

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: March 2, 2020****CASE NUMBER**

6314

APPLICANT NAME

Mariner Mobile I, LLC

LOCATION

505, 507, & 515 St. Louis Street and 510 St. Michael Street (Southeast corner of St. Louis Street, and North Cedar Street, extending to the Southwest corner of St. Louis Street and North Lawrence Street, and the Northeast corner of North Cedar Street and St. Michael Street).

VARIANCE REQUEST

TRANSPARENCY: To allow reduced transparency in an SD-WH, Special District – Warehousing Sub-District of the Downtown Development District

**ZONING ORDINANCE
REQUIREMENT**

TRANSPARENCY: The Zoning Ordinance requires a minimum of 80% transparency along a primary frontage, and 30% transparency along a secondary frontage for Shopfront frontage types in an SD-WH, Special District – Warehousing Sub-District of the Downtown Development District

ZONING

SD-WH, Special District – Warehousing Sub-District

AREA OF PROPERTY

1.6± Acres

**CITY COUNCIL
DISTRICT**

District 2

**ENGINEERING
COMMENTS**

If the proposed variance is approved for use the applicant will need to have the following conditions met:

1. The proposed improvements shown on the submitted plans will require a Land Disturbance Permit.
2. Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.

**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 (State Act 2015-116 and City Code Chapters 57 and 64).

**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.

ANALYSIS

The applicant is requesting a Transparency Variance to allow reduced transparency in an SD-WH, Special District – Warehousing Sub-District of the Downtown Development District; the Zoning Ordinance requires a minimum of 80% transparency along a primary frontage, and 30% transparency along a secondary frontage for Shopfront frontage types in an SD-WH, Special District – Warehousing 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 by the Planning Commission at its May 18, 2017 meeting. 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 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.

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:

The subject property is located on the south side of St. Louis Street, between North Lawrence Street and North Cedar Street. It is bordered on its south boundary by St. Michael Street.

The subject property currently has 2 buildings located on it, both of which have been there for decades. They are currently used as warehouse and automobile garage. The proposed use will be a 6 story, mixed use building, with the bottom floor being used for commercial/business purposes, and floors 2 through 6 used as multi-family.

We are requesting a variance from the transparency requirements on the street frontage along both St. Louis Street and North Lawrence Street. For the St. Louis Street request, our preliminary plans had transparency of 36% on the first floor store front. We have redrawn the subject store front to where we now have 42% transparency. It is impossible, due to the width of this property, to obtain any additional transparency on the St. Louis Street store front. The remaining area on this store front has to be utilized for the structural integrity of the entire building. Any further additional transparency on the St. Louis Street elevation would have a severe negative impact on the structural integrity.

As far as the north St. Louis Street store front is concerned, the original plans had 13% transparency, with a minimum requirement of 30%. Our revised plans as submitted now show 28% transparency on the east elevation. It is impossible to increase the transparency any further, due to that side of the building containing the outside walls for

the sprinkler system room, the electrical room, and the maintenance office. All of these outside walls must be solid for safety and security purposes. Any openings in these rooms would make these areas subject to break ins, and destruction of essential elements of the operations of the entire building.

Granting the 2 variances will not be contrary to the public interest, and the spirit of the zoning ordinance shall be observed and substantial justice shall be done to the surrounding neighborhood by granting both.

The proposed development was presented to the Consolidated Review Committee (CRC) at its November 21, 2019 and December 12, 2019 meetings, where the applicant was advised of the need to either redesign the structure to comply with the transparency requirements of a Shopfront frontage, or obtain a variance, hence the application at hand.

Shopfront frontages should be at least 80% of a primary frontage and 30% of the secondary frontage, and have a minimum of 50% transparency for the provided shopfront facade. The CRC has the authority to grant a 5% decrease in transparency requirements administratively, resulting in 45% transparency minimum on each frontage. The applicant made alterations to the design of the building since it was reviewed by CRC, and was able to increase the transparency along both frontages, but have only been able to provide 42% transparency on the primary frontage, and 28% transparency on the secondary frontage.

The applicant has made an effort to comply with the transparency requirements of the Zoning Ordinance, but is restricted by the need to meet various code and safety standards; therefore, it may be appropriate to grant the subject request.

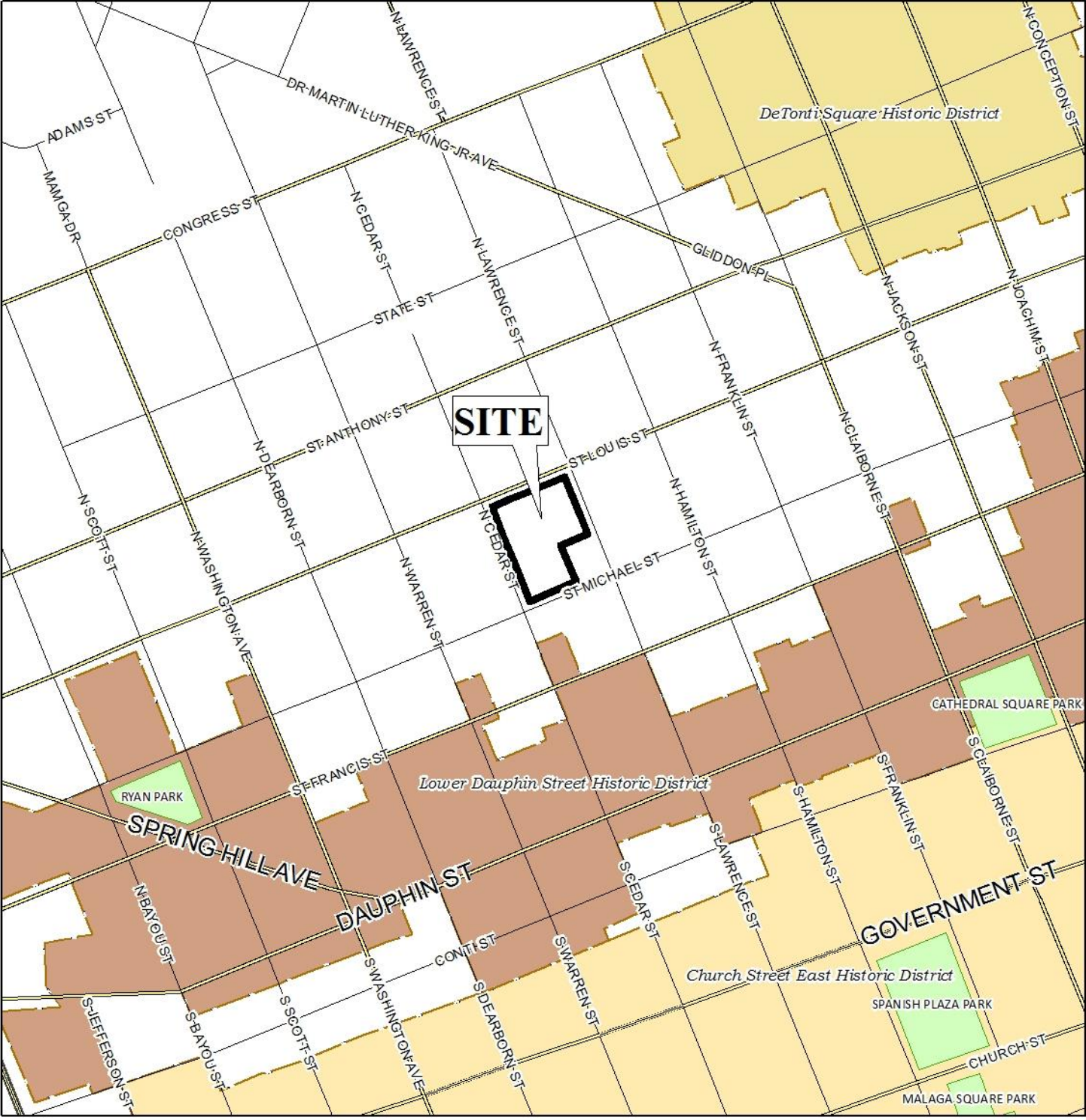
RECOMMENDATION: Staff recommends to the Board the following findings of facts for Approval of the requests:

- 1) Approving the variance will not be contrary to the public interest in that increasing the amount of transparency on the proposed structure may compromise its structural integrity;
- 2) Special conditions were illustrated such that the literal enforcement of the provisions of the chapter will result in an unnecessary hardship, as various structural elements required to support the structure prevent increased transparency; 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 the integrity of the proposed structure will be preserved.

The approval is subject to the following conditions:

- 1) Full compliance with all other municipal codes and ordinances.

LOCATOR MAP



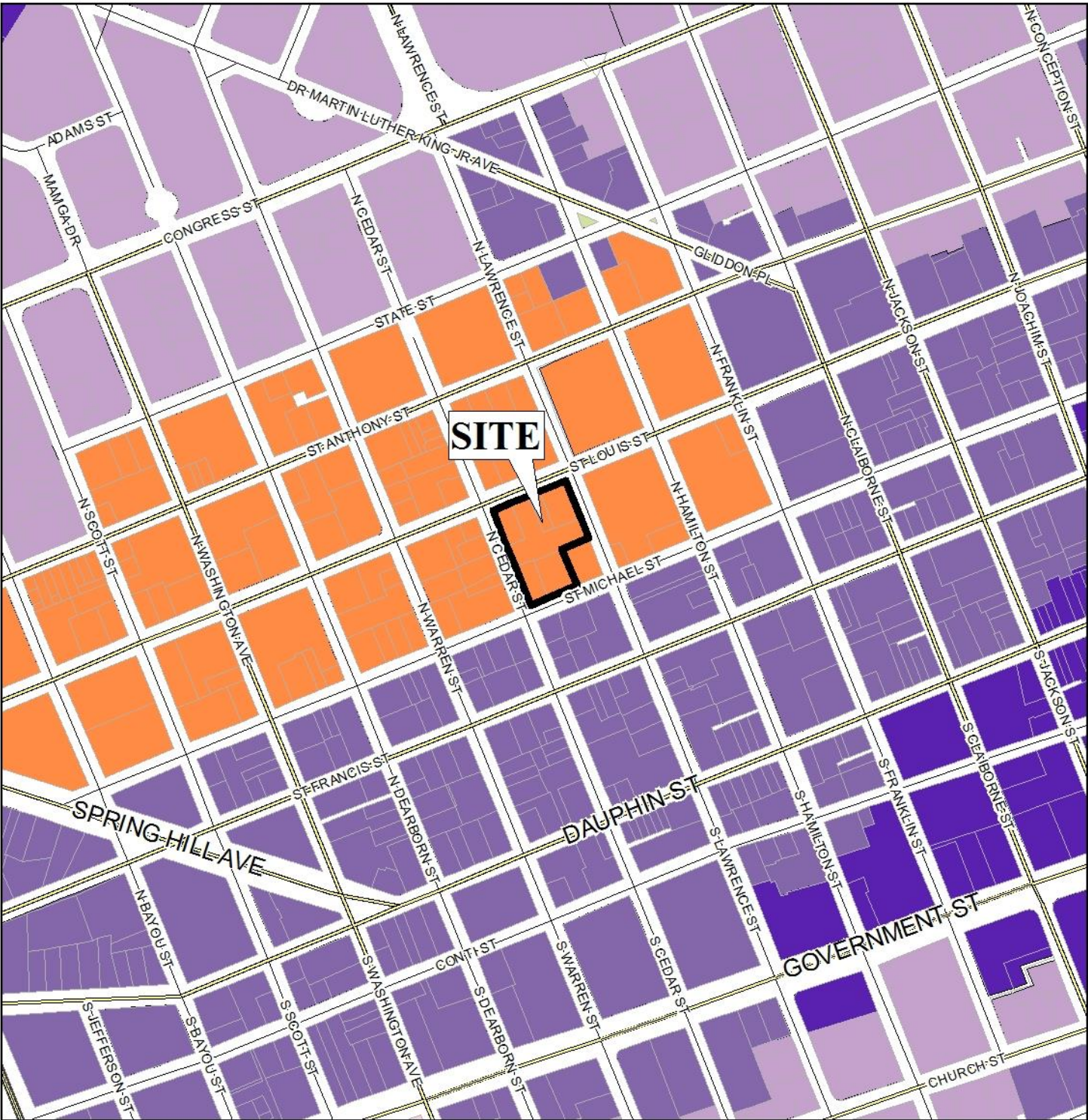
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APPLICANT Mariner Mobile I, LLC

REQUEST	Transparency Variance
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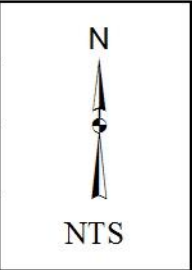
LOCATOR ZONING MAP



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REQUEST _____ Transparency Variance

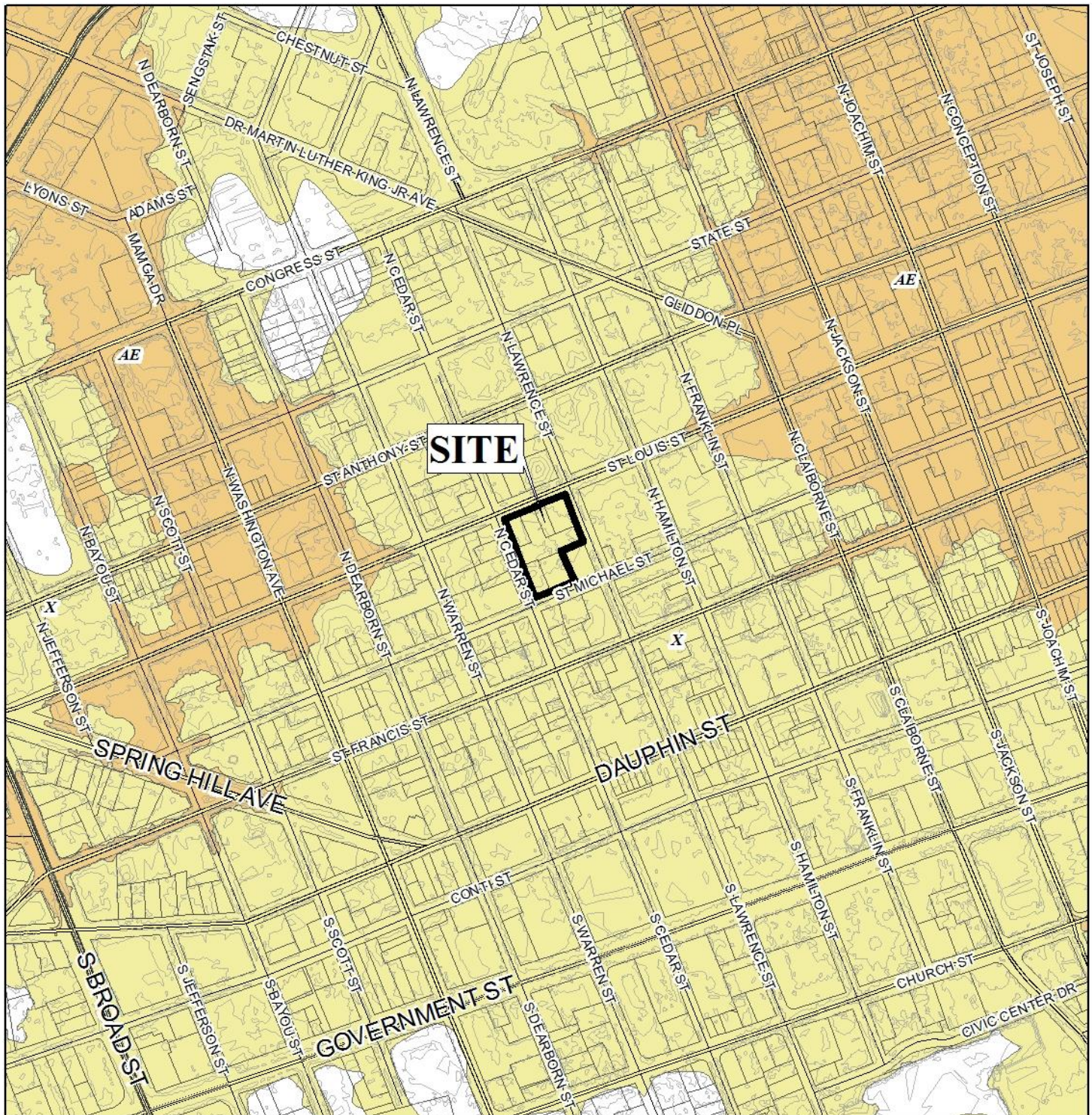


REQUEST_____Transparency Variance

- | | | | |
|---------------------------|-----------------------------------|---------------------|--------------------|
| 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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REQUEST_____Transparency Variance



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BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



The site is surrounded by miscellaneous commercial and residential units.

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REQUEST Transparency Variance

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 miscellaneous commercial and residential units.

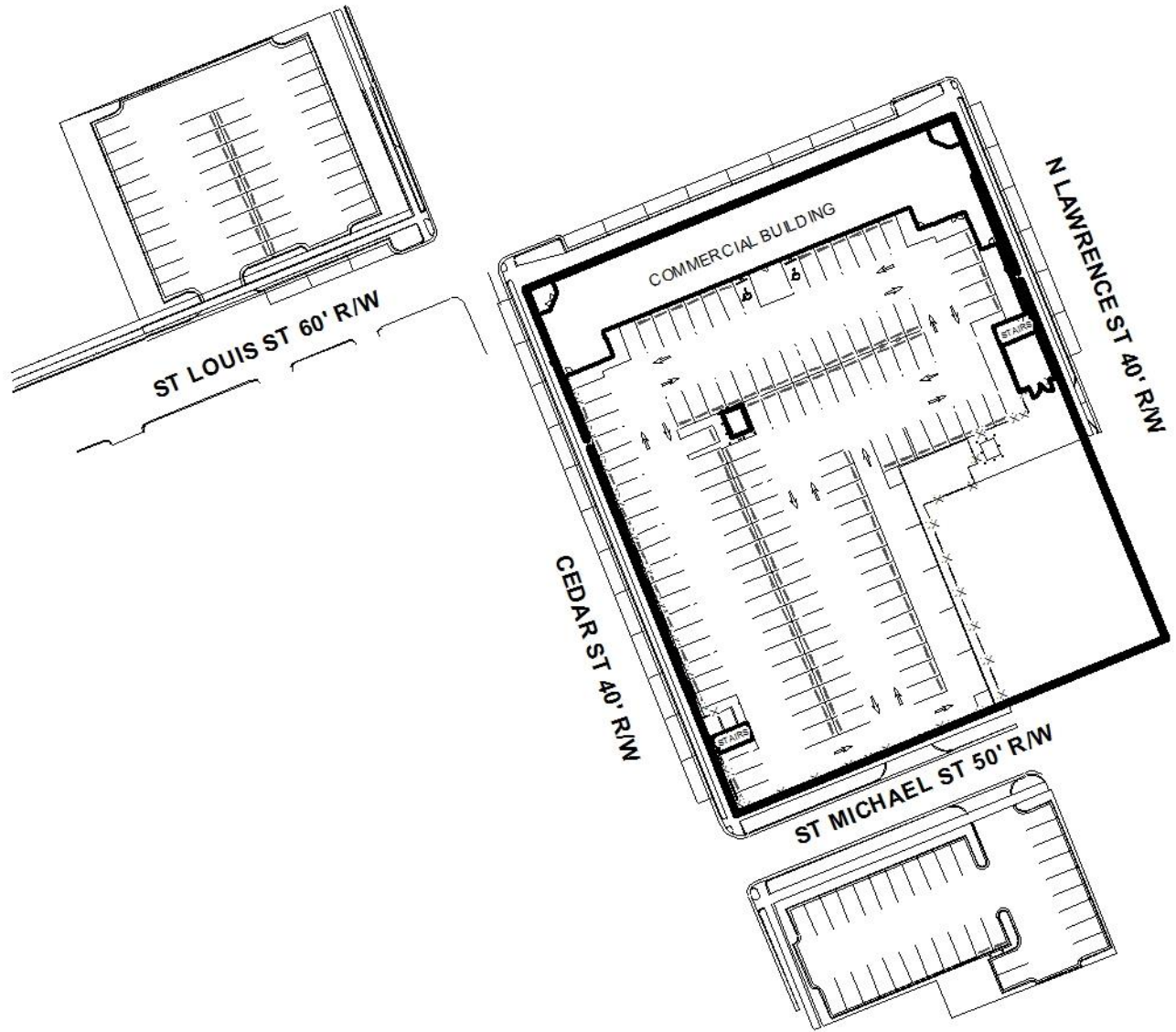
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SITE PLAN



The site plan illustrates the proposed building, and parking.

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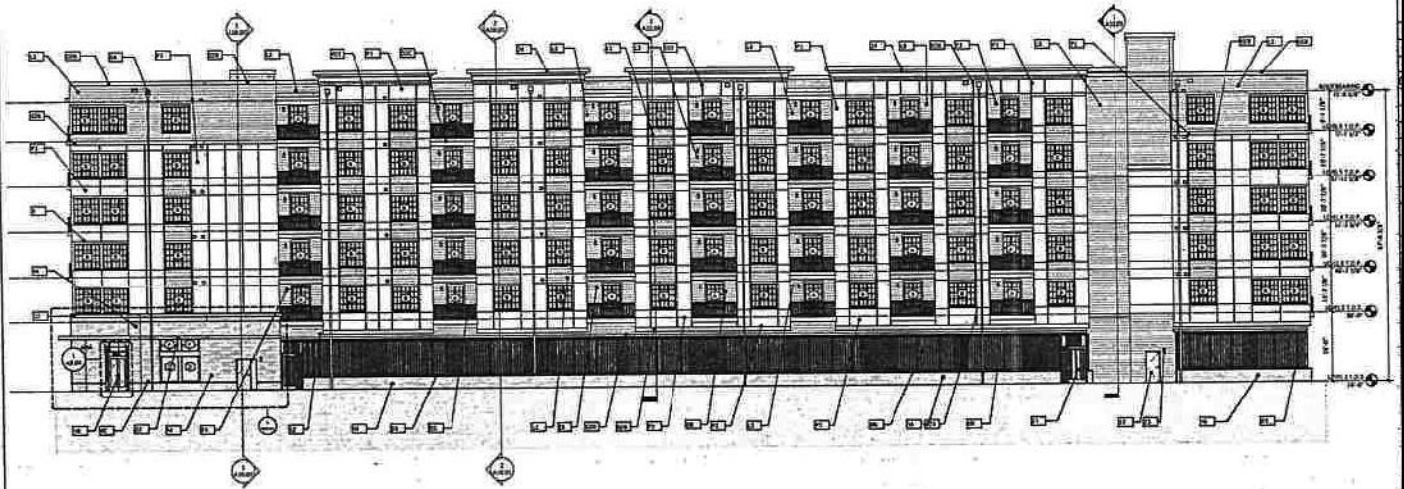
APPLICANT Mariner Mobile I, LLC

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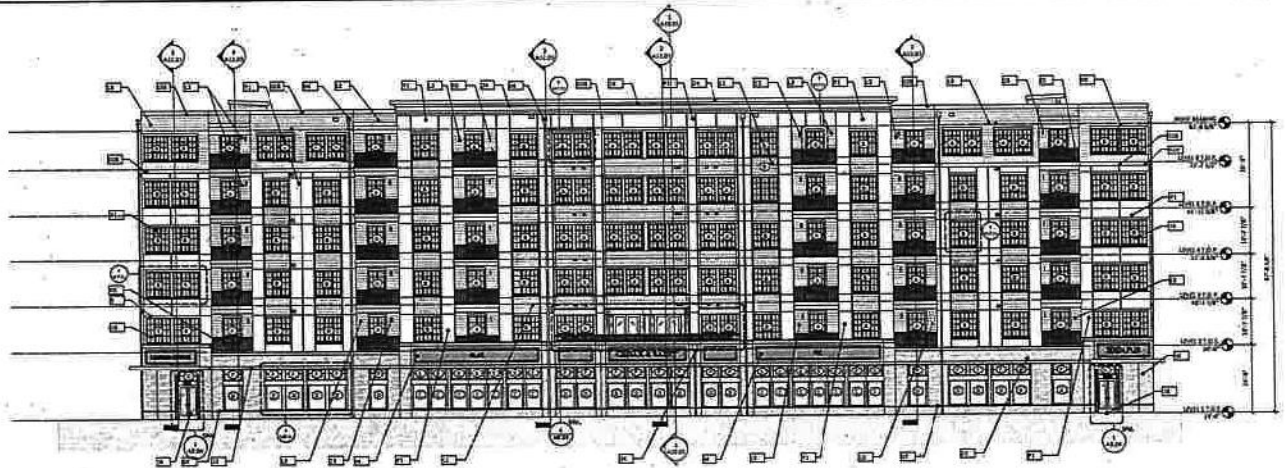
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DETAIL SITE PLAN



1 ELEVATION-EXTERIOR-WEST

3/32" = 1'-0"



2 ELEVATION-EXTERIOR-NORTH

3/32" = 1'-0"

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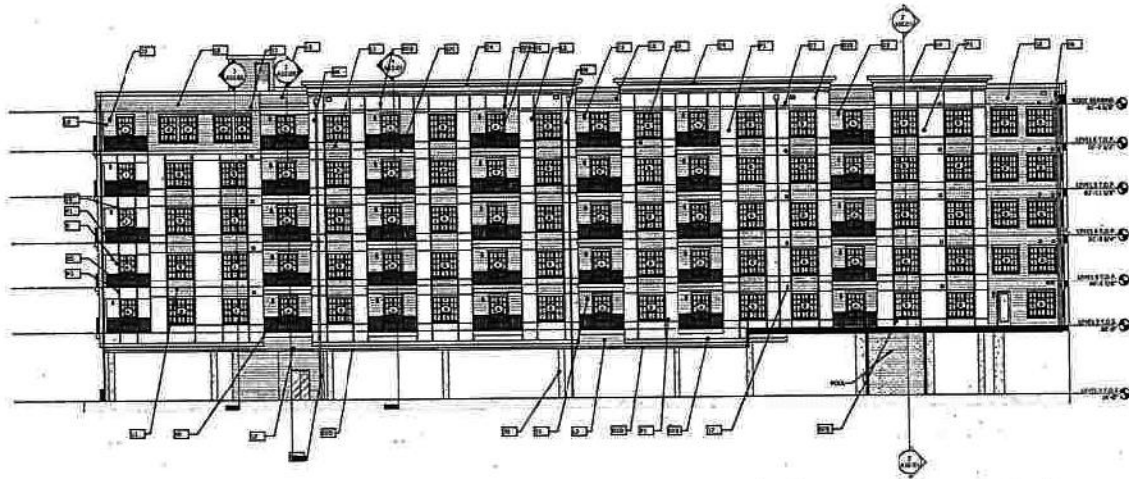
APPLICANT Mariner Mobile I, LLC

REQUEST Transparency Variance



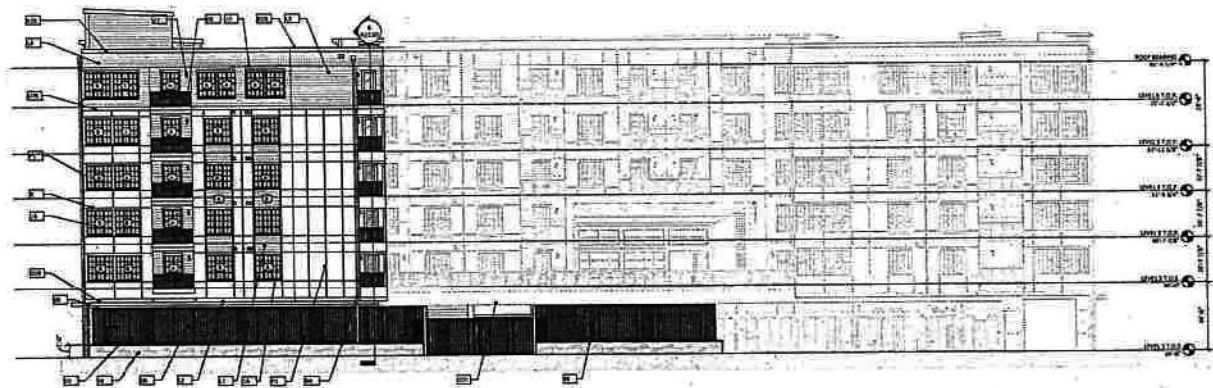
NTS

DETAIL SITE PLAN



8
A3.02 ELEVATION - COURTYARD-1

3/32" = 1'-0"



9
A3.03 ELEVATION - EXTERIOR - SOUTH-1

3/32" = 1'-0"

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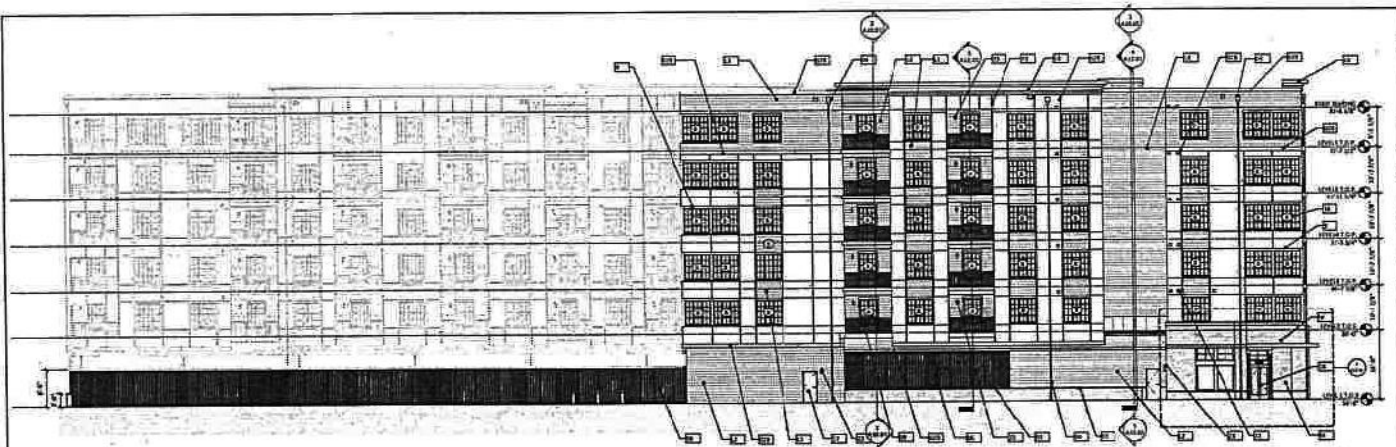
APPLICANT Mariner Mobile I, LLC

REQUEST Transparency Variance



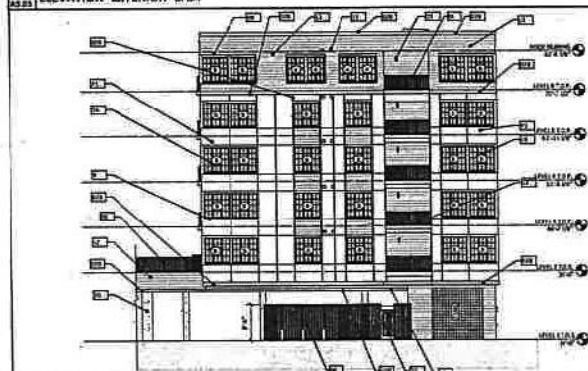
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DETAIL SITE PLAN



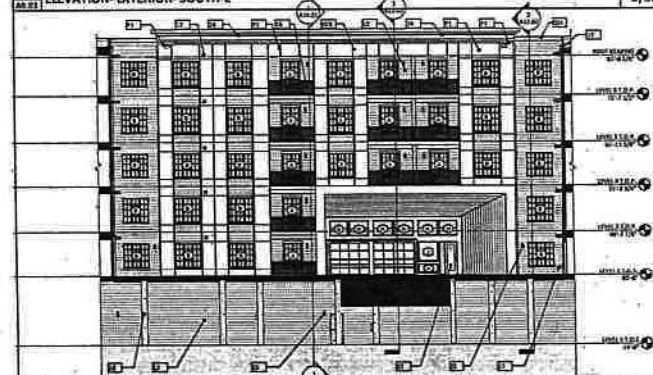
4 ELEVATION-EXTERIOR-EAST

3/32" = 1'-0"



3 ELEVATION-EXTERIOR-SOUTH-2

3/32" = 1'-0"



1 ELEVATION-COURTYARD-2

3/32" = 1'-0"



2 ELEVATION-COURTYARD-3

3/32" = 1'-0"

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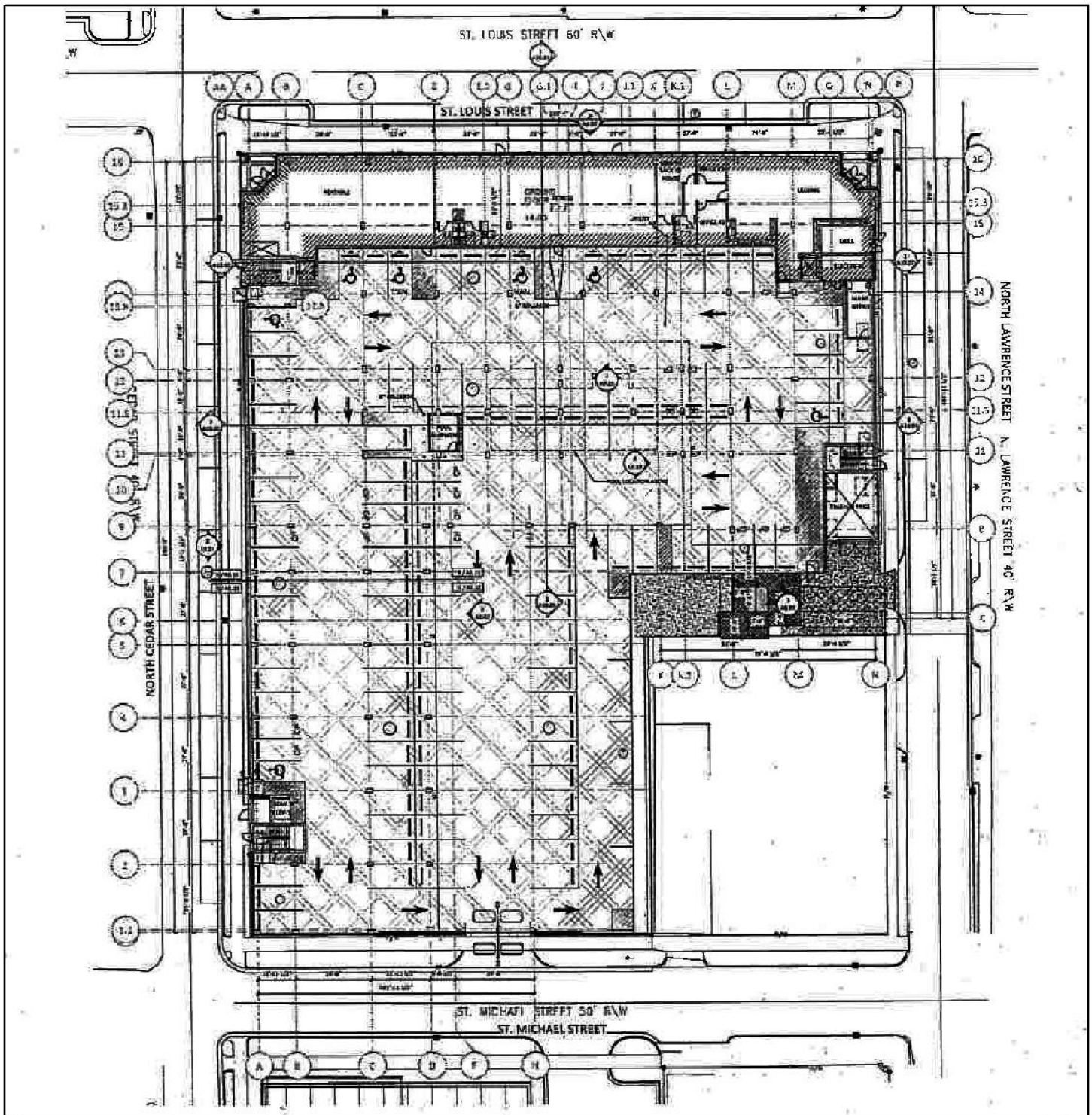
APPLICANT Mariner Mobile I, LLC

REQUEST Transparency Variance



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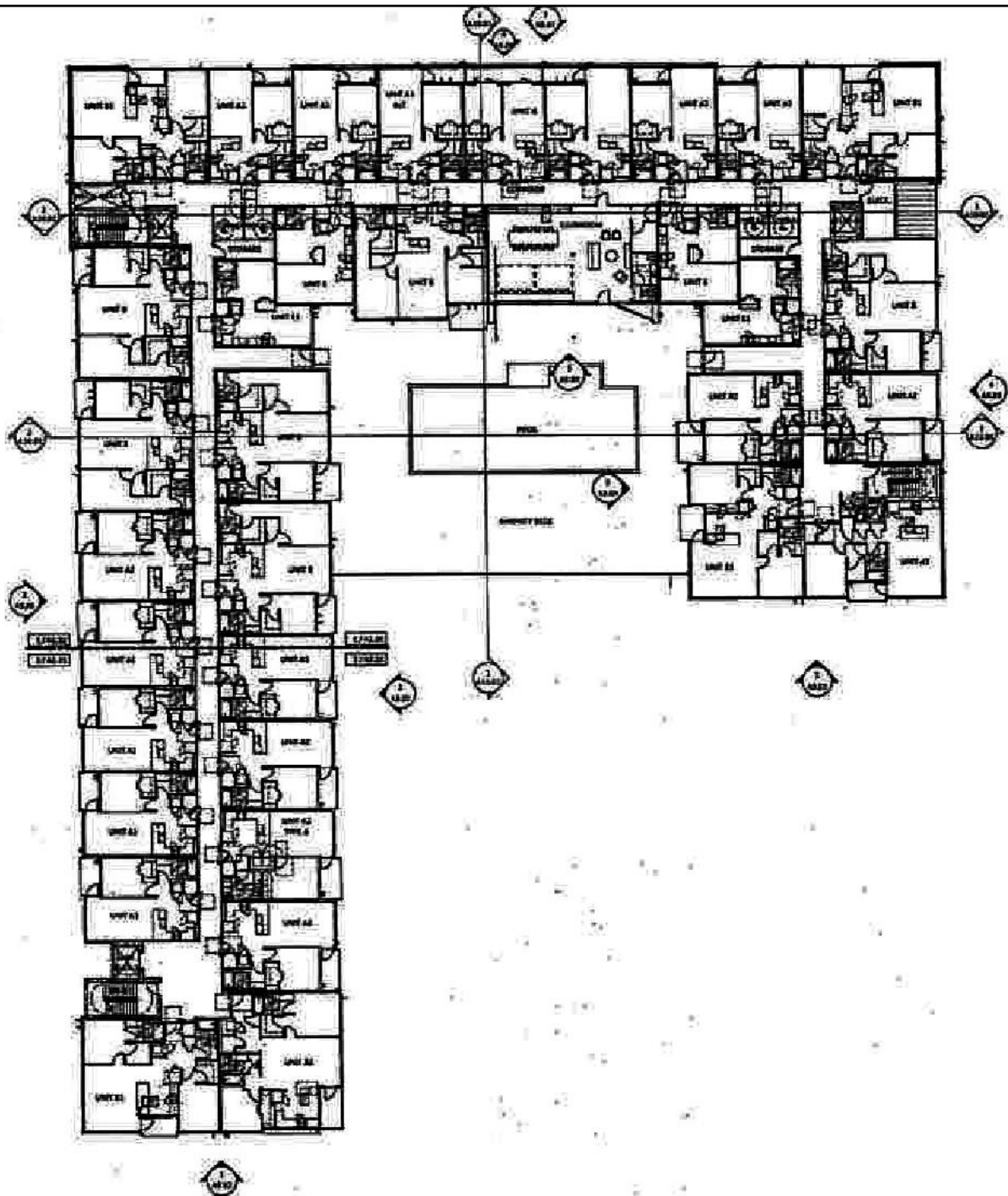
DETAIL SITE PLAN FLOOR PLAN LEVEL 1



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 APPLICANT Mariner Mobile I, LLC
 REQUEST Transparency Variance



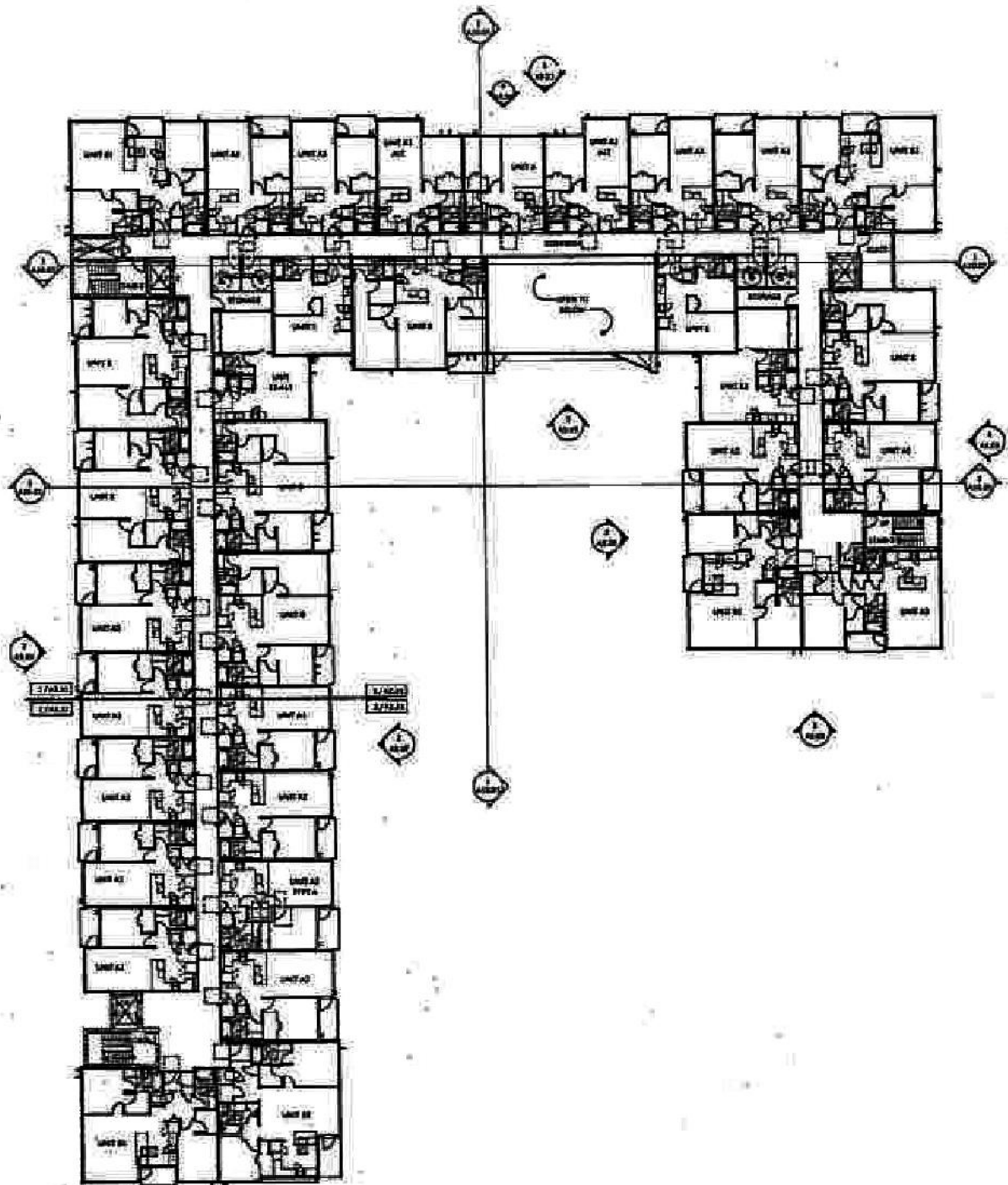
DETAIL SITE PLAN FLOOR PLAN LEVEL 2



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APPLICANT Mariner Mobile I, LLC
REQUEST Transparency Variance



DETAIL SITE PLAN FLOOR PLAN LEVEL 3



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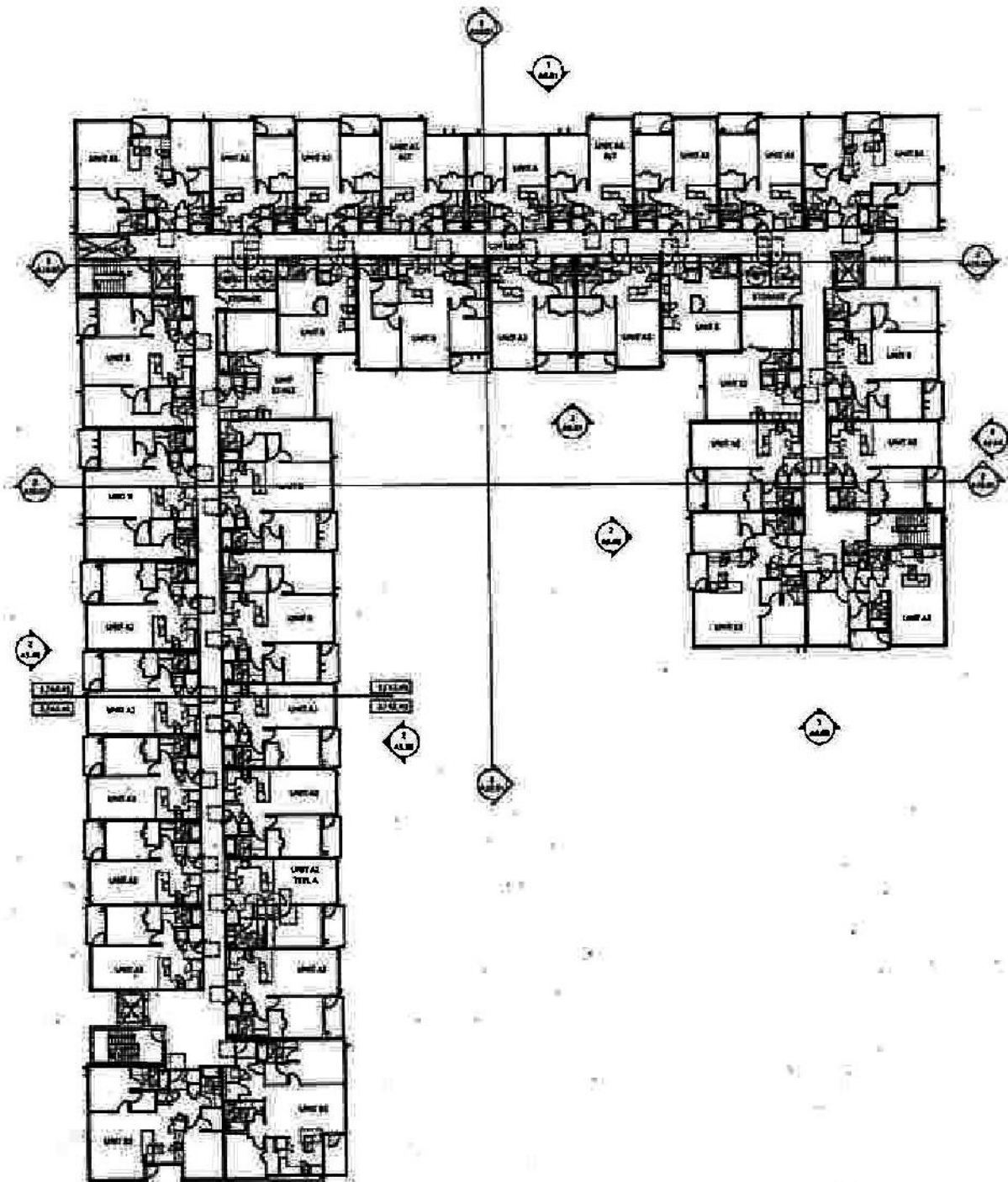
APPLICANT Mariner Mobile I, LLC

REQUEST Transparency Variance



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DETAIL SITE PLAN FLOOR PLAN LEVEL 4



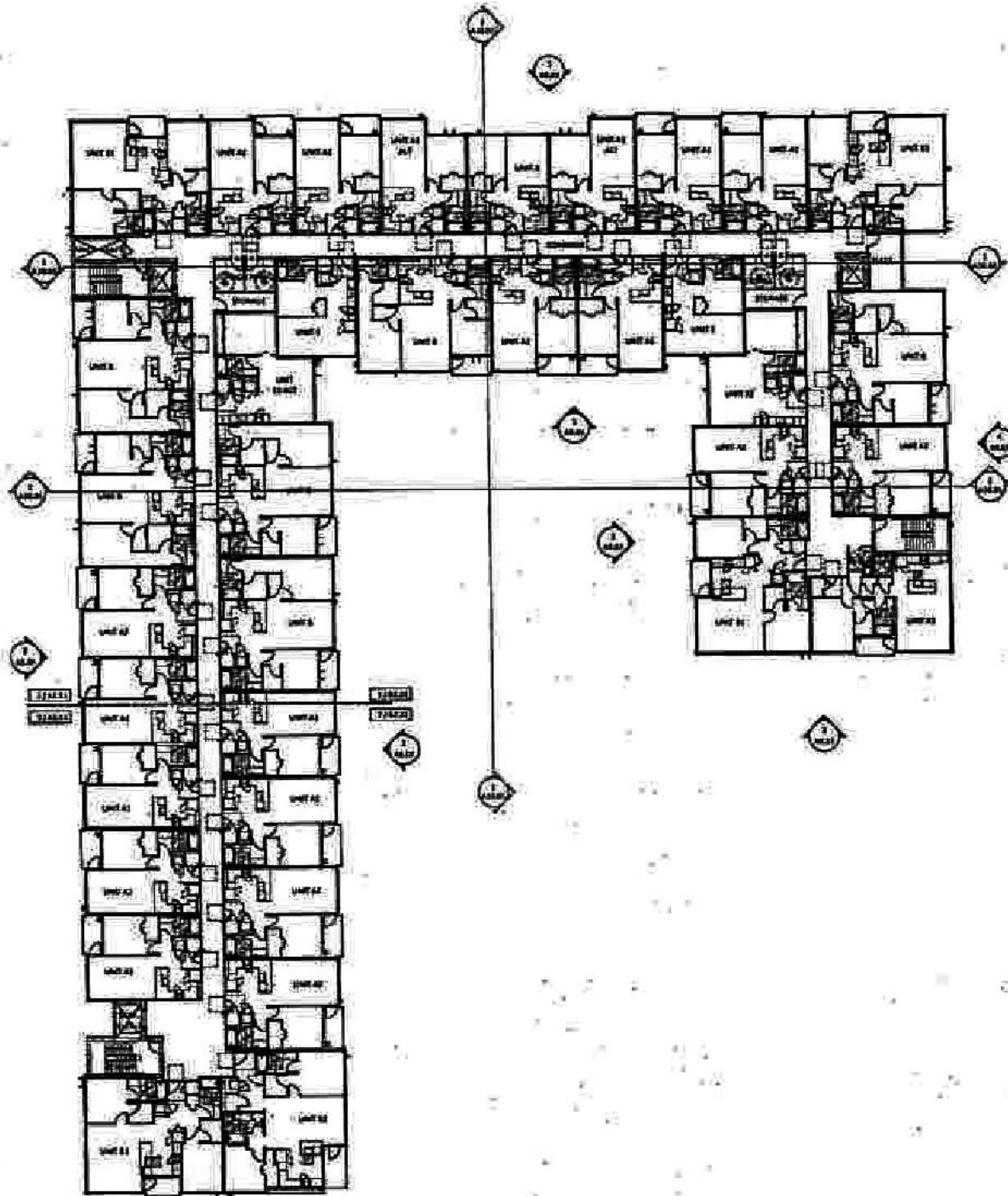
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APPLICANT Mariner Mobile I, LLC

REQUEST Transparency Variance



DETAIL SITE PLAN FLOOR PLAN LEVEL 5



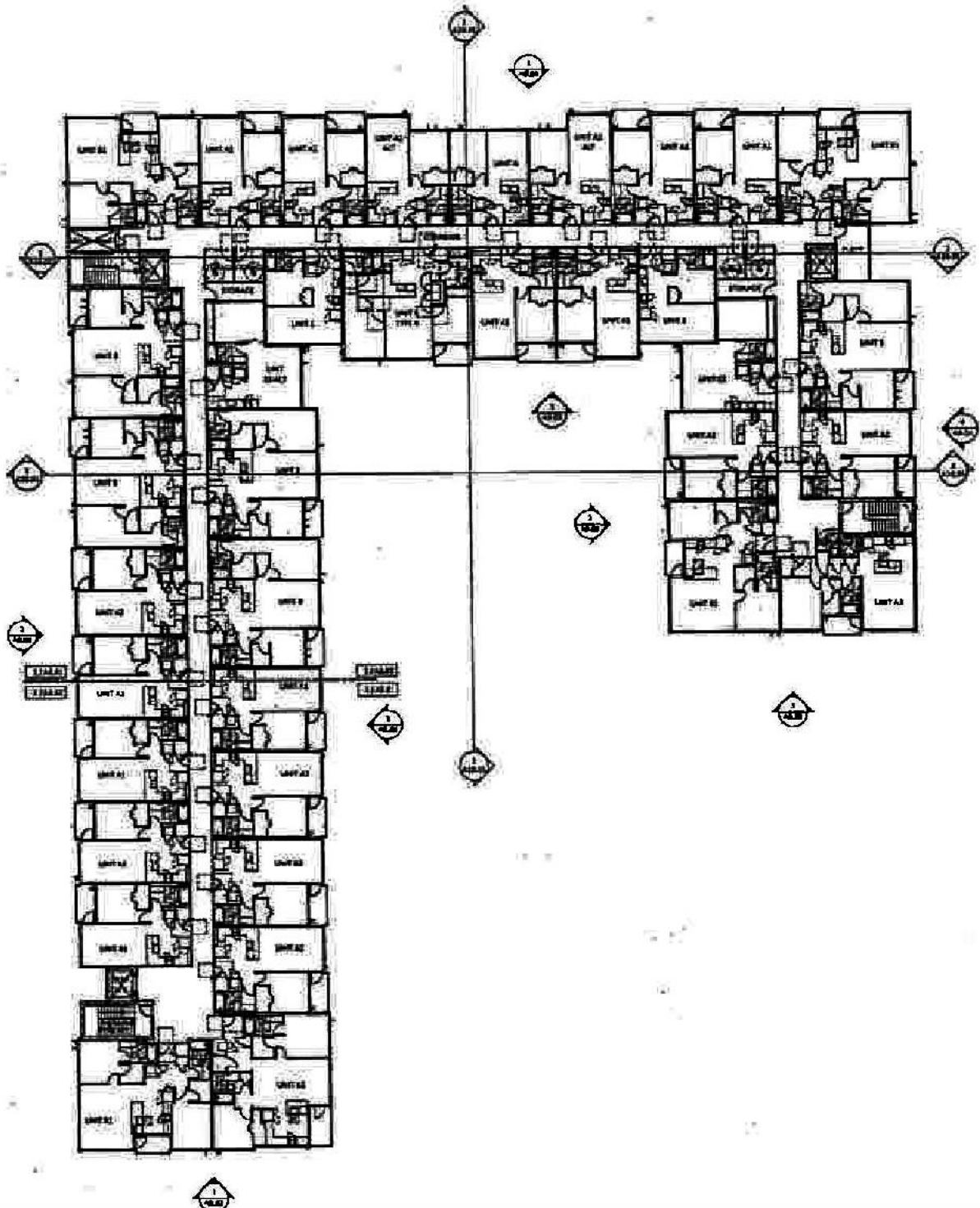
APPLICATION NUMBER 6314 DATE March 2, 2020

APPLICANT Mariner Mobile I, LLC

REQUEST Transparency Variance



DETAIL SITE PLAN FLOOR PLAN LEVEL 6



APPLICATION NUMBER 6314 DATE March 2, 2020
APPLICANT Mariner Mobile I, LLC
REQUEST Transparency Variance

