

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: August 3, 2020****CASE NUMBER**

6339/5800

APPLICANT NAME

Africatown Community Development Corporation

LOCATION400 Africatown Boulevard
(Northwest corner of Bay Bridge Road and Paper Mill Road, extending to Paper Mill Road Extension).**VARIANCE REQUEST****USE:** To allow a market in a split-zoned B-2, Neighborhood Business District and R-2, Two Family Residential District.**PARKING:** To allow substandard parking.**PARKING SURFACE:** To allow substandard parking surfacing.**BUFFERING:** To allow no residential buffers.**TREE PLANTING AND LANDSCAPING:** To allow no landscaping or tree planting.**SETBACK:** To allow reduced structure setbacks.**SIGNAGE:** To allow noncompliant signage.**ZONING ORDINANCE
REQUIREMENT****USE:** The Zoning Ordinance requires a B-3, Community Business District for a seasonal market.**PARKING:** The Zoning Ordinance requires compliant parking to be provided.**PARKING SURFACE:** The Zoning Ordinance requires compliant parking surfacing.**BUFFERING:** The Zoning Ordinance requires compliant residential buffers.**TREE PLANTING AND LANDSCAPING:** The Zoning Ordinance requires full compliance with tree planting and landscaped area.

SETBACK: The Zoning Ordinance requires that all structures meet building setbacks.

SIGNAGE: The Zoning Ordinance requires compliant signage.

ZONING

B-2, Neighborhood Commercial District and R-2, Two Family Residential District

AREA OF PROPERTY

4.0± Acres

CITY COUNCIL DISTRICT

District 2

ENGINEERING COMMENTS

USE VARIANCE: NO COMMENT

PARKING VARIANCE: NO COMMENT

PARKING SURFACING VARIANCE:

If the aggregate surfacing is approved for use the applicant will need to have the following conditions met:

1. Submit and receive a Land Disturbance Permit through Central Permitting for the proposed site development.
2. Submit a ROW Permit (ALDOT and City of Mobile) for the work within the Public ROW. Aggregate surfacing will NOT be allowed within the public ROW.
3. Designated handicapped accessible spaces and routes must be paved (i.e. concrete, asphalt).

BUFFERING VARIANCE: NO COMMENT

TREE AND LANDSCAPE VARIANCE: NO COMMENT

SETBACK VARIANCE (2 SHEDS): NO COMMENT

SIGNAGE VARIANCE: NO COMMENT

FENCING VARIANCE: NO COMMENT

TRAFFIC ENGINEERING COMMENTS

If on-street parking surrounding the property or in front of other nearby properties becomes an issue, parking restrictions may have to be installed especially based on the width of Shelby St and Tin Top Ln.

ANALYSIS

The applicant has submitted Use, Parking, Parking Surface, Buffering, Landscaping and Tree Planting, Setback and Signage Variances to allow a market in a split-zoned B-2, Neighborhood Business District and R-2, Two-Family Residential District with substandard parking, substandard parking surface, no residential buffering, no landscaping or tree plantings, reduced structure setbacks, and noncompliant signage; the Zoning Ordinance requires a B-3, Community Business District for a seasonal market, with compliant parking, parking

surfacing, residential buffer, landscaping and tree plantings, with compliant structure setbacks and compliant signage.

The Zoning Ordinance states no variance shall be granted 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; and, no variance shall be granted where economics are the basis for the application. 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 site has been given a Traditional Center (TC) 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 generally applies to transportation corridors east of I-65, which serve as the primary commercial and mixed-use gateway to Downtown and the City's traditional neighborhoods (equivalent to Map for Mobile's Traditional Neighborhoods).

Depending on their location (and as allowed by specific zoning), TC designations incorporate a range of moderately scaled single-use commercial buildings holding retail or services; buildings that combine housing units with retail and/or office; a mix of housing types including low- or mid-rise multifamily structures ranging in density from 4 to 10 du/ac; and attractive streetscapes and roadway designs that safely accommodate all types of transportation – transit, bicycling, walking, and driving. In these areas, special emphasis is placed on the retention of existing historic structures, compatible infill development, and appropriate access management.

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 applicant states:

Africatown Market at 400 Africatown Blvd.

The Africatown Community Development Corporation ("ACDC") is well known for the Jakes Lane community garden it cultivates near the Mobile County Training School. The group wants to utilize this property as a seasonal market to sell produce from the garden and allow community members an opportunity to sell arts and crafts. ACDC applied for and received a \$50,000 grant from the Alabama Department of Agriculture for the market and has received a few corporate contributions as well. The market will initially be operate seasonally but it is hoped that it could grow to the point of being operated year round. The initial plans are to open the market on Saturday, Tuesday and Thursday. The days of operation could be expanded to other days of the week but will never include Sundays. The operating hours of the market will be limited to 8:00 am to 5 p.m. (may be less than this entire time block).

Africatown is also a food desert with no places selling essential food staples. The ACDC would also like to operate a small store in the future on this site that sells essential food staples like bread, milk, eggs, etc. The store's hours and days of operation will be within the operational period of the market.

As reflected on the site plan, there will be a large tent erected in which market vendors will setup tables and sale their products. There will be two temporary storage sheds on the property in which equipment and inventory will be stored when the market is not in operation. The larger temporary building will serve as an office during market operations and the store selling essential food staples will be operated out of this building. Two port-o-lets and a hand washing station will be placed on the property for use by customers and vendors. Parking will be onsite and customer traffic will enter and exit of Tin Top.

Temporary seasonal markets are not directly addressed in the zoning ordinance. This property has split zoning of R-2 and B-2. The applicant believes its activity is permitted under B-2 zoning but City Staff believes B-3 zoning is required. The property is surrounded by mixed uses, including public parks, churches, residential, and industrial use, and the use contemplated is a community based use that is consistent and beneficial to the surrounding parcels. The limited operations, the conduct of all vendor activities largely hidden under the large tent, and the onsite parking will eliminate any negative impacts on surrounding properties.

The ACDC requests variances for use, parking, parking surface, buffering, landscaping and tree planting, setbacks for the temporary sheds, and signage (to extent needed). Development within compliance with the zoning ordinance is not feasible given the nature of a seasonal market.

The applicant submitted a boundary survey of the subject site that depicts two (2) concrete slabs and seven (7) existing trees. The applicant proposes to have a tent and two (2) temporary buildings on site, but does not indicate where on the site they will be located. If approved, the applicant should provide a site plan showing the size and location of all proposed structures. Typically, tents are allowed for a maximum of ten (10) days, with a minimum of two (2) months between permits, and the applicant does not state how long the tent is proposed to remain.

The site plan does not delineate parking spaces, making it difficult for staff to determine how many parking spaces will be provided; again, if approved, the site plan should be revised to illustrate delineated parking spaces with stall and aisle dimensions.

The site plan does not provide any tree planting or landscape calculations. Based on information available to staff, the site will require the following:

- 20,807± square feet of total landscaped area
- 12,484± square feet of front landscaped area
- 63 total frontage trees
- 0 perimeter trees

It should be noted parking trees are required at a rate of 1 tree per 20 parking spaces, however without knowing the number of parking spaces available, staff is unable to determine how many parking trees will be required.

It appears that with the existing trees to remain on the site, the site will have several tree credits; however, the size and species of the trees is illegible, making it difficult to calculate the number of credits available. It should be noted that upon receipt of more accurate information, staff will be able to calculate the site requirements more definitively.

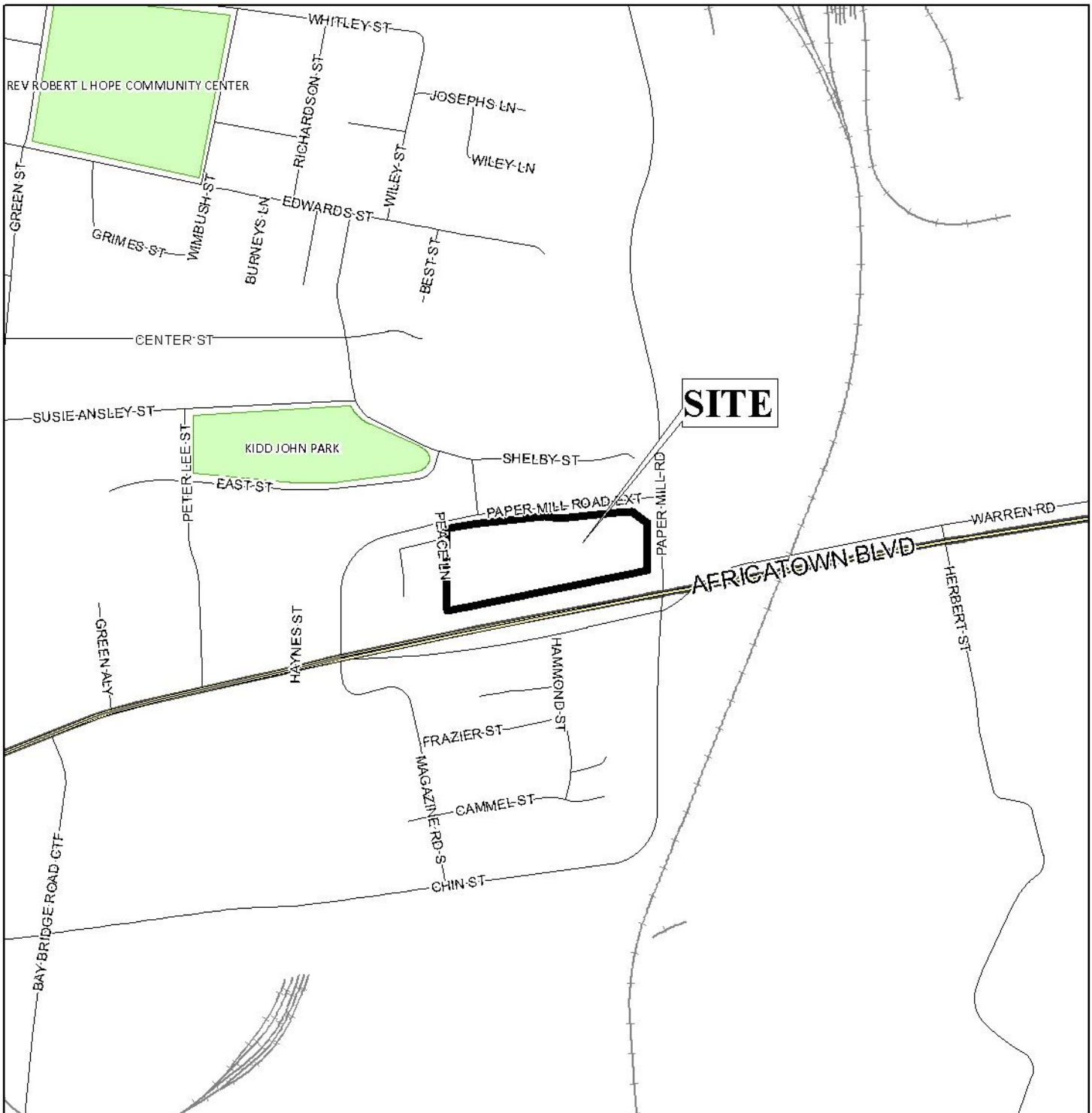
The applicant states that they are requesting a signage variance, but no information was provided on the size, type, and number of signs proposed. The Board cannot approve a sign variance without being provided specific information regarding what might be approved.

Finally, the applicant states that they need a buffer variance to not provide buffering for the residential property to the West. No justification is given for this request.

It should be noted that the applicant made a similar application for the property to the north across Paper Mill Road Extension. That application was heard by the Board at the September and October 2019 meetings; the application was ultimately denied by the Board due to a lack of affirmative votes.

RECOMMENDATION: Based on the preceding, staff recommends that the Board consider all relevant facts prior to making a decision.

LOCATOR MAP

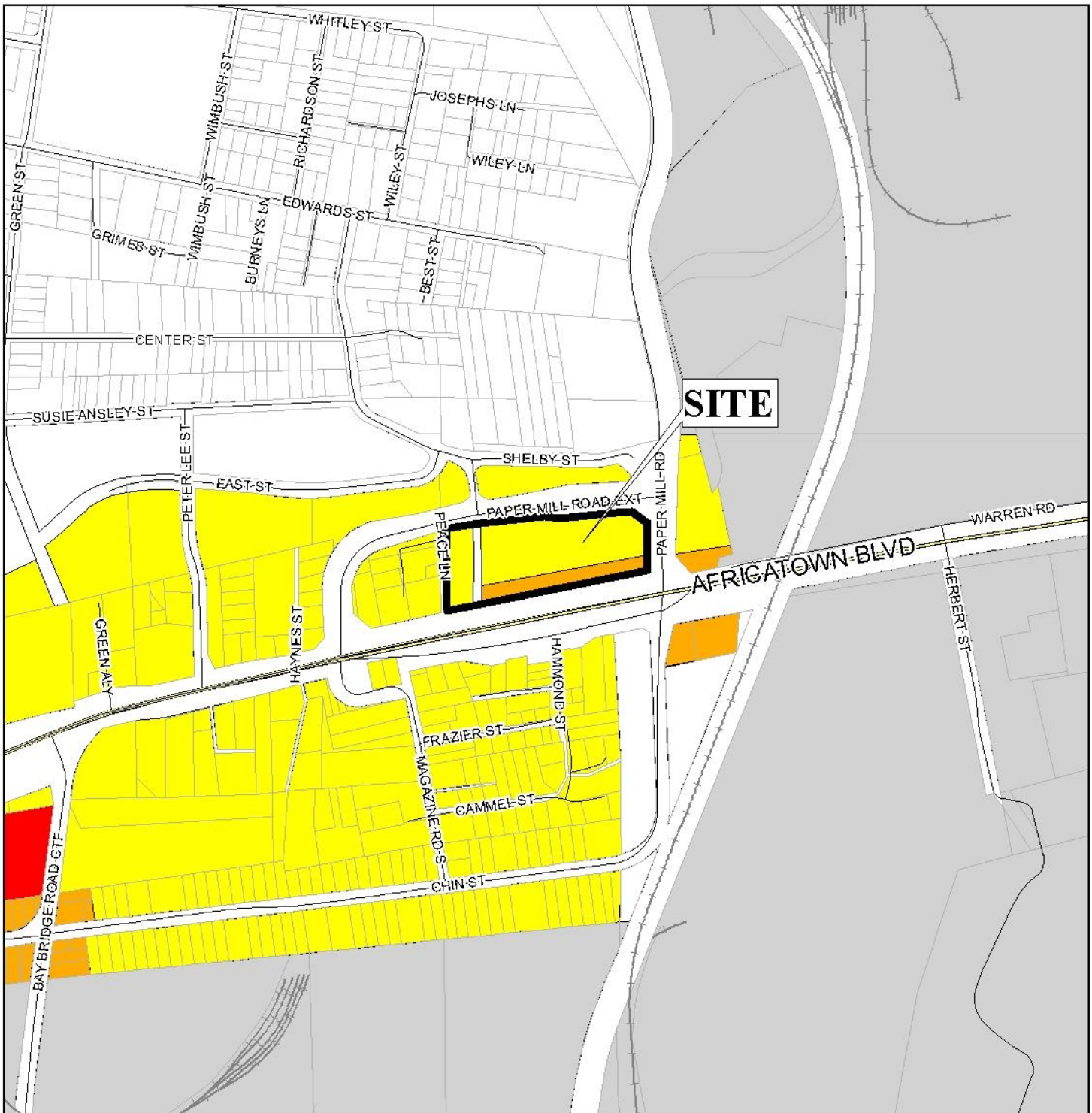


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LOCATOR ZONING MAP



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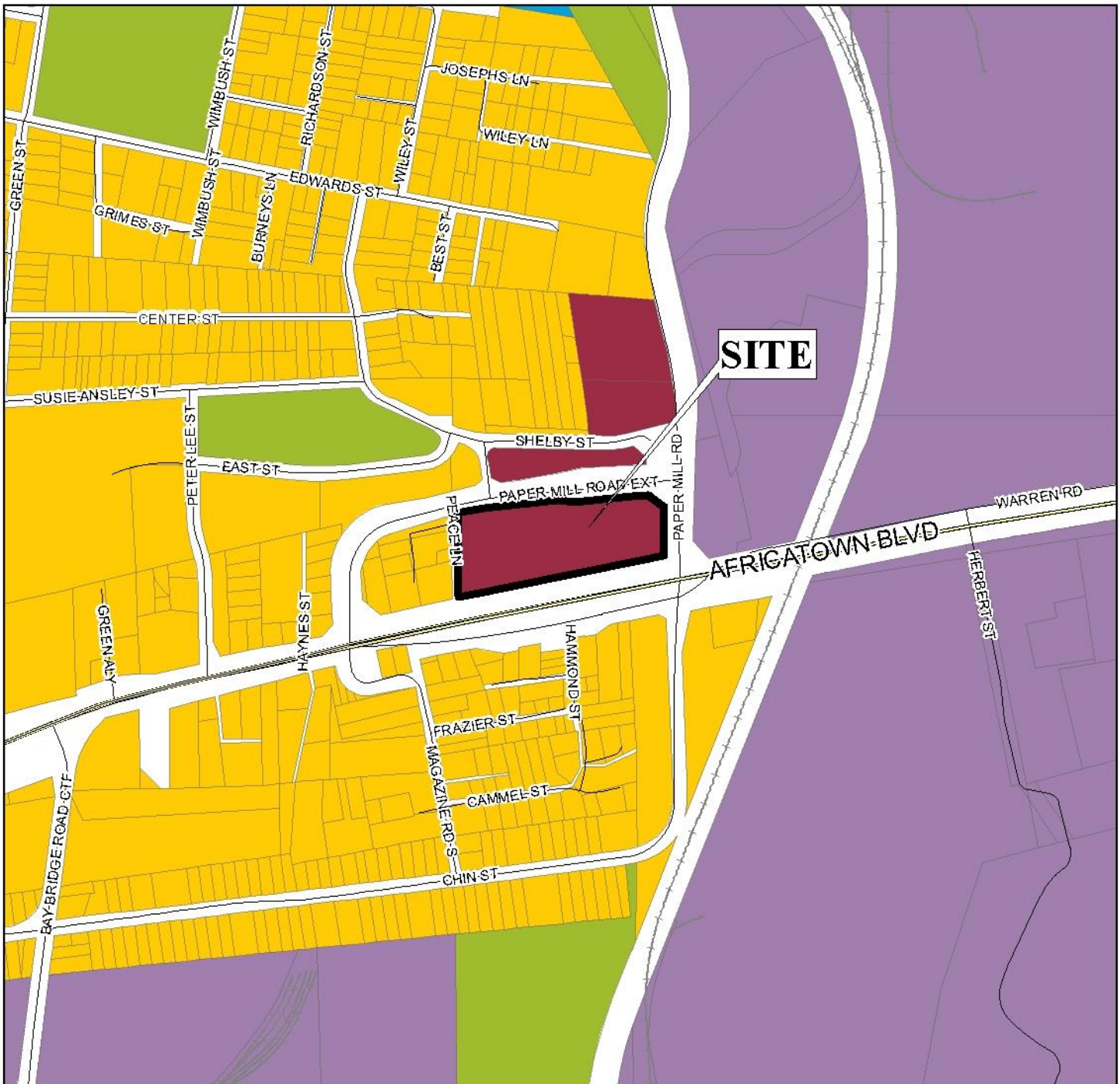
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FLUM LOCATOR MAP



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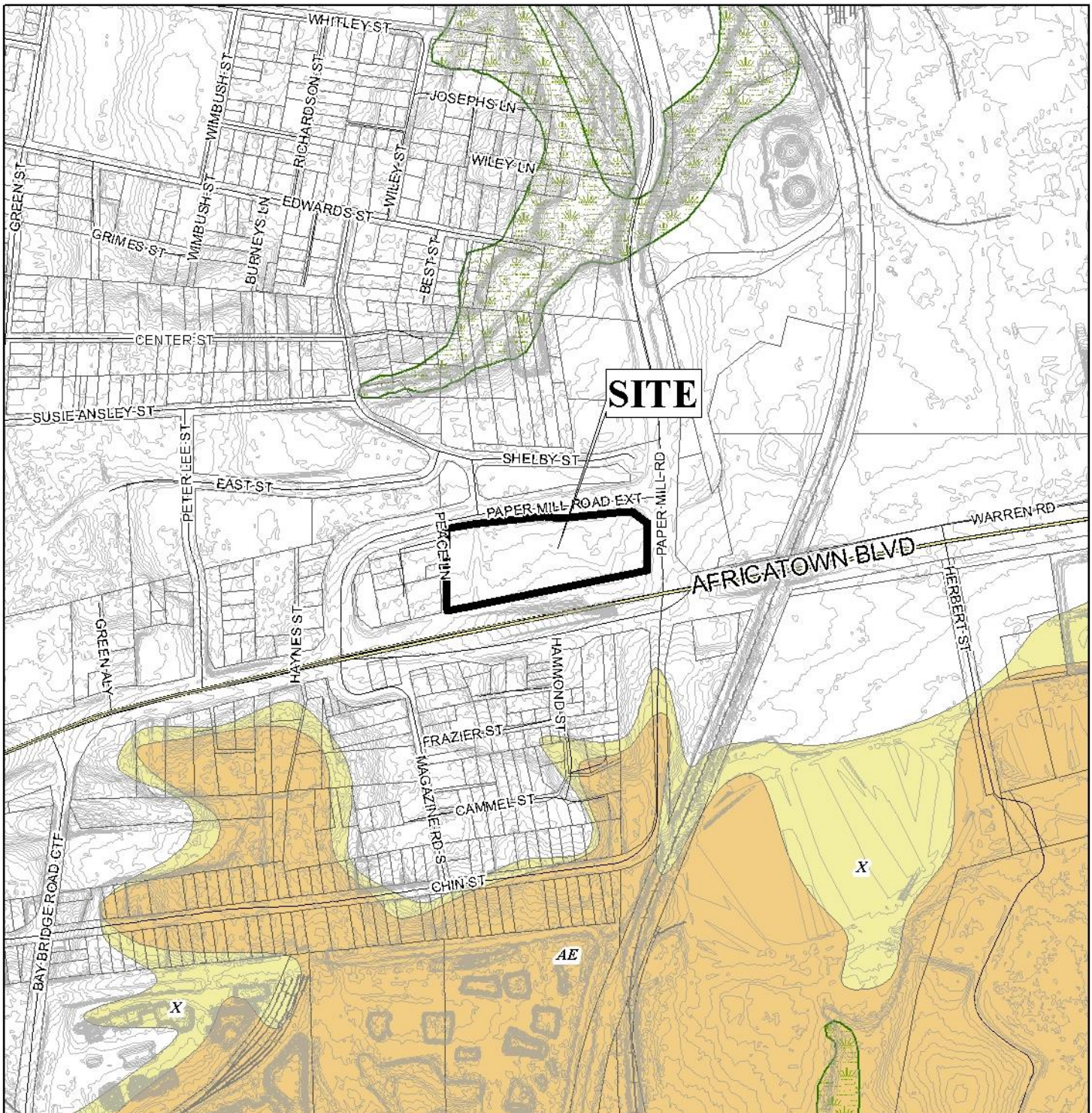
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Low Density Residential	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
Mixed Density Residential	Neighborhood Center - Suburban	Light Industry	Water Dependent
Downtown	Traditional Corridor	Heavy Industry	
District Center	Mixed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



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ENVIRONMENTAL LOCATOR MAP

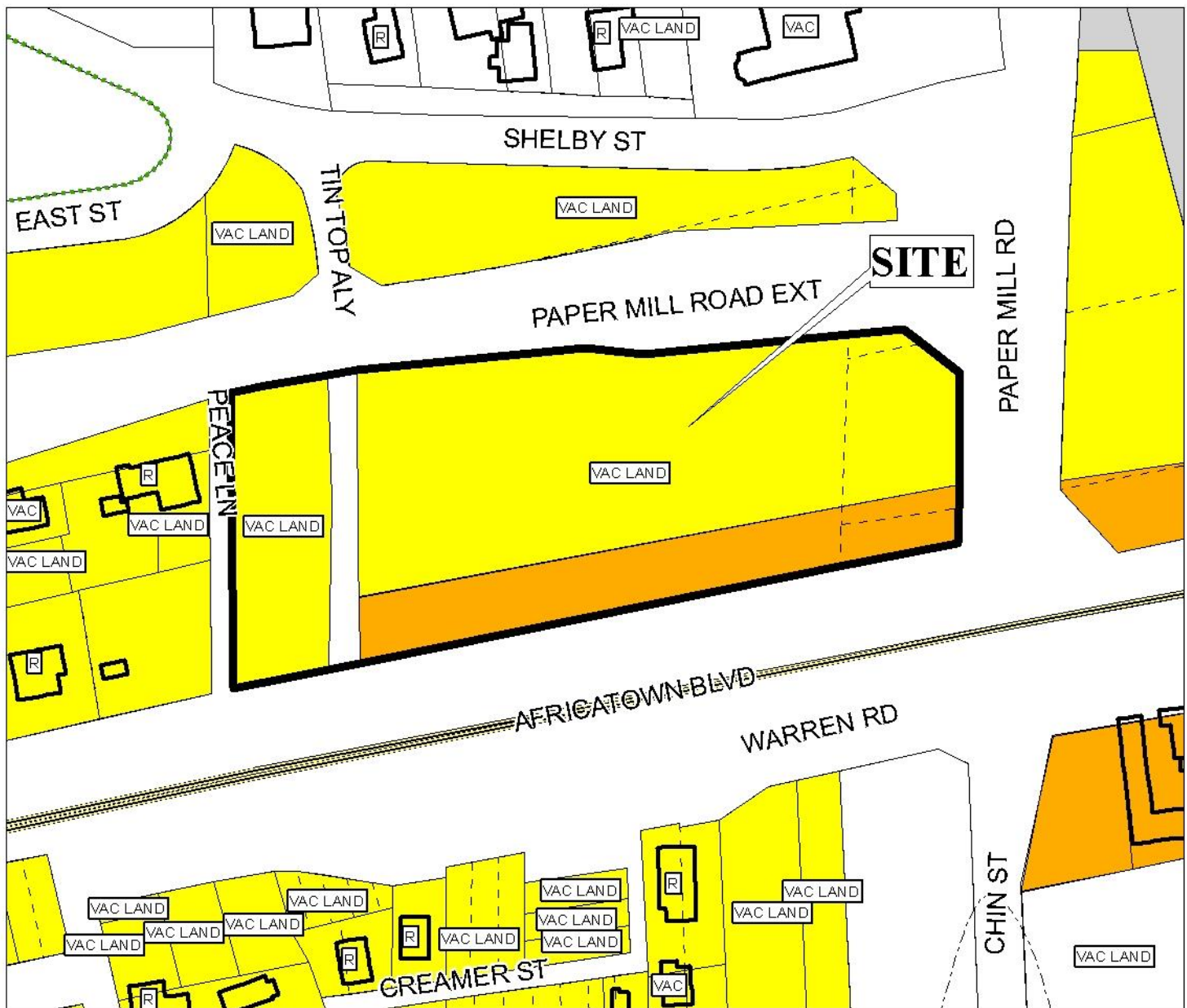


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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by vacant land.

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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

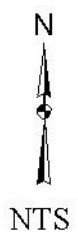


BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL

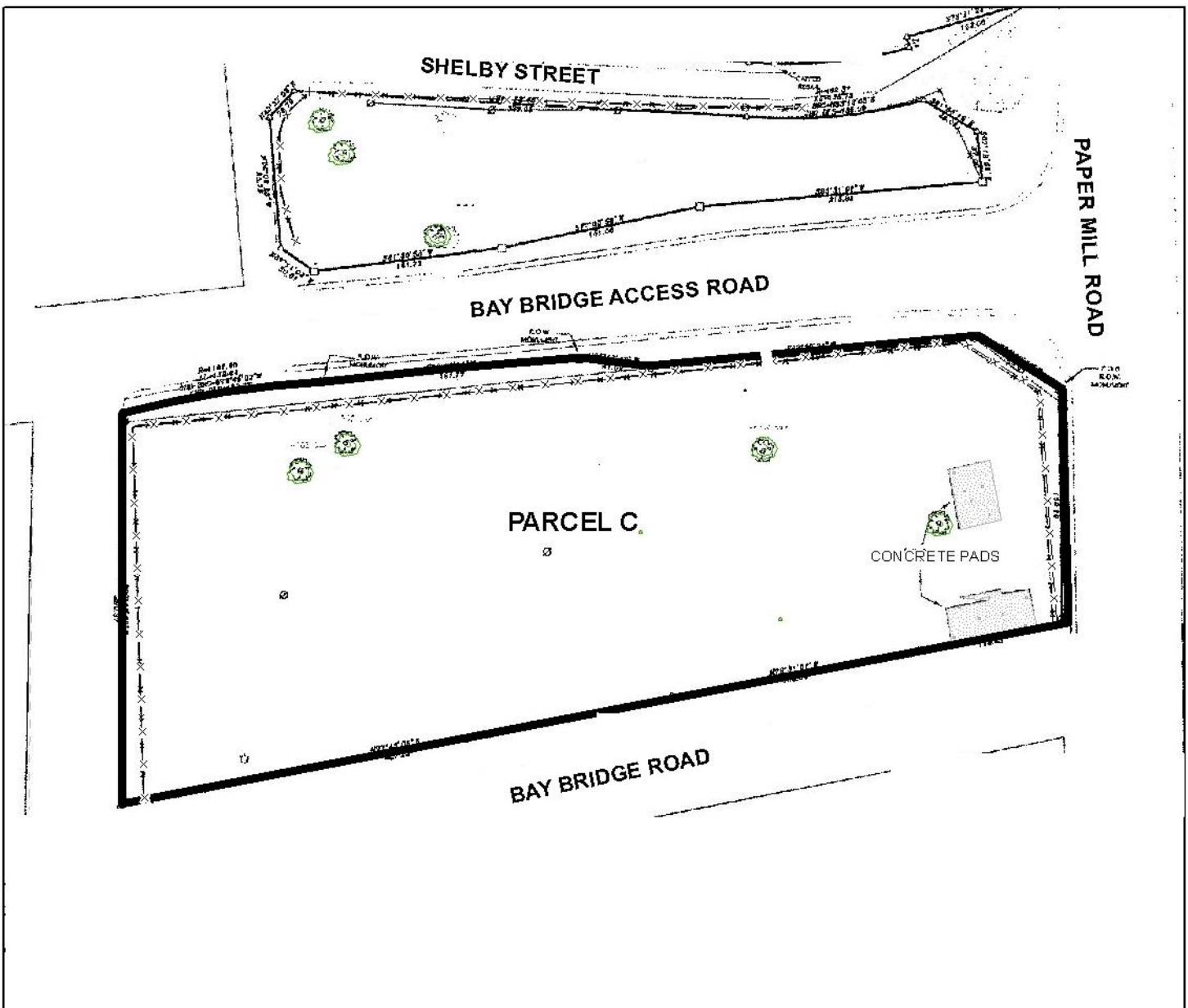


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SITE PLAN



The site plan illustrates existing right of ways and parcels.

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