

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

<b><u>APPLICANT NAME</u></b>	Bean Properties, LLC
<b><u>SUBDIVISION NAME</u></b>	Bean Commercial Subdivision
<b><u>LOCATION</u></b>	North side of Todd Acres Drive, 700'± North of Kooiman Road
<b><u>CITY COUNCIL DISTRICT</u></b>	Council District 2
<b><u>PRESENT ZONING</u></b>	R-A, Residential-Agriculture District and B-5, Office-Distribution District
<b><u>PROPOSED ZONING</u></b>	I-2, Heavy Industry District
<b><u>AREA OF PROPERTY</u></b>	1 Lot/27.1± Acres
<b><u>CONTEMPLATED USE</u></b>	Subdivision Approval to create a single legal lot of record from two metes-and-bound parcels; and Rezoning from R-A, Residential-Agriculture District and B-5, Office-Distribution District, to I-2, Heavy Industry District, to allow the construction of a warehouse to house a steel service center and eliminate split zoning. <b>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.</b>

**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 signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer.
- C. Provide the Surveyor's Certificate and Signature.
- 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 one curb cut, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Design of driveway will need to consider the curved alignment of the roadway, to avoid confusion as a street extension. 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 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**

None provided

**TIME SCHEDULE  
FOR DEVELOPMENT**

None provided

**REMARKS**

The applicant is requesting Subdivision Approval to create a single legal lot of record from two metes-and-bounds parcels; and Rezoning from R-A, Residential-Agriculture District and B-5, Office-Distribution District, to I-2, Heavy Industry District, to allow the construction of a warehouse to house a steel service center and eliminate split zoning.

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 applicant proposes to create a single legal lot of record from two metes-and-bounds parcels. The lot size is provided in acres, and exceeds the minimum lot size requirements of Section V.D.2. of the Subdivision Regulations. If approved, the lot size should be provided in square feet and acres.

The site has frontage along Todd Acres Drive. Todd Acres Drive, is a minor street without curb and gutter, and is illustrated as having a compliant 80' right-of-way, making no dedication necessary.

The proposed lot is a flag lot, with a 101'± wide by 556'± long pole. While not a common feature in the area, there is another flag lot approximately 1/3 of a mile to the East of the site that was approved by the Planning Commission at its June 6, 1996 meeting, thereby possibly making a waiver of Section V.D.1. of the Subdivision Regulations appropriate.

The preliminary plat does illustrate the 25' minimum building setback at the end of the pole. If approved, this information should be retained on the Final Plat as well.

As a means of access management, the lot should be limited to one curb cut to Todd Acres Drive, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.

There is a 7.5' water & sewer easement illustrated along the Eastern property line that, according to Probate Court documents, has been vacated since 1977, therefore the easement should not be shown on the Final Plat.

The applicant states that they plan to buy bulk steel by the truckload direct from steel mills and would then sell smaller quantities to local fabrication shops. Furthermore, the applicant states that the majority of steel will be stored inside the warehouse, with longer materials stored outside.

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 applicant states that the property was purchased prior to annexation into the City of Mobile, with the intention of using the site for the proposed use. After the site was annexed into the City of Mobile in 2009, the property owner states he was not consulted as to the proposed use of the property, and the property was therefore split-zoned. This, the applicant argues, is a manifest error in the Ordinance. It should be noted however, that legal ads with maps were published in the newspaper to alert property owners of proposed zoning changes, which is the typical way such annexation zonings occur. Furthermore, the applicant states that there are changing conditions in the area that justify approving the rezoning request. It should be noted that in the area surrounding the subject site, there have only been two rezoning applications since annexation, and both of those resulted in properties being rezoned I-1, Light Industrial District, instead of I-2, Heavy Industry District that the applicant is requesting. There are no other properties zoned I-2 within the immediate vicinity of the site.

The Southern portion of the site appears to be depicted as “Industrial” Area, with the Northern portion of the site depicted as “Suburban Neighborhood”, per the recently adopted Map for Mobile Plan. The intent of a Suburban Neighborhood Area is to allow for:

- Emphasize connectivity to surrounding neighborhoods and close services and retail;
- Accommodation of pedestrian and bicycle traffic in addition to automobiles;
- Appropriate scaled infill development to complement existing character of neighborhoods.

The intent of an Industrial Area is to allow for:

- Minimize impacts to adjacent properties;
- Connect to major infrastructure for ease of major industry;
- Better streetscaping and aesthetic improvements;
- Connect to nearby areas through transit accommodation for ease of workers’ access.

It should be noted that the Map for Mobile Plan is meant to serve as a general guide, not a detailed lot and district plan or mandate for development. Moreover, the Plan 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, where applicable, zoning classification.

Due to the proposed use of the site, it seems it would be more appropriate to apply the intent for an Industrial Area to the property. Given that the site has a total of 27.1± acres and significantly less than that is being developed, there will be minimal impacts to adjacent properties. A sidewalk should be provided at time of development, as well as full compliance with tree plantings and landscape area requirements.

The site is bounded to the North, by undeveloped R-A, Residence-Agricultural District; to the East, by undeveloped R-A, Residential-Agriculture District and B-5, Office-Distribution District; to the West by undeveloped B-5, Office-Distribution District and (across CSX Railroad right-of-way) by R-A, Residence-Agricultural District developed residentially; and to the South, by B-5, Office-Distribution District.

Because the site is adjacent to residentially zoned property, a residential buffer compliant with Section 64-4.D.1. of the Zoning Ordinance should be provided, if approved.

The proposed site plan indicates that a dumpster will not be provided on the site, and that garbage pickup will be via curb side pickup.

The site plan submitted indicates a 36,250 square foot structure with 1,200 square feet of office space and 35,050 square feet of warehouse space. No information is provided about the number of warehouse employees, but the site plan does indicate that 7 parking spaces are required and that 7 parking spaces will be provided. If approved, the site plan for permitting should be revised to indicate the number of warehouse employees at the site so that staff can verify 7 spaces will be sufficient.

The site plan also indicates an outside storage and truck maneuvering area that is proposed to have aggregate surfacing.

Because the proposed use is allowed in a B-5, Office-Distribution District, and the applicant wishes to have aggregate surfacing for outside storage areas, which is allowed by right in an I-1, Light Industry District, and there are no I-2, Heavy Industry Districts in the area, the applicant's request for the property to be rezoned to I-2, Heavy Industry District seems to be out of character with the area. Therefore, staff recommends that I-1, Light Industry District may be more appropriate for this site.

## **RECOMMENDATION**

**Subdivision:** Based upon the preceding, the application is recommended for Tentative Approval, with a waiver of Section V.D.1. of the Subdivision Regulations, subject to the following:

- 1) provision of the lot size in square feet and acres;
- 2) retention of the 25' minimum building setback line;
- 3) placement of a note on the site plan stating that the lot is limited to one curb cut to Todd Acres Drive, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards;
- 4) full compliance with the Traffic Engineering comments (*Site is limited to one curb cut, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Design of driveway will need to consider the curved alignment of the roadway, to avoid confusion as a street extension. 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.*);
- 5) full 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 signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer,*

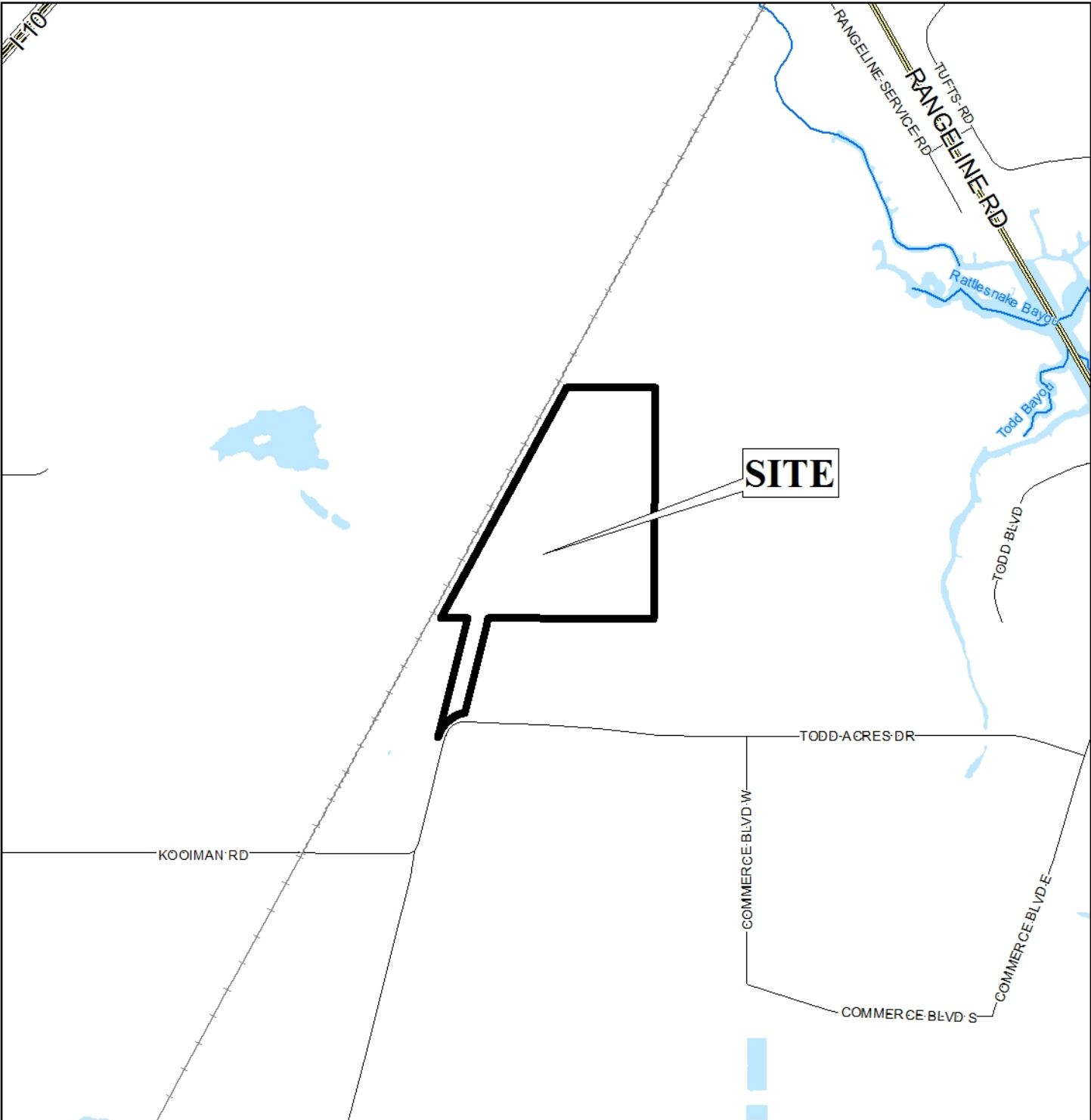
and City Engineer. C. Provide the Surveyor's Certificate and Signature. D. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. E. Add a note to the SUBDIVISION PLAT stating that a Land Disturbance permit will be required for any land disturbing activity 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.);

- 6) 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*
- 7) 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).*

**Rezoning:** Based upon the preceding, the application is recommended for Approval to I-1, Light Industry District, subject to the following:

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

# LOCATOR MAP



APPLICATION NUMBER 14 DATE July 7, 2016

APPLICANT Bean Commercial Subdivision

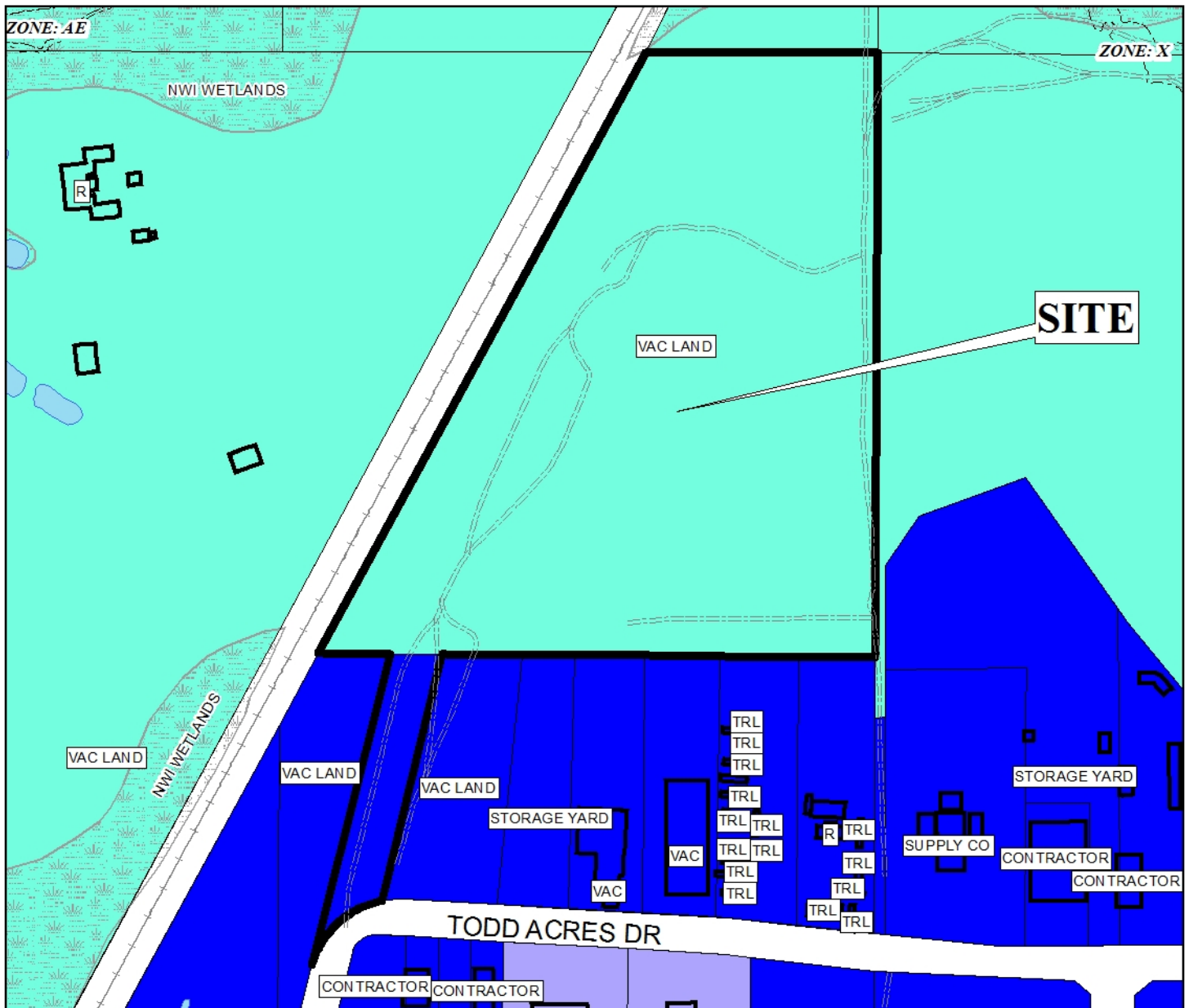
REQUEST Subdivision, Rezoning from R-A and B-5 to I-2

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# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by miscellaneous industrial and residential units.

APPLICATION NUMBER 14 DATE July 7, 2016

APPLICANT Bean Commercial Subdivision

REQUEST Subdivision, Rezoning from R-A and B-5 to I-2

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

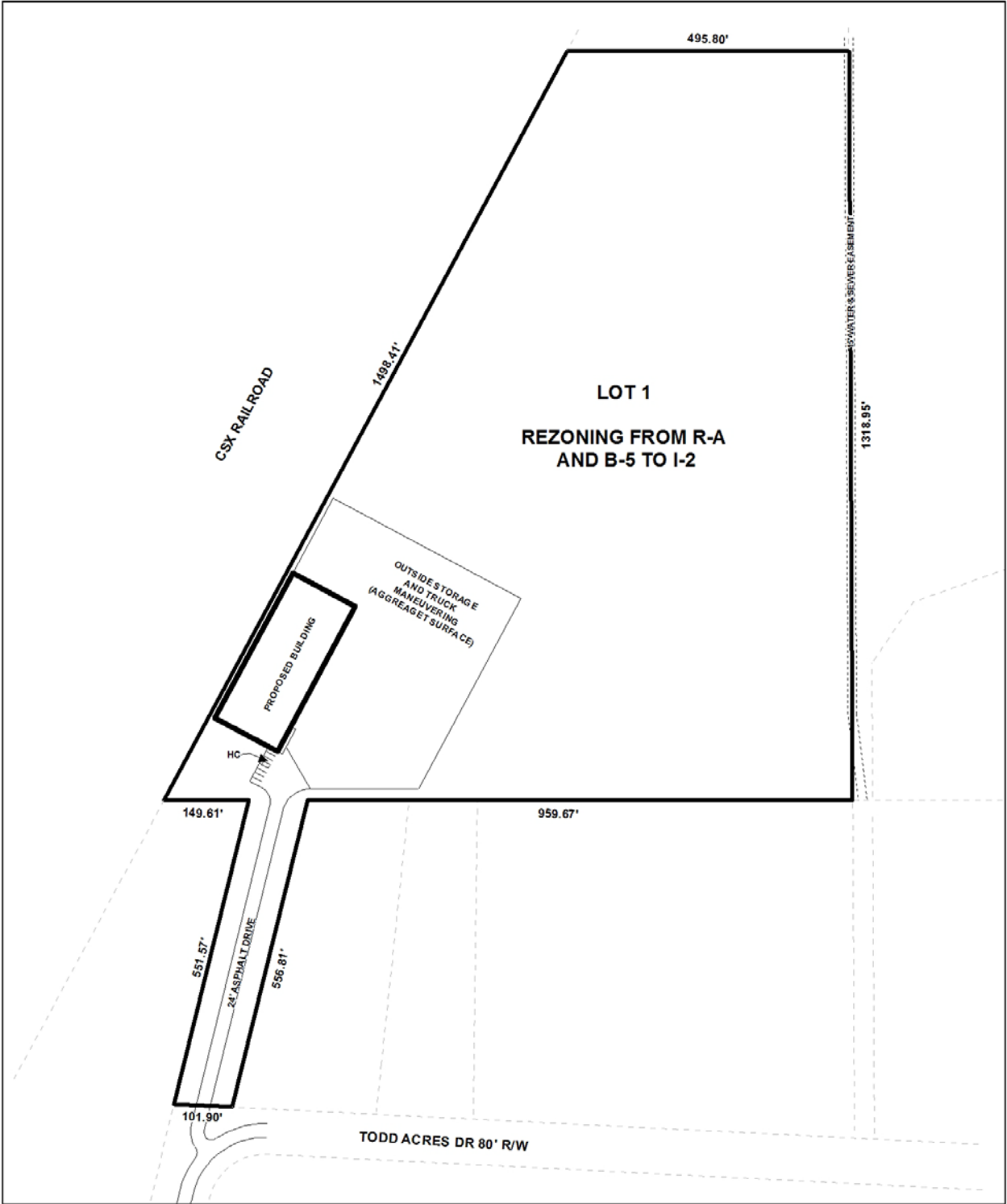


The site is surrounded by miscellaneous industrial and residential units.

APPLICATION NUMBER 14 DATE July 7, 2016  
 APPLICANT Bean Commercial Subdivision  
 REQUEST Subdivision, Rezoning from R-A and B-5 to I-2



SITE PLAN



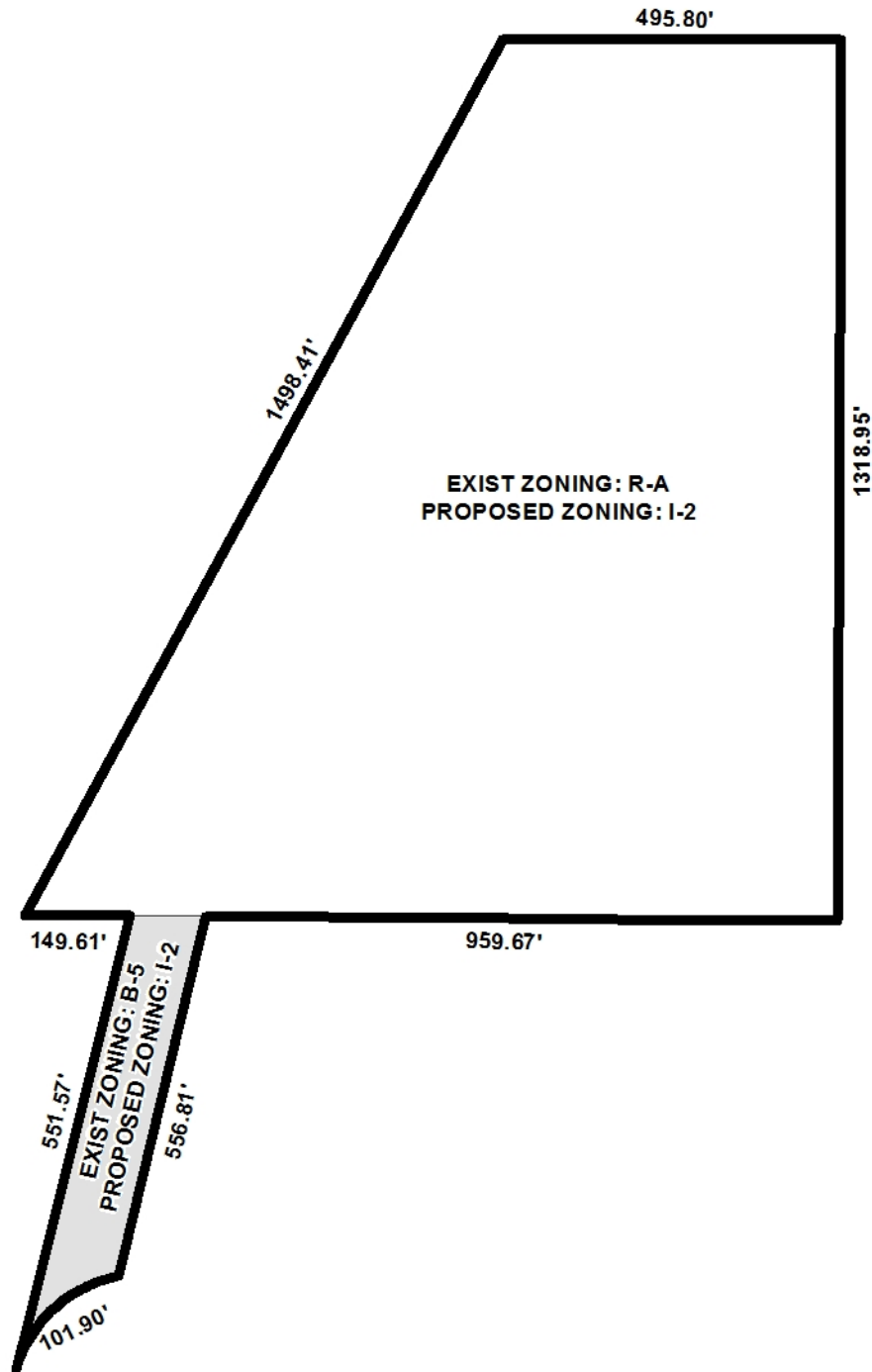
The site illustrates the proposed lot, proposed building, parking, and easement.

APPLICATION NUMBER 14 DATE July 7, 2016  
APPLICANT Bean Commercial Subdivision  
REQUEST Subdivision, Rezoning from R-A and B-5 to I-2



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# DETAIL SITE PLAN



APPLICATION NUMBER 14 DATE July 7, 2016  
APPLICANT Bean Commercial Subdivision  
REQUEST Subdivision, Rezoning from R-A and B-5 to I-2

