

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: August 3, 2020****CASE NUMBER**

6342

APPLICANT NAME

Metcalf & Company (Brian Metcalfe, Agent)

LOCATION

200 North Royal Street
(Block bounded by North Royal Street, State Street, North Water Street, and St. Anthony Street).

VARIANCE REQUEST

BUILDING MATERIAL: To allow a metal modular building in a T-6 Sub-District of the Downtown Development District.

WINDOW TRANSPARENCY: To allow reduced window transparency in a T-6 Sub-District of the Downtown Development District.

FENCE HEIGHT: To allow a perimeter fence height of 10' in a T-6 Sub-District of the Downtown Development District.

**ZONING ORDINANCE
REQUIREMENT**

BUILDING MATERIAL: The Zoning Ordinance prohibits metal exterior finishes on structures in a T-6 Sub-District of the Downtown Development District.

WINDOW TRANSPARENCY: The Zoning Ordinance requires a window transparency of at least 78% in a T-6 Sub-District of the Downtown Development District.

FENCE HEIGHT: The Zoning Ordinance limits a perimeter fence to a maximum height of 8' in a T-6 Sub-District of the Downtown Development District.

ZONING

T-6 Sub-District of the Downtown Development District

AREA OF PROPERTY

3.7± Acres

**CITY COUNCIL
DISTRICT**

District 2

**ENGINEERING
COMMENTS**

No Comment.

**TRAFFIC ENGINEERING
COMMENTS**

No adverse impacts anticipated by this variance request.

ANALYSIS

The applicant has submitted Building Material, Window Transparency and Fence Height Variances to allow a metal modular building with reduced window transparency, and a perimeter fence height of 10' in a T-6 Sub-District of the Downtown Development District; the Zoning Ordinance prohibits metal exterior finishes on structures, requires a window transparency of at least 78%, and limits a perimeter fence height to a maximum of 8' within a T-6 Sub-District of the Downtown Development District.

The Zoning Ordinance states no variance shall be granted 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; and, no variance shall be granted where economics are the basis for the application. 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 site has been given a Downtown (DT) 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.

Downtown is called out as a separate land use designation due to its distinct role, layout and fabric.

As a land use district, Downtown (DT) is the ultimate mixed-use environment. Land development and redevelopment will emphasize variety, mixed uses, and unity of form within buildings or complexes.

As the city's and region's center for commercial and service employment, Downtown supports intense development and a dynamic combination of uses: specialty and regional retail shopping and offices; business support services; urban housing at higher densities (starting at 10 dwelling units per acre); civic, educational and cultural destinations; entertainment options; and other public amenities including active and passive park space. The successful integration of a mix of housing types and densities will be critical to achieve a vibrant, 24/7-active Downtown Mobile.

Development in the DT district will focus on new, redeveloped and adaptively reused buildings that frame attractive, human-scaled streetscapes, memorable public spaces, bicycle and pedestrian-friendly streets and convenient transit access to jobs, housing and entertainment. Accordingly, certain areas of Downtown will be more intensively developed to facilitate that pedestrian orientation.

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 applicant states:

This request is for a variance in order for the Federal Bureau of Investigation to construct a visitor's center on the site of the field office located at 200 N. Royal Street, Mobile, Alabama. The FBI is installing visitor's centers in all of its field offices in order to enhance security. The Visitor's Center primary purpose is to process and screen all visitors wanting to enter the FBI Building. In addition to the Visitor's Center, the Agency needs to enhance the perimeter security by increasing the height of the existing perimeter fence.

In order to accommodate this security function for the FBI Field Office the following variances are requested.

- 1. Building materials: The modular visitor's center is constructed primarily of steel. The owner is proposing to match the exterior façade of the main building in precast stone or an alternative masonry product up to the bottom of the windows.*
- 2. Window Transparency: The Agency request is Solarban z75 glass for security purposes.*
- 3. The perimeter of the entire site currently has a decorative fence approximately 6 feet tall on top of a wall approximately 2 feet high. The Agency request permission to increase the fencing to approximately 8 feet on top of the existing wall.*

While the subject requests may not be justified by a hardship specific to the property, the use of the site as a Field Office for the Federal Bureau of Investigation (FBI) has unique security concerns that require special consideration.

The existing guard building at the entrance to the site appears to have a metal façade as it was constructed prior to the adoption of the Downtown Development District. As such, the proposed building will be in keeping with the character of the existing guard building.

Regarding the window transparency and wall height variance requests, as mentioned use of the site by the FBI has particular requirements is regards to safety. The requested variances will not have a negative impact on the surrounding area, and will allow for enhanced security on the site.

It should be noted that the site has been reviewed by the Consolidated Review Committee (CRC) at its June 11, 2020 meeting, where the applicant was advised of the need for the subject requests. Furthermore, the site is not located in a historic district.

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 because the proposed changes to the site are in keeping with the character of the existing development;
- 2) Special conditions were illustrated such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship as the FBI has unique requirements related to security that other sites do not have; and
- 3) The spirit of the chapter shall be observed, and substantial justice shall be done to the surrounding neighborhood by granting the variance.

The approval should be subject to the following conditions:

- 1) Obtain associated building permits; and
- 2) Full compliance with all municipal codes and ordinances.

Revised for the September 14th meeting:

This application was heldover from the August 3rd meeting due to a lack of a quorum. No additional information was submitted; therefore, the recommendation remains the same.

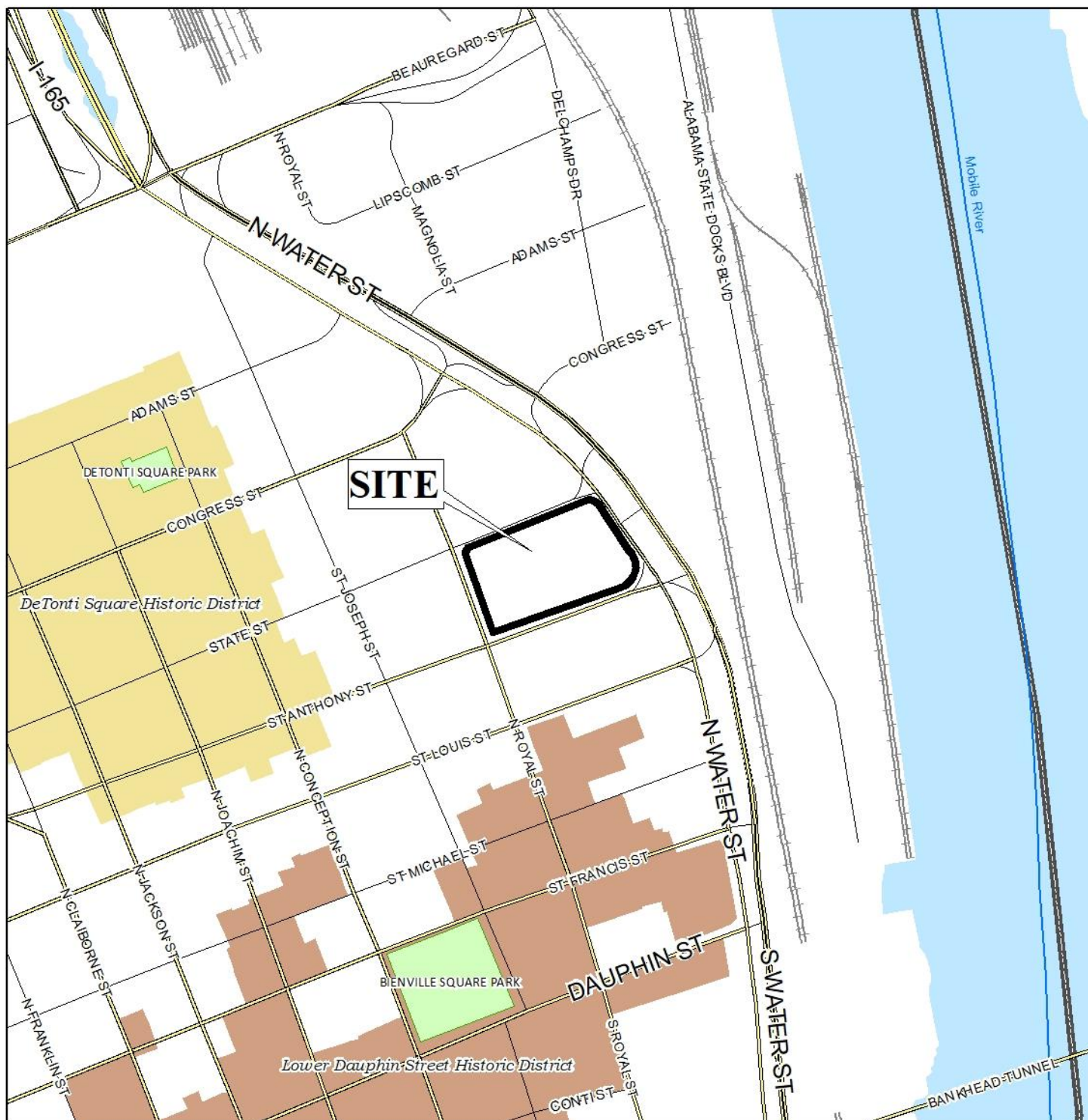
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- 3) The spirit of the chapter shall be observed, and substantial justice shall be done to the surrounding neighborhood by granting the variance.

The approval should be subject to the following conditions:

- 1) *Obtain associated building permits; and*
- 2) *Full compliance with all municipal codes and ordinances.*

LOCATOR MAP



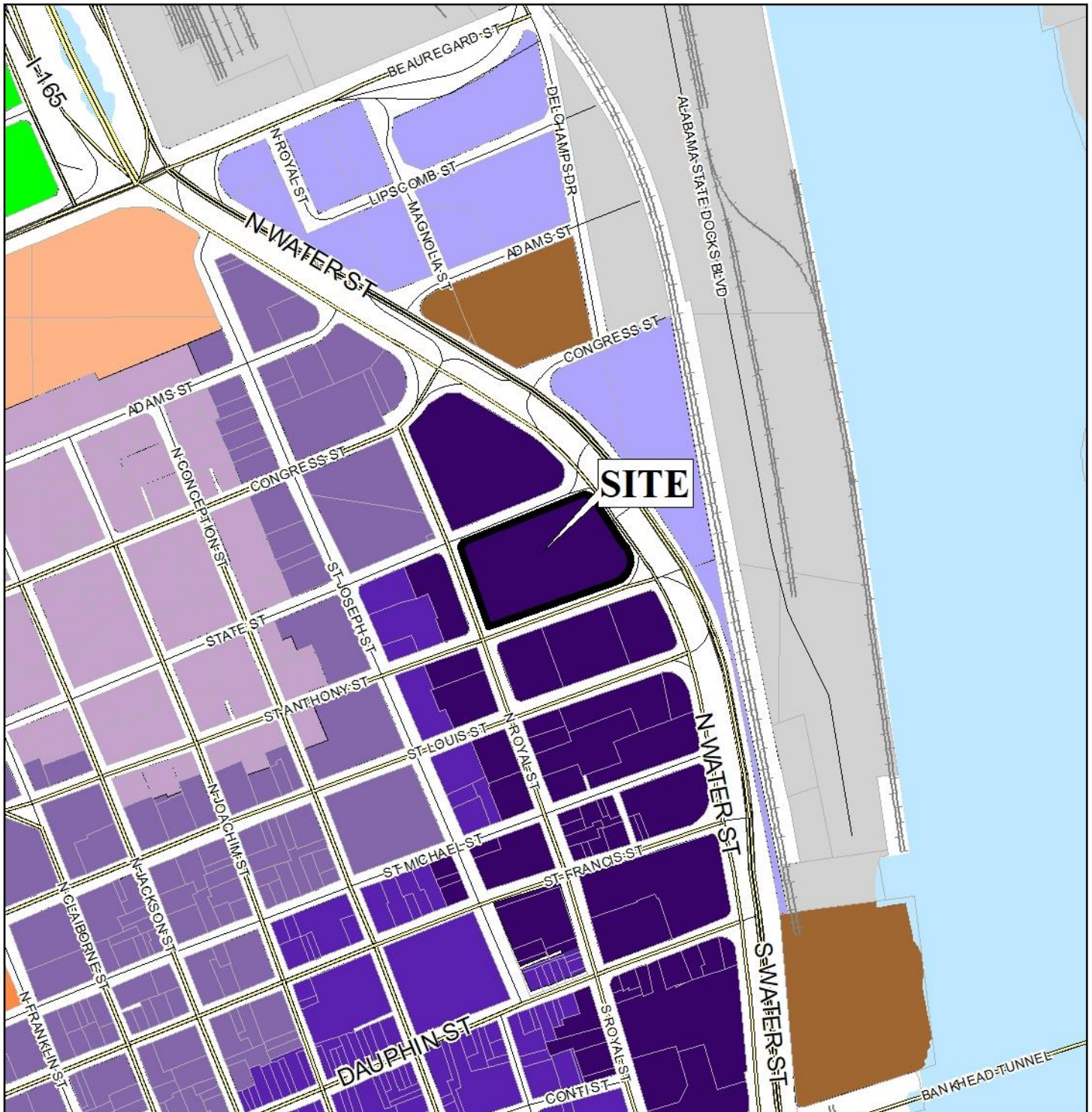
APPLICATION NUMBER 6342 DATE September 14, 2020

APPLICANT Metcalf & Company (Brian Metcalfe, Agent)

REQUEST Building Material, Window Transparency and Fence Variances



LOCATOR ZONING MAP



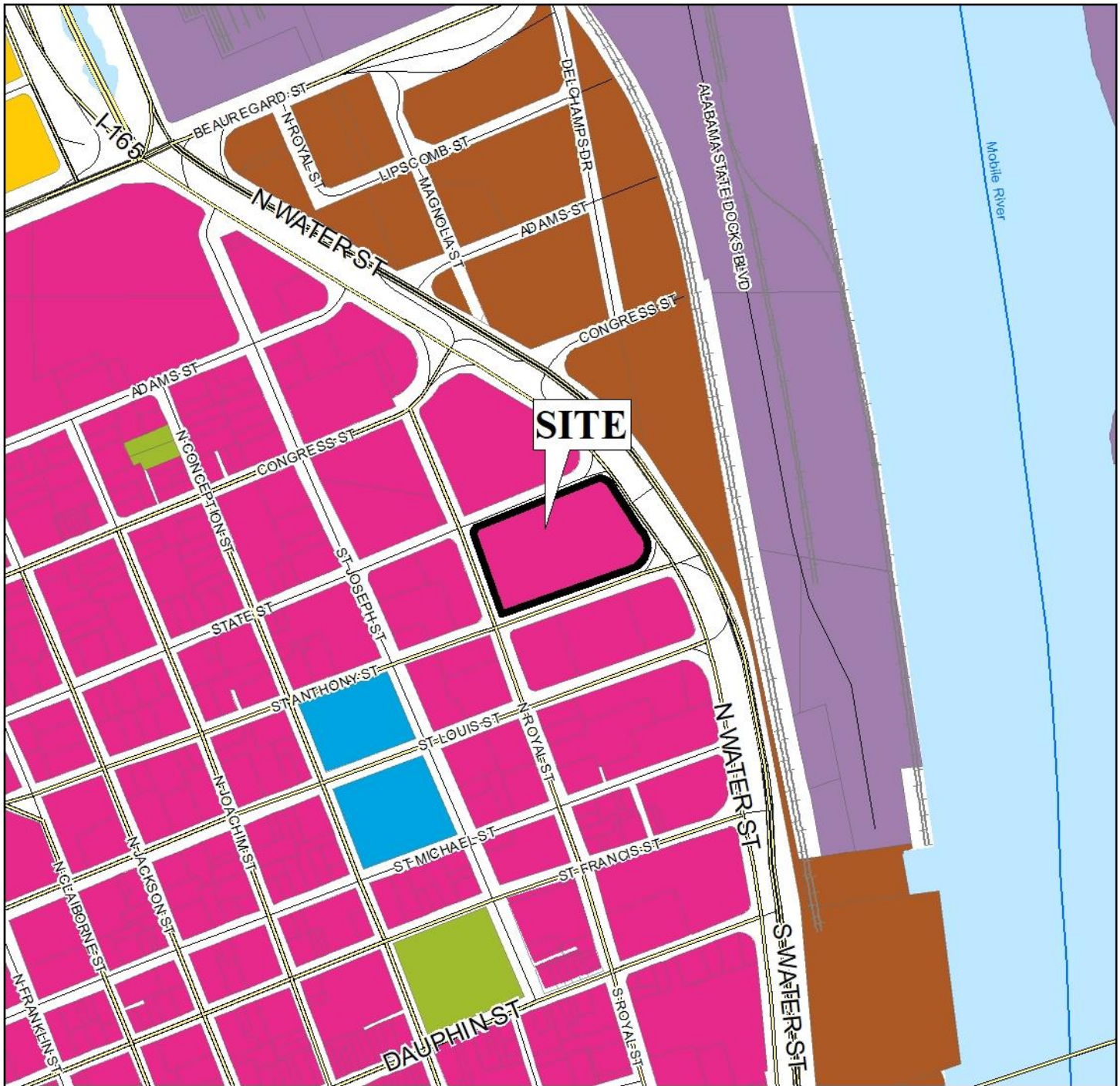
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FLUM LOCATOR MAP



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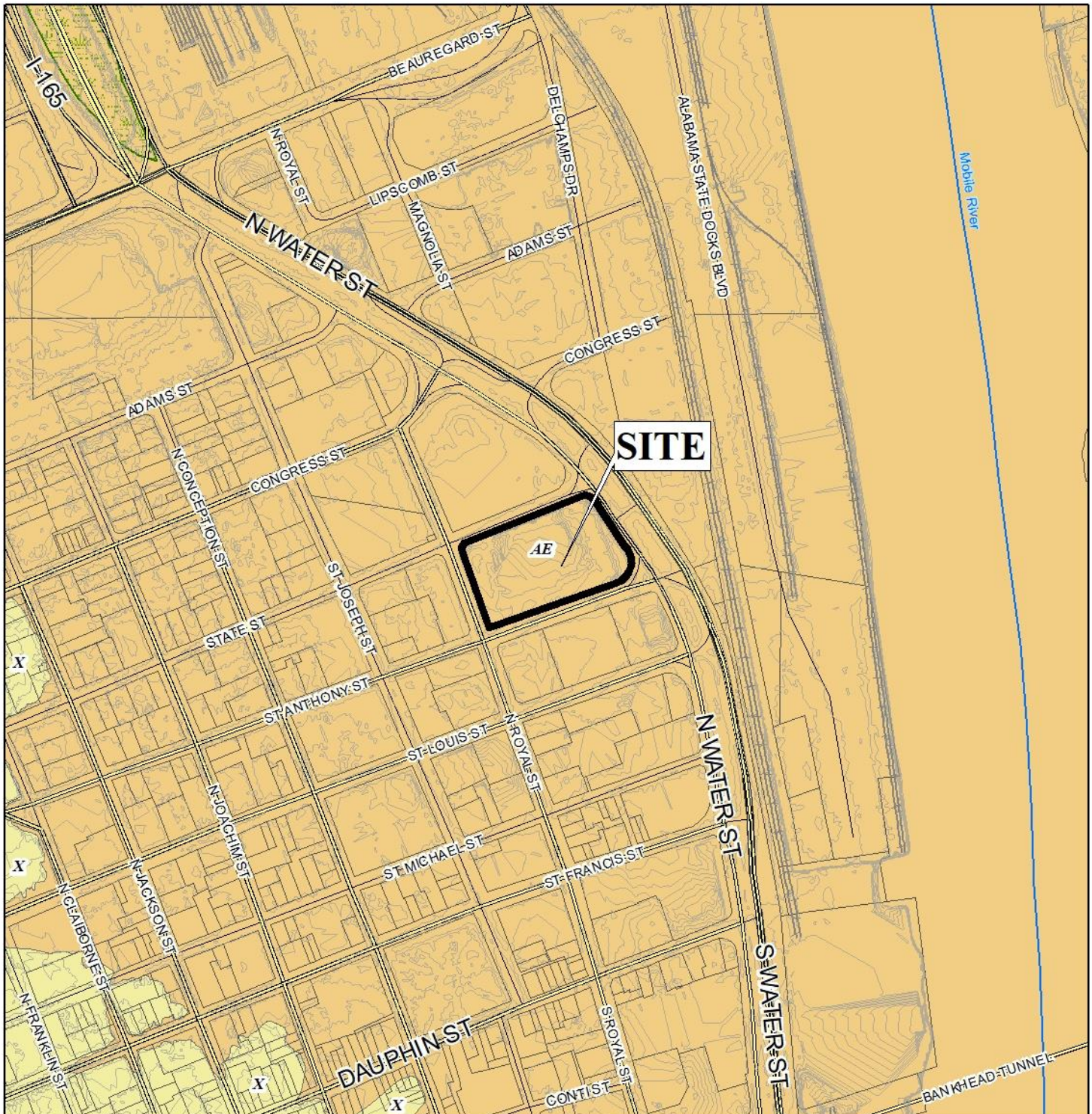
APPLICANT Metcalf & Company (Brian Metcalfe, Agent)

REQUEST Building Material, Window Transparency and Fence Variance

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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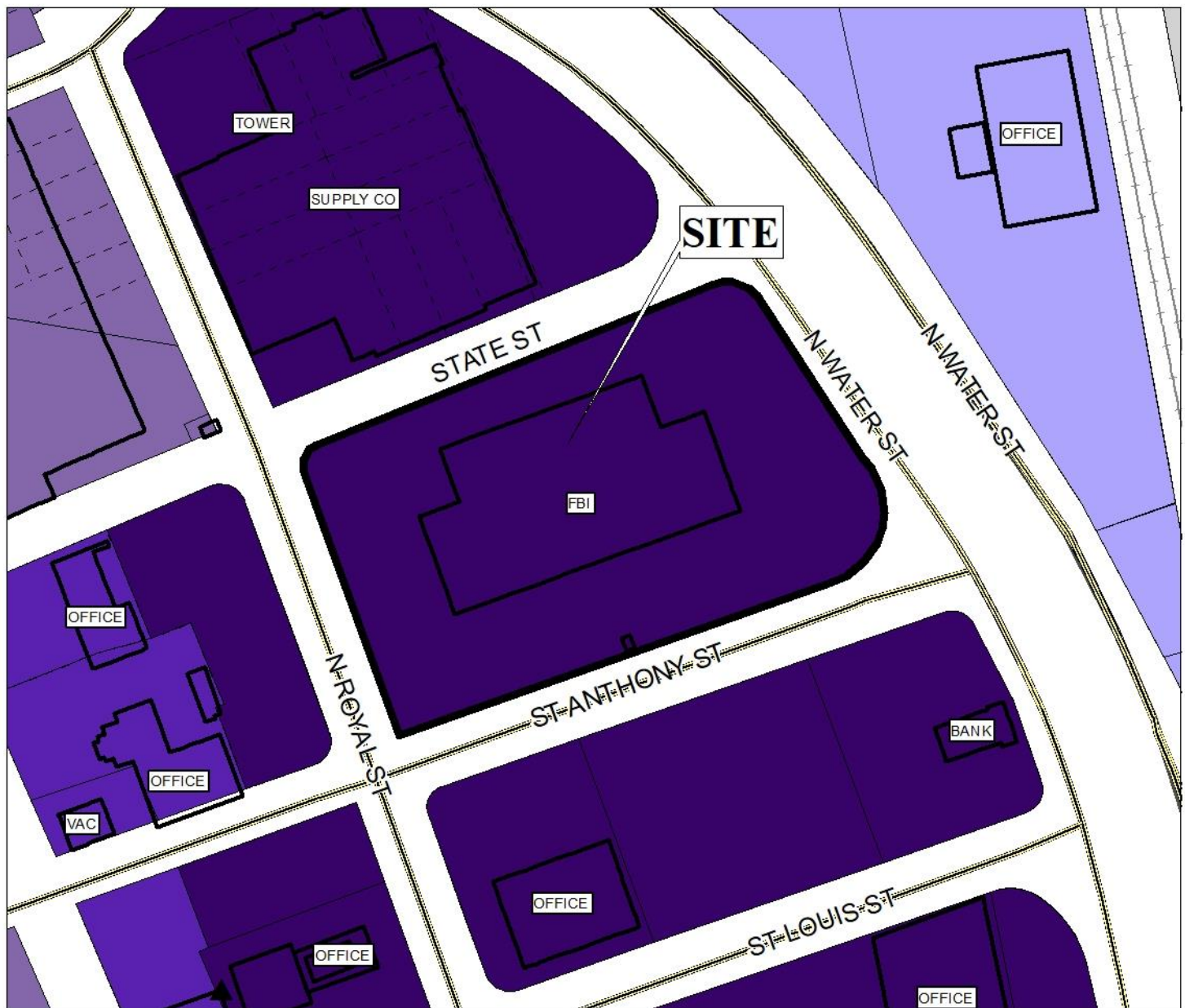
APPLICANT Metcalf & Company (Brian Metcalfe, Agent)

REQUEST Building Material, Window Transparency and Fence Variances



BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



The site is surrounded by bussiness units.

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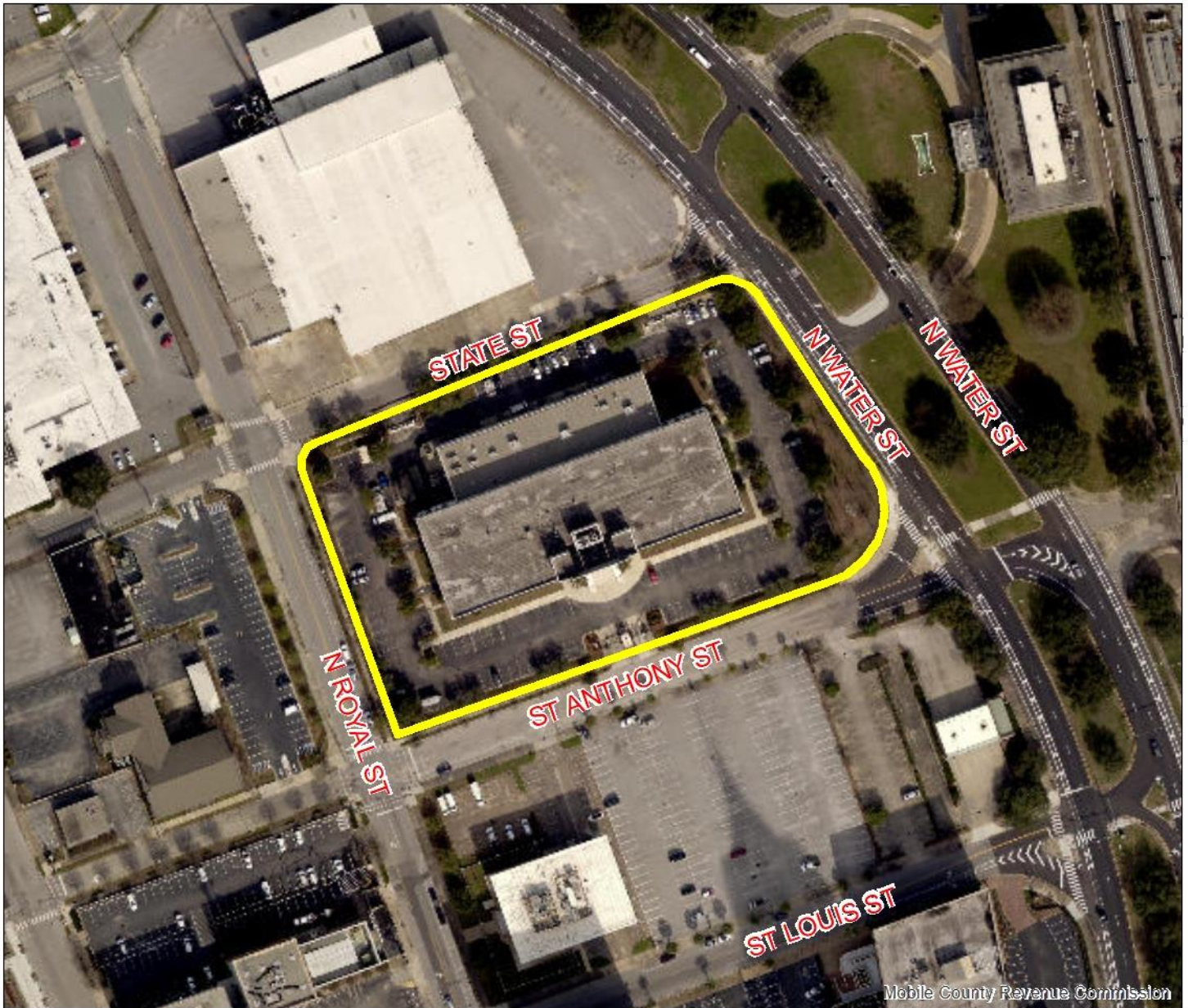
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REQUEST Building Material, Window Transparency and Fence Variances

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

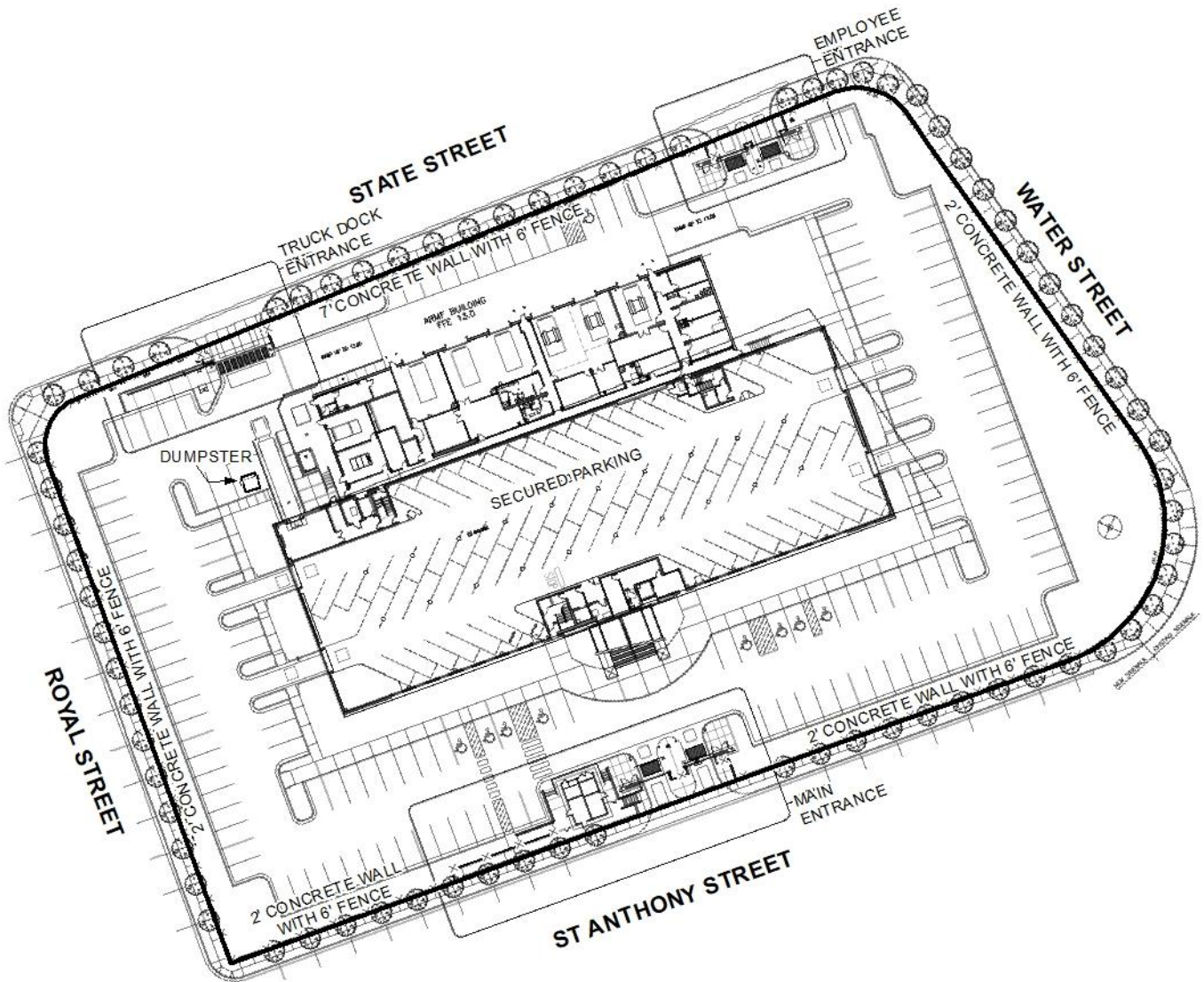


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SITE PLAN



The site plan illustrates proposed fencing, and existing entrances and building.

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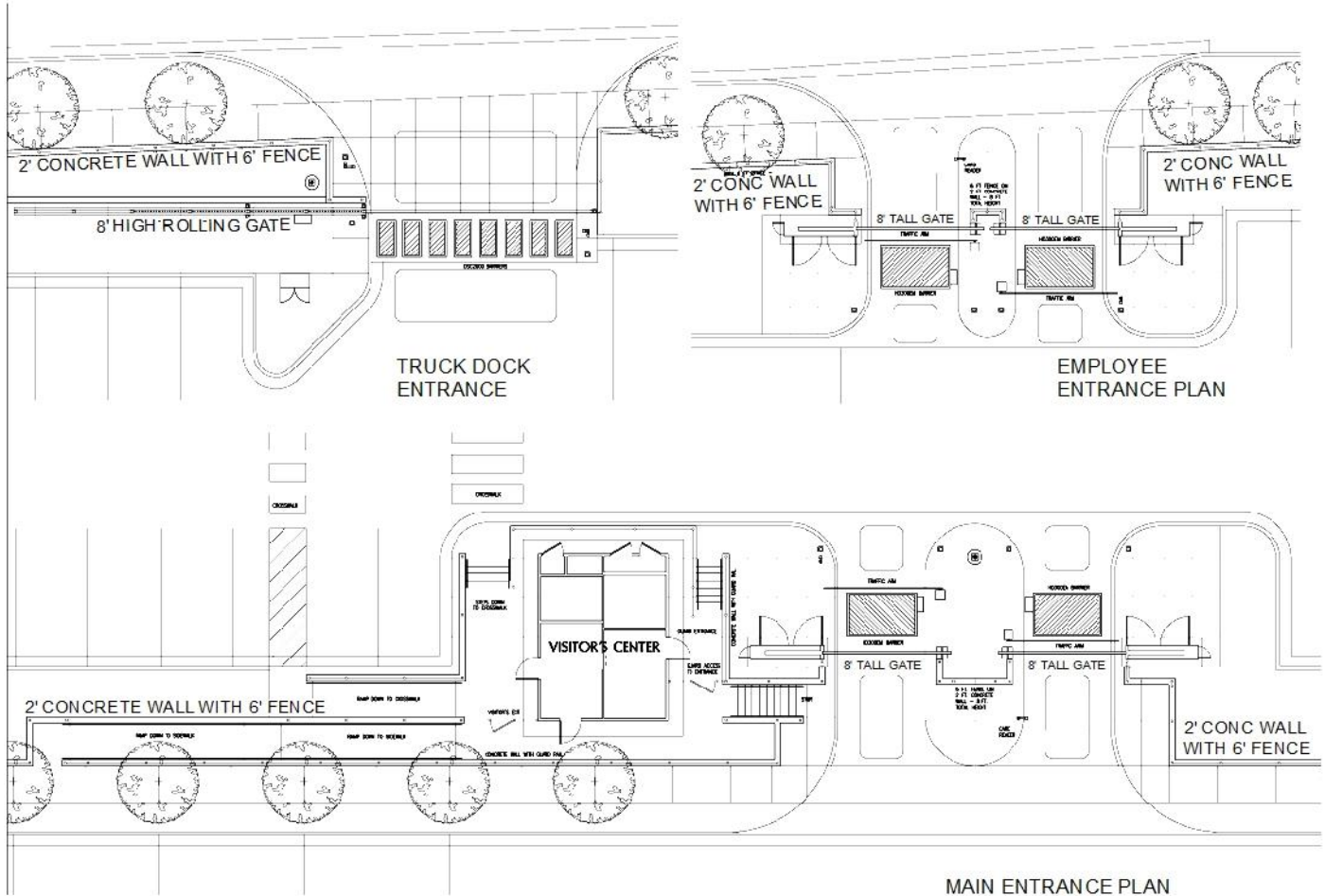
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NTS

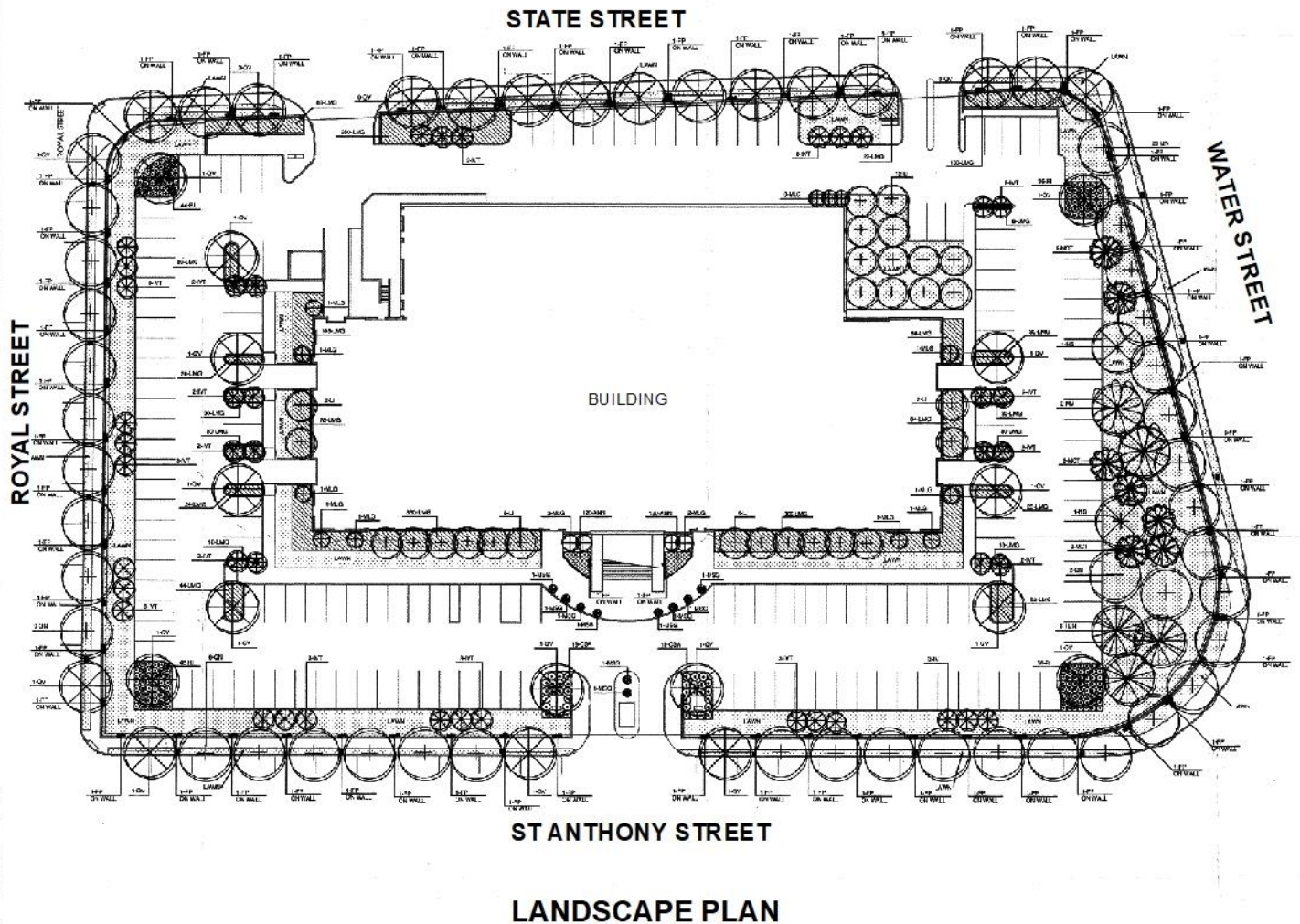
DETAIL SITE PLAN



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 REQUEST Building Material, Window Transparency and Fence Variances



DETAIL SITE PLAN



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