



Agenda Item # 10
BOA-SE-002839-2024

View additional details on this proposal and all application materials using the following link:
[Applicant Materials for Consideration](#)

DETAILS

Location:

2499 Eslava Creek Parkway

Applicant / Agent:

MBC Properties, LLC / Evan Geerts, Agent

Property Owner:

MBC Properties, LLC

Current Zoning:

B-3, Community Business Suburban District

Future Land Use:

Mixed Commercial Corridor

Case Number:

6578

Unified Development Code (UDC) Requirement:

- Special Exception to allow Ground Passenger Transportation to operate in a B-3, Community Business Suburban District.

Board Consideration:

- Special Exception with five (5) conditions to allow Ground Passenger Transportation to operate 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	6578	DATE	March 4, 2024
APPLICANT	MBC Properties, LLC (Evan Geerts, Agent)		
REQUEST	Special Exception		



SITE HISTORY

The subject site was included in M.C. Subdivision, which was approved by the Planning Commission at its May 6, 1999 meeting, and later recorded in Probate Court.

The site has not had any previous applications before the Board of Adjustment.

STAFF COMMENTS

Engineering Comments:

No comments.

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 (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 Ground Passenger Transportation to operate in a B-3, Community Business Suburban District; the Unified Development Code (UDC) requires a Special Exception to allow Ground Passenger Transportation to operate in a B-3, Community Business Suburban District. The complete application is available via the link on page 1.

The subject site was developed in 1999 as an office and warehouse for an electrical contractor. No expansion of existing facilities on the site is proposed. The proposed use is a taxi service that specializes in non-emergency medical transportation.

The site plan submitted indicates 3,000 square feet of warehouse space, and 4,008 square feet of office space, as well as 15 parking spaces. The applicant states that they have a total of 50 current revenue stickers, with 42 vehicles on the road. The applicant also goes on to state that they do not anticipate more than 12 vehicles at the

subject site at any given time, but that it is possible that they may have up to 75 revenue stickers and associated vehicles in the future. It should be noted that if approved as proposed, the applicant currently has over three (3) times more vehicles than the subject site has parking spaces available to accommodate, with the possibility of having more than five (5) times more vehicles than spaces in the future. This would also be in conflict with the Special Exception approval criteria outlined in the UDC; specifically, Article 5, Section 11-1.(b) and (c).

It should be noted that the subject site has shared access with the property immediately to the West of the subject site, which is owned by a different entity and operated by a different business. If approved, the shared access should be removed to prevent vehicles from the taxi service from encroaching onto adjacent properties.

Vehicles operated by the applicant are proposed to be kept overnight with drivers, but unassigned vehicles are proposed to receive routine maintenance and minor repairs at the subject site while waiting assignment to a new driver. The applicant states that any major repairs will happen off-site. Automobile service and repair operations as proposed, are allowed by-right in a B-3, Community Business Suburban District, however will require compliance with Plumbing and other codes as the site has not been used previously for automotive repairs and service.

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

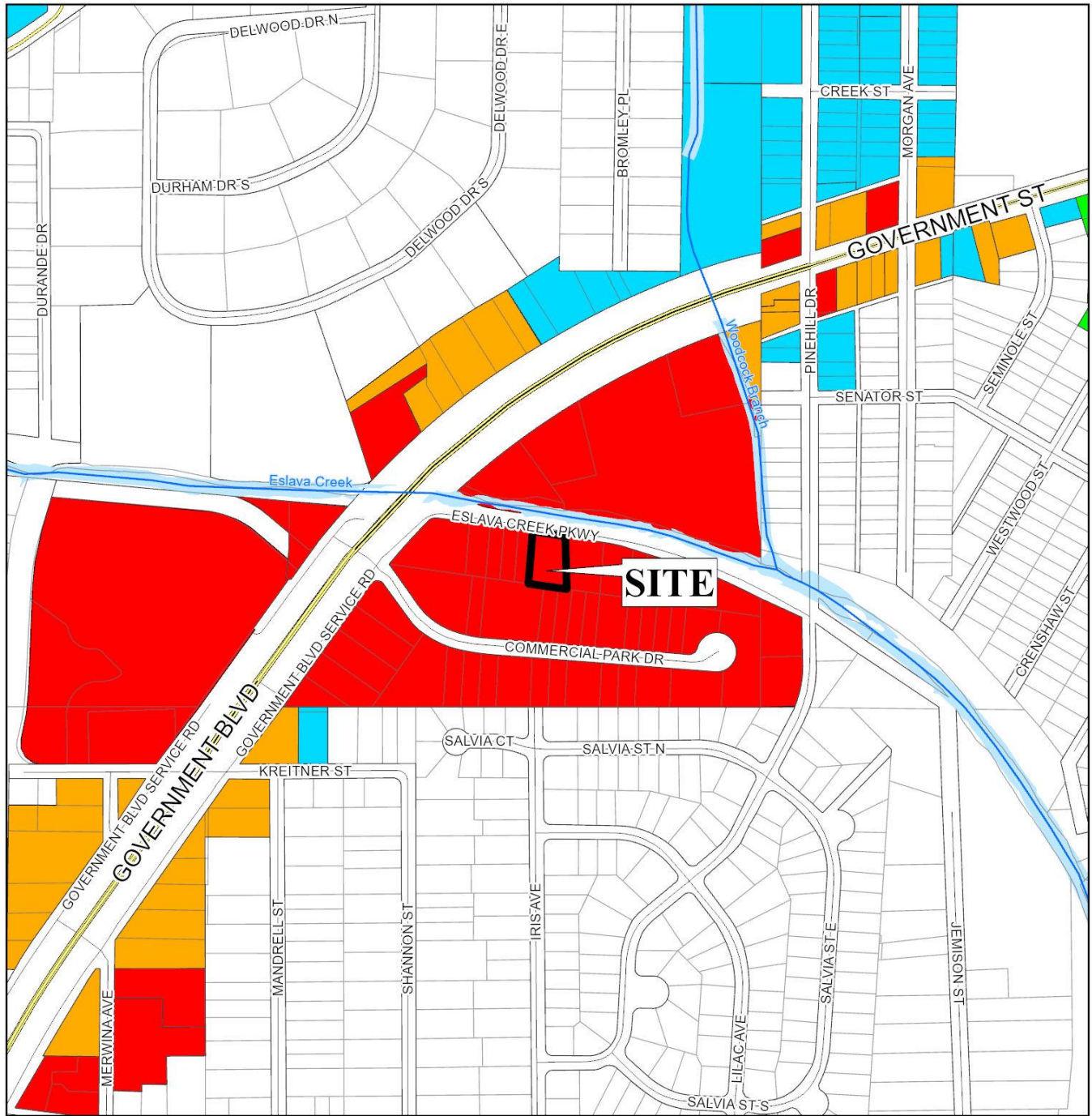
consideration pursuant to official notice, by the City or other governmental agency having jurisdiction to guide growth and development.

- 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.

If the Board is inclined to approve the Special Exception, it should be subject to the following condition:

- 1) Removal of the shared access between the subject site and the site immediately to the West;
- 2) The site shall have no more than 15 vehicles parked at any given time;
- 3) Vehicles to be kept at the residence of a driver should comply with Section 64-3-12-A.1.(a). of the Unified Development Code (UDC);
- 4) Any vehicle repairs and service must be compliant with B-3 zoning including the obtaining of all required permits; and
- 5) Full compliance with all municipal codes and ordinances.

LOCATOR ZONING MAP



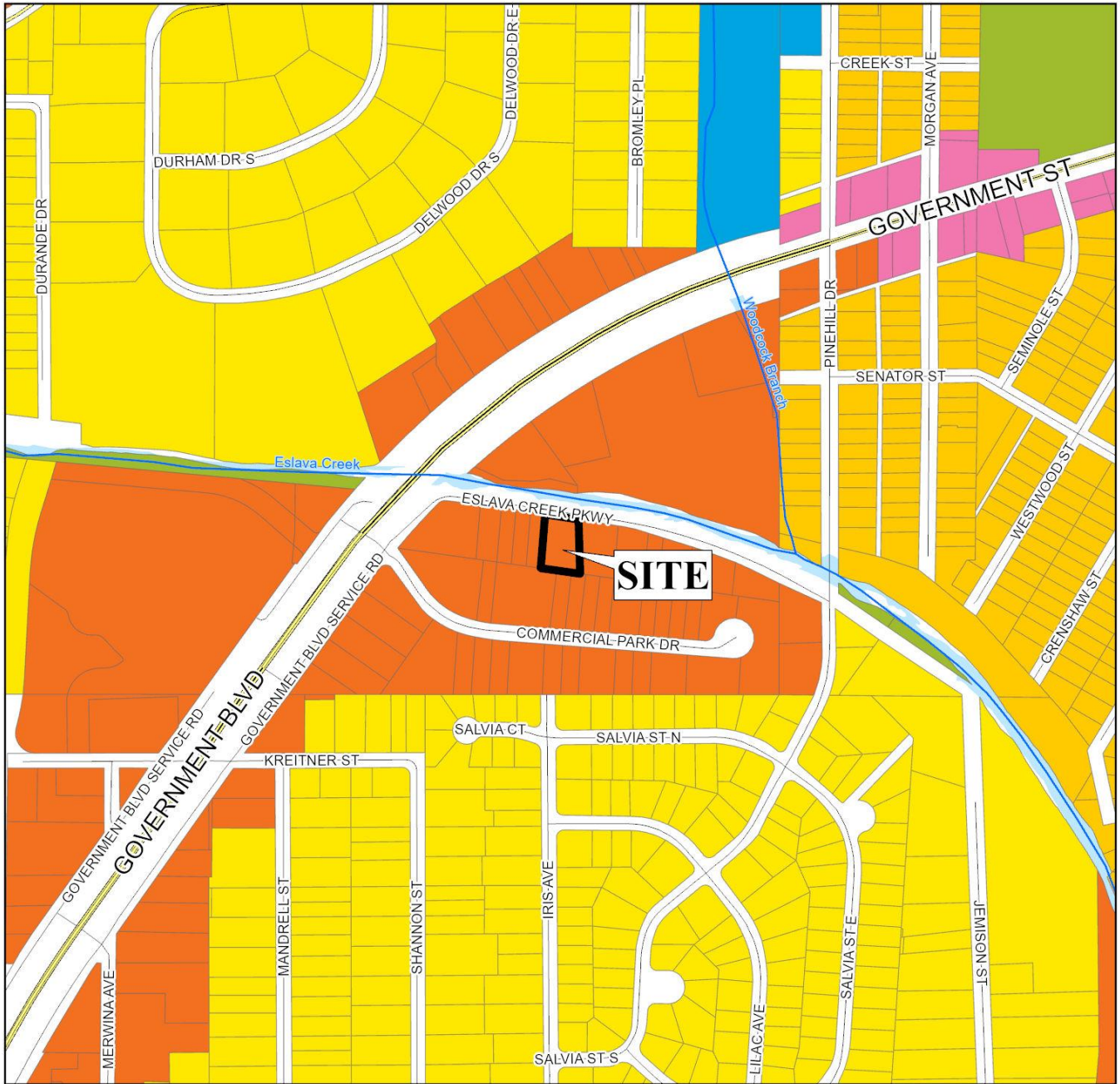
APPLICATION NUMBER 6578 DATE March 4, 2024

APPLICANT MBC Properties, LLC (Evan Geerts, Agent)

REQUEST Special Exception



FLUM LOCATOR MAP



APPLICATION NUMBER 6578 DATE March 4, 2024

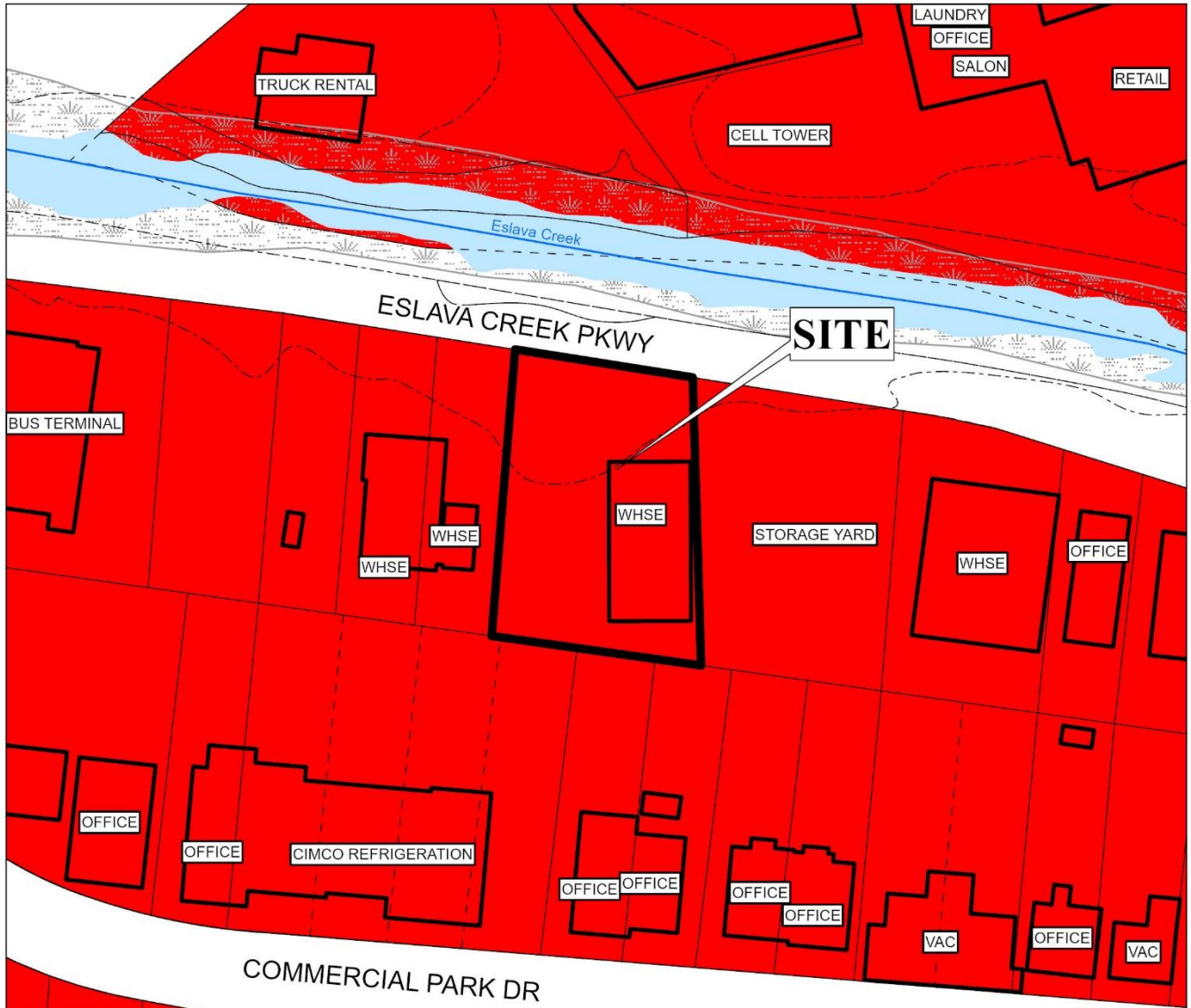
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REQUEST Special Exception


- | | | | |
|---|--|---|---|
| ■ 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 | |



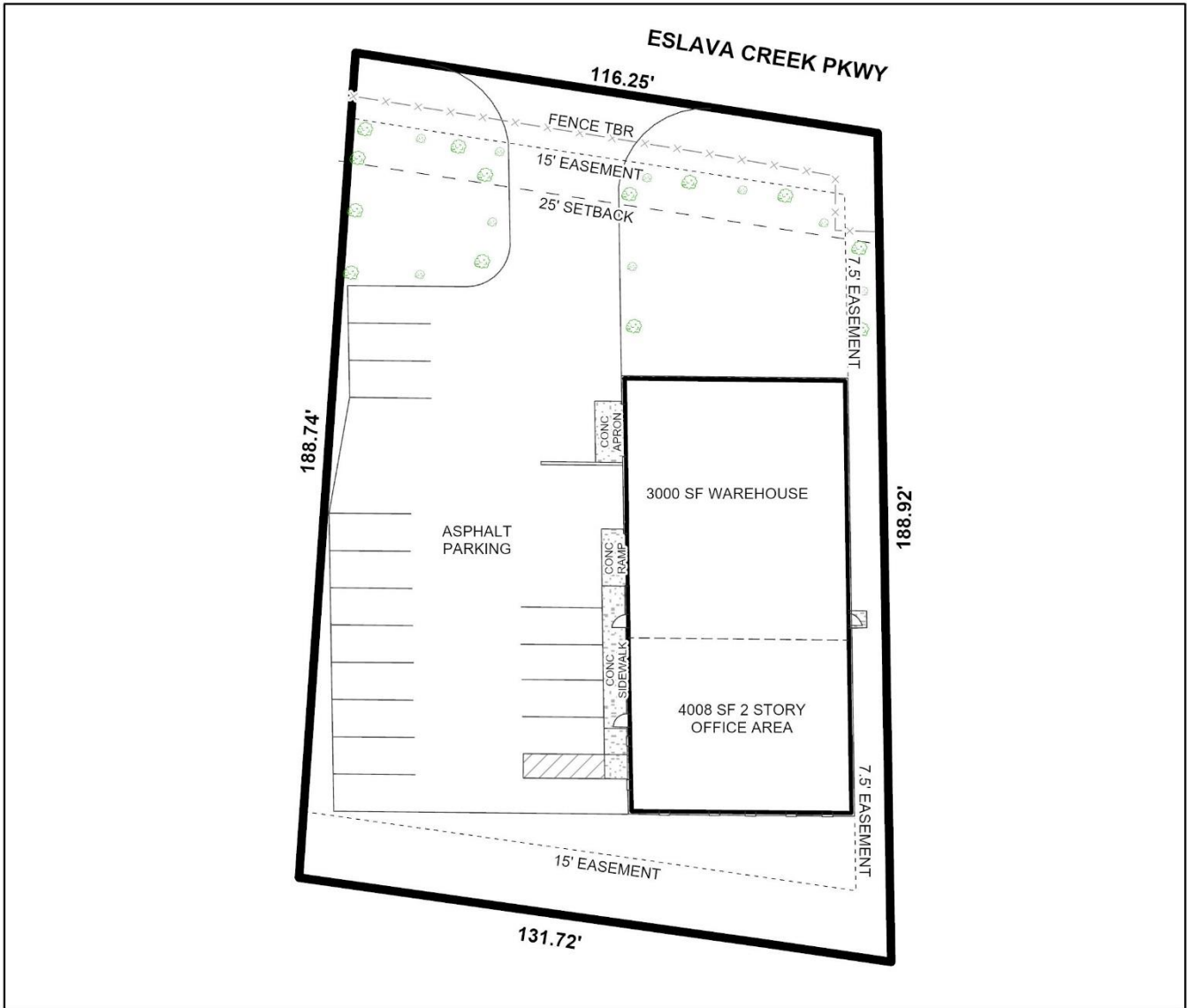
BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING




The site is surrounded by commercial units.

APPLICATION NUMBER <u>6578</u> DATE <u>March 4, 2024</u>	 NTS																														
APPLICANT <u>MBC Properties, LLC (Evan Geerts, Agent)</u>																															
REQUEST <u>Special Exception</u>																															
<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	
 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																						
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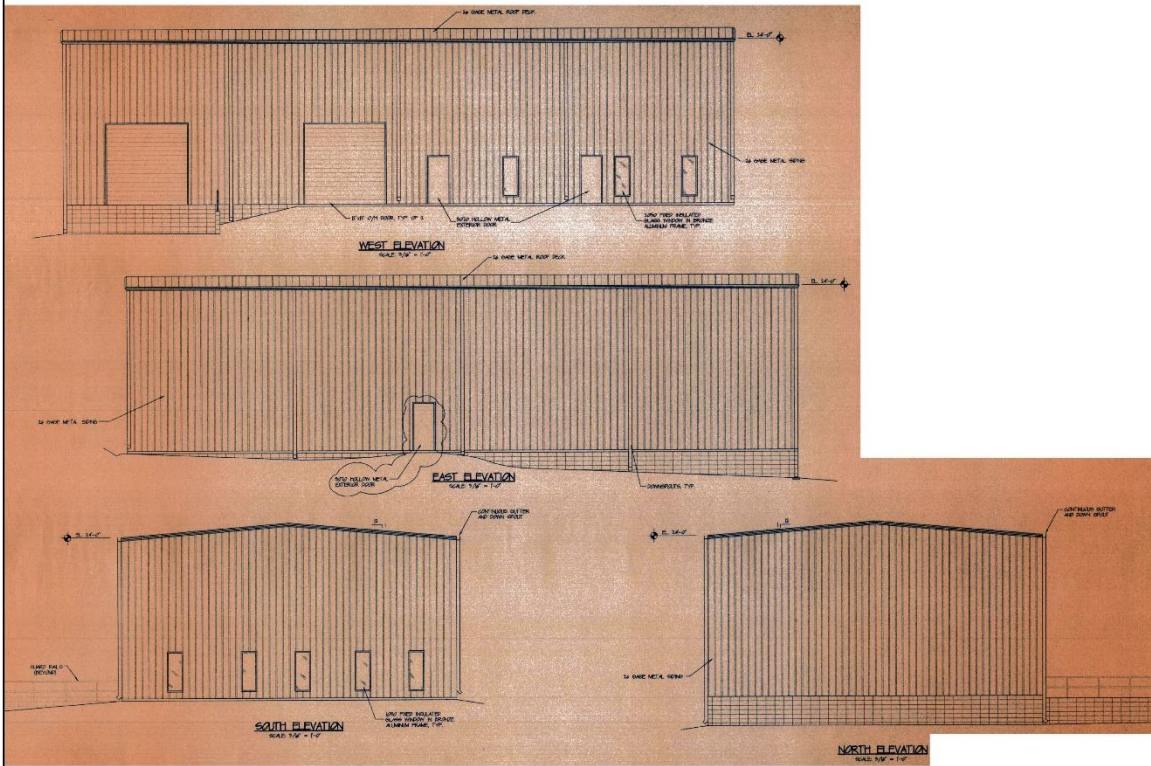
SITE PLAN




The site plan illustrates the existing building, parking, setback, and easements.

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DETAIL SITE PLAN



APPLICATION NUMBER	6578	DATE	March 4, 2024	
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REQUEST	Special Exception			

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.