



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: July 30, 2015
Re: Cases ZB 2015-11 (V) | Meijer Fuel Center | Woolpert, Inc.

REQUESTS:

Case ZB 2015-11 (V)...Meijer Fuel Center. A request for development standards variances from the City of Franklin Zoning Ordinance:

- (1.) Article 5, Chapter 4 Architectural Standards (Entry Features)
- (2.) Article 5, Chapter 4 Architectural Standards (Display Windows)
- (3.) Article 5, Chapter 4 Sidewalks & Pedestrian Walkways (Walkways along façades)
- (4.) Article 8, Chapter 3 Non-Residential Sign Standards (Maximum Total Signage Area)
- (5.) Article 8, Chapter 3 Non-Residential Sign Standards (Maximum Freestanding Sign Area)

in the MXR: Mixed-use, Regional Center zoning district and the Gateway-Overlay Zoning District. The property is located on the west of N. Morton Street, between Simon Road (South) and Commerce Drive (North), with a common address of 2354 N. Morton Street.

PURPOSE OF STANDARD:

The “MXR”, Mixed Use: Regional Center zoning district is intended to provide locations for a variety of business and institutional land uses that either serve a regional market, or require convenient access to high-volume transportation routes. This district is intended to permit a mixture of compatible land uses in close proximity to appropriate transportation routes and other necessary infrastructure.

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:

Proposed Use

1. Woolpert, Inc., on behalf of Meijer, has received Primary Plat approval, Rezoning to MXR and Annexation approval/adoption, and has submitted for Site Development Plan Review (SPR) for a new 193,000 sq. ft. Meijer store, on 20.55 acres, and a Meijer Fuel Center on 1.76 acres, on the west side of N. Morton Street and located between Simon Road (South) and Commerce Drive (North).
2. The variance requests associated with this case, ZB 2015-11 (V), are specifically related to PC 2015-16 (SPR) for the Meijer Fuel Center, only.
3. ZB 2015-10 (V) specifically relates to PC 2015-15 (SPR) for the Meijer store requests.

4. The Meijer fuel center will share vehicular access (right-in, right-out) on N. Morton Street with the main Meijer store. An entrance will also be provided to the fuel center via an access/private road that runs between Commerce Drive and Simon Road, located immediately to the west of the fuel center.
5. The Site Development Plan (PC 2015-16) has been reviewed by the entire Technical Review Committee, and comments have been provided to Woolpert, Inc. All plans are still preliminary and subject to change. The Site Development Plan for the Meijer Fuel Center cannot be completed without BZA approval of the above listed variances, or compliance with those zoning ordinance standards.
6. According to the City of Franklin Zoning Ordinance, gas-stations (auto-oriented use – small scale) are defined as: Any building, structure, or area of land used for the retail sale of automobile fuels, oils, and accessories, without any repair service.
7. Auto-oriented uses (small scale) gas-stations, are permitted in the MXR: Mixed-use, Regional Center and the MXC: Mixed-use, Community Center zoning districts.
8. According to the City of Franklin Zoning Ordinance, convenience stores (retail use – small scale) are defined as: A small retail establishment that offers for sale a limited line of groceries, convenience goods, tobacco products, periodicals, and other household products. A convenience store may also sell gasoline.
9. Retail uses (small scale) convenience stores, are permitted in the MXR: Mixed-use, Regional Center, MXC: Mixed-use, Community Center, MXD: Mixed-use, Downtown Center, and MXN: Mixed-use, Neighborhood Center zoning districts.

Gateway Overlay District – Entry Features

10. The GW-OL district requires entry features to be provided at the main entrance to each primary structure and shall include at least 3 of the following design elements: *The petitioner is requesting relief from this standard, to only provide one of the following design elements (v. Pilasters) for the entrance to the convenience store.*
 - i. Raised corniced parapets over the door, peaked roof forms having an average slope greater than or equal to a minimum 5/12 pitch, arches, or architectural details such as tile work and moldings that are integrated into the building structure and design;
 - ii. Integral planters or wing walls that incorporate landscaped areas and / or places for sitting;
 - iii. Enhanced exterior lighting such as wall sconces, building mounted accent lights, or decorative pedestal lights;
 - iv. A prominent three-dimensional entryway feature, such as a clock tower or other similar architectural design element, projecting from the vertical plane of the main exterior wall by a minimum of 4 feet and raised above the adjoining parapet wall/roof by a minimum of 3-feet; or
 - v. Pilasters projecting from the plane of the wall by a minimum of 8 inches and/or architectural or decorative columns that create visual breaks and interest in the facade walls.

Gateway Overlay District – Display Windows

11. According to Article 5, Chapter 4 (Gateway Overlay District), all commercial building façade walls shall have display windows, faux windows, or decorative windows for no less than 60% of the façade wall's horizontal length along all pedestrian walkways. *The petitioner is requesting relief from this standard, to not provide any windows along the north elevation.* The east façade meets this standard.

Gateway Overlay District – Pedestrian Walkways along Façades

12. According to Article 5, Chapter 4, walkways along the facades of the building shall be concrete, shall be a minimum of 5 feet in width, and shall be separated from the building by a landscape area that is a minimum of 5 feet in width. The landscape area shall include benches and seating areas, and be planted with flowers, trees, and shrubs for a minimum of 50% of its length. *The petitioner is requesting relief from this standard, to not provide any landscape area, benches, nor seating areas between the building and the pedestrian walkway.*

Signage

13. According to Article 8, Chapter 3 of the City of Franklin Zoning Ordinance, the Meijer Fuel Center is permitted the following signage, subject to sign permits being obtained prior to installation of all signage:
 - 2 square feet of sign area for every 1 linear foot of building frontage, or a maximum of 600 sq. ft., whichever is smaller. In this case, the Meijer Fuel Center is permitted 200 sq. ft. of sign area, as the fuel center canopy is 100' linear feet along N. Morton Street. *The petitioner is proposing to exceed the maximum sign area allowed by 25 sq. ft., for a total of 225 sq. ft.*
 - Maximum number of five signs are permitted, one of which can be a freestanding sign.
 - Freestanding signs are limited to a maximum of 100 sq. ft. in sign area. *The petitioner is proposing to exceed the maximum freestanding sign area allowed for the Meijer pole sign by 55.1 sq. ft., for total of 155.1sq ft.*
 - Freestanding signs are limited to a maximum of 25 ft. in height.
14. The petitioner is proposing 5 total signs (1 wall, 1 freestanding, & 3 canopy), as follows:
 - Wall Sign: Meijer logo w/ 4 rows of Changeable copy – 24.75 sq. ft.
 - Canopy Sign: “Meijer” (North) – 14.98 sq. ft.
 - Canopy Sign: “Meijer” (East) – 14.98 sq. ft.
 - Canopy Sign: “Meijer” (South) – 14.98 sq. ft.
 - Freestanding (Pole sign with Fuel Prices): 155.1 sq. ft., 25ft. in height (*Exceeds max. by 55.1 sq. ft.*)
 - TOTAL SIGN AREA: 225 sq. ft. (*Exceeds maximum permitted sign area by 25 sq. ft.*)
15. For comparison, listed below are several nearby businesses and their current freestanding signage, listed in order as you drive south on N. Morton, from Commerce Drive to Walmart:
 - BMO Harris Bank: 68 sq. ft.
 - Chili's: 79.2 sq. ft.
 - *Meijer proposed freestanding sign: 155.1 sq. ft.*
 - Starbucks: 79.3 sq. ft. (ZB 2006-03; exceeded maximum total sign area)
 - First Merchants Bank: 63.75 sq. ft.
 - Multi-tenant sign, including Lowe's: 160 sq. ft. (shared with Dollar Tree retail strip center)
 - Sunoco/Food Mart: 100.64 sq. ft. (Multi-tenant with Fuel prices)
 - Walmart: 172 sq. ft.
16. The petitioner states they have proposed the freestanding sign at that size, due to the need to be visible from N. Morton Street.
17. The proposed Meijer Fuel Center freestanding sign, which would include fuel prices, would be essentially twice the size of the four freestanding signs in closest proximity. Staff is unaware of any visibility issues with the BMO Harris Bank, Chili's, Starbucks, or First Merchants Bank freestanding signage.
18. In addition to the freestanding sign, the Meijer Fuel Center will have 3 “Meijer” signs displayed, along with the distinctive Meijer “Award Blue” color band, around the fuel center canopy at approximately 20' in height. Altogether, with the proposed Meijer store, there are 11 signs proposed, 3 of which will be freestanding, and 8 of which will have the Meijer logo.

Comprehensive Plan & Zoning Ordinance

19. The 2013 Franklin Comprehensive Plan, Land Use Plan, identifies this area as Community Activity Center. “Community activity centers area intended as areas of mixed land uses that provide gathering places and goods and services for the entire community. Community activity centers may include churches, schools, community parks, grocery stores, gas stations, shopping centers, offices, banks and restaurants. Community activity centers may also include residences located on the upper floors of otherwise commercial buildings. Community activity centers are generally located along major streets and at prominent intersections where they are readily accessible by people from throughout the community.”

20. 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.
21. 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.

22. The surrounding zoning and land uses are as follows:

Surrounding Zoning:

North: MXR, Mixed-use: Regional Center
 South: MXC, Mixed-use: Community Center
 East: MXR, Mixed-use: Regional Center
 West: MXR, Mixed-use: Regional Center

Surrounding Land Use:

North: Vacant Commercial Lot
 South: Vacant Commercial Lot
 East: BMO Harris, Chili's, Starbucks
 West: Future Meijer Store

CRITERIA FOR DECISIONS – DEVELOPMENT STANDARDS VARIANCE:

(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 – DEVELOPMENT STANDARDS VARIANCES

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:

Staff finds the approval of *some* of the proposed variances would be injurious to the public health, safety or general welfare of the community.

Will not be injurious: Staff finds the requested variance for no display / faux / decorative windows along the north façade pedestrian walkway will have no adverse effect on the general welfare, as additional design features have been utilized (projection, color change, and decorative parapets) along the relatively short north façade, and that strictly requiring windows, in this instance, would not result in a measurable benefit to the general welfare. Additionally, staff finds the lack of a landscape area between the pedestrian walkway and the convenience store would not be injurious to the public or general welfare in any way.

Will be injurious: Staff believes approval of the variance to allow only one enhanced entry feature for the proposed convenience store will adversely affect the general welfare, as approval would be in opposition to the intent of the Gateway Overlay District development standards. Staff finds approval of the proposed 155.1 sq. ft. freestanding fuel center sign would be injurious to the general welfare of the community, as approval would allow a sign out of proportion with, and nearly twice as large as, the businesses directly across the street. Moreover, approval of a freestanding sign 55% larger than is allowed by ordinance would set a dangerous precedent, and would imply the Board does not believe the recently adopted (2013) Sign Standards are adequate for new developments; especially when this site is not hindered by unique or peculiar visibility / site features. Conversely, a freestanding sign which does meet the ordinance (25 feet in height and 100 sq. ft. in size) in combination with the fuel center canopy signs and color banding, would be clearly visible to traffic on N. Morton Street. Subsequently, staff also finds the general welfare would be adversely affected if the Board approved the proposed total sign area, of 225 sq. ft. A reduction of the freestanding sign area, to meet the ordinance standards, would also bring the total signage area into compliance.

- 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:

Staff finds no evidence that approval of any of the variances would affect any of the adjacent properties in a substantially adverse manner. While the proposed Meijer Fuel Center has not fully provided the enhanced entry features required by the Gateway Overlay District, the lack of those features on a convenience store of this size will not have a measurable direct impact on the use or value of the adjacent 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 practical difficulties for *some* of the requested variances.

Will result in practical difficulty: Staff finds it is not practical to strictly require the 60% windows along the north façade pedestrian walkway. Additionally, staff finds there is a practical difficulty in providing a landscape area, with benches and seating areas, between the sidewalk and structure, at a fuel station / convenience store. The operation and needs of customers of fuel centers / convenience stores are such that additional landscaping and seating areas would not be beneficial to anyone involved, and could become an eye-sore with unhealthy sod or landscaping, and could become a place where groups gather and disrupt the normal fast-paced business operations.

Will not result in practical difficulty: Staff does not find any practical difficulty in providing additional entry features, such as enhanced exterior lighting (wall sconces / accent lights / decorative pedestal lights) and architectural details, such as tile work and moldings that are integrated into the building structure and design near the entrance. The addition of enhanced exterior lighting and tile work / moldings would nullify the need for variance. The Board should query the petitioner on what practical difficulty exists in adding either of these features. Additionally, staff does not find any practical difficulty in utilizing a freestanding sign that meets the requirements of the ordinance. The four businesses immediately across N. Morton Street all employ freestanding signs smaller than the ordinance allows, and have done so for years, without any known visibility issue. There is not a unique visibility or site feature associated with the Meijer Fuel Center location, compared to the businesses across N. Morton Street. Moreover, a sign that meets the ordinance, 100 sq. ft. in size, would allow for a fuel price sign that is clearly legible to passing motorists, as the sign will be unobstructed and setback only 10 feet from the right-of-way, while still having ample sign area remaining for brand identification (“Meijer”). Subsequently, staff finds no practical difficulty in meeting the maximum total sign area allowed, as a 100 sq. ft. freestanding sign, instead of 155 sq. ft., would reduce the Fuel Center’s total signage area below what is allowed, by 30 sq. ft.

STAFF RECOMMENDATION – DEVELOPMENT STANDARDS VARIANCES

Based on the written findings above, staff recommends **denial** and **approval** of the petitions, as follows:

Denial:

- (1.) Architectural Standards (Entry Features)
- (4.) Non-residential sign standards (Maximum Total Sign Area)
- (5.) Non-residential sign standards (Maximum Freestanding Sign Area)

Approval:

- (2.) Architectural Standards (Display Windows) – North façade only
- (3.) Sidewalks & Pedestrian Walkways (Pedestrian Walkways along facades)

If the Board finds sufficient evidence to approve the variances relating to signage, staff recommends the following condition of approval:

1. Sign permits shall be obtained prior to installation of all signage.