

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: July 8, 2019**

<b><u>CASE NUMBER</u></b>	6261/6247
<b><u>APPLICANT NAME</u></b>	Wrico Signs, Inc. for Rush Truck Centers, Inc.
<b><u>LOCATION</u></b>	5500 Linwood Steiner Road (Northeast corner of Linwood Steiner Road and Barry Drive)
<b><u>VARIANCE REQUEST</u></b>	<b>SIGN:</b> Sign Variance to allow eight (8) wall signs for a business on a single-tenant commercial site with two (2) freestanding signs by Variance in a B-3, Community Business District.
<b><u>ZONING ORDINANCE REQUIREMENT</u></b>	<b>SIGN:</b> The Zoning Ordinance allows a maximum of three (3) signs for a business on a single-tenant commercial site with two (2) freestanding signs by Variance in a B-3, Community Business District.
<b><u>ZONING</u></b>	B-3, Community Business
<b><u>AREA OF PROPERTY</u></b>	0.83± Acre
<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 eight (8) wall signs for a business on a single-tenant commercial site with two (2) freestanding signs by Variance in a B-3, Community Business District; the Zoning Ordinance allows a maximum of three (3) signs for a business on a single-tenant commercial site with two (2) freestanding signs by Variance in a B-3, Community Business District.

The subject site was annexed into the City and is located in an area of mixed commercial, residential, and light industrial uses. It is bordered to the East by B-3 nonconforming residential use; to the South across Linwood Steiner Road B-3 in commercial use and nonconforming

residential uses; and to the Northeast by B-5, Office-Distribution used as an automotive junk and parts salvage yard.

The site has been given a Light Industry (LI) 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 land use designation applies to an array of modern, low-impact industrial uses that include assembly and processing, warehousing, distribution and wholesaling facilities. The bulk of the light industrial use must be contained within a building or facility. If a light industrial use requires outside storage, the storage must be limited in area and appropriately screened from view in accordance to specific zoning requirements. This designation may also include uses such as complementary offices and retail.

LI also includes areas that may be regarded as “industrial business”, where the land uses include business administration and logistics operations for industrial concerns, building trade contractors facilities and advance research facilities, as well as stand-alone educational, scientific and industrial research facilities, or any combination of those facilities located in light industrial and technology parks. Many parcels used for industrial business are smaller and scattered throughout Mobile. For this reason, these parcels are not singled out in the FLUM, but rather are addressed through zoning.

Light industrial uses are characterized by attractive, accessible and connected development, compatible with the character of surrounding neighborhoods. Development may take the form of planned campuses in park-like settings or unified design corridors, with consideration to factors such as site and building orientation, building design, landscaping and buffering, lighting, continuity of pedestrian networks, access and connectivity to transit and to freight transportation.

Heavy commercial and, in some cases, high-density residential land uses may serve as transitions between LI and other, lower-intensity land use designations. Protection buffers may also be required by zoning.

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:

1. *The purpose of this application is to allow: Allow Rush Truck Center to maintain their existing wall signage when they modify their pylon that they recently received a variance for.*
2. *What are the conditions, items facts or reasons which prevent you from complying with the requirements of the Zoning Ordinance? We are trying to maintain the number of wall signs already installed. We comply with the square footage requirements, but the city only allows three signs. Also, we were originally zoned in the county, and now the city has annexed this area.*
3. *How did the conditions, items, facts or reasons which prevent you from complying with the requirements of the Zoning Ordinance occur? We will need to take down signs that have already been permitted in the past to renovate our pylon structure that we just received a variance for.*
4. *How is this property different from the neighboring properties? We are trying to reduce the height of a pylon but cannot because we do not want to lose our existing wall signage that Rush is contractually bound to have on their building, i.e. Cat, Cummins, Allison, Peterbilt.*

The existing signage on the site is considered legal nonconforming in that it was present upon annexation and is allowed to remain unless any modifications are made to any of the signage. On April 1, 2019, the Board approved a Sign Variance to allow a second freestanding sign for the applicant's single tenant site, subject to the condition that the applicant submit a Sign Variance application within 60 days to address the other signage on the site; hence this application. This request pertains to the current wall signs on the building. Of the eleven (11) existing signs, five (5) are proposed to remain, three (3) are proposed to be removed, two (2) are proposed to be relocated, and one (1) is proposed to be refaced. Therefore, a total of eight (8) wall signs are proposed to remain.

According to the Rush Truck Centers web site, there are about 120 locations among many states around the United States offering commercial truck sales, service and repair, similar to automobile dealerships. In instances where automobile dealerships have been contractually bound by affiliated brands to provide signage for those brands sold at a particular site, the Board has been sympathetic to dealership requests for excess signage. As this would be a similar situation, the allowance of separate wall signage for each brand sold or serviced would not be out of the ordinary and the Board should consider this request for approval.

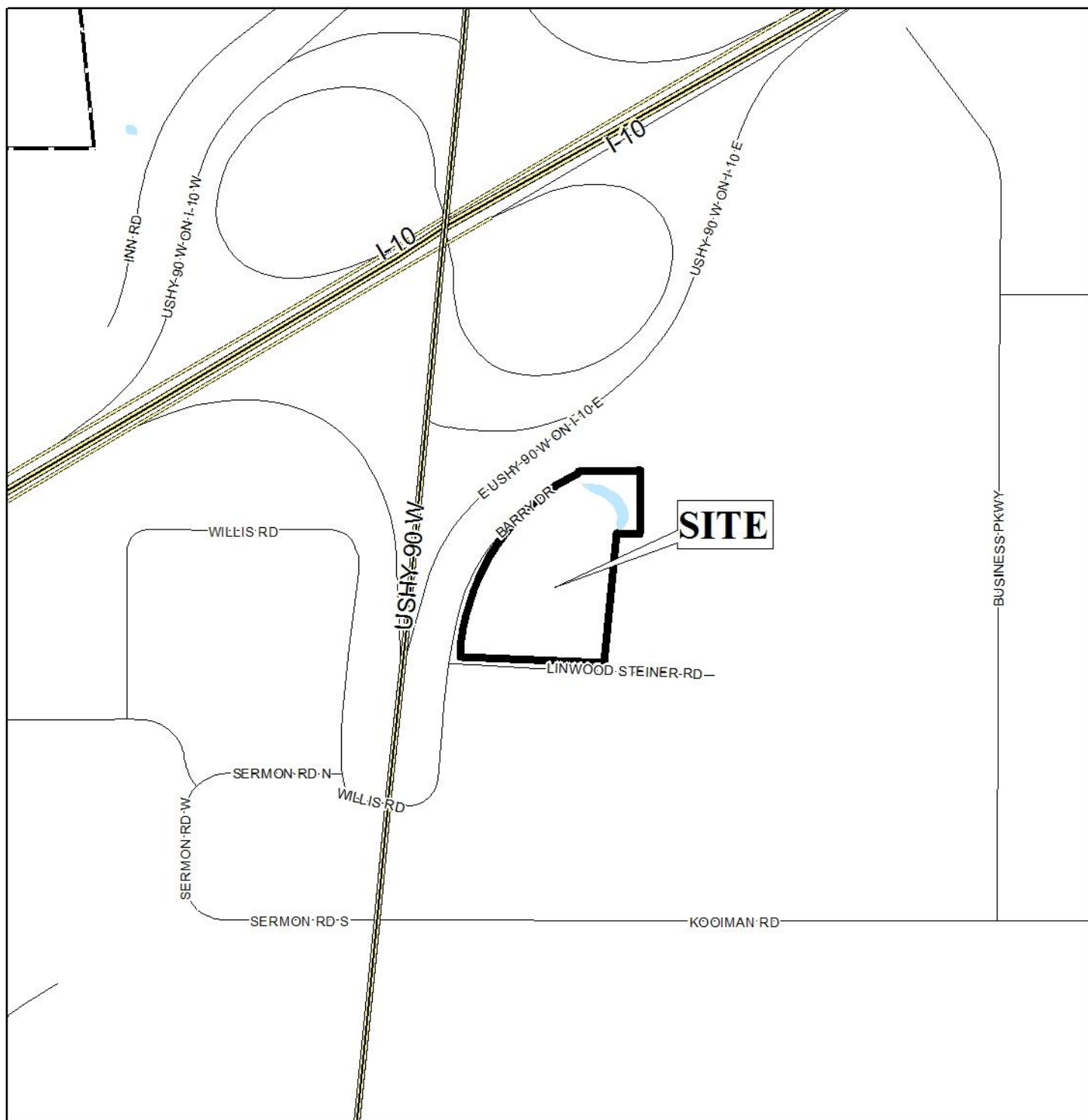
**RECOMMENDATION:** Staff recommends to the Board the following findings of fact for approval:

- 1) Approving the variance will not be contrary to the public interest in that it would be similar to variances granted for automobile dealerships which requested excess signage under similar circumstances, the Variance will not be contrary to the public interest;
- 2) Special conditions (the applicant is bound contractually to provide signage for all brands sold and serviced) exist such that a 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 shall be done to the surrounding neighborhood by granting the variance because the total number of wall signs will decrease from the current number and the site will be afforded branding identification which is contractually required.

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 any sign which is to be refaced and any sign which is to be relocated; and
- 2) full compliance with all municipal codes and ordinances.

# LOCATOR MAP



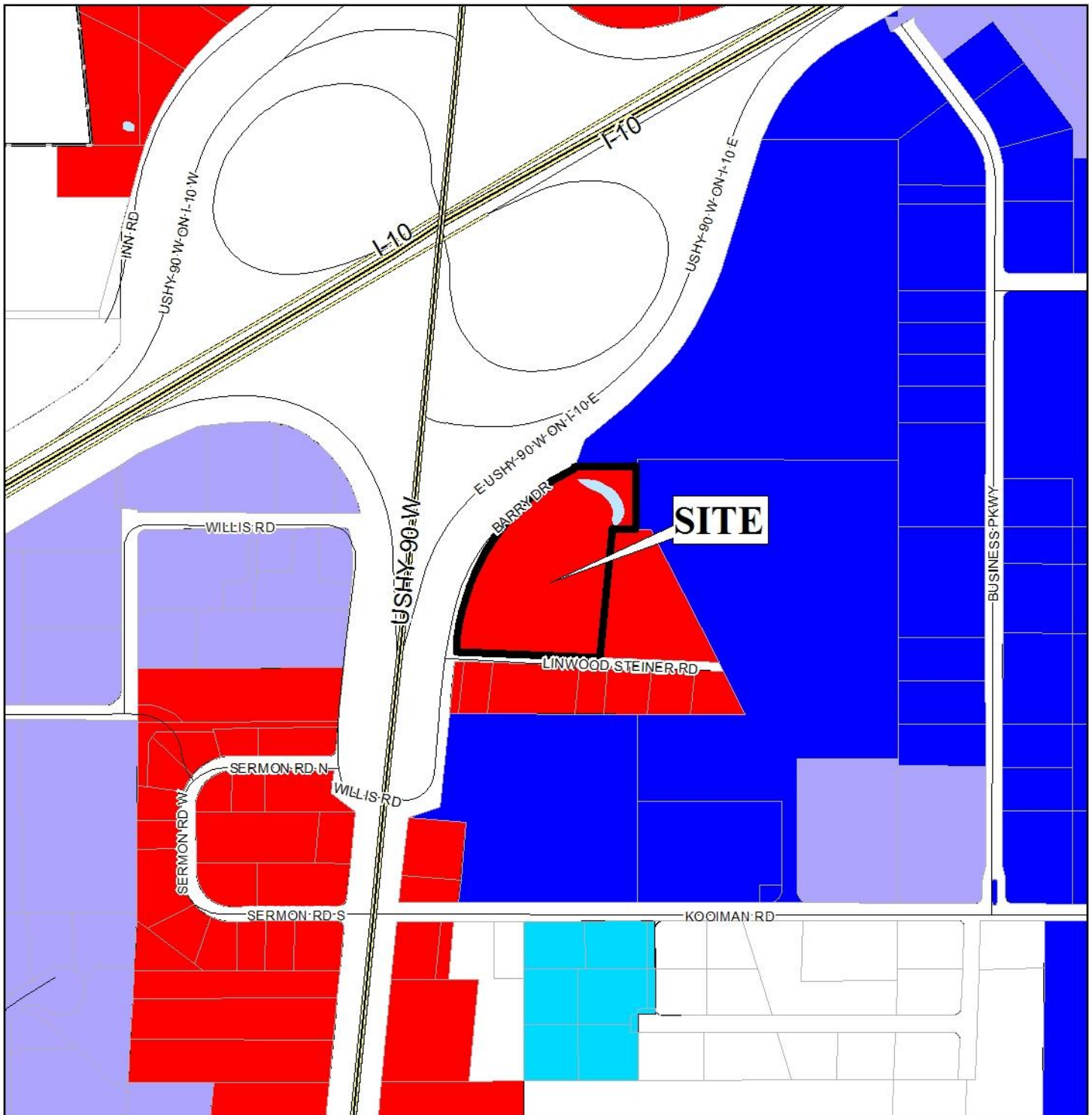
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APPLICANT Wrico Signs for Rush Truck Centers, Inc.

REQUEST Sign Variance



# LOCATOR ZONING MAP



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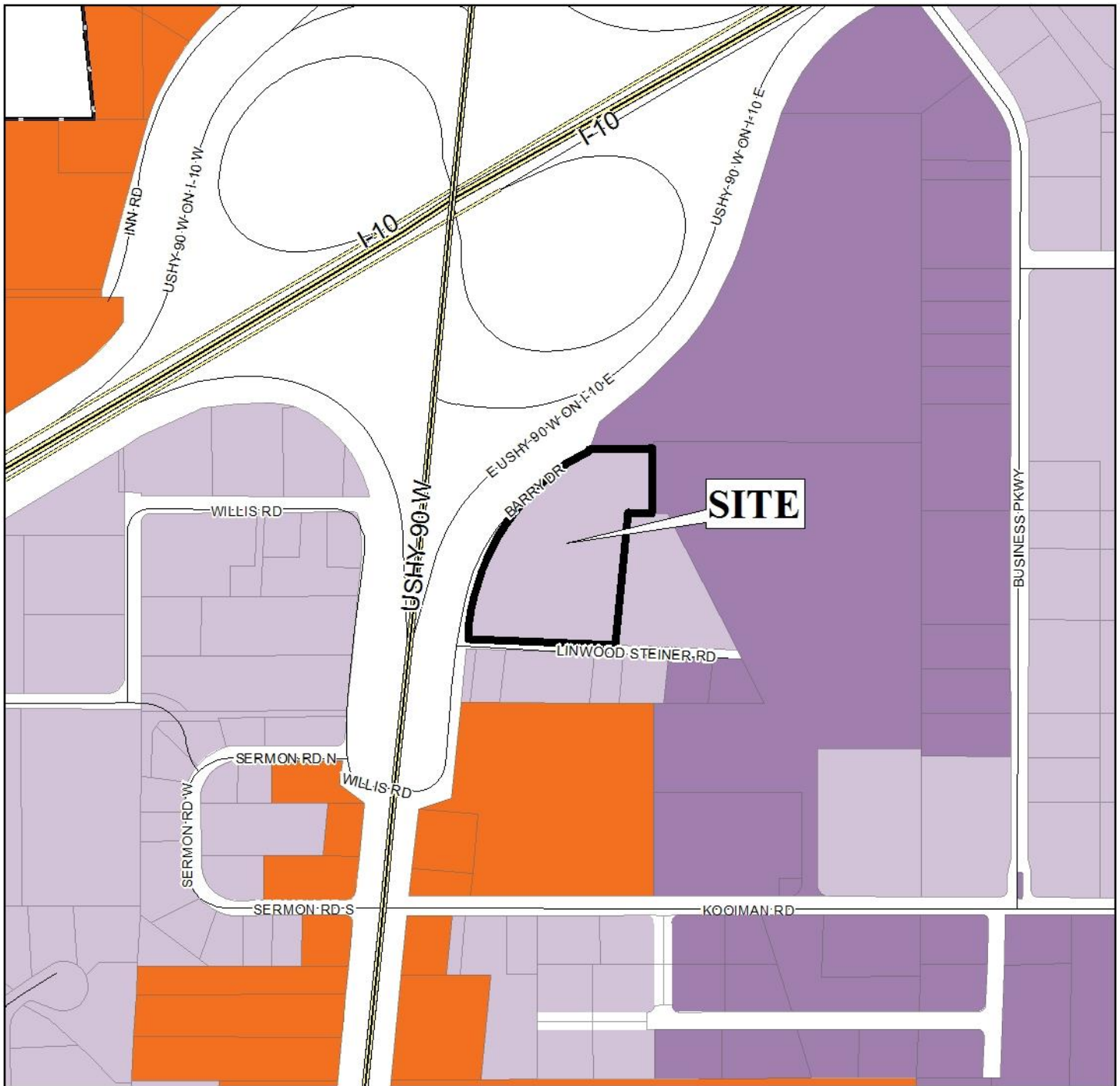
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# FLUM LOCATOR MAP



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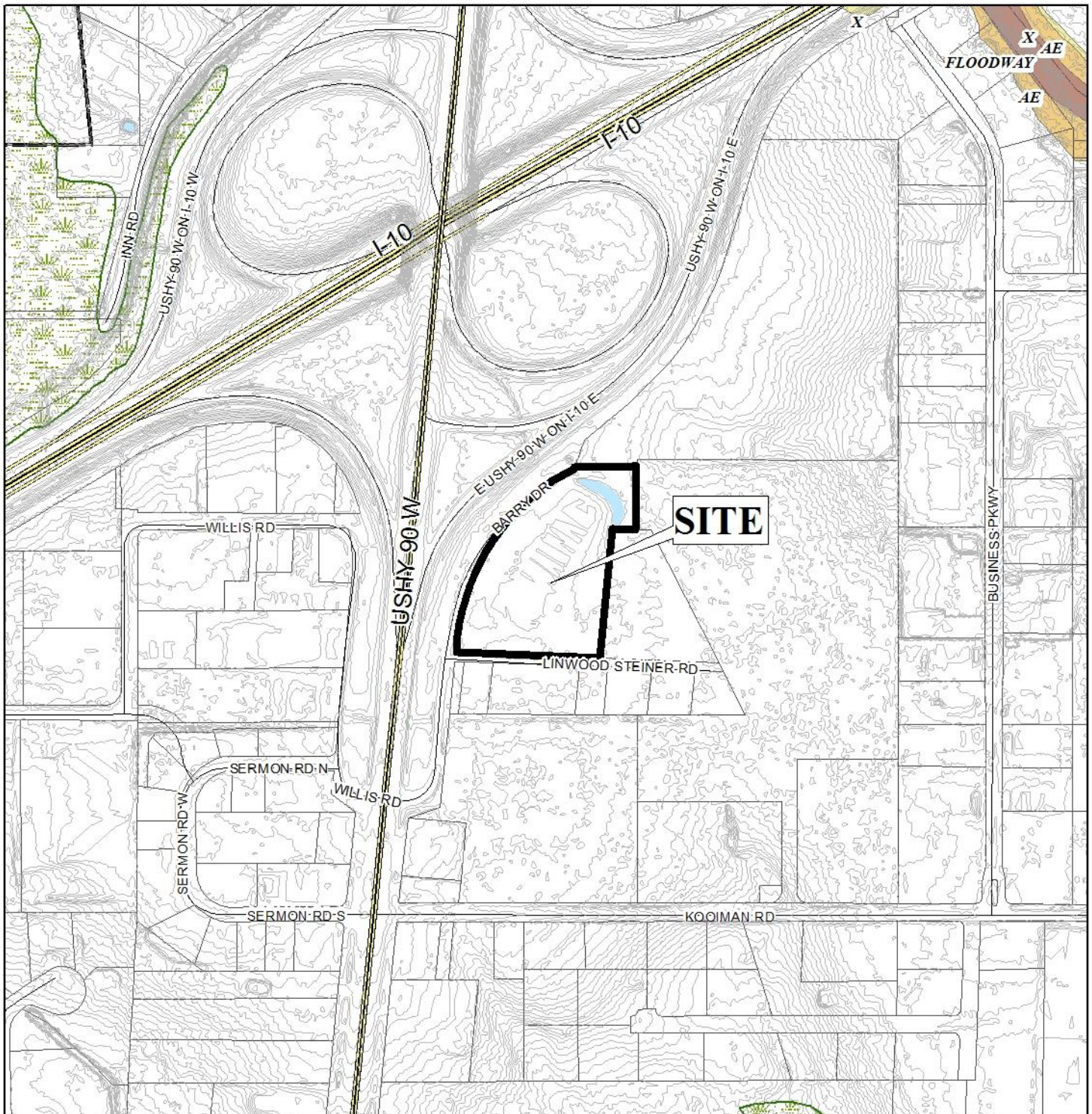
REQUEST Sign Variance

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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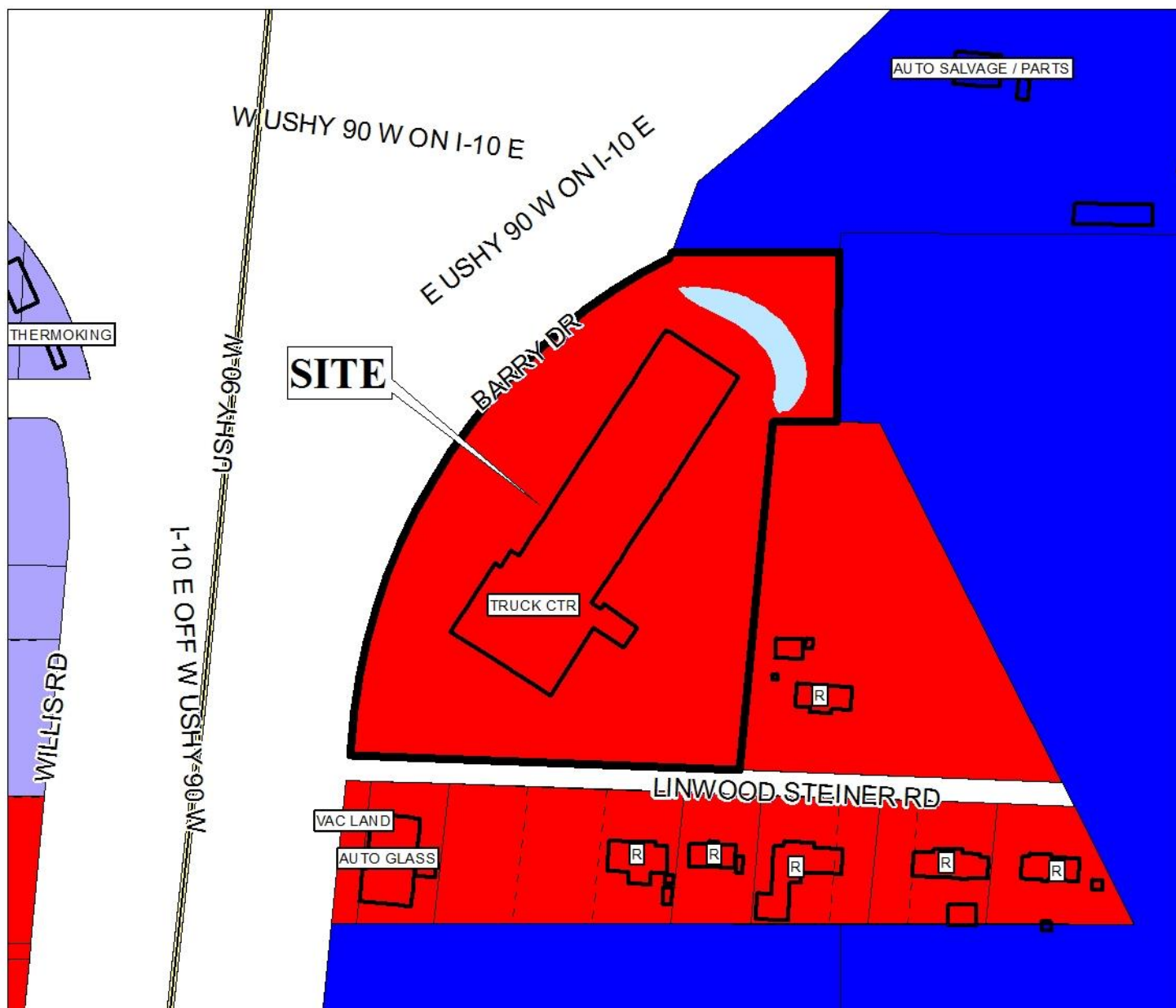


NTS



# BOARD OF ADJUSTMENT

## VICINITY MAP - EXISTING ZONING



The site is surrounded by residential and commercial units.

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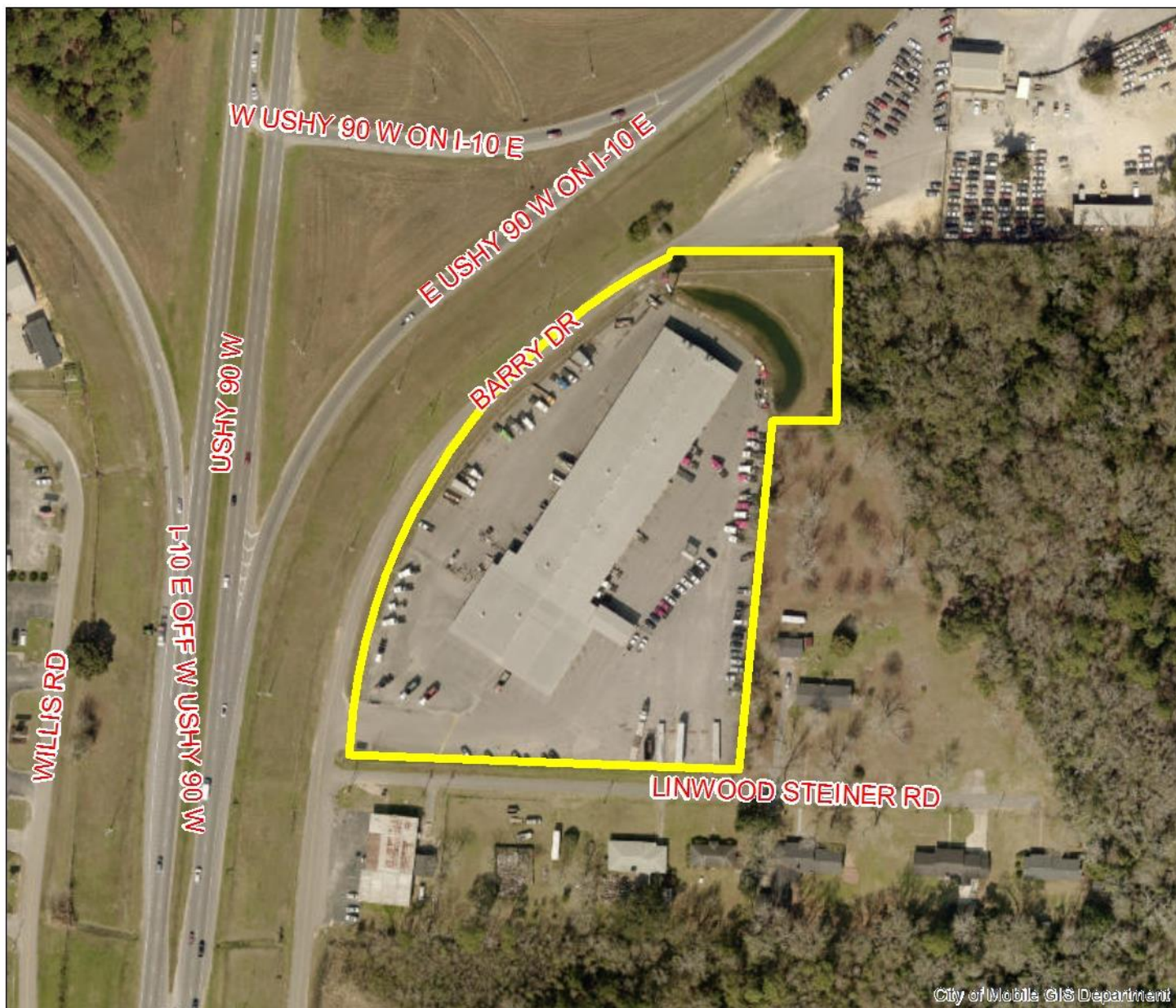
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R-A	R-3	T-B	B-2	B-5	MUN	SD-WH	T5.1
R-1	R-B	B-1	B-3	I-1	OPEN	T3	T5.2
R-2	H-B	LB-2	B-4	I-2	SD	T4	T6



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



City of Mobile GIS Department

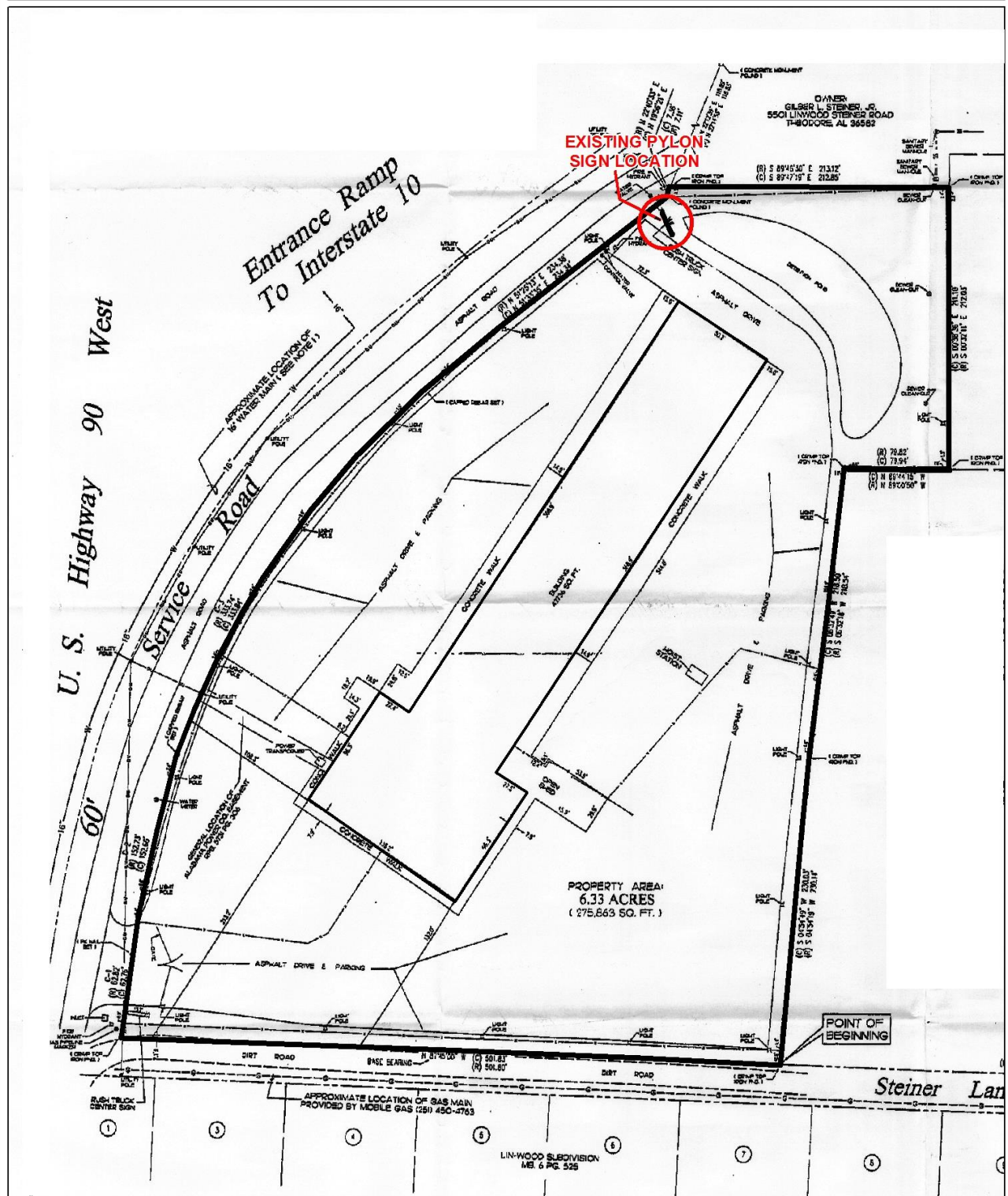
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# SITE PLAN



The site plan illustrates the existing building, and the existing pylon sign location.

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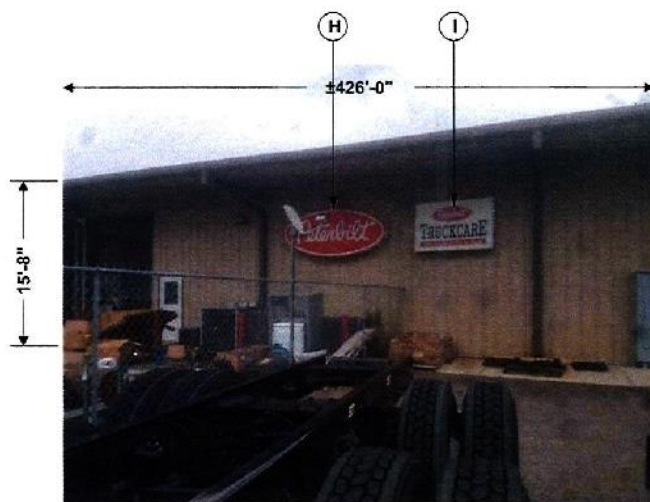


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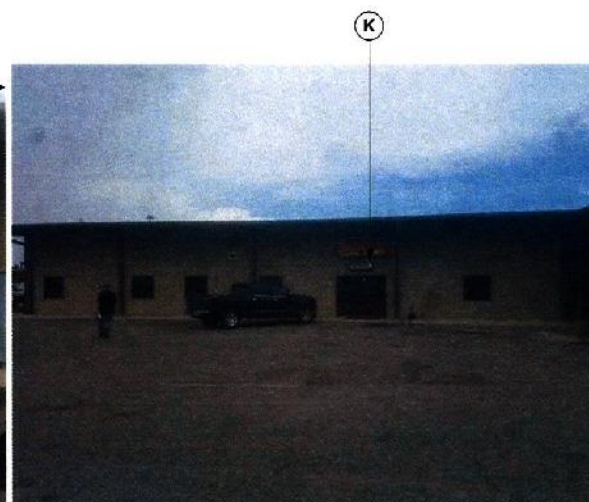
# DETAIL SITE PLAN



**EXISTING SIGNAGE - SOUTH ELEVATION**



**EXISTING SIGNAGE - WEST ELEVATION**



**EXISTING SIGNAGE - EAST ELEVATION**

SIGN A: 3'-1" X 3'-1"  
SIGN F: ±-3'-0" X 12'-6"  
SIGN H: 4'-4" X 10'-0"  
SIGN I: 4'-0" X 6'-2 1/2"  
SIGN K: 1'-2" X 4'-0"

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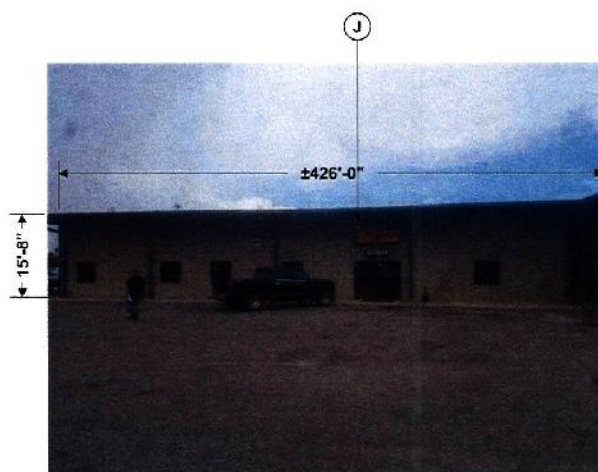




# DETAIL SITE PLAN



**EXISTING SIGNAGE - SOUTH ELEVATION**



**EXISTING SIGNAGE - EAST ELEVATION**



**EXISTING SIGNAGE - NORTH ELEVATION**

SIGN B: 4'-0" X 4'-0"  
SIGN J: 4'-0" X 8'-0"  
SIGN L: 8'-0" X 27'-4"

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# DETAIL SITE PLAN



**EXISTING**



**PROPOSED**

SIGN C: 4'-0 1/2" X 4'-0 1/2"  
SIGN D: 4'-1" X 4'-1"

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# DETAIL SITE PLAN



EXISTING



PROPOSED

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# DETAIL SITE PLAN



**EXISTING**



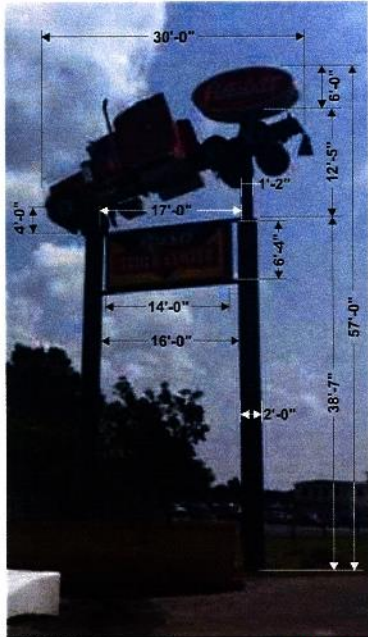
**PROPOSED**

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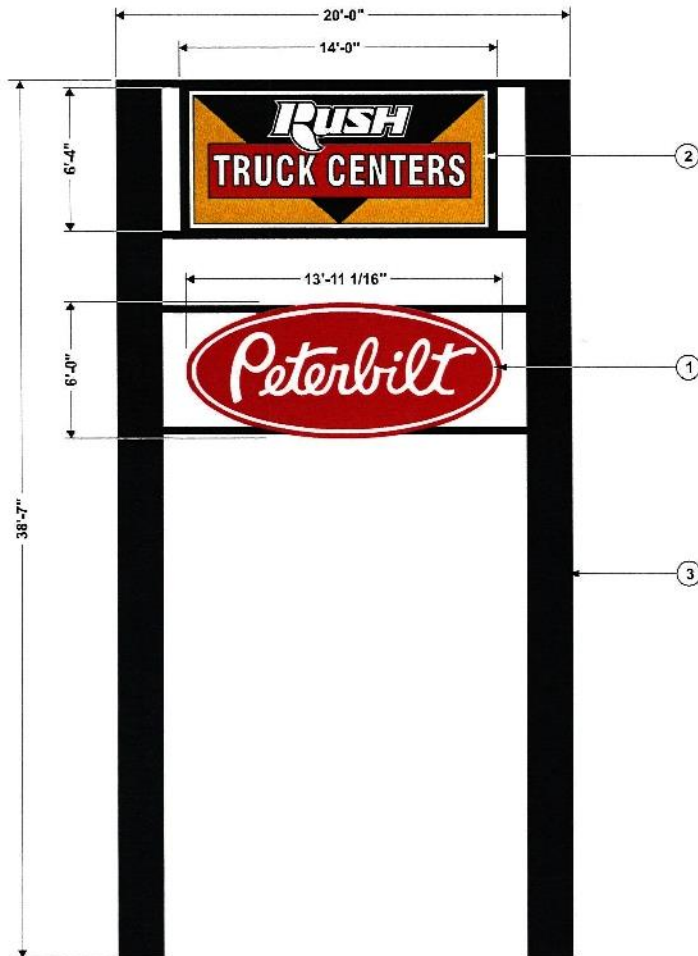




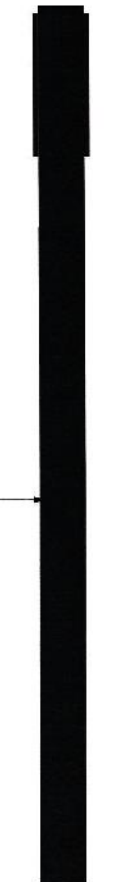
# DETAIL SITE PLAN



EXISTING CONDITIONS ±370 SQFT.



FRONT VIEW  
SCALE: 3/16"=1'-0"

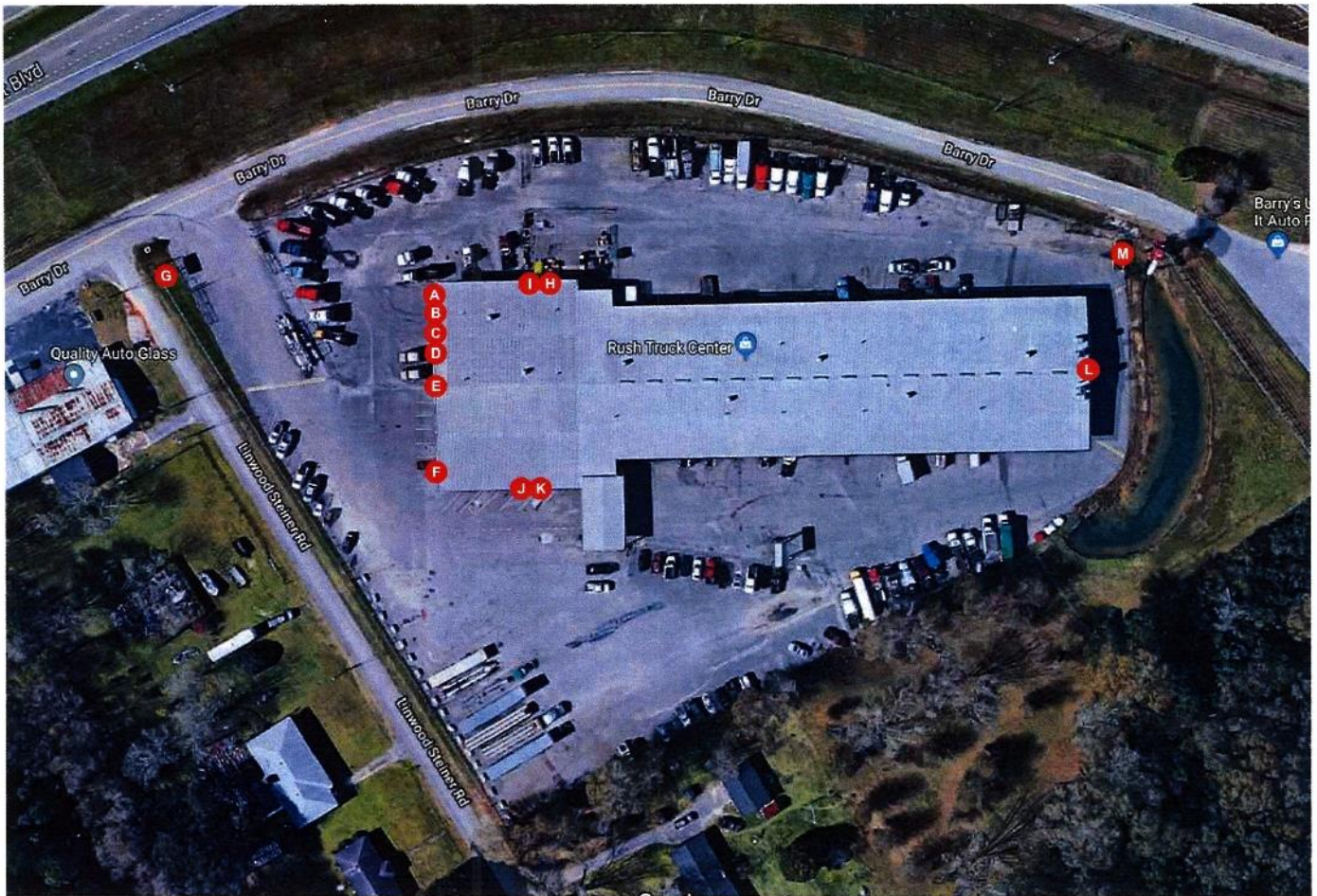


SIDE VIEW

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