



Agenda Item # 4

BOA-SE-003079-2024

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

4208 Aurelia Street

Applicant / Agent:

Hien Tran

Property Owner:

Taylor Lee Crawford

Current Zoning:

B-1, Buffer Business Suburban District

Future Land Use:

Low Density Residential

Case Number:

6630

Unified Development Code (UDC) Requirement:

- The Unified Development Code (UDC) requires a Special Exception to allow a Day Care Center in a B-1, Buffer Business Suburban District.

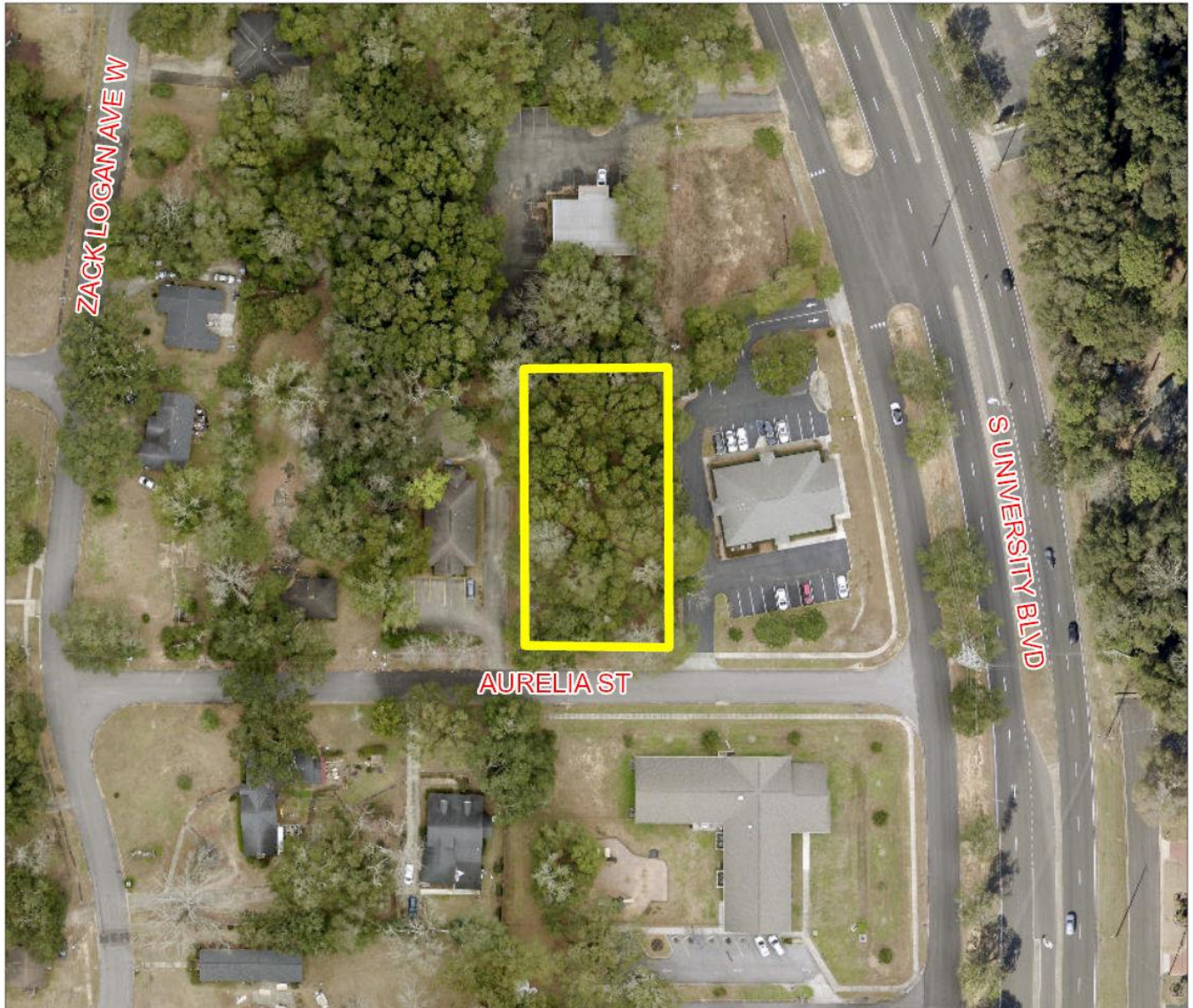
Board Consideration:

- Special Exception to allow a Day Care Center in a B-1 Buffer Business Suburban District.

Report Contents:

	Page
Context Map	2
Site History	3
Staff Comments	3
Special Exception Considerations	4
Exhibits	7

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential and commercial units.

APPLICATION NUMBER	6630	DATE	November 4, 2024
APPLICANT	Hien Tran		
REQUEST	Special Exception		



SITE HISTORY

The subject site was assigned an R-1, Single-Family Residential District classification with the adoption of the 1967 Zoning Ordinance.

In 1988, the property was rezoned from R-1 to B-1, Buffer Business District.

The site became Lot 2, Laura Leigh Subdivision, with the approval and recording of that subdivision in 1999.

The site's current B-1, Buffer Business Suburban District classification was assigned with the adoption of the Unified Development Code (UDC) in March 2023.

The site has never been before the Board of Zoning Adjustment.

STAFF COMMENTS

Engineering Comments:

No comments to the proposed variance; however; according to the submitted plans, the proposed project will require that a Land Disturbance Permit be submitted through Central Permitting.

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.

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 has requested a Special Exception to allow a Day Care Center in a B-1 Buffer Business Suburban District; the Unified Development Code (UDC) requires a Special Exception to allow a Day Care Center in a B-1, Buffer Business Suburban District.

The complete application is available via the link on page 1.

The subject site is currently vacant and has never been developed. The applicant states the following:

The construction and operation of a daycare at this location will serve the surrounding residential areas. A daycare would not be out of character for the neighborhood given that there is a faith-based children's home across the street from this location.

There is a dentist office adjacent to the west property line, a mortgage company adjacent to the east property line and a faith-based children's home across the street to the south. The Mobile Bridge Center is adjacent to the north. A daycare facility is in keeping with these existing businesses.

The two site plans submitted with the application indicate within the title blocks that the project is for the Tanner Williams Business Park, and not for the subject project, although the correct legal description of Lot 2, Laura Leigh Subdivision is provided on one of the site plans. If approved, the site plan should be revised to correctly label the project.

The site plans illustrate the proposed 2,400 square-foot day care center with a one-way drive around the building and adjacent playground to the rear. On-site parking is indicated to be along the East side of the site. However, the plans are dated August 10, 2022, prior to the adoption of the Unified Development Code (UDC) and do not incorporate the Development Standards of Section 64-3 of the UDC, but rather of the previous Zoning Ordinance. No public sidewalk is indicated along the public street frontage, nor is a pedestrian connection indicated from the public sidewalk to the building entrance. Parking calculations are based on the building square footage and not upon the number of classrooms, although the provided number of parking spaces is correct. No bicycle parking calculation is provided, and no bicycle parking near the building entrance is indicated.

The landscaping calculations are based upon the previous 12% of total site landscaping required as per the Zoning Ordinance instead of the current 15% as per the UDC. The tree planting calculations do not incorporate the newer calculation requirements of the UDC, and the more relaxed requirements for perimeter tree plantings on a site bordered by other commercially-zoned sites, as in this instance.

There have not been any Use Variances or Special Exceptions granted within the surrounding neighborhood. If the Board approves the variance request, it should be subject to the applicant revising the site plan to be in compliance with the standards as set forth in Section 64-3 of the UDC.

Due to the various site plan deficiencies, the Board may want to consider a holdover to allow the applicant to revise the site plan to be in compliance with the current standards of Section 64-3 of the Unified Development Code (UDC).

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.
- (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. 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
- (l) 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:

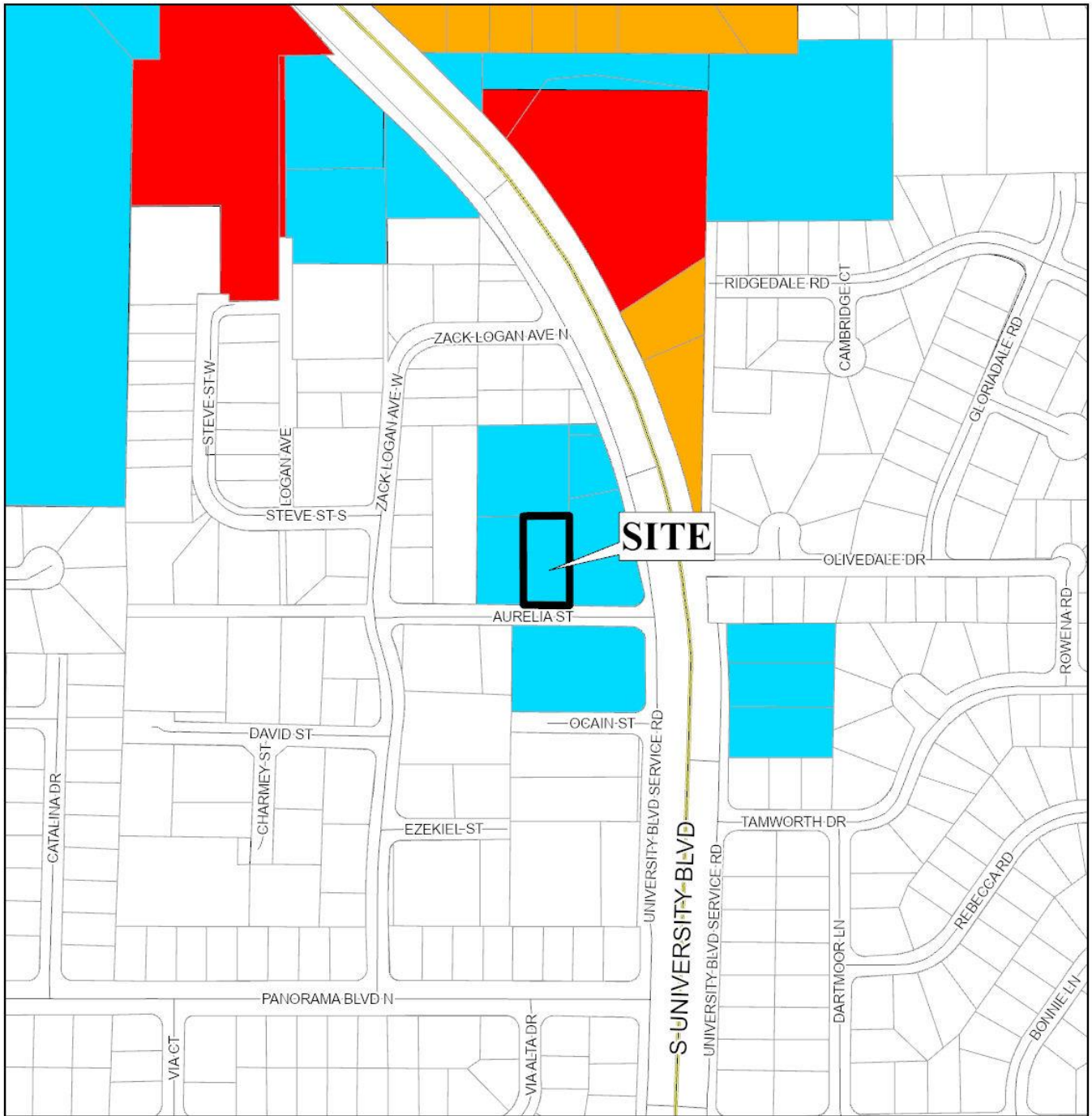
Based on the requested Special Exception application, if the Board considers approval of the request, the following findings of fact must be present:


- 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.
 - 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
 - L) 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 **December 2nd** meeting to allow the applicant time to:

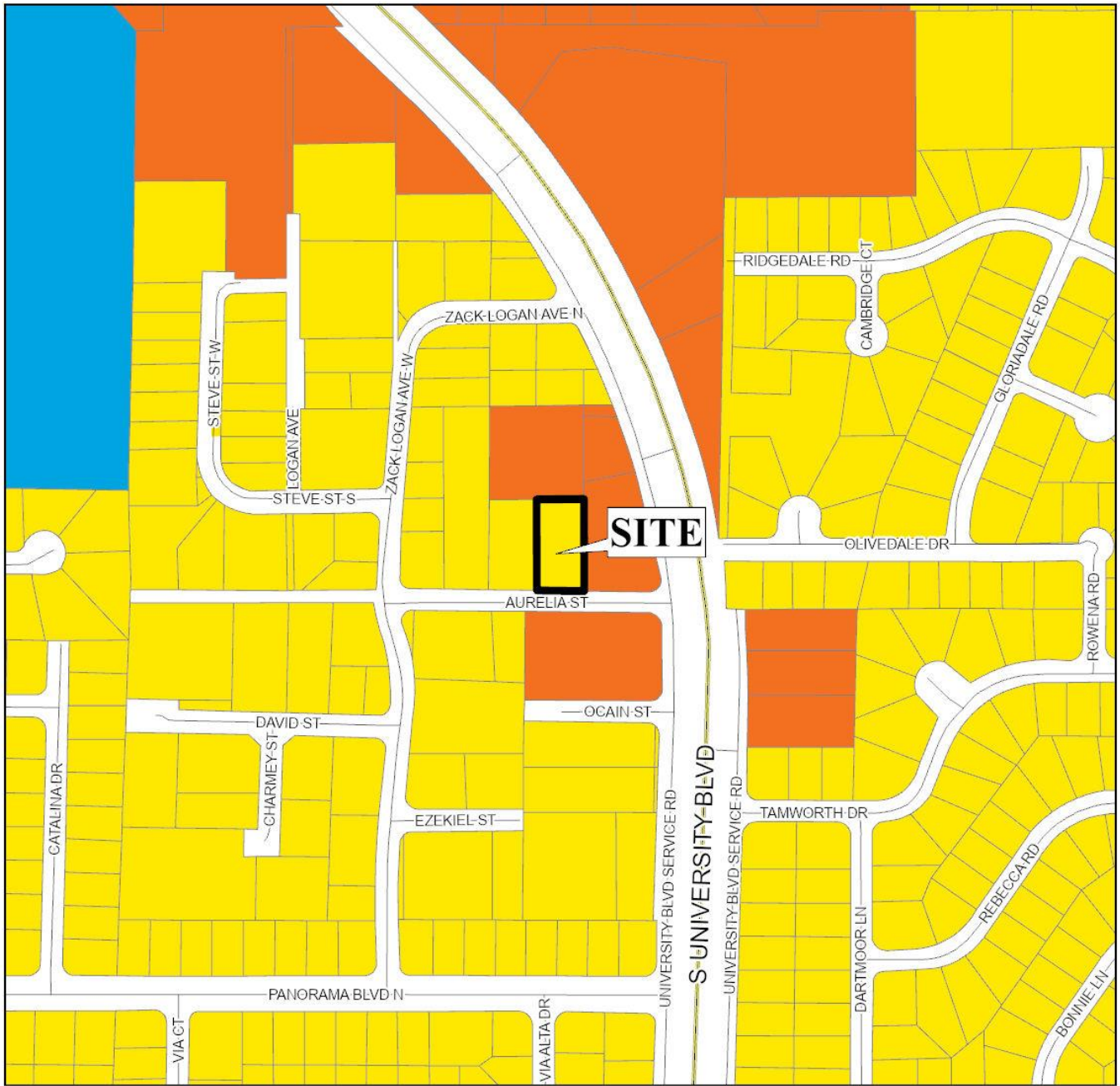
1. Provide a site plan that illustrates compliance with the development requirements of Article 3.

LOCATOR ZONING MAP



APPLICATION NUMBER <u>6630</u> DATE <u>November 4, 2024</u>	 NTS
APPLICANT <u>Hien Tran</u>	
REQUEST <u>Special Exception</u>	

FLUM LOCATOR MAP

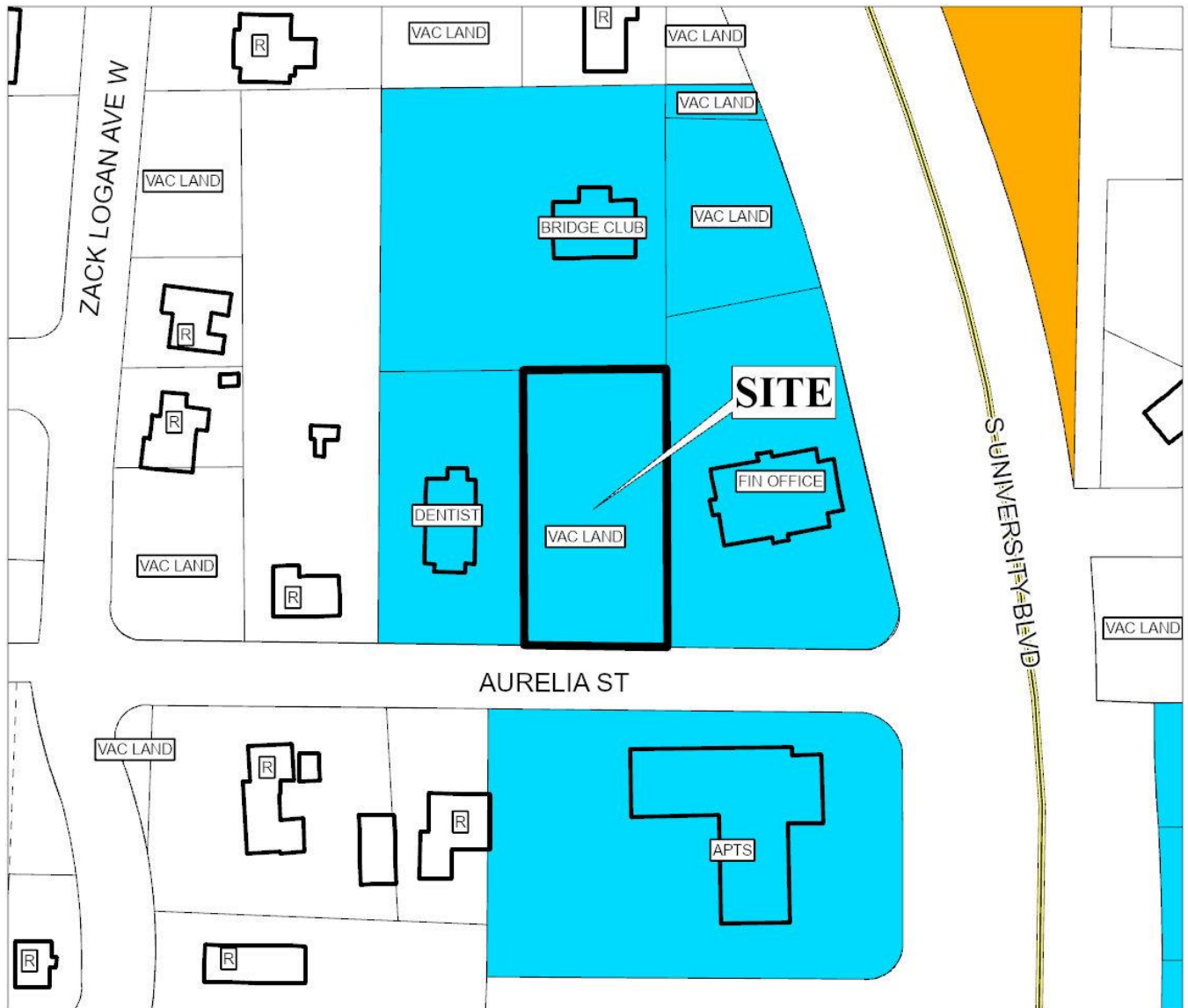


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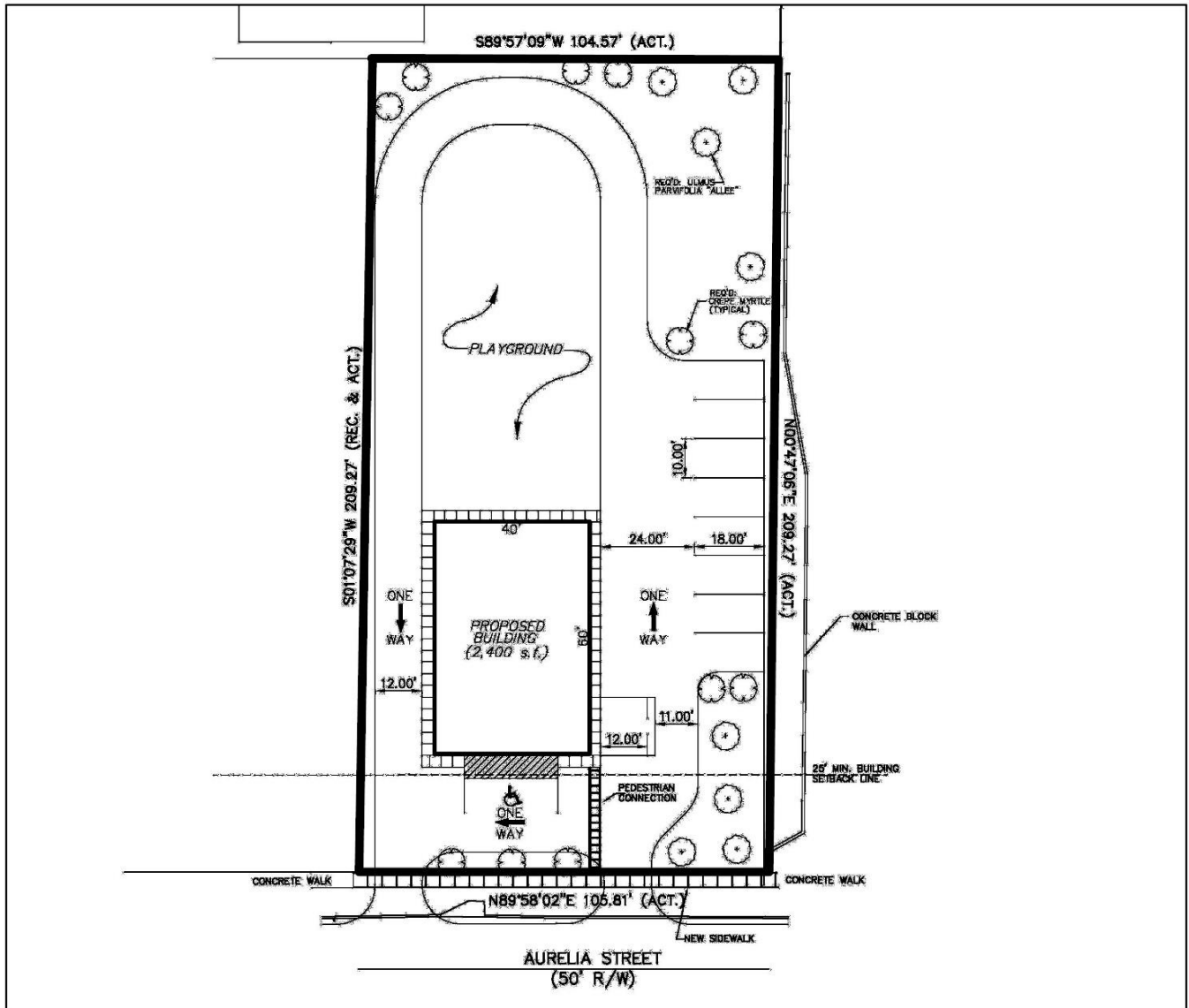
BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential and commercial units.

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SITE PLAN



The site plan illustrates the proposed building, setback, parking, and landscaping.

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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 (WDWRU)
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)

Residential Land Use



LOW DENSITY RESIDENTIAL (LDR)

This designation applies to existing residential neighborhoods found mostly west of the Beltline or immediately adjacent to the east side of the Beltline.

The primary land use in the LDR districts is residential and the predominant housing type is the single-family housing unit, detached or semi-detached, typically placed within a street grid or a network of meandering suburban streets. The density in these districts ranges between 0 and 6 dwelling units per acre (du/ac).

These neighborhoods may also contain small-scale, low-rise multi-unit structures at appropriate locations, as well as complementary retail, parks and civic institutions such as schools, community centers, neighborhood playgrounds, and churches or other religious uses if those uses are designed and sited in a manner compatible with and connected to the surrounding context. The presence of individual ancillary uses should contribute to the fabric of a complete neighborhood, developed at a walkable, bikeable human scale.