

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: December 7, 2020**

<b><u>CASE NUMBER</u></b>	6360/6152
<b><u>APPLICANT NAME</u></b>	Nothing Bundt Cakes (John Gabriel, Agent)
<b><u>LOCATION</u></b>	3255 Airport Boulevard (Southeast corner of Airport Boulevard and East I-65 Service Road South)
<b><u>VARIANCE REQUEST</u></b>	<b>SIGN:</b> Sign Variance to allow three wall signs for an end cap tenant with two street frontages on 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 for an end cap tenant per street frontage on 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>	0.7± Acre
<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 5
<b><u>ANALYSIS</u></b>	The applicant is requesting a Sign Variance to allow three wall signs for an end cap tenant with two street frontages on a multi-tenant site in a B-3, Community Business District; the Zoning Ordinance allows one wall sign for an end cap tenant per street frontage on a multi-tenant site in a B-3, Community Business District.

The site has been given a District Center (DC) land use designation per the adopted 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 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.

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 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:

***The purpose of this application is to allow:*** *To allow Nothing Bundt Cakes to add an additional exterior sign to the end cap wall of our new location.*

***What are the conditions, items, facts or reasons which prevent you from complying with the requirements of the Zoning Ordinance?*** *Currently as shown in the photos, this shopping center has short palm trees along the north (front) side of the shopping center. These palm trees block/prevent good visibility from Airport Blvd. Nothing Bundt Cakes believes that an additional sign on our end cap wall will allow for more visibility to Airport Blvd traffic, specifically those heading west bound. We are asking for acceptance of this additional exterior sign to our end cap.*

***How did the conditions, items, facts or reasons which prevent you from complying with the requirements of the Zoning Ordinance occur?*** *The palm trees were pre-existing to our lease.*

***How is this property different from the neighboring properties?*** *The Sleep Number on the opposite end of the strip center has an end cap sign. Same as we are requesting. Starbucks is a single tenant site.*

The subject site consists of a three-tenant commercial building and is situated with frontages along Airport Boulevard, East I-65 Service Road South, and an un-named public cross-connecting street between the two streets along the West end of the site. The East end of the site abuts a vacant lot used as a parking lot which is shared with the Starbucks restaurant adjacent to the East of that. The applicant's tenant space is in the East end of the building. As the applicant's space has two street frontages, a wall sign on each façade facing a public street is allowed, and two such signs have been approved. However, as the East end of the building and the tenant space do not front on a public street, no signage is allowed on that endcap. The applicant desires to also have a wall sign on the East endcap; hence this Variance request.

The applicant maintains that visibility of the East end of the building is hampered by Palm trees along Airport Boulevard as one drives West. A staff drive-by of the site indicates a visibility issue from Airport Boulevard as claimed by the applicant, and also indicates even more of a visibility issue when driving West along the service road behind the site.

The Board has approved similar types of Sign Variances due to visibility issues, and the applicant has demonstrated that a hardship may be imposed by a literal interpretation of the Zoning Ordinance in this instance, and the Board should consider this application for approval, subject to conditions.

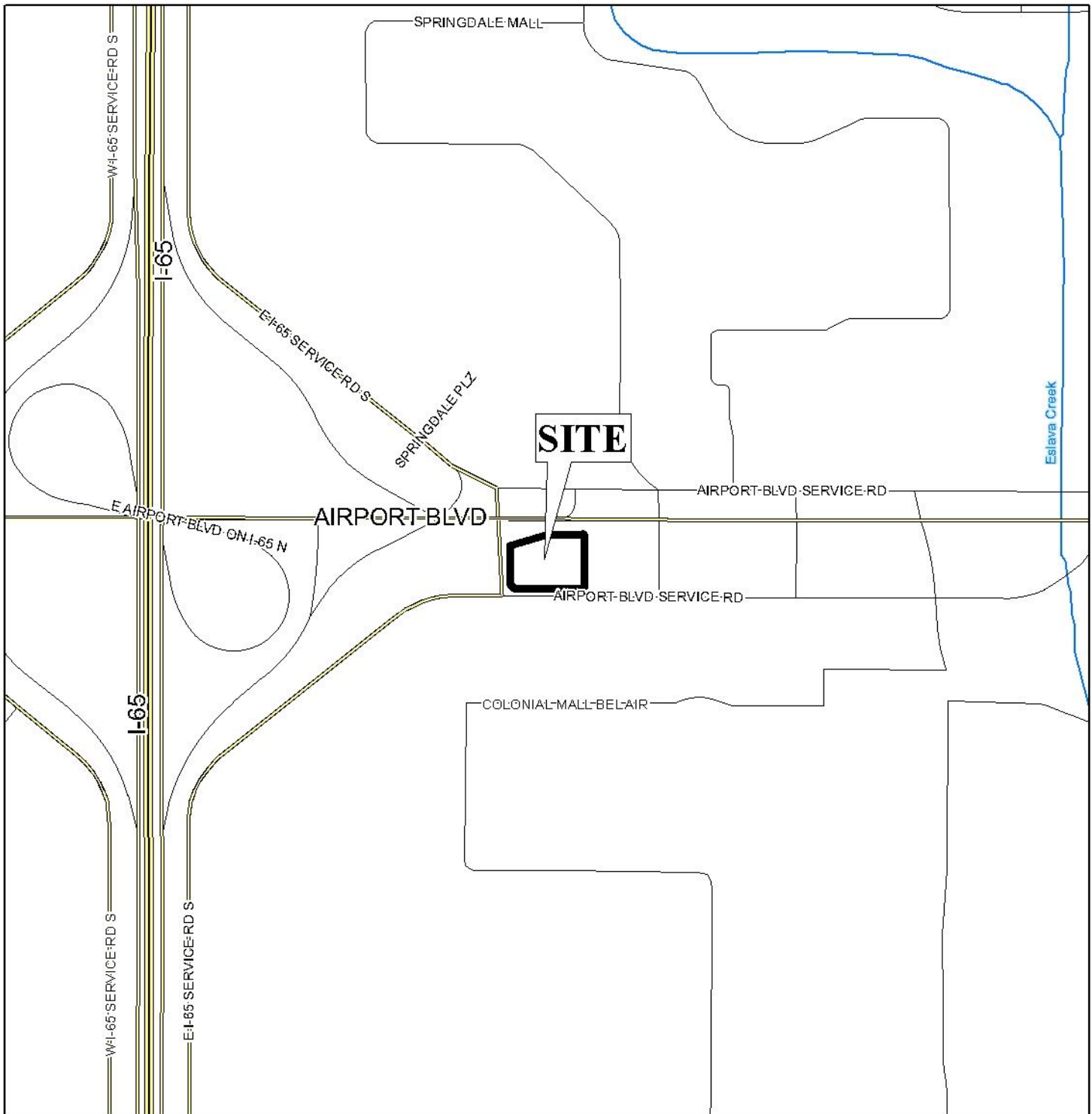
**RECOMMENDATION:** Based upon the preceding, Staff recommends to the Board the following findings of fact for approval of a Sign Variance to allow three wall signs for an end cap tenant with two street frontages on a multi-tenant site in a B-3, Community Business District.

- 1) Approving the variance request will not be contrary to the public interest due to the fact that it will allow a fair opportunity for location identification;
- 2) Special conditions appear to exist, primarily the planting of Palm trees along the street frontages, 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 it will allow a business public street visibility which would ordinarily not be possible under existing conditions.

The approval is subject to the following conditions:

- 1) limitation of the sign to the size as submitted in the application;
- 2) the obtaining of the proper sign permit for the sign; and
- 3) full compliance with all municipal codes and ordinances.

# LOCATOR MAP



APPLICATION NUMBER 6360 DATE December 7, 2020

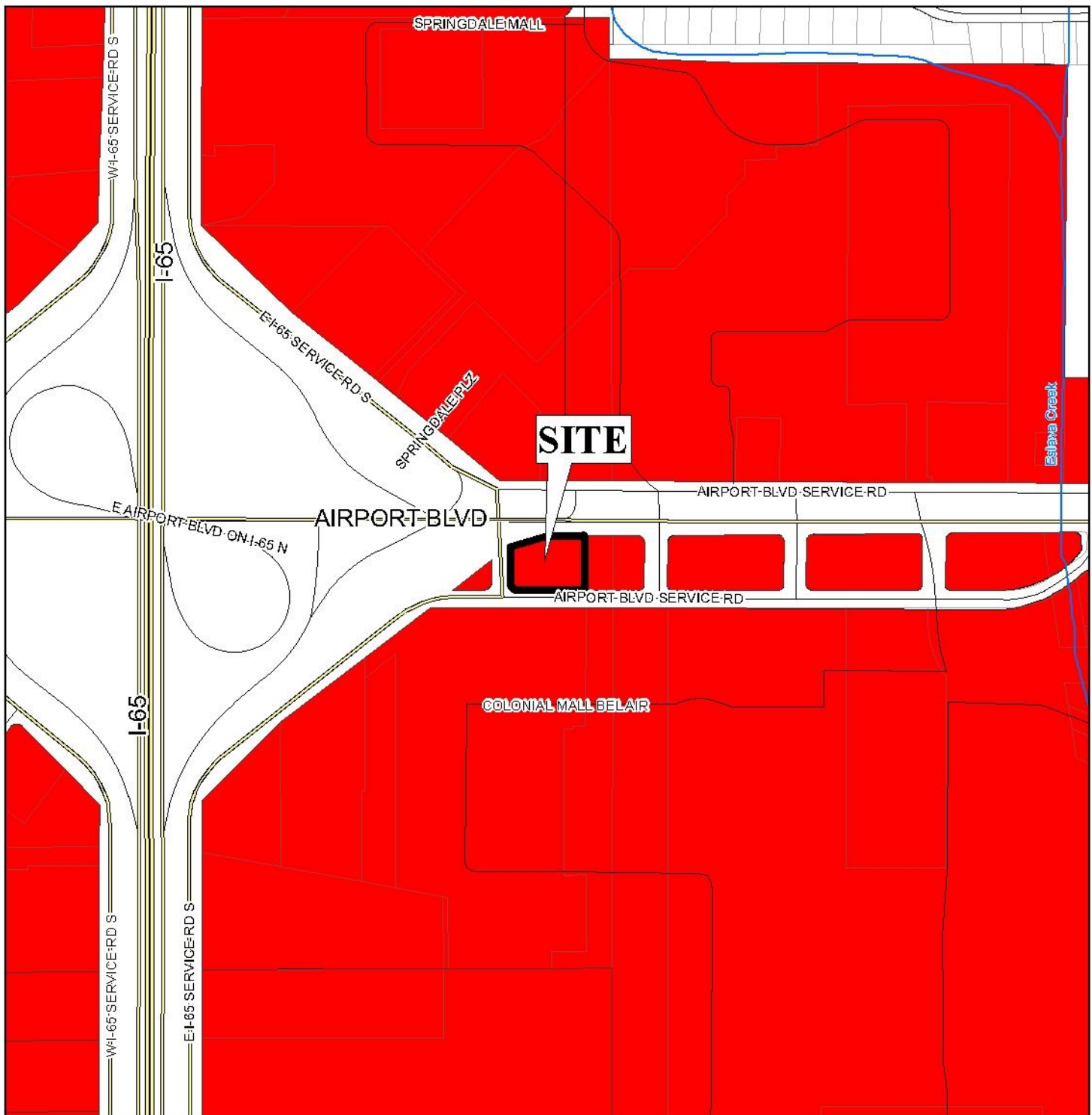
APPLICANT Nothing Bundt Cakes (John Gabriel, Agent)

REQUEST Sign Variance



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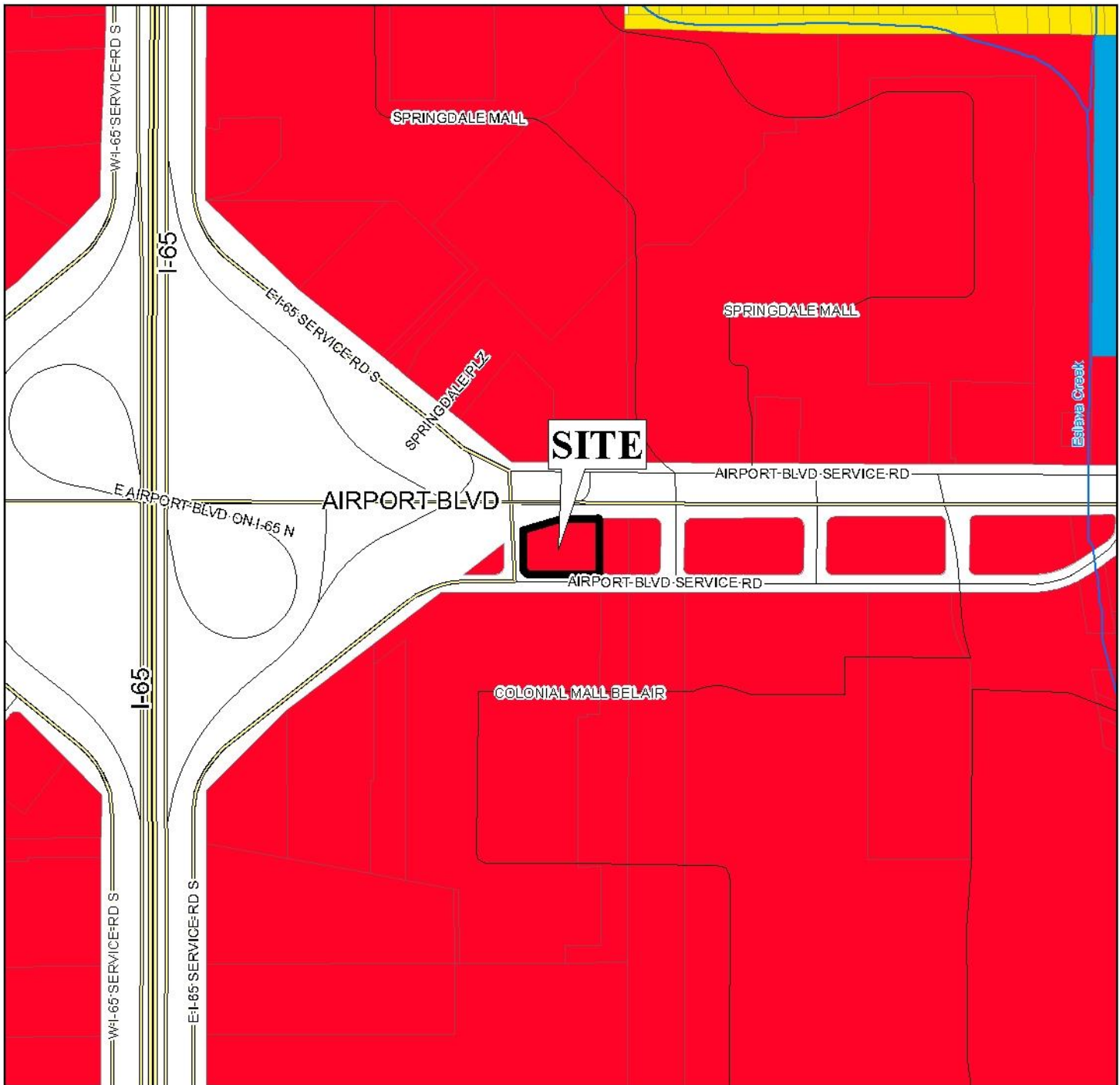
# LOCATOR ZONING MAP



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REQUEST Sign Variance



# FLUM LOCATOR MAP



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APPLICANT Nothing Bundt Cakes (John Gabriel, Agent)

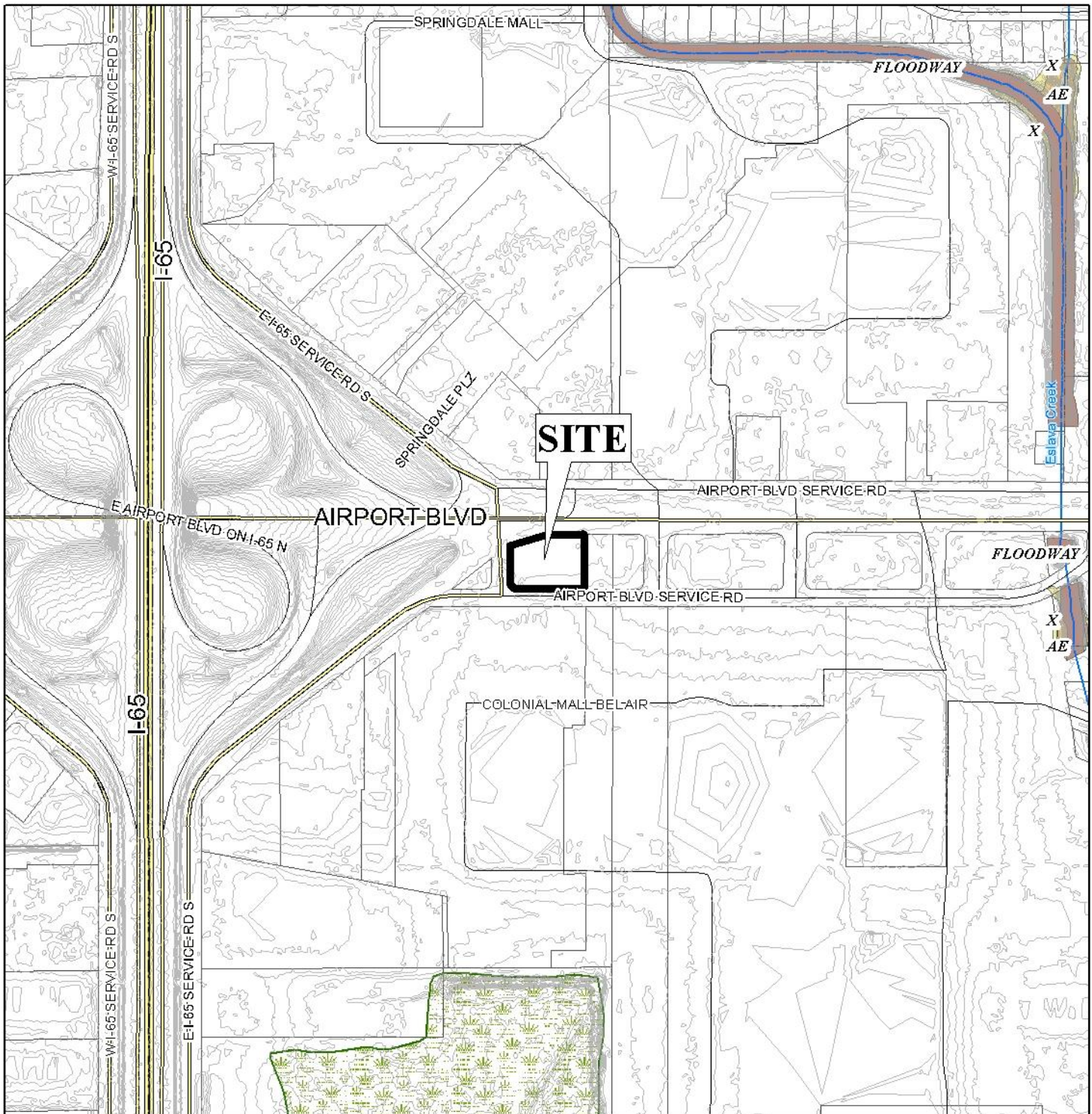
REQUEST Sign Variance

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 6360 DATE December 7, 2020

APPLICANT Nothing Bundt Cakes (John Gabriel, Agent)

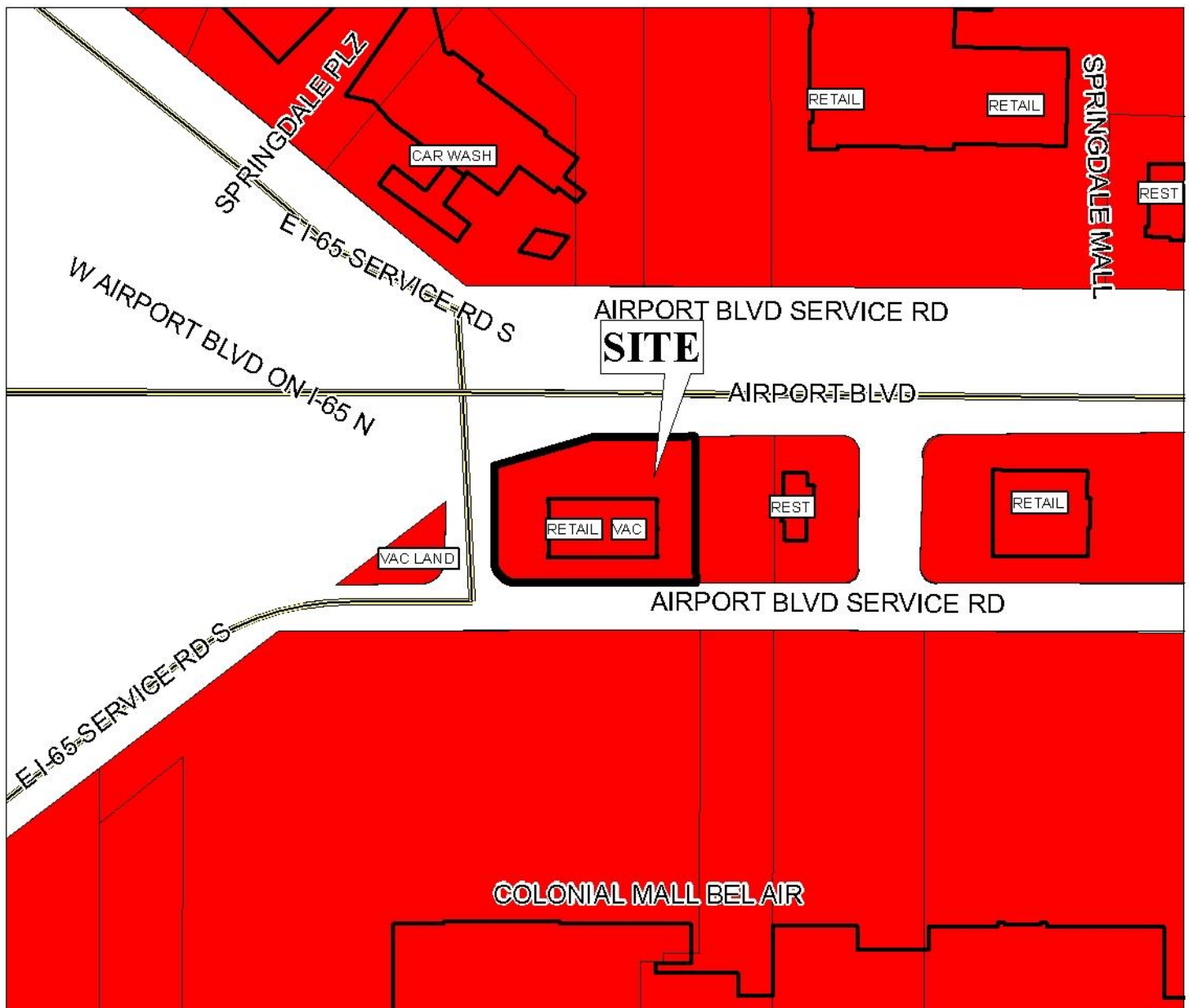
REQUEST Sign Variance



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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

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APPLICANT Nothing Bundt Cakes (John Gabriel, Agent)

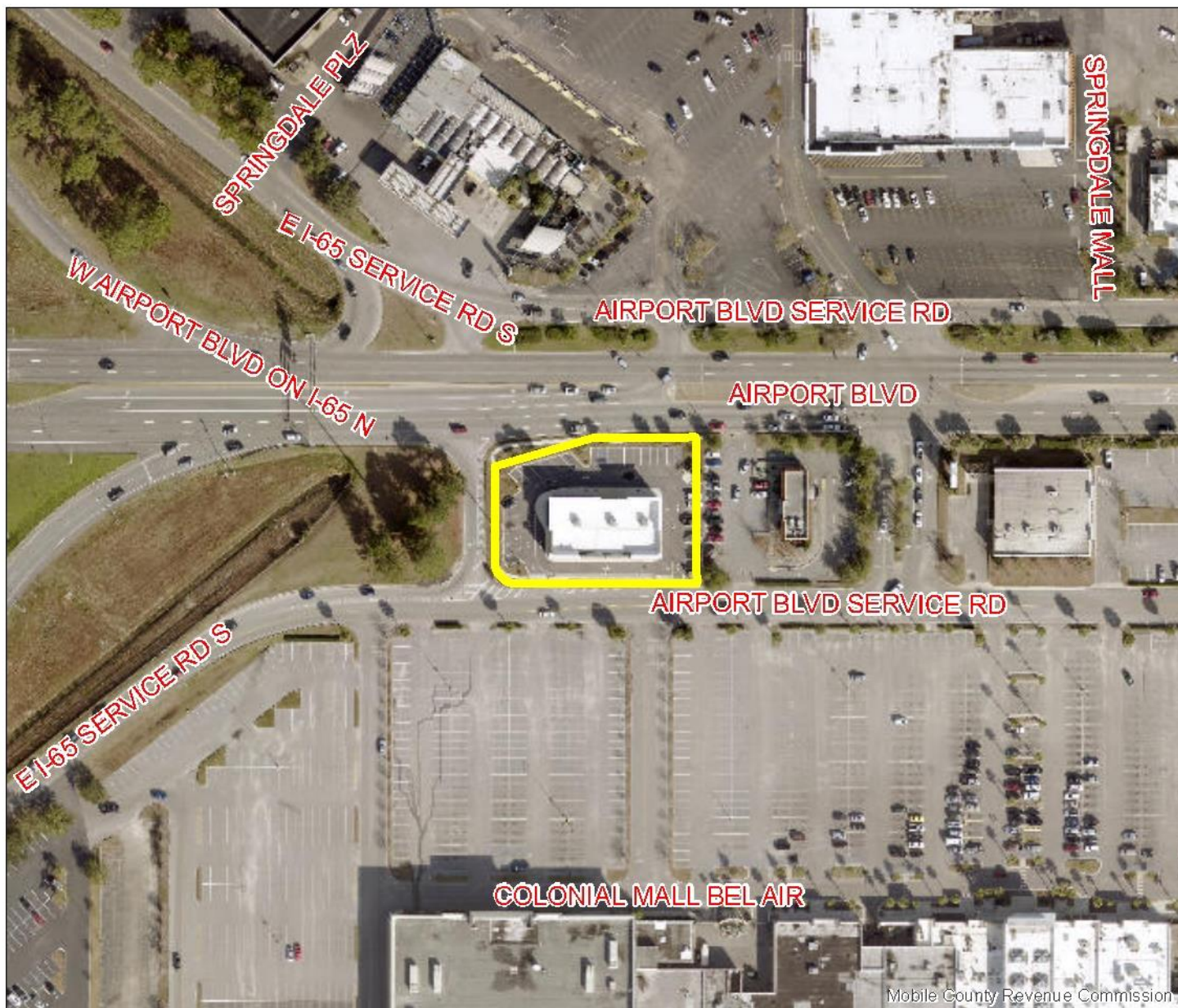
REQUEST Sign Variance

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

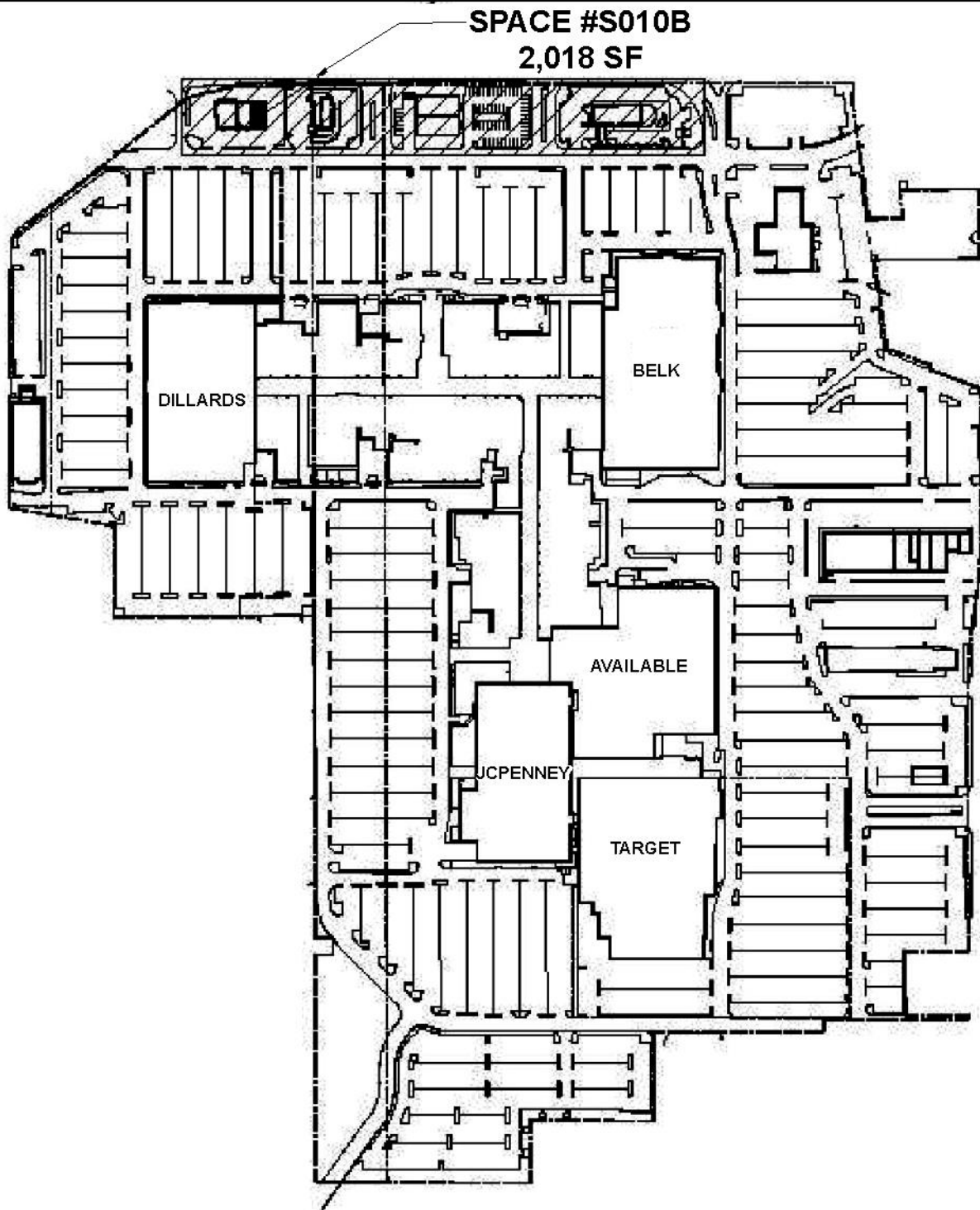


The site is surrounded by commercial units.

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REQUEST	Sign Variance		



# SITE PLAN

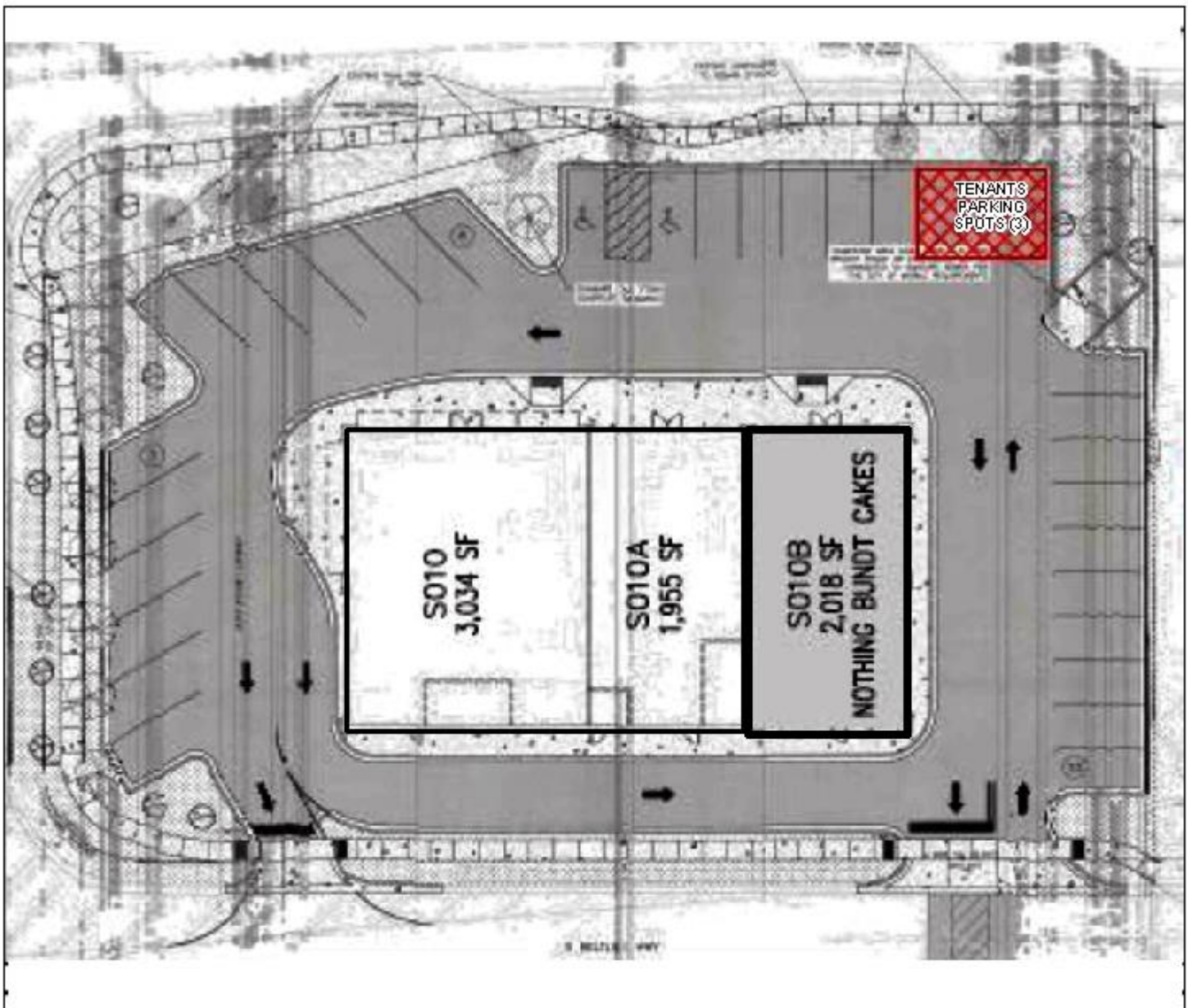


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# SITE PLAN



The site plan illustrates the existing buildings, and parking spots.

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# DETAIL SITE PLAN



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 REQUEST Sign Variance





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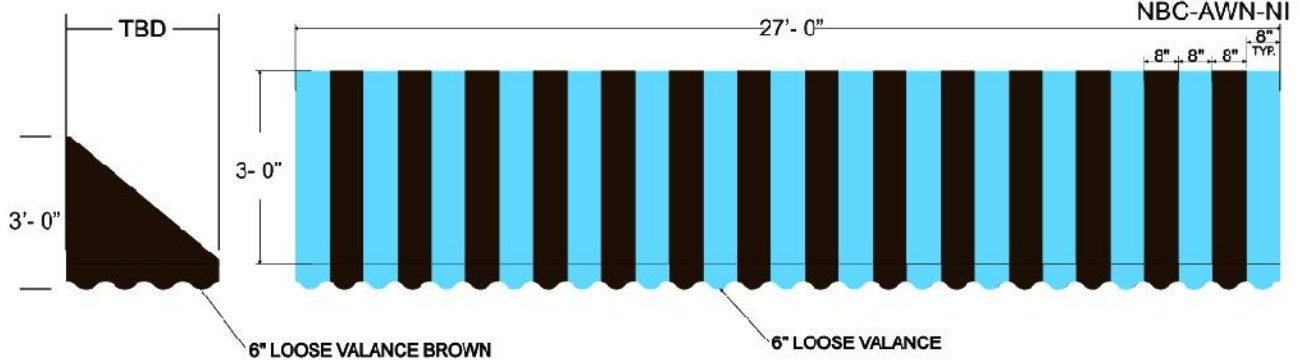
REQUEST Sign Variance



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# DETAIL SITE PLAN

Fabric Awning With Closed Ends



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REQUEST Sign Variance



## DETAIL SITE PLAN



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REQUEST Sign Variance





## DETAIL SITE PLAN



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