

**REZONING,
PLANNING APPROVAL &
SUBDIVISION STAFF REPORT**

Date: October 16, 2003

APPLICANT NAME

Dirt Inc.

SUBDIVISION NAME

Bear Fork Industrial Park

LOCATION

5401 Bear Fork Road
(South side of Bear Fork Road, 900'± East of University
Boulevard)

PRESENT ZONING

R-1, Single-Family Residential

PROPOSED ZONING

I-2, Heavy Industrial

AREA OF PROPERTY

39.5± Acres 2 Lots

CONTEMPLATED USE

Lot 1 – Junk Yard, Lot 2 – Borrow Pit

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

Immediate

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

Urban Forestry would like to request preservation status (Any work around, including trimming or removal of this tree, requires approval from the Mobile Planning Commission.) for the 64" Live Oak located in the southeast corner of Lot 2. All work under the canopy of the tree will be coordinated with Urban Forestry. As a reminder, all 24" and larger Live Oaks require a permit from Urban Forestry for trimming or removal. 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 proposing use of the site as a junkyard and a borrow pit. Both of these uses require I-2 zoning with Planning Approval.

The Zoning Ordinance gives four reasons for zoning changes: the existence of an error; changing conditions in an area; increased need for business or industrial sites; or subdivision of land into building sites making reclassification both necessary and desirable. The application very simply states the uses and the requested zoning classification. No reference is made to changes in conditions in the area, or other justification for rezoning as stated above.

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

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.

Use of the properties as proposed actually began several months ago, and was brought to the city's attention through a complaint to the City of Mobile Action Center.

While the site in question is a large parcel of land, 39.5± acres, it is surrounded by residentially zoned properties to the East, South and West. These properties are mostly developed with single-family dwellings. There are also several churches in the immediate vicinity. The closest industrially zoned property is over one mile to the East. The properties to the North, across Bear Fork Road, are located in the City of Prichard. Those properties are residential, commercial or undeveloped.

Given the zoning and land use patterns in the immediate vicinity, the proposed uses – a junk yard and a borrow pit – do not seem compatible with or appropriate for the area.

The plan indicates several large trees in the Southeast quadrant of the site. Of the trees indicated, a 64" oak and a 37" oak should be given preservation status, with all work under the canopy to be permitted and coordinated with Urban Forestry, removal to be permitted by Urban Forestry only in the case of disease or impending danger. The remaining trees that are larger than 24" should be protected, and would require permitting for removal.

The proposed subdivision meets the minimum requirements of the Subdivision Regulations. If the rezoning and Planning Approval are not approved, the necessity of the subdivision is questionable. However, as the plat meets the minimum requirements for subdivision, there is no justification for denial of the subdivision. The applicant may simply allow the approval to expire if the other applications are not approved and the subdivision is no longer desired.

RECOMMENDATION

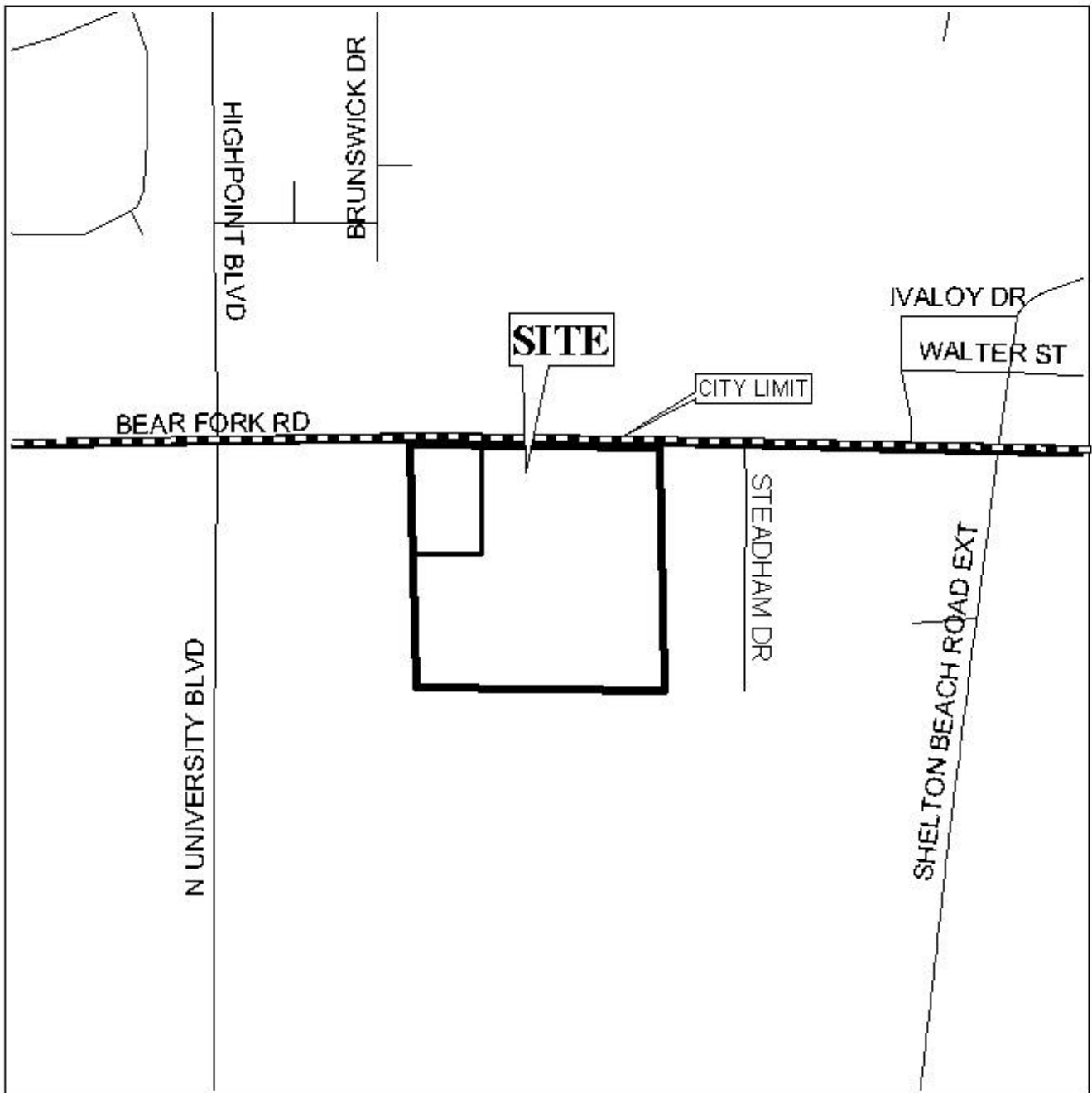
this application be denied.

Rezoning: based on the preceding, it is recommended that

Planning Approval: based on the preceding, it is recommended that this application be denied.

Subdivision: The plat meets the minimum requirements of the Subdivision Regulations and is recommended for Tentative Approval, subject to the following conditions: 1) placement of a note on the final plat stating that each lot is limited to one curb cut, size, location and design to be approved by Traffic Engineering; 2) placement of a note on the final plat stating that the 64" oak and a 37" oak be given preservation status, with all work under the canopy to be permitted and coordinated with Urban Forestry, and removal to be permitted by Urban Forestry only in the case of disease or impending danger; and 3) placement of a note on the final plat stating that the remaining trees that are larger than 24" be protected, and require permitting for removal.

LOCATOR MAP

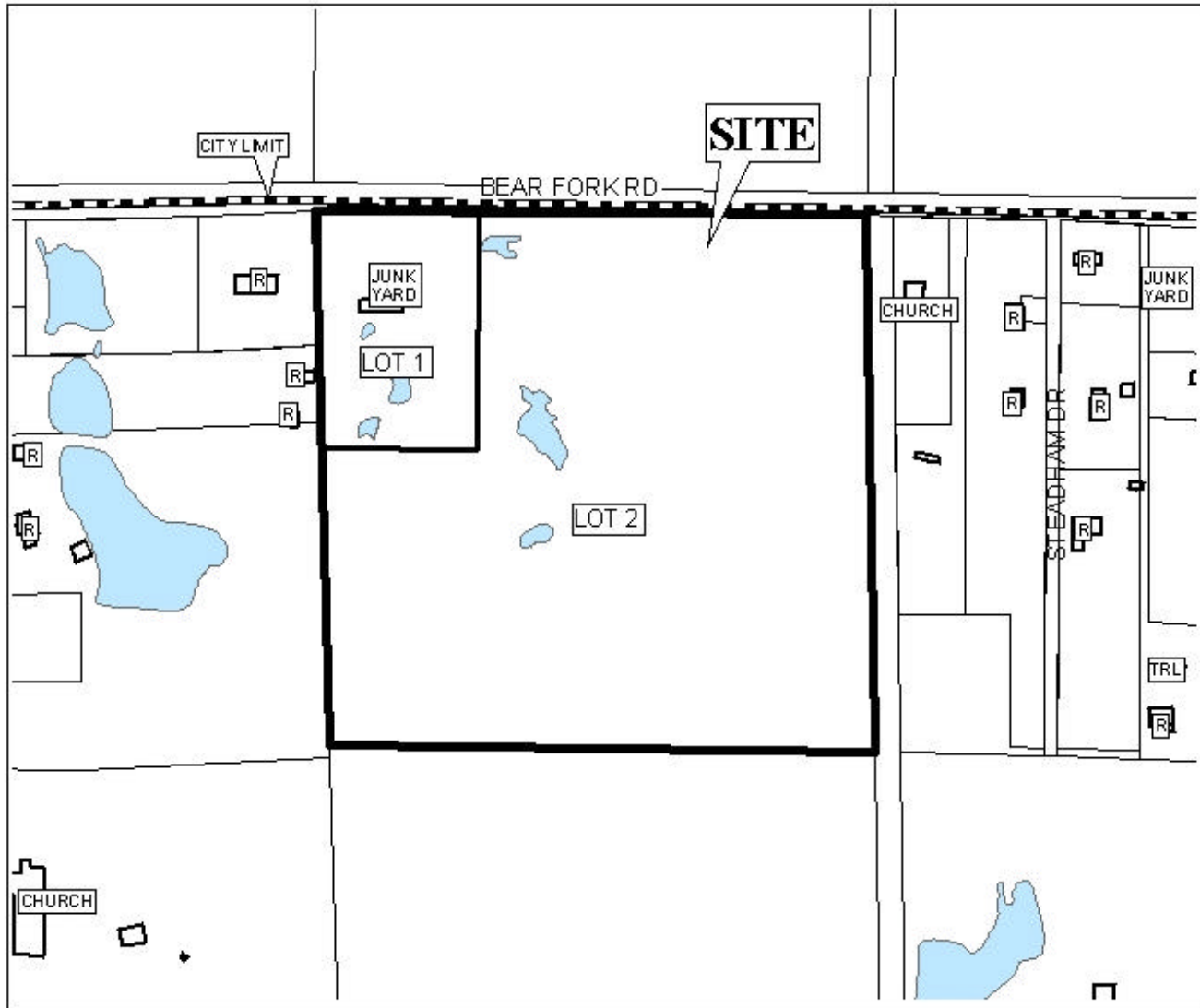


APPLICATION NUMBER 1, 2 & 3 DATE October 16, 2003
APPLICANT Dirt, Inc.
REQUEST Rezoning, Planning Approval and Subdivision



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is located in an area of mixed land use.

APPLICATION NUMBER 1, 2 & 3 DATE October 16, 2003

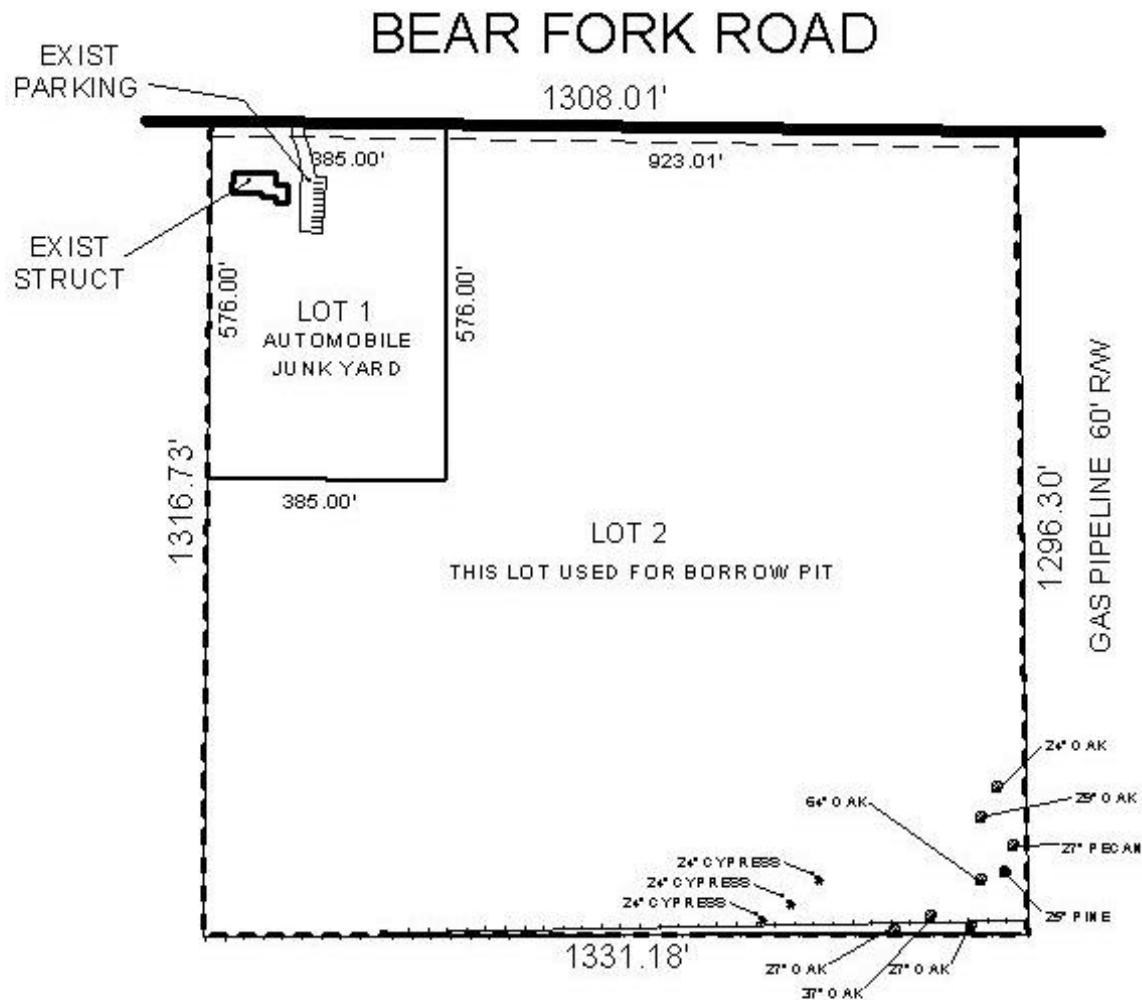
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LEGEND



SITE PLAN



The site is located on the South side of Bear Fork Road, 900' East of University Boulevard. The plan illustrates the existing structures and the proposed lots.

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USE/REQUEST Rezoning, Planning Approval and Subdivision



NTS