



Legislation Text

File #: 2015-0296, Version: 1

RAISING CANE'S BUILDING APPEAL

A RESOLUTION TO GRANT THE APPEAL OF KEN'S SIGNS AND TO APPROVE THE REQUESTED VARIANCE FOR THE LENGTH OF NEON LIGHTING FOR RAISING CANE'S BUILDING

WHEREAS, the Fayetteville Unified Development Code limits neon and LED accent lighting to not more than 75% of the building's entire linear façade length; and

WHEREAS, the Planning Department interpreted this "linear façade length" to include all four sides of the building totaling 258 feet which would allow 194 feet of neon lighting; and

WHEREAS, Ken's Signs sought variance to increase neon lighting to 218 feet which is more than 84% of all four walls' length; and

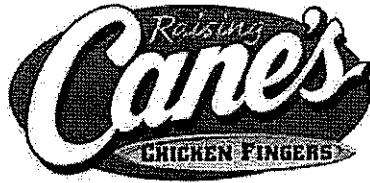
WHEREAS, the Planning Department recommended denial of the variance, and the Planning Commission agreed and denied the variance request; and

WHEREAS, Ken's Signs has appealed the denial of the variance to the City Council.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby determines that Ken's Signs has proven that using 194 feet of neon lighting (75% of total length of all four sides of the Raising Cane's restaurant) would be an undue hardship and that granting a variance to increase the neon lighting to 218 feet (more than 84% of total length) does not nullify the intent and purpose of the Outdoor Lighting Chapter.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby grants the variance requested so that 218 feet of neon lighting may be installed for Raising Cane's restaurant.



June 4, 2015

City of Fayetteville
Sondra Smith
City Clerk / Treasurer
113 West Mountain Street
Fayetteville, AR 72701

RE: Raising Cane's VAR 15-5084 (3561 N. College Avenue)
Owner Appeal of Planning Commission Denial of Variance of Neon Lighting

Dear Ms. Smith:

Raising Cane's would like to appeal the Planning Commission's denial of the variance request number VAR 15-5084 on May 26, 2015, for additional neon lighting around the building.

The City of Fayetteville is a new market for us. As we are not well known in this market, we would like to preserve our branding and maintain a uniform look of our buildings. Our site is located in a highly competitive area, with competitor restaurants constructed with neon borders around their entire buildings. The approval of the additional 25' of neon lighting would allow our building to be balanced and maintain our brand, as we grow within the Fayetteville community.

We ask your support of the appeal. We will be traveling from Dallas, TX to attend the hearing and, therefore need to verify the date of the hearing to arrange travel. We would like to request to be placed on the next eligible hearing date of July 7, 2015, if at all possible.

Raising Cane's will be a true community partner in Fayetteville, AR. Please contact me directly if there are any questions or comments to my approval of the resolution and conditions.

Sincerely,

A handwritten signature in black ink that reads "LuAron McCormack".

LuAron McCormack
Raising Cane's
Development Manager

CityClerk

From: LuAron McCormack <LMcCormack@raisingcanes.com>
Sent: Wednesday, June 24, 2015 10:00 AM
To: CityClerk
Subject: RE: Raising Cane's Appeal of VAR 15-5084 Denial (Neon Lighting)
Attachments: RC195 Fayetteville - Appeal of P&Z Denial of Variance of Neon Lighting.pdf



Categories: Completed, Forwarded

Lisa,
Per our coordination, I would like to request to be moved from the July 7th agenda to the July 21st agenda for the Raising Cane's variance appeal. Please let me know if you need any additional information.

Thank you,

ONE LOVE

LuAron McCormack | Development Manager, Fry Cook & Cashier | Raising Cane's Chicken Fingers
P: 972.769.3364 | F: 972.769.3101 | 6800 Bishop Road | Plano, TX 75024-3548
LMcCormack@raisingcanes.com | www.raisingcanes.com

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From: CityClerk [mailto:cityclerk@fayetteville-ar.gov]
Sent: Thursday, June 04, 2015 5:05 PM
To: Garner, Andrew; Williams, Kit
Cc: Branson, Lisa
Subject: FW: Raising Cane's Appeal of VAR 15-5084 Denial (Neon Lighting)

Hello Andrew and Kit

Attached is the Planning Commission appeal from Raising Cain's. They would like to add this to the July 7, 2015 City Council meeting. Please let me know if you have any issues with the appeal or the date requested.

Thanks!
Sondra

Office of the City Clerk Treasurer
113 W. Mountain Street, Suite 308
Fayetteville, AR 72701
479.575.8323
cityclerk@fayetteville-ar.gov

From: LuAron McCormack [<mailto:LMcCormack@raisingcanes.com>]
Sent: Thursday, June 04, 2015 11:48 AM
To: CityClerk
Subject: Raising Cane's Appeal of VAR 15-5084 Denial (Neon Lighting)

Ms. Smith,



Please see the attached Letter of Appeal for the Raising Cane's, located at 3561 N. College Avenue. We would like to appeal the Planning Commission's denial of variance request number VAR 15-5084 for neon lighting.

Please contact me with any questions, or if you need any additional items.

Thank you,

ONE LOVE

LuAron McCormack | Development Manager, Fry Cook & Cashier | Raising Cane's Chicken Fingers
P: 972.769.3364 | F: 972.769.3101 | 6800 Bishop Road | Plano, TX 75024-3548
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City of Fayetteville Staff Review Form

2015-0296

Legistar File ID

7/21/2015

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Jeremy Pate

6/19/2015

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAR 15-5084: Variance (3561 N. COLLEGE AVE./RAISING CANE'S, 213): Submitted by KEN'S SIGNS for property located at 3561 N. COLLEGE AVE. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 0.98 acres. The request is for a variance of the neon lighting requirements.

Budget Impact:

Account Number	Fund
Project Number	Project Title
Budgeted Item? <u>NA</u>	Current Budget \$ -
	Funds Obligated \$ -
	Current Balance \$ -
Does item have a cost? <u>No</u>	Item Cost
Budget Adjustment Attached? <u>NA</u>	Budget Adjustment
	Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Approval Date: _____

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF JULY 7, 2015

TO: Fayetteville City Council
THRU: Andrew Garner, City Planning Director
FROM: Jesse Fulcher, Senior Planner
DATE: June 18, 2015

SUBJECT: VAR 15-5084: Variance (3561 N. COLLEGE AVE./RAISING CANE'S, 213): Submitted by KEN'S SIGNS for property located at 3561 N. COLLEGE AVE. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 0.98 acres. The request is for a variance of the neon lighting requirements.

RECOMMENDATION:

The Planning Commission and staff recommend denial of a variance to allow additional LED lighting on the subject building.

BACKGROUND:

The subject property is located at the southwest corner of N. College Avenue and Millsap Avenue and is zoned C-2, Thoroughfare Commercial. City staff approved a Site Improvement Plan application for the construction of a Raising Cane's restaurant on February 10, 2015.

The building is currently under construction and staff has approved the installation of neon lighting within code allowance, which allows up to 75% of the entire building façade length.

DISCUSSION:

Request: The applicant is requesting approval of a variance of Chapter 176.03(J)(6)(e) to allow additional neon lighting around the building, totaling 218 linear feet, or 84% of the building length. The total linear length of the building is approximately 258 feet, which allows a maximum of 194 feet of neon lighting.

RECOMMENDATION:

Staff recommends denial of **ADM 15-5084**, finding that while the additional lighting may not have the effect of nullifying the intent and purpose of the lighting chapter, a hardship still needs to be established. The applicant states in their application that the neon is needed to preserve the uniform brand for Raising Cane's and improve visibility from College Avenue.

In staff's opinion, neither of these points present an undue hardship. The applicant is placing 138 feet of neon on the east, north and west elevations, which allows them to install an addition 56 feet of neon lighting on the south elevation. This is a sufficient amount of lighting if improved visibility is needed, and it allows the applicant to provide a similar lighting plan as other restaurant locations.

DISCUSSION:

On May 26, 2015 the Planning Commission denied the variance request with a vote of 5-4-0 (Commissioner Hoskins, Brown, Noble and Selby voted 'no').

BUDGET/STAFF IMPACT:

N/A

Attachments:

Appeal Letter

Resolution

Planning Commission Staff Report



PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Jesse Fulcher, Senior Planner

MEETING DATE: ~~May 26, 2015~~ Updated May 27, 2015

SUBJECT: **VAR 15-5084: Variance (3561 N. COLLEGE AVE./RAISING CANE'S, 213):** Submitted by KEN'S SIGNS for property located at 3561 N. COLLEGE AVE. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 0.98 acres. The request is for a variance of the neon lighting requirements.

RECOMMENDATION:

Staff recommends denial of **ADM 15-5084**.

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The subject property is located at the southwest corner of N. College Avenue and Millsap Avenue and is zoned C-2, Thoroughfare Commercial. City staff approved a Site Improvement Plan application for the construction of a Raising Cane's restaurant on February 10, 2015.

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Planning Commission Action: Approved Forwarded Denied

Meeting Date: May 26, 2015

Motion: Chesser

Second: Autry

Vote: 5-4-0

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Chapter 156.03(C)(7)
- Chapter 176.03(J)(6)
- Request letter
- Elevations
- Site Plan
- One Mile Map
- Close Up Map



PERMITTING SERVICES OF TEXAS

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City of Fayetteville
Planning Commission
125 W. Mountain St.
Fayetteville, AR 72701

Re: Raising Cane's
3561 College Ave.

Dear Planning Commission Chair:

We are requesting a variance to allow an additional 25' of border neon on the drive-thru elevation of the building. We currently have a permit to install the border neon on the front, side and rear elevation of the building. Raising Cane's has a standard brand throughout the nation of border neon on all elevations of the building, and it is important to preserve the uniform brand at this location. In addition, the border neon will also allow Raising Cane's to be visible from College Avenue, heading north, which is concurrent with the main flow of traffic in that area.

Regarding the specific calculations of the border neon, we have 258 lineal feet of building frontage. 75% of the frontage may have border neon, for a total of 193' of neon. When we remove the drive-thru elevation neon to meet code, we are significantly lower than the allowable 193'. We are seeking a variance for the additional 25' of neon on the drive thru elevation, allowing us to cover the entire building, as we are marginally short. See attached artwork.

Raising Cane's is a community based organization and believes the approval of this variance will assist in the continued uniform brand of the facility. Therefore, we respectfully ask for your support of this variance.

Sincerely,

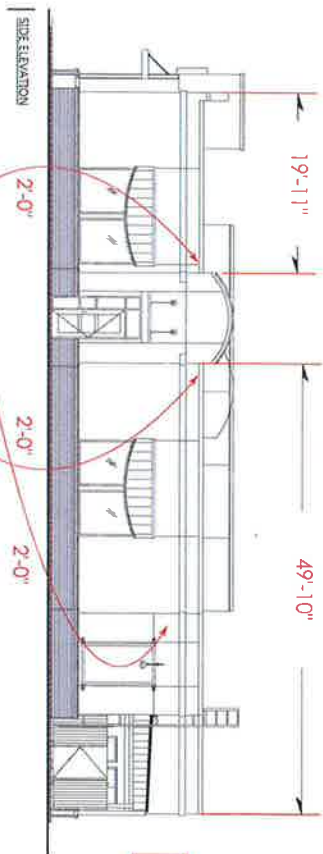
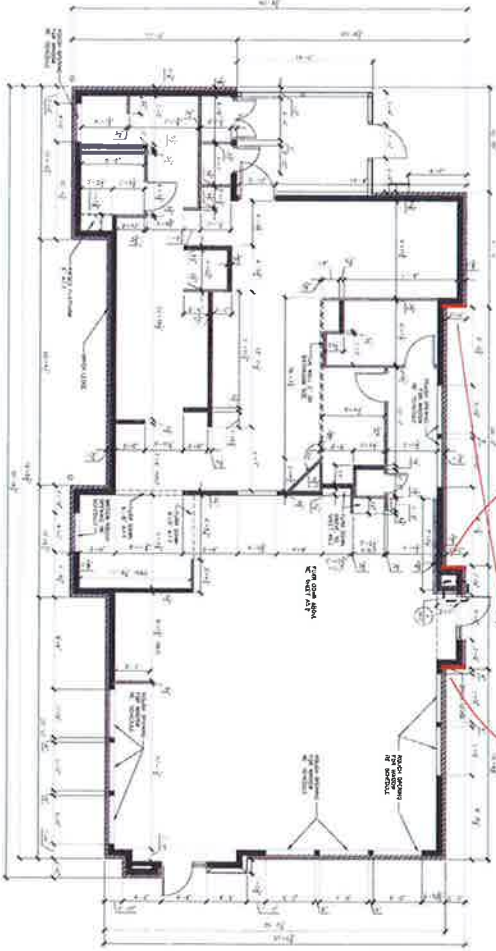
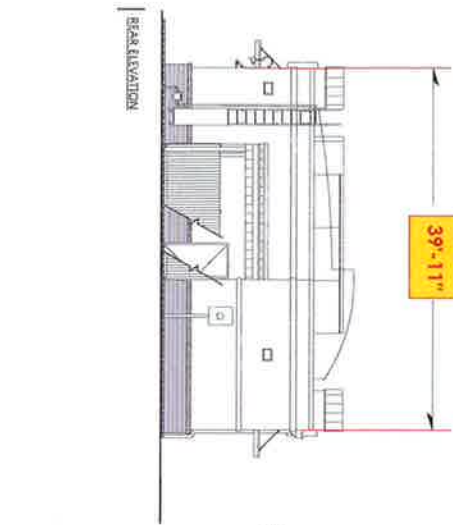
Melanie Hancock
Permitting Services of Texas

TOTAL LINEAL FOOTAGE

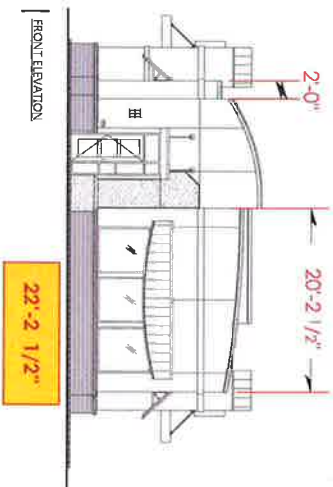
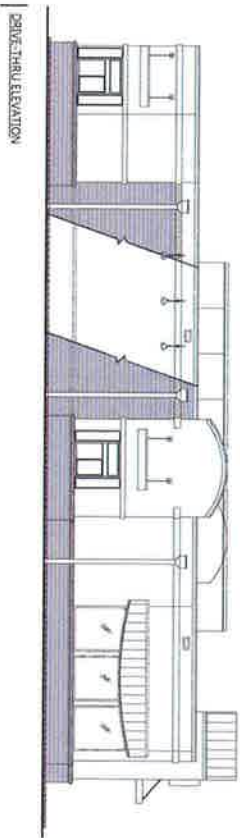
258' - 3"

TOTAL NEON

137' - 10 1/2"

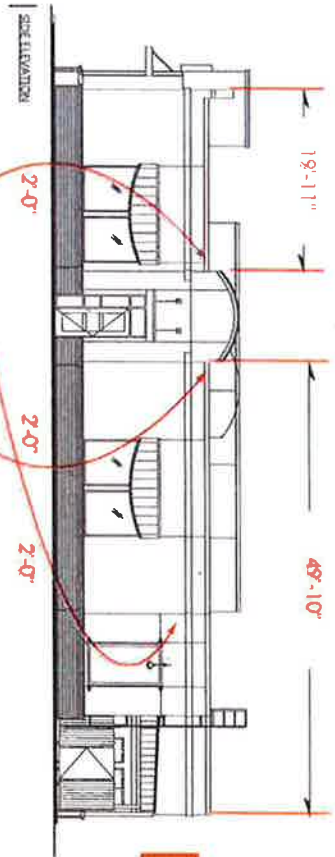
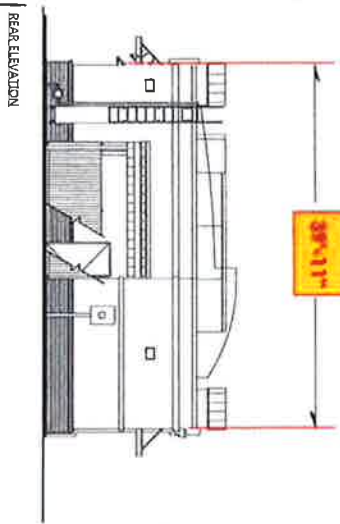


NO NEON ON DRIVE-THRU ELEVATION

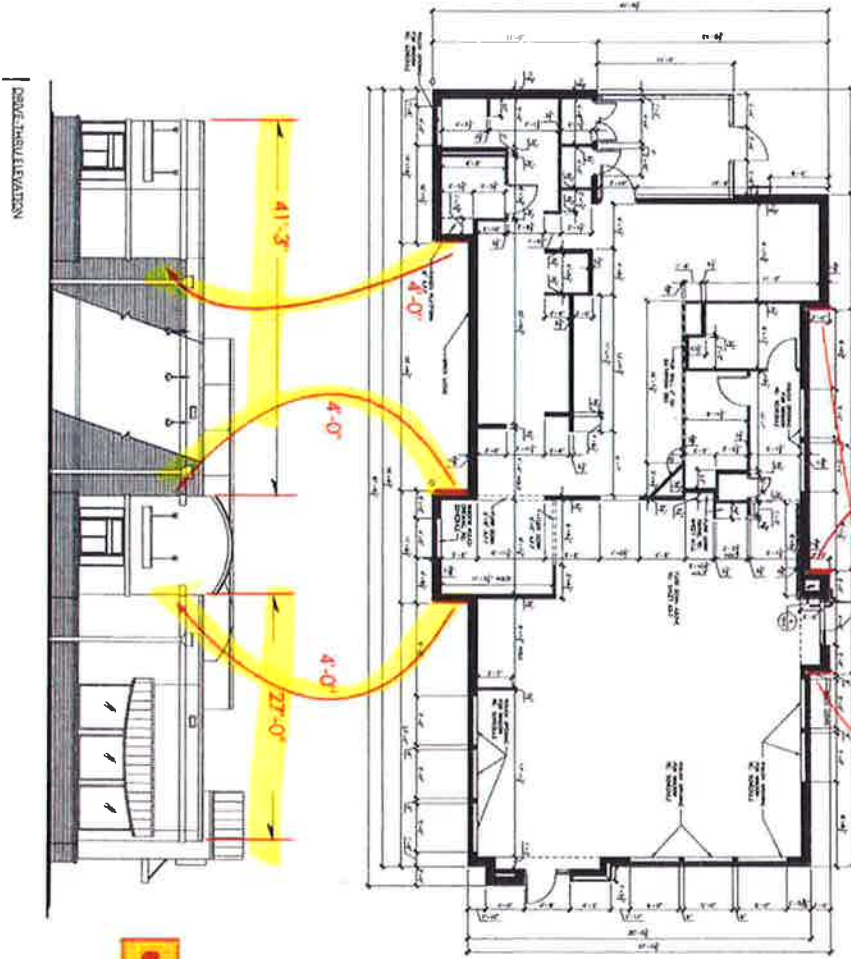


TOTAL

218'-1 1/2"

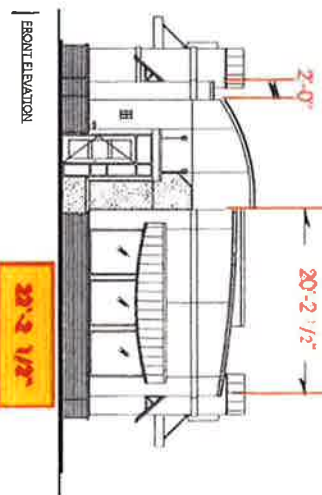


75'-0"



DRIVE THRU ELEVATION

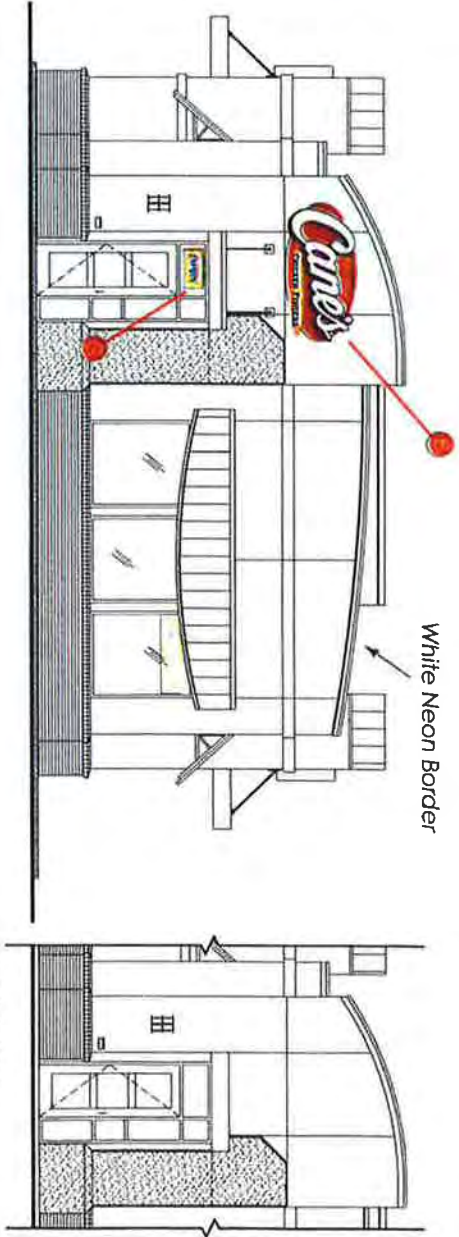
8'-0"



20'-2 1/2"

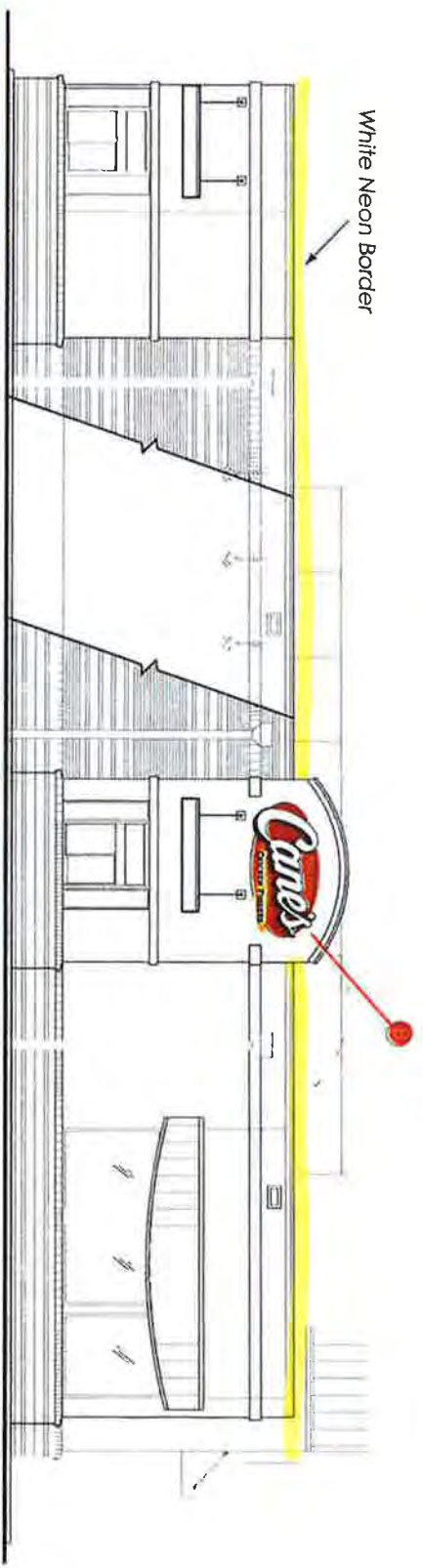
QTY.	CODE	DESCRIPTION
1	MON-6FT	Monument sign @ 6' OAH
3	WS-8FT	4 x 8 Wall Sign (Multiple Locations)
1	DTMB	Menu Board*
1	BD1	48" x 96" Blue Dog
1	PSB	Pre sell Board*
1	CFNS	Chicken Fingers Neon Sign*
1	ONS	Open Neon Sign (Multiple Locations)*
1	WS-6FT	3 x 6 Wall Sign

ELEVATIONS



01 | FRONT ELEVATION

02 | FRONT CORNER PROFILE



03 | SIDE ELEVATION

Variorne elevation

White Neon Border

White Neon Border



Location: Fayetteville, AR	AGI Rep: G.W.	Drawn by: C.MIRAMONTES
Survey ID: N/A	Project Title: Raising Canes's	
Site ID: N/A	Scale: 1/16" = 1'	
Date: 12/03/2014	Date Revised:	

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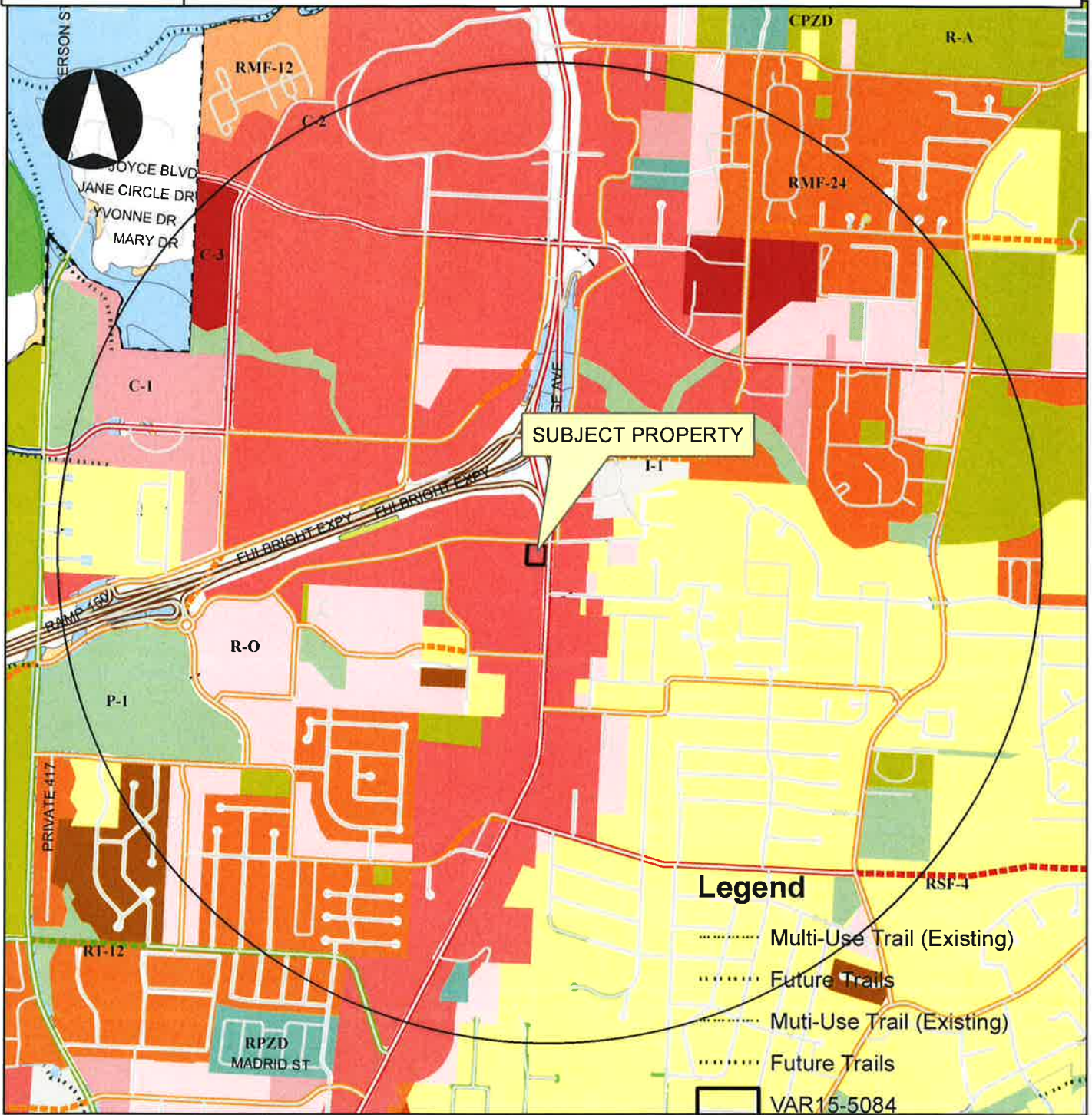
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VAR15-5084

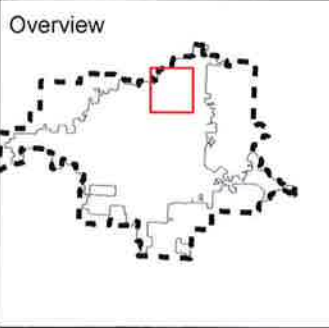
RAISING CANE'S

One Mile View



Legend

- Multi-Use Trail (Existing)
- Future Trails
- Multi-Use Trail (Existing)
- Future Trails
- VAR15-5084



Legend

Subject Property

Boundary

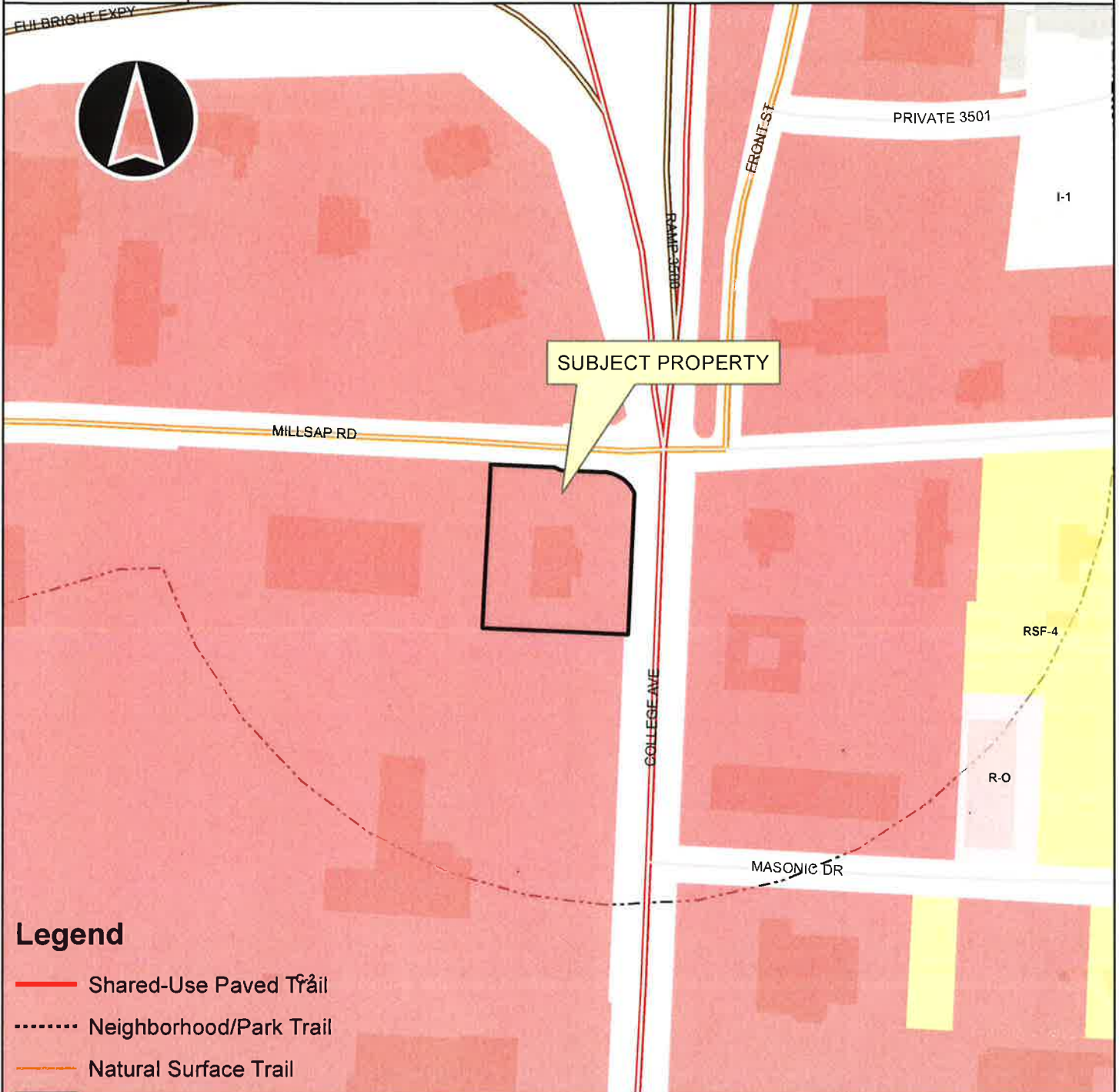
0 0.25 0.5 1 Miles

- Hillside-Hilltop Overlay District
- Design Overlay District
- Planning Area
- Fayetteville




VAR15-5084

RAISING CANE'S





Close Up View



Legend

-  Shared-Use Paved Trail
-  Neighborhood/Park Trail
-  Natural Surface Trail

Overview VAR15-5084

-  Fayetteville City Limits
-  Footprints 2010
-  Hillside-Hilltop Overlay District
-  Design Overlay District
-  Planning Area

