



Architectural Review Board Minutes

February 21, 2024 – 3:00 P.M.

ADMINISTRATIVE

The meeting was called to order by the Vice-Chair, Cart Blackwell, at 3:07pm.

1. Roll Call

Christine Dawson, Historic Development staff, called the roll as follows:

Members Present: Cartledge Blackwell, Stephen Howle, Cameron Pfeiffer-Traylor, Jennifer Roselius, and Barja Wilson

Members Absent: Abby Davis, Catarina Echols, Karrie Maurin, Stephen McNair

Staff Members Present: Annie Allen, Kimberly Branch-Thomas, Christine Dawson, Hannon Falls, Marion McElroy, Bruce McGowin, John Sledge, and Meredith Wilson

2. Approval of Minutes from February 7, 2024

Ms. Roselius moved to approve the minutes from the January 17, 2024 meeting.

The motion was seconded by Mr. Howle and approved unanimously.

3. Approval of Mid-Month COAs granted by Staff

Ms. Roselius moved to approve the mid-month COAs granted by Staff.

Ms. Traylor seconded the motion, and it was approved unanimously.

MID-MONTH APPROVALS - APPROVED

- Applicant:** Fortified Exteriors, LLC
Property Address: 355 Charles Street
Issue Date: 01/29/2024
Project: Reroof in kind with shingles in Georgetown Gray color.
- Applicant:** Steve May
Property Address: 1204 Old Shell Road
Issue Date: 01/30/2024
Project:
 - Remove rotten wood siding from dormers on the south elevation. Replace with Hardie board siding to match the existing profile and dimension.
 - Remove rotten wood lap siding on the first-floor portion of the west

elevation (from the porch break to the bottom wall plate) and replace with Hardie board siding to match the existing in profile and dimension. The wood siding on the second-floor portion of the elevation will remain.

3. **Applicant:** Bernhardt Roofing and General Construction, LLC
Property Address: 59 Fearnway
Issue Date: 01/30/2024
Project: Reroof in kind with shingles in charcoal color.
4. **Applicant:** Farris Properties
Property Address: 304 Government Street
Issue Date: 01/31/2024
Project: Temporarily cover with Hardie board damaged windows on 2nd floor, West elevation.
5. **Applicant:** All Weather Roofing and Construction, LLC
Property Address: 15 North Reed Avenue
Issue Date: 01/31/2024
Project: Replace existing asbestos tile roofing with shingles. Color: Pewter
6. **Applicant:** Professional Roofing and Construction, LLC
Property Address: 66 Houston Street
Issue Date: 01/31/2024
Project: Reroof with shingles. Color: Pewter
7. **Applicant:** Poeima, LLC
Property Address: 1154 Dauphin Street
Issue Date: 02/02/2024
Project: Emergency repairs to include the following:
 1. Reroof in kind with fiberglass asphalt shingles.
 2. Remove and replace in kind deteriorated and damaged fascia and soffits. Install half-round or ogee metal gutters to match trim color.
 3. Repair/restore all deteriorated and damaged doors and windows to include rebuilding sashes, sills, and frames to match original in shape, dimensions, and materials. Prime and paint all windows. Install appropriate hardware on doors to secure the building.
 4. Remove and replace in kind all missing or deteriorated wood clapboard siding.
 5. Repair or replace in kind damaged masonry piers.
 6. Repair or replace in kind porch, stoop, roofs, railings, and balconies, as needed. Elements include Onew flooring, porch columns, and railings. All work to match existing in dimensions, shape, detailing, and materials.
8. **Applicant:** Moore Housing Group, LLC
Property Address: 1719 Dauphin Street
Issue Date: 02/02/2024
Project:
 1. Repair and replace in-kind all rotten wood on exterior of building.
 2. Repair or replace in-kind all existing wood windows. Where replacement is needed, matching wood windows which are on site will be used.
 3. Repaint exterior in the following potential Sherwin Williams colors:

body - Peppercorn, Cyberspace, or Iron Ore; trim- Greek Villa, Shoji White, or Tricorn Black

9. **Applicant:** Wendmark Fence, LLC
Property Address: 19 Macy Place
Issue Date: 02/05/2024
Project: 1. Install a 6'-0" wood privacy fence to enclose the rear yard.
10. **Applicant:** Po Boy 911, LLC
Property Address: 1719 Dauphin Street
Issue Date: 02/05/2024
Project: Reroof in-kind with shingles in Weatherwood color
11. **Applicant:** Roofit Restoration, LLC
Property Address: 315 Michigan Avenue
Issue Date: 02/07/2024
Project: 1. Reroof in-kind
2. Replace in-kind damaged to soffit, fascia board, etc.
12. **Applicant:** Bernhardt Roofing and General Construction, LLC
Property Address: 150 S. Dearborn Street
Issue Date: 02/08/2024
Project: Reroof in kind with shingles in Charcoal color
13. **Applicant:** Poeima, LLC
Property Address: 1204 Old Shell Road
Issue Date: 02/09/2024
Project: Reconstruct two (2) dormer windows on the rear elevation, per submitted plans.

APPLICATIONS

1. 2023-56-CA

Address: 34 S. Reed Avenue
Historic District: Old Dauphin Way
Applicant / Agent: Reilly Terrell
Project: After-the-Fact Approval: Various fenestration changes; remove attic gable window

DEFERRED TO 3/6/2024 MEETING

2. 2024-07-CA

Address: 1500 Government Street
Historic District: Old Dauphin Way
Applicant / Agent: Sign Medics LLC on behalf of Sage Health
Project: Install wall signage on property in excess of 64sf

APPROVED - CERTIFIED RECORD ATTACHED

3. 2024-08-CA

Address: 900 Government Street
Historic District: Oakleigh Garden
Applicant / Agent: Pan American Engineers on behalf of Murphy USA
Project: Demolish existing non-historic drugstore building
TABLED - CERTIFIED RECORD ATTACHED

4. 2024-09-CA

Address: 900 Government Street
Historic District: Oakleigh Garden
Applicant / Agent: Pan American Engineers on behalf of Murphy USA
Project: New Construction: one-story 2,824sf fueling station with 8 pumps under canopy; associated site improvements
TABLED - CERTIFIED RECORD ATTACHED

5. 2024-10-CA

Address: 900 Government Street
Historic District: Oakleigh Garden
Applicant / Agent: Stratus Unlimited on behalf of Murphy USA
Project: Signage package: 1 wall sign (31.7sf); 1 double-sided monument sign (38.3sf per face)
TABLED - CERTIFIED RECORD ATTACHED

OTHER BUSINESS

The next ARB meeting is scheduled for March 6, 2024.



Agenda Item #2 - CERTIFIED RECORD

Application 2024-07-CA

DETAILS

Location:

1500 Government Street

Summary of Request:

Install wall signage on property

Applicant (as applicable):

Sign Medics on behalf of Sage Health

Property Owner:

Sage Health

Historic District:

Old Dauphin Way

Classification:

Non-contributing

Summary of Analysis:

- The proposed sign at a larger tenant space at 1500 Government Street would be 16 square feet, bringing the total signage square footage out of compliance with the *Guidelines*. However, Historic Development Department records and photos of past approved signage demonstrate that larger signage was previously used at this location and under the existing design guidelines. In addition, the neighboring tenant’s wall sign is visibly larger than 64 square feet.
- The proposed sign is in compliance with the *Guidelines* regarding materials and compatibility with the associated building and the district.
- The subject building sits significantly back from the ROW, affecting the visibility of signage from the street.

Report Contents:

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Scope of Work 2

Applicable Standards 2

Staff Analysis 3

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PROPERTY AND APPLICATION HISTORY

Old Dauphin Way Historic District was initially listed in the National Register in 1984 under Criterion C for significant architecture and community planning. The district includes most nineteenth-century architectural styles and shows adaptations of middle-class domestic designs of the nineteenth century to the regional, Gulf Coast climate. It includes “fine examples of commercial, institutional, and religious structures as well as 20th-century apartments.”

The property at 1500 Government is a contemporary masonry shopping center which was constructed in 2004. Historically this property was multiple residential lots. The 1878 Hopkins map shows what is now the subject property made up of lots owned by J.H. Allen, The C.R. Richards Estate, Mary A. Brown, and Dorman. A domestic complex is represented on the Allen lot, along with a residence on the Richard and Brown lots. The Dorman lot is vacant. By the time of the 1925 Sanborn map, the western portion of the current property which fronts Catherine Street is represented as five lots consisting of 207, 211, 213, 217, and 219 Catherine Street. Each property denotes a small single-family residence in a cottage form with one or multiple accessory structures. Aerial photos convey that the structures at 207 and 211 Catherine were removed or demolished between 1955 and 1967. During this same time period, a brick veneer motel was constructed on the east side of the current property, which fronted Government Street. According to MHDC records, the motel was demolished in 2004 in anticipation of the current structure. Records also show that two frame single-family residences on Catherine Street were relocated to Etheridge Street, and a third brick veneer single-family residence was demolished. It appears that these three residences were the remaining 213, 217, and 219 Catherine Street properties.

According to MHDC files, this property has appeared before the Architectural Review Board (ARB) four times. In February 2004, an application to demolish three structures and relocate two structures on the property was granted a COA. A Signage COA was granted in September 2004, which allowed for an increased allowance for signage on the property. In 2009, a COA was granted for two wall signs for two different tenants at the property. In 2023, an application to install a wall sign with lettering and business logo on the subject building was denied.

SCOPE OF WORK

1. Install a wall sign on the south facing façade of the building.
 - a. The proposed sign would consist of the company’s logo and would measure 4’- 0” wide by 6’- 0” high, for a total of approximately 16 square feet.
 - b. The logo would be mounted on the oversized panel above the storefront on the façade, to the west (left) of the existing letter sign which reads “Sage Health.”
 - c. The proposed material for the sign would be vinyl on acrylic faces.
 - d. The sign would be bolted using all thread into blocking.
 - e. The proposed logo sign would be back-lit by white LED.

APPLICABLE STANDARDS *(Design Review Guidelines for Mobile’s Historic Districts)*

1. **11.3** Design a new sign to be compatible with the character of a building and the district.
2. **11.5** New signs are restricted to a maximum of 64 square feet.
3. **11.6** Place a sign to be compatible with those in the district.

- When placing a new sign on a historic building, locate a sign to emphasize design elements of the historic building façade.
 - Mount a sign to fit within existing architectural features.
4. **11.7** Use a sign material that is compatible with the materials of the building on which it is placed and the district. New materials that achieve the effect of traditional materials and lighting solutions will be considered on a case by case basis.
 - Do not use highly reflective materials for a sign. All plastic faced box signs are not allowed.
 - Design a sign to be subordinate to the building façade.
 5. **11.8** Where necessary, use a compatible, shielded light source to illuminate a sign.
 - Consider direct lighting toward a sign from an external, shielded lamp when possible.
 - Use a warm colored light to illuminate a sign when possible.
 - If halo lighting is used to accentuate a sign or building, locate the light source so that it is not visible.
 - If a back-lit sign is used, illuminate each individual letter or element separately.

STAFF ANALYSIS

This application involves the installation of a logo wall sign with an area of approximately 16 square feet on a non-contributing property located on Government Street in the Old Dauphin Way District.

In June of 2023, an application to install a 97 square feet wall sign which included the business logo and name was denied by a 5:1 vote due to the size overage. The applicant later resubmitted an application for signage measuring 59.84 square feet, which was approved on the Staff level. Although that sign proposal could be interpreted as incompatible with the established aesthetic of the shopping center due to its proportionally small size in relation to the scale of the building's oversized storefront sign band, it nevertheless eliminated the company's brand logo portion of the sign in order to comply with the *Guidelines'* maximum square footage allowance for signage yet still produce signage which would be discernable and identifiable. This application seeks approval to add the recognizable logo to the company name in order to present signage that appears complete, and which is consistent with other business locations.

The area of the proposed sign would bring the total signage square footage to 81.72 square feet (including a previously approved 59.84 square feet wall sign and a double-faced monument sign totaling 5.88 square feet). This is larger than the area allowed under the *Guidelines* by approximately 18 square feet (81.72 versus 64 square feet) (11.5). However, it should be noted that in 2004, a Certificate of Appropriateness was issued, which approved an increase in signage allowance at this property. The certified record states that a total of 64 square feet was approved for the wall sign alone, with an additional 25 square feet allowed for monument signage. In the same year, a plan for a wall sign of 78 square feet and a monument sign of 16.66 square feet for the subject location were submitted to the Historic Development Department for approval. Although a COA for these plans cannot be found, photos of the previous 'Office Depot' wall sign reveal signage visibly larger than 64 square feet. In addition, the wall sign of neighboring tenant, Dollar Tree (which was approved for the same increase in square footage in 2004) appears obviously larger than 64 square feet.

The proposed signage would be constructed of a material compatible with the non-historic building, and the intended placement on the sign band above the storefront, adjacent to the existing wall sign, is also appropriate to the character of the building as instructed by the *Guidelines* (11.6, 11.7). Further, like the existing lettering, the logo would be individually back-lit, which is permitted under the *Guidelines* (11.8).

The *Guidelines* instruct that signage should be designed “to be compatible with the character of a building and the district.” (11.3) Although the size of the proposed signage would place the total signage square footage in excess of that allowed by the *Guidelines*, a few factors regarding location and compatibility should be kept in mind. First, the building to which the sign would be attached is a non-historic, non-contributing property which sits back significantly from the Government Street right-of-way (ROW). The proposed sign would be attached to an oversized panel above the building’s storefront and would, therefore, be proportional to its intended location and to the size of the existing letter sign. Given that the subject building’s storefront is significantly wider than traditional storefronts, where a 64 square feet limit is appropriate, a larger scale sign may be more suitable in this case. The proposed scale of the sign is additionally in proportion with the sign on the adjacent storefront in the strip, which as stated previously, is visibly larger than the allotted 64 square feet. Besides proportionality, the large setback of the subject building affects the visibility of signage from the street. Therefore, a larger scale sign on one of the more significant retail spaces of this property, which includes an identifiable brand logo, is appropriate for this non-historic strip shopping center building.

PUBLIC TESTIMONY

Ms. Shanna Miller was present and stated that the staff introduction was sufficient and did not provide any additional testimony.

There were no members of the public present to speak for or against the application. No written comments regarding the application were received.

BOARD DISCUSSION

Mr. Blackwell asked if any board members wished to discuss any details of the application.

Ms. Roselius stated for the record that the application was requesting a variance from the maximum allowable size for signage on a single property in a historic district. Ms. Roselius expressed her belief that the scale of the building and the larger than usual setback of the commercial building warranted a variance of the sign dimensions allowed in the design guidelines. Ms. Roselius further stated that the existing sign appeared to be too small in relation to the large building façade and that a larger sign would be less visually distracting.

FINDING FACTS

Ms. Roselius moved that, based on the evidence presented in the application, the Board finds the facts in the Staff’s report of the application, as written.

Ms. Pfeiffer-Traylor seconded the motion, and it was approved unanimously.

DECISION ON THE APPLICATION

Ms. Roselius moved that, based on the facts approved by the Board, the proposed sign would not impair the architectural or historic character of the district and that a COA be granted.

Ms. Pfeiffer-Traylor seconded the motion, and it was approved unanimously.



Agenda Items #3, 4 & 5 - CERTIFIED RECORD

Applications 2024-08-CA, 2024-09-CA & 2024-10-CA

DETAILS

Location:

900 Government Street

Summary of Request:

Demolish existing approximately 10,125sf chain drug store building and associated parking. Construct 2,824sf convenience store and 8-pump fueling station under canopy with accompanying site improvements.

Applicant (as applicable):

Pan American Engineers, LLC on behalf of Murphy USA

Property Owner:

Hygia, Inc.

Historic District:

Oakleigh Garden

Classification:

Non-Contributing

Summary of Analysis:

- The application seeks approval for the demolition of the existing non-historic building and construction of a 2,824sf convenience store and 8-pump fueling station under canopy.
- The submitted designs and plans for a convenience store and fueling canopy are in compliance with the *Design Review Guidelines for Mobile’s Historic Districts*.
- The submitted landscaping plan incorporates native vegetation to obscure the significant areas of pavement included in the site plan and increases the pervious areas of the property from 28% to 47%.
- The submitted lighting plan generally conforms to the *Guidelines*, though consideration should be given to reducing the number of pole-mounted lights.
- In accord with the *Guidelines*, consideration should be given to applying a brick veneer or stucco to the proposed CMU dumpster enclosure walls.

Report Contents:

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PROPERTY AND APPLICATION HISTORY

Oakleigh Garden Historic District was initially listed in the National Register in 1972 under Criteria A (historic significance) and C (architectural significance) for its local significance in the areas of architecture, landscape architecture, and planning and development. The district is significant for its high concentration of 19th- and 20th-century architectural types and styles and significant in the area of landscape architecture for its canopies of live oaks planted from 1850 to 1910. The district is significant in the area of planning and development as the location of Washington Square, one of only two antebellum public parks remaining in Mobile. The district was expanded in 1984, and an updated nomination was approved in 2016.

The subject property was developed with as many as eleven (11) residences by the time the 1878 Hopkins ward map of Mobile was published. Residential development continued until 1928, when the lots occupying the approximate east half of the current parcel were purchased by James U. Blacksher. The Blacksher-Reese Motor Company auto dealership and garage, believed to be designed by George B. Rogers, was constructed on the site. The building was in use through the early 1980s, though in later years it was occupied by furniture and carpet outlet. Areas east of the car dealership became more commercial after the completion of the Bankhead Tunnel and designation of Government Street as a U.S. route led to increased traffic on the thoroughfare. The western half of the property slowly redeveloped commercially around the same time, with an automobile paint shop and a residence converted to an office building located to the immediate west of the car dealership. The extant grocery store at the southeast corner of the intersection was constructed c. 1950, and by 1952, the block to the east across Broad Street featured angled street parking for the businesses there.

A 1980 aerial photograph reveals the residential properties on the approximate west half of the subject parcel had been replaced with commercial buildings and accompanying surface parking, while a gas station was extant at the northeast corner of Broad and Government. The car dealership/garage building was demolished in 1982, and a muffler shop was constructed. A number of fast food and casual restaurants were located on the western portion of the property. Both the muffler shop and the restaurant building were demolished c. 2000 to make way for the extant chain drug store building.

This property has appeared before the Architectural Review Board (ARB) 13 times. The eastern half of the parcel, formerly known as 900-902 Government Street, has appeared eleven (11) times before the ARB. An application to demolish the 1928 Blacksher car dealership to construct a gas station was deferred in March 1982. The following month, the application was denied. The decision was appealed, but the application was again denied in July 1982 because the submitted design “was incompatible with the architecture and character established in Mobile’s historic districts and...the accompanying landscaping plan was wholly inadequate to the overall site.” In October 1982, plans for a Midas Muffler shop received preliminary approval. The following month, the plans were approved pending some further modifications. In January 1983, the plans were given full approval. In June 1983, the landscaping plan for the muffler shop received ARB approval. A signage package for the muffler shop was approved by the ARB in October 1994. In August 1999, an application seeking to demolish the muffler shop and construct a CVS drug store was withdrawn by the applicant. Revised plans for the CVS received concept approval in November 1999, and plans subsequently submitted were fully approved in February 2000.

The portion of the subject property formerly known as 904-908 Government Street (roughly the western half of the parcel) has appeared before the ARB on two (2) occasions. Signage and an awning for a Sub

Station II sandwich shop received ARB approval in September 1982. Approval for the construction of a patio with 4' fence and a shed for the Trattoria at Broad was granted in March 1985.

SCOPE OF WORK

1. Demolish existing non-historic chain drug store building and associated site improvements.
2. Construct a convenience store and 8-pump fueling station under a canopy.
 - a. The 2,824sf one-story store structure (approximately 64'-4"x43'-3 1/2") would be located toward the north end of the property, with public entry on the south side.
 - 1) The structure would stand 18'-6" tall at the roof apex and would be topped with a mansard type roof to obscure rooftop mechanical equipment, sheathed in asphalt shingles in Weathered Wood color.
 - 2) Windows and doors would be commercial aluminum, and the exterior walls would be clad in thin brick veneer bands in "Light Sandstone Velour" and Ivory Blend Velour" colors. The top band would measure approximately 3'-6" wide, the central band would measure approximately 6'-6" wide, and the bottom band would measure approximately 3'-9" wide.
 - 3) The four corners of the structure would be accented by approximate 1'-7" square pilasters topped with a 12"- high capital. The pilasters would be clad in thin brick veneer in "Light Sandstone Veneer," and the capitals would be painted Sherwin Williams Dormer Brown.
 - 4) The exterior walls would be topped by an approximate 3'-9" high fascia made of brushed aluminum with a 12"-high cornice matching those on the pilasters.
 - 5) The front (south elevation) entry would be recessed and sheltered by a tall surround clad in aluminum. The surround would be 18'-6" tall and topped by a cornice matching those on the pilasters, for a total height of 19'-6". The surround would measure 14'-10" wide with 2'-8 3/4" wide supports to each side of the doors. The doorway would be accented by a canopy advancing 1'-10 3/4" from the plane of the surround. The entire surround would be painted "Program Red."
 - 6) The elevations would appear as follows.
 - a) South (façade), from west to east: corner pilaster; two (2) 3'-7"x5' windows; one (1) 2'-9"x8'-4" window; aluminum break metal wrap at column to match storefront; three (3) 3'-11 1/4"x8'-4" windows; aluminum break metal wrap at column to match storefront; two (2) 4'-1 1/4"x8'-4" windows; entry consisting of one (1) 10"x8'-4" sidelight, paired 3'x7' glass doors, and one (1) 10"x8'-4" sidelight; one (1) 1'-7 3/4"x8'-4" window; one (1) 3'-4"x8'-4" window; corner pilaster. The paired entry doors would be topped by a single-light 6'-1/2"x1'-4" transom.
 - b) East (Broad Street side) elevation, from south to north: corner pilaster; five (5) approximate 2'-9"x3'-9" faux windows (spandrel glazing) regularly spaced across the elevation; pilaster; one (1) 2'-6"x6' hollow core metal slab door painted "Dormer Brown" accessing closet at rear utility area.
 - c) North (Conti Street side), from east to west: corner pilaster; four (4) 3'-6"x8' hollow core metal slab door painted "Dormer Brown" located roughly at the center of the elevation; corner pilaster
 - d) West elevation, from north to south: corner pilaster; one (1) 3'x7' insulated metal door painted "Dormer Brown" towards the north end of the elevation; corner pilaster

- b. The fueling canopy would measure 46'x103'-8" and have an east-west orientation. The structure would be located approximately 63' south of the store building.
 - 1) The canopy would be 18'-8" high at the top of the fascia band and would be topped by a mansard type roof sheathed in asphalt shingles in Weathered Wood color.
 - 2) The canopy would be supported by eight (8) approximate 18" square piers enclosed with thin brick veneer in "Light Sandstone Velour" color.
 - 3) The brushed aluminum fascia band would be approximately 2'-9" high, topped by a Cornice matching those on the building pilasters and finished at the bottom by a 6" metal accent band in Sherwin Williams "Pure White."
- 3. Site improvements
 - a. The perimeter of the site, with the exceptions of the driveway entries at the south and east sides, would be grassed. The grassy area would measure between approximately 22' and 35' on the north side of the property; between approximately 33' and 43' on the east side of the property; between approximately 25' and 60' on the south side of the property, and between approximately 19' and 99' on the west side of the property. The grass would be supplemented on the east, south and west side by trees, tall grasses, and ground cover.
 - b. The two (2) existing bald cypress, three (4) red maples, and one (1) live oak would remain along the north property line at Conti Street.
 - c. The existing live oak at the southwest corner of Conti and Broad would remain, as would the six (6) existing live oaks along Broad Street. In addition, the Broad Street side would be planted with three (3) pond cypress, one (1) live oak, muhly grass, sasanqua camellia, and cedar fern.
 - d. Eight (8) existing live oaks along the Government Street side would remain. Muhly grass, cedar fern, and one (1) additional live oak would be planted along this side.
 - e. Eight (8) existing crape myrtle and four (4) existing bald cypress trees would remain along the west side.
 - f. Sasanqua camellia would be planted in islands near the convenience store building, and a single Nuttall oak would be planted to each side of the building.
 - g. The existing 8' brick wall along the west side of the property and the existing knee wall at the southeast corner of the property would remain.
 - h. The dumpster would be located to the west-southwest of the convenience store building and would be enclosed with a three-sided CMU wall painted "Dormer Brown." A composite gate would enclose the fourth (front) side.
 - i. A 9'-wide concrete walkway would run from the sidewalk along Broad Street to a crosswalk across the vehicle drive, to the 8'-6" concrete sidewalk in front of the building. A 5' concrete walkway would surround the building on the west, north, and east sides.
 - j. The lighting plan would include five (5) pole-mounted LED lights, three (3) building-mounted sconces, two (2) flood lights, and 24 can lights under the fueling canopy. All lights would be LED.
 - 1) Three pole-mounted lights would be located one each at the southwest corner of the property, to the east of the store building along the entry drive from Broad Street, and towards the southeast corner of the property.
 - a) The pole lights along the drives would be 26' high and of contemporary design with flat, downward facing fixtures.
 - b) The poles would be mounted on 2'-high concrete bases. The 24'-tall poles would be surmounted by 2'-tall fixtures.
 - c) The poles and fixtures would have a dark bronze finish.

- d) The lighting would have a temperature of 5,000K and carry 135 watts.
- 2) Two pole-mounted lights would be located, one each, to the immediate southwest of the convenience store building and to the immediate southeast of the convenience store building,
 - a) The pole lights in front of the store would be 26' high and of contemporary design with flat, downward facing fixtures.
 - b) The poles would be mounted on 2'-high concrete bases. The 24'-tall poles would be surmounted by 2'-tall fixtures.
 - c) The poles and fixtures would have a dark bronze finish.
 - d) The lighting would have a temperature of 5,000K. The double fixture to the southwest of the building would carry 270 watts (135 in each light), and the fixture to the southeast of the building would carry 135 watts.
- 3) The building-mounted sconces would be located adjacent to the non-public doors on the west, north, and east elevations.
 - a) All sconces would have a contemporary design with a bronze finish.
 - b) The sconces would be placed 8'-3" above grade.
 - c) These lights would have a temperature of 5,000K and carry 30 watts.
- 4) Two flood lights would be located 8'-8" above grade at the front entrance (for emergencies).
- 5) Twenty-four (24) can lights would be located under the fueling canopy.
 - a) The lighting temperature of these lights is not specified in the submitted lighting plan, but the fixtures are manufactured with capabilities of 3000, 4000, or 5000K.
 - b) The can lights would carry 125 watts.
- 6) The submitted lighting plan specifies, "Pole lights and building lights shall be down cast fixtures. Lights shall not impact adjacent properties."

APPLICABLE STANDARDS *(Design Review Guidelines for Mobile's Historic Districts)*

1. Demolition Guidelines
 - Consider the current significance of a structure previously determined to be historic.
 - Consider the condition of the structure in question. Demolition may be more appropriate when a building is deteriorated or in poor condition.
 - Consider whether the building is one of the last remaining positive examples of its kind in the neighborhood, county, or region.
 - Consider the impact that demolition will have on surrounding structures, including neighboring properties, properties on the same block or across the street or properties throughout the individual historic district.
 - Consider whether the building is part of an ensemble of historic buildings that create a neighborhood.
 - Consider the future utilization of the site.
 - If a development is proposed to replace a demolished historic structure, determine that the proposed replacement structure is consistent with the guidelines for new construction in historic districts. (Chapter 12)
2. Orient a new commercial building to be similar to that of nearby historic structures.
 - Place buildings in line with adjacent historic buildings in terms of relationship to the street. If a project is flanked by non-historic structures, refer to nearby historic structures.

- Design side setbacks to be similar to those in adjacent historic buildings. If a project is flanked by non-historic structures, refer to nearby historic structures.
 - Orient facades of new commercial buildings similarly to adjacent historic structures. In most cases, new commercial structures should be oriented to directly face the street.
 - Face primary building entries toward the public street.
 - Screen ancillary buildings or place them behind the primary building. (7.30)
3. Design a building to be compatible with massing and scale with historic structures in the district.
 - Design building massing to reflect massing of nearby historic structures.
 - Where the volume of new construction is larger than historic structures in the district, break down the massing into smaller components to increase compatibility.
 - Use vertical and horizontal articulation design techniques to reduce the apparent scale of a larger building mass.
 - Incorporate changes in color, texture, and materials.
 - Use architectural details to create visual interest.
 - Use materials that help to convey scale in their proportion, detail, and form. (7.34)
 4. Design building massing and scale to maintain the visual continuity of the district.
 - Incorporate floor-to-floor heights that appear similar to those of traditional commercial buildings in Mobile.
 - Design a new structure to incorporate a traditional base, middle, and cap. (7.35)
 5. Maintain traditional spacing patterns created by the repetition of building widths along the street.
 - Proportion a new façade to reflect the established range of traditional building widths seen in Mobile.
 - Where a structure must exceed a traditional building width, use changes in building configuration, articulation, or design features such as materials, window design, façade height, or decorative details to break the façade into modules that suggest traditional building widths. (7.36)
 6. Although imitation is discouraged, traditional façade and material patterns used in historic structures should inform the design of new commercial structures in locally-designated historic districts. Traditional multi-story commercial façade composition in Mobile features a clear differentiation between the street level and upper floors. The street level generally appears taller than other floors and has a high percentage of fixed plate glass with a small percentage of opaque framing materials, a bulkhead, and a recessed entry. An upper floor...is the reverse – opaque materials dominate, and windows appear as smaller openings punctuating a more solid wall. (7.0)
 7. Maintain the distinction between the street level and upper floor on multi-story structures.
 - Incorporate a high percentage of transparent glass into the first floor of the primary façade.
 - Design upper floors to appear more opaque than the street level.
 - Express the distinction in floor heights between street levels and upper levels through detailing, materials, and fenestration. The presence of a belt course is an important feature in this relationship.
 - Do not use highly reflective or darkly tinted glass. (7.40)
 8. Maintain the traditional spacing pattern created by upper story windows.
 - Use traditional proportions of windows, individually or in groups.

- Maintain the traditional placement of window headers and sills relative to cornices and belt courses. (7.41)
9. Where new commercial construction is located adjacent to historic residential structures, use building materials that are compatible with those materials used in nearby historic buildings.
 - Use a material that is reflective of nearby historic residential structures, including wood siding. (7.47)
 10. In order to assure that historic resources are appreciated as authentic contributing buildings, it is important that new buildings be distinguishable from them. Therefore, new construction should appear as a product of its own time, while also being compatible with the historically significant features of the area...Building materials and finishes for new structures...should contribute to the visual continuity of the district and appear similar to those seen traditionally. (7.0)
 11. Visually connect the street and building.
 - Maintain or install a walkway leading directly from the sidewalk to the main building entry. (10.5)
 12. Minimize the visual impact of parking.
 - Locate a parking area at the rear or to the side of a site whenever possible.
 - Use landscaping to screen a parking area.
 - Minimize the width of a paved area or a curb cut.

ACCEPTABLE WALK AND PAVING MATERIALS

Materials that have a similar character, durability, and level of detail to walks and paved areas associated with historic properties in the district are acceptable. These often include:

- Gravel or crushed stone
 - Shell
 - Brick
 - Cobblestone
 - Grasspave or grasscrete (mix of grass and hard surface parking material that provides a solid surface) (10.7)
13. Design lighting that is in character with the setting.
 - Use a fixture that is compatible with architectural and site design elements.
 - When adding a new fixture, use one that is simple in character.
 - Mount a security light, such as a flood light, on the rear or side of a structure rather than the front.
 - Design lighting to be contained within a site and not spill over to a neighboring property.
 - Use incandescent lighting or a source that appears similar in character. Use a fluorescent or LED source provided the color is similar to that of an incandescent light.
 - Limit the amount of landscape lighting used on a site to the amount necessary to its purpose for safety or the illumination of important site features. Landscape lighting includes concealed low-wattage landscape lighting, uplights for trees or shrubbery, or bollard lighting. Use low bollard lighting to illuminate a walkway or drive aisle.
 - For commercial properties, minimize stand-alone lighting. Instead, use the ambient light from a storefront as a light source.
 - Do not use an imitation historic fixture that may convey a false sense of history.
 - Do not use a light source that creates a harsh glare or color.
 - Do not use a blinking light.

ACCEPTABLE LIGHTING SOURCES

Lighting sources that produce a light similar in tone and brightness to original lighting used for historic properties in the district are acceptable. These often include:

- Incandescent (low wattage)
- LED lighting that appears similar to an incandescent light
- Mercury vapor
- Moon lighting
- Dark sky (downward facing)

UNACCEPTABLE LIGHTING SOURCES

Lighting sources that produce incompatible tone and brightness that is discordant with properties in the district are unacceptable. These often include:

Low sodium

Metal halide (10.9)

14. Landscaping

- In commercial areas, consider using landscaping to screen and soften the appearance of surface parking areas. (10.10)

STAFF ANALYSIS

The subject property is not a contributing resource to the Oakleigh Garden District and exists within a Commercial Corridor Context, as outlined in the *Design Review Guidelines for Mobile's Historic District (Guidelines)*. The Commercial Corridor Context refers to "new commercial construction built along arterials at the periphery of a predominantly residential historic district." Specifically, regarding Government Street, the *Guidelines* state, "In the case of Government Street in particular, many historic residential buildings face Government Street. In more recent years, commercial projects have begun developing alongside historic residential buildings on this corridor." The *Guidelines* offer additional guidance for corner sites, such as the subject property, stating, "Corner locations may require considerations that are not relevant at mid-block locations. For this context, new commercial construction should strongly consider front setback distances, landscaped setbacks, and the transition between the commercial project and rear-adjacent historic properties to ensure compatibility with the orientation of nearby historic residential buildings in the district."

The extant building and site improvements were constructed in 2001. The application under review seeks to demolish the drugstore building and construct a 2,824sf convenience store and 8-pump fueling canopy with site improvements on the parcel. The applicant worked extensively with the staff of the Historic Development Department to bring the proposal as closely as possible into conformance with the design review guidelines. Such work included a meeting with staff; study of the George B. Rogers-designed car dealership and garage formerly on the site and the Chinese gas station formerly at the northwest corner of Government and Dearborn streets; review of suggestions for materials, architectural design features, and proportions drawn from gas station and other commercial facilities in other historic districts around Mobile and the country; multiple emails, and the submission of three successively improved sets of plans. In addition, the proposed landscape plan was designed to minimize the view of pavement from Government and Broad Streets, provides a landscaped setback along Conti Street, and would reduce the impervious area of the property from the existing 72% to 47%.

The existing drug store building was constructed on a site that has been commercially developed since 1928. The building, though in good condition, is not historic and not architecturally significant. The demolition of the building would not have an adverse effect upon nearby historic properties. The applicant proposes to redevelop the site with a convenience store and fueling canopy, the designs of which are analyzed against the *Guidelines* below. (12.0)

In regard to new commercial structures, the *Guidelines* instruct that they should be oriented similarly to nearby historic structures, with primary entries facing the street and similar setbacks from the street. (7.30) The proposed gas station has frontage on three streets, Government, Broad, and Conti. Of these, Government and Broad are considered principal arterial roads; Conti is considered a neighborhood or feeder street. The existing drug store building is oriented to Government Street, as is the proposed convenience store, an acceptable orientation based on the nearby streets.

The proposed convenience store building would be located approximately 96 feet west of the Broad Street right-of-way (ROW) and approximately 149 feet north of the Government Street ROW. The fueling canopy would be located approximately 82 feet west of the Broad Street ROW and approximately 60 feet north of the Government Street ROW. Nearby historic properties include the c. 1908 Government Street United Methodist Church to the south and the c. 1854 Robert-Abbott House to the west, located approximately 15 and 18 feet, respectively, from the Government Street right-of-way (ROW). Additionally, the church is contiguous with the Broad Street ROW on its east. A c. 1950 grocery store is located catty-corner from the subject property; this building is located approximately 115 feet south of the Government Street ROW. The property was erroneously dated c. 1980 in the Church Street East National Register nomination and, therefore, found to be non-contributing. However, based on historic aerial photographs, the property's construction date falls within Church Street East's period of significance (1834-1957) and would be considered contributing to the district. Given the wide range of setbacks of the nearby historic properties, the proposed setbacks for the convenience store and fueling canopy fall within these ranges.

New commercial buildings should be designed to be compatible in massing and scale with historic structures in the district. (7.34) The subject property lies at the junction of three National Register and locally designated districts: Oakleigh Garden, Church Street East, and Old Dauphin Way. The historic commercial and residential buildings in these districts range in height from one to four stories, and their footprints range just as widely. The proposed convenience store and fueling canopy would be approximately 18 feet in height, or under two stories.

The existing drug store building on the property has a footprint of approximately 10,125 square feet, the residence to the immediate west has a footprint of approximately 5,200 square feet, and the grocery store to the southeast occupies a footprint of approximately a footprint of approximately 10,100 square feet. With a combined footprint of approximately 7,593 square feet, the proposed convenience store and fueling canopy would be within range of the massing of nearby historic structures. Further, the proposed designs of the convenience store and fueling canopy incorporate changes in color, texture, and materials and use architectural details to create visual interest, as directed by the *Guidelines*.

The proposed convenience store does not incorporate a traditional base, middle, and cap, as the *Guidelines* describe (7.35), but the use of a mansard type roof over a pronounced fascia over traditional brick veneer walls conveys a similar aesthetic. Likewise, though the elevation facing Government Street would be wider than the nearby residential properties, the elevation would be broken into three distinct

bays through the use of a pronounced entrance bay. (7.36) The use of a high percentage of glass on the front elevation is compatible with the directive in the *Guidelines* to, "Incorporate a high percentage of transparent glass into the first floor of the primary façade." (7.40) Further, the applicant eliminated the appearance of a blank wall facing Broad Street by adding regularly spaced faux windows across the elevation, as the interior plan would not be conducive to actual windows. (7.41)

The proposed convenience store and fueling canopy would incorporate brick veneer, aluminum windows and doors, and aluminum trim at the fascia and front entry to the store building. The *Guidelines* recommend that materials used for new commercial buildings adjacent to historic residential structures should, "Use a material that is reflective of nearby historic residential structures." (7.47) While the Robert-Abbott House adjacent to the west of the subject property is clad in wood clapboards, a row of brick houses is located immediately across Government Street (nos. 905, 907, and 909). Regarding the proposed aluminum windows, doors, and trim, the *Guidelines* offer instruction only for historic commercial buildings, not new construction. Guideline 7.11 states, "If a modern doorway is created, use metal with anodized or painted finish." It may be extrapolated from this guideline that the use of aluminum windows, doors, and trim is acceptable for new construction, as well.

In accordance with the *Guidelines*, a sidewalk would be provided from Broad Street to the front entrance of the building. (10.5) In addition, the submitted landscape plan illustrates a concerted effort to minimize the view of paving from Broad and Government streets through the use of tall grasses, camellia bushes, and native trees, per the *Guidelines'* directive to "Use landscaping to screen a parking area." (10.7, 10.10) As noted above, the *Guidelines* instruct that new commercial construction should consider "the transition between the commercial project and rear-adjacent historic properties to ensure compatibility with the orientation of nearby historic residential buildings in the district." The existing trees and brick wall along the west property line would be maintained as a transition between the commercial property and the business/residential property at 910 Government Street, and the existing trees, along with a grassed setback of between 22 and 133 feet, would remain along the Conti Street frontage, though the development to the north across Conti Street is not historic (c. 2019).

The submitted lighting plan appears to be in general conformance with the *Guidelines*. The proposed lighting fixtures are of a contemporary design and are "compatible with architectural and site design elements" of the proposed convenience store building and site. The proposed lighting sources would be LED, as recommended in the *Guidelines*. As instructed by the *Guidelines*, the submission explicitly states, "Pole lights and building lights shall be down cast fixtures. Lights shall not impact adjacent properties." For commercial properties, the *Guidelines* advise, "minimize stand-alone lighting. Instead, use the ambient light from a storefront as a light source." However, the proposed lighting plan provides two pole-mounted lights near the front entrance of the store building; consideration should be given to reducing the number of pole-mounted lights near the store entry, if possible. (10.9)

As noted in the *Guidelines*, new commercial construction should be distinguishable from historic resources in order to assure that historic resources are appreciated as authentic contributing buildings. "Building materials and finishes for new structures...should contribute to the visual continuity of the district and appear similar to those seen traditionally." (7.0) The proposed designs of the convenience store and fueling canopy respect the historic district they would be located in and districts to which they would be adjacent by employing compatible materials like brick veneer and asphalt singles and architectural features that recall historic structures, such as the upturned cornices that bring to mind the Chinese gas station formerly located at the corner of Government and Dearborn streets.

The application proposes enclosing the dumpster with three (3) CMU walls painted “Dormer Brown” and a composite gate. While the *Guidelines* do not explicitly address materials for enclosures such as this, they do recommend that materials should be reflective of nearby historic residential structures. (7.47) In regard to walls employed at property lines, the *Guidelines* note that brick, stone, and stuccoed masonry are appropriate for historic districts, whereas unstuccoed concrete block is not appropriate. (10.3) Therefore, it may be more appropriate for the dumpster enclosure walls to be clad in a brick veneer similar to the convenience store building or covered with stucco.

PUBLIC TESTIMONY

One hundred thirteen (113) individual pieces of public comment in opposition to the proposal were received either by email or through the City’s online portal. A few were from the same people. Two (2) individual pieces of public comment in favor of the proposal were received.

Mr. Blackwell, acting Chair, reminded the public that four speakers in favor of and four speakers in opposition to the application were permitted to speak for five minutes each during the public testimony of the meeting.

Jaime Betbeze was present to speak in opposition to the application. He stated that he had a prepared statement to deliver on behalf of the Mobile Historic Development Commission (MHDC) and the Oakleigh Garden District Society to express their strong opposition to the proposed design. He asked for additional three minutes to complete his presentation, which was granted by Mr. Blackwell.

Mr. Betbeze referenced the letter submitted by the MHDC on February 19th which detailed a multitude of violations demonstrating that the design is wholly incompatible with the historic district, threatening million of dollars of investments by citizens, faith organizations, and the City. He continued to state the following.

He stated the ARB is tasked with protecting these investments by enforcing the *Design Review Guidelines for Mobile’s Historic Districts* as adopted by the MHDC. He added that every aspect of the design is entirely incompatible, and the Staff report errs in stating that the design under review comes at all close to being compliant.

He continued by saying that adding a mansard roof to a convenience store structure does nothing to comply with the *Guidelines’* requirements. New commercial construction should respect the historic district, complement it, and blend in. This is done through building placement, scale, massing, traditional building elements, materials, and finishes. It was his opinion that this design fails on all counts.

In reference to orientation, Mr. Betbeze stated that a new building’s orientation should be similar to nearby historic structures, meaning in line with others in relationship to street to maintain building placement patterns. He noted that this is critical to maintaining the historic streetscape and pointed out that the placement of buildings along Government Street east of Ann Street are roughly on an equal plane and that the gaping void created by eight gas pumps surrounded by “an acre of concrete and an aluminum rectangle” would disrupt the streetscape. Mr. Betbeze stated that gas pumps are not buildings. He stated that an 18-foot aluminum shed is not a building, and at best, these are ancillary structures which should be behind the building. He stated that the plan places them up front and that they would be lit up. He continued that the *Guidelines* state that a primary building entry should be at

the storefront and close to street's edge, parking located at the rear or side, screened from view, and that the Murphy Oil design completely ignores these requirements.

Mr. Betbeze presented other projects that required the ARB to address the discussed issues. Between 2009 and 2012, four separate applications were submitted for a gas station at 412 Broad Street. The ARB denied each.¹ City Council upheld the ARB's decision on appeal.² The Staff report from final the application in 2012 stated that placing a building in close proximity to the street is a characteristic of the historic landscape.³ In order not to impair the historic district, new construction should match the pattern established by existing buildings. Mr. Betbeze continued to state that a wide expanse of paving and proposed gas pump canopy does not engage the street. The Staff did not find the 412 Broad street application compatible with the historic district. The same could be stated of Murphy Oil design.

Mr. Betbeze continued that the *Guidelines* also require that the massing and scale be compatible with the surrounding historic district. The submitted 18 ft-tall, two-story shed does not comply.

With respect to building elements, materials and finishes, Mr. Betbeze stated that this design bears no resemblance to any historic context whatsoever. He then presented a photo example of a sympathetic gas station in Savannah, GA, that is compatible with the surrounding historic district, pointing out elements that make it compatible.⁴ He offered suggestion as to how the Murphy Oil design could likewise employ traditional elements to create a sympathetic design.

Mr. Betbeze concluded, stating that he speaks for hundreds of citizens who have invested heavily in Mobile's historic districts, by asking members of the public who were present and opposed the application to stand. He stated that only the Board has the authority to enforce the *Guidelines* and that the people standing ask them to do so for the good of our neighborhoods and city.

Mr. Cory Harris and Mrs. Courtney Harris of 907 Government Street were present to speak in opposition to the application.

Mr. Harris stated that he lives across the street from the subject property in a house built in 1854, and that as a homeowner more directly impacted by the project under review, they were present to express their extreme opposition to the Murphy USA project. He stated his opinion that the proposed project is completely incompatible with the surrounding district and the City's vision for the Broad and Government corridors. Mr. Harris added that the project would be a detriment to health, public safety, and property values, and goes against the Mobile preservation code in Chapter 44, Article 4.

He continued to state that the currently designed eight-pump station will consist of over 4000 watts of exterior lighting which would face the front of his house and would be on 24 hours a day. No gas

¹ Editor's Note: Historic Development Department records show that, of the four referenced applications, one was denied, two were withdrawn, and one was tabled by the Board for continued discussion at a Design Review Committee meeting. Records do not reveal whether that meeting took place.

² Editor's Clarification: The one Board decision to deny the application was upheld by City Council.

³ Editor's Note: A recent review of the referenced report did not find this statement.

⁴ Editor's Note: The gas station shown, Parker's Market at 222 Drayton Street, has been a gas station since at least 1953 and possibly as early as 1916, per the Sanborn Fire Insurance Map of that area, and is not "sympathetic" new construction.

stations in Mobile are directly across the street from the front of residences. Further, this project will contribute to the growing problems of vagrancy, loitering, and traffic.

In addition, seven shootings have taken place in Mobile at gas stations in the past four months. This gas station will introduce more crime. Furthermore, Mr. Harris stated the ill-fitting architecture will have a negative impact on our home's property value.

Mr. Harris wished to correct what he characterized as "glaring issues" in the Staff report: most of the properties on the vicinity map have been mislabeled. He also raised concern about the research done on this project, noting very few design differences between the design proposed for this Murphy gas station and others located outside of historic districts.

Mr. Harris felt the proposed development goes directly against the efforts set forth by the mayor and City to develop the Map for Mobile, an effort to make the city a more desirable and harmonious place to live and raise a family. It would be a setback in efforts to attract visitors and to the improvements which have occurred on Broad Street. He felt his neighborhood would be decimated. Mr. Harris added that over 730 people have signed a petition against this proposal.

Tommy Lea was present to speak in opposition to the application. He stated that he is on the church council of Government Street United Methodist Church.

Mr. Lea stated that in the Staff report, the Scope of Work discussed the demolition of the extant non-historic building and the new construction of the proposed building and gas pumps. He stated that there is, however, nothing that addresses where the gas would come from.⁵ He added that there is also no lighting on the plan.⁶

In regard to the demolition of the drugstore building, Mr. Lea cited the *Guidelines'* directive to consider the impact on neighboring properties within 150 feet.⁷ He told the Board that 901 Government, across the street from the subject proposed development, is the Government Street United Methodist Church, which is the mother Methodist church in Mobile. Started in 1826 and moved to its current location in 1890, it then underwent its Spanish Colonial rehabilitation by the local architect George Rogers in 1915. Two iconic stained-glass windows were installed at this time on the east and west elevations.

He noted that the church has spent over a half of a million dollars on needed repairs, and that more is needed. Blasting and jack-hammering 150 feet away is not conducive to maintaining a structure that is 135 years old.

He stated that the Staff report states that the proposed building is compatible with the historic district, adding that he is not sure what is historic about the design of this building with a fuel canopy.

⁵ Editor's Note: Neither the design guidelines nor the Staff report address elements not visible on the exterior of a property, such as underground storage tanks (USTs).

⁶ Editor's Note: The lighting plan was included in both the ARB's packet and the documents posted on the City's website for this meeting.

⁷ Editor's Note: The design guidelines do not note a specific distance, but state, "Consider the impact that demolition will have on surrounding structures, including neighboring properties, properties on the same block or across the street or properties throughout the individual historic district."

Marie Dyson was present to speak in opposition to the application. She stated that she is the president of the Neighborhood Association of Church Street East Historic District and noted there were many residents present from the Church Street East Historic District because the entry point to this district is directly across the street from this proposed gas station, which begins with the monumental and majestic First Baptist Church building. She stated that this corner has been called a gateway to historic districts and downtown Mobile to the east, and to other historic districts and midtown to the west. She continued, stating that much has been invested by the City, the federal government, and the residents into the Bring Back Broad initiative, which is developing a more walkable community and less vehicular traffic. She stated that this gas station flies in the face of this effort. She told the Board that citizens have submitted letters and made comments which describe compatible and compliant buildings. She noted that letters and comments have quoted the Mobile historic preservation ordinance and the design review guidelines and that the message is this: the proposed design must be compatible with the surrounding historic structures. She stated that the proposed does not belong in a historic district. She stated that she, on behalf of those that she represents, respectfully and strongly requests that this application be denied.

William Carroll, District 2 City Councilman was present to speak in opposition to the application. Mr. Blackwell granted five minutes to speak to Mr. Carroll in recognition of his position as Councilperson representing the district. He discussed the fifty years of what he termed “acceptable mess-ups” that have been allowed in the historic districts. He stated that, as a contractor who has built in the historic district, this would never have been allowed. He stated that the size, scale, mass, and fabric do not fit. He added that the city has had so many acceptable mistakes, allowing inappropriate development projects that are not compatible with the historic districts, noting that every developer, whether residential or commercial should be held to the guidelines without exception. He added that the *New Plan for Old Mobile* called for no more large-scale commercial development with seas of asphalt, yet this proposal allows that again. He concluded by saying the proposed project simply doesn’t fit.

Casey Pipes, from Helmsing Leach Herlong Newman & Rouse, legal counsel for the applicant, was present to rebut the opposition. He stated that there is a disconnect, citing that the applicant’s goal is not to try to build a historic structure at this site, which is not a requirement under any code. He added that this particular corner has been commercial since the 1920s and that there has been no contributing structure at this site at least since the 1920s. He mentioned that the non-contributing property was added to the Oakleigh Garden District in the 1990s.

Mr. Pipes stated that the demolition of the drugstore building would not materially impair the Oakleigh Garden District. He continued that the construction of the new structure does not have to mimic a historic structure, but that it had to avoid the material impairment of the character of the district. He referred the Board to the Staff report and the design criteria and how the applicant met those requirements with regard to orientation, massing, materials, and other matters. He noted that the applicant stands with the Staff report on those issues but is willing to pivot the plan to add the brick facing to the dumpster enclosure and to alter the signage to meet the allowable square footage. He submitted that the plan meets the *Design Guidelines* and should be approved.

BOARD DISCUSSION

Ms. Dawson stated that items 3, 4, and 5 on the agenda would be dealt with simultaneously. She provided some context to the application, stating that the applicant submitted a building permit

application in early December of 2023 and was informed of the need for a COA prior to obtaining a building permit. An application for a COA to demolish the extant building and construct a new building was submitted to the Historic Development office. Upon review of the application, Staff notified the applicant that the proposed new construction was not compliant with the *Design Review Guidelines*. Staff then met with the applicant to discuss the submitted design, after which the applicant submitted revised plans in mid-January. Following further comments from Staff, the applicant submitted the plans which are part of the application today.

Ms. Dawson confirmed that the application before the Board included the demolition of the drugstore building, the new construction of an approximate 2800 sf convenience store and a fueling canopy, and the installation of an externally lit monument sign and wall signage.

Ms. Dawson summarized the elements that the Board is tasked with considering in the review of these three proposed projects: demolition, new construction, and signage. She pointed out that in the case of demolition, the Board should consider the significance, condition, and impact of the demolition on the district. For new construction, Ms. Dawson illuminated several elements of consideration which included orientation, massing, and scale, spacing, fenestration, materials, minimizing the visual impact of parking, lighting design, etc. She noted that the proposed signage was double the area permitted under the *Guidelines*.

Ms. Dawson stated that the Staff report is intended as a resource for the Board, whose responsibility under the City's preservation ordinance is to answer two questions regarding the issuance of Certificates of Appropriateness. 1) Does the request impair the historic integrity of the building? 2) Does the request impair the historic integrity of the district?

Mr. Wesley Miller was present to discuss the application. He noted that the applicant was amenable to considering the suggestion made in the Staff report to consider reducing the signage square footage and cladding the dumpster enclosure in brick.

Ms. Roselius asked the applicant if there would be fencing at the site. Mr. Miller responded none is planned at this time, as the existing fencing and wall along the west property line would remain. He added that fencing was not required but could be installed if needed.

Ms. Roselius inquired as to what material was intended for the faux windows on the Broad Street elevation. Ms. Dawson replied that the faux windows would be spandrel glass, an opaque material.

Ms. Pfeiffer-Traylor asked if the applicant has considered removing the two pole lights near the store entrance to reduce the impact of the proposed lighting on adjacent properties. Mr. Miller stated that the applicant did consult with a lighting engineer, and it was determined that the two pole lights could not be removed due to safety reasons. He added that the light produced by the proposed scheme does not exceed the City's regulations regarding spill-over to the adjacent properties.

Ms. Pfeiffer-Traylor asked if this was referring to a wattage measurement. Mr. Miller replied that yes, it was based on wattage and design of the light fixture.

Ms. Roselius asked if any consideration had been given to changing the current proposed lighting design to employ more wall-mounted lighting. Mr. Miller replied no, but that he could consult with the lighting engineer.

Mr. Blackwell asked if any consideration had been given to engaging more of the streetscape on Conti Street. Mr. Miller responded that, if such a suggestion had been made by the City, it would have been considered. He added that if Staff makes such a recommendation, that an alteration in design to do so would be considered.

Mr. Blackwell noted that many opposed to the design mentioned the setbacks and placement as concerns. He asked the applicant if a different placement would be considered. Mr. Miller replied that the placement is partially dictated by the fuel truck's need for space and access in negotiating the site.

Ms. Roselius stated that she wished to address a few issues from the public discussion. She noted that Councilman Carroll referenced multiple "acceptable mistakes" and she wanted to clarify that some of these were executed prior to the current *Design Review Guidelines*. She noted that the current *Guidelines* provide more specific guidance and are what should direct the Board in their decision. She continued that the goal is to maintain the historic integrity of the district in which the site sits

She added that, while she has concerns regarding the materials, lighting, etc., she wishes to discuss the placement and layout with the Board and whether the Board feels it is something that could be approvable, as it has been submitted. When looking as a whole at the commercial context, it is apparent that the focus, both with historic and non-historic buildings, is closer to the ROW and more directly engaged with the streetscape. She stated her opinion that the design, in its current state, does not fit the requirements for this context.

Ms. Pfeiffer-Traylor reiterated the parameters and authorities delegated to the ARB, explaining that the Board did not have the authority to determine the use of the property, that they were tasked with determining whether a project is compatible with the surrounding historic district, as set out in the *Guidelines*. She included that the general design arrangements are to be considered by the Board in relationship to other structures. The ARB is also guided by the Secretary of Interior Standards 9 and 10 which recommend how new construction within historic landscapes should be undertaken.

Ms. Pfeiffer-Traylor presented several items from the Staff report with which she disagrees, stating the following: The first item concerns the massing and scale, footprint, and setback of the proposed development. The Staff report states that there is a wide range of setbacks in the immediate surrounding area, so the setback of the canopy fits within this range. Ms. Pfeiffer-Traylor does not view the canopy as a structure, based on her review of the *Guidelines*.

The second item is the discussion in the Staff report of the details that create interest, which include the incorporation of color, texture, materials, and architectural features. Ms. Pfeiffer-Traylor strongly disagreed with this analysis, stating that she does not view these elements of the submitted design as creating visual interest but, rather, she sees them as contrary to visual continuity and compatibility. She added that, in regard to the mansard type roof, she thinks the *Guidelines* specifically speak against adding a mansard roof just to have a historic feel.

Ms. Pfeiffer-Traylor mentioned a fourth item regarding the percentage of glass on the subject structure's front elevations, which the Staff report states is compatible with the *Guidelines'* directive to incorporate a high percentage of glass on a building's façade. She stated that, as she understands it, this guideline is in reference to two-story structures and is therefore not applicable in this situation.

She continued that she was not sure about the faux windows and their intended use.

She stated that the sixth item of concern is lighting and wattage, and added that, because of the proximity to surrounding residences and churches, that there needs to be more information regarding the lighting scheme which would include type, placement, and wattage. She did not think that the statement quoted in the Staff report that lighting would not impact adjacent properties is sufficient for the Board to determine impact or impairment to the historic district itself. She agreed with the Staff's suggestion to reduce the amount of pole lights but added that she would most likely encourage further reduction and more continuity.

The final item discussed by Ms. Pfeiffer-Traylor was building materials and finishes. She stated that she thinks the applicant is correct in stating that they are not to build a historic structure on this site, but that the Board is charged with ensuring compatibility with the surrounding residences and with the historic district. She stated that she sees the applicant having the disconnect as to understanding this and fostering a sense of place.

She continued discussing the application, stating that, in view of the fact that the *Guidelines* continually promote the importance of compatibility, continuity, and fostering a sense of place, an eight-pump gas station scheme in a design which seems more appropriate for an off-ramp to an interstate is inherently incompatible for placement in a historic neighborhood and is lacking in continuity. She stated that she feels this design reflects a lack of stewardship and is not compatible with the City's long-term vision and plan.

Mr. Howle stated that he does not think the Board's job is to stop a project due to zoning or usage issues. He agreed with the issues that Ms. Traylor had with the Staff report. He cited that he does not think the design is compliant and questioned whether forming a Design Review Committee would be an appropriate way forward.

Ms. Wilson stated that she concurs with her fellow Board members' view that the design is not compatible and would impair the integrity of the historic district.

Mr. Blackwell offered some closing remarks regarding the history of the site, stating that an automobile-related structure was constructed on the site in the 1920s, which was designed by prominent local architect George B. Rogers, who is also responsible for the current design of the Government Street United Methodist Church. He added that this building existed until the 1980s, and that since then, two commercial structures have sat at this site, removing all historic integrity in regard to the existing site. Mr. Blackwell noted that, when considering demolition, the *Guidelines* direct that the significance of the building be considered, along with the demolition's impact on the streetscape. He stated that in regard to the proposed signage, it exceeds the allotment which is allowed within historic districts. In consideration of the application for new construction, Mr. Blackwell noted that the principal components to be considered are placement, massing and scale, materials, and façade elements. He added that placement and orientation of a structure is the most important aspect of new construction,

in order that it fits within a historic district. He continued to discuss materials, stating that the *Guidelines* allow for innovative materials but they must look to the historic character of other significant structures in the immediate vicinity. He noted several examples of historically significant structures extant near the subject site. He added that Mobile has many wonderful examples of historic automotive- related construction, pointing out Automobile Alley and other locations. He encouraged the applicant to look to these examples to guide their design, while paying special attention to placement and how it fits into the landscape. He concluded with stating that the Board cannot look at use but does look at design to determine whether or not it impairs the surrounding historic district.

Ms. Roselius asked Staff if the Board was to consider the demolition application separately and authorize the demolition.

Mr. McGowin stated that in his opinion, the issues of demolition and new construction cannot be separated. He added that, in response to Mr. Howle's question regarding the formation of a Design Review Committee, due to the wider scope of the design issues, it may be more appropriate for the applicant to withdraw the application and resubmit a design, which they could generate with the help of a consultant.

Mr. Blackwell asked the applicant's representative if the applicant would be amenable to withdrawing the application.

Ms. Dawson noted another alternative, tabling of the application. Mr. Pipes responded that would be his client's preference.

Mr. Blackwell stated that the Board would table the application.

There being no further business, the meeting was adjourned at 4:26 pm.

These minutes were approved by the ARB at their March 6, 2024 meeting.