

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: March 6, 2017**

<u>CASE NUMBER</u>	6094
<u>APPLICANT NAME</u>	Pan American Engineers, LLC
<u>LOCATION</u>	5383 U.S. Highway 90 West (East side of US Highway 90 West, 28'± North of Halls Mill Road).
<u>VARIANCE REQUEST</u>	SIGN: To allow five wall signs and a freestanding sign exceeding 200 square feet per face for a single-tenant commercial site in a B-3, Community Business District
<u>ZONING ORDINANCE REQUIREMENT</u>	SIGN: The Zoning Ordinance allows two wall signs and a freestanding sign not exceeding 200 square feet per face for a single-tenant commercial site in a B-3, Community Business District.
<u>ZONING</u>	B-3, Community Business District
<u>AREA OF PROPERTY</u>	28,560± square feet/0.66±Acres
<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 (State Act 2015-116 and City Code Chapters 57 and 64).
<u>FIRE DEPARTMENT COMMENTS</u>	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).
<u>CITY COUNCIL DISTRICT</u>	District 4

ANALYSIS

The applicant is requesting a Sign Variance to allow five wall signs and a freestanding sign exceeding 200 square feet per face for a single-tenant commercial site in a B-3, Community Business District; the Zoning Ordinance allows two wall signs and a freestanding sign not exceeding 200 square feet per face for a single-tenant commercial site in a B-3, Community Business District.

The site has been used most recently as a car title loan business, and is being considered for re-development into a gas station. The site also has a 1-lot Subdivision and Sidewalk Waiver application on the Planning Commission's March 9, 2017 agenda. The new gas station wishes to have a total of five wall signs on the gas canopy as well as one freestanding sign.

The applicant states:

1. *Purpose of Application:*

The variance requested is to allow over 200 square feet of signage on the free standing pylon sign which includes advertising unleaded, diesel and non-ethanol product prices. Also, the variance includes advertisement of prices on three sides of the canopy which is more than three total signs on the site. The short side of the canopy exceeds the 30% limitation (58 s.f. vs. 52 s.f.). "Murphy Express" logo signs are also on canopy to advertise brand.

2. *What are the conditions, items, facts or reasons which prevent you from complying with the requirements of the Zoning Ordinance?*

The Zoning Ordinance allows for 200 s.f. on the pylon sign and 216.61 s.f. is proposed. This amount is due to the size of the numerals being 91" we believe is sufficient for viewing from Highway 90 on the unleaded, most commonly used product. The next numeral size down is 66" tall numbers which are much smaller and would be more difficult to view while driving as the ALDOT right-of-way is very wide on this section of highway. The diesel and ethanol free products are advertised for convenience of those selected customers.

The number of signs proposed is for advertisement in all directions which includes Highway 90 and retail stores across highway including Halls Mill Road and retail shopping center across this roadway. Without signs facing these areas, potential customers are forced to drive up to or into site before realizing products offered and related pricing.

3. *How did the conditions, items, facts or reasons which prevent you from complying with the requirements of the Zoning Ordinance occur?*

The free standing pylon sign is Murphy's standard size sign which includes more recently added products such as diesel and ethanol free fuels. The number and placement of the canopy signs is based on the orientation of the overhead canopy which was situated on the site as to not encroach within the setback areas. As a result, it is preferred to

advertise price in all directions of potential customers. The existing pylon sign on Halls Mill Road will be removed as part of the new development plan for the site.

4. *How is this property different from the neighboring properties?*

The property is similar to adjacent properties and it appears that signage within this corridor was once not as restrictive due to the number and size of nearby business signage.

The applicant states that the proposed freestanding sign is 216.61 square feet, however because staff calculates the area of a sign by “boxing” the entire sign area, staff’s calculations show that the proposed sign is 282.45 square feet per face. The applicant also states that the proposed signage on the short end of the canopy will exceed the maximum 30% of the usable wall space, but only the height of the canopy was provided in the application, therefore it is difficult for staff to determine the accuracy of this statement. The proposed canopy signage could be reconfigured to group the proposed “Murphy Express” signage with the gas prices to reduce the amount of canopy signage from five to three.

It should be noted that another Murphy Gas Station on Springdale Boulevard obtained a sign variance at the Board of Zoning Adjustment’s April 4, 2016 meeting to allow three canopy signs in addition to the freestanding sign. However, no part of that variance request was to include signage larger than allowed.

The applicant states that the size of the pylon sign is Murphy’s standard size sign, however this does not constitute a hardship as local regulations vary between municipalities and national brands must be prepared to comply as required.

The applicant states that the proposed signage is similar to that of surrounding properties, however much of the existing signage in the area existed prior to being annexed into the City of Mobile in 2009, and is therefore considered non-conforming with the replacement of signage requiring the signage be brought into compliance with the Zoning Ordinance requirements.

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 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.

According to the Map for Mobile, the site is located within a Suburban Center. The intent for Suburban Centers is:

- Greater density including mixed-use with residential above community scale services and retail
- Accommodation of all users: automobile, bicycle, pedestrian, and transit
- Connectivity to surrounding neighborhoods through sidewalks, trails, etc.
- Encourage redevelopment of existing strip centers into mixed-use development or green space
- Emphasis on adding density, mixing uses and promoting walkability and connectivity to other areas of the City

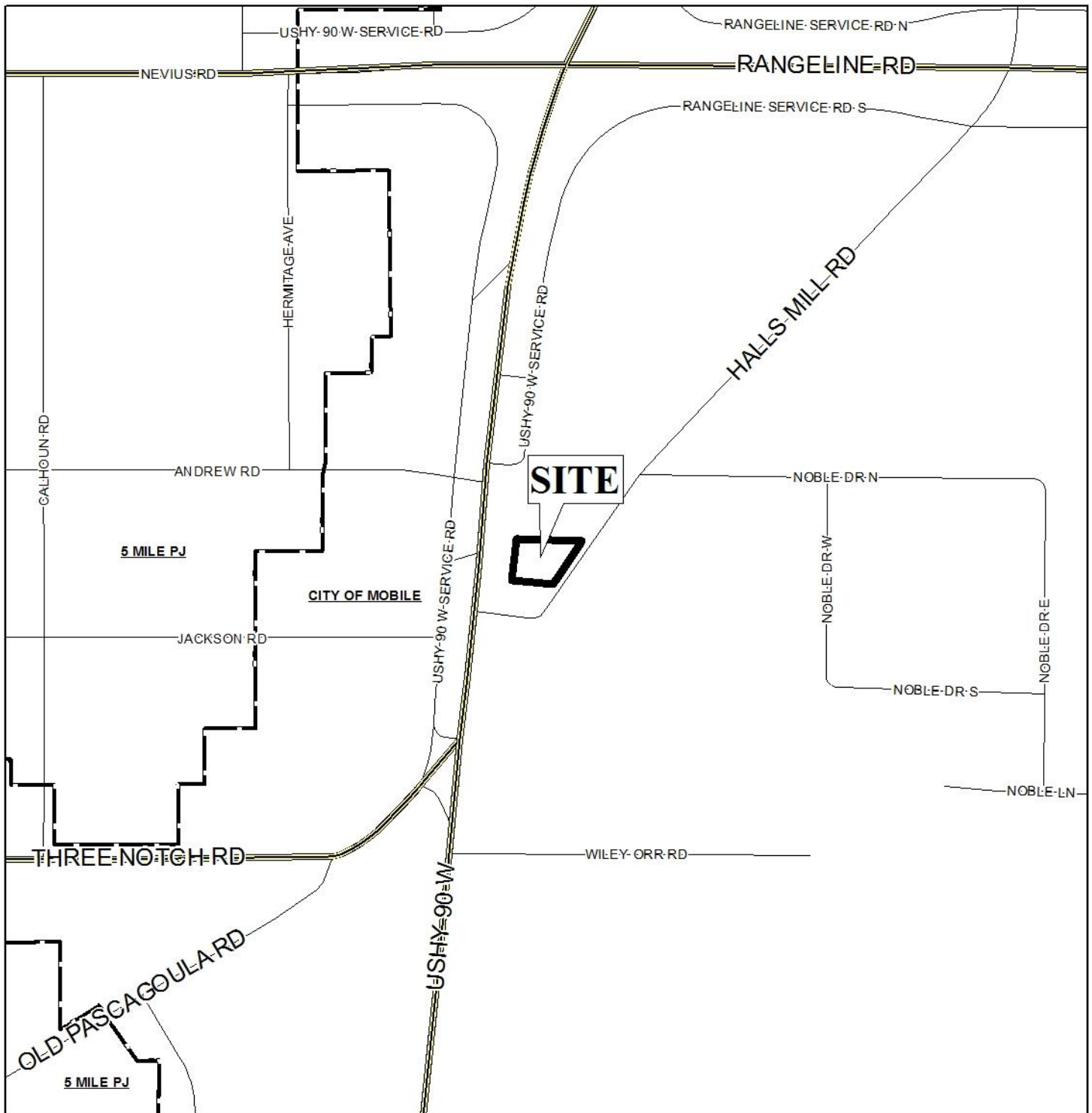
The applicant has not provided justification for the additional wall signs that are specific to the property. The proposed freestanding sign along U.S. Highway 90 can be reduced to a compliant size and will be visible to drivers along that street frontage, while the two wall signs they are allowed could be positioned to be visible to drivers along Halls Mill Road without the need for additional signage. It is simply the applicant's desire to have more signage than the Zoning Ordinance allows.

RECOMMENDATION:

Staff recommends to the Board the following findings of fact for Denial:

- 1) approving the variance will be contrary to the public interest in that the signage allowed by the Zoning Ordinance can be positioned in such a way as to be visible to drivers along both U.S. Highway 90 and Halls Mill Road;
- 2) special conditions do not exist and there are no hardships which exist that make the presence of additional or over-sized signage necessary; and
- 3) the spirit of the chapter shall not be observed and substantial justice shall not be done to the surrounding neighborhood by granting the variance because there are similarly configured properties in the area that do not have excess signage.

LOCATOR MAP



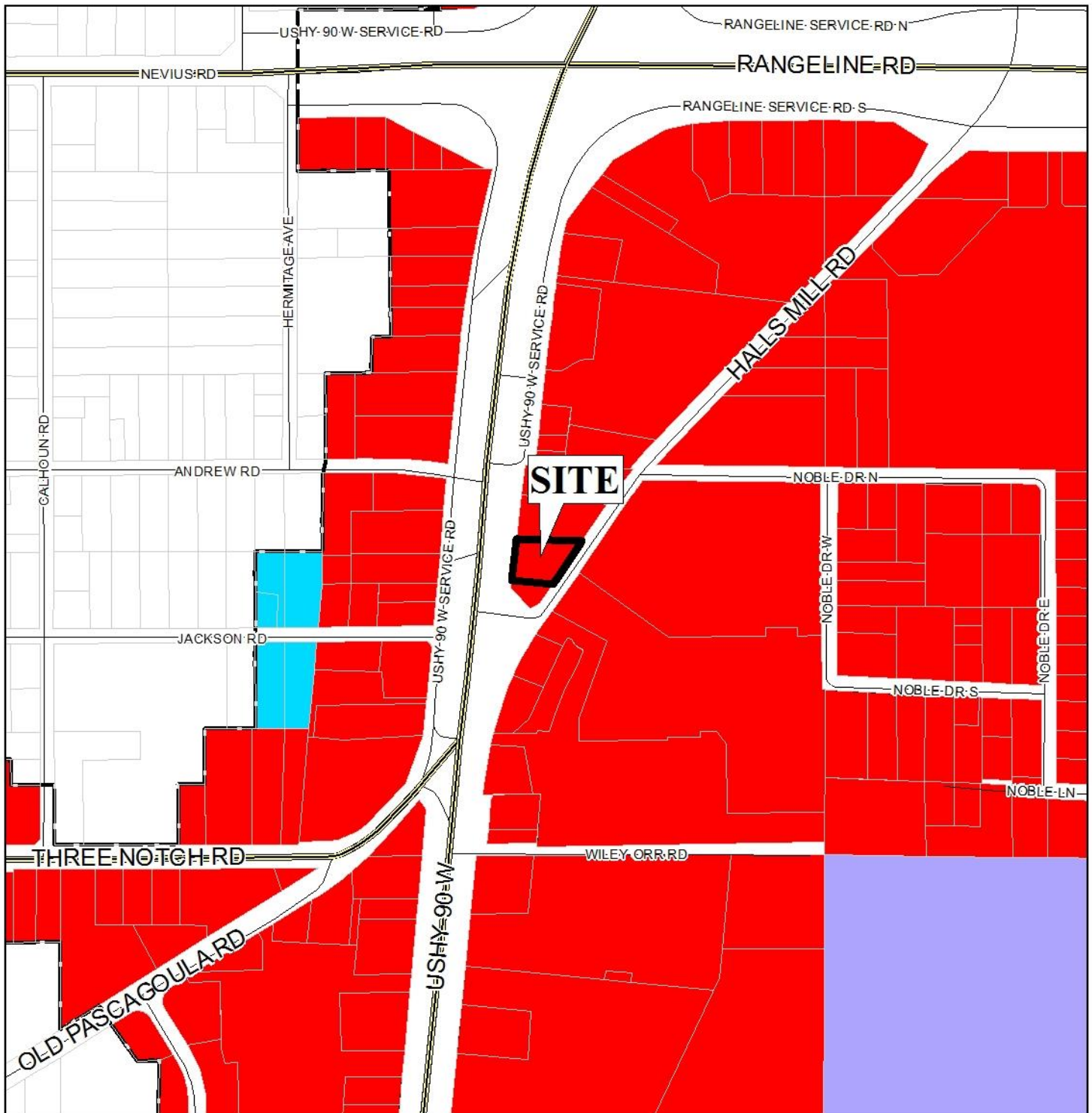
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APPLICANT Pan American Engineers, LLC

REQUEST Sign Variance



LOCATOR ZONING MAP



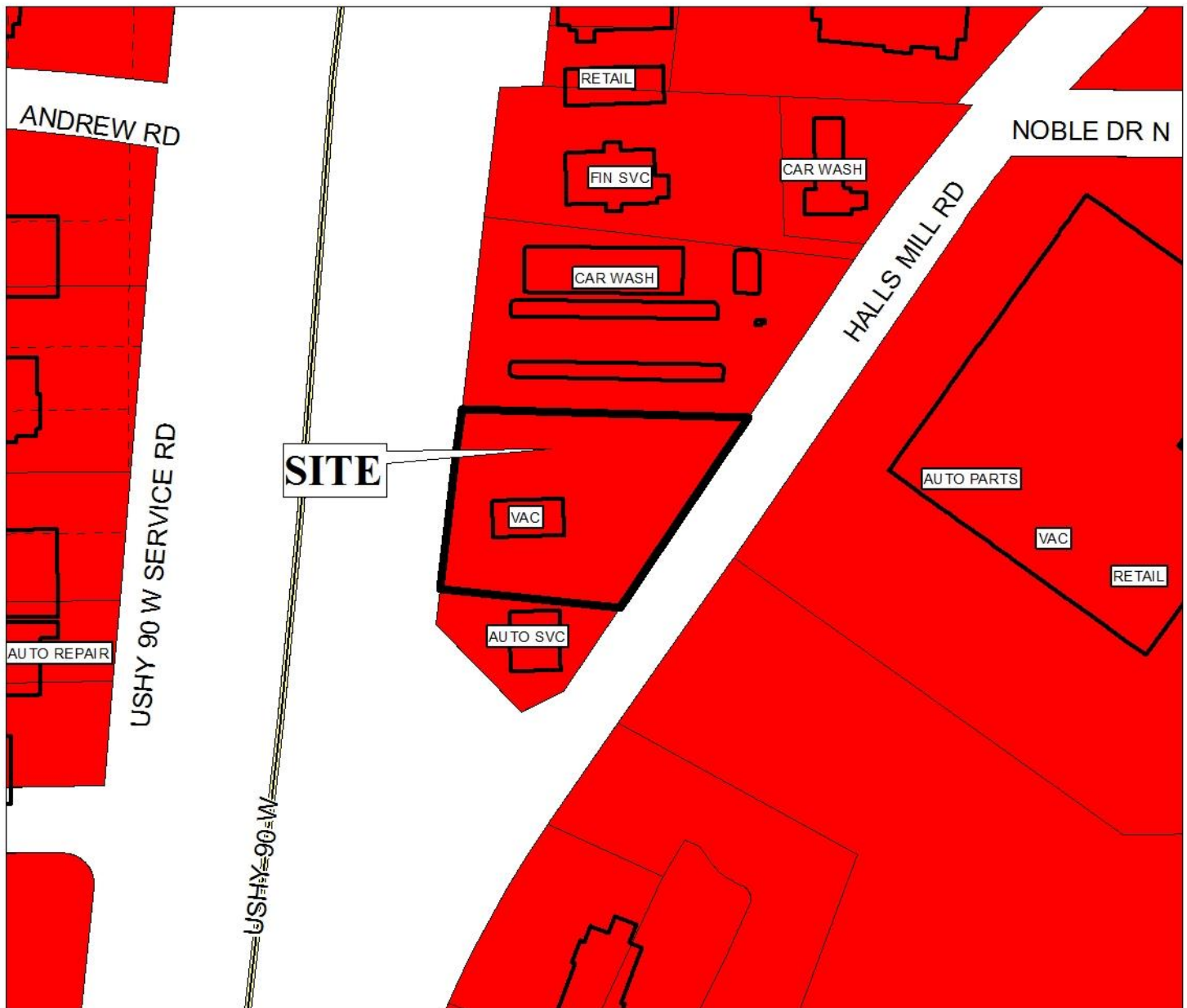
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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

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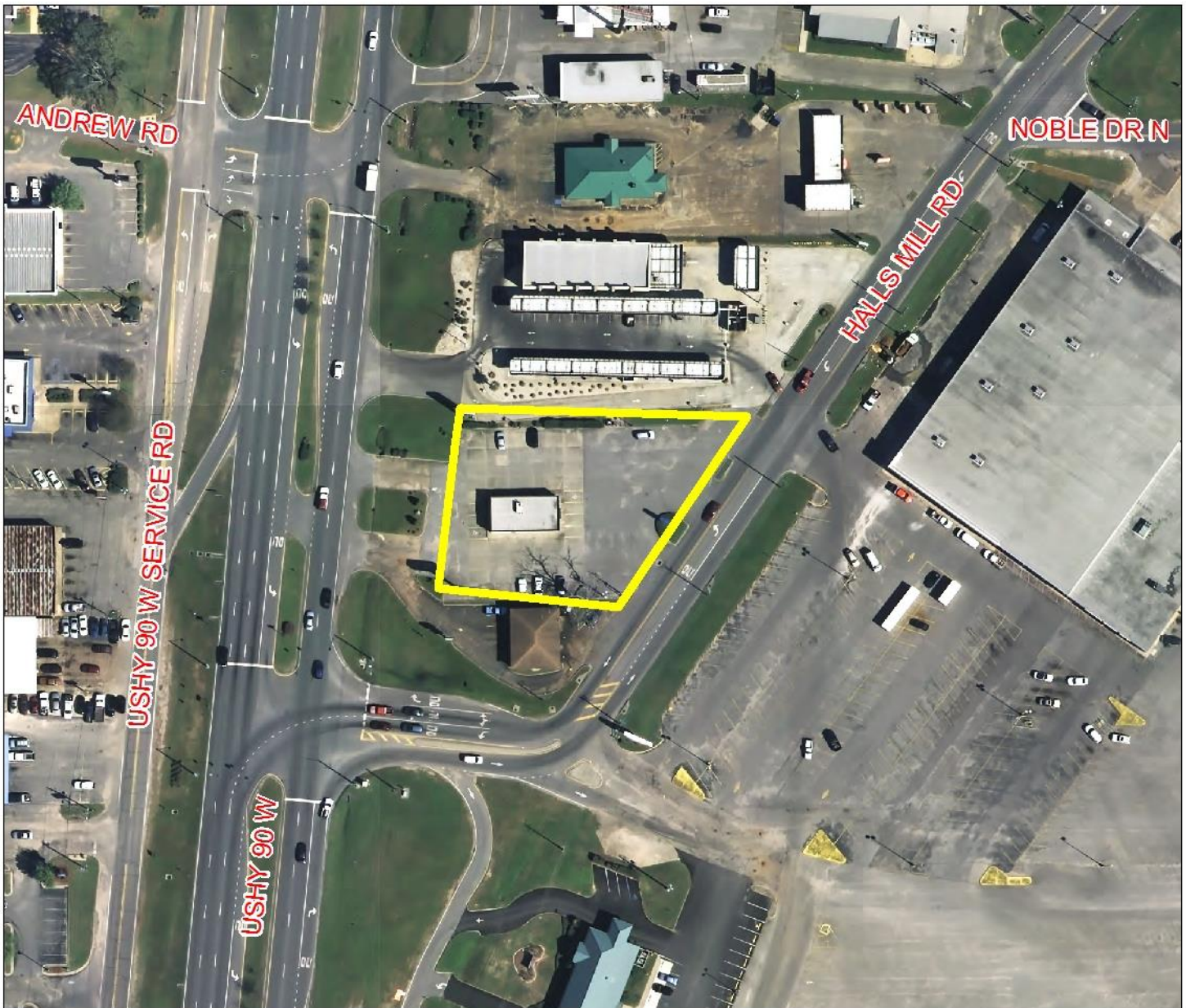
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 R-A	 R-3	 T-B	 B-2	 B-5	 MUN	 SD-WH	 T5.1
 R-1	 R-B	 B-1	 B-3	 I-1	 OPEN	 T3	 T5.2
 R-2	 H-B	 LB-2	 B-4	 I-2	 SD	 T4	 T6



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL

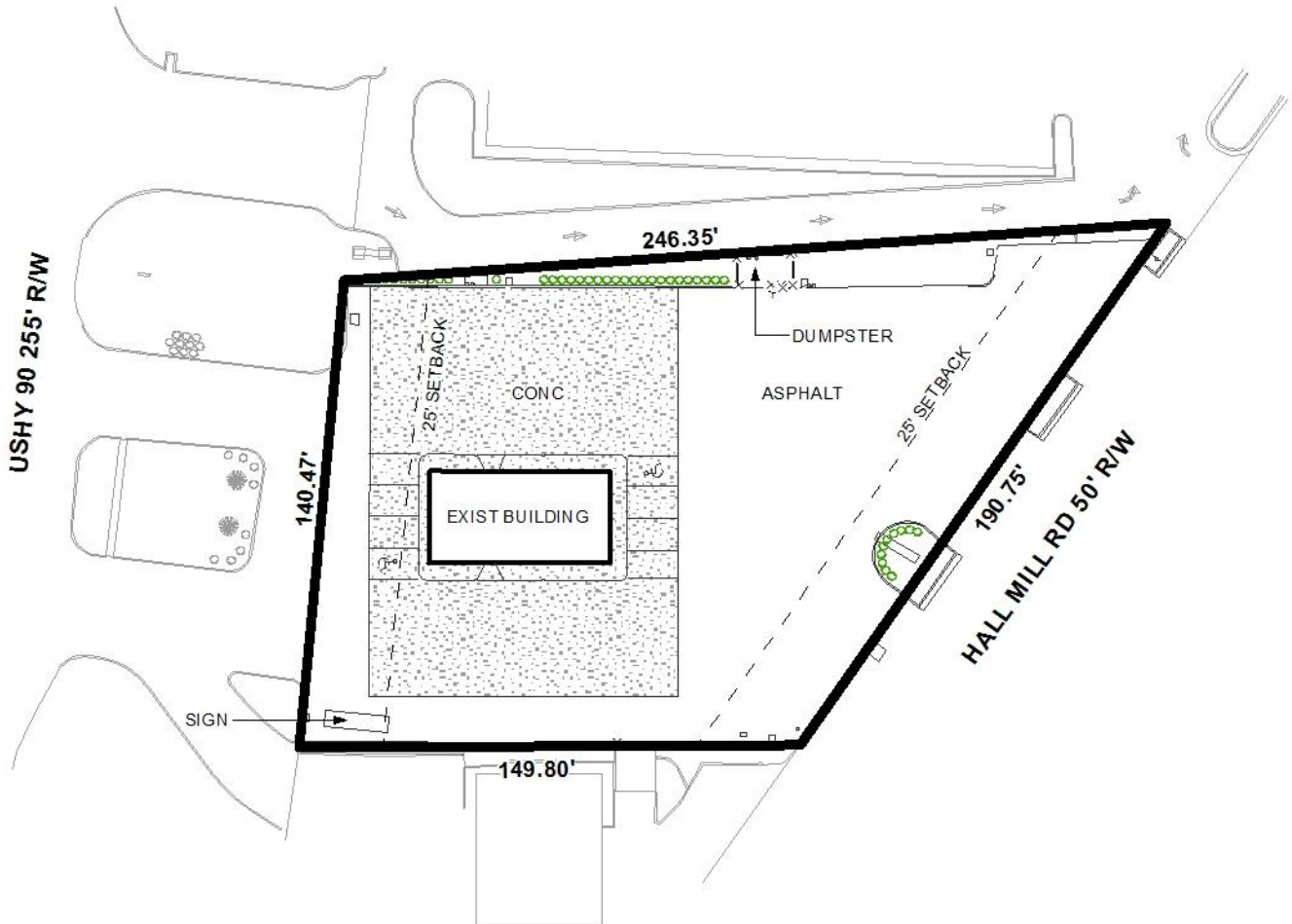


The site is surrounded by commercial units.

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SITE PLAN



The site plan illustrates the existing building, concrete parking area, asphalt areas, and setbacks.

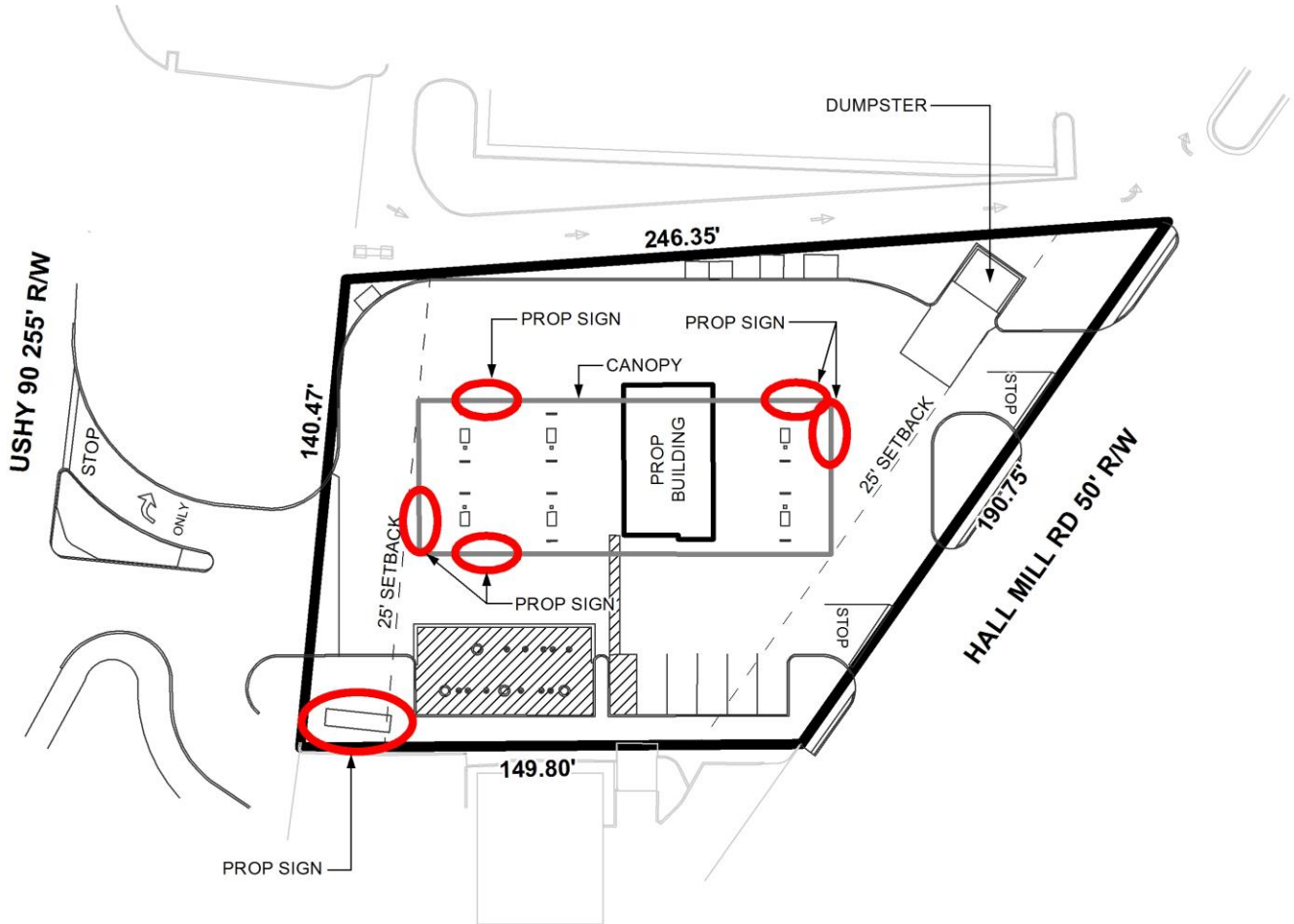
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SITE PLAN



The site plan illustrates the proposed building, proposed parking, setbacks, and dumpster location.

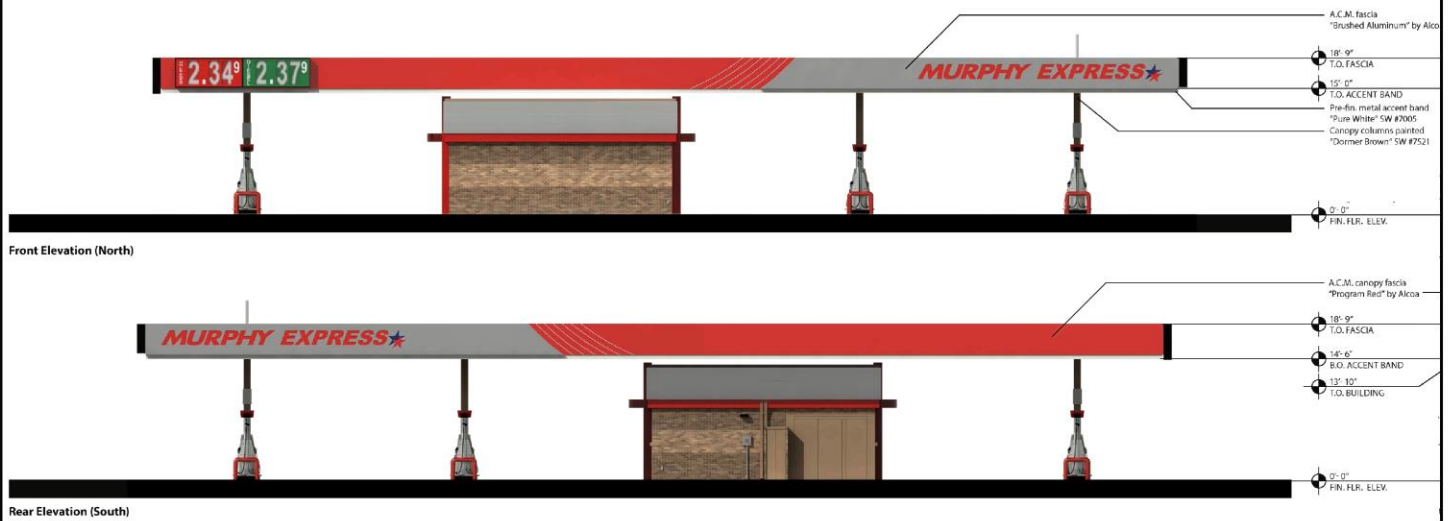
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DETAIL SITE PLAN



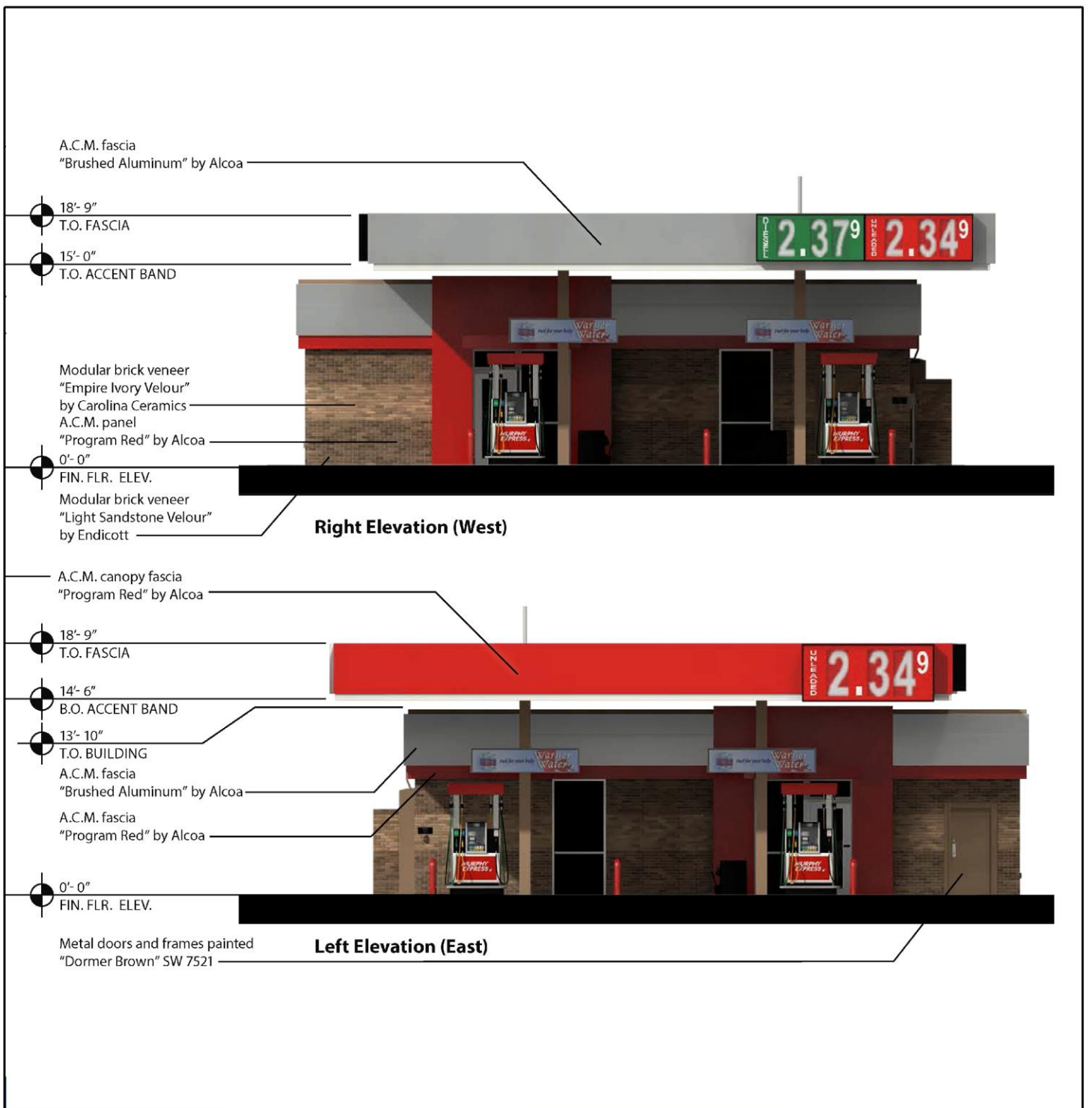
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DETAIL SITE PLAN



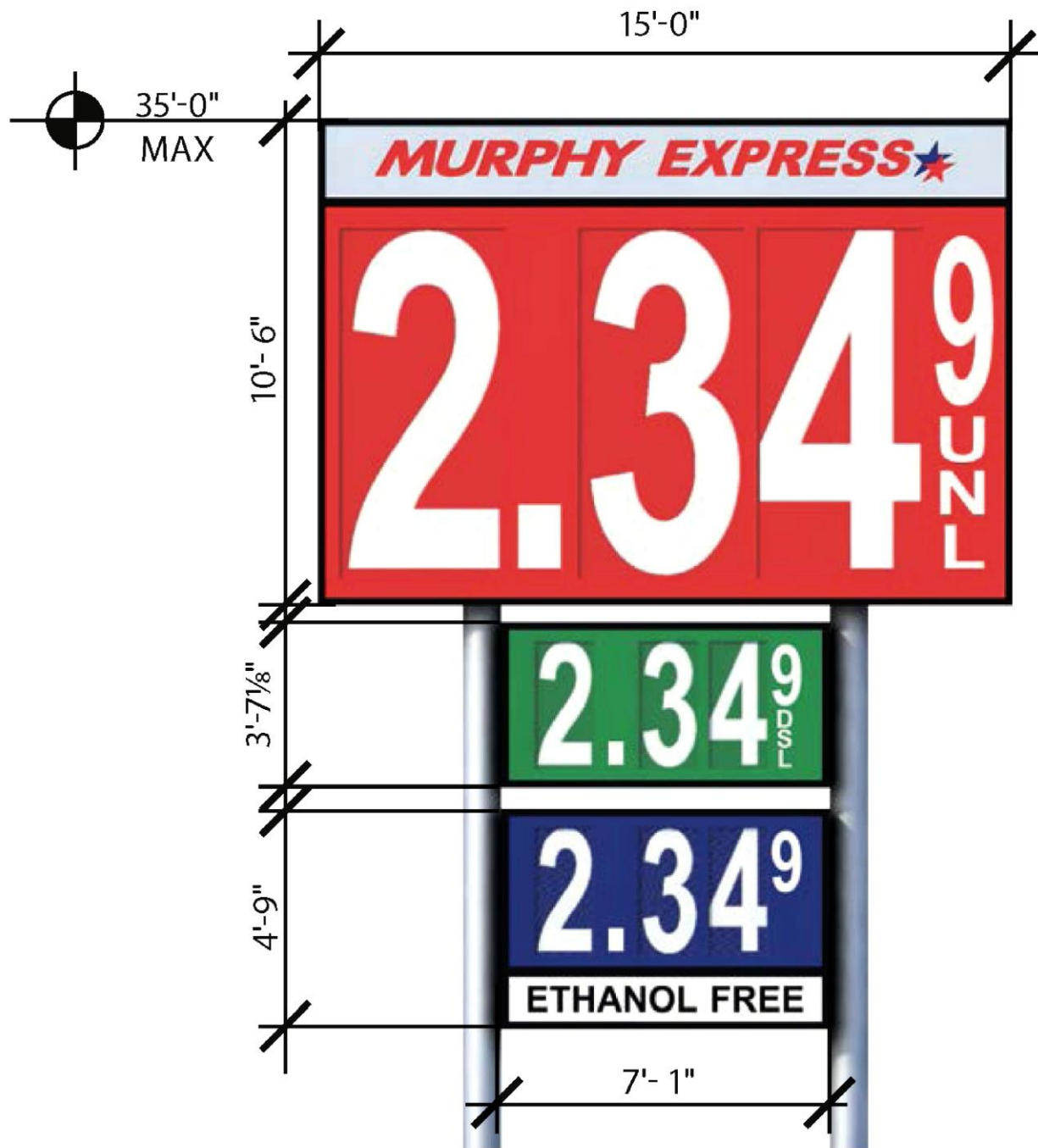
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DETAIL SITE PLAN



Pylon Sign

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REQUEST Sign Variance



DETAIL SITE PLAN



MURPHY EXPRESS ★

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REQUEST Sign Variance



NTS