

**ZONING AMENDMENT,
PLANNING APPROVAL &
SUBDIVISION STAFF REPORT**

Date: February 7, 2013

<u>NAME</u>	Harcross Subdivision
<u>SUBDIVISION NAME</u>	Harcross Subdivision
<u>LOCATION</u>	1480 Telegraph Road (East side of Telegraph Road at the East terminus of Lee Street)
<u>CITY COUNCIL DISTRICT</u>	District 2
<u>PRESENT ZONING</u>	R-1, Single-Family Residential District
<u>PROPOSED ZONING</u>	I-2, Heavy Industry
<u>REASON FOR REZONING</u>	A manifest error in the Ordinance
<u>AREA OF PROPERTY</u>	1.8 ± Acres
<u>CONTEMPLATED USE</u>	<p>Subdivision approval to create 1 lot, Planning Approval to allow an industrial chemical distribution facility, and Rezoning from R-1, Single-Family Residential to I-2, Heavy Industry District to allow a chemical distribution 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>	Any required improvements will be undertaken subsequent to necessary approvals.
<u>ENGINEERING COMMENTS</u>	<p>The following comments should be addressed prior to review, acceptance and signature by the City Engineer:</p> <ol style="list-style-type: none">1) Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes).2) Provide a signature block and signature from the Traffic Engineering Department.

- 3) Add a note to the Plat stating that storm water detention will be required for 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).
- 4) The existing drive on the south side of the project near the RR tracks will need to be improved to meet current City standards. A ROW Permit from the Engineering Department will be required (208-6070) will need to be submitted for review prior to signing the Plat.

TRAFFIC ENGINEERING**COMMENTS**

Driveway number, size, location, and design to be approved by Traffic Engineering and ALDOT, 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).

Full compliance with frontage tree requirements of the Zoning Ordinance to be coordinated with Urban Forestry.

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 Subdivision approval to create 1 lot, Planning Approval to allow an industrial chemical distribution facility, and Rezoning from R-1, Single-Family Residential to I-2, Heavy Industry District to allow a chemical distribution facility. Industrial chemical distribution facilities require Planning Approval in I-2, Heavy Industry Districts.

The applicant proposes to create 1 lot from one tax parcel, and obtain the appropriate Zoning and Planning Approvals necessary for an existing, non-conforming chemical distribution facility.

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 review required for Planning Approval examines the applicant's location and site plan with regard to transportation, parking and access, public utilities and facilities, traffic congestion and hazard, and to determine if the proposal is in harmony with the orderly and appropriate development of the district.

Zoning review examines the site in relation to Section 64-9. of the Zoning Ordinance, which states that the intent of the Ordinance and corresponding Zoning Map is to carry out the comprehensive planning objective of sound, stable and desirable development. It additional states that 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 site appears to be depicted as industrial 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.

According to the Mobile County Revenue Department, the building on site was constructed in 1964, prior to the adoption of the current Zoning Ordinance. It is bounded to the East by railroad tracks, vacant R-1 property and developed I-2 property. It is bounded to the South by railroad tracks and vacant R-1 property, while to the West, by Telegraph Road and vacant R-1 and developed I-2 properties. To the North, the site is bounded by an industrial equipment maintenance use in an R-1 district.

Telegraph Road is a proposed major street, according to the Major Street Plan component of the Comprehensive Plan. The existing right of way is 70 feet, according to the preliminary plat, which is less than the 100 feet recommended by the Major Street Plan. While dedication is typically required, the Planning Commission allowed additional setback in lieu of dedication for a nearby developed industrial site on Telegraph Road in 2008; staff recommends a similar treatment for this site, as it is also already developed. The 25-foot minimum building setback line should be placed, however, to reflect the future right-of-way width.

The submitted site plan depicts two curb-cuts. One curb-cut serves as the controlled access point for trucks, while the other serves an ungated parking area. The current access configuration was created in 2009, after the US Department of Homeland Security required modifications to the site for security purposes. As such, the site should be limited to the two access points depicted on the submitted site plan, with any unused curb-cuts removed and relandscaped with sod. A note should be placed on the site plan and plat stating that modification of the two existing curb-cuts requires approval of Traffic Engineering and ALDOT.

Regarding the proposed I-2 zoning, it is clear that this location between a major street and railroad tracks, adjacent to other industrial uses, will likely never convert to residential use – such has not happened since 1967. It can be argued that the designation of the site as R-1 was, in fact, an error made at the time when the site was annexed into the City. While the site may be less the recommended minimum acreage requirement of Section 64-3.A.5.a., the Commission is advised to waive this requirement.

Planning Approval is required for the current use of industrial gas sales. The business has been operating at this location for apparently over 25 years. As such, it is recommended that the Planning Commission consider approving the request so that the existing business can end its “non-conforming” status.

Regarding the site itself, no improvements are proposed as part of the various requests being considered by the Planning Commission. Notes on the site plan indicate that the existing site has adequate parking for the office / warehouse combination. Most of the vehicular movement and parking areas are gravel, which is allowed by-right in I-2 districts.

No existing or proposed trees are depicted on the site plan: a site in an I-2 district is only required to have frontage trees, however, this site appears to have little green space available for tree planting along its 615 feet of frontage along Telegraph Road. It is recommended that any tree planting requirements be coordinated with Urban Forestry, as stated in their comments.

RECOMMENDATION

Rezoning: With a waiver of Section 64-3.A.5.a., the request is recommended for Approval, subject to the following conditions:

- 1) 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 61-929 and City Code Chapters 57 and 64). Full compliance with frontage tree requirements of the Zoning Ordinance to be coordinated with Urban Forestry.*);
- 2) Completion of the Subdivision process prior to any request for permits; and
- 3) Full compliance with all municipal codes and ordinances.

Planning Approval: The request is recommended for Approval, subject to the following conditions:

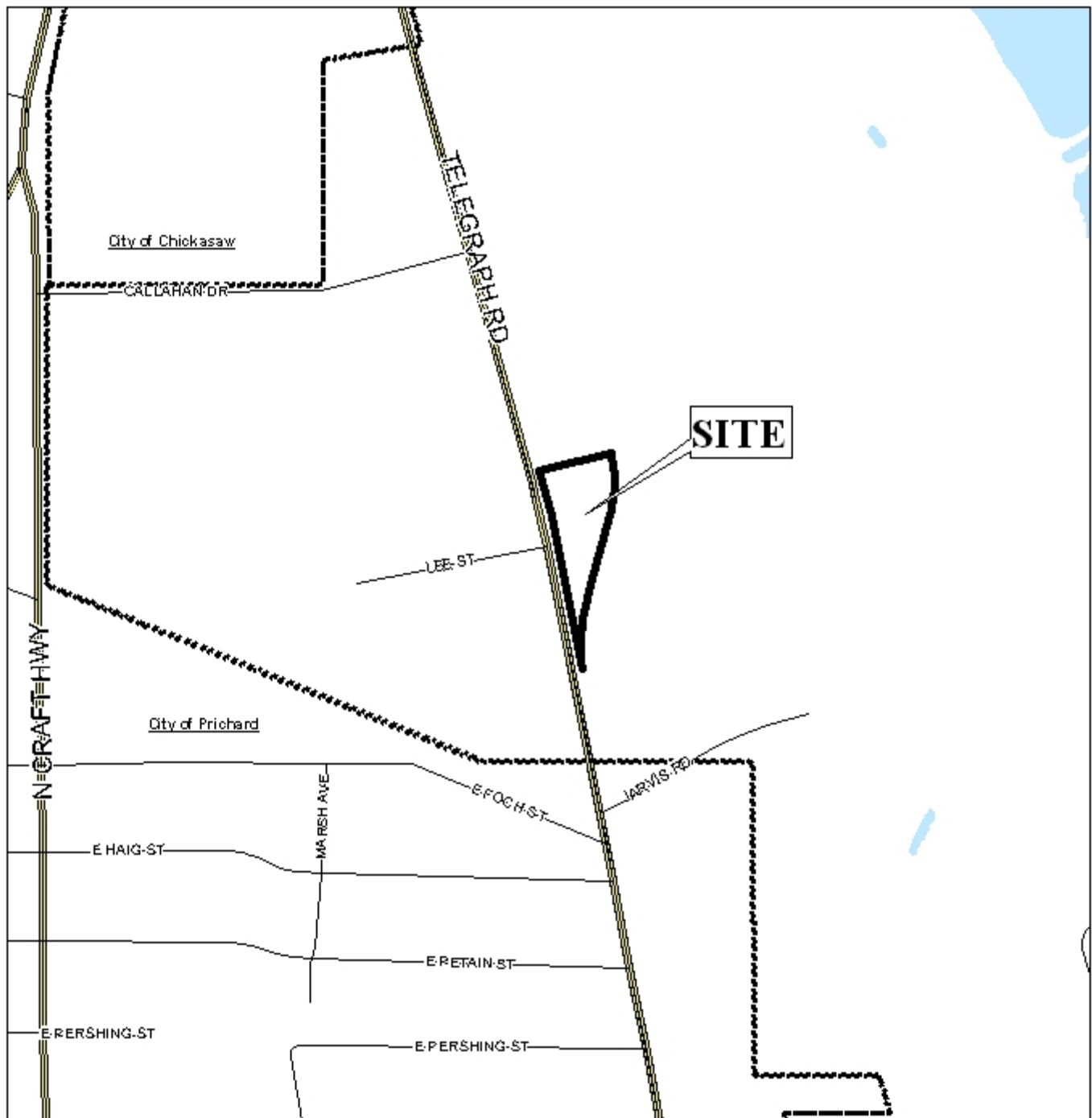
- 1) Revision of the site plan to reflect any trees required by Urban Forestry;
- 2) Compliance with Urban Forestry comments (*Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64). Full compliance with frontage tree requirements of the Zoning Ordinance to be coordinated with Urban Forestry.*);
- 3) Compliance with Engineering comments (*The following comments should be addressed prior to review, acceptance and signature by the City Engineer: 1) Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes). 2) Provide a signature block and signature from the Traffic Engineering Department. 3) Add a note to the Plat stating that storm water detention will be required for 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). 4) The existing drive on the south side of the project near the RR tracks will need to be improved to meet current City standards. A ROW Permit from the Engineering Department will be required (208-6070) will need to be submitted for review prior to signing the Plat.*);

- 4) Compliance with Fire 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.*);
- 5) Placement of a note on the site plan stating that the site is limited to two curb-cuts to Telegraph Road, with the size, design and location to be approved by Traffic Engineering and ALDOT, and to comply with AASHTO standards;
- 6) Revision of the site plan to depict a 25-minimum building setback line from a future right-of-way width of 100-feet along Telegraph Road;
- 7) Closure and sodding of any unused curb-cuts;
- 8) Submission of a revised Planning Approval site plan prior to the signing of the final plat;
- 9) Completion of the Subdivision process;
- 10) Application for land disturbance and/or right-of-way permits as needed for tree planting compliance or curb-cut closure and landscaping within 6-months of Zoning approval; and
- 11) Full compliance with all municipal codes and ordinances.

Subdivision: With a waiver of the dedication requirement of Section V.B.14. of the Subdivision Regulations, the request is recommended for Tentative Approval, subject to the following conditions:

- 1) Placement of a note on the final plat stating that the site is limited to two curb-cuts to Telegraph Road, with the size, design and location to be approved by Traffic Engineering and ALDOT, and to comply with AASHTO standards;
- 2) Compliance with Engineering comments (*The following comments should be addressed prior to review, acceptance and signature by the City Engineer: 1) Provide all of the required information on the Final Plat (i.e. signature blocks, signatures, certification statements, legal description, required notes). 2) Provide a signature block and signature from the Traffic Engineering Department. 3) Add a note to the Plat stating that storm water detention will be required for 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). 4) The existing drive on the south side of the project near the RR tracks will need to be improved to meet current City standards. A ROW Permit from the Engineering Department will be required (208-6070) will need to be submitted for review prior to signing the Plat.*);
- 3) Compliance with Fire 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.*);
- 4) Revision of the plat to depict a 25-minimum building setback line from a future right-of-way width of 100-feet along Telegraph Road; and
- 5) Submission of a revised Planning Approval site plan prior to the signing of the final plat.

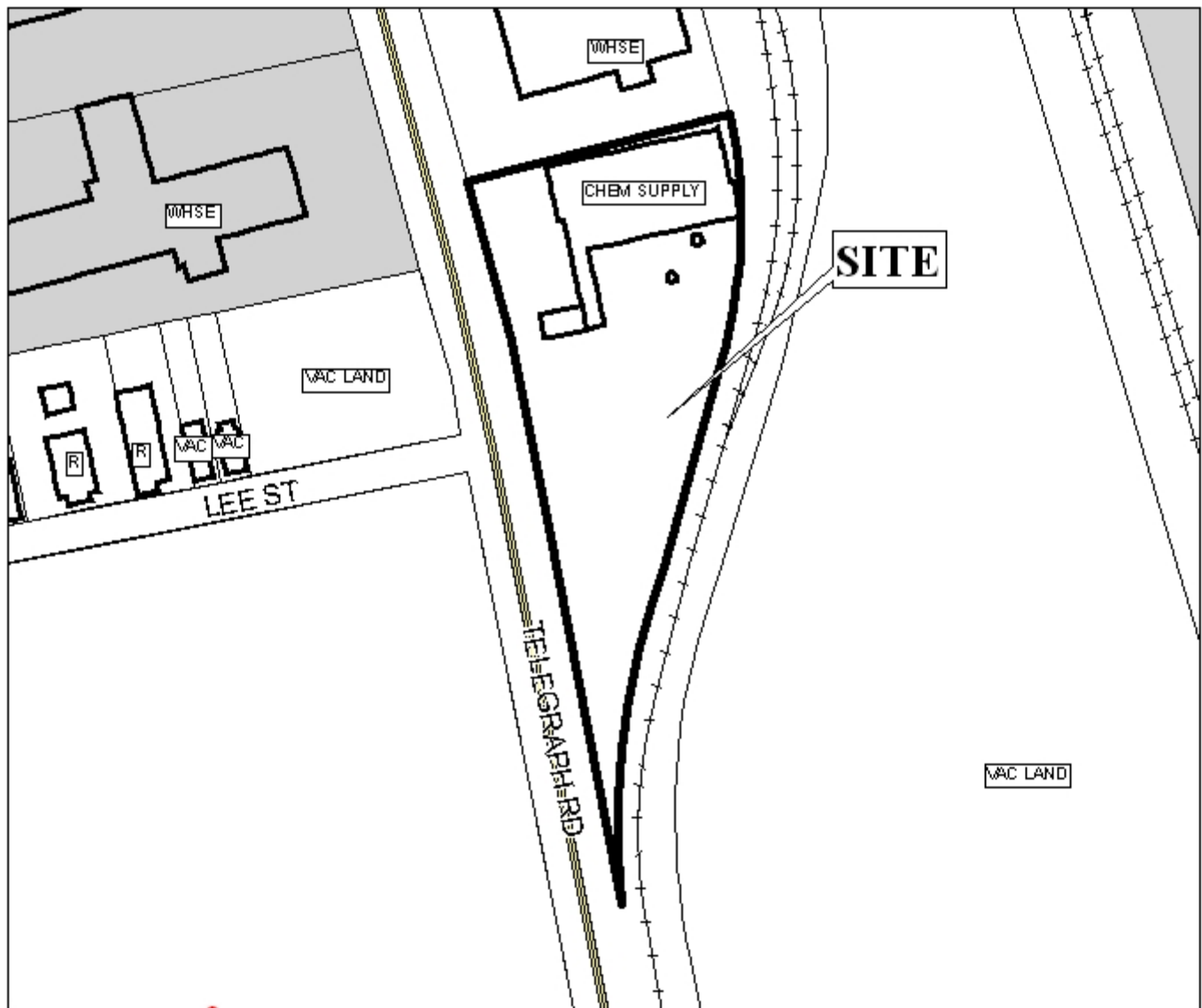
LOCATOR MAP



APPLICATION NUMBER 29, 30 & 31 DATE February 7, 2013
APPLICANT Harcross Subdivision
REQUEST Subdivision, Planning Approval, Rezoning from R-1 to I-2

N
NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Warehouses are located to the north and west of the site.

APPLICATION NUMBER 29, 30 & 31 DATE February 7, 2013

APPLICANT Harcross Subdivision

REQUEST Subdivision, Planning Approval, Rezoning from R-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

N
NTS

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SITE PLAN



The site plan illustrates the existing improvements.

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