

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: July 9, 2018**

<u>CASE NUMBER</u>	6192
<u>APPLICANT NAME</u>	Transportation Refrigeration Sales & Service, Inc.
<u>LOCATION</u>	4229 Fellowship Drive (North terminus of Fellowship Drive.)
<u>VARIANCE REQUEST</u>	USE VARIANCE: Use variance to allow the sales and service of transit refrigeration equipment in a B-5, Office-Distribution District.
<u>ZONING ORDINANCE REQUIREMENT</u>	USE VARIANCE: The Zoning Ordinance does not allow the sales and service of transit refrigeration equipment in a B-5, Office-Distribution District.
<u>ZONING</u>	B-5, Office- Distribution District
<u>AREA OF PROPERTY</u>	5.2 ± Acres
<u>CITY COUNCIL DISTRICT</u>	District 4
<u>ENGINEERING COMMENTS</u>	No Comments.
<u>TRAFFIC ENGINEERING COMMENTS</u>	No traffic impacts anticipated by this variance request.
<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).
<u>FIRE COMMENTS</u>	All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 International Fire Code).
<u>ANALYSIS</u>	The applicant is requesting a Use Variance to allow the sales and service of transit refrigeration equipment in a B-5, Office-Distribution District; the

Zoning Ordinance does not allow the sales and service of transit refrigeration equipment in a B-5, Office-Distribution District.

The site has been given Mixed Commercial Corridor 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 land use designation mostly applies to transportation corridors west of I-65 serving primarily the low-density (suburban) residential neighborhoods. Mixed Commercial Corridors includes a wide variety of retail, services and entertainment uses.

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.

Over time, new development and redevelopment in Mixed Commercial Corridors is encouraged to raise design quality, improve connectivity to surrounding neighborhoods; improved streetscapes; and improve mobility and accessibility for all users of the corridor.

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 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 applicant states:

"Transportation Refrigeration Sales & Service, Inc., dba Carrier Transicold South is requesting a use variance for the property at 4229 Fellowship Drive, Mobile, AL 36619. The company has maintained a branch location at 5930 Rangeline Road since 2003,

which is less than 4 miles from Fellowship Drive. Our company sells and services Carrier Refrigeration Units. The property at Fellowship Drive is zoned B5 and repairs is a big part of our business. We do not have any equipment that will generate any excessive noise, odors or air pollution. Our hours of operation are Monday – Friday from 8am until 5pm. We currently have six full time employees and service approximately 15 customers per day. We feel that property at 4229 Fellowship Drive affords us a much better facility to service our customers. We have cleared the landscape overgrowth and repaired the parking lot. We’ve also made repairs to the building including bringing the electrical up to code. We have no plans to erect a new structure nor alter the existing landscape.”

As stated, the applicant is seeking relief, from the Zoning Ordinance to allow the sales and service of transit refrigeration equipment in a B-5 Zoning District.

The subject property is located in an area of the City that was annexed and rezoned in 2009. The applicant notes that this company has a location at 5930 Rangeline Road, which was also annexed in 2009. At that time the property on Rangeline Road was zoned B-5 and later rezoned I-1, Light Industrial District in 2010. Sales and service of transit refrigeration equipment is allowed by right within an I-1, Light Industrial District. It should be noted that the subject property is abutted by B-5 zoned property to the South. The property to the West and North of the subject property is zoned R-1, Single Family Residential. Great Dane Trailers previously operated at the subject site with a wholesale trade business license, which is allowed by right in a B-5 district.

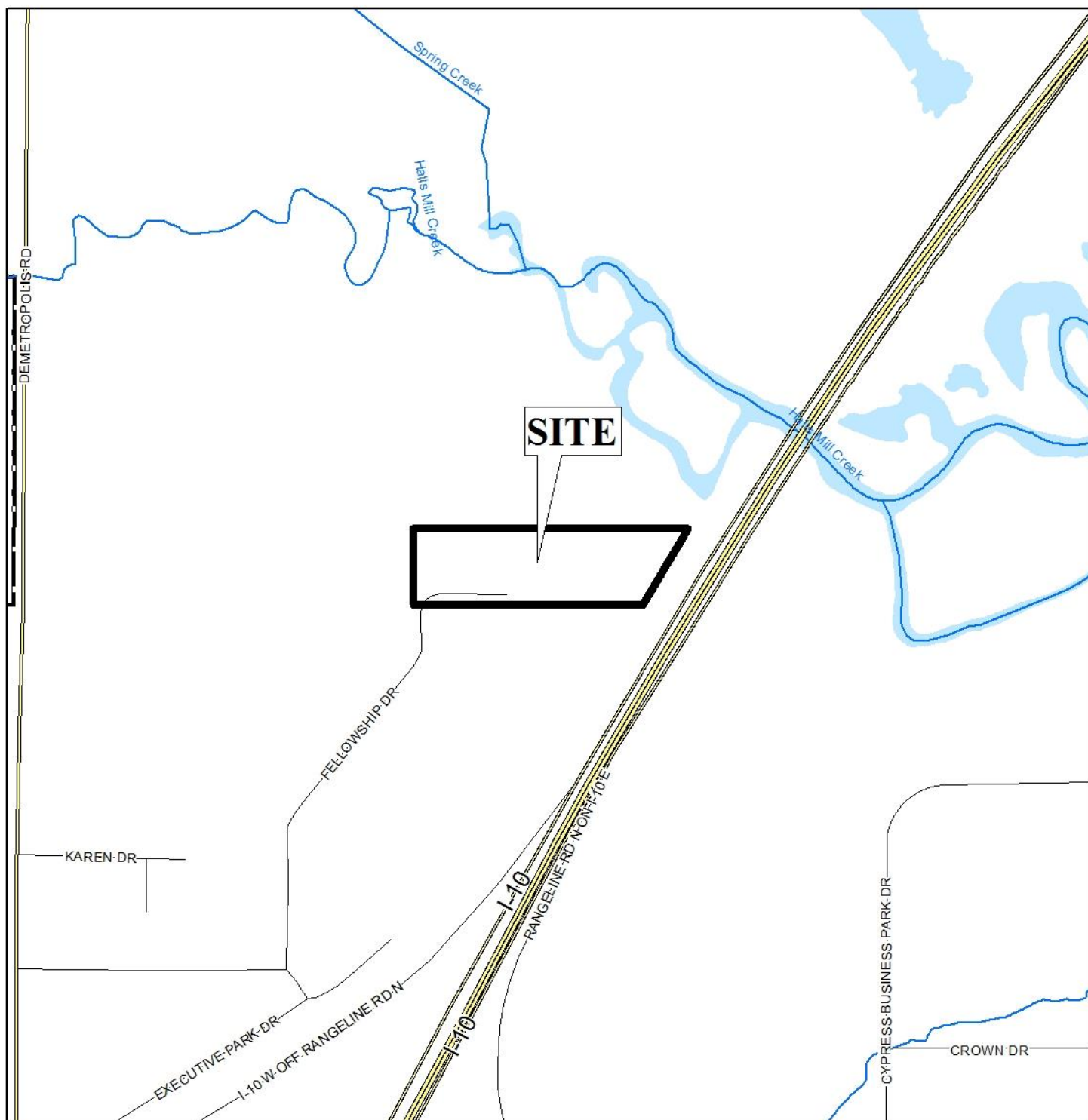
Though the applicant expresses the desire to establish Transportation Refrigeration Sales & Service, Inc. at this location, a hardship has not been presented. The applicant has simply noted 4229 Fellowship Drive as a better location for their business.

There are no conditions which exist at this site that would require the applicant to establish their business at this location. It appears that it is merely the applicant’s desire. No hardships have been presented that would necessitate the approval of the variance. Though this location may be more desirable to the applicant because it could better service their customers, the applicant could choose to remain at the compliant location at 5930 Rangeline Road or choose to relocate to an appropriate zoning district, or request a rezoning of the subject site.

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

- 1) Granting the variance will be contrary to the public interest in that it will be contrary to the Zoning Ordinance requirement regarding sales and service of transit refrigeration equipment in a B-5 zoning district;
- 2) Special conditions and hardships do not exist in such a way that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and
- 3) The spirit of the chapter shall not be observed and substantial justice shall not be done to the surrounding neighborhood by granting the variance because the applicant can choose to establish their business in a compliant location.

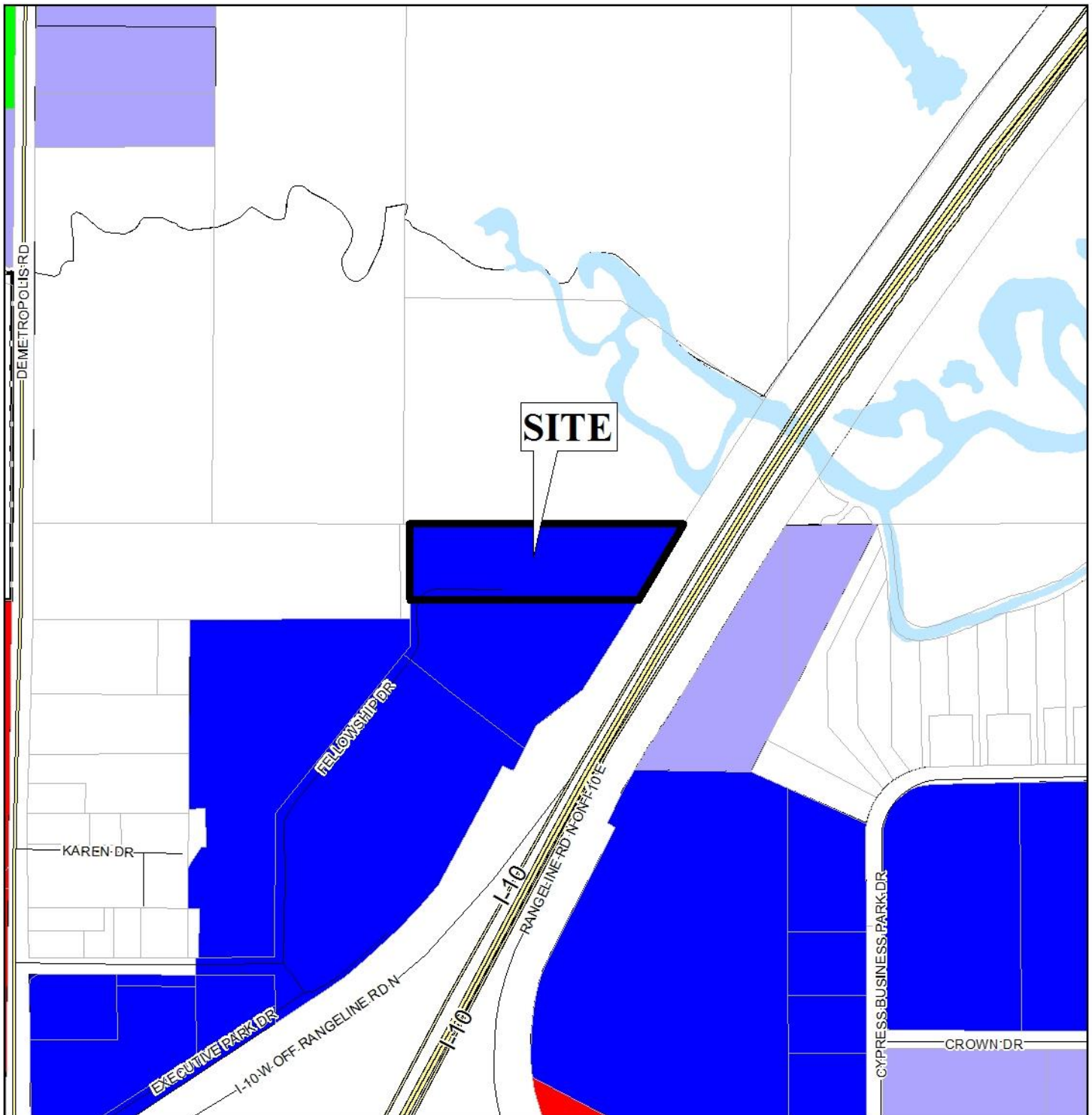
LOCATOR MAP



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APPLICANT Transport Refrigeration Sales and Service, Inc.
REQUEST Use Variance



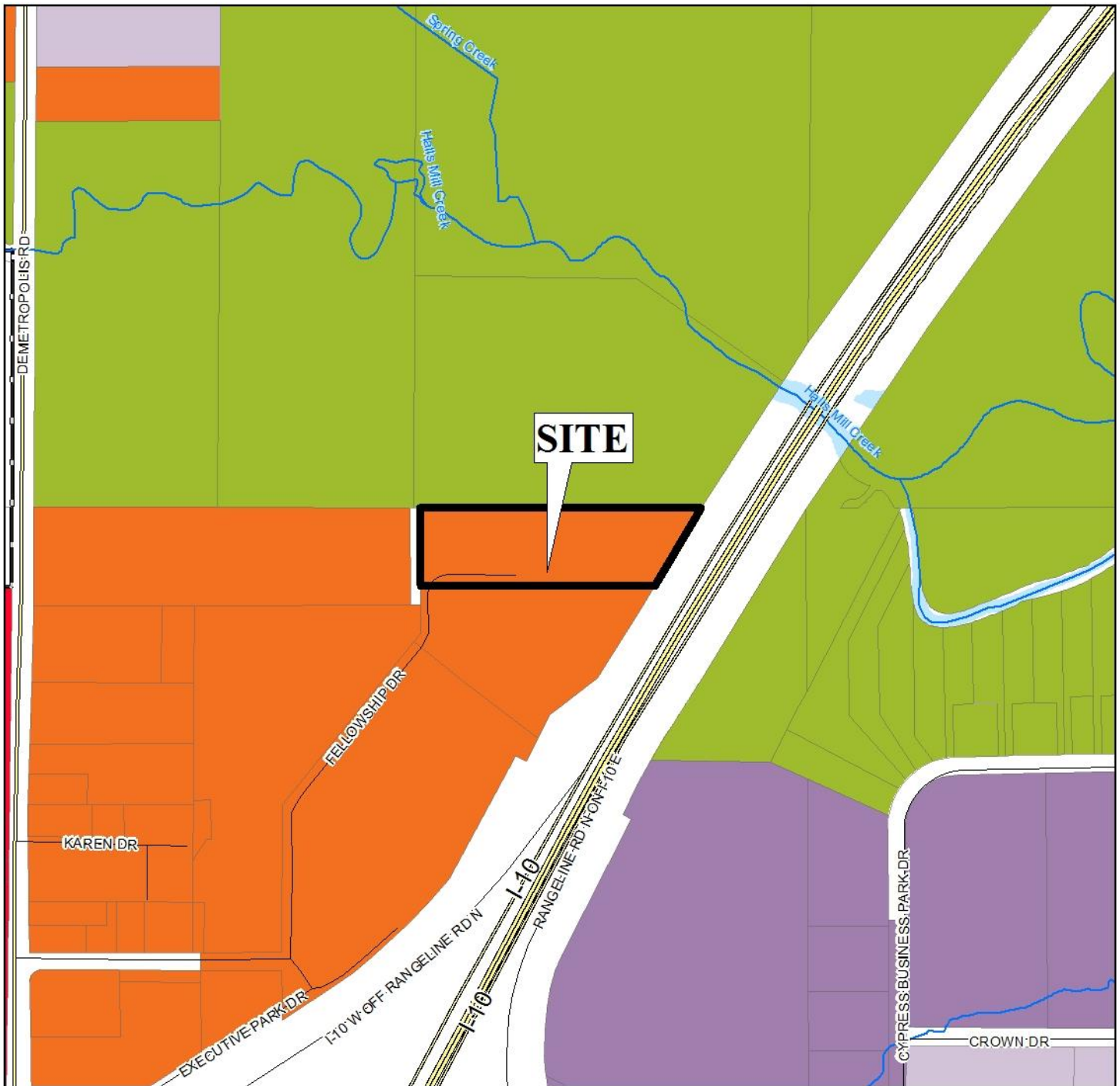
LOCATOR ZONING MAP



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FLUM LOCATOR MAP



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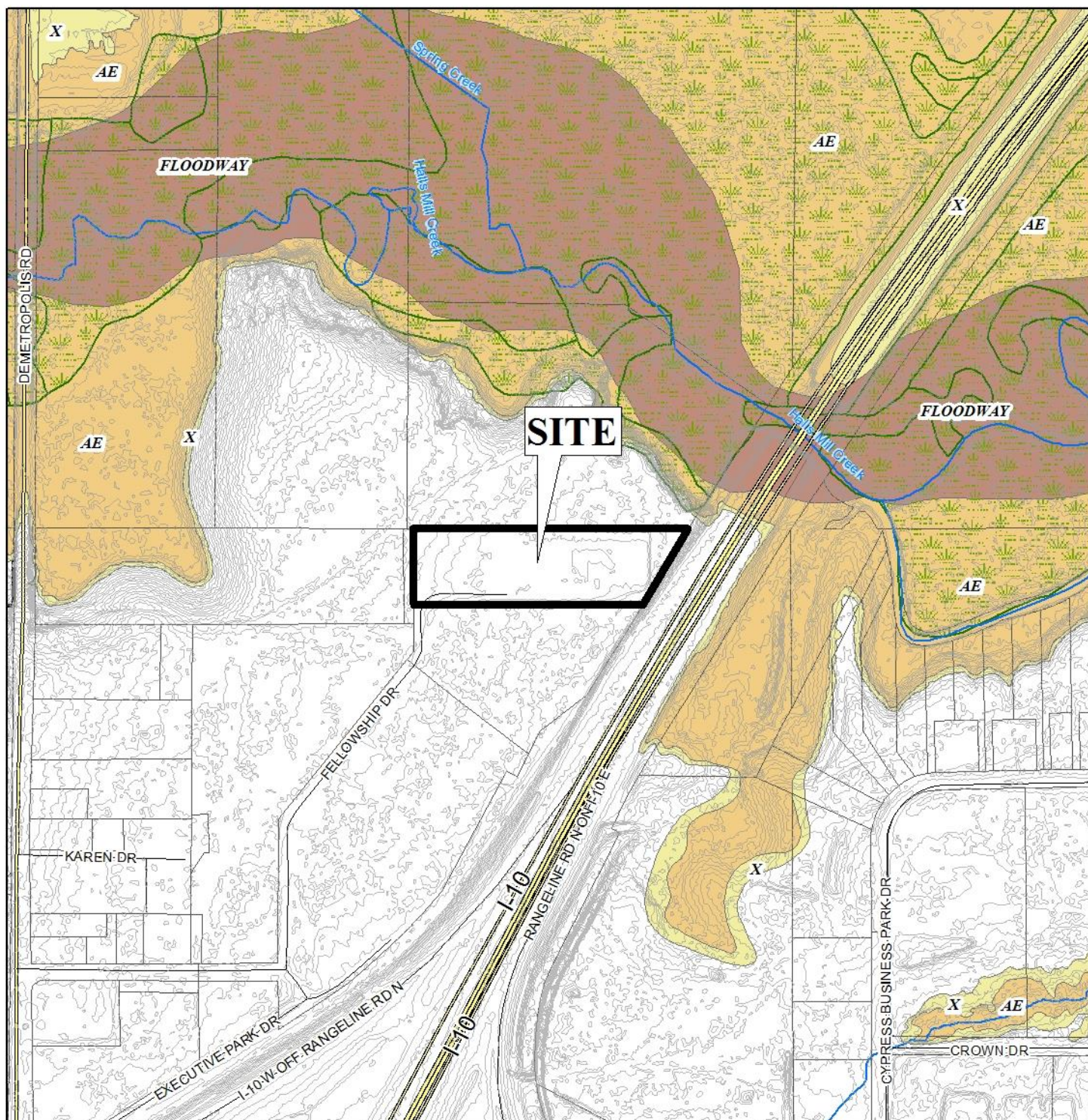
APPLICANT Transport Refrigeration Sales and Service, Inc.

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	



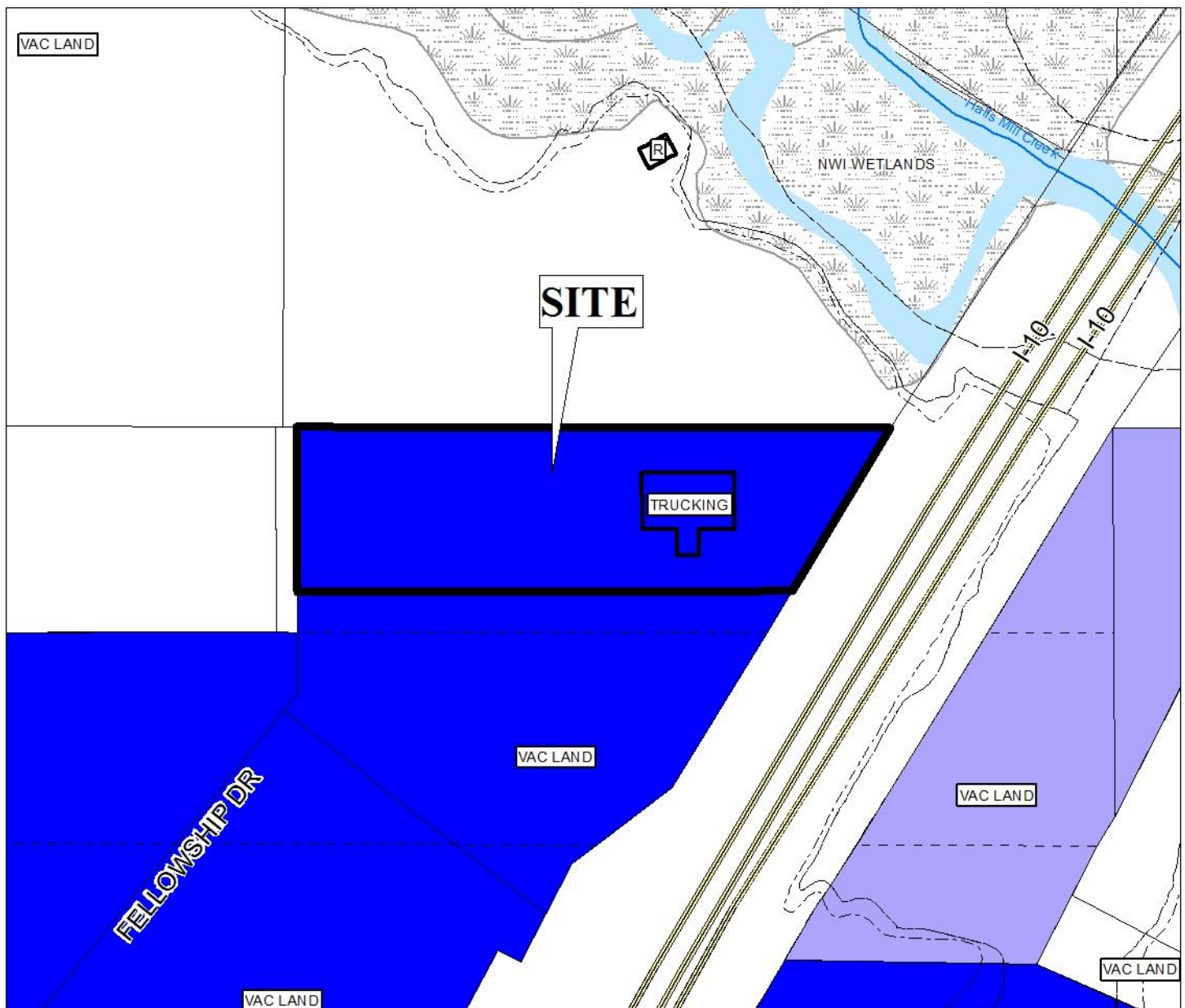
ENVIRONMENTAL LOCATOR MAP



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by vacant land and a residential unit to the north.

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REQUEST Use Variance

 R-A	 R-3	 T-B	 B-2	 B-5	 MUN	 SD-WH	 T5.1
 R-1	 R-B	 B-1	 B-3	 I-1	 OPEN	 T3	 T5.2
 R-2	 H-B	 LB-2	 B-4	 I-2	 SD	 T4	 T6



BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING AERIAL

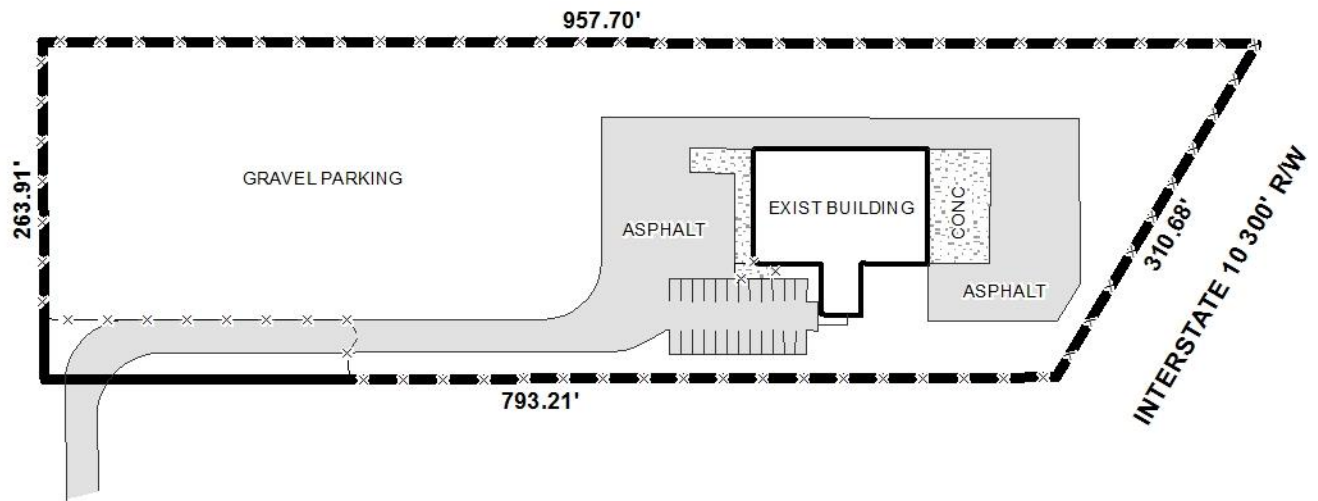


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SITE PLAN



The site plan illustrates the existing building, asphalt areas, and gravel parking.

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NTS