

Dover Township
Zoning Hearing Board Minutes
August 17, 2011

Chairman Phillip Brown called the meeting to order at 7:00 p.m. Members present: Steve Barkdoll, Donald Bubb, Jane Ginter, Jeff Edmonds, and alternate Neil Hoffstot. Also present: Zoning Officer Georgia Sprenkel, Solicitor Michael Craley, Stenographer Tammy Rinehart, Recording Secretary, and eight citizens.

I. **Minutes**

Motion by Edmonds, second by Bubb, to approve the minutes of the meeting of May 11, 2011. All members voted aye; motion carried.

II. **Cases**

A. ZHB 11-4 – McDonald's, 3141 Carlisle Road; Requests for Variance for signage in excess of 140 square feet in the Commercial Zone.

Charles Suhr, Michael Jeitner, and Scott Logan were present on behalf of the applicant.

McDonald's is the tenant of the 3141 Carlisle Road, owned by Frank Guiffrida. There's currently a McDonald's on this site, since 1997. They are improving the outside mostly, with updated ADA improvements and "re-skinning" to improve the image and make it uniform with other McDonald's restaurants across the country. They would like to replace the McDonald's script sign and to replace it with two other signs. They are proposing to replace the logo and add two welcome signs over the entrance. Variances are requested for Section 27-802.

Mr. Jeitner explained Exhibit 1A referenced as the survey for the site, completed August 10, 2011. The lot size is .8 acres. The existing restaurant is approximately 3600 square feet. There are two access points – the main one onto Carlisle Road, which is a right in and right out. The other one is onto Alta Vista Road. Currently, there can be 12-13 vehicles in the drive-through at one time. There are two menu boards and two speaker locations; makes for more efficient traffic flow and customer service. There's a residential lot next door, also owned by Mr. Guiffrida.

Other photos in Exhibit 1 were examined, marked as 1A, 1B, 1C, 1D. Currently the script sign on the buildings includes the famous M of the McDonald's logo, which is included in the sign area. The new one will have smaller M. Menu boards/drive-through signs are not visible/legible from either road and are intended as interior information signs.

Exhibit 1F and 1G show the proposed "re-skinning" of the restaurant. The footprint of the building will not change. The roof will be changed to a flat roof and the bright colors will be gone. This is the New Branding Initiative of McDonald's. Total transformation should last six to seven weeks, during which time the restaurant will remain open. Indoor ADA modifications will include counter height, locations of soda machines, etc., table size/height inside; outside will be handicapped parking and number of spaces. The tandem drive-through configuration will remain the same. The applicants are not planning to do a Land Development Plan for these improvements.

Exhibit H shows the signs to be on the property. The existing freestanding sign is 40.8 square feet and will remain (Carlisle Road). The proposed 32.4 square feet script sign includes the traditional M in McDonald's. The existing script sign on the building is 37.3 square feet.

The McDonald's logo sign is 4 square feet, and there are two of these. These are new. Welcome signs over the doorways are considered by the applicants to be directional, 2.8 square feet each. The existing two menu boards will not be changed, and they are 43.7 square feet each.

There are currently four directional signs, two on each driveway, 3.9 square feet in area. These will remain.

The total number of signs proposed by the applicant (including the existing signs) is thirteen (13), for a total of 222.2 square feet. There are nine (9) existing signs for 218.4 square feet. The difference is 3.8 square feet.

The gateway clearance bar indicates the maximum height of permitted vehicles. This is a safety indicator measuring 5 square feet; there is a sign there currently; McDonald's will modify it. There will be no advertising or logo on this sign; it is therefore not regulated because it is not associated with McDonald's. The existing gateway clearance bar is about 7 square feet, and it includes the logo M on it.

The canopies over the menu boards shield a patron from the elements. They say "Order Here" and are 4 square feet in area; no logo indicated. It's a convenience and the applicant feels should not be regulated.

So there are three (3) non-regulated signs for a total of 13.06 square feet. The existing signs measure 7 square feet.

At the Planning Commission meeting, there was a lengthy discussion of whether the menu boards/directional signs are traditional free-standing signs. There was a split vote on this issue. If the signs are considered as free-standing signs, their total square footage is over the maximum permitted. If they are not considered as free-standing signs, their total square footage would be 119 square feet, and a Variance would not be needed.

One Variance requested involves the attached script sign. The applicant's proposal is 2.4 square feet over the maximum. They are actually decreasing the non-conformity that exists now.

Another Variance involves the number of free-standing signs permitted. The applicants contend that they have one traditional; the four directionals and two menu boards should not be included in the count.

Mr. Craley asked why they're requesting a variance for signs that they're not changing. Attorney Suhr noted that they took a conservative approach just in case the Township requires it. Mr. Jeitner spoke with Mrs. Sprenkel previously and she assured them they needed to come to this hearing. The Zoning Hearing Board is not overstepping its bounds or interfering with the Zoning Officer's authority by hearing this case.

The existing sign area is 218 square feet; add 3.8 square feet for a new proposed total of 222.2 square feet. Mr. Jeitner explained why all these specific signs are required.

Drive-through business is increasing; they have two entrances, but there's no left turn permitted from Carlisle Road; so it's important to attract attention before Fox Run Road, which is where drivers must turn. It's important to clearly mark entrances and exits, and where patrons must go once they're on the lot. Why do they deserve a Variance (or Variances)? There are three road frontages but one driveway is limited access. The signs at the various locations help motorists identify the restaurant in time to use the proper access.

Mr. Bubb noted that currently vehicles queue out onto Carlisle Road for the drive-through. Drivers do not always realize to drive around the building. He also noted that there's not enough parking. Mr. Jeitner explained that the remodeling will take into consideration the drive-through process. Also, they have the required 35 parking spaces and are not proposing to decrease or increase that number. He feels that the drive-through business is picking up, thereby reducing the need for a parking space. Mr. Bubb requested that the applicant should address this issue somehow. They will take it into consideration.

Scott Logan, of McDonald's, spoke and confirmed some stacking up to Carlisle Road, of which Mr. Bubb spoke. He will take Mr. Bubb's concern to the proper people. Mr. Bubb also noted that the welcome sign on Carlisle Road says Welcome as motorists approach from the north on Carlisle Road, yet a left turn into the lot from Carlisle Road is not permitted. That seems a bit confusing.

Mr. Barkdoll noted that in 1997 the applicant requested a Variance for one free-standing sign; how are there seven free-standing signs now? Good question. Perhaps the then-Zoning Officer didn't feel that those signs were free-standing signs. Also, how did the script sign get onto the site/building? Another good question. Another question – how about the sign on the sidewalk? It directs traffic to the drive-through; they consider it as a more traditional traffic-type sign.

Mr. Craley asked if this store is profitable; Mr. Logan wasn't sure that is public information and was unsure how it relates to the sign variance request. Mr. Craley noted that there's another local (West Manchester Township) McDonald's restaurant that has no free-standing signs. It was noted that the cost of this modernization is split between the parent company and the owner. It's unlikely that either party would be spending this kind of money if the store weren't profitable, but that information was not presented.

Mr. Craley noted that the signs are referred to tonight as directional signs; the ordinance definition says that a directional sign is a sign that's off-site. Mr. Suhr noted that's why he referred to them as on-site directional signs, to differentiate.

Mr. Craley asked why the signs cannot be made smaller. The script sign is the one that McDonald's uses; it's the smallest script sign that they use, based on McDonald's industry standards. It's dictated and affected by the location, size of the building, etc. There is no room for customization based on local zoning laws/ordinances. How about if they removed the two "golden arches" over the doors? They'd be under the permitted sign area and would not need a Variance. Mr. Jeitner said that these two emblems are not to be considered for removal.

From the audience, Madelyn Shermeyer noted that the line for the drive-through backs up past Davidsburg Road. She sees this nearly daily. If people cannot get into the drive-through lane, they will park and wait; the parking lot fills up then, which is what Mr.

Bubb referred to. She also sees drivers making illegal left-hand turns into the site from Carlisle Road.

How about the concrete barrier? It's there, but it's a rolled curb, not a standing curb, and the "No left turn" sign on the "pork chop" is no longer there. These parking issues are not a part of the Variance request before the ZHB tonight, but are important enough to bring to the attention of the McDonald's representative.

From the Planning Commission minutes – Motion by Hansman, second by Love, to recommend that the Zoning Hearing Board *not* look at the menu board as part of the total signage. *Vote on the Motion*: two ayes; Love and Kauffman opposed. Motion was not successful.

Second try by the Planning Commission: Motion by Love, second by Hansman, to recommend approval of the application for Variance by McDonald's to permit two attached script signs in excess of the 30 square foot maximum, bringing them closer to conformance; noting that while the menu boards are considered as signs under the current ordinance, the Planning Commission does not believe that was the intent and the signs should be included in the Variance to permit the total aggregate square footage to exceed the maximum permitted 140 square feet; and that the menu boards count as free-standing but, again, the Planning Commission feels this was not the intent, allowing more than the permitted one free-standing sign but that directional signs are not included as they are for the safety of the public. All members voted aye; motion carried.

There were no further questions or testimony from the audience. Hearing closed.

Ruling:

ZHB 11-4, McDonald's – request for Variance for signage in excess of maximum permitted.

Motion by Bubb, second by Edmonds, to approve the request for Variance 1, to permit two attached script signs of 32.4 square feet in excess of the 30 square foot maximum area permitted per sign, based on di minimus grounds. All members voted aye; motion carried.

Motion by Bubb, second by Barkdoll, to approve the request for Variance 2, as there is no need for a Variance because the sign is already there. All members voted aye; motion carried.

Motion by Bubb, second by Ginter, to approve the third Variance request for onsite signage with a total of 222.2 square feet in excess of 140 square feet as permitted. All members voted aye; motion carried.

Mrs. Sprenkel requested of the applicants that any time they want to place any new sign on this site to please contact her, the Zoning Officer. She's talking about even banners on the roof; flags showing products for sale, and the like. Window signs are permitted within reason, up to a certain percentage of coverage. Mr. Craley noted that the ZHB ruling indicated that the free-standing signs were approved because there's been no violation or complaint.

III. **Other Business**
None at this time.

Motion by Ginter, second by Bubb, to adjourn. All members voted aye; motion carried. The meeting adjourned at 8:52 p.m.

Respectfully submitted,

Julie B. Maher,
Recording Secretary