

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: April 2, 2018**

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|--|---|
| <b><u>CASE NUMBER</u></b>                      | 6167/6060/5557/5415   |
| <b><u>APPLICANT NAME</u></b>                   | McCrory & Williams, Inc. for MAWSS  |
| <b><u>LOCATION</u></b>                         | 4725 Moffett Road<br>(South side of Moffett Road at the South terminus of<br>Shelton Beach Road)  |
| <b><u>VARIANCE REQUEST</u></b>                 | <b>SIGN:</b> Sign Variance to allow a digital electronic message<br>center sign within 300' of residentially zoned property in a<br>B-3, Community Business District. |
| <b><u>ZONING ORDINANCE<br/>REQUIREMENT</u></b> | <b>SIGN:</b> The Zoning Ordinance does not allow digital<br>signage within 300' of any residentially zoned property in a<br>B-3, Community Business District.         |
| <b><u>ZONING</u></b>                           | B-3, Community Business   |
| <b><u>AREA OF PROPERTY</u></b>                 | 19 ± Acres  |
| <b><u>ENGINEERING<br/>COMMENTS</u></b>         | No comments   |
| <b><u>CITY COUNCIL<br/>DISTRICT</u></b>        | District 7  |

**ANALYSIS** The applicant is requesting a Sign Variance to allow a digital electronic message center sign within 300' of residentially zoned property in a B-3, Community Business District; the Zoning Ordinance does not allow digital signage within 300' of any residentially zoned property in a B-3, Community Business District.

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 appears to be given a "Mixed Commercial Corridor" 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 site most recently went before the Board of Zoning Adjustment in October 2016 to request approval to allow two wall signs for a tenant at a multi-tenant site. The request was approved. This site has recently been undergoing renovations, and additional buildings and improvements have been added to this site. The applicant now wishes to replace three sign cabinets on an existing freestanding sign with a digital electronic message sign.

The applicant states the following reasons for the variance request:

*"1. THE PURPOSE OF THIS APPLICATION IS TO ALLOW: MAWSS wants to add an illuminated LED message center to the lower portion of the existing sign on their property at the Southeast corner of Moffett Road and Forest Hill Drive.*

2. WHAT ARE THE CONDITIONS ITEMS FACTS OR REASONS WHICH PREVENT YOU FROM COMPLYING WITH THE REQUIREMENTS OF THE ZONING ORDINANCE? *The current sign complies with the requirements of the Zoning Ordinance but MAWSS would like to add an illuminated LED message center to the lower portion of the existing sign to provide more information to their clients.*

3. HOW DID THE CONDITIONS, ITEMS, FACTS OR REASONS WHICH PREVENT YOU FROM COMPLYING WITH THE REQUIREMENTS OF THE ZONING ORDINANCE OCCUR? *The Zoning Ordinance does not currently allow illuminated lights without a sign variance.*

4. HOW IS THIS PROPERTY DIFFERENT FROM THE NEIGHBORING PROPERTIES?

*This property is at the Southeast corner of Moffett Road and Forest Hill Drive and also at the South terminus of Shelton Beach Road Extension. All four corners of this intersection operate as commercial properties. The proposed illuminated message center will be installed on the lower portion of the existing sign. The size of this property and the location of the existing sign will limit/prevent an impact the illuminated message center will have on the residential property behind the building to the South and along the East side of the property."*

Within the 300' buffer of the proposed sign, the site is bounded to the Northwest by R-1, Single-Family Residential zoned property (although the property is utilized by MAWSS as a water treatment plant); to the Northeast by B-2, Neighborhood Business District; and to the East, South, and West by the remainder of the site, in a B-3 District.

Although there does not appear to be any specific hardship associated with the property regarding the need for the digital message sign, this site as well as other sites within the vicinity have received approvals for numerous variance requests such as use and additional signage, all within the area and immediate vicinity. Also, the fact that this area is commercially developed along this portion of Moffett Road (including the R-1 zoned property within 300' of the proposed sign), would tend to lead towards a favorable consideration of the request. The Board has been favorable to this site for previous request, and this request would seem appropriate for approval as well.

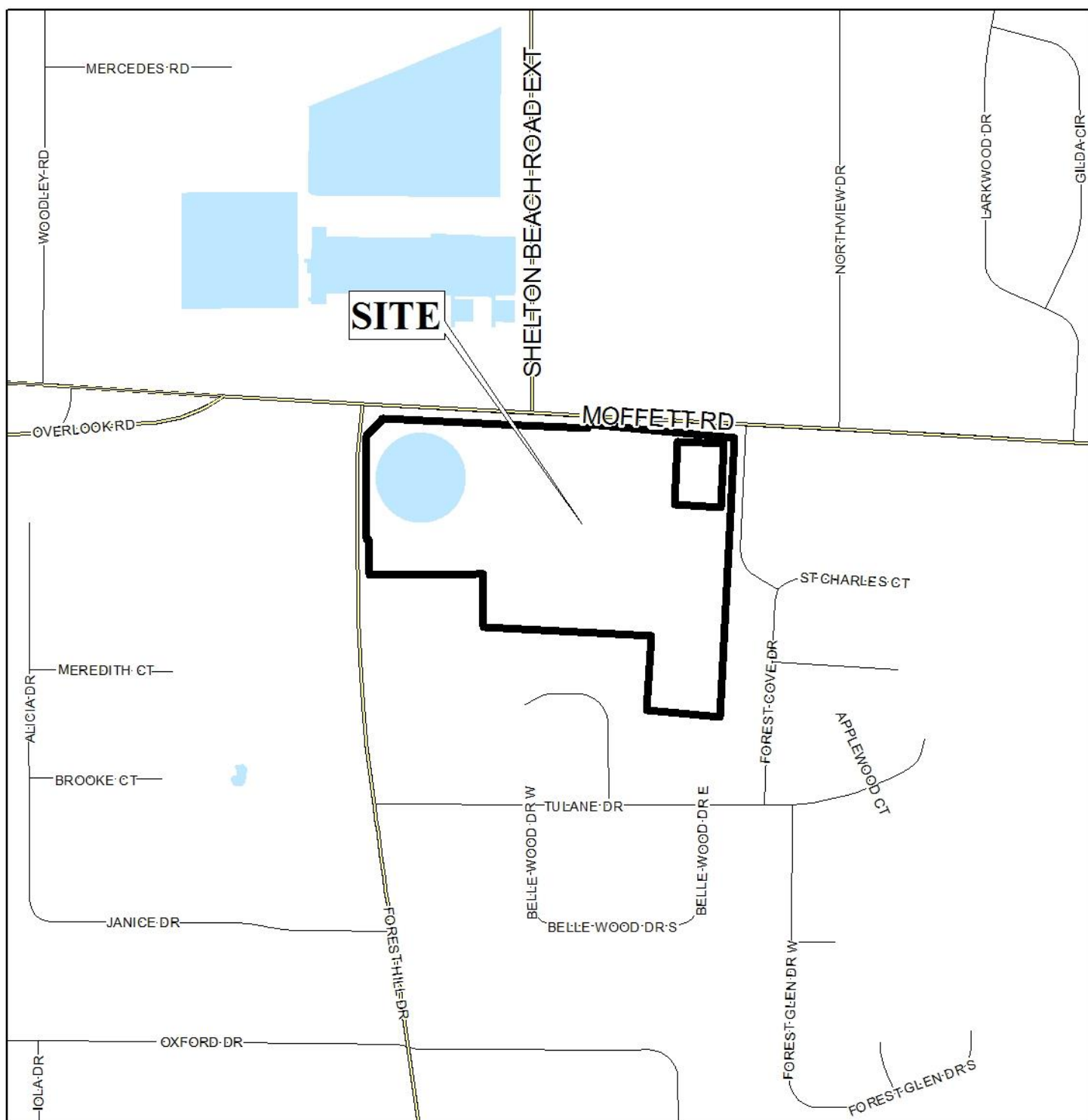
**RECOMMENDATION:** Staff recommends to the Board the following findings of facts for Approval:

- 1) approving the variance will not be contrary to the public interest in that the digital sign although within 300' of residentially zoned property, will not be within 300' of residentially utilized property;
- 2) special conditions exist and there are hardships which exist, including the fact that the only R-1 zoned property within 300' of the sign has been and will continue to be used as a water treatment plant, such that a literal enforcement of the chapter will result in an unnecessary hardship: and
- 3) the spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance because proposed digital message board will not be a detriment to the surrounding neighborhoods due to the commercial development within the area, and the distance of residentially utilized properties.

Therefore, this application is recommended for approval, subject to the following conditions:

- 1) completion of the of sign permit process; and
- 2) full compliance with all other municipal codes and ordinances.

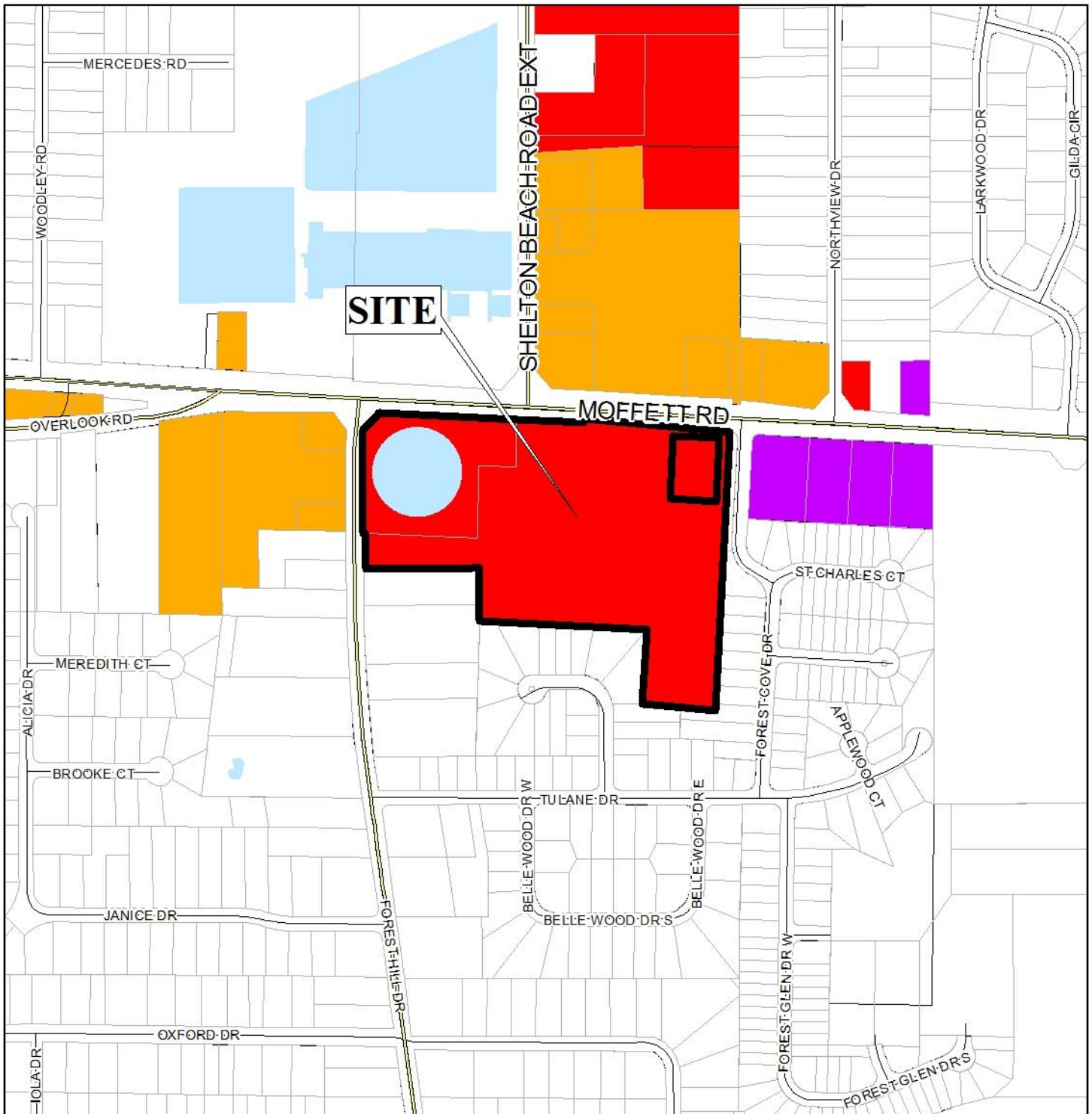
# LOCATOR MAP



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# LOCATOR ZONING MAP

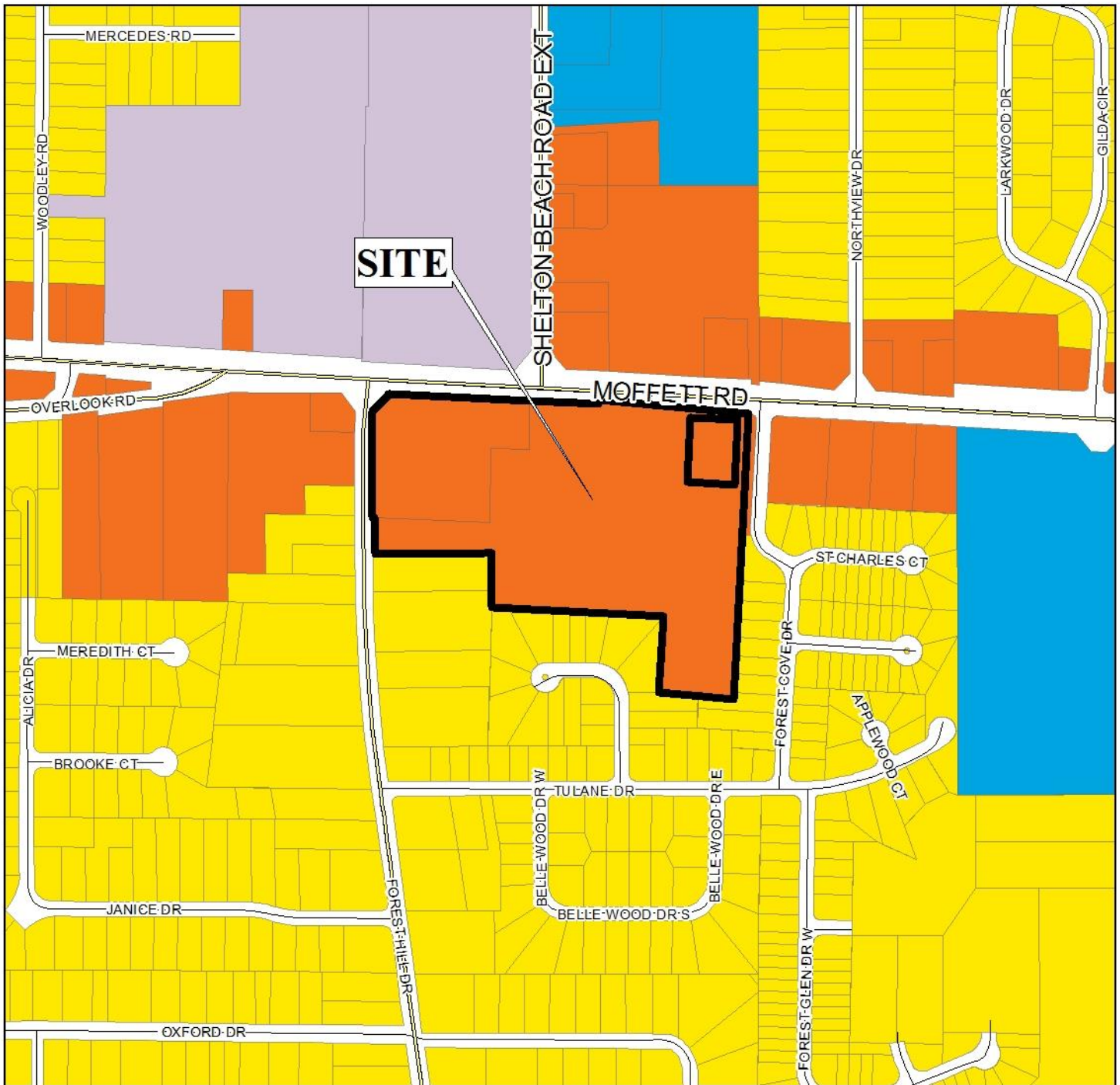


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# FLUM LOCATOR MAP



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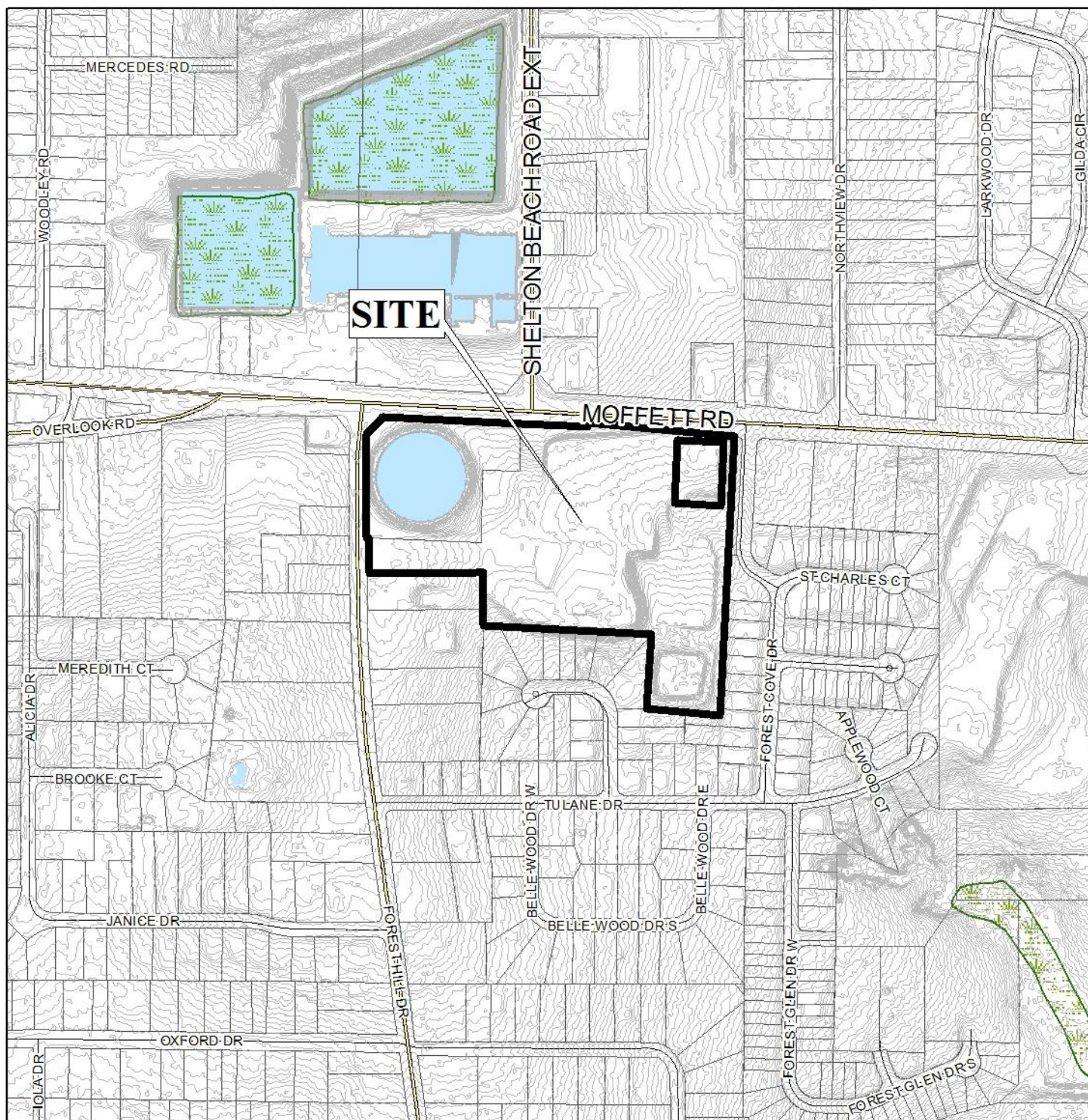
REQUEST Sign Variance

|                           |                                   |                     |                    |
|---------------------------|-----------------------------------|---------------------|--------------------|
| 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

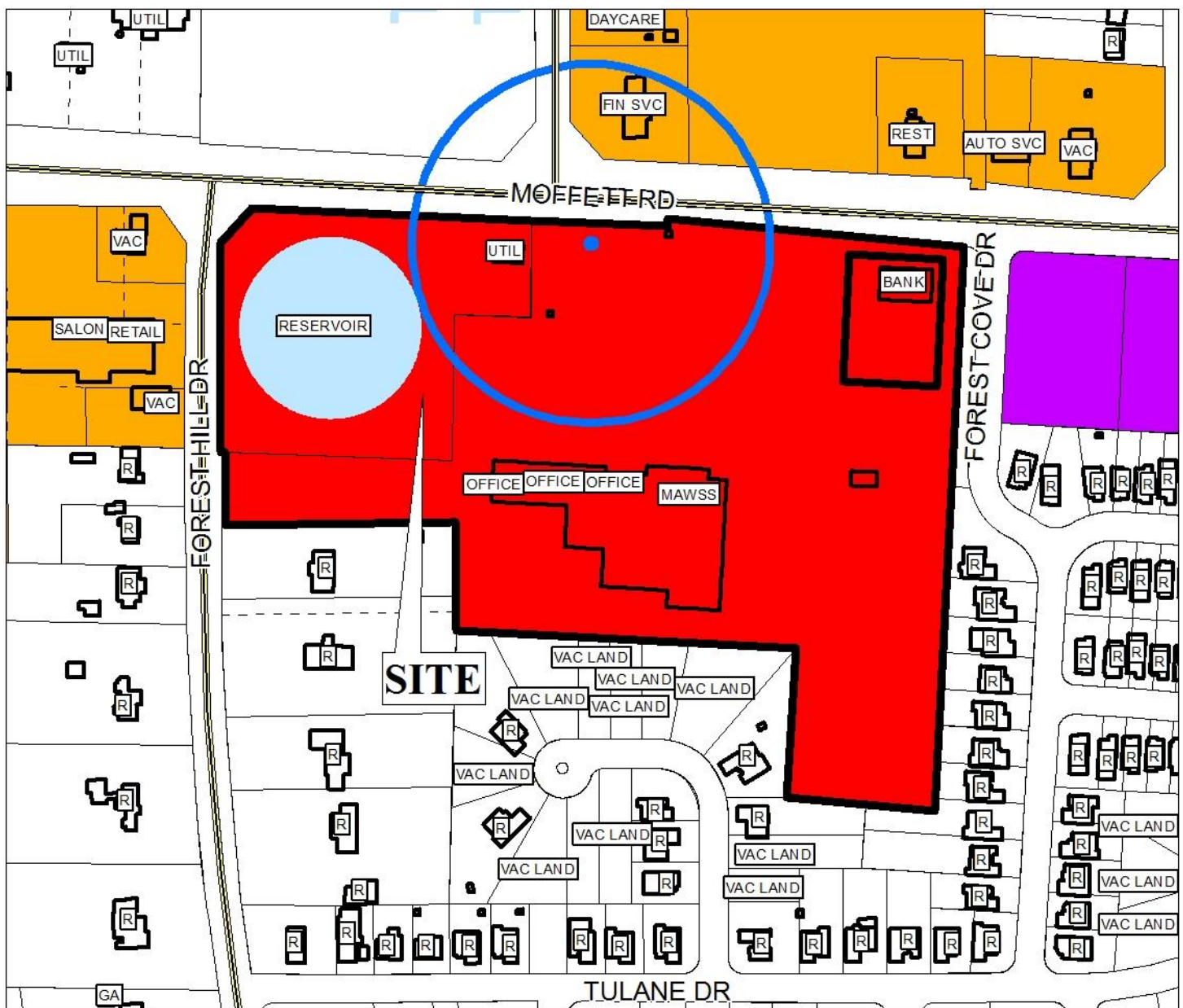


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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units to the south, and commercial units to the north.

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REQUEST Sign Variance

|     |     |      |     |     |      |       |      |
|-----|-----|------|-----|-----|------|-------|------|
| 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 residential units to the south, and commercial units to the north.

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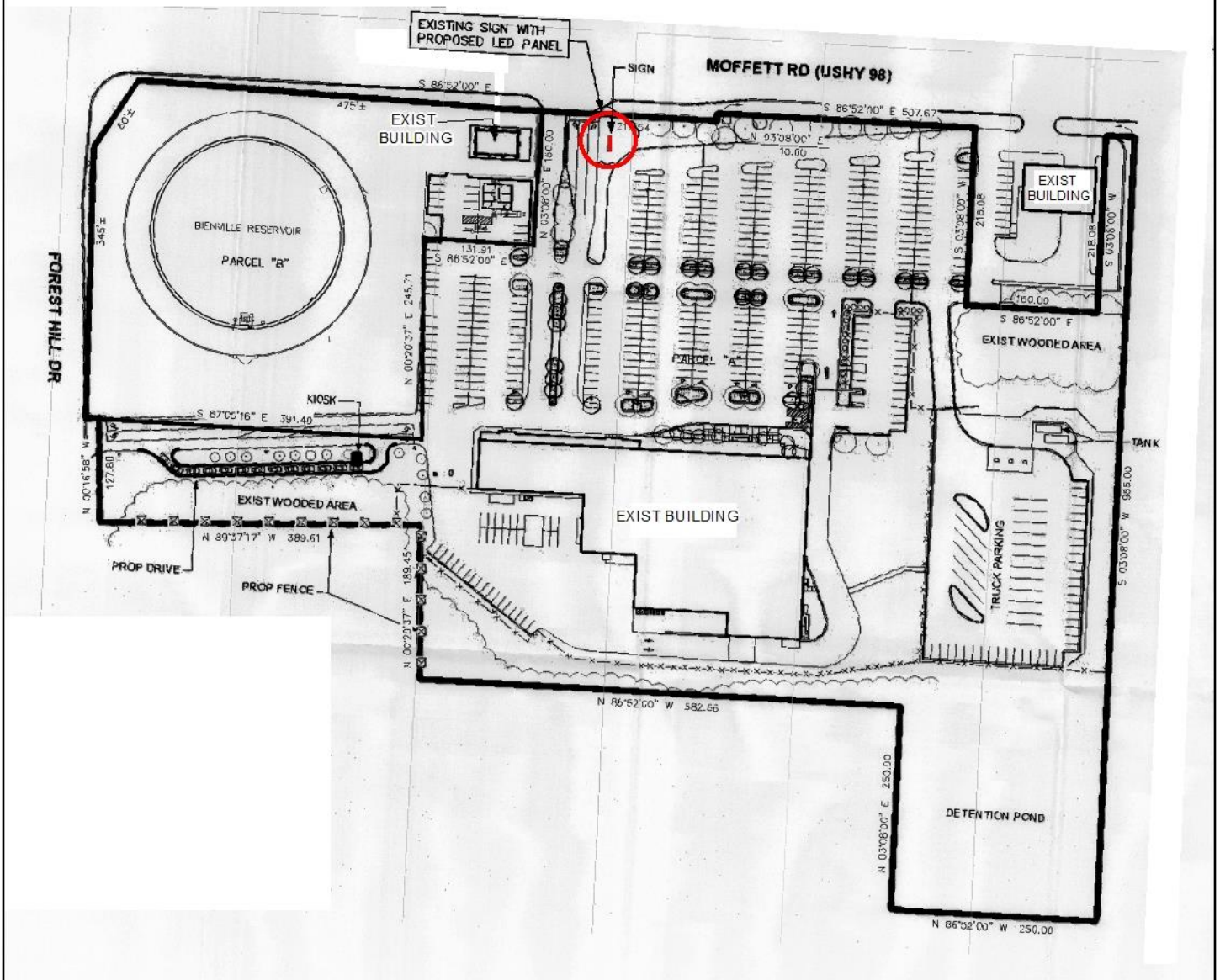
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# SITE PLAN



The site plan illustrates the proposed buildings, parking, and proposed sign location.

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## DETAIL SITE PLAN



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## DETAIL SITE PLAN



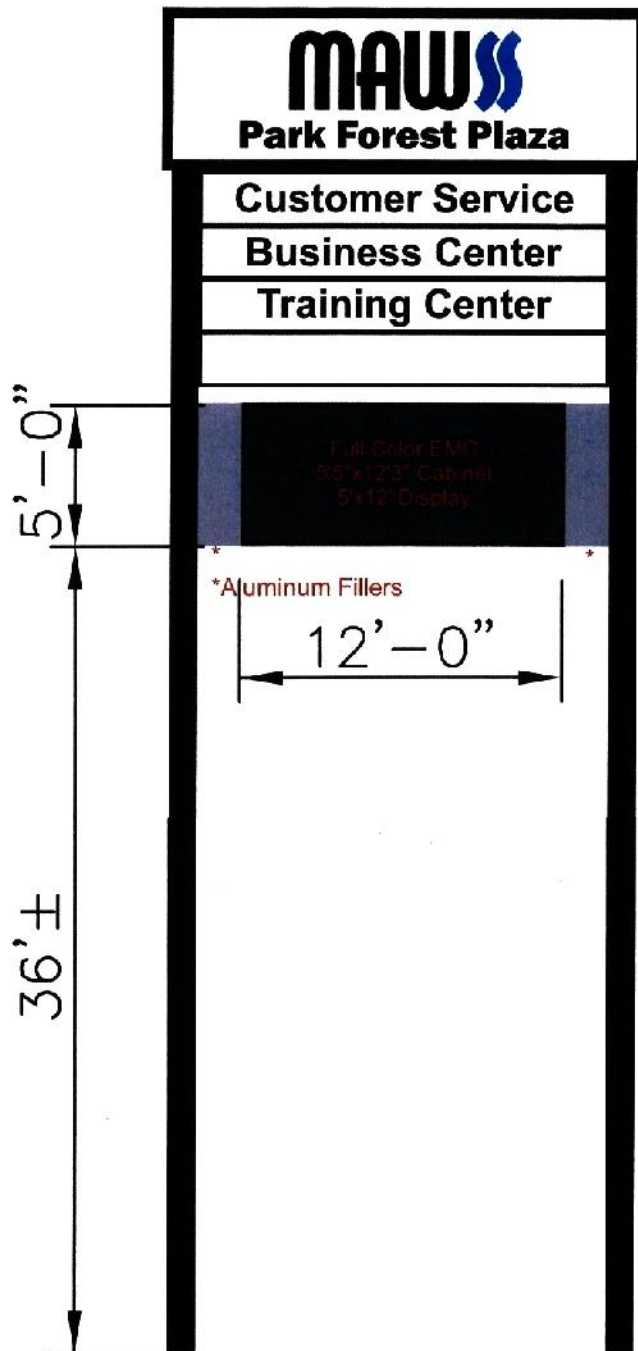
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