

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: August 1, 2016****CASE NUMBER****6051 / 5882****APPLICANT NAME**

Bienville Square Hotel, LLC

**LOCATION**

15 North Conception Street  
(Southwest corner of North Conception Street and St. Francis Street, extending to the East side of North Joachim Street, 88'+ South of St. Francis Street)

**VARIANCE REQUEST**

**ACCESS AND MANEUVERING:** Access and Maneuvering Variance to allow relocation of a dumpster/compactor with maneuvering to occur within the right-of-way.

**SITE:** Site Variance to allow modifications to the site plan to include a parking court for food trucks.

**ZONING ORDINANCE  
REQUIREMENT**

**ACCESS AND MANEUVERING:** The Zoning Ordinance requires all access and maneuvering to be on site.

**SITE:** The Zoning Ordinance states that all Variances are site plan specific.

**ZONING**

Downtown Development District, T-5.2 Sub-District  
(Formerly B-4, General Business District)

**AREA OF PROPERTY**

54,461 square feet / 1.31±Acres

**CITY COUNCIL  
DISTRICT**

District 2

**ENGINEERING  
COMMENTS**

If the variances are approved for use the applicant will need to have the following conditions met:

- a. Submit revised plans for the Land Disturbance Permit through Central Permitting.
- b. Submit revised plans for the ROW Permit (City of Mobile) through the Engineering Department.

**TRAFFIC ENGINEERING****COMMENTS**

There will be no changes to the on-street parking from what is currently approved for this site (no increase or decrease to on-street parking). Compactor site has been reviewed for access and should not negatively impact the surrounding area (additional maneuvering space is available with the alley located on the west side of the street). Owner/developer is responsible that the design and construction of the driveway and sidewalks will meet ADA guidelines. An additional street light is proposed for this block, where previously there were no street lighting improvements proposed for this frontage.

**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****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)

**ANALYSIS**

The applicant is requesting an Access and Maneuvering Variance and Site Variance to amend a previously approved Variance to allow relocation of a dumpster/compactor with maneuvering to occur within the right-of-way, and to allow modifications to the site plan to include a parking court for food trucks in a Downtown Development District T5.2 Sub-District; the Zoning Ordinance requires all access and maneuvering to be on site, and all Variances are site plan specific in a Downtown Development District T5.2 Sub-District.

The previous variance for the site was approved by the Board at its April 7, 2014 meeting, with an extension granted at the October 6, 2014 meeting. The site is being developed for a hotel, and is being developed under the previous Zoning Ordinance regulations, when the site was designated as a B-4, General Business District.

The applicant states the following:

*"The site is being developed as a hotel. This application pertains only to the western portion of the site fronting Joachim Street. This area is presently zoned for a dumpster enclosure and entrance/exit for the hotel. Construction of these improvements is scheduled to begin in the next two months and completed by year end 2016. Construction of the improvements for the proposed use would begin in the next two months and completed by year end 2016. If this application and proposal is not approved the applicant will proceed with the currently approved plan.*

*The proposed use include (1) moving the approved dumpster enclosure south into the southwestern corner of the property; (2) the hotel entrance/exit will remain in the same location; and (3) the area formerly approved for the dumpster enclosure will be converted to a privately-operated food truck park.*

*The re-located dumpster enclosure will consist of an attractive masonry wall and metal gates and will house a compactor unit that will be operated by the City of Mobile to provide trash removal services for the businesses on Dauphin Street in the immediate vicinity of the enclosure. This will benefit the neighborhood by providing the means for a central trash collection point and to remove the unsightly trash cans from the street and thereby improve the neighborhood appeal for residents and visitors. The re-located dumpster enclosure will improve the appeal and development potential of Joachim Street between Dauphin and St. Francis Streets. It will benefit the Steeple event center by moving the larger waste collection facility from immediately in front of the facility. The re-located dumpster enclosure will not face any existing business. The hotel operator is incentivized to assure the facility is operated in a clean and attractive manner as it will sit directly next to the hotel entrance/exit on Joachim Street.*

*Consideration has been given to traffic impact from this proposed use change. The food trucks (maximum three) will have different and complimentary arrival and departure patterns as hotel guests and garbage pickup, so traffic increases should be minimal.*

*The food truck park will offer an infrastructure (off-site parking, seating areas, utilities, marketing, etc.) to the local food truck industry and accommodate up to three food trucks at a time. The three spaces will be leased to local licensed food truck operators on a shift basis (i.e., lunch shift, dinner shift, etc.) No food trucks will park overnight. No food waste will be left at the site. Food trucks will be required to carry their waste away as they currently are required when operating on sidewalks. The food truck park will improve conditions for current food truck operators by providing a consistent designated location, electrical hookups to eliminate the generators that are currently used, an appealing covered seating area, and public marketing for the park. This will benefit the truck operators by having a designated location with marketing to drive customers to the location. The food truck park will benefit the neighborhood by providing a consistent location and format for this type of food service. Customer accommodations will be superior to present conditions by offering a defined area, clean and attractive facilities, electrical hookups to eliminate noise and marketing to provide information about food trucks participating. These conditions should also result in a less contentious relationship between local restaurant operators and food trucks. The food truck park is 100% privately funded.*

*Overall, the proposed use of the property will create significant community benefits and be vastly superior to the current use."*

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.

Given that the previous variance relating to maneuvering to service a dumpster was granted by the Board, granting this request would appear to be consistent. Furthermore, the relocation of the dumpster on the site will benefit adjacent businesses, as will making the dumpster available to multiple businesses.

Regarding the change to the site plan to allow for a food truck parking area, there do not appear to be any issues associated with the site design that would impact adjacent property owners or businesses. Vegetative screening and landscaping is proposed, as is a seating area under a new pergola.

**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, and due to the fact that providing off-site parking and electrical hook-ups for food trucks will reduce traffic congestion and noise pollution;
- 2) 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) 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.

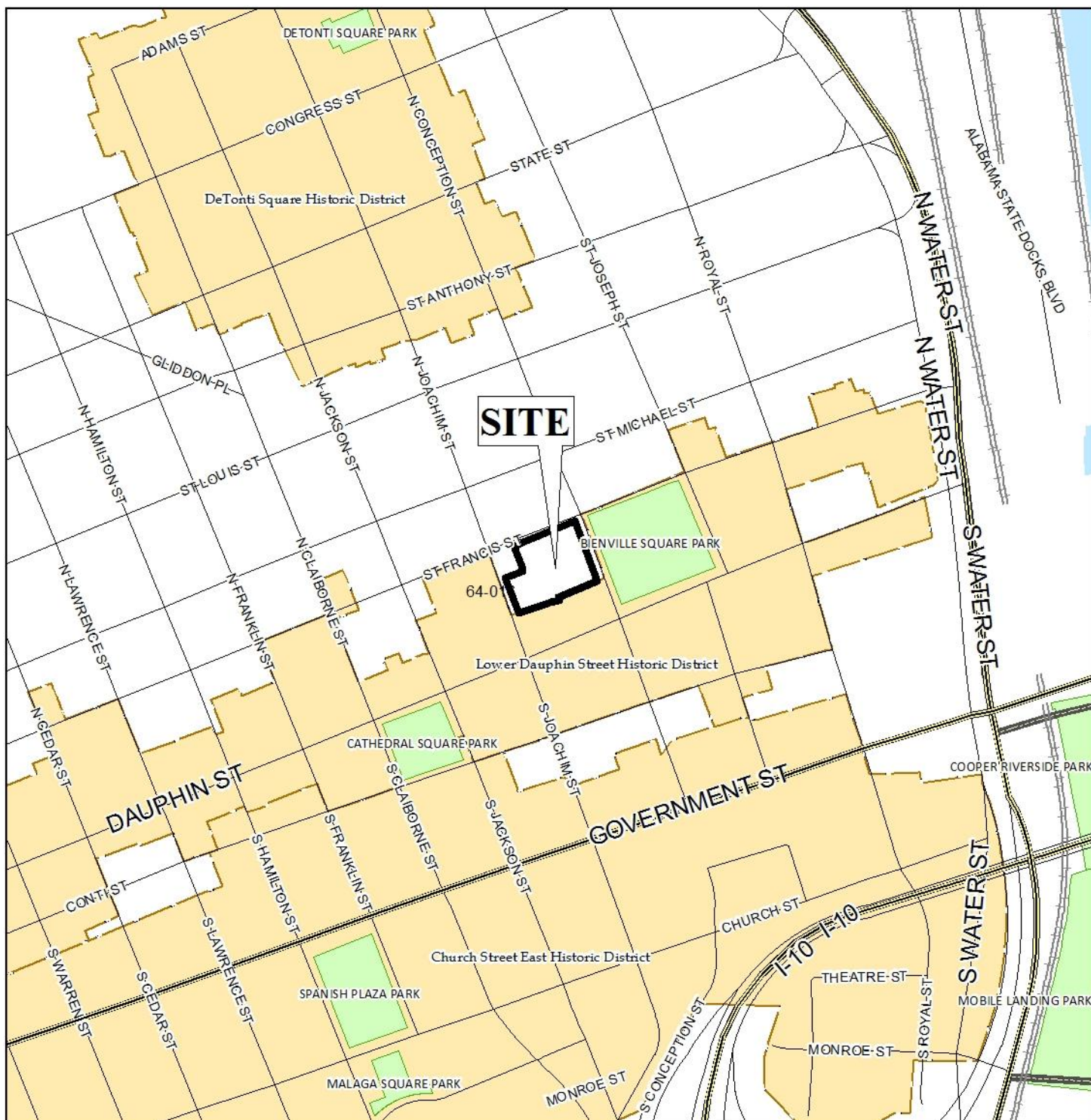
The Approval should be subject to the following conditions:

- 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) Subject to Engineering comments (*If the variances are approved for use the applicant will need to have the following conditions met: a. Submit revised plans for the Land Disturbance Permit through Central Permitting. b. Submit revised plans for the ROW Permit (City of Mobile) through the Engineering Department.*);
- 4) Subject to Traffic Engineering comments (*There will be no changes to the on-street parking from what is currently approved for this site (no increase or decrease to on-*

*street parking). Compactor site has been reviewed for access and should not negatively impact the surrounding area (additional maneuvering space is available with the alley located on the west side of the street). Owner/developer is responsible that the design and construction of the driveway and sidewalks will meet ADA guidelines. An additional street light is proposed for this block, where previously there were no street lighting improvements proposed for this frontage.);*

- 5) 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 2015-116 and City Code Chapters 57 and 64).*)
- 6) Subject to Fire 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)); and*
- 7) Full compliance with all municipal codes and ordinances.

# LOCATOR MAP



APPLICATION NUMBER 6051 DATE August 1, 2016

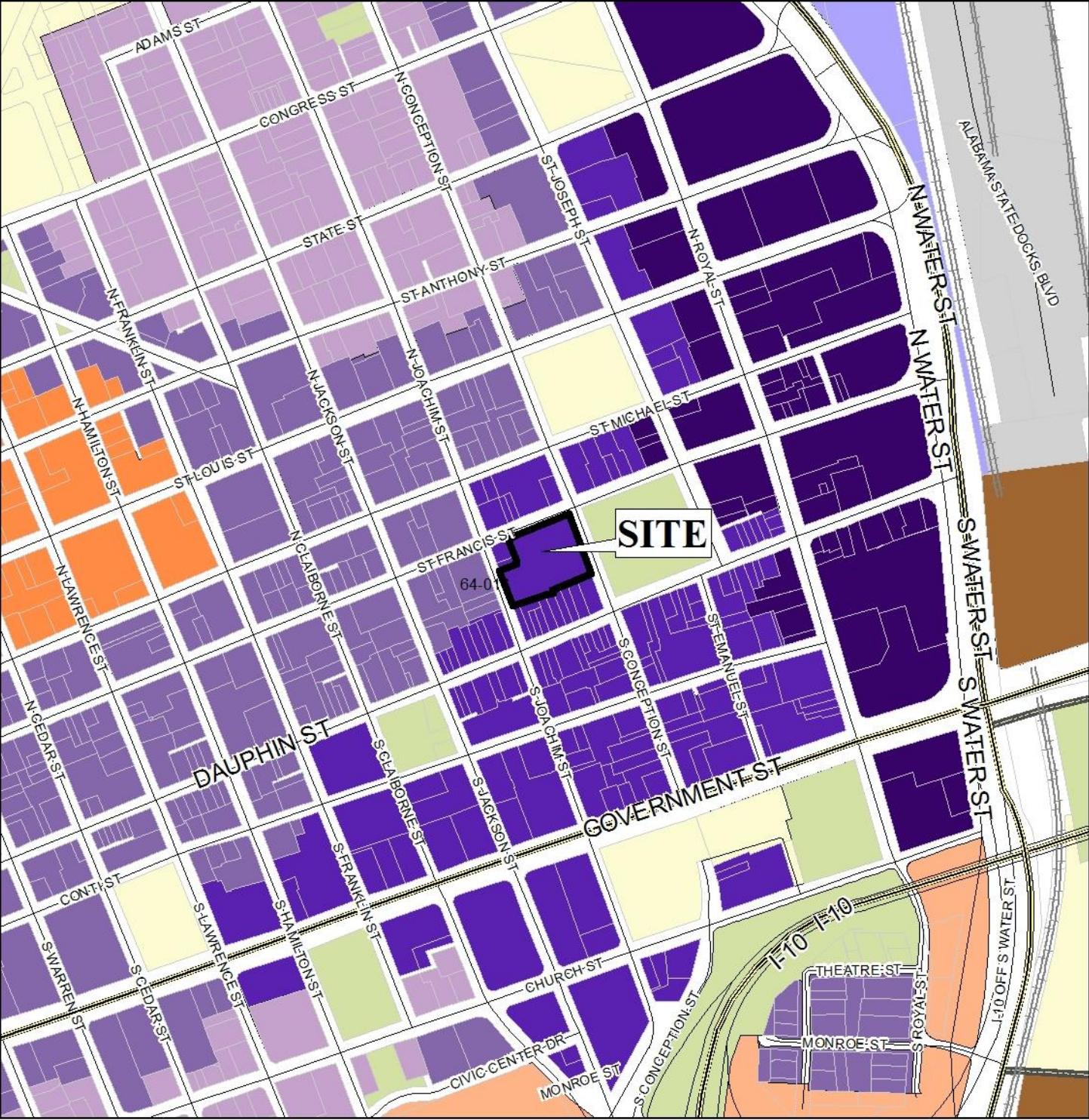
APPLICANT Bienville Square Hotel, LLC

REQUEST Use Variance





## LOCATOR ZONING MAP



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APPLICANT Bienville Square Hotel, LLC

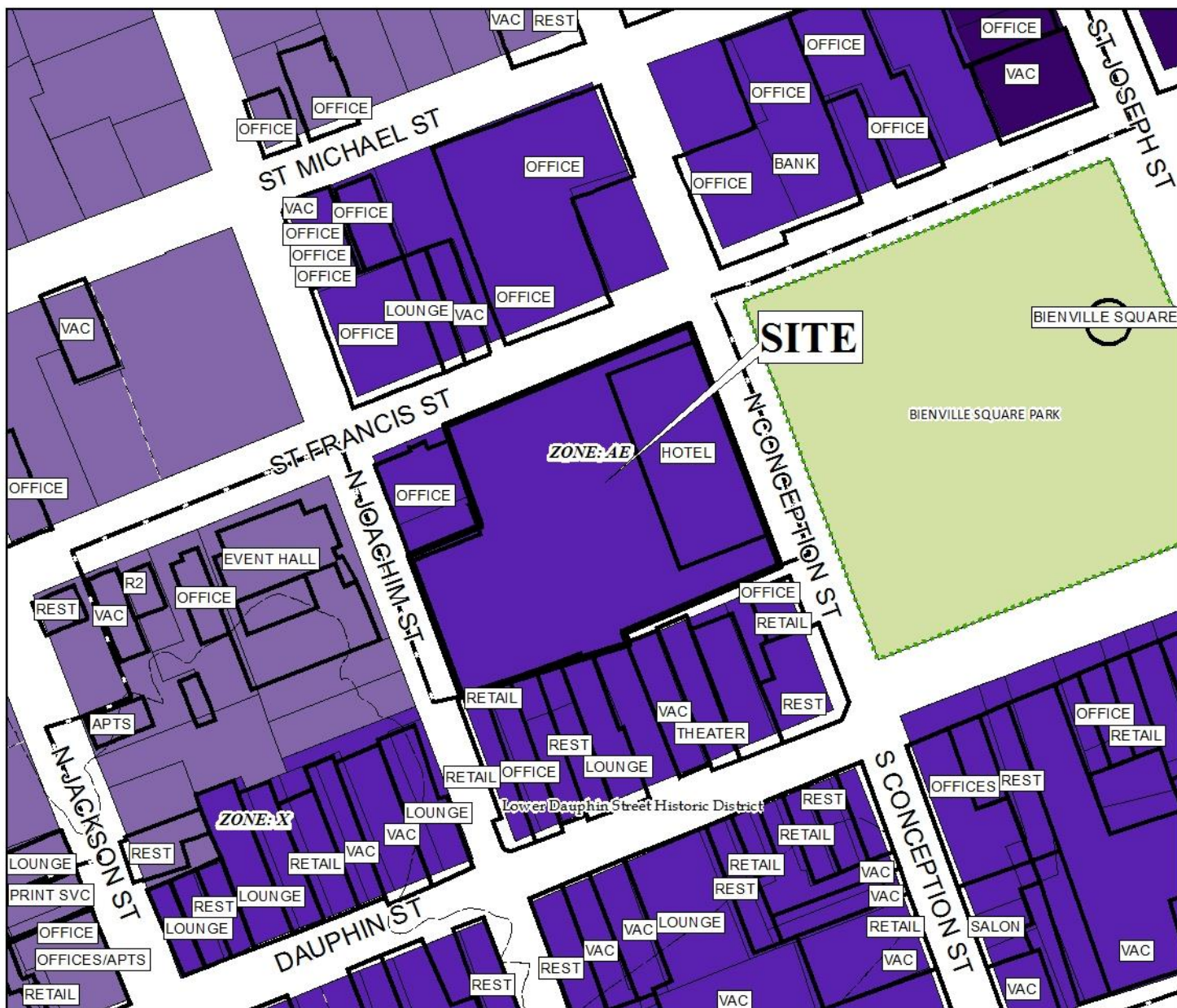
REQUEST\_\_\_\_\_Use Variance



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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial land use units.

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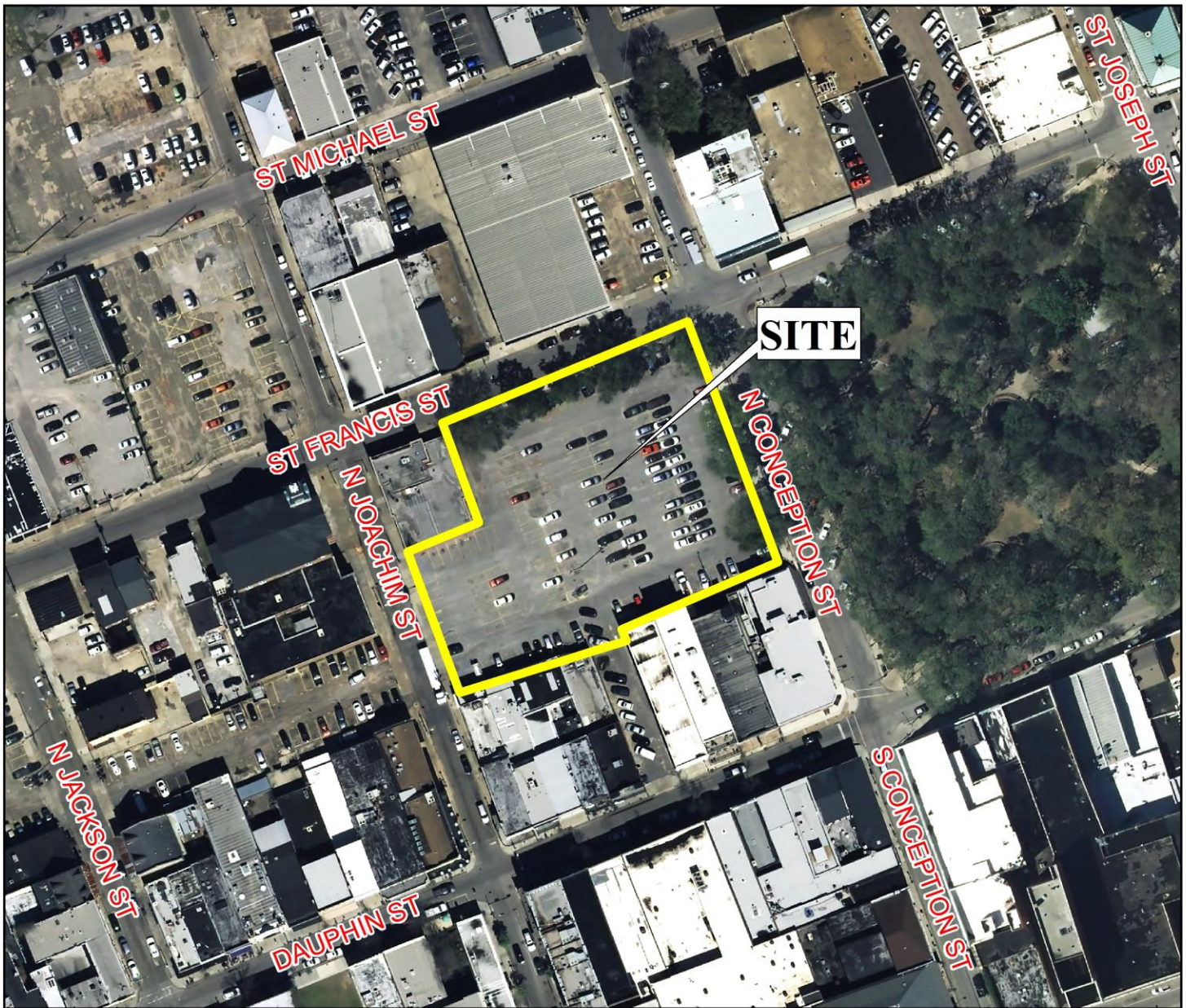
REQUEST Use Variance

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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial land use units.

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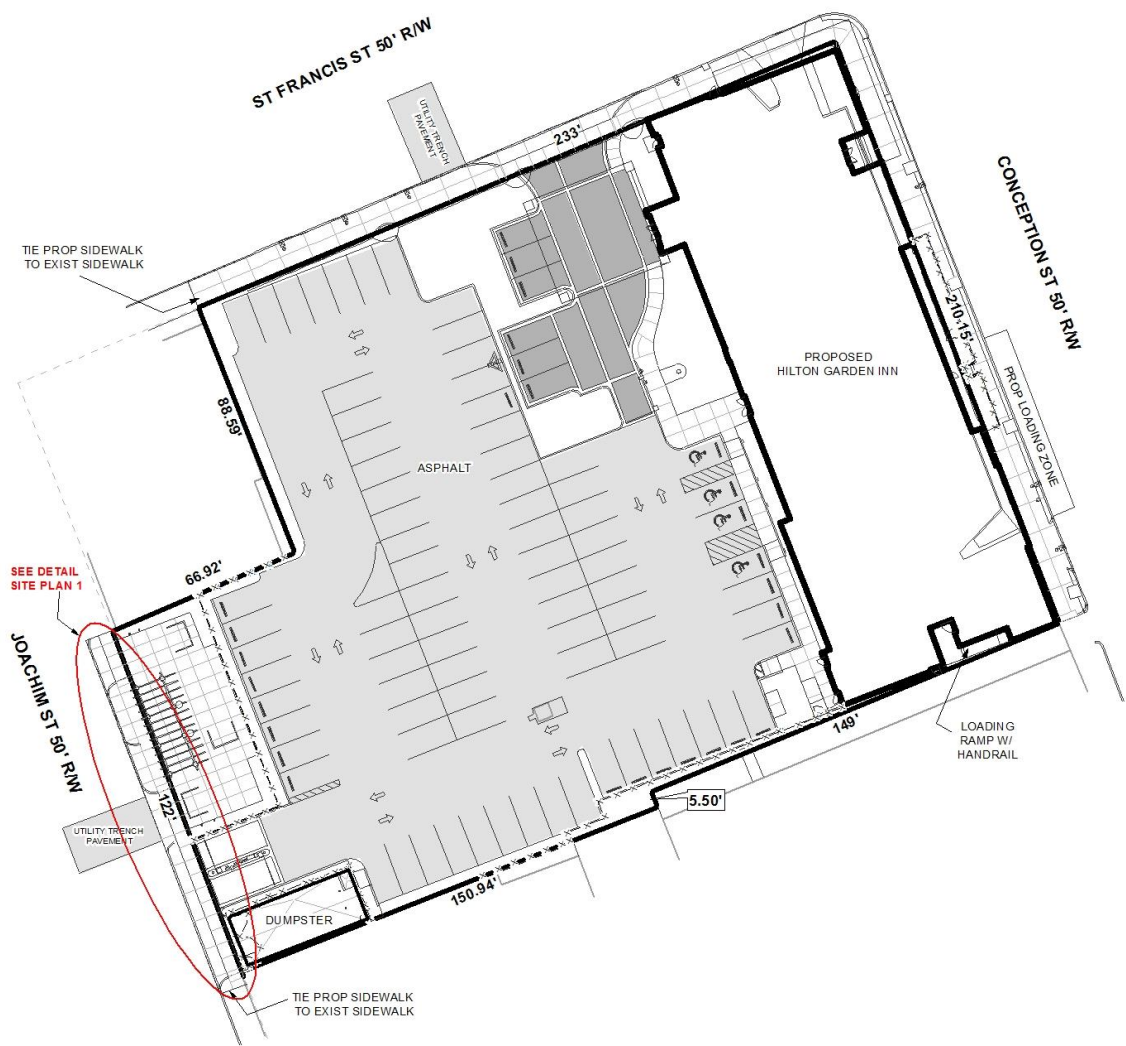
APPLICANT Bienville Square Hotel, LLC

REQUEST Use Variance





# SITE PLAN

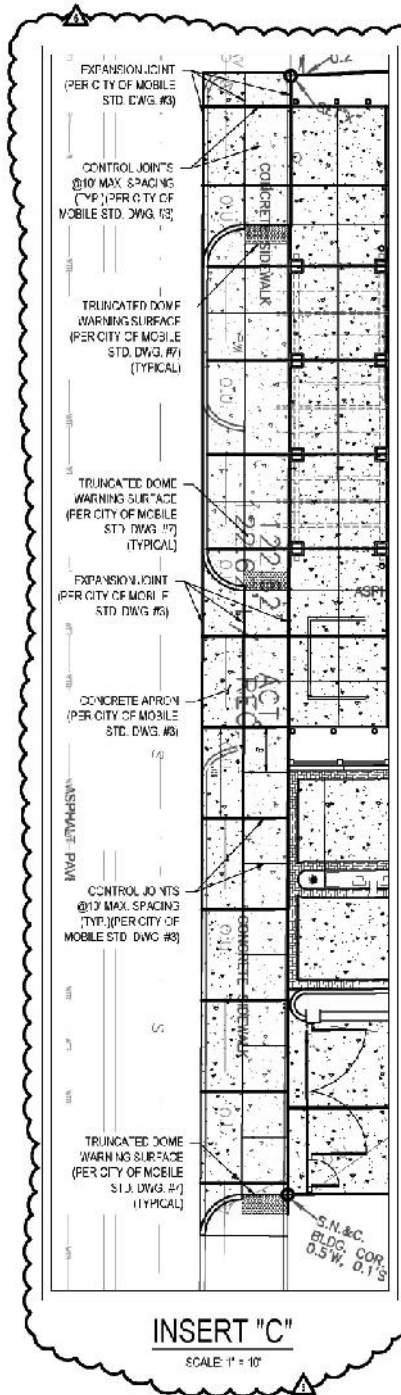


The site illustrates the proposed hotel, parking, fences, sidewalks, and dumpster.

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# DETAIL SITE PLAN



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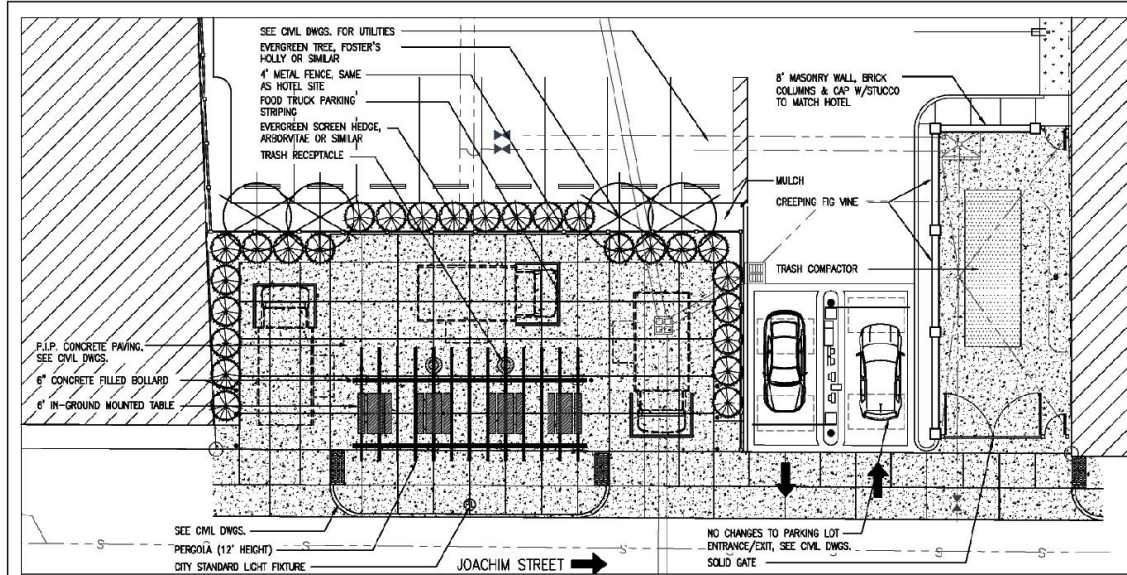
REQUEST Use Variance



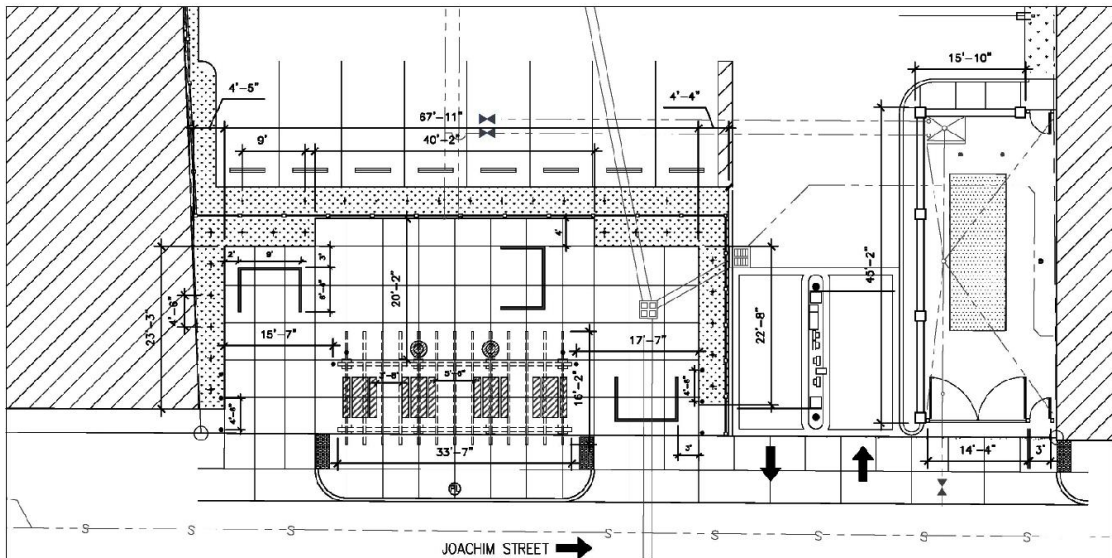
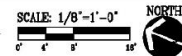
NTS



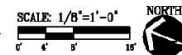
# DETAIL SITE PLAN



1 L-1.0 HILTON GARDEN INN - FOOD TRUCK COURT @ COMMUNITY DUMPSTER - OVERVIEW PLAN  
SCALE 1/8" = 1'-0"



2 L-1.0 HILTON GARDEN INN - FOOD TRUCK COURT @ COMMUNITY DUMPSTER - LAYOUT PLAN  
SCALE 1/8" = 1'-0"



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