

ZONING AMENDMENT,
SUBDIVISION &
SIDEWALK WAIVER REQUEST
STAFF REPORT

Date: November 16, 2006

<u>NAME</u>	Terhaar & Cronley Investment Partnership
<u>SUBDIVISION NAME</u>	P & E Subdivision
<u>LOCATION</u>	4210 and 4218 Halls Mill Road (West side of Halls Mill Road, 465'+ North of the West terminus of Alden Drive)
<u>CITY COUNCIL DISTRICT</u>	District 4
<u>PRESENT ZONING</u>	R-1, Single-Family Residential, and B-3, Community Business District
<u>PROPOSED ZONING</u>	B-3, Community Business District
<u>AREA OF PROPERTY</u>	1 Lot / 4.8 ± Acres
<u>CONTEMPLATED USE</u>	Expansion of an existing piping supplies distributor. 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.
<u>TIME SCHEDULE FOR DEVELOPMENT</u>	Immediate
<u>ENGINEERING COMMENTS</u>	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. The sidewalk is buildable. There is existing sidewalk, constructed in the last year on the 3rd property north of the site. There is no existing ditch in the area.
<u>TRAFFIC ENGINEERING COMMENTS</u>	Driveway number, size, 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 (State Act 61-929 and City Code Chapters 57 and 64).

FIRE DEPARTMENT**COMMENTS**

No comments.

REMARKS

The applicant is requesting Rezoning and Subdivision Approvals to allow the expansion of an existing piping supplies distributor by creating a single lot of record from three parcels, and eliminating a resulting split-zoning condition. The applicant is also requesting a Sidewalk Waiver. A contractor's office with outside storage is allowed by right in a B-3, Community Business District.

The site fronts Halls Mill Road, a collector street. As a collector street, Halls Mill Road should have a right-of-way width of 70-feet, however, the plat shows that the existing right-of-way is only 60-feet in width. A note on the plat indicates that 50 feet of the property is conveyed to the City of Mobile for a service road; a service road is no longer required at this location, thus 10-feet of the existing conveyance should be dedicated to the City of Mobile for future widening of Halls Mill Road, while the remainder of the conveyance should be reclaimed by the applicant.

The site is bounded to the North by a piping supply company located in an I-1, Light Industrial District, while East, across Halls Mill Road, is a retail facility located in a B-3 district. South of the site is a mixture of R-1 and B-3 parcels containing commercial and light industrial uses. West of the site are vacant parcels zoned for R-1, Single-Family Residential use.

The site itself contains a piping supply company, its storage yard, and an existing residence and barn. The applicant intends to demolish the barn and, upon successful relocation of the tenant in the residence, the residence will also be demolished. A 6,750 square foot addition to the existing 7,896 square foot building is proposed, as is new asphalt parking for employees and a retention area. The proposal also includes a new curb-cut onto Halls Mill Road, for a total of two, and a new wooden privacy fence behind the existing pipe yard where the site abuts undeveloped R-1 zoned property. The applicant additionally proposed to leave approximately one-third of the site undeveloped and in a natural state on the West side of the site, in lieu of a wooden privacy fence.

New trees and landscaping are depicted around the perimeter of the portion of the site that is developed. A 10-foot wide landscape buffer is proposed along Halls Mill Road, however, this is the same location where the previously mentioned right-of-way dedication should occur. Furthermore, trees and landscaping along Halls Mill Road should be located so as to minimize visual obstruction for vehicles exiting the site. Compliance with the tree and landscaping portion of the Zoning Ordinance should be coordinated with Urban Forestry.

The parking provided with the expansion will exceed the required parking for the site. The applicant states that the site will have a total of approximately 1800 square feet of office space and 12,800 square feet of warehouse space. The office space will require 6 parking spaces, and

with 21 employees, 7 more spaces will be required for the warehouse area. The applicant is providing 32 parking spaces.

The site is depicted as industrial 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.

As stated in Section 64-9. of the Zoning Ordinance, the intent of the Ordinance and corresponding Zoning Map is to carry out the comprehensive planning objective of sound, stable and desirable development. While changes to the Ordinance are anticipated as the city grows, the established public policy is to amend the ordinance only when one or more of the following conditions prevail: 1) there is a manifest error in the Ordinance; 2) changing conditions in a particular area make a change in the Ordinance necessary and desirable; 3) there is a need to increase the number of sites available to business or industry; or 4) the subdivision of land into building sites makes reclassification of the land necessary and desirable.

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.

Regarding the rezoning, while a B-3 zoning district may be essentially appropriate for the existing use and proposed expansion, an I-1, Light Industrial District may be more appropriate. As an I-1 district abuts the site to the North, this would merely be considered an expansion of the existing district. It should also be noted that this segment of Halls Mill Road appears to be turning into a district of light warehouse, contractor and light industrial uses. In any case, rezoning of the site to remove the split-zoning condition that will occur due to the one-lot subdivision, and the proposed expansion, appears to be consistent with the conditions outlined by the Zoning Ordinance regarding changes in zoning.

It should also be pointed out that the parcel immediately South of the site, while zoned R-1, is utilized for B-3 or light industrial uses (equipment sales). The Zoning Ordinance requires the provision of a 10-foot wide buffer strip where commercial or industrial sites abut residentially-zoned sites; the site plan does not fully reflect this requirement. It is recommended that the buffer requirement along the South property line be eliminated, however, it should remain wherever the site abuts residentially-zoned property that is not developed.

Regarding the proposed one-lot subdivision, the site should be limited to two curb-cuts, as proposed, with the size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Furthermore, 10-feet of right-of-way should be dedicated to the City of Mobile for the future widening of Halls Mill Road, and the applicant should reclaim (through the street vacation process if necessary) any right-of-way previously conveyed to the City of Mobile

for the provision of a future service road. The existing barn and residence should be demolished prior to the recording of the final plat.

The minimum building setback line required in Section V.D.9. of the Subdivision Regulations is not shown for the lot, but would be required on the final plat, if approved. The building setback line should be a minimum of 25-feet from the future right-of-way for Halls Mill Road.

The applicant is requesting the waiver of the sidewalk requirements along Halls Mill Road on the East side of the site.

The applicant states that there are no other sidewalks in the general vicinity, and that the use of the area for commercial and light industrial uses generates minimal foot traffic.

Year 2002 aerial photos indicate that there are no sidewalks along Halls Mill Road within one-quarter mile of the site in either direction. The posted speed limit for this section of Halls Mill Road, which is a two-lane road, is 40 miles an hour. The road lacks curb and gutter, and does not have a paved shoulder.

As previously mentioned, the site is adjacent to commercial and light industrial uses and undeveloped land, and for the most part is surrounded by commercial and industrial zoning. The extensive undeveloped and underdeveloped land in the general vicinity can support the development of additional commercial, industrial and single-family residential uses due to the existing zoning. Furthermore, it should be pointed out that sidewalks serve not only casual walkers, but also those who use walking as a necessary part of their commute to work – they walk because they lack transportation options.

According to Section VIII.B. of the Subdivision Regulations, the existence of “*peculiar and practical difficulties or exceptional and undue hardship*” can be the basis for the modification of the application of regulations. Furthermore, “*the difficulty or hardship must be inherent in the exceptional topographic or other extraordinary or exceptional characteristics of the tract proposed to be subdivided and shall not be the result of actions of the Subdivider.*”

A cross-section provided by the applicant shows that the property in question slopes down from the edge of the pavement at Halls Mill Road: the drop in elevation from the edge of pavement to the edge of right-of-way to be dedicated to the City appears to be 0.54 feet.

It should be noted that a request for a sidewalk waiver was approved by the Planning Commission, against staff recommendation, at its May 5, 2005 meeting for a site approximately 200 feet North of the site in question, on the East side of Halls Mill Road.

RECOMMENDATION

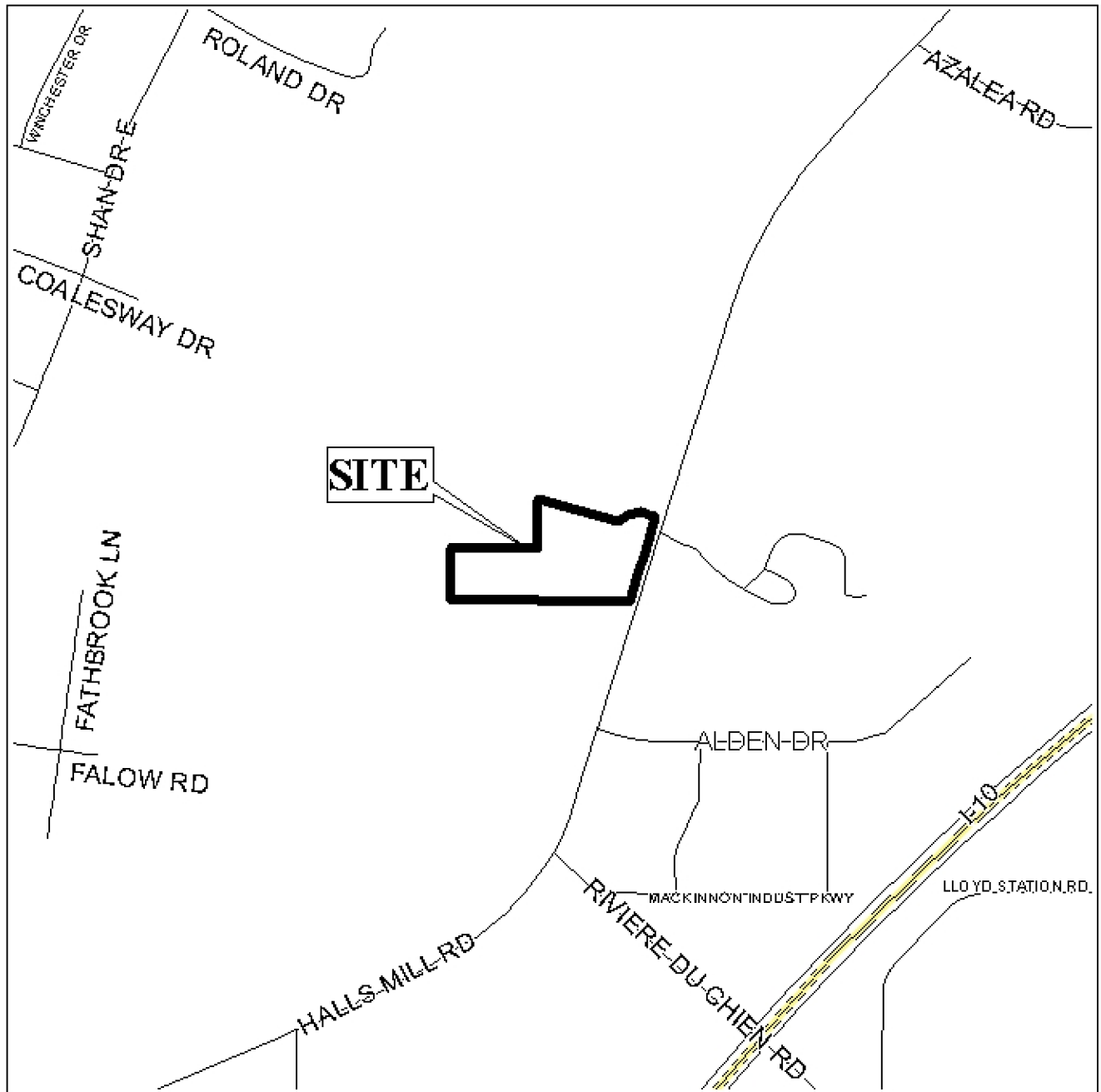
Rezoning: It is recommended that the Commission consider rezoning the site to an I-1, Light Industrial District, subject to the following conditions: 1) full compliance with the tree and landscaping requirements of the Zoning Ordinance, to be coordinated with Urban Forestry; 2) modification of the proposed buffer strip along Halls Mill Road to accommodate traffic safety

visibility issues and the right-of-way dedication; 3) waiver of the landscape buffer requirement along the South property line where the site abuts an existing non-conforming heavy commercial / light industrial use in an R-1 district, and full compliance with the buffering requirements where the developed portion of the site abuts undeveloped property that is residentially zoned (the remainder of the site to remain wooded and undeveloped); 4) completion of the Subdivision process; and 5) full compliance with all other municipal codes and ordinances.

Subdivision: The Subdivision request is recommended for Tentative Approval, subject to the following conditions: 1) the dedication of 10 feet of right-of-way along Halls Mill Road, and undertaking of the process to vacate or reclaim that remaining portion of the site conveyed to the City of Mobile for a service road for Halls Mill Road; 2) the depiction of the 25-foot minimum building setback line from dedicated right-of-way along Halls Mill Road; 3) demolition of the existing barn, storage shed and residence (with appropriate permits) prior to the recording of the final plat; 4) labeling of the lot with the size of the lot in square feet, or placement of a note on the plat stating the size; 5) placement of a note on the final plat stating that the lot is limited to two curb-cuts, with the size, design and location to be approved by Traffic Engineering and conform to AASHTO standards; and 6) full compliance with all other municipal codes and ordinances.

Sidewalk Waiver: The request is recommended for denial as Engineering has determined that the sidewalk is buildable.

LOCATOR MAP



APPLICATION NUMBER 21 & 22 & 23 DATE November 16, 2006

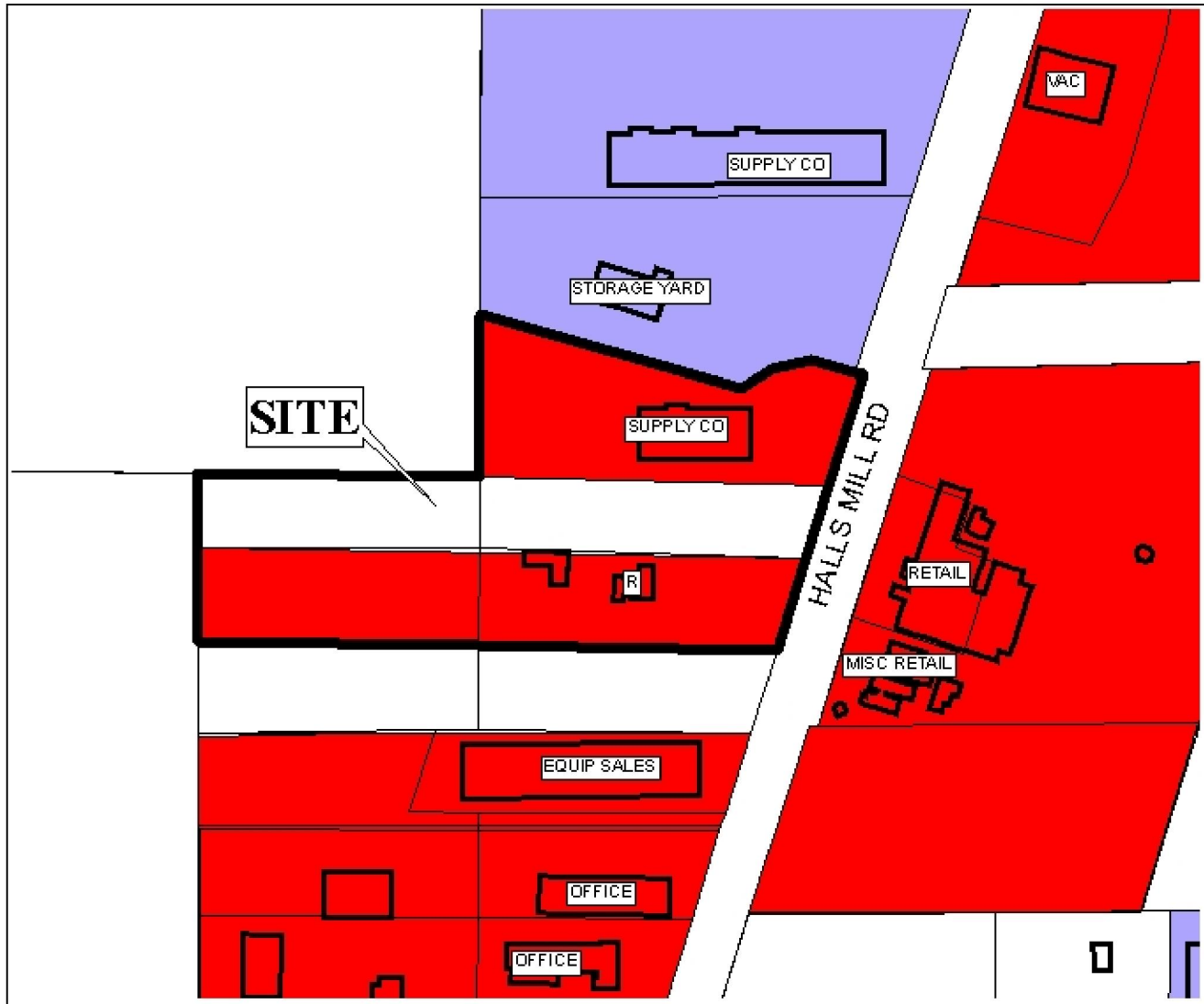
APPLICANT Terharr & Cronley Investment Partnership

REQUEST Subdivision, Sidewalk Waiver, Rezoning from R-1 and B-3 to B-3



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by mixed commercial and industrial land use

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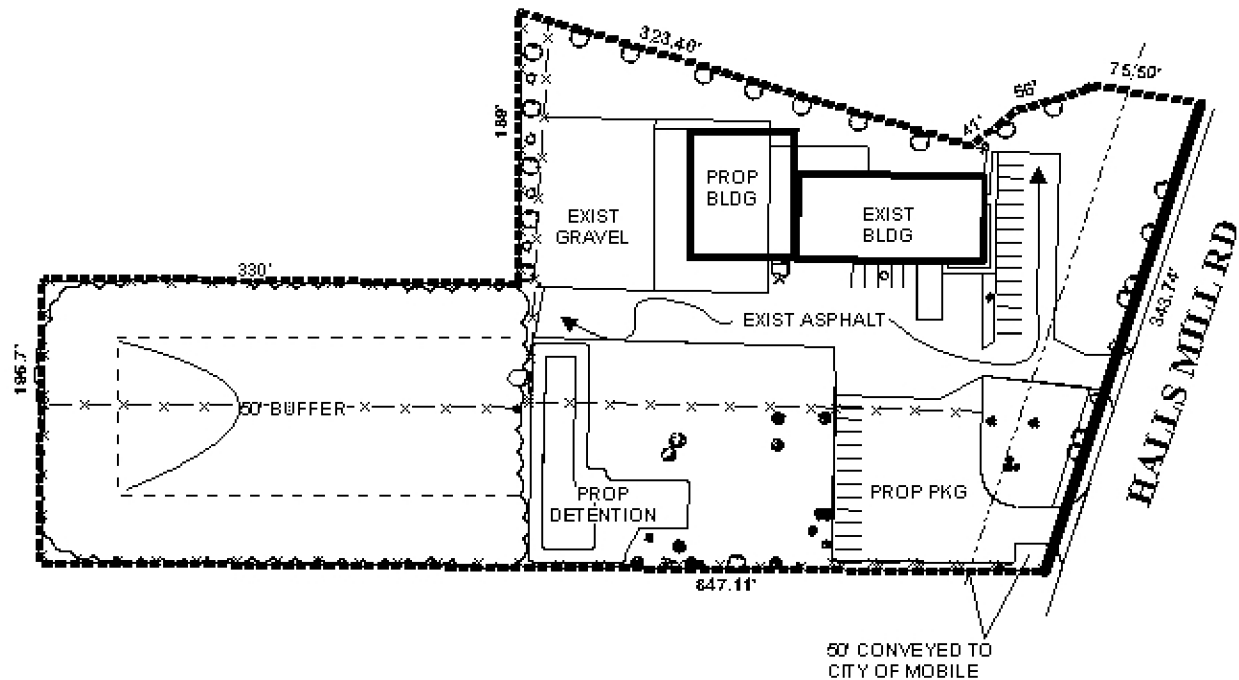
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REQUEST Subdivision, Sidewalk Waiver, Rezoning from R-1 and B-3 to B-3

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	NTS
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SITE PLAN



The site plan illustrates the existing building, parking, proposed building addition and proposed parking

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NTS