



Agenda Item # 7

BOA-002778-2023

View additional details on this proposal and all application materials using the following link:

[Applicant Materials for Consideration](#)

DETAILS

Location:

812, 816, and 824 West I-65 Service Road South

Applicant / Agent:

Eduardo Robinson, DI Hotels Sun, LLC

Property Owner:

DI Hotels Sun, LLC

Current Zoning:

B-3, Community Business Suburban District

Future Land Use:

District Center

Case Number(s):

6567

Unified Development Code Requirement:

- Structures are limited to a maximum of 45-feet in a B-3, Community Business Suburban District.

Board Consideration:

- A Height Variance request to allow a structure taller than 45-feet in a B-3, Community Business Suburban District


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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial units.

APPLICATION NUMBER <u>6567</u> DATE <u>January 8, 2024</u>	 NTS
APPLICANT <u>Eduardo Robinson, DI Hotels Sun, LLC</u>	
REQUEST <u>Height Variance</u>	

SITE HISTORY

The site was before the Planning Commission at its May 5, 1977 meeting, where the eight (8) lot subdivision named Western America Commercial Park, Unit 2 was approved, and later recorded in Probate Court.

A portion of the subject site was then part of the Darryl's Subdivision, A Resubdivision of Lot 4, Western America Commercial Park, First Unit, which was approved by the Planning Commission at its May 5, 1983 meeting and later recorded in Probate Court.

The site has had no previous Board of Zoning Adjustment applications.

STAFF COMMENTS

Engineering Comments:

No comments to the proposed variance; however; according to the submitted plans, the proposed project will need require that a Land Disturbance Permit be submitted through Central Permitting.

Traffic Engineering Comments:

A traffic impact study will be required. The West Interstate 65 Service Road South is an ALDOT maintained roadway. Driveway number, size, location, and design to be approved by ALDOT (where applicable) and Traffic Engineering and conform to AASHTO standards. Any required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Article 3, Section 64-3-12 of the City's Unified Development Code.

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 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 non-sprinklered commercial buildings and within 300' of all sprinklered commercial buildings. Fire water supply for all commercial buildings will be required to meet the guidance of Appendices B and C of the 2021 International Fire Code. The minimum requirement for fire hydrants is to be within 400' of non-sprinkled commercial buildings, within 600' of sprinkled commercial buildings, and within 100' of fire department connections (FDC) for both standpipes and sprinkler systems.

Planning Comments:

The applicant is requesting a Height Variance to allow a structure taller than 45-feet in a B-3, Community Business Suburban District; the Unified Development Code (UDC) limits structures to a maximum of 45-feet in a B-3, Community Business Suburban District.

The complete application and supporting documents are available via the link on page 1.

The subject site currently consists of two (2) legal lots of record. One of the lots was previously occupied with a hotel and a freestanding restaurant; both removed in December 2020, with permits. The other lot is currently developed with an existing hotel that the applicant is proposing to demolish and then build a new hotel that will straddle the existing lot line, with a new freestanding restaurant.

The applicant is proposing to build a new 79-foot tall hotel, which exceeds the maximum allowable height of 45-feet in a B-3, Community Business Suburban District. It should be noted that there are several existing office buildings in the area that exceed 45-feet in height, but were under the prior Zoning Ordinance, and therefore were not required to obtain variances for their increased height.

The proposed site plan submitted depicts a trash enclosure near the property line along Western America Drive. It should be noted that any dumpsters and enclosures must be relocated outside of any required setbacks, if approved.

The applicant states that the proposed hotel will have a total of 186 rooms, and the proposed restaurant will be 6,000 square feet; therefore, a total of 113 parking spaces are required. However, there is also 5,500 square feet of "meeting rooms" depicted on the site plan, which requires an additional 14 parking spaces, for a total of 127 required parking spaces. The site plan depicts a total of 294 parking spaces. At the time of permitting, a compliant photometric site plan will be required. Furthermore, the 167 parking spaces exceeding the minimum required amount will be required to be paved with an Alternative Paving Surface. Also, all parking spaces are required to have either curbing or bumper stops.

The subject site has an existing shared curb cut with a hotel to the East of the site. The proposed site plan depicts a gate and fence at this curb cut restricting access to the property. It appears that the proposed gate is less than 12-feet wide, and is therefore insufficient to allow vehicular traffic. If the proposed gate is for pedestrian access, it should be labeled as a pedestrian gate; or if the proposed gate is to serve vehicles, it should be revised to be a minimum of 24-feet wide to allow two-way traffic and insure that sufficient queuing spaces are available.

The applicant submitted renderings of the proposed hotel with depictions of wall signs on all four (4) elevations. If approved, it should be noted that each business (hotel and restaurant) is limited to a total of three (3) signs, with no more than one (1) being a freestanding sign.

Finally, it should be noted that the site will be required to comply with all other regulations in the Unified Development Code (UDC), including, but not limited to: tree planting, landscape area, and building design.

VARIANCE CONSIDERATIONS

Standards of Review:

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.

Article 5 Section 10-E. 1. of the Unified Development Codes states that the Board of Adjustment may grant a variance if:

- The Applicant demonstrates that the variance shall not be contrary to the public interest,
- Where, owing to special conditions a literal enforcement of the provision of this Chapter will result in unnecessary hardship; and
- The spirit of this Chapter will be observed and substantial justice done.

Article 5 Section 10-E.2. states no variance shall be granted:

- (a) In order to relieve an owner of restrictive covenants that are recorded in Mobile County Probate Court and applicable to the property;
- (b) Where economic loss is the sole basis for the required variance; or
- (c) Where the variance is otherwise unlawful.

Considerations:

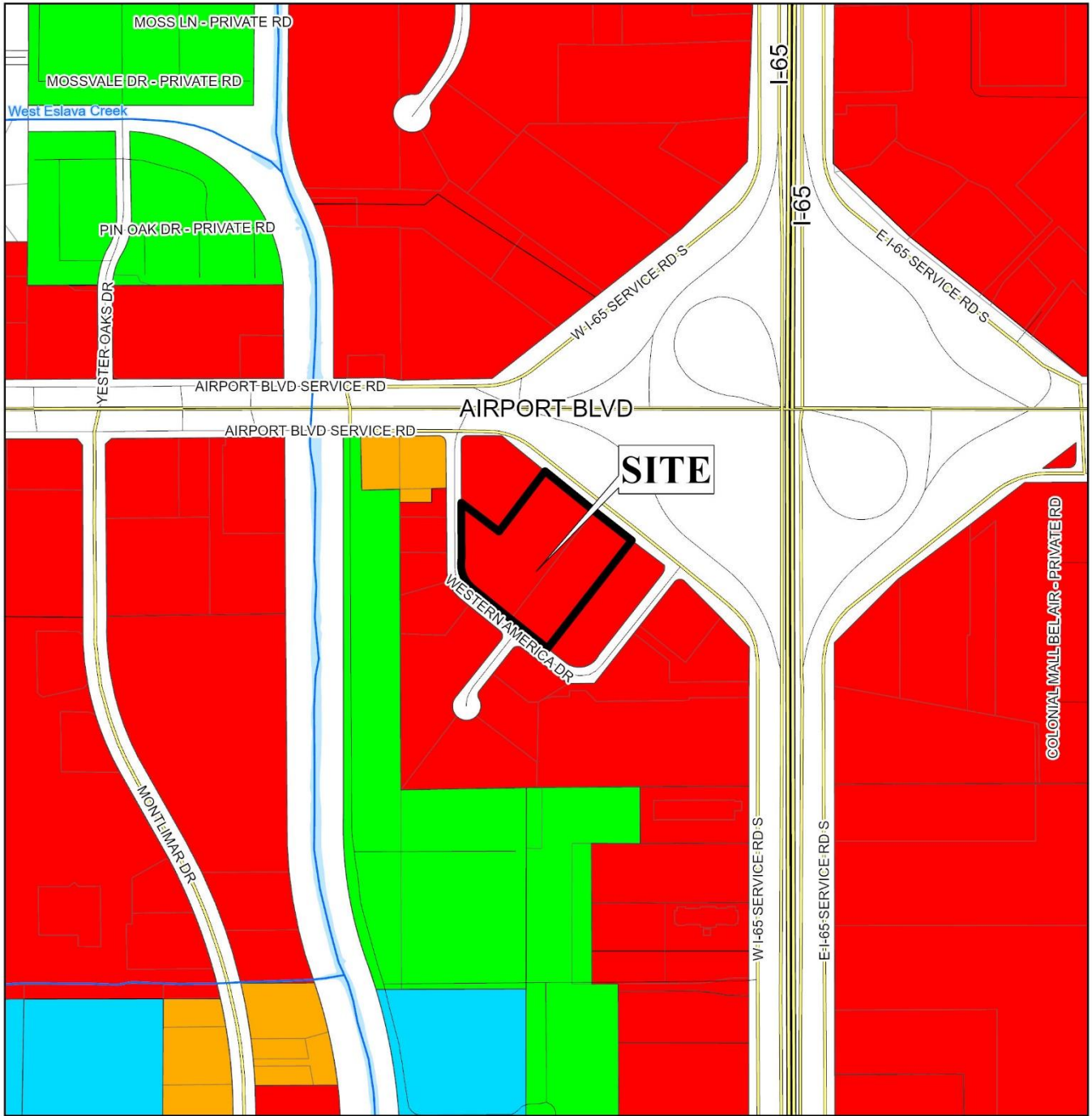
Based on the requested Variance application and documentation submitted, if the Board considers approval of the request, the following findings of fact must be present:

- 1) The variance **will not** be contrary to the public interest;
- 2) Special conditions **exist** such that a literal enforcement of the provisions of the chapter **will** result in unnecessary hardship; and
- 3) The spirit of the chapter **shall be** observed and substantial justice **done** to the applicant and the surrounding neighborhood by granting the variance.

If approved, the following conditions should apply:

- 1) Revise the site plan to relocate the trash enclosure outside of all required setbacks;
- 2) Revise the site plan to correct the parking calculations to include the 5,500 square feet of meeting rooms;
- 3) Revise the site plan to depict curbing and/or bumper stops for all parking spaces;
- 4) Either revise the site plan to state the proposed gate will be for pedestrian access only, or make the gate a minimum of 24-feet wide with adequate queuing spaces;
- 5) Placement of a note on the site plan stating that each business (hotel and restaurant) is limited to a total of three (3) signs with no more than one (1) freestanding sign; and
- 6) Either completion of a one (1) lot Subdivision, or recording of an easement in Probate Court to allowed shared parking between the lots prior to the approval of any building permits for the proposed development.

LOCATOR ZONING MAP



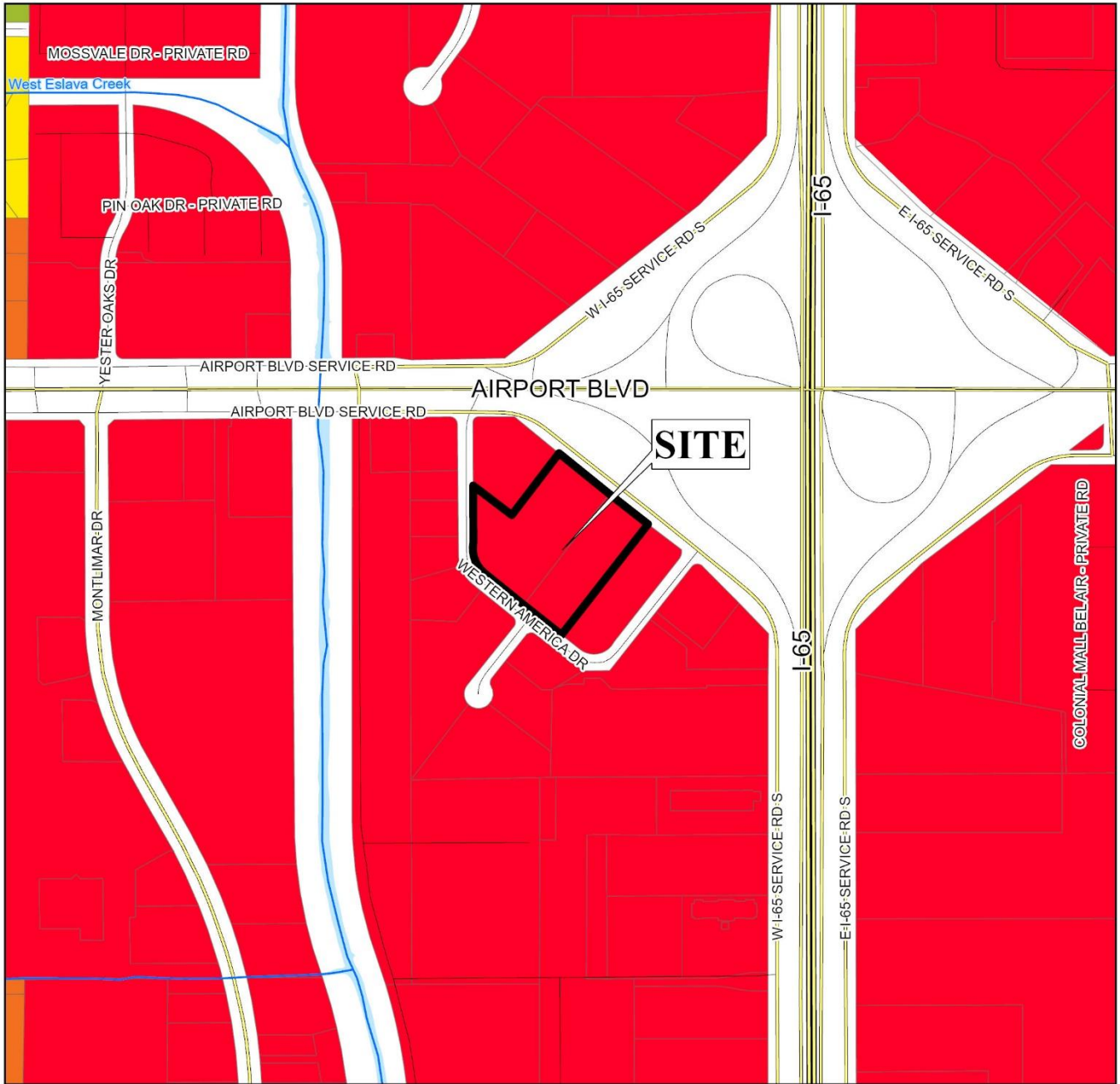
APPLICATION NUMBER 6567 DATE January 8, 2024

APPLICANT Eduardo Robinson, DI Hotels Sun, LLC

REQUEST Height Variance



FLUM LOCATOR MAP



APPLICATION NUMBER 6567 DATE January 8, 2024

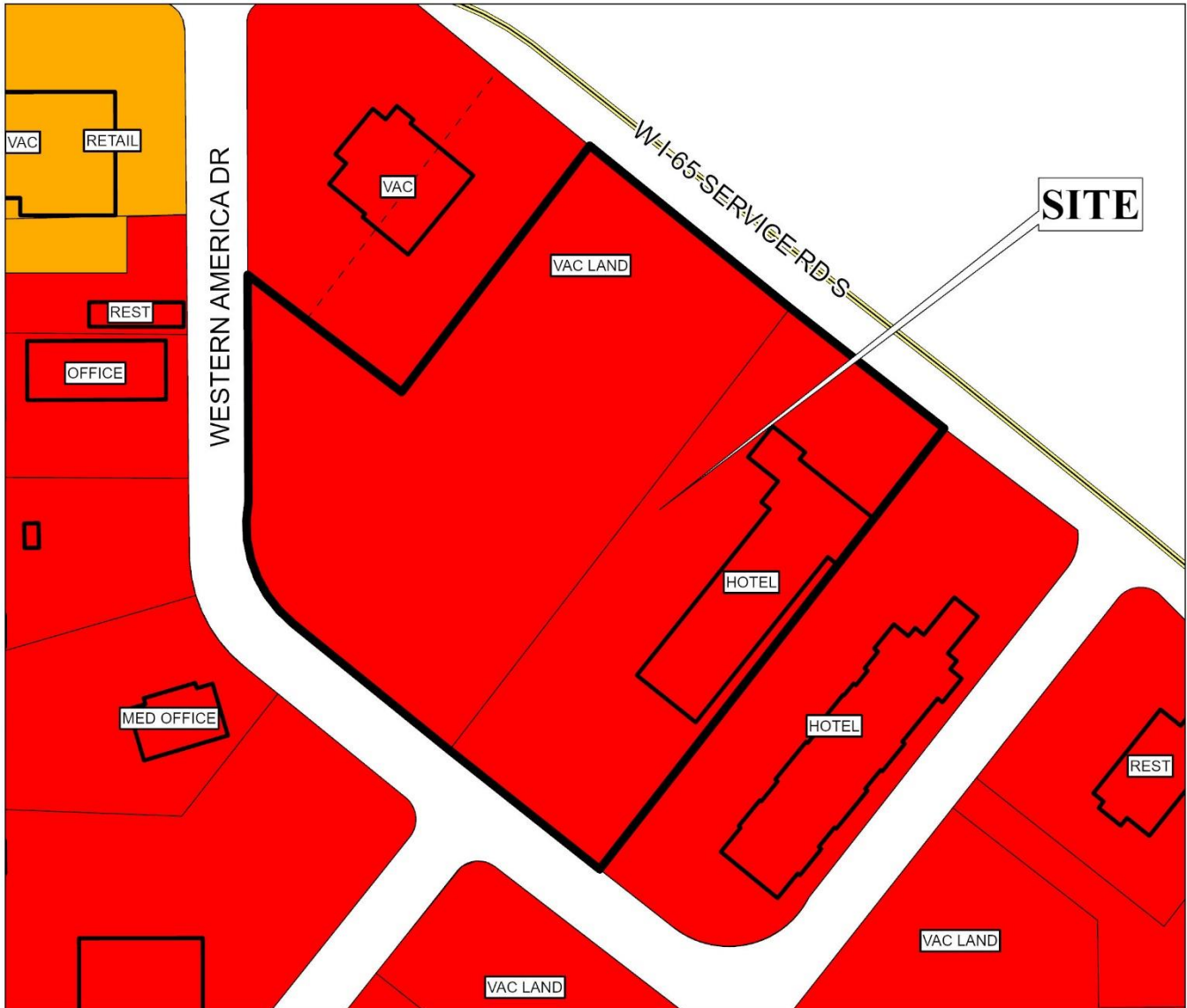
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- | | | | |
|---------------------------|-----------------------------------|---------------------|--------------------|
| Low Density Residential | Neighborhood Center - Traditional | Downtown Waterfront | Parks & Open Space |
| Mixed Density Residential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



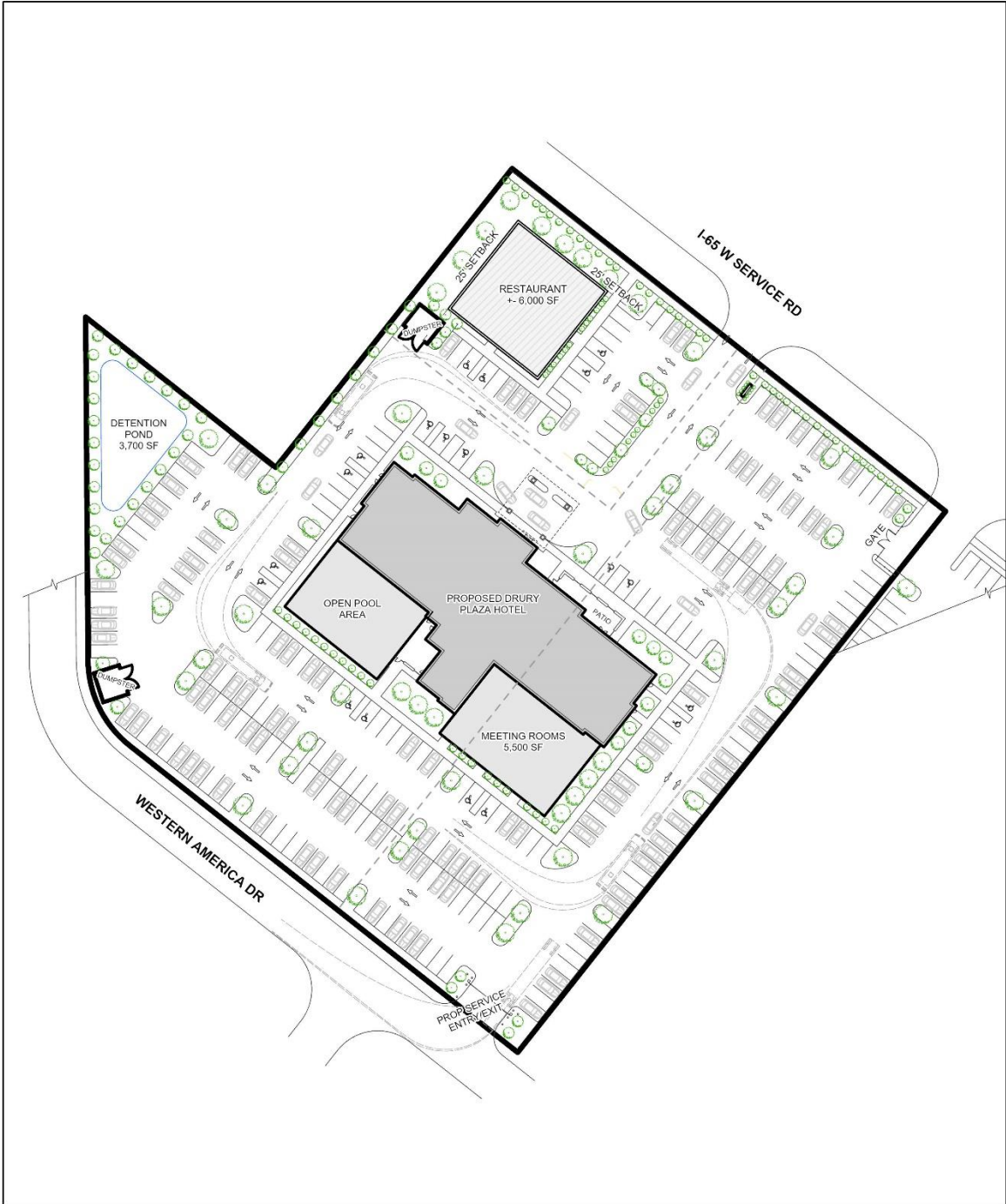
BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING




The site is surrounded by commercial units.

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<table style="width: 100%; font-size: small;"> <tr> <td> R-A</td> <td> R-3</td> <td> B-1</td> <td> B-2</td> <td> B-5</td> <td> ML</td> <td> I-2</td> <td> OPEN</td> <td> T-3</td> <td> T-5.2</td> </tr> <tr> <td> R-1</td> <td> R-B</td> <td> T-B</td> <td> B-3</td> <td> CW</td> <td> MH</td> <td> PD</td> <td> SD</td> <td> T-4</td> <td> T-6</td> </tr> <tr> <td> R-2</td> <td> H-B</td> <td> LB-2</td> <td> B-4</td> <td> MM</td> <td> I-1</td> <td> MUN</td> <td> SD-WH</td> <td> T-5.1</td> <td></td> </tr> </table>		 R-A	 R-3	 B-1	 B-2	 B-5	 ML	 I-2	 OPEN	 T-3	 T-5.2	 R-1	 R-B	 T-B	 B-3	 CW	 MH	 PD	 SD	 T-4	 T-6	 R-2	 H-B	 LB-2	 B-4	 MM	 I-1	 MUN	 SD-WH	 T-5.1	
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 R-1	 R-B	 T-B	 B-3	 CW	 MH	 PD	 SD	 T-4	 T-6																						
 R-2	 H-B	 LB-2	 B-4	 MM	 I-1	 MUN	 SD-WH	 T-5.1																							

SITE PLAN



The site plan illustrates the proposed hotel, restaurant, parking, and landscaping.

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DETAIL SITE PLAN



**Drury Southwest Inc. - Dury Inn & Suites
Front View**

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DETAIL SITE PLAN



**Drury Southwest Inc. - Dury Inn & Suites
Rear View**

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DETAIL SITE PLAN



**Drury Southwest Inc. - Dury Inn & Suites
Right View**

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APPLICANT Eduardo Robinson, DI Hotels Sun, LLC

REQUEST Height Variance



DETAIL SITE PLAN



**Drury Southwest Inc. - Dury Inn & Suites
Left View**

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ZONING DISTRICT CORRESPONDENCE MATRIX		LOW DENSITY RESIDENTIAL (LDR)	MIXED DENSITY RESIDENTIAL (MXDR)	DOWNTOWN (DT)	DISTRICT CENTER (DC)	NEIGHBORHOOD CENTER - TRADITIONAL (NC-T)	NEIGHBORHOOD CENTER - SUBURBAN (NC-S)	TRADITIONAL CORRIDOR (TC)	MIXED COMMERCIAL CORRIDOR (MCC)	LIGHT INDUSTRIAL (LI)	HEAVY INDUSTRY (HI)	INSTITUTIONAL LAND USE (INS)	PARKS & OPEN SPACE (POS)	DOWNTOWN WATERFRONT (DW)	WATER DEPENDENT USES (WDWRLU)
RESIDENTIAL - AG	R-A														
ONE-FAMILY RESIDENCE	R-1	■				■		■					□		
TWO-FAMILY RESIDENCE	R-2	■				■		■					□	○	
MULTIPLE-FAMILY	R-3	○	■			■	■						□	○	
RESIDENTIAL-BUSINESS	R-B		○			■		■					□	○	
TRANSITIONAL-BUSINESS	T-B		○		■	■	■	■					□		
HISTORIC BUSINESS	H-B			■		■		■					□		
VILLAGE CENTER	TCD					■	■						□		
NEIGH. CENTER	TCD					■	■						□		
NEIGH. GENERAL	TCD					■							□		
DOWNTOWN DEV. DDD	T-6			■									□		
DOWNTOWN DEV. DDD	T-5.1			■		■		□					□		
DOWNTOWN DEV. DDD	T-5.2			■		■							□		
DOWNTOWN DEV. DDD	T-4			■		■		□					□		
DOWNTOWN DEV. DDD	T-3			■		■							□		
DOWNTOWN DEV. DDD	SD-WH									○	○		□		
DOWNTOWN DEV. DD	SD	○	○	○	○	○	○	○		○	○		□		
BUFFER BUSINESS	B-1		□			□	■	■	■				□	○	
NEIGH. BUSINESS	B-2		○			□	■	■	■				□	○	
LIMITED BUSINESS	LB-2		○			□	■	■	■				□	○	
COMMUNITY BUSINESS	B-3				■				■			○	□	○	
GEN. BUSINESS	B-4			■					■			○	□	○	
OFFICE-DISTRIBUTION	B-5								■	■			□	□	
LIGHT INDUSTRY	I-1									■			□	□	□
HEAVY INDUSTRY	I-2										■		□	□	□

Zoning District Correspondence Matrix

- Directly Related
- Elements of the zoning category are related to the future LU category, but with qualifications (such as a development plan with conditions)
- Land use category is appropriate, but the district does not directly implement the category (e.g., open space in an industrial district)



DISTRICT CENTER (DC)

This designation applies across the city to larger areas of existing mixed-use character or where such character is encouraged. These areas will include moderate to high-density residential (minimum densities of 6 du/ac) in dynamic, horizontal or vertical mixed use environments, to provide a balance of housing and employment.

District Centers generally serve several surrounding neighborhoods and may even have a city-wide or region-wide reach. As such, they are often anchored by a major commercial or institutional employer such as a shopping mall or a medical center.

Depending on location and assigned zoning, residential areas in District

Centers may incorporate a mix of housing types, ranging from mid-rise multifamily buildings containing apartments and lofts, to townhouses and detached single-family homes. Major civic cultural institutions and public spaces provide regional and neighborhood destinations.

District Centers should be designed to induce pedestrian activity, with high quality streetscapes connecting the different components of a center as well as the center to its surrounding area. DC districts may be served by transit and include development of an intensity and design that supports transit use.