

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: March 5, 2018****CASE NUMBER**

6164/5635/5404/1858

APPLICANT NAME

Design Team Sign Company

LOCATION2540 Old Shell Road
(Northeast corner of Old Shell Road and North Florida Street)**VARIANCE REQUEST****SIGN:** Sign Variance to amend a previously approved Sign Variance to allow a wall sign on a non-street frontage wall on an end-unit tenant at a public street intersection on a multi-tenant commercial site in a B-2, Neighborhood Business District.**ZONING ORDINANCE
REQUIREMENT****SIGN:** The Zoning Ordinance limits wall signs for an end-unit tenant at a public street intersection on a multi-tenant commercial site to walls only facing public streets in a B-2, Neighborhood Business District.**ZONING**

B-2, Neighborhood Business

AREA OF PROPERTY

0.47± Acre

**ENGINEERING
COMMENTS**

No comments.

**TRAFFIC ENGINEERING
COMMENTS**

This request was not reviewed by Traffic Engineering.

**CITY COUNCIL
DISTRICT**

District 1

ANALYSIS

The applicant is requesting a Sign Variance to amend a previously approved Sign Variance to allow a wall sign on a non-street frontage wall on an end-unit tenant at a public street intersection on a multi-tenant commercial site in a B-2, Neighborhood Business District; the Zoning Ordinance limits wall signs for an end-unit tenant at a public street intersection on a multi-tenant commercial site to walls only facing public streets in a B-2, Neighborhood Business District.

The site contains the Shrimp Basket restaurant which was the subject of a Sign Variance approved in October, 2010, to allow a total of three wall signs for a corner tenant on a multi-tenant site at a public street intersection. Two of the signs were wall signs, one on the Old Shell Road façade and one on the North Florida Street façade. The third was for a patio awning sign facing Old Shell Road. The applicant now proposes to remove the awning sign completely and to also relocate the North Florida Street sign to the rear wall. Since the rear wall faces another commercial site and not a public street, a sign is not allowed on that wall; 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:

We are writing you to request a variance for signage at a Shrimp Basket 2540 Old Shell Road Mobile AL. Currently this location has a channel letter sign on the side elevation, channel letter sign on the front elevation, and vinyl lettering on the existing patio awning. The vinyl lettering was approved in a 2010 variance. We are not asking to increase signage, but to simply move the side elevation signs and message panel lettering to the rear of the building in order to make improvements to the rear and hopefully let potential customers know that this is a restaurant. There is currently construction behind the location which is due to open soon, therefore, our request for improving the space and moving the signage. We are requesting the following changes:

- a. Move the existing side channel letters to the rear of the building with a backer to be painted to match the new building color and hide the railing above the cooler. The lower section of this backer will have the vinyl lettering to read: "SEAFOOD-POBOYS-OYSTER BAR" This is the lettering that we are proposing to move to the rear that is currently on the message panel of the existing patio awning.*
- b. Remove existing patio awning and railing. Erect a new patio awning and railing that will have bulkier posts. The bulkier posts and railing will be painted to match the existing posts and therefore, flow more with the current look.*

We wish to continue with the revitalization of the area by making these upgrades and potentially bring in more businesses to the area. No additional signage is being requested, only the moving of existing signage to the rear elevation. We would like for you to consider as per the rear elevation photo, there is a road painted arrow that helps direct traffic in this area. We believe this could be considered road frontage that would allow signage due to the general traffic that will flow through this area.

We appreciate your time and look forward to meeting with you as we all work toward improving the area.

The subject site is surrounded by B-2 zoning. Adjacent to the East is a hair salon; to the North is a multi-tenant shopping center under development; to the West across North Florida Street is a glass company; and to the South across Old Shell Road is an ice cream shop. Caddy-cornered across Old Shell Road and North Florida Street is a vacant commercial site.

The site has been given a Neighborhood Center – Traditional land use designation, per the recently adopted Future Land Use Plan and Map. 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 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.

The following are General Principles for Neighborhood Centers (NC): 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 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 asserts that the rear drive (which is actually a part of the adjacent property to the East) could be considered road frontage that would allow signage on the rear elevation. This argument is made due to the fact that there are directional arrows painted on the drive surface. However, this is a private commercial drive which will eventually share internal access to the multi-tenant Publix site now under development. In cases of other Sign Variance requests where a proposed wall sign faced an expansive parking lot on a large multi-tenant site at a public street corner, the Board has been sympathetic to the applicant's request due to business identification issues from across the parking lot. In this instance, though, no hardship has been illustrated to justify the signage on the rear wall.

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

- 1) Approving the variance request will be contrary to the public interest in that it would allow for a disproportionate amount of signage that would normally be allowed for street corner tenants on multi-tenant sites;
- 2) Special conditions (the drive with painted arrows on the surface could be considered road frontage) do not exist 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 not be observed and substantial justice shall not be done to the surrounding neighborhood by granting the variance since approving the variance will set precedence for other businesses to seek similar signage requests.

LOCATOR MAP



APPLICATION NUMBER 6164 DATE March 5, 2018

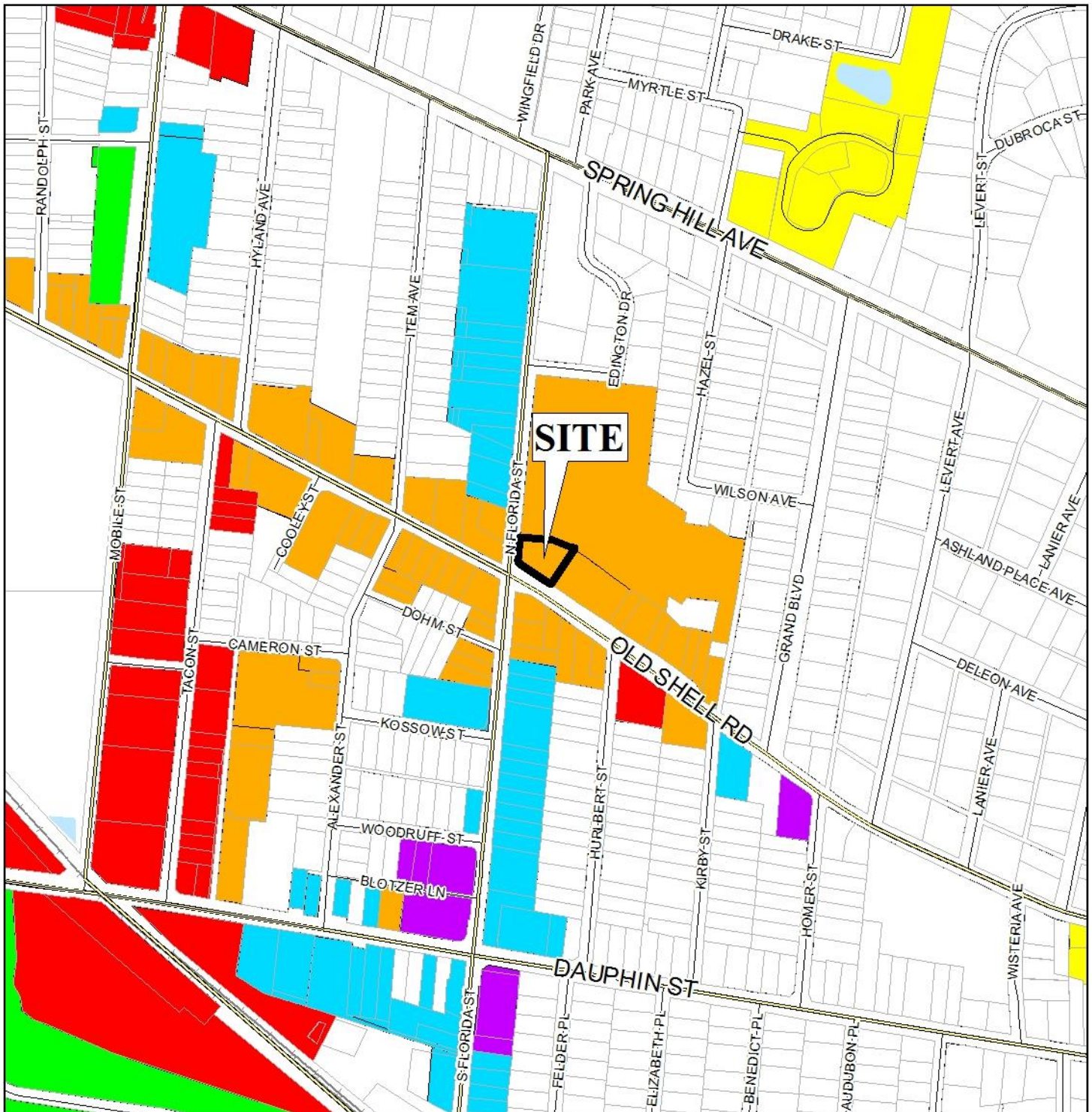
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LOCATOR ZONING MAP



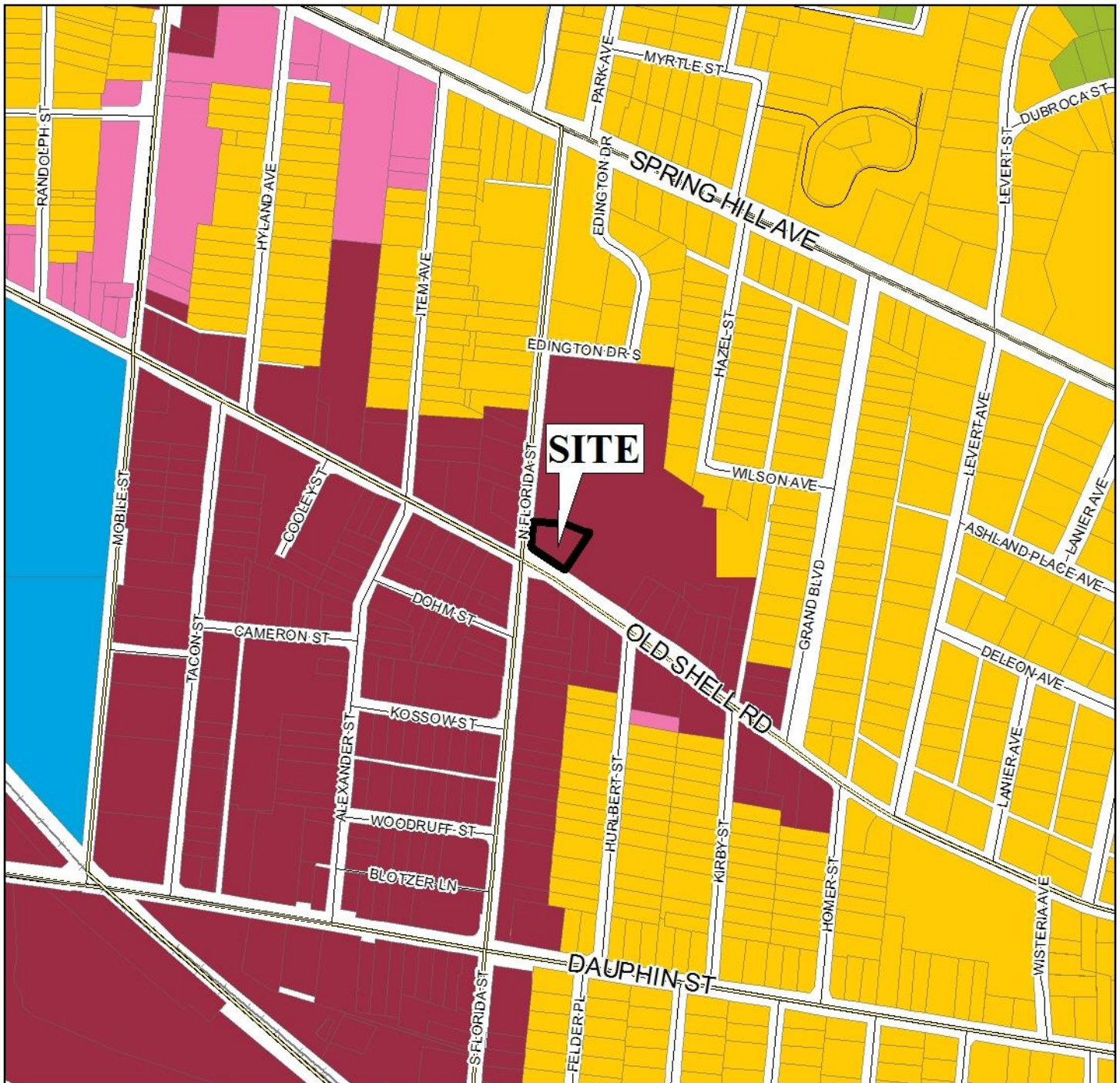
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FLUM LOCATOR MAP



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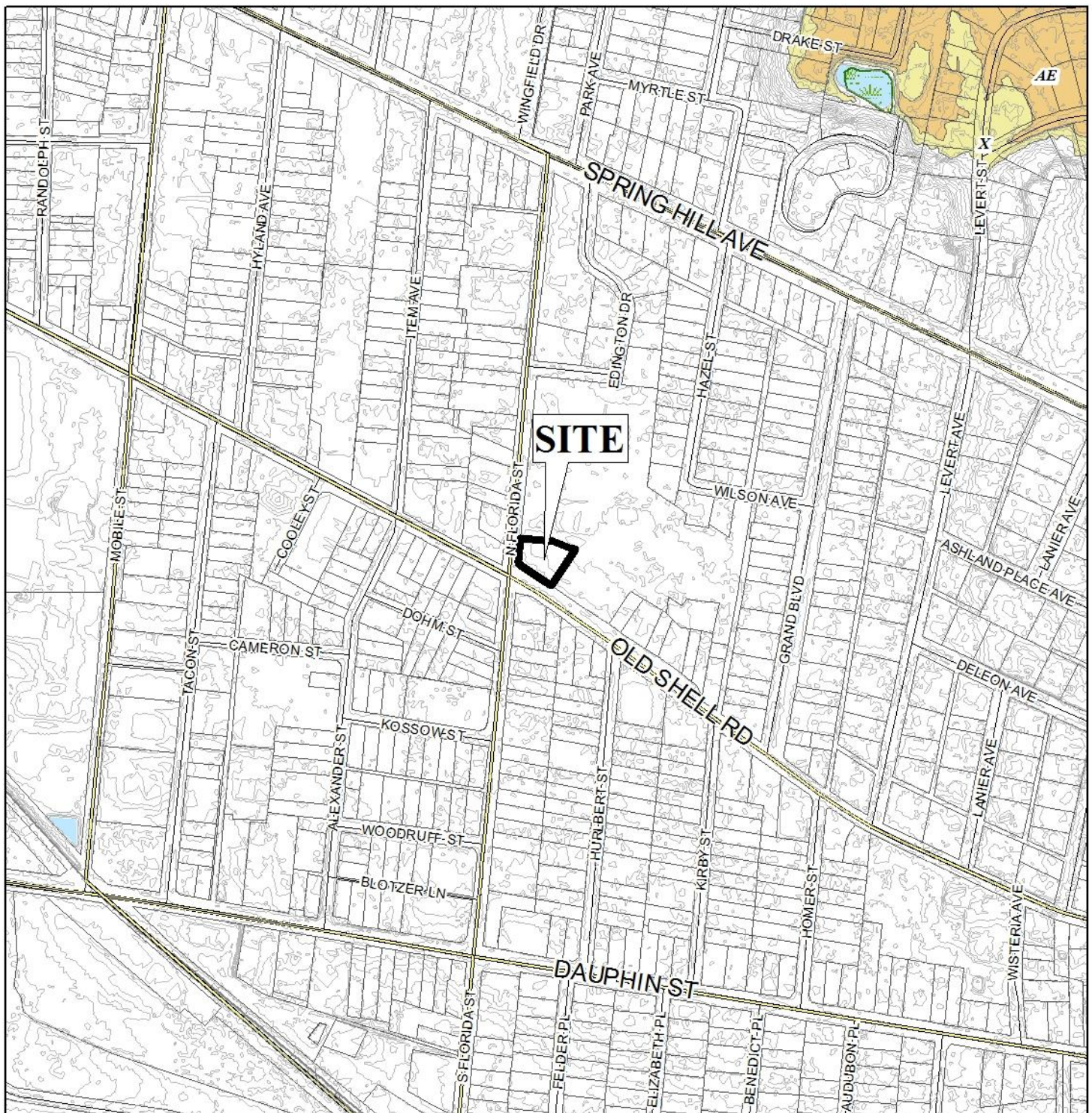
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Low Density Residential	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
Mixed Density Residential	Neighborhood Center - Suburban	Light Industry	Water Dependent
Downtown	Traditional Corridor	Heavy Industry	
District Center	Mixed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



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ENVIRONMENTAL LOCATOR MAP



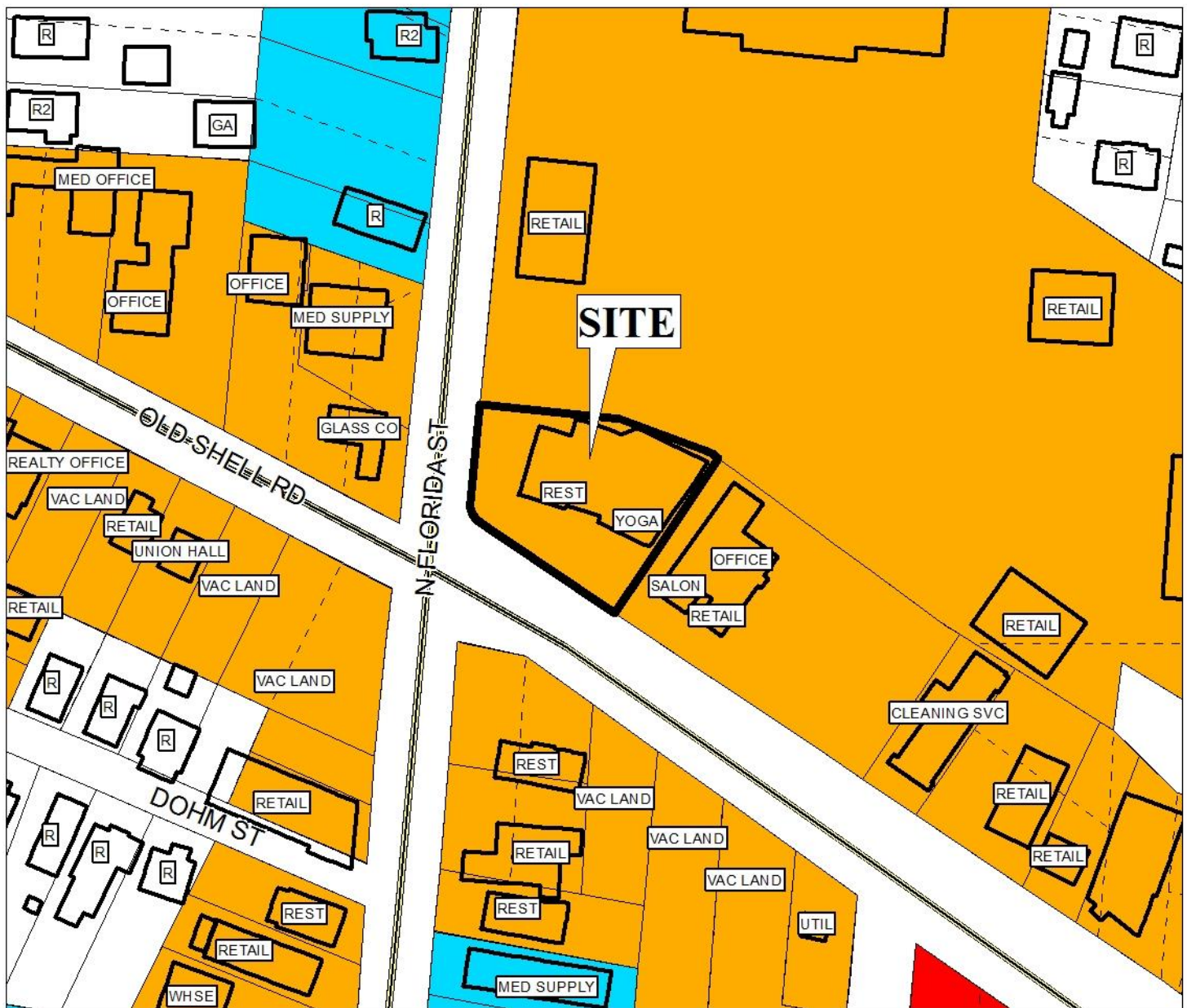
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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by miscellaneous uses.

APPLICATION NUMBER 6164 DATE March 5, 2018

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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



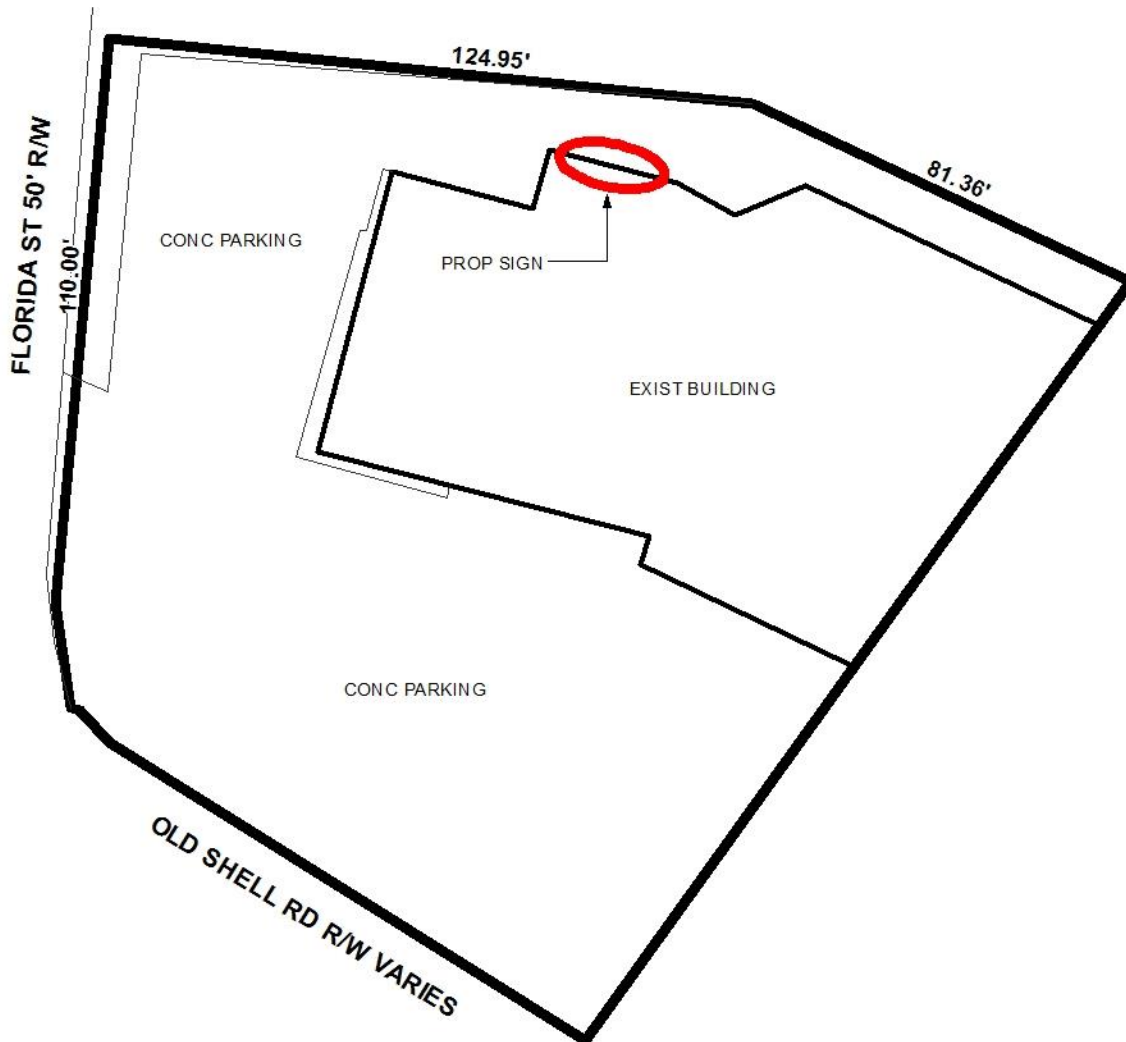
City of Mobile GIS Department

The site is surrounded by miscellaneous uses.

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SITE PLAN



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

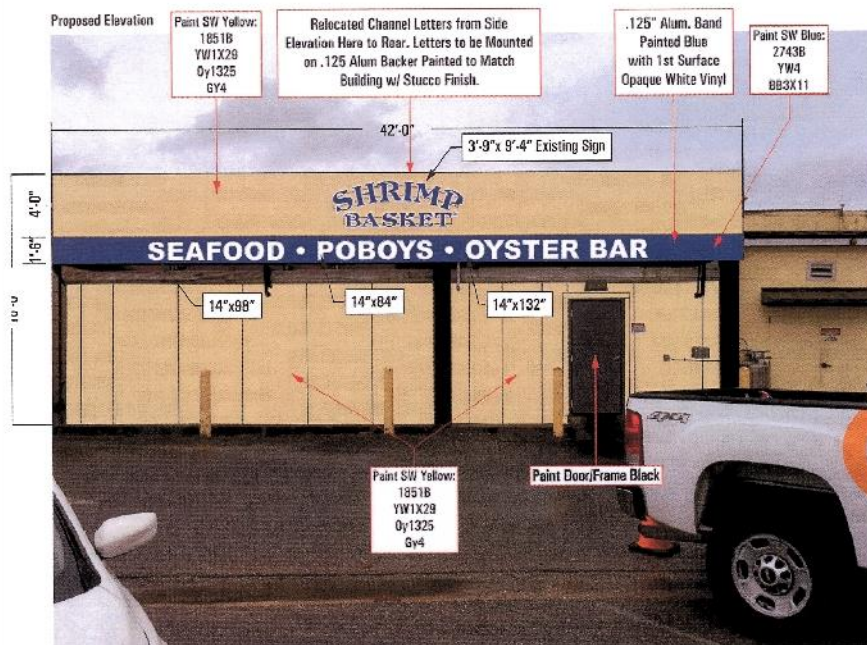
APPLICATION NUMBER 6164 DATE March 5, 2018

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DETAIL SITE PLAN



REAR ELEVATION



APPLICATION NUMBER 6164 DATE March 5, 2018

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DETAIL SITE PLAN

FRONT ELEVATION



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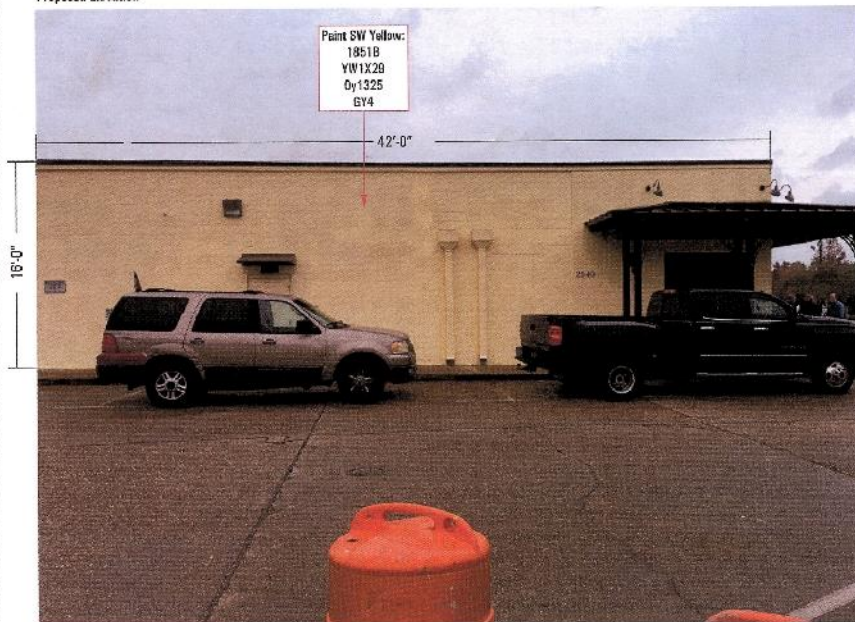


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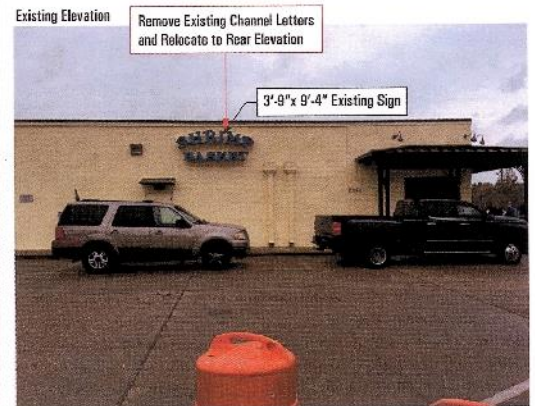
DETAIL SITE PLAN

SIDE ELEVATION

Proposed Elevation



Existing Elevation



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