



Agenda Item # 8

BOA-002549-2023

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

6350 Cottage Hill Road

Applicant / Agent (as applicable):

CPH, LLC

Property Owner:

Wal-Mart Real Estate Business Trust

Current Zoning:

B-2, Neighborhood Business Suburban District

Future Land Use:

Neighborhood Center Suburban

Case Number(s):

6528/6028

Unified Development Code (UDC) Requirement:

- The UDC limits informational/directional signs to a maximum of 20 square feet each on a commercial site in a B-2, Neighborhood Business Suburban District.

Board Consideration:

- To allow two (2) informational/directional wall signs exceeding 20 square feet each in a commercial site in a B-2, Neighborhood Business Suburban District.

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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial and residential units.

APPLICATION NUMBER	6528	DATE	July 10, 2023
APPLICANT	CPH, LLC		
REQUEST	Sign Variance		



SITE HISTORY

The subject site was granted Administrative Planned Unit Development Approval for multiple buildings on a single building site with shared access and parking in 2004. In 2007, the site received Subdivision approval as a two (2)-lot subdivision, along with Planned Unit Development Approval to allow shared access and parking between multiple building sites.

In 2016, a Sign Variance request was heard by the Board of Zoning Adjustment to allow two (2) informational/directional wall signs, both stating “Pharmacy Drive-Thru”, larger than 20 square feet. The Board denied the request for a 39.9 square-foot sign on the East (end) drive-thru canopy elevation, and approved a 62.7 square-foot directional sign on the South (front) main building wall elevation.

STAFF COMMENTS

Engineering Comments:

If the proposed variance is approved, and if land disturbance activity will take place, the applicant will need to have the following conditions met:

1. The proposed improvements shown on the submitted plans will require a Land Disturbance Permit be submitted through the CSS Portal.
2. The existing drainage patterns and surface flow characteristics should not be altered so as to have a negative impact on any adjoining properties or any public rights-of-way.
3. Any and all proposed land disturbing activity within the property will need to be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control; the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.
4. Applicant agrees to install adequate BMPs during construction to protect from sediment/pollutants leaving the site.

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 amend a previously approved Sign Variance to allow two (2) informational/directional wall signs exceeding 20 square feet each on a commercial site in a B-2, Neighborhood Business Suburban District; the Unified Development Code (UDC) limits informational/directional signs to a maximum of 20 square feet each on a commercial site in a B-2, Neighborhood Business Suburban District.

The entire application packet is available via the link on Page 1.

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 multi-tenant shopping center with a Wal-Mart store on its East end. The applicant proposes to install two (2) informational/directional wall signs at 37.7 square feet each. As mentioned above, the previously approved Sign Variance for the subject site allowed one (1) informational/directional wall sign at approximately 62.7 square feet. In order to allow the two (2) proposed signs, the previously approved variance must be amended; hence this application.

Each proposed sign would be a Pharmacy Drive-Thru. One sign would be on the South (front) of the drive-thru canopy, and one would be on the East (side) of the drive-thru canopy. The previously approved sign was on the South (front) facade of the main building, not the drive-thru canopy, as currently proposed. The second sign now requested is proposed within the same area on the East side of the drive-thru canopy as the previously denied sign. A new informational/directional sign, less than 20 square feet, stating "Pickup" will go where the previously approved sign was located.

The Board's previous approval for the requested 62.68 square-foot sign on the front of the building was based primarily upon the need for increased visibility for directional signage given the facade's distance from the public street. The denial of the previously proposed 39.9 square-foot sign on the East side of the drive-thru canopy was based primarily upon the finding of facts that increased visibility of directional signs did not exist in such a way that a literal enforcement of the provisions of the chapter would result in an unnecessary hardship.

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:

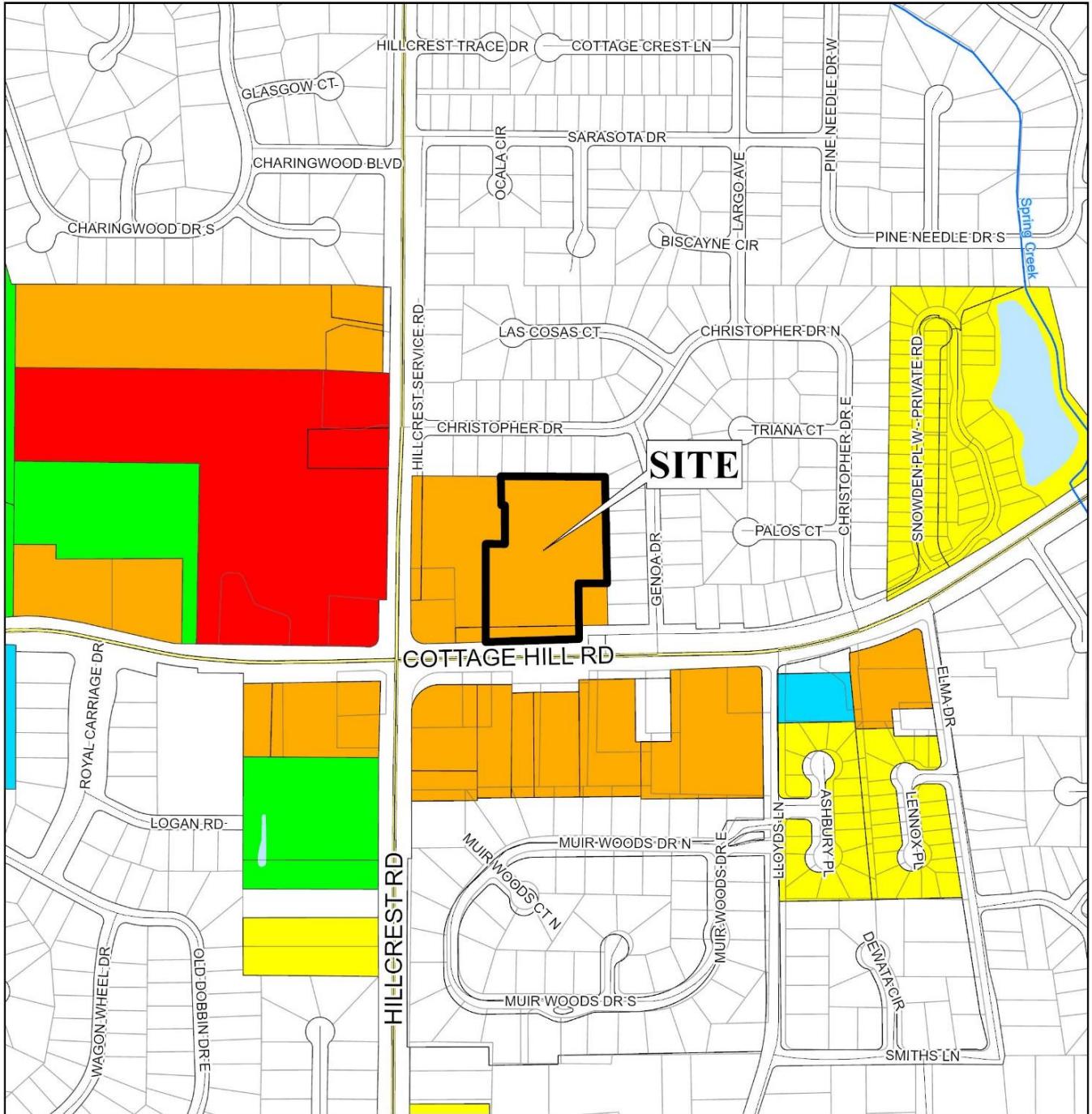
- (a) In order to relieve an owner of restrictive covenants that are recorded in Mobile County Probate Court and applicable to the property;
- (b) Where economic loss is the sole basis for the required variance; or
- (c) Where the variance is otherwise unlawful

Considerations:

Based on the requested Variance application, and documentation submitted, 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

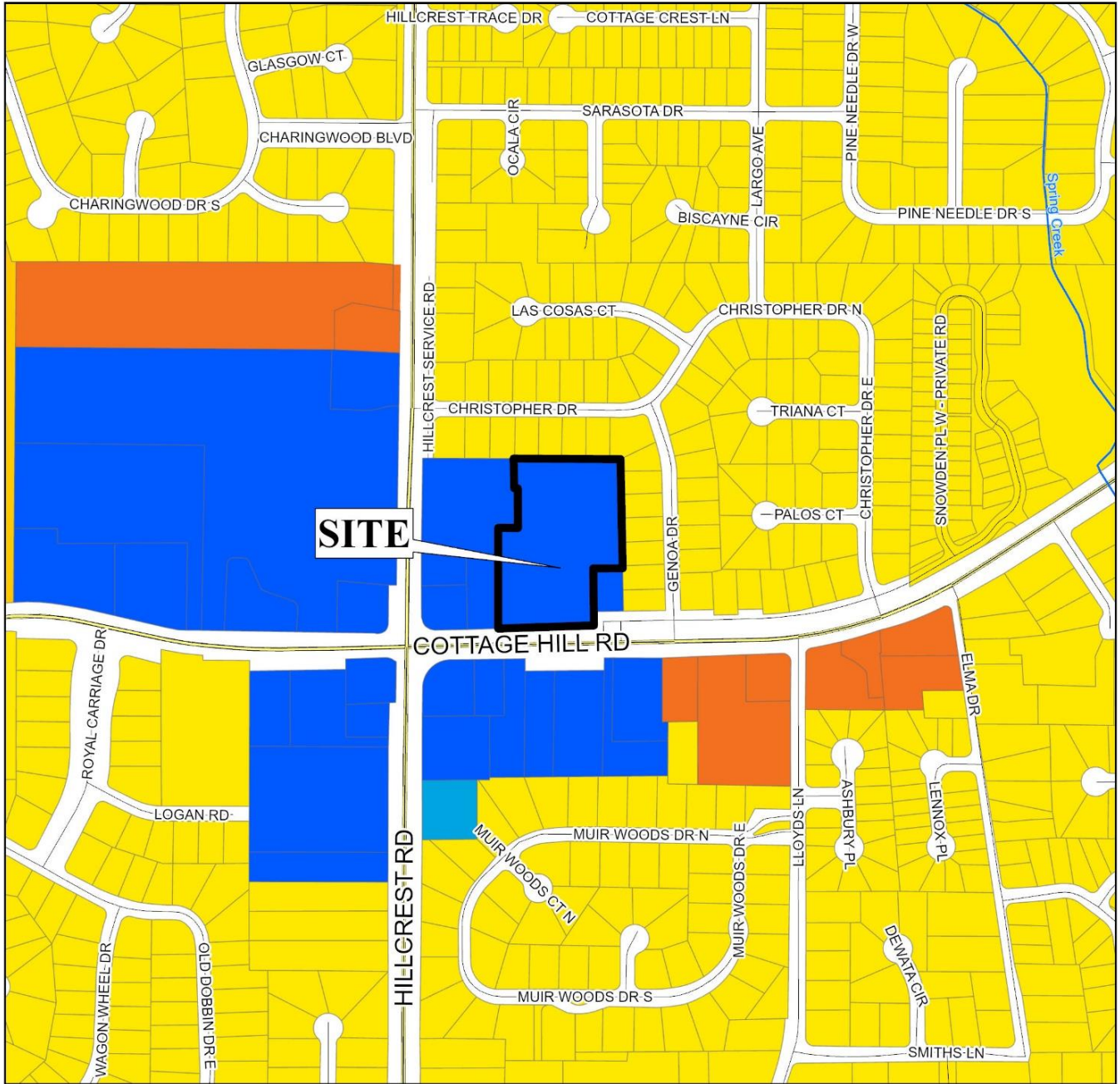


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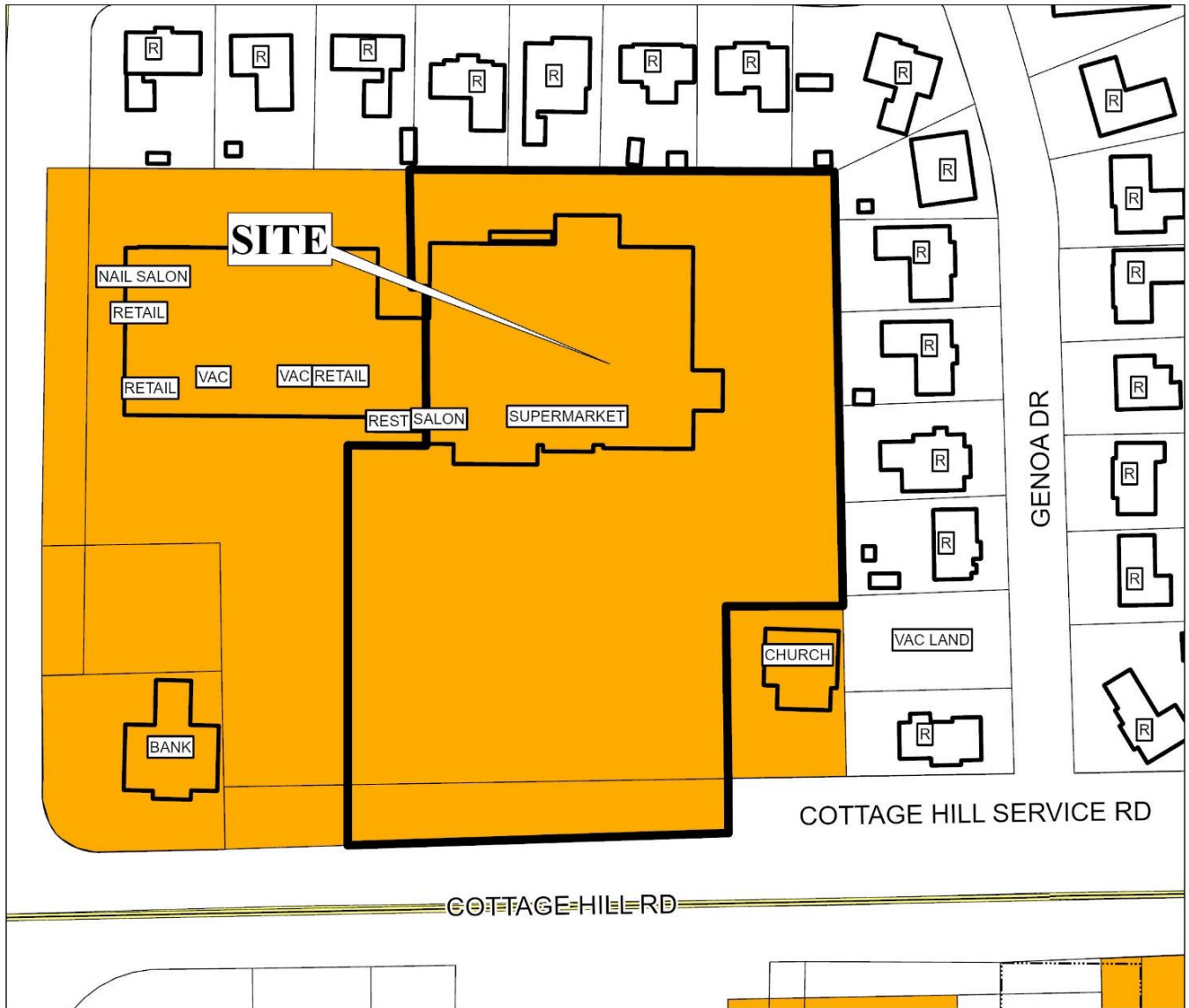
FLUM LOCATOR MAP




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<div style="display: flex; flex-wrap: wrap; padding: 0;"> <div style="width: 25%;">■ Low Density Residential</div> <div style="width: 25%;">■ Neighborhood Center - Traditional</div> <div style="width: 25%;">■ Downtown Waterfront</div> <div style="width: 25%;">■ Parks & Open Space</div> </div>	<div style="display: flex; flex-wrap: wrap; padding: 0;"> <div style="width: 25%;">■ Neighborhood Center - Suburban</div> <div style="width: 25%;">■ Light Industry</div> <div style="width: 25%;">■ Water Dependent</div> </div>		
<div style="display: flex; flex-wrap: wrap; padding: 0;"> <div style="width: 25%;">■ Downtown</div> <div style="width: 25%;">■ Traditional Corridor</div> <div style="width: 25%;">■ Heavy Industry</div> </div>	<div style="display: flex; flex-wrap: wrap; padding: 0;"> <div style="width: 25%;">■ Mixed Commercial Corridor</div> <div style="width: 25%;">■ Institutional</div> </div>		

NTS

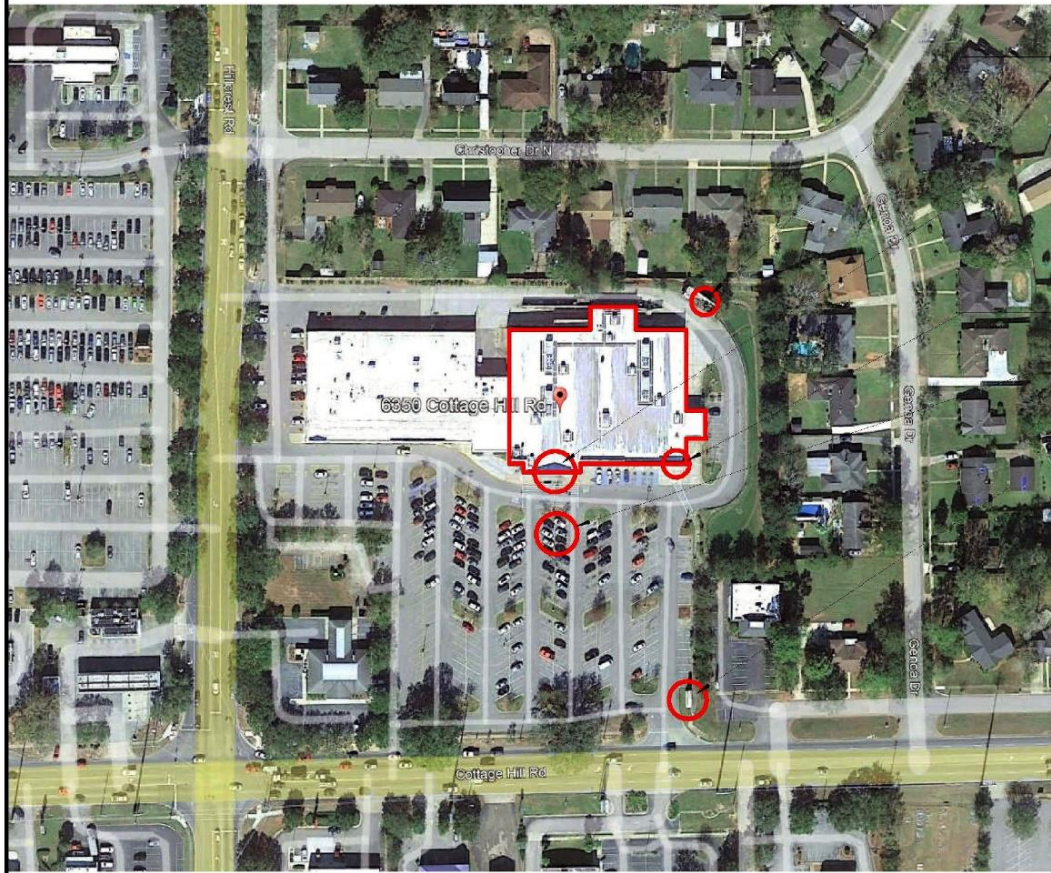
BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial and residential units.

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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

SITE PLAN



- DETACHED TRASH ENCLOSURE
- MAIN ENTRY
- PICKUP
- PICKUP PARKING SPACES (4)
- EXISTING MONUMENT SIGN LOCATION ON SITE

The site plan illustrates the existing building, parking, and pick up location.

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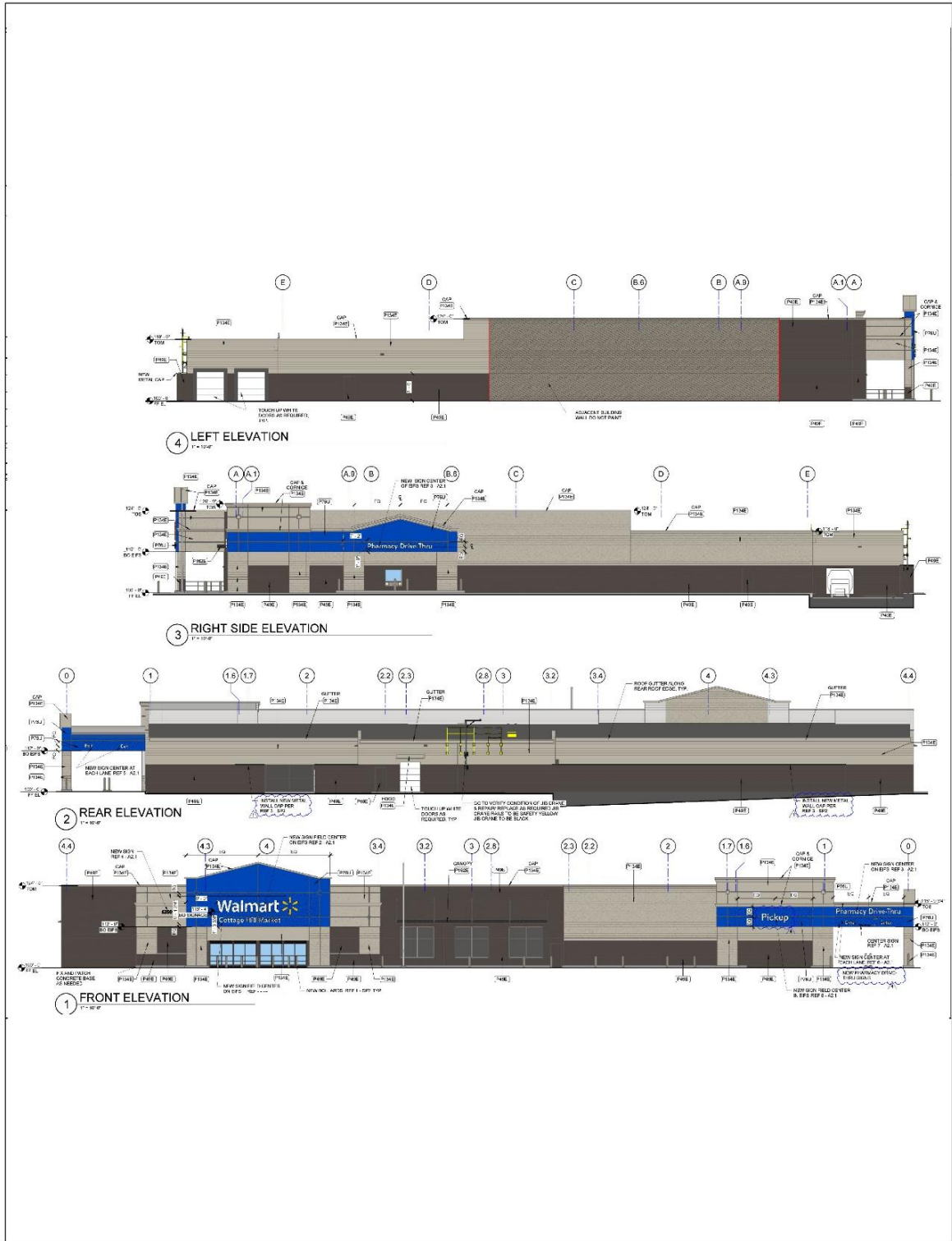
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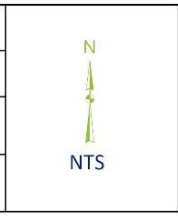


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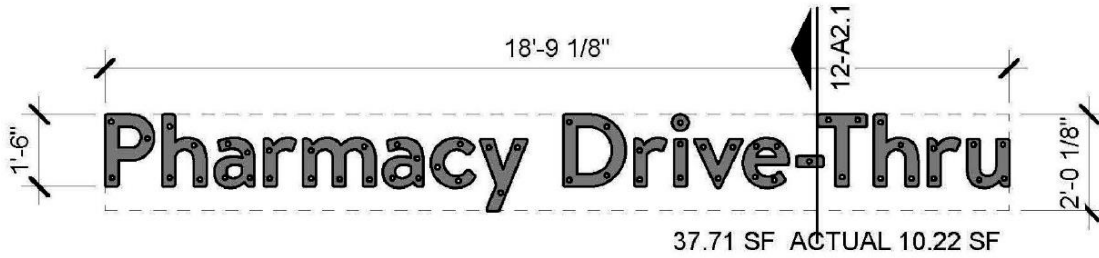
DETAIL SITE PLAN



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DETAIL SITE PLAN



3 1'-6" PHARMACY DRIVE-THRU
 1/4" = 1'-0"

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ZONING DISTRICT CORRESPONDENCE MATRIX		LOW DENSITY RESIDENTIAL (LDR)	MIXED DENSITY RESIDENTIAL (MXDR)	DOWNTOWN (DT)	DISTRICT CENTER (DC)	NEIGHBORHOOD CENTER - TRADITIONAL (NC-T)	NEIGHBORHOOD CENTER - SUBURBAN (NC-S)	TRADITIONAL CORRIDOR (TC)	MIXED COMMERCIAL CORRIDOR (MCC)	LIGHT INDUSTRIAL (LI)	HEAVY INDUSTRY (HI)	INSTITUTIONAL LAND USE (INS)	PARKS & OPEN SPACE (POS)	DOWNTOWN WATERFRONT (DW)	WATER DEPENDENT USES (WDWRU)
RESIDENTIAL - AG	R-A														
ONE-FAMILY RESIDENCE	R-1	■				■		■					□		
TWO-FAMILY RESIDENCE	R-2	■				■		■					□	○	
MULTIPLE-FAMILY	R-3	○	■			■	■						□	○	
RESIDENTIAL-BUSINESS	R-B		○			■		■					□	○	
TRANSITIONAL-BUSINESS	T-B		○		■	■	■	■					□		
HISTORIC BUSINESS	H-B			■		■		■					□		
VILLAGE CENTER	TCD					■	■						□		
NEIGH. CENTER	TCD					■	■						□		
NEIGH. GENERAL	TCD					■							□		
DOWNTOWN DEV. DDD	T-6			■									□		
DOWNTOWN DEV. DDD	T-5.1			■		■		□					□		
DOWNTOWN DEV. DDD	T-5.2			■		■							□		
DOWNTOWN DEV. DDD	T-4			■		■		□					□		
DOWNTOWN DEV. DDD	T-3			■		■							□		
DOWNTOWN DEV. DDD	SD-WH									○	○		□		
DOWNTOWN DEV. DD	SD	○	○	○	○	○	○	○		○	○		□		
BUFFER BUSINESS	B-1		□			□	■	■	■				□	○	
NEIGH. BUSINESS	B-2		○			□	■	■	■				□	○	
LIMITED BUSINESS	LB-2		○			□	■	■	■				□	○	
COMMUNITY BUSINESS	B-3				■				■			○	□	○	
GEN. BUSINESS	B-4			■					■			○	□	○	
OFFICE-DISTRIBUTION	B-5								■	■			□	□	
LIGHT INDUSTRY	I-1									■			□	□	□
HEAVY INDUSTRY	I-2										■		□		□

Zoning District Correspondence Matrix

- Directly Related
- Elements of the zoning category are related to the future LU category, but with qualifications (such as a development plan with conditions)
- Land use category is appropriate, but the district does not directly implement the category (e.g., open space in an industrial district)

NEIGHBORHOOD CENTER (NC)

This land use designation applies to smaller hubs of mixed commercial, community, and recreational activity that cater to adjacent residential areas. Many of these centers exist today in some form. Therefore, the following common principles apply not just to the future development of new centers, but also to the redevelopment (wholesale or incremental) of existing centers.

General Principles for Neighborhood Centers:

- NC should support a limited amount of commercial employment
- NC should incorporate some residential use, which may vary in type from detached single family, townhouse, accessory and live-work units in mixed use and low-rise multifamily structures.
- The residential density in NC designations –ranging from 4 to 10 du/ac— must be compatible in character with that of surrounding residential development, providing appropriate transitions in height, massing and other buffering from one land use district to the next.
- The retail and housing uses should merge around vibrant, compact, accessible nodes, located at key

neighborhood intersections or along short road segments.

- The NC nodes should be connected to the surrounding neighborhood and nearby public uses (e.g., schools, parks, etc.) via well-designed sidewalks and complete streets.

While the above-listed principles are common to all NC districts, the design attributes of neighborhood centers generally vary depending on whether a center is in a more “traditional” or more “suburban” context.

Additional Attributes of Neighborhood Centers:

- NC in traditional contexts: These tend to be in those areas east of the Beltline and correspond to MxDR neighborhoods. In these NCs, buildings should orient to the street, with on-site parking typically pushed to the back of the site. The design qualities of the public realm are emphasized, including the provision of continuous sidewalks, tree canopy, pedestrian amenities, on-street parking and bicycle facilities where appropriate.
- NC in suburban contexts: These generally are located among the LDR land use designations in the areas west of the Beltline. Where they exist, these centers currently have a more pronounced

vehicular orientation. Therefore, the emphasis is on retrofitting to improve internal walkability (e.g., through the addition of sidewalks, tree canopy, protection from the elements) and external connectivity to the surrounding areas (via sidewalks, paths and trails, street crossings, transit stops, etc.) and to increase the mix and density of uses (e.g., infill of outparcels, addition of housing, etc.).

