

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: May 3, 2021**

<u>CASE NUMBER</u>	6378
<u>APPLICANT NAME</u>	Petroimage
<u>LOCATION</u>	65 Cody Road North (Southwest corner of Cody Road North and Old Shell Road)
<u>VARIANCE REQUEST</u>	SIGN: Sign Variance to allow three wall signs and one freestanding sign for a business on a multi-tenant site in a B-2, Neighborhood Business District.
<u>ZONING ORDINANCE REQUIREMENT</u>	SIGN: The Zoning Ordinance limits businesses to one wall sign per public street frontage and one tenant panel on a multi-tenant site in a B-2, Neighborhood Business District.
<u>ZONING</u>	B-2, Neighborhood Business District
<u>AREA OF PROPERTY</u>	2.3± Acres
<u>CITY COUNCIL DISTRICT</u>	District 7
<u>ENGINEERING COMMENTS</u>	No comments
<u>TRAFFIC ENGINEERING COMMENTS</u>	This request was not reviewed by Traffic Engineering.
<u>URBAN FORESTRY COMMENTS</u>	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.

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). 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 buildings and 600' of sprinkled buildings.

ANALYSIS The applicant is requesting a Sign Variance to allow three wall signs and one freestanding sign for a business on a multi-tenant site in a B-2, Neighborhood Business District; the Zoning Ordinance limits businesses to one wall sign per public street frontage and one tenant panel on a multi-tenant site in a B-2, Neighborhood Business District.

The site has been given a Mixed Commercial Corridor (MCC) land use designation, per the adopted 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 mostly applies to transportation corridors west of I-65 serving primarily the low-density (suburban) residential neighborhoods. MCC includes a wide variety of retail, services and entertainment uses.

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.

Over time, new development and redevelopment in Mixed Commercial Corridors is encouraged to raise design quality, improve connectivity to surrounding neighborhoods; improved streetscapes; and improve mobility and accessibility for all users of the corridor.

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 that substantial justice is done to the applicant and the surrounding neighborhood.

Variations 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 Regulations is to protect the health, safety and welfare of the citizens of the City of Mobile and the general aesthetics of the city by providing for uniform standards for the locations, spacing, height, setback, lighting, and other regulation of off-premise and on-premise signs within the city.

The applicant states:

The purpose of this application is to allow:

The purpose of this application is to allow the property to install a sign on the building façade, totally three (3) wall signs for the gas station tenant.

How and what are the conditions, items, facts, or reasons which prevent you from complying with the requirements of the Zoning Ordinance?

The location is a plaza with multiple tenants and a gas station, the property is permitted one (1) wall sign per street frontage, allowing two (2) wall signs per tenant on the property . Since the property has a gas canopy, the gas canopy is utilizing (1) wall sign per street frontage to inform consumers of the fuel brand. Therefore, leaving no wall sign for the convenience store. The gas canopy is a separate structure from the building and is representing the fuel brand. The store is branded independently from the gas station to inform consumers of the convenience store on location.

How is this property different from the neighboring properties?

This tenant has two structures for the business, whereas, other businesses are only advertising one business type on one structure.

Examples of other properties like ours in the City of Mobile



*4686 Airport Blvd, Mobile, AL 36608
Property has (2) Canopy Wall Signs (3) Car Wash Wall Signs and
(1) Building Wall Sign*



6900 Airport Blvd, Mobile, AL 36608

Property has (2) Canopy Wall signs and (1) Building Wall Sign

It should be noted that the subject property is a multi-tenant site, and the subject business is in the end-cap unit with two public street frontages. Interior units are allowed one wall sign and a tenant panel on a freestanding sign. The end-cap unit is allowed one wall sign per street frontage and a tenant panel on a freestanding sign. As the subject unit is a convenience store with fuel sales, it is allowed a logo sign on the freestanding sign structure, and fuel pricing signs on the freestanding structure. The applicant received sign permits for two BP canopy wall signs in November 2020. A BP pylon logo sign was permitted in April 2021, and a pylon fuel pricer sign is pending approval. Therefore, the business has met its maximum allowance for wall signage.

The applicant cites two other locations as examples with signage similar to that requested. However, the site at 6900 Airport Boulevard is a single-tenant site and is allowed one freestanding sign and two wall signs. It currently has one freestanding sign, two canopy wall signs, and one building wall sign. Records indicate that only the freestanding sign and the building wall sign were permitted, and the two canopy signs were installed without sign permits. Therefore, that site cannot be considered as compliant with regard to the sign regulations, and cannot be considered as an allowable example.

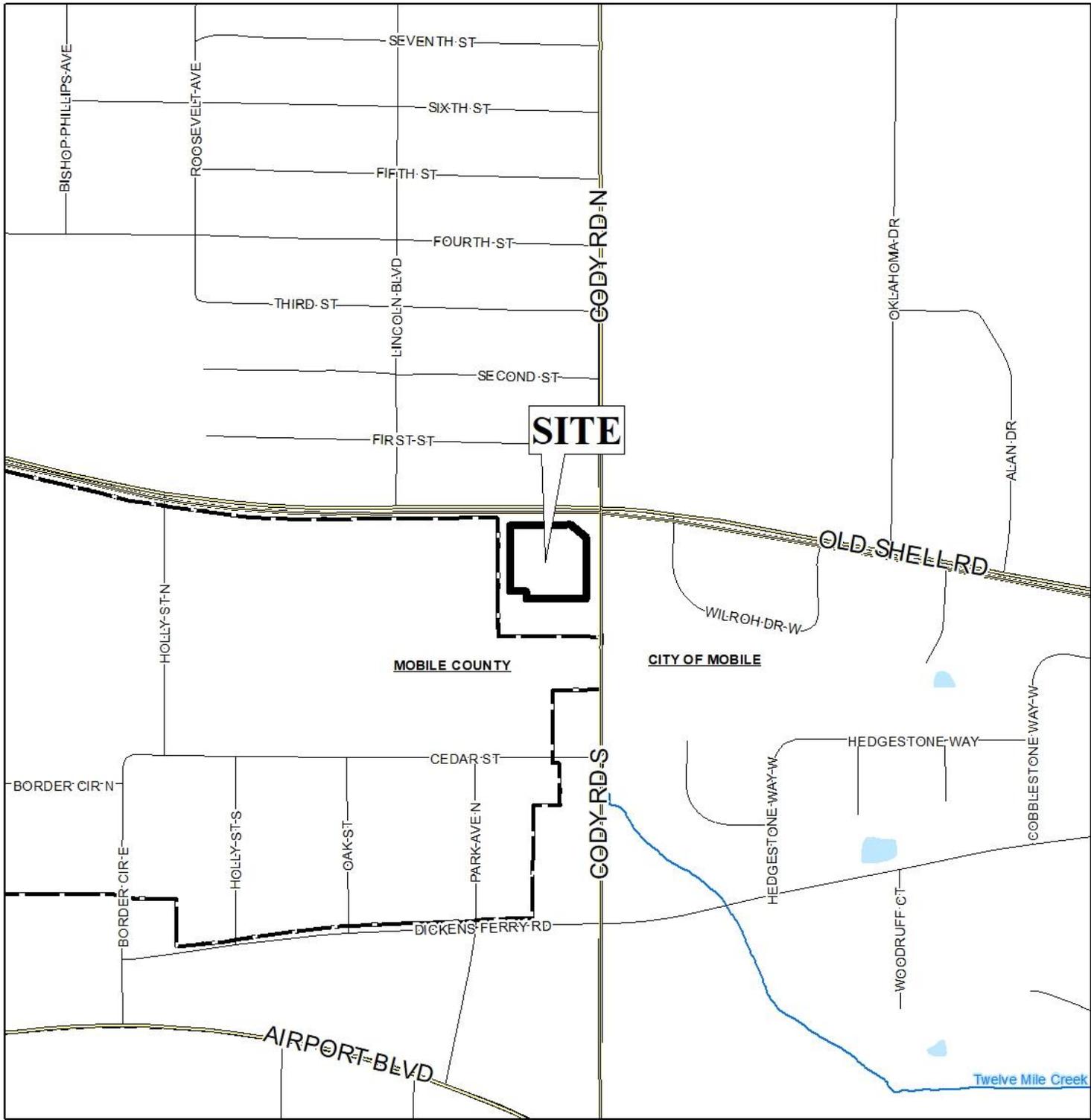
The site at 4686 Airport Boulevard is a multi-tenant site, and was granted a Sign Variance in 2018 to allow a digital fuel pricer sign within 300 feet of residentially zoned property. A condition of that approval was the removal of excess wall signage noticed on the property prior to the issuance of the sign permit for the digital pricing sign. In addition to the permitted freestanding sign, records indicate that one main building wall sign was permitted, and one car wash house wall sign was permitted. It appears that additional wall signage has since been added without permits. Therefore, that site, too, cannot be considered as compliant with regard to the sign regulations, and cannot be considered as an allowable example.

The proposed wall sign for the main building simply says TO GO, which is not a business name. The last business associated with the convenience store appears to be KL Market. As the policy is for approved signage to have either a business name on it, or be informational/directional in nature, the proposed sign would not be allowable in that respect. The applicant has not illustrated that a hardship would be imposed by a literal interpretation of the Ordinance and the Board should consider this request for denial.

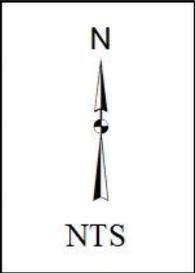
RECOMMENDATION: Staff recommends to the Board the following findings of fact for denial:

- 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 sign does not reference a licensed business, and is not informational/directional in nature) 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.

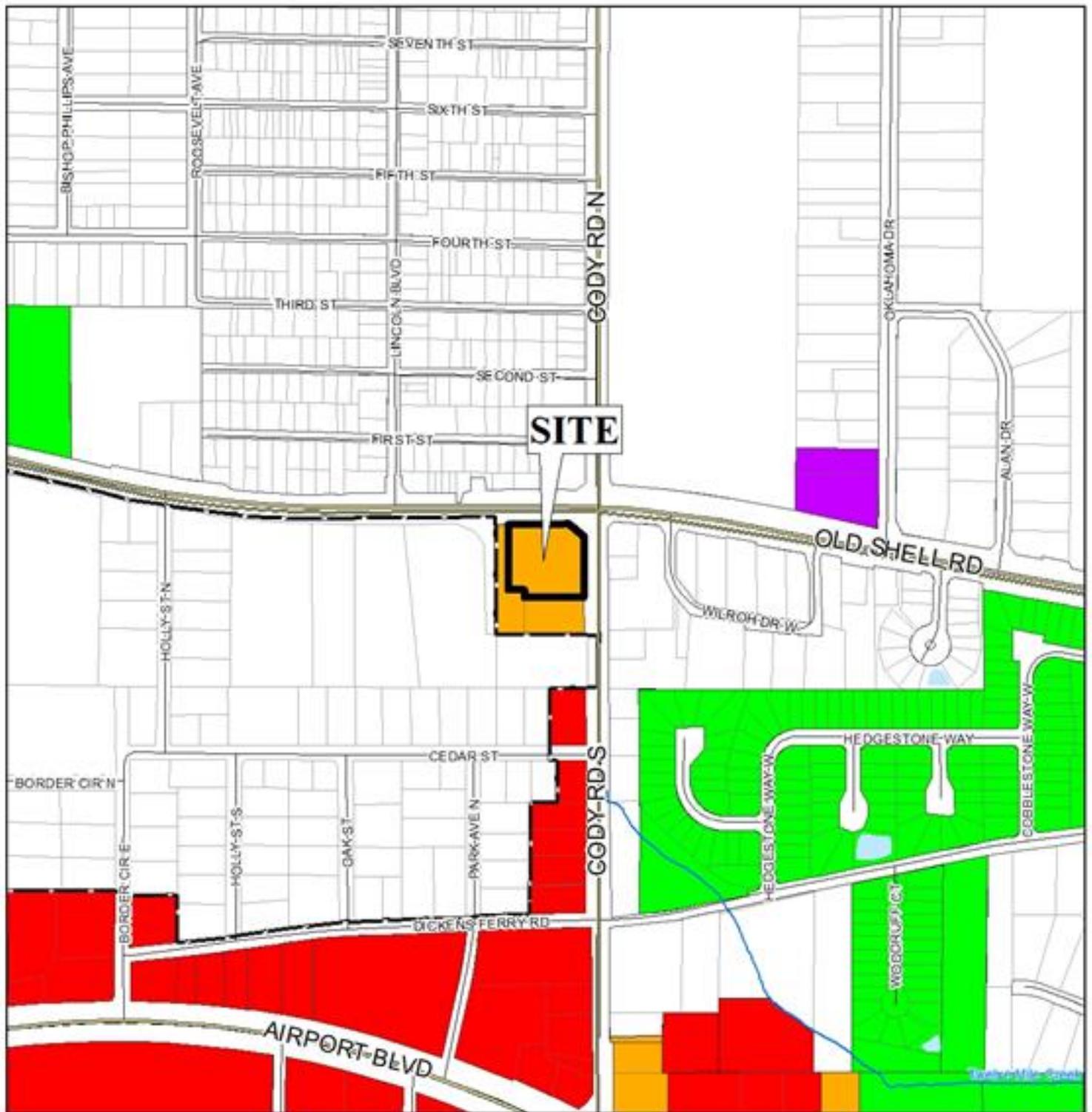
LOCATOR MAP



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REQUEST	Sign Variance		



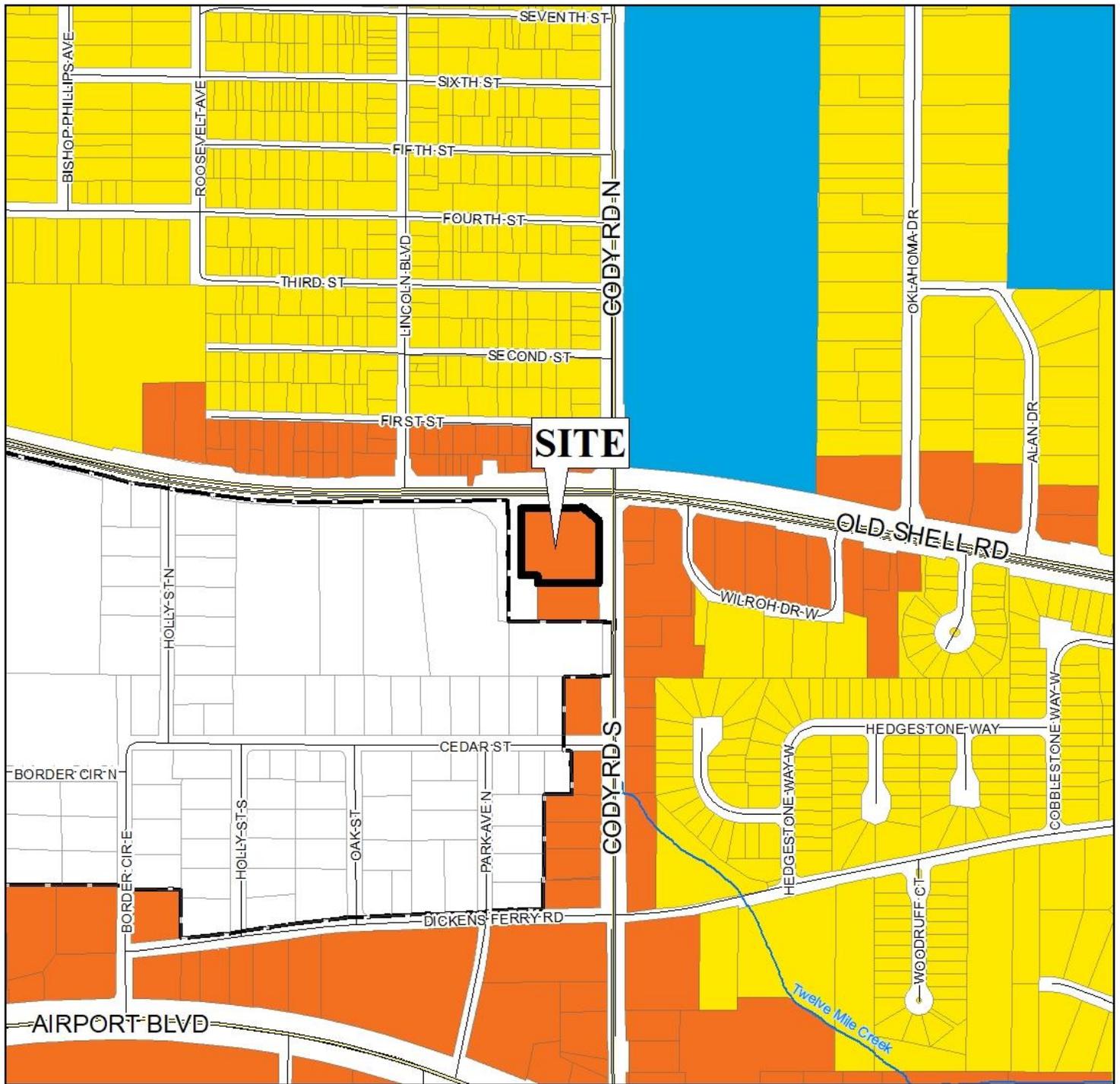
LOCATOR ZONING MAP



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FLUM LOCATOR MAP



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APPLICANT Petroimage

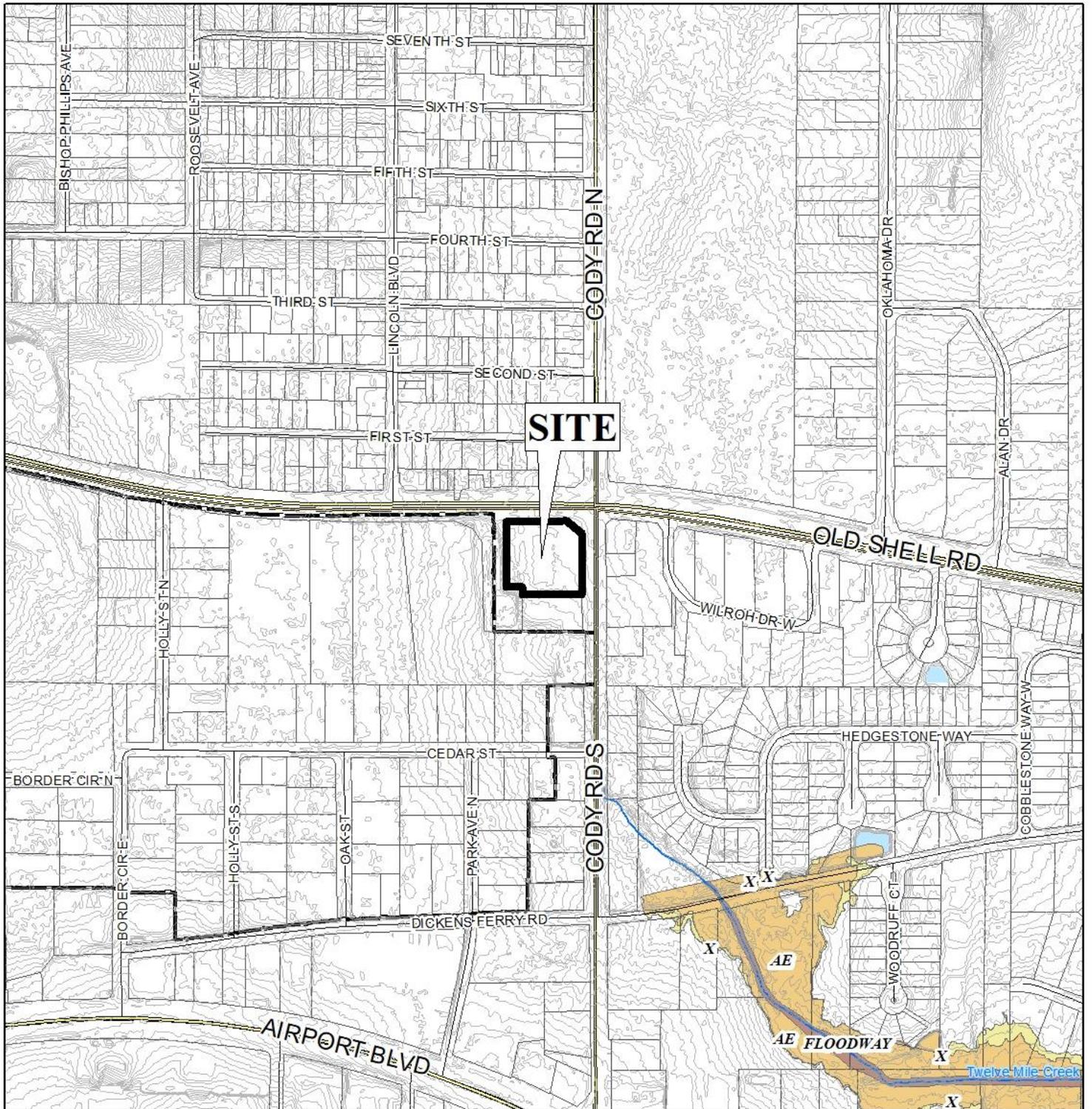
REQUEST Sign Variance

- | | | | |
|---|--|---|--|
| 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 | |



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ENVIRONMENTAL LOCATOR MAP



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units to the west, and commercial units to the east.

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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

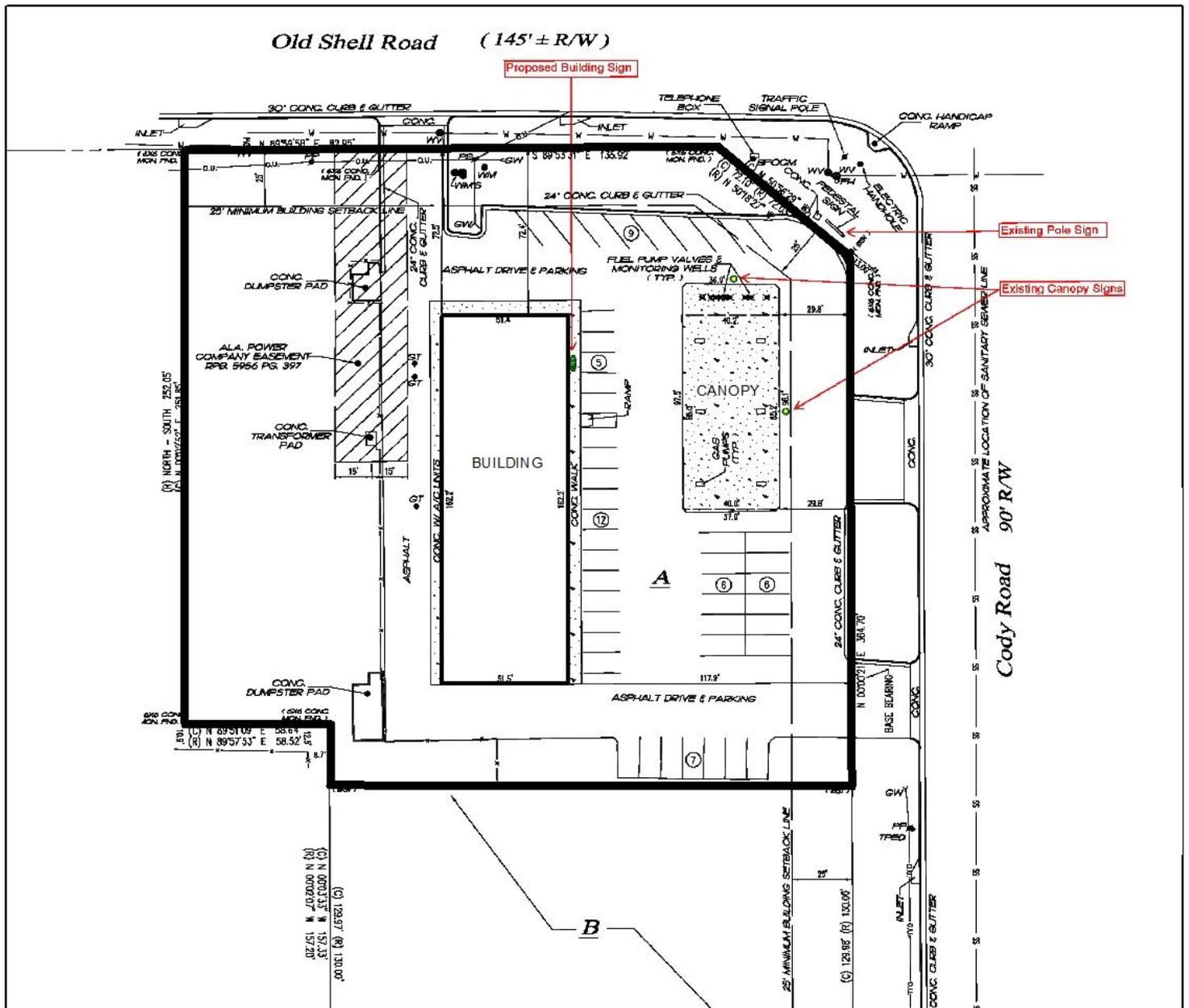


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SITE PLAN



The site plan illustrates the existing building, gas pumps, existing signs, and the proposed sign.

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DETAIL SITE PLAN



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DETAIL SITE PLAN

Building Elevation for Convenience Store

Proposed Store Sign 22.3 SQFt



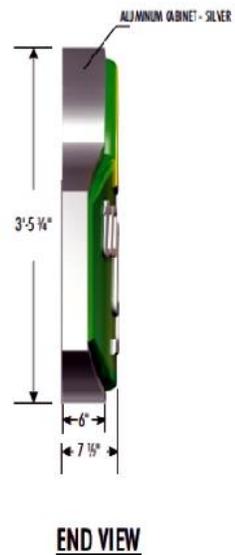
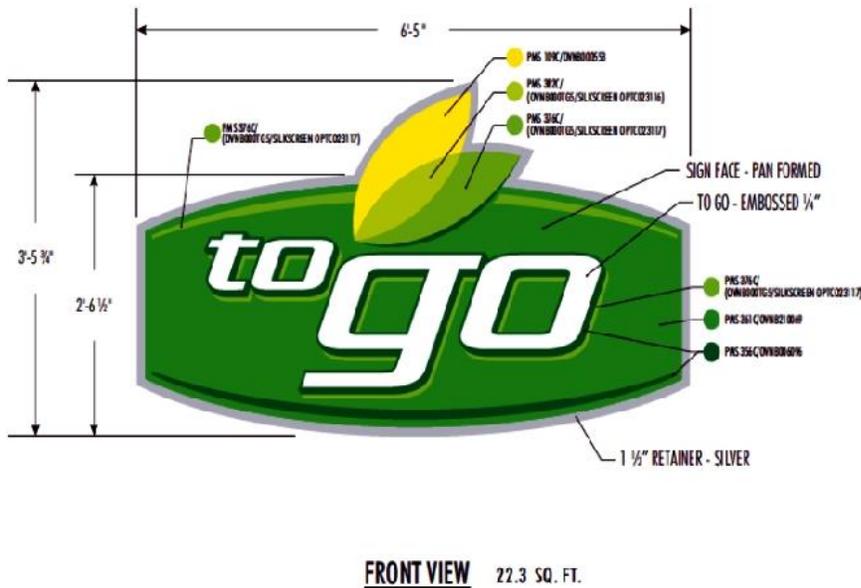
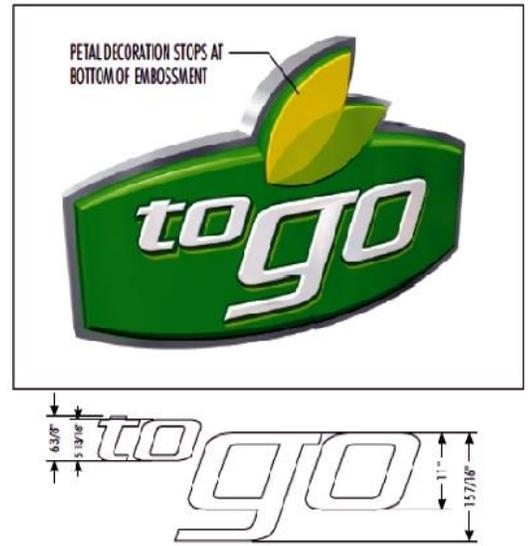
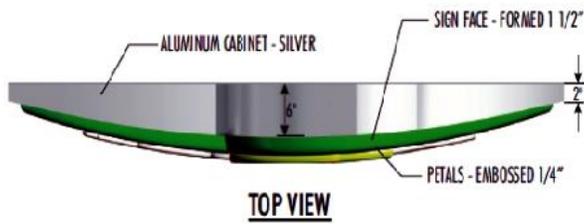
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