

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: July 6, 2020****CASE NUMBER**

6328/6270/5653

APPLICANT NAME

Marine Rigging, Inc. (Gary Cowles, Agent)

LOCATION500 and 552 Beauregard Street
(Northwest corner of Beauregard Street and North
Lawrence Street)**VARIANCE REQUEST****USE:** Use Variance to allow tension testing and research of marine rigging components in a B-4, General Business District.**ACCESS AND MANEUVERING:** Access and Maneuvering Variance to allow vehicular access and maneuvering within the public right-of-way.**TREE PLANTING:** Tree Planting Variance to allow reduced tree plantings for a commercial site.**ZONING ORDINANCE
REQUIREMENT****USE:** The Zoning Ordinance does not allow a laboratory for testing or research in a B-4, General Business District.**ACCESS AND MANEUVERING:** The Zoning Ordinance requires all access/maneuvering areas to be on-site.**TREE PLANTING:** The Zoning Ordinance requires full compliance with all tree planting requirements for a commercial site.**ZONING**

B-4, General Business

AREA OF PROPERTY

1.0± Acre

**ENGINEERING
COMMENTS**

No comments

**TRAFFIC ENGINEERING
COMMENTS**

No 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). 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).

CITY COUNCIL**DISTRICT**

District 2

ANALYSIS

The applicant is requesting Use, Access/Maneuvering and Tree Planting Variances to allow tension testing and research of marine rigging components, vehicular access/maneuvering area within the public right-of-way with reduced tree plantings for a commercial site in a B-4, General Business District; the Zoning Ordinance requires all access/maneuvering areas to be onsite and full compliance with all tree planting requirements for a commercial site and does not allow a laboratory for testing or research in a B-4, General Business District.

The site has been given a Traditional Corridor (TC) land use designation, per the Future Land Use Plan and Map, adopted on May 18, 2017 by the Planning Commission. 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 I-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), TC designations incorporate a range of moderately scaled single-use commercial buildings holding retail or services; buildings that combine housing units with retail and/or office; a mix of housing types including low- or mid-rise multifamily structures ranging in density from 4 to 10 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 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 was granted variances in February 2011 to allow tension testing and research of marine rigging components with a gravel-surface work area/lay-down yard and a barbed wire fence in a B-4, General Business District. At the Board's August 5, 2019 meeting the applicant was granted Use, Access and Maneuvering, and Tree Planting Variances as requested in this application. However, those approvals expired, and the applicant has re-submitted for new approvals. As variances are site plan-specific, and as the applicant proposes changes to the site plan of the 2011 approval, that variance must be amended. It should be noted that no new testing and research is proposed at the subject site, however, the current Use Variance request must be included as a formality of the amendment to the over-all 2011 approval.

The applicant's narrative states:

Detailed Description of the Use & Character of Improvements

Marine Rigging, Inc. is a vendor of cables, nylon slings, and other rigging accessories. The property located at 500 Beauregard Street consists of an existing 5,000 square foot metal building. Approximately 1,800 square feet of that is office space, which will require 6 parking spaces. Four of the employees work in the warehouse located at 500 Beauregard Street. This will require one additional parking space. There are enough parking spaces presently at the business to meet city requirements. The building site is complete with concrete/asphalt area paving. On the north and west side of the building there is a gravel surface. There are existing landscaped areas to the north, east, and south of the building. There is an existing dumpster enclosure complete with sanitary sewer tie in and a testing bed. The dumpster enclosure and testing bed will not be modified in this project.

The proposed changes to the property include an expansion of approximately 3,625 square feet to the north of the existing warehouse. This addition will be "L" shaped to allow for two (2) new truck loading/unloading docks. Currently, tractor trailer deliveries

are delivered to the loading dock on the front of the property located on Beauregard Street. However, the owner has been notified that construction will begin in the near future for the Broad/Beauregard Street Enhancement Project (Tiger 2016 Project). This project calls for eliminating a lane of traffic and adding on-street parking in front of Marine Rigging. Currently, tractor trailer deliveries already cause traffic difficulties due to the space restrictions for turning and backing up in this area. Therefore, the new Broad/Beauregard Street Enhancement Project plans will likely make the existing difficulties even worse for the public traffic, as well as, the delivery trucks. The two (2) new truck docks will allow all deliveries to be rerouted through Stuart Circle accessed from Lawrence Street. It will be beneficial to the public as it will eliminate tractor trailer deliveries in the front, on Beauregard Street, eliminating the traffic issues that can be caused by the larger deliveries. It will be dually beneficial for Marine Rigging during and after the Broad/Beauregard Street construction as construction traffic could ultimately affect business operations. The truck docks will not be used constantly. However, it may be used any time during normal business days/hours.

The existing approved surface variance for a gravel area, used as a work/laydown area, on the north portion of the property will not be required any longer with this proposal. This existing gravel area will be replaced by the building addition and the new concrete truck dock area. Grass will replace any existing gravel area on the north side of the property that is not encompassed by the addition and the truck dock area. Gravel will still be necessary on the west side of the building due to the lack of sunlight caused by the close proximity of the neighboring building on the property to the west. However, this is not a work or laydown area.

Marine Rigging, Inc. is requesting to maintain the existing approved variance for a chain link fence with three barbed wire strands at the top of it. The barbed wire fence is already located on the property, and Marine Rigging, Inc. needs it for security purposes. Only the portion of the fence on the north side of the property, bordered by Stewart Circle will be modified to allow for a new 40 foot sliding gate and 20 foot swinging gate. All other existing barbed wire fence on the property will remain.

Marine Rigging, Inc. is also requesting a new access/maneuvering variance to allow for use of the City Right-of-Way for truck traffic maneuvering. Due to space restrictions, Stewart Circle will need to be used by the delivery traffic during certain times for maneuvering purposes. It will mostly need to be used during the less-frequent 53 foot trailer deliveries. Traffic is very minimal on Stewart Circle due to the short length of the road and un-developed areas to the north. Therefore, we believe that this option is much safer and practical for everyone than Beauregard Street.

Marine Rigging, Inc. is also requesting a new zoning variance as current City landscape requirements will not be able to be met. Currently, the site is approved under a 2001 landscape plan. Under the proposed resolution for the "Right Tree, Right Place" committee, it is not recommended to plant additional large or understory trees on the property due to the lack of available green areas. RTRP recommended spacing requirements for new trees will not be able to be met. Currently, the 2001 landscape

plan calls for 29 total trees to be on site. With the proposed plan, there will be 18 cypress trees and 3 crepe myrtles to remain on-site. Therefore, the owner would like to bank \$200 a tree, for the 8 trees not able to be planted, to the Mobile Tree Commission for a total of \$1,600.

It should be noted that construction of the Broad/Beauregard Street Enhancement Project was begun earlier than anticipated, and that earlier start date delayed the applicant's plans for the proposed site improvements. Thus the approval of the 2019 Variances expired before construction of the site improvements could begin; hence this new request.

The subject site is located along a mixed-use stretch of Beauregard Street. To the East across North Lawrence Street is R-3, Multi-Family Residential, used as the Mobile Housing Board Renaissance public housing project. To the North across Stuart Circle is vacant R-3 land also owned by the Mobile Housing Board. Adjacent to the West of the subject site is B-4 used as a trucking company. To the South across Beauregard Street is T5.2, a mixed-use sub-district of the Downtown Development District, used as commercial delivery truck sales.

The applicant cites the planned Broad/Beauregard Street Enhancement Project (Tiger 2016 Project) as the basis for the proposed relocation of the tractor trailer truck bays. The proposed on-street parking for that project along Beauregard Street will deny access to the existing truck docks facing that street, necessitating an alternative location for the docks and truck access. North Lawrence Street cannot be utilized for truck access as it is a divided street. It is also the primary access to Beauregard Street from the Renaissance housing project, as the North Claiborne Street access is blocked by closed gates. This leaves the applicant with the possibility of tractor trailer truck access via Stuart Circle only.

Stuart Circle ends in a cul-de-sac approximately 200' West of the subject site. It is currently accessed only by the applicant and other businesses along Beauregard Street to the West of the subject site as the property to the North across Stuart Circle is vacant. The cul-de-sac abuts the remnants of One Mile Creek, which is now a drainage canal. The applicant proposes two new truck docks to be accessed from Stuart Circle. As site restrictions would not allow trucks to access and maneuver entirely on-site, the trucks would have to back into the loading docks from Stuart Circle. Once backed in, the trucks would be parked completely on-site. Since Stuart Circle would become the only available public street access, and it is not a heavily-traveled street, the allowance of on-street access and maneuvering would seem justified.

With regard to the Tree Planting Variance request, the site plan indicates that eight (8) existing cypress trees along the Stuart Circle frontage must be removed to allow for the paved on-site access/maneuvering area for the two proposed truck docks. The applicant cites the lack of available green area on the site in which to plant replacement trees which would comply with the proposed "Right Tree, Right Place" resolution. As the site has no area in which to add additional green area due to the current uses for parking, equipment lay-down and equipment testing, a hardship is indicated in providing replacement trees in compliance with the "Right Tree, Right Place" resolution.

The applicant has illustrated that no modifications, other than site plan modifications, are proposed with regard to the previously-approved Use Variance of 2011, and this request should be considered for approval as it is the exact request approved in 2019. It has also been illustrated that hardships exist with respect to the Access/Maneuvering and Tree Planting requirements of the Zoning Ordinance, and the Board should consider these requests for approval.

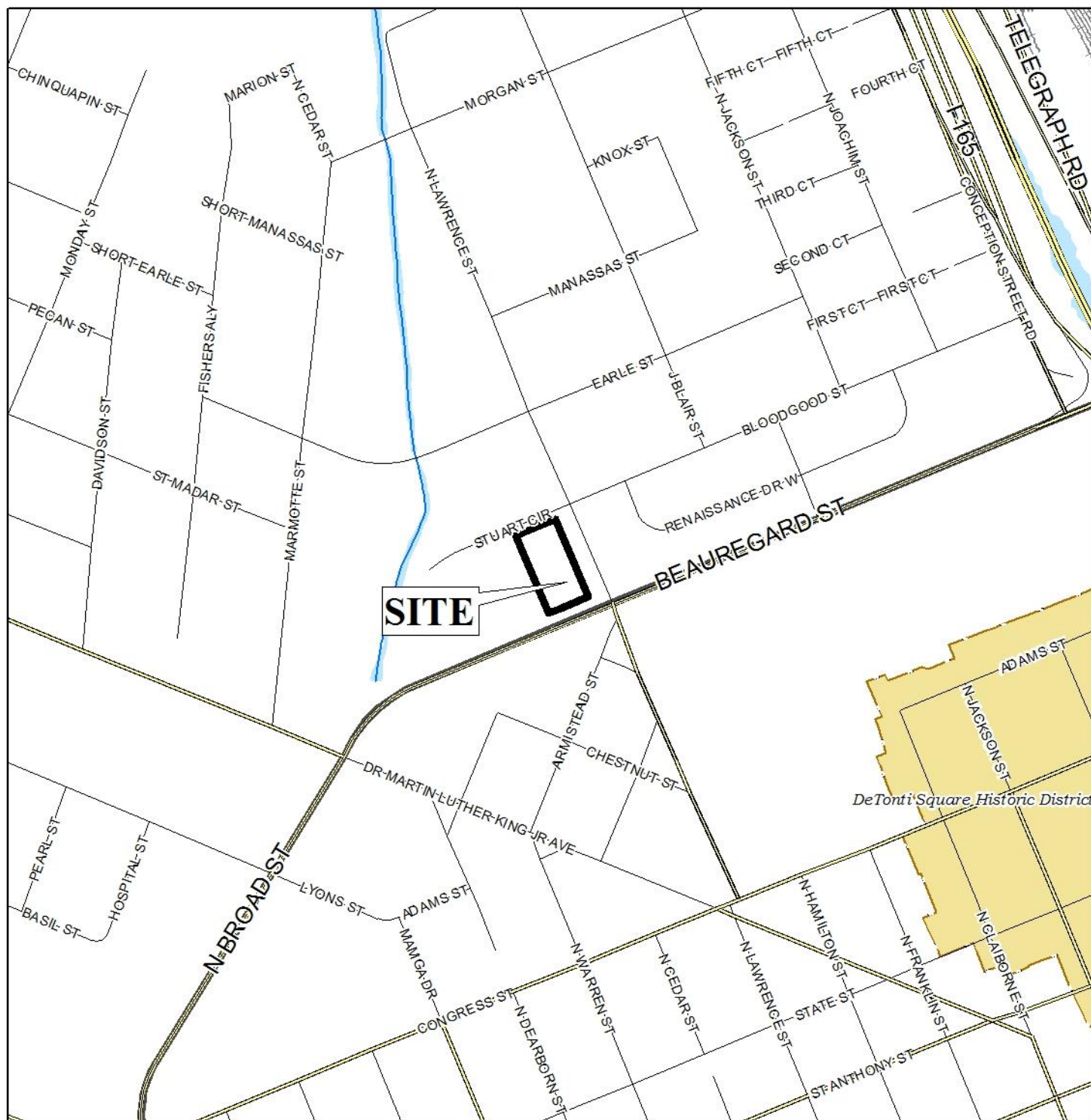
RECOMMENDATION: Staff recommends to the Board the following findings of facts for Approval of the Use, Access/Maneuvering and Tree Planting Variance requests:

- 1) Approving the variances will not be contrary to the public interest in that the use would be a continuation of the previously-approved Use Variance, and the Access/Maneuvering and Tree Planting requests are necessitated by a proposed City project and not the applicant's initiatives;
- 2) Special conditions were 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 be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance because the use will not change, traffic within the right-of-way will not be adversely affected, and tree bank donations can be utilized elsewhere in the City.

The approval is subject to the following conditions:

- 1) donation of \$1,600 to the Mobile Tree Commission to mitigate the shortage of eight (8) overstory trees at \$200.00 per tree; and
- 2) full compliance with all other municipal codes and ordinances.

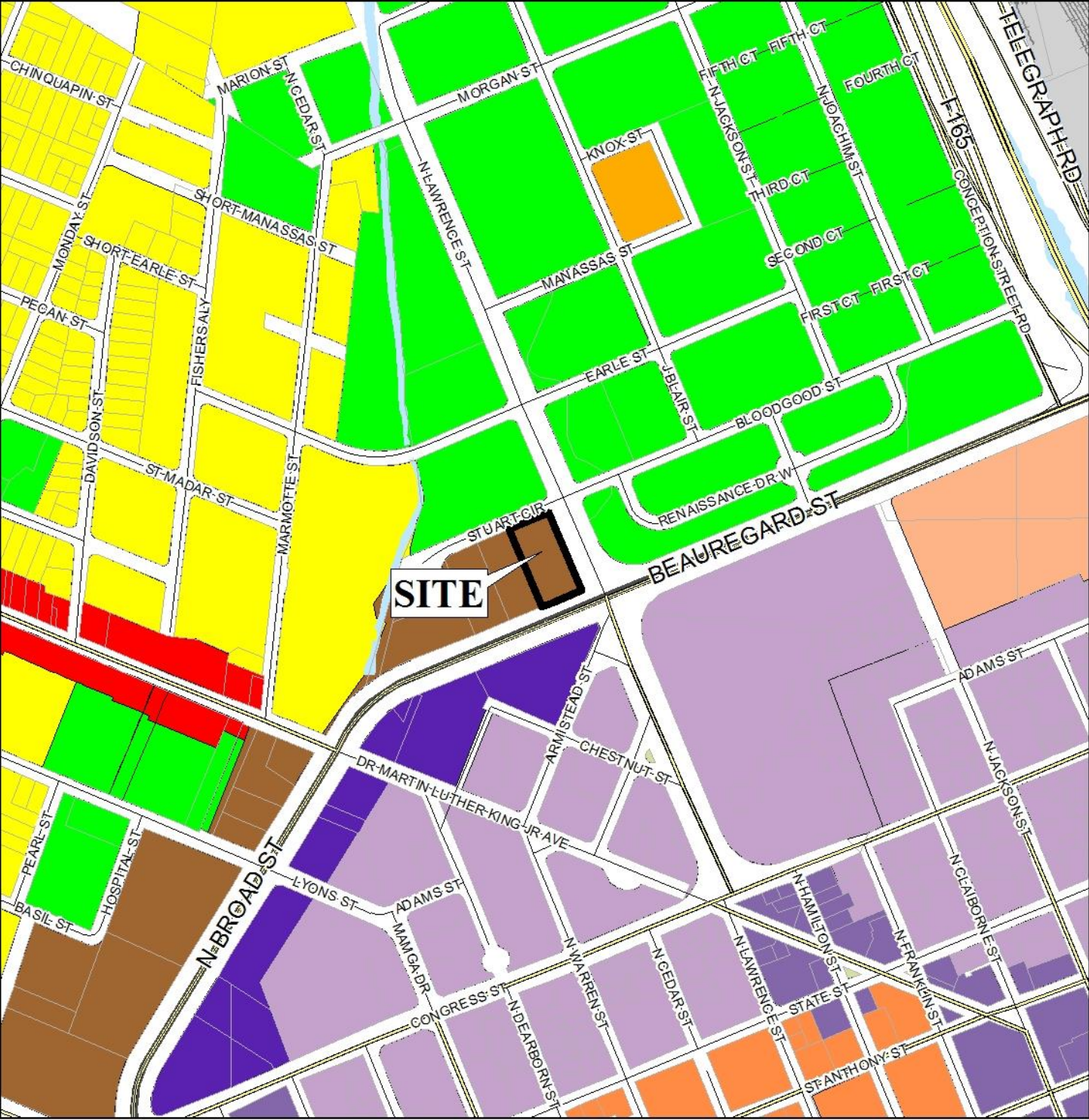
LOCATOR MAP



APPLICATION NUMBER 6328 DATE July 6, 2020
APPLICANT Marine Rigging
REQUEST Use, Access and Maneuvering, and Tree Planting Variances



LOCATOR ZONING MAP



APPLICATION NUMBER 6328 DATE July 6, 2020

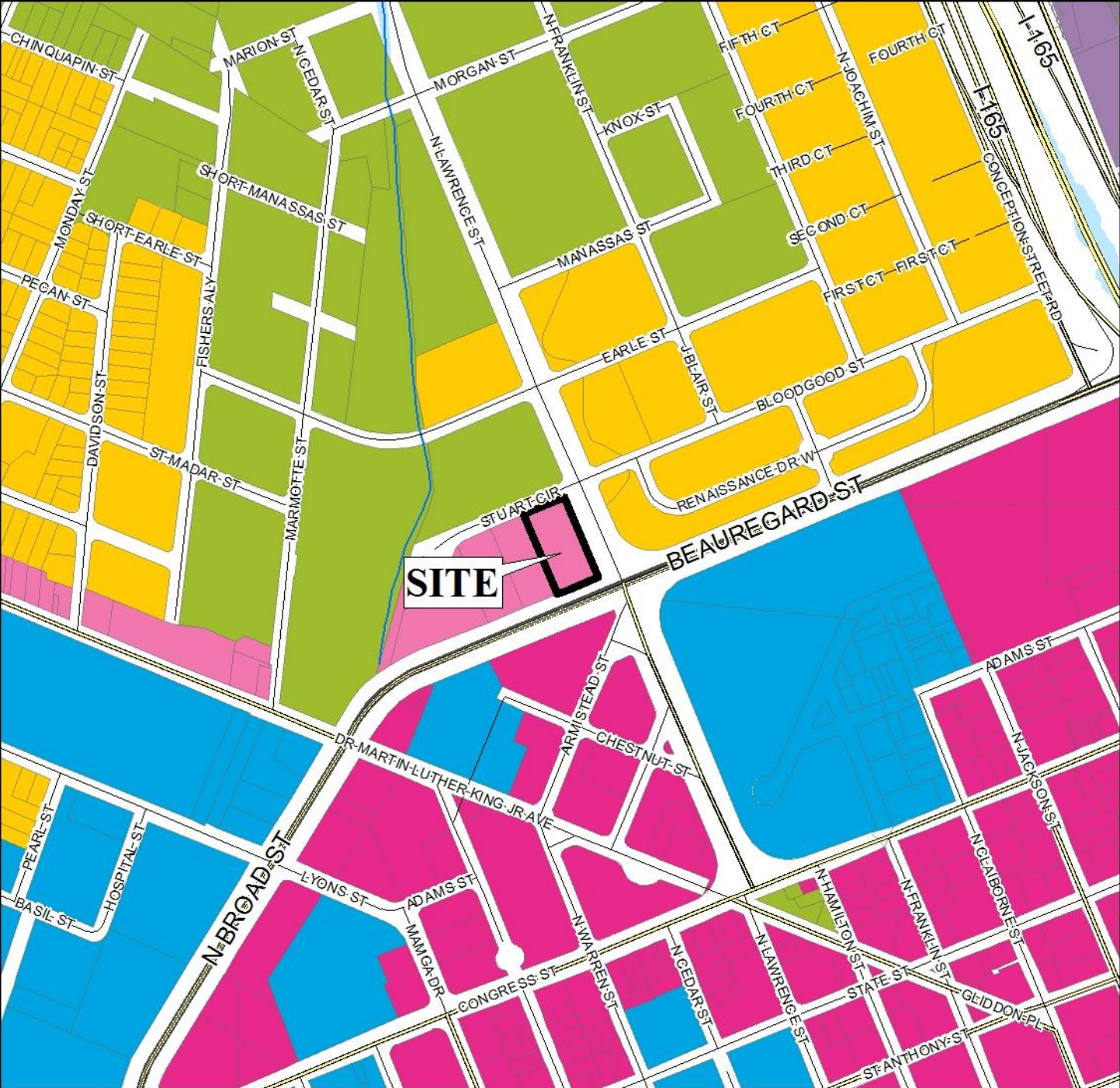
APPLICANT Marine Rigging

REQUEST Use, Access and Maneuvering, and Tree Planting Variances



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FLUM LOCATOR MAP



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APPLICANT Marine Rigging

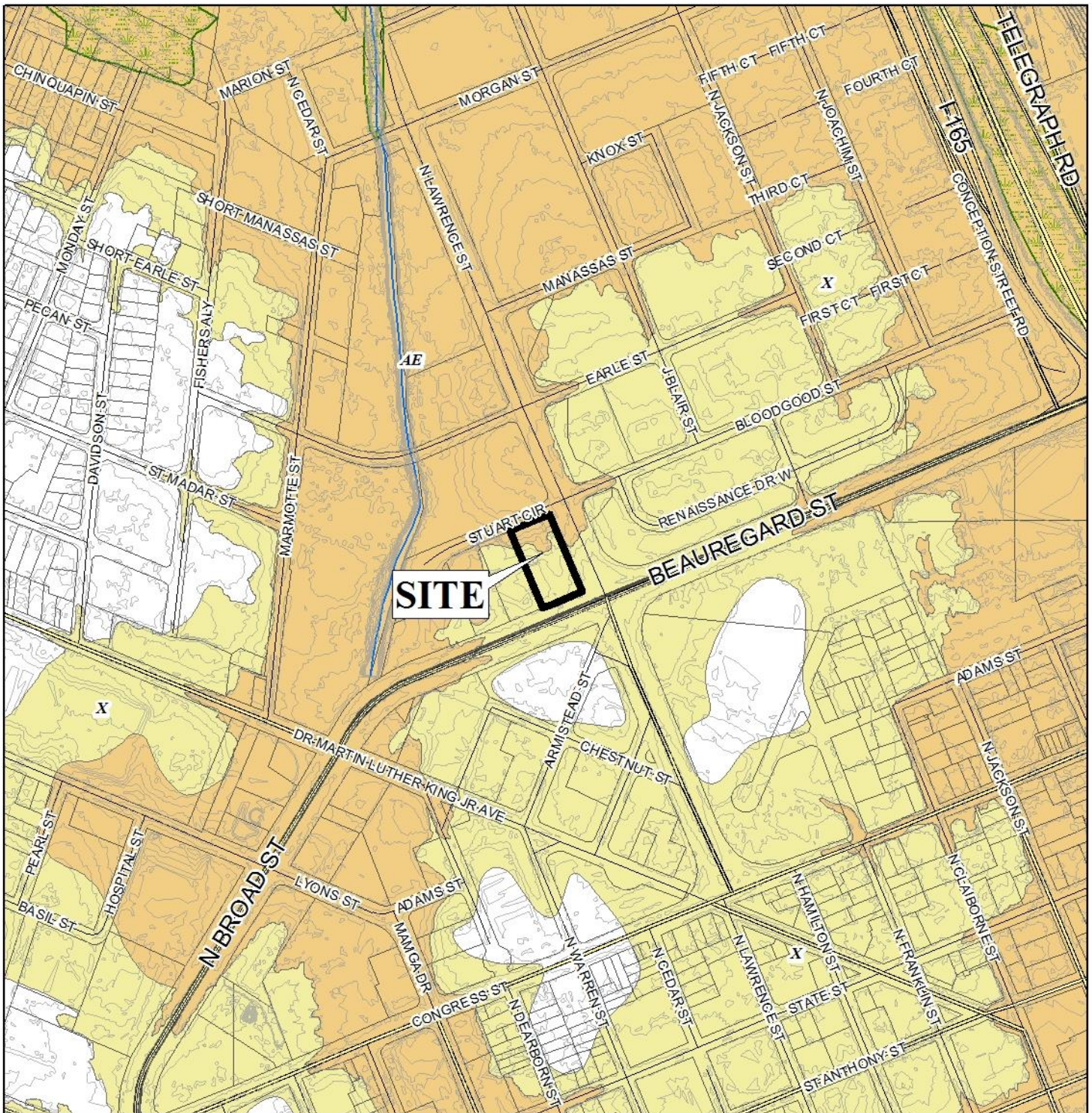
REQUEST Use, Access and Maneuvering, and Tree Planting Variances

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



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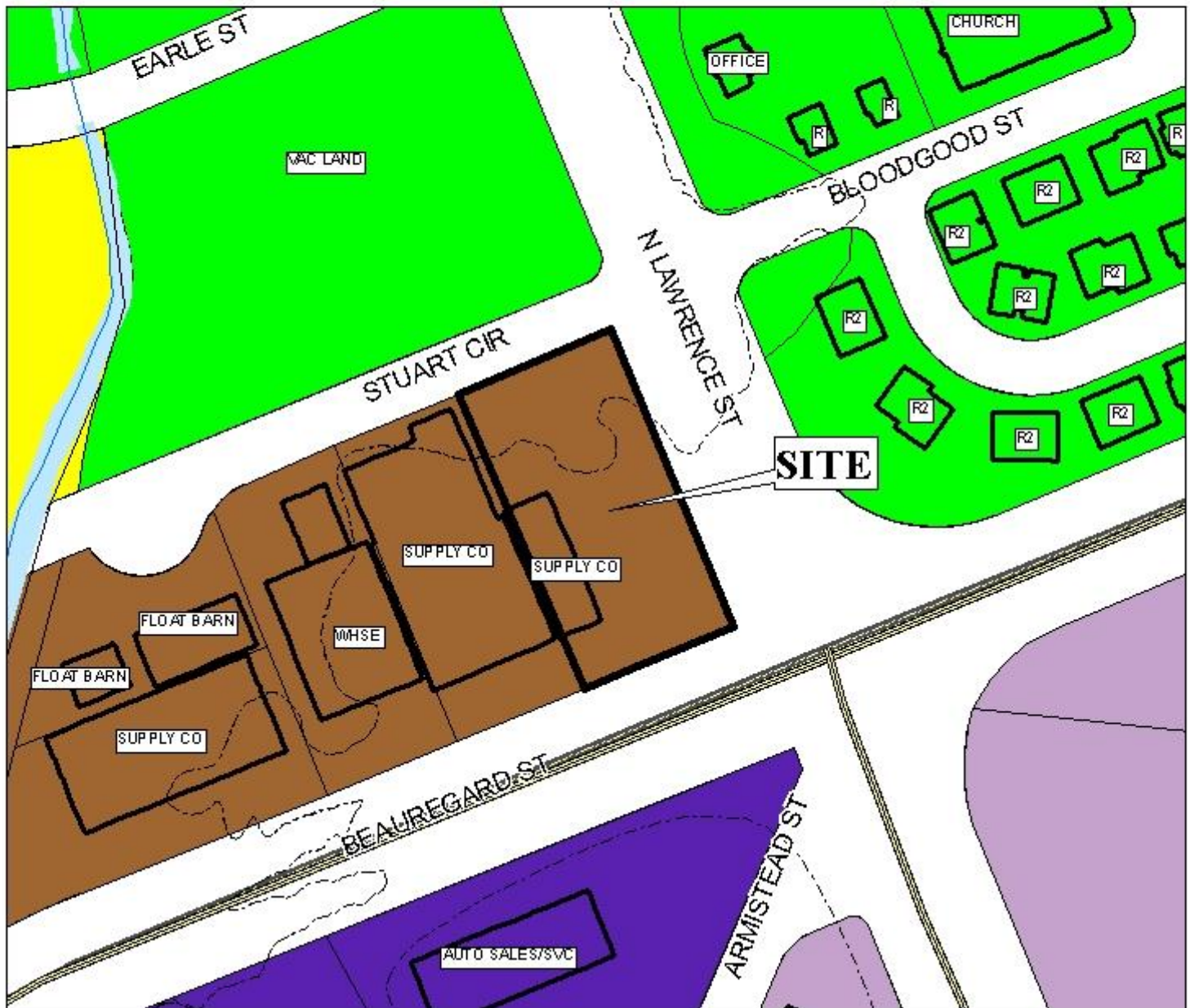
ENVIRONMENTAL LOCATOR MAP



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REQUEST Use, Access and Maneuvering, and Tree Planting Variances



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



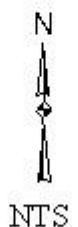
The site is surrounded by commercial units to the west and residential units to the east.

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APPLICANT Marine Rigging

REQUEST Use, Access and Maneuvering, and Tree Planting Variances

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



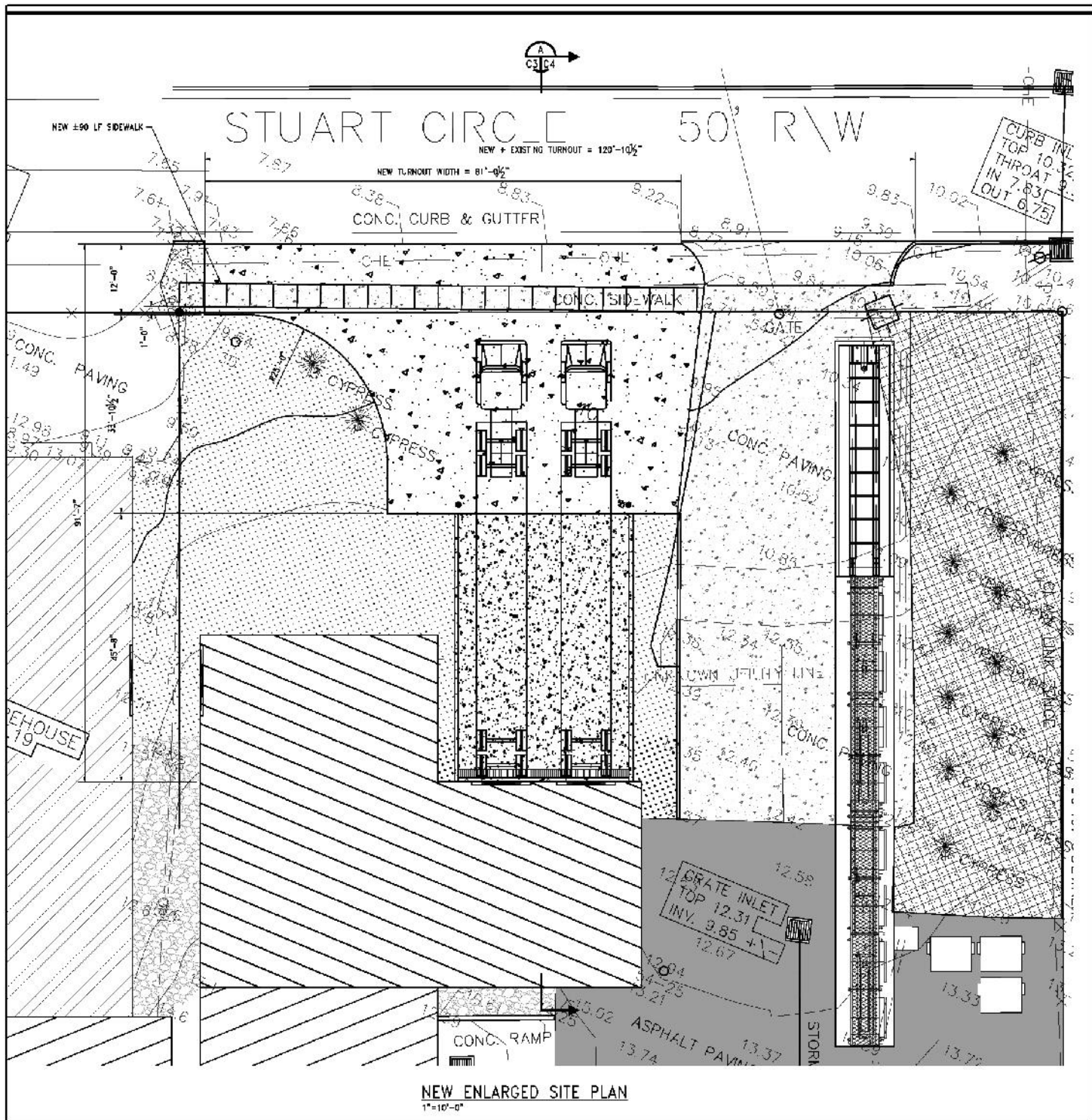
Mobile County Revenue Commission

The site is surrounded by commercial units to the west and residential units to the east.

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REQUEST	Use, Access and Maneuvering, and Tree Planting Variances		



DETAIL SITE PLAN



APPLICATION NUMBER 6328 DATE July 6, 2020
 APPLICANT Marine Rigging
 REQUEST Use, Access and Maneuvering, and Tree Planting Variances



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REQUEST	Use, Access and Maneuvering, and Tree Planting Variances
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