

**PLANNED UNIT DEVELOPMENT &
ZONING AMENDMENT STAFF REPORT****Date: March 15, 2018****NAME**

Gulf State Engineering

LOCATION4126, 4128, 4132, & 4134 Government Boulevard
(North side of Government Boulevard, 350'± of Arcturus Drive.)**CITY COUNCIL
DISTRICT**

District 4

PRESENT ZONING

R-1, Single-Family District and B-2, Neighborhood Business District

PROPOSED ZONING

B-3, Community Business District

**REASON FOR
REZONING**

To accommodate existing businesses and to eliminate split zoning.

AREA OF PROPERTY

2 Lot / 15.65 ± Acre

CONTEMPLATED USE

Rezoning from R-1, Single-Family Residential and B-2, Neighborhood Business District to B-3, Community Business District to eliminate split zoning and accommodate existing businesses.

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**

None given.

**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 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. 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.
5. Any proposed development must comply with all Engineering Department design requirements and Policy Letters.

TRAFFIC ENGINEERING

COMMENTS

Government Boulevard (US Highway 90) is an ALDOT maintained roadway. Site is limited to no more than its existing curb cuts to be approved by ALDOT and Traffic Engineering and conform to AASHTO Standards. Any new on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.

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).

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 and B-2, Neighborhood Business District to B-3, Community Business District to eliminate split zoning and accommodate existing businesses.

The site has been given a Mixed Commercial Corridor (MCC) 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. MCC 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.

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.

The applicant provided the following statement:

"On behalf of the owner(s) of the property listed above, this firm requests a change in zoning for the properties known by the City of Mobile as parcel 33 01 02 4 002 018.001 and 33 01 01 4 002 018. Currently the property is classified as B-2, given the use of the property we respectfully request that the zoning be changed to B-3

There are no site improvements or modifications proposed with this change therefore no site plan has been developed nor submitted."

Prior to the adoption of the current Zoning Ordinance in 1967, this site was designated as a B-1, Neighborhood Business District. With the 1967 adoption, the zoning designation changed to the current B-2 district. The largest of the 6 major buildings on the site was built prior to 1960, not long after Government Boulevard was opened adjacent to the site.

The properties to the North, South and West of the subject site zoned R-1, Single-Family Residential District. The properties to the East are all zoned B-2, Neighborhood Business District and B-3, Community Business District.

The applicant has provided a site plan illustrating a total of seven buildings on the two legal lots of record. Aerial images show that there are six (6) buildings on Lot 1 and two (2) buildings on Lot 2. Details have not been provided by the applicant regarding the current or proposed uses at this location that would necessitate a change in zoning. Lot 2, however, is split zoned R-1, Single Family Residential and B-2, Neighborhood Business District.

It should also be noted that Lot 2 currently has no street frontage, and such was the case when the two lots were created in a 1993 application to the Planning Commission. The site has been the subject of several Administrative Planned Unit Development (PUD) reviews, the most recent of which was in 2015, to allow an event center to occupy the existing buildings on Lot 2, and utilize existing parking on Lot 1. The survey site plan presented with this rezoning request does not appear to reflect current existing conditions: more buildings are depicted than currently exist on the site. As such, a full Planning Unit Development (PUD) application with an up to date site plan may be advisable.

RECOMMENDATION

Based upon the preceding, the Rezoning request is recommended for Holdover until the May 3, 2018 meeting so that a PUD application can be submitted by the April 2, 2018 deadline. Also, an expanded narrative to justify the rezoning should be provided.

Revised for the May 3, 2018 Meeting:

The application was heldover to allow the applicant time to provide a detailed narrative to justify the request for rezoning and to allow for the submittal of a PUD application. At this time, Staff has not received any revisions or applications.

RECOMMENDATION

Based on the preceding, the request is recommended for Denial for the following:

- 1) Failure to provide an expanded narrative to justify one or more reasons for rezoning;
and*
- 2) Failure to provide a PUD application, as requested.*

Revised for the June 7, 2018 Meeting:

The application was heldover to allow the applicant time to provide a detailed narrative to justify the request for rezoning and to allow for the submittal of a PUD application. Staff did not receive the necessary revisions prior to the filing deadline. However, the revised narrative and

PUD application have been received and the application has been placed on the June 21st agenda.

RECOMMENDATION

Based on the preceding, the request is recommended for Holdover to the June 21, 2018 meeting to allow both applications to be heard at the same meeting.

Revised for June 21, 2018 Meeting:

The application was heldover to allow the Staff to review a revised narrative associated with the Rezoning request and PUD application submitted after the filing deadline.

The applicant states:

“The change in zoning will eliminate the split zoning that currently exists on the properties. It will also accommodate the existing businesses on the properties. The existing building onsite include a main retail store, buildings with warehouse and loading dock areas and a loading and storage yard in the back of the properties. The existing buildings can support uses that are suitable to B-3 zoning.

Historically, the buildings have been occupied by uses that are allowed by B-3 zoning. These uses include a State Unemployment Office, Gayfer’s Department Store, Boomer’s Upholstery, a boat repair shop, a pool supply company, a hardware store, a business records company, and a bingo parlor. The Owners’ of the properties have been approached by possible tenants that would require B-3 zoning. Examples of the prospective tenants’ include A/C and refrigeration repair, automotive glass and upholstery, bait and tackle shop, barber and beauty supplies and equipment, building material sales such as roofing, business record and computer data storage, carpenter or cabinet shop, laundry and dry cleaning services, fabrics and notions distribution, footwear distribution, seafood store, furniture repair and upholstery, electrical and electronic repair, commercial restoration services, commercial equipment distribution and restaurant supplies. The Owners; are in the process of cleaning up and upgrading the property to attract a better selection of businesses to the area. The zoning of the properties directly across Government Street is B-3. Their buildings are very similar in layout as they include warehousing capabilities”.

Planned Unit Development review examines the site with regard to its location to ensure that it is generally compatible with neighboring uses; that adequate access is provided without generating excess traffic along minor residential streets in residential districts outside the PUD; and that natural features of the site are taken into consideration. PUD review also examines the design of the development to provide for adequate circulation within the development; to ensure adequate access for emergency vehicles; and to consider and provide for protection from adverse effects of adjacent properties as well as provide protection of adjacent properties from adverse effects from the PUD. PUD approval is site plan specific, thus if any new construction

is anticipated that will change an approved site plan, an application to amend an existing, approved PUD must be made prior to any construction activities.

In pursuit of these purposes, the objectives to be met by a PUD are as follows: a) to encourage innovative and diversified design in building form and site development; b) flexibility, to permit greater flexibility in the location and arrangement of buildings and uses than is generally possible under district regulations; c) to encourage the most efficient and sustainable use of land, especially tracts in the inner part of the city that remain undeveloped or that are appropriate for re-development; d) to preserve and protect as urban amenities the natural features and characteristics of land; e) to encourage the provision of common open space through efficient site design; and, f) to encourage optimum use of available public utilities, streets and community facilities.

It is very important to note that the PUD reviews are site plan specific; therefore any future changes to the overall site plan must be submitted for PUD review. Additionally, if the site plan is changed from what is approved by the Planning Commission, a new application for PUD application will be required. Finally, PUD approvals expire in one year if no permits are obtained.

The purpose of the Planned Unit Development application is to allow shared access between two parcels at this location. Currently, Lot 2 has no street frontage. It should be noted that there have been Administrative Planned Unit Development approvals in the past with regards to the multiple building on this site. Though aerial images confirm that the site has operated in this configuration for over 40 years, the site has never gone before the Planning Commission for PUD approvals: the Planning Commission has only reviewed the site for a 2-lot Subdivision approval (approved in 1993) and a Planning Approval for an automotive upholstery shop (2014).

The submitted site plan appears to illustrate the site in its most recent configuration with six buildings on site; however, it appears to still have deficiencies and inaccuracies. The site plan does not illustrate parking on site. If approved, a revised site plan which depicts and quantifies all parking on site will be required, as will a list of all tenant spaces and uses with the size in square feet of each tenant space. The “gravel drive” illustrated on Lot 2 is actually a paved fire lane, required when the event center was created.

There are several easements indicated on the preliminary plat. If approved, all easements should be retained and a note should be placed on the revised plan stating that no structure should be erected in any easement.

Regarding the rezoning request, the North/West side of Government Boulevard has been zoned B-2, from Azalea Road to this site, since the current zoning ordinance and map were adopted in 1967. Prior to that, the site was designated as a C-1, Neighborhood Business District. It appears that the main building on the site was constructed by 1960, with nearly all of the other buildings on the site in place by 1984. It appears that the applicant wishes to rezone the site to B-3 to allow for a larger range of prospective tenants: a B-2 district allows 201 uses “by-right,”

and 27 more uses with Planning Approval. A B-3 district allows 312 uses “by-right,” and 80 more uses with Planning Approval.

The first approved B-3 rezoning across Government Boulevard occurred in 1967, with the next B-3 request not approved until 1984. It appears that, with the exception of one rezoning to accommodate an existing motel, all of the other rezonings were associated with proposed new development. Thus, since the applicant is not proposing to make any improvements to the site, the rezoning request is just to expand the options for potential tenants.

Therefore, it is argued that the applicant has not demonstrated that 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.

RECOMMENDATION

Rezoning: *Based on the preceding, the application is recommended for denial as B-3, Community Business District because the application failed to sufficiently demonstrate the need for rezoning, based upon one or more of the following:*

- 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*

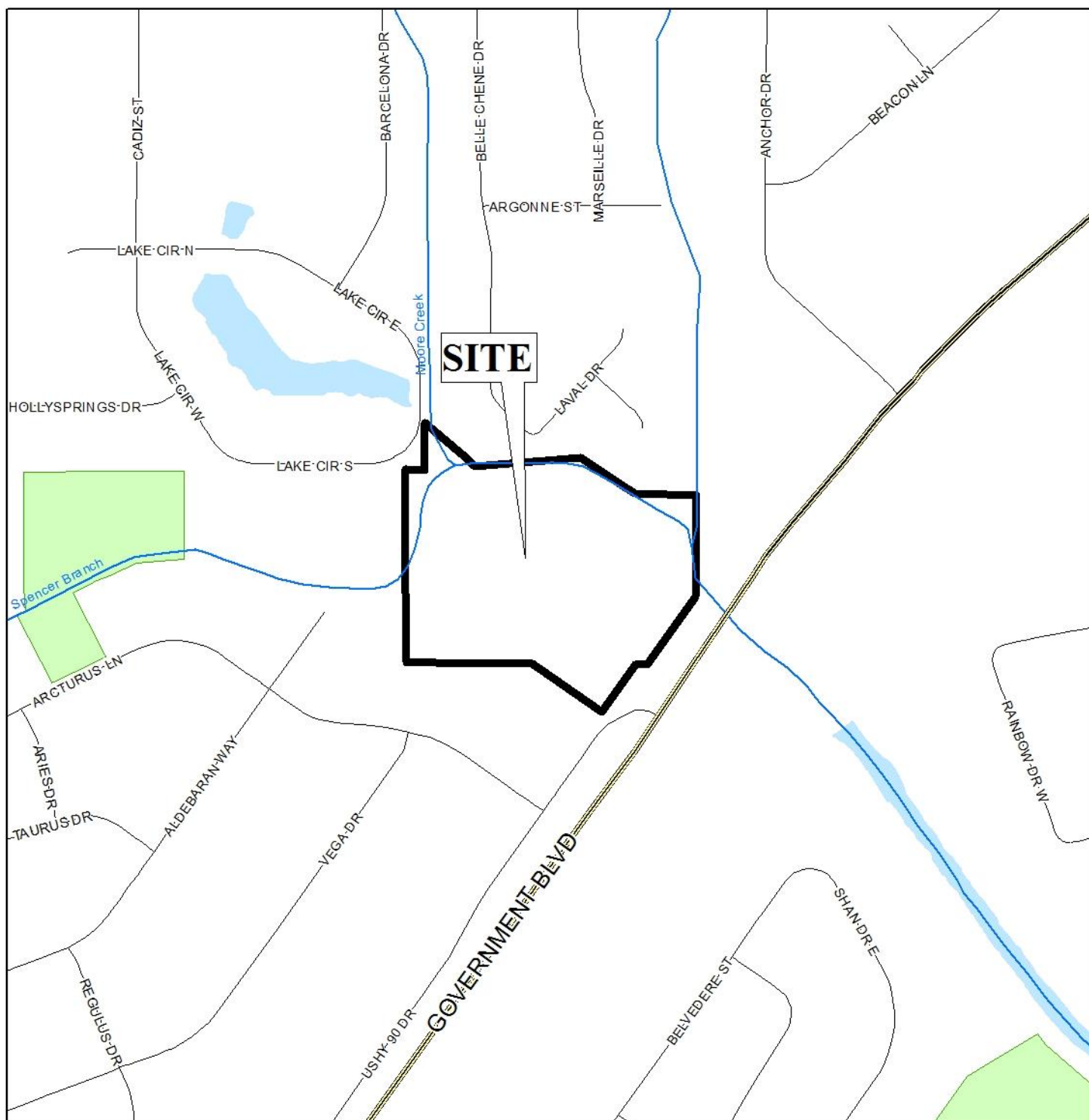
Planned Unit Development: *Staff recommends the following Findings of Fact for Approval for the Planned Unit Development:*

- a. the proposal promotes the objective of Creative design (to encourage innovative and diversified design in building form and site development), because it is allowing the configuration of lots to allow development more in keeping with the already developed site;*
- b. the proposal promotes the objective of Flexibility (to permit greater flexibility in the location and arrangement of buildings and uses than is generally possible under district regulations), because the site has functioned in this configuration for over 40 years;*
- c. the proposal promotes the objective of Environment (to preserve and protect as urban amenities the natural features and characteristics of the land), as the land has already been developed and will not result in additional land clearing;*
- d. the proposal promotes the objective of Public services (to encourage optimum use of available public utilities, streets and community facilities), because it is utilizing a site that is already served with public infrastructure.*

Based on the preceding, the application is recommended for approval, subject to the following:

- 1) *Submission of revised site plan which includes compliant parking on site;*
- 2) *Placement of a note on the site plan stating that any changes to the site will require a new PUD approval;*
- 3) *Compliance with 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 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. 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. 5. Any proposed development must comply with all Engineering Department design requirements and Policy Letters.);*
- 4) *Compliance with Traffic Engineering comments: (Government Boulevard (US Highway 90) is an ALDOT maintained roadway. Site is limited to no more than its existing curb cuts to be approved by ALDOT and Traffic Engineering and conform to AASHTO Standards. Any new on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.)*
- 5) *Compliance with 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)*
- 6) *Compliance with Fire 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.)*

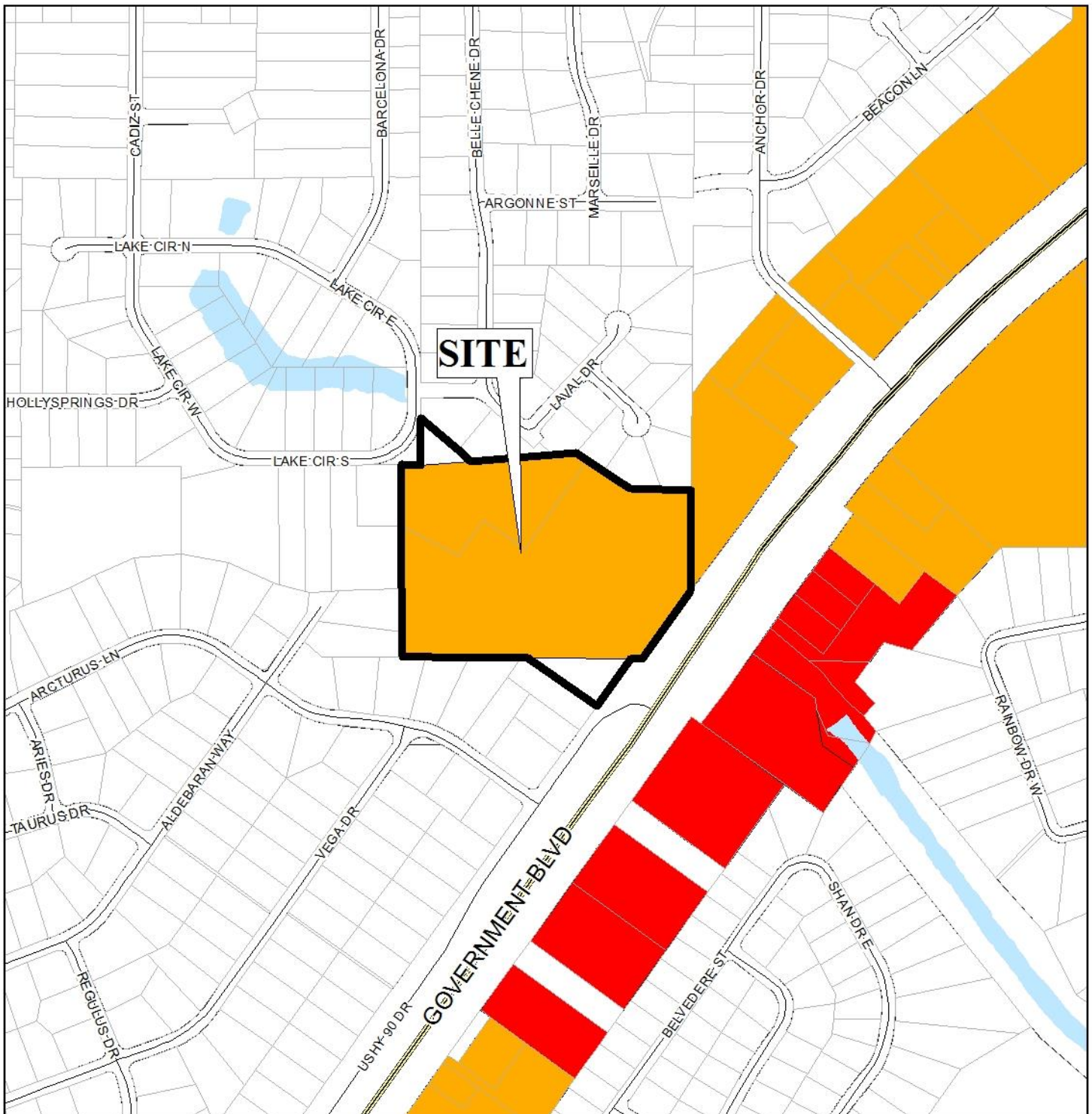
LOCATOR MAP



APPLICATION NUMBER 4 DATE June 21, 2018
APPLICANT Gulf State Engineering
REQUEST Planned Unit Development, Rezoning from R-1 and B-2 to B-3



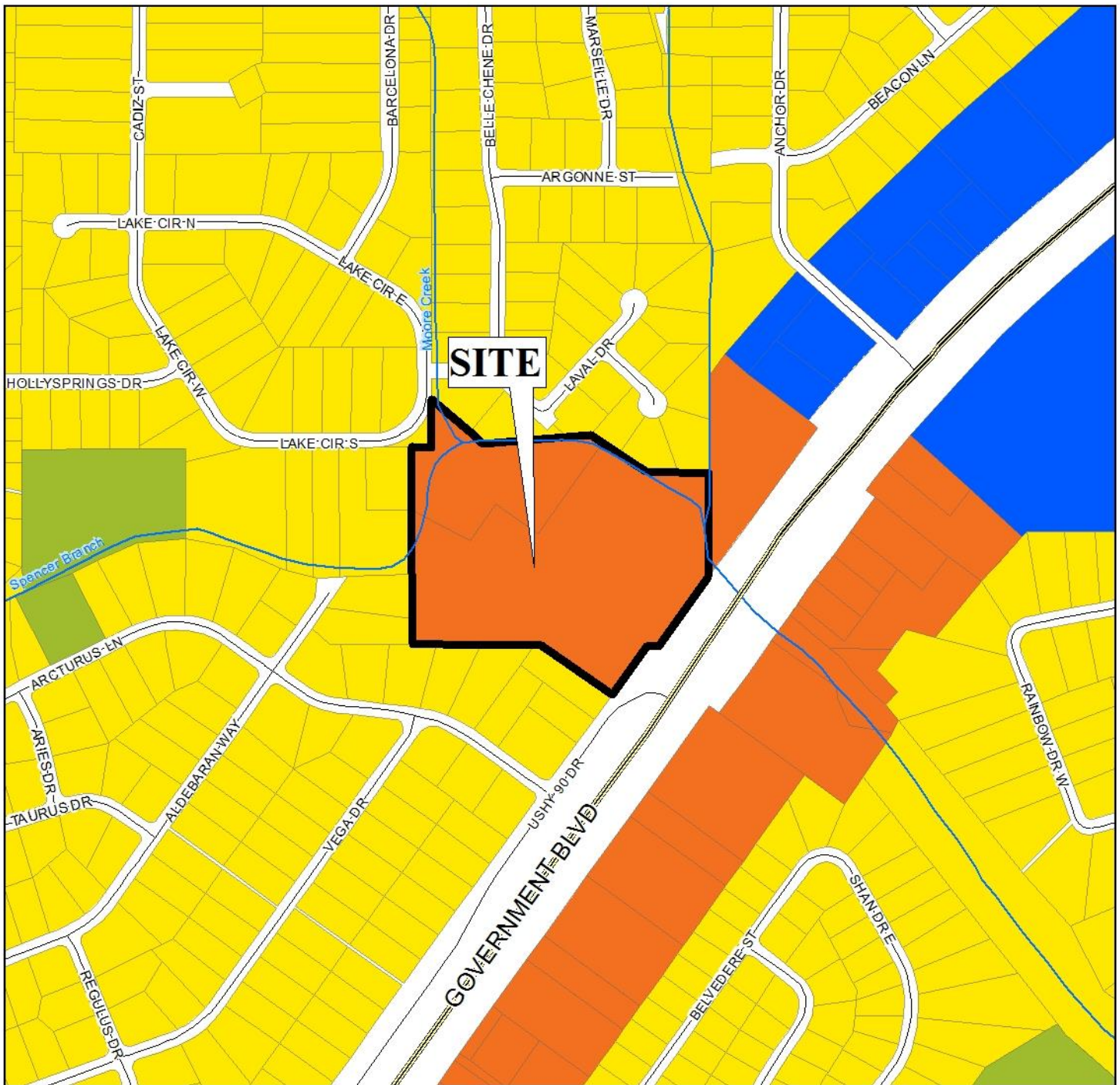
LOCATOR ZONING MAP



APPLICATION NUMBER 4 DATE June 21, 2018
APPLICANT Gulf State Engineering
REQUEST Planned Unit Development, Rezoning from R-1 and B-2 to B-3



FLUM LOCATOR MAP

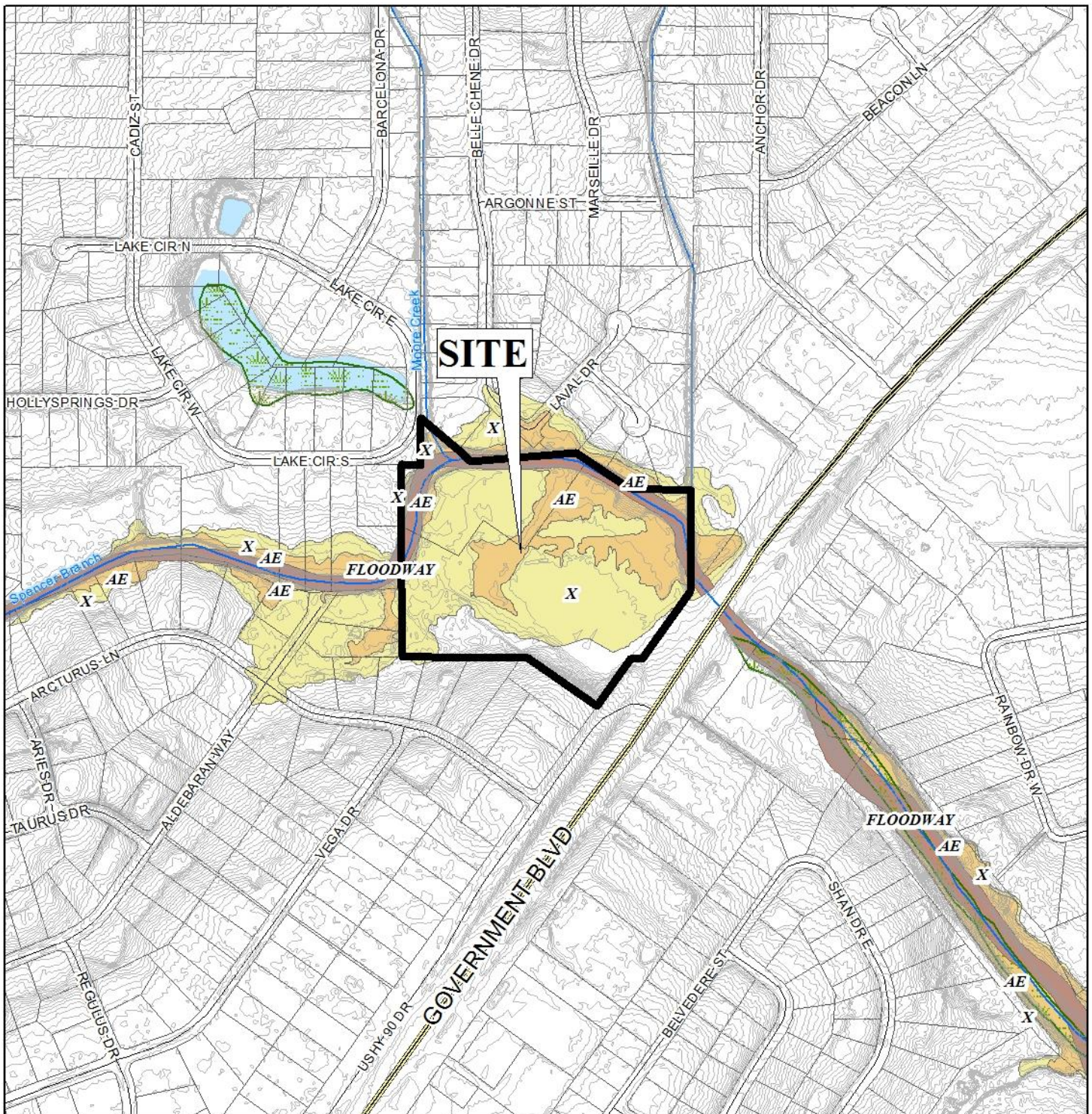


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 REQUEST Planned Unit Development, Rezoning from R-1 and B-2 to B-3

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



APPLICATION NUMBER 4 DATE June 21, 2018
APPLICANT Gulf State Engineering
REQUEST Planned Unit Development, Rezoning from R-1 and B-2 to B-3



























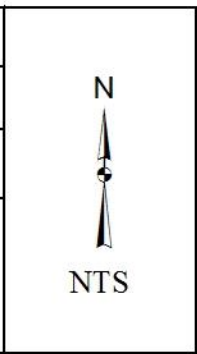
The site is surrounded by commercial units to the east and residential units to the west.

APPLICATION NUMBER 4 DATE June 21, 2018

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REQUEST Planned Unit Development, Rezoning from R-1 and B-2 to B-3

	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

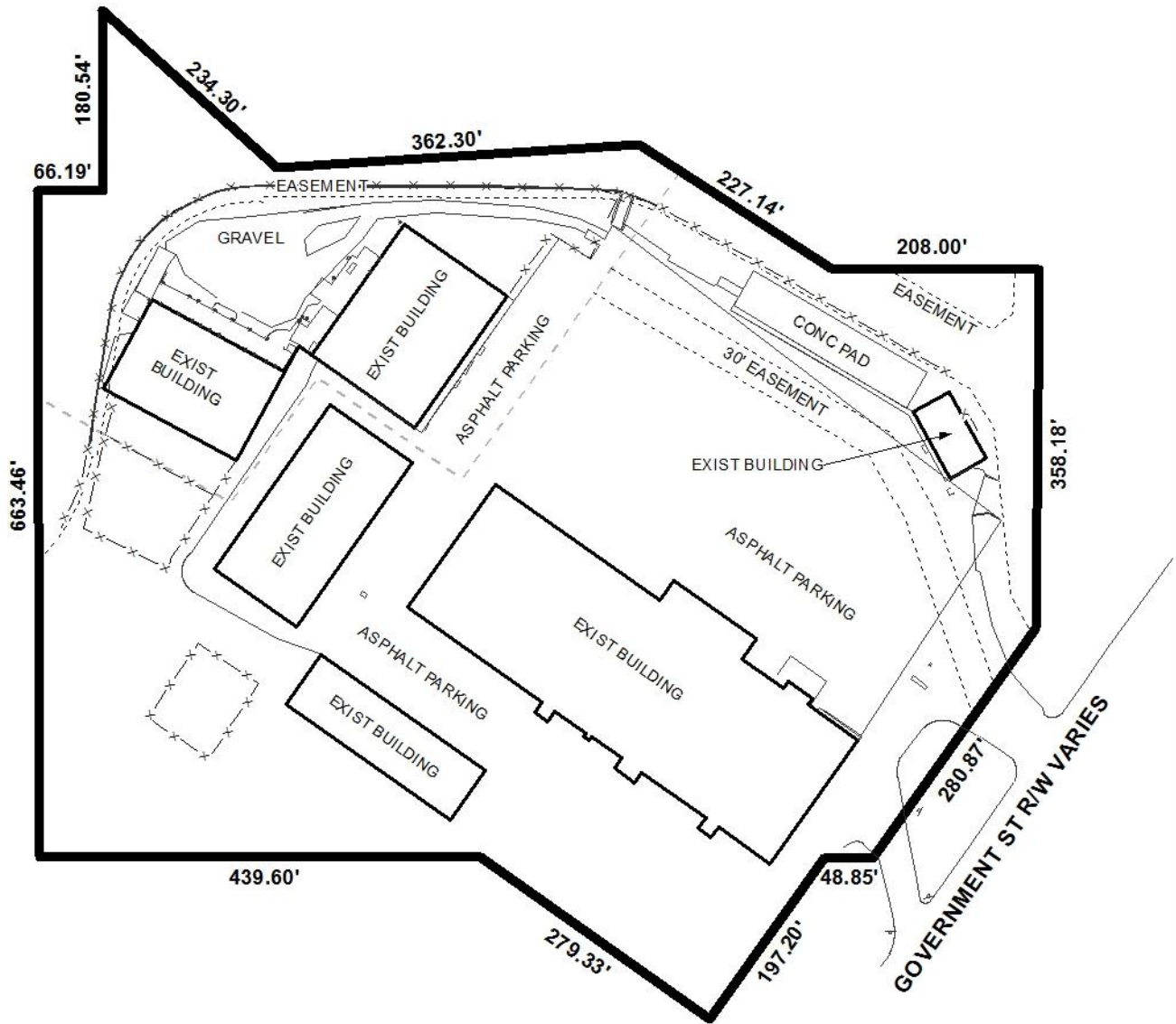


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SITE PLAN



The site plan illustrates the existing buildings, existing parking, and easements.

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