

ZONING AMENDMENT STAFF REPORT**Date: December 3, 2020****NAME**

Casey Pipes

LOCATION

605 Texas Place

(East terminus of Texas Place, extending along the North side of Texas Place to the East side of Texas Street, and to the West side of South Claiborne Street).

**CITY COUNCIL
DISTRICT**

District 2

PRESENT ZONING

R-1, Single-Family Residential District

PROPOSED ZONING

B-5, Office-Distribution District

AREA OF PROPERTY

0.6± Acres

PRESENT ZONING

Rezoning from R-1, Single-Family Residential District, to B-5, Office-Distribution District.

It should be noted 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**

1. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Permitting Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII).
2. A Land Disturbance Permit application shall be submitted for any proposed land disturbing activity with the property. A complete set of construction plans including, but not limited to, drainage, utilities, grading, storm water detention systems and paving will need to be included with the Land Disturbance permit. This Permit must be submitted, approved, and issued prior to beginning any of the construction work.
3. Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance with Mobile City Code, Chapter 17, Storm Water

Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.

4. Any existing or proposed detention facility shall be maintained as it was constructed and approved. The Land Disturbance Permit application for any proposed construction includes a requirement of a Maintenance and Inspection Plan (signed and notarized by the Owner) for the detention facility. This Plan shall run with the land and be recorded in the County Probate Office prior to the Engineering Department issuing their approval for a Final Certificate of Occupancy.
5. The approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. The Owner/Developer is responsible for acquiring all of the necessary permits and approvals.
6. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

TRAFFIC ENGINEERING

COMMENTS

No comments.

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 2015-116 and City Code Chapters 57 and 64). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site will require a tree removal permit.

FIRE DEPARTMENT

COMMENTS

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).

REMARKS

The applicant is requesting rezoning from R-1, Single-Family Residential District, to B-5, Office-Distribution District.

The site has been given a Mixed Density Residential land use designation, per the Future Land Use Plan and Map, adopted on May 18, 2017 by the Planning Commission. 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 applies mostly to residential areas located between Downtown and the Beltline, where the predominant character is that of a traditional neighborhood laid out on an urban street grid.

These residential areas should offer a mix of single family homes, townhouses, 2- to 4-residential unit buildings, accessory dwellings, and low- and mid-rise multifamily apartment buildings. The

density varies between 6 and 10 du/ac, depending on the mix, types, and locations of the housing as specified by zoning.

Like Low Density Residential areas, Mixed Density Residential areas may incorporate compatibly scaled and sited complementary uses such as neighborhood retail and office uses, schools, playgrounds and parks, and churches and other amenities that create a complete neighborhood fabric and provide safe and convenient access to daily necessities.

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 subject site is bordered to the North by R-1 used as a City park; to the West by R-1 used as single-family residential; adjacent to the South by R-1 which is developed with a church and across Texas Street by R-1 used as single-family residential and churches. To the East the site is bordered by the I-10 right-of-way with I-1, Light Industry zoning along its East side.

The applicant states the following:

Description of Purpose of Rezoning Application:

This property is currently improved with a two-story metal building and related site improvements for an office/warehouse use. This application is to rezone the property from R-1 to B-5 (or the most appropriate zoning district). The grounds for rezoning are: (1) there is a manifest error in the Zoning Ordinance since this site should have never been zoned R-1; (2) there are changing conditions in this particular area which make a change in the zoning district necessary and desirable; and (3) there is a need to increase the number of sites available to business and industry in this particular area.

Manifest Error in Zoning District Classification.

This property should have never been zoned R-1. This property is in the shadow of I-10 at the Texas Street intersection. It was originally platted as a Mobile Housing Authority residential development, and the restrictive covenants restricted the use to single family residential. This was also the zoning applied by the City. Despite the zoning and the restrictive covenants, none of the lots on Texas Place have ever been developed for single family use. While some of the land remains vacant, the only use have been for the International Seamens Center from the mid-1970s until some time in the recent past when it fell vacant. The property is currently used as a venue for a church which leases space. There is no stronger proof of an erroneous zoning classification than property being left undeveloped for that use for over forty years.

Changing Conditions in Area Support Zoning Change.

The restrictive covenants that once limited the use of this property to single family residential recently expired. This is one change in conditions. Also, there has been an increase in traffic along 1-10 to the point that it is beyond its capacity and new changes are being considered to add capacity, such as the Mobile River Bridge. This increase in traffic makes the R-1 zoning classification even worse than it was initially. The site's primary neighbor, other than 1-10, is the City's park to the North with the Texas Street softball fields. These fields have very tall lights which shine onto the subject property when in use, and they are not shaded or shielded like the lights on some private athletic fields adjacent to residential properties. An additional change in conditions is the proposed Mobile River Bridge which will further elevate traffic and increase traffic near the property.

Increased need for additional commercial and industrial Property in area.

The preparations for the Mobile River Bridge project led to massive acquisitions by the State Department of Transportation along the 1-10 corridor between downtown and Virginia Street. These acquisitions have displaced many businesses and mined many industrial and commercial properties that previously supported business and industry near the waterfront and the transportation assets around 1-10. There is now a shortage of available sites to support business and industry along the 1-10 corridor.

Section 64-9. of the Zoning Ordinance states that 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 site was the subject of a one-lot subdivision, The Calirojae, Inc. Subdivision, approved by the Commission at its November 21, 2019 meeting. Although recorded in Probate Court, Planning and Zoning has not yet received the seven copies of the recorded subdivision to officially close the subdivision case. Therefore, if the Rezoning is approved, it should be subject to the submittal of seven copies of the recorded Final Plat prior to the issuance of any permits for site development or use.

Accompanying that subdivision was a Rezoning application to rezone the subject site from R-1 to B-2, Neighborhood Business. The proposed use of the site was for an event venue for receptions, get-togethers and meetings. The Rezoning was recommended for approval by the Commission, but was subsequently denied by the City Council at its April 7, 2020 meeting.

The subject site originally consisted of 11 lots of the Central Texas Street Area, Project Ala. R-38 Subdivision, approved in 1975 as an urban renewal project. The subject site was developed in

1976 as the International Seamen's Center, and was used as such until approximately one year ago, but is now vacant. The lots were incorporated into The Calirojae, Inc. Subdivision, but have retained their R-1 zoning classification as a result of the previous Rezoning being denied by the City Council. The current applicant proposes to use the site for office use for corporate headquarters and warehouse use for wholesale distribution of batteries and golf carts (Simmons' GoBattery). The requested B-5 zoning classification would be appropriate for the proposed use. Given that the site was intended for residential use, but was developed commercially and has been used as such since 1976, it seems that the residential zoning of the subject property may indicate an error in the Zoning Ordinance since the site was developed in the 1970's. Also, as justification for the Rezoning request, the applicant has demonstrated that there is the potential for a major change in conditions within the immediate area if the proposed I-10 Mobile River Bridge project is started which would increase the need for commercial sites close to the expanded highway to replace those lost due to bridge Right-of-Way acquisition.

No actual site plan was submitted with the application. A boundary survey of December, 2018 was submitted, but contained the old legal description prior to the Calirojae, Inc. Subdivision being recorded. Therefore, the legal description should be current on a revised site plan when submitted for site development.

As the site abuts residentially zoned property, a compliant residential buffer would be required, in compliance with Section 64-4.D.1. of the Zoning Ordinance.

Rezoning: Based upon the preceding, staff finds that the following conditions prevail to support the rezoning request:

- i. There is a manifest error in the Ordinance;
- ii. Changing conditions in a particular area make a change in the Ordinance necessary and desirable; and
- iii. There is a need to increase the number of sites available to business or industry.

As such, staff recommends Approval of the rezoning request, subject to the following conditions:

- 1) submittal of seven copies of the recorded Final Plat of Calirojae, Inc. Subdivision prior to the issuance of any permits for site development or use;
- 2) revision of the legal description for the site to Calirojae, Inc. Subdivision when plans are submitted for any site development or improvements;
- 3) provision of a residential buffer, in compliance with Section 64-4.D.1. of the Zoning Ordinance, where the site abuts residential properties; and
- 4) full compliance with all municipal codes and ordinances.

Revised for the January 7, 2021 meeting:

This application was heldover from the December 3, 2020 meeting at the applicant's request. As no new information has been submitted, the original recommendation would stand.

It should be noted that staff research into the original recording of the Central Texas Street Area urban renewal project restrictive covenants in 1975 indicates that the past church use of the subject site was specifically allowed further indicating an error in the Ordinance as asserted by the applicant.

Rezoning: *Based upon the preceding, staff finds that the following conditions prevail to support the rezoning request:*

- i. There is a manifest error in the Ordinance;*
- ii. Changing conditions in a particular area make a change in the Ordinance necessary and desirable; and*
- iii. There is a need to increase the number of sites available to business or industry.*

As such, staff recommends Approval of the rezoning request, subject to the following conditions:

- 1) submittal of seven copies of the recorded Final Plat of Calirojae, Inc. Subdivision prior to the issuance of any permits for site development or use;*
- 2) revision of the legal description for the site to Calirojae, Inc. Subdivision when plans are submitted for any site development or improvements;*
- 3) provision of a residential buffer, in compliance with Section 64-4.D.1. of the Zoning Ordinance, where the site abuts residential properties; and*
- 4) full compliance with all municipal codes and ordinances.*

Revised for the February 3, 2021 meeting:

This application was heldover from the January 7, 2021 meeting to give the applicant time to meet with neighboring residents. As no new information has been submitted, the original recommendation would stand.

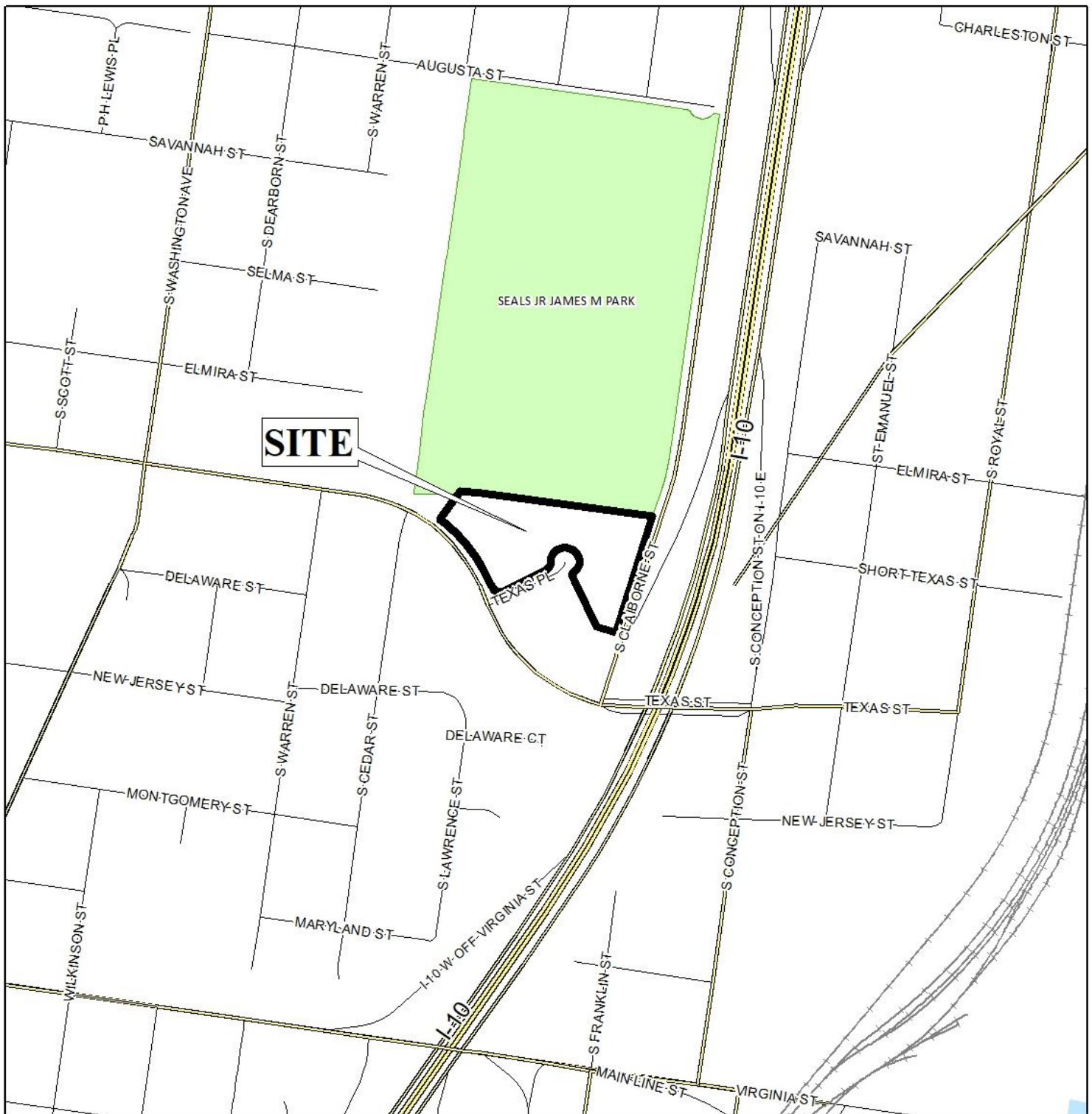
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- iii. There is a need to increase the number of sites available to business or industry.*

As such, staff recommends Approval of the rezoning request, subject to the following conditions:

- 1) *submittal of seven copies of the recorded Final Plat of Calirojae, Inc. Subdivision prior to the issuance of any permits for site development or use;*
- 2) *revision of the legal description for the site to Calirojae, Inc. Subdivision when plans are submitted for any site development or improvements;*
- 3) *provision of a residential buffer, in compliance with Section 64-4.D.1. of the Zoning Ordinance, where the site abuts residential properties; and*
- 4) *full compliance with all municipal codes and ordinances.*

LOCATOR MAP



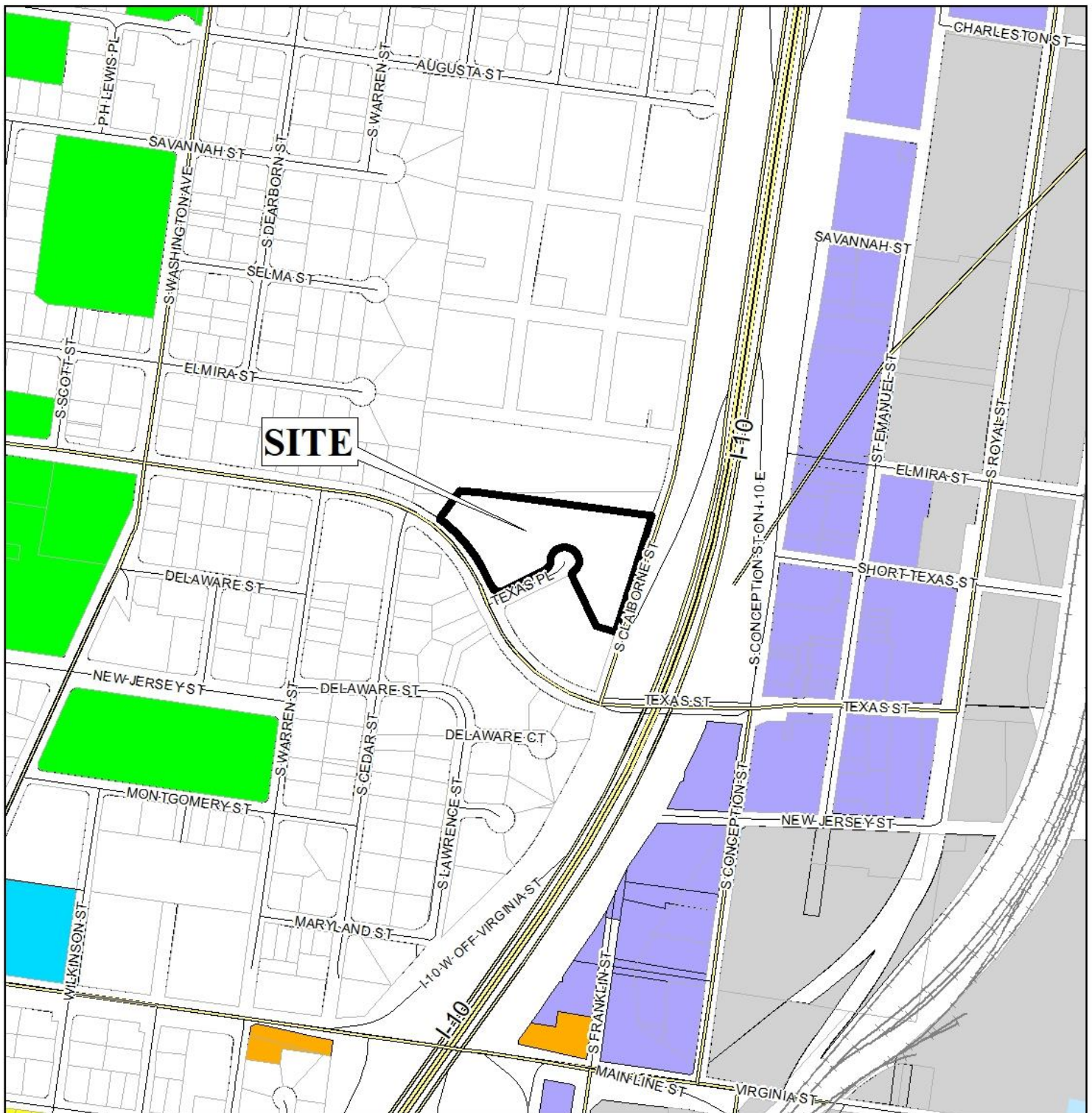
APPLICATION NUMBER 1 DATE February 3, 2021

APPLICANT Casey Pipes

REQUEST Rezoning from R-1 to B-5



LOCATOR ZONING MAP



APPLICATION NUMBER 1 DATE February 3, 2021

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REQUEST Rezoning from R-1 to B-5

















FLUM LOCATOR MAP



APPLICATION NUMBER 1 DATE February 3, 2021

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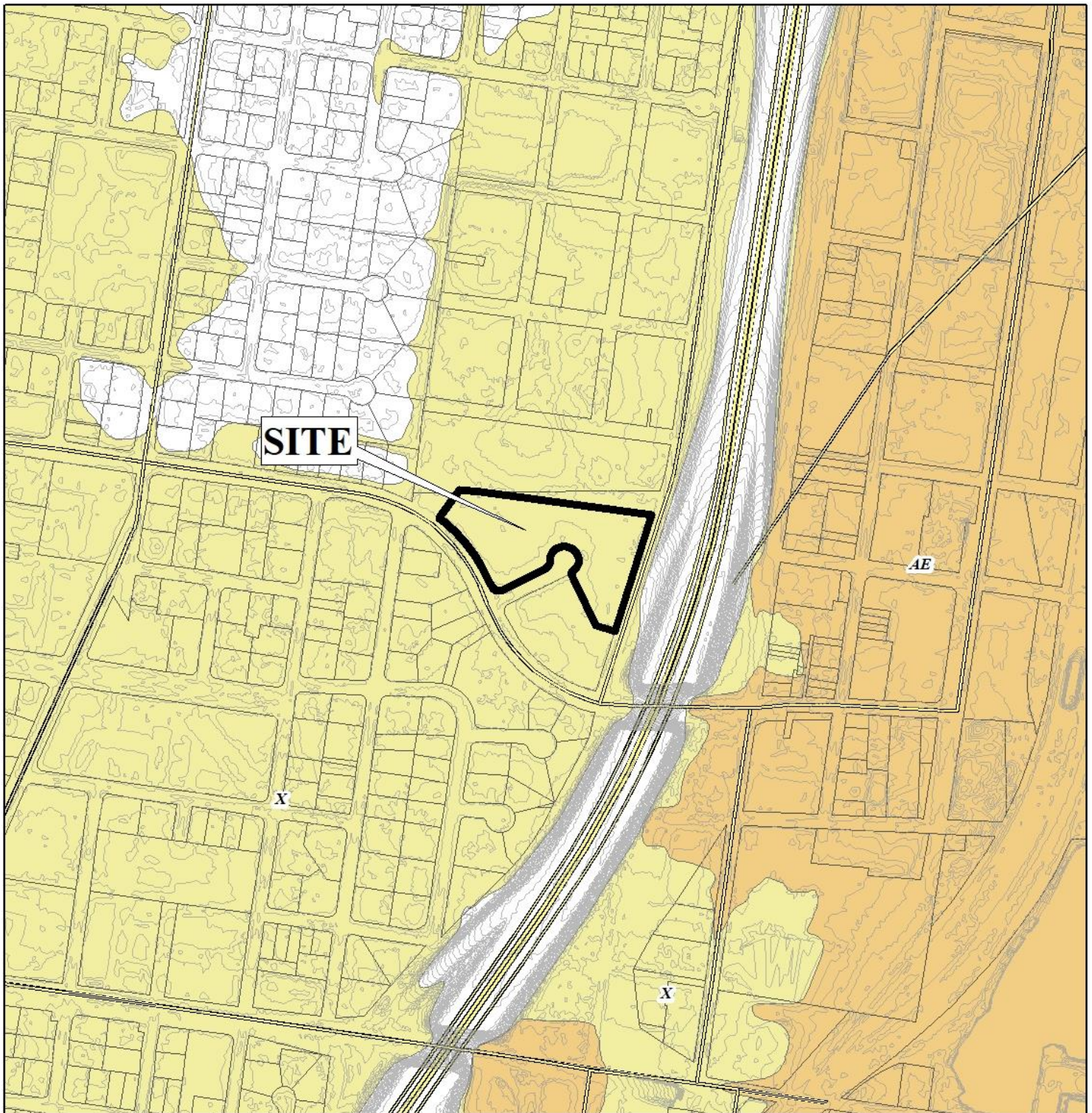
REQUEST_____Rezoning from R-1 to B-5

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



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ENVIRONMENTAL LOCATOR MAP



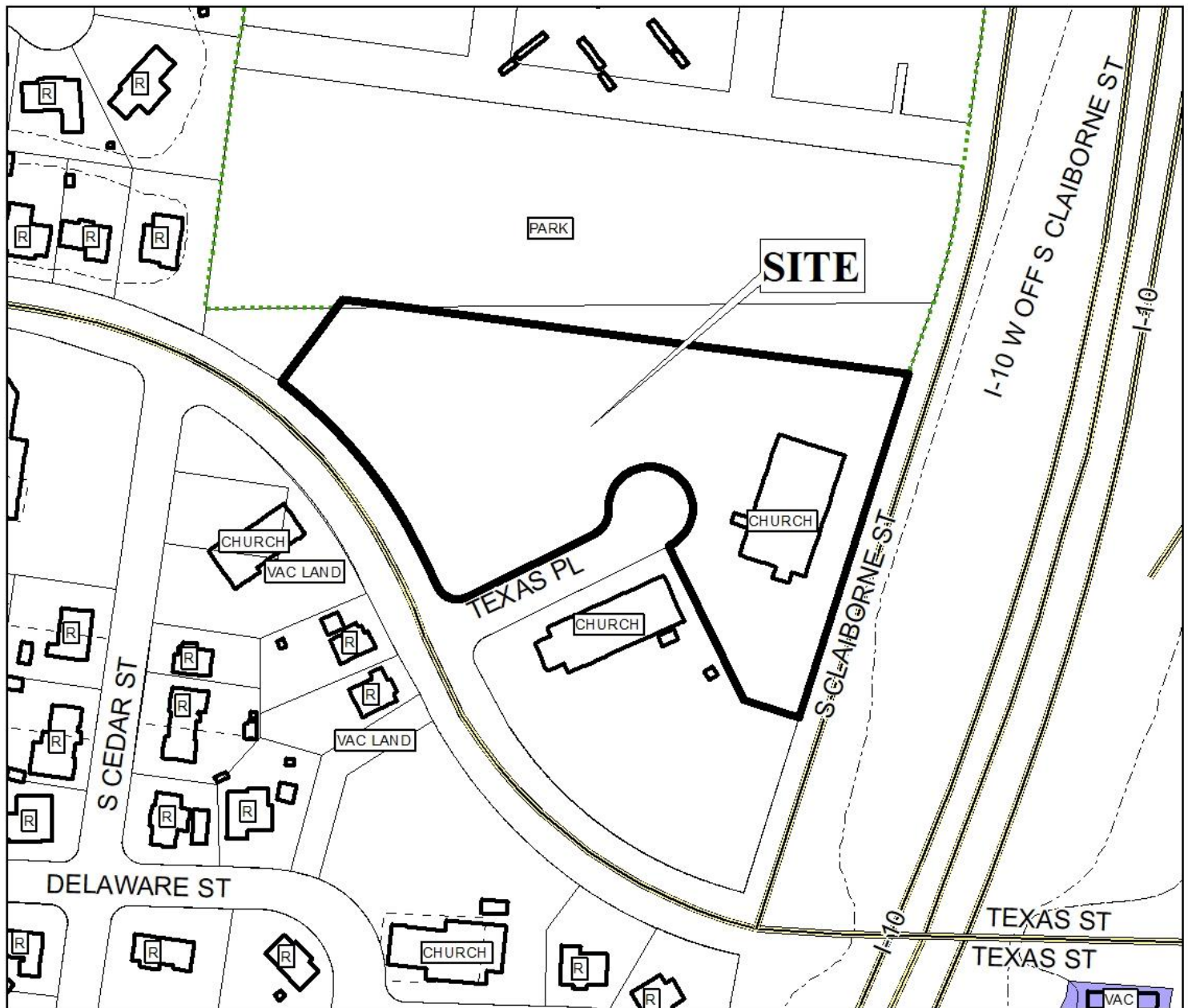
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REQUEST Rezoning from R-1 to B-5



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by churches, residential units and vacant lands.

APPLICATION NUMBER 1 DATE February 3, 2021

APPLICANT Casey Pipes

REQUEST Rezoning from R-1 to B-5

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



PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL



The site is surrounded by churches, residential units and vacant lands.

APPLICATION NUMBER 1 DATE February 3, 2021

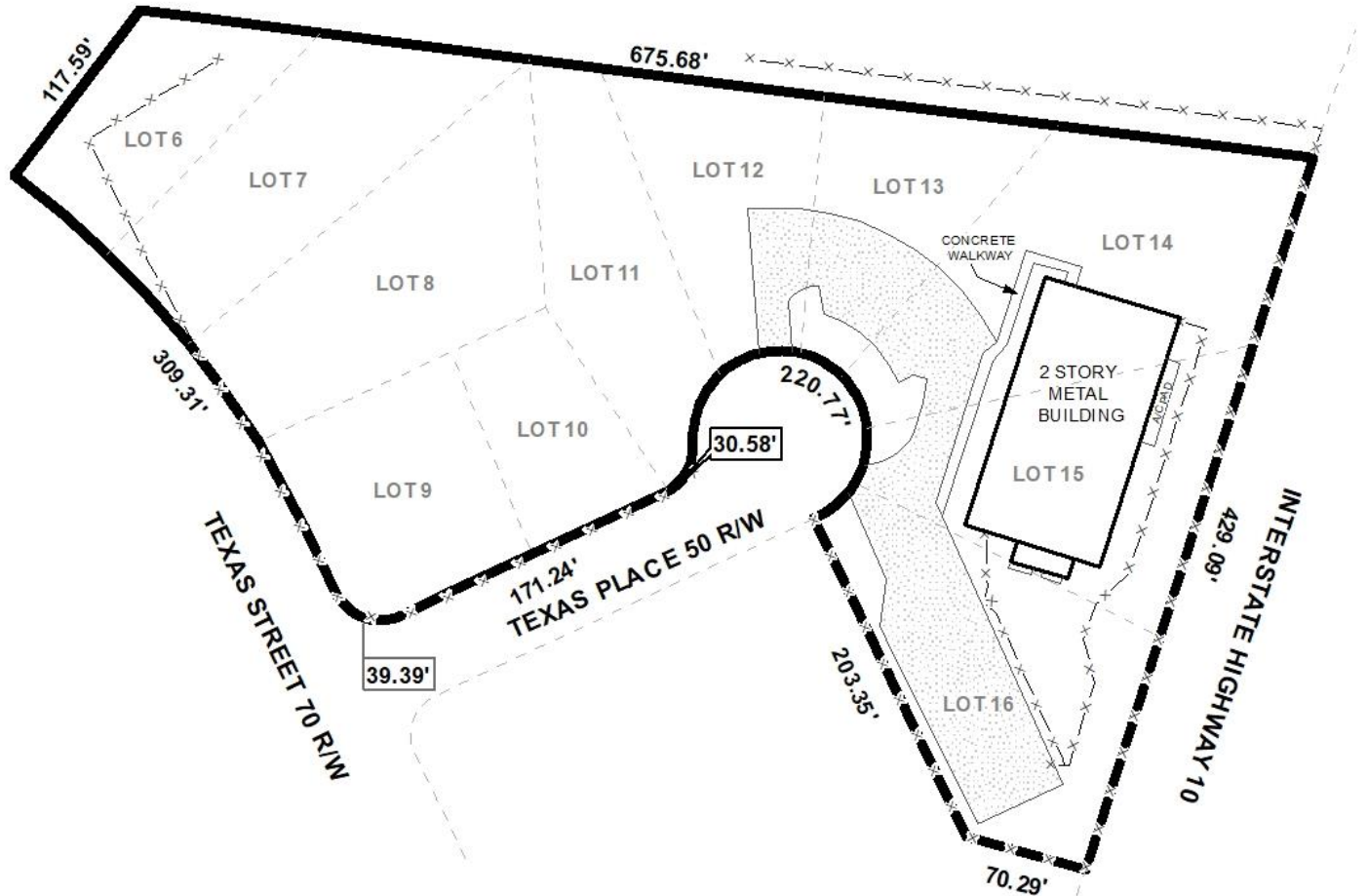
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SITE PLAN



The site plan illustrates existing building, fencing and asphalt.

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