

**PLANNING APPROVAL STAFF REPORT****Date: April 18, 2019****NAME**

Quang Nguyen

**LOCATION**2305 Costarides Street  
South side of Costarides Street, 265'± West of Devon Drive)**CITY COUNCIL  
DISTRICT**

District 1

**PRESENT ZONING**

B-2, Neighborhood Business District

**AREA OF PROPERTY**

1 Lot / 0.5 ± Acres

**CONTEMPLATED USE**

Planning Approval to allow the sales of fresh seafood in a B-2, Neighborhood Business District.

**TIME SCHEDULE**

Not Specified.

**ENGINEERING  
COMMENTS**

No comments.

**TRAFFIC ENGINEERING  
COMMENTS**

Any required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance. Parking illustration does not match calculation or previously submitted permit plans. Dumpster access is obstructed by parking as well.

**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 Planning Approval to allow the sales of fresh seafood in a B-2, Neighborhood Business District.

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 hazard, 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 plan, as approved, by current or future applicants must be submitted for Planning Approval. Planning Approvals are also specific to the scope of operations.

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 subject property is occupied by a multi-tenant building. The applicant states that a seafood restaurant is currently in operation. They wish to expand the scope of the business to include the sale of fresh seafood.

The applicant states the following:

*"Description of operation: Currently operating as a carryout restaurant 100% of the time. Owner is requesting to sale a small amount of fresh seafood within the restaurant. The fresh seafood will only be maximum 25% of the restaurant space. This building suite is and will continue to primarily be a carry out restaurant."*

The subject site abuts R-1, Single-Family Residential property to the North and South, and B-2, Neighborhood Business to the East and West. Though the Zoning Ordinance allows a take-out restaurant in a B-2, Neighborhood Business District, the sale of fresh seafood is not allowed by right.

The submitted site plan is dated June 20, 2016 and illustrates an existing 37'x 67' building with a proposed convenience store addition which was permitted and received a Certificate of Occupancy in November of 2018. However, it appears that the restaurant is located where the convenience store was proposed. No information was provided about the total number of suites in the building. There are currently 17 parking spaces on site. Because the applicant has indicated that the sale of fresh seafood will only be 25% of the business model, it could be considered an accessory to the primary use as a takeout restaurant. Therefore, parking requirements would not change and the site would remain in compliance.

As Traffic Engineering noted, the layout of parking has been altered since the 2017 permits were approved. The alterations added parking to the site, but reduced access and maneuvering below the 24' needed for two-way traffic. If approved, the site plan should either be revised to match the parking layout approved in 2017, or to indicate one-way traffic circulation on the site.

Though it is the applicant's personal desire to add seafood sales to the scope of operations at their existing business, there has not been a hardship presented that would justify relief from the Zoning Ordinance to allow this use in an B-2, Neighborhood Business District. However, because the use will only be 25% of the business, it could be considered an accessory use and therefore approvable.

## **RECOMMENDATION**

**Planning Approval:** Staff recommends the following Findings of Fact for Approval of the Planning Approval request:

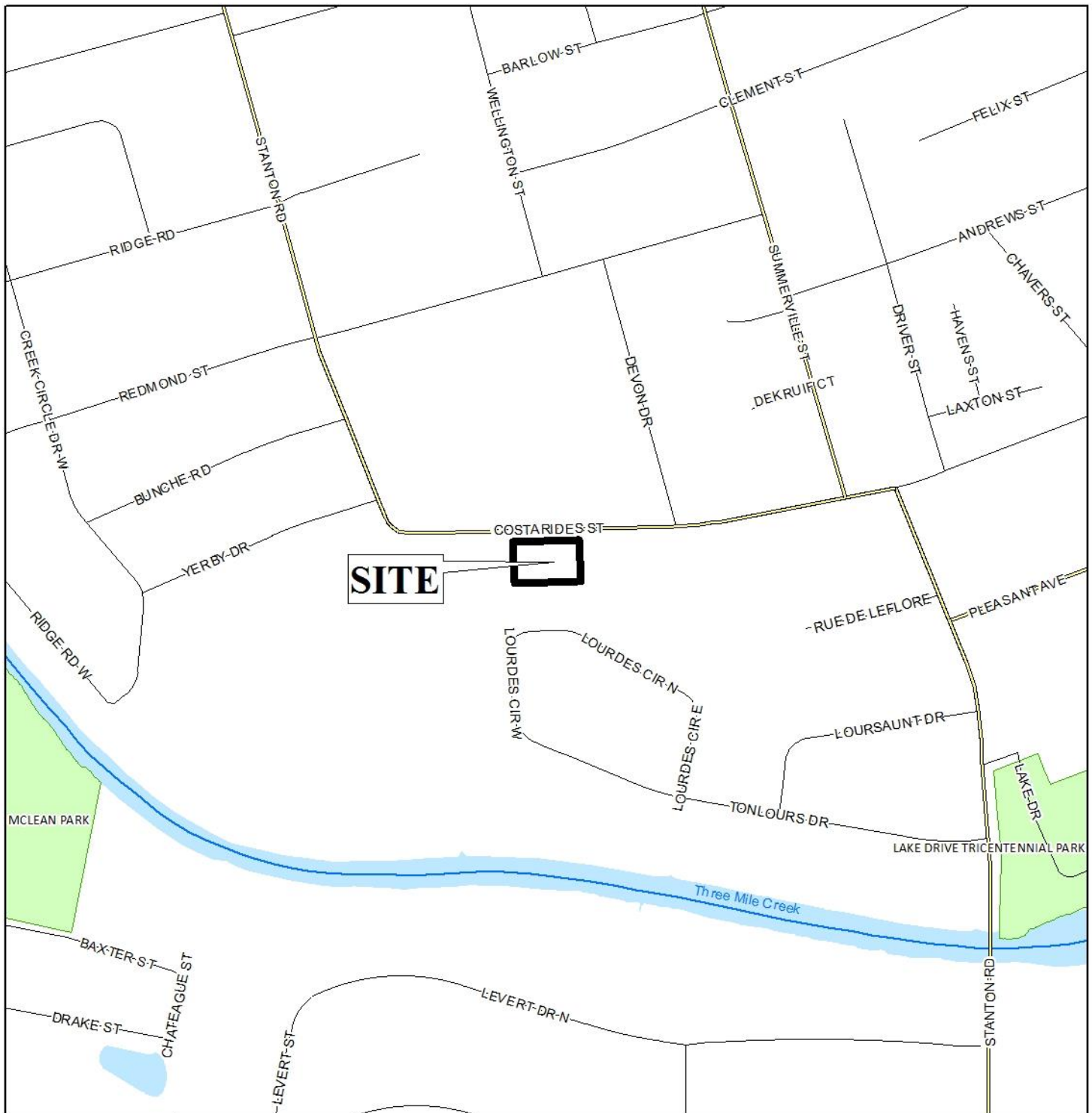
- 1) The proposal will be appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities, because the site is located within the developed area with public water and sewer services and with nearby fire and police stations;
- 2) The proposal will not cause undue traffic congestion or create a traffic hazard, because the area contains available on-site parking and the proposed use will not increase parking requirements; and
- 3) The proposal will be in harmony with the orderly and appropriate development of the district in which the use is located, because there is commercial development currently operating in the area.

The approval is subject to the following conditions:

- 1) Revision of the site plan to show that the addition is existing;
- 2) Revision of the site plan to either match the parking layout approved in 2017, or to indicate one-way traffic circulation on the site;

- 3) Placement of a note on the site plan that any changes to the site plan, or the scope of operations associated with the seafood store will require new Planning Approval; and
- 4) Submittal of a revised site plan to Planning & Zoning staff, prior to the issuance of a zoning clearance and business license.

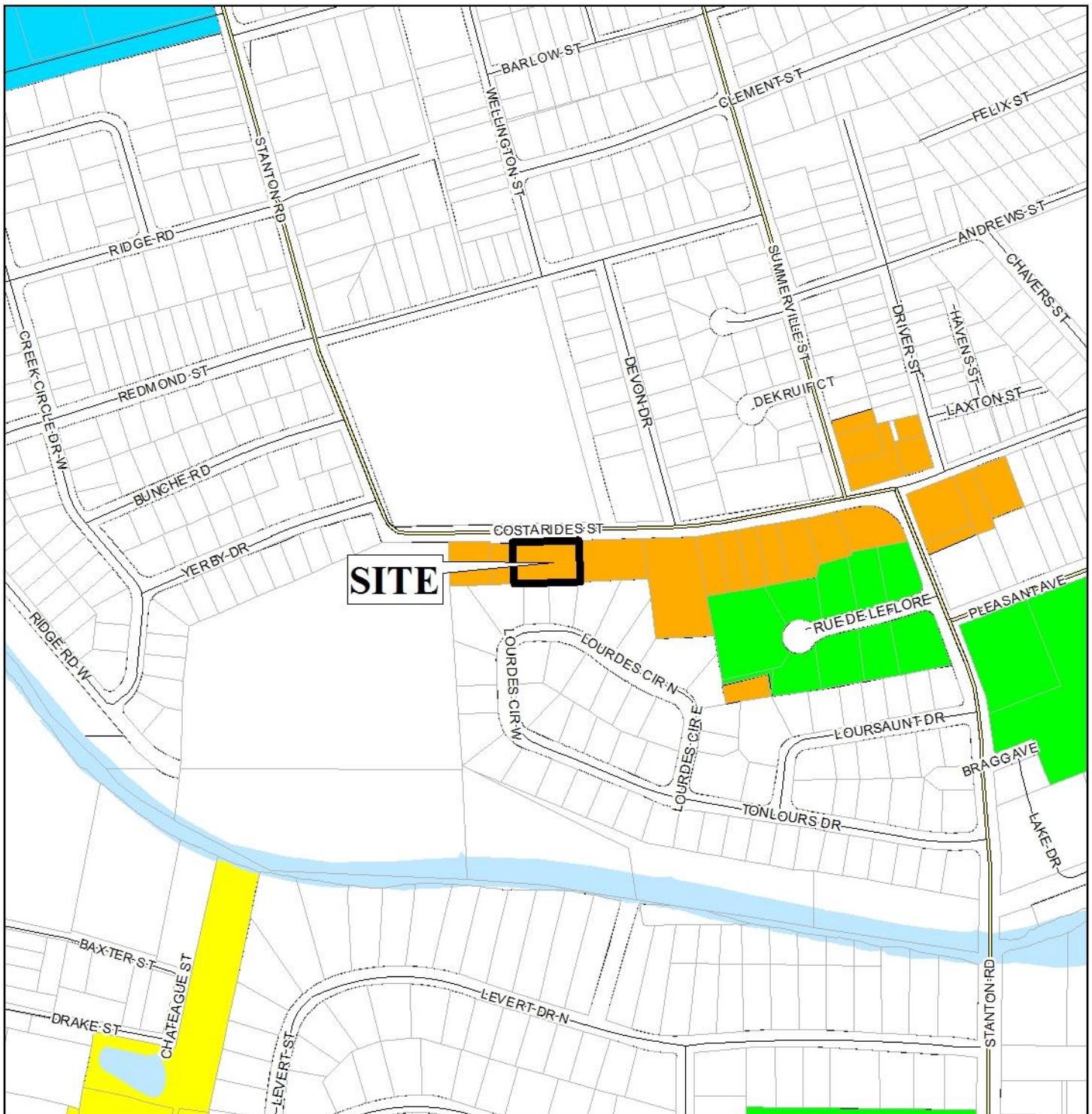
# LOCATOR MAP



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# LOCATOR ZONING MAP

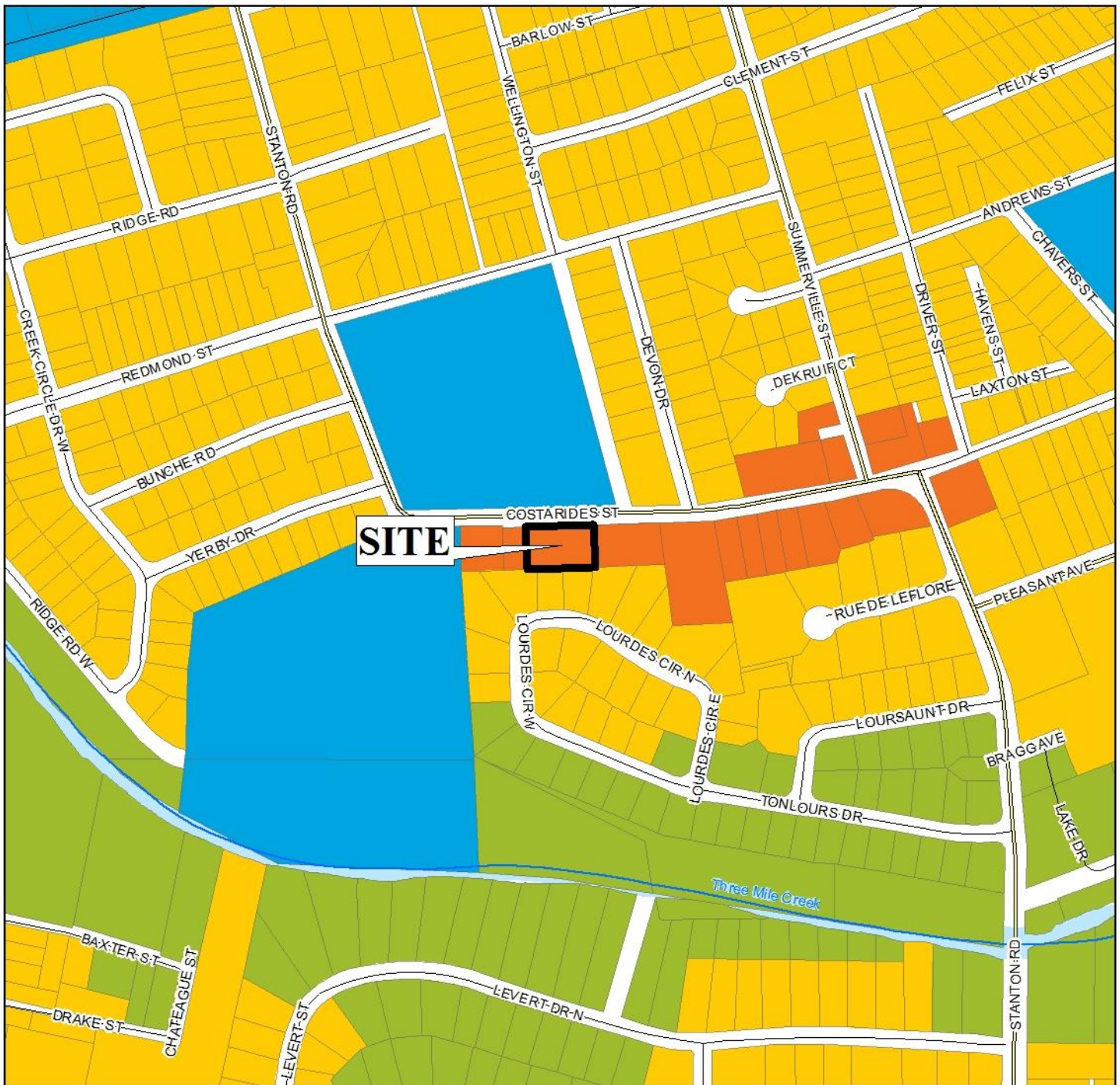


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# FLUM LOCATOR MAP



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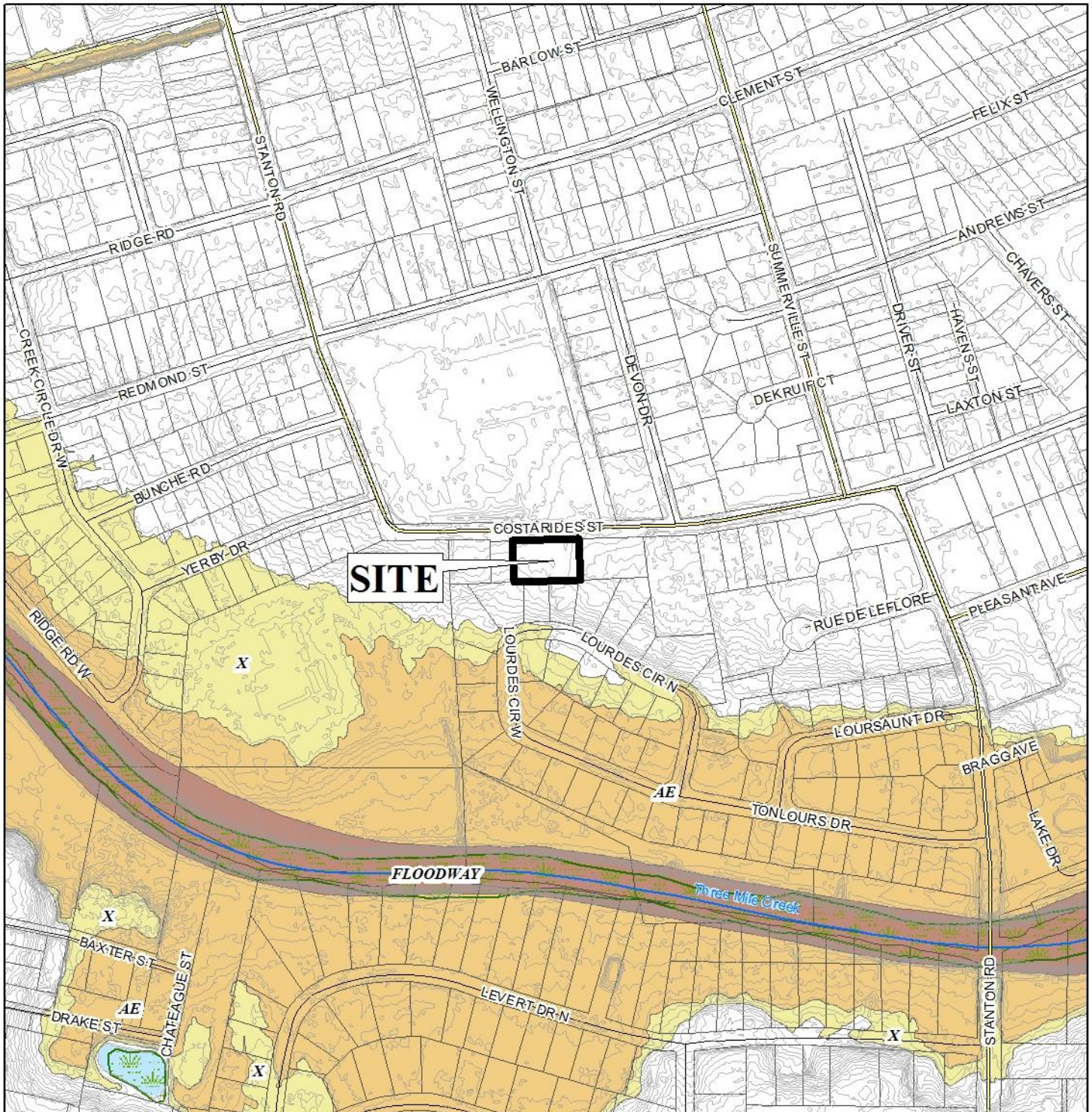
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Low Density Residential	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
Mixed Density Residential	Neighborhood Center - Suburban	Light Industry	Water Dependent
Downtown	Traditional Corridor	Heavy Industry	
District Center	Mixed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





# ENVIRONMENTAL LOCATOR MAP



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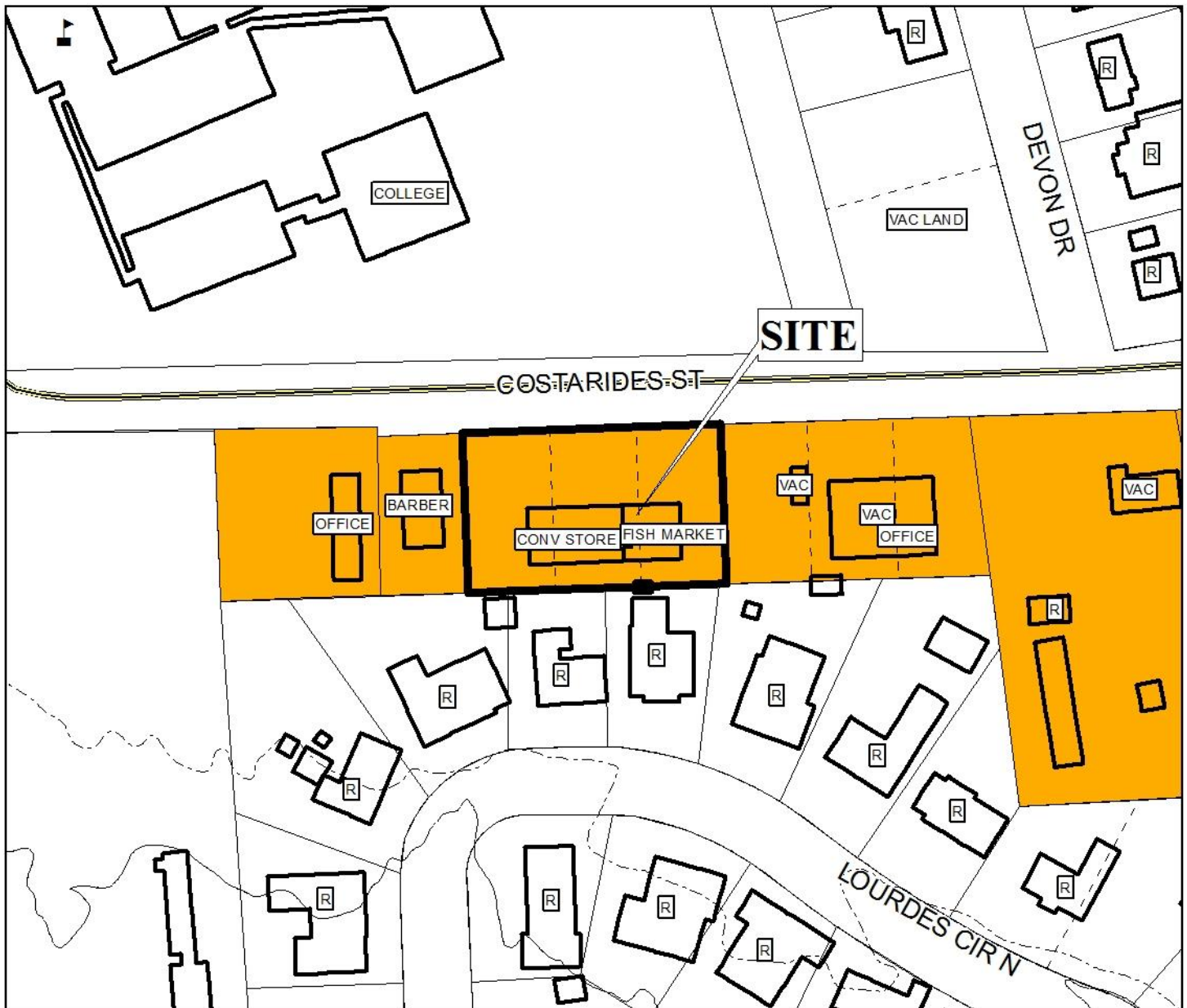
APPLICANT Quang Nguyen

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# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial and residential units.

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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



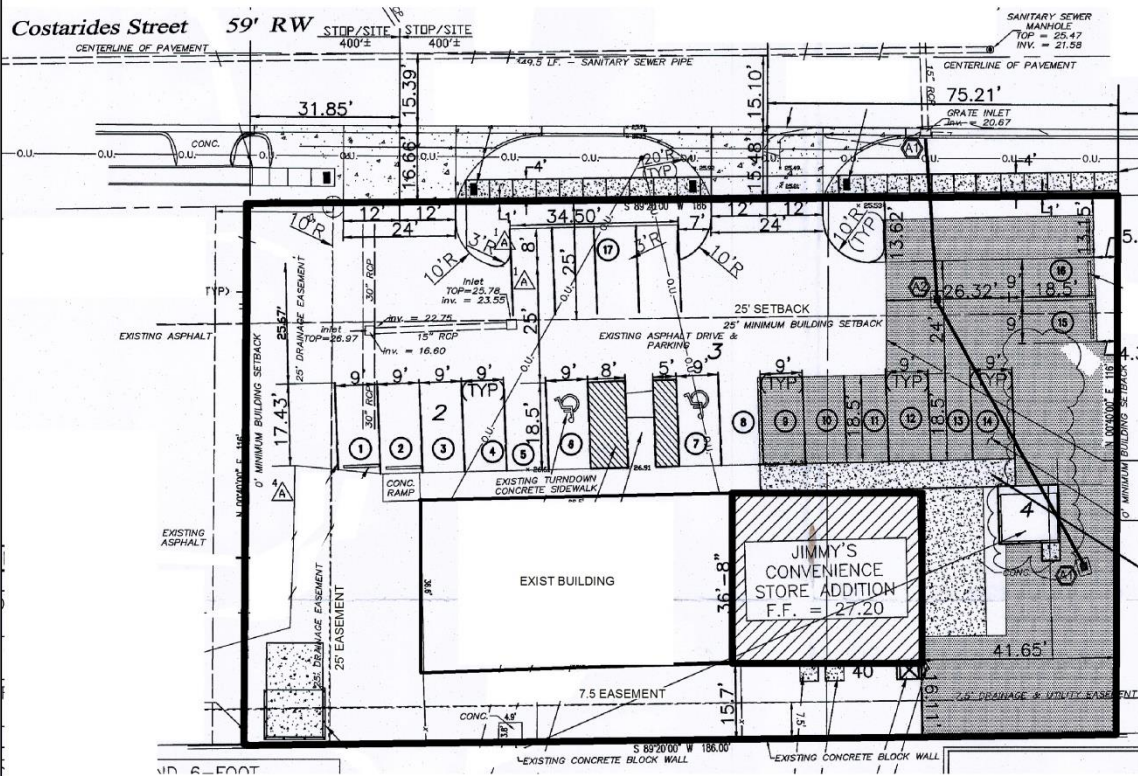
The site is surrounded by commercial and residential units.

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# SITE PLAN



The site plan illustrates the existing building, parking, proposed addition, easements, and setback.

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