

REZONING STAFF REPORT**Date: November 4, 2004****APPLICANT NAME**

Mobile Fence Company, Inc.

LOCATION4308 Halls Mill Road
(North side of Halls Mill Road, 120'± West of the
North terminus of Riviere du Chien Road)**CITY COUNCIL
DISTRICT**

District 4

PRESENT ZONING

R-1, Single-Family Residential

PROPOSED ZONING

B-3, Community Business

AREA OF PROPERTY

0.5± Acres

CONTEMPLATED USEFence Company (Existing)
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**

Existing

**ENGINEERING
COMMENTS**

Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit.

**TRAFFIC ENGINEERING
COMMENTS**

Driveway number, sizes, 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 (City Code Chapters 57 and 64 and State Act 61-929).

REMARKS

The applicant is requesting rezoning of the site from R-1 to B-3 to be in conformance with the actual use of the property – a fence company.

This area is shown on the General Land Use component of the Comprehensive Plan as industrial. 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.

Halls Mill Road is considered a Collector Street and as such requires a minimum right-of-way of 70'. Additionally, as a collector street, access management is a concern. Currently, the site has an existing continuous curb cut, with parking that backs into the right-of-way. Requiring that the parking and circulation be reconfigured to eliminate parking that backs into the right-of-way and limiting the site to one curb cut, with the size location and design to be approved by the Traffic Engineering Department, would be appropriate.

The site is surrounded by B-3 zoning, which will accommodate the existing use. Therefore, rezoning of the site would seem logical.

While B-3 zoning may be appropriate for the site, there are several issues with the development. The applicant has expanded the business onto the rear of the adjacent property, adding another structure and additional storage. This expansion occurred without proper approvals or permits. In October 2003, the applicant applied for a pre-move permit prior to moving the structure onto the site. The permit was denied and the applicant advised that rezoning, PUD and Subdivision approvals would be required before permits could be issued. In December 2003, a zoning investigation found that the structure had been moved onto the site, and a Notice of Violation was then issued.

In July 2004, an application for Administrative PUD was submitted. The applicant was advised that other applications were needed, and the application was subsequently withdrawn. After the withdrawal, a follow-up zoning investigation and consultation resulted in an extension. On October 4 a citation was issued with a court date of November 8.

Further complicating the issue, the site was the subject of a subdivision application in December 2001. The purpose of that application was to include a portion of the property adjacent to the West into the rear of the site. The staff recommendation included: 1) the dedication of sufficient right-of-way to provide 35' from the centerline of Halls Mill Road; 2) placement of a note on the final plat stating that Lots 1 & 2 are limited to one curb cut each to Halls Mill Road, with the size, location and design to be approved by Traffic Engineering Department; 3) compliance with Section V.A.7, of the Subdivision Regulations along the West property line; 4) the completion of the rezoning process prior to the recording of the final plat; and 5) the provision of 25' minimum building setback lines on the final plat. The application was withdrawn prior to the Planning Commission meeting at the applicant's request.

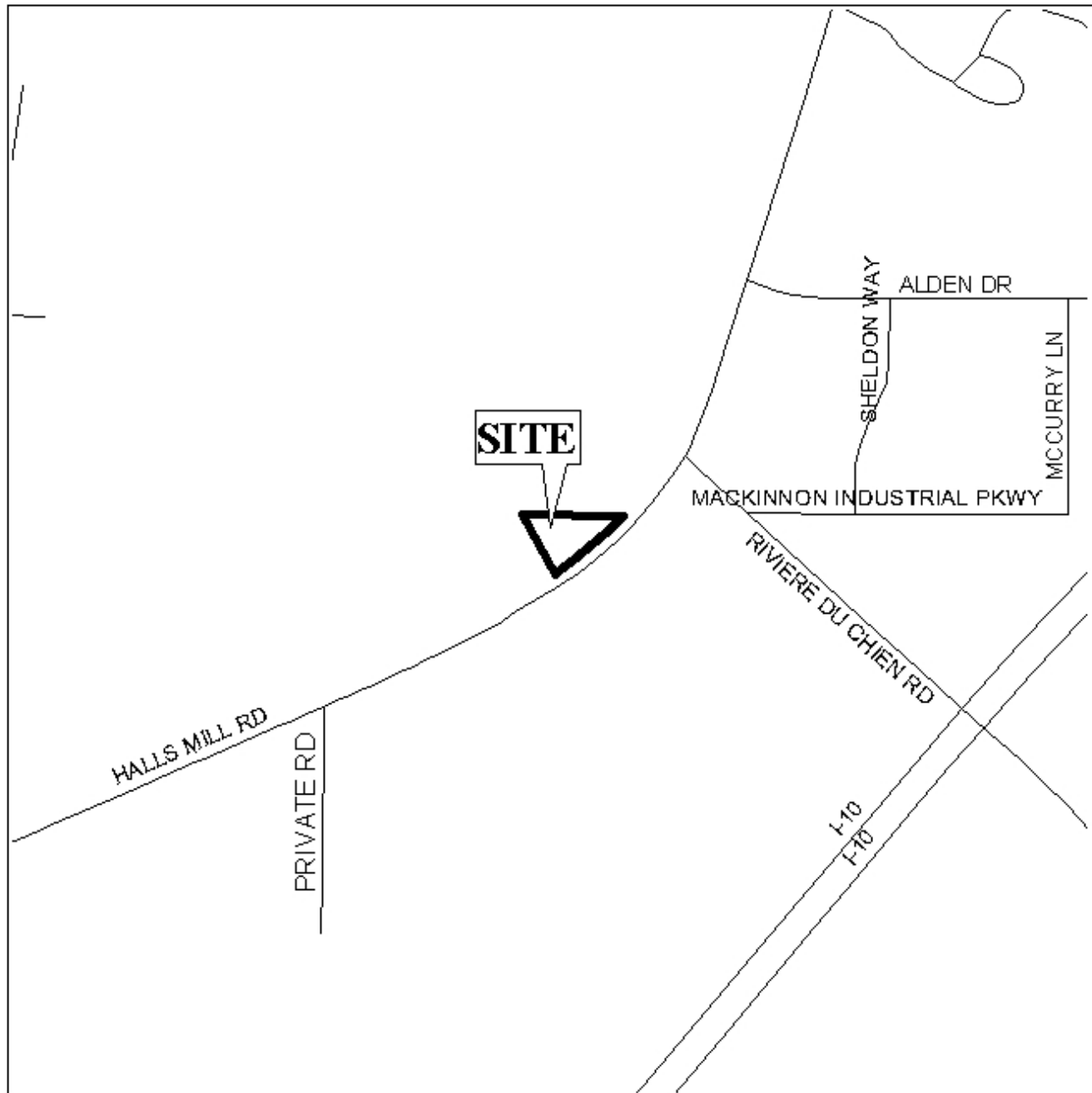
The rear portion of the adjacent property that was to be included in the applicant's site is currently being used as part the site in question and thus, should be incorporated into the site via a subdivision. Also, because an additional structure has been added, PUD approval is needed.

Typically, it would be recommended to holdover the rezoning application to allow submission of the subdivision and PUD applications. However, in this particular case, because the rezoning is to some degree a non-issue, and in order to best serve the applicant and the City of Mobile, the rezoning could be recommended for approval provided the necessary application are submitted and the processes completed prior to the issuance of any permits.

RECOMMENDATION

Based on the preceding, it is recommended that this application be approved subject to the following conditions: 1) dedication of sufficient right-of-way to provide a minimum of 35' from centerline of Halls Mill Road; 2) submission of the necessary subdivision and PUD applications; 3) completion of the subdivision process prior to the issuance of any permits; and 4) full compliance with all municipal codes and ordinances.

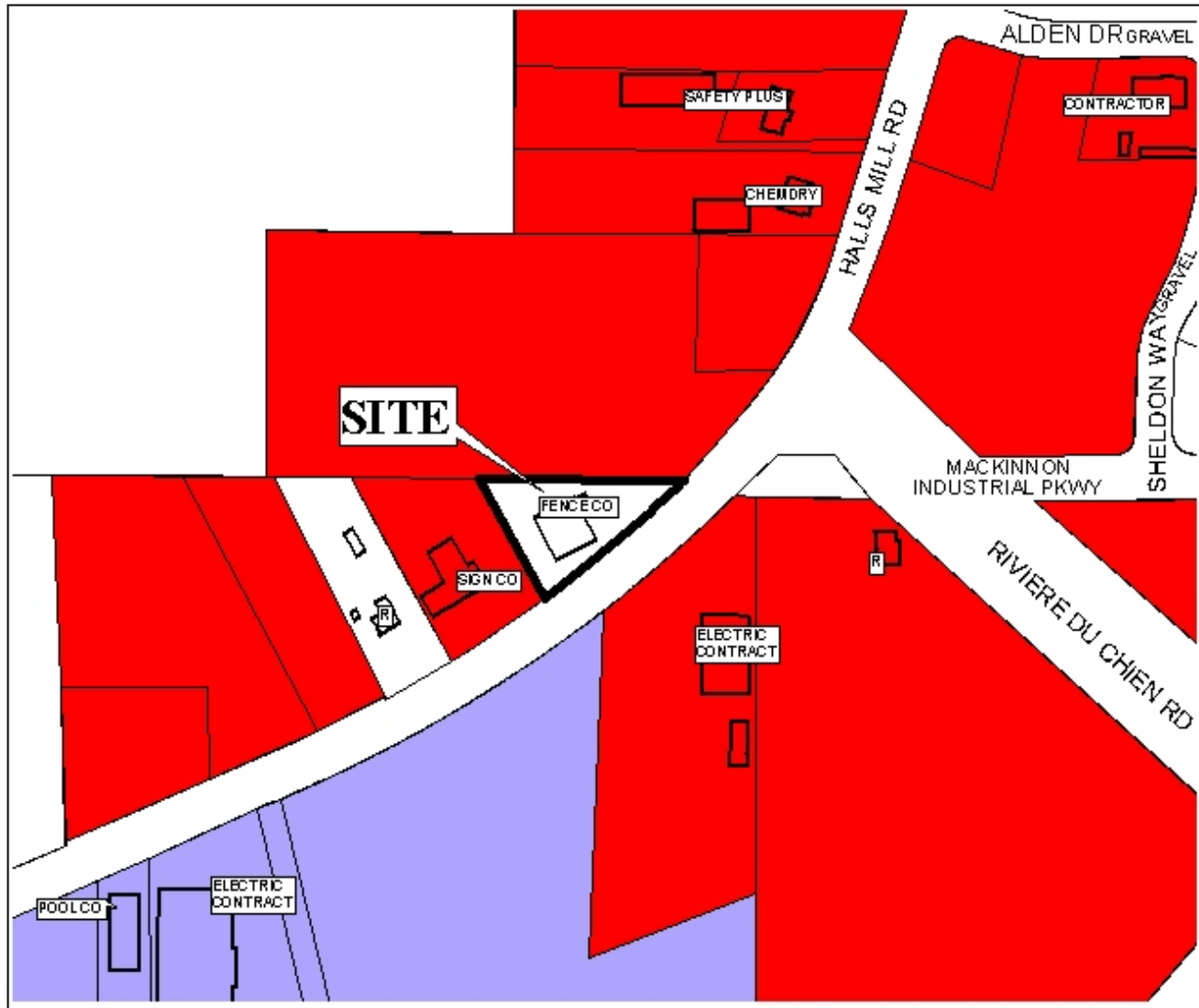
LOCATOR MAP



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APPLICANT Mobile Fence Company, Inc.
REQUEST Rezoning



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



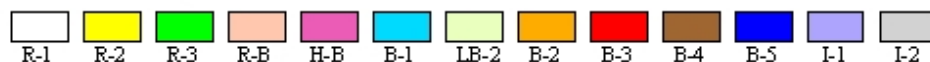
The site is surrounded with miscellaneous businesses, with vacant property located to the North.

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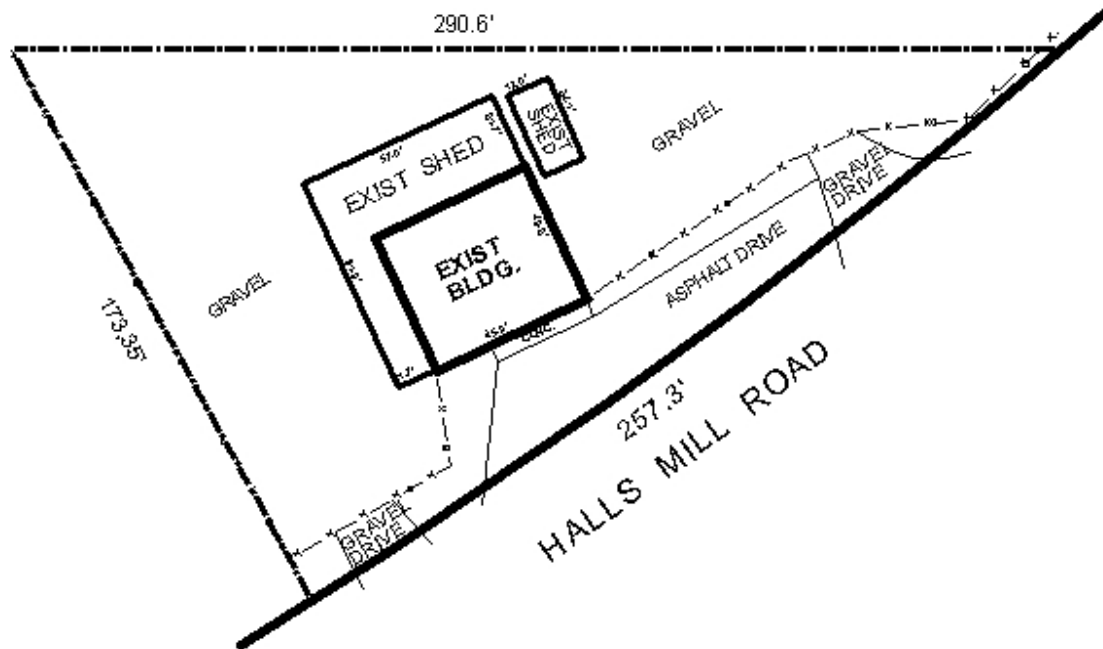
REQUEST Rezoning

LEGEND



NTS

SITE PLAN



The site is located on the North side of Halls Mill Road, 120' West of the North terminus of Riviere Du Chien Road. The plan illustrates the existing buildings, drives, and fencing.

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