

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: April 7, 2014****CASE NUMBER**

5882

APPLICANT NAME

Coward Hospitality Services, LLC

LOCATION

12 North Joachim Street
(East side of North Joachim Street, 130'+ North of
Dauphin Street, extending to the Southwest corner of North
Conception Street and St. Francis Street)

VARIANCE REQUEST

ACCESS AND MANEUVERING: Access and
Maneuvering Variances to allow the access and
maneuvering area for a dumpster to be within the public
right-of-way and not on-site in a B-4, General Business
District

**ZONING ORDINANCE
REQUIREMENT**

ACCESS AND MANEUVERING: The Zoning
Ordinance requires the access and maneuvering for
dumpsters to be on-site in a B-4, General Business District

ZONING

B-4, General Business District

AREA OF PROPERTY

54,461± square feet / 1.3± Acres

**CITY COUNCIL
DISTRICT**

District 2

**ENGINEERING
COMMENTS**

Generally, the access and maneuvering area for any
development should be located within the development. If this variance is granted, then a Right-
of-Way permit, in full compliance with the City of Mobile Right-of-Way Construction and
Administration Ordinance, latest edition, shall be required prior to any demolition or
construction within the public right-of-way.

**TRAFFIC ENGINEERING
COMMENTS**

The proposed location of the dumpster will require the
garbage truck to be stopped within the roadway of Joachim Street, but should not extend beyond
the width of on-street parking. Exact design of the curb cut to be approved by Engineering and
Traffic Engineering and conform to AASHTO standards. Removal of the parking meter and any
conflicting parking space striping shall be coordinated with Traffic Engineering and at the
applicant's expense. Traffic stripe may not be painted over; grinding is required.

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 61-929 and City Code Chapters 57 and 64).

FIRE DEPARTMENT**COMMENTS**

All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.

ANALYSIS

The applicant is requesting Access and Maneuvering Variances to allow the access and maneuvering area for a dumpster to be within the public right-of-way and not completely on-site in a B-4, General Business District; the Zoning Ordinance requires the access and maneuvering for dumpsters to be on-site in a B-4, General Business District.

The applicant proposes to construct a six-story, 94,000 \pm square foot hotel with 93 guest rooms, on an existing 1.3 \pm acre surface parking lot across Conception Street from Bienville Square. The proposed access and maneuvering variance will be to allow proposed dumpsters to be served directly from North Joachim Street, rather than from on site: the dumpsters will be on private property, and will meet the screening and sanitary sewer connection requirements of Section 64-4.D.9. of the Zoning Ordinance.

The applicant's explanation of the variance request is as follows:

The site is currently used as a surface parking lot. It will be developed as a Hilton Garden Inn hotel. Estimated construction start time is Fall 2014.

Applicant requests approval to place garbage dumpsters in an enclosed masonry structure accessed directly from Joachim Street...this will eliminate one street parallel parking space. Placing the dumpster enclosure so that access can be accomplished completely on site will reduce onsite parking to the point that the hotel project will not be feasible.

Hilton standards require one parking space per room (93 rooms). Hilton agreed to the 77 spaces as shown even though it is below the minimum standard for urban hotels of 85%, or 79 spaces. We also had to eliminate the swimming pool because of lack of space for parking.

It is not financially feasible to reduce the number of rooms. Further, Hilton Garden Inn has never approved a hotel with less than 90 rooms.

As stated in a development brochure found by staff, prepared by Hilton for the Hilton Garden Inn chain, most Hilton Garden Inns have from 100 to 250 rooms. This indicates that the hotel proposed for this site will have fewer guest rooms than the average Hilton Garden Inn. To

provide the number of spaces per room typically required by Hilton, either the site must be enlarged, structured parking must be provided, or the size of the hotel must be reduced. It should be noted that the Zoning Ordinance does not require off-street parking for this proposed use, as it is within the Core Area, Downtown, and therefore is exempt from any off-street parking requirements.

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.

Several hotels in the downtown currently have their dumpsters serviced in a manner which requires access and maneuvering within the right-of-way: 1) the Battle House (from St. Francis Street); 2) the Hampton Inn (from St. Emanuel Street); 3) the Quality Inn (from South Joachim Street); and 4) the Riverview (from Government Street). The applicant's request to allow access and maneuvering within the right-of-way for the servicing of a dumpster, therefore, is not unusual for similar uses within the downtown area.

North Joachim Street is a minor, one-way street. The site in question would front that section of Joachim Street between St. Francis Street and Dauphin Street. Traffic volumes on this segment of Joachim Street are relatively low.

It should also be pointed out that city garbage trucks serve the downtown commercial areas, and frequently block traffic up to twice a day as curb-side cans are emptied. The servicing of the proposed dumpster should have less of an impact than existing city operated curb-side service.

The site plan submitted with the application indicates that the dumpster enclosure will be within a landscaped area, however, the plan is not sufficiently detailed to determine if there will be trees or shrubs in the area of the dumpster to help mitigate any possible visual impacts. Thus the applicant should revise the site plan to provide understory trees in the vicinity of the dumpster, to be coordinated with Planning staff.

The applicant will otherwise comply with setback and screening requirements for dumpsters, as required by for properties in B-4 districts, and per Section 64-4.D.9. of the Zoning Ordinance. The applicant will additionally provide doors on the front of the enclosure, so that the dumpsters will not be visible the majority of the time.

RECOMMENDATION:

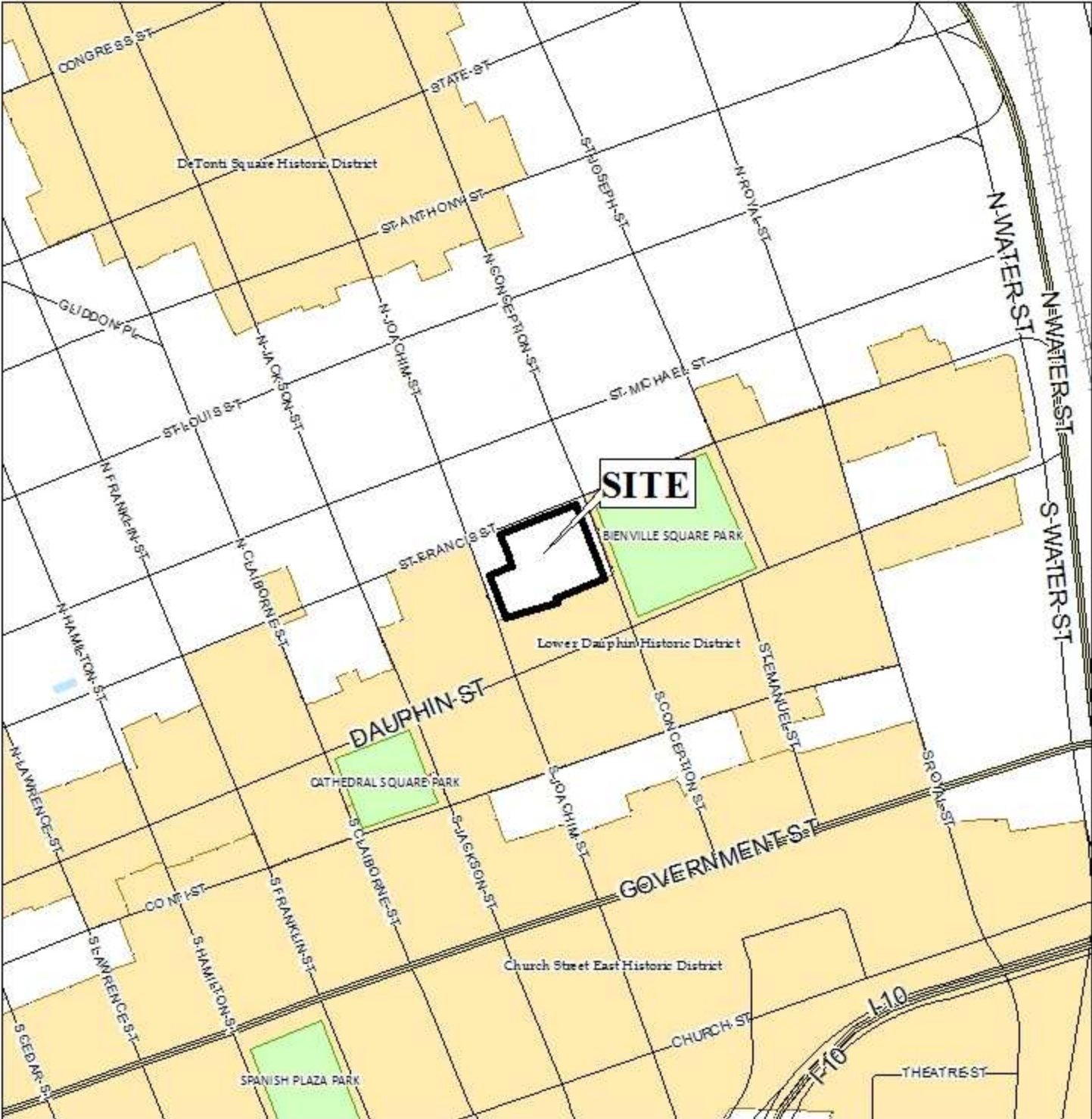
Based on the preceding, staff recommends to the Board the following findings of fact for approval:

- 1) Approving the variance will not be contrary to the public interest due to the presence and precedent of other hotels within close proximity which also require access and maneuvering within the right-of-way to service dumpsters;
- 2) The special conditions exist, including the limited property size, minimum required parking ratio of the client, and minimum number of rooms required by the client, such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
- 3) That the spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance due to the fact that there are no setback requirements for B-4 districts, North Joachim Street is a minor street with low traffic volumes, and due to the fact that the applicant will comply with the screening requirements of Section 64-4.D.9. of the Zoning Ordinance.

The approval should be subject to the following conditions:

- 1) Dumpster to be enclosed on three sides and be connected to the sanitary sewer, as required by Section 64-4.D.9. of the Zoning Ordinance;
- 2) Dumpster enclosure to additionally have doors or gates for the frontage along North Joachim Street, and the gates are to remain closed except when the dumpsters are to be serviced;
- 3) Revision of the site plan to provide understory trees in the vicinity of the dumpster, to be coordinated with Planning staff;
- 4) Subject to Engineering comments (*A Right-of-Way permit, in full compliance with the City of Mobile Right-of-Way Construction and Administration Ordinance, latest edition, shall be required prior to any demolition or construction within the public right-of-way.*);
- 5) Subject to Traffic Engineering comments (*Exact design of the curb cut to be approved by Engineering and Traffic Engineering and conform to AASHTO standards. Removal of the parking meter and any conflicting parking space striping shall be coordinated with Traffic Engineering and at the applicant's expense. Traffic stripe may not be painted over; grinding is required.*);
- 6) Subject to 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 61-929 and City Code Chapters 57 and 64).*);
- 7) Subject to Fire comments (*All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.*); and
- 8) Full compliance with all municipal codes and ordinances.

LOCATOR MAP



APPLICATION NUMBER 5882 DATE April 7, 2014

APPLICANT Cowart Hospitality Services, LLC

REQUEST Access and Maneuvering Variances



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



Commercial land use is located to the north, west, and south of the site. A park is located to the east of the site.

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REQUEST Access and Maneuvering Variances

LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	T-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2
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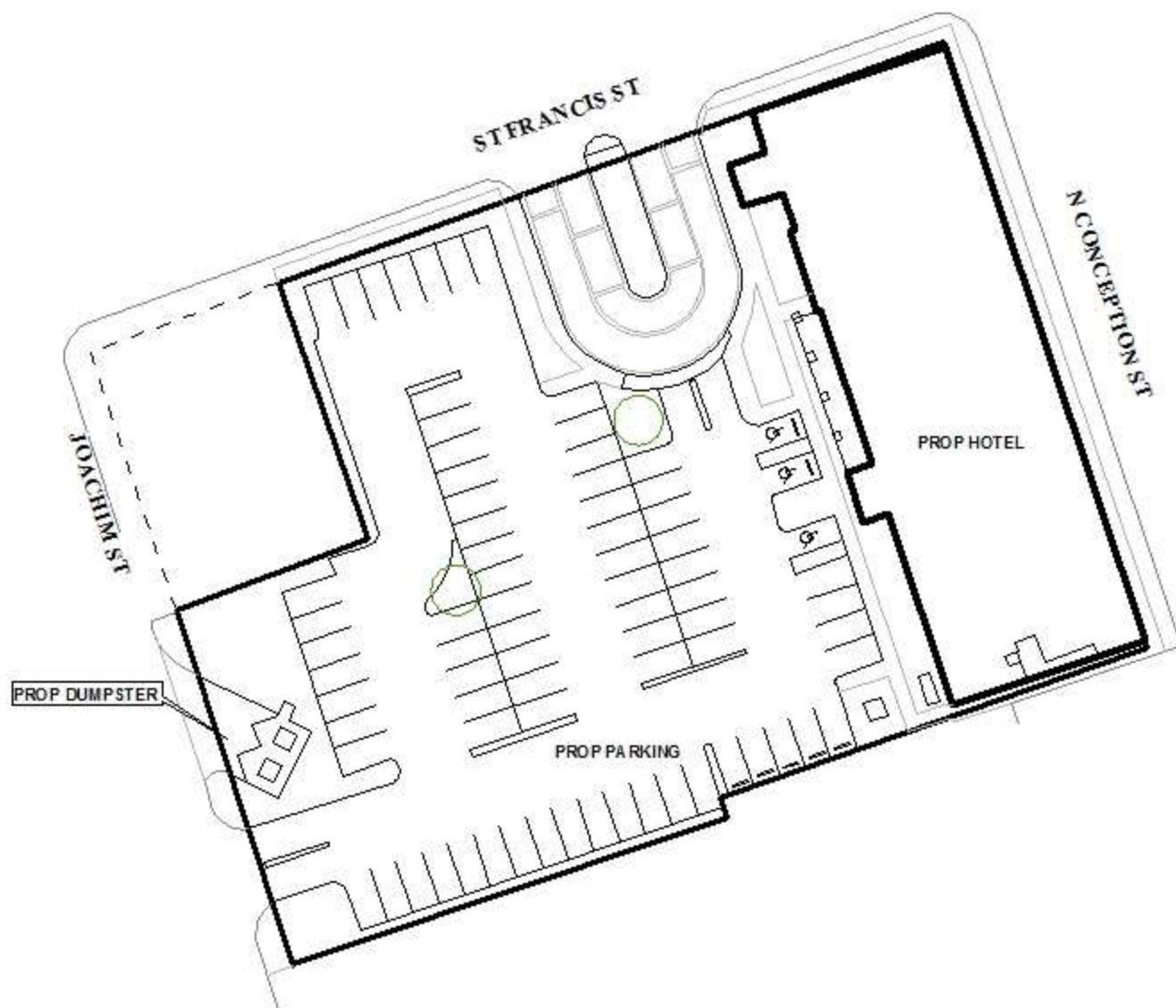
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SITE PLAN



The site plan illustrates the proposed hotel development.

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