



Agenda Item # 8

BOA-003137-2024

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

4450 Old Shell Road

Applicant / Agent:

Byrd Surveying (Kari Givens)

Property Owner:

Springhill Convenience, LLC

Current Zoning:

Village Center Sub-District of the Spring Hill Overlay District

Future Land Use:

Traditional Neighborhood Center

Case Number(s):

6636/4525/3365/2146

Unified Development Code Requirements:

- Sidewalks are required to be a minimum of 12-foot wide in a Village Center Sub-District of the Spring Hill Overlay District.
- Vehicular parking access is limited to a maximum of 30-feet in width in a Village Center Sub-District of the Spring Hill Overlay District.
- Street trees are to be spaced no more than 30-feet apart in a Village Center Sub-District of the Spring Hill Overlay District.

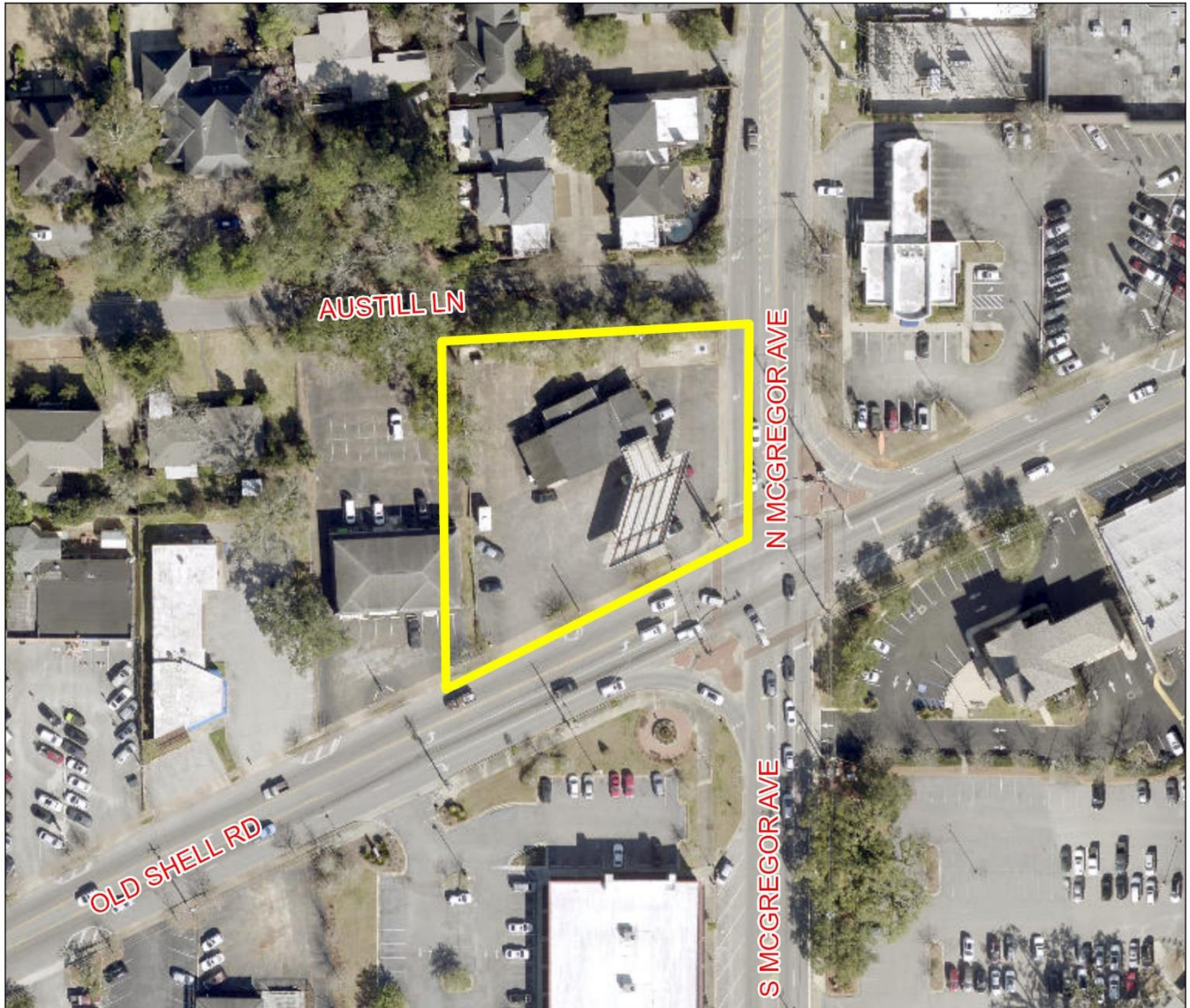
Board Consideration:

- Sidewalk Width Variance to allow sidewalks less than 12-foot wide in a Village Center Sub-District of the Spring Hill Overlay District.
- Vehicular Parking Access Width Variance to allow vehicular parking access exceeding 30-foot wide in a Village Center Sub-District of the Spring Hill Overlay District.
- Street Tree Spacing Variance to allow street trees spaced more than 30-feet apart in a Village Center Sub-District of the Spring Hill Overlay District.

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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential and commercial units.

APPLICATION NUMBER 6636 DATE December 2, 2024

APPLICANT Byrd Surveying (Kari Givens)

REQUEST Sidewalk Width, Vehicular Parking Access Width, and Street Tree Spacing Variances



NTS

SITE HISTORY

At the December 5, 1966 meeting, the Board of Adjustment approved a reduced side yard setback to allow a gas canopy within the required setbacks.

At the April 3, 1978 meeting, the Board of Adjustment approved a reduced front yard setback to allow a replacement gas canopy within the required setbacks.

At the November 6, 1995 meeting, the Board of Adjustment approved front yard and side yard setback variances to permit construction of a replacement gas canopy within 15-feet of Old Shell Road and within 18-feet of McGregor Avenue.

There have been no Planning Commission applications associated with the site.

STAFF COMMENTS

Engineering Comments:

No comments.

Traffic Engineering Comments:

Traffic Engineering has no issues with the larger driveways. 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 13, Section 64-13-6 and 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 Sidewalk Width, Vehicular Parking Access Width, and Street Tree Spacing Variances to allow sidewalks less than 12-foot wide, vehicular parking access exceeding 30-foot wide, and street trees spaced more than 30-feet apart in a Village Center Sub-District of the Spring Hill Overlay District; the Unified Development Code (UDC) requires 12-foot wide sidewalks, vehicular parking access not to exceed 30-feet in width, and street trees spaced no more than 30-feet apart in a Village Center Sub-District of the Spring Hill Overlay District.

The complete application and supporting documents are available via the link on page 1.

The subject site is developed with an existing gas station that is proposing to make improvements, including replacing the existing gas canopy with a new canopy. Since the adoption of the UDC, and the Spring Hill Overlay District becoming a requirement, the placement of the canopy will comply with setback requirements, and no longer requires a variance, as it did previously.

The proposed site plan submitted by the applicant depicts 10-foot wide sidewalks along the majority of the property frontage, with the exception of a portion along McGregor Avenue, adjacent to the underground storage tanks, where the sidewalk is proposed to remain in its existing configuration of approximately four (4)-feet wide. Chapter 64, Article 13-4.B.3.(e)(1) of the UDC requires sidewalks in the Spring Hill Overlay District to be a minimum of twelve (12)-feet wide.

The subject site has three (3) existing curb cuts to Old Shell Road, and two (2) existing curb cuts to McGregor Avenue. The proposed site plan shows all but one (1) curb cut to each street frontage being removed from the site, and the remaining curb cuts to be 32-feet wide each. Chapter 64, Article 13-6.F.2. of the UDC requires curb cuts to be a minimum of 24-feet wide, and a maximum of 30-feet wide.

Chapter 64, Article 13-5.D.6. of the UDC requires street trees to be planted approximately 30-feet on center. The proposed site plan depicts a total of four (4) street trees. The proposed trees are spaced approximately 76-feet, 27-feet, and 51-feet apart. If the trees were spaced closer together, as required, additional trees could be placed on the subject site.

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 4 Section 64-4-9.G.21.(a) states that the Board may grant approval of a site plan development Variance if the Applicant demonstrates with written evidence that:

- The location, shape, appearance or nature of use of the proposed Tower will not substantially detract from the aesthetics of the area nor change the character of the neighborhood in which the Tower is proposed to be located; and
- The site plan development modification will not create any threat to the public health, safety or welfare.

Article 5 Section 64-5-10-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 64-5-10-E.2. states no variance shall be granted:

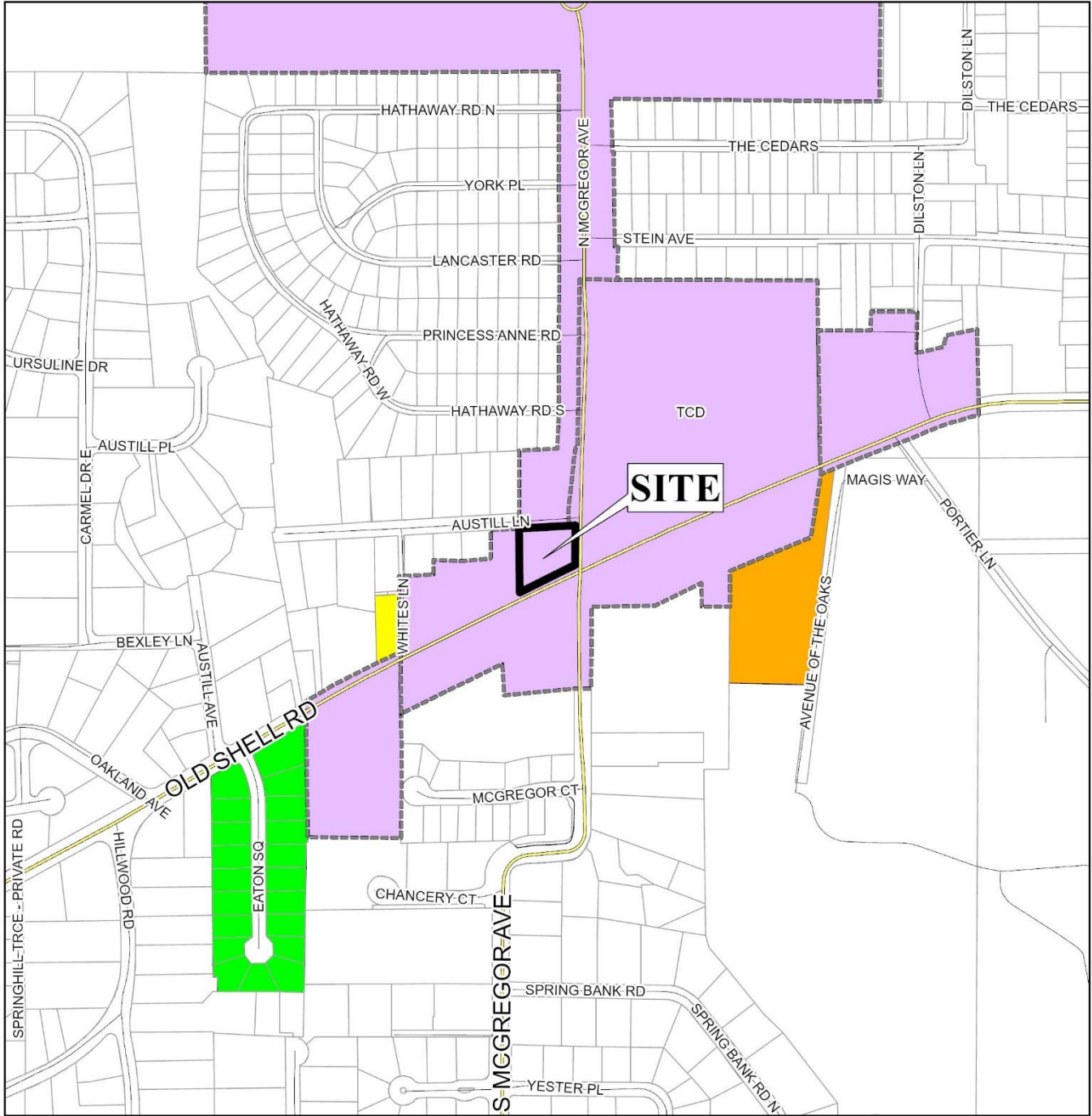
- (a) In order to relieve an owner of restrictive covenants that are recorded in Mobile County Probate Court and applicable to the property;
- (b) Where economic loss is the sole basis for the required variance; or
- (c) Where the variance is otherwise unlawful.


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 present:

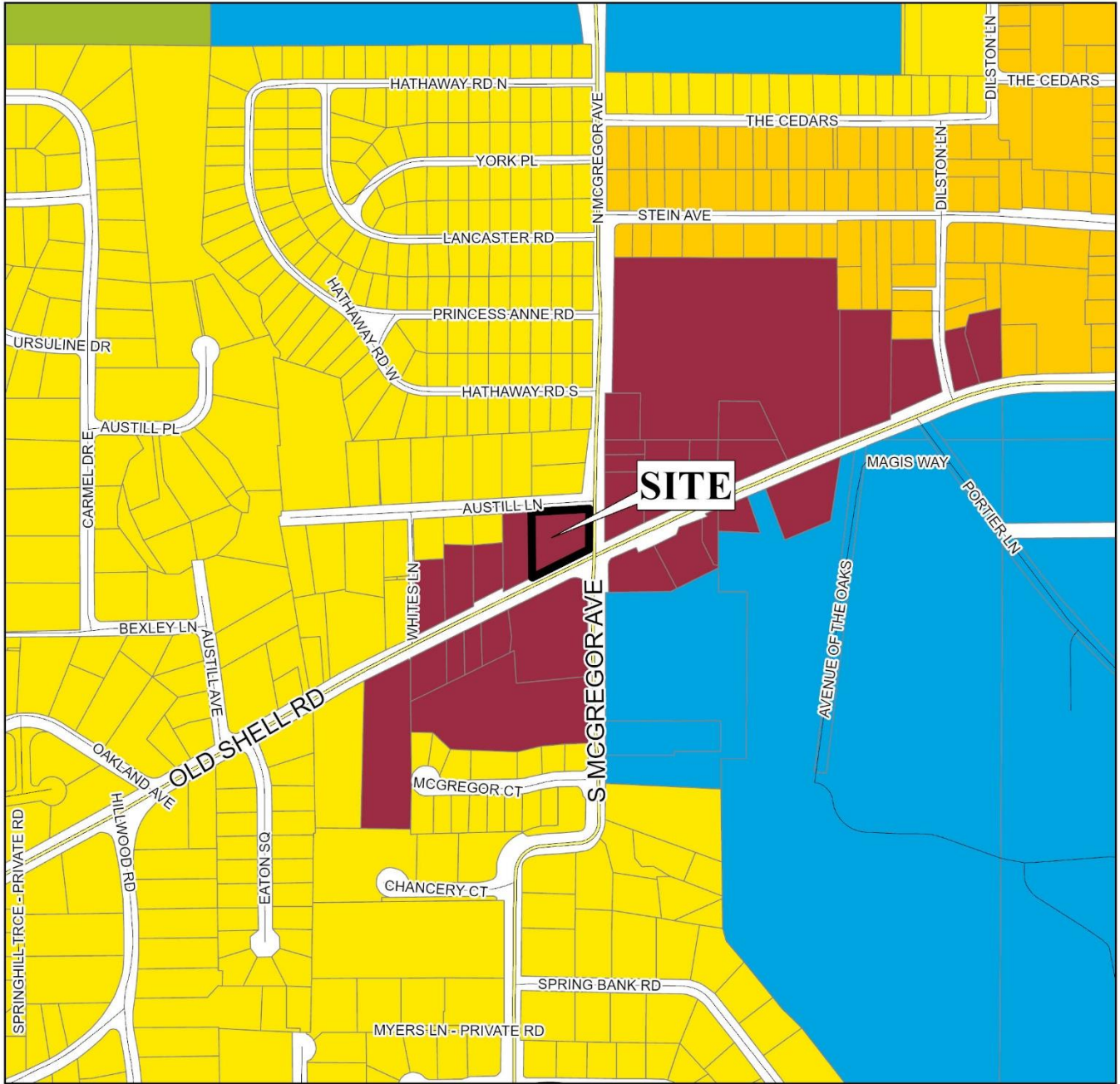
- A. The variance **will not** be contrary to the public interest;
- B. Special conditions **exist** such that a literal enforcement of the provisions of the chapter **will** result in unnecessary hardship; and
- C. The spirit of the chapter **shall be** observed and substantial justice **done** to the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

LOCATOR ZONING MAP



APPLICATION NUMBER <u>6636</u> DATE <u>December 2, 2024</u>	 NTS
APPLICANT <u>Byrd Surveying (Kari Givens)</u>	
REQUEST <u>Sidewalk Width, Vehicular Parking Access Width, and Street Tree Spacing Variances</u>	

FLUM LOCATOR MAP



APPLICATION NUMBER 6636 DATE December 2, 2024

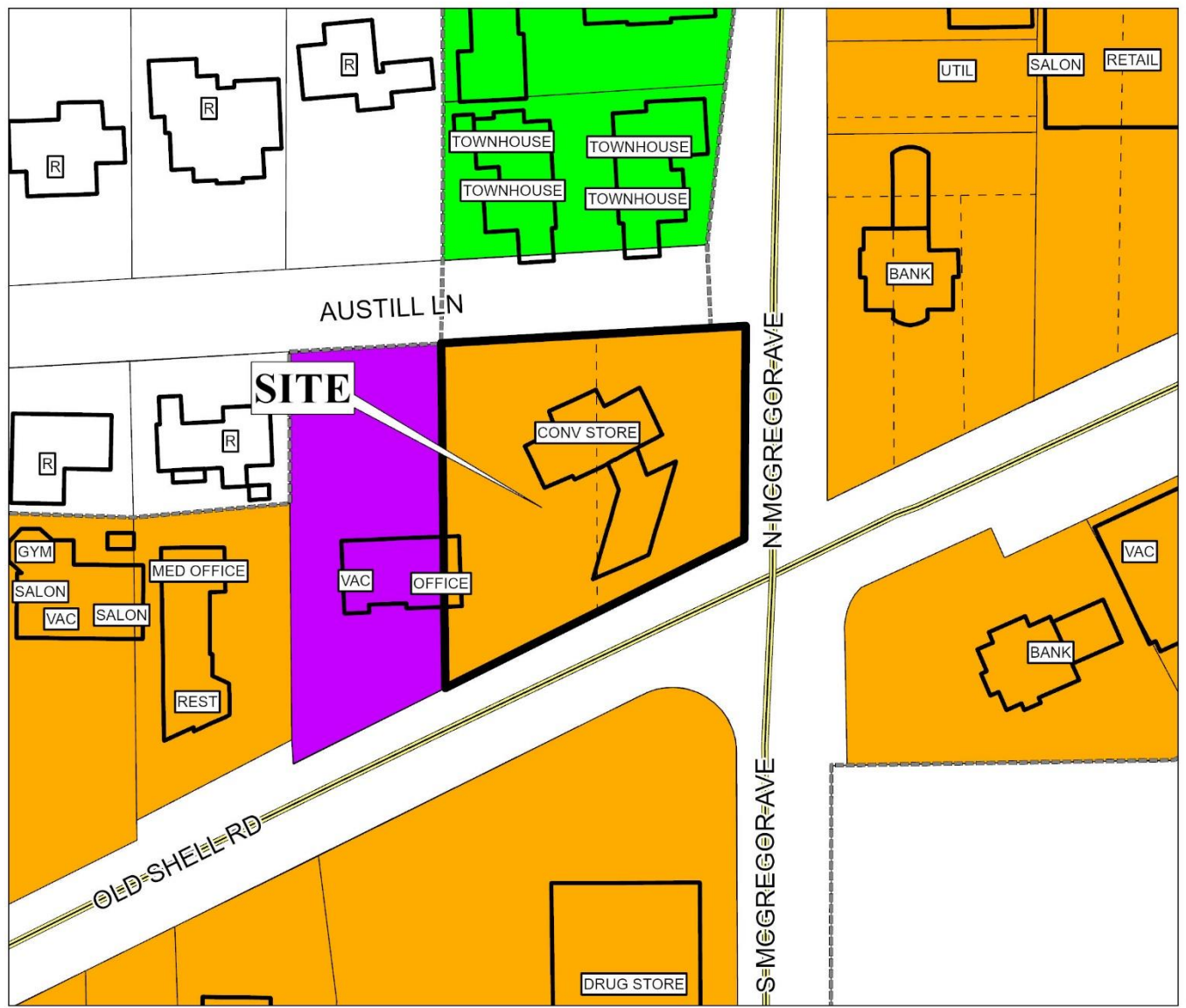
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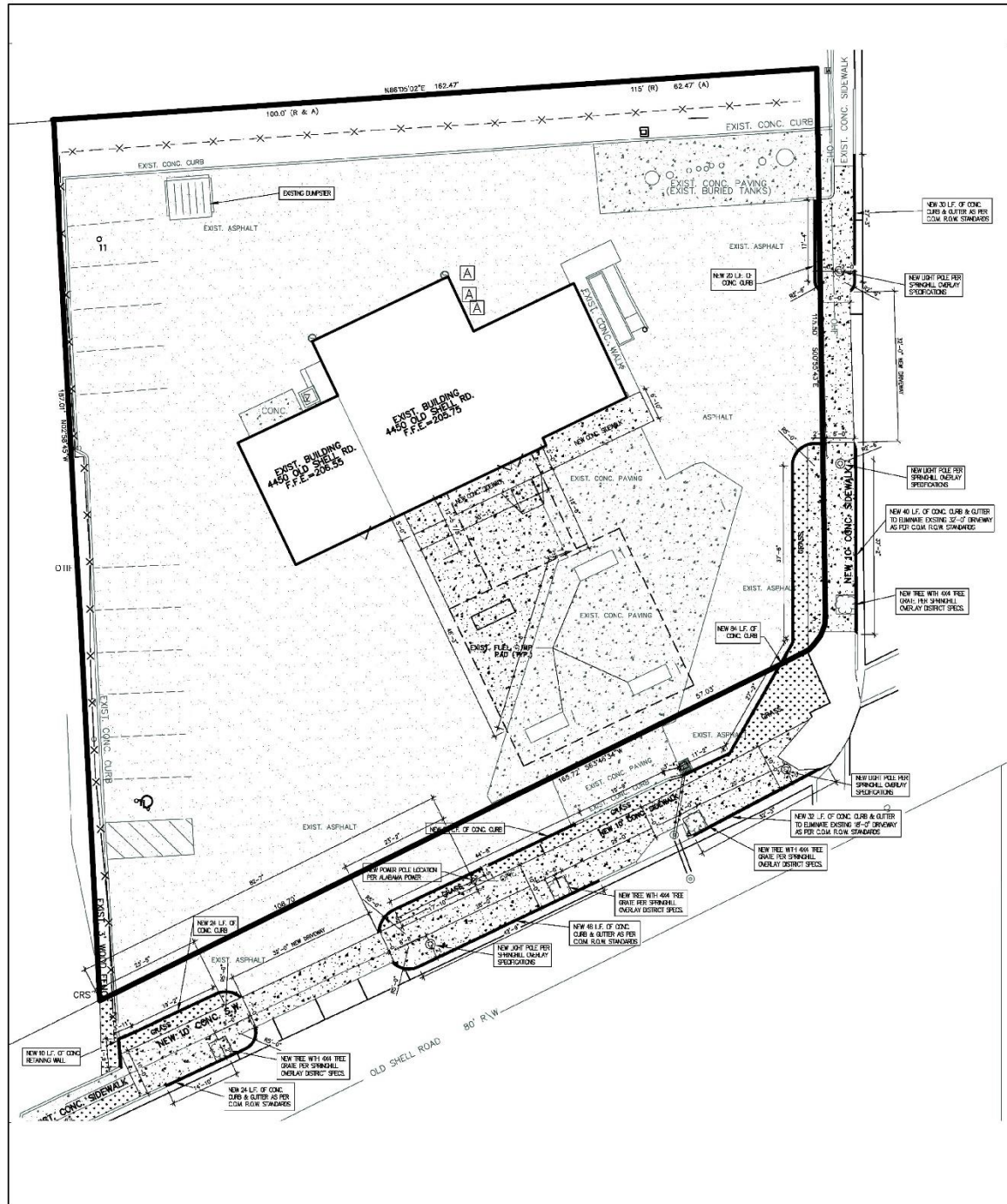
BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING




The site is surrounded by residential and commercial units.

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SITE PLAN



The site plan illustrates the existing building, parking, fuel pumps, and proposed work.

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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 (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)

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.).