

**ZONING AMENDMENT  
& SUBDIVISION STAFF REPORT****Date: December 18, 2014****NAME**

Norden Paper c/o Marty Norden

**SUBDIVISION NAME**

Norden Paper Subdivision

**LOCATION**

East side of Cary Hamilton Road, 105'± North of Washington Boulevard extending to the North terminus of Burroughs Lane.

**CITY COUNCIL  
DISTRICT**

District 4

**PRESENT ZONING**

R-1, Single-Family Residential District

**PROPOSED ZONING**

I-1, Light-Industry District

**AREA OF PROPERTY**

3 Lot/ 48.9 Acres

**CONTEMPLATED USE**

Subdivision to create 3 legal lots of record from 1 metes-and-bounds parcel and 2 legal lots of record, and Zoning to rezone the site from R-1, Single-Family Residential District to I-1 Light-Industry District, to allow access for an existing commercial business.

**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.**

**REASON FOR  
REZONING**

Applicant is requesting rezoning of the site to allow access for an existing commercial business.

**TIME SCHEDULE  
FOR DEVELOPMENT**

None given.

**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 SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 26 - #88) the Lot(s) will receive historical credit of impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control. Coordinate with City Engineering Department staff to establish the exact amount prior to the submittal of the Land Disturbance Permit application.
- C. 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.
- D. Revise the written legal description or the bearing callout for the 324.68' leg located at the southeast side of LOT 1.
- E. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
- F. The area along the east property line of LOT 2, and a portion of the south line of LOT 3, are receiving drainage from a public street and will require a drainage easement; the width and alignment of the easement shall be coordinated with, and approved by, the City Engineer.
- G. Show the recording information for the vacated easement.
- H. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.

## **TRAFFIC ENGINEERING**

### **COMMENTS**

Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Any new on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of 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 (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.

## **REMARKS**

The applicant is requesting Subdivision approval to create 3 legal lots of record from 1 existing metes-and-bounds parcel and 2 legal lots, and Zoning approval to rezone the site from R-1, Single-Family Residential District to I-1, Light-Industry District to allow access for an existing commercial business.

The site was annexed into the City limits in 2008. According to city records a business license was issued for a warehouse for the proposed Lot 2 in 2010. The existing warehouse appears to only have access to Cary Hamilton Road via a driveway that crosses a property currently zoned R-1, Single Family Residential. The applicant is proposing to rezone a portion of the proposed

Lot 1 from R-1, Single Family Residential to I-1 Light Industry to allow access for the existing commercial business. The applicant is also proposing to reconfigure parcel lines; thus the reason for the Rezoning and Subdivision applications.

The site is bounded to the South by R-1, Single-Family Residential District. It is bounded to the North by industrial businesses in an I-1 Light-Industry District, to the West by a Residential Agricultural District, and an apartment complex in an R-3, Multi-Family Residential District, and to the East by single family dwelling units and an elementary school in an R-1, Single-Family Residential District.

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.

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 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. The accuracy of recommended land uses on the General Land Use Component map is limited due to the large scale of the map. 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 proposes to subdivide an existing lot to create a dedicated access drive for the existing industrial site. The rezoning will resolve a resulting split-zoning condition that would be created if only the subdivision were approved. The subdivision and rezoning will legitimize access to Cary Hamilton Road.

The site has frontage along Cary Hamilton Road, a minor street without curb and gutter with an adequate 60' right-of-way; thus no dedication is required. The site also has frontage along Burroughs Lane, a minor street without curb and gutter with a 50' right-of-way. Burroughs Lane was recorded in 1995 as apart of the Ward Theodore Subdivision with a 50' right-of-way; thus no dedication should be required.

The site currently has one existing curb-cut to Cary Hamilton Road. The applicant is proposing two additional curb-cuts to Burroughs Lane; one for the proposed Lot 1 and the other for the proposed Lot 3. However, Burroughs Lane is considered a residential street; thus staff is

concerned about allowing access to Lot 3, an industrial site, via Burroughs Lane. Therefore, Lot 3 should be denied access to Burroughs Lane and a PUD should be required at the time of development of Lot 3 to allow cross access between lots 2 and 3.

If approved, a note should be placed on the Final Plat limiting Lot 2 to one curb-cut to Cary Hamilton Road and Lot 1 to one curb-cut to Burroughs Lane, with any changes to the size, design, and location to be approved by Traffic Engineering and conform to AASHTO standards. Lot 3 shall be restricted to the Lot 2 curb-cut.

The lot sizes are labeled in square feet and acres. If approved, the lot sizes in square feet and acres should be retained on the Final Plat, or the furnishing of a table providing the same information will be required.

The 25-foot minimum building setback line is depicted on the preliminary plat and site plan except along Burroughs Lane for the proposed Lot 1. The plat and site plan should be revised to depict the 25' minimum building setback line along all proposed lots.

It should be noted, due to the fact the industrially zoned lots abut residential property, the provision of a 25' wide natural vegetative buffer interplanted with evergreen trees and shrubs should be required where the lots abut residentially zoned property. The buffer should be depicted on the Final Plat.

Any new development on any off the proposed lots will require a sidewalk to be built along public-right-of way as or the request for a sidewalk waiver .

It should be noted, based on City GIS data a portion of the proposed Lot 3 appears to have wetlands present on the site. The potential presence of wetlands indicate that the area may be environmentally sensitive; therefore, the approval of all applicable federal, state and local agencies for wetland issues would be required prior to the issuance of any permits or land disturbance activities.

It should be pointed out that the spelling of "Carey" in Cary Hamilton Road is incorrect. The plat and site plan should be revised to depict the correct labeling of Cary Hamilton Road.

Finally, the geographic area defined by the city of Mobile and its planning jurisdiction, including this site, may contain Federally-listed threatened or endangered species as well as protected non-game species. Development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.

### **RECOMMENDATION**

**Subdivision:** The Subdivision request 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 right-of-way width of Burroughs Lane on the Final Plat;
- 3) retention of the labeling of the lot sizes in square feet and acres on the Final Plat, or the furnishing of a table providing the same information;

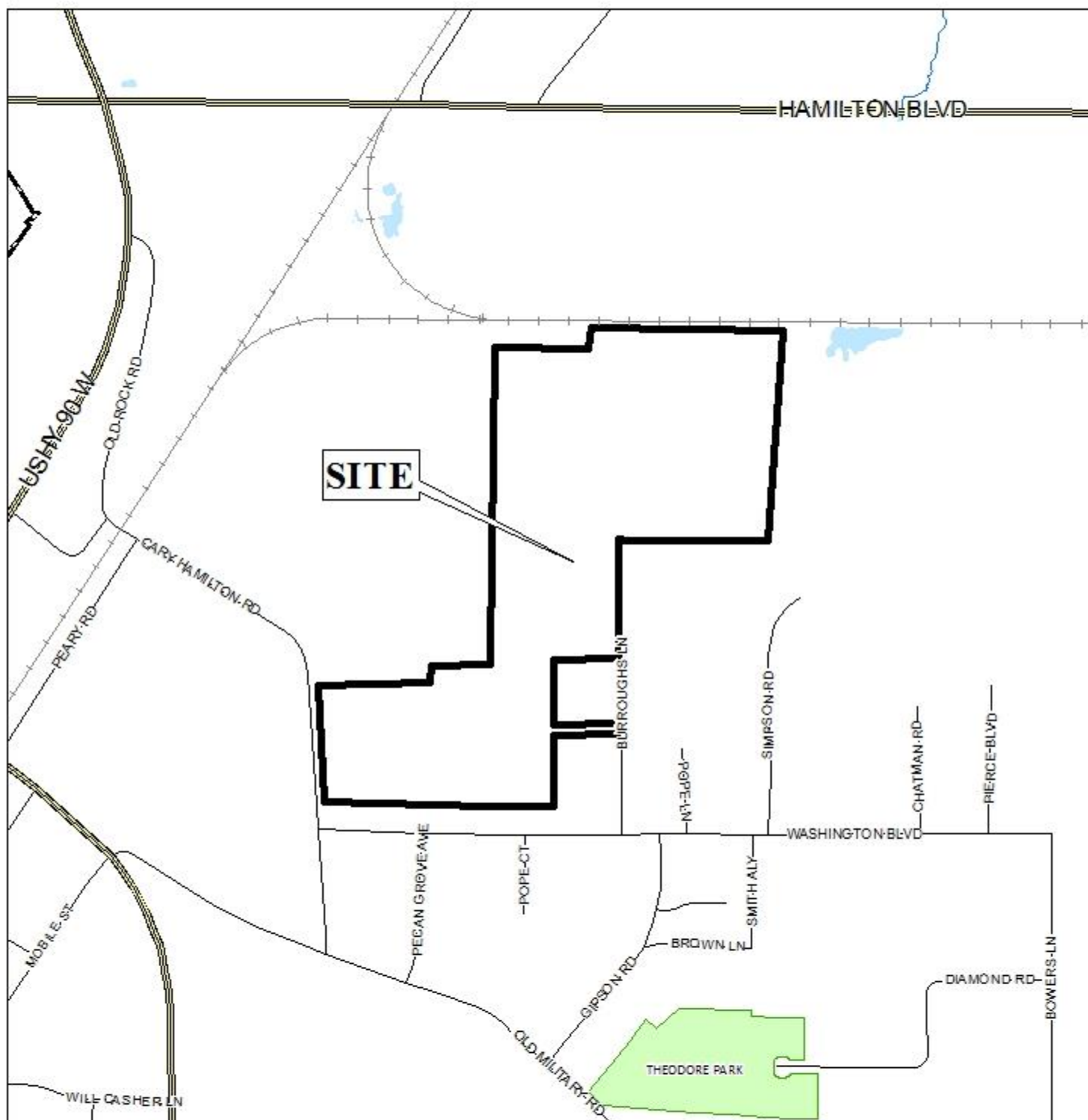
- 4) revision of the plat to depict the 25' minimum building setback line along all proposed lots;
- 5) revision of the spelling of Cary Hamilton Road on the Final Plat;
- 6) placement of a note on the Final Plat stating Lot 3 is denied access to Burroughs Lane and is limited to access to Cary Hamilton Road, via Lot 2, which will require a PUD prior to any development on Lot 3;
- 7) prior to any development of the site, the applicant should submit a sidewalk waiver or provide a sidewalk at time of development as required by the Subdivision Regulations;
- 8) placement of a note on the Final Plat and depiction on the plat of a 25' natural vegetative buffer with interplanted evergreen trees and shrubs, required where the site abuts residentially zoned property, to be required at the time of development for Lots 2 and 3;
- 9) placement of a note on the Final Plat stating that Lots 2 and 3 limited to one curb-cut to Cary Hamilton Road and Lot 1 is limited to one curb-cut to Burroughs Lane with any changes to the size, design, and location to be approved by Traffic Engineering and conform to AASHTO standards;
- 10) placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species;
- 11) placement of a note on the Final Plat stating that approval of all applicable Federal, state and local agencies is required for wetland issues, if any, prior to the issuance of any permits or land disturbance activities;
- 12) compliance with Engineering comments: *"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 SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 26 - #88) the Lot(s) will receive historical credit of impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, **Storm Water Management and Flood Control**. Coordinate with City Engineering Department staff to establish the exact amount prior to the submittal of the Land Disturbance Permit application. C. 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. D. Revise the written legal description or the bearing callout for the 324.68' leg located at the southeast side of LOT 1. E. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. F. The area along the east property line of LOT 2, and a portion of the south line of LOT 3, are receiving drainage from a public street and will require a drainage easement; the width and alignment of the easement shall be coordinated with, and approved by, the City Engineer. G. Show the recording information for the vacated easement. H. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature."*;
- 13) compliance with Traffic Engineering comments: *"Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Any new on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance."*;

- 14) 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 61-929 and City Code Chapters 57 and 64).”*; and
- 15) 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.”*;

**Rezoning:** Based upon the preceding, this application is recommended for approval based on the following conditions:

- 1) provision of a 25 foot natural vegetative buffer with the interplanting of evergreen trees and shrubs where the site abuts residential development; and
- 2) full compliance with the site design and signage regulations of the Zoning Ordinance;

# LOCATOR MAP



APPLICATION NUMBER 17 DATE December 18, 2014

APPLICANT Norden Paper Subdivision

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





# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units.

APPLICATION NUMBER 17 DATE December 18, 2014

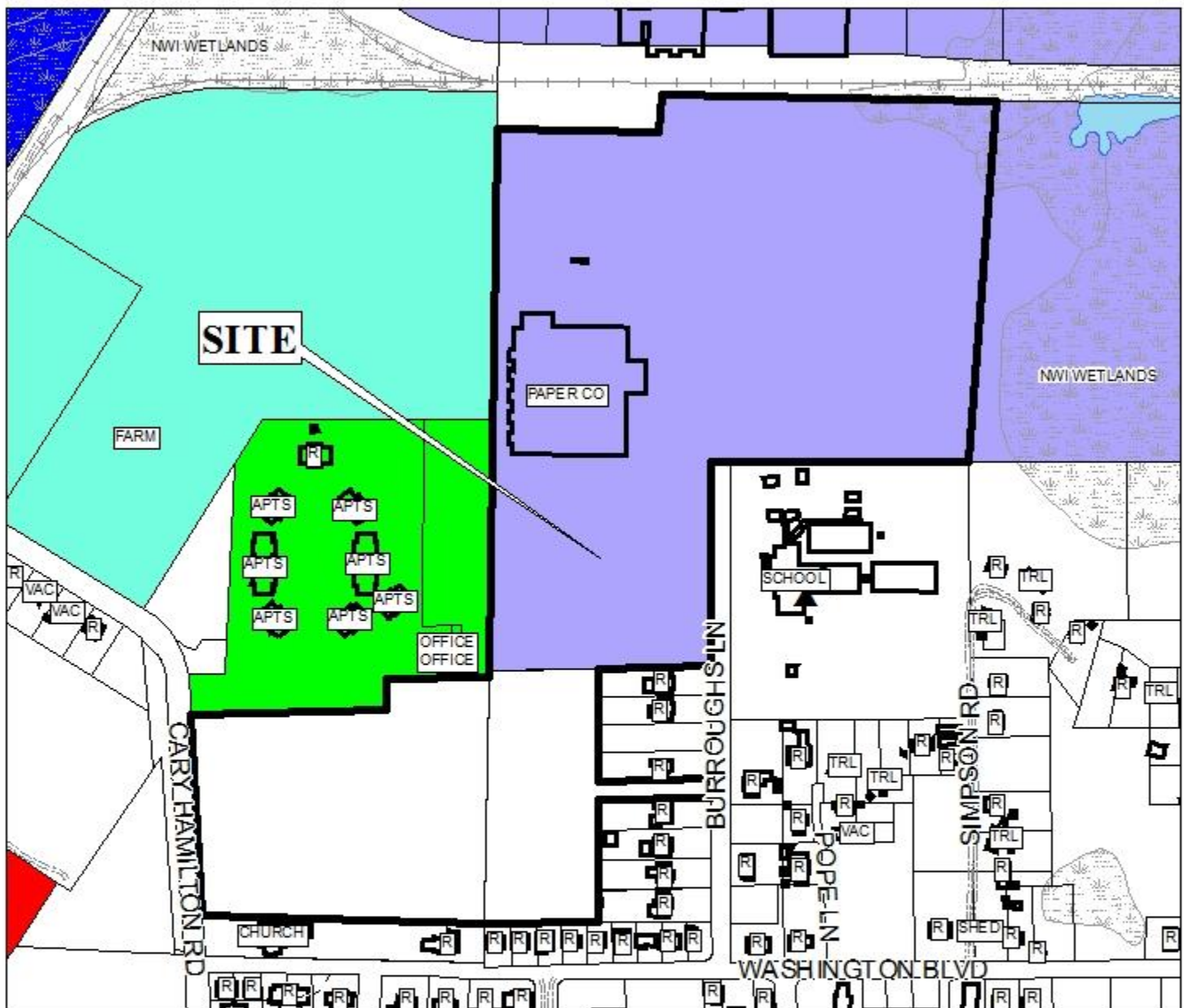
APPLICANT Norden Paper Subdivision

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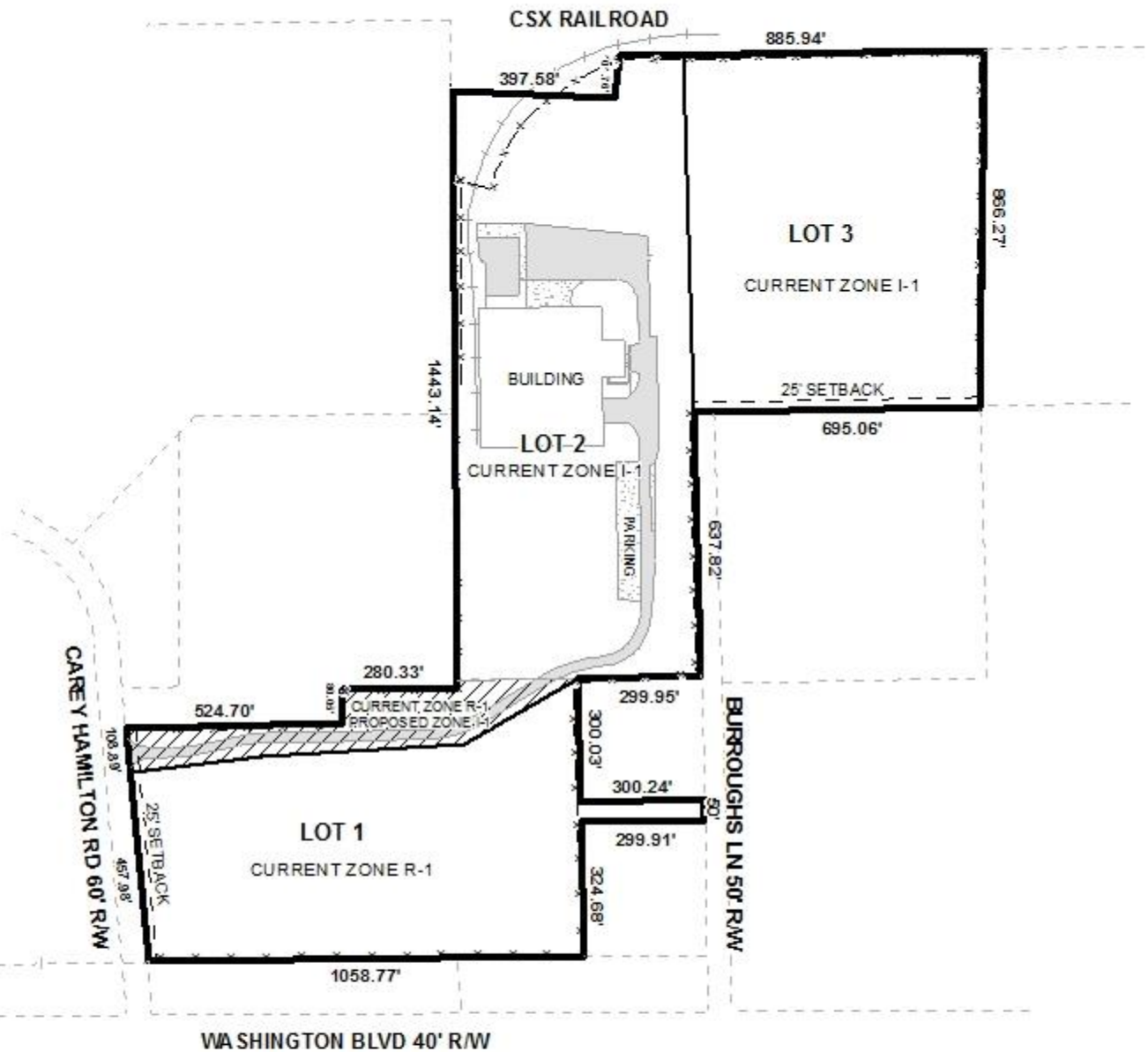
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REQUEST Subdivision, Rezoning from R-1 to R-1 and I-1

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



# SITE PLAN



The site plan illustrates the existing building, drive, setbacks, proposed lots, and proposed zoning.

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

