

ZONING BOARD OF ADJUSTMENT STAFF REPORT

July 26, 2021

ZBA-65-21

GENERAL INFORMATION

Property Owner () Petitioner (X)

The Broadway Group

Requested Action and Purpose

Petition for a special exception from the off-street parking regulations

Location and Existing Zoning

6349 Highway 69 South. Zoned BN. (Council District 2)

Size and Existing Land Use

Approximately 1.91 acres, Vacant

Surrounding Land Use and Zoning

North: Commercial, BN

East: Commercial, BN

South: Commercial, BN

West: Commercial, PJ

Applicable Regulations

(8) *Decrease in required parking*

DISCRETIONARY

- a. The applicant should demonstrate to the satisfaction of the board that, based on the nature of the business and prior experience with such businesses, a reduced number of off-street parking spaces will meet reasonably foreseeable requirements. The board should take into account, however, the possibility that the property concerned might change hands in the future and be used for a purpose requiring more parking.

Sec. 24-122. – Off-street parking requirement.

Minimum Requirement	
Retail store, except where otherwise specified	One per one hundred twenty (120) square feet of building floor area

SUMMARY

The petitioner is requesting a special exception to construct 51 parking spaces instead of the required 89 parking spaces for a new Dollar General. The proposed use requires 1 space per 120 square feet. The petitioner has provided a letter from Dollar General stating the average amount of parking required per their data is 35 parking spaces. The newly constructed Dollar General in Alberta that is the same size as this proposed building (10,640sf) has 36 parking spaces (required 1 per 300sf in MX-3 zoning district). The petitioner states that topography and site limitations limit the amount of parking they can provide.

Office of Urban Development, Planning Division: No comment

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Office of Urban Development, Code Enforcement: No violations found or complaints received

Office of Urban Development, Building and Inspections Division: No comment

Infrastructure and Public Services, Engineering Division: No comment

Fire and Rescue Department, Fire Administration: No comment



ZONING BOARD OF ADJUSTMENT

PETITION APPLICATION

Last Updated, Feb 2021

Please complete all of the following required fields:

Location of Petitioned Property

Address: TBD Corner of AL Hwy 69 and 61st Street

Property Owner

Name: 69 South Center, LLC Phone: 205-930-1785 Email: trushing@redrockrg.com

Address: ZIP Code:

Petitioner (if different from owner)

Name: The Broadway Group, LLC Phone: 256-533-7287 Email: alyssa.carter@broadwaygroup.net

Address: PO Box 18968 Huntsville, AL ZIP Code: 35804

The Petitioner requests the following item(s) from the Zoning Board of Adjustment:

A special exception is a conditional use which the zoning ordinance expressly permits under conditions specified in the zoning ordinance. A variance is a deviation from the regulations in the zoning ordinance which requires proof of an unnecessary hardship. An appeal is a formal challenge of the zoning officer's ruling.

- Special Exception, Use Variance, Variance, Short-Term Rental, Appeal Zoning Officer's ruling

Briefly describe the variance, special exception, and/or appeal being requested:

We would like to request a variance for parking stalls from 89 to 51

Certification of Applicant

I certify that the foregoing facts, to the best of my knowledge, are true and correct and that except for the exception, variance, or appeal requested in this petition, the proposed construction and use complies with all requirements for the zoning district in which the property is located.

- For all requests for any variance from or special exception to a zoning requirement pertaining to a dimensional requirement or the site, a scaled site plan and/or building elevation produced by a registered land surveyor, professional engineer, or architect shall be required.

Print Name: Robert M. Broadway Signature: [Signature] Date: 6/22/21

Please complete the applicable fields prior to application submission:

Answer the following for ALL requests:

Describe the reasons for the request and, if requesting a special exception, any extra related information. (e.g. number of parking spaces, hours of operation, etc.)

We would like to request a parking variance from 89 stalls down to 51 stalls. We are requesting this because

Answer the following for VARIANCE requests ONLY:

The petitioner must specifically state a hardship for the variance. Explain the ways in which the zoning regulation creates a hardship on the property. When a variance is at issue, the primary consideration is whether a literal enforcement of a zoning ordinance will result in unnecessary hardship. Explain any special circumstances or conditions that are peculiar to the land or buildings because of which a strict application of the ordinance would deprive the applicant of the reasonable use of such land or building.

The hardships we are facing for this development space limitation due to the size of the lot and topography of the site.

Explain how the variance request is in harmony with the general purpose and intent of the regulations imposed by this ordinance on the district in which it is located and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The reduction in parking stalls will help provide for green space for the development. This number is also consisted with similar stores we have done in the City.

PLEASE SUBMIT AN ELECTRONIC COPY OF THIS APPLICATION AND ANY NECESSARY SUPPORTING MATERIALS TO:

Office of Urban Development:
Planning Division

2201 University Boulevard, Annex III
Tuscaloosa, AL 35401

Email: zba@tuscaloosa.com

SUBMIT FORM

FOR OFFICE USE ONLY:

ZBA Case Number: _____ Submission Date: _____
Zoning District: _____ Hearing Date: _____



TUSCALOOSA

DESIGNATION OF AGENT

PROPERTY OWNER

I, Luther S. Pate IV being owner of the property which is the subject of this application

63-36-01-11-1-001-003.000

hereby authorize

The Broadway Group, LLC

SUBDIVISION NAME PROPERTY ADDRESS (OR TAX PARCEL ID)

to act as my representative with the City of Tuscaloosa's Zoning Board of

Adjustment, and/or Planning and Zoning Commission, and/or Historic Preservation Commission, and /or City Council, as required by the type of request listed hereon.

Such representation shall be for all purposes concerning any manner, right or obligation relating to this petition. This designation authorizes my agent to make verbal or written representations and/or declarations on my behalf and I shall be legally bound by said verbal or written representations and/or declarations relating to this petition.

The petitioner understands and acknowledges that the City will rely upon the agent's representations in approval or denial of said petition.

Signature

[Handwritten Signature]

Date

6/19/2021

STATE OF ALABAMA | COUNTY OF TUSCALOOSA

I, PATRICIA C. RUSHING, a Notary Public in and for said State at Large, hereby certify that LUTHER S. PATE IV, who is named as OWNER, is

signed to the foregoing document, and:

- Who is known to me, or
- Whose identity I proved on the basis of _____, or
- Whose identity I proved on the oath/affirmation of _____, a credible witness to the signer of the above document

and that being informed of the contents of the document, he/she, as such officer and with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 19 day of JUNE, 2021

Notary Public

[Handwritten Signature]

OCT. 18, 2022
Commission Expiration

PATRICIA C. RUSHING
Notary Public, Alabama State at Large
My Commission Expires Oct. 18, 2022

DOLLAR GENERAL

Dollar General Corporation
100 Mission Ridge
Goodlettsville, TN 37072

6/17/2021
City of Tuscaloosa Planning and Zoning
2201 University Blvd.
Tuscaloosa, AL 35401

Re: Parking requirements at the proposed Dollar General at AL Hwy 69, Tuscaloosa, AL

To Whom It May Concern:

Through the years, Dollar General has refined the design criteria for new store development. With over 17,000 stores in productive operation, we have gathered significant data.

One area which we are balanced between development cost and customer need is parking requirements and accessibility for our build-to-suit locations. Our stores average 15 to 20 transactions per hour. We have estimated and confirmed that 35 spaces will accommodate the customer flow rate that our business generates. This standard has also been sufficient for traffic generated at the peak Christmas season levels.

Thanks for your consideration and feel free to contact me with any other questions you may have.

Best Regards,

Sarah James Myatt

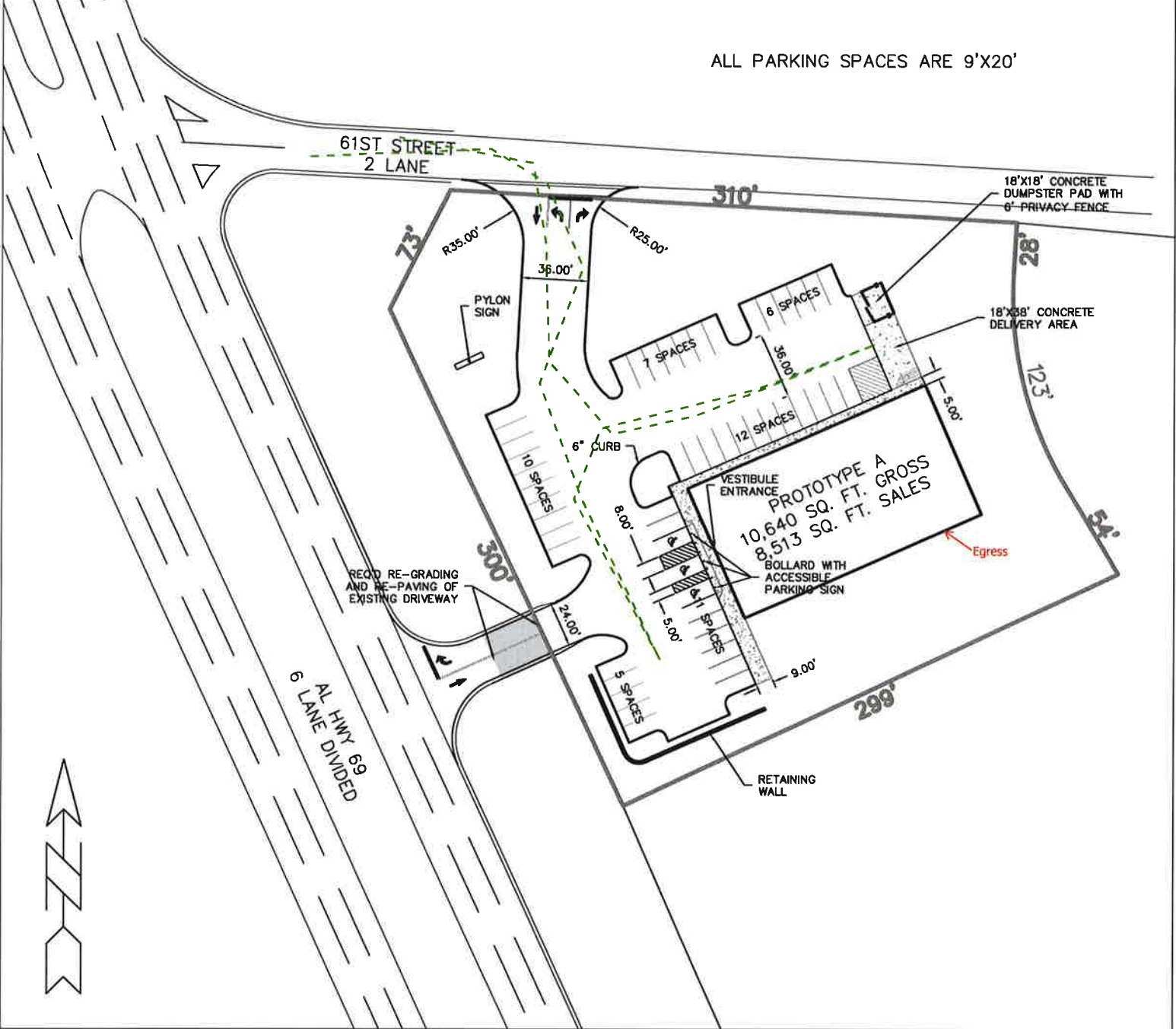
Dollar General Corporation
Plan Coordinator Southeast Region
615.855.5223
smyatt@dollargeneral.com

PRELIMINARY SITE PLAN		TUSCALOOSA, AL (AL HWY 69)		
PROTOTYPE:	A	DEVELOPER	DESIGNER	DATE
BLDG/SALES S.F.:	10,566/8,522	COMPANY: THE BROADWAY GROUP	COMPANY: THE BROADWAY GROUP	2/12/2021
ACREAGE:	1.99	NAME: BOB BROADWAY	NAME: JEREMY COBB	
PARKING SPACES:	51*	PHONE: (256) 533-7287	PHONE: (256) 533-7287	

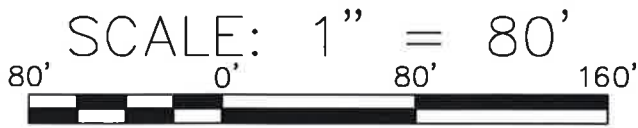
REVIEWED
By Sarah James Myatt at 3:21 pm, Mar 08, 2021

*89 REQ'D BY CODE; VARIANCE REQ'D

ALL PARKING SPACES ARE 9'X20'



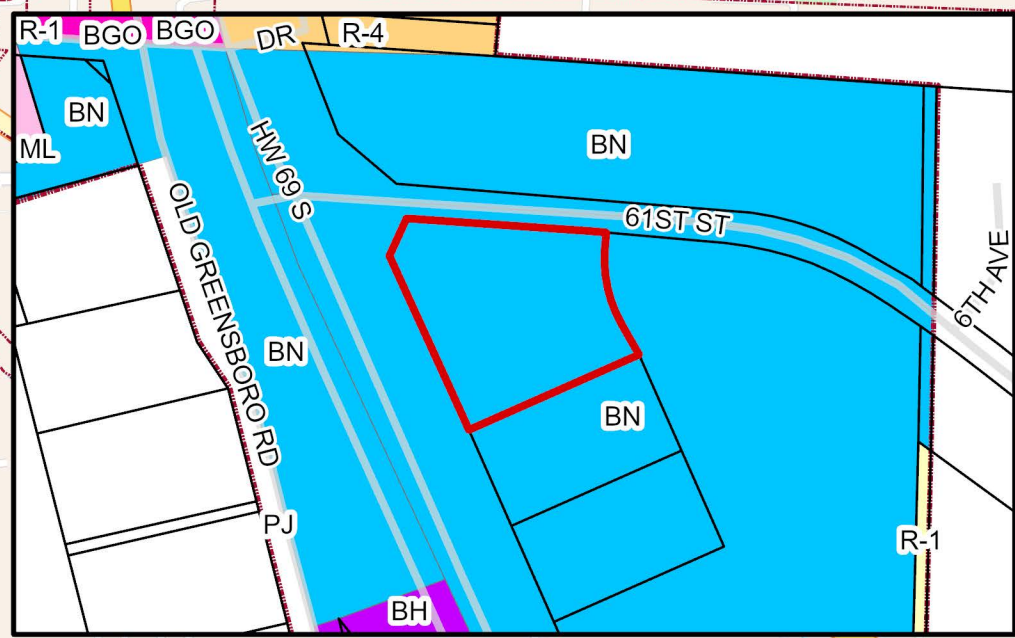
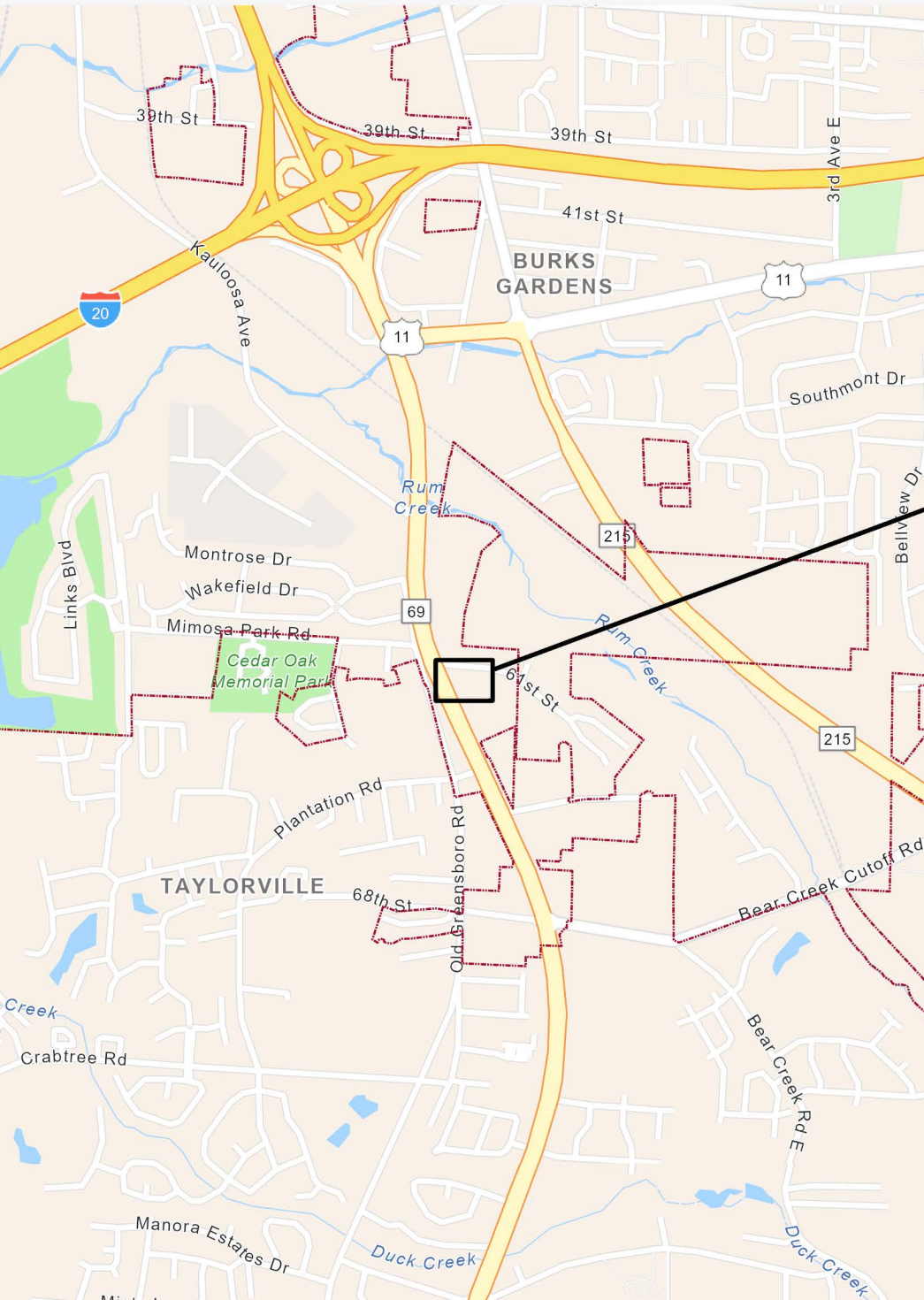
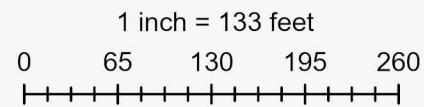
NOTE
DIMENSIONS SHOWN ALONG PROPERTY, RIGHT-OF-WAY AND/OR LEASE LINES ARE PRELIMINARY AND SHOWN FOR INFORMATIONAL PURPOSES ONLY



The Broadway Group
Commercial Real Estate Development
216 Westside Square • Huntsville, AL 35801
Phone: (256) 533-7287 • Fax: (256) 533-7236

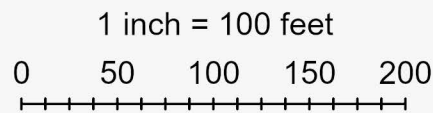


ZBA-65-21: 6349 Hwy 69 S





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61ST ST

OLD GREENSBORO RD

HWY 69 S

 ZBA-65-21









60th St
61st St

CALL ME ALABAMA!
800-555-1234

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BY THE BAY



SELF STORAGE

R&R SHOP CENTER

R&R SHOP CENTER