

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: June 4, 2017****CASE NUMBER**

6178

APPLICANT NAME

Serena Parton

LOCATION

North side of Coca Cola Road, 2/10± mile East of U.S. Highway 90 West and extending to the South side of Wiley Orr Road.

VARIANCE REQUEST

PARKING SURFACE: Surfacing Variance to allow aggregate surfacing for a proposed RV park in a B-3, Community Business District.

**ZONING ORDINANCE
REQUIREMENT**

PARKING SURFACE: The Zoning Ordinance requires all parking surfaces be paved with asphalt, concrete, or an approved alternative paving surface in a B-3, Community Business District.

ZONING

B-3, Community Business

AREA OF PROPERTY

537,678± Square Feet / 12.34± Acres

ENGINEERING**COMMENTS**

If the aggregate surfacing is approved for use the applicant will need to have the following conditions met:

- a. Submit and receive a Land Disturbance Permit for the proposed site development through Central Permitting.
- b. Submit a ROW Permit (City of Mobile) for the work within the Public ROW. Aggregate surfacing will NOT be allowed within the public ROW.
- c. Designated handicapped accessible spaces and routes must be paved (concrete, asphalt).

TRAFFIC ENGINEERING**COMMENTS**

If a surface variance is approved, the aggregate cannot extend into the right-of-way and cannot be used in the areas designated as the accessible path from any required handicap space to the building. Specific to this site, parking stops/bumpers should be considered for the exterior parking stalls to prevent vehicles from encroaching into the landscaped areas.

CITY COUNCIL**DISTRICT**

District 4

ANALYSIS

The applicant is requesting a Surfacing Variance to allow aggregate surfacing for a proposed RV park in a B-3, Community Business District; the Zoning Ordinance requires all parking surfaces to be paved with asphalt, concrete, or an approved alternative paving surface in a B-3, Community Business District.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application; and, unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement of the Ordinance will result in an unnecessary hardship. The Ordinance also states that a variance should not be approved unless the spirit and intent of the Ordinance is observed and substantial justice done to the applicant and the surrounding neighborhood.

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.

Variances are site-plan specific; therefore, if approved, any proposed changes to the site layout of the request at hand will require an application to the Board to amend the approved site plan prior to any construction activities.

The site has been given a **Mixed Commercial Corridor** land use designation per the recently adopted Future Land Use Plan and Map. The Future Land Use Plan and Map complements and provides additional detail to the Development Framework Maps in the Map for Mobile, adopted by the Planning Commission at its November 5, 2015 meeting. This land use designation mostly applies to transportation corridors west of I-65 serving primarily the low-density (suburban) residential neighborhoods. It includes a wide variety of retail, services and entertainment uses.

The Mixed Commercial Corridor 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 re-development in Mixed Commercial Corridors is encouraged to: raise design quality; improve connectivity to surrounding neighborhoods; improve streetscapes; and, improve mobility and accessibility for all users of the corridor.

It should be noted that the Future Land Use Plan and Map components of the Map for Mobile Plan are meant to serve as a general guide, not a detailed lot and district plan. In many cases the designation on the new Future Land Use Map may match the existing use of land, but in others the designated land use may differ from what is on the ground today. As such, the Future Land Use Plan and Map allows the Planning Commission and City Council to consider individual cases based on additional information such as the classification request, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and, where applicable, the zoning classification.

The site was the subject of Subdivision and Planning Approval at the April 5, 2018 meeting of the Planning Commission to create one (1) legal lot of record, and to allow a recreational vehicle park in a B-3, Community Business District. Most recently, at its May 17, 2018 meeting, the Planning Commission denied a Sidewalk Waiver request for sidewalks along the site's two (2) street frontages.

The applicant mentions the common use of aggregate surfacing for the parking of recreational vehicles and the use of aggregate surfacing to mitigate the effects of excess storm water runoff as justification for the Variance request, stating:

The purpose of the Use Variance application is to allow gravel surfacing in a B-3 zone. The gravel surfacing will be used in the recreational vehicle parking areas only and is a common practice for RV parks. It will also reduce the impervious foot print of the site therefore decreasing the stormwater runoff.

As stated, the applicant proposes the development of a recreational vehicle park, which will have spaces for 91 recreational vehicles and utility pads for water, sewer, and electrical connections, and one (1) 2,400± square-foot "club house," to be completed in two (2) phases. Phase One concerns the development of the proposed club house; eight (8) off-street parking spaces for standard-sized vehicles, one (1) of which is van accessible, and all of which appear to meet the minimum requirements for parking stall length and width; and 49 off-street recreational vehicle parking spaces with concrete patios and utility pads. Phase Two will concern the development of the remaining 42 off-street recreational vehicle parking spaces, also with concrete patios and utility pads.

The site plan illustrates both of the proposed phases of development of the recreational vehicle park. As mentioned, 91 off-street recreational vehicle parking spaces are proposed, the dimensions of which vary in two (2) ways: Type A, which will be 52.26' in length with 43.46' of frontage along a proposed drive aisle; and Type B, which will be 70' in length with two (2) 23.4'-wide frontages along two (2) proposed drive aisles. Each space will be equipped with a 2' X 9' concrete pad for utility connections, and a concrete patio – 10' X 10' for Type A spaces, and 8' X 10' for Type B spaces. Additionally, each space will be developed with a concrete apron providing access to a gravel-surfaced parking spot for each recreational vehicle, per drive aisle frontage. It was noted in the Planning Approval and Subdivision staff report, however, that gravel surfacing is not an approved surfacing material in a B-3, Community Business District and, as such, the site plan could either be revised to illustrate recreational vehicle parking spaces surfaced in either concrete, asphalt or other approved surfacing material should be required; or, the applicant could seek Surface Variance Approval by the Board of Zoning Adjustment to allow gravel surfacing in a B-3, Community Business District, hence the application at hand.

Access to and around the site will be via paved asphalt drives, at least 20 feet in width. Each proposed aggregate RV parking space will abut an asphalt drive.

It should be noted that the aforementioned one-way turnaround at the club house is illustrated as having a diameter of 50'. The applicant should verify the minimum turnaround diameter with the Fire Department and adjust the plan if necessary.

With regards to the applicant's request for aggregate surfacing, such material is not approved due to the possibility of aggregate shifting into the right-of-way and onto adjacent properties via tires. In cases where the basis for a Surfacing Variance has been justified, either large construction equipment with off-road capabilities or the storage of heavy equipment on the property was persuasive considering such activity and use of the property could adversely impact more traditional surfacing (e.g. concrete, asphalt, etc.). Neither condition would apply to the subject site.

Aerial photos verify that aggregate surfacing is not common in the area, but six (6) Surfacing Variances have been approved by the Board within one (1) mile of the subject site since 2010, the most recent being at its December 5, 2016 meeting.

Aggregate surfacing may be a common surfacing material used in recreational vehicle parks, but does not meet the criteria for a hardship. Also, while aggregate surfacing may benefit the site with respect to stormwater runoff, Staff has not been provided with information substantiating that traditional surfacing of a parking lot could not do so, either; or, that traditional surfacing would inhibit or impair drainage. Nevertheless, aggregate is illustrated as only being used to surface the proposed recreational vehicle parking spaces, thus minimizing the impact such surfacing could have on neighboring properties or adjacent rights-of-way; and, approval of the request will maintain a precedent regarding similar requests within the vicinity of the subject site.

RECOMMENDATION: Based on the preceding, Staff recommends to the Board the following facts for Approval:

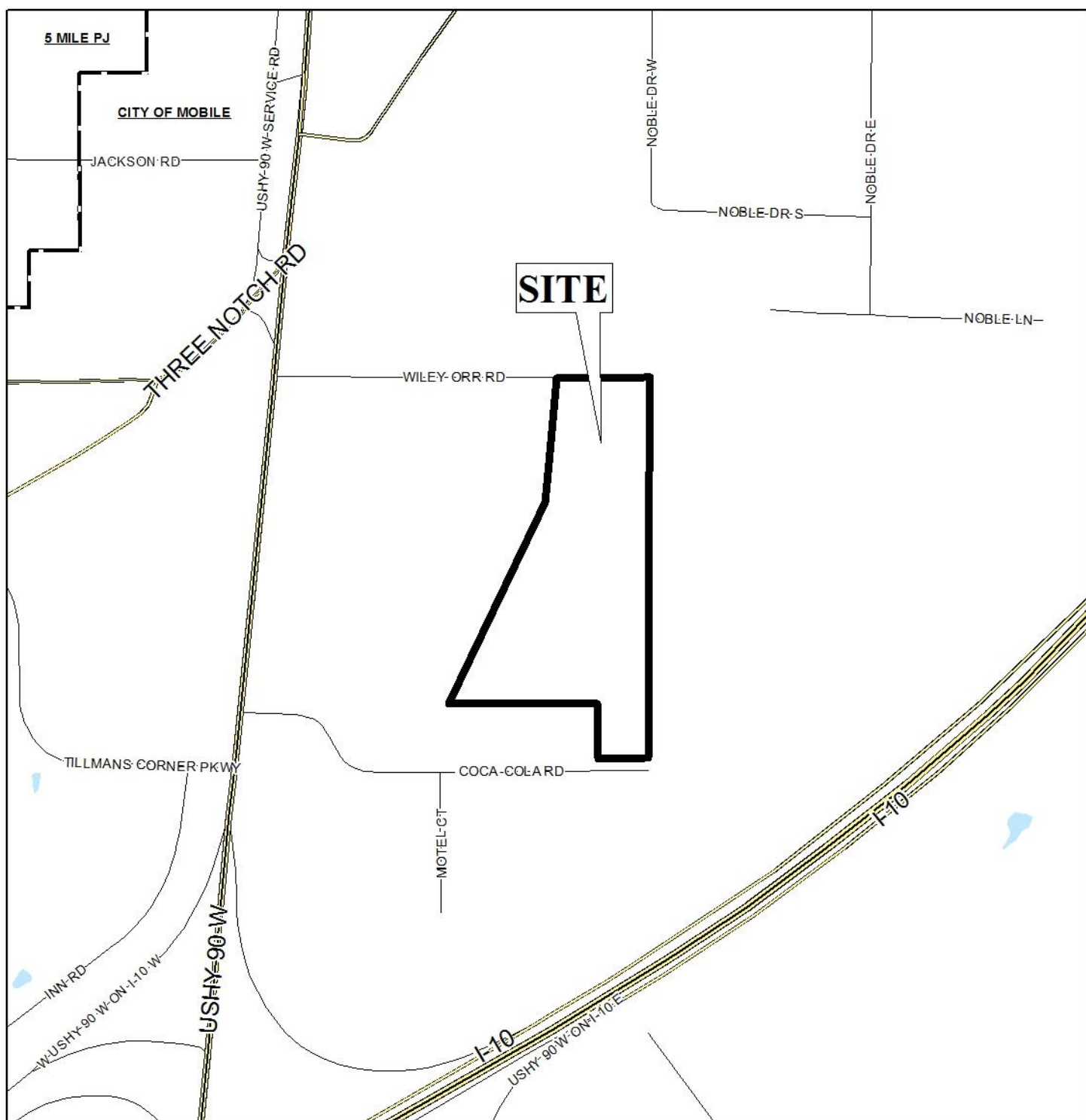
- 1) Granting the variance will not be contrary to the public interest considering the proposed amount of aggregate material is minimal and, as such, may have little to no impact on adjacent property owners or rights-of-way;
- 2) Special conditions do exist in such a way that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship due to the fact that aggregate surfacing mitigates the effects of excess storm water runoff and facilitates drainage; and,
- 3) The spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance since similar Surfacing Variance requests have been approved for multiple properties within the vicinity of the subject site.

The approval is subject to the following conditions:

- 1) coordination with the Fire Department to ensure adequate site circulation and revise the site plan, as necessary;
- 2) compliance with Engineering comments: *(If the aggregate surfacing is approved for use the applicant will need to have the following conditions met: a. Submit and receive a Land Disturbance Permit for the proposed site development through Central Permitting. b. Submit a ROW Permit (City of Mobile) for the work within the Public ROW. Aggregate surfacing will NOT be allowed within the public ROW. c. Designated handicapped accessible spaces and routes must be paved (concrete, asphalt)..);*

- 3) compliance with Traffic Engineering comments: *(If a surface variance is approved, the aggregate cannot extend into the right-of-way and cannot be used in the areas designated as the accessible path from any required handicap space to the building. Specific to this site, parking stops/bumpers should be considered for the exterior parking stalls to prevent vehicles from encroaching into the landscaped areas.);*
- 4) compliance with 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 (State Act 2015-116 and City Code Chapters 57 and 64).);*
- 5) compliance with Fire Department comments: *(All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 International Fire Code).);*
- 6) provision of the revised site plan to the Planning and Zoning Department prior to the approval of any permit requests; and,
- 7) compliance with applicable Codes and Ordinances.

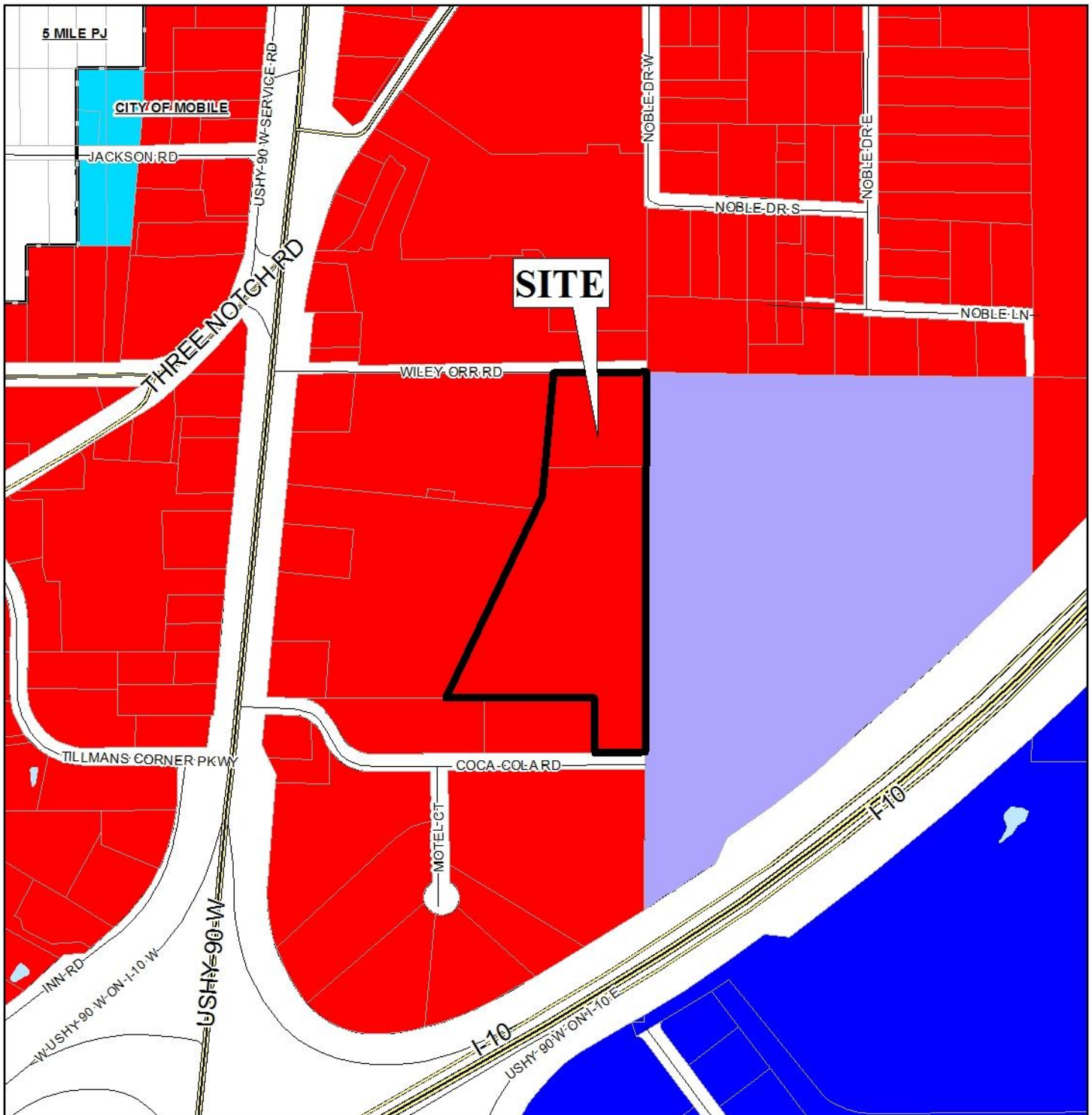
LOCATOR MAP



APPLICATION NUMBER 6178 DATE June 4, 2018
 APPLICANT Serena Parton
 REQUEST Surfacing Variance



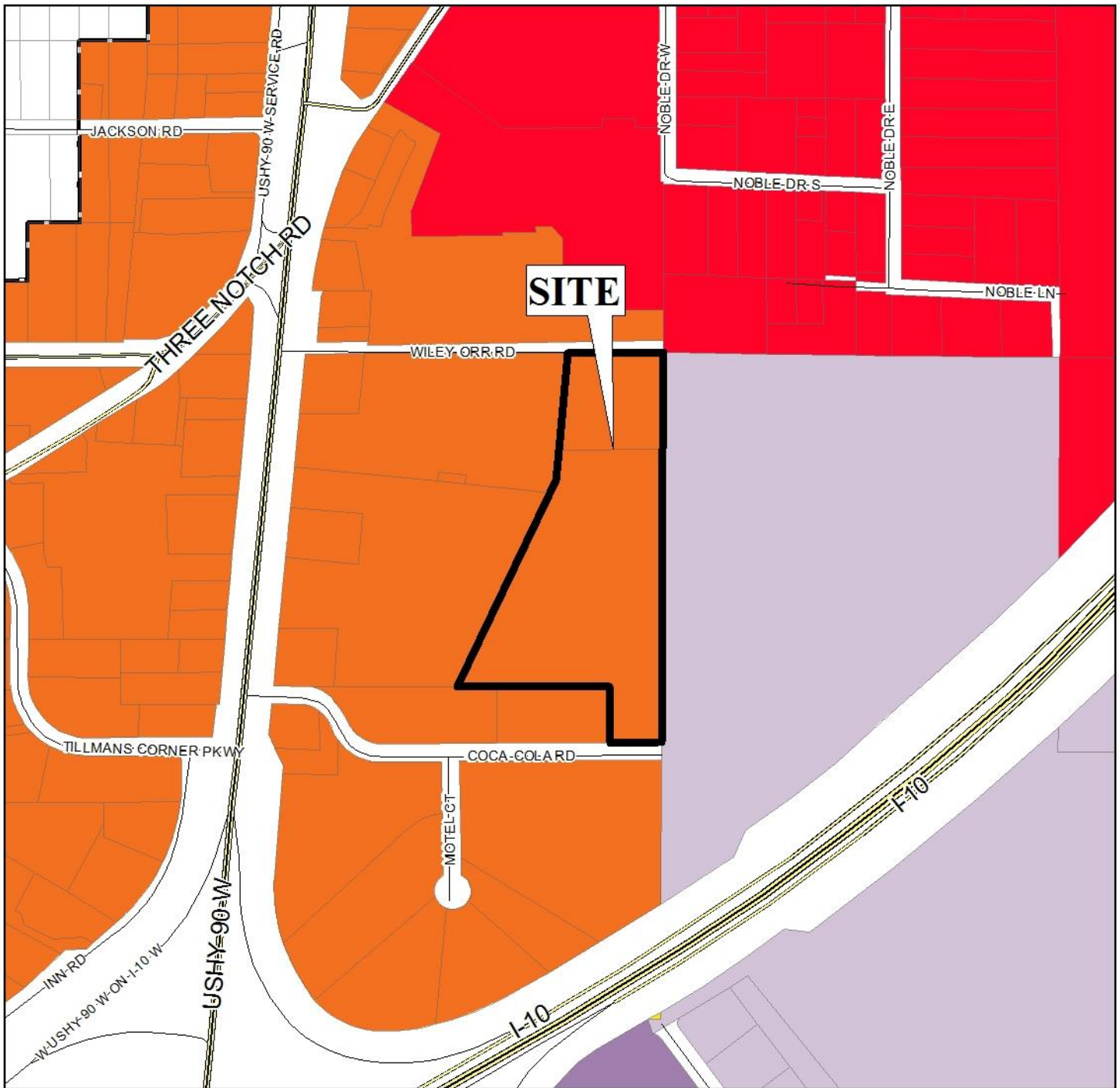
LOCATOR ZONING MAP



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FLUM LOCATOR MAP



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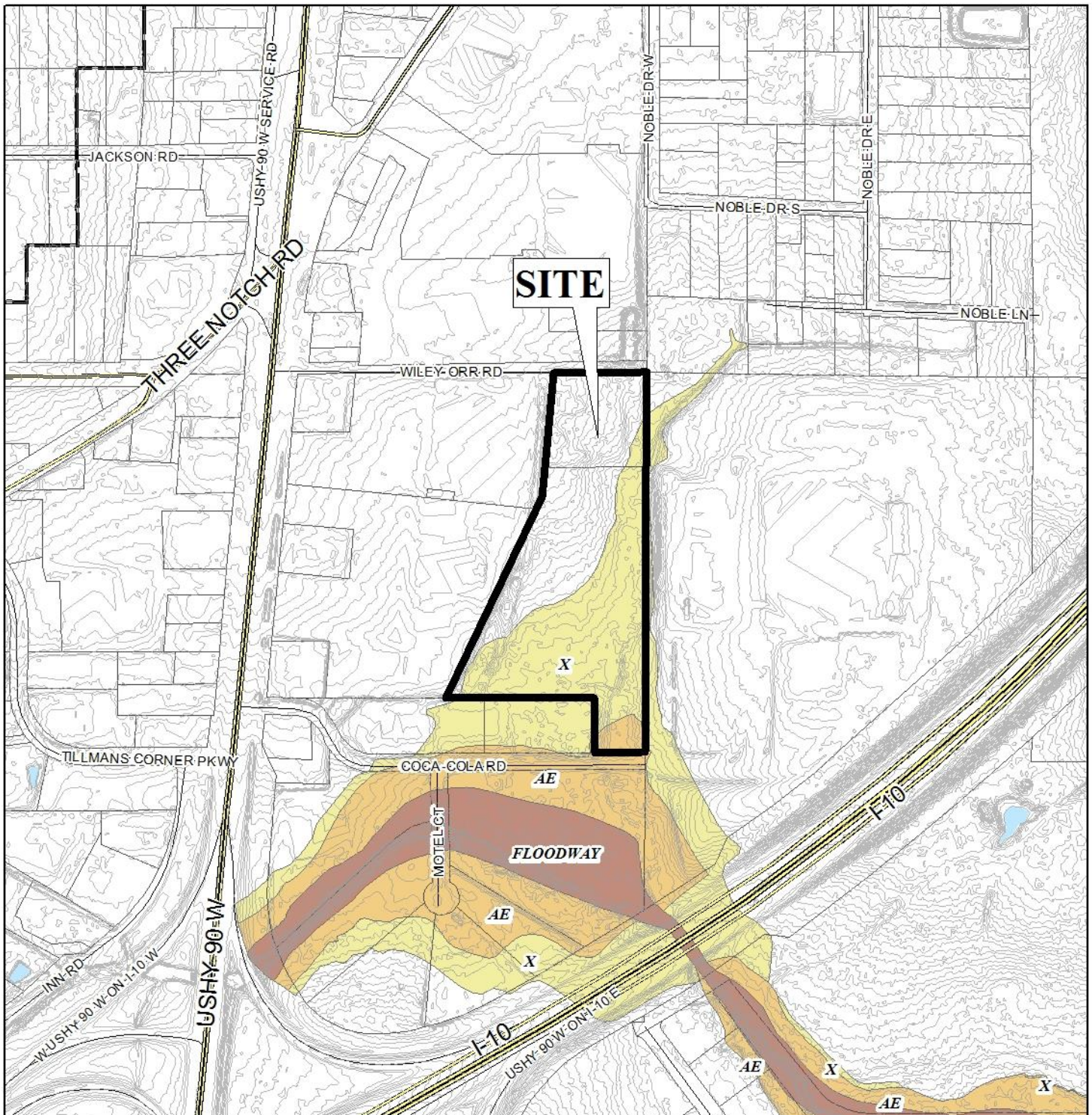
APPLICANT Serena Parton

REQUEST Surfacing Variance

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



ENVIRONMENTAL LOCATOR MAP

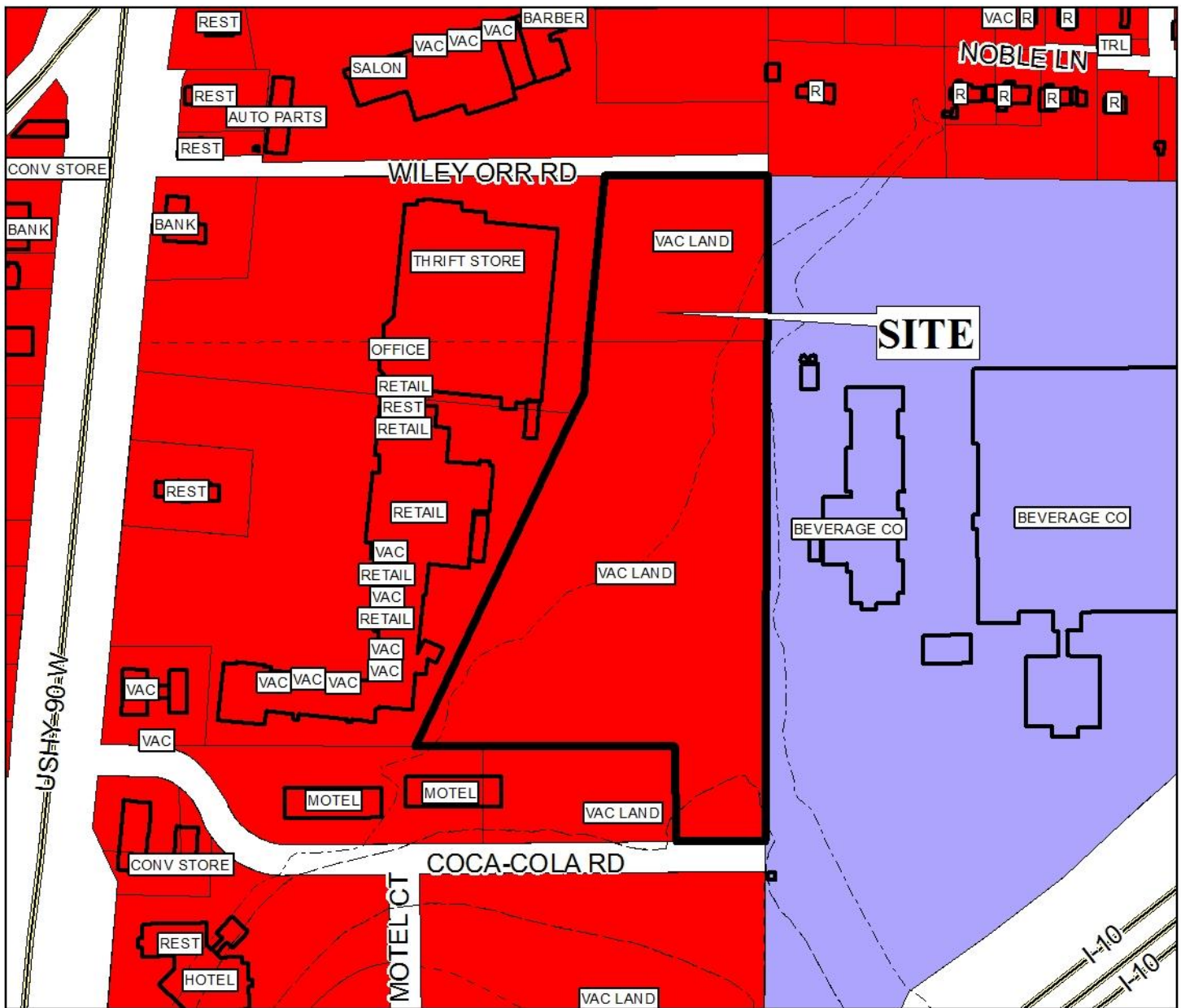


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BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units. Residential units are located to the northeast.

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R-A	R-3	T-B	B-2	B-5	MUN	SD-WH	T5.1
R-1	R-B	B-1	B-3	I-1	OPEN	T3	T5.2
R-2	H-B	LB-2	B-4	I-2	SD	T4	T6



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL

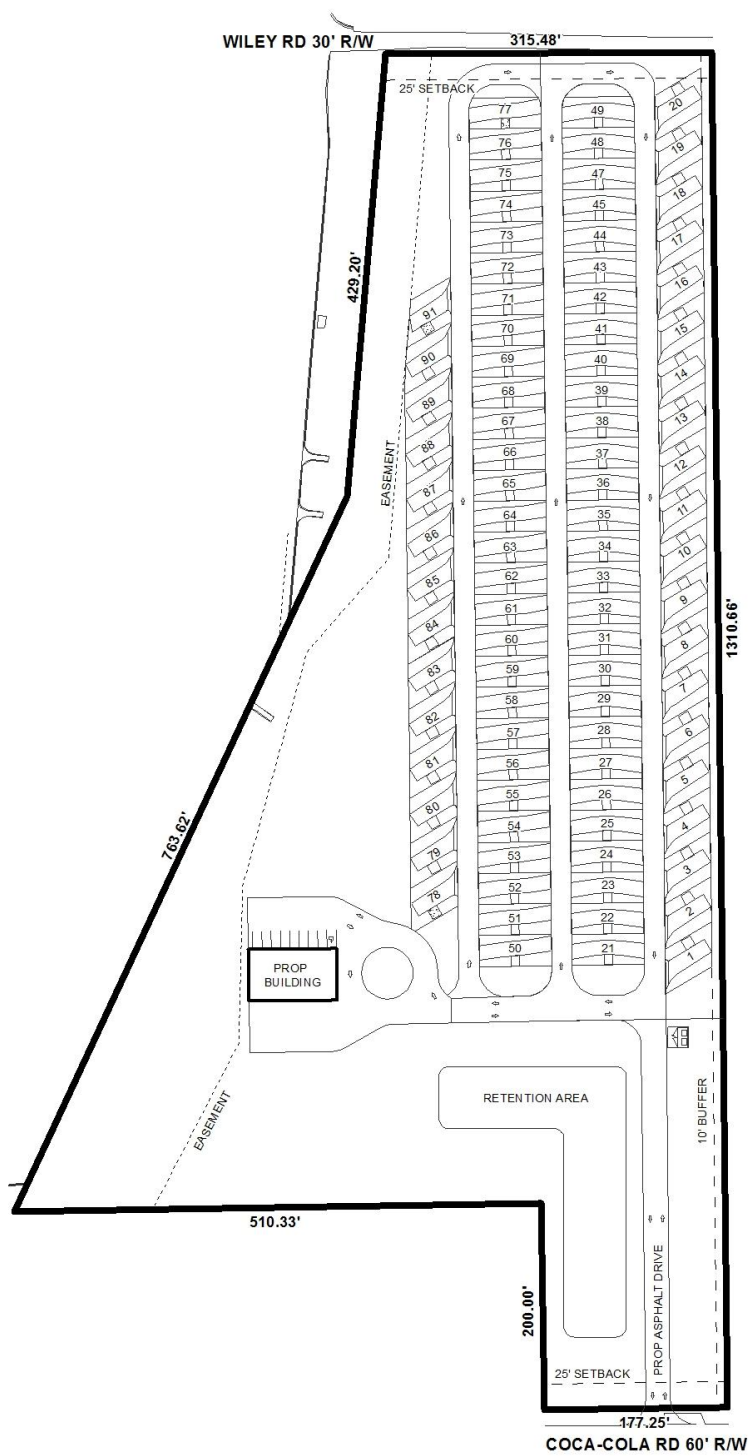


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SITE PLAN



The site plan illustrates the easement, setbacks, proposed building, proposed campsites, and proposed retention area.

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