

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: November 2, 2020****CASE NUMBER**

6357

**APPLICANT NAME**

Lori Smith dba Florida Certified Sign Erectors

**LOCATION**6301 Cottage Hill Road  
(Southwest corner of Cottage Hill Road and Lloyds Lane).**VARIANCE REQUEST****SIGN:** Sign Variance to allow for digital signage within 300' of residentially zoned property in a B-2, Neighborhood Business District.**ZONING ORDINANCE  
REQUIREMENT****SIGN:** The Zoning Ordinance requires all digital signage to be placed a minimum of 300' away from any residentially zoned property in a B-2, Neighborhood Business District.**ZONING**

B-2, Neighborhood Business District

**AREA OF PROPERTY**

0.5± Acre

**ENGINEERING  
COMMENTS**

No comments

**TRAFFIC ENGINEERING  
COMMENTS**

This request was not reviewed by Traffic Engineering.

**CITY COUNCIL  
DISTRICT**

District 6

**ANALYSIS**

The applicant is requesting a Sign Variance to allow for digital signage within 300' of residentially zoned property in a B-2, Neighborhood Business District; the Zoning Ordinance requires all digital signage to be placed a minimum of 300' away from any residentially zoned property in a B-2, Neighborhood Business District.

The site has been given a Mixed Commercial Corridor (MCC) land use designation, per the adopted 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. 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:

*This variance application seeks approval to install a digital menu board in Taco Bell's drive-thru order lane. The location is under a complete update and remodel, in alignment with Taco Bell's new image and brand guidelines. These many changes not only include new signage but also updating the exterior of the building itself.*

*In accordance with maintaining design consistency with the Taco Bell Franchise, this site is eliminating the use of the older style, pre-printed menu boards and converting to modern digital menu boards. The fast food restaurant industry as a whole is moving to digital displays of their menus inside and outside of the restaurants. This technological advancement allows franchisees to update their menus with a fraction of the previously invested time and cost.*

*The property in question sits in a strip mall parking lot corner. The back of the restaurant where the menu board is located cannot be seen from the residential area across Cottage Hill at the front elevation of the restaurant. The Drive Thru elevation sits on Lloyd's Lane and the neighborhood of Ashbury Place directly across has a concrete barrier privacy wall down the entire subdivision parcels. With that barrier in place there is no line of site for the digital menu board for the residents of Ashbury Place. The menu board in question actually will face the Subway Restaurant directly behind the Taco Bell.*

The applicant has submitted sign permit applications as part of the proposed imaging updates for the subject site. An application was submitted to replace the existing drive-thru pre-printed menu board sign with a digital menu board sign. Staff determined that the proposed sign would be within approximately 125'± of residentially zoned property diagonally across Lloyds Lane and within 272'± approximately of residentially zoned property across Cottage Hill Road; 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.

Section 64-11.8.c(7) of the Zoning Ordinance states that 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."*

The subject site has frontage along Cottage Hill Road with adjacent B-2 zoning to the South and West in retail use. To the East across Lloyds Lane is B-1, Buffer Business zoning, used as a bank, and to the North across Cottage Hill Road is R-1 used as a single-family subdivision. Adjacent to the South of the B-1 zoning and diagonally across Lloyds Lane is R-2, Two-Family Residential zoning used as a single-family subdivision.

Regarding the applicant's statement, it is understandable why the fast food restaurant wishes to update the menu board to digital technology to allow expeditious menu and pricing changes. It should be noted that the location of the proposed sign is the same as that of the existing menu board sign which faces in a generally Southwestwardly direction toward the retail shopping center to the rear of the restaurant. As the residential property across Lloyds Lane is generally to the Southeast of the restaurant, visibility to the sign would be restricted by the angle of view and the high wall surrounding the subdivision. Not allowing the proposed digital menu board sign 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.

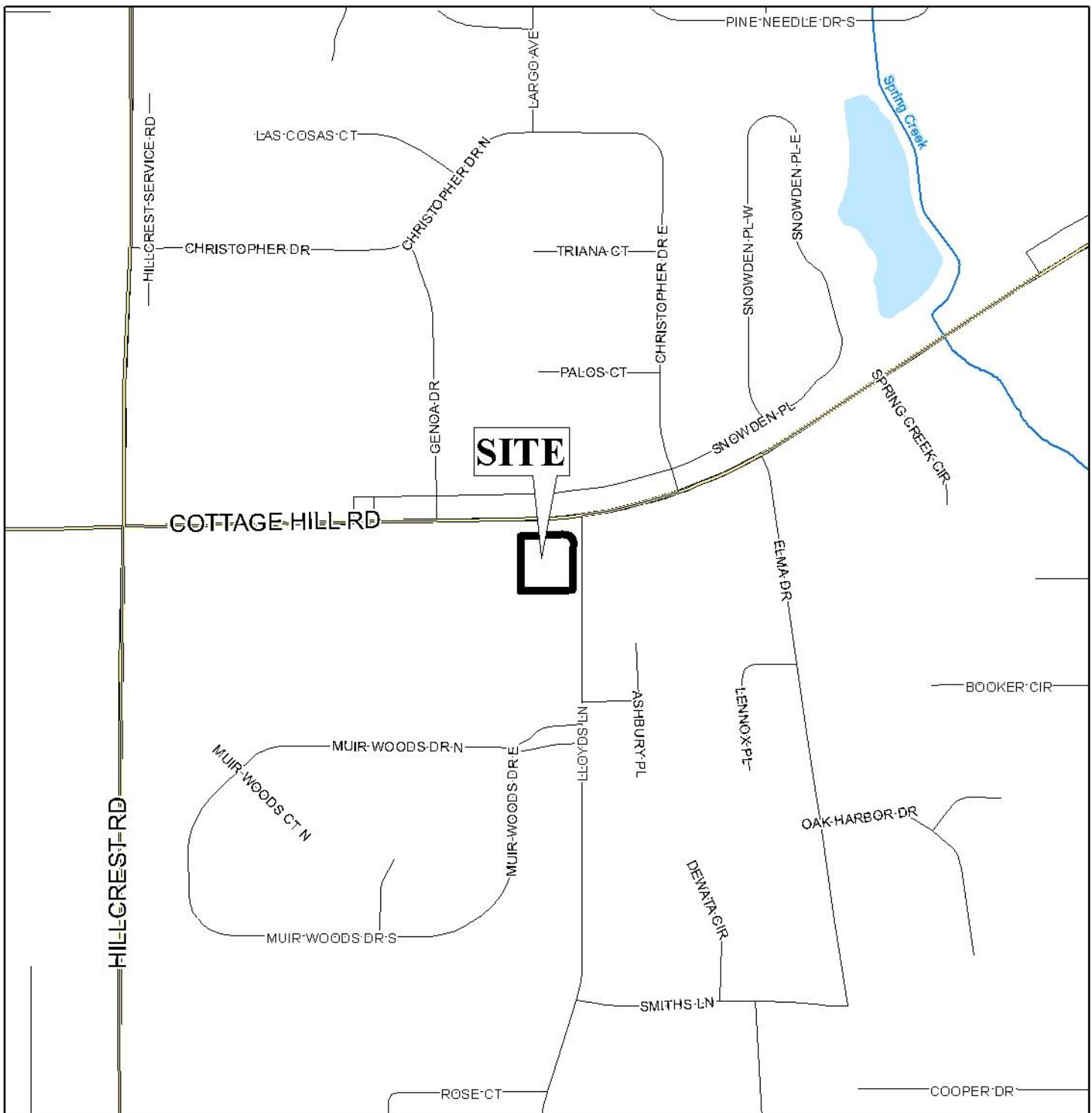
**RECOMMENDATION:** Staff recommends to the Board the following findings of fact for Approval:

- 1) Approving the variance will not be contrary to the public interest in that it will allow the applicant to expedite menu and pricing revisions for enhanced customer service within a drive-thru ordering lane;
- 2) Special conditions (the limitation of not being able to upgrade to more efficient digital technology) 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;
- 2) obtaining the necessary sign permit for the sign; and
- 3) full compliance with all other municipal codes and ordinances.

# LOCATOR MAP



APPLICATION NUMBER 6357 DATE November 2, 2020

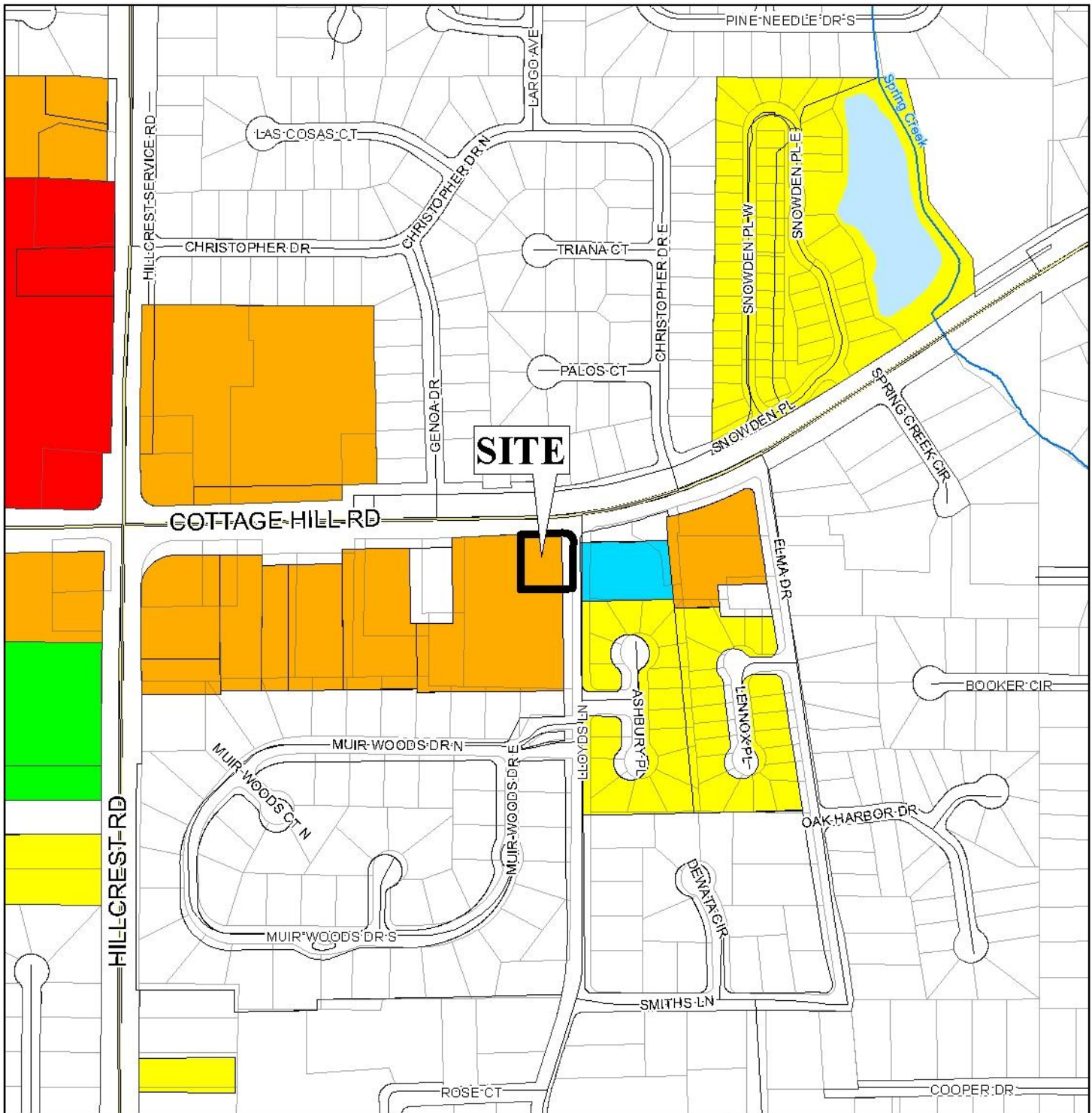
APPLICANT Lori Smith dba Florida Certified Sign Erectors

REQUEST Sign Variance



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# LOCATOR ZONING MAP



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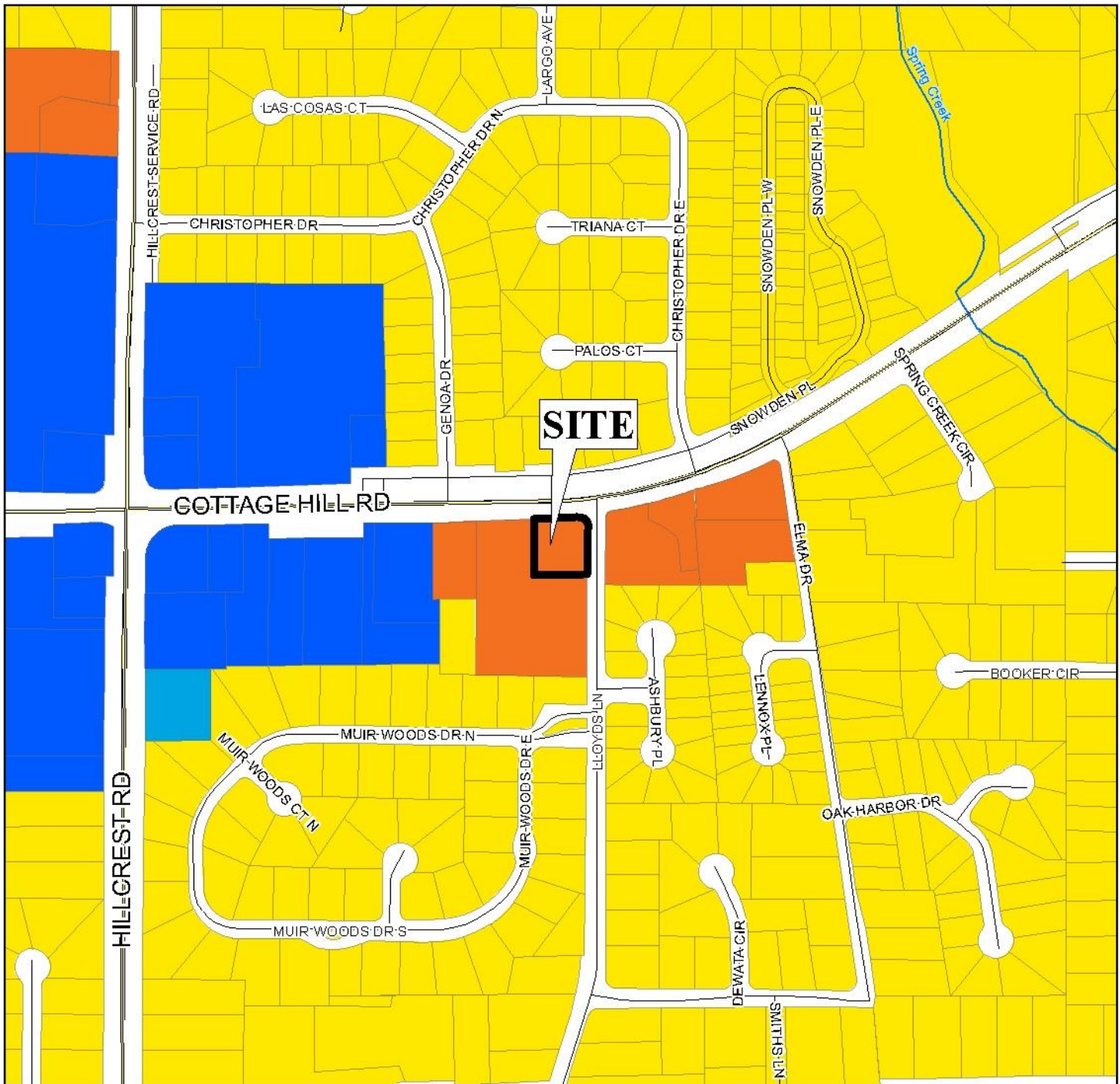
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# FLUM LOCATOR MAP



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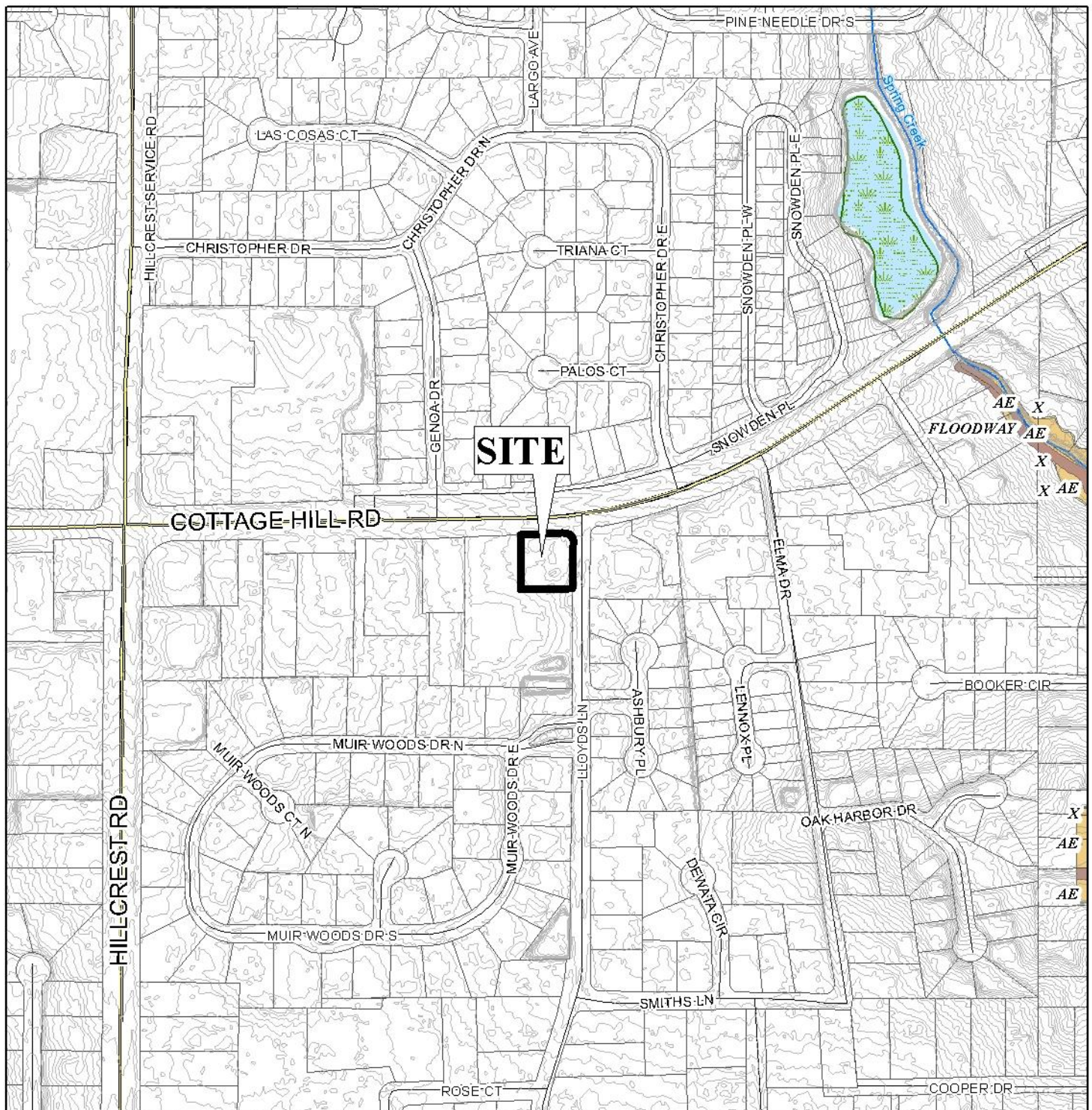
REQUEST Sign Variance

|                           |                                   |                     |                    |
|---------------------------|-----------------------------------|---------------------|--------------------|
| 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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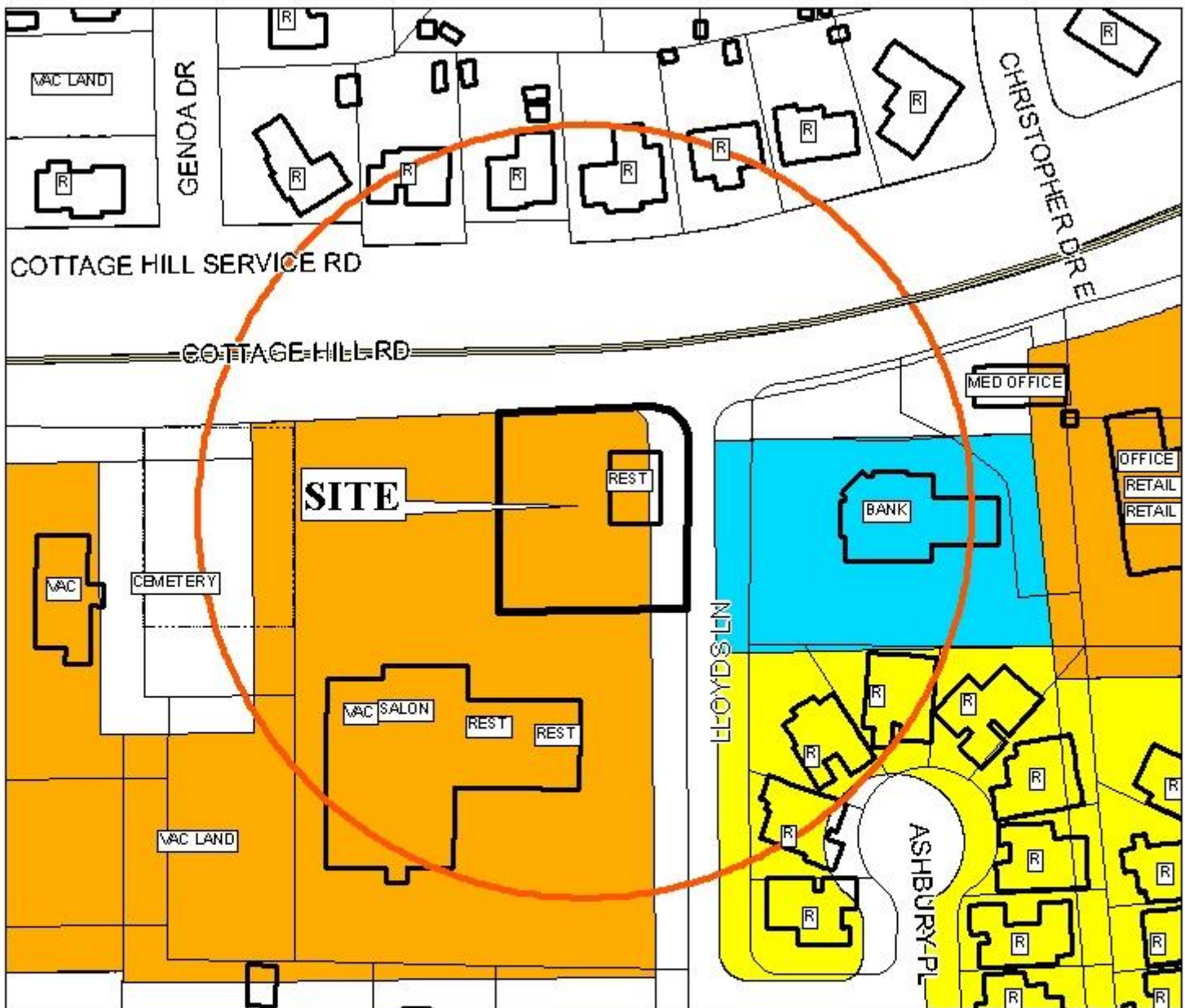
REQUEST Sign Variance



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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



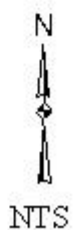
The site is surrounded by residential units to the north, and southeast.  
Commercial units lie to the west.

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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

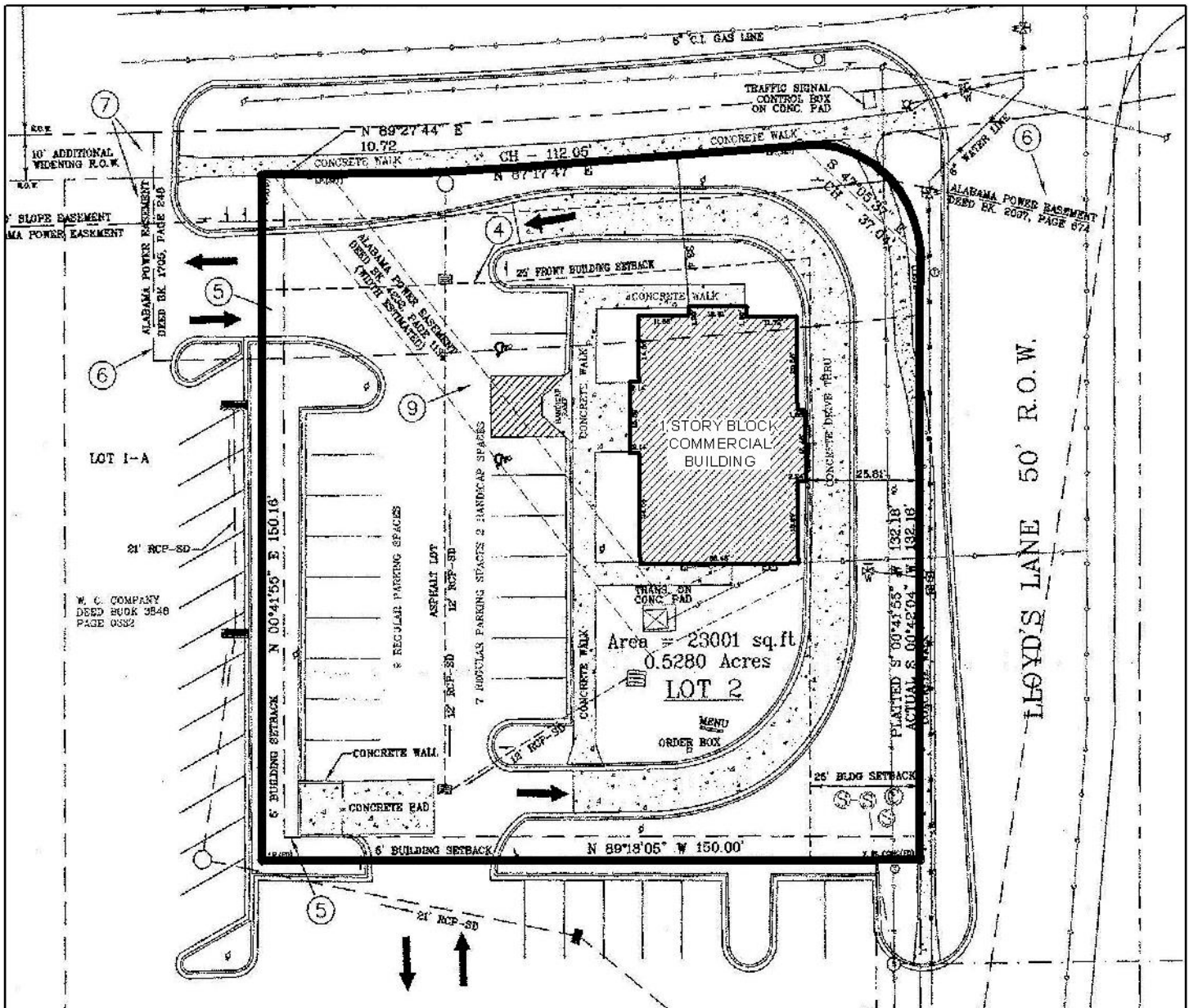


The site is surrounded by residential units to the north, and southeast.  
Commercial units lie to the west.

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# SITE PLAN



The site plan illustrates the existing building, parking, and drive thru.

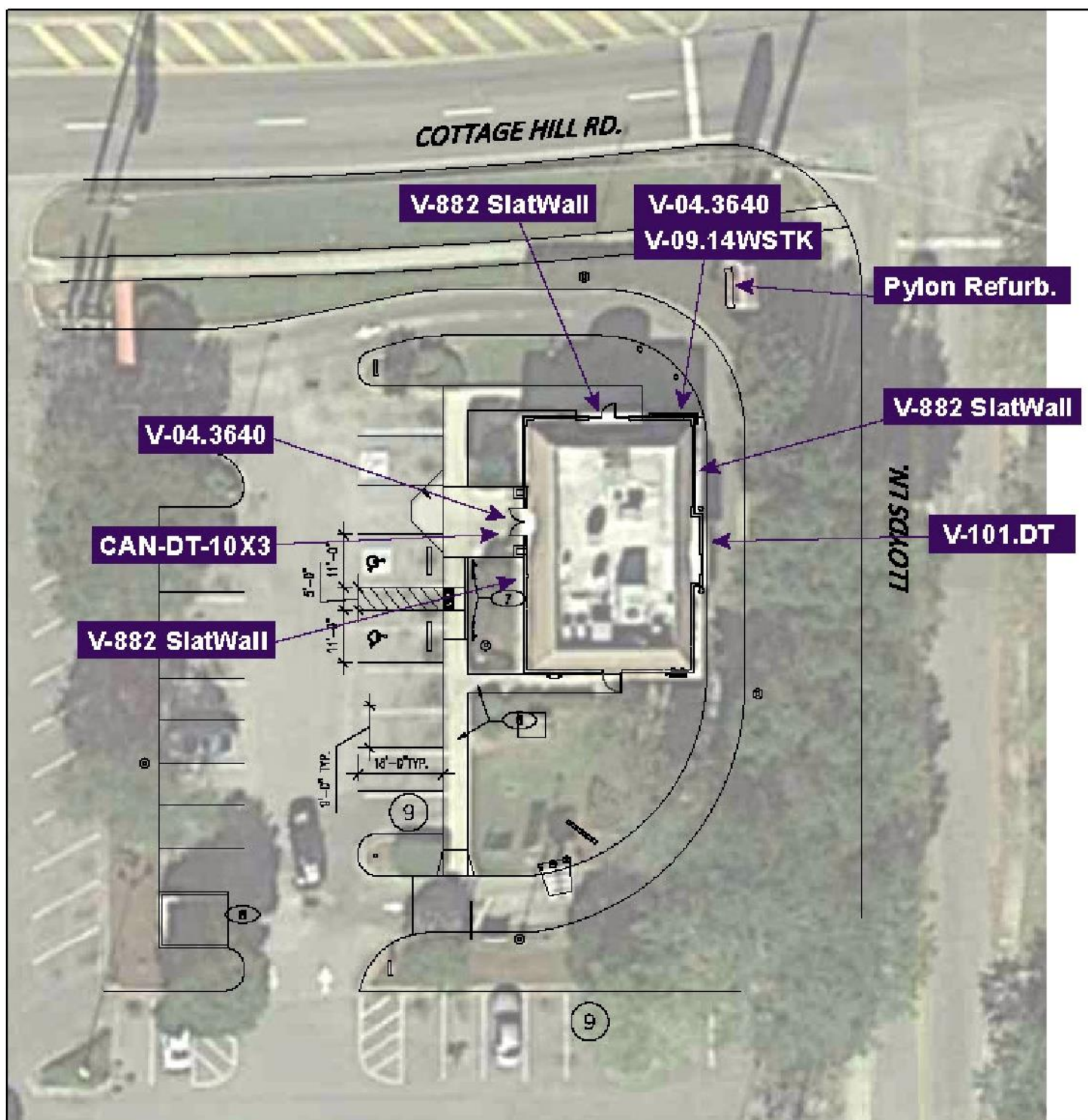
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## DETAIL SITE PLAN



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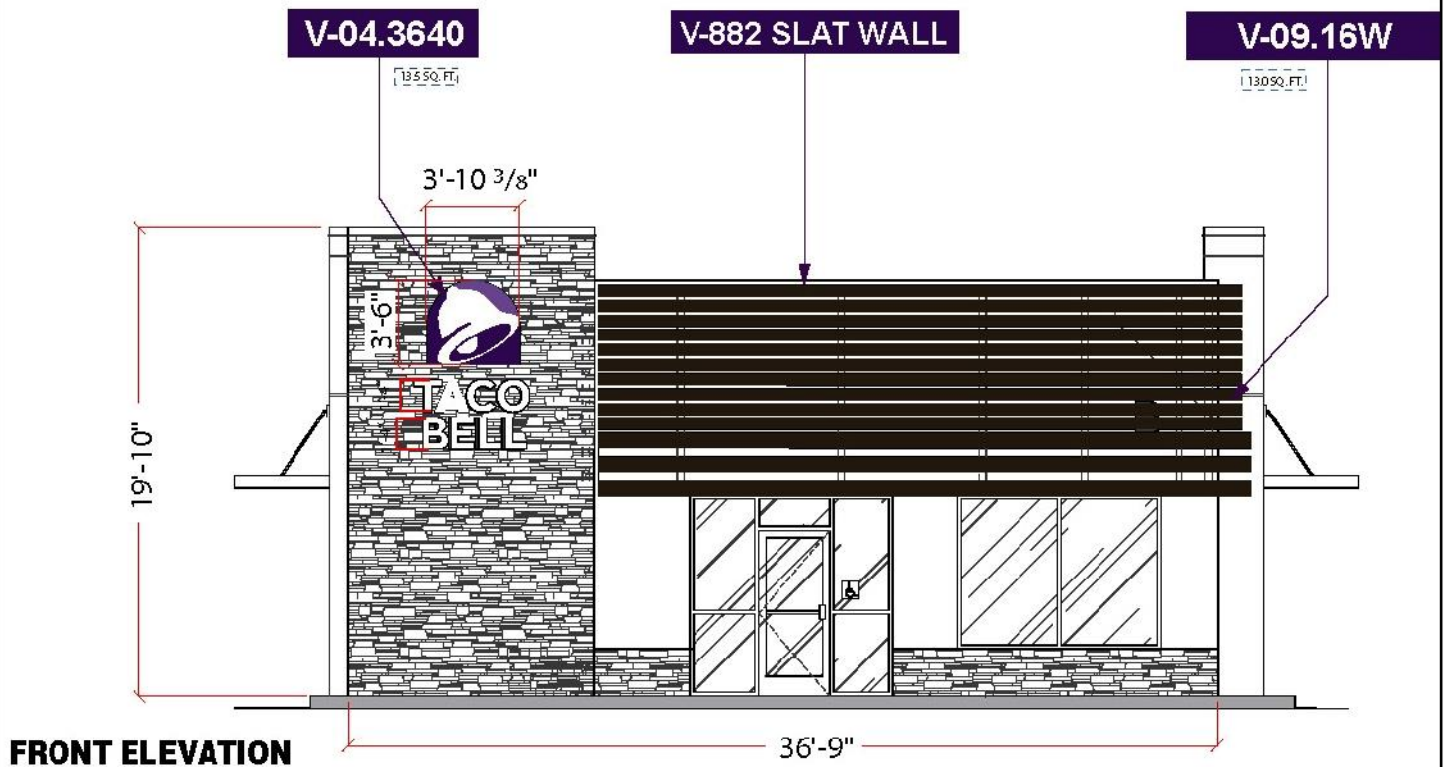
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REQUEST Sign Variance





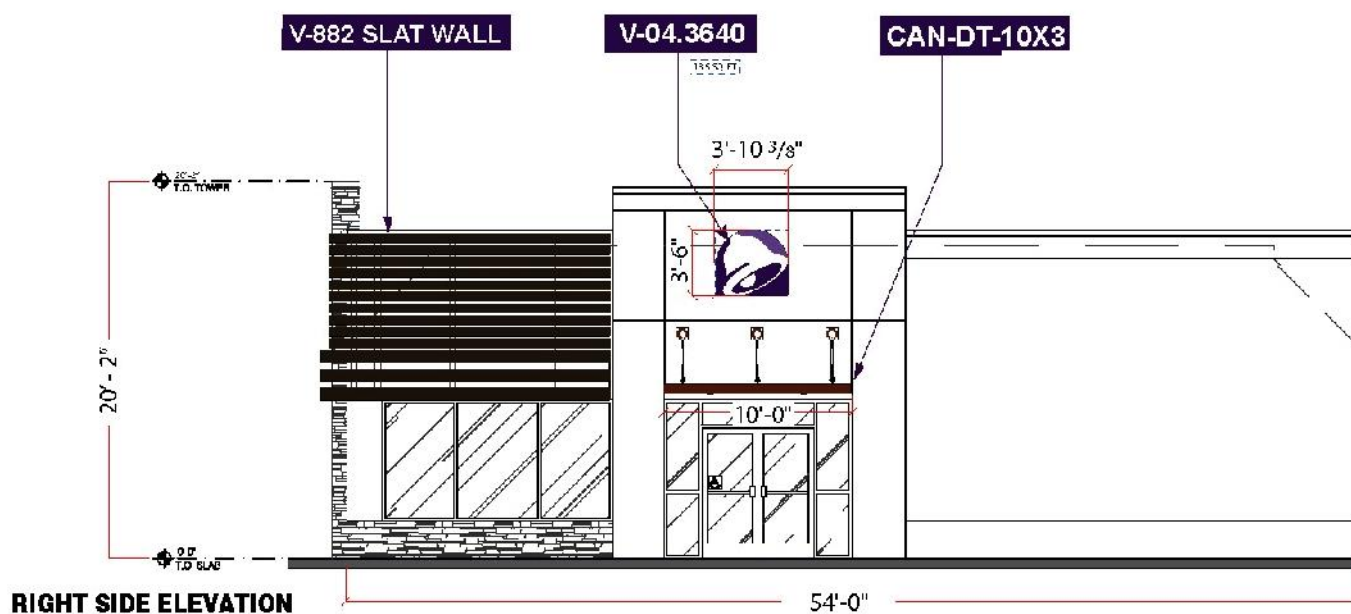
# DETAIL SITE PLAN



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REQUEST Sign Variance



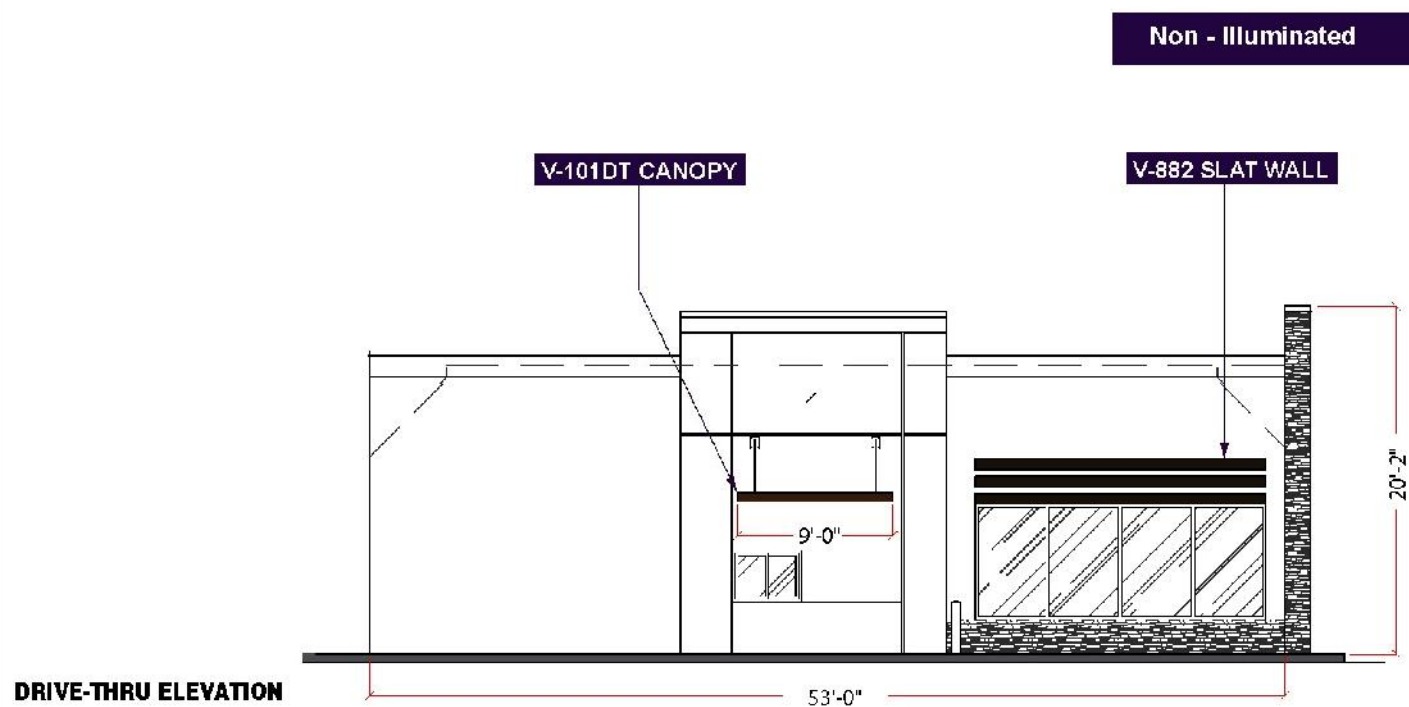
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# DETAIL SITE PLAN



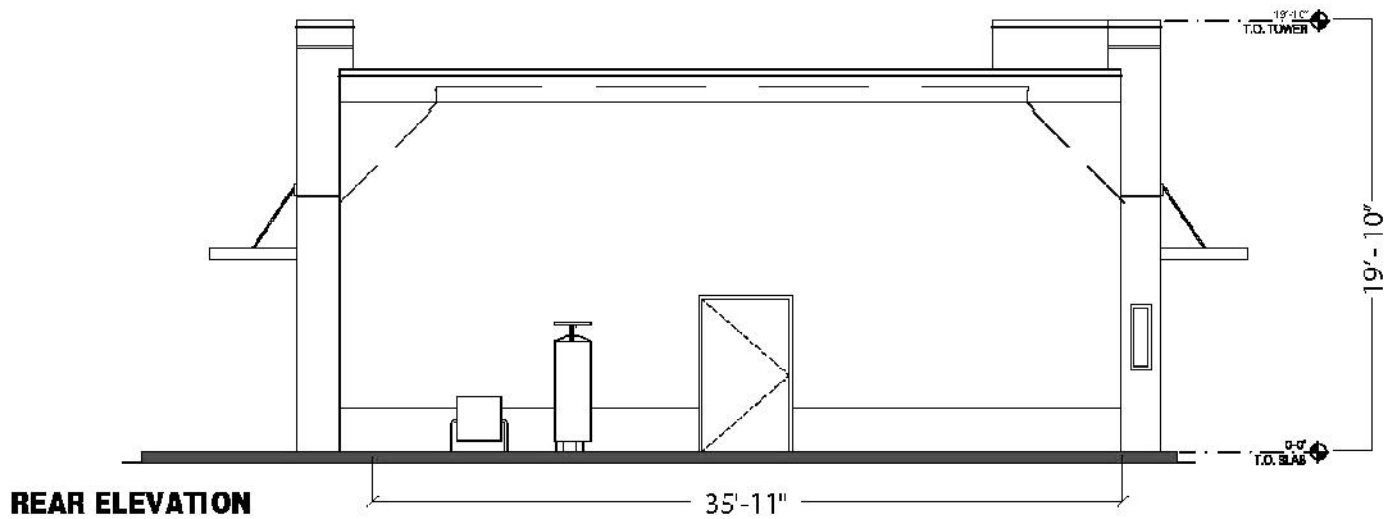
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# DETAIL SITE PLAN



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## DETAIL SITE PLAN

### Pylon Refurbishment



**EXISTING**



**PROPOSED**

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REQUEST Sign Variance

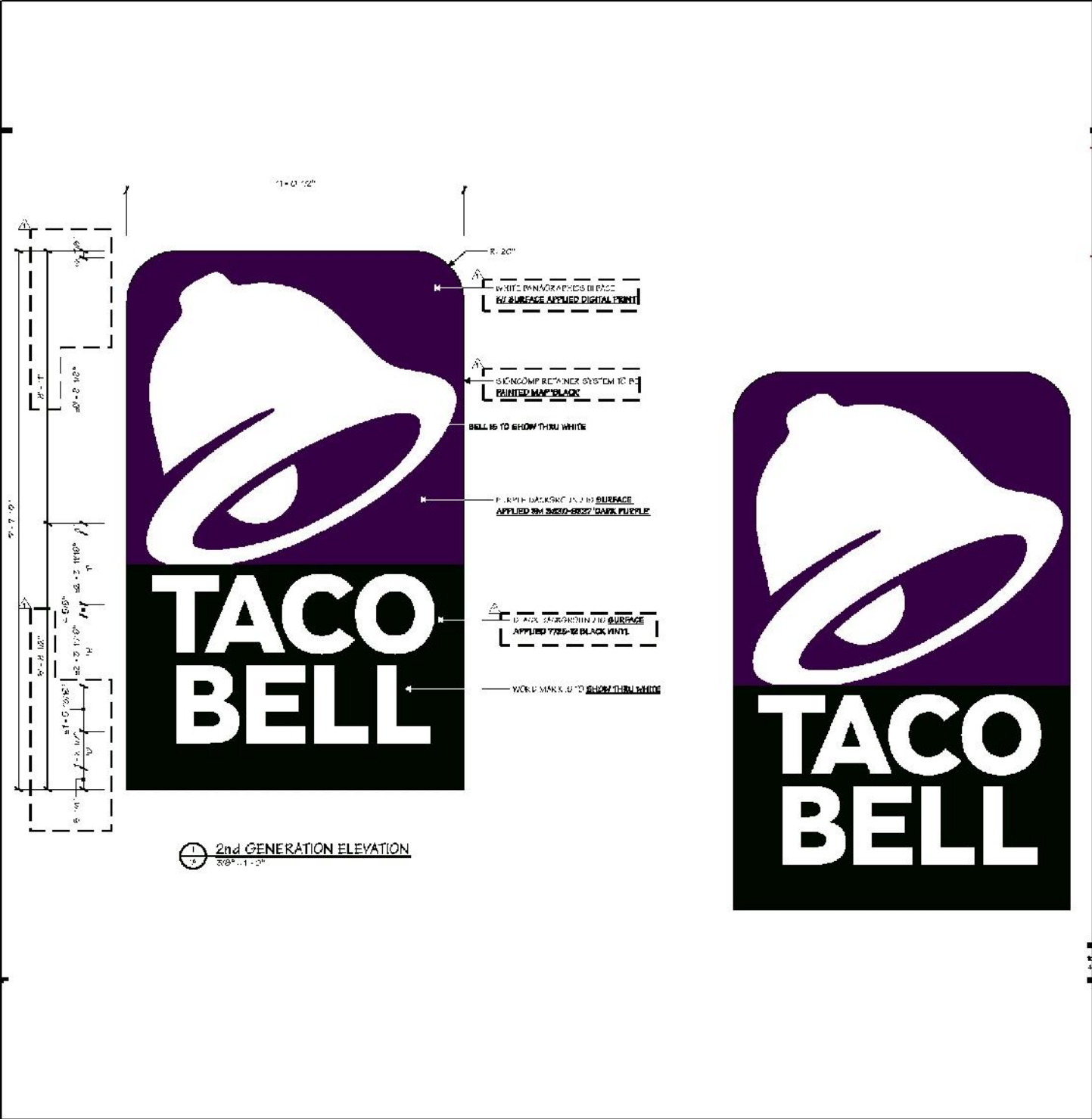


# DETAIL SITE PLAN

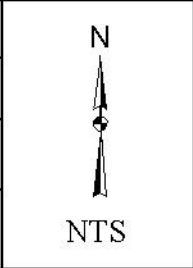


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## DETAIL SITE PLAN

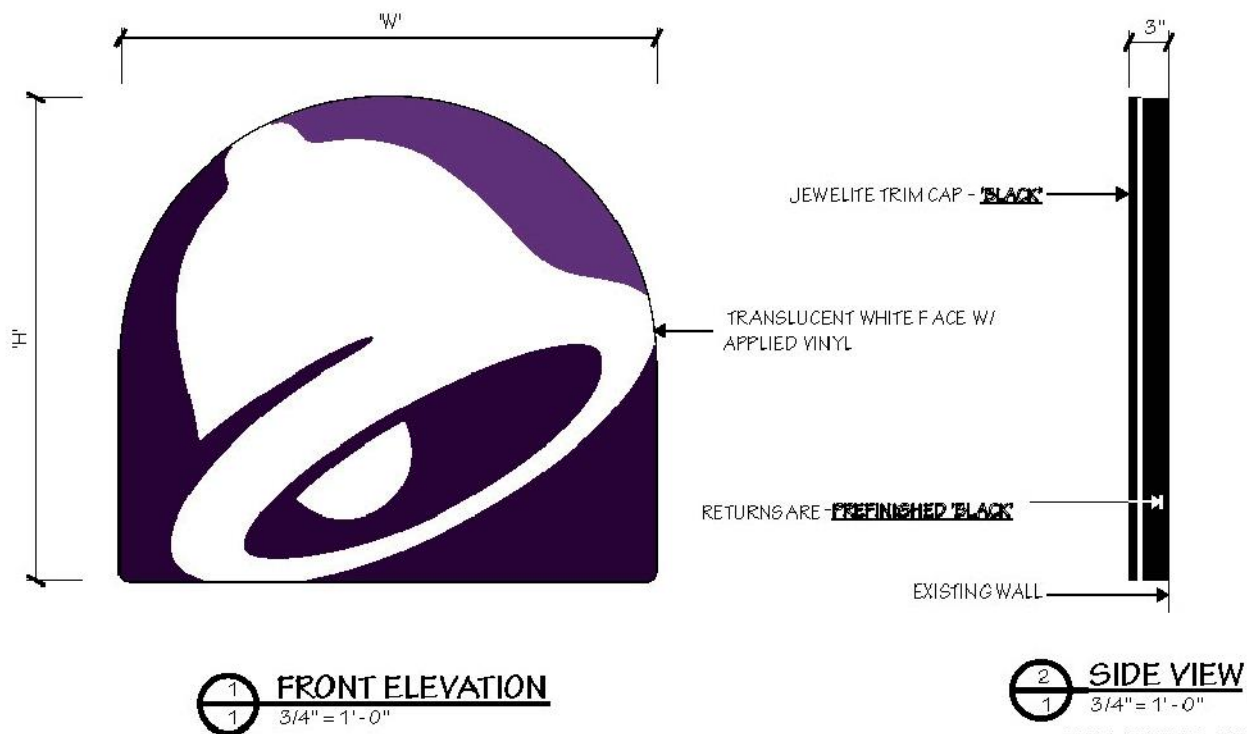


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# DETAIL SITE PLAN

**V-04.3640**



#6 X 1/2" LONG S.S.P.H. SHEET  
METAL SCREWS @ 18" O.C.

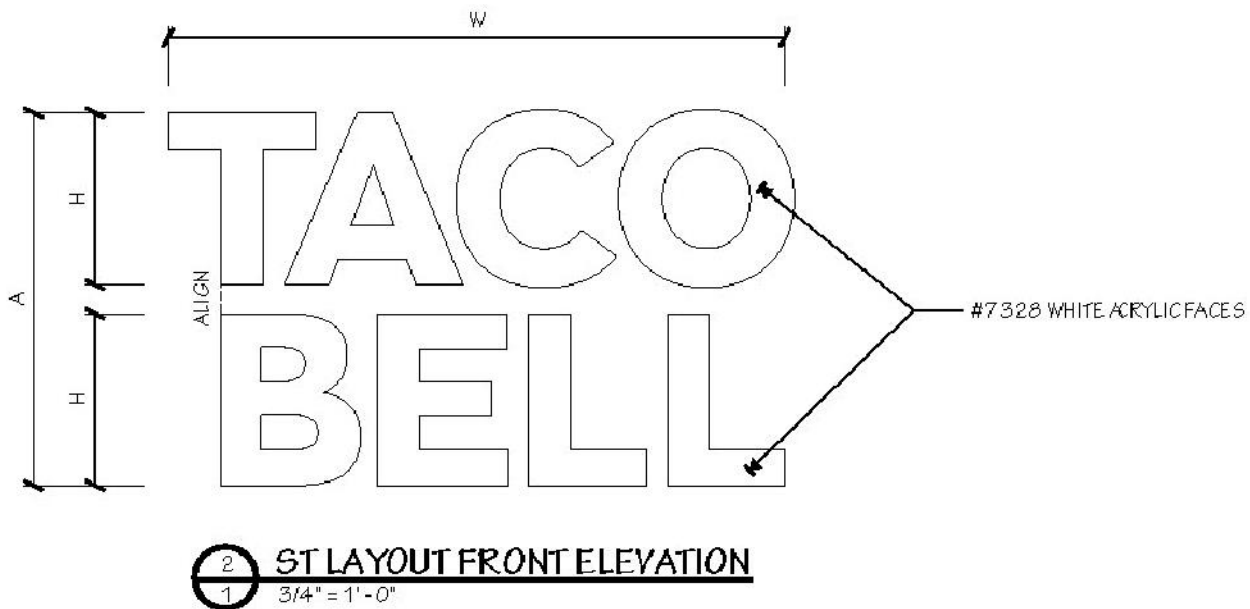
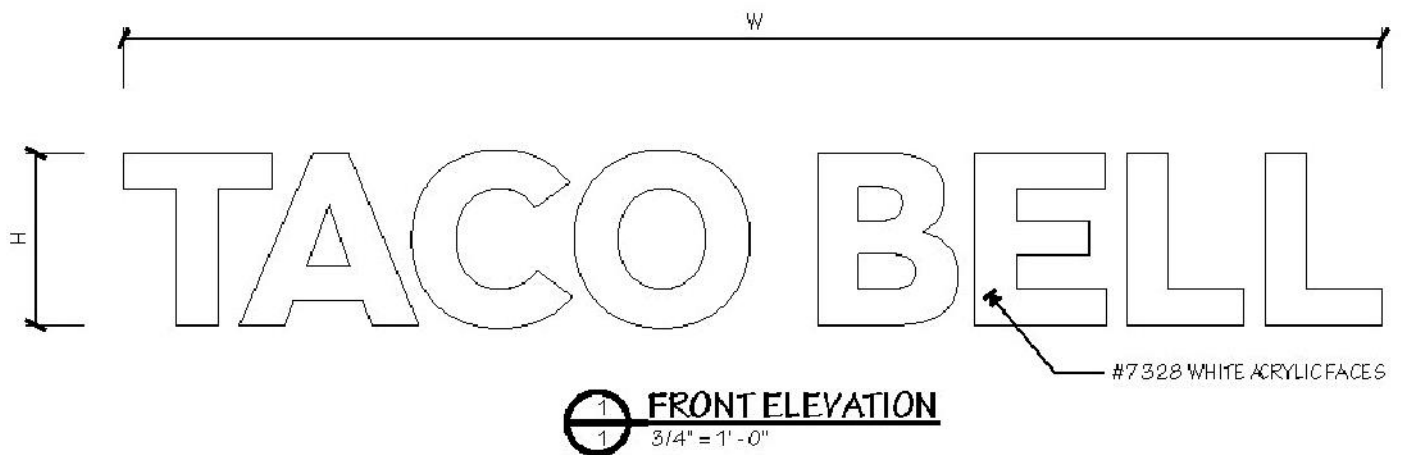
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# DETAIL SITE PLAN

**V-09.16W**

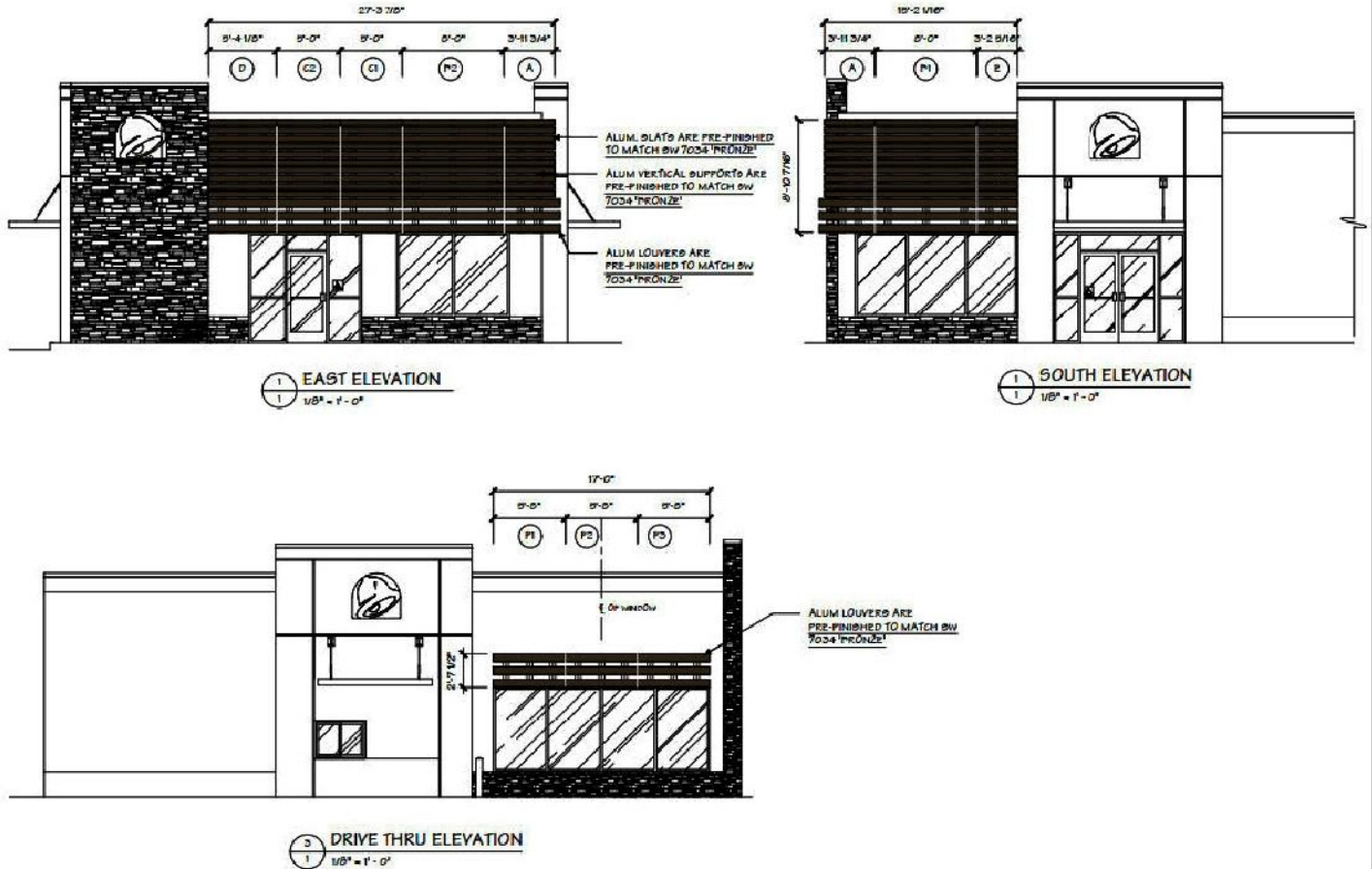


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# DETAIL SITE PLAN

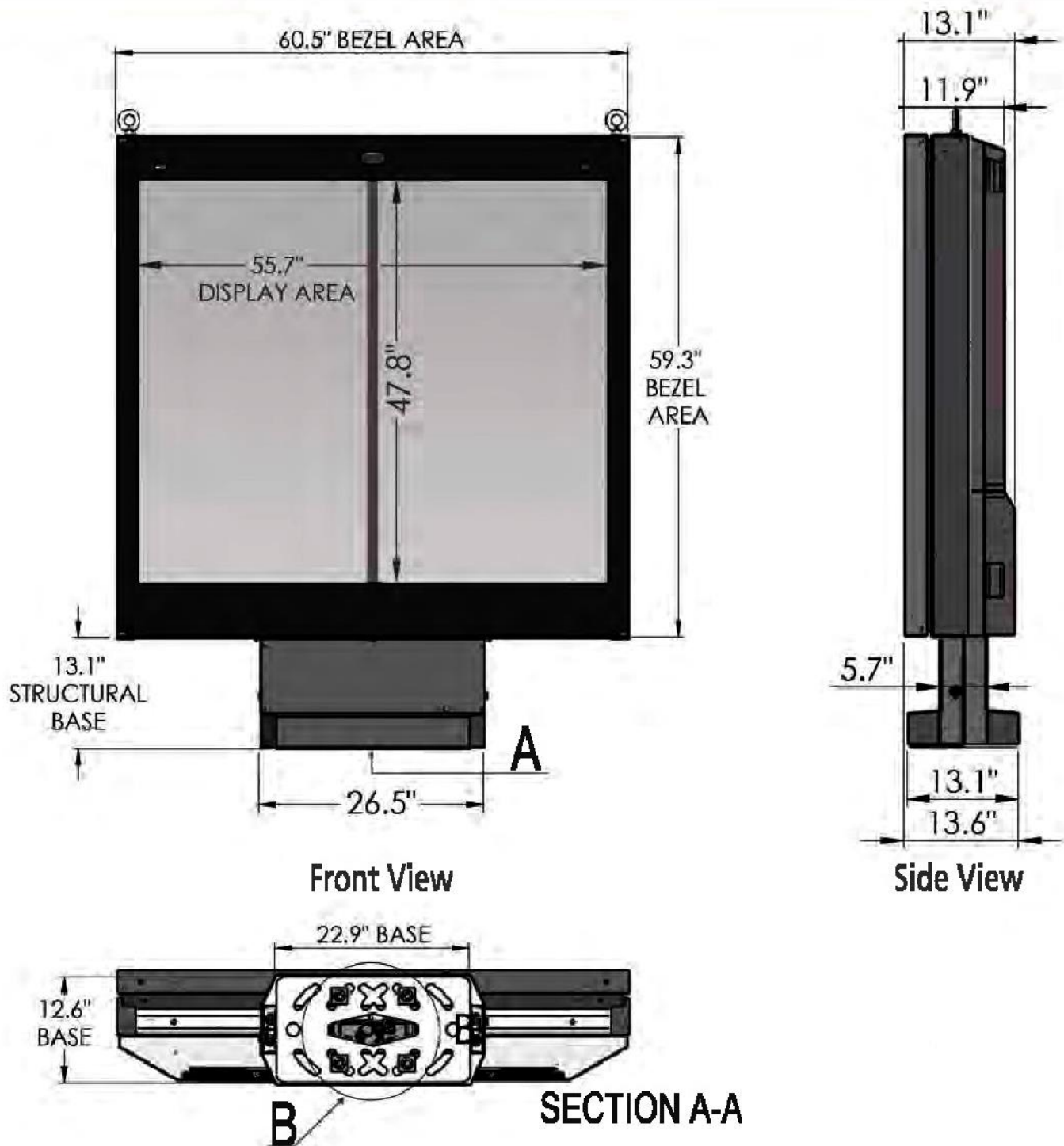
## V-882 Large Slat Wall



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 REQUEST Sign Variance



# DETAIL SITE PLAN



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 REQUEST Sign Variance

