

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: December 3, 2018**

<u>CASE NUMBER</u>	6228
<u>APPLICANT NAME</u>	Richard Armstrong/Modern Signs, LLC
<u>LOCATION</u>	1201 Montlimar Drive (West side of Montlimar Drive, 560'± North of Michael Boulevard).
<u>VARIANCE REQUEST</u>	SIGN: Sign Variance to allow (6) six freestanding signs for a multi-tenant site in a B-3, Community Business District.
<u>ZONING ORDINANCE REQUIREMENT</u>	SIGN: The Zoning Ordinance only allows two (2) freestanding signs for a multi-tenant site with less than 1,200' linear street frontage in a B-3, Community Business District.
<u>ZONING</u>	B-3, Community Business District
<u>AREA OF PROPERTY</u>	4.3± acres
<u>ENGINEERING COMMENTS</u>	No Comments
<u>TRAFFIC ENGINEERING COMMENTS</u>	No Comments
<u>CITY COUNCIL DISTRICT</u>	District 5
<u>ANALYSIS</u>	The applicant is requesting a Sign Variance to allow (6) six freestanding signs for a multi-tenant site in a B-3, Community Business District; the Zoning Ordinance only allows two (2) freestanding signs for a multi-tenant site with less than 1,200' linear street frontage in a B-3, Community Business District.

The site has been given a District Center land use designation, per the recently adopted Future Land Use Plan and Map. 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 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 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 applicant states:

“Please consider our request for a variance of the On Premise Sign Ordinance.

Our client, Gateway West Partners, LLC who are the property owners of the above referenced property would like to install a 14.6 Sq.Ft. monument sign for Clearway Pain Solutions Institute per the attached drawing.

Per City Code, the sign would not be allowed because there are already five freestanding signs on the property.

Clearway's patients are primarily elderly people and will have difficulty finding the clinic without proper signage. The building's sign restrictions do not allow any wall signs on the property and will only allow a monument sign.

We feel that we have a true hardship due to the landlord's restrictions and the need for the elderly patients to find the clinic. The proposed sign is just large enough to be seen at 14.6 square feet and yet not overpowering in scale for the property which has 609' of road frontage on Montlimar Drive."

As stated, the applicant desires to seek relief from the sign requirements of the Zoning Ordinance to allow a total of (6) freestanding signs on a multi-tenant sign with 600'± of linear street frontage.

Section 64-11.8.c(3)(a) of the Zoning Ordinance states regarding freestanding signs: *Freestanding: No more than three (3) freestanding signs shall be permitted for each development. If the linear feet of street front of the development is one (1) through six hundred (600) feet, then one (1) freestanding sign shall be allowed; if the linear feet of street front of the development is six hundred one (601) through one thousand two hundred (1,200) feet, then two (2) freestanding signs shall be allowed; and, if the linear feet of street front of the development is more than one thousand two hundred one (1,201) feet, then three (3) freestanding signs shall be allowed. The total area of signage which shall be allowed shall be no greater than one (1) square foot of display surface area for each linear foot of street front, and this area may be apportioned in any manner between the freestanding signs, notwithstanding the above, each sign shall be permitted a maximum display surface area of three hundred fifty (350) square feet per side, with a maximum height of fifty (50) feet.*

The applicant notes visibility as for clients as a justification for the variance request. Though the business may desire additional freestanding signage, it may be possible to add a tenant panel to one of the existing freestanding signs without the need for a variance. Additionally, the Zoning Ordinance allows each tenant one wall sign.

The applicant notes that the property owner does not allow wall signs, however no documentation was submitted to support this claim. Furthermore, Staff finds evidence of at least 16 suites at the subject site, therefore approval of the request at hand could set a precedent for up to 16 freestanding signs at the property.

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.

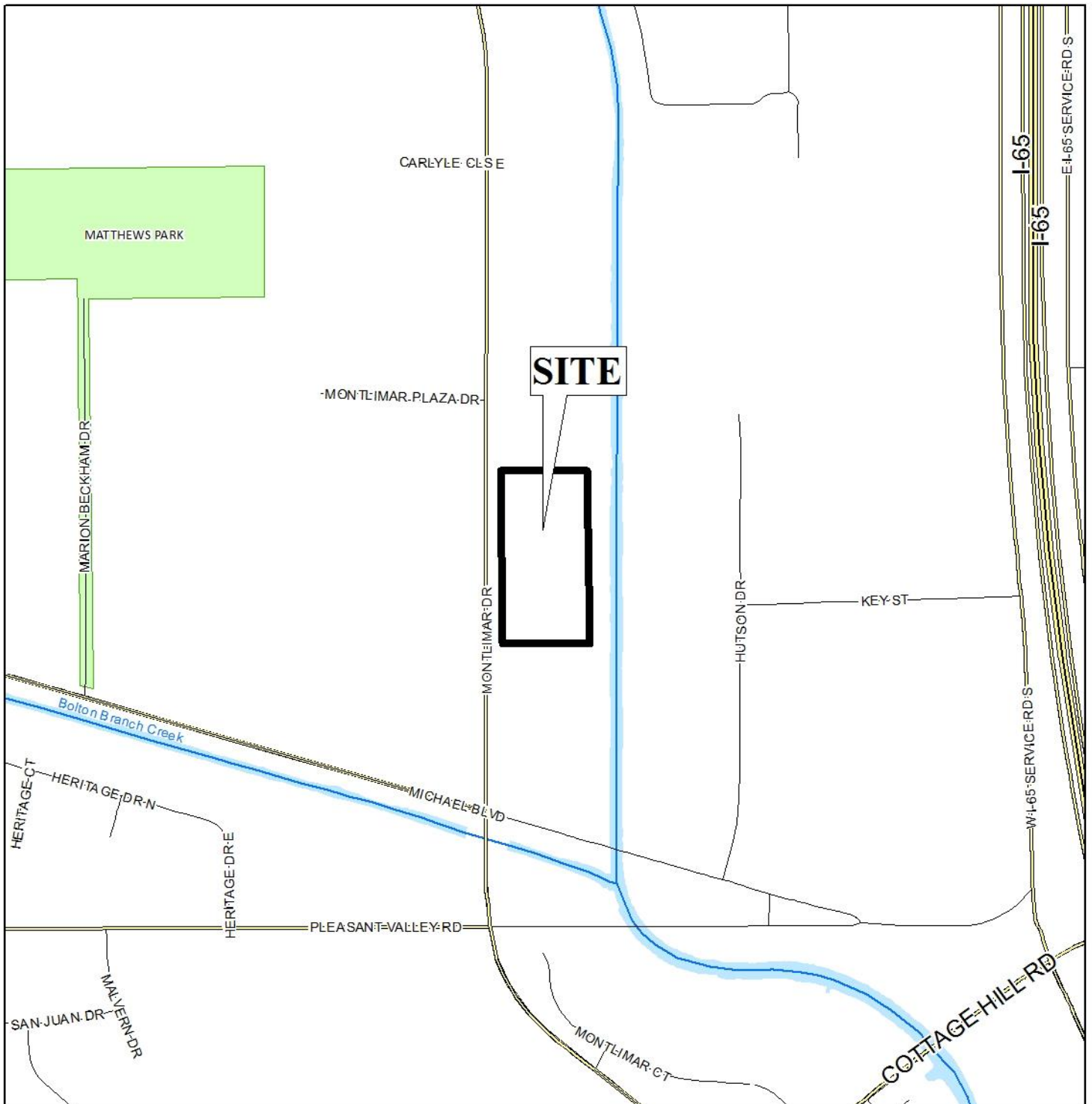
There are no conditions which exist at this site that require additional freestanding sign. The applicant has not presented any substantial hardship, as the option of a tenant panel on an existing sign will keep the site in compliance with the Zoning Ordinance requirements. Furthermore, the “landlord restrictions” for the site could be amended to allow tenants to have wall signs, which are allowed by the Zoning Ordinance. Amending the private restrictions on signage might be more reasonable than requesting a variance from the city-wide requirements of the Zoning Ordinance.

Approval of this request could establish a precedent by which future, less desirable Sign Variance requests could be approved if no special conditions or hardships to an individual property exist. Based on the preceding, the Board should consider this application for denial.

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

- 1) Approving the variance will be contrary to public interest in is it contrary to Section 64-11.8.c(3)(a) of the Zoning Ordinance;
- 2) Special conditions do not exist in such a way that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship since there are other options such as wall signage or tenant panel signage that may be permitted;
- 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 the proposed signage may establish a precedent by which future, less desirable Sign Variances requests could be approved if no special conditions or hardships to an individual property exist.

LOCATOR MAP



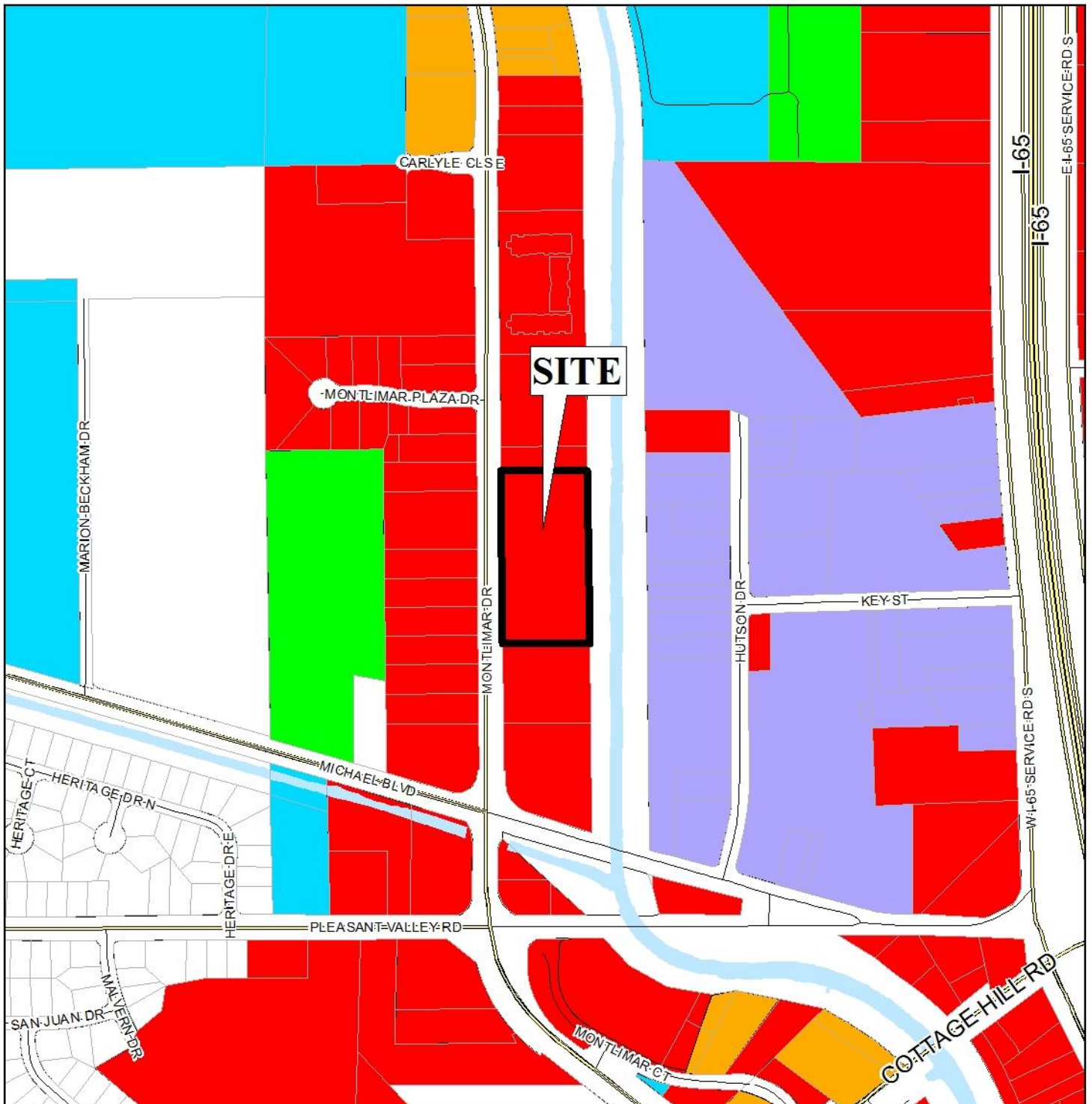
APPLICATION NUMBER 6228 DATE December 3, 2018

APPLICANT Richard Armstrong/Modern Signs, LLC

REQUEST Sign Variance



LOCATOR ZONING MAP



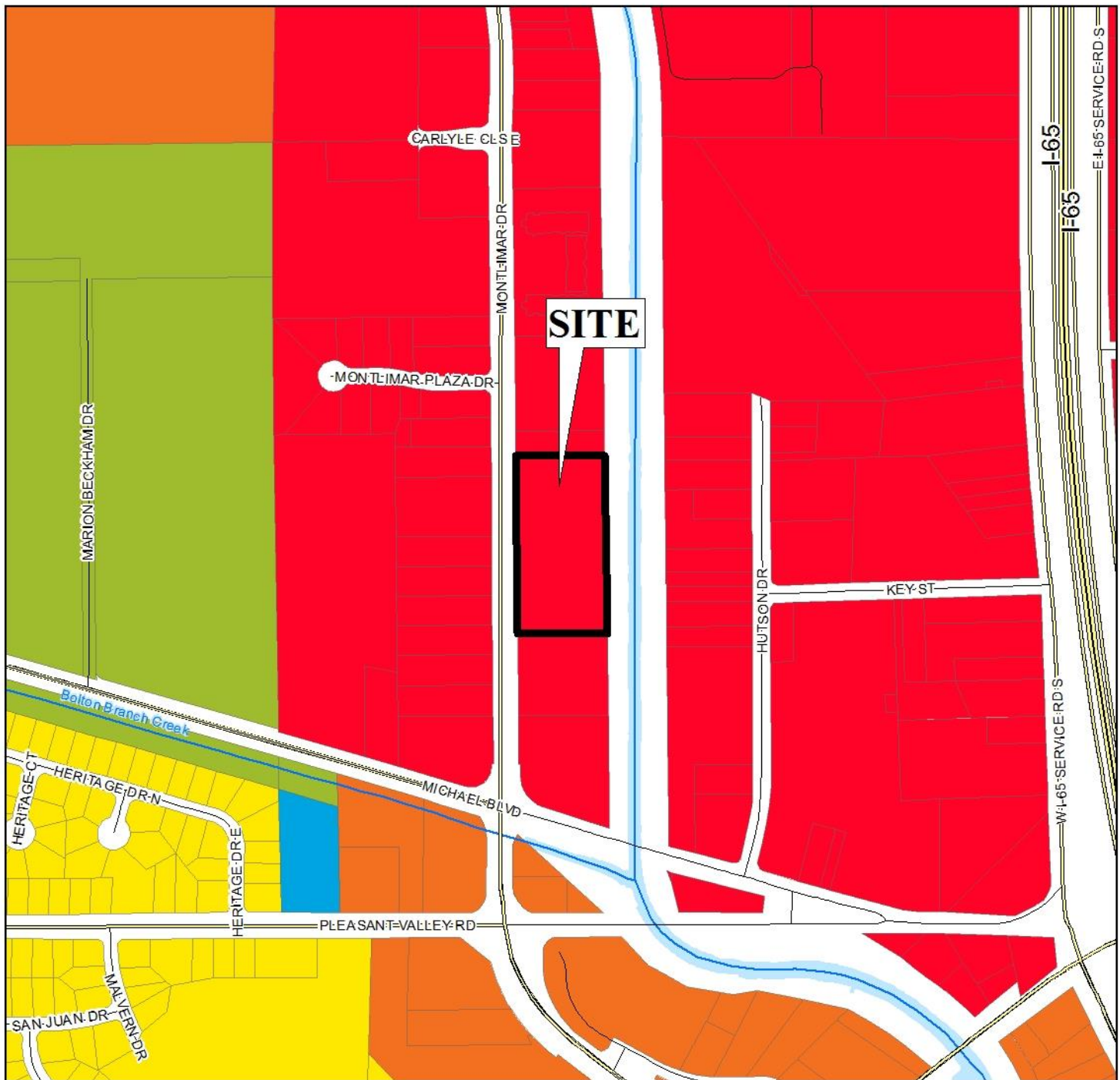
APPLICATION NUMBER 6228 DATE December 3, 2018

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REQUEST Sign Variance



FLUM LOCATOR MAP



APPLICATION NUMBER 6228 DATE December 3, 2018

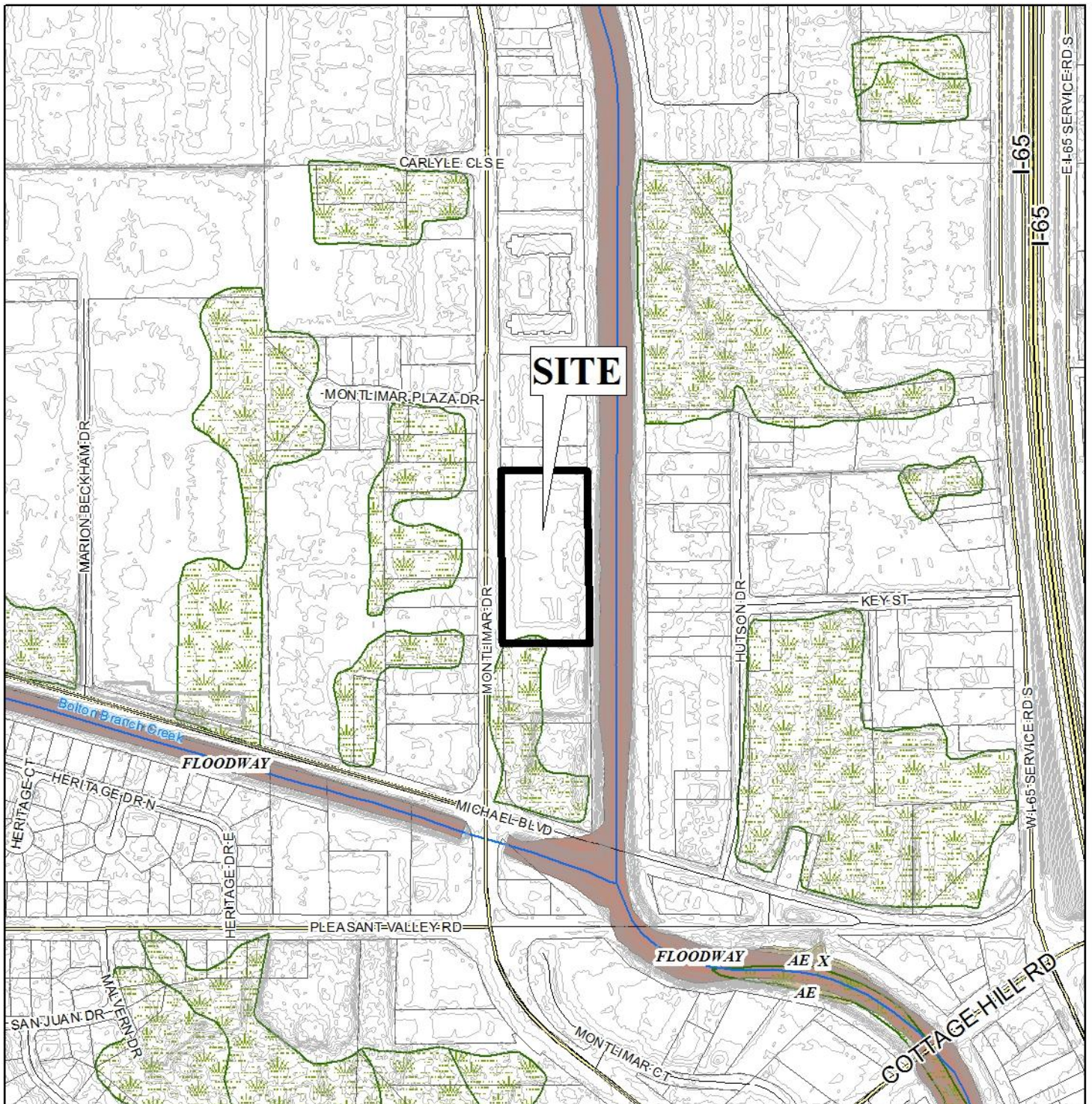
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Low Density Residential	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
Mixed Density Residential	Neighborhood Center - Suburban	Light Industry	Water Dependent
Downtown	Traditional Corridor	Heavy Industry	
District Center	Mixed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



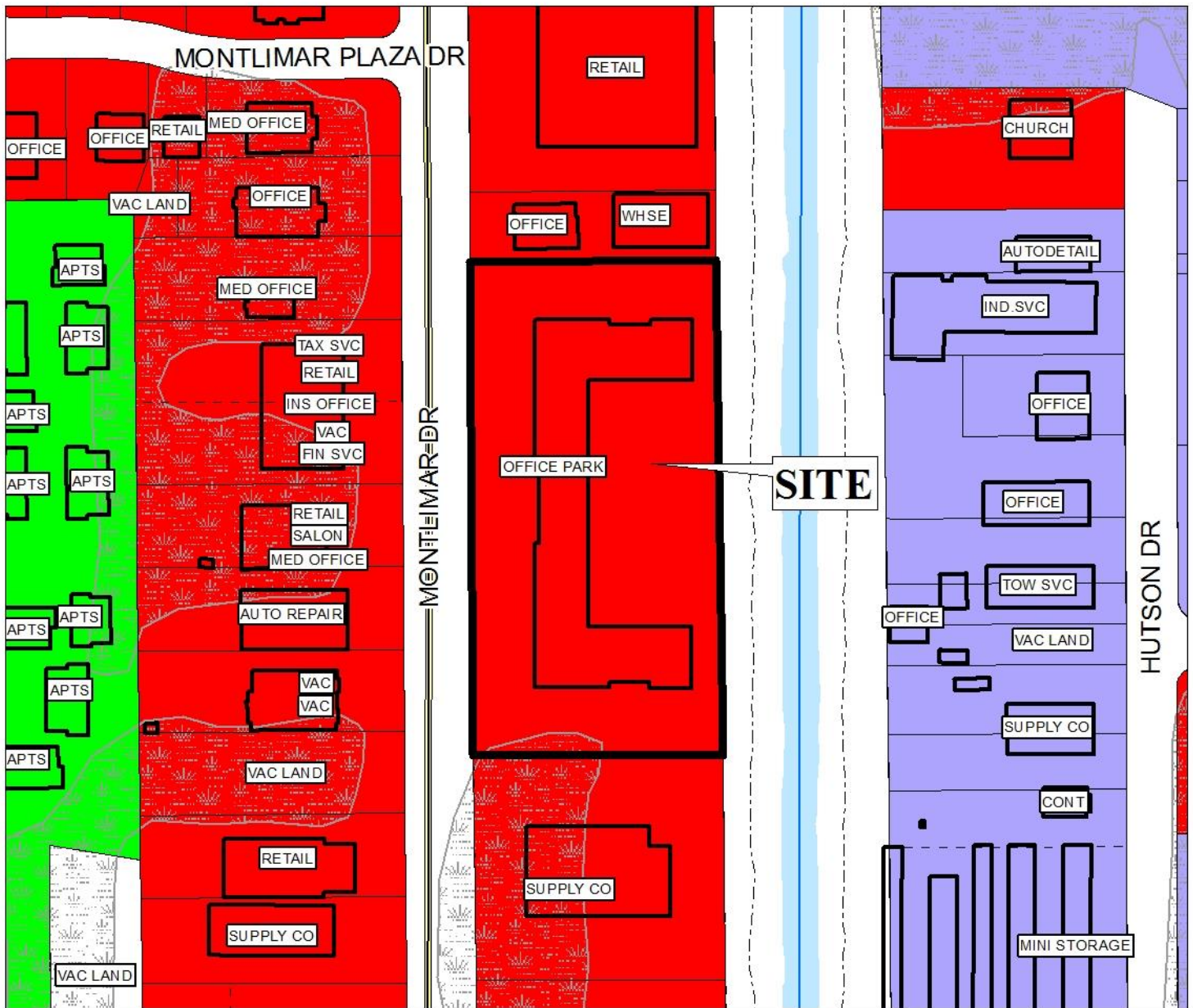
ENVIRONMENTAL LOCATOR MAP



APPLICATION NUMBER 6228 DATE December 3, 2018
APPLICANT Richard Armstrong/Modern Signs, LLC
REQUEST Sign Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

APPLICATION NUMBER 6228 DATE December 3, 2018

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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



The site is surrounded by commercial units.

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APPLICANT <u>Richard Armstrong/Modern Signs, LLC</u>
REQUEST <u>Sign Variance</u>



SITE PLAN



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

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