

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: September 9, 2019**

<u>CASE NUMBER</u>	6274
<u>APPLICANT NAME</u>	Scott Services for McDonald's
<u>LOCATION</u>	5019 Cottage Hill Road (South side of Cottage Hill Road, 574'± East of Demetropolis Road.)
<u>VARIANCE REQUEST</u>	SIGN: Sign Variance to allow multiple digital menu board signs per drive-thru lane within 300' of residentially-zoned property in a B-2, Neighborhood Business District.
<u>ZONING ORDINANCE REQUIREMENT</u>	SIGN: The Zoning Ordinance only allows one (1) drive-thru menu/order board per drive-thru lane, and prohibits digital signs within 300' of residentially zoned property in a B-2, Neighborhood Business District.
<u>ZONING</u>	B-2, Neighborhood Business District
<u>AREA OF PROPERTY</u>	18,382± Square Feet / 0.4± Acre
<u>ENGINEERING COMMENTS</u>	No comments
<u>TRAFFIC ENGINEERING COMMENTS</u>	This request was not reviewed by Traffic Engineering.
<u>CITY COUNCIL DISTRICT</u>	District 4
<u>ANALYSIS</u>	The applicant is requesting a Sign Variance to allow multiple digital menu board signs per drive-thru lane within 300' of residentially zoned property in a B-2, Neighborhood Business District; the Zoning Ordinance only allows one (1) drive-thru menu/order board per drive-thru lane, and prohibits digital signs within 300' of residentially zoned property in a B-2, Neighborhood Business District.

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 site has been given a Neighborhood Center – Suburban land use designation, per the Future Land Use Plan and Map, adopted on May 18, 2017 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.

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.

The following are General Principles for Neighborhood Centers (NC): 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.).

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 applicant states:

I would like to write a small letter as why we are asking for this variance. The pre browsers board and also the menu boards at this location are being replaced and the reason we are changing them out is because parts are no longer available to make any repairs. This is a double drive thru so we are asking that we would be approved to make these changes. We will be doing 2 pre browsers and 2 menu boards.

As mentioned, the applicant is seeking relief from the Zoning Ordinance to allow two (2) drive-thru menu boards and two (2) pre-browse menu boards for a total of four (4) drive-thru menu board signs for a McDonald's restaurant. Additionally, each of the signs is proposed to be equipped with a digital display.

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

For commercial sites with one establishment, Section 64-11.8.c(2)(f) of the Zoning Ordinance allows one (1) drive-thru menu board per drive-thru lane, with a maximum size of forty-eight (48) square feet each.

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 provided by the applicant indicates the existing menu boards at this site are approximately 39 square feet each. The two proposed drive-thru menu boards are approximately 17.75 square feet each, and the two proposed pre-browse menu boards are approximately 8.89

square-feet each. The cumulative total area of both boards per lane would be approximately 28 square feet, and far less than the 48 square feet allowed by the Zoning Ordinance for a menu board. Information provided also indicates the NITS range of the boards would be from 500 at night to 2,500 in daytime. That would be within the range allowed by the Zoning Ordinance of 500 NITS during night time and 5,000 in daytime.

The subject site has frontage along Cottage Hill Road, and is located approximately 125' from residentially zoned and used property to the North across Cottage Hill Road. Properties to the East, South and West of the subject site are all zoned B-2. A review of GIS aerial mapping indicates that the pre browser boards and menu boards would be located approximately 260' and 275' respectively from the residentially zoned property. A review of the site plan indicates that only the smaller pre browser boards would face residentially zoned property. The menu boards would face generally to the Southwest toward other commercially zoned and used property.

Regarding the applicant's statement, it is understandable why the McDonald's restaurant wishes to update their drive-thru signage and provide additional signage to facilitate drive-thru traffic. It is also admirable that, in doing so, the size of signage would be reduced. In this instance, the menu boards must be replaced out of necessity. Current customer service trends within the fast-food industry utilize pre browser boards to expedite customer menu selection prior to reaching the main ordering station at the menu board. Not allowing both a pre browser board and menu board per drive-thru lane could be considered as imposing an unnecessary hardship, especially if considering that the sign regulation provisions of the Zoning Ordinance have not been amended to address current business trends. Therefore, the Board should consider this request for Approval.

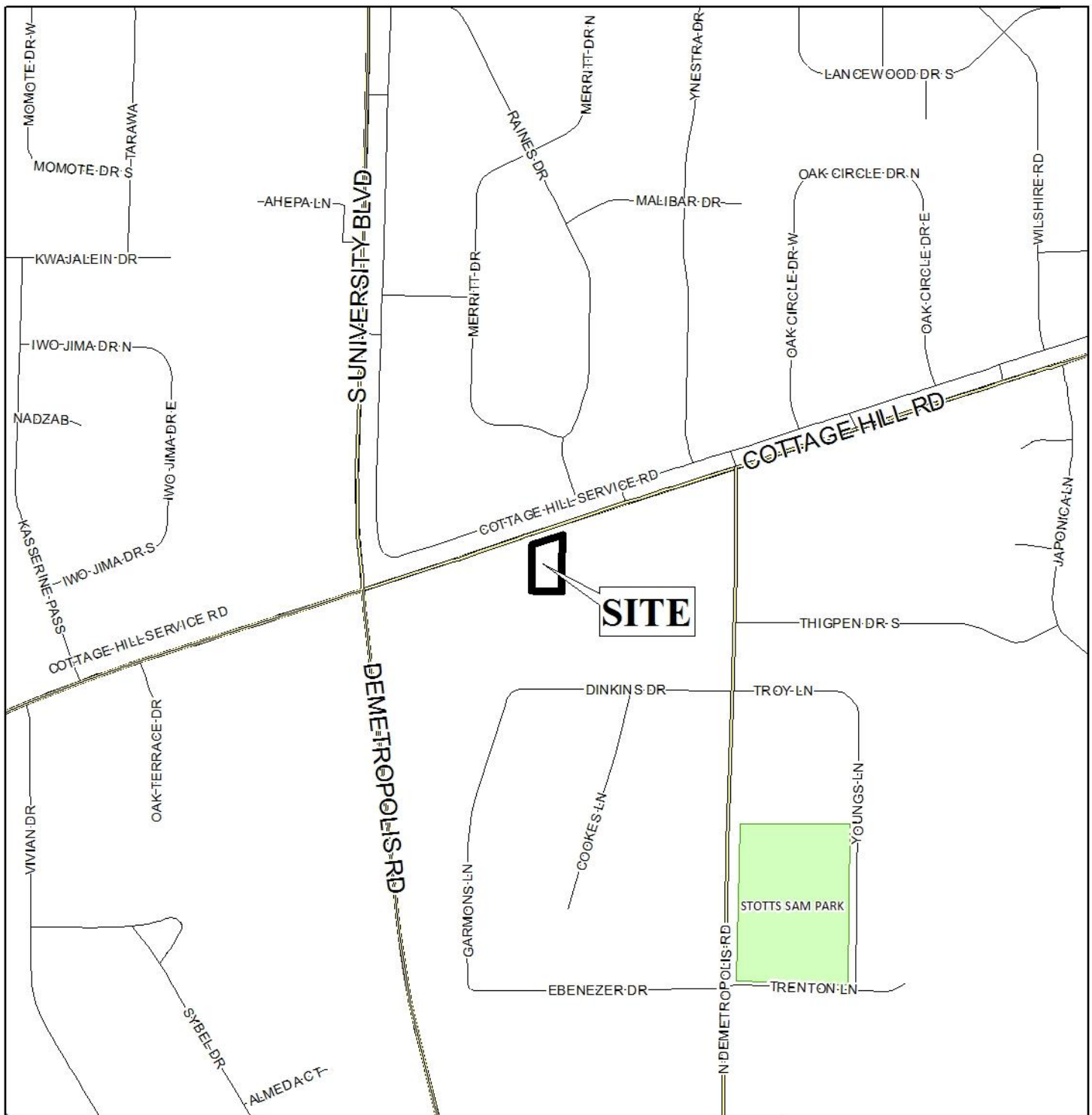
RECOMMENDATION: Staff recommends to the Board the following findings of fact for Approval:

- 1) Approving the variance will not be contrary to the public interest in that it will allow the applicant to expedite customer service and traffic flow within a drive-thru ordering lane;
- 2) Special conditions (the limitation to one menu board per drive-thru slows customer service time and traffic flow) exist such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and
- 3) The spirit of the chapter shall be observed and substantial justice shall be done to the applicant and surrounding neighborhood by granting the variance because it will compensate for an archaic limitation in the sign regulation provisions of the Zoning Ordinance.

The Approval is subject to the following conditions:

- 1) signage to comply with the dimming requirements of Section 64-11.8.c.(7) (a)vii of the Zoning Ordinance; and
- 2) full compliance with all other municipal coded and ordinances.

LOCATOR MAP



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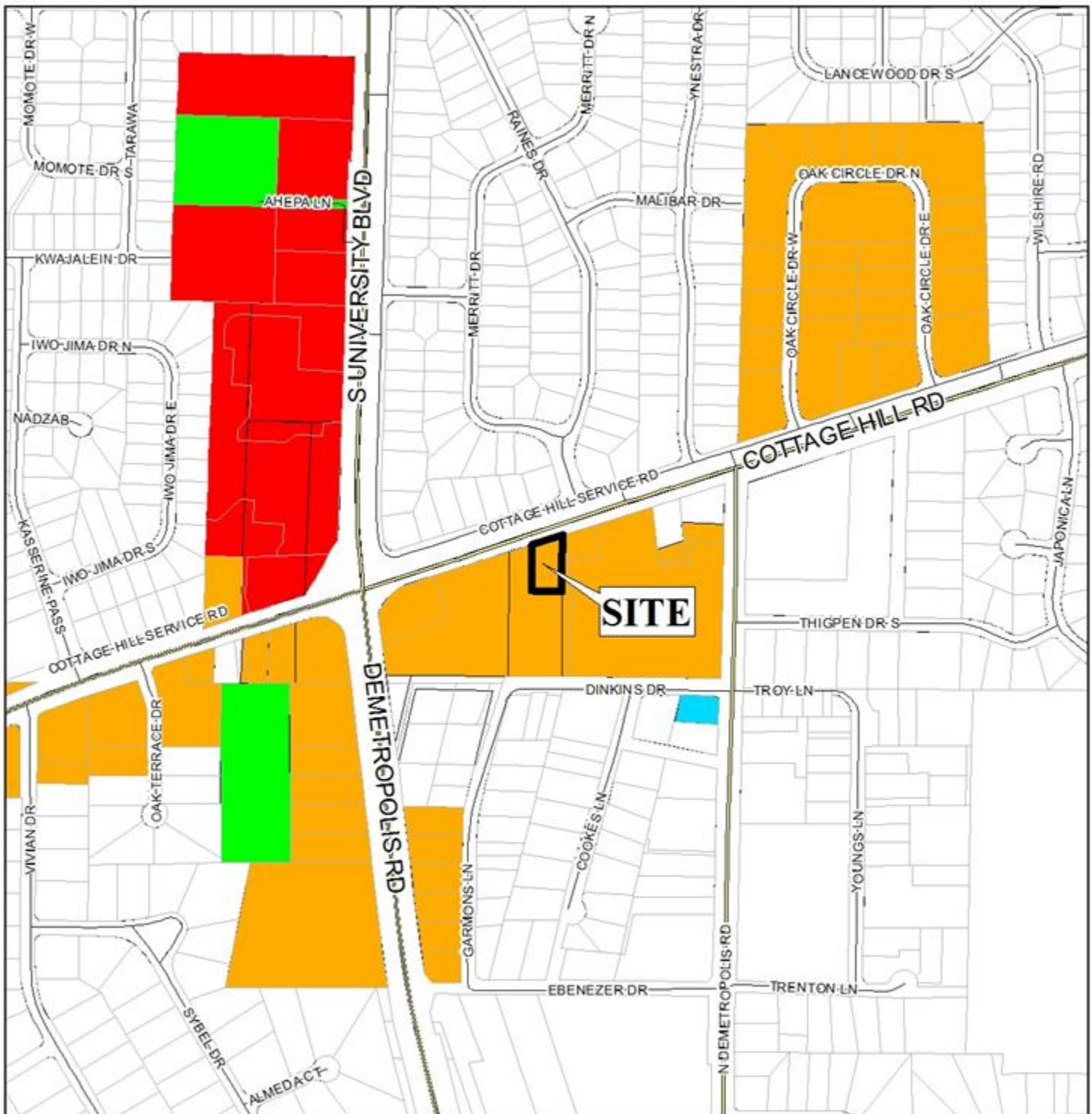
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NTS

LOCATOR ZONING MAP



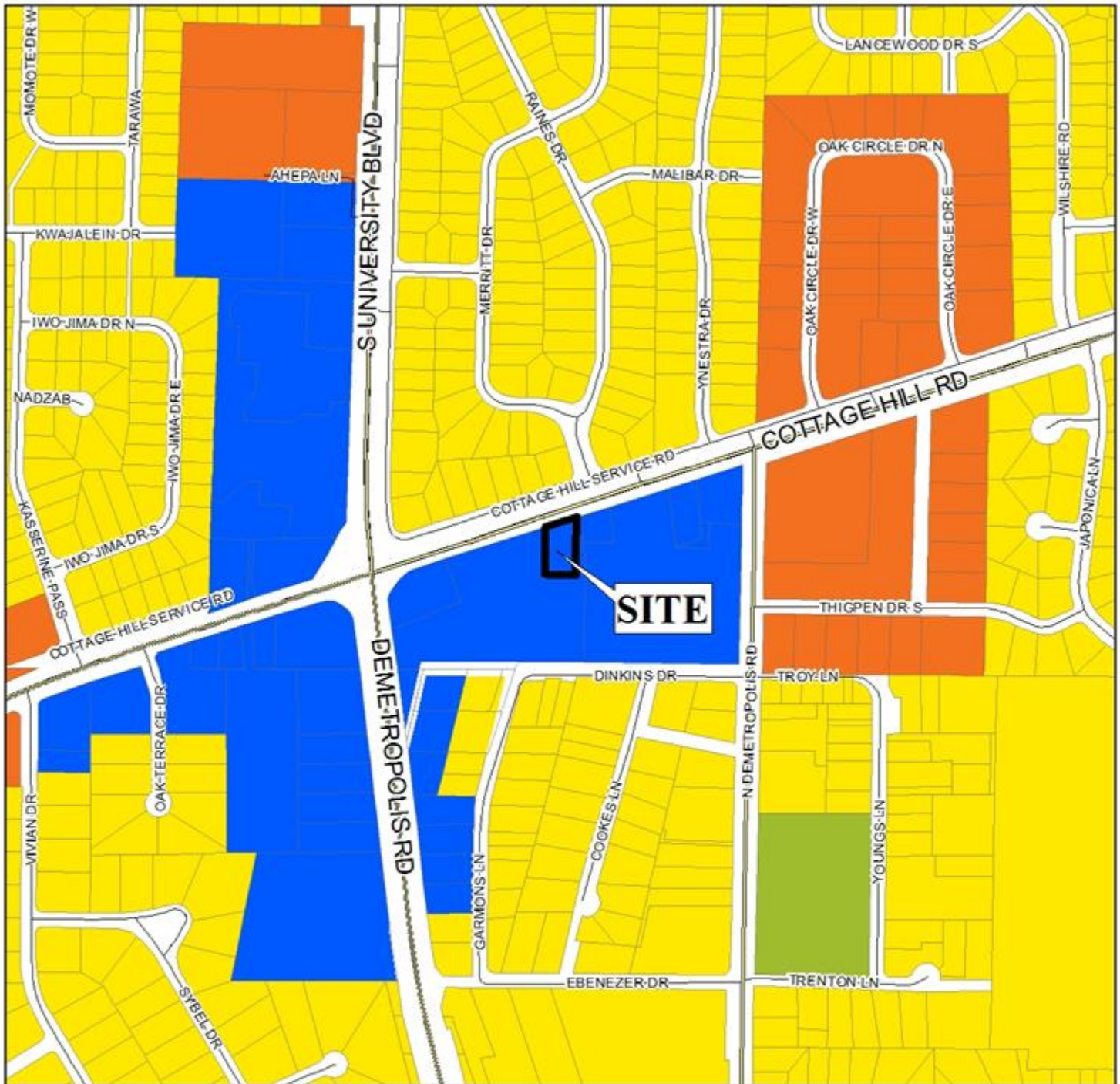
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FLUM LOCATOR MAP



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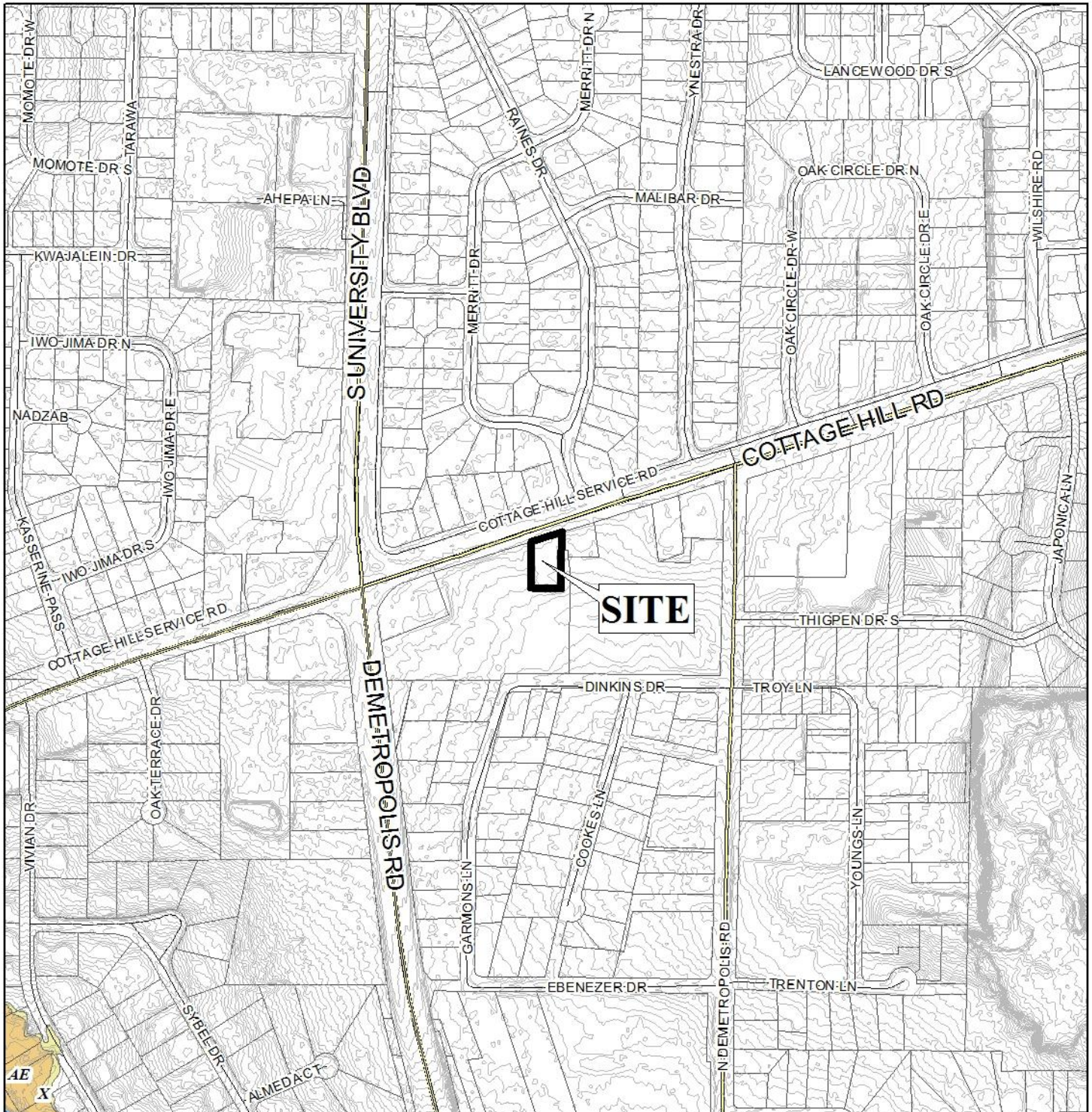
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Low Density Residential	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
Mixed Density Residential	Neighborhood Center - Suburban	Light Industry	Water Dependent
Downtown	Traditional Corridor	Heavy Industry	
District Center	Mixed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



ENVIRONMENTAL LOCATOR MAP



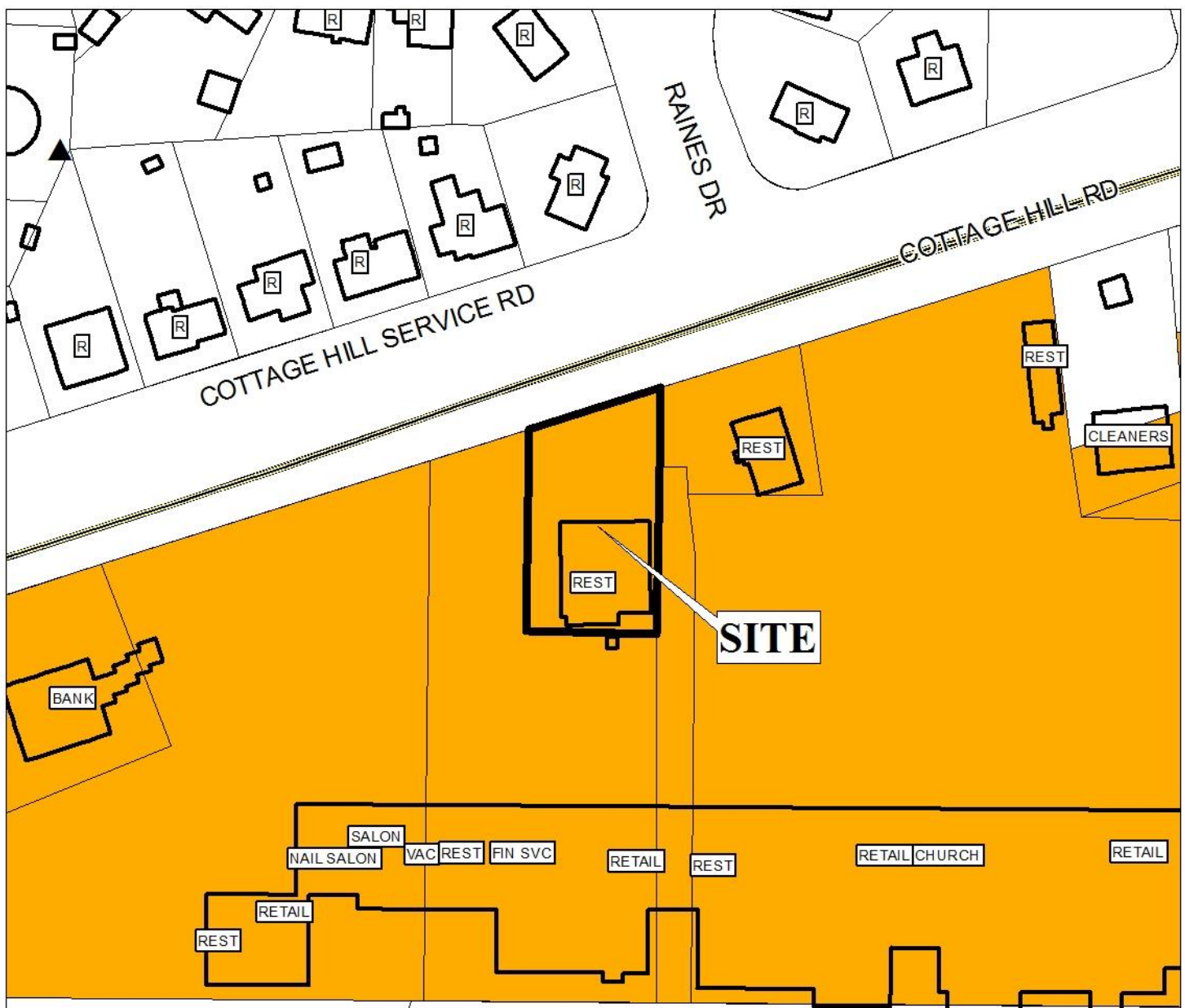
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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential and commercial 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



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL

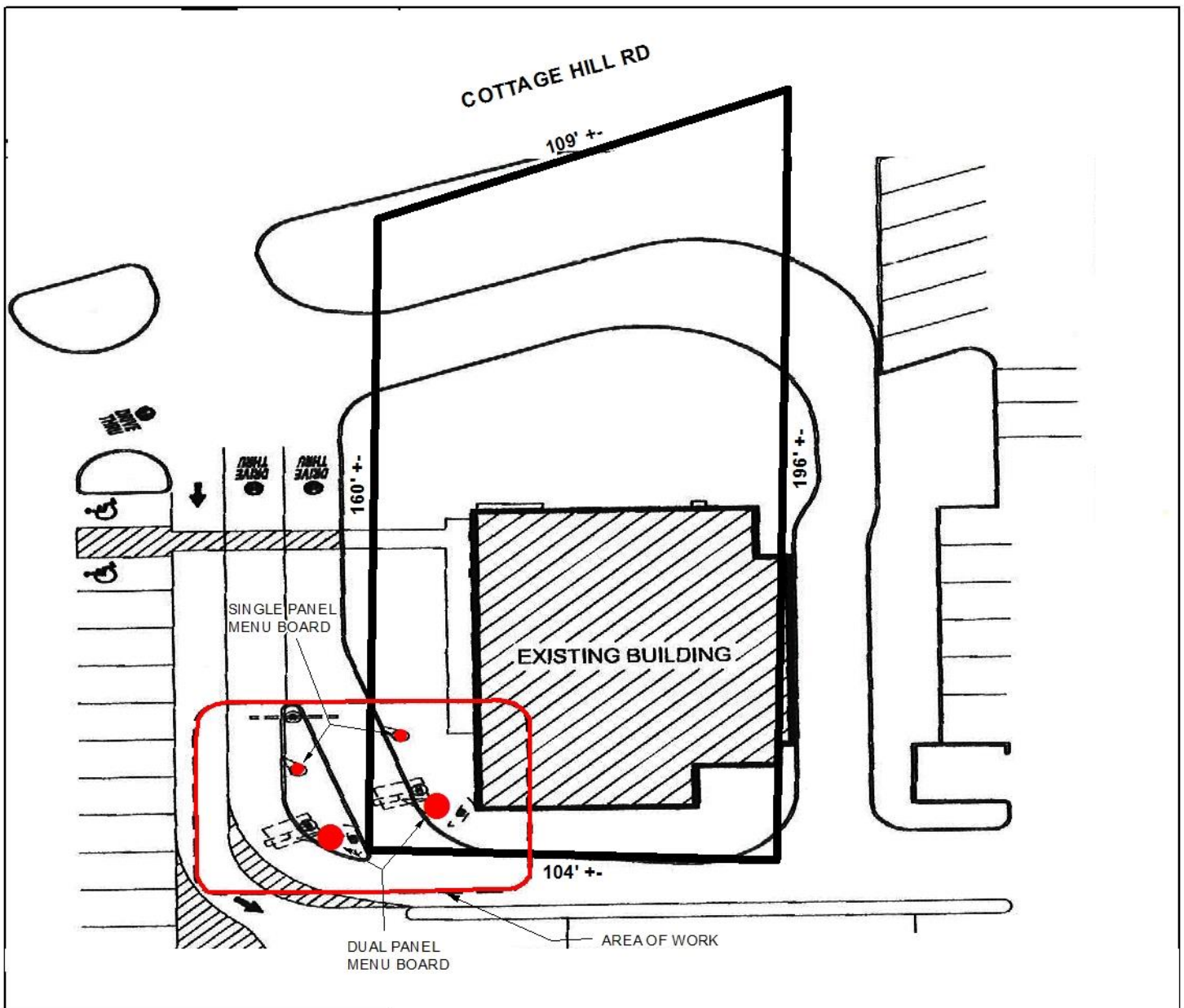


The site is surrounded by residential and commercial units.

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SITE PLAN



The site plan illustrates the existing menu boards and the existing building.

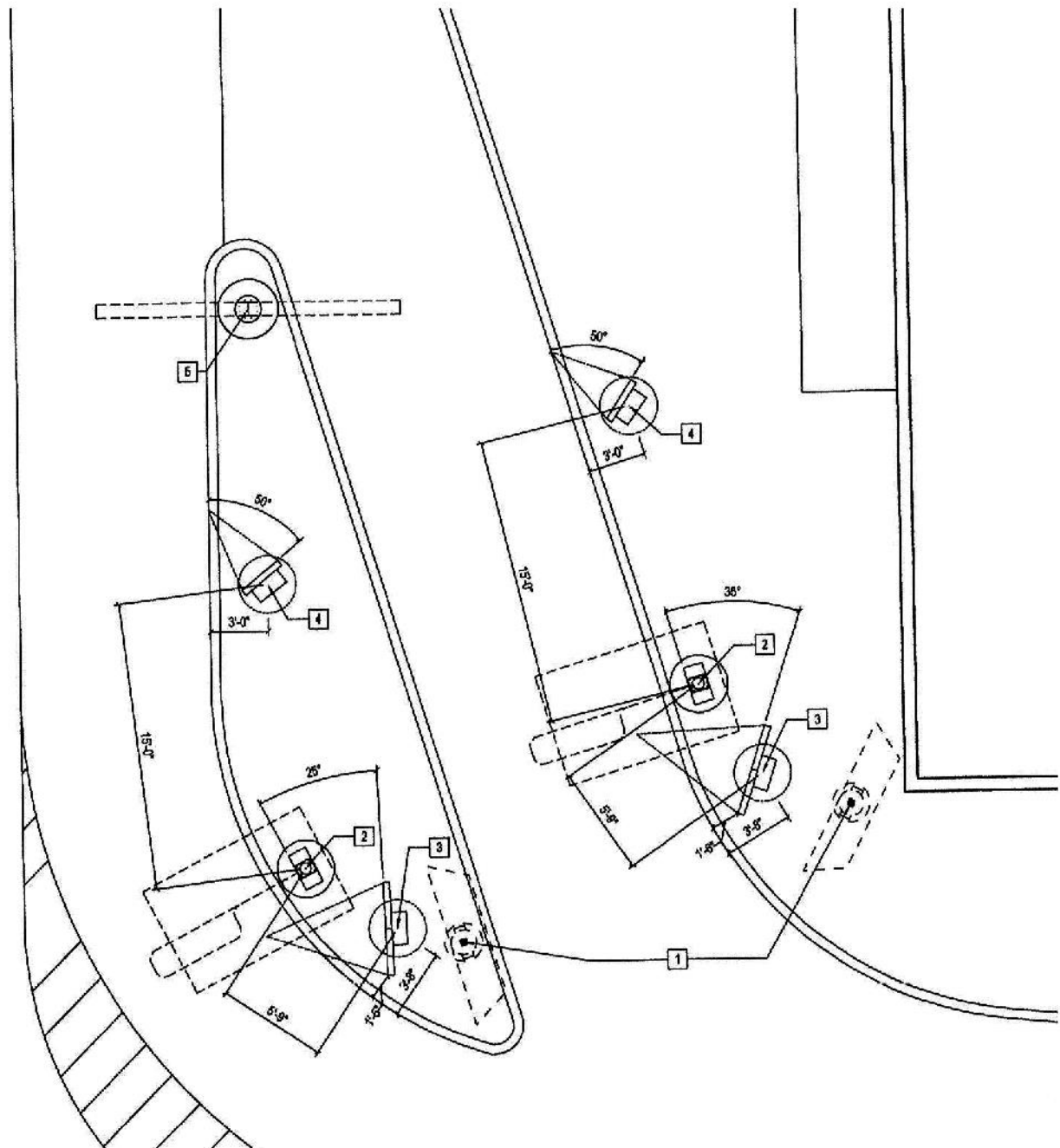
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DETAIL SITE PLAN



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DETAIL SITE PLAN



MENU BOARD 42 SQ FT

EXISTING MENU BOARD TO BE REPLACED

NOT TO SCALE



PRE-BROWSE



MENU BOARD



PRE-BROWSE
8.8 SQ FT



MENU BOARD
17.6 SQ FT

NEW MENU BOARDS AND PRE-BROWSE BOARDS

NOT TO SCALE

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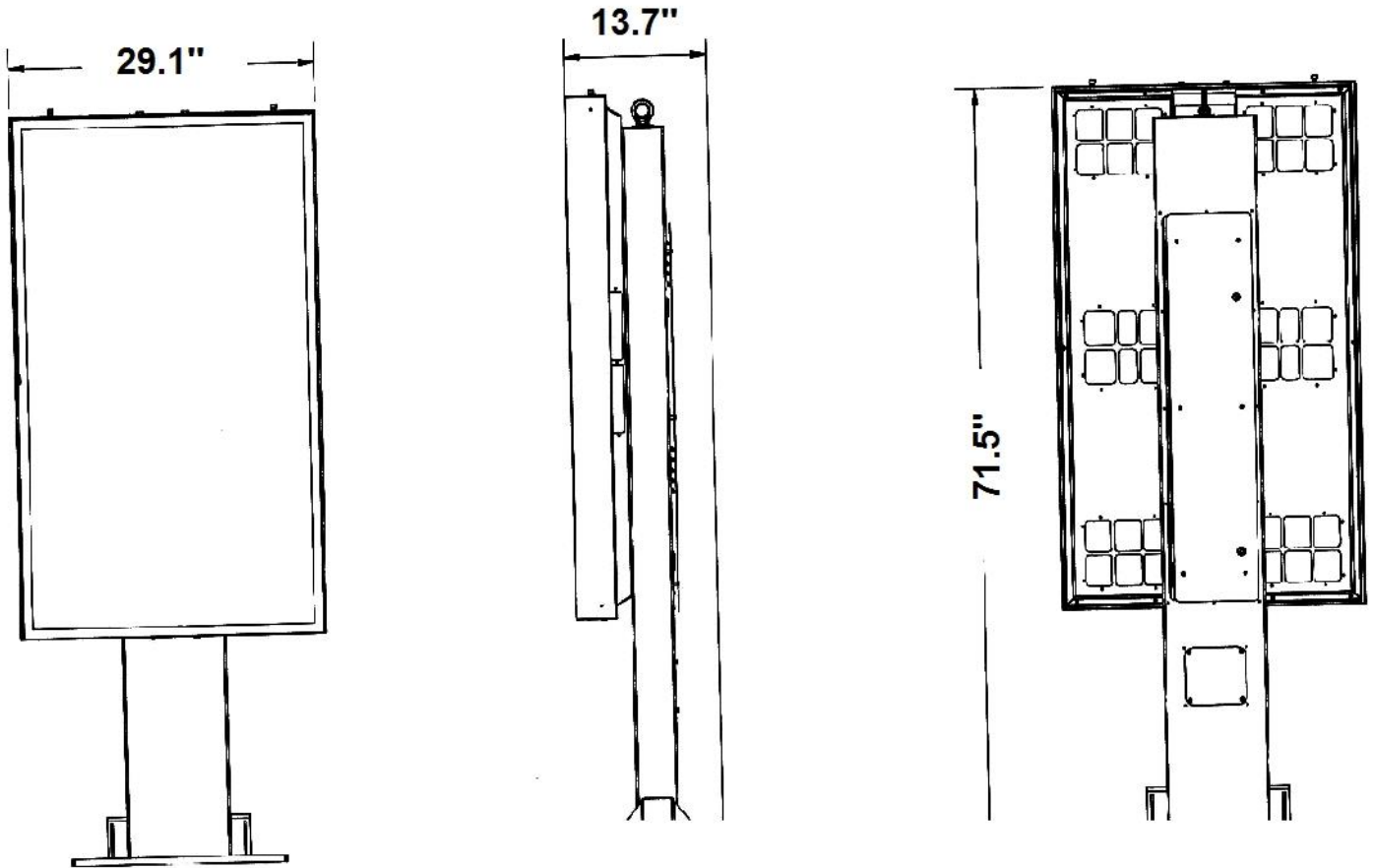
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DETAIL SITE PLAN



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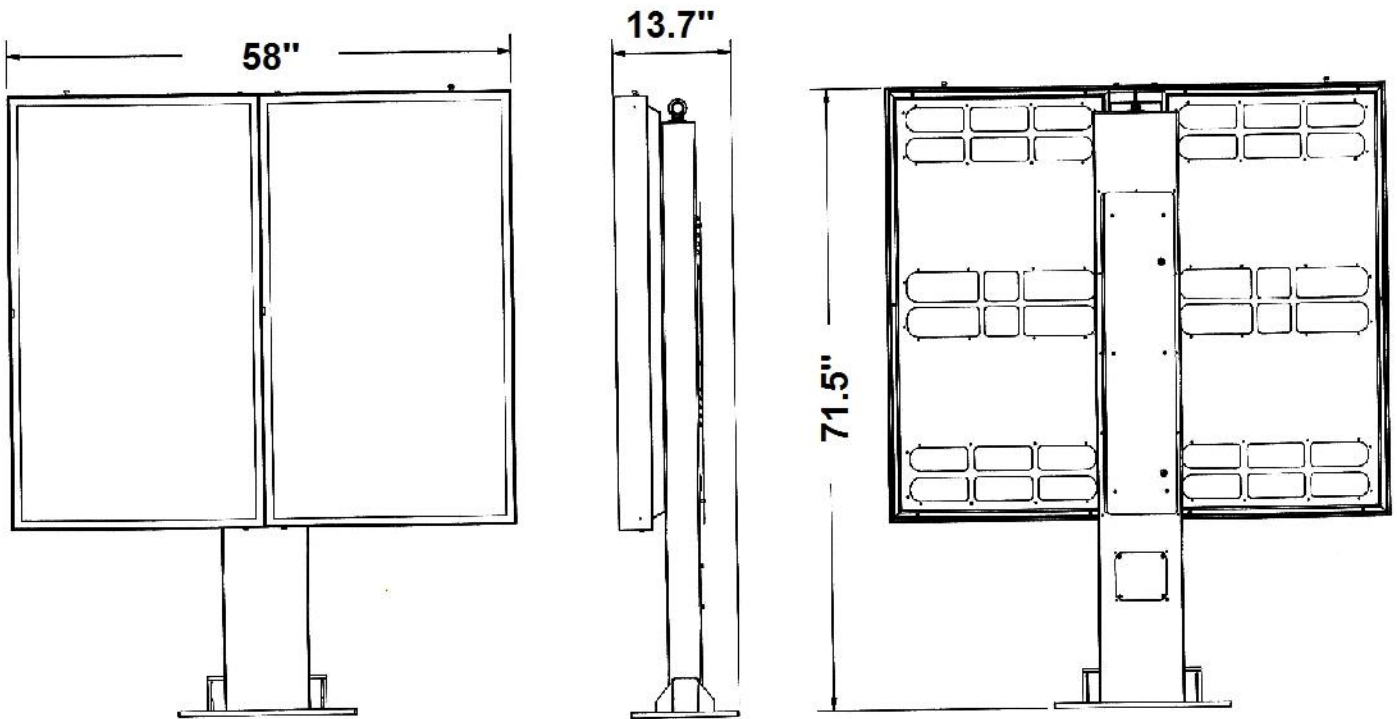
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DETAIL SITE PLAN



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