

**PLANNED UNIT DEVELOPMENT &
PLANNING APPROVAL STAFF REPORT****Date: May 7, 2009****NAME**

United Rentals

LOCATION

1413 Montlimar Court
(Northeast corner of Montlimar Court and Montlimar Drive, extending to the Southeast corner of Montlimar Drive and Pleasant Valley Road)

**CITY COUNCIL
DISTRICT**

District 5

PRESENT ZONING

B-3, Community Business District

AREA OF PROPERTY

1 Lot / 3.72 ± Acres

CONTEMPLATED USE

Planned Unit Development Approval to allow two buildings on a single building site and Planning Approval to amend a previously approved Planning Approval to allow an equipment rental yard in a B-3, Community Business District.

**TIME SCHEDULE
FOR DEVELOPMENT**

May, 2009

ENGINEERING**COMMENTS**

Must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit. Drainage from dumpster pads and wash rack area (vehicle and/or equipment wash areas) cannot discharge to storm sewer; must have connection to sanitary sewer.

TRAFFIC ENGINEERING**COMMENTS**

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. City standards for a two way drive is twenty-four feet. Changes should be made in the new drive to accommodate the 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).

Full compliance with frontage tree requirements of the Zoning Ordinance to be coordinated with Urban Forestry.

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 Planned Unit Development Approval to allow two buildings on a single building site and Planning Approval to amend a previously approved Planning Approval to allow an equipment rental yard in a B-3, Community Business District.

The review required for Planning Approval examines the applicant's location and site plan with regard to transportation, parking and access, public utilities and facilities, traffic congestion and hazard, and to determine if the proposal is in harmony with the orderly and appropriate development of the district.

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.

It is very important to note that the Planning Approval and PUD review are site plan specific; therefore *any* future changes to the overall site plan must be submitted for PUD review. Additionally, if the scope of operations or the site plan is changed from what is approved by the Planning Commission, a new application for Planning Approval will be required.

The original Planning Approval was granted for this site by the Planning Commission in October 1998. At that time, United Rentals only had a short-term lease for the property. United Rentals has since purchased the property and now proposes to make several improvements to the site, thus requiring a new Planning Approval application. Also, since the changes will include construction of a new building on the site, Planned Unit Development approval will also be required.

There are currently two buildings, as well as several existing crushed limestone equipment yards on the site. The applicant proposes to construct a new building to be used for equipment maintenance, and then, once construction is completed, demolish the old equipment maintenance building. The applicant also proposes to pave the several existing crushed limestone equipment yards, add concrete drives, add new parking, and add a small gravel equipment yard for storage of "track-type" equipment. It should be noted that a gravel storage yard is not allowed in a B-3

zone, and, thus, the applicants have also submitted a variance application to the Board of Zoning Adjustment.

Firstly, some items to note from the original Planning Approval in 1998. In 1998, when United Rentals had only a short-term lease of one year, the Planning Commission waived some staff recommendations, and postponed others. Specifically, the Planning Commission waived a privacy fence recommendation, and put aside compliance with the landscaping and tree planting requirements until August 1, 1999. Also, the Planning Commission required that all of the access drives and internal circulation drives be increased to a minimum of 24 feet. It appears that the site was never brought into compliance with these requirements.

As the applicant will now be doing improvements on the site, and the site is under their ownership, full compliance with all of the original Planning Approval conditions should be required.

As mentioned earlier, in 1998, staff recommended a requirement of a 6-foot high privacy fence around the perimeter of the outdoor storage area. The Zoning Ordinance requires privacy fencing for contractor's storage yards, automobile towing or storing, automobile repair, and other similar uses in B-3 zones. There is no reason that the privacy fencing should not be required for this storage yard, because it would be required for some uses allowed by right in this zoning district. By granting a waiver of this requirement, it would undermine the intent of the ordinance by allowing a heavier use than the ones similar to those previously named, that can be permitted with Planning Approval, to waive a requirement that those uses would have to comply with.

The applicant is proposing to pave most of the existing crushed limestone equipment yards. Striping should be placed on the concrete or pavement (utilizing thermoplastic or cold lay material as per Traffic Engineering) to delineate equipment storage yards from traffic circulation drives. Also, directional arrows should be placed on the concrete and pavement (utilizing thermoplastic or cold lay material as per Traffic Engineering) indicating two-way traffic.

No sidewalks are shown on the site plan. Sidewalk construction will be required for this project, therefore, a sidewalk should be shown on the site plan or a Sidewalk Waiver applied for and received.

Other than these comments, the applicant is proposing to make major improvements to the site to bring it further into compliance. Likewise, the use of the property will not be changing, nor will the net number of buildings on the site be increased. Therefore, impact to the surrounding area should be minimal.

As previously mentioned, the applicant has submitted a variance application to the Board of Zoning Adjustment for the aggregate equipment parking area. Any approvals by the Planning Commission should be subject to a successful variance application.

RECOMMENDATION

Planned Unit Development: Based upon the preceding, the application is recommended for Approval, subject to the following conditions:

- 1) All access drives and internal circulation drives be increased to a minimum of 24 feet in width, with changes to any curb cuts to be approved by Traffic Engineering;
- 2) Full compliance with the tree planting and landscaping ordinance;
- 3) Provision of a 6 foot high privacy fence around all outdoor storage areas;
- 4) Provision of a dumpster enclosure;
- 5) Provision of striping of appropriate material delineating equipment storage yards from traffic circulation drives;
- 6) Provision of directional arrows of appropriate material indicating two way traffic on the circulation drives;
- 7) Construction of a sidewalk or a submittal of a successful sidewalk waiver application;
- 8) A successful variance by the Board of Zoning Adjustment;
- 9) Full compliance with Engineering comments: *Must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit. Drainage from dumpster pads and wash rack area (vehicle and/or equipment wash areas) cannot discharge to storm sewer; must have connection to sanitary sewer;*
- 10) Provision of a revised site plan to the Planning Section of Urban Development showing all of the previous conditions; and
- 11) Full compliance with municipal codes and ordinances.

Planning Approval: Based upon the preceding, the application is recommended for Approval, subject to the following conditions:

- 1) All access drives and internal circulation drives be increased to a minimum of 24 feet in width, with changes to any curb cuts to be approved by Traffic Engineering;
- 2) Full compliance with the tree planting and landscaping ordinance;
- 3) Provision of a 6 foot high privacy fence around all outdoor storage areas;
- 4) Provision of a dumpster enclosure;
- 5) Provision of striping of appropriate material delineating equipment storage yards from traffic circulation drives;
- 6) Provision of directional arrows of appropriate material indicating two way traffic on the circulation drives;
- 7) Construction of a sidewalk or a submittal of a successful sidewalk waiver application;
- 8) A successful variance by the Board of Zoning Adjustment;
- 9) Full compliance with Engineering comments: *Must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit. Drainage from dumpster pads and wash rack area (vehicle and/or equipment wash areas) cannot discharge to storm sewer; must have connection to sanitary sewer;*
- 10) Provision of a revised site plan to the Planning Section of Urban Development showing all of the previous conditions; and
- 11) Full compliance with municipal codes and ordinances.

Revised for the June 4, 2009 meeting

This application was held over by the Planning Commission at the May 7, 2009 meeting to allow the applicant to provide additional information as to why a privacy fence is not appropriate, to further clarify circulation on the site for equipment, to depict display versus non-display area on the site plan, and to provide additional information regarding the existing chain-link with barbed-wire fence and the existing electrified chain-link with barbed-wire fence.

The applicant has provided staff with an updated site plan, illustrating several changes from the original submission. Namely, the applicant now proposes to provide some privacy fencing, proposes striping for internal circulation, and now proposes a smaller building. The applicant has also depicted the location of the existing electric fencing on the property, as well as the location of the “equipment display” areas. The applicant has addressed comments in the original report regarding widths of access drives and internal circulation areas. Lastly, the applicant has obtained variance approval from the Board of Zoning Adjustment regarding the gravel equipment area.

The applicant proposes, in addition to the improvements noted in the original report, to provide approximately 574 feet of 6-foot high privacy fencing along the property line which follows Montlimar Creek, as well as the required privacy fencing around the gravel equipment yard which was a condition of approval of the Board of Zoning Adjustment. The applicant does not propose to add any privacy fencing along Pleasant Valley Road, Montlimar Drive, or the southeast property line. The applicant states that the areas to not be fenced with privacy fencing are “equipment display areas,” that need to be visible. No further justification is provided.

Noting that the applicant asserted at the May 7, 2009, meeting that there was no need for privacy fencing along Montlimar Creek because “no one would see it anyway,” it would seem that the applicant merely wishes to skirt the privacy fence requirement. Additionally, the “visibility” issues from Montlimar Drive asserted by the applicant are also questionable as the applicant proposes that a stand of large pine trees, which blocks the view to the equipment area from Montlimar Drive, are proposed to remain as tree credits. It probably should be noted that the aforementioned stand of trees, while blocking a substantial part of the view from Montlimar drive, does not provide a buffer for the entire length and also would not qualify as a vegetative buffer.

*As stated in the initial report, the Zoning Ordinance requires privacy fencing for contractor’s storage yards, automobile towing or storing, automobile repair, and other similar uses in B-3 zones. **There is no reason that the privacy fencing should not be required for this storage yard, because it would be required for some uses allowed by right in this zoning district. By granting a waiver of this requirement, it would undermine the intent of the ordinance by allowing a heavier use than the ones similar to those previously named, that can be permitted with Planning Approval, to waive a requirement that those uses would have to comply with.** Additionally, the applicant simply referring to an equipment storage yard as an equipment display area does not seem to be a sufficient reason to remove a privacy fence requirement.*

At least a 6-foot high privacy fence should be required along all frontage on Pleasant Valley Road (behind the 25-foot setback line), along the entire length where the driveway ends and

landscaping area begins along the southeast property line, encompassing all of the gravel equipment area (except that the privacy fence be no higher than 3 feet in height in the 25-foot front yard setback along Montlimar Court), and around the equipment area from Pleasant Valley Road southward to the existing sales office and then turning in toward the sales office.

The applicant has also provided information regarding two gates in the fencing, one at the 30-foot curb cut to Pleasant Valley Road and the other at the 30-foot curb cut to Montlimar Court. No queuing spaces are shown for these gates. In fact, on a site visit, staff observed a vehicle blocking traffic on Pleasant Valley Road while waiting for the existing gate to open. As such, at least three (3) queuing spaces at least 17 feet in length (a total of 51 feet) should be required at any gate opening to a public street.

The issue of barbed wire and electric fencing was also brought up at the May 7th meeting. The applicant has provided information that the fencing was installed in 2004. The fencing was installed without a permit and without approval from the Director of the Urban Development Department as required in Section 21-1 of the City of Mobile Municipal Code. The applicant states that the barbed wire is not electrified. A site visit by staff revealed that the electrified fencing surrounds the entire site, and is as high as the existing chain link, and in some limited cases, higher than 6 feet. The applicant states that “[t]he fence is a 7000 volt, low amp fence, similar to a dog yard fence.” It should be noted that 7000 volts is more voltage than is delivered by a police taser.

The applicant is requesting the Commission to allow the fence to remain with an “after the fact” permit. The Planning Commission is an improper forum for discussion regarding this type of fence. The same is true for the barbed wire fencing that is on the property without permits. As permits have never been applied for, the Director of the Urban Development Department has yet to render a decision as to whether the City would issue a permit for this type of fence. Even if the Director denies the fence permit, the burden of hearing the case would shift to the Board of Zoning Adjustment and not the Planning Commission. While the Commission can consider a conceptual location for a generic fence shown on the site plan, the Commission cannot give approval for the electrified fence. The applicants should request a permit from the Urban Development Department to accomplish this, and they should do so as soon as possible in order to avoid a Notice of Violation and/or a Municipal Offense Ticket.

Lastly, the applicant is depicting dumpsters on the site plan. The dumpsters should be placed on dumpster pads and enclosed with a dumpster enclosure. Additionally, as per City Engineering, the dumpster pads and the existing washrack should be equipped with a connection to the sanitary sewer.

RECOMMENDATION

Planned Unit Development: Based upon the preceding, the application is recommended for Approval, subject to the following conditions:

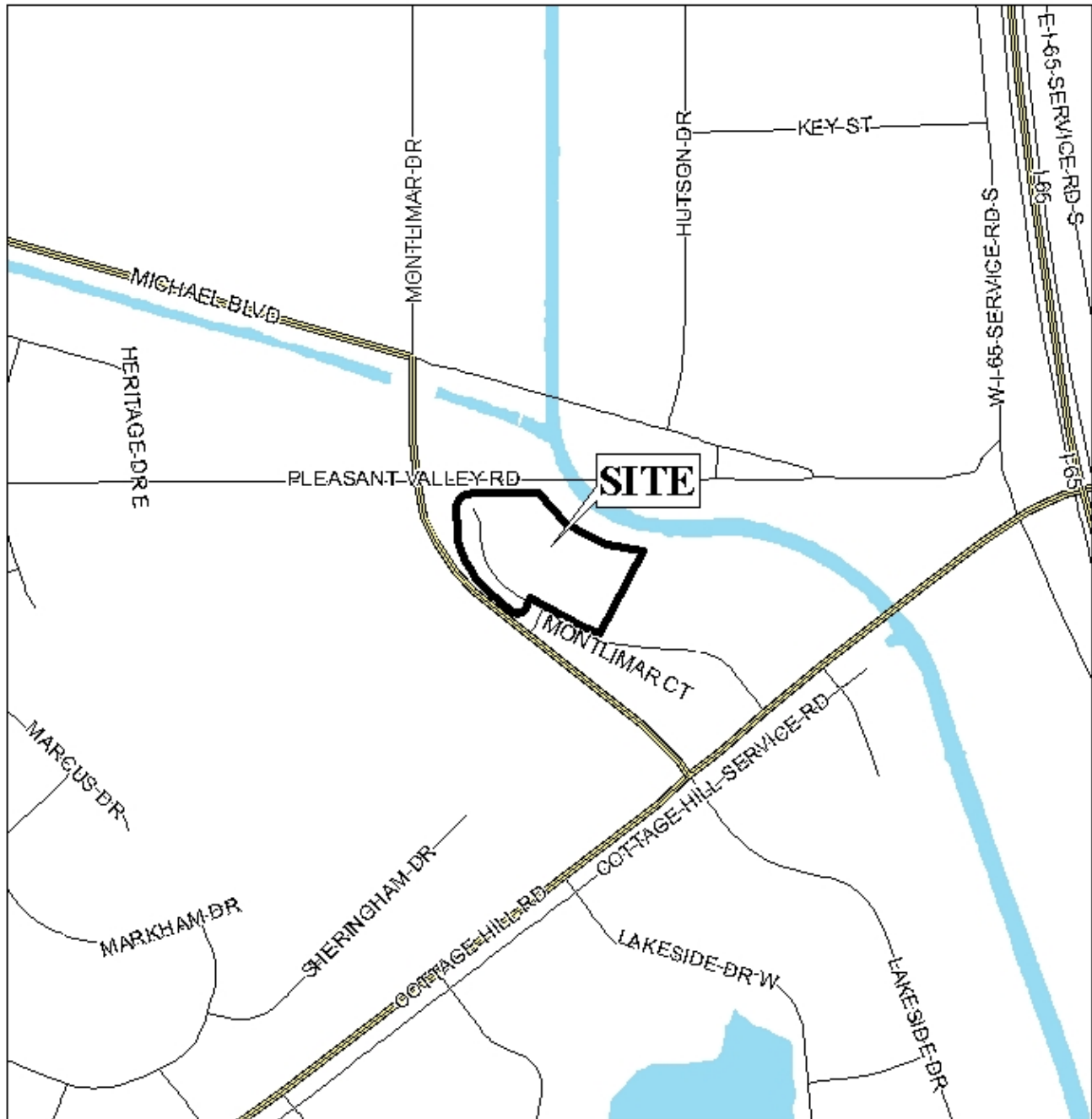
- 1) Full compliance with the tree planting and landscaping ordinance;
- 2) Provision of a 6 foot high privacy fence along all frontage on Pleasant Valley Road (but not within the 25-foot minimum setback line), along the entire length where the driveway ends and landscaping area begins along the southeast property line, encompassing all of the gravel equipment area (except that the privacy fence be no higher than 3 feet in height in the 25-foot front yard setback along Montlimar Court), and around the equipment area from Pleasant Valley Road southward to the existing sales office and then turning in toward the sales office;
- 3) Provision of at least 3 (three), 17-foot long queuing spaces (a total of 51 feet) at any gate opening to a public street;
- 4) Successful application for a permit for the barbed wire fencing and the electrified fencing, or removal of the same;
- 5) Provision of a dumpster enclosure;
- 6) Provision of striping of appropriate material delineating equipment storage yards from traffic circulation drives;
- 7) Provision of directional arrows of appropriate material indicating two way traffic on the circulation drives;
- 8) Construction of a sidewalk or a submittal of a successful sidewalk waiver application;
- 9) Full compliance with Engineering comments: Must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit. Drainage from dumpster pads and wash rack area (vehicle and/or equipment wash areas) cannot discharge to storm sewer; must have connection to sanitary sewer;
- 10) Provision of 2 copies of the revised site plan to the Planning Section of Urban Development showing all of the previous conditions; and
- 11) Full compliance with municipal codes and ordinances.

Planning Approval: Based upon the preceding, the application is recommended for Approval, subject to the following conditions:

- 1) Full compliance with the tree planting and landscaping ordinance;
- 2) Provision of a 6 foot high privacy fence along all frontage on Pleasant Valley Road (but not within the 25-foot minimum setback line), along the entire length where the driveway ends and landscaping area begins along the southeast property line, encompassing all of the gravel equipment area (except that the privacy fence be no higher than 3 feet in height in the 25-foot front yard setback along Montlimar Court), and around the equipment area from Pleasant Valley Road southward to the existing sales office and then turning in toward the sales office;
- 3) Provision of at least 3 (three), 17-foot long queuing spaces (a total of 51 feet) at any gate opening to a public street;
- 4) Successful application for a permit for the barbed wire fencing and the electrified fencing, or removal of the same;
- 5) Provision of a dumpster enclosure;

- 6) *Provision of striping of appropriate material delineating equipment storage yards from traffic circulation drives;*
- 7) *Provision of directional arrows of appropriate material indicating two way traffic on the circulation drives;*
- 8) *Construction of a sidewalk or a submittal of a successful sidewalk waiver application;*
- 9) *Full compliance with Engineering comments: Must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit. Drainage from dumpster pads and wash rack area (vehicle and/or equipment wash areas) cannot discharge to storm sewer; must have connection to sanitary sewer;*
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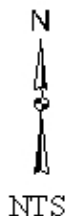
LOCATOR MAP



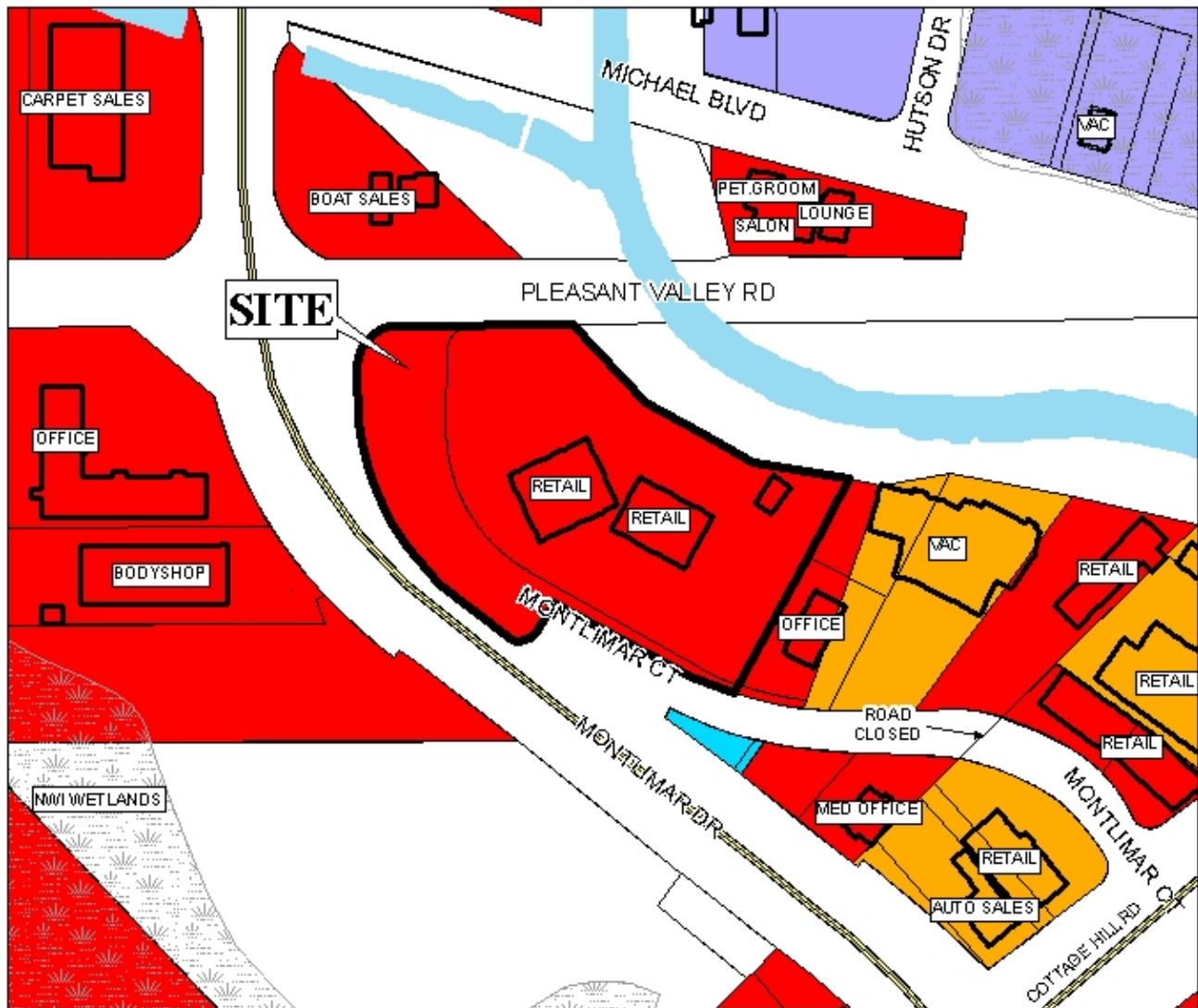
APPLICATION NUMBER 6 & 7 DATE June 4, 2009

APPLICANT United Rentals

REQUEST Planned Unit Development, Planning Approval



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



This site is surrounded by business land use.

APPLICATION NUMBER 6 & 7 DATE June 4, 2009

APPLICANT United Rentals

REQUEST Planned Unit Development, Planning Approval

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	NTS
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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



This site is surrounded by business land use.

APPLICATION NUMBER 6 & 7 DATE June 4, 2009

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REQUEST Planned Unit Development, Planning Approval

