

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

<u>CASE NUMBER</u>	6275/6183
<u>APPLICANT NAME</u>	Scott Services for McDonald's
<u>LOCATION</u>	3116 Dauphin Island Parkway (West side of Dauphin Island Parkway, extending to Club House 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>	47,835± Square Feet / 1.1± Acres
<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 3

ANALYSIS 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 **Mixed Commercial Corridor** 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 mostly applies to transportation corridors west of I-65 serving primarily the low-density (suburban) residential neighborhoods. It includes a wide variety of retail, services and entertainment uses.

The Mixed Commercial Corridor 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 re-development in Mixed Commercial Corridors is encouraged to: raise design quality; improve connectivity to surrounding neighborhoods; improve streetscapes; and, improve mobility and accessibility for all users of the corridor.

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.

The subject site was granted a similar Sign Variance on June 4, 2018, to allow two (2) digital menu board signs and two (2) pre-browse signs on a site with two (2) drive-thru lanes within 300' of residentially-zoned property in a B-2, Neighborhood Business District. That variance expired on December 4, 2018, and the applicant now proposes to pursue installation of the previously-proposed signs; hence this application.

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)iii 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 frontages along Dauphin Island Parkway and Club House Road, and is located less than 41'±, 135'±, and 96'± from residentially-zoned property to the West, South, and East, respectively. The property to the North is zoned commercially. The site plan illustrates that the signs would be located 120'±, 200'±, and 262'± from residentially-zoned property to the West, South, and East, respectively.

In light of the fact that a similar variance for this site was approved by the Board, this request should be considered for Approval.

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

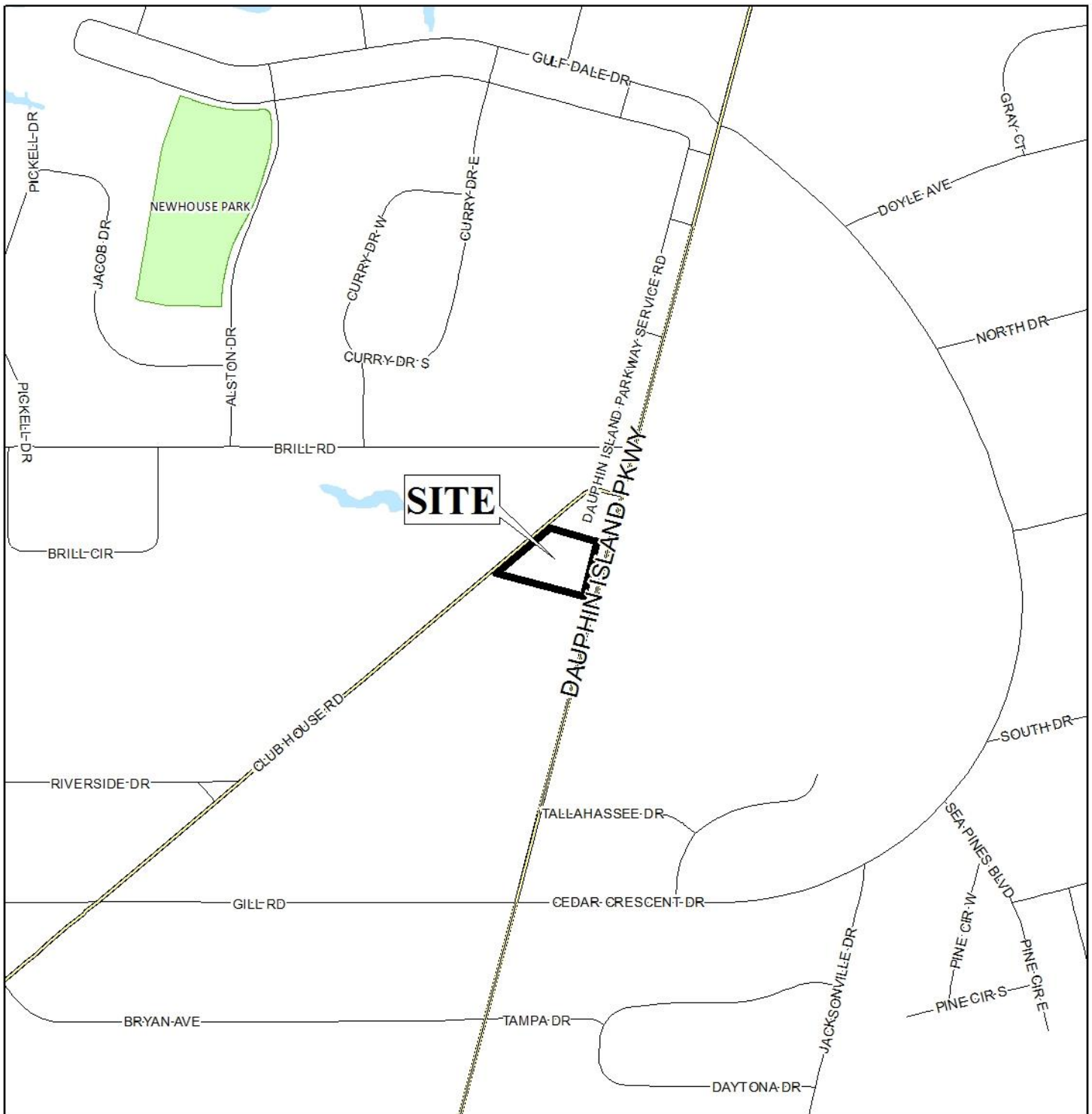
- 1) Approving the variance will not be contrary to the public interest in that it will allow the applicant to expedite customer service and traffic flow within a drive-thru ordering lane;
- 2) Special conditions (the limitation to one menu board per drive-thru slows customer service time and traffic 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 is similar to what was granting in the past for the site.

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 codes and ordinances.

LOCATOR MAP



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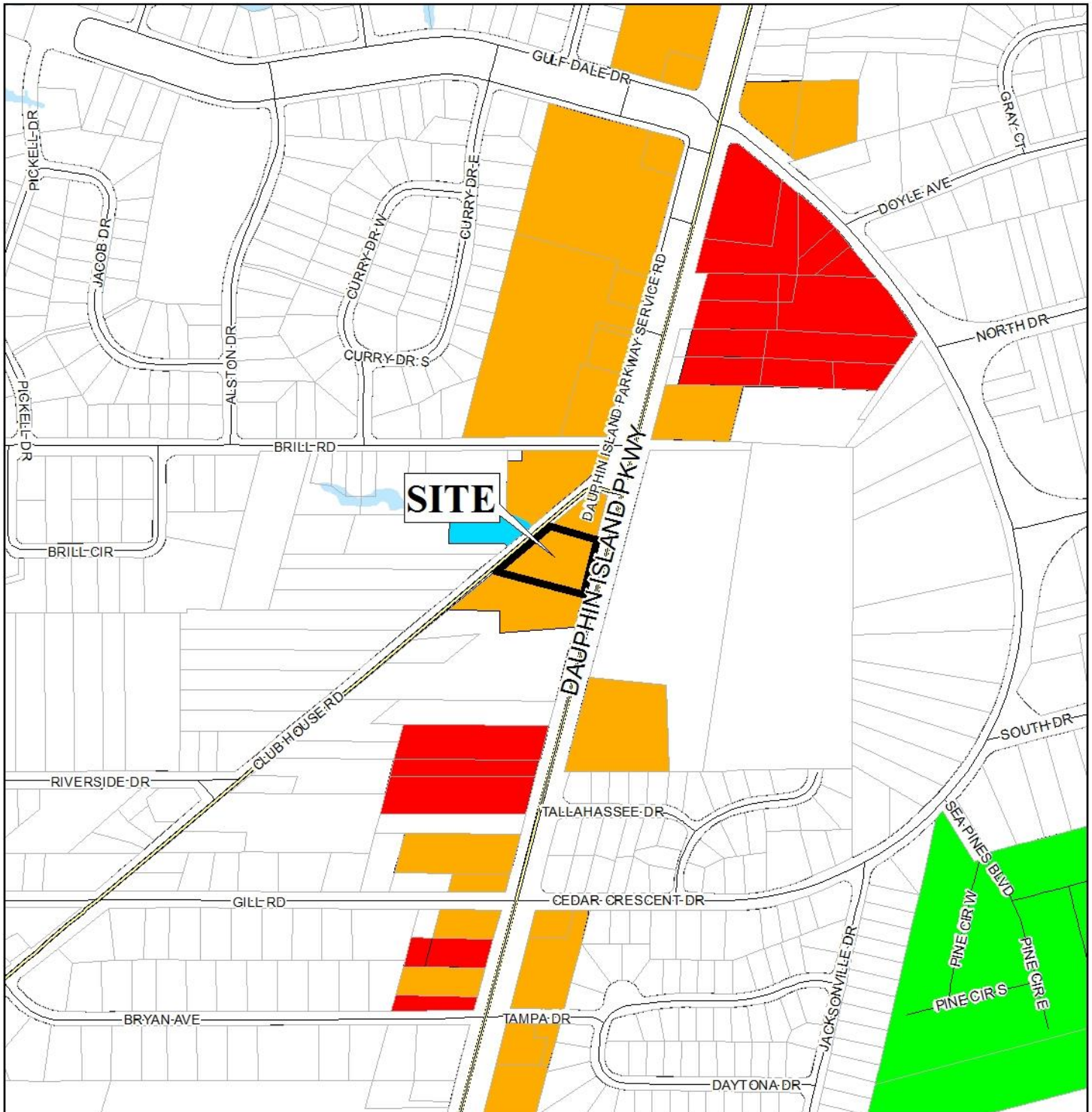
APPLICANT Scott Services for McDonald's

REQUEST Sign Variance



NTS

LOCATOR ZONING MAP



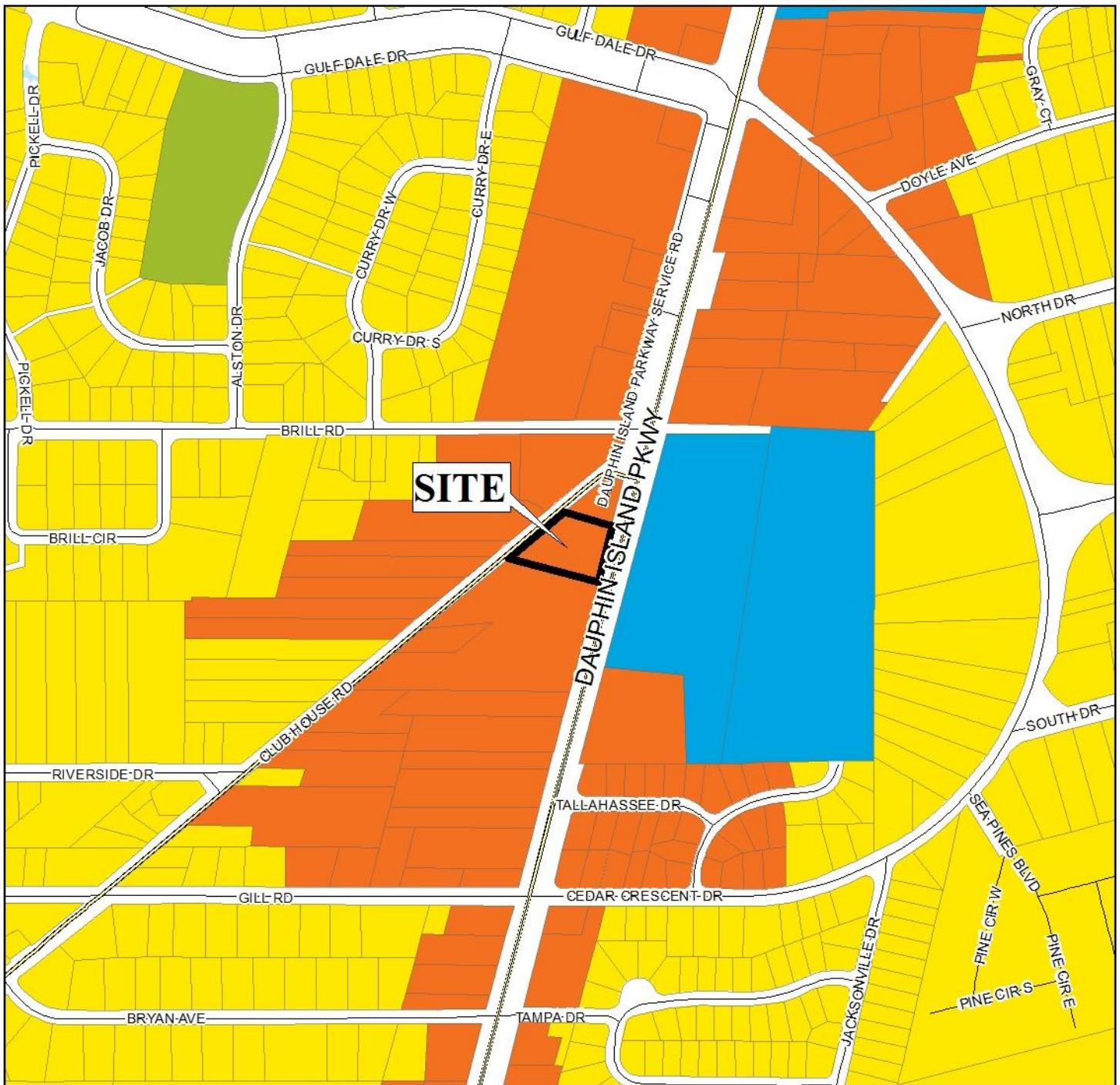
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FLUM LOCATOR MAP



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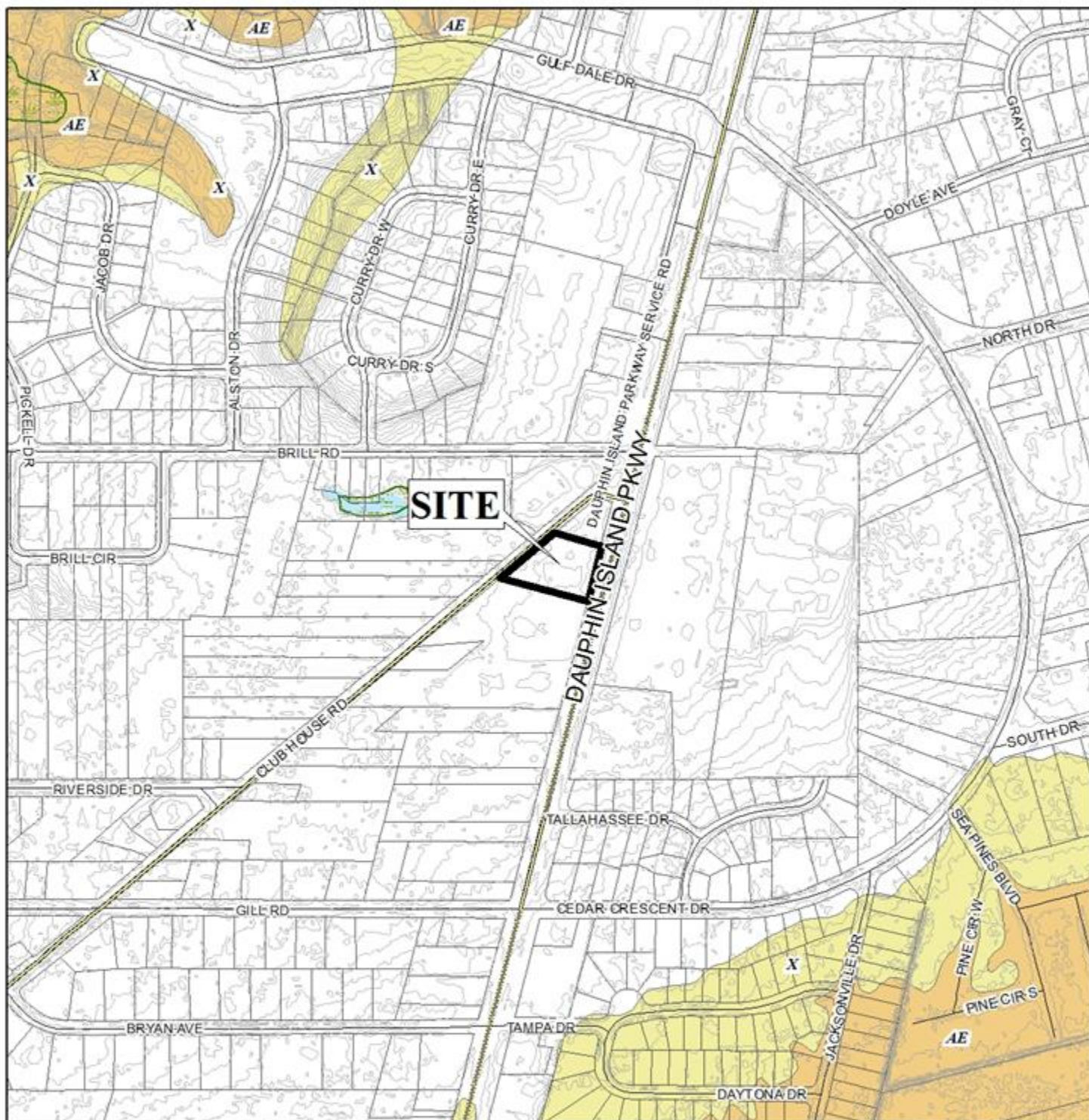
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REQUEST Sign Variance

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



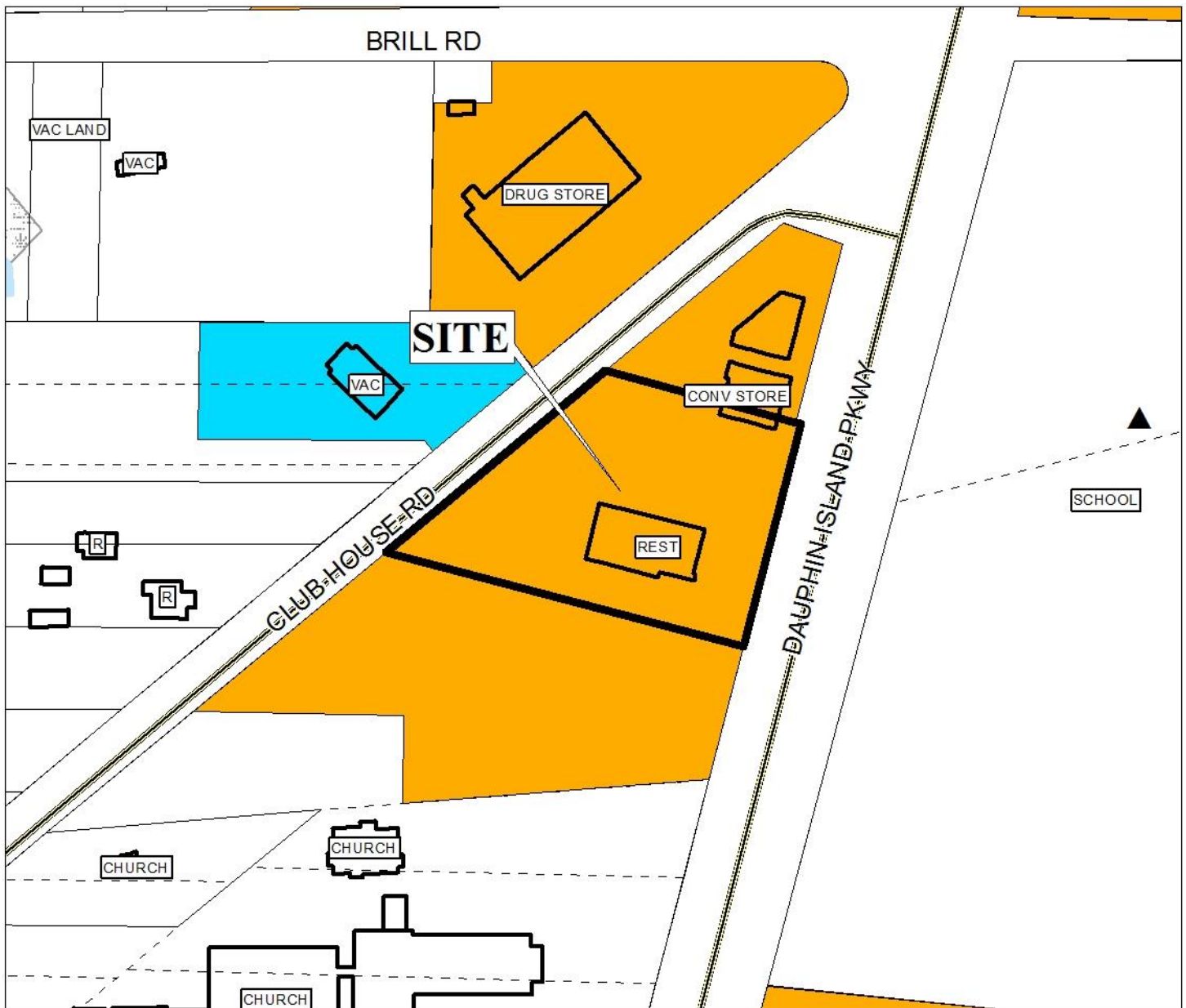
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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



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

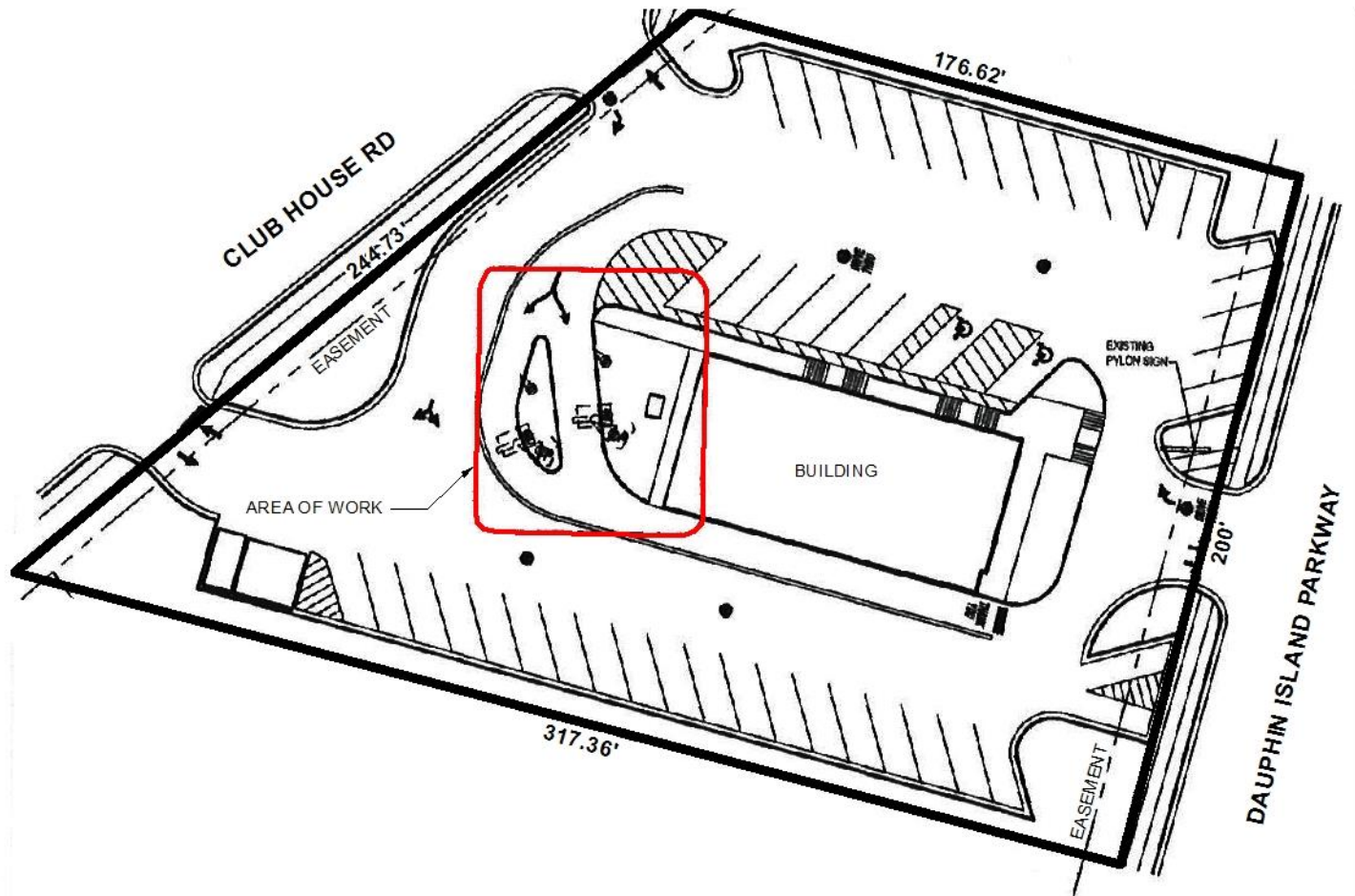


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SITE PLAN



The site plan illustrates the existing menu board locations, the existing building and easements.

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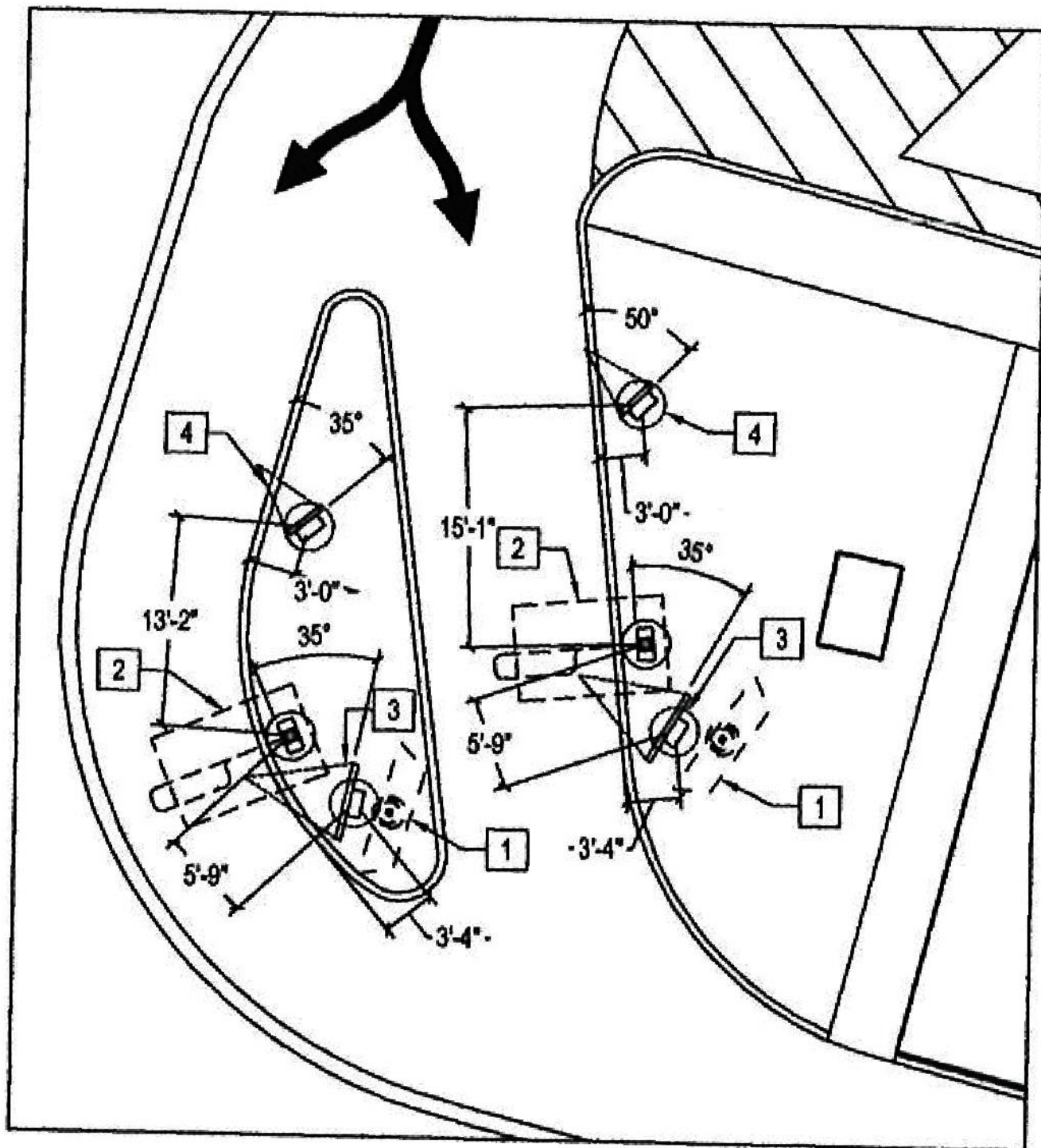
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DETAIL SITE PLAN



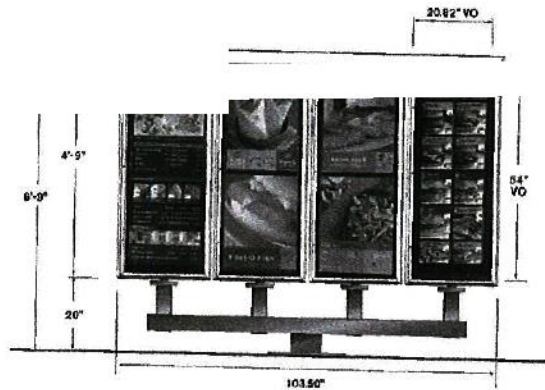
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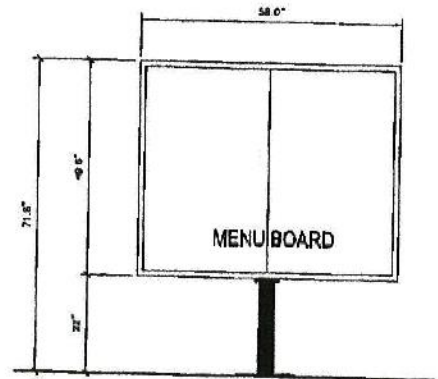
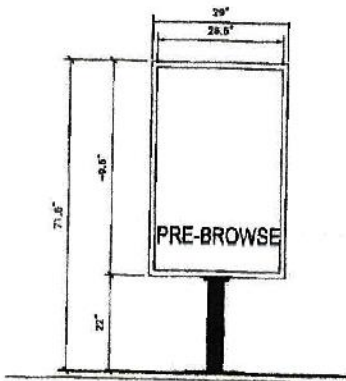
DETAIL SITE PLAN



EXISTING MENU BOARD TO BE REPLACED
NOT TO SCALE



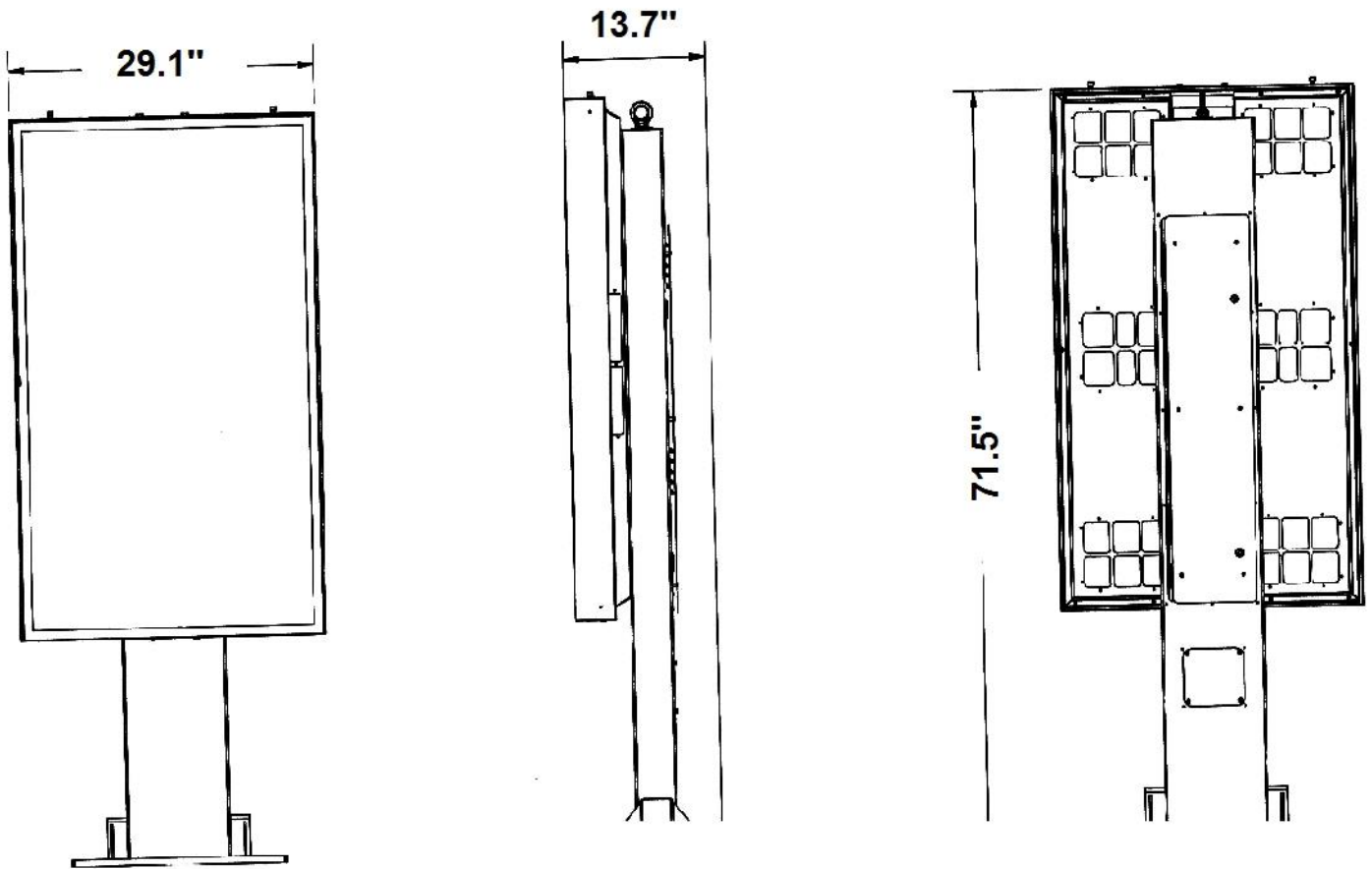
NEW MENU BOARDS AND PRE-BROWSE BOARDS
NOT TO SCALE



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DETAIL SITE PLAN



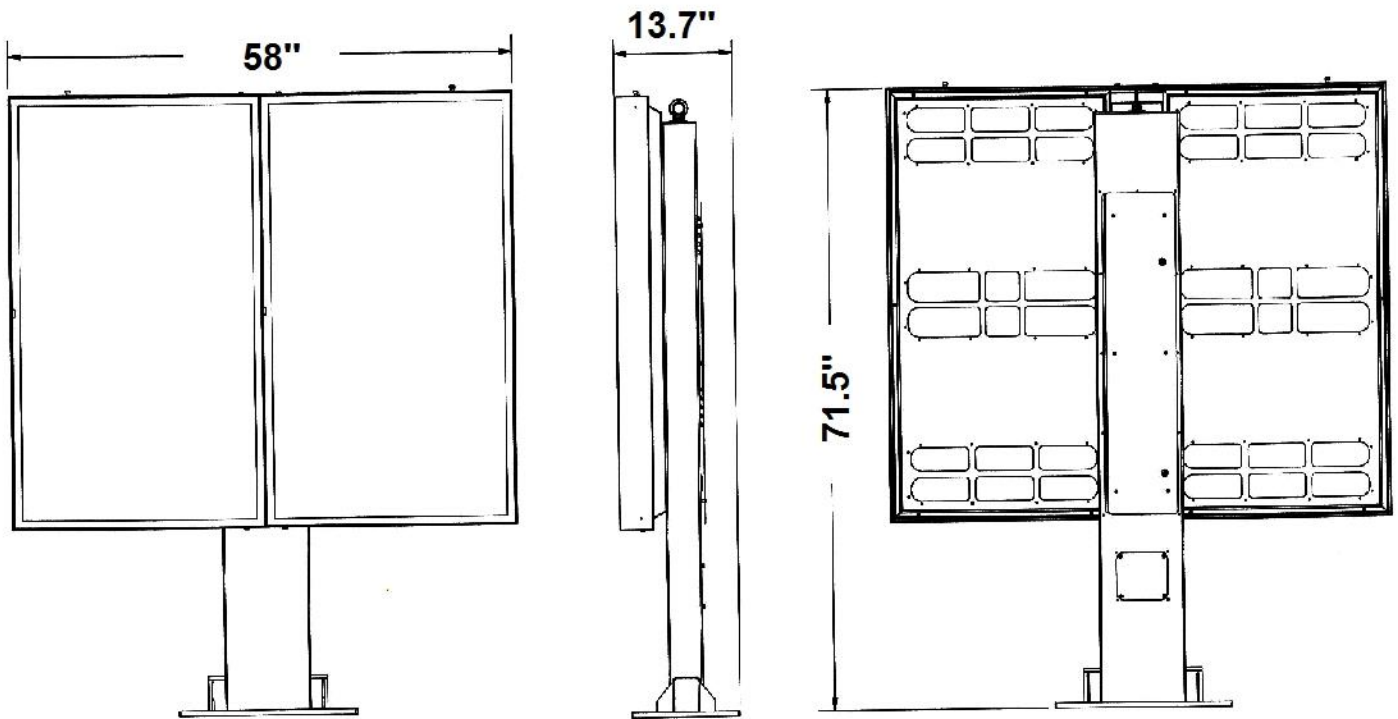
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