

**CITY OF NEWARK
DELAWARE
BOARD OF ADJUSTMENT
MINUTES
JANUARY 18, 2018**

Those present at 7:00 p.m.:

Members:	Kevin Hudson, Acting Chairman Dave Levandoski Bill Moore
Absent:	Jeff Bergstrom Jim McKelvey
Staff:	Paul Bilodeau, Acting City Solicitor Mike Fortner, Development Manager Tara Schiano, Deputy City Secretary

The acting chairman called the meeting to order at 7:00 p.m.

1. APPROVAL OF MINUTES FROM MEETING HELD DECEMBER 21, 2017:

MOTION BY MR. MOORE, SECONDED BY MR. LEVANDOSKI: TO APPROVE THE MINUTES AS PRESENTED.

MOTION PASSED. VOTE: 3 to 0.

Aye: Hudson, Levandoski, Moore.

Nay: 0.

Absent: Bergstrom, McKelvey.

2. The appeal of McDonald's USA, LLC, property address 815 South College Avenue, for the following variance:

- **Sec. 32-60(a)(2) – Sign Standards for Business Districts –** (2) Standards for business zoning districts shall be permitted in all business districts as per the following standards: Ground: Maximum number of one. The applicant is request 3 additional ground signs. A variance of 2 signs is needed.

Michael Jeitner, Bohler Engineering, came forward. Mr. Jeitner stated this application had been submitted for a reimagining project for McDonald's. This rebranding initiative was being done across the United States in many branches. Mr. Jeitner felt this was a very minor variance request. The proposal was a 3-phase approach in which all 3 phases would occur concurrently. The first phase was upgrading the ADA facilities both exterior and interior. The second phase was a rebranding of exterior elevations. Mr. Jeitner showed a rendering of the reimaged building. The last phase of the project was the modification of the drive-through facility. At this location, there was currently a single drive-through lane with 2 menu boards. Many McDonald's locations had a side-by-side drive-through configuration which enabled more efficiency. This site would be upgrading to that side-by-side configuration. While doing this, it was required that McDonald's provide additional informational signs. This variance referred to those additional ground signs.

Mr. Jeitner showed a recent survey completed by McDonald's. The drive-through side of the building was on the back, or east, side of the building. There would be 2 menu boards allowing 2 cars to place an order at the same time. The proposal was to keep the building exactly where it was and not to increase the building area at all. The ADA upgrades would be bringing it in conformance in regard to slope, striping and accessible routes. The drive-through area would divide into 2 lanes, 2 cars would order, then it would merge back into a single lane to pay and pick up. Mr. Jeitner clarified that McDonald's currently had 4 ground signs. There was the main freestanding sign, which was not moving, 1 reserve drive-through sign and 2 menu boards. The 3 additional signs that McDonald's was asking for included a 2nd reserve drive-through sign and 2 upgraded digital menu boards to replace the existing 2. This would enable them to reduce the signs in size from 43 square feet to 29.5 square feet each. Mr. Jeitner stated they were also proposing 2 new signs. These would precede the menu boards in each lane. This was a single panel "pre-browse" menu board sign that would allow customers to note specialty items as they waited in line to get to the main menu board. It was another way to make the drive-through experience more efficient.

The 2 new signs had an area of 16.4 square feet each. Mr. Jeitner summarized that the existing 2 boards equated to a total of 86.6 square feet. The 4 new menu signs equated to 91.8 square feet. It was a total difference of 9.8 square feet of additional sign area. The reserve drive-through sign was simply directional but Mr. Jeitner noted that Newark's sign ordinance did not differentiate the types of signs. It was considered a traditional ground sign. Mr. Jeitner felt that the smaller "pre-browse" signs were also more informational than branding or advertising. Mr. Jeitner noted this was in line with improvements being made to other McDonald's businesses in the state of Delaware but was actually less extensive than some upgrades. Mr. Jeitner shared that Jon Baske, the area construction manager, was also present to answer any questions.

Mr. Hudson asked Mr. Jeitner to describe the surrounding properties. Mr. Jeitner stated there were offices to the north of this property and commercial properties to the south. There was also an alleyway directly to the east which came out to East Chestnut Hill Road. Mr. Bilodeau noted the advertisement read that the applicant was requesting 3 additional ground signs which required a variance of 2 signs. Mr. Bilodeau asked if it was correct that a variance was not needed for the directional sign. Mr. Fortner confirmed that. Mr. Hudson asked if the reserve drive-through sign was the directional sign. Mr. Fortner said that was correct. The Board only needed to grant 2 variances for the "pre-browse" menu signs.

Mr. Moore asked whether this was being done at the request of McDonalds. Mr. Jeitner answered that it was. The owner-operator wanted to be part of this rebranding initiative and felt this upgrade was in their interest. Mr. Levandoski asked how far off South College Avenue these signs would be placed. Mr. Levandoski asked whether they would face South College Avenue. Mr. Jeitner said that the signs faced more to the south. The signs would be facing drivers when they came in, meaning that South College Avenue would see the back of the sign. The signs would be significantly off the highway. Mr. Jeitner estimated they would be at least 150 feet away from the travel lane of South College Avenue. Mr. Levandoski asked how bright the signs were. Mr. Jeitner stated they were LCD signs. Mr. Baske advised they were minimal and adjustable. He said it was less bright than watching a TV. Mr. Moore asked what the hours were at this McDonald's. Mr. Baske said it depended on the operator. He believed this location was open until about 12 a.m. or 1 a.m. with extended weekend hours.

There was no public comment.

Mr. Moore reviewed the Kwik Checks.

1. *The nature of the zone in which the property is located* – BC, general business.
2. *The character of the immediate vicinity of the subject property and the uses of the property within that immediate vicinity* – Commercial properties, fast food restaurants. There was a school on one side.
3. *Whether, if the relevant restrictions upon the applicant's property were removed, such removal would*

seriously affect the neighboring properties and uses – Mr. Moore did not believe the requested change would have any negative effect on the neighboring areas. The additional 2 signs were informational, not branding. Mr. Moore felt it was a minor addition.

4. *Whether, if the restriction is not removed, the restriction would create unnecessary hardship or exceptional practical difficulty for the owner in relation to efforts to make normal improvements in the character of that use of the property* – Mr. Moore believed this was something McDonald's was doing nationally. He felt the improvements should be granted.

Mr. Levandoski concurred with Mr. Moore's analysis. He added that the signs would not have any impact to the passing traffic on South College Avenue. He felt these signs were not branding but were just for the people going through the drive-through. Mr. Levandoski would also be in favor of granting the variances.

Mr. Hudson agreed with his colleagues. Mr. Hudson felt that given the location and angle of the signs, this was a minimal variance with virtually no impact to the area. He was in favor of approving the variances.

MOTION BY MR. MOORE, SECONDED BY MR. LEVANDOSKI: TO APPROVE THE VARIANCES AS REQUESTED.

MOTION PASSED. VOTE: 3 to 0.

Aye: Hudson, Levandoski, Moore.

Nay: 0.

Absent: Bergstrom, McKelvey.

3. **The meeting was adjourned at 7:30 p.m.**

Sarah Campanelli
Secretary