

ZONING AMENDMENT STAFF REPORT**Date: November 15, 2018****NAME**

Royal Lagoon Seafood

LOCATION5188 & 5208 Mobile South Street
(North side of Mobile South Street, 650'± East of Business Parkway).**CITY COUNCIL****DISTRICT**

District 4

PRESENT ZONING

B-5, Office-Distribution District

PROPOSED ZONING

I-1, Light Industry District

AREA OF PROPERTY

1 Lot / 2.4± Acres

CONTEMPLATED USE

Rezoning from B-5, Office-Distribution District, to I-1, Light Industry District.

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**

January 2019

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. 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

Lot is limited to two curb cuts with size, location and design to be approved by 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). 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 B-5, Office-Distribution District, to I-1, Light Industry District. Specifically, the applicant wishes to allow the expansion of an existing non-conforming seafood processing facility.

The site was part of a one-lot Subdivision and Planned Unit Development approved by the Planning Commission at its September 20, 2018 meeting. No narrative was submitted with the applications, thus staff was unaware that the buildings were to be used for seafood processing, and the need for a rezoning application.

The site is bounded to the North, East, and West by B-5, Office-Distribution District; and to the South by I-1, Light Industry District. It should be noted that the property to the North has a

rezoning application on the same agenda as this request to also be rezoned from B-5, Office-Distribution District, to I-1, Light Industry District.

The site has been given a Light Industry (LI) 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 applies to an array of modern, low-impact industrial uses that include assembly and processing, warehousing, distribution and wholesaling facilities. The bulk of the light industrial use must be contained within a building or facility. If a light industrial use requires outside storage, the storage must be limited in area and appropriately screened from view in accordance to specific zoning requirements. This designation may also include uses such as complementary offices and retail.

Light industry also includes areas that may be regarded as “industrial business”, where the land uses include business administration and logistics operations for industrial concerns, building trade contractors facilities and advance research facilities, as well as stand-alone educational, scientific and industrial research facilities, or any combination of those facilities located in light industrial and technology parks. Many parcels used for industrial business are smaller and scattered throughout Mobile. For this reason, these parcels are not singled out in the FLUM, but rather are addressed through zoning.

Light industrial uses are characterized by attractive, accessible and connected development, compatible with the character of surrounding neighborhoods. Development may take the form of planned campuses in park-like settings or unified design corridors, with consideration to factors such as site and building orientation, building design, landscaping and buffering, lighting, continuity of pedestrian networks, access and connectivity to transit and to freight transportation.

Heavy commercial and, in some cases, high-density residential land uses may serve as transitions between LI and other, lower-intensity land use designations. Protection buffers may also be required by zoning.

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 states:

Description

Project will consist of the construction of a new 6,625 sf building at 5188 Mobile South Street with attached walkway that ties into the existing 8775 sf processing & distribution building at 5208 Mobile South Street. Site work will consist of asphalt paving for parking & access along with a new driveway entrance. New building will be used as additional fish processing and storage area for distribution. This business currently serves local restaurants and retailers in our area. This project should start construction January 2019 and be completed by June 2019

Plan Consistency Analysis:

- 1. The proposal promotes the objective of Creative design (to encourage innovative and diversified design in building form and site development), because it allows for an existing business to expand without relocating.*
- 2. 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 applicant is expanding onto an adjacent site and incorporating the development into one lot.*
- 3. The proposal promotes the objective of Efficient land use (to encourage the most efficient and sustainable use of land), because the site is within a developed area.*
- 4. The proposal promotes the objective of Environment (to preserve and protect as urban amenities the natural features and characteristics of the land), because the project does not eliminate any existing urban amenities or natural features, and the existing urban fabric is retained.*
- 5. The proposal promotes the objective of Open space (to encourage the provision of common open space through efficient site design), because the project is within an existing developed area.*
- 6. The proposal promotes the objective of Public services (to encourage optimum use of available public utilities, streets and community facilities), because no new public infrastructure must be constructed to meet the applicant's needs.*

Conditions making the zoning change necessary:

*The applicant believes that there is a **manifest error in the Ordinance** due to the following conditions:*

The proposed development, which is an expansion of an existing seafood processing and distribution business, necessitates a zoning change due to the property being located in a B-5 zoning district, however, the nature of the business requires an I-1 zoning.

This business has been operating at this location for the past 13 years, prior to this area being annexed into the City of Mobile, at which time this business park received a B-5 zoning. Due to the steady growth of the business, which currently employs 36 people, an expansion has become necessary and this expansion will incorporate the adjacent property, which will result in the applicant losing the non-conforming status under which the business has been operating for the past 13 years; therefore,

rezoning the property to I-1 is necessary to facilitate this expansion project and for the business to continue to operate at this location.

Royal Lagoon Seafood is primarily a fresh and frozen seafood distributor that also currently processes fish only for restaurants and retailers. The processing is completely self-contained and the onsite dumpster is picked-up daily.

A PUD and S/D have already been approved for this development, and unless this zoning change is approved the applicant may be forced to relocate his business to another location.

The property located directly across the street from this property is zoned I-1 and the applicant believes that rezoning of his property will not have a negative impact on the surrounding properties and/or businesses as the nature of this business park is mainly industry based.

Typically, Section 64-9 of the Zoning Ordinance suggests that a proposed I-1, Light Industry District should be a minimum of four (4) acres, unless adjacent to an existing I-1, Heavy Industry District. It should be noted however, as mentioned previously, the property to the North of the site, which is approximately 82.8 acres is also proposed to be rezoned to I-1, Light Industry District, which, if approved, would eliminate any spot zoning concerns that might otherwise result from the potential approval of the proposed rezoning for this site. Moreover, as noted previously, the properties across the street to the South are zoned I-1 as well.

RECOMMENDATION

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

- 1) Completion of the Subdivision process; and
- 2) Full compliance with all municipal codes and ordinances.

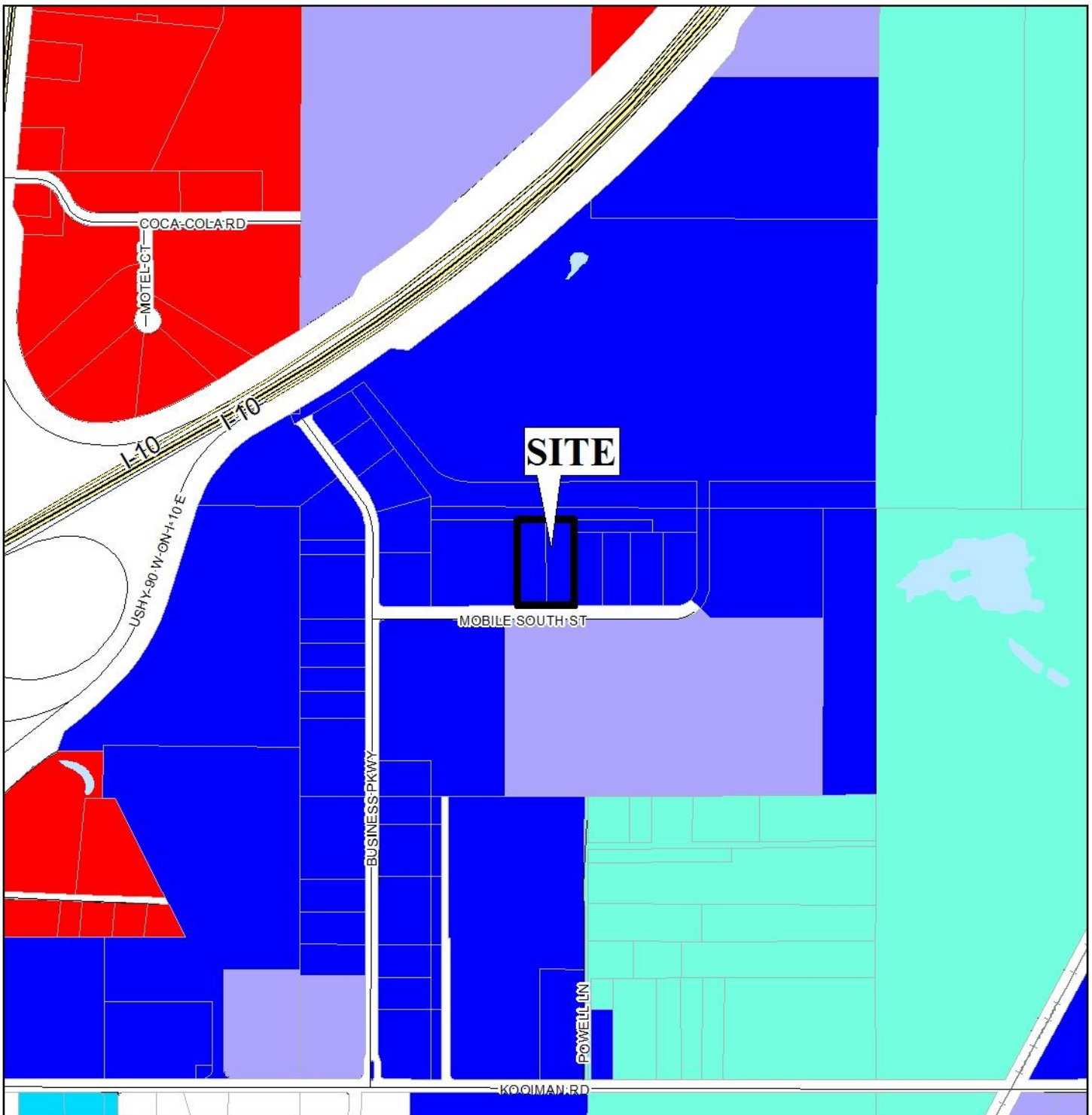
LOCATOR MAP



APPLICATION NUMBER 5 DATE November 15, 2018
APPLICANT Royal Lagoon Seafood (Val Hammond)
REQUEST Rezoning from B-5 to I-1



LOCATOR ZONING MAP



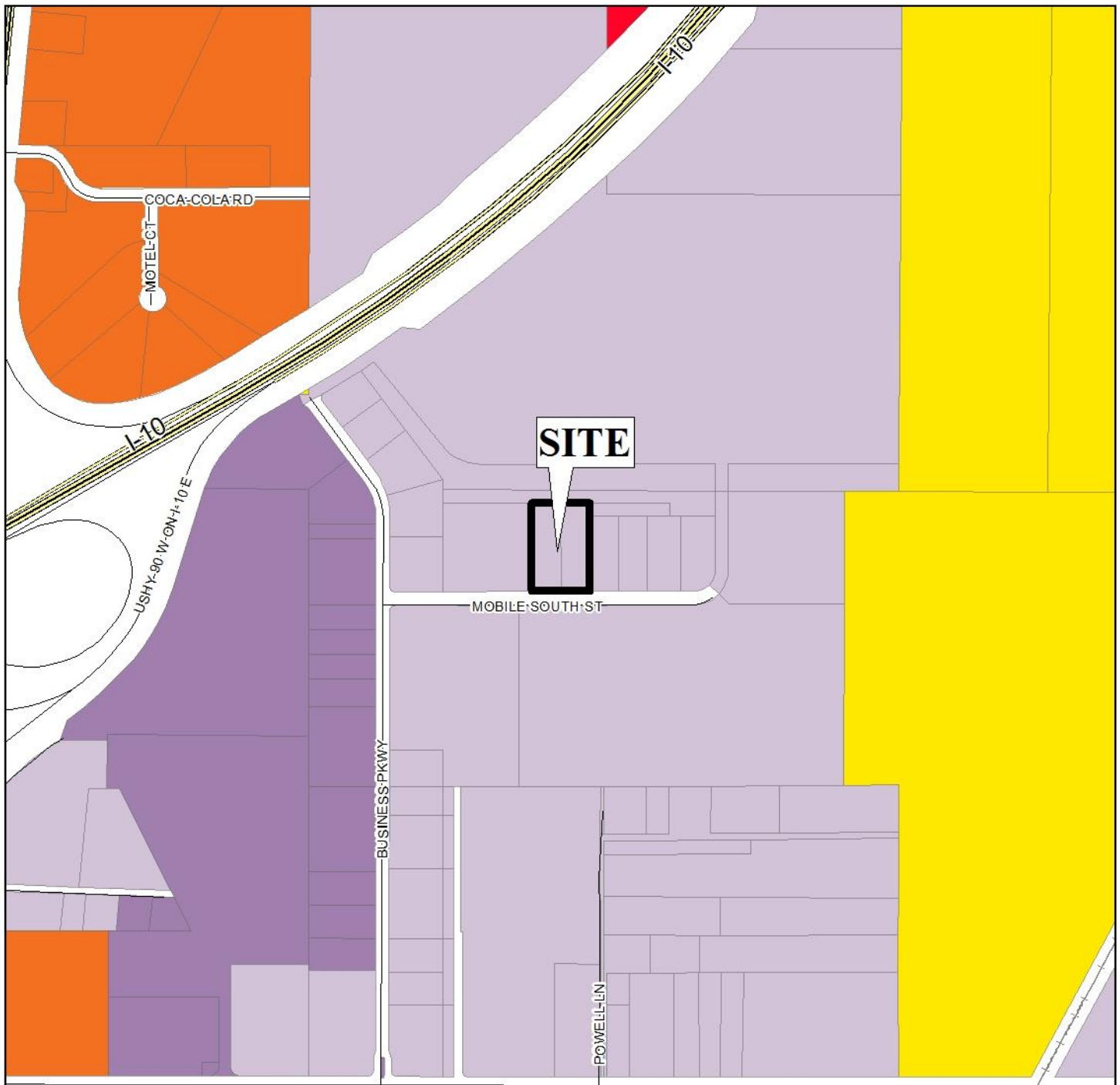
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FLUM LOCATOR MAP



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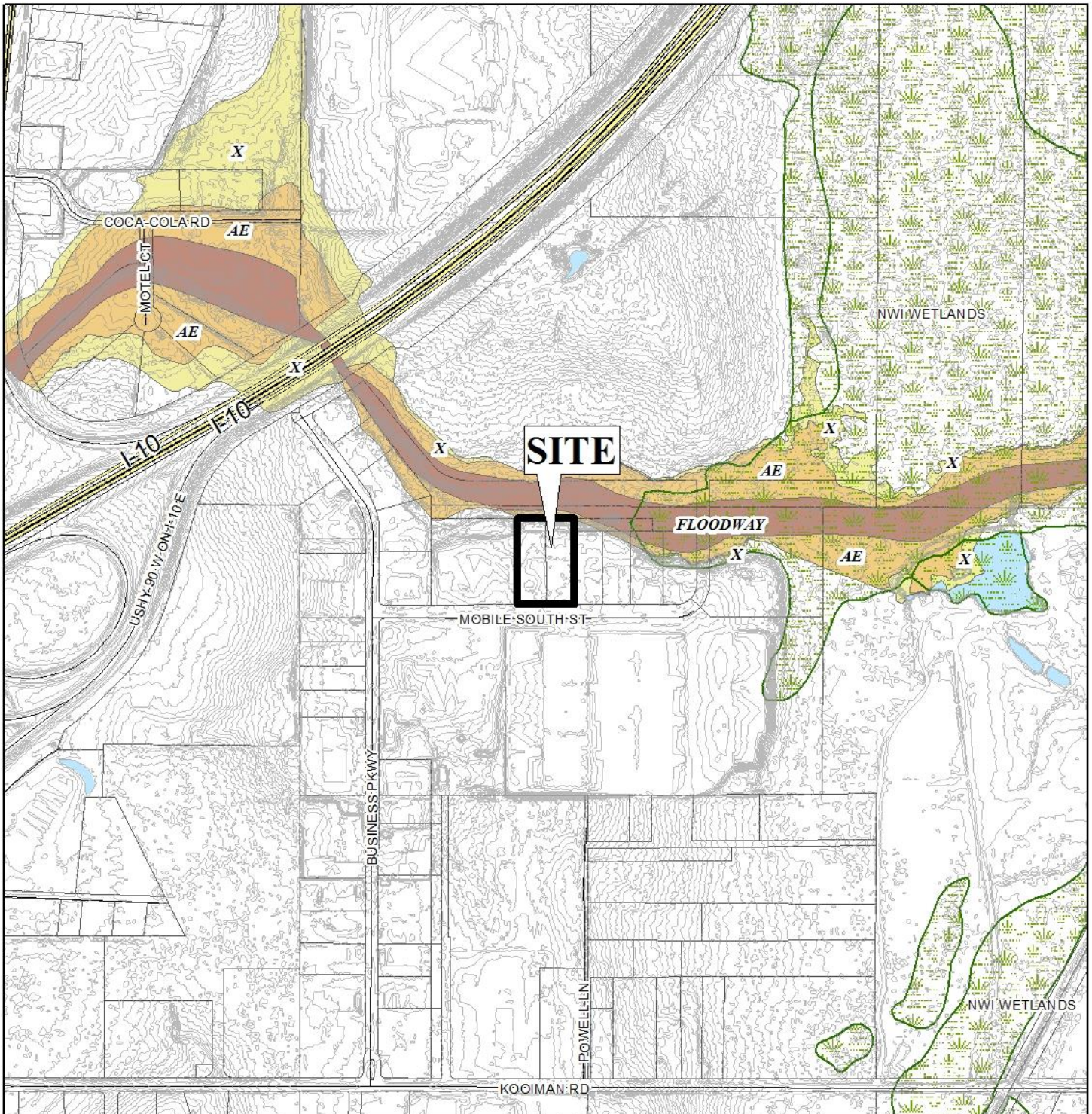
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Low Density Residential	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
Mixed Density Residential	Neighborhood Center - Suburban	Light Industry	Water Dependent
Downtown	Traditional Corridor	Heavy Industry	
District Center	Mixed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



ENVIRONMENTAL LOCATOR MAP

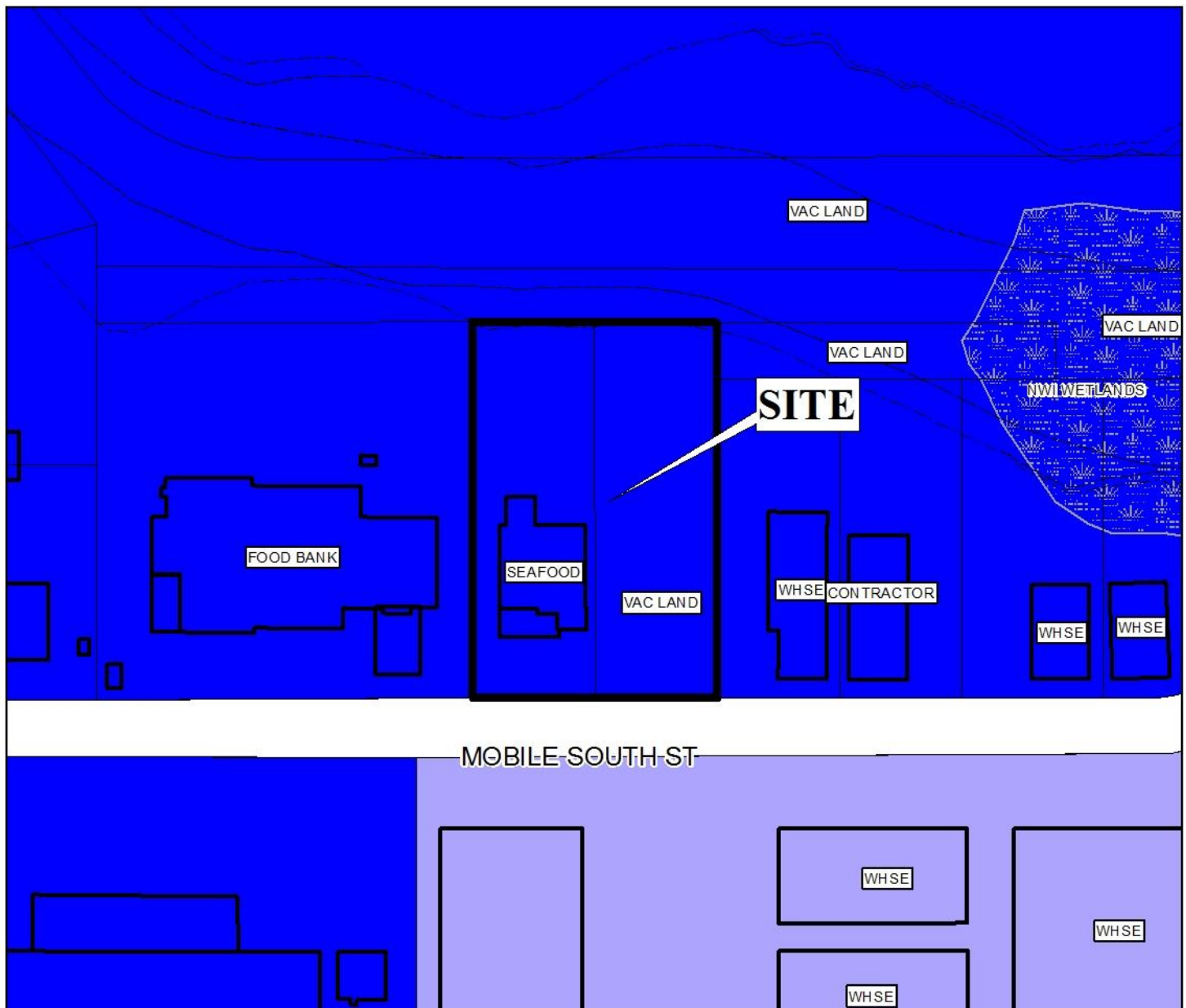


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PLANNING COMMISSION

VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

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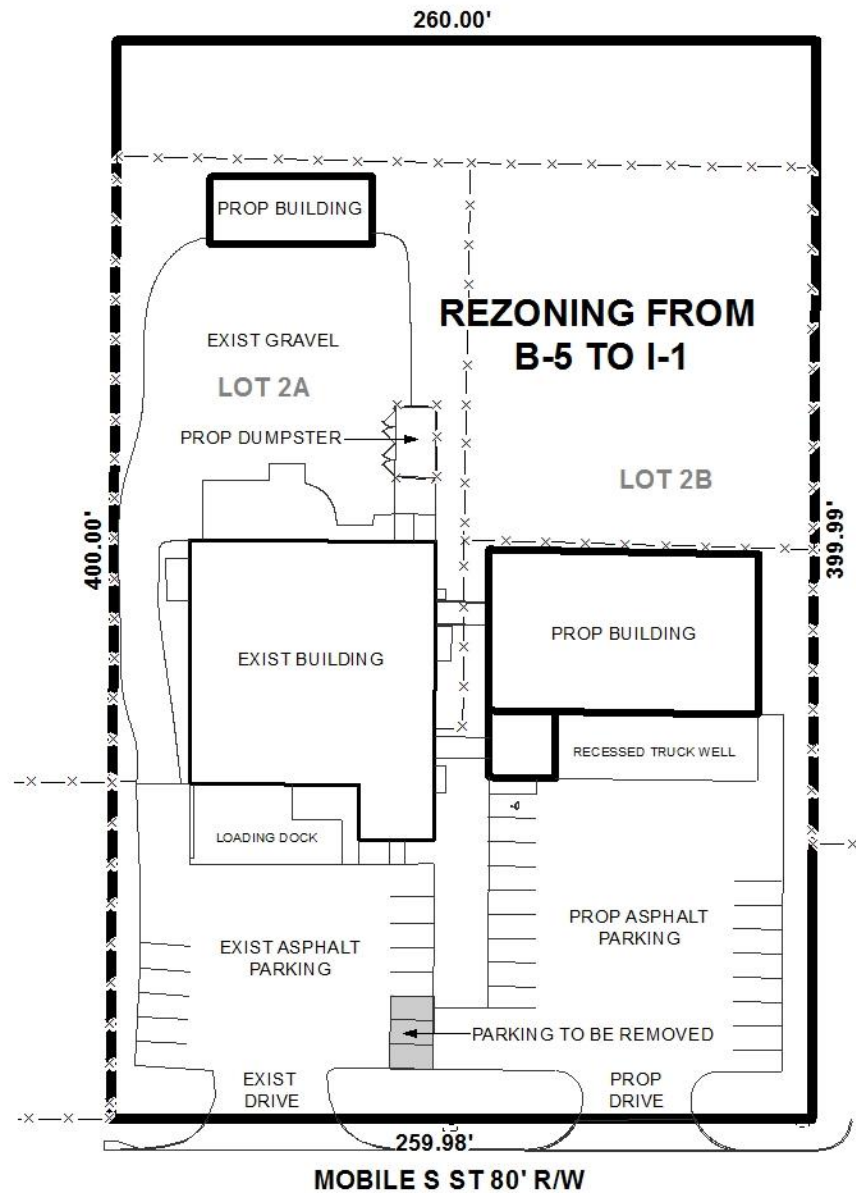
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REQUEST Rezoning from B-5 to I-1

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



SITE PLAN



The site plan illustrates the existing building, existing parking, existing drive, proposed buildings, proposed parking, and proposed drive.

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