



**CITY OF COLUMBUS
BOARD OF ZONING APPEALS
(August 23, 2016 Meeting)**

STAFF REPORT

Docket No. / Project Title: C/DS-16-30 (Freddy's)
Staff: Charles Russell
Applicant: TR&D, LLC
Property Size: 40,511 square feet
Current Zoning: CR (Commercial: Regional Center)
Location: 3660 Jonathan Moore Pike, in the City of Columbus

Background Summary:

The applicant is requesting two sign variances. The first is to allow three wall signs to total 215 square feet, 84 square feet more than permitted. The second request is to allow a freestanding sign to be setback 5 feet from the property line, 5 feet closer than permitted.

Preliminary Staff Recommendation:

Variance 1 (Wall Signs): Denial – Criteria 3 has not been met.
Variance 2 (Setback): Approval – All criteria have been met.

Zoning Ordinance Considerations:

District Intent: The intent of the CR (Commercial: Regional Center) Zoning District is as follows: To establish appropriate locations for a variety of business that either (1) serve a regional market or (2) require convenient access to high-volume transportation routes.

Development Standards:

Table 10.1 – Permitted Signs: A maximum of 3 wall signs for each public street or road frontage shall be permitted in the CR zoning district. The maximum total area of all wall signs per use shall may equal 350 square feet or 15% of all front walls, whichever is less.
Section 10 (F)(1): The leading edge of a sign may be at the right-of-way. No freestanding sign shall be placed closer than 10 feet to any side or rear lot line.

Current Property Information:	
Land Use:	Restaurant (Former KFC, now Freddy's Frozen Custard & Steakburgers)
Site Features:	<p>The People Trail runs along the west and north property lines.</p> <p>The former KFC building sits on the property; this will be renovated by Freddy's.</p> <p>An existing freestanding sign sits 5 feet from the western property line.</p> <p>The property shares an entrance drive from Jonathan Moore Pike with the BP gas station to the east. The property also gains access from a frontage road that extends from Carlos Folgers Road.</p>
Flood Hazards:	The entrance drive is located in Zone AE 100 year; the remainder of the lot is located in the Zone X 500 year.
Vehicle Access:	Frontage road parallel to Jonathan Moore Pike (Principal Arterial, Suburban, Commercial) and connection to Carlos Folger Road (Local, Suburban, Commercial)

Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
North:	AP (Agriculture: Preferred)	Wooded area with many ponds, Flatrock River
South:	CR (Commercial: Regional Center)	The Cork, Marcos Pizza, Indiana Wesleyan University, Express Employment, Edward Jones
East:	CR (Commercial: Regional Center)	BP gas station, Taco Bell, Arby's, El Nopal
West:	CR (Commercial: Regional Center)	The Shoppes at River Bend

Planning Consideration(s):

The following general site considerations, planning concepts, and other facts should be considered in the review of this application:

1. The property is located at 3660 Jonathan Moore Pike. Existing site features include the former KFC building, a flag pole, 23 foot freestanding sign, dumpster enclosure, and parking lot.
2. The applicant is requesting 84 square feet of additional wall signage. Permitted wall signage is determined by a maximum size or a percentage of the front wall area. In the CR (Commercial: Regional Center) Zoning District walls signs are permitted to be a total of 350 square feet or 15% of the front wall area, whichever is less. For this property the front wall area is 874 square feet, which allows the applicant to have 131 square feet of total wall signage. The applicant has requested and was approved for a 131 square foot sign on the front wall of the building. Their current request is for two additional wall signs at 42 square feet each on the east and west sides of the building.

- Comparable businesses in the area include Taco Bell and Arby's to the east. Both of these businesses were built and approved under a previous zoning ordinance, but for the purposes of this request they were compared to the current ordinance.

	Taco Bell	Arby's	Freddy's (proposed)
Front Wall Area	536	714	874
Number of Signs	6	3	3
Permitted Square Feet	80.4	107	131
Actual Square Feet	82.5	59	215

- The Freddy's structure is setback 140 feet from the Jonathan Moore Pike pavement. It is obstructed from the eastern view by the BP gas station fuel canopy, which sits 57 feet from the pavement. Taco Bell and Arby's sit back 80 feet and 137 feet respectively. The view of these businesses is not obstructed from the east.
- The Zoning Ordinance permits various other sign types at the subject property including a 25 foot tall 150 square foot freestanding sign, a 90 foot tall 200 square foot interstate oriented sign, 40 square feet of window signs, and a 150 square foot roof sign (in place of freestanding sign). The applicant proposes to use an existing freestanding sign in addition to the wall signs.
- The existing freestanding sign on the property is considered legal non-conforming because it encroaches 5 feet into the required 10 foot side setback, which does not meet the current ordinance. The sign was originally approved in August 2000 for a KFC restaurant. The applicant will be replacing the top cabinet, effectively removing the sign, which triggers the replacement sign to come into full compliance with the Zoning Ordinance. The new cabinet will be 107 square feet in area. Other potential locations for a freestanding sign on this property would be located in a parking or drive aisle or blocked from view by the adjacent gas station canopy.
- The People Trail travels along the western property line of the lot.
- The property directly west of the subject property is currently vacant, although its future development may also obscure the applicant's sign visibility from the west.

Provisional Findings of Fact/Decision Criteria: Variance 1 (Wall Signage)

The Board of Zoning Appeals may approve or deny variances from the development standards of the City of Columbus Zoning Ordinance. The Board may impose reasonable conditions as part of an approval. A variance from the development standards may only be approved upon a determination in writing that:

- The approval will not be injurious to the public health, safety, morals, and general welfare of the community.**

Provisional Findings: The proposed signage does not contain any flashing, moving, or otherwise distracting elements. The additional signage does not create a public health or safety risk. *This criterion has been met.*

- The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.**

Provisional Findings: The additional signage will not obstruct the view or otherwise hinder the use of surrounding businesses. The presence of the frontage road and the resulting increased setback hinder the visibility of this property. However, the proposed additional wall signs do not seem to be related to this issue because they would also be obscured. The granting of additional signage may create a competitive disadvantage for adjacent businesses. *This criterion **has not** been met.*

- 3. The strict application of the terms of the zoning ordinance will result in practical difficulties 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.**

Provisional Findings: The subject property is significantly obstructed from view by the BP gas station canopy, and the setback of their lot makes it difficult to have effective wall signage. However the proposed variance for the additional wall signs does not seem to address the practical difficulty as they too would likely be obscured. A relocated freestanding sign or installation of the permitted interstate sign would seem to be a more appropriate response to the lot's visibility issues. *This criterion **has not** been met.*

Provisional Findings of Fact/Decision Criteria: Variance 2 (Setback)

The Board of Zoning Appeals may approve or deny variances from the development standards of the City of Columbus Zoning Ordinance. The Board may impose reasonable conditions as part of an approval. A variance from the development standards may only be approved upon a determination in writing that:

- 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.**

Provisional Findings: This sign does not obstruct the view for motorists exiting or entering the property from the frontage road, and it does not obstruct the view of bicyclists or pedestrians that may be using the adjacent People Trail. *This criterion has been met.*

- 2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.**

Provisional Findings: The sign meets the size and height standards of the Zoning Ordinance, and does not obstruct the view of other signage in the area. Granting this variance would not hinder the use or value of adjacent properties, and would not create a competitive advantage for the applicant. *This criterion has been met.*

- 3. The strict application of the terms of the zoning ordinance will result in practical difficulties 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.**

Provisional Findings: The proposed freestanding sign could not be located elsewhere on the property without (1) being located in a drive aisle/entrance (2) being obstructed from view by the adjacent gas station canopy. *This criterion has been met.*

Board of Zoning Appeals Options:

In reviewing a request for development standards variance the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, or (4) deny the petition (with or without prejudice). Failure to achieve a quorum or lack of a positive vote on a motion results in an automatic continuance to the next regularly scheduled meeting.

Columbus – Bartholomew County Planning Department
Development Standards Variance Application

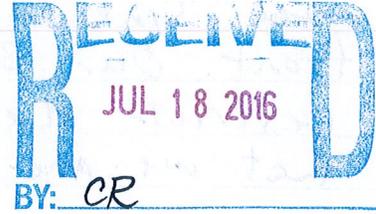
Planning Department Use Only:

Jurisdiction: Columbus Bartholomew County

Zoning:

Docket No.: C/DS-16-30

Hearing Procedure: Board of Zoning Appeals Hearing Officer



Development Standards Variance Application:

Note: It is recommended that all variance applications are reviewed in a meeting with a Planning Department staff member prior to being filed. Please contact the Planning Department at 812.376.2550 to schedule that review meeting.

Applicant Information (the person or entity that will own and/or execute what is proposed):

Name: TR ED, LLC

Address: P.O. Box 1647 Columbus IN 47201
(number) (street) (city) (state) (zip)

Phone No.: 812-343-1505 Fax No.: _____ E-mail Address: _____

Property Owner Information (the "owner" does not include tenants or contract buyers):

Name: L & R ENTERPRISES LLC

Address: 3660 Jonathan Moore Pike Columbus IN 47201
(number) (street) (city) (state) (zip)

Phone No.: 812-343-1505 Fax No.: _____ E-mail Address: _____

Notification Information (list the person to whom all correspondence regarding this application should be directed):

Name: TIM Rohrer

Address: P.O. Box 1647 Columbus IN 47202
(number) (street) (city) (state) (zip)

Phone No.: 812-343-1505 Fax No.: _____ E-mail Address: gnawboneusa@yahoo.com

How would you prefer to receive official documentation regarding this request (please check one)? If no or multiple selections are made e-mail will be used. E-mail Fax Mail

Property Information:

Address: 3660 Jonathan Moore Pike Columbus IN 47201
(number) (street) (city) (state) (zip)

or General Location (if no address has been assigned provide a street corner, subdivision lot number, or attach a legal description):

Variance Requested:

I am requesting a variance from Section 10 Table 10.1 of the Zoning Ordinance to allow the following:

WE ARE ASKING TO ADD OUR LOGO SIGN TO
EACH SIDE OF OUR BUILDING AT THE TOP, NEAR THE
FRONT. OUR BUILDING IS VERY NARROW, AND THEREFORE
RESTRICTS THE AMOUNT OF SIGNAGE SQUARE FOOTAGE
THAT WE ARE ALLOWED BY THE ORDINANCE.

Variance Request Justification:

The Indiana Code and the Columbus & Bartholomew County Zoning Ordinance establish specific criteria that each must be met in order for a development standards variance to be approved. Describe how the variance request meets each of the following criteria.

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

ADDING A SIGN WITH OUR LOGO TO EACH SIDE OF
OUR BUILDING WILL NOT ADVERSELY AFFECT THE PUBLIC
HEALTH IN ANYWAY.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

OUR SIGNAGE AS WELL THE REST OF OUR REMODEL PLANS
ARE VERY UP-SCALE AND WILL BE CONSTRUCTED FROM
QUALITY MATERIALS. THE BUILDING AND SIGNAGE ARE
VERY CLASSY AND TASTEFUL.

3. The strict application of the terms of the Zoning Ordinance will result in practical difficulties 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.

THIS BUILDING IS VERY NARROW AND THEREFORE LIMITS THE
SQUARE FOOTAGE OF SIGNAGE PER THE ORDINANCE. HAVING
OUR LOGO ON EACH SIDE OF THE BUILDING IS CONSISTENT
WITH MOST OF THE OTHER RESTAURANTS AND RETAIL IN THIS
AREA AND THROUGHOUT COLUMBUS

Application Fee Refund Information:

The adopted Planning Department Schedule of Application Fees provides for the refunding of application fees for this request if it is approved by the Board of Zoning Appeals. The refund will be provided by mail in the form of a check. It may take several weeks after the Board of Zoning Appeals approval to process the refund and issue the check. Please indicate to whom the refund should be provided:

Name: TR 2 D LLC
Address: P.O. Box 1647 Columbus IN 47202
(number) (street) (city) (state) (zip)

Applicant's Signature:

The information included in and with this application is completely true and correct to the best of my knowledge and belief.

TJ Rol mgr TR 2 D, LLC 7-18-16
(Applicant's Signature) (Date)

Property Owner's Signature (the "owner" does not include tenants or contract buyers):

I authorize the filing of this application and will allow the Planning Department staff to enter this property for the purpose of analyzing this request. Further, I will allow a public notice sign to be placed and remain on the property until the processing of the request is complete.

TJ Rol mgr. L & R Enterprises LLC 7-18-16
(Owner's Signature) (Date)

L & R ENTERPRISES LLC.
(Owner's Printed Name)

If the person signing as the "owner" is not specifically listed as such in the records of Bartholomew County please indicate their relationship to that officially listed person, corporation or other entity.

CUSTOMER: Freddy's Frozen Custard & Steakburgers - 3660 Jonathan Moore Pike, Columbus, IN

SIGN TYPE: Store Signage

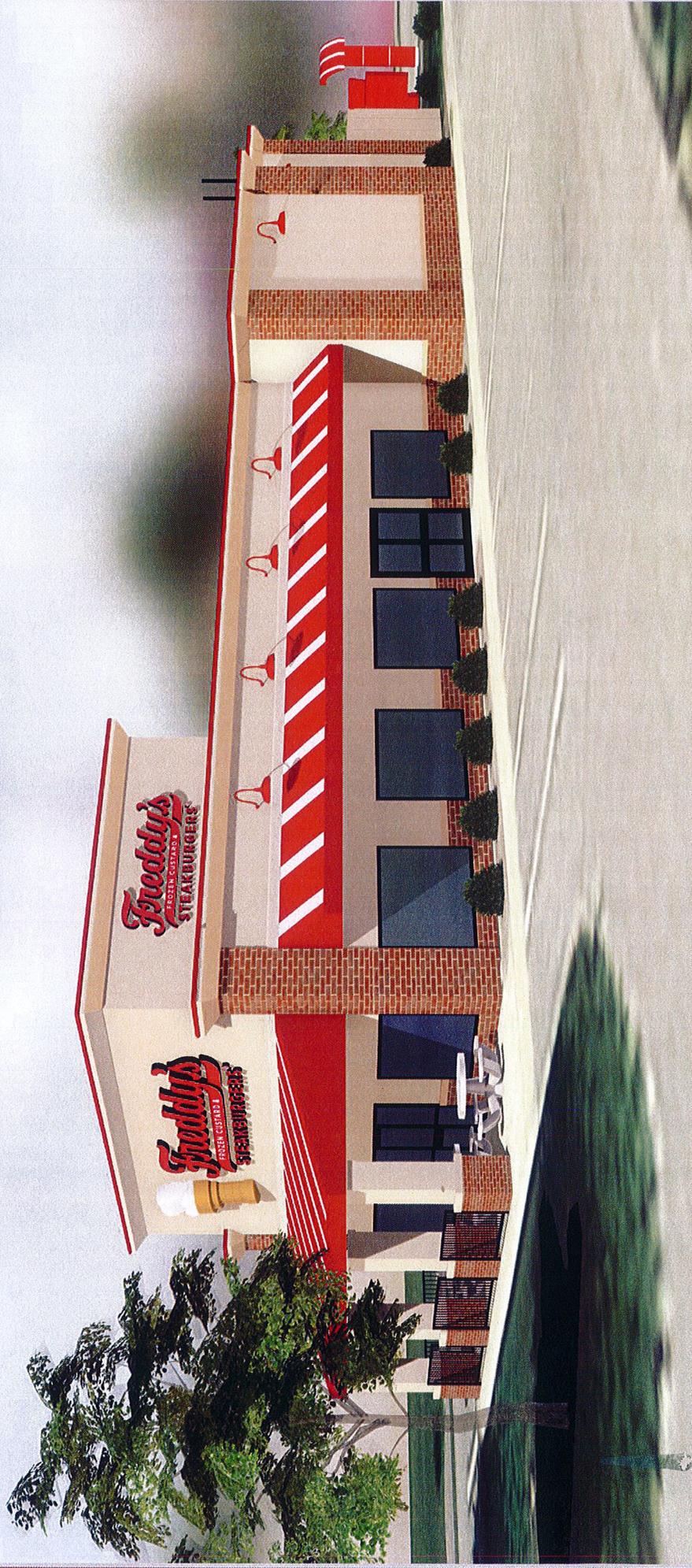


DATE: 7.15.16 | SALESPERSON: Brian Kirkland | DRAWN BY: Jason Ridder | CONTACT: 3611 N. Broadway - Wichita, KS 67219 - (P)316.832-1177 - (F)316.838.4774

These drawings and all information hereon are of a confidential nature and are the property of Miracle Signs. Any use or reproduction of these drawings/ideas for any purpose, except by written permission of Miracle Signs is strictly prohibited.

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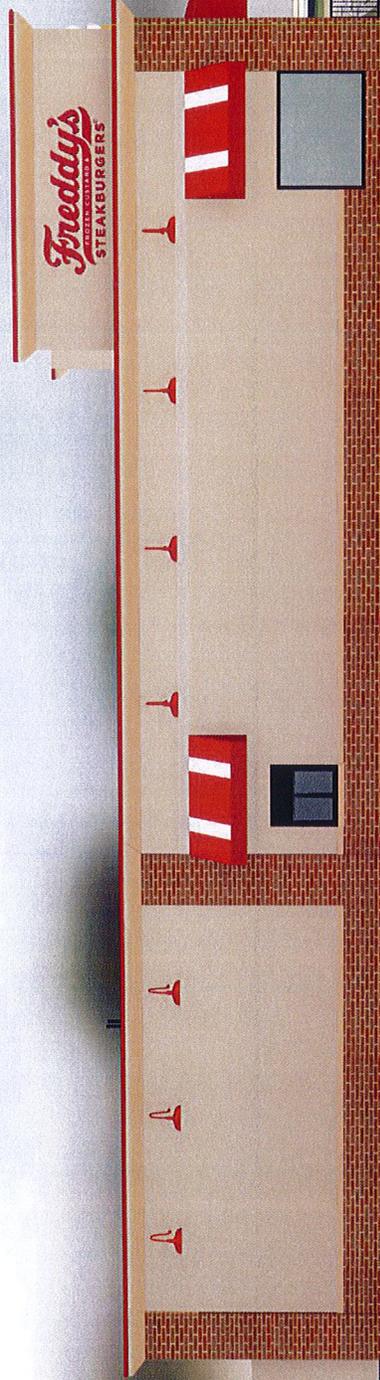


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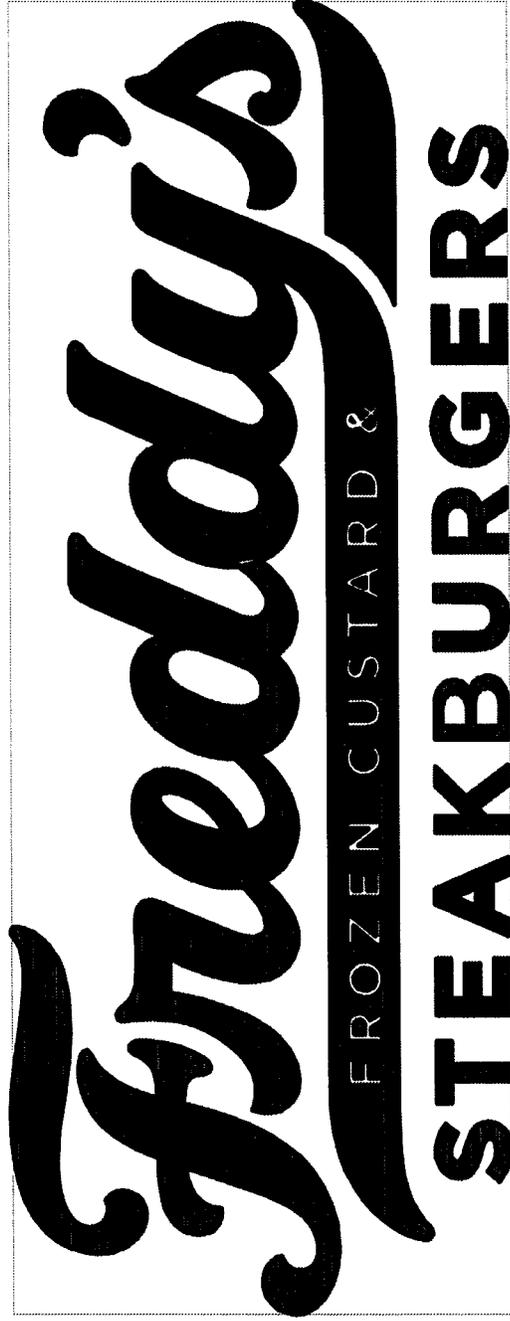
CUSTOMER: Freddy's Frozen Custard & Steakburgers - 3660 Jonathan Moore Pike, Columbus, IN

SIGN TYPE: Store Signage



EAST & WEST ELEVATION SIGN

10'-5 3/4"



4'-0"

42 sqft

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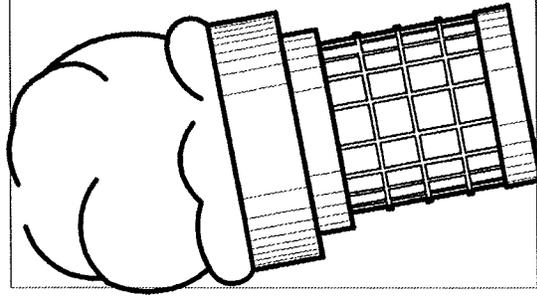
CUSTOMER: Freddy's Frozen Custard & Steakburgers - 3660 Jonathan Moore Pike, Columbus, IN

SIGN TYPE: Store Signage



SOUTH ELEVATION SIGN

19'-7"



6'-8 1/4"

Freddy's
FROZEN CUSTARD &
STEAKBURGERS

131 sqft

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