

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: April 1, 2019**

<u>CASE NUMBER</u>	6247
<u>APPLICANT NAME</u>	Wrico Signs, Inc. for Rush Truck Center
<u>LOCATION</u>	5500 Linwood Steiner Road (Northeast corner of Linwood Steiner Road and Barry Drive)
<u>VARIANCE REQUEST</u>	SIGN: Sign Variance to allow a second freestanding sign for a single tenant site in a B-3, Community Business District.
<u>ZONING ORDINANCE REQUIREMENT</u>	SIGN: The Zoning Ordinance allows one freestanding sign on a single tenant site in a B-3, Community Business District.
<u>ZONING</u>	B-3, Community Business
<u>AREA OF PROPERTY</u>	0.83± Acre
<u>ENGINEERING COMMENTS</u>	No comments.
<u>TRAFFIC ENGINEERING COMMENTS</u>	This request was not reviewed by Traffic Engineering.
<u>CITY COUNCIL DISTRICT</u>	District 4
<u>ANALYSIS</u>	The applicant is requesting a Sign Variance to allow a second freestanding sign for a single tenant site in a B-3, Community Business District; the Zoning Ordinance allows one freestanding sign on a single tenant site in a B-3, Community Business District.

The subject site was annexed into the City and is located in an area of mixed commercial, residential, and light industrial uses. It is bordered to the East by B-3 nonconforming residential use; to the South across Linwood Steiner Road B-3 in commercial use and nonconforming residential uses; and to the Northeast by B-5, Office-Distribution used as an automotive junk and parts salvage yard.

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.

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:

- 1. The purpose of this application is to allow: Allow Rush Truck Stop to modify the high-rise pylon and keep the second pylon located at the entrance.*
- 2. What are the conditions, items facts or reasons which prevent you from complying with the requirements of the Zoning Ordinance? The signs were originally installed when this parcel was in the County. The current code for single business within the city limits, limits the property to 1 freestanding sign. Due to the location of the property along the Interstate 10 and Highway 90 (2) freestanding signs are needed to help direct large tractor trailer rigs promptly to their destination in an already congested area.*
- 3. How did the conditions, items, facts or reasons which prevent you from complying with the requirements of the Zoning Ordinance occur? We are proposing to remove the tractor trailer from the top of the pylon sign which is 372.5 square feet at an overall height of 57' and reduce the size to 187 square feet at an overall height of 38'-7". Code states that if we make any modification to the sign that we will need to come into complete compliance with the new code.*
- 4. How is this property different from the neighboring properties? Rush Truck Stop has 1285' of linear frontage. The pylon closest to the Interstate 10 helps direct truckers to the location for service. The second pylon that can only be seen from Highway 90 directs them into the entrance,*

The existing signage on the site is considered legal nonconforming in that it was present upon annexation and is allowed to remain unless any modifications are made to any of the signage. As the applicant proposes to modify one of the two pylon signs on the site, all signage must be brought into compliance with the Sign Regulation provisions. However, the applicant proposes to keep both pylon signs after the modification; hence this variance request.

It should be noted that not only is the site noncompliant with respect to the two pylon signs, there appears to be a multitude of advertising wall signs on the building faces. As these signs were not included in the variance request, if the variance is granted, the wall signage situation must be brought into compliance to allow two advertising wall signs total.

The applicant proposes to modify the pylon sign nearest Interstate 10 and remove the full-size truck and Peterbilt logo sign above it which currently give the sign a total height of 57'. Removing the truck and logo sign will reduce the height to 38'-7", which is the height of the existing main pipe structures for the sign. The existing Rush Truck Center logo sign even with the top of the main pipe structures is proposed to remain, and the removed Peterbilt logo sign is proposed to be re-located below the Rush logo sign. Normally, a single-tenant site is allowed a pylon sign up to 35' maximum height; however, as the sign appears to be located within 1,000' of the centerline of I-10, a 100' maximum height is allowed.

In addition to the higher pylon sign, the site has another lower pylon sign at the site entrance. The higher sign is located slightly over 700' further North along Barry Drive from the site entrance. The applicant states that both pylon signs are necessary for directing truckers to the site from Interstate 10. However, the signs are only visible briefly once atop the Highway 90 overpass, and cannot be seen from the rest of the Interstate due to trees. Both signs and the subject site are easily visible once on the exit ramps on the South side of the Interstate, and are also visible from Highway 90. Therefore, the lower entrance pylon sign in question does not significantly factor into directing traffic to the site.

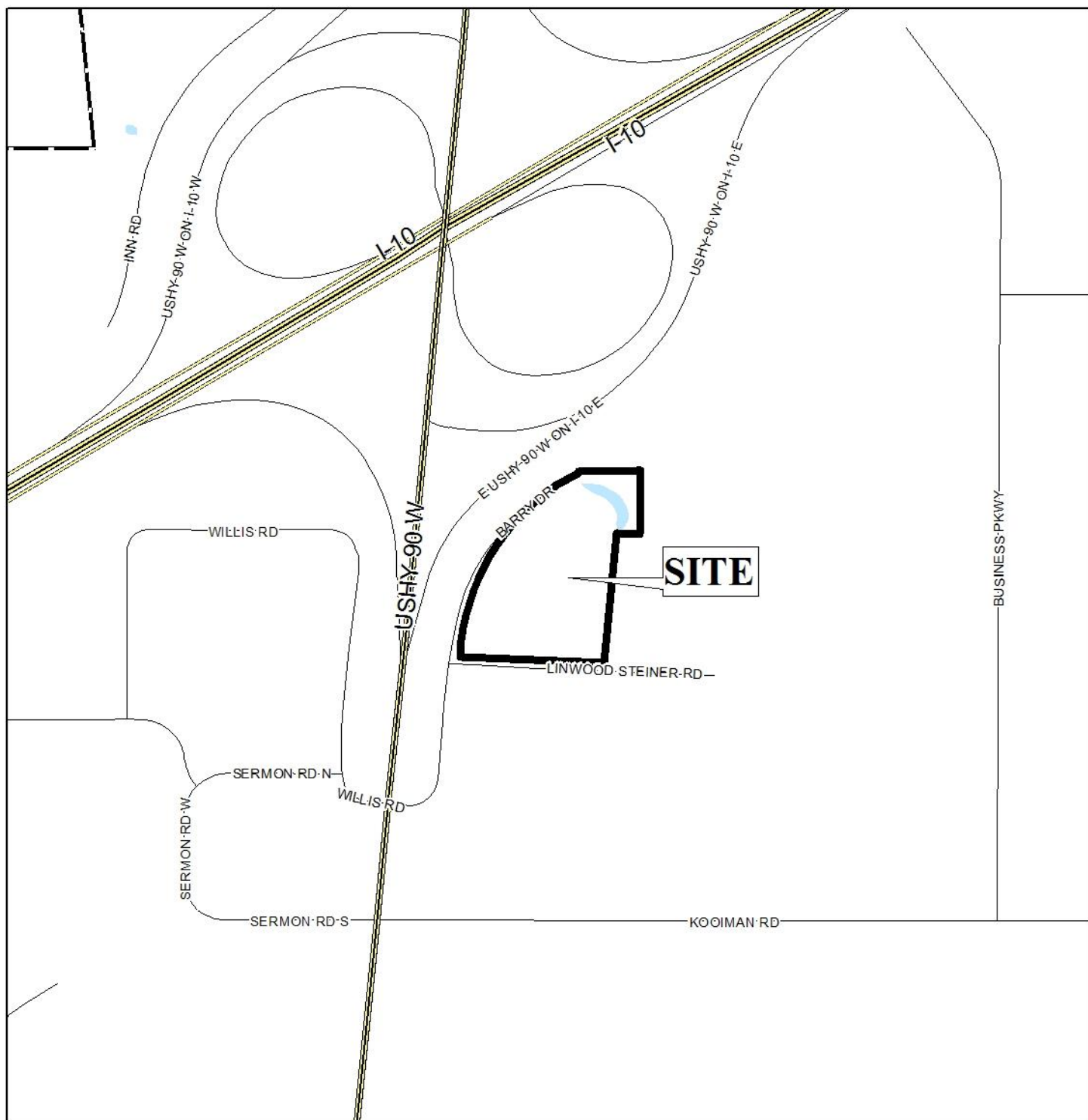
As the pylon signs are not prominently visible along the main lanes of Interstate 10, and the subject site is readily visible along Highway 90, a hardship cannot be considered to be imposed by not allowing a second freestanding sign.

RECOMMENDATION: Staff recommends to the Board the following findings of fact for denial of the request to allow a second freestanding sign for a single tenant site:

- 1) Approving the variance will be contrary to the public interest in that it would promote signage clutter and would establish an unfair advantage over other businesses within the area to advertise and promote their products and services in a similar fashion;
- 2) No special conditions were shown to exist such that a 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 because the allowance of the second sign to remain could set a precedent for other single-tenant sites within the area to be allowed two freestanding signs.

The applicant should be mindful of the fact that if either pylon sign is modified or removed, wall signage must be brought into compliance with the Sign Regulation provisions.

LOCATOR MAP



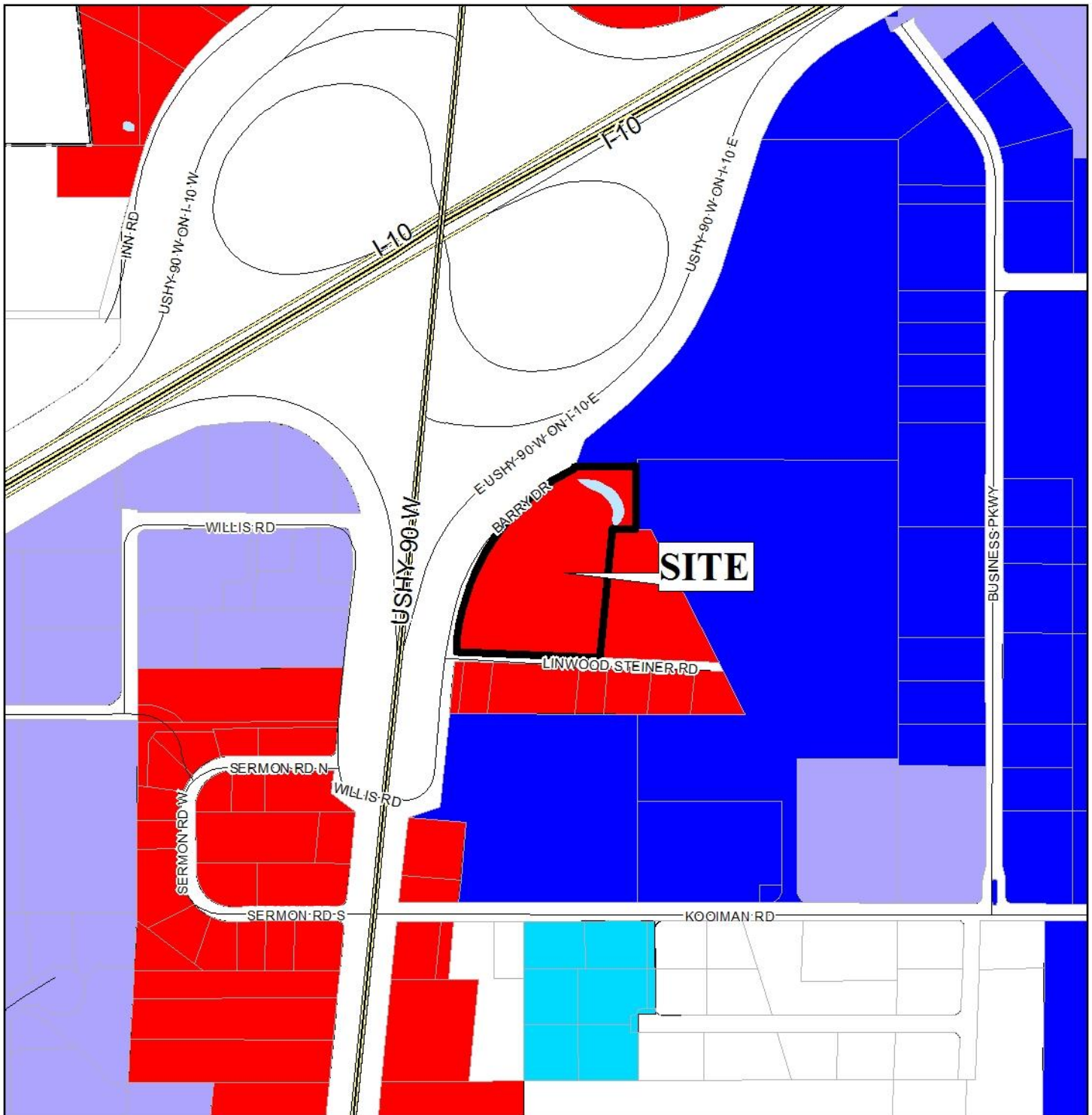
APPLICATION NUMBER 6247 DATE April 1, 2019

APPLICANT Wrico Signs Inc. for Rush Truck Center

REQUEST Sign Variance



LOCATOR ZONING MAP



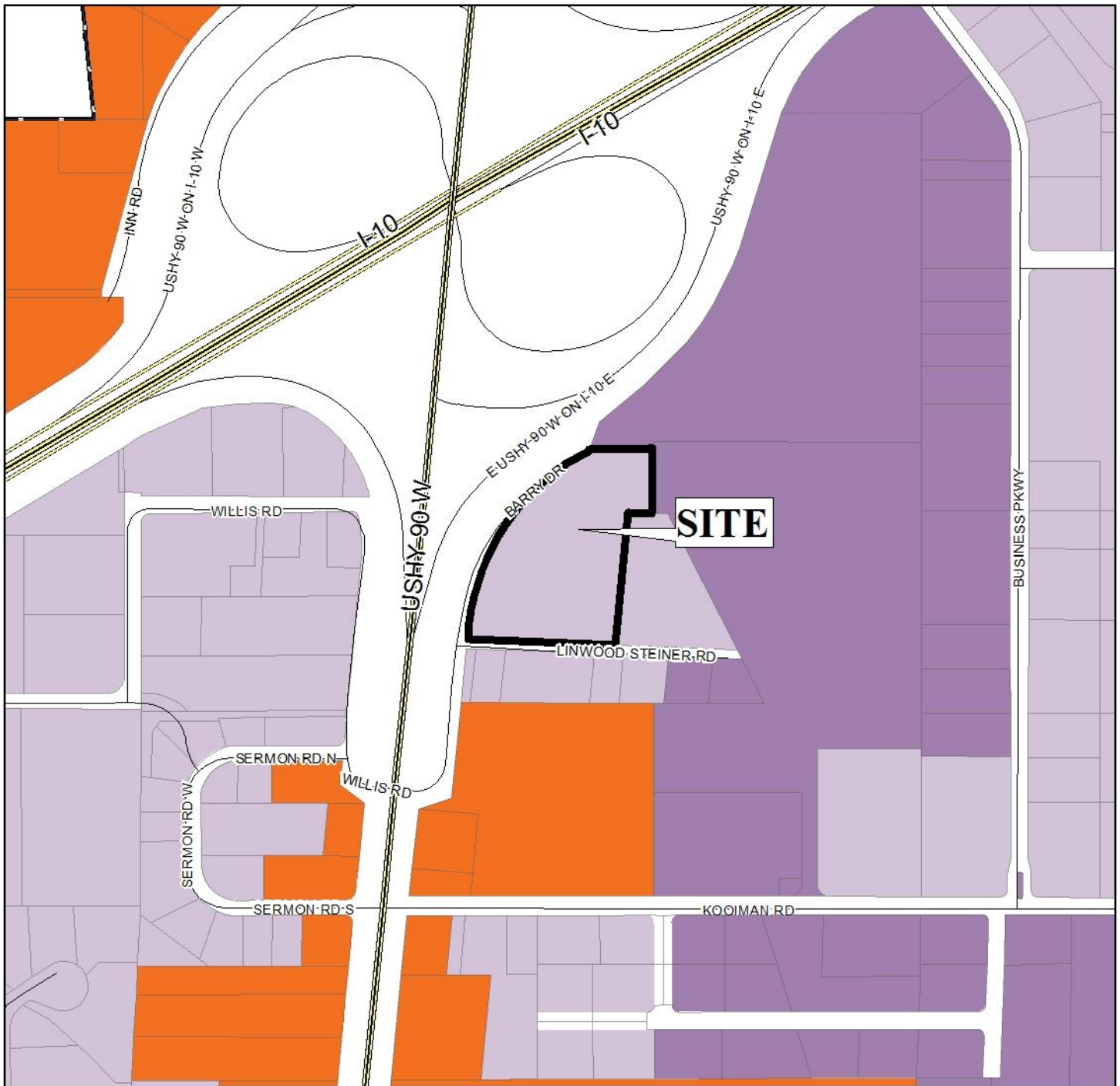
APPLICATION NUMBER 6247 DATE April 1, 2019

APPLICANT Wrico Signs Inc. for Rush Truck Center

REQUEST Sign Variance



FLUM LOCATOR MAP



APPLICATION NUMBER 6247 DATE April 1, 2019

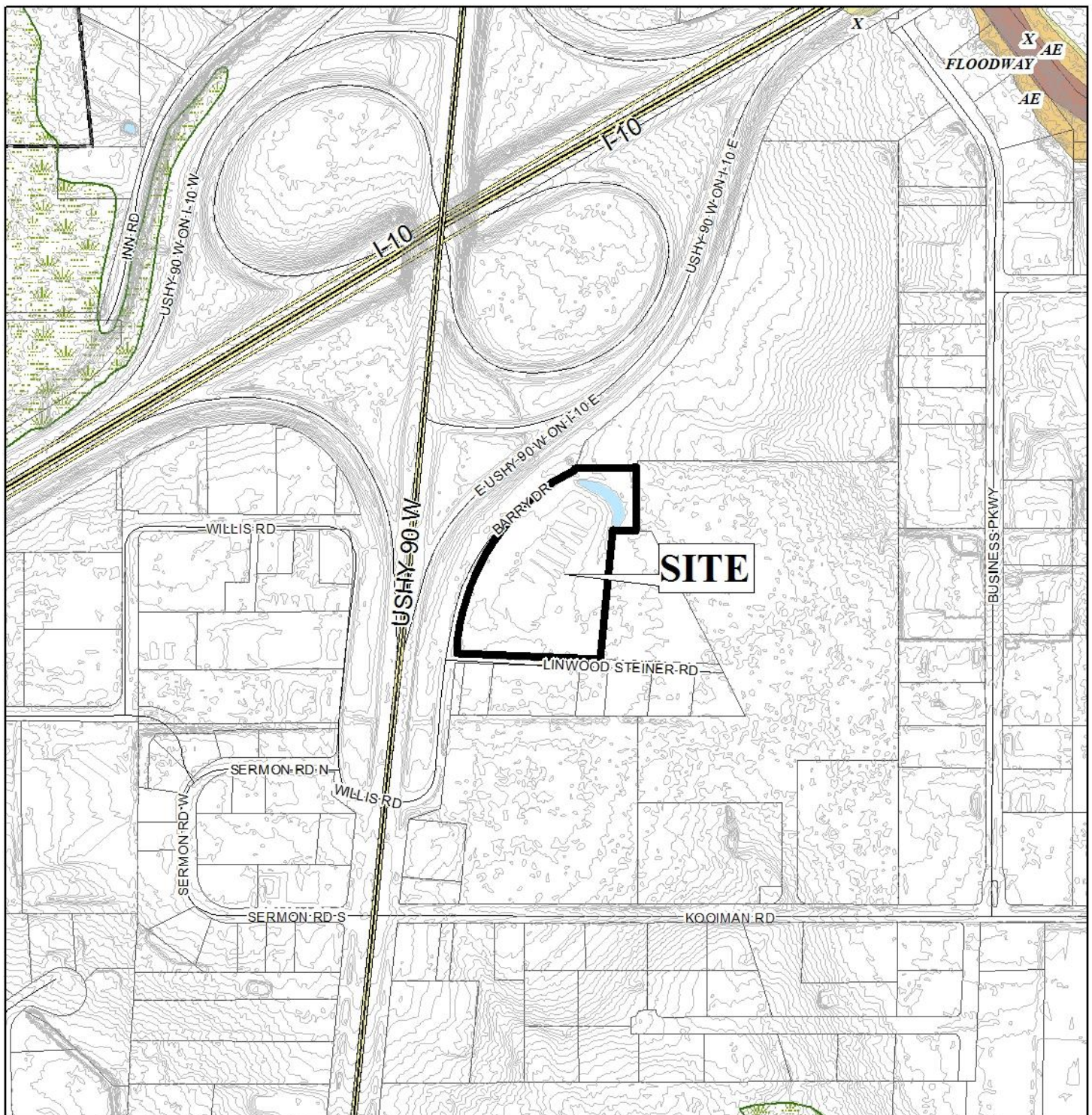
APPLICANT Wrico Signs Inc. for Rush Truck Center

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



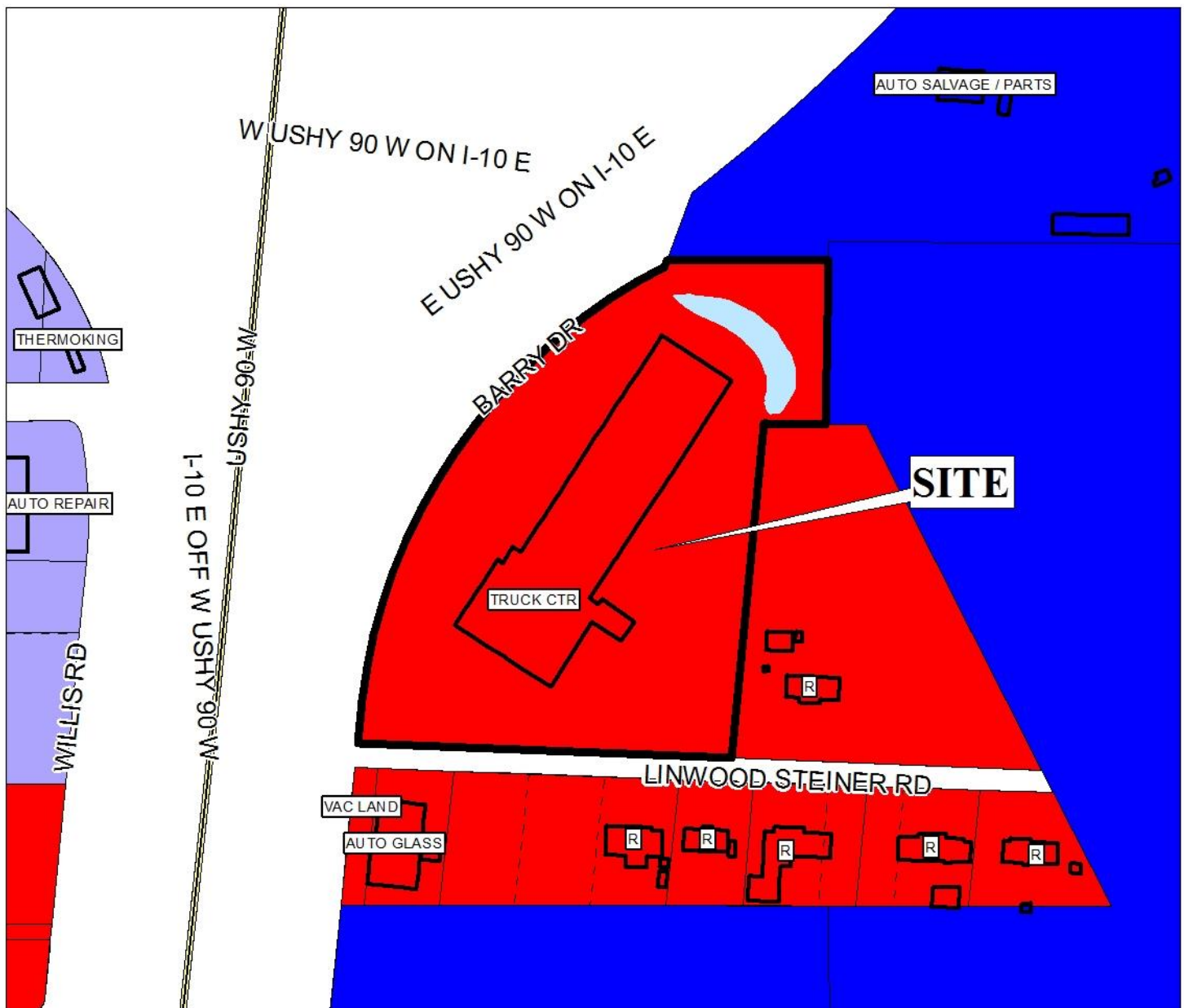
APPLICATION NUMBER 6247 DATE April 1, 2019

APPLICANT Wrico Signs Inc. for Rush Truck Center

REQUEST Sign Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial and residential units.

APPLICATION NUMBER 6247 DATE April 1, 2019

APPLICANT Wrico Signs Inc. for Rush Truck Center

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

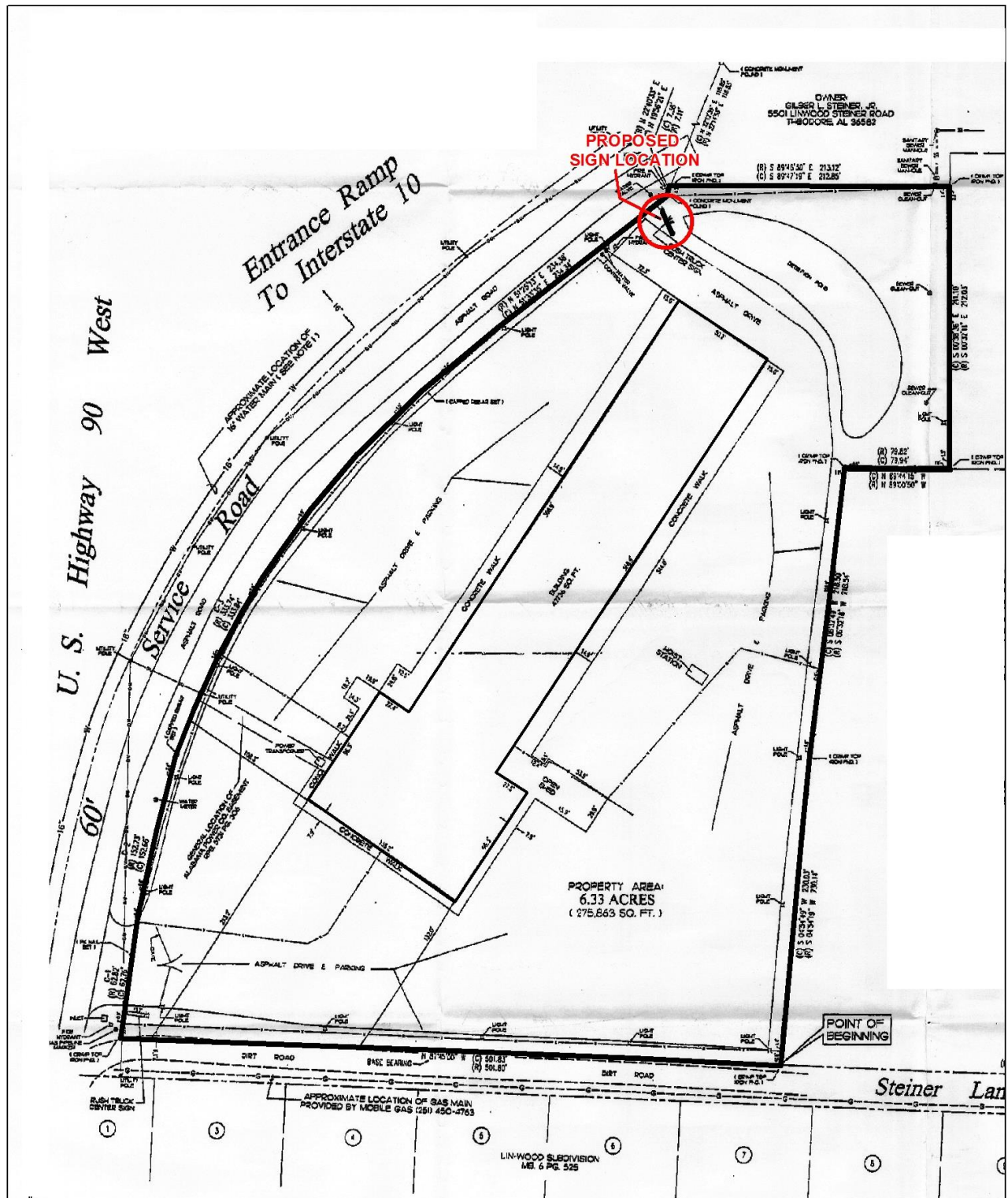


The site is surrounded by commercial and residential units.

APPLICATION NUMBER <u>6247</u> DATE <u>April 1, 2019</u>
APPLICANT <u>Wrico Signs Inc. for Rush Truck Center</u>
REQUEST <u>Sign Variance</u>



SITE PLAN



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

APPLICATION NUMBER 6247 DATE April 1, 2019

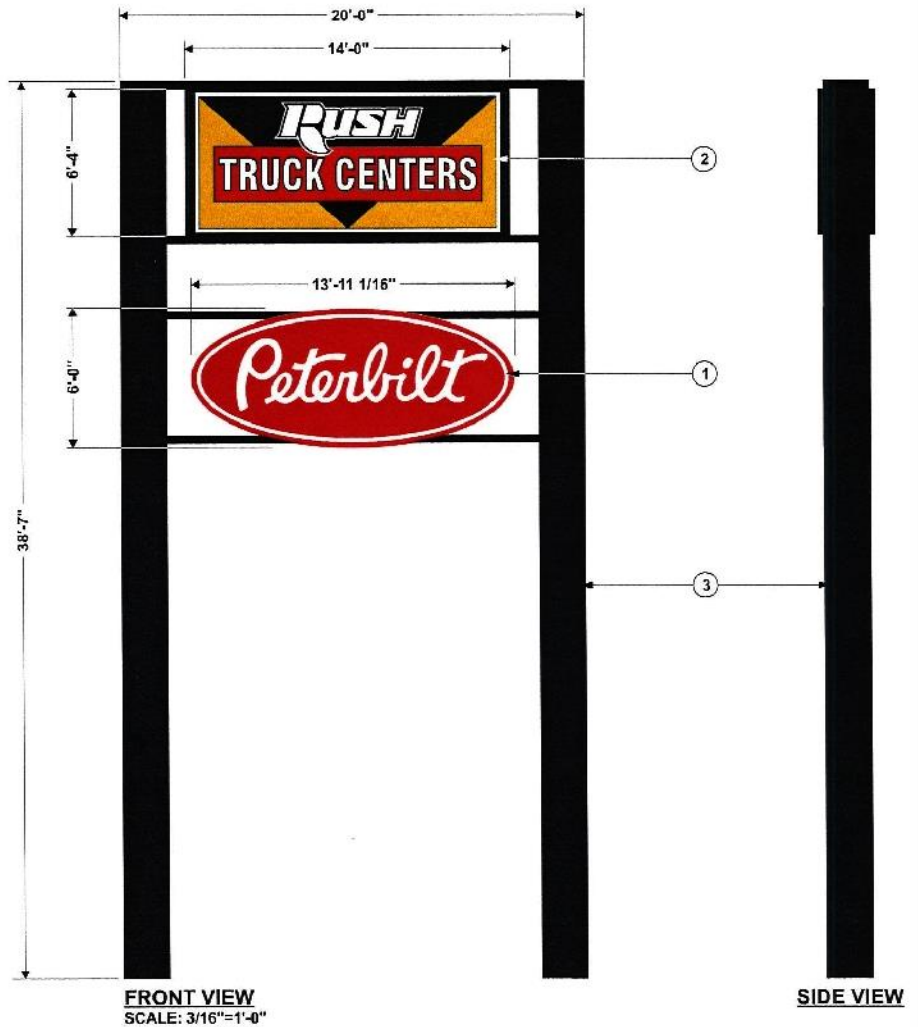
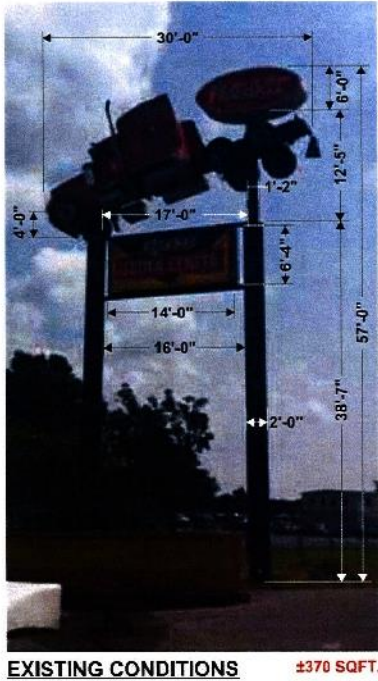
APPLICANT Wrico Signs Inc. for Rush Truck Center

REQUEST Sign Variance



NTS

DETAIL SITE PLAN



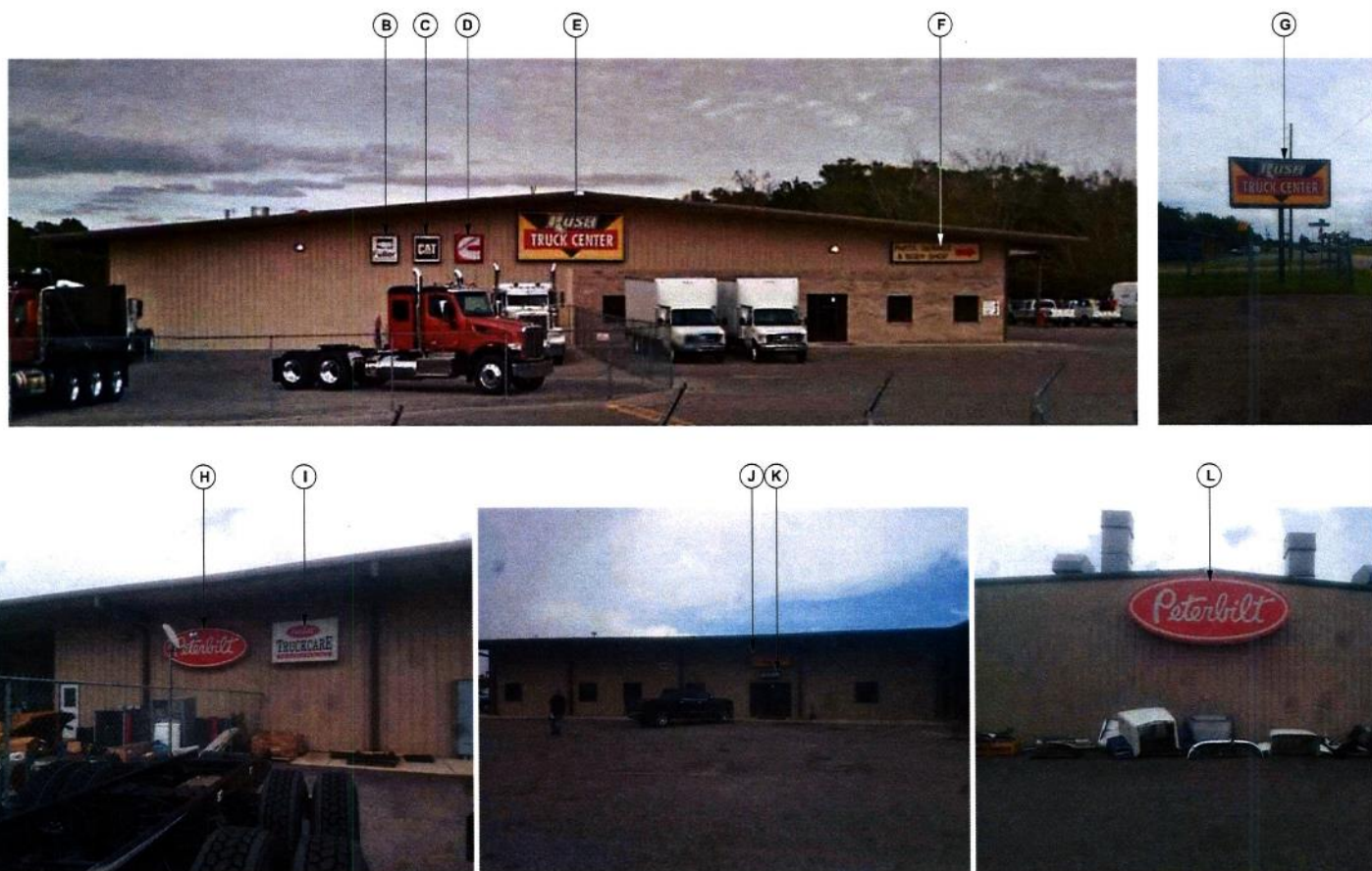
APPLICATION NUMBER 6247 DATE April 1, 2019

APPLICANT Wrico Signs Inc. for Rush Truck Center

REQUEST Sign Variance



DETAIL SITE PLAN



EXISTING SIGNAGE

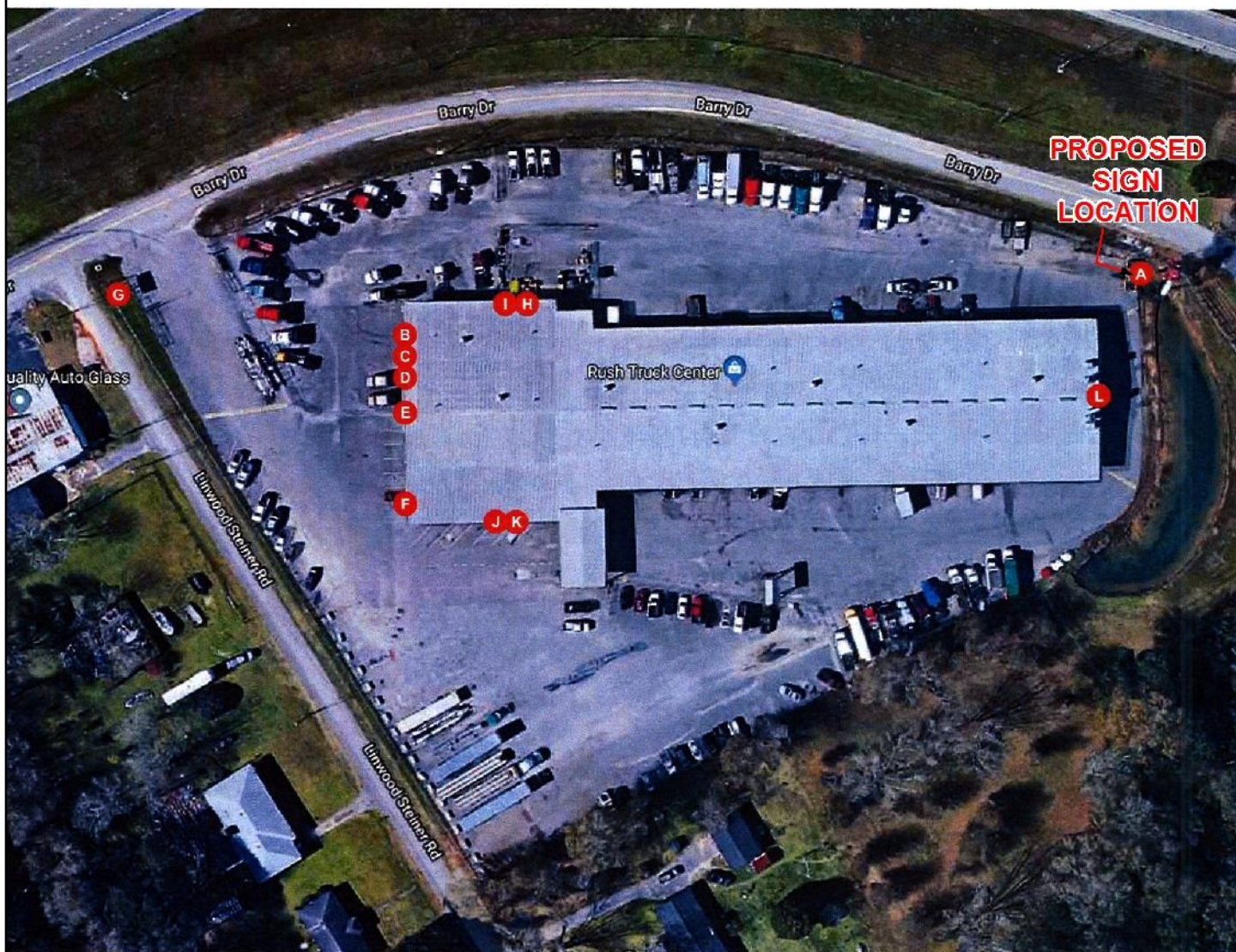
APPLICATION NUMBER 6247 DATE April 1, 2019

APPLICANT Wrico Signs Inc. for Rush Truck Center

REQUEST Sign Variance



DETAIL SITE PLAN



APPLICATION NUMBER 6247 DATE April 1, 2019

APPLICANT Wrico Signs Inc. for Rush Truck Center

REQUEST Sign Variance

