



Agenda Item # 8

BOA-002837-2024

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

5440 US Highway 90 West, Suite D

Applicant / Agent (as applicable):

Wrico Signs, Inc. (Stormy Rutledge)

Property Owner:

Waterstone Southeast Portfolio LLC

Current Zoning:

B-3, Community Business Suburban

Future Land Use:

Mixed Commercial Corridor

Case Number(s):

6576/6508/6209

Unified Development Code (UDC) Requirement:

- The UDC allows one (1) wall sign for a tenant in a multi-tenant site in a B-3, Community Business Suburban District.

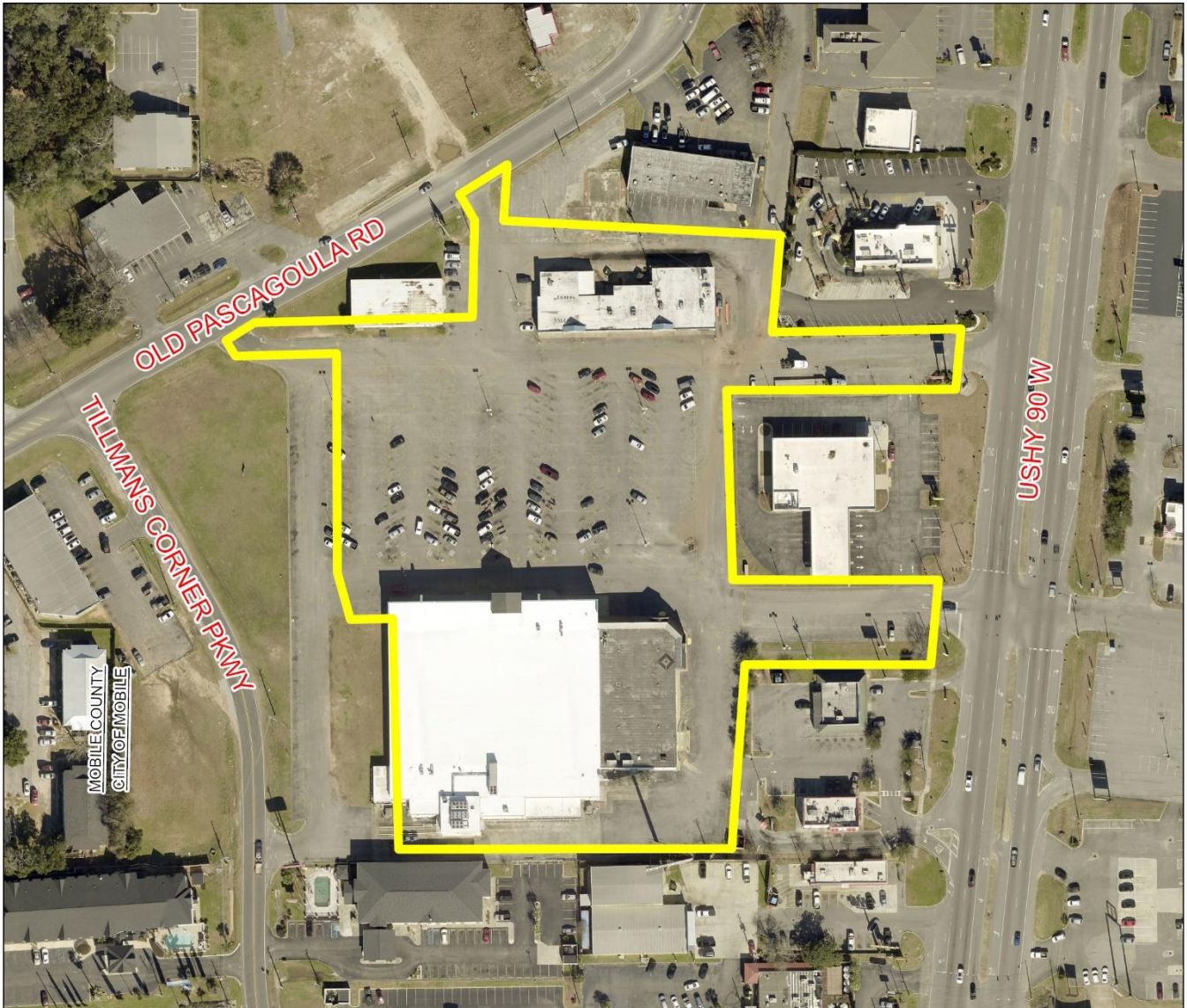
Board Consideration:

- To allow two (2) wall signs for a multi-tenant site in a B-3, Community Business Suburban District.

Report Contents:

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BOARD OF ADJUSTMENT
VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial units.

| | | | | |
|--------------------|--------------------------|------|----------------------|--|
| APPLICATION NUMBER | <u>6576</u> | DATE | <u>March 4, 2024</u> |  NTS |
| APPLICANT | <u>Wrico Signs, Inc.</u> | | | |
| REQUEST | <u>Sign Variance</u> | | | |

SITE HISTORY

The site has been the subject of two (2) sign variances. In October 2018, the Board approved a sign variance for the Winn Dixie on this site to have two (2) informational signs greater than 20 square feet.

In April of last year, similar to the current request, the Board approved a sign variance to allow two (2) walls signs for a single-tenant (Little Caesars) on multi-tenant site. While sign permit applications were submitted, the permits were never completed; therefore the 2023 variance has expired.

There have been no other applications before the Planning commission or Board of Adjustment.

STAFF COMMENTS

Engineering Comments:

No comments.

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) wall signs for a tenant on a multi-tenant commercial site in a B-3 Community Business District; the Unified Development Coded (UDC) allows one (1) wall sign for a tenant on a multi-tenant site in a B-3, Community Business 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 an existing multi-building, multi-tenant shopping center. The building within which the business (Little Caesars) is located is a strip mall and Little Caesars is located at the end cap. The front wall faces the interior parking lot of the shopping center and the existing wall sign on the front will remain; the end wall faces toward Government Boulevard.

The applicant states that Little Caesars is requesting a new set of channel letters on the side of the building (end wall) above the drive-thru because the existing sign was damaged in a storm. The applicant states the sign is cracked which is unsightly and dangerous, as the sign retains water that caused an electrical short, thus the sign is no longer illuminated. Because the entire cabinet is being replaced, a variance is required.

The UDC, in 64-4-14.K.2.(h)(2)a. allows only one (1) sign per street frontage for each tenant in a multi-tenant center; however, as previously reviewed by the Board it seems that the allowance for the proposed end wall sign above the drive through may be justified to identify the drive-thru and provide visibility to Government Boulevard.

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:

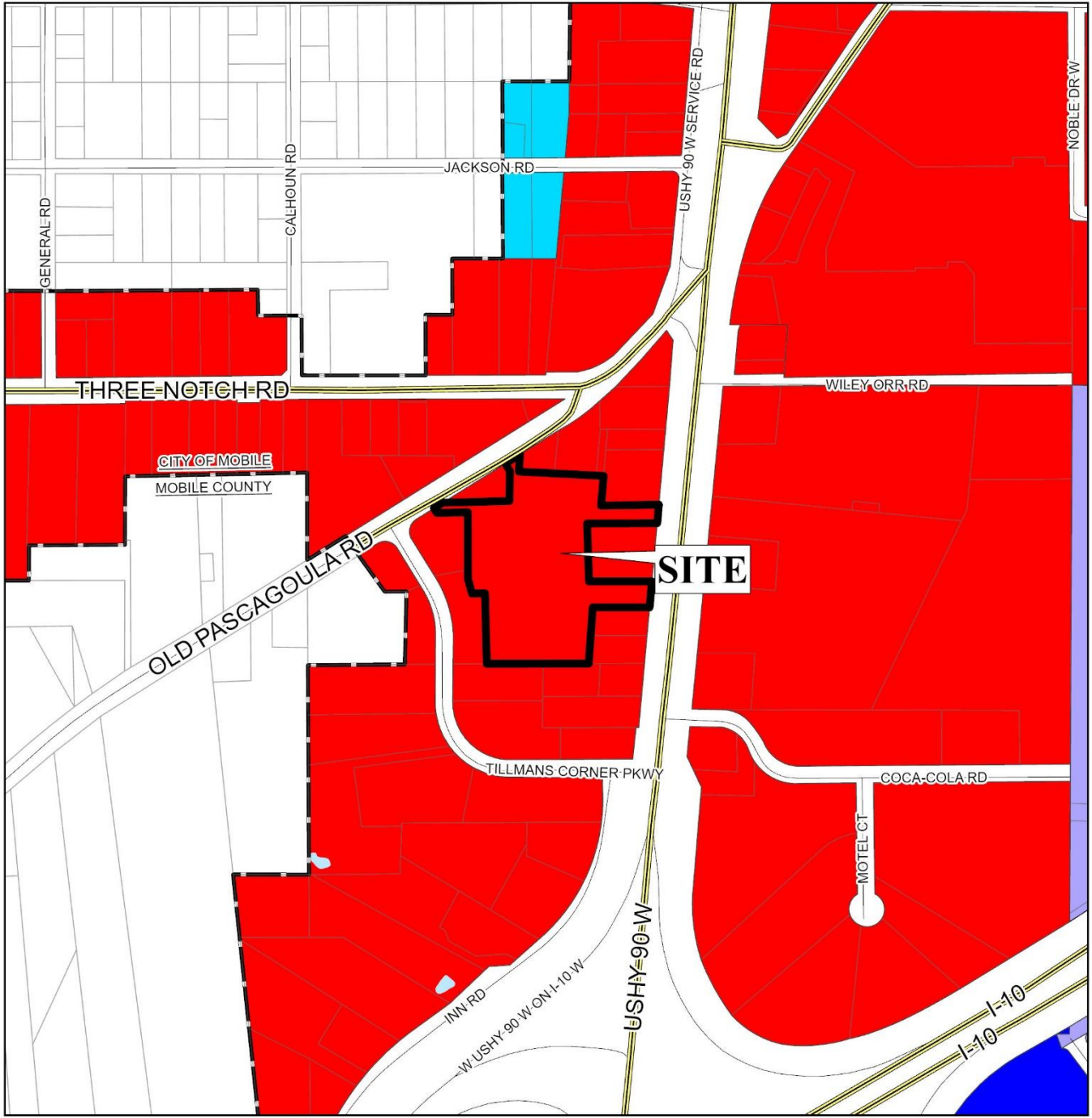
Based on the requested Variance application, if the Board considers approval of the request, the following findings of fact must be presented:

- 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.

If approved, the following conditions should be applied to the approval:

- 1) obtaining of the necessary sign permit;
- 2) obtaining of an electrical permit; and
- 3) full compliance with all other municipal codes and ordinances.

LOCATOR ZONING MAP



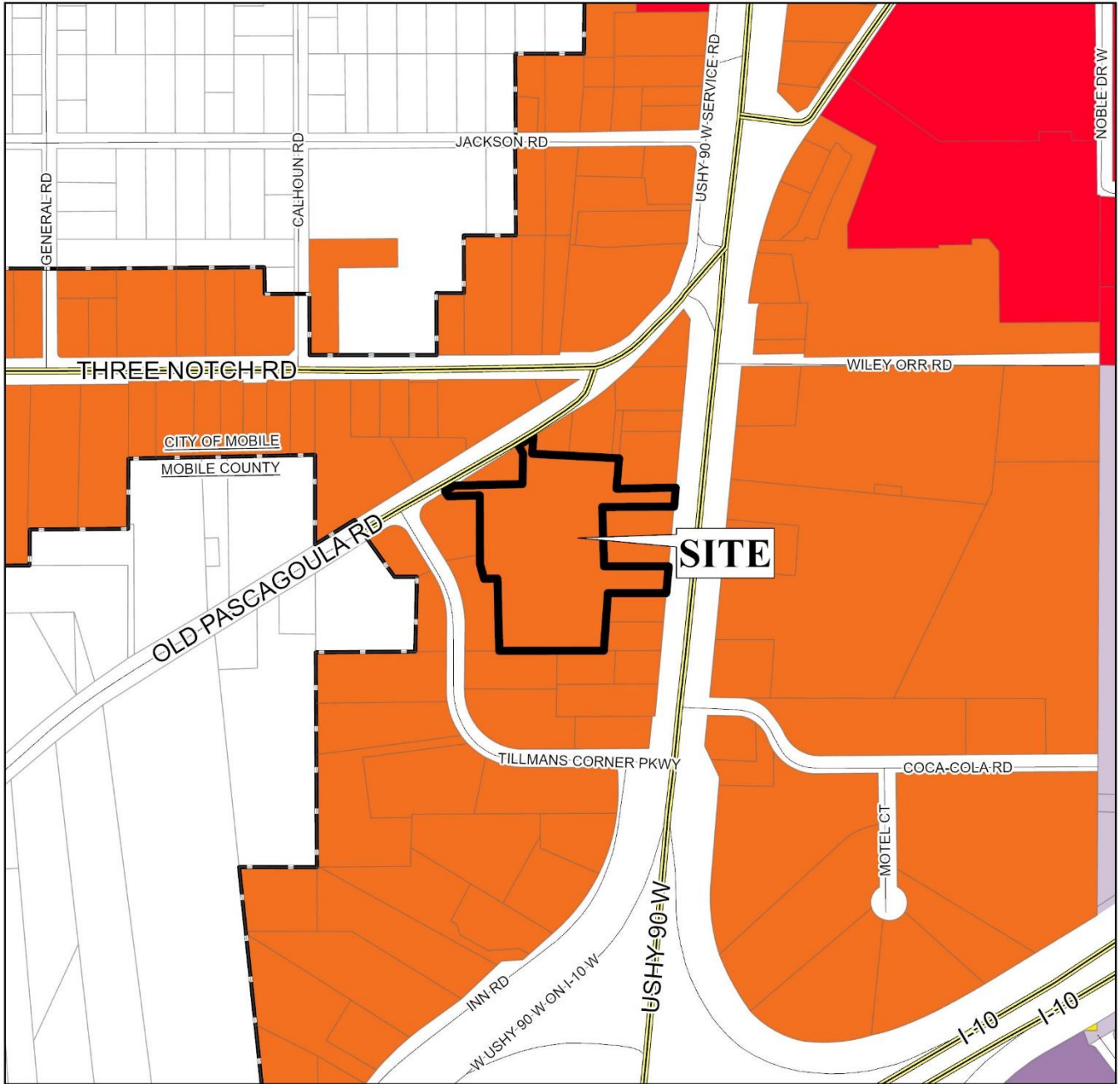
APPLICATION NUMBER 6576 DATE March 4, 2024

APPLICANT Wrico Signs, Inc.

REQUEST Sign Variance



FLUM LOCATOR MAP



APPLICATION NUMBER 6576 DATE March 4, 2024

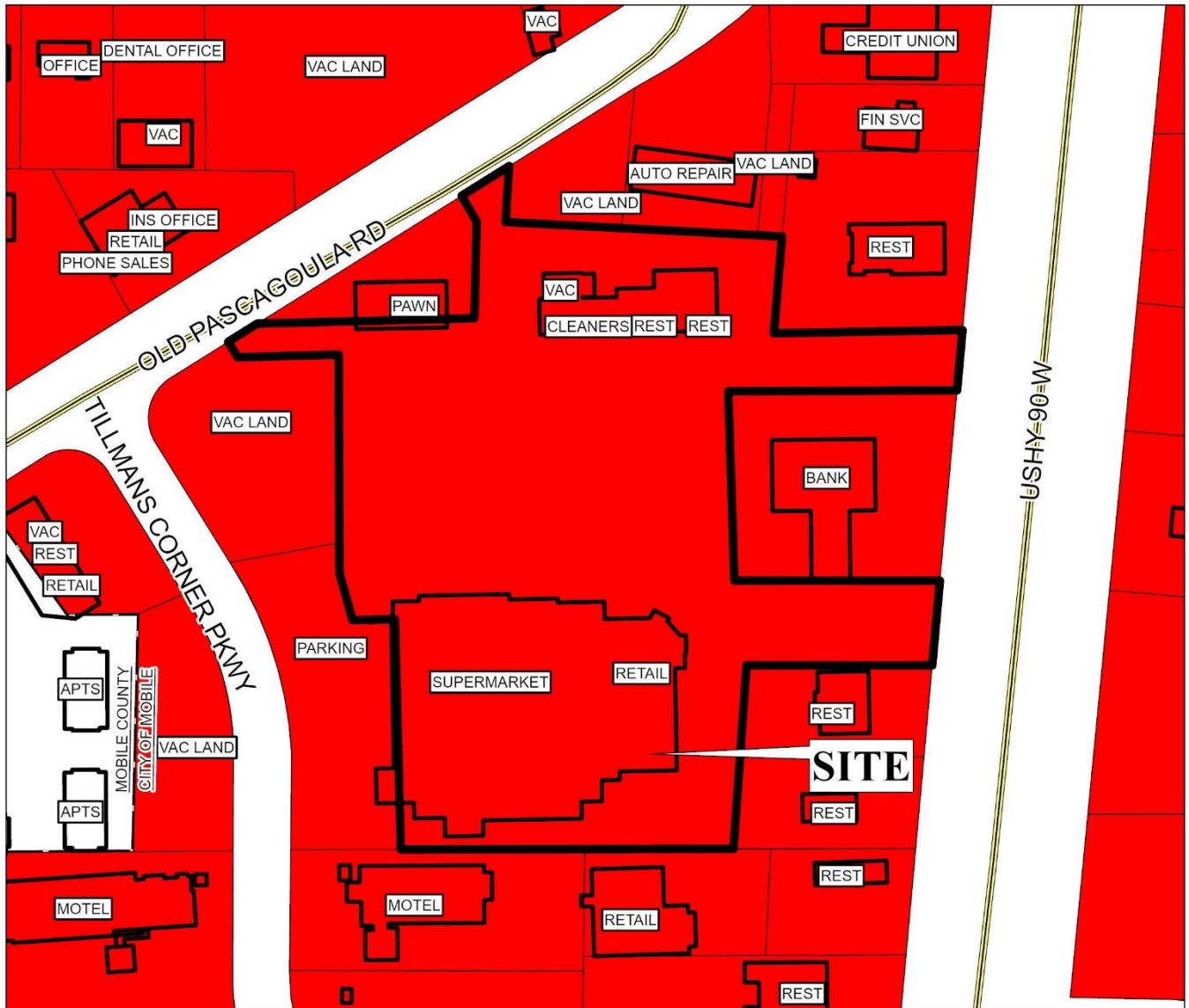
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- | | | | |
|---|--|---|--|
| ■ Low Density Residential | ■ Neighborhood Center - Traditional | ■ Downtown Waterfront | ■ Parks & Open Space |
| ■ Mixed Density Residential | ■ Neighborhood Center - Suburban | ■ Light Industry | ■ Water Dependent |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



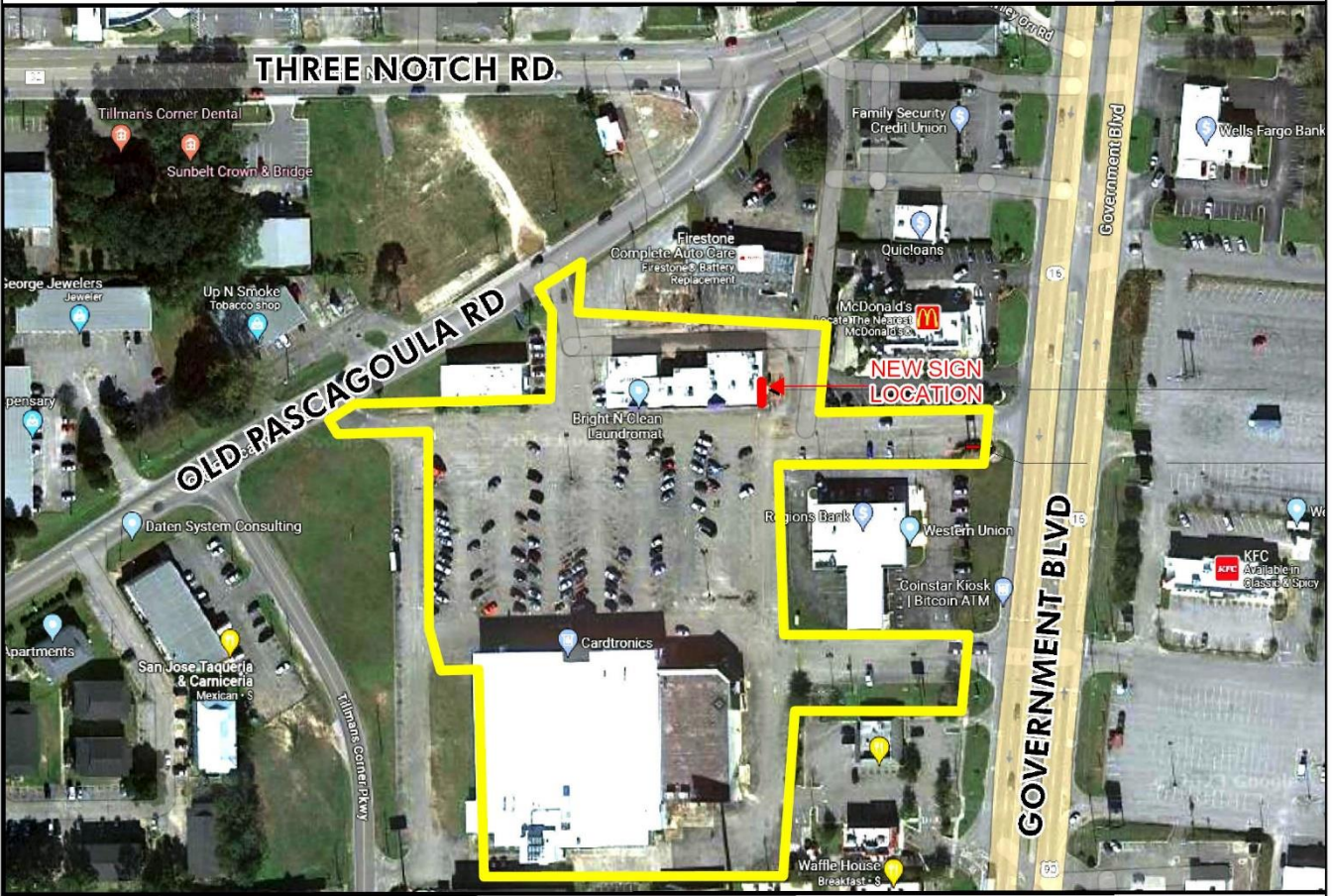
BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|-------------------|------|---------------|-----|-----|-----|-------|-------|-------|--|--|--|--|--|--|-----|-----|-----|-----|-----|----|-----|------|-----|-------|--|--|-----|-----|-----|-----|----|----|----|----|-----|-----|--|--|-----|-----|------|-----|----|-----|-----|-------|-------|--|--|--|
| APPLICATION NUMBER | 6576 | DATE | March 4, 2024 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| APPLICANT | Wrico Signs, Inc. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| REQUEST | Sign Variance | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <table style="width: 100%; font-size: small;"> <tr> <td style="display: inline-block; width: 20px; height: 10px; background-color: #e0f7fa;"></td> <td style="display: inline-block; width: 20px; height: 10px; background-color: #e2efda;"></td> <td style="display: inline-block; width: 20px; height: 10px; background-color: #e2e3e5;"></td> <td style="display: inline-block; width: 20px; height: 10px; background-color: #fff3cd;"></td> <td style="display: inline-block; width: 20px; height: 10px; background-color: #fff3cd;"></td> <td style="display: inline-block; width: 20px; height: 10px; background-color: #fff3cd;"></td> <td style="display: inline-block; width: 20px; height: 10px; background-color: #fff3cd;"></td> <td style="display: inline-block; width: 20px; height: 10px; background-color: #fff3cd;"></td> <td style="display: inline-block; width: 20px; height: 10px; background-color: #fff3cd;"></td> <td style="display: inline-block; width: 20px; height: 10px; background-color: #fff3cd;"></td> <td style="display: inline-block; width: 20px; height: 10px; background-color: #fff3cd;"></td> <td style="display: inline-block; width: 20px; height: 10px; background-color: #fff3cd;"></td> </tr> <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> <td></td> <td></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> <td></td> <td></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> <td></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 | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 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 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <div style="text-align: center;"> <p>N</p> <p>NTS</p> </div> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

SITE PLAN



The site plan illustrates the property boundary as well as proposed and existing signage.

| | |
|--|---|
| APPLICATION NUMBER <u>6576</u> DATE <u>March 4, 2024</u> |  |
| APPLICANT <u>Wrico Signs, Inc.</u> | |
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DETAIL SITE PLAN

13'-4.78"
Little Caesars®

Front View
 Scale: 1/2"=1'-0" 28.81 Sq Ft



Existing Elevation
 Scale: 3/16"=1'-0"



Proposed Elevation
 Scale: 3/16"=1'-0"

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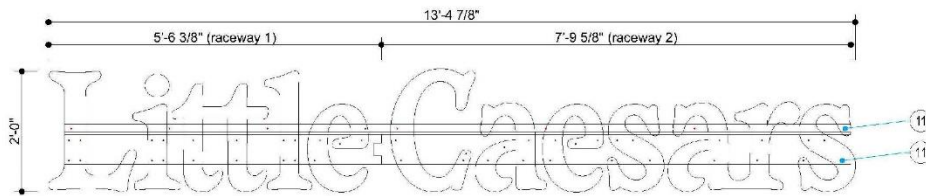


DETAIL SITE PLAN



Front View
Scale: 1/2"=1'-0"

26.81 Sq Ft

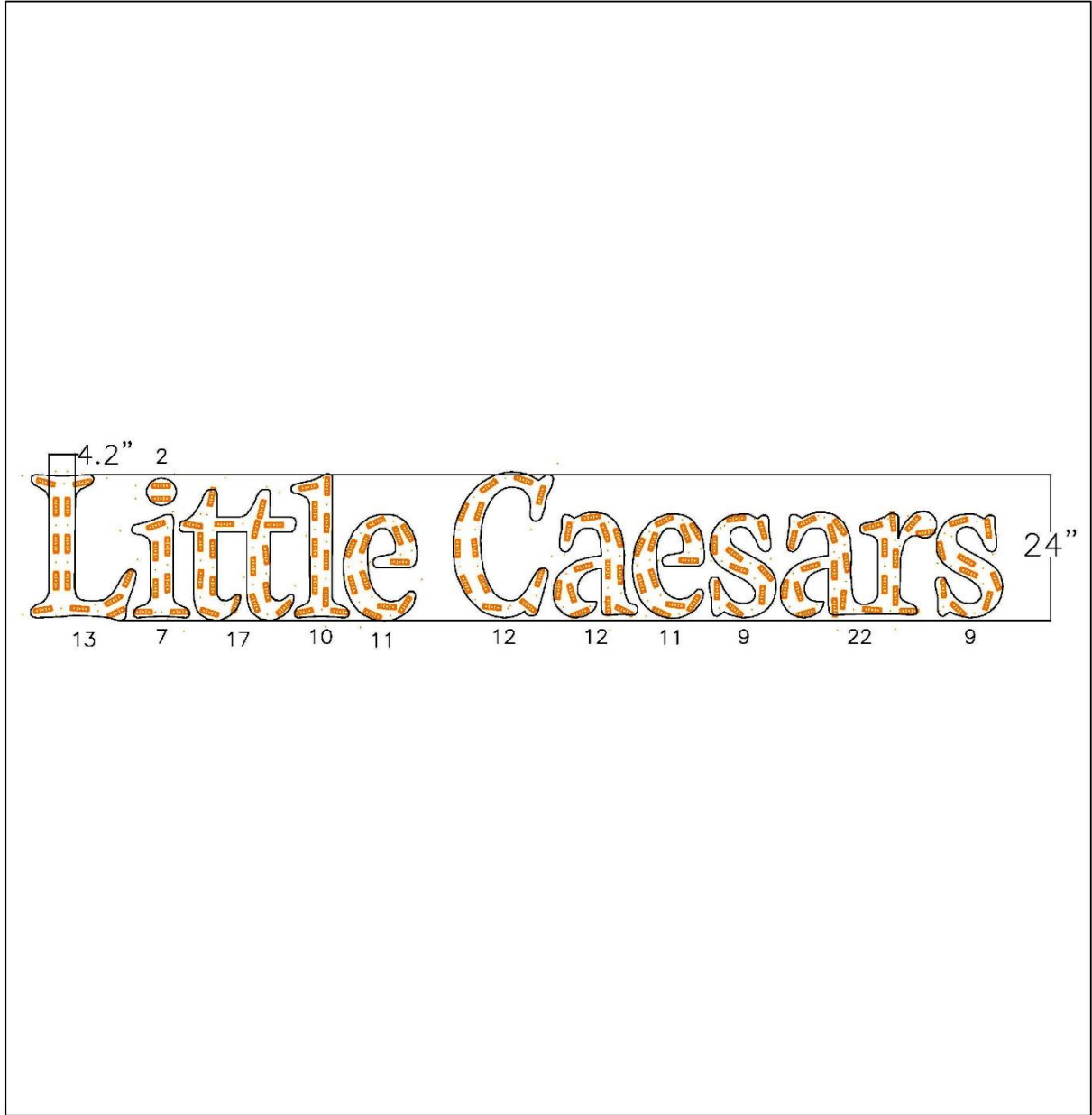


Mounting Detail
Scale: 1/2"=1'-0"

| | | | |
|--------------------|-------------------|------|---------------|
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DETAIL SITE PLAN



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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)

MIXED COMMERCIAL CORRIDOR (MCC)

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.