



CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ENGINEERING

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BZA Staff Report

To: Board of Zoning Appeals Members
From: Alex Getchell, Associate Planner
Date: April 30, 2014
Re: Case ZB 2014-02 (V) Fletcher Pre-Owned

REQUEST:

Case ZB 2014-02 (V)...Fletcher Pre-Owned. A request for a variance from the City of Franklin Zoning Ordinance Article 8, Chapter 3 to allow an electronic message board sign to be animated and with multiple colors per frame, in the Industrial: General (IG) and Gateway Overlay (GW-OL) zoning districts. The property is located at 3089 N. Morton Street.

PURPOSE OF STANDARD:

The "IG", Industrial: General zoning district is intended to provide locations for general industrial manufacturing, production, assembly, warehousing, research & development facilities, and similar land uses. This district is intended to accommodate a variety of industrial uses in locations and under conditions that minimize land use conflicts. This district should be used to support industrial retention and expansion in Franklin.

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:

Current & Proposed Use

1. Petitioner has an existing freestanding sign for Fletcher Used Car Superstore, now Fletcher Pre-Owned, which includes a 72 square foot, monochromatic (single color display) electronic message board sign. The existing sign is not animated.
2. The petitioner is requesting a variance to allow an electronic message board (EMB) sign to be animated with full motion video and utilize multiple colors per frame. The EMB would be placed on an updated freestanding sign (see photos below) at the main entrance to the property, from N. Morton Street.
3. The proposed electronic message board sign would be approximately 91 square feet in size.

Electronic Message Board Requirements & History

4. Electronic message board signs are a permitted type of sign with the following restrictions:
 - a. Only one (1) color per frame;
 - b. Each frame must be static for a minimum of 8 seconds;
 - c. No flashing, scrolling or other animation is permitted.

5. Prior to the sign ordinance amendment adopted in June 2012, electronic message board type signs required a variance from the Board of Zoning Appeals.
6. The standards listed in item 4, for these types of signs are directly based on prior recommendations made by the Board of Zoning Appeals.
7. There have been eleven (11) electronic message board type signs approved by the BZA since 2007, eight (8) of which required monochromatic signs, and all of the last eight (8) approvals since 2009, had conditions requiring a static message for a minimum of 8 seconds, and no scrolling, animation or flashing.
8. Of the eleven (11) approved, two (2) of those allowed two (2) colors to be used, the colors of which were specified in the conditions, and only one (1) of those allowed the full color spectrum to be used.
9. The most recent approval, ZB 2014-16 Heartland Bank, November 7, 2012, was specifically requested to allow multiple colors per frame. Heartland Bank committed, as part of the approval, that the sign would maintain a static message for 8 seconds and there would not be any flashing, or scrolling on the sign.

Comprehensive Plan & Zoning Ordinance

10. The 2013 Franklin Comprehensive Plan, Land Use Plan, identifies this area as Manufacturing. “Manufacturing areas are intended to accommodate large scale businesses that produce finished products from raw materials. Uses in these areas may include products manufacturing as well as any related warehousing and offices. Manufacturing areas may include facilities that involve emissions or the outdoor storage of materials and finished products. These two factors are the primary distinction between manufacturing areas and light industrial areas.”
11. 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.
12. 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.

The surrounding zoning and land uses are as follows:

Surrounding Zoning:

North: IG, Industrial: General/GW-OL
 South: IG, Industrial: General/GW-OL
 East: IG, Industrial: General
 West: RMH, Residential Manufactured Home Park
 West: MXC, Mixed-use: Community Center

Surrounding Land Use:

North: Fletcher Chrysler/Dodge/Jeep/Ram
 South: USDA Services Center
 East: Mixed/Commercial storage bldg
 West: Auto dealer/Manufactured Home Park

CRITERIA FOR DECISIONS:

(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

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:

The approval of the variance will be injurious to the public health, safety, morals, or general welfare of the community. Staff is concerned that the use of animation, including video, would be distracting to drivers on N. Morton Street, and especially those approaching a yellow/red light while travelling northbound toward Earlywood Drive. The United States Sign Council advises against allowing full motion video or film display, and flashing signs in commercial and industrial zones. Furthermore, staff is concerned with the precedent that would be set by allowing a full motion video electronic message board sign, as the interest for this type of sign continues to increase, with each sign constructed in other jurisdictions (e.g. Ray Skillman Dealership in New Whiteland). Although the size of the sign is not a part of the variance request, staff believes the current ordinance does not adequately restrict the sign area allowed for electronic message board signs; approval of a video sign of this size (6'5" tall by 14'3" wide) could further complicate future requests. The petitioner should explain how approval of this variance will not be injurious to the public health, safety, morals, and general welfare of the community.

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:

The use and value of adjacent properties likely would not be affected in an adverse manner, as the property is surrounded by other commercial properties and the proposed variance would likely have little, if any effect on surrounding properties.

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 not result in a practical difficulty, as single color electronic message board signs are currently permitted. The ordinance allows for variable messages to be utilized in order to attract attention, with messages required to remain static for only 8 seconds. The United States Sign Council advises against allowing full motion video or film display, and flashing signs in commercial and industrial zones. The petitioner should explain how approval of this variance will result in a practical difficulty in the use of the property.

STAFF RECOMMENDATION

Based on the written findings above, staff recommends **denial** of this petition.

Site Photographs:



Existing Sign

12 in
24 in
30 in
27.8 ft
160 in
20 in

144 in
12 in
84 in
77 in
171 in
109.06 in
14 in
14 in
80.1 in
42.27 in
144 in
156.5 in

Fletcher
Pre-Owned

CERTIFIED PRE-OWNED JUST GOT BETTER!
NOW FEATURING OWNER CARE BENEFITS PACKAGE

FREE Oil Changes*
Multi-Point Inspections*
Tire Rotations*

PLUS: *1 Year/100,000 Mile Power Window, Locks, and Trunk Release
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COLLISION CENTER

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SIGNATURE FOR APPROVAL

SALESMAN: _____ DATE: _____
CLIENT: _____ DATE: _____

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TJ-1-21-14 - 1655 B2
FLETCHER

*REMOVE EXISTING SIGN. PROVIDE AND INSTALL AN ALL ALUMINUM CONSTRUCTION DOUBLE FACED ID SIGN. FULL COLOR EMC, AND LED ILLUMINATED CHANNEL LETTERS. ALL PAINT COLORS (TBD).
*NOTE; EXISTING STEEL TO BE USED.

Proposed Sign