

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: November 4, 2019****CASE NUMBER**

6289

APPLICANT NAME

Mobile Real Estate Investments, LLC

LOCATION7970 Airport Boulevard
(North side of Airport Boulevard at the North terminus of
Dawes Road)**VARIANCE REQUEST****SURFACING:** Surfacing Variance to allow unimproved
surfacing for inventory for a temporary automobile
dealership parking lot in a B-3, Community Business
District.**ZONING ORDINANCE
REQUIREMENT****SURFACING:** The Zoning Ordinance requires all parking
areas to be surfaced in asphalt, concrete, or an approved
alternative paving surface in a B-3, Community Business
District.**ZONING**

B-3, Community Business

AREA OF PROPERTY

2 Lots / 3.52± Acres

**ENGINEERING
COMMENTS**If the unimproved surfacing (grass/soil) is approved for use
the applicant will need to have the following conditions met:

1. Submit and receive a Land Disturbance Permit through Central Permitting for the proposed site development.
2. Designated handicapped accessible spaces and routes must be paved (i.e. concrete, asphalt).
3. Provide a letter, signed by the Owner, which states the specific date that the cars and gravel will be removed from the site.

**TRAFFIC ENGINEERING
COMMENTS**The proposed lots are accessed from a private service road
and not directly adjacent to the mainline of Airport Boulevard. If there is no restriction on where
vehicles can park on either lot, a line of sight issue could arise for the neighboring driveways
adjoining the proposed storage lots on the private service road. The properties appear to all be
under the same ownership and the issue could be resolved among the private individuals.

**URBAN FORESTRY
COMMENTS**

No comments.

**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).

**CITY COUNCIL
DISTRICT**

District 7

ANALYSIS

The applicant is requesting a Surfacing Variance to allow unimproved surfacing for inventory for a temporary automobile dealership parking lot in a B-3, Community Business District; the Zoning Ordinance requires all parking areas to be surfaced in asphalt, concrete, or an approved alternative paving surface in a B-3, Community Business District.

The site has been given a Mixed Commercial Corridor (MCC) 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 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 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.

The applicant's narrative states:

Lot 1 consists of two commercial buildings with associated parking and an unimproved landscaped area, which is the area being proposed for storage in this variance application. Lot 2 is currently an unimproved landscaped lot. Both lots have a shared access road along their frontages.

This variance application is proposed to allow the storage of vehicles on an unpaved surface. The application has been submitted in response to a Notice of Violation issued by the City of Mobile regarding the vehicles parked on these lots. The applicant is currently constructing a dealership located at 1150 Schillinger Rd in Mobile County and leased these lots to store excess inventory until the dealership constructed and store the vehicles. The owner has no intention to improve these lots at this time, due to the temporary nature of the vehicle storage. The lots have not been developed and have not changed since being annexed into the city with the surrounding properties. Several nearby properties that were annexed with the above referenced lots are currently storing inventory and vehicles on unpaved surfaces. The planned storage is temporary and will be moved upon completion of the dealership.

The subject site is located along a commercial stretch of Airport Boulevard and is adjacent to the last commercially-zoned property on the North side of the street as one travels West. Adjacent to the East is an auto parts store; adjacent to the North is Mobile Airport Authority property, and to the South across Airport Boulevard is B-3 zoning in residential use.

The applicant currently operates the Encore auto dealership on Schillinger Road South just outside the City limits. A new facility is currently under construction on the site, and a small temporary sales area occupies a portion of the site. As the inventory vehicle storage area is restricted by the construction, the applicant proposes to store inventory vehicles off-site inside the City while the new permanent facility is under construction. The proposed storage sites consist of two vacant and undeveloped areas. One is a total lot, and one is an undeveloped area within an adjacent and larger lot which is partially developed. The applicant has informed staff that no sales are intended on the proposed temporary storage site. As no improvements to the parking surfaces are proposed, and as the Zoning Ordinance requires parking surfaces to be paved in asphalt, concrete, or an approved alternative paving surface, a variance is required to allow the proposed use.

A staff review of the new dealership site indicates construction is well under way with a large inventory of new and used vehicles for sale in the temporary sales area. The applicant has informed staff that the projected completion date is March 2020 and that the project is on schedule. In instances where an applicant for a variance has proposed a temporary non-compliant use of a site (i.e. a mobile home during construction of a primary dwelling), the Board has been sympathetic to the request.

As per the Traffic Engineering comments, the property owner should ensure that there is no line of sight issue imposed along the private service road by the stored vehicles.

The proposed use is temporary with no sales of vehicles proposed; therefore, no signage should be allowed on the storage sites. If any fencing is proposed around the storage sites, fence permit will be required.

As the nonconforming use of the subject site is proposed to be temporary until construction of the dealership site is completed in approximately five months, and as no vehicle sales are proposed on the temporary storage site, the allowance of vehicle storage on unimproved surfaces would not seem to have a negative impact on the surrounding area, and the Board should consider this request for approval.

RECOMMENDATION: Staff recommends to the Board the following findings of facts for Approval of the Surfacing Variance request:

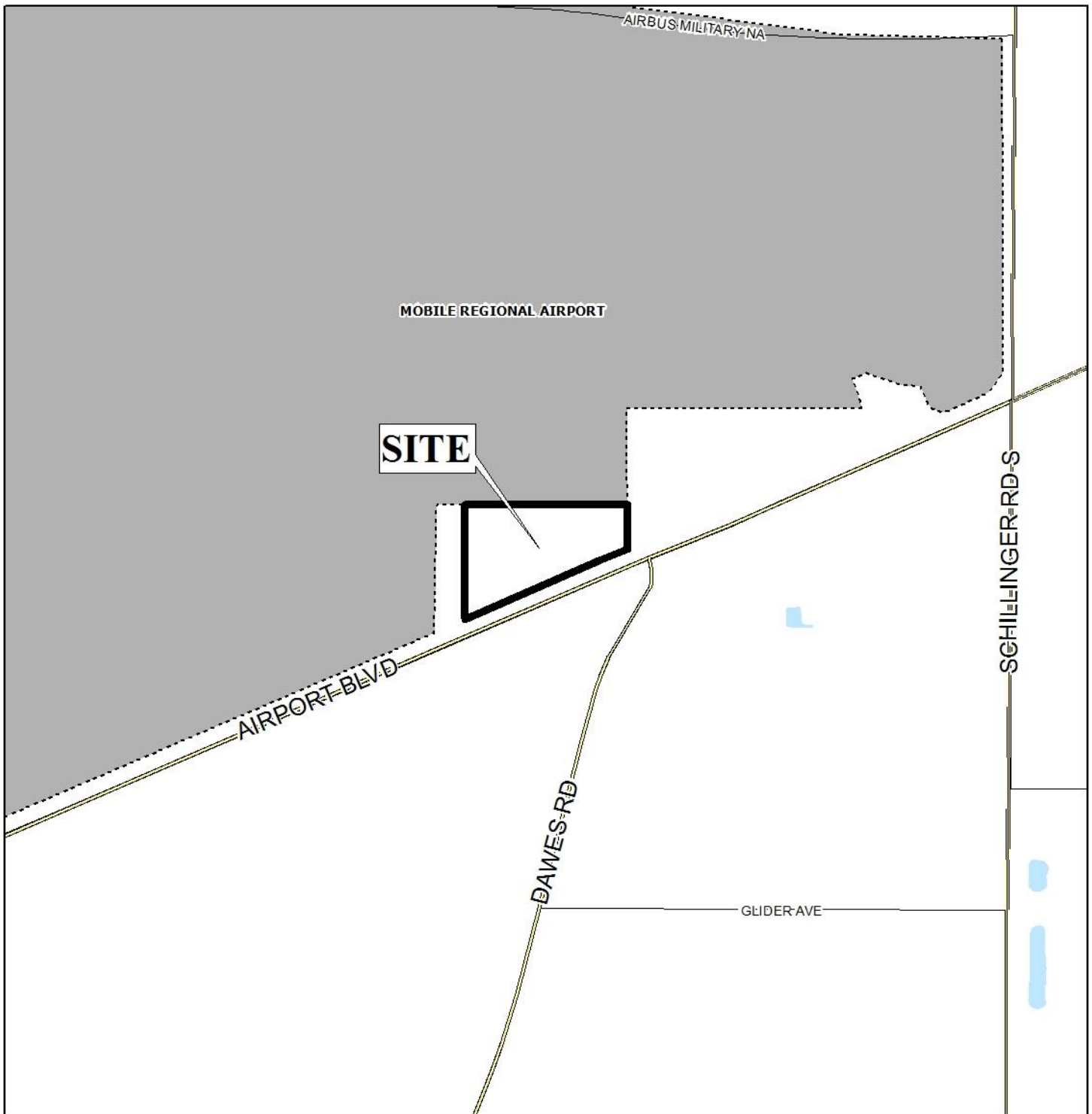
- 1) Approving the variance will not be contrary to the public interest in that the use would only be temporary with no business being transacted on the storage site;
- 2) Special conditions were illustrated such that the literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and
- 3) The spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance because the use of the noncompliant surfacing would only be temporary and the vehicle storage use would be appropriate for the zoning classification.

The approval is subject to the following conditions:

- 1) the use of the unimproved areas for inventory vehicle storage is limited to six (6) months, to expire at the end of April, 2020;
- 2) use of the site is limited to inventory vehicle storage only with no vehicle sales to transpire on the site;
- 3) no signage is allowed on the site;
- 4) permits will be required for any fencing;
- 5) subject to the Engineering comments: *[If the unimproved surfacing (grass/soil) is approved for use the applicant will need to have the following conditions met: 1. Submit and receive a Land Disturbance Permit through Central Permitting for the proposed site development. 2. Designated handicapped accessible spaces and routes must be paved*

- (i.e. concrete, asphalt). 3. Provide a letter, signed by the Owner, which states the specific date that the cars and gravel will be removed from the site.];
- 6) subject to the Traffic Engineering comments: *(The proposed lots are accessed from a private service road and not directly adjacent to the mainline of Airport Boulevard. If there is no restriction on where vehicles can park on either lot, a line of sight issue could arise for the neighboring driveways adjoining the proposed storage lots on the private service road. The properties appear to all be under the same ownership and the issue could be resolved among the private individuals.);*
 - 7) subject to the 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).];* and
 - 8) full compliance with all other municipal codes and ordinances.

LOCATOR MAP



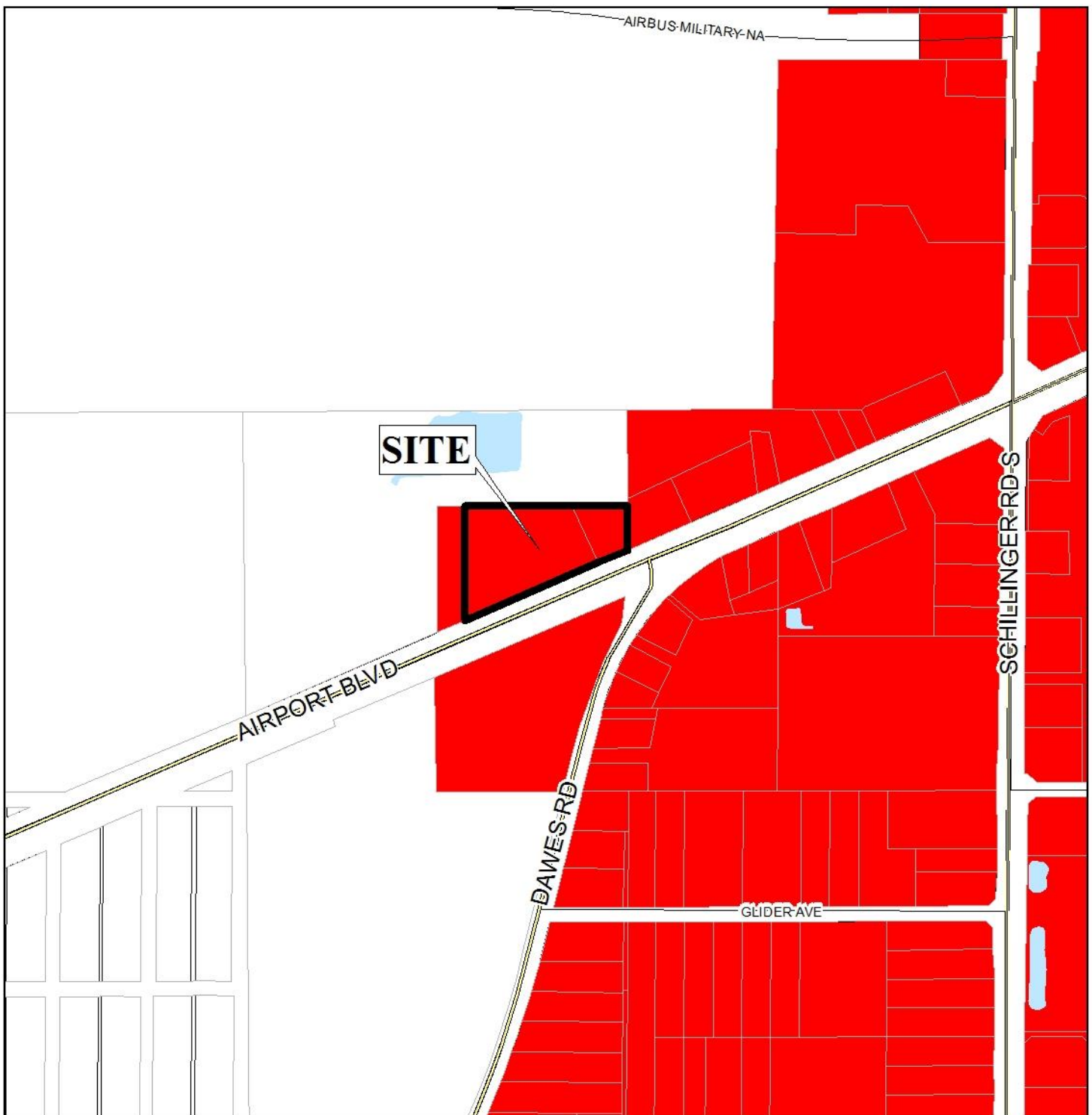
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REQUEST Surfacing Variance



LOCATOR ZONING MAP



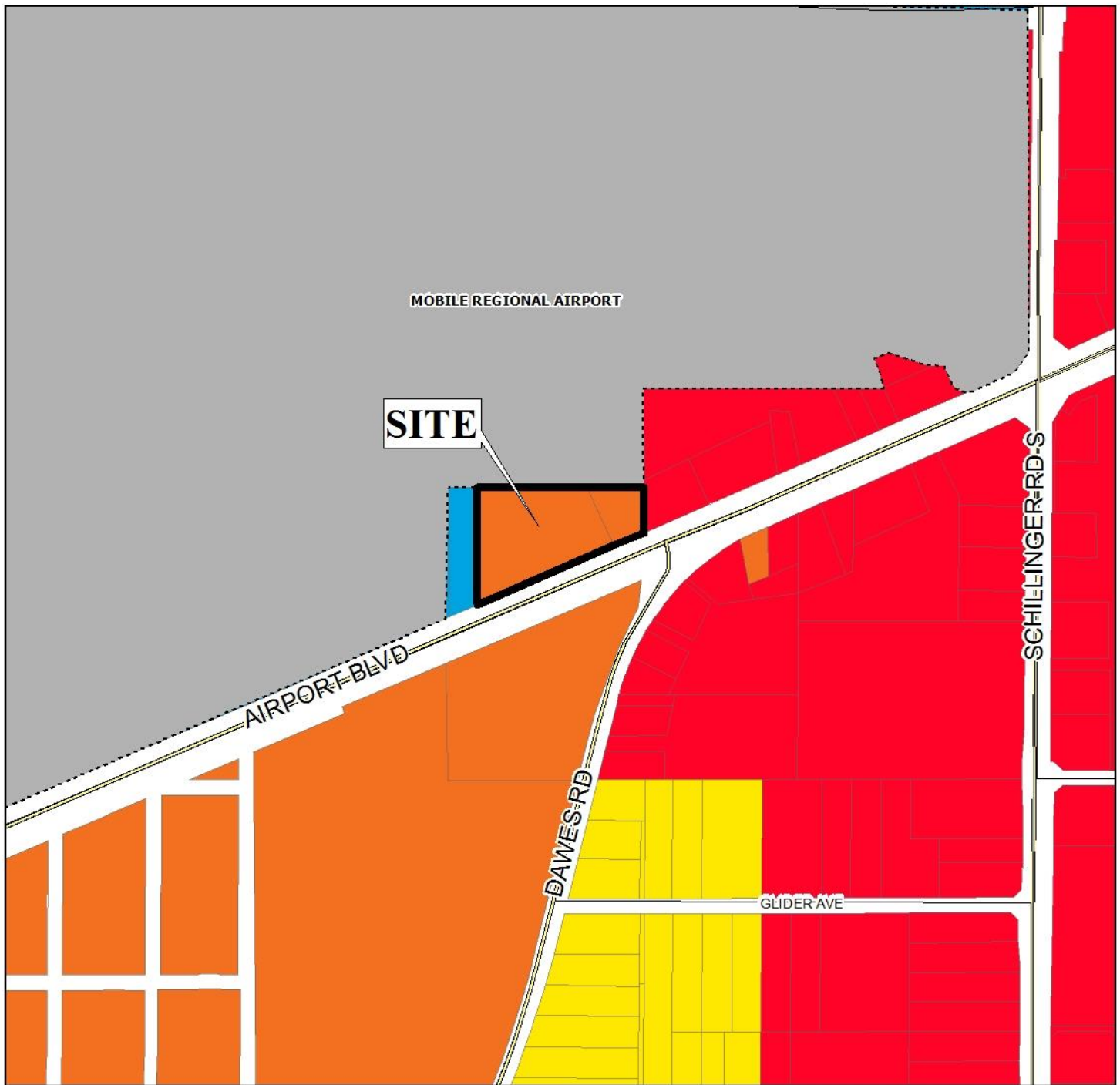
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FLUM LOCATOR MAP



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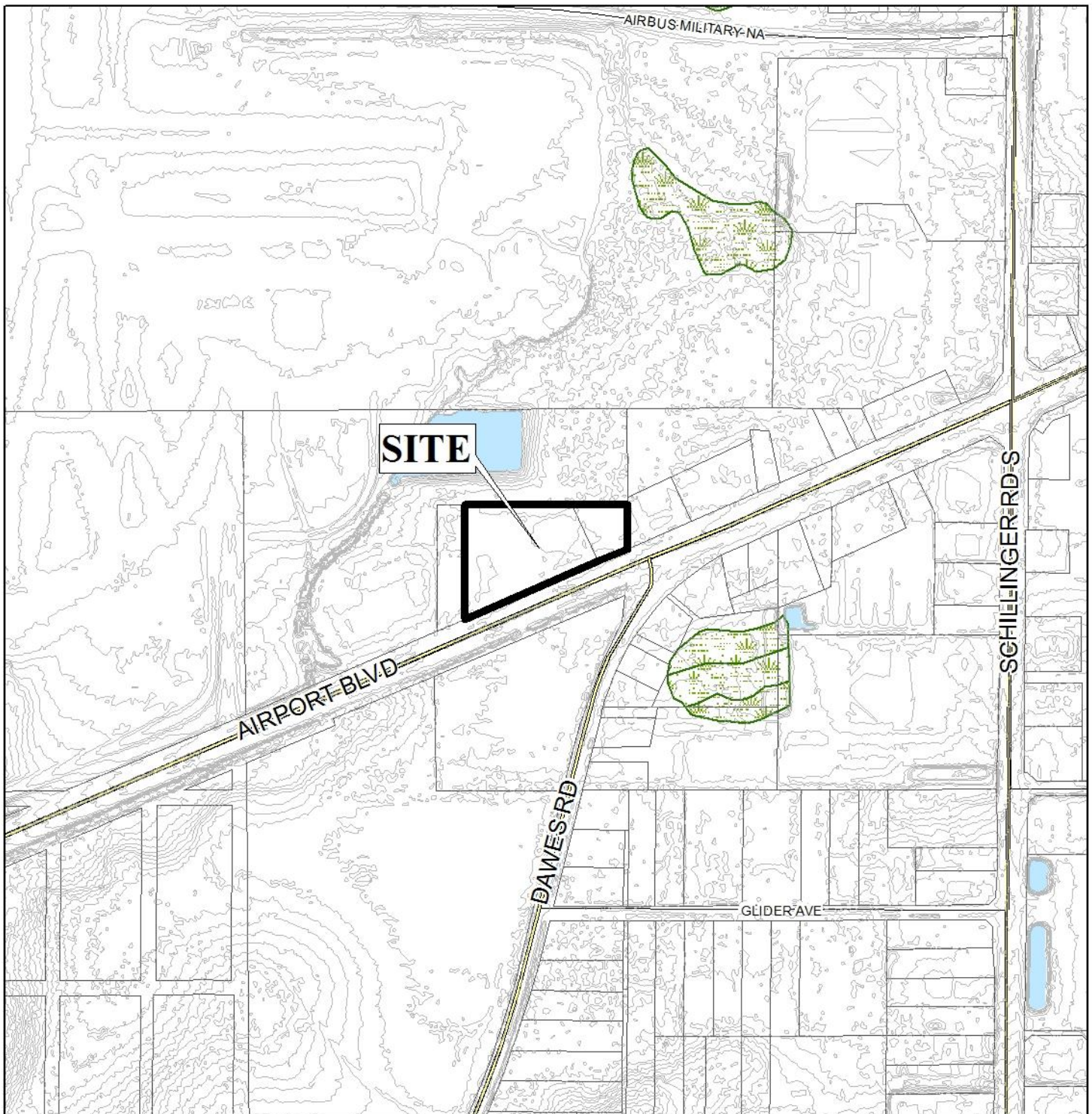
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Low Density Residential	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
Mixed Density Residential	Neighborhood Center - Suburban	Light Industry	Water Dependent
Downtown	Traditional Corridor	Heavy Industry	
District Center	Mixed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



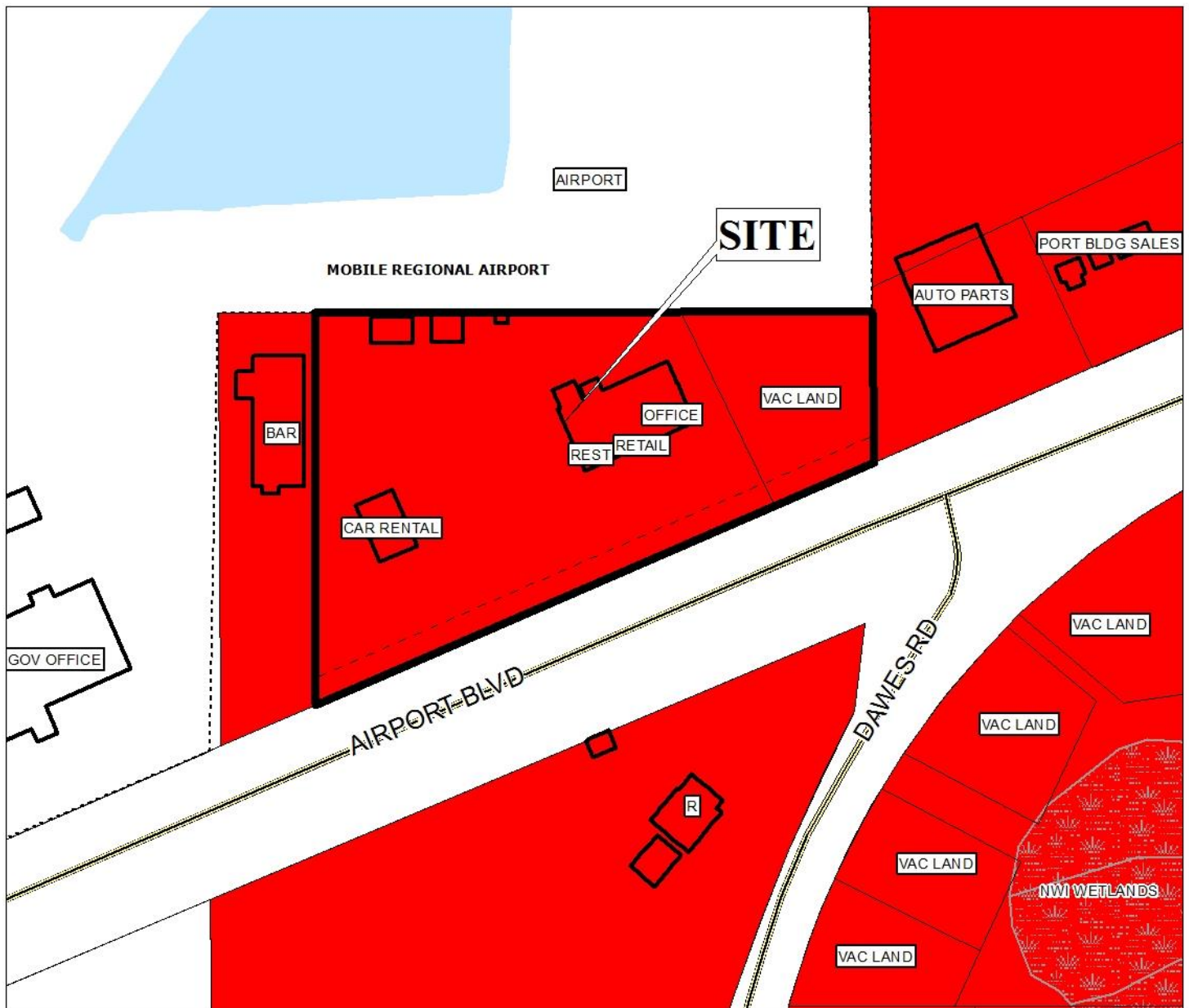
ENVIRONMENTAL LOCATOR MAP



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

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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

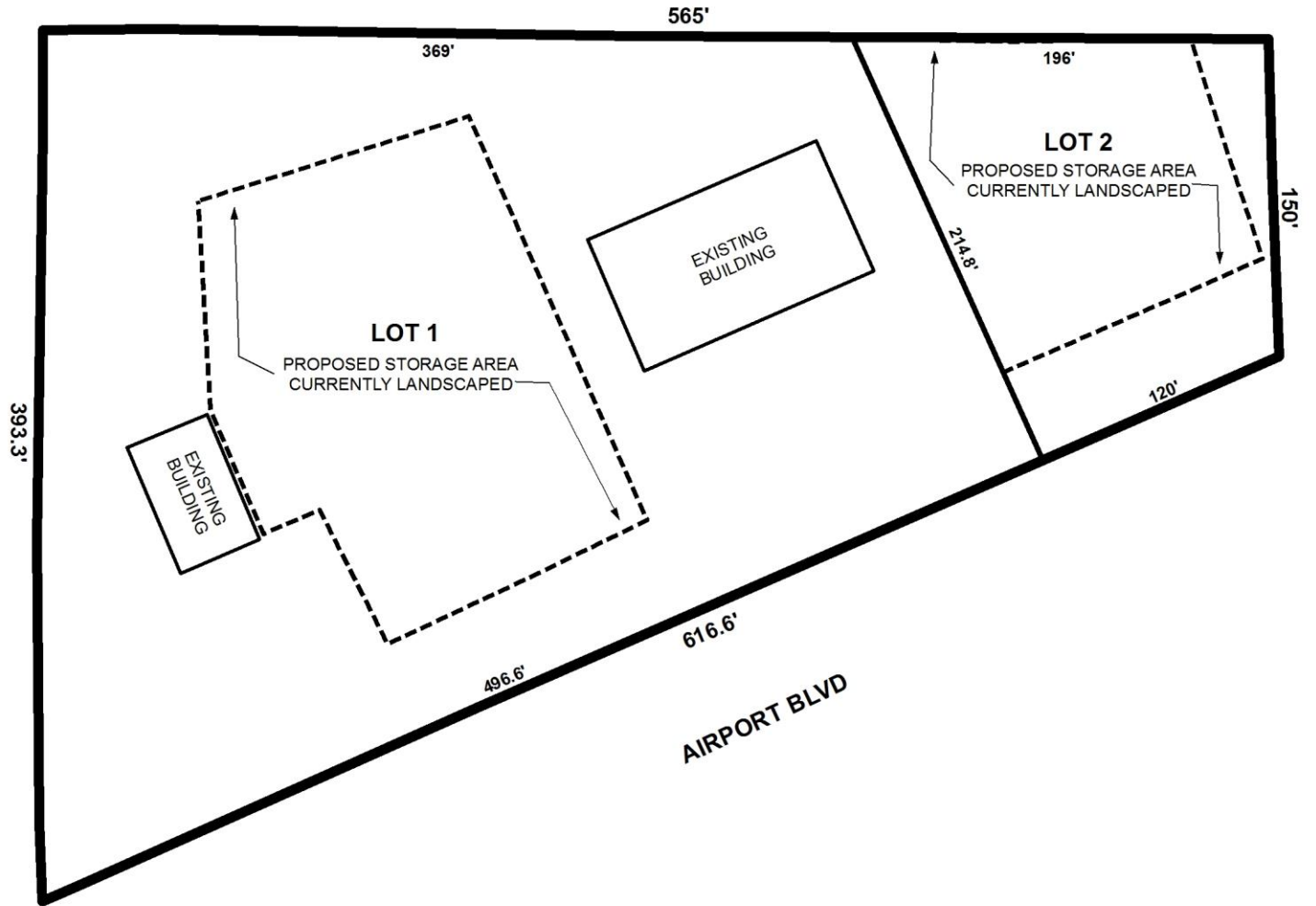


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SITE PLAN



The site plan illustrates the existing buildings and proposed storage areas.

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