

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

<b><u>CASE NUMBER</u></b>	6138/5104
<b><u>APPLICANT NAME</u></b>	BRR Architecture (Scott Ready, Agent)
<b><u>LOCATION</u></b>	101 East I-65 Service Road South (Northeast corner of East I-65 Service Road South and Emogene Street extending to the Northwest corner of Emogene Street and Springdale Boulevard).
<b><u>VARIANCE REQUEST</u></b>	<b>SIGN:</b> Sign Variance to allow an informational wall sign larger than 20 square feet in a B-3, Community Business District.
<b><u>ZONING ORDINANCE REQUIREMENT</u></b>	<b>SIGN:</b> The Zoning Ordinance limits informational wall signs to 20 square feet in a B-3, Community Business District.
<b><u>ZONING</u></b>	B-3, Community Business District
<b><u>AREA OF PROPERTY</u></b>	19.83± acres
<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 an informational wall sign larger than 20 square feet in a B-3, Community Business District; the Zoning Ordinance limits informational wall signs to 20 square feet 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 that substantial justice is 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 applicant states:

*The purpose of this narrative letter, and attached application with corresponding documents, is to request a Sign Variance for the proposed Online Grocery Pickup (OGP) remodel at the existing Walmart store located at 101 E I-65 Service Road. The proposed exterior wall sign consists of one (1) white internally-illuminated "Pickup" letters and a yellow internally-illuminated Walmart "Spark" logo wall sign located at the southwest corner of the building (farthest left corner of the front façade). The total area of the sign is 66.76 square feet.*

*We appreciate the Board of Zoning Adjustment's time and consideration of our request. Based on my initial phone call correspondence with you this past June, any proposed exterior wall sign classified as a "directional/informational sign" installed on the front façade of the building may not be greater than twenty (20) square feet in size. Our standard "Pickup" wall sign, including the Walmart "Spark" logo, is a total of 66.76 square feet; therefore, a Sign Variance will be required.*

*Our client is currently in the process of implementing this remodel scope of work nationally, as well as with new stores, because retail shoppers are increasingly turning online to buy merchandise. The Online Grocery Pickup use and service is intended to compliment the use of the existing retail site. Shoppers want to save time on shopping trips and have the convenience of shopping from their homes. Customers who order their groceries online will drive to the Walmart store and need to navigate their way to the designated parking spaces to pick up their orders; they will then remain in their vehicle while a Walmart associate delivers the groceries to them.*

*Not knowing where to go once in the parking lot and looking for signage and clear directions could be very impractical, difficult, and unsafe; motorists also need to be mindful of pedestrians. Therefore, the proposed addition of a Pickup wall sign combined with the orange exterior paint color at the far southwest corner of the building, as well as OGP directional signage within the existing parking lot, will make it much easier for way finding and will present a clear path of travel. The orange color, Sherwin Williams #6885 "Knockout Orange", is part of Walmart's brand color for their OGP program.*

*Because of the size and scale of the existing store and parking lot, a larger parking space ratio requirement condition per the Zoning Ordinance must be observed and has been met. As such, wayfinding difficulty will occur and customer convenience will be compromised due to the long-distance setback. For reference, the southwest corner of the building is located approximately 300' from the main access point off South Beltline*

*Highway, approximately 475' and 525' from the two access points off Emogene Street, and approximately 750' from the main access point off Springdale Boulevard.*

*Due to the condition of the building being situated deep on the site per the required setbacks, signage visibility is critical for motorists entering the property from the respective roads. The deep setbacks create a site constraint where way-finding signage is imperative. The four main access points to the property, not including the two access points along the rear of the building, are a great distance from where the proposed Pickup wall sign will be located creating a detrimental site constraint.*

*The proposed Sign Variance would not substantially impair the intent, purpose, or integrity of the standards embodied in the land use plan for this property. The size and scale of the store and the number of services offered, in comparison to other commercial properties within the neighboring area, provide the rationale for additional wayfinding signage along the front façade.*

*Not allowing the proposed Pickup wall sign where proposed would create hardships as the Online Grocery Pickup use would not be adequately identified and customers would be inconvenienced due to the lack of adequate wayfinding. The type of wall sign being proposed would not pose a risk to the public's well-being. The subject sign is internally illuminated which will be visible at night, yet the projected light output will be such that any glare created will be minimal. The sign will be located on the front of the building with no nearby properties adversely affected.*

*The proposed signage is appropriate in scale and placement when compared to the existing wall signage; it would not contribute to traffic safety issues and visual clutter, but instead would provide for the well-being of the Mobile citizens by contributing a safe, convenient, and aesthetically pleasing shopping environment. Lastly, the subject signage does not produce any potentially negative impact and provides wayfinding to the general public as a matter of convenience.*

*We believe the proposed signage conforms with, and is in harmony with the existing signage currently installed and is appropriate and conducive to adequate wayfinding. Thank you for your time and consideration. We appreciate the opportunity to communicate the intent of our signage plan and to illustrate the need for the requested Sign Variance approval.*

As stated, the applicant desires to seek relief from the sign requirements of the Zoning Ordinance by erecting an informational wall sign larger than 20 square feet at a single business site in a B-3, Community Business District. The proposed signage will be internally illuminated and will be located in the left corner of the front façade.

According to Section 64-11.5.g. of the Zoning Ordinance, "Signs directing and guiding traffic services on private property but bearing no advertising matter and not exceeding twenty (20) square feet for each sign, except in the cases of hospitals or health care facilities in which case each sign shall not exceed forty (40) square feet."

The applicant states that this variance request is based on the national design standard for the Walmart company. In regards to visibility, the applicant also argues that sign visibility is an issue in general due to increased building setbacks at this location and its proximity to the Interstate. There are concerns that once the new online pickup procedure is in place, customers will have increased difficulty navigating the parking lot. The applicant notes that without adequate directions, this could create a potential hazard for motorist as well as pedestrians. It has been stated that the proposed 66.76' square foot sign will be consistent with the remodel of Walmart stores nationally and will be easier for customers to see when entering the Walmart site.

The applicant states that additional directional signage relating to the Online Grocery Pickup will be placed within the existing parking lot, but no information was provided regarding this signage. If these signs do not include the store name or logo and are less than 20 square feet, they would be exempt from the Zoning Ordinance requirements, and perhaps negate the need for oversized signage on the building.

It should be noted that the sign regulations of the Zoning Ordinance have been enacted to protect the health, safety, and welfare of the citizens of the City of Mobile and the general aesthetics of the city by providing for uniform standards for the locations, spacing, height, setback, lighting, and other regulation of off-premise and on-premise signs within the city.

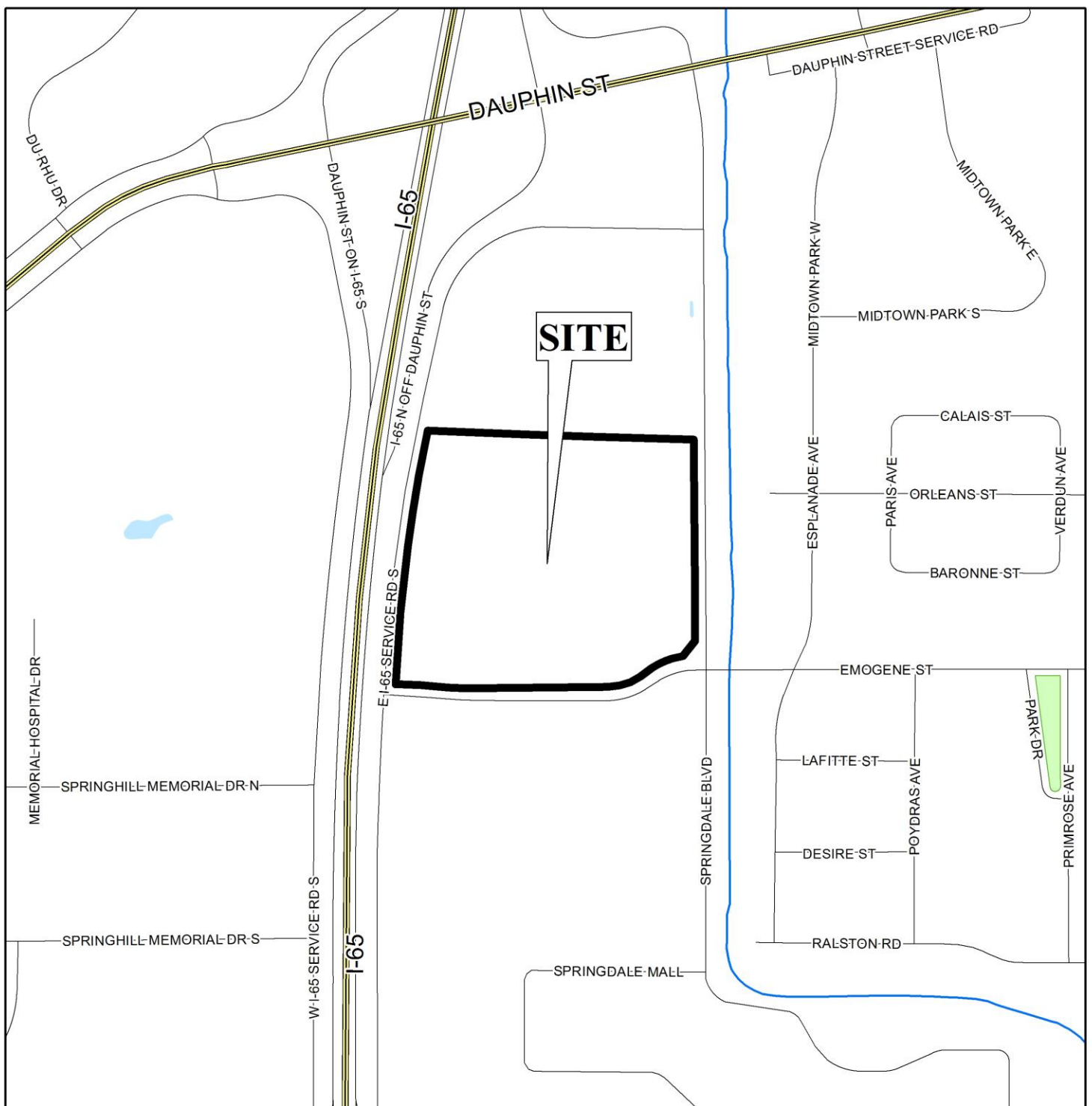
There are no conditions which exist at this site that require an informational sign larger than 20 square feet at this location. The applicant's reference to setbacks is not a valid hardship, as the regulations only require a 25' setback, whereas the applicant chose to locate the building much further from the abutting streets. The applicant has the option of erecting a temporary banner at the location in order to alert customers of the upcoming change in pickup procedure for online sales. The Zoning Ordinance states in Section 64-11.8.(5), "*A banner may be permitted for a business, institution or organization to announce a special sale, offering or function subject to the following criteria: ... Permitting shall be limited to one (1) on-premise banner per business, and one (1) banner per occurrence of a special sale, offering, or function. A maximum of three (3) occurrences per year may be permitted. ...Maximum banner size shall not exceed thirty-two (32) square feet. ... Display of a permitted banner shall be limited to a maximum of thirty (30) consecutive days per occurrence from the date of permitting; a maximum of three (3) occurrences per annum, not to run consecutively.*" Though the applicant may have concerns regarding visibility and navigation at this site, there has not been a hardship proven that would necessitate a 66.76 square foot sign. The applicant has options that will allow the site to remain compliant with the sign requirements regarding the maximum size informational signs established by the Zoning Ordinance.

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

- 1) Approving the variance will be contrary to public interest in that the Zoning Ordinance does not allow informational signs to exceed 20 square feet in a B-3, Community Business District;

- 2) Special conditions do not exist and there are no hardships which exist that make the placement of the proposed sign necessary, as additional directional signage is proposed for the parking lot;
- 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 site can be developed without exceeding the required square footage.

# LOCATOR MAP



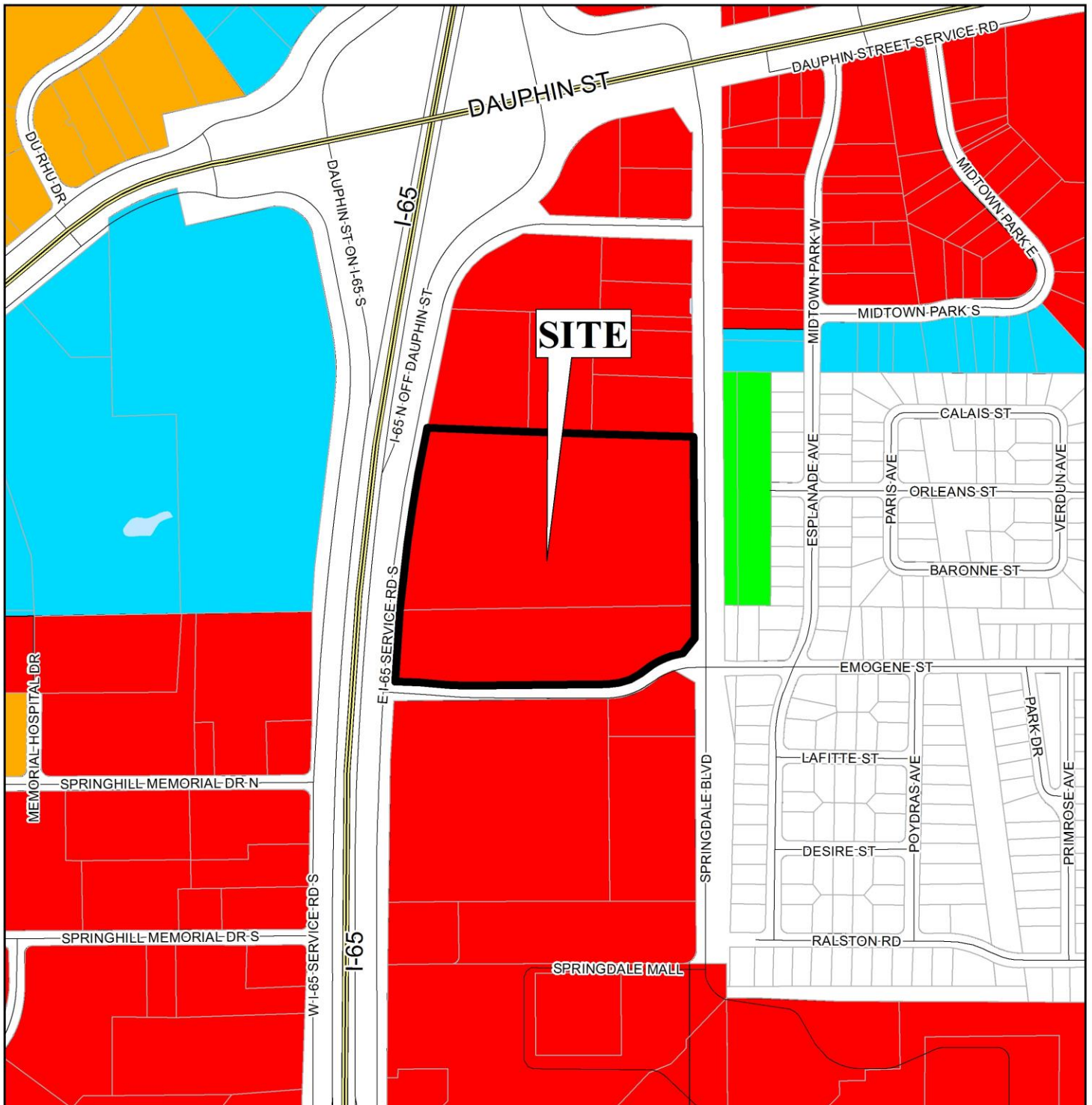
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APPLICANT BRR Architecture (Scott Ready, Agent)

REQUEST Sign Variance



# LOCATOR ZONING MAP



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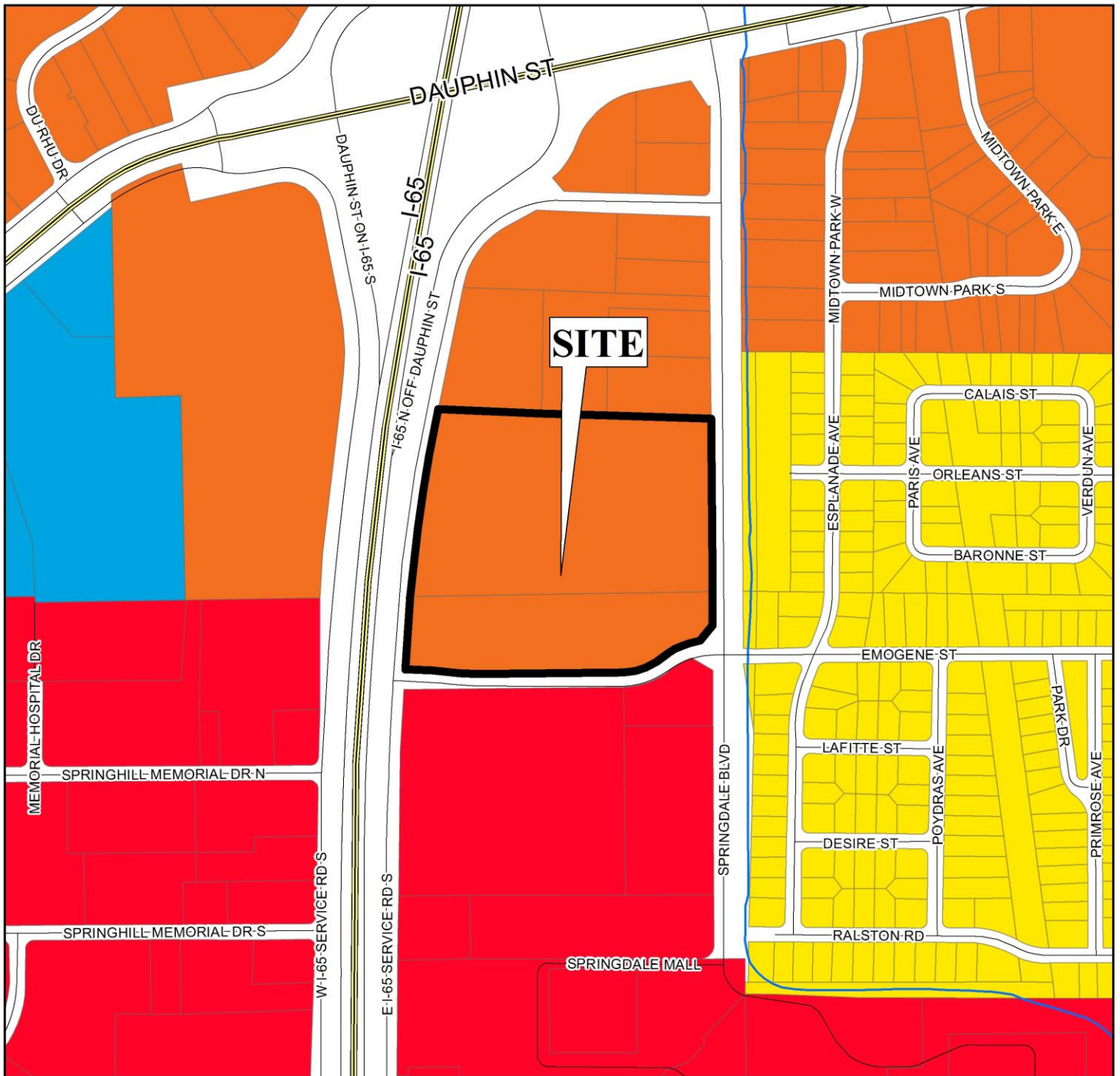
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# FLUM LOCATOR MAP



APPLICATION NUMBER 6138 DATE November 6, 2017

APPLICANT BRR Architecture (Scott Ready, Agent)

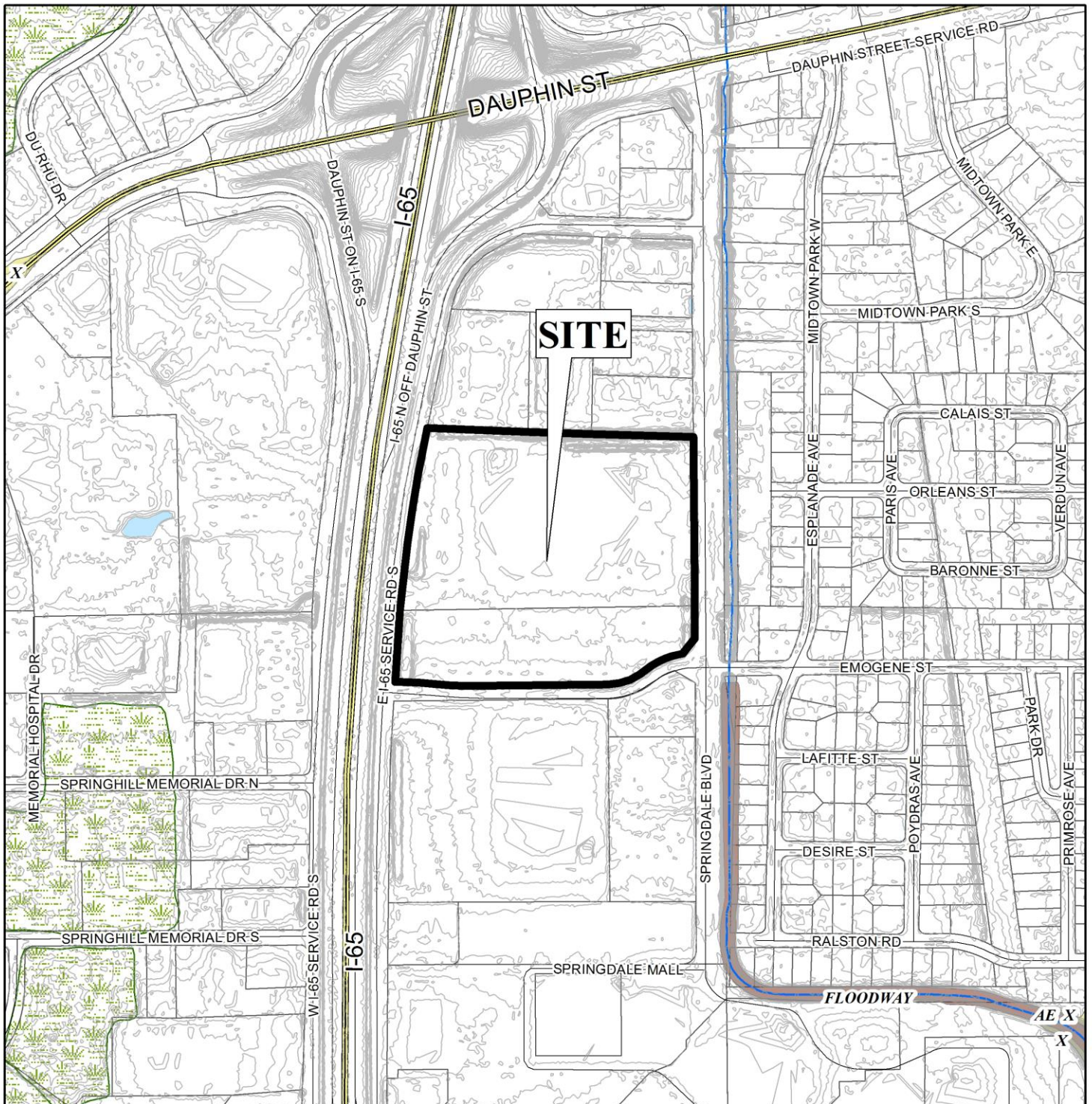
REQUEST Sign Variance

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





# ENVIRONMENTAL LOCATOR MAP



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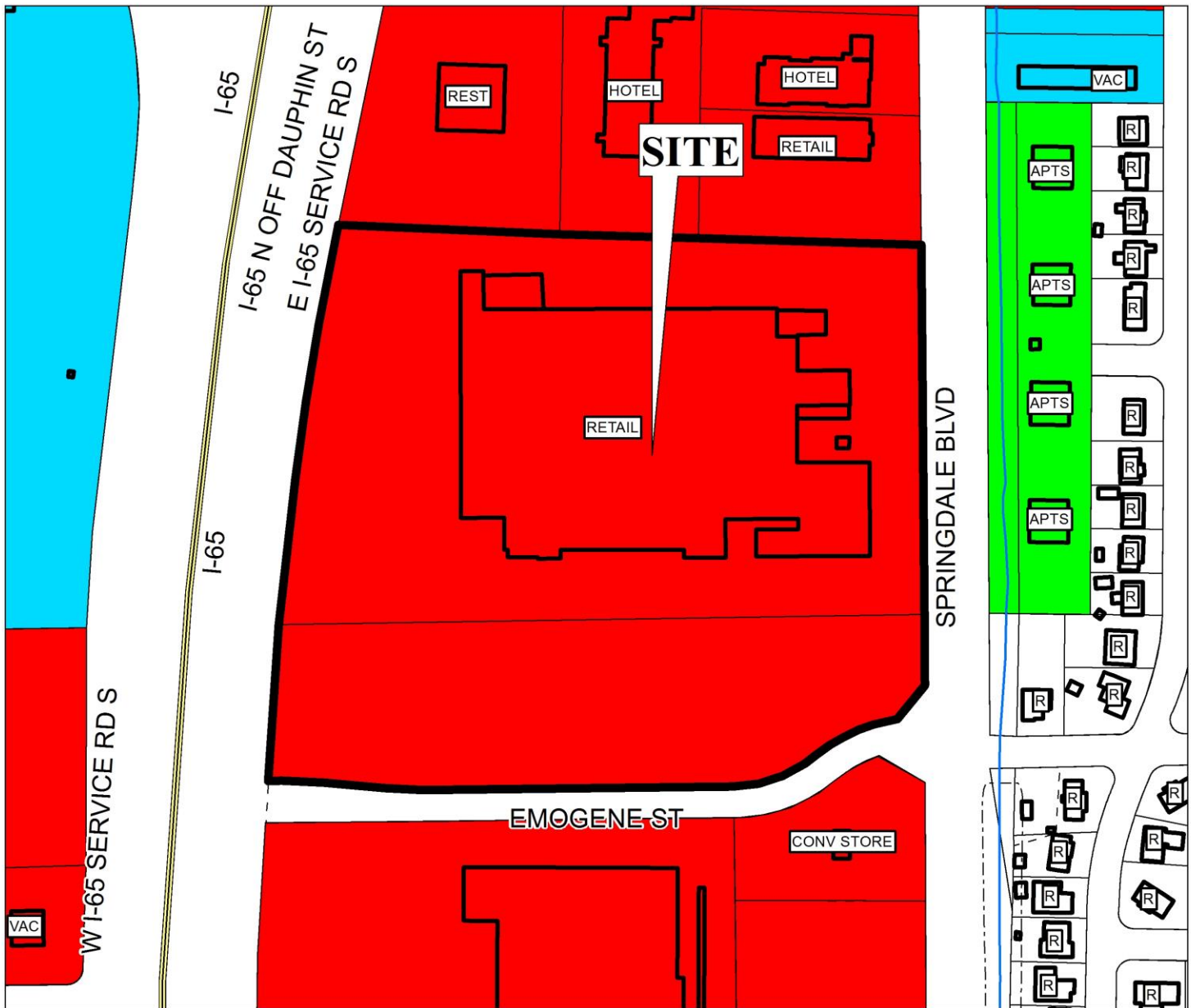
APPLICANT BRR Architecture (Scott Ready, Agent)

REQUEST Sign Variance





# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units to the east and commercial units to the north and south.

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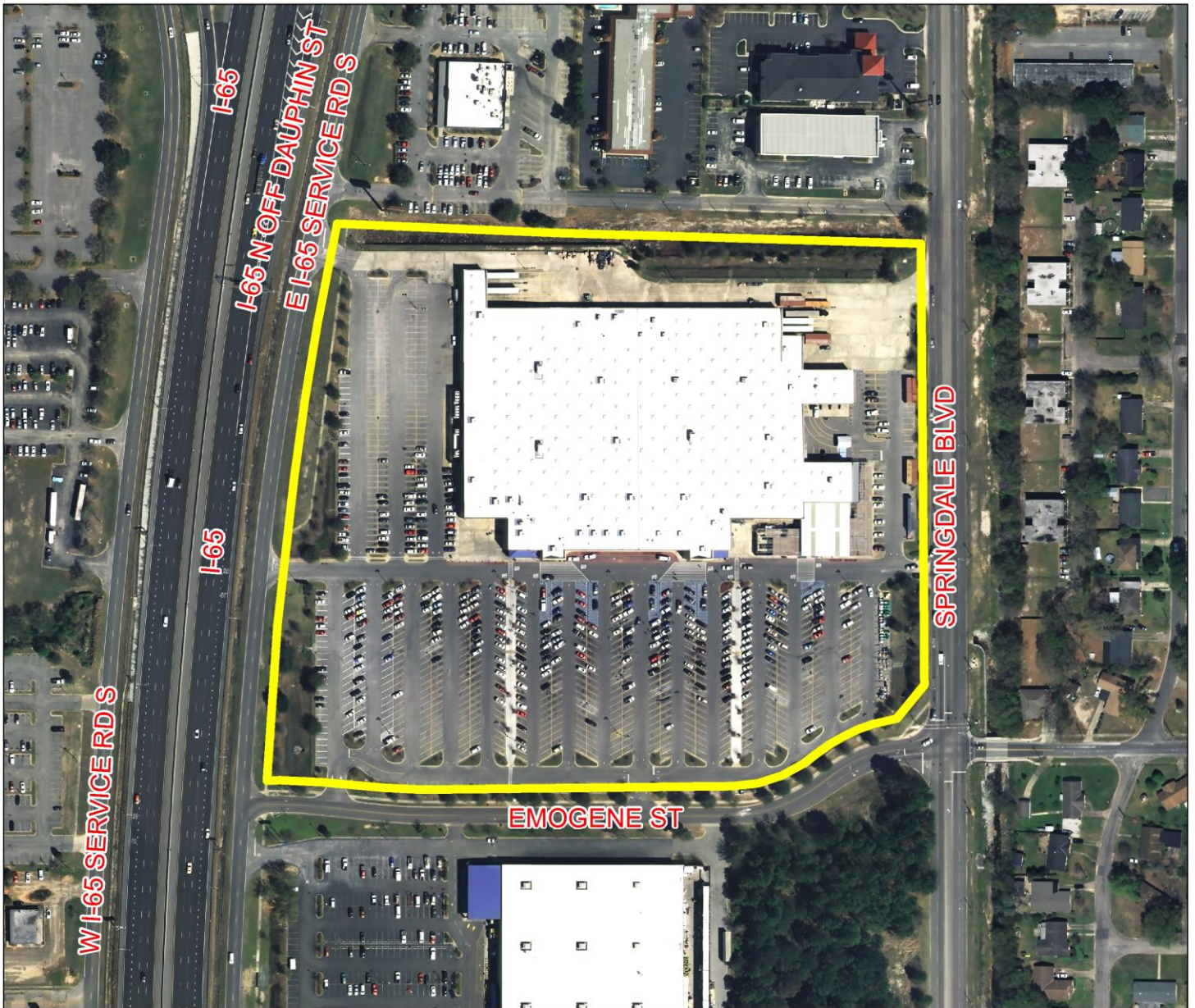
APPLICANT BRR Architecture (Scott Ready, Agent)

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



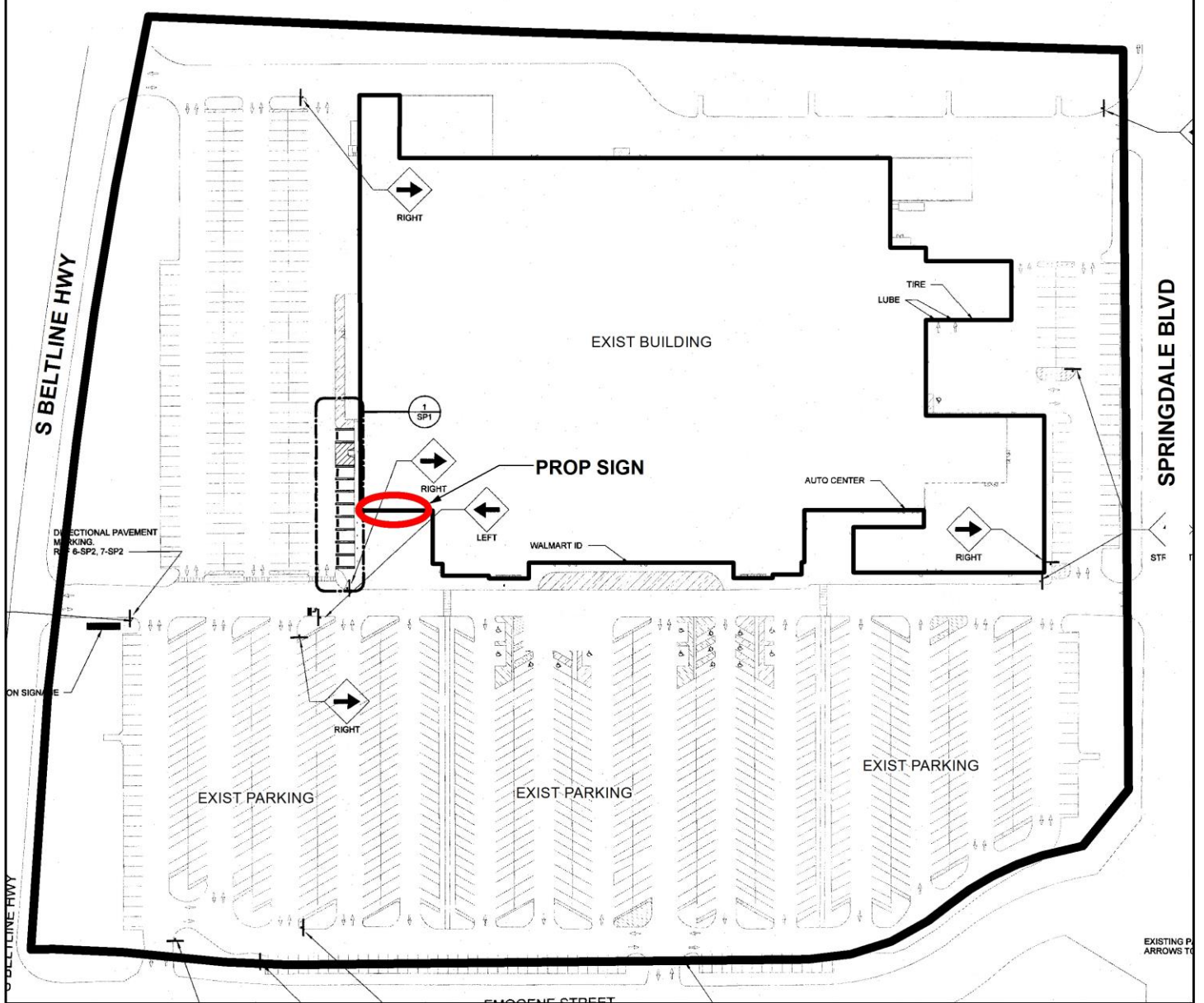
The site is surrounded by residential units to the east and commercial units to the north and south.

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 REQUEST Sign Variance





# SITE PLAN



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

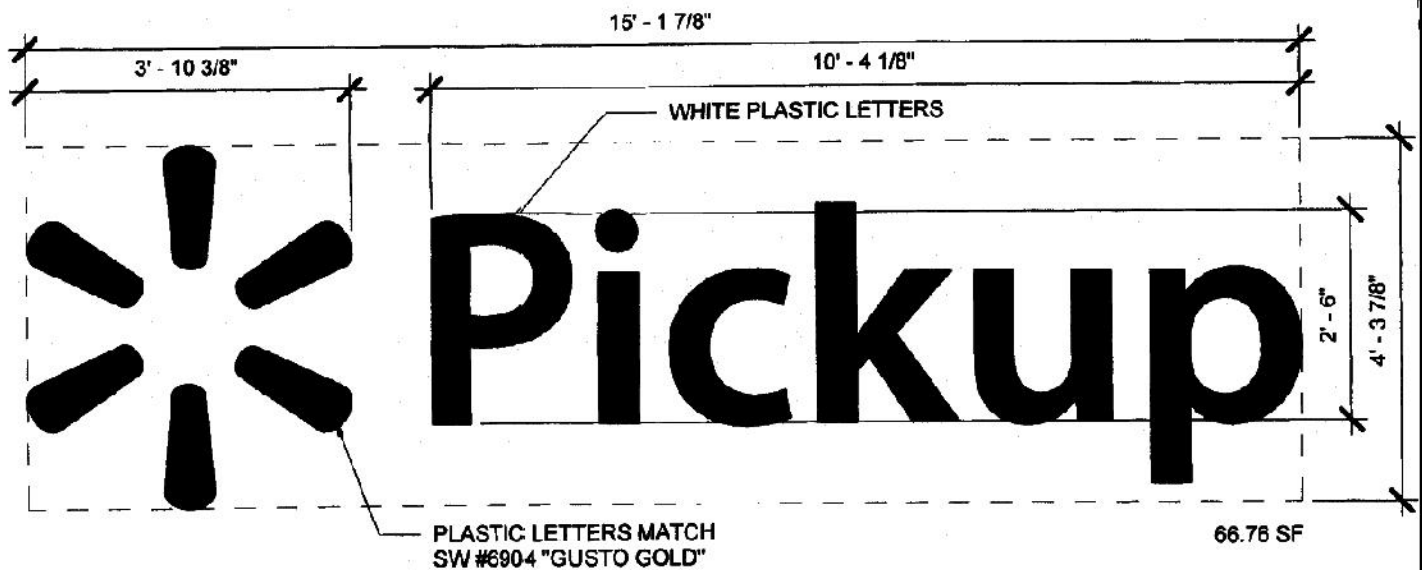
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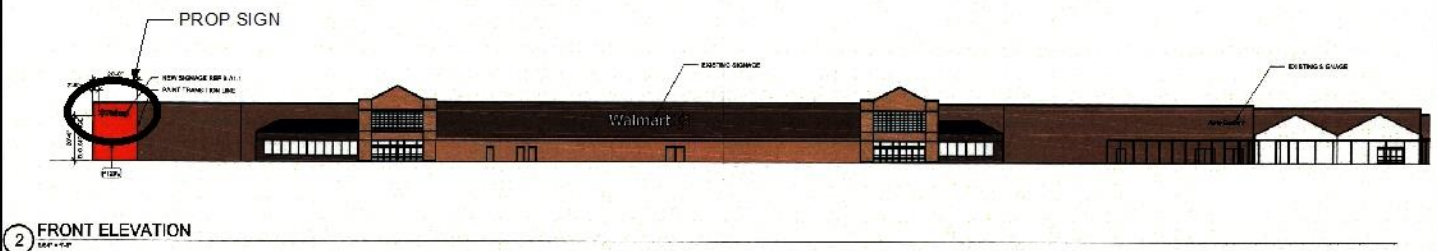
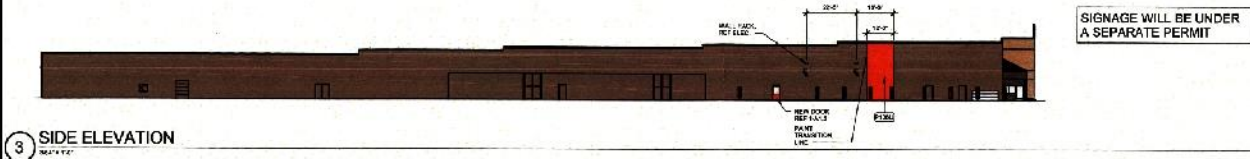
# DETAIL SITE PLAN



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REQUEST Sign Variance



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