

**ZONING AMENDMENT,  
& SUBDIVISION STAFF REPORT****Date: May 20, 2010****APPLICANT NAME**

Cowles, Murphy, Glover &amp; Associates

**SUBDIVISION NAME**

Live Oak Grove Subdivision

**LOCATION**701 Hickory Street  
(Northern terminus of Live Oak Street, extending to the  
Northern terminus of Hickory Street)**CITY COUNCIL  
DISTRICT**

District 2

**PRESENT ZONING**R-1, Single-Family Residential District & I-1, Light  
Industry District**PROPOSED ZONING**

I-1, Light Industry District

**AREA OF PROPERTY**

2 Lots/171.6 ± Acres

**CONTEMPLATED USE**Subdivision approval to create 2 legal lots of record, and  
Zoning approval to rezone the site from R-1, Single-Family  
Residential and I-1, Light Industry, to I-1, Light Industry,  
to allow two (2) radio towers and a 300 square foot  
operation building and 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**Applicant is requesting rezoning of the site to allow two (2)  
radio towers and a 300 square foot operation building and to eliminate split zoning.**TIME SCHEDULE  
FOR DEVELOPMENT**

Immediately

**ENGINEERING  
COMMENTS**Show Minimum Finished Floor Elevation on Plat. There is  
to be no fill placed within the limits of the flood plain without providing compensation. Must  
comply with all storm water and flood control ordinances. Any work performed in the right of  
way will require a right of way permit.**TRAFFIC ENGINEERING**

**COMMENTS**

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.

**URBAN FORESTRY****COMMENTS**

Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64).

**FIRE DEPARTMENT****COMMENTS**

All projects must comply with the requirements of the 2003 International Fire Code, including Appendices B through D, as adopted by the City of Mobile, and the 2003 International Existing Building Code, as appropriate.

**REMARKS**

The applicant is requesting Subdivision approval to create 2 lots, and Zoning approval to rezone the site from R-1, Single-Family Residential and I-1, Light Industry, to I-1, Light Industry, to allow two (2) radio towers and a 300 square foot operation building and to eliminate split zoning. Radio towers and their operation facilities are allowed by right in I-1 districts. The applicant states that the site is served by public water and sanitary sewer.

This area is shown as industrial and park or open space on the General Land Use component of the Comprehensive Plan. However, the Comprehensive Plan is meant to be a general guide, not a detailed lot and district plan or mandate for development. The Planning Commission and City Council may consider individual cases based on additional information such as the classification requested, the surrounding development, the timing of the request and the appropriateness and compatibility of the proposed use and zoning classification. It should also be noted that this site is located within the area of the Draft of the New Plan for Mobile.

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.

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.

Peach Street an unopened, unimproved minor street with a 50-foot dedicated right-of-way terminates on the south and Conception Street Road, a planned major street as identified on the

Major Street Component of the Comprehensive Master Plan, providing 120-feet of right-of-way on its northern boundary. As illustrated on the preliminary plat it appears that a 50-foot± wide drainage canal bisects the entire site, creating a natural buffer. It would not be favorable or cost effective to construct a bridge to access the entire property from either street. It should also be noted that the unimproved right-of-way of Peach Street traverses wetlands as illustrated on the preliminary plat and has an existing drainage structure within the right-of-way; therefore, leaving the applicant the only option of purchasing enough land from the City of Mobile for access from the unimproved Live Oak Street. Sufficient right-of-way is provided on Live Oak Street ensuring that the development has a right-of-way width of 50 feet; however, the developer would simply continue the street to city standards to access the development. It should be noted that approximately 21,000 square feet is proposed to be purchased from the city of Mobile for this access; this small section is the only portion of the entire site the applicant is requesting rezoning from R-1, Single-Family Residential to I-1, Light Industry.

It should be noted that the site is the location of two proposed major streets (Cross Town Loop 2 and Lawrence Street-St. Stephens Road-USHWY 45) as illustrated on the Major Street Component of the Master Plan. As this is a plan and no firm location has been identified for the route and it has on the MATS 2030 Highway Element it would not be necessary to require the owner to identify and label on the Final Plat and rezoning plan the location of these two proposed major streets.

Access management is a concern due to the presence of minor streets, the size of the property under consideration, and the type of uses allowed by the proposed zoning. Since the site would be accessed from a newly lengthened Live Oak Street and constructed to city standards.

The site has been vacant for at least the last 30 years and was last used as the Hickory Street landfill. Presently, the site has several testing wells for monitoring of the environmental effects of the past use as a landfill.

The applicant states that the reason for rezoning is that *“the subdivision of land into building sites makes reclassification of the land necessary and desirable”*. As previously mentioned a small portion (21,000 square feet) is requested to be rezoned to I-1; however, the long term history for the vicinity, with the exception of the Plateau community, is of industrial uses.

As previously mentioned, radio and television tower facilities are allowed by right in I-1, Light Industry Districts. The applicant is specifically proposing that access to the site be included to create one lot and this lot be entirely zoned I-1, Light Industry.

A rezoning of the site to I-1 would allow a wide range of the industrial uses, which could potentially negatively affect the residents of the Bottoms in terms of health, safety and welfare. If the applicant does plan only radio/television tower facilities activities for the site, the most appropriate zoning classification is the I-1 designation due to radio/television tower facilities are allowed by right in I-1 & I-2 districts. Unfortunately, however, limestone paving is not allowed in an I-1 districts. Paving of the site with asphalt or concrete will facilitate control of storm water run off, but will add cost to the development. I-1 zoning will also require landscaping of the entire site and frontage trees.

No protection buffers are depicted on the site plan; however, Section 64-4.D. would require the minimum provision of a 10-foot wide buffer. As industrial uses can be prone to high levels of noise and dust; however, the location of radio towers should not require the applicant to provide a wider planted buffer (10-feet), the protection of the major portion of any existing vegetation on the site, and the provision of a wooden privacy fence where the site abuts residentially zoned properties to the South.

The site plan does not depict any site improvements other than a proposed two (2) radio tower, a small (300 square foot) operation building and a 24-foot wide stone drive with two parking spaces. Development of the site must comply with the requirements of the Zoning Ordinance, thus frontage trees will be required, dumpsters must be depicted if proposed, and a sidewalk must be built along all street frontages.

No storm water detention facilities are depicted on the site plan, however, compliance with the storm water and flood control ordinances may be required.

Wetlands appear to occur on the site. The potential presence of wetlands indicates that the area may be environmentally sensitive; therefore, the approval of all applicable federal, state and local agencies would be required prior to the issuance of any permits or land disturbance activities.

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.

The 25-foot minimum building setback line from all street frontages, required in Section V.D.9. of the Subdivision Regulations, is not shown for the subdivision, but would be required on the final plat, if approved.

### **RECOMMENDATION**

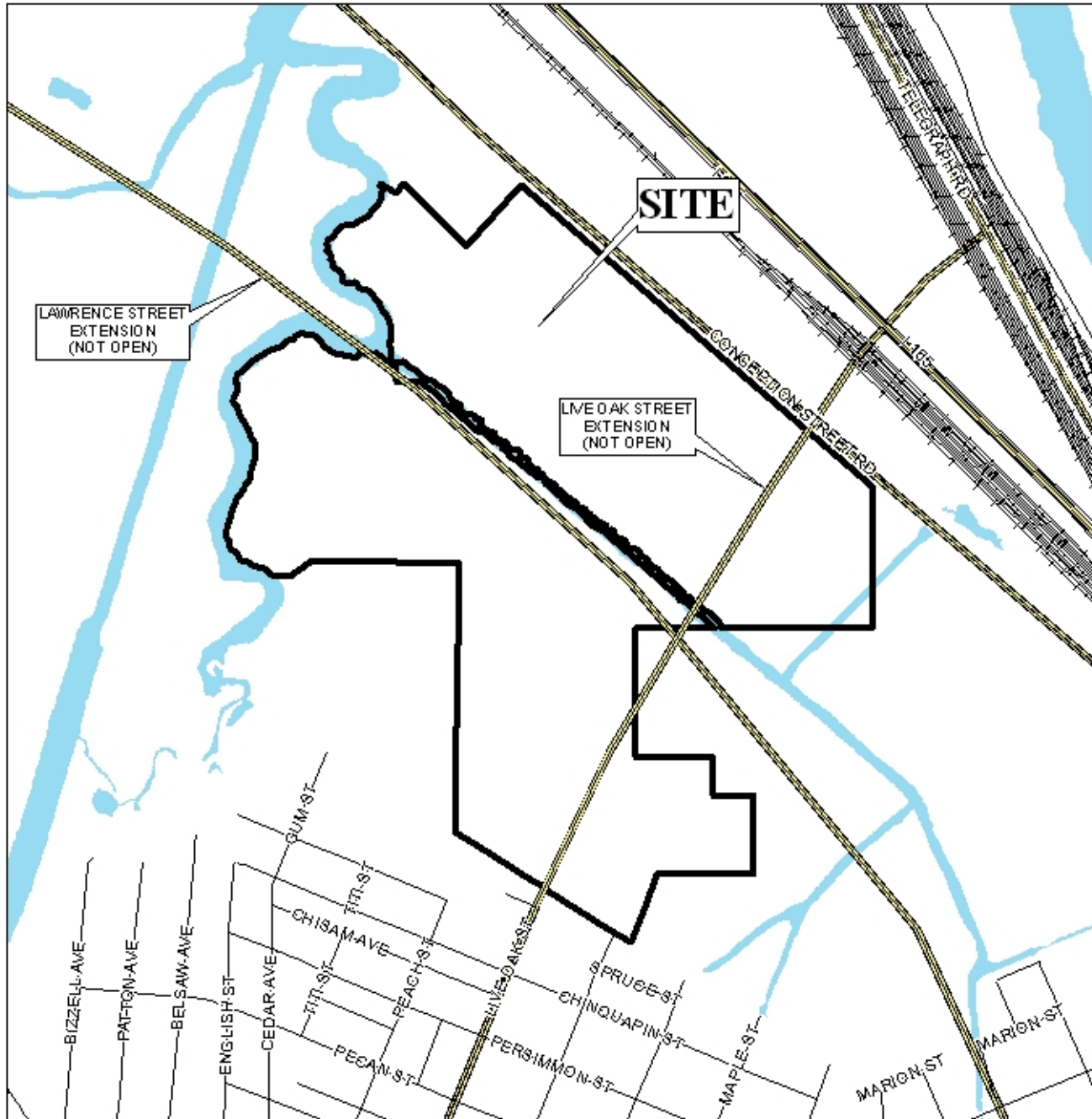
**Rezoning:** Based upon the preceding, the Rezoning request is recommended, subject to the following conditions:

- 1) provision of a 10-foot planted buffer and privacy fence along the South property line, where the site abuts the Bottoms community;
- 2) approval of all applicable Federal, state and local agencies is required for endangered, threatened or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities;
- 3) 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;
- 4) provision of a paved parking area and access road, or application to the Board of Adjustment for variances regarding parking surface; and
- 5) full compliance with all other municipal codes and ordinances.

**Subdivision:** Based upon the preceding, the Subdivision request is recommended for Tentative Approval, subject to the following conditions:

- 1) construction of the extension of Live Oak Street to the development to city standards;
- 2) placement of a note on the Final Plat stating that the site is limited to one (1) curb-cut onto the development, with the size, design and location of all curb-cuts to be approved by Traffic Engineering and in conformance with AASHTO standards;
- 3) provision of a 10-foot planted buffer and privacy fence along the South property line, where the site abuts the Bottoms community;
- 4) placement of a note on the plat stating that approval of all applicable Federal, state and local agencies is required for endangered, threatened or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities;
- 5) placement of a note on the 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;
- 6) depiction and labeling of the 25-foot minimum building setback line, reflecting any required dedication;
- 7) compliance with Engineering comments (*Show Minimum Finished Floor Elevation on Plat. There is to be no fill placed within the limits of the flood plain without providing compensation. Must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit*); and
- 8) labeling of the lots with its size in square feet and acres.

# LOCATOR



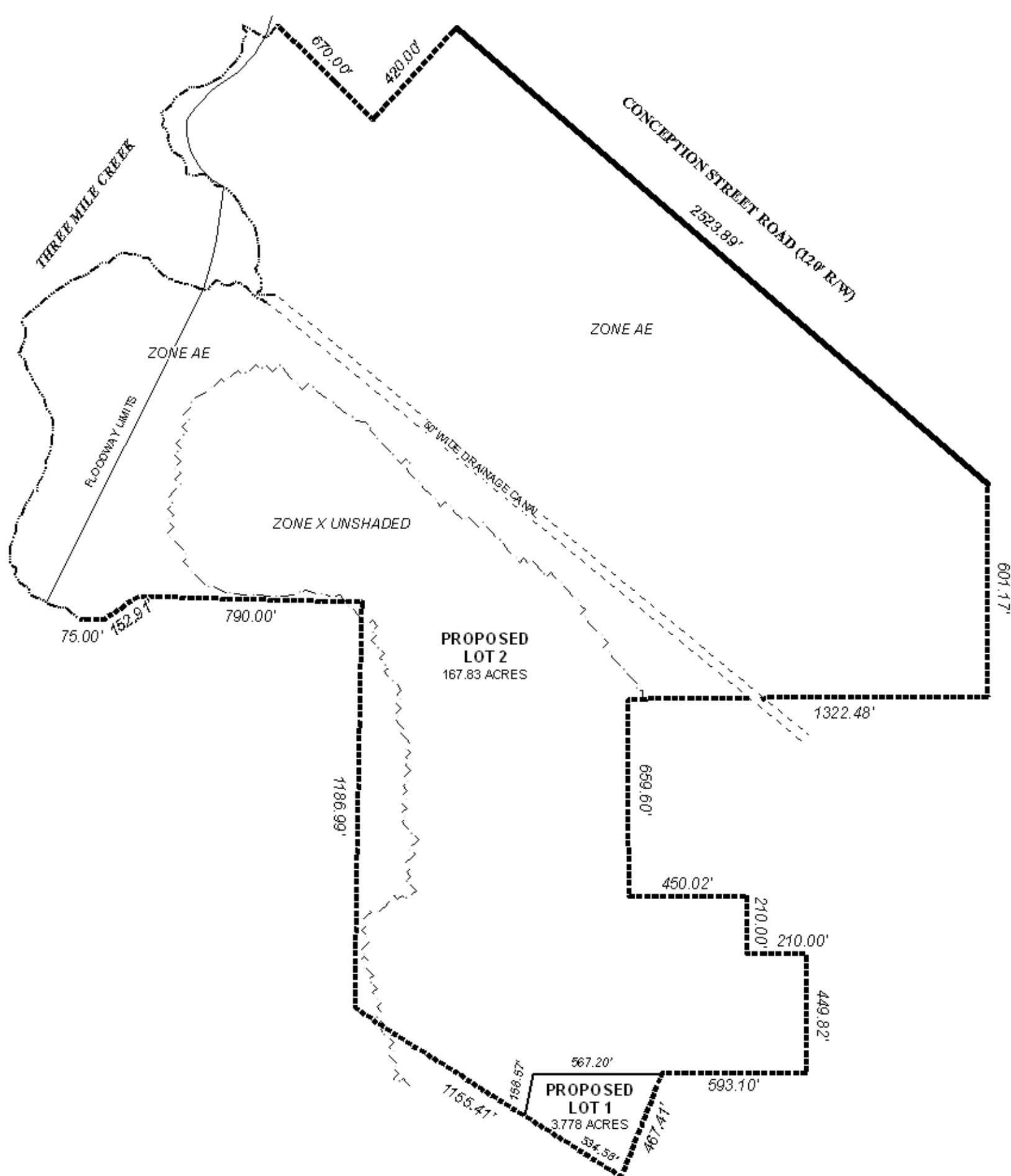
APPLICATION NUMBER 14 & 15 DATE May 20, 2010

APPLICANT Live Oak Grove Subdivision

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



SITE PLAN



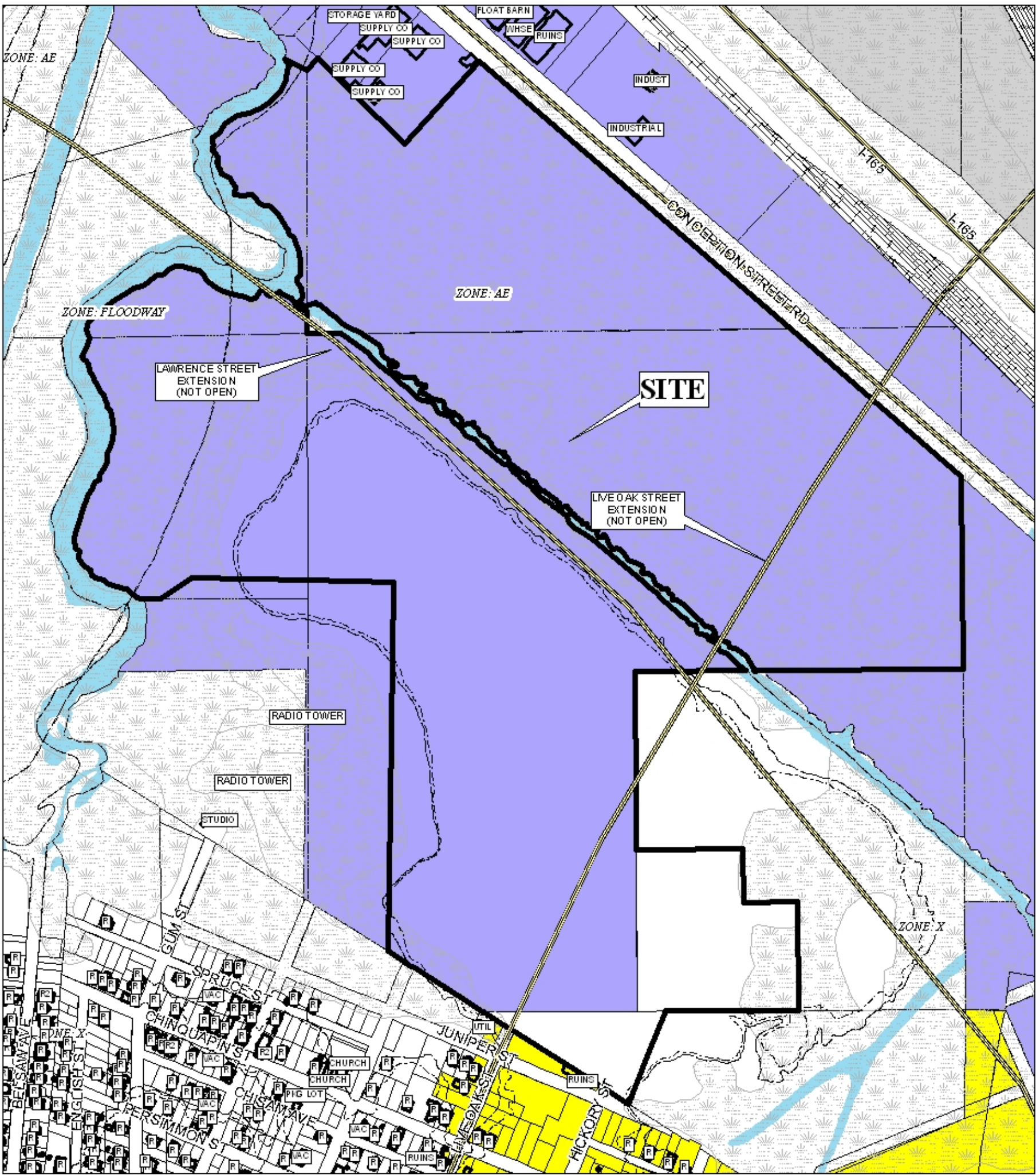
This site plan illustrates the proposed subdivision.

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PLANNING COMMISSION  
VICINITY MAP - EXISTING ZONING



This site is surrounded by industrial land use with residential land use to the south.

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LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	T-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2
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PLANNING COMMISSION  
VICINITY MAP - EXISTING ZONING



This site is surrounded by industrial land use with residential land use to the south.

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