

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: May 1, 2017**

<u>CASE NUMBER</u>	6101
<u>APPLICANT NAME</u>	Pan American Engineers, LLC
<u>LOCATION</u>	Northeast corner of Airport Boulevard and North University Boulevard
<u>VARIANCE REQUEST</u>	SIGN: To allow two freestanding signs and four wall signs with one wall sign that exceeds 30% of usable wall area for a single business site in a B-2, Neighborhood Business District.
<u>ZONING ORDINANCE REQUIREMENT</u>	SIGN: The Zoning Ordinance allows only one freestanding sign and two wall signs for a single business site and wall signs not to exceed 30% of usable wall area in a B-2, Neighborhood Business District.
<u>ZONING</u>	B-2, Neighborhood Business District
<u>AREA OF PROPERTY</u>	48,800± square feet/1.12±Acres
<u>ENGINEERING COMMENTS</u>	No Comments
<u>TRAFFIC ENGINEERING COMMENTS</u>	No Comments
<u>URBAN FORESTRY COMMENTS</u>	Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 2015-116 and City Code Chapters 57 and 64).
<u>FIRE DEPARTMENT COMMENTS</u>	All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance. (2012 International Fire Code).
<u>CITY COUNCIL DISTRICT</u>	District 5

ANALYSIS

The applicant is requesting a Sign Variance to allow two freestanding signs and four wall signs with one wall sign that exceeds 30% of usable wall area for a single business site in a B-2, Neighborhood Business District; the Zoning Ordinance allows one freestanding sign and two wall signs for a single business site and wall signs not to exceed 30% of usable wall area in a B-2, Neighborhood Business District.

The site has pending applications for a 1-lot Subdivision, Planned Unit Development to allow shared access with an adjacent lot, and rezoning from R-1, Single-Family Residential District and B-2, Neighborhood Business District to B-2, Neighborhood Business District on the May 4, 2017 Planning Commission meeting.

The applicant proposes a 178'± square foot per face pylon sign along Airport Boulevard, and a 50'± square foot per face monument sign along University Boulevard. The Publix on the adjacent lot that will have shared access to the subject site was granted a variance at the Board's December 3, 2012 meeting due to the fact that that site has a large amount of street frontage, 316'± along University Boulevard and 593'± along Airport Boulevard. The subject site has 168'± of frontage along Airport Boulevard and 190'± of frontage along University Boulevard.

The applicant states:

1. *Purpose of Application:*

The variance requested is to allow two (2) free-standing signs (1 pylon on Airport Blvd. and 1 monument sign on University Blvd.) which includes advertising unleaded, diesel and non-ethanol products/prices. Also, the variance request includes advertisement of prices on four sides of the canopy façade and "Murphy Express" logo signs to advertise brand. Short side of canopy having 2 signs at 29.05 s.f. = 58.1 s.f. versus 51.75 s.f. allowed (30% of façade).

2. *What are the conditions, items, facts or reasons which prevent you from complying with the requirements of the Zoning Ordinance?*

The Zoning Ordinance allows for only 3 total signs and canopy signs not exceeding 30% of façade. Two (2) freestanding signs are proposed to advertise to customers on University and Airport Boulevards. Canopy price signs advertise price and brand directly above the pump islands for customers where the free-standing signs are not visible. In addition, it allows Publix customers exiting the grocery store to view prices for unleaded and diesel prior to leaving the site for consideration of fueling needs.

3. *How did the conditions, items, facts or reasons which prevent you from complying with the requirements of the Zoning Ordinance occur?*

Marketing and advertising fuel products and current pricing are necessary as most fuel customers price shop. As a result, it is preferred to advertise price in all directions of potential customers including Publix store customers for obtaining fuel needs as part of a one-stop shopping experience. At this major intersection there are also large trees and many power poles and traffic poles in the right-of-way which make viewing signage sometimes

difficult.

4. How is this property different from the neighboring properties?

The property is similar to adjacent properties but is located on one of the busiest intersections within the City. Making the pricing more convenient for viewing will allow for better decision making for customers.

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.

Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined from the facts and circumstances of each application.

According to the Map for Mobile, the site is located within a Suburban Center. The intent for Suburban Centers is:

- Greater density including mixed-use with residential above community scale services and retail
- Accommodation of all users: automobile, bicycle, pedestrian, and transit
- Connectivity to surrounding neighborhoods through sidewalks, trails, etc.
- Encourage redevelopment of existing strip centers into mixed-use development or green space
- Emphasis on adding density, mixing uses and promoting walkability and connectivity to other areas of the City

It should be noted that the sign regulations of the Zoning Ordinance have been enacted to protect the health, safety, and welfare of the citizens of the City of Mobile and the general aesthetics of the city by providing for uniform standards for the locations, spacing, height, setback, lighting, and other regulation of off-premise and on-premise signs within the city.

The applicant states that existing large trees, power poles, and traffic poles reduce visibility for signage at the location. While there are trees and power and utility poles in the area, none are of sufficient size or density to significantly impair visibility.

The applicant is requesting 4 wall signs to provide information regarding fuel prices to customers who are unable to see the proposed freestanding signs. As a single business site, the proposed business would be allowed two wall signs in addition to a freestanding sign. The applicant could place one of the signs on the East façade of the fuel canopy to provide visibility to customers at the adjacent Publix, and the other wall sign on a separate façade. The currently proposed wall sign on the East side of the fuel canopy appears to exceed 30% of the usable wall space, however

dimensions of the canopy were not clearly provided, so staff is unsure of the actual percentage of wall space the proposed sign would occupy.

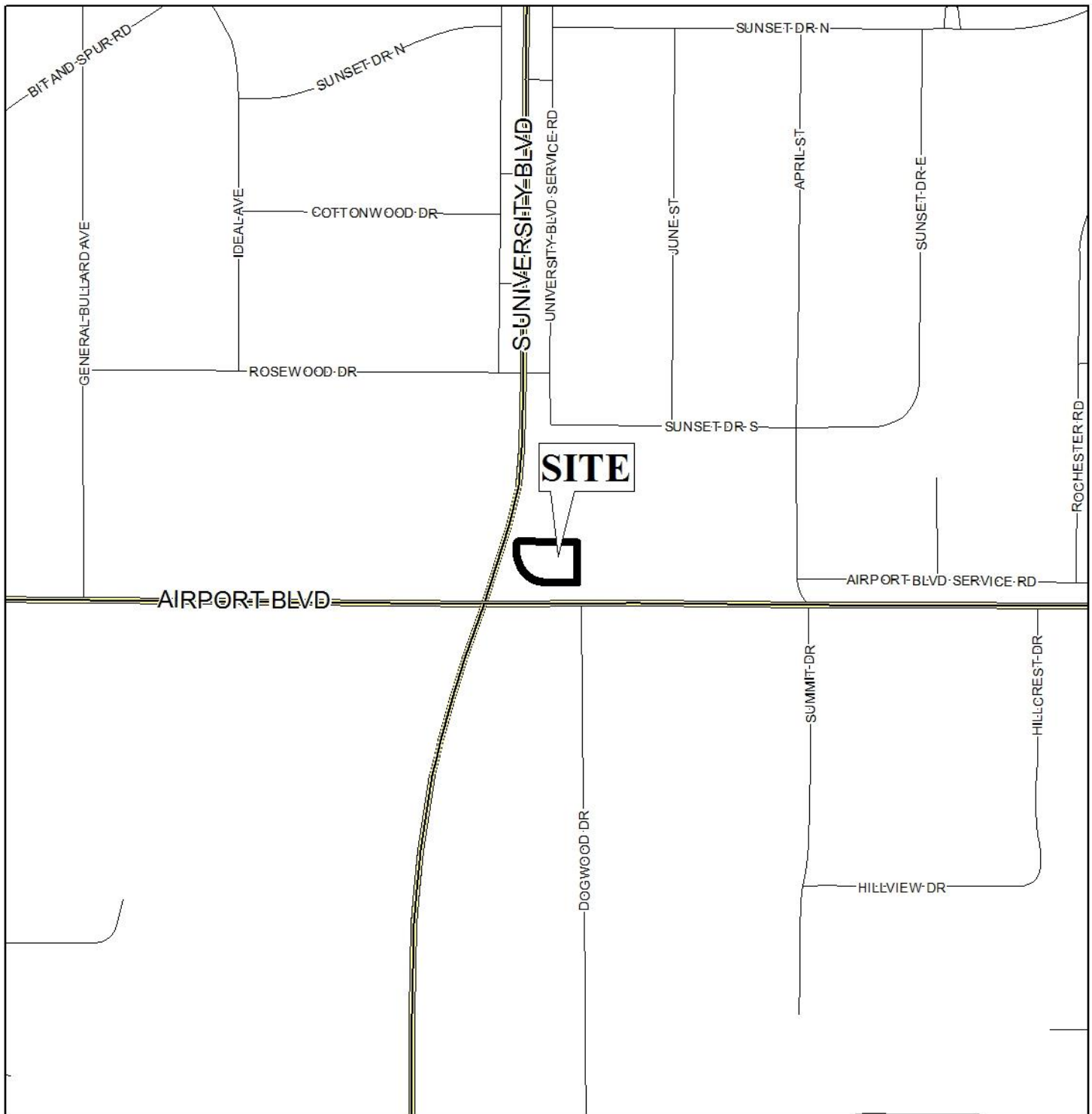
The applicant has not clearly demonstrated a hardship exists at this location that necessitates additional signage. A single freestanding sign could be located at the corner of University Boulevard and Airport Boulevard with two appropriately sized wall signs placed as the applicant deems fit, to provide sufficient visibility of signage at the subject site. The applicant simply wishes to have more signage than the Zoning Ordinance allows, creating a self-imposed hardship.

RECOMMENDATION:

Staff recommends to the Board the following findings of fact for Denial:

- 1) approving the variance will be contrary to the public interest in that the Zoning Ordinance does not allow signs that exceed 30% of the usable wall space, nor does it allow more than three (3) signs on a single tenant site in order to protect the health, safety, and welfare of the citizens of the City of Mobile and the general aesthetics of the city by providing uniform standards for the locations, spacing, height, setback, lighting, and other regulations of off-premise and on-premise signs within the city;
- 2) special conditions do not exist and there are no hardships which exist that make the presence of additional or over-sized signage necessary; and
- 3) the spirit of the chapter shall not be observed and substantial justice shall not be done to the surrounding neighborhood by granting the variance because it is simply the applicant's desire to have more signage than is allowed as well as signage that exceeds the maximum allowable size.

LOCATOR MAP



APPLICATION NUMBER 6101 DATE May 1, 2017

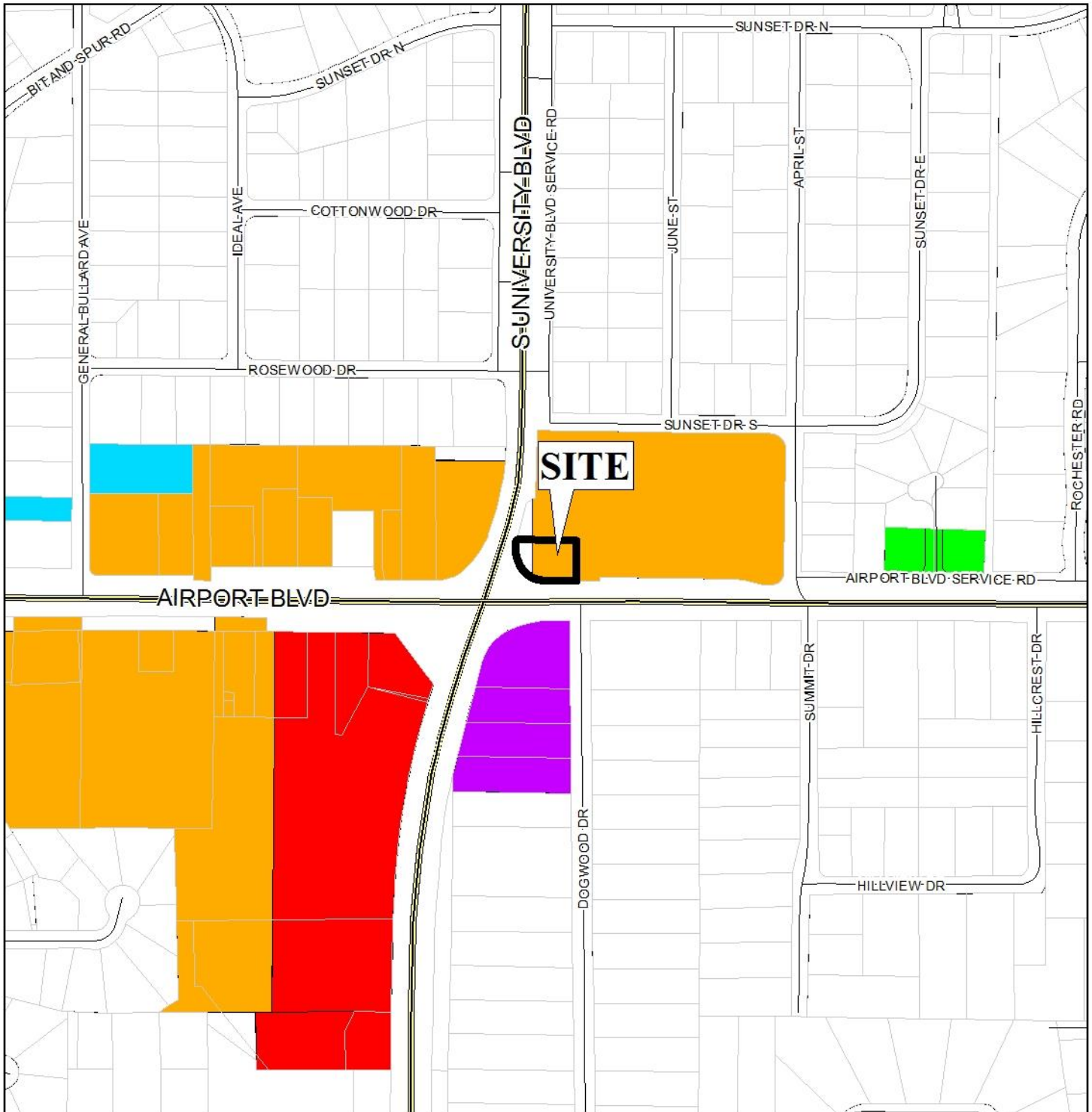
APPLICANT Pan American Engineers, LLC

REQUEST Sign Variance



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LOCATOR ZONING MAP



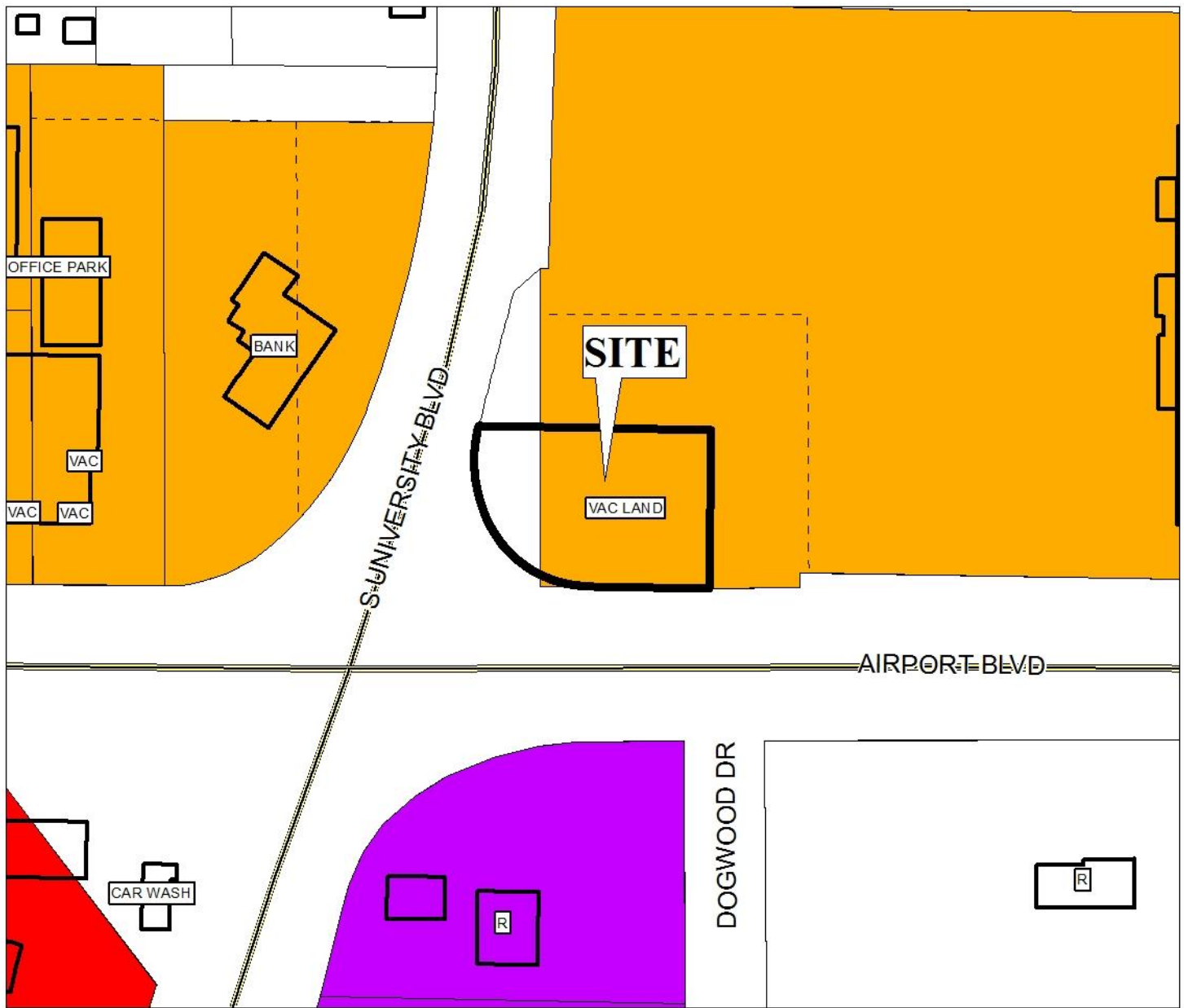
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REQUEST Sign Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial and residential units.

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 R-A	 R-3	 T-B	 B-2	 B-5	 MUN	 SD-WH	 T5.1
 R-1	 R-B	 B-1	 B-3	 I-1	 OPEN	 T3	 T5.2
 R-2	 H-B	 LB-2	 B-4	 I-2	 SD	 T4	 T6



BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial and residential units.

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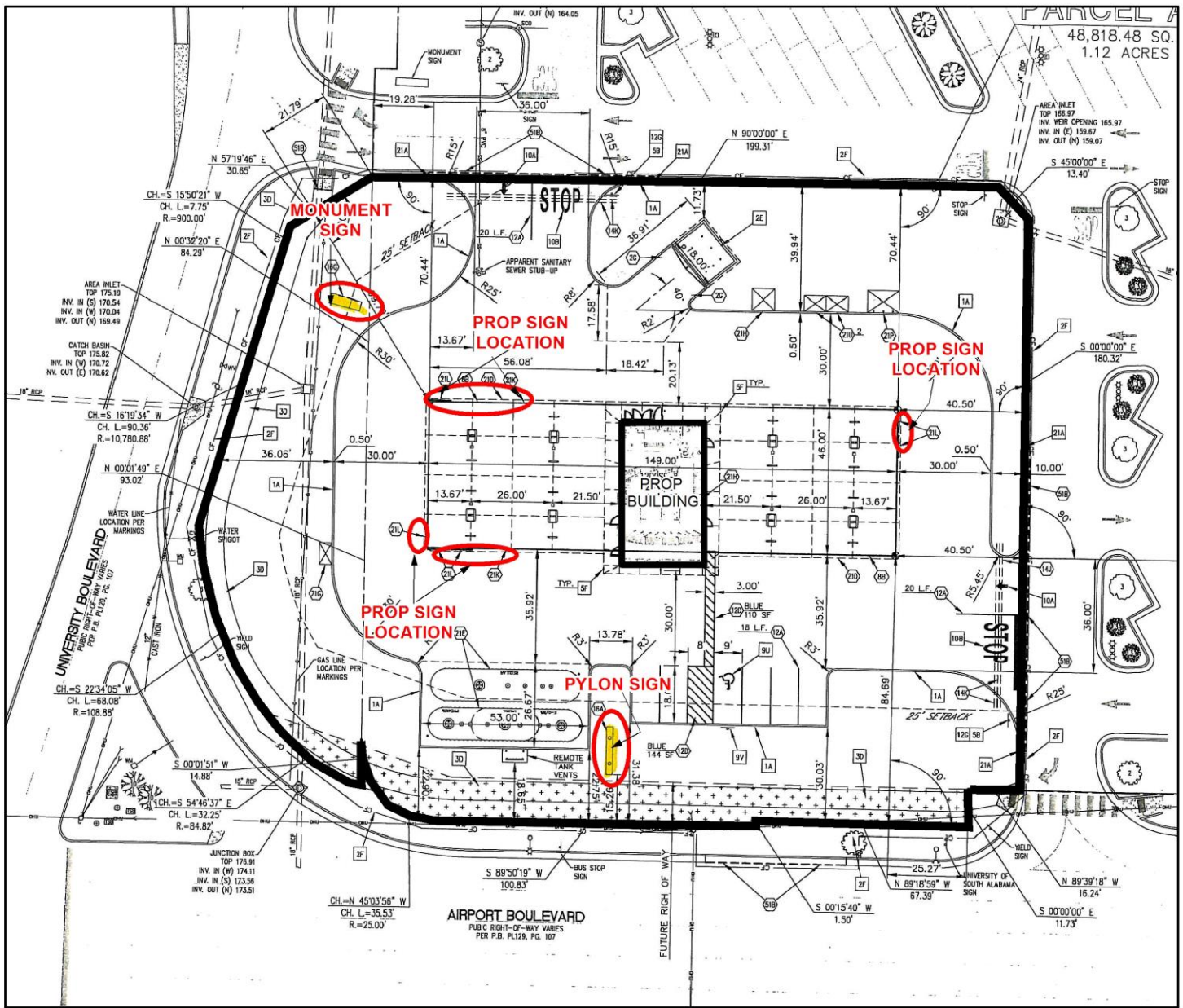
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NTS

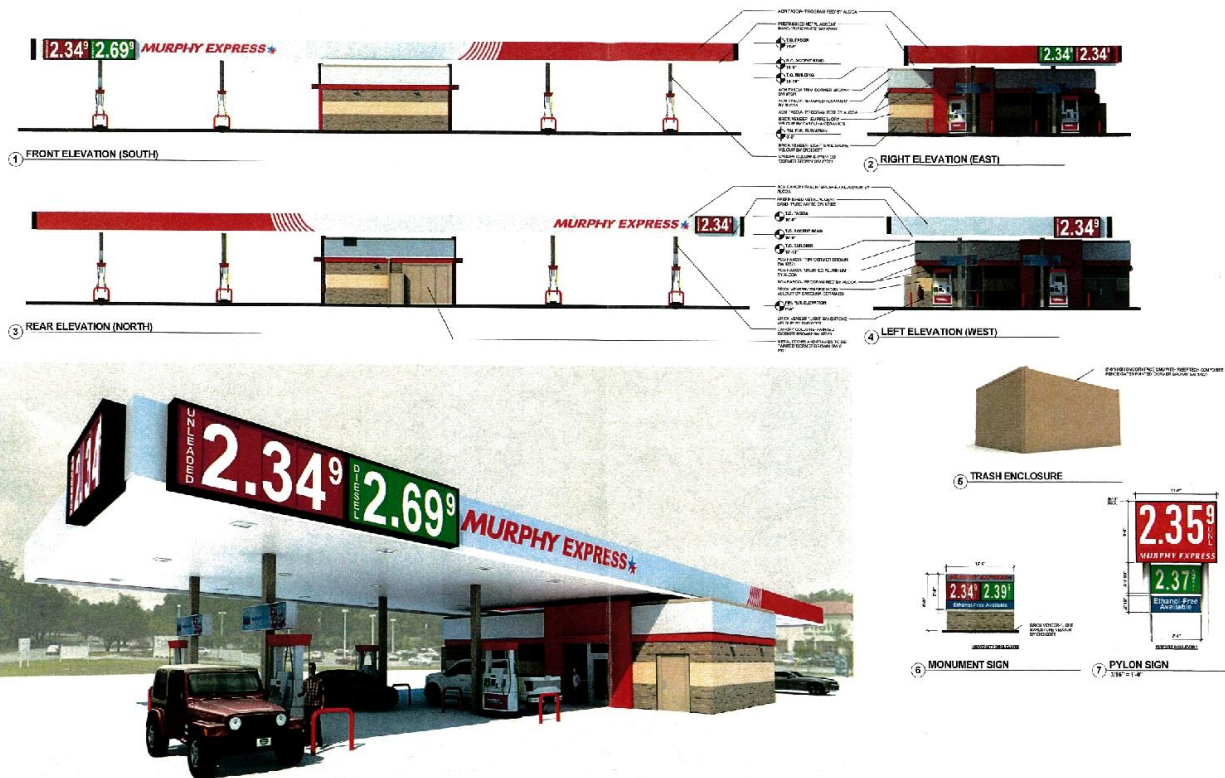
SITE PLAN



The site plan illustrates the proposed building, and sign locations.

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DETAIL SITE PLAN



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REQUEST Sign Variance



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