

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: August 1, 2022**

<u>CASE NUMBER</u>	6472/5526/5484/5160/391
<u>APPLICANT NAME</u>	Crewe of Columbus
<u>LOCATION</u>	(Northeast corner of South Washington Avenue and Kentucky Street).
<u>VARIANCE REQUEST</u>	USE: To allow the construction of a float barn in a B-3, Community Business District.
<u>ZONING ORDINANCE REQUIREMENT</u>	USE: The Zoning Ordinance does not allow float barns in a B-3, Community Business District.
<u>ZONING</u>	B-3, Community Business District
<u>AREA OF PROPERTY</u>	2.8± Acres
<u>ENGINEERING COMMENTS</u>	No comments.
<u>TRAFFIC ENGINEERING COMMENTS</u>	No comments.
<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. Preservation status should be granted to the 44" Live Oak tree along the South of the site. The applicant should coordinate with Urban Forestry staff to insure the proposed development will not negatively impact the health of the tree.
<u>FIRE DEPARTMENT COMMENTS</u>	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 3

ANALYSIS

The applicant is requesting a Use Variance to allow the construction of a float barn in a B-3, Community Business District; the Zoning Ordinance does not allow float barns in a B-3, Community Business District.

The site has been given a Mixed Density Residential (MxDR) land use designation per the Future Land Use Plan and Map adopted 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 designation applies mostly to residential areas located between Downtown and the Beltline, where the predominant character is that of a traditional neighborhood laid out on an urban street grid.

These residential areas should offer a mix of single family homes, townhouses, 2- to 4- residential unit buildings, accessory dwellings, and low- and mid-rise multifamily apartment buildings. The density varies between 6 and 10 dwelling units per acre, depending on the mix, types, and locations of the housing as specified by zoning.

Like Low Density Residential areas, Mixed Density Residential areas may incorporate compatibly scaled and sited complementary uses such as neighborhood retail and office uses, schools, playgrounds and parks, and churches and other amenities that create a complete neighborhood fabric and provide safe and convenient access to daily necessities.

It should also 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 is 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 provided the following narrative with the request:

Detailed description of the use and character of improvements, existing and proposed, on this property and a time schedule for development.

Crewe of Columbus, a parading Mardi Gras organization plans to construct a 50,000 SF warehouse for use as a float barn along with parking and access areas. There are no existing structures on the property. Construction is planned to begin following the design, permitting/approval and funding is complete.

Detailed description of the proposed use, including activity (identify operations with involve use of equipment or machinery which will generate excessive noise, odor or air pollution, as well excessive traffic), days and hours of operation, number of employees, number of customers per day, gross square footage, parking requirements. Include statements explaining why the property cannot be used in compliance with the Zoning Ordinance, how this situation occurred, how this property is different from neighboring properties and how you propose to eliminate any negative impacts on surrounding properties.

The proposed 50,000 SF warehouse will be used for float decorating and storage. There is not expected to be any activity or use of equipment or machinery which will generate excessive noise, odor or air pollution. There will be minimum use the majority of the year (4-6 people decorating floats) with select events a few times a year that will have the membership at the property, mostly during the Mardi Gras season. Parking for regular activity will be minimal with 20 spaces proposed. The property can be used as a warehouse by right and we are asking for a use variance for float decoration and storage. The surrounding area is comprised of warehouse, general business and residential. The site has been laid out to only allow access to Washington Street to minimize the impact to the residents on Kentucky Street. Landscaping will be current code and add to the area. The existing live oak tree will be preserved.

The site is surrounded to the North, East, and West by B-3, Community Business District; and to the South by B-3 and R-2, Two-Family Residential. The surrounding area is primarily developed commercially, with a few residences to the South.

The site has had three applications before the Board of Zoning Adjustment since February 3, 2003 to request the construction of float barns at the site, with the most recent approval granted on March 2, 2009 with the following conditions:

1) revision of the site plan to eliminate the driveway onto Kentucky Street;

- 2) *denial of access for this development to Kentucky Street;*
- 3) *revision of the site plan for land disturbance and construction permitting to indicate full compliance with the landscaping and tree planting requirements of the Zoning Ordinance, including any tree credits and/or canopy credits;*
- 4) *inclusion of the Alabama Power Company easement along the Northern portion of the site with adjusted tree plantings within along Washington Avenue;*
- 5) *location of tree plantings in the vicinity of the Washington Avenue and Kentucky Street drives to allow for float clearance as trees mature; and*
- 6) *preservation status is to be given to the 44" Live Oak located on the south side of the site. Any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.*

The currently proposed site plan depicts a single curb cut access to South Washington Avenue, 20 parking spaces, and a 250'± x 200'± (50,000 square feet) float barn with compliant landscape area and tree plantings. The most recently approved site plan depicted two (2) 200'± x 90'± (36,000 square feet) structures. The 44" Live Oak tree on the South of the site that is granted preservation status is shown as remaining on the site; however, the proposed parking may be too close to the tree to allow it to continue to thrive, therefore, it is recommended that the applicant should contact the City's Arborist. If approved, tree plantings should be coordinated with staff to insure proper spacing and that the proposed tree placement will allow for float clearance.

Based on the previous approvals, approval of the subject request may be appropriate.

RECOMMENDATION: Based upon the three (3) previous approvals and the current application as submitted, Staff recommends to the Board the following findings of fact for Approval:

- 1) Approving the variance will not be contrary to the public interest in that it is in keeping with the character of the area as well as previous approvals;
- 2) Special conditions may exist in such a way 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 surrounding neighborhood by granting the Variance.

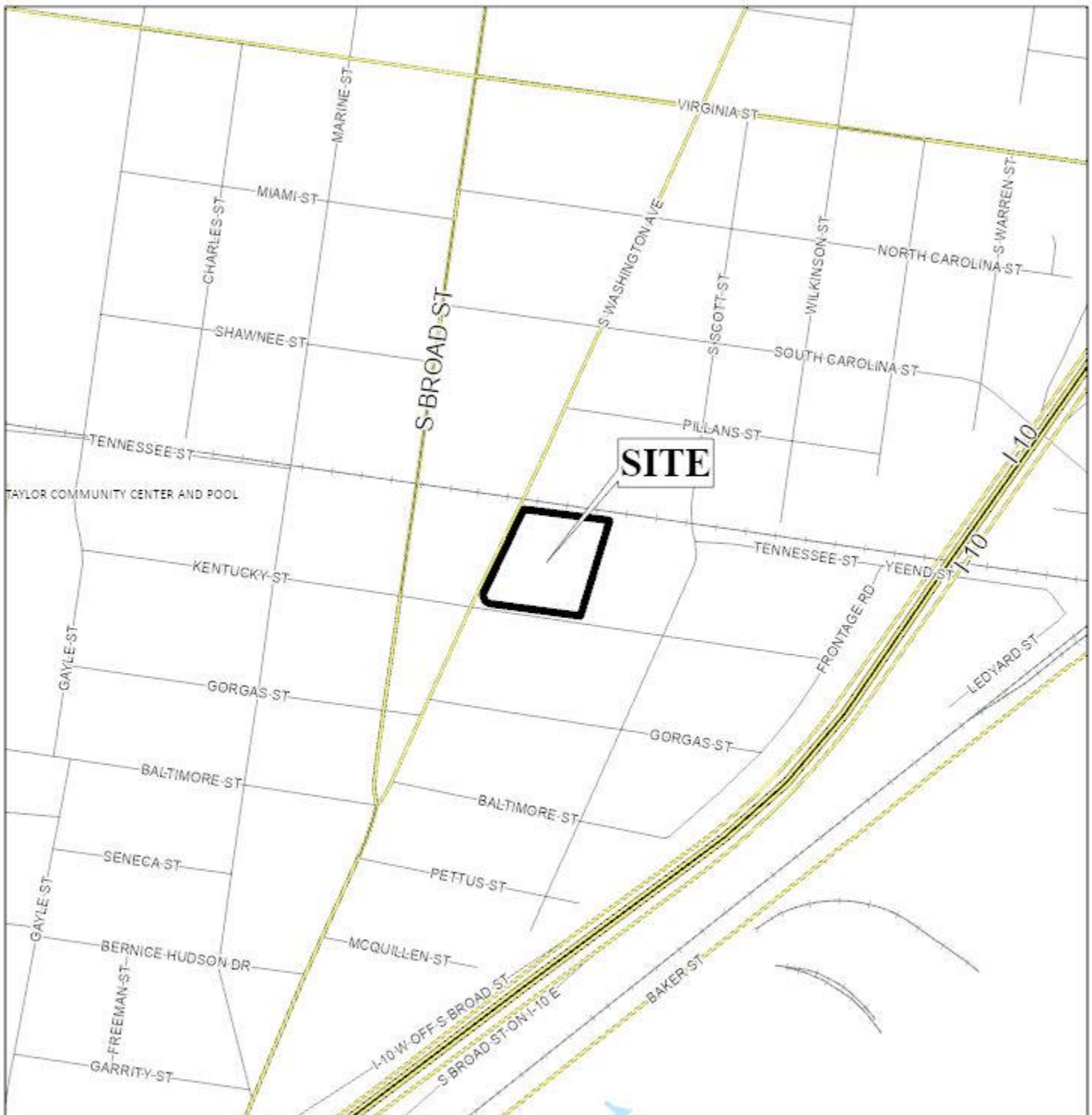
The approval should be subject to the following conditions:

- 1) Denial of access for this development to Kentucky Street;
- 2) Coordination with staff to insure the location of tree plantings along Washington Avenue and Kentucky Street allow for float clearance as the trees mature;
- 3) Compliance with 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. Preservation status*

should be granted to the 44" Live Oak tree along the South of the site. The applicant should coordinate with Urban Forestry staff to insure the proposed development will not negatively impact the health of the tree.);

- 4) *compliance with Fire 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.); and*
- 5) *full compliance with all municipal codes and ordinances.*

LOCATOR MAP



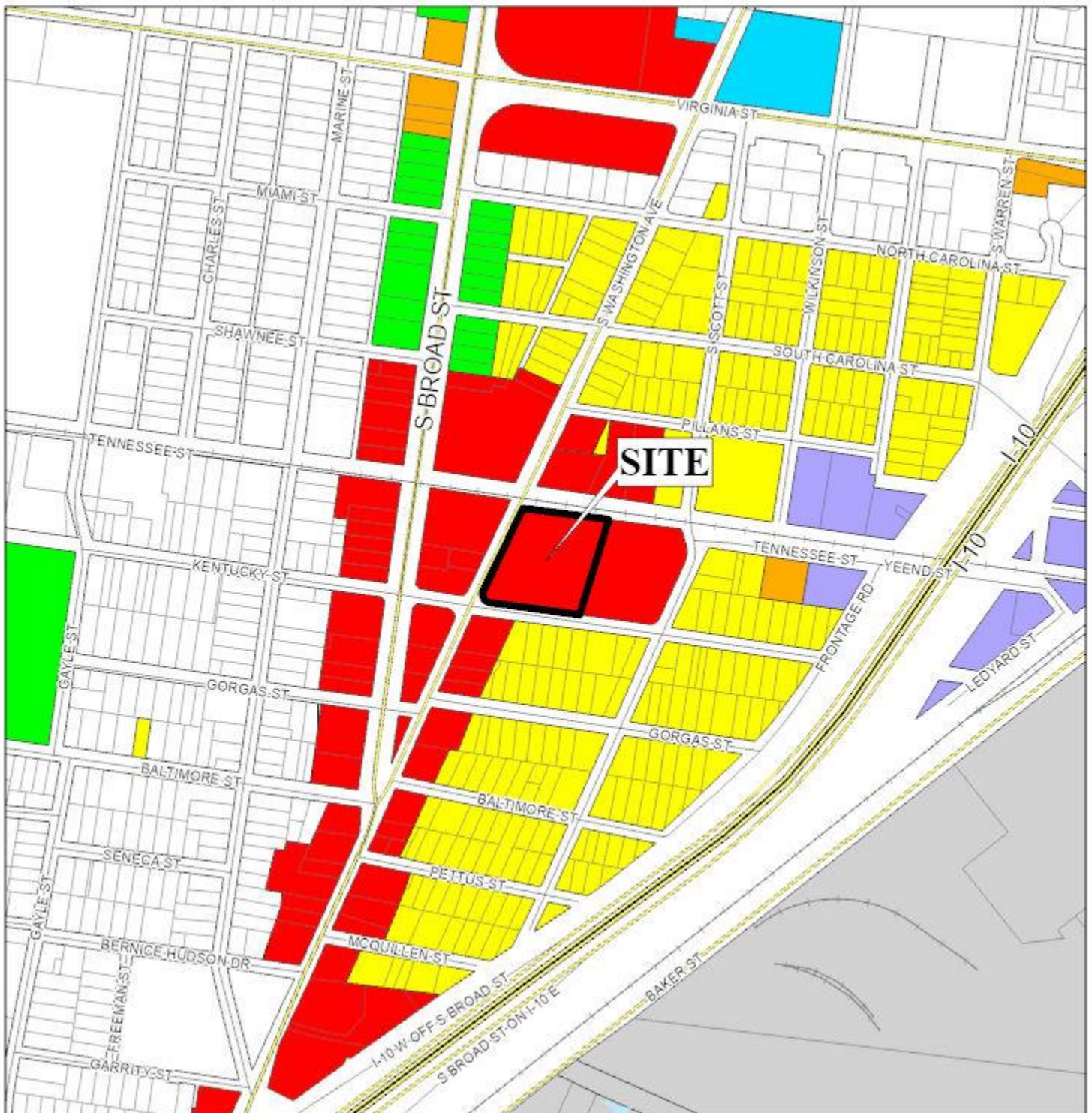
APPLICATION NUMBER 6472 DATE August 1, 2022

APPLICANT Crewe Of Columbus

REQUEST Use Variance



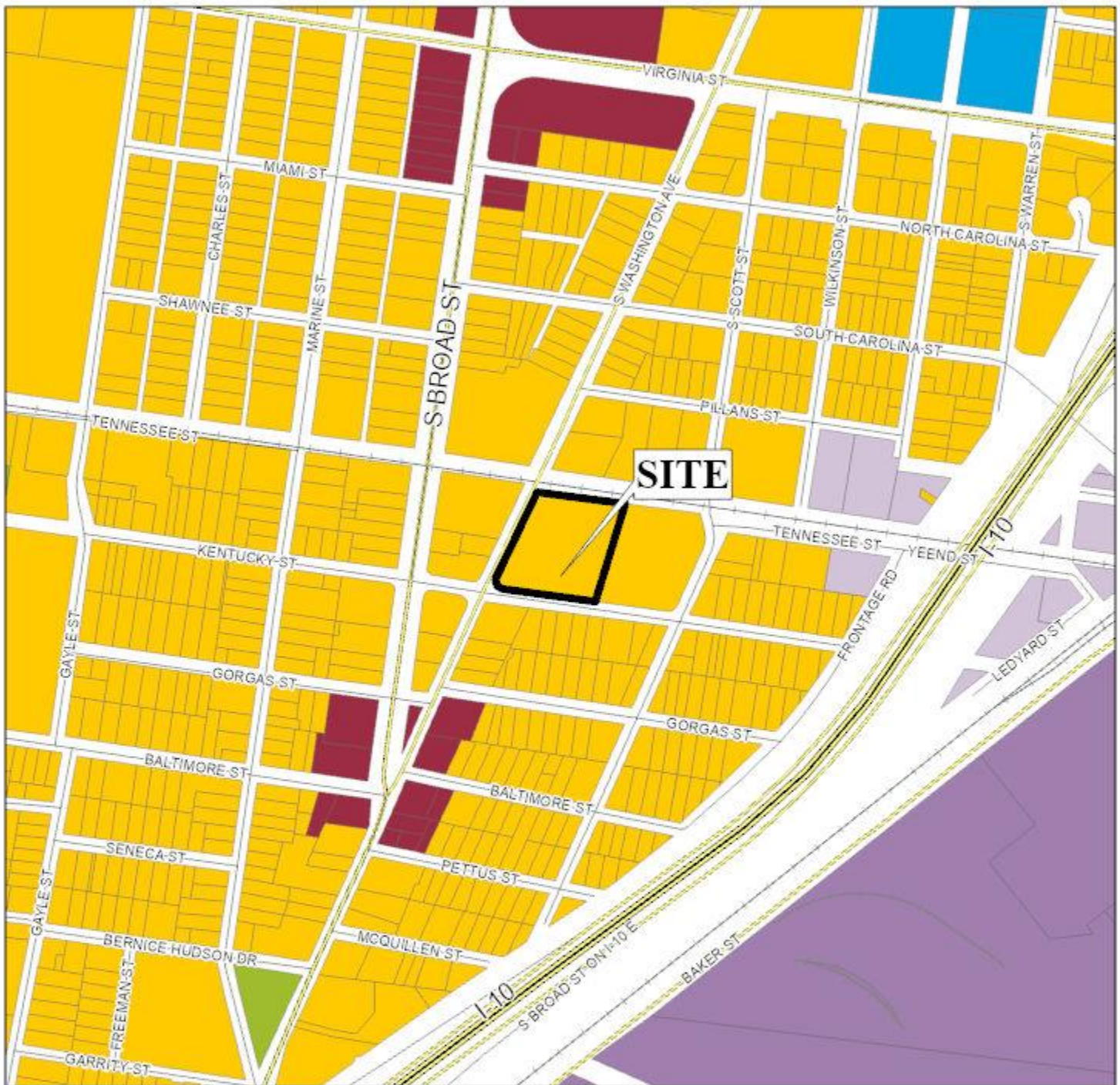
LOCATOR ZONING MAP



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FLUM LOCATOR MAP



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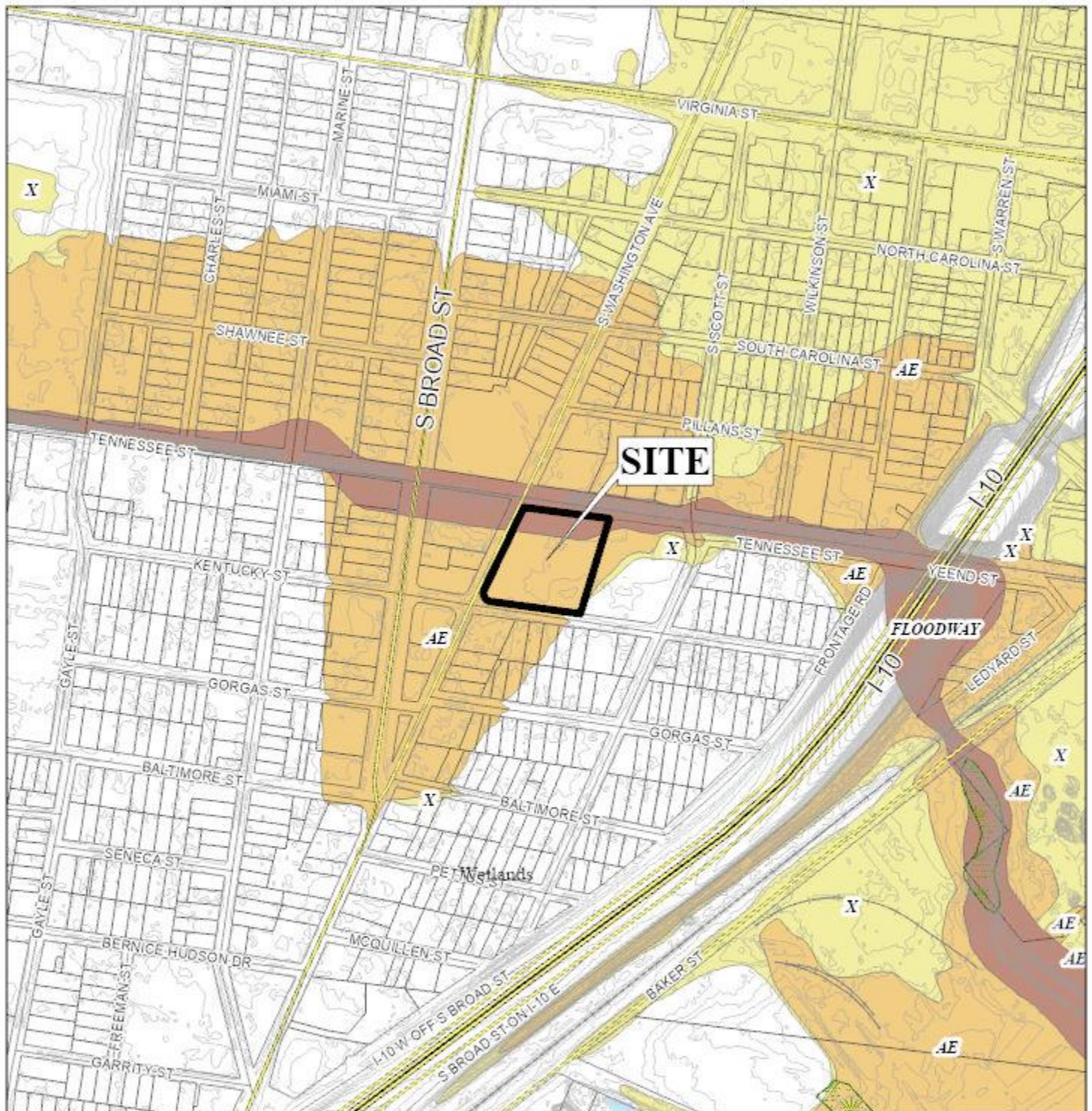
REQUEST Use Variance

Layer2

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



ENVIRONMENTAL LOCATOR MAP



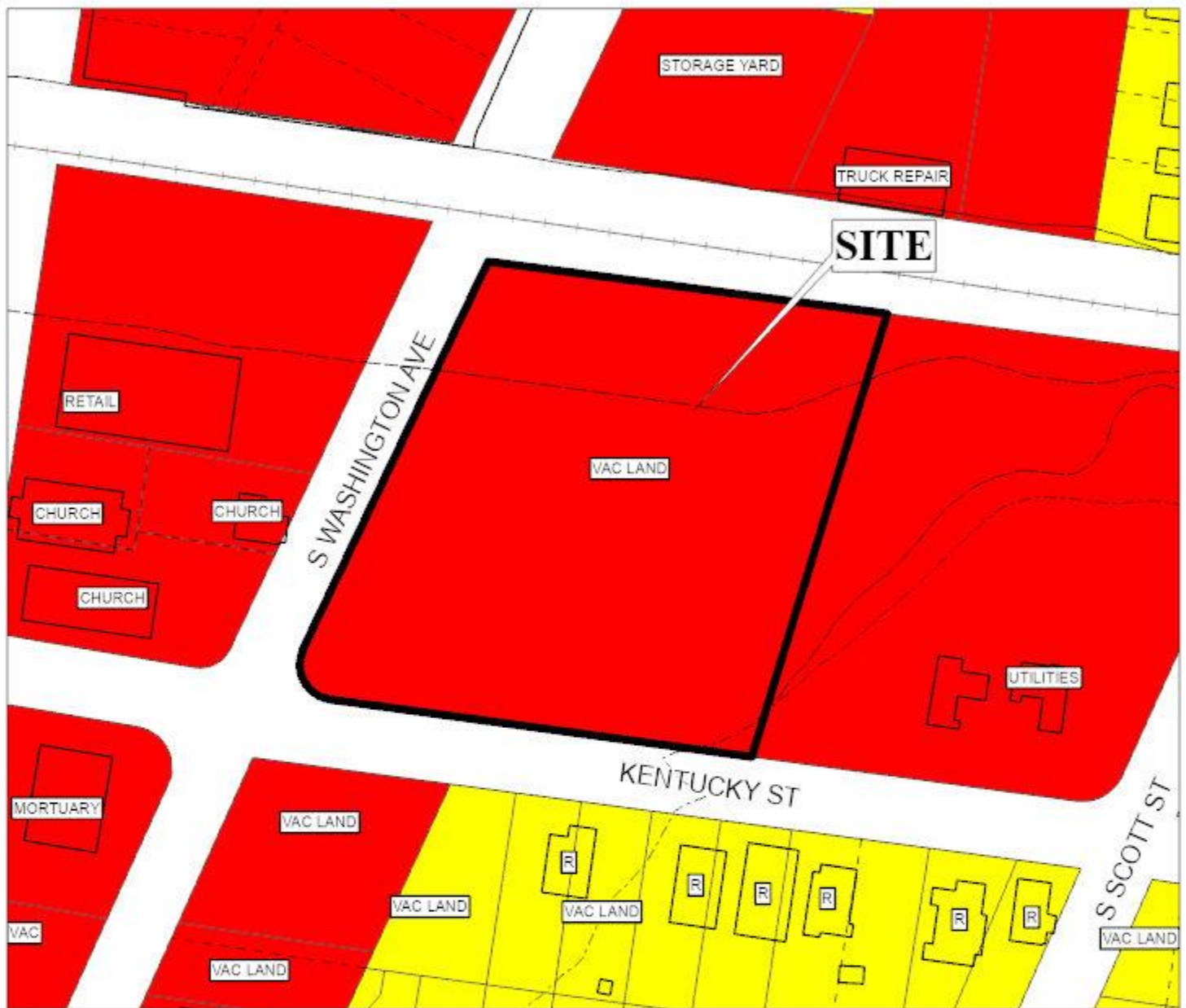
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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



This 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

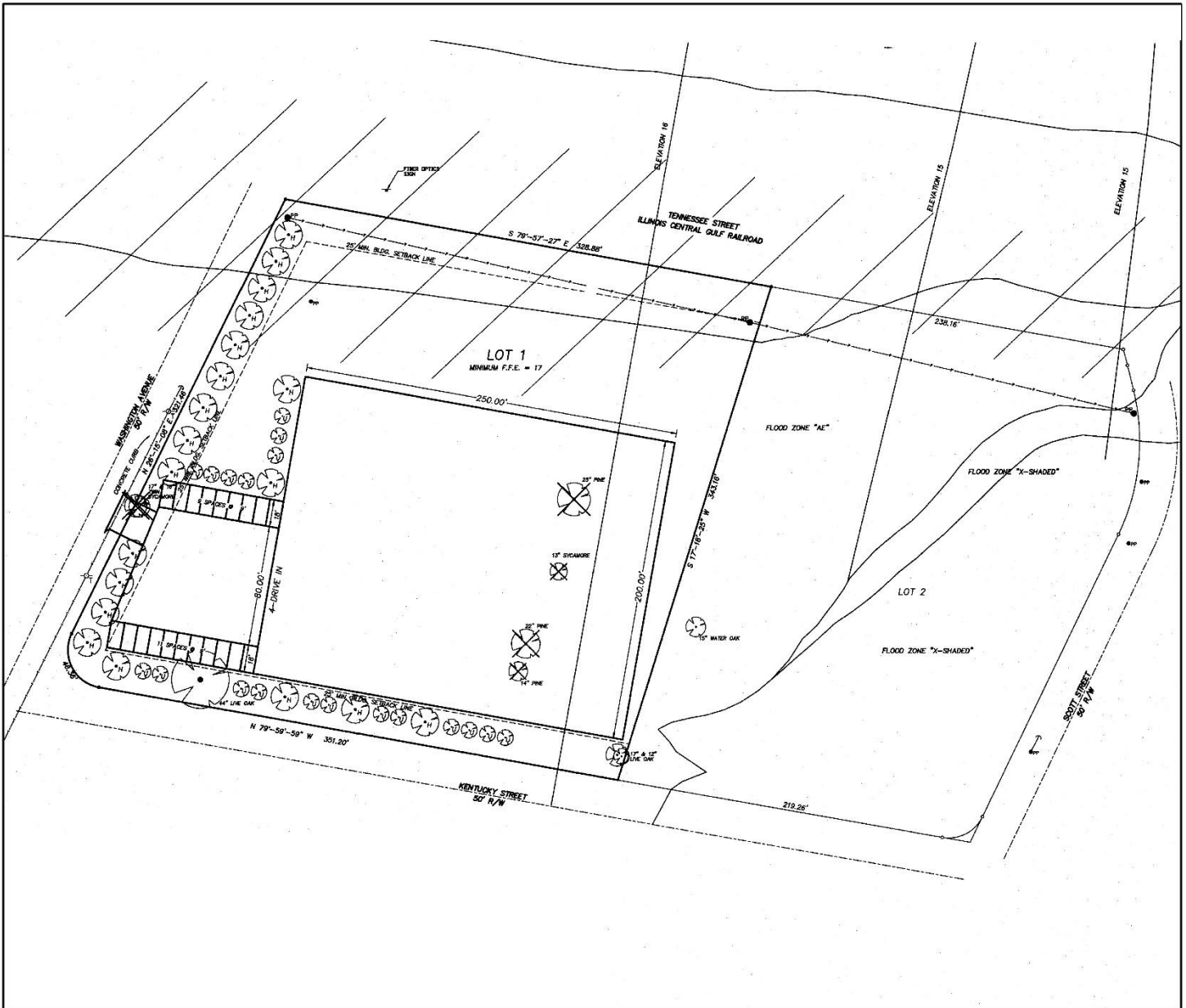


This site is surrounded by commercial units.

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SITE PLAN



This site plan illustrates the lots, building setbacks, and flood zone.

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