

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: October 1, 2018**

<b><u>CASE NUMBER</u></b>	6210
<b><u>APPLICANT NAME</u></b>	Rainbow Signs Inc./ Steve MacMillan
<b><u>LOCATION</u></b>	1485 Satchel Paige Drive (Northwest corner of Satchel Paige Drive and Bolling Brothers Boulevard).
<b><u>VARIANCE REQUEST</u></b>	<b>SIGN:</b> Sign Variance to allow three (3) wall signs and a monument sign at a single tenant site in a B-3, Community Business District.
<b><u>ZONING ORDINANCE REQUIREMENT</u></b>	<b>SIGN:</b> The Zoning Ordinance allows a total of three (3) signs for a single tenant site in a B-3, Community Business District.
<b><u>ZONING</u></b>	B-3, Community Business
<b><u>AREA OF PROPERTY</u></b>	2.1± Acres
<b><u>ENGINEERING COMMENTS</u></b>	No comments.
<b><u>TRAFFIC ENGINEERING COMMENTS</u></b>	No comments.
<b><u>CITY COUNCIL DISTRICT</u></b>	District 3
<b><u>ANALYSIS</u></b>	The applicant is requesting a Sign Variance to allow three (3) wall signs and a monument sign at a single tenant site in a B-3, Community Business District; the Zoning Ordinance allows a total of three (3) signs for a single tenant site in a B-3, Community Business District.

The site was part of the McGowin Park Planned Unit Development (PUD) that was approved by the Planning Commission most recently at its August 18, 2016 meeting to accommodate the subject hotel. It should be noted that while the PUD was before the Planning Commission, a unique sign package was submitted and approved to allow the occupants of the development have signage in excess of what the Zoning Ordinance typically allows. Under the unique PUD allowance, the subject business is allowed a monument sign and three (3) wall signs, with a

maximum of one (1) per side. The applicant wishes to have a total of three (3) wall signs, with two (2) on the same side.

The applicant has permitted and installed one (1) monument sign and two (2) wall signs. It should be noted that the applicant could reconfigure the allowed wall signage to have no more than one (1) per side of the building, or go back to the Planning Commission to amend the previously approved sign package to allow multiple wall signs on the same side of the building, rather than apply for a variance.

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.

The purpose of the Sign Regulation Provisions is to promote the economic well-being of the entire Mobile community by creating a favorable physical image, to afford the business community an equal and fair opportunity to advertise and promote products and services, and to protect the right of the citizens to enjoy Mobile's natural scenic beauty.

The site has been given a District Center (DC) land use designation per the recently adopted Future Land Use Plan and Map. The Future Land Use Plan and Map complements and provides additional detail to the Development Framework Maps in the Map for Mobile, adopted by the Planning Commission at its November 5, 2015 meeting. This designation acknowledges existing commercial development that is spread along Mobile's transportation corridors in a conventional strip pattern or concentrated into shorter segments of a corridor.

This designation applies across the city to larger areas of existing mixed-use character or where such character is encouraged. These areas will include moderate to high-density residential (minimum densities of 6 dwelling units per acre) in dynamic, horizontal or vertical mixed use environments, to provide a balance of housing and employment.

District Centers (DC) generally serve several surrounding neighborhoods and may even have a city-wide or region-wide reach. As such, they are often anchored by a major commercial or institutional employer such as a shopping mall or a medical center.

Depending on location and assigned zoning, residential areas in District Centers may incorporate a mix of housing types, ranging from mid-rise multifamily buildings containing apartments and lofts, to townhouses and detached single-family homes. Major civic cultural institutions and public spaces provide regional and neighborhood destinations.

District Centers should be designed to induce pedestrian activity, with high quality streetscapes connecting the different components of a center as well as the center to its surrounding area. DC districts may be served by transit and include development of an intensity and design that supports transit use.

It should be noted that the Future Land Use Plan and Map components of the Map for Mobile Plan are meant to serve as a general guide, not a detailed lot and district plan. In many cases the designation on the new Future Land Use Map may match the existing use of land, but in others the designated land use may differ from what is on the ground today. As such, the Future Land Use Plan and Map allows the Planning Commission and City Council to consider individual cases based on additional information such as the classification request, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and, where applicable, the zoning classification.

**RECOMMENDATION:** Staff recommends that the application be withdrawn so that the applicant can either reconfigure the layout of wall signs to comply with the allowances made in the PUD sign package, or submit a new PUD application to the Planning Commission to alter the signage allowances contained within the approved PUD.

It should be noted that amending the PUD sign package will require all property owners within the PUD to participate in the request.

***Revised for the December 3, 2018 meeting:***

*The application was heldover at the Board of Zoning Adjustment's October 1, 2018 meeting to allow the applicant time to attempt to resolve the issue through an application to the Planning Commission to amend the Sign Package adopted as part of the overall Planned Unit Development. The applicant has not submitted any application to the Planning Commission at this time, nor has any additional or revised information been submitted.*

**RECOMMENDATION:** Staff recommends that the application be withdrawn so that the applicant can either reconfigure the layout of wall signs to comply with the allowances made in the PUD sign package, or submit a new PUD application to the Planning Commission to alter the signage allowances contained within the approved PUD.

*It should be noted that amending the PUD sign package will require all property owners within the PUD to participate in the request.*

***Revised for the January 7, 2019 meeting:***

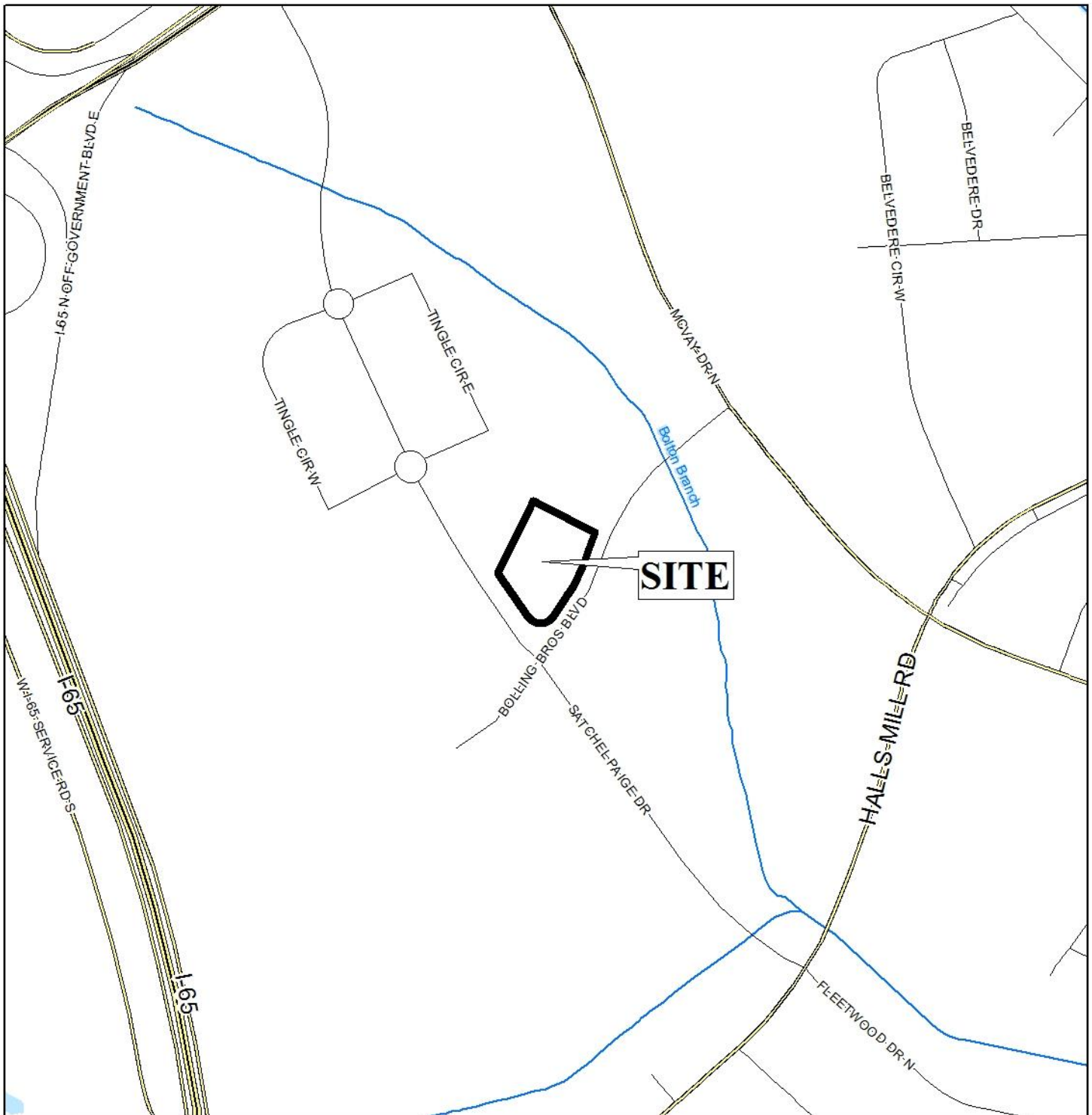
*The application was heldover at the Board of Zoning Adjustment's December 3, 2018 meeting due to the absence of representation for the request. Staff reached out to the applicant for*

*guidance on how they would like to proceed with the request, and has been advised that they no longer wish to pursue the sign variance.*

**RECOMMENDATION:** *Staff recommends to the Board the following findings of facts for Denial:*

- 1) allowing the variance would be contrary to the public interests due to the fact that the site already is allowed increased signage through a Planned Unit Development which could be amended;*
- 2) that special conditions do not exist in preventing the site from complying with signage allowances in such a way that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship, as the site could either relocate the proposed signage to comply with what is allowed under the current Planned Unit Development; and,*
- 3) that 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 the other businesses surrounding the subject site have either complied with signage allowance of the original Planned Unit Development, or have obtained approval for amendments to accommodate desired signage.*

# LOCATOR MAP



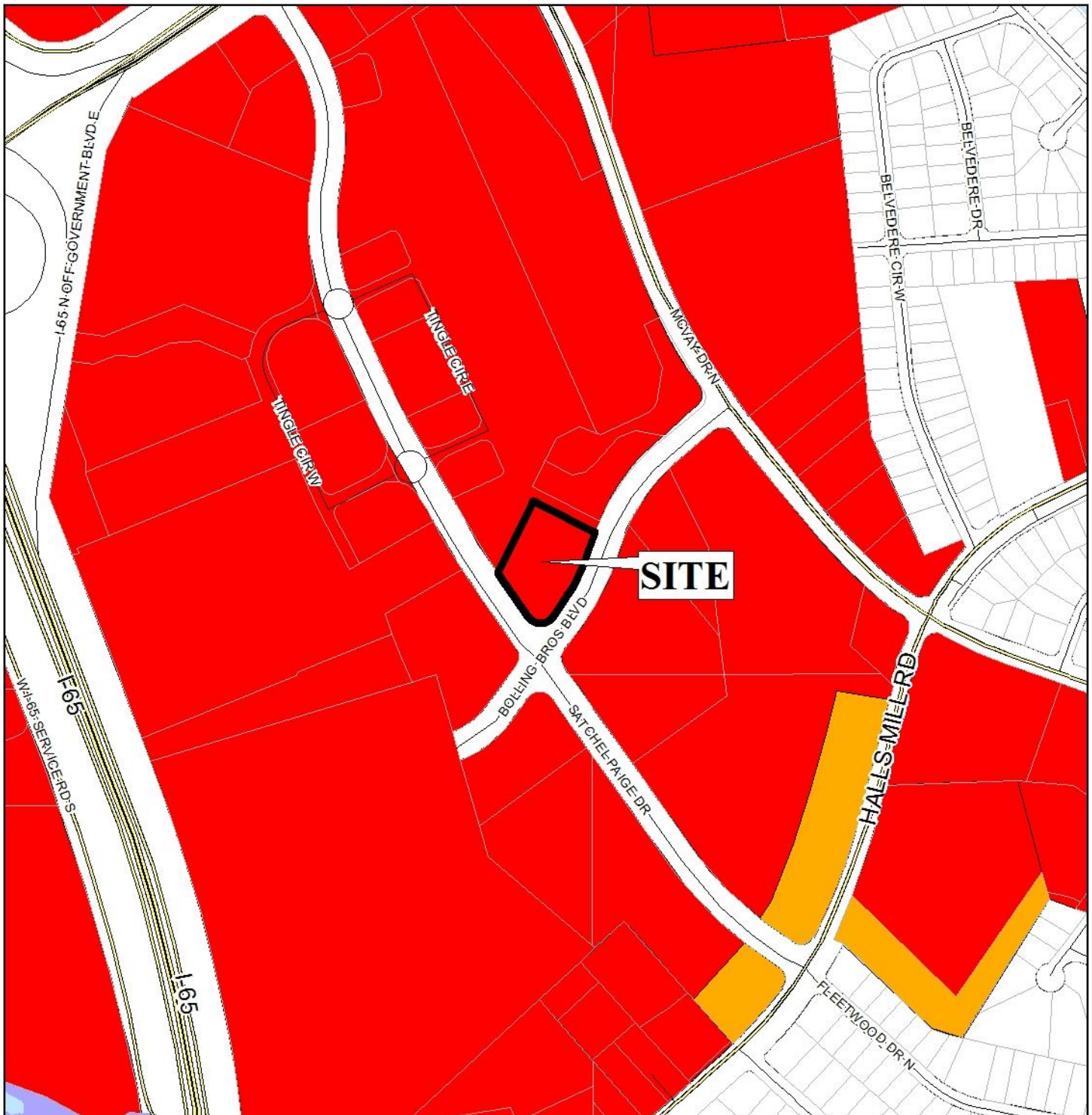
APPLICATION NUMBER 6210 DATE January 7, 2019

APPLICANT Rainbow Signs Inc./ Steve MacMillan

REQUEST Sign Variance



# LOCATOR ZONING MAP



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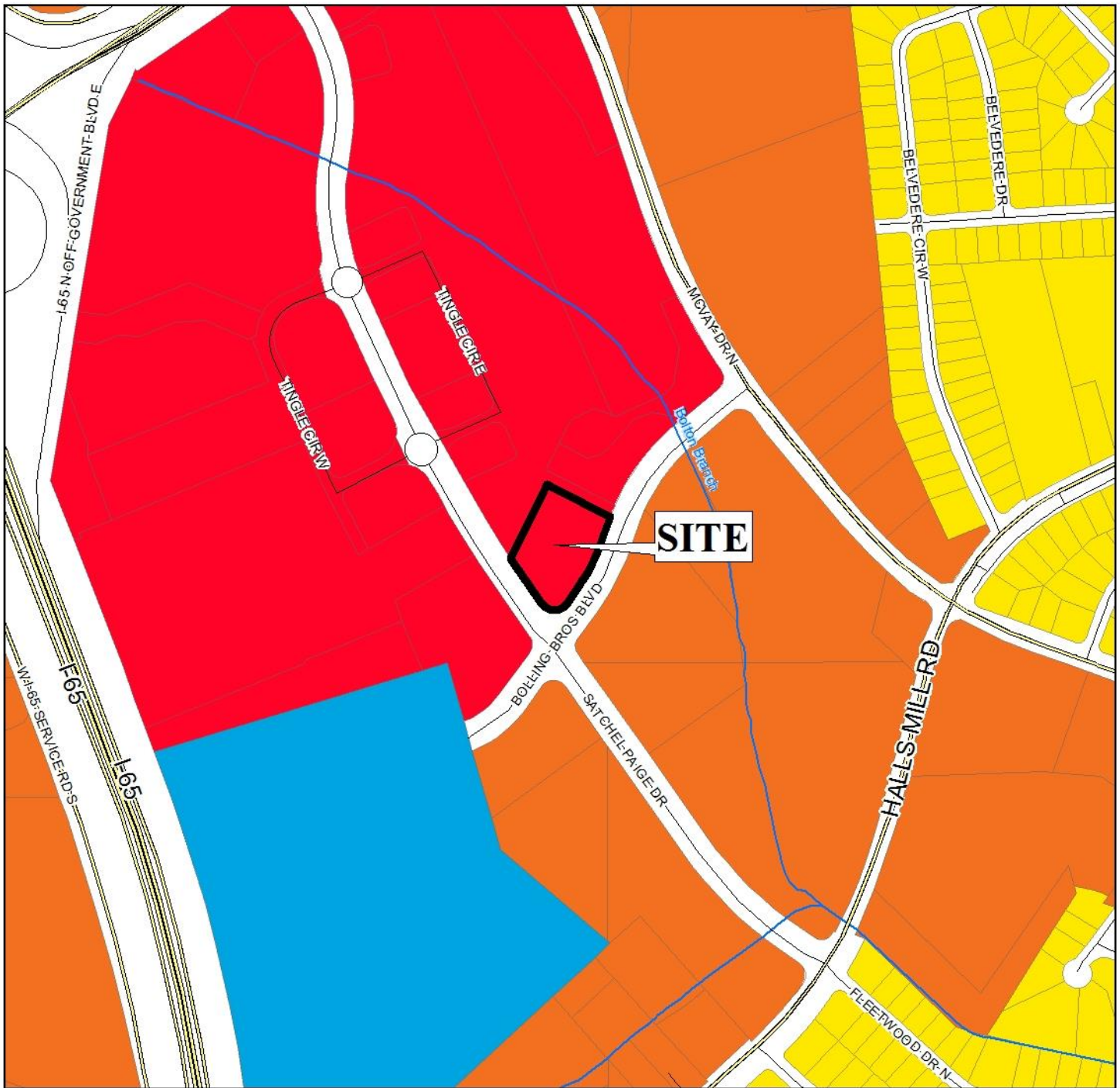
REQUEST Sign Variance



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# FLUM LOCATOR MAP



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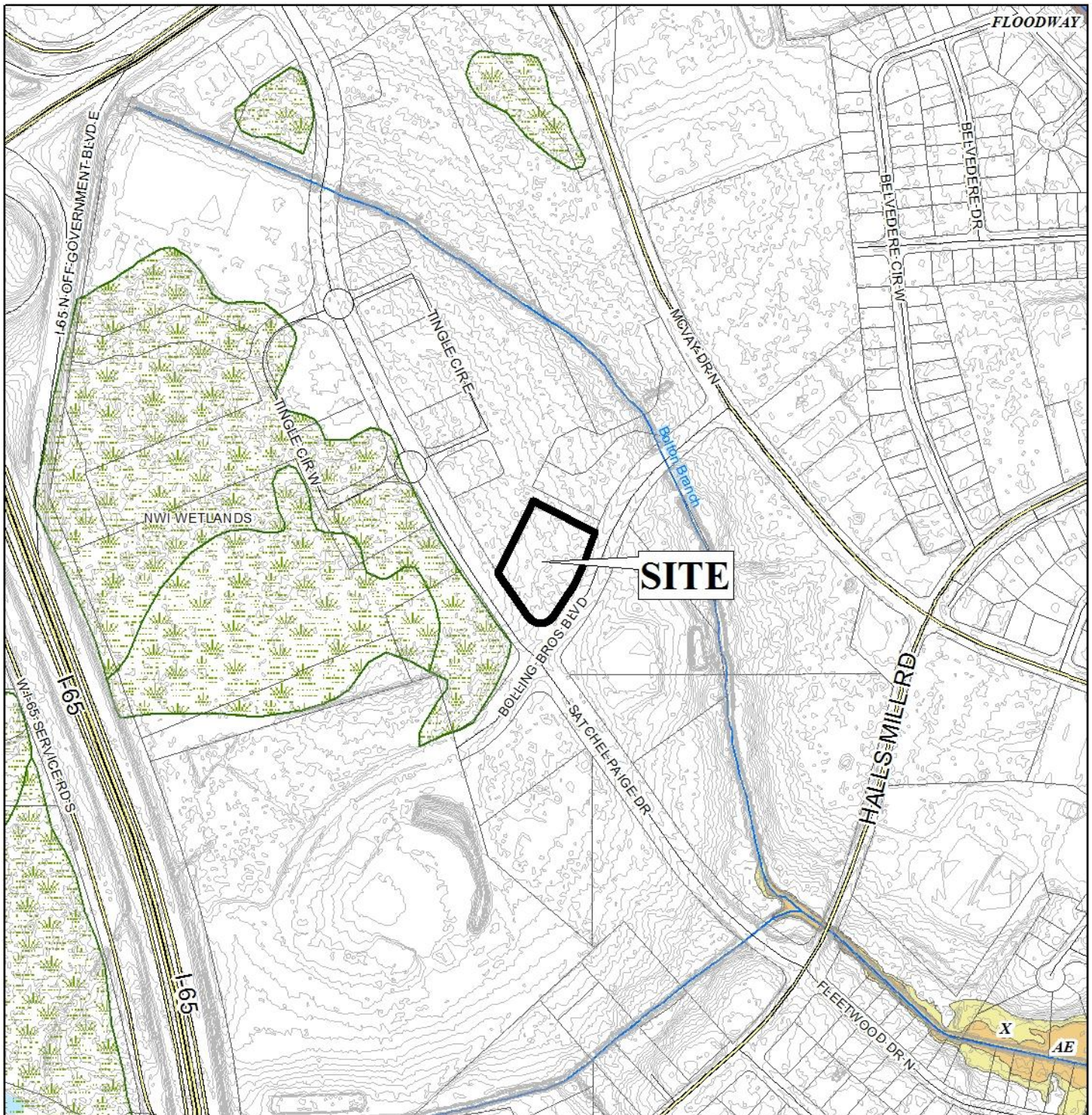
REQUEST Sign Variance

Low Density Residential	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
Mixed Density Residential	Neighborhood Center - Suburban	Light Industry	Water Dependent
Downtown	Traditional Corridor	Heavy Industry	
District Center	Mixed Commercial Corridor	Institutional	





# ENVIRONMENTAL LOCATOR MAP



APPLICATION NUMBER 6210 DATE January 7, 2019

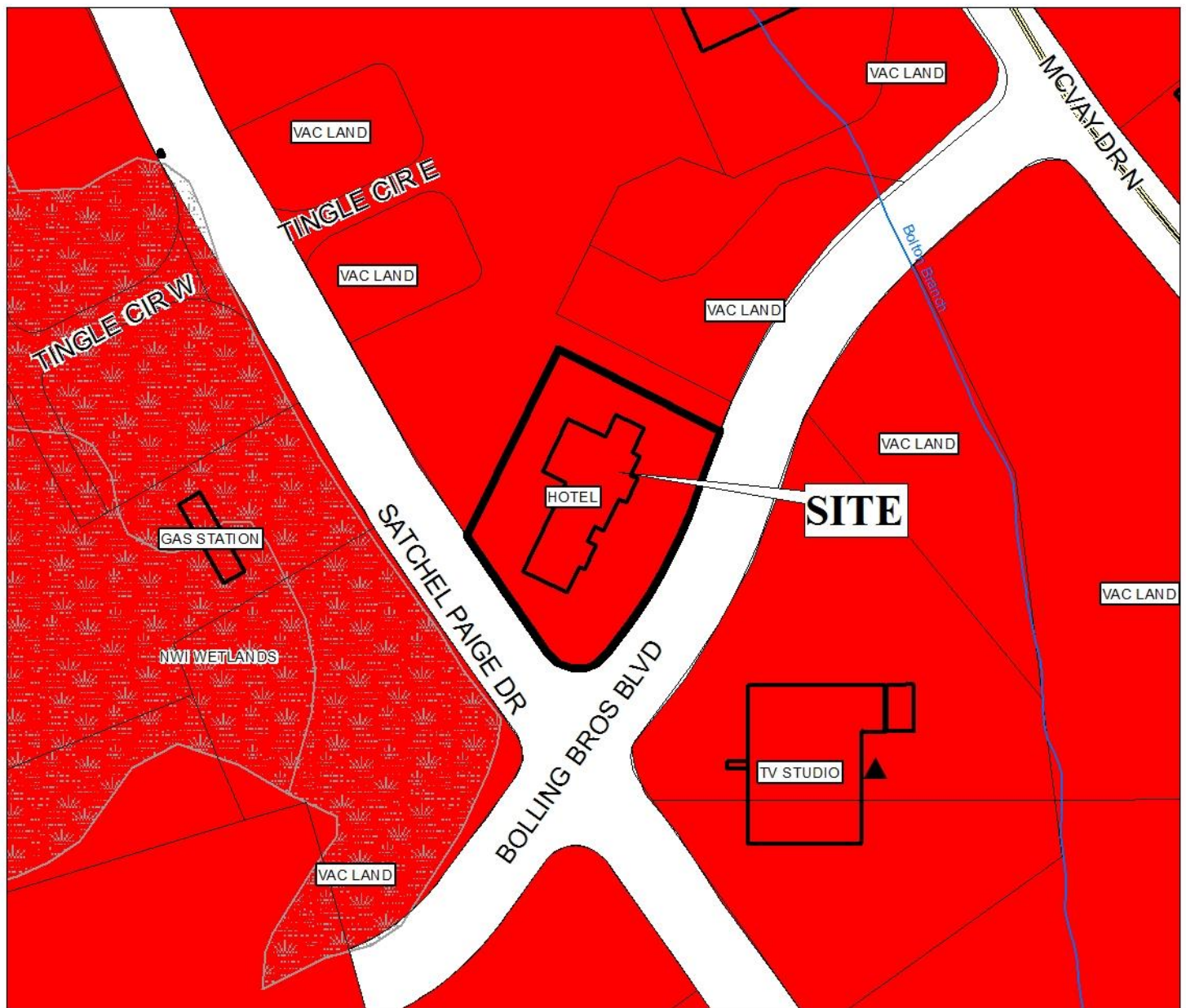
APPLICANT Rainbow Signs Inc./ Steve MacMillan

REQUEST Sign Variance





# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

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REQUEST Sign Variance

<span style="display: inline-block; width: 15px; height: 15px; background-color: cyan; border: 1px solid black;"></span> R-A	<span style="display: inline-block; width: 15px; height: 15px; background-color: green; border: 1px solid black;"></span> R-3	<span style="display: inline-block; width: 15px; height: 15px; background-color: brown; border: 1px solid black;"></span> T-B	<span style="display: inline-block; width: 15px; height: 15px; background-color: orange; border: 1px solid black;"></span> B-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: blue; border: 1px solid black;"></span> B-5	<span style="display: inline-block; width: 15px; height: 15px; background-color: yellow; border: 1px solid black;"></span> MUN	<span style="display: inline-block; width: 15px; height: 15px; background-color: orange; border: 1px solid black;"></span> SD-WH	<span style="display: inline-block; width: 15px; height: 15px; background-color: purple; border: 1px solid black;"></span> T5.1
<span style="display: inline-block; width: 15px; height: 15px; background-color: white; border: 1px solid black;"></span> R-1	<span style="display: inline-block; width: 15px; height: 15px; background-color: pink; border: 1px solid black;"></span> R-B	<span style="display: inline-block; width: 15px; height: 15px; background-color: cyan; border: 1px solid black;"></span> B-1	<span style="display: inline-block; width: 15px; height: 15px; background-color: red; border: 1px solid black;"></span> B-3	<span style="display: inline-block; width: 15px; height: 15px; background-color: purple; border: 1px solid black;"></span> I-1	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightgreen; border: 1px solid black;"></span> OPEN	<span style="display: inline-block; width: 15px; height: 15px; background-color: pink; border: 1px solid black;"></span> T3	<span style="display: inline-block; width: 15px; height: 15px; background-color: darkpurple; border: 1px solid black;"></span> T5.2
<span style="display: inline-block; width: 15px; height: 15px; background-color: yellow; border: 1px solid black;"></span> R-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: peachpuff; border: 1px solid black;"></span> H-B	<span style="display: inline-block; width: 15px; height: 15px; background-color: purple; border: 1px solid black;"></span> LB-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: brown; border: 1px solid black;"></span> B-4	<span style="display: inline-block; width: 15px; height: 15px; background-color: gray; border: 1px solid black;"></span> I-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: orange; border: 1px solid black;"></span> SD	<span style="display: inline-block; width: 15px; height: 15px; background-color: purple; border: 1px solid black;"></span> T4	<span style="display: inline-block; width: 15px; height: 15px; background-color: darkpurple; border: 1px solid black;"></span> T6





# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial units.

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REQUEST <u>Sign Variance</u>





# SITE PLAN



The site plan illustrates the existing building, parking, and setback, easement, existing sign, and proposed sign.

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# DETAIL SITE PLAN



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 REQUEST Sign Variance



## DETAIL SITE PLAN



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## DETAIL SITE PLAN



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## DETAIL SITE PLAN



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