



City of Marco Island  
Growth Management Department  
50 Bald Eagle Drive  
Marco Island, FL 34145  
Phone: 239-389-5000

## AMENDMENT TO LAND DEVELOPMENT CODE (LDC)

Petition number: LDCA-21-006/25 Date Received: \_\_\_\_\_

Planner: \_\_\_\_\_

### **ABOVE TO BE COMPLETED BY STAFF**

Applicant/Agent Name: McDonald's Corp/Kim Seyer Phone: 941.552.2201

Applicant/Agent Firm: McDonald's Corp / The Seyer Group

E-mail: Kim@seyergroup.com

Property owner's name: McDonald's Corp Phone: 786.779.1702

Address: 110 N. Carpenter St., Chicago, IL 60607

Email: edgardo.ortiz@us.mcd.com

### **SUBMITTAL REQUIREMENTS**

- Application Fee: \$2,000 (payable to the City of Marco Island). The City Manager or Designee may also charge an amount equal to or double the amount of application fee.
- This application form
- The application can be hand delivered or mailed to:

City of Marco Island  
Growth Management Department  
50 Bald Eagle Drive  
Marco Island, FL 34145

■ Explanation narrative regarding:

- 1) Nature of change, and why requested
- 2) Identify all portions of LDC which may be affected.
- 3) Identify all Comprehensive Plan policies which may be affected.
- 4) Provide "alternative language" for all LDC texts, and/or Comprehensive Plan policies, as applicable

NOTES/ADDITIONAL INFORMATION:

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**By acceptance of this application, the applicant agrees to defend, hold harmless and indemnify the City of Marco Island and its employees and agents from any and all liability which may arise as a result of the issuance of this amendment.**

 5/20/21  
Applicant/Agent Date

Approval:

\_\_\_\_\_  
Planner Date

# The Seyer Group

May 21, 2021

Mr. Dan Smith  
City of Marco Island  
50 Bald Eagle Drive  
Marco Island, FL 34145

Re: Alternative Language – LDC Text Amendment

Dear Dan,

On behalf of the McDonald's located at 899 N. Collier Blvd, I have attached the application and supporting documentation for a text amendment that would allow digital menus and presell boards. The current code does not allow this new technology, therefore limiting all quick serve brands from operating at the highest efficiency possible. This new technology is found to be very effective and the industry is moving towards these devices. They are smaller and more attractive. McDonald's and Starbucks have been at the forefront in updating their locations with the devices.

The digital boards are smaller, yet they increase readability when compared to printed material. They have a sharper image technology that reduces glare and automatically adjust brightness based upon the ambient light. The digital menu board does not have flashy, bright images or colors (i.e. Vegas-style) or any additional sound or speakers.

I look forward to working with you and your team on this proposed alternative language.

Sincerely,

The Seyer Group



Kim Binkley Seyer

# LDC

Impacted sections to the LDC are as follows:

## Section 30-530 - Definitions

*Sign, electronic* means any type of electronic display board, electronic message board, digital, LED, programmable ink or other sign capable of displaying words, pictures, symbols, video or images including, but not limited to, any electronic, laser, digital, or projected images display that can be changed electronically or mechanically by remote or automatic means. Architectural lighting designed to illuminate building walls, architectural features or landscaping is not a sign.

## Section 30-526 Signs in commercial, public use and community facility districts

(g) *Signs adjacent to drive through lanes:* A property with a drive through service lane may provide one of the following signs for each permitted drive through lane:

- (1) One monument sign, not to exceed 24 square feet and eight feet in height, located within three feet of, and oriented towards, the drive through lane; or
- (2) One electronic sign, not exceeding three square feet, located directly above the drive through service lane. Graphics, pictures, logos, motion or flashing are prohibited. Text changes shall occur only when there is a change in the availability of services in the drive through lane.

## Comprehensive Plan

### I - FUTURE LAND USE ELEMENT

1 GOAL: TO ENHANCE MARCO ISLAND'S QUALITY OF LIFE, ENVIRONMENTAL QUALITY, AND TROPICAL SMALL TOWN AND RESORT CHARACTER BY MANAGING GROWTH AND ASSURING A STABLE RESIDENTIAL COMMUNITY WITH SUFFICIENT BUSINESSES TO SERVE THE NEEDS OF RESIDENTS AND VISITORS.

*The drive-thru experience should be simple, user-friendly, and efficient. Modern drive-thru restaurants often have expansive and seasonal menus. However, the static menu boards of the 1970s-80s & even the 90's and early 2000's are no longer sufficient to sustain the needs of the businesses, residents and visitors to Marco Island, since those devices are often labor-intensive and not easily changeable to customer's needs. Moreover, the older devices are often back lit and not adjustable to ambient light conditions, sometimes resulting in excessive illumination at the darkest hours and insufficient illumination at dawn and dusk. Today's digital signs are intelligent and guide the user through the menu and ordering process. Users no longer have to scan the entire menu board before beginning to order. Nor do they need to wait for their order total or contents to be read back to them by the cashier, avoiding mistakes and saving precious minutes and seconds (that add up) to reduce cuing and prevent backups. Updating the ordinance to anticipate innovation and allow modern digital signs satisfies Marco Island's #1 Goal, and will enhance Marco Island's quality of life, environmental quality and small town and resort character by helping businesses better serve the needs of residents and visitors.*

Objective 1.7: The City will enforce existing and future Land Development regulations to eliminate and/or reduce uses of land inconsistent with the Future Land Use Map and the community's character.

The Marco Island community's character is one of friendly, understated sophistication, and relaxed island living for its residents and visitors. A significant percentage of the people on Marco Island on any given day are visitors and tourists, many of whom are there for the first time. Objective 1.7 seeks to eliminate and/or reduce uses of land inconsistent with the community's character, such as the stress, confusion and frustration that occurs with greater frequency at drive thru businesses that rely upon outdated, unintelligent, or difficult to read menu and preorder boards, particularly when customers are visiting for the first time.

Policy 1.7.1: The City will continue to enforce adopted architectural and site design regulations in the adopted Land Development Code.

Adopting the proposed text amendment will further Policy 1.7.1 by enhancing and modernizing the architectural and site design regulations in the adopted Land Development Code.

Policy 1.7.2: The City will *continue to thoroughly and thoughtfully review and revise, as necessary, the list of permitted uses within zoning districts contained in the adopted Land Development Code.*

*The modern, changeable, intelligent presale and menu boards are necessary to maintain drive-through businesses up to date with the industry standard and customer expectations, which is guided by the effectiveness to serve the needs of the residents and visitors. The text amendment legislative process supports Policy 1.7.2 by providing the City the opportunity to thoroughly and thoughtfully review and make this necessary change to the list of permitted uses within the zoning districts in the adopted Land Development Code.*

Policy 1.7.3: The City will seek to identify and eliminate existing non-conformities that detract from the City's character or could impact the public health, safety, or welfare through diligent code enforcement action and through attrition via approved development orders.

*The proposed text amendment relies upon the site plan approval process to locate and to ensure that intelligent digital signs are up to existing public health, safety and welfare standards. The requirement that "All digital equipment will need to automatically adjust to brightness based upon daylight." will support Policy 1.7.3 and eliminate non-confirming drive thru signs that do not automatically adjust to ambient light conditions and which detract from the City's character.*

Objective 1.8: The City shall coordinate future transportation, park, and infrastructure improvements to ensure compatibility and appropriateness of adjacent land uses and to promote the Island's small-town character.

*Today's digital signs are intelligent and guide the user through the menu and ordering process. Users no longer have to scan the entire menu board before beginning to order. Nor do they need to wait for their order total or contents to be read back to them by the cashier, avoiding mistakes and saving precious minutes and seconds (that add up) to reduce cuing and prevent backups. Updating the ordinance to anticipate innovation and allow modern digital signs satisfies Objective 1.8, by minimizing the need to address infrastructure improvements to address backups associated with drive thru facilities adjacent to public transportation infrastructure.*

Objective 1.10: To proactively establish and enforce policies and procedures to protect, promote, identify, and enhance natural and historic resources on the Island.

*By reducing the potential for backups (which lowers vehicle emissions caused by idling vehicles) and excessive glare (by requiring automatic adjustments based upon ambient light levels), the City's adoption of the proposed text amendment will further Objective 1.10*

*by proactively establishing and a policy to protect, promote, identify, and enhance natural and historic resources on the Island.*

Objective 1.11: The City will take affirmative steps to discourage urban sprawl both on and off Marco Island.

*By reducing the potential for backups, the City's adoption of the proposed text amendment takes affirmative steps to discourage urban sprawl both on and off Marco Island in furtherance of Objective 1.11 by enabling existing drive thru facilities to serve more customers in less time, thereby reducing the need for the development of additional locations on and off the island to serve customers that would otherwise pass by due to time limitations or other constraints.*

Policy 1.11.1: The City will resist the rezoning of non-commercially zoned land that would extend commercial zoning outside areas delineated for commercial uses per the Future Land Use Map. No request shall be approved inconsistent with the Future Land Use Map.

*Adoption of the proposed text amendment furthers Policy 1.11.1 by enabling existing drive thru facilities to serve more customers in less time, thereby reducing the need for the rezoning of non-commercially zoned land that would extend commercial zoning outside areas delineated for commercial uses per the Future Land Use Map.*

## II - TRANSPORTATION ELEMENT

Objective II.1.1: Promotion of a safe, convenient, and energy efficient multimodal transportation system.

*The City's adoption of the proposed text amendment will further Objective II.1.1 by serving more customers in less time and reducing the potential for vehicular cuing, which improves energy efficiency and lowers vehicle emissions caused by idling.*

Policy II.1.1.3: All new and/or structurally renovated commercial or multi-family developments shall incorporate amenities for enhanced pedestrian access and support facilities for bicycles. At a minimum such projects shall include one ADA compliant pedestrian facility from the public right of way to the front of the structure and one four (4) unit bicycle rack. Additional or enhanced facilities for larger developments will be encouraged and appropriate parking credits/reductions will be offered as incentives.

*Enabling existing facilities to modernize drive throughs can enable these facilities to serve more customers in less time, using the same or fewer resources. This, in turn, can increase profitability, and lead to renovations and new additions to these commercial establishments which, under Policy 1.1.3, will be required to incorporate amenities for enhanced pedestrian access and support facilities for bicycles.*

Objective 1.2: Coordinate the transportation system with the Future Land Use Map to ensure population densities, housing and employment patterns, and land uses are consistent with the capabilities of the transportation network (see figure 3).

The proposed text amendment is likely to reduce cuing and prevent back-ups. Updating the ordinance will advance Objective II.1.2, allowing drive-thru restaurants with modern digital signs to accommodate spikes and fluctuations in population densities with neither corresponding back-ups nor strains on the capabilities and capacities of the transportation network becoming apparent, ensuring that the land uses remain consistent.

Policy 1.2.2: Resist rezoning of non-commercial property to commercial use which could adversely impact the projected traffic volume on the Island's transportation network.

*Enabling existing facilities to modernize drive throughs furthers Policy II.1.2.2 by enabling existing facilities to serve more customers in less time, using the same or fewer resources. This, in turn, can increase profitability, and lead to renovations and redevelopment of existing facilities rather than turning to additional sites to increase revenue. Improving the profitability of existing commercial establishments reduces the need to rezone non-commercial property to commercial.*

Policy 1.4: Maintain designated Levels of Service for arterial, collector and local roads on Marco Island.

*Updating the local codes to anticipate innovation and allow modern digital signs satisfies Policy II.1.4, by minimizing backups associated with drive thru facilities into public transportation infrastructure in ways that could impact Levels of Service.*

Policy 1.4.6: The City will maintain the existing (2000) roadway system shown in Figure 3 and use fiscal means available to expand the roadway system as deemed necessary to remain consistent with planned 2010 Roadway Network shown in Exhibit 3 and adopted level-of-service standards, through prudent capital improvement planning and programming.

*By minimizing backups and cuing associated with drive thru facilities into the roadway system, the proposed text amendment will allow the roadway system to remain consistent with the adopted level-of-service standard consistent with Policy II.1.4.6, allowing the City to prudently focus capital improvement planning and programming on other areas.*

Objective 1.5: Protect and preserve existing and future rights-of-way to prevent structural encroachments and to ensure adequate ultimate roadway widths for maintenance of adopted level-of-service standards, consistent with this element, the 2020 Collier County MPO Transportation Plan and the Land Development Code (LDC).



*Adoption the proposed text amendment will minimize backups and cuing into the roadway system associated with drive thru facilities, and, in furtherance of Objective II. 1.5, protect and reserve existing and future rights-of-way and prevent structural encroachments and ensure adequate ultimate roadway widths for maintenance of adopted level-of-service standards adjacent to existing drive thru facilities.*

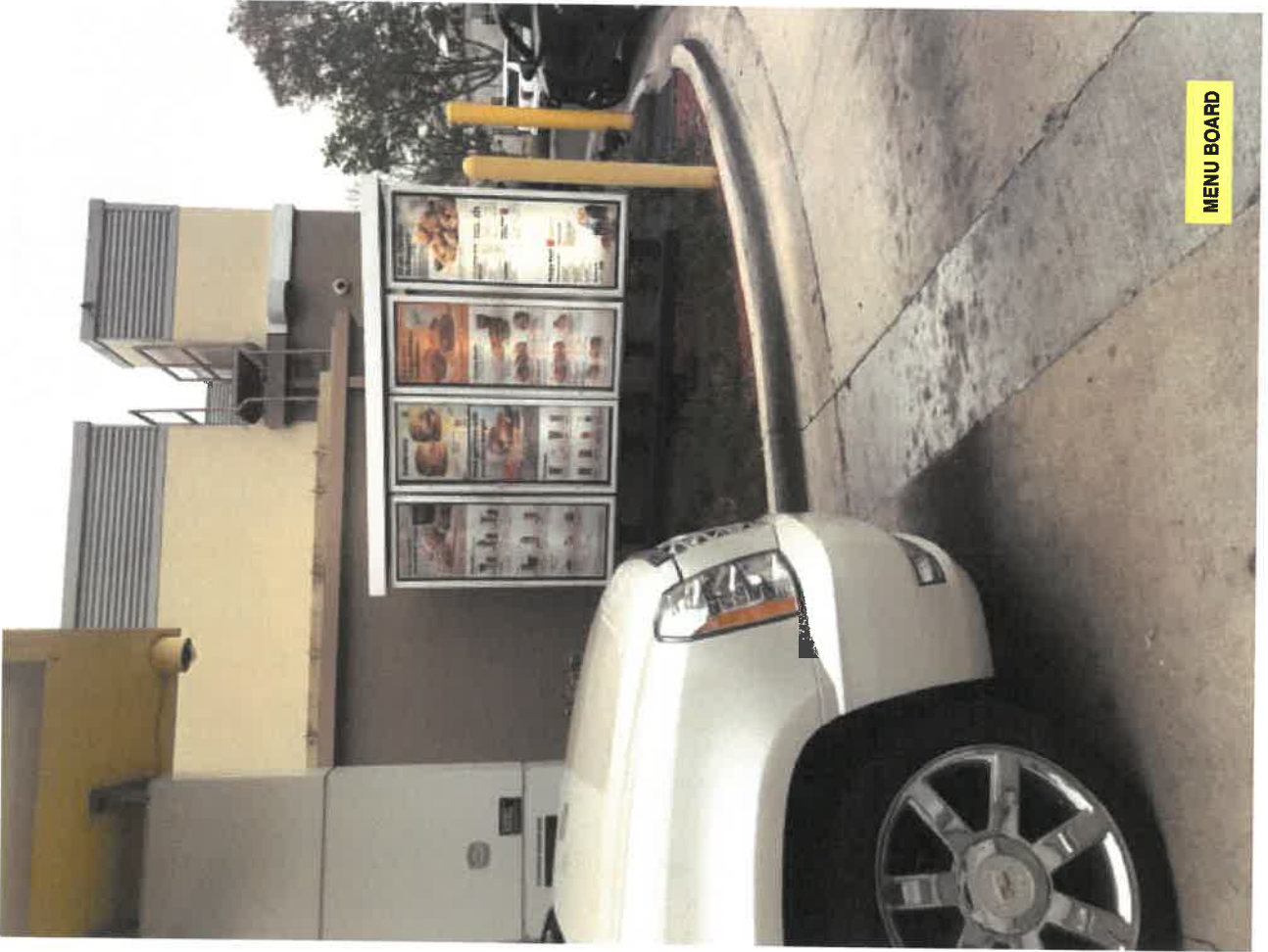
## Alterative Language

Sec. 30-526. – Signs in commercial, public use and community facility districts.

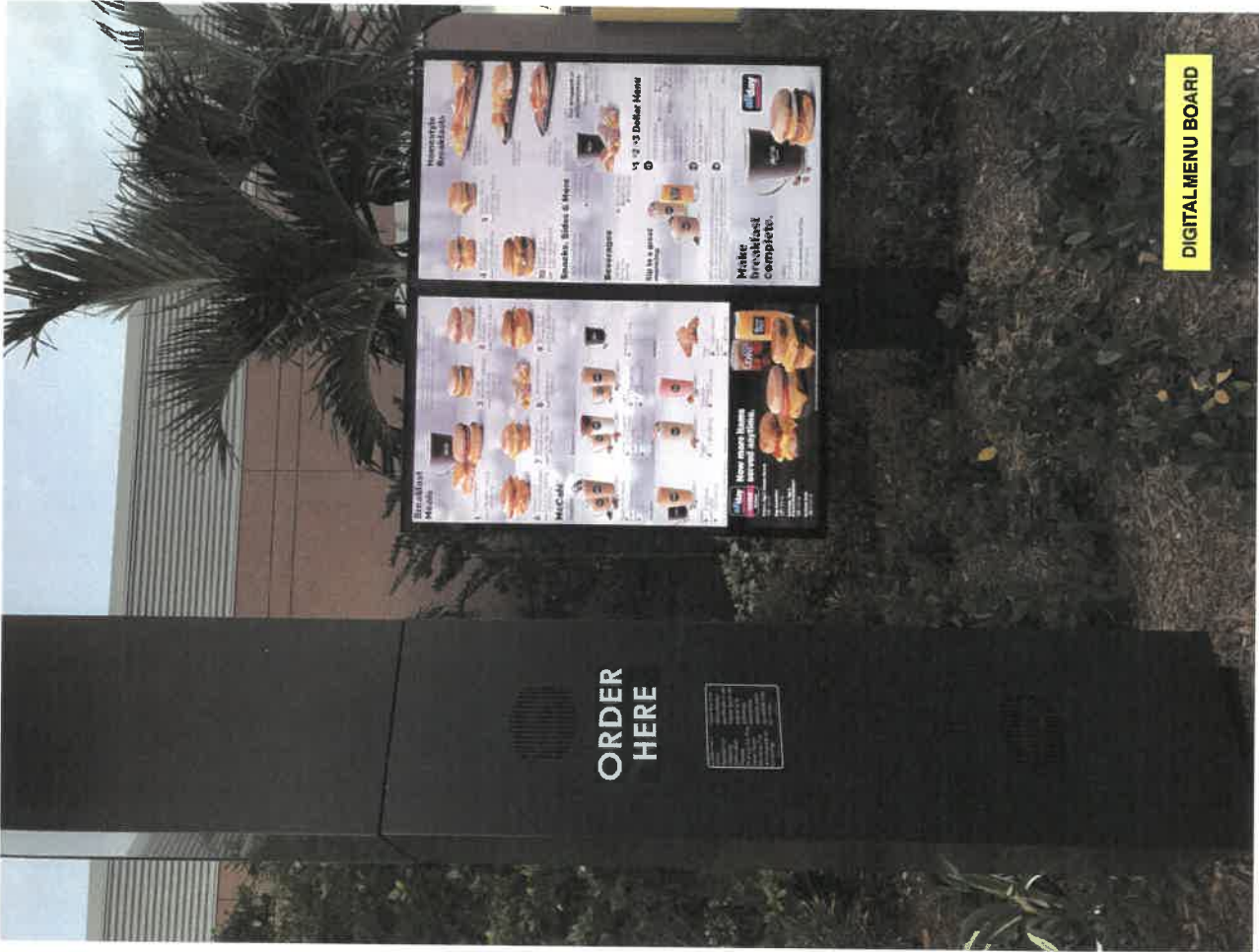
(g) *Signs adjacent to drive through lanes:* A property with a drive through service lane may provide one of the following signs for each permitted drive through lane:

(1) One monument sign, not to exceed 24 square feet and eight feet in height, located within three feet, and oriented towards , the drive through lane: *or if digital menu boards are used, they are not to exceed six (6) feet in height and the graphics may not exceed 20 square feet. Presell boards are limited to six (6) feet in height and graphics may not exceed 10 square feet. All digital equipment will need to automatically adjust to brightness based upon daylight. Location must be shown at time of site plan approval.*

(2) One electronic sign, not exceeding three square feet, located directly above the drive through service lane. Graphics, pictures, logos. motion or flashing are prohibited. Text changes shall occur only when there is a change in the availability of services in the drive through lane.

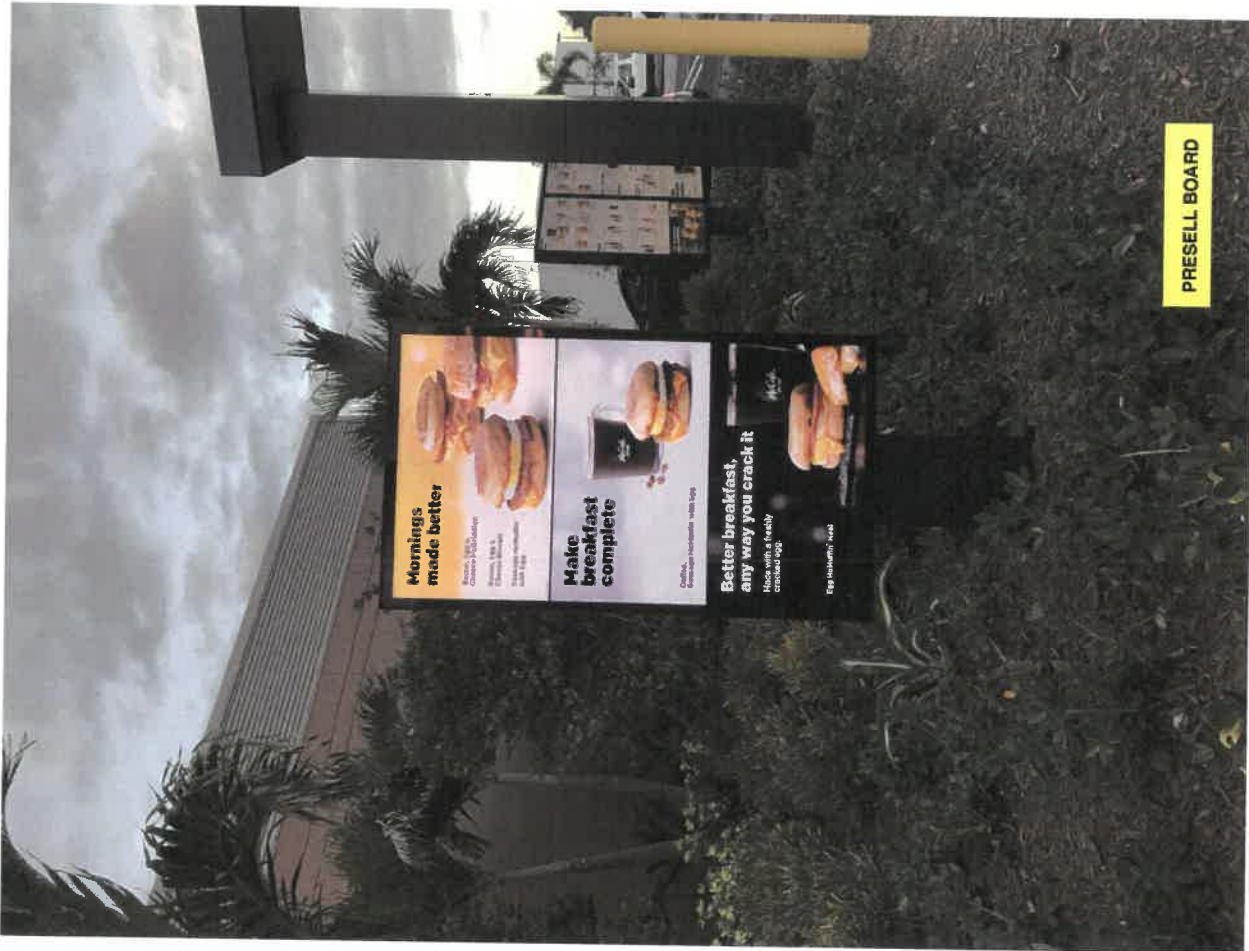


MENU BOARD



ORDER  
HERE

DIGITAL MENU BOARD



PRESELL BOARD