



CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ENGINEERING

70 E. MONROE STREET › FRANKLIN, INDIANA 46181 › 877.736.3631 › FAX 317.736.5310 › www.franklin.in.gov/planning

BZA Staff Report

To: Board of Zoning Appeals Members

From: Alex Getchell, Associate Planner

Date: July 30, 2014

Re: Case ZB 2014-09 (V) Burger King

REQUEST:

Case ZB 2014-09 (V)...Burger King. A request for variances from the City of Franklin Zoning Ordinance, Article 8, Chapter 3, to allow signage with a total area of 223.78 sq.ft. to be provided at 1079 N. Morton Street. The property is located in the MXC (Mixed-Use: Community Center) and GW-OL (Gateway Overlay) zoning districts. The property is located at 1079 N. Morton St.

PURPOSE OF STANDARD:

The "MXC", Mixed-Use: Community Center zoning district is intended to provide locations for a variety of small-to-mid-sized business and institutional facilities that serve the entire Franklin-area community. This district should be used alone, and in combination with other zoning district to create areas for community shopping, entertainment, services, and public gatherings.

The intent of the Gateway Overlay (GW-OL) district is to require development at the City's entrances that is aesthetically consistent, responsive to development pressures, and proportional to the area's traffic management issues.

CONSIDERATIONS:

Recent History & Existing Facility

1. The petitioner recently completed a remodel of their facility at 1079 N. Morton Street, which included a completely new façade on the building.
2. In addition to the remodel, the petitioner updated the signage provided at their facility. The square "Burger King" sign cabinet previously on the freestanding sign has been replaced with a round logo, and the "Burger King" raceway sign previously mounted on the wall/roof of the front of the building has been replaced with a round logo sign cabinet. Each sign was replaced, to match original sign area.
3. Current total sign area = 160 sq. ft.
 - a. Freestanding Sign
 1. 10' diameter Burger King logo = 100 sq. ft.
 2. 4' x 6' Changeable copy sign = 24 sq. ft.
 - b. Wall Sign
 1. 6' diameter Burger King logo = 36 sq. ft.
4. Current signage area is considered legal non-conforming, as previous signage was permitted up to 160 sq. ft. in area, before the current zoning ordinance was amended to now only allow 88 sq. ft.

Additional Signage Requested

5. Petitioner is requesting an additional 6' diameter (36 sq. ft.) Burger King logo wall sign on the south façade, above the entrance, as well as, a letter set for "Home of the Whopper" (27.78 sq. ft.) on top of the canopy above that same entrance. See the attached documents for specifications of each sign.
6. Article 8.3 outlines requirements for signage:
 - a. Maximum total sign area = 2 sq.ft. per 1 ft. of building frontage
 1. Building frontage = 44 ft. Maximum total sign area = 88 sq.ft.
 2. Legal non-conforming and current total sign area = 160 sq. ft.
 3. Additional sign area requested = 63.78 sq. ft.
 4. TOTAL requested sign area = 223.78 sq.ft.
 - b. Total number of permitted signs = 5
 1. Proposed number of signs = 4

Signage in General Vicinity

7. White Castle, 1129 N. Morton Street, received sign permits in 2008 for a freestanding sign 84 sq. ft. and three wall signs totaling 123 sq. ft, for a grand total of 207 sq. ft. of sign area.
8. McDonalds, 1139 N. Morton Street, received BZA variance approval in May 2011, to allow a total sign area of 477 sq. ft.; however, 395 sq. ft. of the total sign area included the legal non-conforming freestanding "golden arches" sign.
9. Dairy Queen, 480 N. Morton Street, received BZA variance approval in June 2006, to allow a freestanding sign up to 90.05 sq. ft. in sign area, with existing wall signage area at 95.54 sq. ft., for a total of 185.59 sq. ft.
10. Wendy's Restaurant, 490 N. Morton Street, received sign permits in 1994 for a freestanding sign 198 sq. ft. and a wall sign 48 sq. ft. in area, for a total of 246 sq. ft.
11. Jimmy John's, 980 N. Morton Street, received sign permits in 2012 for a freestanding sign 64 sq. ft. and four wall signs totaling 108.56, for a grand total of 172.56 sq. ft. of sign area.
12. Arby's Restaurant, 1400 N. Morton Street, received a sign permit in 1994 for a freestanding sign 113 sq. ft., and in 2010, three wall signs totaling 42 sq. ft., for a grand total of 155 sq. ft. of sign area.

Comprehensive Plan

13. The 2013 Franklin Comprehensive Plan, Land Use Plan, identifies this area as Community Activity Center. "Community activity centers are intended as areas of mixed land uses that provide gathering places and goods and services for the entire community. Community activity centers may include churches, schools, community parks, grocery stores, gas stations, shopping centers, offices, banks, and restaurants. Community activity centers may also include residences located on the upper floors of otherwise commercial buildings. Community activity centers are generally located along major streets and at prominent intersections where they are readily accessible by people from throughout the community."
14. According to the 2013 Franklin Comprehensive Plan, Land Use Plan, Design Features for Community Activity Centers: "should be designed as centers, rather than strips, of activity. Curb cuts onto major roads should be limited and internal drives should connect all individual businesses with each other. Pedestrian routes should provide safe, convenient, and pleasant access between street sidewalks and internal walks. Ample outdoor furniture, window displays, and public art are encouraged in these areas. Parking areas, mechanical areas, and trash areas should be carefully

designed to be screened from the view of residential areas. Parking lots should include ample landscaping both at the perimeter and within each lot. Adjacent residential areas should be provided with vehicle and pedestrian access to community activity centers, but should be buffered from view with landscaping and other site features.”

Zoning Ordinance

- 15. The definition of a practical difficulty, according to the 2004 City of Franklin Zoning Ordinance is: A difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is a situation where the owner could comply with the regulations within the Zoning Ordinance, but would like a variance from the Developmental Standards to improve his/her site in practical manner. For instance, a person may request a variance from a side yard setback due to a large tree that is blocking the only location that would meet the Development Standards for a new garage location.
- 16. According to Article 2.5: A special exception or variance ceases to be authorized and is expired if the obtaining of an Improvement Location Permit, or the execution of the approval has not been completed within 1 year of the date the variance or special exception is granted. The variance or special exception shall also expire if the approved construction has not been completed and approved by the Planning Director as being consistent with all written commitments or conditions, the requirements of this Ordinance, and all applicable permits within 2 years of the date the approval is granted.
- 17. The surrounding zoning and land uses are as follows:

Surrounding Zoning:

North: MXC, Mixed-Use: Community Center & GW-OL
 South: IN, Institutional & GW-OL
 East: MXC, Mixed-Use: Community Center & GW-OL
 West: MXC, Mixed-Use: Community Center & GW-OL

Surrounding Land Use:

North: Personal Services/Office Use
 South: Franklin Comm. Schools Admin Bldg.
 East: Car Wash
 West: Retail Use, Goodwill

CRITERIA FOR DECISIONS – DEVELOPMENT STANDARDS VARIANCE:

(The petitioner will need to address the Criteria for Decisions in their presentation**)**

In taking action on all special exception and variance requests, the Board of Zoning Appeals shall use the following decision criteria, consistent with the requirements of the Indiana Code. The Board may grant a special exception and a variance from development standards and limitations of this Ordinance if, after a public hearing, it makes findings of facts in writing (consistent with IC 36-7-4-918.5) that:

DECISION CRITERIA – DEVELOPMENT STANDARDS VARIANCE

- 1. *General Welfare: The approval (will or will not) be injurious to the public health, safety, morals, and general welfare of the community.*

Staff Finding:

Staff finds that the approval of the variance will not be injurious to the public health, safety, morals, or general welfare of the community as the petitioner is proposing to install signage that is consistent with signage in the general vicinity and similar uses along N. Morton Street. Approval of the proposed signage on the south façade of the building will help passing motorists traveling northbound identify the Burger King building and could serve to prevent last-second turns/braking while entering the property.

2. ***Adjacent Property: The use and value of the area adjacent to the property included in the variance (will or will not) be affected in a substantially adverse manner.***

Staff Finding:

Commercial uses, specifically fast-food restaurant uses, are common to the general vicinity and are developed with similar signage types and sizes. Approval of this request would not adversely affect any adjacent properties or uses.

3. ***Practical Difficulty: The strict application of the terms of the ordinance (will or will not) result in a practical difficulty in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.***

Staff Finding:

The strict application of the ordinance will result in a practical difficulty, as Burger King would not be able to brand the store with the “Home of the Whopper” text, to match the national advertising campaign. Moreover, currently there is no signage on the south façade of the building, to direct northbound traffic to the store. Approval of the variance would allow a reasonably sized and practical signage improvement to the Burger King store, which is similar in size and nature to other fast-food chains in the general vicinity.

Please Note: The City of Franklin Board of Zoning Appeals may impose reasonable conditions as part of its approval.

STAFF RECOMMENDATION – DEVELOPMENT STANDARDS VARIANCE

Based on the written findings above, staff recommends **conditional approval** of the development standards variance.

If the Board finds sufficient evidence to approve the proposed development standards variance, staff would recommend the following conditions be placed on the approval:

1. Sign permits shall be obtained prior to construction.

- ### KF NOTES
1. PROVIDE BLOCKING FOR NEW CANOPY ATTACHMENT, COORDINATE WITH DETAILS ON A5.1.
 2. FIBER CEMENT SIDING PANELS OVER EXISTING EXTERIOR WALL SYSTEM. PROVIDE NEW FRAMING/SHEATHING AS REQ'D.
 3. SUSPENDED CANOPY ABOVE WINDOWS.
 4. PROVIDE FIBER CEMENT SIDING PANEL WITH BRICK PATTERN IN THIS AREA, PAINTED TO MATCH EP-4.
 5. NEW SIGNAGE, COORDINATE POWER REQUIREMENTS.
 6. NEW LED LIGHTED BAND ASSEMBLY.
 7. PROVIDE NEW ADA BOTTOM RAIL RETROFIT KIT ON EXISTING ALUMINUM DOOR.
 8. NICHHA FIBER CEMENT PANELS, 18" X 6", STACKED BOND PATTERN, PAINTED TO MATCH EP-2, CAMEL TAN.
 9. EXISTING ALUMINUM STOREFRONT WINDOW SYSTEM.
 10. NEW DOOR AND FRAME, PAINT AS SHOWN.
 11. SUSPENDED CANOPY, SEE DETAIL ON SHEET A5.1. COORDINATE POWER REQUIREMENTS.
 12. NEW ARCHON WALL WITH STONE VENEER FINISH BRACED TO ROOF SYSTEM. SEE WALL SECTIONS.
 13. NEW EXTERIOR LIGHT FIXTURE, PROVIDE ELECTRICAL ROUGH-IN AS REQUIRED. WIRE INTO EXISTING EXTERIOR LIGHTING CIRCUIT.

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DRAWN BY: SNK
CHECKED BY: SNK
CLIENT SIGN OFF: SNK
ISSUE DATE: FEBRUARY 21, 2014

REVISIONS

NO.	DATE	DESCRIPTION
03-31-2014		

CITY REVIEW

CERTIFICATION

W. CURRAN
ARCHITECT
NO. AR1900043
DATE: 02/21/14

RENOVATIONS TO:
BURGER KING # 7447
1079 N. MORTON STREET
FRANKLIN, IN 46131

PROJ# 140020

A2.2



1 SIDE ELEVATION
1/4" = 1'-0"

2 SIDE ELEVATION
1/4" = 1'-0"

4 REAR ELEVATION
1/4" = 1'-0"

3 FRONT ELEVATION
1/4" = 1'-0"

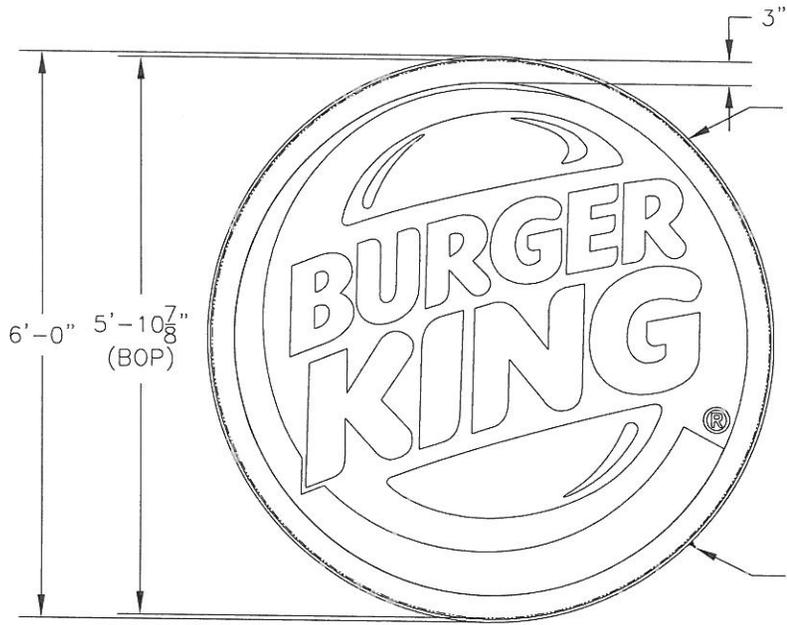


REV	DATE	DESCRIPTION

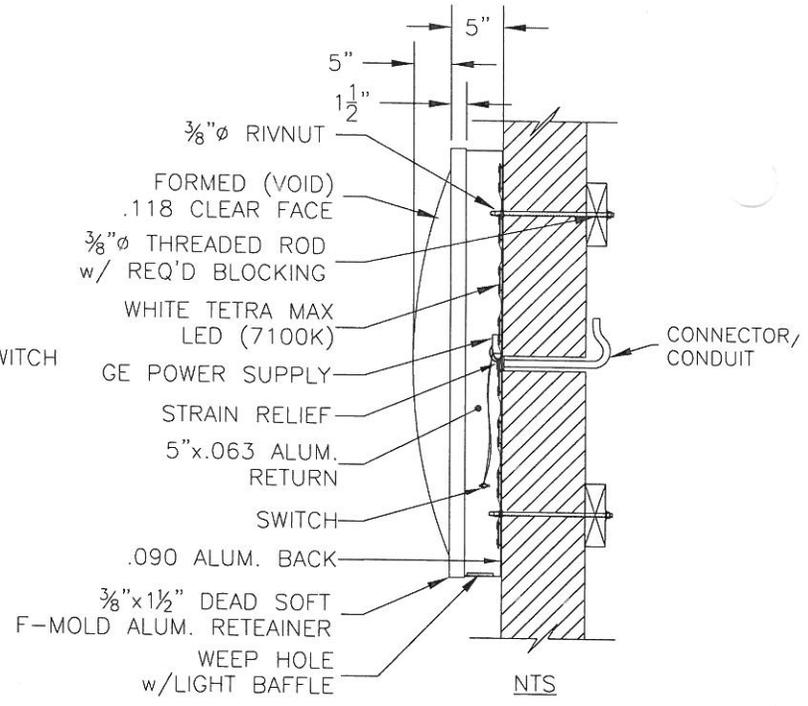
S-1.1L6
 6' LED Illuminate
 Single Face Wall Sig
 Revised 02/07/201
 page 14 of 9

36#

LOGO
 28.3 SQUARE FEET



3/8" x 1 1/2" DEAD SOFT F-MOLD ALUM. RETAINER ATTACHED WITH (2) 1/8" POP-RIVETS LOCATED AT THE SEAM AT THE TOP OF THE CABINET AND GLUED EVERY OTHER FOOT WITH DEVCON PLASTIC WELDER 14320



COLOR NOTES:

- BACKS: .090 ALUM. w/ WHITE FINISH
- RETURNS/ RETAINER: 5" x .063 ALUM. (STAPLED & CAULKED)
- PRE-FINISHED BK SILVER/ WHITE
- FACE: FORMED (VOID) .118 CLEAR PCB
- BUN LOGO: 3630-125 YELLOW
- ACCENT RING: 3630-8703 BLUE
- COPY/ RTM: 3630-33 RED
- BKG'D/ BUN ACCENT: 3635-30 WHITE DIFFUSER
- ILLUMINATION: GE TETRA MAX (7100K)
- ***VINYL TO BE APPLIED 2nd SURFACE***

ELECTRICAL NOTE-Actual # of circuits to be determined by a Licensed Electrical Contractor.
 TOTAL AMPS: 1.70
 # OF CKTS: 1 20 AMP(RECOMMENDED)
 VOLTS: 120
 ALL SIGNAGE WILL BE (U.L.) LISTED, (U.L.) 2161
 COMPLIANT AND CARRY (U.L.) LABELS.

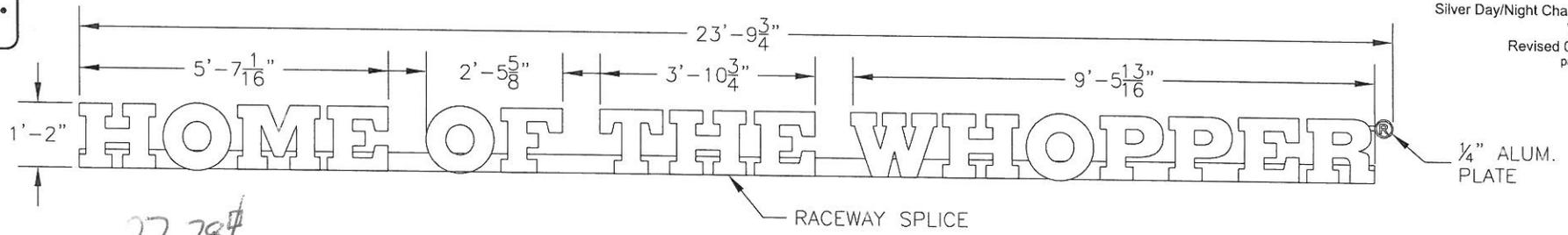
Note: BURGER KING® or BURGER KING® Buns and Crescent Logo to use "®" for all locations globally. All other marks will use "TM".



*NOTE:
 INSTALL TOGGLE SWITCH TO OPERATE (ON/OFF) IN THE HORIZONTAL POSITION.



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		<input type="checkbox"/> Approved <input type="checkbox"/> Revise & Resubmit	Title _____ Date _____



27.784

COLOR NOTES:

- BACKS: .063 ALUM. PAINT BACKS BRUSHED ALUM. SILVER PAINT INSIDE LEP WHITE
- RETURNS: 3"x.040 PAINTED BRUSHED ALUM. SILVER/WHITE (STAPLE & CAULK)
- TRIM CAP: 1" SILVER JEWELITE TO MATCH RETURNS
- FACE: .125 7328 WHITE PCB w/ SILVER PERFORATED DAY/NIGHT VINYL TO BE APPLIED 1st SURFACE
- RTM: 1/4" ALUM. PAINTED BRUSH ALUM. w/ 2793 RED VINYL COPY
- RACEWAY: .090 ALUM. PAINTED BRUSHED ALUM. SILVER
- ILLUMINATION: WHITE GE TETRA MAX LED'S (7100K)

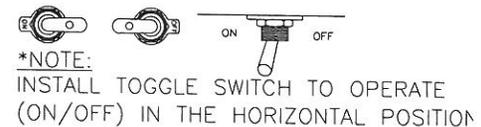
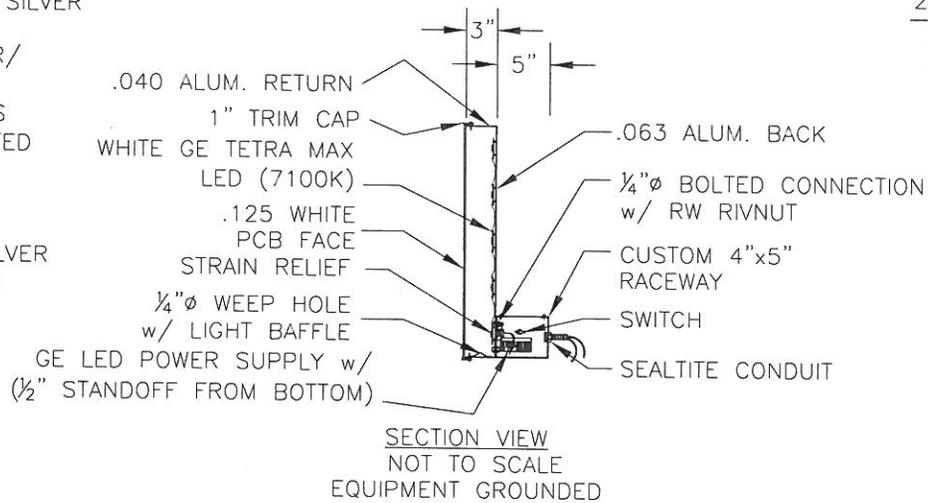
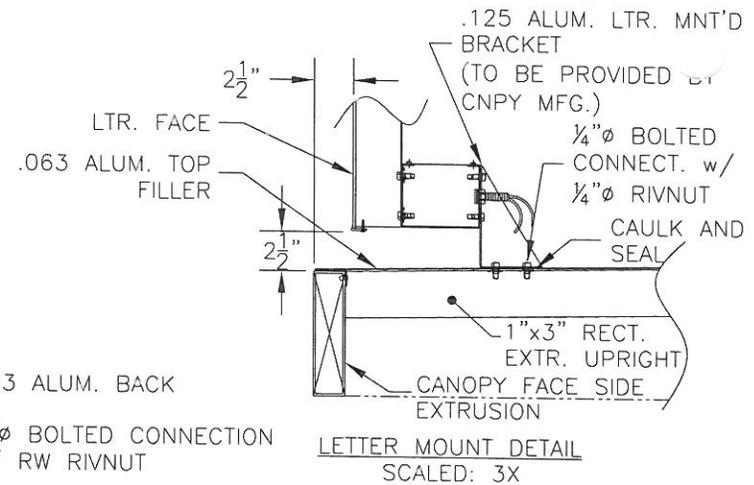
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Project Information

BURGER KING
Custom Exterior Signage Systems
File Burger King Design Doc RFP 81 Design Date: 12/8/2011

Client Review Status

Burger King requires that an "Approved" drawing be obtained from the client prior to any production release or production release revision.

- Approved
- Revise & Resubmit

Name _____
Title _____
Date _____



Tetra® LED Systems		MATERIAL ESTIMATE					Drwg #:																																																																								
CUSTOMER INFORMATION		*** SPECIAL INSTRUCTIONS					TETRA® Product***																																																																								
REF.	Burger King Sign Document 2011	PwrMAX 18" OC; TO BE INSTALLED @ 6" OC					White PowerMAX (71K)																																																																								
<p>1) THE GRAPHICS BELOW ARE FOR REFERENCE ONLY and should not be used for commercial quotation or bid without validation. The material estimates for Tetra® LED Systems are based upon our engineering standards and information provided pertaining to font, letter height, can depth, face material, and any special instructions provided by the customer. Missing information will cause delays in delivery of estimate as well as affect product selection, quantities, application, and illumination.</p> <p>2) LED MODULE PLACEMENT AND QUANTITY IS AN APPROXIMATION ONLY. The sign manufacturer <u>must</u> verify module placement and quantity to ensure even illumination.</p> <p>3) Final material quantities for estimation purposes and construction are the responsibility of the sign OEM.</p> <p>4) All signs should be tested as complete units (including correct Tetra® power supply) before installation for acceptable color, illumination, intensity & functionality.</p> <p>5) For detailed information and instructions refer to the applicable Tetra® product found under Signage at: WWW.LED.COM</p>		<p>MATERIAL LIST</p> <table border="1"> <tr> <td>LED Module</td> <td>GEWHPMTLS-71K</td> <td>122 Mod.</td> <td>61 ft.</td> </tr> <tr> <td rowspan="2">Power Supply</td> <td>GEPS12-60</td> <td></td> <td>2 Ea.</td> </tr> <tr> <td>GEPS12-20</td> <td></td> <td>0 Ea.</td> </tr> <tr> <td>Connector</td> <td>191600041</td> <td></td> <td>68 Ea.</td> </tr> <tr> <td>Supply Wire</td> <td>9409</td> <td></td> <td>100 Ft.</td> </tr> <tr> <td>End Cap</td> <td>USE 191600041</td> <td></td> <td>34 Ea.</td> </tr> </table>		LED Module	GEWHPMTLS-71K	122 Mod.	61 ft.	Power Supply	GEPS12-60		2 Ea.	GEPS12-20		0 Ea.	Connector	191600041		68 Ea.	Supply Wire	9409		100 Ft.	End Cap	USE 191600041		34 Ea.	<p>MATERIAL BREAKDOWN</p> <table border="1"> <thead> <tr> <th>WHITE (71K)</th> <th>Modules</th> <th>P/S</th> </tr> </thead> <tbody> <tr><td>H</td><td>9.0</td><td></td></tr> <tr><td>O</td><td>7.0</td><td></td></tr> <tr><td>M</td><td>10.0</td><td></td></tr> <tr><td>E</td><td>7.0</td><td>1</td></tr> <tr><td>O</td><td>7.0</td><td></td></tr> <tr><td>F</td><td>6.0</td><td></td></tr> <tr><td>T</td><td>6.0</td><td></td></tr> <tr><td>H</td><td>9.0</td><td></td></tr> <tr><td>E</td><td>7.0</td><td></td></tr> <tr><td>W</td><td>9.0</td><td></td></tr> <tr><td>H</td><td>9.0</td><td></td></tr> <tr><td>O</td><td>7.0</td><td>1</td></tr> <tr><td>P</td><td>7.0</td><td></td></tr> <tr><td>P</td><td>7.0</td><td></td></tr> <tr><td>E</td><td>7.0</td><td></td></tr> <tr><td>R</td><td>8.0</td><td></td></tr> </tbody> </table>		WHITE (71K)	Modules	P/S	H	9.0		O	7.0		M	10.0		E	7.0	1	O	7.0		F	6.0		T	6.0		H	9.0		E	7.0		W	9.0		H	9.0		O	7.0	1	P	7.0		P	7.0		E	7.0		R	8.0	
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Tetra® LED Systems		Lighting Solutions		TECH SUPPORT: 888-694-3533 / 216-266-2419 EMAIL: TETRADRAWINGS@BGE.COM E-FAK: 216-359-0075		Drawn By: MM Checked By: MM Date: 11/16/11	Drwg #: 019455 - 11 Rev: - FORM REV 11-27-11																																																																								
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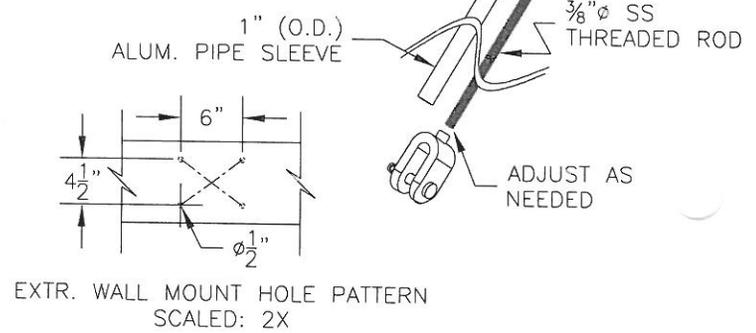
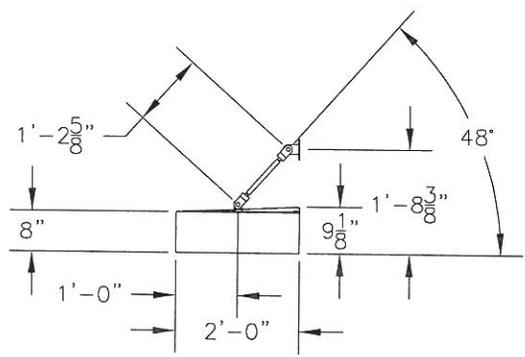
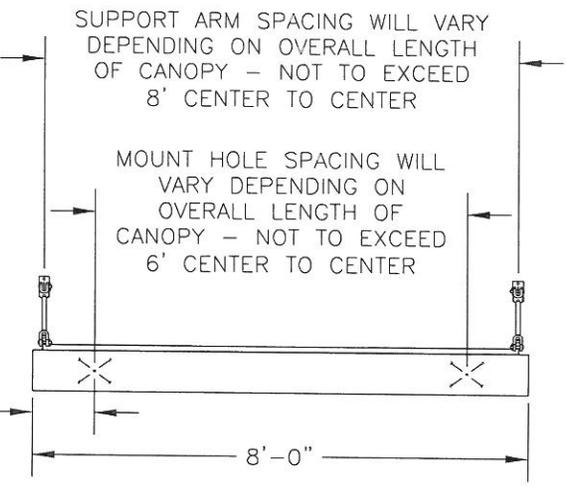
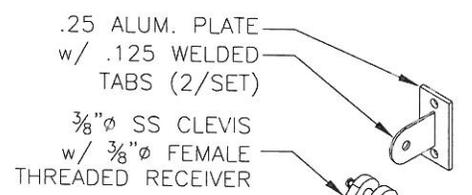
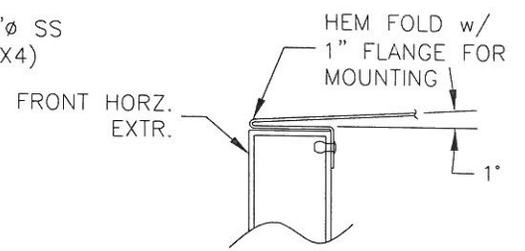
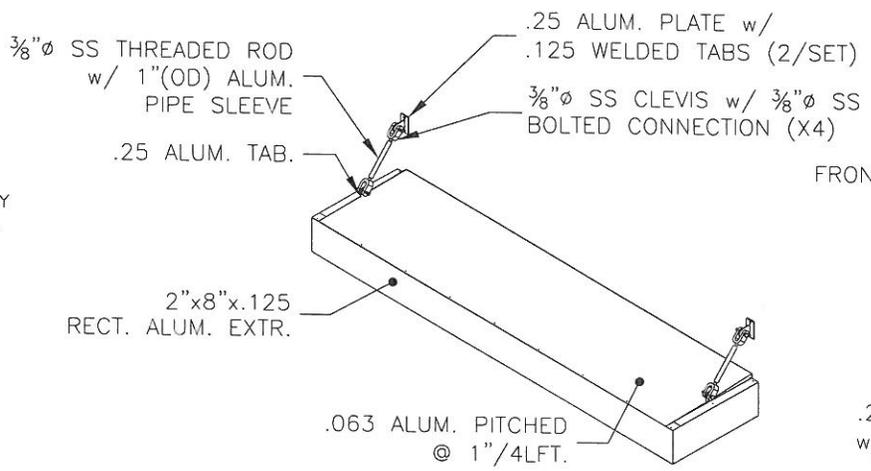
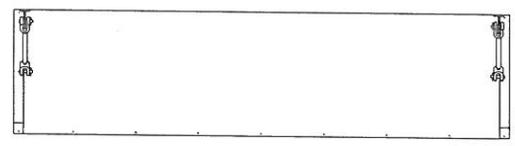
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GENERAL NOTES:
 CAULK ALL HOLE PENETRATIONS IN CANOPY TOP WITH 100% SILICONE SEALANT
 ADJUST AND/OR CUT MOUNT SUPPORT LENGTH AS NEEDED TO INSURE ALL WALL MOUNT PLATES ARE LEVEL AND CONSISTENTLY SPACED FROM CANOPY GC TO SUPPLY BLOCKING BEHIND WALL TO COINCIDE WITH MOUNT PLATES

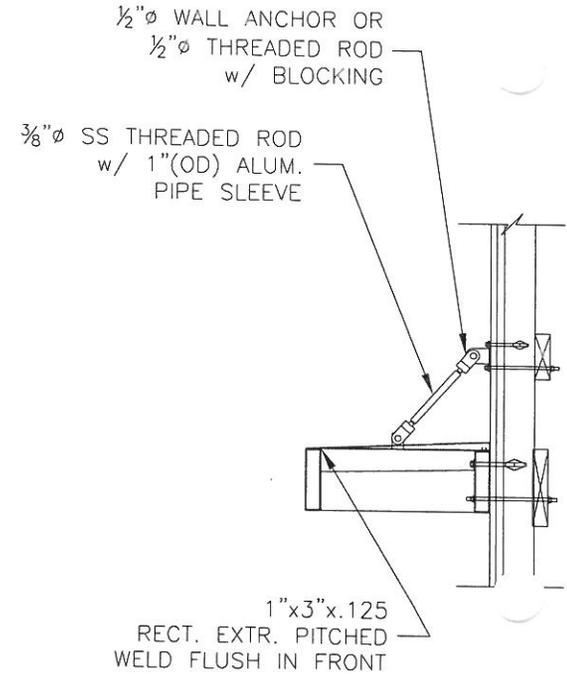
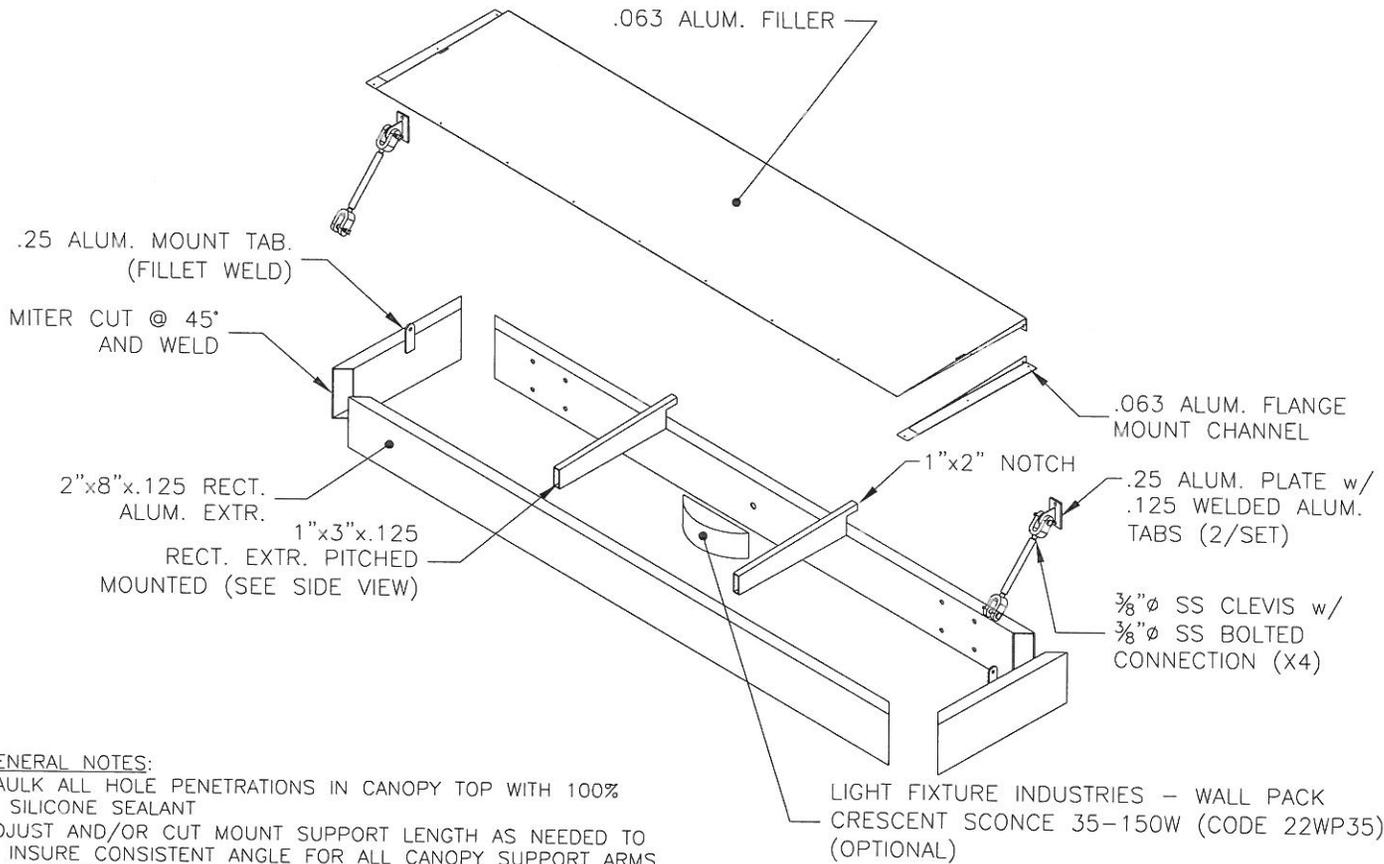


COLOR NOTE:
 PAINTED BRUSHED ALUM. SILVER

BURGER KING® In the U.S. use the ® trademark symbol. The Burger King® trademark may not be registered in all countries. See "Legal Standards" for more information. For registration updates, please contact the legal department in Miami (305) 378-3000.



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	File: Burger King Design Doc RFP 51 Design - Date: 12/8/2011		<input type="checkbox"/> Approved <input type="checkbox"/> Revise & Resubmit	Name _____ Title _____



GENERAL NOTES:
 CAULK ALL HOLE PENETRATIONS IN CANOPY TOP WITH 100% SILICONE SEALANT
 ADJUST AND/OR CUT MOUNT SUPPORT LENGTH AS NEEDED TO INSURE CONSISTENT ANGLE FOR ALL CANOPY SUPPORT ARMS
 ALL CANOPY WALL MOUNT PLATES TO BE LEVEL AND CONSISTENTLY SPACED FROM CANOPY
 CANOPY MOUNT BLOCKING BY GC SHOULD BE CONSISTENTLY SPACED ON BUILDING TO INSURE PROPER AND CONSISTENT ANGLE OF CANOPY SUPPORT ROD

LIGHT FIXTURE INDUSTRIES – WALL PACK
 CRESCENT SCOSCE 35-150W (CODE 22WP35)
 (OPTIONAL)

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BURGER KING
 Custom Exterior Signage Systems
 File Burger King Design Doc RFP 81 Design – Date: 12/8/2011

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Approved

Revise & Resubmit

Name _____

Title _____

Date _____