

**ZONING AMENDMENT,
PLANNED UNIT DEVELOPMENT &
SUBDIVISION STAFF REPORT**

Date: August 2, 2012

<u>NAME</u>	D & M Properties, LLC
<u>SUBDIVISION NAME</u>	Plantation Commercial Park Subdivision, Unit Two, Resubdivision of Lot 13A
<u>LOCATION</u>	5721 U.S. Highway 90 West (East side of U.S. Highway 90 West, 330'± South of Plantation Road).
<u>CITY COUNCIL DISTRICT</u>	District 4
<u>PRESENT ZONING</u>	B-3, Community Business District and I-1, Light Industry District
<u>PROPOSED ZONING</u>	I-2, Heavy Industry District
<u>REASON FOR REZONING</u>	Eliminate split zoning
<u>AREA OF PROPERTY</u>	12 ± Acres
<u>CONTEMPLATED USE</u>	<p>Subdivision approval to create 2 legal lots of record from one metes and bounds parcel; Planned Unit Development Approval to allow shared access between building sites and multiple buildings on a single building site; and Rezoning from B-3, Community Business District and I-1, Light Industry District, to I-2, Heavy Industry District to eliminate split zoning and bring the zoning into compliance for an existing concrete manufacturing facility.</p> <p>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.</p>
<u>TIME SCHEDULE</u>	Immediately

ENGINEERING**COMMENTS**

Provide copies of the site construction plans (including grading and drainage plans) and engineering calculations as approved by the Mobile County Engineering Department for the existing developments. Previously approved structures/development on Lots A & B may be able to receive historic credit towards the requirement for detention. Add a note to the Plat stating that stormwater detention will be required for any unapproved development (since 1984) and any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045). Provide Storm Water Detention for the 1200 sf building addition proposed on Lot A in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes).

TRAFFIC ENGINEERING**COMMENTS**

This site is located on the service road of an ALDOT maintained roadway. Driveway number, size, location and design to be approved by ALDOT and 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 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.

MAWSS COMMENTS:

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

REMARKS

The applicant is requesting Subdivision Approval to create 2 legal lots of record from one metes and bounds parcel; Planned Unit Development Approval to allow shared access between building sites and multiple buildings on a single building site; and Rezoning B-3, Community Business District and I-1, Light Industry District, to I-2, Heavy Industry District to eliminate split zoning and bring the zoning into compliance for an existing concrete manufacturing facility.

The plat illustrates the proposed 2 lot, 12 ± acre subdivision. The applicant states that the subdivision is served by both public water and sanitary sewer. The purpose of the subdivision

application is to create two legal lots of record from a single legal lot of record. However, it should be noted that upon reviewing City of Mobile aerial photographs, it appears that the proposed Lot B has incorporated a portion of a "Preservation Conservation Area" to the South in its operations, and does not include it in the subdivision request. The preliminary plat should be revised to include all land being utilized by the applicant and the placement of a note stating that there will be no further encroachment into the conservation area.

Both proposed lots meet the minimum size requirements, as regulated by Section V.D.2. of the Subdivision Regulations. The lot area sizes are depicted on the plat in square feet and acres, and this should be retained on the Final Plat, if approved.

The 25' minimum building setback line is illustrated for both lots and should also be retained if approved.

The site fronts U.S. Highway 90 West, a major street. The Major Street Plan requires a right-of-way width of 250 feet for U.S. Highway 90 West. The preliminary plat illustrates existing right-of-way width of 224 feet. Therefore, dedications to provide 125 feet from the centerline will be required as part of this subdivision.

Section 64-3.A.5. of the Zoning Ordinance states that a newly created I-2, Heavy Industrial District should contain at least 4 acres, which the subject site exceeds.

Planned Unit Development review examines the site with regard to its location to ensure that it is generally compatible with neighboring uses; that adequate access is provided without generating excess traffic along minor residential streets in residential districts outside the PUD; and that natural features of the site are taken into consideration. PUD review also examines the design of the development to provide for adequate circulation within the development; to ensure adequate access for emergency vehicles; and to consider and provide for protection from adverse effects of adjacent properties as well as provide protection of adjacent properties from adverse effects from the PUD. PUD approval is site plan specific, thus any changes to the site plan / Subdivision plat will require approval by the Planning Commission.

Because both proposed lots are adjacent to R-1, Single-Family Residential District properties, and will therefore require a protection buffer of 10' as well as either a 6' high privacy fence or 10' wide screen planting strip no less than 6' in height at time of planting and consisting of evergreen vegetation. site plan illustrates an existing privacy fence along the residentially zoned properties; however there is no mention of the height of the fencing. Also, upon reviewing City of Mobile aerial photographs, it appears that a significant portion of the proposed Lot B is currently utilized as a storage yard, and should therefore be enclosed by a solid wall or fence that is at least 8' high.

It should be noted that the submitted site plan does not illustrate compliance with tree planting requirements and is possibly short of the required frontage landscaped area as well. Despite this, a PUD does allow some flexibility concerning the amount of landscaping and tree planting requests. Furthermore, there is no depiction of a dumpster or note provided to determine if the applicant will comply with Section 64-4.D.9. of the Zoning Ordinance for either lot.

The proposed Lot A has an existing compliant 24' wide curb-cut, while the proposed Lot B also has a compliant 24' wide curb-cut that provides access to both lots. If approved, a note should be provided stating that the development is limited to the existing curb cuts. The submitted site plan does not give information regarding the size of the existing buildings, nor information as to the use of each structure so that staff can determine that adequate parking is provided. The site plan should be revised to provide this information. Also, no paved parking/maneuvering area is illustrated for Lot B with the exception of the driveway entrance that connects to the parking lot of Lot A.

The site plan submitted does not depict any sidewalks along U.S. Highway 90 West, and should either be illustrated or a Sidewalk Waiver application should be submitted.

With regards to the rezoning, 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 currently proposed Lot A is depicted as commercial, while the proposed Lot B is 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. The accuracy of recommended land uses on the General Land Use Component map is limited due to the large scale of the map. 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 proposed Lot A has an existing masonry building that the applicant wishes to expand by constructing a 1,200 square foot addition to the rear. There are three existing metal buildings illustrated on Lot B, with no mention of any expansion. The applicant states that the existing business on Lot B, Alabama Pipe and Supply, stores raw materials in elevated bins and silos, yet none of these are illustrated on the site plan. The site plan should be revised to illustrate all structures on the site.

It should be noted that the subject site and the surrounding area were annexed into the City of Mobile in 2009. The site is mostly surrounded by B-3, Community Business District and I-1, Light Industrial District with some R-1, Single-Family Residential District to the North. The currently proposed Lot B is operating as a manufacturer of concrete products, which is only allowed in an I-2, Heavy Industrial District. Also, because the proposed Lot B is greater than the minimum 4 acres for rezoning as stated in Section 64-3.A.5. of the Zoning Ordinance, the rezoning may be considered appropriate.

RECOMMENDATION

Subdivision: Based upon the preceding, this application is recommended for Holdover until the September 6, 2012 meeting so that the applicant can submit additional information by August 9, 2012 and comply with the following:

- 1) revision of the preliminary plat to include to portion of the "Preservation Conservation Area" to the South of the proposed "Lot B" that is being utilized by the concrete manufacturing facility;
- 2) submittal of additional mailing labels;
- 3) placement of a note stating that there will be no further encroachment into the "Preservation Conservation Area";
- 4) retention of the lot sizes in square feet and acres;
- 5) dedication to provide 125' from the centerline of U.S. Highway 90 West;
- 6) retention of the 25' minimum building setback line;
- 7) placement of a note stating that the development is limited to the existing curb cuts;
- 8) 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.*);
- 9) compliance with Engineering comments, *"Provide copies of the site construction plans (including grading and drainage plans) and engineering calculations as approved by the Mobile County Engineering Department for the existing developments. Previously approved structures/development on Lots A & B may be able to receive historic credit towards the requirement for detention. Add a note to the Plat stating that stormwater detention will be required for any unapproved development (since 1984) and any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045). Provide Storm Water Detention for the 1200 sf building addition proposed on Lot A in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes)."*; and
- 10) placement of a note on the Final 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.

Planned Unit Development: Based upon the preceding, this application is recommended for Holdover until the September 6, 2012 meeting so that the applicant can submit additional information by August 9, 2012 and comply with the following:

- 1) revision of the preliminary plat to include to portion of the "Preservation Conservation Area" to the South of the proposed "Lot B" that is being utilized by the concrete manufacturing facility;
- 2) submittal of additional mailing labels;
- 3) placement of a note stating that there will be no further encroachment into the "Preservation Conservation Area";
- 4) retention of the lot sizes in square feet and acres;

- 5) dedication to provide 125' from the centerline of U.S. Highway 90 West;
- 6) retention of the 25' minimum building setback line;
- 7) placement of a note stating that the development is limited to the existing curb cuts;
- 8) illustration of a 10' protection buffer from all adjacent R-1, Single-Family Residential properties;
- 9) illustration of a 6' high privacy fence or 10' wide planting screen strip no less than 6' in height at the time of planting and consisting of evergreen vegetation;
- 10) provision of a solid 8' high solid wall or fence around areas being utilized as a storage yard;
- 11) illustration of compliance with tree planting and landscaped area requirements;
- 12) depiction of a dumpster enclosed by a 6' high privacy fence or wall, or placement of a note stating that curbside pickup will be used;
- 13) placement of a note stating the size and use of each building;
- 14) illustration of properly paved parking and maneuvering areas for Lot B;
- 15) depiction of sidewalks along U.S. Highway 90 West or submittal of a Sidewalk Waiver;
- 16) illustrate all structures on both lots;
- 17) 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.*); and
- 18) compliance with Engineering comments, *"Provide copies of the site construction plans (including grading and drainage plans) and engineering calculations as approved by the Mobile County Engineering Department for the existing developments. Previously approved structures/development on Lots A & B may be able to receive historic credit towards the requirement for detention. Add a note to the Plat stating that stormwater detention will be required for any unapproved development (since 1984) and any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045). Provide Storm Water Detention for the 1200 sf building addition proposed on Lot A in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes)."*.

Rezoning: Based upon the preceding, this application is recommended for Holdover until the September 6, 2012 meeting so that the applicant can submit additional information by August 9, 2012 and comply with the following:

- 1) revision of the preliminary plat to include to portion of the "Preservation Conservation Area" to the South of the proposed "Lot B" that is being utilized by the concrete manufacturing facility;
- 2) submittal of additional mailing labels;
- 3) placement of a note stating that there will be no further encroachment into the "Preservation Conservation Area";
- 4) retention of the lot sizes in square feet and acres;
- 5) dedication to provide 125' from the centerline of U.S. Highway 90 West;

- 6) retention of the 25' minimum building setback line;
- 7) placement of a note stating that the development is limited to the existing curb cuts;
- 8) illustration of a 10' protection buffer from all adjacent R-1, Single-Family Residential properties;
- 9) illustration of a 6' high privacy fence or 10' wide planting screen strip no less than 6' in height at the time of planting and consisting of evergreen vegetation;
- 10) provision of a solid 8' high solid wall or fence around areas being utilized as a storage yard;
- 11) illustration of compliance with tree planting and landscaped area requirements;
- 12) depiction of a dumpster enclosed by a 6' high privacy fence or wall, or placement of a note stating that curbside pickup will be used;
- 13) placement of a note stating the size and use of each building;
- 14) illustration of properly paved parking and maneuvering areas for Lot B;
- 15) depiction of sidewalks along U.S. Highway 90 West or submittal of a Sidewalk Waiver;
- 16) illustrate all structures on both lots;
- 17) 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.*); and
- 18) compliance with Engineering comments, *"Provide copies of the site construction plans (including grading and drainage plans) and engineering calculations as approved by the Mobile County Engineering Department for the existing developments. Previously approved structures/development on Lots A & B may be able to receive historic credit towards the requirement for detention. Add a note to the Plat stating that stormwater detention will be required for any unapproved development (since 1984) and any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045). Provide Storm Water Detention for the 1200 sf building addition proposed on Lot A in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes)."*.

LOCATOR MAP



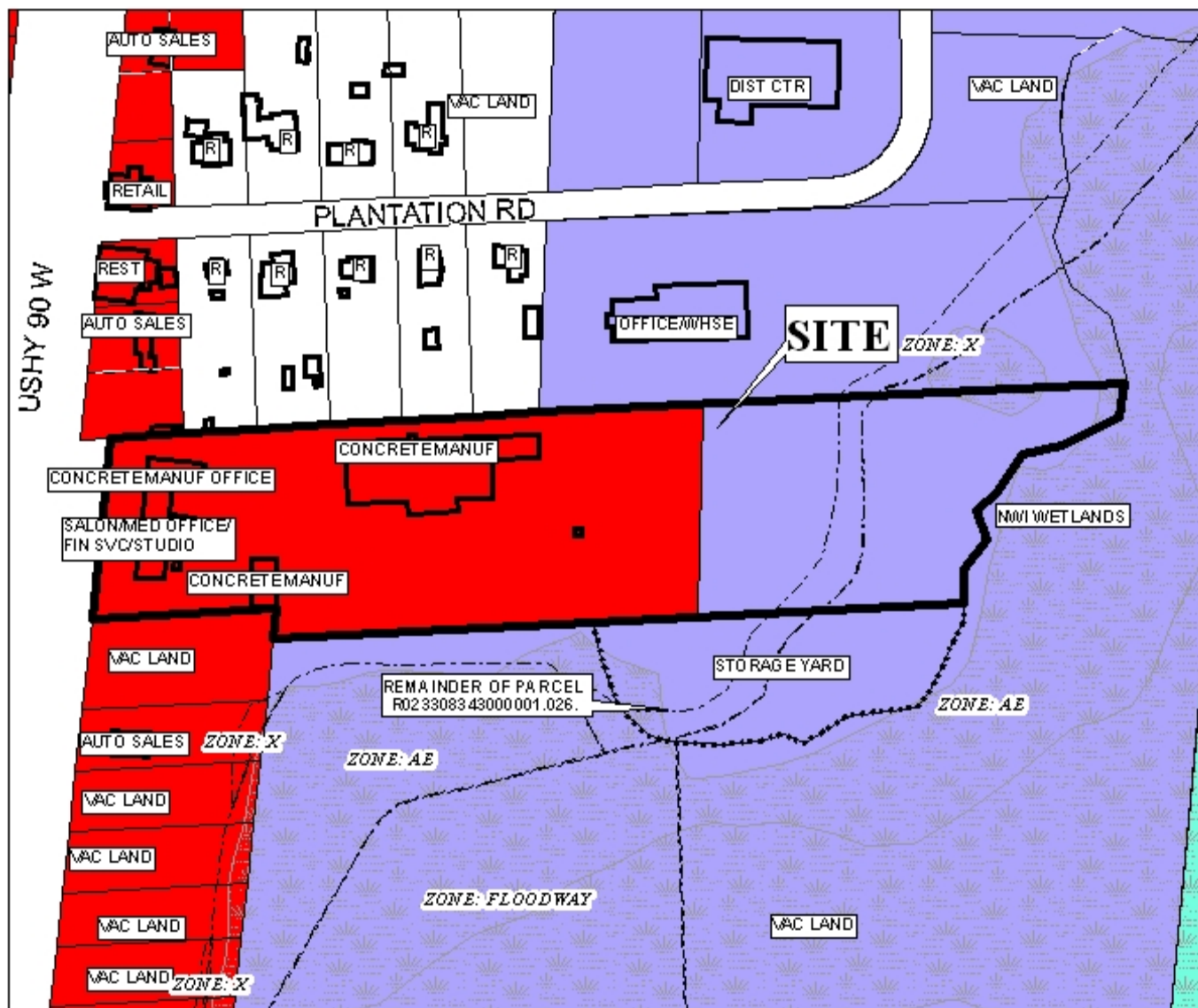
APPLICATION NUMBER 27, 28 & 29 DATE August 2, 2012

APPLICANT D & M Properties, LLC

REQUEST Subdivision, PUD, Rezoning from B-3 and I-1 to I-2



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Single-family residences and businesses are located to the north of the site.
Undeveloped land and a business are located to the south of the site.

APPLICATION NUMBER 27, 28 & 29 DATE August 2, 2012

APPLICANT D & M Properties, LLC

REQUEST Subdivision, PUD, Rezoning from B-3 and I-1 to I-2

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	NTS
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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING

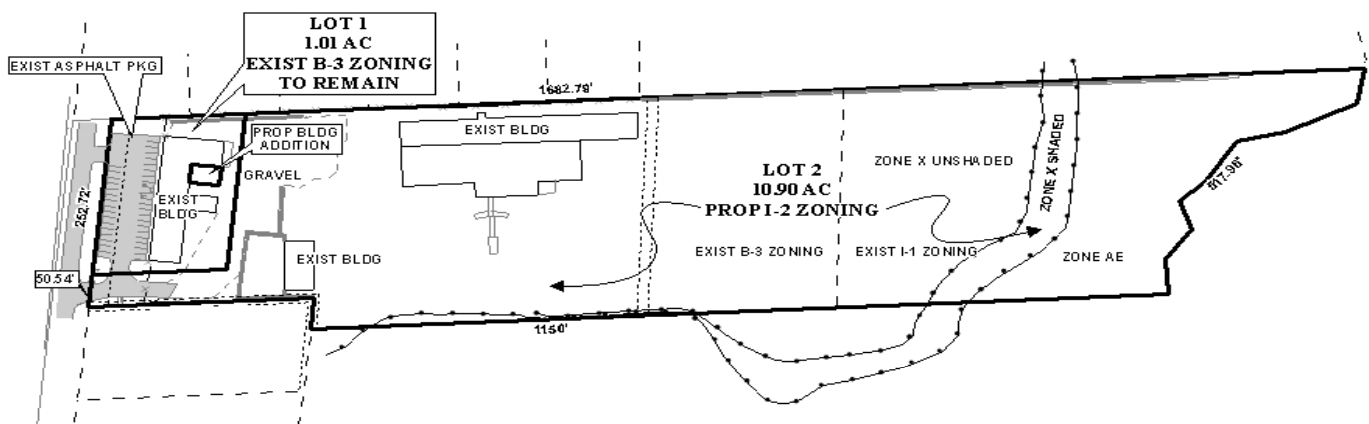


Single-family residences and businesses are located to the north of the site.
Undeveloped land and a business are located to the south of the site.

APPLICATION NUMBER 27, 28 & 29 DATE August 2, 2012
APPLICANT D & M Properties, LLC
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SITE PLAN



The site plan illustrates the existing development, proposed lot configuration, and proposed zoning.

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