

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: February 1, 2021****CASE NUMBER**

6367

APPLICANT NAME

Debbie and Tommy Hartley

LOCATION

2100 North University Boulevard
(East side of North University Boulevard at the East terminus of Mickey Drive).

VARIANCE REQUEST

USE: Use Variance to allow a special events center in an R-1, Single-Family Residential District.

**ZONING ORDINANCE
REQUIREMENT**

USE: The Zoning Ordinance requires at least a B-2, Neighborhood Business District, for a special events center.

ZONING

R-1, Single-Family Residential District

AREA OF PROPERTY

55.19± Acres

ENGINEERING**COMMENTS**

If the proposed variance is approved for use the applicant will need to have the following conditions met:

1. The proposed improvements shown on the submitted plans will require a Tier 1 Land Disturbance Permit.
2. Any and all proposed land disturbing activity within the property will need to be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.
3. For any work within the public ROW - submit a ROW Permit Application form along with the Land Disturbance Permit submittal package.

TRAFFIC ENGINEERING**COMMENTS**

Based on the proposed density of the site a traffic impact study would be required for this site. The study would need to be completed prior to Traffic Engineering approval of permits for the site. The applicant may be responsible for offsite improvements to mitigate impacts to traffic on the adjacent street.

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). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site 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 buildings and 600' of sprinkled buildings.

CITY COUNCIL

DISTRICT

District 1

ANALYSIS

The applicant is requesting a Use Variance to allow a special events center in an R-1, Single-Family Residential District; the Zoning Ordinance requires at least a B-2, Neighborhood Business District, for a special events center.

The site has been given a Low Density Residential land use designation per the Future Land Use Plan and Map, adopted by the Planning Commission at its May 18, 2017 meeting. 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 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.

This designation applies to existing residential neighborhoods found mostly west of the Beltline or immediately adjacent to the east side of the Beltline.

The primary land use in the LDR districts is residential and the predominant housing type is the single-family housing unit, detached or semi-detached, typically placed within a street grid or a network of meandering suburban streets. The density in these districts ranges between 0 and 6 dwelling units per acre (du/ac).

These neighborhoods may also contain small-scale, low-rise multi-unit structures at appropriate locations, as well as complementary retail, parks and civic institutions such as schools, community centers, neighborhood playgrounds, and churches or other religious uses if those uses are designed and sited in a manner compatible with and connected to the surrounding context. The presence of individual ancillary uses should contribute to the fabric of a complete neighborhood, developed at a walkable, bikeable human scale.

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 subject site is bordered to the North and South by vacant R-1 zoning. To the East is R-1 zoning used as a single-family subdivision, and to the West across North University Boulevard is R-1 zoning, also used as a single-family subdivision.

The applicant provided the following narrative regarding the request:

DESCRIPTION OF PROPOSED USED:

THE POTENTIAL OWNER PLANS TO USE THE PROPERTY TO CONDUCT A BUSINESS FOR SPECIAL EVENTS, UTILIZING THE BUILDING SHOWN ABOVE AS A SPECIAL EVENTS CENTER. THE FACILITY WOULD BE USED FOR WEDDINGS AND OTHER GROUP ASSEMBLIES. THE VARIANCE REQUEST IS TO ALLOW FOR THIS USE ON AN R-1 ZONED PROPERTY.

ITEMS WHICH INVOLVE MACHINERY OR EQUIPMENT:

THE ONLY EQUIPMENT ANTICIPATED WOULD BE AUTOMOBILE DELIVERY OF CATERED FOOD, FURNITURE, OR OTHER TEMPORARY NEEDS.

DAYS AND HOURS OF OPERATION:

THE FACILITY WILL HAVE NOT REGULAR HOURS OF OPERATION, IT IS AVAILABLE BY APPOINTMENT ONLY. EVENTS REGULARLY END AT 10 PM, SO THAT CLEAN UP CAN BE ACHIEVED BY MIDNIGHT.

NUMBER OF EMPLOYEES:

THE OWNERS ARE HUSBAND AND WIFE, AND ARE THE MAIN TWO EMPLOYEES. WHEN HELP IS NEEDED, AN ADDITIONAL THREE EMPLOYEES HELP AS NEEDED.

NUMBER OF CUSTOMERS PER DAY:

EVENTS WILL NOT BE DAILY, BUT THE MAXIMUM NUMBER OF GUESTS WOULD BE 700 DURING A LARGER EVENT.

GROSS SQUARE FOOTAGE:

THE PLAN ABOVE INDICATES THE BUILDING SQUARE FOOTAGE AS 30,000 SF. THIS IS PRELIMINARY ONLY, AND MAY INCREASE OR DECREASE SLIGHTLY WITH DEVELOPMENT. SINCE THIS REQUEST IS FOR USE ONLY, FINAL PLANS ARE NOT BEING SUBMITTED AT THIS TIME.

PARKING REQUIREMENTS:

ASSEMBLY TYPICALLY REQUIRES 1 SPACE PER 4 SEATS. THE PLAN ABOVE SHOWS 700 SEATS IN THE SPECIAL EVENTS CENTER (IT MAY BE REDUCED TO 500 SEATS BASED ON BUDGET), SO REQUIRED PARKING WOULD BE 175. THE PLAN INDICATES 175 PARKING SPACES. THE CHAPEL AND SPECIAL EVENTS CENTER WILL BE USED BY THE SAME OCCUPANTS, SO PARKING DOES NOT NEED TO BE DUPLICATED.

STATEMENT ON WHY PROPERTY CANNOT BE USED IN COMPLIANCE WITH THE ZONING ORDINANCE:

THE CURRENT PROPERTY IS ZONED RI, WHICH DOES NOT ALLOW FOR USE AS A SPECIAL EVENTS CENTER, THIS USE WOULD BE SIMILAR TO THE ADJACENT PROPERTIES, SINCE THERE IS A CHURCH TO THE NORTH OF THIS PROPERTY. TO MINIMIZE IMPACT ON SITE, IT IS PROPOSED THAT THE SITE REMAINS HEAVILY WOODED EXCEPT FOR THE CIRCULAR AREA OF BUILDING DEVELOPMENT.

DESCRIPTION OF EXISTING SITE CHARACTER:

THE EXISTING SITE IS HEAVILY WOODED. THE BUILDING GROUP WILL BE PLACED IN THE CENTER OF THE SPECIAL USE AREA SO THAT THE PERIMETER CAN STAY WOODED AND SERVE AS A BARRIER FROM THE ADJACENT PROPERTIES.

TIME SCHEDULE FOR DEVELOPMENT:

ONCE SPECIAL USE IS APPROVED, DESIGN AND CONSTRUCTION WILL BEGIN. ARCHITECT ANTICIPATES A 2 YEARS TIMEFRAME FOR DESIGN, PERMIT APPROVAL, AND CONSTRUCTION.

DESCRIPTION OF PROPERTY LOCATION:

THE SITE IS LOCATED ON THE EAST SITE OF HIGHPOINT BLVD, NORTH OF THE INTERSECTION OF HIGHPOINT AND US HIGHWAY 98,

LEGAL DESCRIPTION OF PROPERTY:

LEGAL DESCRIPTION IS INDICATED ON ENCLOSED SURVEY.

The site plan indicates that the subject site would be imbedded within a densely wooded parcel and would occupy about one-fourth of the over-all parcel. The proposed development would consist of a 30,000 square-foot building containing a wedding chapel, bridal room and a special events center. Access to the site would be a driveway from North University Boulevard, extending to a circular parking area surrounding the proposed building, centered approximately 500 feet into

the site. The site plan indicates 175 parking spaces are to be provided initially, with approximately another 116 parking spaces indicated as future parking. A “future office” is also illustrated on the site plan as a separate structure.

The applicant states that the maximum number of guests would be 700 during a larger event, but also states that it may be reduced to 500 seats based upon budget. The parking calculations provided are based upon assembly occupancy which typically requires one space per four seats, and the proposed 175 parking spaces which would initially be provided would satisfy this requirement. However, the office space (4,090 square feet) would require 14 parking spaces, which are not included in the parking calculations for the site plan. A total of 189 on-site parking spaces would be required for the site. Therefore, the initially-provided parking is not in compliance with the minimum parking standards.

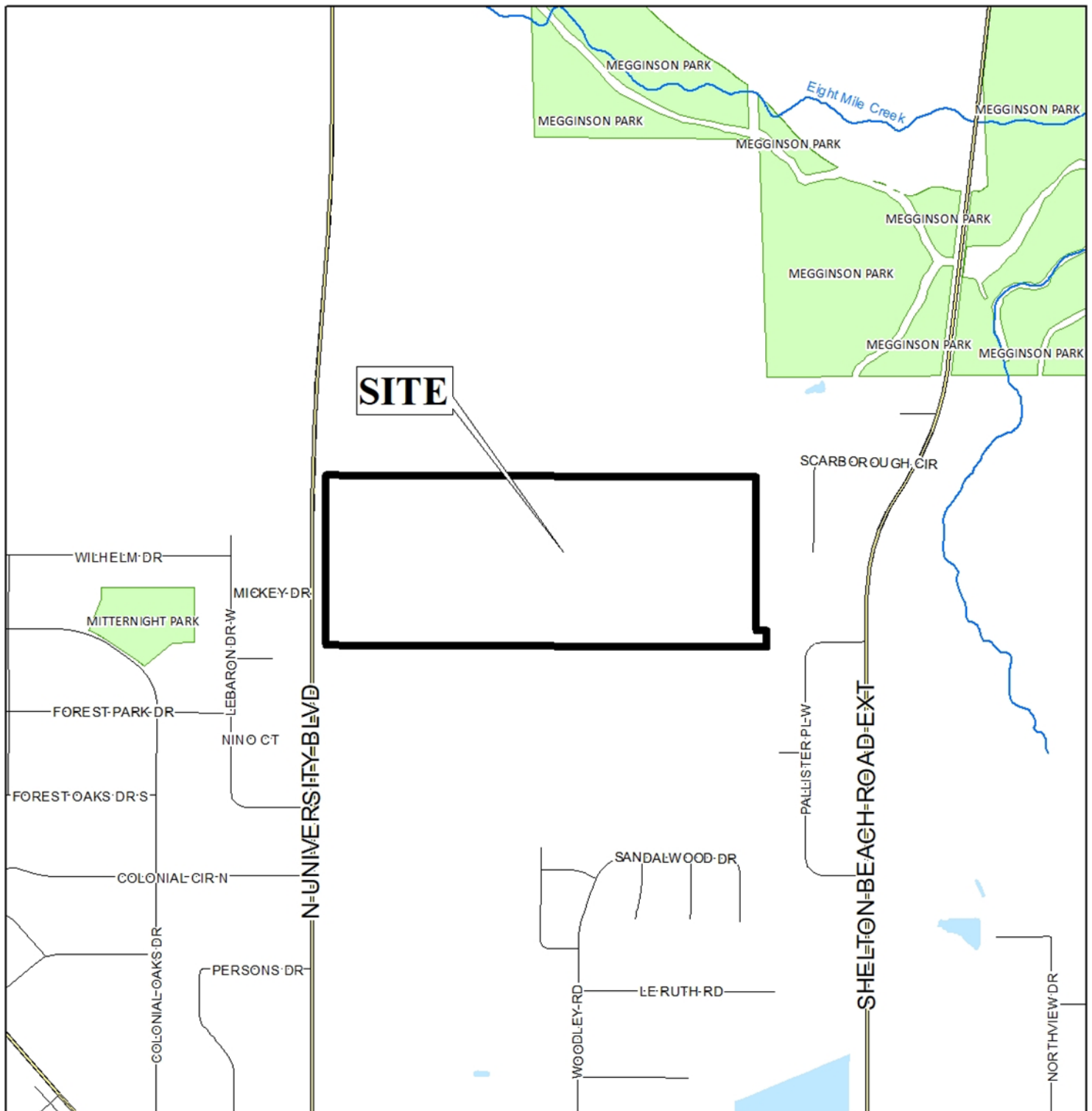
The site plan does not provide a dumpster or any information regarding refuse collection. For the proposed use, this would be an important issue of consideration.

It should be emphasized that the applicant is not certain of the gross square footage of the building, and the site plan indicates a future parking area and a future office. Variance approvals are specific as to a proposed use and site plan. As the applicant has not arrived at a specific size for the event center, and as no hardship has been illustrated with respect to the use of the property, and as the property is large enough to be rezoned to an appropriate zoning classification which would accommodate the proposed use, this application should be recommended for denial.

RECOMMENDATION: Staff recommends to the Board the following findings of facts for Denial of the Use Variance request:

- 1) Approving the variance will be contrary to the public interest in that the use would be contrary to the established zoning classification and use of both the site and surrounding neighborhood as single-family residential;
- 2) Special conditions were not 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 not be observed and substantial justice shall not be done to the surrounding neighborhood by granting the variance because the use would be incompatible to an established R-1 District.

LOCATOR MAP



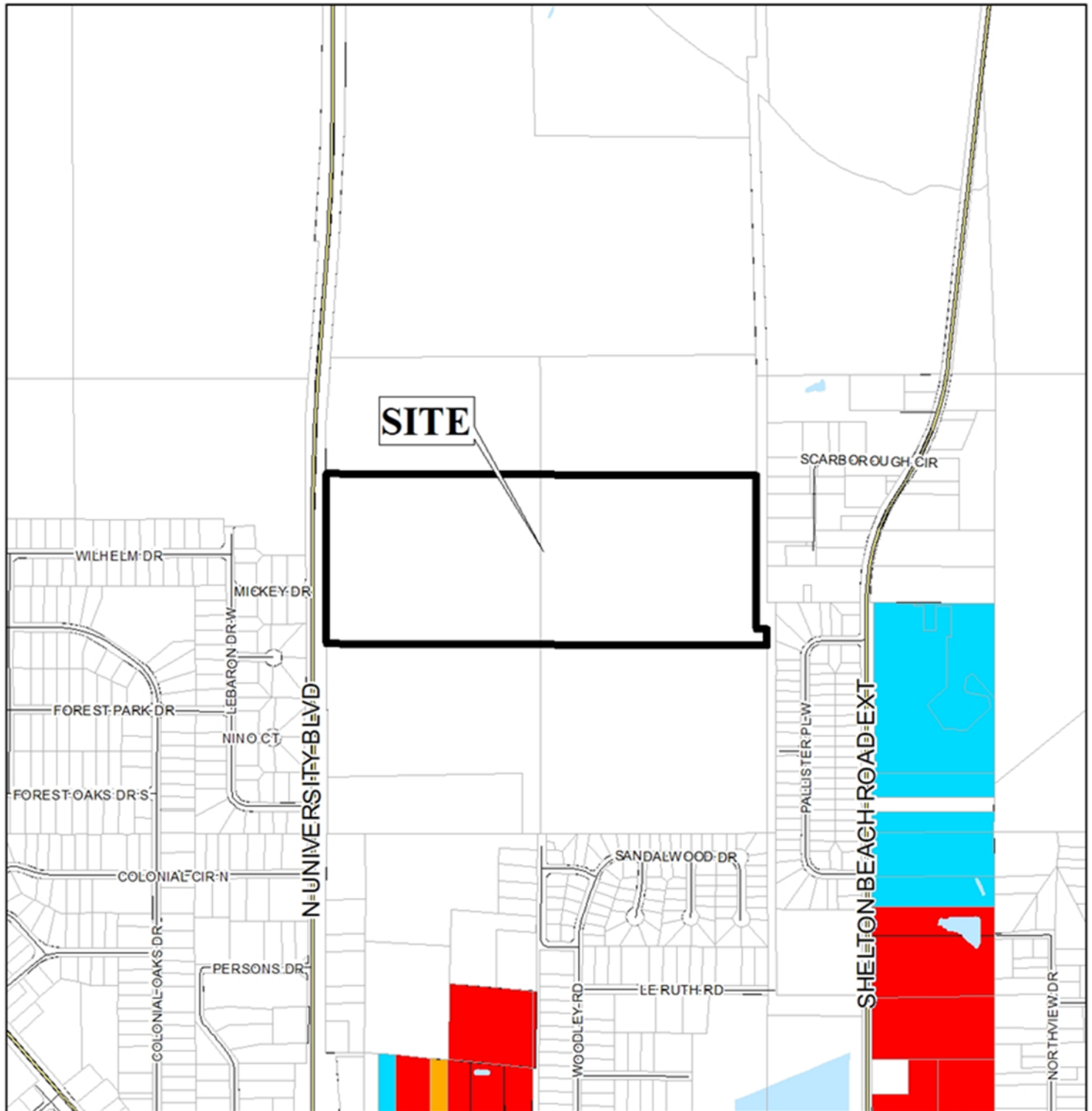
APPLICATION NUMBER 6367 DATE February 1, 2021

APPLICANT Hartley Special Events Center

REQUEST Use Variance



LOCATOR ZONING MAP



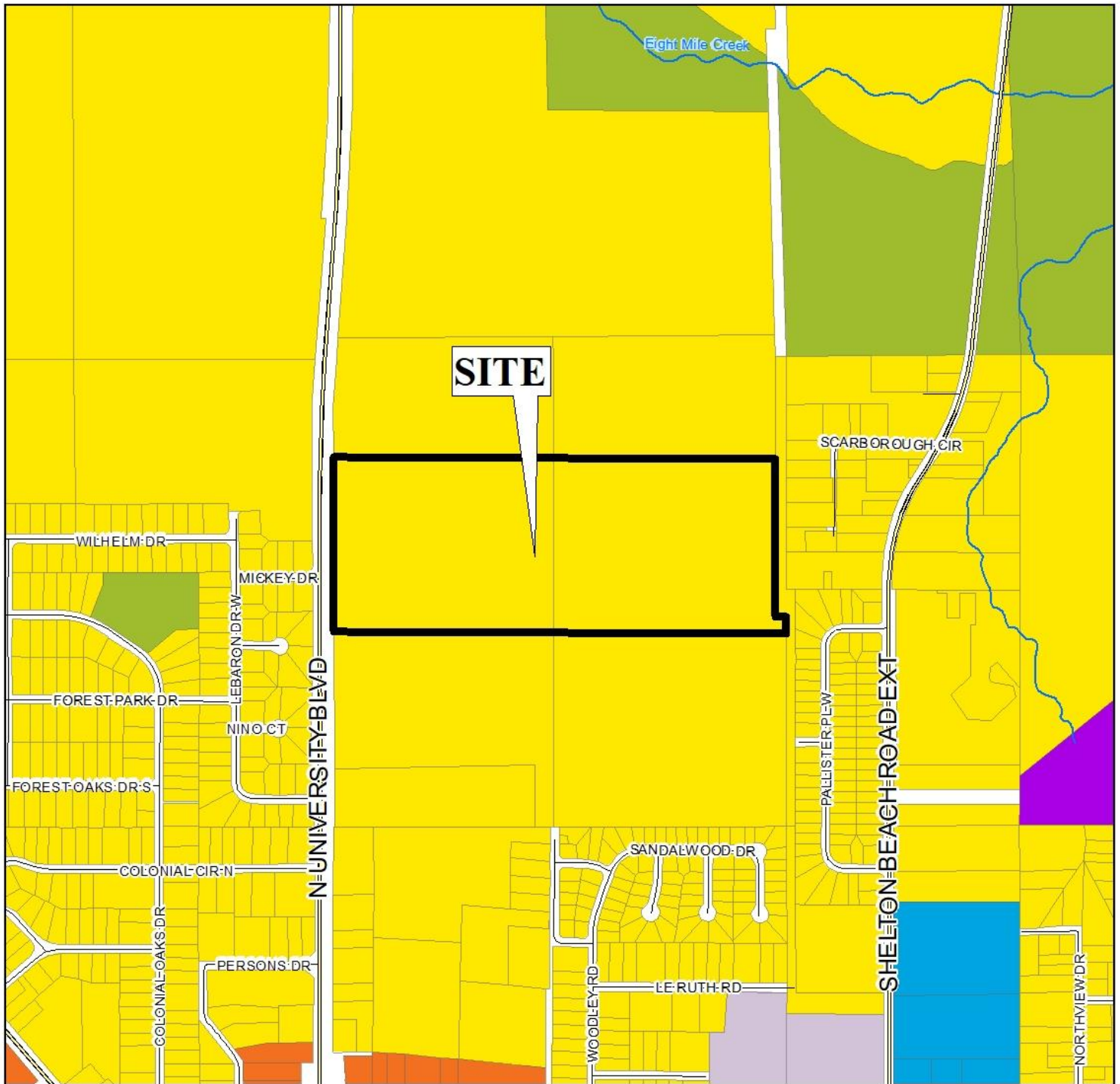
APPLICATION NUMBER 6367 DATE February 1, 2021

APPLICANT Hartley Special Events Center

REQUEST Use Variance



FLUM LOCATOR MAP



APPLICATION NUMBER 6367 DATE February 1, 2021

APPLICANT Hartley Special Events Center

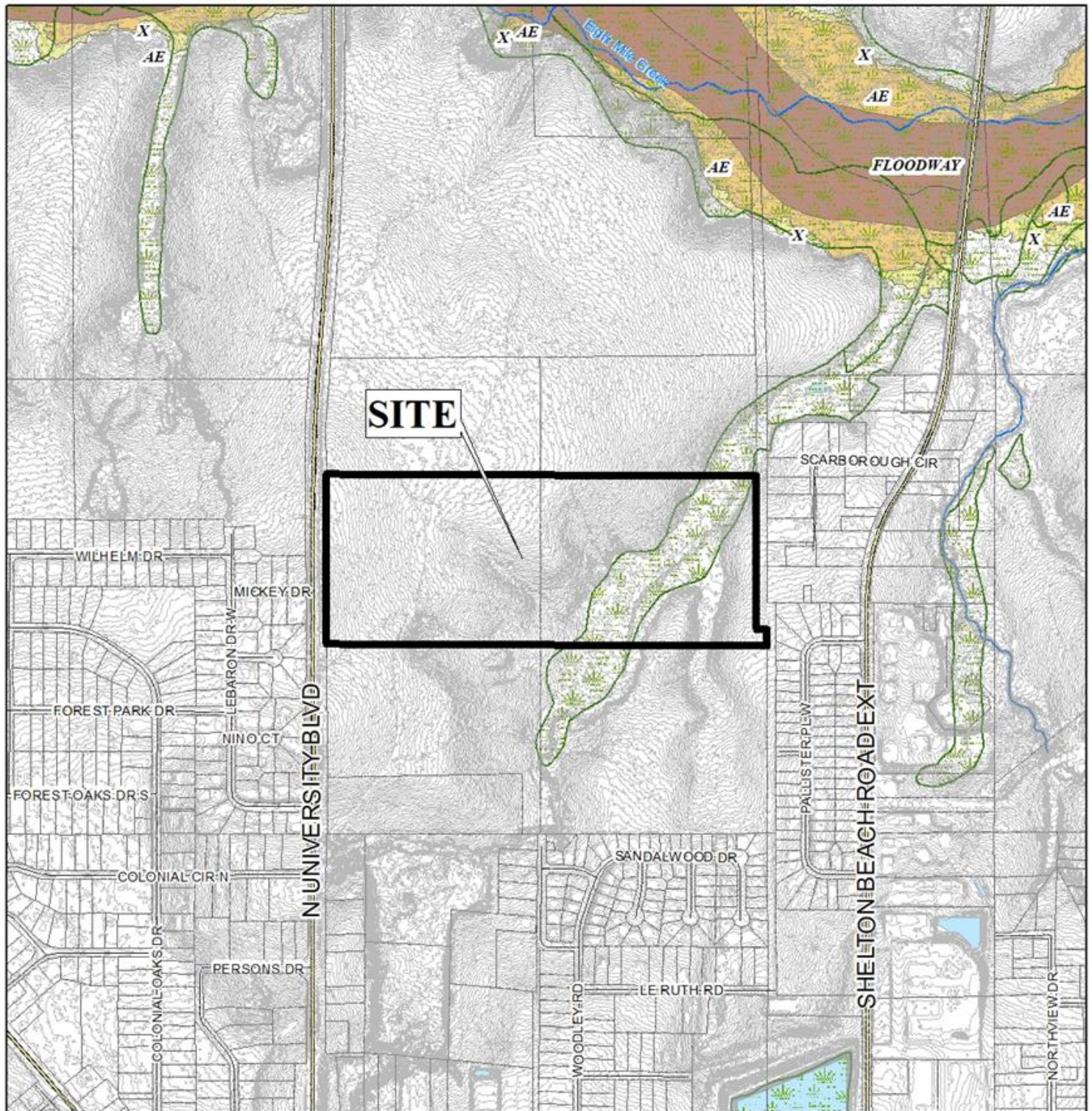
REQUEST Use Variance

- | | | | |
|---------------------------|-----------------------------------|---------------------|--------------------|
| 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 | |



NTS

ENVIRONMENTAL LOCATOR MAP



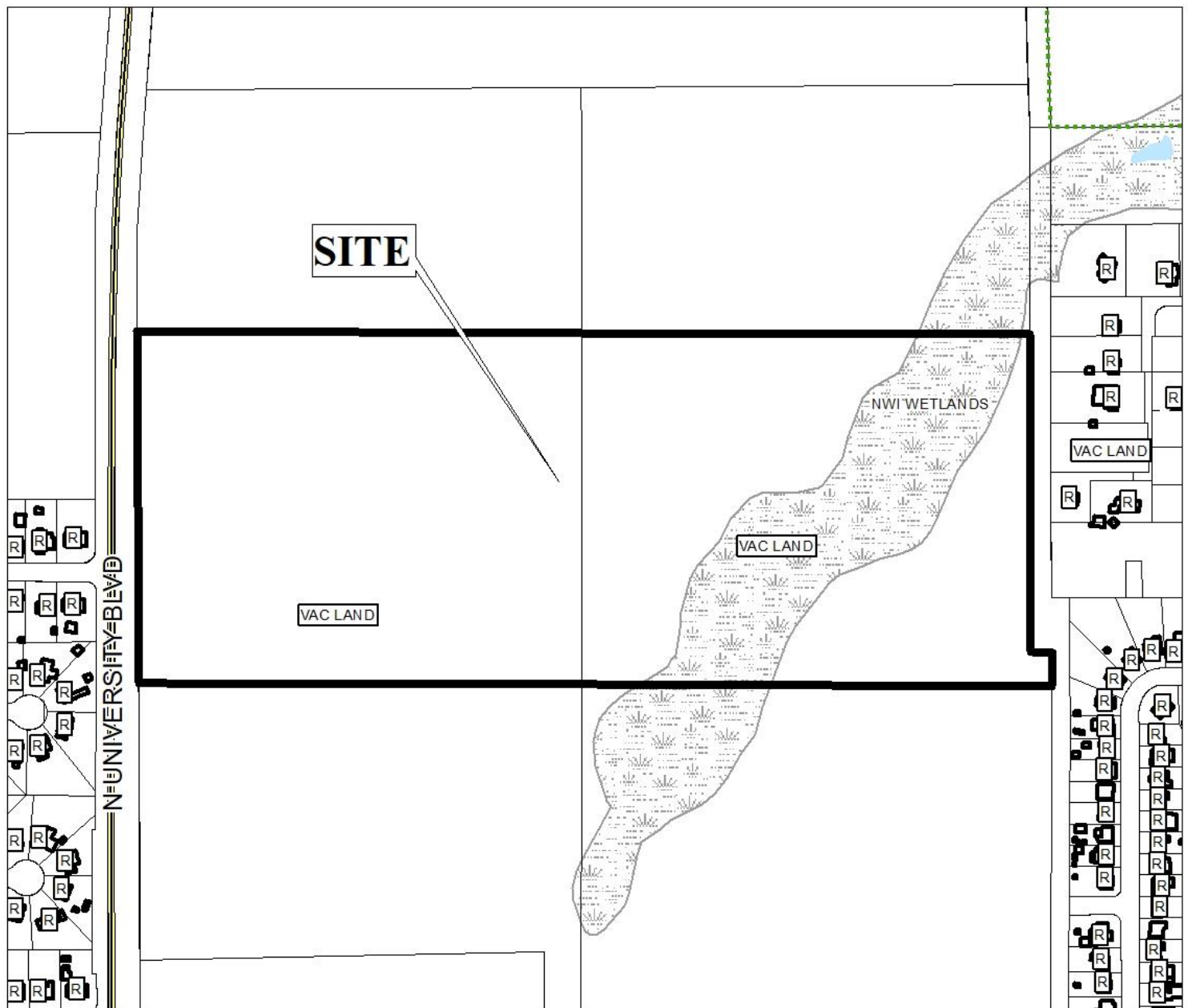
APPLICATION NUMBER 6367 DATE February 1, 2021

APPLICANT Hartley Special Events Center

REQUEST Use Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units, vacant lands and wetlands.

APPLICATION NUMBER 6367 DATE February 1, 2021

APPLICANT Hartley Special Events Center

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



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL

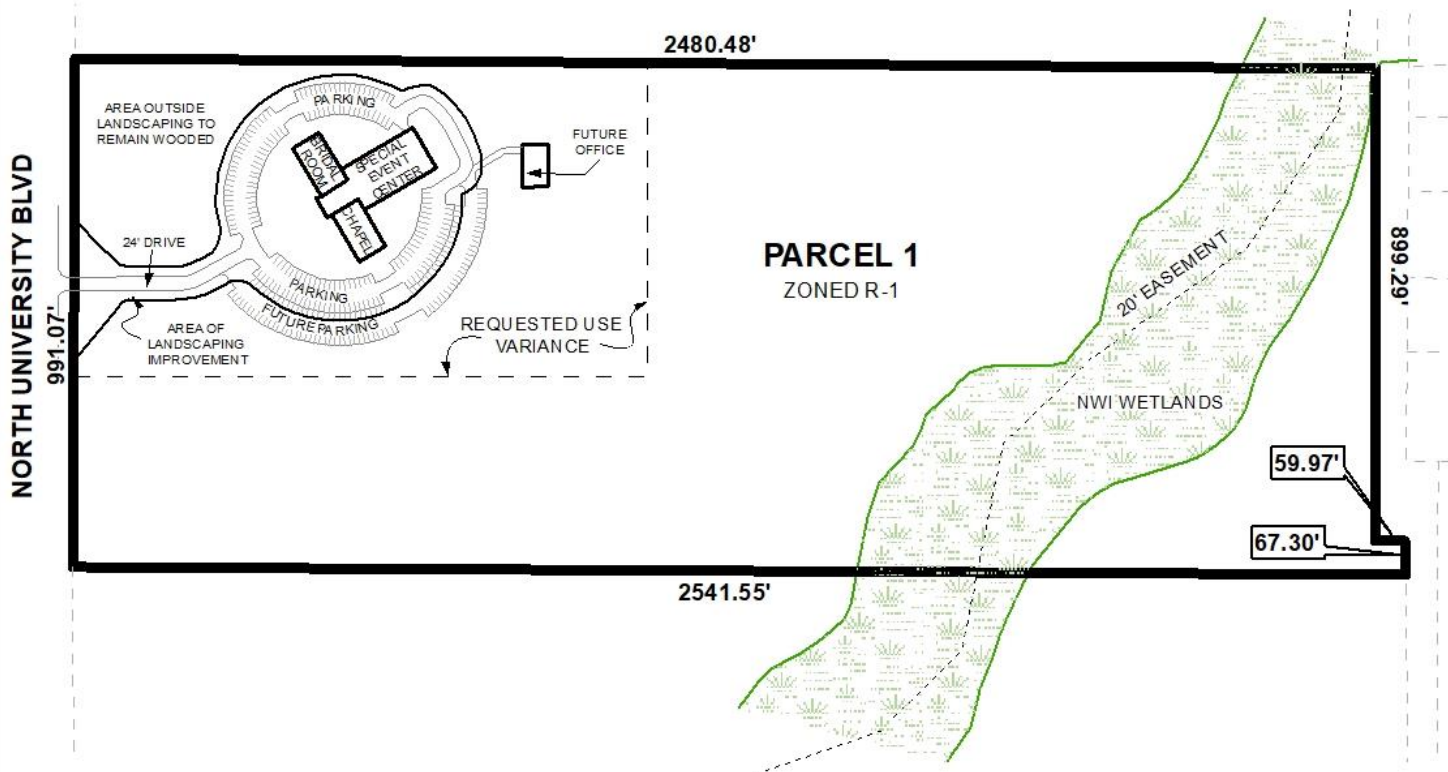


The site is surrounded by residential units, vacant lands and wetlands.

APPLICATION NUMBER 6367 DATE February 1, 2021
APPLICANT Hartley Special Events Center
REQUEST Use Variance



SITE PLAN



The site plan illustrates proposed buildings and surface areas,
as well as existing wetlands and easement.

APPLICATION NUMBER 6367 DATE February 1, 2021

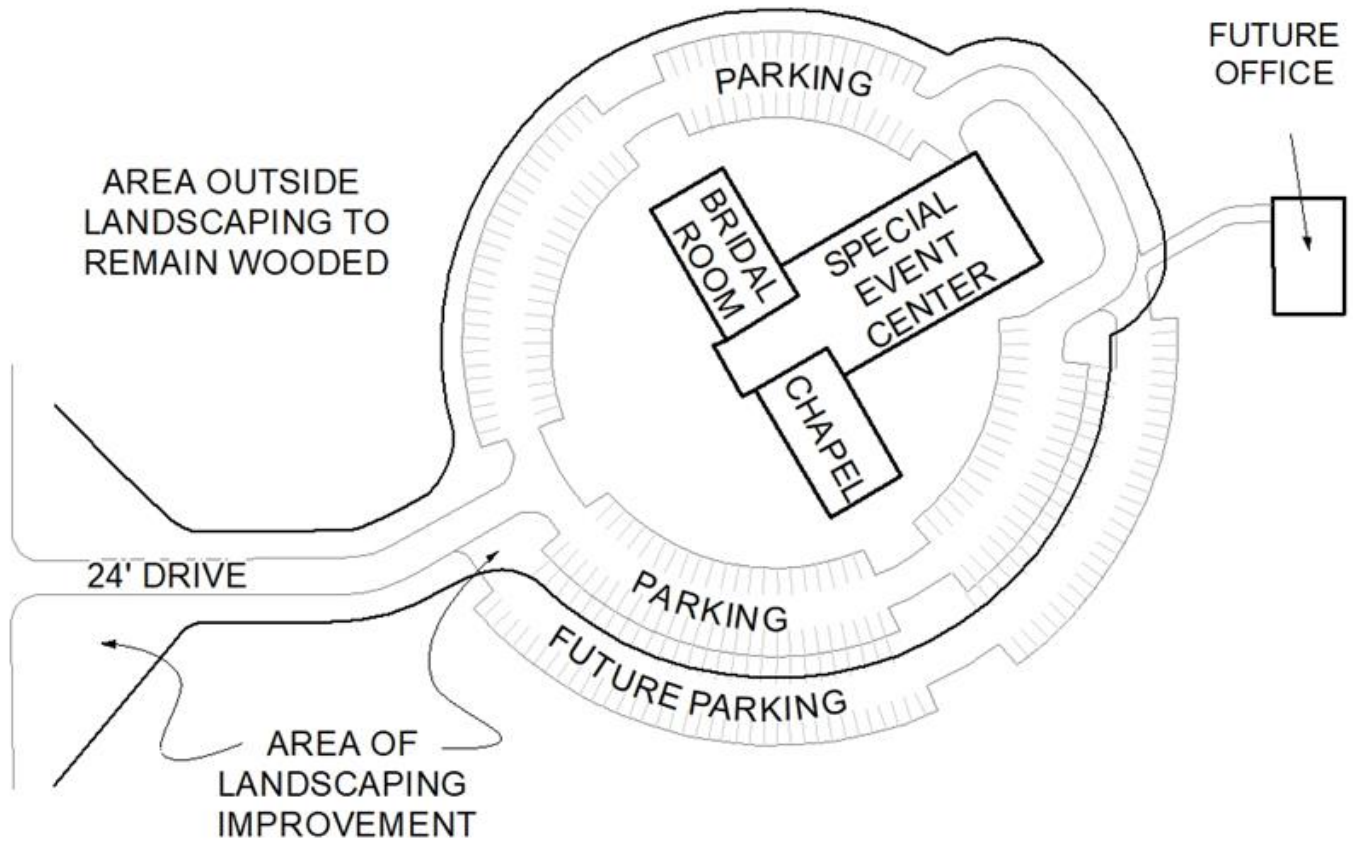
APPLICANT Hartley Special Events Center

REQUEST Use Variance



NTS

DETAIL SITE PLAN



APPLICATION NUMBER 6367 DATE February 1, 2021

APPLICANT Hartley Special Event Center

REQUEST Use Variance

