

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT**

Date: March 6, 2023

CASE NUMBER 6497/2320

APPLICANT NAME Big Tuna Express Carwash (David Lane Beard, Agent)

LOCATION 2820 Spring Hill Avenue
(North side of Spring Hill Avenue, extending from Burton Avenue to Hosfelt Lane).

VARIANCE REQUEST **TREE PLANTING:** To allow less than the required number of tree plantings on a commercial site in a B-3, Community Business District.

ZONING ORDINANCE REQUIREMENT **TREE PLANTING:** The Zoning Ordinance requires full compliance with the required number of tree plantings on a commercial site in a B-3, Community Business District.

ZONING B-3, Community Business

AREA OF PROPERTY 1.4± Acres

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 [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-RESCUE DEPARTMENT COMMENTS All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2021 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 Tree Planting Variance to allow less than the required number of tree plantings on a commercial site in a B-3, Community Business District; the Zoning Ordinance requires full compliance with the required number of tree plantings on a commercial site in a B-3, Community Business District.

The site has been given a Traditional Center (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.

Building permit applications have been submitted for the subject site, and in the review process, staff determined that the landscape plan submitted was not compliant with the tree planting requirements of the Zoning Ordinance, hence the application at hand. The site is required to have a total of 36 trees as follows:

- 28 overstory frontage trees
- six (6) perimeter trees (½ overstory, ½ understory)
- two (2) parking trees (understory)

The site plan submitted depicts a total of nine (9) overstory trees on the site. As none of the proposed trees are located within the front setback, none of them can be considered frontage trees. It should be noted that the site will have a compliant amount of landscape area.

The applicant's narrative states:

We hereby request a landscape variance for the number of trees required for the described project. The basis for this request is as follows:

- A. With special regard to a car wash, and unlike other business which are not primarily engaged in presenting a "clean" image, the full tree requirement would necessitate burdensome ongoing constant clean up in stacking lanes and drive areas. Further, leaves and debris are especially damaging to conveyor pit and wash equipment and would necessitate burdensome maintenance. Further, future root problems in these areas would require extremely expensive remediation and down time.*
- B. I attach pictures of the businesses in close proximity to our project. I have noted there are new and existing businesses in the area and it appears none of those have the full complement of required trees because not only is it impossible, but if they complied it would totally obscure their signage. Further, the full tree requirement would create an unsafe environment for customers, children and employees walking throughout property including safety for vehicles entering and exiting on the roadways.*
- C. My landscape architect was able to get several trees on the plan. There is simply not any more room on the plan for additional trees due to the vast amount of countless conduits and plumbing pipes underground that restricts tree placement and will be damaged as root system takes over and we will pay the fee the city proposes. Please note that there are more trees in this plan than the site has had in decades.*
- D. Lastly, we project an additional 10 locations of this business in the metropolitan area. Consistency in theme, presentation and branding dictate the landscape plan we have proposed. All of which will add value, employment, and new economic development which leads to overall improvements and benefits in the community.*

Therefore, we request approval of the plan presented under a variance.

The applicant states that there are several developments in the surrounding area which do not comply with tree planting requirements, but it should be noted that the majority of these developments were built prior to the existing tree and landscape area requirements. The exception to this being, 2704 Spring Hill Avenue, approximately 1,100-feet to the East of the site, which was granted a variance in 2017 for reduced frontage tree plantings, due to the front landscape area in that development being utilized for stormwater detention.

The applicant makes mention of utilities in the area prevent the required trees from being planted. There are overhead powerlines along two (2) of the three (3) street frontages, with the third street frontage proposed as being the location of an interior drive through the site. As the presence of powerlines certainly impacts the ideal tree species and location, the site plan could be “flipped” to provide the interior drive on the East side of the site, along Burton Avenue, thus providing landscape area along Hosfelt Lane, which does not have overhead powerlines, and thus may be better suited to planting trees. Underground utilities are not depicted on the site plan in such a way as to depict a substantial conflict.

Furthermore, the applicant mentions it is their projection that they will open an additional ten (10) locations in the area. As such, it is important that all of the locations are held to the same development standards of the Zoning Regulations.

While it is understandable that the subject site may not have sufficient room to plant 36 trees in such a way as to allow them to continue to thrive, the site plan has several areas with no plantings proposed, and a slight reconfiguration of the proposed development would enable additional trees to be planted over what is currently proposed. As such, the applicant should coordinate with staff, and plant the maximum number of trees possible, with any shortage donated to the Tree Bank.

As the site is being developed as a car wash, the Zoning Ordinance requires that vehicles must be screened with a three-foot to five-foot tall evergreen hedge or landscaped berm. The site plan submitted does not depict compliance with this requirement. If approved, the site plan should be revised to provide compliant screening.

The site plan depicts an eight-foot tall privacy fence along the North property line, where the adjacent properties are used residentially. It should be noted that the buffer fence should be reduced to no more than three-feet tall within the front 25-foot setbacks.

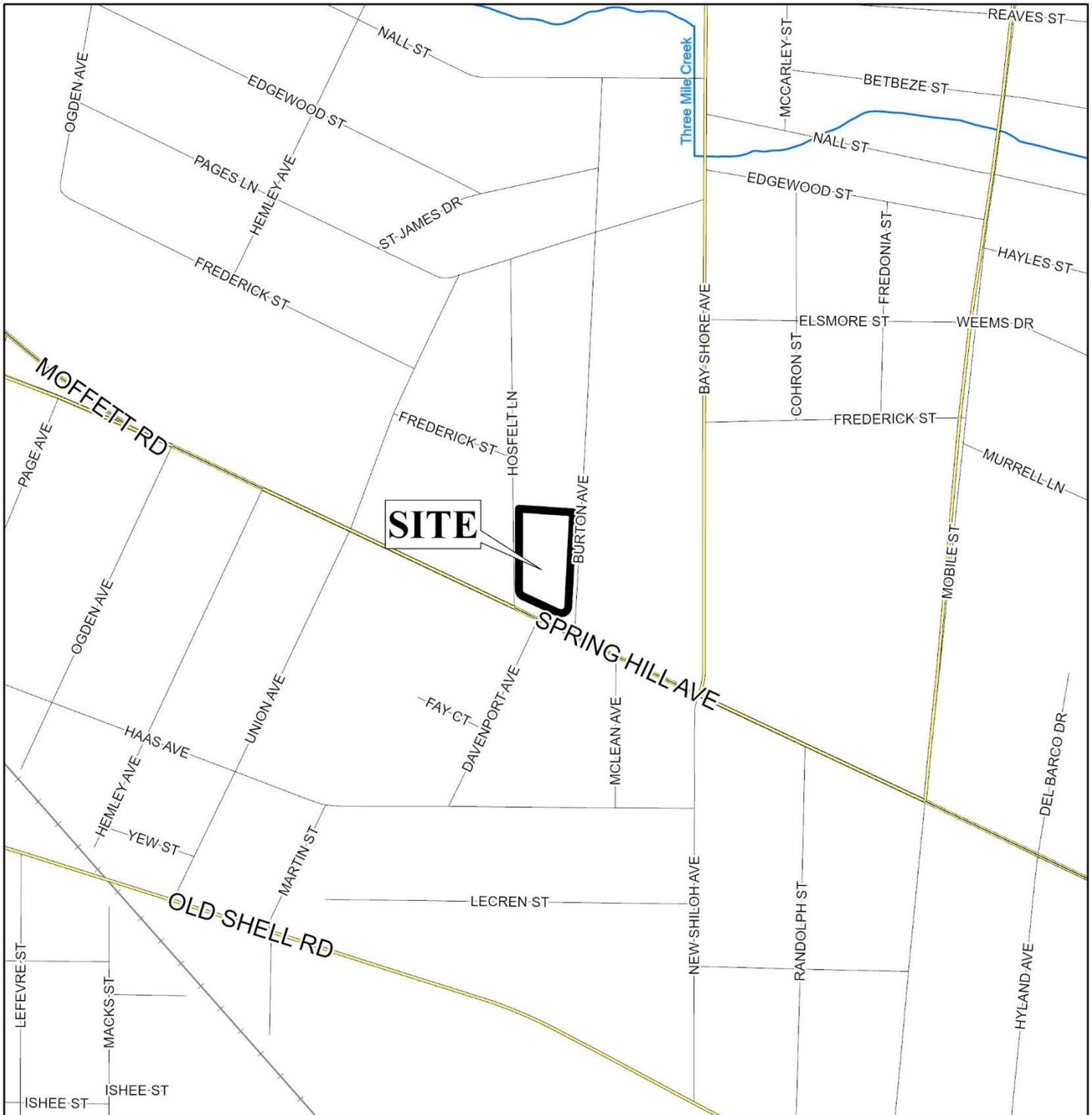
The site plan submitted depicts three (3) 2,000-gallon tanks within the front setback along Burton Avenue, but makes no mention of if they are under-ground or above-ground, nor their height. It should be noted that if these tanks are to be above-ground, and exceed three-feet in height, they must be relocated out of the setback. The site plan should be revised to clarify this item.

The submitted site plan depicts a flag pole proposed to be located on the site. It should be noted that the flag pole is not to exceed 45-feet tall, which the maximum height for a structure allowed in B-3 districts.

Finally, it should be noted that as the site will be developed as a single business site, it is limited to a total of three (3) signs, with no more than one (1) freestanding sign. Sign permits are required to be obtained prior to the installation of the signs.

RECOMMENDATION: Staff recommends that the application be heldover to the April 3rd meeting, with revisions due no later than March 20th to allow the applicant to redesign the site using landscape area and tree planting requirements as set forth in Chapter 64-3-7. of the Unified Development Code (UDC).

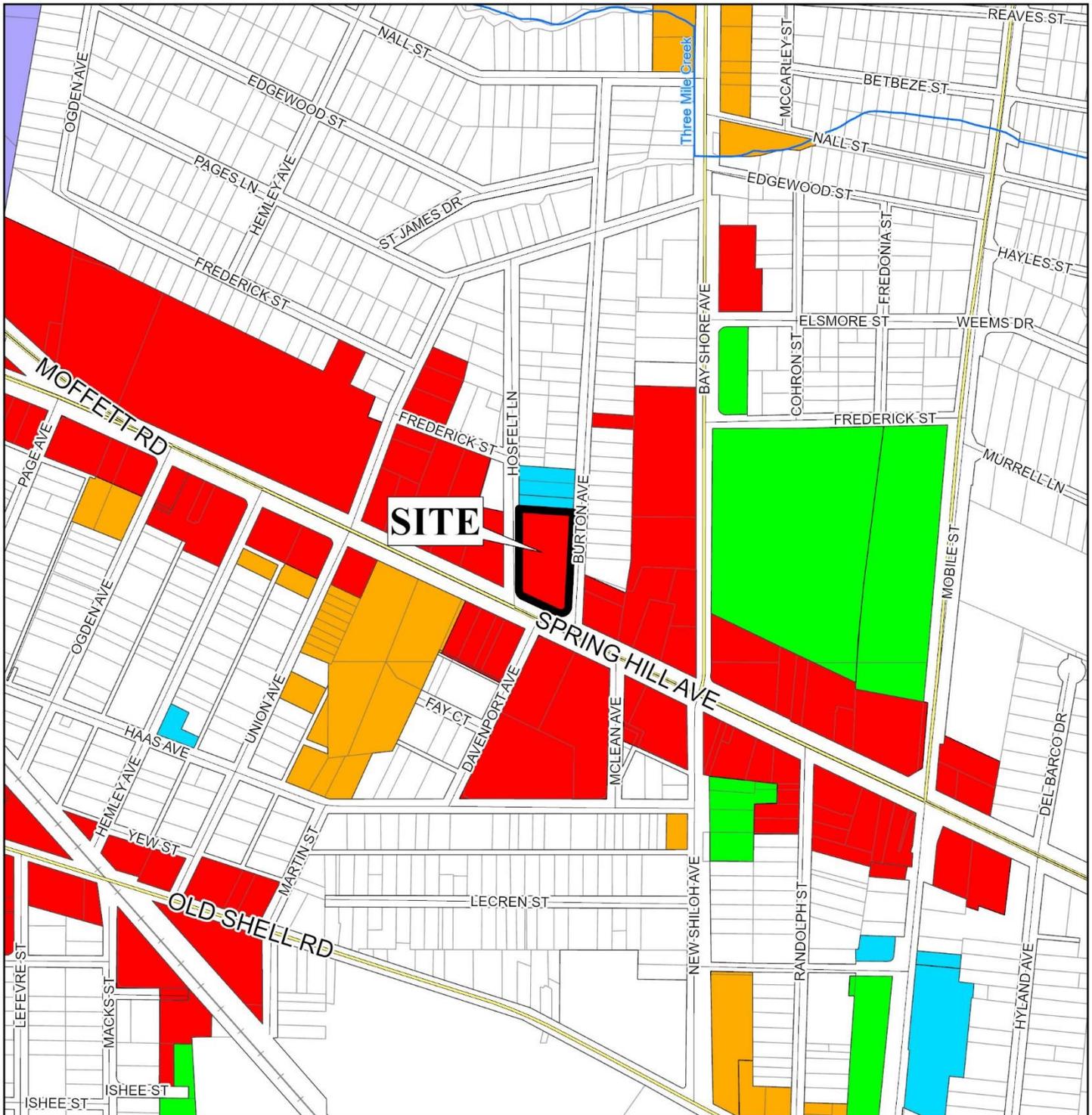
LOCATOR MAP



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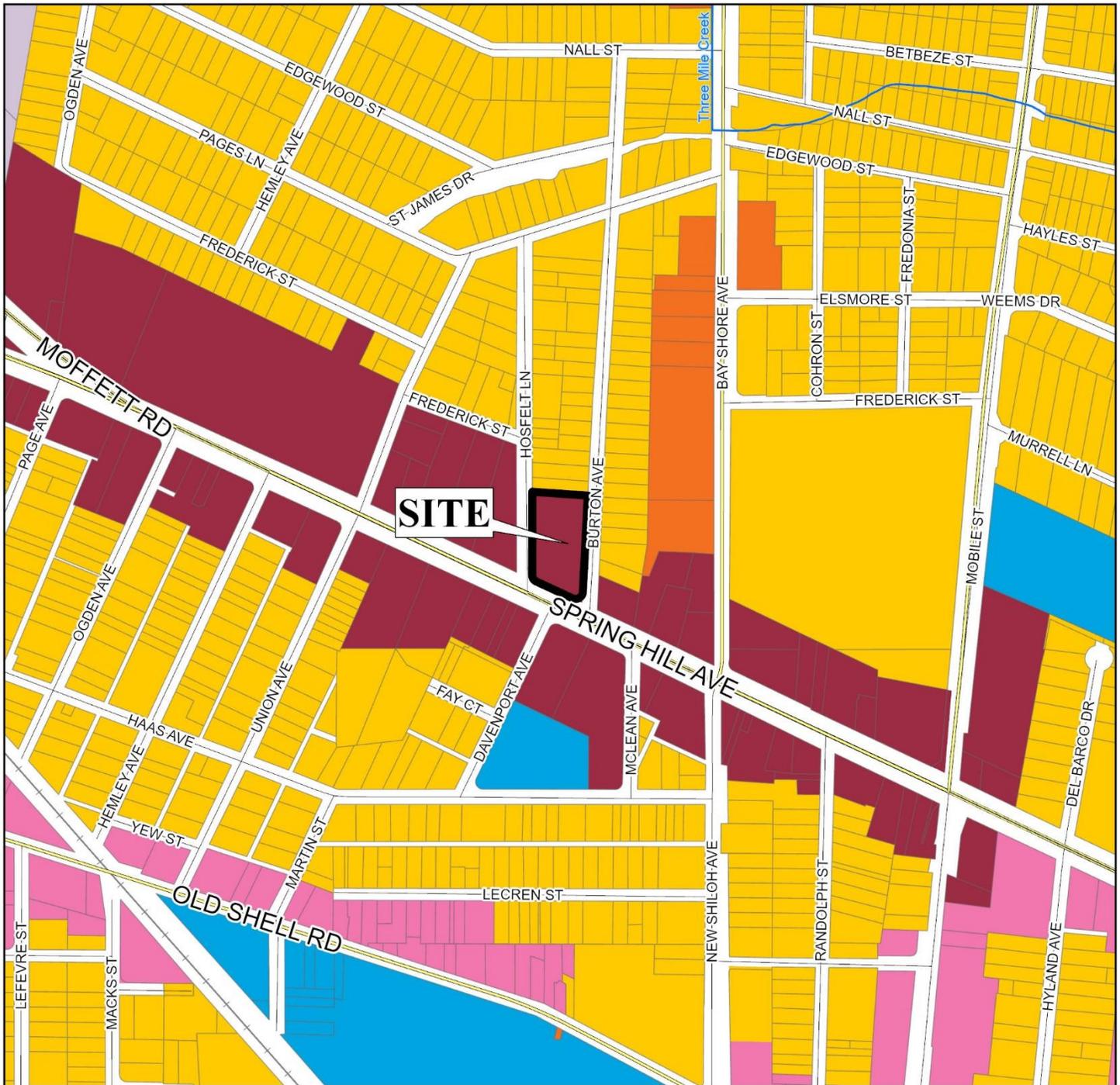
LOCATOR ZONING MAP



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FLUM LOCATOR MAP



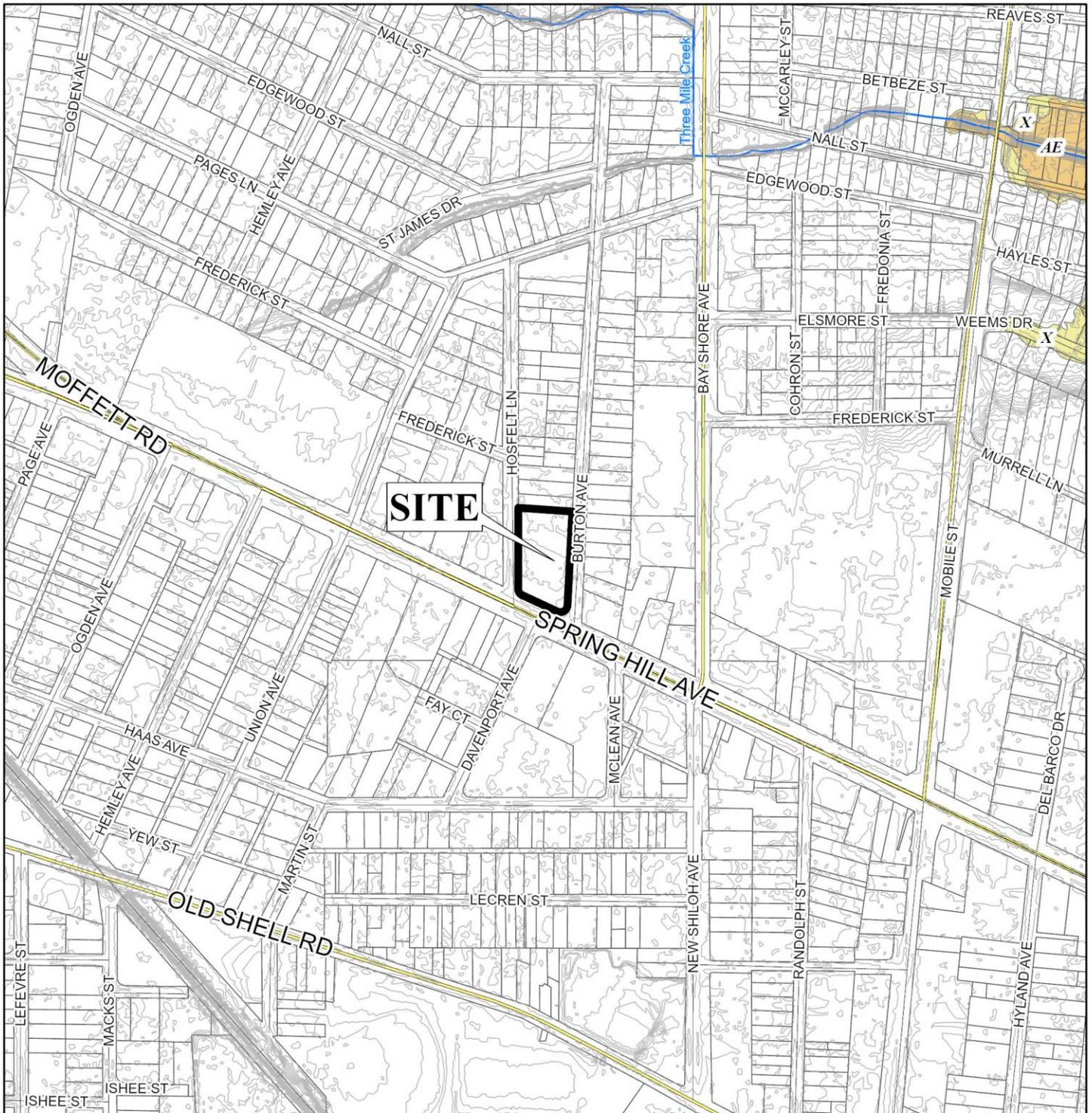
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FLUM

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



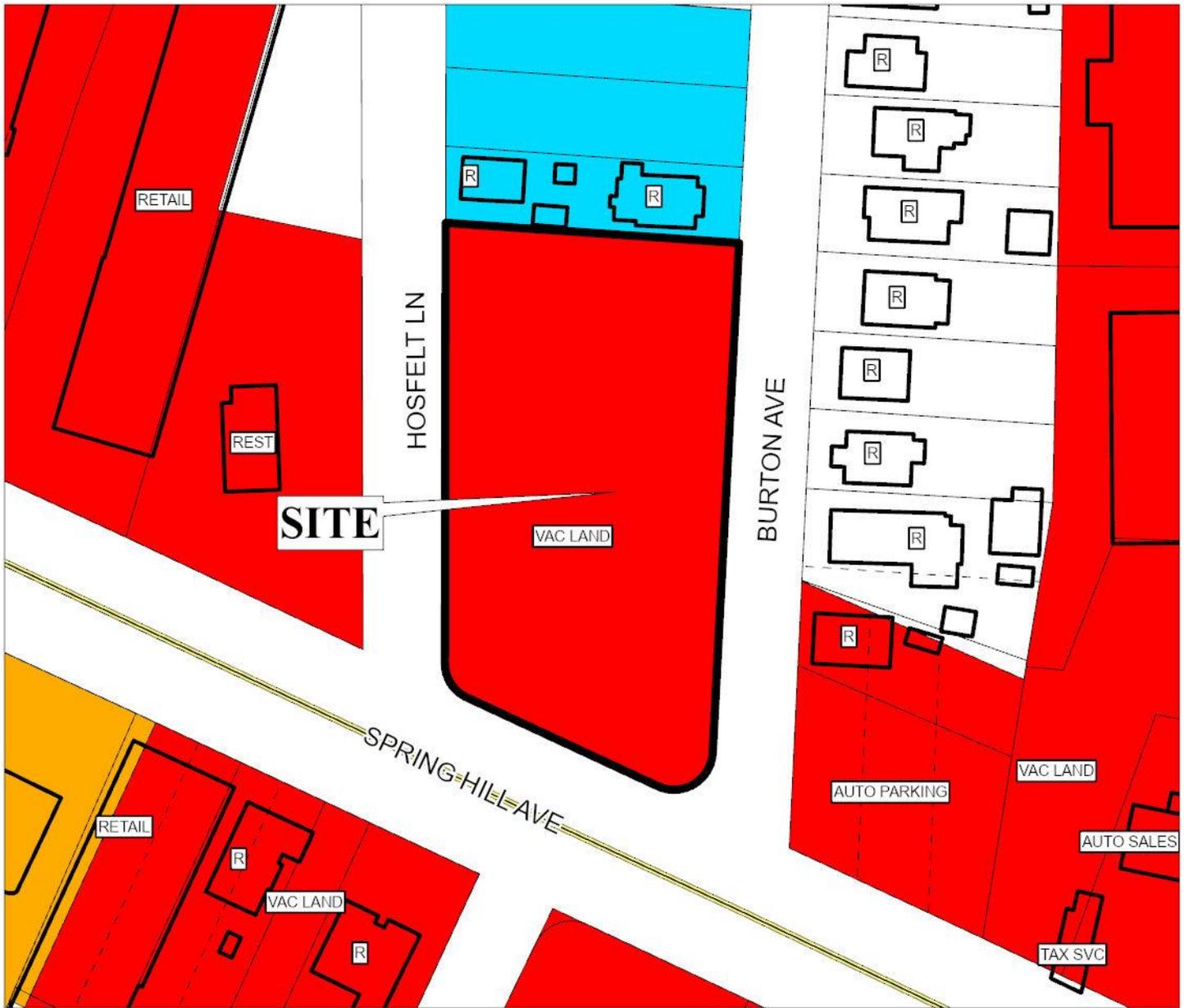
ENVIRONMENTAL LOCATOR MAP



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential and commercial units.

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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



NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL

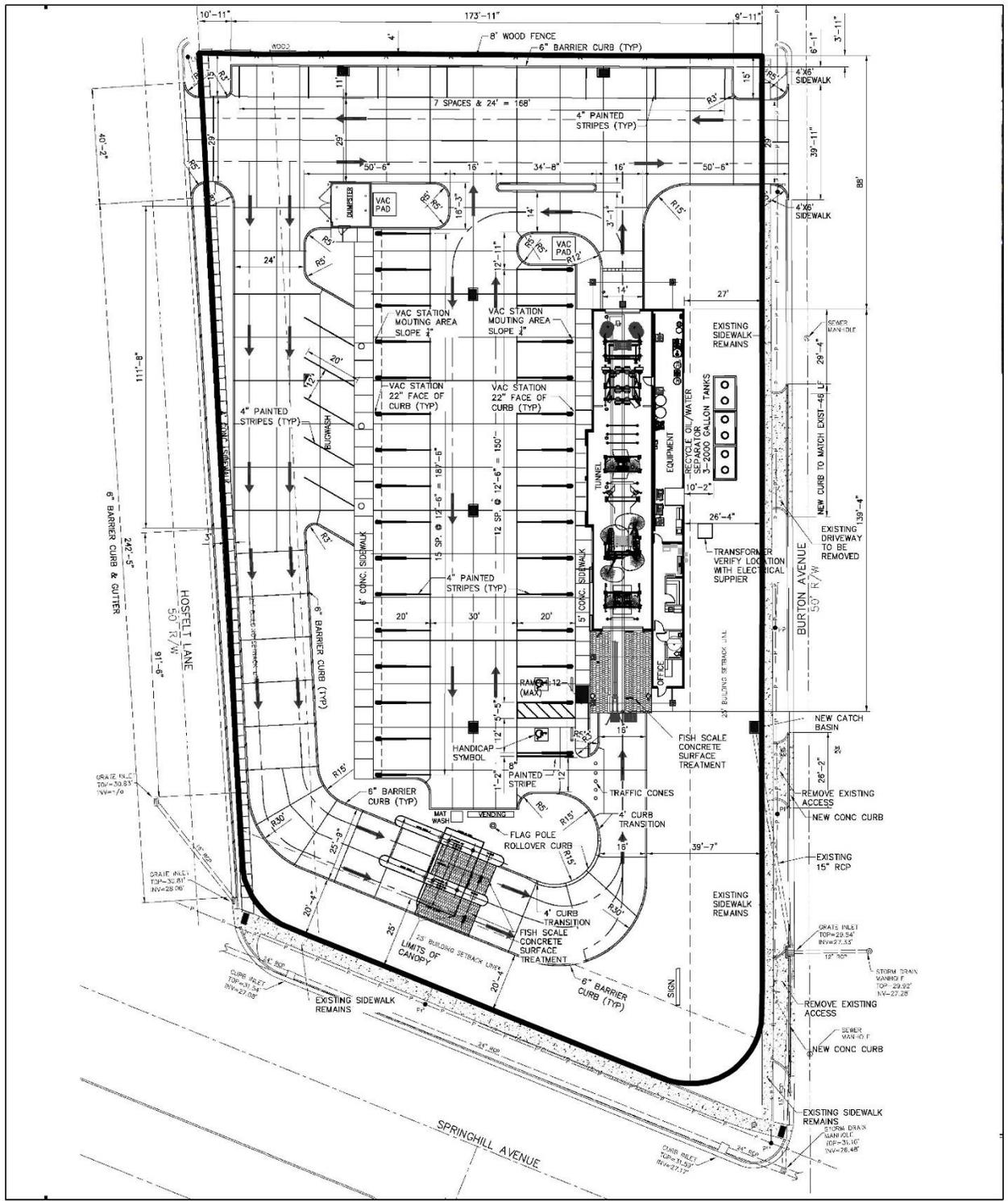


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SITE PLAN



The site plan illustrates the proposed car wash and vacuum stations.

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