



Agenda Item # 7

BOA-002591-2023

View additional details on this proposal and all application materials using the following link:

[Applicant Materials for Consideration](#)

DETAILS

Location:

2485 West I-65 Service Road North

Applicant / Agent:

Munn Enterprises, Inc. | Kerri McAlpine Little, Agent

Property Owner:

Empire Truck Sales

Current Zoning:

I-2, Heavy-Industrial

Future Land Use:

Light Industry

Case Number(s):

6535

Unified Development Code (UDC) Requirement:

- The UDC allows three (3) signs for a single-tenant commercial site and limits in an I-2, Heavy Industry District.

Board Consideration:

- To allow four (4) signs on a single-tenant commercial site, one of which exceeds 350 square feet, in an I-2, Heavy Industry District.

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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by industrial units and wetlands.

APPLICATION NUMBER <u>6535</u> DATE <u>September 11, 2023</u>	 NTS
APPLICANT <u>Munn Enterprises, Inc. (Kerri McAlpine Little, Agent)</u>	
REQUEST <u>Sign Variance</u>	

SITE HISTORY

The subject site was included in a 1979 subdivision request for Hale Industrial Park, a three (3) lot subdivision. Additionally, a Sidewalk Waiver was approved for the site by the Planning Commission at its July 24, 1997 meeting. An Administrative Planned Unit Development (PUD) was approved for the site in June 1998 to allow multiple buildings on multiple lots with shared parking and access. Most recently, a PUD was approved by the Planning Commission at its December 16, 2021 meeting to allow shared access between multiple building sites.

There have been no other Planning Commission or Board of Zoning Adjustment applications associated with the site.

STAFF COMMENTS

Engineering Comments:

The sign must be located on private property and NOT within the public ROW.

Traffic Engineering Comments:

No comments.

Urban Forestry Comments:

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 (2021 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 commercial buildings and 600' of sprinkled commercial buildings.

Planning Comments:

The applicant is requesting a Sign Variance to allow four (4) signs, one of which exceeds 350 square feet, on a single-tenant commercial site in an I-2, Heavy Industry District; the Unified Development Code (UDC) does not allow more than three (3) signs for a single-tenant commercial site and limits wall signs to a maximum of 350 square feet in an I-2, Heavy Industry District.

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 subject site is a single-tenant, industrial site for Empire Truck Sales which also has Freightliner trucks. Currently, two (2) sign permits have been issued on the subject site for Freightliner; one (1) freestanding pylon

sign along the site's frontage, and one (1) wall sign on the West façade of the structure currently under construction. The applicant proposes two (2) additional wall signs to be placed on the primary façade of the structure; one (1), 484.68 square-foot wall sign for Empire Truck Sales, and one (1) 200 square foot wall sign for Empire Express.

The applicant states that due to the nature of the business, more signage is required in order to market the multiple entities which make up the Empire Truck Sales business model, each with their own private branding standards. The applicant goes on to state that a wall sign exceeding the maximum allowed size is necessary due to the specific clientele of the business being individuals who travel primarily on major highways and interstates. These consumers require the visibility from the highways and interstates to make major decisions as they are driving, per the applicant's justification for the request.

It should be noted that the subject site, while located on its own parcel, is part of a larger complex which includes the property abutting to the East, affirmed by the aforementioned PUD. As such, it is pertinent to note that the abutting property currently has one (1) wall sign for Empire Truck Sales, and one (1) freestanding pylon sign for Freightliner. Additionally, a billboard exists on site which has been utilized for advertisement for Freightliner and Empire Truck Sales since at least 2007.

When signage for the entire complex is taken into consideration, additional signage for the subject site, beyond what the UDC would typically allow, may not be necessary.

With regard to the justification for an increase in the maximum size allowed, it should be noted that an identical wall sign for Empire Truck Sales is currently located on the front facing façade of the neighboring building to the East. Per staff records, this wall sign was permitted in 2016 and is a compliant 260 square feet in size. Further illustrating that an increase in the maximum size of wall signs may be unnecessary.

VARIANCE CONSIDERATIONS

Standards of Review:

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.

Article 5 Section 10-E. 1. of the Unified Development Codes states that the Board of Adjustment may grant a variance if:

- The Applicant demonstrates that the variance shall not be contrary to the public interest,
- Where, owing to special conditions a literal enforcement of the provision of this Chapter will result in unnecessary hardship; and
- The spirit of this Chapter will be observed and substantial justice done.

Article 5 Section 10-E.2. states; No variance shall be granted:

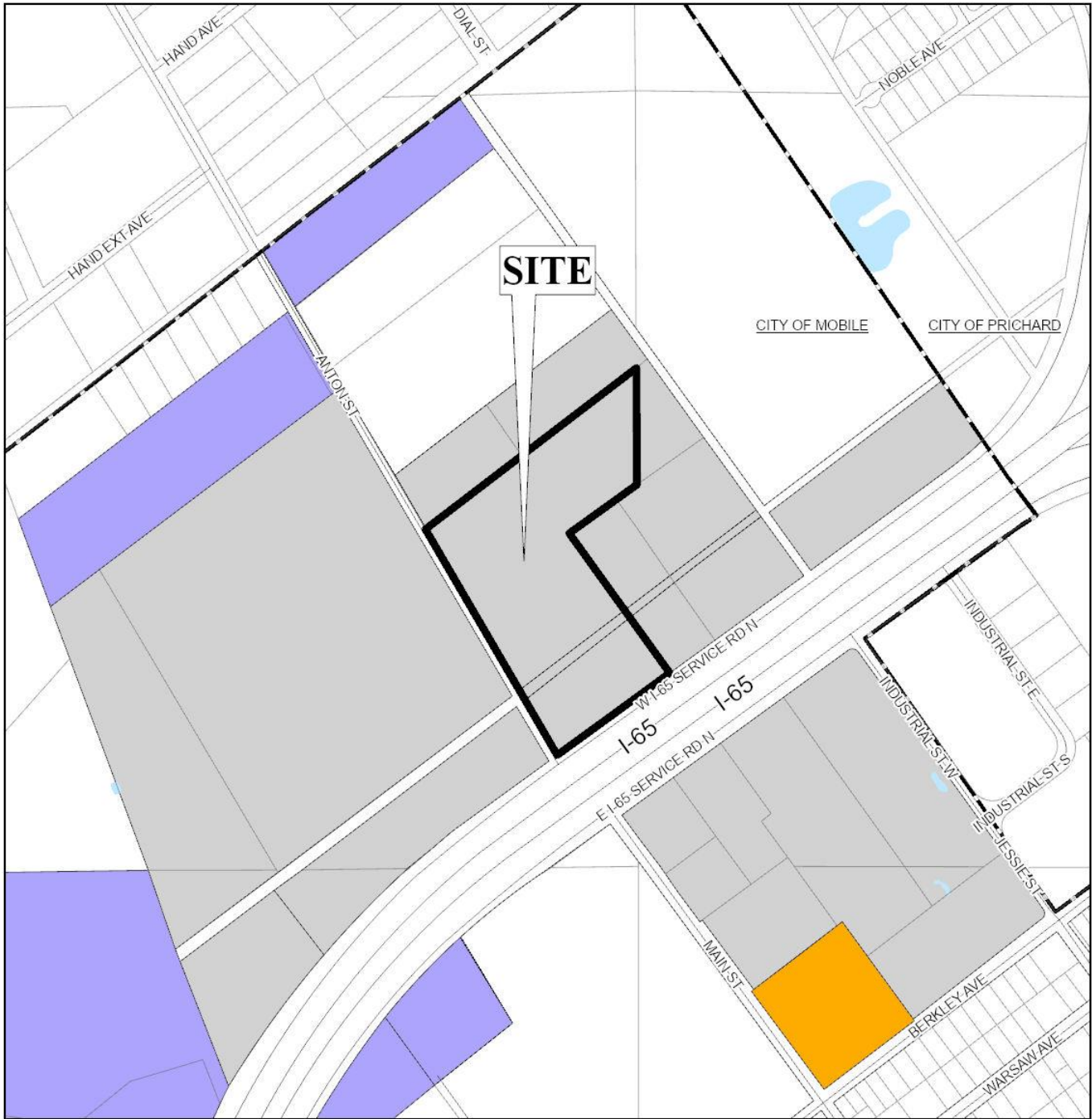
- (a) In order to relieve an owner of restrictive covenants that are recorded in Mobile County Probate Court and applicable to the property;
- (b) Where economic loss is the sole basis for the required variance; or
- (c) Where the variance is otherwise unlawful

Considerations:

Based on the requested Variance application, if the Board considers approval of the request, the following findings of fact must be present:

- 1) The variance will not be contrary to the public interest;
- 2) Special conditions exist such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
- 3) The spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance.

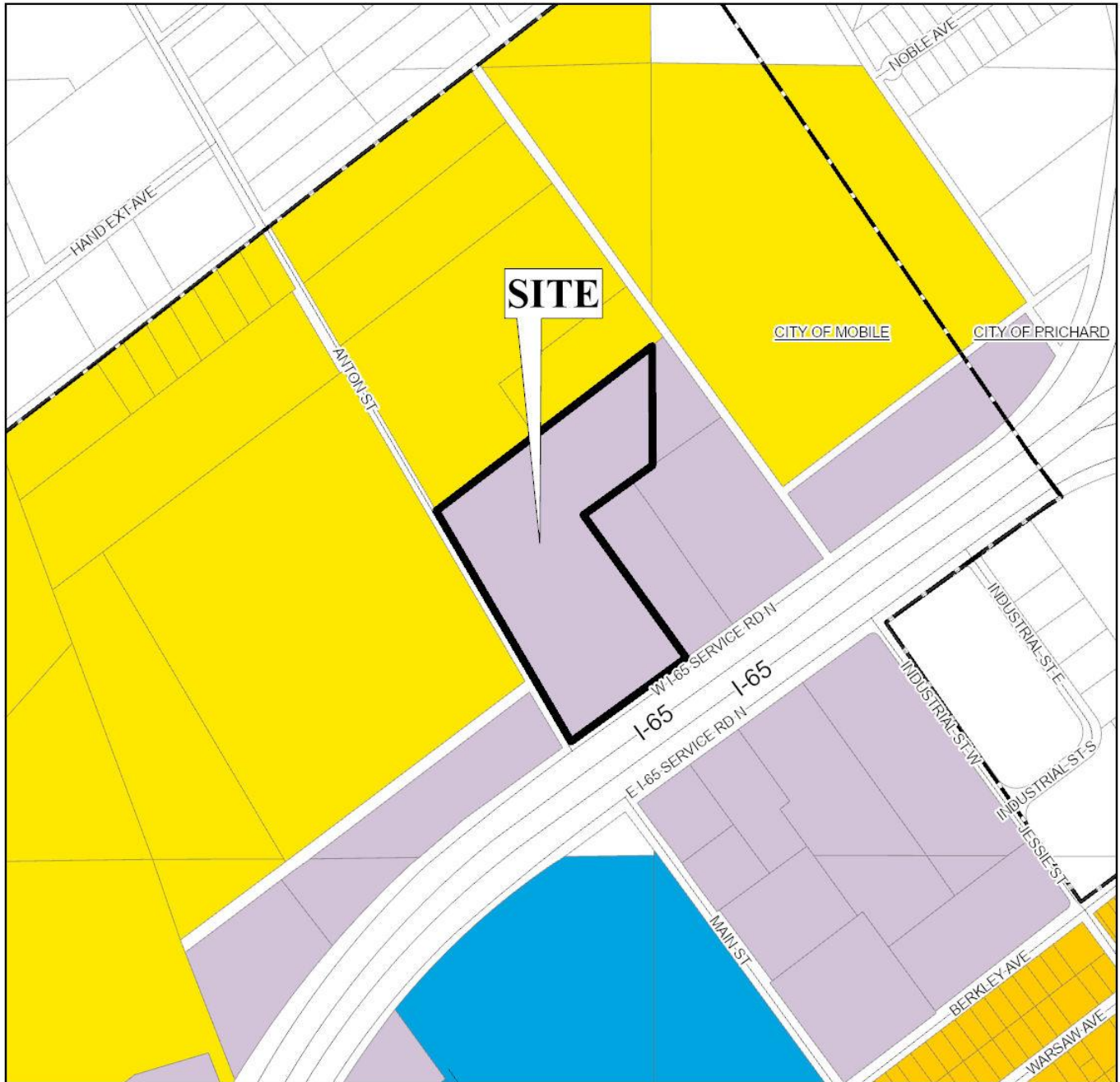
LOCATOR ZONING MAP



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FLUM LOCATOR MAP

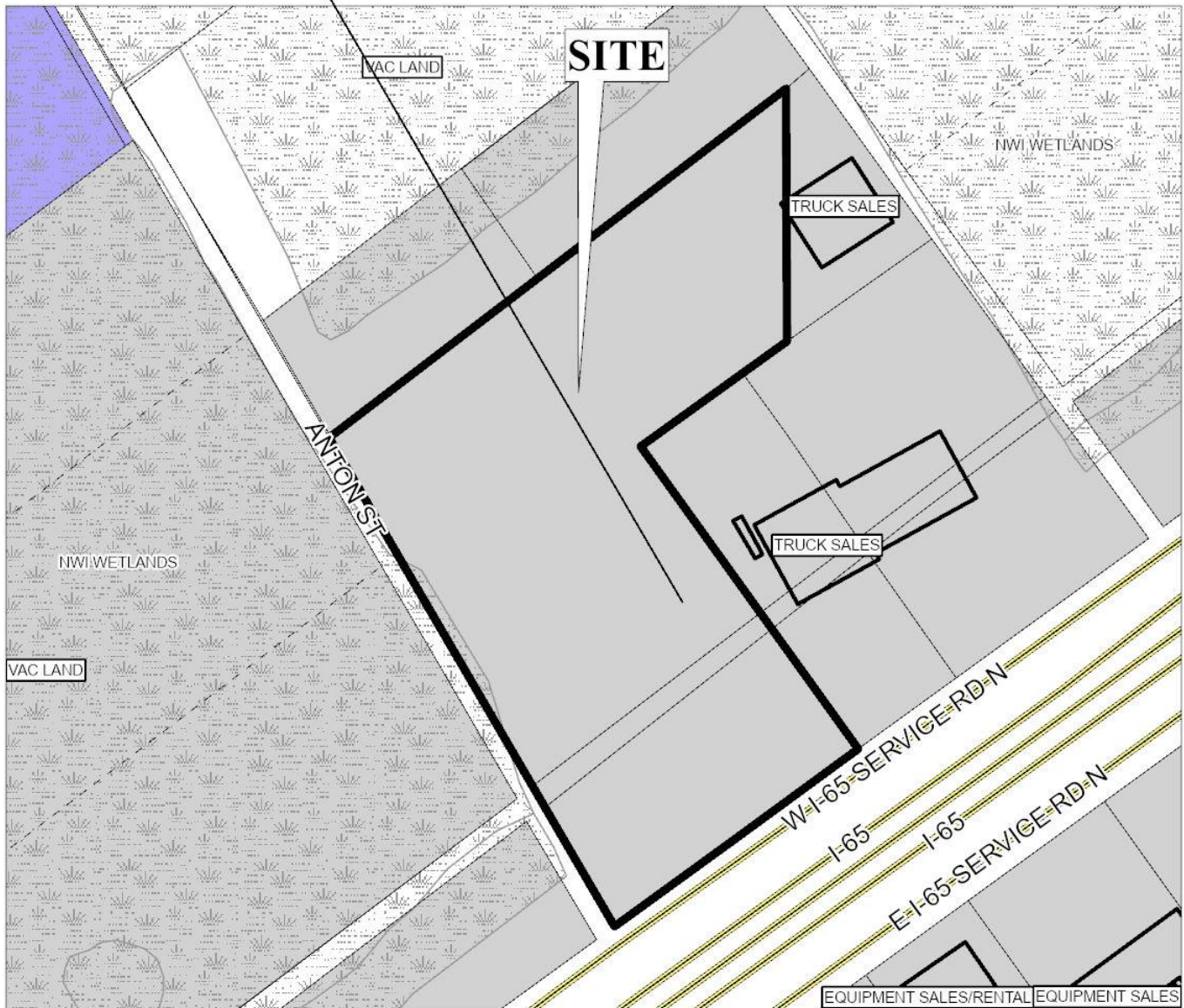


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- | | | | |
|---|---|---|--|
| Low Density Residential | Neighborhood Center - Traditional | Downtown Waterfront | Parks & Open Space |
| Mixed Density Residential | Neighborhood Center - Suburban | Light Industry | Water Dependent |
| Downtown | Traditional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



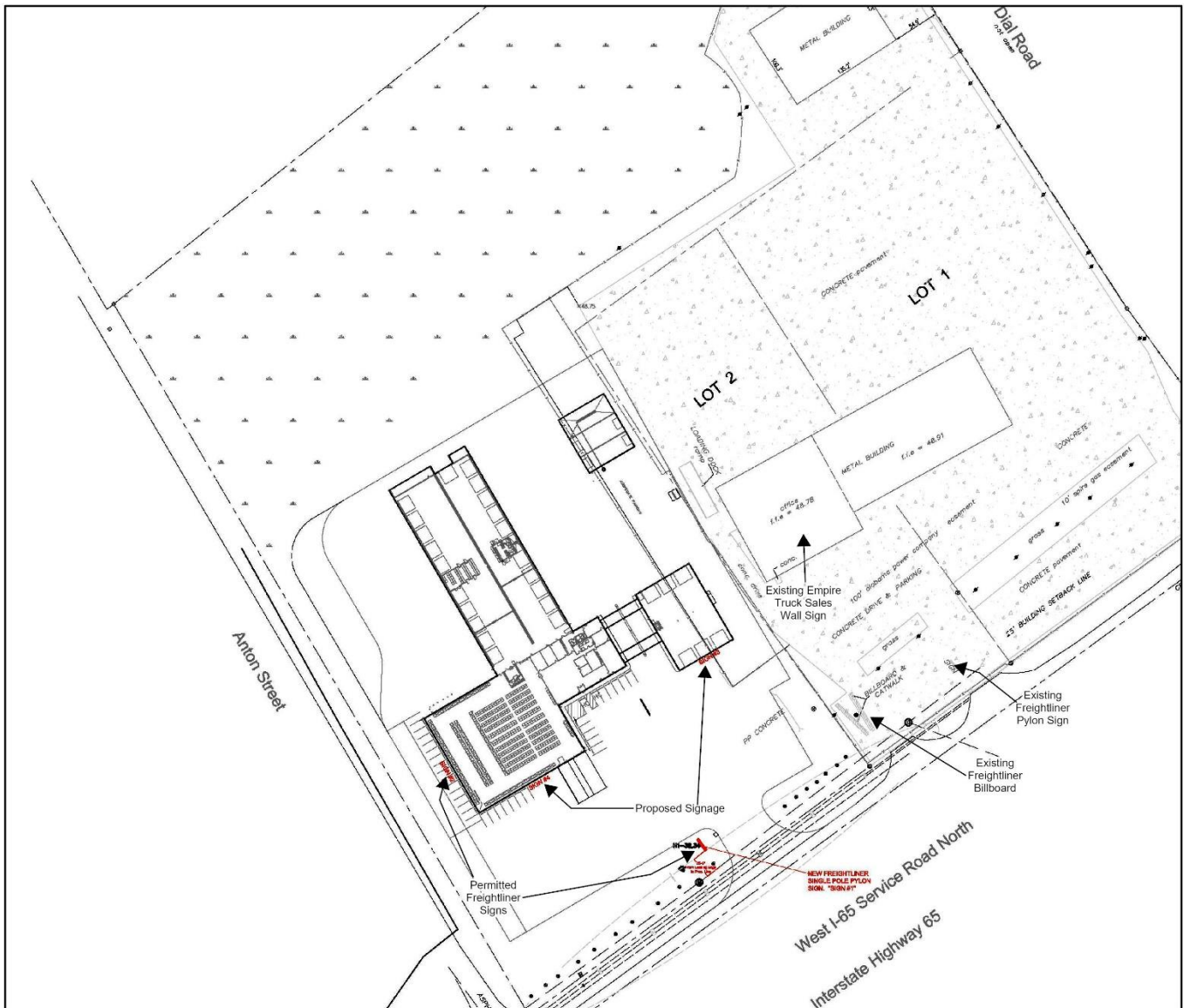
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<table style="width: 100%; font-size: small;"> <tr> <td> R-A</td> <td> R-3</td> <td> B-1</td> <td> B-2</td> <td> B-5</td> <td> ML</td> <td> I-2</td> <td> OPEN</td> <td> T-3</td> <td> T-5.2</td> </tr> <tr> <td> R-1</td> <td> R-B</td> <td> T-B</td> <td> B-3</td> <td> CW</td> <td> MH</td> <td> PD</td> <td> SD</td> <td> T-4</td> <td> T-6</td> </tr> <tr> <td> R-2</td> <td> H-B</td> <td> LB-2</td> <td> B-4</td> <td> MM</td> <td> I-1</td> <td> MUN</td> <td> SD-WH</td> <td> T-5.1</td> <td></td> </tr> </table>	 R-A	 R-3	 B-1	 B-2	 B-5	 ML	 I-2	 OPEN	 T-3	 T-5.2	 R-1	 R-B	 T-B	 B-3	 CW	 MH	 PD	 SD	 T-4	 T-6	 R-2	 H-B	 LB-2	 B-4	 MM	 I-1	 MUN	 SD-WH	 T-5.1	
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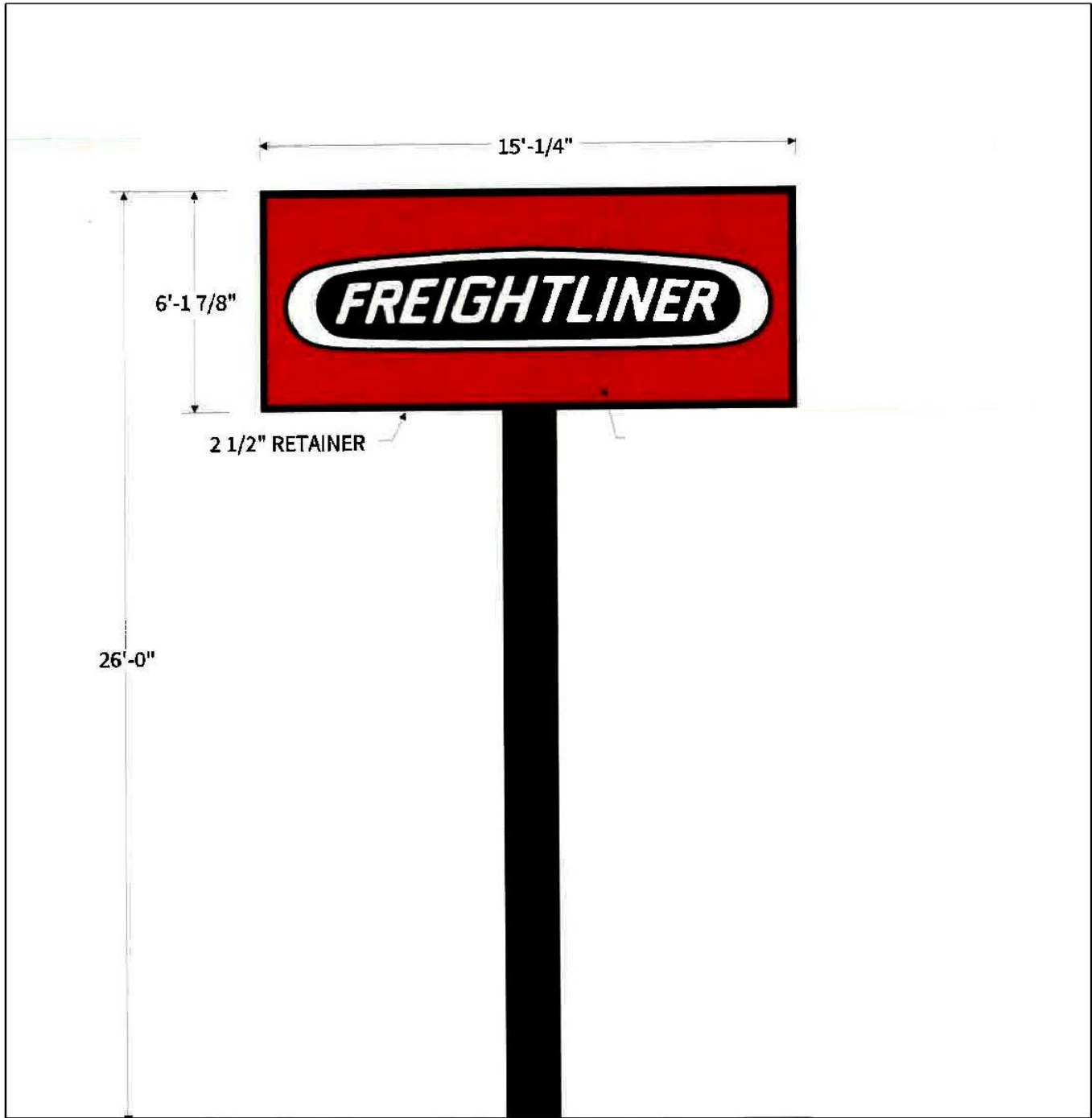
SITE PLAN



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

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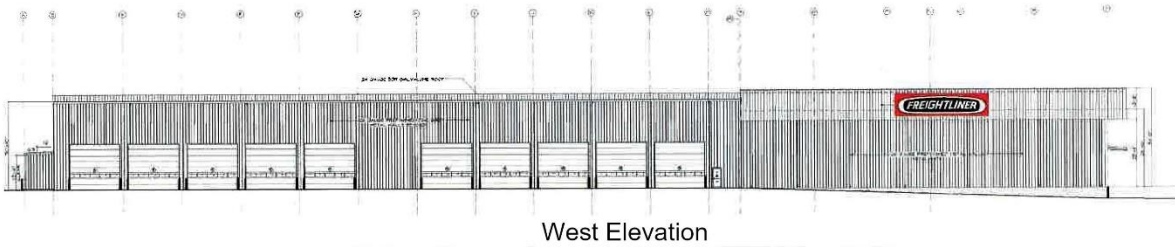
DETAIL SITE PLAN



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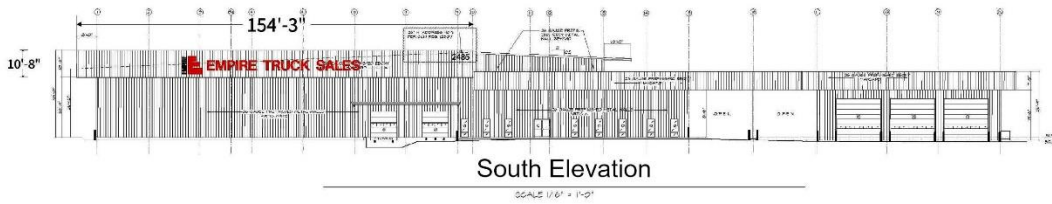
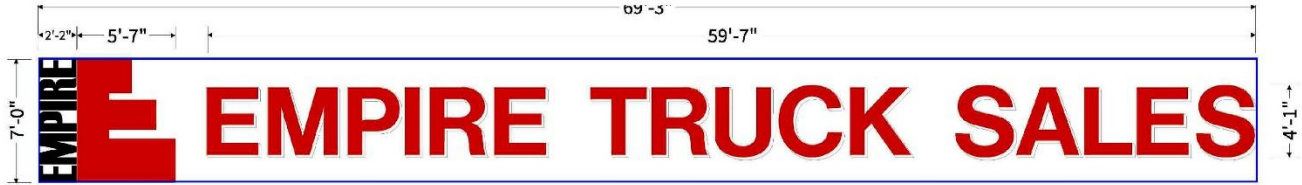
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