



# Agenda Item # 1 - HOLDOVER

## ZON-003106-2024

View additional details on this proposal and all application materials using the following link:

[Applicant Materials for Consideration](#)

### DETAILS

**Location:**

Southeast corner of Commerce Boulevard East and  
Commerce Boulevard West

**Applicant / Agent:**

Mobile City Council

**Property Owner:**

Scannell Properties #727, LLC

**Current Zoning:**

B-5, Office Distribution District

**Proposed Zoning:**

R-1, Single-Family Residential Suburban District

**Future Land Use:**

Light Industry

**Applicable Codes, Policies, and Plans:**

- Unified Development Code
- Map for Mobile Comprehensive Plan

**Proposal:**

- Rezoning from B-5 to R-1
- **Rezoning Note:** Any use permitted in the proposed district would be allowed at this location if the zoning is approved. The Planning Commission may consider other zoning districts that the proposed sought by the applicant for this property.

**Commission Considerations:**

- Rezoning with four (4) conditions.


**Report Contents:**

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# PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL



The site is surrounded by industrial units and vacant land.

APPLICATION NUMBER <u>      1      </u> DATE <u>December 19, 2024</u>	 NTS
APPLICANT <u>Mobile City Council</u>	
REQUEST <u>Rezoning from B-5 to R-1</u>	

## HOLDOVER COMMENTS

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The application was heldover from the November 21<sup>st</sup> meeting to allow the Rezoning application to be heard concurrently with the revised Subdivision and Rezoning applications submitted by the property owner.

## HOLDOVER CONSIDERATIONS

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### Standards of Review:

The Unified Development Code (UDC) in 64-5-5.E. states that Rezoning applications are intended to carry out the objective of a sound, stable and desirable development and that casual change or amendment would be detrimental to the achievement of that objective.

The UDC goes on to say that zoning changes should be consistent with the Comprehensive Plan. However, the Comprehensive Plan and Future Land Use Plan (FLUP) and Map (FLUM) are meant to serve as a general guide, not a detailed lot and district plan; they are not a legal mandate for development. The FLUP and FLUM allow the Planning Commission and City Council to consider individual cases based on several factors including: surrounding development, classification requested, timing of the request, and the appropriateness and compatibility of the proposed use with the zoning classification.

The UDC states that an application for rezoning shall include a statement of the justification for the proposed amendment that addresses all of the following:

- A. Consistency. Whether the proposed amendment is consistent with the Comprehensive Plan;
- B. Mistake. For a Rezoning, whether there was a mistake or error in the original zoning map; and
- C. Compatibility. Whether the proposed amendment is compatible with:
  - (1) The current development trends, if any, in the vicinity of the subject property;
  - (2) Surrounding land uses;
  - (3) Would adversely impact neighboring properties; or
  - (4) Cause a loss in property values.
- D. Health, Safety and General Welfare. Whether the proposed amendment promotes the community's public health, safety, and general welfare;
- E. Capacity. Whether the infrastructure is in place to accommodate the proposed amendment; and
- F. Change. Whether changed or changing conditions in a particular area make an amendment necessary and desirable.
- G. Benefits Consideration. In addition, consideration should also be given to the City's and the larger community's best interests and the need, benefit, or public purpose of the proposed request.

The applicant's responses to address the above criteria are available in the link on page one (1).

### Considerations:

If the Planning Commission considers a recommendation of approval of the request to the City Council to Rezone the site to R-1, the following conditions could apply:

1. Completion of the Subdivision process;
2. Compliance with the development provisions of Article 3 of the UDC;
3. Compliance with all Engineering, Traffic Engineering, Urban Forestry, and Fire Department comments noted in this staff report; and,



4. Full compliance with all other municipal codes and ordinances.

## SITE HISTORY

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The site has been the subject of subdivisions while it was within the Planning Jurisdiction. After its 2009 annexation into the City, portions of the property were subsequently assigned R-A, Residential Agricultural District, B-5, Office Distribution District, I-1, Light Industry District, and I-2, Heavy Industry District zoning classifications. Since then, there have been several subdivisions of portions of the site and related rezoning requests.

On October 20, 2022, the Commission approved Todd Acres Industrial Park Subdivision, a five (5)-lot subdivision with an associated rezoning to I-2 for portions of the site. That subdivision approval subsequently expired.

At the September 21, 2023, meeting the Planning Commission approved Todd Acres Industrial Park Subdivision, Resubdivision of Lots 1 & 4, and an associated rezoning from B-5, Office-Distribution District, and I-2 Heavy Industry District, to B-5, Office-Distribution District. However, the City Council denied the rezoning, and the subdivision was neither signed nor recorded in Mobile County Probate Court. A subsequent rezoning action by the City Council was approved on January 9, 2024, however, several scrivener's errors prevented implementation of the zoning change.

At the September 19, 2024, meeting the Planning Commission approved Todd Acres Industrial Park Subdivision, creating seven (7) legal lots of record from five (5) metes-and-bounds parcels. The site retained its current zoning of R-A, Residential Agriculture District, B-5, Office Distribution District, and I-2, Heavy Industry District. The Planning Commission approved the proposed subdivision.

No portions of the site have ever been before the Board of Zoning Adjustment.

## STAFF COMMENTS

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### 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 Permitting Department (251-208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII).
2. A Land Disturbance Permit application shall be submitted for any proposed land disturbing activity with the property. A complete set of construction plans including, but not limited to, drainage, utilities, grading, storm water detention systems and paving will need to be included with the Land Disturbance permit. This Permit must be submitted, approved, and issued prior to beginning any of the construction work.
3. Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.
4. A 25' riparian buffer may be required, during development, along the edge of anything considered by ADEM to be a water of the state.
5. Any existing or proposed detention facility shall be maintained as it was constructed and approved. The Land Disturbance Permit application for any proposed construction includes a requirement of a Maintenance and Inspection Plan (signed and notarized by the Owner) for the detention facility. This Plan shall run with the land and be recorded in the County Probate Office prior to the Engineering Department issuing their approval for a Final Certificate of Occupancy.

6. The approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. The Owner/Developer is responsible for acquiring all of the necessary permits and approvals.
7. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

### **Traffic Engineering Comments:**

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Any required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Article 3, Section 64-3-12 of the City's Unified Development Code.

### **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 [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.

### **Fire Department Comments:**

All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2021 International Fire Code). Fire apparatus access is required to be within 150' of all non-sprinklered commercial buildings and within 300' of all sprinklered commercial buildings. Fire water supply for all commercial buildings will be required to meet the guidance of Appendices B and C of the 2021 International Fire Code. The minimum requirement for fire hydrants is to be within 400' of non-sprinkled commercial buildings, within 600' of sprinkled commercial buildings, and within 100' of fire department connections (FDC) for both standpipes and sprinkler systems.

### **Planning Comments:**

The purpose of this application is to rezone the subject site from B-5, Office Distribution District to R-1, Single-Family Residential, per a request from the Mobile City Council.

The site abuts a property to the North that is currently zoned B-5 and is developed with a warehouse and office space; to the South, an undeveloped I-2 property; to the East, an R-1 property is developed residentially; and to the West, an undeveloped I-2 property. The land uses around this property are General Commercial Business and Industrial in nature, with Residential uses along Rabbit Creek.

The surrounding property to the South and West are part of a 500-acre industrial park that is to be developed as a warehousing and distribution center for products going through the Port of Mobile.

Article 5, Section 64-5-5.B.1.(a) allows City Council to initiate the rezoning of a property. The request at hand is to rezone a commercially zoned property to R-1 to serve as a buffer between adjacent residential development and the proposed industrial park. Upon its own motion the City Council has considered the rezoning to be appropriate. It should be noted that if approved, the site will be subject to the applicable use and development provisions for properties in an R-1 zoning classification. Adjacent commercial and industrial properties will be subject to the applicable buffer protection requirements when located next to residentially zoned property.

## REZONING CONSIDERATIONS

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### Standards of Review:

The Unified Development Code (UDC) in 64-5-5.E. states that Rezoning is intended to carry out the objective of a sound, stable and desirable development and that casual change or amendment would be detrimental to the achievement of that objective.

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- K. Health, Safety and General Welfare. Whether the proposed amendment promotes the community's public health, safety, and general welfare;
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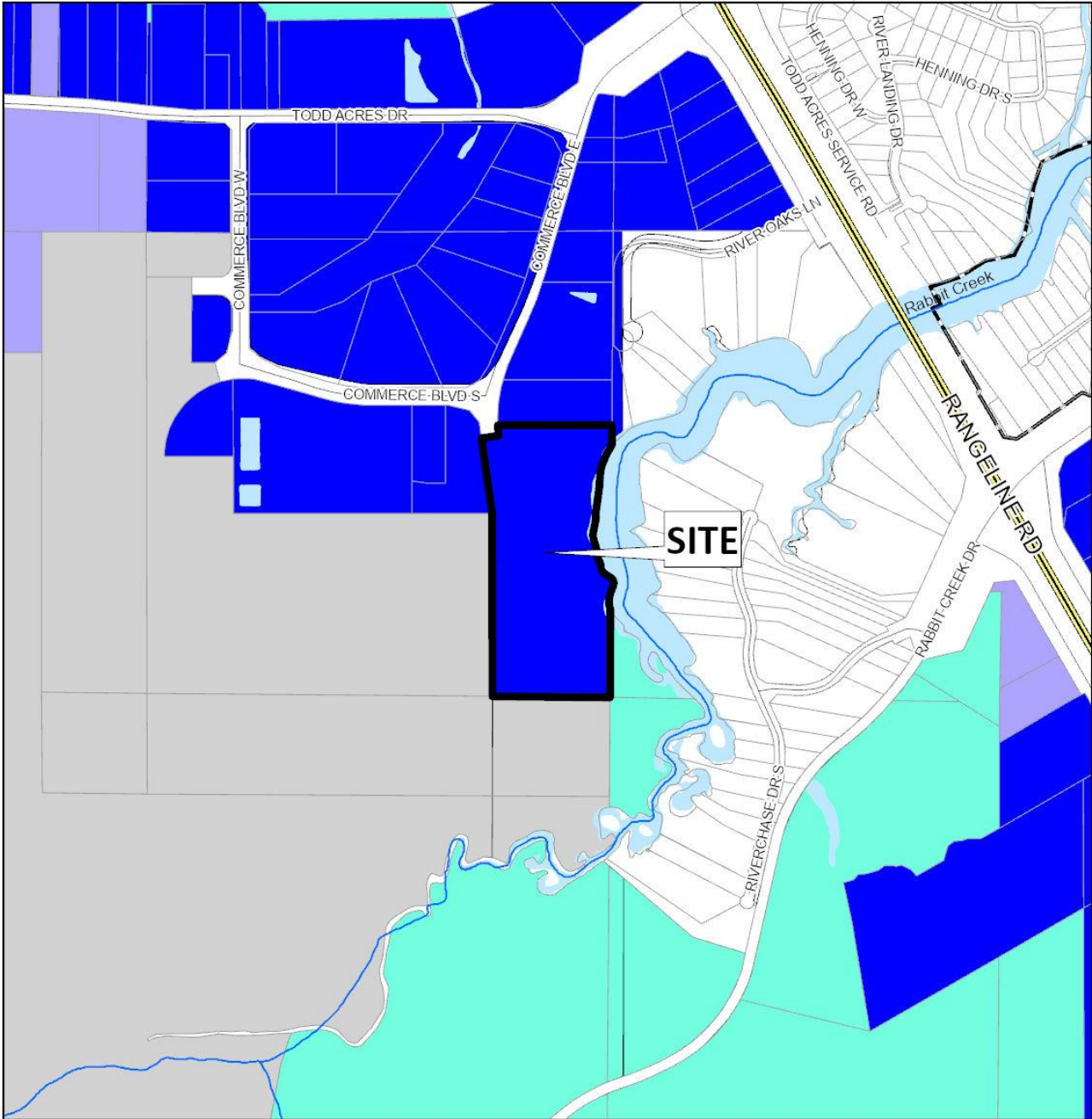
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### Considerations:

If the Planning Commission considers a recommendation of approval of the request to the City Council to Rezone the site to R-1, the following conditions could apply:

- 5. Completion of the Subdivision process;
- 6. Compliance with the development provisions of Article 3 of the UDC;
- 7. Compliance with all Engineering, Traffic Engineering, Urban Forestry, and Fire Department comments noted in this staff report; and,
- 8. Full compliance with all other municipal codes and ordinances.

# LOCATOR ZONING MAP

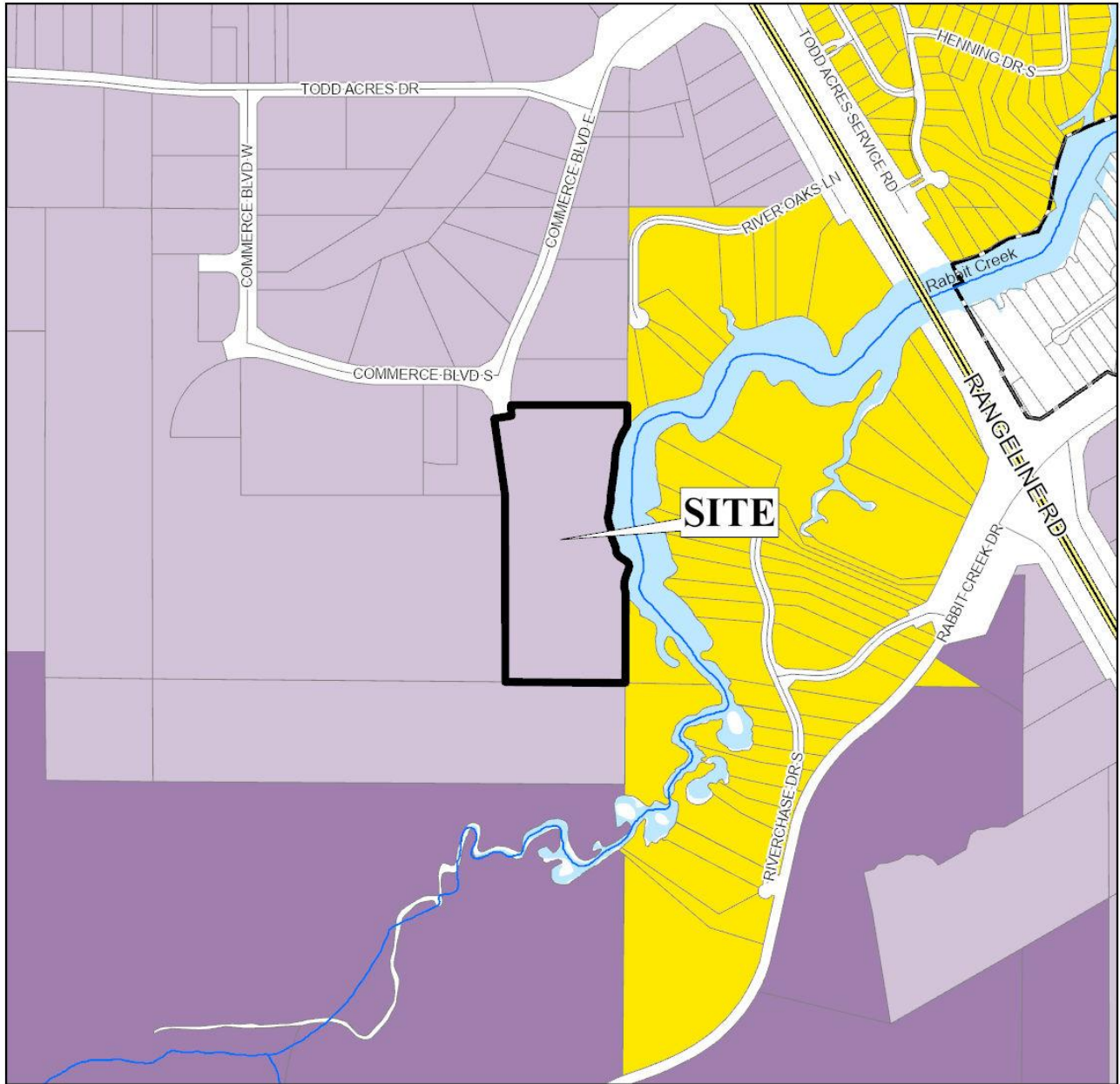


APPLICATION NUMBER	1	DATE	December 19, 2024
APPLICANT	Mobile City Council		
REQUEST	Rezoning from B-5 to R-1		





# FLUM LOCATOR MAP



APPLICATION NUMBER 1 DATE December 19, 2024

APPLICANT Mobile City Council

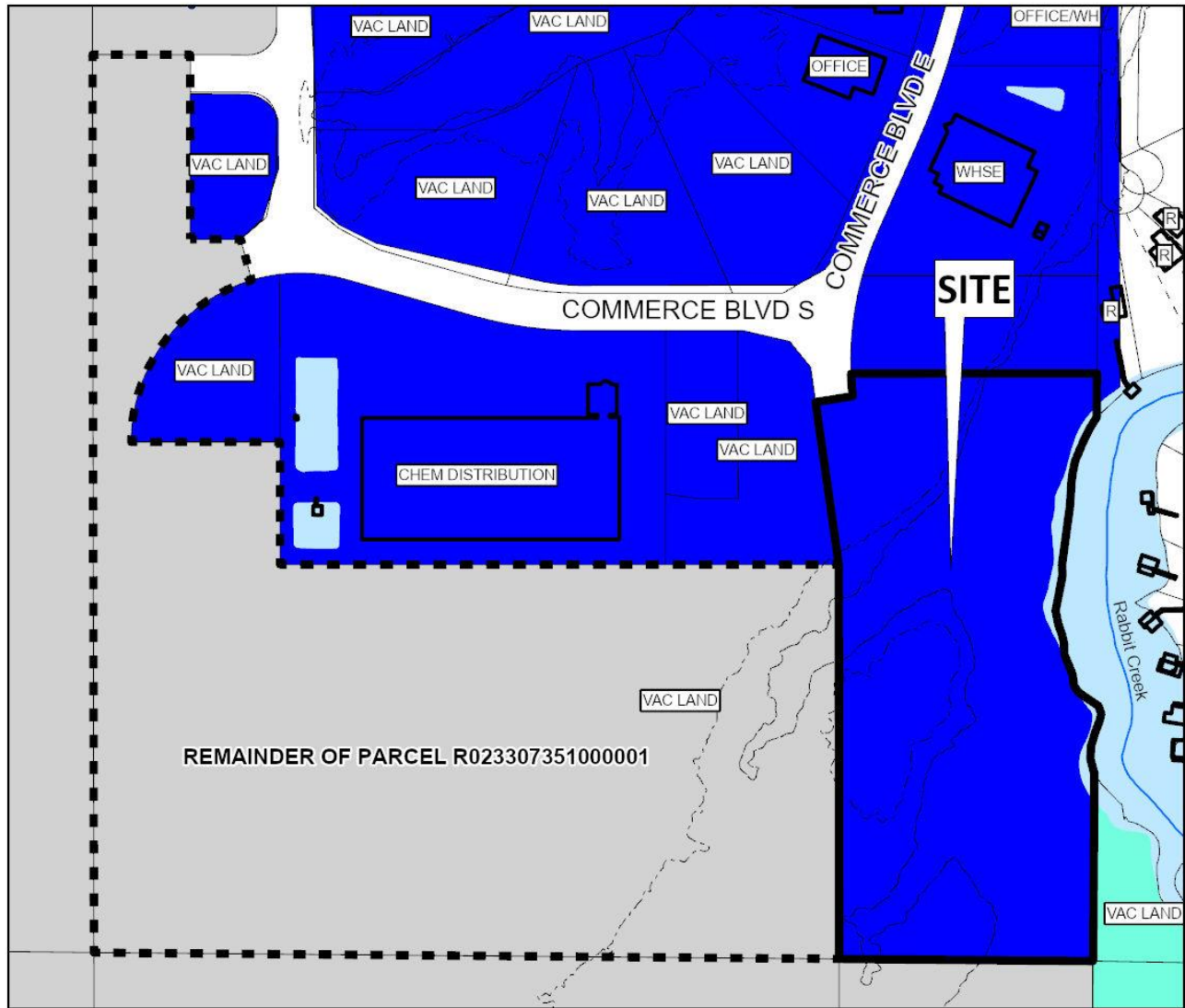
REQUEST Rezoning from B-5 to R-1

- |   |  |  |   |
|---|--|--|---|
| <span style="color: yellow;">■</span> Low Density Residential   | <span style="color: red;">■</span> Neighborhood Center - Traditional | <span style="color: brown;">■</span> Downtown Waterfront | <span style="color: green;">■</span> Parks & Open Space |
| <span style="color: orange;">■</span> Mixed Density Residential | <span style="color: blue;">■</span> Neighborhood Center - Suburban   | <span style="color: lightgrey;">■</span> Light Industry  | <span style="color: darkblue;">■</span> Water Dependent |
| <span style="color: pink;">■</span> Downtown                    | <span style="color: magenta;">■</span> Traditional Corridor          | <span style="color: purple;">■</span> Heavy Industry     |   |
| <span style="color: red;">■</span> District Center              | <span style="color: orange;">■</span> Mixed Commercial Corridor      | <span style="color: cyan;">■</span> Institutional        |   |





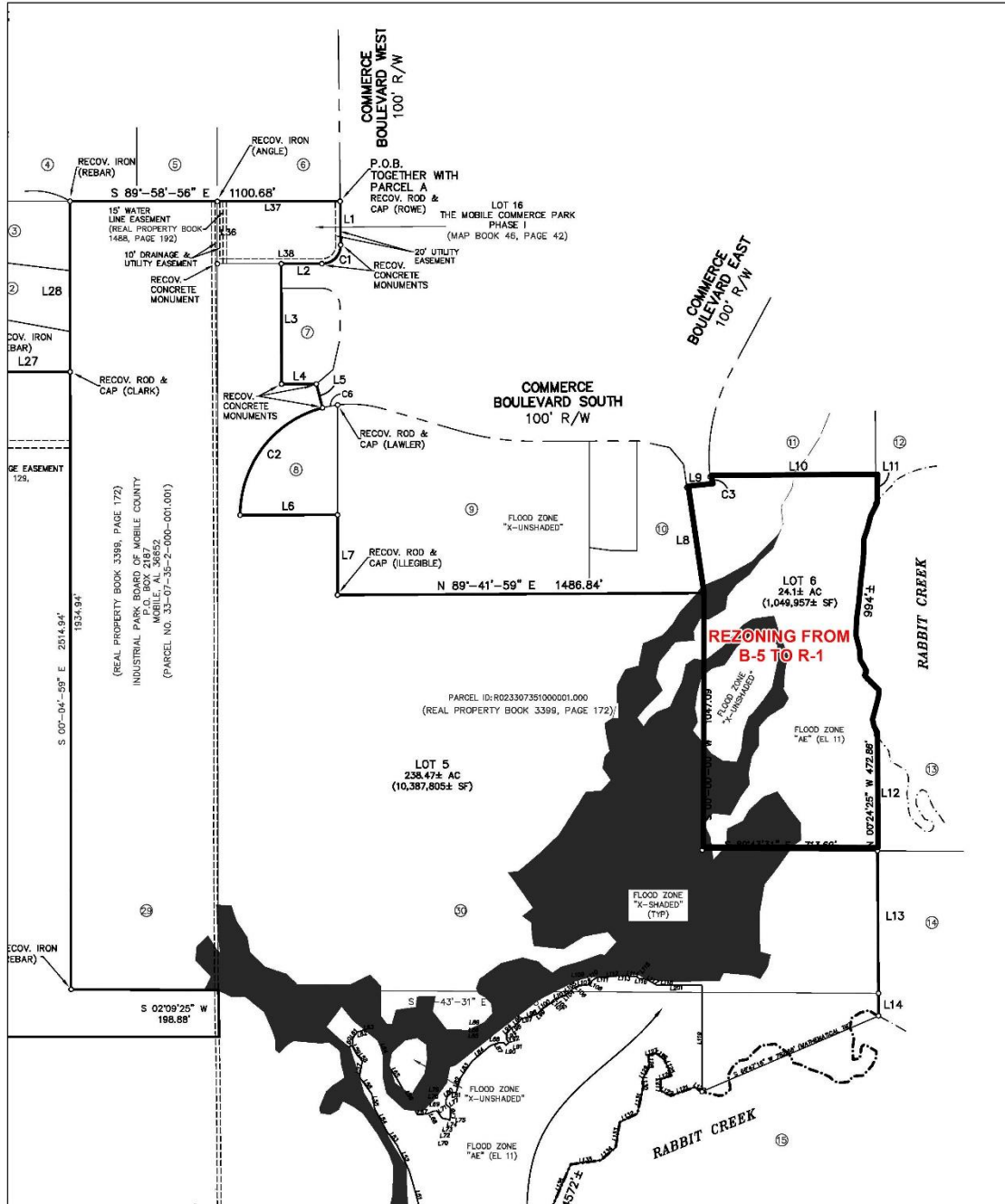
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# SITE PLAN



The site plan illustrates the proposed rezoning property boundaries and flood zones.

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APPLICANT	Mobile City Council			
REQUEST	Rezoning from B-5 to R-1			

ZONING DISTRICT CORRESPONDENCE MATRIX		LOW DENSITY RESIDENTIAL (LDR)	MIXED DENSITY RESIDENTIAL (MXDR)	DOWNTOWN (DT)	DISTRICT CENTER (DC)	NEIGHBORHOOD CENTER - TRADITIONAL (NC-T)	NEIGHBORHOOD CENTER - SUBURBAN (NC-S)	TRADITIONAL CORRIDOR (TC)	MIXED COMMERCIAL CORRIDOR (MCC)	LIGHT INDUSTRIAL (LI)	HEAVY INDUSTRY (HI)	INSTITUTIONAL LAND USE (INS)	PARKS & OPEN SPACE (POS)	DOWNTOWN WATERFRONT (DW)	WATER DEPENDENT USES (WDWRU)
RESIDENTIAL - AG	R-A														
ONE-FAMILY RESIDENCE	R-1	■				■		■					□		
TWO-FAMILY RESIDENCE	R-2	■				■		■					□	○	
MULTIPLE-FAMILY	R-3	○	■			■	■						□	○	
RESIDENTIAL-BUSINESS	R-B		○			■		■					□	○	
TRANSITIONAL-BUSINESS	T-B		○		■	■	■	■					□		
HISTORIC BUSINESS	H-B			■		■		■					□		
VILLAGE CENTER	TCD					■	■						□		
NEIGH. CENTER	TCD					■	■						□		
NEIGH. GENERAL	TCD					■							□		
DOWNTOWN DEV. DDD	T-6			■									□		
DOWNTOWN DEV. DDD	T-5.1			■		■		□					□		
DOWNTOWN DEV. DDD	T-5.2			■		■							□		
DOWNTOWN DEV. DDD	T-4			■		■		□					□		
DOWNTOWN DEV. DDD	T-3			■		■							□		
DOWNTOWN DEV. DDD	SD-WH									○	○		□		
DOWNTOWN DEV. DD	SD	○	○	○	○	○	○	○		○	○		□		
BUFFER BUSINESS	B-1		□			□	■	■	■				□	○	
NEIGH. BUSINESS	B-2		○			□	■	■	■				□	○	
LIMITED BUSINESS	LB-2		○			□	■	■	■				□	○	
COMMUNITY BUSINESS	B-3				■				■			○	□	○	
GEN. BUSINESS	B-4			■					■			○	□	○	
OFFICE-DISTRIBUTION	B-5								■	■			□	□	
LIGHT INDUSTRY	I-1									■			□	□	□
HEAVY INDUSTRY	I-2										■		□		□

**Zoning District Correspondence Matrix**

- Directly Related
- Elements of the zoning category are related to the future LU category, but with qualifications (such as a development plan with conditions)
- Land use category is appropriate, but the district does not directly implement the category (e.g., open space in an industrial district)

## LIGHT INDUSTRY (LI)

This land use designation applies to an array of modern, low-impact industrial uses that include assembly and processing, warehousing, distribution and wholesaling facilities. The bulk of the light industrial use must be contained within a building or facility. If a light industrial use requires outside storage, the storage must be limited in area and appropriately screened from view in accordance to specific zoning requirements. This designation may also include uses such as complementary offices and retail.

LI also includes areas that may be regarded as "industrial business", where the land uses include business administration and logistics operations for industrial concerns, building trade contractors facilities and advance research facilities, as well as stand-alone educational, scientific and industrial research facilities, or any combination of those facilities located in light industrial and technology parks. Many parcels used for industrial business are smaller and scattered throughout Mobile. For this reason, these parcels are not singled out in the FLUM, but rather are addressed through zoning.

Light industrial uses are characterized by attractive, accessible and connected development, compatible with the character of surrounding neighborhoods. Development may take the form of planned campuses in park-like settings or unified design corridors, with consideration to factors such as site and building orientation, building design, landscaping and buffering, lighting, continuity of pedestrian networks, access and connectivity to transit and to freight transportation.

Heavy commercial and, in some cases, high-density residential land uses may serve as transitions between LI and other, lower-intensity land use designations. Protection buffers may also be required by zoning.