

**ZONING AMENDMENT &  
SUBDIVISION STAFF REPORT****Date: April 2, 2015****APPLICANT NAME**

Cowles, Murphy, Glover &amp; Associates

**SUBDIVISION NAME**

Pender Ridge Subdivision

**LOCATION**

400 Bay Bridge Road & 2201 Paper Mill Road  
(Northwest corner of Bay Bridge Road, and Paper Mill Road, extending to Paper Mill Road Extension and Northwest corner of Paper Mill Road and Paper Mill Road Extension extending to the South side of Shelby Street and extending to the East side of Tin Top Alley and Northeast corner of Paper Mill Road and Shelby Street)

**CITY COUNCIL  
DISTRICT**

District 2

**PRESENT ZONING**

R-1, Single-Family Residential District, R-2, Two-Family Residential District, and B-2, Neighborhood Business District

**PROPOSED ZONING**

B-5, Office-Distribution District

**AREA OF PROPERTY**

4 Lots / 10.4± Acres

**CONTEMPLATED USE**

Rezoning from R-1, Single-Family Residential District, R-2, Two-Family Residential District, and B-2, Neighborhood Business District, to B-5, Office-Distribution District, to allow a heavy equipment storage facility and Subdivision approval to create four (4) legal lots of record.

**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**

To allow a heavy equipment storage facility.

**TIME SCHEDULE  
FOR DEVELOPMENT**

Not specified.

**ENGINEERING****COMMENTS**

**Subdivision:** The following comments should be addressed prior to submitting the FINAL PLAT for acceptance and 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. 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.
- C. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 30 - #64) 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.
- D. Show remainder of Parcel R022208440020031 (to the northwest side of Lot 1).
- E. Show limits and/or clarify area labeled "GREEN BELT BUFFER".
- F. 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.
- G. Add a vicinity map.
- H. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer.
- I. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
- J. 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.
- K. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.

***Revised for the May 7<sup>th</sup> meeting:***

- A. *Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 30 - #64) 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.*
- B. *Show limits and/or clarify area labeled "GREEN BELT BUFFER".*
- C. *Provide the Planning Commission and Traffic Engineering signatures.*
- D. *Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.*

**Rezoning**      No comments

## **TRAFFIC ENGINEERING**

### **COMMENTS**

Lot 1 is denied access to Edwards St and Lot 3 is denied access to Shelby Street. Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.

*Revised for the May 7<sup>th</sup> meeting:*

*Lot 1 is denied access to Edwards Street and Wiley Lane and Lot 3 is denied access to Shelby Street. Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Any new required 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.

## **MAWSS COMMENTS**

MAWSS has water and sewer services available, but a Capacity Assurance application for sewer service has not been applied for. MAWSS cannot guarantee sewer service until the Capacity application is approved by Volkert Engineering Inc.

## **REMARKS**

The applicant is requesting Rezoning from R-1, Single-Family Residential District, R-2, Two-Family Residential District, and B-2, Neighborhood Business District, to B-5, Office-Distribution District, to allow a heavy equipment storage facility and Subdivision approval to create four (4) legal lots of record.

This site most recently appeared before the Planning Commission at its March 20, 2008 meeting where the Commission considered Subdivision approval to create 3 lots; Planned Unit Development approval to allow multiple buildings on a single building site; and Rezoning from R-1, Single-Family Residential, R-2, Two-Family Residential, and B-2, Buffer Business, to I-2, Heavy Industry District to allow offices, parking, a lay down yard and staging area for a trucking facility. It was decided to holdover the applications to allow the applicant to submit revised information that included the entirety of a parcel, with additional labels and notification fees, and

to provide justification regarding why the sites should be rezoned. The applications were subsequently withdrawn by the applicant.

Similarly, the current request does not appear to include the entirety of parcel R022208440020031. due to an apparent discrepancy regarding the dimensions shown in Mobile County Revenue tax records and parcel data. The applicant is aware of the discrepancy and has notated that the entire parcel can be included in this request. The inclusion of the entire parcel may require additional labels, postage and fees, if it is determined that the appropriate number of property owners have not been properly notified.

The preliminary plat illustrates the proposed 4-lot, 10.4± acre subdivision which is located on the Northwest corner of Bay Bridge Road, and Paper Mill Road, extending to Paper Mill Road Extension and Northwest corner of Paper Mill Road and Paper Mill Road Extension extending to the South side of Shelby Street and extending to the East side of Tin Top Alley and Northeast corner of Paper Mill Road and Shelby Street. The site is in Council District 2 and the applicant states that the subdivision is served by city water and sanitary sewer.

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 entire site is shown 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.

It appears that no justification was provided for the rezoning of the four proposed lots – only the desire to store and sell online surplus government vehicles such as heavy trucks and Humvees on the proposed Lot 1.

In addition to not providing justification to satisfy any of the previously mentioned conditions required in Section 64-9. of the Zoning Ordinance, the applicant has not provided any information regarding the future use of the proposed Lots 2-4. With that said, the proposed Lot 2 is zoned R-1 but is commercially developed with a vacant building that was a former financial institution. Given the previous office-type use of lot, Staff is of the opinion that a B-1, Buffer Business zoning may be more appropriate for the proposed Lot 2.

While there is no minimum size requirement for new B-5 districts, Section 64-3.A.5.b. of the Zoning Ordinance states as a guideline that new B-5 districts be a minimum of 4 acres.

Although the entire site is 10.4± acres, only the proposed Lot 1 is larger than 4 acres; however, smaller districts may be created where unusual conditions or circumstances justify them in the opinion of the Commission.

The applicant's desire for B-5 zoning is in order to store and sell surplus vehicles on the proposed Lot 1, which is not allowed in lower zoning classifications. There are no B-5 sites in the vicinity and the nearest B-5 to the site appears to be located at a site adjacent to the Brookley Aeroplex. The site is bounded by residentially zoned and utilized property to the north, west, and south across Bay Bridge Road. The site's eastern boundary is adjacent to R-2, Two-Family Residential, B-2, Neighborhood Business, and I-2, Heavy-Industry districts directly across Paper Mill Road; however, none of the properties to the east are used for residential purposes.

It should be pointed out that the site plan depicts crushed rock surfacing on the proposed Lots 1, 3, and 4. It appears that gravel surfacing was added to Lot 1 recently, without any permits or approvals, based upon a recent site visit initiated by a citizen complaint. Recent photos also show a new chain-link fence with barbed wire that also appears to have been installed without permits. Gravel surfacing is only allowed by right in I-1 and I-2 districts, and therefore, a variance from the Board of Zoning Adjustment will be required to allow the use of gravel for parking; otherwise, a paved parking surface will be required if the variance is not approved. A building permit for new fencing and approval by the Director of the Urban Development Department will be required for the barbed wire fencing.

The site plan depicts several large oak trees. Although dimensions are not depicted, the removal of any Live Oak tree greater than 24" will require a Tree Removal Permit.

No proposed sidewalks are illustrated on the site plan. Any future commercial use of the proposed lots will necessitate the installation of a sidewalk, or an application for a waiver may be submitted.

Although the applicant is only proposing to store vehicles on the proposed Lot 1, it is anticipated that some degree of waste will be generated. Any commercial use must comply with Section 64-4.D.9. of the Zoning Ordinance.

It should be noted that Section 64-3.E.5. of the Zoning Ordinance states that the intent of B-5 districts is to provide a mixture of certain commercial and light industrial uses such as administrative offices, warehousing and distribution, manufacturing uses limited to assembly or repair operations and research activities for scientific and technological businesses and that design standards should promote a commercial, rather than industrial atmosphere.

The Africatown community has been in strong opposition of recent Rezoning attempts in the vicinity, including this site in 2008. Currently, the City of Mobile is in the process of soliciting proposals for a neighborhood plan to help revitalize the area, thus the Commission may wish to consider that all Rezoning requests for commercial uses be postponed until the completion of the plan to ensure that future land development is in accordance with the neighborhood's vision.

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, 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.

In accordance with the Subdivision Regulations, all 4 proposed lots are compliant with the minimum size requirements; however, Lots 3 and 4 will require a waiver of Section V.D.8. of the Subdivision Regulations due to frontage along multiple streets. The lot size is listed in acres on the plat and should be retained on the Final Plat, if approved.

As mentioned, the site has frontage along multiple streets: Bay Bridge and Paper Mill Roads, Paper Mill Road Extension, Edwards and Shelby Streets, Tin Top Aly, and Peace and Wiley Lanes. The right-of-way widths are depicted as variable; however, the minimum right-of-way should be depicted, per Section IV.A.2.d. of the Subdivision Regulations, and so that Staff can determine if the existing right-of-way widths are sufficient. It should be pointed out that the unopened right-of-way of Wiley Lane is not depicted but should be illustrated on the revised plat.

The 25' minimum building setback line is not illustrated on the plat and should be depicted along all road frontages and street stubs on the Final Plat, if approved.

The overall site has several existing curb-cuts; however, as a means of access management, the proposed Lot 1 should be denied access to Edwards Street and the unopened right-of-way of Wiley Lane and be limited to the existing two curb-cuts; the proposed Lot 2 should be limited to the existing curb-cuts; the proposed Lot 3 should be denied access to Shelby Street and be limited to two curb-cuts; and the proposed Lot 4 should be denied access to Paper Mill Road and Peace Lane and be limited to the existing curb-cuts. The size, design and location of proposed curb-cuts and any changes to the existing curb-cuts are to be approved by Traffic Engineering (and ALDOT, where appropriate) and conform to AASHTO standards.

A natural vegetation green belt buffer is depicted on the proposed Lots 1 and 2 where the lots abut residential property, in accordance with Section V.A.8. of the Subdivision Regulations.

It should be pointed out that there is an underground pipeline that runs through the site which indicates there is an easement not shown on the preliminary plat. As such, if necessary, the Final Plat should be revised to illustrate all easements along with a note stating no permanent structure can be placed or erected within any easement, if approved.

### **RECOMMENDATION**

**Subdivision:** Recommended that this application be heldover to the May 7<sup>th</sup> meeting, with revisions due by April 15<sup>th</sup> to allow the applicant to address the following:

- 1) Revision of the plat to include the entirety of parcel R022208440020031. for proposed Lot 1, or provision of documentation to show that the entirety is included;

- 2) Submittal of labels and postage so that appropriate notification of all property owners can occur, if additional notification is required due to the inclusion of the entirety of the parcel;
- 3) Revision of the plat to depict the unopened right-of-way of Edwards Lane along the northern boundary of Lot 1;
- 4) Revision of the plat to depict the minimum widths of all public rights-of-way;
- 5) Revision of the plat to depict the 25' minimum building setback line along all road frontages; and
- 6) Revision of the plat to depict all easements, along with a note stating no permanent structure can be placed or erected within any easement, if necessary.

**Rezoning** Recommended that this application be heldover to the May 7<sup>th</sup> meeting, with revisions due by April 15<sup>th</sup> to allow the applicant to address the following:

- 1) Revision of the site plan to include the entirety of parcel R022208440020031. for proposed Lot 1, or provision of documentation to show that the entirety is included;
- 2) Submittal of labels and postage so that appropriate notification of all property owners can occur, if additional notification is required due to the inclusion of the entirety of the parcel;
- 3) Provision of justification regarding why the sites should be rezoned addressing at least one of the following items: 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; and
- 4) Provision of information regarding the future use of the proposed Lots 2-4.

***Revised for the May 7<sup>th</sup> meeting:***

*The applications were heldover from the April 2<sup>nd</sup> meeting to allow the applicant to revise the requests and provide justification regarding the proposed rezoning and future use of all proposed lots. Justification has been provided regarding the proposed rezoning and the applicant states:*

*There is a manifest error in the Ordinance. Lots 1-4 are in an industrial area. Lots 1, 3, and 4 were used for many years by Scott Paper Company for parking of employees and contractors. Lot 2 along the site of the Scott Credit Union. These lots are improperly classified as **residential** in the Ordinance.*

*In addition, the applicant also provided additional information regarding the future use of the proposed Lots 2 – 4 and states:*

*Changing conditions in a particular area makes the change in the Ordinance necessary and desirable. The property owner presently has a Lease contingent on rezoning to Pitts Management, Inc. for the use of Lot 1 for the parking of surplus military vehicles pending*

*sale by online auctions. Lot 2 has long been a commercial structure previously occupied by Scott Credit Union. Lot 2 will be used as a commercial office for the Pitts Management, Inc on expansion of the online auctions or another business entity. This will bring approximately 5 jobs to the City of Mobile and will eliminate another vacant building. Lots 3 and 4 are on the opposite side of Paper Mill Road from Kimberly Clark Mill and Lot 4 abuts the ramp of the Cochran-Africa Town Bridge. These 2 lots are hardly suitable for residential use. Lots 3 & 4 will be ideal locations for an expansion of the use of Lot 1, if required in the future.*

*The claim of a manifest error in the zoning map as justification for the rezoning can easily be debated as aerial photographs show the site as having been residential in 1960, the credit union under construction in 1975 with only minor use of the north part of proposed Lot 1 for parking, and expansion of unapproved nonconforming use of Lot 1 in 1984. Establishment of nonconforming use does not establish a manifest error in the zoning map, especially if it occurs over time after the map was adopted. No documentation can be found to determine the status of Lot 2, the credit union site.*

*Again based on aerial photographs, it appears the nonconforming use of proposed Lot one ceased sometime around 2002; and, the nonconforming use of the credit union ceased between 1997 and 2002.*

*It would appear that the applicant's proposed use of the proposed Lots 1, 3, and 4 includes the parking and selling of military vehicles. It is important to note that a B-5 zoning classification would allow other commercial and light industrial uses to locate on the lots by-right, should the proposed business relocate or use change. Further, a rezoning to a B-5 zoning classification for this site would change conditions in this area which may not be in the best interest of the adjacent area, given the close proximity to residential neighborhoods.*

*Although the proposed lots may have been used for parking at some point in the past, there do not appear to be any apparent approvals for such use and no documentation was provided to substantiate the applicant's statement. While the lots have not been used residentially for some time, nearly all of the land in this request is still zoned residential and, as mentioned previously, the Africatown community has been in strong opposition of recent Rezoning attempts in the vicinity, including this site in 2008. The City of Mobile has recently selected a consultant to assist in the development of a Neighborhood Revitalization Plan that will set the direction for creating a 21<sup>st</sup> Century Africatown neighborhood that is environmentally, socially, and economically sustainable. The neighborhood plan-development process will begin no later than June 1<sup>st</sup> and should take approximately 4 months to complete and, as such, the Commission may wish to consider that Rezoning requests be postponed until the completion of the plan to ensure that future land development is in accordance with the neighborhood's plan.*

*The site has frontage along multiple minor streets with sufficient rights-of-way width; however, Tin Top Aly and Shelby Street are not supplied with curb-and-gutter. Per Section V.B.14. of the Subdivision Regulations, the rights-of-way width shall be 60' and, therefore, dedication sufficient to provide 30', as measured from centerline, is required. The lot size information and 30' minimum building setback line should be revised to reflect dedication.*



*It appears the applicant proposes a 30' minimum building setback in lieu of the required 25' minimum building setback. The 30' setback is depicted on the plat; however, given the fact that the site abuts multiple streets, this setback does not appear along all road frontages. As such, the Final Plat should be revised to illustrate a minimum of at least a 25' minimum building setback line along all road frontages, to include Edwards Street and Wiley Lane, if approved. The minimum right-of-way width of Peace Lane, which is located along the western lot line of the proposed Lot 4, should also be illustrated on the Final Plat – with the provision of dedication sufficient to provide 30' from centerline, if necessary - if approved.*

*A 50' Plains Pipeline L.P. easement is depicted within the eastern portion of the proposed Lot 1 along Paper Mill Road. If approved, a note should be placed on the Final Plat stating that no permanent structure(s) can be placed or constructed within any easement.*

**RECOMMENDATION**

***Subdivision:** With a waiver of Section V.D.8. of the Subdivision Regulations, the application is recommended for tentative approval, subject to the following conditions:*

- 1) Dedication, sufficient to provide 30', as measured from the centerline of Tip Top Aly and Shelby Street for Lots 2 and 3;*
- 2) Revision of the lot size information and 30' minimum building setback line to reflect dedication;*
- 3) Placement of a note on the Final Plat stating: (No permanent structure(s) can be placed or constructed in any easement);*
- 4) Retention of the lot size information and 25' minimum building setback line on the Final Plat;*
- 5) Placement of a note on the Final Plat stating: Lot 1 should be denied access to Edwards Street and the unopened right-of-way of Wiley Lane and be limited to the existing two curb-cuts. Lot 2 should be limited to the existing curb-cuts. Lot 3 should be denied access to Shelby Street and be limited to two curb-cuts. Lot 4 should be denied access to Paper Mill Road and Peace Lane and be limited to the existing curb-cuts. The size, design and location of new curb-cuts and any changes to the existing curb-cuts are to be approved by Traffic Engineering (and ALDOT, where appropriate) and conform to AASHTO standards;*
- 6) 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. 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. 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. C. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 30 - #64) 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. D. Show remainder of Parcel R022208440020031 (to the northwest side of Lot 1). E. Show limits and/or clarify area labeled "GREEN BELT BUFFER". F. 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. G. Add a vicinity map. H. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer. I. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. J. 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. K. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature. L. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 30 - #64) 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. M. Show limits and/or clarify area labeled "GREEN BELT BUFFER". N. Provide the Planning Commission and Traffic Engineering signatures. O. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.);*
- 7) *Compliance with Traffic Engineering comments (Lot 1 is denied access to Edwards Street and Wiley Lane and Lot 3 is denied access to Shelby Street. Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Any new required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.);*
  - 8) *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).);*
  - 9) *Compliance with 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.); and*
  - 10) *Completion of the Subdivision process prior any requests for Land Disturbance.*

**Rezoning**      *Based upon the preceding, this application is recommended for denial for the following reasons:*

- 1) *The consultant has been selected to develop the Africatown Neighborhood Revitalization Plan, with a time frame of beginning by June 1, with completion within four (4) months;*
- 2) *Nonconforming use does not establish a manifest error in the zoning map:*

- 3) *There do not appear to be any changing conditions in this particular area which would make a change in the Ordinance necessary and desirable, given the close proximity to residentially zoned properties; and*
- 4) *There does not appear to be a need to increase the number of sites available to business or industry.*

***Revised for the October 1<sup>st</sup> meeting:***

*The applications were heldover from the May 7<sup>th</sup> meeting, with the applicant's consent, to allow the City's Department of Community Housing & Development time to undertake the Africatown Neighborhood Plan.*

*The Africatown Neighborhood Plan is not yet complete, but it has been released for internal staff review. Below are excerpts from the draft Plan:*

*"In Africatown it is widely perceived that outside forces have contributed to the neighborhood's decline, including the extensive development of industrial facilities that now encircle the community and transportation improvements that have favored through traffic over local access and mobility."*

*"While proximity to industries offers convenient job opportunities for residents, community property values have undoubtedly been impacted by decades of industrial development and the visual, environmental and traffic impacts that have come with it. While the core of the community has been protected by maintaining residential zoning in the face of proposals for more heavy commercial and industrial development in the area, requests to rezone vacant properties along the edges of the community are likely to continue. (The Land Use Plan contained in this document provides policy guidance to the Mobile Planning Commission and City Council to respond appropriately to future rezoning requests in the larger context of the revitalization of the community.)"*

*"Where opportunities emerge existing industrial zoning on currently residential, vacant or undevelopable property (i.e., wetland areas) that does not conform to the Land Use Plan should be adjusted. Such changes can be made possible through acquisition, exchanges and other negotiations with owners."*

*The land use map in the draft Plan shows the sites making up the application at hand as primarily "mixed-use" development, with some area depicted as parks/open space. The Plan describes such development as follows:*

*"Mixed-Use areas include retail, personal services, office, dining and entertainment, lodging, recreation, multifamily dwellings (especially in upper stories) and institutional uses, all of which may be mixed horizontally or vertically. These areas should be highly walkable and easily accessible from surrounding residential areas."*

Given that the findings and recommendations within the draft Africatown Neighborhood Plan are based upon public input gathered during several community meetings, and given the fact that issues identified previously in the Planning staff report do not support the rezoning of the property to a B-5 district, staff recommends that the previous recommendations for the sites be considered by the Commission.

**RECOMMENDATION**

**Subdivision:** With a waiver of Section V.D.8. of the Subdivision Regulations, the application is recommended for tentative approval, subject to the following conditions:

- 1) Dedication, sufficient to provide 30', as measured from the centerline of Tip Top Aly and Shelby Street for Lots 2 and 3;
- 2) Revision of the lot size information and 30' minimum building setback line to reflect dedication;
- 3) Placement of a note on the Final Plat stating: (No permanent structure(s) can be placed or constructed in any easement);
- 4) Retention of the lot size information and 25' minimum building setback line on the Final Plat;
- 5) Placement of a note on the Final Plat stating: Lot 1 should be denied access to Edwards Street and the unopened right-of-way of Wiley Lane and be limited to the existing two curb-cuts. Lot 2 should be limited to the existing curb-cuts. Lot 3 should be denied access to Shelby Street and be limited to two curb-cuts. Lot 4 should be denied access to Paper Mill Road and Peace Lane and be limited to the existing curb-cuts. The size, design and location of new curb-cuts and any changes to the existing curb-cuts are to be approved by Traffic Engineering (and ALDOT, where appropriate) and conform to AASHTO standards;
- 6) 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. 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. 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. C. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 30 - #64) 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. D. Show remainder of Parcel R022208440020031 (to the northwest side of Lot 1). E. Show limits and/or clarify area labeled "GREEN BELT BUFFER". F. 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. G. Add a vicinity map. H. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer. I. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. J. 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. K. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature. L. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 30 - #64) 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. M. Show limits and/or clarify area labeled "GREEN BELT BUFFER". N. Provide the Planning Commission and Traffic Engineering signatures. O. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.);*
- 7) Compliance with Traffic Engineering comments (Lot 1 is denied access to Edwards Street and Wiley Lane and Lot 3 is denied access to Shelby Street. Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Any new required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.);*
  - 8) 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).);*
  - 9) Compliance with 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.); and*
  - 10) Completion of the Subdivision process prior any requests for Land Disturbance.*

**Rezoning**      *Based upon the preceding, this application is recommended for denial for the following reasons:*

- 1) The requested rezoning would not be consistent with the findings and recommendations of the draft Africatown Neighborhood Plan regarding the development of a "mixed-use" district on the sites;*
- 2) Nonconforming use does not establish a manifest error in the zoning map;*
- 3) There do not appear to be any changing conditions in this particular area which would make a change in the Ordinance necessary and desirable, given the close proximity to residentially zoned properties; and*
- 4) There does not appear to be a need to increase the number of sites available to business or industry.*

***Revised for the December 17th meeting:***

*The Planning Commission heldover the Zoning application from the October 1, 2015, meeting at the applicant's request, to allow time to review the proposed Africatown Plan: the associated Subdivision request was approved at the October 1 meeting.*

*The proposed Africatown Plan has not yet been released for public review. The Call for Public Hearing before the Planning Commission is scheduled for the January 7, 2016 meeting, and the actual Public Hearing is proposed for the February 18, 2016 meeting.*

*Proposed Lot 2 is developed with a commercial building (a former credit union), and as such, staff could support the consideration of this lot being rezoned from R-1 to a B-1, Buffer Business District.*

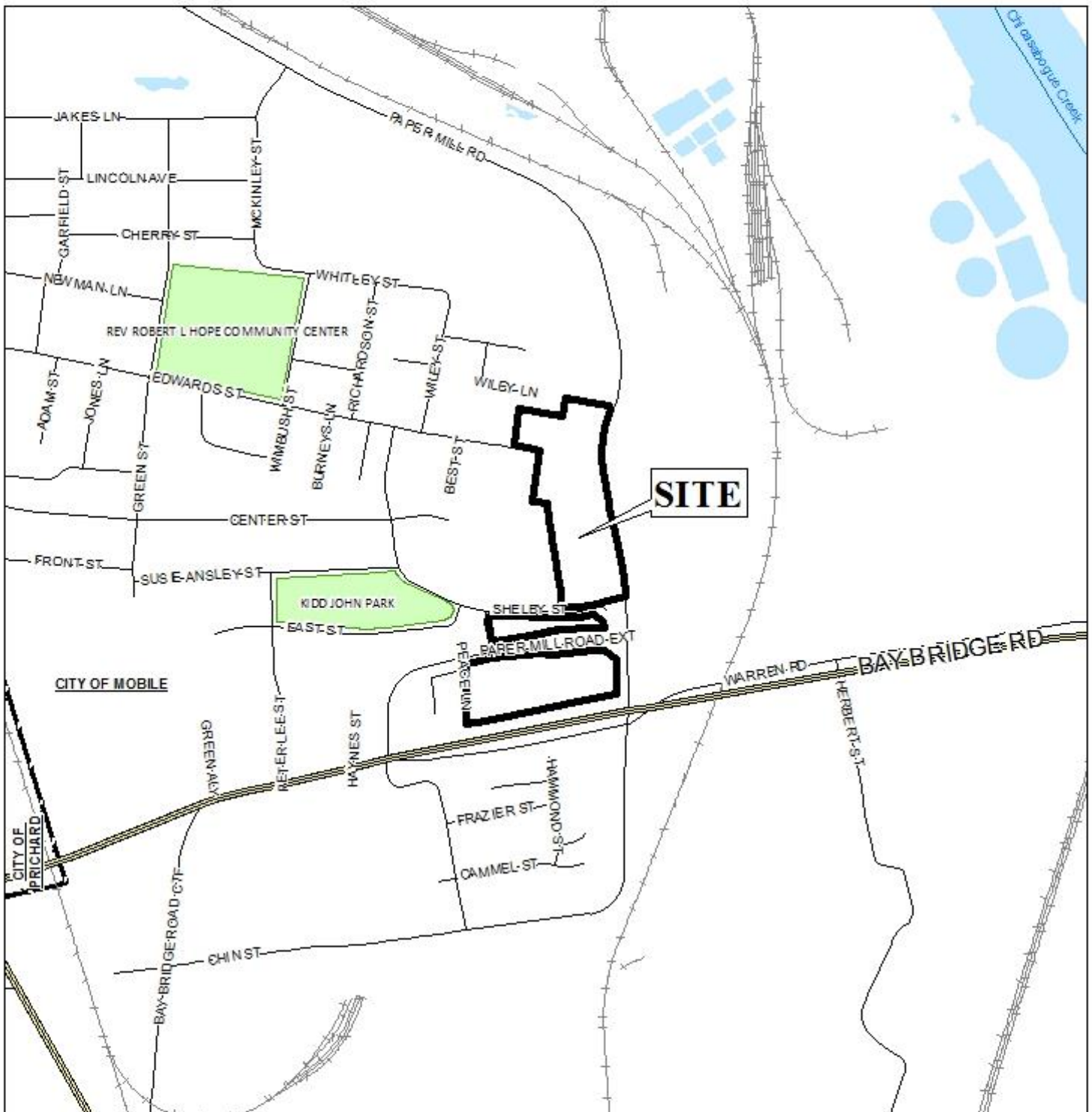
*Lots 1, 3 and 4 have aggregate surfacing and fencing, but have no structures on the sites. No improvements appear proposed for the use of these sites, however, rezoning of the sites from R-1 to any other commercial district and the first time commercial use of the sites under the new zoning classification would trigger full compliance with the requirements of the Zoning Ordinance. This would include trees, landscaping, paved parking surfaces, etc.*

**RECOMMENDATION**

***Rezoning***      *Based upon the preceding, this application is recommended for denial for the following reasons:*

- 1) The requested rezoning would not be consistent with the findings and recommendations of the draft Africatown Neighborhood Plan regarding the development of a "mixed-use" district on the sites;*
- 2) Nonconforming use does not establish a manifest error in the zoning map;*
- 3) There do not appear to be any changing conditions in this particular area which would make a change in the Ordinance necessary and desirable, given the close proximity to residentially zoned properties; and*
- 4) There does not appear to be a need to increase the number of sites available to business or industry.*

# LOCATOR MAP



APPLICATION NUMBER 1 DATE December 17, 2015

APPLICANT Cowles, Murphy, Glover & Associates

REQUEST Rezoning from R-1, R-2, & B-2 to B-5





APPLICATION NUMBER 1 DATE December 17, 2015

APPLICANT Cowles, Murphy, Glover & Associates

REQUEST Rezoning from R-1, R-2, & B-2 to B-5

N  
NTS



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



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

APPLICATION NUMBER 1 DATE December 17, 2015

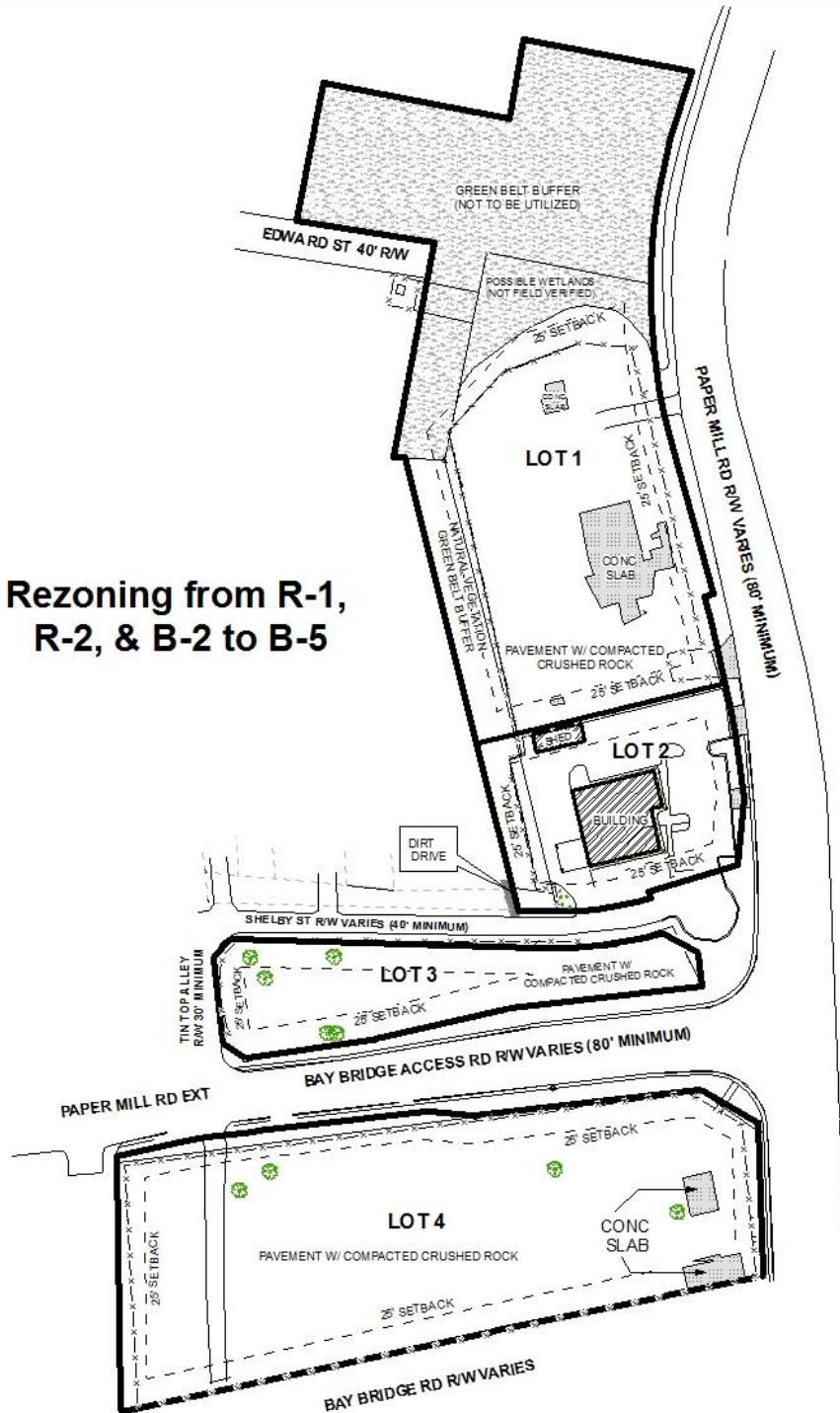
APPLICANT Cowles, Murphy, Glover & Associates

REQUEST Rezoning from R-1, R-2, & B-2 to B-5



# SITE PLAN

**Rezoning from R-1,  
R-2, & B-2 to B-5**



The site illustrates the proposed lots, exist buildings, trees, setbacks, and fences.

APPLICATION NUMBER 1 DATE December 17, 2015  
 APPLICANT Cowles, Murphy, Glover & Associates  
 REQUEST Rezoning from R-1, R-2, & B-2 to B-5



NTS