

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

<u>CASE NUMBER</u>	6379
<u>APPLICANT NAME</u>	Petroimage
<u>LOCATION</u>	2100 Dauphin Island Parkway (Southwest corner of Dauphin Island Parkway and Old Military Road)
<u>VARIANCE REQUEST</u>	SIGN: Sign Variance to allow a digital pricing sign within 300' of residentially zoned property in a B-2, Neighborhood Business District.
<u>ZONING ORDINANCE REQUIREMENT</u>	SIGN: The Zoning Ordinance requires a digital sign to be at least 300' from residentially zoned property in a B-2, Neighborhood Business District.
<u>ZONING</u>	B-2, Neighborhood Business District
<u>AREA OF PROPERTY</u>	37,540± square feet / 0.86± Acres
<u>CITY COUNCIL DISTRICT</u>	District 3
<u>ENGINEERING COMMENTS</u>	No comments.
<u>TRAFFIC ENGINEERING COMMENTS</u>	No comments.
<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**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 commercial buildings and 600' of sprinkled commercial buildings.

ANALYSIS

The applicant is requesting a Sign Variance to allow a digital pricing sign within 300' of residentially zoned property in a B-2, Neighborhood Business District; the Zoning Ordinance requires a digital pricing sign to be at least 300' from residentially zoned property in a B-2, Neighborhood Business District.

The Zoning Ordinance states that no variance shall be granted where economics is 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 site has been given a Mixed Commercial Corridor (MCC) land use designation per the Future Land Use Plan and Map adopted 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.

The MCC 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 and improve connectivity to surrounding neighborhoods; improved streetscapes; and improve mobility and accessibility for all users of the corridor.

It should also 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.

Regarding the Sign Variance, staff determined that the proposed digital pricing sign would be less than 300' from property zoned R-1, Single-Family Residential District, to the Northeast, East, Southwest, and West. The applicant references the commercial use of one of the residentially zoned properties to which it is adjacent, as well as its proximity to other commercial properties, as justification for the request, stating:

"The purpose of this application is to allow:

The purpose of this application is to allow the property to install an LED price sign within 300 feet of residentially zoned property.

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

The property is located across from a school that has a residential zoning classification. This zoning classification is preventing us from installing an LED price sign because our property is located within 300 feet. Although the property is zoned residential it is not used for residential use. Therefore, we should be granted a variance to allow an LED price sign across from the school property.

How is this property different from the neighboring properties?

Most properties that are on Dauphin Island Parkway are businesses and are only within 300 feet of other commercial properties. Due to the zoning classification of the school property, we are located across from residential zoning."

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 regulations of off-premise and on-premise signs within the city.

Regarding the proposed digital pricing sign, Section 64-11.8.c.(7) of the Zoning Ordinance states: *"electronic or digital signs are allowed only... if sign is placed a distance of not less than 300 feet from any residential zoned property. The distance shall be measured in a straight line, without regard to intervening structures or objects, from the proposed location of the sign to the nearest property line of any residential zoned property".* Additional requirements further state that *"on-premise electronic message board or digital signs may display animation and effects, so long as they do not flash or constitute a flashing sign as defined in this Chapter"*.

Information submitted by the applicant indicates the proposed digital sign is for a Chevron gasoline station which will meet the conditions of Pricing Signs within the Zoning Ordinance regarding size, and it will not flash or have any animated motion; however, information regarding illumination standards and how the sign will comply with such standards is not provided. If approved, the sign shall comply with Section 64-11.8.c (7) of the Zoning Ordinance regarding illumination.

The proposed sign will be perpendicular to Dauphin Island Parkway and its lights, therefore, are not directed toward the adjacent R-1, Single-Family Residential properties to the Northeast and East.

Within the 300' buffer required of electronic or digital sign placement, all adjacent properties to the North and South are commercially zoned. Moreover, the sign would not appear to be visible from the residentially zoned properties to the Southwest and West; the residentially zoned site to the Northeast is used as a funeral home and cemetery; and, as the applicant mentions, the residentially zoned property across the street (to the East) is used as a public school.

It should be noted that the Board has been favorable to similar variance requests in the past. Furthermore, the Board approved a request for a digital pricing sign within 300' of residentially zoned property at 2206 Dauphin Island Parkway, 587'± South of the subject site, at its April 6, 2015 meeting. As such, approval of the request may be appropriate.

Finally, if approved, separate Sign and Electrical Permits shall be required for construction of the proposed sign. The proposed digital pricing sign shall also meet the minimum wind load requirement of the currently adopted International Building Code.

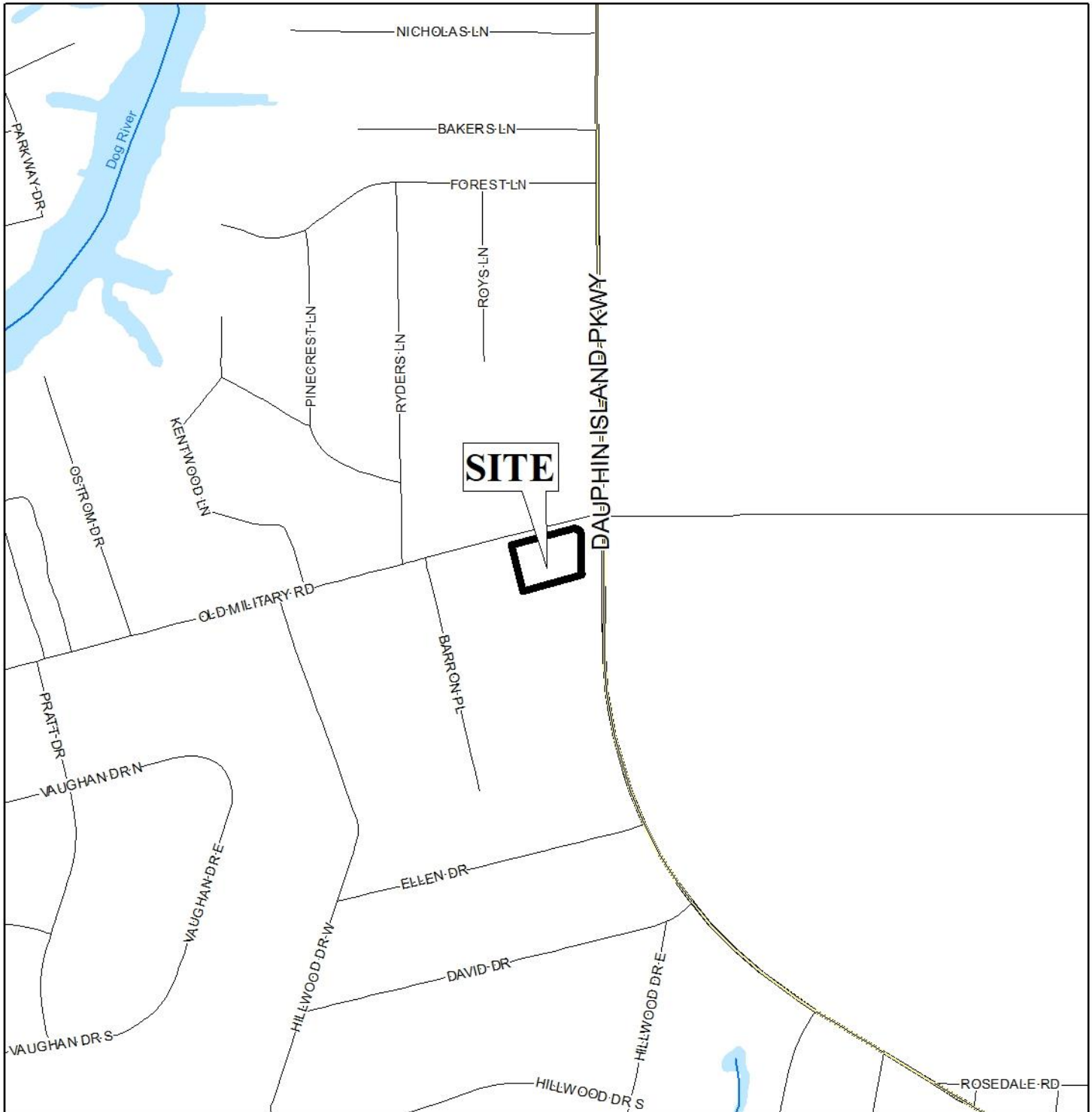
RECOMMENDATION: Staff recommends to the Board the following Findings of Fact for Approval of the digital pricing sign within 300' of residentially zoned property:

- 1) Approving the variance will not be contrary to the public interest since digital pricing signs are commonly approved by the Board without incident;
- 2) Special conditions exist in such a way that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship since the sign would face residentially zoned property that is used commercially;
- 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 proposed signage will not affect residentially used property.

The approval is subject to the following conditions:

- 1) Completion of the sign permit process including, but not limited to, full compliance with maximum brightness levels of the Sign Regulations; and,
- 2) Full compliance with all other municipal codes and ordinances.

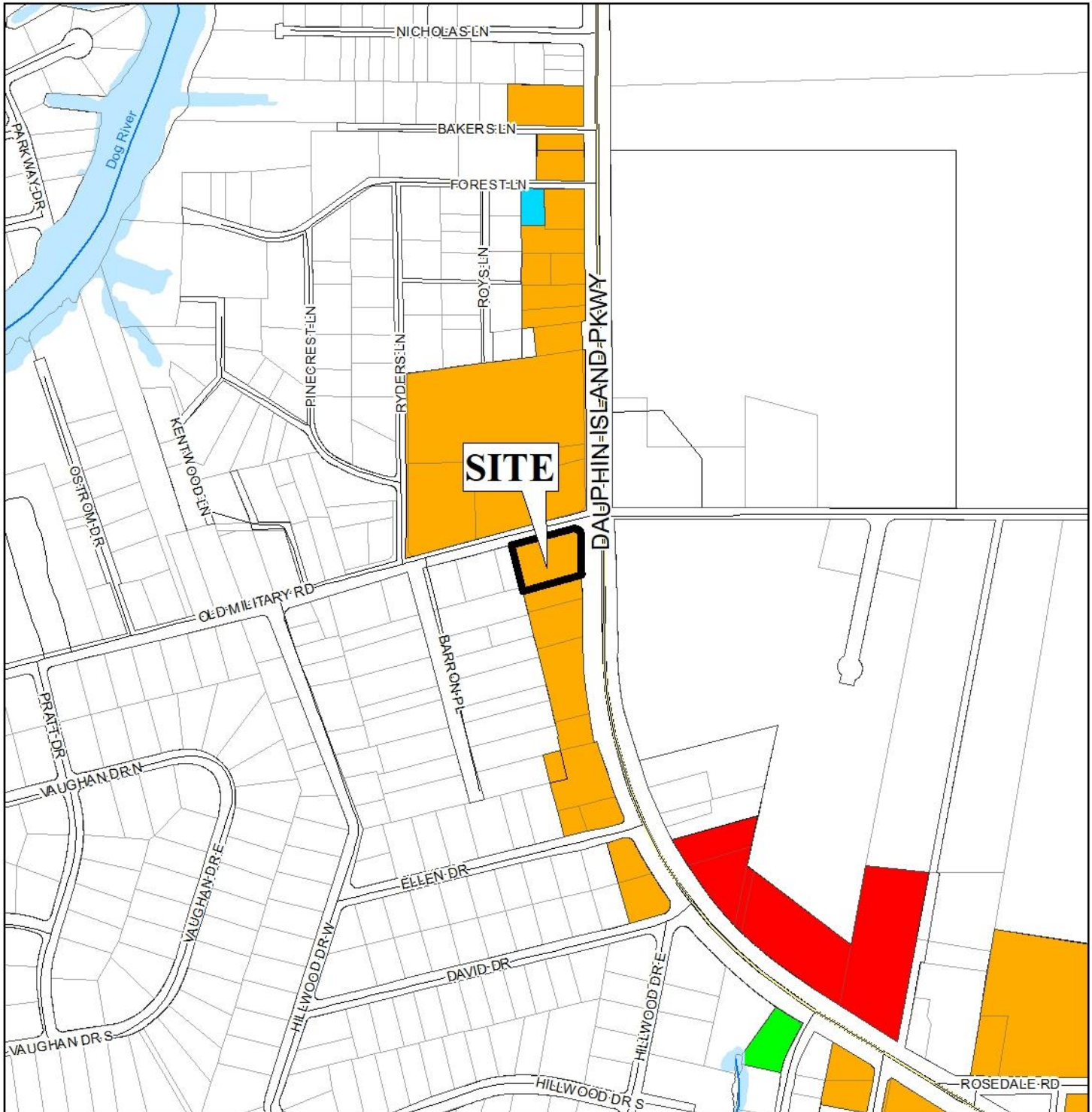
LOCATOR MAP



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REQUEST Sign Variance



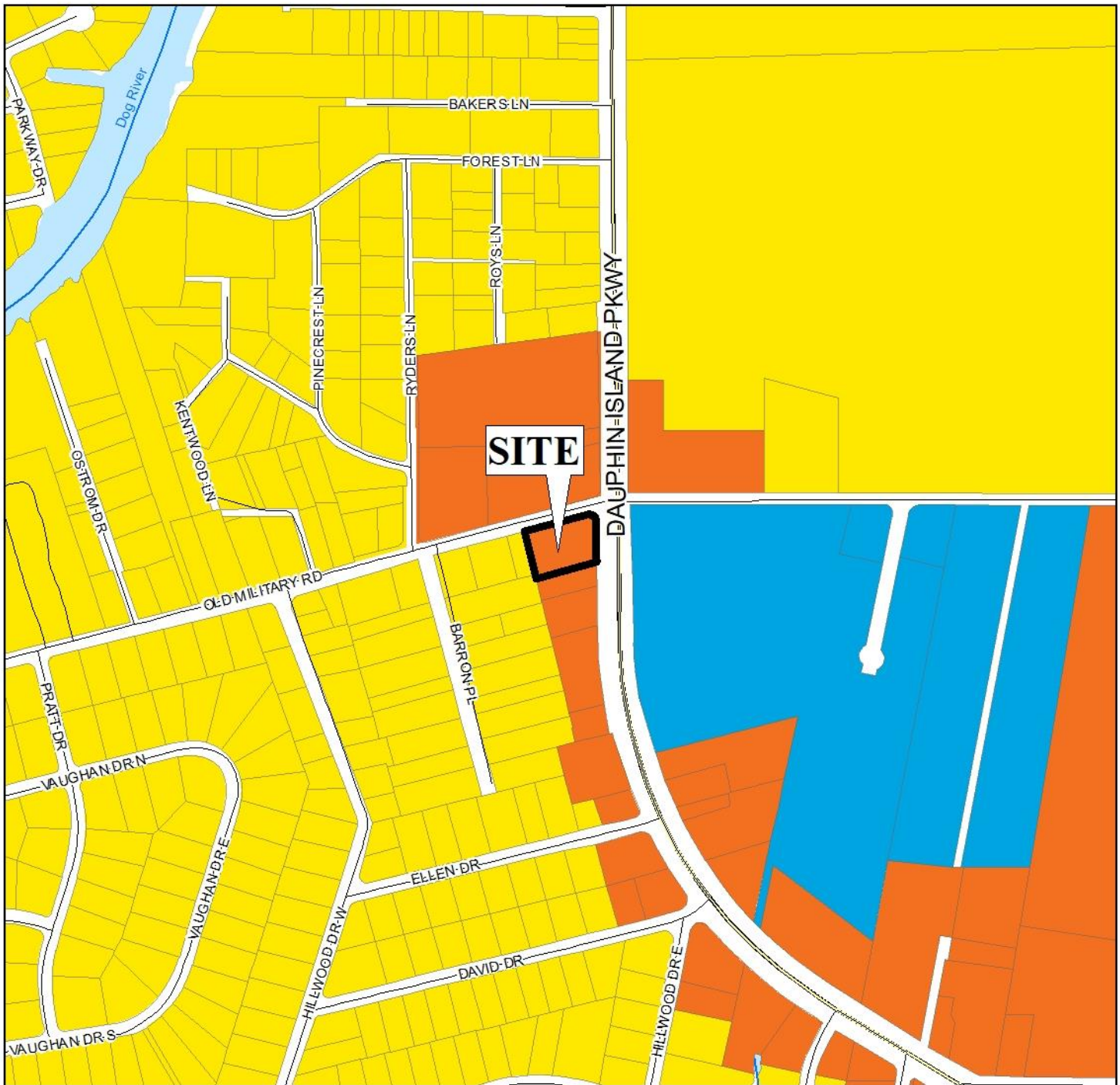
LOCATOR ZONING MAP



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FLUM LOCATOR MAP



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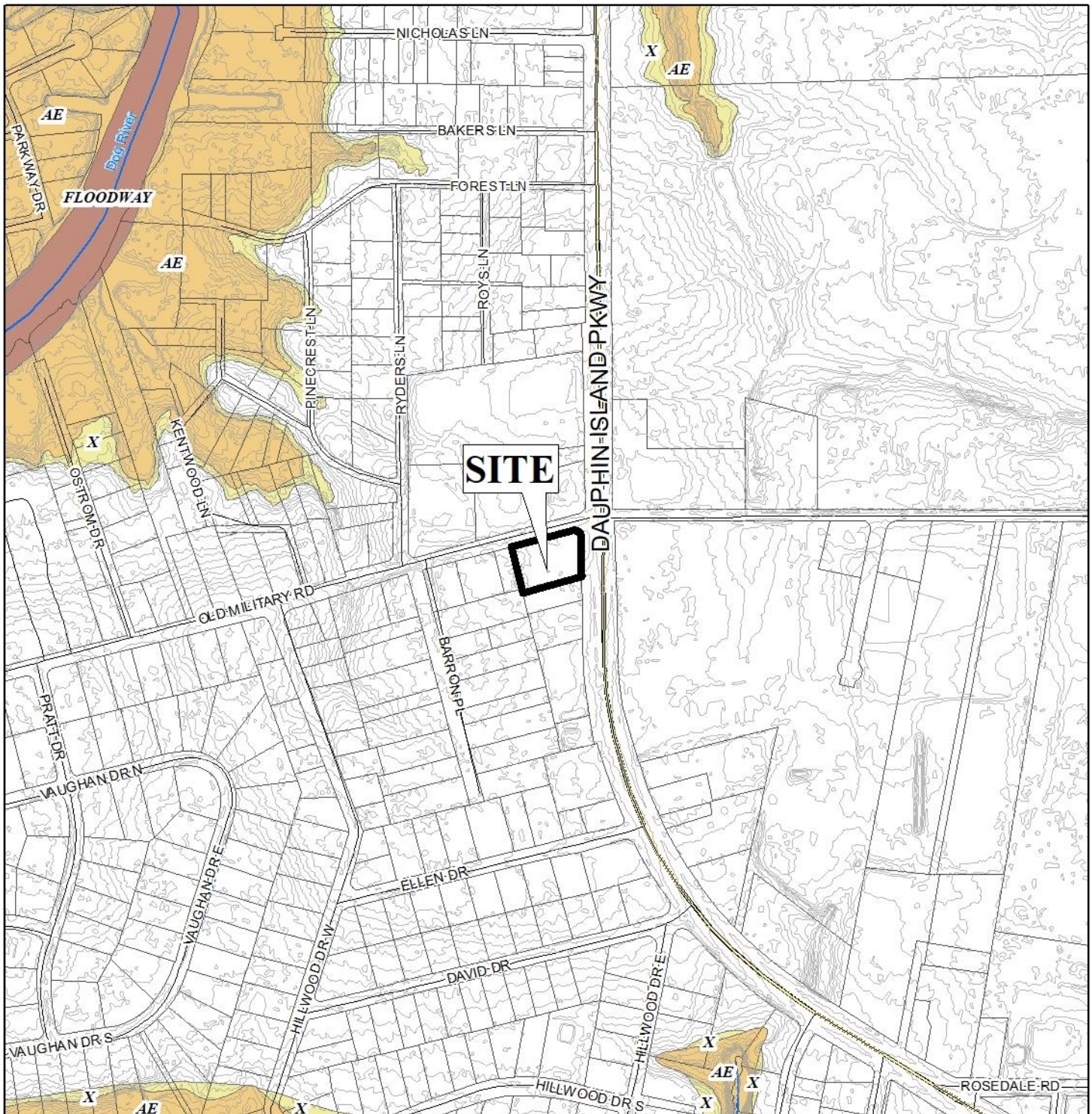
APPLICANT Petroimage

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	



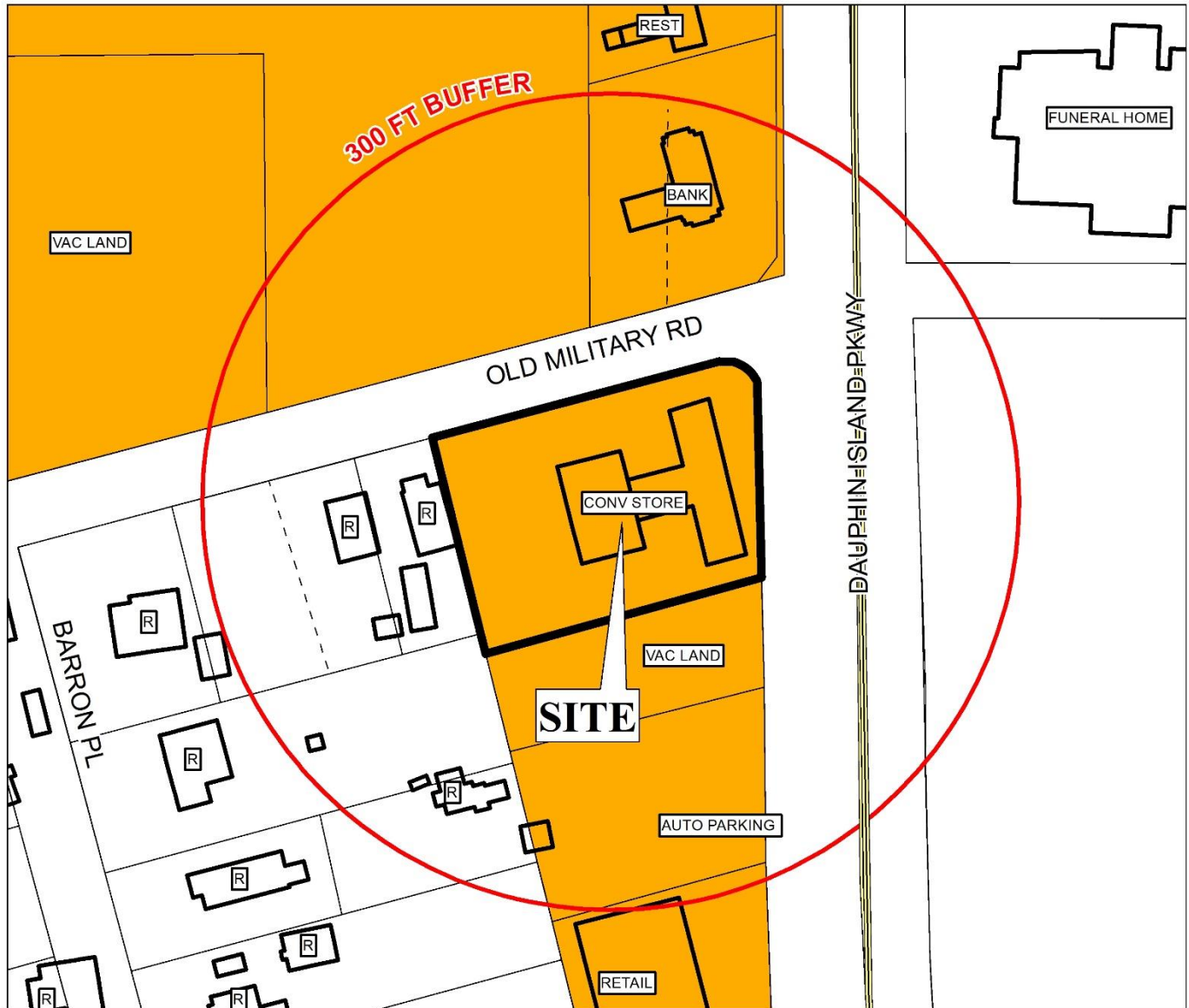
ENVIRONMENTAL LOCATOR MAP



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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 north and south.

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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

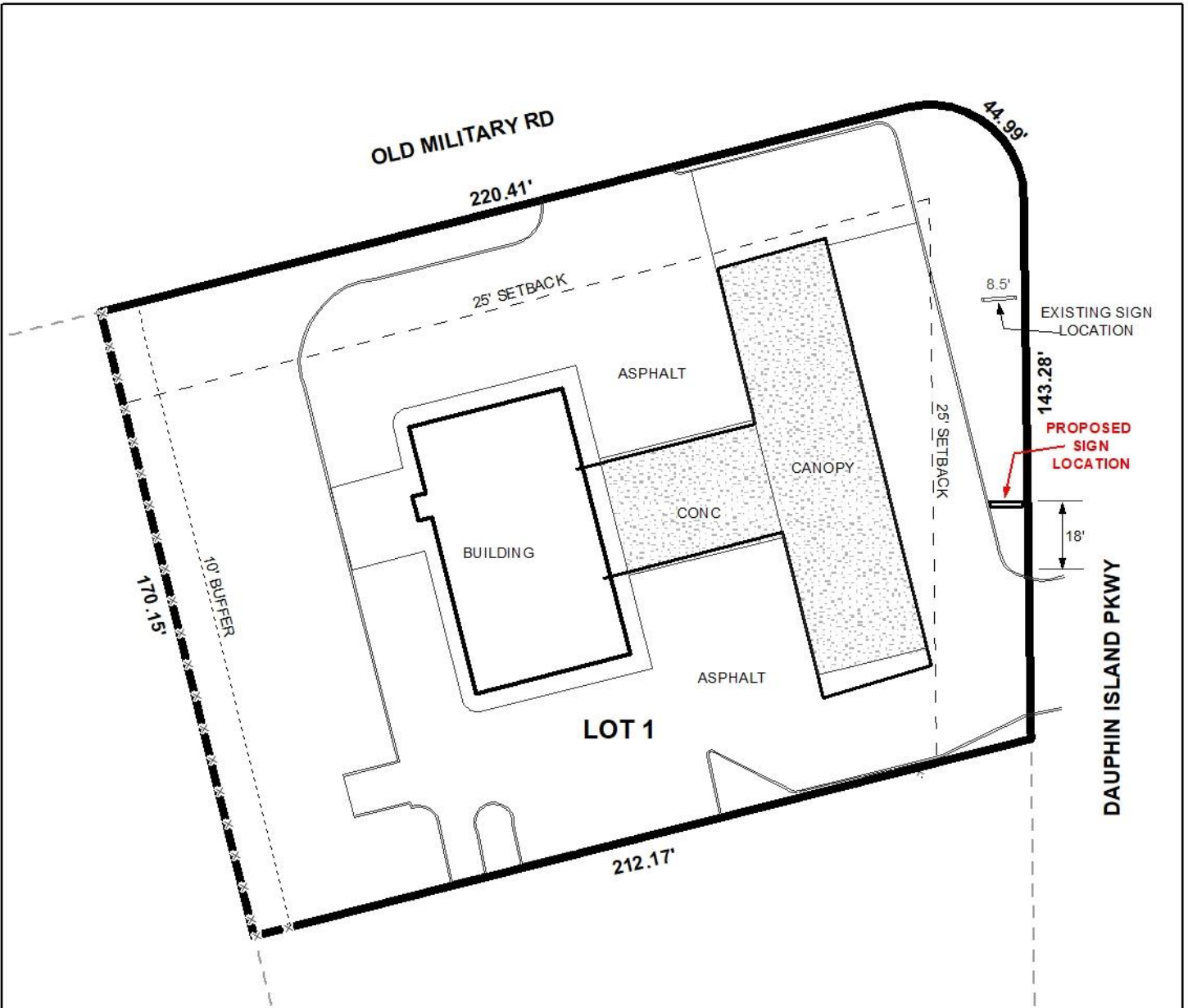


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SITE PLAN



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

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