

**ZONING AMENDMENT,
& SUBDIVISION STAFF REPORT****Date: February 7, 2008****APPLICANT NAME**

Boyd Brothers Transportation, Inc.

SUBDIVISION NAME

Boyd Properties Subdivision

LOCATION

Southwest corner of Paper Mill Road and McKinley Street

**CITY COUNCIL
DISTRICT**

District 2

PRESENT ZONING

R-1, Single-Family Residential District

PROPOSED ZONING

I-2, Heavy Industry District

AREA OF PROPERTY

1 Lot / 18.8 ± Acres

CONTEMPLATED USE

Subdivision approval to create 1 lot, and Zoning approval to rezone the site from R-1, Single-Family Residential, to I-2, Heavy Industry, to allow a trucking facility.

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.

**REASON FOR
REZONING**

Applicant is requesting rezoning of the site to allow a trucking facility.

**TIME SCHEDULE
FOR DEVELOPMENT**

None provided

**ENGINEERING
COMMENTS**

Show limits of all flood zones on plat. No water may be concentrated onto an adjacent property owner without a release agreement. It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. Must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit.

TRAFFIC ENGINEERING**COMMENTS**

Driveway number, size, location, and design to be approved by 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 must comply with the requirements of the 2003 International Fire Code, including Appendices B through D, as adopted by the City of Mobile, and the 2003 International Existing Building Code, as appropriate.

REMARKS

The applicant is requesting Subdivision approval to create 1 lot, and Zoning approval to rezone the site from R-1, Single-Family Residential, to I-2, Heavy Industry, to allow a trucking facility. Trucking facilities are allowed by right in I-2 districts. The applicant states that the site is served by public water and sanitary sewer.

This area is shown as residential on the General Land Use component of the Comprehensive Plan. However, the Comprehensive Plan is meant to be a general guide, not a detailed lot and district plan or mandate for development. The Planning Commission and City Council may consider individual cases based on additional information such as the classification requested, the surrounding development, the timing of the request and the appropriateness and compatibility of the proposed use and zoning classification.

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.

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 site fronts onto Paper Mill Road and McKinley Street, both minor streets. Paper Mill Road appears to have a 60-foot right-of-way, however, its right-of-way is lumped together with the railroad right-of-way, and is not labeled on the plat. McKinley Street's right-of-way is not labeled on the plat, but appears to be only 40 feet, which is less than the required 50 feet right-of-

way width for minor streets. Sufficient right-of-way should be provided to ensure that Paper Mill Road has a right-of-way width of at least 30 feet, as measured from the centerline, and that McKinley Street has a right-of-way of at least 25-feet as measured from the centerline.

Access management is a concern due to the presence of minor streets, the size of the property under consideration, and the type of uses allowed by the proposed zoning. The site should be denied access to McKinley Street, and should be limited to a maximum of three (3) curb-cuts onto Paper Mill Road, with the size, design and location of the curb-cuts to be approved by Traffic Engineering and conform to AASHTO standards.

The site appears to have been vacant for at least the last 10 years. North of the site is the former International Paper site, now the site of the Berg Steel facility, in an I-2 district. West of the site are various industrial uses in an I-2 district, while immediately South of the site are community gardens located in an Alabama Power easement, and homes associated with the Plateau community, an historic African-American community, located in an R-1 district.

The applicant states that the reason for rezoning is that *“the conditions in this area having changed to a more industrial nature over the years.”* With the departure of the paper mill, there was a period, in fact, when the conditions were decidedly less industrial, however, the long term history for the vicinity, with the exception of the Plateau community, is of industrial uses.

As previously mentioned, trucking facilities are allowed by right in I-2, Heavy Industry Districts, but they are also allowed in B-5, Office-Distribution Districts and I-1, Light Industry Districts. The applicant is specifically proposing that the parking and circulation area for the site be paved with limestone, which is only allowed in I-2 districts by right.

A rezoning of the site to I-2 would allow a wide range of the heaviest industrial uses, which could potentially negatively affect the residents of Plateau in terms of health, safety and welfare. If the applicant does plan only trucking activities for the site, a more appropriate zoning may be B-5, Office-Distribution Districts, as manufacturing is generally not allowed. Unfortunately, however, limestone paving is not allowed in a B-5 district. Paving of the site with asphalt or concrete will facilitate control of storm water run off, but will add cost to the development. A B-5 zoning will also require landscaping of the entire site, versus the frontage trees required in an I-2 district.

No protection buffers are depicted on the site plan, however, Section 64-4.D. would require the minimum provision of a 10-foot wide buffer. As industrial uses can be prone to high levels of noise and dust, it may behoove the applicant to consider a wider planted buffer (such as 50-feet), the protection of the major of any existing vegetation on the site, and the provision of a wooden privacy fence where the site abuts residentially zoned properties to the South.

The site plan does not depict any other site improvements other than a proposed 2,400 square foot office building and six parking spaces. Development of the site must comply with the requirements of the Zoning Ordinance, thus frontage trees will be required, dumpsters must be depicted if proposed, and a sidewalk must be built along all street frontages.

No storm water detention facilities are depicted on the site plan, however, compliance with the storm water and flood control ordinances may be required.

Wetlands appear to occur on the site. The potential presence of wetlands indicates that the area may be environmentally sensitive; therefore, the approval of all applicable federal, state and local agencies would be required prior to the issuance of any permits or land disturbance activities.

The geographic area defined by the city of Mobile and its planning jurisdiction, including this site, may contain Federally-listed threatened or endangered species as well as protected non-game species. Development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.

The 25-foot minimum building setback line from all street frontages, required in Section V.D.9. of the Subdivision Regulations, is not shown for the subdivision, but would be required on the final plat, if approved.

Finally, the corner of Paper Mill Road and McKinley Street should be modified to conform to Section V.D.6. of the Subdivision Regulations. Specifically, a corner radius of 35-feet should be provided, in addition to any required dedication.

RECOMMENDATION

Rezoning: Based upon the preceding, the Rezoning request is recommended as a B-5, Office-Distribution District, subject to the following conditions:

- 1) Provision of a 50-foot planted buffer and privacy fence along the South property line, where the site abuts the Plateau community;
- 2) 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;
- 3) Approval of all applicable Federal, state and local agencies is required for wetland issues, if any, prior to the issuance of any permits or land disturbance activities;
- 4) Provision of a paved parking area, or application to the Board of Adjustment for variances regarding parking surface and site landscaping (with the exception of frontage trees and buffer); and
- 5) Full compliance with all other municipal codes and ordinances.

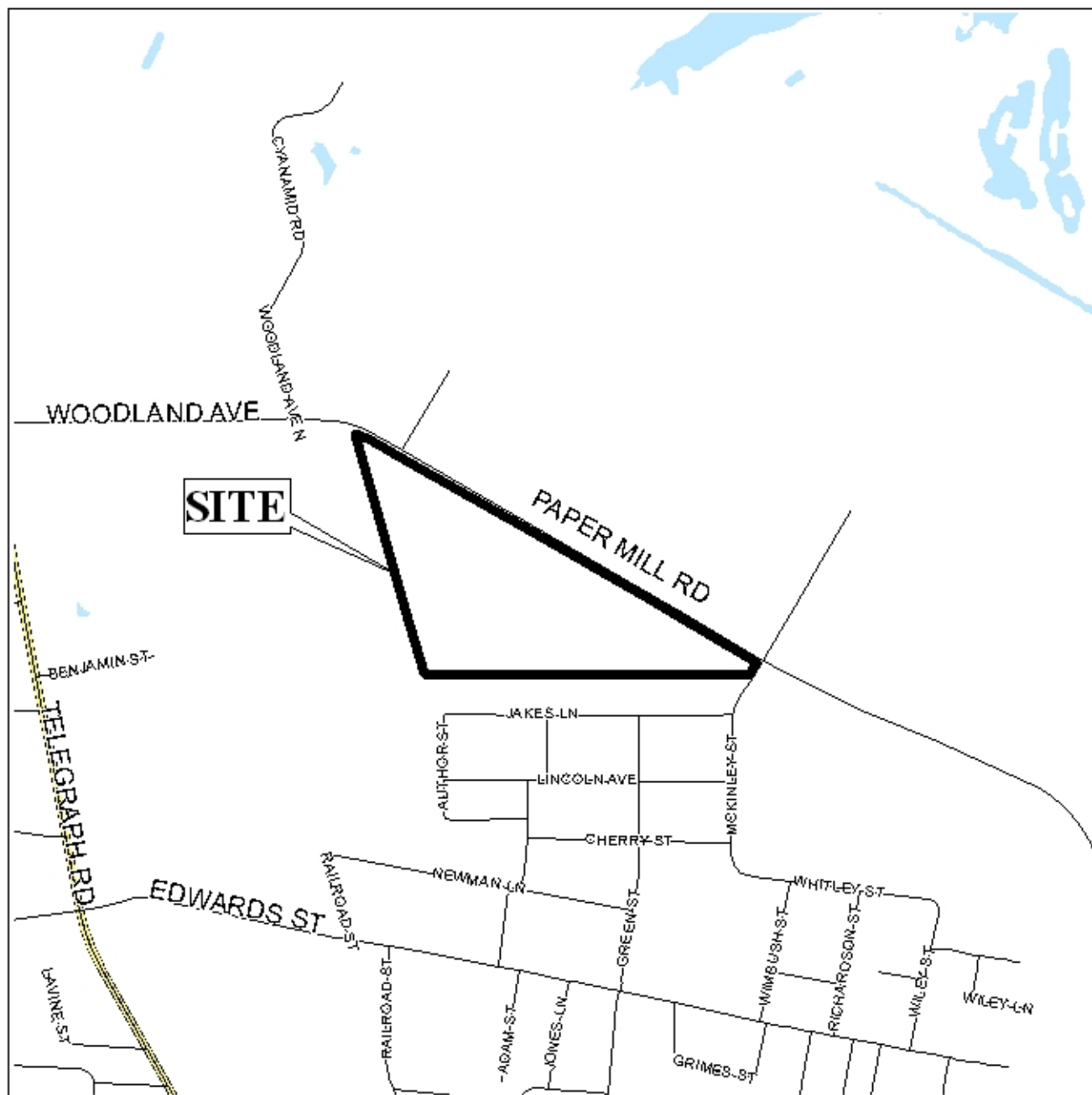
Subdivision: Based upon the preceding, the Subdivision request is recommended for Tentative Approval, subject to the following conditions:

- 1) Dedication of right-of-way sufficient to provide 30-feet as measured from the centerline of Paper Mill Road;
- 2) Dedication of right-of-way sufficient to provide 25-feet as measured from the centerline of McKinley Street;
- 3) Placement of a note on the final plat stating that the site is limited to three (3) curb-cuts onto Paper Mill Road, and denied access to McKinley Street, with the size, design and

location of all curb-cuts to be approved by Traffic Engineering and in conformance with AASHTO standards;

- 4) Provision of a 50-foot planted buffer and privacy fence along the South property line, where the site abuts the Plateau community;
- 5) Placement of a note on the 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;
- 6) Placement of a note on the plat stating that approval of all applicable Federal, state and local agencies is required for wetland issues, if any, prior to the issuance of any permits or land disturbance activities;
- 7) Depiction and labeling of the 25-foot minimum building setback line, reflecting any required dedication;
- 8) Compliance with Engineering comments (*Show limits of all flood zones on plat. No water may be concentrated onto an adjacent property owner without a release agreement. It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. Must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit.*); and
- 9) Labeling of the lot with its size in square feet and acres.

LOCATOR MAP



APPLICATION NUMBER 30 & 31 DATE February 7, 2008

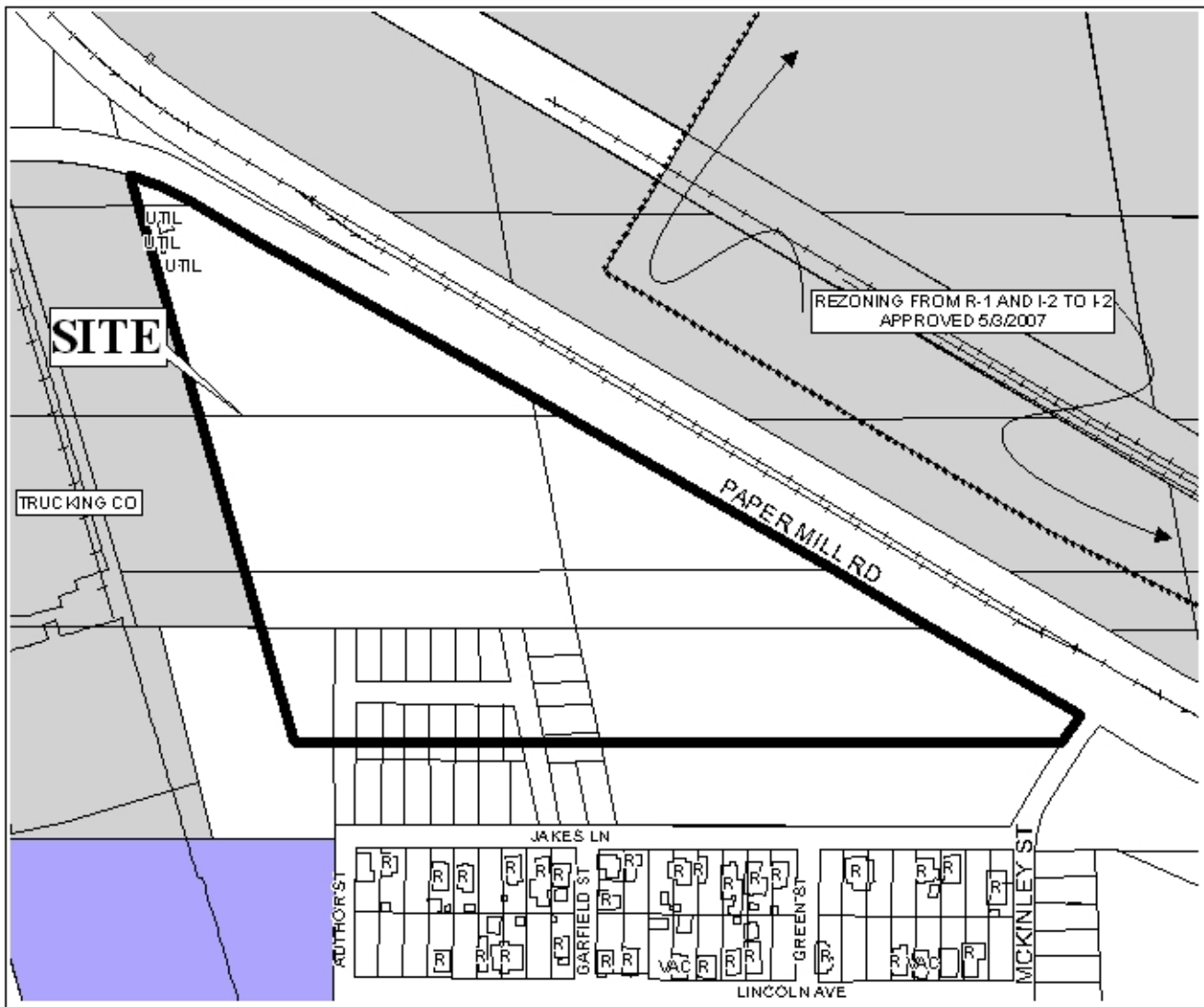
APPLICANT Boyd Brothers Transportation, Inc.

REQUEST Subdivision, Rezoning from R-1 to I-2



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Single-family residential units are located to the south of the site. Industrial sites are located to the west and north of the site.

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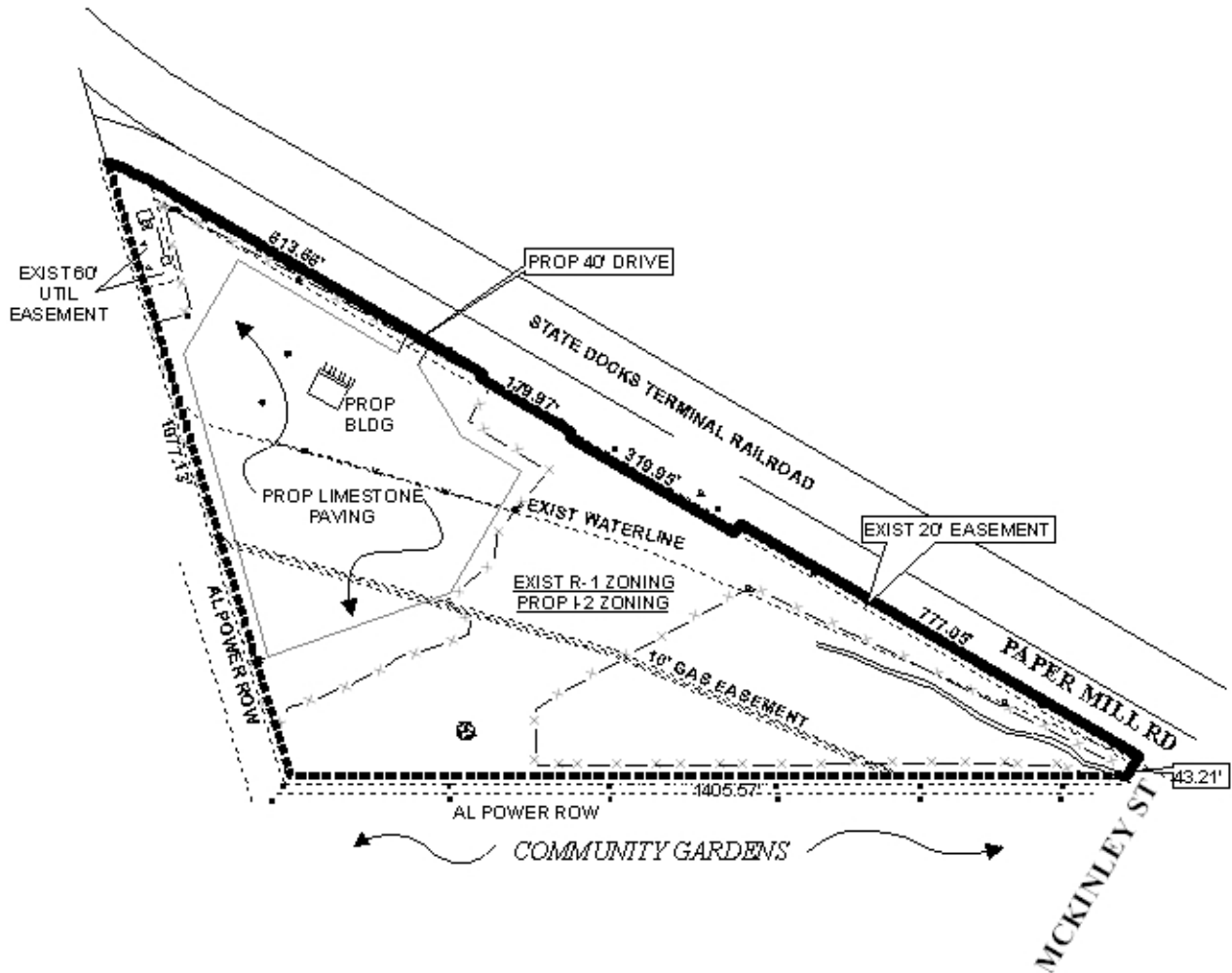
REQUEST Subdivision, Rezoning from R-1 to I-2

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	NTS
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SITE PLAN



The site plan illustrates the existing utilities and easements, proposed building, drive, and proposed paving area

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NTS