



Agenda Item # 7

BOA-003265-2025

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

720 Museum Drive

Applicant / Agent:

Burton Property Group, LLC

Property Owner:

City of Mobile

Current Zoning:

R-1, Single-Family Residential Suburban District,
within the Neighborhood General sub-district of the
Spring Hill Overlay

Future Land Use:

Neighborhood Center - Traditional

Case Number:

6662/6549

Unified Development Code (UDC) Requirement:

- The UDC does not allow hotels in an R-1, Single-Family Residential Suburban District, within the Neighborhood General sub-district of the Spring Hill Overlay.

Board Consideration:

- Use Variance to allow a hotel on a site currently zoned R-1, Single-Family Residential Suburban District, within the Neighborhood General sub-district of the Spring Hill Overlay.

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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential and commercial units.

APPLICATION NUMBER <u> 6662 </u> DATE <u> April 7, 2025 </u>	 NTS
APPLICANT <u> Philip Burton, Burton Property Group, LLC </u>	
REQUEST <u> Use Variance </u>	

SITE HISTORY

The site was formerly used by the Alabama National Guard as an armory with the existing large building constructed in the mid to late 1960's. The Armory Commission of Alabama deeded the property to the City in the 2000's and in 2023, the City published a Request For Proposal (RFP) to sell the property.

The site was previously before the Board of Zoning Adjustment at its December 4, 2023 meeting with an application to allow a Planned Development on the subject site. The applicant withdrew the application.

STAFF COMMENTS

Engineering Comments:

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

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 a hotel on a site currently zoned R-1, Single-Family Residential Suburban District, within the Neighborhood General sub-district of the Spring Hill Overlay; the Unified Development Code (UDC) does not allow hotels in an R-1, Single-Family Residential Suburban District, within the Neighborhood General sub-district of the Spring Hill Overlay.

A detailed description of the proposed Use Variance request is available via the link on Page 1 of this report.

It should be noted that the applicant is proposing to obtain a portion of the adjacent property to the Southeast, currently occupied by a fire station. As such, if approved, a 2-lot Subdivision application will be required in order to shift the interior property line.

As stated previously, the site was originally developed with an Alabama National Guard armory. The applicant is proposing to construct a new building, which would house a hotel with 87± rooms. The armory building is illustrated as being removed from the site, and a second building will be built in its current location. No mention is made of the proposed use/occupant for the second building. As the site will be completely re-developed, it must fully comply with all requirements of the Unified Development Code (UDC).

The site plan states that the proposed hotel will be three (3) and four (4) stories tall. Chapter 64, Article 13-4.D.3(c) of the UDC limits buildings to no more than three (3) stories. The applicant's narrative submitted with the application does not address the building height.

Chapter 64, Article 13-4.D.3(d) of the UDC requires the principal façade of a building shall be built within six-feet to eighteen-feet of the front property line. The hotel is approximately three-feet from McGregor Avenue, and the second building depicted on the site plan is approximately 118.5-feet from Museum Drive, so that neither complies with this requirement.

Chapter 64, Article 13-4.D.3(e) of the UDC requires that at the time of redevelopment, the associated sidewalk and/or streetscapes required by the Spring Hill Overlay must be made. The site plan submitted does not depict 12-foot wide sidewalks, or street trees, as required by the Spring Hill Overlay. If approved, the site will have to comply with these requirements.

Chapter 64, Article 13-4.D.3(f)(1) of the UDC requires the building frontage to be 60% to 100% of the lot frontage. The proposed hotel occupies approximately 51% of the McGregor Avenue frontage, and the second structure occupies 0% of the Museum Drive frontage.

VARIANCE CONSIDERATIONS

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:

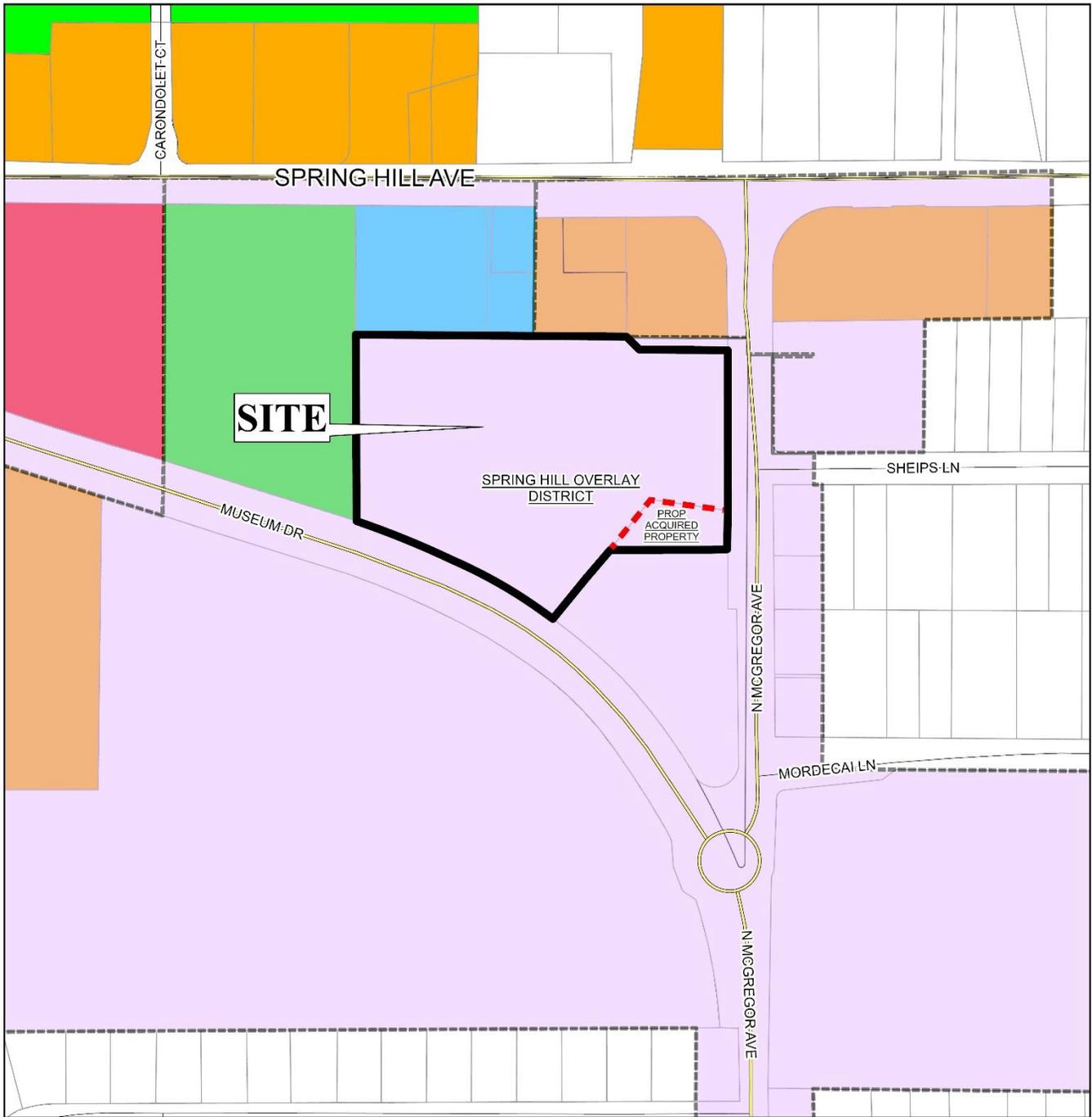
If the Board considers approval of the request, the following findings of fact must be present:

- 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 Variance should be subject to the following conditions:

- 1) Completion of a 2-lot Subdivision to alter the interior lot lines between the subject site and the fire station;
- 2) Either revision of the site plan to fully comply with the Spring Hill Overlay requirements, or submittal of a site variance to address the non-conforming aspects; and
- 3) Full compliance with all municipal codes and ordinances.

LOCATOR ZONING MAP



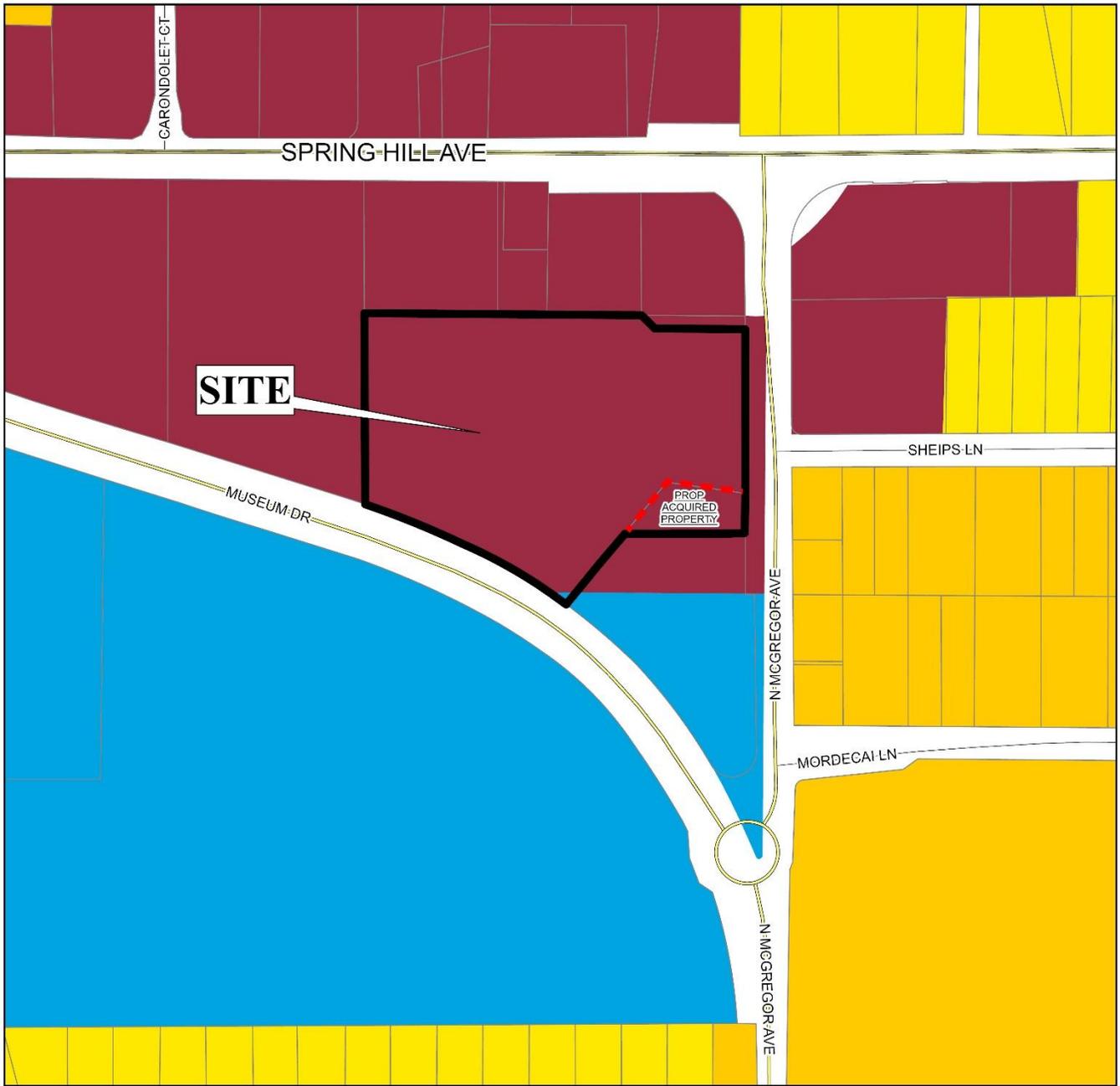
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REQUEST Use Variance



FLUM LOCATOR MAP



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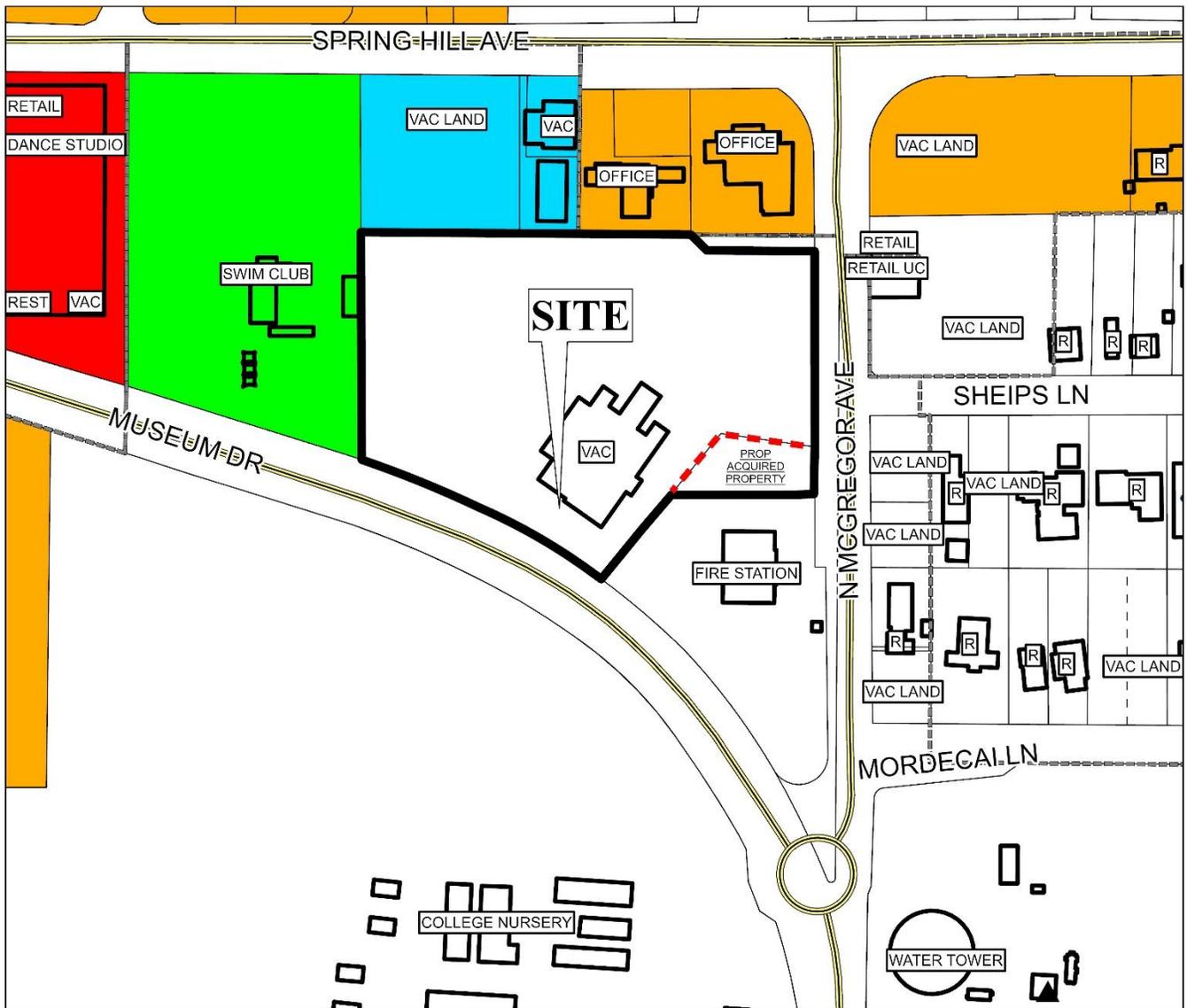
REQUEST Use Variance

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



NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



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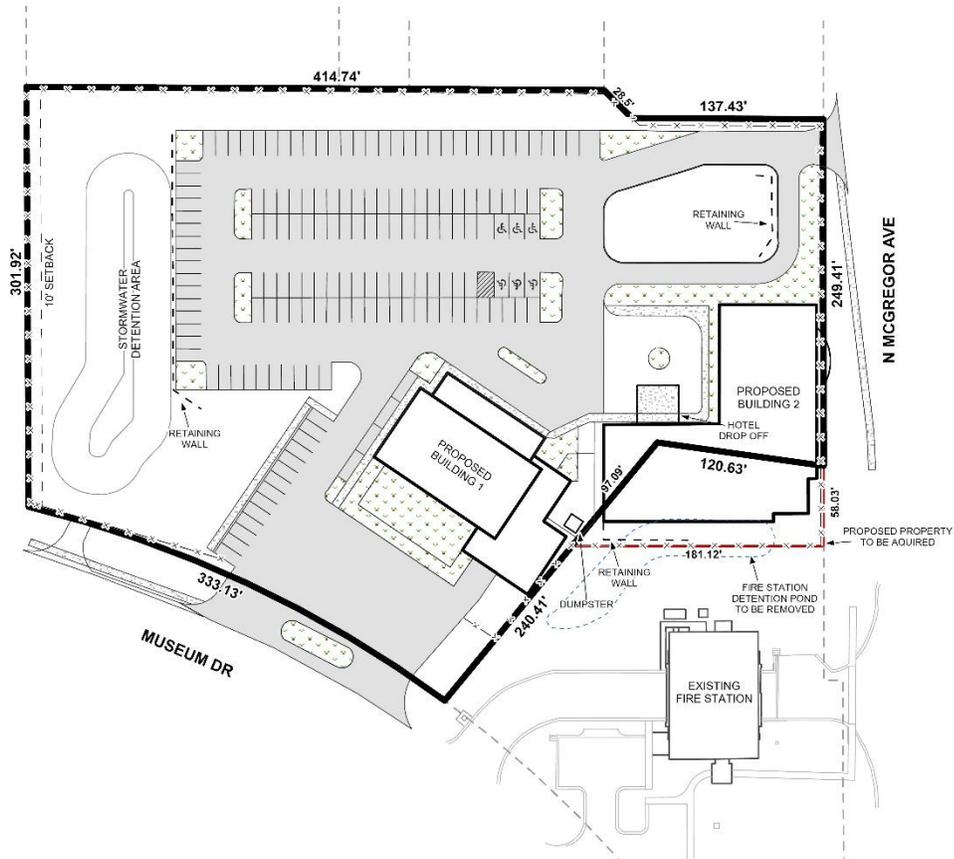
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 R-A	 R-3	 B-1	 B-2	 B-5	 ML	 I-2	 OPEN	 T-3	 T-5.2
 R-1	 R-B	 T-B	 B-3	 CW	 MH	 PD	 SD	 T-4	 T-6
 R-2	 H-B	 LB-2	 B-4	 MM	 I-1	 MUN	 SD-WH	 T-5.1	



SITE PLAN



The site plan illustrates the proposed buildings, setback, proposed property to be acquired, parking and drives.

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DETAIL SITE PLAN



Conceptual
Architectural
Theme



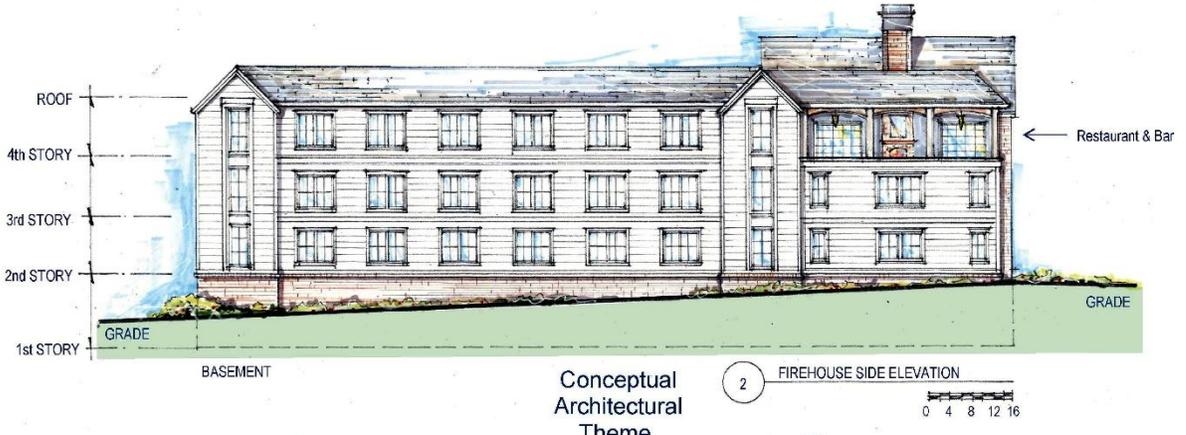
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DETAIL SITE PLAN



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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)

NEIGHBORHOOD CENTER (NC)

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.

General Principles for Neighborhood 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.

Additional Attributes of Neighborhood Centers:

- › **NC in traditional contexts:** These tend to be in those areas east of the Beltline and correspond to MxDR neighborhoods. In these NCs, buildings should orient to the street, with on-site parking typically pushed to the back of the site. The design qualities of the public realm are emphasized, including the provision of continuous sidewalks, tree canopy, pedestrian amenities, on-street parking and bicycle facilities where appropriate.
- › **NC in suburban contexts:** These 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.).