

**ZONING & PLANNING
APPROVAL STAFF REPORT****Date: January 16, 2014****NAME**

JDS Construction, LLC

LOCATION

West side of Todd Acres Drive at the North terminus of Private Road 371 (Jackson Lane)

**CITY COUNCIL
DISTRICT**

District 4

PRESENT ZONING

R-A, Residential-Agricultural District

PROPOSED ZONING

I-2, Heavy Industry District

AREA OF PROPERTY

40.0± Acres

CONTEMPLATED USE

Planning Approval to allow the operation of a borrow pit in an I-2, Heavy Industry District (Rezoning pending), and Rezoning from R-A, Residential-Agricultural District, to I-2, Heavy Industry District, to allow a borrow pit.

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

**TIME SCHEDULE
FOR DEVELOPMENT**

None given.

**ENGINEERING
COMMENTS**

No Comments

**TRAFFIC ENGINEERING
COMMENTS**

Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Additional information is requested regarding the access to this site via the private street Jackson Lane. In recent months, the residents on the South end of Jackson lane have filed service requests to regrade the roadway and deny access to large trucks.

**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.

REMARKS

The applicant is requesting rezoning from R-A, Residential-Agricultural District, to I-2, Heavy Industry District, to allow a borrow pit.

The subject site is a vacant land-locked parcel and is considered a legal lot of record pre-dating the adoption of the Subdivision Regulations. It is bounded to the North by a warehousing complex; to the East by a borrow pit and residences; and to the South and West by vacant land. It is within the annexed Theodore area.

The site appears to be depicted as residential on the General Land Use Component of the Comprehensive Plan, which is meant to serve as a general guide, not a detailed lot and district plan or mandate for development. Moreover, the General Land Use Component allows the Planning Commission and City Council to consider individual cases based on additional information such as the classification request, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and zoning classification.

The applicant states the following regarding the rezoning request:

“The applicant is proposing to utilize this property for a borrow pit for the Construction of roads and large buildings in the Mobile area. There are two existing borrow pits adjoining this site on the East. One of these has been in operation prior to 1979 and is now being used as a landfill since they have sold all usable construction material. This creates the need for additional pit area in this centrally located area. The reasons for this request are:

- 1. Manifest error in the Ordinance - When this area was annexed into Mobile in September, 2007, the existing borrow pits should have been zoned according to their use (I-2) and properties adjoining them should have been for industrial or business to allow for future expansion.*
- 2. Increased need for industrial sites – With one of the two existing borrow pits depleting their usable construction material there is a need to expand this type of business.*

Since there are existing pits in the area, business zoning adjoining the North property line, and industrial zoning at our Southwest corner, there should be no negative effect on the surrounding land uses.”

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.

Before beginning an in-depth review of this application, it should be noted that a borrow pit is allowed in an I-2 District with Planning Commission Approval. No Planning Approval application was submitted in conjunction with this application, but one has subsequently been submitted for the January 16th meeting. Also, since the subject site is land-locked, all access to it would be across other properties, one of which, to the Northeast of the site, is under the same ownership as the subject property. Information regarding access to the site was not provided, thus staff cannot determine how the proposed use might impact adjacent properties. It would appear that a Planned Unit Development (PUD) application for shared access should also be submitted to be heard in conjunction with the Rezoning and the Planning Approval applications. The PUD must include a narrative describing access as well as all properties that will be utilized for access, and as such, a Subdivision and expanded Planning Approval and Rezoning applications may be required.

Since additional applications and information are required, it is recommended that this application be heldover to the February 6th meeting to be heard in conjunction with the Planning Approval and PUD applications. This would also necessitate the holdover of the Planning Approval application from the January 16th meeting to the February 6th meeting.

RECOMMENDATION

Based on the preceding, the Rezoning application is recommended for holdover to the February 6th meeting in order to be heard in conjunction with the required Planning Approval and Planned Unit Development applications. The PUD and any associated revisions to the Rezoning and Planning Approval applications should be submitted no later than January 13th.

Revised for the January 16th meeting:

The Rezoning application was heldover at the January 2nd meeting until the January 16th meeting, to coincide with the Planning Approval request scheduled to be heard at that meeting. The Commission's legal counsel will additionally determine if a Planned Unit Development application is required.

Along with the Planning Approval application, the following narrative was provided:

"We are asking for approval to operate a borrow pit in an I-2 zoning classification. Since there are other pits adjoining this property, it should not have an adverse effect on the neighborhood."

As has previously been mentioned, it is believed that a Planned Unit Development may also be required to accompany the Rezoning application and now the Planning Approval application. This is for several reasons. Primarily, no mention is made in either of the narratives provided as to how the subject site would be accessed by heavy dump trucks, and Traffic Engineering has specifically requested such regarding access via the private street Jackson Lane. Residents

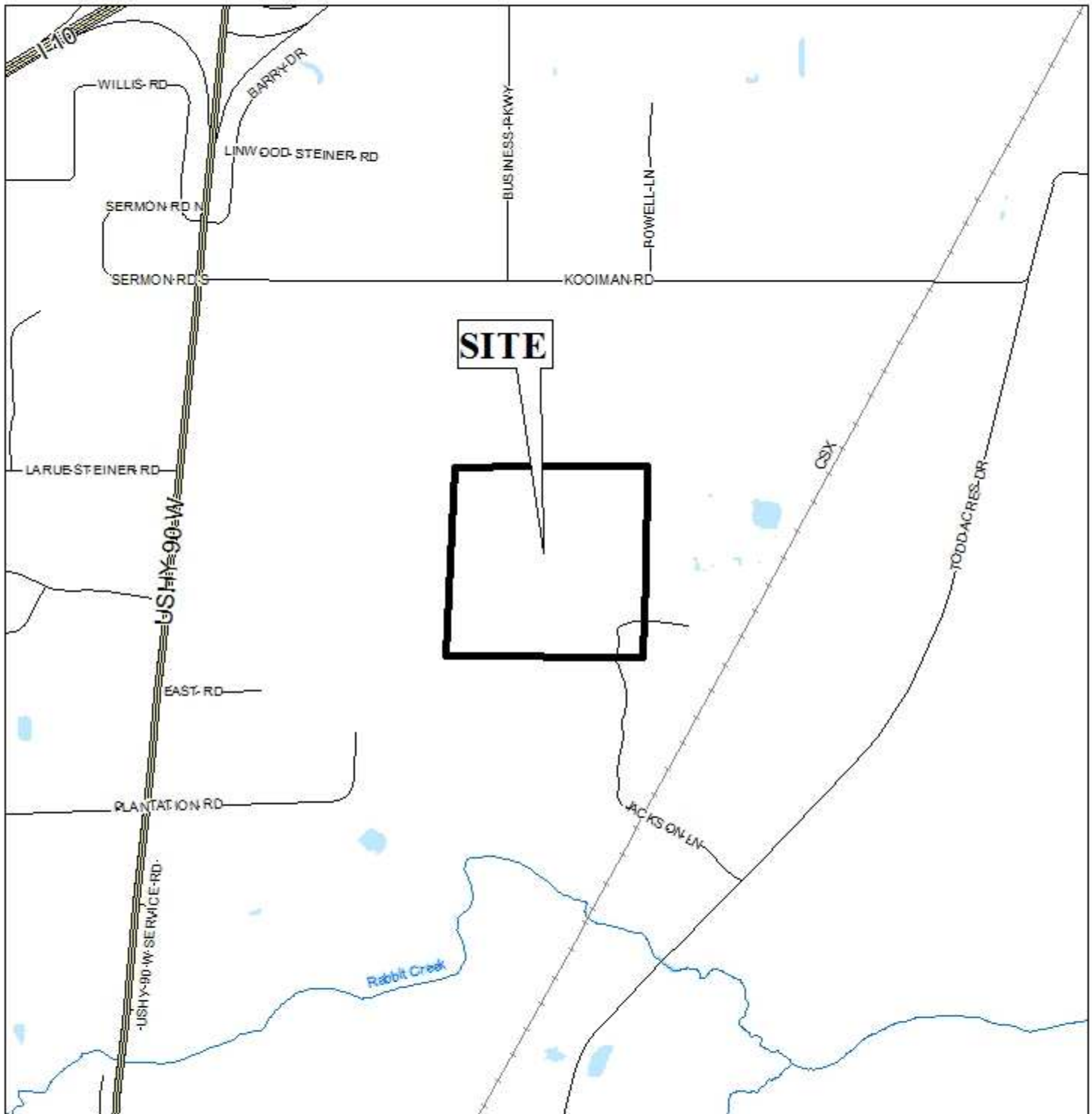
along that roadway have expressed concerns about the dump truck traffic. There has been no information provided concerning the volume of dump truck traffic, the sizes of trucks to be utilized, hours of operation, or anything associated with the roadway width, condition, or any planned maintenance thereof. Although the borrow pit site to the East was in operation prior to annexation, any expansion of a similar operation for the site in question should be evaluated within the guidelines of the Zoning Ordinance, especially in regard as to how such expansion of intense use would impact the surrounding locale.

Staff is of the opinion that a Planned Unit Development application should be required to evaluate the proposed access to the site and if necessary, include adjacent private properties across which access is proposed. For this reason, the Rezoning and Planning Approval applications should be heldover to the February 20th meeting in order to be heard in conjunction with a Planned Unit Development application addressing the access issues expressed. Such application should be submitted no later than January 21st.

RECOMMENDATION

Based on the preceding, the Rezoning and Planning Approval applications are recommended for holdover to the February 20th meeting in order to be heard in conjunction with a Planned Unit Development application addressing access issues. The PUD application should be submitted no later than January 21st. A narrative should be provided to address all Planning Approval criteria listed in Section 64-12.1.b. of the Zoning Ordinance, as well as identifying the scope of operation issues identified in the staff report.

LOCATOR MAP



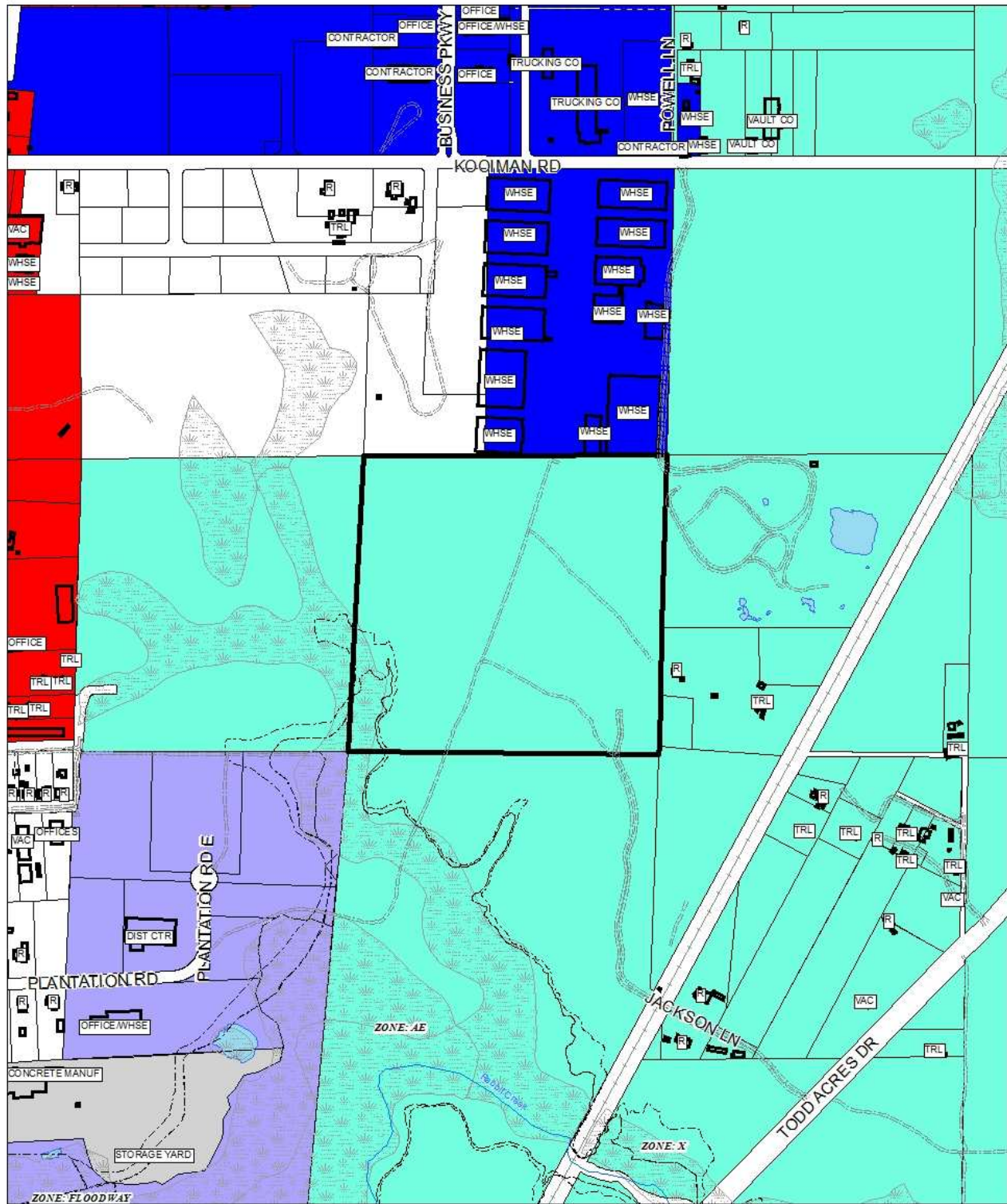
APPLICATION NUMBER 20 & 21 DATE January 16, 2014

APPLICANT JDS Construction, LLC

REQUEST Planning Approval, Rezoning from R-A to I-2



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



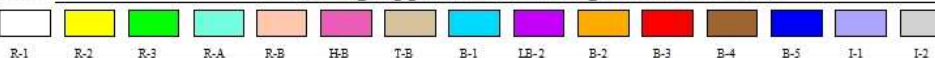
Warehouses are located to the north of the site. Residential units lie southeast of the site.

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LEGEND



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Warehouses are located to the north of the site. Residential units lie southeast of the site.

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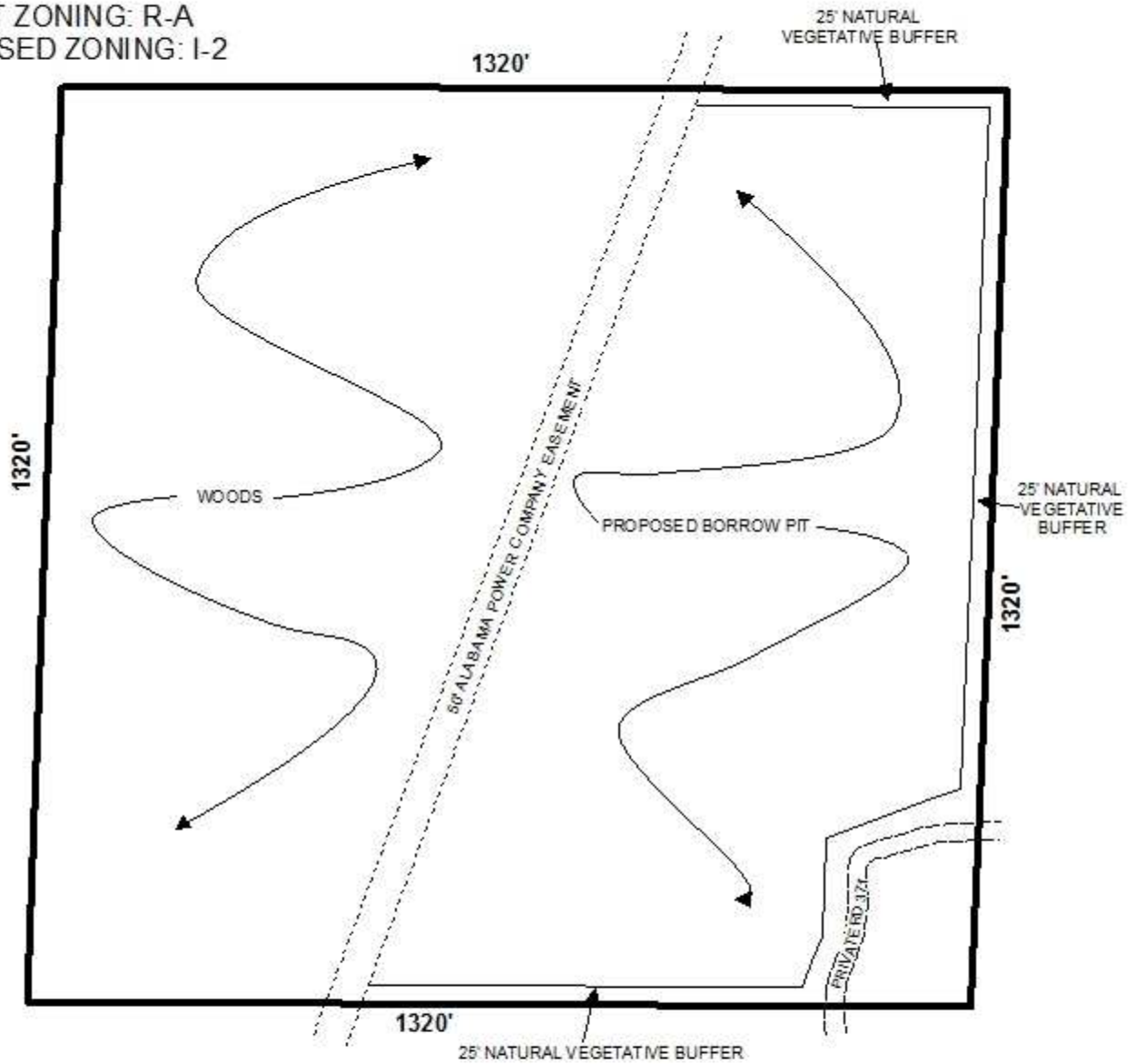
REQUEST Planning Approval, Rezoning from R-A to I-2



NTS

SITE PLAN

EXIST ZONING: R-A
PROPOSED ZONING: I-2



The site plan illustrates the wooded area, proposed borrow pit, easement, and vegetation buffer.

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REQUEST Planning Approval, Rezoning from R-A to I-2

