

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: October 1, 2018****CASE NUMBER**

6209

APPLICANT NAME

Ryan Weber, Entera Branding, LLC

LOCATION

5440 U.S. Highway 90 West
(West side of U.S. Highway 90 West, 600'± South of Three Notch Road, extending to the East side of Old Pascagoula Road).

VARIANCE REQUEST

SIGN: Sign Variance to allow two (2) informational signs greater than 20 square feet in a B-3, Community Business District.

**ZONING ORDINANCE
REQUIREMENT**

SIGN: The Zoning Ordinance limits informational signs to 20 square feet in a B-3, Community Business District.

ZONING

B-3, Community Business

AREA OF PROPERTY

Not specified.

**ENGINEERING
COMMENTS**

No comments.

**TRAFFIC ENGINEERING
COMMENTS**

This request was not reviewed by Traffic Engineering.

**CITY COUNCIL
DISTRICT**

District 4

ANALYSIS

The applicant is requesting a Sign Variance to allow two (2) informational signs greater than 20 square feet in a B-3, Community Business District; the Zoning Ordinance limits informational signs to 20 square feet in a B-3, Community Business District.

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 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 applicant states:

On behalf of Southeastern Grocers, LLC, and Waterstone Southeast Portfolio, LLC, we are filing this sign variance to seek relief from Chapter 64 of the Zoning Ordinance, 64-11, 8.C., (3) (a).

*Each tenant shall 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. Usable wall area is not the height and width of the storefront per Caldwell Whistler. It is only the wall area of where the sign is placed. This area (per the attached building elevation) is only 9'- 11/2" x 73'-9". **This would only allow 201.88 sq. ft. even though the storefront is 220' wide and 28' tall.***

The proposed Winn Dixie channel letters are within the allowable sq. ft. We will eliminate the Food channel letters.

We are asking for the following variance: 2 additional wall signs (Pharmacy and Dollar Shop) and their additional sq. ft. Pharmacy is 48.22 sq. ft. and Dollar Shop is 61.38 sq. ft. Combined is 109.60 sq. ft. of total sign area.

We believe 2 additional wall signs are necessary for two reasons:

- 1. The pharmacy channel letters are necessary because we don't want the general public to think that the pharmacy is closed.*
- 2. The Dollar Shop is also a separate section inside the grocery store, and exterior identification will be necessary for the general public.*

Our request for this variance is warranted based on aforementioned circumstances.

By granting us the variance please keep in mind the following:

It will not affect adjacent properties, public safety, nor alter the character of the surrounding businesses in the area.

Please consider our request.

A permit was issued in June for the main logo wall sign of approximately 202 square feet. Since the site is a multi-tenant site, each tenant is allowed one wall sign. The Pharmacy and the Dollar Shop do not have separate city business licenses. Therefore, they are not allowed individual signage; hence this application.

The front wall façade of the subject building consists of five separate wall planes. Allowable signage is calculated on the basis of the area of the wall plane on which it is proposed. In the instance of the already-permitted Winn Dixie wall sign, the wall plane was approximately 73'-9" wide x 9'-1 1/2" high, allowing approximately 202 square feet of signage for that wall plane. In instances where a main logo sign and ancillary signage are proposed, if all signage is combined into one sign permit application not exceeding the allowable square footage, a sign permit can be issued. This has been the case in signs for other Winn Dixie stores where the available wall space allowed it. However, due to the configuration of the front wall of the subject store, there are five wall planes and none allow for the combining of the main logo sign with the proposed ancillary signs without exceeding the 30% wall plane area allowance.

It should be noted that the proposed signs are actually considered advertising as they contain corporate imaging as opposed to strictly informational/directional signs. Informational/directional signs are allowed up to 20 square feet each without a permit. Even if they were truly informational/directional, a Variance would be required to allow their size. If the front wall of the subject store had only one wall plane, sufficient area would exist to allow the grouping of the three signs under one sign permit and the total signage would occupy far less than the allowable signage area of up to 350 square feet or 30% of the wall plane.

In light of the fact that the façade of the building is broken into five wall planes, none of which allow for the placement of all three signs grouped into one sign not exceeding 30% of the wall

plane area, the applicant has illustrated a hardship with respect to maintaining compliance with the Sign Regulation provisions of the Zoning ordinance, and the Board should consider this application for approval.

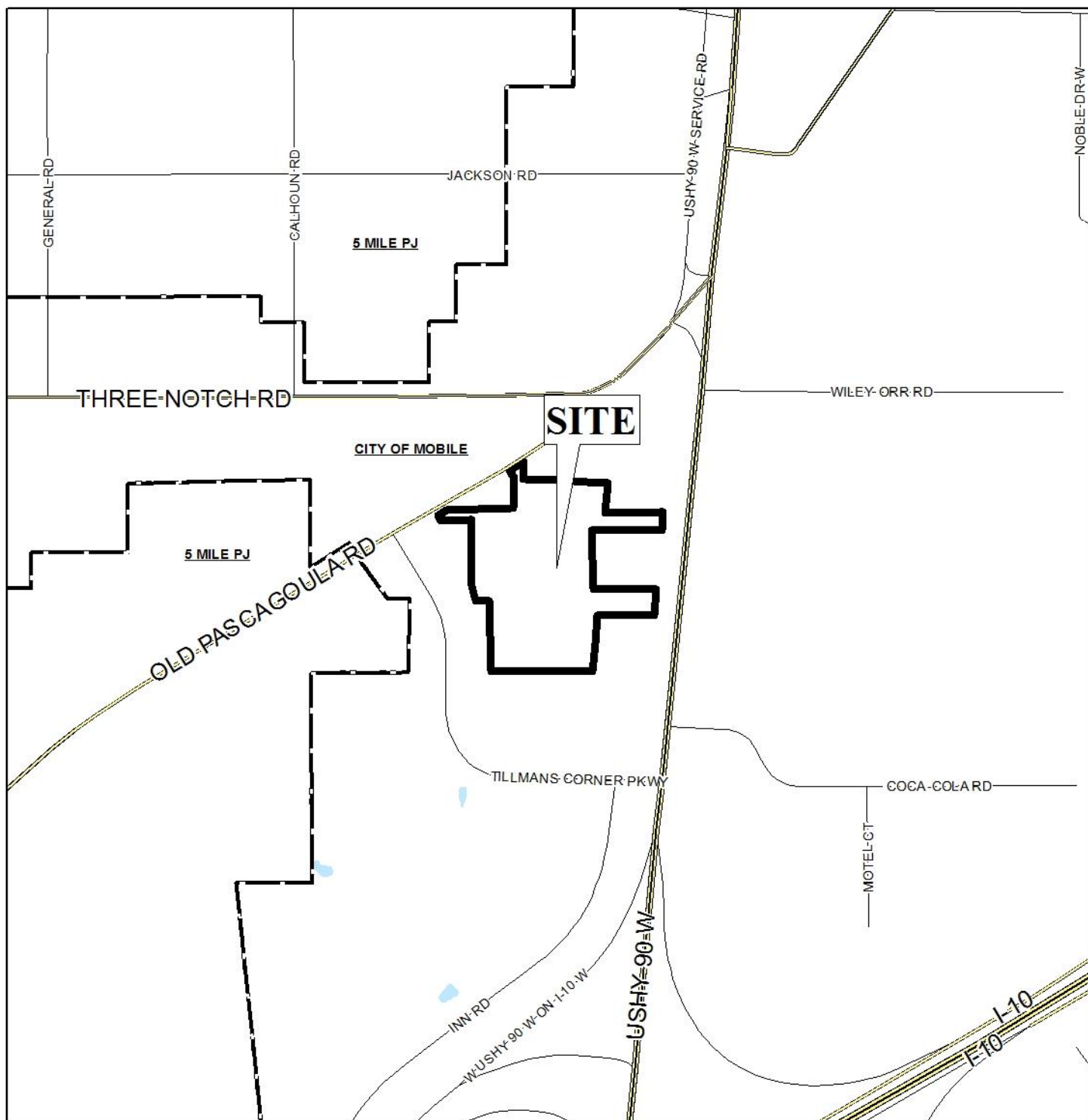
RECOMMENDATION: Staff recommends to the Board the following findings of fact for approval:

- 1) Based on the fact that the total square footage of proposed signage is less than 30% of the total area of the five combined front façade wall planes, the Variance will not be contrary to the public interest;
- 2) This special condition (the store front façade is broken into five smaller planes which restrict the signage square footage allowances per plane) exists such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
- 3) That the spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance in that the applicant will be allowed to have signage square footage spread among three frontage façade wall planes which would normally be allowed only on one wall plane if its size allowed such.

Therefore, the request to allow three (3) wall signs, for a total of five (5) signs, on a single tenant site in a B-3, Community Business District is recommended for approval, subject to the following conditions:

- 1) obtaining of a sign permit for each of the proposed signs; and
- 2) full compliance with all municipal codes and ordinances.

LOCATOR MAP



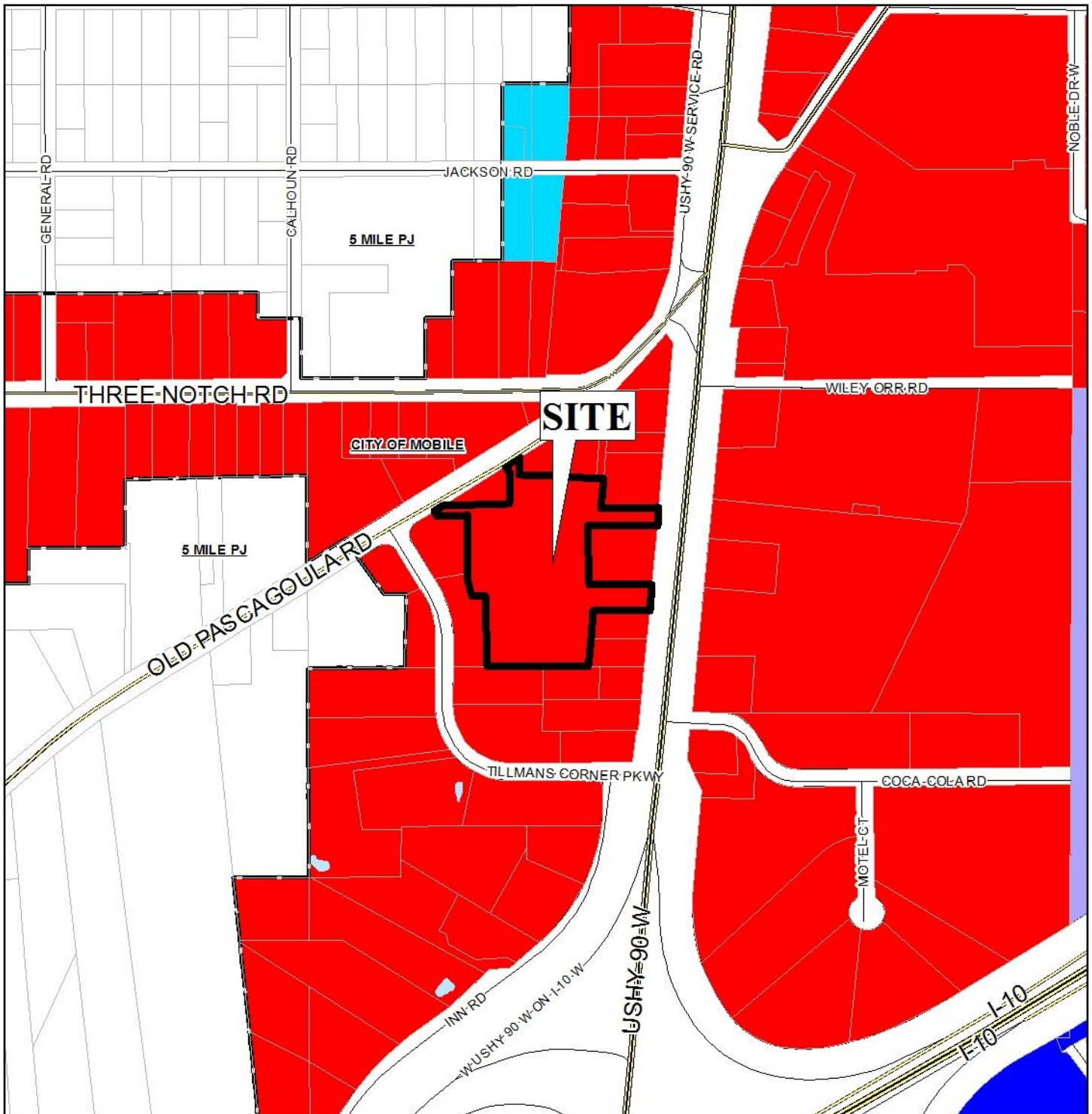
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REQUEST Sign Variance



LOCATOR ZONING MAP



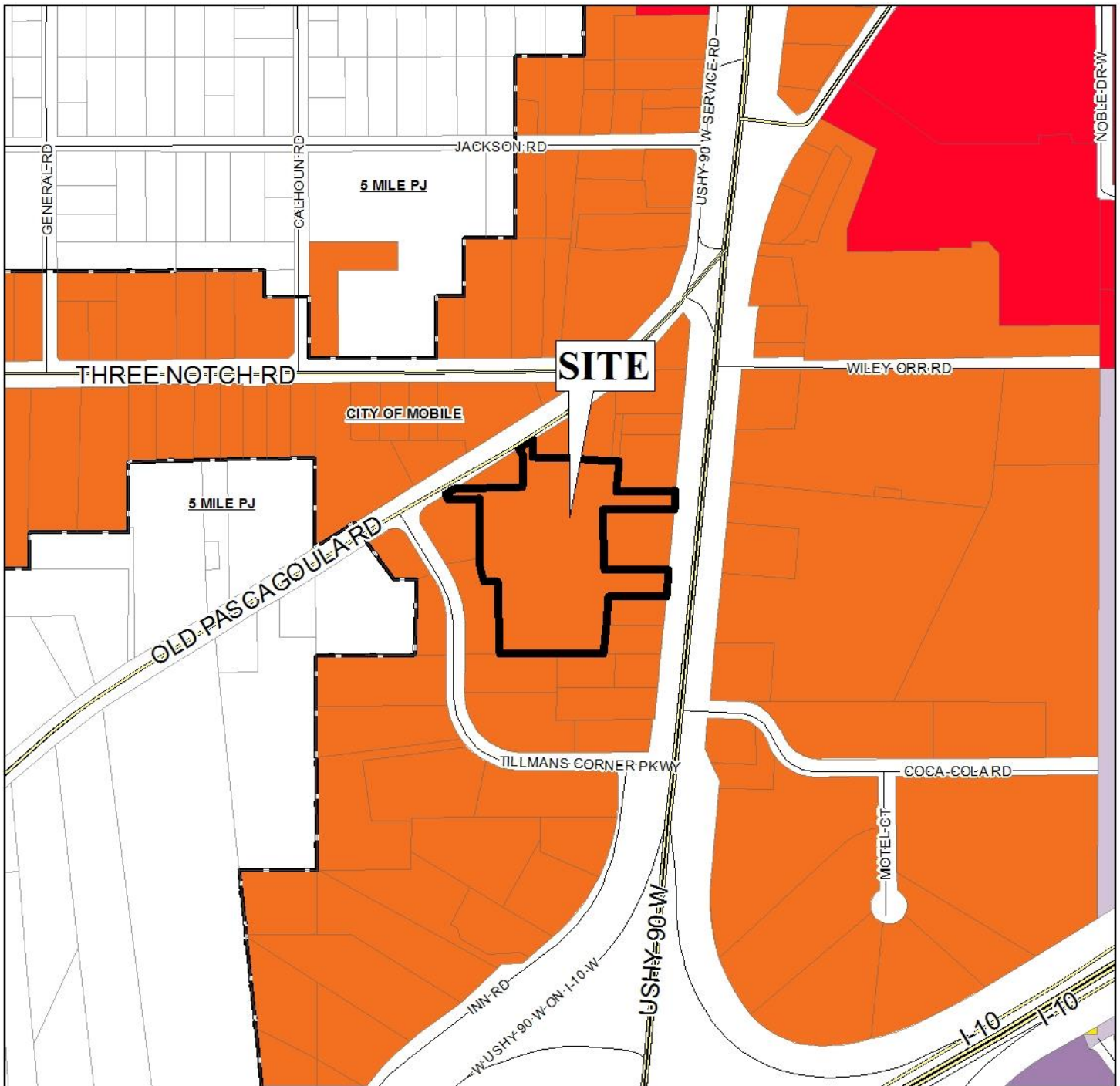
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FLUM LOCATOR MAP



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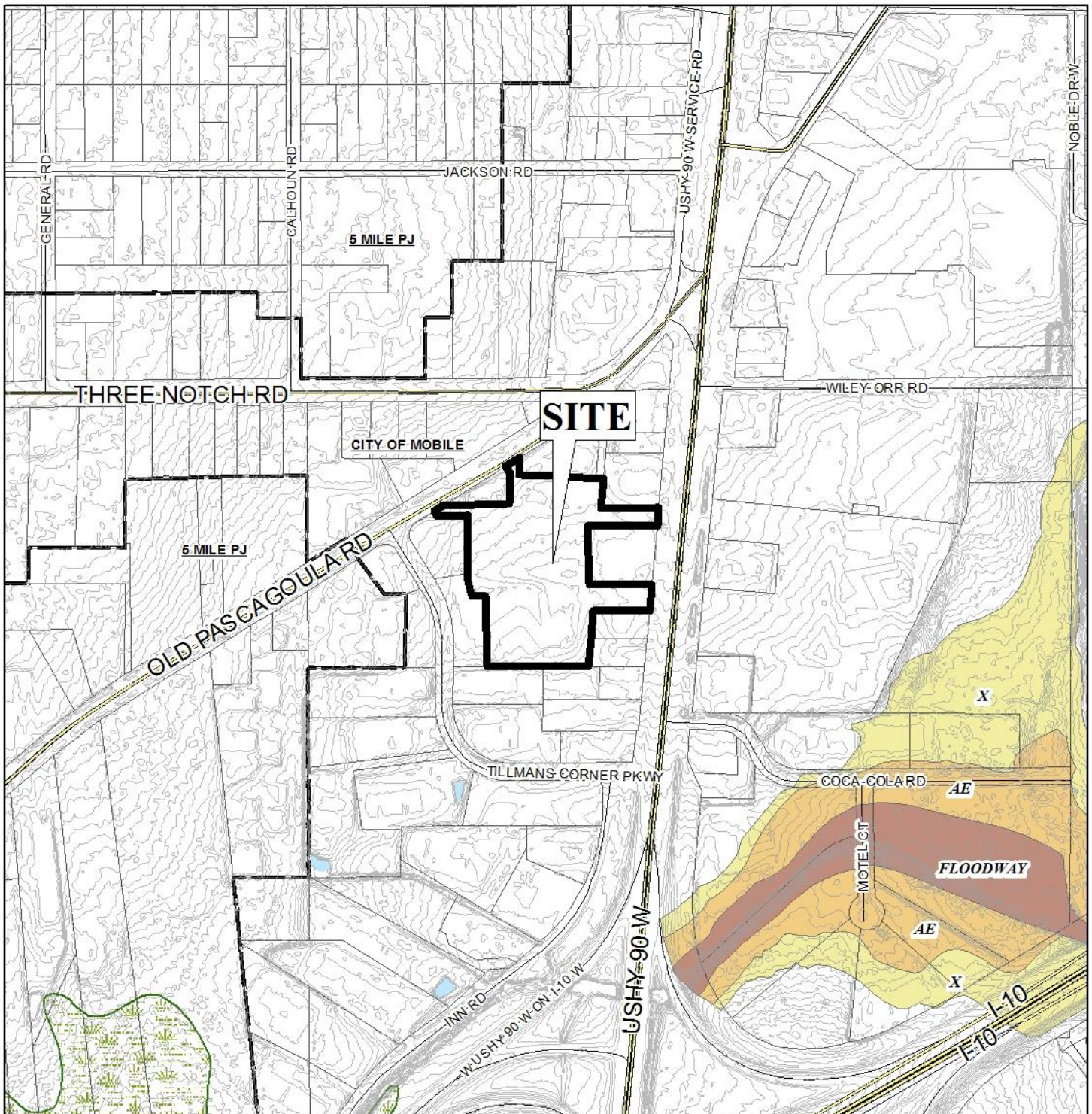
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Low Density Residential	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
Mixed Density Residential	Neighborhood Center - Suburban	Light Industry	Water Dependent
Downtown	Traditional Corridor	Heavy Industry	
District Center	Mixed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



ENVIRONMENTAL LOCATOR MAP



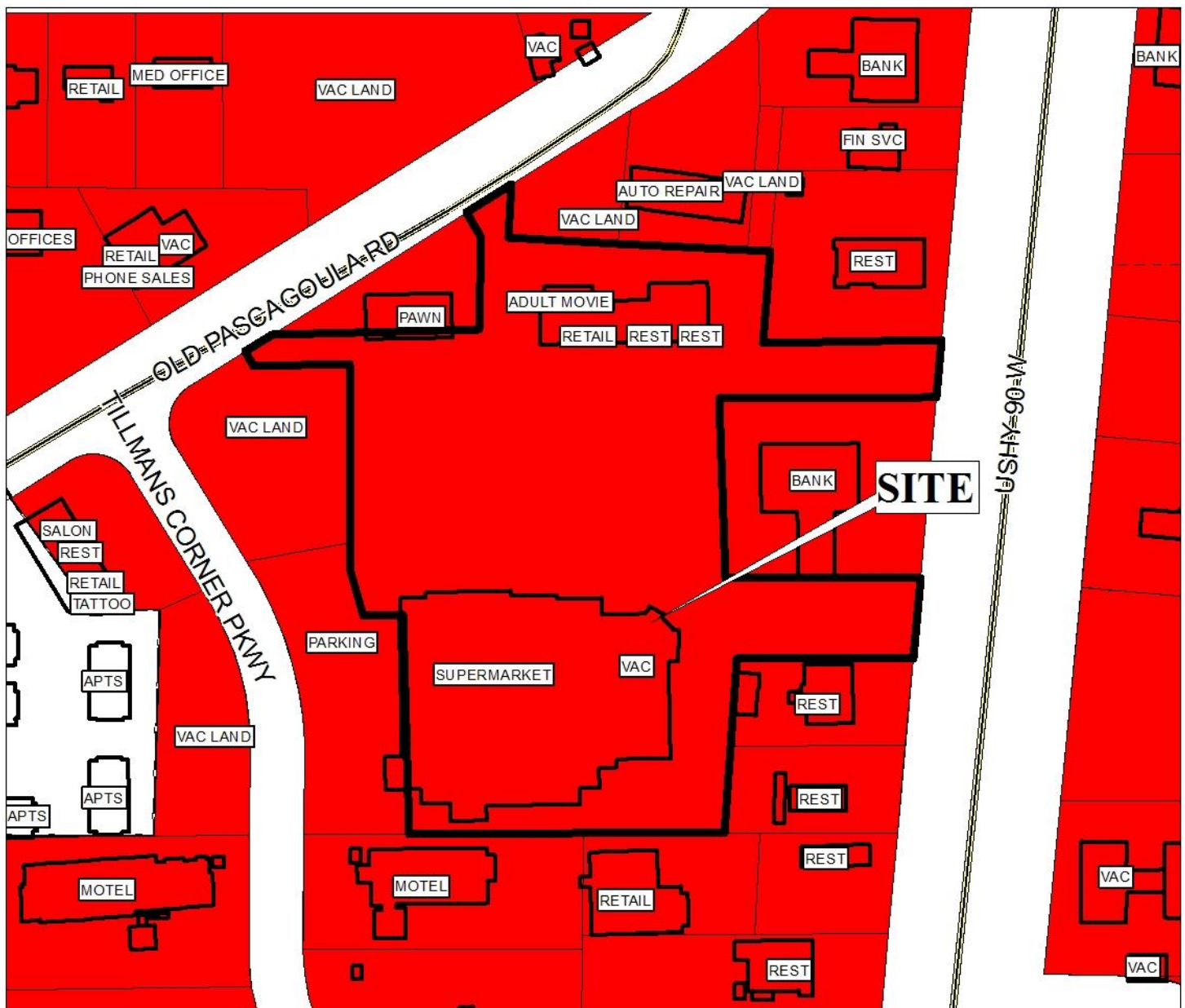
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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

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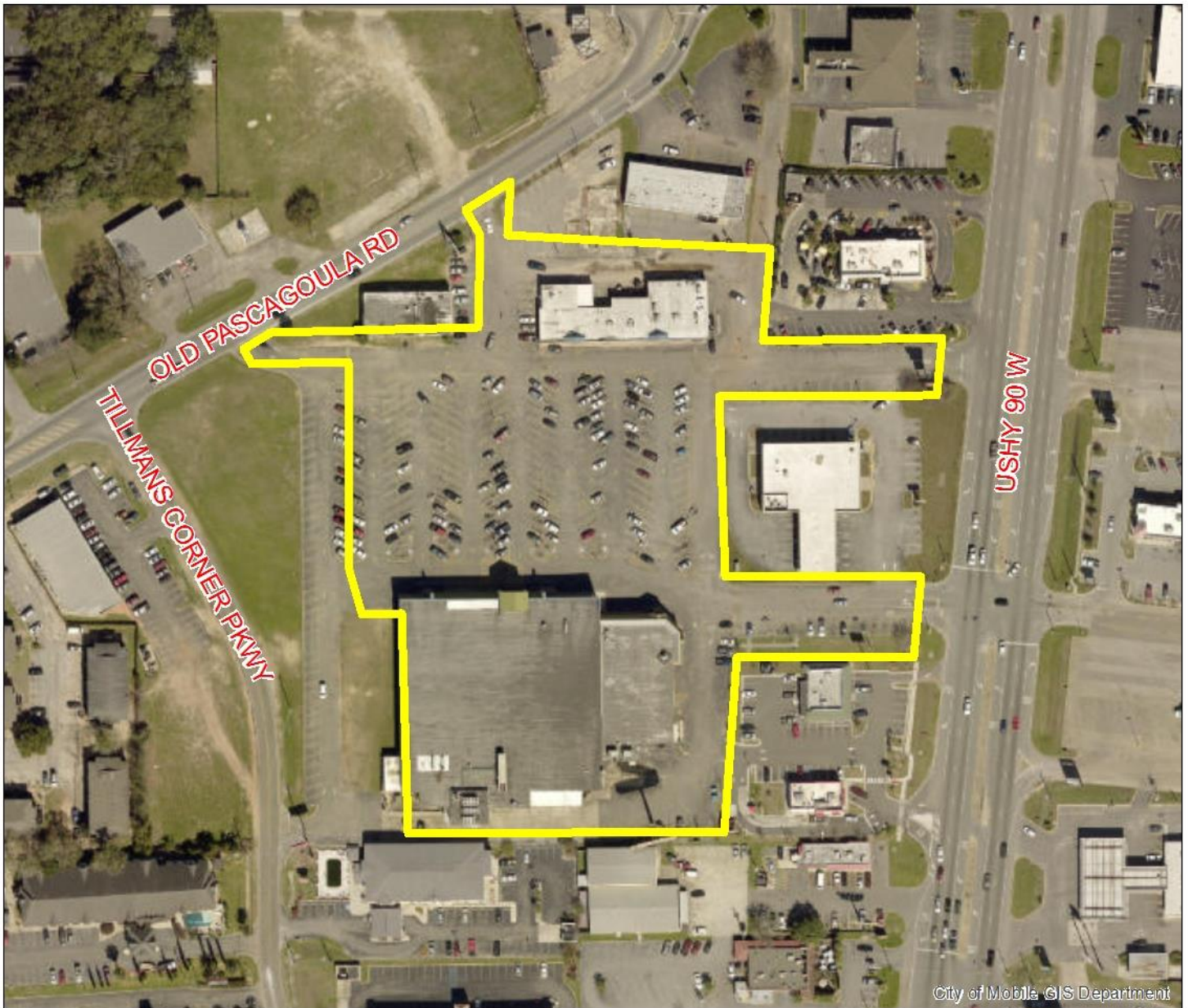
REQUEST Sign Variance

 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

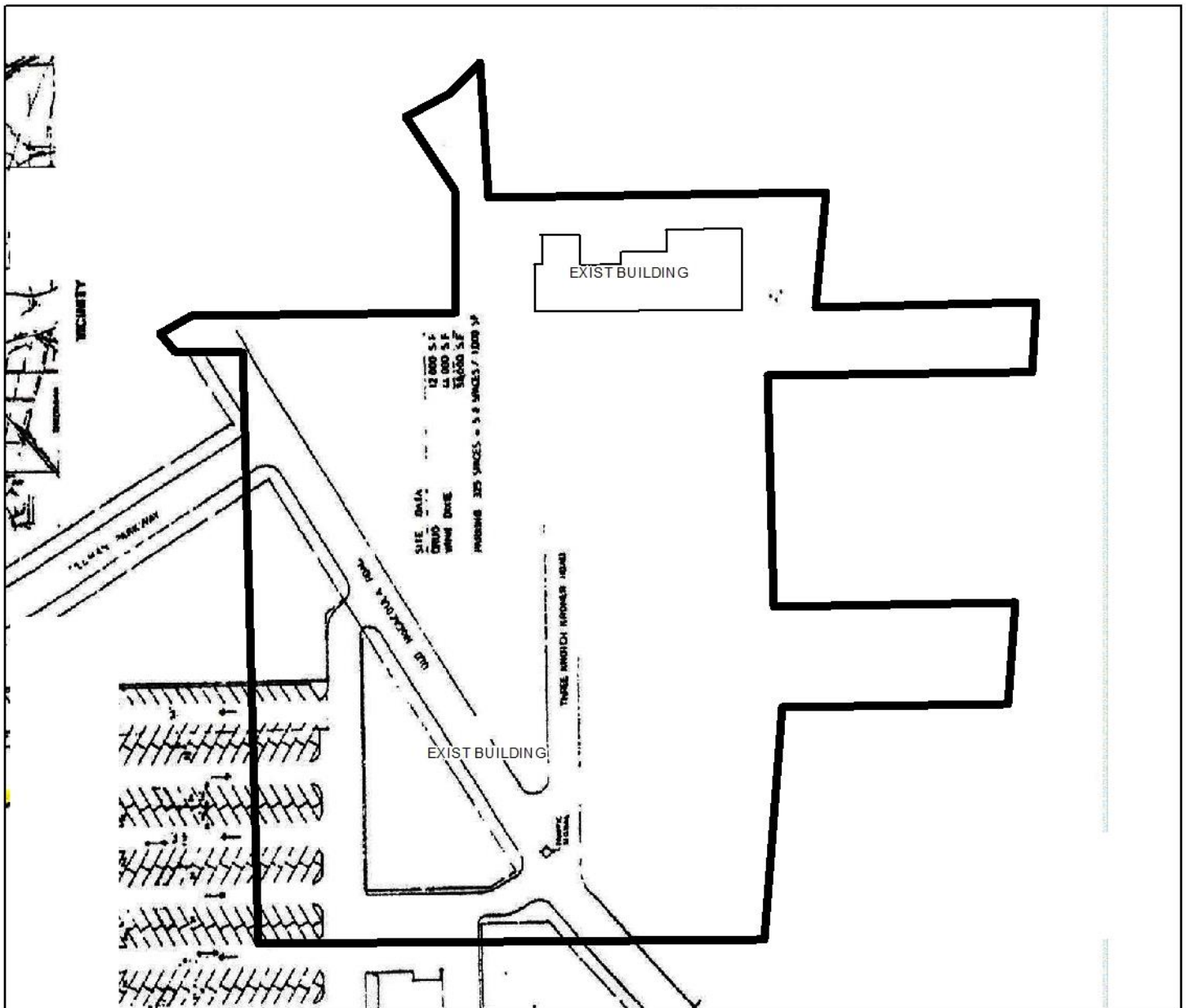


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SITE PLAN



The site plan illustrates the existing buildings, and parking.

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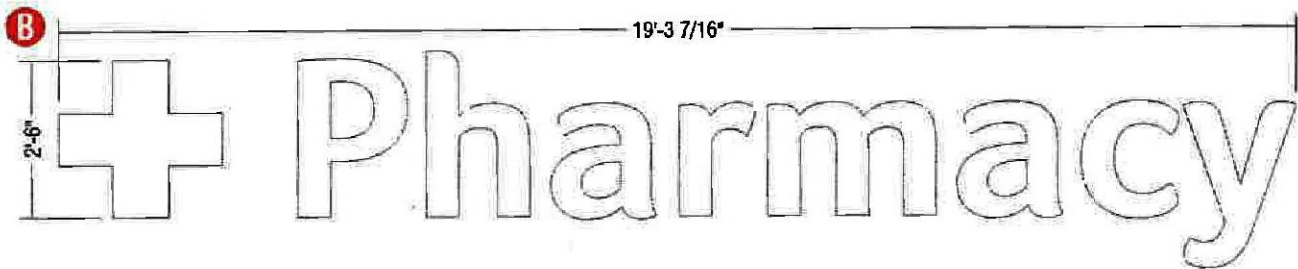
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DETAIL SITE PLAN

2'-6" INTERNALLY ILLUMINATED REMOTE MOUNT CHANNEL LETTERS • 48.22 SQ FT

***REQUIRED FOR VARIANCE**



L.E.D. CHANNEL LETTER MOUNTING DETAIL (EXTERIOR)

A. .050" X 5" ALUMINUM RETURNS TO BE PAINTED GLOSS BLACK

B. 1" GLOSS BLACK JEWELITE

C. .063" ALUMINUM BACKS

D. .150" WHITE PCB FACES

E. WHITE GE TETRA MAX 7100K LEDs

F. POWER CABLE STARTING FROM POWER SUPPLY THEN LETTER TO LETTER (BEHIND FASCIA)

G. 1/4" WEEP HOLES AS REQUIRED (FOR EXTERIOR INSTALLATION ONLY)

H. SILICONE BEAD AROUND THE INSIDE OF RETURN AND BACK TO SEAL FROM WATER LEAKAGE

I. 1/4" LAGBOLTS OR 3/8" THREADED RODS WITH 2" x 4" WOOD BLOCKING AS REQ'D

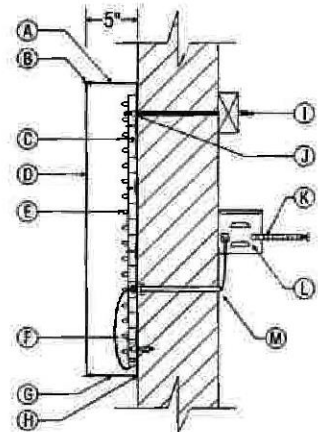
J. 3/8" RIV NUTS

K. 1/2" SEALTITE CONDUIT RUNNING TO SECONDARY CONNECTION

* NOTE: GENERAL CONTRACTOR TO HAVE PRIMARY CONNECTION HOOKED UP

L. STANDARD POWER SUPPLY HOUSED IN A WEATHERPROOF SHEET METAL BOX

M. PAIGE WALL BUSTER



TYPICAL WALL SECTION:
NOT TO SCALE

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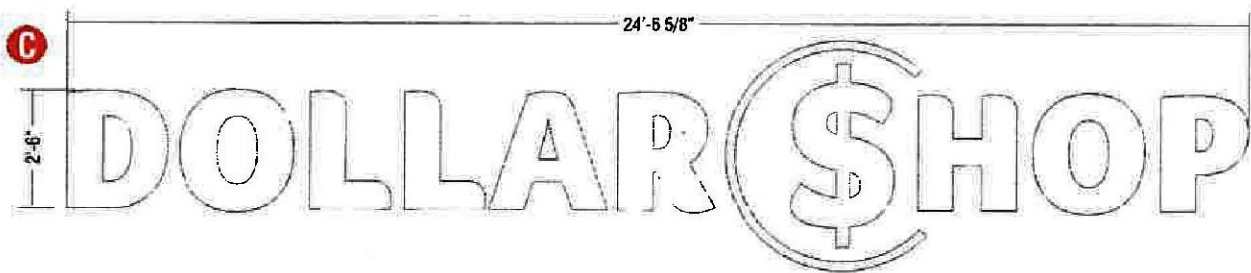
REQUEST Sign Variance



DETAIL SITE PLAN

2'-6" INTERNALLY ILLUMINATED REMOTE MOUNT CHANNEL LETTERS • 61.38 SQ FT

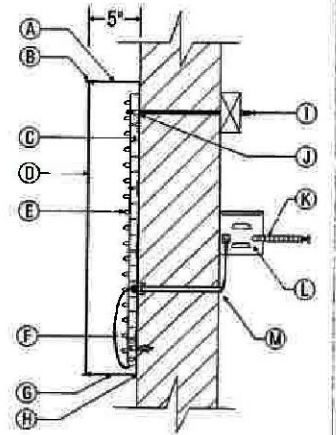
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DETAIL SITE PLAN

SIGN	SIZE	SQ FT
Winn✓Dixie	5'-6"	201.24

ALLOWABLE SQUARE FOOTAGE: 201.89

PROPOSED SQUARE FOOTAGE: 201.24

SQUARE FEET REMAINING AFTER PROPOSED: .65

SIGN	SIZE	SQ FT
Winn✓Dixie	5'-6"	201.24
+ Pharmacy	2'-6"	48.22
DOLLAR\$SHOP	2'-6"	61.38

ALLOWABLE SQUARE FOOTAGE: 201.89

PROPOSED SQUARE FOOTAGE: 301.84

SQUARE FEET REMAINING AFTER PROPOSED: -108.95



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