

**SUBDIVISION,
PLANNED UNIT DEVELOPMENT,
PLANNING APPROVAL, &
REZONING STAFF REPORT****Date: April 2, 2015****APPLICANT NAME**The First, A Nation Banking Association, Rich Campbell,
Mobile Market President**SUBDIVISION NAME**

Mobile Metal Scrap Place Subdivision

DEVELOPMENT NAME

Mobile Metal Scrap Place Subdivision

LOCATION6445 Todd Acres Drive
(East side of Todd Acres Drive, 2/10'± mile North of
Hamilton Boulevard)**CITY COUNCIL
DISTRICT**

Council District 4

PRESENT ZONING

I-1, Light Industry District

PROPOSED ZONING

I-2, Heavy Industry District

AREA OF PROPERTY

2 Lots/7.1± Acres

CONTEMPLATED USE

Subdivision Approval to create two legal lots of record from three metes and bounds parcels; Planned Unit Development to allow multiple buildings on a single building site, Planning Approval to allow a junk yard in an I-2, Heavy Industry District, and Rezoning from I-1, Light Industry District to I-2, Heavy Industry District to allow the operation of a junk yard.

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 provided

ENGINEERING**COMMENTS**

Subdivision: The following comments should be addressed prior to submitting the FINAL PLAT for acceptance and signature by the City Engineer:

- A. Add a note to the SUBDIVISION PLAT stating 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.
- B. Add a note to the Plat stating 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.
- C. Provide a written legal description for the proposed subdivision and matching bearing and distance labels.
- D. Provide and label the monument set or found at each subdivision corner.
- E. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
- 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 development, unless a sidewalk waiver is approved.
- G. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.

Planned Unit Development: 1. Show and label all existing and proposed gravel and pavement surfaces, and access drives and maneuvering areas. 2. Remove the private fence, gate, and any other structures from the Giblin Rd. ROW.

ADD THE FOLLOWING NOTES TO THE PUD SITE PLAN:

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. Add a note to the Plat stating 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. 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.

Planning Approval:

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 Owner/Developer is responsible for acquiring all of the necessary permits and approvals.

TRAFFIC ENGINEERING**COMMENTS**

There is no proposed gate illustrated at the main entrance to the site on Todd Acres Drive. The existing gate that blocks the Giblin Road right-of-way should be removed. Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.

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 61-929 and City Code Chapters 57 and 64).

FIRE DEPARTMENT**COMMENTS**

All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile. As per Appendix D, Section D107.1, one and two family developments with more than 30 dwelling units shall be provided with separate and approved fire apparatus access roads and shall meet the requirements of Section D104.3.

MAWSS**COMMENTS**

MAWSS has no water or sewer services available.

REMARKS

The applicant is requesting Subdivision Approval to create two legal lots of record from three metes and bounds parcels; Planned Unit Development to allow multiple buildings on a single building site, Planning Approval to allow a junk yard in an

I-2, Heavy Industry District, and Rezoning from I-1, Light Industry District to I-2, Heavy Industry District to allow the operation of a junk yard.

The applicant states:

The scrap yard, located at 6445 Todd Acres Dr. Theodore, AL 36582, will consist of buying scrap metals (ferrous and nonferrous) and junk cars from the public and other business for recycling purpose. Then, these materials will be sorted and prepared according to their grade and resold to the mill or export to other countries. We will have about 1-2 heavy equipment such as crane or forklift to assist us in lifting the materials for the sorting process.

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 proposed lots, as depicted, meet the minimum size and frontage requirements as regulated by the Subdivision Regulations. The lot area sizes are depicted on the plat in acres. The lot sizes should be provided in square feet and acres on the Final Plat, if approved. The 25-foot minimum building setback line is depicted along Todd Acres Drive, but not Giblin Road, an unopened right-of-way that both lots have frontage along. If approved, the Final Plat should illustrate the minimum setback line along all right-of-ways.

Both lots front Todd Acres Drive, a minor street without curb and gutter, and Giblin Road, an unopened minor street. The Subdivision Regulations require all minor roads without curb and gutter to have a right-of-way minimum of 60'. Todd Acres Drive is illustrated as having an existing 100' right-of-way, and Giblin Road is illustrated as having a 60' right-of-way, making no dedications necessary. Section V.B.16. of the Subdivision Regulations requires a minimum curb radius at intersecting streets. As such, dedication in compliance with Section V.B.16., in regards to curb radii should be required at the intersection of Todd Acres Drive and Giblin Road for both lots.

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.

It should be noted that the rezoning site is depicted as industrial on the General Land Use Component of the Comprehensive Plan, which is meant to serve as a general guide, not a detailed lot and district plan or mandate for development. Moreover, the General Land Use Component 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 zoning classification.

The applicant states that there is an increased need for industrial sites, making it necessary and desirable to rezone the area. The applicant is proposing to operate a junk yard which is only allowed in an I-2, Heavy Industry District with Planning Approval. Section 64-9.A.2. of the Zoning Ordinance states that a newly proposed I-2, Heavy Industry District should contain a minimum of 4 acres, which this site exceeds. It should be noted that there are currently undeveloped properties within two miles of the subject site that are currently zoned I-2, Heavy Industry District.

As stated in Section 64-5 of the Zoning Ordinance, Planned Unit Development review examines the site with regard to its location to ensure that it is generally compatible with neighboring uses; that adequate access is provided without generating excess traffic along minor residential streets in residential districts outside the PUD; and that natural features of the site are taken into consideration. PUD review also examines the design of the development to provide for adequate circulation within the development; to ensure adequate access for emergency vehicles; and to consider and provide for protection from adverse effects of adjacent properties as well as provide protection of adjacent properties from adverse effects from the PUD. PUD approval is site plan specific, thus any changes to the site plan must be approved by the Planning Commission.

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. Planning Approval is site plan and use specific, thus any future changes to the site or operation of the facilities will require additional Planning Approval.

The proposed Lot 1 was cleared between 1997 and 2002 at the same time as the proposed Lot 2, prior to being annexed into the City of Mobile. There are no existing structures on the proposed Lot 1. Lot 2 has several existing structures including an office trailer, storage building with an attached lean-to, and a building which is described as the framing only of a structure with no roof or walls. Upon review of aerial photos, the structure described as not having a roof and walls, does in fact, appear to have a roof and walls. The applicant states no new building construction will occur at this time.

The site plan illustrates several trees to be placed along the frontages of Todd Acres Drive and Giblin Road, but does not illustrate full compliance with tree planting and landscaping requirements. The site should have 22 trees along Todd Acres Drive and 11 trees along Giblin Road. It should be noted that I-2, Heavy Industry District sites are required to provide full compliance with landscaped area requirements, but are only required to provide frontage trees.

Due to the nature of the proposed business, it is foreseeable that some of the structures will be used as a warehouse instead of an office; however no mention is made of the square footage that will be utilized for office space. The applicant does state that there will only be 3 full-time employees at the site. There are 12 parking spaces illustrated on an asphalt surface, and a new

proposed employee parking area. There is no mention of the proposed surfacing of the new employee parking area, however, aggregate surfacing is allowed by right. It appears that there will be sufficient parking available.

It appears that the driveway connecting to an existing parking area is 18' wide, which is insufficient for two-way traffic. The site plan should be revised to illustrate a compliant 24' wide driveway.

A dumpster pad is illustrated on the site, but no mention of a dumpster enclosure is made. The site plan should be revised to illustrate a dumpster enclosure with sanitary sewer connection compliant with Section 64-4.D.9. of the Zoning Ordinance.

There is a note on the site plan that a 6-8 foot tall wooden privacy fence is to be placed along the North, West, and South of the site. It should be noted that a junkyard is required to be enclosed within an 8' high privacy fence, making it necessary to extend the fence along the East of the site. It should also be noted that the material stored on site cannot exceed the height of the privacy fence, per Zoning Ordinance requirements.

It appears that the property to the South of the site is used residentially, and the site plan illustrates a compliant 10' residential buffer in conjunction with the required 8' high privacy fence. Due to the nature of the proposed business, it may be appropriate to require a 25' vegetative buffer from the adjacent residentially used properties. The site plan illustrates an "old house site (burned)" straddling the South property line. Staff can find no demolition permits for the removal of the burned structure. The proposed 8' high privacy fence would bisect this structure. There is also an 18'± wide gravel road on the South of the site which appears to be used as access to the burned structure. It is unclear if this is an ingress/egress easement.

The proposed junk yard appears to be surfaced entirely with grass and dirt. The Zoning Ordinance requires at least aggregate surfacing, thus the site plan should be revised to illustrate concrete, asphalt, or aggregate surfacing.

The site plan illustrates that there is an existing fence with an asphalt driveway in the unopened right-of-way associated with Giblin Road. Per City of Mobile Engineering and Traffic Engineering comments, the private fence, gate, and any other structures should be removed from the right-of-way.

RECOMMENDATION

Subdivision: The request is recommended for Tentative Approval, subject to the following conditions:

- 1) dedication in compliance with Section V.B.16., in regards to curb radii should be required at the intersection of Todd Acres Drive and Giblin Road for both lots;
- 2) illustration of the 25' minimum building setback line along Todd Acres Drive and Giblin Road;
- 3) revision of the plat to illustrate to removal of the private fence, gate, and any other structures currently in the right-of-way;

- 4) full compliance with Engineering comments: *(The following comments should be addressed prior to submitting the FINAL PLAT for acceptance and signature by the City Engineer: 1. Add a note to the SUBDIVISION PLAT stating 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. 2. Add a note to the Plat stating 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. 3. Provide a written legal description for the proposed subdivision and matching bearing and distance labels. 4. Provide and label the monument set or found at each subdivision corner. 5. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. 6. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of development, unless a sidewalk waiver is approved. 7. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.);*
- 5) full compliance with Traffic Engineering comments: *(There is no proposed gate illustrated at the main entrance to the site on Todd Acres Drive. The existing gate that blocks the Giblin Road right-of-way should be removed. Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.);* and
- 6) compliance with Fire comments: *(All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile. As per Appendix D, Section D107.1, one and two family developments with more than 30 dwelling units shall be provided with separate and approved fire apparatus access roads and shall meet the requirements of Section D104.3.).*

Planned Unit Development: Based on the preceding Planned Unit Development request is recommended for Denial due to the following reasons:

- 1) denial of the rezoning application makes this request moot.

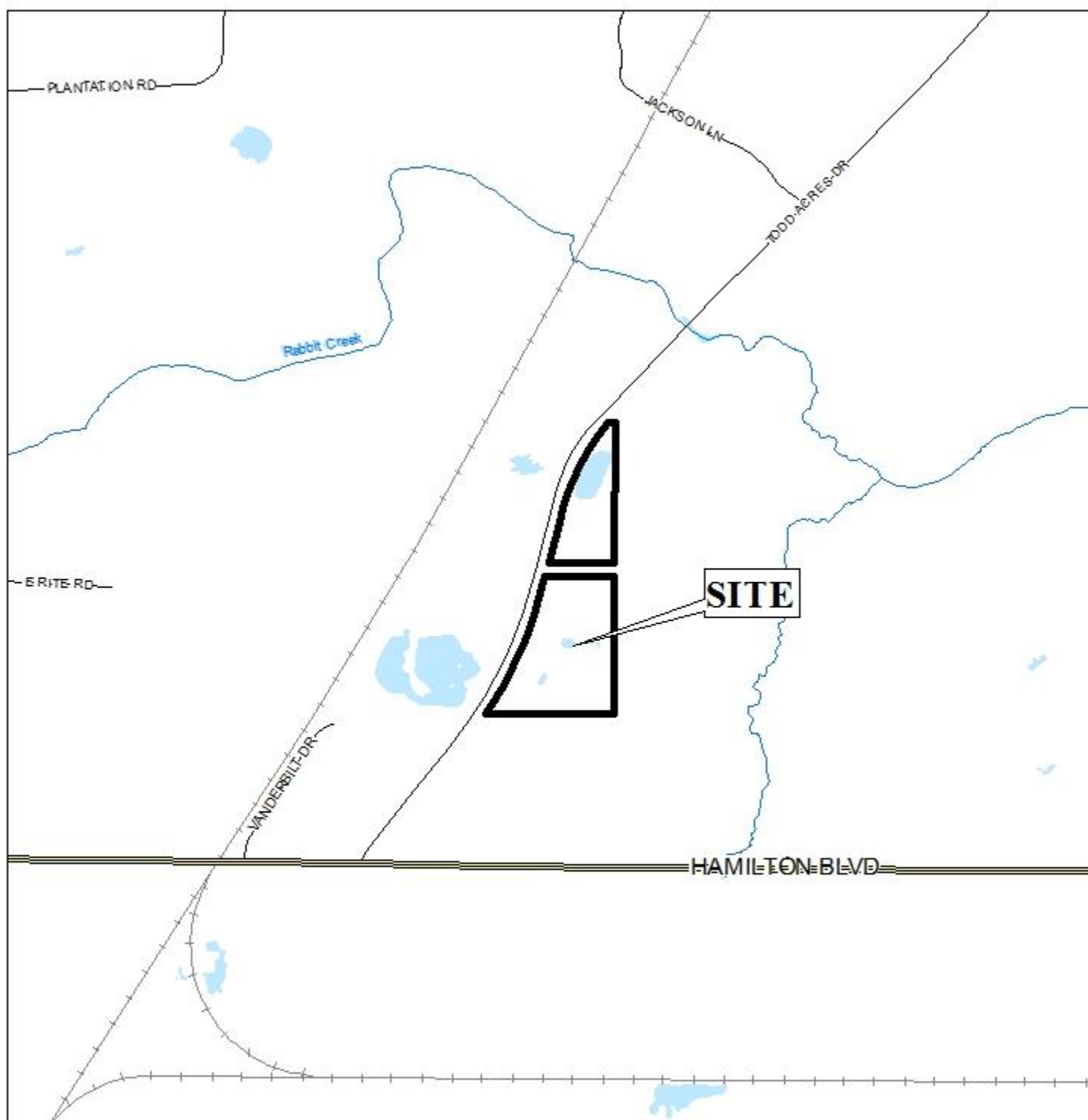
Planning Approval: Based on the preceding Planning Approval request is recommended for Denial due to the following reasons:

- 2) denial of the rezoning application makes this request moot.

Rezoning: Based on the preceding, the rezoning is recommended for Holdover until the May 7, 2015, to address the following:

- 1) the applicant has not provided sufficient reasoning to justify the rezoning of the site as required by Section 64-9 of the Zoning Ordinance.

LOCATOR MAP



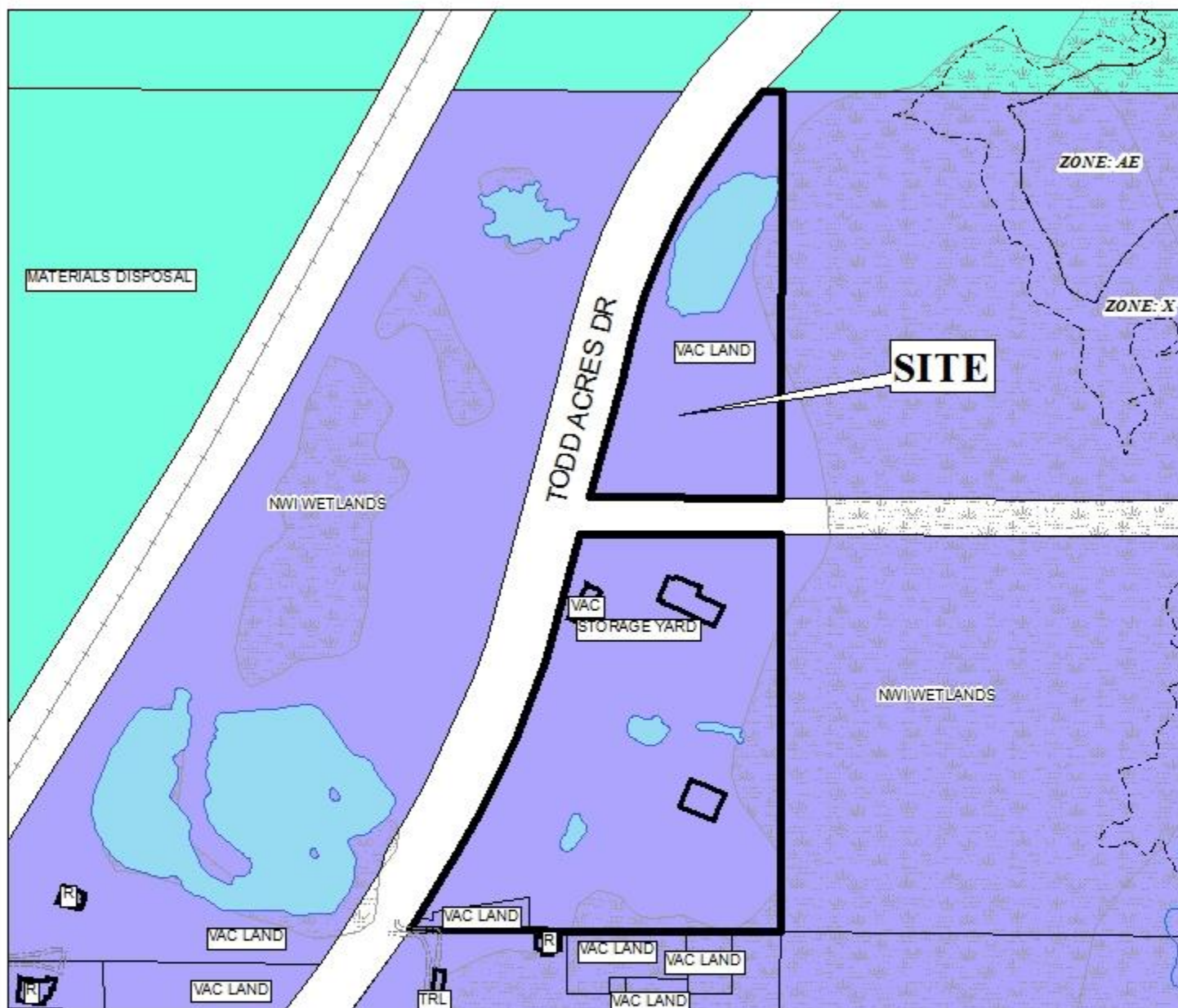
APPLICATION NUMBER 10 DATE April 2, 2015

APPLICANT Mobile Metal Scrap Place Subdivision

REQUEST Subdivision, PA, PUD, Rezoning from I-1 to I-2



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by industrial units. Residences lie to the south of the site.

APPLICATION NUMBER 10 DATE April 2, 2015

APPLICANT Mobile Metal Scrap Place Subdivision

REQUEST Subdivision, PA, PUD, Rezoning from I-1 to I-2

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 ZONING



The site is surrounded by industrial units. Residences lie to the south of the site.

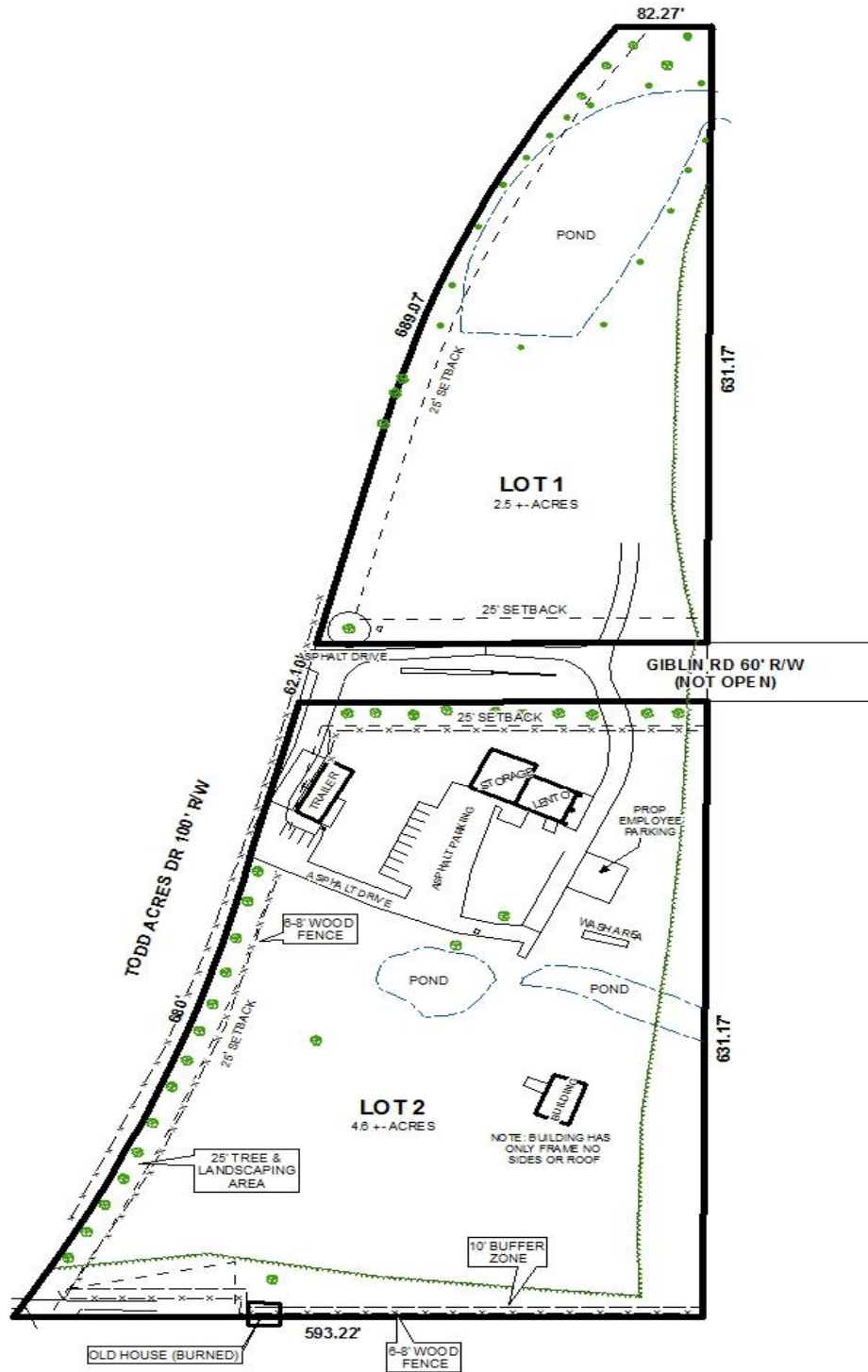
APPLICATION NUMBER 10 DATE April 2, 2015

APPLICANT Mobile Metal Scrap Place Subdivision

REQUEST Subdivision, PA, PUD, Rezoning from I-1 to I-2



SITE PLAN



The site illustrates the proposed lots, existing buildings, setbacks, trees, and parking.

APPLICATION NUMBER 10 DATE April 2, 2015

APPLICANT Mobile Metal Scrap Place Subdivision

REQUEST Subdivision, PA, PUD, Rezoning from I-1 to I-2



NTS