

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: December 3, 2018**

<b><u>CASE NUMBER</u></b>	6220
<b><u>APPLICANT NAME</u></b>	Scott Services
<b><u>LOCATION</u></b>	4419 Rangeline Road (North side of Rangeline Road, 320'± West of Halls Mill Road)
<b><u>VARIANCE REQUEST</u></b>	<b>SIGN:</b> Sign Variance to allow two (2) wall signs for a tenant at a multi-tenant site in a B-3, Community Business District.
<b><u>ZONING ORDINANCE REQUIREMENT</u></b>	<b>SIGN:</b> The Zoning Ordinance allows one wall sign per tenant for a multi-tenant site in a B-3 Community Business District.
<b><u>ZONING</u></b>	B-3, Community +-Business
<b><u>AREA OF PROPERTY</u></b>	1.68± Acres
<b><u>ENGINEERING COMMENTS</u></b>	No comments.
<b><u>TRAFFIC ENGINEERING COMMENTS</u></b>	This request was not reviewed by Traffic Engineering.
<b><u>CITY COUNCIL DISTRICT</u></b>	District 4
<b><u>ANALYSIS</u></b>	The applicant is requesting a Sign Variance to allow two (2) wall signs for a tenant at a multi-tenant site in a B-3, Community Business District; the Zoning Ordinance allows one wall sign per tenant for a multi-tenant site in a B-3, Community Business District.

It should be noted that the public notification for this Variance request stated that three (3) wall signs were requested. However, one extra wall sign was erroneously depicted by the applicant on the front wall of the subject building. Since less signage than was advertised is requested, no revised notification was required.

The site was developed under County jurisdiction prior to the 2009 City annexation of the area. All nonconforming existing signage at the time of the annexation was “grandfathered” and the Sign Regulation provisions of the Zoning Ordinance allow such nonconforming signage to remain until such time as any nonconforming signage for a particular business is removed and replaced. The refacing at the same size/same place of nonconforming signage is allowed. The applicant proposes to replace the two existing AT&T wall signs at the subject multi-tenant site, thereby requiring compliance with the allowance of only one wall sign per tenant. As two wall signs are desired, this Variance request is presented.

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 District Center (DC) land use designation, per the Future Land Use Plan and Map, adopted on May 18, 2017 by the Planning Commission. 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 applies across the city to larger areas of existing mixed-use character or where such character is encouraged. These areas will include moderate to high-density residential (minimum densities of 6 dwelling units per acre) in dynamic, horizontal or vertical mixed use environments, to provide a balance of housing and employment.

District Centers (DC) generally serve several surrounding neighborhoods and may even have a city-wide or region-wide reach. As such, they are often anchored by a major commercial or institutional employer such as a shopping mall or a medical center.

Depending on location and assigned zoning, residential areas in District Centers may incorporate a mix of housing types, ranging from mid-rise multifamily buildings containing apartments and lofts, to townhouses and detached single-family homes. Major civic cultural institutions and public spaces provide regional and neighborhood destinations.

District Centers should be designed to induce pedestrian activity, with high quality streetscapes connecting the different components of a center as well as the center to its surrounding area. DC districts may be served by transit and include development of an intensity and design that supports transit use.

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 subject site is surrounded by B-3 zoning and uses. Within the multi-tenant strip center are various salon, retail and restaurant uses.

The applicant states:

*The purpose of this variance is to allow AT&T to keep the rear elevation while updating to nationwide branding update.*

*Recent changes in the zoning prevent us from updating branding while still complying with the requirements, our current rear elevation sign is grandfathered in allowing only face replacements. Due to slight modifications of the globe and moniker we are unable to simply replace the face of the existing signage. The AT&T moniker is going from lowercase to uppercase, and the globe is separate blades. This is why we cannot simply replace the face.*

*The current tenants all have rear exterior signage, we would be the only business in the property without a sign on our rear elevation, causing us undue hardship from lack of visibility west bound hwy 193 and CO Rd 28. Verizon, (AT&T direct competition), has 2 exterior signs as do the majority of businesses surrounding the property in question.*

*After a study we have determined, the majority of our customers come from the East bound way off of Halls Mills Rd and Service Rd and recognize us from our signage on the rear elevation.*

The applicant bases a hardship being imposed by not having branding visibility for traffic approaching from the East. In other similar circumstances involving non-entry sides and rears of commercial sites adjacent to open expansive areas, the Board has been sympathetic to requests for increased wall signage allowances. Within the immediate area, there have been three other Sign Variances granted for similar wall sign requests and a precedence has been established to allow such under similar circumstances. Therefore, the Board should consider this request for approval.

It should be pointed out, however, that construction permits for a new restaurant have been issued, which when complete, will block nearly all signage on the rear of the building.

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

- 1) Based on the fact that the site is surrounded by commercial development and similar requests have been granted within the immediate area, the variance will not be contrary to the public interest;
- 2) These special conditions (there is no near-by residential property which would be impacted by the allowance of the additional wall sign) exist 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 sign will allow the applicant the continuation of rear wall sign visibility.

The approval should be subject to the following conditions:

- 1) obtaining of a sign permit;
- 2) obtaining of an electrical permit; and
- 3) full compliance with all other municipal codes and ordinances.

# LOCATOR MAP



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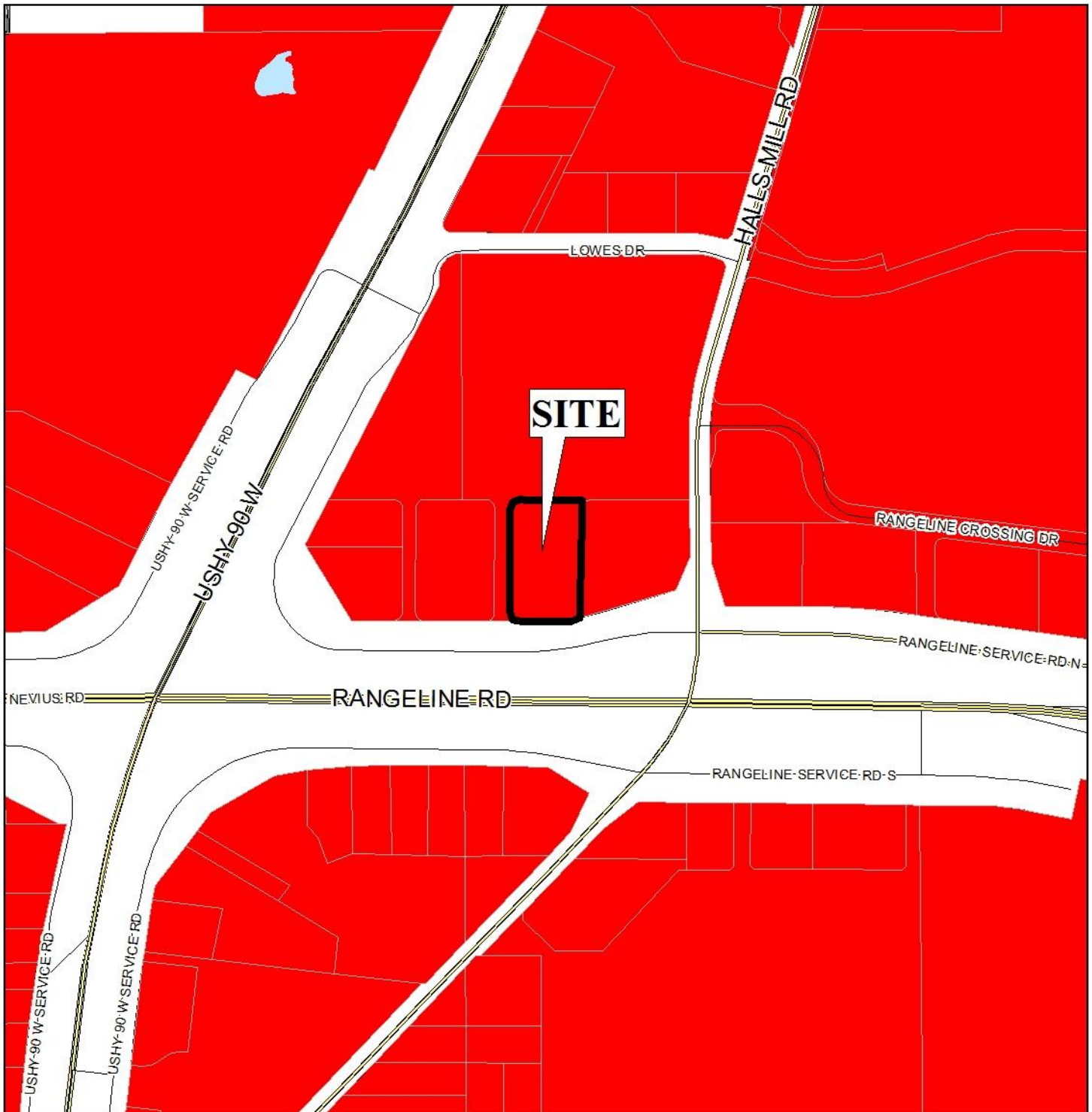
APPLICANT Scott Services

REQUEST Sign Variance



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# LOCATOR ZONING MAP



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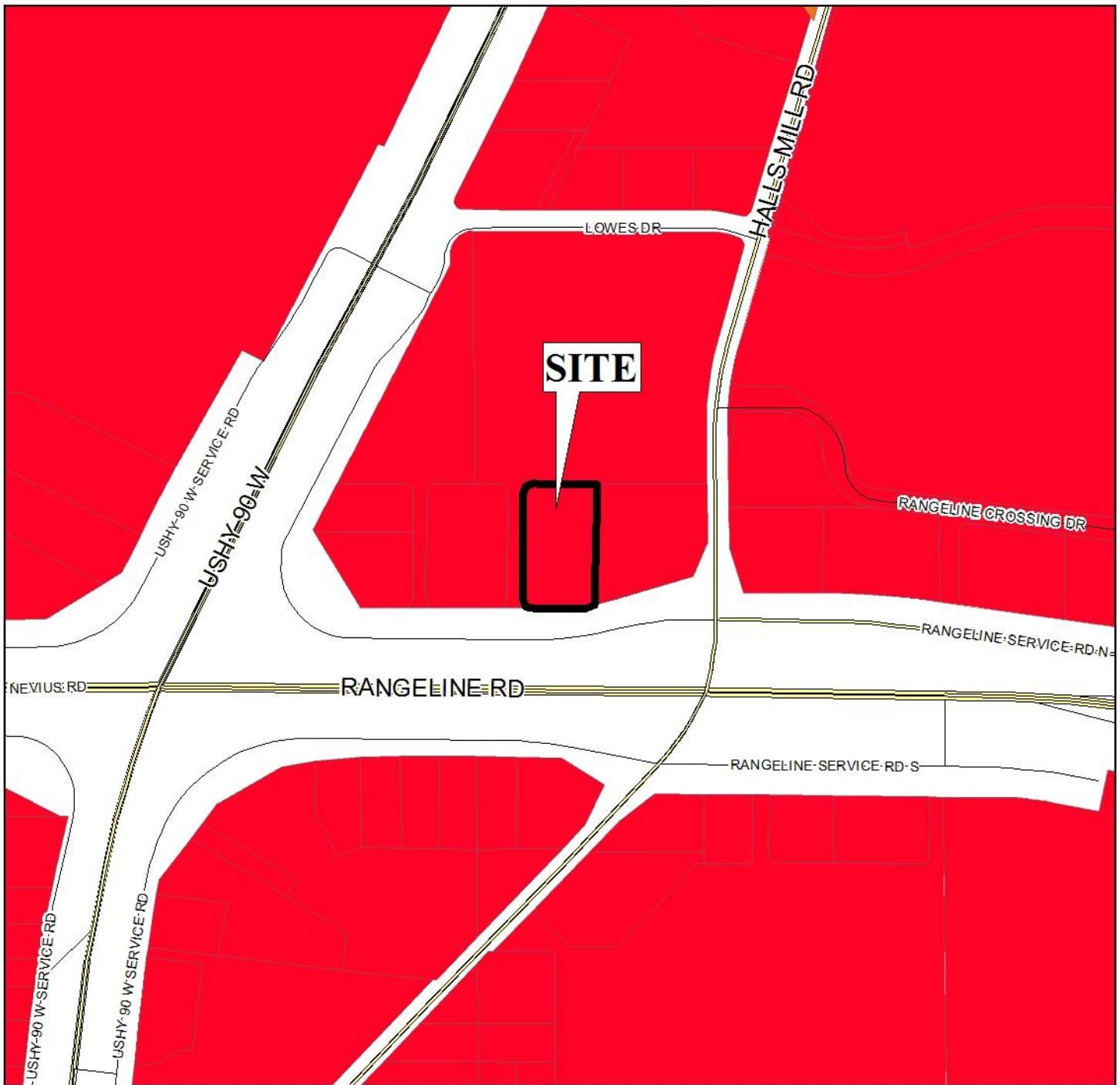
APPLICANT Scott Services

REQUEST Sign Variance



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# FLUM LOCATOR MAP



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APPLICANT Scott Services

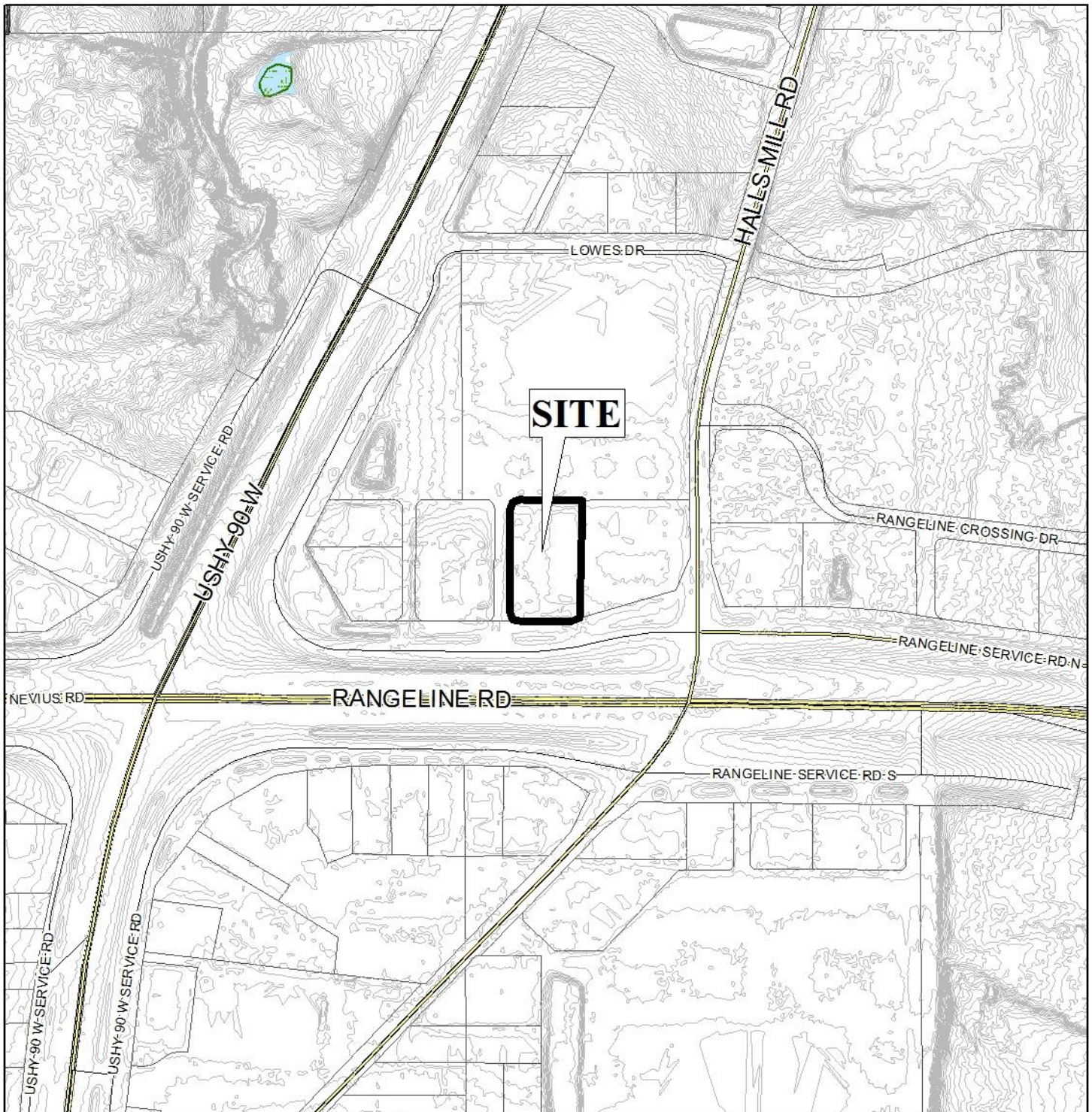
REQUEST Sign Variance

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



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APPLICANT Scott Services

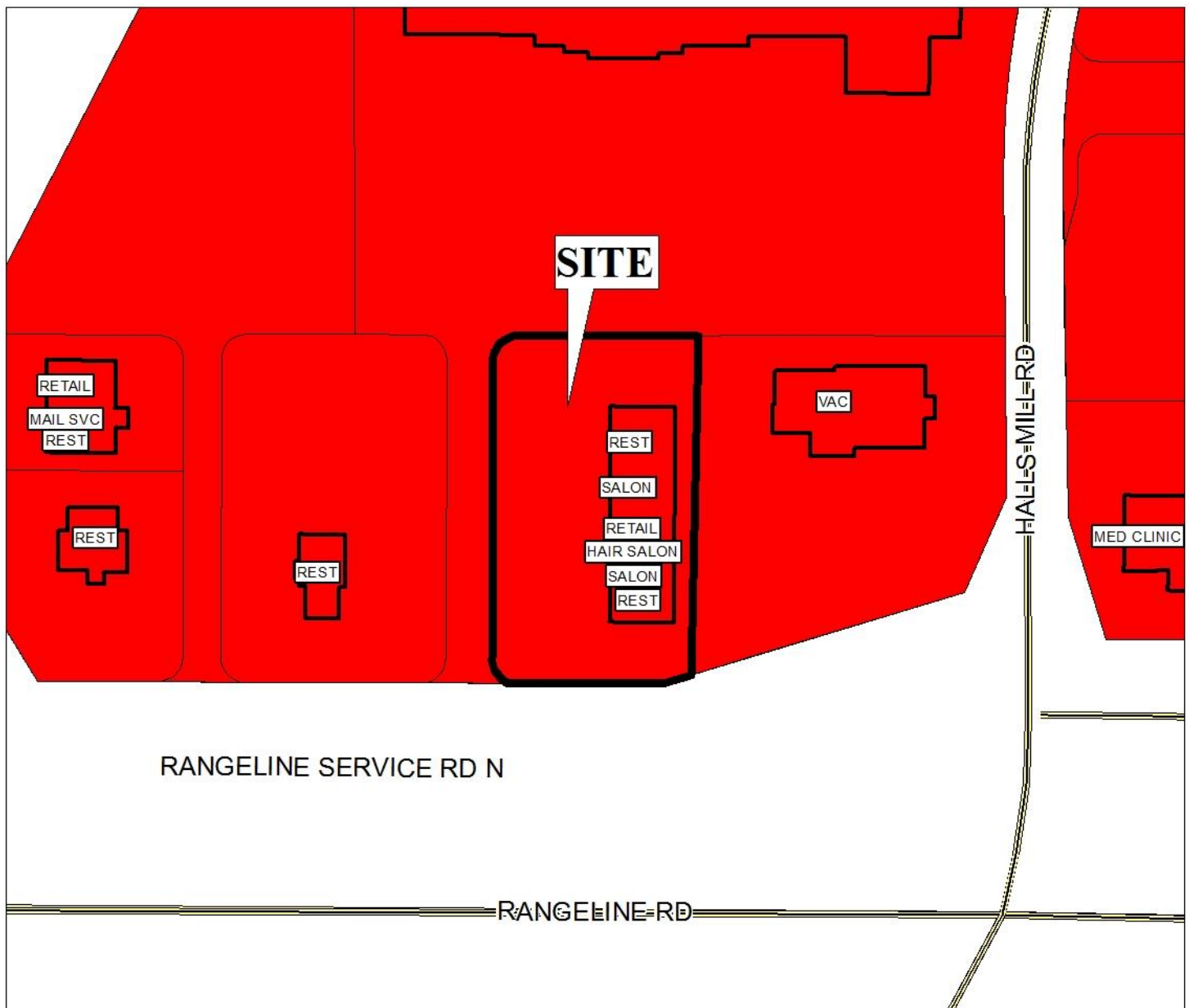
REQUEST Sign Variance



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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

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<span style="display: inline-block; width: 15px; height: 15px; background-color: cyan; border: 1px solid black;"></span> R-A	<span style="display: inline-block; width: 15px; height: 15px; background-color: green; border: 1px solid black;"></span> R-3	<span style="display: inline-block; width: 15px; height: 15px; background-color: brown; border: 1px solid black;"></span> T-B	<span style="display: inline-block; width: 15px; height: 15px; background-color: orange; border: 1px solid black;"></span> B-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: blue; border: 1px solid black;"></span> B-5	<span style="display: inline-block; width: 15px; height: 15px; background-color: yellow; border: 1px solid black;"></span> MUN	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightorange; border: 1px solid black;"></span> SD-WH	<span style="display: inline-block; width: 15px; height: 15px; background-color: purple; border: 1px solid black;"></span> T5.1
<span style="display: inline-block; width: 15px; height: 15px; background-color: white; border: 1px solid black;"></span> R-1	<span style="display: inline-block; width: 15px; height: 15px; background-color: pink; border: 1px solid black;"></span> R-B	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightblue; border: 1px solid black;"></span> B-1	<span style="display: inline-block; width: 15px; height: 15px; background-color: red; border: 1px solid black;"></span> B-3	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightpurple; border: 1px solid black;"></span> I-1	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightgreen; border: 1px solid black;"></span> OPEN	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightpink; border: 1px solid black;"></span> T3	<span style="display: inline-block; width: 15px; height: 15px; background-color: darkpurple; border: 1px solid black;"></span> T5.2
<span style="display: inline-block; width: 15px; height: 15px; background-color: yellow; border: 1px solid black;"></span> R-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: peachpuff; border: 1px solid black;"></span> H-B	<span style="display: inline-block; width: 15px; height: 15px; background-color: purple; border: 1px solid black;"></span> LB-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: brown; border: 1px solid black;"></span> B-4	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightgrey; border: 1px solid black;"></span> I-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightorange; border: 1px solid black;"></span> SD	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightpurple; border: 1px solid black;"></span> T4	<span style="display: inline-block; width: 15px; height: 15px; background-color: darkpurple; border: 1px solid black;"></span> T6



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL

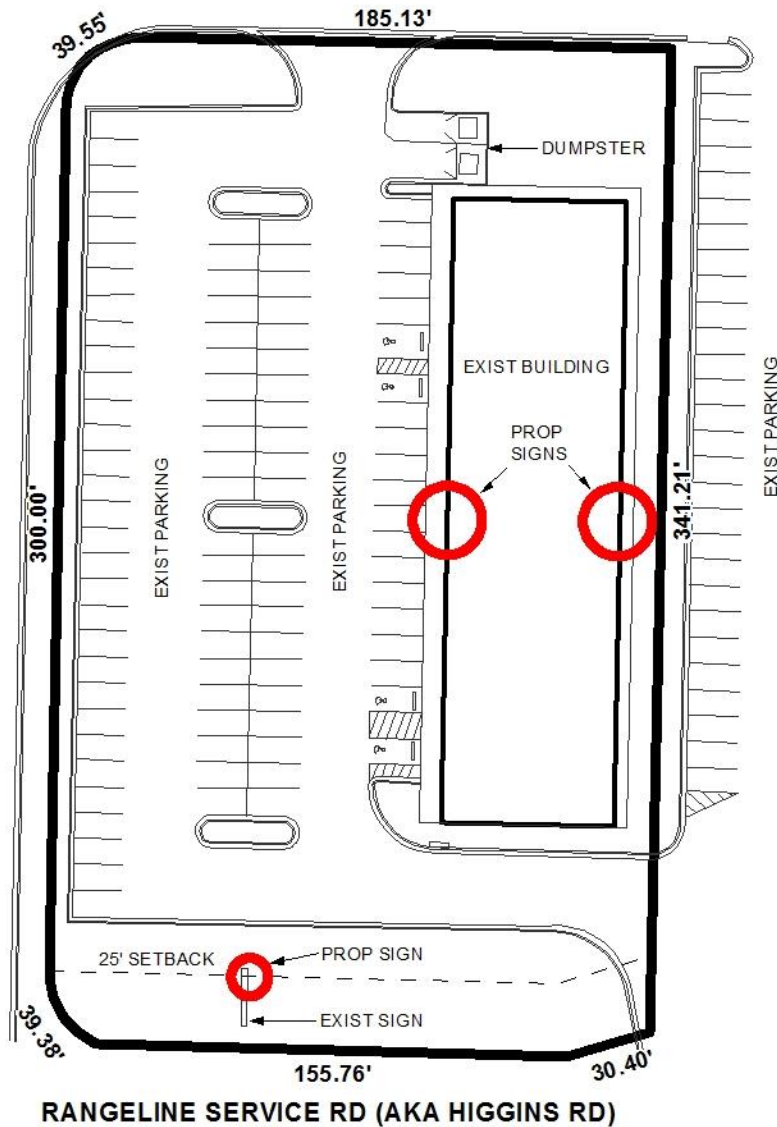


The site is surrounded by commercial units.

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# SITE PLAN



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

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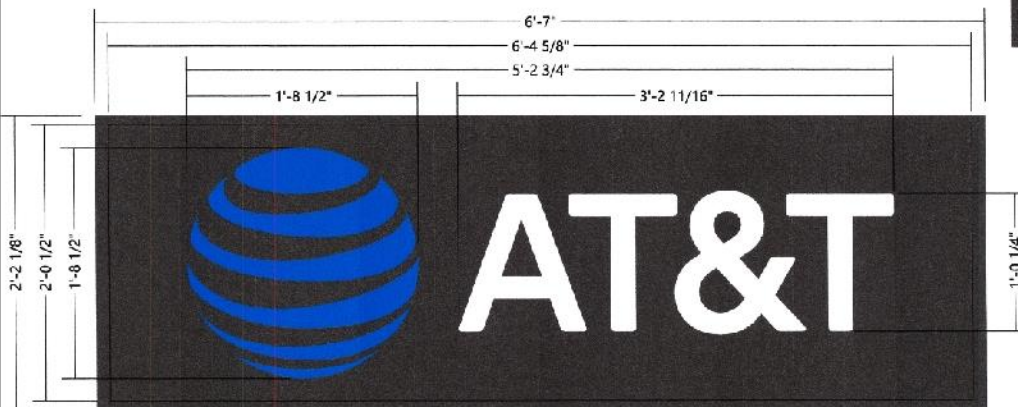




# DETAIL SITE PLAN



3M #3630-7775 Blue vinyl  
3M 180MC-0182 Iron Ore background with copy and logo weeded out



Sq Ft | 13.0

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# DETAIL SITE PLAN

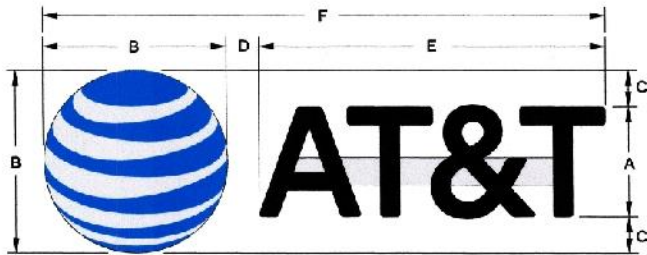
BEFORE



AFTER



Existing Sign: 4'-2" x 12'-10"



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# DETAIL SITE PLAN



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# DETAIL SITE PLAN

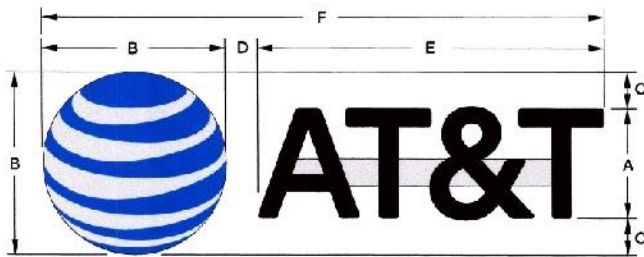
BEFORE



AFTER



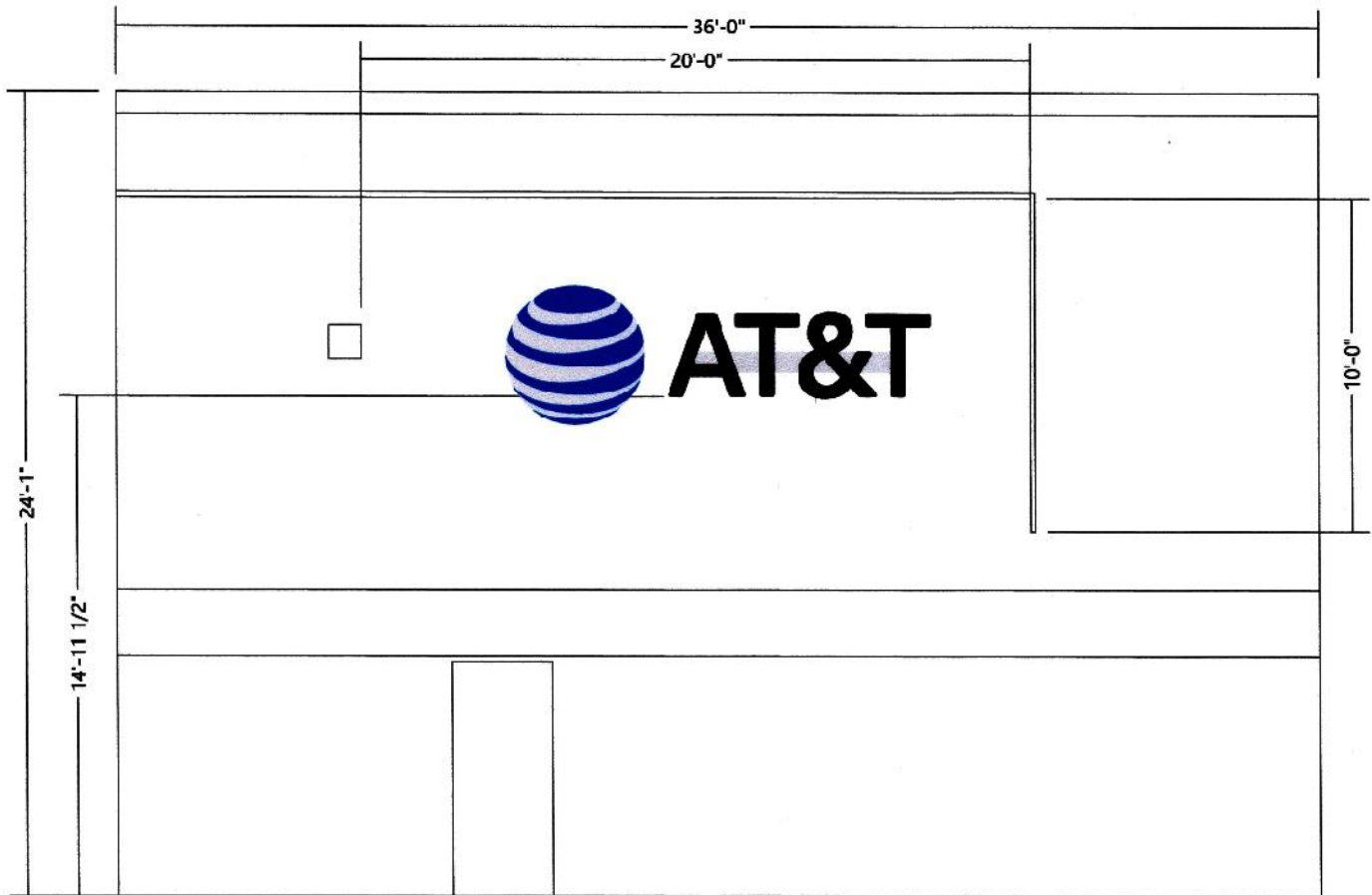
Existing Sign: 4'-2" x 12'-10"



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# DETAIL SITE PLAN



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