

**ZONING AMENDMENT
& SUBDIVISION STAFF REPORT****Date: July 7, 2016****APPLICANT NAME**

Howard S.J. Walker, Jr. Family Limited Partnership

SUBDIVISION NAME

Du Chien Subdivision

LOCATION4297 Riviere Du Chien Road
(Southwest corner of Riviere Du Chien Road and Halls
Mill Road, extending to the North side of I-10).**CITY COUNCIL
DISTRICT**

District 4

PRESENT ZONINGR-1, Single-Family Residence District, and B-3,
Community Business District.**PROPOSED ZONING**

I-1, Light Industry District

AREA OF PROPERTY

1 Lot/11.3± Acres

CONTEMPLATED USE

Subdivision approval to create a single legal lot of record from two metes-and-bounds parcels, and Zoning approval to rezone the site from R-1, Single-Family Residence District and B-3, Community Business District, to I-1, Light Industry District, to eliminate split zoning.

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 facilitate the intended development of the proposed use of the property.

**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. Show and label each and every Right-Of-Way and easement.
- C. Provide and label the monument set or found at each subdivision corner.
- D. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
- E. 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.
- 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 note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of new development or construction, unless a sidewalk waiver is approved.
- H. Provide a copy of the FINAL PLAT to the Engineering Dept. for FINAL PLAT review prior to obtaining any signatures.
- I. After FINAL PLAT review by the Engineering Dept. provide a copy of the Final Plat along with the original and any review copies when submitting for City Engineer signature.

TRAFFIC ENGINEERING

COMMENTS

Site is limited to no more than two curb cuts to Riviere Du Chien Road, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Access to Halls Mill Road is denied. 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. For the purposes of the rezoning application, the submitted site plan was reviewed to determine if a traffic impact study would be required. Based on the site plan provided with limited office space, limited indoor warehouse, and extended outdoor storage, the site was assumed to be warehouse-type use with approximately 25 employees. Based on ITE Trip Generation data, a site of this magnitude would not warrant an impact study. It is possible with a future proposed use, an impact study may be required prior to approval of building plans to determine if off-site improvements are warranted.

Revised Traffic Engineering Comments for the July 21st meeting: Per the applicant's meeting with the neighborhood, the applicant will make improvements to the intersection of Halls Mill Road and Riviere Du Chien Road at the time of development of the site. Improvements to be coordinated and approved by City of Mobile Engineering and Traffic Engineering.

URBAN FORESTRY

COMMENTS

Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 2015-116 and City Code Chapters 57 and 64).

**FIRE DEPARTMENT
COMMENTS**

All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 International Fire Code).

MAWSS COMMENTS

No comments.

REMARKS

The applicant is requesting Subdivision approval to create 1 lot, and Zoning approval to rezone the proposed lot from R-1, Single-Family Residence District, and B-3, Community Business District, to I-1, Light Industry District to eliminate split zoning resulting from the subdivision; and, to facilitate the intended development of the proposed use of the property.

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 preliminary plat illustrates the proposed 1-lot, 11.3± acres subdivision located on the Southwest corner of Riviere Du Chien Road and Halls Mill Road, extending to the North side of I-10.

The site has frontage on Halls Mill Road, a collector street requiring a 70' right-of-way; Riviere Du Chien Road, a minor street without curb and gutter requiring a 60' right-of-way; and I-10, an ALDOT-maintained limited access route requiring a 350' right-of-way. The preliminary plat illustrates a 60' right-of-way along Halls Mill Road, a 150' right-of-way along Riviere Du Chien Road, and a 300' right-of-way along I-10; therefore, revision of the plat to illustrate dedication providing 35' from the centerline of Halls Mill Road and 175' from the centerline of I-10 will be required, if approved. It should be noted that the preliminary plat illustrates a sufficient right-of-way width along Riviere Du Chien Road, therefore making no dedication necessary. However, dedication of the corner radii at Halls Mill Road and Riviere Du Chien Road should be required per Section V.D.6. of the Subdivision Regulations.

The proposed lot size is provided in square feet and acres and exceeds the minimum size requirements of the Subdivision Regulations. This information should be retained on the Final Plat, or a table should be furnished on the Final Plat providing the same information, if approved. Additionally, the 25' minimum building setback line is illustrated along all street frontages, and this information should also be retained on the Final Plat, if approved.

It should be noted that, as a limited access route, access to I-10 is only permitted by interchanges, and only at principle points, conditions which do not describe Riviere Du Chien Road; therefore, access to I-10 should be denied. It should also be noted that the portion of the lot which fronts Halls Mills Road results from the proposed Lloyd Station Road, which was vacated in 1969, thus reducing the amount of street frontage at this section in comparison to the remainder of the proposed lot; and, while the amount of frontage along Halls Mill Road would traditionally be adequate to allow for one curb cut, access to the lot along this portion of the site should also be

denied due to its proximity to the street's intersection with Riviere Du Chien Road. Combining the lots will increase the site's frontage along Riviere Du Chien Road, thus providing more than adequate access to the proposed lot; as such, and as a means of access management, a note should be placed on the Final Plat stating that the lot is denied access to I-10 and Halls Mill Road, and that the lot is limited to two curb cuts to Riviere Du Chien, with their sizes, designs and locations to be approved by Traffic Engineering, and conform to AASHTO standards.

Finally, any additional site improvements of the proposed lot are subject to the acquisition of the appropriate land disturbance and building permits, and should comply with all applicable codes and ordinances.

Regarding the proposed rezoning of the site, Section 64-9 of the Zoning Ordinance iterates that 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 criteria for rezoning clearly indicate the site must meet at least one of four conditions to be considered an appropriate amendment to the Ordinance. Staff can speculate that approving this request may be appropriate due to a manifest error in the Ordinance regarding split-zoning resulting from the subdivision; but, such speculation is limited to the parcel currently zoned R-1, Single-Family Residence, thus suggesting its rezoning to B-3, Commercial Business District would be more suitable.

The site is surrounded by B-3, Community Business Districts to the North, East and Northwest; R-1, Single-Family Residential Districts to the South; and I-1, Light Industry Districts to the West. It should be noted that the Planning Commission has approved the rezoning of at least five lots within 300' of the subject site between 2001 and 2004; however, such approvals were for B-3, Commercial Business Districts. One request similar to this application was made within 300' of the subject site in 2007, but was subsequently denied. Other lots within 600' of the subject site have been rezoned I-1, Light Industry District, but appear to have been surrounded by existing I-1, Light Industry Districts prior to such rezoning requests, possibly facilitating their approval(s). This is not necessarily the situation regarding the subject site, particularly with respect to the fact that those lots within its immediate proximity suggest the changing conditions of the area are commercial, and that similar use of the property would be more appropriate. This issue is compounded by the fact that the applicant offers no justification for rezoning other than to facilitate a use that could be accommodated by neighboring I-1, Light Industry Districts.

It should be noted that a majority of the site is within what the Map for Mobile Comprehensive Plan considers an Industrial Neighborhood, wherein the intent for development emphasizes the following:

- minimize impacts to adjacent properties;

- connect to major infrastructure for ease of major industry;
- better streetscaping and aesthetic improvements; and
- connect to nearby areas through transit accommodation for ease of workers' access

Additionally, a portion of the site is within what the Map for Mobile Comprehensive Plan considers a Suburban Neighborhood Corridor, wherein the intent for development emphasizes the following:

- accommodation of all users: automobile, bicycle, pedestrian, and transit;
- greater connectivity to surrounding neighborhoods;
- development concentrated in centers rather than strips along the corridor;
- eventual increase in density with residential above retail and services;
- increased streetscaping; and
- improved traffic flow

The applicant mentions:

This application is being filed concurrently with an application for subdivision to combine two existing metes and bounds parcels into one legal lot of record. The purpose of this application shall serve to correct the current split zoning and to rezone it to a more appropriate I-1 Light Industrial zoning and to facilitate the developer's intended development of the property which requires an I-1 zoning. This is due to the intended nature of the building's use and the requirements for a significant aggregate stone surface outside storage yard for heavy equipment and trucks.

The site plan illustrates a proposed 30,000± s.f. building, 3,000± s.f. of which is dedicated for office use, and 27,000± s.f. of which is dedicated for warehousing and other industrial uses; however, the size of the proposed structure is not illustrated on the site plan which should be revised to provide this information.

At least 10 parking spaces are required given the amount of proposed office space, and 13 are provided, one of which is van accessible. Each space meets the minimum size requirements of the Zoning Ordinance regarding stall length and width, but Staff cannot verify the site will be adequately served by the appropriate number of parking spaces without knowing the proposed amount of warehouse employees; the Zoning Ordinance requires one (1) parking space per three (3) warehouse employees. As such, a revised site plan indicating the proposed number of warehouse employees, and any revisions to the required number of parking spaces as a result of such provisions, will be required for permitting, if approved.

It should be noted that it is unclear whether or not the aforementioned parking spaces will be provided with curbing or wheel stops where vehicles may potentially extend beyond the parking area. It is also unclear how at least three parking spaces along the eastern portion of the proposed building will be accessible considering the site plan seems to illustrate that asphalt paving is only provided for the proposed parking spaces along the northern portion of the proposed building. It seems that the extension of vehicles beyond the parking area will be mitigated by curbing, and that access to the aforementioned, proposed three parking spaces will be facilitated by either a portion of a proposed concrete apron, and/or aggregate surfacing; however, it should be noted

that all required parking must be paved. If approved, a revised site plan clarifying this information will be required for permitting.

Tree and landscape area information is not provided on the site plan. I-1, Light Industry Districts are not exempt from landscaping requirements of the Zoning Ordinance, and frontage trees are also required; these details are contained within Section 64-4.E.3. of the Ordinance, and should be depicted on a revised site plan.

The remainder of the site is proposed to be surfaced in aggregate material which will accommodate what the applicant proposes as outside storage of heavy equipment, and is an activity allowed by right in I-1, Light Industry Districts.

The site will require the construction of a sidewalk along all street frontages, perhaps with the exception of I-10, unless a Sidewalk Waiver is approved by the Planning Commission.

A photometric plan is not required due to the limited scope of the project, however any new site lighting is to comply with Section 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance.

A dumpster is not depicted on the site plan, and no note discussing waste removal from the site is provided. Any dumpster placed on the property must be in compliance with the current enclosure and sanitary sewer connection requirements of Section 64-4.D.9. of the Zoning Ordinance, and must be illustrated on any revised site plan(s); or, placement of a note on the site plan stating that curbside pickup will be utilized is acceptable, if approved.

As illustrated, and as mentioned, the applicant desires to facilitate warehouse activities in a proposed 30,000± s.f. structure, as well as store heavy equipment on property surfaced in aggregate material, citing the fact that aggregate surfacing is allowed by right in an I-1, Light Industry District, as justification for rezoning.

Because the proposed rezoning may reflect the changing character of not just the general area, but also the intended character of the area outlined in the Map for Mobile Comprehensive Plan – Particularly due to its proximity to existing I-1, Light Industry Districts, its access to infrastructure that accommodates improved traffic flow between these districts, and increased streetscaping required by the proposed development – approving this request may be appropriate.

RECOMMENDATION

Subdivision: Based on the preceding this application is recommended for Tentative Approval, subject to the following:

- 1) dedication to provide 35' from the centerline of Halls Mill Road;
- 2) dedication to provide 175' from the centerline of I-10;
- 3) dedication of the corner radii per Section V.D.6. of the Subdivision Regulations;
- 4) placement of a note on the Final Plat stating the lot size in square feet and acres, or the furnishing of a table on the Final Plat providing the same information, adjusted for any right-of-way dedication;

- 5) retention of the 25' minimum building setback line along all frontages;
- 6) placement of a note on the Final Plat stating the lot is denied access to I-10 and Halls Mill Road;
- 7) placement of a note on the Final Plat stating that the lot is limited to two curb cuts to Riviere Du Chien Road, with their sizes, designs and locations to be approved by Traffic Engineering, and conform to AASHTO standards;
- 8) 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) Show and label each and every Right-Of-Way and easement. C) Provide and label the monument set or found at each subdivision corner. D) Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. E) 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. 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 note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of new development or construction, unless a sidewalk waiver is approved. H) Provide a copy of the FINAL PLAT to the Engineering Dept. for FINAL PLAT review prior to obtaining any signatures. I) After FINAL PLAT review by the Engineering Dept. provide a copy of the Final Plat along with the original and any review copies when submitting for City Engineer signature.);*
- 9) compliance with Traffic Engineering comments: *(Site is limited to no more than two curb cuts to Riviere Du Chien Road, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Access to Halls Mill Road is denied. 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. For the purposes of the rezoning application, the submitted site plan was reviewed to determine if a traffic impact study would be required. Based on the site plan provided with limited office space, limited indoor warehouse, and extended outdoor storage, the site was assumed to be warehouse-type use with approximately 25 employees. Based on ITE Trip Generation data, a site of this magnitude would not warrant an impact study. It is possible with a future proposed use, an impact study may be required prior to approval of building plans to determine if off-site improvements are warranted.);*
- 10) 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 2015-116 and City Code Chapters 57 and 64);*
- 11) compliance with Fire Department comments: *(All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 International Fire Code).); and*

12) compliance with all other municipal codes and ordinances.

Rezoning: Based upon the preceding, this application is recommended for Approval subject to the following conditions:

- 1) completion of the subdivision process; and
- 2) full compliance with all other municipal codes and ordinances.

Revised for the July 21st meeting:

The application was heldover from the July 7th meeting at the applicant's request so that a meeting with residents potentially affected by the subdivision and rezoning could take place.

Staff received additional comments from the City of Mobile Traffic Engineering Department stating that the applicant, in the aforementioned meeting with residents, has agreed to make improvements to the intersection of Halls Mill Road and Riviere Du Chien when the development of the site occurs. Such improvements will require coordination with, and approval by, the City of Mobile Engineering and Traffic Engineering Departments.

RECOMMENDATION

Subdivision: Based on the preceding this application is recommended for Tentative Approval, subject to the following:

- 1) *dedication to provide 35' from the centerline of Halls Mill Road;*
- 2) *dedication to provide 175' from the centerline of I-10;*
- 3) *dedication of the corner radii per Section V.D.6. of the Subdivision Regulations;*
- 4) *placement of a note on the Final Plat stating the lot size in square feet and acres, or the furnishing of a table on the Final Plat providing the same information, adjusted for any right-of-way dedication;*
- 5) *retention of the 25' minimum building setback line along all frontages;*
- 6) *placement of a note on the Final Plat stating the lot is denied access to I-10 and Halls Mill Road;*
- 7) *placement of a note on the Final Plat stating that the lot is limited to two curb cuts to Riviere Du Chien Road, with their sizes, designs and locations to be approved by Traffic Engineering, and conform to AASHTO standards;*
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- Planning Commission, and Traffic Engineering signatures. E) 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. 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 note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of new development or construction, unless a sidewalk waiver is approved. H) Provide a copy of the FINAL PLAT to the Engineering Dept. for FINAL PLAT review prior to obtaining any signatures. I) After FINAL PLAT review by the Engineering Dept. provide a copy of the Final Plat along with the original and any review copies when submitting for City Engineer signature.);*
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- 10) *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 2015-116 and City Code Chapters 57 and 64);*
- 11) *compliance with Fire Department comments: (All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 International Fire Code).); and*
- 12) *compliance with all other municipal codes and ordinances.*

Rezoning: *Based upon the preceding, this application is recommended for Approval subject to the following conditions:*

- 1) *completion of the subdivision process; and*
- 2) *full compliance with all other municipal codes and ordinances.*

LOCATOR MAP



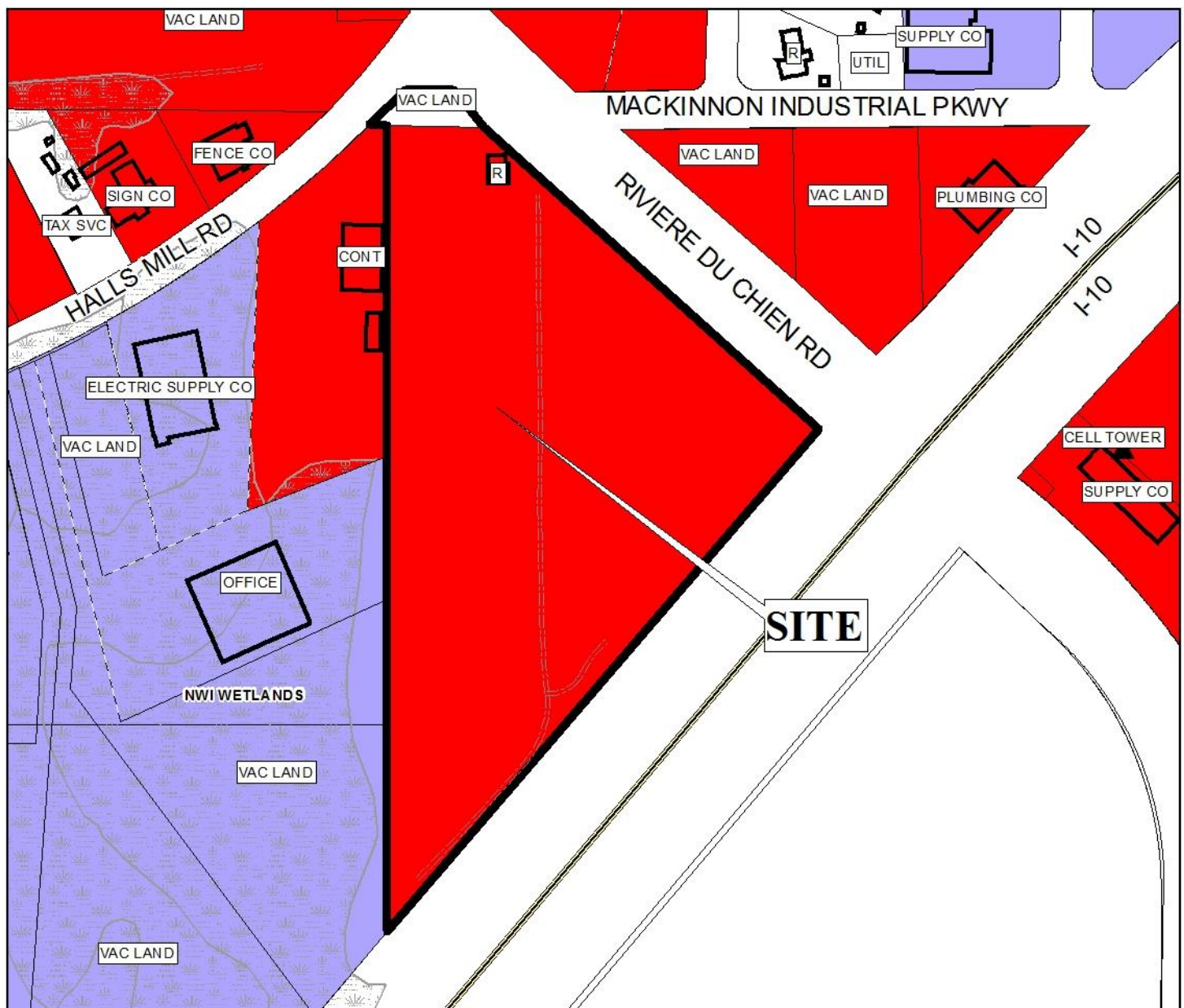
APPLICATION NUMBER 3 DATE July 7, 2016

APPLICANT Du Chien Subdivision

REQUEST Subdivision, Rezoning from R-1 and B-3 to I-1



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units. A residence lies northeast of the site.

APPLICATION NUMBER 3 DATE July 7, 2016

APPLICANT Du Chien Subdivision

REQUEST Subdivision, Rezoning from R-1 and B-3 to 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



PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial units. A residence lies northeast of the site.

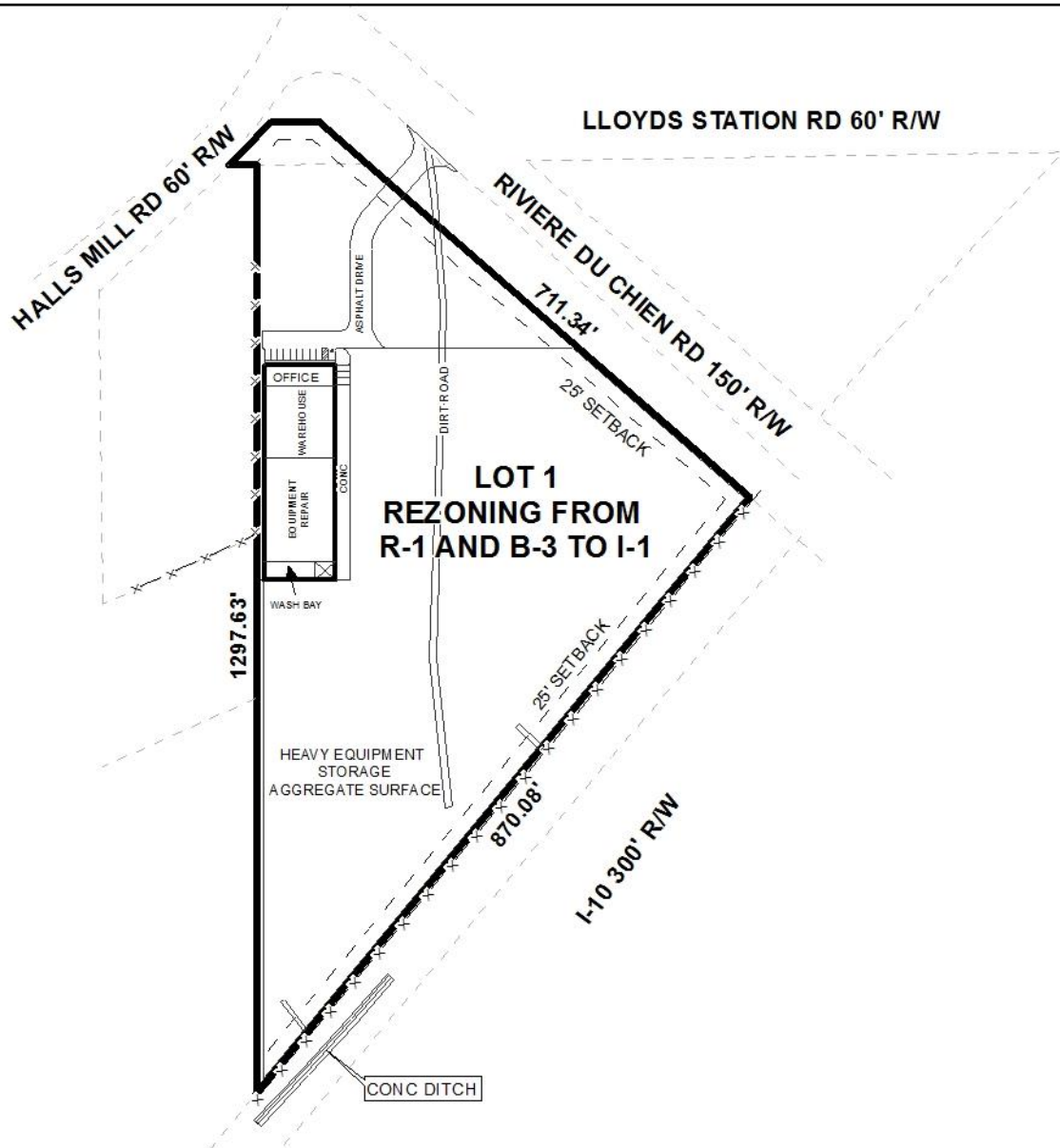
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APPLICANT Du Chien Subdivision

REQUEST Subdivision, Rezoning from R-1 and B-3 to I-1



SITE PLAN



The site plan illustrates the existing dirt road, proposed building and parking, setbacks, and proposed lot.

APPLICATION NUMBER 3 DATE July 7, 2016

APPLICANT Du Chien Subdivision

REQUEST Subdivision, Rezoning from R-1 and B-3 to I-1



NTS