

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: October 6, 2014****CASE NUMBER**

5923

APPLICANT NAME

Felder Holdings, LLC

LOCATION220 Furr Street
(Southeast corner of Furr Street and Old Carline Street)**VARIANCE REQUEST****USE:** To allow a 12,400 square foot fitness center, office and warehouse in an R-1, Single-Family Residential District.**ACCESS/MANEUVERING:** To allow nose-in/back-out within a right-of-way.**PARKING:** To allow 28 parking spaces.**TREE AND LANDSCAPE:** To allow reduced tree plantings or frontage landscape area.**ZONING ORDINANCE
REQUIREMENT****USE:** The Zoning Ordinance requires a minimum of a B-2, Neighborhood Business District for the operation of a fitness center, office and warehouse.**ACCESS/MANEUVERING:** The Zoning Ordinance requires all maneuvering are on private property.**PARKING:** The Zoning Ordinance requires 36 parking spaces for a 12,400 square foot building.**TREE AND LANDSCAPE:** The Zoning Ordinance requires full compliance with tree plantings and landscaping requirements.**ZONING**

R-1, Single-Family Residential District

AREA OF PROPERTY

0.63 ± Acres

**ENGINEERING
COMMENTS**

If the variances are approved for use as requested the applicant will need to meet the following conditions:

- a. Submit and receive a Land Disturbance Permit for the proposed site development work.
- b. Submit a ROW Permit for the work within the Furr Street ROW. Work shall include replacing any broken and/or uneven sidewalk panels.

TRAFFIC ENGINEERING

COMMENTS

The two northern most parking spaces that would require backing into the street should be eliminated. The spaces overhang the sidewalk as illustrated and may create a hazard related to the line of sight for vehicles traveling on Old Carline St. The asphalt in this area should be removed and the area grassed. The existing planters adjacent to the west side of the building are not illustrated. Verify that a compliant ADA accessible route will be available from the proposed handicap parking spaces. Concrete parking bumpers should also be required to prevent vehicles from overhanging on the concrete walk adjacent to both side of the building.

FIRE DEPARTMENT

COMMENTS

All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.

CITY COUNCIL

DISTRICT

District 1

ANALYSIS

Use, Access/Maneuvering, Parking, Tree Planting, and Landscape Variances to allow a 12,400 square foot fitness center, office and warehouse, 28 parking spaces with nose-in/back-out within a right-of-way and reduced tree plantings and landscape area in an R-1, Single-Family Residential District; the Zoning Ordinance requires a minimum of a B-2, Neighborhood Business District, for the operation of a fitness center, office and warehouse, with 36 parking spaces for a 12,400 square foot building, all maneuvering area on private property and full compliance with tree plantings and landscaping requirements.

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.

Applicant's statement: *The existing facility is a 2-story Office/Warehouse structure constructed in 1962, which pre-dates the adoption of the Zoning Ordinance of the City of Mobile. The front (west side) portion of the facility is constructed of CMU, while the*

remainder of the facility is constructed of metal siding over a structural steel framing. The western portion is 2-stories and has been used for Office space for the life of the structure. This portion occupies approximately 2,450 sf on each floor. The remainder of the building's footprint is Warehouse space, occupying approximately 9,950sf.

The intent of this project would be to allow an additional tenant to occupy a portion of the space and to add additional parking to complement the present limited parking.

The proposed Tenant intends to operate a Fitness Center in the space. The proposed exterior improvements would consist of adding doors on the south side of the building, to serve as the primary entrance, and other doors as required to satisfy Building Codes and complement the functionality of the facility. No other significant modifications to the exterior of the facility are planned.

The interior will be modified as necessary to provide a clean area for the purposes of the operation. A Fire Separation wall will be required to separate the proposed use from the Warehouse use. A portion of the existing 2-story Office portion will be occupied by this operation as well, which is to include Locker Rooms, Showers, and Restroom facilities, all of which will be designed to meet all of the appropriate Building Code requirements.

The proposed development would commence immediately upon approval of this request.

With regard to the Use Variance,

The proposed tenant is Cross Fit Mobile, which operates several Fitness Centers in the area. It is planned to be open for business 6 days per week. Typical hours of Operation would be from 6:30 am until 7:30 pm M-F, and 8 am — 1 pm on Saturdays. The facility operates differently than many Fitness Centers in that Cross Fit Mobile has multiple 1-hour classes throughout the day, with breaks in the late morning and early afternoon. A typical class size would be 10-20 customers. Customers would come to participate in their class then leave afterwards. Customers are not allowed to come and work out at their leisure. An estimate of the average number of customers per day would be 75-100.

The proposed operation would occupy approximately 5,800 sf of the present Warehouse space, leaving 4,150 sf to be used as Warehouse. Additionally, this tenant would occupy approximately 1,900 sf of the present Office space.

The proposed operations do not entail any equipment or machinery that would generate any noise, pollution or excessive traffic that would be detrimental or disruptive to the surrounding area. As such, it is not anticipated that any measures beyond the required privacy fencing to separate the facility from its Residential neighbors would be required to minimize any possible negative impacts.

This site was developed in 1962, before the Zoning Ordinance was adopted. Once adopted, the Zoning Ordinance zoned areas based on use of the majority of the properties of a particular area. In this case, everything in this area was Zoned R-1, as the majority of the surrounding sites were residential at that time. Since that time, a number of the parcels have been rezoned to allow for commercial uses. However, this particular site was never rezoned, as the original developer and owner operated this facility from 1962 until its recent sale and did not make any significant modifications to the facility during that period. It should be noted herein that the parcel immediately to the north is Zoned B-1 and several parcels to the south are Zoned B-3, one of which operates as a Fitness Center.

With regard to the Site Variance,

The proposed improvements would include providing additional parking on the southern parcel to complement the existing parking along the western side of the building. Based on the square footages proposed for the multiple uses, the Zoning Ordinance would require 37 Parking spaces to be provided for this facility. Due to the constraints of the available property, only 29 spaces are proposed to be provided. We propose this would be sufficient to serve this facility, as this would provide for 19 spaces dedicated to the Cross Fit operation while leaving 10 spaces for the Offices of the Landlord's operation.

Although the building is constructed closer to the western property line than would be allowed by the Zoning Ordinance, there remains ample spaces to allow the off-street parking that has served this building for its 50 years of existence. Additionally, the proposed development would also include the installation of a sidewalk along the entire frontage of Furr Street. This sidewalk would be constructed appropriately to allow for the vehicles to cross it without causing damage. It should be noted that existing building was constructed across the northern property line for a portion of its length. No improvements are proposed along this side of the building, with the exception of adding a concrete sidewalk in compliance with the present Zoning Ordinance for the full length of the property.

Due to the location of the building on the site, compliance with the Landscaping requirements of the Zoning Ordinance is not possible. Specifically, the requirement that a minimum of 60% of the required 12% of the site landscaping be situated in front of the building is not feasible. Requiring this would remove the existing 6 parking spaces from the front of the building, which would further compound the constraints of the facility. And providing landscaping in the front 25 feet of the southern lot would only provide approximately 1/3 of the required square footage while eliminating 3 additional parking spaces. The Ordinance requires the site contain a minimum of 12% landscaped area, which would be approximately 3,300 sf. The Proposed Site Plan depicts significantly more than that, but does not satisfy the 60% Frontage requirement.

Additionally, the same constraints of the building on the site described above will not allow for full compliance with the Ordinance with respect to Frontage Trees. However, the total number of trees required (23) is able to, and will, be satisfied.

The property has a history of a non-conforming commercial use dating back to 1965, prior to the adoption of the current Zoning Ordinance (1967), as mentioned in the applicant's statement.

The site is adjacent to B-1, Buffer Business directly across Old Carline Street and B-3, Community Business to the northwest across Furr Street, at the terminus of Old Carline Street. Property to the northeast, south, east, and due west of this site are all zoned R-1, Single-Family Residential.

With regards to the Use Variance request, the applicant wishes to continue the operations of an office-use and warehouse-use, with the addition of a new fitness center, which if approved would appear to be the primary use of the building. As the building is a 2-story, commercial building with an existing commercial-use history, the use as a dwelling unit or any type of residential purpose is highly unlikely as there does not appear to be any intent to abandon the commercial nature of the property. The continued commercial use would appear to be logical; however, the intent of non-conforming regulations is to eventually phase out uses not in compliance with the underlying zoning district. With that in mind, the proposed scope of operations, as mentioned previously in this report by the applicant, may be appropriate and appear to keep in-line with the existing uses and not appear to be contrary to the public interest if certain precautions are taken to ensure the public's general welfare is not compromised in any way.

The existing office-use and warehouse-use appear to date back to 1965; however, it appears the warehouse space previously occupied the majority of the building. As the applicant now desires 5,800 sf of fitness space, 4,900 sf of office area, and 4,100 sf of warehouse space, parking may be an issue due to an increase in required parking. The fitness and warehouse space require a parking ratio of 1:300 and, as such, would require 36 parking spaces. The applicant states there is 1 parking space required for the warehouse area for a total of 37 required onsite parking spaces. It should be pointed out that as Traffic Engineering recommends the elimination of 6 parking spaces along the western side of the building, the access/maneuvering variance request would no longer be necessary; however, as currently proposed, the site would only provide 23 onsite parking spaces, well short of the required 37. As such, it is recommended the applicant coordinate with Staff to revise the proposed parking areas to accommodate a more appropriate number of onsite parking spaces in compliance with Section 64-6. of the Zoning Ordinance and the revision of the Parking Variance request for the actual number of parking spaces that will be provided.

With the elimination of the previously mentioned 6 parking spaces, the site plan would not appear to illustrate any accessible parking spaces or routes, although the Planning Section does not enforce accessible parking or ADA, certain aspects of ADA do impact site design. As such, the revised site plan and building plans should depict a compliant number of accessible spaces and design compliance with the requirements of the ADA, in accordance to the applicable building code section 1106 (and 2010 ADA Standards for Accessible Design).

The applicant should also be aware that any new lighting on the site will have to comply with the requirements of Sections 64-4.A.2., 64-6.A.3.c., and 64-6.A.8. of the Zoning Ordinance. A note

reflecting this requirement should appear on the revised site plan, and photometric plans will be required at the time of permitting as more than 25 parking spaces may be proposed.

With regards to the Tree and Landscape Variance request, the site is roughly 27,546± sf and would require a total landscaped area of 3305± sf, with 1,983± sf being frontage landscaping, along with 10 frontage trees, 12 perimeter trees and 2 parking trees. The applicant referenced the site limitations as the property is already developed; however, the elimination of the 6 parking spaces along the western side of the building could provide over 1,000± sf of new landscaped area and the area to the northeast corner of the building along Old Carline Street also provides additional frontage landscaped area. Further, it is of Staff's opinion that after the site layout is revised, the site would appear able to accommodate additional frontage trees. There appears to be overhead power lines near this site. Any trees proposed within 15 horizontal feet from overhead utilities must be Live Oak if overstory and Crape Myrtle if understory. As such, the revised site plan should quantify and illustrate all trees (proposed/removed/credit) and landscape area. A Tree Removal permit for the removal of any 24" or larger Live Oak Trees should be required prior to any request for Land Disturbance related permits.

It should be pointed out that the site plan does not illustrate the location of a dumpster or a note referencing curb-side pickup. Use of a dumpster will require the construction of a dumpster pad with enclosure connected to sanitary sewer, and the location of the pad must meet all side and rear yard setbacks. The site plan should be revised to illustrate the location of a dumpster in compliance with Section 64-4.D.9. of the Zoning Ordinance, or the placement of a note stating that garbage will be collected via curb-side pickup.

Lastly, the site plan also depicts a 6' high wooden privacy fence along the eastern and southern lot line to be used as a residential buffer, as the site is adjacent to R-1, Single-Family Residential; however, the site plan should be revised to depict all proposed fencing not to exceed 3' in height within the 25' minimum building setbacks of Furr and Old Carline Streets. A 3' high hedge row should also be illustrated along Furr Street, directly adjacent to the proposed parking area and within the landscaped area.

It should be noted that a portion of the existing building appears to have been constructed within the right-of-way of Old Carline Street, and as such, any additions or future structures must comply with all required setbacks.

There are special conditions which exist with this property that would make the literal enforcement of the R-1 district regulations a hardship, namely that the site is developed with a commercial building.

Granting a variance to allow the (continued) commercial use of the existing building may not be contrary to the public interest if certain precautions are undertaken, such as compliance with building and fire codes, the provision of trees and landscaping, an appropriate number of parking spaces and controlled site lighting for the commercial use.

RECOMMENDATION:

This application is recommended for holdover for the following reasons:

- 1) Coordination with Staff to revise the site layout to illustrate a compliant number of parking spaces in accordance with Section 64-6. of the Zoning Ordinance;
- 2) Revision of the Parking Variance request to depict the actual number of proposed onsite parking spaces;
- 3) Revision of the site layout to reflect compliance with Traffic Engineering comments;
- 4) Revision of the site plan to depict a compliant number of accessible parking spaces and design compliance with the requirements of the applicable building code section 1106 (and 2010 ADA Standards for Accessible Design);
- 5) Revision of the site layout to quantify and illustrate all trees (proposed/removed/credit) and landscape area;
- 6) Illustration of bumper stops or curbing for all new parking spaces;
- 7) Illustration of a dumpster in compliance with Section 64-4.D.9. of the Zoning ordinance or the placement of a note stating that garbage collection will be via curb-side pickup;
- 8) Illustration of a 3' high hedge row along Furr Street, directly adjacent to the proposed parking area; and
- 9) Placement of a note on the site plan stating that proposed privacy fencing is not to exceed 3' in height within the 25' minimum building setbacks of Furr and Old Carline Streets.

LOCATOR MAP



APPLICATION NUMBER 5923 DATE October 6, 2014
APPLICANT Felder Holdings, LLC
REQUEST Use, Access/Maneuvering, Parking, Tree Planting, and Landscape Variances



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential 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 ZONING



The site is surrounded by single family residential units.

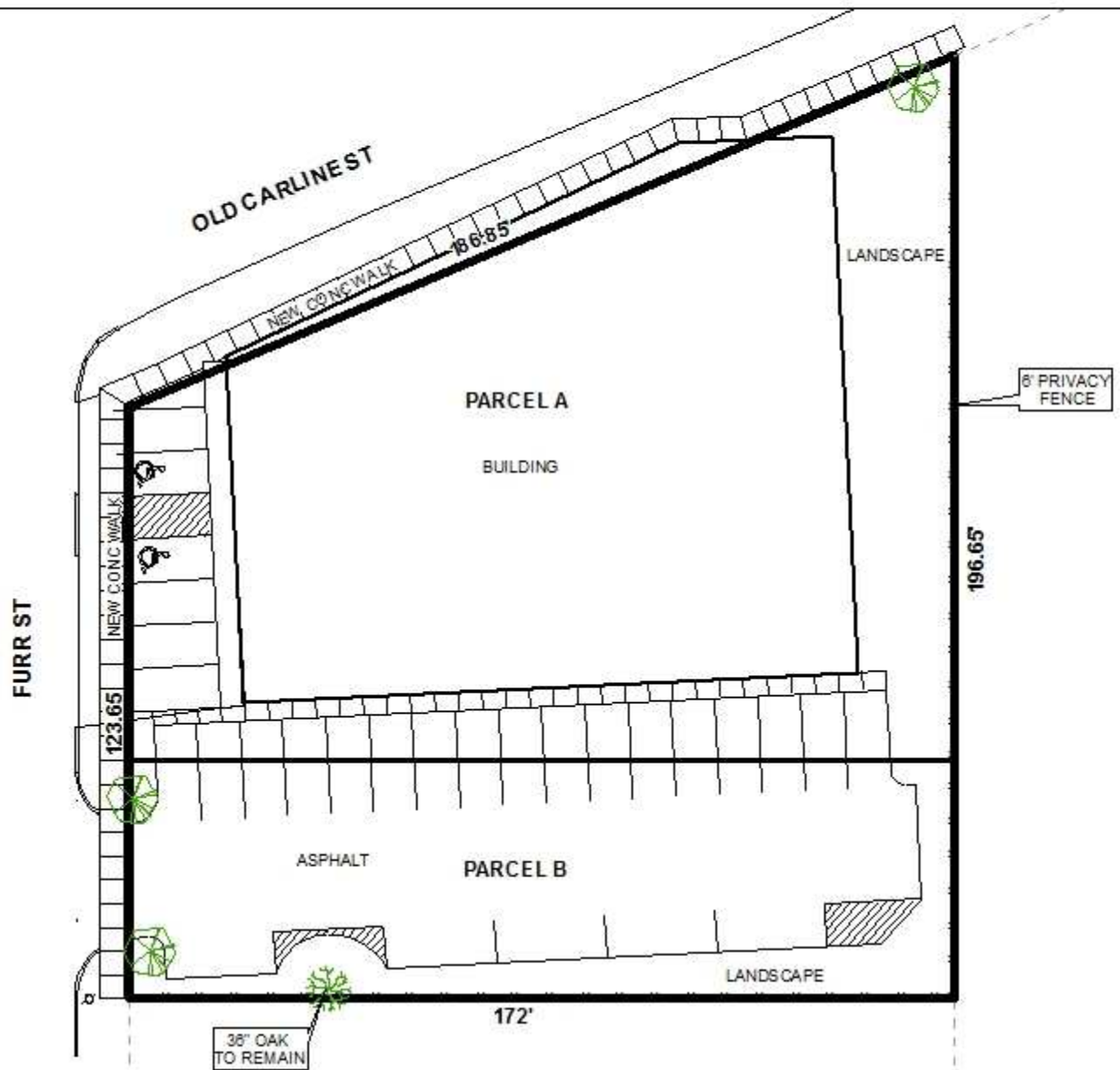
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SITE PLAN

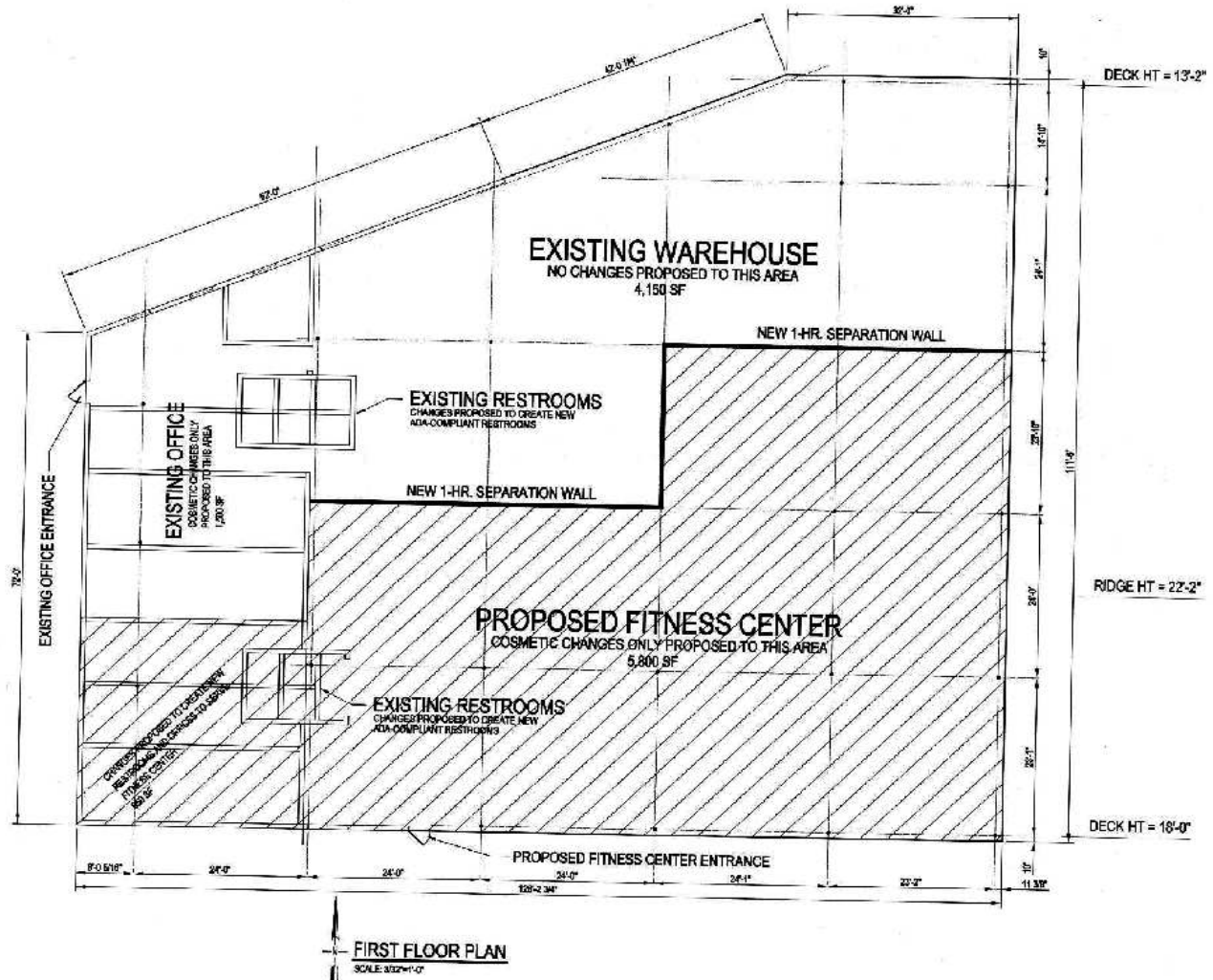


The site plan illustrates the existing building, trees, new sidewalks, and parking.

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DETAIL SITE PLAN



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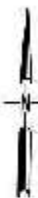
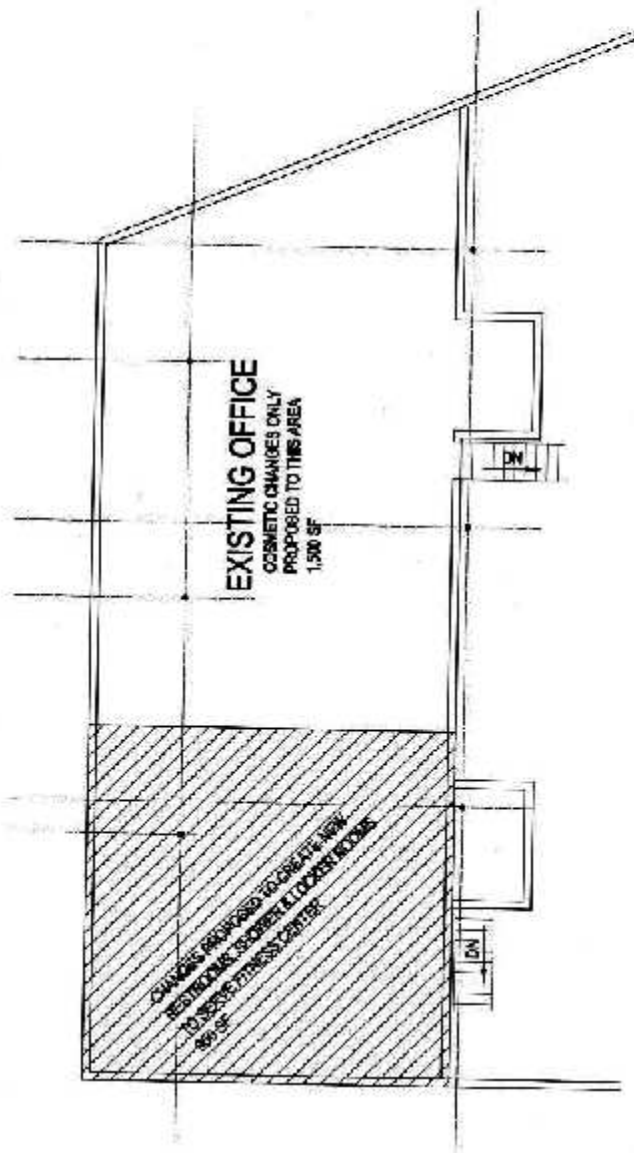
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NTS

DETAIL SITE PLAN



SECOND FLOOR PLAN

SCALE: 3/32"=1'-0"

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