

Agenda Item # 1 - HOLDOVER

BOA-SE-003044-2024

View additional details on this proposal and all application materials using the following link:

Applicant Materials for Consideration

DETAILS

Location:	

5301 Moffett Road

Applicant / Agent:

PMG, LLC / Cowles, Murphy, Glover & Associates

Property Owner:

Walda Besthoff

Current Zoning:

B-2, Neighborhood Business Suburban District

Future Land Use:

Mixed Commercial Corridor

Case Number(s):

6622 / 3995

Unified Development Code (UDC) Requirement:

 The UDC requires a Special Exception to allow warehousing (over 40,000 square feet) in a B-3, Community Business Suburban District (rezoning pending).

Board Consideration:

 Special Exception to allow warehousing (over 40,000 square feet) in a B-3, Community Business Suburban District (rezoning pending).

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BOARD OF ADJUSTMENTVICINITY MAP - EXISTING AERIAL



APPLICATION NUMBER 6622 DATE October 7, 2024

APPLICANT PMG, LLC / Cowles, Murphy, Glover, & Associates

REQUEST Special Exception



HOLDOVER COMMENTS

This application was heldover from the Board's September 9th meeting to allow the applicant time to provide a site plan that illustrates compliance with the development requirements of Article 3 of the Unified Development Code (UDC) and depicts consistency with any applicable use regulations stipulated in Article 4.

The revised information can be found via the link on page 1.

A revised site plan was provided for review, but does not depict full compliance with the development requirements of Article 3 of the UDC:

- No sidewalk is illustrated along Moffett Road and no Sidewalk Waiver request to waive the construction of a sidewalk at this location has been submitted for review by the Planning Commission.
- A sidewalk is proposed along Overlook Road, but not along the site's full frontage at this location, as required.
- A pedestrian walkway connecting the proposed sidewalk from Overlook Road to the existing building is illustrated on the site plan, but not to the proposed building. Article 3, Section 64-3-3 does state that a walkway is only required to connect the main building to a public sidewalk (unless a sidewalk waiver is approved); therefore, if the proposed pedestrian connection is limited to the main building, then the building should be labeled as such.
- A note on the site plan states that the site is exempt from frontage tree planting requirements due to overhead power lines; however, said lines are not illustrated on the site plan for staff to verify. The applicant should note that Article 3, Section 64-3-7.A.2(c)(1) of the UDC exempts frontage tree plantings within an overhead high voltage power easement. No such easement is illustrated. Moreover, Section 64-3-7.A.2(d)(6) states that frontage trees shall not be planted within fifteen (15) feet of overhead power lines along street frontages. The site requires a 25-foot front yard setback from each street frontage, leaving the potential for at least ten (10) feet in which frontage tree plantings could be planted, subject to compliance with the minimum planting area and spacing requirements of Section 64-3-7.A.8. of the UDC. If compliance with these requirements is impractical due to the overhead power lines conflicting with the minimum planting area and spacing requirements, then such a condition needs to be depicted on the site plan.
- No parking spaces or drive aisles are illustrated on the site plan, therefore staff cannot determine compliance with the off-street parking, off-street loading, or vehicle maneuvering requirements of Section 64-3-12 of Article 3 of the UDC. Furthermore, staff cannot verify the parking lot will comply with the parking lot landscaping and tree planting requirements of Section 64-3-7.A.3.(2). It should be noted that landscape islands are required for every 12 parking spaces.
- A note on the site plan indicates bicycle racks will be provided for the existing building, but no additional
 information regarding the required bicycle parking is provided. This information will be required on all site
 plans submitted for review of the associated development permits and should comply with the bicycle
 parking provisions of Article 3, Section 64-3-12.A.9. of the UDC, including the provision of bicycle parking
 for the proposed building.
- A residential protection buffer in the form of a 10-foot to 30-foot wide vegetative planting area is depicted where the site adjoins residentially zoned property, as well as a 6-foot tall privacy fence, as required by Article 3, Section 64-3-8.A.1.(a) of the UDC. It appears the vegetative buffer has existed since at least 1984, per aerial photographs.

- A note on the site plan states a photometric [parking lot] lighting plan conforming to the applicable UDC requirements will be provided at the time of permitting and is acceptable, but it should be retained on any revised site plan required for review of this application.
- No dumpster pad is illustrated on the site plan and no note regarding waste removal has been provided. As such, if a dumpster is proposed to be placed on the site the site plan should be revised to illustrate a dumpster pad with a note stating it shall meet the enclosure and placement standards of Article 3, Section 64-3-13.A.4. of the UDC; or a note should be placed on the site plan stating that curbside waste removal will be utilized.

It should be noted that elevation drawings of the proposed building were also provided by the applicant. It appears the building will comply with the site frontage, height variation, wall variation, and architectural feature requirements of the applicable building form standards in Section 64-3-6. As such, compliance with the building form standards of Section 64-3-6 of Article 3 of the UDC shall be maintained on the appropriate drawings submitted for review of the applicable building permits.

As mentioned in the previous staff report, there are a variety of commercial uses within the vicinity of the subject site, including medical offices, gas stations, convenience stores, general office uses, and general retail stores. There are also self-storage facilities within the vicinity of the subject site along Moffett Road, but they were developed either by right in a B-3 zoning district, or with Planning Commission Approvals in a B-2 zoning district. There do not appear to be any other warehousing or distribution facilities within the vicinity of the subject site.

HOLDOVER CONSIDERATIONS

Article 5 Section 11-E.1. of the Unified Development Codes states the Board of Adjustment will not approve an Application for Special Exception unless the request complies with the criteria listed on page 7.

Based on the requested Special Exception application, if the Board determines that the request complies with the criteria, and thus considers approval of the request, the following findings of fact must be considered:

- A) The proposed use **is** in harmony with the general purpose, goals, objectives and standards of this Chapter, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City.
- B) The proposed use at the proposed location **shall not** result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety and general welfare either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of this Chapter, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City or other governmental agency having jurisdiction to guide growth and development.
- C) The proposed use **will** be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, and services specified in this subsection.
- D) The proposed use **is** consistent with all applicable requirements of this Chapter including: any applicable development standards in Article 3, and any applicable use regulations in Article 4.
- E) The proposed use **is** compatible with the character of the neighborhood within the same zoning district in which it is located.
- F) The proposed use **will not** impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.

- G) The proposed use **will** have no more adverse effects on health, safety or comfort of persons living or working in the neighborhood, or will be no more injurious to property or improvements in the neighborhood than would any other use generally permitted in the same district.
- H) The site **is** designed to provide ingress and egress that minimize traffic hazards and traffic congestion on the public roads.
- 1) The site **is** designed to minimize the impact on storm water facilities.
- J) The use **will** be adequately served by water and sanitary sewer services.
- K) The use is not noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas; and
- L) The use will not be detrimental or endanger the public health, safety or general welfare.

If the Board approves the request, it should be subject to the following conditions:

- 1. Revision of the site plan to illustrate a sidewalk along Moffett Road, or Planning Commission approval of a Sidewalk Waiver waiving the construction of a sidewalk at this location;
- 2. Revision of the site plan to illustrate a sidewalk along the site's entire frontage along Overlook Road;
- 3. Revision of the site plan to label the main building to which the proposed pedestrian walkway will connect;
- 4. Revision of the site plan to depict how compliance with the frontage tree planting requirements of Article 3, Section 64-3-7.A.2 of the UDC is impractical due to overhead power lines along each street frontage;
- 5. Revision of the site plan to illustrate compliance with the off-street parking, off-street loading, and vehicle maneuvering requirements of Section 64-3-12, along with the provision of a parking table to indicate the number of required parking spaces for each use of the site;
- 6. Revision of the site plan to illustrate compliance with the parking lot landscaping and tree planting requirements of Section 64-3-7.A.3.(2);
- 7. Retention of note on the site plan stating bicycle racks will be provided, revised to state bicycle parking will comply with the applicable provisions of Article 3, Section 64-3-12.A.9. of the UDC;
- 8. Revision of the site plan to illustrate full compliance with the protection buffer provisions of Article 3, Section 64-3-8.A.1.(a) of the UDC;
- 9. Retention of a note on the site plan stating a photometric lighting plan conforming to the applicable UDC requirements will be provided at the time of permitting;
- 10. Revision of the site plan to illustrate a dumpster pad with a note stating it shall meet the enclosure and placement standards of Article 3, Section 64-3-13.A.4. of the UDC, or provision a note on the site plan stating that curbside waste removal will be utilized;
- 11. Maintain compliance with the building form standards of Section 64-3-6 of Article 3 of the UDC and illustrate on the appropriate drawings submitted for review of the applicable building permits;
- 12. Compliance with all Engineering comments noted in this staff report;
- 13. Placement of a note on the Final Plat stating the Traffic Engineering comments noted in this staff report;
- 14. Compliance with all Urban Forestry comments noted in this staff report;
- 15. Compliance with all Fire Department comments noted in this staff report; and
- 16. Full compliance with all other applicable codes and ordinances.

SITE HISTORY

The site is a metes-and-bounds parcel annexed in 1956 that was under active building development by 1960, prior to current regulations.

A Front Yard Variance was approved by the Board of Zoning Adjustment in September 1984 to allow the relocation of an ATM machine within five (5) feet of the Moffett Road Service Road.

An Administrative Planned Unit Development was approved in March 2017 to allow an ATM machine to be constructed within the parking lot.

Applications for a one-lot subdivision and rezoning of the site to B-5, Office Distribution District, have been submitted to the Planning and Zoning Department for review by the Planning Commission at its September 19th meeting. While the rezoning request is for a B-5 classification, in which warehousing over 40,000 square feet is allowed by right, the applicant has submitted the Special Exception request in case the rezoning is approved with a B-3 classification.

STAFF COMMENTS

Engineering Comments:

If the proposed variance is approved the applicant will need to have the following conditions met:

- 1. The proposed improvements will require a Land Disturbance Permit be submitted through the CSS Portal.
- 2. The existing drainage patterns and surface flow characteristics should not be altered so as to have a negative impact on any adjoining properties or any public rights-of-way.
- 3. Any and all proposed land disturbing activity within the property will need to 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. Applicant agrees to install adequate BMPs during construction to protect from sediment/pollutants leaving the site.

Traffic Engineering Comments:

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Any required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Article 3, Section 64-3-12 of the City's Unified Development Code.

Revised for the October 7, 2024 meeting:

ALDOT approval will be required for the shown truck entrance from Moffett Road. Driveway number, size, location, and design to be approved by ALDOT (where applicable) and Traffic Engineering and conform to AASHTO standards. Any required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Article 3, Section 64-3-12 of the City's Unified Development Code.

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 [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites 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 (2021 International Fire Code). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.

Planning Comments:

The applicant has requested a Special Exception to allow redevelopment of a portion of the site with a warehouse larger than 40,000 square feet. A detailed description and justification of the request suggests there are multiple self-storage unit complexes larger than 40,000 square feet less than a mile from the subject site, and that the proposal will be an improvement to the surrounding neighborhood. The application and supporting documentation are available via the link on Page 1 of this report.

The property is currently developed with 64,100± square feet of commercial building space split between three (3) buildings. The applicant proposes to demolish two (2) of the buildings located near the West property line and redevelop that portion of the site with a 60,000 square-foot warehouse. New landscape islands and site lighting are proposed, and the existing vegetative buffer to the West will be enhanced with a six (6)-foot tall privacy fence.

It should be noted that the proposed redevelopment will result in a building footprint greater than 50% of the existing building footprint. As such, if approved, full compliance with the development standards of Article 3 of the UDC will be required. This includes, but is not limited to:

- the provision of sidewalks along Overlook Road and Moffett Road;
- the provision of on-site pedestrian walkway connections;
- compliance with building design and height variation requirements;
- compliance with tree planting and landscape area requirements;
- the provision of a residential protection buffer where the site abuts residentially zoned or utilized property;
- compliance with parking lot lighting requirements and the provision of a photometric plan;
- the provision of off-street loading facilities; and
- the provision of bicycle parking.

The site abuts properties zoned R-1, Single-Family Residential Suburban District, to the West, which are developed with single-family dwellings. Article 3, Section 64-3-8.A. of the UDC requires a protection buffer wherever the boundary of a commercial building site adjoins an R-1 zoning district. Section 64-3-8.A.2. requires this buffer to be at least ten (10) feet wide and contain both a wall or fence, and a screen planting strip. No protection buffer is depicted on the site plan; therefore, if approved, revision of the site plan to illustrate a protection buffer in compliance with the setback and screening requirements of Section 64-3-8.A.2. of the UDC should be required.

With the exception of the adjacent single-family dwellings, there are a variety of commercial uses within the vicinity of the subject site, including medical offices, gas stations, convenience stores, general office uses, and general retail stores. As the applicant mentions, there are self-storage facilities within the vicinity of the subject site along Moffett Road, but they were developed either by right in a B-3 zoning district, or with Planning Commission Approvals in a B-2 zoning district. There do not appear to be any other warehousing or distribution facilities within the vicinity of the subject site.

SPECIAL EXCEPTION CONSIDERATIONS

Standards of Review:

Special Exceptions are those uses that may have some special impact which differs from the potential impacts of permitted uses, exceeds permitted uses in intensity, or have a uniqueness such that their effect on the surrounding environment cannot readily be determined in advance of the use being proposed in a particular location.

Article 5 Section 11-E.1. of the Unified Development Codes states the Board of Adjustment will not approve an Application for Special Exception unless the request complies with the following criteria:

- (a) The proposed use is in harmony with the general purpose, goals, objectives and standards of this Chapter, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City.
- (b) The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety and general welfare either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of this Chapter, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City or other governmental agency having jurisdiction to guide growth and development.
- The proposed use will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, and services specified in this subsection. Where any such improvements, facilities, utilities or services are not available or adequate to service the proposed use in the proposed location, the Applicant shall, as part of the application and as a condition to approval of the proposed Special Exception permit, be responsible for establishing ability, willingness and commitment to provide such improvements, facilities, utilities and services in sufficient time and in a manner consistent with this Chapter, and other plans, programs, maps and ordinances adopted by the City to guide its growth and development. The approval of the Special Exception Permit shall be conditioned upon such improvements, facilities, utilities and services being provided and guaranteed by the Applicant.
- (d) The proposed use is consistent with all applicable requirements of this Chapter, including:
 - (1) Any applicable development standards in Article 3; and
 - (2) Any applicable use regulations in Article 4.
- (e) The proposed use is compatible with the character of the neighborhood within the same zoning district in which it is located;
- (f) The proposed use will not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district; and
- (g) The proposed use will have no more adverse effects on health, safety or comfort of persons living or working in the neighborhood, or will be no more injurious to property or improvements in the neighborhood than would any other use generally permitted in the same district.
 - (1) In making this determination, the Board of Adjustment shall consider:
 - a. The location, type and height of buildings or structures;
 - **b.** The type and extent of landscaping and screening;
 - c. Lighting;
 - **d.** Hours of operation; or
 - **e.** Other conditions that might require mitigation of any adverse impacts of the proposed development.
- (h) The site is designed to provide ingress and egress that minimize traffic hazards and traffic congestion on the public roads;
- (i) The site is designed to minimize the impact on storm water facilities;
- (j) The use will be adequately served by water and sanitary sewer services;
- (k) The use is not noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas; and
- (I) The use will not be detrimental or endanger the public health, safety or general welfare.

Article 5 Section 11-E.2. states that when considering a Special Exception application, the City's and the larger community's best interests and the need, benefit, or public purpose of the proposed request should also be evaluated.

Additionally, Article 5, Section 11-E.3. states:

The Board of Adjustment shall give careful consideration to the warrants and criteria set forth in this section in judging applications for Special Exceptions involving the following uses. In granting a Special Exception, the board may attach such reasonable conditions and safeguards in addition to those set forth in this section, as it may deem necessary to implement the purposes of this Chapter.

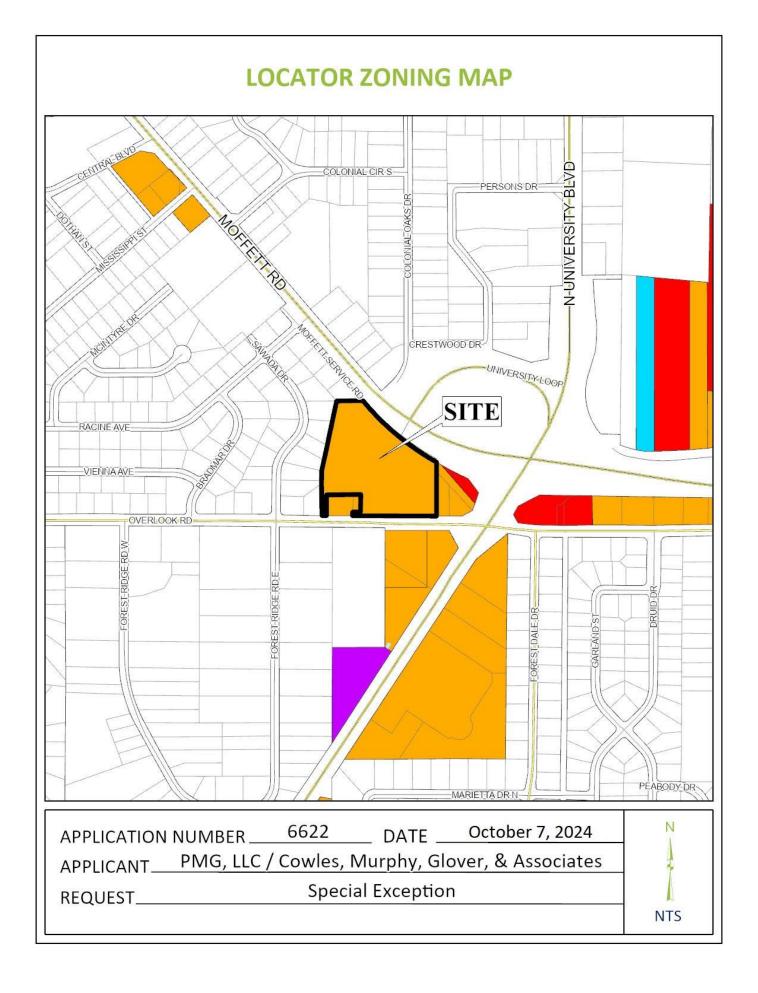
Considerations:

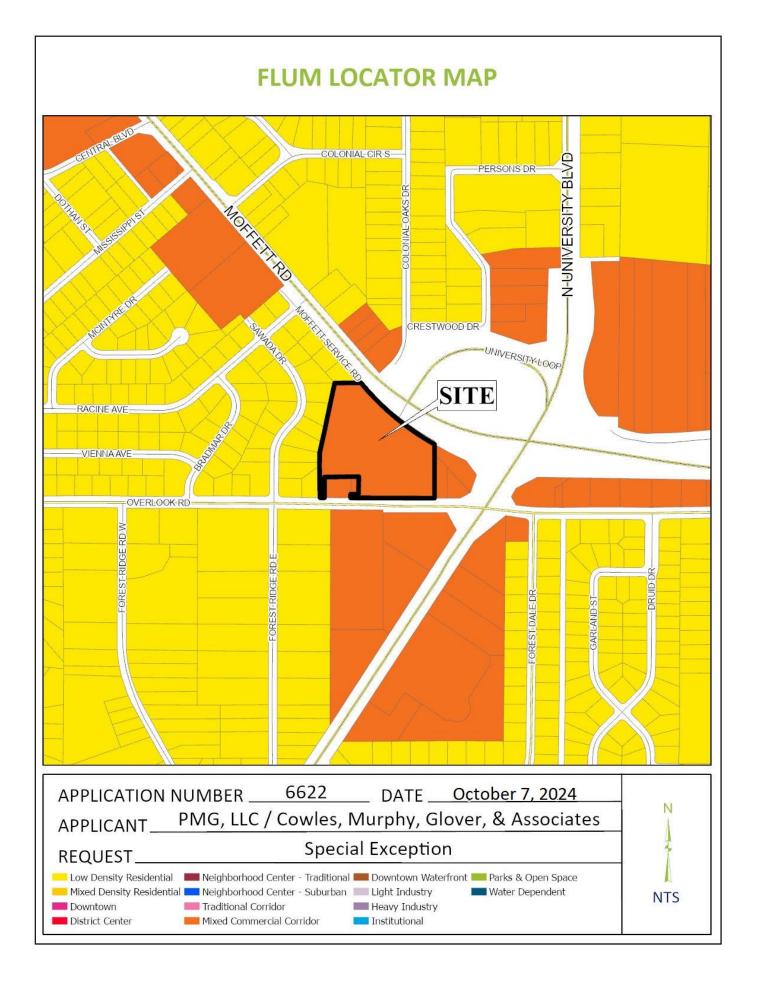
Based on the requested Special Exception application, if the Board should consider approval of the request, the following findings of fact must be considered:

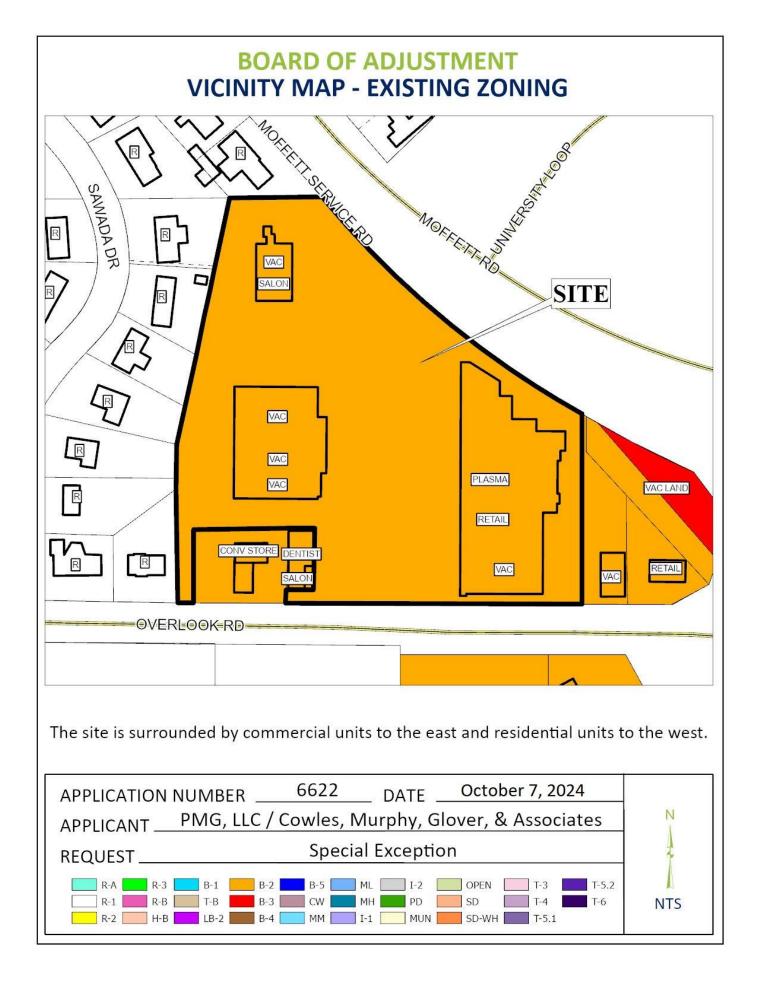
- 1) The proposed use **is** in harmony with the general purpose, goals, objectives and standards of this Chapter, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City.
- 2) The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety and general welfare either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of this Chapter, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City or other governmental agency having jurisdiction to guide growth and development.
- 3) The proposed use **will** be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, and services specified in this subsection.
- 4) The proposed use **is** consistent with all applicable requirements of this Chapter including: any applicable development standards in Article 3, and any applicable use regulations in Article 4.
- 5) The proposed use **is** compatible with the character of the neighborhood within the same zoning district in which it is located.
- 6) The proposed use **will not** impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.
- 7) The proposed use **will** have no more adverse effects on health, safety or comfort of persons living or working in the neighborhood, or will be no more injurious to property or improvements in the neighborhood than would any other use generally permitted in the same district.
- 8) The site **is** designed to provide ingress and egress that minimize traffic hazards and traffic congestion on the public roads.
- 9) The site **is** designed to minimize the impact on storm water facilities.
- 10) The use **will** be adequately served by water and sanitary sewer services.
- 11) The use **is not** noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas; and
- 12) The use will not be detrimental or endanger the public health, safety or general welfare.

Regarding the criteria for Special Exception approval in Article 5 Section 11-E.1. of the UDC, the Board should consider a **holdover** of the request to the **October 7**th meeting to allow the applicant time to:

1. Provide a site plan that illustrates compliance with the development requirements of Article 3 and depicts consistency with any applicable use regulations in Article 4.





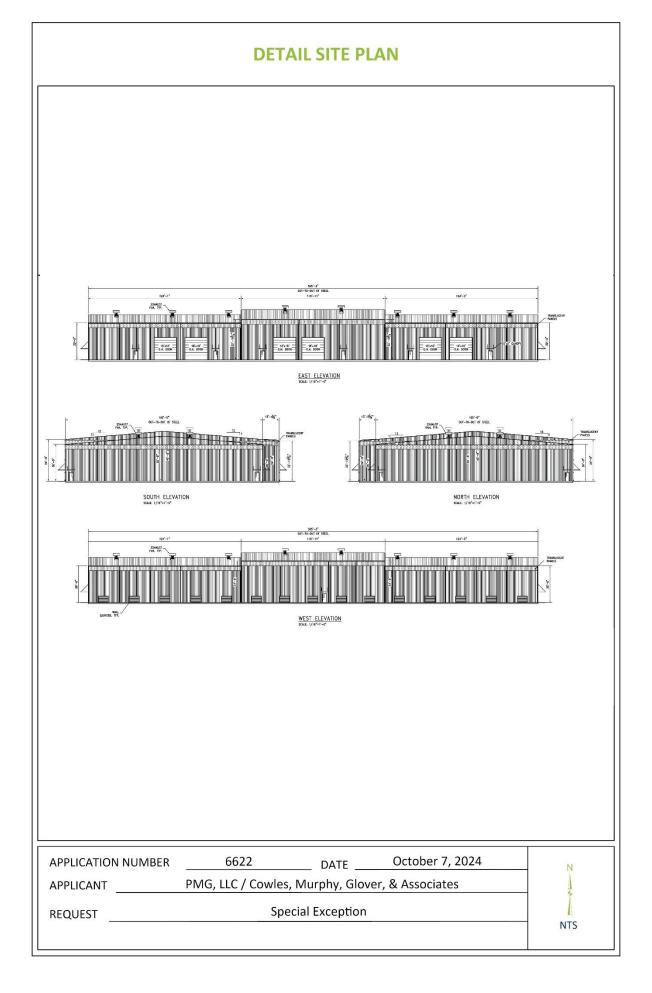


SITE PLAN



The site plan illustrates the existing conditions, proposed building, and landscaping.

APPLICATION NUMBER	6622	DATE	October 7, 2024	N
APPLICANT	_ ↓			
REQUEST	NTS			
				NIS



ZONING DISTRICT CORRE	SPONDI	ENCE	MA	TRIX											
		OW DENSITY RESIDENTIAL (LDR)	MIXED DENSITY RESIDENTIAL (MXDR)	DOWNTOWN (DT)	DISTRICT CENTER (DC)	NEIGHBORHOOD CENTER - TRADITIONAL (NC-T)	NEIGHBORHOOD CENTER - SUBURBAN (NC-S)	TRADITIONAL CORRIDOR (TC)	MIXED COMMERCIAL CORRIDOR (MCC)	LIGHT INDUSTRIAL (LI)	HEAVY INDUSTRY (HI)	NSTITUTIONAL LAND USE (INS)	PARKS & OPEN SPACE (POS)	DOWNTOWN WATERFRONT (DW)	WATER DEPENDENT USES (WDWRU)
RESIDENTIAL - AG	R-A					ı	_		1			_			
ONE-FAMILY RESIDENCE	R-1														
TWO-FAMILY RESIDENCE	R-2													0	
MULTIPLE-FAMILY	R-3	0												0	
RESIDENTIAL-BUSINESS	R-B		0											0	
TRANSITIONAL-BUSINESS	T-B		0												
HISTORIC BUSINESS	H-B														
VILLAGE CENTER	TCD														
NEIGH. CENTER	TCD														
NEIGH. GENERAL	TCD														
DOWNTOWN DEV. DDD	T-6														
DOWNTOWN DEV. DDD	T-5.1														
DOWNTOWN DEV. DDD	T-5.2														
DOWNTOWN DEV. DDD	T-4														
DOWNTOWN DEV. DDD	T-3														
DOWNTOWN DEV. DDD	SD-WH									0	0				
DOWNTOWN DEV. DD	SD	0	0	0	0	0	0	0		0	0				
BUFFER BUSINESS	B-1													0	
NEIGH. BUSINESS	B-2		0											0	
LIMITED BUSINESS	LB-2		0											0	
COMMUNITY BUSINESS	B-3											0		0	
GEN. BUSINESS	B-4											0		0	
OFFICE-DISTRIBUTION	B-5														
LIGHT INDUSTRY	I-1														
HEAVY INDUSTRY	1-2														

Zoning District Correspondence Matrix

- Directly Related
- Elements of the zoning category are related to the future LU category, but with qualifications (such as a development plan with conditions)
- Land use category is appropriate, but the district does not directly implement the category (e.g., open space in an industrial district)

MIXED COMMERCIAL CORRIDOR (MCC)

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.