

APPLICATION NUMBER

5415

A REQUEST FOR

USE VARIANCE TO ALLOW A WATER BOTTLING FACILITY, HEAVY EQUIPMENT PARKING, AND ABOVE-GROUND FUEL STORAGE AND DISPENSING IN A B-3, COMMUNITY BUSINESS DISTRICT; THE ZONING ORDINANCE REQUIRES I-1, LIGHT INDUSTRY DISTRICT FOR A BOTTLING FACILITY, B-5, OFFICE-DISTRIBUTION DISTRICT FOR HEAVY EQUIPMENT PARKING, AND I-2, HEAVY INDUSTRY DISTRICT WITH PLANNING APPROVAL FOR ABOVE-GROUND FUEL STORAGE TANKS WITH DISPENSING FACILITIES.

LOCATED AT

4725 MOFFETT ROAD

(South side of Moffett Road at the South terminus of Shelton Beach Road Extension)

APPLICANT/AGENT

MOBILE AREA WATER AND SEWER SYSTEM

OWNER

**THE BOARD OF WATER AND SEWER COMMISSIONERS
OF THE CITY OF MOBILE**

BOARD OF ZONING ADJUSTMENT

MAY 2007

The applicant is requesting a Use Variance to allow a water bottling facility, heavy equipment parking, and above-ground fuel storage and dispensing in a B-3, Community Business District; the Zoning Ordinance requires I-1, Light Industry District for a bottling facility, B-5, Office-Distribution District for heavy equipment parking, and I-2, Heavy Industry District with Planning Approval for above-ground fuel storage tanks with dispensing facilities.

The Mobile Area Water and Sewer System plans to remodel the vacant former Delchamps grocery store portion of the Park Forest Shopping Center to be used as a West Mobile office, service center, and water bottling facility. Approximately $\frac{3}{4}$ of the building is planned for the applicant's use and the remainder for future tenant lease space. The remainder of the shopping center will continue to be lease units. Exterior modifications proposed include a customer drive-up payment window on the East end of building. Site modifications include the proposed above-ground fuel storage tanks and dispensing facilities, and heavy equipment parking, both to be located on the East side of the site South of the existing bank building. and parking lot landscaping and curbing modifications.

The proposed water bottling facility would occupy approximately 3,850 square feet (12%±) of the applicant's space in the old grocery store building. The operation would produce approximately 200,000 plastic bottles of water per year, mainly for promotional purposes, and would not produce noise or odors and would not use any chemicals in the process. The applicant states that deliveries of empty bottles, caps, and labels would occur on a minimal basis (several times per year), and distribution of full bottles would occur only several times per month and the delivery/distribution process would be less frequent than the previous daily delivery process associated with the prior grocery store. The entire water bottling operation would have far less impact than a large-scale operation such as a soft drink bottling plant and would be considered more as an accessory use to the main office and service center use.

The applicant proposes to construct a 1.5 acre± fenced compound on the East side of the site to contain the heavy equipment parking, above-ground fuel storage tanks, and dispensing facilities. The heavy equipment would consist of approximately ten "combo trucks" which are basically large vacuum cleaner/water jet sewer line cleaners. Loading of water into the trucks would occur on the West side of the site and disposal of recovered sewer line sludge would occur off-site. It is stated that the diesel engines of the vehicles are not louder than the eighteen wheelers used to deliver supplies to the prior grocery store. A combination 19' wide landscaped buffer and 6' high wooden privacy fence are proposed to control objectionable sounds from the trucks. The applicant states that the heavy trucks are critical to the departments being relocated to the new facility.

Two scenarios have been proposed by the applicant for the above-ground fuel storage tanks. The primary scenario consists of three tanks: two 10,000 gallon tanks and one 5,000 gallon tank. The alternate to three tanks would be two 12,000 tanks, and two 5,000 gallon tanks. The tanks would contain on-road diesel, off-road diesel, and gasoline. All proposed tanks would be double-walled and insulated with a 2-hour rating for exposure to a burning hydrocarbon pool fire. The tanks would be physically protected from vehicle impact by pipe bollards and would be located 50' from the East property line. The applicant states that the fuel dispensing equipment can only be operated by its personnel with proper credentials preventing vandals from creating fuel spills. Physical safeguards around the dispensing facility are planned such as pipe bumpers, anti-siphon and pressure relief valves, and a fire/impact shear valve. It is contended that since the Ordinance allows automotive service stations in B-3 districts, the proposed fuel storage and dispensing facilities would be similar.

With regard to the proposed heavy truck parking and fuel storage/dispensing facility, the compound for such would be located directly adjacent to a recently developed single-family residential subdivision with approximately a 75' separation from the property line to the truck parking stalls and a 50' separation from the property line to the fuel tanks. The refueling pump island canopy would be approximately 100' from the property line. The primary intent of the Zoning Ordinance is to promote harmonious development within the City. Inasmuch as the support facilities proposed are vital to the public services provided by the applicant, to allow a B-5 and I-2 use to be located at this particular location on the subject site within such proximity to residential use could hardly be considered harmonious, even with the safeguards proposed by the applicant..

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Furthermore, the applicant must present sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement of the Ordinance will result in an unnecessary hardship. The Ordinance also states that a variance should not be approved unless the spirit and intent of the Ordinance is observed and substantial justice done to the applicant and the surrounding neighborhood.

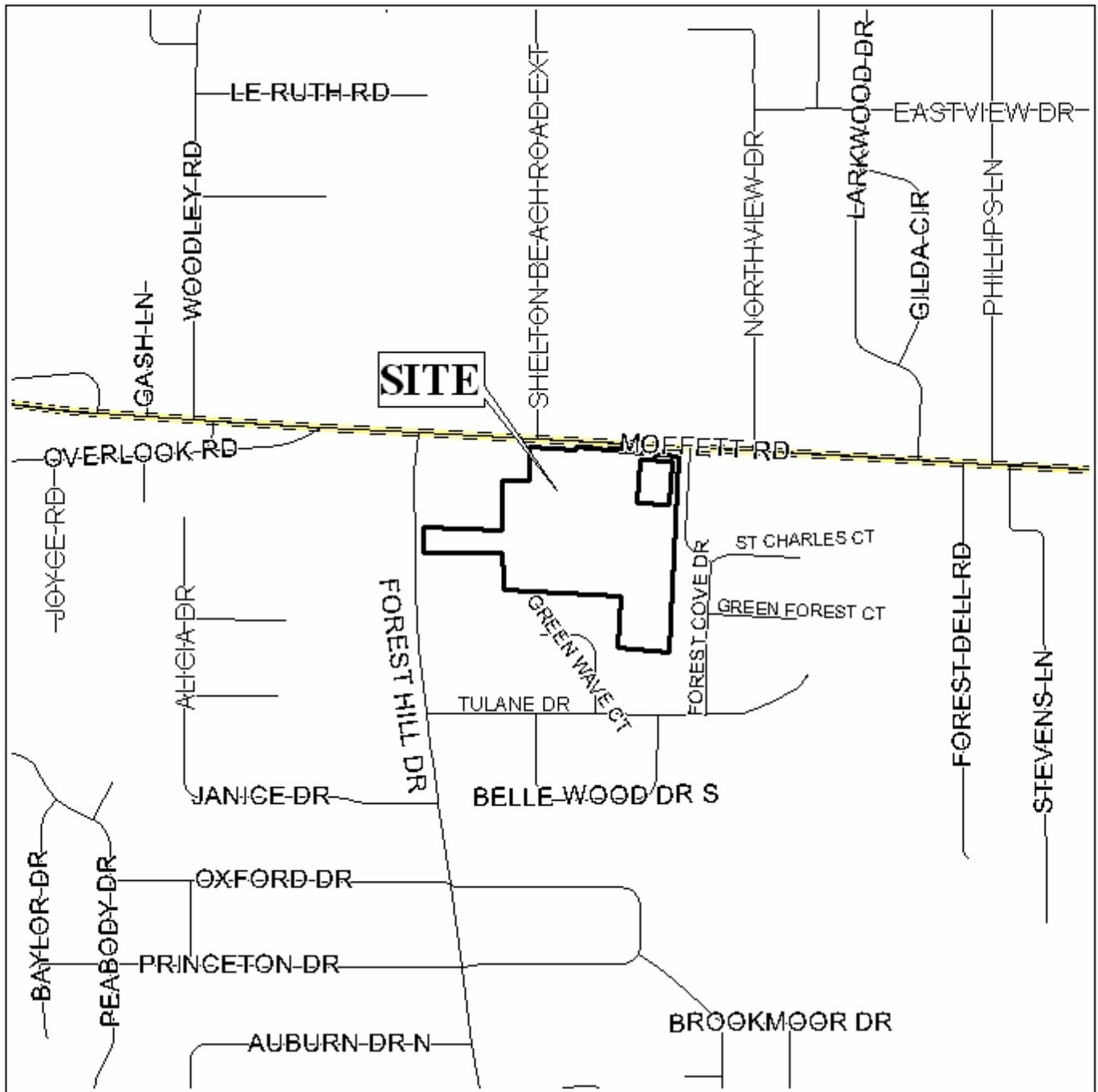
Variations are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined from the facts and circumstances of each application.

The applicant has illustrated that the proposed water bottling facility would not be contrary to the health and general welfare of the community and the Board should consider this aspect of the variance request for approval. The applicant failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship with regard to the location of the proposed heavy equipment parking and above-ground fuel storage tanks/dispensing facilities and the Board should consider this aspect of the variance request for denial.

RECOMMENDATION 5415**May 7, 2007**

Based on the preceding, the request to allow a water bottling facility is recommended for approval. The request to allow heavy equipment parking and above-ground fuel storage tanks with dispensing facilities is recommended for denial.

LOCATOR MAP



APPLICATION NUMBER 5415 DATE May 7, 2007

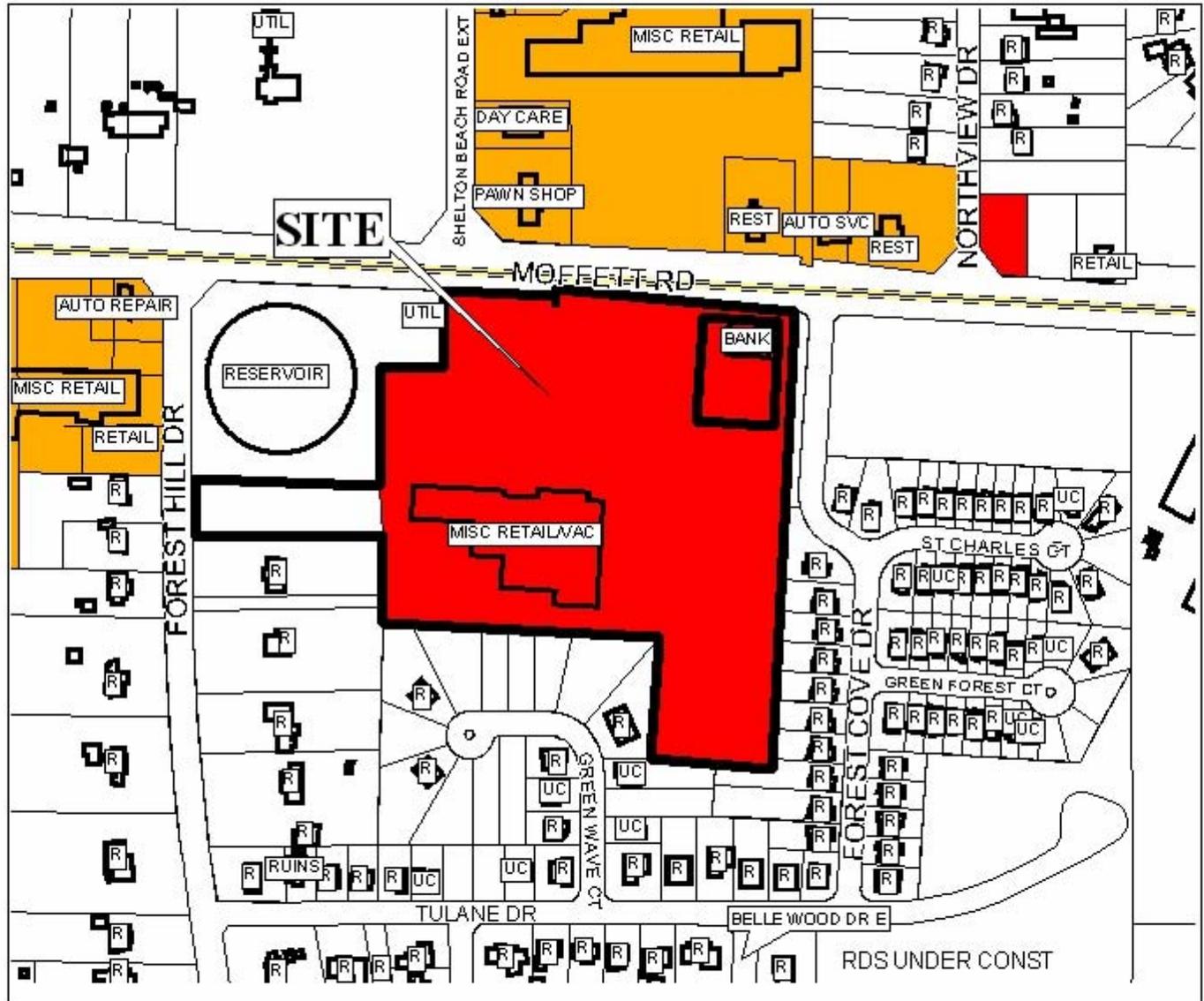
APPLICANT Mobile Area Water and Sewer System

REQUEST Use Variance



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



A bank is located within the site boundary on a separate parcel, single family residential units are to the east, south and west of the site. Miscellaneous retail located to the west and north.

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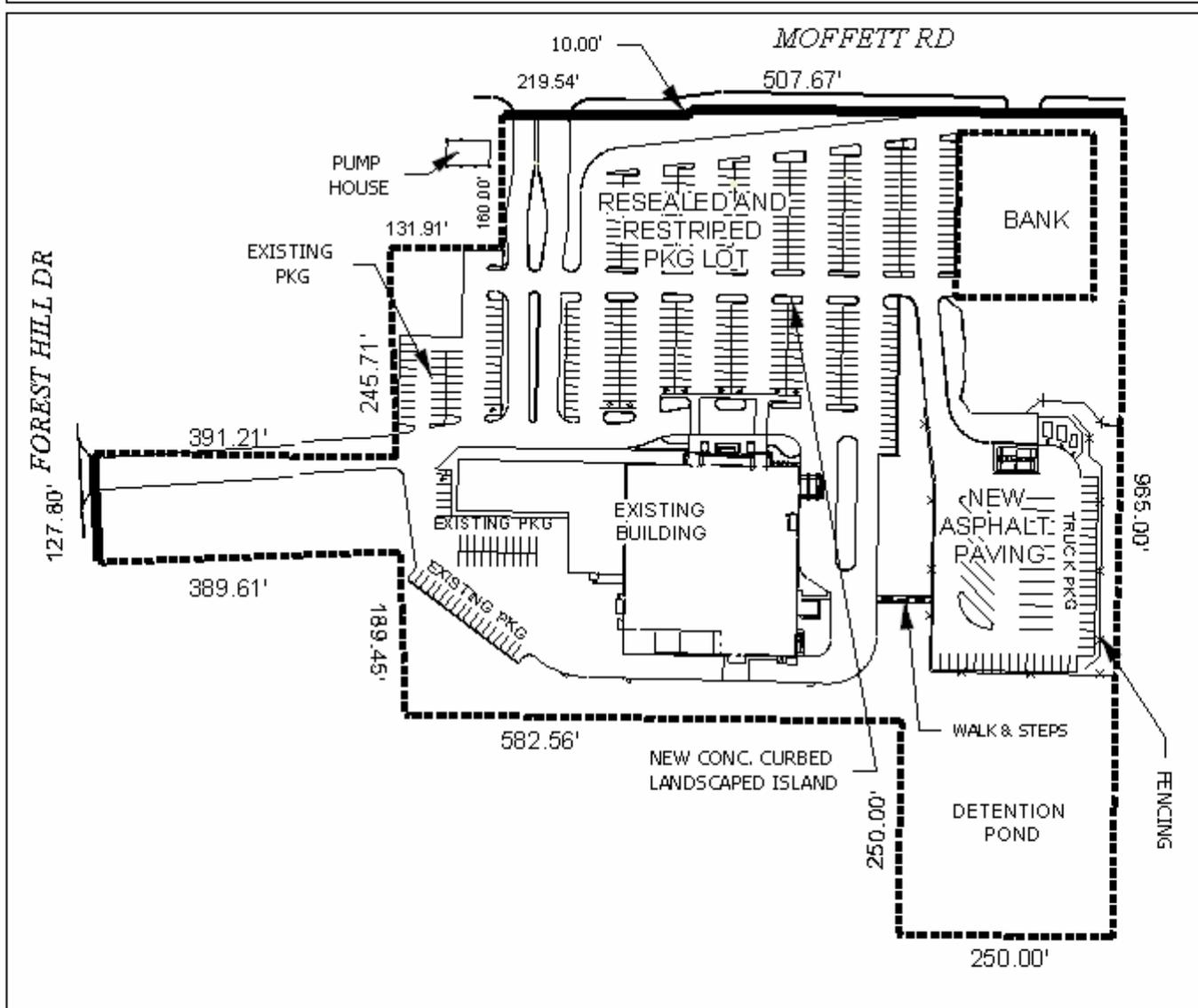
LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2
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SITE PLAN



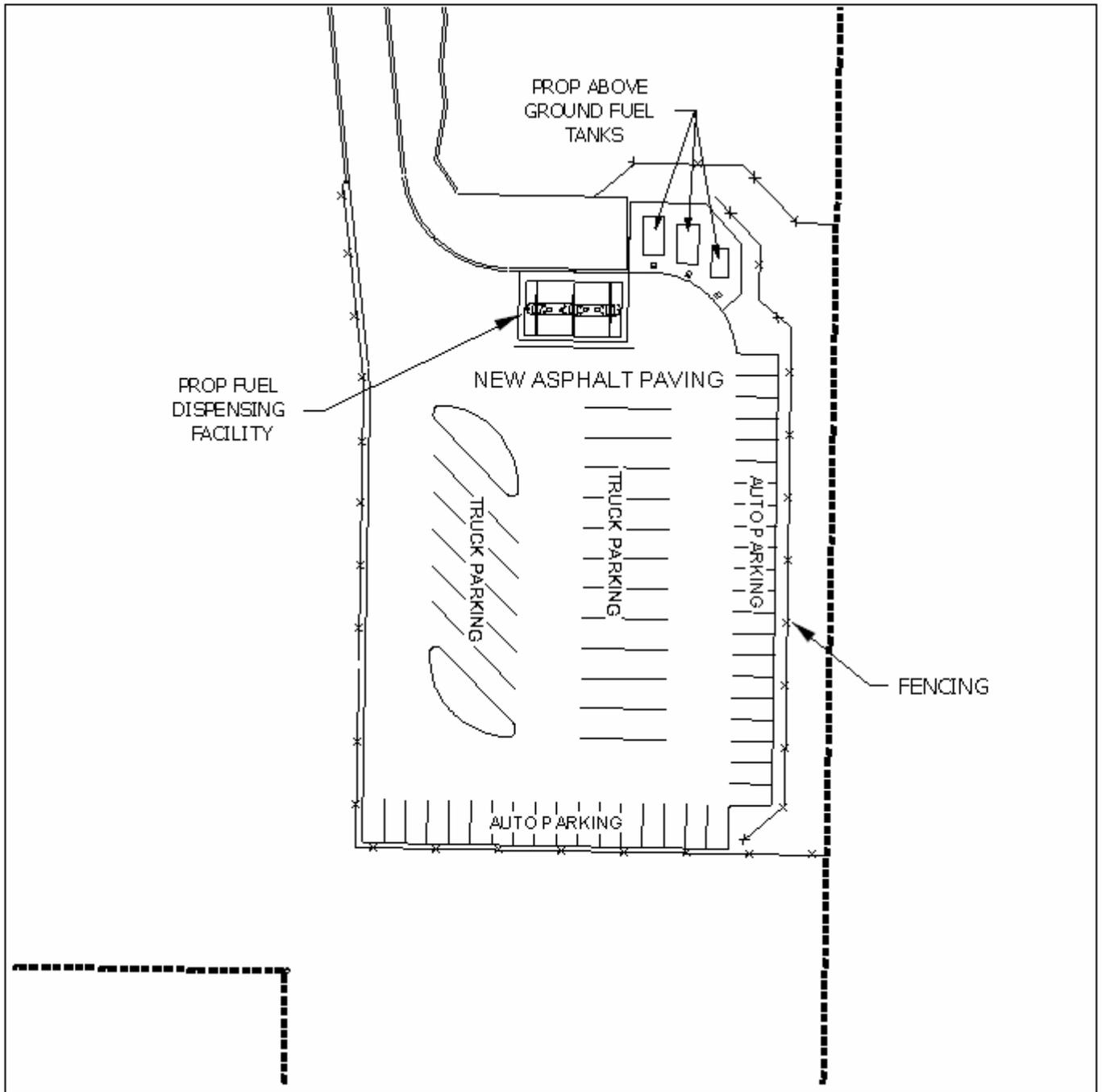
The site plan illustrates asphalt parking, buildings, and curbed landscaped islands.

APPLICATION NUMBER 5415 DATE May 7, 2007
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TRUCK PARKING DETAIL



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