



# Agenda Item # 4

## BOA-002942-2024

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

[Applicant Materials for Consideration](#)

### DETAILS

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**Location:**

669 Azalea Road

**Applicant / Agent:**

The CORE Project, Inc. / Matthew McDonald, Agent

**Property Owner:**

Mobile First Church of the Nazarene

**Current Zoning:**

R-1, Single-Family Residential Suburban District

**Future Land Use:**

Mixed Commercial Corridor

**Case Number(s):**

6592/6106/5990/5149

**Unified Development Code (UDC) Requirement:**

- The UDC does not allow a day care center (child and adult) with social assistance, welfare, and charitable services in a R-1, Single-Family Residential Suburban District.

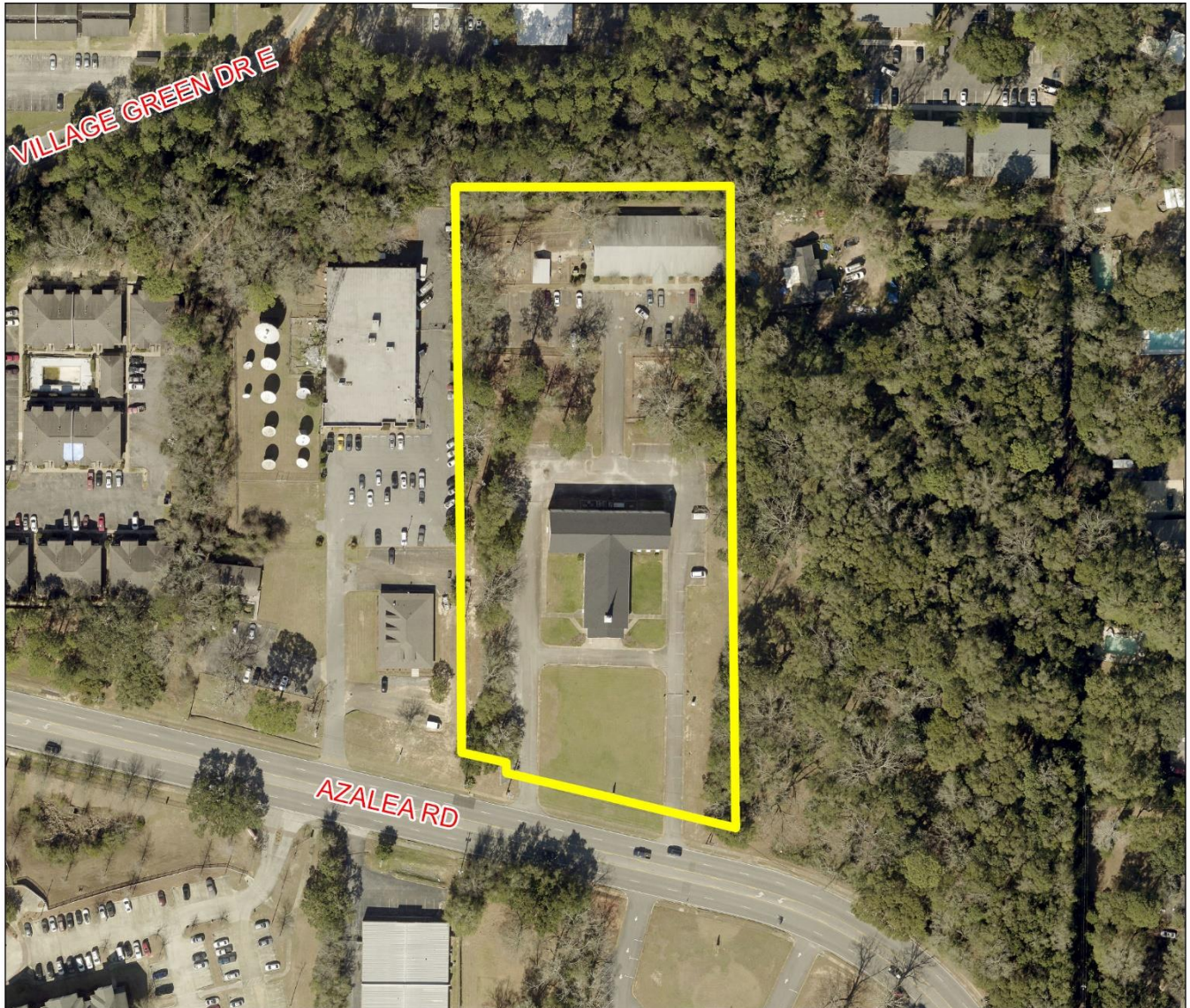
**Board Consideration:**

- Use Variance to allow a day care center (child and adult) with social assistance, welfare, and charitable services in a R-1, Single-Family Residential Suburban District.

**Report Contents:**

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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial and residential units.

APPLICATION NUMBER <u>6592</u> DATE <u>June 3, 2024</u>
APPLICANT <u>The CORE Project, Inc. / Matthew McDonald, Agent</u>
REQUEST <u>Use Variance</u>



## SITE HISTORY

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City aerial imagery indicate the existing church building has been present on site since at least 1984. In 1988, the existing education building was approved and constructed as well as the granting of a Planning Approval request to allow daycare services to be associated with the existing church facilities. The Planning Commission approved a second Planning Approval in 1998 to expand the existing parking facilities on site.

At its January 6, 2003 meeting, the Board of Zoning Adjustment approved a Sign Variance to allow a second freestanding sign to be located on the site. However, the Board denied a 2015 Sign Variance request to allow a digital sign at a church in an R-1, Single-Family Residential District within 300 feet of other R-1 districts.

Most recently, at its May 1, 2017 meeting, the Board of Zoning Adjustment approved a Sign Variance to allow a digital sign at a church in an R-1 district within 300 feet of other R-1 zoned properties.

No other Planning Commission or Board of Zoning Adjustment cases are associated with the site

## STAFF COMMENTS

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### **Engineering Comments:**

No comments to the proposed variance.

### **Traffic Engineering Comments:**

A traffic impact study will be required. 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.

### **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 non-sprinklered commercial buildings and within 300' of all sprinklered commercial buildings. Fire water supply for all commercial buildings will be required to meet the guidance of Appendices B and C of the 2021 International Fire Code. The minimum requirement for fire hydrants is to be within 400' of non-sprinkled commercial buildings, within 600' of sprinkled commercial buildings, and within 100' of fire department connections (FDC) for both standpipes and sprinkler systems.



## Planning Comments:

The applicant is requesting a Use Variance to allow use of the property as a commercial day care center (child and adult) with social assistance, welfare, and charitable services. In their narrative, which can be viewed using the link on Page 1 of this report, the applicant details various services to be offered at the facility and states that there is significant demand within the City of Mobile for the types of services to be provided, as justification for their request.

The site plan provided depicts one (1) 8,704± square-foot existing church building, one (1) 7,069± square-foot existing educational building, and three (3) accessory structures totaling 629± square feet. Additionally, the site is developed with 121 existing parking spaces between two (2) parking lots. Per the applicant's narrative, the proposed services will be limited to the existing educational building in the rear of the property located North of the existing church building.

It should be noted that Article 3 Section 64-3-12 of the UDC calculates the amount of required parking spaces differently for each of the four (4) uses proposed to be located on site. Adult day care facilities must provide one (1) parking space per 1,000 square feet of designated floor area and commercial child day care facilities must provide one (1) parking space per 350 square feet of designated floor area. The social assistance use type is required to provide one (1) parking space per 800 square feet. Lastly, because the church facility was developed prior to the adoption of the UDC and is not currently proposed for redevelopment such that full compliance with current UDC standards would be triggered, the church facility is required one (1) parking space per four (4) seats within its sanctuary, in accordance with Section 64-6 of the previous Zoning Ordinance.

No information was provided to staff detailing the extent to which existing buildings will be utilized for the adult day care services, child day care services, or social assistance services. Additionally, no information was provided regarding the number of seats within the existing church. As such, staff is unable to accurately calculate the total number of parking spaces required for the site. If approved, revision of the site plan to illustrate compliant parking must be required.

The applicant states in their narrative that there are currently no plans to further develop the site. As such, no additional tree planting or landscaping will be required at this time.

While the subject site has historically been zoned for residential uses, the site has been developed with the primary church building since at least 1984 and the existing education building since 1988. Additionally, the church received Planning Approvals in 1988 and 1998 that allow for the use type of child care services associated with the church. However, as the proposed use is not associated with the church, it is not granted the same allowances provided by the previous Planning Approvals.

While the use history of the site is limited to non-residential, the site is surrounded by residentially zoned and utilized properties to the North and East directly abutting the location of the proposed commercial day care and social assistance uses. Previous use of the property as a church with child care services required Planning Approval, which would have required conditions to limit any negative impact the use might have on the surrounding neighborhood.

The Variance process is different in that, state law requires the applicant to illustrate a hardship associated with the property. If the Board finds that there is a hardship associated with the property which prevents it from being used in a compliant, single-family residential manner, then the Board may stipulate conditions to mitigate negative impacts on the surrounding neighborhood.

## VARIANCE CONSIDERATIONS

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### Standards of Review:

Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined from the facts and circumstances of each application.

Article 5 Section 10-E. 1. of the Unified Development Codes states that the Board of Adjustment may grant a variance if:

- The Applicant demonstrates that the variance shall not be contrary to the public interest;
- Where, owing to special conditions a literal enforcement of the provision of this Chapter will result in unnecessary hardship; and
- The spirit of this Chapter will be observed and substantial justice done.

Article 5 Section 10-E.2. states no variance shall be granted:

- (a) In order to relieve an owner of restrictive covenants that are recorded in Mobile County Probate Court and applicable to the property;
- (b) Where economic loss is the sole basis for the required variance; or
- (c) Where the variance is otherwise unlawful.

### Considerations:

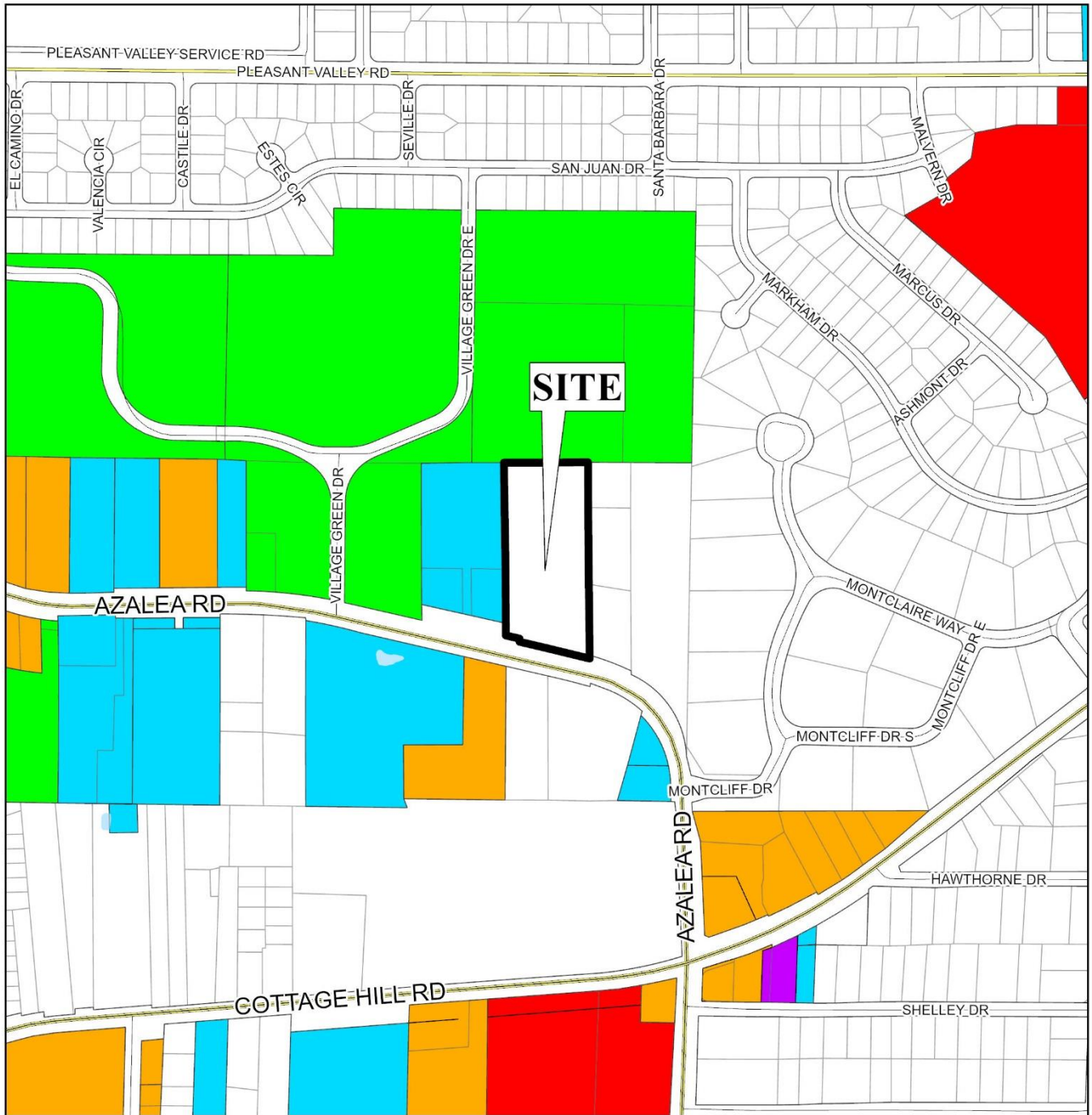
Based on the requested Variance application and documentation submitted, if the Board considers approval of the request, the following findings of fact must be presented:

- a) The variance **will not** be contrary to the public interest;
- b) Special conditions exist such that a literal enforcement of the provisions of the chapter **will** result in unnecessary hardship; and
- c) The spirit of the chapter **shall** be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance.

If approved, the following conditions should apply:

1. Revision of a compliant site plan to include parking calculations and a breakdown of all existing and proposed use types providing the total amount of floor area designated between each use;
2. Provision of a note on the site plan stating that any and all future development of the site must comply with current development standards as detailed in the Unified Development Code;
3. Compliance with all Engineering comments noted in this staff report;
4. Compliance with all Traffic Engineering comments noted in this staff report;
5. Compliance with all Urban Forestry comments noted in this staff report;
6. Compliance with all Fire Department comments noted in this staff report;
7. Provision of a copy of the recorded site plan (hard copy and pdf) to Planning and Zoning; and,
8. Full compliance with all municipal codes and ordinances.

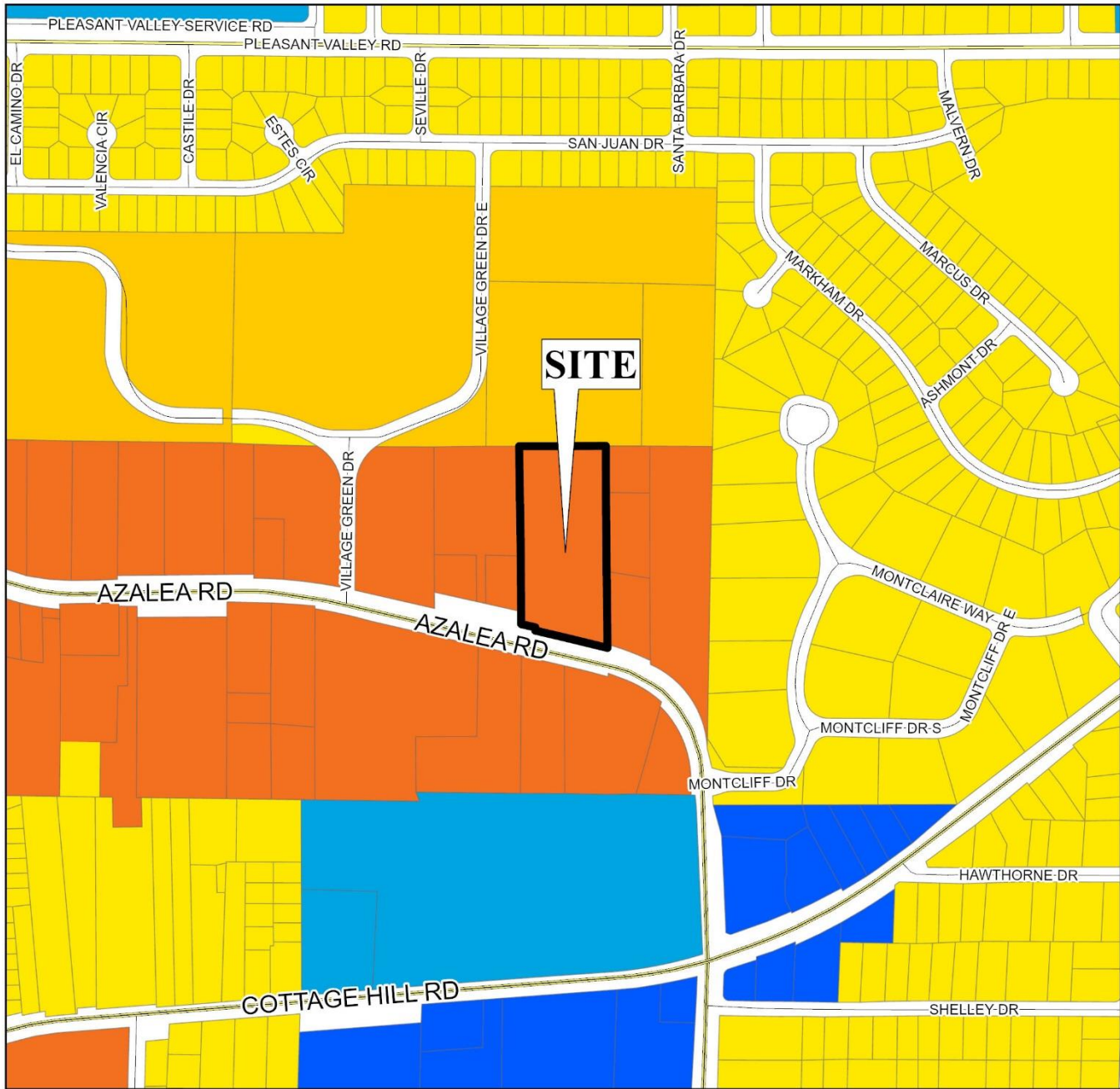
# LOCATOR ZONING MAP



APPLICATION NUMBER	6592	DATE	June 3, 2024
APPLICANT	The CORE Project, Inc. / Matthew McDonald, Agent		
REQUEST	Use Variance		



# FLUM LOCATOR MAP



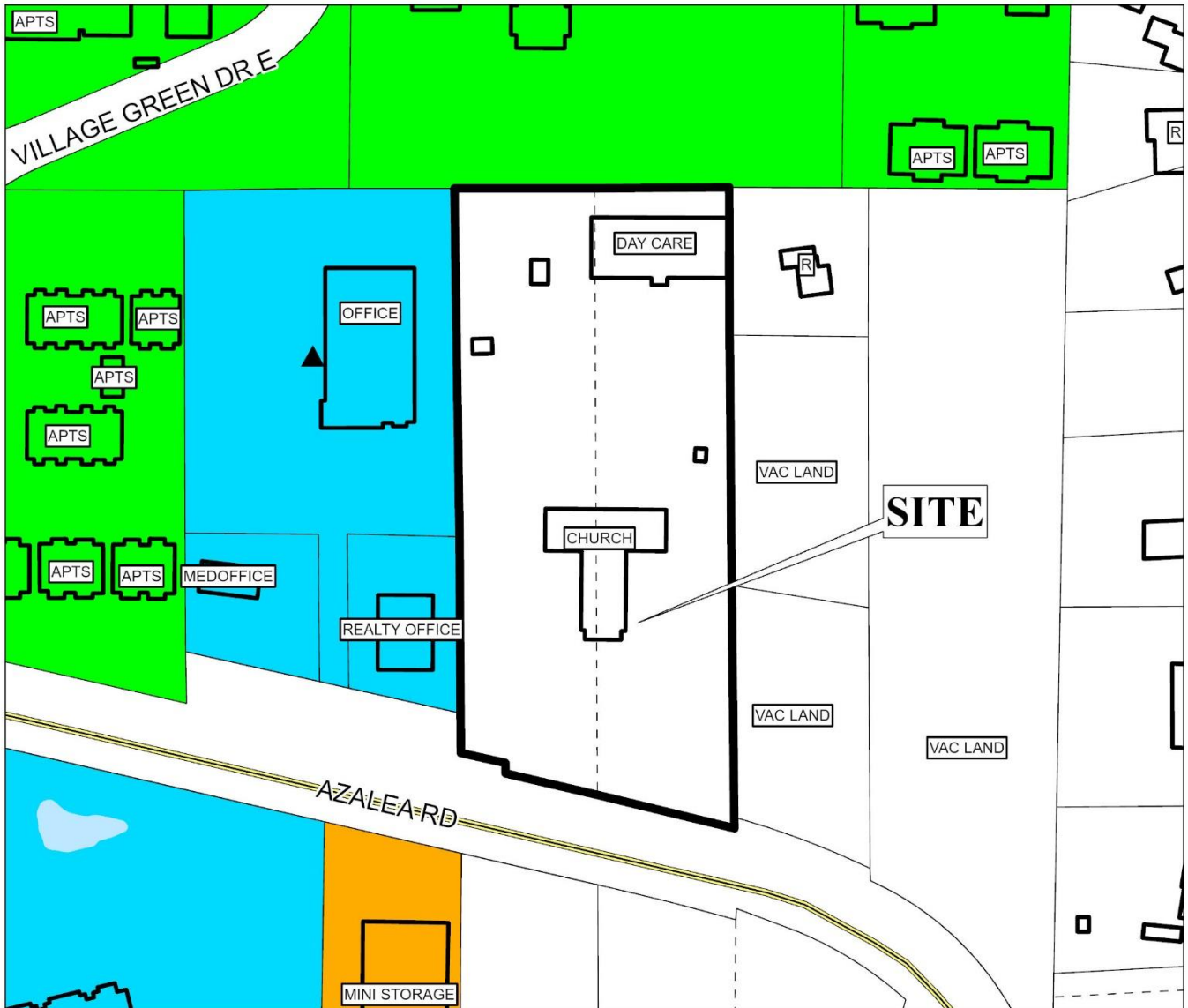
APPLICATION NUMBER 6592 DATE June 3, 2024  
 APPLICANT The CORE Project, Inc. / Matthew McDonald, Agent  
 REQUEST Use Variance

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| <span style="display: inline-block; width: 15px; height: 10px; background-color: yellow; border: 1px solid black;"></span> Low Density Residential    | <span style="display: inline-block; width: 15px; height: 10px; background-color: #8B4513; border: 1px solid black;"></span> Neighborhood Center - Traditional | <span style="display: inline-block; width: 15px; height: 10px; background-color: #A52A2A; border: 1px solid black;"></span> Downtown Waterfront | <span style="display: inline-block; width: 15px; height: 10px; background-color: #90EE90; border: 1px solid black;"></span> Parks & Open Space |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #FFD700; border: 1px solid black;"></span> Mixed Density Residential | <span style="display: inline-block; width: 15px; height: 10px; background-color: #0000FF; border: 1px solid black;"></span> Neighborhood Center - Suburban    | <span style="display: inline-block; width: 15px; height: 10px; background-color: #D3D3D3; border: 1px solid black;"></span> Light Industry      | <span style="display: inline-block; width: 15px; height: 10px; background-color: #008080; border: 1px solid black;"></span> Water Dependent    |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #FF00FF; border: 1px solid black;"></span> Downtown                  | <span style="display: inline-block; width: 15px; height: 10px; background-color: #FF69B4; border: 1px solid black;"></span> Traditional Corridor              | <span style="display: inline-block; width: 15px; height: 10px; background-color: #808080; border: 1px solid black;"></span> Heavy Industry      |  |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #FF0000; border: 1px solid black;"></span> District Center           | <span style="display: inline-block; width: 15px; height: 10px; background-color: #FF8C00; border: 1px solid black;"></span> Mixed Commercial Corridor         | <span style="display: inline-block; width: 15px; height: 10px; background-color: #00CED1; border: 1px solid black;"></span> Institutional       |  |





# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

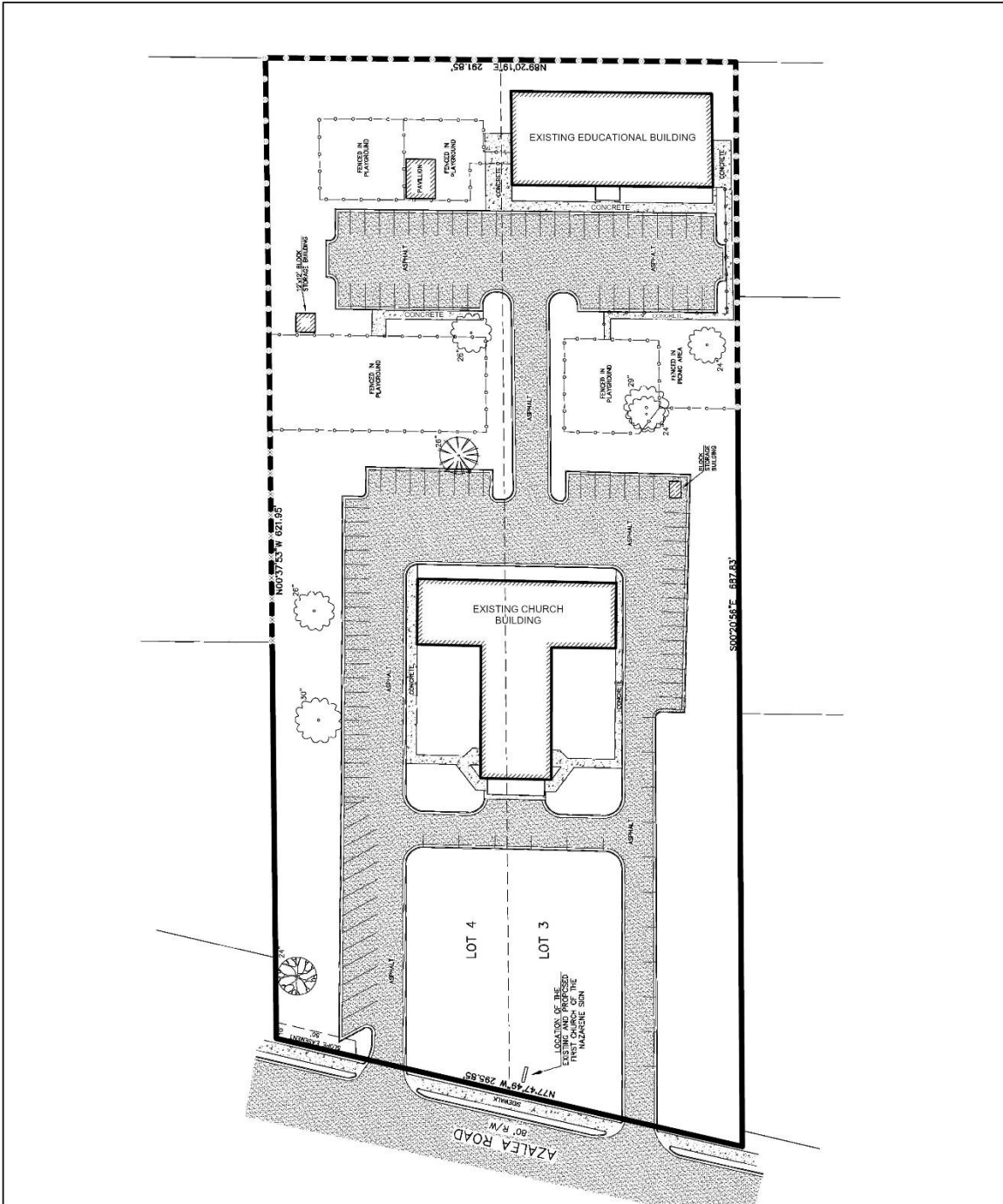


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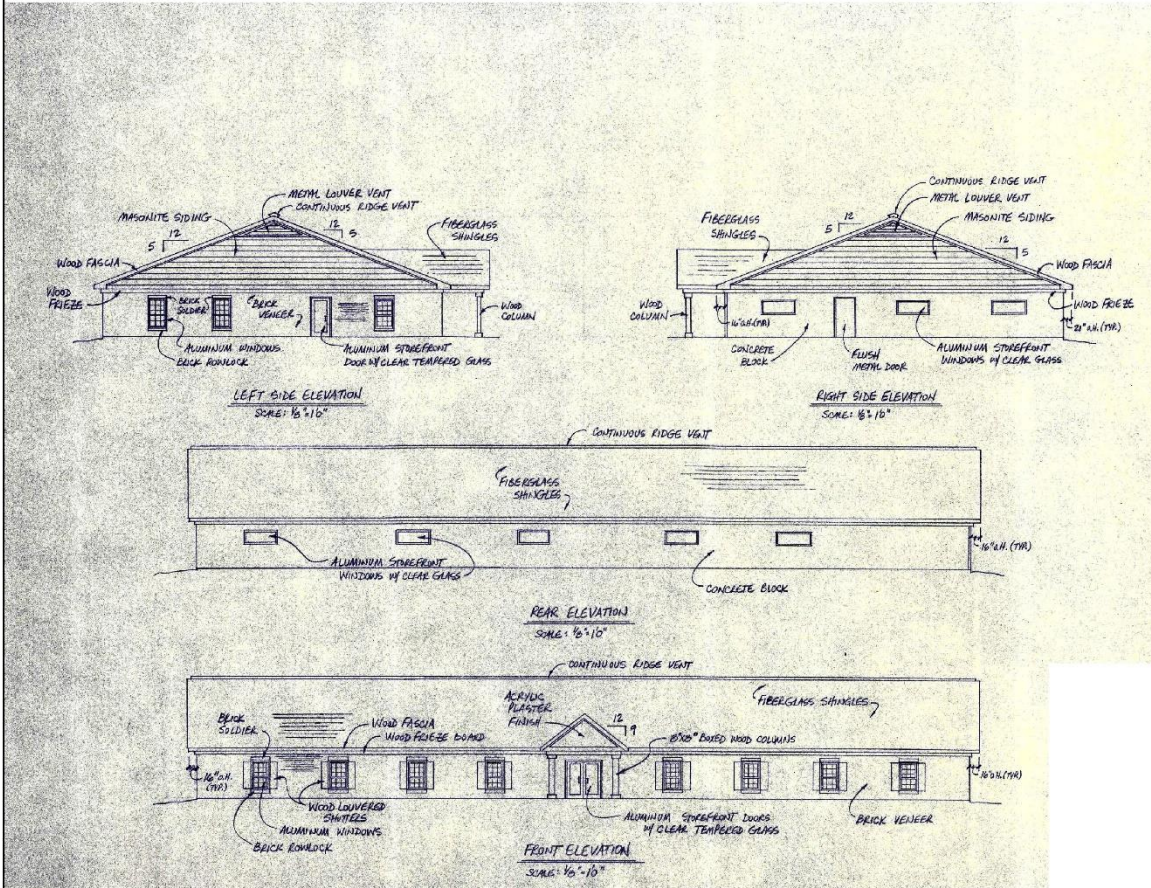
# SITE PLAN



The site plan illustrates the existing buildings, fencing, playgrounds, and parking.

APPLICATION NUMBER	6592	DATE	June 3, 2024	
APPLICANT	The CORE Project, Inc. / Matthew McDonald, Agent			
REQUEST	Use Variance			

# DETAIL SITE PLAN



APPLICATION NUMBER	6592	DATE	June 3, 2024	
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REQUEST	Use Variance			

ZONING DISTRICT CORRESPONDENCE MATRIX		LOW 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)	INSTITUTIONAL LAND USE (INS)	PARKS & OPEN SPACE (POS)	DOWNTOWN WATERFRONT (DW)	WATER DEPENDENT USES (WDWRLU)
RESIDENTIAL - AG	R-A														
ONE-FAMILY RESIDENCE	R-1	■				■		■					□		
TWO-FAMILY RESIDENCE	R-2	■				■		■					□	○	
MULTIPLE-FAMILY	R-3	○	■			■	■						□	○	
RESIDENTIAL-BUSINESS	R-B		○			■		■					□	○	
TRANSITIONAL-BUSINESS	T-B		○		■	■	■	■					□		
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									○	○		□		
DOWNTOWN DEV. DD	SD	○	○	○	○	○	○	○		○	○		□		
BUFFER BUSINESS	B-1		□			□	■	■	■				□	○	
NEIGH. BUSINESS	B-2		○			□	■	■	■				□	○	
LIMITED BUSINESS	LB-2		○			□	■	■	■				□	○	
COMMUNITY BUSINESS	B-3				■				■			○	□	○	
GEN. BUSINESS	B-4			■					■			○	□	○	
OFFICE-DISTRIBUTION	B-5								■	■			□	□	
LIGHT INDUSTRY	I-1									■			□	□	□
HEAVY INDUSTRY	I-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.