

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: May 6, 2019**

<b><u>CASE NUMBER</u></b>	6249
<b><u>APPLICANT NAME</u></b>	MAANKI, LLC
<b><u>LOCATION</u></b>	6630 Rangeline Road (Northwest corner of Rangeline Road and Hamilton Boulevard).
<b><u>LOCATION VARIANCE REQUEST</u></b>	<b>USE:</b> Use Variance to allow a liquor store in an I-1, Light Industrial District.
<b><u>ZONING ORDINANCE REQUIREMENT</u></b>	<b>USE:</b> The Zoning Ordinance does not allow liquor stores in an I-1, Light Industrial District.
<b><u>ZONING</u></b>	I-1, Light Industrial District
<b><u>AREA OF PROPERTY</u></b>	3.9± Acres
<b><u>ENGINEERING COMMENTS</u></b>	No comments.
<b><u>TRAFFIC ENGINEERING COMMENTS</u></b>	No comments.
<b><u>CITY COUNCIL DISTRICT</u></b>	District 4

**ANALYSIS** The applicant is requesting a Use Variance to allow a liquor store in an I-1, Light Industrial District; the Zoning Ordinance does not allow liquor stores in an I-1, Light Industrial District.

The applicant states:

*I am requesting to open a liquor store for public sale inside my store in my property at 6630 Rangeline Rd, Theodore, AL 36582.*

*I have open space of 520 sq ft in which I would like to display and sale liquor to further serve my customers and grow my customer base.*

The applicant submitted a site plan depicting the existing convenience store as “Ste 1” and the proposed package store as “Ste 2”. It should be noted that when sign permits were obtained for the Shell gas station, it was noted that the subject site was a single business site. Furthermore, there have been no building permits since the site was annexed in 2009 for the creation of a second tenant space. The creation of a new tenant space requires a building permit to make sure that compliance with all municipal codes and ordinances is maintained. Ordinarily, the creation of a new tenant space would require the existing tenant (Shell) to reduce its signage. However, as both proposed suites would have frontage on two public streets, this would not impact the subject site.

The applicant submitted two (2) site plans with the application: one that is hand drawn, and does not appear to be to-scale; and one that is professionally drafted, but does not show parking spaces and is not to-scale, as submitted. If approved, the applicant should provide an accurate to-scale drawing of the site showing all existing parking prior to staff approving any applications for liquor licenses.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application; and, unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement of the Ordinance will result in an unnecessary hardship. The Ordinance also states that a variance should not be approved unless the spirit and intent of the Ordinance is observed and substantial justice done to the applicant and the surrounding neighborhood.

Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined from the facts and circumstances of each application.

The site has been given a Light Industry (LI) land use designation per the recently adopted Future Land Use Plan and Map. The Future Land Use Plan and Map complements and provides additional detail to the Development Framework Maps in the Map for Mobile, adopted by the Planning Commission at its November 5, 2015 meeting. This designation acknowledges existing commercial development that is spread along Mobile’s transportation corridors in a conventional strip pattern or concentrated into shorter segments of a corridor.

This land use designation applies to an array of modern, low-impact industrial uses that include assembly and processing, warehousing, distribution and wholesaling facilities. The bulk of the light industrial use must be contained within a building or facility. If a light industrial use requires outside storage, the storage must be limited in area and appropriately screened from view in accordance to specific zoning requirements. This designation may also include uses such as complementary offices and retail.

LI also includes areas that may be regarded as “industrial business”, where the land uses include business administration and logistics operations for industrial concerns, building trade contractors facilities and advance research facilities, as well as stand-alone educational, scientific and industrial research facilities, or any combination of those facilities located in light industrial

and technology parks. Many parcels used for industrial business are smaller and scattered throughout Mobile. For this reason, these parcels are not singled out in the FLUM, but rather are addressed through zoning.

Light industrial uses are characterized by attractive, accessible and connected development, compatible with the character of surrounding neighborhoods. Development may take the form of planned campuses in park-like settings or unified design corridors, with consideration to factors such as site and building orientation, building design, landscaping and buffering, lighting, continuity of pedestrian networks, access and connectivity to transit and to freight transportation.

Heavy commercial and, in some cases, high-density residential land uses may serve as transitions between LI and other, lower-intensity land use designations. Protection buffers may also be required by zoning.

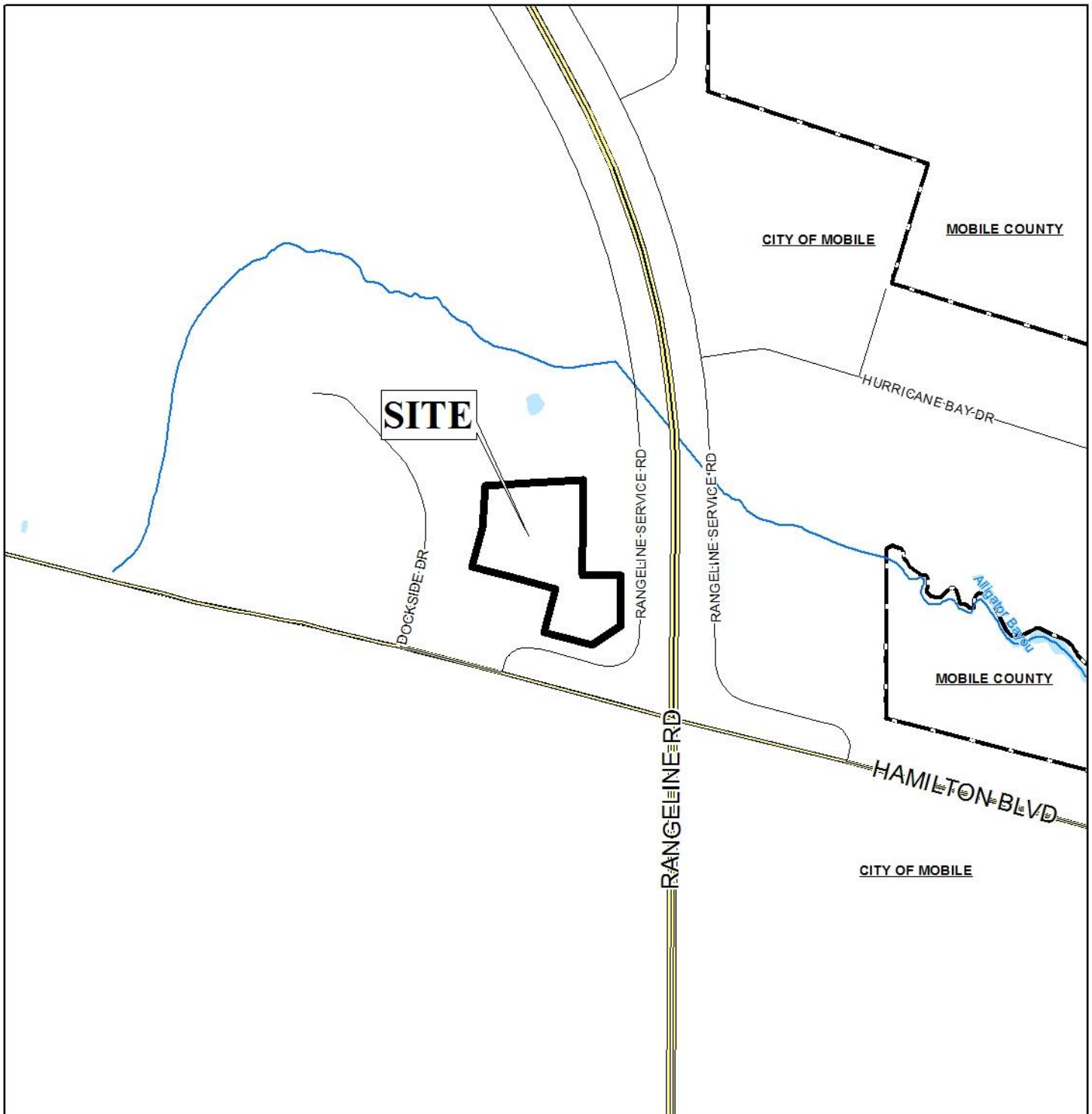
It should be noted that the Future Land Use Plan and Map components of the Map for Mobile Plan are meant to serve as a general guide, not a detailed lot and district plan. In many cases the designation on the new Future Land Use Map may match the existing use of land, but in others the designated land use may differ from what is on the ground today. As such, the Future Land Use Plan and Map 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, where applicable, the zoning classification.

The applicant has failed to show evidence of a hardship relating to the proposed liquor store operation, other than economics, which is not the basis for approval of a variance. It is simply the applicant's desire to sell liquor in addition to the beer and wine currently for sale at the convenience store.

**RECOMMENDATION:** Staff recommends to the Board the following findings of fact for Denial:

- 1) The variance will be contrary to the public interest;
- 2) Special conditions do not exist such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
- 3) The spirit of the chapter would not be observed and substantial justice not done to the applicant and the surrounding neighborhood by granting the variance.

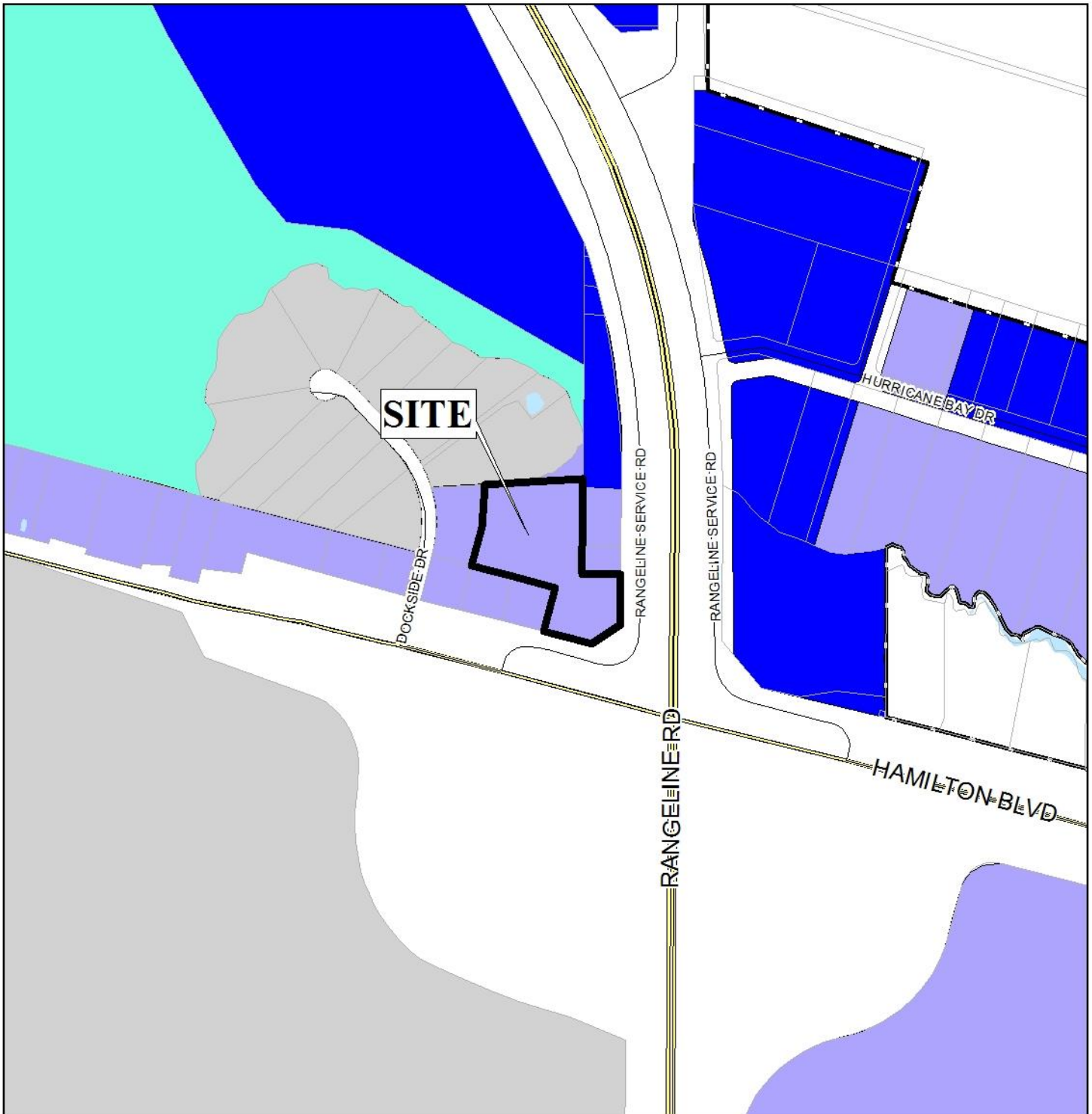
# LOCATOR MAP



APPLICATION NUMBER 6249 DATE May 6, 2019  
APPLICANT MAANKI LLC  
REQUEST Use Variance



# LOCATOR ZONING MAP



APPLICATION NUMBER 6249 DATE May 6, 2019

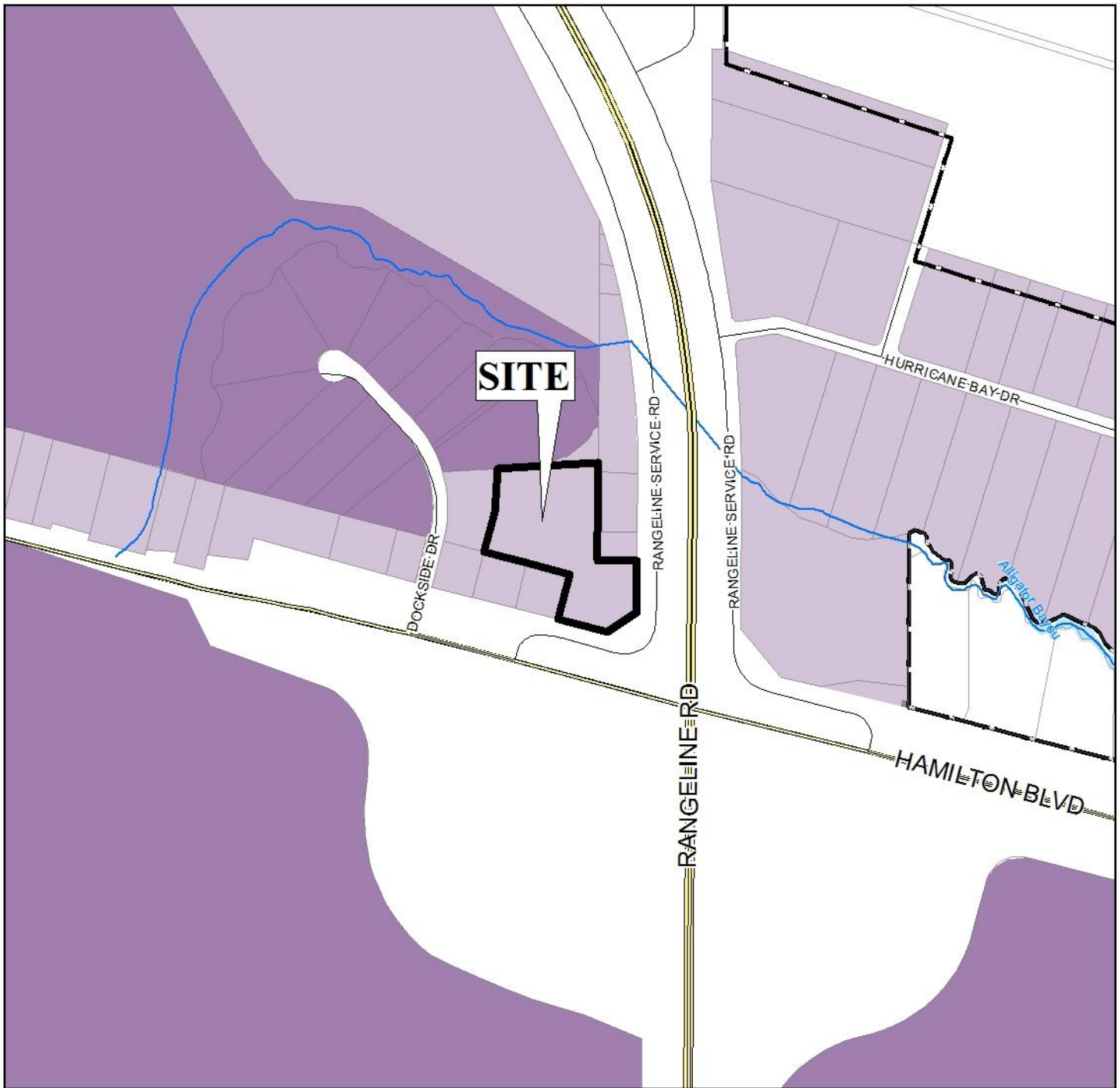
APPLICANT MAANKI LLC

REQUEST Use Variance



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# FLUM LOCATOR MAP



APPLICATION NUMBER 6249 DATE May 6, 2019

APPLICANT MAANKI LLC

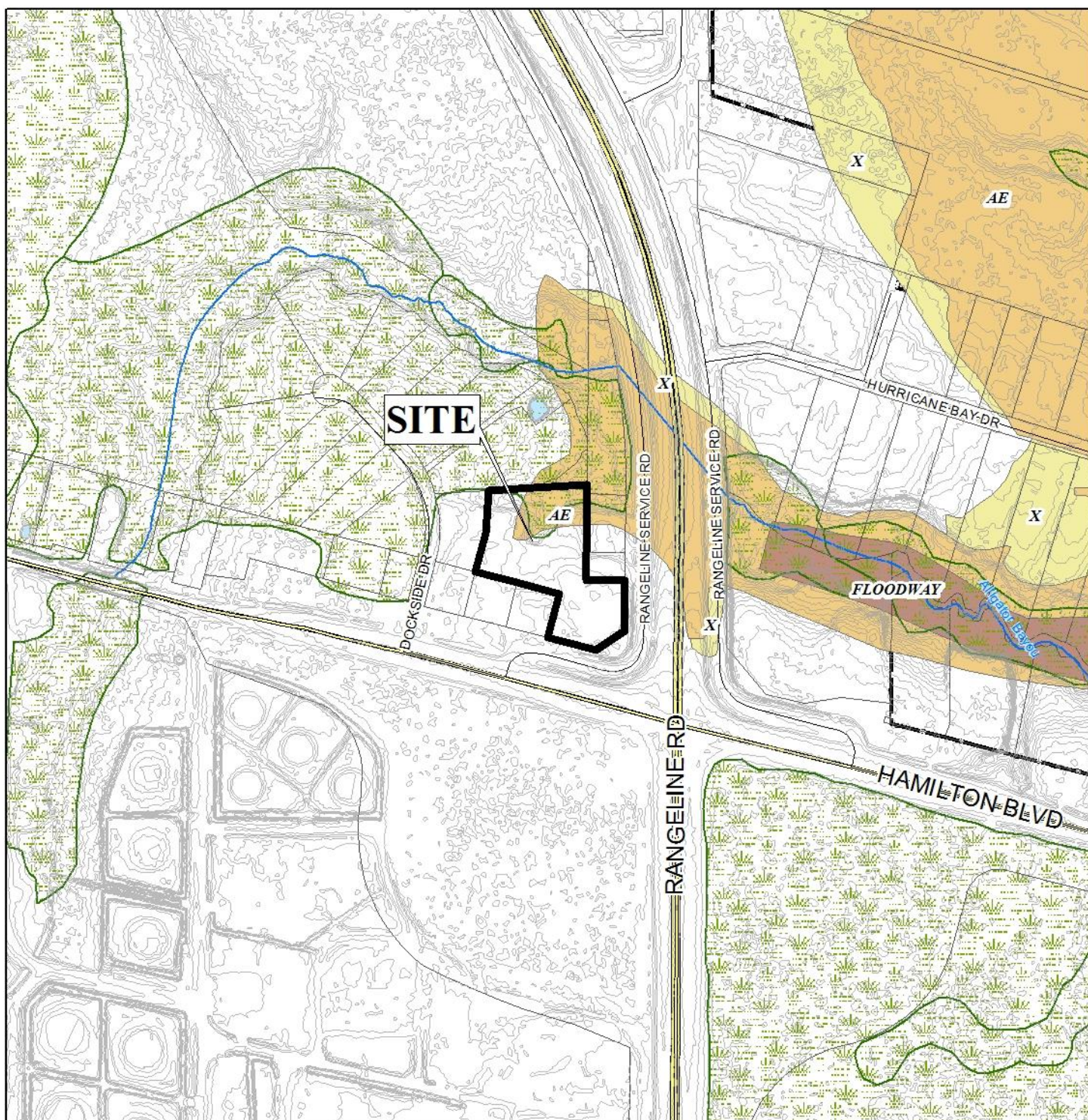
REQUEST Use Variance

Low Density Residential	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
Mixed Density Residential	Neighborhood Center - Suburban	Light Industry	Water Dependent
Downtown	Traditional Corridor	Heavy Industry	
District Center	Mixed Commercial Corridor	Institutional	





# ENVIRONMENTAL LOCATOR MAP



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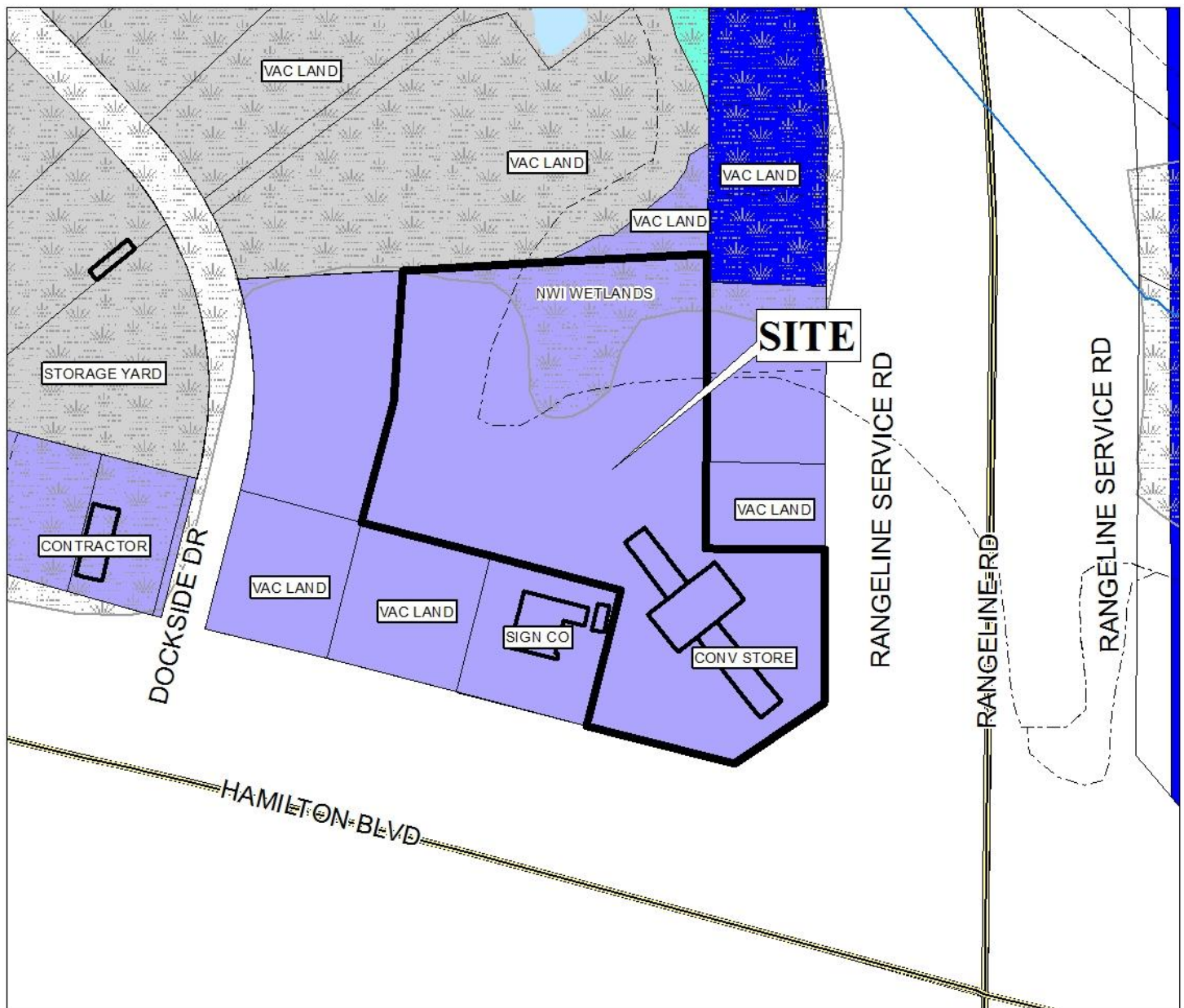
APPLICANT MAANKI LLC

REQUEST Use Variance





# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by industrial units.

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APPLICANT MAANKI LLC

REQUEST Use Variance

<span style="display: inline-block; width: 15px; height: 15px; background-color: #00FFFF; border: 1px solid black;"></span> R-A	<span style="display: inline-block; width: 15px; height: 15px; background-color: #00FF00; border: 1px solid black;"></span> R-3	<span style="display: inline-block; width: 15px; height: 15px; background-color: #D2B48C; border: 1px solid black;"></span> T-B	<span style="display: inline-block; width: 15px; height: 15px; background-color: #FFA500; border: 1px solid black;"></span> B-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: #0000FF; border: 1px solid black;"></span> B-5	<span style="display: inline-block; width: 15px; height: 15px; background-color: #FFFF00; border: 1px solid black;"></span> MUN	<span style="display: inline-block; width: 15px; height: 15px; background-color: #FF4500; border: 1px solid black;"></span> SD-WH	<span style="display: inline-block; width: 15px; height: 15px; background-color: #800080; border: 1px solid black;"></span> T5.1
<span style="display: inline-block; width: 15px; height: 15px; background-color: #FFFFFF; border: 1px solid black;"></span> R-1	<span style="display: inline-block; width: 15px; height: 15px; background-color: #FF00FF; border: 1px solid black;"></span> R-B	<span style="display: inline-block; width: 15px; height: 15px; background-color: #00FFFF; border: 1px solid black;"></span> B-1	<span style="display: inline-block; width: 15px; height: 15px; background-color: #FF0000; border: 1px solid black;"></span> B-3	<span style="display: inline-block; width: 15px; height: 15px; background-color: #800080; border: 1px solid black;"></span> I-1	<span style="display: inline-block; width: 15px; height: 15px; background-color: #90EE90; border: 1px solid black;"></span> OPEN	<span style="display: inline-block; width: 15px; height: 15px; background-color: #FFB6C1; border: 1px solid black;"></span> T3	<span style="display: inline-block; width: 15px; height: 15px; background-color: #800080; border: 1px solid black;"></span> T5.2
<span style="display: inline-block; width: 15px; height: 15px; background-color: #FFFF00; border: 1px solid black;"></span> R-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: #FFA07A; border: 1px solid black;"></span> H-B	<span style="display: inline-block; width: 15px; height: 15px; background-color: #FF00FF; border: 1px solid black;"></span> LB-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: #8B4513; border: 1px solid black;"></span> B-4	<span style="display: inline-block; width: 15px; height: 15px; background-color: #A9A9A9; border: 1px solid black;"></span> I-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: #FF4500; border: 1px solid black;"></span> SD	<span style="display: inline-block; width: 15px; height: 15px; background-color: #9370DB; border: 1px solid black;"></span> T4	<span style="display: inline-block; width: 15px; height: 15px; background-color: #4B0082; border: 1px solid black;"></span> T6





# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL

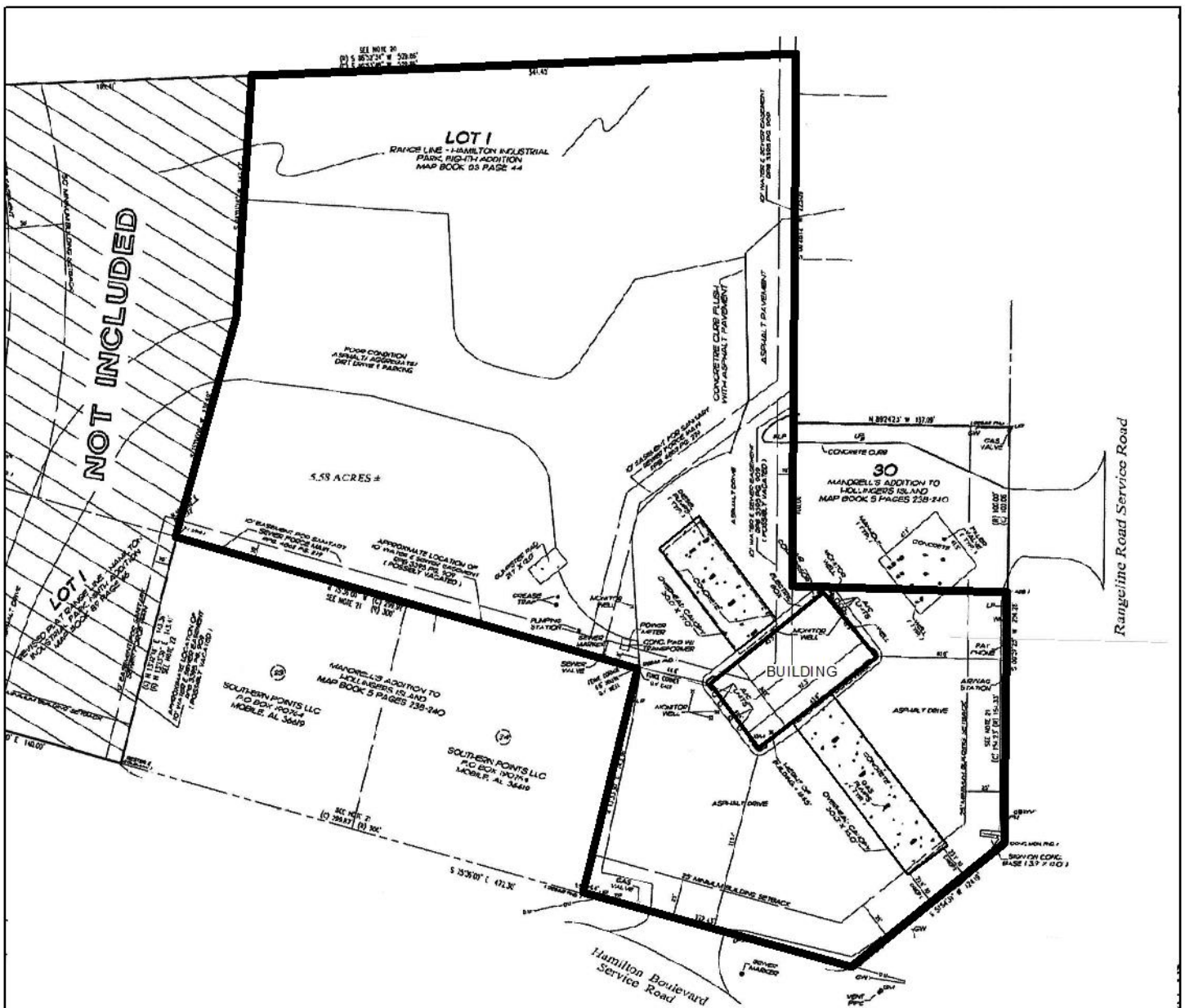


The site is surrounded by industrial units.

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# SITE PLAN



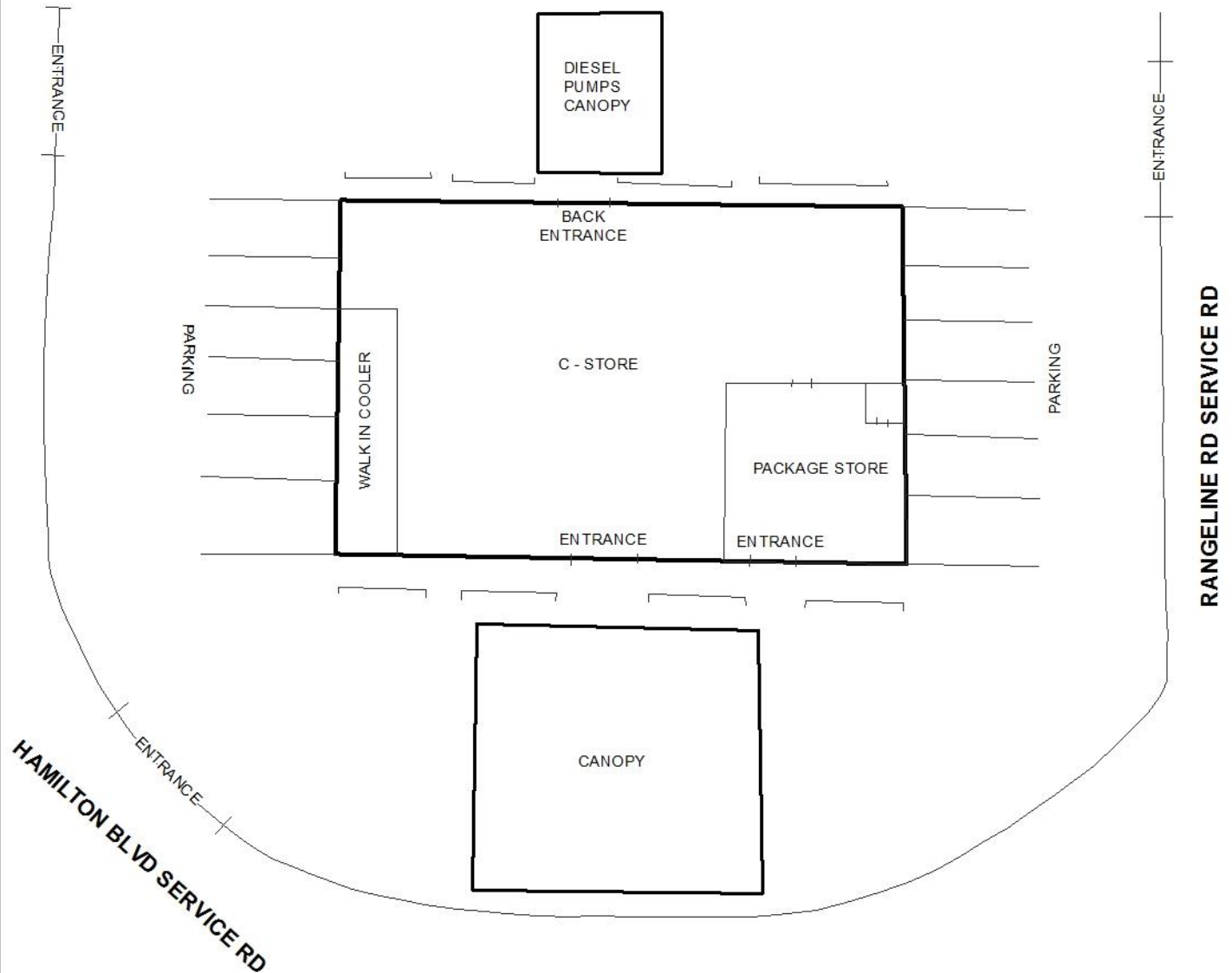
The site plan illustrates the existing building, canopies, setbacks, and easements.

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# DETAIL SITE PLAN



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REQUEST Use Variance





