

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: April 4, 2022**

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| <u>CASE NUMBER</u> | 6451 |
| <u>APPLICANT NAME</u> | Ricciardone Properties, LLC (David Shumer, Agent) |
| <u>LOCATION</u> | 5050 Moffett Road (North side of Moffett Road, 490'± West of Gash Lane). |
| <u>VARIANCE REQUEST</u> | FRONT LANDSCAPING AREA: To allow reduced front landscaping area in a B-2, Neighborhood Business District. |
| <u>ZONING ORDINANCE REQUIREMENT</u> | FRONT LANDSCAPING AREA: The Zoning Ordinance requires full compliance with the front landscaping area requirements in a B-2, Neighborhood Business District. |
| <u>ZONING</u> | B-2, Neighborhood Business District |
| <u>AREA OF PROPERTY</u> | 2.1± Acres |
| <u>ENGINEERING COMMENTS</u> | No comments. |
| <u>TRAFFIC ENGINEERING COMMENTS</u> | Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Any required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance. |
| <u>URBAN FORESTRY COMMENTS</u> | Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites 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). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.

CITY COUNCIL**DISTRICT**

District 1

ANALYSIS

The applicant is requesting a Front Landscaping Area Variance to allow reduced front landscaping area in a B-2, Neighborhood Business District; the Zoning Ordinance requires full compliance with the front landscaping area requirements in a B-2, Neighborhood Business District.

The site has been given a Mixed Commercial Corridor (MCC) 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 mostly applies to transportation corridors west of I-65 serving primarily the low-density (suburban) residential neighborhoods. MCC includes a wide variety of retail, services and entertainment uses.

This designation acknowledges existing commercial development that is spread along Mobile's transportation corridors in a conventional strip pattern or concentrated into shorter segments of a corridor.

Over time, new development and redevelopment in Mixed Commercial Corridors is encouraged to raise design quality, improve connectivity to surrounding neighborhoods; improved streetscapes; and improve mobility and accessibility for all users of the corridor.

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 states:

Existing Conditions:

This project is located on the north side of Moffett Road on a service road east of University Boulevard. The property is currently undeveloped and extends north toward an unnamed tributary of Eight Mile Creek. The property is 102 feet wide with a depth of over 900 feet. The grade slopes northwest away from the ROW, The total disturbed area from the proposed development is 41,500 square feet.

There are two MAWSS easements bisecting the property. A 50 foot wide water and a 10 foot wide sanitary easement. There are three large watermain (2x 60" & 1-36") within the 50 foot easement and an eight (8) inch sanitary line in the 10 foot easement.

The property is zoned B-2 and is adjacent to a mini-warehouse storage development and veterinary clinic to the east.

Proposed Project:

The proposed development will be a dental office. The site will have 19 parking spaces with a drive along the eastern boundary. The number of parking spaces exceeds the City's requirements but is desired by the owner to meet the needs of the dental clinic.

The live oak tree in the front is to remain. The tree will be trimmed to provide room for the drive and parking as required. The trees beyond the development area are to remain.

A City standard sidewalk will be provided across the roadway frontage.

Site runoff is directed toward curb inlets and the roof runoff will be captured with downspouts that are connected to the closed pipe network. The discharge will be controlled by a weir structure that discharges to a riprap swale that flows through a depression to control discharge velocities. The discharge is directed toward the undeveloped portion of the property that is proposed to remain wooded. The detention pond will be located on the north side of the MAWSS easements.

Request for waiver Front Landscape Area:

The property is disproportionality deep in relation to the width (over 9:1) and is bisected by a 60 foot wide MAWSS easement. The narrow width of the lot in conjunction with the easement effectively reduces the area adjacent to the roadway that can be developed. The site would lose functionality if the parking, a portion of

the parking, or the building were moved to the north side of the easement. The existing site grade drops fourteen (14) feet across the developed portion of the property and a retaining wall (which will not be permitted in the MAWSS easement) is required on the northwest end to provide for reasonable grades to maneuver on the north side of the building.

The adjacent developments all provide office space on the south side of the easement with comparable or less front landscape area than the proposed project.

The subject site is currently vacant and does not appear to have previously been developed. The applicant proposes to develop the site with a dental/medical office. As commercial site compliance is required with the site's development, the applicant seeks relief from the frontage landscaping area requirement of the Zoning Ordinance; hence this application.

Pertaining to the Front Landscaping Area Variance request, the applicant states that the narrow width of the lot in conjunction with the 60-foot water main easement bisecting the site reduces the area toward the street which can be developed. Furthermore, topography to the rear of the water main easement, and retaining wall restrictions within the easement, do not allow for reasonable grades for vehicular maneuvering in that area. Thus, the site is restricted in buildable frontage area.

Landscaping calculations provided with the site plan indicate that for the total site area, 6,693 square feet of front landscaping would be required, and 2,790 square feet of front landscaping are proposed. However, when considering the actual area proposed to be developed, the front landscaping area requirement is 1,773 square feet. As 2,790 square feet of front landscaping is proposed, this would exceed the required front landscaping area for just the developed portion of the over-all site. As the remainder of the site to the rear of the water main easement, consisting of approximately two-thirds of the over-all site, is not proposed to be developed, this could be considered a mitigating factor to allow the requested reduced front landscaping area.

The applicant has indicated that a hardship may be imposed by a literal interpretation of the Zoning Ordinance with regard to the required front landscaping area; therefore, the Board should consider this request for Approval.

RECOMMENDATION: Based upon the preceding, Staff recommends to the Board the following findings of fact for Approval of the request for a Front Landscaping Area Variance in a B-2, Neighborhood Business District:

- 1) Approving the variance request will not be contrary to the public interest due to the fact that only about one-fourth of the over-all site is readily developable due to topography and easements;
- 2) Special conditions exist for the property, such as the fact that the water main easement and topographical constraints restrict the size of the area which can be developed, such that a 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 applicant and the surrounding neighborhood by granting the variance because the

remaining undeveloped portion of the over-all site will compensate for landscape area lacking within the front area of the site.

The approval is subject to the following condition:

- 1) full compliance with all municipal codes and ordinances.

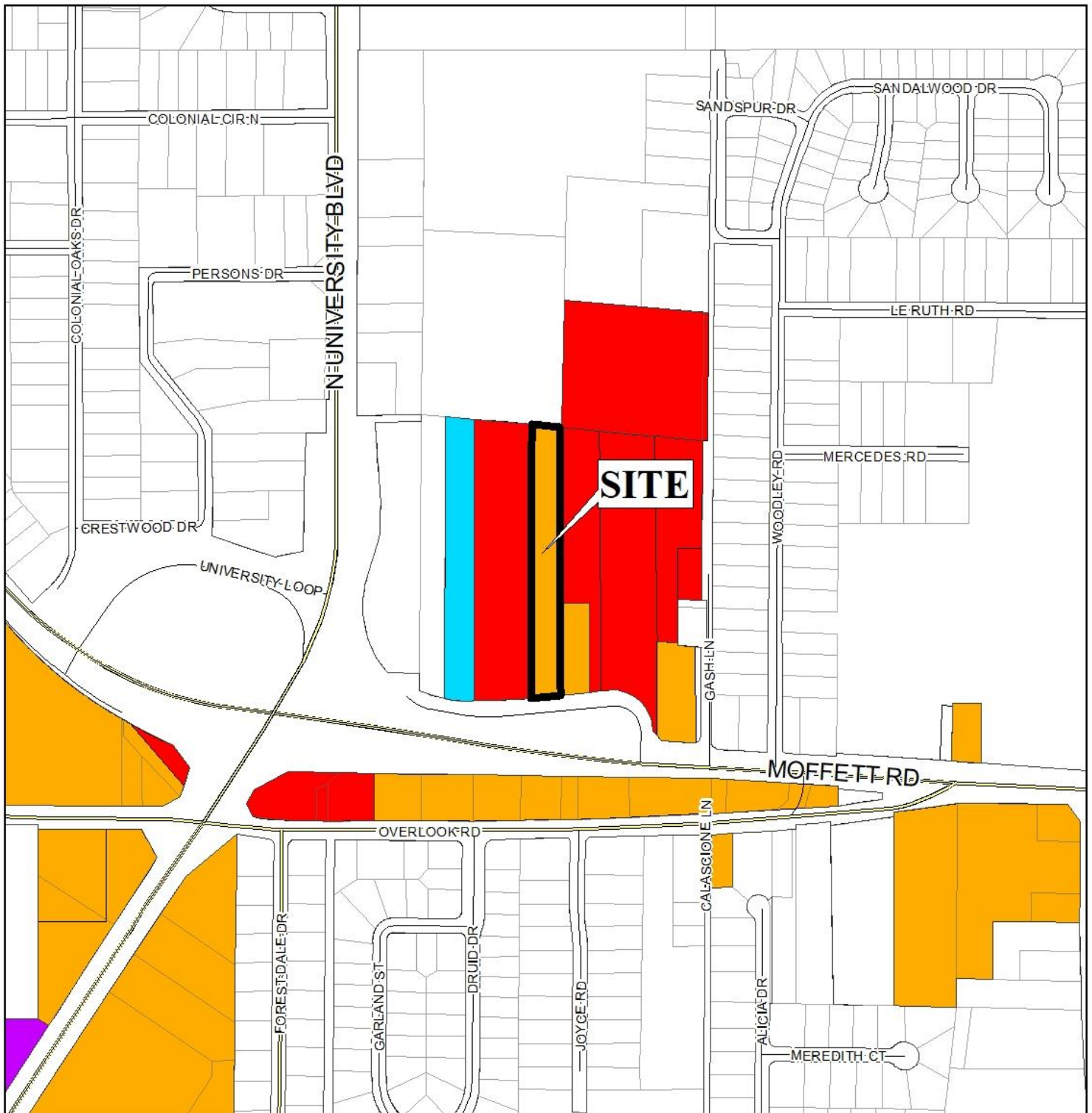
LOCATOR MAP



APPLICATION NUMBER 6451 DATE April 4, 2022
 APPLICANT Ricciardone Properties, LLC (David Shumer, Agent)
 REQUEST Front Landscape Area Variance



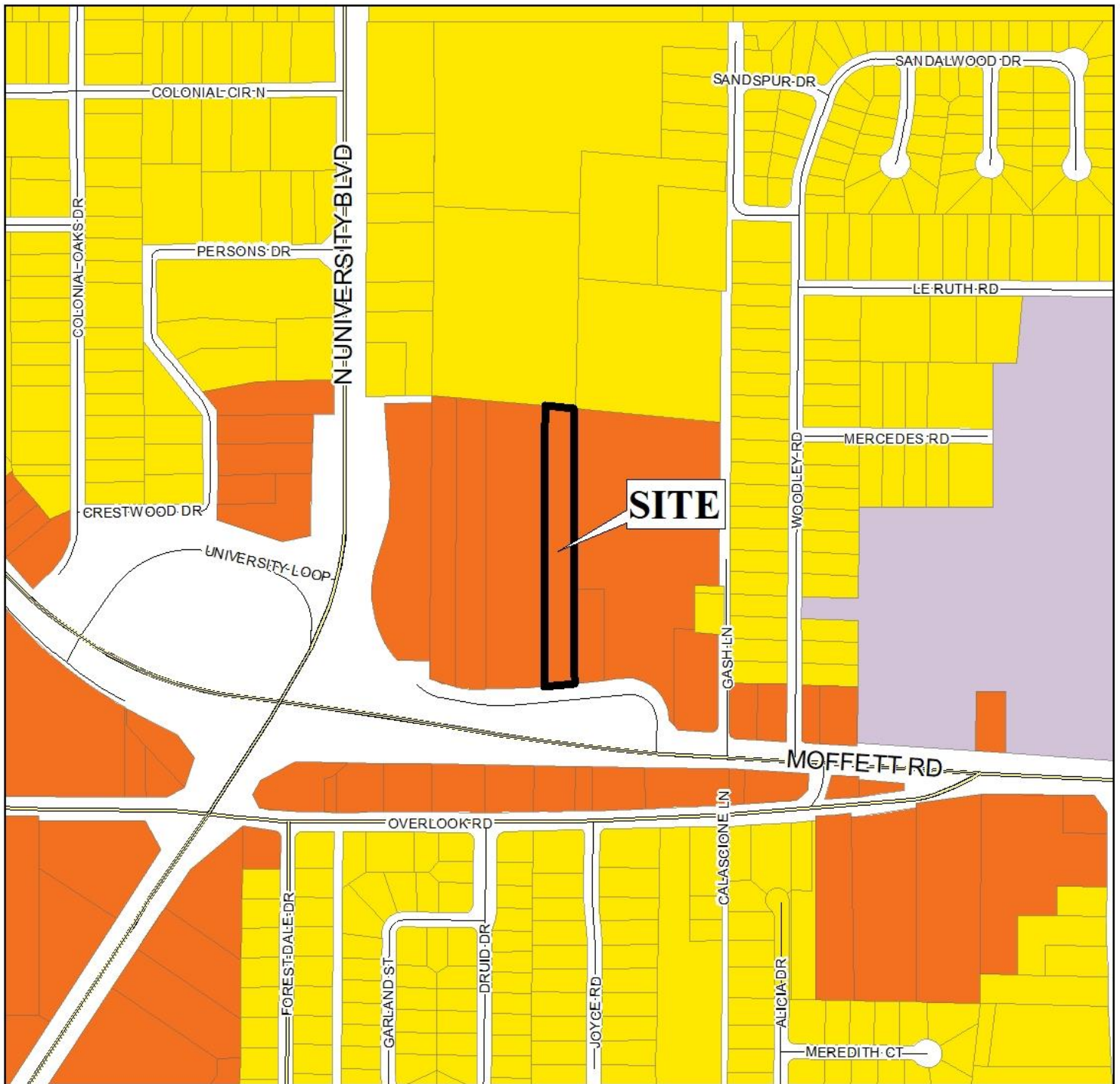
LOCATOR ZONING MAP



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FLUM LOCATOR MAP



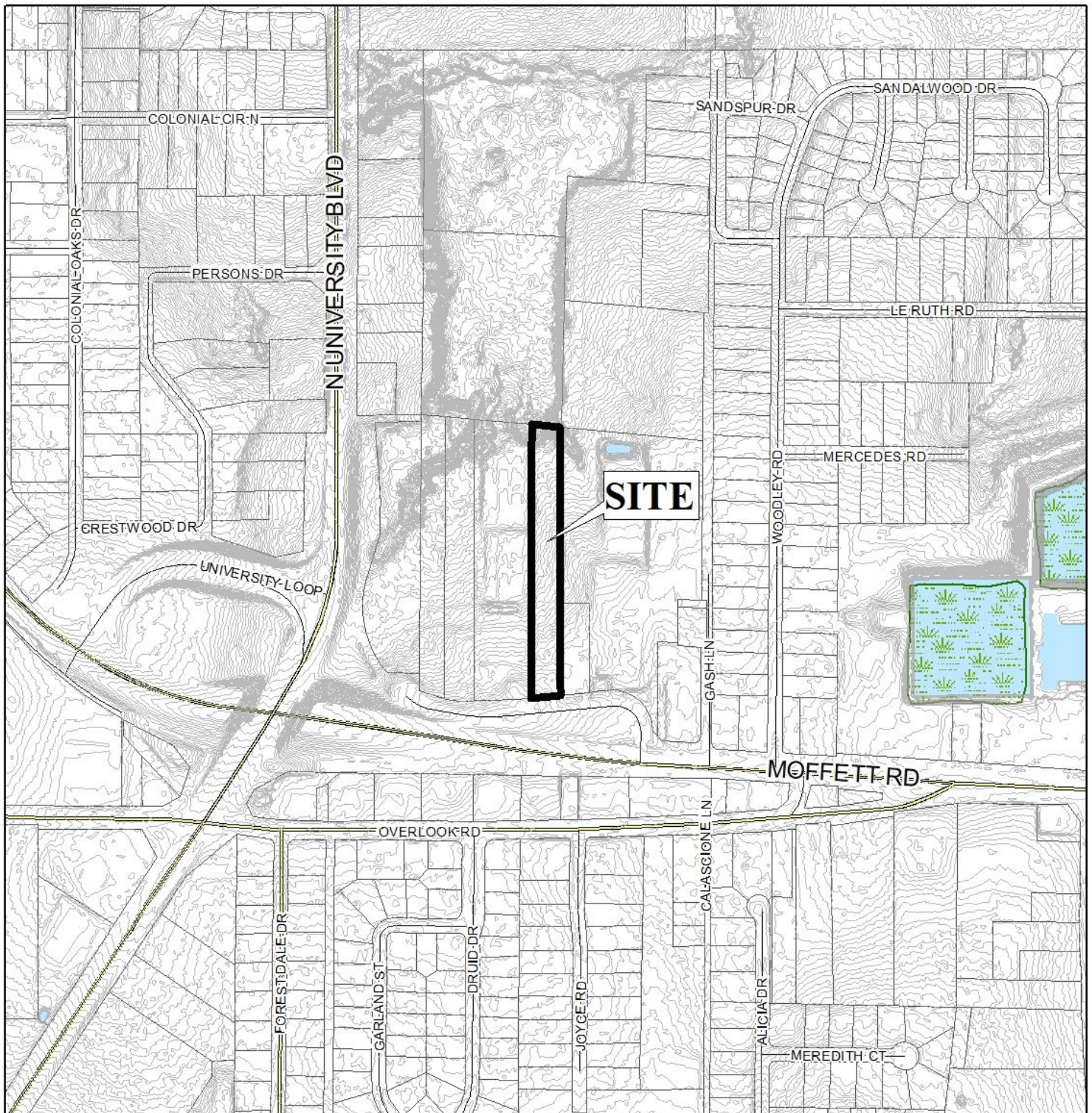
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| Low Density Residential | Neighborhood Center - Traditional | Downtown Waterfront | Parks & Open Space |
| Mixed Density Residential | Neighborhood Center - Suburban | Light Industry | Water Dependent |
| Downtown | Traditional Corridor | Heavy Industry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



NTS

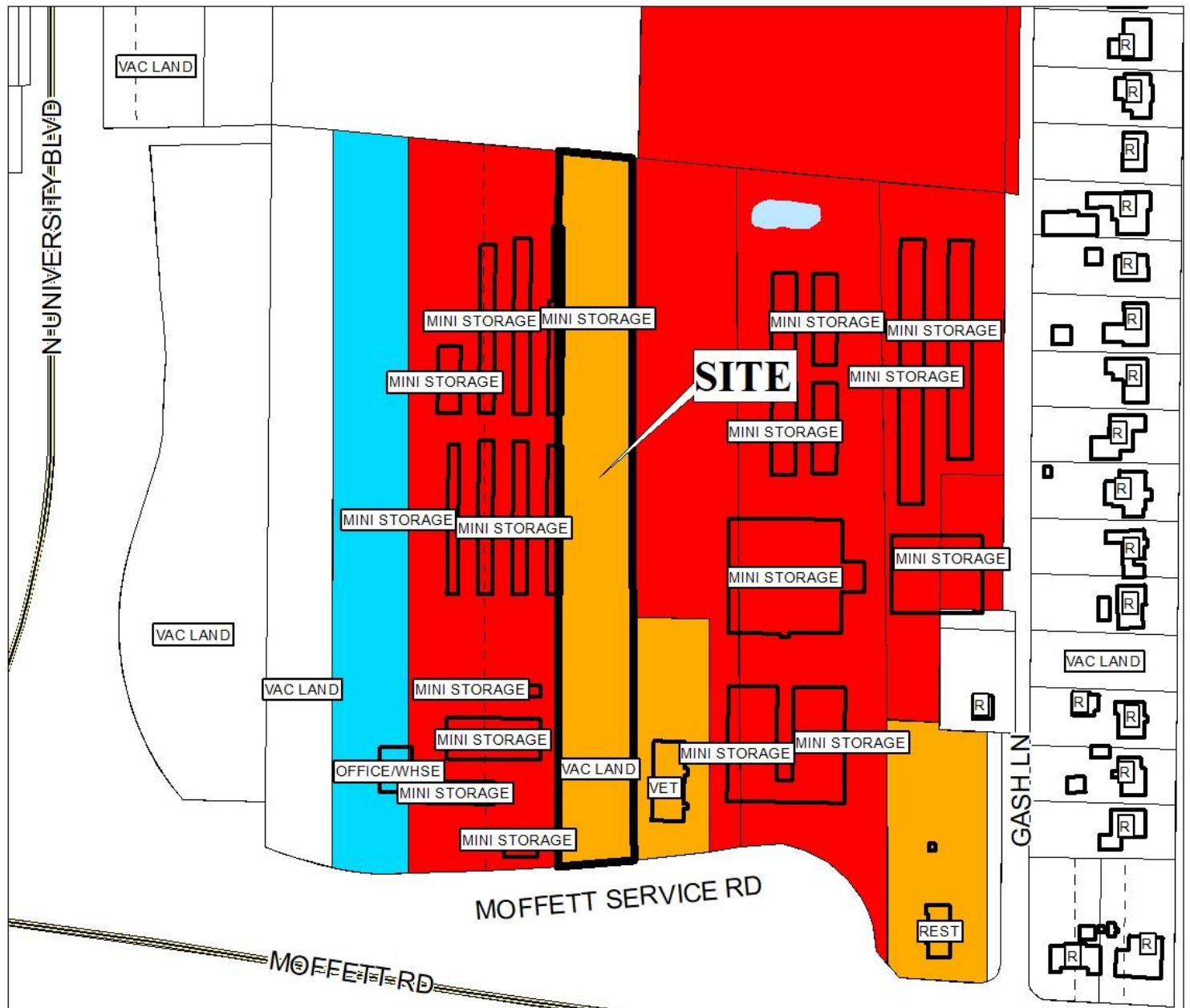
ENVIRONMENTAL LOCATOR MAP



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units. Residential units lie east of the site.

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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

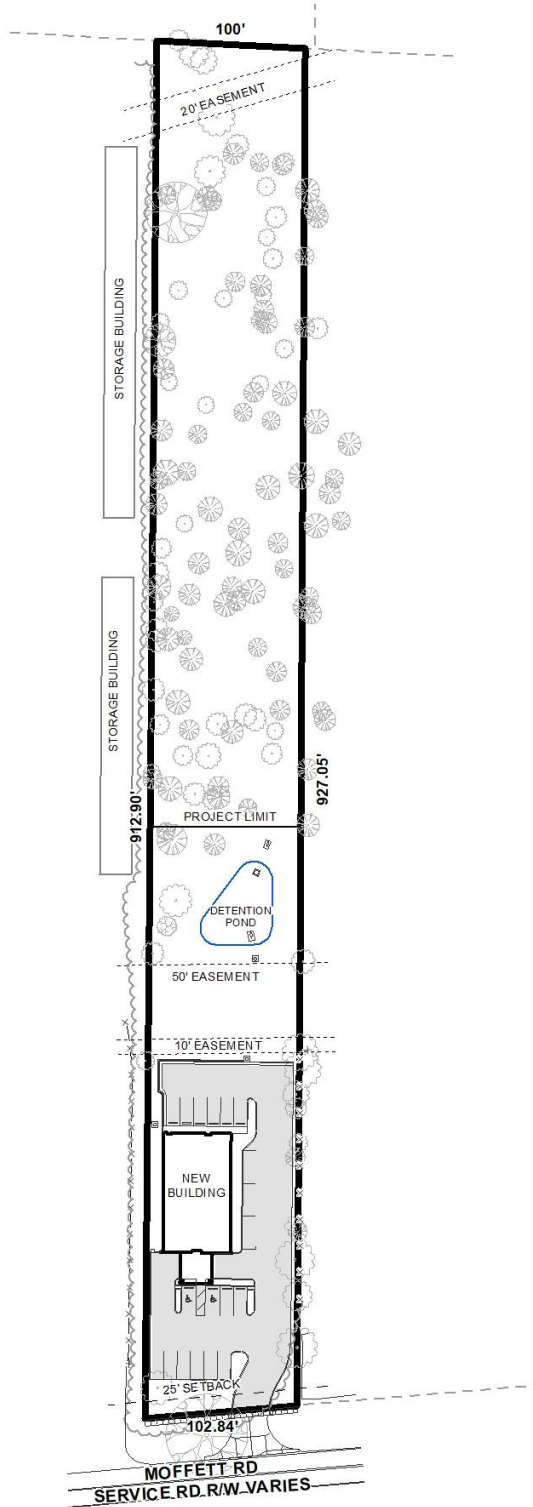


The site is surrounded by commercial units. Residential units lie east of the site.

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| APPLICATION NUMBER <u>6451</u> DATE <u>April 4, 2022</u> |
| APPLICANT <u>Ricciardone Properties, LLC (David Shumer, Agent)</u> |
| REQUEST <u>Front Landscape Area Variance</u> |



SITE PLAN



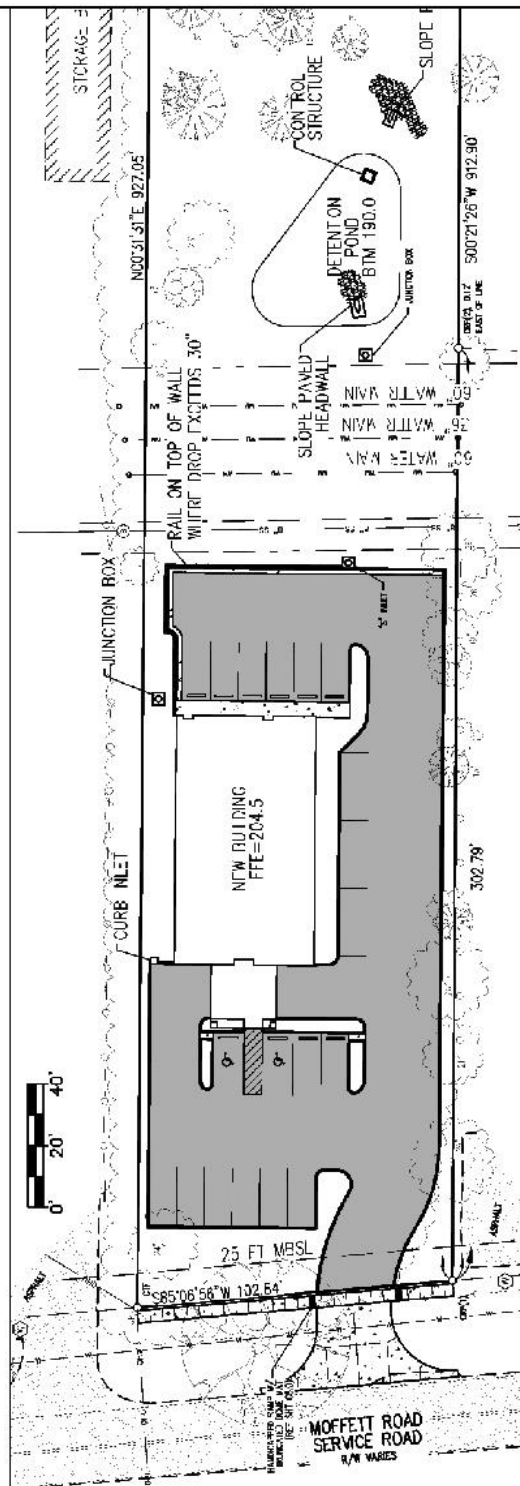
The site plan illustrates the proposed new building, parking, setback, and easements.

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DETAIL SITE PLAN



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