BOARD OF ZONING ADJUSTMENT
STAFF REPORT Date: September 9, 2019

CASE NUMBER 6273

APPLICANT NAME Africatown Community Development Corporation

LOCATION 645 Shelby Street
(Southeast corner of Shelby Street and Tin Top Alley).

VARIANCE REQUEST

USE: To allow a market in an R-2, Two Family Residential District.

PARKING: To allow reduced parking.

PARKING SURFACE: To allow gravel surfacing.

BUFFERING: To allow no residential buffers.

TREE PLANTING AND LANDSCAPING: To allow reduced tree planting and landscape area.

SETBACK: To allow reduced building setbacks.

ACCESS AND MANUEVERING AREA: To allow sub-standard access and maneuvering areas.

SIGNAGE: To allow non-compliant signage.

ZONING ORDINANCE REQUIREMENT

USE: The Zoning Ordinance does not allow markets in an R-2, Two-Family Residential District.

PARKING: The Zoning Ordinance requires a compliant amount of parking to be provided.

PARKING SURFACE: The Zoning Ordinance requires all parking to be surfaced with either asphalt or concrete.

BUFFERING: The Zoning Ordinance requires full compliance with residential buffers.

TREE PLANTING AND LANDSCAPING: The Zoning Ordinance requires full compliance with tree planting and landscaped area.

SETBACK: The Zoning Ordinance requires that all structures taller than 3' high must meet building setbacks.

ACCESS AND MANUEVERING AREA: The Zoning Ordinance requires adequate access and maneuvering areas.

SIGNAGE: The Zoning Ordinance requires compliant signage.

ZONING R-2, Two Family Residential District

AREA OF PROPERTY 1.0± Acres

CITY COUNCIL DISTRICT District 2

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 through Central Permitting for the proposed site development.
b. Submit a ROW Permit (ALDOT and 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 (i.e. concrete, asphalt).

TRAFFIC ENGINEERING COMMENTS If on-street parking surrounding the property or in front of other nearby properties becomes an issue, parking restrictions may have to be installed especially based on the width of Shelby St and Tin Top Ln.

ANALYSIS The applicant has submitted Use, Parking, Parking Surface, Buffering, Tree Planting and Landscaping, Setback, Access and Maneuvering Area, and Signage Variances to allow a market in an R-2, Two Family Residential District with reduced parking, gravel surfacing, no residential buffers, reduced tree planting and landscaped area, reduced building setbacks, sub-standard access and maneuvering areas, and non-compliant signage; the Zoning Ordinance does not allow markets in an R-2, Two Family Residential District, requires a compliant amount of parking to be provided, all parking to be surfaced with either asphalt or concrete, full compliance with residential buffers, full compliance with tree planting and landscaped area, all structures taller than 3' high must meet building setbacks, adequate access and maneuvering areas, and compliant signage.

The Zoning Ordinance states no variance shall be granted 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; and, no variance shall be granted where economics are the basis for the application. 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.

The site has been given a Traditional Center (TC) land use designation, per the Future Land Use Plan and Map, adopted on May 18, 2017 by the Planning Commission. 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 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.

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 applicant states:

> *The Africatown Community Development Corporation ("ACDC") is well known for the Jakes Lane community garden it cultivates near the Mobile County Training School. The group wants to utilize this property as a seasonal market to sell produce from the garden and allow community members an opportunity to sell arts and crafts. ACDC applied for and received a $50,000 grant from the Alabama Department of Agriculture for the market and has received a few corporate contributions as well. The market will initially be operate seasonally but it is hoped that it could grow to the point of being operated year round. The initial plans are to open the market on*

Saturday, Tuesday and Thursday. The days of operation could be expanded to other days of the week but will never include Sundays. The operating hours of the market will be limited to 8:00 am to 5 p.m. (may be less than this entire time block).

Africatown is also a food desert with no places selling essential food staples. The ACDC would also like to operate a small store in the future on this site that sells essential food staples like bread, milk, eggs, etc. The store's hours and days of operation will be within the operational period of the market.

As reflected on the site plan, there will be a large tent erected in which market vendors will setup tables and sale their products. There will be two temporary storage sheds on the property in which equipment and inventory will be stored when the market is not in operation. The larger temporary building will serve as an office during market operations and the store selling essential food staples will be operated out of this building. Two port-o-lets and a hand washing station will be placed on the property for use by customers and vendors. Parking will be onsite and customer traffic will enter and exit of Shelby Street.

Temporary seasonal markets are not directly addressed in the zoning ordinance. The property is surrounded by mixed uses, including public parks, churches, residential, and industrial use, and the use contemplated is a community based use that is consistent and beneficial to the surrounding parcels. The limited operations, the conduct of all vendor activities largely hidden under the large tent, and the onsite parking will eliminate any negative impacts on surrounding properties.

The ACDC requests variances for use, parking, parking surface, buffering, landscaping and tree planting, setbacks for the temporary sheds, fencing (to allow it within ROW), and signage (to extent needed). Development within compliance with the zoning ordinance is not feasible given the nature of a seasonal market.

The applicant submitted a site plan that illustrates two, 288 square-foot sheds, a vendor and tent staging area approximately 7,180 square feet, a gravel parking area, and several large oak trees. It is difficult to discern the property line location on the submitted site plan; therefore it is hard for staff to determine what the actual setback will be for the sheds. However, the standard minimum front building setback for structures is 25', and it appears the proposed sheds are approximately 9' 4" and 8' 9" from the front property line. The site plan should be revised to clearly depict the property line and the distance from the property line to the sheds.

The site plan does not delineate parking spaces; however, the rough dimensions of the gravel parking area are approximately 55-feet deep by 230-feet long along Tin Top Alley, thus approximately 25, 90 degree parking spaces with a 24-foot wide, two-way drive can be provided. The vendor area is 7,180 square feet, thus requiring one parking space per 300 square feet gross area, or 24 parking spaces. The site plan should be revised to illustrate delineated parking spaces with stall and aisle dimensions.

The site plan does not provide any tree planting or landscape calculations. Based on information available to staff, the site will require the following:

- 6,213± square feet of total landscaped area
- 3,728 square feet of front landscaped area
- 38 total frontage trees
- 2 perimeter trees
- 2 parking trees

It appears that with existing trees to remain on the site, the site will have 3 frontage tree credits, and 26 perimeter tree credits. It should be noted that upon receipt of more accurate information, staff will be able to calculate the site requirements more definitively.

The applicant states that they are requesting a signage variance, but no information was provided on the size, type, and number of signs proposed. The Board cannot approve a sign variance without being provided specific information regarding what might be approved.

Finally, the applicant states that they need a fence variance to allow a fence within the right-of-way. The Board of Zoning Adjustment does not have the authority to allow for construction of fences, signs, buildings, etc. in the right-of-way. Furthermore, the fence is not depicted on the site plan provided, and no information is given on the height or material of the fence.

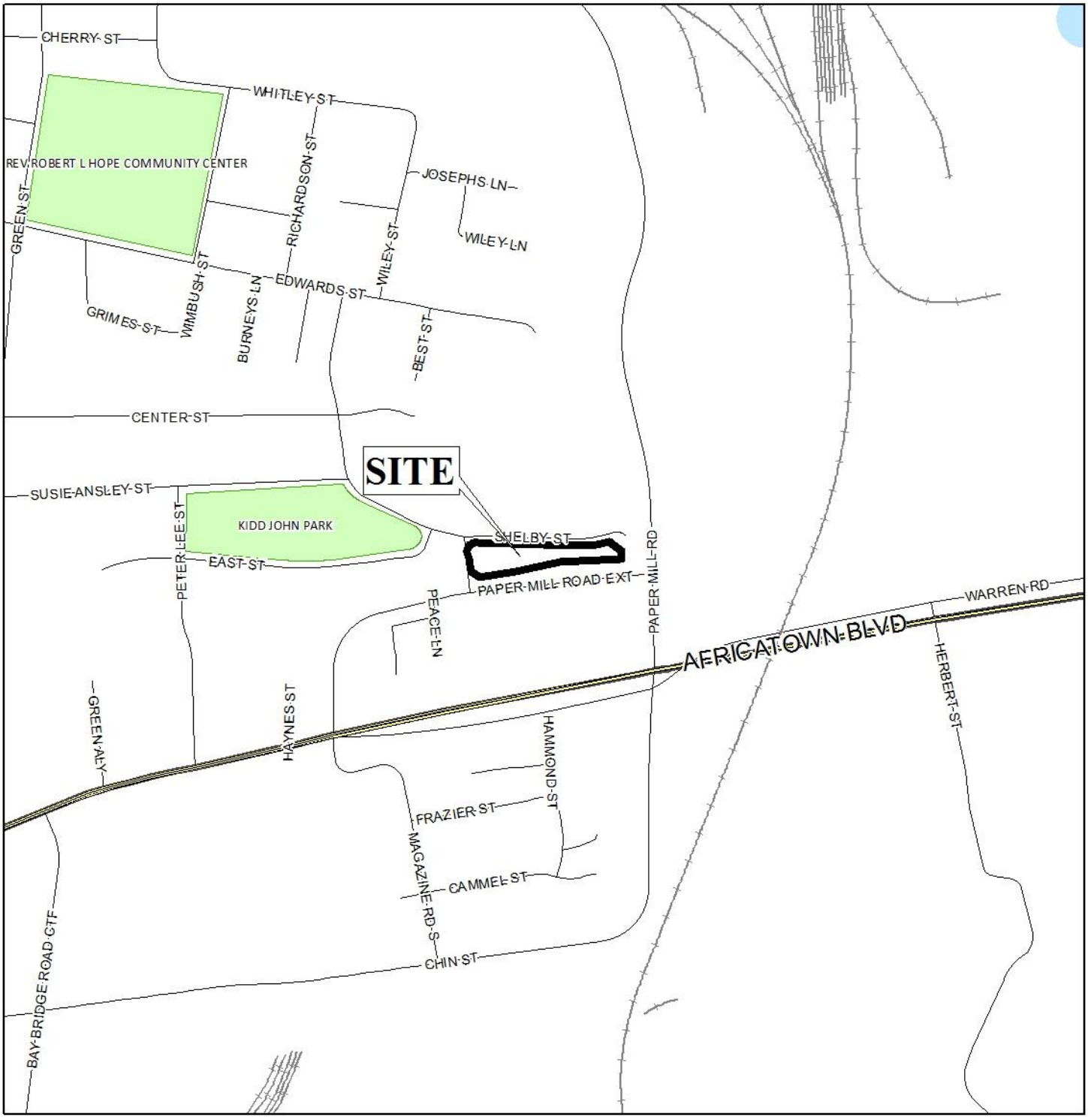
RECOMMENDATION: Based on the preceding, staff recommends that the Board consider all relevant facts prior to making a decision.

Revised for the October 7, 2019 meeting:

This application was heldover by the Board so that the applicant and the community could discuss the proposal. No additional information has been submitted to staff, therefore the previous recommendation remains.

RECOMMENDATION: *Based on the preceding, staff recommends that the Board consider all relevant facts prior to making a decision.*

LOCATOR MAP



APPLICATION NUMBER 6273 DATE October 7, 2019

APPLICANT Africatown Community Development Corporation

REQUEST Use, Parking, Parking Surface, Buffer, Tree/Landscape, Setback, Sign and Fencing Variances

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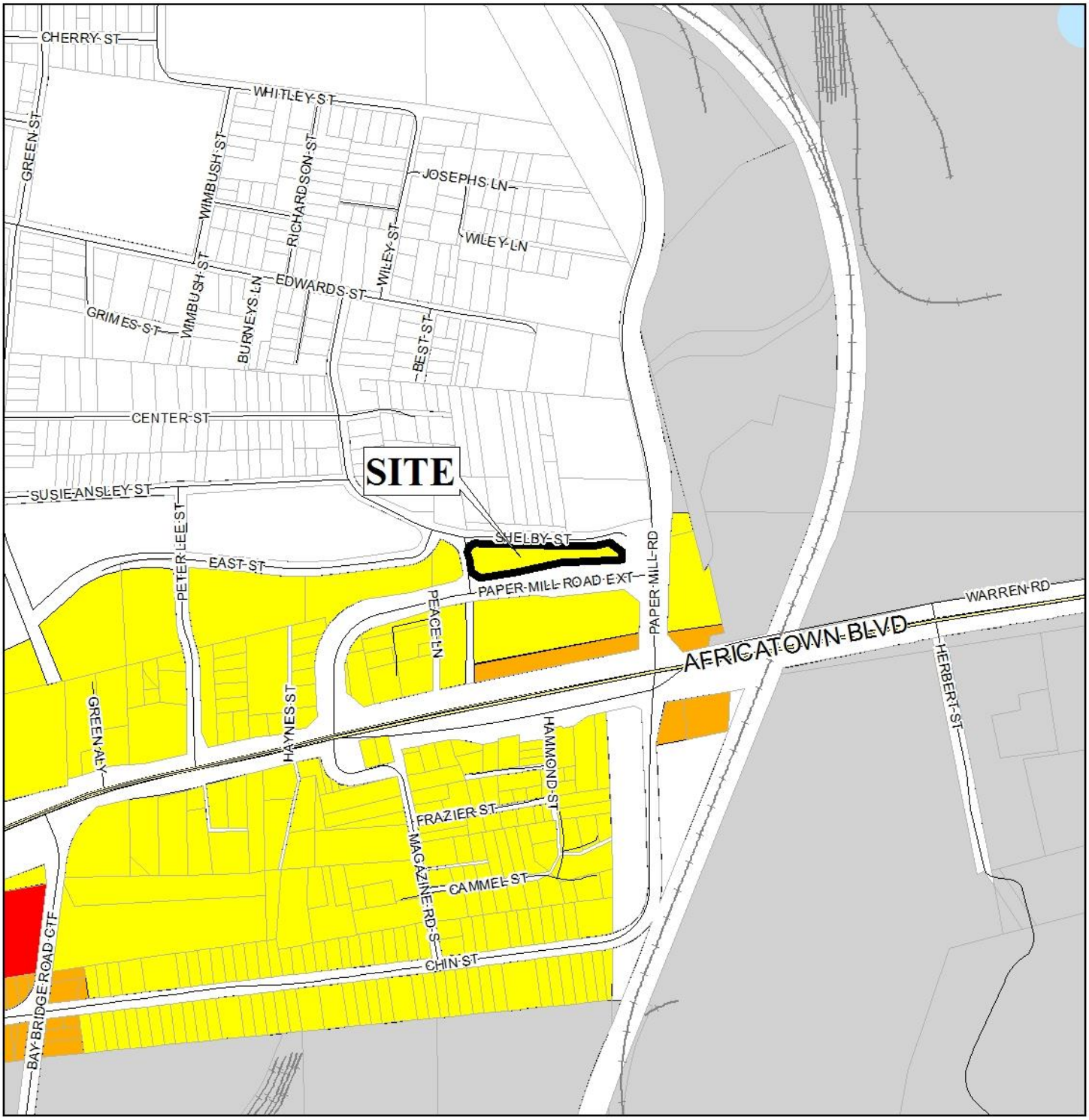
NTS

LOCATOR ZONING MAP



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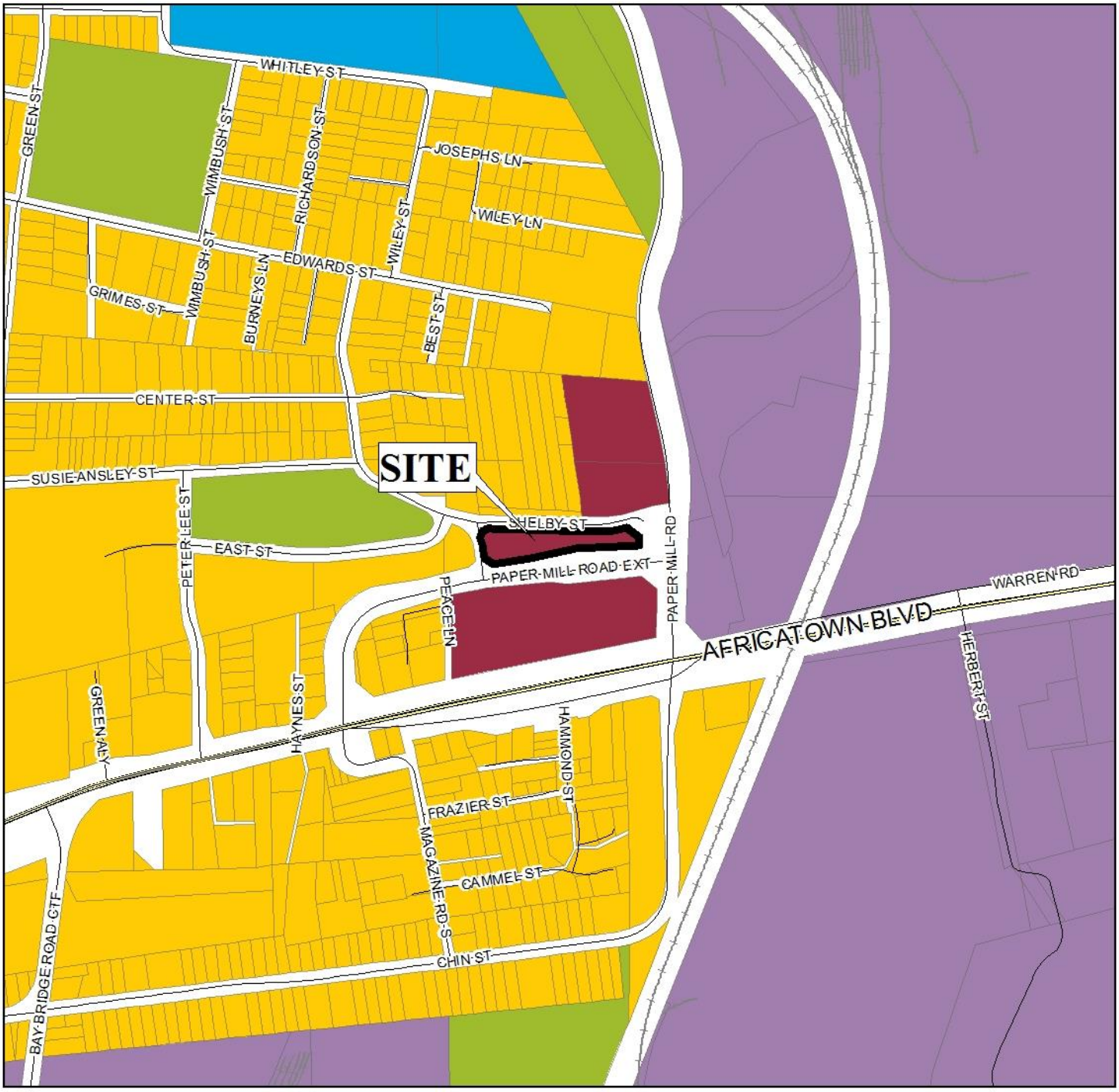
NTS

FLUM LOCATOR MAP



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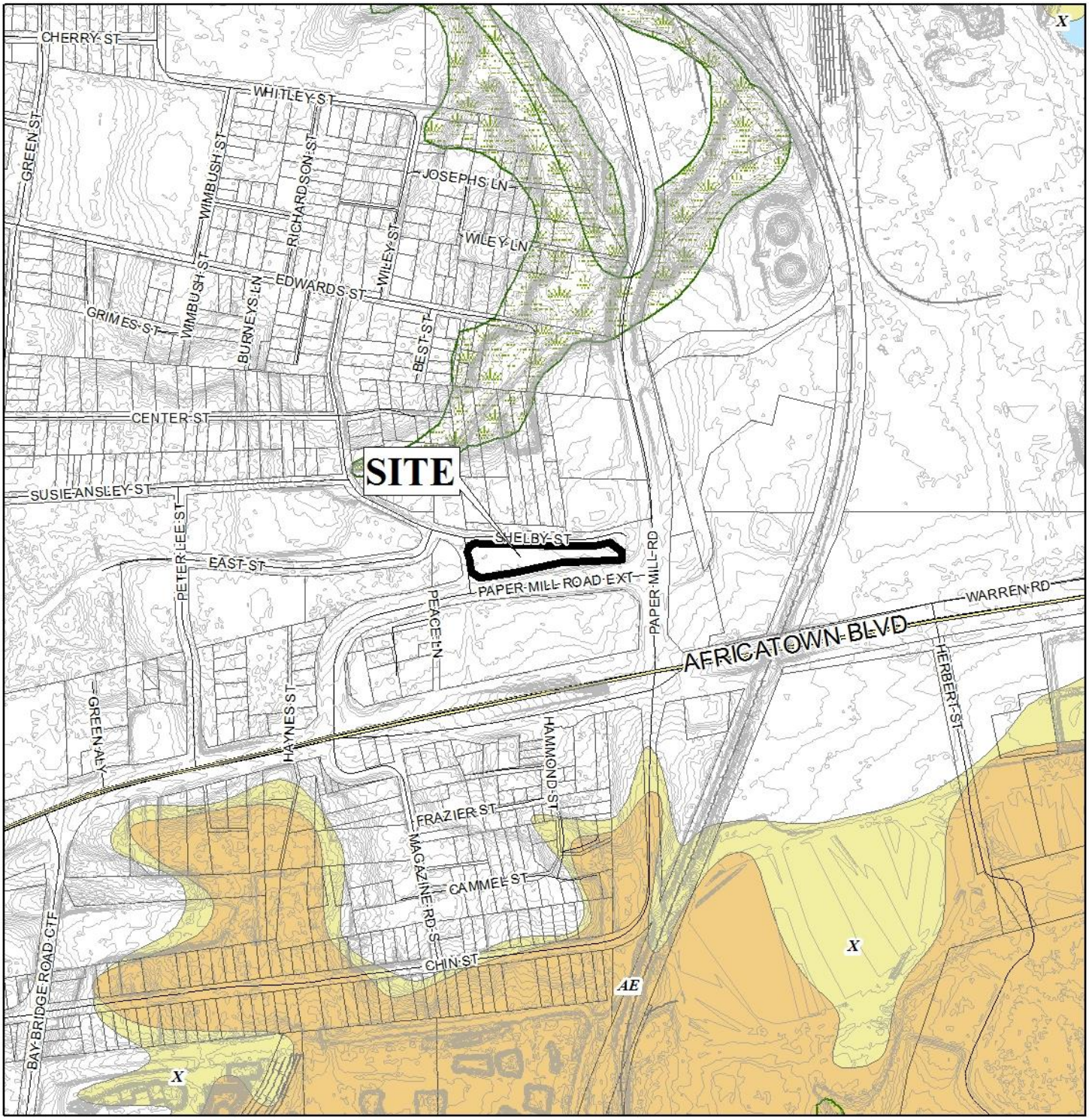
REQUEST Use, Parking, Parking Surface, Buffer, Tree/Landscape, Setback, Sign and Fencing Variances

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

N

NTS

ENVIRONMENTAL LOCATOR MAP



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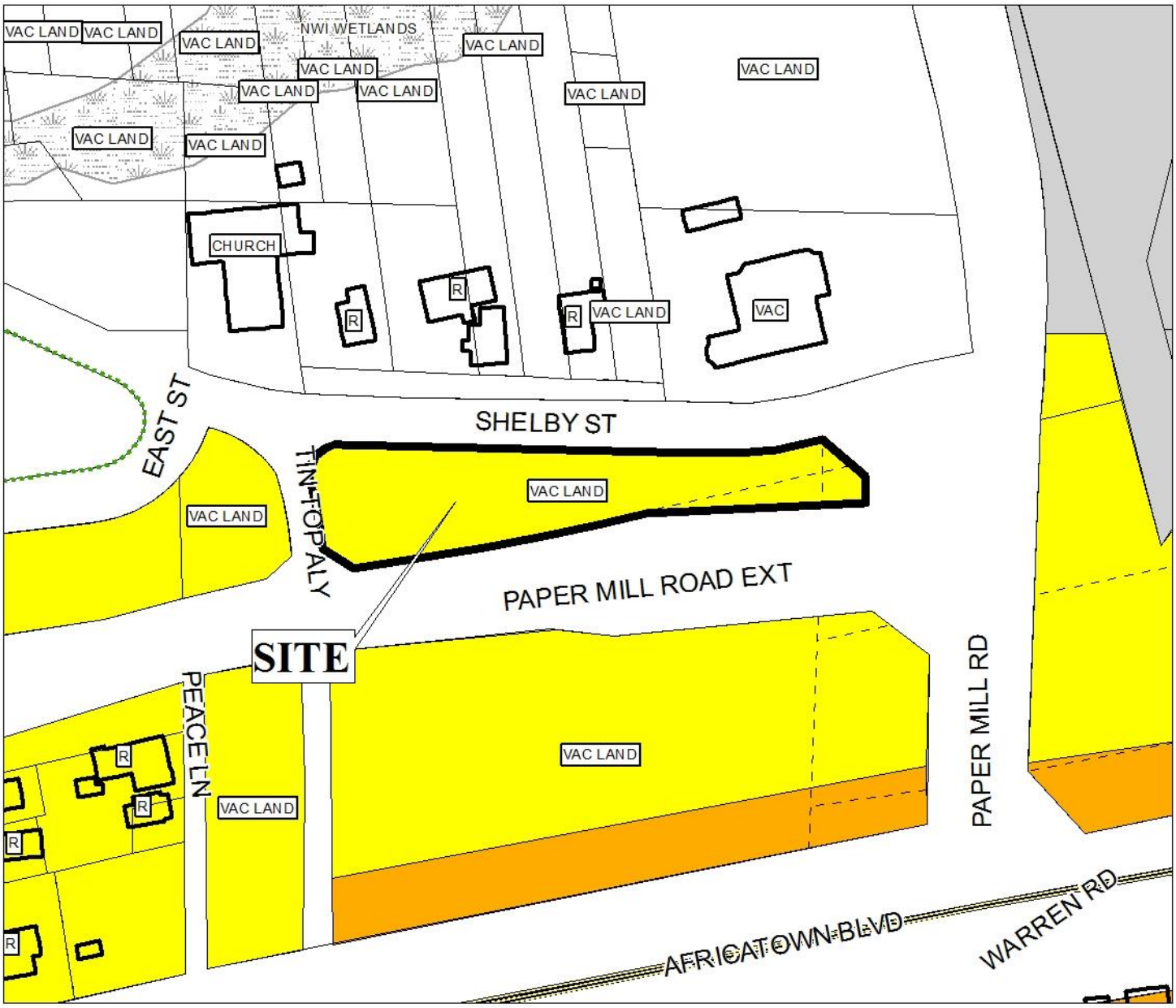
N

NTS

BOARD OF ADJUSTMENT
VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units.

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REQUEST Use, Parking, Parking Surface, Buffer, Tree/Landscape, Setback, Sign and Fencing Variances

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	

N

NTS

BOARD OF ADJUSTMENT
VICINITY MAP - EXISTING AERIAL

The site is surrounded by residential units.

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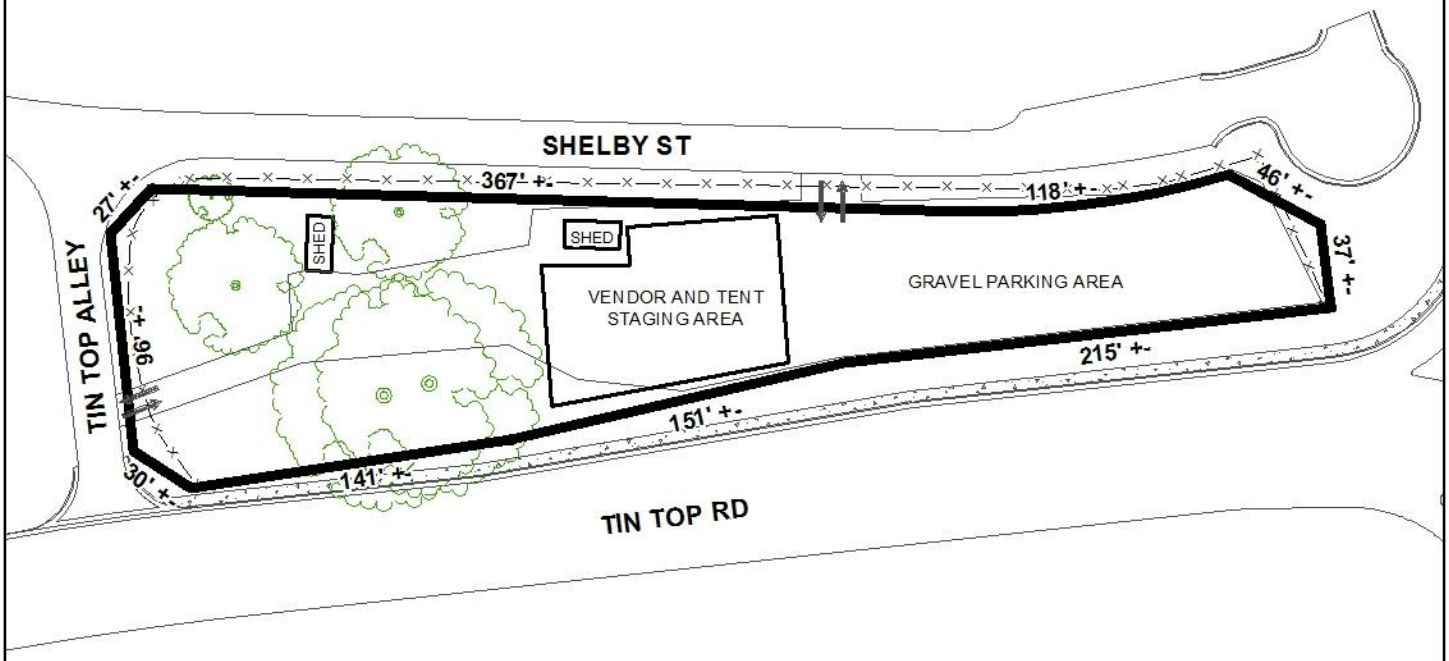
NTS

SITE PLAN



The site plan illustrates the proposed sheds, vendor staging area and parking.

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