

ZONING AMENDMENT STAFF REPORT**Date: May 18, 2017****NAME**

Wells Ventures, LLC

LOCATION

West side of South University Boulevard, 305'± South of Old Shell Road.

**CITY COUNCIL
DISTRICT**

District 6

PRESENT ZONING

R-1, Single-Family Residential District

PROPOSED ZONING

B-2, Neighborhood Business District

AREA OF PROPERTY

1.07± Acres

CONTEMPLATED USE

Rezoning from R-1, Single-Family Residential District, to B-2, Neighborhood Business District, to allow a restaurant. **It should be noted, however, 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**

Within one year.

**ENGINEERING
COMMENTS**

No Comments.

**TRAFFIC ENGINEERING
COMMENTS**

The site may be subject to a Traffic Impact Study, as determined by the City Traffic Engineering Director, at the time development density is presented to the City.

**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 61-929 and City Code Chapters 57 and 64).

**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-2, Neighborhood Business District, to allow a restaurant.

The applicant provided the following statement:

“We are pleased to attach the enclosed zoning application for the Planning Commission’s consideration. The purpose of this application is to obtain the necessary rezoning approvals to allow us to develop and build a restaurant located at the site currently addressed 100 South University Boulevard and additional property adjacent to and west, within a year. We are currently considering the layout of four (4) parcels, of which three are currently zoned B-2, and the site we are requesting rezoning on is R-1.”

“Upon completion of rezoning, it is our intent to further develop our plans and submit a subdivision and/or Planned Unit Development application.”

“Our organization has developed the South Landing retail development in the immediate vicinity and looks forward to pursuing additional investment and improvement in this area. As you know, the area around the University has experienced tremendous commercial growth over the past several years, including new apartment complexes to the west and south totaling more than 450 units. Further, construction of an Express Oil Change, PDQ Chicken, Dairy Queen, Camille’s Sidewalk Café, Regions Bank, and Hungry Howie’s have all demonstrated orderly and attractive investment in this area over the past decade. The University’s construction of Shelby Hall, the Student Recreation Center, athletic and road upgrades as well as the popularity of the Mitchell Center all contribute to this area being a thriving sector of Mobile.”

“Through a review of the Map for Mobile and an analysis of the current zoning map, we believe it is fair and appropriate to pursue rezoning of the subject site from R-1 Single-Family Residential to B-2 Neighborhood Business to permit the development of a restaurant.”

“We believe that our request for a subdivision and rezoning from R-1 to B-2 should be approved based upon the changing and improving commercial nature of the surrounding area, the relative lack of proximate development sites, and the multiple recent developments in the immediate area. We request our application be approved.”

The site is bounded to the North by B-2 and B-3, Community Business District; to the East and West by B-2, and to the South by R-1. On the adjacent B-2 to the East and fronting South University Boulevard is a medical office, and to and the adjacent B-2 to the North and fronting Old Shell Road is a restaurant. All other surrounding properties are vacant.

The site is within what the Map for Mobile Comprehensive Plan considers a “Suburban Center” Development area, wherein the intent for development includes:

- Greater density including mixed-use with residential above community scale services and retail

- Accommodation of all users: automobile, bicycle, pedestrian, and transit
- Connectivity to surrounding neighborhoods through sidewalks, trails, etc.
- Encourage redevelopment of existing strip centers into mixed-use development or green space
- Emphasis on adding density, mixing uses and promoting walkability and connectivity to other areas of the City

It should also be noted that the Map for Mobile Plan is meant to serve as a general guide, not a detailed lot and district plan or mandate for development. Moreover, the Plan 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 zoning classification.

As stated in Section 64-9. of the Zoning Ordinance, 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.

While the applicant's assertion that pursuing rezoning for the subject parcel would be appropriate due to the changing and improving commercial nature of the surrounding area, other factors must be considered in this instance. The subject parcel is imbedded within other B-2 parcels and is land-locked by them. The site plan submitted with the application indicates the proposed restaurant on the subject parcel but also indicates that the structure will span onto both the adjacent parcels East and West of the subject parcel. Also indicated is an entrance drive coming off South University Boulevard spanning those three parcels and a fourth parcel with associated parking for the proposed restaurant building and an existing medical office building on South University Boulevard.

While a rezoning of the property to a B-2 designation is not an unreasonable request, the fact that it is not a legal lot of record, has no access to a public street, and will require additional Planning Commission approvals, indicates that the rezoning at this time appears to be speculative. Therefore, the Commission should consider a holdover to allow the applicant to submit all other possible applications required (Subdivision, at a minimum for all intended parcels, Planned Unit Development, etc.) for orderly site development. The Rezoning should include all properties included in the Subdivision.

RECOMMENDATION: Based on the preceding, the application is recommended for holdover to the May 18th meeting to allow the applicant to submit any other applications required for orderly site development. Further applications should be submitted no later than April 17th.

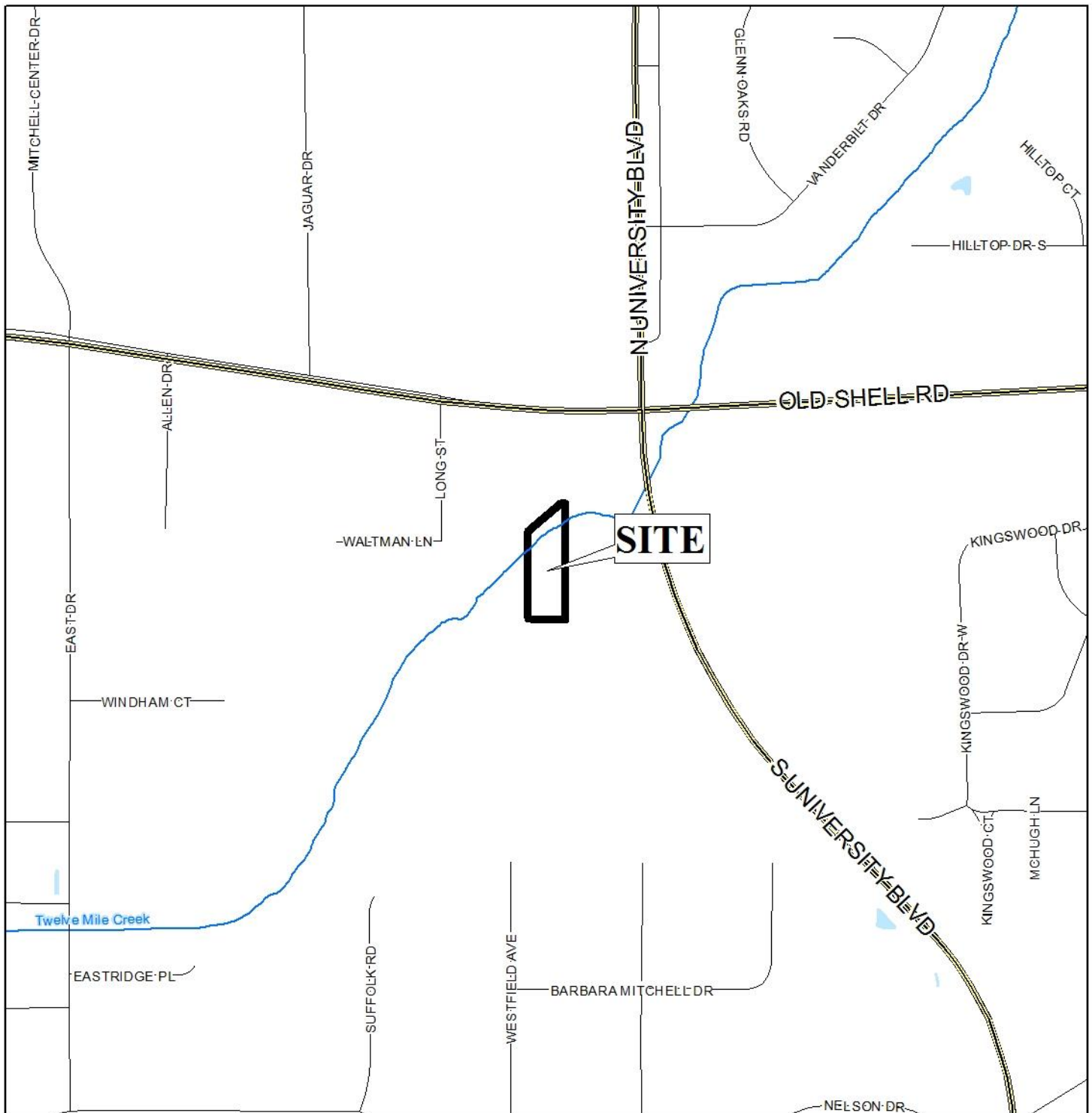
Revised for the May 18th meeting:

This application was heldover from the April 6th meeting to allow the applicant to submit any other applications required for orderly site development. Further applications were required to be submitted no later than April 17th.

No other applications were submitted as required and telephone contact with the property owners and their attorney indicated that the application would be withdrawn. However, as no letter of withdrawal has been submitted, it is recommended that the applicant be allowed to withdraw the application at the May 18th meeting.

RECOMMENDATION: *As none of the applications required for orderly site development were submitted, and as no withdrawal request has been submitted, it is recommended that the applicant be allowed to withdraw this application at the May 18th meeting.*

LOCATOR MAP



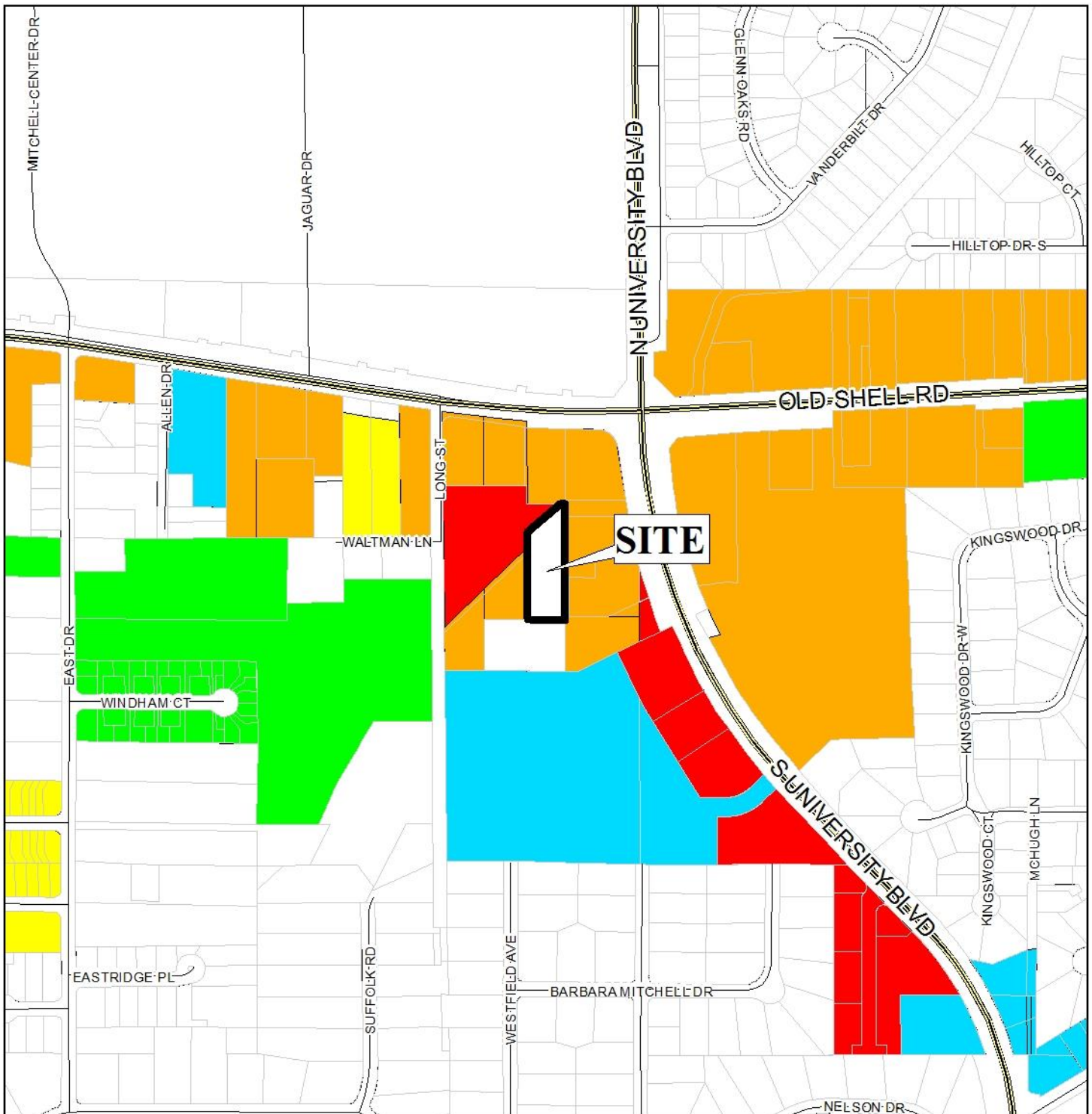
APPLICATION NUMBER 2 DATE May 18, 2017

APPLICANT Wells Ventures LLC

REQUEST Rezoning from R-1 to B-2



LOCATOR ZONING MAP



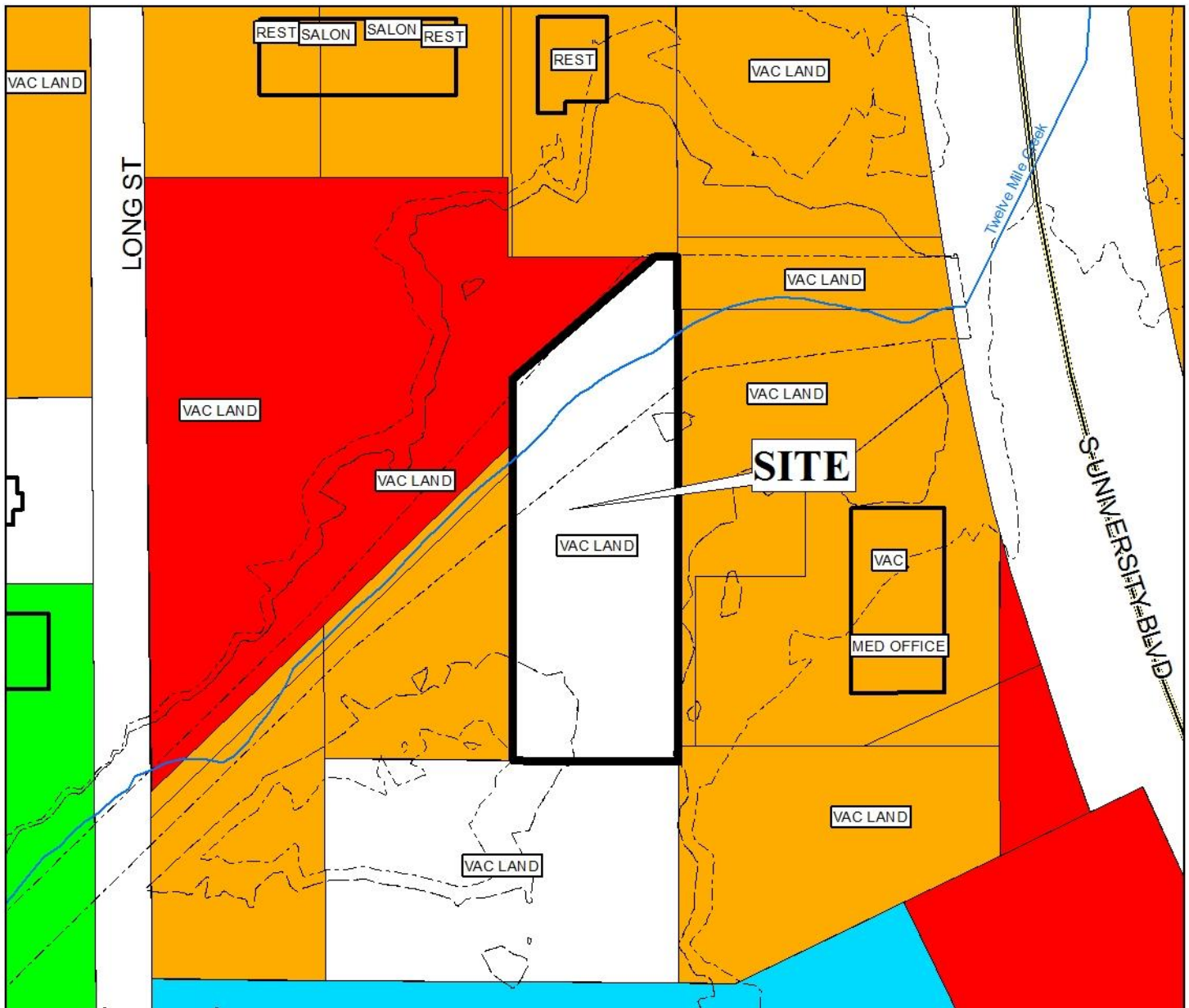
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REQUEST Rezoning from R-1 to B-2



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

APPLICATION NUMBER 2 DATE May 18, 2017

APPLICANT Wells Ventures LLC

REQUEST Rezoning from R-1 to B-2

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

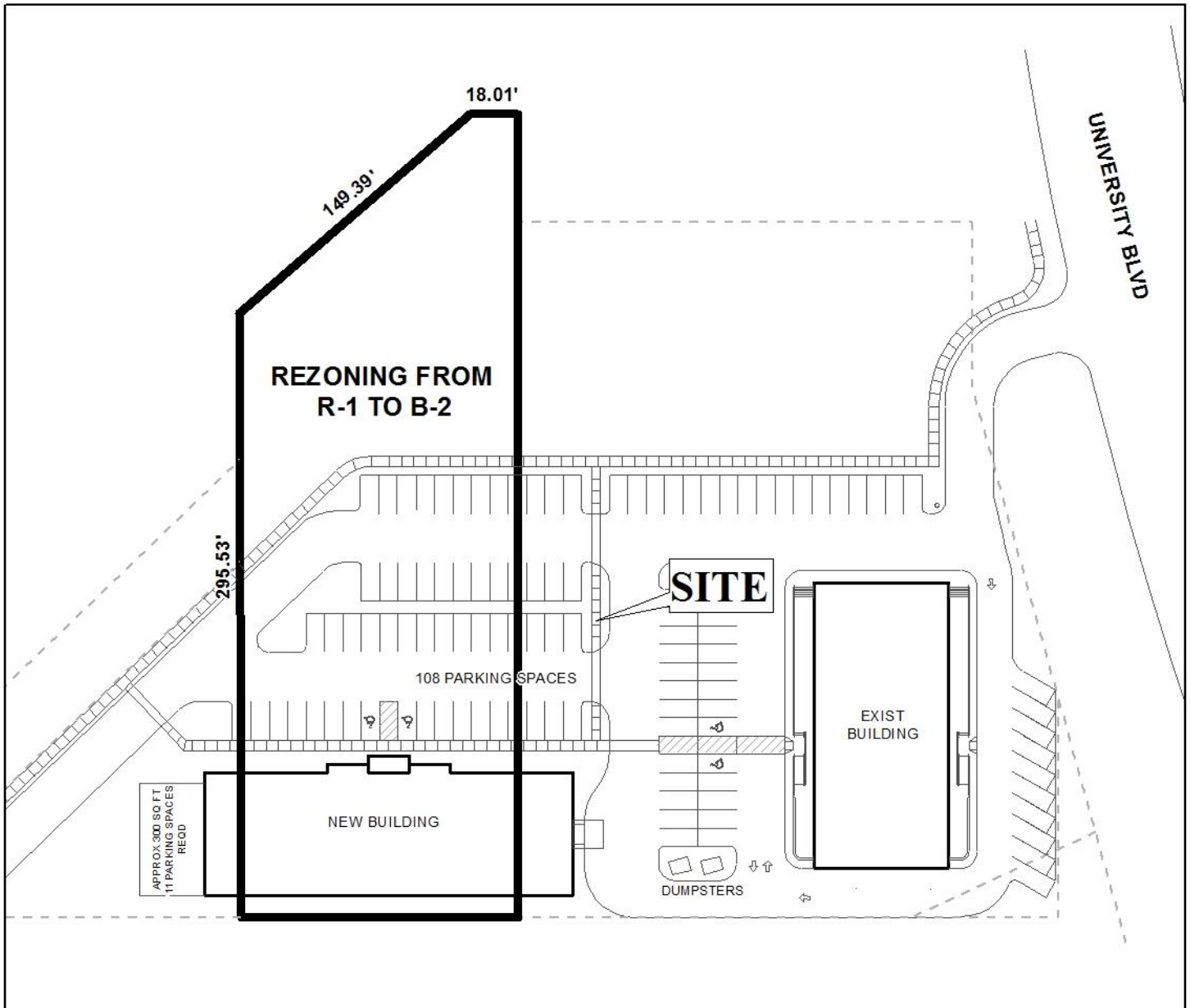


The site is surrounded by commercial units.

APPLICATION NUMBER 2 DATE May 18, 2017
 APPLICANT Wells Ventures LLC
 REQUEST Rezoning from R-1 to B-2



SITE PLAN



The site plan illustrates the new building, existing building, and parking.

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