

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: June 4, 2018**

<u>CASE NUMBER</u>	6182
<u>APPLICANT NAME</u>	Michael Crowley
<u>LOCATION</u>	5424 U.S. Highway 90 West (West side of U.S. Highway 90 West, 235'± South of Wiley Orr Road).
<u>VARIANCE REQUEST</u>	SIGN: Sign Variance to allow two (2) menu board signs and two (2) pre-browse signs on a site with two (2) drive thru lanes in a B-3, Community Business District.
<u>ZONING ORDINANCE REQUIREMENT</u>	SIGN: The Zoning Ordinance requires one menu board per drive thru lane in a B-3, Community Business District.
<u>ZONING</u>	B-3, Community Business District
<u>AREA OF PROPERTY</u>	0.88± acres
<u>ENGINEERING COMMENTS</u>	No Comments
<u>TRAFFIC ENGINEERING COMMENTS</u>	No Comments
<u>CITY COUNCIL DISTRICT</u>	District 4

ANALYSIS The applicant is requesting a Sign Variance to allow two (2) menu board signs and two (2) pre-browse signs on a site with two (2) drive thru lanes in a B-3, Community Business District; the Zoning Ordinance requires one menu board per drive thru lane in a B-3, Community Business District.

The site has been given a Mixed Commercial Corridor (MCC) 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 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.

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:

Scope of Work:

At this McDonald's location, we will be installing new drive-thru menu boards that will replace the menu boards that are currently there. The new menu boards will have new foundations done by our contractors. We will also have to run a new power line from the building and existing electrical panels out to the new foundations and boards to power the menu boards up. Once the new menu boards are installed and activated, the menu boards that were already there will be removed. There are (2) drive thru lanes here, and we were proposing a pre-browse board and a main menu for each lane.

Reasons for Variance:

The reason we are going through the variance process is per local code we are not able to have the new digital menu boards in the area because any structural alterations and additions will require BZA approval for any additional menu boards since, only one (1)

menu board, not to exceed 25 square-feet in total face area, is allowed by right, per drive-thru. However, these menu boards are an important addition to the McDonald's business. These new menu boards will not affect surrounding properties or the general neighborhood, and are largely not visible from any public right of ways.

Justification of New Menu Boards:

There are many pros to having these new menu boards. The first great detail about these new menu boards is they are smaller in size and much more modern looking compared to the existing menu boards. Which means it takes up less space on the landscape. Another great aspect to these new boards is the brightness of the screen can easily be adjusted to meet any city ordinances. Having the additional menu at these locations will decrease waiting times in getting food through this drive thru, and support McDonald's ability to quickly and efficiently serve the public their orders. Lastly, because we are only working in the drive-thru, which is primarily in the back of the McDonald's building, the work being done won't interfere with any highways/streets in that area. These new menu boards are a key component to the enhancement in appearances to McDonald's locations nationwide.

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

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.

Information provided by the applicant indicates that the sizes of each of the two (2) proposed drive-thru menu boards are approximately twenty (20) square feet which, as the applicant mentions, are smaller than the existing drive thru menu boards; and each of the proposed pre-browse menu boards are approximately ten (10) square-feet. There was no information submitted regarding specifications for the proposed digital displays and how they will comply with the other requires of Section 64-11.8c(7) as it relates to illumination standards.

It should be noted that additional signage, large signage, and digital signage have been granted in the nearby vicinity by the Board. None of the approvals, however, have been for additional menu boards.

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.

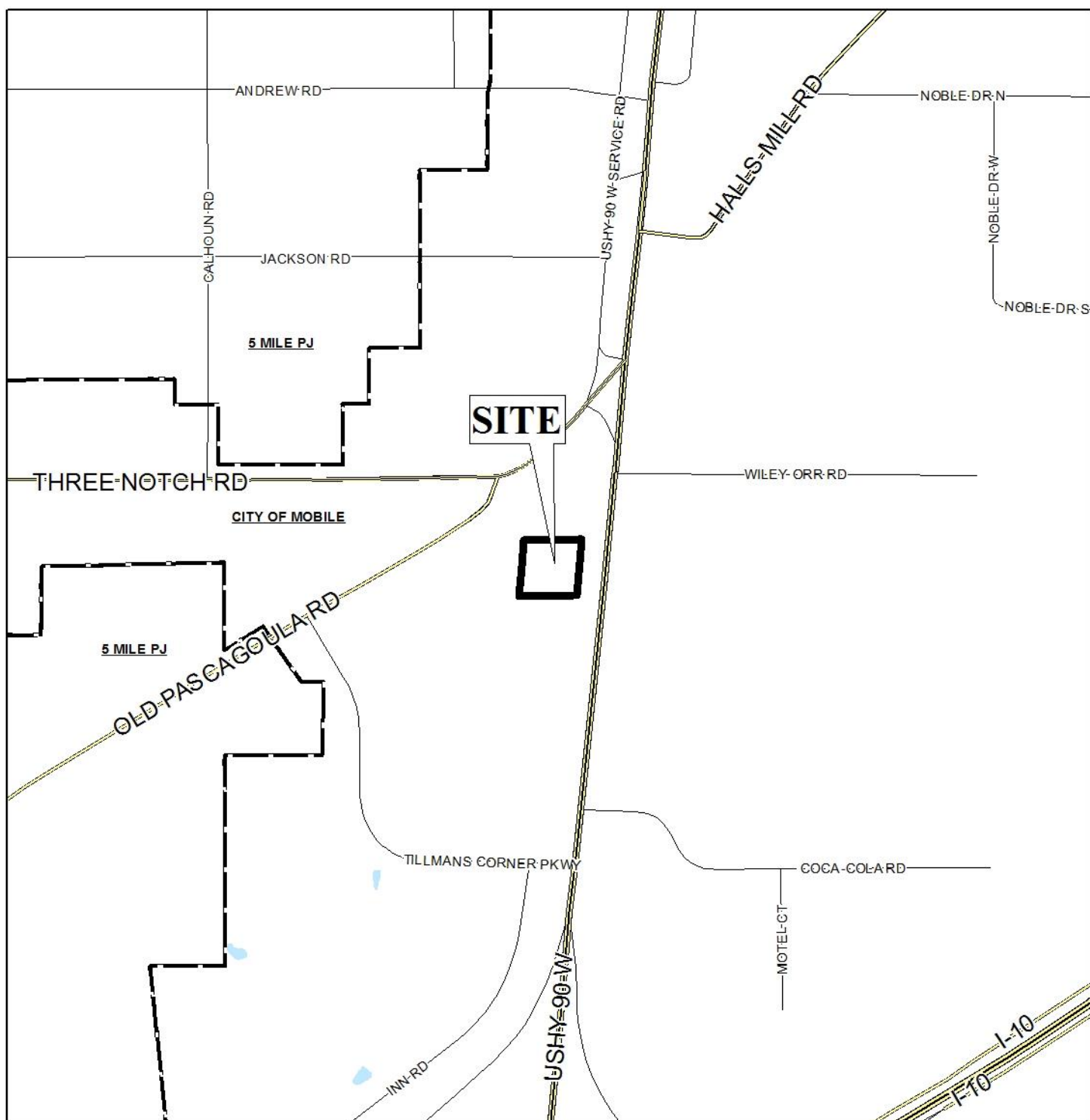
There are no conditions which exist at this site that require additional digital pre-browse menu boards. The applicant has not presented any substantial hardship aside from the desire to remain consistent with the McDonald's brand standards. Approval of this request could establish a

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(2)(f) 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 the two (2) existing drive-thru signs are permitted and may be updated or replaced;
- 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 propose 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.

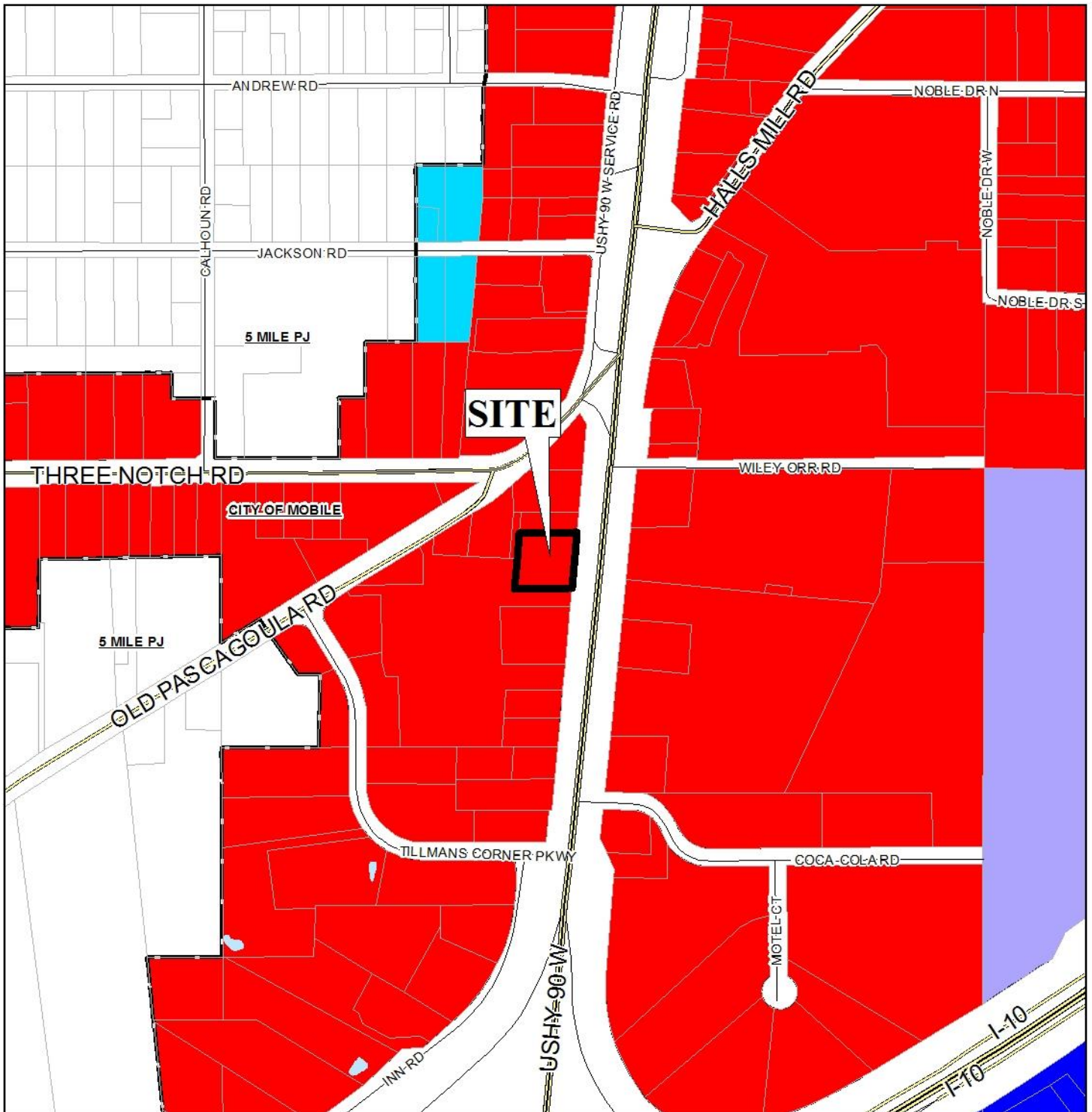
LOCATOR MAP



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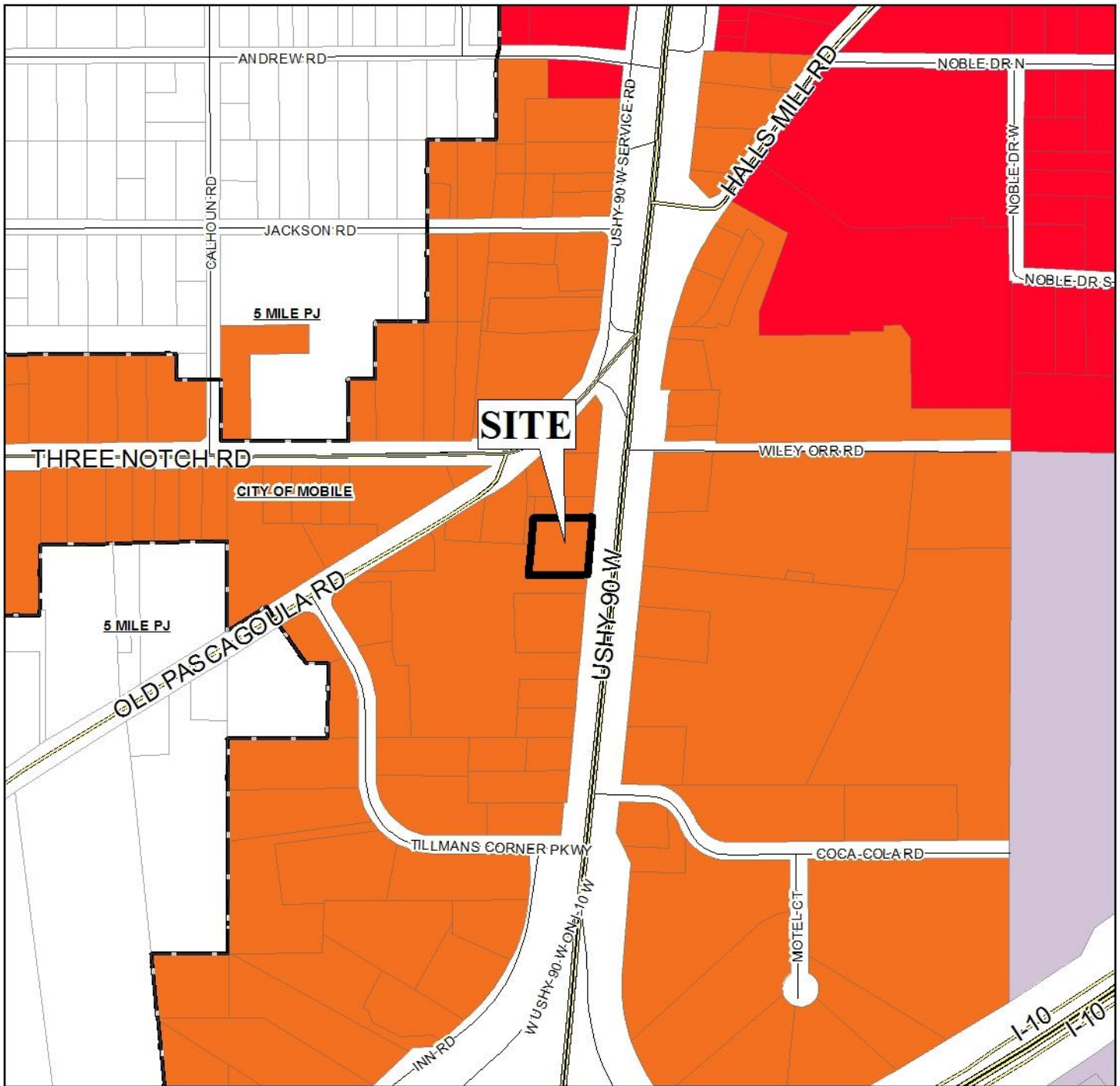
LOCATOR ZONING MAP



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FLUM LOCATOR MAP



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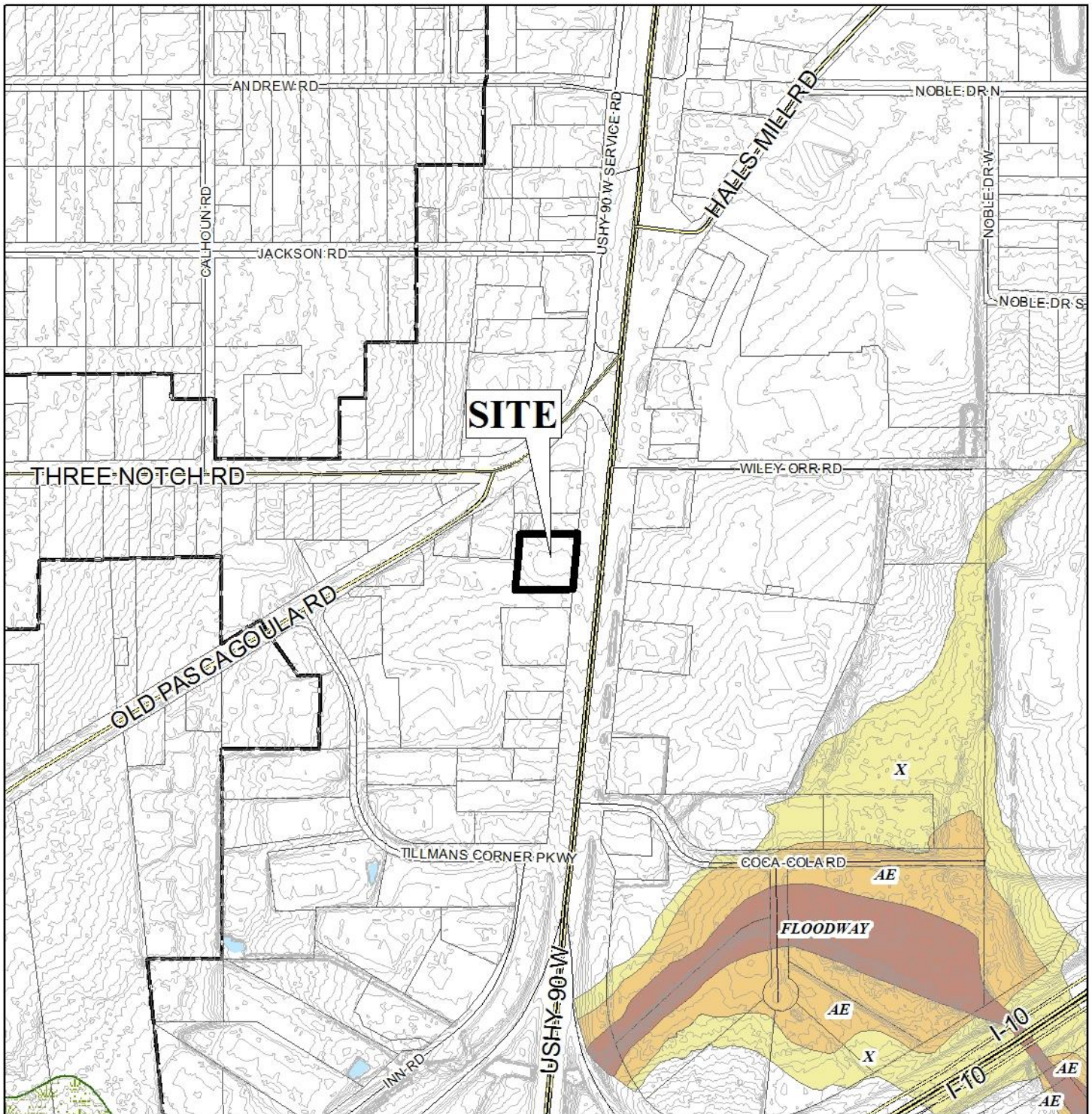
APPLICANT Michael Crowley

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	



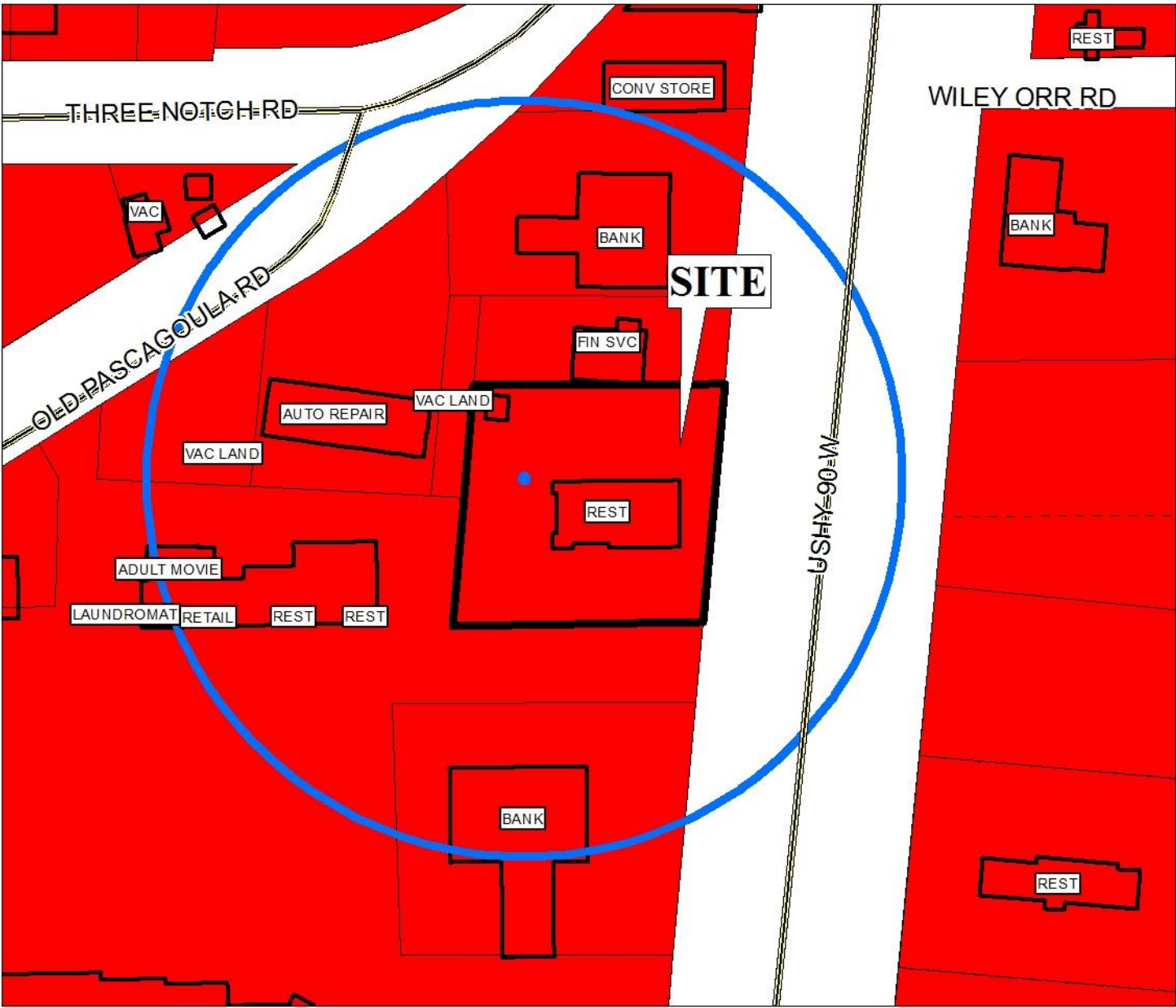
ENVIRONMENTAL LOCATOR MAP



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING














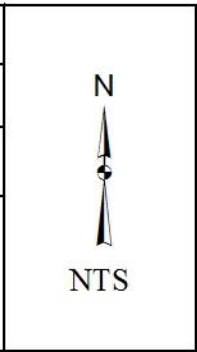
The site is surrounded by commercial units.

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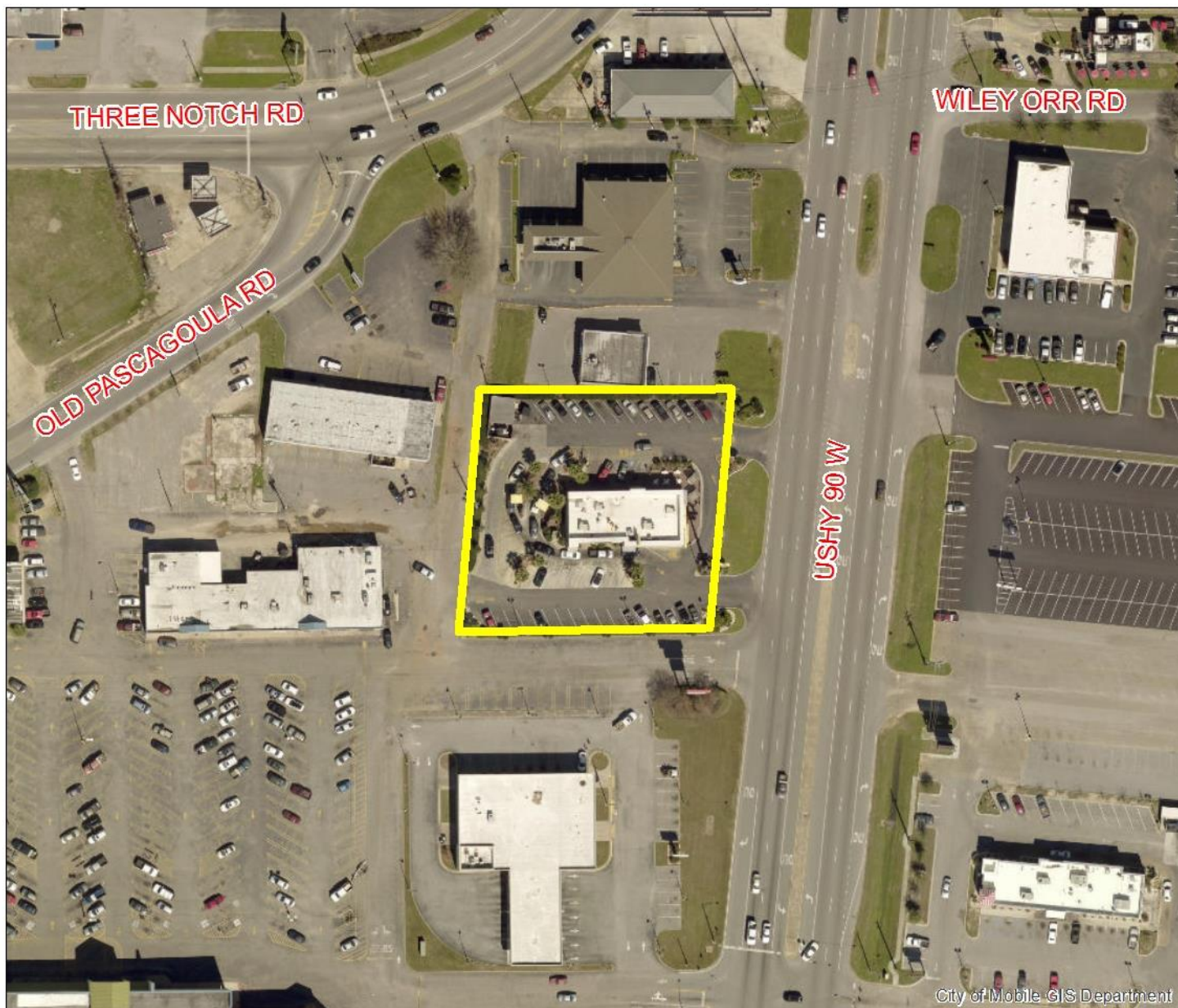
APPLICANT Michael Crowley

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

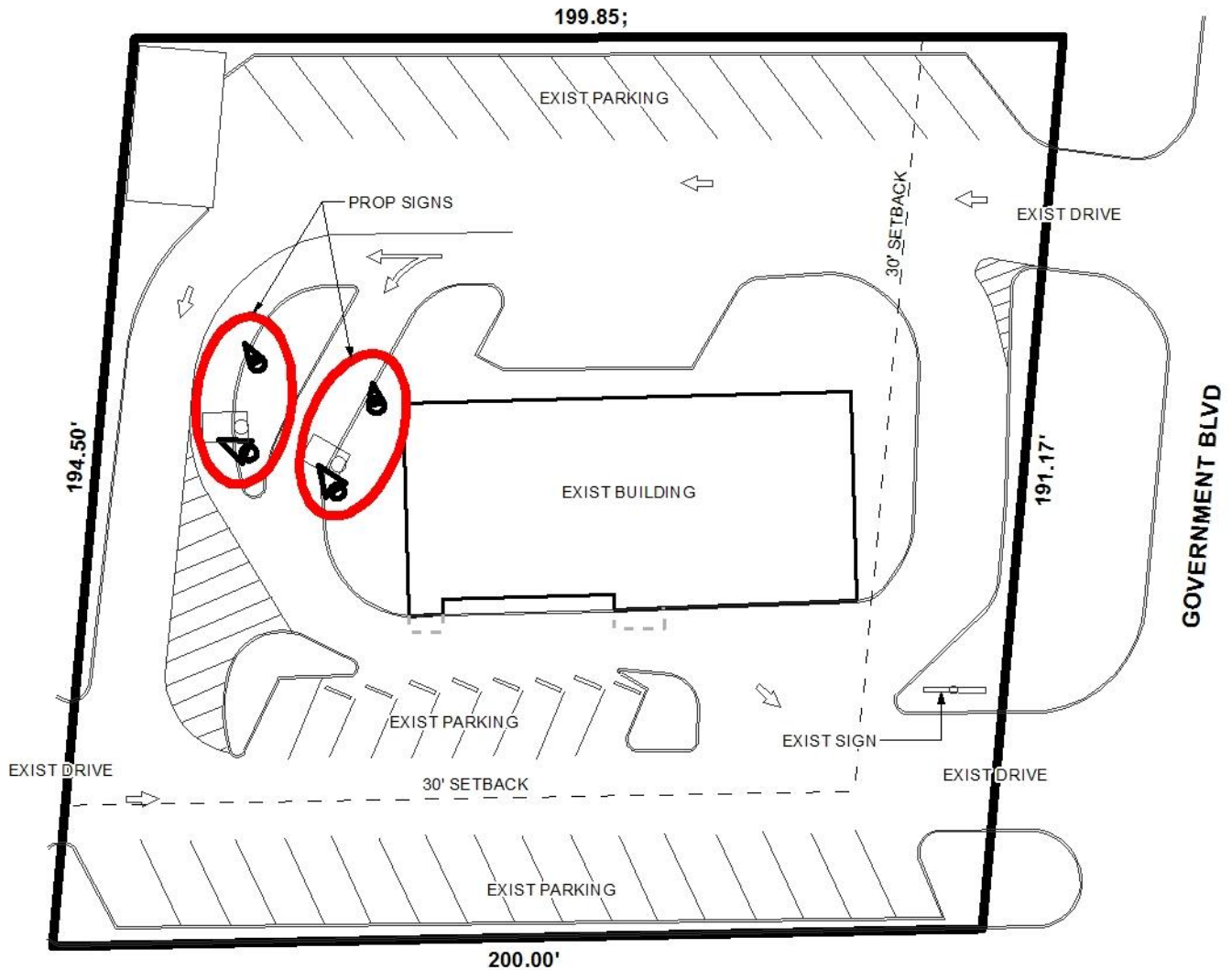


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SITE PLAN

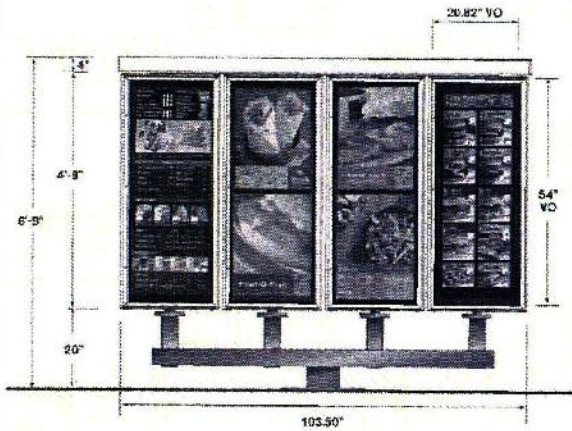


The site plan illustrates the existing building, existing parking, existing drives, setbacks, existing sign, and proposed signs.

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DETAIL SITE PLAN

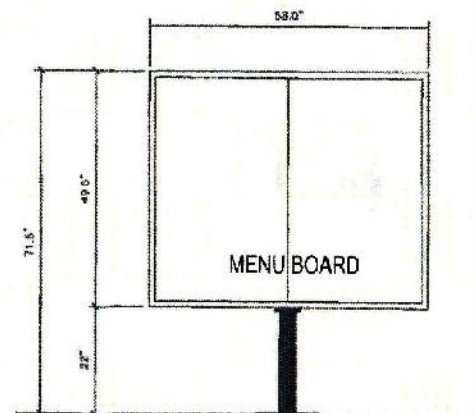
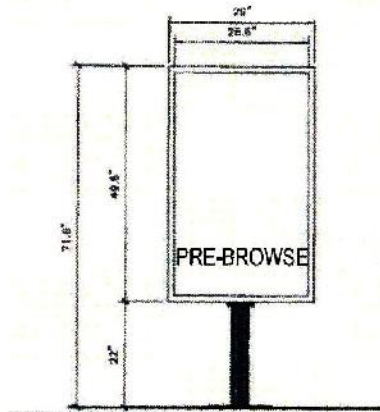


EXISTING MENU BOARD TO BE REPLACED

NOT TO SCALE



PRE-BROWSE MENU BOARD



NEW MENU BOARDS AND PRE-BROWSE BOARDS

NOT TO SCALE

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