

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: May 7, 2018****CASE NUMBER**

6173/6046/5840/5113/4902/4883

APPLICANT NAME

Annaleigh A. Nowling

LOCATION1714 Dauphin Street
(Northeast corner of Dauphin Street and Semmes Avenue.)**VARIANCE REQUEST**

USE: Use Variance to allow a 2,500 square-foot coffee shop with coffee roasting and music performances within a 6,000 square-foot, three-tenant commercial building in an R-1, Single-Family Residential District.

PARKING RATIO: Parking Ratio Variance to allow 22 shared parking spaces between two sites, one with a 2,500 square-foot restaurant within a 6,000 square-foot, three-tenant building, and another with a 1,800 square-foot commercial building.

ACCESS AND MANEUVERING: Access and Maneuvering Variances to allow shared access between two sites with substandard parking stalls and aisle widths.

**ZONING ORDINANCE
REQUIREMENT**

USE: The Zoning Ordinance requires a minimum of a B-2, Neighborhood Business District for coffee shops with performances, and a minimum of a B-3, Community Business District, with Planning Approval, for coffee roasting.

PARKING RATIO: The Zoning Ordinance requires 37 parking spaces for a 6,000 square-foot commercial building with a 2,500 square-foot restaurant, and 6 parking spaces for a 1,800 square-foot commercial building (43 total parking spaces).

ACCESS AND MANEUVERING: The Zoning Ordinance requires all parking to be on-site with parking stalls 9' wide and 18' in length, and with 24'-wide access aisles.

ZONING

R-1, Single-Family Residential.

AREA OF PROPERTY

19,310 Square Feet; 0.44± Acre

ENGINEERING**COMMENTS**

No comments.

TRAFFIC ENGINEERING**COMMENTS**

Traffic Engineering does not object to the proposed variances as they have been approved for this site in the past.

CITY COUNCIL**DISTRICT**

District 2

ANALYSIS

The applicant is requesting Use, Parking Ratio, and Access and Maneuvering Variances to amend previously approved Variances to allow a 2,500 square-foot coffee shop with coffee roasting and music performances within a 6,000 square-foot, three-tenant commercial building, shared access and parking with a 1,800 square-foot commercial building, with 22 parking spaces, substandard parking stalls and aisle widths in an R-1, Single-Family Residential District; the Zoning Ordinance requires a minimum of a B-2, Neighborhood Business District for coffee shops with music performances, and a minimum of a B-3, Community Business District, with Planning Approval, for coffee roasting, 37 compliant parking spaces for a 6,000 square-foot commercial building with a proposed 2,500 square-foot coffee shop, 6 compliant parking spaces for a 1,800 square-foot commercial building, and 24'-wide maneuvering aisles.

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.

Variances are site-plan specific; therefore, if approved, any proposed changes to the site layout of the request at hand will require an application to the Board to amend the approved site plan prior to any construction activities.

The site has been given a **Traditional Mixed-Use 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 land use designation generally applies to transportation corridors East of U.S. Interstate 65, which serve as the primary commercial and mixed-use gateway to Downtown and the City's traditional neighborhoods (equivalent to Map for Mobile's Traditional Neighborhoods).

Depending on their location (and as allowed by specific zoning), Traditional Mixed-Use Corridor designations incorporate a range of moderately scaled, single-use commercial buildings holding retail or services; buildings that combine housing units with retail and/or offices; a mix of housing types, including low- or mid-rise multifamily structures ranging in density from 4 to 10 dwelling units per acre (du/ac); and, attractive streetscapes and roadway designs that safely accommodate all types of transportation – transit, bicycling, walking, and driving. In these areas, special emphasis is placed on the retention of existing historic structures, compatible infill development, and appropriate access management.

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 site has been the subject of multiple Variance requests, the first of which were approved by the Board in January, 2000 to allow a coffee shop with reduced parking. In May, 2002, the Board approved amendments to the Use and Parking Ratio Variances to allow a garden shop, also with reduced parking. In July, 2013, the Board again approved amendments to the Use and Parking Ratio Variances, along with approval of Access and Maneuvering Variances to allow a restaurant within a three-tenant commercial building with reduced, shared parking and access with an adjacent, commercially-utilized site, with substandard parking stall dimensions and substandard access aisle widths. Most recently, at its September 12, 2016 meeting, the Board approved Use, Parking Ratio, and Access and Maneuvering Variances to allow a café within 2,500 square-feet of the three-tenant commercial building, also with reduced, shared parking and access with an adjacent commercial site, with substandard parking stall dimensions and substandard access aisle widths. Regarding the request at hand, the applicant wishes to maintain shared access and parking with the neighboring commercially-utilized site, with substandard parking stall dimensions, and substandard access aisle widths; however, use of 2,500 square-feet of the three-tenant commercial building as a coffee shop with live music and coffee roasting is proposed instead of as a restaurant or garden shop.

The applicant states the following regarding the requests:

“To Whom it May Concern,

This is to communicate justification for the variance request No. BOA-000474-2018.

To move to 1714 Dauphin St Mobile AL 36604, Chaleur Coffee needs capability for roasting, café, serving alcohol and live music to adhere to our business model.

Section 64-12 of the Zoning Ordinance permits coffee shops in B-2, Neighborhood Business Districts, and the roasting of coffee in B-3, Community Business Districts, with Planning Approval by the Planning Commission.

Off-street, on-site parking is required by Section 64-6.A.1. of the Zoning Ordinance for all permitted uses in the City of Mobile, the exceptions being permitted uses within: T-3, T-4, T-5, and SD-WH Districts within the Downtown Development District; and, in I-2, Heavy Industry Districts.

The minimum stall and aisle dimensions are provided in Section 64-6.A.2. which, for 90-degree parking angles and two-way traffic, requires stall widths to be a minimum of 9', stall lengths to be a minimum of 18', and aisle widths to be a minimum of 24'.

The required amounts of parking spaces are provided in Section 64-6.A.6., wherein the classifications of uses are included and apply to all uses within their applicable zoning districts. Coffee shops require one (1) parking space per one-hundred (100) square feet of gross floor area.

While use of the subject site as a coffee shop is more consistent with previous commercial uses of the property, the roasting of coffee and live music performances may not be considering that coffee roasting is a process more fragrant than simply the brewing of coffee, and live music presents a noise issue. These concerns are compounded by the fact that the site is adjacent to residentially-utilized properties which may find coffee roasting and live music unpleasant, as well as incompatible with the character of the surrounding neighborhood. It should be noted, however, that previous Variance Approvals at the site were subject to limited hours of operation (7:00 a.m. until 10:00 p.m.) which, if implemented, may alleviate these concerns.

Regarding parking for the coffee shop, twenty-five (25) parking spaces are required to accommodate 2,500 square-feet of gross floor area. The remaining 3,500 square-feet of the two (2) vacant tenant spaces requires one (1) space per three-hundred (300) square-feet of gross floor area, for a total of twelve (12) parking spaces. The adjacent commercial building, which is currently used as a credit union, also requires one (1) parking space per three-hundred (300) square-feet of gross floor area, for a total of six (6) parking spaces. As such, shared access between the two (2) properties requires forty-three (43) parking spaces to accommodate their existing and proposed uses. The subject site is developed with fifteen (15) off-street parking spaces and the adjacent site is developed with seven (7) off-street parking spaces, for a total of twenty-two (22) parking spaces; thus, a deficit of twenty-one (21) parking spaces is proposed, not including any deficiencies that may emerge as a result of the uses of the vacant tenant spaces requiring additional parking. Previous Variance approvals allowed the parking deficiency, so additional approval may be appropriate if the remaining vacant tenant spaces are relegated to uses that maintain the afore-referenced 1:300 parking ratio; otherwise, additional amendments to the Variance requests may be required.

Both sites are fully developed and no changes are proposed as part of this application that would require compliance with any other Zoning Ordinance requirements. Additionally, in coordination with previous Variance Approvals of the site, all previous site-related conditions remain applicable, including maintenance of the landscape planter boxes that are installed within the right-of-way along Dauphin Street to prevent parking along Dauphin Street.

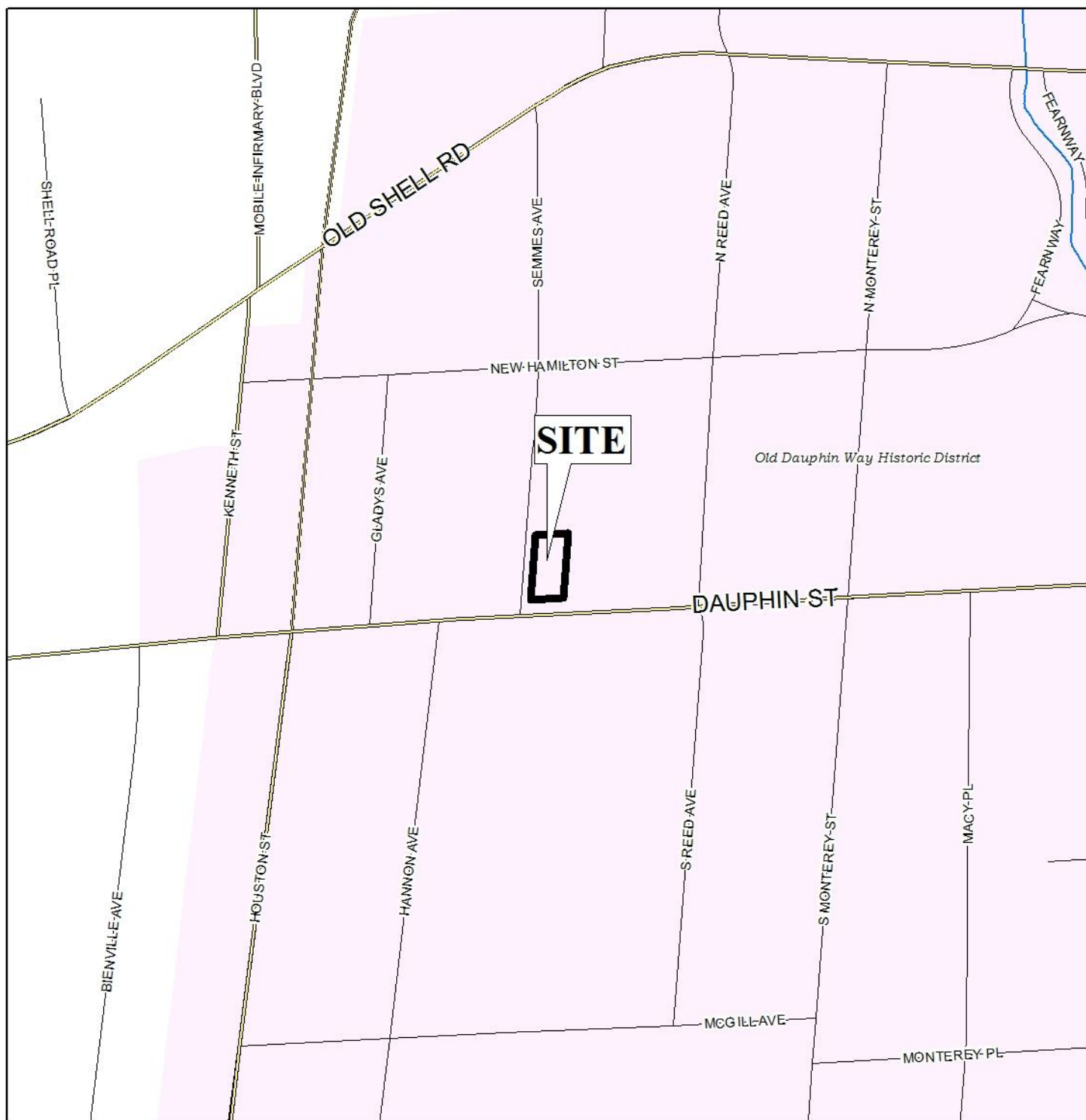
It should be noted that the site plan provided only illustrates the subject site, and not the adjacent site with which it will share access. As such, approval of the requests will require revision of the site plan to include both properties.

Given the fact that the proposed use of the property is similar to uses previously approved by the Board, approval of the request may be appropriate. However, without justification to compel the Board to approve coffee roasting activities, and no narrative provided describing how the applicant will minimize the impact of noise on surrounding properties as a result of live music performances, holdover of the request may be appropriate to allow the applicant time to address these concerns.

RECOMMENDATION: Based on the preceding, staff recommends to the Board that the application be Heldover to the June 4th meeting, with any revisions or information provided to Staff by May 25th, to allow the applicant to address the following:

- 1) Revision of the site plan to include the adjacent property with which the subject site will share access and parking;
- 2) Provision of a narrative justifying use of the property for coffee roasting; and,
- 3) Provision of a narrative identifying how the applicant will minimize the impact of noise on surrounding properties as a result of live music performances.

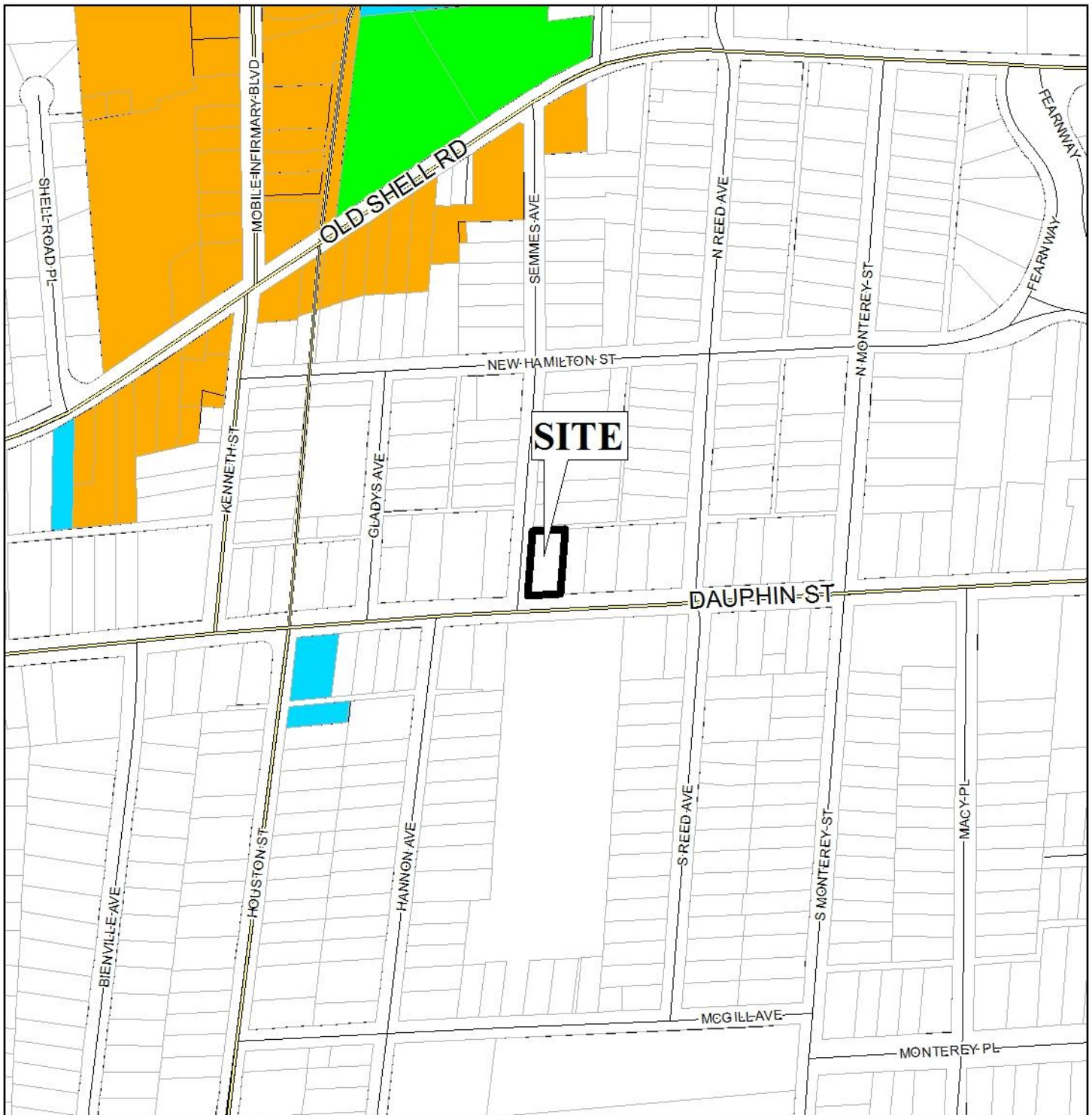
LOCATOR MAP



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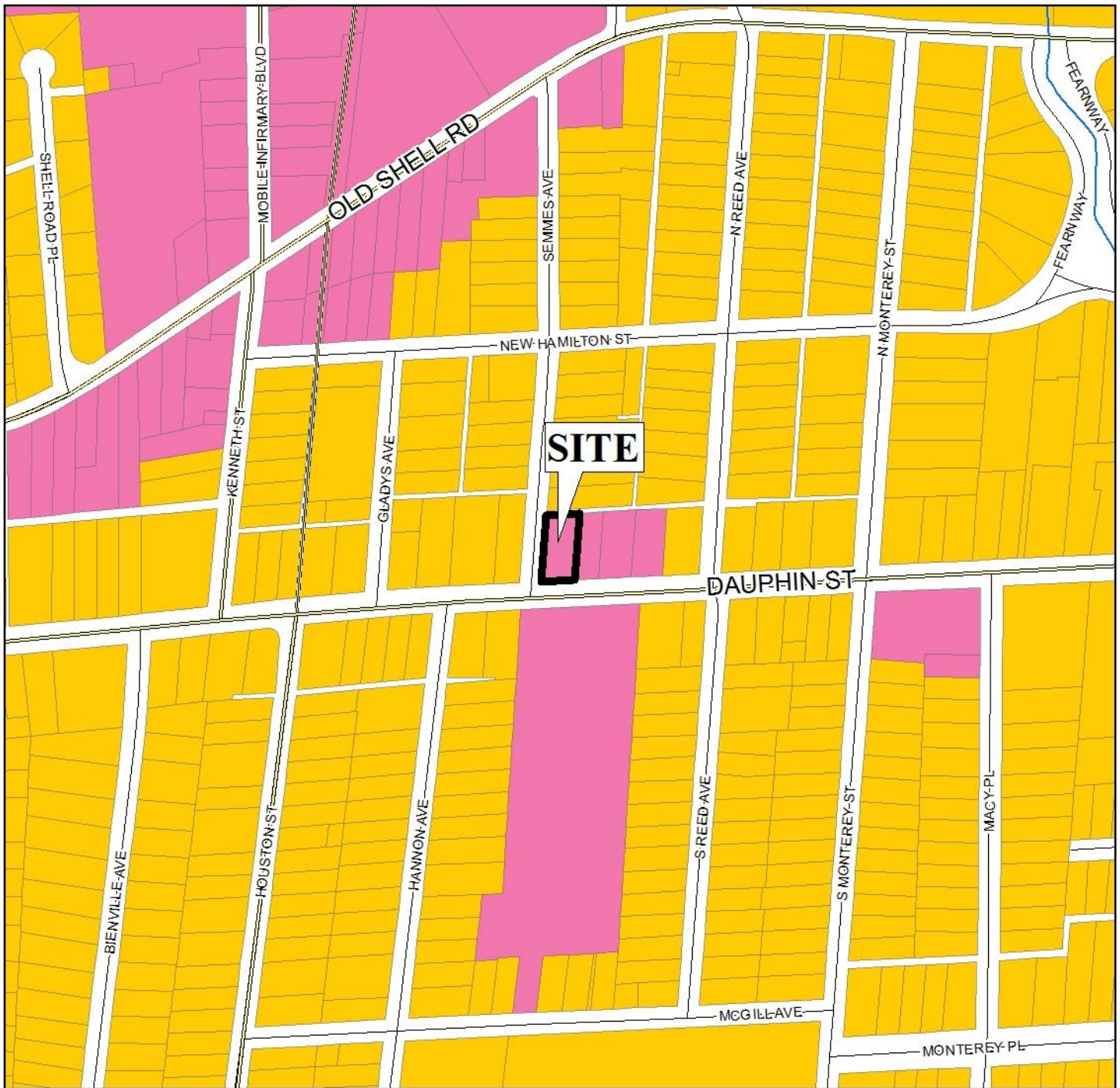
LOCATOR ZONING MAP



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FLUM LOCATOR MAP

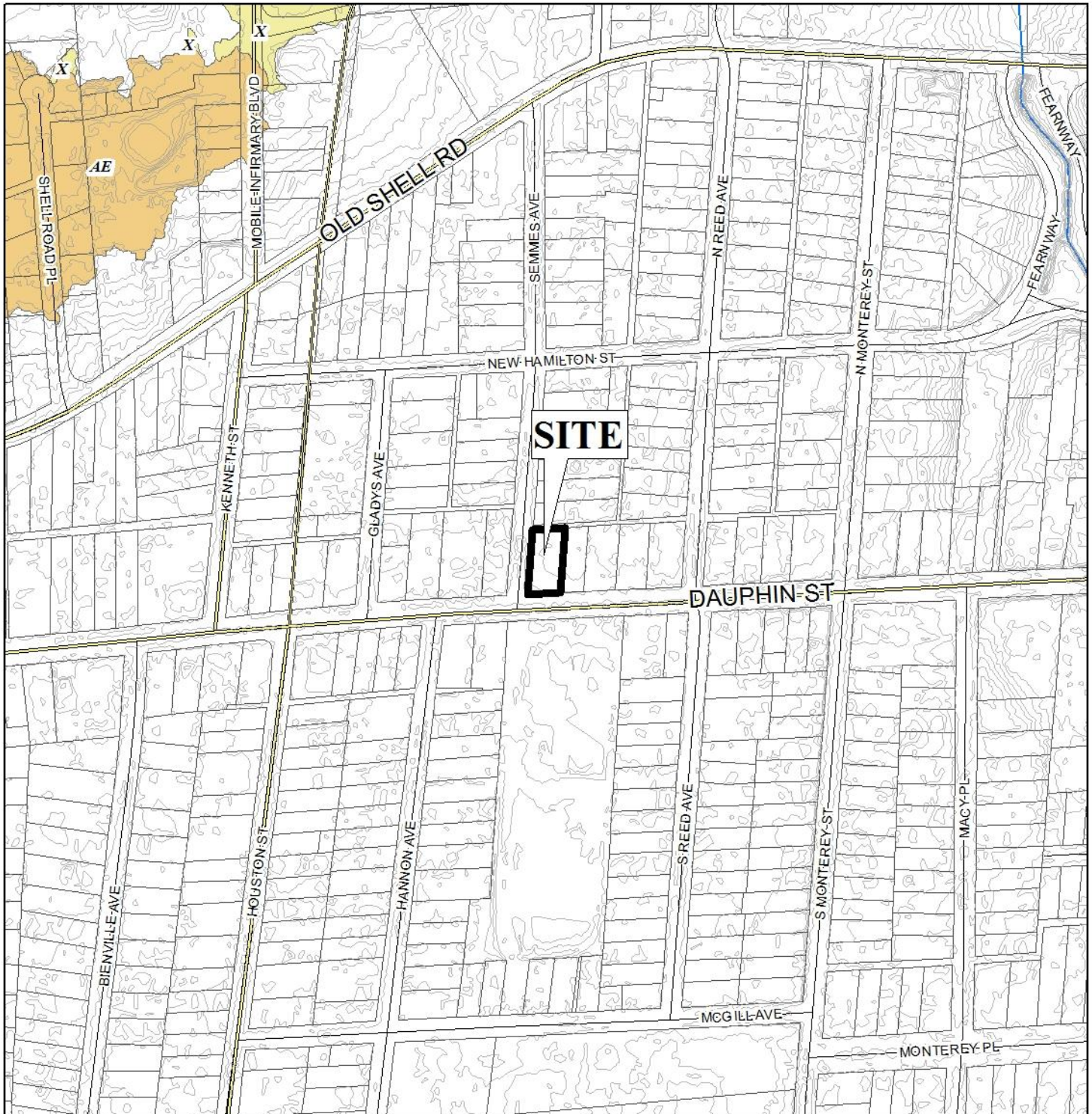


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Low Density Residential	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
Mixed Density Residential	Neighborhood Center - Suburban	Light Industry	Water Dependent
Downtown	Traditional Corridor	Heavy Industry	
District Center	Mixed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



ENVIRONMENTAL LOCATOR MAP



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BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



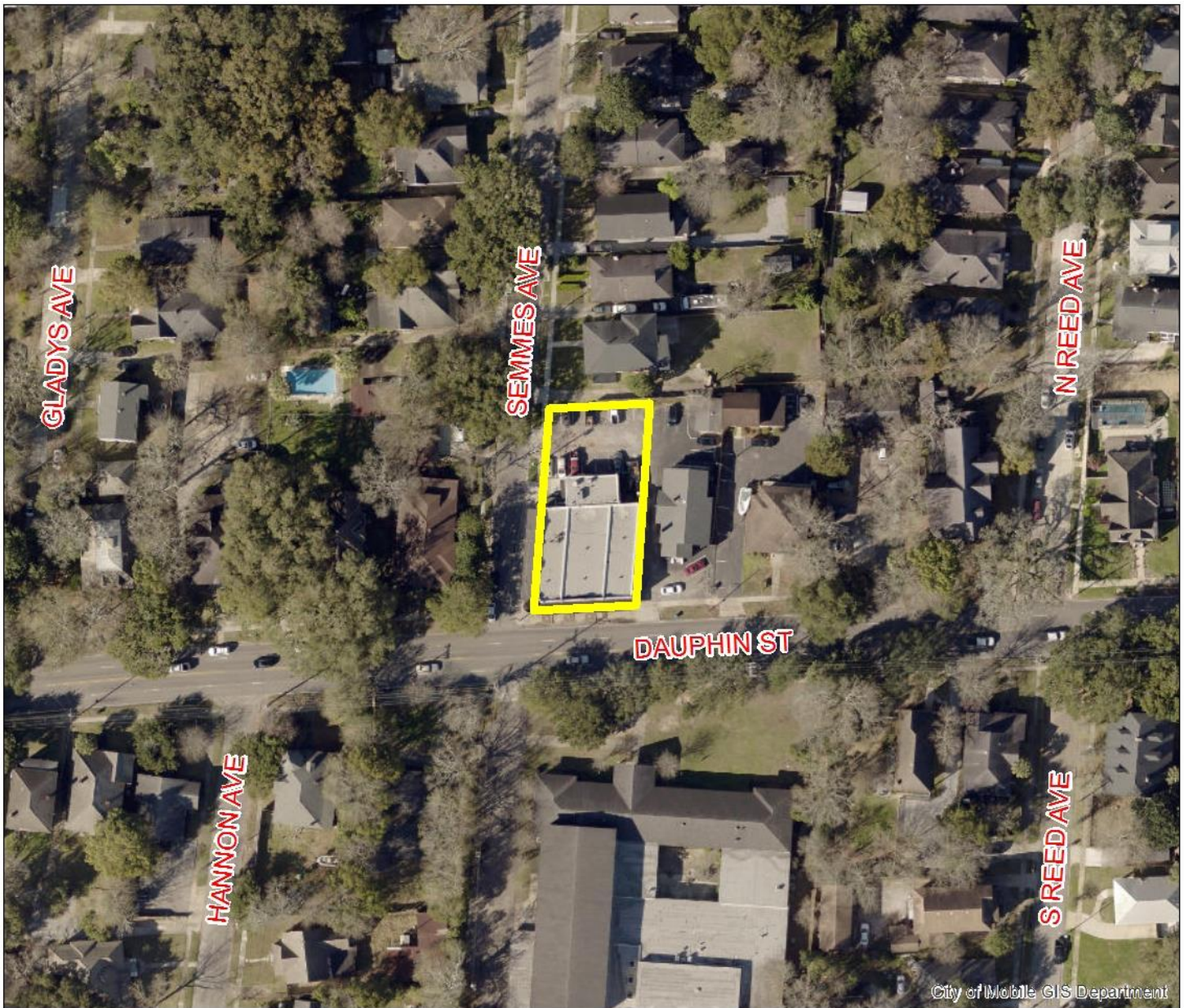
The site is surrounded by residential units. Commercial units are located to the east.

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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



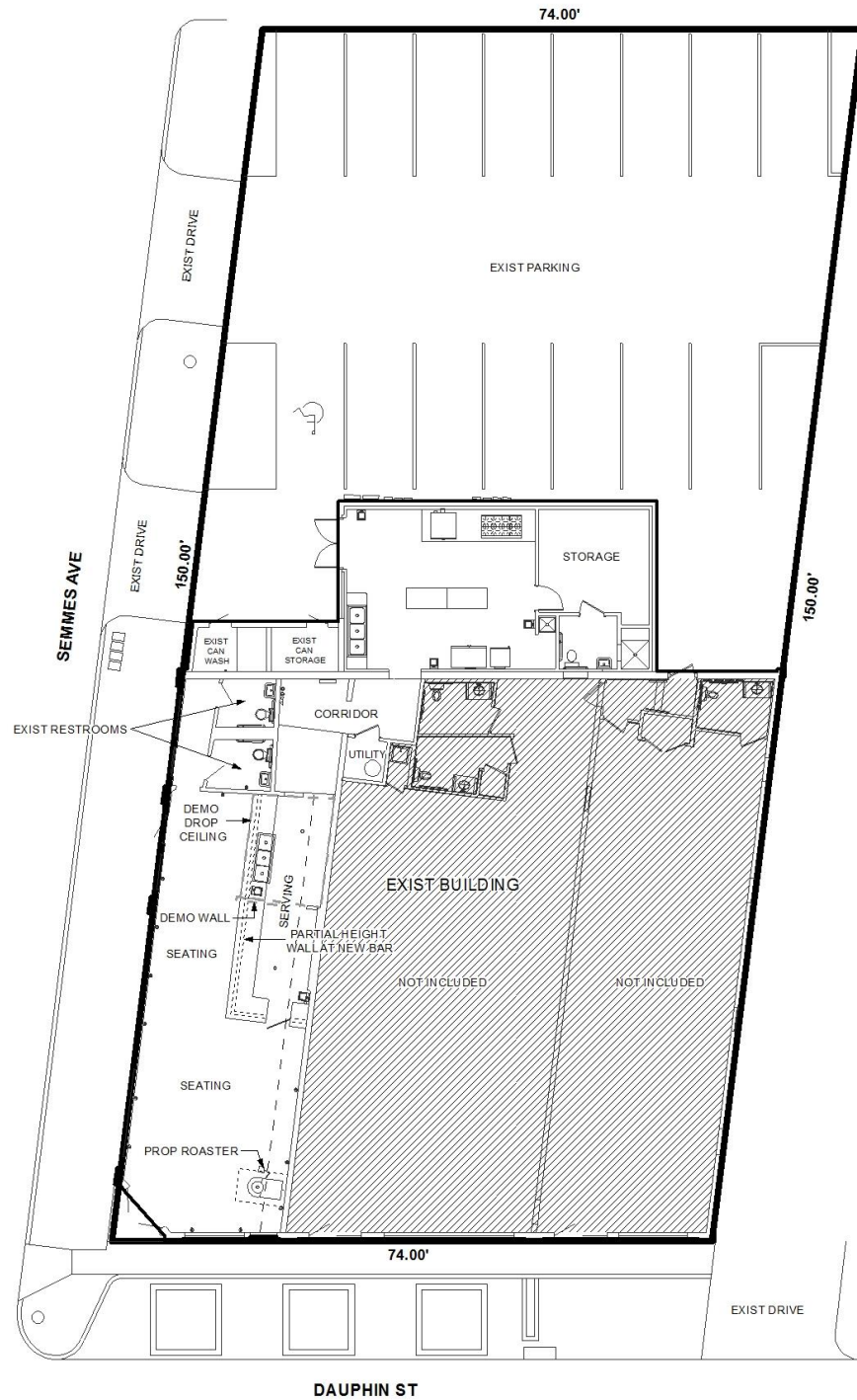
City of Mobile GIS Department

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SITE PLAN



The site plan illustrates the existing building, existing parking, existing drive, walls to be demoed, and proposed layout additions.

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