

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: November 7, 2016****CASE NUMBER**

6065

APPLICANT NAME

Healthy Hotels, Inc.

LOCATION3896 Michael Blvd.
(Northwest corner of Michael Boulevard and Downtowner
Boulevard).**VARIANCE REQUEST****USE VARIANCE:** Use Variance to allow auto sales in a
B-2, Neighborhood Business District.**ZONING ORDINANCE
REQUIREMENT****USE VARIANCE:** The Zoning Ordinance requires a
minimum of a B-3, Community Business District for auto
sales.**ZONING**

B-2, Neighborhood Business District

AREA OF PROPERTY

0.7 ± Acres

**ENGINEERING
COMMENTS**

No comments

**TRAFFIC ENGINEERING
COMMENTS**No information was provided on the site plan to indicate
where the inventory will be parked and where customer/employee parking will be provided.
Parking inventory in the right-of-way is prohibited.**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).**FIRE****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).
Projects outside the City Limits of Mobile, yet within the Planning Commission Jurisdiction fall
under the State or County Fire Code (2012 IFC).**CITY COUNCIL
DISTRICT**

District 5

ANALYSIS

The applicant is requesting a Use Variance to allow auto sales in a B-2, Neighborhood Business District; the Zoning Ordinance requires a minimum of a B-3, Community Business District for auto sales.

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 states:

“This site was developed in 1981 as a gas station with an automated tunnel car wash. Currently there is a coin operated self-service car wash and a coin operated laundromat. The owner/applicant is proposing to also use the site for used auto sales. The property is zoned B-2 but the proposed use requires B-3 classification. The property that adjoins to the West and to the North is developed with a parking lot that has 322 spaces and across Downtowner Boulevard is a commercial building that has a large parking lot along the street frontage. Downtowner Boulevard is a 4 lane major street and Michael Boulevard is a heavily traveled 2 lane thoroughfare. The addition of a few cars for sale in this environment will not have an adverse effect in the neighborhood.”

As previously stated, the applicant wishes to operate a used auto sales business on the subject site. Currently, there are three existing buildings on this site and two existing business uses, a carwash and a coin-operated laundromat. The carwash and the coin-operated laundromat occupy two of the structures, and the third structure serves as an outbuilding. As noted by the applicant, this site is zoned B-2, Neighborhood Business District; however, per the Zoning Ordinance, used auto sales requires at minimum a B-3, Community Business District zoning designation, thus resulting in the applicant’s request for a variance for the proposed use.

The narrative fails to address a number of items, such as the number of cars that will be showcased for sale at one time, nor does it provide pertinent supplementary information such as the hours of operation for each business, the number of employees, and the number of customers anticipated per day. The narrative also fails to address the gross square footage of each existing structure, as well as the proposed office space location and square footage for the proposed used auto sales business. The applicant provided a site plan, but the site plan does provide enough information to determine if the used auto sales use would be feasible at this location. For instance, the site plan does not illustrate parking spaces dedicated specifically for the used auto sales display area, in addition to the parking spaces that are required for customer and employee

parking for the existing laundromat and car wash. This information is integral to the application as it helps to determine if there is enough parking spaces for all three uses onsite.

Per Section 64-6 of the Zoning Ordinance, at a ratio of 1/300 square feet of gross floor area, the 886± square foot coin-operated laundromat will require two (2) parking spaces. However, based on a requirement of one (1) space per washing stall and one (1) space per vacuum island, the 3,710± square foot carwash will require 10± parking spaces. As mentioned previously, the site plan does not illustrate the required parking spaces needed for the site in order to accommodate each existing and proposed use, as well as those needed for the auto display area to ensure zoning compliance.

Also, there is great concern regarding the accessibility and maneuverability of vehicles throughout the site for the proposed and existing uses. It should be noted that the applicant would be proposing a third use on a 0.7 acre site. Not only does the site need to meet the minimum number of parking spaces required for each use, the parking area must also meet the requirements for onsite accessibility and maneuverability for vehicular traffic.

The applicant mentions that the adjacent properties to the East and West of the subject site have large parking lots that accommodate many cars, as well as providing details on the number of lanes for each thoroughfare that bound the subject property, unfortunately these items have little, if any, bearing on the proposed use and current uses of the subject site.

It should be pointed out that two carport structures exist on the site, but are not shown on the submitted site plan. The structures were added within the last two years, without the required permits. Furthermore, staff can find no evidence that sign permits were obtained for any of the signage erected on the site since the property was acquired by the applicant in 2014.

As stated, the applicant has not provided enough information to sufficiently determine if the used auto sales use would be feasible at this location, nor to justify the proposed B-3 use, thus making a holdover necessary at this time.

RECOMMENDATION: Staff recommends Holdover to the December 5th meeting, with revisions submitted by November 11th, so the following can be addressed:

- 1) Information regarding the number of parking spaces provided for the used auto display area and existing business uses;
- 2) Information regarding the hours of operation for each business, the number of employees, and the number of customers anticipated per day;
- 3) Revision of the site plan to illustrate the required number of parking spaces for each use, and onsite accessibility and maneuverability in accordance with the Zoning Ordinance; and
- 4) Revision of the site plan to show all existing structures on the site.

Revised for the December 5th meeting:

This application was heldover from the November 7th meeting to allow the applicant an opportunity to submit additional information regarding the variance request for a proposed used auto sales business within a B-2, Neighborhood Business District.

The applicant states:

This site was developed in 1981 as a gas station with an automated tunnel car wash. Currently there is a coin operated self-service car wash and a coin operated laundromat. The owner/applicant is proposing to also use the site for used auto sales. The property is zoned B-2 but the proposed use requires B-3 classification. The property that adjoins to the West and to the North is developed with a parking lot that has 322 spaces and across Downtowner Boulevard is a commercial building that has a large parking lot along the street frontage. Downtowner Boulevard is a 4 lane major street and Michael Boulevard is a heavily traveled 2 lane thoroughfare. The addition of a few cars for sale in this environment will not have an adverse effect in the neighborhood.

Revised for December 5 Meeting

Building No. 1 is a coin-operated laundromat.

Building No. 2 is a mechanical room containing carwash machinery and a 280 sf office area.

Building No. 3 is a restroom building for the convenience of the laundromat and carwash customers.

The two carports on the property are not permanent buildings. They are open on all sides and are used by the customers in detailing or waxing their cars. The southern one will be removed to provide access to the used auto showcase area.

Hours of Operation:

- 1. Laundromat – 24 Hours a day, 7 days a week*
- 2. Carwash & Vacuum – 24 Hours a day, 7 days a week*

There are no employees for the laundromat and the carwash/vacuum business since they are coin operated self-service.

Proposed Auto Sales:

Hours of Operation: 10:00 a.m. to 5:00 p.m., Monday through Saturday

The owner/applicant will be the only employee for the auto sales and will utilize the existing office at the carwash. He expects 1 or 2 customers to visit the auto sales each day and he only plans to showcase 5 to 7 cars in the auto sales area.

Per the applicant, Building No. 1 is a coin-operated laundromat. The applicant did not state the square footage for the coin-operated laundromat building in the above narrative; however, according to the site plan, the building is 918 ± square feet. Based on this information, the laundromat will require the applicant to provide four (4) onsite parking spaces for customers.

Building No.2, the mechanical room and office building, is noted as being 560± square feet on the site plan. The mechanical room does not require parking spaces due to the fact that it will not be used and/or occupied by customers or employees, however, the 280± square foot office will be required to provide one (1) parking space on site.

The restroom building, Building No. 3, is 190± square feet, as noted on the site plan.

The applicant states that both the coin-operated laundromat and the carwash will be opened 7 days a week, 24 hours day, which means that the usage and traffic flow of the onsite facilities will vary each day.

Even though the applicant states that no employees will be employed with the laundromat or the carwash/vacuum business, sufficient parking is still required for the two existing uses and the proposed used auto sales use.

Further review of the site plan reveals that the applicant is identifying each carwash and vacuum stall as part of the parking requirements for the commercial carwash business; however, the required parking spaces should be independent of each carwash and vacuum stall space provided on site. Section 64-6. of the Zoning Ordinance specifically states that one (1) space is required per washing stall plus one (1) space per vacuum island; therefore, the carwash and vacuum stalls will require eight (8) parking spaces.

It should also be pointed out that the two carport structures that currently exist on the site are not shown on the submitted revised site plan. The structures were added within the last two years without the required permits. The applicant makes mention that the two carports on the property, which are used by the customers for detailing and waxing their cars, are not permanent buildings and are open on all sides; however, as mentioned in the last meeting, they were not permitted prior to their erection. Consequently, if any of the carports are to remain they will require one (1) parking space per carport stall.

Although the applicant is proposing to eliminate one of the carports, the applicant will need to obtain an after-the-fact permit for the carport structure that is to remain. Additionally, even though the southern carport is proposed to be removed to provide access to the used auto showcase area, a demolition permit may be required prior to its removal. Also, staff can find no evidence that sign permits were obtained for any of the signage erected on the site since the property was acquired by the applicant in 2014. The obtainment of sign permits may be

required as well. It should be noted that there may be more signage on the site than the Zoning Ordinance allows for a group business site.

The revised site plan indicates 24-foot wide drive aisle widths throughout the site; however, the drive aisle between the showcase area and the remaining site only measures 20' wide. Two-way traffic requires that drive aisles provide a width of 24'. The accessibility and maneuverability of vehicles throughout this site still pose as a cause for concern. It appears that the proposed site layout allows for almost no room on-site for car delivery by truck. Furthermore, the site plan illustrates existing curbing across a proposed access aisle. This is because the showcase area will be newly developed, eliminating existing landscape area. If approved, the site plan should be revised to accurately reflect the placement of curbing.

The site appears to have 7,000± square feet of landscape area, and it appears that the proposed increase in paved area will leave the site below the minimum required total landscape area of 3,680 square feet, and well below the front landscape area of 2,208 square feet.

As it relates to the number of spaces required for the existing carwash and laundromat use, in addition to the proposed used car sales use, the subject site will require 13 total parking spaces. Currently, the proposed site plan illustrates 8 parking spaces on site for customers and employees. The site has a deficit of 5 parking spaces, and cannot adequately support three commercial business uses on site. Also, the used auto display area appears to be very compact, and accessibility and maneuverability within this area remain an issue. Lastly, the existing landscaped area is being further reduced within the implementation of the used car sales display area. The applicant must ensure that the commercial site has the required number of tree plantings and landscaping to meet Zoning Ordinance compliance, as the revised site plan does not provide this information. A "third" use does not appear to be feasible at this site.

RECOMMENDATION: Staff recommends to the Board the following findings of fact for Denial:

- 1) Based on the fact that a hardship regarding a "third" use was not sufficiently presented, granting the variance will be contrary to the public interest;
- 2) Special conditions do not appear to exist and there are no justifications of hardship which exist such that the literal enforcement of the provisions of the chapter will result in an unnecessary hardship, as the applicant can look for a commercially-compliant location for the "third" use; 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 proposed use is not allowed in a B-2, Neighborhood Business District.

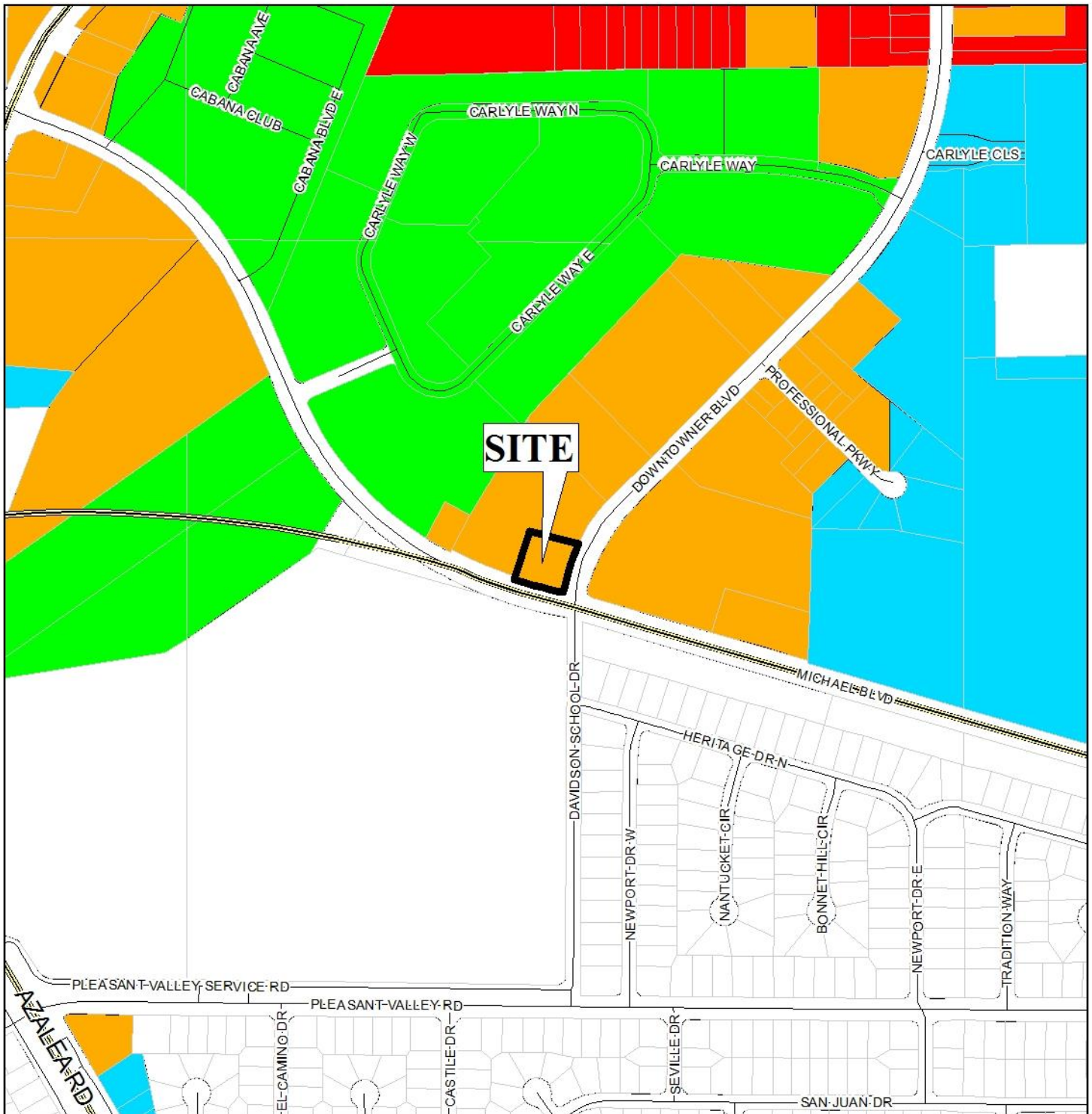
LOCATOR MAP



APPLICATION NUMBER 6065 DATE December 5, 2016
APPLICANT Healthy Hotels, Inc.
REQUEST Use Variance



LOCATOR ZONING MAP

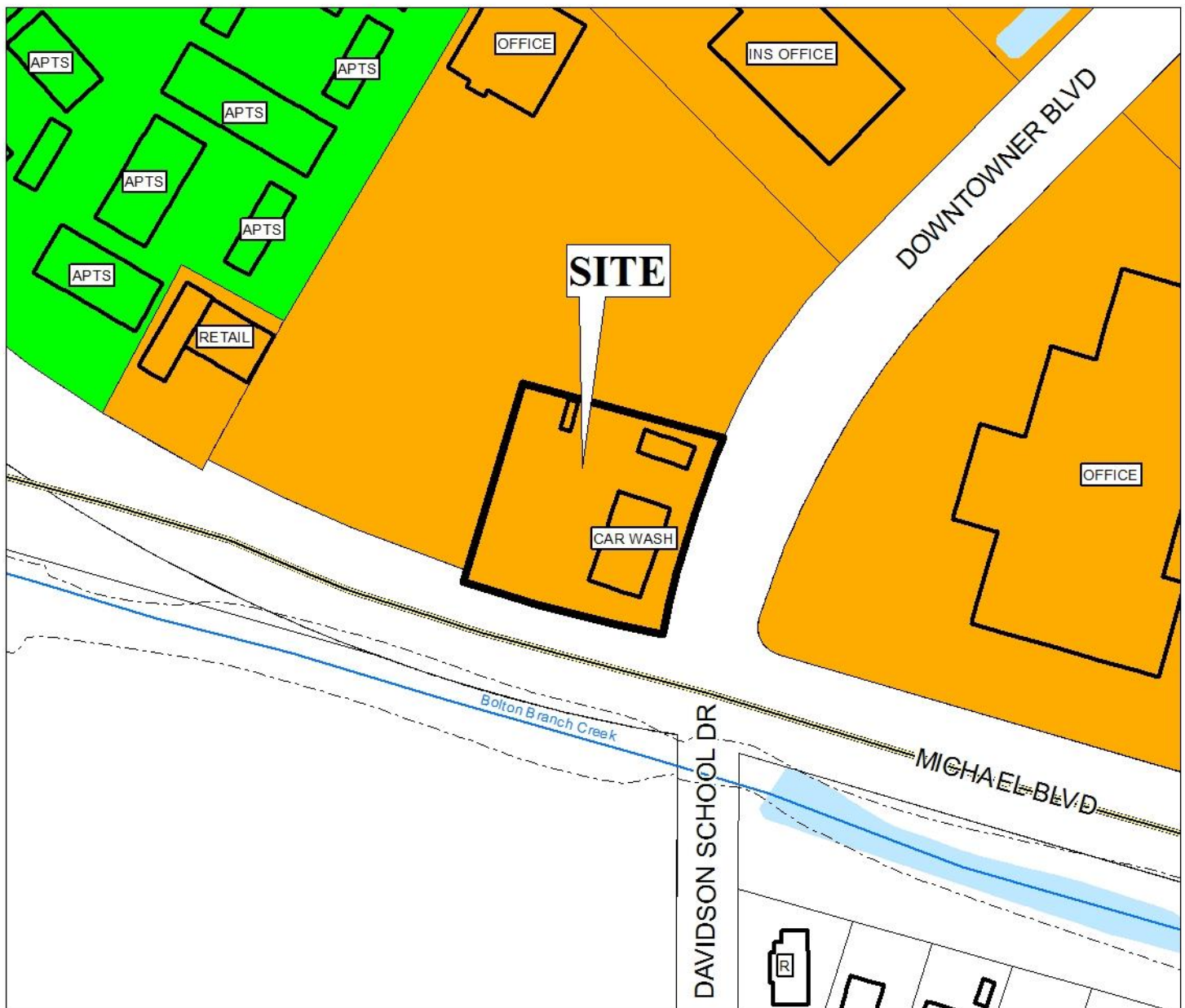


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BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units to the northeast and residential units to the northwest and southeast.

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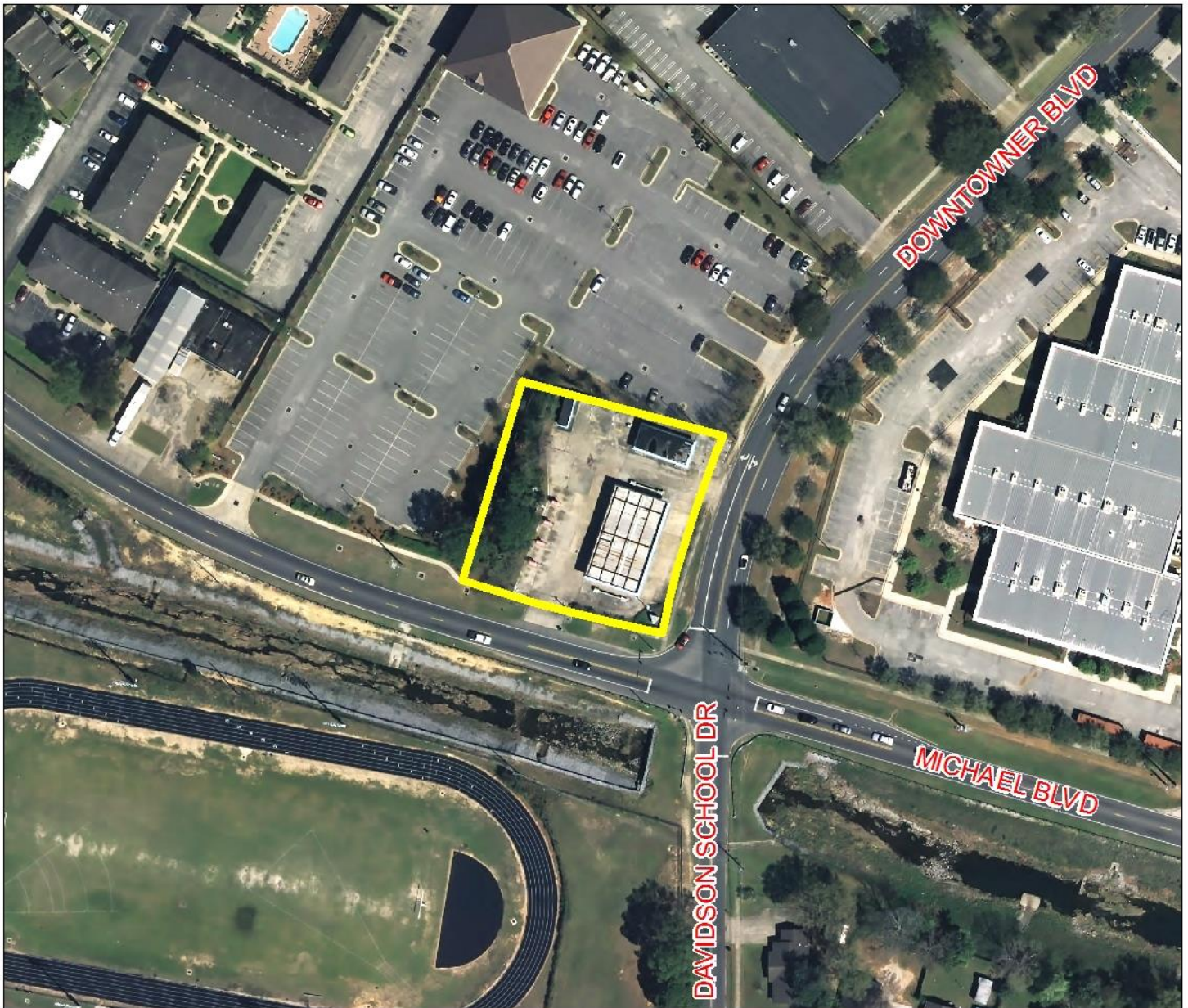
APPLICANT Healthy Hotels, Inc.

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

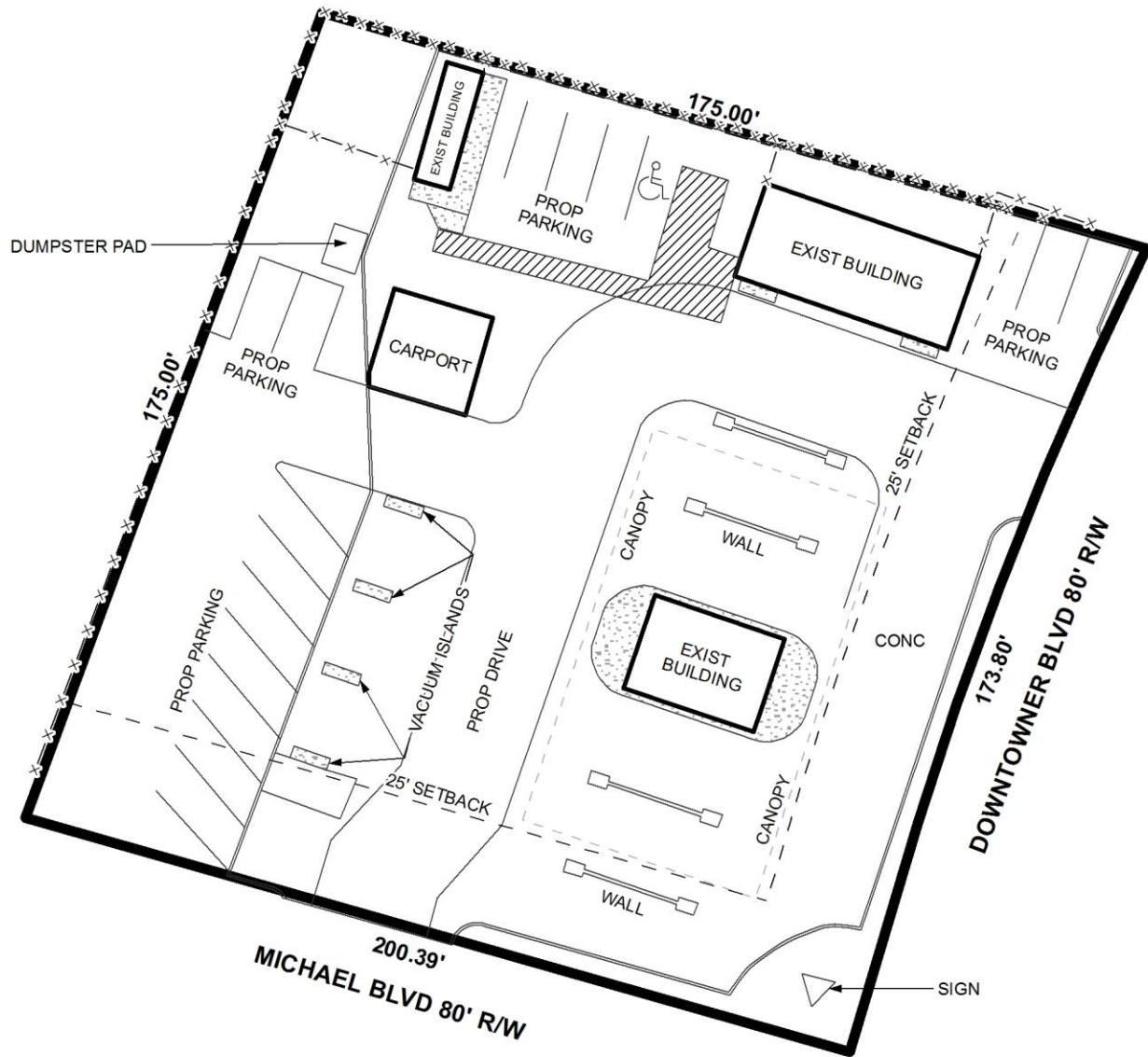


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SITE PLAN



The site plan illustrates the existing buildings, dumpster pad, vacuum islands, setbacks, proposed parking, and proposed drives.

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NTS

