

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: March 6, 2017**

<u>CASE NUMBER</u>	6090/4720
<u>APPLICANT NAME</u>	Autonation Ford (Tod Dalton, Agent)
<u>LOCATION</u>	901 East I-65 Service Road South (East side of I-65 Service Road South, 900'± North of Government Boulevard).
<u>VARIANCE REQUEST</u>	SIGN: Sign Variance to amend the conditions of approval of a previously-approved Sign Variance to allow landscaping and tree planting requirements to be coordinated with the Planning staff for an automobile dealership in a B-3, Community Business District.
<u>ZONING ORDINANCE REQUIREMENT</u>	SIGN: The Zoning Ordinance requires full compliance with the landscaping and tree planting requirements for businesses in B-3, Community Business Districts.
<u>ZONING</u>	B-3, Community Business District.
<u>AREA OF PROPERTY</u>	7.8± Acres
<u>ENGINEERING COMMENTS</u>	No comments.
<u>TRAFFIC ENGINEERING COMMENTS</u>	No comments
<u>CITY COUNCIL DISTRICT</u>	District 5
<u>ANALYSIS</u>	The applicant is requesting a Sign Variance to amend the conditions of approval of a previously-approved Sign Variance to allow landscaping and tree planting requirements to be coordinated with the Planning staff for an automobile dealership in a B-3, Community Business District; the Zoning Ordinance requires full compliance with the landscaping and tree planting requirements for businesses in B-3, Community Business Districts.

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 site was previously the subject of a Sign Variance to allow four (4) freestanding signs and three (3) wall signs on a single-tenant site in a B-3, Community Business District. The Board approved the request at its March 2, 1998 meeting, a condition of which was full compliance with the tree and landscaping ordinances of the Zoning Ordinance; however, the site was never brought into compliance with such requirements. As a result, during reviews of the site's most recent Subdivision and Planned Unit Development applications, the Planning Commission determined that their approvals are subject to either full compliance with the tree and landscaping requirements of the Zoning Ordinance, or approval from the Board of Zoning Adjustment to amend the original condition of approval requiring such compliance, hence the application at hand.

The applicant states:

The letter is to serve as the narrative required as part of the Board of Zoning Adjustment application.

The sole purpose of this application is to amend the landscape condition of the previous sign variance from 1998. As you are aware, we came across this previous variance during the PUD process associated with the building renovation project currently in plan review. The PUD letter of decision is attached to this application for reference and comment #10 notes that:

"revision of the site plan to illustrate full compliance with Section 64-4.E.3 of the zoning ordinance regarding trees and landscaping, or submission and approval of an application to amend the previously approved variance by the Board of Zoning Adjustment,"

During review of the landscape condition of the signage variance with planning staff, it was determined that the site would be required to comply with the 12% coverage requirements of the current landscape ordinance and not what was required back in 1998 at the time of variance approval. Trying to comply with current landscaping requirements on an old site previously developed prior to the 1970s resulted in significant impacts to the dealership's ability to display vehicles and provide customer access in front of the facility. If this was a new development today, we would push the building back further from the street to allow space to meet today's landscape requirements. However, the current placement of the existing building and parking are both too close to the streets to comply without significant impacts to dealership operation. We have been working with planning staff to develop a landscape plan that attempts to meet the spirit of the current landscape requirements while also being mindful of the realities of an old existing

dealership site. The attached landscape plan is the result of back and forth coordination with planning staff.

The conditions which prevent the project from complying with the requirements of the previously approved variance go back to the previous owner's decision to not install landscaping in 1998 when the variance was approved. Landscaping requirements have increased since that time, making it more difficult to comply with today's standards on an old site without significant impact to dealership operation.

Neighboring properties are similar to this one when compared to the previously approved sign variance and the new landscape plan developed in conjunction with Planning Staff. Dealerships located on the Service Road corridor have similar numbers of signs and provide landscaping in front of the building and along the street that appears to be less dense than what is required by the current landscaping ordinance. Our intent with this application for the AutoNation Ford Mobile project is to bring the project into compliance with the signage variance of 1998 by working with the planning staff to develop a landscaping plan tailored specifically for the constraints of the existing site.

Regarding the Sign Variance, two (2) freestanding signs, one (1) directional sign, and three (3) wall signs are to remain or be re-faced; and one (1) additional wall sign is proposed on a wall to be renovated on the building's West elevation. Plans provided illustrate that, while the sign contents themselves will not be altered, their locations will differ on the building's façade, and will also include an additional wall sign with block lettering spelling "SERVICE." Given that the amount of signage approved by the previous Sign Variance will only be increased by what is considered an informational sign, approving such an increase may be appropriate.

Regarding landscaping, the area on which Autonation Ford is developed encompasses $339,303\pm$ s.f., requiring 40,716 s.f. of landscaping, of which $24,430\pm$ s.f. should be placed between the front property line and the building to satisfy the 60% frontage landscaping requirement. The applicant illustrates a total of $31,287\pm$ s.f., or 9±%, of landscaped area; however, Staff cannot determine what percentage of proposed landscaping will be provided as frontage landscaping.

Regarding trees, the required ratio of frontage and perimeter trees is 1:30; with heritage trees required along all street frontage and lot perimeter, the exception being that no more than 50% of perimeter trees may be understory trees. Also, one (1) understory tree should be provided for every 20 required off-street parking spaces.

The applicant discussed with Staff an appropriate reduction in the ratio of trees per linear foot of street frontage, linear foot of perimeter lot lines, and per amount of required off-street parking spaces, the result being 1:50. As such, 10 frontage trees, 36 perimeter trees, and one (1) parking lot tree should be required, for a total of 47 trees.

The tree plan illustrates the appropriate amount of frontage and parking lot trees given the 1:50 ratio; however, the tree plan does not illustrate an adequate amount of perimeter trees, more than half of which are understory trees.

It should be noted that 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.

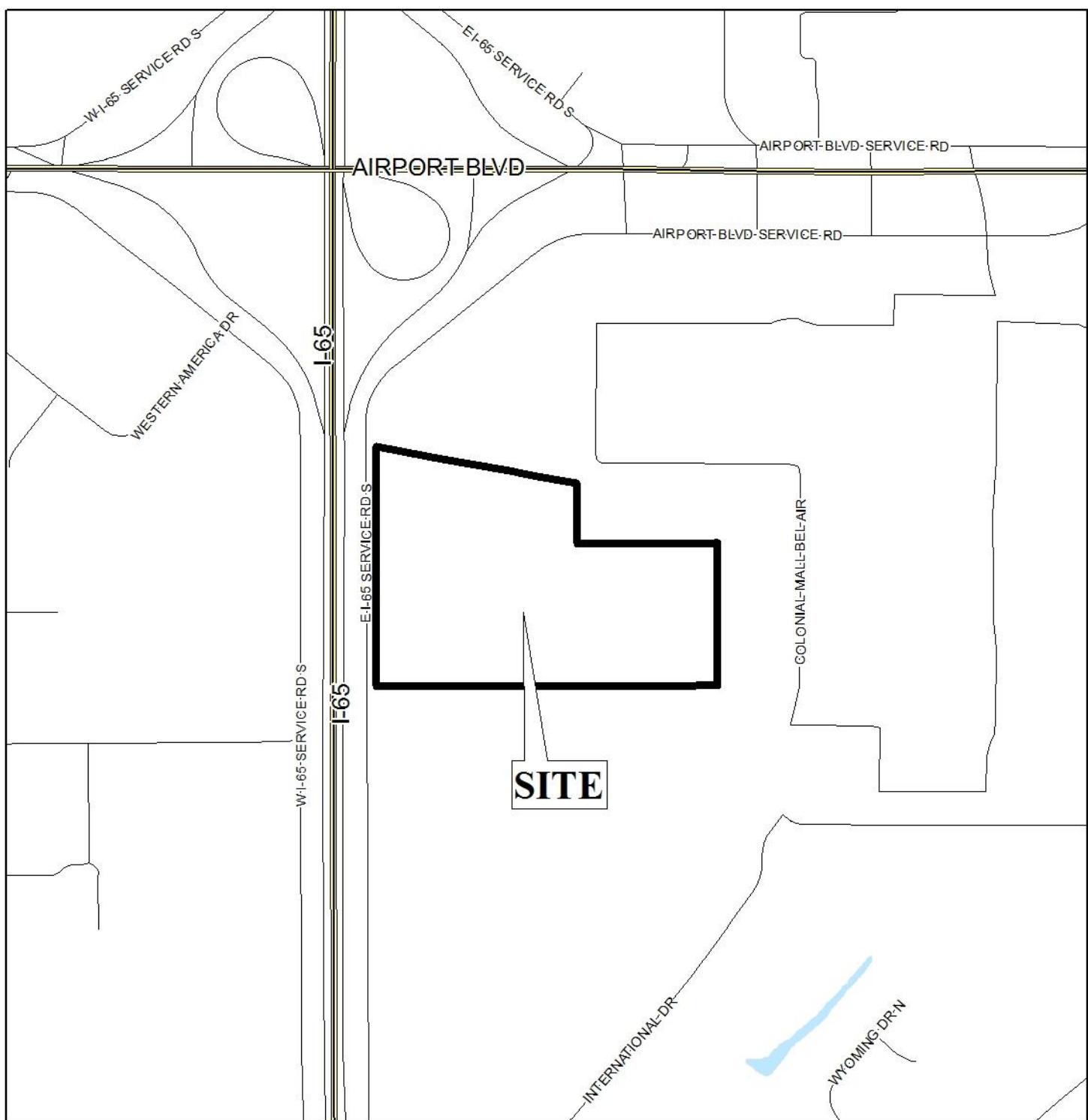
It should also be noted that the purpose of the Minimum Landscape Requirements is to prevent, protect, and enhance the ecological and aesthetic environments of the City of Mobile by improving the appearance, quality, and quantity of landscaped areas throughout the city, with particular emphasis on vehicular use areas.

While Staff is aware that full compliance with tree and landscaping ordinances would be difficult to attain due to the age of the development, current tree and landscaping requirements became effective in 1993, well before the original Sign Variance request. Staff could speculate that, if there was no conflict complying with the tree and landscaping ordinances at the time the original condition of approval was provided, then further development of the site to inhibit full compliance could be considered a self-imposed hardship. This condition was irrespective of what the applicant mentions was the property owner's decision to disregard its assent, especially considering approval of the Sign Variance was contingent upon such an agreement; and, as such, suggests a disregard for not only City ordinances, but also the Board of Zoning Adjustment. Nevertheless, previous discussions with, and drawings received by, the applicant yield that the aforementioned ratio reduction is adequate enough for the applicant to feasibly comply. Therefore, and in considering the preceding with respect to the purpose of the tree and landscaping ordinances, it may be appropriate to holdover the application to allow the applicant time to demonstrate compliance with the compromise herein discussed.

RECOMMENDATION: Staff recommends the application be Heldover until the April 3, 2017 meeting of the Board of Adjustment, with revisions submitted by March 17, 2017, to allow the applicant time to do the following:

- 1) Illustrate compliance with the reduced tree and landscaping requirements originally agreed-upon by Staff.

LOCATOR MAP



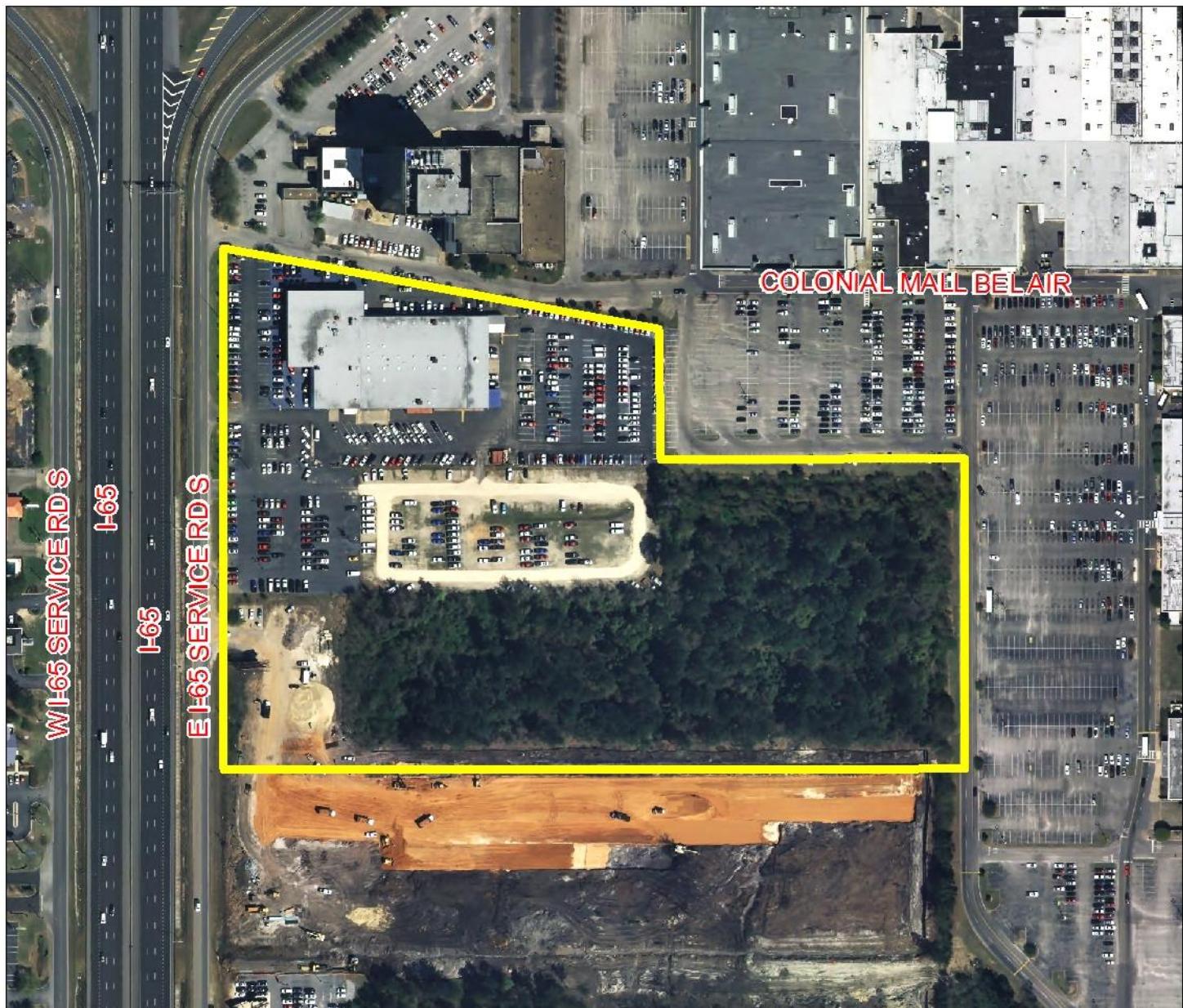
APPLICATION NUMBER 6090 DATE March 6, 2017

APPLICANT Autonation Ford (Tod Dalton, Agent)

REQUEST Sign Variance



**BOARD OF ADJUSTMENT
VICINITY MAP - EXISTING AERIAL**



The site is surrounded by commercial units

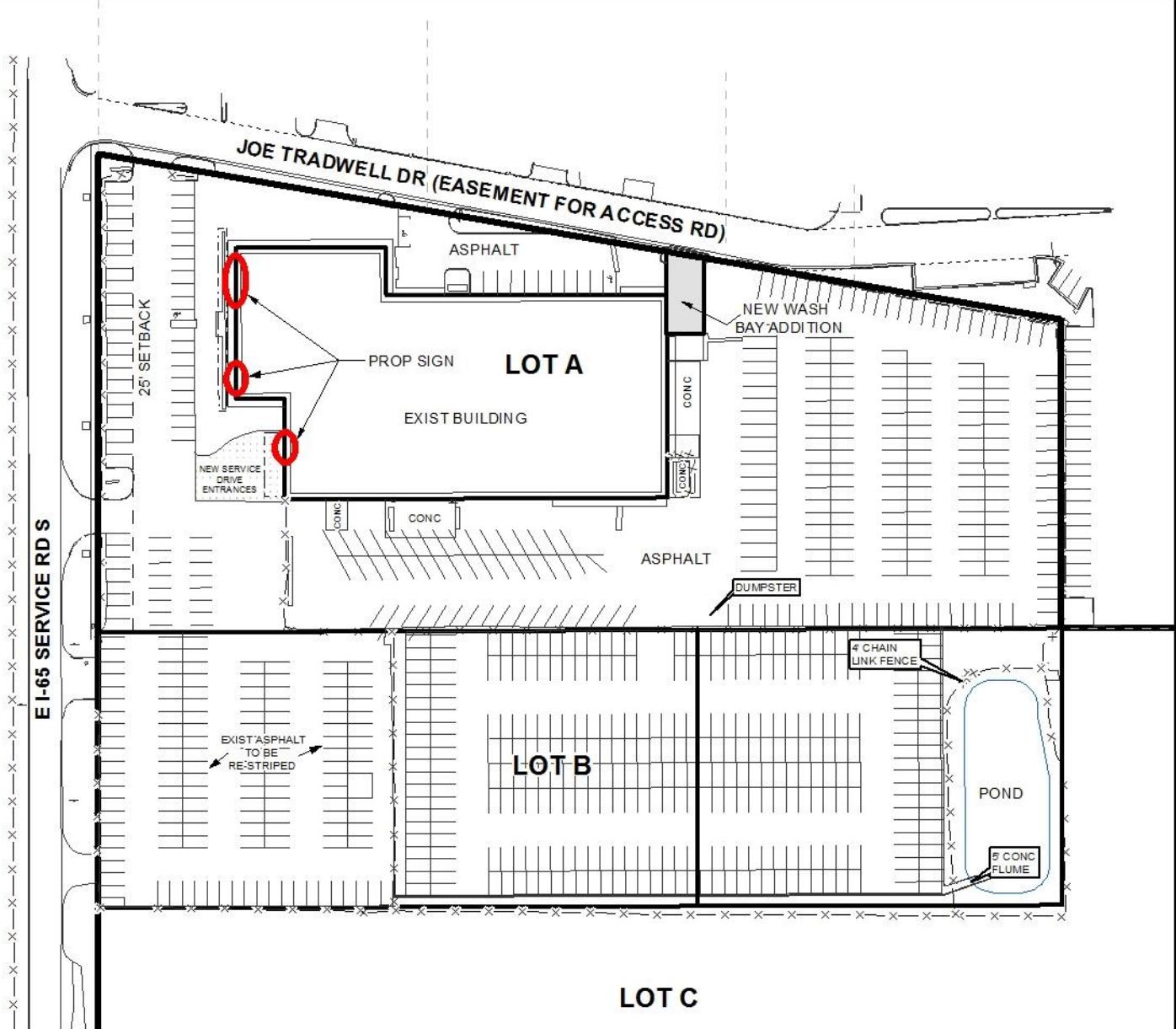
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REQUEST Sign Variance



SITE PLAN



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

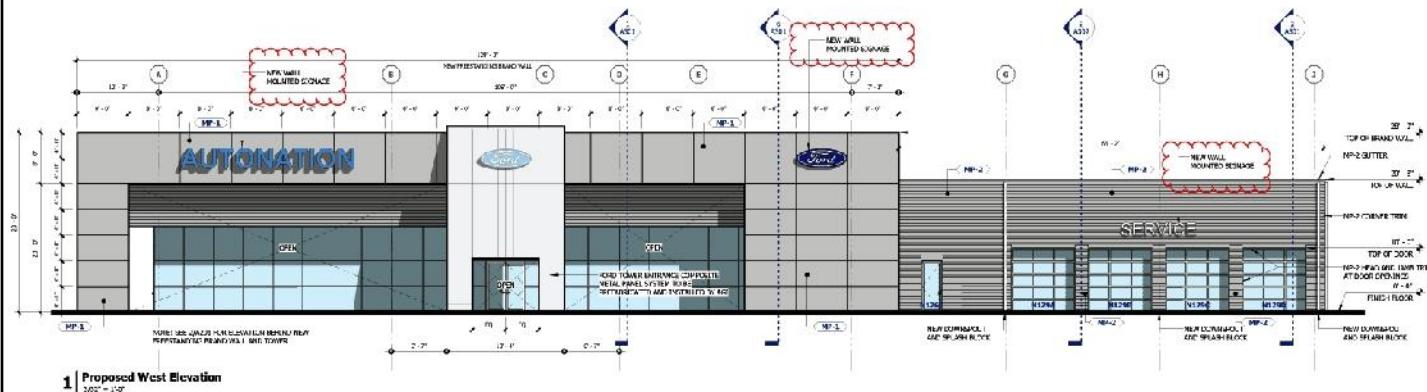
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APPLICANT Autonation Ford (Tod Dalton, Agent)

REQUEST Sign Variance



DETAIL SITE PLAN



APPLICATION NUMBER 6090 DATE March 6, 2017

APPLICANT Autonation Ford (Tod Dalton, Agent)

REQUEST Sign Variance

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