

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: June 6, 2016**

<b><u>CASE NUMBER</u></b>	6045/3910/3903
<b><u>APPLICANT NAME</u></b>	Costorde, LLC
<b><u>LOCATION</u></b>	2700, 2702, & 2706 Spring Hill Avenue (Northwest corner of Spring Hill Avenue and Mobile Street)
<b><u>VARIANCE REQUEST</u></b>	<b>SIGN:</b> Sign Variance to allow a total of seven (7) signs for a single business site including digital gas pricers within 300' of residentially zoned property in a B-3, Community Business District.
<b><u>ZONING ORDINANCE REQUIREMENT</u></b>	<b>SIGN:</b> The Zoning Ordinance allows a total of three (3) signs for a single business site and requires all digital signs to be a minimum of 300' from all residentially zoned properties in a B-3, Community Business District.
<b><u>ZONING</u></b>	B-3, Community Business District
<b><u>AREA OF PROPERTY</u></b>	1.4± Acres
<b><u>TRAFFIC ENGINEERING COMMENTS</u></b>	No Comments
<b><u>CITY COUNCIL DISTRICT</u></b>	District 1

**ANALYSIS** The applicant is requesting a Sign Variance to allow a total of seven (7) signs for a single business site including digital gas pricers within 300' of residentially zoned property in a B-3, Community Business District; the Zoning Ordinance allows a total of three (3) signs for a single business site and requires all digital signs to be a minimum of 300' from all residentially zoned properties in a B-3, Community Business District.

The site recently received approval for a 1-lot subdivision at the Planning Commission's March 3, 2016 meeting to combine two properties into a single legal lot of record. The Final Plat has not been recorded yet; therefore the Subdivision must be recorded in Mobile County Probate Court prior to the issuance of permits associated with the project.

The applicant wishes to develop the new lot as a convenience store with gas pumps having a single freestanding sign including digital gas pricers, four wall signs, and two canopy signs.

The applicant states that:

- 1. The purpose of this application is to allow for development of a Cefco convenience (grocery/sundries) in an underserved market. The new development is acquiring three existing parcels for use as one development. As the current parcels exist and per the ordinance, 3 signs could be allowed for each parcel, totaling 9 signs. With the combination of the parcels for a single user, the single user is penalized by only being allowed 3 signs in the same overall development area.*
- 2. The current zoning ordinance "signage" is arduous to a fuel consumer and supplier, not allowing for pricer signs and proper identification at store entrances; potentially causing unnecessary or additional patron traffic to the store.*
- 3. Review of the zoning ordinance "signage" in comparison to our standard sign requirements reveals evident concern especially when considering the combination of the parcel uses, diminishing potential 9 allowable signs to 7.*
- 4. The property is an acquisition of 3 properties for the construction of a new convenience store which is arduous on the proposed use as it diminishes the allowable 9 signs for the 3 properties to a combination of 1 use and an allowable 3 signs.*

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.

Within the required 300' buffer, to the North is a senior citizen apartment complex that is zoned R-3, Multi-Family Residential District; to the East is an adult day care facility zoned R-1, Single-Family Residential District as well as a restaurant and vacant parcel zoned B-3, Community Business District; to the West is a drug store zoned B-3, Community Business District; and to the South are a seafood market and package store zoned B-3, Community Business District.

It should be pointed out that in previous cases regarding digital fuel pricing signs, the Board has ruled in favor of the applicant's request. Most recently at the May 2, 2016 meeting the Board approved a digital fuel pricing sign located at the Northeast corner of Azalea Road and Michael Boulevard, that was within 210' of a residentially zoned property. The proposed pricing signage for this application would be located within 230'± of residentially zoned property.

The applicant states that the reason their variance should be approved is because the number of signs they are requesting is less than the total number of signs that would be allowed if they did not combine three “parcels”, a total of nine signs would be allowed for the businesses located on them. This does not constitute a hardship unique to the site that would justify the approval of the requested seven (7) signs instead of the allowed three (3).

**RECOMMENDATION:** Staff recommends to the Board the following findings of fact for Approval for the request to allow digital gas pricers:

- 1) approving the variance will not be contrary to the public interest in that the digital sign regulations are not, in the Board’s opinion, applicable to fuel price signs;
- 2) special conditions exist and there are hardships which exist, in that the Board is of the opinion that the digital sign regulations are not applicable to fuel price signs, 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 be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance because proposed digital fuel price signs will not be a detriment to the neighborhood.

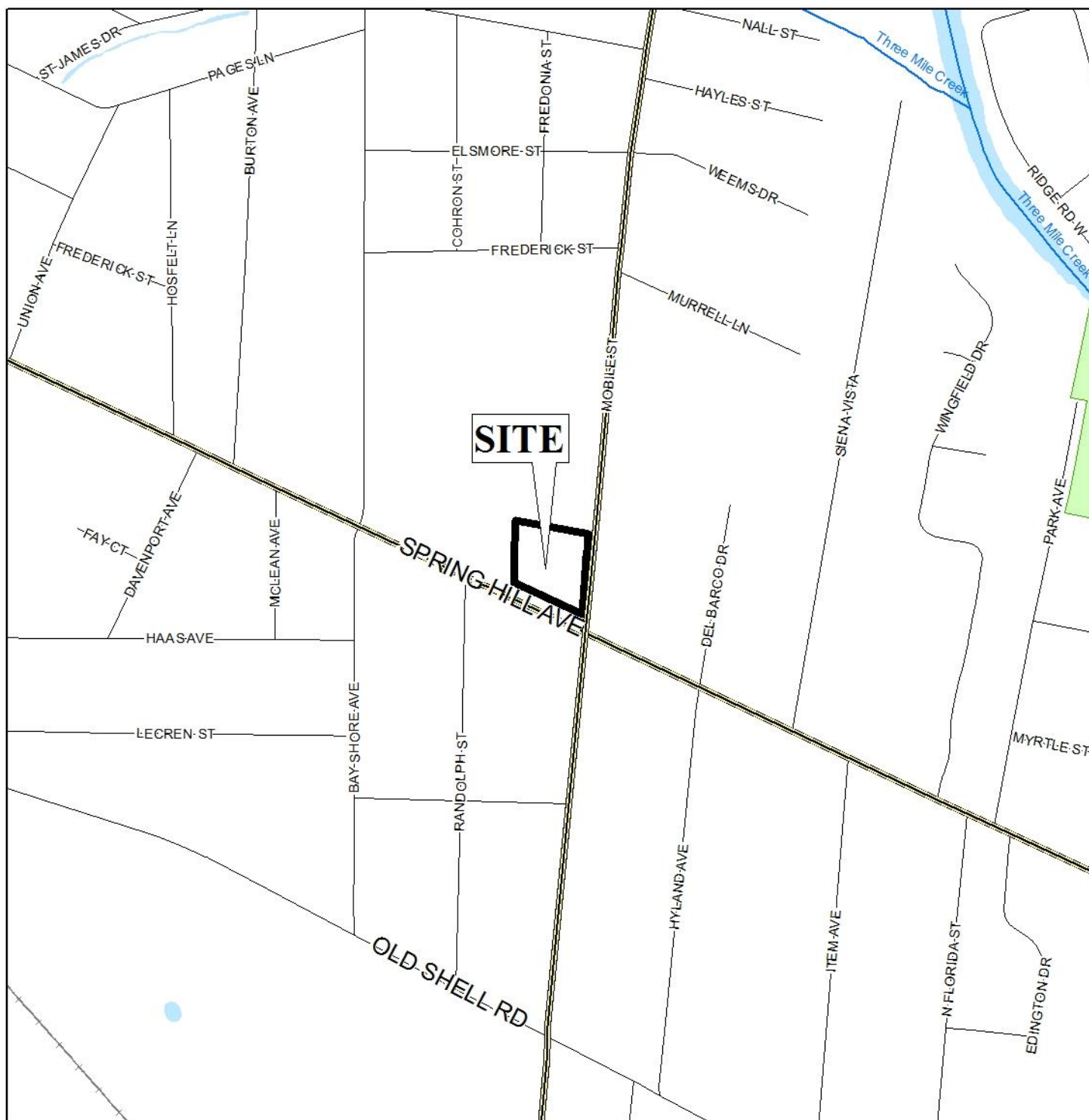
Therefore, the pylon-mounted digital gas pricer sign request is recommended for approval, subject to the following conditions:

- 1) completion of the Subdivision process;
- 2) submission of a sign permit application;
- 3) submission of an electrical permit; and
- 4) full compliance with Section 64-11 of the Zoning Ordinance, and all other municipal codes and ordinances.

Staff recommends to the Board the following findings of fact for Denial of the request to allow a total of seven (7) signs:

- 1) approving the variance will be contrary to the public interest in that it is simply the applicant’s desire to have more signage than is allowed by the Zoning Ordinance;
- 2) special conditions do not exist and there are no hardships which exist that make the placement of seven (7) signs necessary; 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 it would result in an overabundance of signage in the area when all other sites in the area appear to comply with Zoning Ordinance regulations.

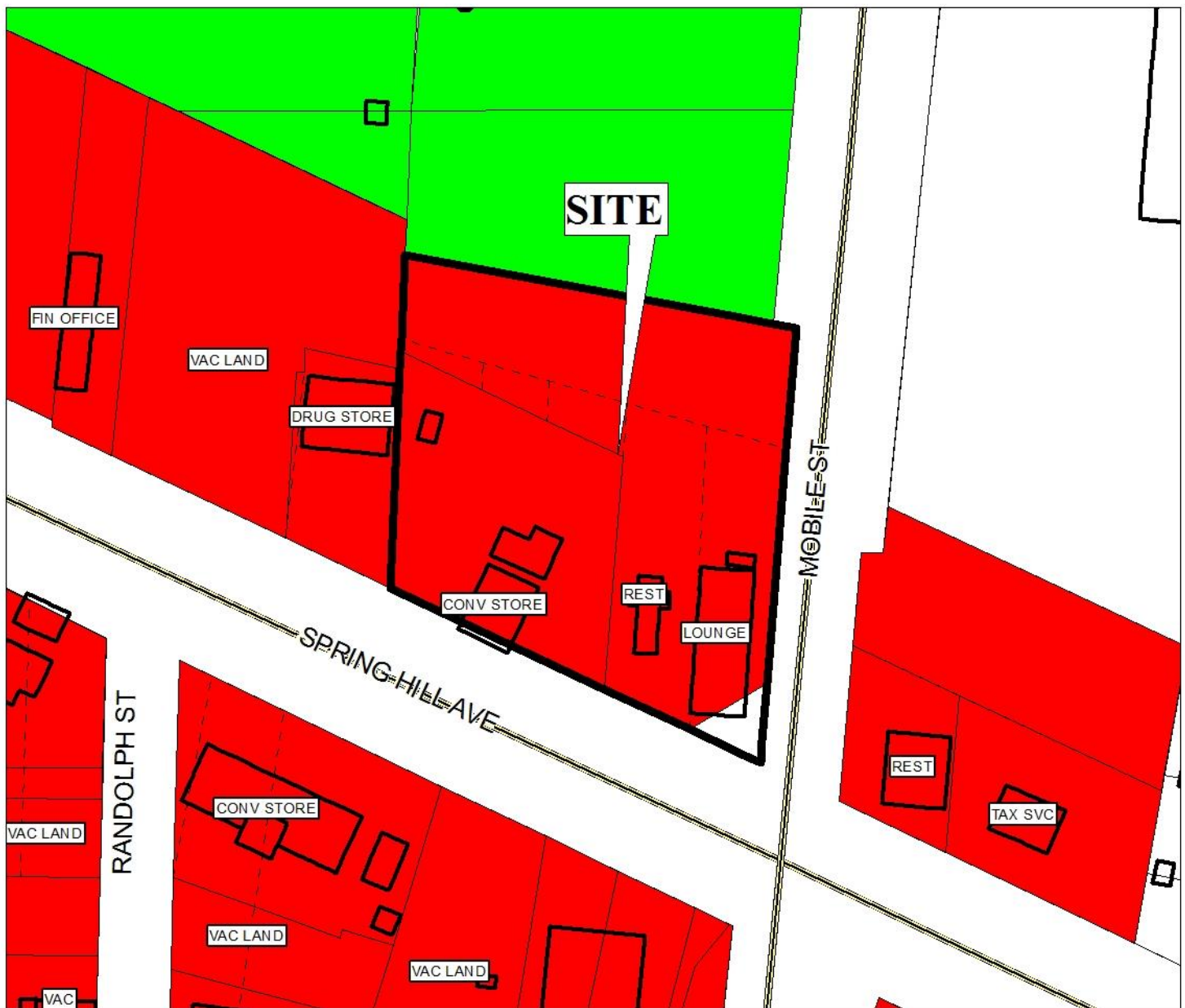
# LOCATOR MAP



APPLICATION NUMBER 6045 DATE June 6, 2016  
 APPLICANT Costorde, LLC  
 REQUEST Sign Variance



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

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<span style="display: inline-block; width: 15px; height: 15px; background-color: cyan; border: 1px solid black;"></span> R-A	<span style="display: inline-block; width: 15px; height: 15px; background-color: green; border: 1px solid black;"></span> R-3	<span style="display: inline-block; width: 15px; height: 15px; background-color: tan; border: 1px solid black;"></span> T-B	<span style="display: inline-block; width: 15px; height: 15px; background-color: orange; border: 1px solid black;"></span> B-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: blue; border: 1px solid black;"></span> B-5	<span style="display: inline-block; width: 15px; height: 15px; background-color: yellow; border: 1px solid black;"></span> MUN	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightorange; border: 1px solid black;"></span> SD-WH	<span style="display: inline-block; width: 15px; height: 15px; background-color: purple; border: 1px solid black;"></span> T5.1
<span style="display: inline-block; width: 15px; height: 15px; background-color: white; border: 1px solid black;"></span> R-1	<span style="display: inline-block; width: 15px; height: 15px; background-color: pink; border: 1px solid black;"></span> R-B	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightblue; border: 1px solid black;"></span> B-1	<span style="display: inline-block; width: 15px; height: 15px; background-color: red; border: 1px solid black;"></span> B-3	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightpurple; border: 1px solid black;"></span> I-1	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightgreen; border: 1px solid black;"></span> OPEN	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightpink; border: 1px solid black;"></span> T3	<span style="display: inline-block; width: 15px; height: 15px; background-color: darkpurple; border: 1px solid black;"></span> T5.2
<span style="display: inline-block; width: 15px; height: 15px; background-color: yellow; border: 1px solid black;"></span> R-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: peachpuff; border: 1px solid black;"></span> H-B	<span style="display: inline-block; width: 15px; height: 15px; background-color: purple; border: 1px solid black;"></span> LB-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: brown; border: 1px solid black;"></span> B-4	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightgrey; border: 1px solid black;"></span> I-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: orange; border: 1px solid black;"></span> SD	<span style="display: inline-block; width: 15px; height: 15px; background-color: lavender; border: 1px solid black;"></span> T4	<span style="display: inline-block; width: 15px; height: 15px; background-color: darkblue; border: 1px solid black;"></span> T6



# BOARD OF ADJUSTMENT

## VICINITY MAP - EXISTING AERIAL

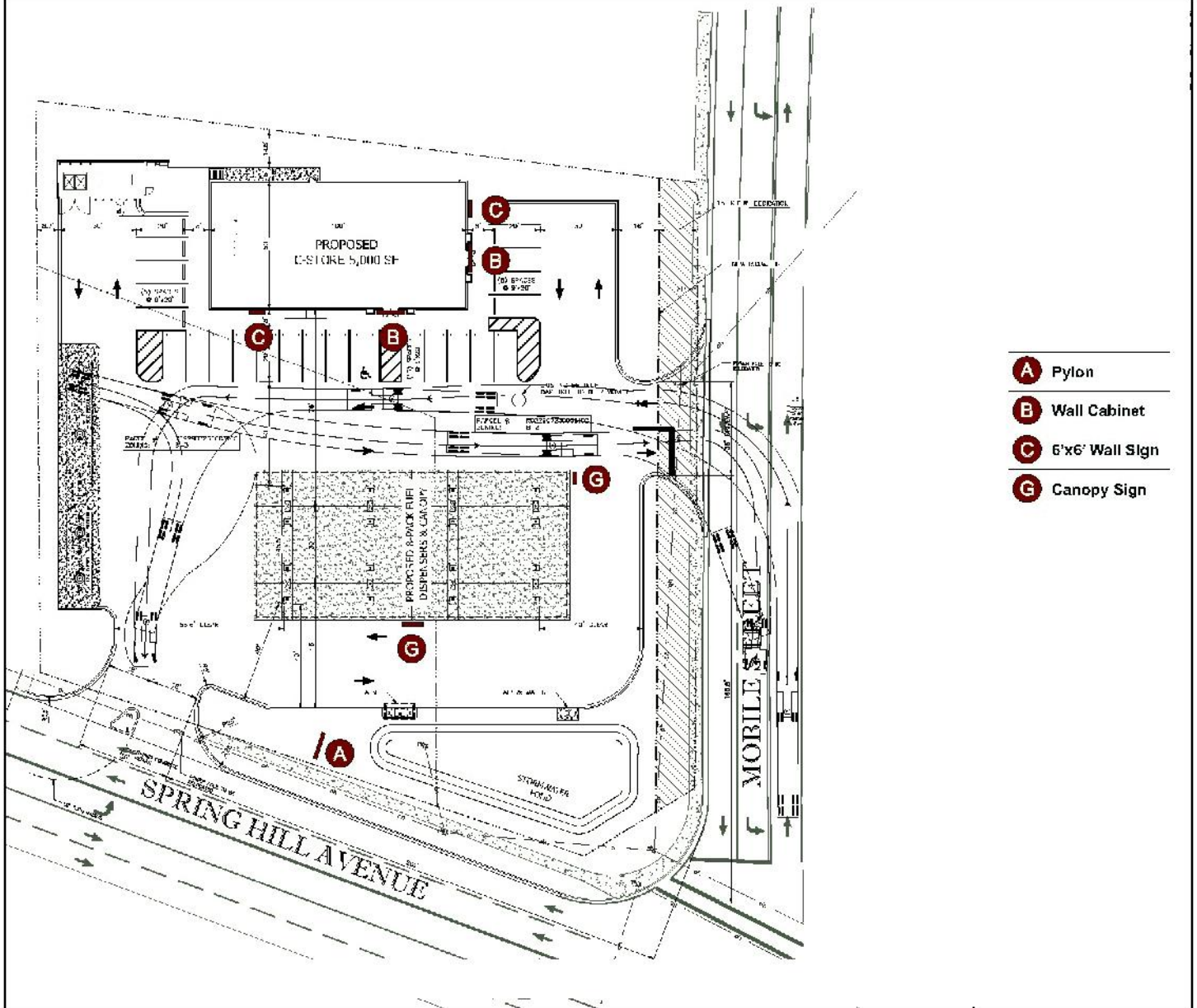


The site is surrounded by commercial units.

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# SITE PLAN



The site plan illustrates the proposed convenience store and proposed sign locations.

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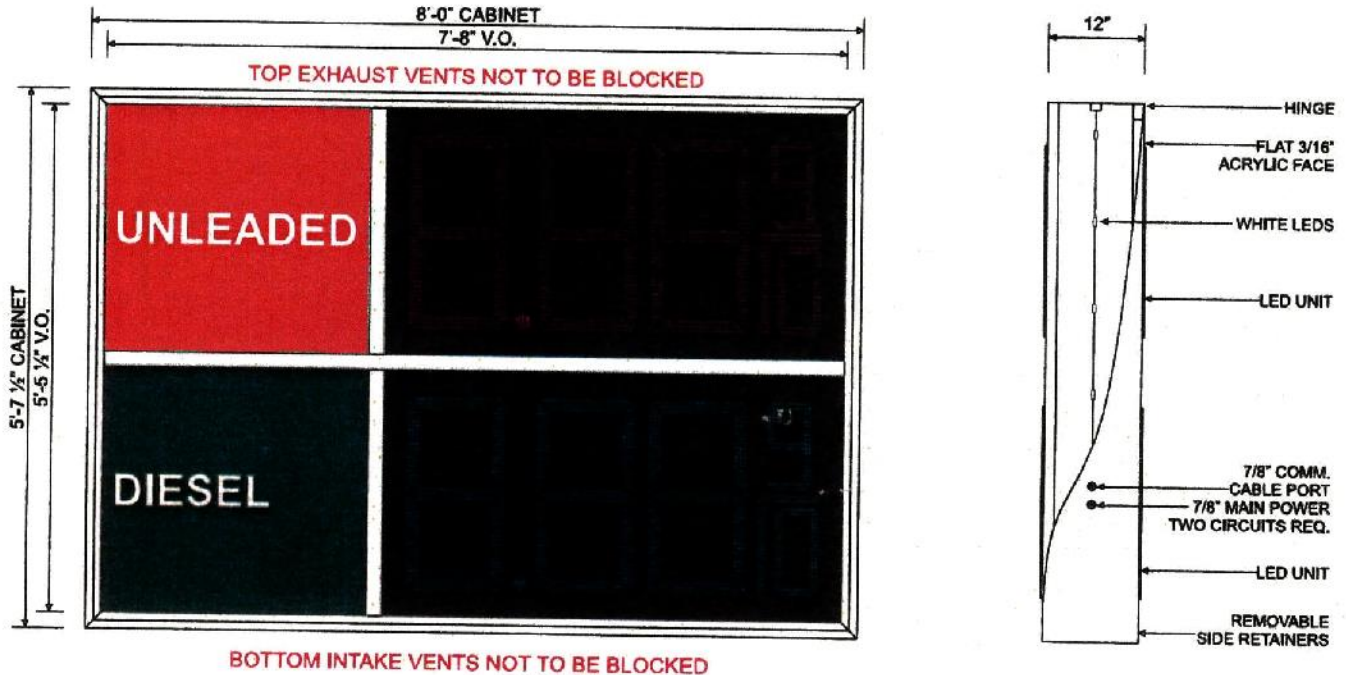
# DETAIL SITE PLAN



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# DETAIL SITE PLAN



INSTALL ONE (1) **STANDARD D/F DOUBLE PRODUCT LED GAS PRICE PYLON SIGN CABINET**.  
 3/16" THICK FLAT WHITE ACRYLIC FACES W/ TRANSLUCENT VINYL GRAPHICS APPLIED FIRST SURFACE.  
 12" DEEP EXTRUDED ALUMINUM CABINET WITH REMOVABLE SIDE RETAINERS, ALL TO BE PAINTED **PANTONE WHITE**.  
 CABINET TO BE INTERNALLY ILLUMINATED W/ WHITE LEDS.

STANDARD 24" DIGIT RED LED MODULES.  
 STANDARD 24" DIGIT GREEN LED MODULES.

CEFCO VINYL/COLOR SPECS:  
**3M 3630-33 RED / PANTONE 485 C RED,**  
**3M 3630-26 GREEN / PANTONE 349 C GREEN**  
**3M 3630-22 BLACK / PANTONE BLACK**

CEFCO PAINT SPECS: **PANTONE WHITE**

**NOTE: LED PRICE CABINET TO BE SUPPLIED BY CLIENT & INSTALLED BY HARBINGER.**

4 | Front Elevation & Side Detail - **Standard Double Product LED Gas Price Pylon Cabinet - Sign A**  
 3/8" = 1'-0"

Display Square Footage (Cabinet): **45.0**

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# DETAIL SITE PLAN



MANUFACTURE & SHIP ONE (1) STANDARD D/F INTERNALLY ILLUMINATED "MAIN ID" PYLON SIGN CABINET. 3/16" THICK PAN & EMBOSSED CLEAR ACRYLIC FACES BACK SPRAYED PANTONE 1235 C YELLOW W/ TRANSLUCENT VINYL GRAPHICS APPLIED SECOND SURFACE. 12" DEEP EXTRUDED ALUMINUM CABINET WITH 2" INSET RETAINERS & HINGES, ALL TO BE PAINTED PANTONE 1235 C YELLOW. RETAINERS TO BE HINGED TO THE CABINET FOR FUTURE SERVICING. CABINET TO BE INTERNALLY ILLUMINATED W/ WHITE LEDS.

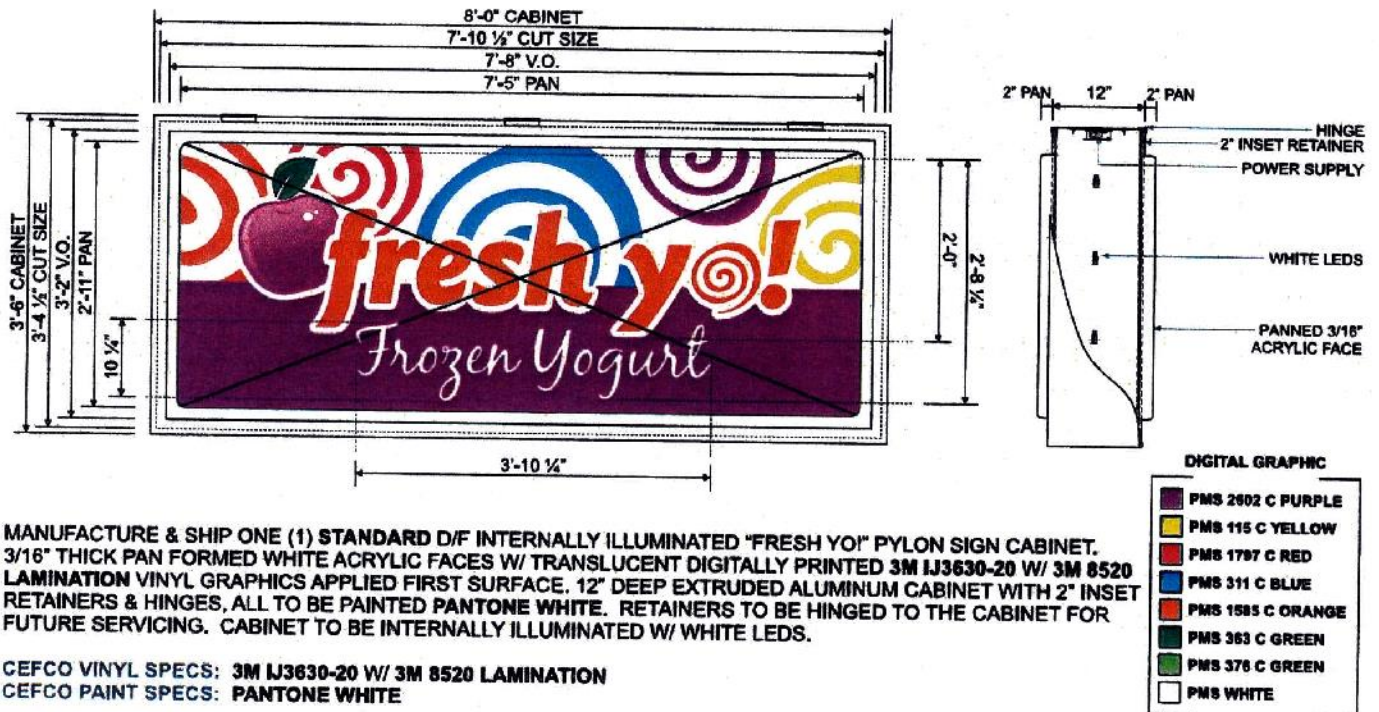
CEFCO VINYL/COLOR SPECS:  
 3M 3630-125 GOLDEN YELLOW / PANTONE 1235 C YELLOW,  
 3M 3630-33 RED / PANTONE 485 C RED,  
 3M 3630-22 BLACK / PANTONE BLACK

CEFCO PAINT SPECS: PANTONE 1235 C YELLOW

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# DETAIL SITE PLAN



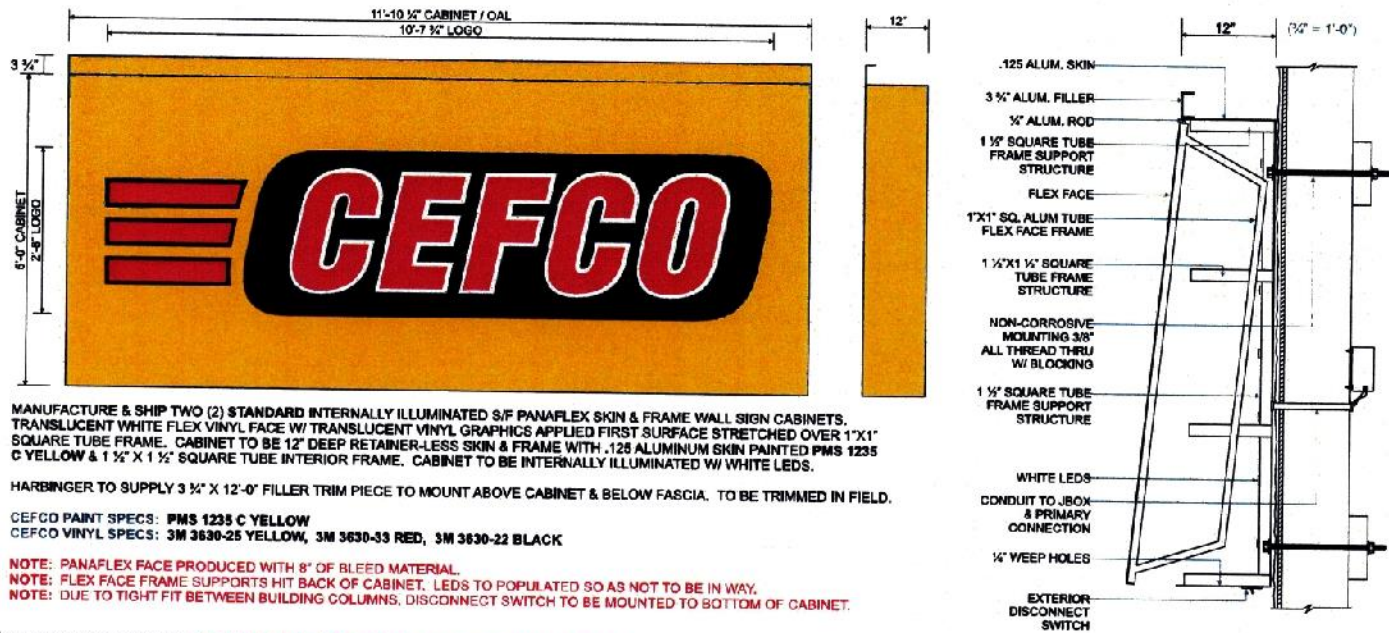
3 Front Elevation & Side Detail - Standard CEFCO Fresh Yo Pylon Cabinet - Sign A  
1/2" = 1'-0"

Display Square Footage (Cabinet): 28.0

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# DETAIL SITE PLAN



Front Elevation & Side Detail - Standard Main-ID S/F Panaflex Skin & Frame Wall Cabinet - Sign B

1/2" = 1'-0"

Display Square Footage (Cabinet): 69.6

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# DETAIL SITE PLAN



MANUFACTURE & SHIP TWO (2) STANDARD 6'X6' ROUND INTERNALLY ILLUMINATED S/F WALL SIGNS. 3/16" THICK PAN FORMED WHITE POLYCARBONATE FACES W/ TRANSLUCENT DIGITALLY PRINTED 3M IJ3630-20 W/ 3M 8520 LAMINATION VINYL GRAPHICS APPLIED FIRST SURFACE. 4" DEEP ALUMINUM CABINET PAINTED PANTONE BLACK. CABINET TO BE INTERNALLY ILLUMINATED W/ WHITE LEDS.

CEFCO VINYL SPECS: 3M IJ3630-20 W/ 3M 8520 LAMINATION  
CEFCO PAINT SPECS: PANTONE BLACK

## DIGITAL GRAPHIC

<span style="display:inline-block; width:10px; height:10px; background-color:purple; border:1px solid black;"></span>	PMS 2602 C PURPLE
<span style="display:inline-block; width:10px; height:10px; background-color:yellow; border:1px solid black;"></span>	PMS 115 C YELLOW
<span style="display:inline-block; width:10px; height:10px; background-color:red; border:1px solid black;"></span>	PMS 1797 C RED
<span style="display:inline-block; width:10px; height:10px; background-color:blue; border:1px solid black;"></span>	PMS 311 C BLUE
<span style="display:inline-block; width:10px; height:10px; background-color:orange; border:1px solid black;"></span>	PMS 1585 C ORANGE
<span style="display:inline-block; width:10px; height:10px; background-color:green; border:1px solid black;"></span>	PMS 383 C GREEN
<span style="display:inline-block; width:10px; height:10px; background-color:green; border:1px solid black;"></span>	PMS 376 C GREEN
<span style="display:inline-block; width:10px; height:10px; background-color:white; border:1px solid black;"></span>	PMS WHITE

Front Elevation & Side Detail - Standard CEFCO Fresh Yo Wall Sign Cabinet - Sign C

1/2" = 1'-0"

Display Square Footage (Cabinet): 36.0

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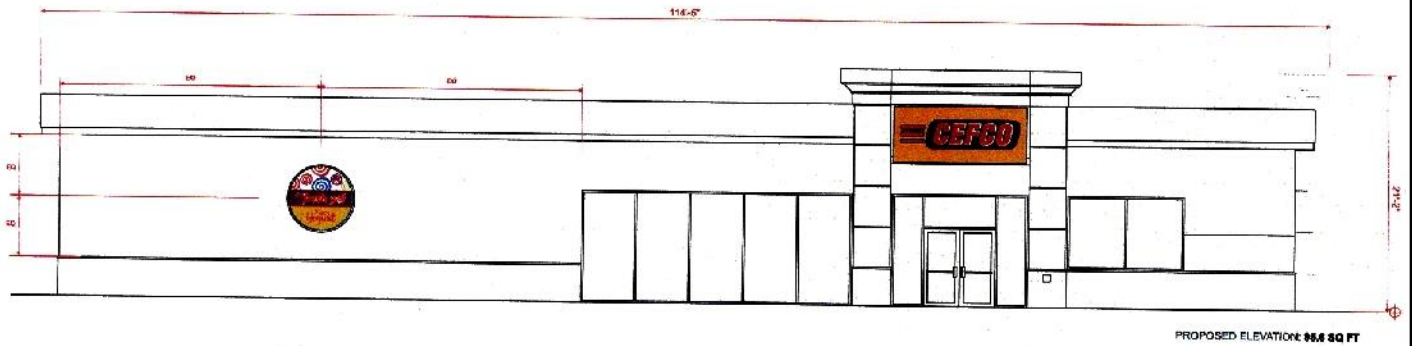
APPLICANT Costorde, LLC

REQUEST Sign Variance



NTS

# DETAIL SITE PLAN



8 Photo Overlay - Storefront - NORTHWEST ELEVATION - Signs B & C  
NTS

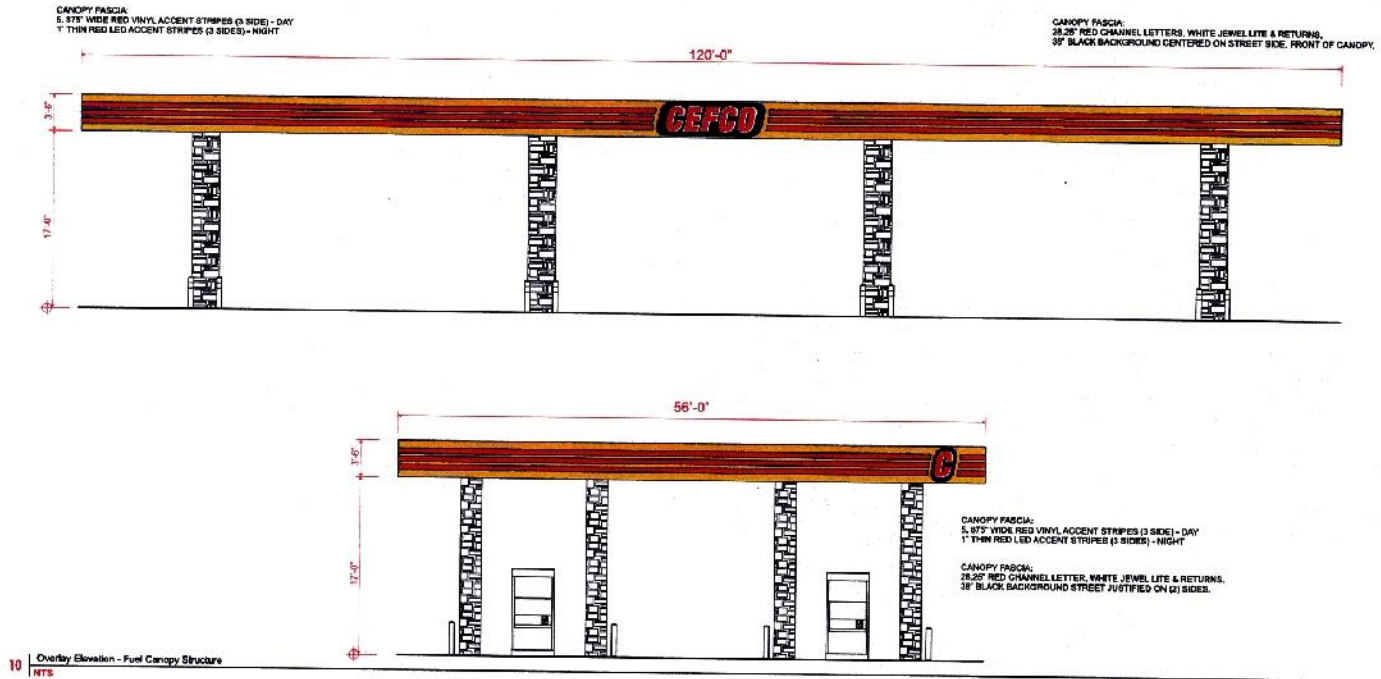


9 Photo Overlay - Side (Right) - SOUTHWEST ELEVATION - Signs B & C  
NTS

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