



Agenda Item # 10
BOA-SE-003140-2024

View additional details on this proposal and all application materials using the following link:
[Applicant Materials for Consideration](#)

DETAILS

Location:
3600 Old Shell Road

Applicant / Agent:
Barton and Shumer (David Shumer)

Property Owner:
Russell Investments, LLC

Current Zoning:
B-2, Neighborhood Business Suburban District

Future Land Use:
Traditional Mixed-Use Corridor

Case Number:
6638/644

Unified Development Code (UDC) Requirement:

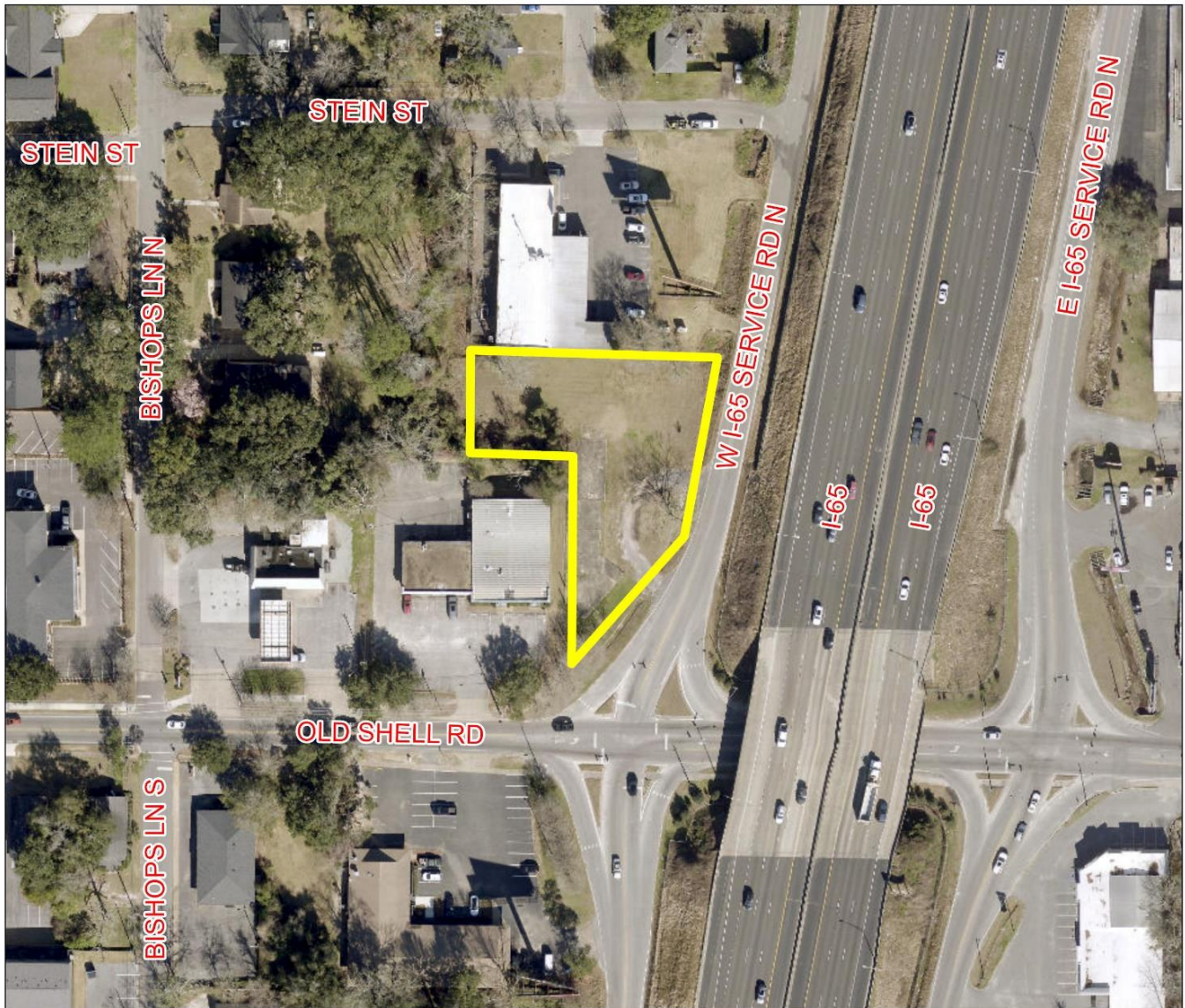
- The Unified Development Code (UDC) requires a Special Exception to allow a self-service storage facility in a B-2, Neighborhood Business Suburban District.

Board Consideration:


- Special Exception to allow a self-service storage facility in a B-2, Neighborhood Business Suburban District.

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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential units to the northwest, and commercial units to the southwest.

APPLICATION NUMBER <u> 6638 </u> DATE <u> December 2, 2024 </u>	 NTS
APPLICANT <u> Barton and Shumer (David Shumer) </u>	
REQUEST <u> Special Exception </u>	

SITE HISTORY

The subject site was granted a Use Variance in July 1955 under the 1951 Zoning Ordinance to permit an auxiliary building in the rear of a lot. The 1951 – 1966 zoning map appears to indicate an R-1, Single-Family Residential District zoning classification for the site.

The site was used for many years as a custom reproduction antique furniture shop.

With the adoption of the 1967 Zoning Ordinance, the site was assigned a B-2, Neighborhood Business District zoning classification, and subsequently, with the adoption of the Unified Development Code, the site was assigned its current B-2, Neighborhood Business Suburban District zoning classification.

In October 2023, the site became a legal lot of record via Russell Subdivision, which has been recorded in Probate Court.

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:

Driveway number, size, location, and design to be approved by ALDOT 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 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 self-service storage facility in a B-2, Neighborhood Business Suburban District; the Unified Development Code (UDC) requires a Special Exception to allow a self-service storage facility in a B-2, Neighborhood Business Suburban District.

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

The subject site is currently vacant. It is bordered entirely along its North by B-3, Community Business Suburban District zoning in use as a fitness center. The Northern portion of the site is bordered along the West by R-1, Single-Family Residential Suburban District zoning used as a single-family dwelling. The rest of the site to the West and South is bordered by other B-2 zoning.

The site plan submitted with the application illustrates the proposed development with two (2) pre-engineered metal buildings and associated parking and maneuvering area. A 30-foot by 120-foot two-story building (7,200 square feet) is proposed approximately 20 feet off the North property line and 17 feet off the West property line, and a 15-foot by 90-foot single-story building (1,350 square feet) is proposed to the South in the middle of the site approximately ten (10) feet off the Western property line.

It should be noted that the site plan has various non-compliant aspects. Required trees are indicated to be planted within a ten-foot (10') drainage easement along the North and West sides of the site. The Unified Development Code prohibits required tree plantings within drainage and utility easements. However, a 6-foot high evergreen planted buffer is still required due to adjacent residential use. Tree credits are indicated for crepe myrtles planted within the right-of-way. However, as the canopies of those trees are not indicated to cross over the front property line onto the subject site, no credits for such are allowed.

Vehicular parking calculations provided only account for the storage facility use. However, the building plans specifically indicate a ground-floor office in the larger building. Therefore, the vehicular parking calculations must be revised to account for both the storage facility and office area, with revised parking illustrated on the site layout (to also include accessible parking). Vehicular parking calculations on the landscape plan are based on 21 parking spaces. These should be revised to agree with the revised calculations on the site layout. No bicycle parking spaces are provided. As the total square footage of the two buildings is proposed to be 8,550 square feet, two (2) bicycle parking spaces are required. The site layout should be revised to include correct bicycle parking calculations and illustrate a compliant bicycle parking area near the main building entrance.

The site plan does not indicate a dumpster. Therefore, the site plan should be revised to either indicate a compliant dumpster and access, or a note should be required on the site plan stating that no dumpster will be utilized, and all refuse collection will be either by curbside service or private can collection service.

As the site adjoins residentially zoned property to the West, a 10-foot (10') wide protection buffer equipped with a 6-foot tall privacy fence/wall and screen planting is required, per Article 3, Section 64-3-8. of the UDC. The site plan does not indicate the privacy wall/fence aspect of this requirement and should be revised to provide such.

There was a Special Exception Building Site Area granted in 1960 for the construction of a 100-unit apartment complex within the block bordered by Old Shell Road, Bishop Lane North, Wacker Lane North and Stein Street, but the proposed development was never built. There have not been any other 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), as this is part of the criteria when considering a Special Exception.

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:

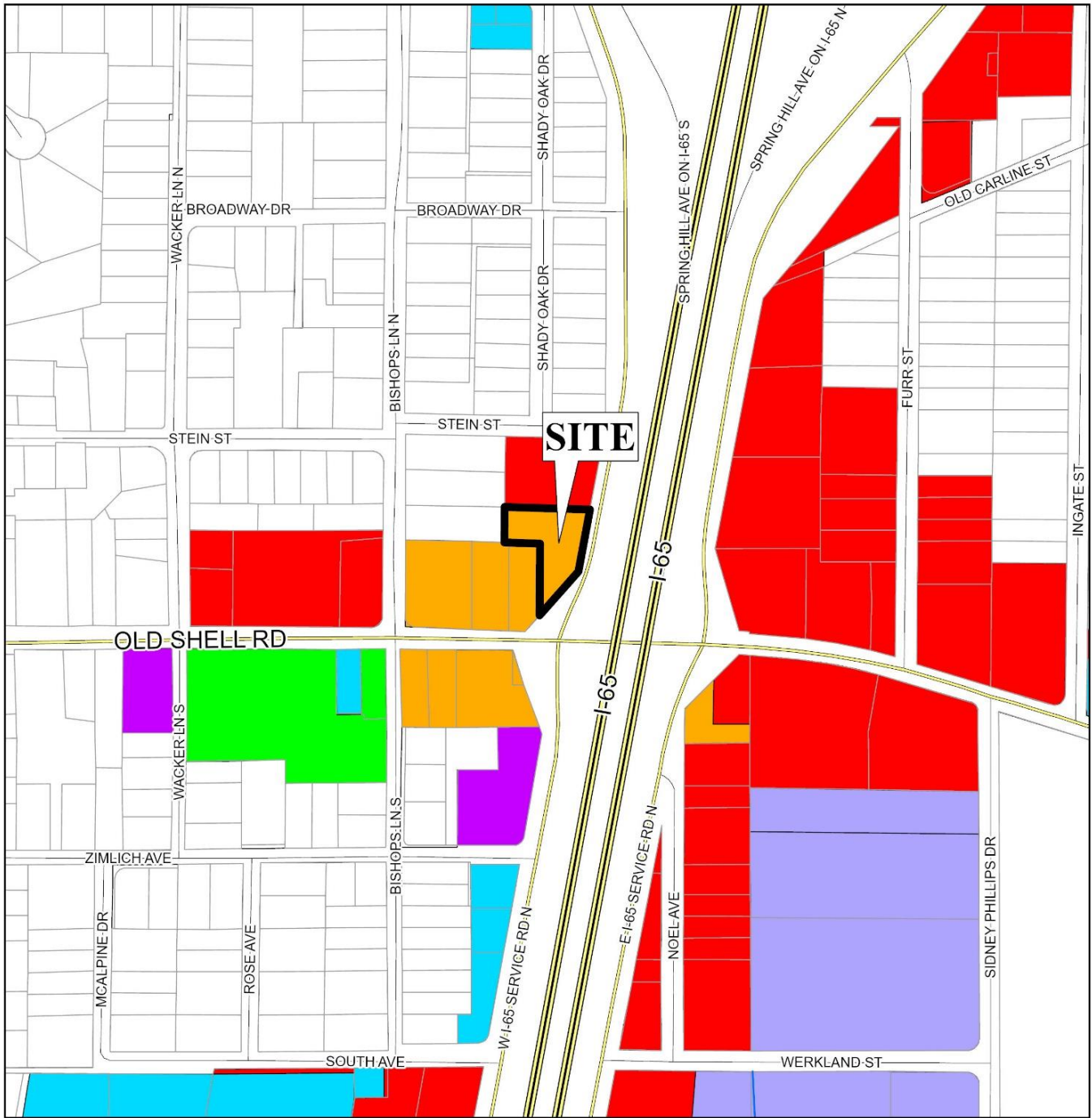
- A) The proposed use **is** in harmony with the general purpose, goals, objectives and standards of this Chapter, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City.
- B) The proposed use at the proposed location **shall not** result 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 **January 6, 2025** meeting to allow the applicant time to:

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

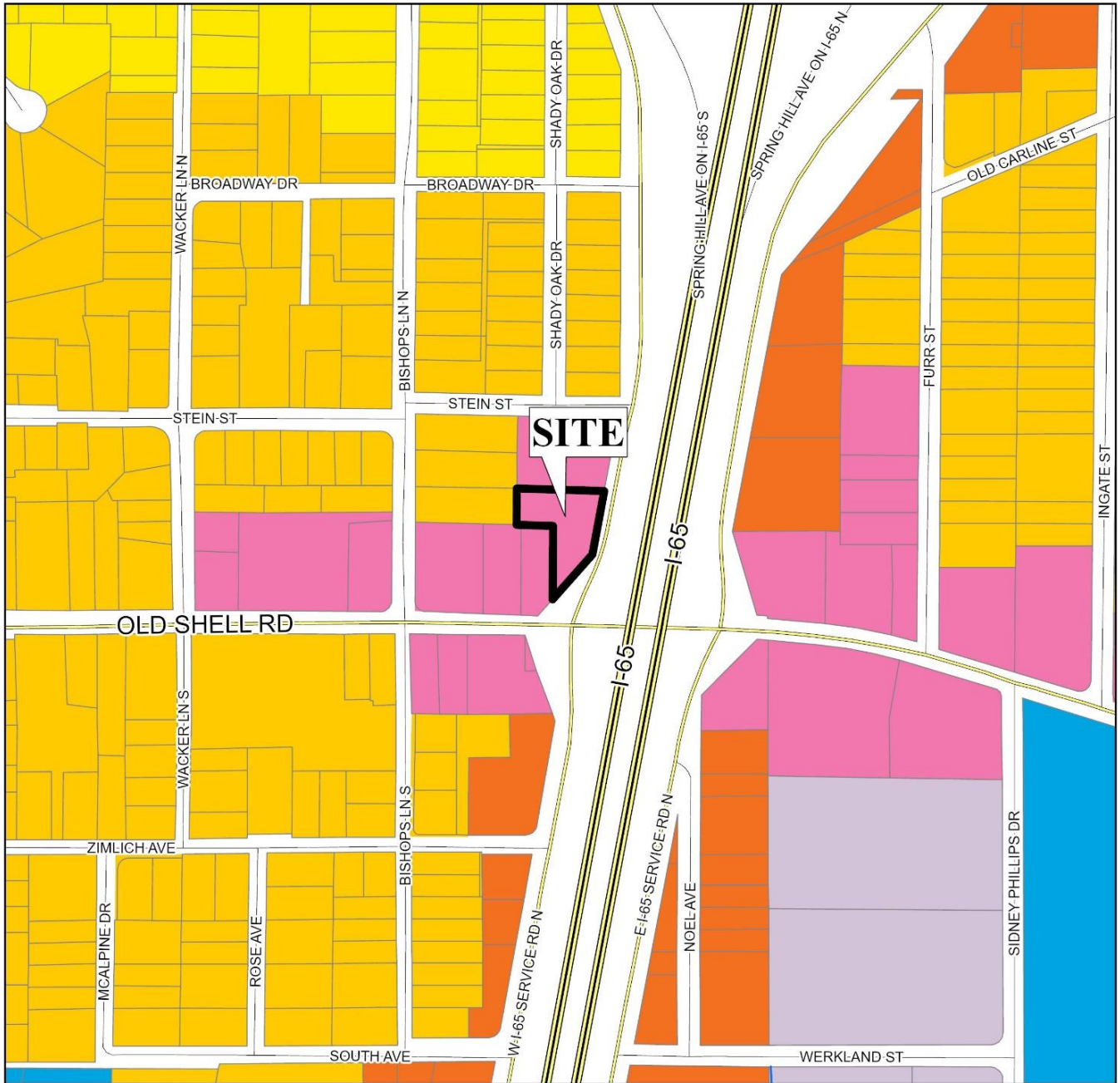
LOCATOR ZONING MAP



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APPLICANT	Barton and Shumer (David Shumer)		
REQUEST	Special Exception		



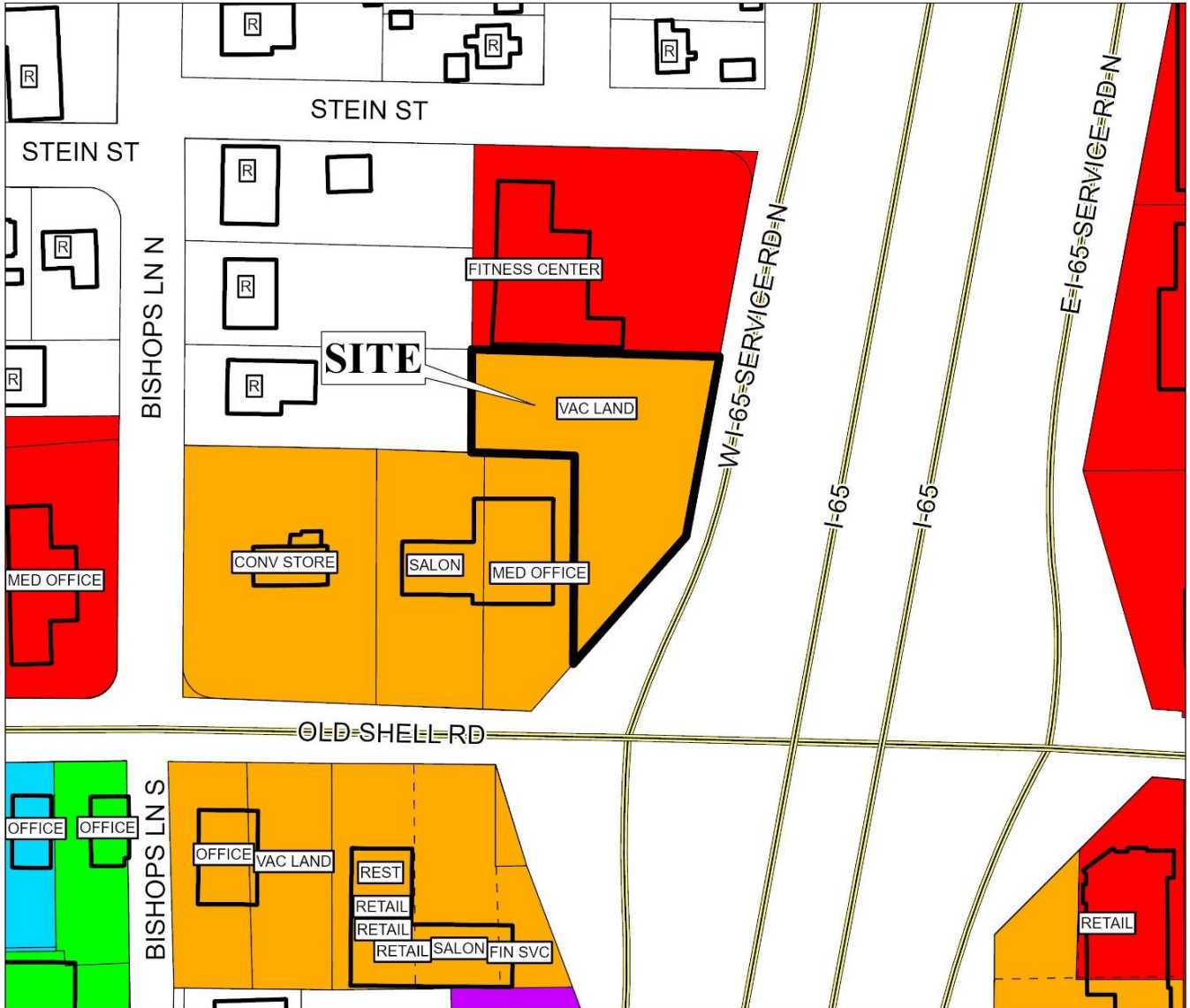
FLUM LOCATOR MAP




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 APPLICANT Barton and Shumer (David Shumer)
 REQUEST Special Exception



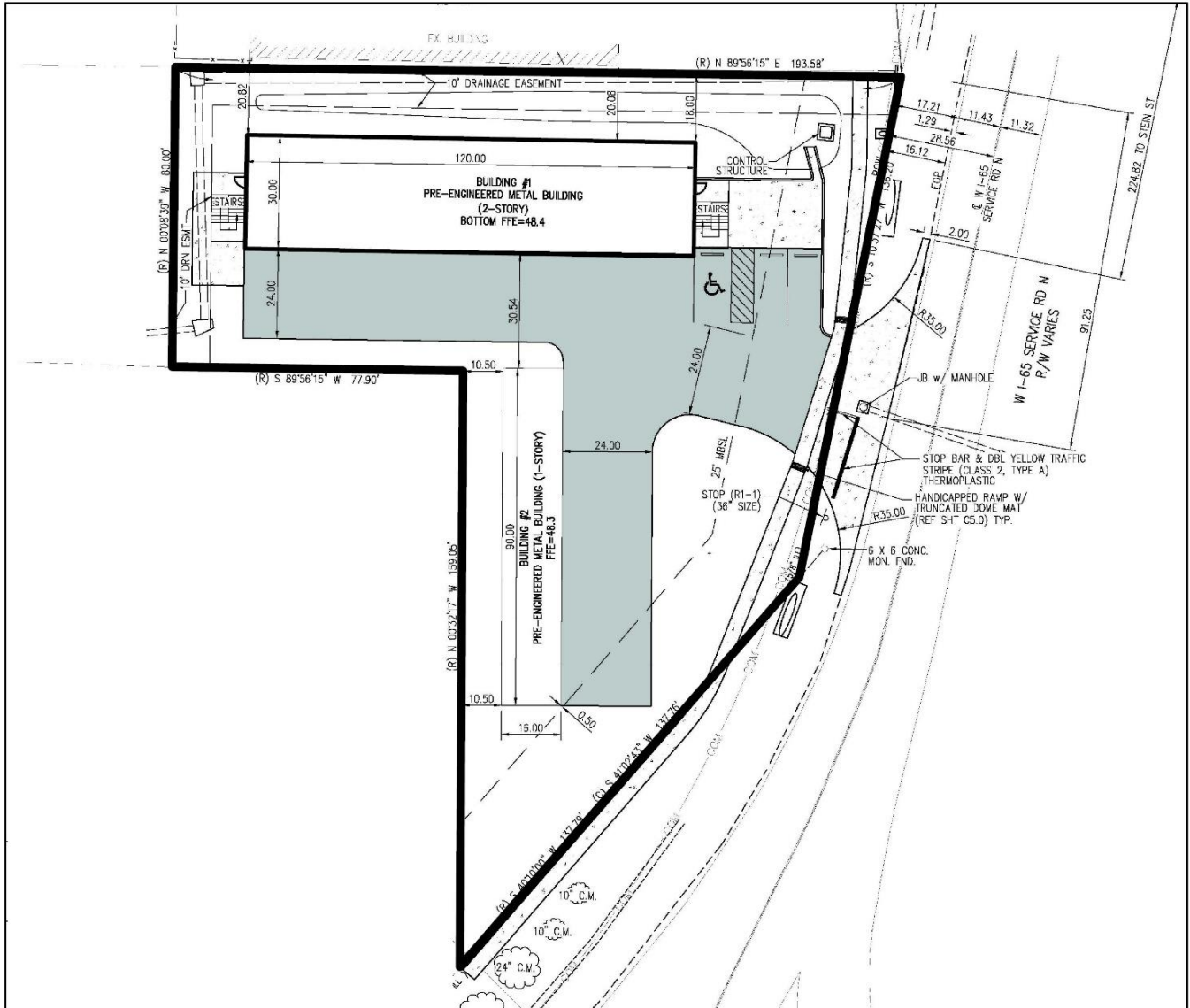
BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units to the northwest, and commercial units to the southwest.

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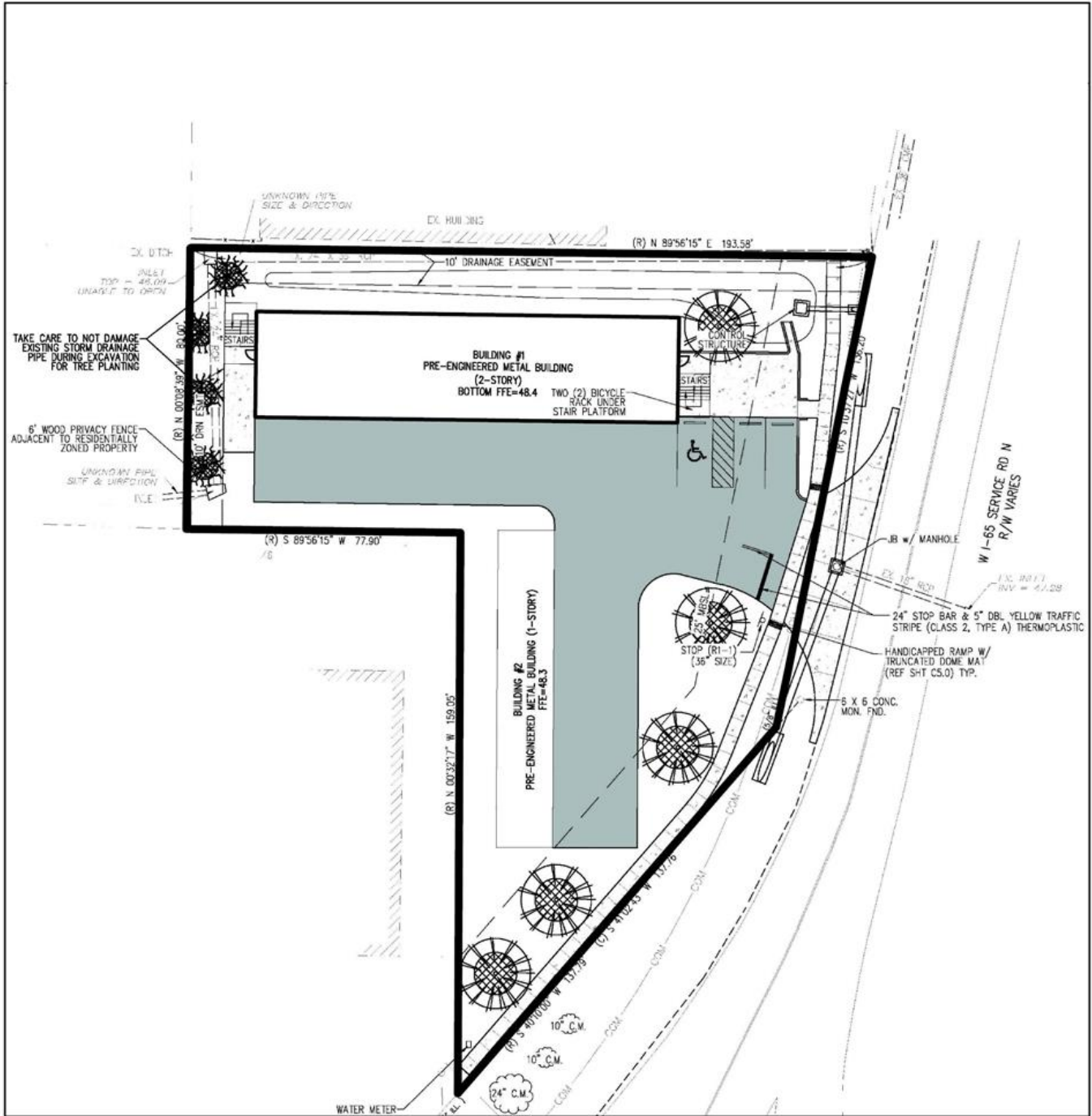
SITE PLAN



The site plan illustrates the proposed building, parking, setbacks, and easements.

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LANDSCAPE SITE PLAN



APPLICATION NUMBER 6638 DATE December 2, 2024

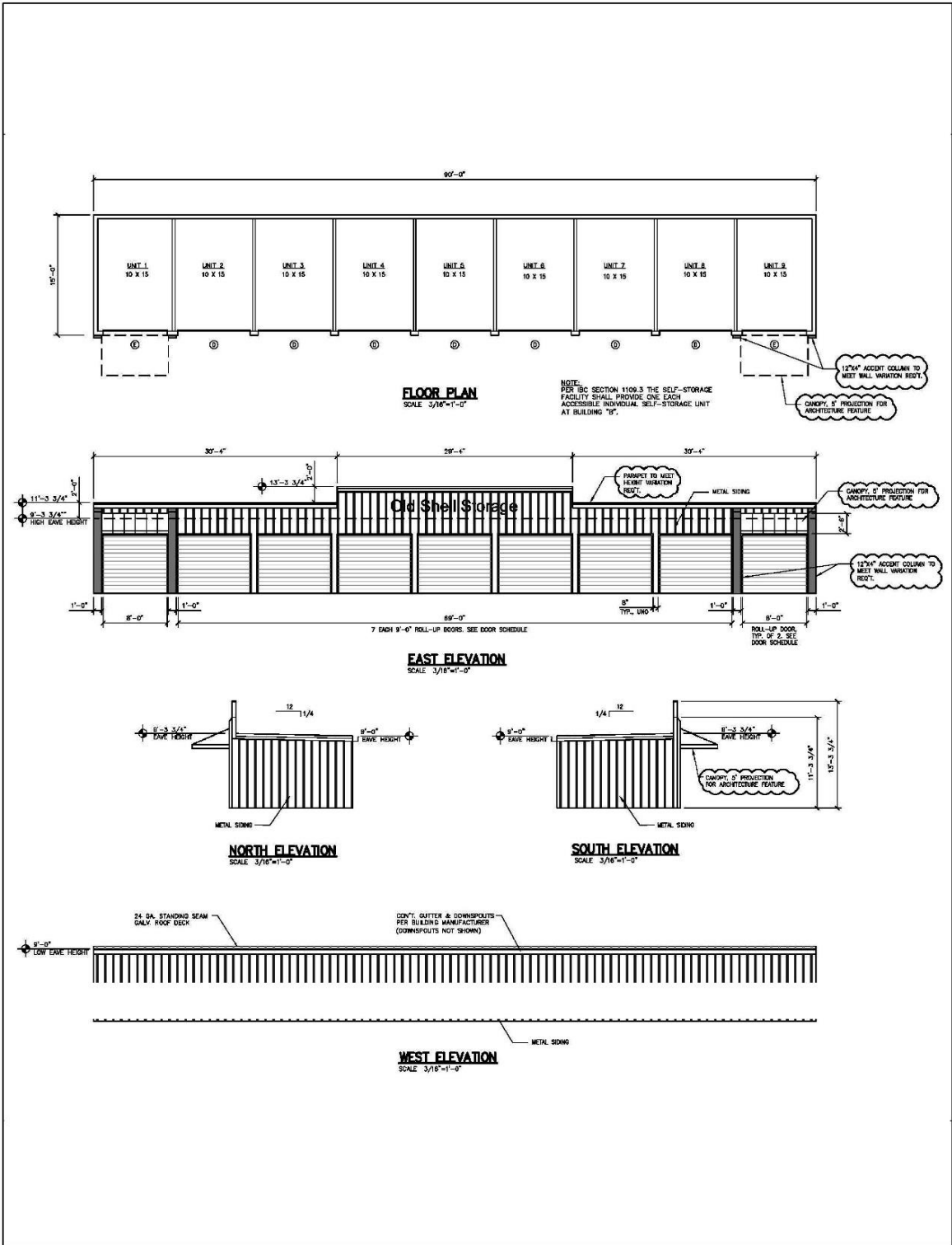
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NTS

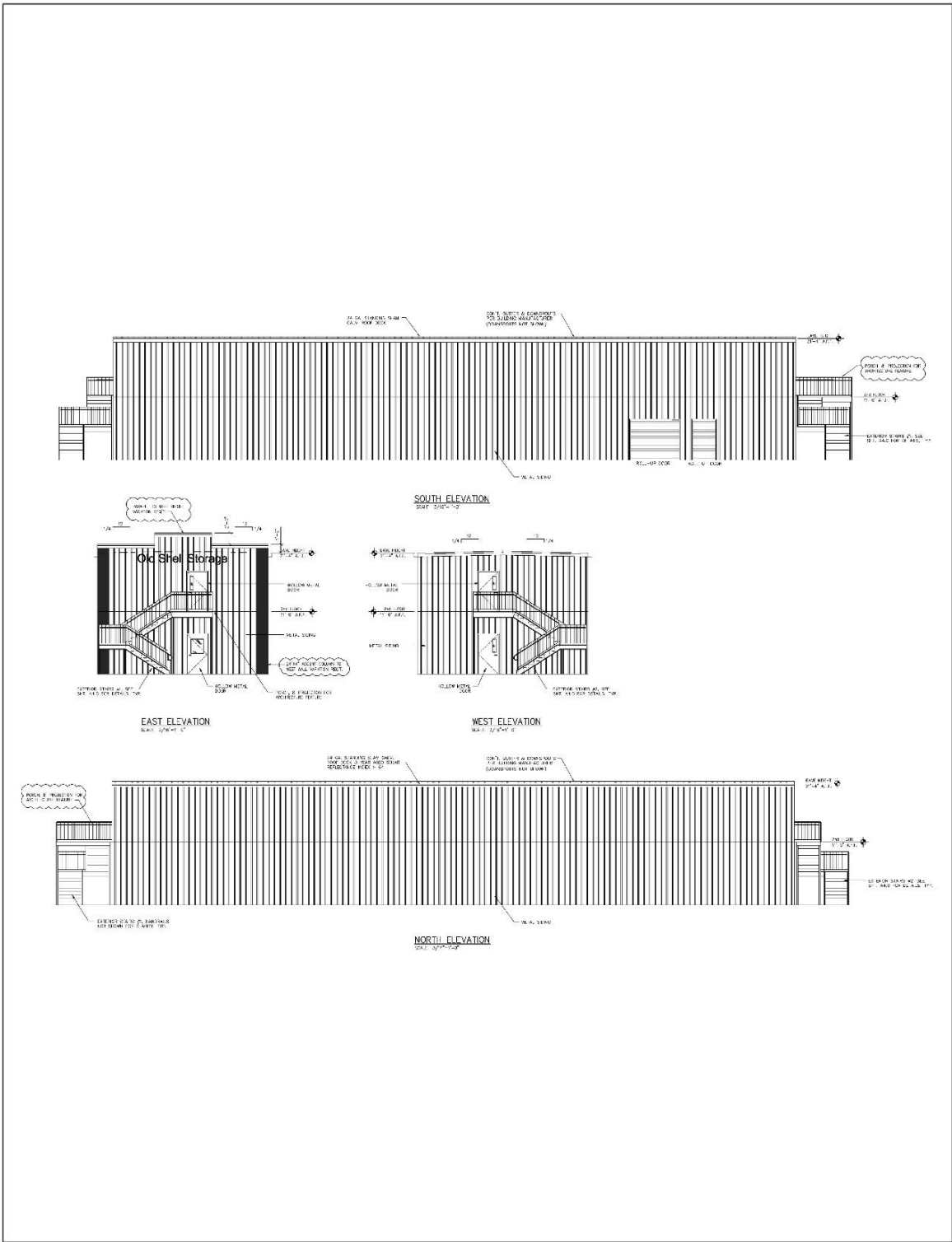
DETAIL SITE PLAN



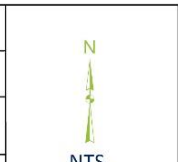
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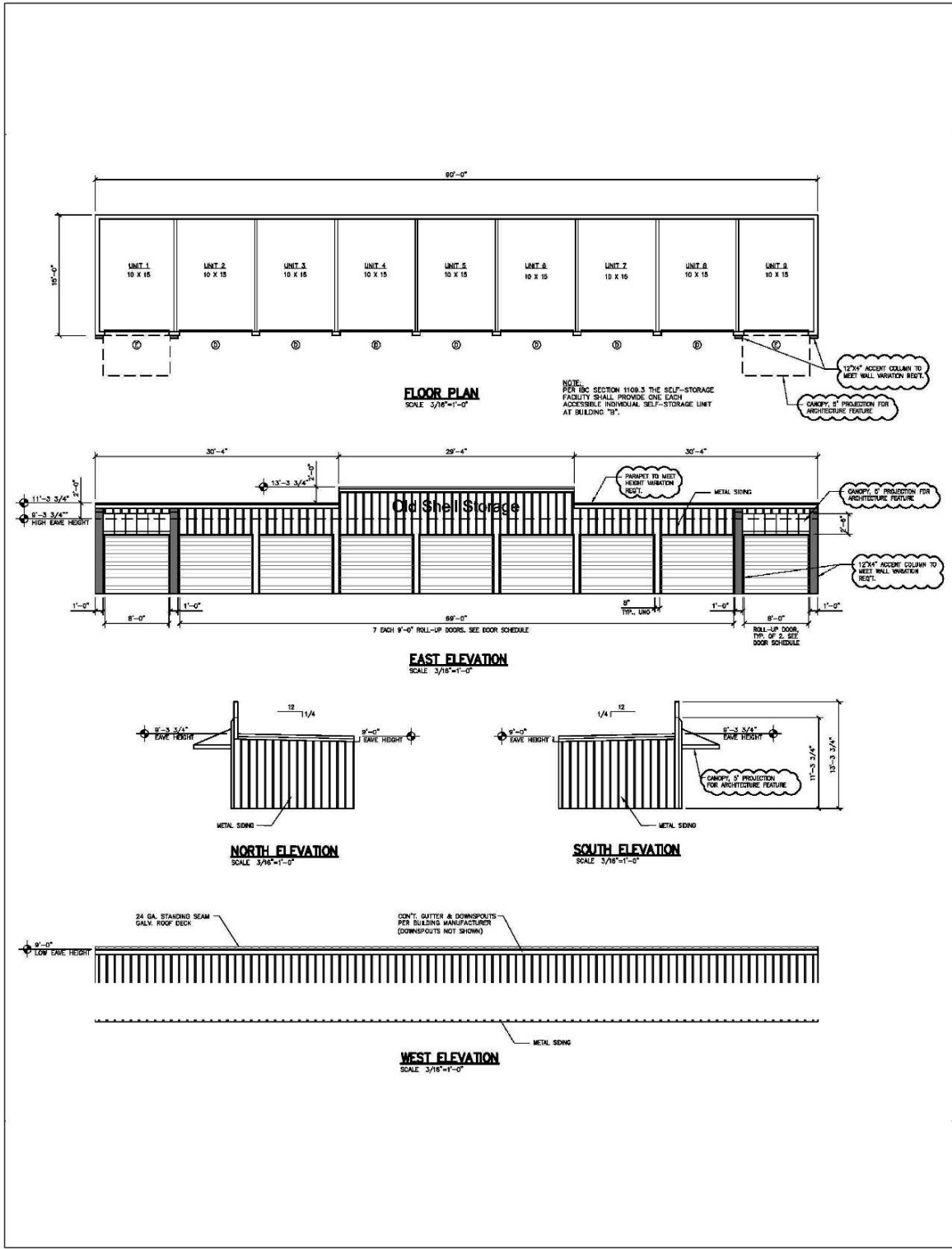
DETAIL SITE PLAN



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DETAIL SITE PLAN



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REQUEST Special Exception



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 (WDW/UR)	
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)

TRADITIONAL CORRIDOR (TC)

This land use designation generally applies to transportation corridors east of I-65, which serve as the primary commercial and mixed-use gateway to Downtown and the City's traditional neighborhoods (equivalent to Map for Mobile's Traditional Neighborhoods).

Depending on their location (and as allowed by specific zoning), TC designations incorporate a range of moderately scaled single-use commercial buildings holding retail or services; buildings that combine housing units with retail and/or office; a mix of housing types including low- or mid-rise multifamily structures ranging in density from 4 to 10 du/ac; and attractive streetscapes and roadway designs that safely accommodate all types of transportation – transit, bicycling, walking, and driving. In these areas, special emphasis is placed on the retention of existing historic structures, compatible infill development, and appropriate access management.