



Agenda Item # 8

BOA-SE-002901-2024

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

11 Government Street

Applicant / Agent:

Sara Benson

Property Owner:

City of Mobile

Current Zoning:

B-4, General Business District

Future Land Use:

Downtown Waterfront

Case Number:

6588/5326

Unified Development Code (UDC) Requirement:

- Special Exception to allow a passenger depot in a B-4, General Business District.

Board Consideration:

- Special Exception to allow a passenger depot in a B-4, General Business District.


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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial units and a park that lies just east.

APPLICATION NUMBER <u> 6588 </u> DATE <u> May 6, 2024 </u>	
APPLICANT <u> Sara Benson </u>	
REQUEST <u> Special Exception </u>	

SITE HISTORY

At its August 4, 2005 meeting, the Planning Commission approved a three (3) lot Subdivision and Planned Unit Development (PUD) to allow multiple buildings on a single building site with shared access between two (2) sites. For the same development, the Board of Zoning Adjustment considered Use, Height, Front Yard, and Side Street Side Yard Setback Variances at the October 3, 2005 meeting to allow a retail and multi-family residential condominium development, but they were withdrawn by the applicant and both the Subdivision and PUD were allowed to expire.

STAFF COMMENTS

Engineering Comments:

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

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 a passenger depot to operate in a B-4, General Business District; the Unified Development Code (UDC) requires a Special Exception to allow a passenger depot to operate in a B-4, General Business District.

The complete application is available via the link on page 1.

The subject site is currently utilized as a parking lot, and the applicant is proposing to build a passenger depot platform to serve a railroad passenger service.

The applicant states the following:

Amtrak is proposing to build/install a new temporary platform, which will be 106-feet long by 12-feet wide, and (3) accessible parking stalls adjacent to the platform. The project will also include the installation of station identification signage and solar lighting (no utilities connection required). The platform, signs, and light poles are all installed on pylon footings. Amtrak will re-stripe the existing parking stalls remaining after construction is completed.

The site is not located within a historic district, and will therefore not require any review by the Architectural Review Board (ARB). Any signage proposed for the passenger depot will be required to comply with UDC signage allowances and obtain all necessary permits.

Passenger depots are required to provide one (1) parking space per 1,000 square feet. The proposed passenger depot platform is depicted at approximately 1,400 square feet, thus requiring two (2) parking spaces; the site plan depicts 45 parking spaces to remain on site after development.

SPECIAL EXCEPTION CONSIDERATIONS

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 considers approval of the request, the following findings of fact must be present:

- 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.

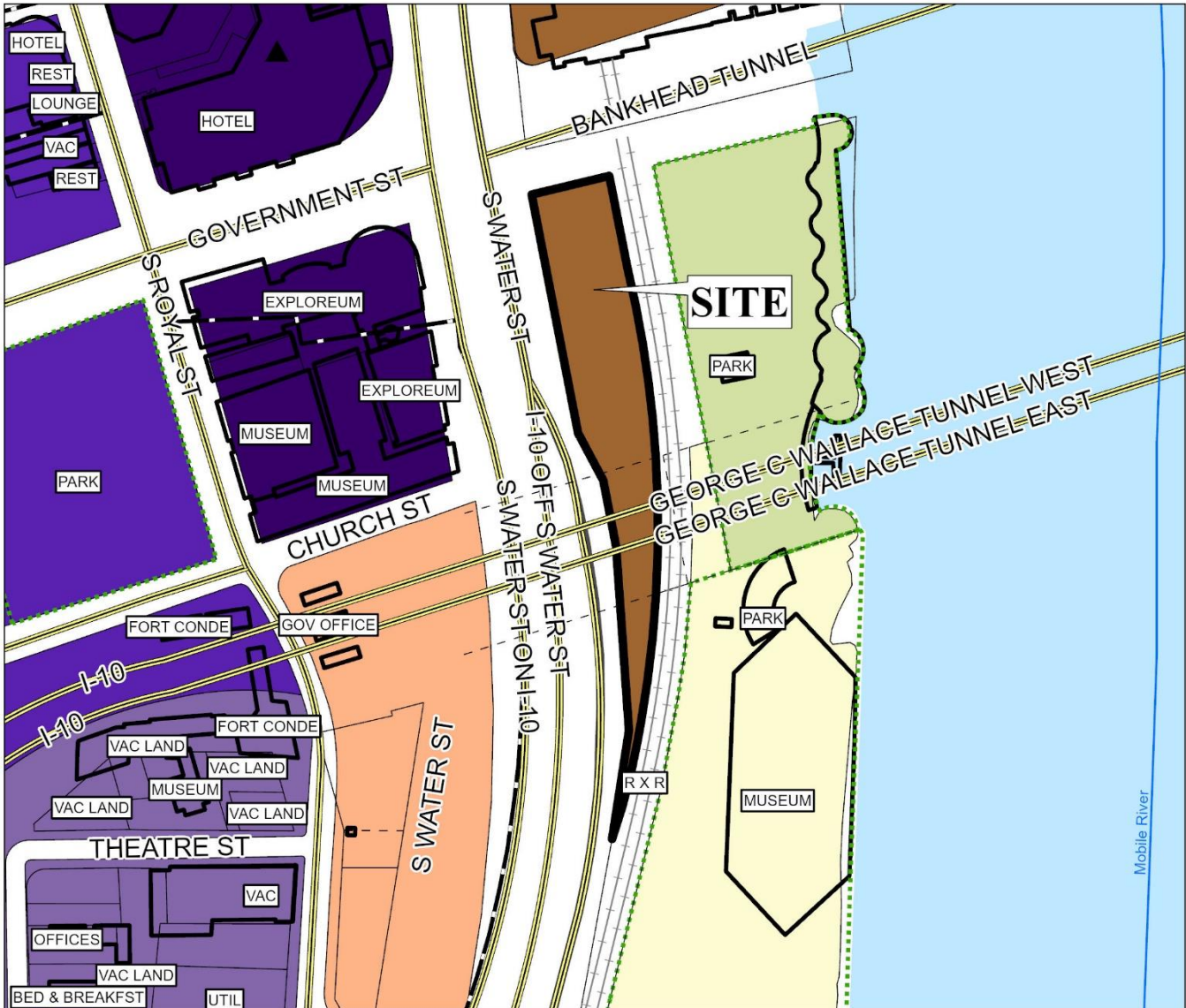
FLUM LOCATOR MAP



APPLICATION NUMBER	6588	DATE	May 6, 2024
APPLICANT	Sara Benson		
REQUEST	Special Exception		
<ul style="list-style-type: none"> Low Density Residential Mixed Density Residential Downtown District Center 	<ul style="list-style-type: none"> Neighborhood Center - Traditional Neighborhood Center - Suburban Traditional Corridor Mixed Commercial Corridor 	<ul style="list-style-type: none"> Downtown Waterfront Light Industry Heavy Industry Institutional 	<ul style="list-style-type: none"> Parks & Open Space Water Dependent



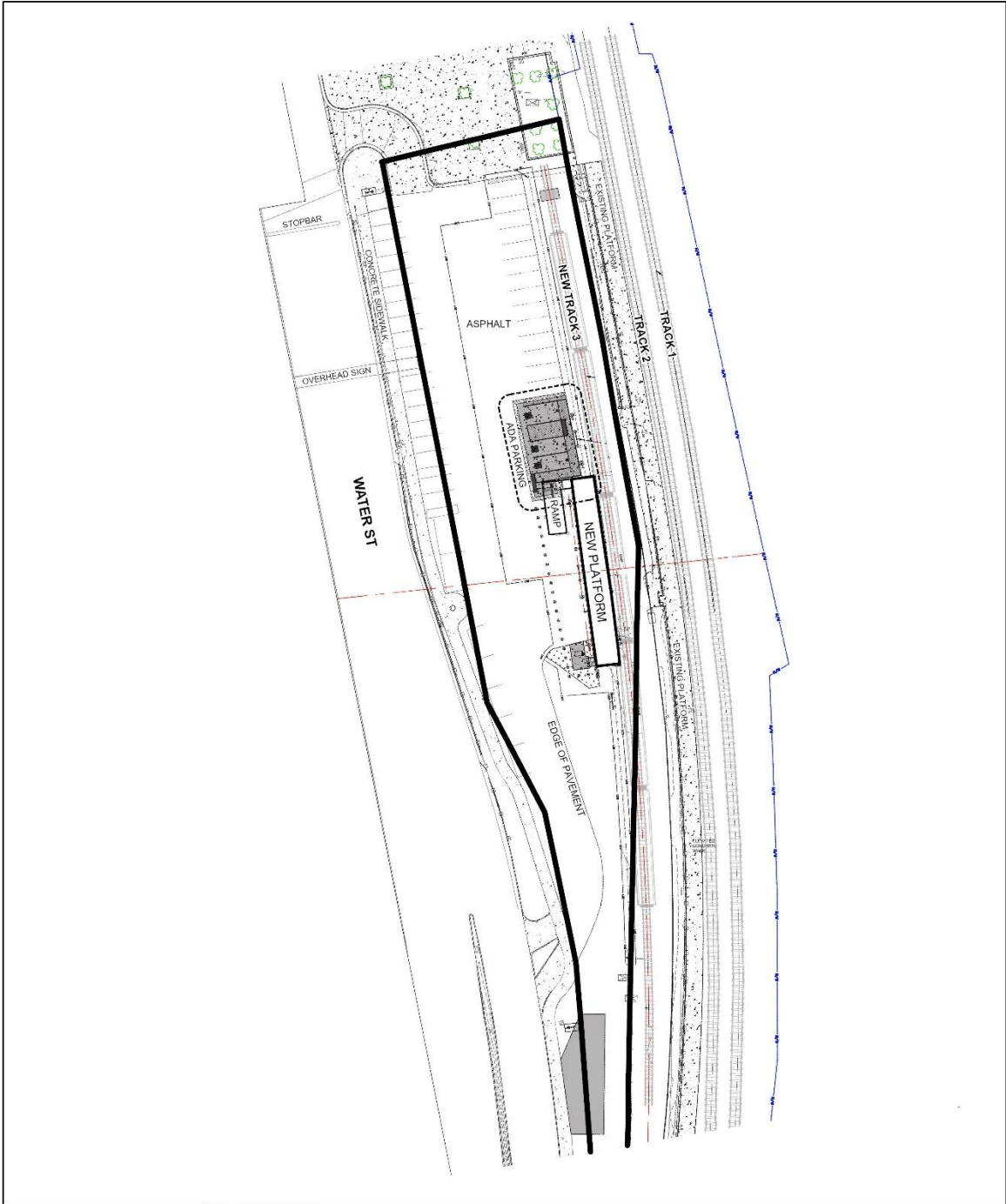
BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units and a park that lies just east.

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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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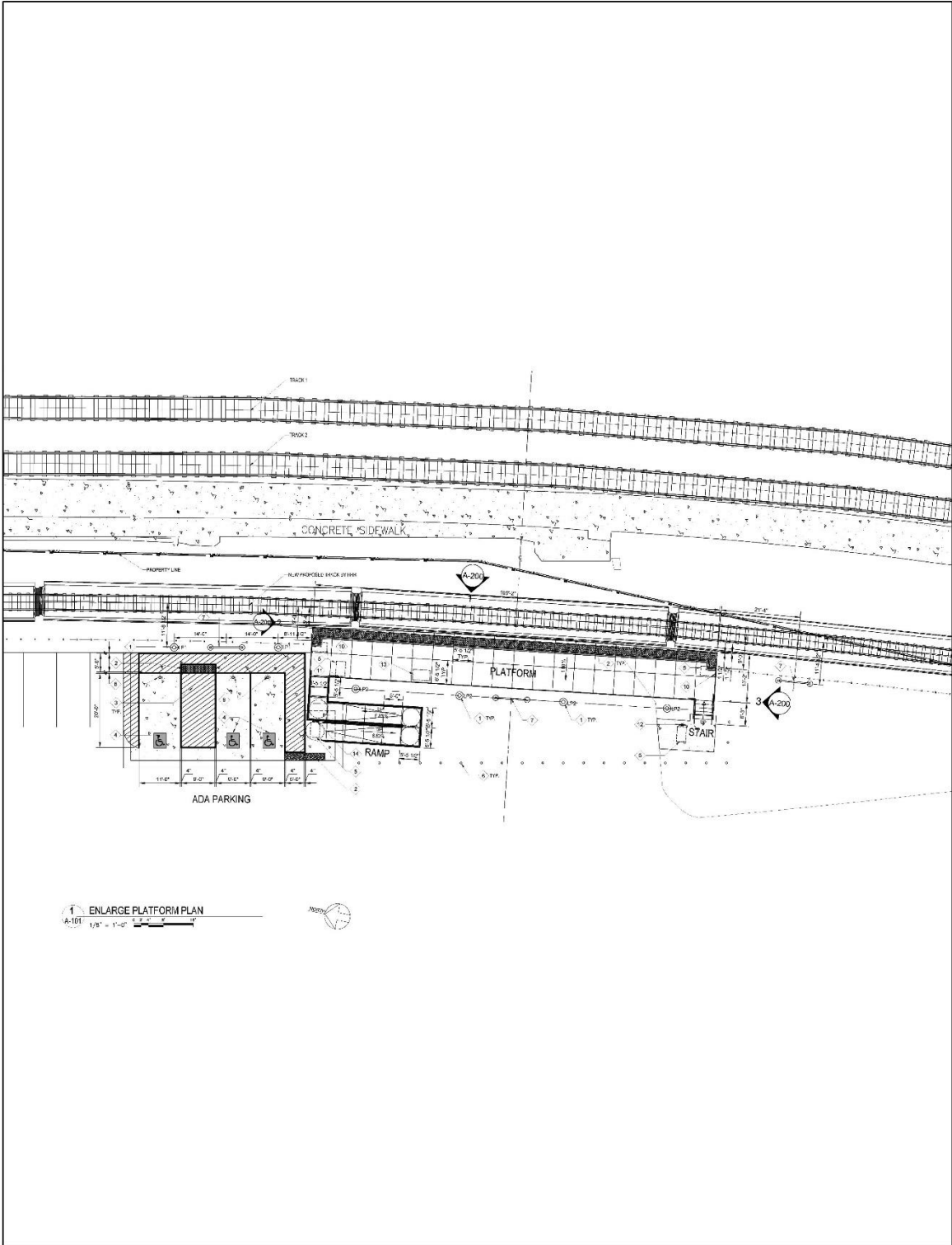
SITE PLAN



The site plan illustrates the proposed platform and the proposed train track.

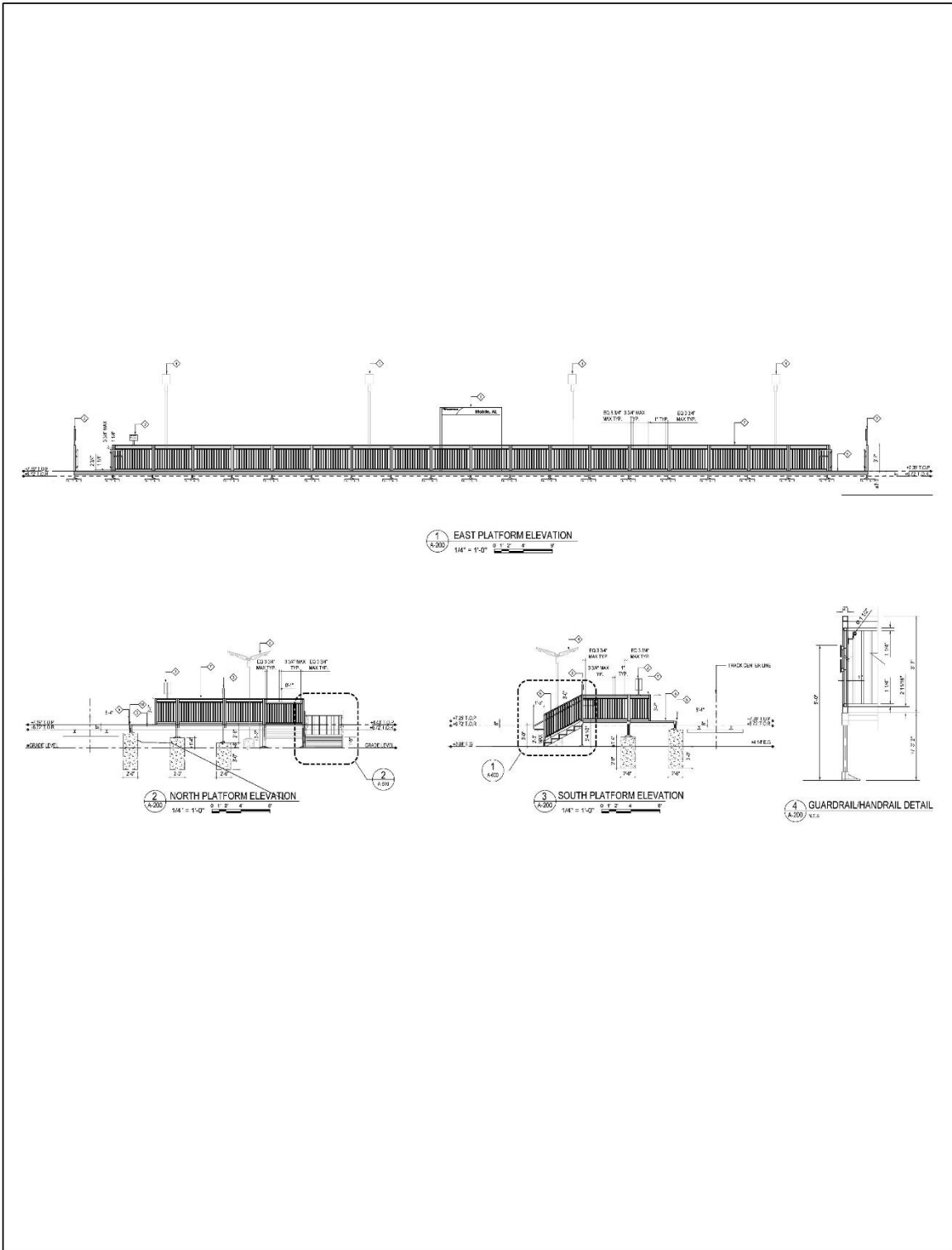
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DETAIL SITE PLAN



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DETAIL SITE PLAN



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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 (WDWRU)	
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)



DOWNTOWN WATERFRONT (DW)

This land use designation applies to an area generally bound by Virginia Street to the south, I-10 to the west, Beauregard Street to the north, and the Mobile River to the east. The primary intent of this designation is to promote opportunities for expanding public waterfront access and the possibility of additional public-oriented activities to make the waterfront more inviting and safe. The area may include incremental public access improvements and amenities that emphasize internal pedestrian and bicycle connections, as well as new linkages to Downtown and the surrounding neighborhoods.

Land uses in areas designated DW include existing industrial and heavy commercial facilities, but may also include complementary businesses and public facilities, as well as open spaces and access points to enhance the enjoyment and appreciation of the natural shoreline environment.