

ZONING AMENDMENT STAFF REPORT**Date: June 17, 2010****APPLICANT NAME**

Wall Timber, LLC

LOCATION

North side of Wall Street, 375'± West of Hillcrest Road.

**CITY COUNCIL
DISTRICT**

Council District 6

PRESENT ZONING

B-1, Buffer Business District

PROPOSED ZONING

B-3, Community Business District

AREA OF PROPERTY

1.1± Acres

CONTEMPLATED USE

Rezoning from B-1, Buffer Business District, to B-3, Community Business District, to allow a medical complex for light distribution of medical, dental and hospital equipment.

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**

Construction to start as soon as plans are complete with estimated completion in six months.

**ENGINEERING
COMMENTS**

There is to be no fill placed within the limits of the flood plain without providing compensation. Must comply with all storm water and flood control ordinances. The construction of any new dumpster pads will require connection to sanitary sewer, cannot discharge to storm sewer. 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. Standard driveway width is twenty-four feet with twenty foot radii. Changes should be made to the driveway to meet the standard.

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 rezoning from B-1, Buffer Business District, to B-3, Community Business District, to allow a medical complex for light distribution of medical, dental and hospital equipment.

The site is bounded to the North by undeveloped land (zoned B-1), to the West by general offices (zoned B-1) and further West more general offices (zoned B-2), to the East a skate center (zoned B-3) and across Wall Street to the South by undeveloped land (zoned B-2).

The entire site appears to be depicted as commercial 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 Zoning Ordinance states that an amendment is to be made only when one or more of the following conditions prevail: 1) there is a manifest error in the ordinance; 2) changes in conditions in a particular area make a change in the ordinance necessary and desirable; 3) an increased need for business or industrial sites in addition to sites that are available make it necessary and desirable to rezone an area or extend the boundaries of an existing district; 4) the subdivision of land into urban building sites makes reclassification necessary and desirable.

It should be pointed out that the applicant has not provided any justification for rezoning. The applicant simply states that the lot borders an area along Hillcrest Road that is primarily zoned B-3, and that there is a need for additional B-3 zoning in the area. It should be further noted that the businesses with B-3 zoning have frontage along Hillcrest Road; thus, this does not justify that conditions are changing on Wall Street.

It should be noted that the applicant has proposed to make all the necessary improvements to bring the property into compliance with the commercial site requirements of the Zoning Ordinance. Typically, when a specific site (versus a broad area) is considered by the Planning Commission for rezoning, a condition of the rezoning is to bring the site(s) into compliance with all requirements of the Zoning Ordinance, which in this case would include trees, landscaping and paved parking.

It should also be pointed out that a large area of floodway and flood zone exists on the Eastern portion of the site.

RECOMMENDATION

Based on the preceding, the application is recommended for denial for the following reason:

- 1) justification for the rezoning request stating which of the conditions as outlined in Section 64-9 of the Zoning Ordinance are occurring.

Revised for the June 17th meeting:

This application was held over at the May 20th meeting to allow the applicant to submit a narrative justifying the request for the rezoning.

The applicant provided a letter justifying the request for rezoning. The applicant also submitted zoning maps showing the existing B-3 in the vicinity to illustrate that the proposed site is contiguous with B-3 zoning districts. The applicant states that all existing B-3 parcels are fully developed consequently there is an increased need for additional B-3 sites in the area. The applicant also states that it has been stated in the previous report that B-3 zoning should be located on a major street; however, Piccadilly Square Drive shown on the map submitted illustrates that not all B-3 zoning districts are located on a major street. The applicant points out that there are numerous other areas in the City that are zoned B-3, which are not located on a major street and have functioned without any major problems. Examples include the Downtowner/Midmost Drive area and the Lakeside/Butler Drive area. The applicant further states that the proposed use of the site is light warehouse distribution and should not generate tractor trailer type traffic.

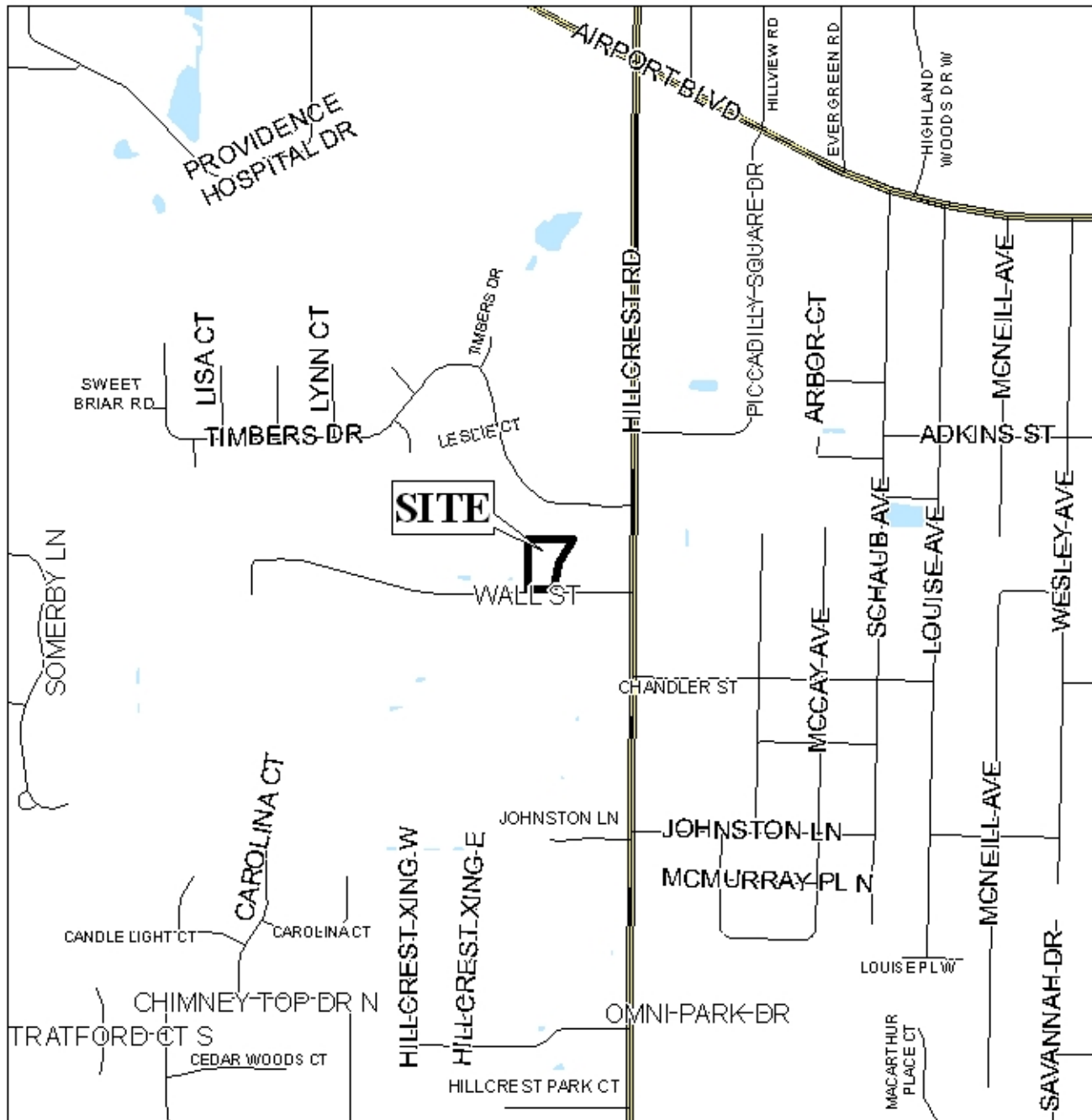
It should be noted that the applicant's statement regarding the increased need for additional B-3 sites and all existing B-3 parcels being fully developed is not true due to the fact that there is an undeveloped parcel of land zoned B-3 located approximately 220' to the North on Timbers Drive. It should further be noted that the Piccadilly Square Drive area was approved as a composite rezoning not an individual parcel rezoning. The Downtowner/Midmost Drive and the Lakeside/Butler Drive area are both large commercial districts that fall under the B-3 designation of the Zoning Ordinance. It should be noted that the applicant did not state how the medical equipment they order will be delivered to the site, if not by tractor trailer. Furthermore, it should be noted that any use permitted in the proposed district would be allowed at this location if the zoning is changed including an auto repair shop or a tattoo parlor. It should also be pointed out that the applicant is considering voluntary use restrictions.

RECOMMENDATION

Based on the preceding, the application is recommended for denial for the following reason:

- 1) justification for conditions of rezoning does not comply with Section 64-9 of the Zoning Ordinance.

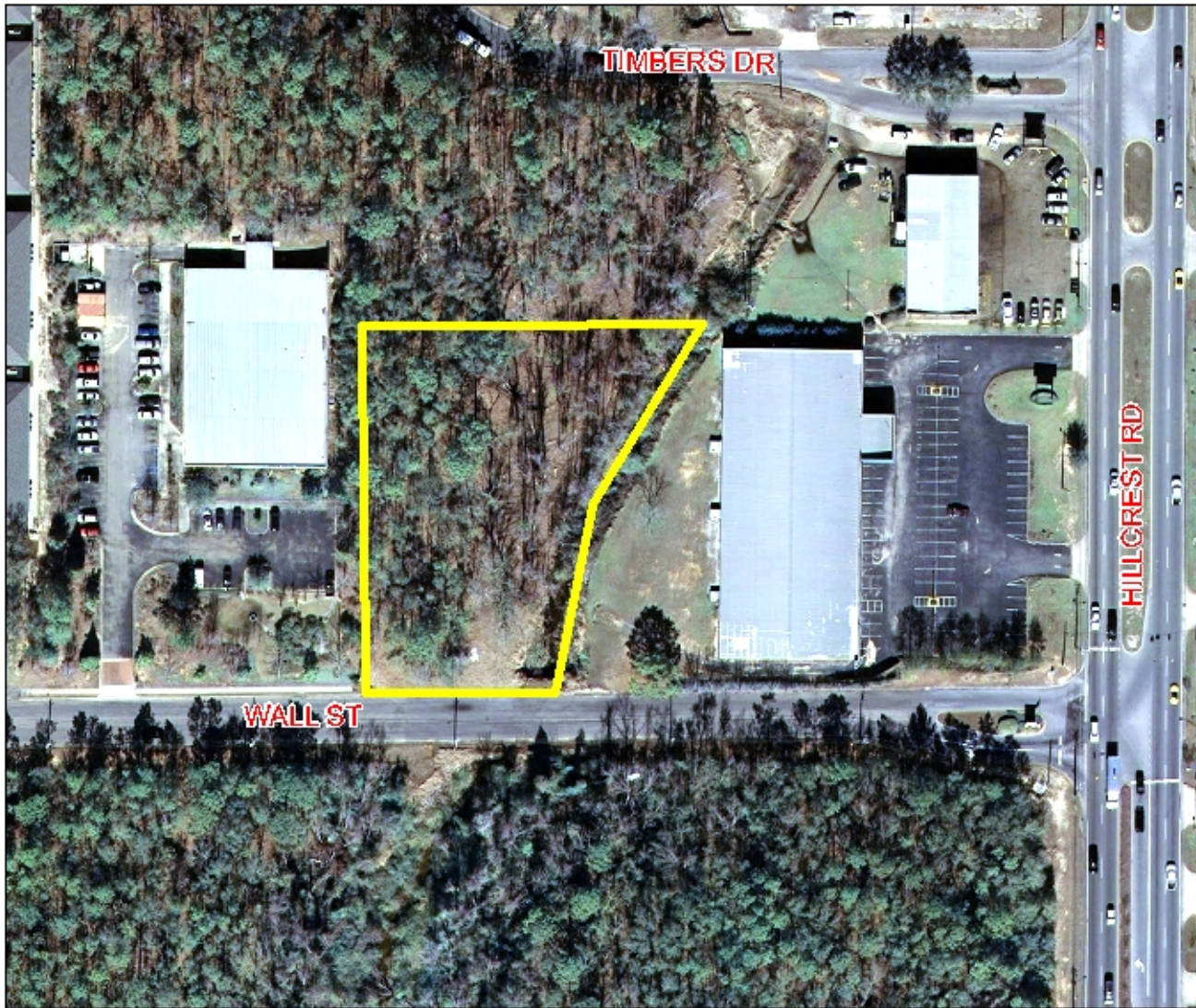
LOCATOR MAP



APPLICATION NUMBER 1 DATE June 17, 2010
 APPLICANT Wall Timber, LLC
 REQUEST Rezoning from B-1 to B-3



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING

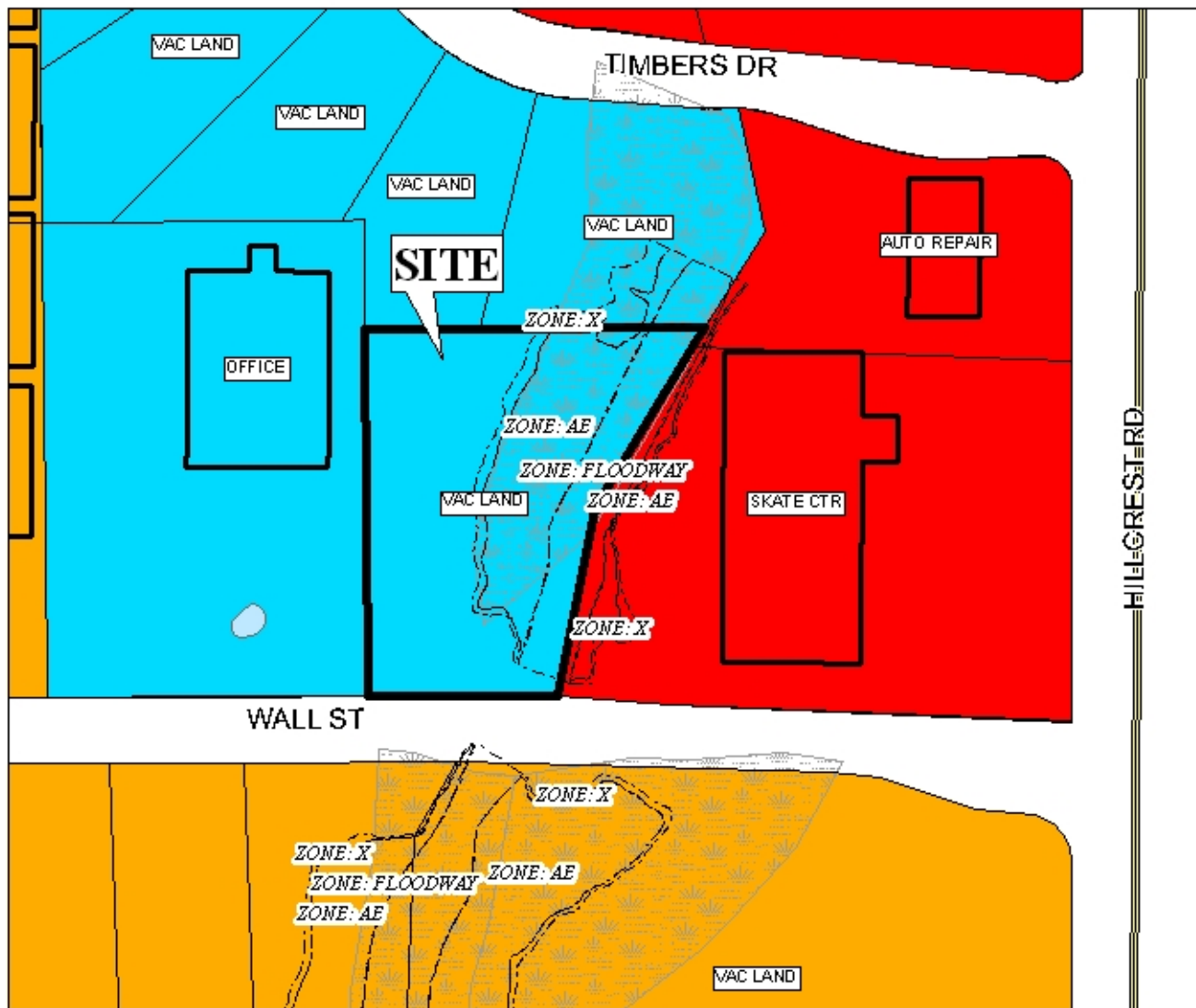


There is an office west of the site and a skate center to the east.

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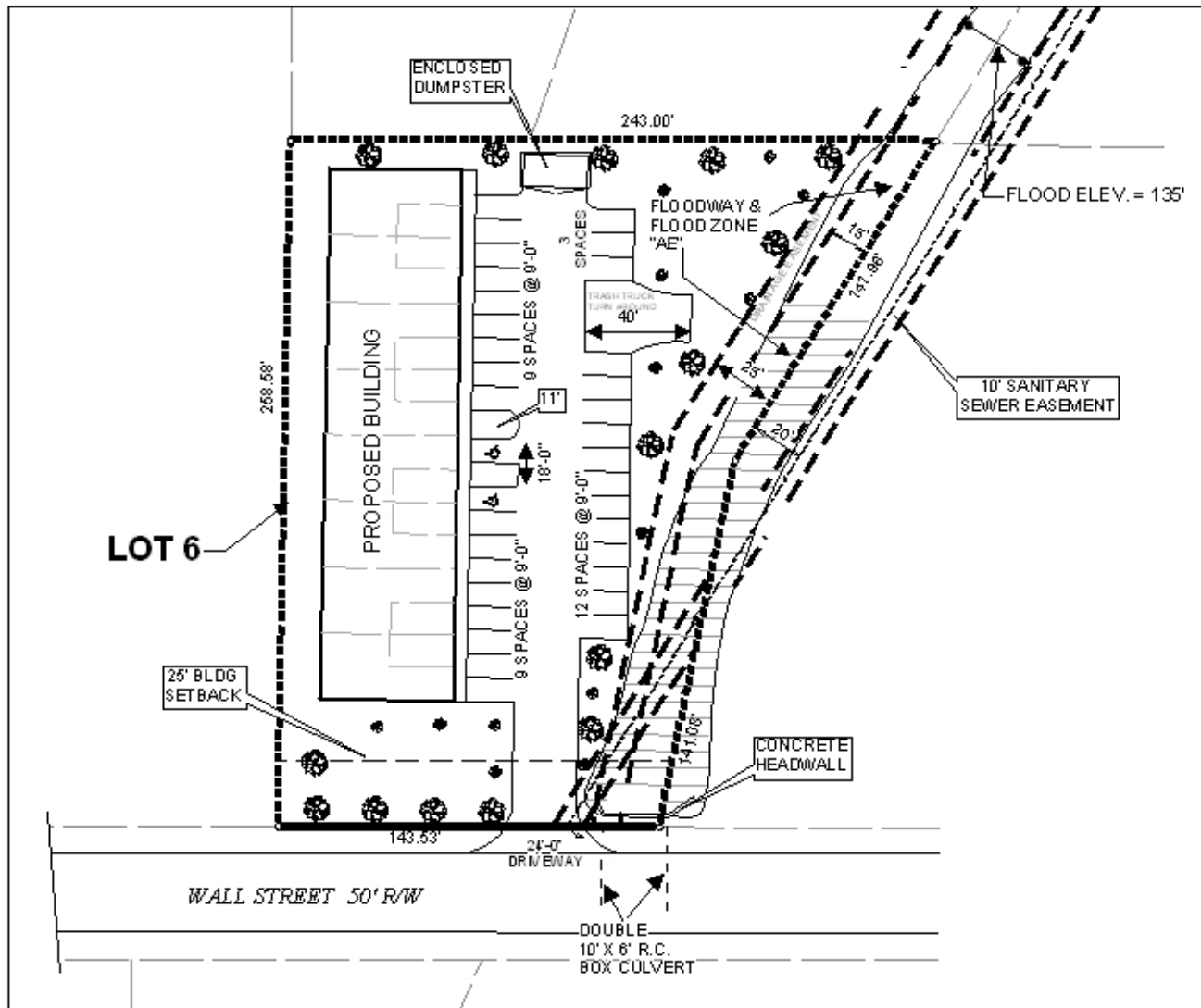
REQUEST Rezoning from B-1 to B-3

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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SITE PLAN



The site plan illustrates the proposed building, easements, culverts, and drives.

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