

**ZONING,
PLANNING APPROVAL
& PLANNED UNIT DEVELOPMENT
STAFF REPORT**

Date: February 20, 2014

NAME

JDS Construction, LLC

LOCATION

West side of Todd Acres Drive at the North terminus of Private Road 371 (Jackson Lane)

**CITY COUNCIL
DISTRICT**

District 4

PRESENT ZONING

R-A, Residential-Agricultural District

PROPOSED ZONING

I-2, Heavy Industry District

AREA OF PROPERTY

40.0± Acres

CONTEMPLATED USE

Planning Approval to allow the operation of a borrow pit in an I-2, Heavy Industry District (Rezoning pending), and Rezoning from R-A, Residential-Agricultural District, to I-2, Heavy Industry District, to allow a borrow pit.

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**

Planned Unit Development: 1. Any work performed in the existing JACKSON LANE 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. Any and all proposed land disturbing activity will need to be in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. 3. Each Lot Owner shall be required to submit a Land Disturbance Permit application for any proposed land

disturbing activity. 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. 4. According to the FEMA flood map information, this property may be located within a Special Flood Hazard Area. You will need to show and label the flood hazard area(s) on your plat and plans. Also, you will need to list the Minimum Finished Floor Elevation (MFFE) for each lot.

TRAFFIC ENGINEERING

COMMENTS

Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Additional information is requested regarding the access to this site via the private street Jackson Lane. In recent months, the residents on the South end of Jackson Lane have filed service requests to regrade the roadway and deny access to large trucks. *Applicant has provided additional information regarding the planned access to this site. Additional comments may be necessary based upon any new information regarding maintenance of Jackson Lane.*

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.

REMARKS

The applicant is requesting rezoning from R-A, Residential-Agricultural District, to I-2, Heavy Industry District, to allow a borrow pit.

The subject site is a vacant land-locked parcel and is considered a legal lot of record pre-dating the adoption of the Subdivision Regulations. It is bounded to the North by a warehousing complex; to the East by a borrow pit and residences; and to the South and West by vacant land. It is within the annexed Theodore area.

The site appears to be depicted as residential 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 the following regarding the rezoning request:

“The applicant is proposing to utilize this property for a borrow pit for the

Construction of roads and large buildings in the Mobile area. There are two existing borrow pits adjoining this site on the East. One of these has been in operation prior to 1979 and is now being used as a landfill since they have sold all usable construction material. This creates the need for additional pit area in this centrally located area. The reasons for this request are:

- 1. Manifest error in the Ordinance - When this area was annexed into Mobile in September, 2007, the existing borrow pits should have been zoned according to their use (I-2) and properties adjoining them should have been for industrial or business to allow for future expansion.*
- 2. Increased need for industrial sites – With one of the two existing borrow pits depleting their usable construction material there is a need to expand this type of business.*

Since there are existing pits in the area, business zoning adjoining the North property line, and industrial zoning at our Southwest corner, there should be no negative effect on the surrounding land uses.”

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.

Before beginning an in-depth review of this application, it should be noted that a borrow pit is allowed in an I-2 District with Planning Commission Approval. No Planning Approval application was submitted in conjunction with this application, but one has subsequently been submitted for the January 16th meeting. Also, since the subject site is land-locked, all access to it would be across other properties, one of which, to the Northeast of the site, is under the same ownership as the subject property. Information regarding access to the site was not provided, thus staff cannot determine how the proposed use might impact adjacent properties. It would appear that a Planned Unit Development (PUD) application for shared access should also be submitted to be heard in conjunction with the Rezoning and the Planning Approval applications. The PUD must include a narrative describing access as well as all properties that will be utilized for access, and as such, a Subdivision and expanded Planning Approval and Rezoning applications may be required.

Since additional applications and information are required, it is recommended that this application be heldover to the February 6th meeting to be heard in conjunction with the Planning Approval and PUD applications. This would also necessitate the holdover of the Planning Approval application from the January 16th meeting to the February 6th meeting.

RECOMMENDATION

Based on the preceding, the Rezoning application is recommended for holdover to the February 6th meeting in order to be heard in conjunction with the required Planning Approval and Planned Unit Development applications. The PUD and any associated revisions to the Rezoning and Planning Approval applications should be submitted no later than January 13th.

Revised for the January 16th meeting:

The Rezoning application was heldover at the January 2nd meeting until the January 16th meeting, to coincide with the Planning Approval request scheduled to be heard at that meeting. The Commission's legal counsel will additionally determine if a Planned Unit Development application is required.

Along with the Planning Approval application, the following narrative was provided:

"We are asking for approval to operate a borrow pit in an I-2 zoning classification. Since there are other pits adjoining this property, it should not have an adverse effect on the neighborhood."

As has previously been mentioned, it is believed that a Planned Unit Development may also be required to accompany the Rezoning application and now the Planning Approval application. This is for several reasons. Primarily, no mention is made in either of the narratives provided as to how the subject site would be accessed by heavy dump trucks, and Traffic Engineering has specifically requested such regarding access via the private street Jackson Lane. Residents along that roadway have expressed concerns about the dump truck traffic. There has been no information provided concerning the volume of dump truck traffic, the sizes of trucks to be utilized, hours of operation, or anything associated with the roadway width, condition, or any planned maintenance thereof. Although the borrow pit site to the East was in operation prior to annexation, any expansion of a similar operation for the site in question should be evaluated within the guidelines of the Zoning Ordinance, especially in regard as to how such expansion of intense use would impact the surrounding locale.

Staff is of the opinion that a Planned Unit Development application should be required to evaluate the proposed access to the site and if necessary, include adjacent private properties across which access is proposed. For this reason, the Rezoning and Planning Approval applications should be heldover to the February 20th meeting in order to be heard in conjunction with a Planned Unit Development application addressing the access issues expressed. Such application should be submitted no later than January 21st.

RECOMMENDATION

Based on the preceding, the Rezoning and Planning Approval applications are recommended for holdover to the February 20th meeting in order to be heard in conjunction with a Planned Unit Development application addressing access issues. The PUD application should be submitted no later than January 21st. A narrative should be provided to address all Planning Approval criteria listed in Section 64-12.1.b. of the Zoning Ordinance, as well as identifying the scope of operation issues identified in the staff report.

Revised for the February 20th meeting:

The Rezoning and Planning Approval applications were heldover at the January 16th meeting to allow the applicant to submit a Planned Unit Development application addressing site access issues. One was submitted to allow shared access between two building sites – the subject site of the proposed Rezoning and borrow pit and the adjacent property to the South over which the access is proposed.

The following narrative was provided with the Planned Unit Development application:

“We are submitting this application to show the access to Parcel “A” which is proposed to be rezoned to I-2 with Planning Approval to allow a borrow pit. The access was named “Private Road 371” by the County in 1986 after recognizing its existence and that it had served several parcels of land since 1960 or before. The traveled roadway of “Private Road 371” is 24’ wide which will accommodate two- way traffic if necessary. This road is not paved but requires minimal maintenance due to the sandy clay material which is common to this area. Two-way traffic is generally not a problem due to the low number of trucks using the roadway. The average for last year’s operation was 25 loads per day, but it peaked to a high of 100 loads per day which lasted for 5 days when hauling to the Airbus site. The gate is locked when there is no need for dirt fill material. There have been 2 sizes of dump trucks hauling from the existing pit which are a 22 yard truck (tandem axle) and a 28 yard truck (tractor trailer type).

Jackson Lane has an aggregate surface and is the connection between Todd Acres Road and the end of “Private Road 371” and varies in width from 16’ to 24’, but this is sufficient because of visibility from one end to the other. The City of Mobile provides garbage service and trash pickup to the four residences located along Jackson Lane. The owner of the existing pit has provided maintenance as needed for each of these roads.

The normal hours of operation for the existing pit are 7:00 A.M. to 3:00 P.M., Monday through Friday and they occasionally open on Saturday to help a contractor meet a deadline.

The City should welcome a borrow pit since they receive revenue from sales and a business license and do not have to provide any public services to the business. Theft at a borrow pit is not a problem therefore police are not needed. There is nothing to burn at a borrow pit therefore fire protection is not necessary and a borrow pit does not need garbage or trash pickup.

The existing borrow pits have been in operation a very long time and their access was to Todd Acres Road which passed by the two houses and the mobile homes. One of the pits now has access to Kooiman Road so the addition of this proposed borrow pit would not increase the number of trucks using Jackson Lane. Therefore this proposal would not have any effect on the surrounding property.

The applicant has approached the proposed expansion and access as though there would be little change from the previous and existing borrow pit operation. It should be pointed out that the existing borrow pit operation was a legal nonconforming use when annexed into the City in 2009 and the operation's continuance and access to it were allowed via the Zoning Ordinance. Any changes to such require the appropriate approvals and site and access modifications to meet the appropriate City standards. It appears that there has already been one expansion without approvals in 2010. And it also appears that the existing borrow pit has operated since at least 2005 without a City Business License. With regard to the Planned Unit Development (PUD), several items are of concern to staff.

First, the current substandard access is proposed to be utilized without any upgrades to meet compliance. The roadway is not proposed to be widened to the appropriate 24' width nor paved to City standards. No matter what the zoning classification of the properties traversed, the Zoning Ordinance requires the access road to be paved to a compliant 24' width to the site's entrance. There is no indication of a compliant curb cut onto Todd Acres Drive. And there is no authorization from the other property owners over whose properties Jackson Lane crosses to be a part of the PUD.

There are currently some pending issues as to whether Jackson Lane is considered to be City-maintained or strictly a private street. Depending upon the determination made, this could factor into whether or not the roadway would have to be developed to City standards and whether or not the property owners over whose properties the access road crosses would have to give authorization to be included in the PUD.

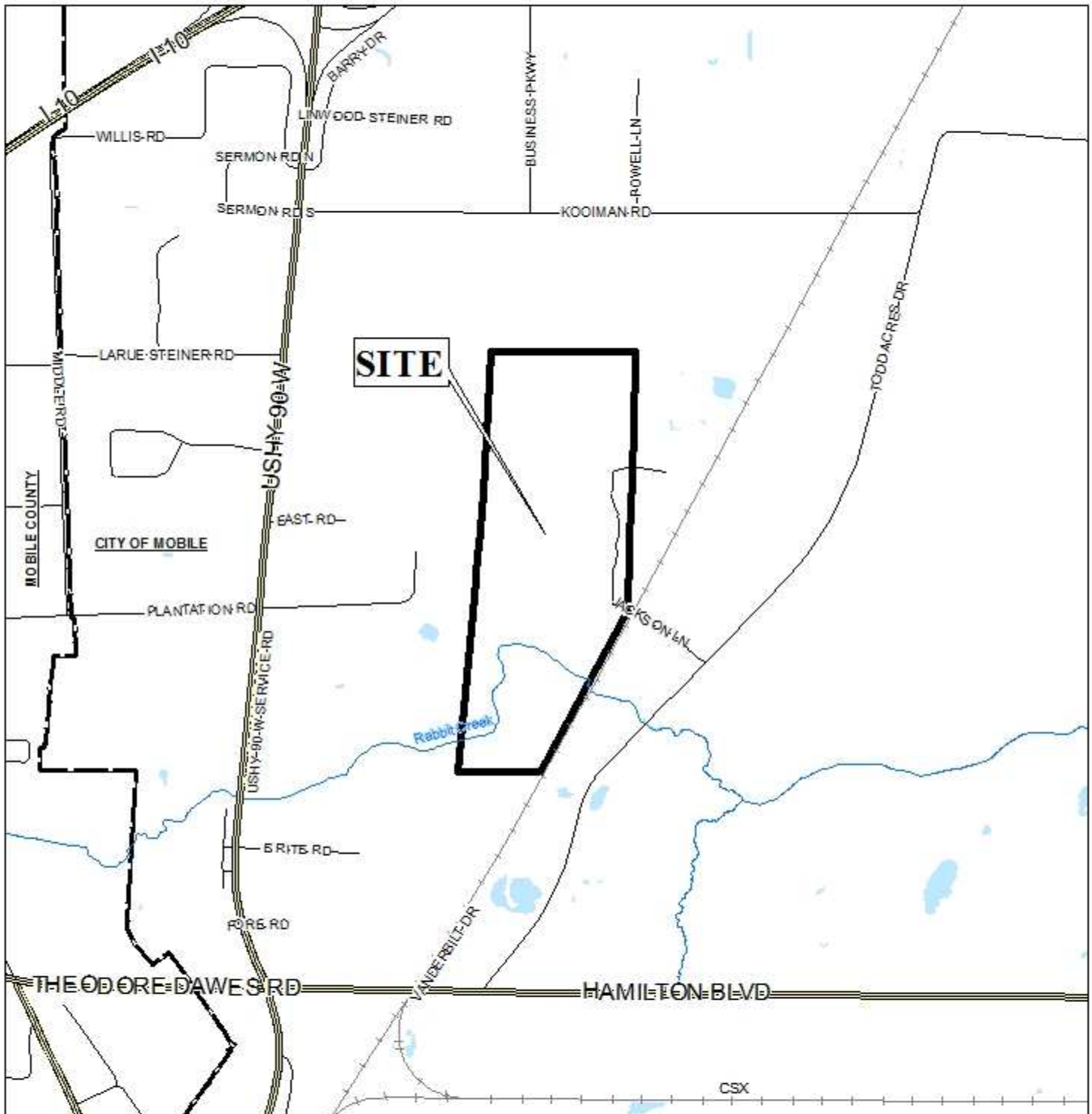
Due to the questions concerning the jurisdictional status of Jackson Lane and whether or not the property owners over whose properties it travels must be a part of the PUD, this application is recommended for holdover.

RECOMMENDATION

Based on the preceding, the Rezoning, Planning Approval and Planned Unit Development applications are recommended for holdover to the March 20th meeting in order to allow the following items to be addressed:

- 1) determination by the City as to the jurisdictional status of Jackson Lane from Todd Acres Drive to the South boundary of the proposed Rezoning where Private Road 371 begins;*
- 2) if the determination is made that Jackson Lane is strictly a private street, letters of authorization to be included in the PUD must be obtained from all property owners over whose properties the access road crosses.*

LOCATOR MAP



APPLICATION NUMBER 15, 16 & 17 DATE February 20, 2014

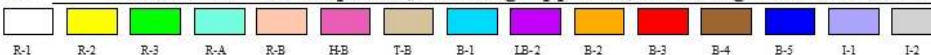
APPLICANT JDS Construction, LLC

REQUEST PUD, Planning Approval, Rezoning from R-A to I-2



REQUEST	Planned Unit Development, Planning Approval, Rezoning from R-A to I-2
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LEGEND



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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Warehouses are located to the north of the site. Residential units lie southeast of the site.

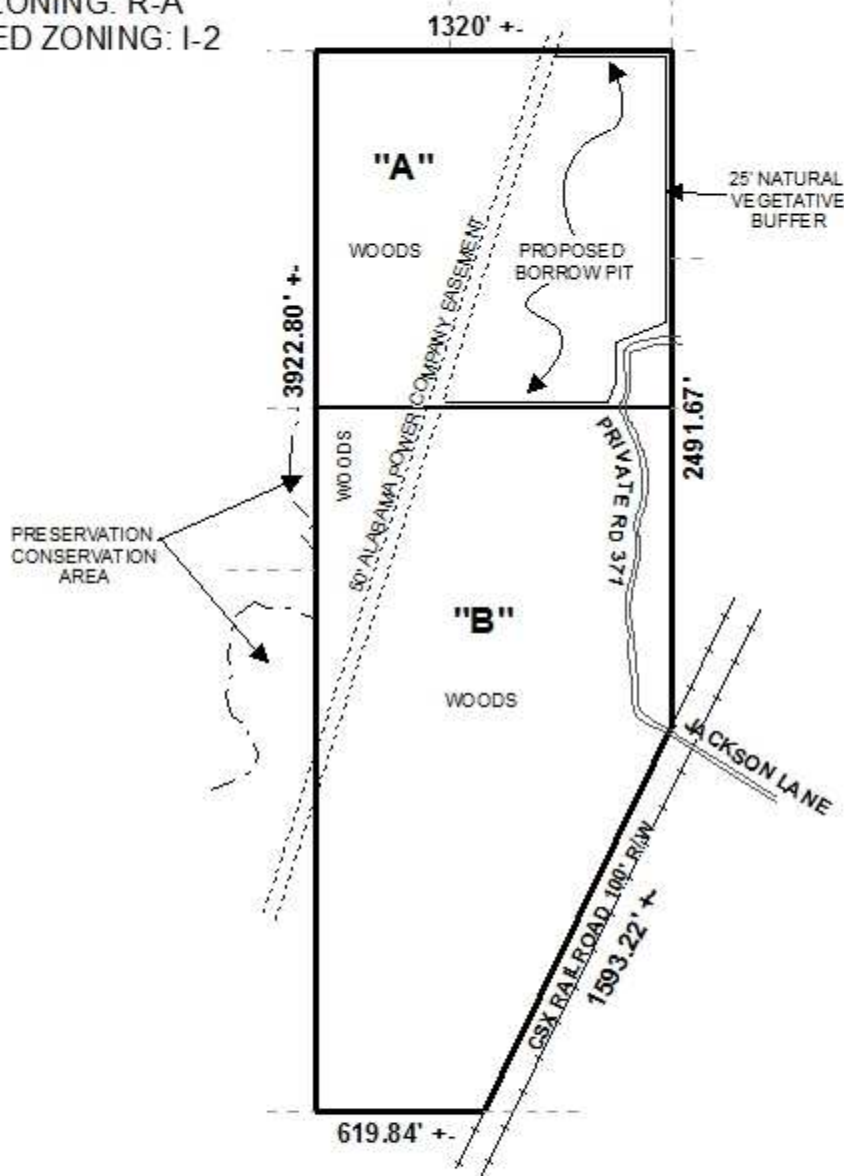
APPLICATION NUMBER	15, 16 & 17	DATE	February 20, 2014
APPLICANT	JDS Construction, LLC		
REQUEST	Planned Unit Development, Planning Approval, Rezoning from R-A to I-2		



NTS

SITE PLAN

EXIST ZONING: R-A
PROPOSED ZONING: I-2



The site plan illustrates the wooded area, proposed borrow pit, easement, and vegetation buffer.

APPLICATION NUMBER 15, 16 & 17 DATE February 20, 2014

APPLICANT JDS Construction, LLC

REQUEST PUD, Planning Approval, Rezoning from R-A to I-2

