

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: December 3, 2018**

<u>CASE NUMBER</u>	6225/6149/1590
<u>APPLICANT NAME</u>	I-10 / 181 LLC (Zito Russell Architects, P.C., Agent)
<u>LOCATION</u>	5701 Old Shell Road (Southwest corner of Old Shell Road and South University Boulevard).
<u>VARIANCE REQUEST</u>	PARKING RATIO: Parking Ratio Variance to allow 55 parking spaces for a 6,488 square foot multi-tenant building to include three (3) restaurant tenants and one (1) retail tenant in a B-2, Neighborhood Business District.
<u>ZONING ORDINANCE REQUIREMENT</u>	PARKING RATIO: Zoning Ordinance requires 57 parking spaces for a 6,488 square foot multi-tenant building with three (3) restaurant tenants and one (1) retail tenant in a B-2, Neighborhood Business District.
<u>ZONING</u>	B-2, Neighborhood Business District
<u>AREA OF PROPERTY</u>	1.1 ± acres
<u>ENGINEERING COMMENTS</u>	No Comments
<u>TRAFFIC ENGINEERING COMMENTS</u>	The existing and proposed tenants appear to have complimenting business hours but that may not always be the case. Shared parking concepts are typically considered for complimentary land uses and not business specific.
<u>CITY COUNCIL DISTRICT</u>	District 6
<u>ANALYSIS</u>	The applicant is requesting a Parking Ratio Variance to allow 55 parking spaces for a 6,488 square foot multi-tenant building to include three (3) restaurant tenants and one (1) retail tenant in a B-2, Neighborhood Business District; the Zoning Ordinance requires 57 parking spaces for a 6,488 square foot multi-tenant building with three (3) restaurant tenants and one (1) retail tenant in a B-2, Neighborhood Business District.

The site has been given a Mixed Commercial Corridor (MCC) 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.

This land use designation mostly applies to transportation corridors west of I-65 serving primarily the low-density (suburban) residential neighborhoods. MCC includes a wide variety of retail, services and entertainment uses.

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.

Over time, new development and redevelopment in Mixed Commercial Corridors is encouraged to raise design quality, improve connectivity to surrounding neighborhoods; improved streetscapes; and improve mobility and accessibility for all users of the corridor.

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 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 states:

We are writing to seek a variance for parking spaces at the Campus Corner shopping center located on 5701 Old Shell Road. Our intent is to be allowed to use a 3rd small restaurant (ice cream shop) to fill the final vacant tenant space. The property currently has 2 restaurants (Dunkin Donuts and American Deli), a retail space, (AT&T), and a vacant 4th tenant.

- *The Dunkin Donut's space is open seven days a week, 5am to 10pm with four employees.*
- *The American Deli Space is open Mon-Sat 10:30am to 9pm, closed Sunday with four employees.*
- *The AT&T is open Mon-Sat 10am-8pm, Sunday 12pm-5pm, with two employees.*
- *The proposed third restaurant, an ice cream shop, expected to be open seven days a week, 10am-10pm, with three employees.*
- *This is a total of (13) expected employees at maximum time.*
- *The current parking capacity of the site is (55) spaces provided, and currently (46) spaces required, with a ratio of 8.48/1,000. This count includes the 4th tenant space as a retail space.*
- *The proposed parking capacity of the site with the 4th tenant as an ice cream shop, would be (57) spaces required. This creates a deficit of (2) spaces in which we are seeking a variance to allow us to utilize the proposed tenant.*

The owner is seeking this (2) space parking variance based on three key points. The first point is hardship created to accommodate site equipment from the Alabama Power. There is a large transformer at the rear of the space, larger than intended due to the need to include the adjacent west property that was not originally planned. There is also a massive power pole at the northeast corner of the site has additional guy wires that impeded into our parking area, preventing full use of the site. Between these two items, we lost the capacity for 2 code-compliant parking spaces, which would have otherwise made the need for a variance unnecessary.

The second point is based on the varying peak hours for each space. The intent being, the current tenant line-up hours are staggered with only minor overlap. Dunkin Donuts is busiest in the morning before the other tenants are even open for operation, and in the evening time, which is slower hours for the other tenants. The American deli space is Busiest at Lunch, and with slower but steady business at dinnertime. The AT&T space has a steady small capacity around the clock. And the anticipated future ice cream shop would be at a steady capacity from open to lunch, while its anticipated peak hours are in the late afternoon and evenings. We believe these staggered peak hours be considered a basis for a parking variance, since shared parking is allowed for similar circumstance in the ordinances.

The final point is based on our accommodations towards pedestrian design. The City of Mobile encourages site beautification, bicycle racks, proper connectivity to adjacent sidewalks, and accessible routes, all to promote and improve pedestrian access and flow. As such, with this intent in mind, we have taken great care in making this site as accessible as possible, and above what is merely the minimum needed by code. We have tied into the existing pedestrian infrastructure at multiple locations. This is particularly important due to our proximity to the University of South Alabama, and our desire to encourage as much foot and bicycle traffic as possible to the site. However, even though the City of Mobile encourages pedestrian traffic, there are no incentives in terms of parking allowances to help mitigate the square footage needed for such improvements. If the intent of promoting pedestrian traffic is to have an impact on the design of these

types of sites, we believe there should be credit or allowance in terms of parking requirements that can simultaneously represent an intended reduction of vehicular traffic and also promote a higher impact from pedestrians and cyclists.

The site recently had a Sign Variance granted at the Board's January 8, 2018 meeting to allow Dunkin Donuts to have a second wall sign.

Alabama Power equipment is mentioned as needing to be accommodated, which prevents the provision of two additional parking spaces needed to bring the site into compliance. While not specifically labeled on the site plan, the applicant is correct that if this equipment was not located on the site, additional parking spaces could be provided. It should also be noted that there are two areas of angled parking, which could have been redesigned to be 90° parking, which could then possibly allow for the needed two parking spaces.

The applicant states that one justification for the variance request is the staggering of the peak hours for the existing and proposed tenants. While this may be true for the existing restaurants and proposed ice cream shop, it should be noted that if the variance is granted, these tenant spaces will not be held to the currently proposed hours of operation, and may have different peak hours of operation that would result in more overlap, thus resulting in potential parking shortages in the future.

The site does provide two small bike racks in front of the current AT&T tenant space in order to accommodate non-vehicular traffic. While the applicant may feel that there should be incentives to reduce the amount of vehicular parking required if bike racks and other similar amenities are provided, the current Zoning Ordinance makes no such allowances. It seems that it is simply the applicant's desire to utilize a currently vacant tenant space in a way that requires more parking spaces than the site has available.

Finally, it should be noted that it appears the site only has space for three dumpsters. The Mobile County Health Department may require each restaurant space to have its own dumpster, thus a fourth dumpster may be required for this site. If an additional dumpster is required, parking spaces may be lost.

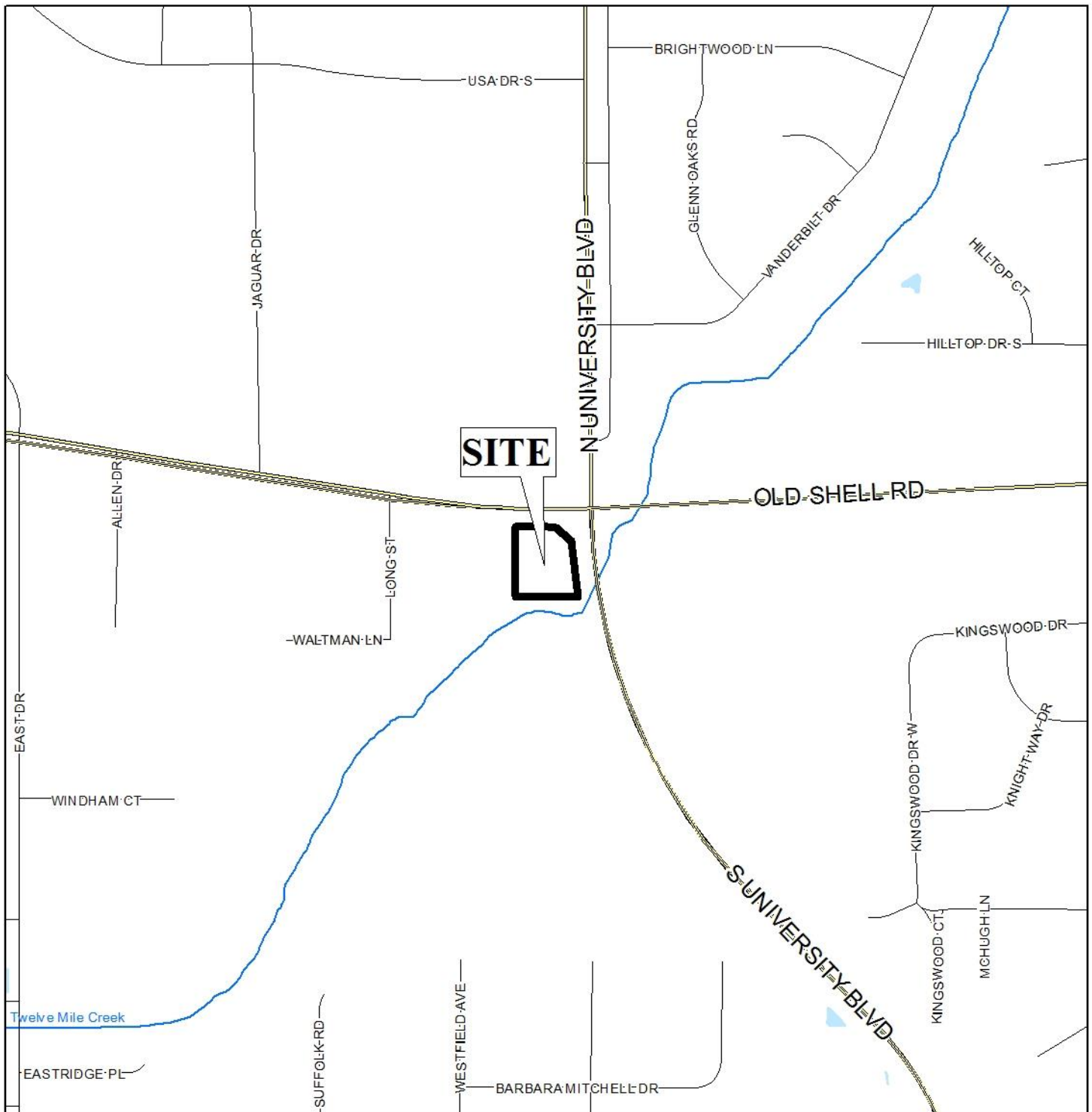
RECOMMENDATION

Staff recommends to the Board the following findings of facts for Denial:

- 1) allowing the reduced amount of parking would be contrary to the public interests due to the fact that future tenants of the site may have different hours of operation or peak hours, resulting in parking issues;
- 2) that special conditions do not exist in preventing the site from complying with parking requirements in such a way that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship, as the currently vacant tenant space can be used with either a retail or office space without the need for the variance; and,
- 3) that the spirit of the chapter shall not be observed and substantial justice shall not be done to the surrounding neighborhood by granting the variance because the angled parking

could potentially be reconfigured in such a way to accommodate two additional parking spaces.

LOCATOR MAP



APPLICATION NUMBER 6225 DATE December 3, 2018

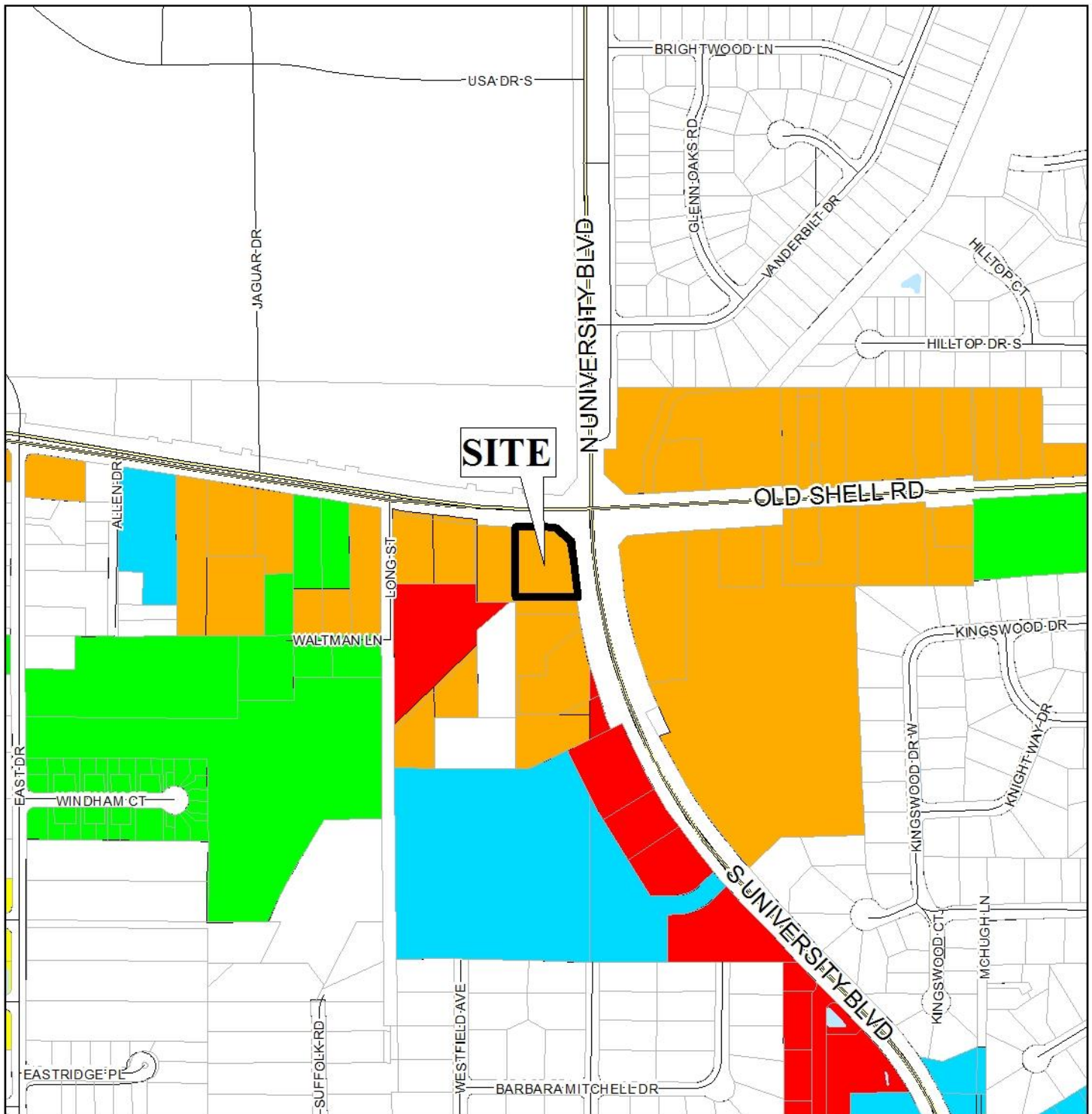
APPLICANT I-10/181 LLC (Zito Russell Architects, P.C., Agent)

REQUEST Parking Ratio Variance



NTS

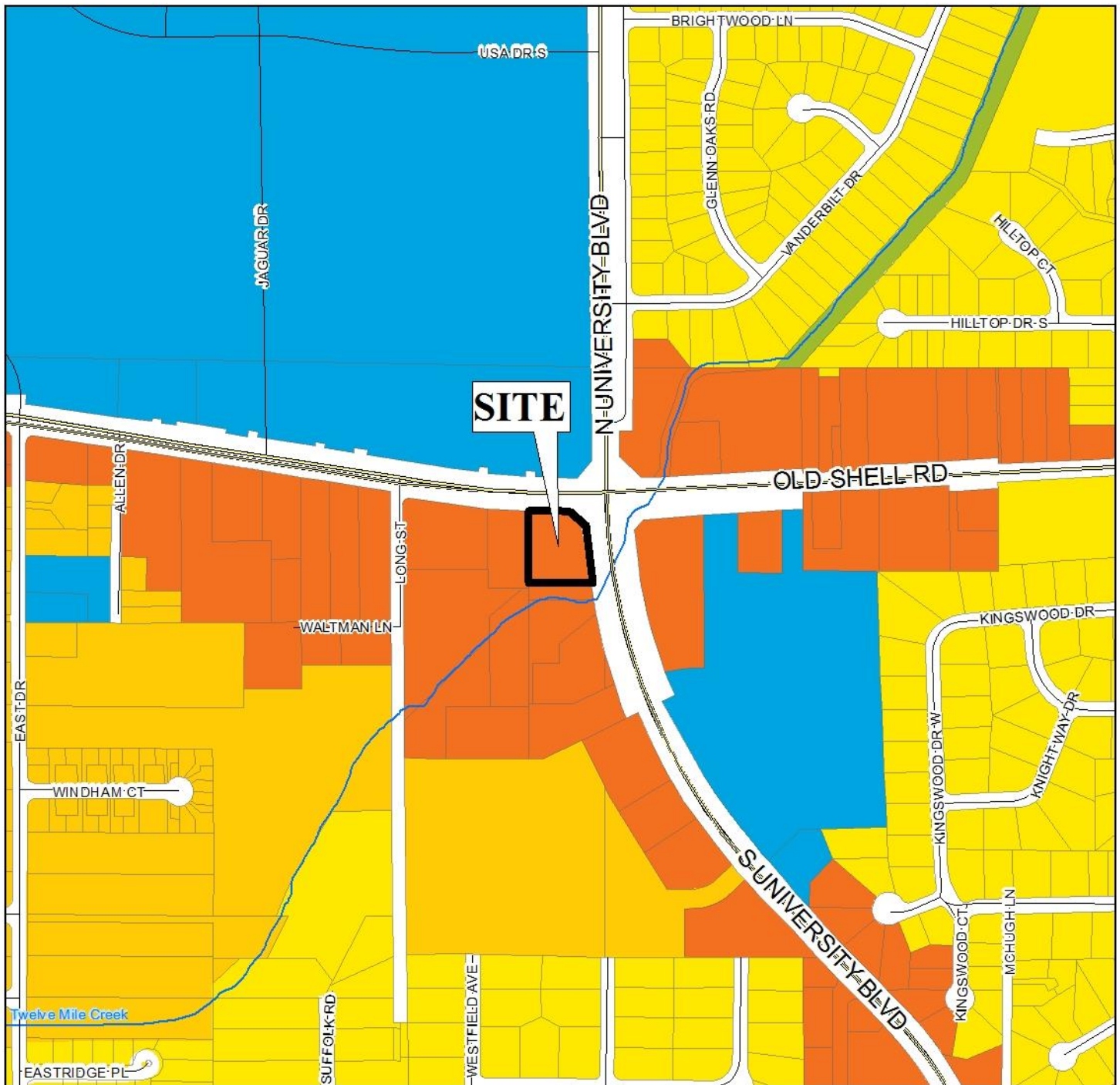
LOCATOR ZONING MAP



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FLUM LOCATOR MAP



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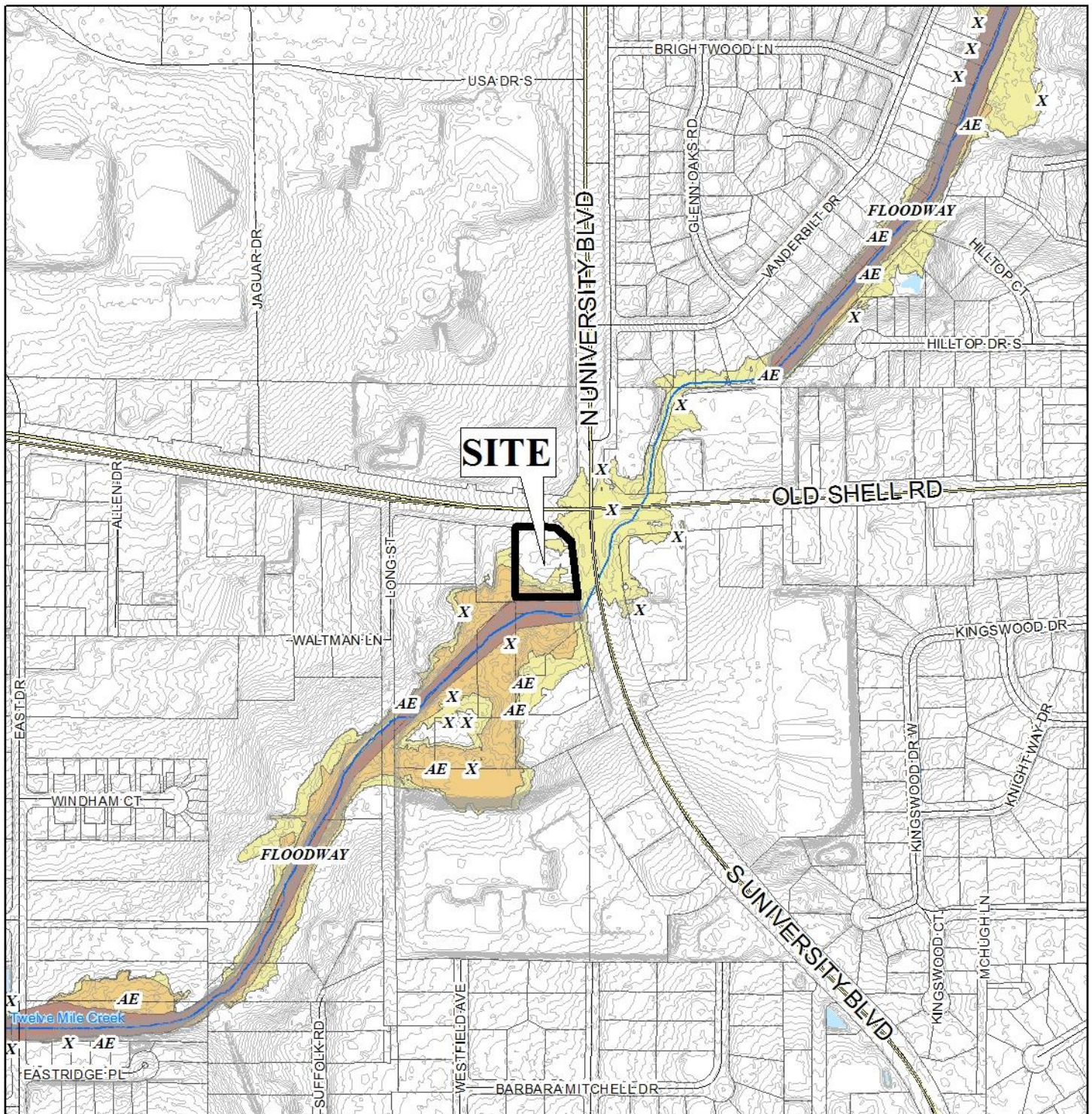
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Low Density Residential	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
Mixed Density Residential	Neighborhood Center - Suburban	Light Industry	Water Dependent
Downtown	Traditional Corridor	Heavy Industry	
District Center	Mixed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



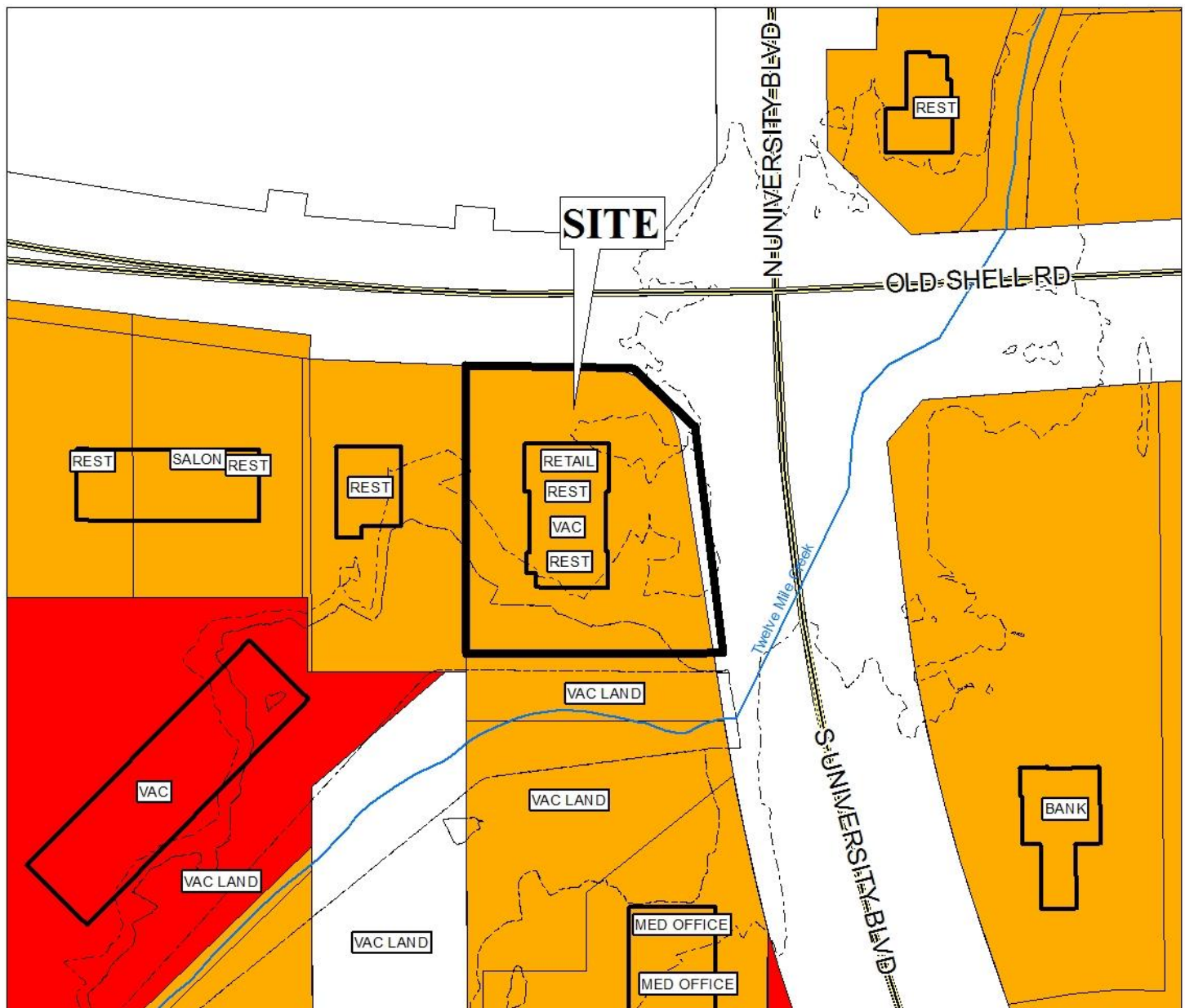
ENVIRONMENTAL LOCATOR MAP



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

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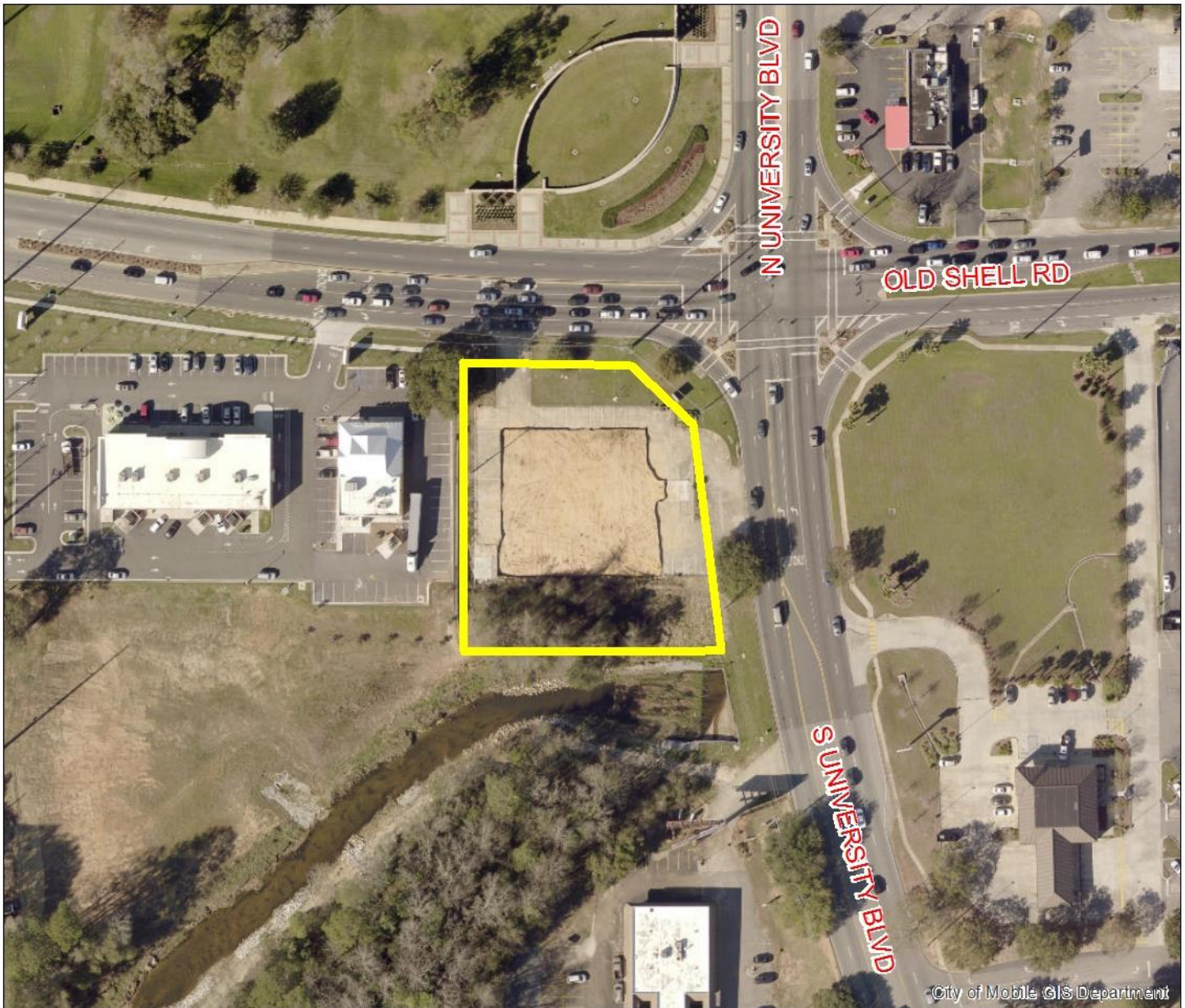
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R-A	R-3	T-B	B-2	B-5	MUN	SD-WH	T5.1
R-1	R-B	B-1	B-3	I-1	OPEN	T3	T5.2
R-2	H-B	LB-2	B-4	I-2	SD	T4	T6



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL

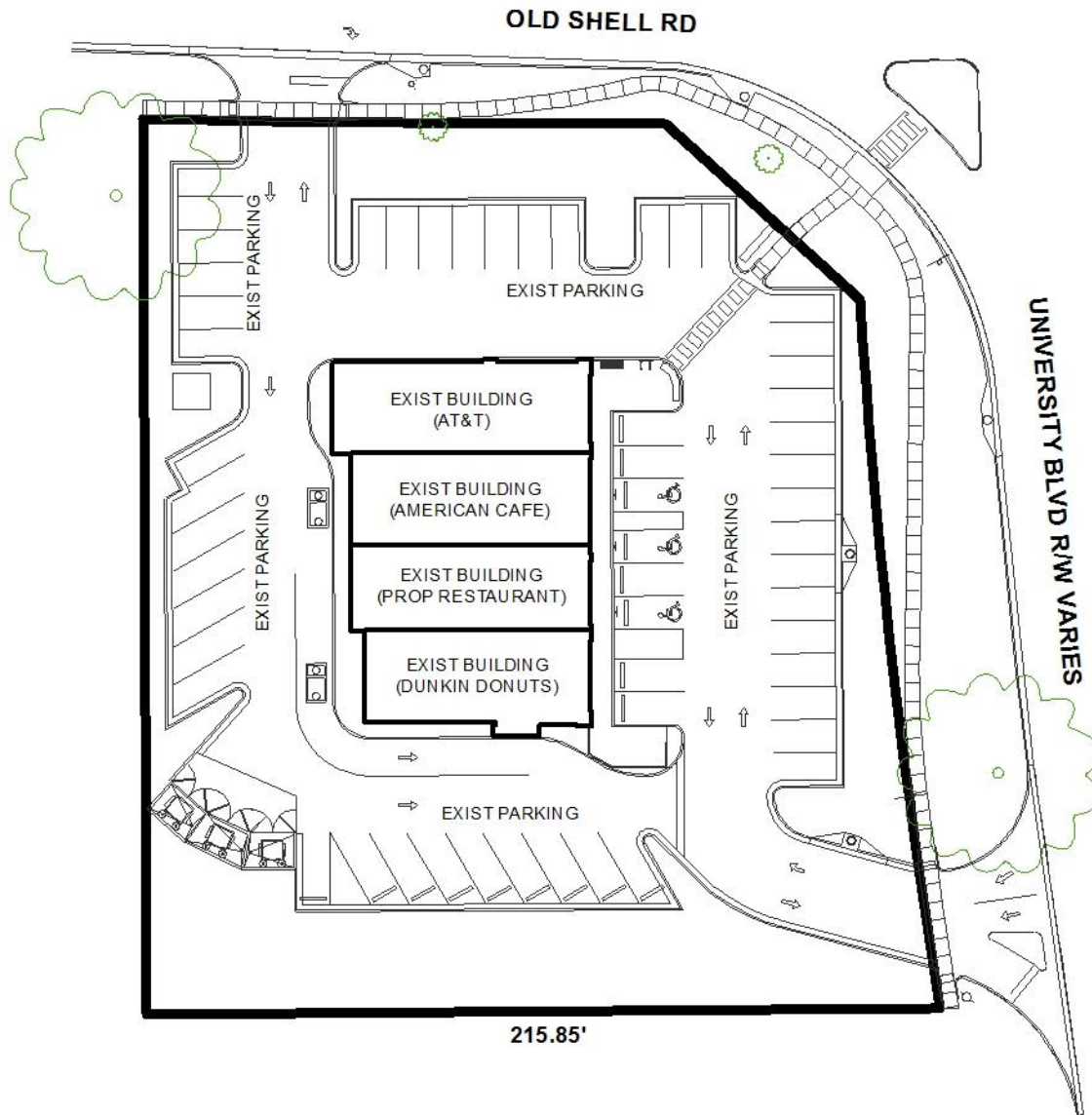


The site is surrounded by commercial units.

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SITE PLAN



The site plan illustrates the existing building and the existing parking.

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