

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: July 9, 2018**

<u>CASE NUMBER</u>	6194
<u>APPLICANT NAME</u>	Anchor Engineering
<u>LOCATION</u>	East side of Schillinger Road South, 850'± North of Hitt Road
<u>VARIANCE REQUEST</u>	SIGN: Sign Variance to allow an off-premise monument sign for an apartment complex in a B-3, Community Business District
<u>ZONING ORDINANCE REQUIREMENT</u>	SIGN: The Zoning Ordinance requires all signage to be on-premise for an apartment complex in a B-3, Community Business District.
<u>ZONING</u>	B-3, Community Business District
<u>AREA OF PROPERTY</u>	1.4± Acres
<u>ENGINEERING COMMENTS</u>	No Comments
<u>TRAFFIC ENGINEERING COMMENTS</u>	No Comments
<u>CITY COUNCIL DISTRICT</u>	District 6

ANALYSIS The applicant is requesting a Sign Variance to allow an off-premise monument sign for an apartment complex in a B-3, Community Business District; the Zoning Ordinance requires all signage to be on-premise for an apartment complex in a B-3, Community Business District.

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.

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 site has been given a District Center (DC) 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 designation applies across the city to larger areas of existing mixed-use character or where such character is encouraged. These areas will include moderate to high-density residential (minimum densities of 6 dwelling units per acre) in dynamic, horizontal or vertical mixed use environments, to provide a balance of housing and employment.

District Centers (DC) generally serve several surrounding neighborhoods and may even have a city-wide or region-wide reach. As such, they are often anchored by a major commercial or institutional employer such as a shopping mall or a medical center.

Depending on location and assigned zoning, residential areas in District Centers may incorporate a mix of housing types, ranging from mid-rise multifamily buildings containing apartments and lofts, to townhouses and detached single-family homes. Major civic cultural institutions and public spaces provide regional and neighborhood destinations.

District Centers should be designed to induce pedestrian activity, with high quality streetscapes connecting the different components of a center as well as the center to its surrounding area. DC districts may be served by transit and include development of an intensity and design that supports transit use.

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 applicant states the following to explain the need for the variance request:

The Brewer Center Subdivision is a multi-use 40-acre development at the northeast corner of Schillinger Road and Hitt Road. The subdivision includes four (4) parcels and a Common Area Access Easement. A general description of the parcels is outlined below:

- *Lots 1 & 2 are 1.0-1.5 acre parcels located at the Northwest corner of the property bordering Schillinger Road.*

- *Lot 3 is an approximate 12.5-acre parcel border Schillinger Road and Hitt.*
- *Lot 4 is a 25-acre parcel that includes the eastern half of the subdivision. Lot 4 border Hitt Road and is connected to Schillinger Road via the Common Area Access Easement.*

Lot 4 is planned as a 30 MM, 180-unit upscale multi-family development. The development has been given conditional approval from HUD for funding. However, one of the conditions of the HUD approval is that a "Marquee" sign for the development be constructed at Schillinger Road. The Owner of Lot 2, HITTSCHELL, LLC, has agreed to allow Lot 4 to construct a sign at the southwest corner of Lot 2 provided that a variance is granted to also allow Lot 2 to construct a sign at the northwest corner of the lot.

The Brewer Center Subdivision is a significant development with the City of Mobile with development cost in excess of 50 MM. We respectfully request that the sign variance be approved such that the Multi-Family Development can move forward.

As the applicant states, Lot 4 of the Brewer Center Subdivision is to be developed as multi-family housing, and had a Planned Unit Development approved at the Planning Commission's December 7, 2017 meeting. Lot 4 has access to Schillinger Road via a "Common Area Access Easement", but no direct frontage. The applicant has applied for Section 221(d)(4) funding from the U.S. Department of Housing and Urban Development, which has a list of twenty-one (21) special conditions which the development must meet including provisions of carbon monoxide detectors, the office/clubhouse being accessible to persons with mobility impairments, etc. One condition is "An adequately sized and attractive project marquee sign must be provided at the property's vehicular entrance drive from Schillinger Road."

It should be noted that the sign regulations of the Zoning Ordinance have been enacted 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.

Due to the lack of direct real property frontage on Schillinger Road, and the financing requirement that the site have a sign along Schillinger Road, if the request to have the off-premise signage were denied, it could result in not only the failure of the proposed development to be financed, but also could pose traffic safety concerns as vehicles traveling along Schillinger Road may have difficulty locating the development without signage along the major thoroughfare.

It should be noted that if the request at hand is approved, Lot 2, the site on which the off-premise sign is proposed to be located would still be allowed to have its own freestanding sign separate from the currently proposed sign, subject to compliance with Section 64-11 of the Zoning Ordinance. Furthermore, the proposed multi-family housing development would be allowed a sign at its entrance on Hitt Road.

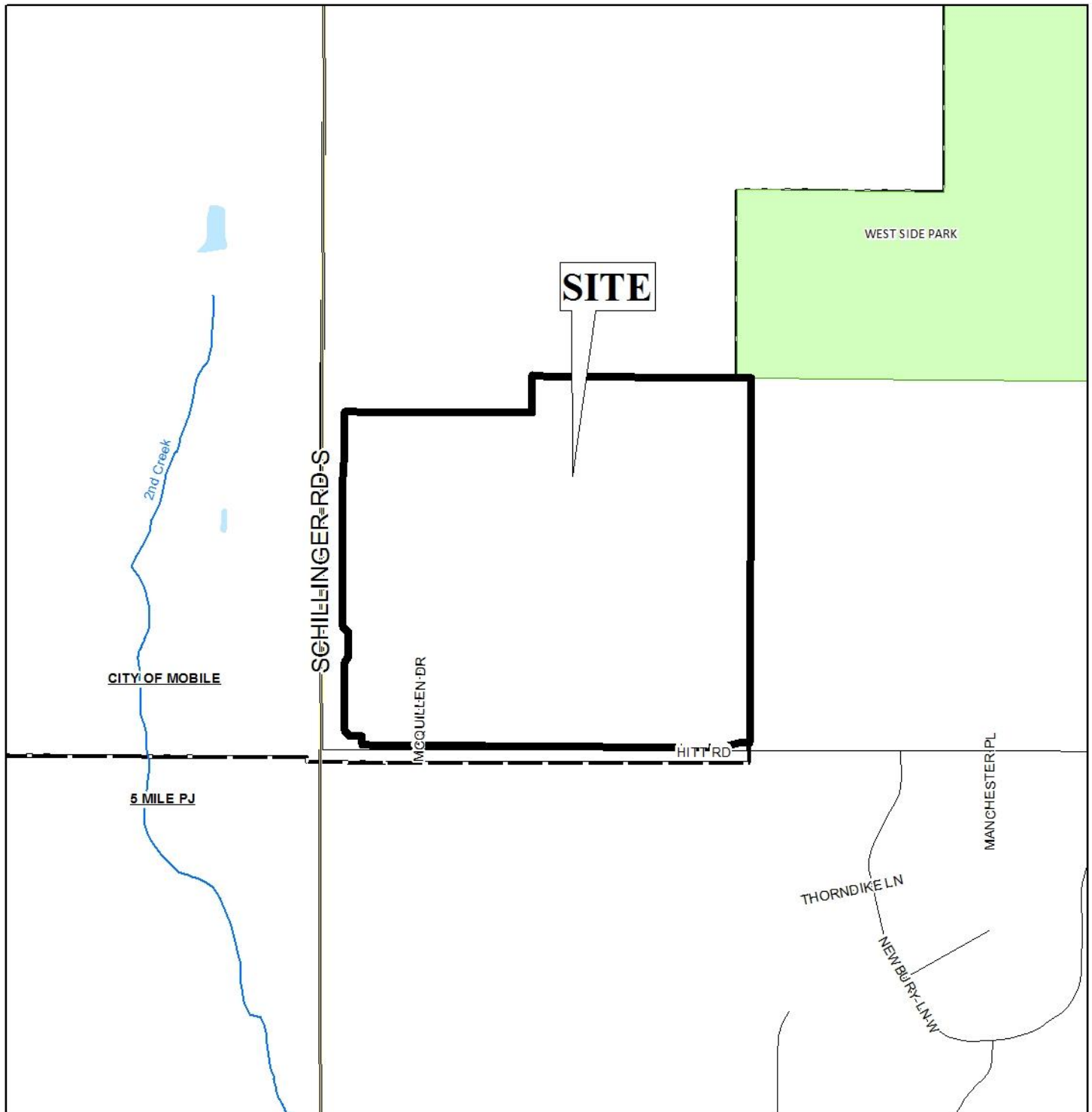
RECOMMENDATION: Staff recommends to the Board the following findings of fact for Approval:

- 1) Approving the variance will not be contrary to public interest in that the Zoning Ordinance a sign along Schillinger Road, a major street, will allow for greater visibility for traffic;
- 2) Special conditions do exist and there are hardships which exist that make the placement of an off-premise sign necessary for this site, as it is a requirement of the U.S. Department of Housing and Urban Development; 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 the lot on which the development sits is accessed through a “Common Area Access Easement”.

The approval is subject to the following conditions:

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

LOCATOR MAP



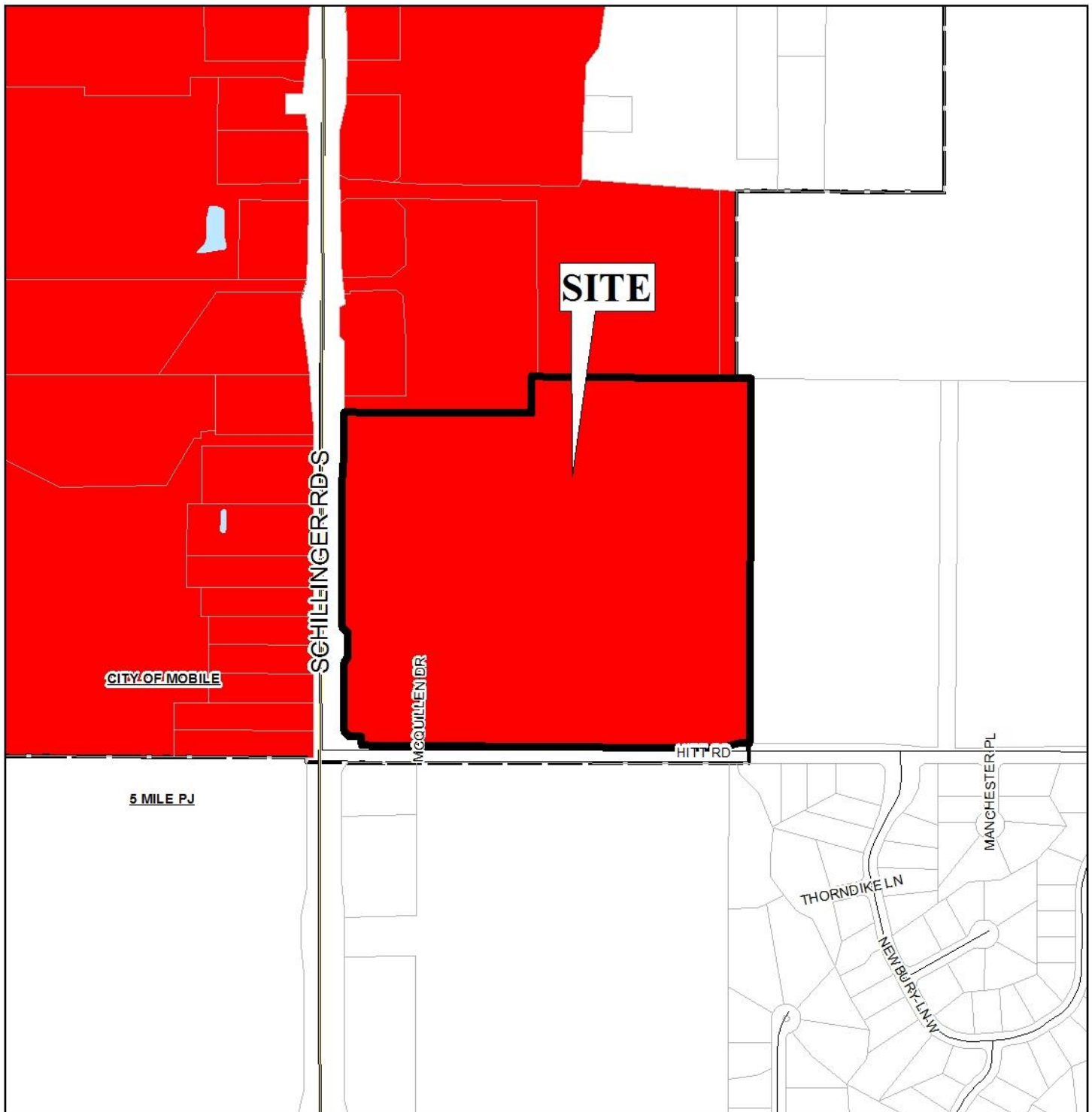
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REQUEST Off-Premise Sign Variance



LOCATOR ZONING MAP



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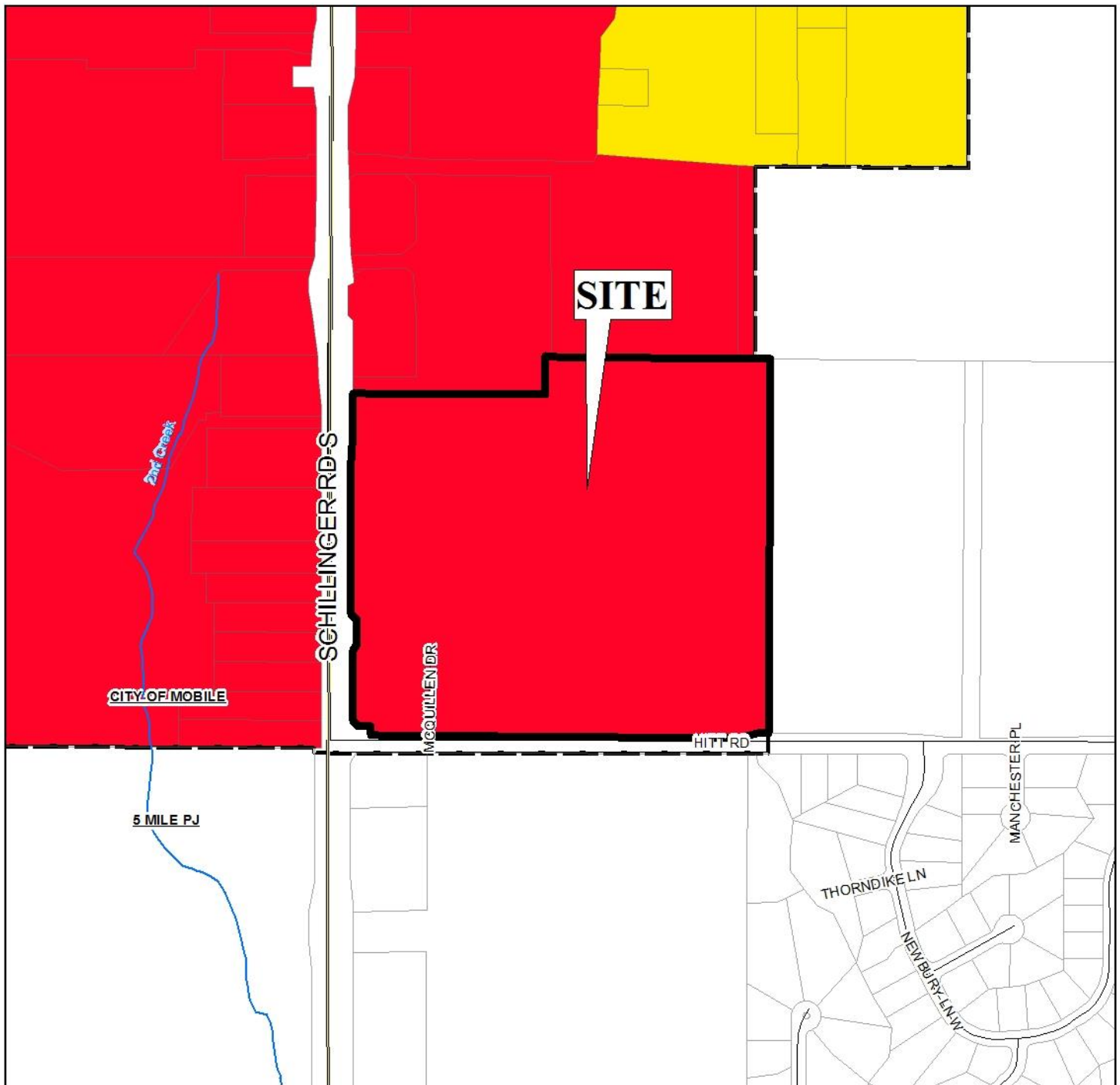
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FLUM LOCATOR MAP



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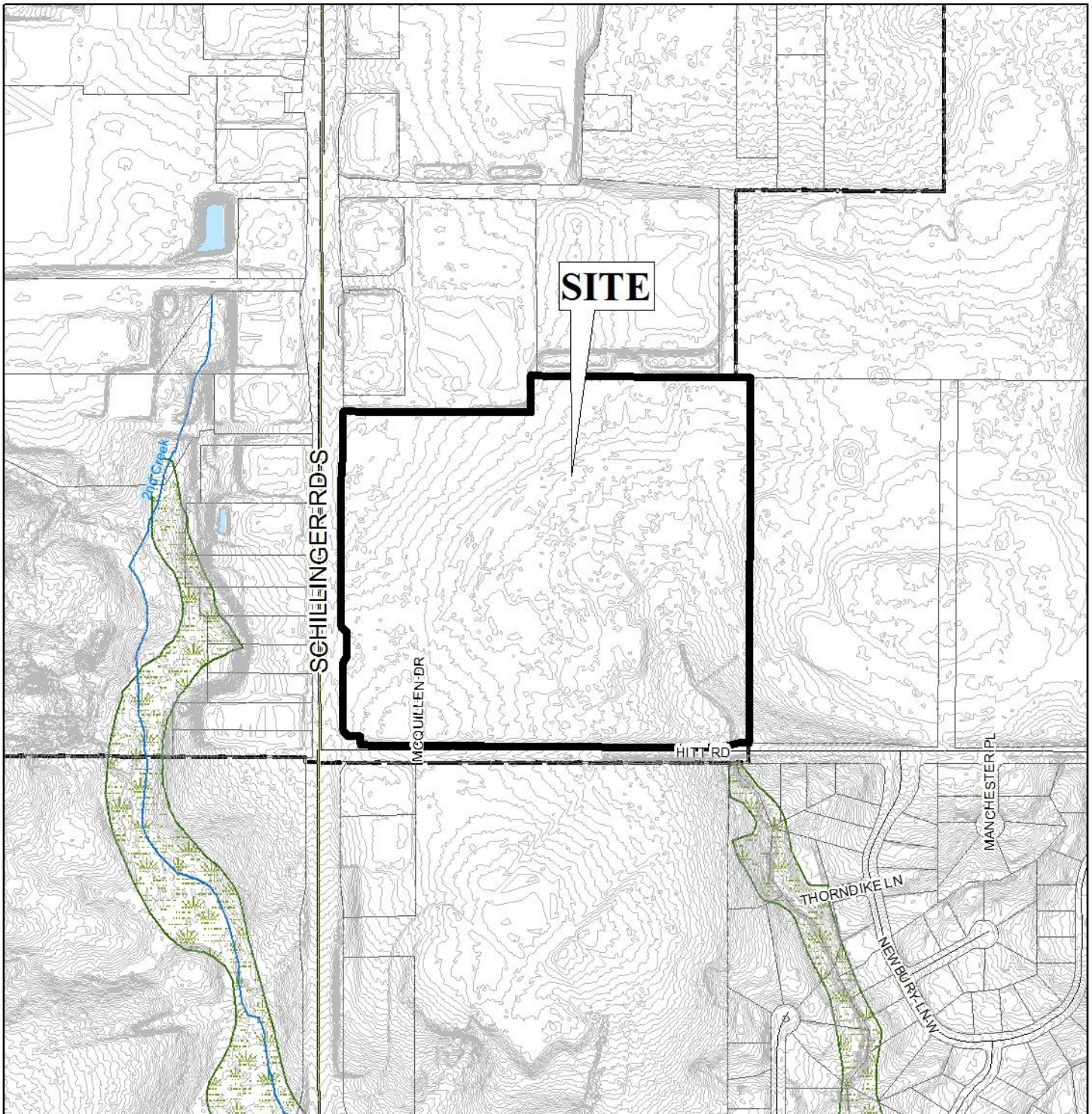
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Low Density Residential	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
Mixed Density Residential	Neighborhood Center - Suburban	Light Industry	Water Dependent
Downtown	Traditional Corridor	Heavy Industry	
District Center	Mixed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



ENVIRONMENTAL LOCATOR MAP



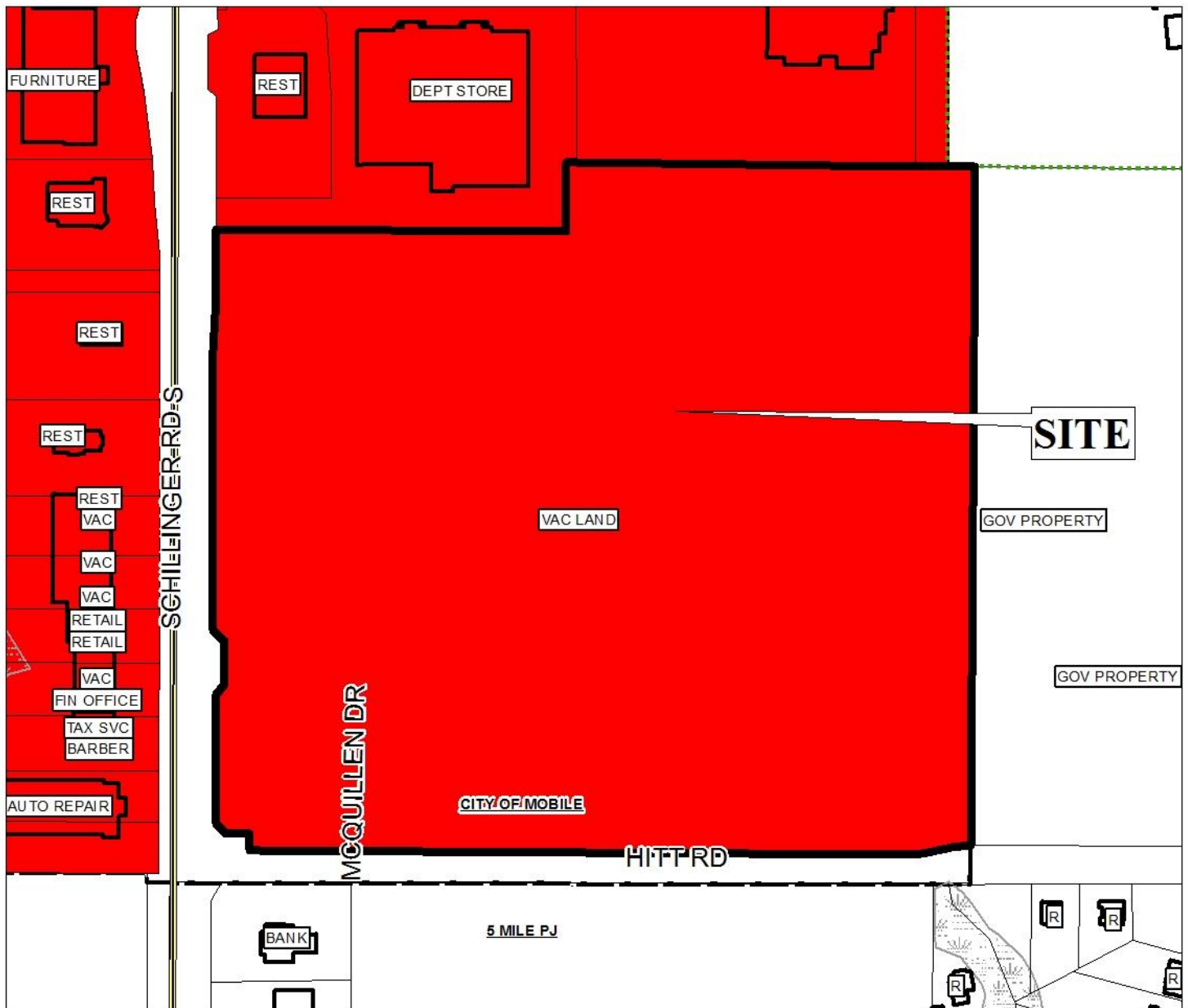
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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



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

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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

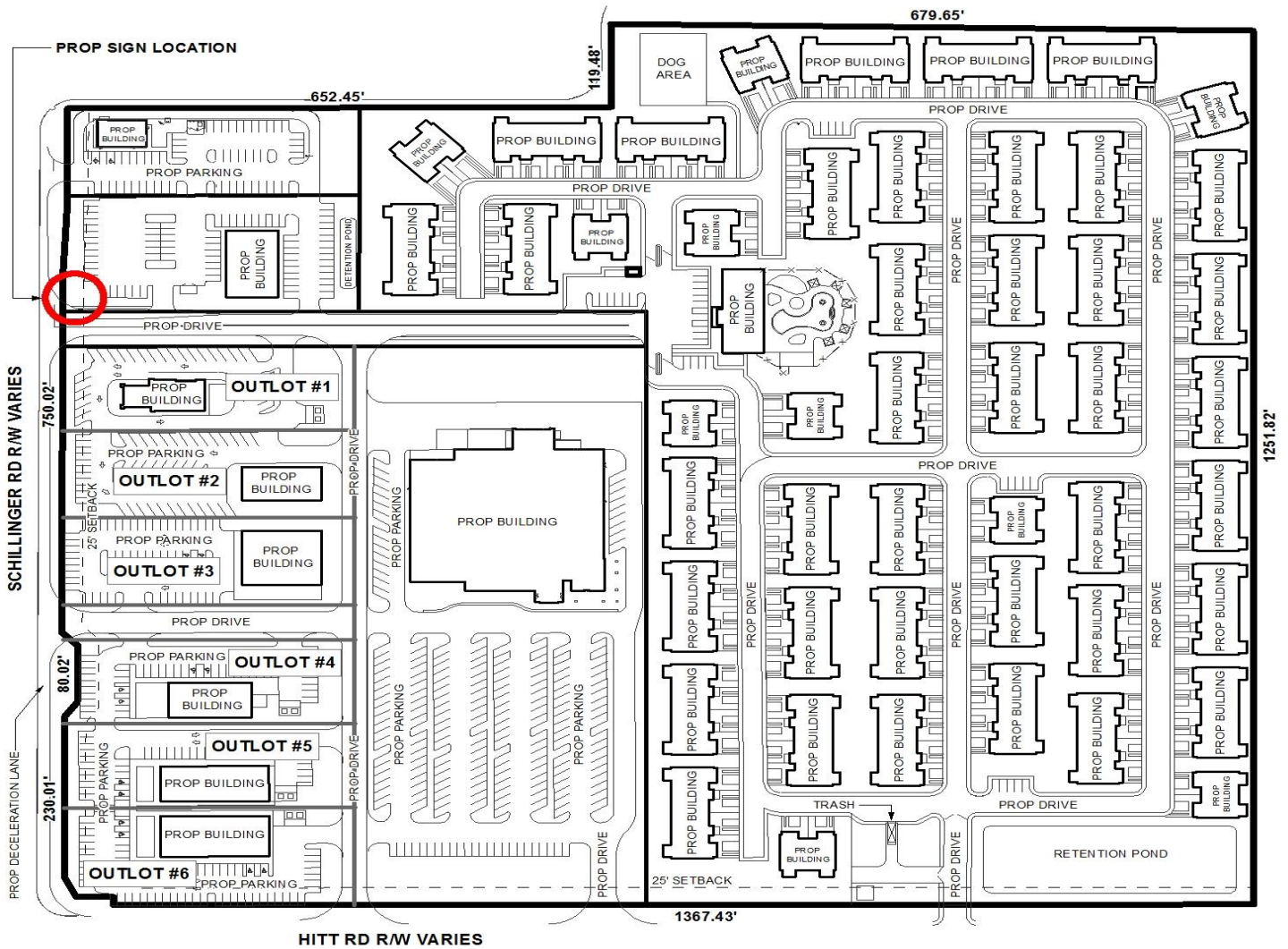


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SITE PLAN



The site plan illustrates the proposed buildings, proposed drives, proposed parking, proposed sign location, and setbacks.

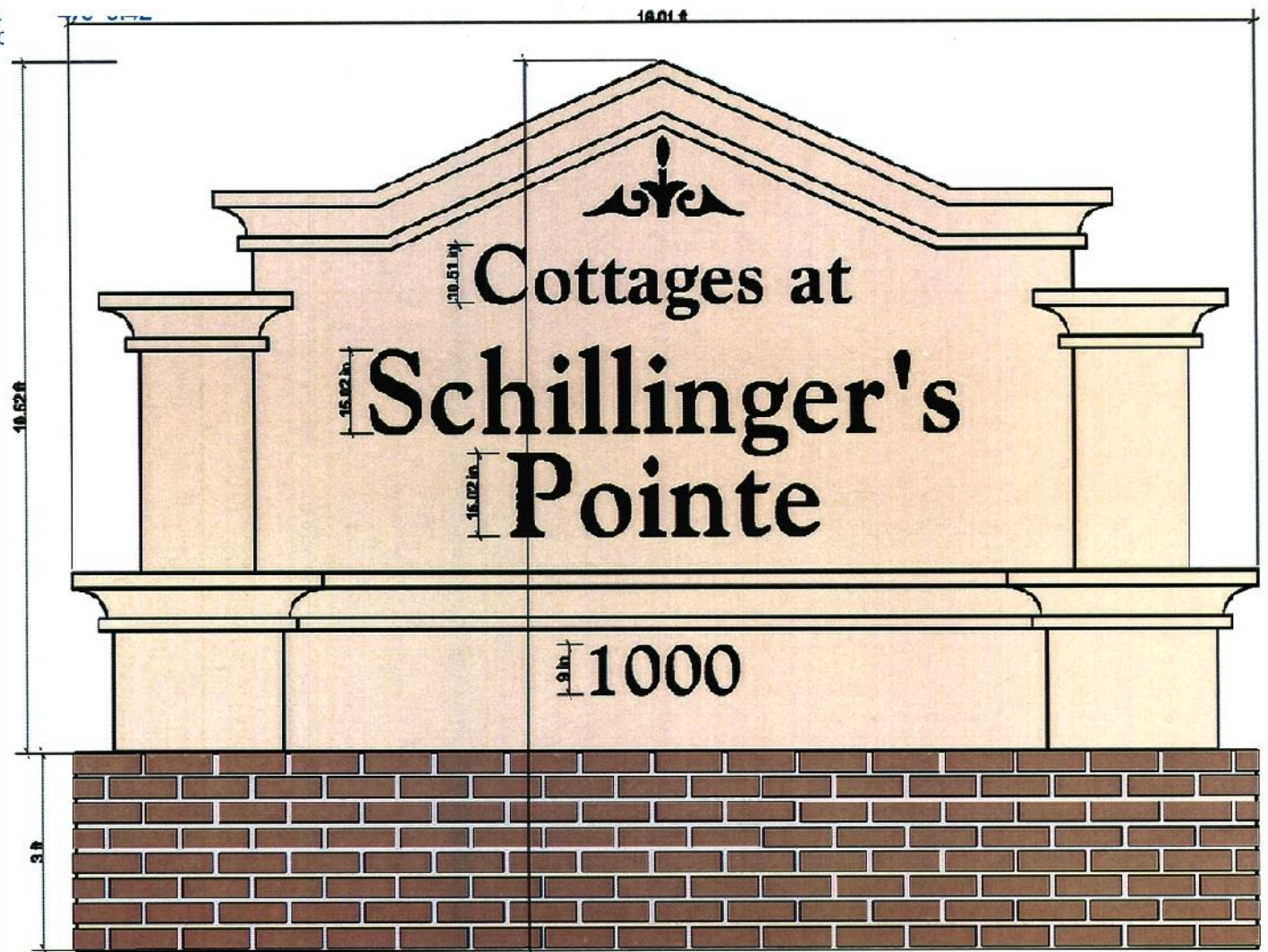
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DETAIL SITE PLAN

DF Synthetic Stucco Monument with Masonry by Others



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