

**PLANNING APPROVAL STAFF &
SIDEWALK WAIVER REQUEST
STAFF REPORT**

Date: November 1, 2012

<u>NAME</u>	Forklift Hunter, LLC
<u>LOCATION</u>	216 East I-65 Service Road North (East side of East I-65 Service Road North, 610' ± North of Old Shell Road)
<u>CITY COUNCIL DISTRICT</u>	District 1
<u>PRESENT ZONING</u>	B-3, Community Business District
<u>AREA OF PROPERTY</u>	1 Lot / 0.7 ± Acre
<u>CONTEMPLATED USE</u>	Planning Approval to amend a previously approved Planning Approval to allow heavy equipment sales, rental and leasing in a B-3, Community Business District, and a Sidewalk Waiver to waive construction of a sidewalk along East I-65 Service Road North.
<u>TIME SCHEDULE FOR DEVELOPMENT</u>	None provided
<u>ENGINEERING COMMENTS</u>	Due to the size of the existing roadside drainage ditch to the north which would prohibit the extension of a sidewalk in the future, and the limited space between the front of the existing building and the edge of the service road, it is recommended that this request be approved.
<u>TRAFFIC ENGINEERING COMMENTS</u>	Traffic Engineering has no objection to the request for a sidewalk waiver.
<u>URBAN FORESTRY COMMENTS</u>	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 Planning Approval to amend a previously approved Planning Approval to allow heavy equipment sales, rental and leasing in a B-3, Community Business District, and a Sidewalk Waiver to waive construction of a sidewalk along East I-65 Service Road North. Planning Approval is required for heavy equipment sales, rental and leasing in B-3 districts.

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 hazards, and to determine if the proposal is in harmony with the orderly and appropriate development of the district. It is very important to note that the Planning Approval review is **site plan specific**; therefore, any future changes to the site plans, as approved, by current or future applicants must be submitted for Planning Approval review.

At the Planning Commission’s October 6, 2011 meeting, the applicant received approvals for a 1-lot subdivision as well as Planning Approval to allow heavy equipment sales, rental, and leasing in a B-3, Community Business District. The applicant states that all of the conditions of the previous approval for the Planning Approval have been met, with the exception of the provision of a compliant City standard sidewalk along the street frontage. The applicant applied for a Sidewalk Waiver at the Planning Commission’s August 2, 2012 meeting which was denied because it was determined that a new Planning Approval application should be submitted as well.; therefore this new Planning Approval application and Sidewalk Waiver application have been submitted.

With regard to the Planning Approval request to allow the equipment sales, rental, and leasing in a B-3 district, the site has been used for a variety of office, retail, wholesale and construction trades, both with and without outside storage. The allowance of equipment sales, rental, and leasing would not be a substantial increase in use over some of the previous uses of the site. There is an area at the rear of the property that has existing aggregate surfacing, which was previously depicted as “to be paved with asphalt”, and is currently labeled simply as “existing aggregate surfacing”. Staff photos dated May 9, 2012 show that vehicles and equipment are being stored on the aggregate surfacing. This area should be paved with asphalt as previously proposed, or a variance should be applied for. The same set of staff photos also illustrates that vehicles are being parked between the building and the right-of-way rather than the parking spaces illustrated behind the building. The space between the building and right-of-way would allow for parking spaces to be between 9’ and 16’ deep rather than the required 18’, this results in the vehicles currently parking there having to back out into the right-of-way. The applicant should make steps to insure that no one parks between the building and the right-of-way. While they are not labeled as such, it appears that there are gates located at both the entrance and exit curb-cuts. There is adequate queuing space for both of them; however, they should be labeled as gates on the site plan.

There is a discrepancy between the site plan and what staff photos illustrate in regards to the location of a chain link fence on the North property line. The previous conditions of approval required the applicant to construct a fence to separate the subject property from the adjacent property. The site plan illustrates the fence to be going underneath a “power tower”, whereas staff photos show the fence on the North side of the “power tower”. The location of the fence in relation to the property line should be verified, as the applicant may be utilizing a portion of the adjacent property.

It should be noted that the site plan submitted includes a note stating that curbside pick-up will be utilized; therefore a dumpster is not required. Despite this, staff photos indicate that there is a dumpster at the rear of the site. The site plan indicates areas for proposed landscaping but no calculations are provided. As there may not be sufficient room in front of the existing building to provide compliant frontage landscaping, and there is an existing Alabama Power Company easement that is 92.6’ wide, landscaping and tree planting compliance should be coordinated with Urban Forestry. Compliant buffer fencing along adjacent residential sites to the East is indicated; however, the site plan should be revised to indicate that the privacy fence will be 3’ high within the front 25’ setback. It should also be noticed that a 6’ wide landscape buffer is labeled along the adjacent residential properties as per the previous conditions of approval.

It should be noted that there appear to be two businesses operating at this location. The first business is the applicant, Forklift Hunter, which has an active business license at the subject site, but does not have a zoning clearance or a sign permit for the wall sign that is located above the roofline, which is not permitted by Section 64-11.6.e. of the Zoning Ordinance. The second business, PGT Trucking, does not have a business license or zoning clearance at this location, yet staff photos indicate there are three wall signs, none of which are permitted, and would exceed the number of allowable signs for a multi-tenant site.

In regards to the Sidewalk Waiver request, the applicant states that any required sidewalks would be very close to the front of the building, and that there is a large difference in elevation between the edge of the road pavement and the right-of-way line. According to Engineering comments, *“Due to the size of the existing roadside drainage ditch to the north which would prohibit the extension of a sidewalk in the future, and the limited space between the front of the existing building and the edge of the service road, it is recommended that this request be approved.”*. Therefore, approval of the Sidewalk Waiver may be appropriate.

RECOMMENDATION

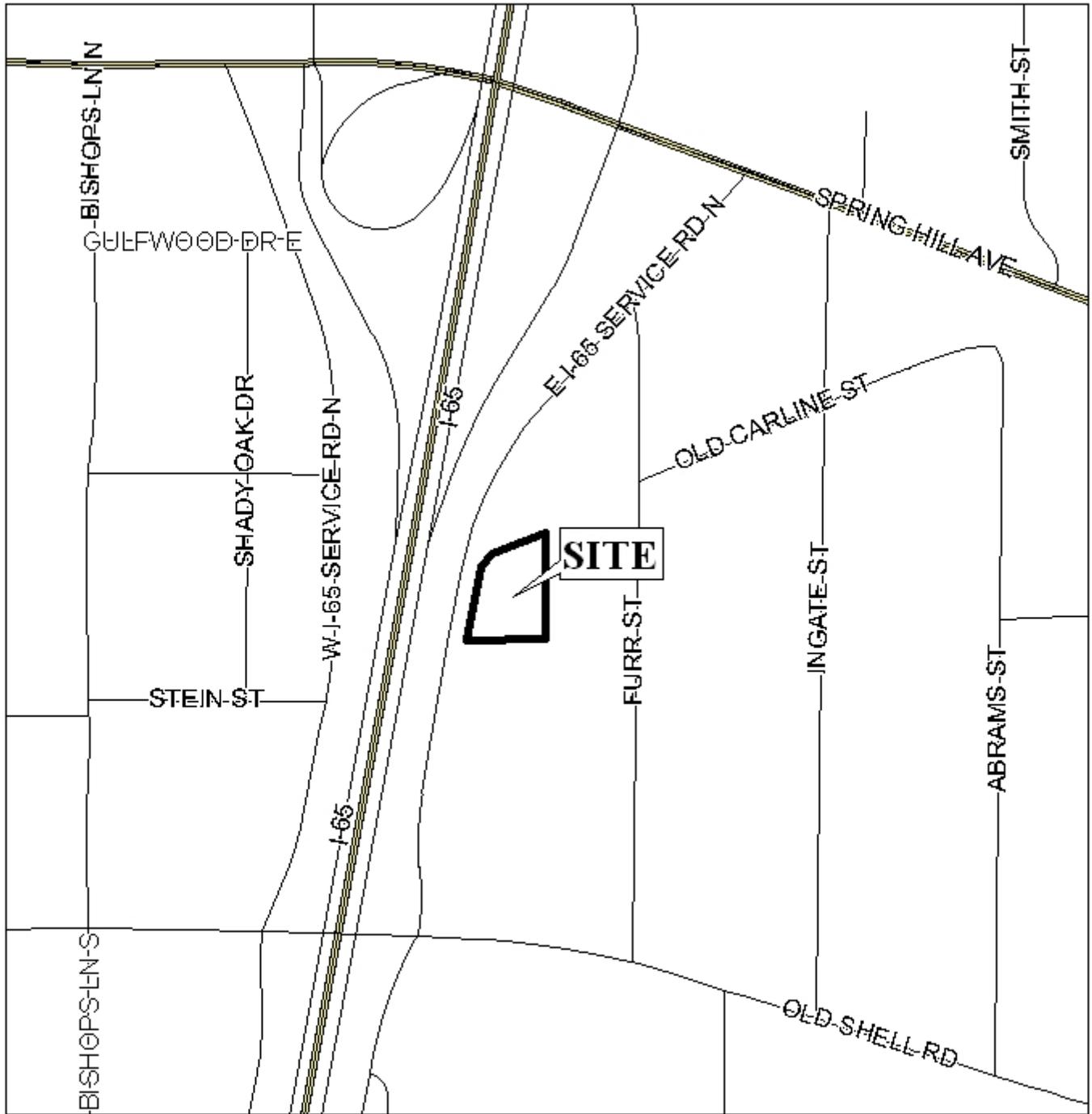
Planning Approval: Based upon the preceding, the application is recommended for Approval, subject to the following conditions:

- 1) compliance with 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.*);
- 2) revision of the site plan to indicate as much compliance as possible with the landscaping and tree planting requirements, to be coordinated with Urban Forestry;
- 3) placement of a note that there will be no parking between the building and the right-of-way and placement of stops or similar barrier;
- 4) retention of the 6’ minimum landscape buffer along the rear adjacent to residential properties;

- 5) revision of the site plan to label gates across driveway;
- 6) verify and accurately depict fence location on North property line;
- 7) retention of the note about curbside pickup;
- 8) revision of the buffer fence on the Eastern property line to illustrate it is 3' high within the 25' minimum building setback line;
- 9) obtain business licenses and zoning clearances for all businesses operating at the site;
- 10) obtain sign permits for all signs on site;
- 11) provide a concrete or asphalt surface at the rear of the property or successful variance for aggregate surfacing and revision of the site plan to illustrate compliance;
- 12) placement of a note on the site plan stating that any changes to the site plan will require new applications for Planning Approval and Planned Unit Development approval prior to the issuance of any permits;
- 13) placement of a note on the site plan stating that approval of all applicable Federal, state and local agencies is required for endangered, threatened or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities;
- 14) submission of two (2) copies of the revised PUD site plan to the Planning Section of Urban Development prior to the issuance of permits; and
- 15) full compliance with all municipal codes and ordinances.

Sidewalk Waiver: Based upon the preceding, the application is recommended for Approval.

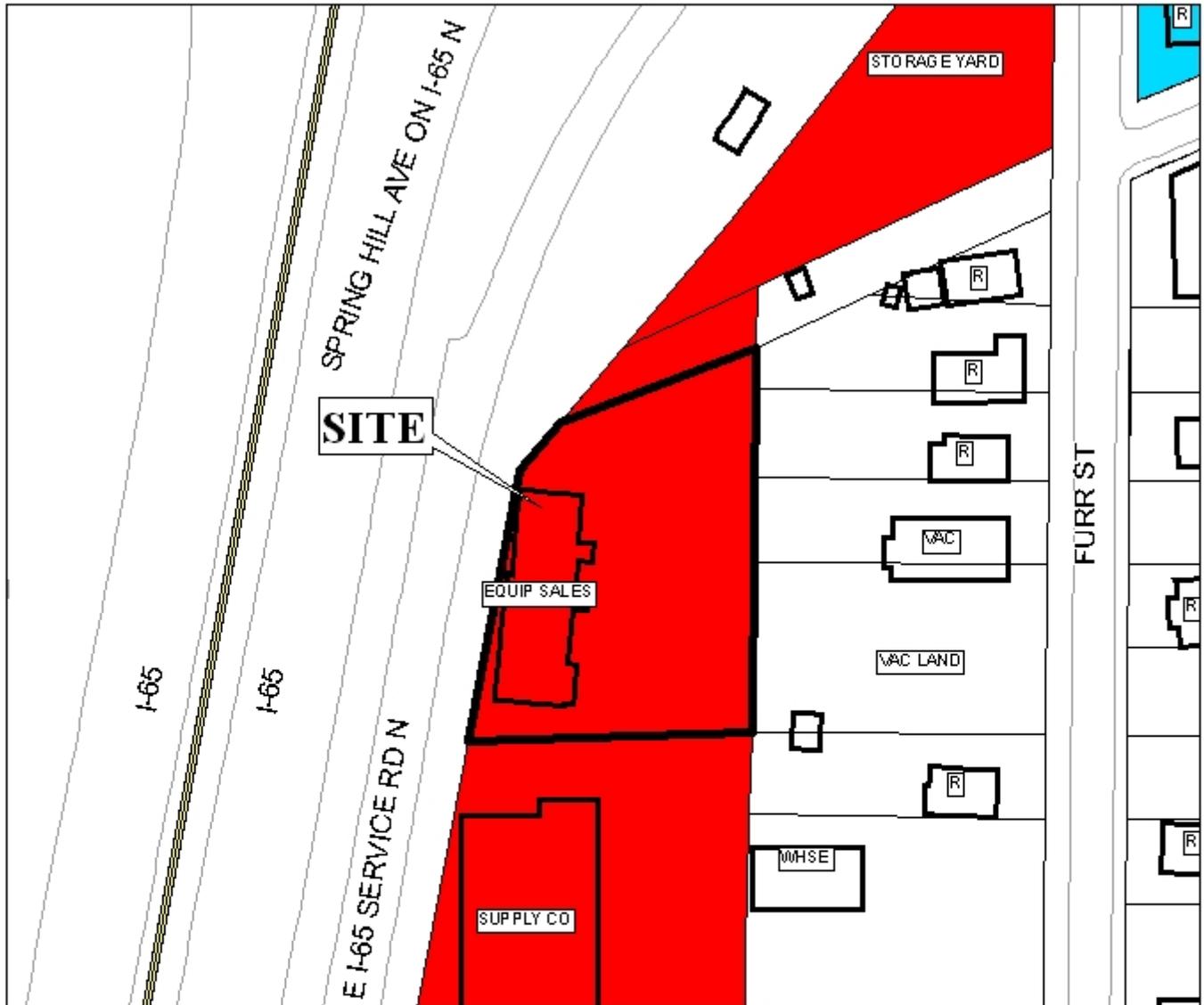
LOCATOR MAP



APPLICATION NUMBER 27 & 28 DATE November 1, 2012
APPLICANT Forklift Hunter, LLC
REQUEST Planning Approval, Sidewalk Waiver



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential and business land use.

APPLICATION NUMBER 27 & 28 DATE November 1, 2012

APPLICANT Forklift Hunter, LLC

REQUEST Planning Approval, Sidewalk Waiver

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



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING

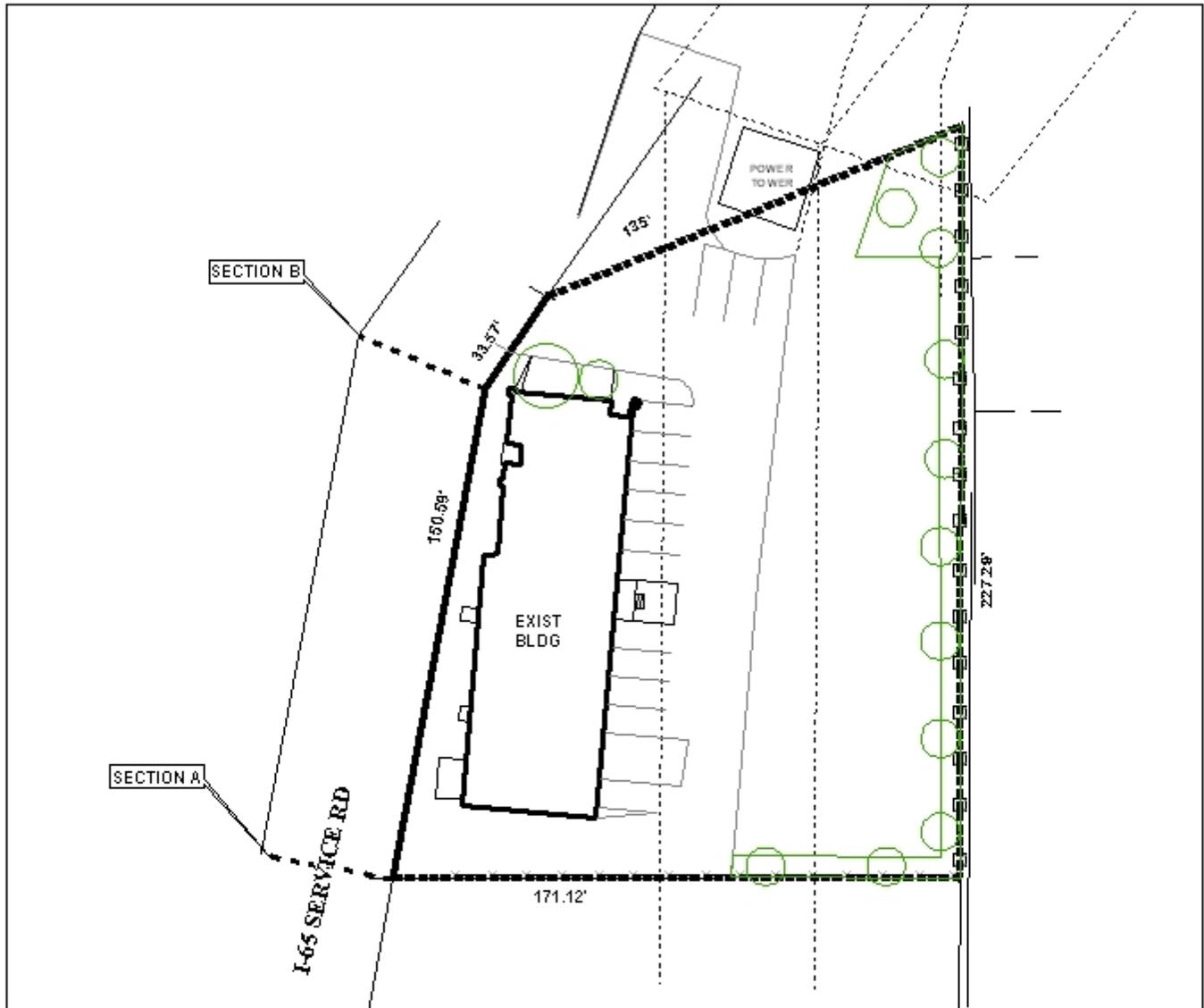


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SITE PLAN

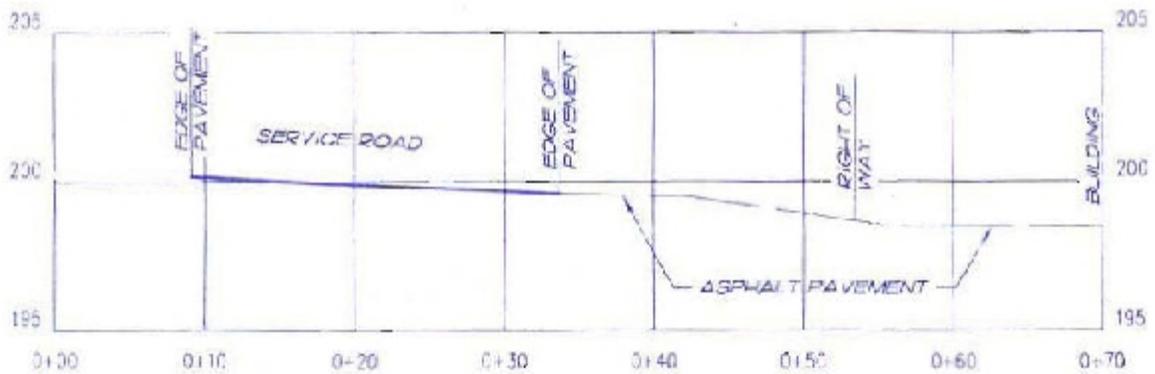
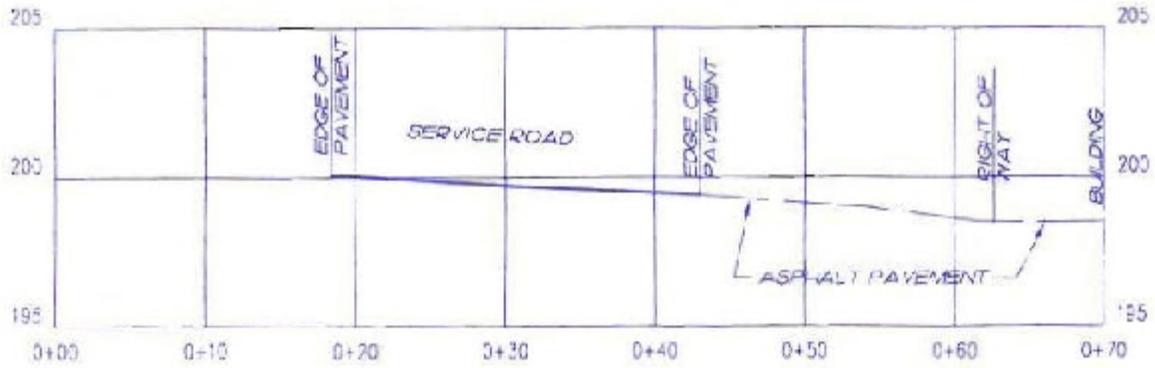


The site plan illustrates the existing development.

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SIDEWALK CROSS SECTION DETAIL



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