



## CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT › DEPARTMENT OF ENGINEERING  
70 E. MONROE STREET › FRANKLIN, INDIANA 46181 › 877.736.3631 › FAX 317.736.5310 › [www.franklin-in.gov/planning](http://www.franklin-in.gov/planning)

### BZA Staff Report

**To:** Board of Zoning Appeals Members

**From:** Kevin Tolloty, Associate Planner

**Date:** July 24, 2012

**Re:** Case ZB 2012-08 (V)

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#### REQUEST:

**Case ZB 2012-08 (V)...1550 N. Morton Street.** A request for a variance from the City of Franklin Zoning Ordinance Article 5, Chapter 4 to allow a primary color on more than 10% of the front exterior wall and from Article 8, Chapter 3 to exceed the maximum number of permitted signs in the Mixed Use: Community Center (MXC) and Gateway Overlay (GW-OL) zoning districts. The property is located at 1550 N. Morton Street.

#### PURPOSE OF STANDARD:

The “MXC”, Mixed Use: Community Center zoning district is intended to provide locations for a variety of small-to-mid-sized businesses and institutional facilities that serve the entire Franklin-area community. This district should be used alone and in combination with other zoning districts to create areas for community shopping, entertainment, services, and public gatherings.

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:

1. The petitioner is requesting a variance to allow a primary color on more than 10% of the front exterior wall and to exceed the total number of signs permitted.
2. The petitioner has requested that the two variances be considered separately.
3. According to Article 5.4 of the Zoning Ordinance; “Exterior facade wall colors shall be low reflectance, subtle, neutral, or earth tones. The use of high intensity, primary, metallic, black or fluorescent colors shall be prohibited. Building trim and accent areas may feature brighter colors or primary colors. Such building trim and accent areas shall not exceed 10% of any single exterior wall area excluding all windows, doors, and glass construction materials.”
4. The proposed trim color of “Chevrolet Blue” is considered a primary color and should be used on no more than 10% of the front façade.
5. The applicant is proposing the façade would be approximately 30% covered by a primary color.
6. According to Article 8.3 of the Zoning Ordinance, businesses in the MXC zone are permitted a total of five (5) signs that may be distributed throughout the parcel on which the business is located.

7. The business currently has five (5) wall signs and three (3) additional pole signs for a total of eight (8) signs (this does not include three (3) wall signs and two (2) pole signs associated with the use car sales which for signage purposes was considered a separate business) .
8. The variance would replace the two (2) signs on the main building and add one (1) additional sign on the main building to bring the total to nine (9) signs for the business.
9. The 2002 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."
10. 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.
11. 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: MXC, Mixed Use: Community Center/GW-OL  
 South: MXC, Mixed Use: Community Center/GW-OL  
 East: MXC, Mixed Use: Community Center/GW-OL  
 West: MXC, Mixed Use: Community Center/GW-OL

**Surrounding Land Use:**

North: Northwood Plaza/Chase Bank  
 South: Tractor Supply Co.  
 East: Auto Zone/Taco Bell  
 West: Ray's Dixie Chopper

**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 not be injurious to the public health, safety, morals, or general welfare of the community. While the color would be more prominent than the overlay district would allow, it should not be of a distraction to traffic. In addition, although the total number of signs would increase, the total square footage of signage would decrease.

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 will not be affected in an adverse manner as the property is surrounded by other commercial 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 does not result in a practical difficulty as the petitioner may construct a structure at the above location by utilizing colors that meet the standards outlined in the ordinance. Additionally, the existing number of signs, including all non-conforming and unpermitted signs, is already in excess of the number allowed. Staff finds that the practical difficulty of the property is based on the perceived reduction of, or restriction on, economic gain. The petitioner should explain how approval of this variance will result in a practical difficulty in the use of the property.

**Please Note:** The City of Franklin Board of Zoning Appeals may impose reasonable conditions as part of its approval.

## **STAFF RECOMMENDATION**

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

## Site Photographs



Aerial View of Main Building



Front Façade of Main Building & Sign #1

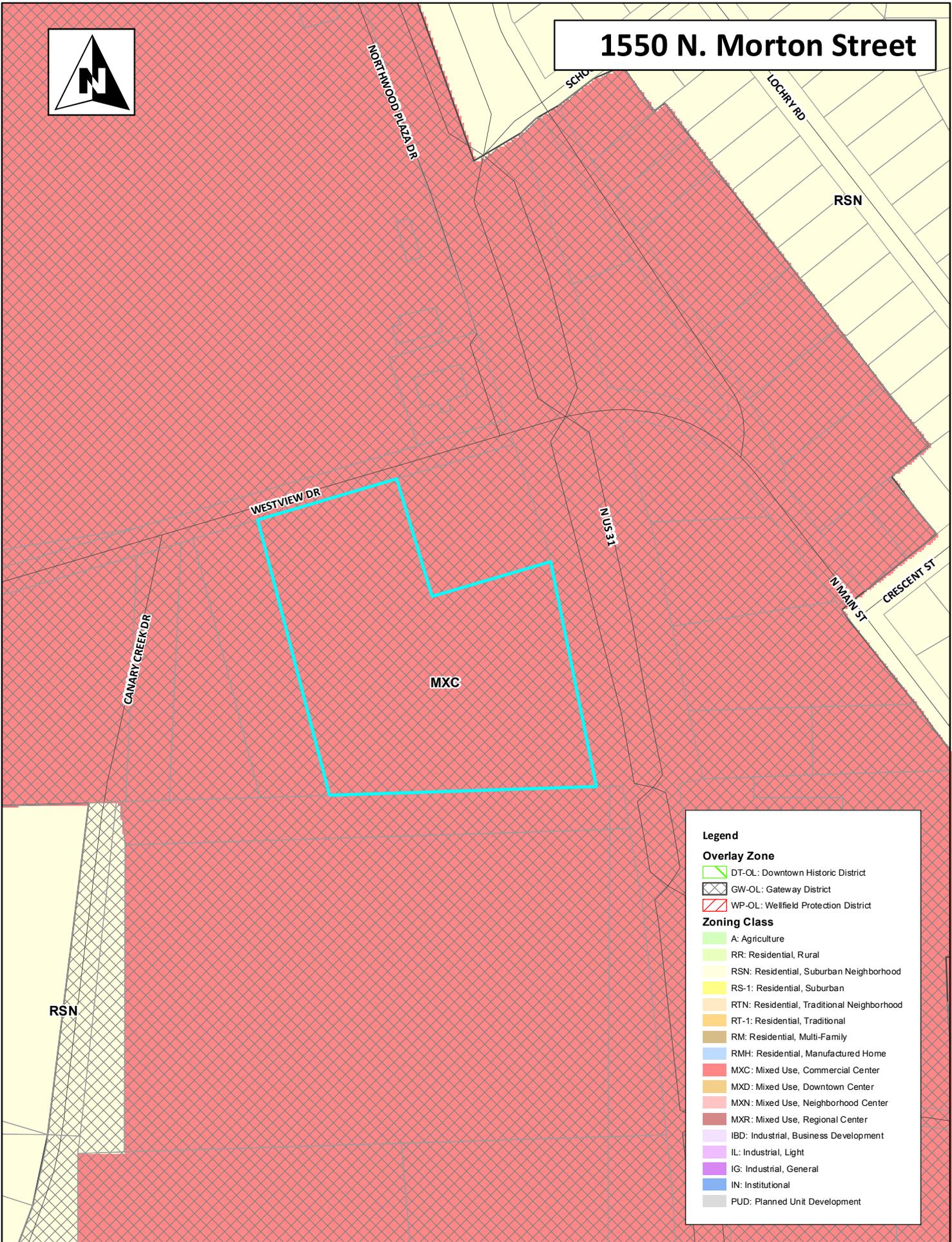


Collision Center & Signs #3-5



Pole Signs on U.S. 31 – Signs #6-8

# 1550 N. Morton Street



**Legend**

**Overlay Zone**

- DT-OL: Downtown Historic District
- GW-OL: Gateway District
- WP-OL: Wellfield Protection District

**Zoning Class**

- A: Agriculture
- RR: Residential, Rural
- RSN: Residential, Suburban Neighborhood
- RS-1: Residential, Suburban
- RTN: Residential, Traditional Neighborhood
- RT-1: Residential, Traditional
- RM: Residential, Multi-Family
- RMH: Residential, Manufactured Home
- MXC: Mixed Use, Commercial Center
- MXD: Mixed Use, Downtown Center
- MXN: Mixed Use, Neighborhood Center
- MXR: Mixed Use, Regional Center
- IBD: Industrial, Business Development
- IL: Industrial, Light
- IG: Industrial, General
- IN: Institutional
- PUD: Planned Unit Development

1 inch = 200 feet



**1550 N. Morton Street**



Legend

**1 inch = 100 feet**

Created: Franklin Planning Dept. - 7/12  
K. Tolloty

07/09/12

City of Franklin  
Department of Planning and Economic Development  
**Board of Zoning Appeals**  
70 E. Monroe Street  
Franklin, IN 46131

Bradley Chevrolet

## Findings of Fact

We are requesting a variance of the following sections:

Art. 8.3, A, 2 – Maximum Number of Signs

- We are requesting the allowance of three signs; “Bradley”, “Chevrolet” and “Certified Service”

Art. 5.4, C, 1, b – Use of Primary Color on more than 10% of main building Façade (Gateway Corr)

- We are requesting the allowance of the “Chevrolet Blue” entry tower

### General Welfare

Art 8.3, A,2: – The allowance of three signs will have no detriment to the general public, the signs indicate local dealer name, main vehicle type, and directional information to the new enclosed service write-up area which will be out of the weather, and safer to the general public.

Art 5.4, C, 1, b: - The allowance of the Chevrolet blue on main building façade will have no detriment to the general public as it has been, or is being installed for all Chevrolet dealers nationwide and is simply a “branding” element. It does not change color, flash, and it is not reflective, so as to create glare.

### Adjacent Property Effect

Art 8.3, A,2: – The allowance of three signs will have no adverse effects on surrounding properties as this site is in the middle of a commercial gateway corridor, and is surrounded by, or is close to various commercially branded buildings ( McDonalds, Dairy Queen, Auto Zone). This image update will actually enhance the building and the value to neighboring property owners

Art 5.4, C, 1, b: - The allowance the Chevrolet Blue entry tower will have no adverse effects on surrounding properties, for the same reasons as cited directly above.

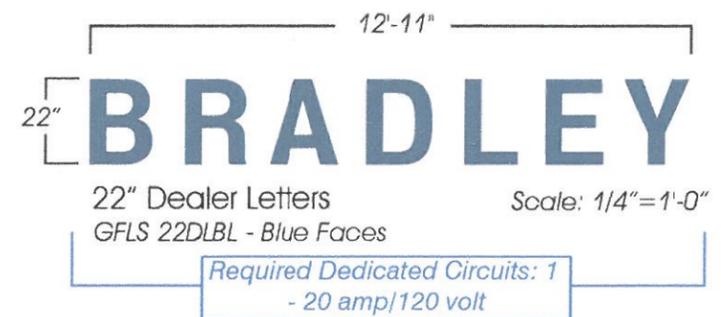
### Practical Difficulty

Art 8.3, A,2: – The non-allowance of three signs will force the owner to choose between two of the three elements, as the “Chevrolet” sign and logo bowtie are a requirement of having the franchise and cannot be deleted. The location is known as “Bradley”, however having the dealer name on the building is also strongly desired by Chevrolet, which leaves the “Certified Service” sign. In that part of this project is the enclosure of that area of the building; so as to have a more safe and secure area for customers; and as the older established patrons will know where to approach the building, the signage helps new and potential customers to the service entry, which is a large portion of the actual “business”. With no signage the service entry can become ambiguous and potentially dangerous, with customers driving at random looking for the entry.

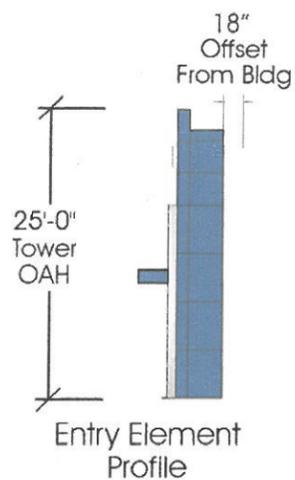
Art 5.4, C, 1, b: - The non-allowance of the Chevrolet Blue entry tower will cause a loss of the dealership franchise, as it is a new "national" look and is required by all dealer nationwide. For freestanding buildings, such as this location; the tower is essentially a stand-alone element, indicating primary building entry and manufacturer brand. In integrated locations, the tower is still required and is surface mounted to the face of the building. With regard to color, Chevrolet has developed a uniform and easily recognizable color, such as Ford Blue, or Nissan Red and it a required dealership element. Without the allowance of the proper color the dealership license will be rescinded by Chevrolet. With these conditions in mind we request that the material and color be allowed.

Proposed Color Scheme/ Front Elevation



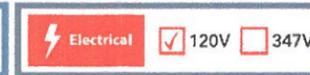
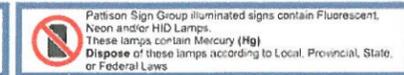
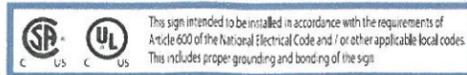


ELEMENTS					
ELEMENT	SIZE (HEIGHT)	LENGTH	SQUARE FT.	WEIGHT	ELECTRICAL
Chevrolet Bowtie 2010	25"	6'-5"	13.37	15 lbs	1 amp
Chevrolet Signature	25"	16'-11 3/4"	35.37	72 lbs	1 amp
Dealer Name Letters	22"	12'-11"	23.68	8lbs/letter	.4 amps/letter
Certified Service Letters	22"	18'-5 1/4"	33.8	80 lbs	1 amp



Pattison Sign Group recommends signage based on the Design Intent Drawings provided by Gensler. If your final approved design documents differ from the original scale or size it is recommended that your General Contractor send the revised dimensions of your building facade for additional review. The size and placement of the ACM reveals (seams) is a vital part of our recommendation process to comply with General Motors design guidelines.

Customer Approval: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_  
 By: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_



BAC#:	112911		
Client:	BRADLEY CHEVROLET, INC.		
Site:	FRANKLIN, IN		
Date:	07-06-12	Rev. Date:	-
Draftsman:	D Cooper	Rev #:	-
Scale:	as noted	Page:	1/1

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