



Agenda Item # 9

BOA-002838-2024

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

2200 West I-65 Service Road South

Applicant / Agent:

633 Development, LLC

Property Owner:

John White-Spunner, I-65 Office II, LLC

Current Zoning:

B-3, Community Business Suburban District

Future Land Use:

Mixed Commercial Corridor

Case Number(s):

6577

Unified Development Code (UDC) Requirement:

- The UDC limits structures to a maximum height of 45 feet, a maximum density of 25 dwelling units per acre, and full compliance with front landscape area requirements in a B-3, Community Business Suburban District.

Board Consideration:

- Height, Density, and Front Landscape Area Variances to allow apartment buildings taller than 45 feet, a density greater than 25 dwelling units per acre, and reduced front landscape area in a B-3, Community Business Suburban District.

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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial and industrial units.

APPLICATION NUMBER	6577	DATE	March 4, 2024
APPLICANT	633 Development, LLC		
REQUEST	Height, Density, and Front Landscape Area Variances		



SITE HISTORY

Subdivision of the site to create two (2) lots of record, Lots 1 and 2 of McGowin Interstate Subdivision, was approved in November 1991, and subsequently recorded in Mobile County Probate Court.

In March 2007 the Planning Commission approved the resubdivision of Lot 2 into eight (8) lots. Phase One of the 2007 subdivision was recorded as Lot 7 in Mobile County Probate Court, but no other plat of any other phase was recorded for the remaining lots. As such, the subject site is now composed of one (1) metes-and-bounds parcel.

Applications for a two-lot subdivision of the site, and a sidewalk waiver to waive construction of a sidewalk along West I-65 Service Road South have been submitted for review at the March 21, 2024 Planning Commission meeting.

The site has not been the subject of any Board of Zoning Adjustment cases.

STAFF COMMENTS

Engineering Comments:

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

1. The proposed improvements will require a Land Disturbance Permit be submitted through the CSS Portal.
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:

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 is requesting Height, Density, and Front Lot Landscape Area Variances to allow apartment buildings taller than 45 feet, a density greater than 25 dwelling units per acre, and reduced front lot landscape area in a B-3, Community Business Suburban District. A detailed narrative of the request can be viewed using the link on Page 1 of this report.

The site plan illustrates two (2) phases; Phase 1 / Building 1 on Lot A and Phase 2 / Building 2 on Lot B. The UDC (64-2-14.E.) allows a maximum density of 25 units per acre in a B-3 district. Accordingly, Lot A is allowed a maximum of 314 units, 254 are proposed; and Lot B is allowed 148 units, 210 are proposed. The overall site (Lots A and B combined) are limited to 463 units, so for the overall the site the applicant is requesting one (1) additional unit. The applicant states 464 units area allowed for the overall site; however this difference is likely attributable to rounding.

While it should be noted that the elevation drawings depict the parapets at a maximum height of 58- feet, per the UDC a parapet is defined as Building wall that rises above the roof line. Regarding the maximum height of the roof the finished ceiling height for the dwellings on the uppermost (fourth) floor are proposed to be 48-feet in height. However, the applicant provided no justification for the height variance request.

Regarding the Front Lot Landscape Area Variance, the applicant is requesting a reduction in the amount of required landscape area that is required to be planted between the front property line and the building wall(s) facing the street, but only for Phase 2. Article 2, Section 64-2-14.E. requires 15% of the lot area to be planted with landscaping materials, 60% of which is required to be front lot landscape area. As such, Lot B (Phase 2) requires 38,875.20 square feet of overall landscape area, and 23,325.12 square feet of front lot landscape area. The applicant proposes to provide 15,600 square feet of front lot landscape area, or 40% of the overall landscape area requirement, stating that both lots combined will meet the required front lot landscape area requirement as justification for the request.

It should be noted that variances expire after six (6) months if no permits are issued for the work for which a variance is granted. Requests to extend this deadline can be filed with the Board of Zoning Adjustment, but multiple extensions are unlikely. The applicant should therefore be aware that, if approved, permits issued for the development of Phase 1 may not keep the Density and Front Lot Landscape Area Variances active for Phase 2 since it will be on a separate lot.

The site plan illustrates additional site improvements, including an office building, pool house, pool, multiple garages, and parking. A table on the site plan indicates 761 total parking spaces will be provided for both phases, which exceeds the 696 spaces required for a 464-unit apartment complex, per Table 64-3-12.1 in Article 3. Besides the variances requested, development of the site will need to fully comply with all other requirements of the UDC.

Finally, the applicant's statement that both lots combined would allow the site to comply with density and front lot landscape area requirements may indicate a lack of hardship for the variance requests; and, as previously mentioned, no justification was provided for the increased building height.

VARIANCE CONSIDERATIONS

Standards of Review:

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.

Article 5 Section 10-E. 1. of the Unified Development Codes states that the Board of Adjustment may grant a variance if:

- The Applicant demonstrates that the variance shall not be contrary to the public interest;
- Where, owing to special conditions a literal enforcement of the provision of this Chapter will result in unnecessary hardship; and
- The spirit of this Chapter will be observed and substantial justice done.

Article 5 Section 10-E.2. states no variance shall be granted:

- (a) In order to relieve an owner of restrictive covenants that are recorded in Mobile County Probate Court and applicable to the property;
- (b) Where economic loss is the sole basis for the required variance; or
- (c) Where the variance is otherwise unlawful.

Considerations:

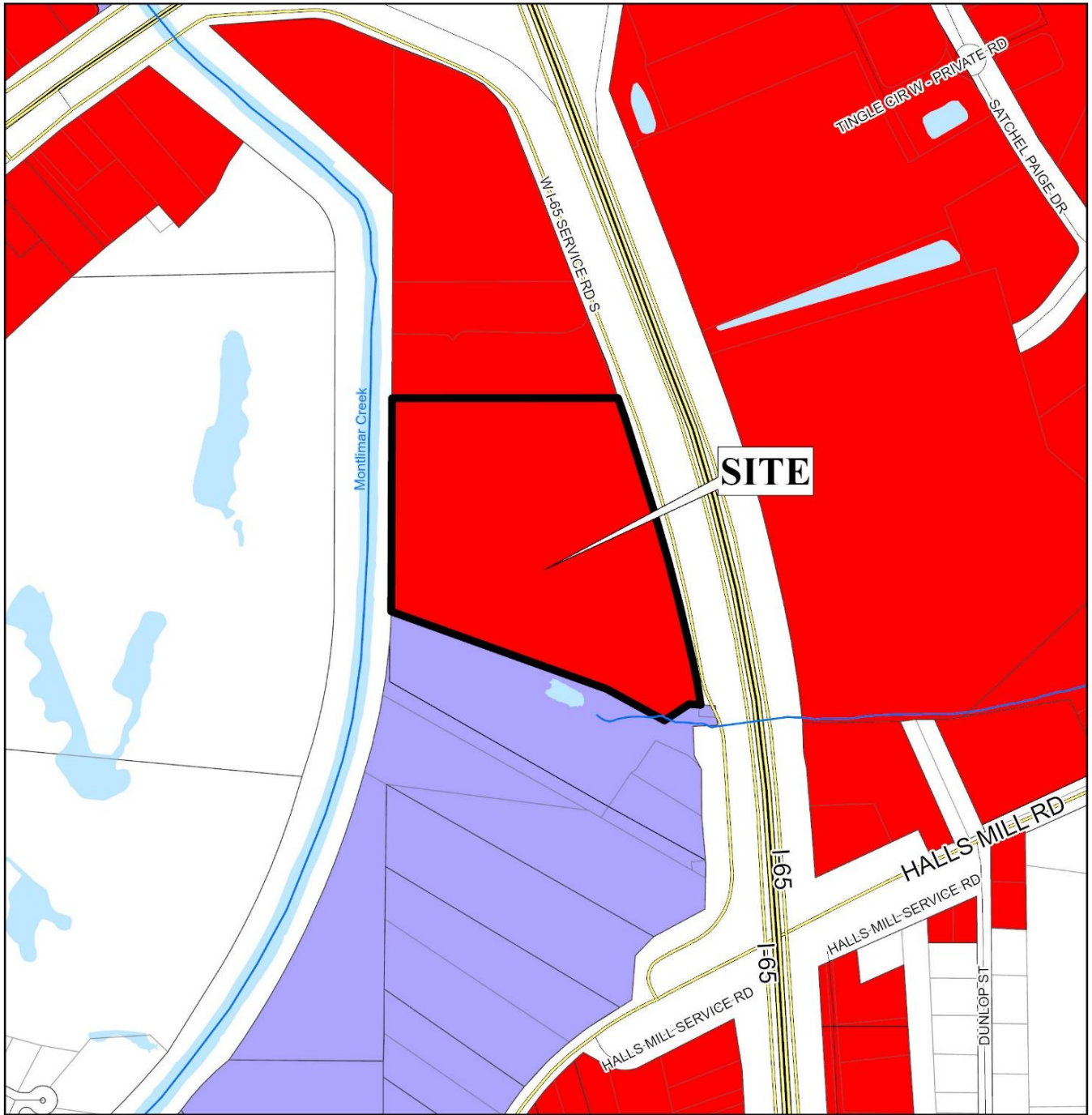
Based on the requested Variance application and documentation submitted, if the Board considers approval of the request, the following findings of fact must be presented:

- 1) The variance **will not** be contrary to the public interest;
- 2) Special conditions exist such that a literal enforcement of the provisions of the chapter **will** result in unnecessary hardship; and
- 3) The spirit of the chapter **shall** be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance.

If approved, the following condition should apply:

- 1) Full compliance with all municipal codes and ordinances.

LOCATOR ZONING MAP



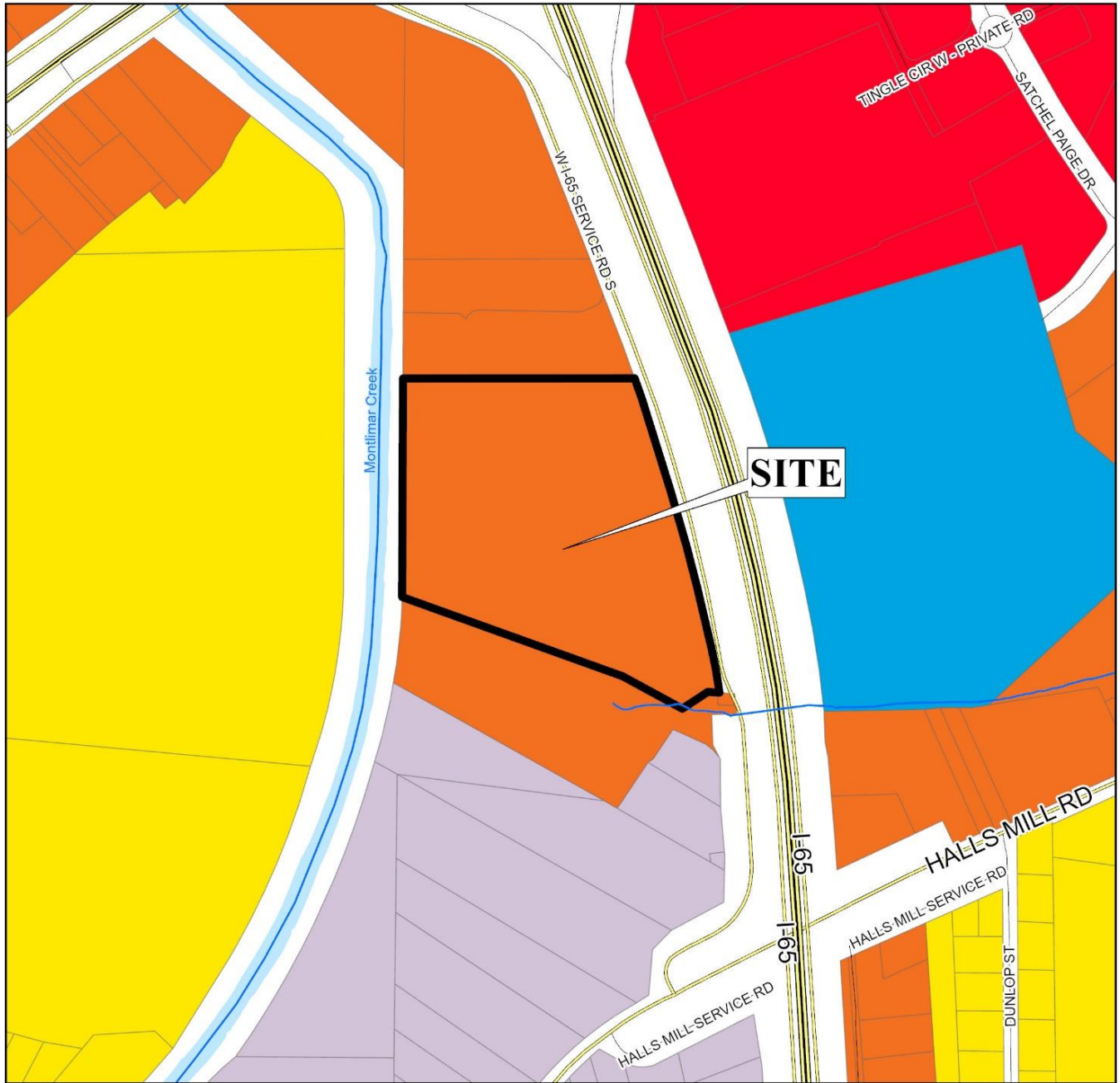
APPLICATION NUMBER 6577 DATE March 4, 2024

APPLICANT 633 Development, LLC

REQUEST Height, Density, and Front Landscape Area Variances



FLUM LOCATOR MAP

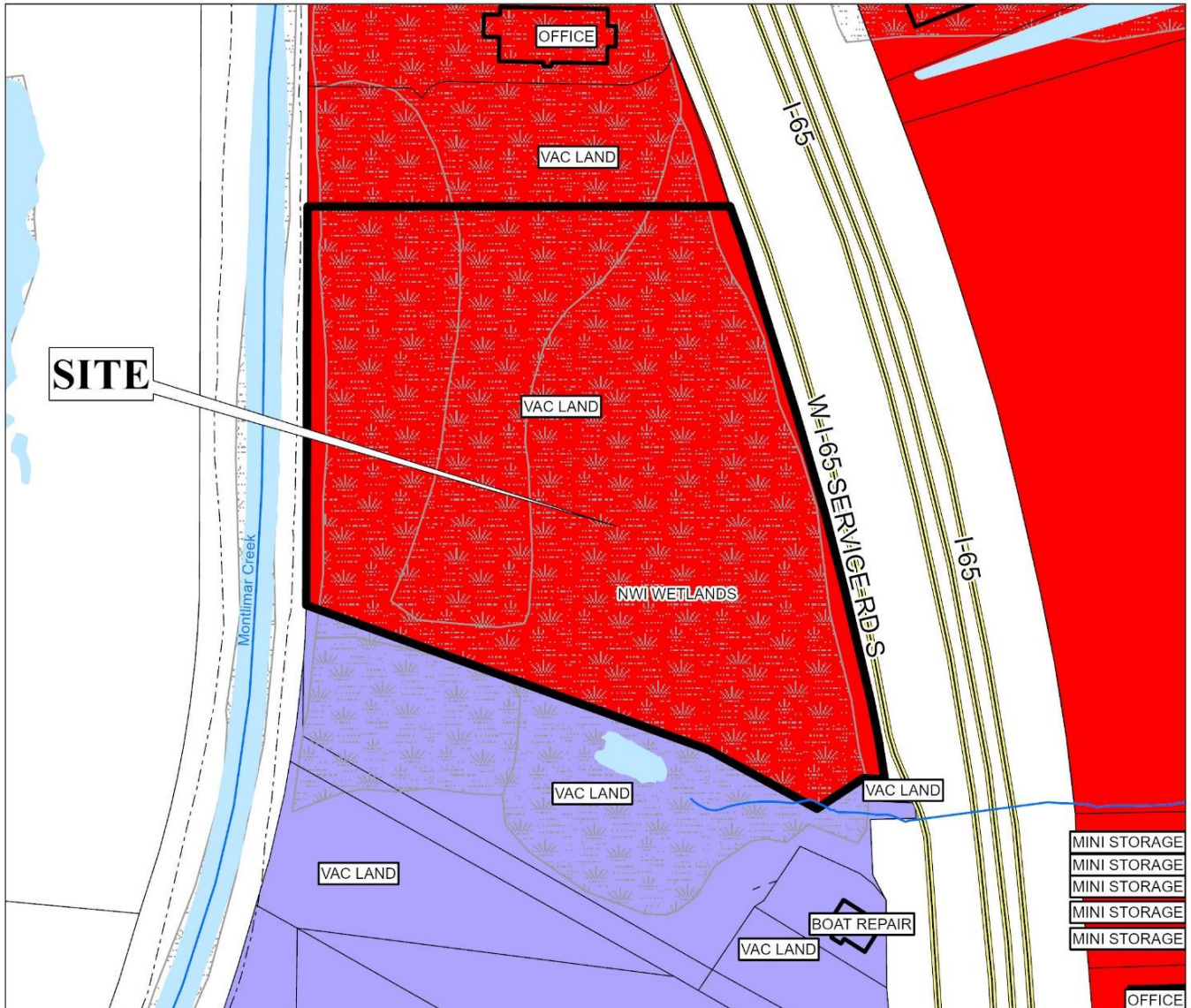


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 REQUEST Height, Density, and Front Landscape Area Variances

- | | | | |
|---|--|---|--|
| ■ 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 | |



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



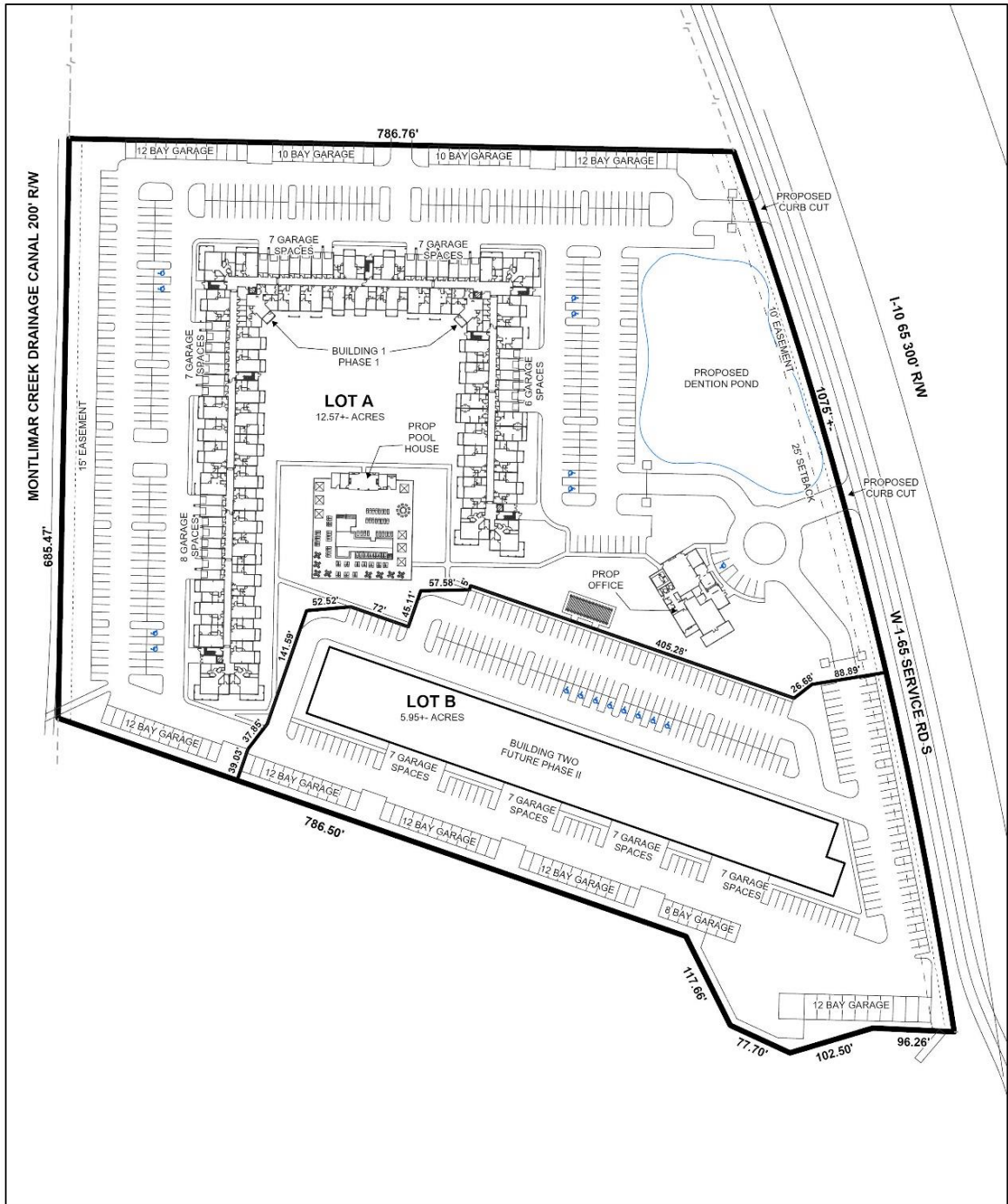
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R-A	R-3	B-1	B-2	B-5	ML	I-2	OPEN	T-3	T-5.2
R-1	R-B	T-B	B-3	CW	MH	PD	SD	T-4	T-6
R-2	H-B	LB-2	B-4	MM	I-1	MUN	SD-WH	T-5.1	



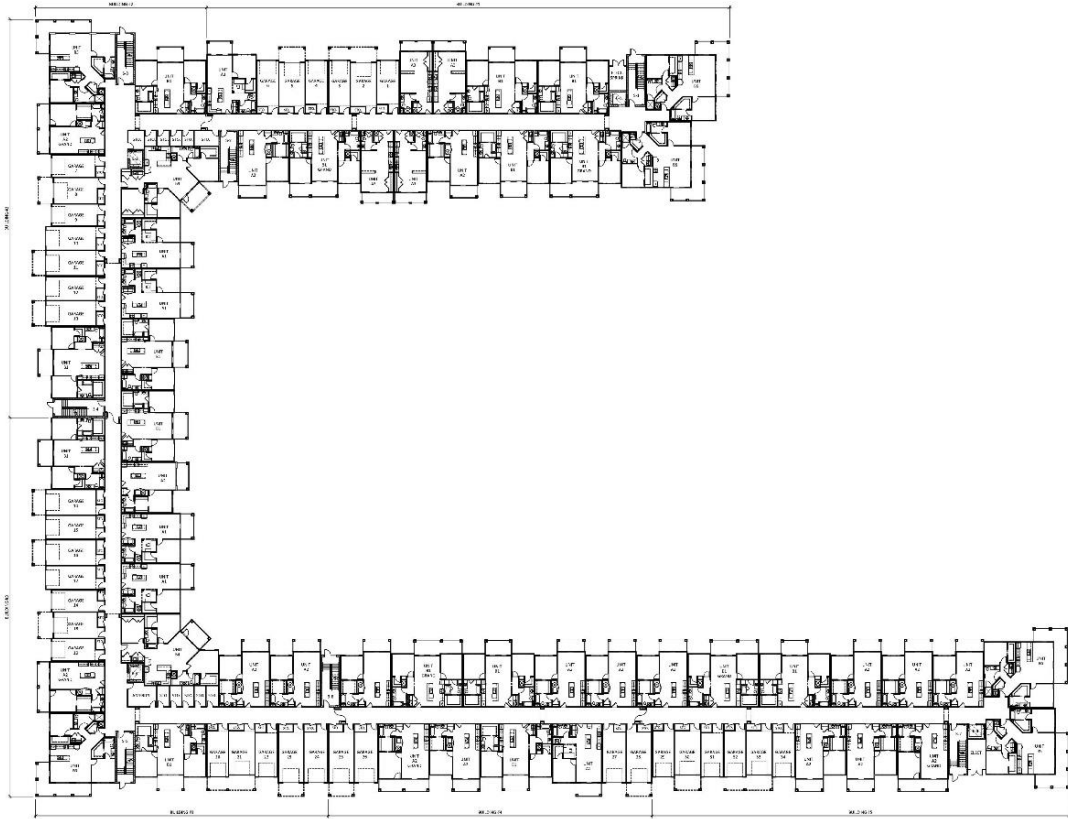
SITE PLAN



The site plan illustrates the proposed buildings, parking, setbacks, and easements.

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DETAIL SITE PLAN



SCHMATIC BUILDING PLAN
GROUND FLOOR

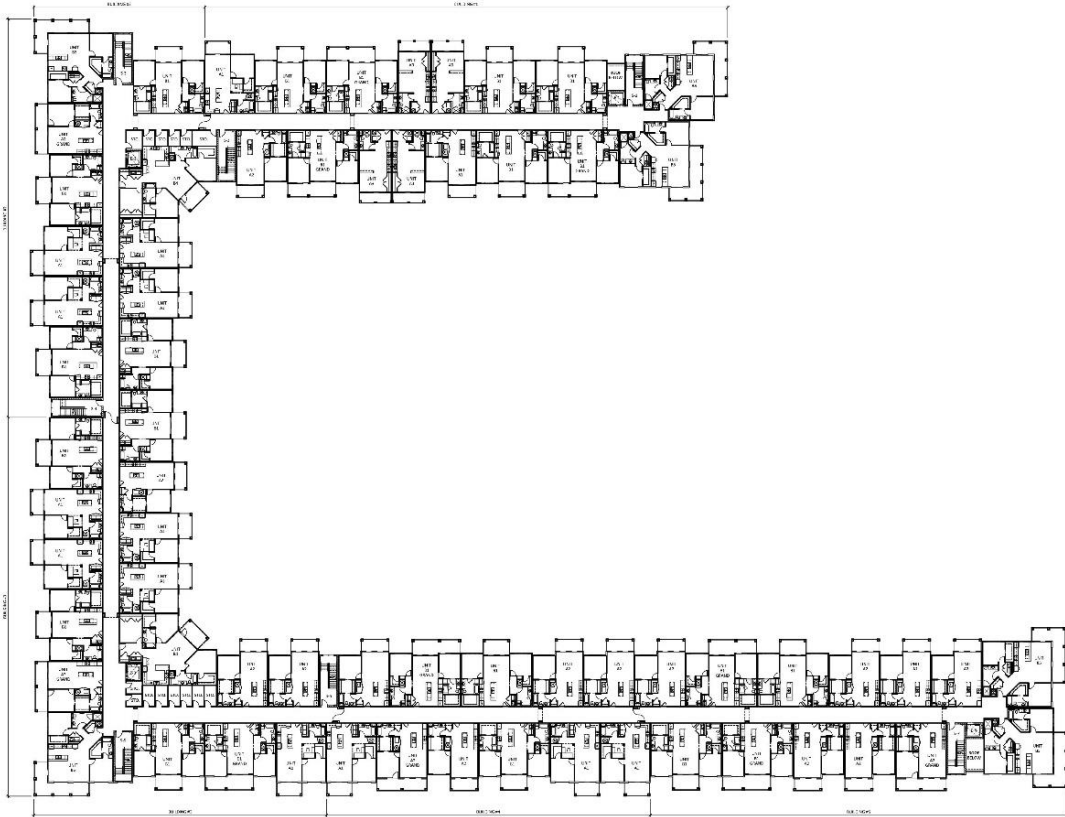
APPLICATION NUMBER 6577 DATE March 4, 2024

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REQUEST Height, Density, and Front Landscape Area Variances



DETAIL SITE PLAN



SCHEMATIC BUILDING PLAN
TYPICAL RESIDENTIAL FLOOR

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DETAIL SITE PLAN



FIRESIDE @ MOBILE
DECEMBER 6, 2023
SCHEMATIC ELEVATION

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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)

MIXED COMMERCIAL CORRIDOR (MCC)

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.