

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

Date: August 18, 2011

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| <u>NAME</u> | Don Williams |
| <u>DEVELOPMENT NAME</u> | Rich's Car Wash |
| <u>LOCATION</u> | 1066 Hillcrest Road (Northwest corner of Hillcrest Road and Johnston Lane) |
| <u>CITY COUNCIL DISTRICT</u> | District 6 |
| <u>PRESENT ZONING</u> | R-1, Single-Family Residential and B-2, Buffer Business District |
| <u>PROPOSED ZONING</u> | B-2, Buffer Business District |
| <u>REASON FOR REZONING</u> | Rezoning from R-1, Single-Family Residential District and B-2, Buffer Business District to B-2, Buffer Business District eliminate split zoning for an existing car wash. |
| <u>AREA OF PROPERTY</u> | 1 Lot / 1.9 ± Acres |
| <u>CONTEMPLATED USE</u> | Planned Unit Development to allow a car drying/vacuuming shed, oil change building, office and customer waiting area on a single building site, and Rezoning from R-1, Single-Family Residential District and B-2, Buffer Business District to B-2, Buffer Business District eliminate split zoning for an existing car wash. 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</u> | Existing |
| <u>ENGINEERING COMMENTS</u> | Must comply with all storm water and flood control ordinances. Any increase in impervious area in excess of 4,000 square feet will require |

detention. Any work performed in the right of way will require a right of way permit. Drainage from any dumpster pads or drainage from car washing operations cannot discharge to storm sewer; must have connection to sanitary sewer.

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 within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.

REMARKS

The applicant is requesting Planned Unit Development to allow a car drying/vacuuming shed, oil change building, office and customer waiting area on a single building site, and Rezoning from R-1, Single-Family Residential District and B-2, Buffer Business District to B-2, Buffer Business District eliminate split zoning for an existing car wash. Similar applications were approved at the June 17, 2010 Commission meeting, but the advertising fee for the Rezoning was not submitted and the application expired, as did the PUD. The applicant wishes to pursue the project again with minor site plan changes, some of which were conditions of the previous approvals. Also, a Front Yard Setback Variance was approved by the Board of Zoning Adjustment in September, 2010, to allow an existing canopy 11' from a street property line. Since a variance approval is site plan specific, that variance should be amended to reflect the current site plan before the Commission, if approved.

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 if any new construction is anticipated that will change an approved site plan, an application to amend an existing, approved PUD must be made prior to any construction activities.

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.

The entire site appears to be depicted as commercial 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. The site is bounded to the North by general offices (zoned B-2), to the South by general offices (zoned B-2), to the East by more general offices (zoned B-2) and to the West by undeveloped land (zoned R-1).

The applicant states that they would like to resolve the split zoning (R-1 and B-2) to reflect current usage of the site. To that end, rezoning would be justified. It should be noted that the site is already a legal lot of record and that there is no proposed new construction for the site, with the exception of relocating the dumpster out of the Johnston Lane right-of-way and onto the site.

The property has been utilized as a car wash for over 10 years. The site itself is developed with a 5,000 square foot main building for office, wash tunnel, customer waiting room, bathrooms and oil change bays. The entire site has asphalt pavement, three independent roofed car drying/vacuuming sheds which are open sided supported by metal columns and a portable shed. Twenty three parking spaces are delineated on the site plan in the rear (R-1 zoned portion) used for employee parking with no independent driveway to Johnston Lane. It should be noted that concrete sidewalks adjoin Hillcrest Road, but not Johnston Lane. The site plan incorporates some of the conditions of approval of the previously-approved PUD to include the provision of a 6' high wooden privacy fence along the Western portion of the site, although it does not extend the entire length to the North as required. The site plan should be revised to indicate the fence extending along the *entire* length of the Western boundary except no higher than 3' within the 25' Johnston Lane setback. The relocated dumpster is shown; however, it does not meet the zero or minimum 5' side yard setback, no screening is indicated and no note on the site plan refers to screening to be provided. The site plan should be revised to indicate proper dumpster setback off the side property line with screening, or a note should be placed on the site plan stating that the dumpster will be completely screened from view. It should be further noted that a buffer has been added along Hillcrest Road on the Eastern portion of the site to comply with Section 64-4.D.1. of the Ordinance. There is however, a relocated portable storage building indicated within the 12' drainage and utility easement in the Western portion of the site. This should be relocated to a compliant area of the site out of the easement and not displacing any required parking. Since no building permit was obtained for this structure, an after-the-fact building permit should be obtained after the structure is relocated to a compliant location.

Full compliance with the tree and landscaping requirements of the Zoning Ordinance is typically required for properties going through the rezoning process. Full compliance for this site would require 16 overstory frontage trees, and 9,930 square feet total landscape area, of which 5,960 square feet to be provided as front landscape area. It should be noted that the site plan submitted illustrates full compliance with the tree and landscape requirements of the Zoning Ordinance.

Any new lighting on the site must comply with the requirements of Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance, and a note stating such should be placed on the revised PUD site plan, if approved.

RECOMMENDATION

Rezoning: The request is recommended for holdover to the August 18th meeting to allow the applicant to address the following issues on the site plan, with revision due by August 1st:

- 1) revision of the site plan to indicate a 6' high wooden privacy fence along the *entire* Western boundary of the site, except no higher than 3' high within the Johnston Lane 25' setback;
- 2) revision of the site plan to indicate either a zero or 5'-plus side yard setback for the dumpster;
- 3) revision of the site plan to indicate proper dumpster screening or the placement of a note on the site plan stating that the dumpster will be completely screened from view; and
- 4) revision of the site plan to relocate the portable storage building to a compliant area of the site out of the drainage and utility easement and not displacing any required parking.

Planned Unit Development: The request is recommended for holdover to the August 18th meeting to allow the applicant to address the following issues on the site plan, with revisions due by August 1st:

- 1) revision of the site plan to indicate a 6' high wooden privacy fence along the *entire* Western boundary of the site, except no higher than 3' high within the Johnston Lane 25' setback;
- 2) revision of the site plan to indicate either a zero or 5'-plus side yard setback for the dumpster;
- 3) revision of the site plan to indicate proper dumpster screening or the placement of a note on the site plan stating that the dumpster will be completely screened from view; and
- 4) revision of the site plan to relocate the portable storage building to a compliant area of the site out of the drainage and utility easement and not displacing any required parking.

Revised for the August 18th meeting:

This application was heldover from the July 21st meeting to allow the applicant to address the following items for both the Rezoning and the Planned Unit Development:

- 1) *revision of the site plan to indicate a 6' high wooden privacy fence along the entire Western boundary of the site, except no higher than 3' high within the Johnston Lane 25' setback;*
- 2) *revision of the site plan to indicate either a zero or 5'-plus side yard setback for the dumpster;*
- 3) *revision of the site plan to indicate proper dumpster screening or the placement of a note on the site plan stating that the dumpster will be completely screened from view; and*

- 4) revision of the site plan to relocate the portable storage building to a compliant area of the site out of the drainage and utility easement and not displacing any required parking.

The applicant has submitted a site plan with the required revisions meeting compliance with the Zoning Ordinance. The portable storage building has been relocated to an area partially in the parking lot and partially on the landscaped area; however, the two parking spaces it occupies have been provided elsewhere on site, and the site has adequate landscaping area to allow the loss due to the building site coverage.

RECOMMENDATION

Rezoning: The request is recommended for Approval, subject to the following conditions:

- 1) development limited to an approved Planned Unit Development; and
- 2) full compliance with all other municipal codes and ordinances.

Planned Unit Development: The request is recommended for Approval, subject to the following conditions:

- 1) placement of a note on the site plan stating that the runoff from the vehicle washing facility must drain to the sanitary sewer system, and the connection must include an oil separator;
- 2) placement of a note on the site plan stating that the dumpster pad must connect to the sanitary sewer system via a grease trap/oil separator;
- 3) placement of a note on the site plan stating that any new lighting on the site will comply with Section 64-4.A.2. and 64-6.A.3.c. of the Zoning ordinance;
- 4) obtaining of all necessary after-the-fact building permits for the portable storage shed; and
- 5) submittal of two copies of a revised PUD site plan including the above conditions to the Planning Section of Urban Development.

LOCATOR



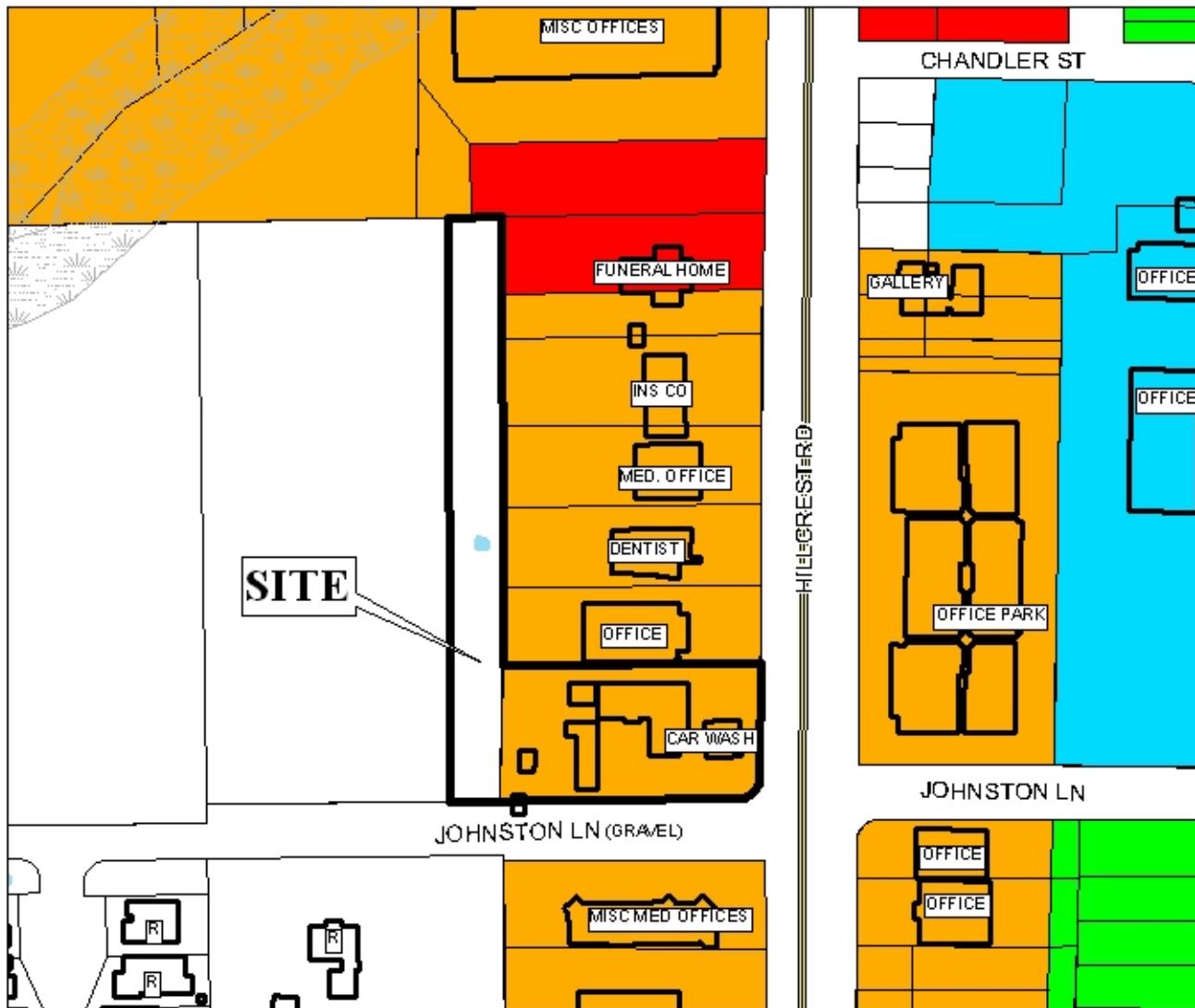
APPLICATION NUMBER 3 & 4 DATE August 18, 2011

APPLICANT Don Williams

REQUEST Planned Unit Development, Rezoning from R-1 and B-2 to B-2

N
NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



This site is surrounded by commercial land use with residential land use to the west.

APPLICATION NUMBER 3 & 4 DATE August 18, 2011

APPLICANT Don Williams

REQUEST Planned Unit Development, Rezoning from R-1 and B-2 to B-2

LEGEND

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| 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 |
|-----|-----|-----|-----|-----|-----|-----|-----|------|-----|-----|-----|-----|-----|-----|-----|



**PLANNING COMMISSION
VICINITY MAP - EXISTING ZONING**



This site is surrounded by commercial land use with residential land use to the west.

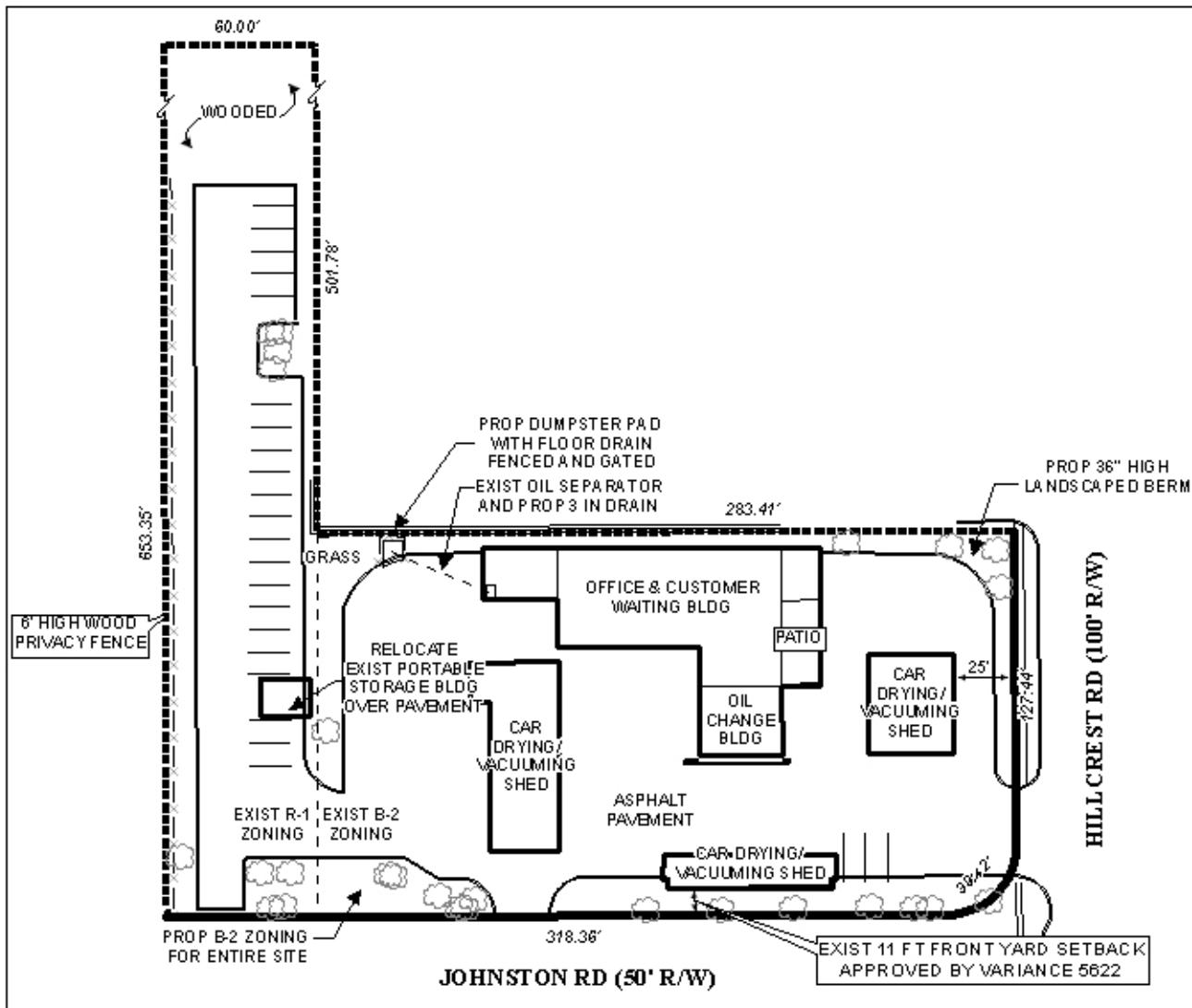
APPLICATION NUMBER 3 & 4 DATE August 18, 2011

APPLICANT Don Williams

REQUEST Planned Unit Development, Rezoning from R-1 and B-2 to B-2

N
NTS

SITE PLAN



This site plan illustrates the existing car wash facility, proposed improvements, and proposed zoning.

APPLICATION NUMBER 3 & 4 DATE August 18, 2011

APPLICANT Don Williams

REQUEST Planned Unit Development, Rezoning from R-1 and B-2 to B-2

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NTS