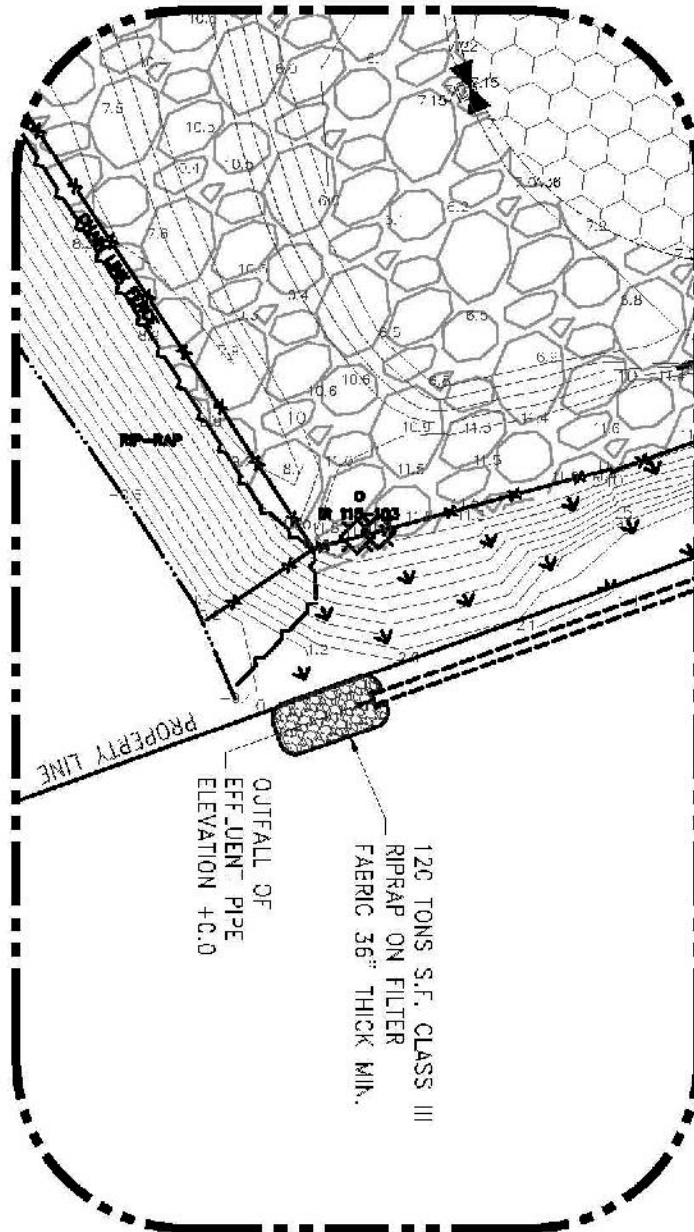
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DETAIL SITE PLAN



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