

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: August 3, 2015****CASE NUMBER**

5987

APPLICANT NAME

Munn Enterprises, Inc. – Howard Munn

LOCATION2570 Government Boulevard
(West side of Government Boulevard, 113'± North of Kreitner Street).**VARIANCE REQUEST****SIGN VARIANCE:** To allow nine wall signs in addition to two previously permitted wall signs and a freestanding sign on a single-tenant commercial site in a B-3, Community Business District.**ZONING ORDINANCE REQUIREMENT****SIGN:** The Zoning Ordinance allows two wall signs and one freestanding sign on a single-tenant commercial site in a B-3, Community Business District.**ZONING**

B-3, Community Business District

AREA OF PROPERTY

11.0 ± Acres

ENGINEERING COMMENTS

No comments.

TRAFFIC ENGINEERING COMMENTS

This request was not reviewed by Traffic

Engineering.

FIRE DEPARTMENT COMMENTS

All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.

CITY COUNCIL DISTRICT

District 5

ANALYSIS

The applicant is requesting a Sign Variance to allow nine wall signs in addition to two previously permitted wall signs and a freestanding sign on a single-tenant commercial site in a B-3, Community Business District; the Zoning Ordinance allows

two wall signs and one freestanding sign on a single-tenant commercial site in a B-3, Community Business District.

The subject site is being redeveloped as a Wal Mart Neighborhood Market with a main grocery store building and a separate fuel sales facility. As it is a single-tenant site, it is allowed three total signs, either three wall signs and no freestanding sign, or two wall signs and one freestanding sign. Permits have already been issued for two wall signs and one freestanding sign. One approved wall sign will be on the main building front wall and one will be on the fuel facility canopy, and a freestanding sign has been permitted. Various directional and information signs each under 20 square feet are proposed but do not require sign permits. However, the applicant proposes additional logo signs, directional/informational signs and gas pricing signs bringing the total number of signs requiring permits to twelve; hence this application

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 following reasons to explain the need for the variance:

1. *"The purpose of this application is to allow: To add additional signage on the retail store and the fuel station canopy. We are currently only allowed two signs for the building and the fuel canopy. We would like to have this location be prototypical of the Walmart brand.*
2. *What are the conditions, items, facts, or reasons which prevent you from complying with the requirements of the Zoning Ordinance?*
 - *Pharmacy Drive Thru with arrow (informational signage) for the front of the store is a total of 62.68 square feet. In order for the consumer/customer to see the information, we feel the signage is at the desired size. The city only allow 20 square feet for each informational sign.*
 - *Pharmacy Drive Thru which will be mounted to the side of the store above the drive-thru window for the pharmacy is also informational. It is a total*

of 39.90 square feet. We feel that for the consumer/customer the size is appropriate. The city only allows 20 square feet for each informational sign.

- *911 address numbers which will be mounted to the front wall of the retail store are 1 square foot per number. The city ordinance only allows 1 square foot for the entire address. For consumers/customers, we feel the larger size is necessary to be seen from the street frontage.*
 - *Only two LED gas pricers with a total of 24 square feet together are allowed by the city ordinance. We are asking for four. Each pricer is 17.3 square feet. This will include (2) unleaded LED pricers and (2) LED diesel pricers. All would be mounted to the canopy of the fuel station. In order for consumers/customers to be knowledgeable of the current fuel prices, we feel the pricers are necessary for the traffic flow visibility along the road frontage and visible when the consumer/customer exits the retail business.*
 - *We are asking for two tenant signs for the fuel center. They will read "Walmart*". One will be mounted to the fuel canopy (we have one approved already). The other will be mounted to the wall of the fuel kiosk building. Each of these is 18.63 square feet each. In order for the consumer/customer to know who owns the fuel station, brand signage needs to be present and visible.*
3. *How did the conditions, items, facts or reasons which prevent you from complying with the requirements of the Zoning Ordinance occur? The city has very strict zoning restrictions. In order to fully advertise the retail store and fuel station the business needs more visible signage. The retail business offers several different options within the business such as but not limited to: grocery, pharmacy, fuel, etc. Extensive visual signage is very important for the retail customer. .*
4. *How is the property different from the neighboring properties? There are retail businesses across the street to the east. Behind the store to the west is a residential area. To the north of the retail business is also a residential area. To the south of the proposed retail business is an established motel. This site is zoned B-3, Community Business. There are various zonings within 300 feet around the site. "*

The applicant is requesting three additional signs for the main building and six additional signs for the fuel facility. For the main building, one proposed sign would be the street address, approximately 4' wide with 1' high numbers, or approximately four square feet. The Zoning Ordinance limits address signs to a total of one square foot. Given that the store front is approximately 360' from the centerline of Government Boulevard, the increased allowance for the address sign would seem in order to enhance its visibility and legibility.

The other two proposed signs for the main building are directional signs for the Pharmacy Drive-Thru which the Ordinance limits to 20 square feet per sign. The front wall sign is proposed at 62.68 square feet, and the side wall sign over the drive-thru window is proposed at 39.90 square feet. As both signs are proposed to be placed high on the building's walls, and as their visibility

is more-directly related to parking lot visibility and not street visibility, the allowance of excessive area for these signs would not seem in order.

Of the six additional signs proposed for the fuel facility, four would be fuel pricers at 17.3 square feet each, and two would be corporate logos at 18.63 square feet each. The Ordinance allows two fuel pricers per premises with a total area of 12 square feet per face, and one has already been permitted for the freestanding sign. That would leave one more allowed fuel pricer for the fuel facility, but not at 17.3 square feet. With the fuel facility located approximately 175' from the centerline of Government Boulevard and much closer to the street than the main building, no hardship with visibility for the pricers would seem to exist. And with one fuel pricer on the freestanding sign, the allowance of four more on the fuel facility canopy would seem rather excessive and contrary to the Ordinance. However, it should be noted that the Costco fuel facility was allowed three canopy pricer signs at 20 square feet each by the Planned Unit Development for that site, and that facility is only approximately 190' from the centerline of Satchel Paige Drive, a public street. By that comparison and with Government Boulevard being a higher speed street, the allowance of two larger-than-allowed pricer signs on the subject fuel facility would not seem out of order for a larger scale development.

Also requested are two additional logo signs, one on the fuel pumps canopy, and one on the fuel facility kiosk. One logo sign has been permitted on the front façade of the fuel facility canopy. Between the freestanding logo sign, the main building front wall logo sign and the fuel pump canopy front façade logo sign, all of which have been permitted, there would exist sufficient identity for the site as a Wal Mart. No hardship would seem to exist with regard to not being able to identify the site.

The applicant has illustrated that a hardship exists with respect to the address sign and the Board should consider this request for approval. A hardship could also be considered to exist with respect to the fuel facility canopy gas pricers and the Board should consider this request for approval, but modified to allow two pricers instead of the requested four. The applicant has not illustrated that a hardship exists with respect to the two directional wall signs or two additional wall logo signs and the Board should consider these requests for denial.

RECOMMENDATION: Staff recommends to the Board the following findings of facts for Approval of the address sign and gas pricer signs:

- 1) Based on the fact that the site is located a substantial distance back from a major thoroughfare with a higher speed rating than minor streets, the variance will not be contrary to the public interest;
- 2) These special conditions (limited street visibility and a higher vehicle speed limit allowed than on minor streets) exist 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 site addressing and fuel pricing may be more visible from a major thoroughfare.

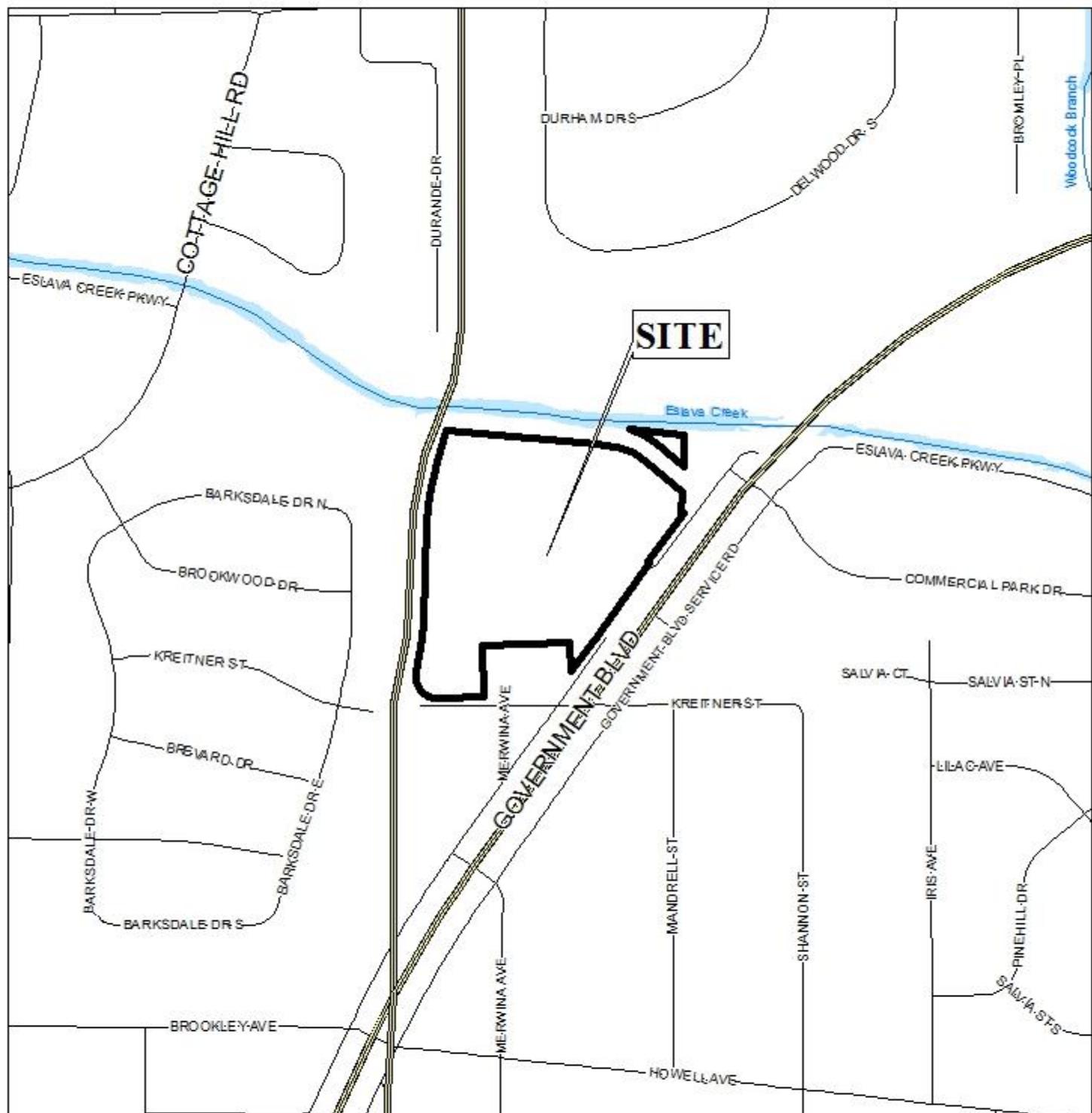
Therefore, this application for larger address numbers and more and larger fuel pricers is recommended for approval, with modification, subject to the following conditions:

- 1) obtaining the necessary permits for the signs;
- 2) limited to two fuel pricers on the fuel facility canopy; and
- 3) full compliance with all other municipal codes and ordinances.

Staff recommends to the Board the following findings of facts for the Denial of the two wall directional signs and two additional wall logo signs:

- 1) Based on the fact that directional signage is intended primarily for on-site visibility and sufficient site logo identification signage has already been permitted, the allowance of directional signage of increased size and additional site logo identification signage would be contrary to the public interest.
- 2) That special conditions (the need for increased visibility of the directional signs from the street and the need for greater site identification) do not exist that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and
- 3) That 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 signage allowances of the Ordinance pertaining to directional signage and site logo identification signage would seem to suffice in this instance.

LOCATOR MAP



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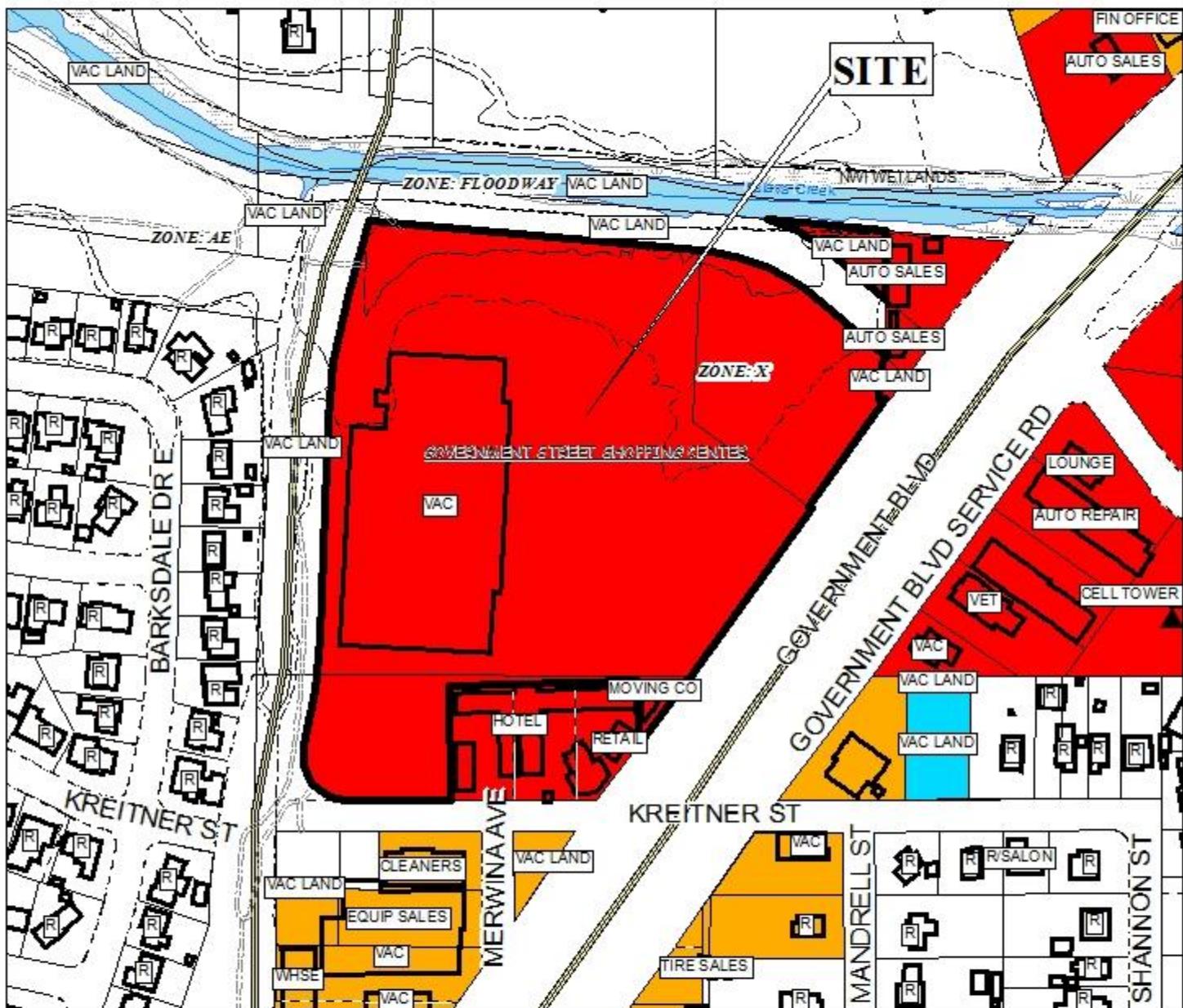
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REQUEST Sign Variance

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BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units and commercial units.

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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

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



The site is surrounded by residential units and commercial units.

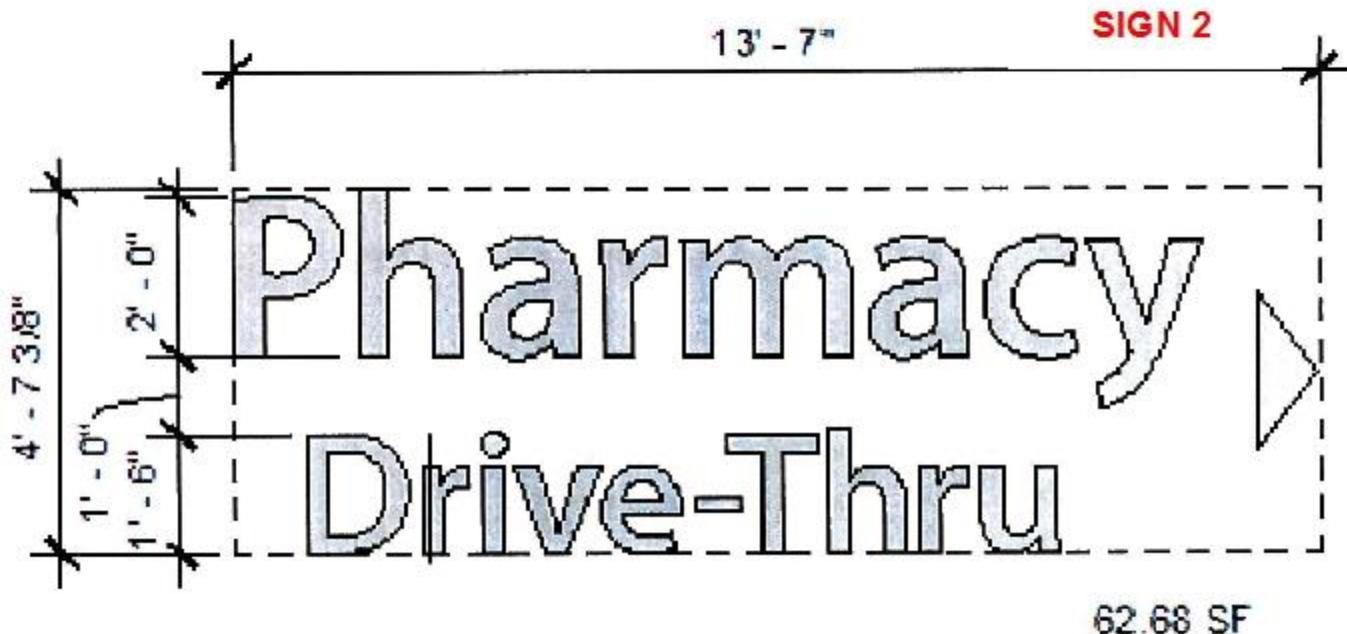
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DETAIL SITE PLAN



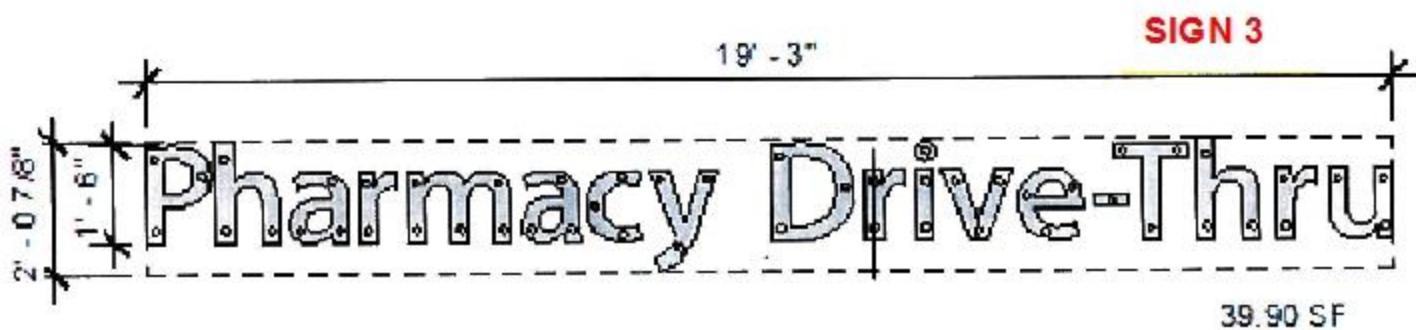
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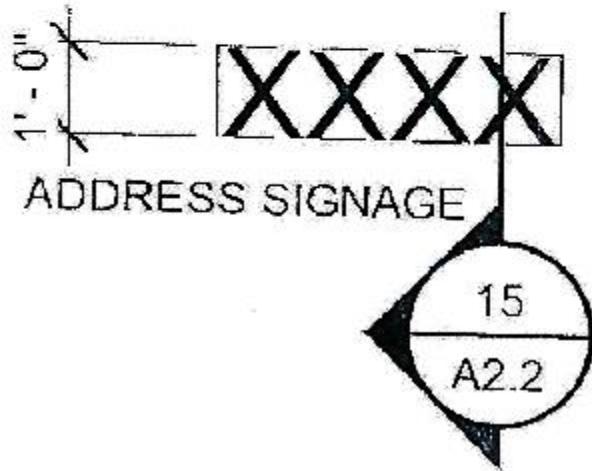
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REQUEST Sign Variance



DETAIL SITE PLAN

SIGN 4



NOTE:
SQUARE FOOTAGE NOT
INCLUDED IN BUILDING
SIGNAGE SCHEDULE

2 **SIGNAGE**
1/4" = 1'-0"

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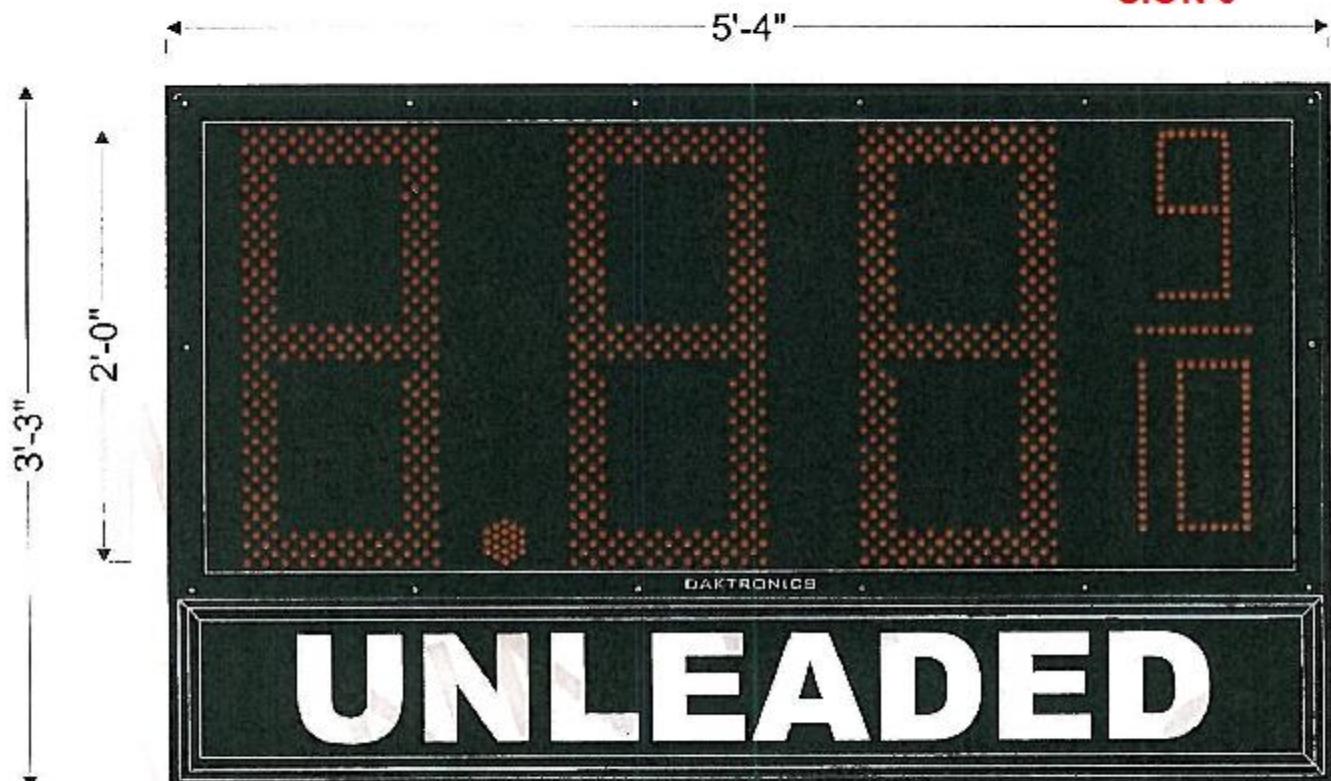
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REQUEST Sign Variance



DETAIL SITE PLAN

SIGN 6



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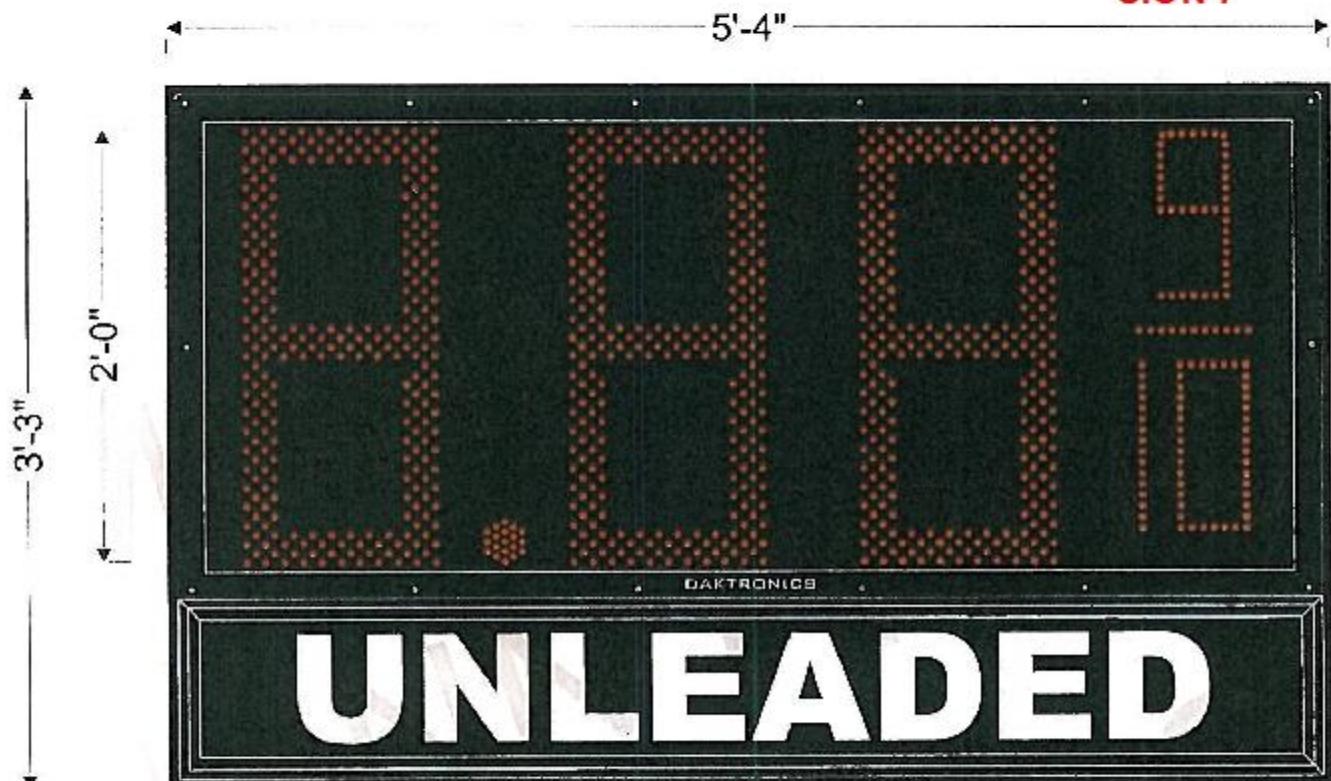
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REQUEST Sign Variance

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DETAIL SITE PLAN

SIGN 7



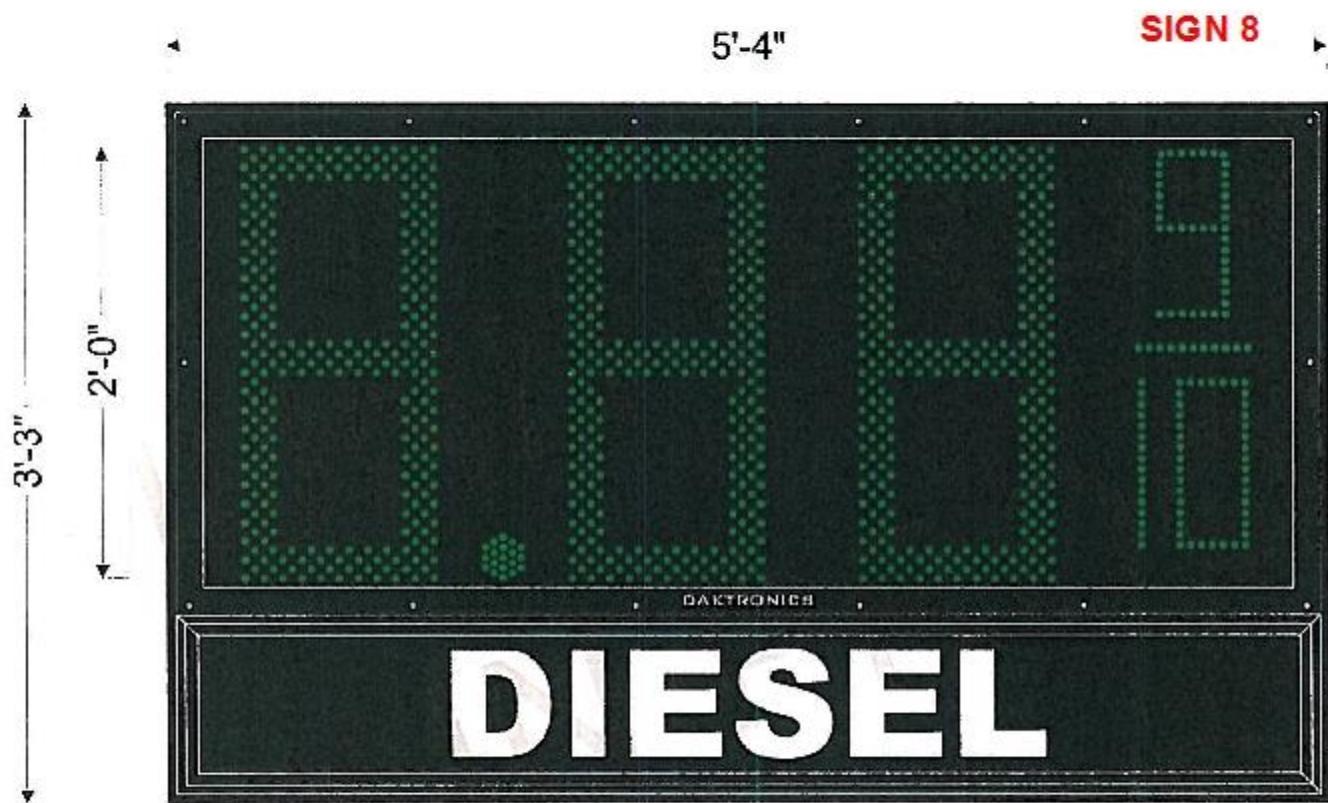
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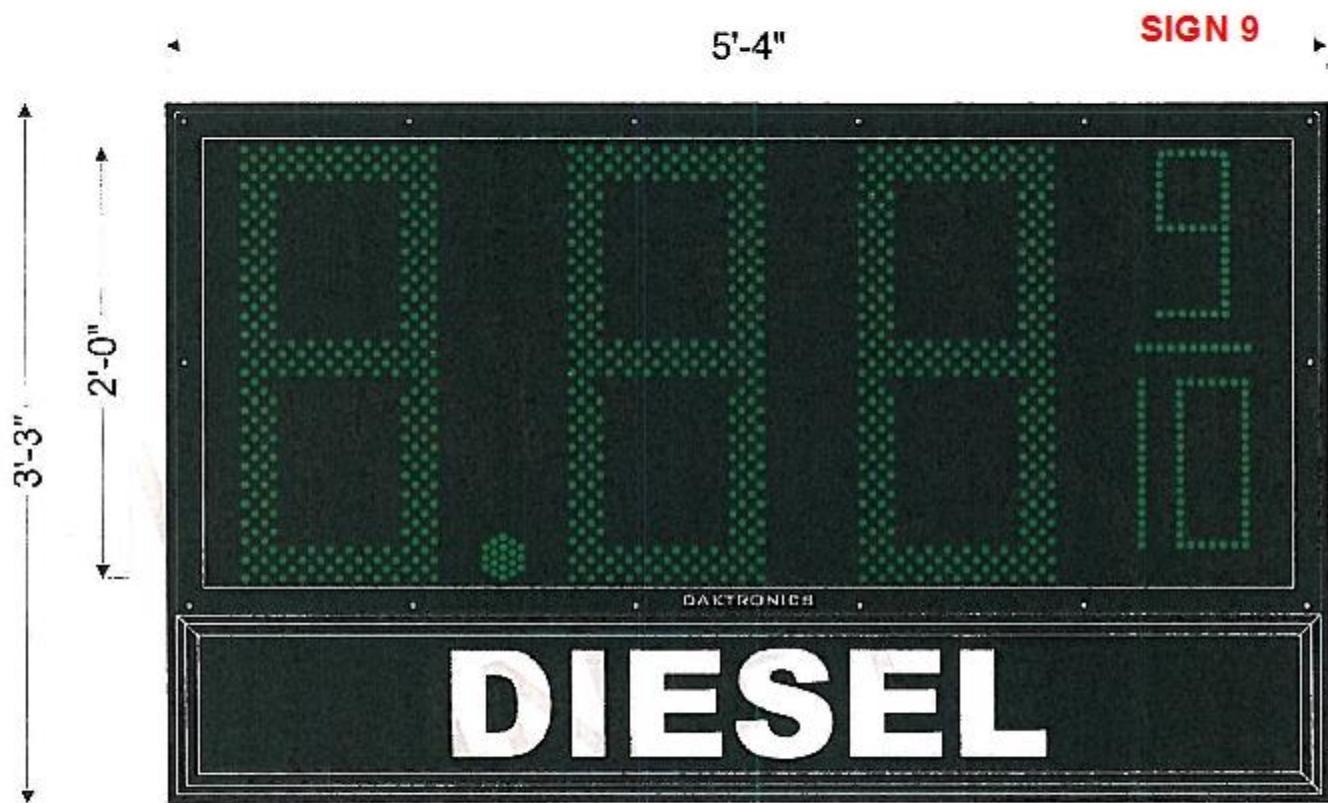
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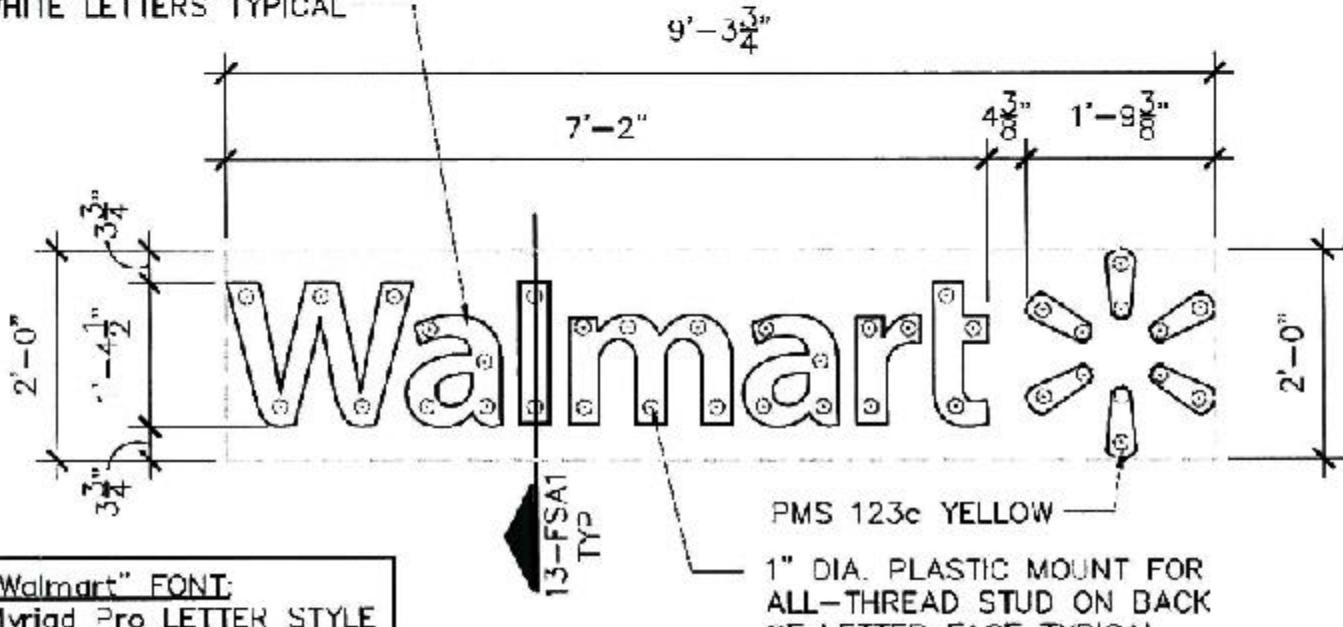
REQUEST Sign Variance



DETAIL SITE PLAN

SIGN 11

WHITE LETTERS TYPICAL



"Walmart" FONT:
Myriad Pro LETTER STYLE



WALMART SIGN

1/2" = 1'-0"

031914

FSA1-07

AGGREGATE SIGN
AREA: 18.63 SF

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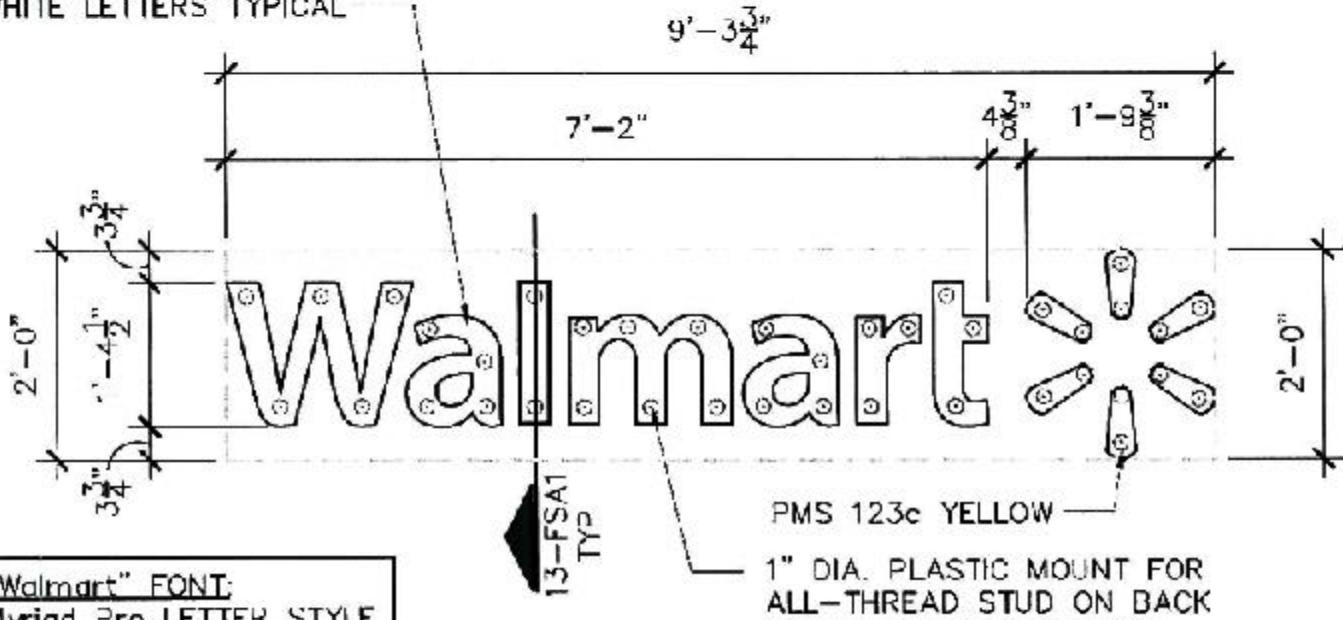
REQUEST Sign Variance



DETAIL SITE PLAN

SIGN 12

WHITE LETTERS TYPICAL



"Walmart" FONT:
Myriad Pro LETTER STYLE



WALMART SIGN

1/2" = 1'-0"

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FSA1-07

AGGREGATE SIGN
AREA: 18.63 SF

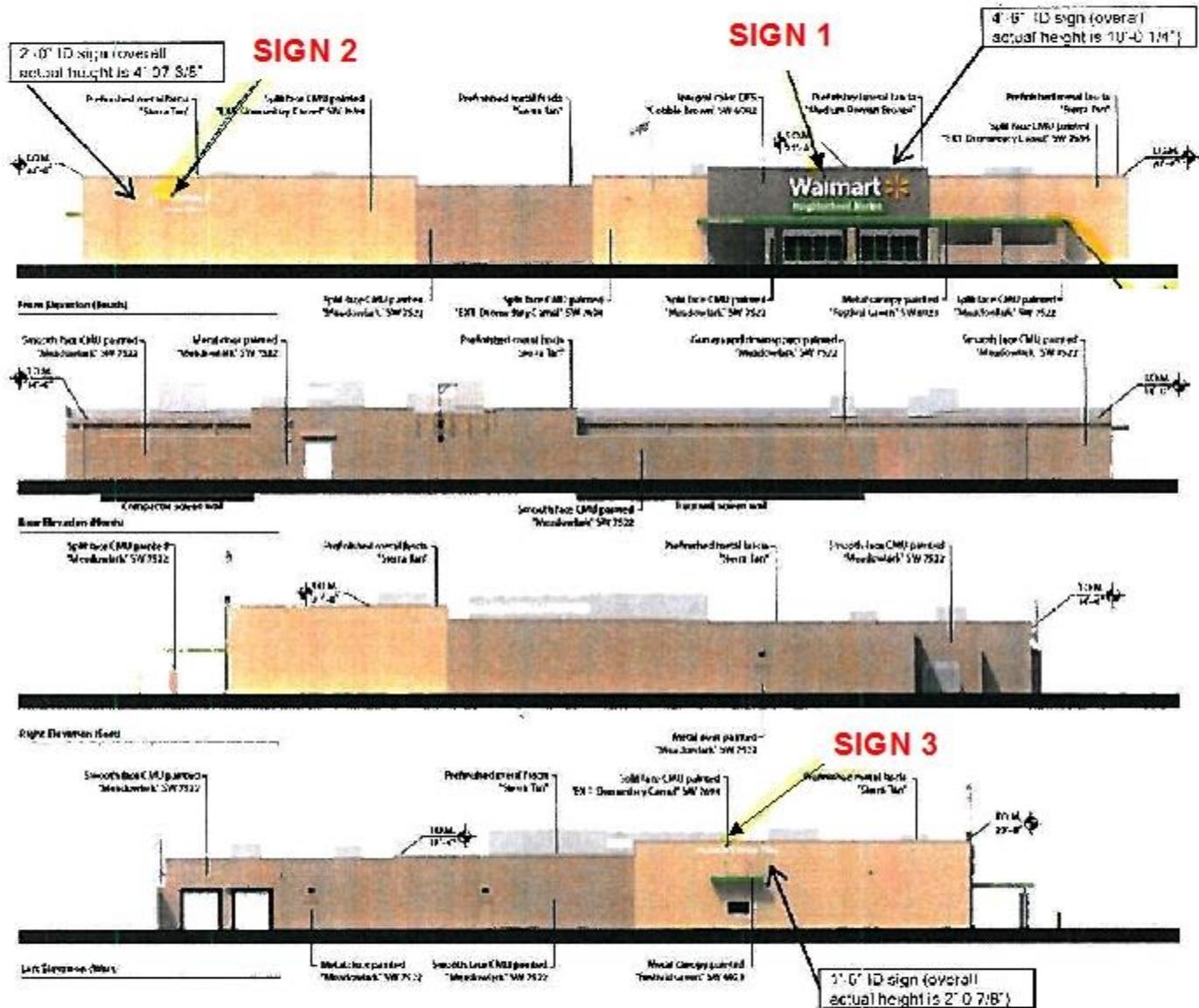
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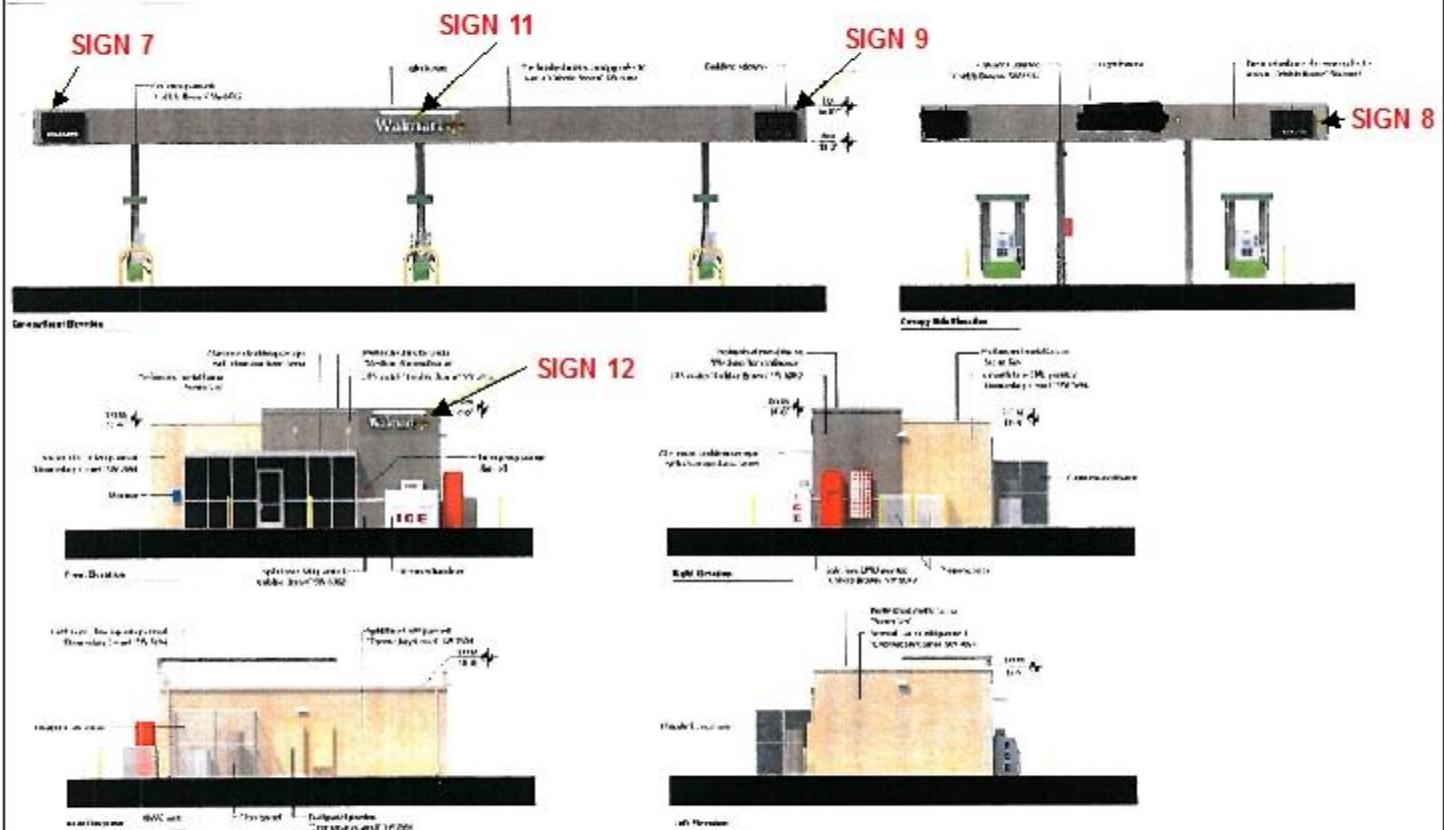
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REQUEST _____ SIGN VARIANCE _____

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DETAIL SITE PLAN



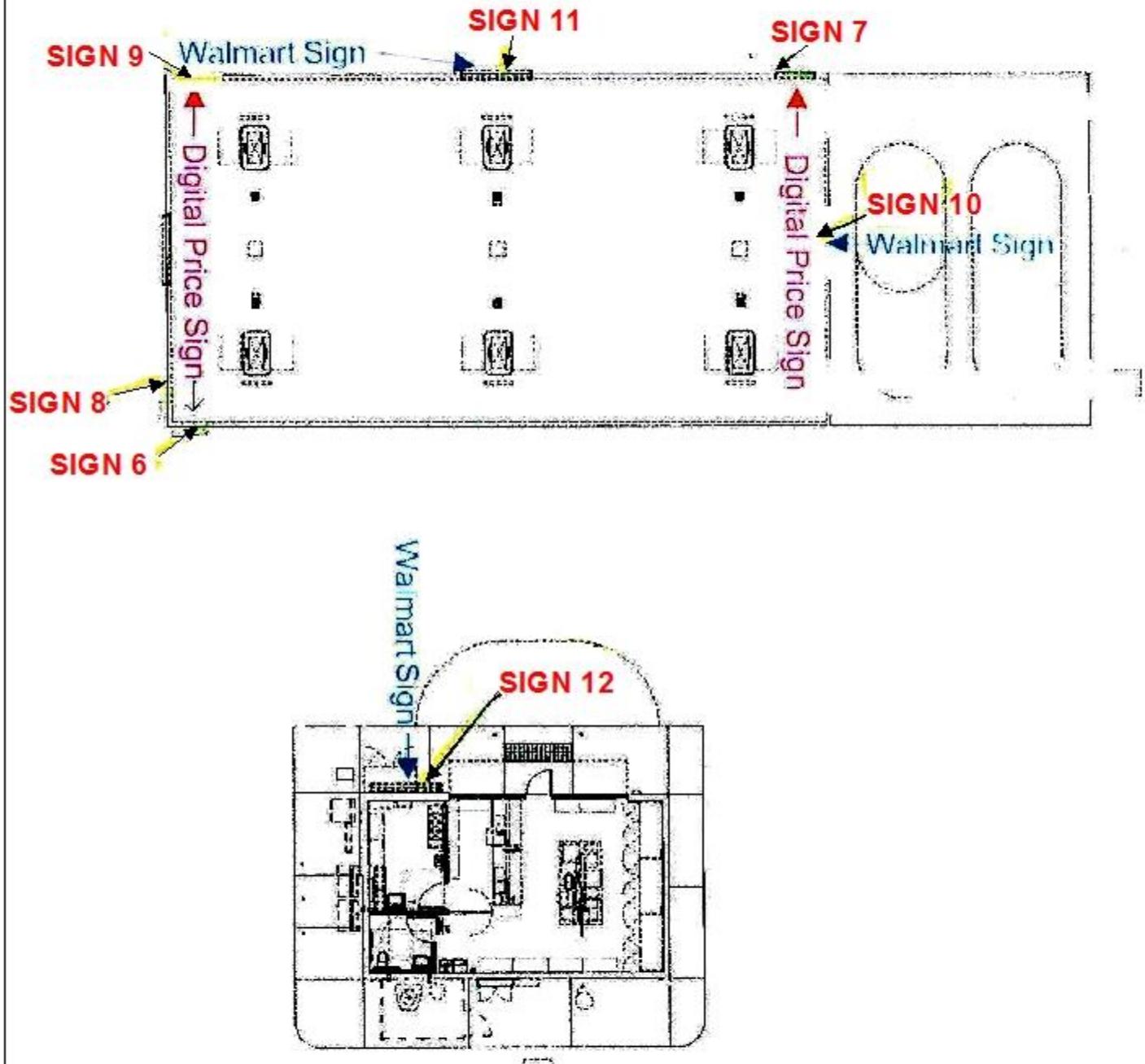
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REQUEST _____ SIGN VARIANCE _____

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DETAIL SITE PLAN



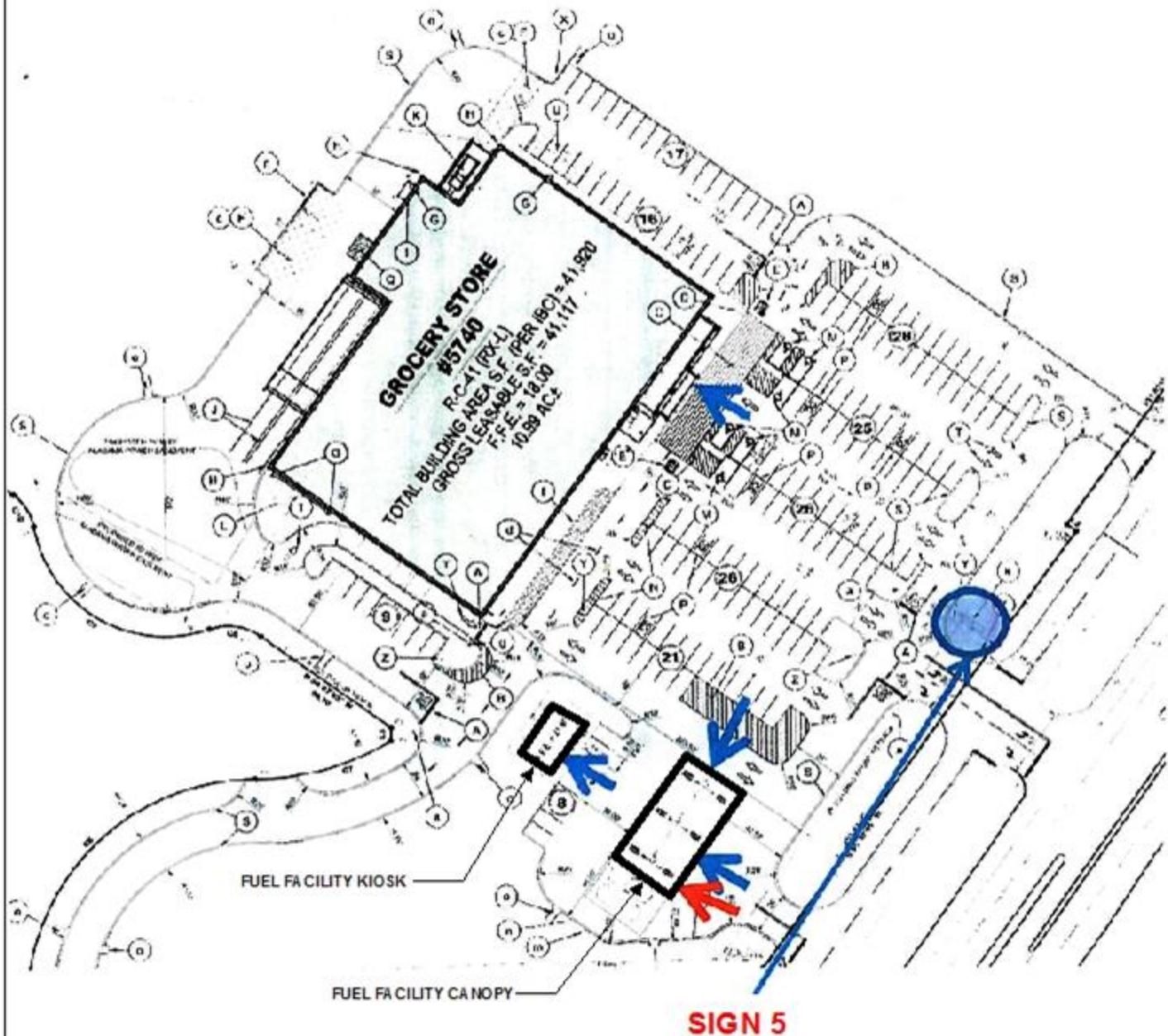
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REQUEST Sign Variance

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