

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: June 7, 2021**

<u>CASE NUMBER</u>	6384
<u>APPLICANT NAME</u>	Scott Services Company
<u>LOCATION</u>	64 North Royal Street (Southeast corner of North Royal Street and St. Michael Street).
<u>VARIANCE REQUEST</u>	SIGN: Sign Variance to allow two (2) individual store front wall signs for a business in a T-6, Mixed-Use of High Intensity Sub-District of the Downtown Development District.
<u>ZONING ORDINANCE REQUIREMENT</u>	SIGN: The Zoning Ordinance limits businesses to one (1) individual store front wall sign in a T-6, Mixed-Use of High Intensity Sub-District of the Downtown Development District.
<u>ZONING</u>	T-6, Mixed-Use of High Intensity Sub-District of the Downtown Development District.
<u>AREA OF PROPERTY</u>	0.1± Acre
<u>ENGINEERING COMMENTS</u>	No comments.
<u>TRAFFIC ENGINEERING COMMENTS</u>	No comments.
<u>CITY COUNCIL DISTRICT</u>	District 2

ANALYSIS The applicant is requesting a Sign Variance to allow two (2) individual store front wall signs for a business in a T-6, Mixed-Use of High Intensity Sub-District of the Downtown Development District; the Zoning Ordinance limits businesses to one (1) individual store front wall sign in a T-6, Mixed-Use of High Intensity Sub-District of the Downtown Development District.

The site has been given a Downtown (DT) 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.

Downtown is called out as a separate land use designation due to its distinct role, layout and fabric.

As a land use district, Downtown (DT) is the ultimate mixed-use environment. Land development and redevelopment will emphasize variety, mixed uses, and unity of form within buildings or complexes.

As the city's and region's center for commercial and service employment, Downtown supports intense development and a dynamic combination of uses: specialty and regional retail shopping and offices; business support services; urban housing at higher densities (starting at 10 dwelling units per acre); civic, educational and cultural destinations; entertainment options; and other public amenities including active and passive park space. The successful integration of a mix of housing types and densities will be critical to achieve a vibrant, 24/7-active Downtown Mobile.

Development in the DT district will focus on new, redeveloped and adaptively reused buildings that frame attractive, human-scaled streetscapes, memorable public spaces, bicycle and pedestrian-friendly streets and convenient transit access to jobs, housing and entertainment. Accordingly, certain areas of Downtown will be more intensively developed to facilitate that pedestrian orientation.

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 that substantial justice is 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 Regulations is 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:

Iberia Bank has had a strong presence in the downtown Mobile district for many years, and with their recent merger to First Horizon Bank, it is imperative that the new name is communicated to the clients, both present and future. Currently Iberia Bank has signage on the front elevation that measures 36" x 200", and First Horizon is proposing a new sign that measures 34" x 201" (the logo measures 18.24" and letters 15.36"), but due to drawing a box around the entire sign it increases the sign to 34" in height). The overall footprint of the new sign will match that of the existing sign.

We believe that a previous precedent has already been established with the current signage and therefore respectfully ask for the same allowance be granted with the First Horizon name change.

The applicant proposes to replace two existing signs which were permitted in 2013 prior to the adoption of the Downtown Development District (DDD). One sign faces North Royal Street on the front, and one sign faces St. Michael Street on the side. The proposed side street wall sign is compliant and has received Consolidated Review Committee (CRC) approval. Both proposed signs have received Architectural Review Board (ARB) approval. However, since only one individual store front wall sign is allowed for a business in a T-6 Sub-District, a Sign Variance must be approved to allow a second sign. And since the proposed sign would be 2'-10" high, it exceeds the height limit of two feet in a T-6 Sub-District. Therefore, a Sign Variance is required for both the allowance of a second wall sign and the height of the proposed sign. It should be pointed out that the CRC recommended that the applicant seek a Sign Variance to allow the second wall sign, and either modify it to be a compliant size, or seek relief for its proposed size via the Sign Variance.

Inasmuch as the subject site is at a public street corner, and as the sign regulation provisions of the Zoning Ordinance allowed for two wall signs prior to the adoption of the DDD, the allowance of a replacement sign would seem in order in this instance. Using the standard total width times total height "blocking-out" method to determine a sign's area, the current Iberia Bank front wall sign is approximately 51.6 square feet, and the proposed First Horizon replacement sign is approximately 47 square feet. As the name change for the sign is the result of a bank merger, and as the proposed sign would be smaller than the existing, the allowance of a smaller yet over-sized sign would not seem out of order in this instance.

The applicant has demonstrated that a literal interpretation of the signage allowances within a T-6 Mixed-Use of High Intensity Sub-District of the Downtown Development District could be considered a hardship, and the Board should consider this application for Approval.

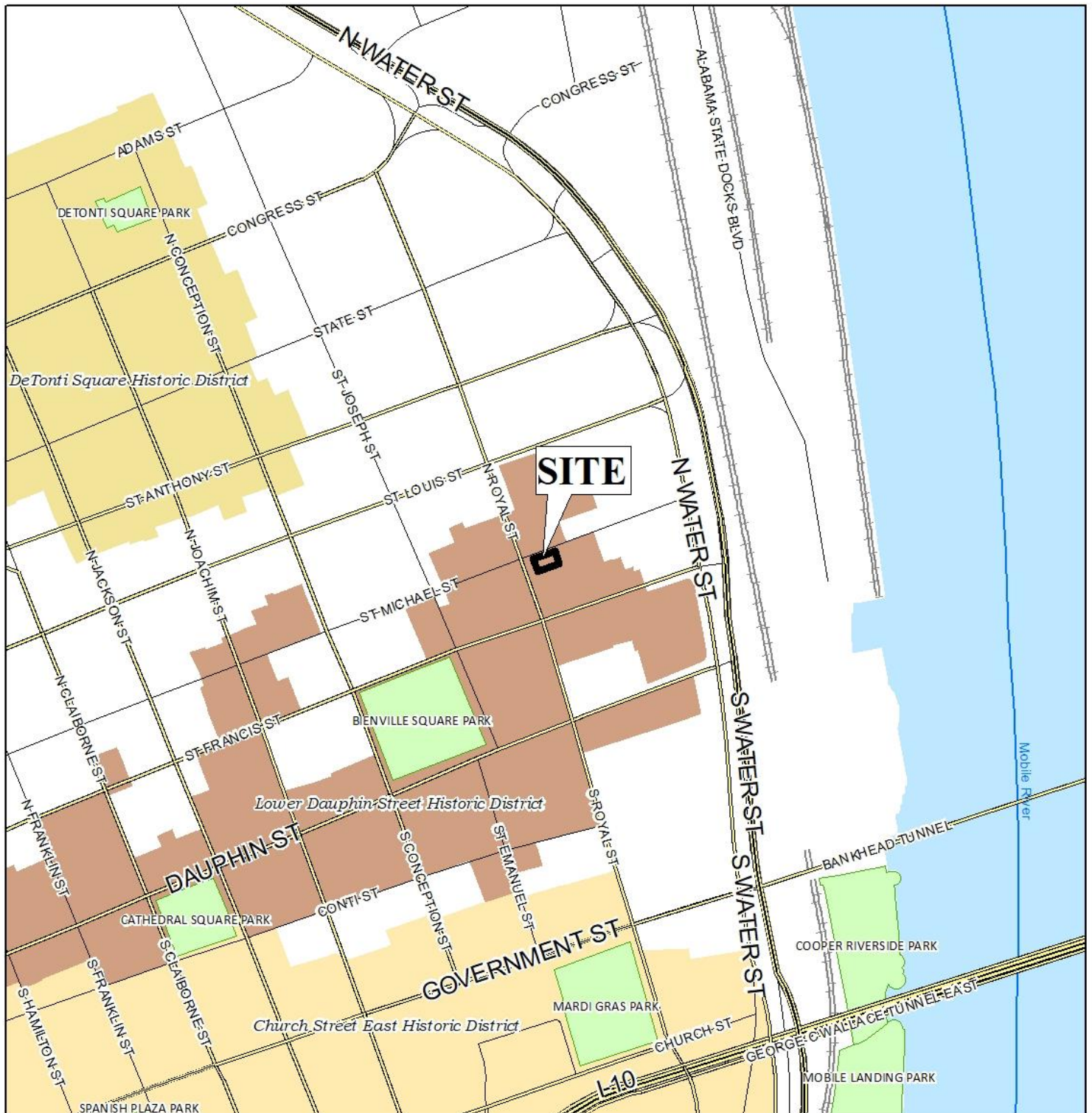
RECOMMENDATION: Staff recommends to the Board the following findings of fact for Approval:

- 1) Approving the variance will not be contrary to the public interest in that it will allow for signage replacement smaller in size than that existing on the subject site;
- 2) Special conditions (the double street frontage of the subject site) exist such that a literal enforcement of the provisions 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 applicant, the surrounding neighborhood, and the public in general by granting the variance because it will provide for easy recognition of a business name change.

The Approval is subject to the following conditions:

- 1) signage to comply with the types and sizes as submitted with this application;
- 2) obtaining of the necessary sign permits for all signage; and
- 3) full compliance with all other municipal codes and ordinances.

LOCATOR MAP



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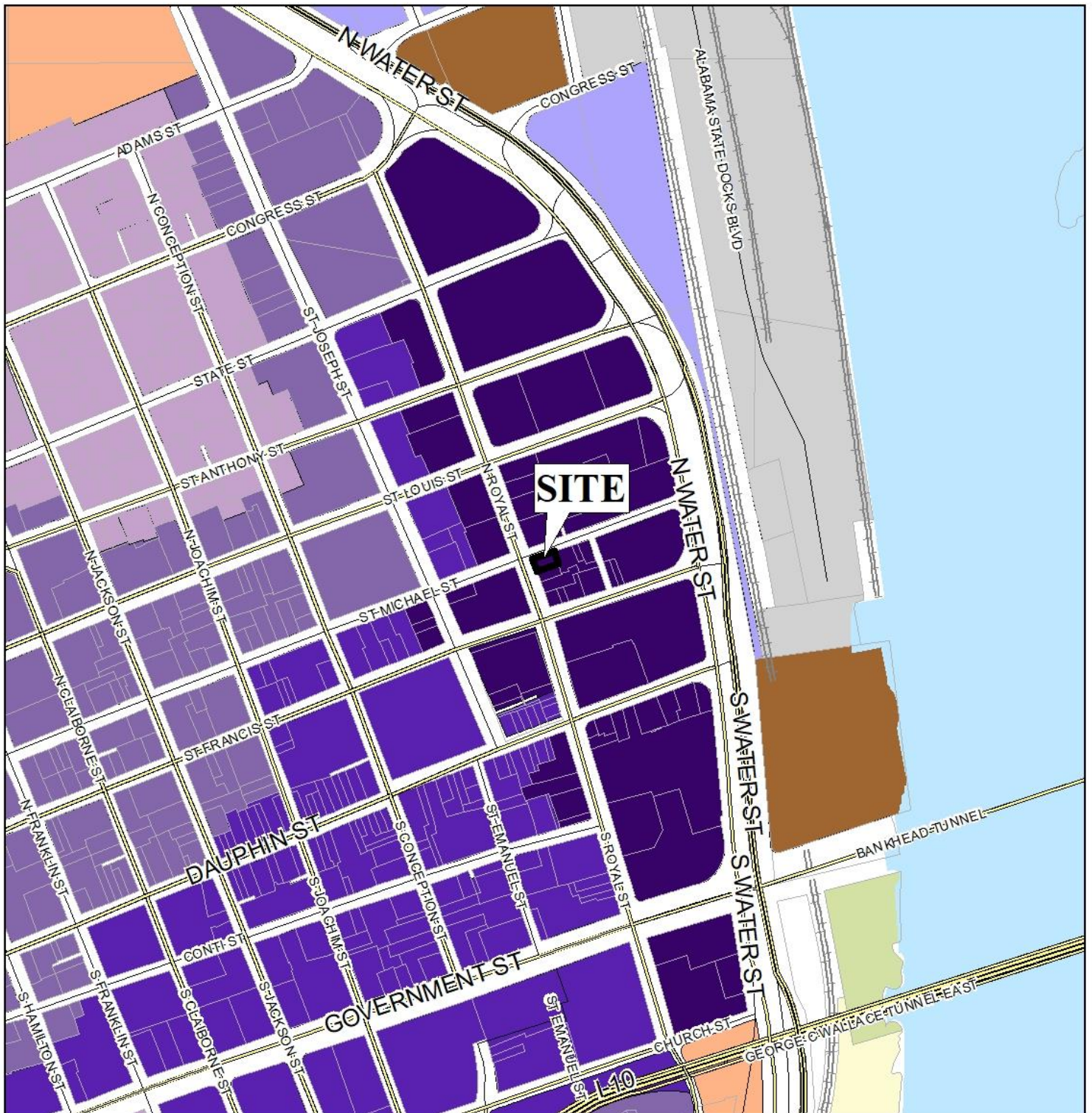
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LOCATOR ZONING MAP



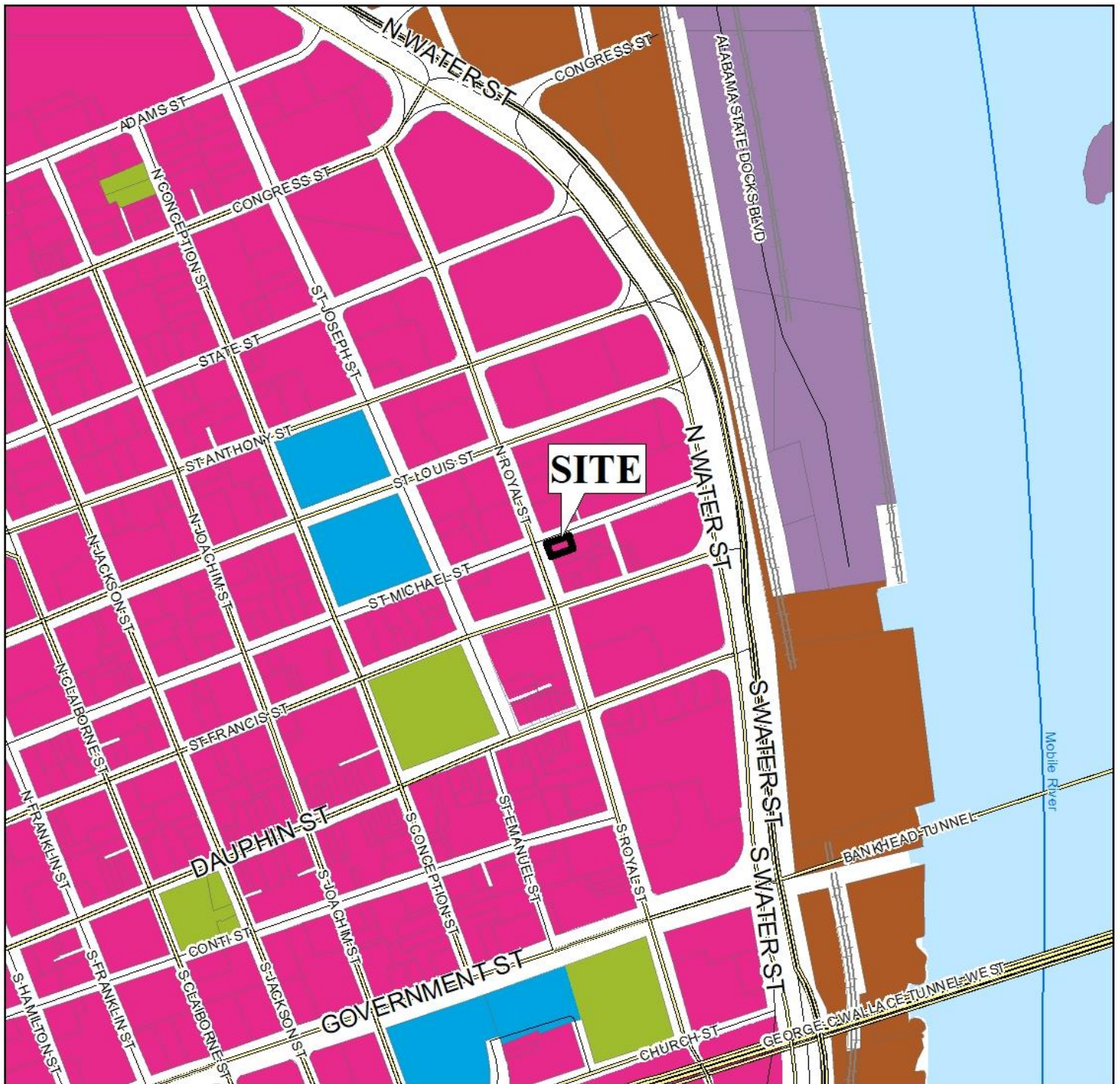
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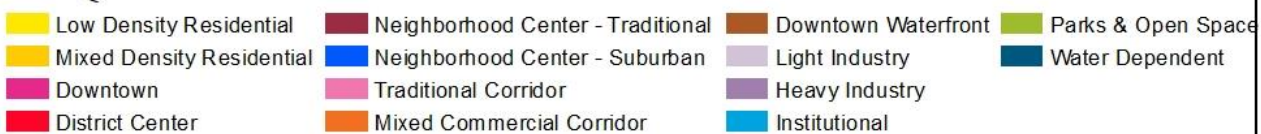
FLUM LOCATOR MAP



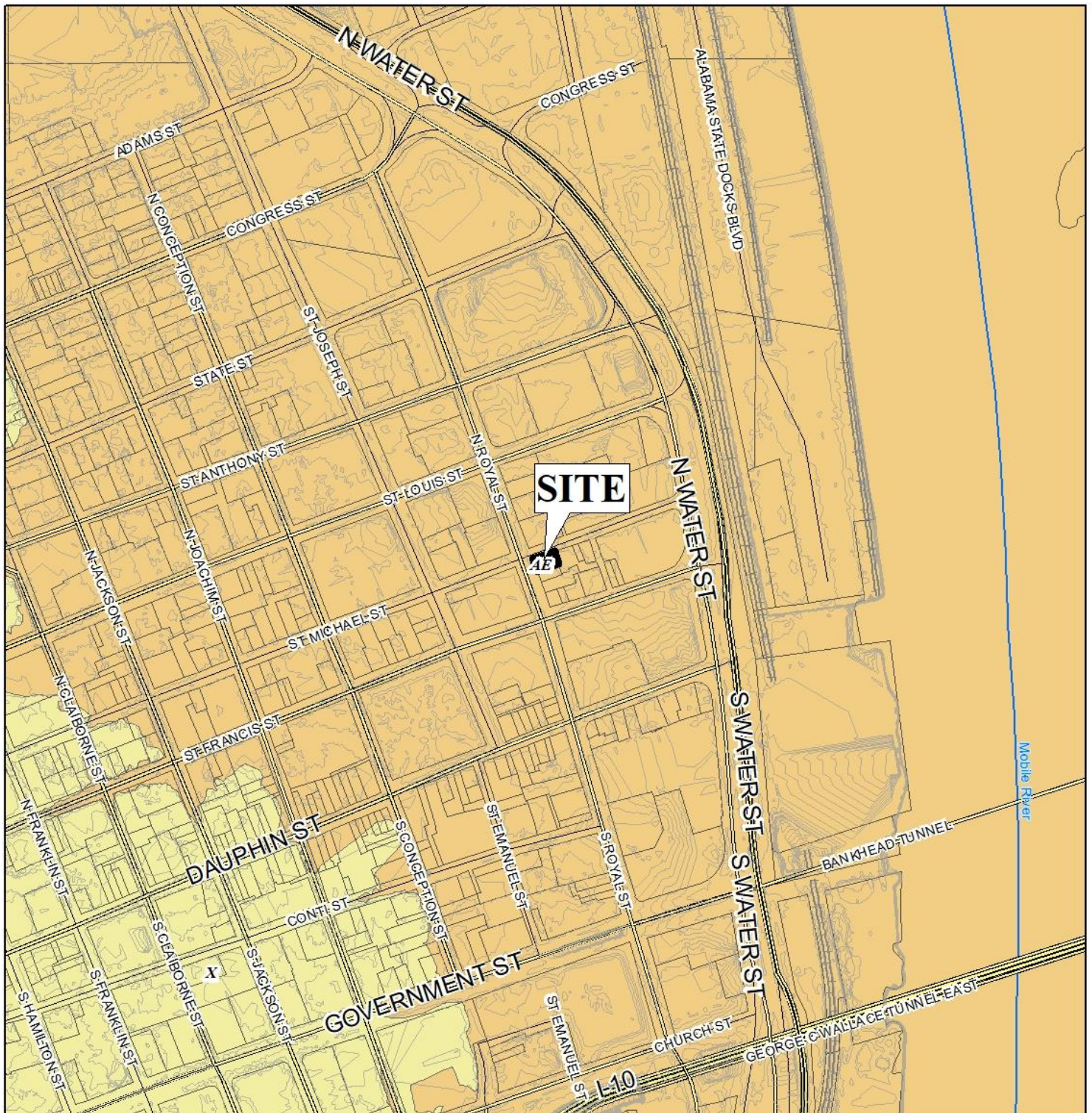
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ENVIRONMENTAL LOCATOR MAP



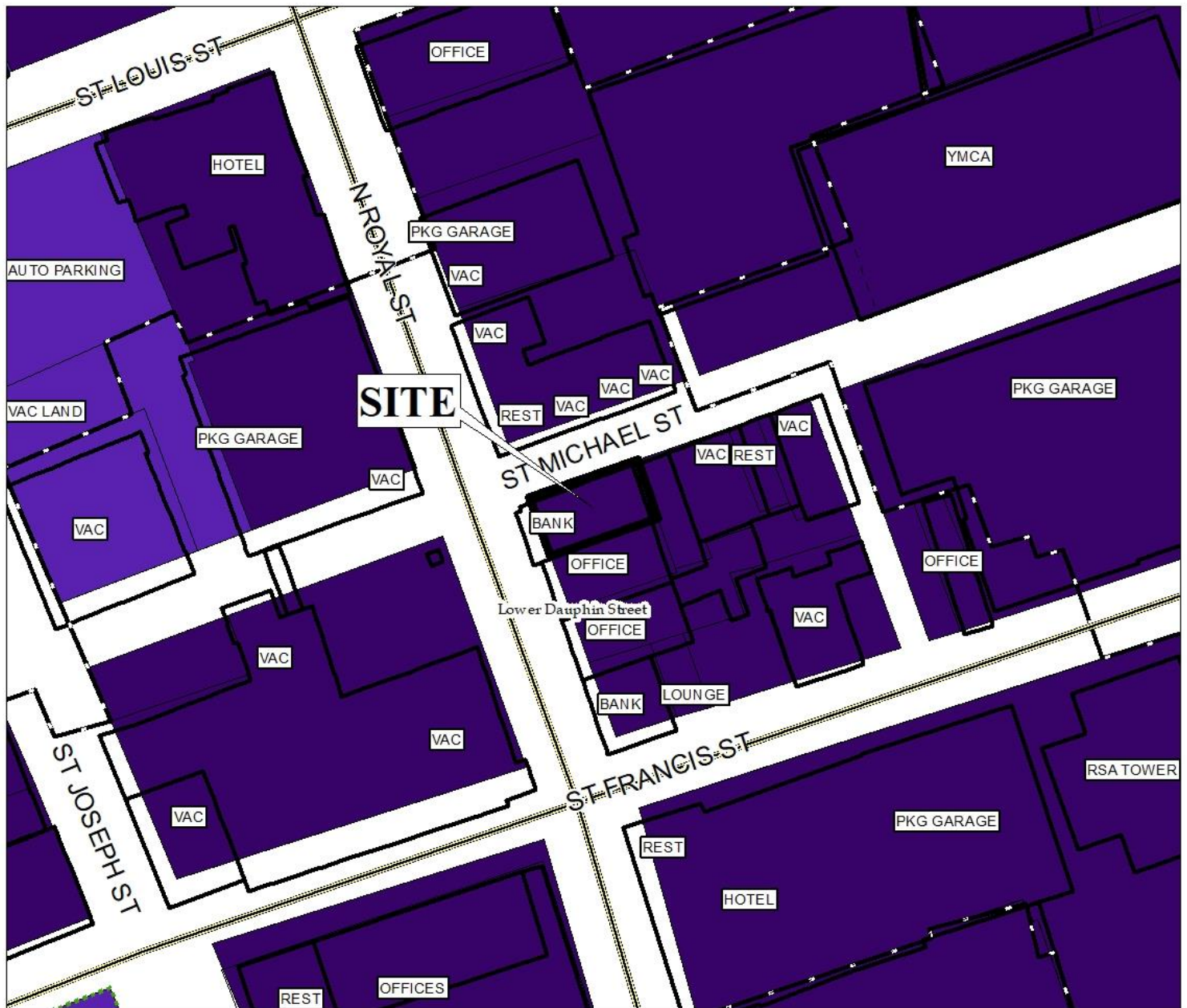
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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units, offices, vacant buildings, a parking garage and a non-profit youth center.

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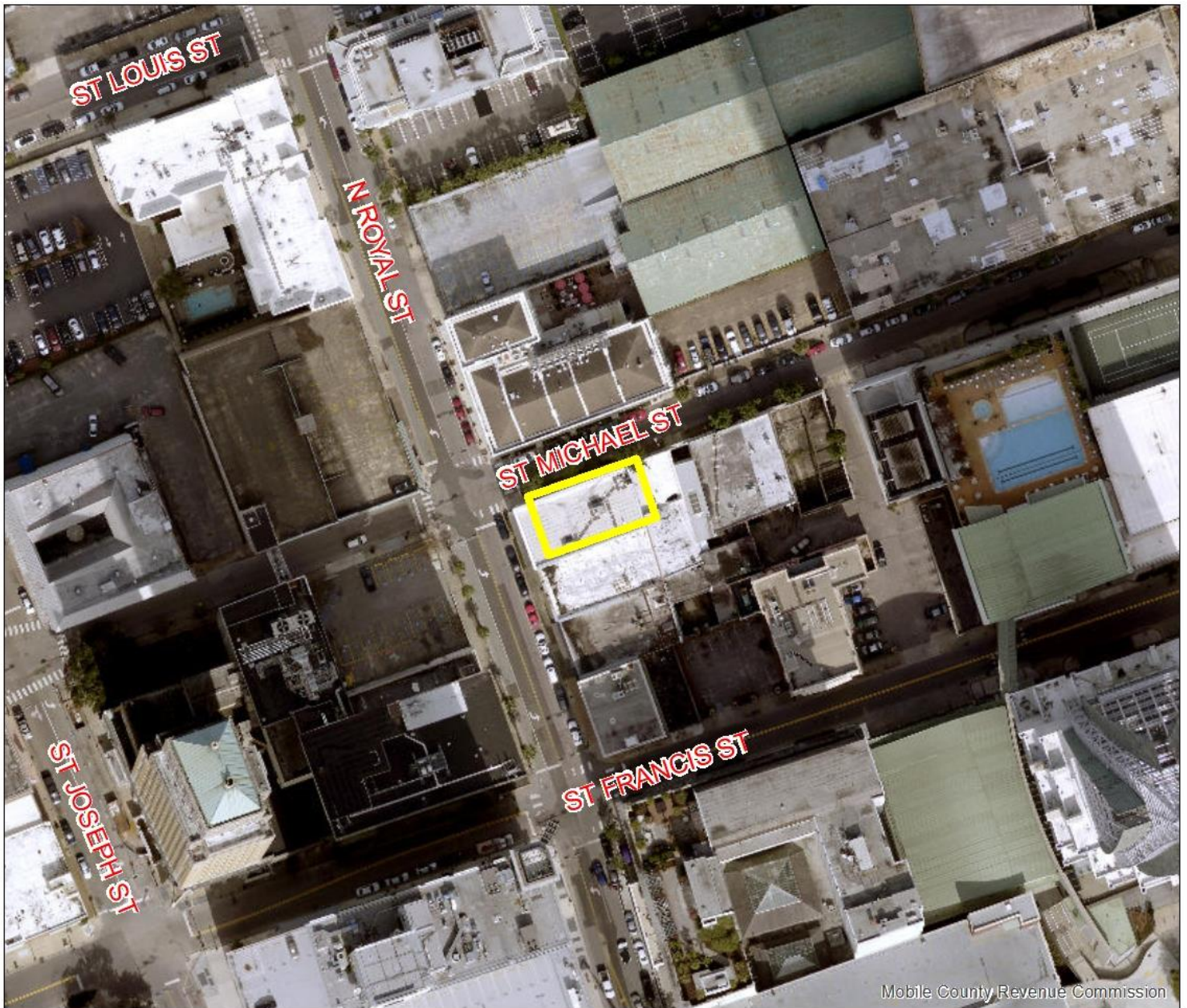
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 R-A	 R-3	 T-B	 B-2	 B-5	 MUN	 SD-WH	 T5.1
 R-1	 R-B	 B-1	 B-3	 I-1	 OPEN	 T3	 T5.2
 R-2	 H-B	 LB-2	 B-4	 I-2	 SD	 T4	 T6



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial units, offices, vacant buildings, a parking garage and a non-profit youth center.

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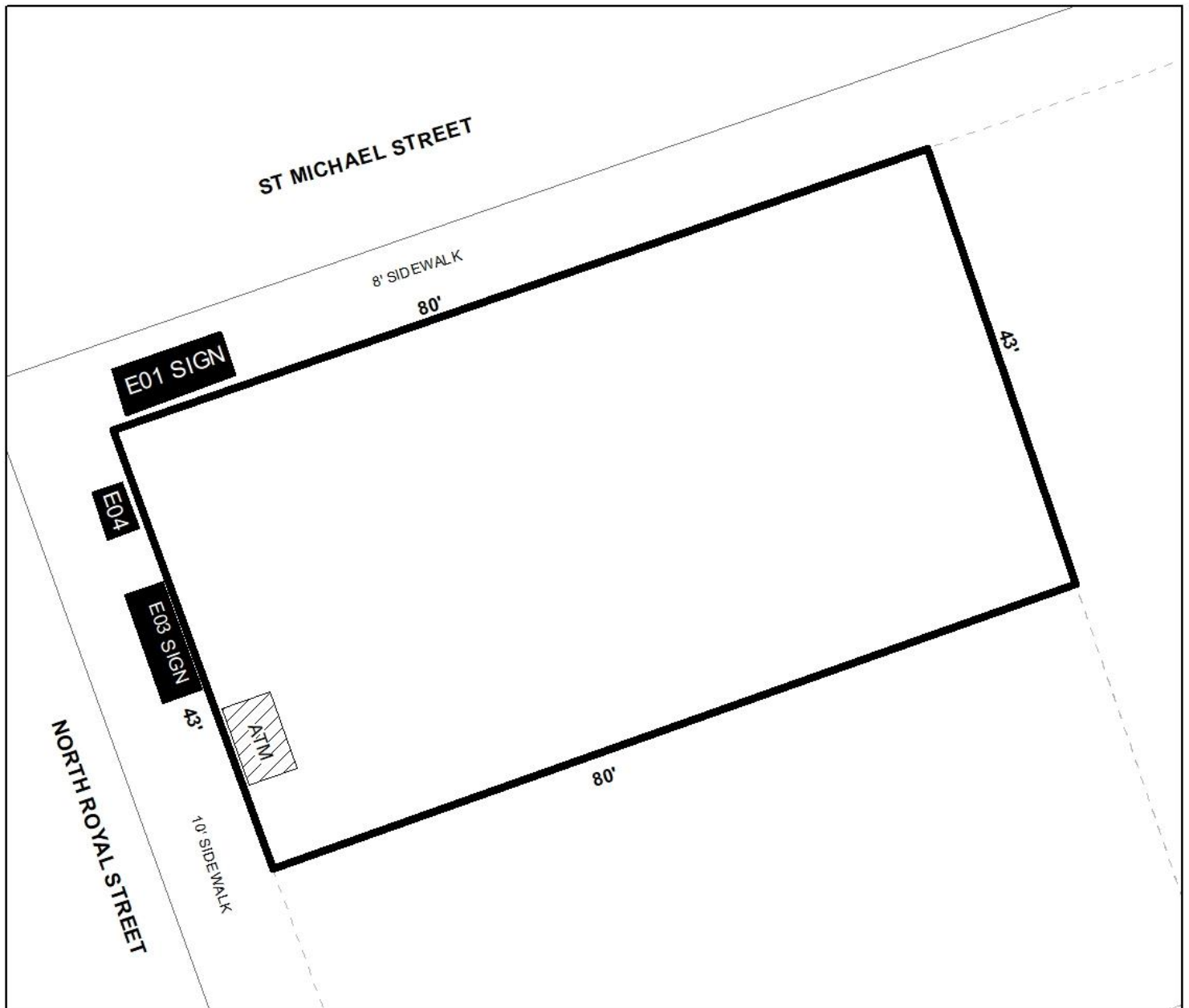
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SITE PLAN



The site plan illustrates existing building, sidewalks and right of ways, as well as proposed sign placements.

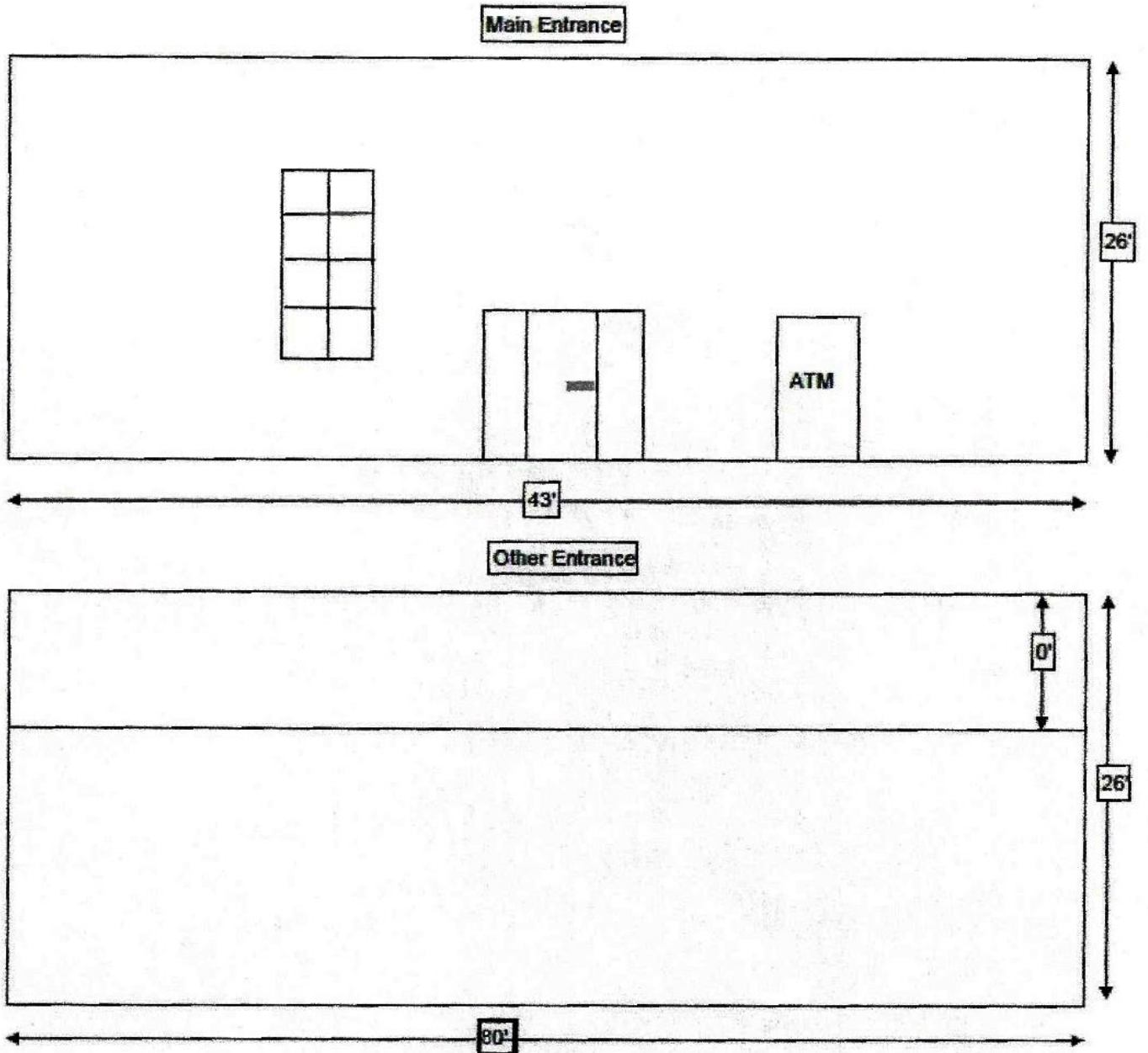
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DETAIL SITE PLAN



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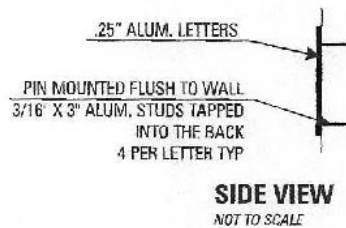
DETAIL SITE PLAN



EXISTING SIGNAGE



PROPOSED SIGNAGE



SQUARE FOOTAGE = 47.52'

CUSTOM PLATE LOGO AND LETTERS (QTY-1)

MANUFACTURE NEW NON-ILLUMINATED ALUMINUM LOGO AND LETTERS TO REPLACE EXISTING SIGNAGE.

ALL PAINT FINISHES TO BE SATIN FINISH.

DURANODIC BRONZE
313E

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