

ZONING BOARD OF ADJUSTMENT STAFF REPORT

July 26, 2021

ZBA-66-21

GENERAL INFORMATION

Property Owner () Petitioner (X)

Stillman College

Requested Action and Purpose

Petition for variances from the billboard and sign regulations to allow the alteration of a non-conforming billboard

Location and Existing Zoning

3400 Stillman Boulevard. Zoned BN. (Council District 1)

Size and Existing Land Use

Approximately 0.5 acres, Commercial

Surrounding Land Use and Zoning

North: Vacant, R-3

East: Commercial, BN

South: Single-family residences, R-4

West: Single-family residences, R-3

Applicable Regulations

Sec. 24-132. – Definitions and construction.

Billboard: An outdoor advertising device which contains at any time a commercial message that directs attention to a business, commodity, service or entertainment conducted, advertising products, services, goods sold or offered, that are not available on the zone lot on which the sign is located.

Sec. 24-135. – Permitted and allowed signs.

1. *Electronic, digital and video technology.* The use of electronic, digital or video technology in signs is permitted and allowed, subject to the following limitations and additional restrictions:
 - a. Such technology shall be programmed so that the message or image on the sign changes no more often than once every eight (8) seconds.
 - b. There shall be no effects of movement, blinking, animation, scrolling, flashing, scintillation, or similar effects in the individual images.
 - c. Changes of image shall be instantaneous as seen by the human eye and shall not use fading, rolling, window shading, dissolving, or similar effects as part of the change.
 - d. Video technology in signs shall use automatic level controls to reduce light levels at night and under cloudy and other darkened conditions, in accordance with the following standards. All electronic, video or digital display unit signs shall have installed ambient light monitors, and shall at all times allow such monitors to automatically adjust the brightness level of the electronic sign based on ambient light conditions. Maximum brightness levels for electronic, video or digital display signs shall not exceed five thousand (5,000) nits when measured from the signs face at its maximum brightness, during daylight hours, and five hundred (500) nits when measured from the signs face at its maximum brightness between sunset and sunrise, as those times are determined by the National Weather Service.

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- e. Any changeable copy sign using electronic, digital or video technology which malfunctions, fails or ceases to operate in its usual or normal programmed manner, causing motion, movement, flashing or any similar effects, shall be restored to its normal operation conforming within this section within forty-eight (48) hours unless the Director of the Tuscaloosa Department of Transportation considers such malfunction to be a hazard to the health, safety and welfare of the public and orders the sign to be turned off, disconnected or disabled.
- f. Any changeable copy freestanding sign using electronic, digital or video technology shall not exceed fifty (50) square feet in area excepting therefrom billboards as set forth in subsection (4).
- g. No billboard or sign containing a commercial message related to goods, services, products or other commercial activities that are not offered on the same premises on which the sign is located shall be permitted and allowed except in those locations where billboards are permitted and allowed.

4. Billboards.

- a. The number of current billboards and their supporting structures existing upon the date of the adoption of this article [December 4, 2007] shall be capped except that such cap shall not apply to the Interstate 20/59 corridor where billboards may be constructed subject to and pursuant to all provisions of this article. Conforming billboards currently existing upon the date of the adoption of this article shall thereafter be deemed to be conforming billboards. Nonconforming billboards currently existing upon the date of the adoption of this article shall thereafter be deemed to be nonconforming billboards and all billboards shall be subject to the provisions of this article.
- b. No new billboards shall be constructed subsequent to the adoption of this article except as set forth herein.
- c. Existing conforming billboards and structures may be converted to accommodate electronic, digital, video or tri-vision technology, subject to the provisions of subsection (4)(h). The conversion of any existing conforming billboard must be permitted by the building inspector.
- d. Existing nonconforming billboards may be converted to accommodate electronic, digital, video or tri-vision technology, subject to the provisions of subsection (4)(h) provided that such structures are structurally able and capable to support a conversion to electronic, digital, video or tri-vision technology. The existing foundation, ground-supporting poles or beams shall not be reinforced to accommodate electronic, digital, video or tri-vision technology except that an existing monopole structure may be modified to accommodate electronic, digital, video or tri-vision technology by limiting such modifications to the foundation and header of the pole. The conversion of any existing nonconforming billboard must be permitted by the building inspector.
- e. The owner of an existing nonconforming billboard may remove the existing billboard from a nonconforming site to an approved and conforming location, including such areas annexed into the city subsequent to the adoption of this article provided that such areas are not included in the billboard-free zone, subsection (4)(j), only after a permit is obtained as set forth herein and all other provisions of this article are complied with. Permits to erect or construct a billboard along federal or state-controlled highways in conforming locations must be obtained from the city and the Alabama Department of Transportation. Billboards moved from nonconforming locations must be installed or converted to a new approved location within two (2) years from the date the permit is issued.
- f. Prior to the removal of any billboard, the owner thereof shall obtain a permit for the demolition and removal of the billboard.

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- g. The replacement or conversion of any billboard shall not be larger than the billboard which it replaced. In the event of a structure with multiple sign faces, the combined area of such faces shall not be used as a measure or means to place a single-face billboard equaling or exceeding the combined area the multiple sign faces of the structure which is replaced or converted.
- h. Billboards may be dismantled, moved and or converted to accommodate electronic, digital, video or tri-vision technology subject to the conditions of this article.
 - 1. The face of any billboard shall not exceed six hundred seventy-two (672) square feet.
 - 2. The minimum spacing between billboards which are on the same side of the street shall be one thousand (1,000) linear feet measured on the centerline of such street (see diagram A), except along Interstate Highway 20/59, where the spacing shall be seven hundred (750) feet.
 - 3. The minimum spacing between billboards which are on opposite sides of the street shall be five hundred (500) linear feet measured on the centerline of such street (see diagram B), except along Interstate Highway 20/59, where no such minimum spacing shall apply.
 - 4. All billboards erected or converted pursuant to this chapter shall be set back from residentially zoned property as follows:
 - i. In cases where the sign area measures three hundred (300) square feet or less, no part of said sign shall be located within either:
 - i. An area extending two hundred (200) feet along the street (chord distance) from any point at which the residentially zoned property touches the street right-of-way on the same side of the street as the sign; or
 - ii. A circle sixty (60) feet in radius from any other residentially zoned property. (See diagram C.)
 - ii. In cases where the sign area measures more than three hundred (300) square feet, no part of the sign shall be located within either:
 - i. An area extending three hundred (300) feet along the street (chord distance) from any point at which the residentially zoned property touches the street right-of-way on the same side of the street as the sign; or
 - ii. A circle seventy-five (75) feet in radius from any other residentially-zoned property. (See diagram D.)
 - 5. The height of all billboards located along streets with more than three (3) moving lanes, except along Interstate Highway 20/59, shall be constructed so that the distance from the base of the sign face, to the ground measures at least eleven (11) feet, but no more than forty (40) feet. The total height of the sign, as measured from the top of the sign face to the ground, shall not be greater than sixty (60) feet; except that in all areas where the ground level is lower than the main-traveled way of the street or highway to which the sign is directed, then the maximum height shall be extended to a point which is the higher of twenty-five (25) feet above the plane of the said main-traveled way or sixty (60) feet in total height. Along Interstate Highway 20/59, the distance from the base of the sign face to the ground shall not be less than eleven (11) feet, and the height to the bottom of the lowest sign face shall not exceed seventy-five (75) feet above the ground or sixty (60) feet above the plane of the adjoining highway lanes, whichever is higher.
 - 6. The height of all billboards located along all streets with three (3) or fewer moving lanes shall be constructed so that the distance from the base of the sign face to the ground

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measures at least eleven (11) feet but no more than twenty-six (26) feet. The total height of the sign, as measured from the top of the sign face to the ground, shall not be greater than forty-five (45) feet; except that, where the ground elevation at the base of the sign is lower than elevation of the nearest point on the main-traveled way of the street or highway to which the sign is directed, then the maximum height of the billboard shall be extended to a point which is the greater of twenty-five (25) feet above the plane of the said main-traveled way at its nearest point or sixty (60) feet in total height.

7. The spacing between billboards located at street or avenue intersections shall be measured radially. The radial distance shall be measured from the center point of the intersection and the radial spacing distances shall be as set forth in subsections (4)(h)(ii) and (iii) and as set forth in subsections (4)(h)(xx)(v) relating to electronic, digital, video or tri-vision technology billboards.
8. No billboard may be mounted or displayed as a roof sign or wall sign or on any structure not intended specifically for use as a billboard.
9. No advertising may be placed on the sign structure of any billboard nor may the sign structure be larger than is reasonably necessary to support the sign. Nothing contained herein shall be construed to prohibit advertising on the face of the sign or the placing of the sign company logo upon the sign structure.
10. Signs shall not be erected or maintained which imitate, resemble, obscure or otherwise physically interfere with any official traffic sign, signal or device, nor obstruct or physically interfere with the driver's view of approaching, merging or intersecting traffic.
11. No billboard shall be located on, or project over, any public property, right-of-way, utility easement or drainage easement. No part of any billboard, including the sign face, shall extend over a building setback line or property line.
12. No billboard or component thereof shall revolve, show or allow movement or rotate, except for tri-vision boards which at all times must operate in strict conformance with subsection (4)(h), nor shall such sign contain blinking or flashing lights.
13. Lighting of billboards shall be shielded upward to prevent beams or rays from being directed at any portion of a traveled roadway or an occupied residential area and shall not be of such intensity or brilliance as to cause glare or impair vision.
14. Billboards shall be converted in strict compliance with this chapter, the Building Code of Tuscaloosa and all other federal, state and local laws and regulations pertaining thereto.
15. No face of a "V"-type billboard may protrude from the opposite face at an interior angle greater than twenty-five (25) degrees.
16. Billboards shall have not more than one area/face on each side of the sign structure except that two (2) sign faces that are side by side shall be allowed so long as the total area facing any given direction shall not exceed the maximum display area/face size allowed.
17. Billboards with two (2) sign faces that have electronic, digital, video, tri-vision or other technology installed behind the sign faces, the two (2) sign faces shall be parallel and no more than ten (10) feet apart. For billboards which do not incorporate electronic, digital, video, tri-vision or other technology, the two (2) sign faces shall be parallel and no more than five (5) feet apart.
18. Exposed back of signs, poles and other support structures must be painted white, black, dark green or dark brown presenting an attractive and finished appearance

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which will blend with natural surroundings in order to further accomplish the objectives of this chapter.

19. With the exception of section 21-29, no billboard shall be mounted, affixed or attached to a vehicle, motor vehicle or trailer and operated, maneuvered or towed in or upon any street, avenue, alley or right-of-way within the corporate limits of the city. Such prohibition shall include vehicles, motor vehicles or trailers designed and built or used specifically for and as mobile advertising billboards. For the purposes of this section, such vehicles shall not be considered delivery vehicles or vehicles used in the ordinary course of business as a means to circumvent this ordinance.
20. The use of electronic, digital, video or tri-vision technology in billboards is permitted and allowed, subject to the following limitations and additional restrictions:
 - i. Such technology shall be programmed so that the message or image on the sign changes no more often than once every eight (8) seconds.
 - ii. There shall be no effects of movement, animation, scrolling, blinking, flashing, scintillation, or similar effects in the individual images.
 - iii. Changes of image shall be instantaneous as seen by the human eye and shall not use fading, rolling, window shading, dissolving, or similar effects as part of the change.
 - iv. Electronic, digital or video technology in billboards shall use automatic level controls to reduce light levels at night and under cloudy and other darkened conditions, in accordance with the following standards. All electronic, digital or video display unit billboards shall have installed ambient-light monitors, and shall at all times allow such monitors to automatically adjust the brightness level of the electronic, digital or video billboard based on ambient light conditions. Maximum brightness levels for electronic, digital or video display billboards shall not exceed five thousand (5,000) nits when measured from the billboards face at its maximum brightness, during daylight hours, and five hundred (500) nits when measured from the billboard face at its maximum brightness between dusk and dawn, i.e. the time of day between sunset and sunrise.
 - v. No billboard using electronic, digital, video or tri-vision technology shall be converted within two thousand (2,000) feet radially of any other billboard using electronic, digital, video or tri-vision technology within the corporate limits of the city.
 - vi. Any billboard using electronic, digital or video technology which malfunctions, fails or ceases to operate in its usual or normal programmed manner causing therein motion, movement, flashing or any other similar effects, shall be disconnected or turned off within two (2) business days by the owner or operator of such billboard, provided however, if the Director of the Tuscaloosa Department of Transportation considers such malfunction to be a hazard to the health, safety and welfare of the public the director may order the sign to be turned off, disconnected or disabled immediately. The intent of this paragraph is to require the disabling of a sign on which a failure has resulted in constant or intermittent flashing or moving effects that violate this article; the requirement to disconnect or turn off the sign shall not apply to other malfunctions, including cells, LEDs or panels that simply fail to light.
 - i. The owner(s) or other person(s) in charge or control of signs, and owners or other persons in charge or control of property on which signs are located shall be responsible for assuring

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compliance with this section. Any failure or refusal to comply with this section shall be a violation and punished as provided in article XV of the Zoning Ordinance of Tuscaloosa.

j. Billboard-free areas.

1. Billboards in the billboard free zone shall be considered nonconforming and subject to the provisions of subsection 24-138(1) (Nonconforming and abandoned signs).

2. No permit shall be issued for the construction of any billboard in or along the following areas and no billboard shall be erected in or along the following billboard-free areas:

- i. Rice Mine Road as the same is depicted and shown on the Major Street Plan of Tuscaloosa.
- ii. Jack Warner Parkway as the same is depicted and shown on the Major Street Plan of Tuscaloosa. (iii) Within three hundred (300) feet, measured radially, of the property line of any public park, public playground, church, school, river bridge, or historical structure as designated by the Alabama Register of Landmarks and Heritage maintained by the Alabama Historical Commission or the National Register of Historic Places maintained by the United States Department of the Interior, or within three hundred (300) feet, measured radially, of the property line of a cemetery, except where separated from the cemetery by a U.S. highway of at least four (4) lanes. (iv) Within the area enclosed by the following boundaries. Further, no permit shall be issued for the construction of any off-site sign along the right-of-way of said enumerated boundaries unless specifically exempted herein. (v) On the north: by the Black Warrior River;
- iii. On the west: by Martin Luther King, Jr. Boulevard to the point where Martin Luther King, Jr. Boulevard intersects Jack Warner Parkway. Said boundary is then to continue along an imaginary northern extension of Martin Luther King, Jr. Boulevard to the Black Warrior River;
- iv. On the south: by the centerline of 15th Street going east from Martin Luther King, Jr. Boulevard to the old Southern Railroad right-of-way and then easterly along the old Southern Railroad right-of-way to McFarland Boulevard East; however billboards will be allowed along the way of the south side of 15th Street;
- v. On the east: by McFarland Boulevard East.

In any area designated by the city council as having significant scenic, cultural, architectural or historic value which needs to be protected. Said scenic, cultural, architectural and historic areas shall be designated from time to time in accordance with the following procedure: All applications to designate any land within the city as a scenic, cultural, architectural or historic area shall be filed with the Tuscaloosa Planning and Zoning Commission on forms provided by the city. Each application shall be accompanied by a fee of two hundred dollars (\$200.00). Written notice of said application and the hearing thereon shall be given at least ten (10) days prior to the hearing to the owners of property within such area to be so designated, as such ownership appears on the last approved and valorem tax roll. In addition, notice of such public hearing shall be published one time in the Tuscaloosa News at least ten (10) days in advance of the hearing. Also, notice by certified mail shall be given to all holders of a valid business license for advertising billboards, said notice to be sent to the address as shown on said license. After holding a public hearing, the

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planning and zoning commission shall make a recommendation to the city council either in favor of or against designating all or part of the concerned area as a scenic, cultural, architectural or historic area. Upon receipt of the recommendation of the planning and zoning commission, the city council shall hold a public hearing wherein all interested persons shall be given an opportunity to be heard. Notice of such public hearing shall be as required for the public hearing before the planning and zoning commission. The city council may thereafter by ordinance designate all or any part of said area as a scenic, cultural, architectural or historical area wherein the location, erection and maintenance of billboards is prohibited. Notwithstanding anything to the contrary contained herein, any off-site sign located in an area which, after the effective date of this article, is designated as having significant scenic, cultural, architectural or historic value, shall be allowed to remain.

- vi. Ol' Colony Road as the same is depicted and shown on the Major Street Plan of Tuscaloosa.
 - vii. New Watermelon Road as the same is depicted and shown on the Major Street Plan of Tuscaloosa.
 - viii. New eastern/northern bypass, by whatever name it is or becomes known. From Jack Warner Parkway to Rice Mine Road N.E.
 - ix. Northridge Road as the same is depicted and shown on the Major Street Plan of Tuscaloosa.
3. Billboards in the billboard-free areas may be maintained only by painting or refinishing the surface of the sign face or sign structure so as to keep the appearance of the sign as it was when the original permit for construction was issued. Upon a determination by the building official and notice to the owner of the sign that the sign has become dilapidated or structurally unsound, or the structure has been damaged to the extent of more than fifty (50) per cent as determined by the chief building official, such sign shall be removed within twenty (20) days unless an appeal of such determination is filed with the board of adjustment prior to the expiration of said twenty (20) days. In case of such an appeal, the owner shall comply with the ruling of the board of adjustment. Any structural or other substantive maintenance to an off-site sign in a billboard-free area shall be deemed an abandonment of the sign and shall result in the reclassification of the sign as an illegal sign.

SUMMARY

The petitioner is requesting a variance to alter a non-conforming billboard further than the code allows. The billboard is a non-conforming billboard due to the location of the billboard being less than 300' from a church property. Because the billboard is non-conforming, the billboard can "be maintained only by painting or refinishing the surface of the sign face or sign structure so as to keep the general appearance of the sign as it was when the original permit for construction was issued." The petitioners are requesting to alter the single-sided billboard to be a double-sided, electronic billboard. The billboard will be increased in height (57') and size (each sign face will be 14' x 48'). The sign is also located with 50' from a residentially zoned and used property. A billboard located closer than 300' to a residentially zoned property cannot be an electronic sign, even if considered a conforming billboard. The stated hardship is as follows: "Given the small lot size, land slope, and general location of the property, these parameters create an unnecessary hardship and prevent full development of the property where no other reasonable use can be made."

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Office of Urban Development, Planning Division: The proposed billboard encroaches into the setbacks. A lot consolidation will be required prior to issuance of a billboard permit if approved.

Office of Urban Development, Code Enforcement: No violations found or complaints received

Office of Urban Development, Building and Inspections Division: No comment

Infrastructure and Public Services, Engineering Division: No comment

Fire and Rescue Department, Fire Administration: No comment



ZONING BOARD OF ADJUSTMENT

PETITION APPLICATION

Last Updated, Feb 2021

Please complete all of the following required fields:

Location of Petitioned Property

Address: _____

Property Owner

Name: _____ Phone: _____ Email: _____

Address: _____ ZIP Code: _____

Petitioner (if different from owner)

Name: _____ Phone: _____ Email: _____

Address: _____ ZIP Code: _____

The Petitioner requests the following item(s) from the Zoning Board of Adjustment:

A special exception is a conditional use which the zoning ordinance expressly permits under conditions specified in the zoning ordinance. A variance is a deviation from the regulations in the zoning ordinance which requires proof of an unnecessary hardship. An appeal is a formal challenge of the zoning officer's ruling.

- Special Exception, Use Variance, Variance, Short-Term Rental, Appeal Zoning Officer's ruling

Briefly describe the variance, special exception, and/or appeal being requested:

Certification of Applicant

I certify that the foregoing facts, to the best of my knowledge, are true and correct and that except for the exception, variance, or appeal requested in this petition, the proposed construction and use complies with all requirements for the zoning district in which the property is located.

- For all requests for any variance from or special exception to a zoning requirement pertaining to a dimensional requirement or the site, a scaled site plan and/or building elevation produced by a registered land surveyor, professional engineer, or architect shall be required.

Print Name: _____ Signature: R Workman Date: _____

Please complete the applicable fields prior to application submission:

Answer the following for ALL requests:

Describe the reasons for the request and, if requesting a special exception, any extra related information. (e.g. number of parking spaces, hours of operation, etc.)

Answer the following for VARIANCE requests ONLY:

The petitioner must specifically state a hardship for the variance. Explain the ways in which the zoning regulation creates a hardship on the property. When a variance is at issue, the primary consideration is whether a literal enforcement of a zoning ordinance will result in unnecessary hardship. Explain any special circumstances or conditions that are peculiar to the land or buildings because of which a strict application of the ordinance would deprive the applicant of the reasonable use of such land or building.

Explain how the variance request is in harmony with the general purpose and intent of the regulations imposed by this ordinance on the district in which it is located and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare.

PLEASE SUBMIT AN ELECTRONIC COPY OF THIS APPLICATION AND ANY NECESSARY SUPPORTING MATERIALS TO:

Office of Urban Development:
Planning Division

2201 University Boulevard, Annex III
Tuscaloosa, AL 35401

Email: zba@tuscaloosa.com

FOR OFFICE USE ONLY:

ZBA Case Number: _____

Submission Date: _____

Zoning District: _____

Hearing Date: _____

ADDENDUM A**Digital Billboard Zoning Board of Adjustment Petition**

Stillman College is requesting permission to place a digital billboard at 3400 Stillman Boulevard at the intersection of Fosters Ferry Road and Stillman Boulevard in Tuscaloosa, Alabama. This billboard location, zoned BN, has been leased to the College in a long-term lease agreement (see lease agreement and Designation of Agent form attached) with Dockery OK, LLC and George Dockery, and is currently occupied by a one-sided static billboard.

Stillman College is requesting a variance from the billboard sign regulations to allow a double-sided, off-site sign to be installed in a nonconforming location. Given the small lot size, land slope and general location of the property (see land survey attached), these parameters create an unnecessary hardship and prevent full development of the property where no other reasonable use can be made. Our request for variance will not result in an increase in public expenditures and the proposed design has accounted for the welfare of the public. The two churches located within 300 feet of the property have submitted letters of support for the proposed billboard project (see attached) and residents of the adjoining neighborhood have signed a petition of support (see community petition attached). The topography of the land also provides a hedge of dense trees, providing a natural privacy screen for the adjoining community.

Furthermore, as the only billboard in West Tuscaloosa, a new digital billboard is needed to give our community greater access to modern technology and information. As the City of Tuscaloosa expands the Western Riverwalk development and makes other technological improvements in the Westend community, the billboard will serve as a complement to these 21st century investments. The community will gain a new community service information center and provide the community with important updates such as locations for COVID-19 vaccines and alerts for weather related emergencies like storms and tornadoes.

LOTS 33-34 AND PART OF LOTS 35-36
 PROSPECT PARK
 PLAT BOOK 2, PAGE 17
 TUSCALOOSA COUNTY, ALABAMA
 BILLBOARD LOCATION ONLY
 NOT ALL OTHER IMPROVEMENTS SHOWN

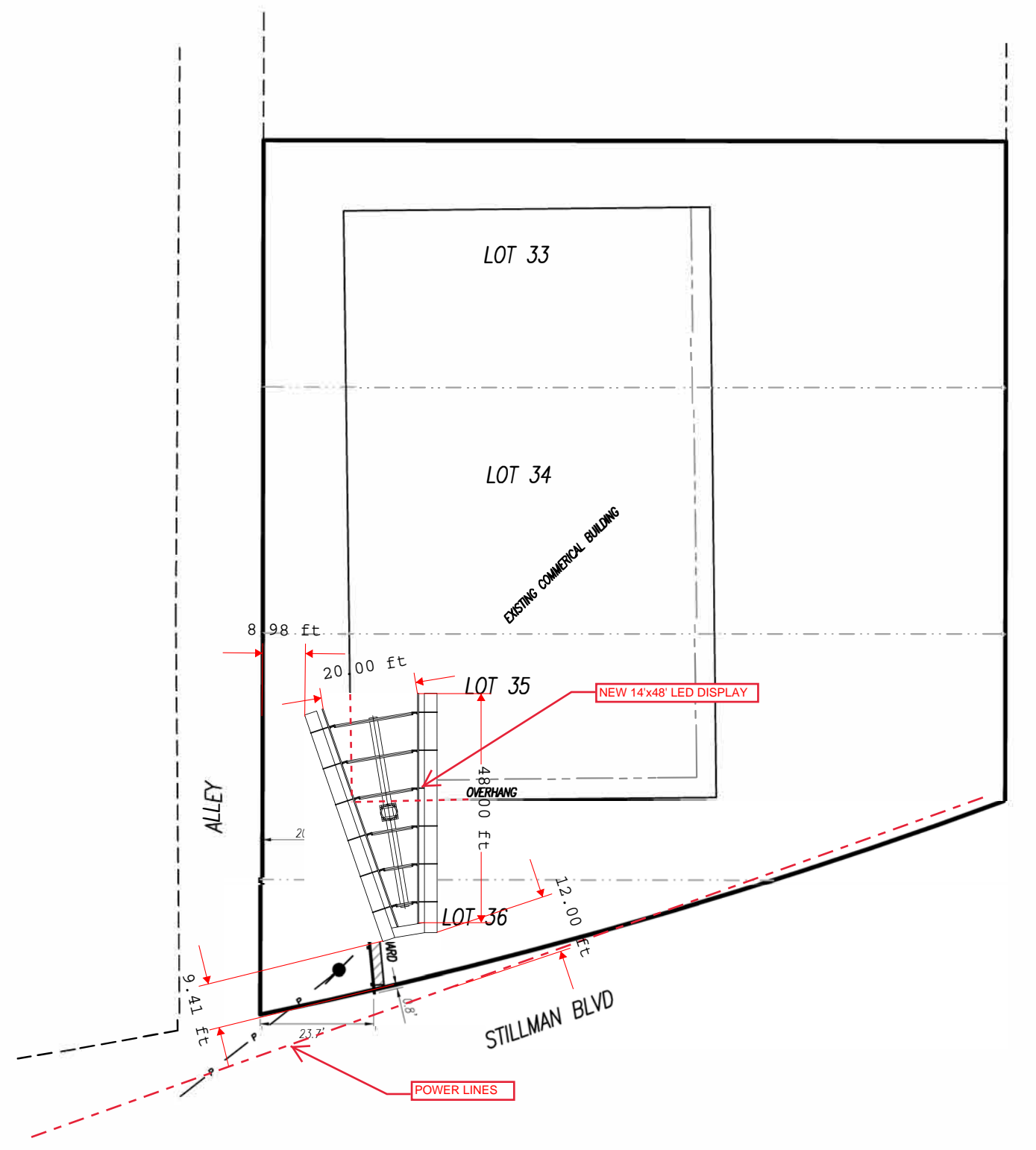
ADDRESS:
 3400 STILLMAN BLVD.
 TUSCALOOSA, ALABAMA 35401

State of Alabama
 Tuscaloosa County

I hereby certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice of Land Surveying in the State of Alabama to the best of my knowledge, information and belief.

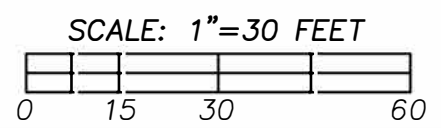
Witness my hand this the 6th day of JULY, 2021

Martin McDuff Montgomery
 Martin McDuff Montgomery, P.L.S.
 Alabama License No. 22097

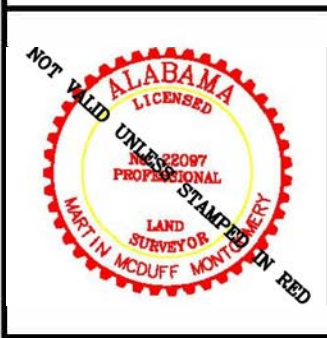


34th AVENUE

- LEGEND**
- IRON FOUND
 - 1/2" REBAR and CAP SET (CA-965-LS)
 - CONCRETE MONUMENT FOUND
 - △ CALCULATED -NOT MONUMENTED
 - () DEED and/or PLAT CALL
 - R.O.W. RIGHT-OF-WAY
 - X- FENCE LINE
 - M.B.L. MINIMUM BUILDING LINE
 - UTILITY POLE WITH POWER BOX
 - P- POWER LINE
 - _{WM} WATER METER
 - _P POWER METER
 - ▨ 4"x4" POST
 - BILLBOARD
 - ▨ CAT WALK
 - - - LINE NOT TO SCALE



BASIS OF SURVEY - GRID NORTH - ALABAMA WEST ZONE.



Montgomery and Hinkle, inc.
 Professional Land Surveyors
 marty@mhisurvey.com



203 Hargrove Road East
 Tuscaloosa, Alabama 35401
 205-454-6270
 205-792-2482

Drawn By
 S.M.B.
 Scale
 1" = 30'

Appd. By
 M.M.M.
 Source of Information
 DB 2016, PG 22334

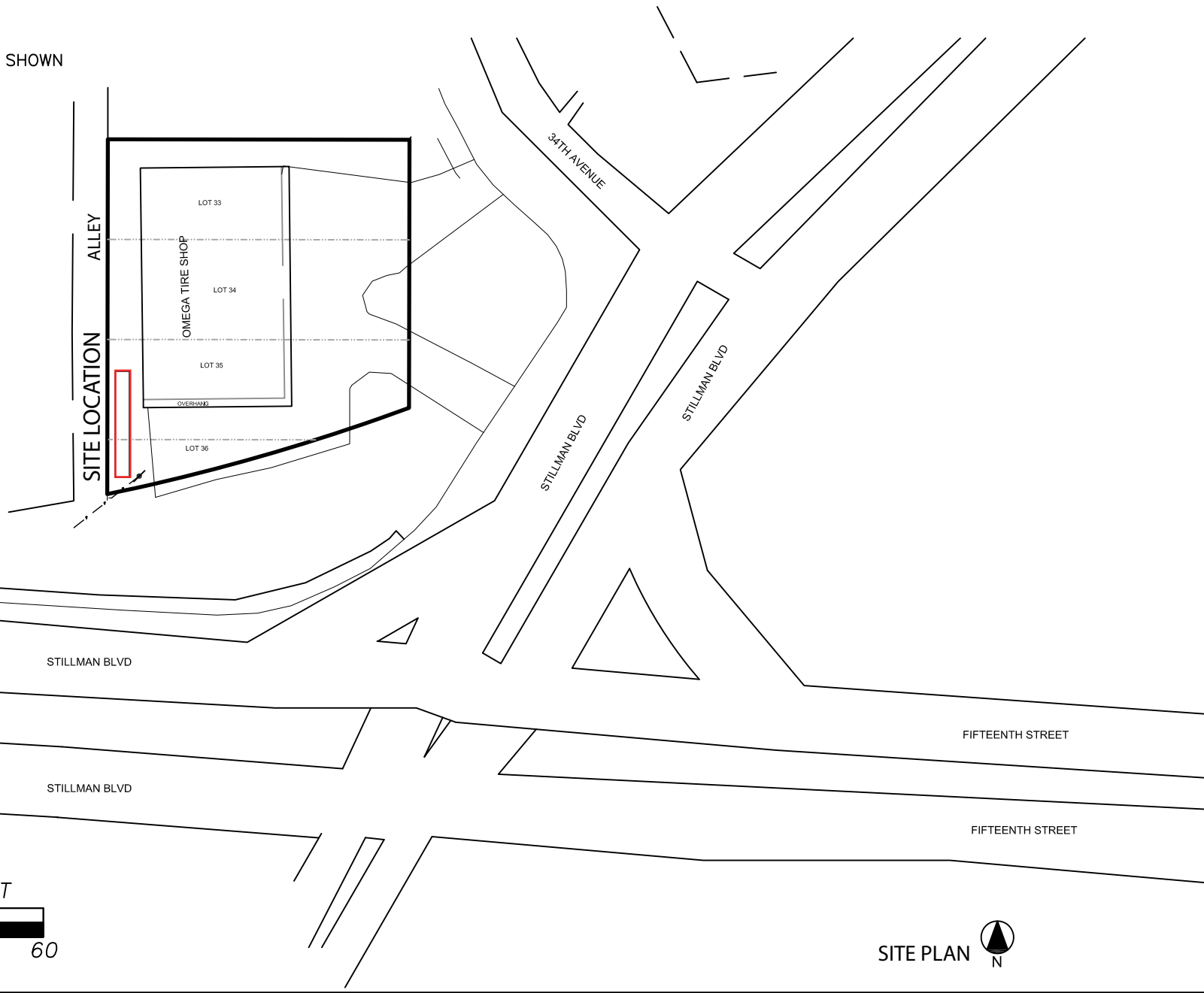
Surveyed By
 T.H.
 Survey Type
 BOUNDARY

Field Work
 07/06/2021
 Drawing No.
 2107-002.dwg

Date
 07/06/2021
 Job No.
 2107-002

LOTS 33-34 AND PART OF LOTS 35-36
PROSPECT PARK
PLAT BOOK 2, PAGE 17
TUSCALOOSA COUNTY, ALABAMA
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ADDRESS:
3400 STILLMAN BLVD.
TUSCALOOSA, ALABAMA 35401



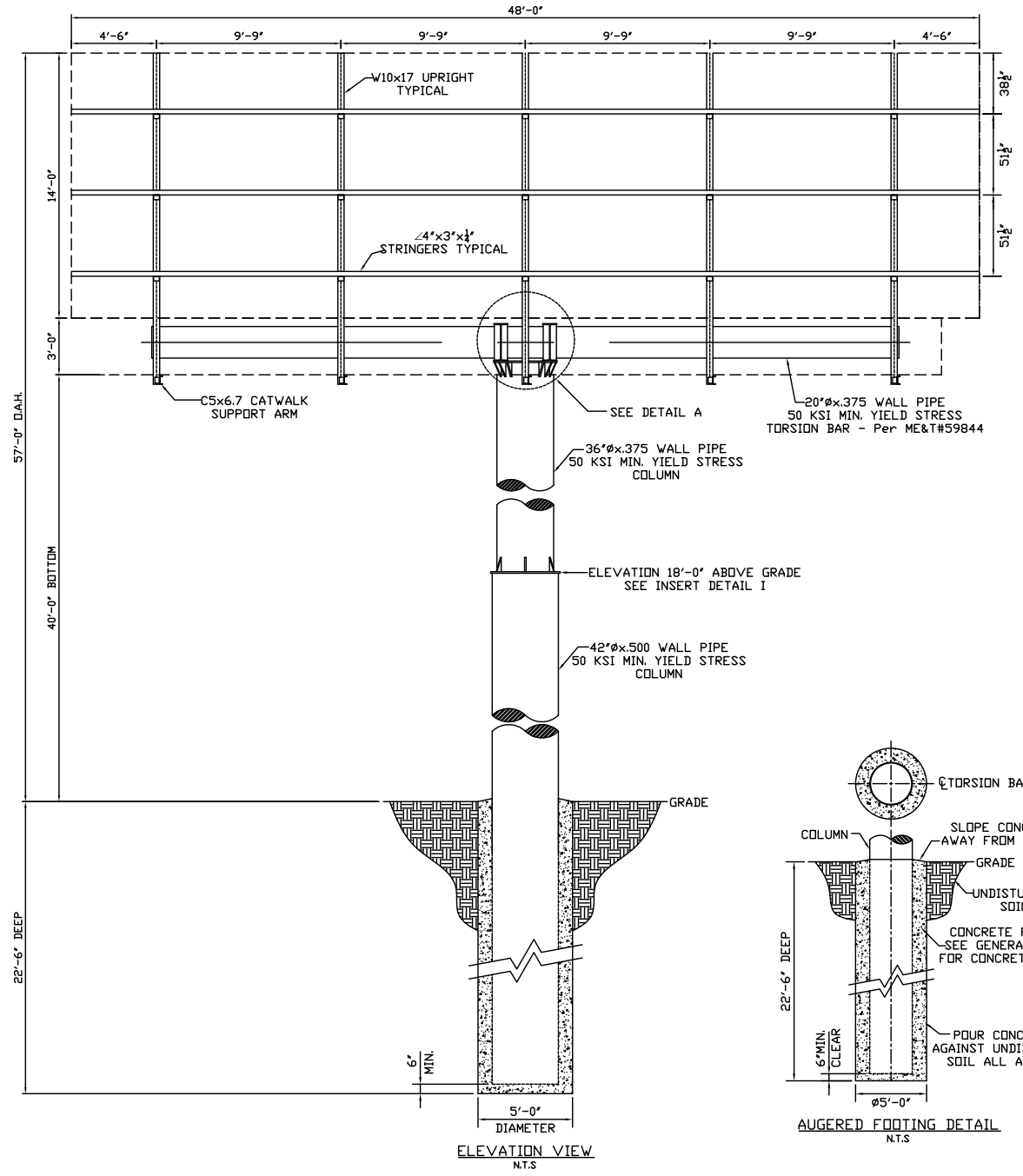
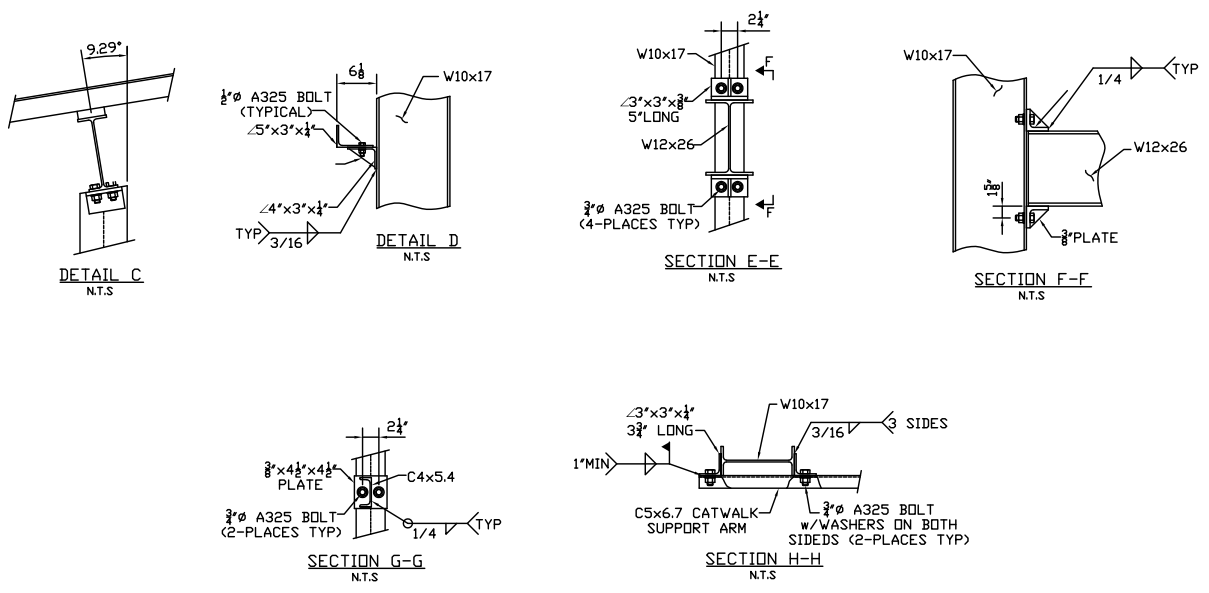
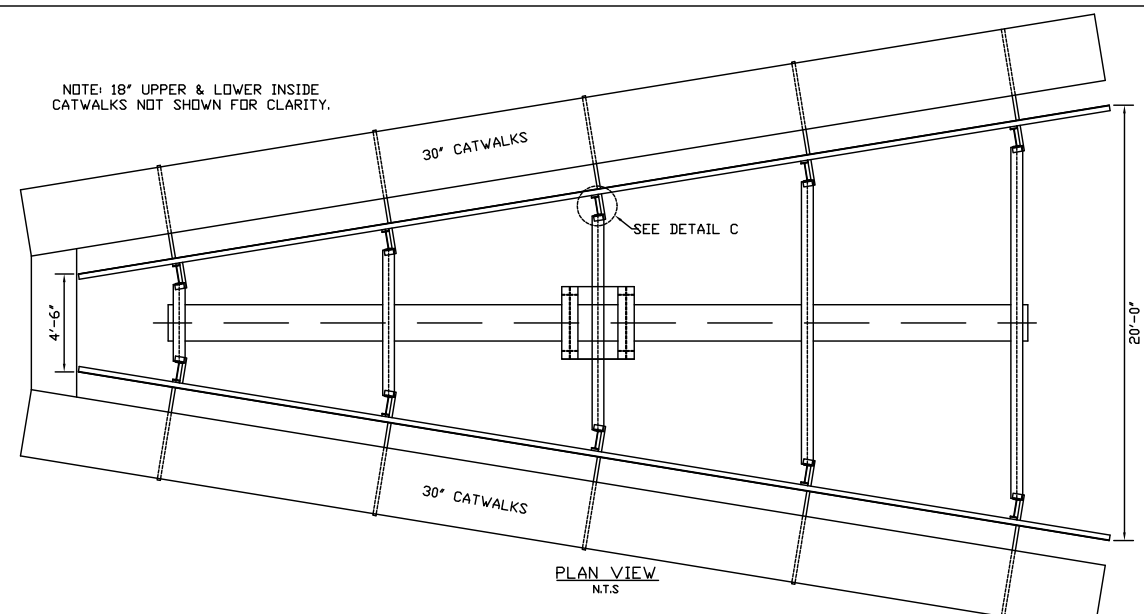
SCALE: 1"=30 FEET



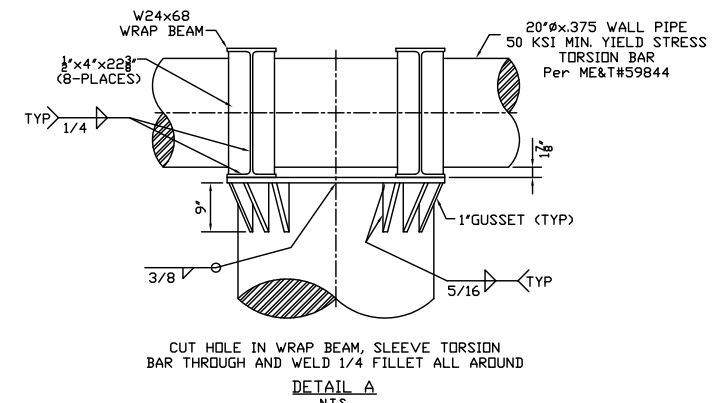
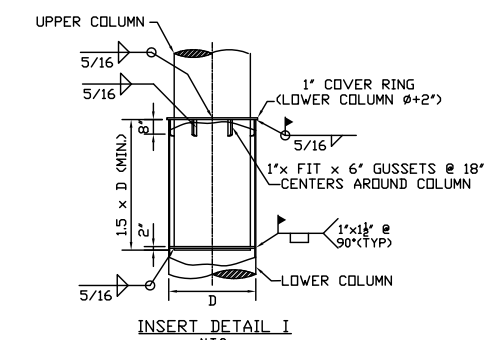
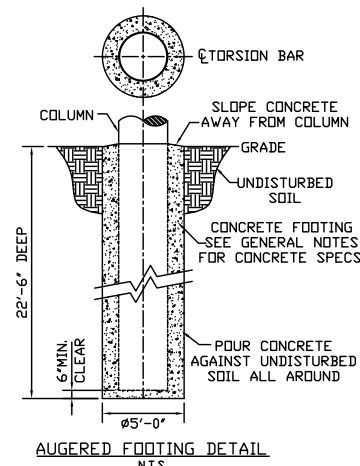
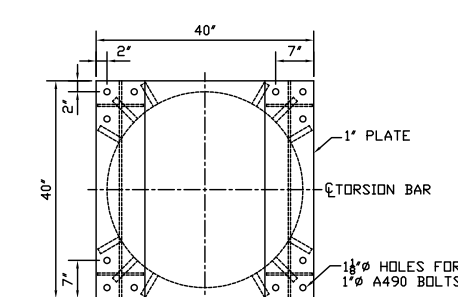
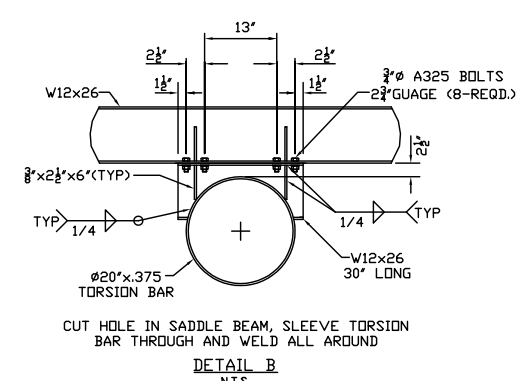
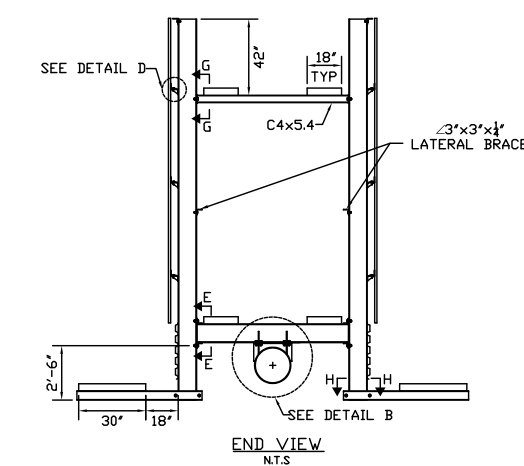
SITE LOCATION



Existing Design Elevation



NOTE:
This unit has been designed to support Two LED units weighing approx. 8000# each. LED attachments designed by others. Supports must be mounted directly to the uprights.



CAMPBELL SIGNS
7600 Unity Road Tuscaloosa, AL 35401
Phone (205) 826-5827

NOTES

- IMPORTANT-FULL FLAG COLUMN PIPE BACKSET TO BE FIELD VERIFIED PRIOR TO INSTALLATION. BACKSET TO BE IN THE DIRECTION AWAY FROM THE FLAG, TO CORRECT DEADLOAD DEFLECTION.
- PROVIDE 1/2" CAP PLATES FOR ENDS OF TORSION PIPE. PLATE TO BE WELDED, ALL AROUND, TO PIPE.
- FOUNDATION BASED ON SOIL CONDITIONS OF MEDIUM STIFF CLAY OR BETTER. (Allowable soil pressure=3000 p.s.f. of depth). CONTRACTOR TO NOTIFY ENGINEER OF RECORD IF OTHER THAN THESE SOIL CONDITIONS EXIST.
- ATTACH CATWALK ANGLES USING 1/2" Ø J-BOLT (1/4" ANGLE).
- CATWALK GRATING TO BE 3.00 PSF EXPANDED METAL GRATING, WELDED WITH 1/2" FILLET, 1" LONG @ 12" OC TO ANGLE.
- PLACE GUSSETS AS CLOSE TO HOLES AS POSSIBLE ALLOWING FOR BOLT TIGHTENING.

TYPICAL GUSSET DETAIL
(Use this criteria for all gussets.)

-Length & height of gussets to be determined by fabricator if not specified.
-Use maximum length & height possible & still allow for welding all around.
-Length of 45° chamfer to be minimum required to clear weld or fillet.

GENERAL NOTES

- All nuts and bolts are to be zinc plated. (Except A-490 bolts which are not to be plated, but primed and painted after installation).
- The contractor shall verify all dimensions and conditions in the field before fabrication or construction, and notify E.O.R. of any discrepancies.
- Any deviations from this print must be approved by E.O.R.
- All structural steel shall conform to the requirements of ASTM A-36. (Except structural tubing, which shall conform to A-500 grade B).
- All W-shape beams shall conform to A-572 (50 ksi minimum yield).
- All steel pipe shall conform to the requirements of ASTM A-53 grade B or A-252 grade 2, unless otherwise noted.
- Concrete shall attain a minimum compressive strength of f'c = 3000 psi in 28 days, unless otherwise noted.
- All structural steel shall be produced, fabricated, and erected according to latest AISC Specifications and Standard Practice.
- All welding shall be in accordance with AWS Standards. Welding to be performed by certified welders using E-70 electrodes.
- Contractor to ensure that all work is performed in accordance with federal, state, and local codes & ordinances; and OSHA safety regulations.
- Splicing of pipes having an equal diameter, wall & yield is permitted. A full penetration weld all around (Per AWS D1.1) shall be used and must be performed by a certified welder. Splices shall not be within one half of the foundation depth below grade, within 10' above grade or within 10' above telescoping splices. Unless specified otherwise.

THE UNDER SIGNED ENGINEER WILL NOT SUPERVISE THE FABRICATION AND/OR ERECTION OF THIS STRUCTURE.

APPLICABLE BUILDING CODE AND WIND SPEED:

*International Building Code (2012 / 2015),
ASCE 7-10
(115 mph Exposure-C, Risk Category II)
3-Second Gusts*

PROJECT
STILLMAN COLLEGE
14'-0" x 48'-0" CM, 20'V, @ 57'-0" O.A.H.
With two 8000# LED
Located in Tuscaloosa, Alabama

AFFIX SEAL

THIS PRINT CONTAINS PROPRIETARY INFORMATION AND SHALL NOT BE COPIED, REPRODUCED, OR ITS CONTENTS DISCLOSED, IN WHOLE OR IN PART, WITHOUT WRITTEN CONSENT.

REVISIONS

R1. Revised to: 14'-0" x 48'-0" CM, 20'V

DRAWN BY: J. Campbell
DATE DRAWN: 07/01/21
SCALE: N/A
DRAWING #: EE-2207R1
SHEET #: 1 OF 1





BILLBOARD GROUND LEASE AGREEMENT

THIS BILLBOARD GROUND LEASE AGREEMENT (this "Lease") made this th30 day of July, 2020, by and between Dockery OK, LLC and George Dockery (collectively the "Lessor"), and Stillman College (the "Lessee"):

1. **Billboard and Property.** For and in consideration of the rents, covenants, agreements and stipulations hereinafter reserved on the part of Lessee to be observed and performed, Lessor hereby leases and rents to Lessee, and Lessee leases and rents from Lessor, the property located at 3400 Stillman Blvd., more particularly described on Exhibit "A" (the "Property"), to be used to lease, erect, operate and maintain a certain outdoor advertising structure (the "Billboard").

2. **Term.** To have and to hold the same for term of twenty (20) years (the "Term") beginning on the 1st day of August, 2020 (the "Commencement Date"), unless sooner terminated as hereinafter provided (the "Termination Date").

3. **Rent.** Lessee shall pay to Lessor \$6,000.00 per annum. In the event the Lessee converts the Billboard to a digital board, then the Lessor shall receive one flip per side as additional rent post approval and permits.

4. **Utilities.** Lessee shall contract for utilities, including, without limitation, all costs, charges and deposits related to the hook-up, furnishing, consumption, maintenance and installation of all utilities. In the event that Lessee fails to (a) contract for the utilities, or (b) pay any costs or charges for or related to any of the utilities, Lessor shall be entitled, but not required, to (i) disconnect Lessee's service of utilities to the Billboard, as applicable, or (ii) pay any costs or charges for or related to any of the utilities, as applicable, including, without limitation, hook-up, furnishing, consumption, maintenance or installation costs or charges, or Lessor's estimate of such costs or charges, which shall be payable by Lessee to Lessor. Lessor shall have no liability to Lessee or any other party for any inadequacy, cessation, or interruption of any utilities. Lessee shall not install or utilize any equipment which may or will exceed or overload the capacity of any utilities furnished or servicing the Billboard.

5. **Taxes.** Lessor shall pay all ad valorem taxes assessed against the Property on which the Billboard is situated.

6. **Installation Approval.** Lessee shall submit to Lessor for Lessor's approval, which shall not be unreasonably withheld, written plans or drawings in reasonable detail notating the installation aspects of the Billboard.

7. **Repairs by Lessee.** Lessee shall, throughout the Term of the Lease, at Lessee's expense, maintain the Billboard in good order and repair and in safe, clean and attractive condition. Lessee is also granted the right to ingress and egress over and upon the Lessor's other property for the purpose of placing, maintaining, operating, removing, and replacing advertising displays on the Billboard and otherwise maintaining or utilizing the Billboard for its intended purpose.

8. **Removal of Improvements.** Lessee shall, within ninety (90) days of the expiration or termination of the Lease, remove or cause to be removed the advertising faces, sections or other appurtenances or appliances which were placed upon the Billboard by Lessee. If Lessee fails to remove the Billboard in compliance with the aforementioned, then Lessor may elect to remove the Billboard at Lessee's expense.

9. **Indemnity.** Lessee agrees to indemnify and hold harmless Lessor against any injury, expense, damage, liability or claim imposed on Lessor by any person whomsoever in any way arising out of the Lessee's use or occupancy of the Property, including any reasonable attorney's fees or court costs incurred defending against any said claim, except those damages and claims arising out of the negligence or any willful act of the Lessor.

10. **Liability Insurance.** Lessee shall procure and maintain a policy of insurance, at its own cost and expense, insuring Lessor and Lessee from all claims, demands or actions for injury to or death of any one person in an amount or not less than \$1,000,000, and for injury to or death of more than one person in any one accident in an amount not less than \$1,000,000 and for damage to the Property in an amount of not less than \$500,000 made by or on behalf of any person or persons, firm or corporation arising from, related to, or connected with the Property.

11. **Lessee Default.** It is mutually agreed that, in the event Lessee shall (a) default in the payment of Rent or any other payment or reimbursement due hereunder when due, and fails to cure said default within five (5) days of receipt of written notice of default from Lessor; (b) be in default in performing any of the terms or provisions of this Lease other than the provision requiring the payment of Rent or any other payment or reimbursement due hereunder, and fails to cure such default within thirty (30) days after the date of receipt of written notice of default from Lessor; (c) be adjudicated bankrupt; (d) have a permanent receiver appointed for the Billboard and such receiver is not removed within sixty (60) days after written notice from Lessor to Lessee to obtain such removal; (e) voluntarily or involuntarily, take advantage of any debtor relief proceedings under any present or future law, whereby the Rent or any other payment or reimbursement due hereunder, or any part thereof, is, or is proposed to be, reduced or payment thereof deferred; (f) make an assignment for benefit of creditors; or (g) have Lessee's effects levied upon or attached under process against Lessee, not satisfied or dissolved within thirty (30) days after written notice from Lessor to Lessee to obtain satisfaction thereof; then, and in any of the said foregoing events, Lessor, at Lessor's sole discretion, may, at any time within six (6) months thereafter (but only during continuance of such default or condition), terminate this Lease by written notice to Lessee; whereupon this Lease shall terminate as of the date of such notice. Upon such termination by Lessor, Lessee will remove the Billboard.

12. **Governmental Orders.** Lessee shall, at Lessee's sole expense, promptly comply with all requirements of any legally constituted public authority made necessary by reason of Lessee's occupancy. Notwithstanding anything contained in this Paragraph to the contrary, in the event that the requirement exceeds the aggregate sum of Rent for the year in which the need to perform the requirement arises, Lessee shall be entitled to elect to terminate this Lease rather than perform the requirement by giving written notice of termination to Lessor, which notice must be given within twenty (20) days after Lessee (a) becomes aware of the requirement, and (b) ascertains the approximate or exact requirement. In the event that Lessee terminates this Lease

pursuant to this Paragraph, Lessor may, within ten (10) days after such receipt of notice of termination, perform the requirement at Lessor's sole expense, in which event such termination shall be vitiated and this Lease shall continue in effect unless Lessor fails to perform the requirement within any applicable time limitation imposed by governmental authorities.

13. Condemnation. If the whole or any portion of the Property shall be condemned by any legally constituted authority for any public use or purpose, then the Term hereby granted shall cease from the time when possession thereof is taken by public authorities, and rent shall be accounted for as between Lessor and Lessee as of that date. Such termination, however, shall be without prejudice to the rights of either Lessor or Lessee to recover compensation and damage caused by condemnation from the condemner. Neither Lessee nor Lessor shall have any rights in any award made to the other by any condemning authority.

14. Assignment and Subletting. Lessee may assign this lease and/or sublet the Property without requirement of any consent of the Lessor. This Lease shall be binding on and shall inure to the benefit of the heirs, executors, administrators, successors, and assigns of the parties hereto.

15. Notices. All notices or demands with respect to this Lease shall be in writing. All notices or demands to Lessor or Lessee shall be delivered by either (a) nationally recognized courier service such as Federal Express, or (b) certified mail, return receipt requested, to the address of Lessor or Lessee specified below, or at such other place as an authorized officer of Lessor or Lessee may designate to the other in writing, and such notices or demands to Lessor or Lessee shall be deemed validly and effectively given only if and when said couriered delivery or certified letter shall be actually received by Lessor or Lessee.

LESSOR:

Dockery OK, LLC
George Dockery
16117 Carmel Bay Dr.
Northport, AL 35475

LESSEE:

Dr. Cynthia Warrick
President
Stillman College
3601 Stillman Blvd.
Tuscaloosa, AL 35401

With a copy to:
Charles A. Hardin
Hardin & Hughes, LLP
2121 14th Street
Tuscaloosa, AL 35401
Email: chardin@hardinhughes.com

16. Attorneys' Fees. Should any litigation be commenced between the parties to this Lease concerning the Property, this Lease, or the rights and duties of either in relation thereto, the party prevailing in that litigation shall be entitled, in addition to any other relief that may be granted

in the litigation, to a reasonable sum as and for that party's attorneys' fees in that litigation that shall be determined by the court in that litigation or in a separate action brought for that purpose.

17. **Governing Law.** This Lease shall be construed pursuant to the laws of the State of Alabama.

18. **Entire Agreement.** This Lease constitutes the entire agreement between the parties hereto with respect to the subject matter hereof, and no prior agreement or understanding with regard to any such matter will be effective for any purposes. No provision of this Lease may be amended or added except by agreement in writing signed by the parties hereto or their respective successors in interest.

19. **No Partnership or Joint Venture.** Nothing in this Lease shall be construed to render the Lessor in any way or for any purpose a partner, joint venturer, or associate in any relationship with Lessee other than that of Lessor and Lessee, nor shall this Lease be construed to authorize either to act as agent for the other.

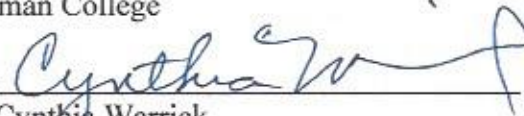
20. **Time of Essence.** Time is expressly declared to be of the essence of this Lease.

21. **Short Form Memorandum.** This lease may be recorded without Lessor or Lessee's prior written consent. Upon either parties request, the other party shall execute a short form of this Lease.

IN WITNESS WHEREOF, the parties hereto have duly executed this Lease in duplicate, individually or through their authorized officers, agents, or attorneys-in-fact, as the case may be, causing their respective seals to be affixed hereto the day and year first above written.


LESSEE:

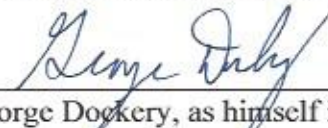
Stillman College

BY: 
Dr. Cynthia Warrick
President, Stillman College

LESSOR:

Dockery OK, LLC

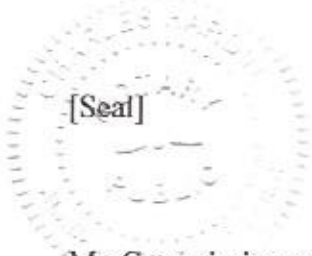
BY: 
George Dockery
Managing Partner, Dockery OK, LLC


George Dockery, as himself individually

STATE OF ALABAMA)
COUNTY OF TUSCALOOSA)

I, the undersigned authority, a Notary Public in and for said State of Alabama at Large, do hereby certify that Dr. Cynthia Warrick, in her capacity as President of Stillman College, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of this instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on this 3rd day of August, 2020.



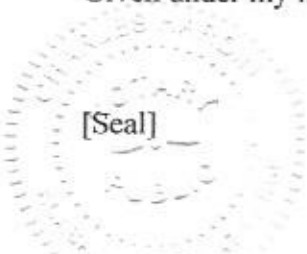
Chris Hall
Notary Public

My Commission expires: 08-07-21

STATE OF ALABAMA)
COUNTY OF TUSCALOOSA)

I, the undersigned authority, a Notary Public in and for said State of Alabama at Large, do hereby certify that George Dockery, in his capacity as Managing Partner of Dockery OK, LLC and as himself individually, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of this instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on this 30th day of July, 2020.



Chris Hall
Notary Public

My Commission expires: 08-07-21

July 2, 2021

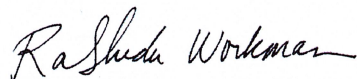
Dear Community Resident:

Stillman College is requesting permission to place a digital billboard at 3400 Stillman Boulevard at the intersection of Old Foster Ferry Road and Stillman Boulevard in Tuscaloosa, Alabama. This billboard location has been leased to the College in a long-term lease agreement and is currently occupied by a one-sided static billboard.

As the only billboard in West Tuscaloosa, we believe a new digital billboard is needed to give our community greater access to modern technology and information. The billboard will serve as a 21st century community service information center and provide the community with information on available classes at Stillman and important community events. Examples of community events that can be shared on the billboard include upcoming church events, locations for COVID-19 vaccines, and alerts for weather related emergencies like storms and tornadoes.

The College has completed its application to the City of Tuscaloosa Zoning Board of Adjustment to install the digital billboard and would like your support. Please sign the attached petition to show your support for this community project. We will present our petition during the July 26, 2021 Zoning Board of Adjustment meeting and appreciate your support of this effort.

Respectfully,



RaSheda K. Workman
Vice President for Strategic Initiatives

Petition Addresses Names

	A	B	C	D
1	917 35th Street	Sharon Woods		Yes
2	913 35th Street	Shirley Hurst		Yes
3	911 35th Street		Vacant	
4	909 35th Street	Ladonna Floyd		Yes
5	905 35th Street	Shanard Smith		Yes
6	903 35th Street			
7	934 35th Street	Clarence Hurst		Yes
8	930 35th Street	Eva McMath		Yes
9	904 35th Street		Vacant	
10	912 35th Street			
11	910 35th Street			
12	904 35th Street			
13	900 35th Street	Parfene Prewitt		Yes
14	3409 9th Street			
15	3411 9th Street			
16	3415 9th Street		Vacant	
17	905 36th Street			
18	910 36th Street		Vacant	
19	909 36th Street			
20	904 36th Street			
21	906 36th Street			
22	907 36th Street			

ST. PAUL MISSIONARY BAPTIST CHURCH
3501 Stillman Blvd.
Tuscaloosa, AL 35401

July 6, 2021

Tuscaloosa Zoning Board of Adjustments
City of Tuscaloosa

This is a letter of support for Stillman College's effort to petition the Zoning Board for a variance to allow the college to erect a digital billboard at Stillman Blvd. and the Old Foster Ferry Road intersection.

We know that the college has had a stationary billboard behind the old OK Tire Store Building for a number of years and now have an interest in moving to the 21st century with a community communication center and a digital billboard.

This billboard will provide community, church, local, state, and national news to the residents in West Tuscaloosa. This will allow for churches such as St. Paul Baptist Missionary Church to highlight events at our church as well as receive other community news announcements of special events and program activity.

Please contact us if you need additional information.

Respectfully,



Mr. Ulysses Lavender,
Chairman Trustee Board
St. Paul Baptist Missionary Church



BROWN MEMORIAL PRESBYTERIAN CHURCH (USA)

“Witnessing Through Warmth, Worship and Work”



3535 Stillman Boulevard • Tuscaloosa, Alabama 35401 • Phone: (205) 759-1477 • Fax: (205) 752-2476 • www.brownpcusa.com

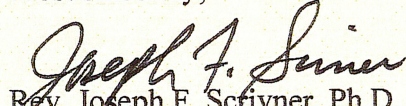
July 5, 2021

Mr. Mason Bonner
Director of Community Relations
Stillman College
3601 Stillman Blvd
Tuscaloosa, Alabama 35401

Dear Mr. Bonner,

I write on behalf of the leadership council of Brown Memorial Presbyterian Church to express our support for the proposed digital billboard. We are delighted to see this development. We believe it will enhance communication in the West Tuscaloosa community. We look forward to seeing important information in this state-of-the-art format. Please convey our support to the appropriate authorities with the City of Tuscaloosa.

Most sincerely,


Rev. Joseph F. Scriver, Ph.D.
Pastor

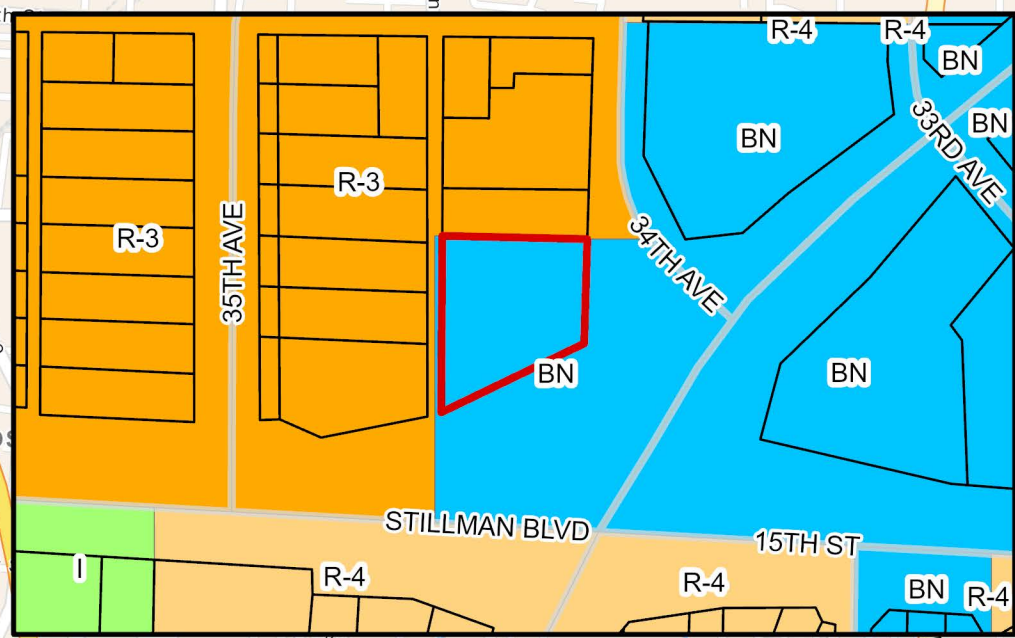
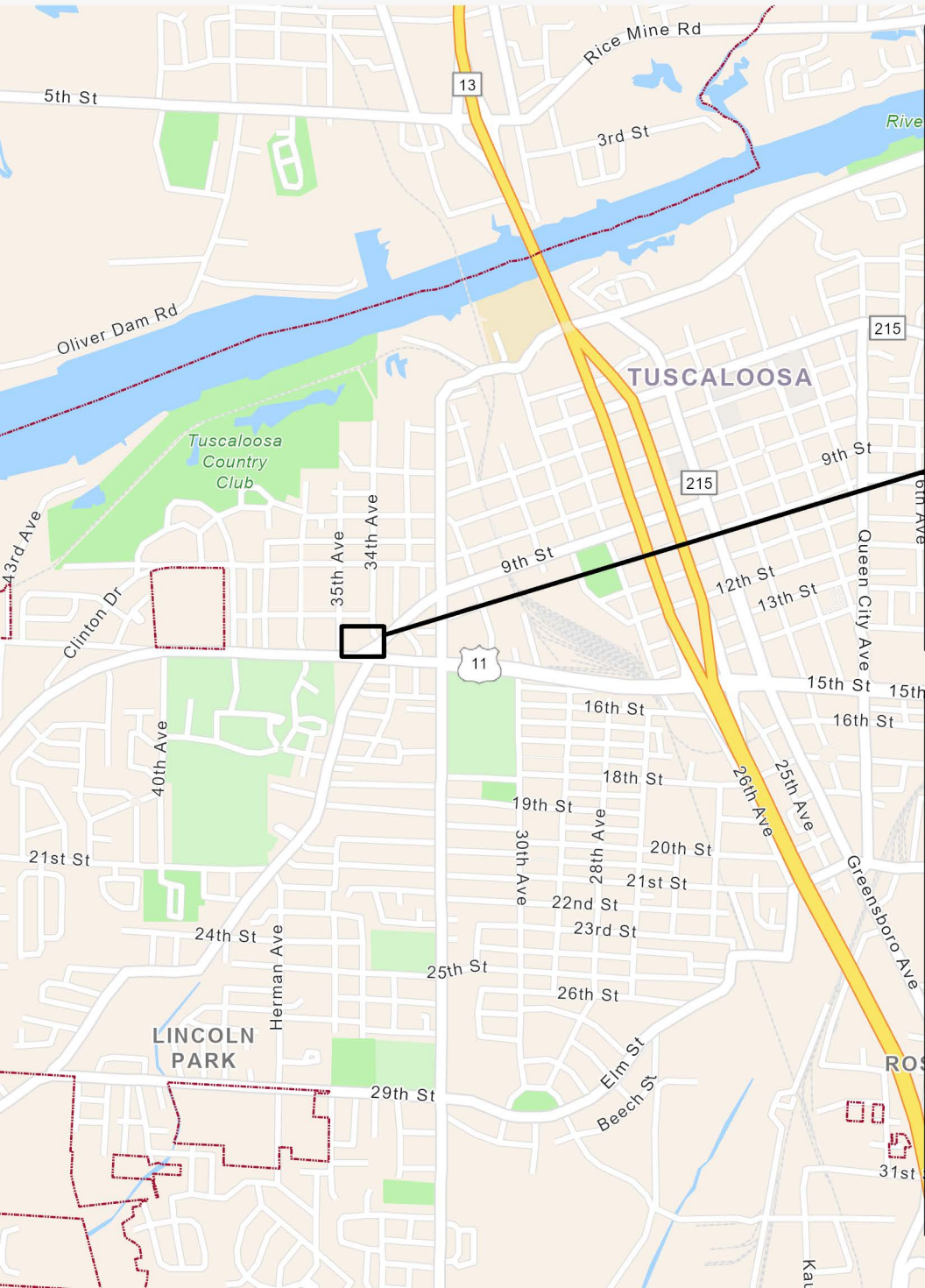
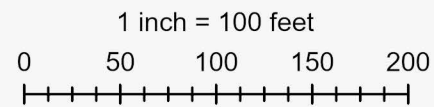
Petition to Erect a Digital Billboard

Petition summary and background	See attached letter.
Action petitioned for	We, the undersigned, are community residents who ask the Zoning Board of Adjustment to grant Stillman College a variance in order to erect a digital billboard at 3400 Stillman Boulevard.

Printed Name	Signature	Address	Date
Martha Jackson	Martha J. Jackson	Westend 8128 ³⁴ Ave	7/6/21
Dennis Jackson	Dennis Jackson	Westend 828 ³⁴ Ave	7/6/21
Marixa Jackson	Marixa Jackson	West End 31 Ave	7-6-21
Justin Bgan	Justin Bgan	811 34th Ave	7/16/21
Jessie Bailey	Jessie Bailey	803 ht 34 Ave	7-6-21
Andrea Jackson	Andrea Jackson	808 34 Ave	7-6-21
Amanda Thompson	Amanda Thompson	West End	7-6-21
Dante Jackson	Dante Jackson	West End	7-6-21
Shelby Jackson	Shelby Jackson	2704 25 th Street	7/16/21
Joshua Baker	Joshua Baker	2704 25 th Street	7/16/21
Flannigan Tubbs	Flannigan Tubbs	3107 17 th Street	7-6-21
Delores Tubbs	Delores Tubbs	3107 17 th Street	7-6-21

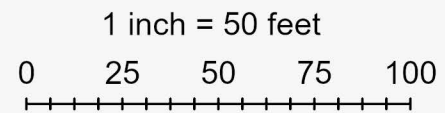


ZBA-66-21: 3400 Stillman Boulevard





ZBA-66-21: 3400 Stillman Boulevard



 ZBA-66-21

 **MICHELIN**
BF Goodrich
Tires


VISIT WWW.STILLMAN.COM
OR CALL (205) 366-8888
FOR MORE INFORMATION
FOLLOW US ON SOCIAL MEDIA
#OFFICIALSTILLMAN

ALABAMA EXPRESS TIRE

205 632 3904

Mastercraft
TIRES



 **MICHELIN**

BF Goodrich
Tires


VISIT WWW.
OR CALL
FOR MORE
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FOLLOW US ON
FACEBOOK

STILLMAN
(205) 366-8
INFORMATION

ALABAMA EXPRESS TIRE

205-632-3904

Mastercraft
TIRES





USE
TIRE

STILLMAN
VISIT WWW.STILLMAN.E
OR CALL (205) 366-88
FOR MORE INFORMATION
FOLLOW US ON SOCIAL MEDIA
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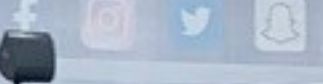


BFC





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STILLMAN
VISIT WWW.STILLMAN.EDU
OR CALL (205) 366-8817
FOR MORE INFORMATION
FOLLOW US ON SOCIAL MEDIA
@OFFICIALSTILLMAN

The billboard features a photograph of four graduates in black caps and gowns with blue and white stoles. The text on the right side of the billboard provides contact information and social media handles. The billboard is supported by a blue metal frame with four legs and has four spotlights mounted on the top edge.



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NEW & USED
TIRES