



## Agenda Item # 8

BOA-SE-002780-2023

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

[Applicant Materials for Consideration](#)

### DETAILS

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**Location:**

1248 Montlimar Drive

**Applicant / Agent:**

HC20WS, LLC & CDH Investments, LLC / Evan Geerts

**Property Owner:**

HC20WS, LLC & CDH Investments, LLC

**Current Zoning:**

B-3, Community Business Suburban District

**Future Land Use:**

District Center

**Case Number(s):**

6568

**Unified Development Code (UDC) Requirement:**

- Special Exception to allow a Building and Landscape Materials Supplier to operate in a B-3, Community Business Suburban District

**Board Consideration:**

- Special Exception to allow a Building and Landscape Materials Supplier to operate in a B-3, Community Business Suburban District

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## SITE HISTORY

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A portion of the subject site was originally part of the 11-lot Montlimar Office Park Subdivision, recorded in Mobile County Probate Court in January 1980. Resubdivision of the site to combine a lot from the 1980 subdivision and a metes-and-bounds parcel with frontage along Michael Boulevard (3500 Michael Boulevard), into a single lot of record, was approved by the Planning Commission in April 2022. Rezoning of the newly acquired parcel from R-1 to B-3 was also approved in April 2022, and adopted by City Council at its June 14, 2022 meeting.

There are no previous Board of Zoning Adjustment cases associated with the site.

## STAFF COMMENTS

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### Engineering Comments:

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

- The proposed improvements shown on the submitted plans will require a Land Disturbance Permit be submitted through Central Permitting.
- 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.
- 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.
- Applicant agrees to install adequate BMPs during construction to protect from sediment/pollutants leaving the site.
- According to National Wetland Inventory Map, the proposed project is located in an area that appears to have wetlands. If wetlands are disturbed a letter or permit from the Corps of Engineers is required to be submitted with your Land Disturbance application. (The final determination of whether an area is a wetland and whether the activity requires a permit, must be made by the Army Corps Regulatory Office.)

### Traffic Engineering Comments:

Driveway number, size, location, and design to be approved by 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 has requested a Special Exception to allow use of the property as a Building and Landscape Materials Supplier. A detailed description and justification of the request suggests there are similar businesses within the surrounding neighborhood, and that the property was previously developed for uses similar to what the applicant is requesting. The application and supporting documentation are available via the link on Page 1 of this report.

No changes to the existing building footprint, parking layout, tree plantings, or landscape areas of the developed part of the property are proposed as part of this request. The portion of the property that fronts Michael Boulevard is proposed to be used as an outdoor inventory storage area. It should be noted that outside storage is permitted as an accessory use in a B-3 zoning district, subject to compliance with the stacking and screening requirements of Article 3, Section 64-3-13.B. of the UDC. If approved, inventory must be screened from view with a six (6)-foot tall privacy fence (wood, brick, or masonry), and cannot be stacked taller than six (6) feet.

The site abuts property zoned R-3, Multi-Family Residential Suburban District, and is developed for use as an apartment complex. Article 3, Section 64-3-8.A. of the UDC requires a protection buffer wherever the boundary of a building site in a B-3 zoning district adjoins an R-3 zoning district. Section 64-3-8.A.2. requires this buffer to be at least ten (10) feet wide and contain both a wall or fence, and a screen planting strip. No protection buffer is depicted on the site plan; therefore, if approved, revision of the site plan to illustrate a protection buffer in compliance with the setback and screening requirements of Section 64-3-8.A.2. of the UDC should be required.

With the exception of the adjacent apartment complex, there are a variety of commercial uses within the vicinity of the subject site, including an industrial tool supply company directly across the street. Wholesale showrooms and warehousing also appear to be common uses, along with a medical office, gas station, convenience store, and general office uses.

## **SPECIAL EXCEPTION CONSIDERATIONS**

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### **Standards of Review:**

Special Exceptions are those uses that may have some special impact which differs from the potential impacts of permitted uses, exceeds permitted uses in intensity, or have a uniqueness such that their effect on the surrounding environment cannot readily be determined in advance of the use being proposed in a particular location.

Article 5 Section 11-E.1. of the Unified Development Codes states the Board of Adjustment will not approve an Application for Special Exception unless the request complies with the following criteria:

- (a)** The proposed use is in harmony with the general purpose, goals, objectives and standards of this Chapter, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City.
- (b)** The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety

and general welfare either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of this Chapter, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City or other governmental agency having jurisdiction to guide growth and development.

- (c)** The proposed use will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, and services specified in this subsection. Where any such improvements, facilities, utilities or services are not available or adequate to service the proposed use in the proposed location, the Applicant shall, as part of the application and as a condition to approval of the proposed Special Exception permit, be responsible for establishing ability, willingness and commitment to provide such improvements, facilities, utilities and services in sufficient time and in a manner consistent with this Chapter, and other plans, programs, maps and ordinances adopted by the City to guide its growth and development. The approval of the Special Exception Permit shall be conditioned upon such improvements, facilities, utilities and services being provided and guaranteed by the Applicant.
- (d)** The proposed use is consistent with all applicable requirements of this Chapter, including:

  - (1)** Any applicable development standards in Article 3; and
  - (2)** Any applicable use regulations in Article 4.
- (e)** The proposed use is compatible with the character of the neighborhood within the same zoning district in which it is located;
- (f)** The proposed use will not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district; and
- (g)** The proposed use will have no more adverse effects on health, safety or comfort of persons living or working in the neighborhood, or will be no more injurious to property or improvements in the neighborhood than would any other use generally permitted in the same district.

  - (1)** In making this determination, the Board of Adjustment shall consider:

    - a.** The location, type and height of buildings or structures;
    - b.** The type and extent of landscaping and screening;
    - c.** Lighting;
    - d.** Hours of operation; or
    - e.** Other conditions that might require mitigation of any adverse impacts of the proposed development.
- (h)** The site is designed to provide ingress and egress that minimize traffic hazards and traffic congestion on the public roads;
- (i)** The site is designed to minimize the impact on storm water facilities;
- (j)** The use will be adequately served by water and sanitary sewer services;
- (k)** The use is not noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas; and
- (l)** The use will not be detrimental or endanger the public health, safety or general welfare.

Article 5 Section 11-E.2. states that when considering a Special Exception application, the City's and the larger community's best interests and the need, benefit, or public purpose of the proposed request should also be evaluated.

Additionally, Article 5, Section 11-E.3. states:

The Board of Adjustment shall give careful consideration to the warrants and criteria set forth in this section in judging applications for Special Exceptions involving the following uses. In granting a Special

Exception, the board may attach such reasonable conditions and safeguards in addition to those set forth in this section, as it may deem necessary to implement the purposes of this Chapter.

## Considerations:

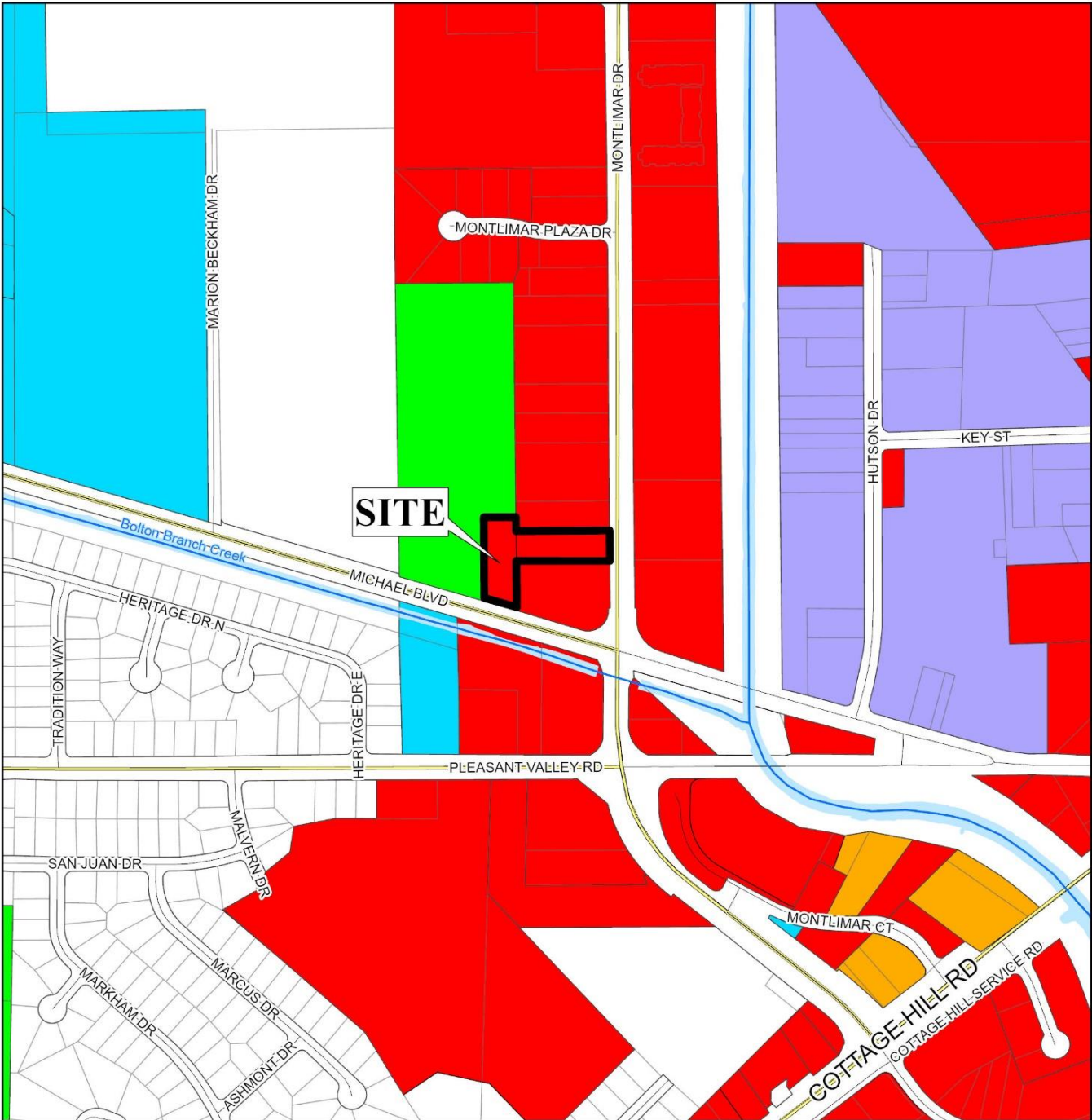
Based on the requested Special Exception application, if the Board should consider approval of the request, the following findings of fact must be considered:

- 1) The proposed use **is** in harmony with the general purpose, goals, objectives and standards of this Chapter, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City.
- 2) The proposed use at the proposed location **shall not** result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety and general welfare either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of this Chapter, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City or other governmental agency having jurisdiction to guide growth and development.
- 3) The proposed use **will** be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, and services specified in this subsection.
- 4) The proposed use **is** consistent with all applicable requirements of this Chapter including: any applicable development standards in Article 3, and any applicable use regulations in Article 4.
- 5) The proposed use **is** compatible with the character of the neighborhood within the same zoning district in which it is located.
- 6) The proposed use **will not** impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.
- 7) The proposed use **will** have no more adverse effects on health, safety or comfort of persons living or working in the neighborhood, or will be no more injurious to property or improvements in the neighborhood than would any other use generally permitted in the same district.
- 8) The site **is** designed to provide ingress and egress that minimize traffic hazards and traffic congestion on the public roads.
- 9) The site **is** designed to minimize the impact on storm water facilities.
- 10) The use **will** be adequately served by water and sanitary sewer services.
- 11) The use **is not** noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas; and
- 12) The use **will not** be detrimental or endanger the public health, safety or general welfare.

If the Board approves the request, it should be subject to the following conditions:

1. Compliance with the stacking and screening requirements of Article 3, Section 64-3-13.B. of the UDC; and
2. Revision of the site plan to illustrate a protection buffer where the site abuts R-3 zoned property, in compliance with the setback and screening requirements of Section 64-3-8.A.2. of the UDC.

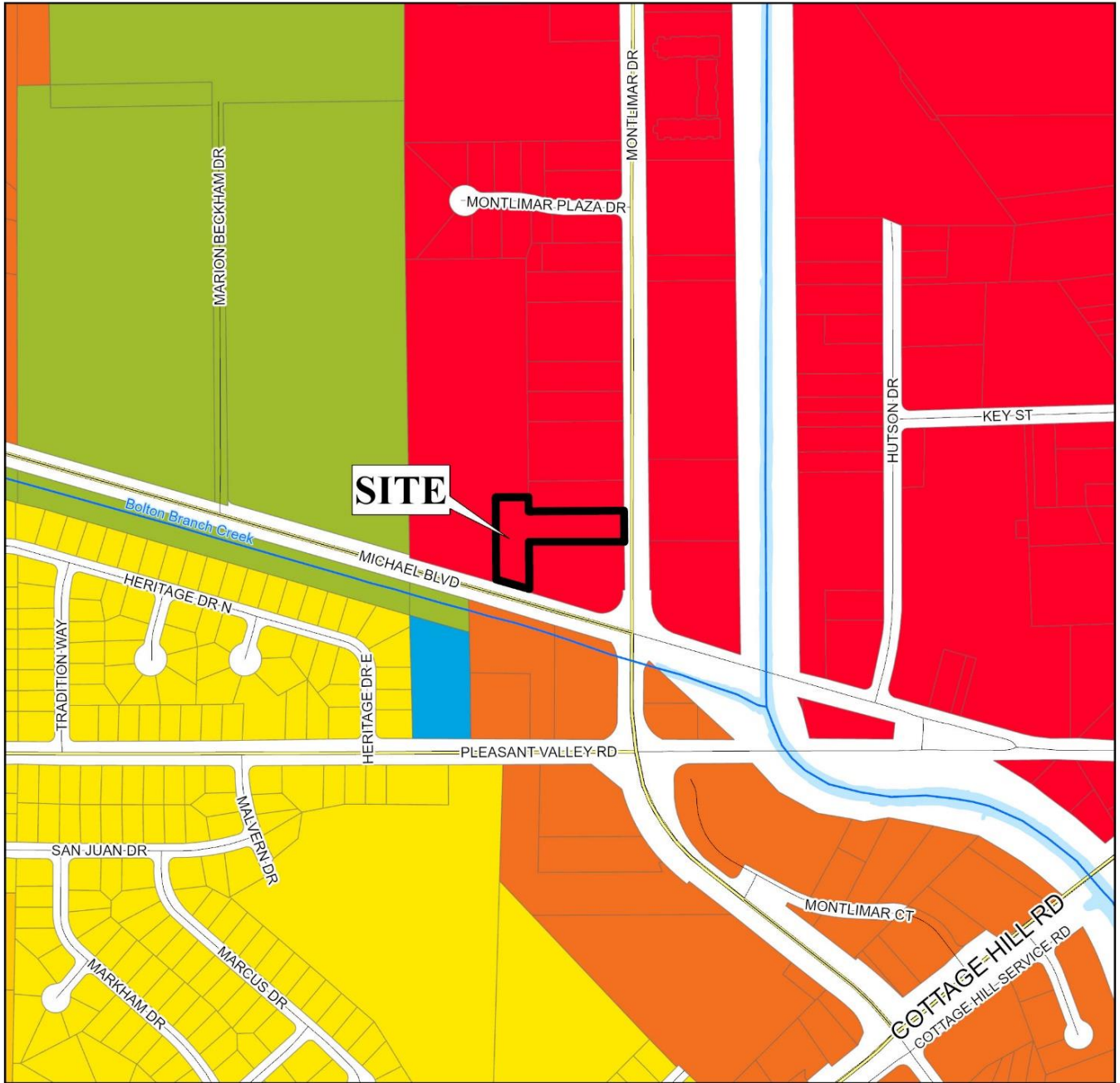
# LOCATOR ZONING MAP



APPLICATION NUMBER <u>6568</u> DATE <u>January 8, 2024</u>
APPLICANT <u>HC20WS, LLC &amp; CDH Investments, LLC (Evan Geerts,</u>
REQUEST <u>Special Exception</u>



# FLUM LOCATOR MAP



APPLICATION NUMBER 6568 DATE January 8, 2024  
 APPLICANT HC20WS, LLC & CDH Investments, LLC (Evan Geerts,  
 REQUEST Special Exception

- |   |  |  |   |
|---|--|--|---|
| <span style="color: yellow;">■</span> Low Density Residential   | <span style="color: red;">■</span> Neighborhood Center - Traditional | <span style="color: brown;">■</span> Downtown Waterfront | <span style="color: green;">■</span> Parks & Open Space |
| <span style="color: orange;">■</span> Mixed Density Residential | <span style="color: blue;">■</span> Neighborhood Center - Suburban   | <span style="color: lightgrey;">■</span> Light Industry  | <span style="color: darkblue;">■</span> Water Dependent |
| <span style="color: pink;">■</span> Downtown                    | <span style="color: lightpink;">■</span> Traditional Corridor        | <span style="color: purple;">■</span> Heavy Industry     |   |
| <span style="color: red;">■</span> District Center              | <span style="color: orange;">■</span> Mixed Commercial Corridor      | <span style="color: cyan;">■</span> Institutional        |   |





# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



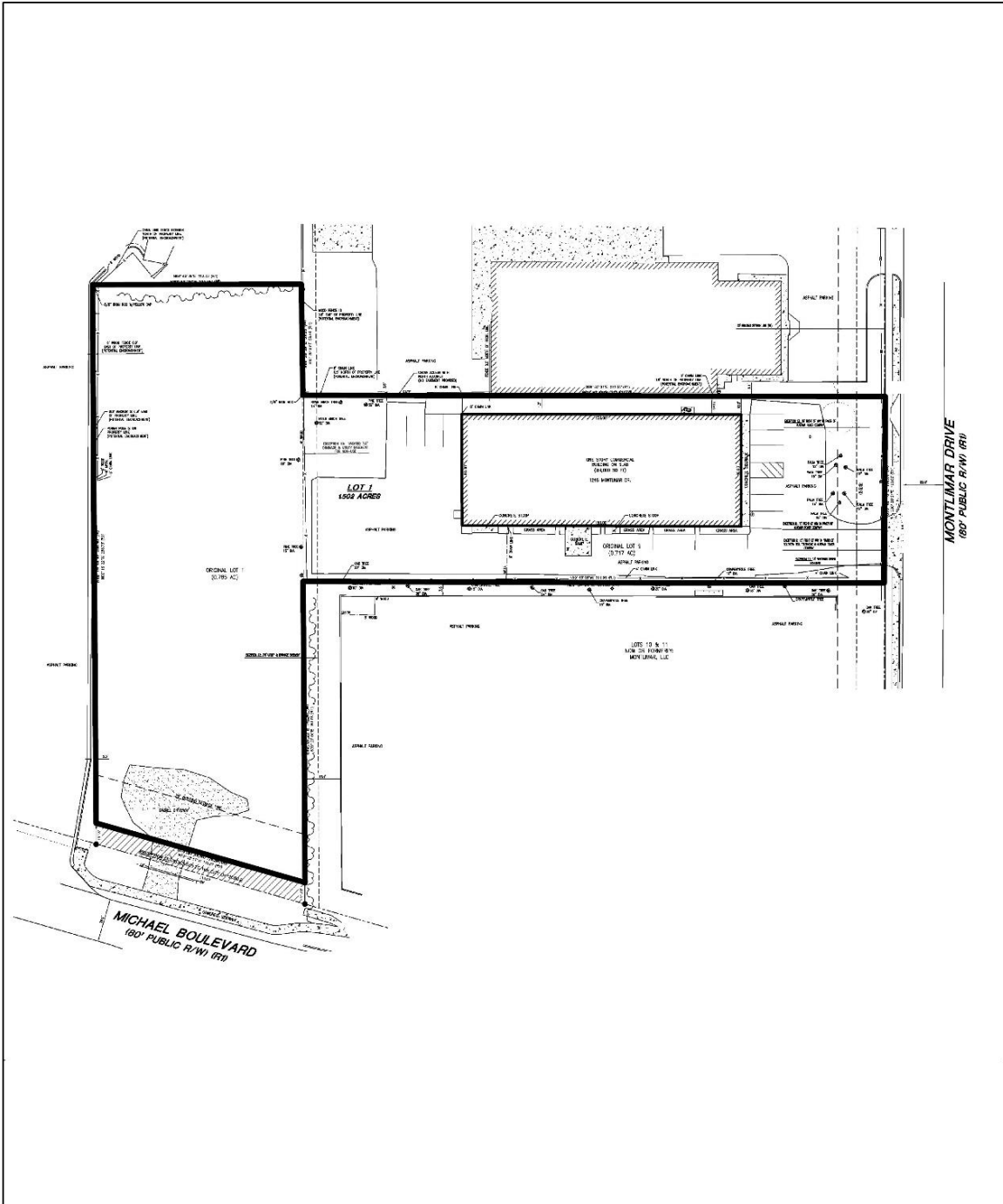
The site is surrounded by commercial units. A apartment complex lies northwest of the site.

APPLICATION NUMBER 6568 DATE January 8, 2024  
 APPLICANT HC2OWS, LLC & CDH Investments, LLC (Evan Geerts,  
 REQUEST Special Exception

- |     |     |      |     |     |     |     |       |       |       |
|-----|-----|------|-----|-----|-----|-----|-------|-------|-------|
| 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 |       |



# SITE PLAN

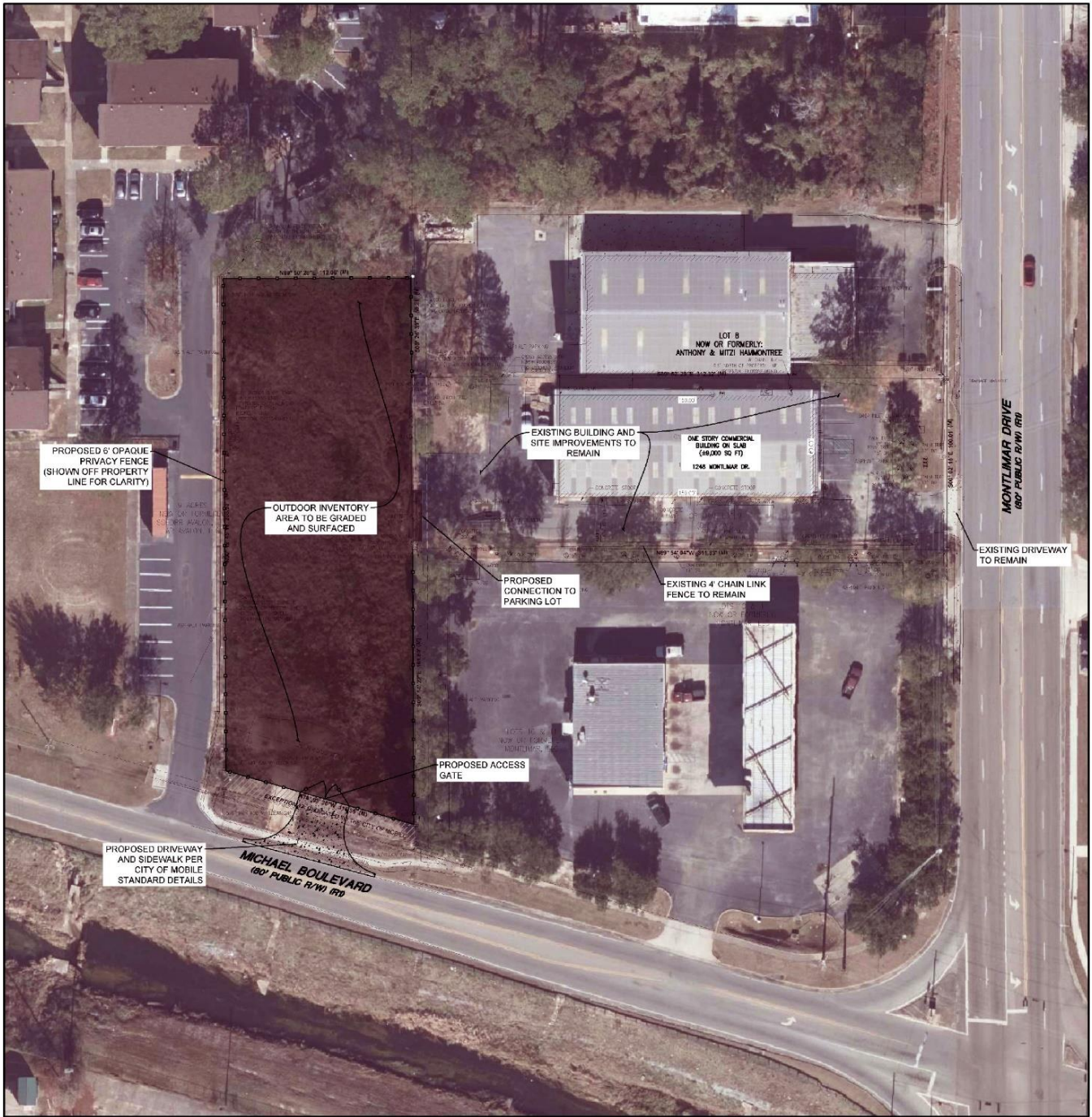


The site plan illustrates the existing building, setbacks, and easements.

APPLICATION NUMBER	6568	DATE	January 8, 2024
APPLICANT	HC2OWS, LLC & CDH Investments, LLC (Evan Geerts, Agent)		
REQUEST	Special Exception		

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# DETAIL SITE PLAN



APPLICATION NUMBER 6568 DATE January 8, 2024  
 APPLICANT HC20WS, LLC & CDH Investments, LLC (Evan Geerts,  
 REQUEST Special Exception



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.