

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

<u>CASE NUMBER</u>	6245
<u>APPLICANT NAME</u>	Wrico Signs, Inc. for Legacy Village (Richard Inge)
<u>LOCATION</u>	3700 Dauphin Street (Northwest corner of Dauphin Street and Du Rhu Drive)
<u>VARIANCE REQUEST</u>	SIGN: Off-Premise Sign Variance to allow an off-premise pylon tenant panel sign for various retail tenants in a B-2, Neighborhood Business District.
<u>ZONING ORDINANCE REQUIREMENT</u>	SIGN: The Zoning Ordinance requires all signage to be on-premise for all retail establishments in a B-2, Neighborhood Business District.
<u>ZONING</u>	B-2, Neighborhood Business
<u>AREA OF PROPERTY</u>	0.83± Acre
<u>ENGINEERING COMMENTS</u>	No comments.
<u>TRAFFIC ENGINEERING COMMENTS</u>	This request was not reviewed by Traffic Engineering.
<u>CITY COUNCIL DISTRICT</u>	District 7

ANALYSIS The applicant is requesting an Off-Premise Sign Variance to allow an off-premise pylon tenant panel sign for various retail tenants in a B-2, Neighborhood Business District; the Zoning Ordinance requires all signage to be on-premise for all retail establishments in a B-2, Neighborhood Business District.

The subject site is at a public street corner and consists of a multi-unit building with associated parking. Although adjacent to the Legacy Village site, it is completely separated from that site with no shared access or parking. The two sites are under different ownerships. It is bordered to the West and North by B-2 commercial use, and with B-2 to the East across Du Rhu Drive in commercial use. To the South across Dauphin Street is B-1, Buffer Business used as a hospital and medical complex.

The site has been given a Mixed Commercial Corridor 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.

Over time, new development and redevelopment in Mixed Commercial Corridors is encouraged to: raise design quality; improve connectivity to surrounding neighborhoods; improve 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 applicant states:

The purpose of this application is to allow for the erection of one (1) pylon sign to be installed on the corner of the property with the address of 3700 Dauphin Street, Mobile, Alabama 36608. The pylon sign which will identify various retail tenants of the shopping center known as The Shoppes at Legacy Village ("Legacy Village") located on the property directly North of and adjacent to the subject property.

The current Sign Ordinance does not permit signage to be located off-premises. Legacy Village, LLC is requesting a variance from this portion of the Sign Ordinance to permit the installation of a pylon sign serving Legacy Village off-premises.

Identification visibility is vital to the success of a commercial retail shopping center. A large portion of the business sales of the retail tenants located in Legacy Village are predicated by impulse buyers. Low visibility is detrimental to the success of the business of these retail tenants. There is currently no pylon sign serving Legacy Village. A pylon sign installed on the Legacy Village premises would be insufficient, as it would not address the issue of the lack of visibility of Legacy Village or any of the retail tenants from Dauphin Street which has a much higher traffic count than du Rhu Drive.

Legacy Village is different from neighboring retail properties in that it is located behind multiple retail buildings fronting Dauphin Street. These buildings completely block the view of the shopping center itself and the tenants located therein. This has resulted in a significant negative operational impact on the retail tenants of Legacy Village. The owner of Legacy Village, Legacy Village, LLC, has received numerous requests from the retail tenants requesting assistance with increased visibility. Off-premises signage fronting Dauphin Street was not an option when Legacy Village was initially developed. The closing of Claude Moore has allowed Legacy Village, LLC a unique opportunity to obtain off-premise signage subject to the grant of the signage variance requested. Granting the variance requested will allow the pylon signage to attract residents and visitors of Spring Hill to Legacy Village which is critical to the viability of the shopping center. The long-term success of Legacy Village is a benefit to the community of Spring Hill as well as the City of Mobile.

It should be noted that the applicant states that a pylon sign is proposed. However, the proposed sign design detail submitted indicates a monument sign with an overall width of 9' and an overall height of 11'. Eight tenant panels (four per side, each 10" high by 93" wide) are proposed with the Legacy Village name above.

The applicant cites as a hardship, site identification visibility because the shopping center is blocked from view along Dauphin Street, by commercial buildings fronting Dauphin Street. However, locating the shopping center off a major street and not within easy view of passing potential customers would be considered a self-inflicted hardship which should have been taken into consideration upon initial site location planning. The allowance of an off-premise freestanding sign with multiple tenant panels would go against the purpose of the Sign Regulation Provisions by creating an unfavorable physical image, and would not protect the right of the citizens to enjoy Mobile's natural scenic beauty. However, a directional sign on the subject site would seem more in order to afford the business community an equal and fair opportunity to advertise and promote products and services. Therefore, staff would view the revision of the proposed sign to being strictly a directional sign for the Legacy Village site as being much more appropriate, rather than a sign with multiple tenant panels for individual businesses located within the shopping center.

RECOMMENDATION: Staff recommends to the Board the following findings of fact for denial of the multi-tenant-off-premise sign:

- 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 with respect to not allowing the displaying of individual tenant panels on the proposed sign; 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 the proposed tenant panel signage could set a precedent for other businesses within the area to be allowed off-premise signage.

Staff recommends to the Board the following findings of fact for approval of the proposed off-premise sign being revised to a strictly directional sign:

- 1) Based on the fact that the shopping center as a whole has no locator signage, allowing a directional sign on the subject site will not be contrary to the public interest;
- 2) These special conditions (the shopping center is not situated along a major street and is blocked from view along Dauphin Street by commercial development) exist such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship; 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 shopping center as a whole will have an identity along a major street which it would not otherwise have.

Therefore, the allowance of an off-premise directional sign for the shopping center is recommended for approval, subject to the following conditions:

- 1) revision of the sign design to contain the name of the shopping center and a directional arrow and not contain any individual tenant panels;
- 2) that the sign be limited to a maximum of 20 square feet per side;
- 3) approval of Traffic Engineering for line-of-sight matters;
- 4) obtaining of a sign permit for the sign; and
- 5) full compliance with all municipal codes and ordinances.

Revised for the May 6th meeting:

This application was heldover from the April 1st meeting at the applicant's request.

The applicant submitted a revised and smaller design for the proposed multi-tenant-off-premise sign, but no justification for the revised sign was submitted. And nothing was submitted to revise

the sign to a directional sign as staff previously recommended. Therefore, the original recommendation would stand.

RECOMMENDATION: *Staff recommends to the Board the following findings of fact for denial of the multi-tenant-off-premise sign:*

- 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 with respect to not allowing the displaying of individual tenant panels on the proposed sign; 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 the proposed tenant panel signage could set a precedent for other businesses within the area to be allowed off-premise signage.*

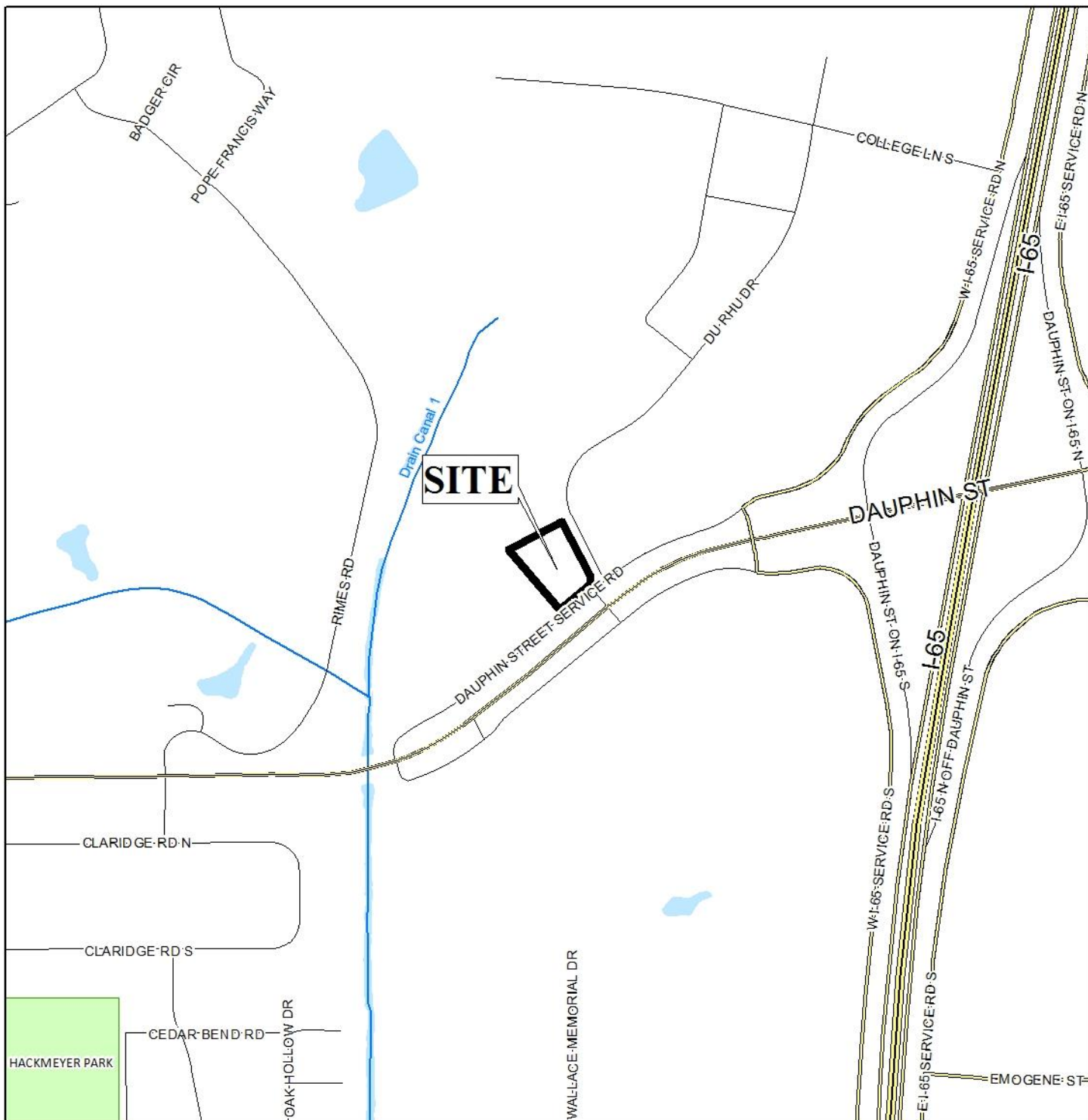
Staff recommends to the Board the following findings of fact for approval of the proposed off-premise sign being revised to a strictly directional sign:

- 1) Based on the fact that the shopping center as a whole has no locator signage, allowing a directional sign on the subject site will not be contrary to the public interest;*
- 2) These special conditions (the shopping center is not situated along a major street and is blocked from view along Dauphin Street by commercial development) exist such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship; 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 shopping center as a whole will have an identity along a major street which it would not otherwise have.*

Therefore, the allowance of an off-premise directional sign for the shopping center is recommended for approval, subject to the following conditions:

- 1) revision of the sign design to contain the name of the shopping center and a directional arrow and not contain any individual tenant panels;*
- 2) that the sign be limited to a maximum of 20 square feet per side;*
- 3) approval of Traffic Engineering for line-of-sight matters;*
- 4) obtaining of a sign permit for the sign; and*
- 4) full compliance with all municipal codes and ordinances.*

LOCATOR MAP



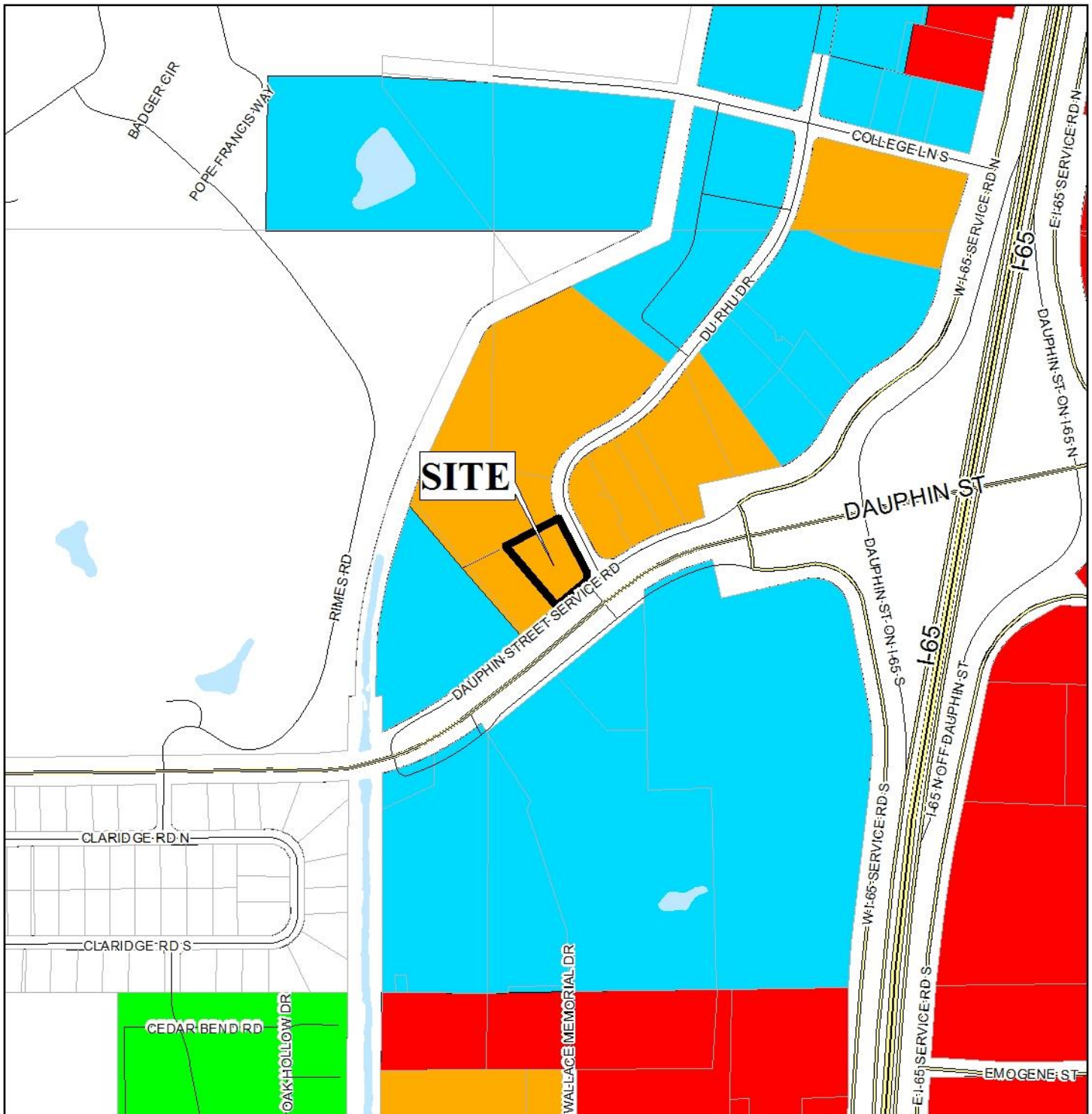
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REQUEST Off-Premise Sign Variance



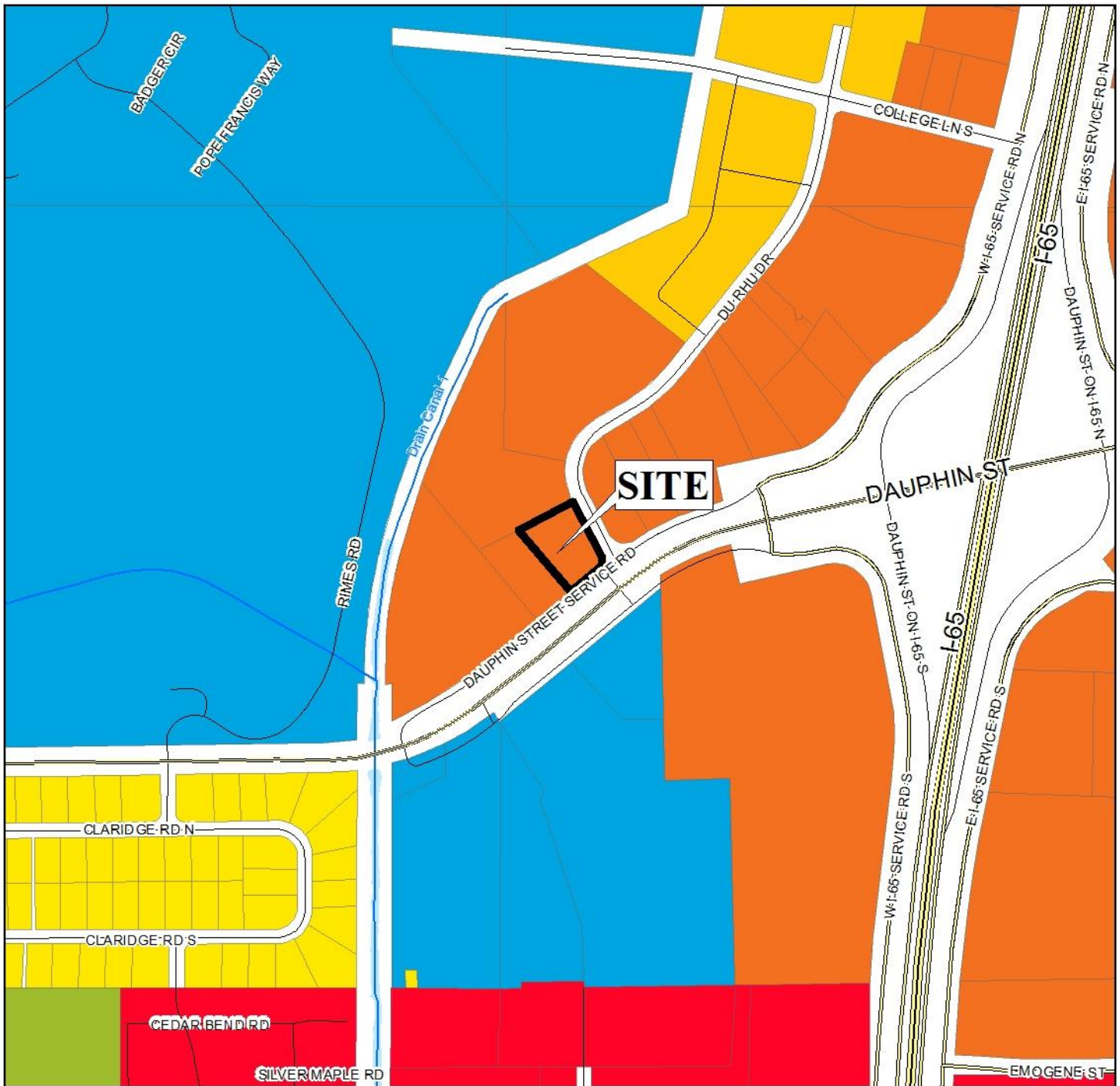
LOCATOR ZONING MAP



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FLUM LOCATOR MAP



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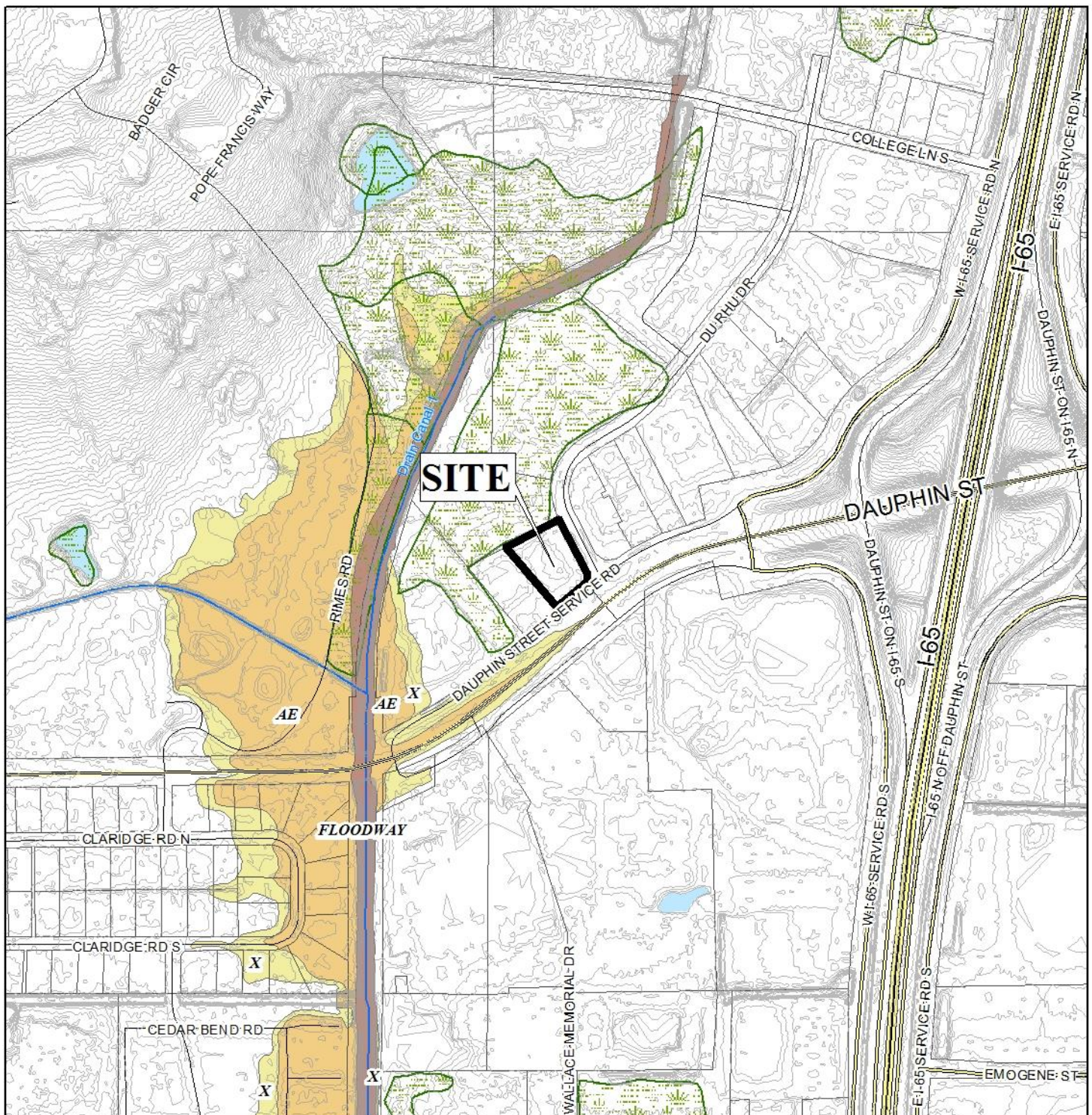
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Low Density Residential	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
Mixed Density Residential	Neighborhood Center - Suburban	Light Industry	Water Dependent
Downtown	Traditional Corridor	Heavy Industry	
District Center	Mixed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



ENVIRONMENTAL LOCATOR MAP

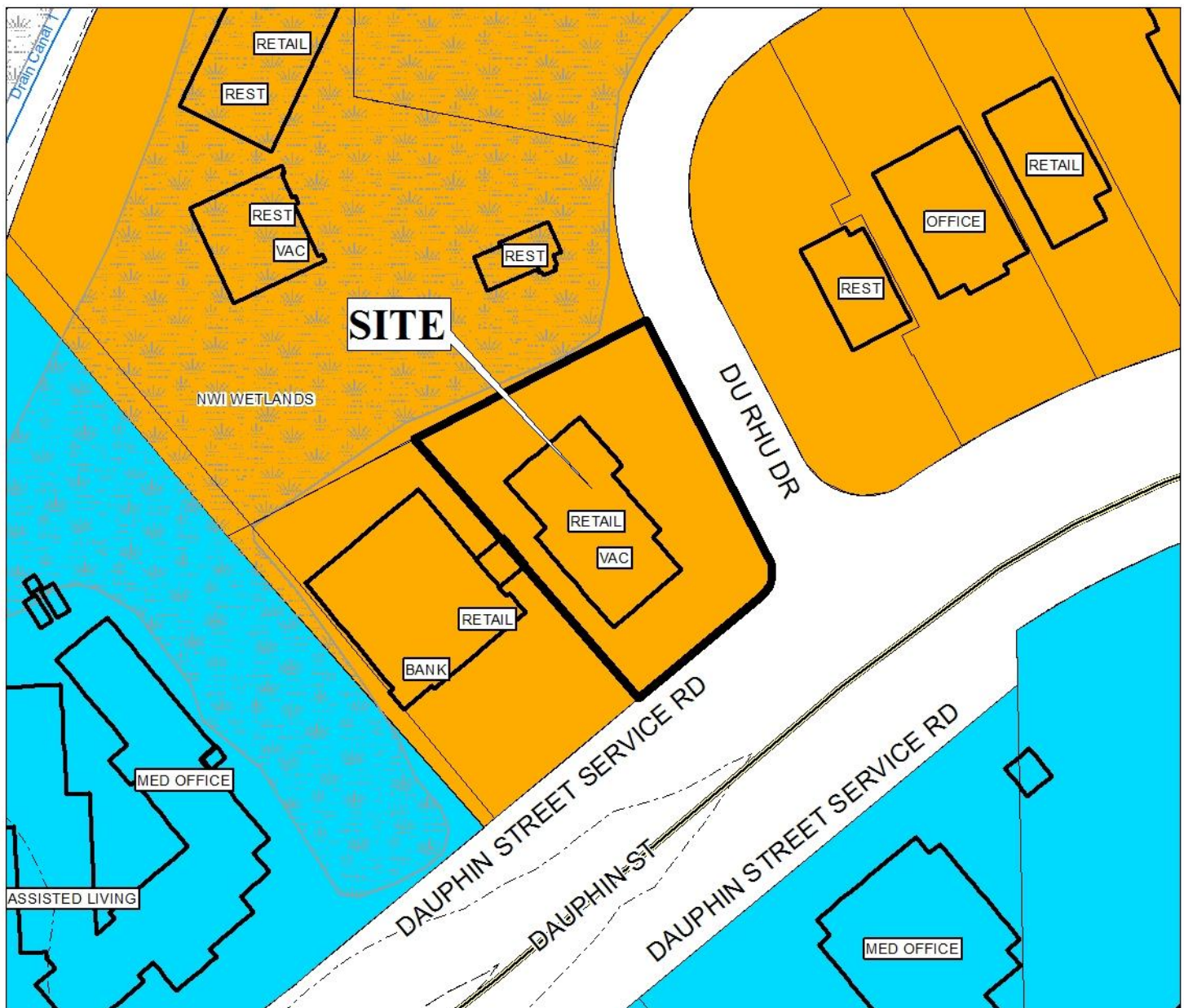


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BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



The site is surrounded by 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

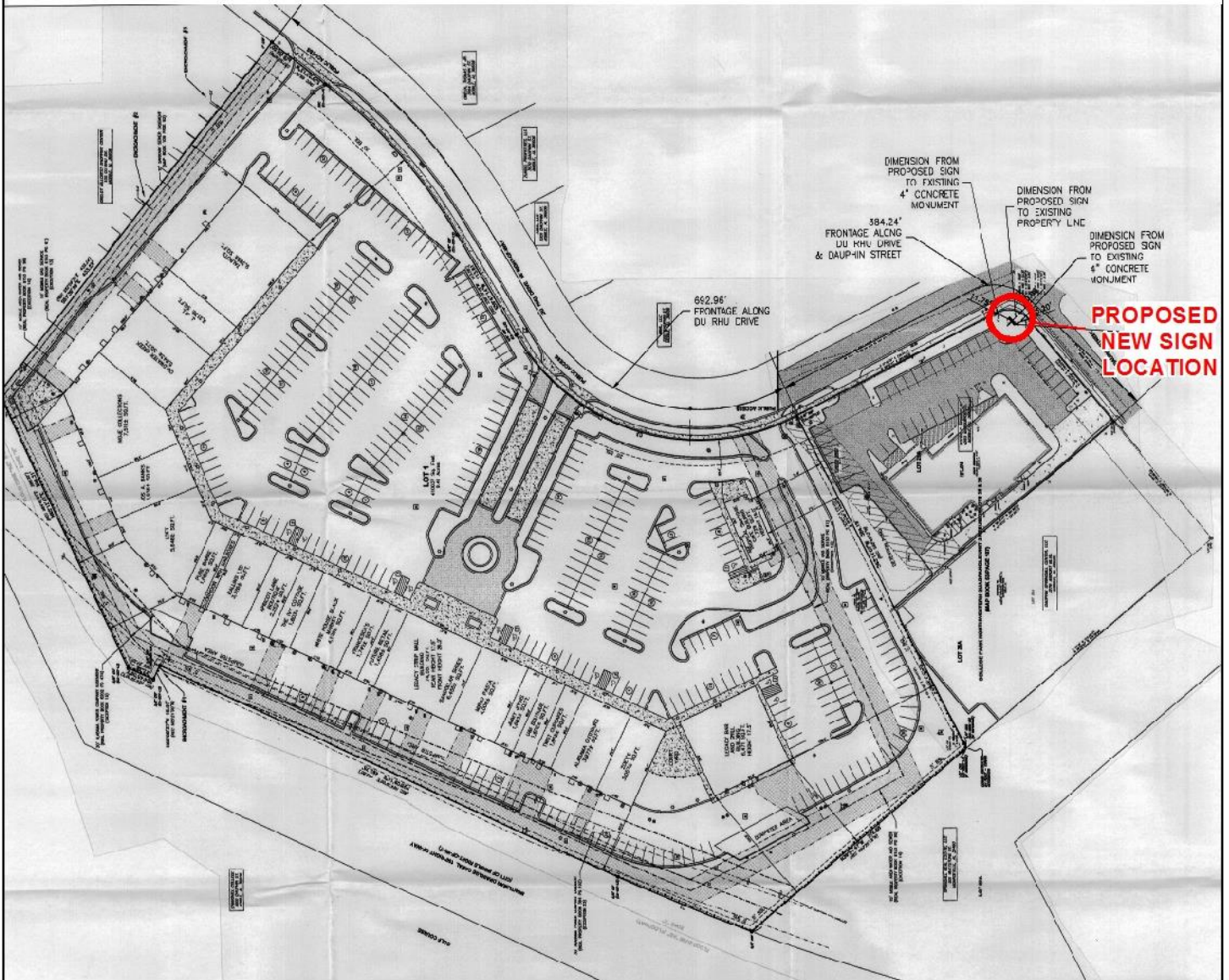


The site is surrounded by commercial units.

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SITE PLAN



The site plan illustrates the existing retail shops, and the proposed new sign location.

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DETAIL SITE PLAN

Double Faced Illuminated Sign with Routed Faces

9'

11'

Legacy Village

P O T T E R Y B A R N
WILLIAMS-SONOMA

10"x93" Visible Opening

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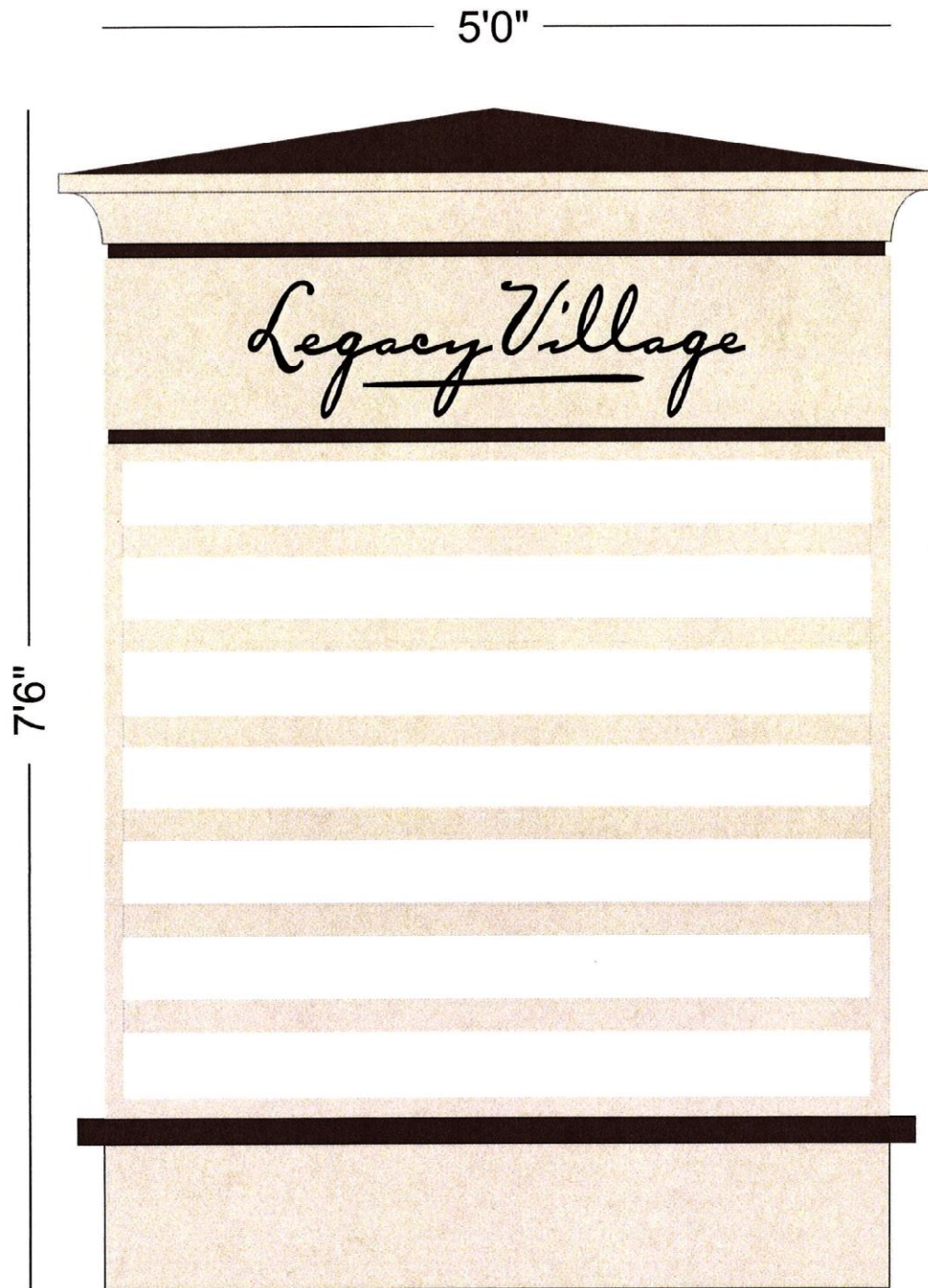
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NTS

DETAIL SITE PLAN



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NTS

DETAIL SITE PLAN



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NTS

