



Agenda Item #1 - EXTENSION

BOA-001206-2020

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

151 North Cedar Street and 554 St. Louis Street

Applicant / Agent (as applicable):

St. Louis 554, LLC

Property Owner:

St. Louis 554, LLC

Current Zoning:

SD-WH, Special District-Warehousing Sub-District of the Downtown Development District

Future Land Use:

Downtown

Case Number(s):

6313

Zoning Ordinance Requirement:

The following are the applicable code requirements (approved prior to the Unified Development Code (UDC)):

- The Zoning Ordinance prohibits parking as a primary use on the property in an SD-WH, Special District-Warehousing Sub-District of the Downtown Development District.

Board Consideration:

The following variance is requested:

- To allow a freestanding parking lot in an SD-WH, Special District-Warehousing Sub-District of the Downtown Development District.

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BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial units.

APPLICATION NUMBER 6313 DATE May 1, 2023

APPLICANT St Louis 554, LLC

REQUEST Use Variance



NTS

SITE HISTORY

The subject site was granted a Use Variance at the Board's March 2, 2020 meeting to allow a freestanding parking lot in an SD-WH, Special District-Warehousing Sub-District of the Downtown Development District. Since that time, four (4) six (6)-month extensions on the original approval have been granted, each with a caveat that future extensions would be unlikely.

STAFF COMMENTS

Engineering Comments:

No comments.

Traffic Engineering Comments:

No comments.

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 is requesting the fifth six (6)-month extension on the original approval of the variance. The following justification is given for the extension request:

We are requesting an extension of our zoning approvals evidenced in the above referenced approval letters. In the time since our last extension, we have continued to work with HUD on our 221(d)4 HUD guaranteed construction loan. The planned construction has a federally require archaeological review component that is holding up the process of Firm Commitment from HUD.

After a recent all hands meeting with the regional multifamily HUD team, it is our understanding that we are close to overcoming the final hurdle and receiving Firm Commitment from HUD. Based on timing from Firm Commitment to construction loan closing, it would likely be mid-summer 2023 before construction can start. Fred Rendfrey was recently on a call with us and our HUD correspondent, Capital One, and has been briefed on the ongoing HUD process.

Our team is dedicated to getting this construction loan to a close and starting the construction process in that timeframe.

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:

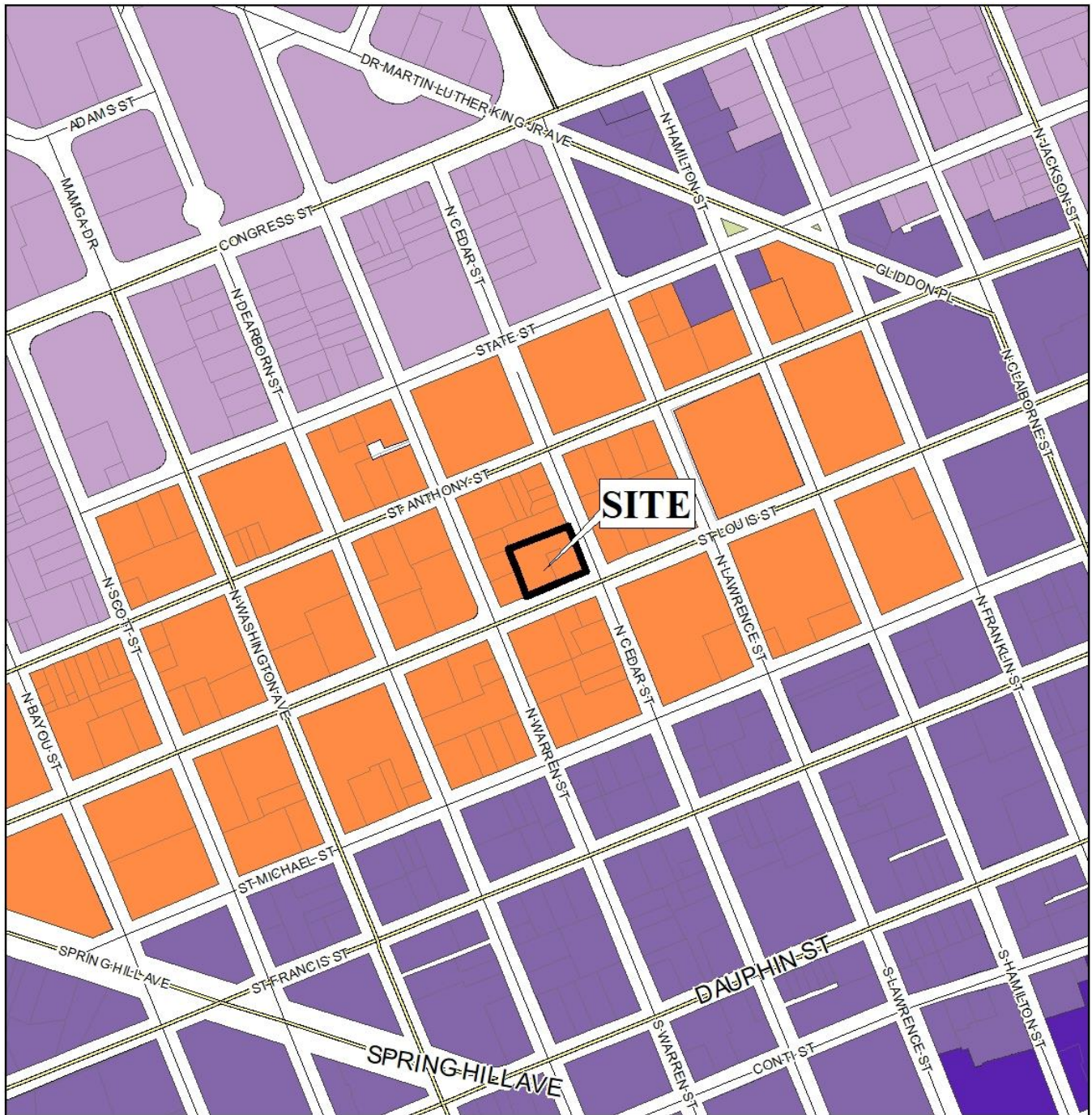
- (a) In order to relieve an owner of restrictive covenants that are recorded in Mobile County Probate Court and applicable to the property;
- (b) Where economic loss is the sole basis for the required variance; or
- (c) Where the variance is otherwise unlawful.

Considerations:

Based on the requested Variance application, the Board should consider the following findings of fact for approval or denial of the extension request:

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

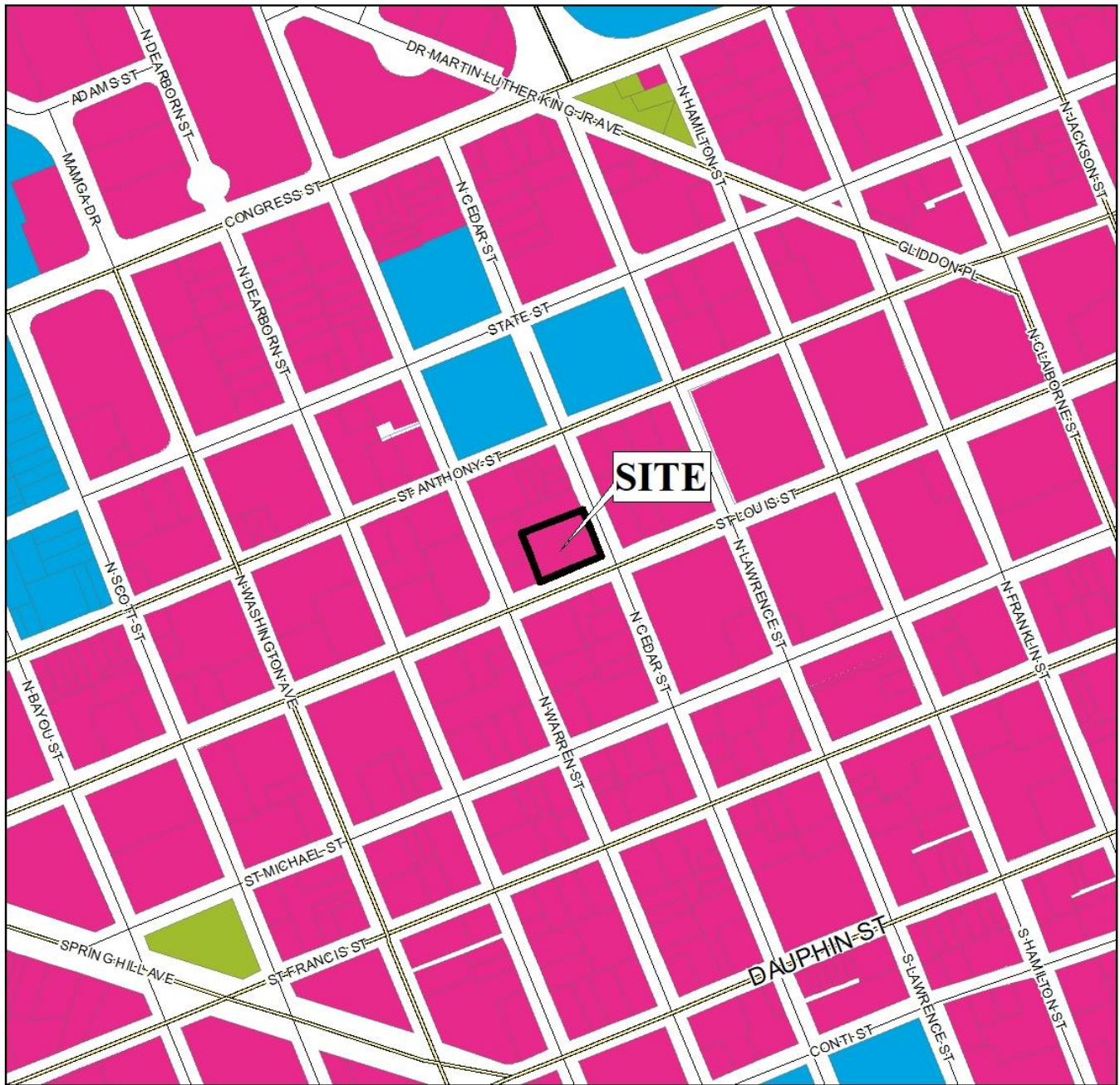
LOCATOR ZONING MAP



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 APPLICANT St Louis 554, LLC
 REQUEST Use Variance



FLUM LOCATOR MAP



APPLICATION NUMBER 6313 DATE May 1, 2023

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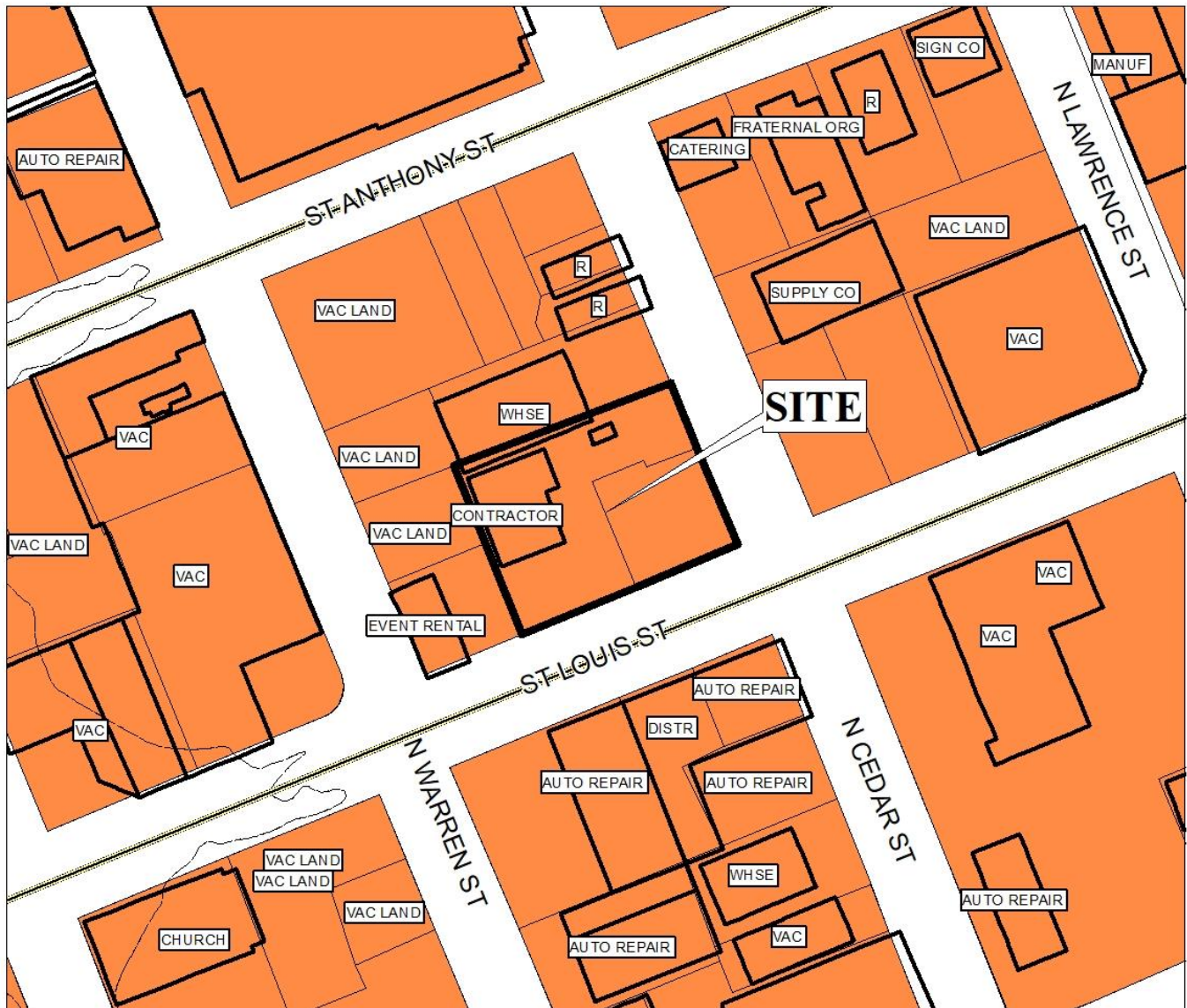
REQUEST Use Variance

■ 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	



BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

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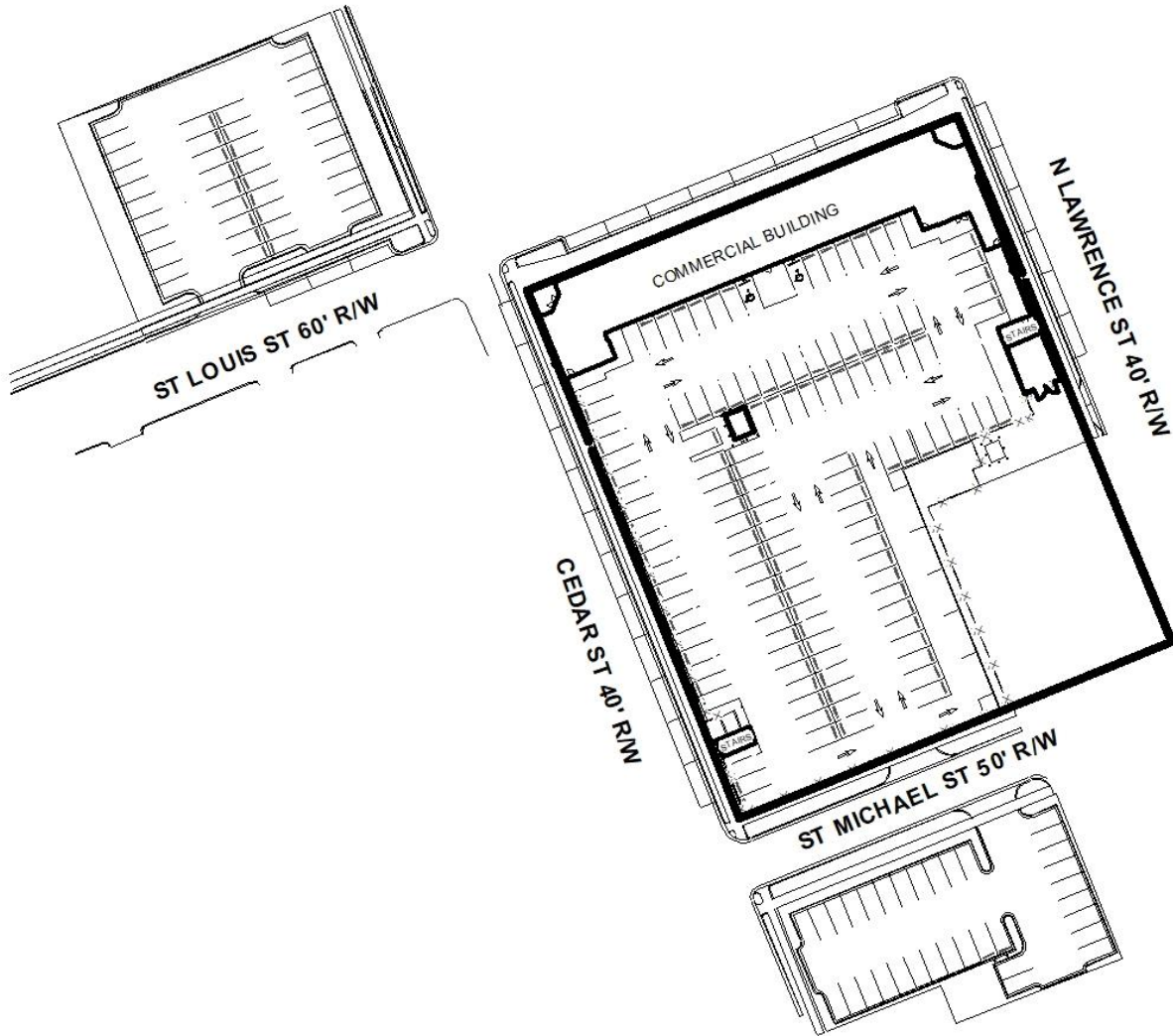
APPLICANT St Louis 554, LLC

REQUEST Use Variance

 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



SITE PLAN



The site plan illustrates the proposed building, and parking.

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