

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT**

**Date: May 7, 2018**

**CASE NUMBER** 6176/6164/5635/5404/1858

**APPLICANT NAME** David Roberts

**LOCATION** 2540 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 second wall sign for a tenant on a multi-tenant commercial site in a B-2, Neighborhood Business District.

**ZONING ORDINANCE REQUIREMENT** **SIGN:** The Zoning Ordinance allows one wall sign per tenant, per street frontage on a multi-tenant site 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 second wall sign for a tenant on a multi-tenant commercial site in a B-2, Neighborhood Business District; the Zoning Ordinance allows one wall sign per tenant, per street frontage on a multi-tenant site in a B-2, Neighborhood Business District.

In addition to the applicant’s business, Sterling Hot Yoga & Wellness, the site contains the Shrimp Basket restaurant which was the subject of a Sign Variance approved at the Board’s March 5<sup>th</sup> meeting 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. That Variance allowed the

relocation of an existing compliant wall sign from the side street-facing wall to the rear of the building facing another commercial site. In the current application, the applicant proposes to also have a wall sign on the rear wall in addition to a business-related mural. The rear wall will have an entrance to the business. 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:

*The purpose of requesting variances to the requirements of the Zoning Ordinance is to allow a second sign/mural for Sterling Hot Yoga & Wellness.*

*The Midtown Mobile Publix development brought much improved access and visibility to the area behind Sterling hot Yoga & Wellness. Better lighting, more parking and increased foot traffic make a second sign/mural critically important in attracting students to the studio. The rear door will be more consistently utilized as an entrance. The entire retail development is a much-needed and well-designed initiative, and the addition of a sign/mural to the back wall will only intensify the aesthetic appeal and contribute to the revitalization of Midtown Mobile.*

*Sterling Hot Yoga & Wellness opened in 2010 to promote healthy living through the practice of yoga and Pilates. Additionally, the studio offers massage therapy and ongoing workshops that focus on other aspects of health.*

The subject site is surrounded by B-2 zoning. Adjacent to the East and 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.

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.

This request is very similar to the request for rear wall signage made by the adjoining tenant and approved by the Board at its March meeting. The applicant’s business now has exposure to the new Publix complex and the expansive parking lot, which also allows for shared parking and access. Not only in the March instance, but in other cases where tenants in multi-tenant out

parcels shared access and parking with large parking areas to their rear, the Board has determined in favor of allowing for wall signage on the rear wall not facing a public street.

The applicant also proposes a mural on the rear wall in conjunction with the wall sign. Murals are allowed if there is no business-specific imagery or advertising included. However, the proposed mural would contain three images of persons performing various yoga movements and that would constitute business-specific imagery and advertising. Also, the mural would cover the entire rear wall as proposed.

The applicant has illustrated that a hardship would be imposed by not allowing a wall sign on the rear wall facing the expansive Publix parking lot and the Board should consider the request for the rear wall sign for approval. However, no hardship has been illustrated to justify the mural with business-specific imagery and occupying the entire rear wall area, and the Board should consider that request for denial.

**RECOMMENDATION:** Staff recommends to the Board the following findings of fact for approval of a second wall sign for a tenant on a multi-tenant commercial site:

- 1) Approving the variance request will not be contrary to the public interest in that the existing sign regulations are outdated, and do not take into account the current trends in signage in multi-tenant centers with outparcels;
- 2) Special conditions exist, including the construction of a new multi-tenant shopping center with outparcels behind the building, such that the literal enforcement of the provisions of the chapter will result in an 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 the subject business would be afforded adequate signage exposure and identity along both a public street and an expansive parking lot.

Therefore, the request to allow a second wall sign on the rear of the tenant space for a tenant on a multi-tenant commercial site is recommended for approval, subject to the following conditions:

- 1) obtaining of a sign permit; and
- 2) full compliance with all municipal codes and ordinances.

Staff recommends to the Board the following findings of fact for denial of a mural with business-specific imagery:

- 1) Approving the variance request will be contrary to the public interest in that it would allow for a disproportionate amount of advertising than would normally be allowed for a tenant on multi-tenant sites;
- 2) Special conditions (the mural is critically important in attracting students to the studio) 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 business-specific mural requests.

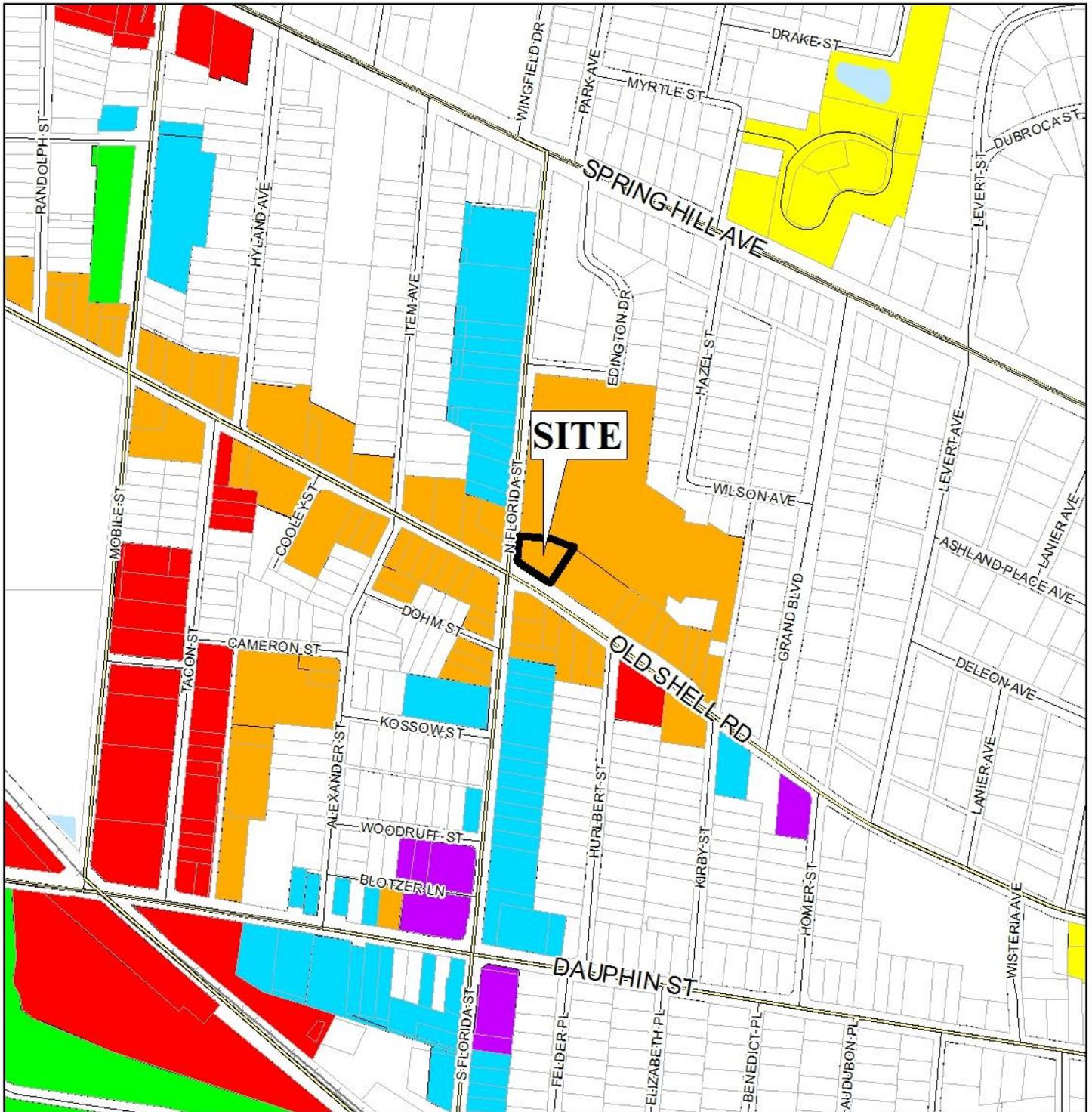
# LOCATOR MAP



APPLICATION NUMBER 6176 DATE May 7, 2018  
 APPLICANT David Roberts  
 REQUEST Sign Variance



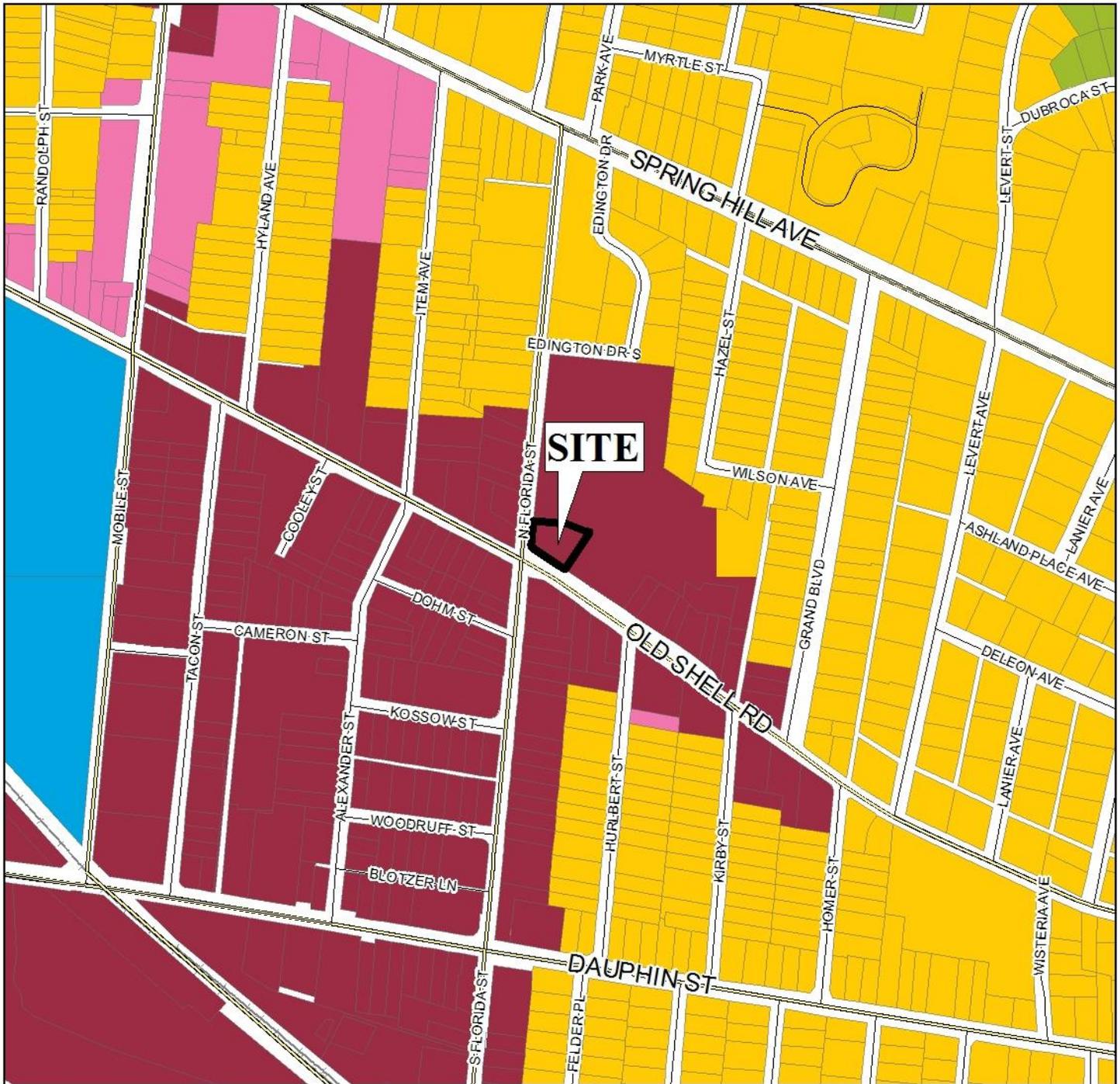
# LOCATOR ZONING MAP



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REQUEST Sign Variance



# FLUM LOCATOR MAP



APPLICATION NUMBER 6176 DATE May 7, 2018

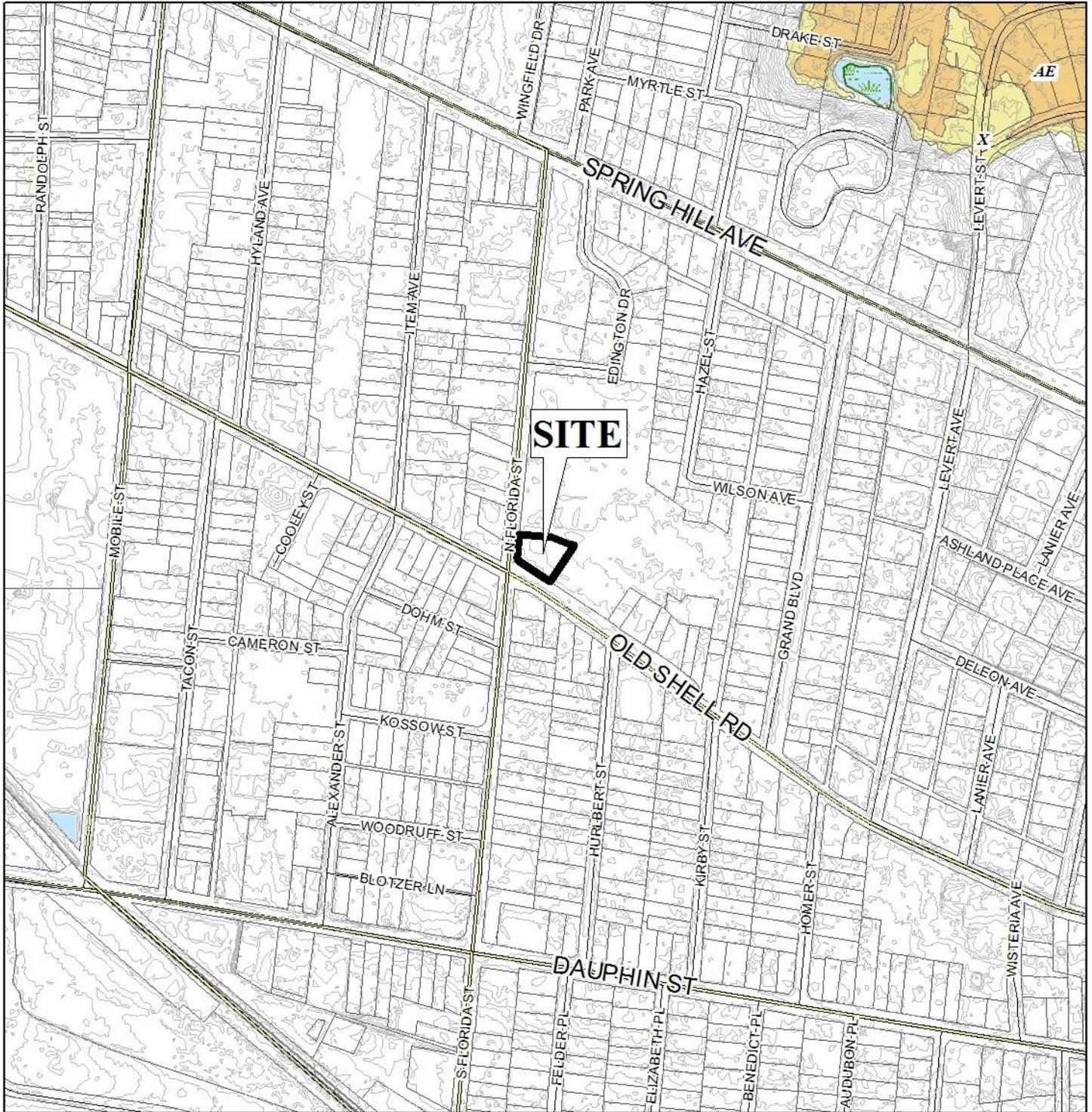
APPLICANT David Roberts

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       |                    |



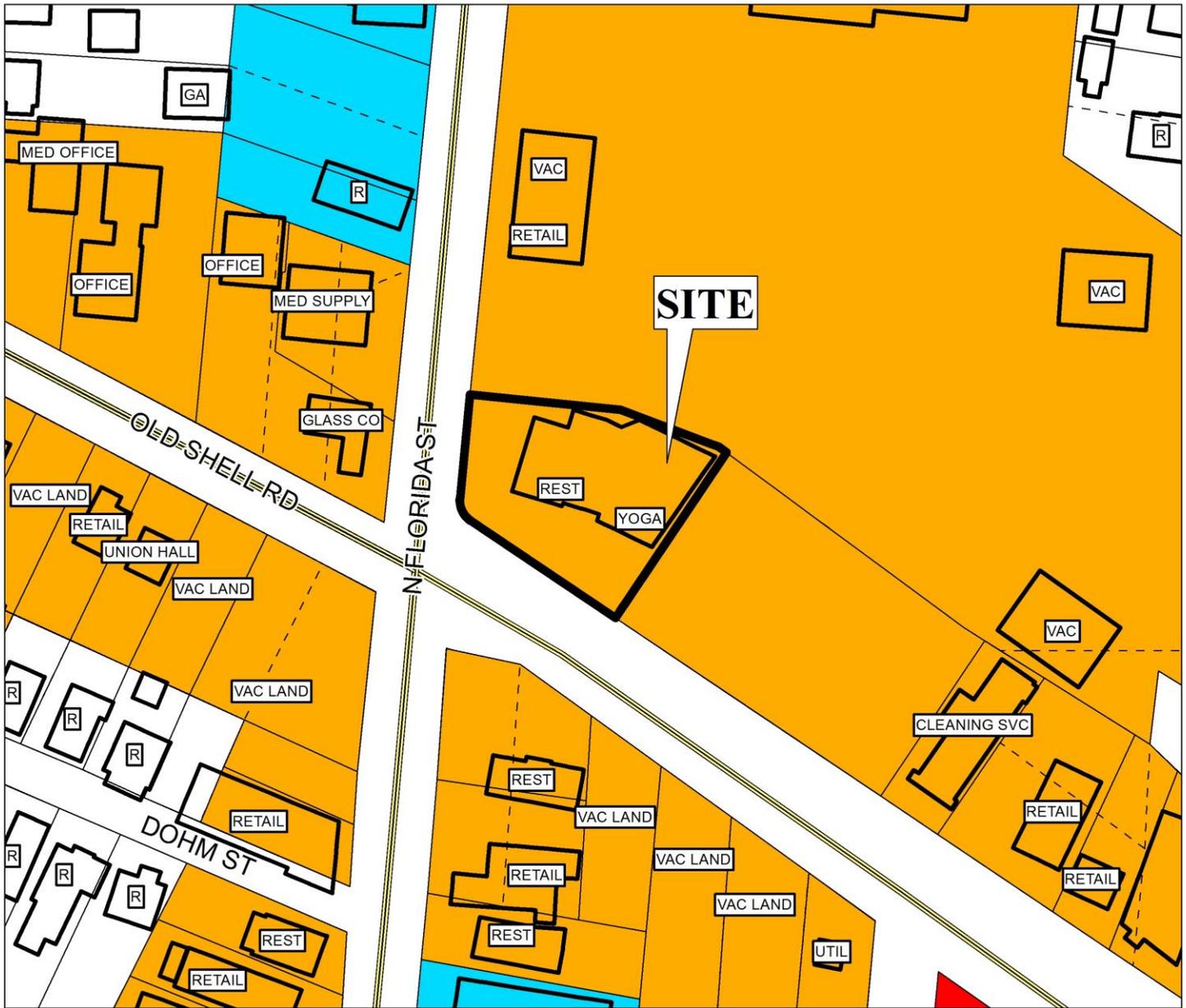
# ENVIRONMENTAL LOCATOR MAP



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APPLICANT	David Roberts		
REQUEST	Sign Variance		



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units. Residential units are located to the southwest.

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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



NTS

# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL

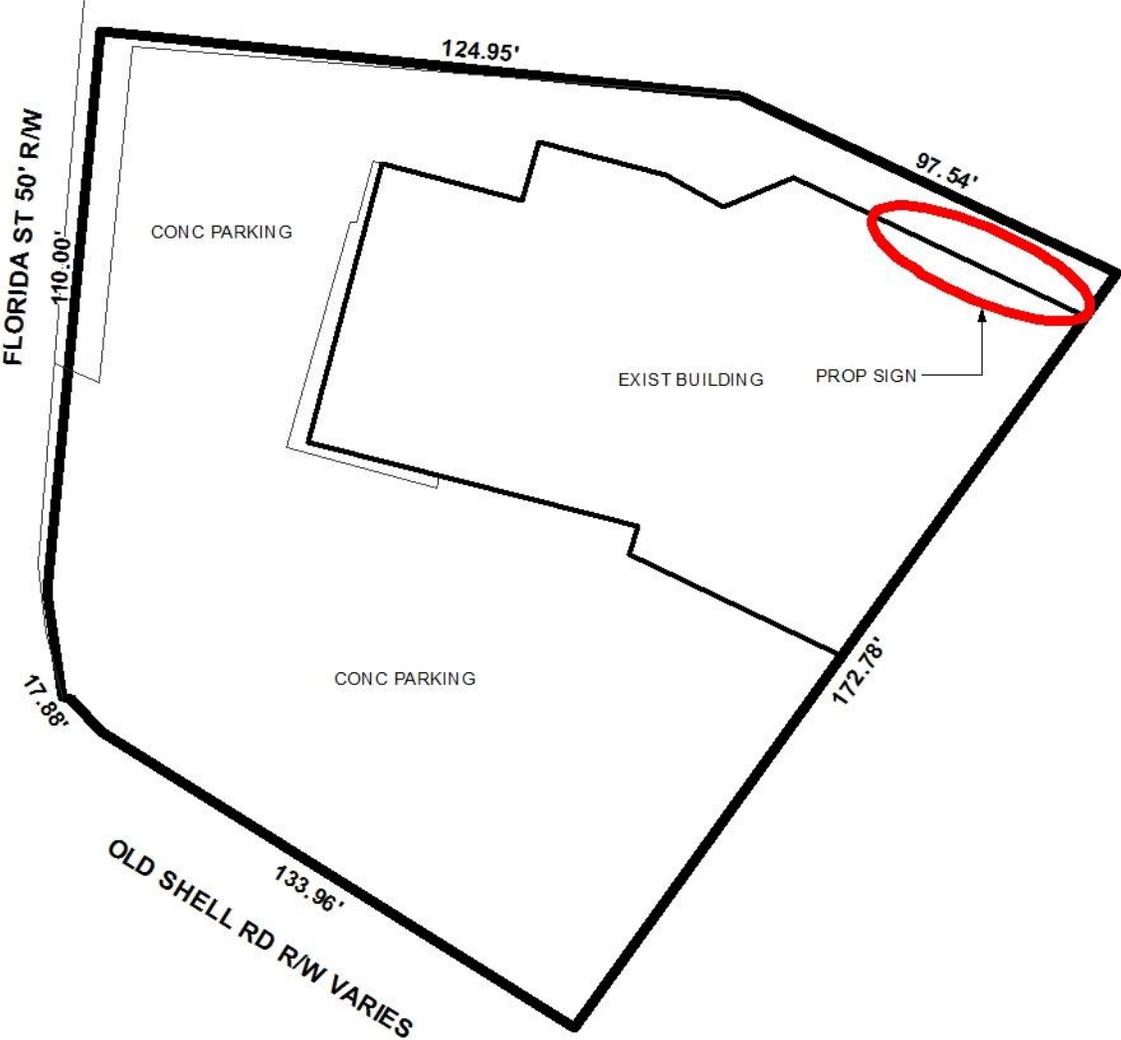


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# SITE PLAN



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

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# DETAIL SITE PLAN



PROPOSED SIGN



EXISTING REAR WALL

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