

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: August 1, 2022****CASE NUMBER**

6461 / 6375

APPLICANT NAME

Erik Eckhart

LOCATION5535 and 5575 U.S. Highway 90 West
(East side of U.S. Highway 90 West, 100'± North of
Kooiman Road).**VARIANCE REQUEST****SIGN:** Sign Variance to allow a total of seven (7) signs, with one being a 100-foot high rise sign on a single-tenant commercial site in a B-3, Community Business District.**ZONING ORDINANCE
REQUIREMENT****SIGN:** The Zoning Ordinance allows a single-tenant commercial site to have no more than three (3) signs, of which not more than one (1) may be freestanding, and not more than 35-feet tall in a B-3, Community Business District.**ZONING**

B-3, Community Business

AREA OF PROPERTY

6.7± Acres

**ENGINEERING
COMMENTS**

No comments.

**TRAFFIC ENGINEERING
COMMENTS**

No traffic impacts anticipated by this variance request.

**CITY COUNCIL
DISTRICT**

District 4

ANALYSIS

The applicant is requesting a Sign Variance to allow a total of seven (7) signs, with one being a 100-foot high rise sign on a single-tenant commercial site in a B-3, Community Business District; the Zoning Ordinance allows a single-tenant commercial site to have no more than three (3) signs, of which not more than one (1) may be freestanding, and not more than 35-feet tall in a B-3, Community Business District.

The site has been given a Mixed Commercial Corridor (MCC) land use designation, per the Future Land Use Plan and Map, adopted on May 18, 2017 by the Planning Commission. 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 land use designation mostly applies to transportation corridors west of I-65 serving primarily the low-density (suburban) residential neighborhoods. MCC includes a wide variety of retail, services and entertainment uses.

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.

Over time, new development and redevelopment in Mixed Commercial Corridors is encouraged to raise design quality, improve connectivity to surrounding neighborhoods; improved streetscapes; and improve mobility and accessibility for all users of the corridor.

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.

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 was originally the subject of Subdivision approval and Rezoning from B-3, Community Business District, and B-5, Office-Distribution District, to B-3, Community Business District, at the August 6, 2020 Planning Commission meeting. The Rezoning has since been adopted by the City Council, but the subdivision was amended at the December 21, 2021 Planning Commission meeting, and the plat has not been recorded in Mobile County Probate Court.

The applicant proposes to construct a new gas station with convenience store, and is requesting an increase in the number of allowable signs as well as an increase in the allowable height for a freestanding sign.

The applicant provided the following narrative with their request:

This letter intends to serve as a request to allow for a variance from Section 64-11 of the City Municipal Code as it relates to Sign Regulations for property located at the northeast corner of US HWY 90 & Kooiman Road. The property is currently vacant land, a portion of which was a former Chevron fuel station which has been demolished and is currently a vacant concrete lot. QuikTrip Corporation has recently rezoned this property to allow for the future construction of a QuikTrip service station with gasoline and diesel offer. A previous sign variance application was submitted and approved in April 2021, this application is a duplicate of those signs approved in order to renew the variance as the previously approved application expired prior to the start of construction.

QuikTrip is requesting two separate variations to the Sign Regulations; the first, to allow for the construction of a 100' tall High-Rise Fuel Sign outside of the 1000' permitted distance requirement from the centerline of I-10. The proposed sign will be located on the northwest corner of the property approximately 1500' from the centerline of I-10. The proposed sign will be a total of 684.3 Square Feet, 362.6 of which will be a "QT" identification logo, and 321.7 of which will be fuel pricer for both Unleaded and Diesel fuel. In addition, a request for two (2) temporary banner signs are requested for an "OPEN SOON" banner to be displayed covering the fuel pricer display of the High-Rise sign for 30 days in advance of the projected store opening date. The purpose of the request for the proposed pole sign is intended to advertise the location of the site to customers traveling along I-10. The request for the increase in height and square footage is to allow an increased visibility to the site to allow motorists adequate time to make safe and efficient traffic maneuvers to exit the interstate. This will be a benefit to the traveling public and have no negative impact to surrounding property owners.

The second request is to allow for an increase in total permitted signs allowed from 3 to 7. The proposed signage for each structure and free-standing sign are listed below. Details including proposed locations and size are included in the attached elevations. All proposed signage will be consistent in color scheme and architecture and will provide no negative impact to surrounding property owners. The purpose for the increase in total permitted signs is to allow for identification signage on all improvements to be constructed with this project. The proposed QuikTrip will have one (1) building, two (2) separate fuel canopies, and one (1) diesel truck scale, as well as two (2) free standing signs.

Total Number of Permitted Signs Requested

- *High Rise Sign*
 - *TCHR20-ELSSP-CC*
 - *“OPEN SOON” Banners (2)*
- *Monument Sign*
 - *MV-E4PGQ-CC-76*
- *Building Signage*
 - *CL-60-F*
 - *ICE Kiosk Identification Sign*
- *Auto Fuel Canopy*
 - *IDC-14 (2)*
- *Diesel Truck Scale*
 - *QT Vertical Pole Scale*

As a single business site, the Zoning Ordinance allows a total of three (3) signs, with no more than one (1) freestanding sign, not to exceed a height of 35 feet. At its April 5, 2021 meeting, the Board of Zoning Adjustment approved a Sign Variance allowing a total of six (6) permanent signs, one (1) of which could be a high-rise sign not to exceed a height of 100 feet. The approval also allowed two (2) temporary signs. However, after six (6) months, no permits for the approved signs were obtained and the approval expired. The applicant is again requesting approval of the previously approved request, as well as approval of one (1) additional sign, for a total of seven (7) permanent signs and two (2) temporary signs, as follows:

- One (1) high-rise sign, 100 feet in height with two (2) digital pricing panels that will be covered by two (2) temporary banner signs prior to opening;
- One (1) monument sign, 14± feet in height with three (3) digital pricing panels;
- One (1) wall sign;
- One (1) sign to be placed on a proposed ice vending machine;
- Two (2) fuel canopy signs; and,
- One (1) pole sign identifying a truck scale.

It should be noted that the site plan and elevation drawings submitted with the application are identical to the ones submitted as part of the previous request. If approved, a revised site plan and revised elevation drawings depicting the location, types, and sizes of all approved signs must be submitted for review and approval by Planning and Zoning staff, prior to the approval of any Sign Permits.

Regarding the canopy signs, the applicant wishes to have one (1) logo on each of the proposed fuel canopies. This could be considered excessive, as the other signs on the property will clearly identify the store brand. Furthermore, a portion of each canopy sign appears to extend above and below each canopy, which is not allowed.

Regarding wall signs, the applicant indicates only one (1) wall sign is proposed, along with a sign identifying the ice vending machine; however, the elevation drawings illustrate two (2) wall signs and an ice vending machine sign. The revised drawings must, therefore, depict only one (1) wall sign and one (1) ice vending machine sign; although, if the store logo were

removed from the ice vending machine, and the remaining informational signage “Ice & Filtered Water” were less than 20 square feet, it would be allowed by-right, and both wall signs, as illustrated, would be permitted.

Regarding the freestanding signs, elevation drawings submitted by the applicant depict a 14±-foot tall monument sign with over 300 square feet of display area, per face, and a 100-foot tall high-rise sign with a 321.7± square-foot logo and 351.4± square gas pricing signs on which the applicant wishes to place two (2) temporary banner signs while the project is under construction.

The high-rise sign that the applicant is requesting is not only taller than what is allowed by right (35 feet), but is also larger than the maximum allowable size of 200 square-feet per face, with a total of 673± square-feet per face proposed. It should be noted that there are not many high-rise signs in this area, and most of the existing high-rise signs were in existence prior to being annexed into the City of Mobile in 2009. One (1) variance was granted at the August 2017 Board of Zoning Adjustment meeting to a property within the vicinity of the subject site to allow a 49.7-foot tall sign approximately 1,130± feet from the centerline of the interstate; however, that sign did not exceed the maximum allowable size for a high-rise sign, and is half as tall.

The temporary banner signs are proposed to be in place for 30 days prior to the opening of the store. Banners are typically limited to one (1) per business, not to exceed 32 square feet, and not to be on display for longer than 30 days. Banners must also be attached to a building. While having such oversized banners on a high-rise sign will certainly increase visibility of the site, the applicant has not provided evidence that a compliant banner would alert passersby to the forthcoming store opening.

Finally, it should be noted that the site plan identifies multiple directional signs, each proposed to be less than 20 square feet. Such signs are permitted by-right as long as they do not display any logo or other commercial insignia identifying the business.

Besides one (1) site, no other sites within the vicinity of the subject site have been granted similar Sign Variances, at least not for a sign as tall and as large as the proposed high-rise sign, nor for the amount of proposed signage. It is understandable that the applicant wishes to maximize their visibility, but the applicant has not provided information illustrating a hardship associated with the property which prohibits Zoning Ordinance compliance. While previous approval of the request by the Board may seem to justify Variance approval, it should be reiterated that Variances are not intended to be granted frequently, especially if no special conditions or hardships to an individual property exist; and the sign regulations were adopted to provide the business community an equal and fair opportunity to advertise. As previously stated, on other businesses in the area have received approvals for the number of signs and sizes of signs requested.

If the Variance is approved, each sign will require a separate Sign Permit, and each sign will need to meet the 145 mile-per-hour wind load specifications required by the current Building Code.

RECOMMENDATION: Based upon the preceding, Staff recommends to the Board the following findings of fact for Denial:

- 1) Approving the variance request will be contrary to the public interest in that it will be contrary to at least Sections 64-11.8.c.(2), 64-11.8.c.(2)(b), and 64-11.8.c.(2)(g) of the Zoning Ordinance regarding signage;
- 2) Special conditions do not appear to exist in such a way that a literal enforcement of the provisions of the chapter will result in unnecessary hardship since there is no justification provided for the requested seven (7) signs; 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 there are no other 100-foot tall high-rise signs, or businesses with such excessive amounts of signage, within the vicinity of the subject site.

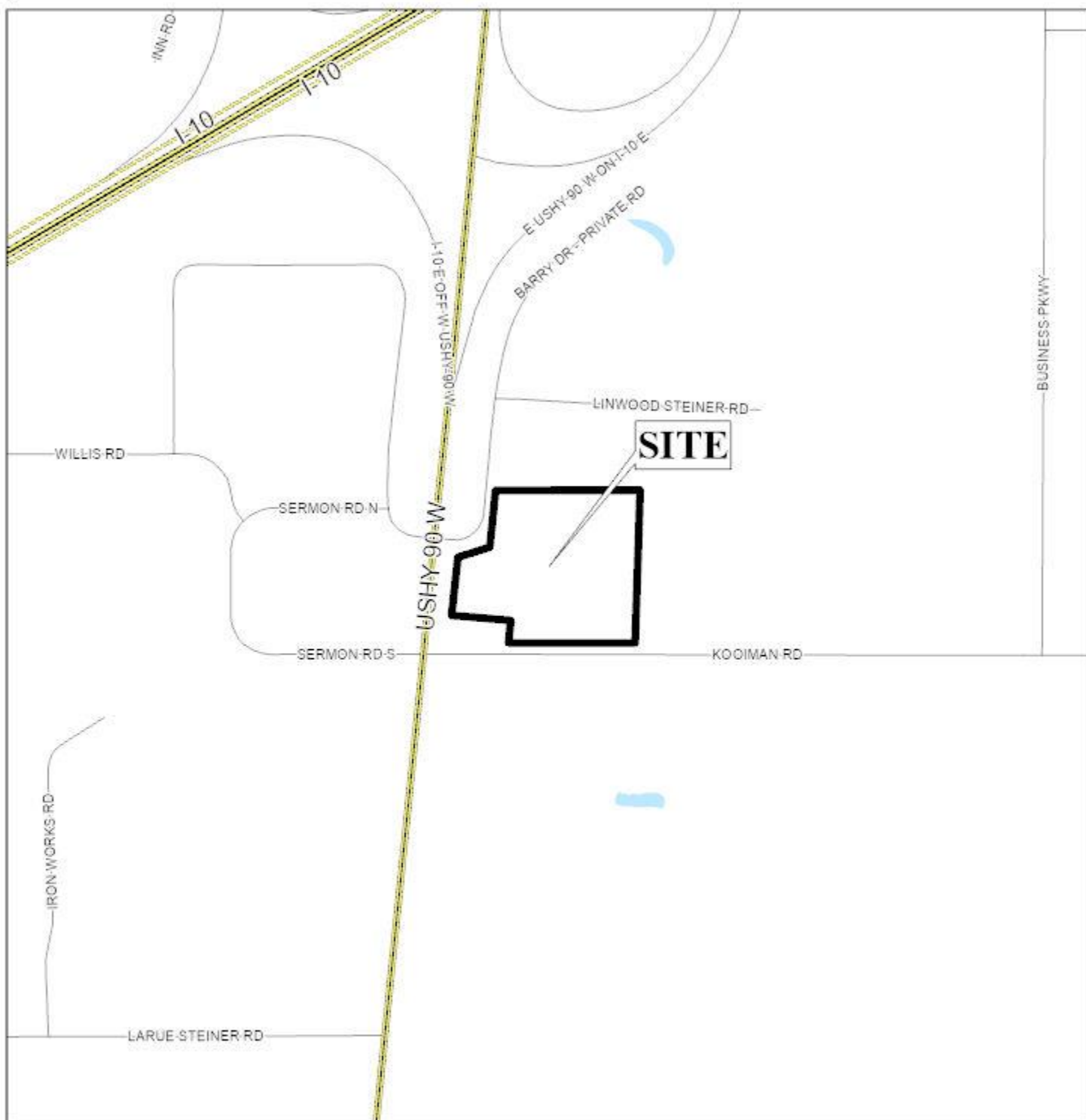
Revised for the August 1, 2022 meeting:

The application was heldover from the July 11, 2022 meeting as the applicant was unable to attend. No changes have been made to the request, and no additional information has been received; as such, the original recommendation remains applicable.

RECOMMENDATION: *Based upon the preceding, Staff recommends to the Board the following findings of fact for Denial:*

- 1) *Approving the variance request will be contrary to the public interest in that it will be contrary to at least Sections 64-11.8.c.(2), 64-11.8.c.(2)(b), and 64-11.8.c.(2)(g) of the Zoning Ordinance regarding signage;*
- 2) *Special conditions do not appear to exist in such a way that a literal enforcement of the provisions of the chapter will result in unnecessary hardship since there is no justification provided for the requested seven (7) signs; 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 there are no other 100-foot tall high-rise signs, or businesses with such excessive amounts of signage, within the vicinity of the subject site.*

LOCATOR MAP



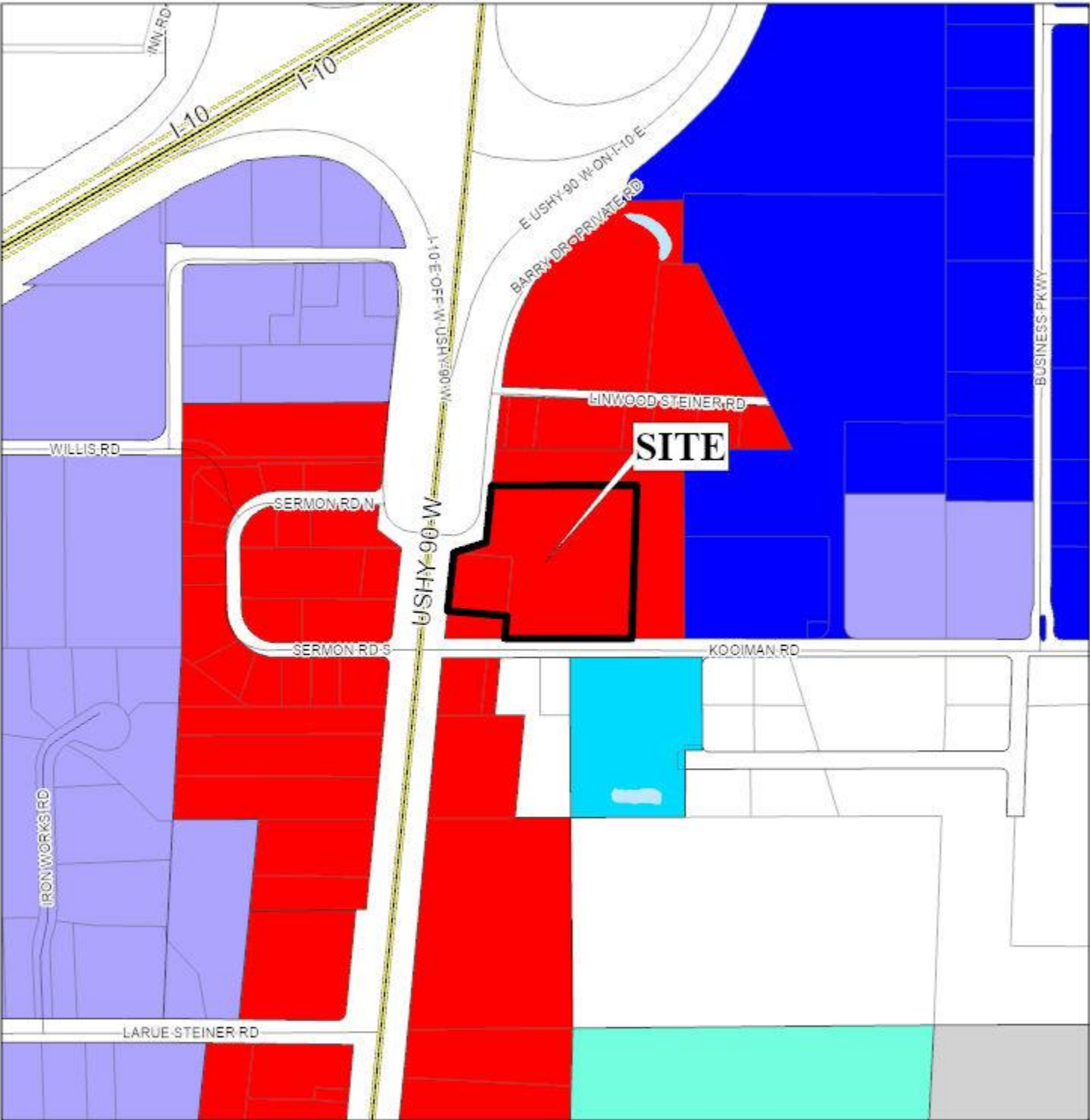
APPLICATION NUMBER 6461 DATE August 1, 2022

APPLICANT Erik Eckhart

REQUEST Sign Variance



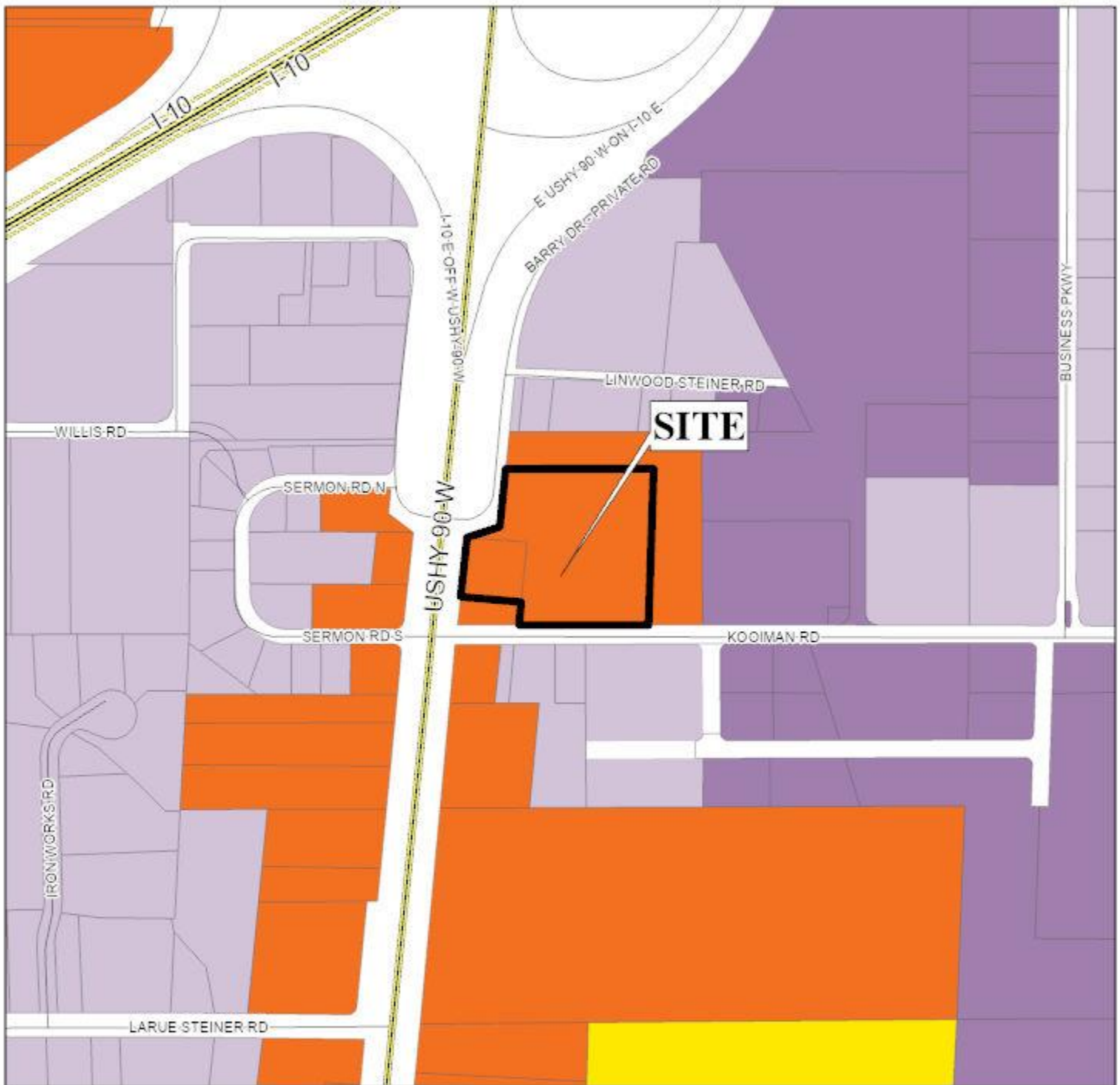
LOCATOR ZONING MAP



APPLICATION NUMBER 6461 DATE August 1, 2022
APPLICANT Erik Eckhart
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FLUM LOCATOR MAP



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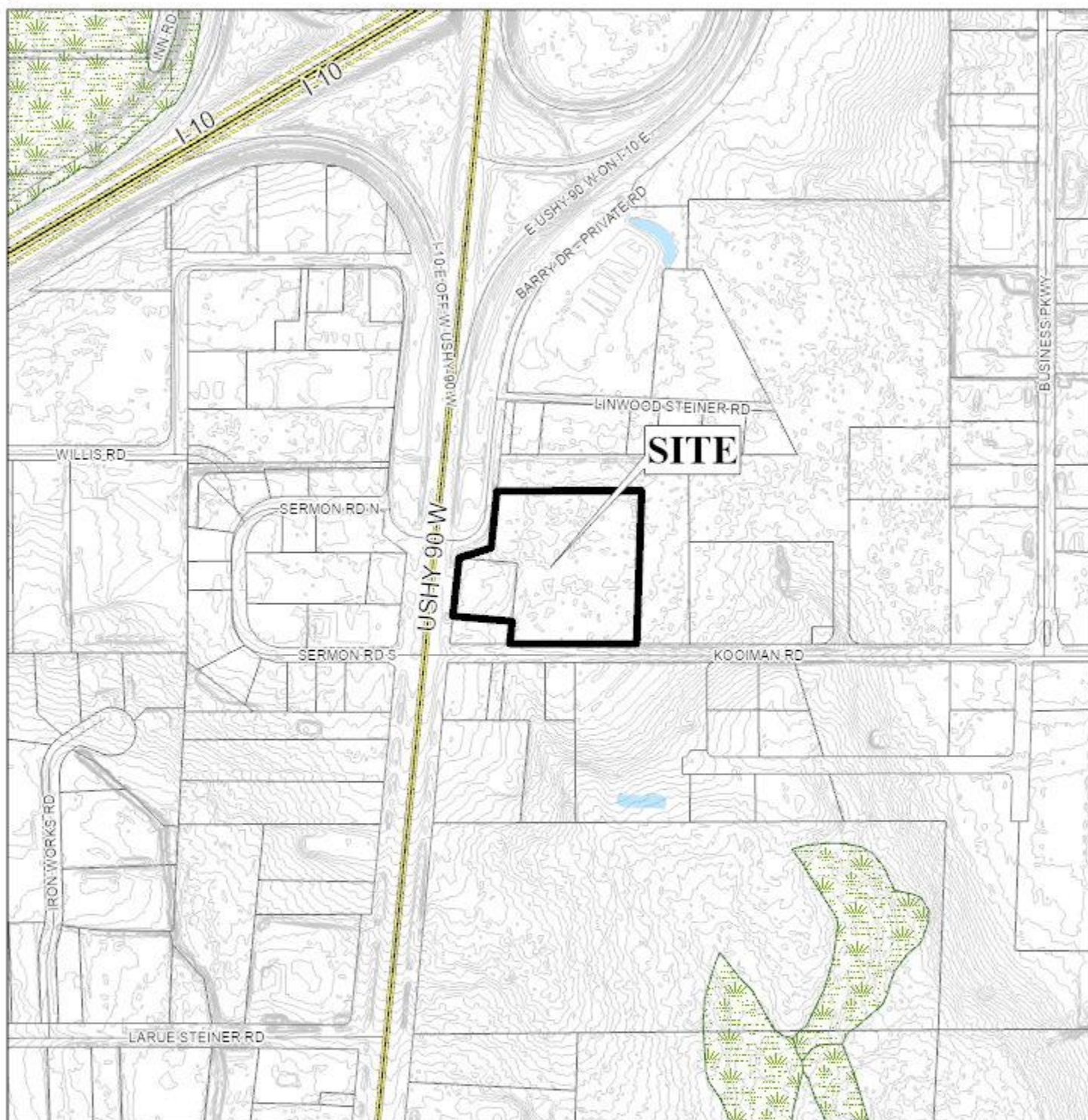
REQUEST Sign Variance

Layer2

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



ENVIRONMENTAL LOCATOR MAP



APPLICATION NUMBER 6461 DATE August 1, 2022

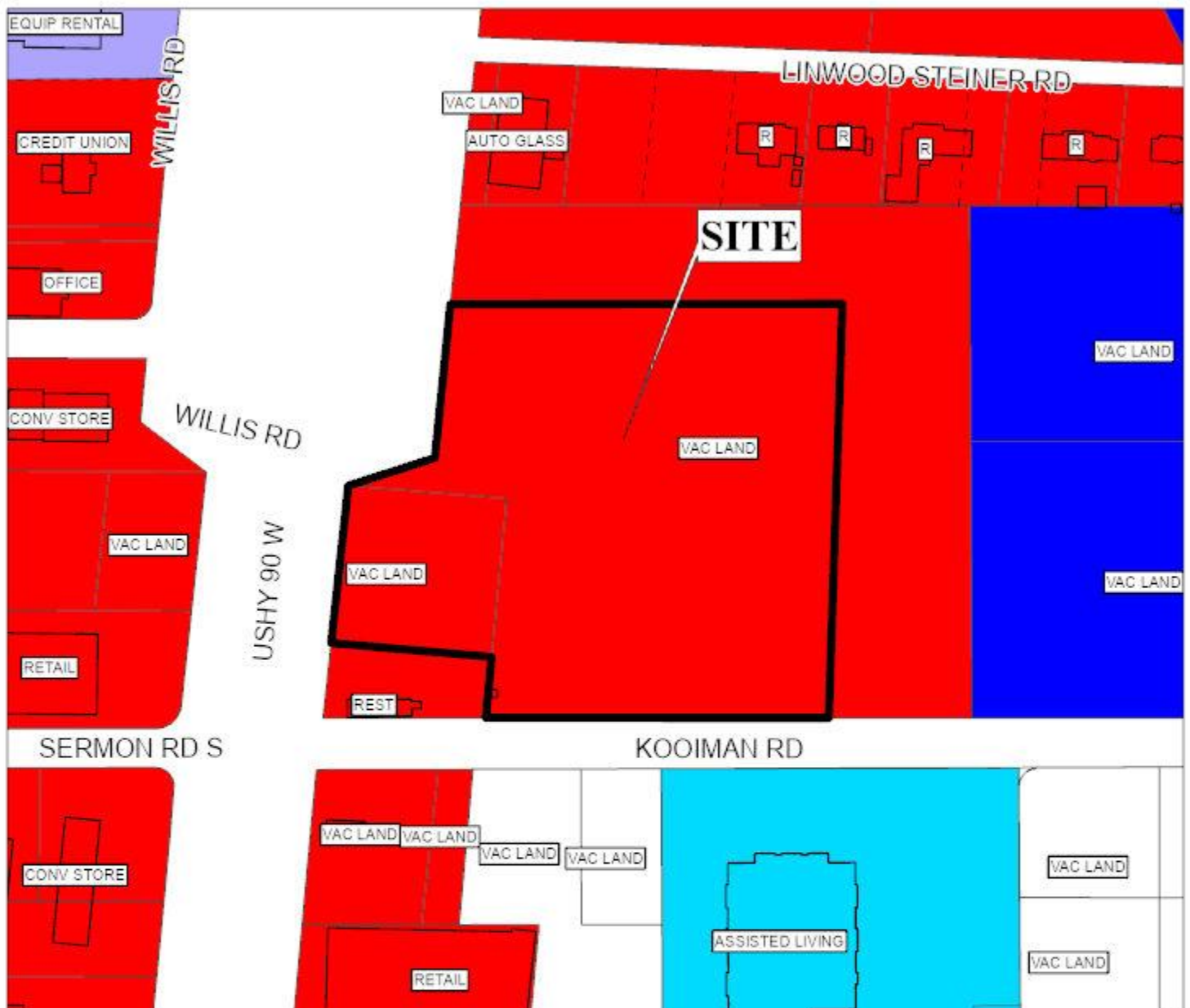
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BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



This site is surrounded by commercial units, with residential units to the south.

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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

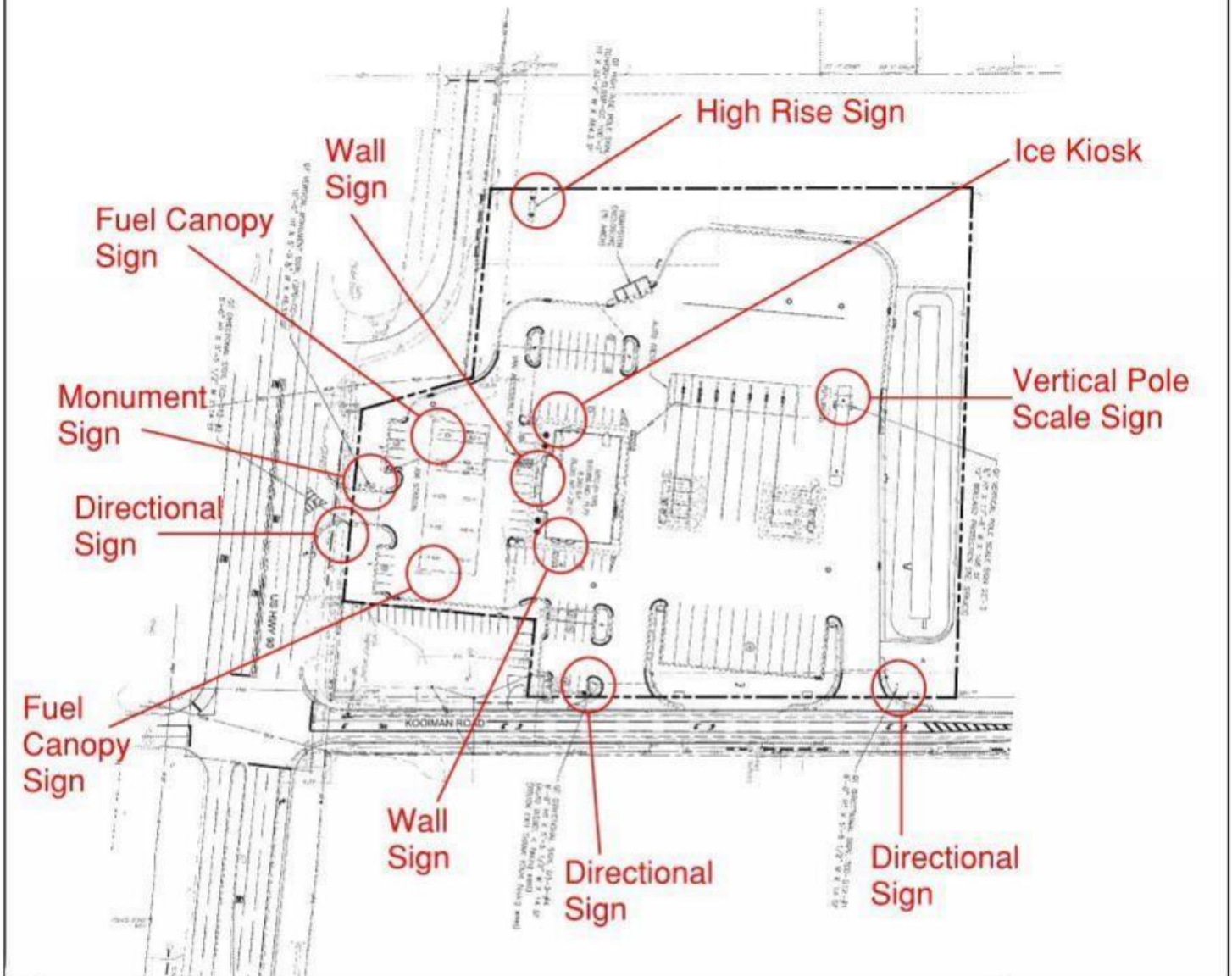


This site is surrounded by commercial units, with residential units to the south.

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SITE PLAN



This site illustrates the proposed building, signs and parking.

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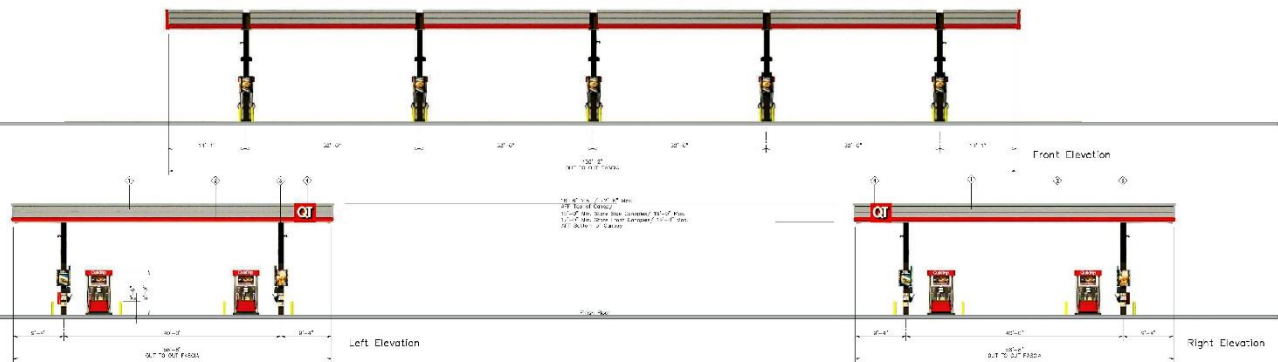
APPLICANT Erik Eckhart

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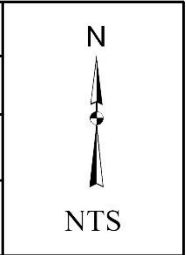


NTS

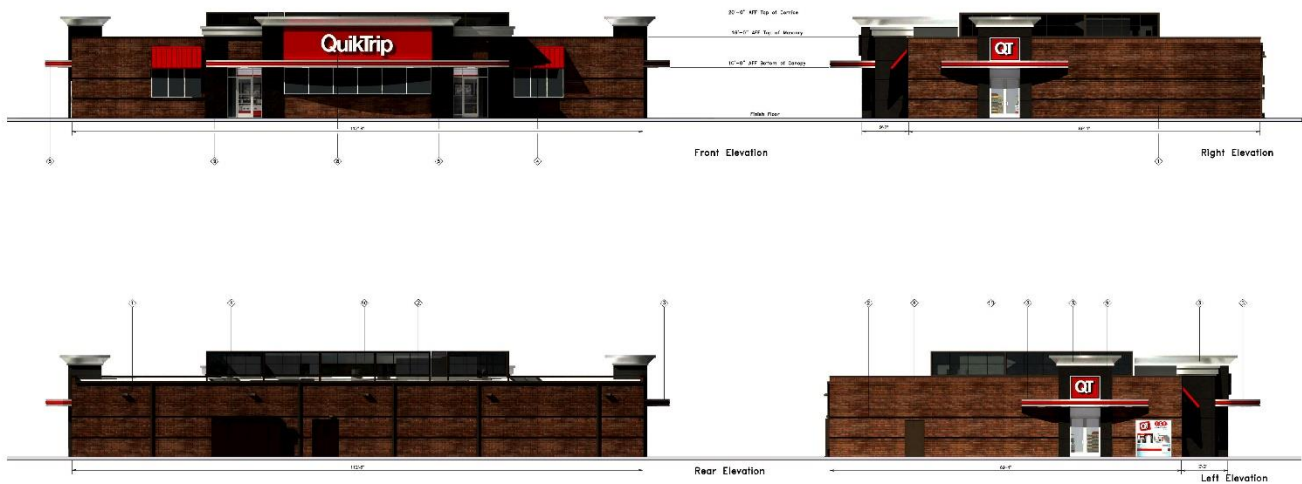
DETAIL SITE PLAN 1



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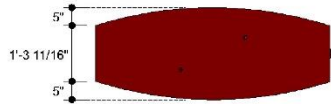
DETAIL SITE PLAN 2



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APPLICANT Erik Eckhart
REQUEST Sign Variance



DETAIL SITE PLAN 3



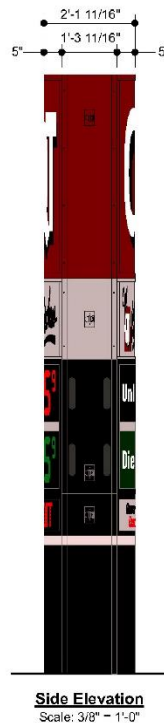
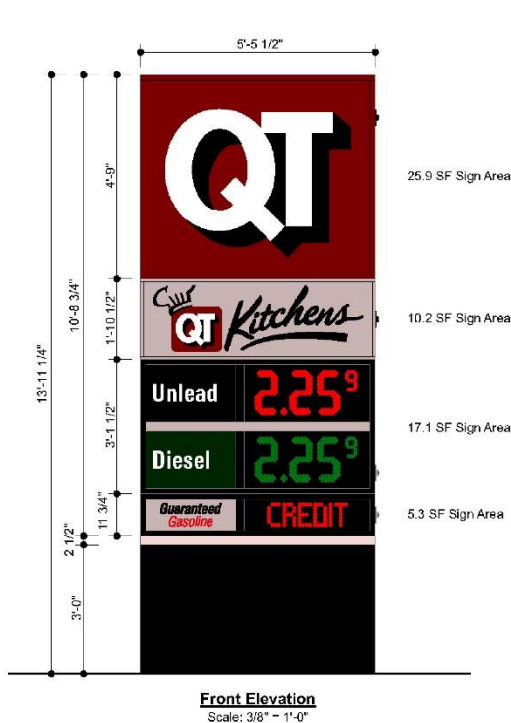
Top View

XXXX -MV-E2PGQ-CC-59 Vertical Monument Sign

- QT Kitchens
- Two (2) Product LED Gas Price Sign with Cash & Credit
- 58.6 Square Feet Sign Area

Notes:

- 1.) Engineering provided by QT.
- 2.) Steel supports provided by sign installer.



Color Specifications

All Paint Finishes to be Akzo Nobel

- Opaque Silver
- Translucent White
- Black - Low Gloss
- Matte White (Interior of Sign)
- Match 3M Cardinal Red #3632-53
- Match PMS 349C

Regarding Fabrication Fit & Finish of All QT Signs:

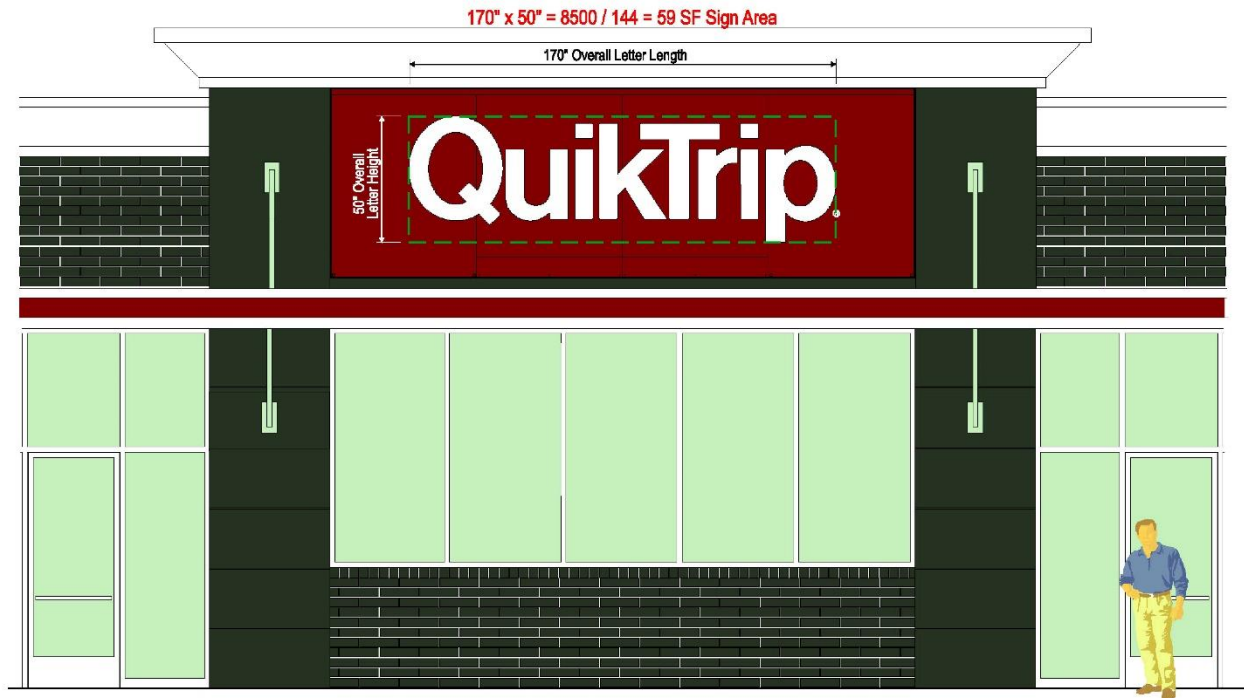
- Visible fabrication seams and welded joints are to be sanded smooth, filled and finished to QT specifications.
- Any visible fasteners are to be countersunk and have painted heads.
- Face retainers must fit flush and have even, minimal seams.
- Any variation from this directive must be brought to the attention of the QT Quality Control Manager without delay.

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 APPLICANT Erik Eckhart
 REQUEST Sign Variance



NTS

DETAIL SITE PLAN 4

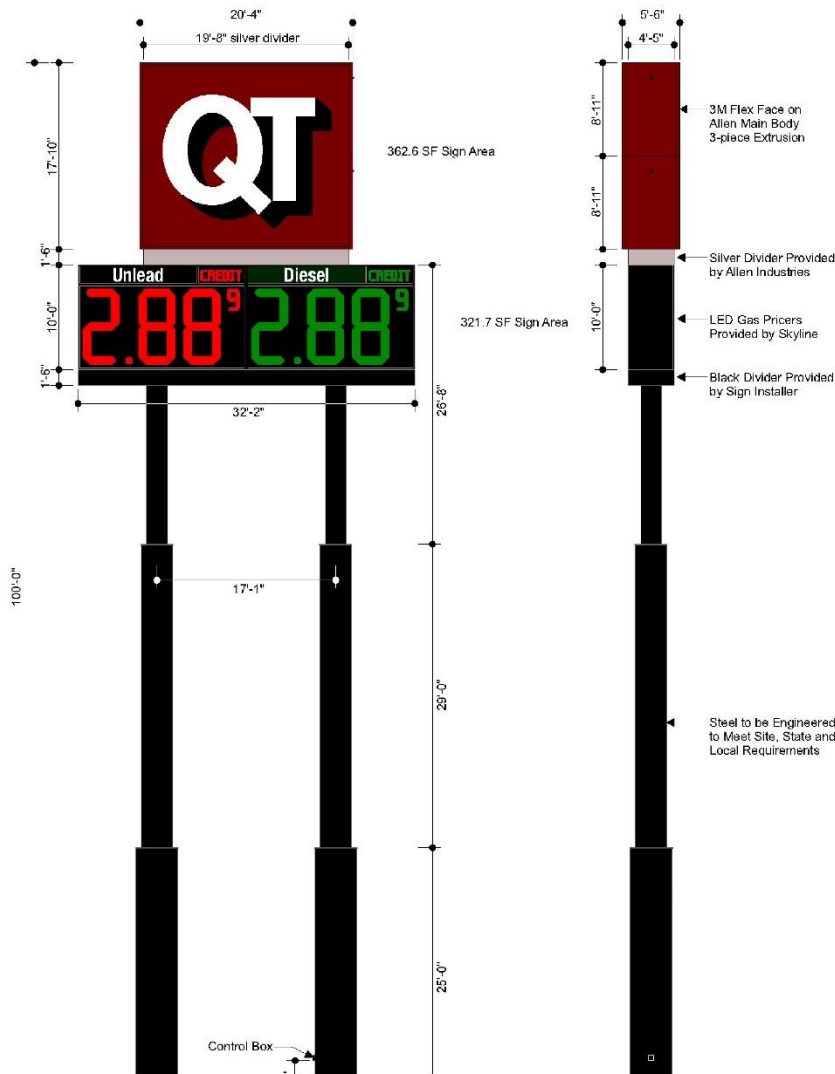


Front View - Sign Type CL-60F
Channel Letters with White LED Illuminated Poly Faces
 Scale 1/4" = 1'-0"

APPLICATION NUMBER 6461 DATE August 1, 2022
 APPLICANT Erik Eckhart
 REQUEST Sign Variance



DETAIL SITE PLAN 5



XXXX-TCHR-EL20LSSP-CC High Rise Sign

- QT Logo
- Silver Fabricated Aluminum Divider
- Two (2) Product LED Gas Price Sign
- 684.3 Square Feet Sign Area

Notes:

- 1.) Engineering provided by QT.
- 2.) Steel supports provided by QT.

Color Specifications

All Paint Finishes to be Akzo Nobel

- Opaque Silver
- Translucent White
- Black - Low Gloss
- Matte White (Interior of Sign)
- Match 3M Cardinal Red #3632-53
- Match PMS 349C

Regarding Fabrication Fit & Finish of All QT Signs:

- Visible fabrication seams and welded joints are to be sanded smooth, filled and finished to QT specifications.
- Any visible fasteners are to be countersunk and have painted heads.
- Face retainers must fit flush and have even, minimal seams.
- Any variation from this directive must be brought to the attention of the QT Quality Control Manager without delay.

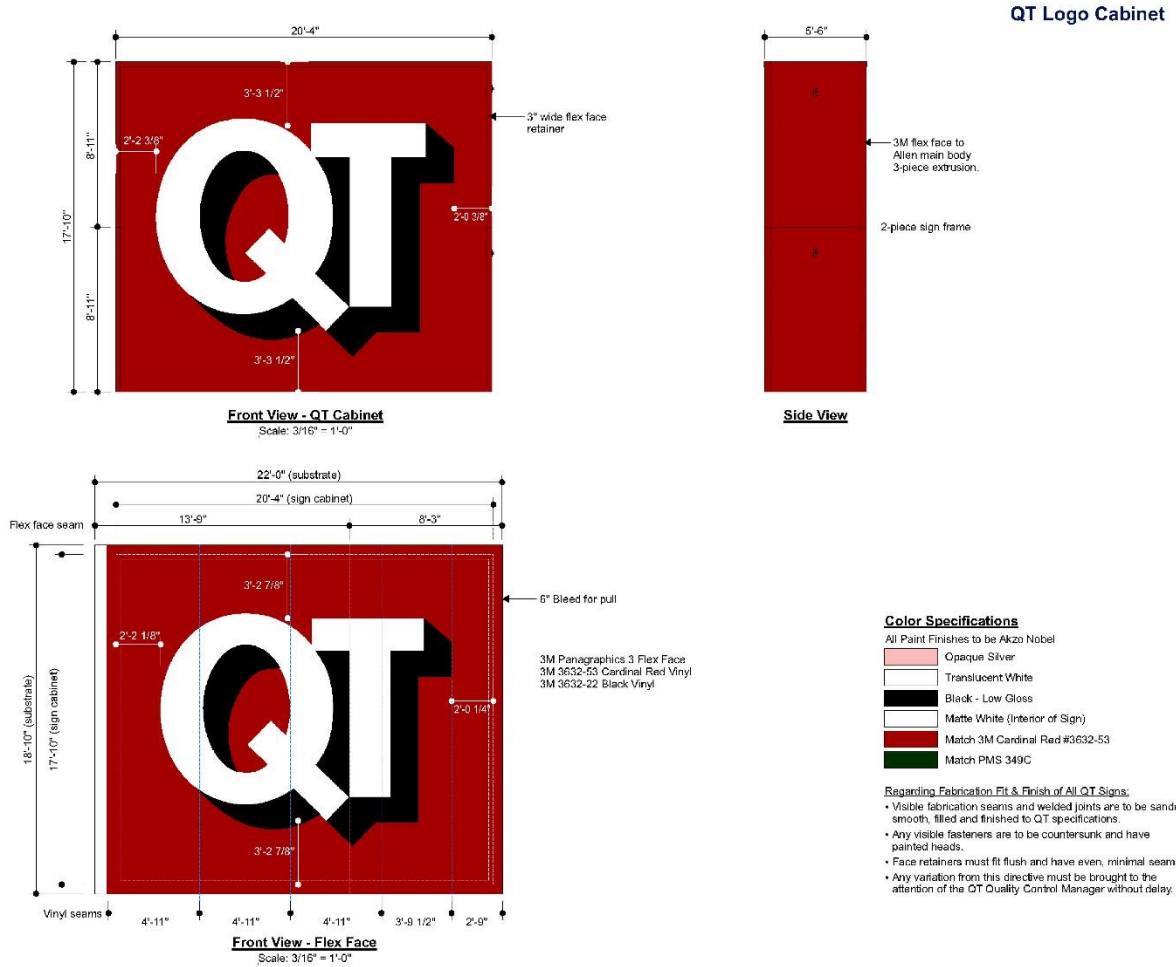
APPLICATION NUMBER 6461 DATE August 1, 2022
 APPLICANT Erik Eckhart
 REQUEST Sign Variance

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DETAIL SITE PLAN 6



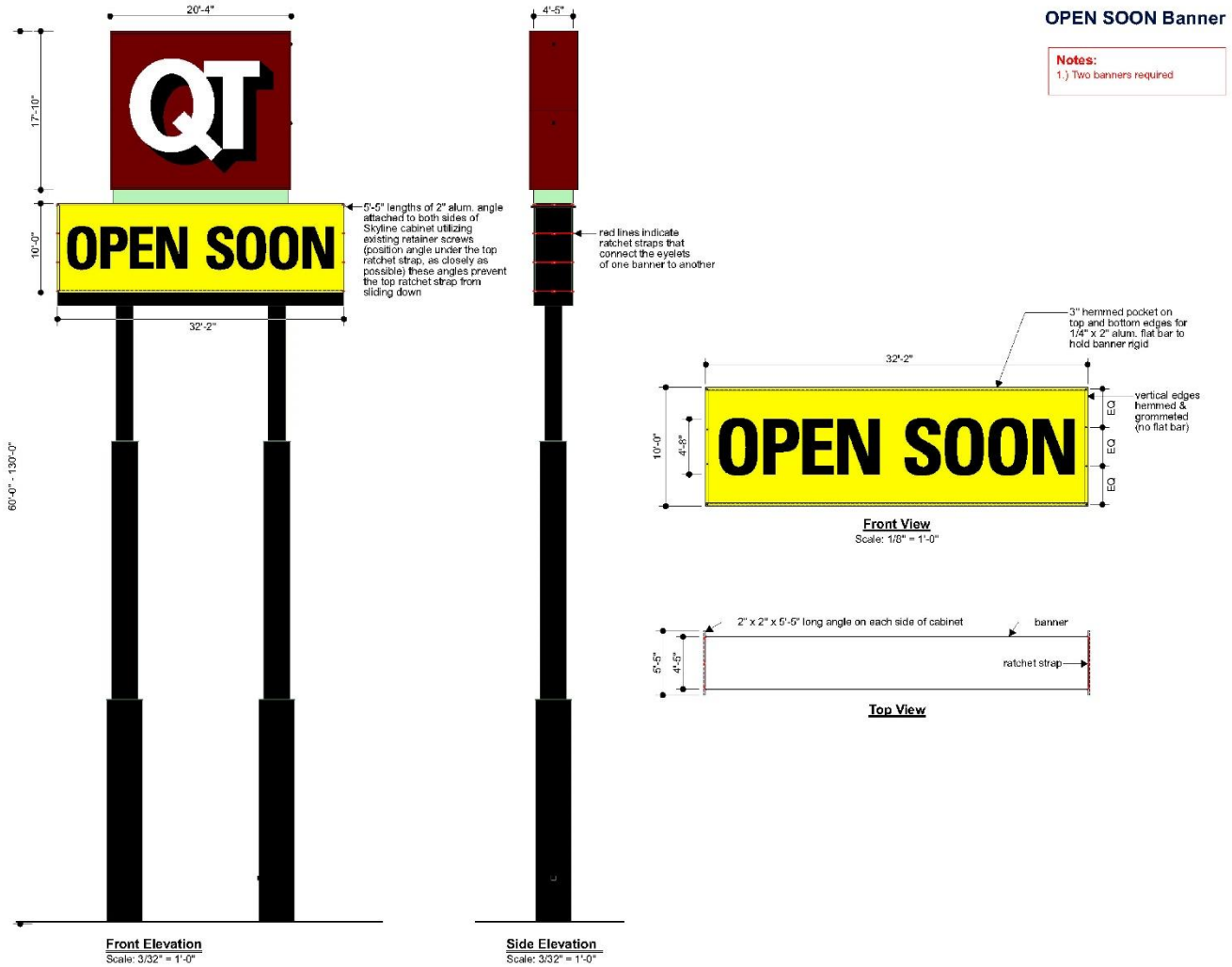
APPLICATION NUMBER 6461 DATE August 1, 2022

APPLICANT Erik Eckhart

REQUEST Sign Variance



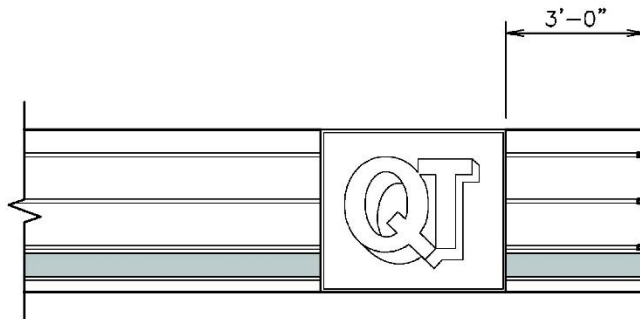
DETAIL SITE PLAN 7



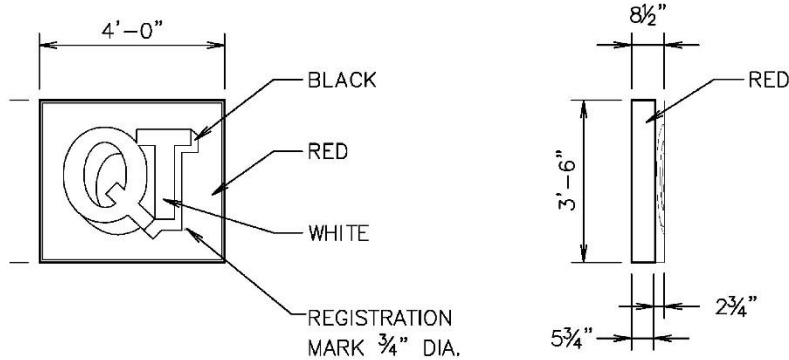
APPLICATION NUMBER 6461 DATE August 1, 2022
 APPLICANT Erik Eckhart
 REQUEST Sign Variance



DETAIL SITE PLAN 8



CANOPY ELEVATION



APPLICATION NUMBER 6461 DATE August 1, 2022
 APPLICANT Erik Eckhart
 REQUEST Sign Variance



