

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: September 12, 2022**

<b><u>CASE NUMBER</u></b>	6474/6218
<b><u>APPLICANT NAME</u></b>	Springhill Village, LLC
<b><u>LOCATION</u></b>	4350, 4354, 4356, 4358, 4360, 4362, 4364 and 4366 Old Shell Road (North side of Old Shell Road, 390'± West of Dilston Lane, extending to the East side of North McGregor Avenue, 480'± North of Old shell Road.)
<b><u>VARIANCE REQUEST</u></b>	<b>SIGN:</b> Sign Variance to allow two freestanding signs in a Village Center Sub-district of a Traditional Center District overlay.
<b><u>ZONING ORDINANCE REQUIREMENT</u></b>	<b>SIGN:</b> The Zoning Ordinance does not allow two freestanding signs in a Village Center Sub-district of a Traditional Center District overlay.
<b><u>ZONING</u></b>	B-2 Neighborhood Business
<b><u>AREA OF PROPERTY</u></b>	9.8± Acres
<b><u>ENGINEERING COMMENTS</u></b>	No comments.
<b><u>TRAFFIC ENGINEERING COMMENTS</u></b>	No comments.
<b><u>URBAN FORESTRY COMMENTS</u></b>	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.
<b><u>FIRE DEPARTMENT COMMENTS</u></b>	All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 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.

**CITY COUNCIL**  
**DISTRICT**

District 7

**ANALYSIS**

The applicant is requesting a Sign Variance to amend a previously approved Sign Variance to allow two freestanding signs in a Village Center Sub-district of a Traditional Center District overlay; the Zoning Ordinance does not allow two freestanding signs in a Village Center Sub-district of a Traditional Center District overlay.

The site has been given a Traditional Neighborhood Center (NC) land use designation, per the Future Land Use Plan and Map adopted by the Planning Commission at its May 18, 2017 meeting. 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 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.

This land use designation applies to smaller hubs of mixed commercial, community, and recreational activity that cater to adjacent residential areas. Many of these centers exist today in some form. Therefore, the following common principles apply not just to the future development of new centers, but also to the redevelopment (wholesale or incremental) of existing centers.

General Principles for Neighborhood Centers:

- NC should support a limited amount of commercial employment
- NC should incorporate some residential use, which may vary in type from detached single family, townhouse, accessory and live-work units in mixed use and low-rise multifamily structures.
- The residential density in NC designations —ranging from 4 to 10 du/ac— must be compatible in character with that of surrounding residential development, providing appropriate transitions in height, massing and other buffering from one land use district to the next.
- The retail and housing uses should merge around vibrant, compact, accessible nodes, located at key neighborhood intersections or along short road segments.
- The NC nodes should be connected to the surrounding neighborhood and nearby public uses (e.g., schools, parks, etc.) via well-designed sidewalks and complete streets.

While the above-listed principles are common to all NC districts, the design attributes of neighborhood centers generally vary depending on whether a center is in a more “traditional” or more “suburban” context.

Additional Attributes of Neighborhood Centers:

- NC in traditional contexts: These tend to be in those areas east of the Beltline and correspond to MxDR neighborhoods. In these NCs, buildings should orient to the street, with on-site parking typically pushed to the back of the site. The design qualities of the public realm are emphasized, including the provision of continuous sidewalks, tree canopy, pedestrian amenities, on-street parking and bicycle facilities where appropriate.
- NC in suburban contexts: These generally are located among the LDR land use designations in the areas west of the Beltline. Where they exist, these centers currently have a more pronounced vehicular orientation. Therefore, the emphasis is on retrofitting to improve internal walkability (e.g., through the addition of sidewalks, tree canopy, protection from the elements) and external connectivity to the surrounding areas (via sidewalks, paths and trails, street crossings, transit stops, etc.) and to increase the mix and density of uses (e.g., infill of outparcels, addition of housing, etc.).

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 of 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 the 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.

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 subject site was granted Planned Unit Development (PUD) Approval at the Planning Commission's October 4, 2018 meeting to allow multiple buildings on a single building site, with shared access and parking to accommodate two new buildings. The applicant requested the application be reviewed under the Village Center Sub-district of the Voluntary Traditional Center District (TCD) requirements of Section 64-3.H. of the Zoning Ordinance. Among the conditions of approval of the PUD were approval of a variance to allow the reduced building frontage along both streets; approval of a variance to allow the increased access drive width for the divided two-way drive along Old Shell Road; and approval of a Sign Variance to allow the two pylon signs to remain on site. At the Board's November 5, 2018 meeting, a request was approved for Reduced Building Frontage, Increased Access Drive Width and Sign Variances to allow a  $41\% \pm$  building frontage along Old Shell Road, and a  $46\% \pm$  building frontage along McGregor Avenue North; to allow a two-way access drive width of  $38.88' \pm$ ; **and to allow two**

**pylon signs to remain** on site in a Village Center Sub-district of a Traditional Center District overlay. The Sign Variance eventually expired, and the applicant now proposes to again pursue approval for two freestanding signs. It should be noted that the two subject signs would be completely new signs different from the existing signs in the original approval. The sign locations would remain the same as in the original approval.

The applicant's narrative states:

- 1. The purpose of this application is to allow the installation of 2 monument signs as well as a height variance of 12 ft (proposed elevation below) instead of the approved existing to remain Pylon Signs as approved by BOA-000710-2018. We would like to install these monuments as per the pylon locations shown on the approved PUD-001603-2021.*
- 2. The center is currently getting a façade update/renovation and the existing pylons are in need of replacement (one was damaged in a storm beyond repair), we would like to replace these pylons with monument signs that are more compatible with the neighboring signs for a majority of surrounding businesses. See below the existing pylons as well as signage of surrounding businesses.*

Section 64-3-H.7.f.(10) of the TCD Regulating Plan does not allow any type of freestanding or monument signs. The only permanent signage allowed would be building-mounted. As a multi-tenant site with over 600 linear feet of public street frontage, the two existing pylon signs are allowed to remain as the site is currently developed. The applicant has stated in the previous application that the leases with tenants require the pylon signs. That, coupled with the fact that the site has two street frontages which are separated by other commercial properties, and as street visibility to many of the individual tenant spaces is limited due to the site configuration, there seems to be an undue hardship to tenants with regard to recognition within the complex from the street frontages. The proposed signs appear to be more compatible with the overall Village Center Sub-district concept, and more aesthetically pleasing to the surrounding neighborhood. The applicant also requests a height variance of twelve feet for the proposed signs; however, as there are no freestanding signs allowed within the district, this would be a moot point, and the signs would still be below the maximum height of fifty feet ordinarily allowed at the subject site, if not located within a Village Center Sub-district of a Traditional Center District overlay.

It should be noted that the subject site is the largest developed commercial property within the TCD overlay. Although the TCD Regulating Plan is intended primarily for new developments, the adaptation of the Plan to existing developments is viable with the possibility of relief from certain aspects of the Plan requirements and limitations. Therefore, the Board should consider the request of the applicant for approval.

**RECOMMENDATION:** Staff recommends to the Board the following findings of facts for Approval:

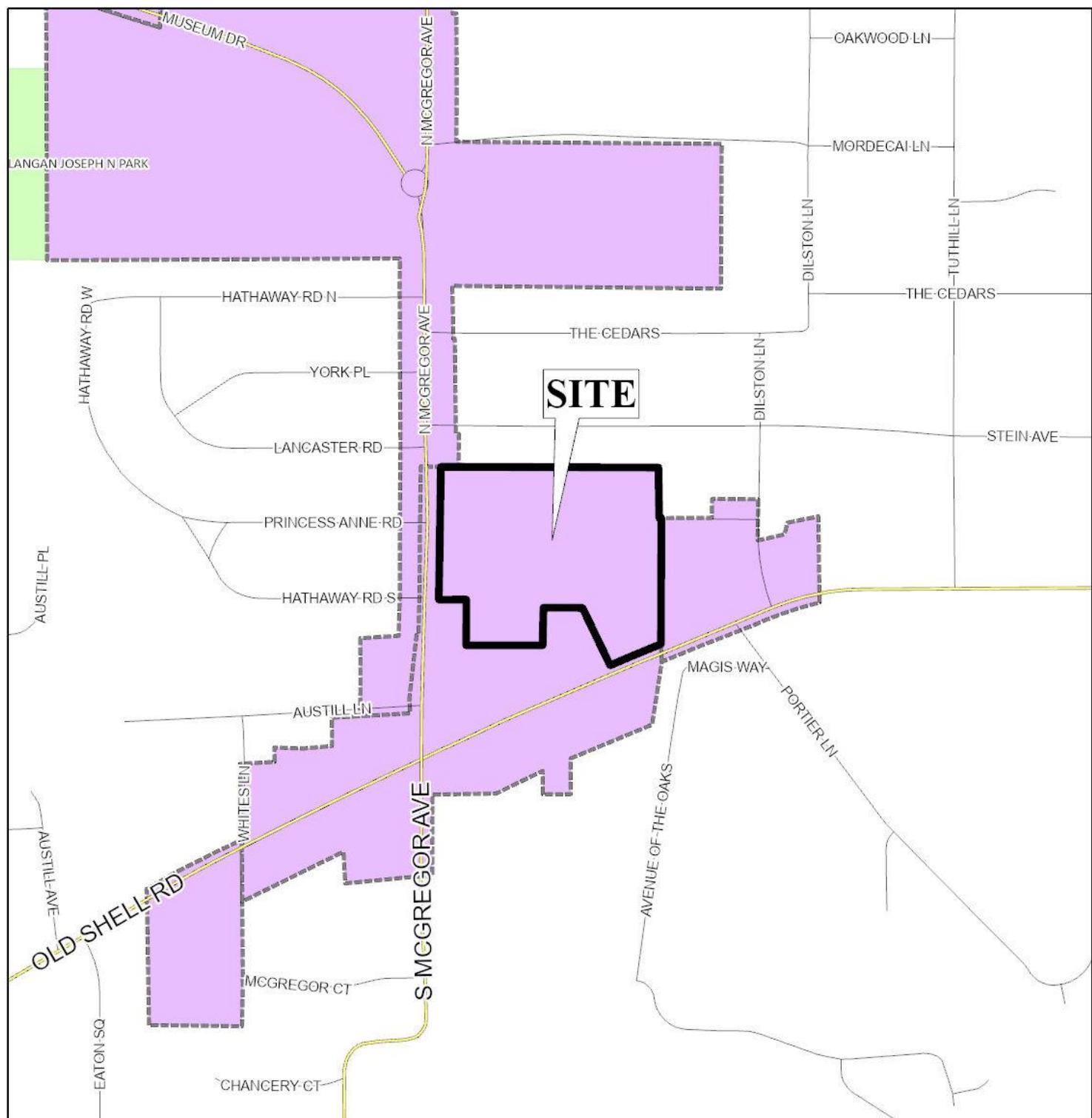
- 1) Approving the variance will not be contrary to the public interest in that the previously approved Sign Variance allowed for two freestanding signs for the subject site;

- 2) Special conditions (the site is the largest developed commercial property within the Traditional Center District overlay and approval will allow for the implementation of certain aspects of the TCD Regulating Plan for site improvements) exist such that the literal enforcement of the provisions of the chapter will result in an unnecessary hardship with respect to the site configuration and tenant signage visibility; 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 it will allow for site improvements under the Regulating Plan intended for the Spring Hill area.

Therefore, the Sign Variance request is recommended for approval, subject to the following conditions:

- 1) obtaining of the necessary sign permits;
- 2) subject to the 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 (State Act 2015-116 and City Code Chapters 57 and 64). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site will require a tree removal permit.)*;
- 3) subject to the Fire Department comments: *(All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance. (2012 International Fire Code).)*; and
- 4) full compliance with all municipal codes and ordinances.

# LOCATOR MAP



APPLICATION NUMBER 6474 DATE September 12, 2022

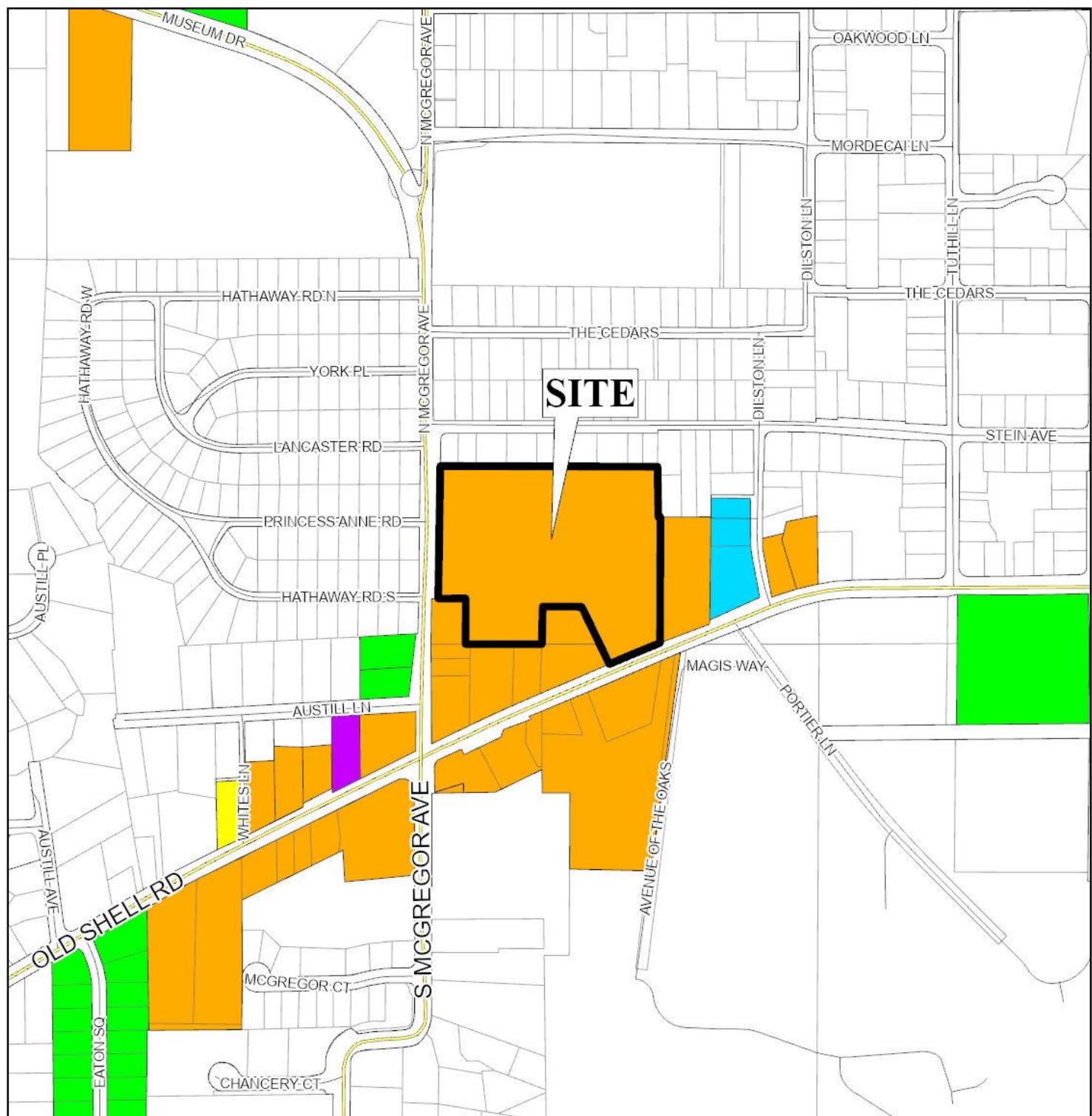
APPLICANT Springhill Village, LLC

REQUEST Sign Variance



NTS

# LOCATOR ZONING MAP



APPLICATION NUMBER 6474 DATE September 12, 2022

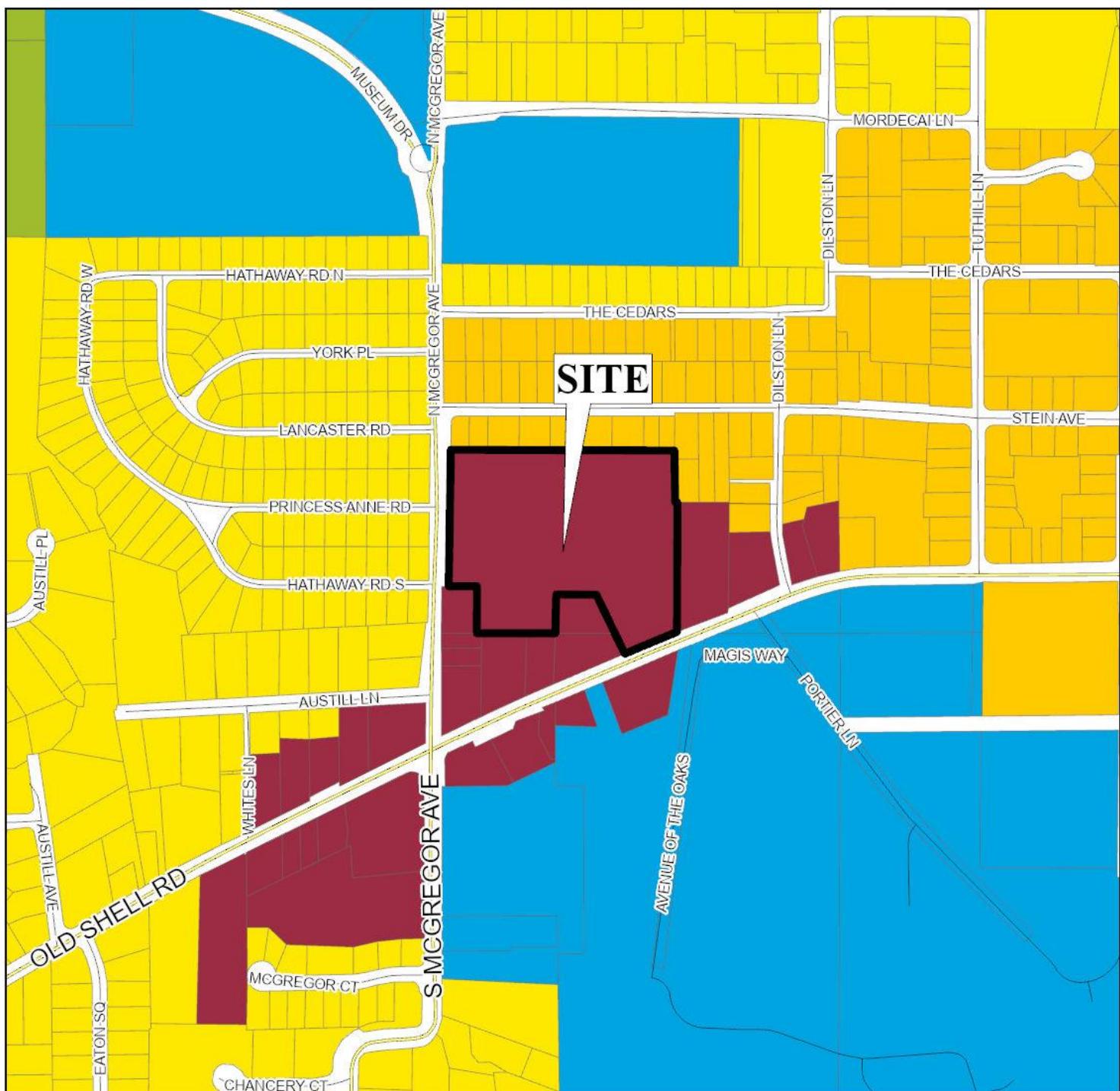
APPLICANT Springhill Village, LLC

REQUEST Sign Variance



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# FLUM LOCATOR MAP



APPLICATION NUMBER 6474 DATE September 12, 2022

APPLICANT Springhill Village, LLC

REQUEST Sign Variance

Layer2

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

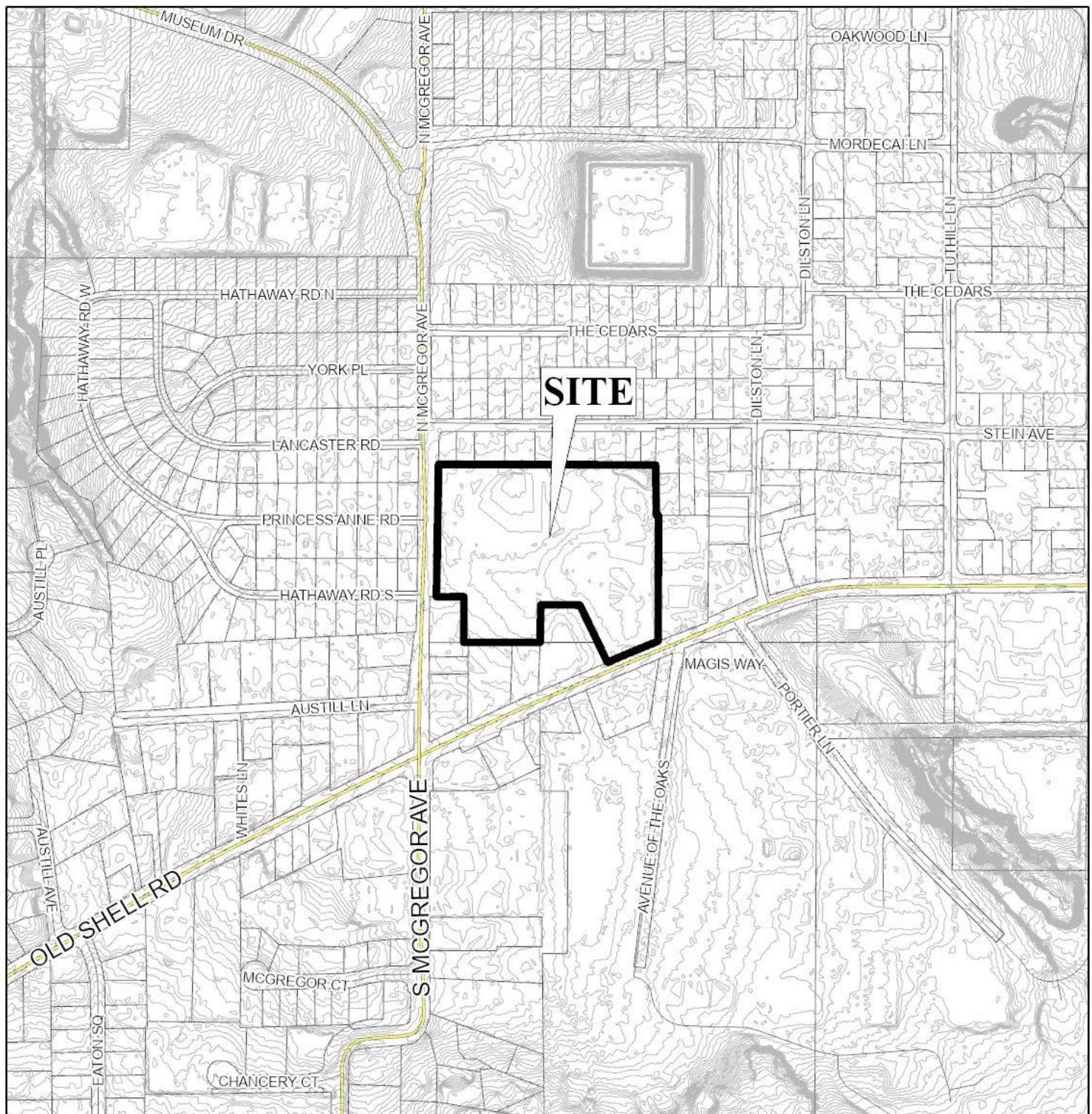
Parks & Open Space

Water Dependent

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NTS

# ENVIRONMENTAL LOCATOR MAP



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APPLICANT Springhill Village, LLC

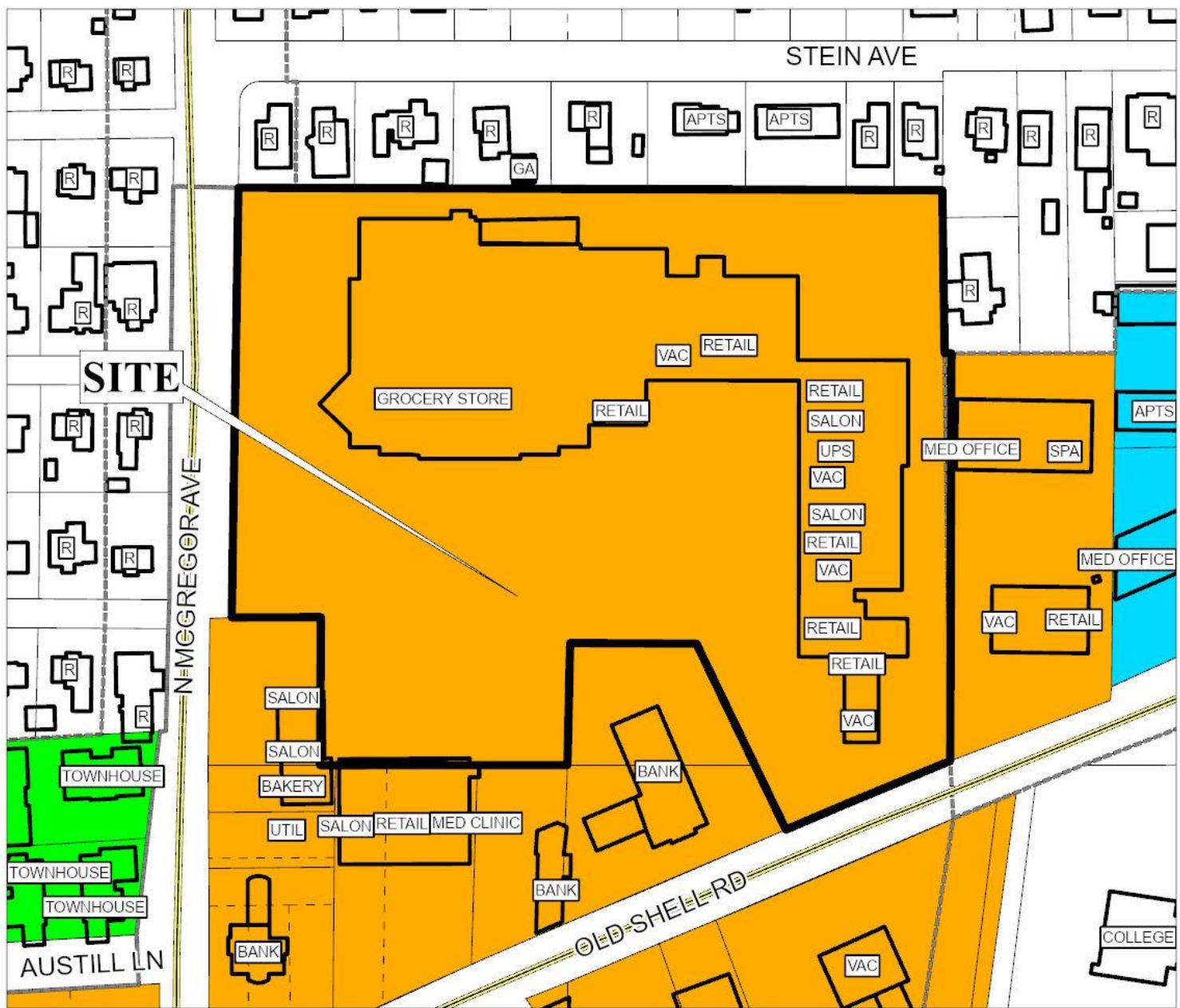
REQUEST Sign Variance



NTS

# BOARD OF ADJUSTMENT

## VICINITY MAP - EXISTING ZONING



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

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 APPLICANT Springhill Village, LLC

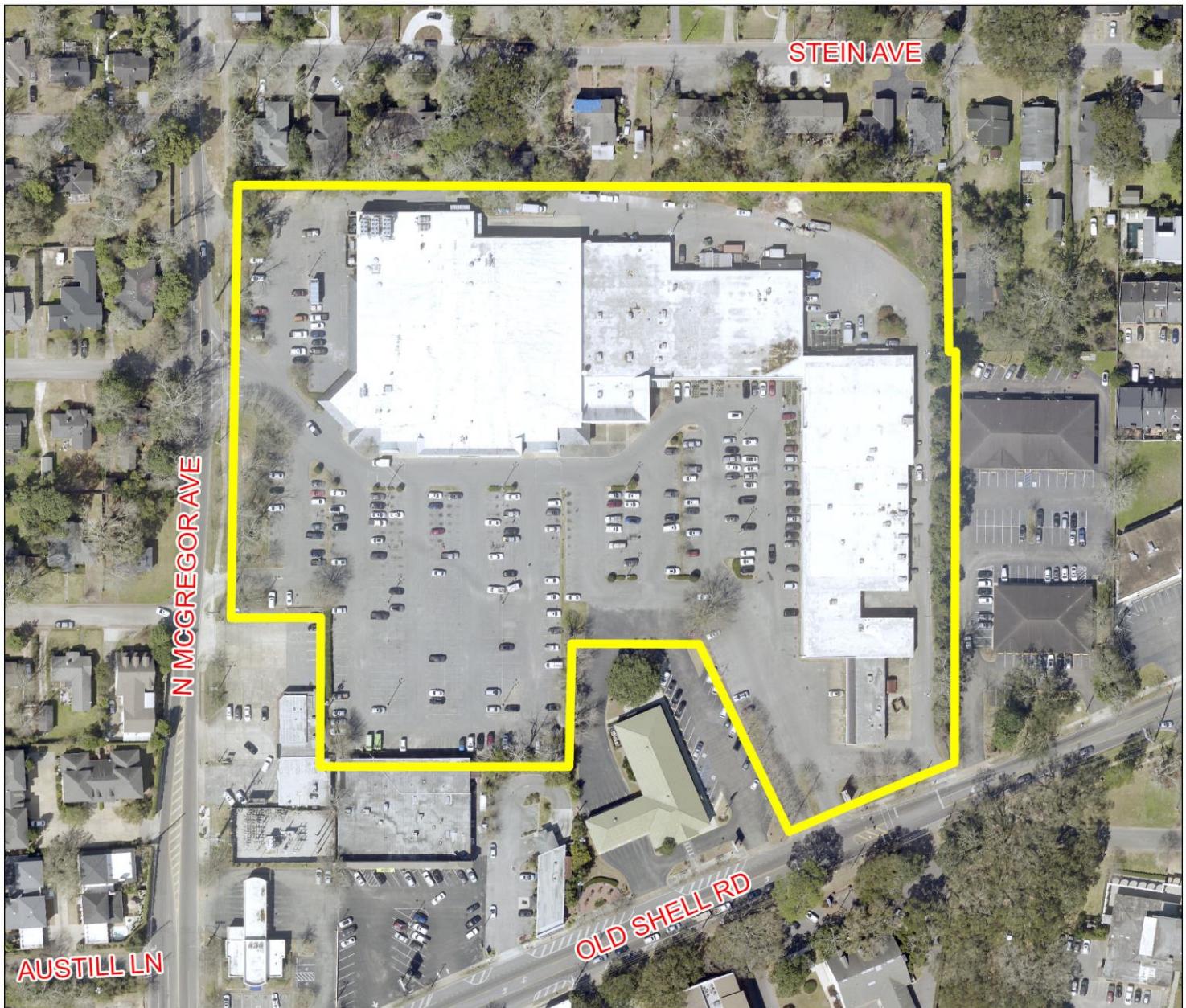
REQUEST Sign Variance

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

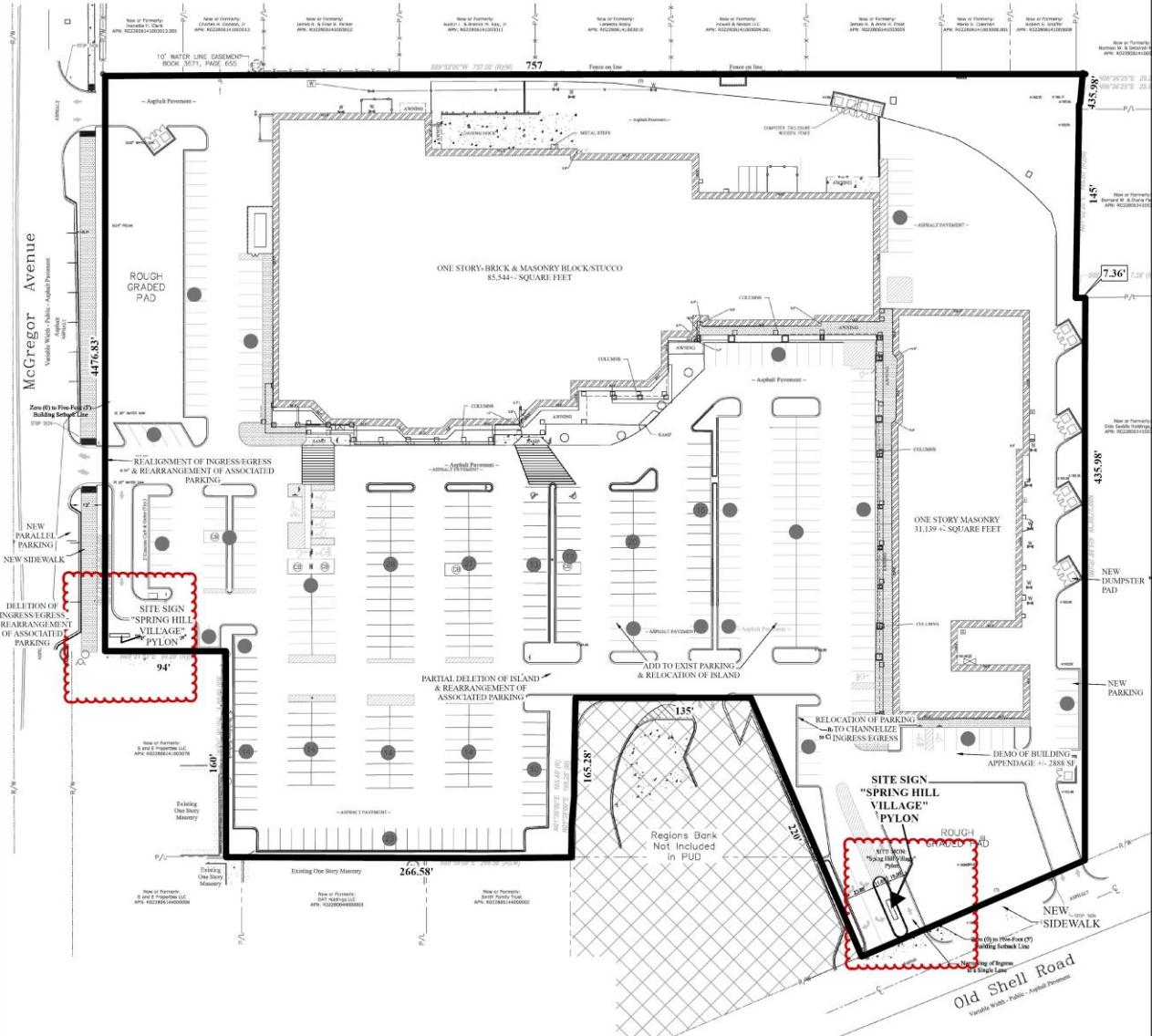


The site is surrounded by residential units to the north and commercial units to the south.

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REQUEST Sign Variance



# SITE PLAN



The site plan illustrates the existing buildings, parking, pylon signs, and proposed improvements.

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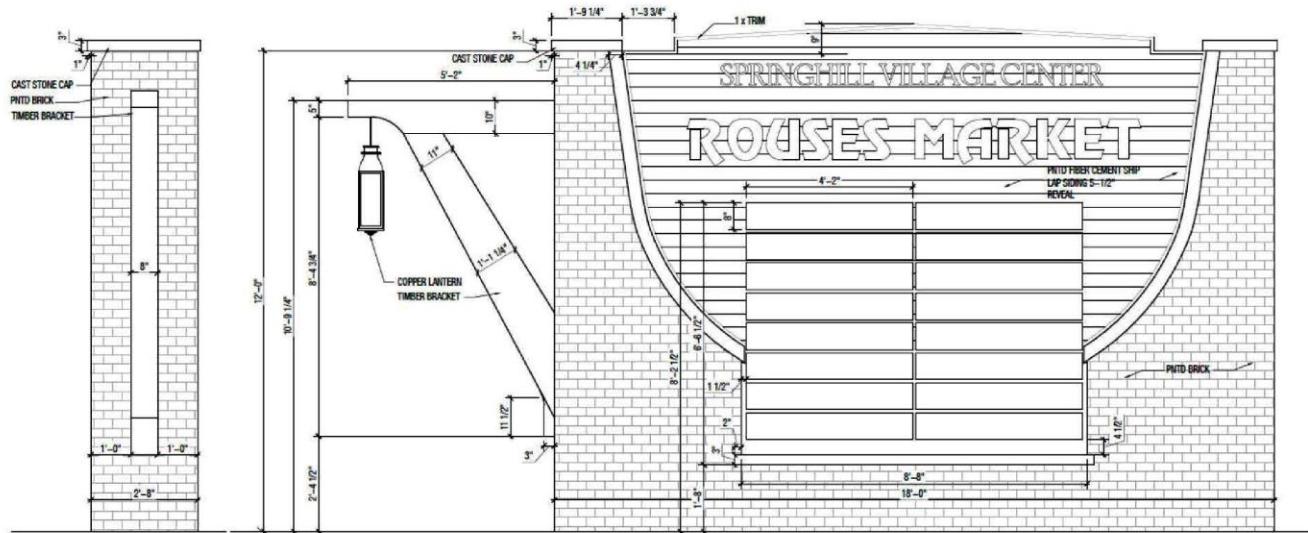
APPLICANT Springhill Village, LLC

REQUEST Sign Variance

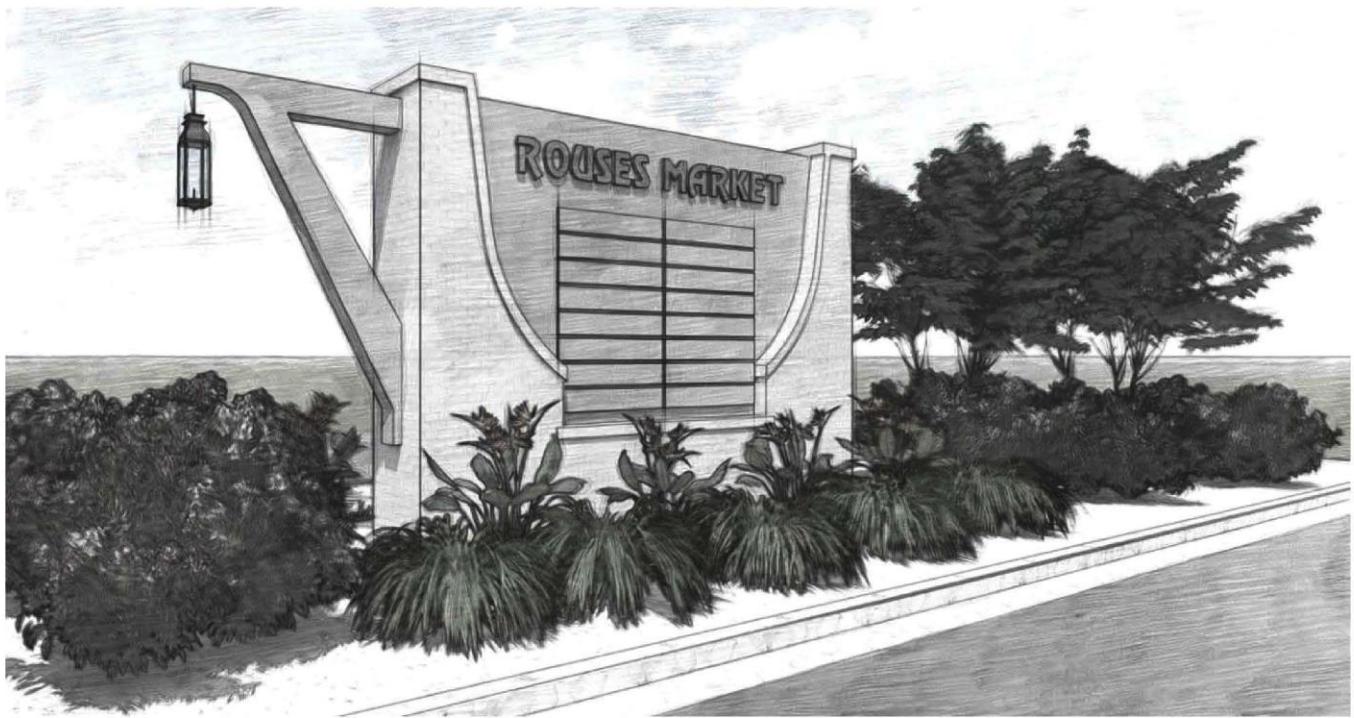
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# DETAIL SITE PLAN



Proposed Monument Sign



APPLICATION NUMBER 6474 DATE September 12, 2022

APPLICANT Springhill Village, LLC

REQUEST Sign Variance

N  
NTS

# DETAIL SITE PLAN



Neighboring Signage

APPLICATION NUMBER 6474 DATE September 12, 2022

APPLICANT Springhill Village, LLC

REQUEST Sign Variance

N  
NTS

# DETAIL SITE PLAN



Neighboring Signage



APPLICATION NUMBER 6474 DATE September 12, 2022

APPLICANT Springhill Village, LLC

REQUEST Sign Variance

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NTS

