

**ZONING,
PLANNING APPROVAL,
PLANNED UNIT DEVELOPMENT &
SIDEWALK WAIVER REQUEST
STAFF REPORT**

Date: March 7, 2013

NAME 5540 E. Rite Road, LLC

LOCATION 5500 E Rite Road
(North terminus of E. Rite Road)

**CITY COUNCIL
DISTRICT** District 4

PRESENT ZONING I-1, Light-Industry District

PROPOSED ZONING I-2, Heavy-Industry District

AREA OF PROPERTY 2 Lots / 8.1 \pm Acres

CONTEMPLATED USE Planned Unit Development approval to allow cross access and multiple buildings on a single building site, Planning Approval to allow the expansion of an existing gas storage facility, Rezoning from I-1, Light-Industry District, to I-2, Heavy-Industry District to allow the expansion of a gas storage facility and Sidewalk Waiver approval to waive construction of sidewalks along E Rite Road.
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** Upon completion of required approvals.

**ENGINEERING
COMMENTS**

- 1) Any work performed in the existing East Rite Rd ROW (right-of-way) such as grading, drainage, driveways, sidewalks, utility connections, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII).

- 2) Any and all proposed development will need to be 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.
- 3) Any proposed dumpster pad(s) must be contained and directed to a surface drain that is connected to the Sanitary Sewer system. The drainage from any dumpster pads cannot discharge to storm sewer.
- 4) An ADEM NOI is required for any land disturbance activity over 1 acre. Provide a copy of the ADEM registration information for the site prior to the issuance of a Land Disturbance permit.

Sidewalk Waiver: Due to the industrial nature of the area it is recommended that this request be approved.

TRAFFIC ENGINEERING

COMMENTS

Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Traffic Engineering has no objection to the sidewalk waiver.

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 Planned Unit Development approval to allow cross access and multiple buildings on a single building site, Planning Approval to allow the expansion of an existing gas storage facility, Rezoning from I-1, Light-Industry District, to I-2, Heavy-Industry District to allow the expansion of a gas storage facility and Sidewalk Waiver approval to waive construction of sidewalks along E Rite Road.

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 must be approved by the Planning Commission.

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.

It is very important to note that the Planning Approval review is site plan specific; therefore any future changes to the site plan or to the scope of operations for the school, as approved, by current or future applicants must be submitted for Planning Approval.

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 entire 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 site fronts onto East Rite Road, a minor dead-end street with a 50-foot wide right-of-way. The site is in an area that was annexed into the City of Mobile, where enforcement of city regulations began in February 2009. The existing business and site is considered a legal non-conforming use.

The applicant proposes to expand the existing business onto an adjacent legal lot, and as such, requires PUD, Zoning to I-2 and Planning Approvals (the latter two due to the nature of the business).

The site abuts developed and undeveloped I-1 zoned property to the North, South and West, developed B-3 property to the Northwest, and undeveloped Residential-Agricultural property to the East.

The rezoning study undertaken after annexation determined that the site should be I-1, Light-Industry District, however, in order for the business to expand, a rezoning to I-2 is required. A similar condition existed for another existing business approximately 650 feet North of the site in question, and the requested rezoning to I-2 has recently been approved by the City Council. It appears, therefore, that two conditions for rezoning apply to the site in question: 1) there is a manifest error in the Ordinance; and 3) there is a need to increase the number of sites available to business or industry.

Regarding the PUD request, the applicant proposes to acquire an adjacent undeveloped lot and use lot for additional storage of gas containers and to improve truck circulation and access for the business. The applicant will pave the undeveloped lot and provide frontage landscaping and trees. Information on the site plan indicates that the undeveloped lot will comply with frontage landscaping and tree requirements, but will not comply with the overall landscape area requirements on that lot. If the total PUD is taken into consideration, the overall landscape area requirement will be met, and most of the existing, developed lot is actually wooded or wetlands.

The Planning Approval request is required because of the existing use, a gas storage facility. Such a facility requires I-2 zoning and Planning Approval, and since the existing business wishes to expand, Planning Approval and Zoning requests are required. The site's location on a cul-de-sac, surrounded on three sides by other industrial uses, leads to the conclusion that the proposed expansion will have a negligible impact to more sensitive uses, such as schools or residences. The unimproved property to the East, in a Residential-Agricultural district, is not likely to be utilized for any such use that would likely develop safety concerns (the site to the East abuts railroad tracks and other industrially-zoned properties).

The existing developed site has existing 3 curb-cuts to East Rite Road. One of the existing curb-cuts is proposed to be modified to facilitate truck access onto the site. The lot that will be developed is proposed to have 1 curb-cut, to allow truck exiting from the lot. The applicant states that the additional curb-cut will allow truck traffic to be separated from employee and visitor traffic to the site. Any new curb-cuts, or any modifications to existing curb-cuts, must be approved by Traffic Engineering and comply with AASHTO standards.

New parking spaces are depicted on the site plan. Any new parking spaces provided on the site that abut adjacent property or landscape areas should be provided with parking bumpers. The PUD and PA site plans should be revised to depict parking bumpers.

The overall site contains wetlands and floodplains associated with Rabbit Creek. New development on the site must comply with all applicable federal, state and local requirements for floodplain and wetland issues.

Fencing with rolling gates is proposed for the site. Any new fencing for the site should be appropriately permitted. Furthermore, a note should be placed on the site plan regarding the gates, indicating that they will be operated in a manner so as to not impair traffic on East Rite Road.

New lighting on the site should comply with the revised lighting requirements of the Zoning Ordinance, specifically requiring a photometric plan. Please see Section 64-6.A. of the Zoning Ordinance for specific requirements.

Finally, the applicant is requesting the waiver of the sidewalk requirements along East Rite Road. The applicant states that it is a dead end street with little to no pedestrian traffic, that there is no concrete curb and gutter, and that there are no other sidewalks in the vicinity. There do not appear to be any topographic or utility barriers to make installation of a sidewalk a hardship, and

the intent of sidewalk requirements is to allow for the incremental provision over time of sidewalks throughout the city.

RECOMMENDATION

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

- 1) Site development limited to an approved Planned Unit Development; and
- 2) Full compliance with all other municipal codes and ordinances.

Planning Approval: Based upon the preceding, this application is recommended for Approval subject to the following conditions:

- 1) Limited to the site plan approved by the Planning Commission;
- 2) The lot undergoing new development to comply with the frontage landscape area and frontage tree requirements for that lot only;
- 3) Overall landscape area to be counted for compliance for the entire site to be based upon the wetlands and floodplain area North of the developed / to be developed area;
- 4) New curb-cuts and existing curb-cuts that are modified, to be approved by Traffic Engineering regarding their size and design, and to comply with AASHTO standards;
- 5) Revision of the site plan to depict parking bumpers for those new parking spaces that abut adjacent property or landscape areas;
- 6) Appropriate permitting of any new fencing and gates on the site, and placement of a note on the site plan stating that will be operated in a manner so as to not impair traffic on East Rite Road;
- 7) full compliance with the Traffic Engineering comments (*Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.*);
- 8) full compliance with Engineering comments (*1. Any work performed in the existing East Rite Rd ROW (right-of-way) such as grading, drainage, driveways, sidewalks, utility connections, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). 2. Any and all proposed development will need to be 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. 3. Any proposed dumpster pad(s) must be contained and directed to a surface drain that is connected to the Sanitary Sewer system. The drainage from any dumpster pads cannot discharge to storm sewer. 4. An ADEM NOI is required for any land disturbance activity over 1 acre. Provide a copy of the ADEM registration information for the site prior to the issuance of a Land Disturbance permit.*);
- 9) 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.*);
- 10) Full compliance with any local, state and federal regulations regarding floodplain issues;
- 11) Full compliance with any local, state and federal regulations regarding wetlands issues;

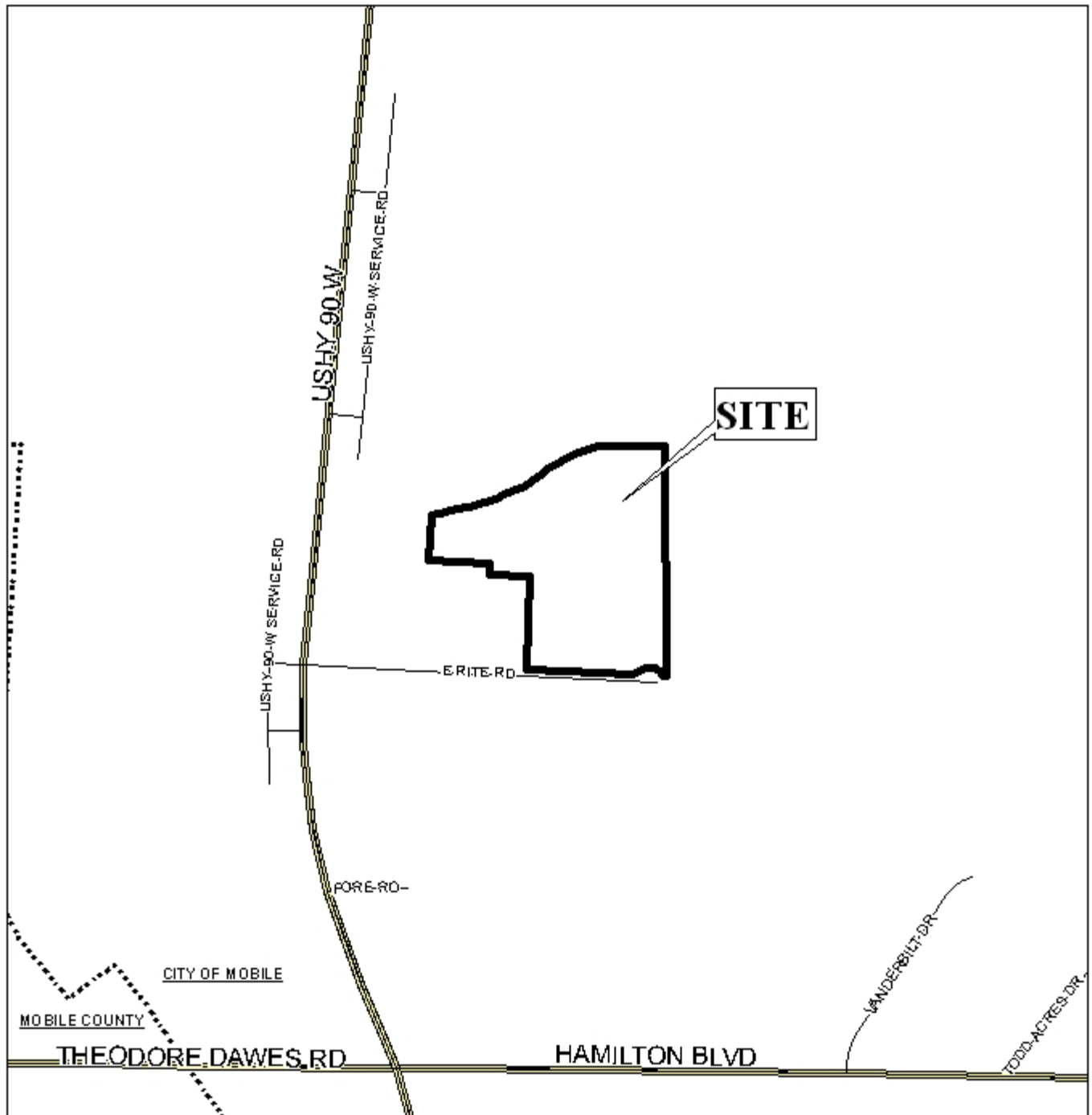
- 12) Site lighting to comply with Section 64-6.A. of the Zoning Ordinance; and
- 13) Full compliance with all other municipal codes and ordinances.

Planned Unit Development: Based upon the preceding, this application is recommended for Approval subject to the following conditions:

- 1) Limited to the site plan approved by the Planning Commission;
- 2) The lot undergoing new development to comply with the frontage landscape area and frontage tree requirements for that lot only;
- 3) Overall landscape area to be counted for compliance for the entire site to be based upon the wetlands and floodplain area North of the developed / to be developed area;
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- 5) Revision of the site plan to depict parking bumpers for those new parking spaces that abut adjacent property or landscape areas;
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- 12) Site lighting to comply with Section 64-6.A. of the Zoning Ordinance; and
- 13) Full compliance with all other municipal codes and ordinances.

Sidewalk Waiver: The request is recommended for Approval.

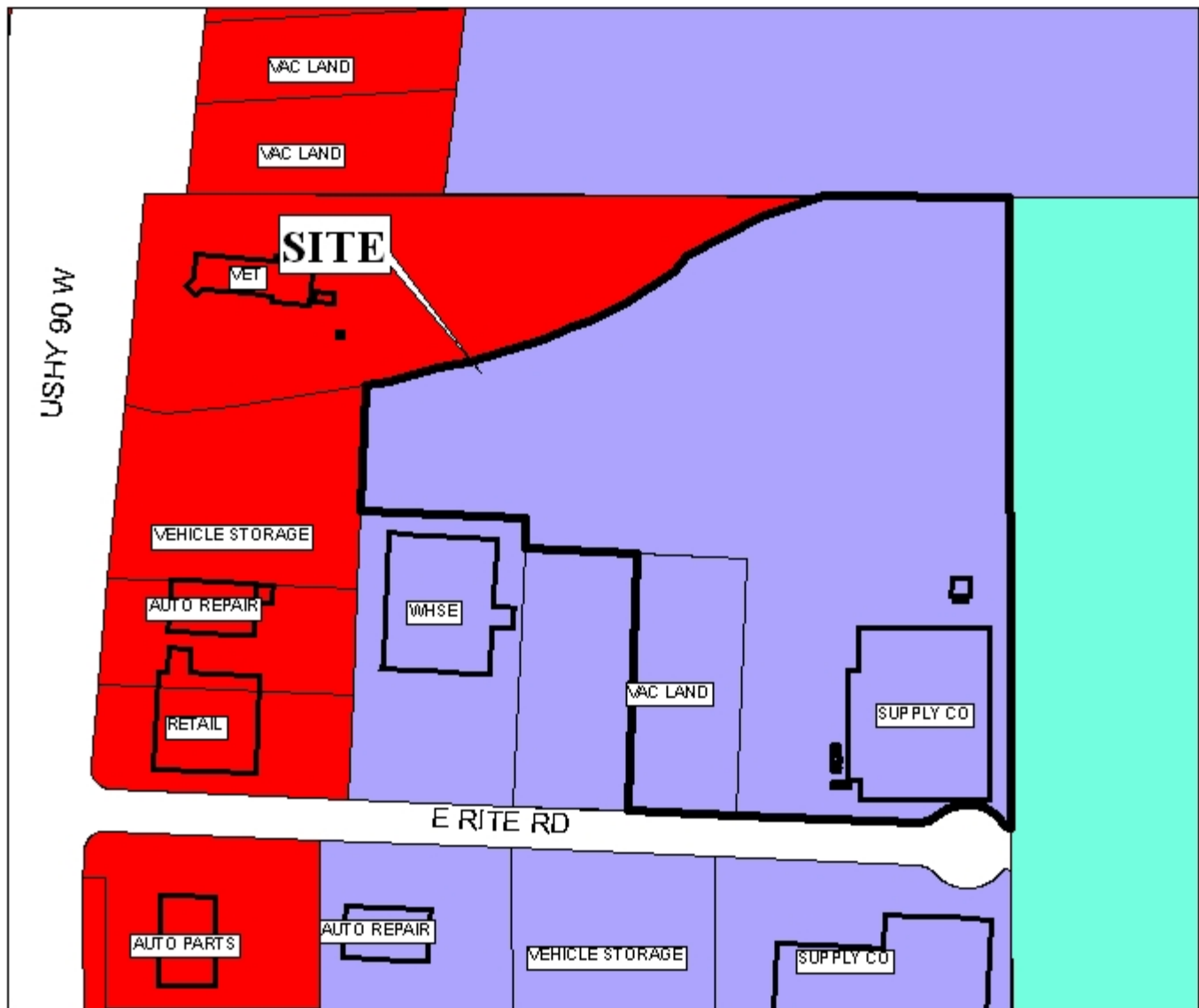
LOCATOR MAP



APPLICATION NUMBER 30, 31, 32 & 33 DATE March 7, 2013
APPLICANT 5540 E Rite Road, LLC
REQUEST PUD, Planning Approval, Rezoning from I-1 to I-2, Sidewalk Waiver



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Commercial and industrial land use is located to the west and south of the site.

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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

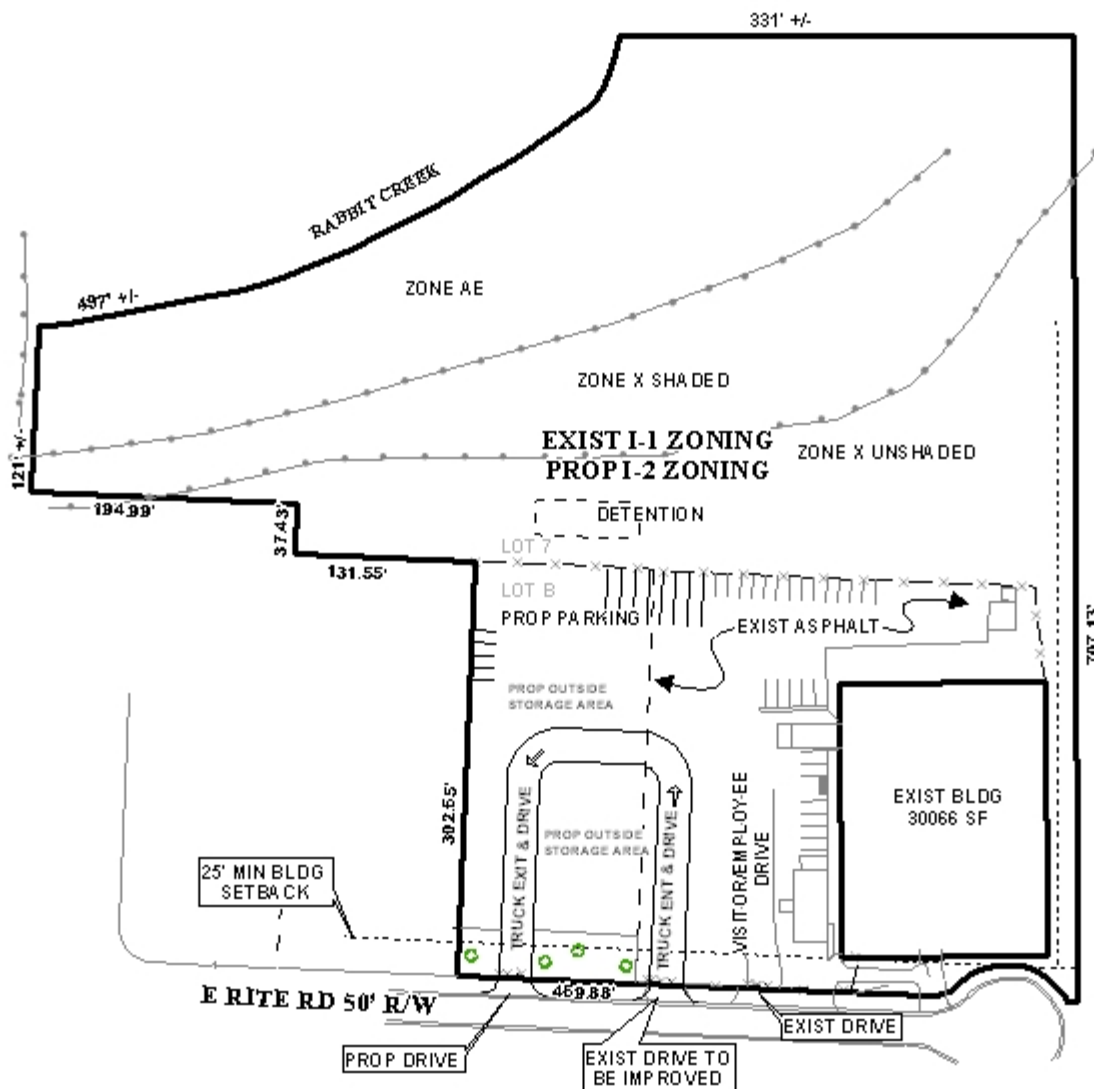


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SITE PLAN



The site plan illustrates the proposed drives and storage areas.

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