

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: October 4, 2021****CASE NUMBER**

6422

APPLICANT NAME

Walcott Adams Verneuille Architects (Abby Davis, Agent)

LOCATION9 North Royal Street
(West side of North Royal Street, 95'± North of Dauphin Street).**VARIANCE REQUEST****USE:** To allow a freestanding ATM machine in a T-5.2 Sub-District of the Downtown Development District.**SIGN:** To allow signage associated with a freestanding ATM in a T-5.2 Sub-District of the Downtown Development District.**ZONING ORDINANCE
REQUIREMENT****USE:** The Zoning Ordinance does not allow a freestanding ATM machine in a T-5.2 Sub-District of the Downtown Development District.**SIGN:** The Zoning Ordinance requires all signage to be a compliant sign type in a T-5.2 Sub-District of the Downtown Development District.**ZONING**

T-5.2 Sub-District of the Downtown Development District

AREA OF PROPERTY

0.12± Acres

**CITY COUNCIL
DISTRICT**

District 2

**ENGINEERING
COMMENTS****USE & SIGNAGE VARIANCES:**

If the proposed variances are 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 – Tier 2 be submitted through Central Permitting.
2. The existing drainage patterns and surface flow characteristics should not be altered so as to have a negative impact on any adjoining properties or any public rights-of-way.
3. Any and all proposed land disturbing activity within the property will need to 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.

4. Applicant agrees to install adequate BMPs during construction to protect from sediment/pollutants leaving the site.

TRAFFIC ENGINEERING

COMMENTS

No adverse impacts anticipated by this variance request.

ANALYSIS

The applicant has submitted Use and Sign Variances to allow a free-standing ATM machine and associated signage in a T-5.2 Sub-District of the Downtown Development District; the Zoning Ordinance does not allow free-standing ATM's, and requires all signage to be a compliant sign type in a T-5.2 Sub-District of the Downtown Development District.

The site has been given a Downtown (DT) 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.

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 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 applicant states:

Item 5. Brief Description of Property Location: The property is located at 9 N. Royal Street in downtown Mobile, AL. It is in the Lower Dauphin Street Commercial Historic District. It is an urban infill lot, bordered on three sides by buildings. The current / existing use of the lot is a private parking lot and construction staging yard.

Items 9. - 10. Detailed Description of Proposed Improvements:

The current / existing use of the lot is a private parking lot and construction staging yard for the renovation of 5 N. Royal Street which will be the new branch for Merchants & Marine Bank. When Merchants & Marine Bank recently purchased this property, there was a pay to park kiosk at this location, and the use was a public parking lot. The Bank has since ended the tenant agreement, and the pay to park kiosk has been removed. The Bank intends to use this lot as a private parking lot, not public. It will be screened and gated.

Improvements include a tack coat overlay of the existing parking lot with new parking striping, construction of a new screen wall featuring stucco columns and ATM portal with scoring to match the exterior of 5 N Royal. The screen wall will feature cast stone caps and Bevolo copper, wall mounted lanterns. Scope also includes installation of a powder coated aluminum gate and railing/fixed fence, design to match existing railing at 5 N Royal. The ATM will be located through the framed opening/portal in wall. Stucco will be painted to match 5 N Royal St. stucco: Sherwin Williams SW 6233 Samovar Silver. Railings will be painted to match 5 N Royal St. railings: Sherwin Williams SW 7615 Sea Serpent. This project is roughly a 6 week project in duration. Improvements are planned to take place in November 2021 to January 2022.

We are asking for a variance for the ATM location for several reasons. The main reason is that there is not an appropriate location for the ATM at the bank branch at 5 N. Royal Street. The only place we could possibly fit an ATM is in the beautiful, large existing

window facing Royal Street. It is the only window parallel to the street, and it is the primary source for getting daylight into the bank branch. This window provides a visual connection to the street, and it maintains the historic, architectural character of both the exterior and interior at 5 N. Royal. If we replaced that window with an ATM, there would be a major disruption in the urban fabric created by the windows at this location—the rhythm of voids to solids would be marred. It would also force us to close in one of the most architecturally interesting features of the interior of the branch lobby—a window nook at the street that allows natural light and street views to flood in. The second reason is for security. The ATM will be accessed by the bank from within the secured and private parking lot. One other reason we are requesting this variance is because we did not see a provision for ATMs listed in the Downtown Development District (DDD) Code at all. We had no idea that freestanding ATMs were not permitted after thoroughly reviewing the DDD code and having a pre-development meeting with the City. The drawings we submitted for the pre-development meeting showed the ATM as it is now shown on our drawings, and this issue was not brought up. We proceeded with producing the plans for 5 N. Royal Street without the ATM and 9 N. Royal St. with the freestanding ATM and were only recently told that if the DDD doesn't mention something, it can't be done. As an Architect, I'm trained to come up with creative solutions, and I have a lot of experience doing so. However, I can't creatively respond to guidelines that don't exist. Locating this ATM in the parking lot is the most appropriate solution because it allows a historical structure to remain intact. Locating the ATM and associated signage in the parking lot also helps the aesthetic of the streetscape by giving reason for a more monolithic looking portal / entry that both dresses up the ATM and helps conceal the parking lot beyond.

The site has been reviewed by the Consolidated Review Committee (CRC) on August 5, 2021, where the applicant was advised of the need for the subject requests.

The site is located in the Lower Dauphin Street Historic District; the Architectural Review Board has reviewed the proposal and issued a Certificate of Appropriateness.

The subject site has most recently been used as a construction laydown yard for renovation projects on nearby properties, and a parking lot. As the applicant states, Merchants & Marine Bank has a branch location at 5 North Royal Street, and is unable to provide an ATM at that location without significantly disturbing the historic character of the area. Therefore, they have acquired the property at 9 North Royal Street in order to provide an off-site ATM that is still close to the branch location. There is a tenant space between the branch location and the proposed ATM location, however it is owned by others. As the applicant is proposing a freestanding ATM, and the DDD regulations have no provisions for such, a Use variance is required.

The site will primarily function as a private parking lot for the bank branch, but will be screened with a wall and gate, in which an alcove will contain the proposed ATM. The proposed wall and gate comply with DDD regulations in regards to parking lot screening.

As the applicant is proposing a unique development in the DDD with a freestanding ATM, the associated signage that is proposed is also not classified in the regulations. A wall sign is depicted above the entrance to the ATM with the bank name, and is five-feet wide by one-foot tall, for a

total of five square feet; and a wall plaque that is two-feet wide by two-feet tall, for a total of four square feet, is shown to the right of the ATM. As the associated bank branch is not on the same property as the ATM, it is important that the bank be able to convey to their customers that they are at the correct ATM.

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 because the proposed changes to the site are in keeping with the character of the area;
- 2) Special conditions were illustrated such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship as the placement of the ATM in the façade of the bank branch building will disturb the architectural integrity of the site; and
- 3) The spirit of the chapter shall be observed, and substantial justice shall be done to the surrounding neighborhood by granting the variance.

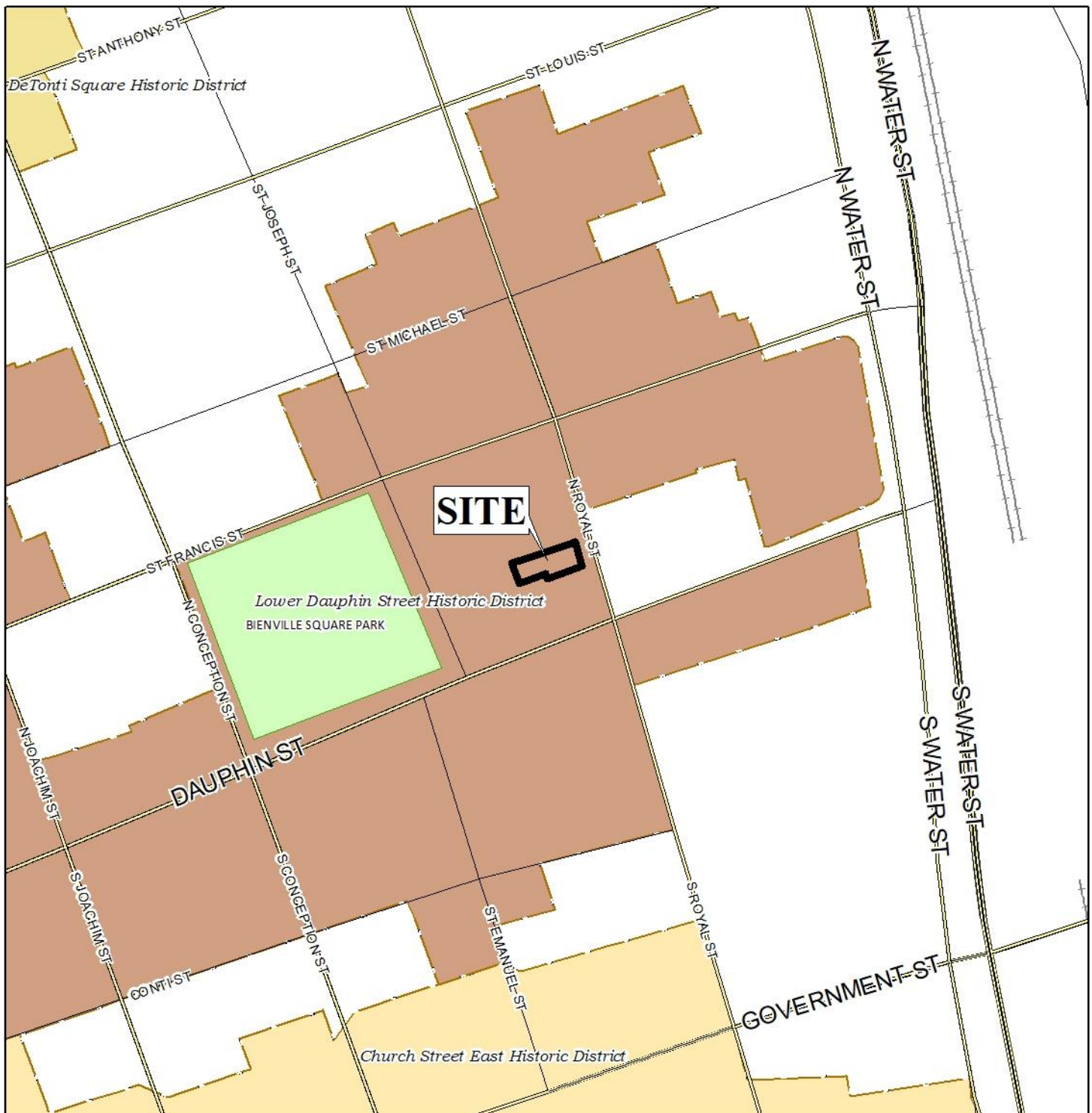
The approval should be subject to the following conditions:

- 1) Obtain associated building and sign permits; and
- 2) Full compliance with all municipal codes and ordinances.

In order for any concerns to be considered by the Board you must email your concerns to planning@cityofmobile.org or they may be uploaded to the website via the portal under the meeting date and case. Comments must be entered by 2:00 PM on Friday, October 1st, before the meeting, in order to be considered by the Board.

If you wish to participate in the meeting, you must email planning@cityofmobile.org by 2:00 PM on Friday, October 1st, before the meeting. In accordance with the Rules of the Board of Zoning Adjustment, no more than four (4) speakers are allowed to speak for or against an application. Speaking time is limited to five (5) minutes per speaker.

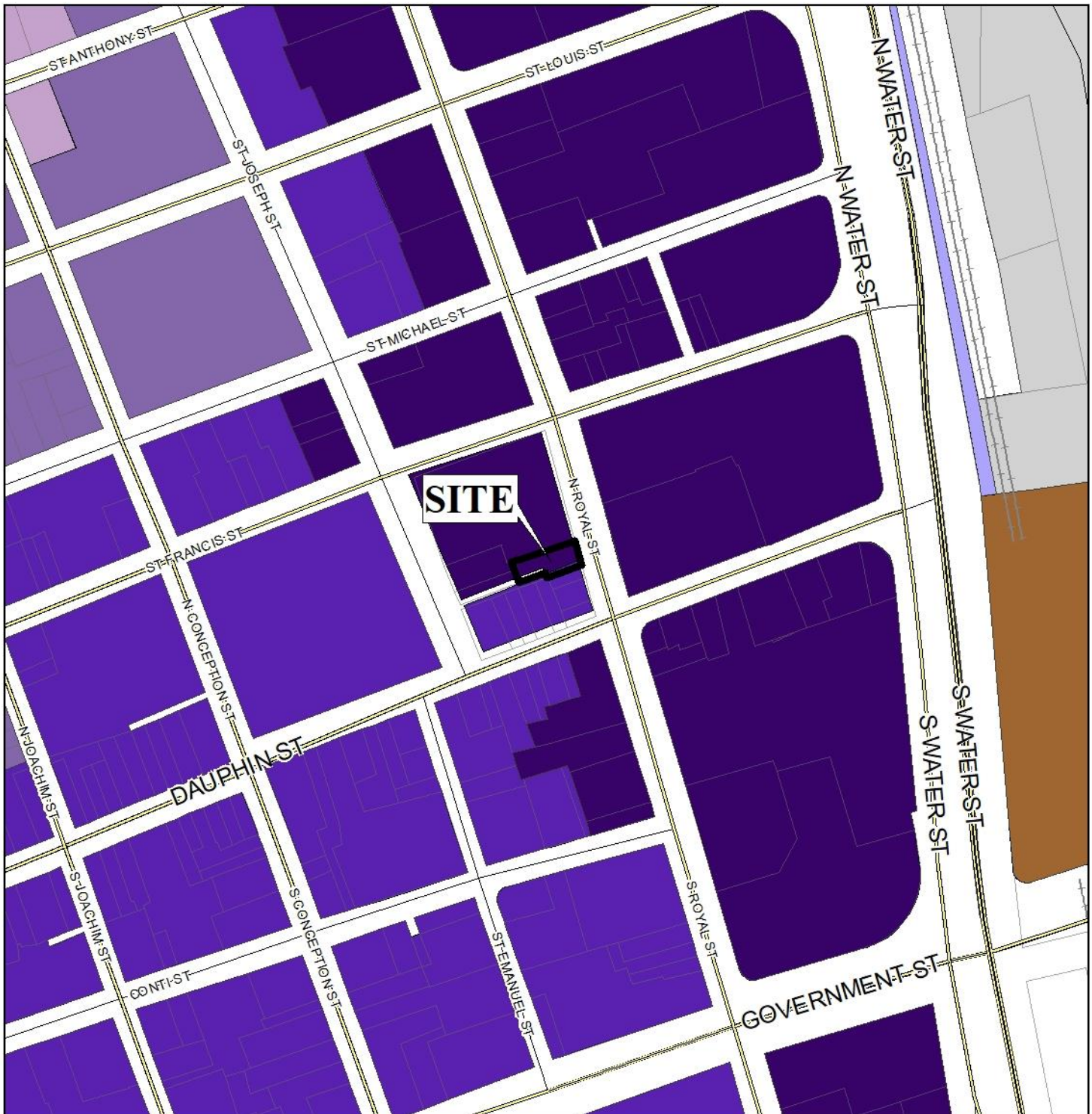
LOCATOR MAP



APPLICATION NUMBER 6422 DATE October 4, 2021
APPLICANT Walcott Adams Verneville Architects (Abby Davis, Agent)
REQUEST Use and Sign Variances



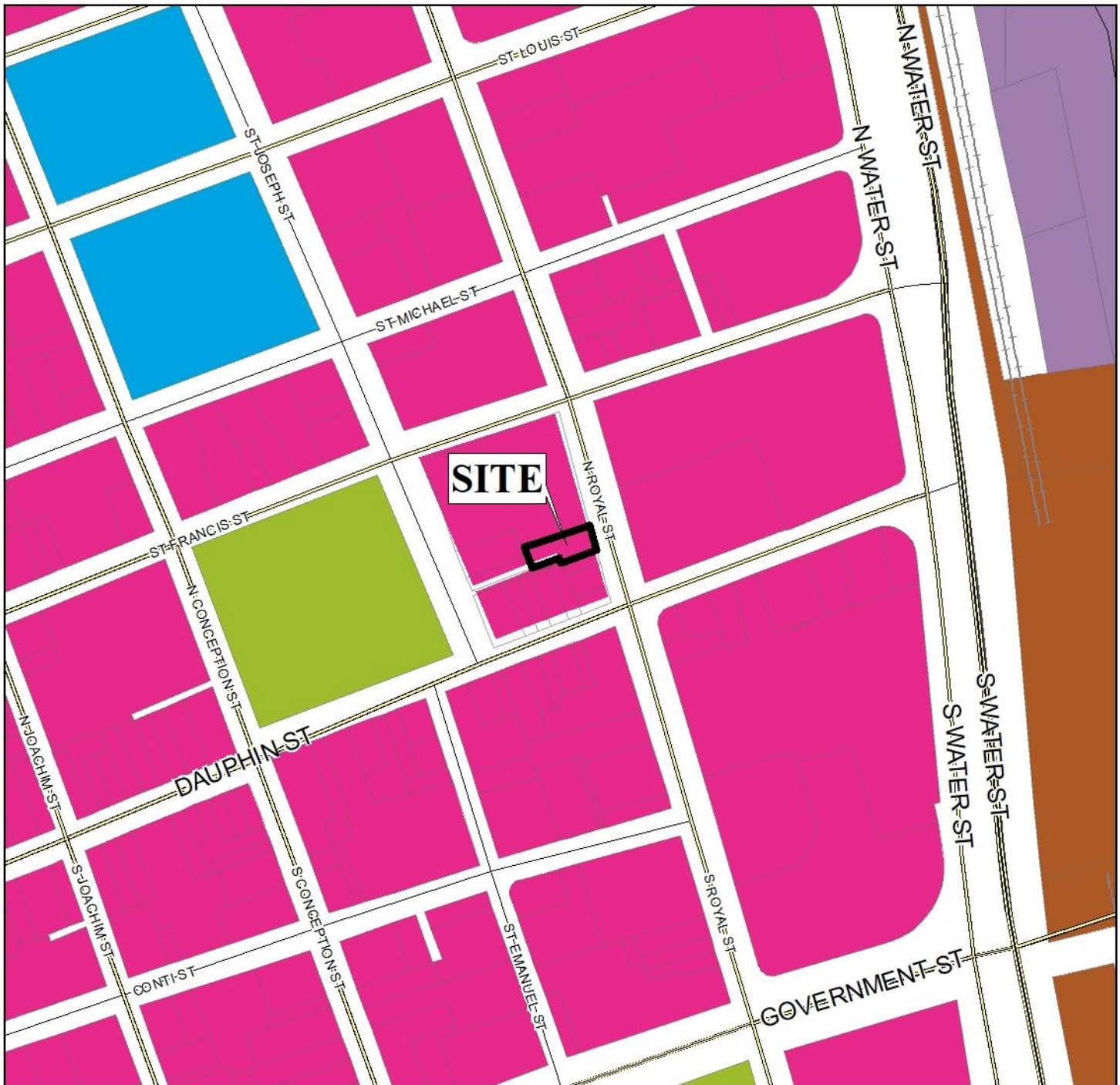
LOCATOR ZONING MAP



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FLUM LOCATOR MAP

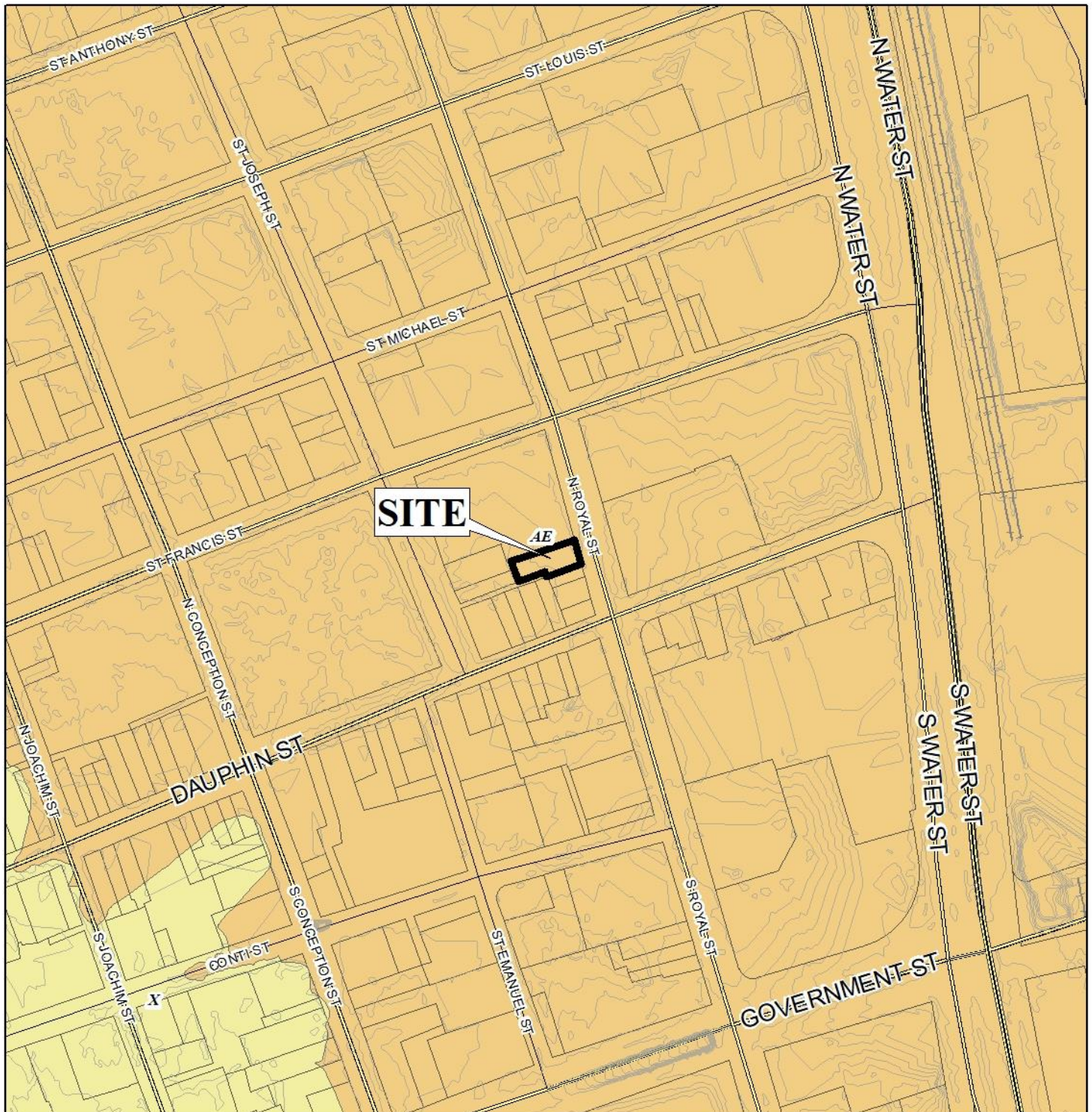


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|---------------------------|-----------------------------------|---------------------|--------------------|
| Low Density Residential | Neighborhood Center - Traditional | Downtown Waterfront | Parks & Open Space |
| Mixed Density Residential | Neighborhood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



ENVIRONMENTAL LOCATOR MAP



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by 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 |



BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING AERIAL

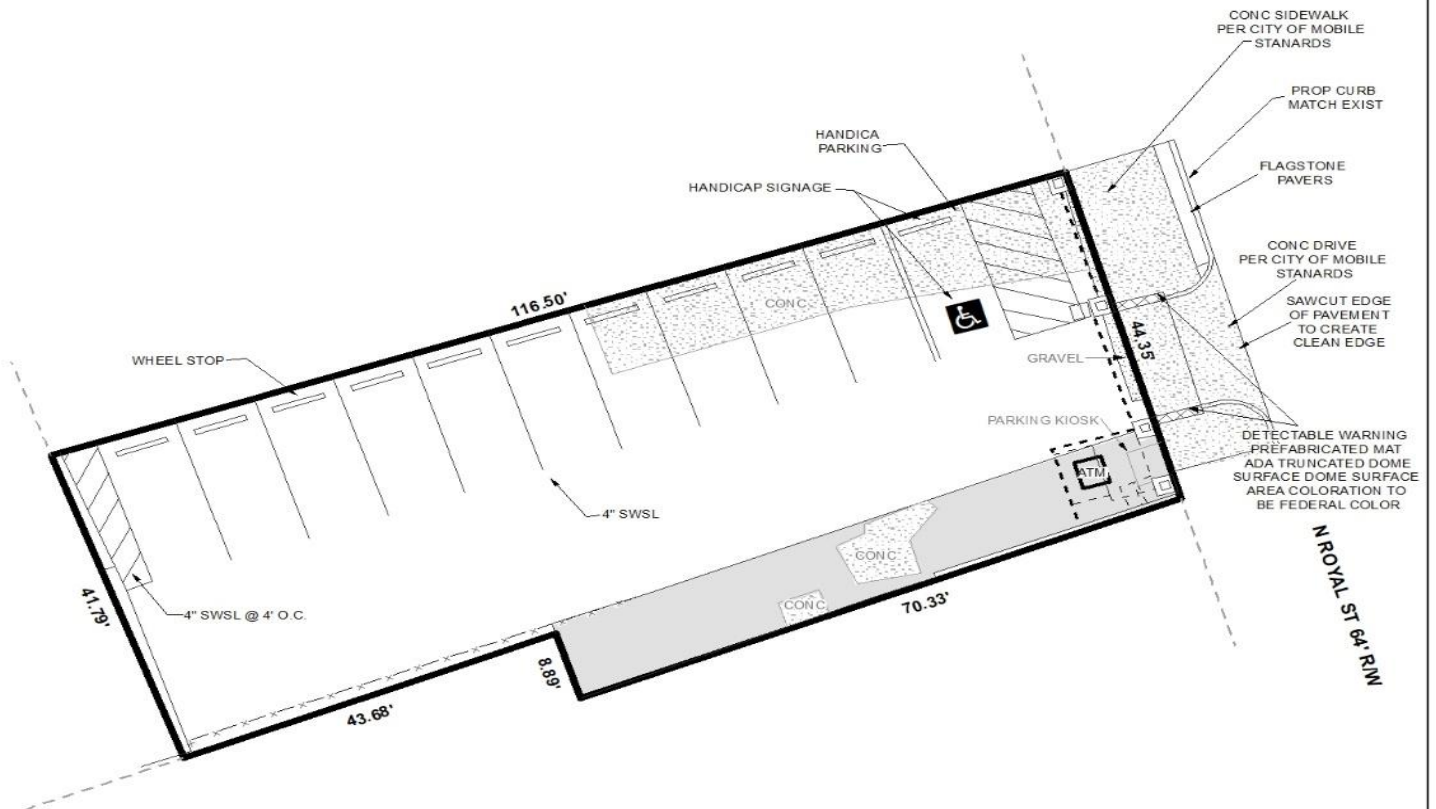


The site is surrounded by commercial units.

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SITE PLAN



The site plan illustrates the parking, ATM, curbs, and drive.

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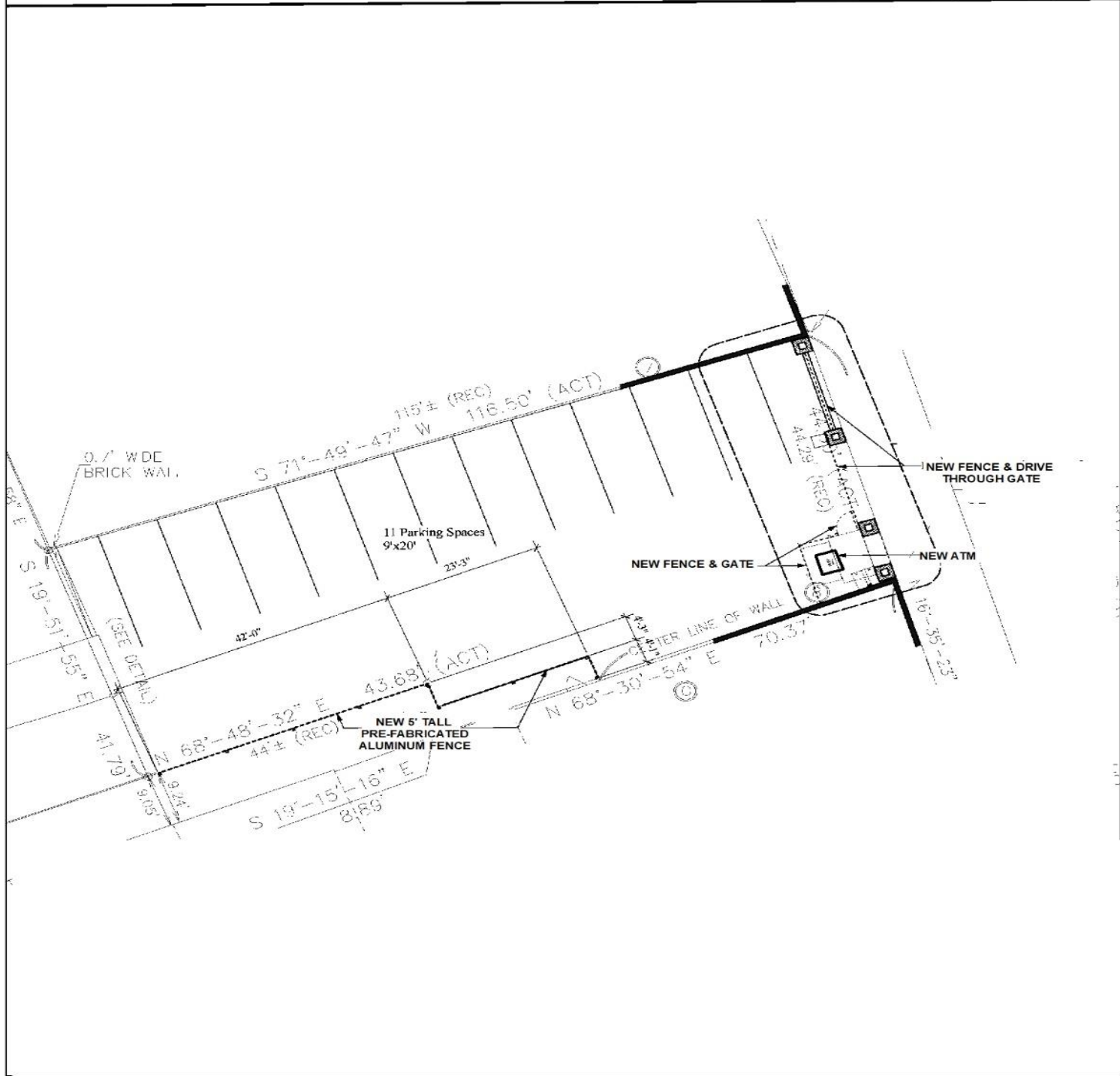
APPLICANT Walcott Adams Verneuille Architects (Abby Davis, Agent)

REQUEST Use and Sign Variances



NTS

SITE PLAN


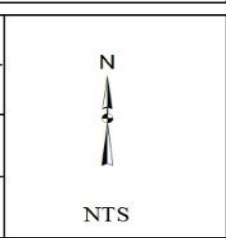


The site plan illustrates the new ATM, gates, and aluminum fence.

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DETAIL SITE PLAN



1 Gate Elevation
A3.2 1/4\"=1'-0"

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