

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT**

Date: February 5, 2018

<u>CASE NUMBER</u>	6154/1795
<u>APPLICANT NAME</u>	Coburn Construction Co., Inc.
<u>LOCATION</u>	4686 Airport Boulevard (Northeast corner of General Bullard Avenue and Airport Boulevard).
<u>VARIANCE REQUEST</u>	SIGN: Sign Variance to allow a digital gas pricier sign within less than 300' of residentially zoned property in a B-2, Neighborhood Business District.
<u>ZONING ORDINANCE REQUIREMENT</u>	SIGN: The Zoning Ordinance requires a 300' buffer between residentially zoned properties and digital gas pricer signs in a B-2, Neighborhood Business District.
<u>ZONING</u>	B-2, Neighborhood Business District
<u>AREA OF PROPERTY</u>	0.95 ± Acre
<u>CITY COUNCIL DISTRICT</u>	District 6
<u>ENGINEERING COMMENTS</u>	No comments.
<u>TRAFFIC ENGINEERING COMMENTS</u>	This request was not reviewed by Traffic Engineering.
<u>URBAN FORESTRY COMMENTS</u>	No comments.
<u>FIRE DEPARTMENT COMMENTS</u>	No comments.
<u>ANALYSIS</u>	The applicant is requesting a Sign Variance to allow a digital gas pricier sign within less than 300' of residentially zoned property in a B-2, Neighborhood Business District; the Zoning Ordinance requires a 300' buffer between

residentially zoned properties and digital gas pricer signs in a B-2, Neighborhood Business District.

The applicant is proposing to replace the signage on an existing pylon sign containing a logo sign, a digital gas pricer sign, two advertising panel signs and an electronic digital message center sign, with a new logo sign, two blank advertising panels, a digital gas pricer sign and an electronic digital message center sign. All signage would be double-faced. A review of Google street images indicates that the existing signage was in place at least as early as May, 2011, thus pre-dating the adoption of the Digital Sign Regulations in June, 2013. Any new signage must come into compliance with the Digital Sign Regulations and, since the structure is within 300' of residentially-zoned property, digital signage is not allowed.

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.

Variations 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 following reasons to explain the need for the variance:

The purpose of this letter / application is to obtain approval for a sign variance in which the new Shell image on the price sign will replace the existing Shell price sign image located at the gas station on 4686 Airport Boulevard.

At this time the existing LED signage was grandfathered in when the new Zoning Ordinance came into effect. The sign structure itself will remain; the foundation and the poles will not be removed nor changed. The only changes which must be performed to comply with Shell requirements is the change to the new Shell image.

Shell Oil is requiring this new image at all stores in order to comply with their guidelines. This new image will not only increase sales within the area but will also enhance the appearance of the store. To reiterate, the sign structure itself remains untouched. Only the cabinets and the faces of the signage will be replaced.

This piece of property is a commercial site in a high traffic area on Airport Boulevard. It is surrounded by many other commercial properties.

The subject site is surrounded by B-2 to the East in commercial use; B-1 to the North in commercial use, and B-2 to the South across Airport Boulevard in commercial use. To the West across General Bullard Avenue is R-1 in nonconforming commercial use as a tire store and an adjacent R-1 used as a fire station. A vacant B-1, Buffer Business District property is adjacent to the North of the tire store and is used as a parking lot. The nearest R-1 in residential use is adjacent to and North of the parking lot across General Bullard Avenue, and within approximately 225' of the proposed signage.

The site has been given a Neighborhood Center – Suburban 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 land use designation applies to smaller hubs of mixed commercial, community, and recreational activity that cater to adjacent residential areas. Many of these centers exist today in some form. Therefore, the following common principles apply not just to the future development of new centers, but also to the redevelopment (wholesale or incremental) of existing centers.

The following are General Principles for Neighborhood Centers (NC): NC should support a limited amount of commercial employment. NC should incorporate some residential use, which may vary in type from detached single family, townhouse, accessory and live-work units in mixed use and low-rise multifamily structures. The residential density in NC designations – ranging from 4 to 10 du/ac— must be compatible in character with that of surrounding residential development, providing appropriate transitions in height, massing and other buffering from one land use district to the next. The retail and housing uses should merge around vibrant, compact, accessible nodes, located at key neighborhood intersections or along short road segments. The NC nodes should be connected to the surrounding neighborhood and nearby public uses (e.g., schools, parks, etc.) via well-designed sidewalks and complete streets.

While the above-listed principles are common to all NC districts, the design attributes of neighborhood centers generally vary depending on whether a center is in a more “traditional” or more “suburban” context.

Additional Attributes of Neighborhood Centers:

NC in traditional contexts: These tend to be in those areas east of the Beltline and correspond to MxDR neighborhoods. In these NCs, buildings should orient to the street, with on-site parking typically pushed to the back of the site. The design qualities of the public realm are emphasized, including the provision of continuous sidewalks, tree canopy, pedestrian amenities, on-street parking and bicycle facilities where appropriate.

NC in suburban contexts: These generally are located among the LDR land use designations in the areas west of the Beltline. Where they exist, these centers currently have a more pronounced vehicular orientation. Therefore, the emphasis is on retrofitting to improve internal walkability

(e.g., through the addition of sidewalks, tree canopy, protection from the elements) and external connectivity to the surrounding areas (via sidewalks, paths and trails, street crossings, transit stops, etc.) and to increase the mix and density of uses (e.g., infill of outparcels, addition of housing, etc.).

It should be pointed out that in previous cases regarding digital fuel pricing signs, the Board has ruled in favor of the applicant's request. In this instance, the proposed signage would replace existing signage and not add any different type of signage. And since the existing digital signage has been in place since at least 2011 with sufficient vegetation to obstruct the view of it from the closest residentially-used property, it would stand that the same-kind replacement of signage should pose no adverse impacts upon the residential nature of the neighborhood. Also, the Board has generally been sympathetic to the applicant's request in cases where signage changes were required by corporate branding changes.

It should be noted, however, that staff has observed that the site has numerous unpermitted signs well in excess of the signage allowed. These include a banner attached to the pylon sign, signs attached to light poles and at least one tree, and small signs attached to the building and carwash and signs attached to pump island bollards. Feather flags have also been observed at times. Should the Board wish to approve the Variance at hand, staff recommends that a condition be added to remove all excess, unpermitted signage prior to the issuance of a permit for the the signage.

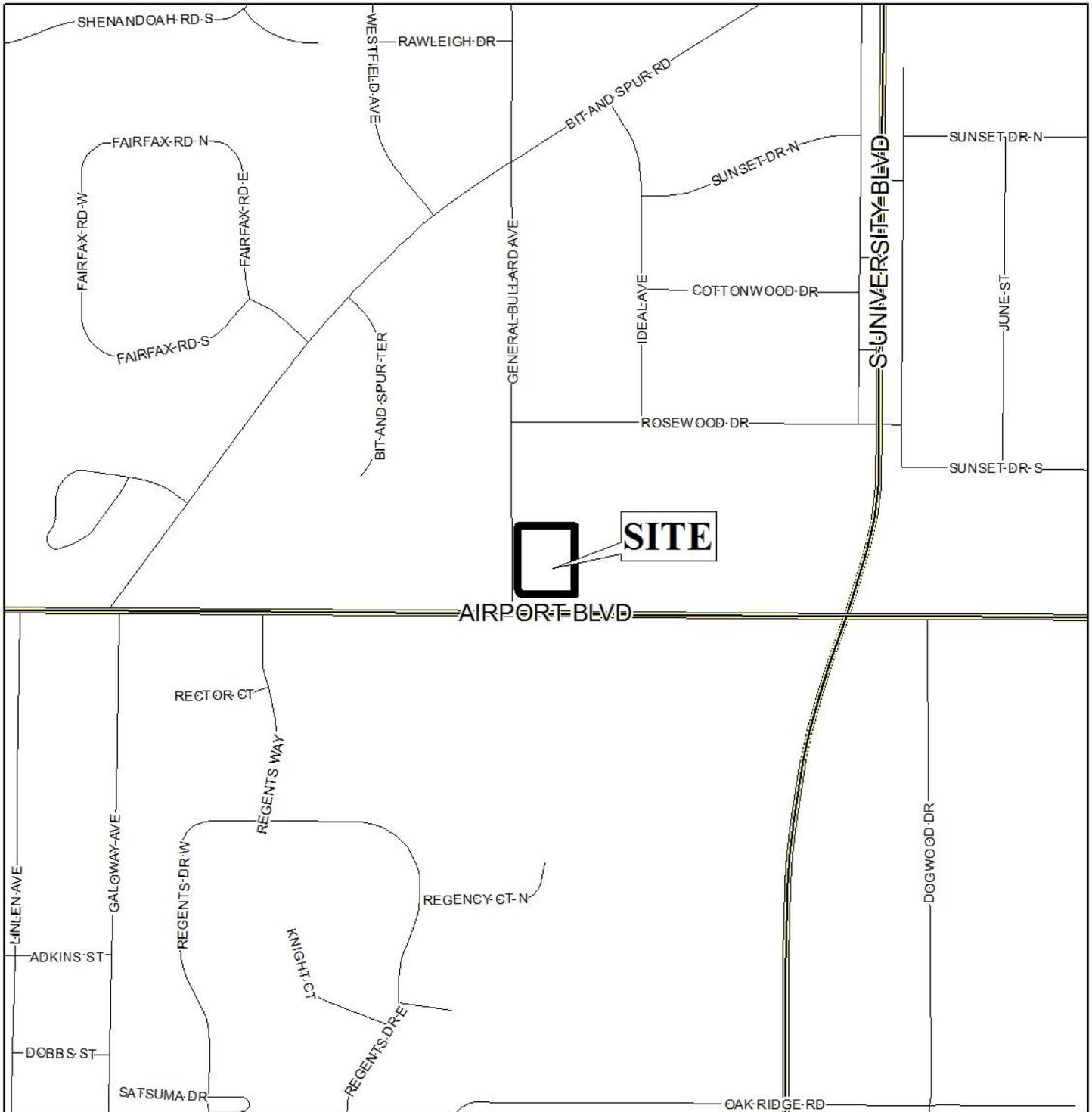
RECOMMENDATION: Staff recommends to the Board the following findings of facts for approval:

- 1) Approving the variance will not be contrary to the public interest in that the digital sign regulations are not, in the Board's opinion, applicable to fuel price signs;
- 2) Special conditions exist and there are hardships which exist, in that the Board is of the opinion that the digital sign regulations are not applicable to fuel price signs, and the signage re-branding is a corporate requirement, such that the 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 done to the surrounding neighborhood by granting the variance because the proposed digital fuel pricer signs and readerboard sign will replace similar signage which has existed since before the enactment of the digital sign provisions of the Zoning Ordinance and will not be a detriment to the neighborhood.

Therefore, the pylon-mounted digital pricer sign and readerboard sign request is recommended for approval, subject to the following conditions:

- 1) removal of all excess, unpermitted signage prior to issuance of permits for new signage;
- 2) obtaining of all necessary sign permits;
- 3) obtaining of an electrical permit; and
- 4) full compliance with all other municipal codes and ordinances.

LOCATOR MAP



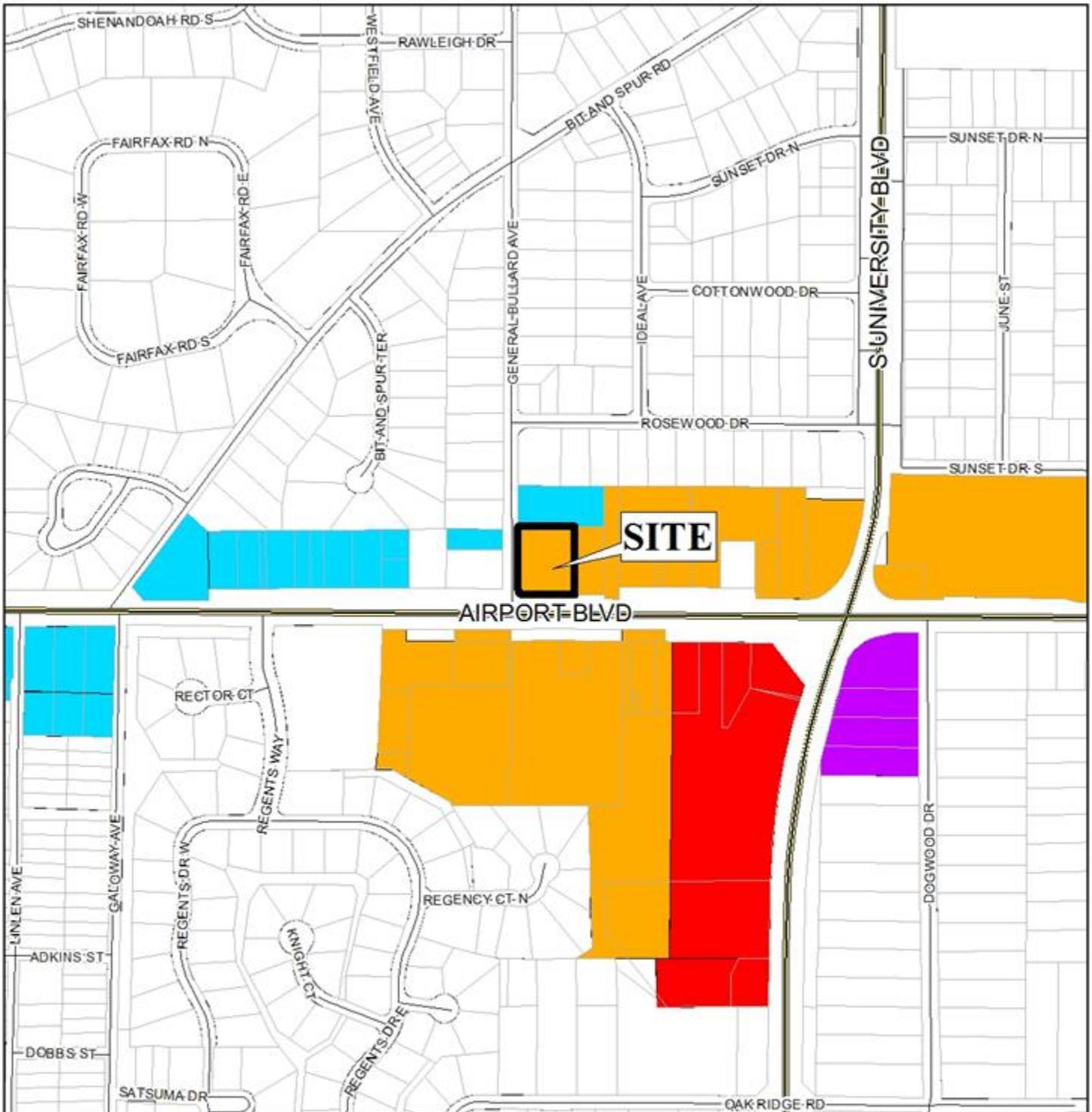
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APPLICANT Coburn Construction Co Inc.

REQUEST Sign Variance



LOCATOR ZONING MAP



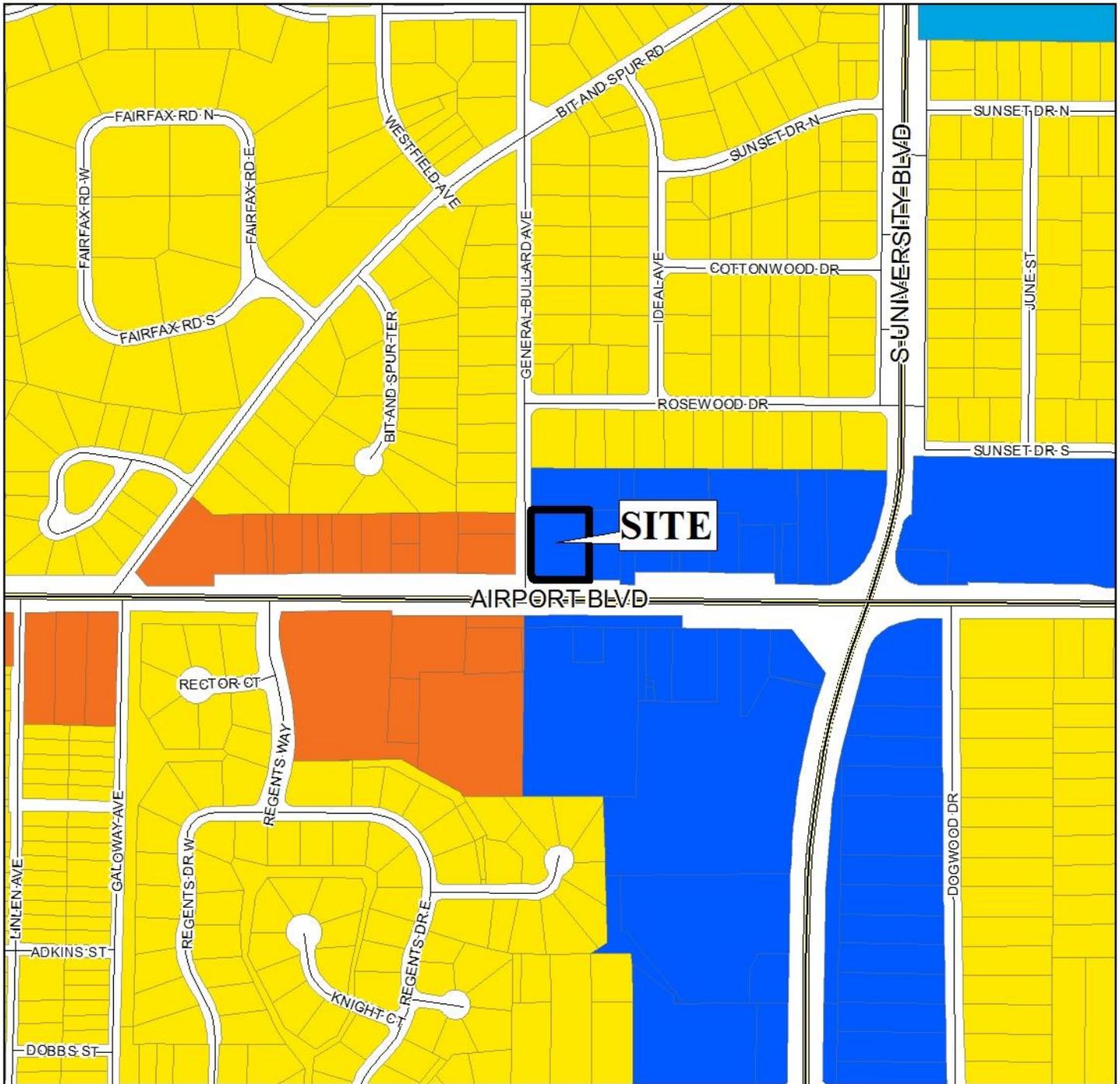
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FLUM LOCATOR MAP



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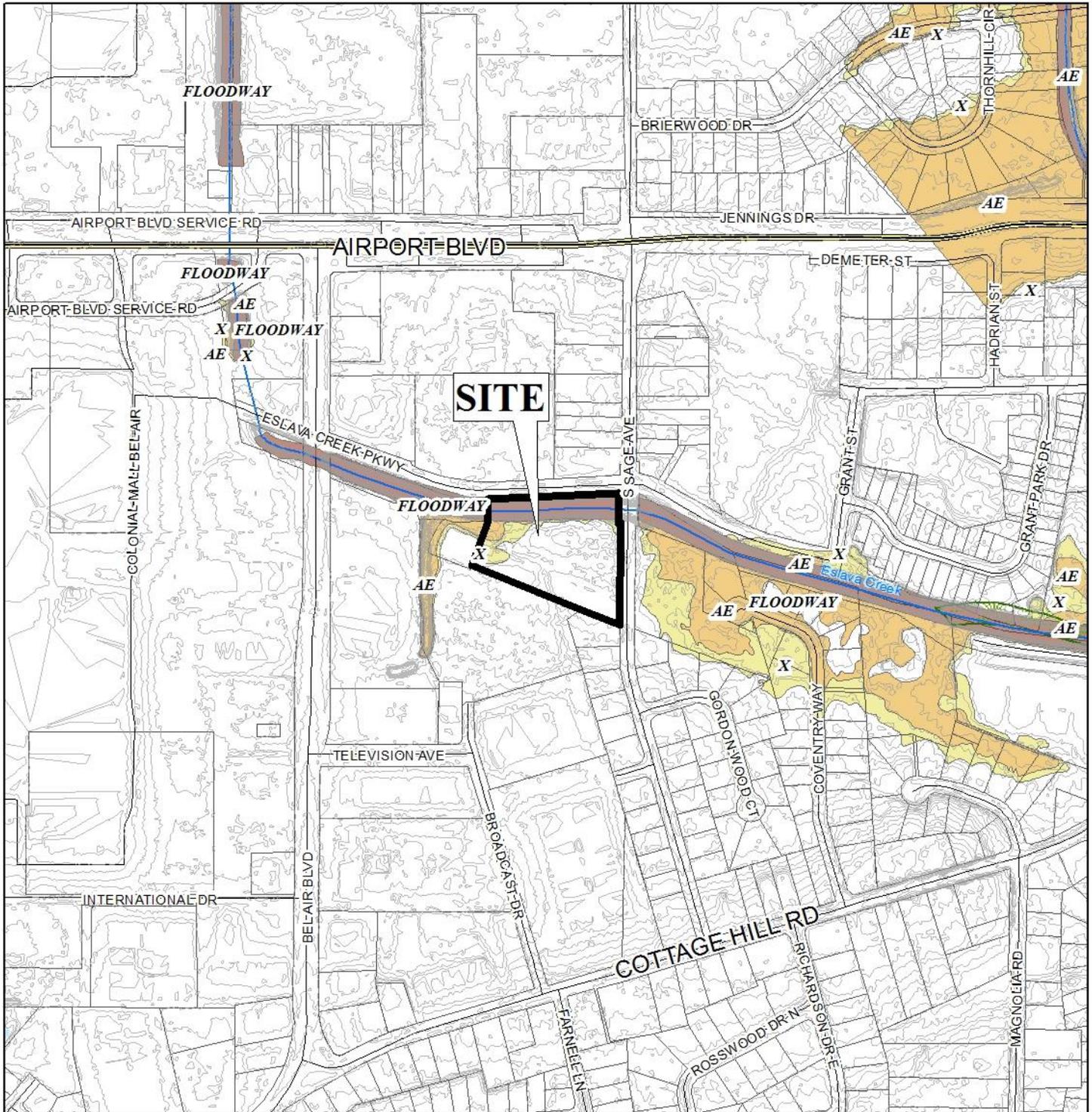
APPLICANT Coburn Construction Co Inc.

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 | |



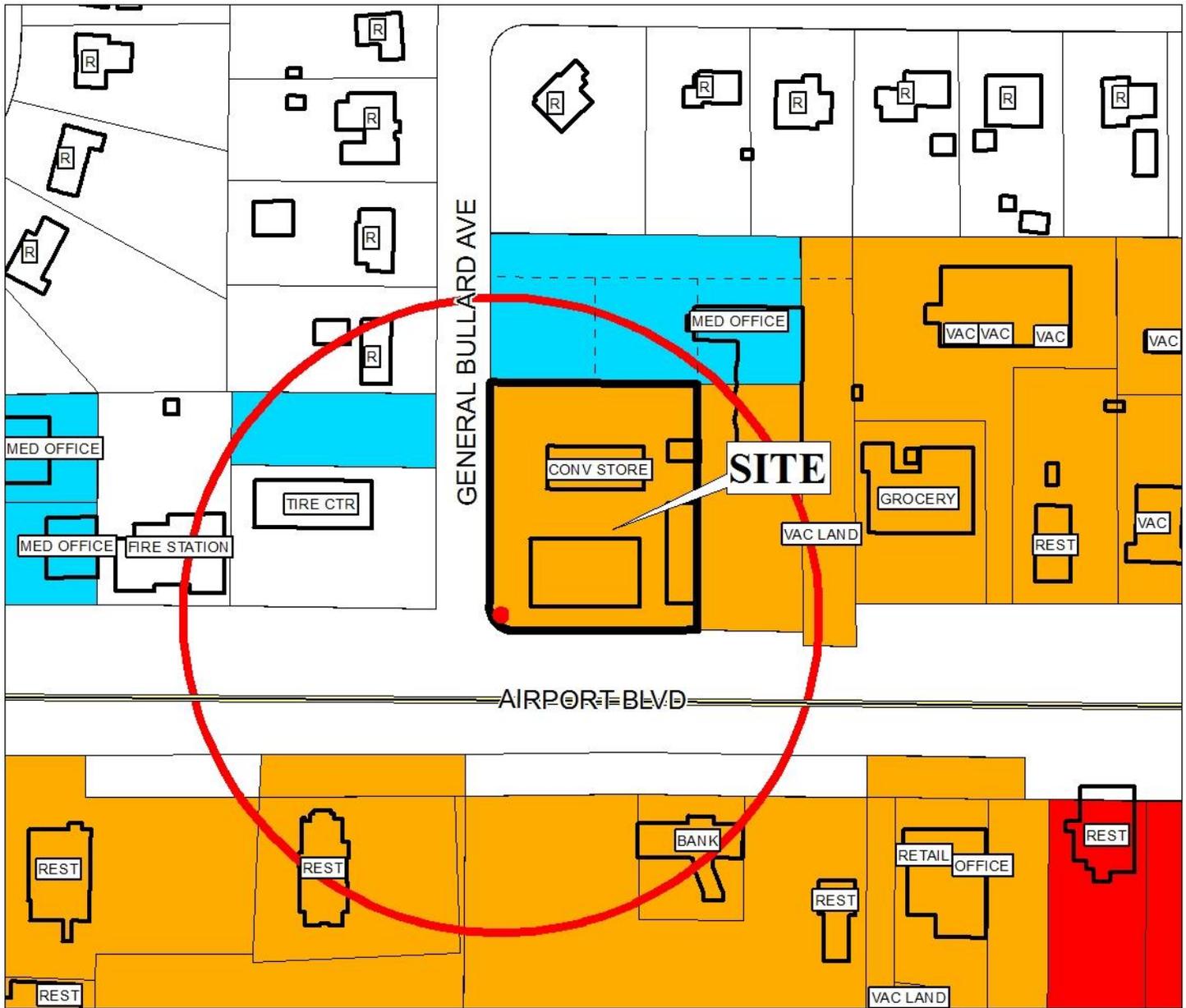
ENVIRONMENTAL LOCATOR MAP



APPLICATION NUMBER 6155 DATE February 5, 2018
APPLICANT Branch Towers III, LLC
REQUEST Height, Setback, Landscape, and Access and Maneuvering Variances



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential and commercial units. A 300' radius is shown from the proposed sign location.

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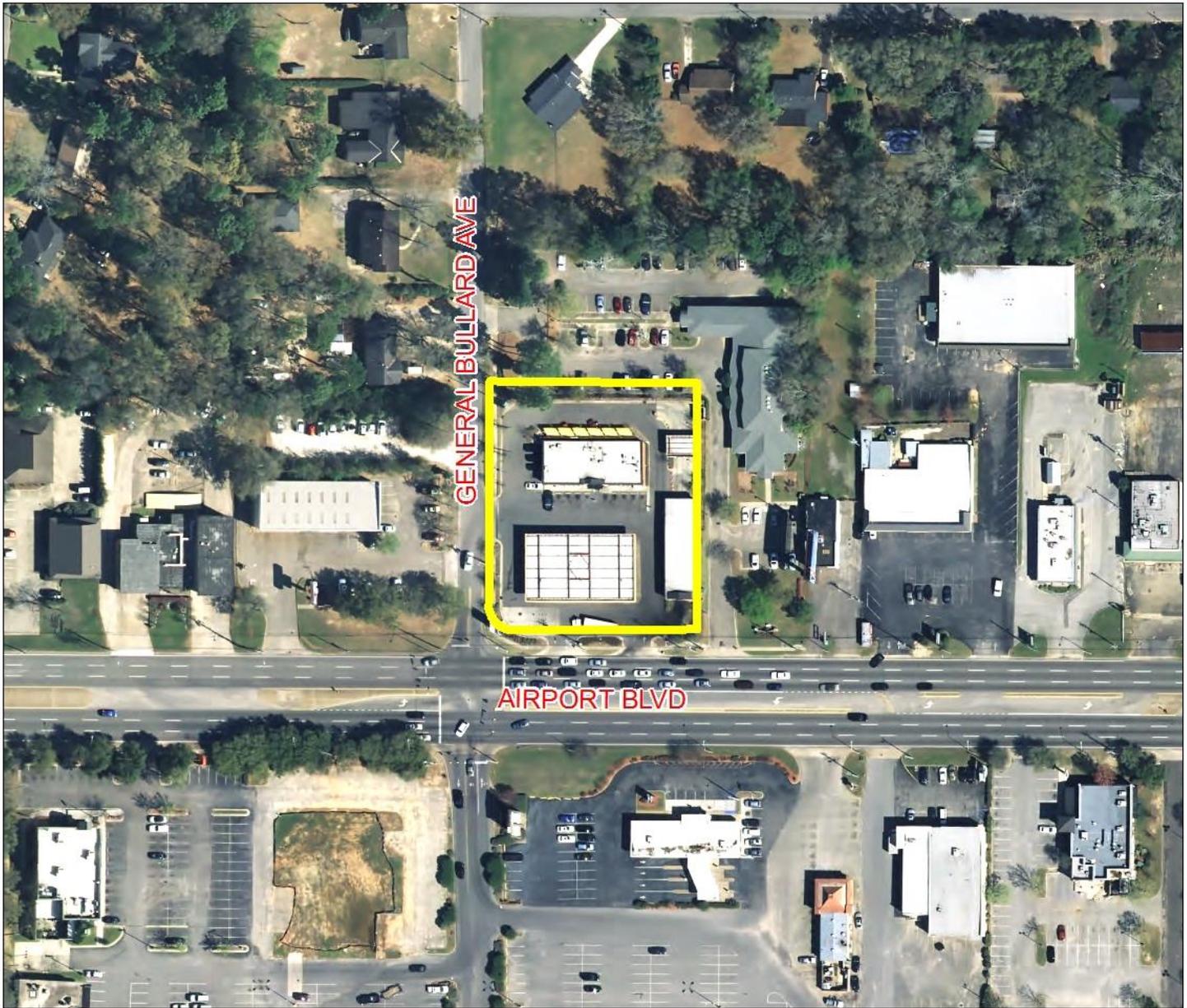
APPLICANT Coburn Construction Co Inc.

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 and commercial units. A 300' radius is shown from the proposed sign location.

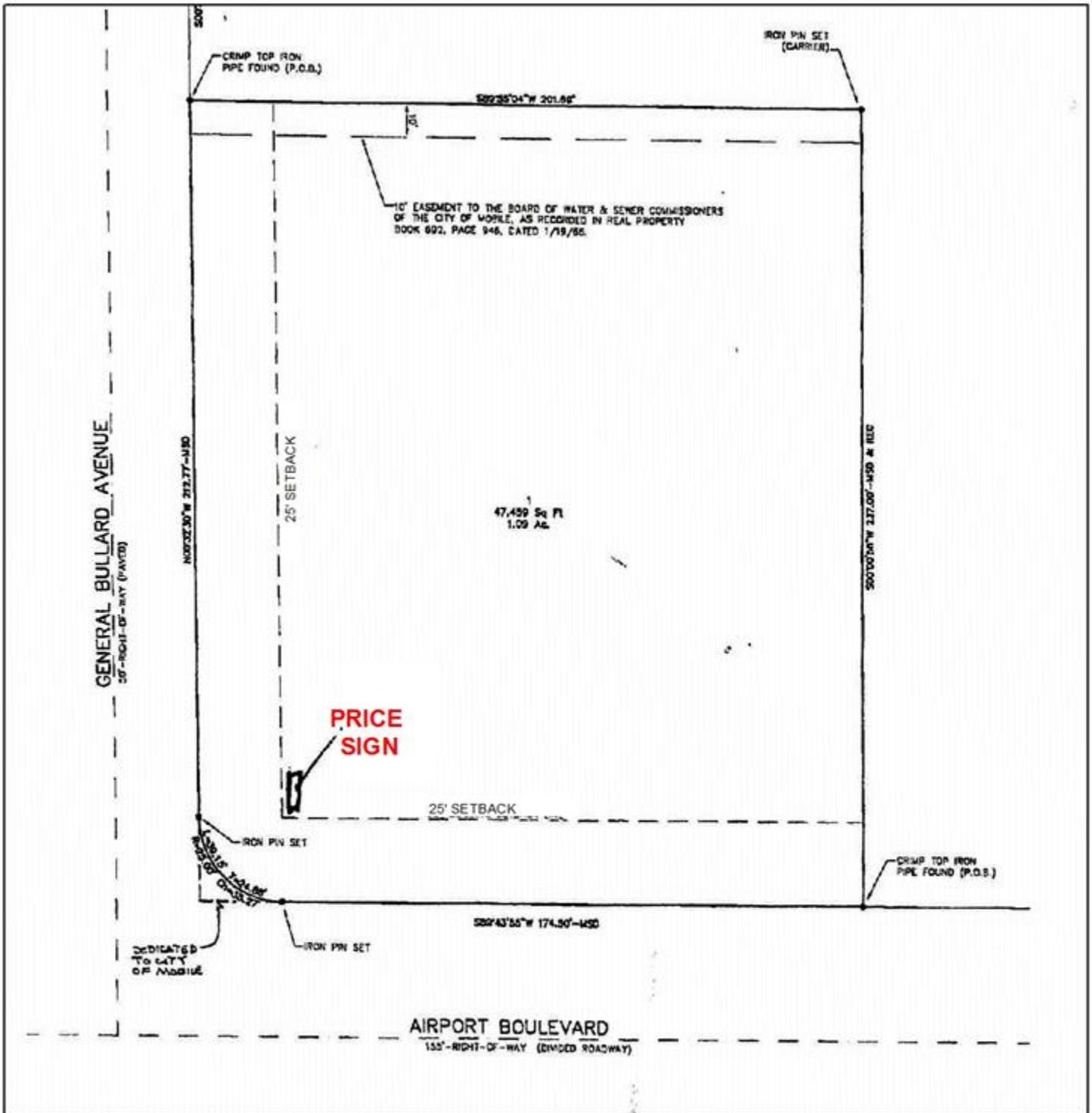
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REQUEST Sign Variance



DETAIL SITE PLAN

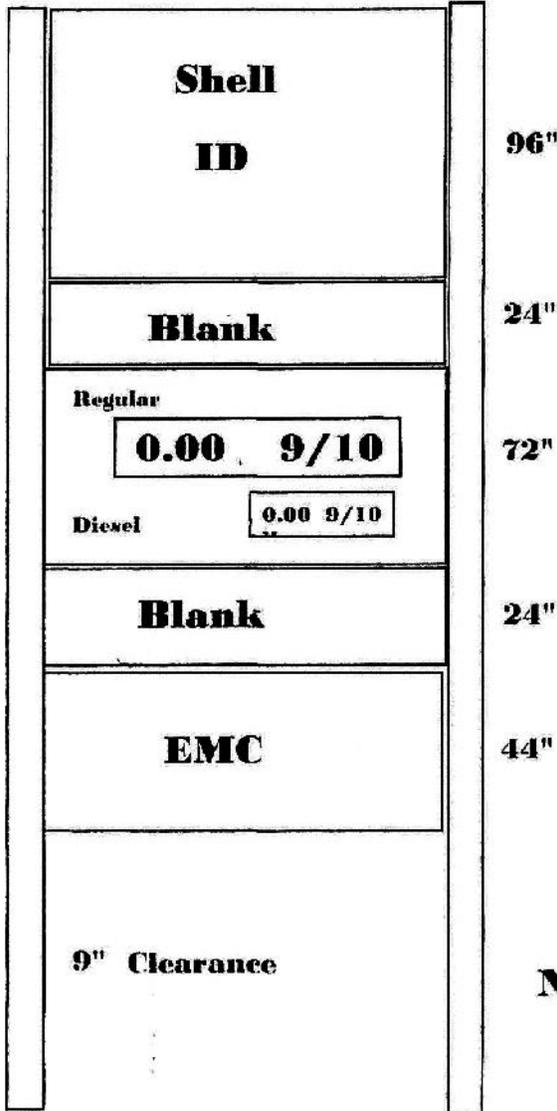


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DETAIL SITE PLAN

AIRPORT SHELL
EXISTING SIGN



Total 21.67 Old sign
Total 22.85 New sign

New signs will have 8' clearance

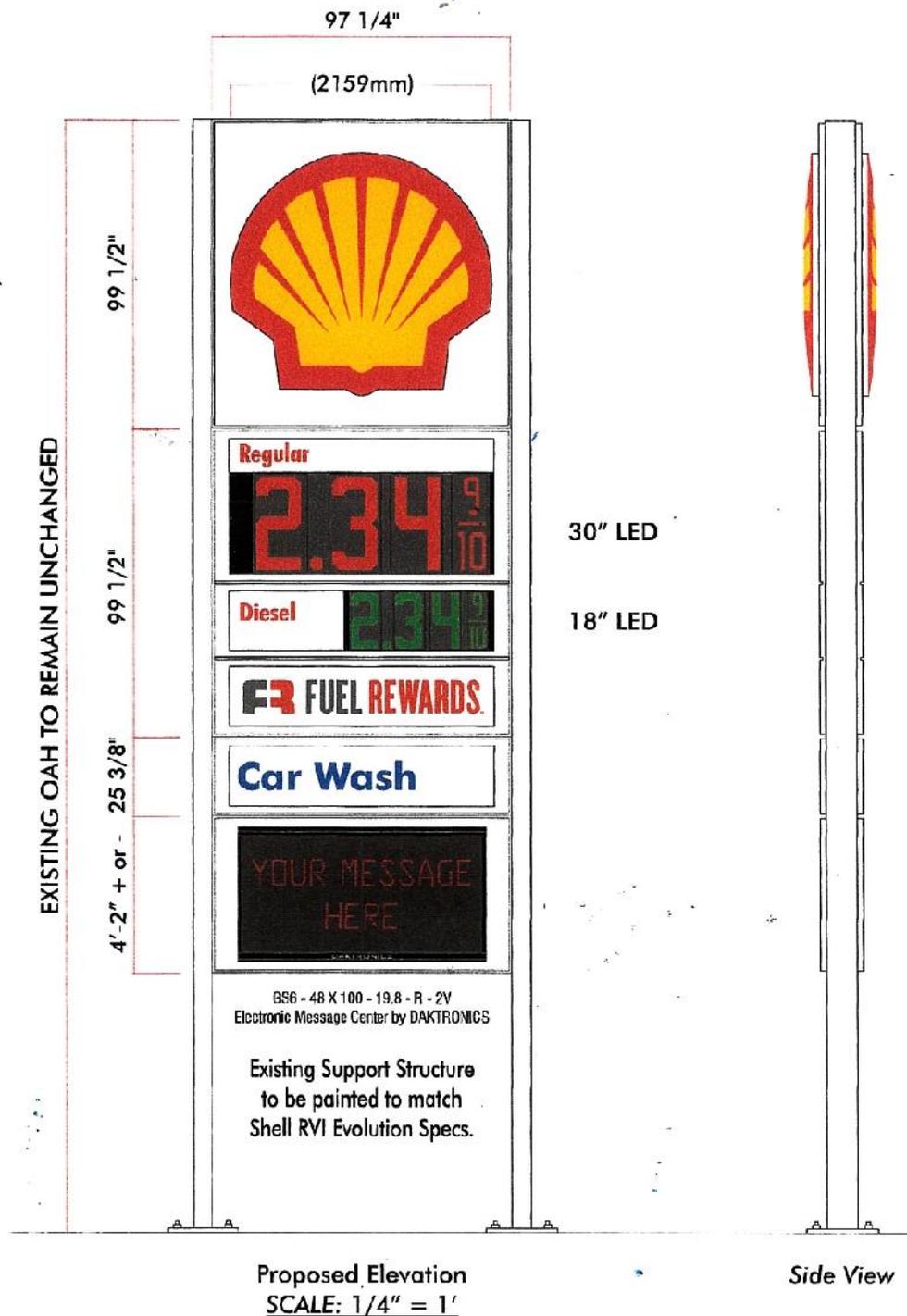
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DETAIL SITE PLAN



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