

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: November 5, 2018****CASE NUMBER**

6218

APPLICANT NAME

Springhill Village, LLC

LOCATION

4350, 4354, 4356, 4358, 4360, 4362, 4364 and 4366 Old Shell Road
(North side of Old Shell Road, 390'± West of Dilston Lane, extending to the East side of North McGregor Avenue, 480'± North of Old shell Road.)

VARIANCE REQUEST

REDUCED BUILDING FRONTAGE: Reduced Building Frontage Variance to allow a 41% building frontage along Old Shell Road, and a 46% building frontage along McGregor Avenue North in a Village Center Sub-district of a Traditional Center District overlay.

INCREASED ACCESS DRIVE WIDTH: Increased Access Drive Width Variance to allow a two-way access drive width of 38.88'± in a Village Center Sub-district of a Traditional Center District overlay.

SIGN: Sign Variance to allow two pylon signs to remain on site in a Village Center Sub-district of a Traditional Center District overlay.

**ZONING ORDINANCE
REQUIREMENT**

BUILDING FRONTAGE: The Zoning Ordinance requires an 80% building frontage in a Village Center Sub-district of a Traditional Center District overlay.

ACCESS DRIVE WIDTH: The Zoning Ordinance allows a maximum two-way drive width of 30' in a Village Center Sub-district of a Traditional Center District overlay.

SIGN: The Zoning Ordinance does not allow freestanding signs in a Village Center Sub-district of a Traditional Center District overlay.

ZONING

B-2 Neighborhood Business

AREA OF PROPERTY

9.8± Acres

**ENGINEERING
COMMENTS****REDUCED BUILDING FRONTAGE VARIANCE:** NO COMMENT**INCREASED ACCESS DRIVE WIDTH VARIANCE:**

If the increased access drive width is approved for use the applicant will need to have the following conditions met:

1. Submit and receive a TIER 2 Land Disturbance Permit for the proposed site development through Central Permitting.
2. Submit a ROW Permit (City of Mobile) for the work within the Public ROW.

SIGN VARIANCE: NO COMMENT**TRAFFIC ENGINEERING
COMMENTS**

Traffic Engineering does not oppose the two curb cuts on Old Shell Road. The existing driveways separate the delivery traffic from the customer traffic. The existing signalized entrance should remain with two egress lanes to allow for maximum efficiency of the traffic signal. The reduced ingress lane is appropriately sized for a one lane entry into the site.

**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 7

ANALYSIS

The applicant is requesting Reduced Building Frontage, Increased Access Drive Width and Sign Variances to allow a 41%+ building frontage along Old Shell Road, and a 46%+ building frontage along McGregor Avenue North; to allow a two-way access drive width of 38.88'+; and to allow two pylon signs to remain on site in a Village Center Sub-district of a Traditional Center District overlay; the Zoning Ordinance requires an 80%

building frontage, allows a maximum two-way drive width of 30', and does not allow freestanding signs in a Village Center Sub-district of a Traditional Center District overlay.

The subject site was granted Planned Unit Development (PUD) Approval at the Planning Commission's October 4th meeting to allow multiple buildings on a single building site, with shared access and parking to accommodate two new buildings. The applicant requested the application be reviewed under the Village Center Sub-district of the Voluntary Traditional Center District (TCD) requirements of Section 64-3.H. of the Zoning Ordinance. Among the conditions of approval of the PUD were approval of a variance to allow the reduced building frontage along both streets; approval of a variance to allow the increased access drive width for the divided two-way drive along Old Shell Road; and approval of a Sign Variance to allow the two pylon signs to remain on site.

The applicant's narrative states:

We are requesting a variance from the zoning section 64-3.H (TCD) 3.b. (Village Center Sub-district) for the following items:

- 1) Approval of a variance to allow the reduced building frontage along Old Shell Rd and McGregor Ave. The Old Shell Rd reduction request is due to 2 curb cuts to allow customer ingress and egress to the front of the shopping center as well as ingress and egress by delivery vehicles to the rear of the shopping center. The code calls for the building coverage to be 80% of the road frontage, but due to access points we can only have +/- 41%. McGregor Ave reduction request is due to the existing leases restrictions with the tenants. The code calls for the building coverage to be 80% of the frontage, but we can only have +/- 46% due to lease restrictions.*
- 2) Approval of a variance to increase the allowed width of the access drive for the divided two-way entrance along Old Shell Rd. The eastern side of this access is currently +/- 27.50 feet and we are proposing to reduce this to +/- 15.00 feet while leaving the western side at +/- 23.88' for two lanes of egress for traffic. As a result, the entire width of the entrance will be reduced from +/- 51.38 feet to +/- 38.88 feet, but we need a variance because the code allows 30 feet. So the overall existing width will be reduced by +/- 12.5 feet.*
- 3) Approval of a variance to allow the two pylon signs that are currently there and located as shown per the proposed site plan. The leases with the tenants require these pylon signs, and our property abuts two major roadways.*

The site has been given a Traditional Neighborhood Center (NC) land use designation, per the recently adopted Future Land Use Plan and Map. 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 applies to smaller hubs of mixed commercial, community, and recreational activity that cater to adjacent residential areas. Many of these centers exist today in

some form. Therefore, the following common principles apply not just to the future development of new centers, but also to the redevelopment (wholesale or incremental) of existing centers.

General Principles for Neighborhood Centers:

- NC should support a limited amount of commercial employment
- NC should incorporate some residential use, which may vary in type from detached single family, townhouse, accessory and live-work units in mixed use and low-rise multifamily structures.
- The residential density in NC designations –ranging from 4 to 10 du/ac— must be compatible in character with that of surrounding residential development, providing appropriate transitions in height, massing and other buffering from one land use district to the next.
- The retail and housing uses should merge around vibrant, compact, accessible nodes, located at key neighborhood intersections or along short road segments.
- The NC nodes should be connected to the surrounding neighborhood and nearby public uses (e.g., schools, parks, etc.) via well-designed sidewalks and complete streets.

While the above-listed principles are common to all NC districts, the design attributes of neighborhood centers generally vary depending on whether a center is in a more “traditional” or more “suburban” context.

Additional Attributes of Neighborhood Centers:

- NC in traditional contexts: These tend to be in those areas east of the Beltline and correspond to MxDR neighborhoods. In these NCs, buildings should orient to the street, with on-site parking typically pushed to the back of the site. The design qualities of the public realm are emphasized, including the provision of continuous sidewalks, tree canopy, pedestrian amenities, on-street parking and bicycle facilities where appropriate.
- NC in suburban contexts: These generally are located among the LDR land use designations in the areas west of the Beltline. Where they exist, these centers currently have a more pronounced vehicular orientation. Therefore, the emphasis is on retrofitting to improve internal walkability (e.g., through the addition of sidewalks, tree canopy, protection from the elements) and external connectivity to the surrounding areas (via sidewalks, paths and trails, street crossings, transit stops, etc.) and to increase the mix and density of uses (e.g., infill of outparcels, addition of housing, etc.).

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 case the designation of 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 the 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 proposes to construct a building approximately 78' wide facing Old Shell Road, and a building approximately 205' wide facing McGregor Avenue North. Both buildings are proposed to be built very close to the front property lines as the TCD Regulating Plan allows a front setback of 0 to 5'. With the current Old Shell Road street frontage of 190'±, the building façade would occupy approximately 41% of the road frontage width of the property. With the current McGregor Avenue North street frontage of 446'±, the building façade would occupy approximately 46% of the road frontage width of the property. The applicant bases the request for the reduced building frontage along Old Shell Road on the two curb cuts to allow customer ingress and egress to the front of the shopping center as well as ingress and egress by delivery vehicles to the rear of the shopping center. As Traffic Engineering does not oppose the two curb cuts allowing for better traffic flow into and out of the site, this request would seem to be justified. The applicant bases the request for the reduced building frontage along McGregor Avenue North on the existing lease restrictions with the tenants. As requiring the 80% building frontage along McGregor Avenue North could impose unfavorable changes in the tenants' lease restrictions, a hardship could be illustrated in this respect.

As to the request for the increased access drive width along Old Shell Road, such requests are best evaluated by Traffic Engineering. The request pertains to the existing divided two-way ingress/egress on the Western side of the Old Shell Road frontage. The ingress is proposed to be reduced to one lane, but the egress is proposed to remain two lanes. As the Traffic Engineering review of this application has determined that the existing signalized entrance should remain with two egress lanes to allow for maximum efficiency of the traffic signal, it would seem to stand that the applicant's request is justifiable, especially in light of the traffic congestion along Old Shell Road.

The TCD Regulating Plan does not allow any type of freestanding or monument signs. The only permanent signage allowed would be building-mounted. As the site is multi-tenant and has over 600 linear feet of public street frontage, the two existing pylon signs are allowed by right as the site is currently developed. The applicant has stated that the leases with tenants require the pylon signs. That coupled with the fact that the site has two street frontages which are separated by other commercial properties, and the fact that street visibility to many of the individual tenant spaces is limited due to the site configuration, would impose an undue hardship to tenants with regard to recognition within the complex from the street frontages.

The subject site is of a metes-and-bounds legal description. One of the conditions of the PUD approval was completion of the Subdivision process prior to any request for land disturbance. This should also be a condition of approval should the Board approve the requested variances.

It should be noted that the subject site is the largest developed commercial property within the TCD overlay. Although the TCD Regulating Plan is intended primarily for new developments, the adaptation of the Plan to existing developments is viable with the possibility of relief from certain aspects of the Plan requirements and limitations. Therefore, the Board should consider all requests of the applicant for approval.

RECOMMENDATION: Staff recommends to the Board the following findings of facts for the Approval of all requests:

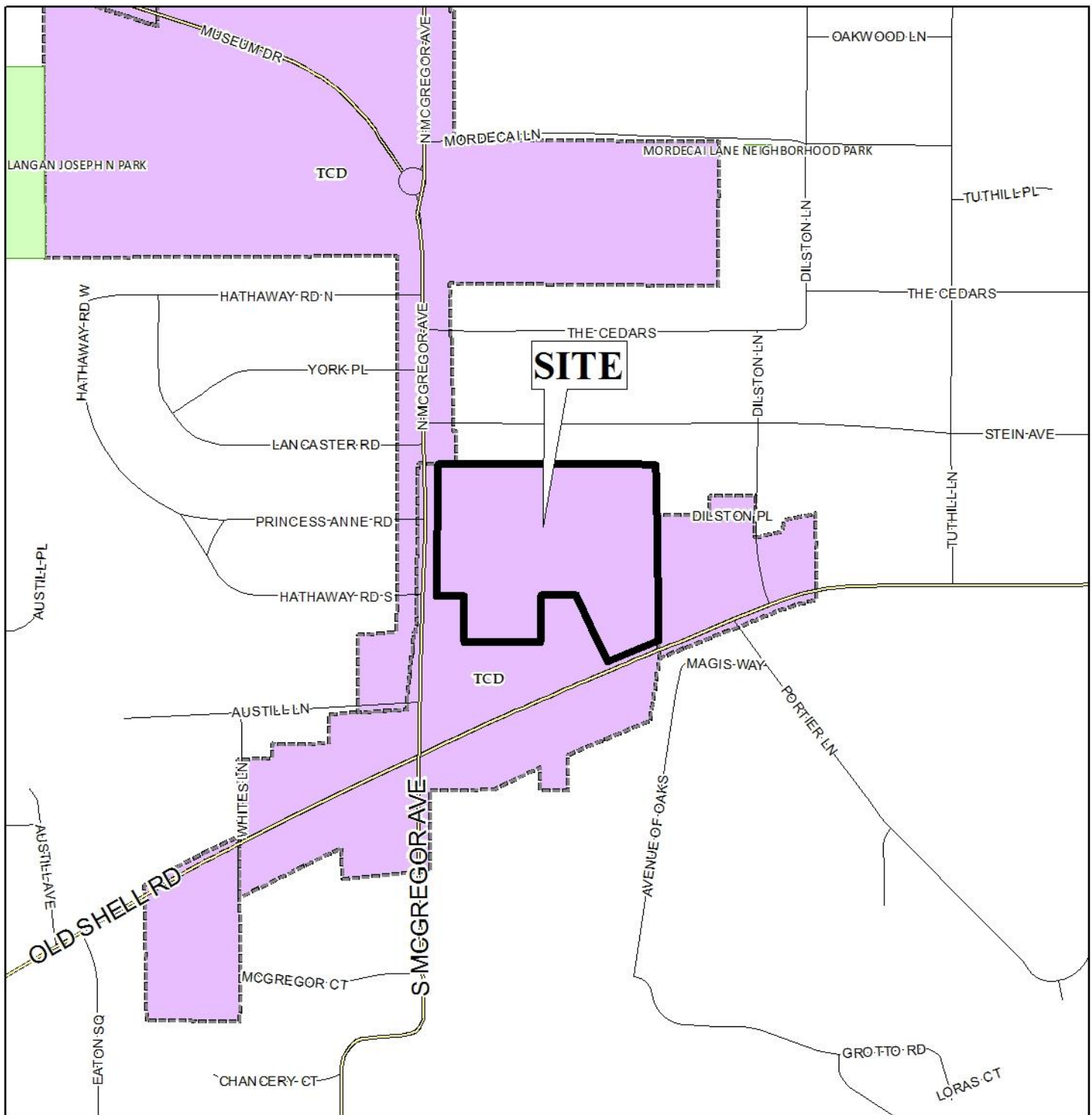
- 1) Approving the variance will not be contrary to the public interest in that it will allow for the implementation of some aspects of the Village Center Sub-district portion of the Traditional Center District Regulating Plan by meeting the conditions of approval of the PUD for the site;
- 2) Special conditions (the site is the largest developed commercial property within the Traditional Center District overlay and approval will allow for the implementation of certain aspects of the TCD Regulating Plan for site improvements) exist such that the literal enforcement of the provisions of the chapter will result in an unnecessary hardship with respect to the site configuration and tenant signage visibility; 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 it will allow for site improvements under the Regulating Plan intended for the Spring Hill area.

Therefore, the Reduced Building Frontage, Increased Access Drive Width and Sign Variance requests are recommended for approval, subject to the following conditions:

- 1) subject to the Engineering comments: *[INCREASED ACCESS DRIVE WIDTH VARIANCE: If the increased access drive width is approved for use the applicant will need to have the following conditions met: 1) Submit and receive a TIER 2 Land Disturbance Permit for the proposed site development through Central Permitting. 2) Submit a ROW Permit (City of Mobile) for the work within the Public ROW.];*
- 2) placement of a note on the site plan stating the Traffic Engineering comments: *(Traffic Engineering does not oppose the two curb cuts on Old Shell Road. The existing driveways separate the delivery traffic from the customer traffic. The existing signalized entrance should remain with two egress lanes to allow for maximum efficiency of the traffic signal. The reduced ingress lane is appropriately sized for a one lane entry into the site.);*
- 3) subject to the 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.];*

- 4) subject to the 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).]*;
- 5) completion of the Subdivision process prior to any request for land disturbance; and
- 6) full compliance with all municipal codes and ordinances.

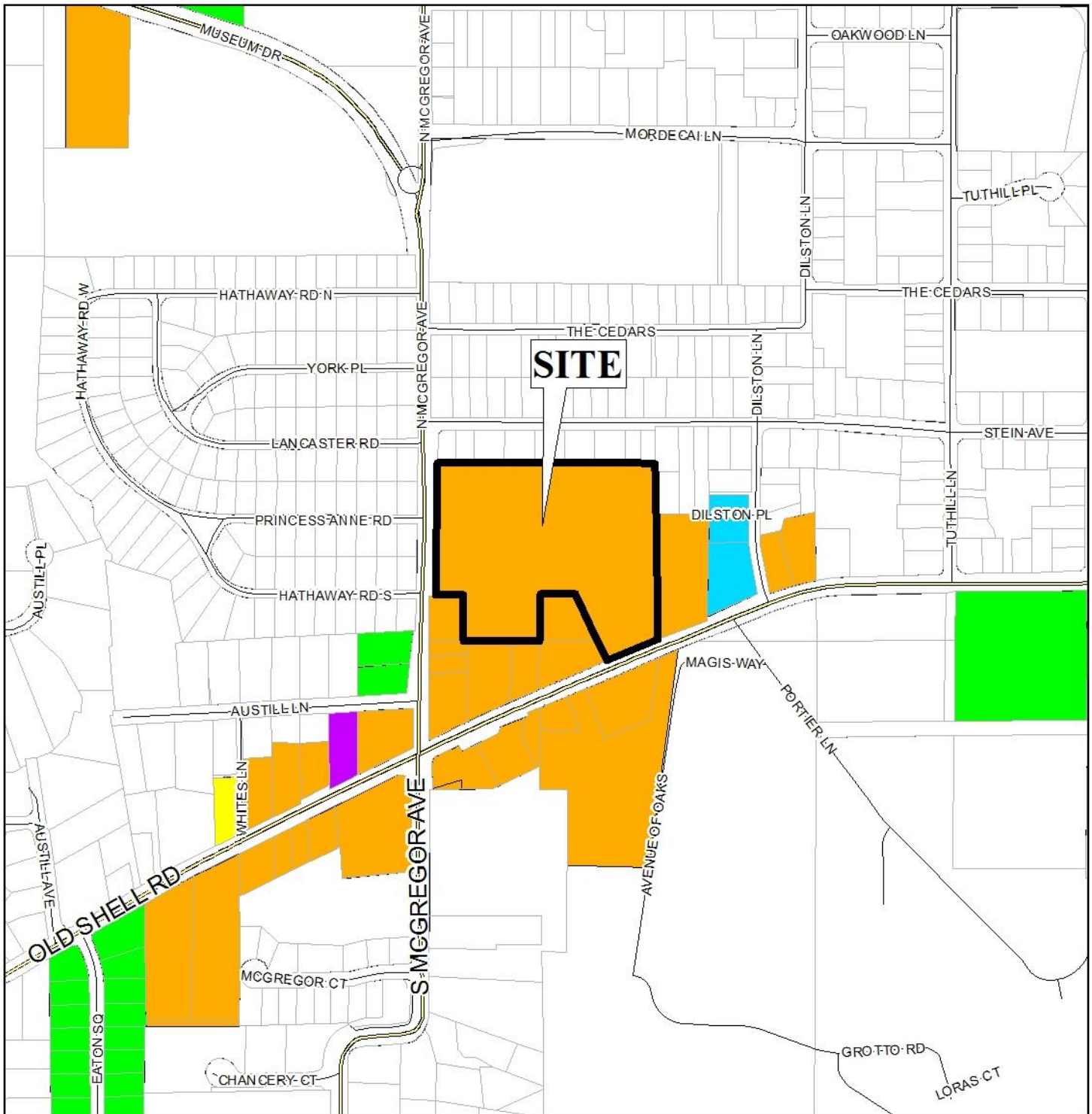
LOCATOR MAP



APPLICATION NUMBER 6218 DATE November 5, 2018
APPLICANT Springhill Village, LLC
REQUEST Reduced Building Frontage, Increased Access Drive Width and Sign Variances



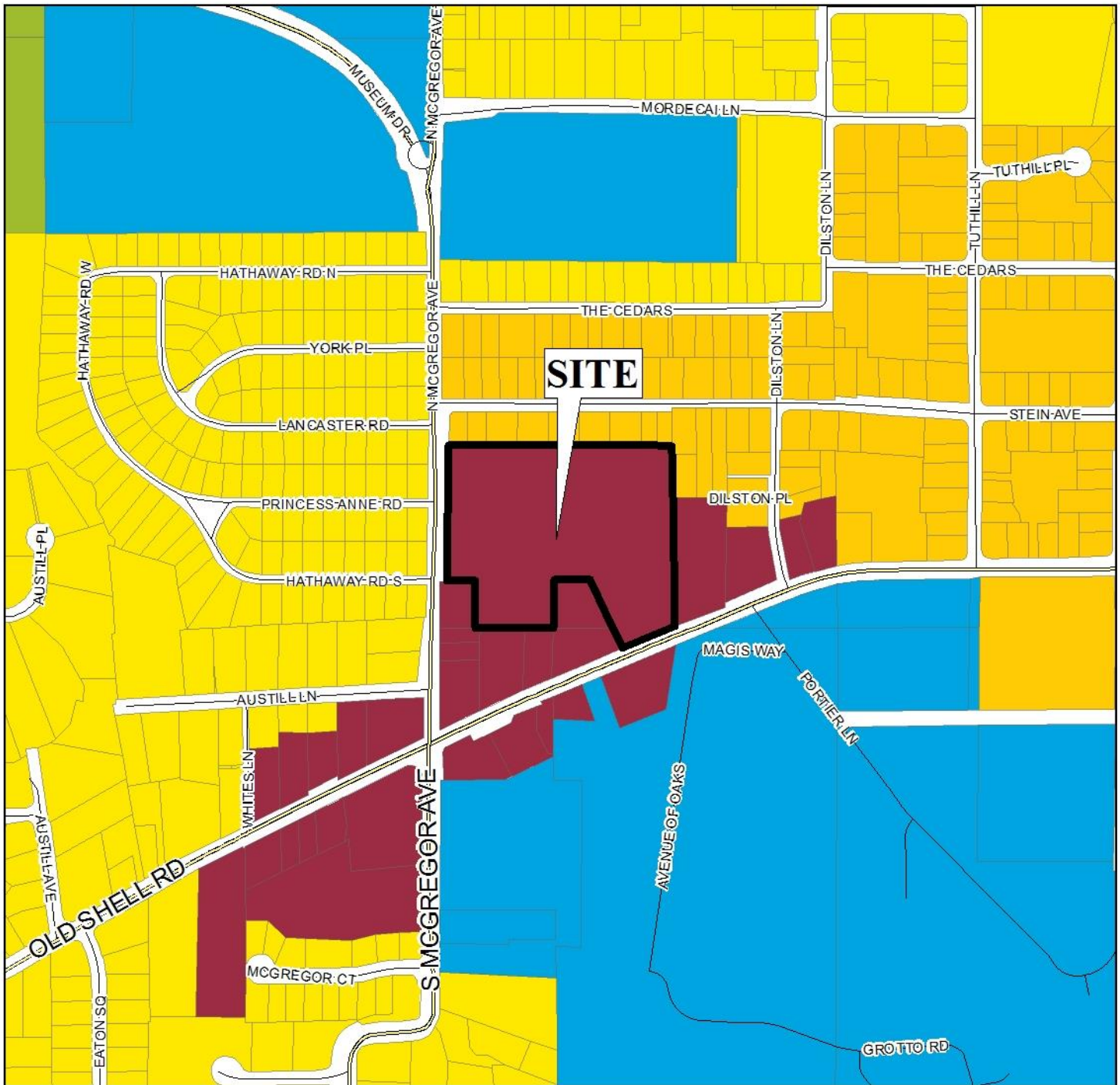
LOCATOR ZONING MAP



APPLICATION NUMBER 6218 DATE November 5, 2018
APPLICANT Springhill Village, LLC
REQUEST Reduced Building Frontage, Increased Access Drive Width and Sign Variances



FLUM LOCATOR MAP



APPLICATION NUMBER 6218 DATE November 5, 2018

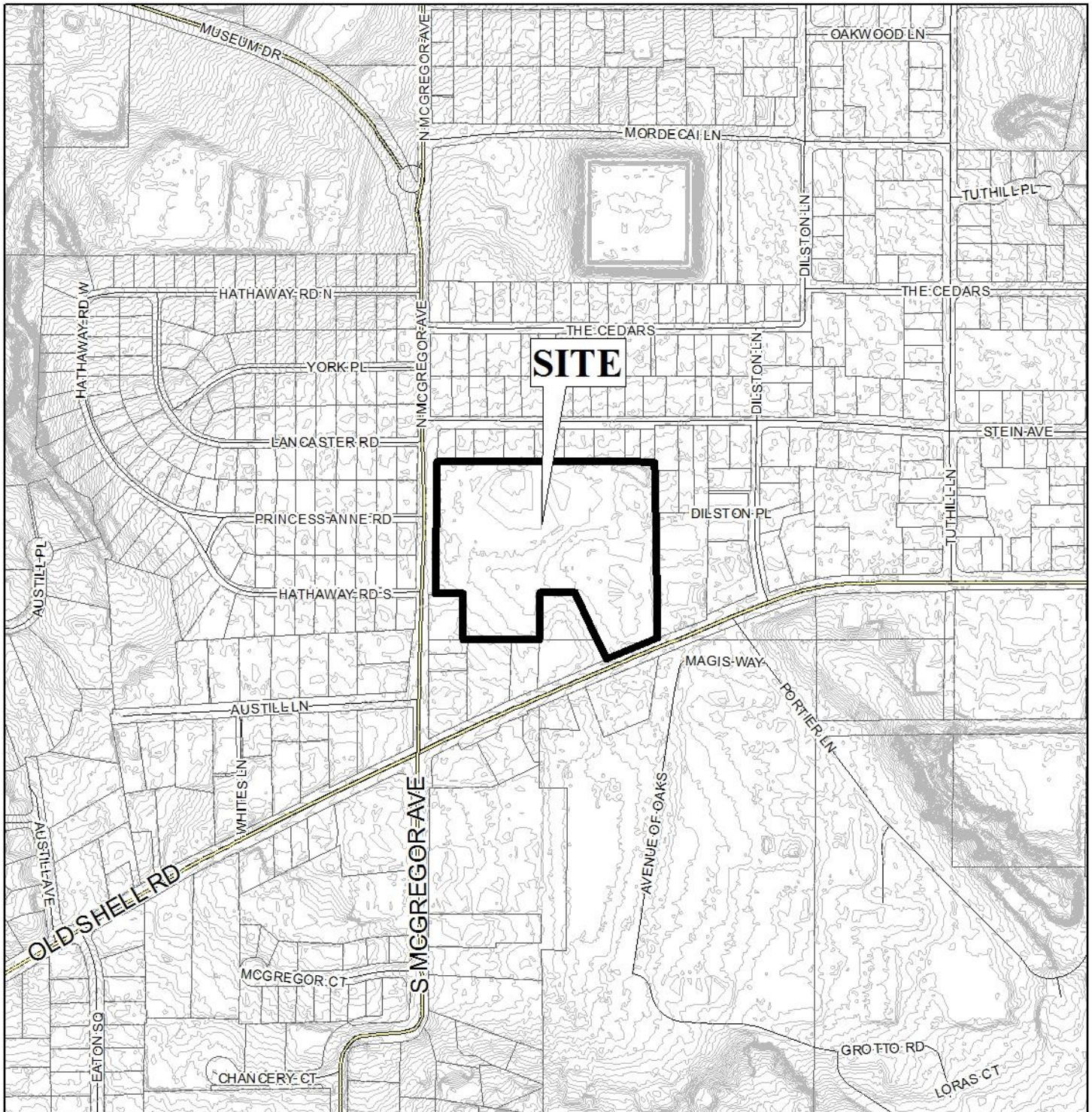
APPLICANT Springhill Village, LLC

REQUEST Reduced Building Frontage, Increased Access Drive Width and Sign 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	



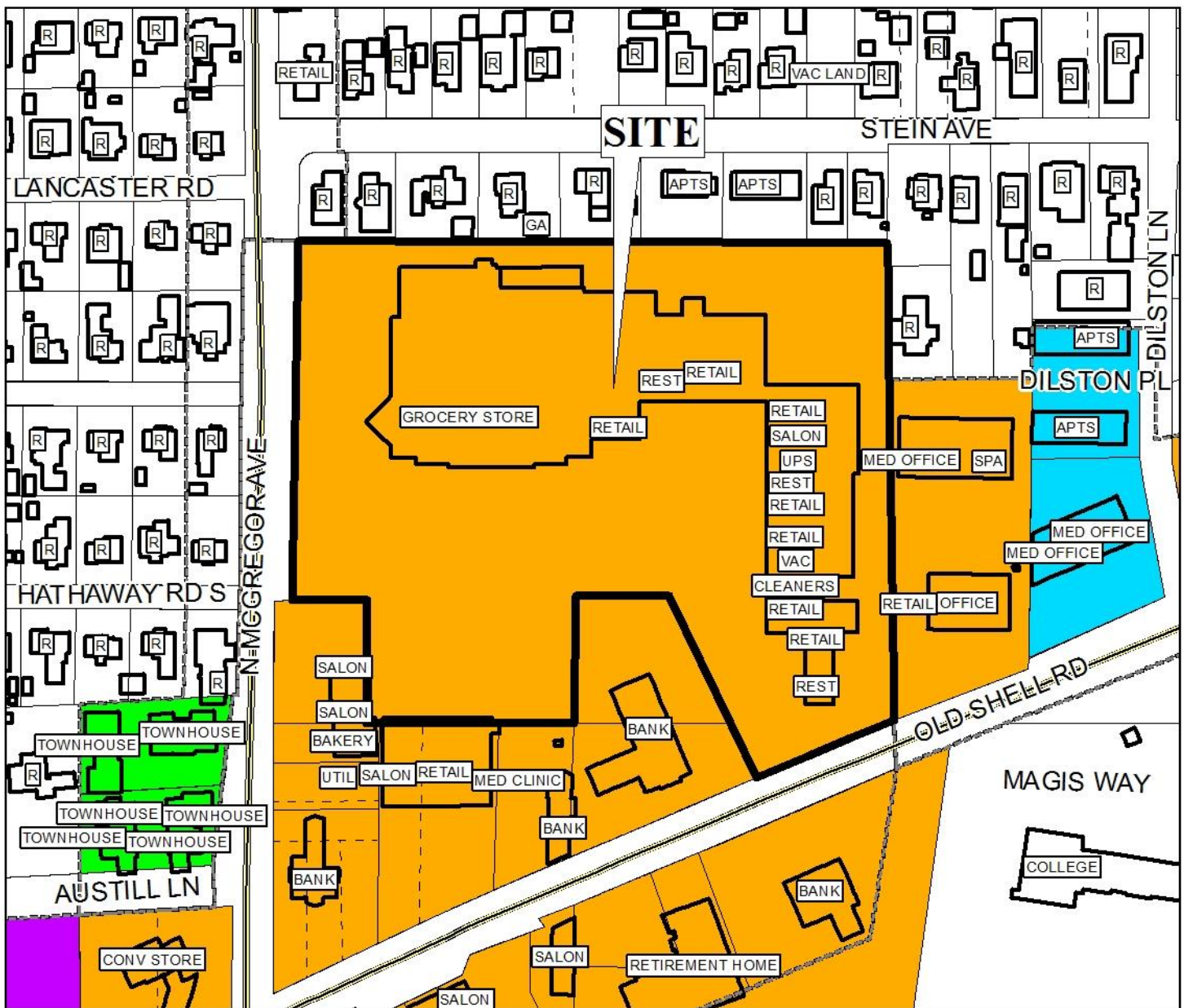
ENVIRONMENTAL LOCATOR MAP



APPLICATION NUMBER 6218 DATE November 5, 2018
APPLICANT Springhill Village, LLC
REQUEST Reduced Building Frontage, Increased Access Drive Width and Sign Variances



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units to the north and commercial units to the south.

APPLICATION NUMBER 6218 DATE November 5, 2018

APPLICANT Springhill Village, LLC

REQUEST Reduced Building Frontage, Increased Access Drive Width and Sign 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



PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL

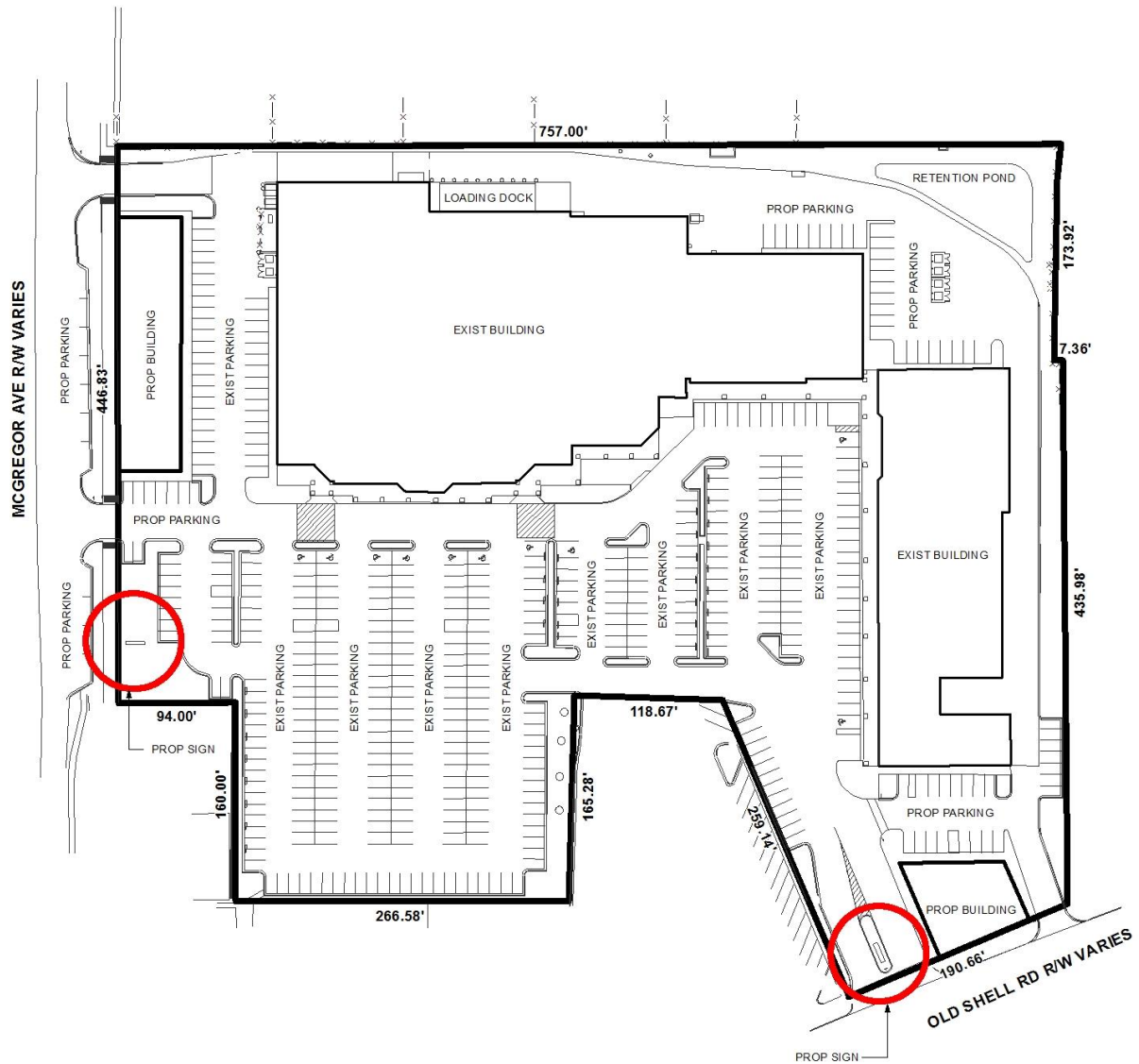


The site is surrounded by residential units to the north and commercial units to the south.

APPLICATION NUMBER 6218 DATE November 5, 2018
 APPLICANT Springhill Village, LLC
 REQUEST Reduced Building Frontage, Increased Access Drive Width and Sign Variances



SITE PLAN



The site plan illustrates the existing buildings, existing parking, proposed buildings, and proposed parking.

APPLICATION NUMBER 6218 DATE November 5, 2018
 APPLICANT Springhill Village, LLC
 REQUEST Reduced Building Frontage, Increased Access Drive Width and Sign Variances



NTS