

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: October 7, 2019****CASE NUMBER**

6287

**APPLICANT NAME**

Scott Services

**LOCATION**

658 Government Street  
(North side of Government Street, extending to the West side of South Dearborn Street to the East side of Washington Avenue, and extending to the Southwest corner of South Dearborn Street and Conti Street.)

**VARIANCE REQUEST**

**SIGN:** Sign Variance to replace two illuminated menu boards with digital menu boards for drive thru lanes in a T-5.1 Subdistrict of the Downtown Development District.

**ZONING ORDINANCE  
REQUIREMENT**

**SIGN:** The Zoning Ordinance does not allow menu/order board signs and prohibits both digital and internally illuminated signs in a T-5.1 Subdistrict of the Downtown Development District.

**ZONING**

T-5.1 Subdistrict of the Downtown Development District.

**AREA OF PROPERTY**

59,837.88± Square Feet / 1.37± Acre

**ENGINEERING  
COMMENTS**

No comments.

**TRAFFIC ENGINEERING  
COMMENTS**

This request was not reviewed by Traffic Engineering.

**CITY COUNCIL  
DISTRICT**

District 2

**ANALYSIS**

The applicant is requesting a Sign Variance to replace two illuminated menu boards with digital menu boards for drive thru lanes in a T-5.1 Subdistrict of the Downtown Development District; the Zoning Ordinance does not allow menu/order board signs and prohibits both digital and internally illuminated signs in a T-5.1 Subdistrict of the Downtown Development 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 Downtown (DT) 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.

Downtown is called out as a separate land use designation due to its distinct role, layout and fabric.

As a land use district, Downtown (DT) is the ultimate mixed-use environment. Land development and redevelopment will emphasize variety, mixed uses, and unity of form within buildings or complexes.

As the city's and region's center for commercial and service employment, Downtown supports intense development and a dynamic combination of uses: specialty and regional retail shopping and offices; business support services; urban housing at higher densities (starting at 10 dwelling units per acre); civic, educational and cultural destinations; entertainment options; and other public amenities including active and passive park space. The successful integration of a mix of housing types and densities will be critical to achieve a vibrant, 24/7-active Downtown Mobile.

Development in the DT district will focus on new, redeveloped and adaptively reused buildings that frame attractive, human-scaled streetscapes, memorable public spaces, bicycle and pedestrian-friendly streets and convenient transit access to jobs, housing and entertainment. Accordingly, certain areas of Downtown will be more intensively developed to facilitate that pedestrian orientation.

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 am presenting this letter of Hardship in reference to the proposed Outdoor Drive-Thru Menu Board replacement at my restaurant located at 658 Government Street, Mobile, AL 36602.*

*McDonald's Corp. has mandated the replacement of these boards, along with a pre-browse board at all locations across the U.S. by the end of 2019. (We will not be requesting the pre-browse boards for this site.) The purpose of doing so is to provide the same enhanced service experience for our drive-thru customers as we have for those that dine inside. Presenting the right menu at the right time directly to the ordering customer will improve service time and order accuracy.*

*The menu boards currently in place are 14 years old. These boards are presently at end of life, and parts for repair as well as replacements will no longer be available moving forward. Eventually the boards will fall into a state of disrepair. Further confusing customers, participating in nationally advertised programs as well as those with my local marketing cooperative may not always be possible. The cost of displaying promotional graphics will be significant and prohibitive, because I will need to have all material created and printed solely for my outdated boards.*

*In addition, the new boards are aesthetically and technologically superior to what is currently in place. As an example:*

- *The new board signage area is a minimum 40% smaller in size from the current in square footage.*
- *New technology reduces glare, automatically adjusting brightness based on ambient light.*
- *An order display confirms individual customer orders.*
- *The menu items are streamlined and simplified to help customers place their orders quickly.*
- *The graphics are static and not a distraction.*

*I am asking for consideration in approving a variance that will allow me to move forwards with replacing my drive-thru menu boards, updating my business for the benefit of all concerned.*

As mentioned, the applicant is seeking relief from the Zoning Ordinance to allow two (2) digital drive-thru menu boards (one per drive-thru lane) for a McDonald's restaurant within the Downtown Development District (DDD). Neither internally illuminated or digital signage is allowed within the DDD. The subject site is also within the Church Street East Historic District, and the Government Street Corridor, and any signage within this area must be approved by the Architectural Review Board (ARB). It should be noted that the proposed signs have received such approval.

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.

Information provided by the applicant indicates the existing menu boards at this site are approximately 42 square feet each and pre-date the adoption of the DDD regulations. As previously stated, the two proposed drive-thru menu boards are approximately 17.6 square feet each. 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.

Regarding the applicant's statement, it is understandable why the McDonald's restaurant wishes to update their drive-thru 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 digital menu boards to expedite customer menu selection. Prohibiting digital menu boards could be considered as imposing an unnecessary hardship indicating the Board should consider approving this request.

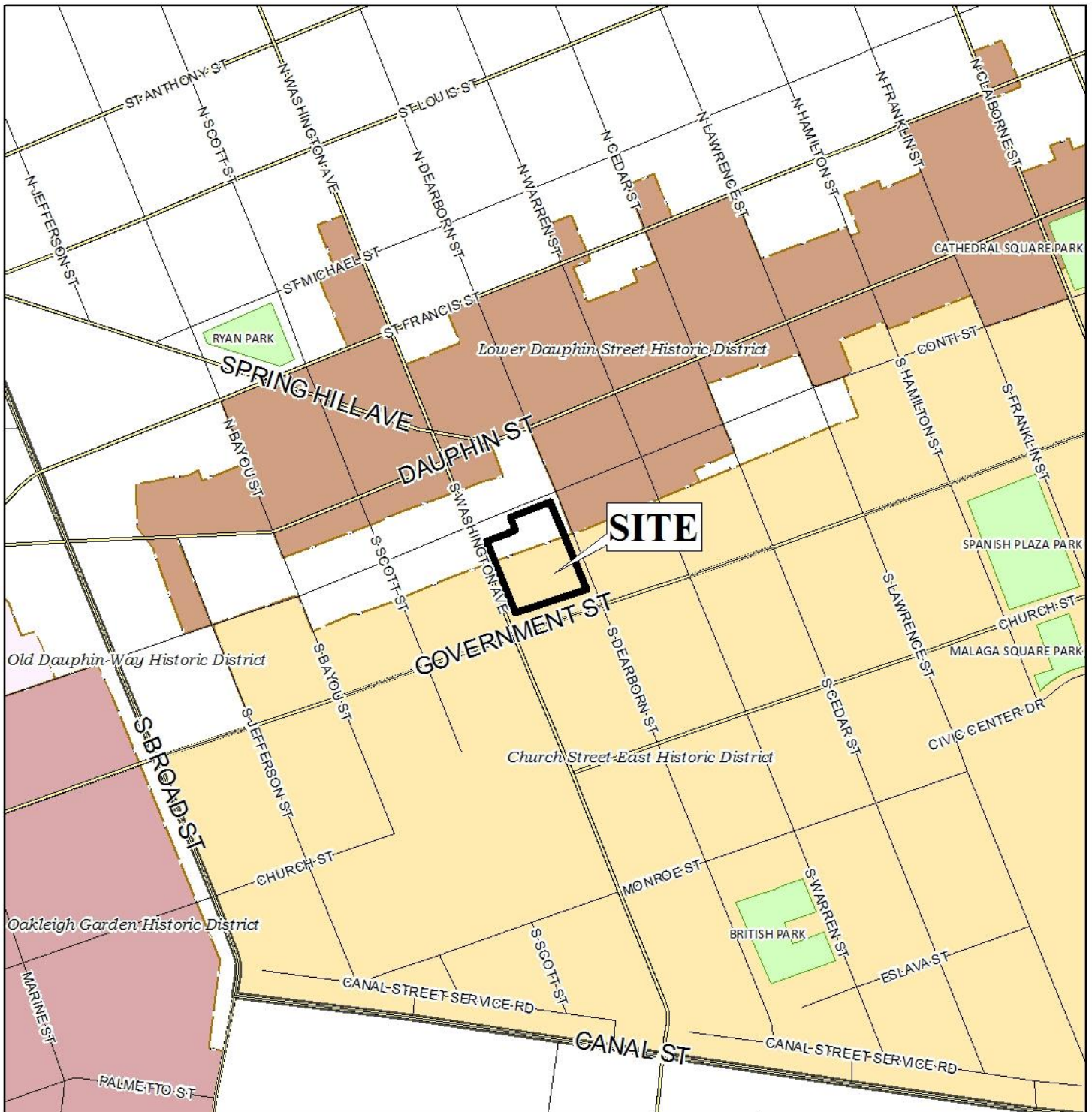
**RECOMMENDATION:** Staff recommends to the Board the following findings of fact for Approval:

- 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 drive-thru ordering lanes;
- 2) Special conditions (the disallowance of digital menu boards) 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 Downtown Development District signage allowances 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



APPLICATION NUMBER 6287 DATE October 7, 2019

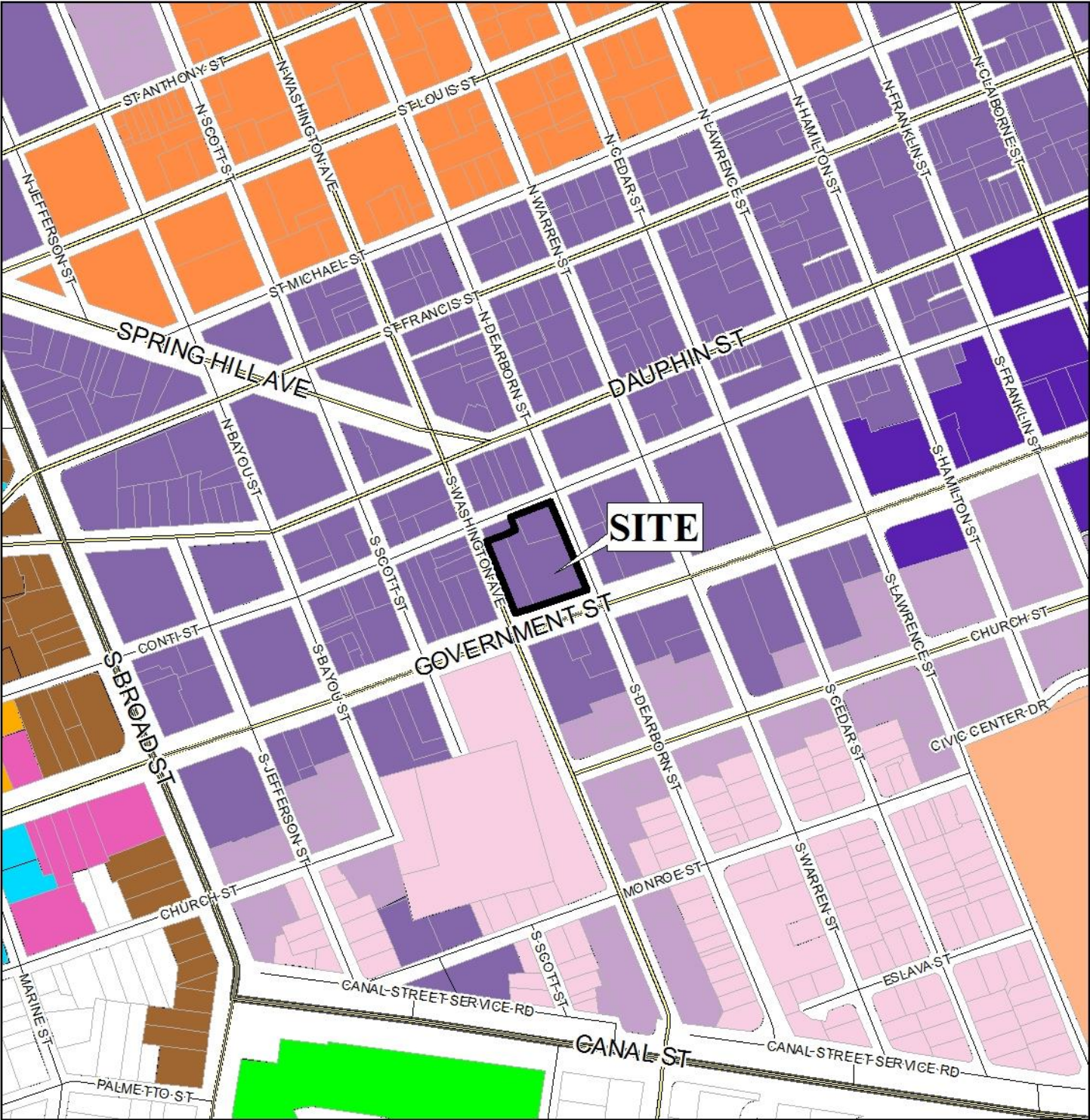
APPLICANT Scott Services for McDonald's

REQUEST Sign Variance



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# LOCATOR ZONING MAP



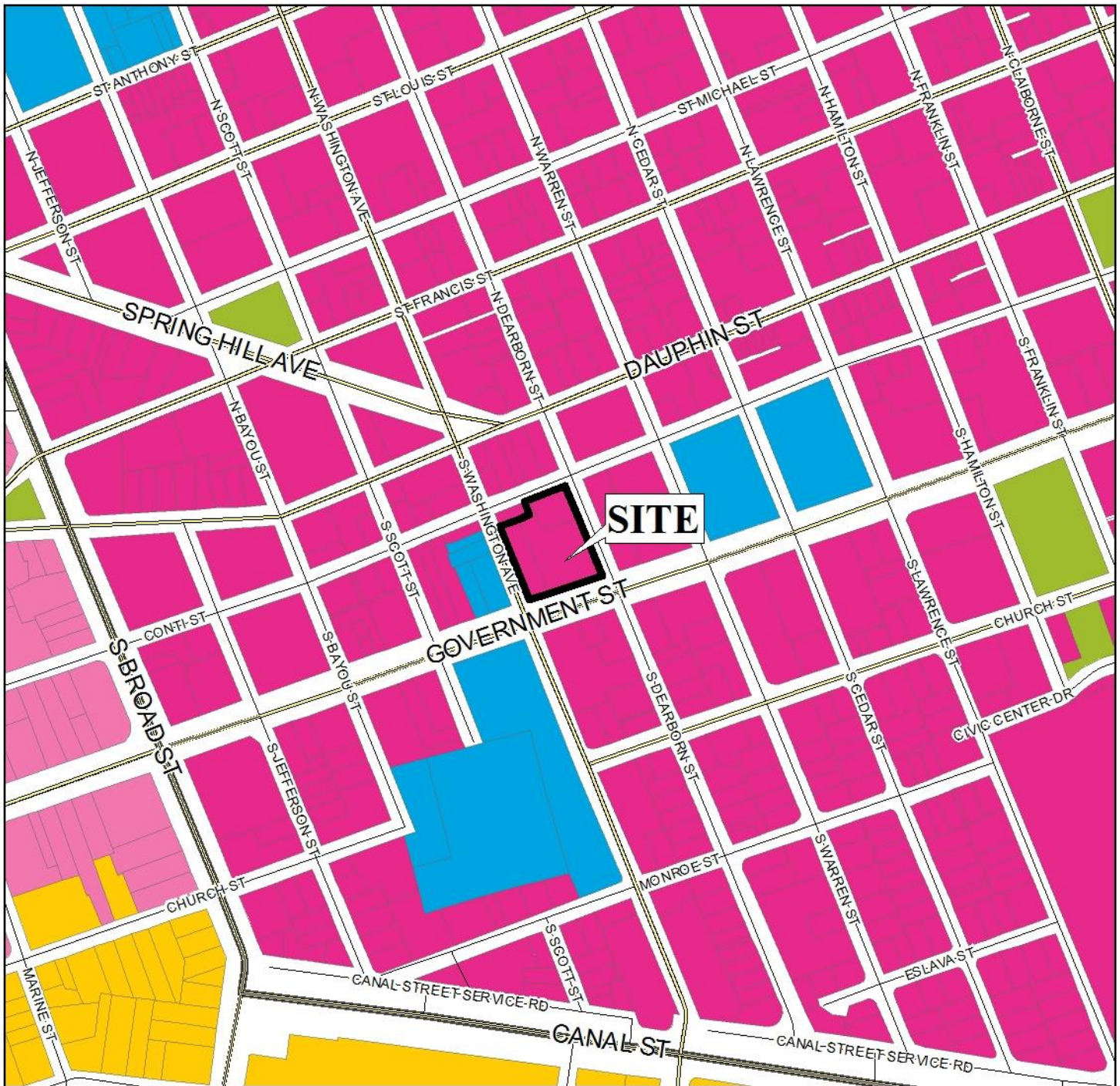
APPLICATION NUMBER 6287 DATE October 7, 2019

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REQUEST\_\_\_\_\_Sign Variance



# FLUM LOCATOR MAP



APPLICATION NUMBER 6287 DATE October 7, 2019

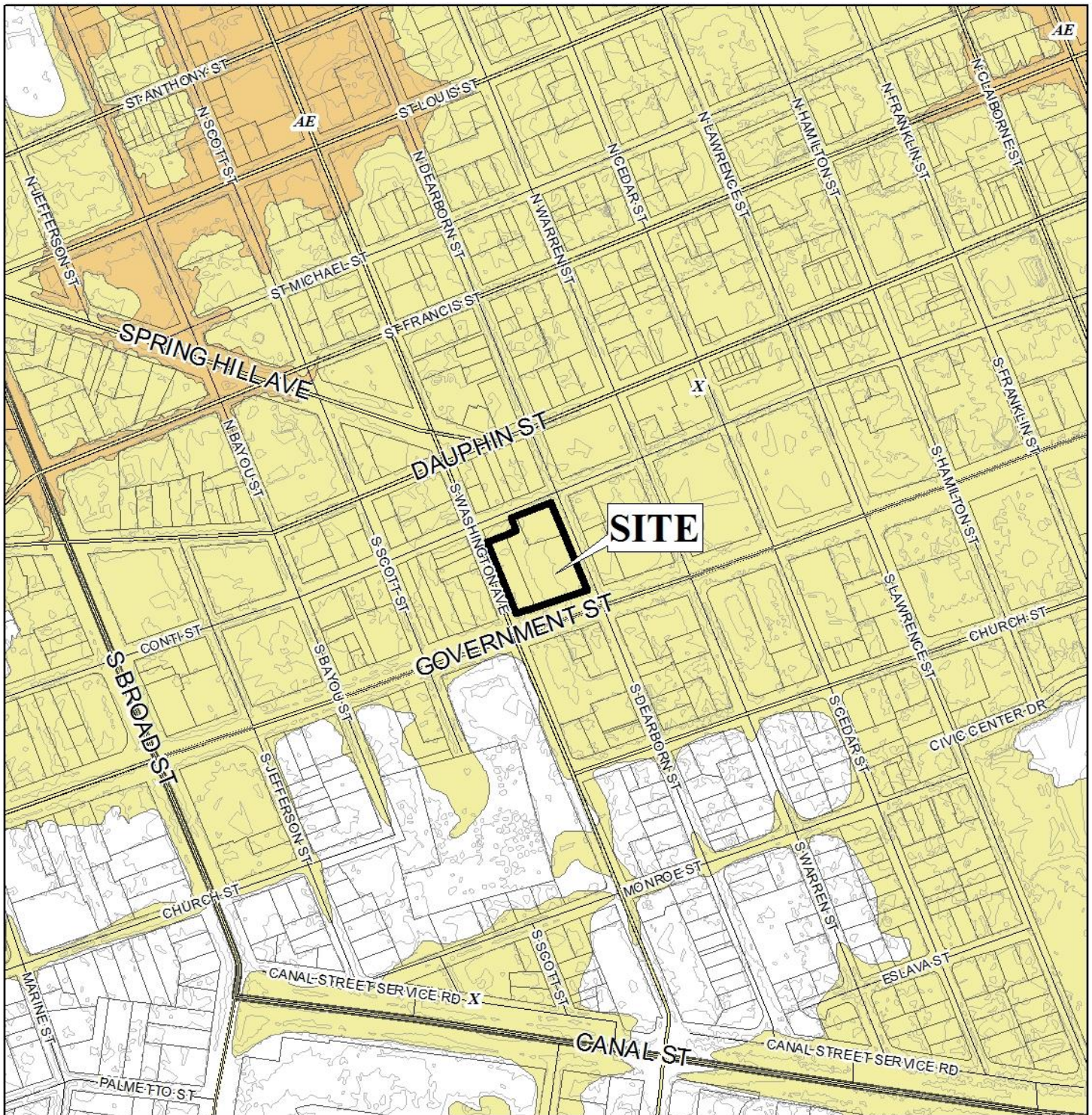
APPLICANT Scott Services for McDonald's

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



APPLICATION NUMBER 6287 DATE October 7, 2019

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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

APPLICATION NUMBER 6287 DATE October 7, 2019

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REQUEST Sign Variance

<span style="display: inline-block; width: 15px; height: 15px; background-color: cyan; border: 1px solid black;"></span> R-A	<span style="display: inline-block; width: 15px; height: 15px; background-color: green; border: 1px solid black;"></span> R-3	<span style="display: inline-block; width: 15px; height: 15px; background-color: brown; border: 1px solid black;"></span> T-B	<span style="display: inline-block; width: 15px; height: 15px; background-color: orange; border: 1px solid black;"></span> B-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: blue; border: 1px solid black;"></span> B-5	<span style="display: inline-block; width: 15px; height: 15px; background-color: yellow; border: 1px solid black;"></span> MUN	<span style="display: inline-block; width: 15px; height: 15px; background-color: orange; border: 1px solid black;"></span> SD-WH	<span style="display: inline-block; width: 15px; height: 15px; background-color: purple; border: 1px solid black;"></span> T5.1
<span style="display: inline-block; width: 15px; height: 15px; background-color: white; border: 1px solid black;"></span> R-1	<span style="display: inline-block; width: 15px; height: 15px; background-color: pink; border: 1px solid black;"></span> R-B	<span style="display: inline-block; width: 15px; height: 15px; background-color: cyan; border: 1px solid black;"></span> B-1	<span style="display: inline-block; width: 15px; height: 15px; background-color: red; border: 1px solid black;"></span> B-3	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightblue; border: 1px solid black;"></span> I-1	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightgreen; border: 1px solid black;"></span> OPEN	<span style="display: inline-block; width: 15px; height: 15px; background-color: pink; border: 1px solid black;"></span> T3	<span style="display: inline-block; width: 15px; height: 15px; background-color: darkpurple; border: 1px solid black;"></span> T5.2
<span style="display: inline-block; width: 15px; height: 15px; background-color: yellow; border: 1px solid black;"></span> R-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: peachpuff; border: 1px solid black;"></span> H-B	<span style="display: inline-block; width: 15px; height: 15px; background-color: magenta; border: 1px solid black;"></span> LB-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: brown; border: 1px solid black;"></span> B-4	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightgrey; border: 1px solid black;"></span> I-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: orange; border: 1px solid black;"></span> SD	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightpurple; border: 1px solid black;"></span> T4	<span style="display: inline-block; width: 15px; height: 15px; background-color: darkblue; border: 1px solid black;"></span> T6



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



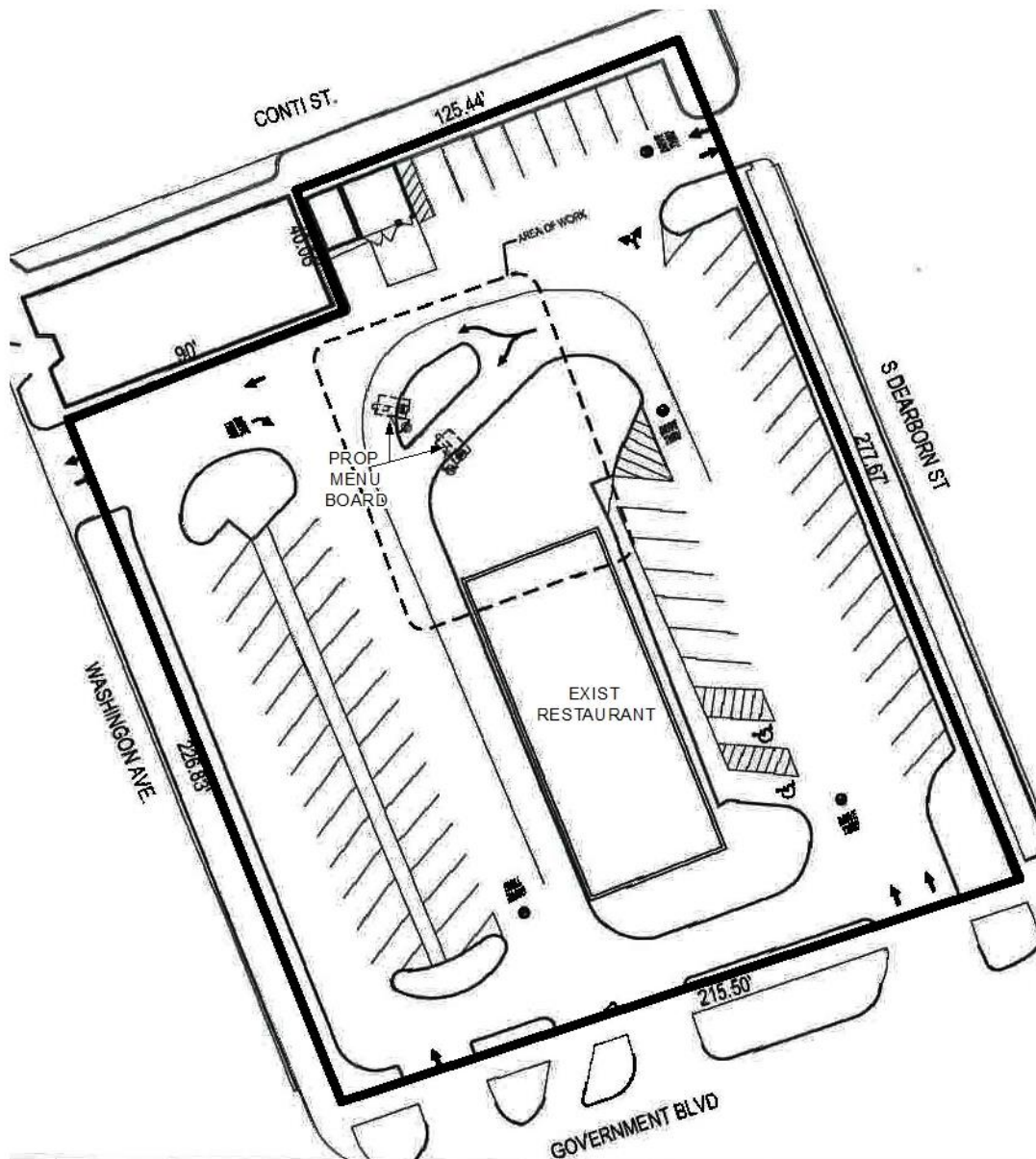
City of Mobile GIS Department

The site is surrounded by commercial units.

APPLICATION NUMBER 6287 DATE October 7, 2019  
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# SITE PLAN



The site plan illustrates the existing restaurant, parking, and proposed menu boards.

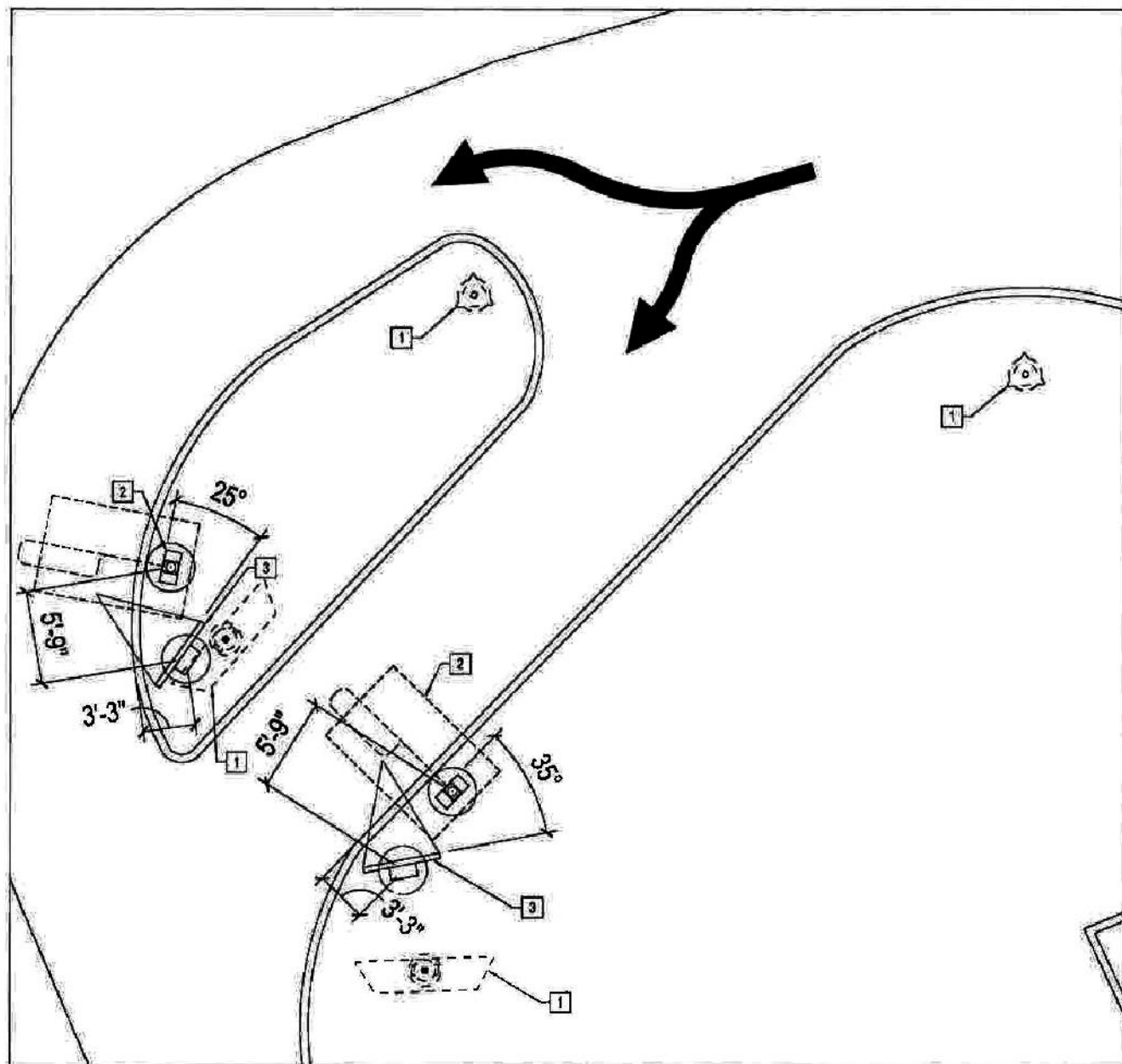
APPLICATION NUMBER 6287 DATE October 7, 2019

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# DETAIL SITE PLAN



APPLICATION NUMBER 6287 DATE October 7, 2019

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# DETAIL SITE PLAN



MENU BOARD 42 SQ FT

**EXISTING MENU BOARD TO BE REPLACED**

NOT TO SCALE



MENU BOARD



MENU BOARD  
17.6 SQ FT

**NEW MENU BOARDS**

NOT TO SCALE

APPLICATION NUMBER 6287 DATE October 7, 2019

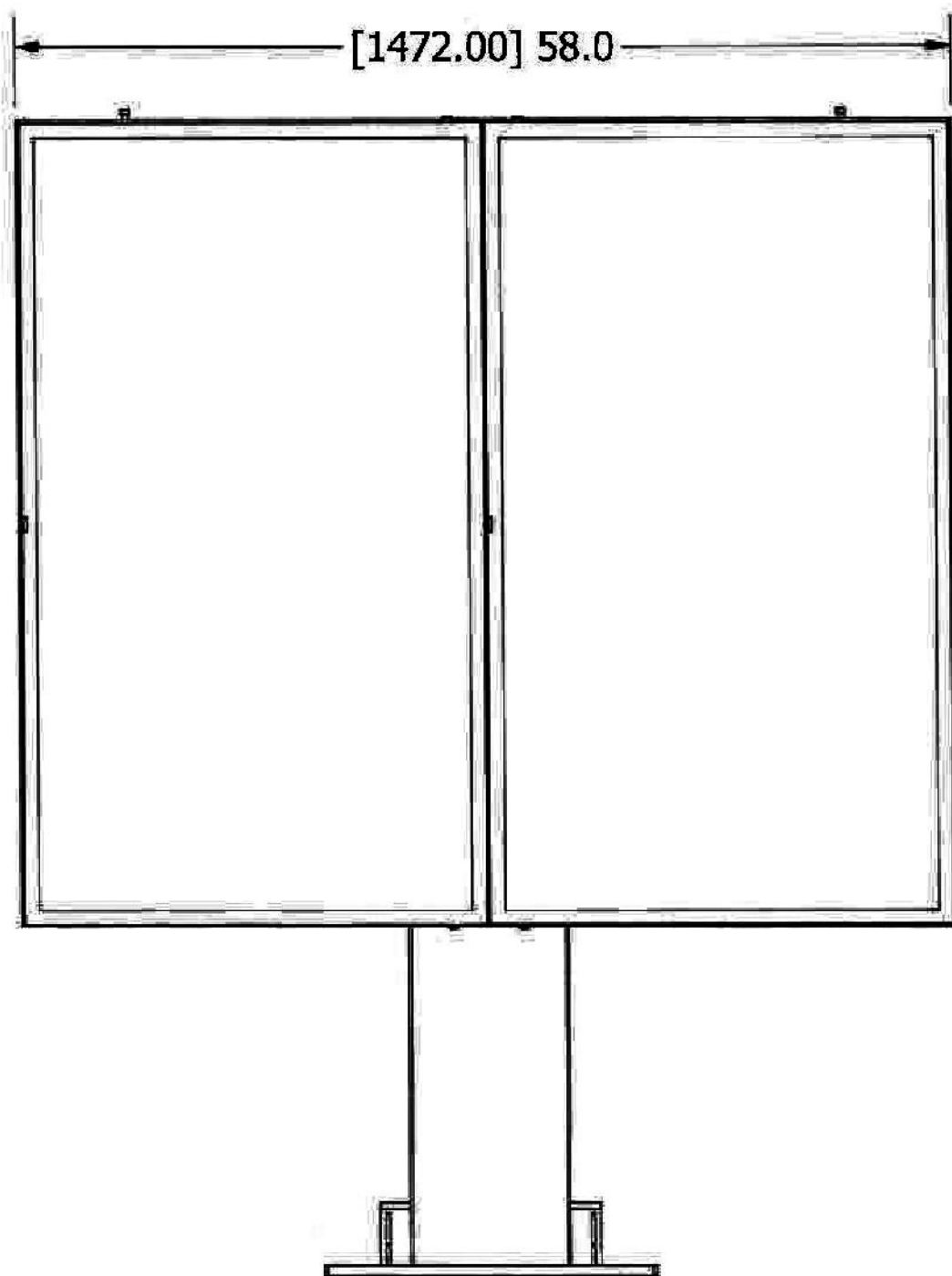
APPLICANT Scott Services for McDonald's

REQUEST Sign Variance



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## DETAIL SITE PLAN



APPLICATION NUMBER 6287 DATE October 7, 2019

APPLICANT Scott Services for McDonald's

REQUEST Sign Variance



## DETAIL SITE PLAN



APPLICATION NUMBER <u>6287</u> DATE <u>October 7, 2019</u>
APPLICANT <u>Scott Services for McDonald's</u>
REQUEST <u>Sign Variance</u>



