

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: February 6, 2023****CASE NUMBER**

6493/2710

APPLICANT NAME

Branded Image Group (Robin Smith, Agent)

LOCATION1395 North University Boulevard
(Southwest corner of North University Boulevard and
Overlook Road).**VARIANCE REQUEST****SIGN:** Sign Variance to allow a digital pricing sign within
300-feet of residentially zoned property, and to allow three
(3) wall signs for a tenant on a multi-tenant site in a B-2,
Neighborhood Business District.**ZONING ORDINANCE
REQUIREMENT****SIGN:** The Zoning Ordinance does not allow digital signs
within 300-feet of residentially zoned property, and does
not allow three (3) wall signs for a tenant on a multi-tenant
site in a B-2, Neighborhood Business District.**ZONING**

B-2, Neighborhood Business District

AREA OF PROPERTY

2.2 ± Acres

**CITY COUNCIL
DISTRICT**

District 7

**ENGINEERING
COMMENTS**

No comments.

**TRAFFIC ENGINEERING
COMMENTS**

No comments.

**URBAN FORESTRY
COMMENTS**Property to be developed in compliance with state and local
laws that pertain to tree preservation and protection on both city and private properties [Act 929
of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and
City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require
approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped
residential sites, developed residential sites in historic districts, and all commercial sites will
require a tree removal permit.

FIRE DEPARTMENT**COMMENTS**

All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2021 International Fire Code). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.

ANALYSIS

The applicant is requesting a Sign Variance to allow a digital pricing sign within 300 feet of residentially zoned property, and to allow three (3) wall signs for a tenant on a multi-tenant site in a B-2, Neighborhood Business District; the Zoning Ordinance does not allow digital signs within 300 feet of residentially zoned property, and does not allow three (3) wall signs for a tenant on a multi-tenant site in a B-2, Neighborhood Business District.

The site has been given a Mixed Commercial Corridor (MCC) 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 land use designation mostly applies to transportation corridors west of I-65 serving primarily the low-density (suburban) residential neighborhoods. MCC includes a wide variety of retail, services and entertainment uses.

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.

Over time, new development and redevelopment in Mixed Commercial Corridors is encouraged to raise design quality, improve connectivity to surrounding neighborhoods; improved streetscapes; and improve mobility and accessibility for all users of the corridor.

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 applicant is proposing to replace existing digital pricing signs with new digital pricing signs within 300-feet of residentially zoned property, and to have a total of three (3) wall signs. As the subject site has never been granted a Sign Variance to allow digital signs within 300-feet of residentially zoned property, such must now be sought. The applicant also proposes to have three (3) wall signs for the business, one (1) on the main building façade and two (2) on the fuel

pump canopy. The subject site is a multi-tenant site, and the Zoning Ordinance allows a total of one (1) wall sign per tenant. Any new signage must be in compliance with the Zoning Ordinance.

The applicant states the following relating to the request:

THE PUPOSE OF THIS REQUEST IS TO REBRAND FROM A SHELL STATION TO CIRCLE K WITH LIKE FOR LIKE SIGNS.

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.

Section 64-11.8.c(7) of the Zoning Ordinance states: "electronic or digital signs are allowed only... if sign is placed a distance of not less than 300-feet from any residential zoned property. The distance shall be measured in a straight line, without regard to intervening structures or objects, from the proposed location of the sign to the nearest property line of any residential zoned property". The City Council adopted the regulations requiring digital signs to be at least 300-feet from residentially zoned property on June 4, 2013.

The applicant submitted sign permits for the proposed signage to rebrand the subject site for Circle K. As the site is a multi-tenant site, each tenant is allowed one wall sign and a tenant panel on each freestanding sign. The site already has a Circle K front wall sign, and two canopy signs are proposed, which requires a variance. The site has over 600-linear feet of public street frontage, and since it is a multi-tenant site, two freestanding signs are allowed, which are in place. Digital pricing signs are proposed for each pylon sign to replace the existing digital pricers which were installed prior to the digital sign requirements. The pylon sign on the Southeast side of the site is within 300-feet of residentially zoned property; thus a variance is required to allow the digital pricers for that pylon.

The subject site adjoins B-2 commercial zoning to the South and R-1, Single-Family Residential zoning to the West. To the North across Overlook Road and to the East across North University Boulevard is B-2 zoning. The R-1 zoning to the West is more than 300-feet from the pylon sign

in the Northwest portion of the site. Even though the property across North University Boulevard is zoned B-2, the R-1 zoning adjacent to it is within the required 300-foot buffer. It should be noted that the 300-foot buffer shown on the Vicinity Map – Existing Zoning is from the property line and not the sign structure.

Inasmuch as fuel prices are currently changing at a rapid pace and drivers seek out the lower prices, a hardship could be considered to be imposed by the disallowance of the latest digital signage technology which could rapidly display such changes in order for businesses to maintain a competitive edge. Furthermore, digital pricing signs have low levels of light emission which are not intrusive into residential areas. Therefore, the Board should consider the request for the digital fuel pricer signs for Approval, especially in light of the fact that such have been approved previously for several other sites.. .

With regard to the request for three (3) wall signs, the site would have an illuminated Circle K logo sign atop each freestanding pylon sign near the street corner, providing ample site recognition while traveling South along North University Boulevard and West along Overlook Road. However, due to the number of and healthy growth of the required frontage oak trees along the street frontages, view of the site, including the two (2) freestanding signs, is severely restricted traveling North along North University Boulevard and East along Overlook Road. In fact, only the proposed canopy signs and the existing wall sign would be visible when traveling those routes. Therefore, the Board should consider the request for a total of three (3) wall signs for Approval.

RECOMMENDATION: Staff recommends to the Board the following findings of facts for Approval of the request for a digital pricing sign within 300-feet of residentially zoned property and a total of three wall signs:

- 1) Approving the variance will not be contrary to the public interest in that the Digital Sign Regulations are not, in the Board's opinion, applicable to fuel price signs;
- 2) Special conditions exist and there are hardships which exist (the subject site is not easily visible due to required frontage tree plantings) 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 be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance because the proposed digital fuel price sign will not be a detriment to the neighborhood, and the allowance of increased wall signage will afford the subject site fair and competitive visibility.

The Approval is subject to the following conditions:

- 1) obtaining of the necessary sign permits;
- 2) obtaining of the necessary electrical permits; and
- 3) full compliance with all other municipal codes and ordinances.

LOCATOR MAP



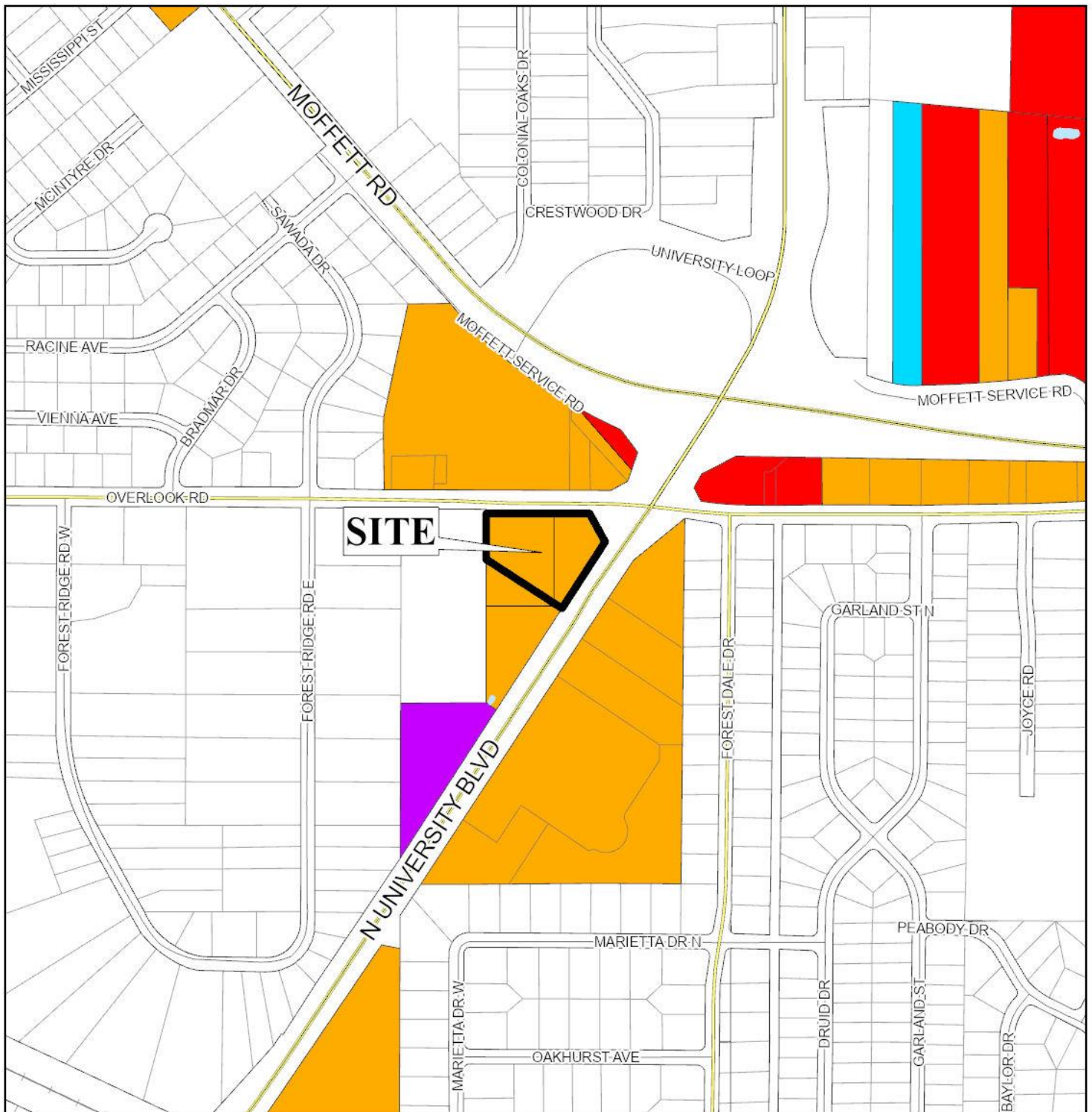
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REQUEST Sign Variance



LOCATOR ZONING MAP



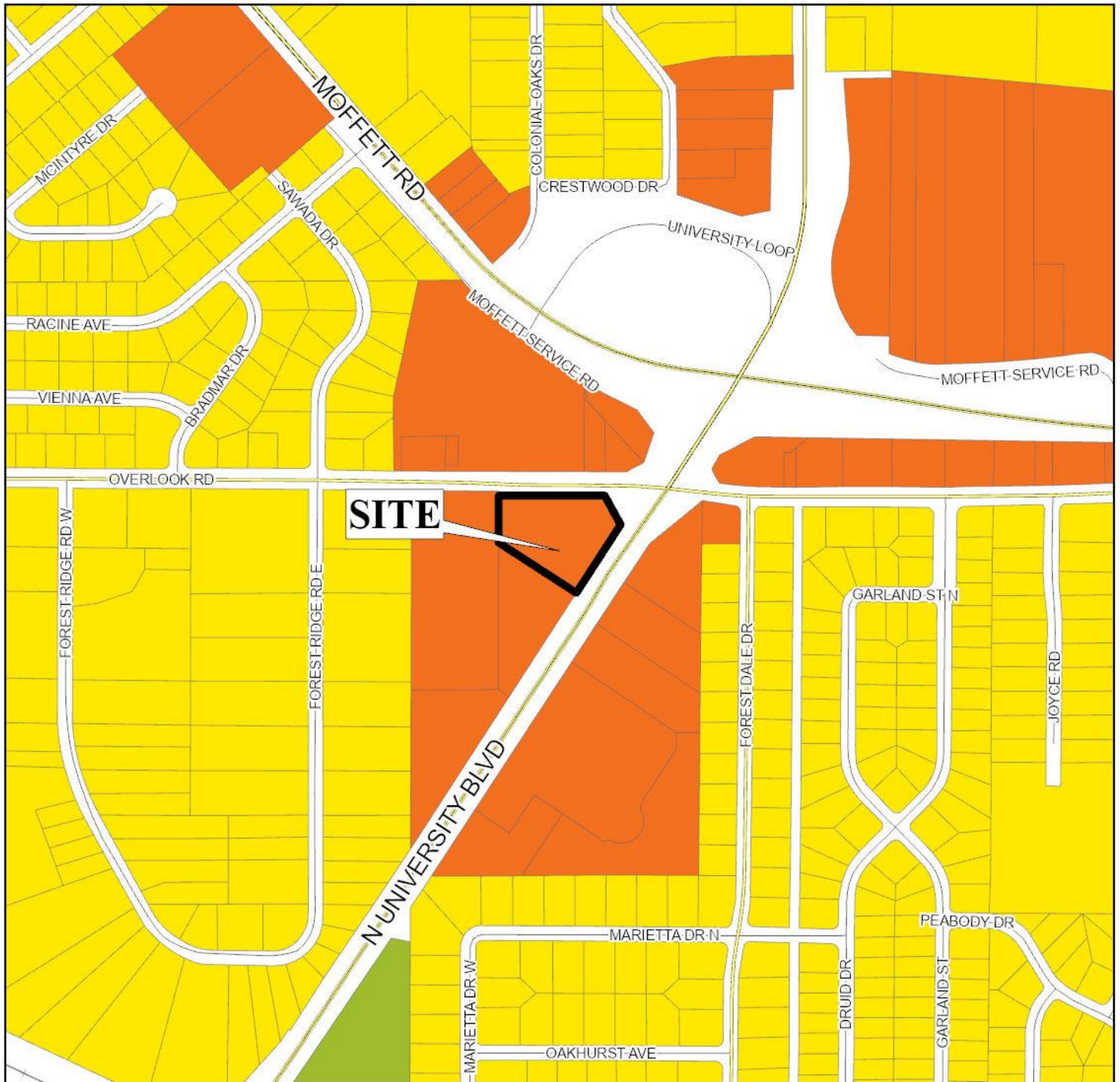
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FLUM LOCATOR MAP



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FLUM

Low Density Residential
Mixed Density Residential

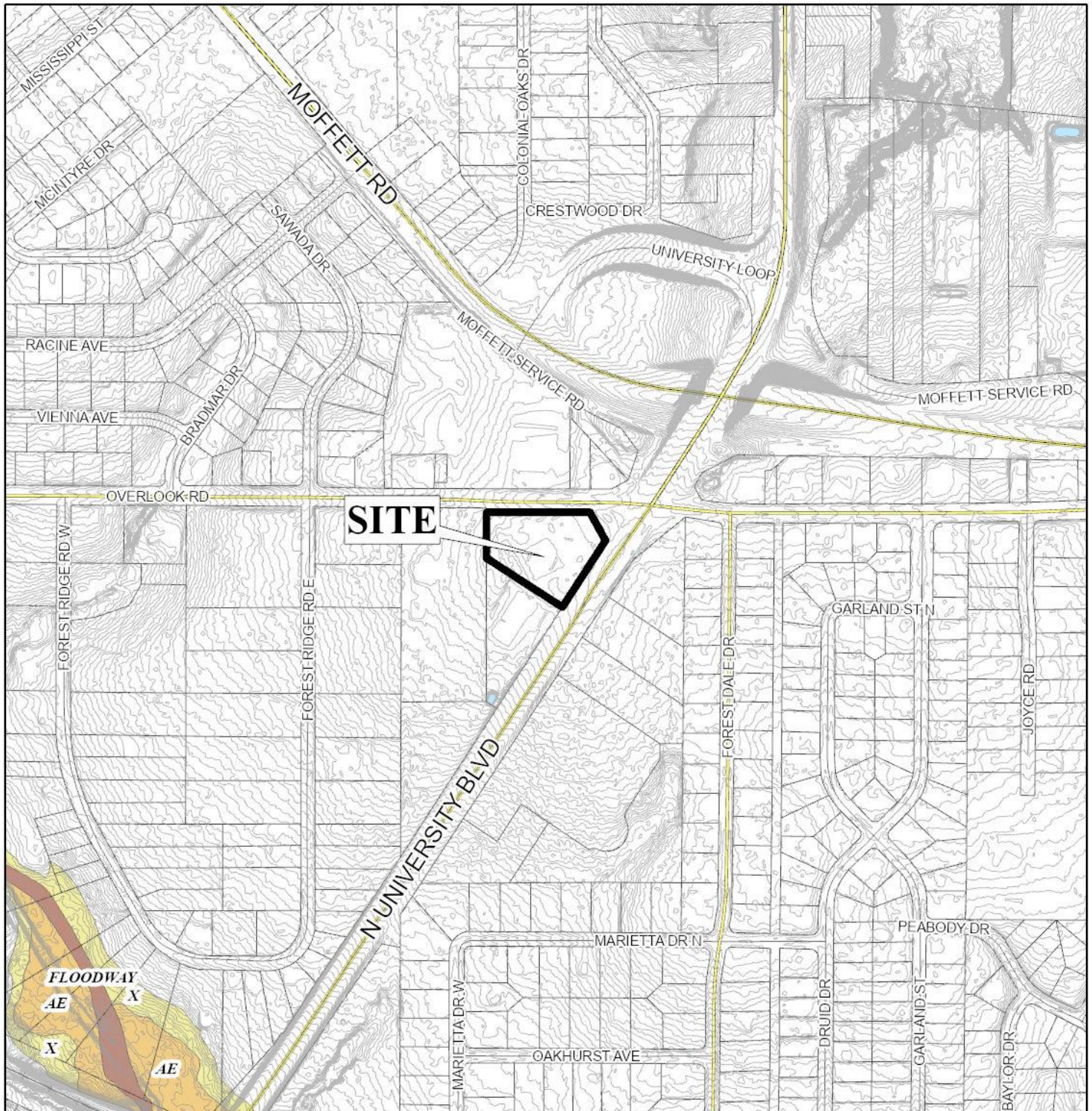
Downtown
District Center
Neighborhood Center - Traditional
Neighborhood Center - Suburban

Traditional Corridor
Mixed Commercial Corridor
Downtown Waterfront
Light Industry

Heavy Industry
Institutional
Parks & Open Space
Water Dependent



ENVIRONMENTAL LOCATOR MAP



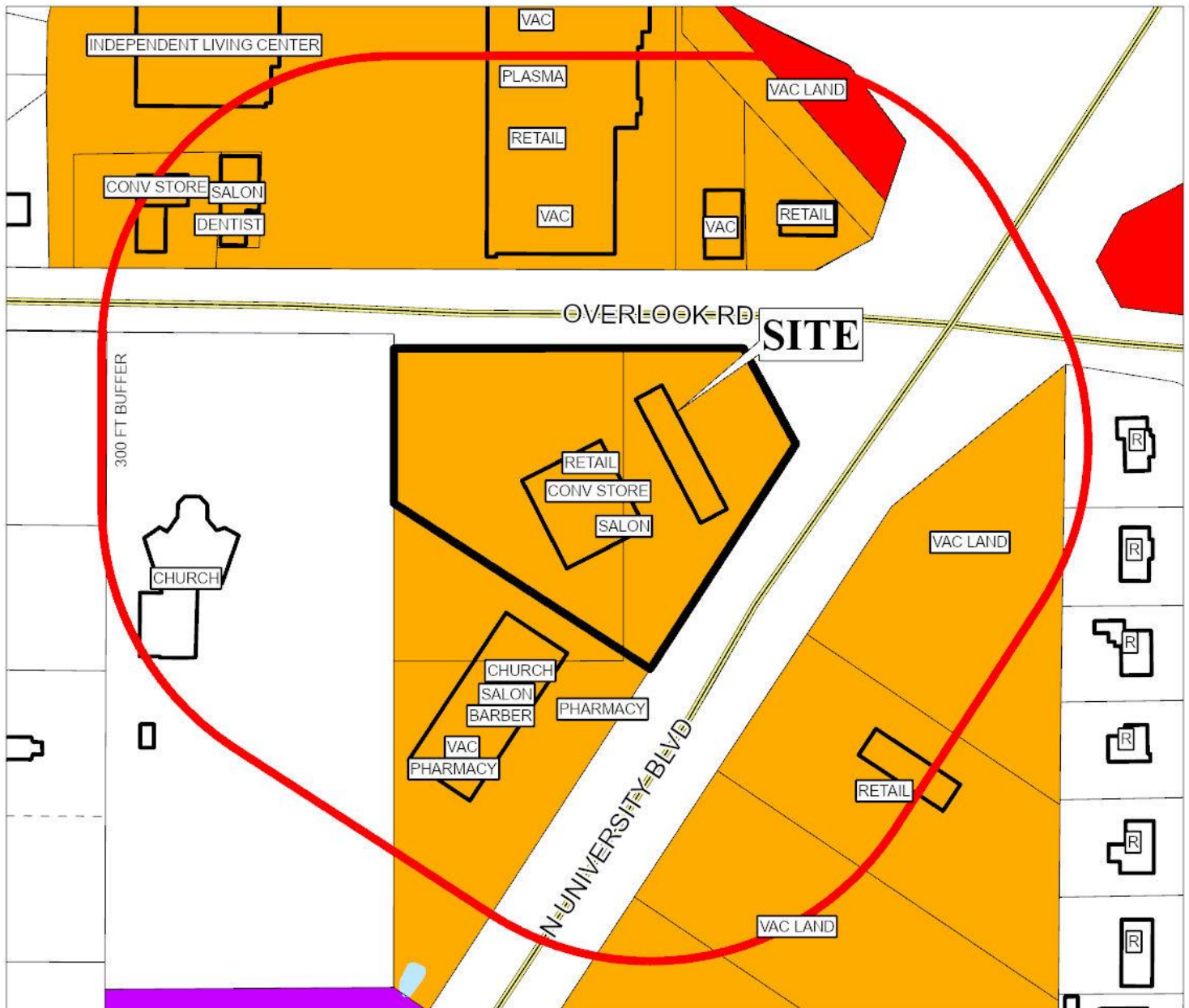
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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units. Residences lie east of the site.

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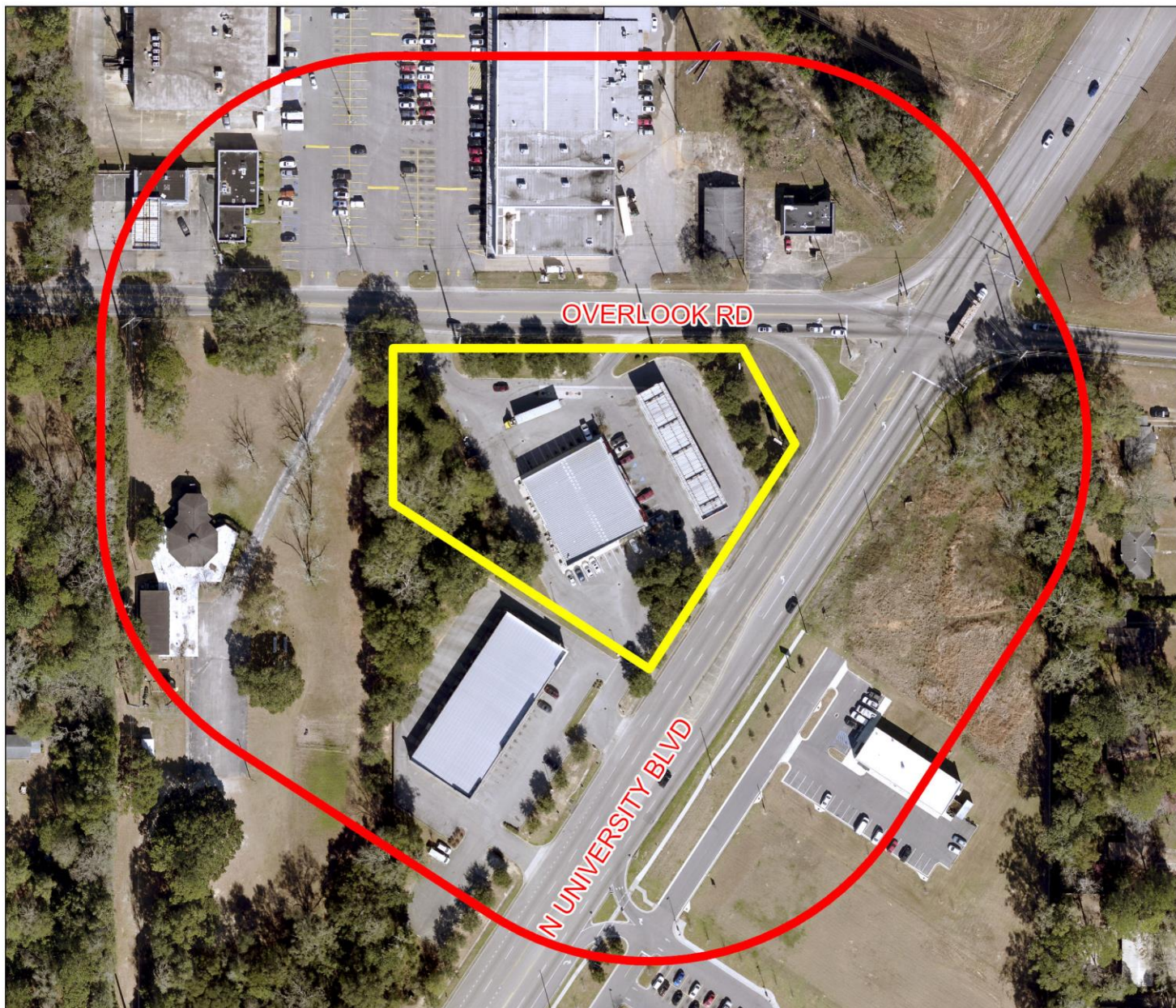
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R-A	R-3	T-B	B-2	B-5	MUN	SD-WH	T5.1
R-1	R-B	B-1	B-3	I-1	OPEN	T3	T5.2
R-2	H-B	LB-2	B-4	I-2	SD	T4	T6



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial units. Residences lie east of the site.

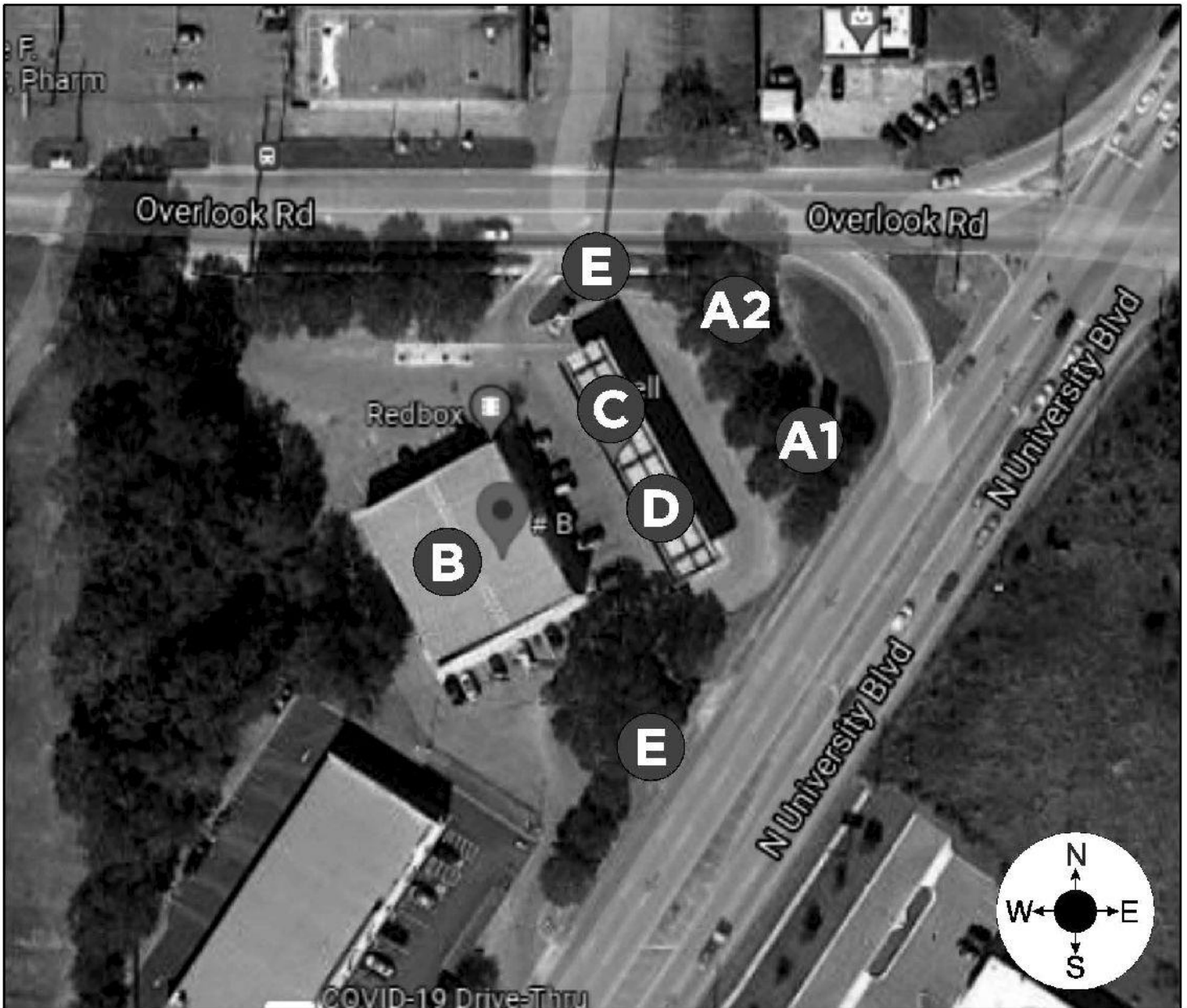
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SITE PLAN



The site plan illustrates the existing building, canopy, and scope of work.

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DETAIL SITE PLAN

6" WHITE ABLE ALTERNATOR LEDS OPT
EASY PAY
CREDIT
ALL ALTERNATE MESSAGES
SHOWN FOR INFORMATIONAL PURPOSES ONLY

EXISTING 150.89 Sq.Ft

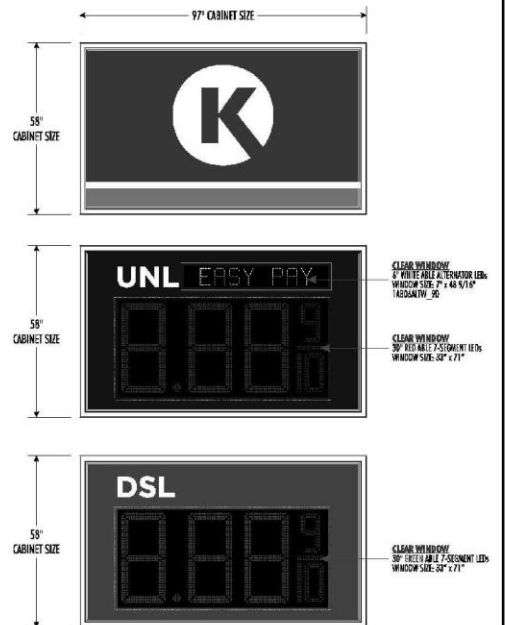


EXISTING LEDS: 16" DAKTRONICS
(subject to confirmation)

PROPOSED 149.88 Sq.Ft



PROPOSED: 30" RED & GREEN ABLE LEDS



NEW CABINETS

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REQUEST Sign Variance



DETAIL SITE PLAN

EXISTING

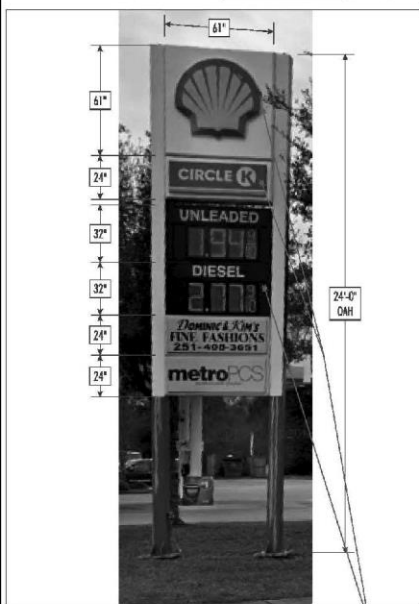
83.46

Sq.Ft

PROPOSED

82.60

Sq.Ft



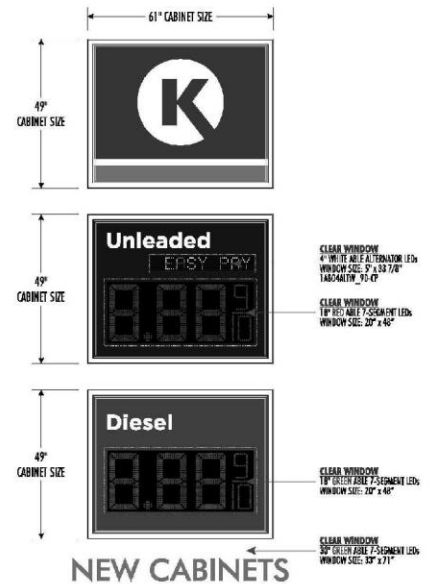
EXISTING LEDS: 16" DAKTRONICS

(subject to confirmation)

REMOVE
THESE CABINETS



PROPOSED: 16" RED & GREEN ABLE LEDS



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REQUEST Sign Variance



