

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT**

Date: November 1, 2021

CASE NUMBER

6427

APPLICANT NAME

Lamar Advertising

LOCATION

956 South Lawrence Street
(West side of South Lawrence Street, 93'± North of the
East terminus of South Carolina Street).

VARIANCE REQUEST

SIGN: Sign Variance to allow an outdoor advertising sign in excess of 300 square feet per face, in excess of 35 feet in height, within 1,000 feet of another outdoor advertising sign, and within 500 feet of residentially zoned property in an I-1, Light Industry District.

**ZONING ORDINANCE
REQUIREMENT**

SIGN: The Zoning Ordinance limits outdoor advertising signs to a maximum of 300 square feet per face, with a maximum height of 35 feet, no closer than 1,000 feet of another outdoor advertising sign, and no closer than 500 feet of residentially zoned property in an I-1, Light Industry District.

ZONING

I-1, Light Industry

AREA OF PROPERTY

0.8± Acre

**ENGINEERING
COMMENTS**

No comments.

**TRAFFIC ENGINEERING
COMMENTS**

No comments.

**CITY COUNCIL
DISTRICT**

District 3

ANALYSIS

The applicant is requesting a Sign Variance to allow an outdoor advertising sign in excess of 300 square feet per face, in excess of 35 feet in height, within 1,000 feet of another outdoor advertising sign, and within 500 feet of residentially zoned property in an I-1, Light Industry District; the Zoning Ordinance limits outdoor advertising signs to a maximum of 300 square feet per face, with a maximum height of 35 feet, no closer than

1,000 feet of another outdoor advertising sign, and no closer than 500 feet of residentially zoned property in an I-1, Light Industry District.

The site has been given a Light Industry (LI) 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 land use designation applies to an array of modern, low-impact industrial uses that include assembly and processing, warehousing, distribution and wholesaling facilities. The bulk of the light industrial use must be contained within a building or facility. If a light industrial use requires outside storage, the storage must be limited in area and appropriately screened from view in accordance to specific zoning requirements. This designation may also include uses such as complementary offices and retail.

LI also includes areas that may be regarded as “industrial business”, where the land uses include business administration and logistics operations for industrial concerns, building trade contractors facilities and advance research facilities, as well as stand-alone educational, scientific and industrial research facilities, or any combination of those facilities located in light industrial and technology parks. Many parcels used for industrial business are smaller and scattered throughout Mobile. For this reason, these parcels are not singled out in the FLUM, but rather are addressed through zoning.

Light industrial uses are characterized by attractive, accessible and connected development, compatible with the character of surrounding neighborhoods. Development may take the form of planned campuses in park-like settings or unified design corridors, with consideration to factors such as site and building orientation, building design, landscaping and buffering, lighting, continuity of pedestrian networks, access and connectivity to transit and to freight transportation.

Heavy commercial and, in some cases, high-density residential land uses may serve as transitions between LI and other, lower-intensity land use designations. Protection buffers may also be required by zoning.

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 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.

Variations 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.

Specific to the applicant's requests, the Sign Regulation Provisions of the Zoning Ordinance place a Moratorium on off-premise signs to the extent as stated in Section 64-11.A.2.(a):

No outdoor off-premise advertising structure shall be constructed or erected after the date of the enactment of this ordinance except for signs conforming to all of the following provisions:

Replacement of an outdoor off-premise advertising structure for an existing outdoor off-premise advertising structure in B-2, B-3, B-5, I-1 and I-2 zoning districts will be permitted subject to compliance with all other provisions of this ordinance. V-type or back to back signs shall be considered as one (1) sign.

The applicant states:

Lamar Advertising is requesting a variance for a potential sign to be located at 956 S Lawrence St. (Parcel # R022910370008008.000). Due to the directive from the State of Alabama, relating to the upcoming River Bridge Project, Lamar Advertising is being forced to relocate structures that currently have "grandfather" status with the City of Mobile. Such relocations are resulting in the loss of "grandfather" status and inhibiting Lamar Advertising's ability to operate at normal capacity.

The first of our requests to help make the relocation as unnoticeable as possible, is that the City grant us permission to have the relocated structure's size exceed the current City Ordinance's limit of 300 square feet. The State's relocation effort has pushed our potential billboard site much further from the current roadway, which will greatly limit the visibility of our advertising structure unless we are able to build at a larger size.

The second request is that we are allowed to build at a height that removes any concern of vegetation as an obstacle from road view. Lamar Advertising has tree removal permit requests pending, but said trees are now on State-owned property, and if the State does not cooperate we will be left with unusable advertising space. The current City Ordinance limits new structures to be no more than 35 feet above road grade. We would request the ability to exceed this number if the billboard would be blocked by vegetation at this height.

Our final request is that the City match the State's distance restriction of 500 feet between sign locations. The current City Ordinance requires signs to be no closer than 1000 feet, however the State's relocation order has placed our potential billboard site within that limit. As described above, this limit was not applicable when the structures were originally built, so to assist with Lamar Advertising's attempt to comply with the State's instruction, we request that the City reduce their limit to match the State's.

These requests are made so that Lamar Advertising can in good faith continue to work with the State in preparation for the River Bridge Project.

There is an existing off-premise advertising billboard sign approximately 150 feet Southwest of the subject site and within right-of-way acquired by the Alabama Department of Transportation for the proposed Mobile River Bridge, which will be removed. The applicant proposes to construct a replacement off-premise advertising billboard sign in excess of 300 square feet per face (672 square feet proposed) and in excess of 35 feet in height on the subject site. There is also an existing off-premise advertising billboard sign less than 1,000 feet to the Southwest of the subject site which is out of the proposed bridge right-of-way which the applicant proposes to have remain. The proposed sign would be less than 500 feet from residentially zoned property. The Zoning Ordinance requires full compliance with the size, height and spacing requirements for off-premise billboard signage; hence this request.

It should be noted that no specific site plan was submitted with the application; therefore, the precise location of the sign on the subject site cannot be determined.

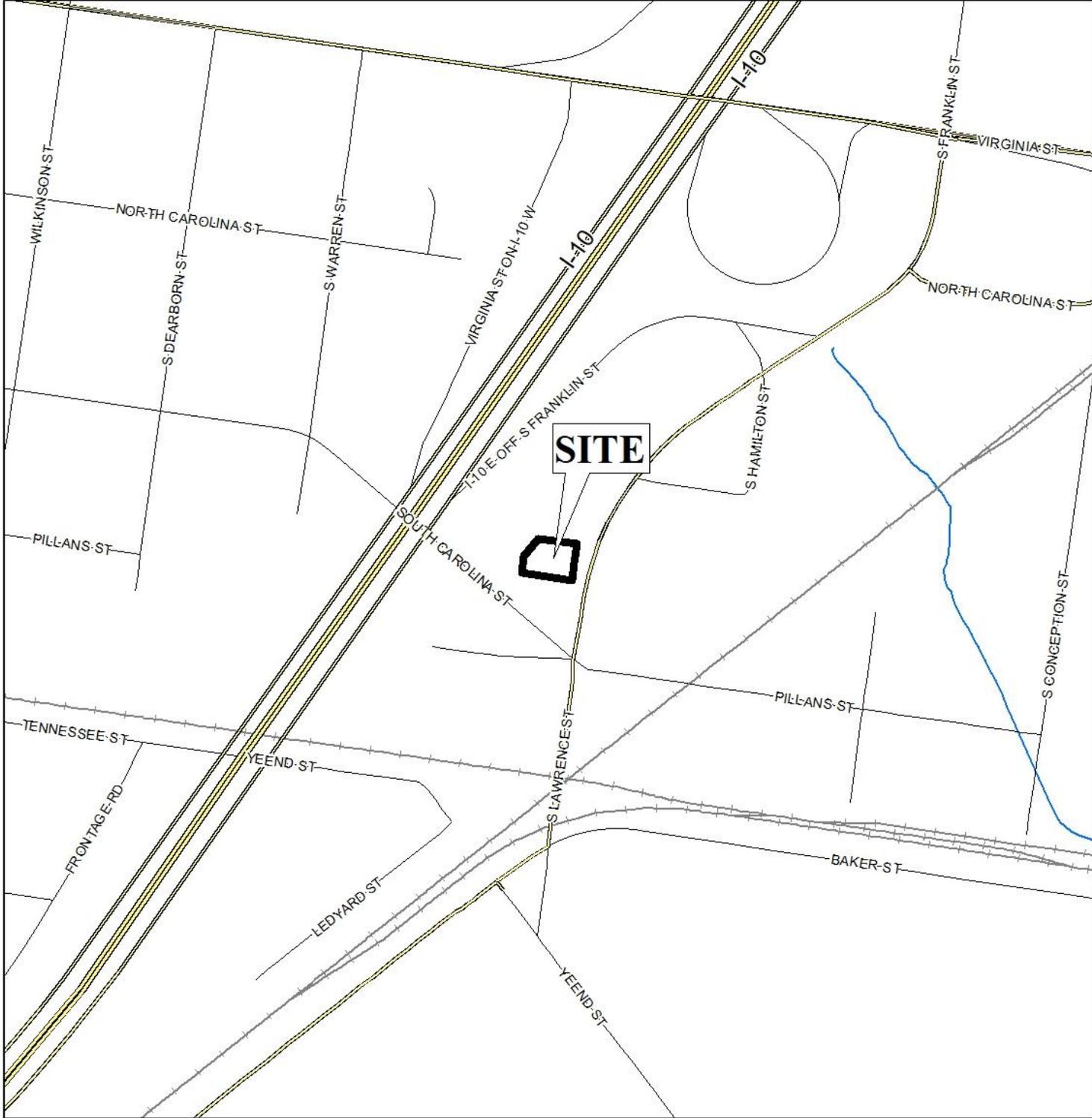
Inasmuch as the circumstances surrounding the proposed relocation are due to a public infrastructure project, and as the applicant's request for increased signage size is far greater than that allowed by the Ordinance, and the location of the proposed sign does not meet the spacing requirements of the Ordinance, staff recommends that the Board take into consideration all factors as may be presented by the applicant and public to reach a decision on this matter.

RECOMMENDATION:

When considering the application, the Board should bear in mind the following:

- a. approving the variance request will/will not be contrary to the public interest;
- b. special conditions appear/do not appear to exist such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and
- c. that the spirit of the chapter shall/shall not be observed and substantial justice done/not done to the applicant and the surrounding neighborhood by granting the variance.

LOCATOR MAP



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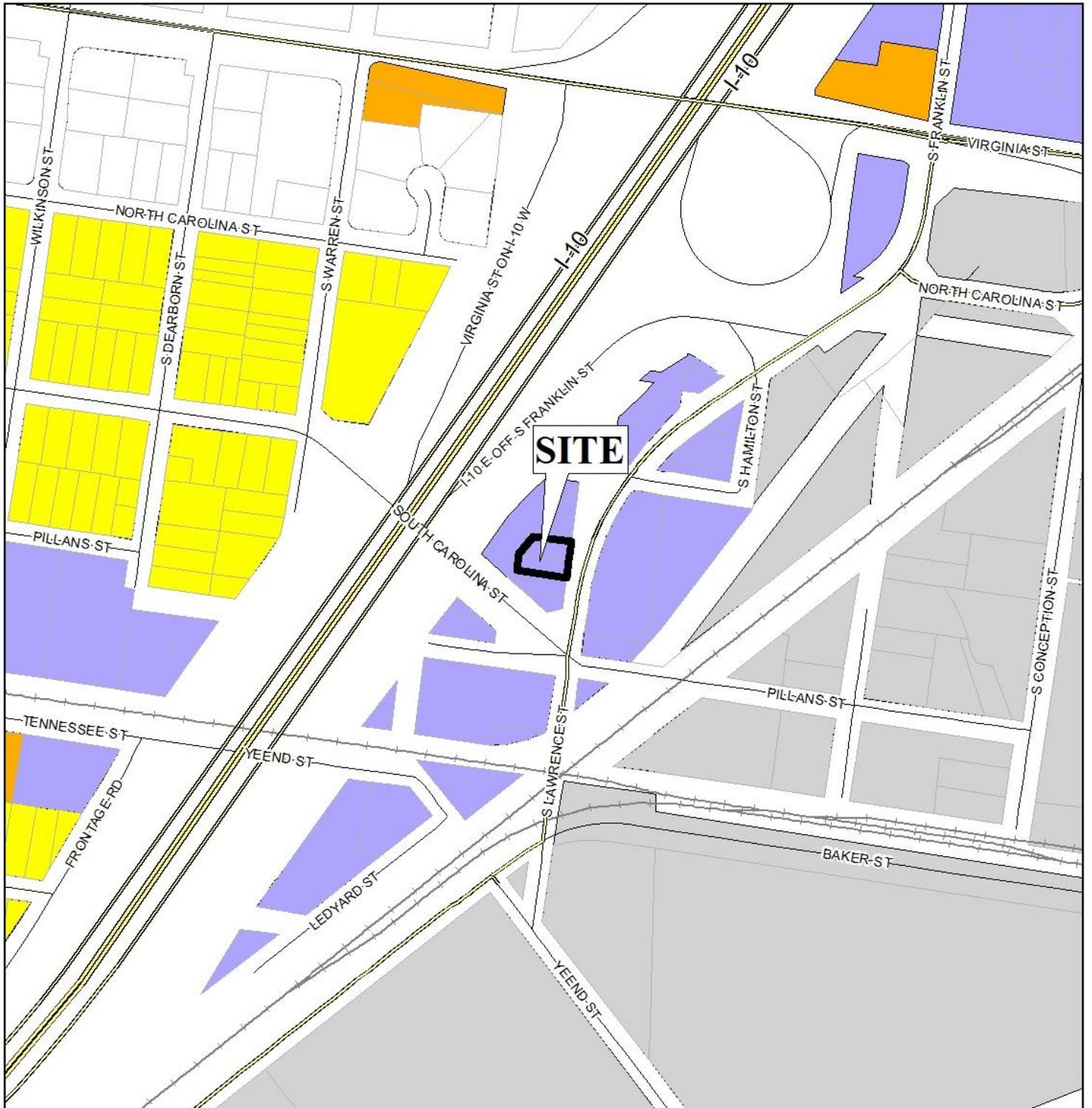
APPLICANT Lamar Advertising

REQUEST Sign Variance



NTS

LOCATOR ZONING MAP



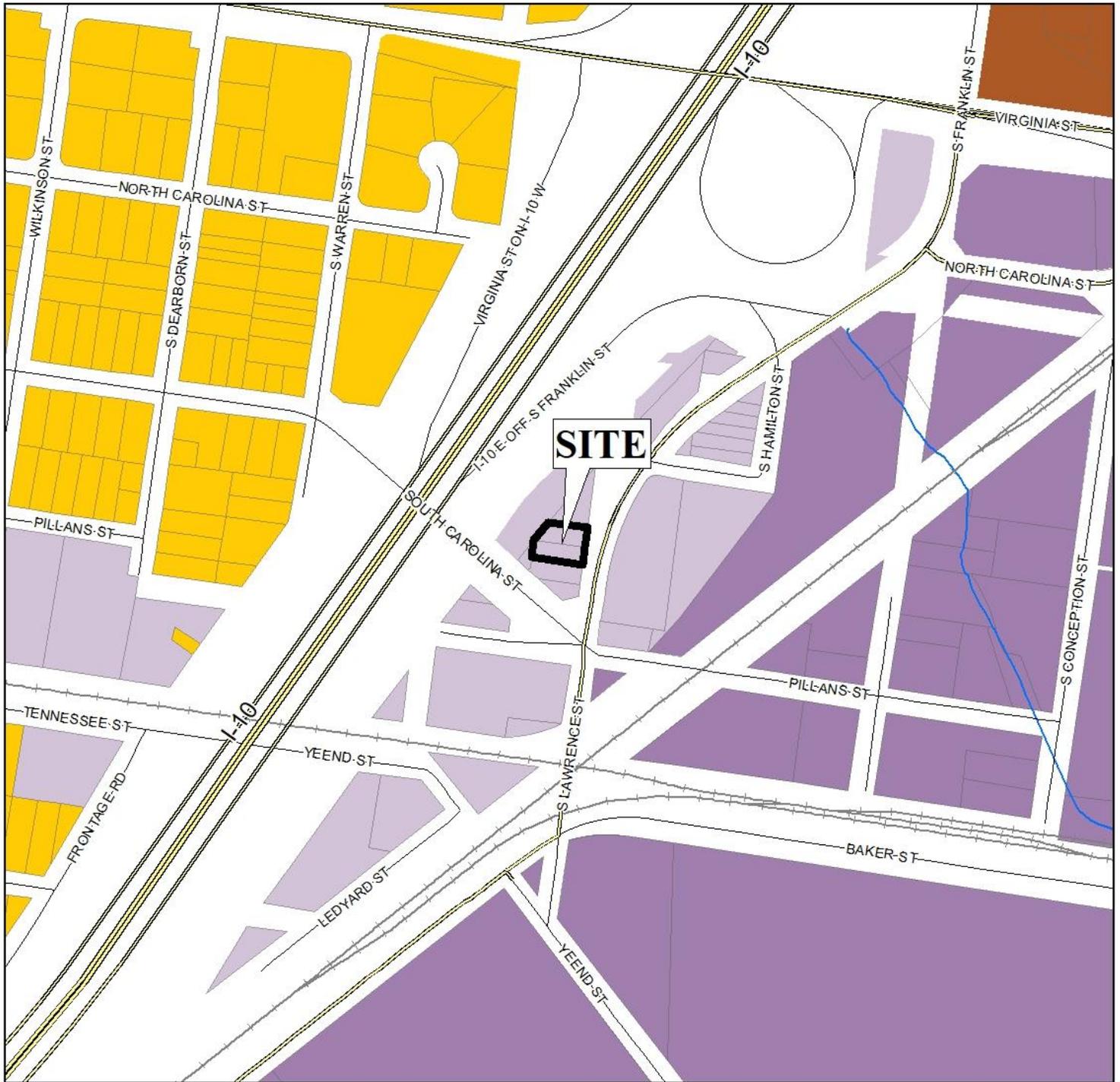
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REQUEST Sign Variance



FLUM LOCATOR MAP



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APPLICANT Lamar Advertising

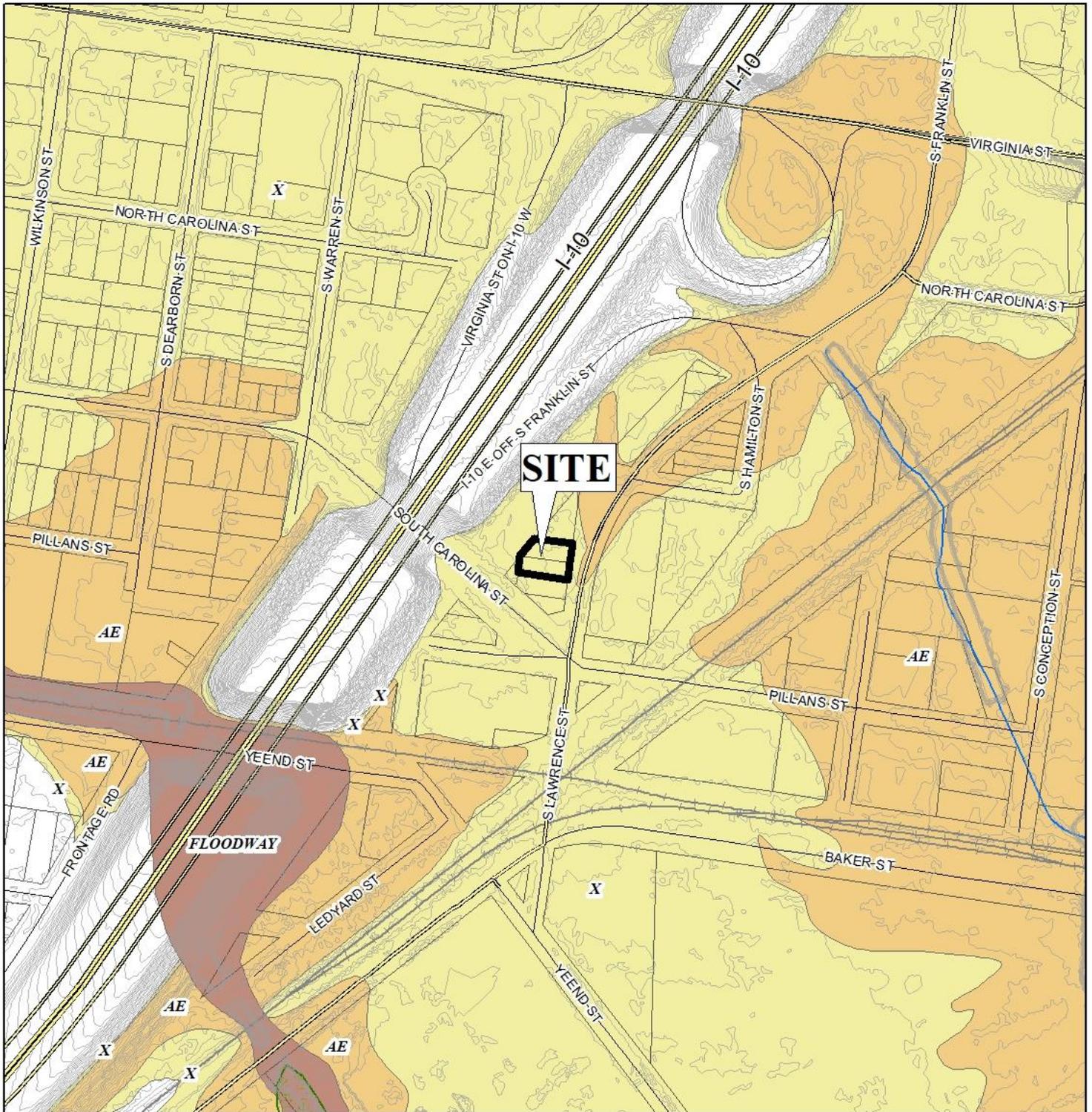
REQUEST Sign Variance

- | | | | |
|---------------------------|-----------------------------------|---------------------|--------------------|
| 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 | |



NTS

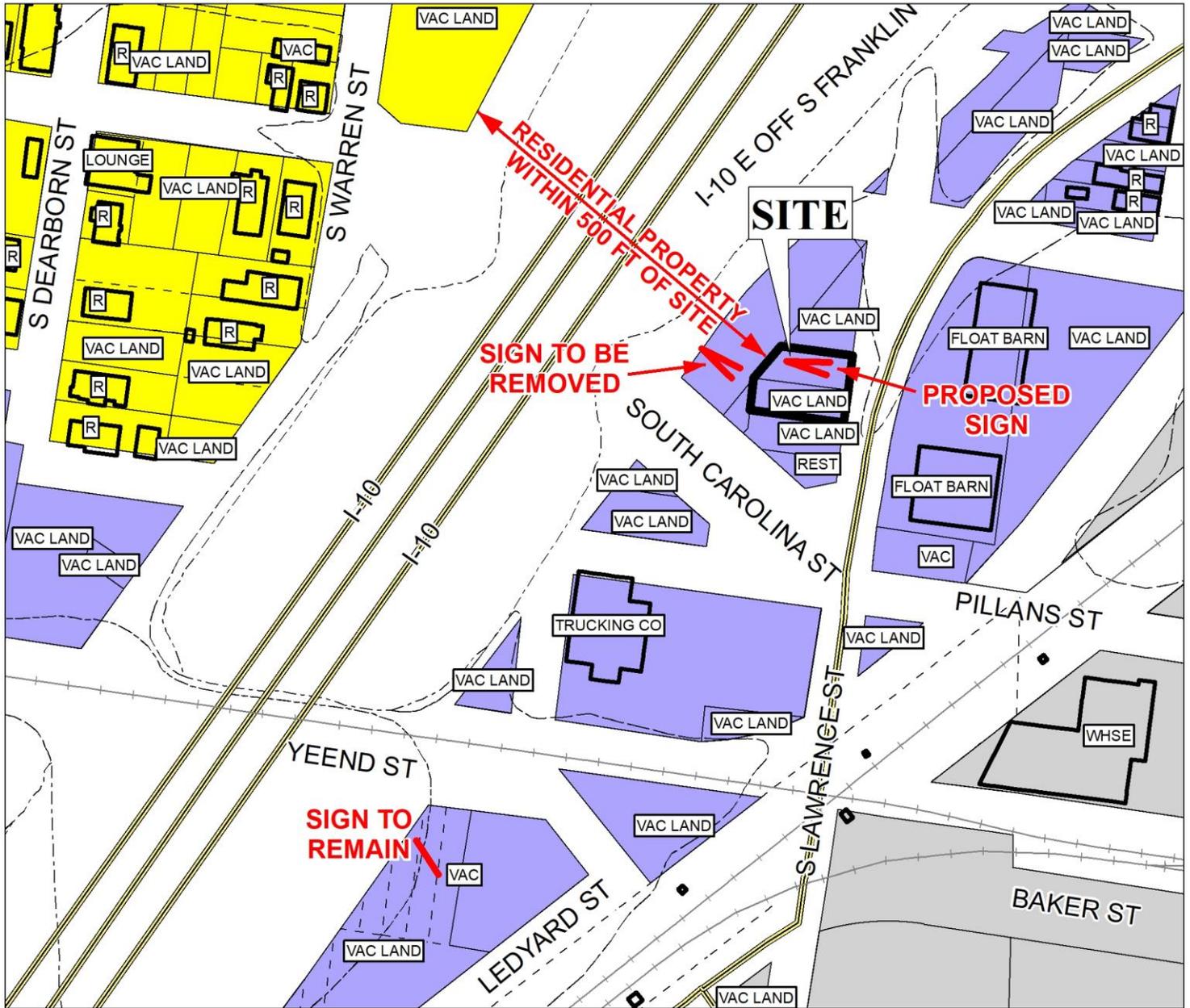
ENVIRONMENTAL LOCATOR MAP



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by warehouses, a restaurant and residential 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



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL

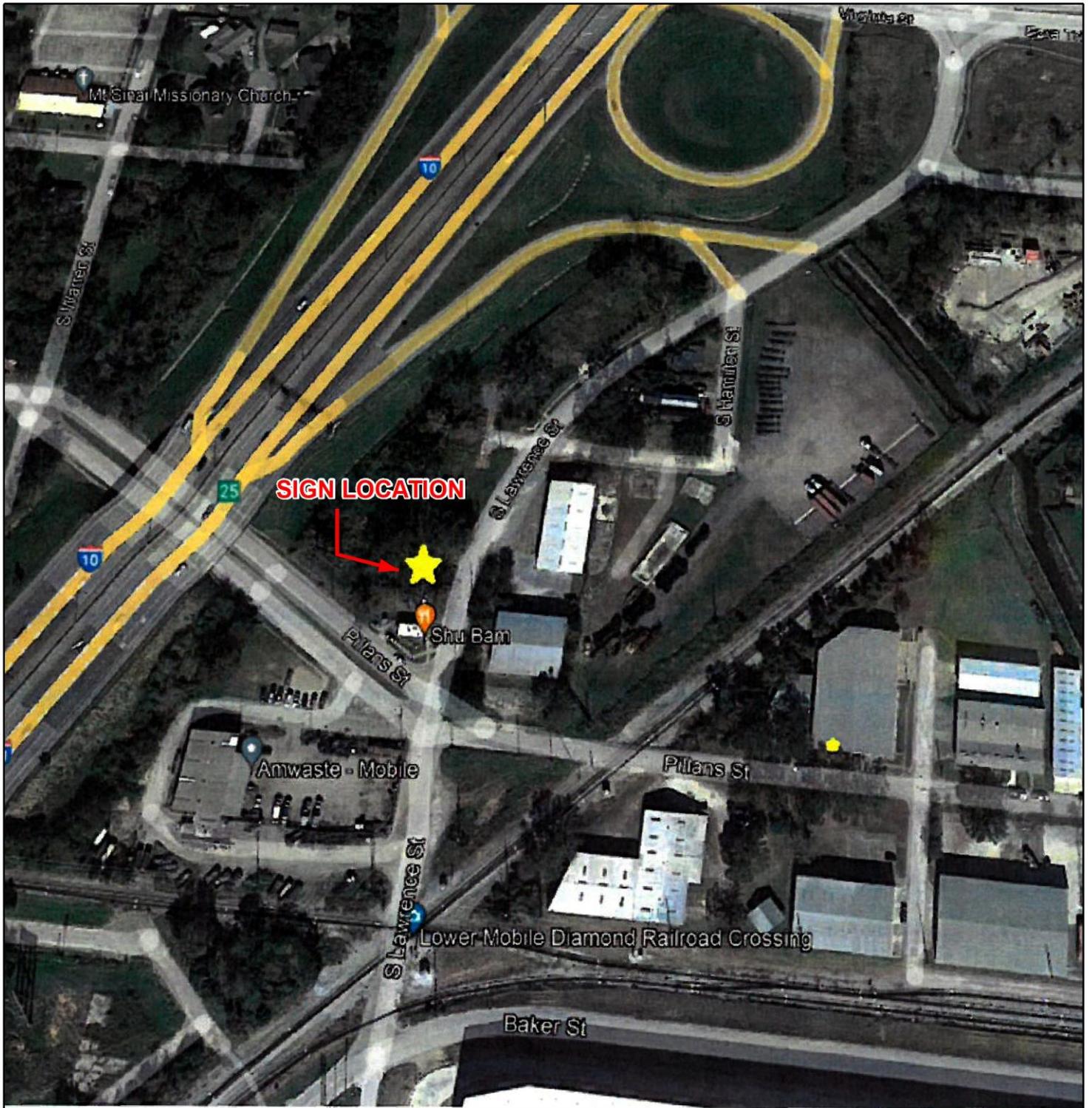


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DETAIL SITE PLAN

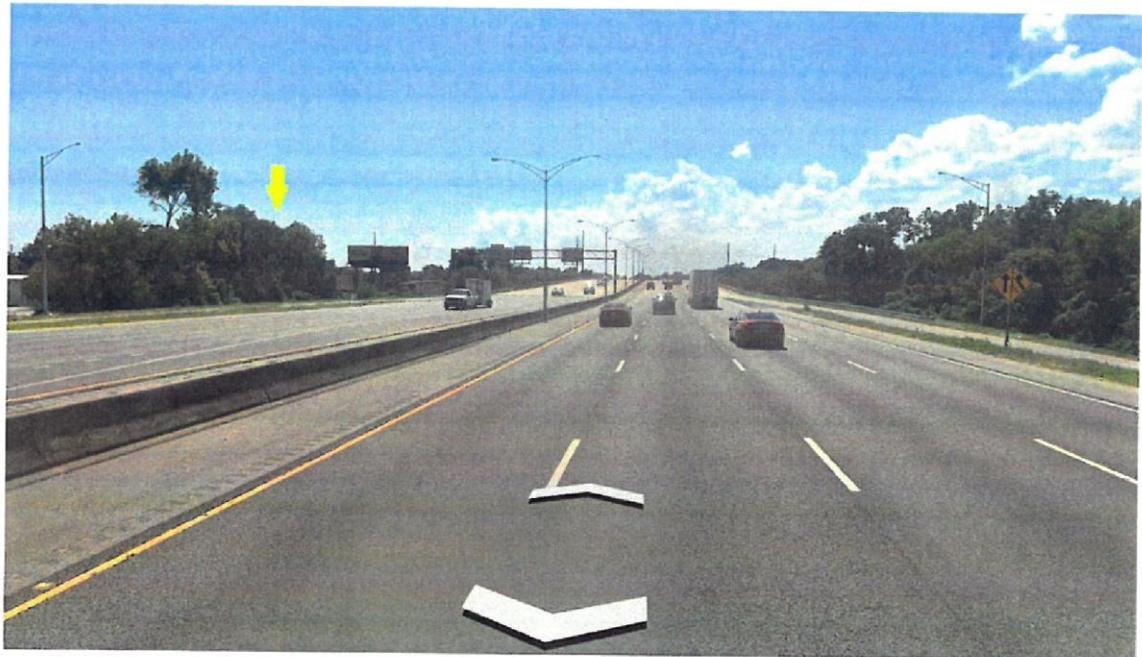


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