

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: December 4, 2017****CASE NUMBER**

6142

APPLICANT NAME

Mobile Area Water and Sewer Service

LOCATION

East side of Shelton Beach Road Extension, 622'± North of Moffett Road

VARIANCE REQUEST**USE:** Use Variance to allow a contractor's storage yard in a B-2, Neighborhood Business District.**SURFACING:** Surfacing Variance to allow gravel surfacing in a B-2, Neighborhood Business District.**ACCESS:** Access Variance to allow shared access with an adjacent site.**ZONING ORDINANCE
REQUIREMENT****USE:** the Zoning Ordinance requires a minimum of I-1, Light Industry District for a contractor's storage yard.**SURFACING:** the Zoning Ordinance requires all parking areas to be surfaced in asphalt, concrete, or an approved alternative paving surface in a B-2, Neighborhood Business District.**ACCESS:** the Zoning Ordinance prohibits sites from having shared access without Planned Unit Development approvals.**ZONING**

B-2, Neighborhood Business District

AREA OF PROPERTY

1.5 ± Acres

ENGINEERING**COMMENTS****SURFACING VARIANCE:** If the aggregate surfacing is approved for use the applicant will need to submit and receive a Land Disturbance Permit for the proposed site development through Central Permitting**TRAFFIC ENGINEERING
COMMENTS**

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 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 1

ANALYSIS

The applicant is requesting a Use, Surfacing, and Access Variance to allow a contractor's storage yard, gravel surfacing, and shared access with an adjacent site in a B-2, Neighborhood Business District; the Zoning Ordinance requires a minimum of I-1, Light Industry District for a contractor's storage yard and requires all parking areas to be surfaced in asphalt, concrete, or an approved alternative paving surface. The Zoning Ordinance also requires any site that has shared access between adjacent properties to have Planned Unit Development approval.

It should be pointed out that the applicant initially submitted for building permits on September 5, 2017 where their Land Disturbance permit was failed due to the need for multiple variances. The plan review was failed because use, surfacing, and access variances were required, thus the reason for this application.

The applicant is requesting permission for a storage yard with aggregate surfacing and shared access between the proposed site and an adjacent property. The applicant wishes to utilize the adjacent property's existing 18' ingress/ egress easement to commute/access an existing MAWSS maintenance facility/ contractor storage yard located to the North of the site. The existing lay down yard to the North of the subject site was approved by both the Planning Commission and Board of Zoning Adjustment in 2011 and 2012. The site is currently vacant and heavily wooded, and appears to have recently been purchased by MAWSS for additional space for additional storage, thus the reason for this application.

This site has been given the Mixed Commercial Corridor land use designation per the recently adopted Future Land Use Plan and Map. 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 applies mostly to the transportation corridors west of I-65 serving primarily the low-density (suburban) residential neighborhoods. MCC includes a wide variety of retail, services and entertainment uses.

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.

Over time, new development and redevelopment in Mixed Commercial Corridors is encouraged to raise design quality, improve connectivity to surrounding neighborhoods; improved streetscapes; and improve mobility and accessibility for all users of the corridor.

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 the following reasons to explain the need for the variances:

“This is a Mobile Area Water and Sewer Service (MAWSS) project with the engineering by McCrory & Williams Inc. MAWSS has purchased the property located on the east side of Shelton Beach Road Ext. and approximately 700 feet north of Moffett Road. This is a wooded parcel of property with a cell tower behind the site.

Access to the cell tower is from Shelton Beach Road Extension between this newly purchased property and MAWSS existing maintenance facility. See the attached plans.

MAWSS is requesting a Land Disturbance Permit to clear a portion of the newly purchased parcel and construct a pipe storage yard to add to their facilities.”

This storage yard will be constructed of a rock surface and a tree lined buffer will be provided around the site. MAWSS has obtained an access agreement with Crown Castle Properties to use their existing access to the cell tower, to also provide access to the new pipe storage yard. Please see the attached drawings for the location of this access. The use of this ingress and egress agreement will mean that no work will be performed on the Right of Way of Shelton Beach Road Ext. and there will also be no access to the property except through MAWSS property.

A small detention area will be constructed to contain the water from the site and all work will be performed in accordance with the City of Mobile Standards and Specifications.”

The applicant states that they have “obtained an access agreement with Crown Castle Properties to use their existing access to the cell tower to provide access to the new pipe storage yard”; however, a copy of a legal document verifying this agreement has not been provided. Documentation illustrating the agreement between Crown Castle to allow MAWSS the right to access their 18’ ingress/ egress easement is required prior to staff making a recommendation for approval or denial of the variance requests. Evidence of the adjacent property owner’s agreement for access is required.

The site plan depicts a proposed 20’ wooded buffer to remain in place, a proposed 8’ chain link fence to be installed inside of the property line, and is proposing no access to Shelton Beach Road. Although there has not been any justification provided explaining the hardship associated

with the property for the storage yard, staff has considered the close proximity to the adjacent previously approved MAWSS facility and the relationship between the two.

It should be noted, the applicant submitted for a second review for the Land Disturbance permit on October 10, 2017 prior to the BOA meeting date and staff failed the second review and listed the following as still needing to be resolved: *“1. Submit legal documentation regarding the 18’ ingress/egress easement between Crown Castle and MAWSS. 2. Provision of a sidewalk. 3. Site requires full commercial landscape and tree compliance. Site plan should be revised to include landscape and tree calculations/plantings and buffer plantings. 4. An 8’ chain link fence is proposed for the site, however, it should be noted that if barbed-wire is installed on top of the chain link fence that it requires approval from the Director of Planning and Zoning prior to its installation. Additionally, laydown yards, per the Zoning Ordinance, require that materials, supplies, equipment, and/or vehicles be enclosed within a solid wall or fence at least 8’ high.”*

RECOMMENDATION: Based on the preceding, the Use, Surfacing, and Access requests are recommended for Holdover until January 8, 2018 with revisions in by Tuesday December 12, 2018 to address the following:

- 1) Submission of legal documentation regarding the access agreement of the 18’ ingress/egress easement between Crown Castle and MAWSS.

LOCATOR MAP



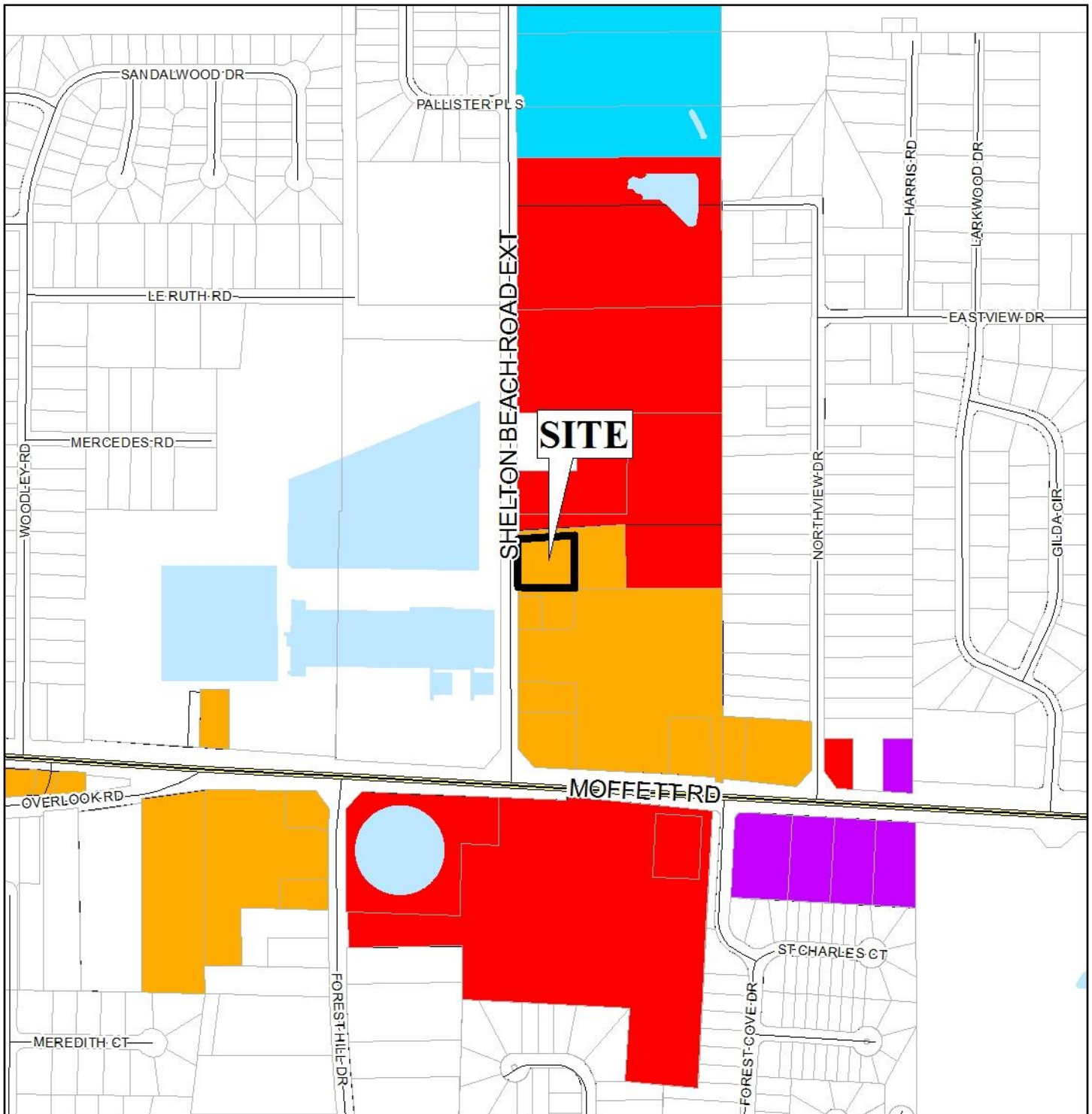
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REQUEST Use, Surface, and Access Variances



LOCATOR ZONING MAP



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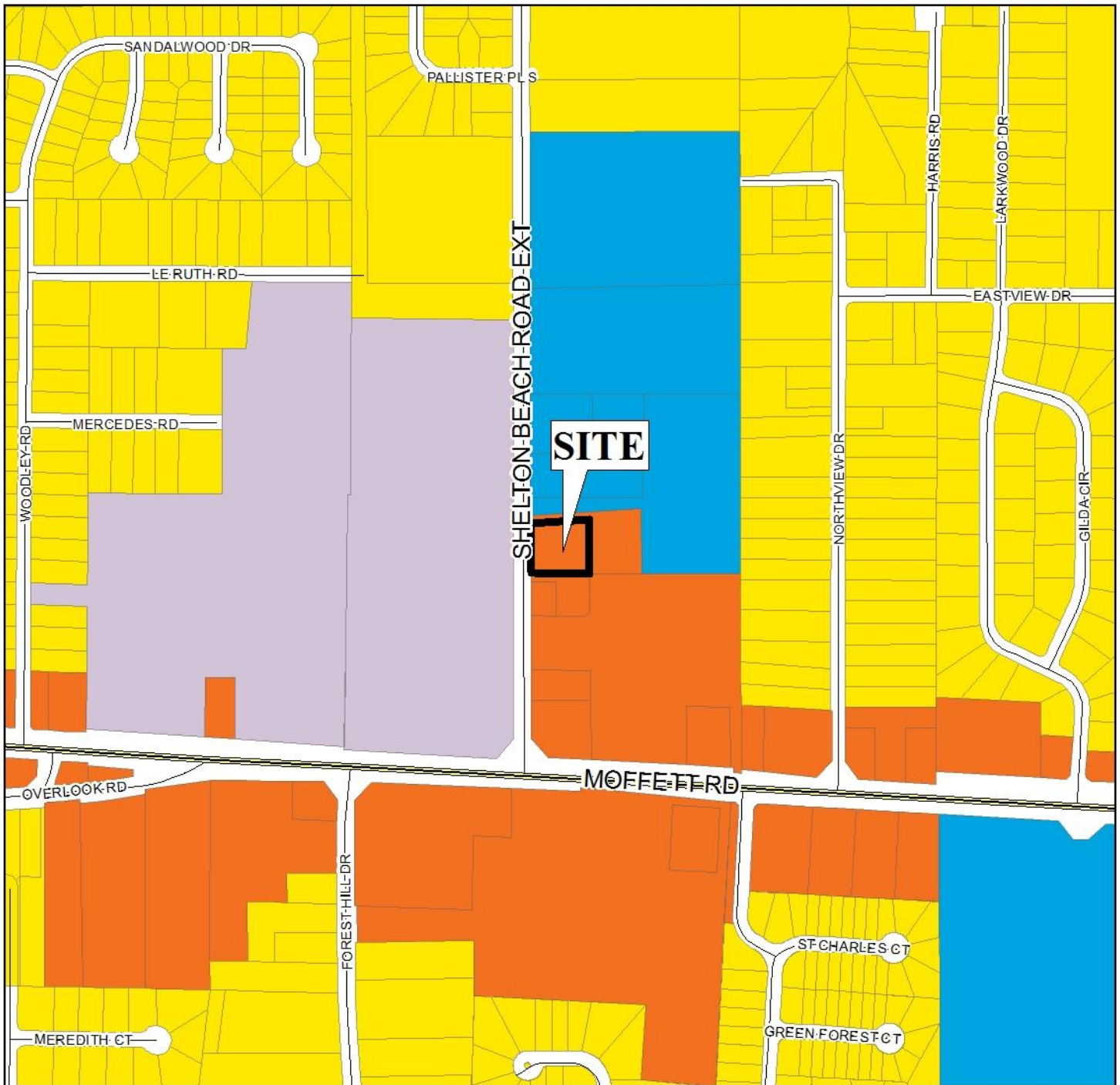
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NTS

FLUM LOCATOR MAP



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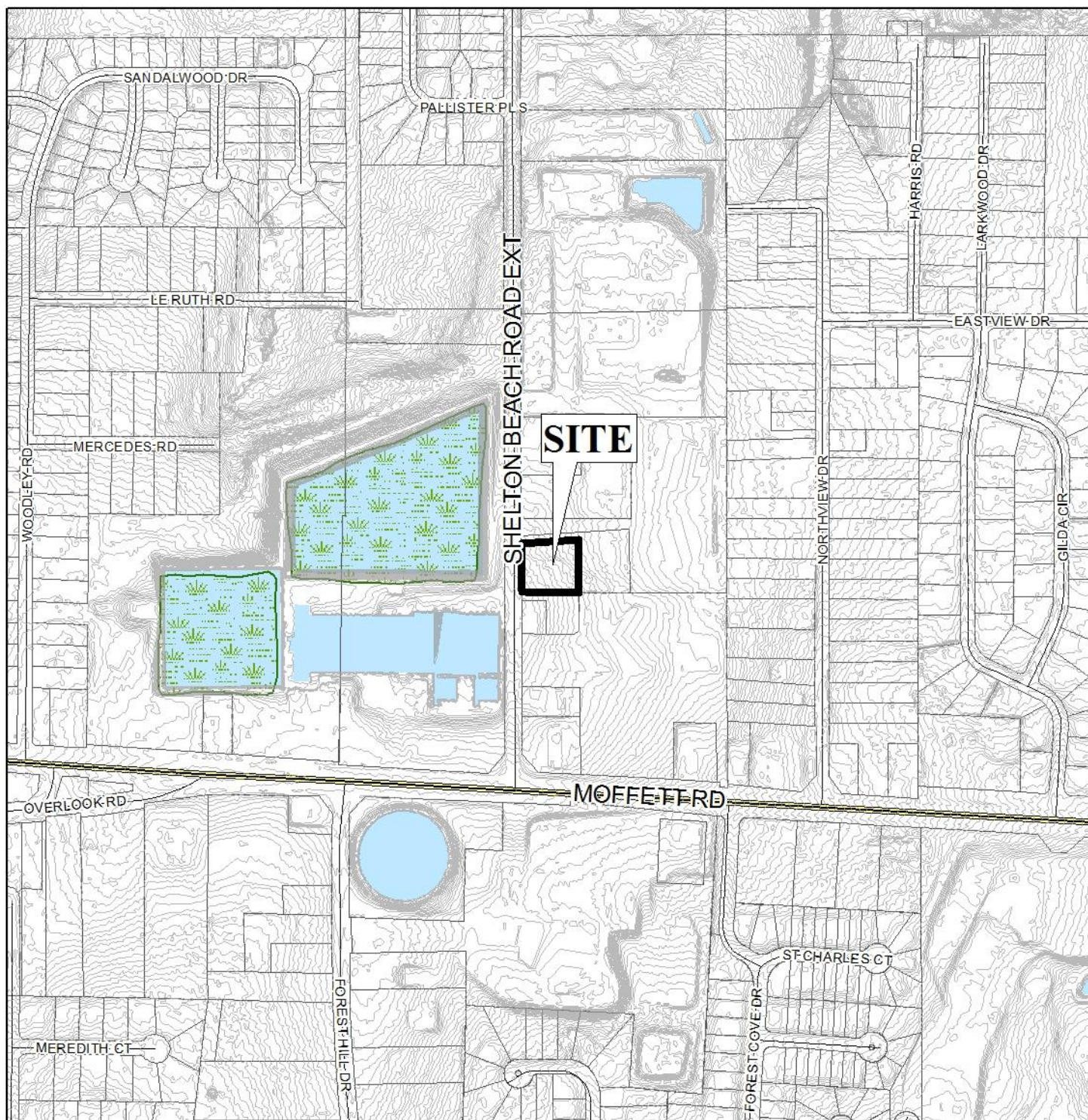
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Low Density Residential	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
Mixed Density Residential	Neighborhood Center - Suburban	Light Industry	Water Dependent
Downtown	Traditional Corridor	Heavy Industry	
District Center	Mixed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



ENVIRONMENTAL LOCATOR MAP



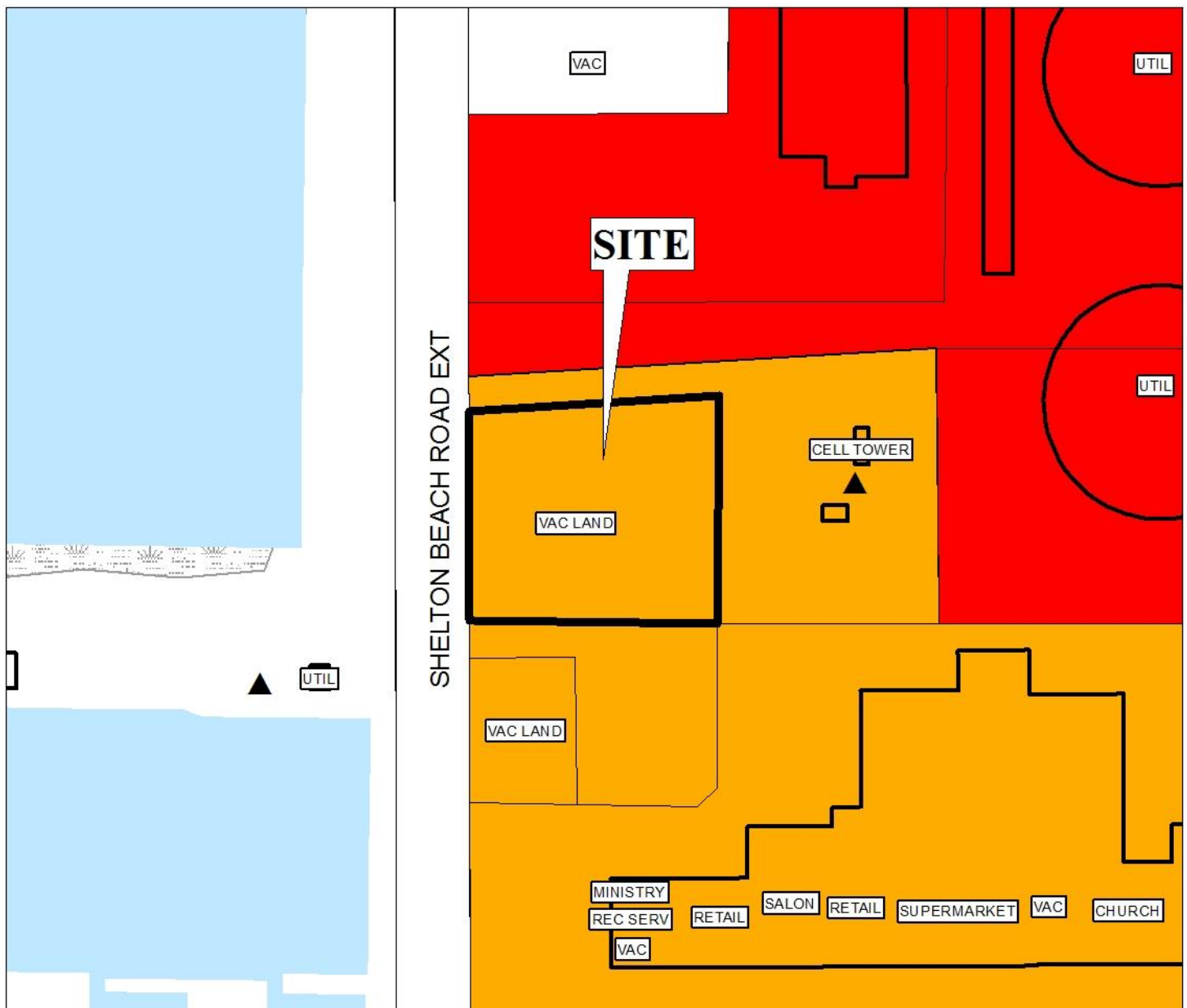
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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



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



The site is surrounded by commercial units.

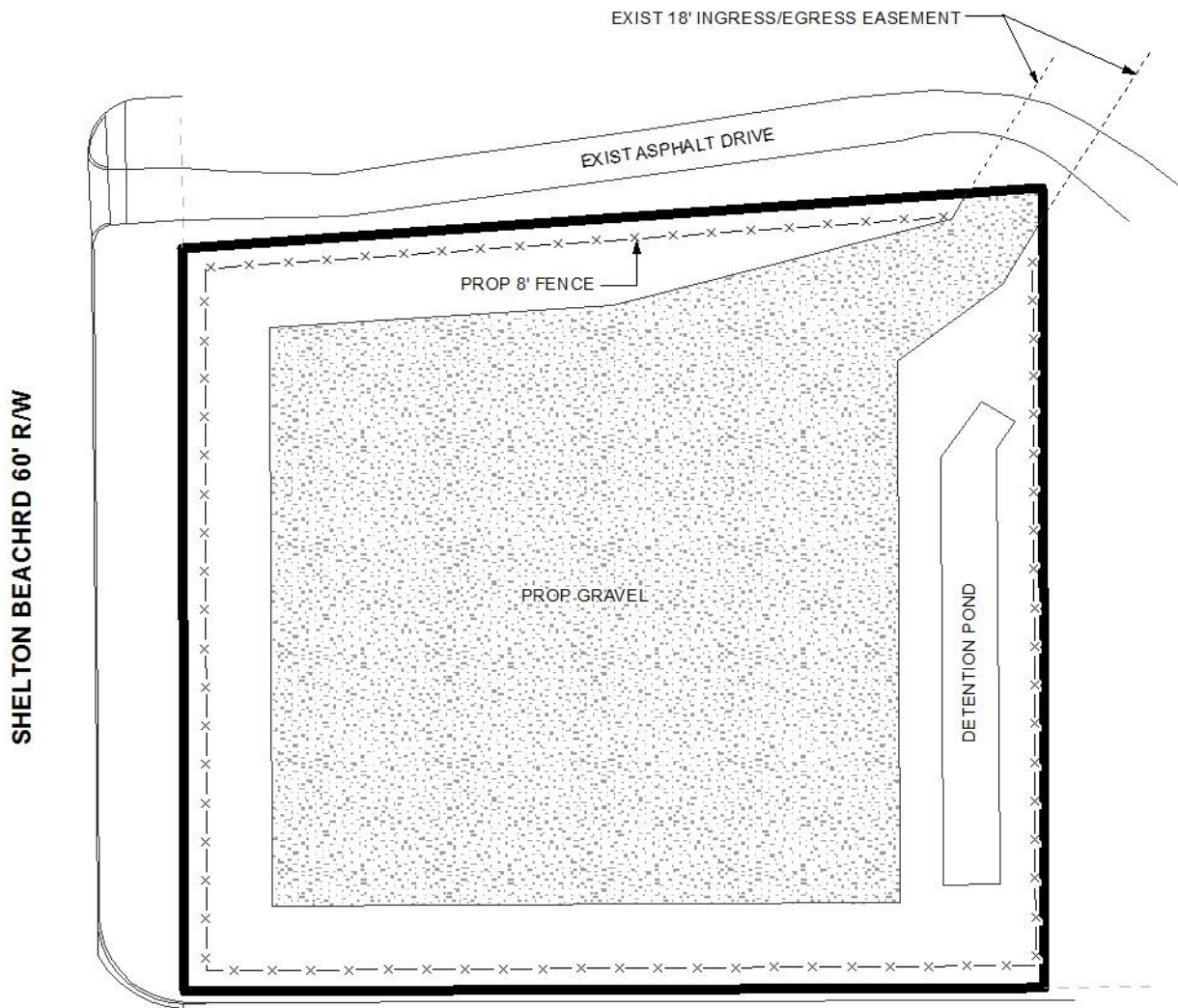
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SITE PLAN



The site plan illustrates the easement, proposed gravel area, proposed fence, and proposed detention pond.

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