

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

Date: October 3, 2013

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| <u>NAME</u> | Daniel Clark |
| <u>SUBDIVISION NAME</u> | Mack Manufacturing Subdivision |
| <u>LOCATION</u> | 7205 Bellingrath Road (East side of Bellingrath Road, 2/10± mile South of Old Military Road) |
| <u>CITY COUNCIL DISTRICT</u> | District 4 |
| <u>PRESENT ZONING</u> | R-1, Single-Family Residential |
| <u>PROPOSED ZONING</u> | I-2, Heavy Industry |
| <u>REASON FOR REZONING</u> | There is a manifest error in the Ordinance. |
| <u>AREA OF PROPERTY</u> | 1 Lot / 7.4 ± Acres |
| <u>CONTEMPLATED USE</u> | Subdivision approval to create 1 lot, Planned Unit Development Approval to accommodate existing and future businesses and reduced front landscape requirements, and Rezoning from R-1, Single-Family Residential to I-2, Heavy Industry District, to accommodate existing and future businesses. 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. |
| <u>TIME SCHEDULE</u> | Application for building permits to occur within one year of Planning Commission approvals. |
| <u>ENGINEERING COMMENTS</u> | |

Subdivision: The following comments should be addressed prior to acceptance and signature by the City Engineer:

- 1) Provide all of the required information on the Plat (i.e. signatures, certification statements, required notes).
- 2) Provide a signature from the Planning Commission, Owner(s) (notarized), and the Traffic Engineering Department.
- 3) Provide a drainage easement for the drainage ditch and vehicle access along the east and south property lines. Size and location to be approved by the City Engineer.
- 4) Add a note to the Plat stating that storm water detention will be required for any existing development (since 1984) that did not receive Land Disturbance permitting 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).

Planned Unit Development:

- 1) Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, 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). The applicant must also contact ALDOT – Ninth Division to see if any ALDOT Permit s are required for this proposed project.
- 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) A complete set of construction plans for the site work – including, but not limited to, drainage, utilities, grading, storm water detention systems, paving, and all above ground structures, will be required to be submitted with the Land Disturbance permit. These plans are to be submitted and approved prior to beginning any of the construction work.
- 4) Must comply with all Engineering Department Policy Letters:
 - a. 5-13-2009 Policy Letter(Car wash drains and dumpster pads to drain to Sanitary Sewer System)
 - b. 8-4-2004 Policy Letter (Video inspection of new Storm Sewer System Piping)
 - c. 3-18-2004 Policy Letter (Additional subdivision street requirements)

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 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, Planned Unit Development Approval to accommodate existing and future businesses and reduced front landscape requirements, and Rezoning from R-1, Single-Family Residential to I-2, Heavy Industry District, to accommodate existing and future businesses. Industrial equipment manufacturing facilities are allowed by right in I-2, Heavy Industry Districts.

The purpose of this application is to allow an existing manufacturer of crane accessories (metal grapples and clam shell buckets) to expand their operations on their existing site. The site was part of the Theodore / Tillman's Corner area that was annexed into the City in late 2008. As part of the annexation process, the property was zoned R-1, Single Family Residential, with the intention that the site would either continue in its "Non-Conforming" status, end over a period of time, or go through the appropriate processes to come into conformance.

The site is bounded to the North, South, East and West by R-1 Single Family districts, however, the uses to the South are non-conforming commercial and multi-family uses and vacant land, while to the West across Bellingrath Road are single-family and light industrial uses, and to the North is an existing church. East of the site are vacant land and single-family residential uses.

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.

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.

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 if any new construction is anticipated that will change an approved site plan, an application to amend an existing, approved PUD must be made prior to any construction activities.

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 applicant states that the business has been in operation for many years at this location, and when the site was annexed into the City in 2008, there was an error made in the designation of the site as part of an R-1, Single-Family district. The applicant is proposing an 11,250 square foot expansion to the existing 51,500 \pm square foot building, thus they wish to obtain the correct zoning classification for the property.

At 7.4 \pm acres, the site exceeds the minimum size recommendations of Section 64-3.A.5.a. of the Zoning Ordinance. That being said, the location in a residentially zoned area of a heavy industrial district may set a precedent for the conversion of properties in the vicinity into similar zoning categories.

The site fronts onto Bellingrath Road, a proposed major street. The existing right-of-way is 60-feet, however, as a proposed major street, the right-of-way width should be 100-feet. The applicant states that the property to the north, the First Baptist Church, was allowed to have setback in lieu of dedication. Review of the staff report for the First Baptist Church subdivision from 2009 shows that the setback in lieu of dedication was approved by the Planning Commission due to the fact that some of the existing church buildings would have been within the area to be dedicated for right-of-way. For the site in question, it appears that no structures are within the 20-foot area that would be required for right-of-way dedication, however, existing parking spaces and associated maneuvering areas would be affected.

As Bellingrath Road is a planned major street, access management is a concern. The site has one existing curb-cut, and thus it should be limited to the existing curb-cut. Any changes to the size or design must be approved by Traffic Engineering and comply with AASHTO standards.

The PUD aspect of the application is required due to the presence of multiple structures on the site. In addition to the existing main building, there is a 2,500 square foot freestanding cafeteria building and a 600 square foot building. The proposed expansion will be attached to the main building.

The site plan provided with the PUD application shows the existing buildings and the proposed expansion, as well as 73 parking spaces, proposed trees, landscape areas, and lay down yards.

The proposed expansion will come as close as approximately 6 \pm feet to the rear property line, abutting residentially-zoned property. While rear setbacks in an I-2 district can be 0 feet, where abutting residentially-zoned property, a 10-foot wide residential buffer must be provided. Therefore the proposed addition must be adjusted in size to be at least 10 feet from the rear property line: the existing buildings and proposed addition comply with all other setback requirements of the Zoning Ordinance. It should be noted that typically a 6-foot high wooden privacy fence is required as part of the 10-foot wide residential buffer, if shrubs are not provided. It appears that the site is fenced in with a chain link fence topped by strands of barbed-wire or similar. In lieu of a wooden privacy fence, the applicant may install screening slats within the existing fence for that portion of the site where new construction will be taking place along the

East and South property lines. The property owner should be advised that if the adjacent properties to the East or South are ever developed for residential uses, the applicant will be required to provide a buffer along the entirety of both boundaries, in compliance with Section 64-4.D.1. of the Zoning Ordinance.

Of the 73 provided parking spaces, only 17 of them are on surfaces paved with asphalt or concrete: all other parking spaces and circulation areas are surfaced in aggregate, which is allowed by right in I-2 districts. The existing building includes a 4,100 square foot office area, however no information is provided regarding the number of employees in the remainder of the facility, so the total amount of required parking cannot be determined. The company's website states that they have 45 employees, thus a minimum of 29 spaces would be required.

There is an area of approximately $1 \pm$ acre dedicated to the storage of equipment and products for the manufacturing company. The area currently appears to be grassed, however, review of aerial photos back to 1997 indicate that the area was at one time covered with an aggregate surface. It appears, however, that boundaries of the lay down area are not clearly delineated on the site.

Regarding tree and landscape compliance, the site plan depicts an existing row of Bradford pears, and 16 proposed heritage trees within the frontage area, however, only 15 heritage trees are required. The proposed heritage trees are depicted in the area that could possibly become right-of-way for Bellingrath Road, as well as within the 25-foot setback from the widened road. To facilitate future widening, the proposed heritage trees should be located in the 25-foot setback area, outside of any future right-of-way area.

For landscape area, the applicant states that they will be able to comply with the overall 12% landscape area requirement, but will fall short in the frontage landscape area requirement due to the existing development of the site within the frontage area. It also appears that the frontage landscape area calculations provided by the applicant includes the future right-of-way area, which if removed from the calculations, results in a dramatic shortage of front landscape area. Planned Unit Development review gives the Planning Commission some flexibility regarding site design, and the Commission may wish to limit the front landscape area requirement to what is practicable, subject to compliance with the total landscape area requirements on the site. It is recommended that any area identified as landscape area be protected from vehicular or lay down yard intrusion through the use of parking bumpers, landscape timbers, or similar.

No dumpster is depicted on the site plan. If a dumpster is used on the site, it must be depicted on the site plan. New dumpsters placed on the site must comply with Section 64-4.D.9. of the Zoning Ordinance.

Regarding the one lot subdivision, the site exceeds the minimum size requirements for lots served by public water and sewer. A 45-foot setback line is depicted on the preliminary plat, reflecting the applicant's request for setback in lieu of dedication along Bellingrath Road, which will require a waiver of Section V.B.14. of the Subdivision Regulations. No easements are depicted on the preliminary plat, however, any existing or proposed easements must be shown on the final plat, if approved.

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. A note on preliminary plat reflects this requirement, and should also appear on the final plat.

Finally, no sidewalk is depicted on the site plan and a sidewalk waiver request has not been submitted. Either a sidewalk must be provided along Bellingrath Road, or an application should be submitted for a sidewalk waiver.

RECOMMENDATION

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

- 1) Limited to an approved Planned Unit Development;
- 2) Subject to full compliance with all other municipal codes and ordinances, including the appropriate permitting of all proposed work.

Planned Unit Development: The Planned Unit Development request is recommended for Approval, subject to the following conditions:

- 1) Revision of the site plan to adjust the location of the proposed expansion to be a minimum of 10-feet from the East and South property lines;
- 2) Revision of the site plan to depict the 10-foot protection buffer required by Section 64-4.D.1., and labeling of the area where fence screening will be provided adjacent to the new construction along the East and South property lines;
- 3) Placement of a note on the site plan stating that future residential development adjacent to the site will require full compliance with the buffering requirements of Section 64-4.D.1. where this site abuts residential uses;
- 4) Provision of 15 heritage trees within the 25-foot setback area, adjusted for the future widening of Bellingrath Road;
- 5) Provision of the total required landscape area on the site, with the provision of as much frontage landscape area as possible outside of the future right-of-way area, and revision of the frontage landscape area calculations;
- 6) Protection of any landscape areas counted for compliance with parking bumpers, landscape timbers or similar, to prevent encroachment by vehicles or lay down yards;
- 7) Depiction of any existing dumpsters on the site plan, and placement of a note on the site plan stating that new dumpsters placed on the site must comply with Section 64-4.D.9. of the Zoning Ordinance;
- 8) Depiction of a sidewalk along Bellingrath Road, or submission of a sidewalk waiver request prior to any request for permits for new construction;
- 9) Retention of the 45-foot setback line on the site plan;
- 10) Compliance with Engineering comments *(1) Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, 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). *The applicant must also contact ALDOT – Ninth Division to see if any ALDOT Permit s are required for this proposed project.* 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) *A complete set of construction plans for the site work – including, but not limited to, drainage, utilities, grading, storm water detention systems, paving, and all above ground structures, will be required to be submitted with the Land Disturbance permit. These plans are to be submitted and approved prior to beginning any of the construction work.* 4) *Must comply with all Engineering Department Policy Letters: a. 5-13-2009 Policy Letter(Car wash drains and dumpster pads to drain to Sanitary Sewer System); b. 8-4-2004 Policy Letter (Video inspection of new Storm Sewer System Piping); c. 3-18-2004 Policy Letter (Additional subdivision street requirements));*

- 11) *Compliance with Traffic Engineering comments (Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards);*
- 12) *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).);*
- 13) *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.);*
- 14) *Submission of a revised PUD site plan prior to the signing of the final plat; and*
- 15) *Full compliance with all other municipal codes and ordinances.*

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

- 1) *Retention of the minimum building setback line of 45-feet, as depicted on the preliminary plat;*
- 2) *Placement of a note on the final plat stating that the lot is limited to the existing curb-cut, with any changes to the size or design to be approved by Traffic Engineering and to comply with AASHTO standards;*
- 3) *Compliance with Engineering comments (The following comments should be addressed prior to acceptance and signature by the City Engineer: 1) Provide all of the required information on the Plat (i.e. signatures, certification statements, required notes). 2) Provide a signature from the Planning Commission, Owner(s) (notarized), and the Traffic Engineering Department. 3) Provide a drainage easement for the drainage ditch and vehicle access along the east and south property lines. Size and location to be approved by the City Engineer. 4) Add a note to the Plat stating that storm water detention will be required for any existing development (since 1984) that did not receive Land Disturbance permitting 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).);*
- 4) *Compliance with Traffic Engineering comments (Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards);*

- 5) 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).;*);
- 6) 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.;*);
- 7) Retention of the note on the final plat regarding endangered, threatened or otherwise protected species;
- 8) Depiction of any existing or proposed easements;
- 9) Submission of a revised PUD site plan prior to the signing of the final plat; and
- 10) Completion of the Subdivision process prior to any request for permits related to the proposed expansion.

LOCATOR MAP



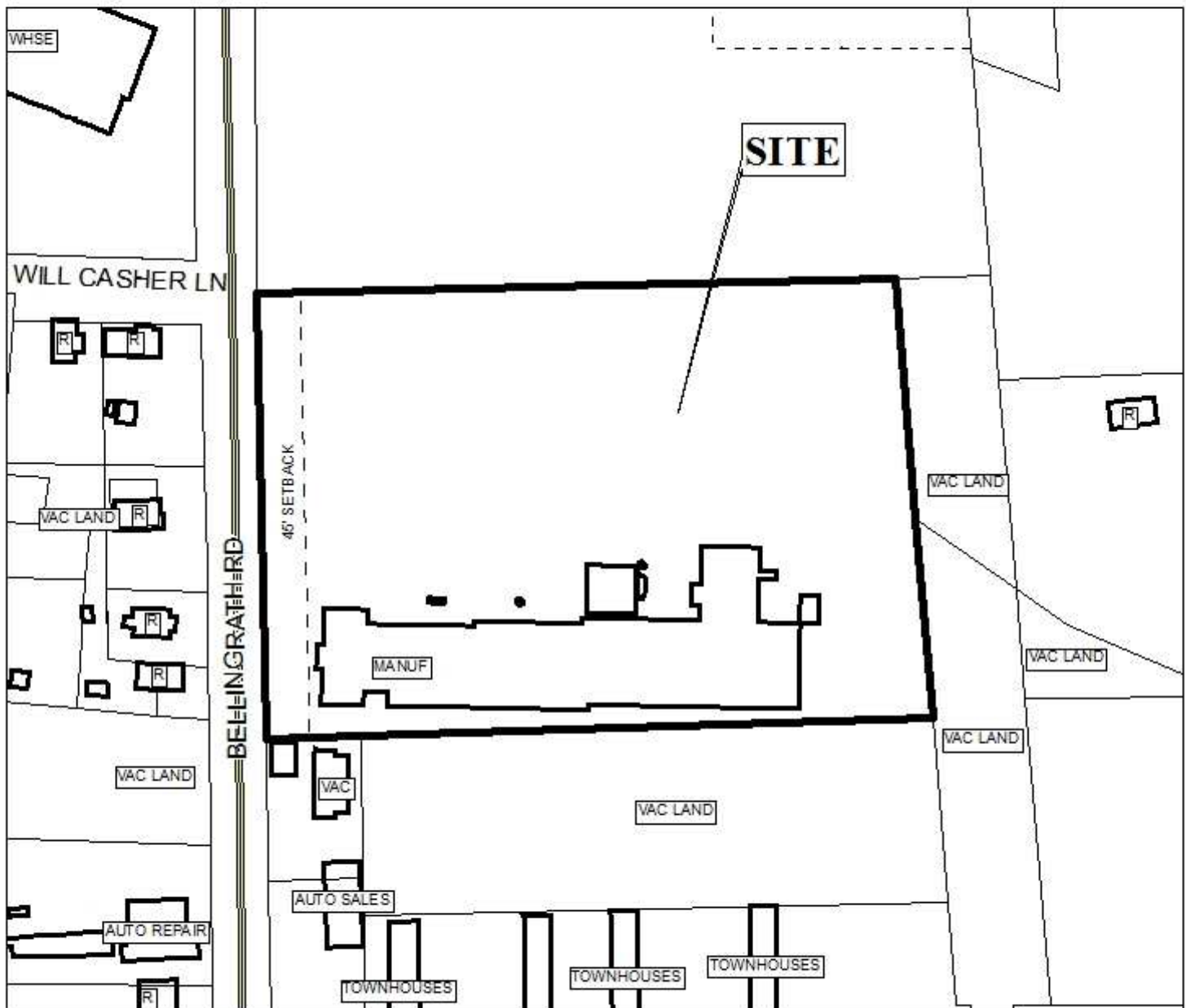
APPLICATION NUMBER 37, 38, & 39 DATE October 3, 2013

APPLICANT Mack Manufacturing Subdivision

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



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential and commercial units.

APPLICATION NUMBER 37, 38, & 39 DATE October 3, 2013

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REQUEST Subdivision, PUD, 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 |
|-----|-----|-----|-----|-----|-----|-----|-----|------|-----|-----|-----|-----|-----|-----|



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



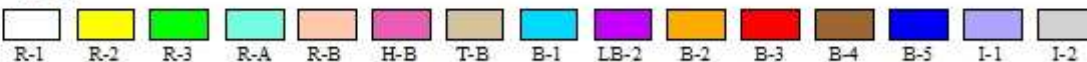
The site is surrounded by residential and commercial units.

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

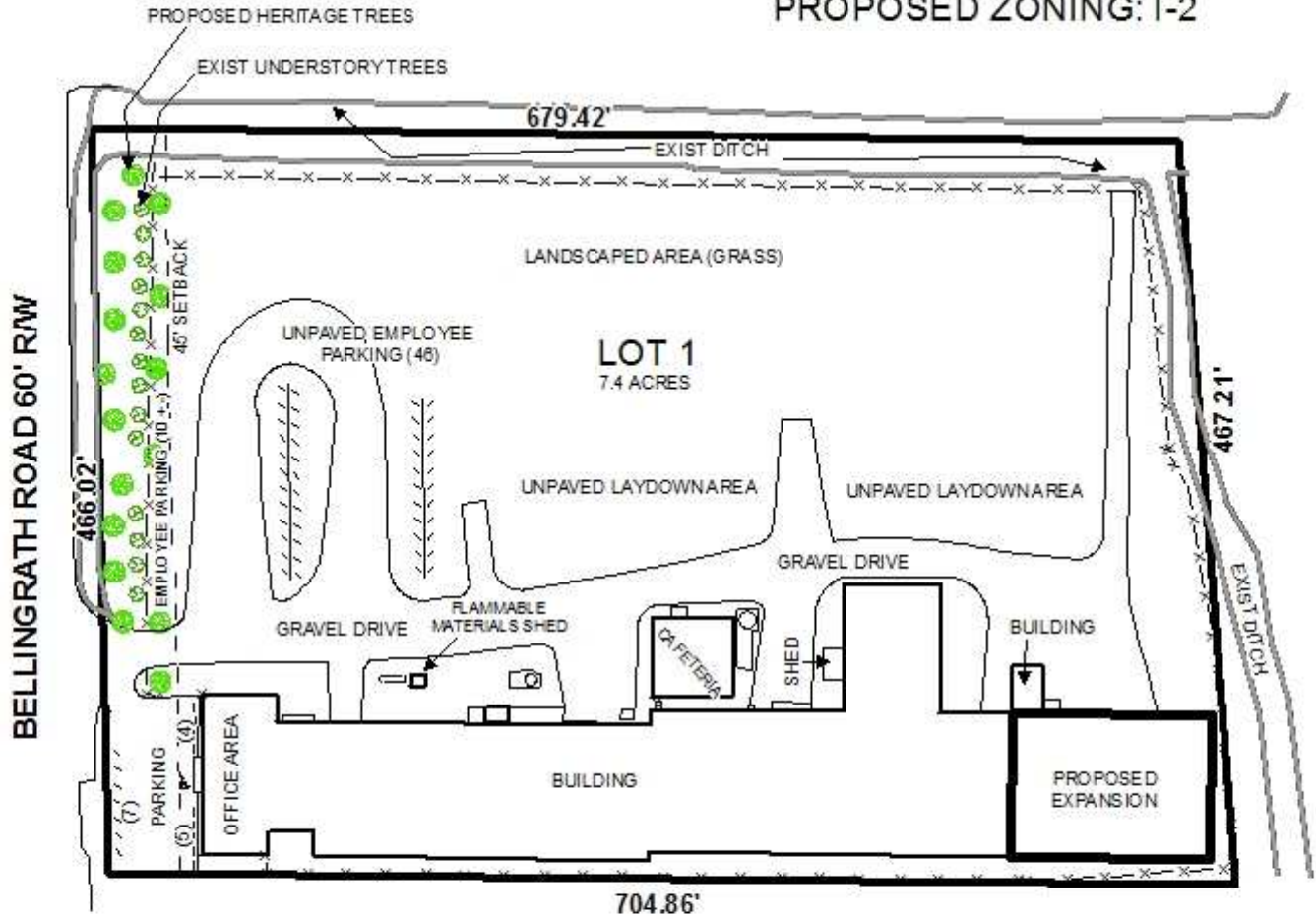
LEGEND



NTS

SITE PLAN

CURRENT ZONING: R-1
PROPOSED ZONING: I-2



The site plan illustrates the buildings, proposed building extension, setback, parking spaces, and the proposed and existing trees.

APPLICATION NUMBER 37, 38, & 39 DATE October 3, 2013

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REQUEST Subdivision, PUD, 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 | |

