

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: February 4, 2019**

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| <u>CASE NUMBER</u> | 6234 |
| <u>APPLICANT NAME</u> | Scott Services |
| <u>LOCATION</u> | 3250 Airport Boulevard (Northeast corner of Airport Boulevard and Interstate 65) |
| <u>VARIANCE REQUEST</u> | SIGN: Sign Variance to allow a second wall sign for a street frontage for a single business on a multi-tenant site in a B-3, Community Business District. |
| <u>ZONING ORDINANCE REQUIREMENT</u> | SIGN: The Zoning Ordinance allows one wall sign per street frontage for a multi-tenant site in a B-3 Community Business District. |
| <u>ZONING</u> | B-3, Community Business |
| <u>AREA OF PROPERTY</u> | 20.81± Acres |
| <u>ENGINEERING COMMENTS</u> | No comments. |
| <u>TRAFFIC ENGINEERING COMMENTS</u> | This request was not reviewed by Traffic Engineering. |
| <u>CITY COUNCIL DISTRICT</u> | District 5 |

ANALYSIS The applicant is requesting a Sign Variance to allow a second wall sign for a street frontage for a single business on a multi-tenant site in a B-3, Community Business District; the Zoning Ordinance allows one wall sign per street frontage for a multi-tenant site 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 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 almost completely surrounded by B-3 zoning and uses, except for R-1, Single-Family Residential zoning to the Northwest across Springdale Boulevard and a drainage canal.

The applicant states:

The purpose of this variance is to allow Burlington to have a second non-illuminated sign on the south/primary elevation.

The heart-B logo is an experiential design element near the store entry. It is intended to be Burlington's welcoming graphic, "like a candle in the window to welcome visitors to our home". It is not intended to be a commercial sign.

In addition, Burlington's primary sign, "Sign Type A" is intended to communicate the identity to visitors at far reading distances. The Heart B-logo establishes the primary entry for visitors at the pedestrian level. Therefore, the displays are on the same elevation, but on two different plains of view.

Finally, Burlington's goal is to achieve a recognizable brand by the way of its Heart B logo and without the use of text, the Heart-B logo is a significant element of the Burlington brand and its being deployed at all of Burlington's locations. The display of its trademarked logo is in support of Burlington's consistent branding program, coast to coast.

The applicant states that the proposed sign is intended to be a welcoming graphic, but then states that the sign is not intended to be a commercial graphic. It is later stated that the Heart B is a logo and that the goal is to achieve a recognizable brand by use of this logo without the use of text. This firmly establishes the proposed sign as being of a commercial nature. If it were strictly a welcoming graphic, there would not be any corporate branding associated with the sign. In instances where store branding has not been easily visible from an expansive parking lot in order to direct traffic to a particular store, a hardship has been illustrated by a literal interpretation of the Sign Regulations and requests for additional wall signage have been allowed by the Board. However, in this instance, the subject store already has been permitted one large wall sign along the front façade over the store entrance and is easily visible from the parking lot.

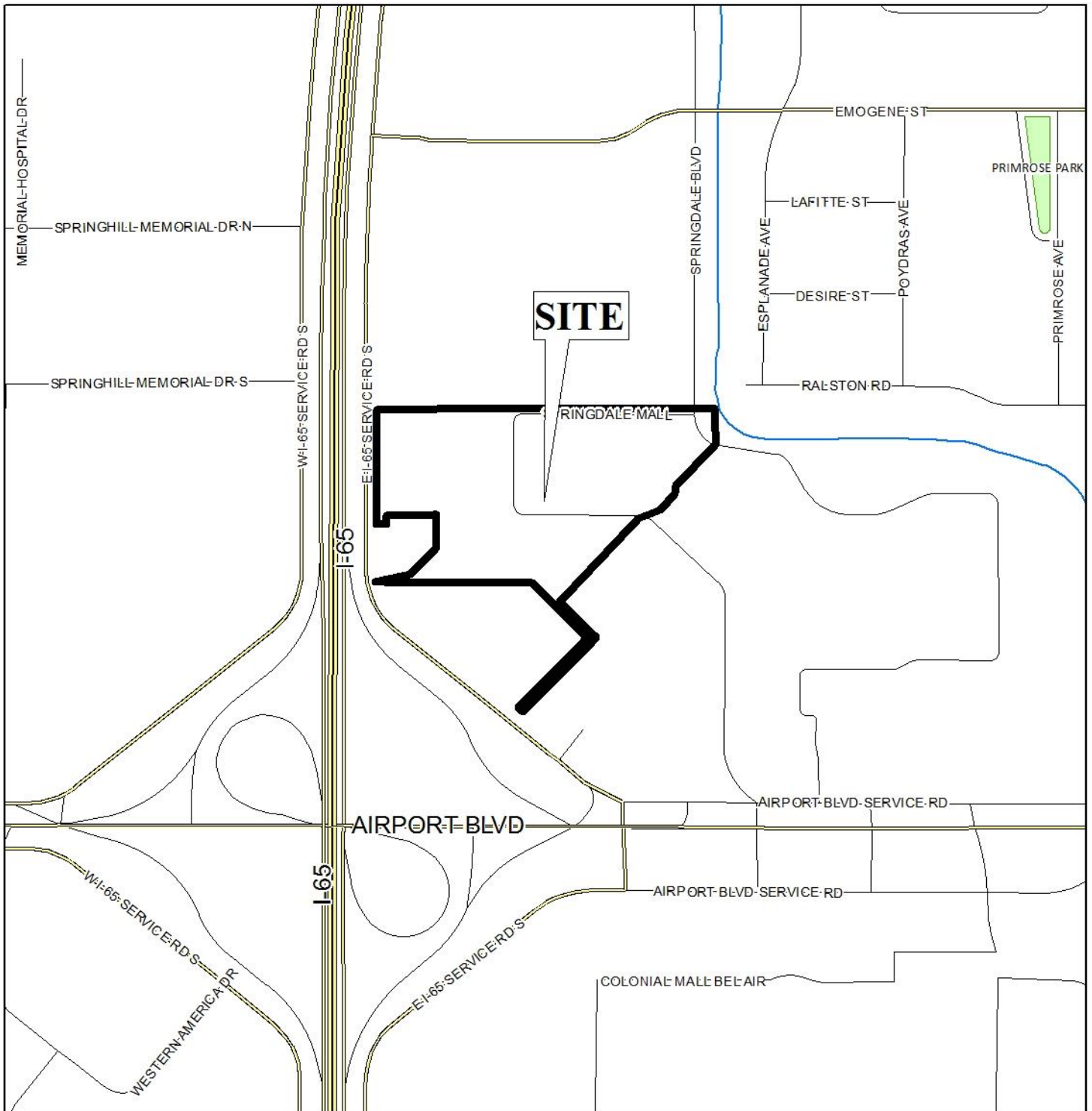
The applicant has not illustrated that a hardship would be imposed by a literal interpretation of the Ordinance and the Board should consider this request for denial.

RECOMMENDATION: Staff recommends to the Board the following findings of facts for Denial of the Sign Variance to allow a second wall sign for a street frontage for a single business on a multi-tenant site.

- 1) Approving the variance will be contrary to the public interest in that it would not afford other similar businesses within the area an equal and fair opportunity to advertise and promote their products and services;
- 2) No special conditions were shown to exist such that the literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and
- 3) The spirit of the chapter shall not be observed and substantial justice shall not be done to the surrounding neighborhood by granting the variance because the proposed signage

could set a precedent for other businesses within the area to be allowed excess branding signage.

LOCATOR MAP



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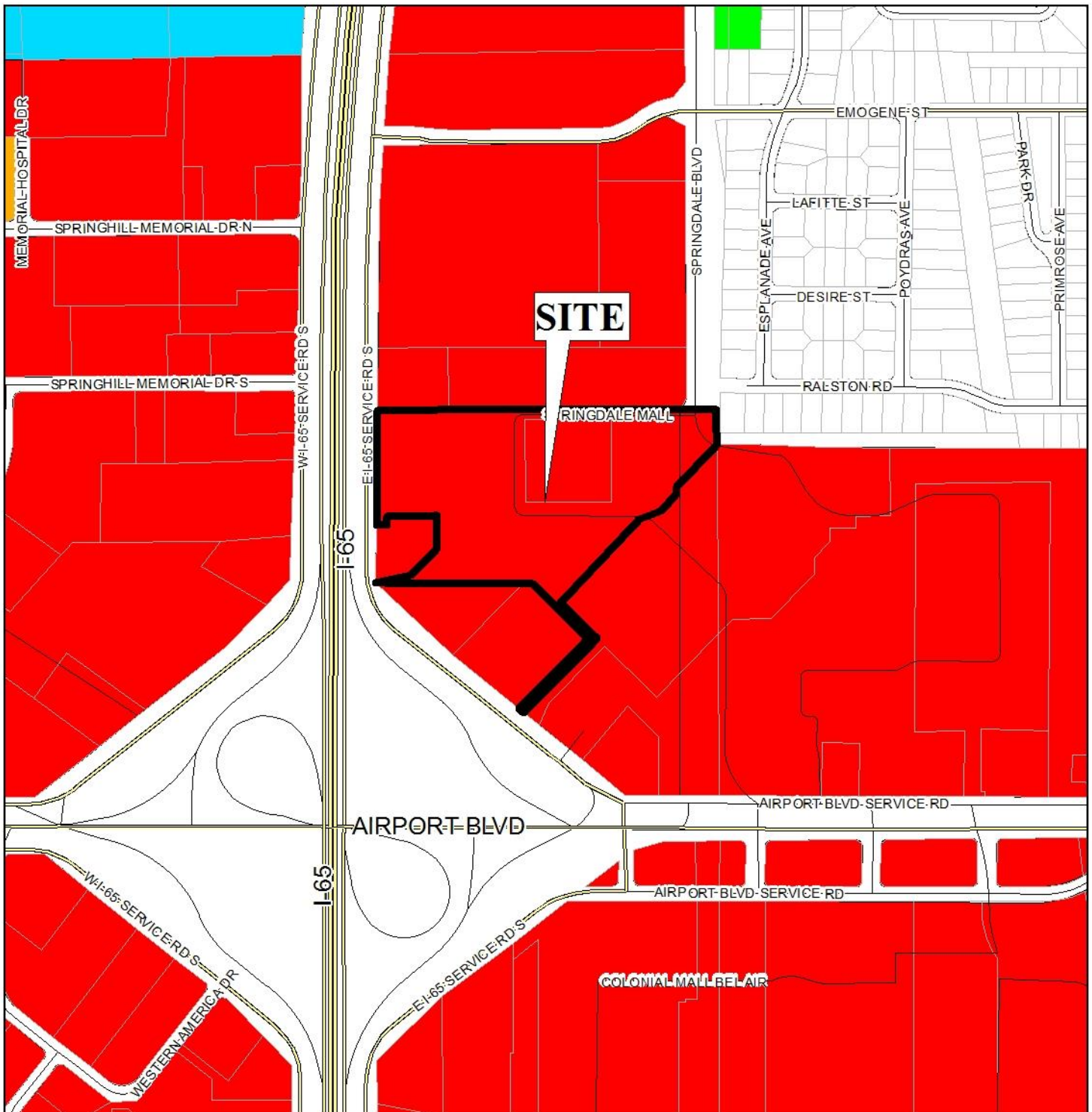
APPLICANT Scott Services

REQUEST Sign Variance



NTS

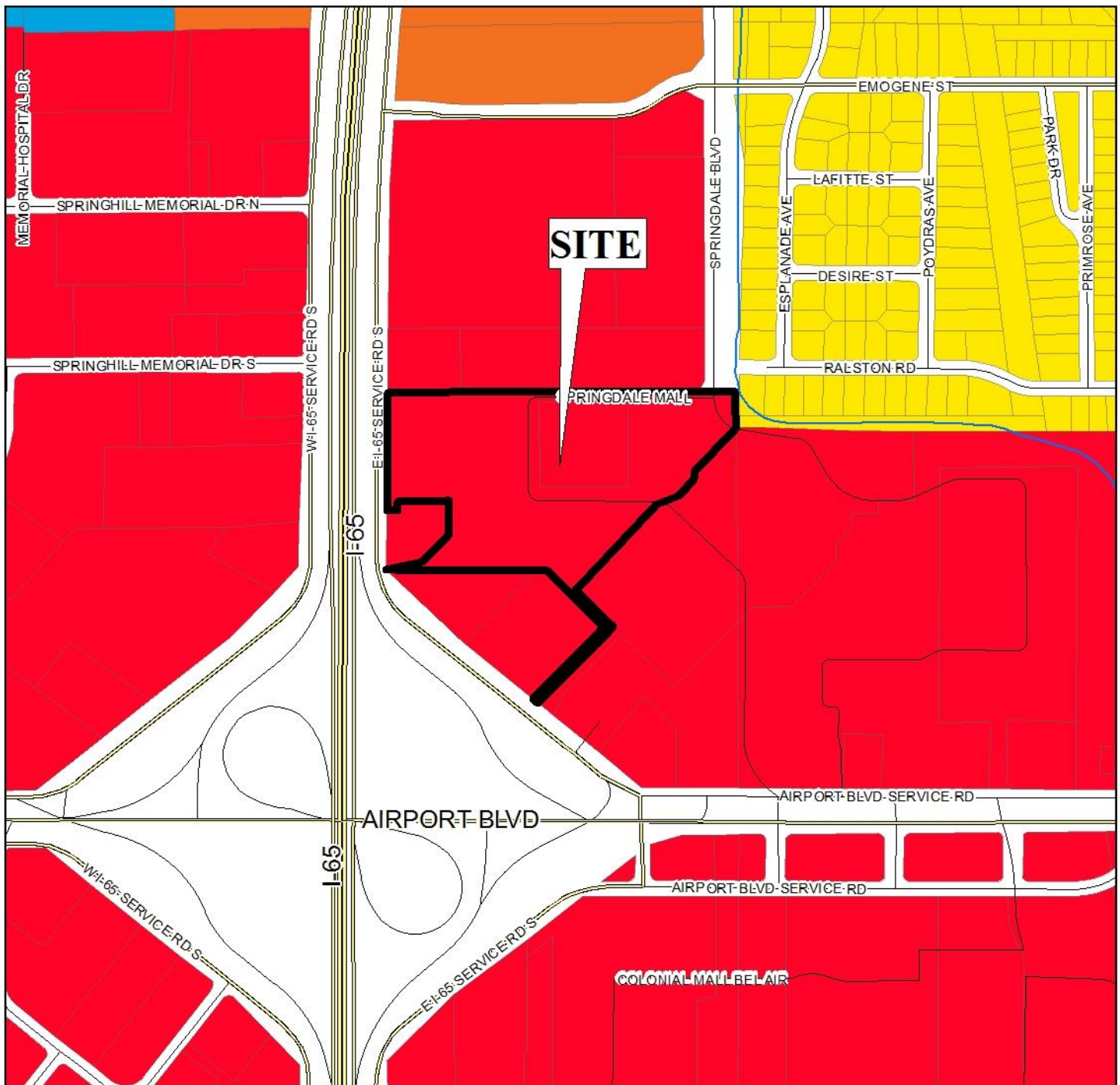
LOCATOR ZONING MAP



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FLUM LOCATOR MAP



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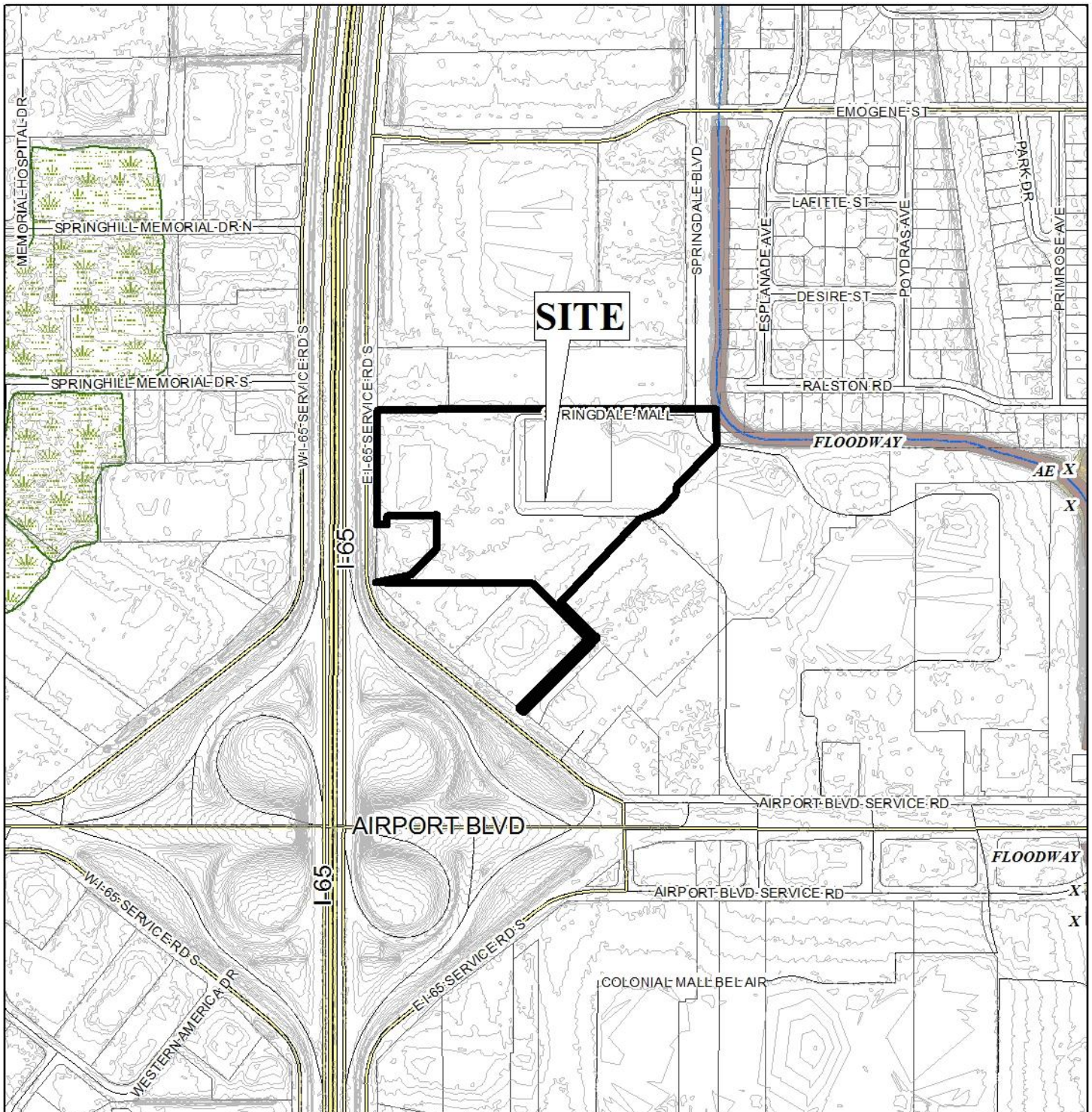
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|---------------------------|-----------------------------------|---------------------|--------------------|
| Low Density Residential | Neighborhood Center - Traditional | Downtown Waterfront | Parks & Open Space |
| Mixed Density Residential | Neighborhood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



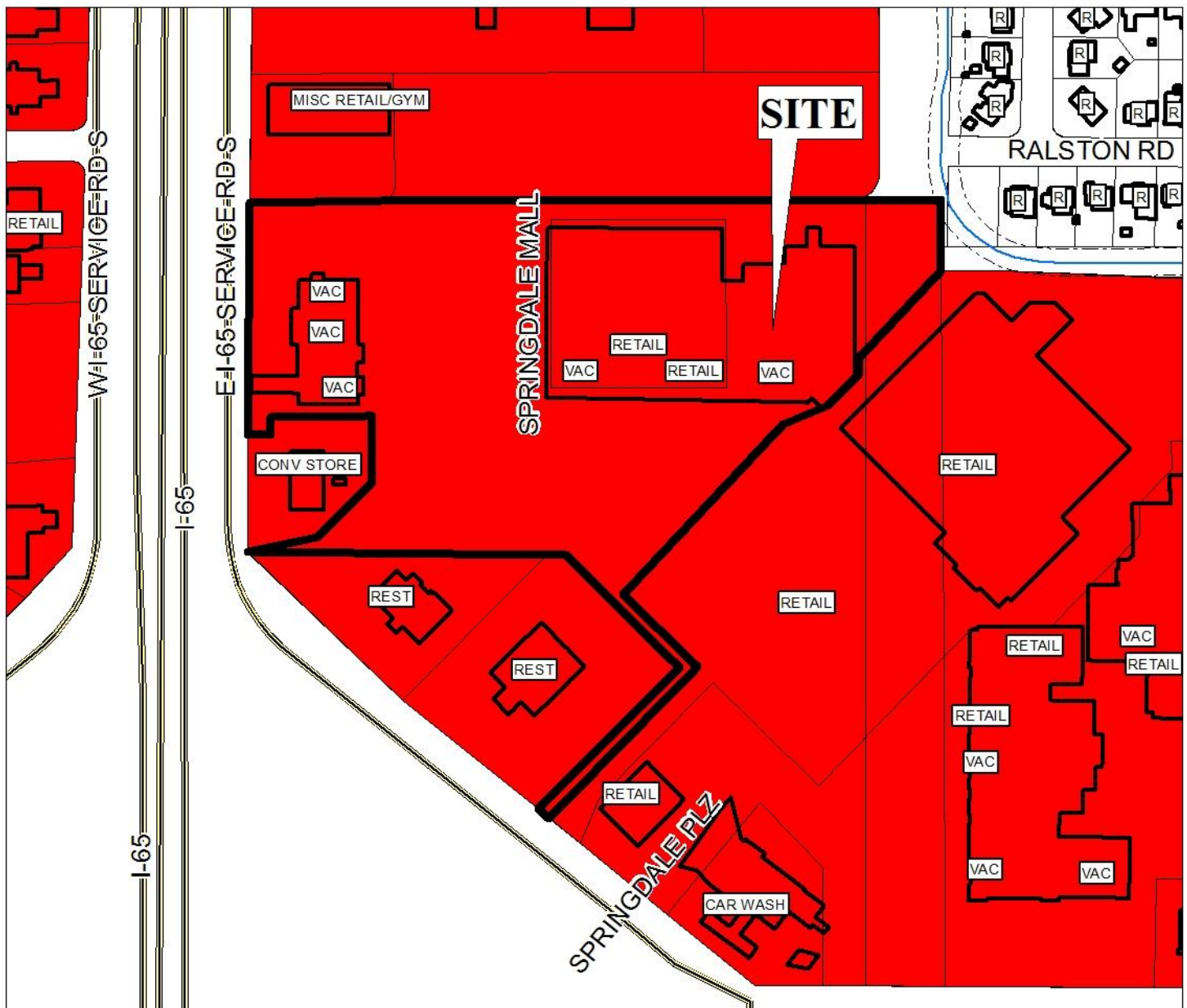
ENVIRONMENTAL LOCATOR MAP



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units. Residential units are located to the northeast.

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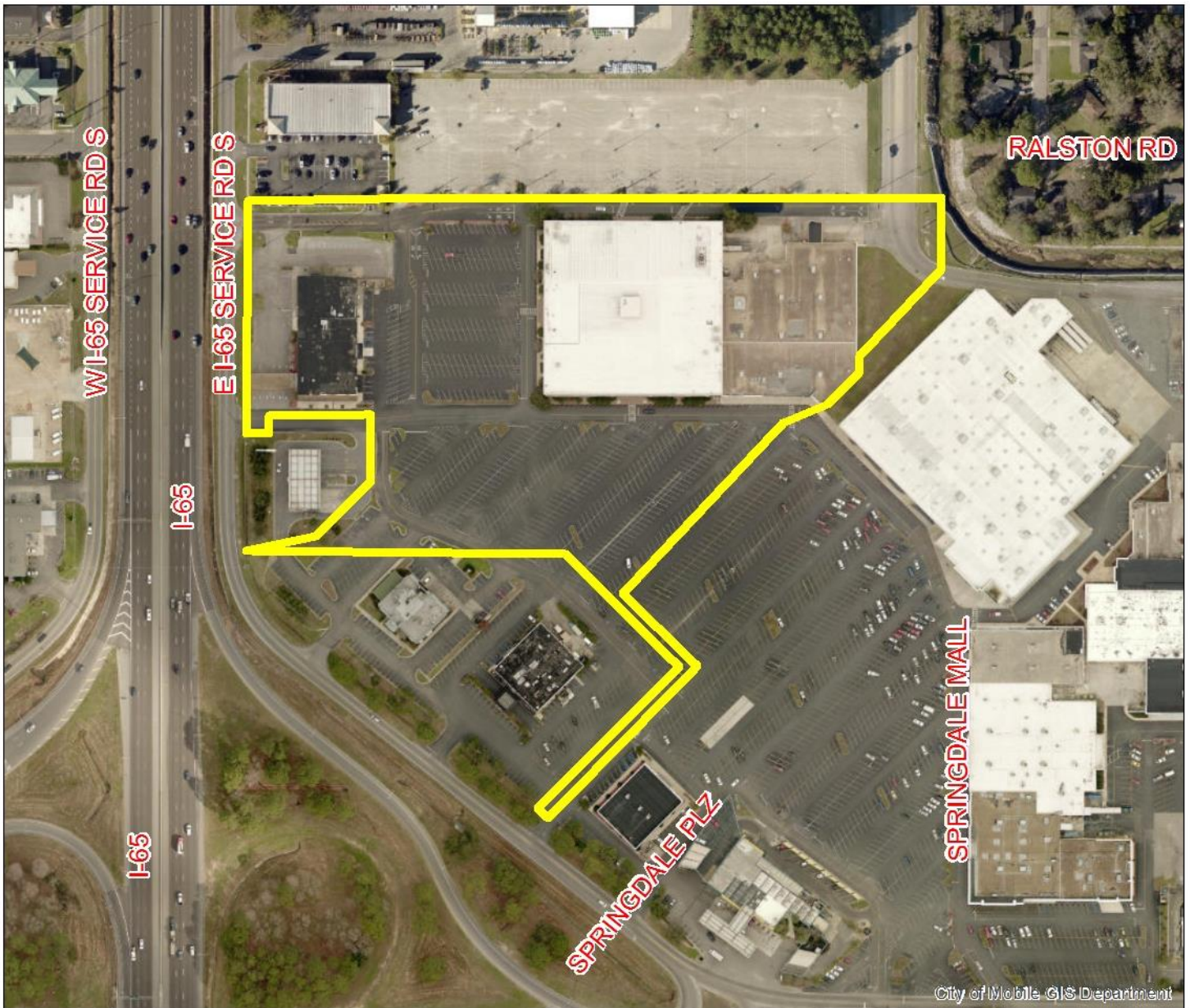
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|--|---|---|--|---|---|---|---|
| R-A | R-3 | T-B | B-2 | B-5 | MUN | SD-WH | T5.1 |
| R-1 | R-B | B-1 | B-3 | I-1 | OPEN | T3 | T5.2 |
| R-2 | H-B | LB-2 | B-4 | I-2 | SD | T4 | T6 |



BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial units. Residential units are located to the northeast.

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DETAIL SITE PLAN



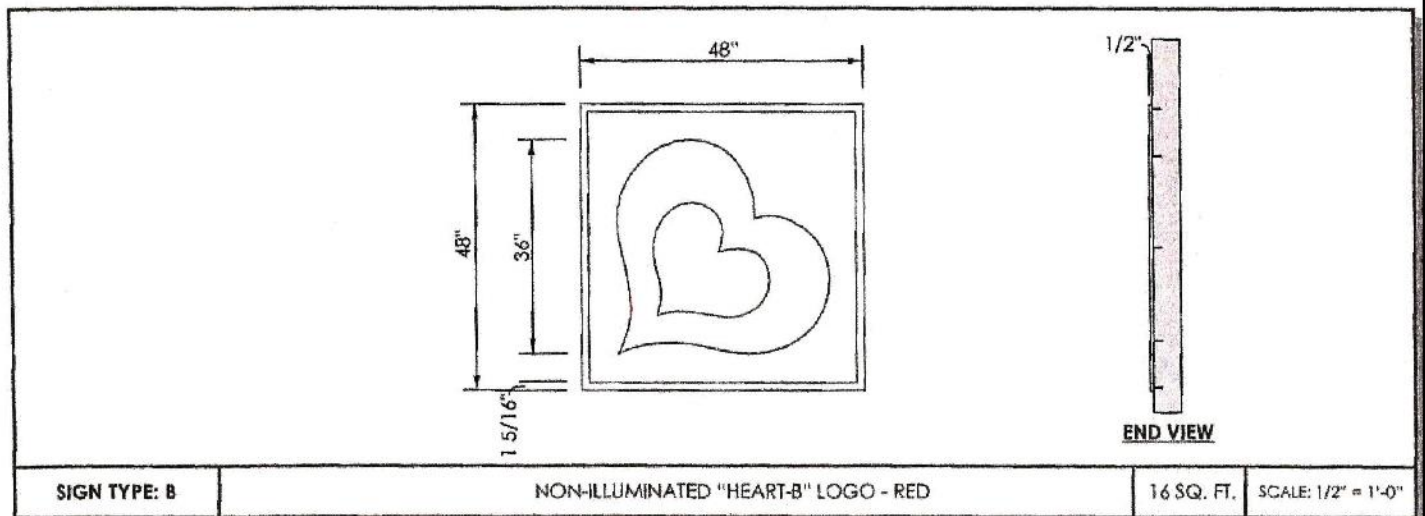
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DETAIL SITE PLAN



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