

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: September 13, 2021****CASE NUMBER**

6418

APPLICANT NAME

Robert McCollum

LOCATION

690 Zeigler Circle East
(East side of Zeigler Circle East, 590'± South of Zeigler
Boulevard).

VARIANCE REQUEST

LANDSCAPING: To allow no landscaping in a B-3,
Community Business District.

FRONTAGE TREE PLANTING: To allow no frontage
tree plantings in a B-3, Community Business District.

PERIMETER TREE PLANTING: To allow no
perimeter tree plantings in a B-3, Community Business
District.

PARKING SURFACE: To allow an aggregate parking
surface in a B-3, Community Business District.

**ZONING ORDINANCE
REQUIREMENT**

LANDSCAPING: The Zoning Ordinance requires full
compliance with the landscaping requirements in a B-3,
Community Business District.

FRONTAGE TREE PLANTING: The Zoning
Ordinance requires full compliance with the frontage tree
planting requirements in a B-3, Community Business
District.

PERIMETER TREE PLANTING: The Zoning
Ordinance requires full compliance with the perimeter tree
planting requirements in a B-3, Community Business
District.

PARKING SURFACE: The Zoning Ordinance requires
parking surfaces to be paved with asphalt, concrete, or an
approved alternative paving surface in a B-3, Community
Business District.

ZONING

B-3, Community Business District

AREA OF PROPERTY

1.2± Acres

**ENGINEERING
COMMENTS****LANDSCAPING, FRONTAGE TREE PLANTING & PERIMETER TREE PLANTING
VARIANCE:**

No comment.

PARKING SURFACE VARIANCE:

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

1. The proposed improvements will require a Land Disturbance Permit be submitted through Central Permitting.
2. 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.
3. 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.
4. Applicant agrees to install adequate BMPs during construction to protect from sediment/pollutants leaving the site.

**TRAFFIC ENGINEERING
COMMENTS**

No comments.

**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 (2012 International Fire Code). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A

fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.

CITY COUNCIL
DISTRICT

District 7

ANALYSIS

The applicant is requesting Landscaping, Frontage Tree Planting, Perimeter Tree Planting, and Parking Surface Variances to allow no landscaping, no frontage tree plantings, no perimeter tree plantings, and an aggregate parking surface in a B-3, Community Business District; the Zoning Ordinance requires full compliance with landscaping, frontage tree planting and perimeter tree planting requirements, and requires parking surfaces to be paved with asphalt, concrete, or an approved alternative paving surface in a B-3, Community 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:

The project is slated to add equipment parking to the existing business, McCollum Electric, located on 660 Zeigler Circle East. We are submitting a subdivision and sidewalk waiver under separate cover to the Planning Commission removing the common lot line to make it one lot of record. The project is requesting multiple variances.

The first variance we are requested is from section 64-4.e.3.a.1. Landscaping percentage requirements. On any building site for which an application for a building permit is made, at least five (5) percent in 1987; six (6) percent in 1988, ten (10) percent in 1992; and twelve (12) percent in 1993 of the total building site shall be landscaped as applications are made for building permits. At least sixty (60) percent of this landscaping percentage requirement shall be located on the building site between the street line(s) and the building wall(s) facing the street, as illustrated in figure 1. We will meet the percentage of landscaping required with well over 50% of the site is going to be retained as is with mature trees and vegetation. We are requesting that no landscaping be installed on the site.

The second variance we are requested is from section 64-4.e.3.a.2. Frontage tree planting requirements. The front setback must contain at least one (1) heritage tree for every thirty (30) feet of road frontage. We are requesting that no landscaping be installed on the site.

The third variance we are requested is from section 64-4.e.3.a.3. Perimeter tree planting requirements. The building site must contain one (1) heritage tree or one (1) understory tree for every thirty (30) feet of the outside lot perimeter, less those heritage trees required in the front setback. As to the trees required by the preceding sentence, in no case shall more than half of such trees be understory trees. Building sites located within 1-1 or 1-2 zoning districts shall be exempt from the requirements of this subsection. We are requesting that no landscaping be installed on the site.

The fourth variance we are requested is from section Sec. 64-6.A.2. Size and location. Off-street parking space shall meet AASHTO standards, but in no case shall have a width of less than nine (9) feet, or a length of at less than eighteen (18) feet, exclusive of access or maneuvering area, ramps and other appurtenances. Head-in parking on non-concrete, asphalt, or approved alternative surfaces shall have wheel stops or aid in delineating the spaces. Parallel parking spaces shall be at least eight (8) feet wide, and interior stalls shall be at least twenty-three (23) feet long. End parallel parking stalls shall be at least twenty (20) feet long if their entry/exit area is unencumbered. However, off-street parking spaces of facilities used exclusively by employees of a company or served by parking attendants are exempted from the minimum dimensions requirement,

provided such parking facilities are laid out in accordance with standards listed in the following table.

We are requesting that gravel be installed for the parking surface. This will allow for less stormwater runoff. With the less stormwater runoff, we will not need to install a stormwater pond. This will allow the retention of more of the existing trees.

The applicant also provided the following list of items proposed to be parked in the aggregate parking area:

- 1) *Bucket Truck* 9,135 lbs
- 2) *Derrick Truck* 20,000 lbs
- 3) *2 - Ride on trenchers*
- 4) *2 - Covered trailers*
- 5) *6 - Utility trailers*
- 6) *1 - Mini excavator*
- 7) *12 - Pick-up trucks*
- 8) *Tow behind JLG*

The subject site is located within the Zeigler Airport Commercial Park which was annexed into the City in 2007. The applicant is renovating the existing building as an electrical contractor's office and warehouse. As part of the project, an expansion onto the vacant area is proposed for a parking/equipment laydown area. The applicant has submitted a one-lot subdivision application to create a legal lot of record, which is for the Planning Commission's October 7th meeting.

As commercial site compliance is required with the site's expansion, the applicant seeks relief from the landscaping, frontage tree planting, perimeter tree planting, and parking surface requirements of the Zoning Ordinance. It should be noted that the applicant did not seek a Pre-Development meeting before submitting construction plans for permitting purposes, and it appears that the narrative provided only pertains to the proposed expansion area and not the over-all site when combined into one legal lot of record via the subdivision. It should also be noted that other sites within the commercial park have expanded since annexation into the City, and were required to comply with the landscaping and tree planting requirements of the Zoning Ordinance.

Pertaining to the Landscaping Variance request, the applicant states that well over 50% of the site will remain in its natural state after clearing is completed on the expanded portion of the over-all site. However, the required 12% landscaping pertains to the over-all site (after recording of the proposed one-lot subdivision). No landscaping calculations were provided on the site plans submitted with the application. Staff calculations indicate that more than 12% of the over-all site would still remain in its natural state; therefore, the **total** site landscaping requirement would be met.

It does not appear that the frontage landscaping requirement is compliant. Again, the frontage landscaping requirement pertains to the over-all site. In this instance, on the existing developed site, the area between the front property line and the building wall is developed as driveways and parking. Due to the legal nonconforming nature of the existing front parking in relation to the

building's existing setback, no area remains for frontage landscaping on that portion of the over-all site. Staff calculations indicate that approximately 5,560 square feet of frontage landscaping are required for the over-all site. Compliant frontage landscaping could be provided in the expansion area by shifting the parking area further back from the front property line.

Pertaining to the Frontage Tree Planting Variance request, no justification for the request was provided. However, as with the frontage landscaping situation, there appears to be sufficient tree planting area only on the expanded North portion in which to plant some of the required frontage trees. The over-all site has 232 linear feet of street frontage, which would require eight (8) overstory heritage trees. Therefore, this request should be considered for approval, subject to requiring the applicant to coordinate with Planning and Zoning on donation to the Mobile Tree Bank for any shortage of trees which cannot be planted due to site constraints.

Pertaining to the Perimeter Tree Planting Variance request, there was also no justification provided for this request. As the site would retain many of the existing trees, it would seem that there may be sufficient trees which could be applied toward tree credits to meet some or possibly all of the perimeter tree planting requirements. However, as no existing tree legend has been provided, staff is unable to determine what credits can be applied and what deficiencies there may be. Therefore, this request is recommended for denial.

The applicant also requests a Parking Surface Variance to allow an aggregate paving surface for the proposed parking/laydown area, which is the reason for the proposed expansion. If the parking were to consist only of standard vehicle parking with compliant surfacing, such would be allowed with the expansion. However, the list of items to be parked on the proposed lot consists mainly of heavy commercial trucks and equipment. The proposed parking area is within a side yard of the over-all site. The Chart of Permitted Uses of the Zoning Ordinance states that for offices of contractors, heavy equipment is allowed only in the rear yard. In instances where Parking Surface Variances have been requested for aggregate parking/lay down areas for heavy equipment in rear yards in B-3 districts, the Board has been sympathetic to such requests. But as the proposed parking/lay down area is within a side yard, this request should not be considered, and is therefore, recommended for denial.

RECOMMENDATION: Based upon the preceding, Staff recommends to the Board the following findings of fact for Approval of the request for a Frontage Tree Planting Variance in a B-3, Community Business District:

- 1) Approving the variance requests will not be contrary to the public interest due to the fact that sufficient area does not exist to provide the required area for frontage tree plantings;
- 2) Special conditions exist, such as the fact that the existing portion of the over-all site was developed prior to annexation and being subject to the City's site development standards, such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and
- 3) The spirit of the chapter shall be observed and substantial justice shall be done to the applicant and the surrounding neighborhood by granting the variances because the requests would still allow for some degree of site compliance.

The approvals are subject to the following conditions:

- 1) coordination with staff on donation to the Mobile Tree Bank for any shortage of trees which cannot be planted due to site constraints; and
- 2) full compliance with all municipal codes and ordinances.

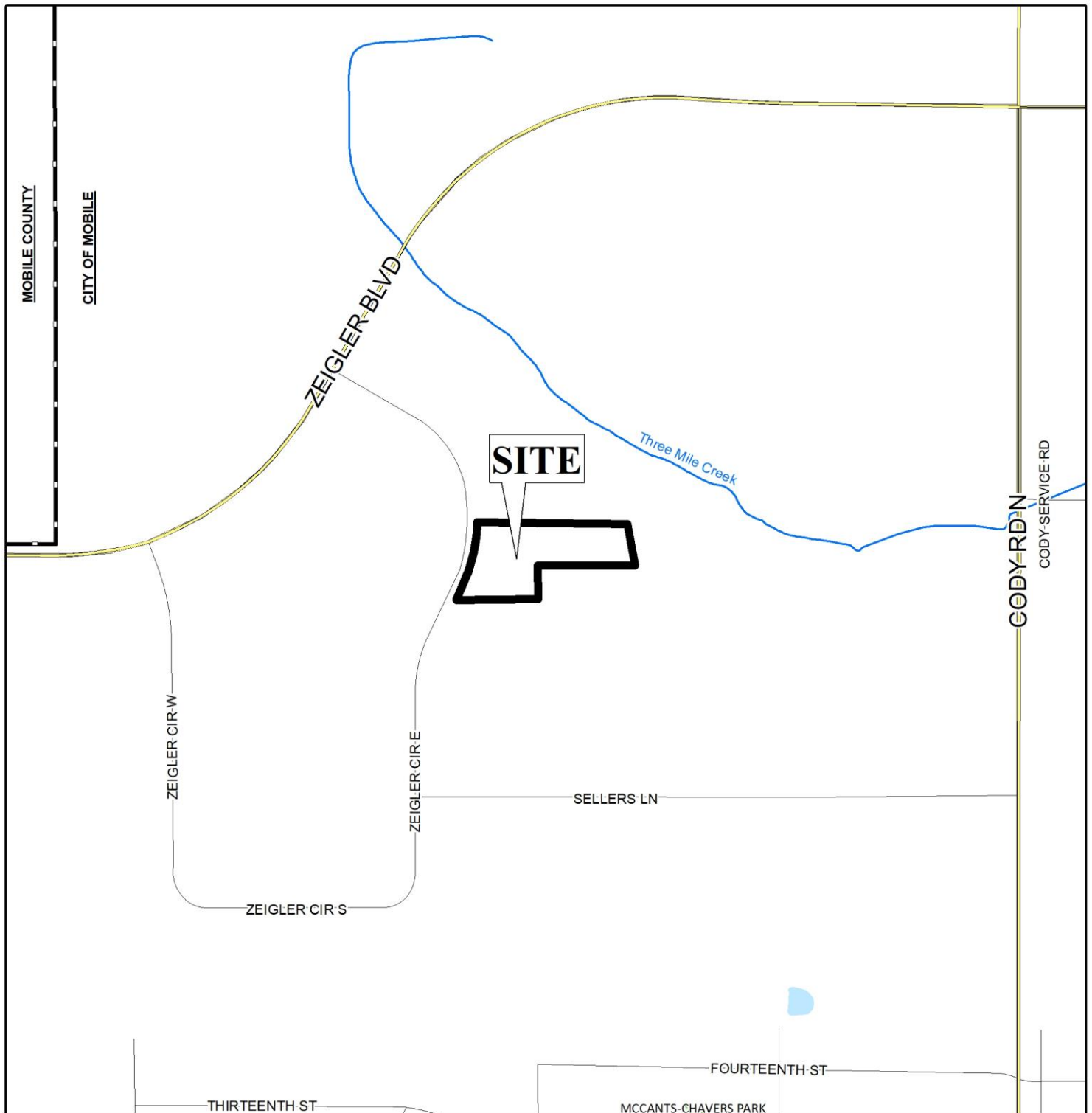
Staff recommends to the Board the following findings of fact for Denial of the Landscaping, Perimeter Tree Planting and Parking Surface Variances:

- 1) Approving the variance requests will be contrary to the public interest due to the fact that no justification for or landscaping calculations, or tree legend was provided for the Landscaping and Perimeter Tree Planting Variance requests, and the Parking Surface Variance could not be considered in the location proposed;
- 2) No special conditions were shown to exist such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and
- 3) The spirit of the chapter shall not be observed and substantial justice shall not be done to the applicant and the surrounding neighborhood by granting the variances because the information provided for review was either insufficient or not applicable to the request.

In order for any concerns to be considered by the Board you must email your concerns to planning@cityofmobile.org or they may be uploaded to the website via the portal under the meeting date and case. Comments must be entered by 2:00 PM on Friday, September 10th, before the meeting, in order to be considered by the Board.

If you wish to participate in the meeting, you must email planning@cityofmobile.org by 2:00 PM on Friday, September 10th, before the meeting. In accordance with the Rules of the Board of Zoning Adjustment, no more than four (4) speakers are allowed to speak for or against an application. Speaking time is limited to five (5) minutes per speaker.

LOCATOR MAP



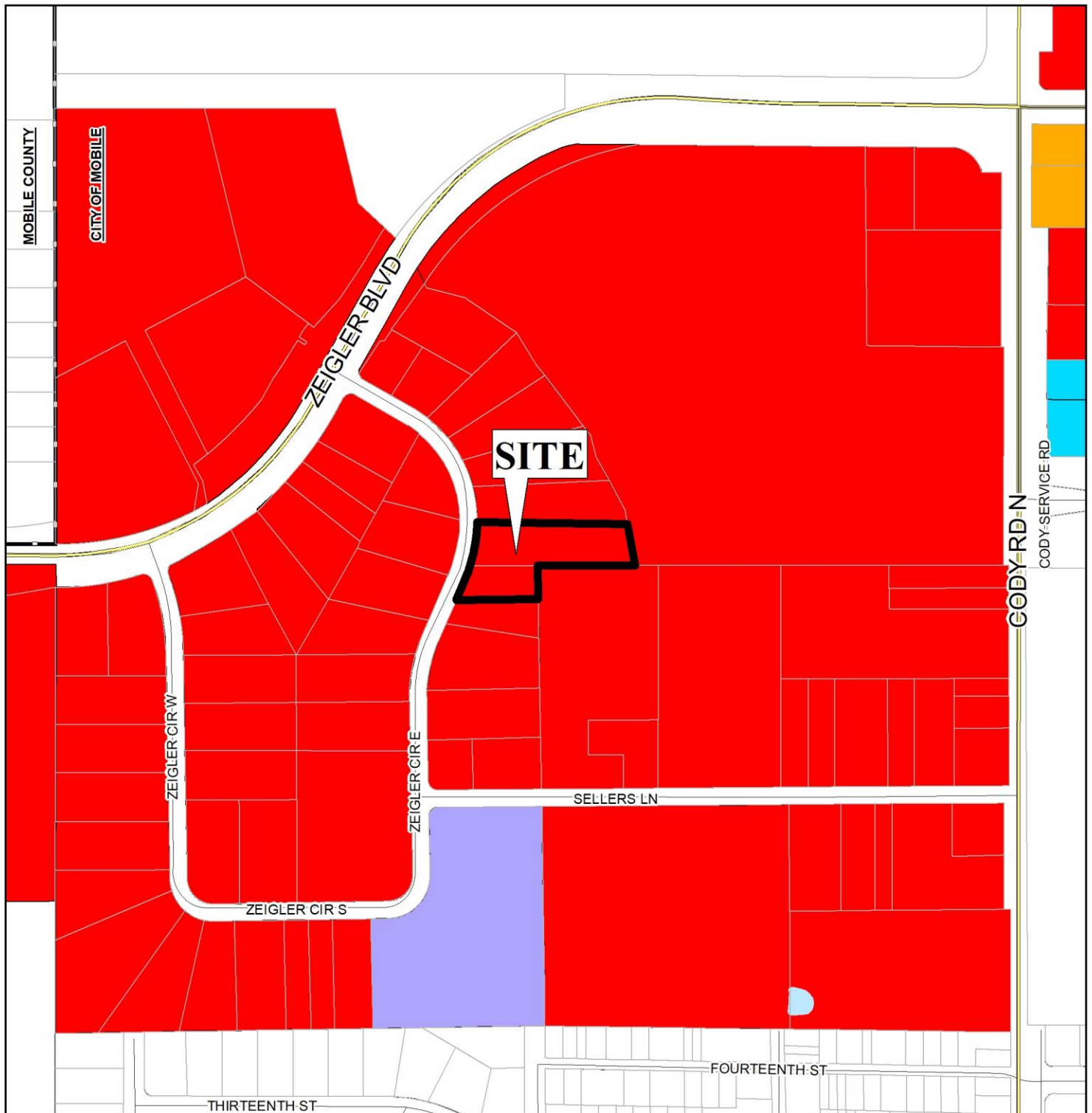
APPLICATION NUMBER 6418 DATE September 13, 2021

APPLICANT Robert McCollum

REQUEST Landscaping, Frontage Tree Planting, Perimeter Tree Planting, and Parking Surface Variances



LOCATOR ZONING MAP



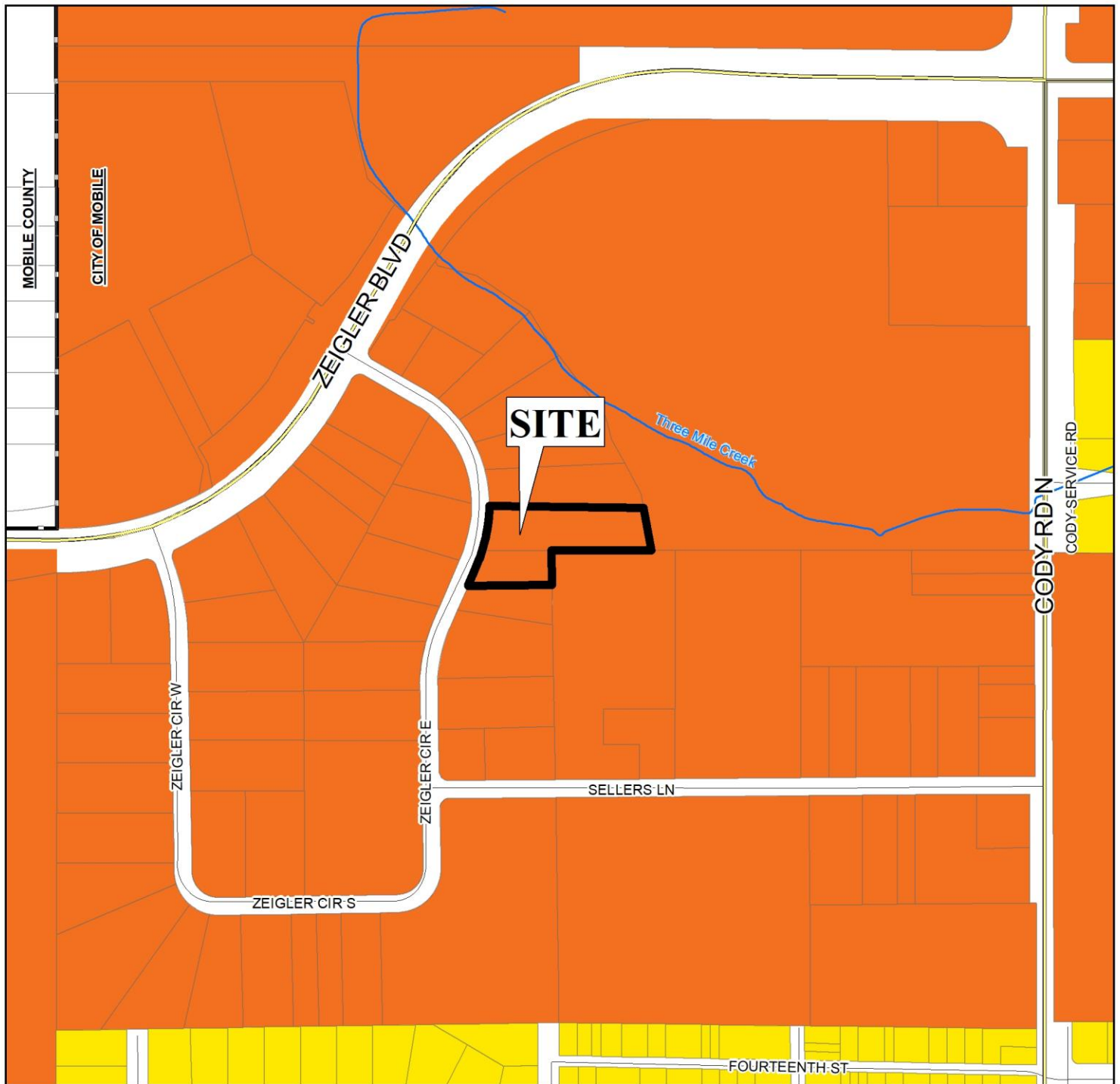
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FLUM LOCATOR MAP



APPLICATION NUMBER 6418 DATE September 13, 2021

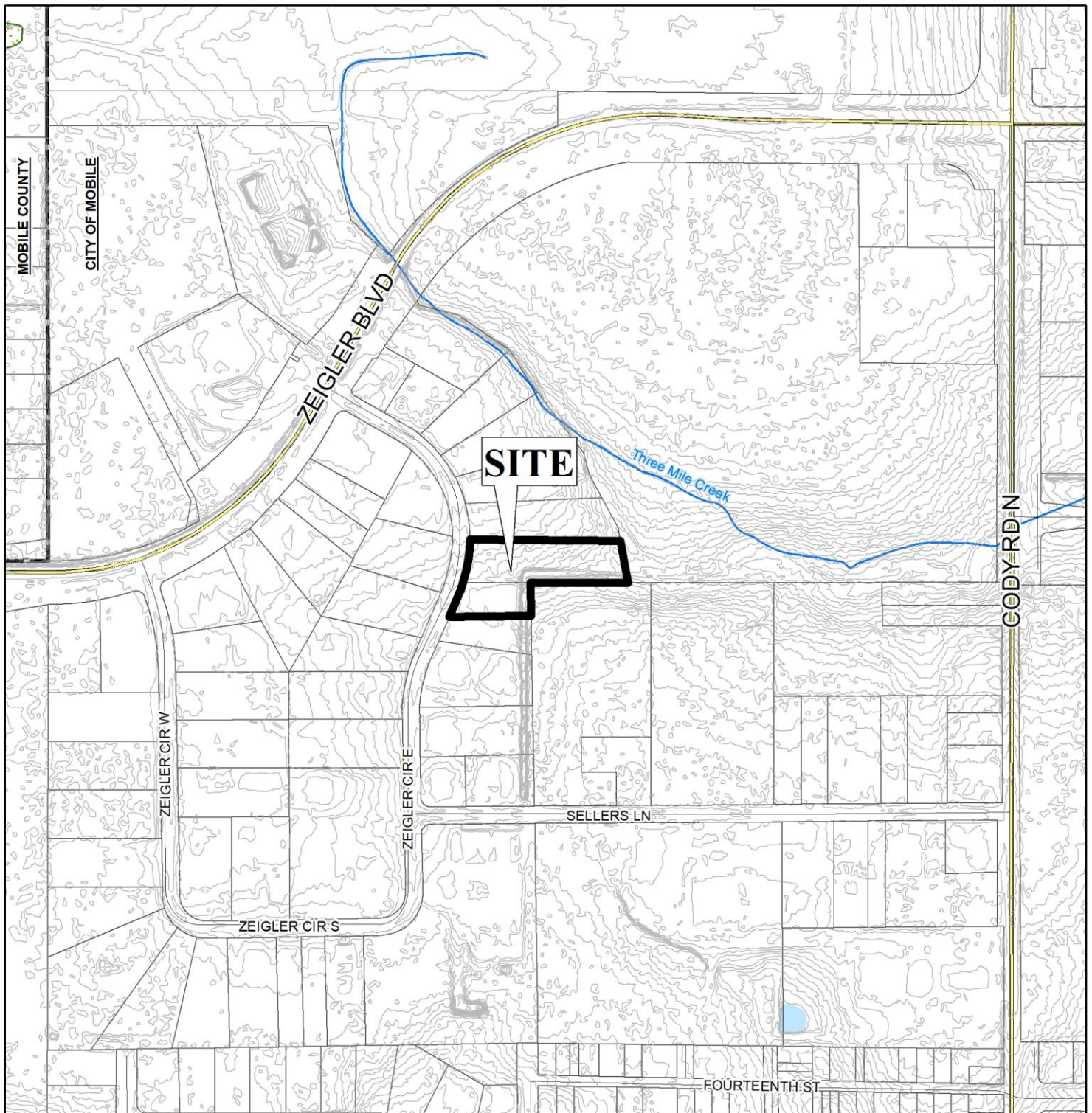
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Low Density Residential	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
Mixed Density Residential	Neighborhood Center - Suburban	Light Industry	Water Dependent
Downtown	Traditional Corridor	Heavy Industry	
District Center	Mixed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



ENVIRONMENTAL LOCATOR MAP



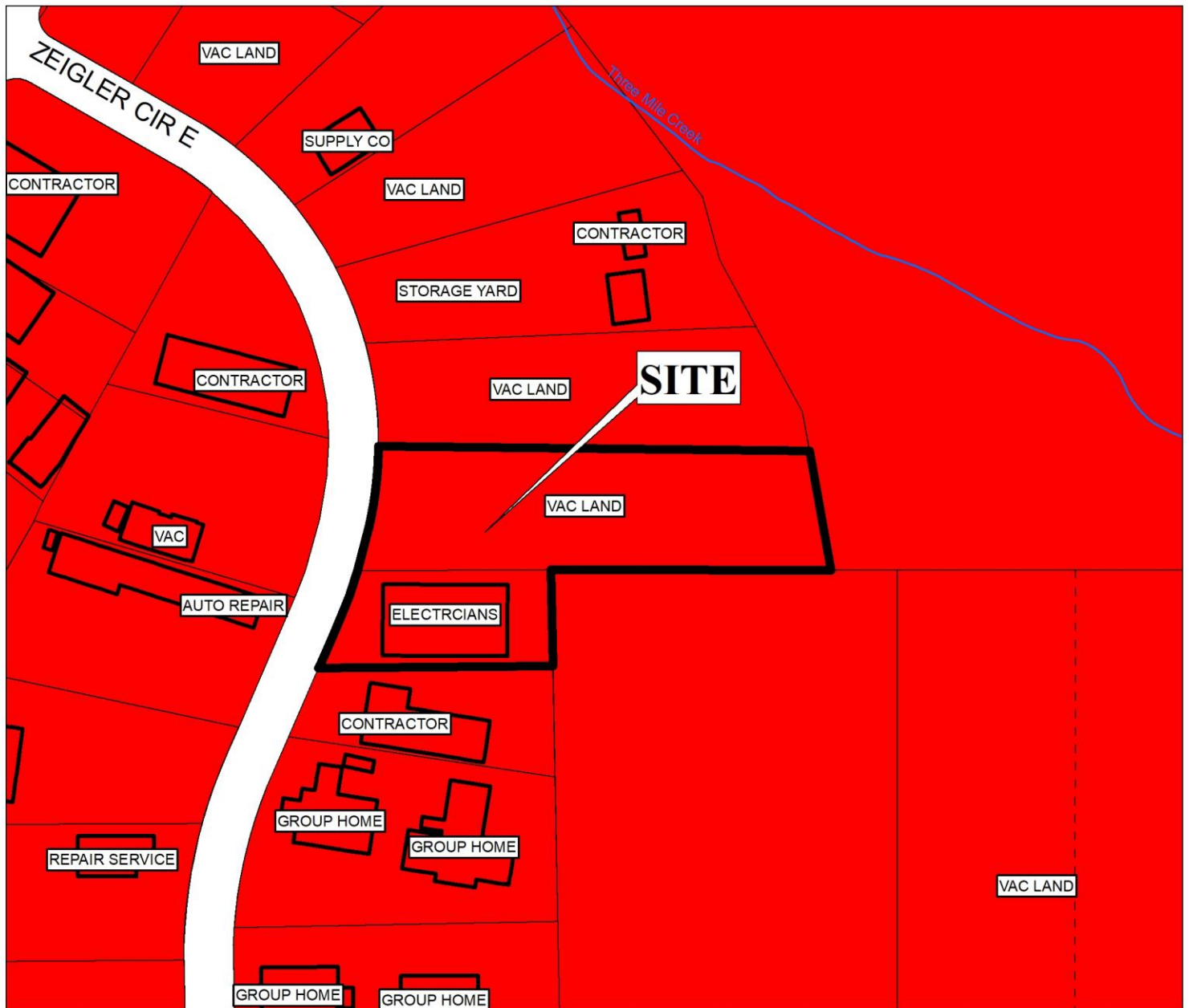
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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units, and a residential housing complex to the south.

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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, and a residential housing complex to the south.

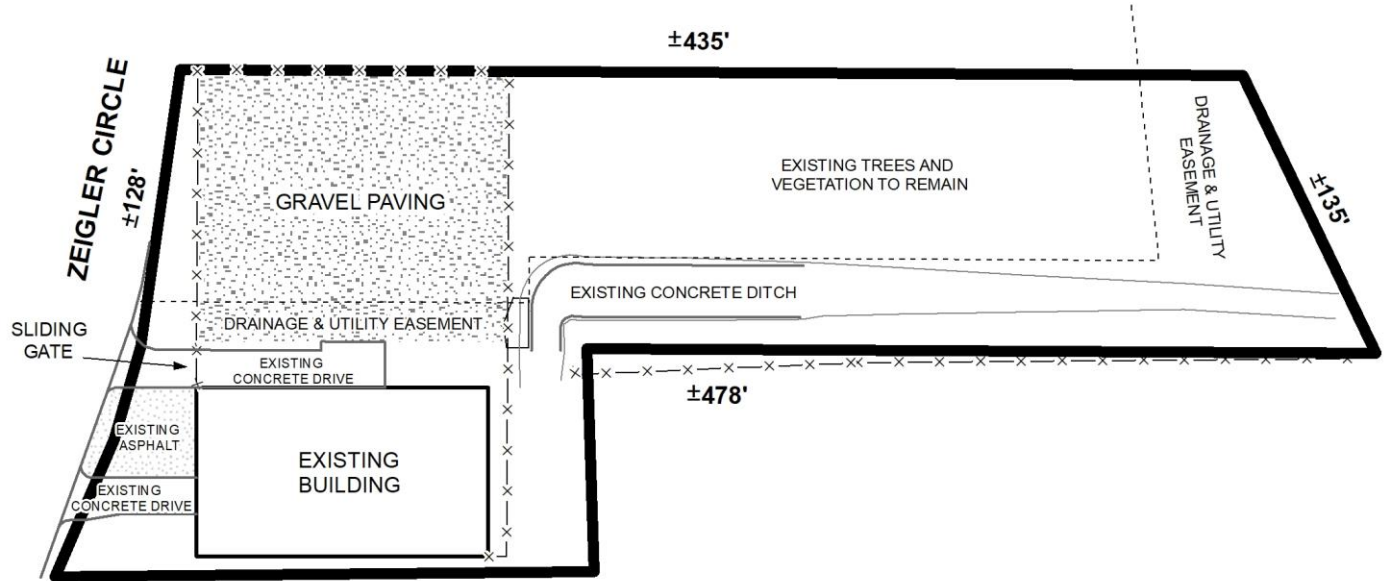
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SITE PLAN



The site plan illustrates proposed gravel paving and existing building, vegetaion and easement.

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