

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: January 8, 2018**

<b><u>CASE NUMBER</u></b>	6149/1590
<b><u>APPLICANT NAME</u></b>	Wrico Signs, Inc. for Dunkin Donuts
<b><u>LOCATION</u></b>	5701 Old Shell Road (Southwest corner of Old Shell Road and South University Boulevard).
<b><u>VARIANCE REQUEST</u></b>	<b>SIGN:</b> Sign Variance to allow a second wall sign for a tenant on a multi-tenant site in a B-2, Neighborhood Business District.
<b><u>ZONING ORDINANCE REQUIREMENT</u></b>	<b>SIGN:</b> The Zoning Ordinance allows one wall sign per tenant, per street frontage on a multi-tenant site in a B-2, Neighborhood Business District.
<b><u>ZONING</u></b>	B-2, Neighborhood Business District
<b><u>AREA OF PROPERTY</u></b>	1.3± Acres
<b><u>ENGINEERING COMMENTS</u></b>	No Comments
<b><u>TRAFFIC ENGINEERING COMMENTS</u></b>	No Comments
<b><u>CITY COUNCIL DISTRICT</u></b>	District 6

**ANALYSIS** The applicant is requesting a Sign Variance to allow a second wall sign for a tenant on a multi-tenant site in a B-2, Neighborhood Business District; the Zoning Ordinances allows one wall sign per tenant, per street frontage on a multi-tenant site in a B-2, Neighborhood Business District.

This site has been given the Mixed Commercial Corridor (MCC) 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 applies mostly to the 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.

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 applicant states the following reason to explain the need for the variance request:

*The purpose of this application is to allow the placement and installation of a second wall sign at the Dunkin Donuts location at 5701 Old Shell Road, Mobile, AL.*

*Section 64-11 (8)(c)(3)(a) of the Sign Ordinance allows "Each tenant to be allowed one (1) wall sign per street frontage that it faces not to exceed thirty (30) percent of usable wall area not to exceed three hundred fifty (350) square feet. LFO University Mobile, LLC / Dunkin Donuts is requesting a variance from this portion of the sign ordinance to allow a second wall sign at 69 square feet on the north side of the building so that the Dunkin has visibility to motorist traveling south on University Boulevard. This additional sign would bring the total signage to 155 square feet which is well below the maximum.*

*Building identification visibility is key for the commercial success of a business. This allowance is restrictive to the point of not providing an adequate number of signs to generate the necessary attention for a quick service establishment. At Dunkin Donuts, our business sales are predicated by the impulse and convenience of buyers and low visibility is detrimental to the success of the business.*

*Building identification visibility is key for traffic safety. The sooner a driver identifies his destination, the safer the breaking distance when making the left turn from University Boulevard. I have attached a site plan showing the location of the requested additional signage for your review.*

As stated, the applicant desires to seek relief from the sign requirements of the Zoning Ordinance by providing signage in excess of what is allowed for a multi-tenant site. The applicant states

that being limited to one wall sign will reduce visibility of the proposed Dunkin Donuts to potential customers, but makes no mention of the monument sign located on the site. The monument sign is depicted on the site plan submitted as being oriented in such a way as that it only provides visibility to customers traveling South along South University Boulevard, however, the sign is actually positioned in such a way as that it provides maximum visibility to customers traveling East along Old Shell Road and North and South along South University Boulevard.

Furthermore, the applicant states that the second wall sign is being requested along the North side of the building; however, the site plan submitted depicts the proposed sign to be located along the South side of the building. If the proposed sign is to be located on the South side of the building, the existing monument sign on the site provides visibility to potential customers from that direction, thus negating the argument that there is a need for increased visibility.

Despite the discrepancies between the applicant's narrative and site plan with existing conditions on the site, it is also important to note that approving the requested variance could set a precedent at the subject site. There are three other businesses that will occupy the structure upon completion, which will also be limited to one wall sign by the Zoning Ordinance (except for the North corner unit, which is allowed two wall signs that have already been installed). If the current request is approved, the other businesses could also be inclined to request Variances to allow additional signage, leading to an oversaturation of signage on the site.

It should be noted that the sign regulations of the Zoning Ordinance have been enacted 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.

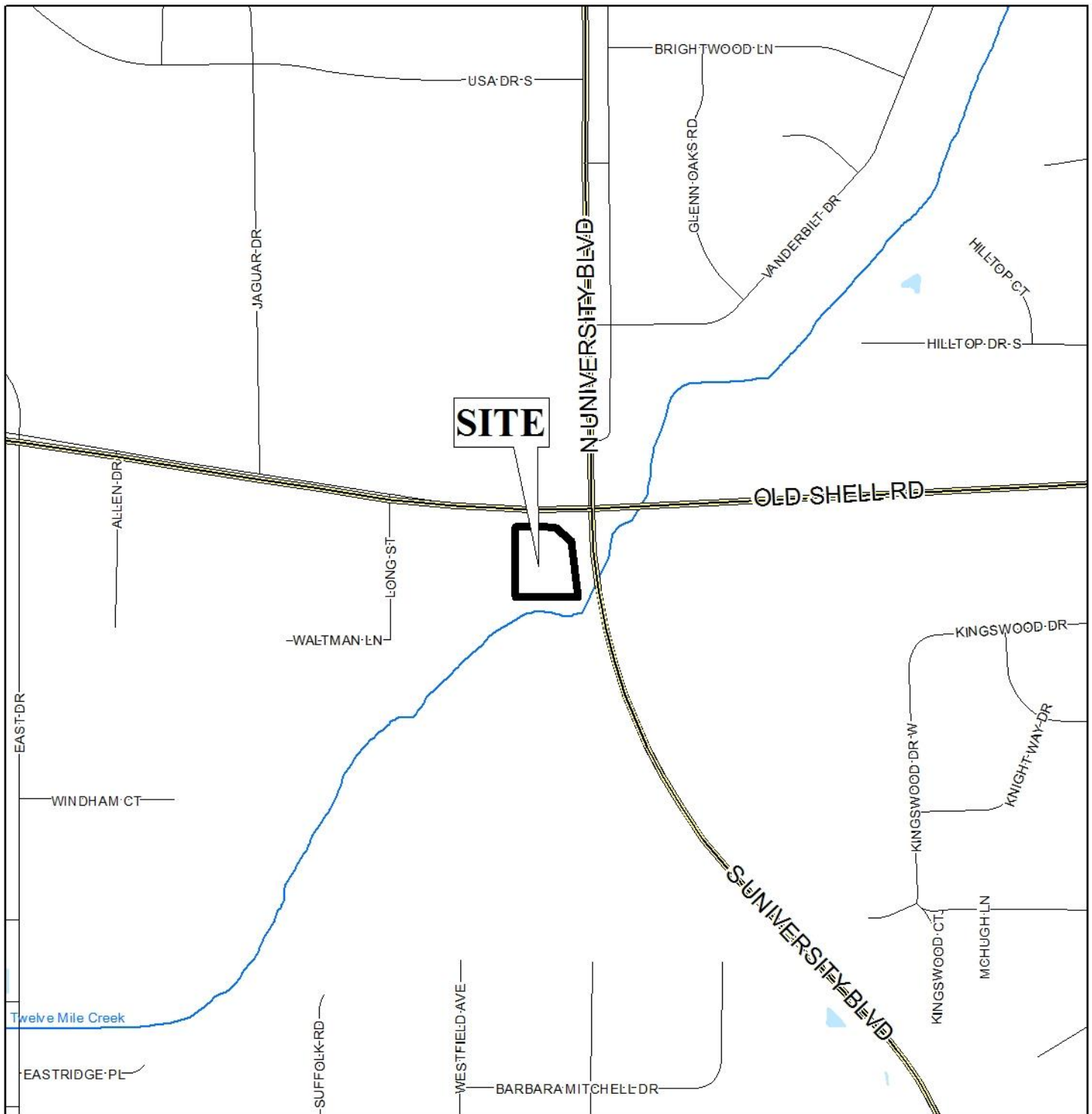
The applicant states that the primary reason for the request is to increase visibility to impulse buyers, whom Dunkin Donuts depends on for success. Unfortunately, this is an economic justification, which the Board cannot consider when weighing the merits of variance requests. Between the one wall sign allowed, and the tenant panel on the monument sign, the Dunkin Donuts will have as much opportunity as two of the other three businesses on the site to be visible to potential customers driving by. It is simply the applicant's desire to have more wall signage than allowed.

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

- 1) Approving the variance will be contrary to public interest in that the Zoning Ordinance only allows one wall sign per tenant, per street frontage on a multi-tenant site in order to protect the health, safety, and welfare of the citizens of the City of Mobile and the general aesthetics of the city by providing uniform standards for the locations, spacing, height, setback, lighting, and other regulations of off-premise and on-premise signs within the city;
- 2) Special conditions do not exist and there are no hardships which exist that make the placement of an additional wall signs necessary for this site to operate efficiently; 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 two of the other three proposed businesses to be located at the site would also be inclined to apply for similar variances, leading to an oversaturation of signage at the site.

# LOCATOR MAP



APPLICATION NUMBER 6149 DATE January 8, 2018

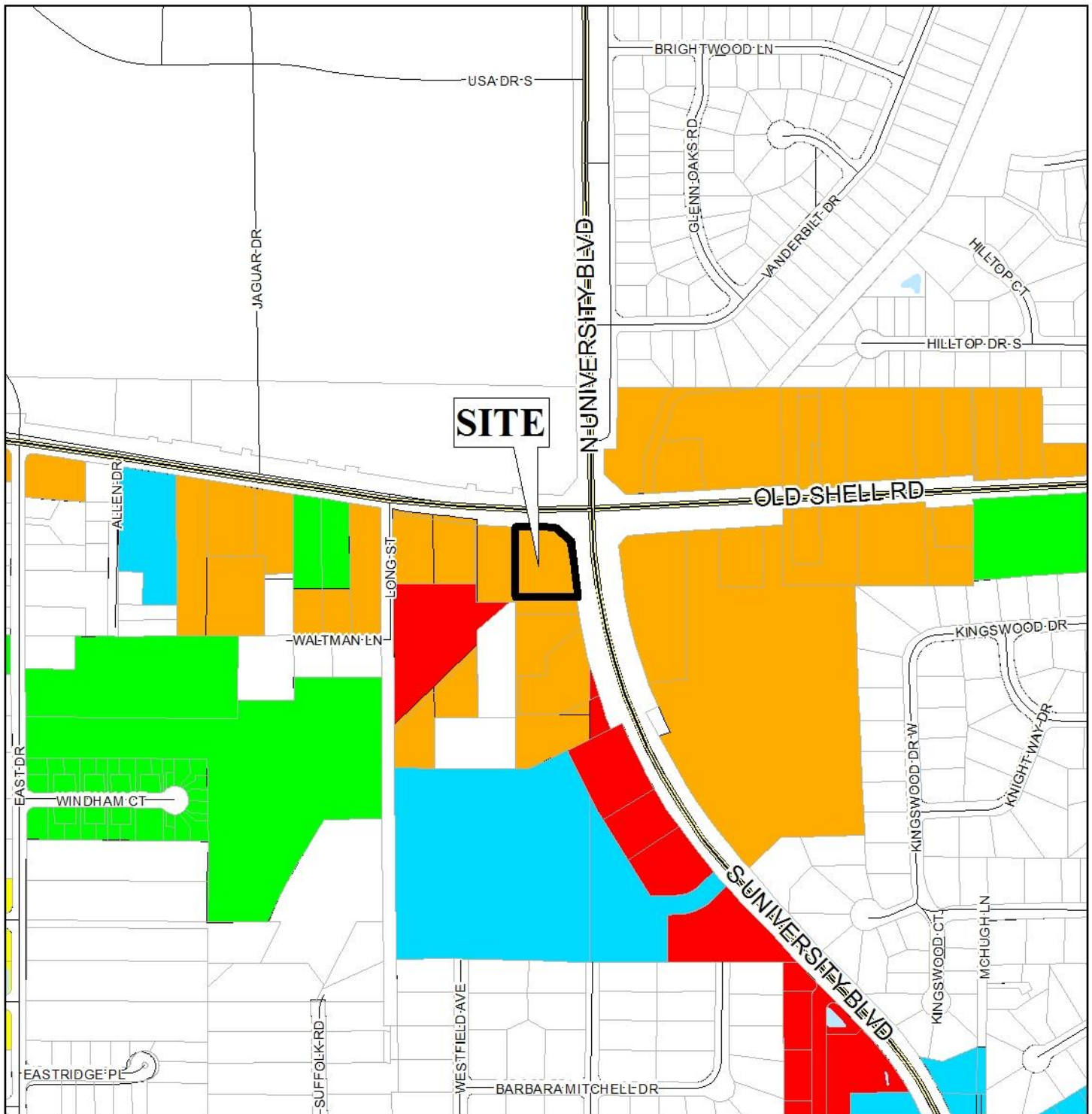
APPLICANT Wrico Signs Inc. for Dunkin Donuts

REQUEST Sign Variance



NTS

# LOCATOR ZONING MAP



APPLICATION NUMBER 6149 DATE January 8, 2018

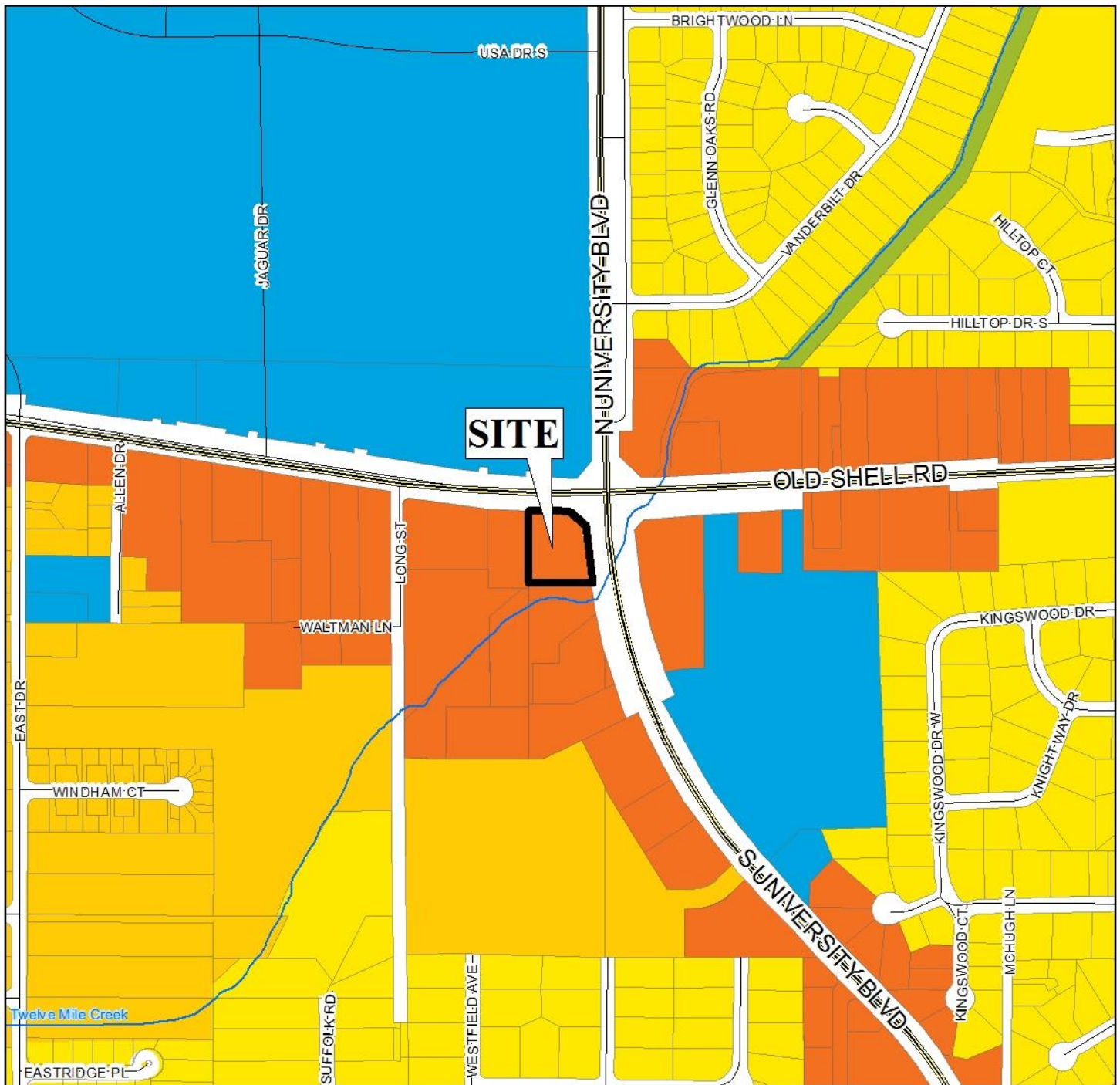
APPLICANT Wrico Signs Inc. for Dunkin Donuts

REQUEST Sign Variance





# FLUM LOCATOR MAP



APPLICATION NUMBER 6149 DATE January 8, 2018

APPLICANT Wrico Signs Inc. for Dunkin Donuts

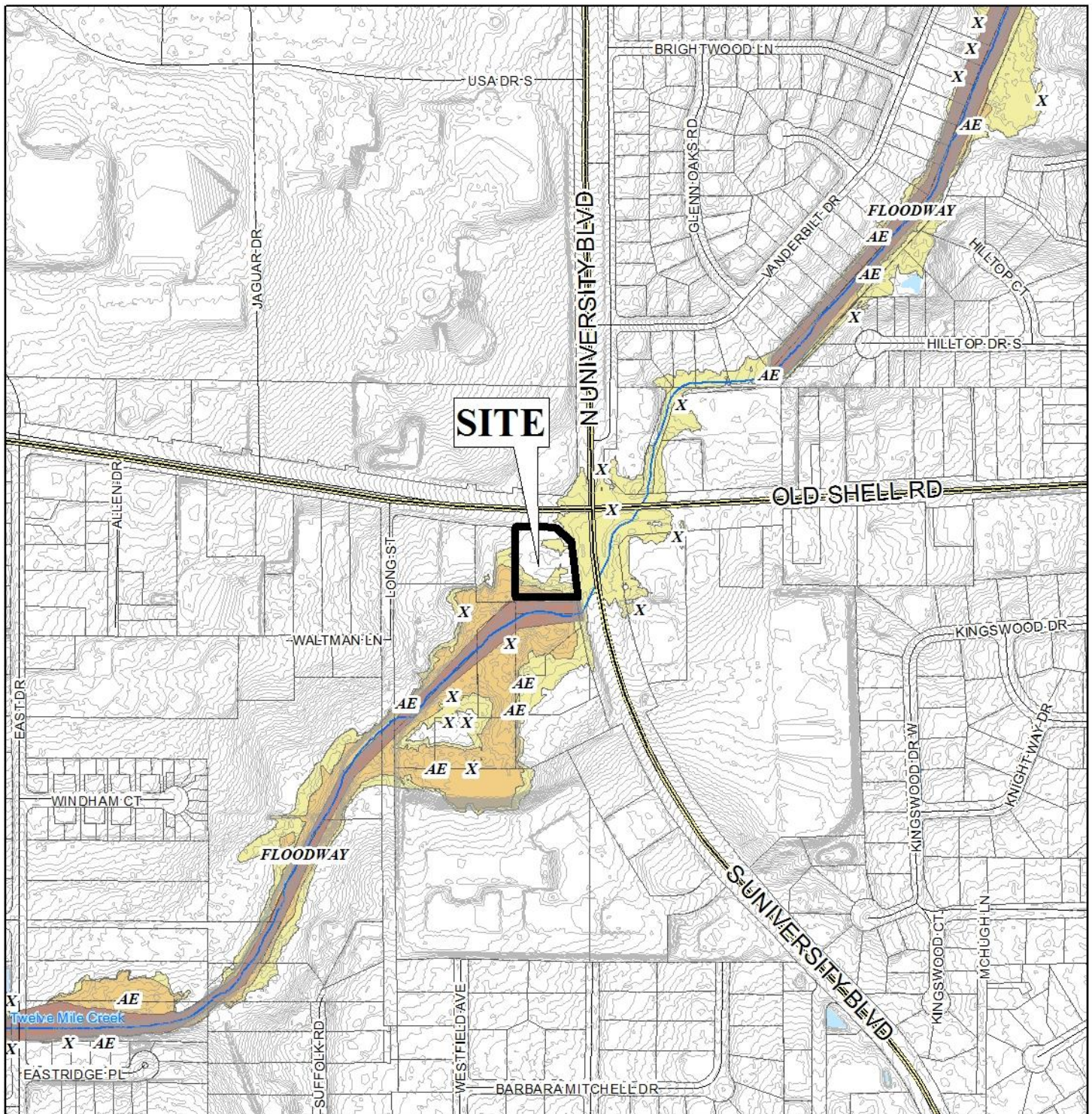
REQUEST Sign Variance

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



APPLICATION NUMBER 6149 DATE January 8, 2018  
APPLICANT Wrico Signs Inc. for Dunkin Donuts  
REQUEST Sign Variance























The map shows the proposed site for the new medical center, outlined in black and labeled "SITE". The site is located on the east side of Old Shell Rd, between N University Blvd and S University Blvd. The site is divided into three sections, each labeled "VAC". Surrounding the site are various land uses: "REST" (Restroom) to the north and west, "SALON" (Salon) to the west, "VAC LAND" (Vacant Land) to the south and west, "MED OFFICE" (Medical Office) to the south, and "BANK" (Bank) to the east. The Twelve Mile Creek flows through the area, crossing Old Shell Rd and S University Blvd. The map also shows the locations of existing buildings, including a "REST" building to the north and a "BANK" building to the east.

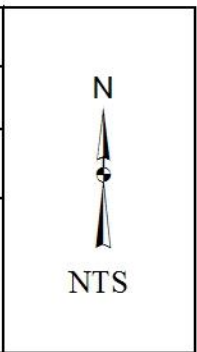
The site is surrounded by commercial units.

APPLICATION NUMBER 6149 DATE January 8, 2018

APPLICANT Wrico Signs Inc. for Dunkin Donuts

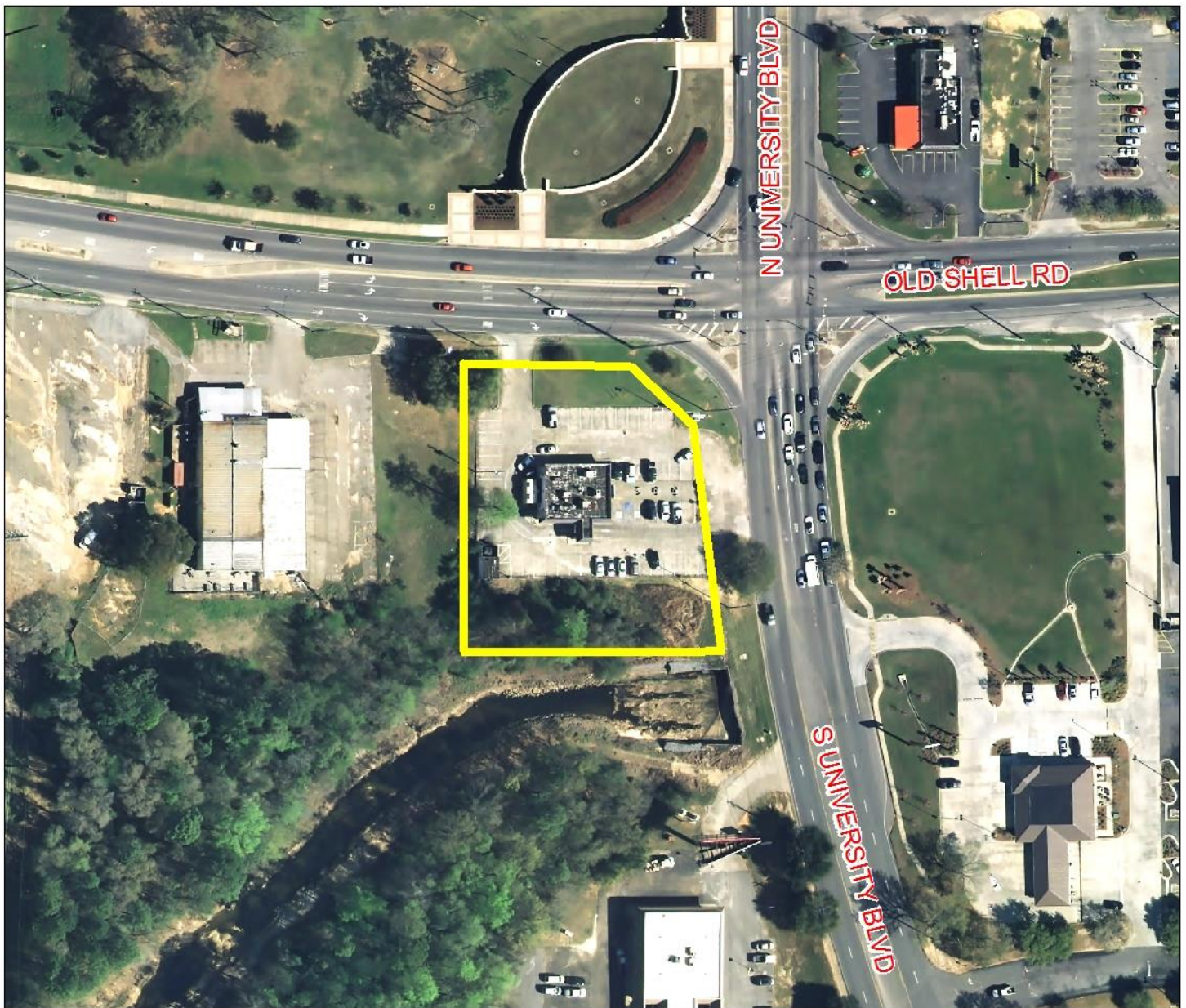
REQUEST \_\_\_\_\_ Sign Variance \_\_\_\_\_

	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

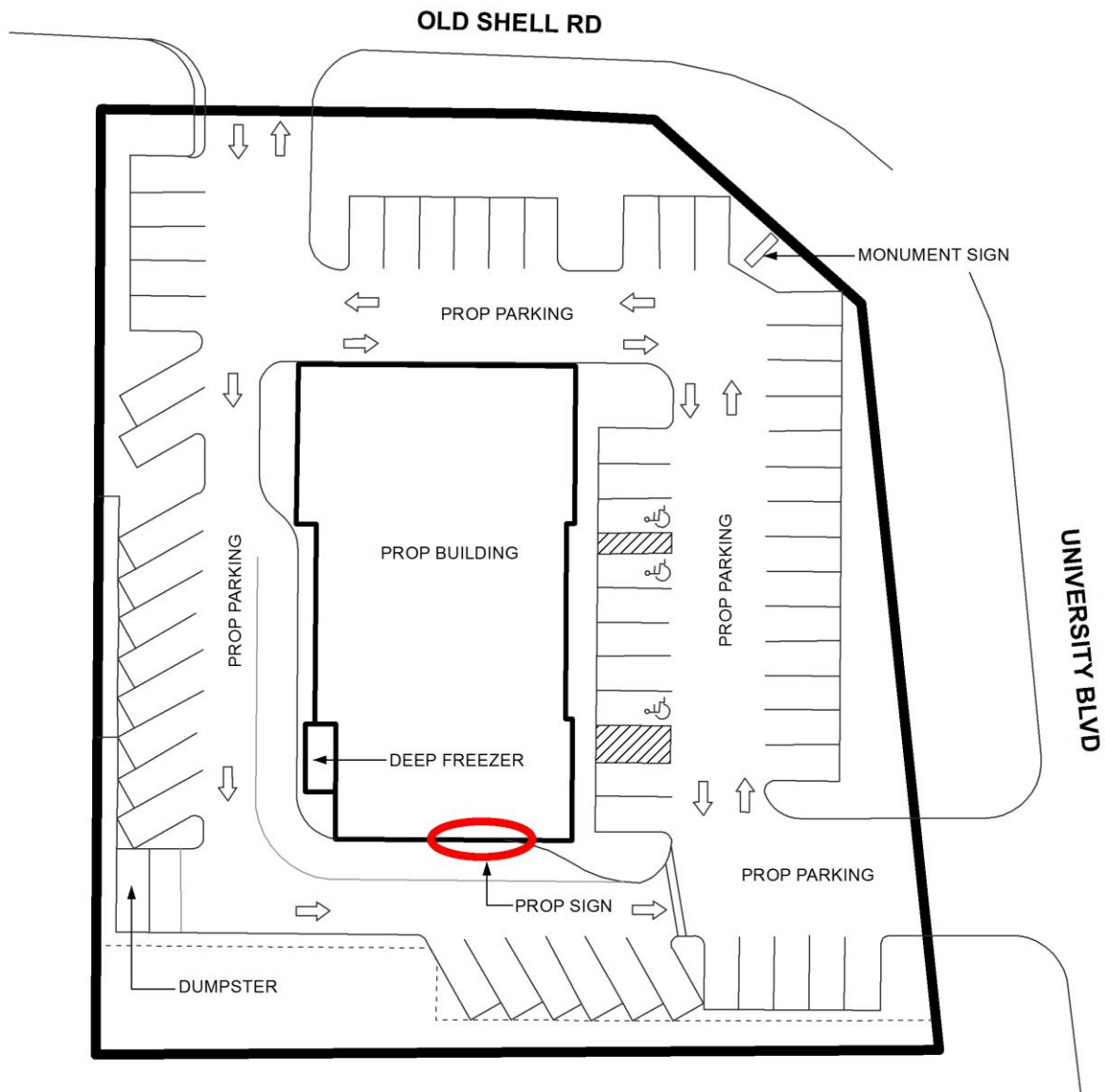


The site is surrounded by commercial units.

APPLICATION NUMBER 6149 DATE January 8, 2018  
 APPLICANT Wrico Signs Inc. for Dunkin Donuts  
 REQUEST Sign Variance



# SITE PLAN



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

APPLICATION NUMBER 6149 DATE January 8, 2018

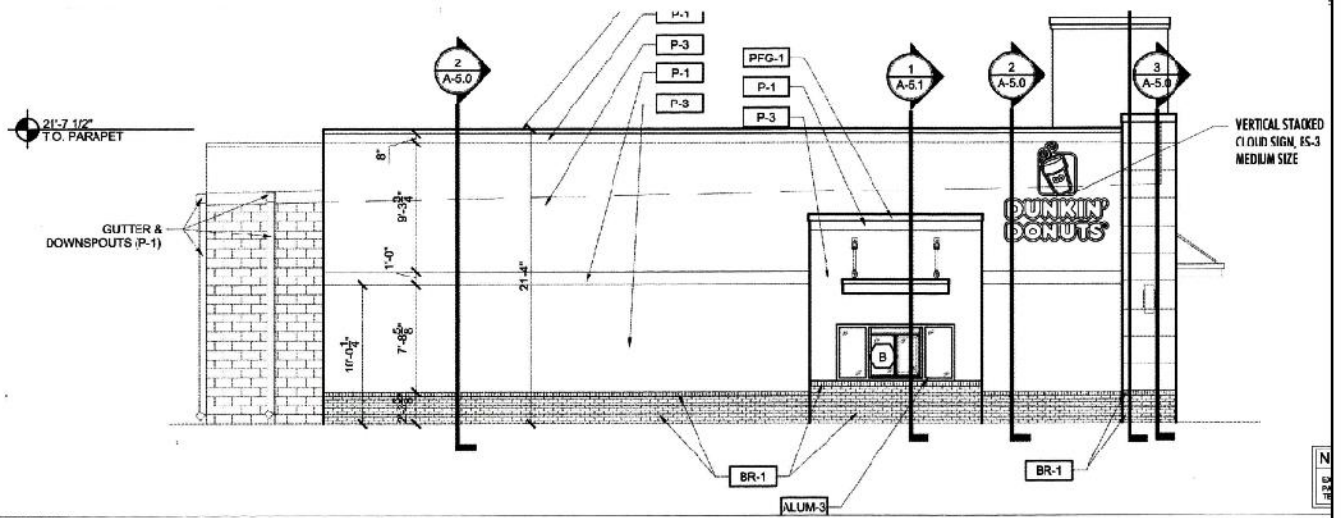
APPLICANT Wrico Signs Inc. for Dunkin Donuts

REQUEST Sign Variance





# DETAIL SITE PLAN



1 LEFT ELEVATION

APPLICATION NUMBER 6149 DATE January 8, 2018

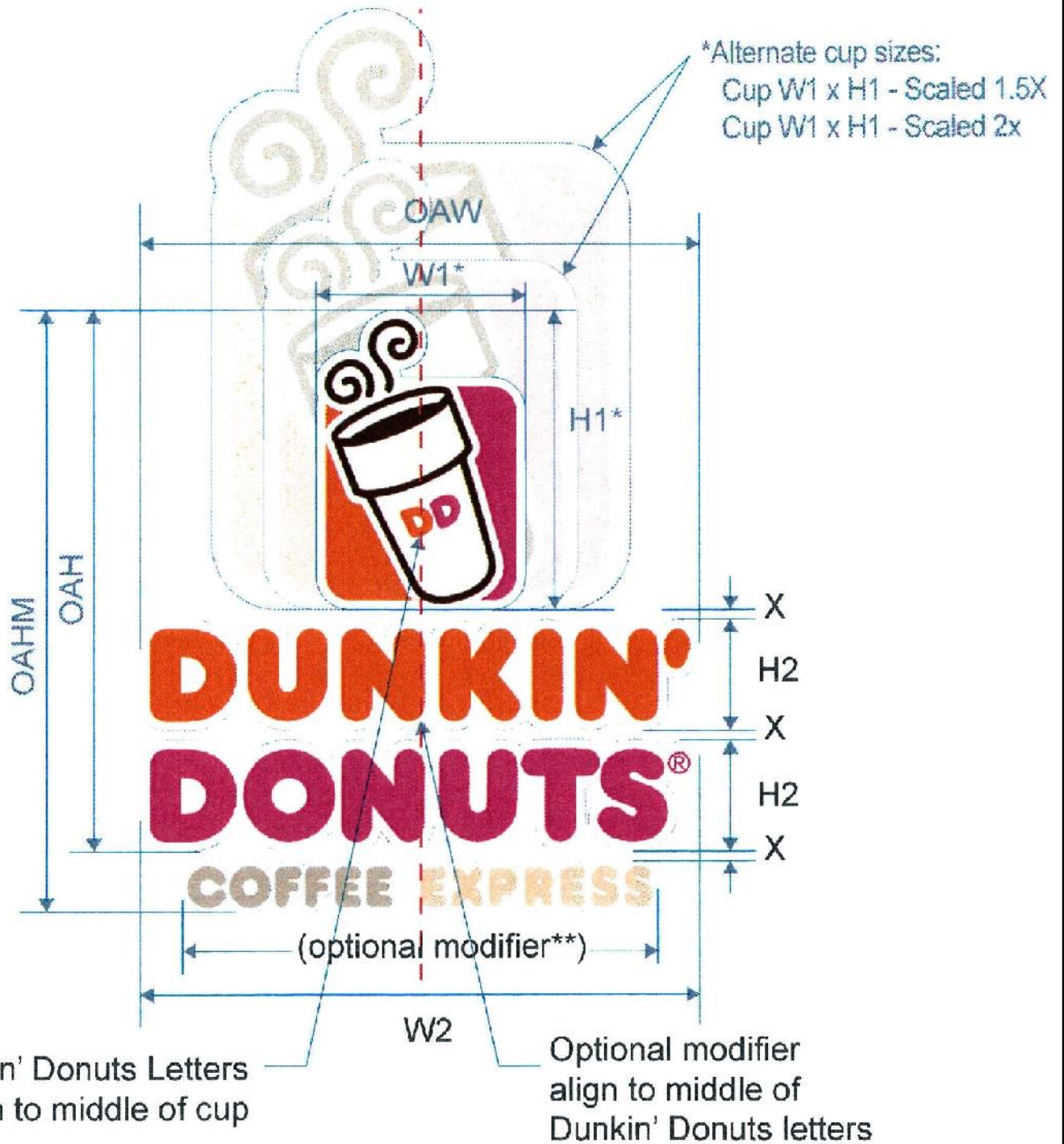
APPLICANT Wrico Signs Inc. for Dunkin Donuts

REQUEST Sign Variance



NTS

# DETAIL SITE PLAN



APPLICATION NUMBER 6149 DATE January 8, 2018

APPLICANT Wrico Signs Inc. for Dunkin Donuts

REQUEST Sign Variance



NTS

