

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: June 6, 2022****CASE NUMBER**

6457/6125/5054

**APPLICANT NAME**

Cummings Architecture (Sydney Boteler, Agent)

**LOCATION**

2100 Airport Boulevard  
(Northwest corner of Airport Boulevard and Glenwood Street and West side of Glenwood Street, 197'± North of Airport Boulevard).

**VARIANCE REQUEST**

**OFF-SITE PARKING VARIANCE:** Off-site Parking Variance to allow parking on a separate property and within public right-of-way in a B-3, Community Business District.

~~**LANDSCAPING VARIANCE:** Landscaping Variance to allow reduced landscaping on both the main business and off-site parking area in a B-3, Community Business District.~~

~~**VEHICULAR MANEUVERING VARIANCE:** Vehicular Maneuvering Variance to allow a vehicular maneuvering area within the public right-of-way for a commercial site in a B-3, Community Business District.~~

***PARKING RATIO VARIANCE:** Parking Ration Variance to allow reduced parking in a B-3, Community Business District*

**ZONING ORDINANCE  
REQUIREMENT**

**OFF-SITE PARKING VARIANCE:** The Zoning Ordinance requires all parking to be on-site in a B-3, Community Business District.

~~**LANDSCAPING VARIANCE:** The Zoning Ordinance requires that the site comply with the minimum landscaping ratios in a B-3, Community Business District.~~

~~**VEHICULAR MANEUVERING VARIANCE:** The Zoning Ordinance requires all vehicular maneuvering areas to be located out of the right-of-way for a multi-tenant commercial site in a B-3, Community Business District.~~

***PARKING RATIO VARIANCE:*** *The Zoning Ordinance requires a compliant amount of parking to be provided in a B-3, Community Business District.*

**ZONING**

B-3, Community Business District.

**AREA OF PROPERTY**

1.6± Acres

**CITY COUNCIL  
DISTRICT**

District 1

**ENGINEERING  
COMMENTS**

NO COMMENT.

**TRAFFIC ENGINEERING  
COMMENTS**

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 Section 64-6 of the City's Zoning Ordinance.

**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 (2012 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.

**ANALYSIS**

The applicant is requesting Off-Site Parking, Landscaping, and Maneuvering Variances to allow parking on a separate property and within the public right-of-way, reduced landscaping on both the main business and off-site parking area, and vehicular maneuvering area within the public right-of-way for a multi-tenant commercial site in a B-3, Community Business District; the Zoning Ordinance requires all parking to be on-site, the site to comply with the minimum landscaping ratios, and all vehicular maneuvering areas to be located out of the right-of-way for a multi-tenant commercial site in a B-3, Community Business District.

Upon analysis, staff has determined that both the Landscaping Variance and Vehicular Maneuvering Variance are not needed due to the fact that no additional parking is being proposed nor are any existing buildings being increased or decreased in size by more than 50%. However, a Parking Ratio Variance is necessary in addition to the Off-Site Parking Variance to account for the insufficient number of parking spaces proposed. As the Parking Ratio Variance request was not included in the legal advertisement prepared by staff for this application it cannot be considered by the Board at this time.

**RECOMMENDATION:** Based on the preceding, staff recommends that this application be heldover until the July 11<sup>th</sup> meeting to allow staff time to properly advertise the Parking Ratio Variance request.

***Revised for the July 11, 2022 meeting:***

*This application was heldover from the June 6, 2022 meeting to allow staff time to properly advertise the Parking Ratio Variance request.*

*The applicant is requesting Parking Ratio and Off-Site Parking Variances to amend previously approved variances to allow parking on a separate property and within the public right-of-way and reduced parking in a B-3, Community Business District; the Zoning Ordinance requires all parking to be on-site, with a compliant amount of parking provided in a B-3, Community Business District.*

*The site has been given a Traditional Mixed-Use Corridor (TC) and Neighborhood Center - Traditional (NC - T) land use designation per the Future Land Use Plan and Map adopted 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.*

*The Traditional Mixed-Use Corridor 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.*

*The Neighborhood Center Traditional 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.*

***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.*

*It should also 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 Zoning Ordinance states that no variance shall be granted where economics is 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.*

*The applicant states:*

*Cooper Restaurants, Inc. owns and operates the restaurant, Ruth's Chris, at 2058 Airport Blvd. Cooper Restaurants recently purchased an existing structure located at 2100 Airport Blvd. Cooper Restaurants also leases the building located at 262 Glenwood St. for its offices and for warehouse storage. The newly acquired building at 2100 Airport is proposed to be a restaurant. The purpose of the application is to seek approval to share parking between the three buildings. The parking for 2100 Airport will be off-site but relatively close to the property. The required number of parking spaces for the three buildings is 151 spaces. The number of spaces provided is 149. Please note that the number of spaces provided includes three existing parallel spaces on Glenwood next to 2100 Airport.*

*The subject site is located in an older section of Midtown Mobile. The site is bounded by B-3, Community Business District zoning to the North, East, South and West. A restaurant use is an allowable use within a B-3 business district, but a commercial business site must provide compliant onsite parking and an adequate number of parking spaces.*

*At its meeting on July 10, 2000 the Board of Adjustment approved a Front Yard Setback Variance to allow expansion of a dining room and improvements to front facades to within 10 feet of the front property line of the site that the main Ruth's Chris building is located on.*

*At its meeting on August 6, 2001 the Board of Zoning Adjustment approved a Front Yard Setback and Off-Site Parking Variance to allow a covered arbor on the front property line and to allow ten (10) parking spaces to be off-site in a B-3 district. The arbor in question was approved for the property abutting to the south of the main Ruth's Chris building and the off-site parking was approved to be located on 262 Glenwood Street, the site of the Ruth's Chris office building.*

*Most recently the subject site was used as a restaurant/café by Chaleur Method Brew & Espresso which was the subject of a similar variance request approved by the Board at its August 7, 2017 meeting. That request granted off-site parking for the subject site to be located on Parcel A, as illustrated on the submitted "Site Plan".*

*The current application would expand upon the previous requests to allow the subject site to share off-site parking with the entire Ruth's Chris restaurant complex spanning across five separate parcels. Approval of the Off-Site Parking Variance request would seem to be in keeping with precedent set by past approvals.*

*In regard to the Parking Ratio Variance, a restaurant use, per the Zoning Ordinance, requires that one (1) parking space be provided per one hundred (100) square feet of gross floor area. Within the existing Ruth's Chris complex; the restaurant building area measures 7,674 square feet*

*which will require 77 parking spots; the office space building area measures 2,521 square feet which will require 8 parking spots; and the warehouse building area does not specify the number of warehouse employees. However, the applicant states on the proposed site plan that only 1 space is required for the warehouse which staff can assume to mean no more than 3 warehouse employees will be present. As such, the existing uses require a total of 86 parking spaces. The proposed building area located on the subject site, or Parcel B on the submitted "Site Plan", measures 6,360 square feet which will require 64 parking spots. As such, the total number of spots required for all uses would be 150. The total number of spots proposed is 149.*

**RECOMMENDATION:** *Based on the preceding, staff recommends to the Board the following findings of fact for Approval of the Off-Site Parking and Parking Ratio Variance Requests:*

- 1) Approving the variance would not be contrary to the public interest because similar requests have been approved for this site previously;*
- 2) Special conditions were illustrated such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship as the properties have been fully developed such that additional parking is not possible on site; and*
- 3) The spirit of the chapter shall be observed, and substantial justice shall be done to the surrounding neighborhood by granting the variance, as allowance of off-site parking and a reduced number of required parking spaces will enable the continued use of an existing structure within the neighborhood.*

# LOCATOR MAP

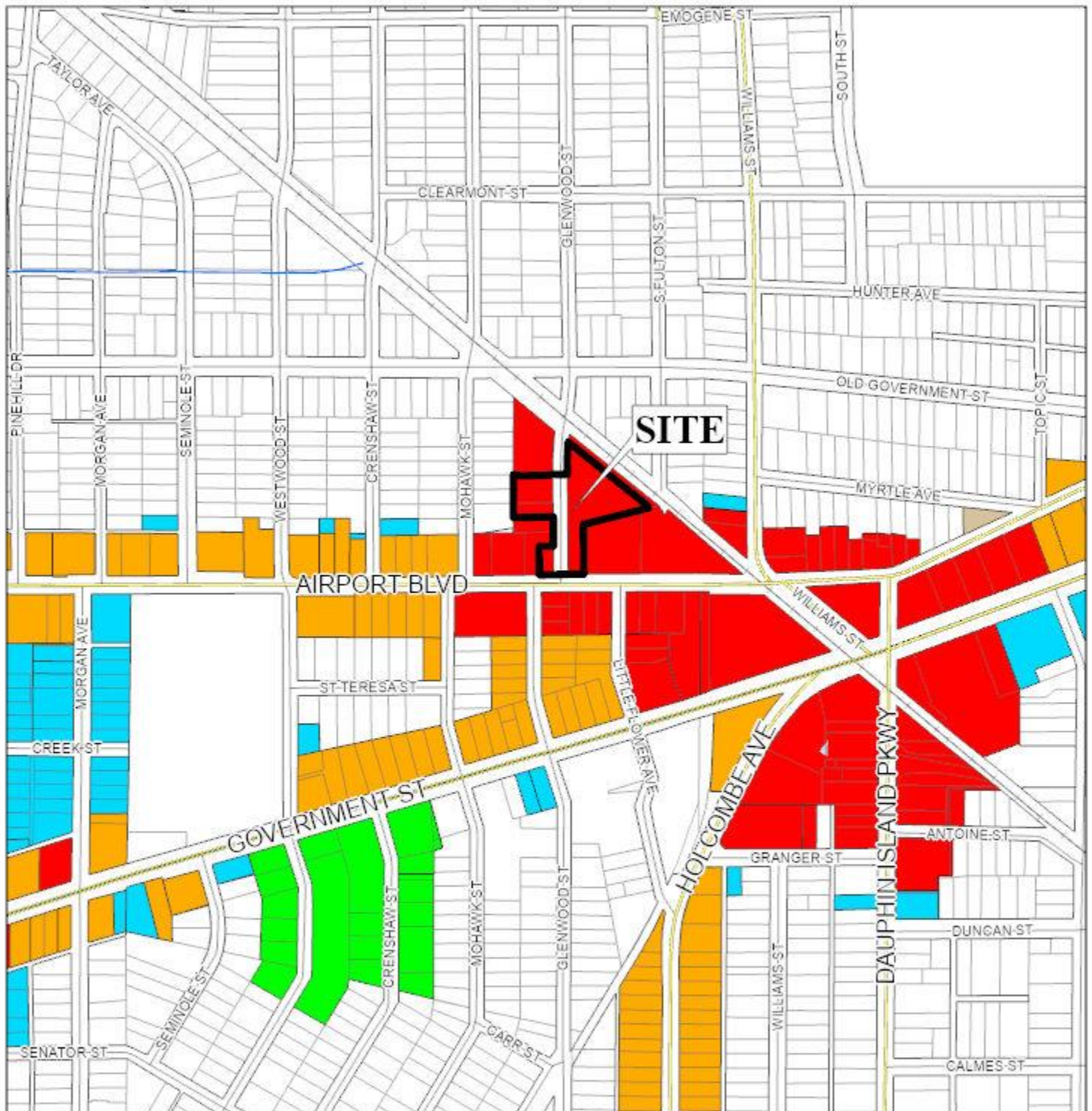


APPLICATION NUMBER 6457 DATE July 11, 2022  
APPLICANT Cummings Architecture (Sydney Boteler, Agent)  
REQUEST Off-Site Parking, Landscaping, & Vehicular Maneuvering Variances





# LOCATOR ZONING MAP

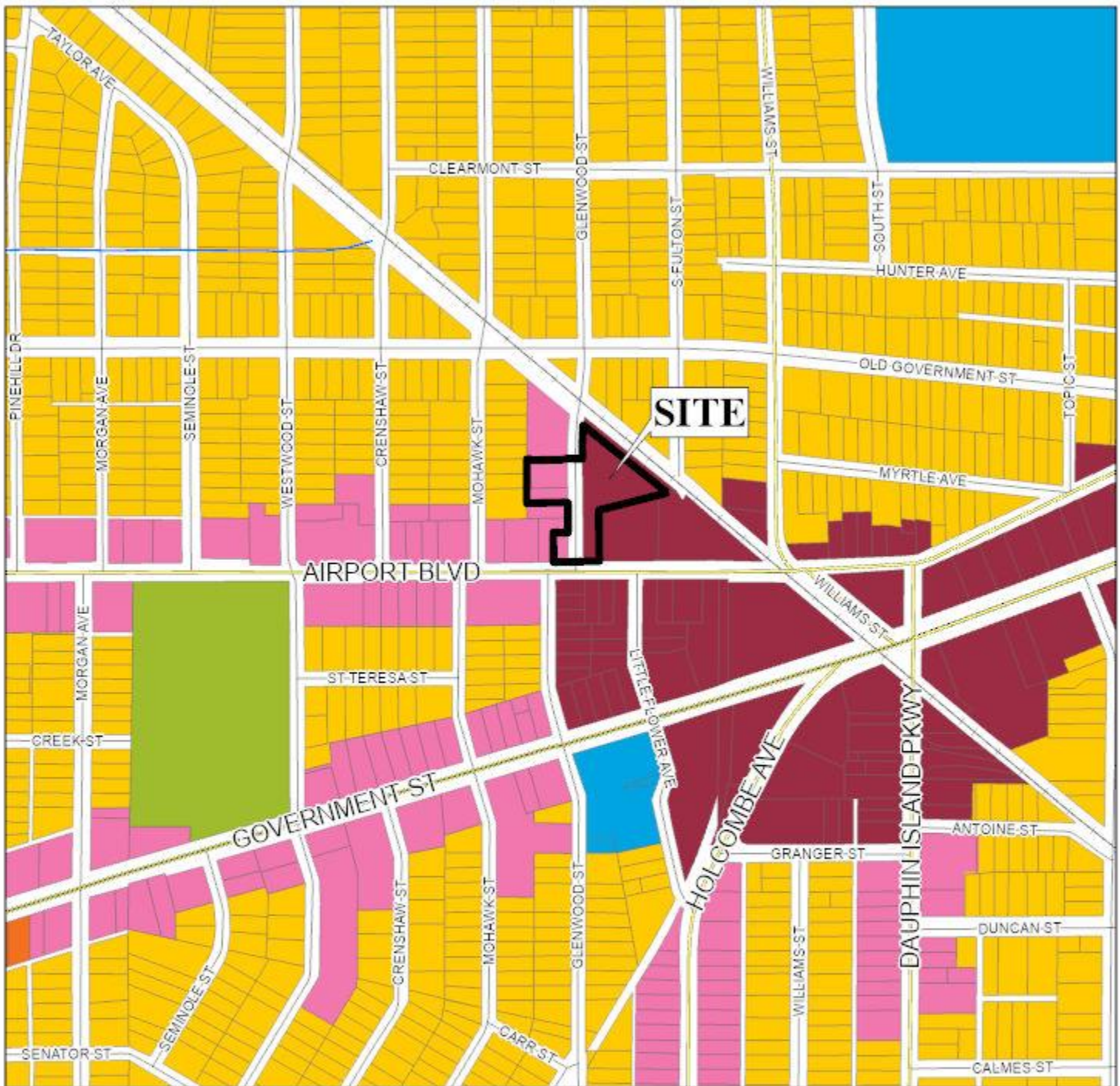


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# FLUM LOCATOR MAP



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## Layer2

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





# ENVIRONMENTAL LOCATOR MAP

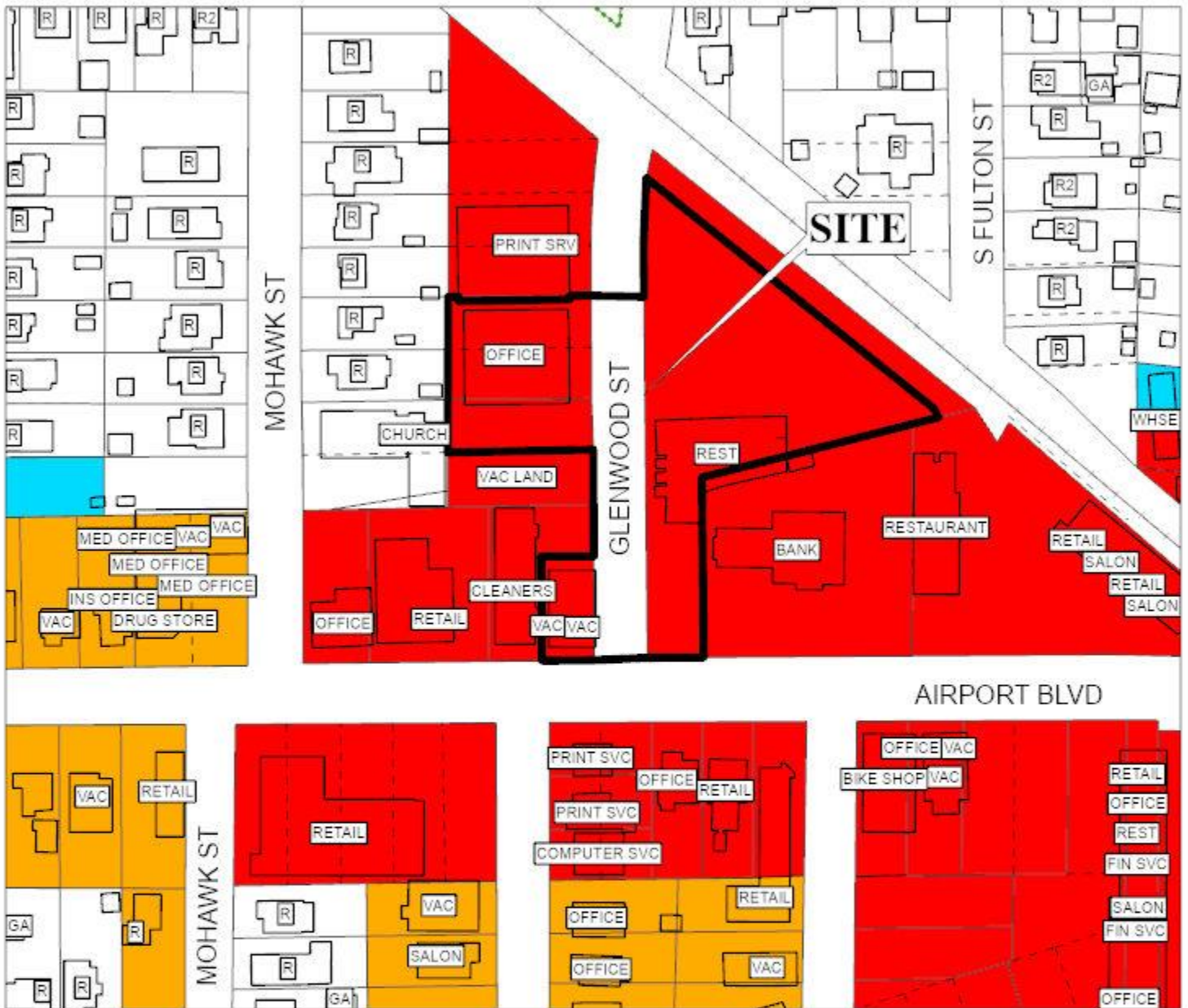


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## BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



This site is surrounded by commercial units.

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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

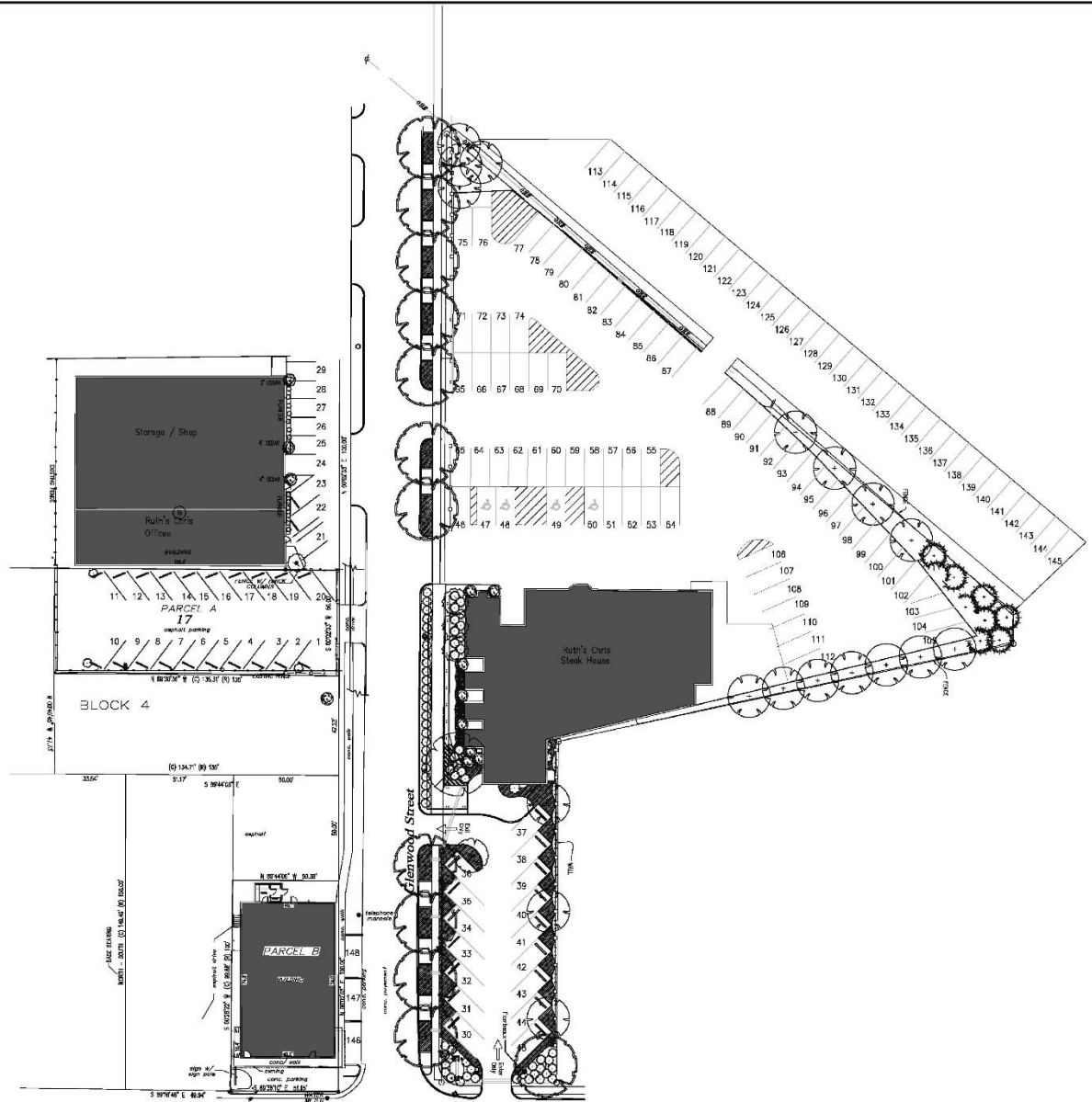


This site is surrounded by commercial units.

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# SITE PLAN

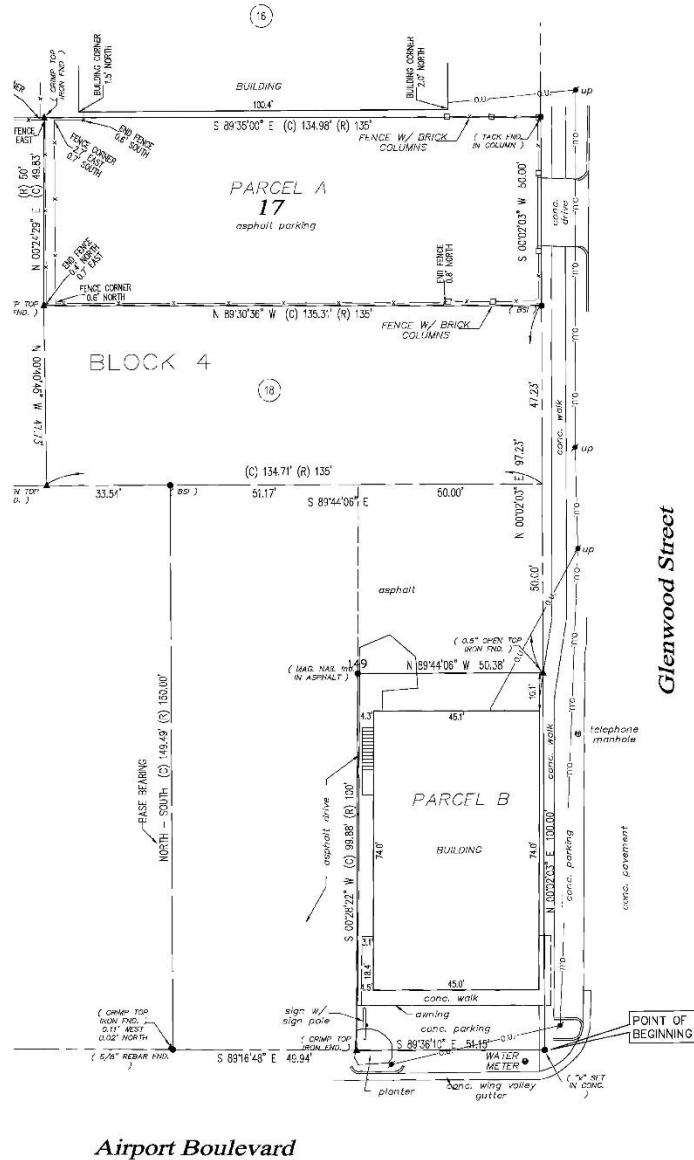


This site illustrates the buildings and parking for each parcel.

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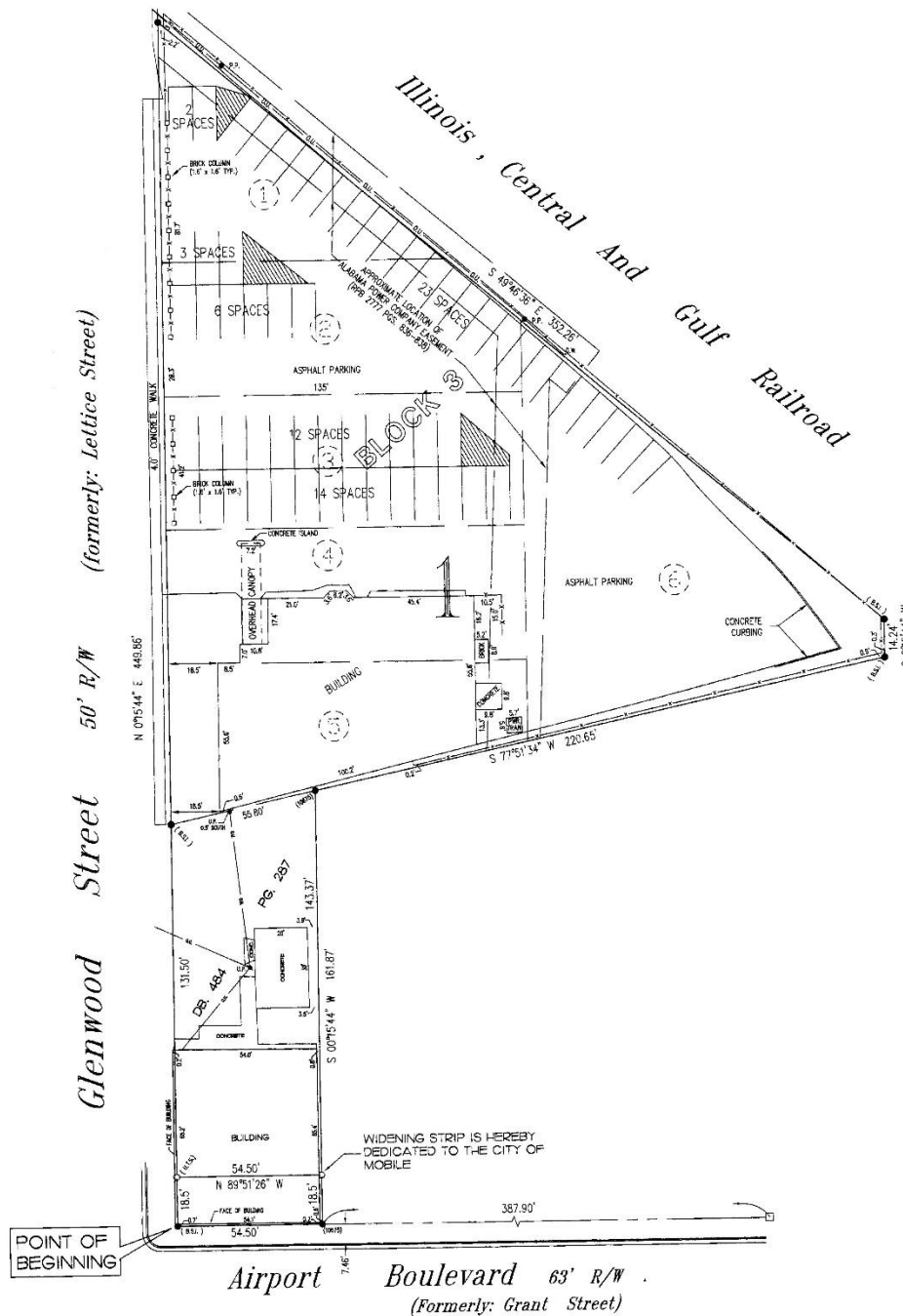
# DETAIL SITE PLAN



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