

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: May 6, 2019****CASE NUMBER**

6255/4459/4458/523

**APPLICANT NAME**

Weinacker Shopping Center (Wrico Signs Inc., Agent)

**LOCATION**1550 Government Street  
(Northwest corner of South Catherine Street and  
Government Street extending to the East side of Macy  
Place).**VARIANCE REQUEST****SIGN:** *Sign Variance to allow a total of 4 signs (3 wall and 1 freestanding) exceeding 64 square feet at a single business site along Government Street in a B-2, Neighborhood Business District.***ZONING ORDINANCE  
REQUIREMENT****SIGN:** The Zoning Ordinance limits single business sites to a total of 3 signs not to exceed 64 square feet total along Government Street in a B-2, Neighborhood Business District.**ZONING**

B-2, Neighborhood Business

**AREA OF PROPERTY**

4.8± Acres

**ENGINEERING  
COMMENTS**

No comments.

**TRAFFIC ENGINEERING  
COMMENTS**

No comments.

**CITY COUNCIL  
DISTRICT**

District 2

**ANALYSIS**

The applicant is requesting a Sign Variance to allow a total of 4 signs (3 wall and 1 freestanding) totaling 199.99 square feet at a single business site along Government Street in a B-2, Neighborhood Business District; the Zoning Ordinance limits single business sites to a total of 3 signs not to exceed 64 square feet total along Government Street in a B-2, Neighborhood Business District.

It should be noted that the description of the request is incorrect as 199.99 square feet is the amount of signage proposed for the wall signage only. The proposed monument sign is 56

square feet, double-sided, resulting in a total of 112 square feet for the monument sign, and 311.99 square feet of signage for the overall site. As the application was advertised with the incorrect amount of signage, the application must be heldover to allow for a new legal ad with the correct information.

The site has been given a Traditional Corridor (TC) 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 land use designation generally applies to transportation corridors east of I-65, which serve as the primary commercial and mixed-use gateway to Downtown and the City's traditional neighborhoods (equivalent to Map for Mobile's Traditional Neighborhoods).

Depending on their location (and as allowed by specific zoning), TC designations incorporate a range of moderately scaled single-use commercial buildings holding retail or services; buildings that combine housing units with retail and/or office; a mix of housing types including low- or mid-rise multifamily structures ranging in density from 4 to 10 du/ac; and attractive streetscapes and roadway designs that safely accommodate all types of transportation – transit, bicycling, walking, and driving. In these areas, special emphasis is placed on the retention of existing historic structures, compatible infill development, and appropriate access management.

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 subject site has had several sign variances in the past, with the most recent approval being granted in 1995 as the result of the property owner appealing a denial by the Board of Zoning Adjustment. This approval allowed an existing non-conforming freestanding sign to remain on the site despite being over the allowable size. That freestanding sign has now been removed from the site, and additional signage has been placed on the structure without any permits. The applicant is requesting approval for the wall signs to remain, as well as a new monument sign to replace the previous freestanding sign.

The applicant states:

*An out of town sign company installed the Winn Dixie wall signage without obtaining proper permits, as required by their lease. This company also removed the existing freestanding pylon without approval of the owner; who in 1994 received a variance for the 220 square foot pylon to remain.*

*We are requesting a variance to allow Weinacker's Shopping Center to install a conforming monument sign. Weinacker's is a Mobile Landmark sitting on a 5 acre development. The architectural Review Board has approved the design for the proposed 47 square foot monument sign, which includes Winn Dixie and blank panels for possible future development.*

*This variance also requests that Winn Dixie be able to keep the East Elevation wall signs which are per Winn Dixie Corporate Branding Standards. The South Elevation contains no wall signs; approval of the monument will provide visibility to patrons traveling on government, which is the main traffic flow for this location.*

A similar application was before the Board of Adjustment in October 2018 for the Winn Dixie in Tillman's Corner, which was approved for signage larger than allowed by the Zoning Ordinance. However, it is important to note that the subject site is in a Historic District, along a major street in the City of Mobile; therefore, it is especially important to keep the character of the neighborhood in mind when considering the applicant's request.

Staff has consulted with the Mobile Historic Development Commission (MHDC) who serves as staff to the Architectural Review Board (ARB), who review and approve all exterior changes in Historic District, including signage. MHDC is of the opinion that both the monument sign and the "Winn Dixie" signage would be appropriate in scale with the building and property, but that the "Dollar Shop" and "Pharmacy" signs may have a negative impact on the aesthetic character of the neighborhood.

**RECOMMENDATION:** Staff recommends that the application be heldover to the June 3, 2019 meeting to allow a revised legal ad to be published with an accurate description of the request.

***Revised for the June 3<sup>rd</sup> meeting:***

*The application was heldover from the May 6, 2019 meeting to allow a public notice with the correct signage area request to be published. A corrected legal ad was published, and no new information was submitted by the applicant.*

*The proposed "Pharmacy" and "Dollar Shop" signs are 16.25 square feet and 17.44 square feet respectively. The proposed "Winn Dixie" wall sign is 166.3 square feet, and the proposed monument is approximately 48 square foot per side (double-sided). Staff recommends approval of the "Winn Dixie" wall sign and monument, and denial of the remaining 33.69 square feet of wall signage.*

**RECOMMENDATION:** *Staff recommends to the Board the following findings of fact for Denial of two (2) proposed signs ("Dollar Shop" and "Pharmacy"):*

- 1) Approving the variance will be contrary to the public interest in that it would promote signage clutter and present unfavorable physical image, and would not protect the right of the citizens to enjoy Mobile's natural scenic beauty;*
- 2) No special conditions were shown to exist such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship because the applicant will have ample signage on the site without these 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.*

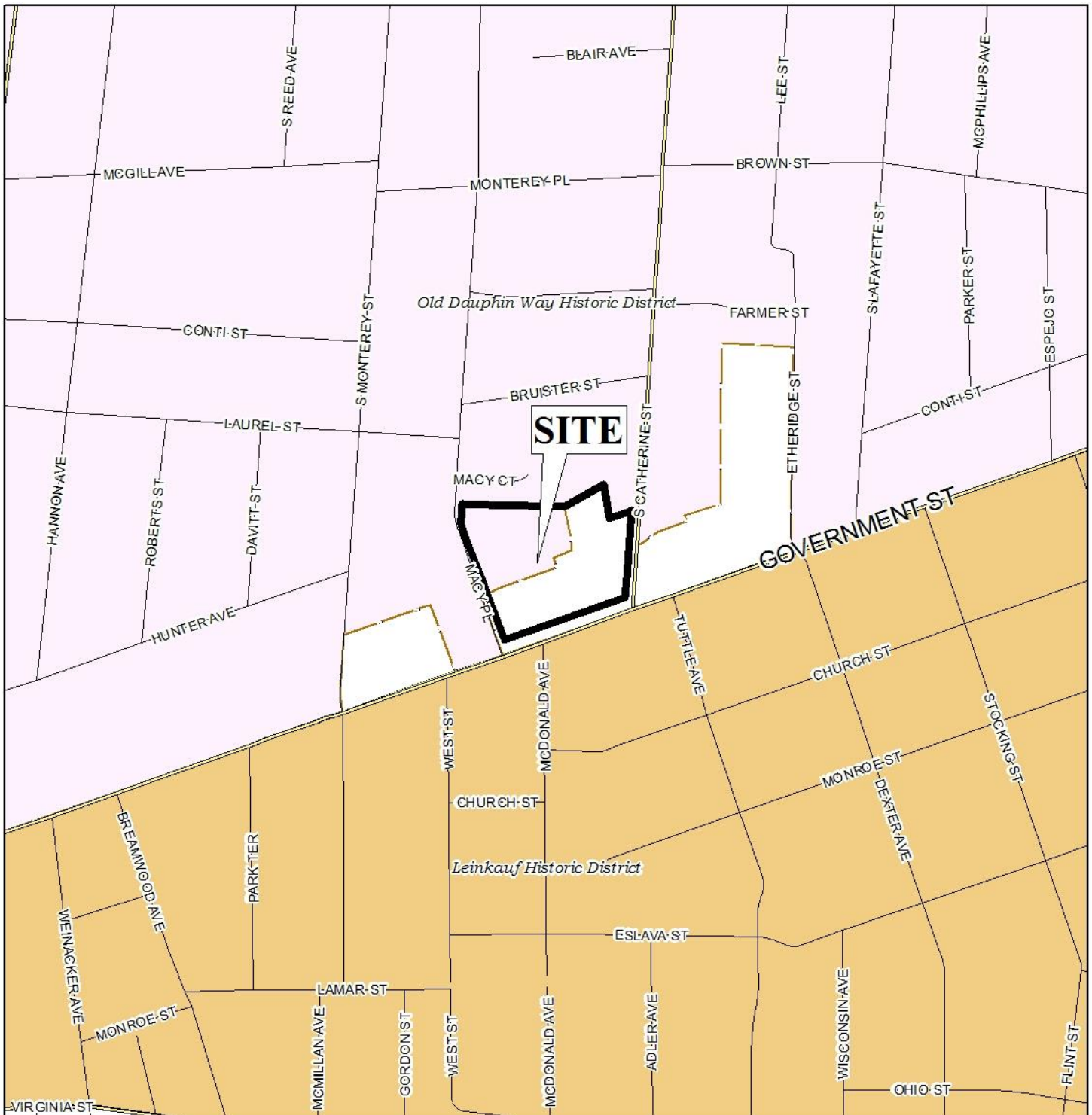
*Staff recommends to the Board the following findings of fact for Approval of two (2) proposed signs ("Winn Dixie" wall and the monument):*

- 1) Approving the variance will not be contrary to the public interest in that the proposed signs are in keeping with the size and character of the property and the structure;*
- 2) These special conditions exist such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship in that if the site were limited to 64 square feet of signage, it would be difficult for motorists along Government Boulevard to identify the shopping center; and*
- 3) That the spirit of the chapter shall be observed and substantial justice shall be done to the applicant and the surrounding neighborhood by granting the variance in that the size and character of the signage fits that of the subject site.*

*Therefore, the allowance for increased signage is recommended for Approval, subject to the following conditions:*

- 1) Approval from the Architectural Review Board of all signage;*
- 2) Obtain sign permits for all signs; and*
- 3) Full compliance with all municipal codes and ordinances.*

# LOCATOR MAP

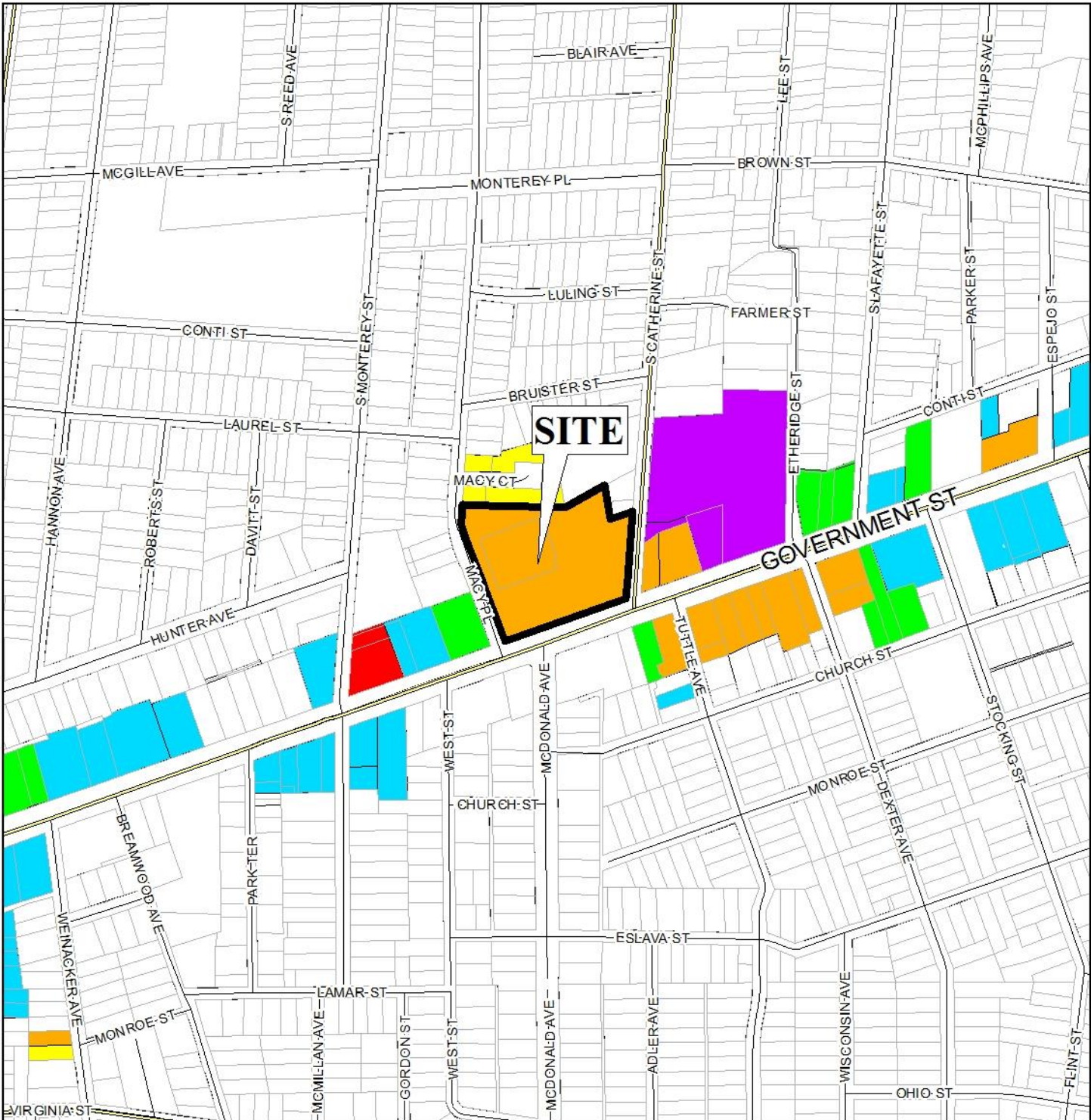


APPLICATION NUMBER 6255 DATE June 3, 2019  
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 REQUEST Sign Variance





## LOCATOR ZONING MAP

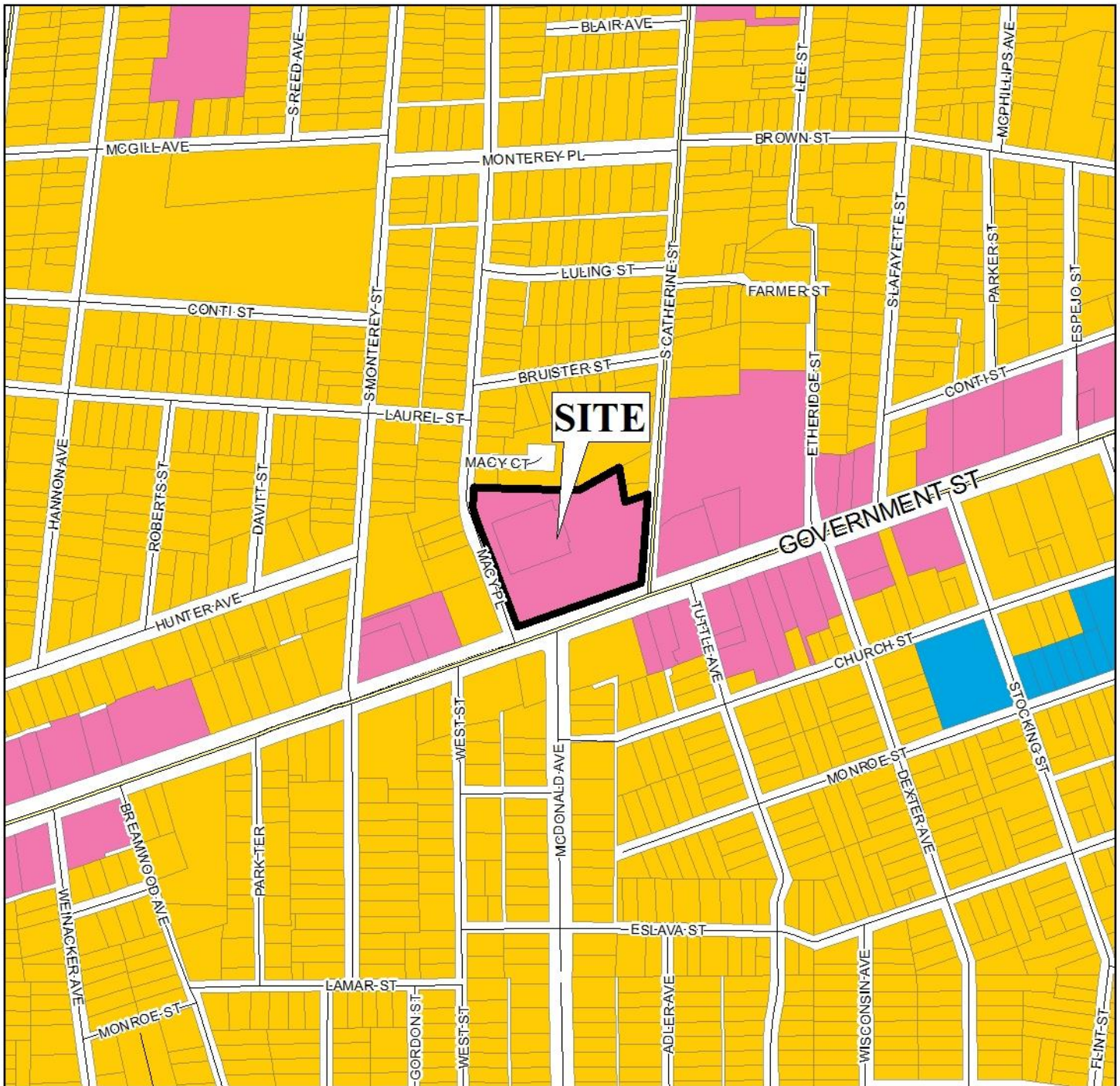


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# FLUM LOCATOR MAP



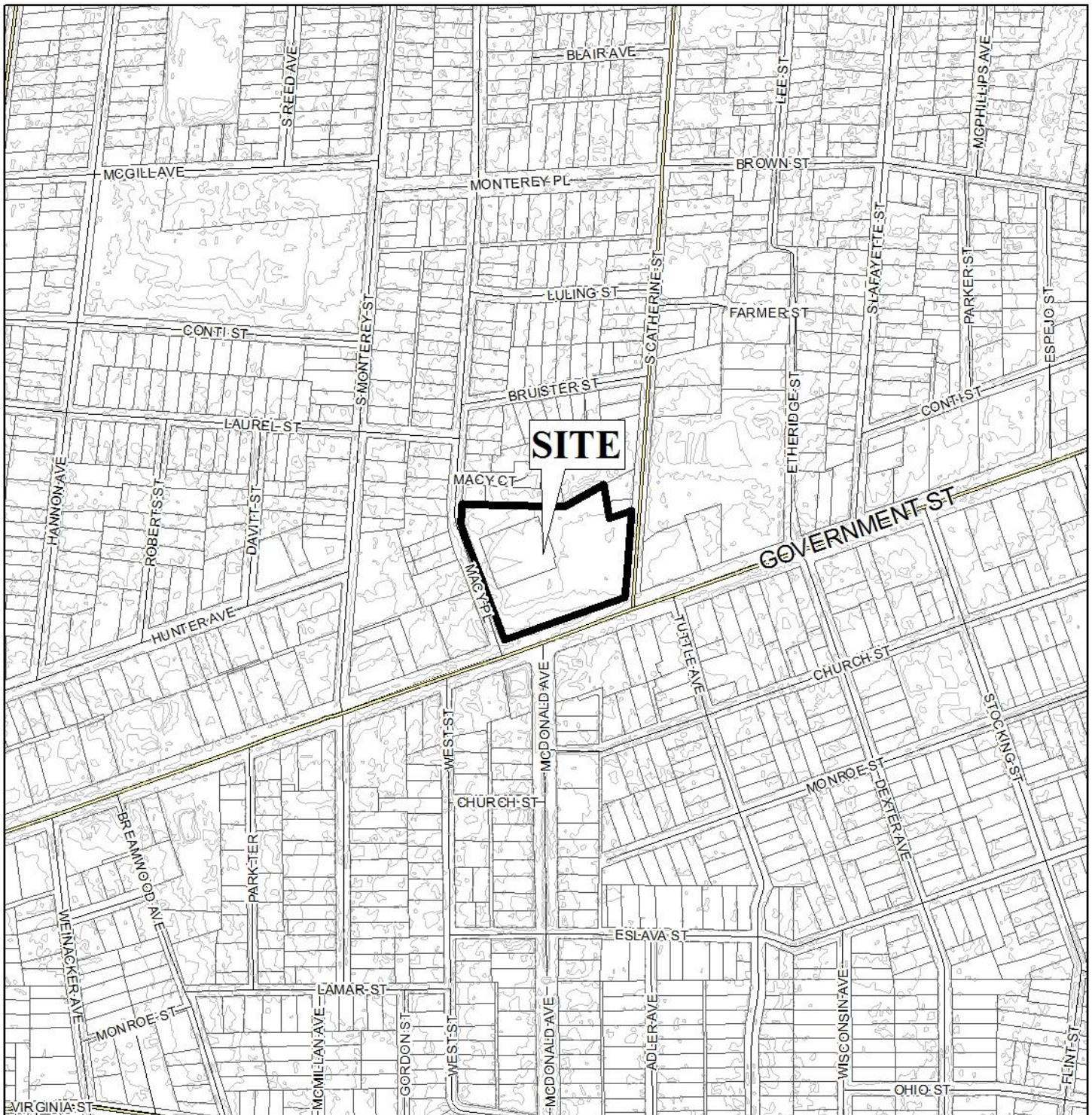
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Low Density Residential	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
Mixed Density Residential	Neighborhood Center - Suburban	Light Industry	Water Dependent
Downtown	Traditional Corridor	Heavy Industry	
District Center	Mixed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





# ENVIRONMENTAL LOCATOR MAP



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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential and commercial 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



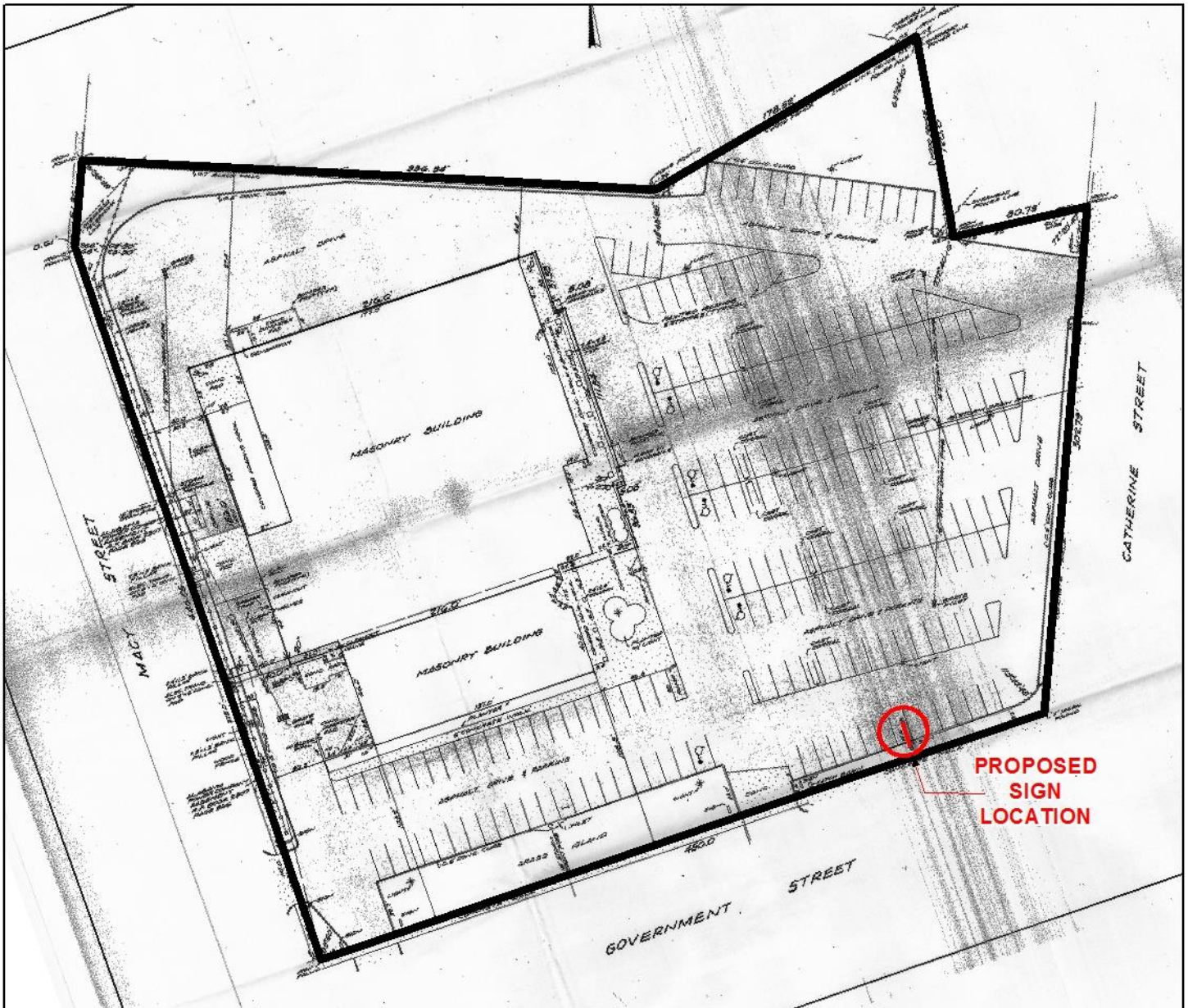
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# SITE PLAN



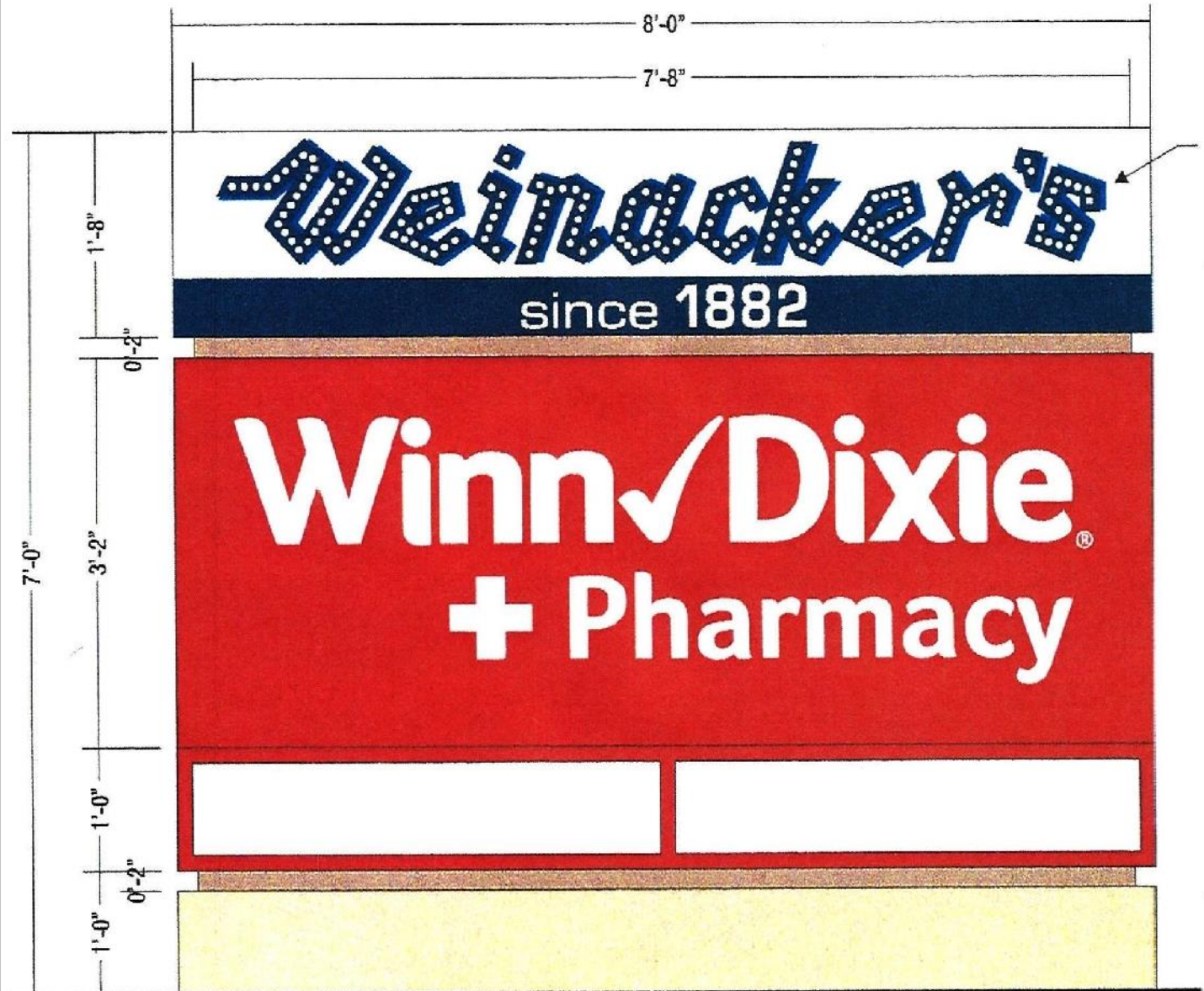
The site plan illustrates the existing buildings, parking and the proposed sign location.

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## DETAIL SITE PLAN



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# DETAIL SITE PLAN

Existing



Proposed

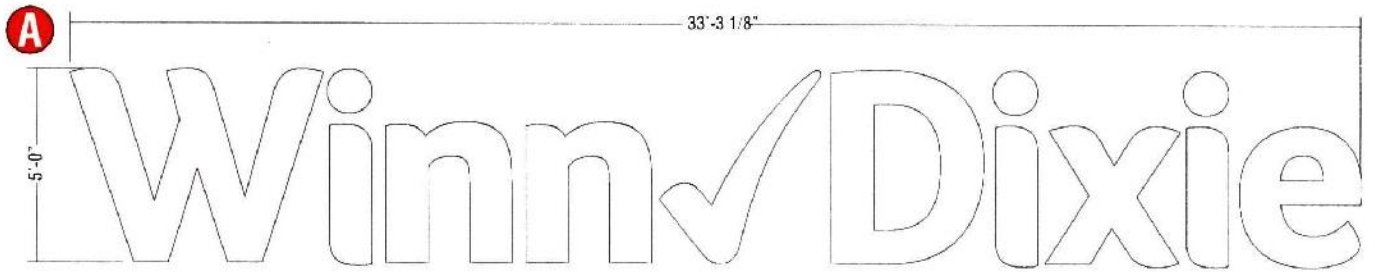


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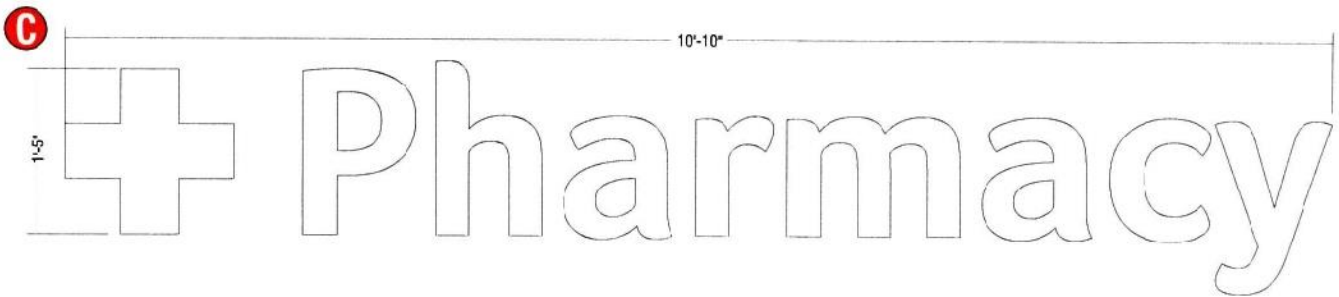
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