

**PLANNED UNIT DEVELOPMENT  
& SUBDIVISION STAFF REPORT****Date: December 7, 2006**

<b><u>DEVELOPMENT NAME</u></b>	American Tennis Courts Subdivision
<b><u>SUBDIVISION NAME</u></b>	American Tennis Courts Subdivision
<b><u>LOCATION</u></b>	West side of Bolton's Branch Drive, 620' ± South of Halls Mill Road
<b><u>CITY COUNCIL DISTRICT</u></b>	District 4
<b><u>PRESENT ZONING</u></b>	B-3, Community Business District
<b><u>AREA OF PROPERTY</u></b>	1 Lot / 1.4 ± acres
<b><u>CONTEMPLATED USE</u></b>	Planned Unit Development approval to allow an office/warehouse building, above-ground fuel tanks, and four containerized storage units on a single building site, and Subdivision approval to combine two lots into one lot.
<b><u>TIME SCHEDULE FOR DEVELOPMENT</u></b>	Immediate
<b><u>ENGINEERING COMMENTS</u></b>	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.
<b><u>TRAFFIC ENGINEERING COMMENTS</u></b>	Driveway number, sizes, location and design to be approved by Traffic Engineering and conform to AASHTO standards.
<b><u>URBAN FORESTRY COMMENTS</u></b>	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).
<b><u>FIRE DEPARTMENT COMMENTS</u></b>	No comments.
<b><u>REMARKS</u></b>	The applicant is requesting Planned Unit Development approval to allow an office/warehouse building, above-ground fuel tanks, and four containerized storage units on a single building site, and Subdivision approval to combine two lots into one lot.

The site will be used by a contractor that builds tennis courts, and will essentially be a contractor's office and storage yard. Contractor offices are allowed by right in B-3 districts, and outside storage is allowed, subject to the following conditions: the storage area shall be completely screened by a 6-foot privacy fence; no stored materials may be stacked higher than 6-feet; heavy equipment such as bulldozers, dump trucks, etc. are not allowed; and the storage area is only allowed in the rear yard. A contractor's storage yard is allowed by right in an I-1 district if the area is enclosed with an 8-foot high solid wall or fence.

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 any changes to the site plan must be approved by the Planning Commission.

Subdivision review examines the site with regard to promoting orderly development, protecting general health, safety and welfare, and ensuring that development is correlated with adjacent developments and public utilities and services, and to ensure that the subdivision meets the minimum standards set forth in the Subdivision Regulations for lot size, road frontage, lot configuration, etc.

The applicant proposes to initially construct a temporary modular office building and containerized storage units, then construct a new office/warehouse building and above-ground fuel tanks, with the containerized storage units to remain, on a single building site. Limestone paving for the entire planned paving area is initially proposed, and as the site is developed, asphalt paving will be placed for access drives, parking, and some of the outside storage area. Construction on the permanent building is proposed to begin around December 30 with completion around June, 2007. The site is currently undeveloped, although a permit to clear the site has been obtained from Urban Development.

In addition to having a 6,000 square foot building that will contain office and warehouse space, the applicant proposes to store materials on the site, which will include tractors and transport trailers, light poles, tall fence posts, fence fabric for tennis court enclosures, and miscellaneous items associated with tennis court construction. Stacking and storage of materials may exceed 6 feet, according to the applicant's representative. Tractor size is estimated to be up to 30 horsepower, and an asphalt roller and a forklift with a 5000 pound capacity will also be stored at the premises when not at job sites (information from the Pre-Development Meeting held with the applicant on November 13, 2006). The site will also contain an above ground 500 gallon gasoline storage tank and 1,000 gallon diesel storage tank, as well as an open air facility for the mixing and storage of paint used to paint tennis courts.

The applicant is maintaining the 50-foot vegetative buffer on the West side of the property, as required by the original subdivision conditions for the site. A 10-foot vegetative buffer is being provided on both side property lines as well. An 8-foot high chain link fence is proposed for the perimeter of the site, except within the front yard setback area, and a wooden privacy fence is also proposed along the rear of the property.

The applicant is providing 10 parking spaces: the applicant states that there will be about six on-site employees and about 15 off-site employees on job sites. The applicant's representative states that the proposed building will contain up to 1500 square feet of office space, thus 5 parking spaces are required for the office space. Parking for the warehouse area should be provided at a ratio of one space per three employees.

The applicant has requested use and site variances (paving and fencing) for the site, which was scheduled for the December 5, 2006 meeting of the Board of Adjustment. The variance requests have been recommended for denial by staff, as *"it is simply the applicant's desire to use a B-3, Community Business District site for an I-1, Light Industry District use with reduced site compliance standards and increased fence height allowances."*

B-3, Community business districts, are defined by the Zoning Ordinance as follows: *"These districts are composed of land and structures used to furnish, in addition to the retail goods and services found in neighborhood business districts, such less frequently needed goods as clothing and automobiles--the wider range of retail goods and services to satisfy all the household and personal needs of the residents of a group or community of neighborhoods. Light or heavy distribution uses may be allowed as defined in the chart of permitted uses. Usually located on a thoroughfare or near the intersection of two (2) thoroughfares, these districts are large and are within convenient driving distance of the group of neighborhoods they will serve. The district regulations are designed to permit the development of the districts for their purpose in a spacious arrangement."*

The site fronts onto Bolton's Branch Drive, a minor street with adequate right-of-way. Due to the limited frontage of the site on Bolton's Branch Drive, access management is a concern. It is recommended that the site be limited to two curb-cuts, with the size, design and location to be approved by Traffic Engineering and conform to AASHTO standards.

The 25-foot minimum building setback line, required in Section V.D.9. of the Subdivision Regulations, is not shown on the subdivision plat or site plan. The plat and site plan should be revised to depict the setback line.

It appears that the site may be adequate for occasional tractor-trailer traffic, however a circulation clear area should be depicted on the PUD site plan and maintained during business operations to ensure that such traffic can circulate through the paved portion of the site. Furthermore, an increased curb turning radius may be recommended for the driveway that will act as the entry point for tractor-trailers servicing the site.

The above ground fuel storage tanks and paint mixing and storage area are proposed for the portion of the site that will be graveled, if approved by the Board of Adjustment. Two concerns come to mind, the proximity of above ground fuel tanks and paint to single

family residential uses to the West, and the gravel parking should there be a spill of fuel or paint onto the ground. It would seem that paving of the area and provision of some sort of detention for fuel leaks may be appropriate (a spill response and containment plan may be required at the state level by the Alabama Department of Environmental Management, or at the federal level). Furthermore, it would appear that the re-fueling truck would have to drive across the limestone area to reach the tanks, thus it may be appropriate to pave the bulk of the proposed gravel area. Finally, while the fuel tanks must be separated by a minimum of 50 feet from any “important” structures and property lines according to fire regulations, the proximity of such a use to adjacent single-family residential development, or any residential development, does not appear to be a desirable situation to create through the proposed planned unit development. If the above-ground storage tanks are approved by the Board of Adjustments, compliance with local, state and federal regulations will be required regarding the tanks.

A specific tree and landscaping plan has not been provided, however, full compliance with Section 64-4.E. of the Zoning Ordinance will be required. It does not appear that sufficient landscape area is provided between the building and the front property line to comply with Section 64-4.E., thus the applicant should ensure that adequate landscape area is provided.

The proposed temporary modular office, permanent building, containerized storage units and dumpster all meet setback requirements, and appear to be located to allow adequate on-site circulation.

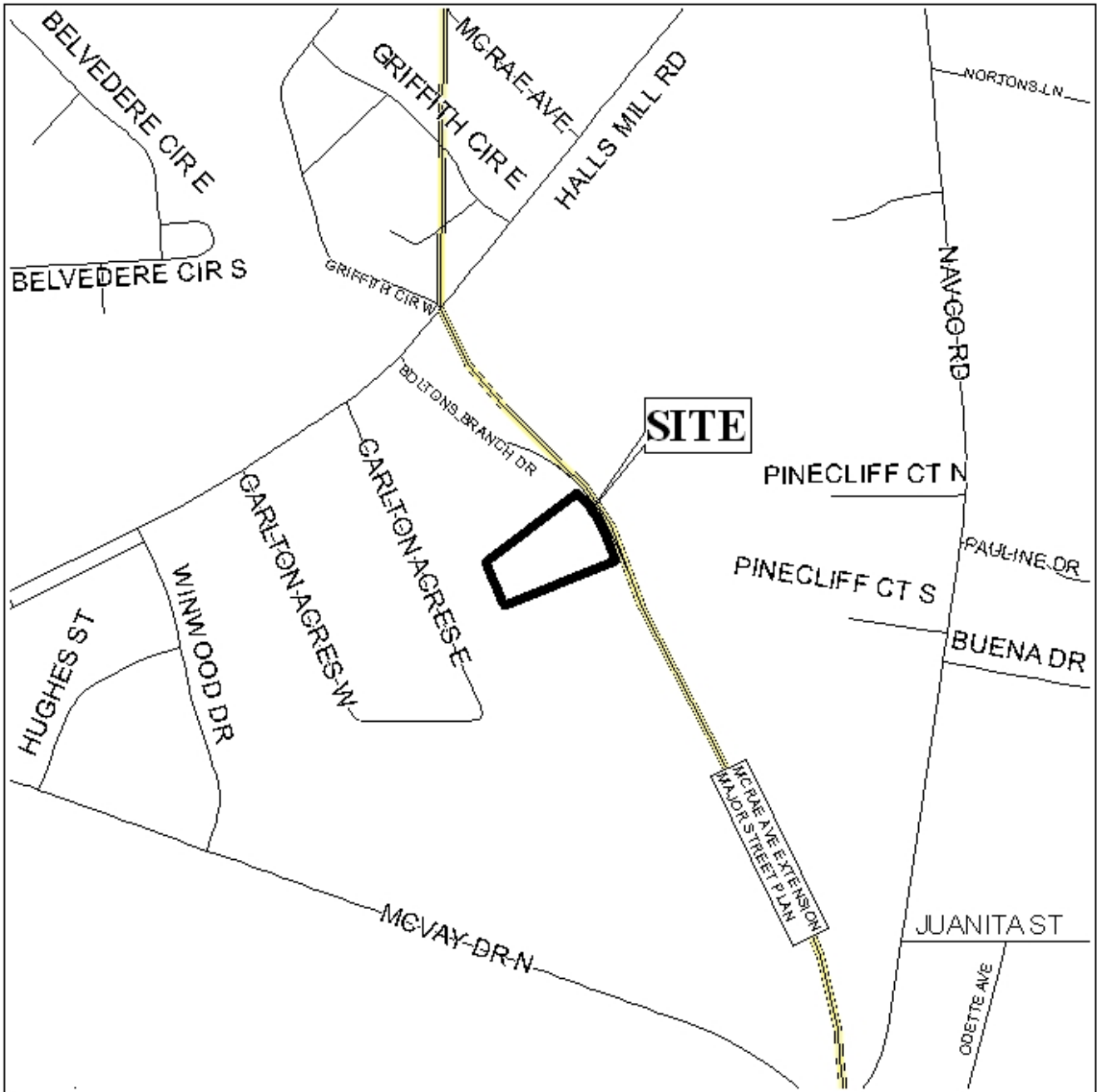
On site stormwater detention is not provided, as the site will be served by a common detention area for the entire Bolton’s Branch Commercial Park.

## **RECOMMENDATION**

**Planned Unit Development:** The application is recommended for Denial for the following reasons: 1) the location of above ground fuel storage tanks on a site abutting existing residential development will create an incompatible juxtaposition of uses; and 2) use of the site as proposed will require multiple variances, indicating a lack of compatibility between the proposed use and the existing zoning district requirements.

**Subdivision:** This application is recommended for Tentative Approval, subject to the following conditions: 1) depiction of the 25-foot minimum building setback line; 2) placement of a note on the site plan and plat stating that the site is limited to a total of two curb-cuts, with the size, design and location to be approved by Traffic Engineering and conform to AASHTO standards; and 3) full compliance with all other municipal codes and ordinances.

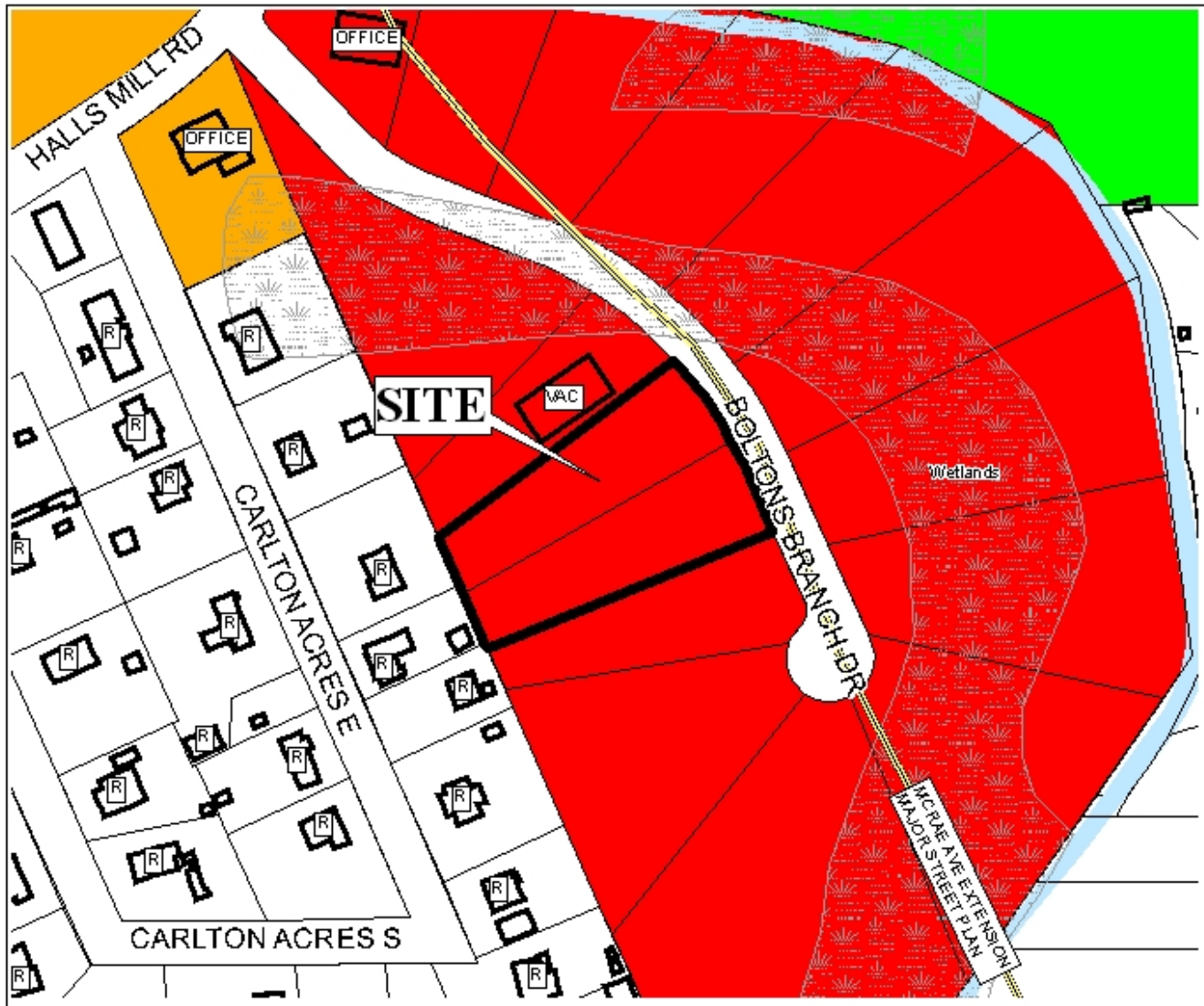
## LOCATOR MAP



APPLICATION NUMBER 15 & 16 DATE December 7, 2006  
APPLICANT American Tennis Courts Subdivision  
REQUEST Subdivision, Planned Unit Development



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Single-family residential units are located to the west of the site. An office is located to the north of the site.

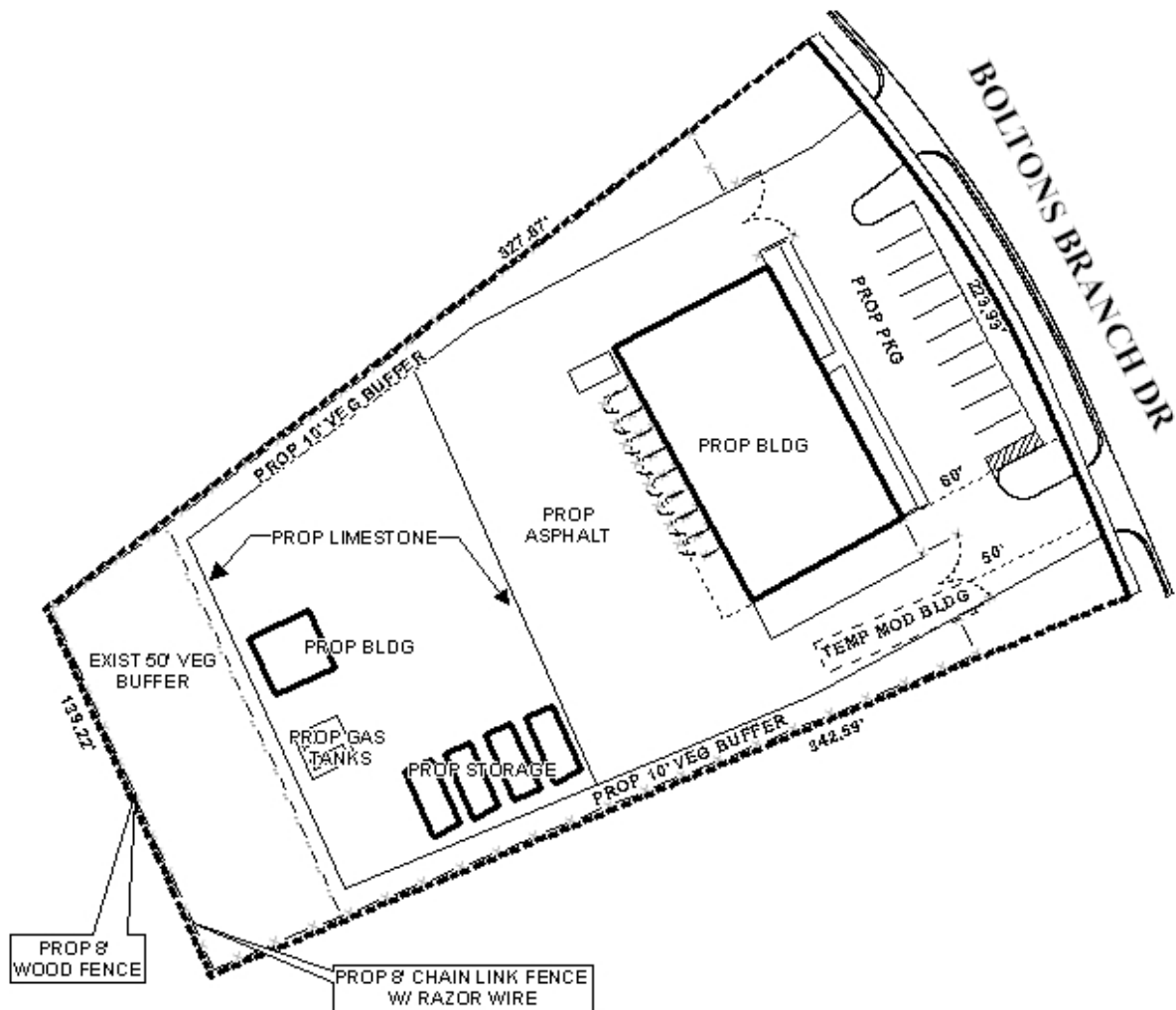
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LEGEND

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 the proposed buildings, parking, fencing, and paved surfaces.

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