

**ZONING AMENDMENT &
PLANNED UNIT DEVELOPMENT
STAFF REPORT**

Date: August 2, 2007

NAME

Paul Persons

LOCATION

4474 Halls Mill Road
(North side of Halls Mill Road, 4/10 mile+ West of the
North terminus of Riviere du Chien Road)

**CITY COUNCIL
DISTRICT**

District 4

PRESENT ZONING

B-3, Community Business District

PROPOSED ZONING

B-3, Community Business District

AREA OF PROPERTY

1 Lot / 5.3 + Acres

CONTEMPLATED USE

Planned Unit Development Approval to allow multiple buildings on a single building site and Rezoning from B-3, Community Business, to B-3, Community Business, to amend a buffer strip condition of the previous rezoning.

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
FOR DEVELOPMENT**

Immediate

**ENGINEERING
COMMENTS**

All storm water shall be captured on-site; if water is concentrated onto an adjacent property owner, a release agreement is required. All storm water should be conveyed to the existing detention pond. Verify that the pond has the capacity for the additional runoff. It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS shows wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. 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. Fire Department approval required for orientation of proposed turnaround.

TRAFFIC ENGINEERING**COMMENTS**

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**

All projects must comply with the requirements of the 2003 International Fire Code, including Appendices B through D, with local amendments, and the 2003 International Existing Building Code.

REMARKS

The applicant is requesting Planned Unit Development Approval to allow multiple buildings on a single building site, and Rezoning from B-3, Community Business, to B-3, Community Business, to amend a buffer strip condition of the previous rezoning. Plumbing/HVAC contractors, light distribution/warehouse (under 40,000 square feet), and contractor's offices with screened outside storage are allowed by right in B-3 districts.

The PUD aspect of this application is a holdover from the July 19th meeting, and the Zoning request is new for this combined application.

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.

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.

The applicant is requesting Planned Unit Development to allow the construction of a third building on a single building site, and rezoning to reduce a 20-foot buffer strip condition of the previous rezoning to 10-feet in width.

North of the site are single-family homes and vacant land in an R-1, Single-Family Residential District, while East and South of the site are commercially zoned properties with primarily commercial uses. West of the site are apartments in a B-1, Buffer Business District. The original rezoning approval included a condition of a 20-foot wide buffer strip *“to be left in a natural vegetative state with in-fill plantings as determined necessary by the Land Use Staff, along the North and West property lines.”* According to the staff report from July 10, 1997, this condition was placed on the site to provide additional buffer between adjacent residential uses and the site so that the residential uses would be protected from commercial development on the site. The original site plan accompanying the zoning application from 1997 shows a “20-foot natural buffer zone” along the Northern boundary of the site. The staff report additionally states that *“With sufficient buffering along the North and West property lines, such as a 20’ buffer strip to be left in a natural vegetative state with in-fill plantings as necessary, the proposed development should not pose a menace to neighboring residential properties...”* It should also be noted that the presence of a 50-foot Alabama Power easement along the Northern edge of the property makes compliance with the normal 10-foot buffering requirements difficult, thus a 20-foot wide buffer might be more appropriate.

The site in question was created by an approved one lot subdivision in November, 1999. Since that time, two buildings have been developed on the site. Previous applications for PUD, Subdivision and Zoning approvals in 2006 and 2007 did not appear to elicit any response from the community, and the original rezoning application in 1997 did not face any opposition at the Planning Commission meeting.

The proposed building will be set back 10 feet from the North and West property lines, thus the reason for the rezoning application requesting a reduction in the 20-foot wide buffer condition from 1997. The site plan includes a note stating that the North boundary line would include substantial buffering with existing and new landscaping and trees, or a 6-foot high privacy fence as part of the proposed 10-foot wide residential buffer. A 6-foot high wooden privacy fence is shown as existing along the Western boundary line of the property, where it abuts the apartment complex in a B-1 district.

The existing and proposed parking areas contain more than 10 spaces. Light for the parking areas must comply with Section 64-6.A.3.c. of the Zoning Ordinance, *Lighting*, which states that *“if they contain ten (10) or more cars, lighting shall be provided and maintained during their operation, and shall be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic.”*

There is no indication on the site plan as to the proposed location of any dumpster or other waste storage facility. If the applicant utilizes a dumpster, the location of the storage area for the dumpster must be indicated on the site plan, and the location and required screening must comply Section 64-4.D.9. of the Zoning Ordinance, as well as with all other applicable regulations.

There have been no changes to the surrounding residential uses to warrant changing the previously approved buffer requirement. It is clear that reducing the buffer would benefit the proposed development, however, there appears to be adequate land available on the property to accommodate the buffer requirements through a redesign of the proposed development.

RECOMMENDATION

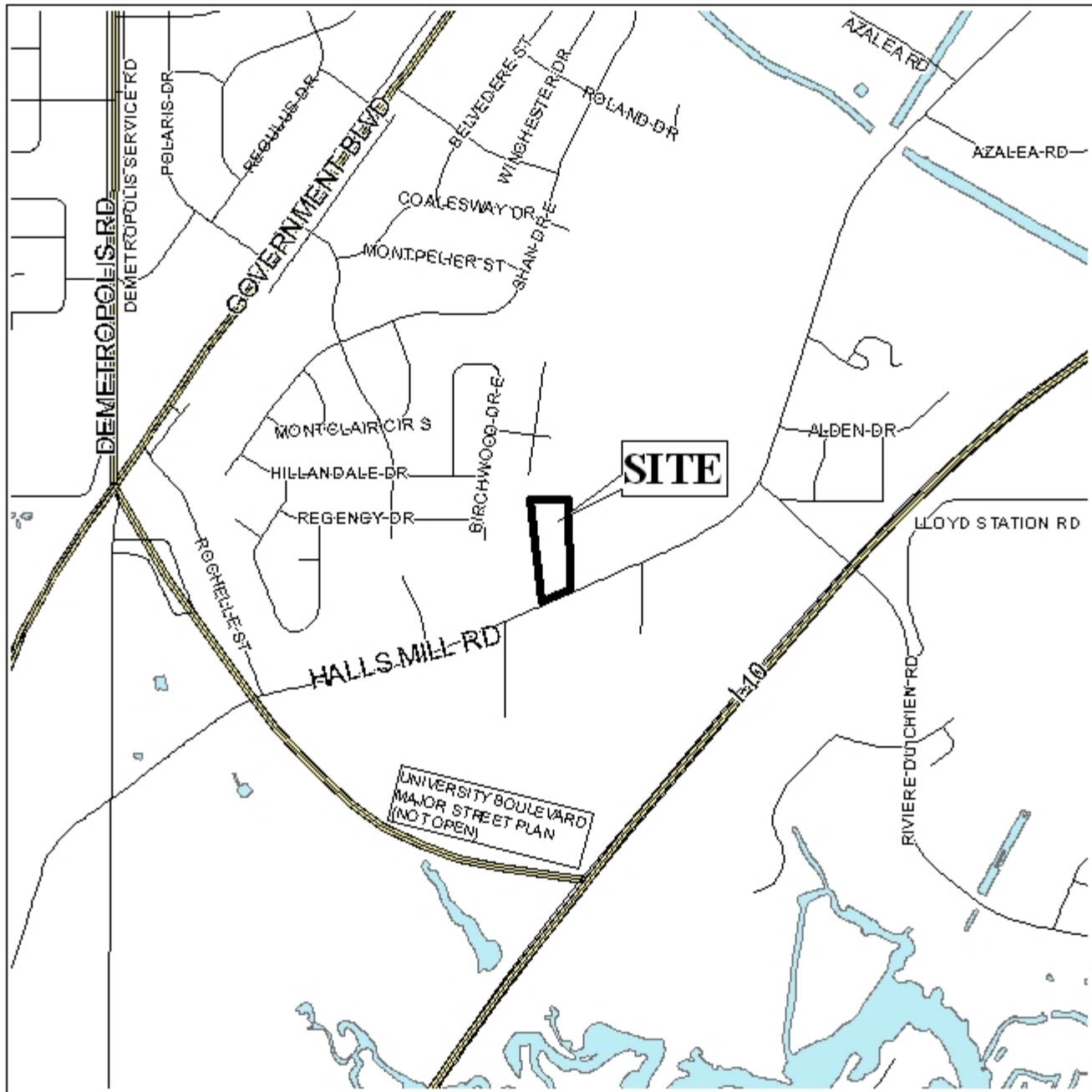
Rezoning: Based upon the preceding, this application is recommended for Denial for the following reasons:

- 1) Conditions do not appear to have sufficiently changed to warrant the removal of the buffer condition; and
- 2) The applicant has not sufficiently justified the reduction of the proposed buffer, other than to accommodate the proposed development.

Planned Unit Development: Based upon the preceding, this application is recommended for Denial for the following reason:

- 1) based upon the denied Zoning application, and thus the remaining 20-foot buffer requirement.

LOCATOR MAP



APPLICATION NUMBER 25 & 26 DATE August 2, 2007

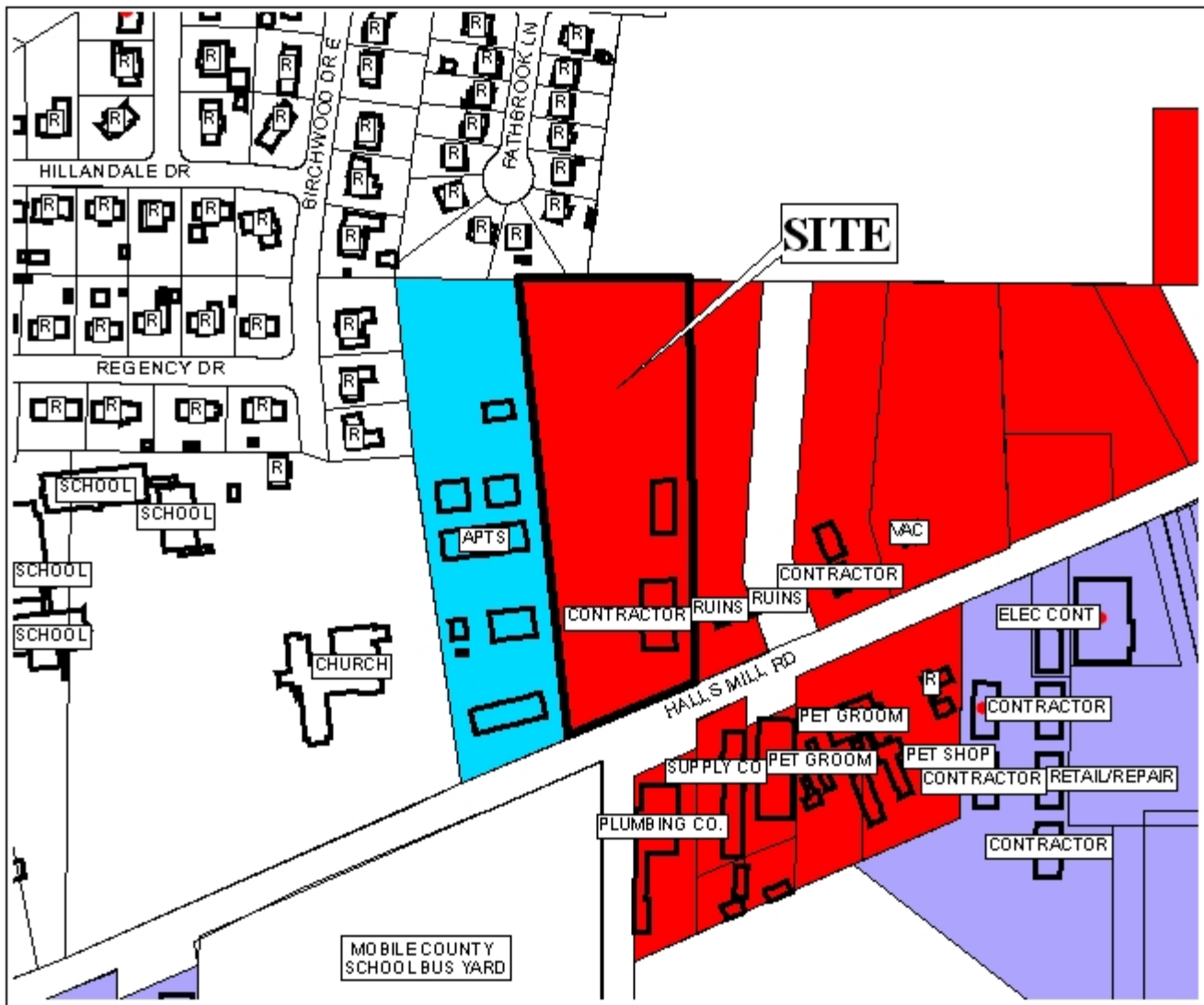
APPLICANT Paul Persons

REQUEST Planned Unit Development, Rezoning from B-3 to B-3



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



This site is surrounded by various landuse.

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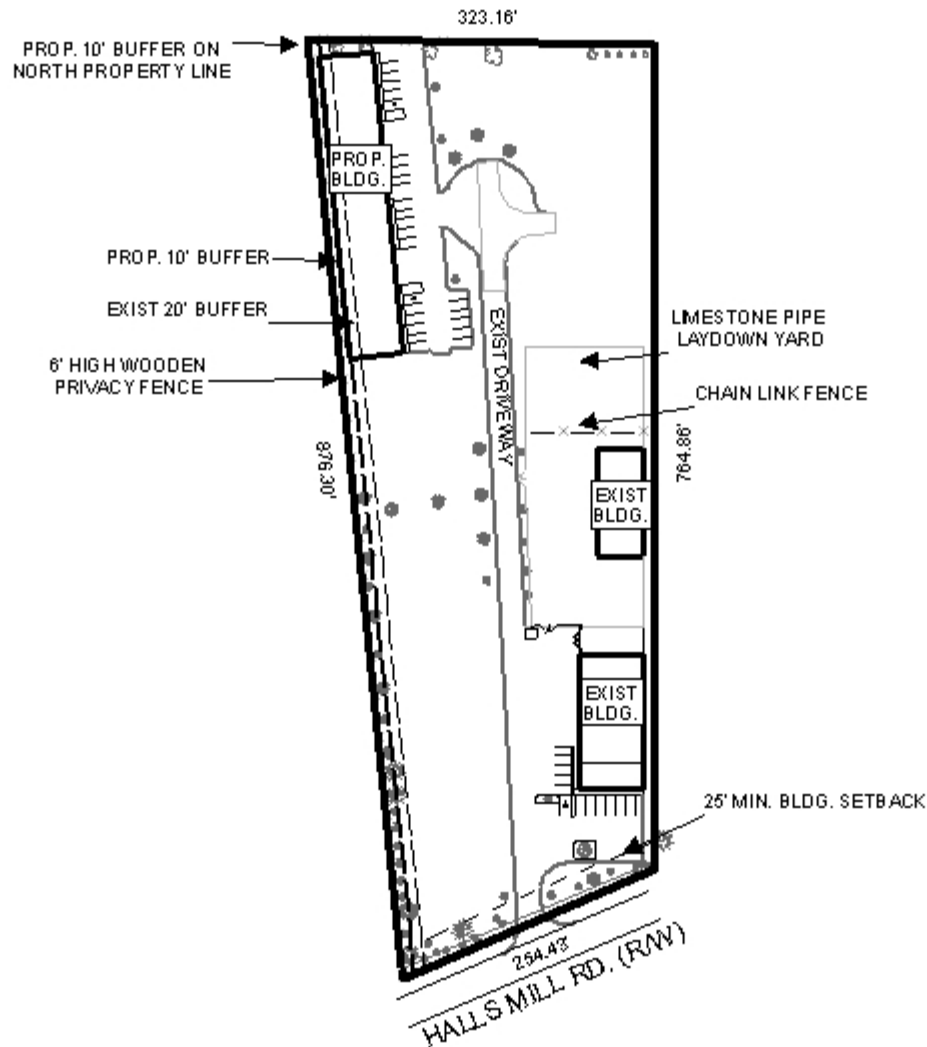
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LEGEND

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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SITE PLAN



This site plan illustrates proposed/existing buildings, parking, and proposed/existing buffers.

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NTS