

APPLICATION NUMBER

**5487**

A REQUEST FOR

**FRONT SETBACK, FRONTAGE LANDSCAPING, VEHICLE  
STACKING AND PROTECTION BUFFER VARIANCES TO  
ALLOW THE CONSTRUCTION OF A PHARMACY WITHIN 2.8'  
OF A FRONT PROPERTY LINE AND A CLOCK TOWER WITHIN  
14.5' OF A FRONT PROPERTY LINE, WITH LESS THAN 60%  
FRONTAGE LANDSCAPING, LESS THAN THREE VEHICLE  
QUEUEING SPACES PER DRIVE-THROUGH LANE CLEAR OF  
DRIVE AISLES, AND NO VEGETATIVE PLANTING OR FENCE  
BUFFER ALONG RESIDENTIALLY ZONED PROPERTIES IN A B-  
2, NEIGHBORHOOD BUSINESS DISTRICT; THE ZONING  
ORDINANCE REQUIRES A 25' FRONT SETBACK FOR ALL  
STRUCTURES, 60% FRONT LANDSCAPING , THREE QUEUEING  
SPACES PER DRIVE-THROUGH LANE CLEAR OF DRIVE  
AISLES, AND A MINIMUM 6' HIGH WALL, FENCE, OR SCREEN  
PLANTING BUFFER ALONG RESIDENTIALLY ZONED  
PROPERTIES IN A B-2, NEIGHBORHOOD BUSINESS DISTRICT**

LOCATED AT

**4453, 4459 OLD SHELL ROAD, AND  
5 SOUTH MCGREGOR AVENUE**

(Southwest corner of Old Shell Road and South McGregor Avenue)

APPLICANT

**THE MITCHELL COMPANY**

OWNER

**THREADGILL PROPERTIES, LLC & JDC ACQUISITION  
CORPORATION**

**BOARD OF ZONING ADJUSTMENT**

JULY 2008

The applicant is requesting Front Setback, Frontage Landscaping, Vehicle Stacking, and Protection Buffer Variances to allow the construction of a pharmacy within 2.8' of a front property line and a clock tower within 14.5' of a front property line, with less than 60% frontage landscaping, less than three vehicle queuing spaces per drive-through lane clear of drive aisles, and no vegetative planting or fence buffer along residentially zoned properties in a B-2, Neighborhood Business District; the Zoning Ordinance requires a 25' street front setback for all structures, 60% street frontage landscaping, three queuing spaces per drive-through lane clear of drive aisles, and a minimum 6' high wall, fence, or screen planting buffer along residentially zoned properties in a B-2, Neighborhood Business District.

The applicant proposes to redevelop a site located on the southwest corner of Old Shell Road and McGregor Avenue. Since the site is located within the proposed Village of Springhill Overlay District, which is pending before City Council and will be heard August 26<sup>th</sup>.

As illustrated on the Vicinity Map, the site is zoned B-2, Neighborhood Business and a drug store is an allowed use; however, several variance are required prior to site plan approval. It should be noted that this application and the following are separate variance requests; however, variances would be required in order to redevelop the site and meet the intent of the Overlay District of the Village of Springhill plan was adopted or not. The applicant states that the proposed project entails the location of the structure within the parameters of Village of Springhill Overlay District; however, since this overlay has not been approved and adopted by the City of Mobile, these variances are required to be approved by this Board.

The area is a focal point in the Village of Springhill Overlay District, whereas, the intent of the overlay is to allow mixed uses, provide larger sidewalks, reduced parking, and to allow the buildings to be constructed closer to front property line.

As previously noted the applicant submitted two different site plans, this report illustrates the request to reduce the setback along McGregor Avenue from 25-feet to 2.8-feet for the building, to allow the clock tower at 14.5-feet, to allow less than the required 60% of the 12% (7.2 %) required front landscaping, less than three vehicle queuing spaces per drive-through lane clear of drive aisles, and no vegetative planting or fence buffer along residentially zoned properties in a B-2, Neighborhood Business District.

The applicant has worked with the Village of Springhill neighborhood group in order to meet the intent of the overlay that is proposed. However, certain elements of the overlay conflict with the existing Zoning Ordinance for this district.

The Overlay District encourages a street fronted building which takes away the area that would normally be used for the frontage landscaping requirements. However, the overall site would provide 23.7 % of landscaping on the overall site, but provides approximately 4,000 square feet of the required 4,893 square feet front landscaping. The applicant is requesting a variance to allow stacking as illustrated on the proposed site plan, which illustrates a two car queue; however, the two car queue does not impede vehicular movement within the site. Lastly, the applicant is requesting that the buffer requirement of the Ordinance to provide a minimum 6-foot high solid wooden fence along the property line abutting residentially zoned properties be waived. A small portion of the property adjacent to the site is zoned residentially; however, its use as a church is allowed in a residentially zoned district. The buffer would provide a buffer from the proposed commercial use and the church parking lot and would act as a barrier between commercial and residentially zoned property.

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.

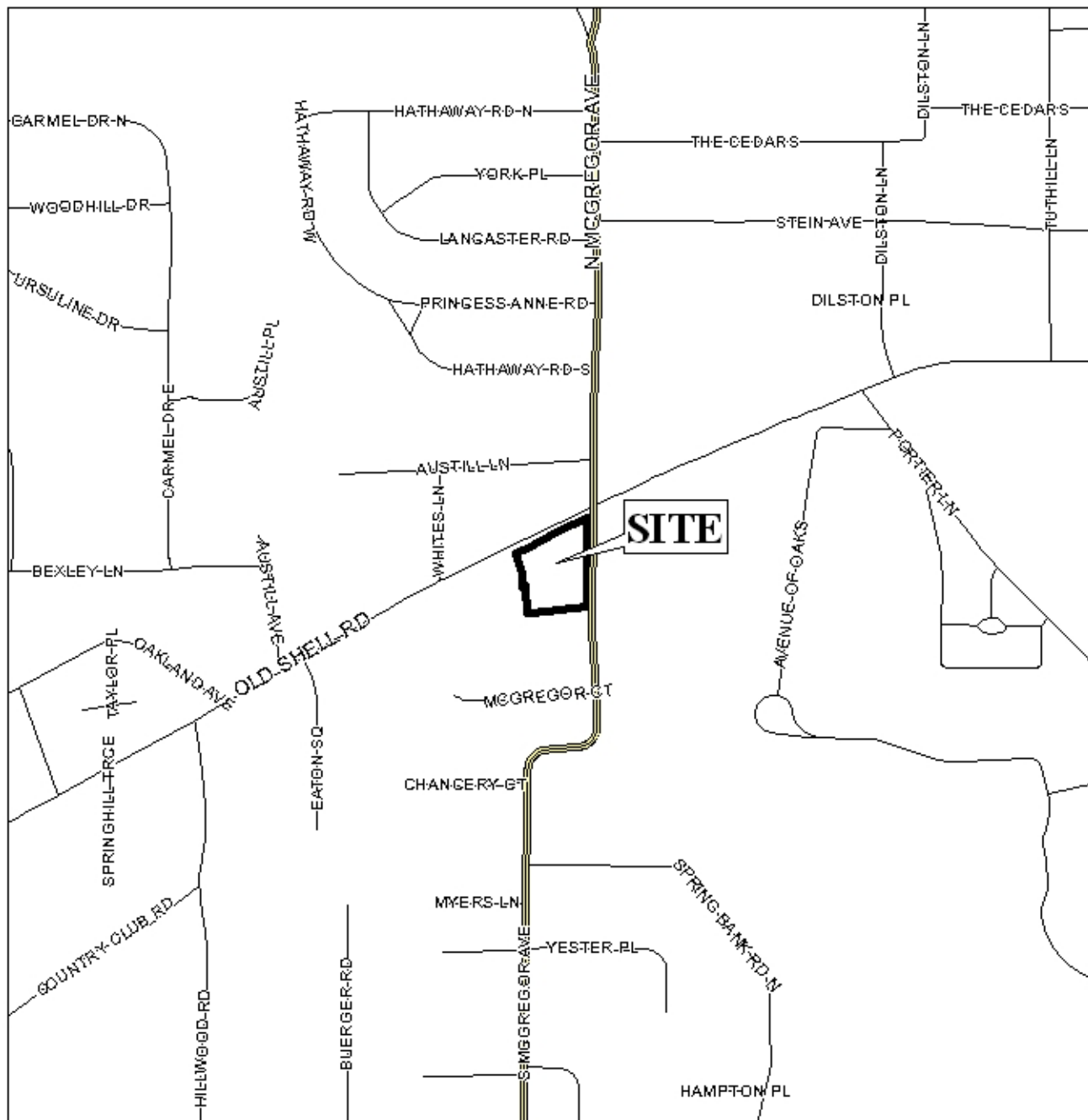
In terms of the overall development, the site is across the street from two sites that in the past have been granted front yard setbacks. Furthermore, the proposed site of the building would be in character with several sites at or near this intersection and along Old Shell Road.

In this instance, the applicant has not illustrated that enforcement of the standard setback, front landscaping, queuing and buffer requirements would cause an unnecessary hardship for this type of business; however, the Board should consider this request for approval of the setback, front landscaping, and queuing variances as they are in compliance with the pending Overlay amendment. However, the buffer variance request should be denied.

**RECOMMENDATION 5487****Date: July 7, 2008**

Based upon the preceding, this application is recommended for approval subject to the following conditions: 1) full compliance with all municipal codes and ordinances; and 2) the provision of a buffer where the site adjoins residential property.

# LOCATOR MAP



APPLICATION NUMBER 5487 DATE July 7, 2008

APPLICANT The Mitchell Company

REQUEST Front Setback, Frontage Landscaping,  
Vehicle Stacking, and Protection Buffer Variances



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



This site is surrounded by business and residential land use.

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LEGEND

R-1	R-2	R-3	R-4	R-B	H-B	T-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2	NTS
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This site is surrounded by business and residential land use.

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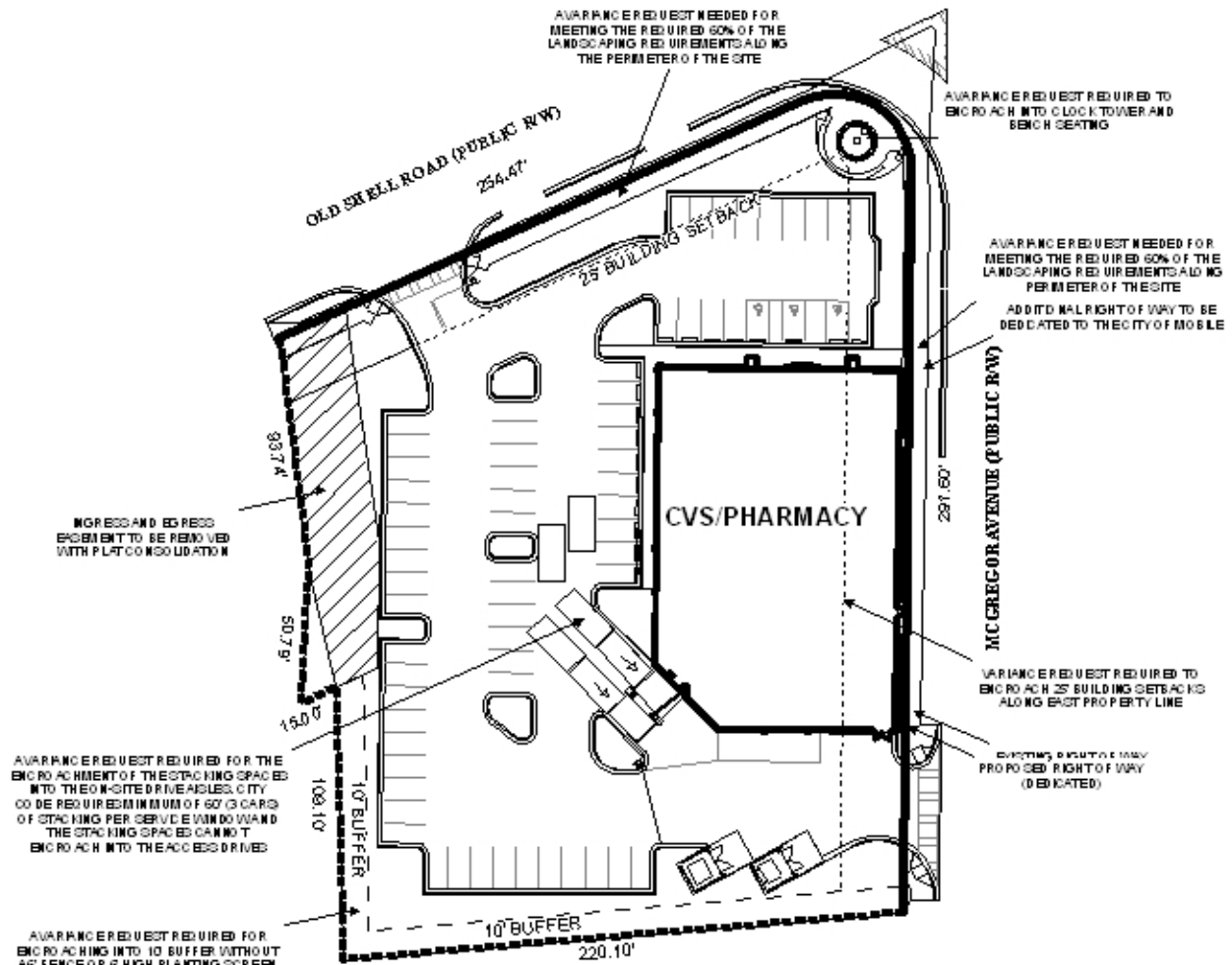
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NTS

# VARIANCE B SITE PLAN

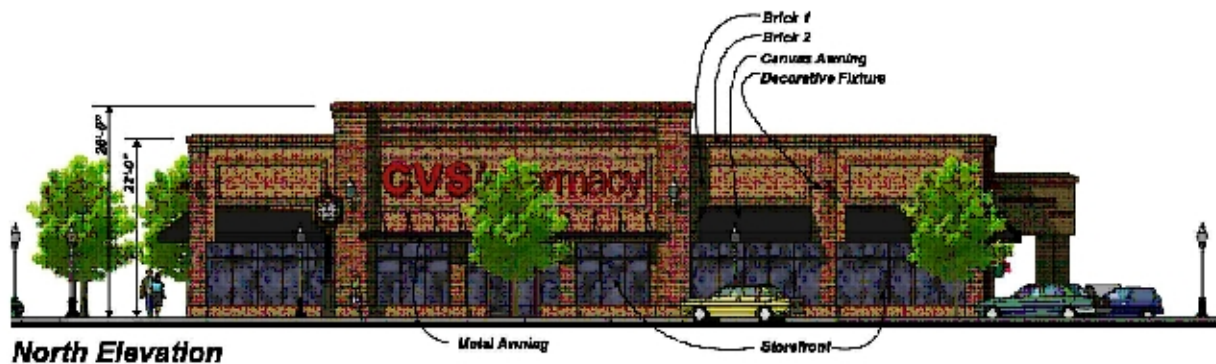


This site plan illustrates the proposed lot configuration and variance requests.

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# DETAIL SITE PLAN



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