

**PLANNED UNIT DEVELOPMENT,  
REZONING, SUBDIVISION,  
& SIDEWALK WAIVER STAFF REPORT**

**Date: January 4, 2007**

**SUBDIVISION NAME**

Golden Glow Farms Subdivision, First Addition, Lot 1,  
Resubdivision of

**DEVELOPMENT NAME**

Carol J. Pugh

**LOCATION**

3556 Halls Mill Road  
(North side of Halls Mill Road, 930'± West of West I-65  
Service Road South, and extending Westward to Montlimar  
Creek)

**CITY COUNCIL  
DISTRICT**

District 4

**PRESENT ZONING**

R-1, Single-Family Residential, B-2, Neighborhood Business  
and I-1 Light Industry

**PROPOSED ZONING**

I-1, Light Industry

**AREA OF PROPERTY**

2 Lots/ 10.7± Acres

**CONTEMPLATED USE**

Commercial Business Park. **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.**

**REASON FOR REZONING**

Changing conditions in the area, making a change in zoning  
necessary and desirable.

**TIME SCHEDULE  
FOR DEVELOPMENT**

Immediate

**ENGINEERING  
COMMENTS**

Per storm water ordinance, detention required for all  
impervious area constructed on-site AFTER 1984, when Flood Plain Management Plan was  
implemented. It appears on City of Mobile GIS that wetlands are present on-site. The applicant  
is responsible for verifying if the site contains wetlands. The site can be checked against the  
National Wetlands Inventory on the COM web site Environmental Viewer. If the site is included  
on the NWI, it is the applicant's responsibility to confirm or deny the existence of regulatory  
wetlands. 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. Sidewalk is constructible at this location.

## **TRAFFIC ENGINEERING**

### **COMMENTS**

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Remove any unused existing driveway cuts.

## **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 landscaping and tree requirements of the Zoning Ordinance to be coordinated with Urban Forestry.

### **REMARKS**

The applicant is requesting approval for Rezoning from R-1, Single Family Residential, and B-3, Community Business, to I-1, Light Industry, to allow commercial/industrial uses; for Planned Unit Development, to allow two buildings on a single-building site with shared parking between sites; for Subdivision; to create two legal lots of record from two metes and bounds parcels; and waiver of sidewalk construction requirements along Halls Mill Road.

The plat illustrates the proposed 10.7± acre, two-lot subdivision, which would create two legal lots from two metes and bounds parcels. The site fronts Halls Mill Road, a planned collector street and as such requires a minimum right-of-way of 70'. With an existing right-of-way of 50', dedication to provide 35' from centerline should be required.

Regarding the proposed subdivision, proposed Lot 2 does not meet the minimum dimension requirements Section V.D.3. of the Subdivision Regulations; therefore, a waiver would be required. As a means of access management, since Lot 1 has no designated curb cuts any redevelopment of Lot 1 should be limited to two curb cuts to Halls Mill Road, with size, location, and design subject to Traffic Engineering approval.

Planned Unit Development (PUD) 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.

Also, the plan does not illustrate landscaped area or any tree plantings proposed on Lot 1; however, it has been the practice of this Commission to require landscaping and tree planting for such areas on other similar projects.

The PUD site plan illustrates shared access between two lots, to allow Lots 1 and 2 shared access to Halls Mill Road. Since, this subdivision would create two separate lots and it seems that Lot 1 has

ample linear footage along Halls Mill Road for access the need for the shared access is a concern, since Lot 2 is undeveloped and would certainly provided for access to Halls Mill Road. Therefore, shared access would seem create a possible traffic circulation problem when Lot 2 is developed.

The site plan illustrates a 10,400 square foot building and an accessory structure on proposed Lot 1, which would require 35 parking spaces for office/retail use or 104 spaces for restaurant uses. Provided the most intensive use, Lot 1 has plenty of area to comply with the landscape requirements of the Zoning Ordinance.

Regarding the proposed Zoning Amendment, the applicant is seeking to rezone the existing B-3 area back to the original zoning of I-1, Light Industry.

The Zoning Ordinance states that an amendment is to be made only when one or more of the following conditions prevail: there is a manifest error in the ordinance; changes in conditions in a particular area make a change in the ordinance necessary and desirable; an increased need for business or industrial sites in addition to sites that are available make it necessary and desirable to rezone an area or extend the boundaries of an existing district; the subdivision of land into urban building sites makes reclassification necessary and desirable.

The applicant states that changing conditions—from commercial to industrial—in the area make rezoning to I-1 appropriate. The site is located along, Halls Mill Road, and there is a large tract of undeveloped land across Halls Mill Road and to the North of the site zoned R-1. Adjacent property to the South is zoned I-1 and adjacent to the Northeast is non-conforming R-1 zoned property used as B-3. While there is industrial zoning and development near the site, the majority is oriented toward these businesses and the vegetative buffering would appear to satisfy the separation requirements of the Ordinance in a more aesthetically pleasing manner for nearby residences.

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.

The applicant is also requesting a waiver of sidewalk construction requirements, citing the absence of sidewalks at neighboring properties.

It should be noted that the Commission has rarely allowed the absence of sidewalks in an area as justification for waiving sidewalk construction requirements. Further, it has been the policy of the Commission to approve sidewalk waivers only in cases where there was an engineering reason or physical barrier that made installation of the sidewalk impracticable.

It should be noted that sidewalks do not exist along this section of Halls Mill Road. However, comments by Engineering state that sidewalks could be constructed.

**RECOMMENDATION**      **Subdivision**      Based on the preceding, this application is recommended for Tentative Approval, subject to the following conditions: 1) the placement of a note on the final plat stating that a buffer is required, in compliance with Section V.A.7, where the site

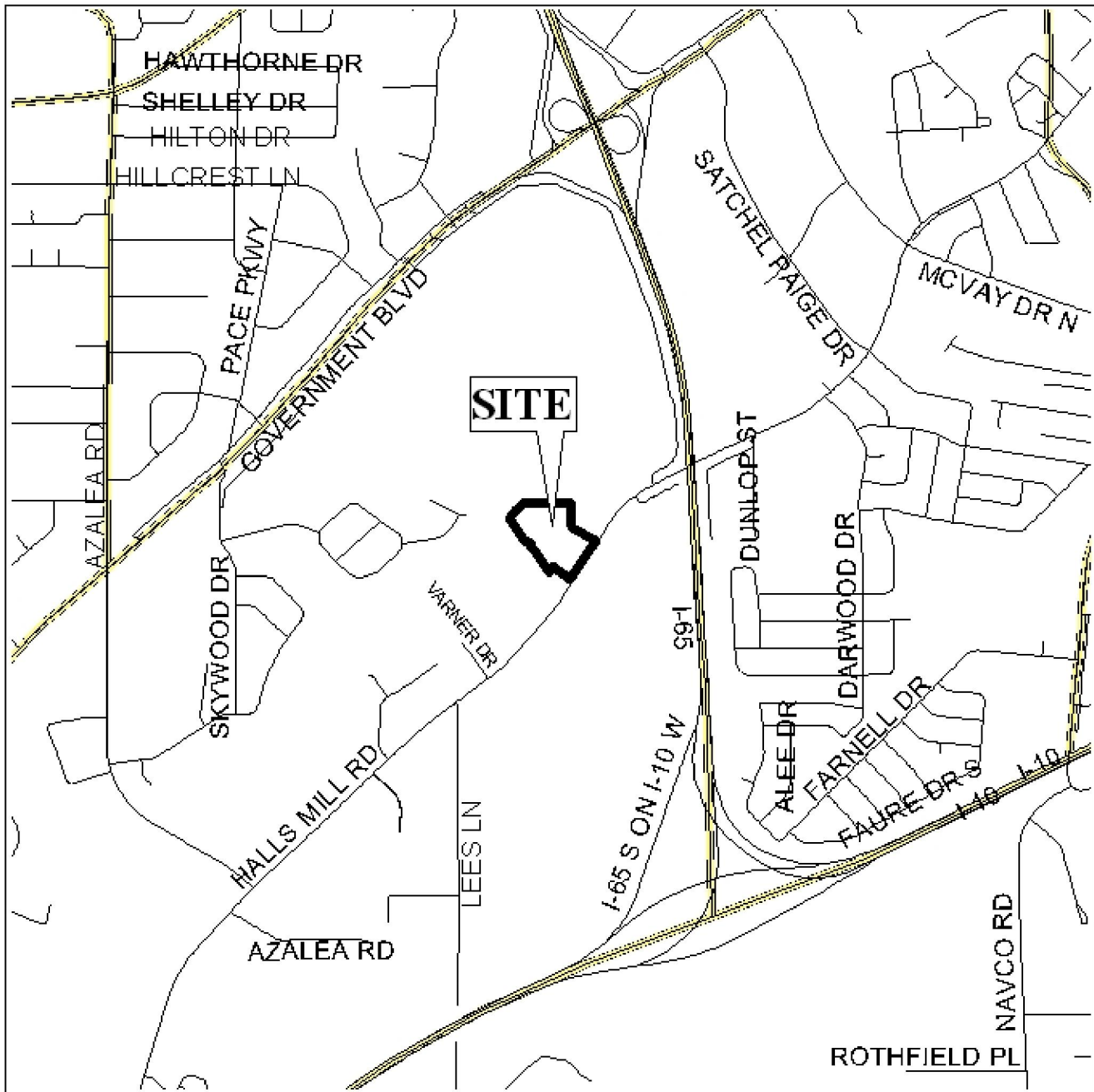
adjoins residentially zoned property; 2) full compliance with landscaping and tree requirements of the Zoning Ordinance to be coordinated with Urban Forestry; 3) the placement of a note on the final plat stating that a buffer is required, in compliance with Section V.A.7, where the site adjoins residentially zoned property; and 4) the placement of a note on the final plat stating that redevelopment, Lot 1 is limited to two curb cuts to Halls Mill Road, and Lot 1 with size, location, and Lot 2 is limited to one curb cut, with the size, location and design subject to Traffic Engineering approval.

**Planned Unit Development:** Based upon the preceding, this request is recommended for Approval, subject to the following conditions: 1) the placement of a note on the final plat stating that a buffer is required, in compliance with Section V.A.7, where the site adjoins residentially zoned property; 2) full compliance with landscaping and tree requirements of the Zoning Ordinance to be coordinated with Urban Forestry; 3) the placement of a note on the final plat stating that a buffer is required, in compliance with Section V.A.7, where the site adjoins residentially zoned property; 4) the placement of a note on the final plat stating that redevelopment, Lot 1 is limited to two curb cuts to Halls Mill Road, and Lot 1 with size, location, and Lot 2 is limited to one curb cut, with the size, location and design subject to Traffic Engineering approval; and 5) the submission of a revised PUD plan eliminating the shared access between Lots 1 and 2 by providing a solid curb.

**Rezoning** Based on the preceding, this application is recommended for Approval, subject to the following conditions: 1) the placement of a note on the final plat stating that a buffer is required, in compliance with Section V.A.7, where the site adjoins residentially zoned property; 2) full compliance with landscaping and tree requirements of the Zoning Ordinance to be coordinated with Urban Forestry; 3) the placement of a note on the final plat stating that a buffer is required, in compliance with Section V.A.7, where the site adjoins residentially zoned property; 4) the placement of a note on the final plat stating that redevelopment, Lot 1 is limited to two curb cuts to Halls Mill Road, and Lot 1 with size, location, and Lot 2 is limited to one curb cut, with the size, location and design subject to Traffic Engineering approval; 5) the submission of a revised PUD plan eliminating the shared access between Lots 1 and 2 by providing a solid curb; and 6) full compliance with all municipal codes and ordinances, including landscaping, tree planting, parking, and buffering, as soon as practicable.

**Sidewalk Waiver** Based on the preceding, this application for sidewalk waiver be denied.

## LOCATOR MAP



APPLICATION NUMBER 25,26,27,28 DATE January 4, 2007

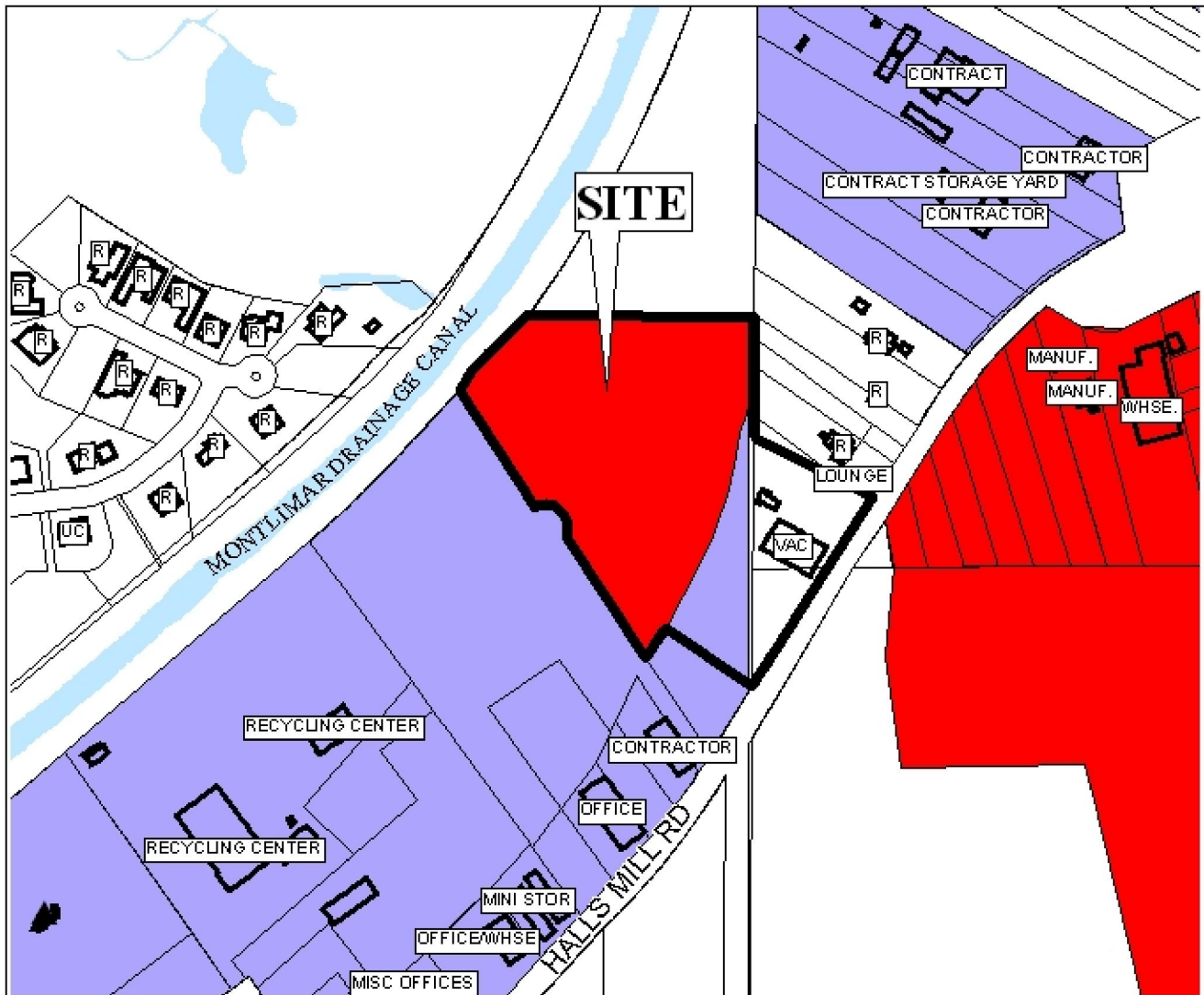
APPLICANT Golden Glow Farms Subdivision, First Addition, Lot 1 Resubdivision of  
Subdivision, Rezoning from R-1, B-3, and I-1 to I-1, Planned Unit

REQUEST Development, Sidewalk Waiver



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# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by mixed landuse.

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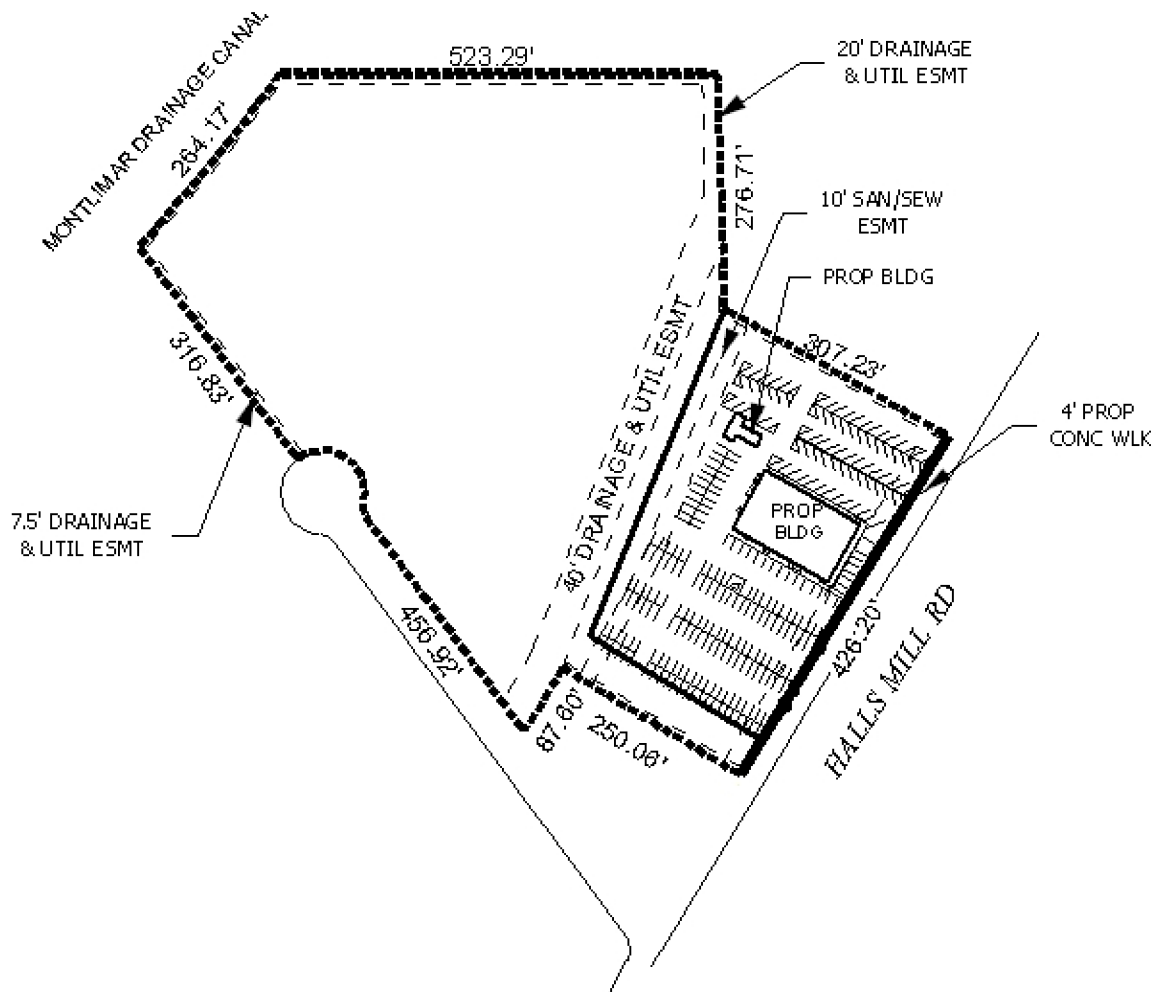
REQUEST Development, Sidewalk Waiver

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



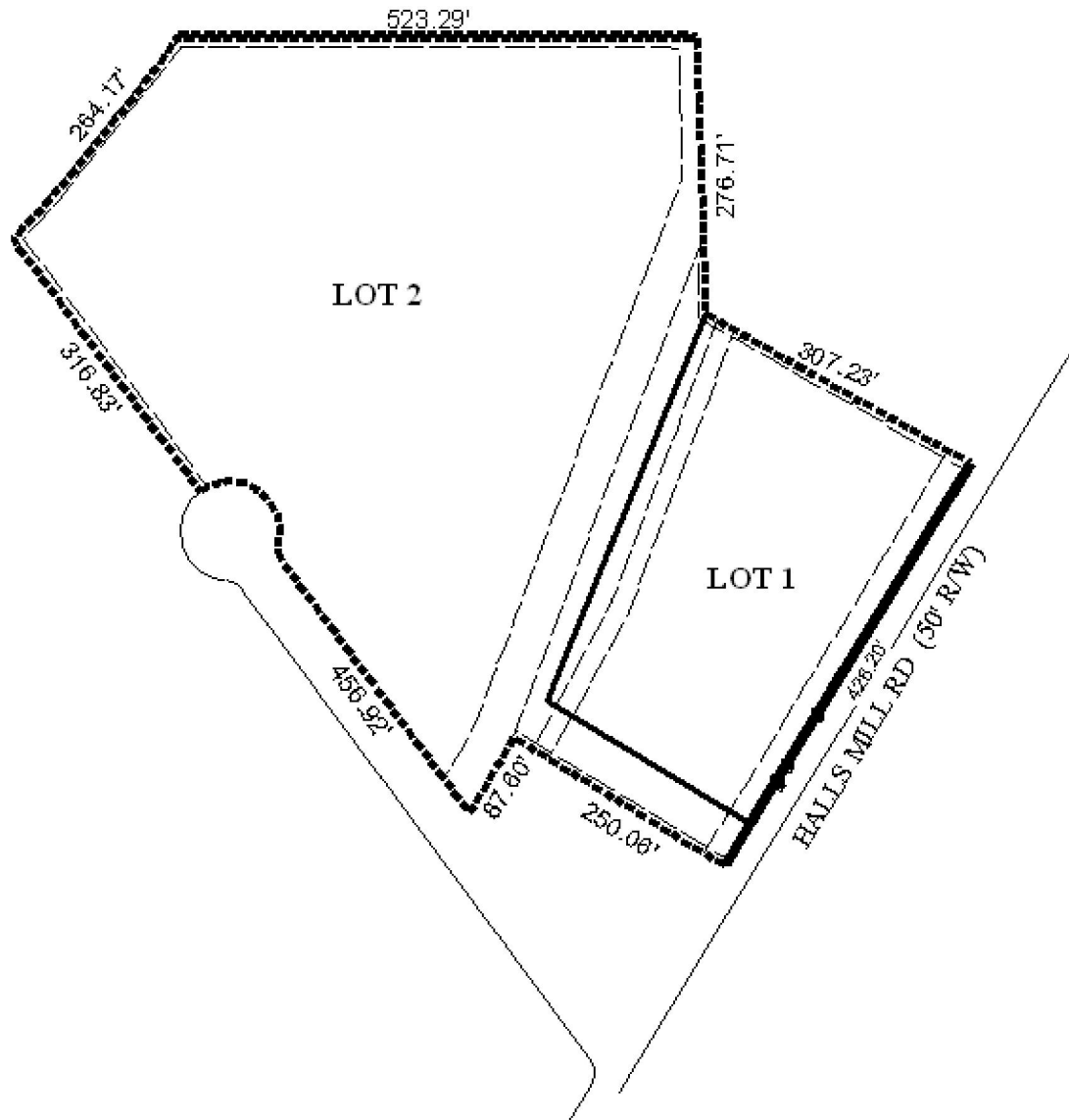
The site plan illustrates proposed parking, buildings, easements, and concrete walk.

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# SUBDIVISION PLAT



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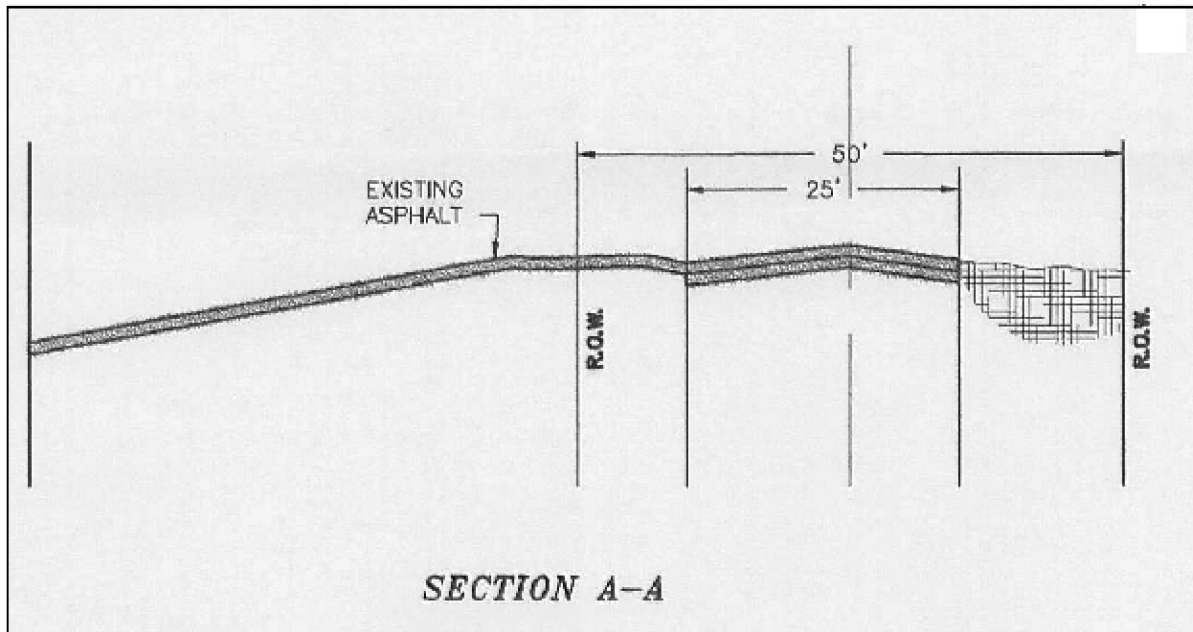
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REQUEST Development, Sidewalk Waiver



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## SIDEWALK CROSS SECTION DETAIL



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REQUEST Development, Sidewalk Waiver



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