

**ZONING AMENDMENT STAFF REPORT****Date: April 16, 2020****NAME**

OMAR, Inc.

**LOCATION**

3945 and 3949 Government Boulevard and 1251 Azalea Road  
(Southeast corner of Government Boulevard and Azalea Road).

**CITY COUNCIL  
DISTRICT**

District 4

**PRESENT ZONING**

B-2, Neighborhood Business District

**PROPOSED ZONING**

B-3, Community Business District

**REASON FOR  
REZONING**

To accommodate a proposed warehouse/distribution business.

**AREA OF PROPERTY**

3 Lots / 5.9 ± Acres

**CONTEMPLATED USE**

Rezone from B-2, Neighborhood Business District to B-3, Community Business 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**

Immediately following rezoning approval

**ENGINEERING  
COMMENTS**

No comments

**TRAFFIC ENGINEERING  
COMMENTS**

Size, location, and design of any new cut, or changes to existing cuts, to be approved by Traffic Engineering and conform to AASHTO standards. Changes to curb cuts along US Highway 90 Service Road will also require review and approval from Alabama Department of Transportation. All 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 to rezone the subject site from B-2, Neighborhood Business District to B-3, Community Business District. The site consists of three legal lots of record that were approved by the Planning Commission at its December 19, 2019 meeting, and subsequently recorded in Probate Court as the Resubdivision of Azalea Oaks Center Subdivision on January 23, 2020.

The site has been given a Neighborhood Center (NC) in suburban context land use designation, per the 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 smaller hubs of mixed commercial, community, and recreational activity that cater to adjacent residential areas. Many of these centers exist today in some form. Therefore, the following common principles apply not just to the future development of new centers, but also to the redevelopment (wholesale or incremental) of existing centers:

- NC should support a limited amount of commercial employment
- NC should incorporate some residential use, which may vary in type from detached single family, townhouse, accessory and live-work units in mixed use and low-rise multifamily structures.
- The residential density in NC designations –ranging from 4 to 10 du/ ac— must be compatible in character with that of surrounding residential development, providing appropriate transitions in height, massing and other buffering from one land use district to the next.
- The retail and housing uses should merge around vibrant, compact, accessible nodes, located at key neighborhood intersections or along short road segments.
- The NC nodes should be connected to the surrounding neighborhood and nearby public uses (e.g., schools, parks, etc.) via well-designed sidewalks and complete streets.

While the above-listed principles are common to all NC districts, the design attributes of neighborhood centers generally vary depending on whether a center is in a more “traditional” or more “suburban” context.

Neighborhood Centers in a suburban context generally are located among the LDR land use designations in the areas west of the Beltline. Where they exist, these centers currently have a more pronounced vehicular orientation. Therefore, the emphasis is on retrofitting to improve internal walkability (e.g., through the addition of sidewalks, tree canopy, protection from the elements) and external connectivity to the surrounding areas (via sidewalks, paths and trails, street crossings, transit stops, etc.) and to increase the mix and density of uses (e.g., infill of outparcels, addition of housing, etc.).

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 the following regarding the rezoning request:

*The applicant wishes to develop the property of Lot 1 to be a small commercial businesses, with ancillary storage in the rear to be used for inventory storage. The proposed Site Plan includes a 9,440 square foot building with Offices occupying approximately 1,440 sf of the building area and Storage occupying the remaining area. Sufficient Parking will be provided along the northwestern part of the property, with appropriate landscaping around the site.*

*The scheduled time for construction is immediately following the approval of all appropriate permits, with completion being approximately 6 months from the start date of construction.*

*This property is located in a mostly developed area of the City of Mobile, at the southeast corner of Government Boulevard and Azalea Road. This site is comprised of three separate parcels of approximately acres 1.72 acres, 1.47 acres, and 2.75 acres in size, respectively. Lot 1 is the northeastern most parcel and is the parcel presently requiring this Rezoning. This parcel fronts the South Service Road of Government Boulevard, which is ALDOT maintained Right-of-Way. The parcel immediately to the east is occupied by an Automotive Business and is zoned B-2. However, the parcel to the east of that is zoned B-3. Additionally, immediately to the south, along Azalea Road, the next adjacent parcel is Zoned B-3.*

*With respect to the ancillary Storage proposed for part of the proposed building on Lot 1, a B-3 zoning is required to be in full compliance with the Zoning Ordinance. Additionally, and as noted above, a large percentage of the surrounding area is presently zoned B-3. Therefore, a zoning of B-3 would be consistent with the zoning in this area.*

*In recognition of the fact that a B-3 zoning could allow some types of businesses likely not desirable in close proximity to residential developments, the applicant is proposing to restrict the B-3 zoning use of this property to exclude the following types of businesses:*

*Adult Entertainment*

*Arcade*

*Bait and Tackle*

*Bar*

*Billboard*

*Boarding Kennels*

*Bowling Alley*

*Cabinet Shop*

*Carnival*

*Correctional (Detention)*

*Electric Substation*

*Electric Transmission*

*Emergency (Homeless) Shelter*

*Firearms Sales*

*Flea Market*

*Funeral Home*

*Liquor Store*

*Pawn Shop*

*Pool Hall*

The site plan submitted with the rezoning application shows all three lots proposed to be rezoned, but only shows a proposed development on Lot 1. Lot 1 is proposed to be developed with a warehouse/distribution business. Lots 2 and 3 do not have development planned at this time.

The proposed structure on Lot 1 is approximately 9,440 square feet, with 1,440 square feet of office space, and 8,000 square feet of storage area to be serviced by 2 employees. Based on this use, six (6) parking spaces are required and 13 spaces are illustrated. Because there will be fewer than 25 parking spaces, a photometric site plan will not be required. Although photometrics will not be required, compliance with Section 64-6.A.3.c. of the Zoning Ordinance will be required.

The site plan does not indicate the location of a dumpster or other private waste facility, thus the site plan should be revised to depict a compliant dumpster or place a note on the site plan stating that curb side pickup will be utilized.

As this will be a complete redevelopment of the site, full tree planting and landscaped area will be required. The site plan provides information demonstrating that the site will comply with

landscape area requirements. Tree planting should be coordinated with staff to insure that Right-Tree Right-Place principals are utilized. It appears that an existing tree is proposed to remain on the site. If the tree is to remain, it should be identified with the specific species and diameter at breast height to be counted as tree credit for the development. If the tree is to be removed, a private property tree permit may be required.

New development normally requires the provision of a sidewalk along the adjacent public right-of-way, and a sidewalk is shown on the site plan submitted. A sidewalk should be shown on any future site plans.

Finally, there is no indication of any stormwater detention facility on the site plan, however, such a facility may be required as part of the development.

As the applicant noted, the property to the South along Azalea Road is zoned B-3, Community Business District. The site to the East along Government Boulevard is zoned B-2, Neighborhood Business District, but has a history of non-conforming B-3 uses, including automotive repair and towing.

Section 64-9.A.2.a. of the Zoning Ordinance states as a guideline that new B-3 districts should be a minimum of four (4) acres. As the applicant is proposing to rezone all three lots, the site proposed to be rezoned is approximately 5.9± acres, thus exceeding the minimum. This combined with the fact that the site is adjacent to either B-3 zoning, or B-3 uses, the proposed rezoning may be appropriate.

## **RECOMMENDATION**

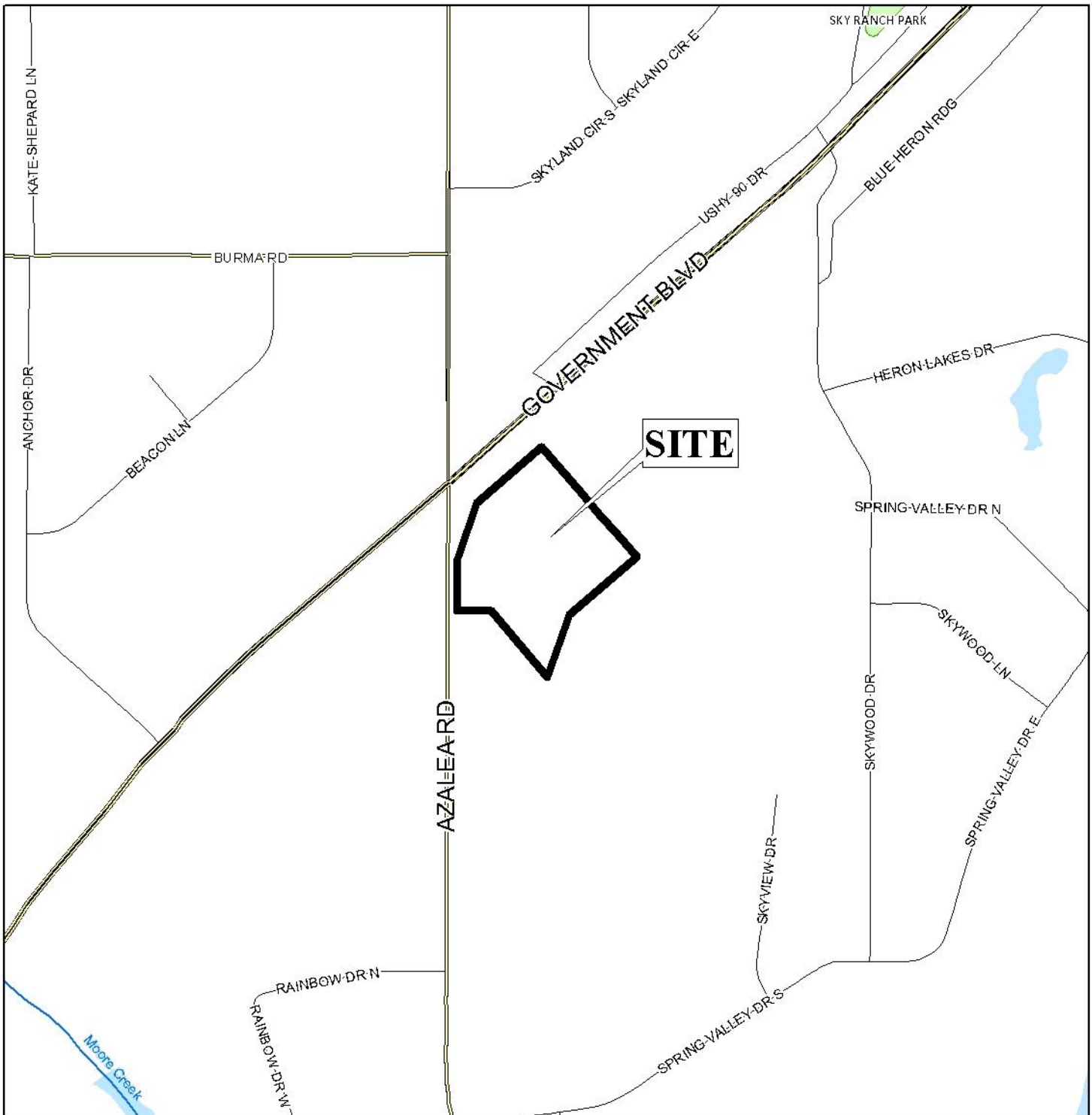
Based upon the preceding, staff finds that the following conditions prevail to support the rezoning request:

- i. Change in conditions. Changed or changing conditions in a particular area, or in the planning region generally, make a change in the chapter necessary and desirable; and
- ii. Increase in need for sites for business or industry. Increased or increasing needs for business or industrial sites, in addition to sites that are available, make it necessary and desirable to rezone an area or to extend the boundaries of an existing district.

The Approval should be subject to the following conditions:

- 1) Submittal of an original “Voluntary Conditions and Use Restrictions” form to be signed by the property owner and notarized, prohibiting those uses agreed to in the application; and
- 2) full compliance with all other applicable municipal codes and ordinances.

# LOCATOR MAP



APPLICATION NUMBER 7 DATE April 16, 2020

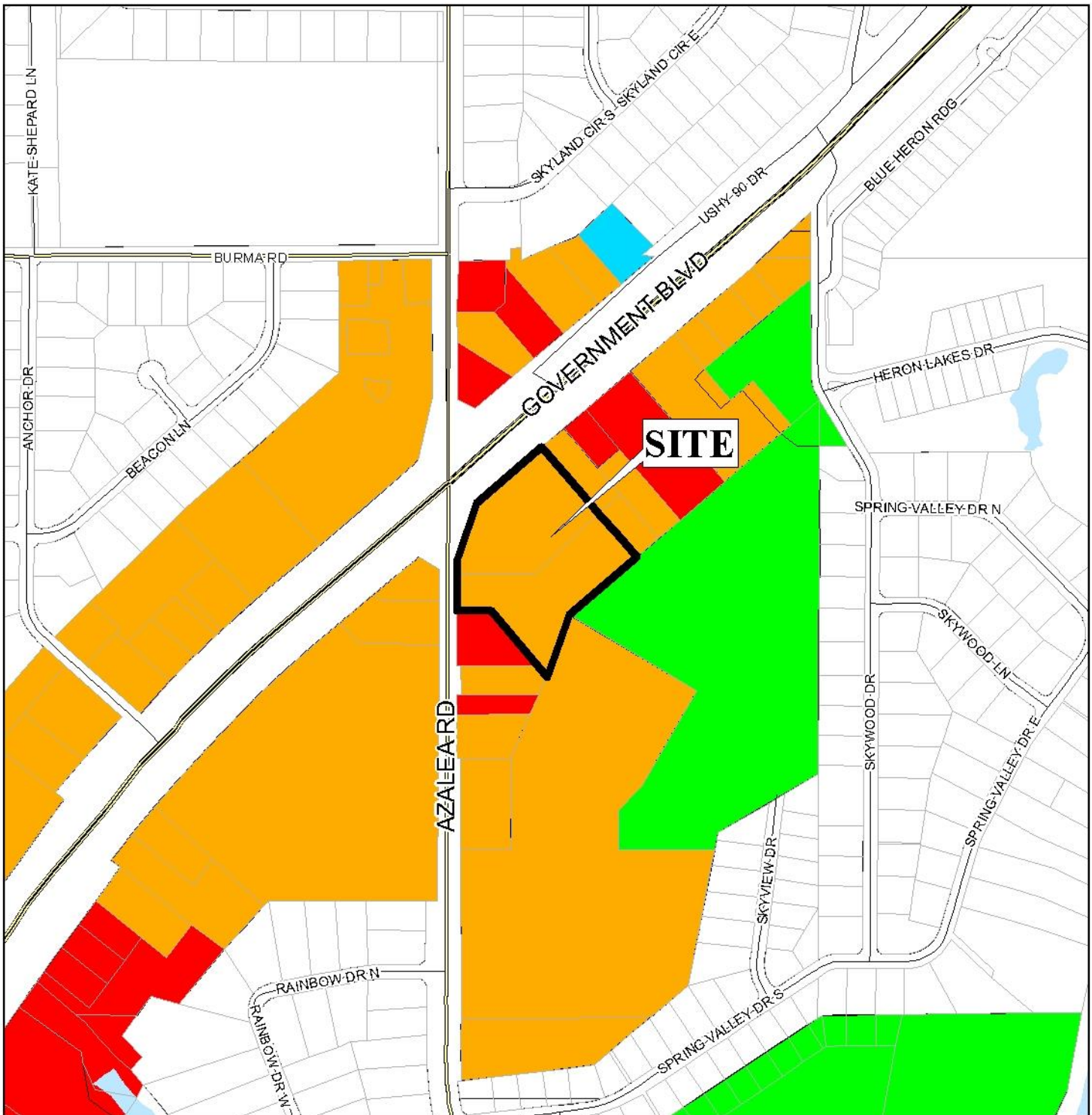
APPLICANT OMAR, Inc.

REQUEST Rezoning from B-2 to B-3



NTS

# LOCATOR ZONING MAP



APPLICATION NUMBER 7 DATE April 16, 2020

APPLICANT OMAR, Inc.

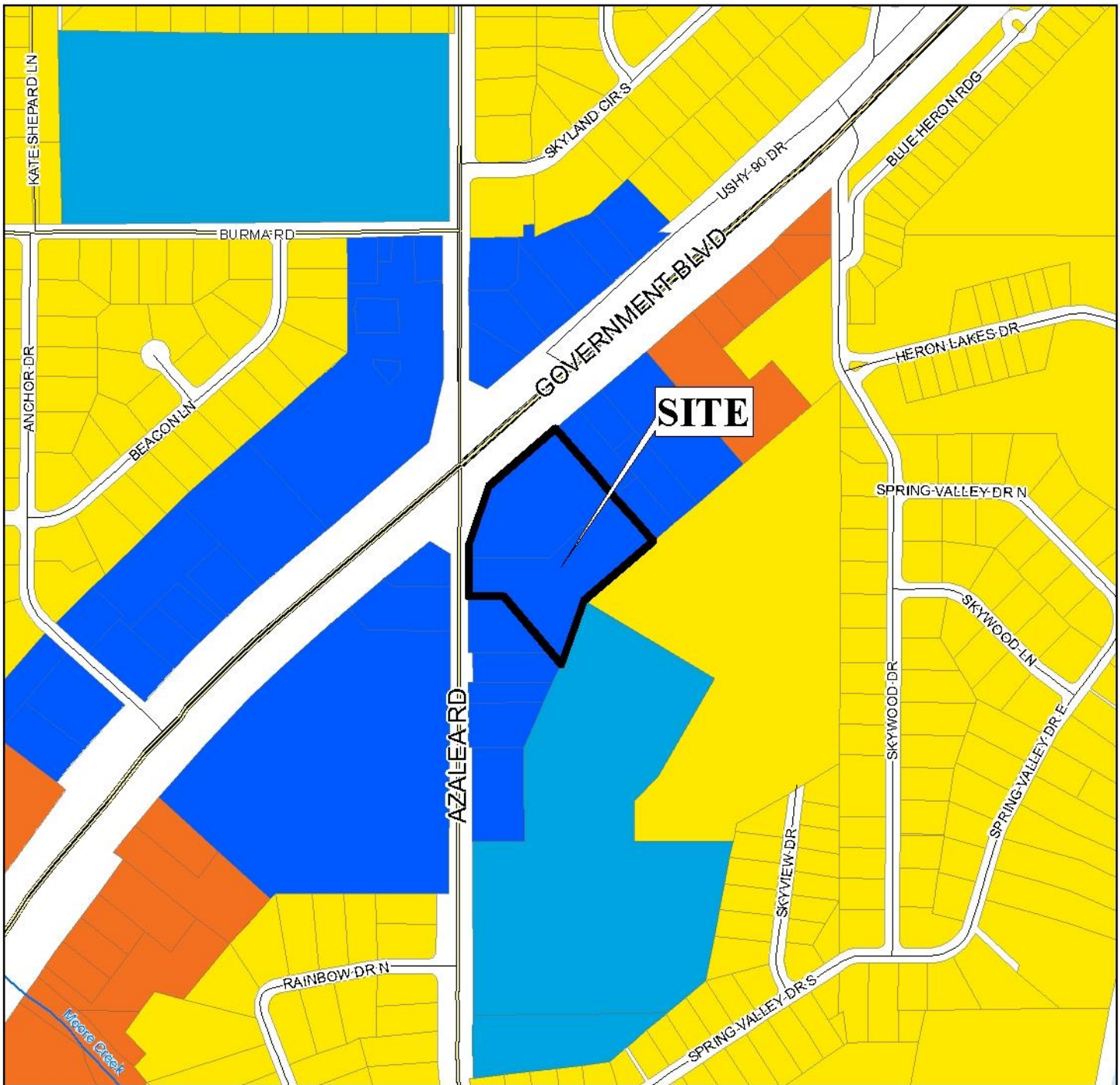
REQUEST Rezoning from B-2 to B-3



NTS



# FLUM LOCATOR MAP



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REQUEST Rezoning from B-2 to B-3

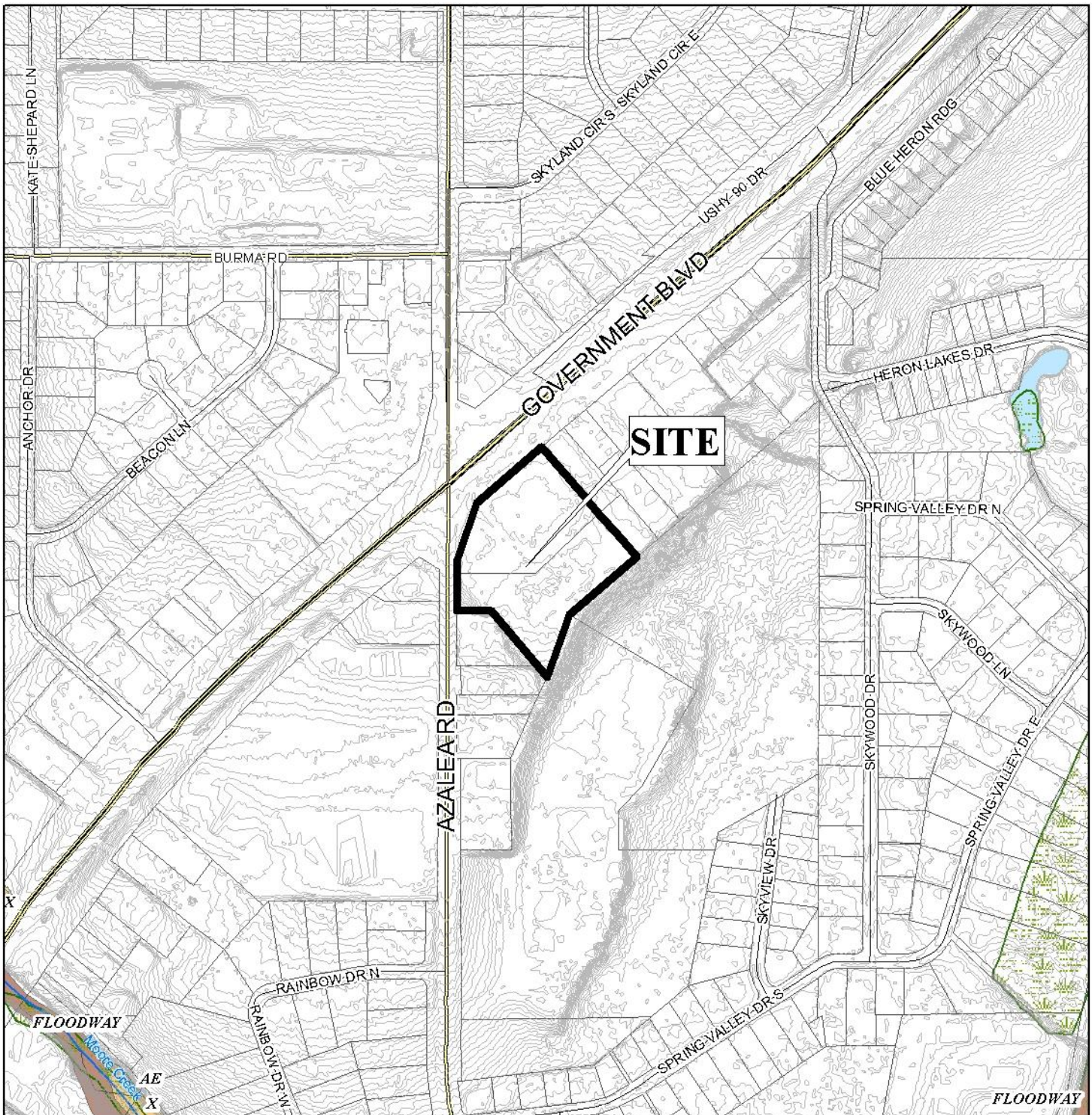
Low Density Residential	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
Mixed Density Residential	Neighborhood Center - Suburban	Light Industry	Water Dependent
Downtown	Traditional Corridor	Heavy Industry	
District Center	Mixed Commercial Corridor	Institutional	



NTS



# ENVIRONMENTAL LOCATOR MAP

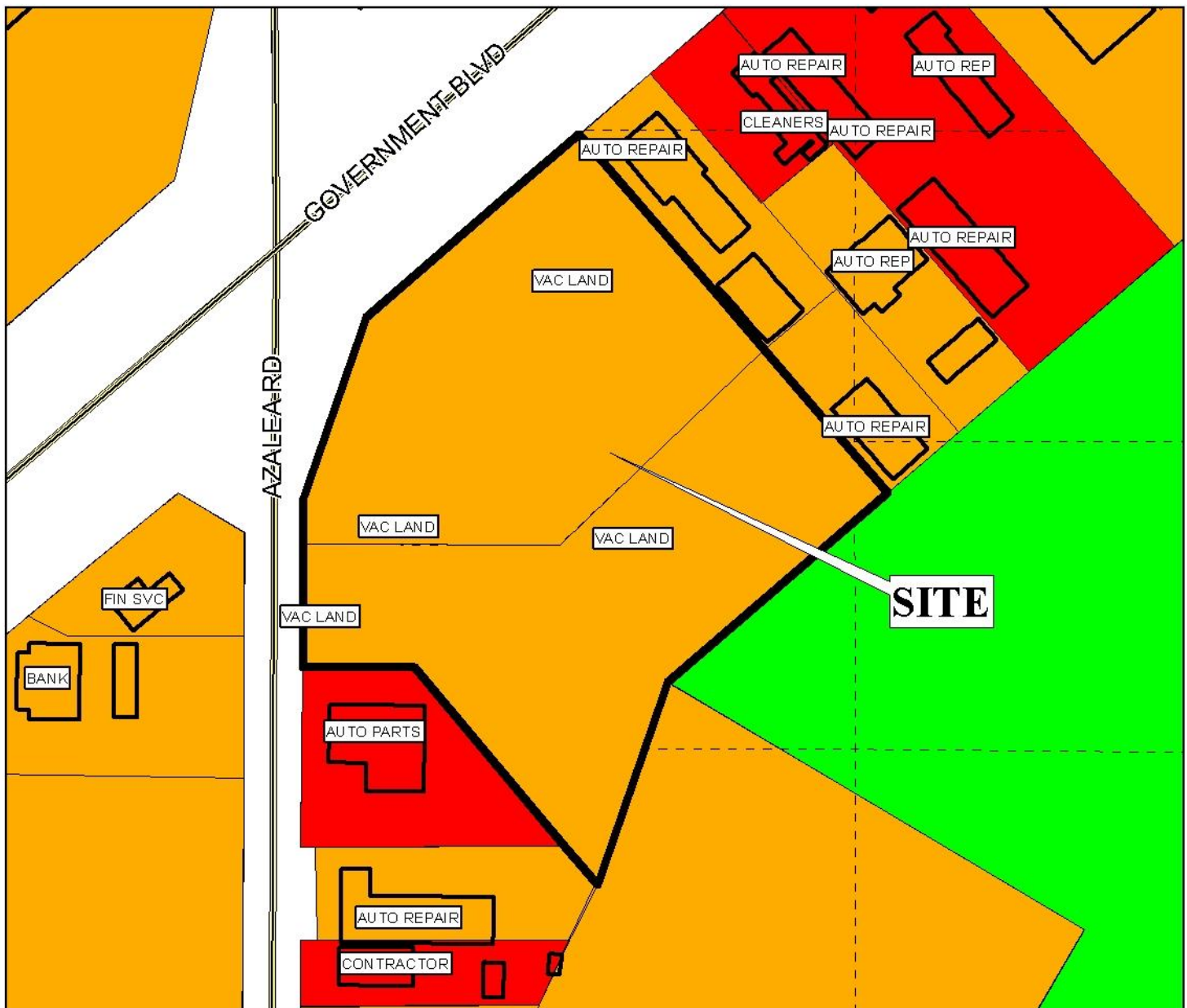


APPLICATION NUMBER 7 DATE April 16, 2020  
 APPLICANT OMAR, Inc.  
 REQUEST Rezoning from B-2 to B-3





# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

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REQUEST Rezoning from 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



The site is surrounded by commercial units.

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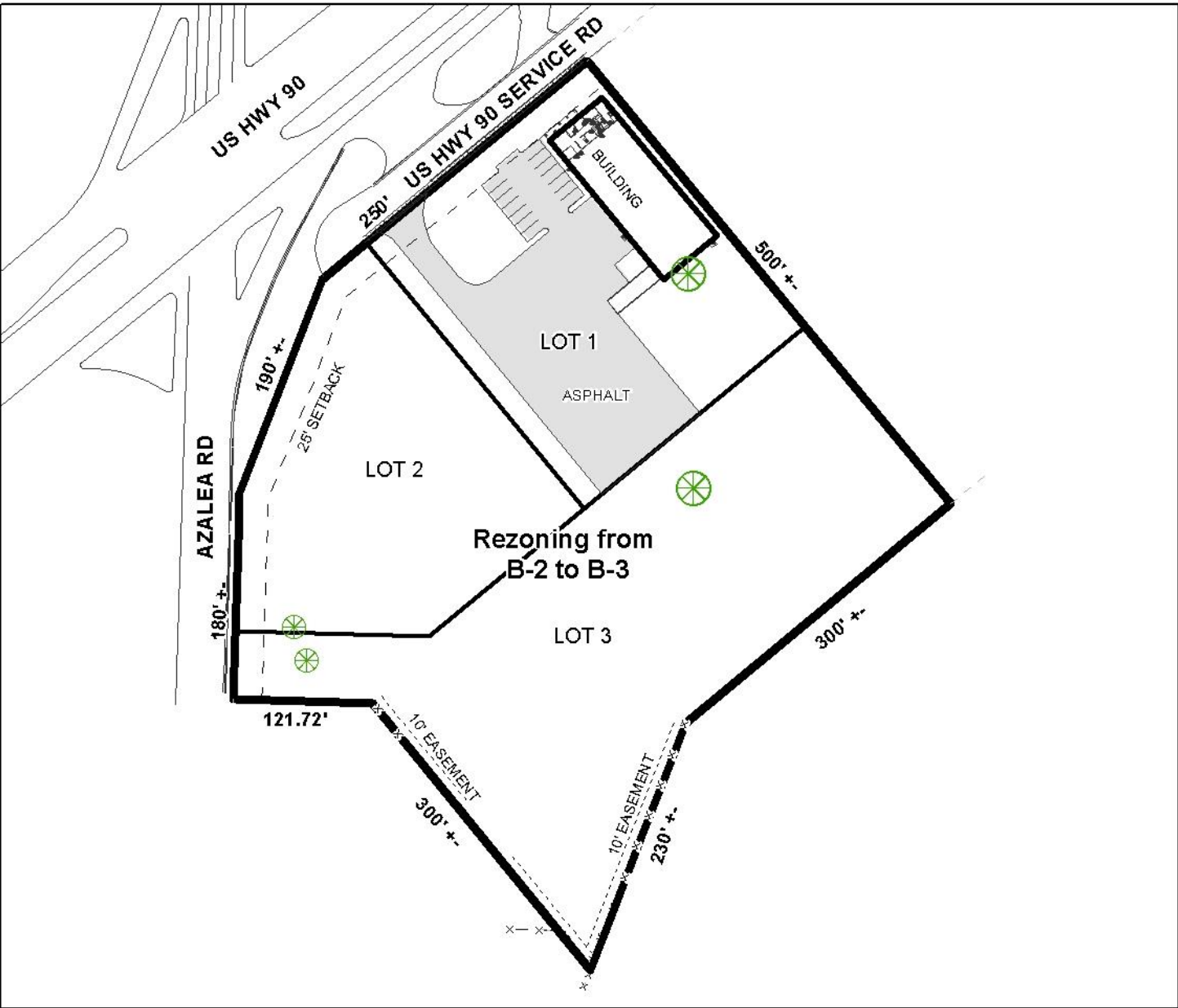
REQUEST Rezoning from B-2 to B-3



NTS



## SITE PLAN



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

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REQUEST Rezoning from B-2 to B-3

