



CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ENGINEERING

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BZA Staff Report

To: Board of Zoning Appeals Members
From: Alex Getchell, AICP, Senior Planner
Date: September 28, 2018
Re: Cases ZB 2018-15 (V) | Franklin Gateway Development, LLC

REQUESTS:

Case ZB 2018-13 (V)...361 Paris Drive. A request for two developmental standards variances from the City of Franklin Zoning Ordinance, Article 8, Chapter 3, Permitted Non-Residential Sign Chart, to allow a multi-tenant joint sign to exceed the maximum height permitted and the maximum square footage permitted per tenant, to be allowed 65 feet in height and 75 square feet per lot, for a total of 600 square feet, in the MXR: Mixed-use, Regional Center and GW-OL: Gateway Overlay districts. The property and proposed location for the sign is adjacent to Interstate 65 southbound exit ramp, approximately 600 feet north of E. King St.

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:

1. Franklin Gateway Development LLC, Petitioner, is proposing a high-rise multi-tenant freestanding sign to serve their proposed 8-lot commercial subdivision (“Franklin Gateway Development” subdivision), located in the northwest quadrant of the Interstate-65 Exit-90 interchange. [See [Exhibit A: Letter of Intent](#)]
2. Petitioner’s proposal includes a multi-tenant freestanding sign 65 feet in total height, with four (4) 7’-6”H x 20’W sign cabinets, for a total of 600 sq. ft. of sign area; equaling 75 sq. ft. per lot in the proposed commercial subdivision. [See [Exhibit B: Sign Design](#)]
3. Petitioner is proposing for the sign to be located adjacent to the Interstate-65 southbound exit ramp, 10 feet from the right-of-way line, approximately 600 feet north of the ramp’s intersection with E. King St. [See [Exhibit C: Site Plan](#)]

Multi-Tenant Sign Height

4. According to Article 8, Chapter 3, Permitted Non-Residential Sign Chart, the maximum height for Multi-Tenant Joint Signs, in any district, including MXR, is 25 feet.
5. *Petitioner is requesting a variance from the Maximum Height for Multi-Tenant Joint Freestanding signs of 25 feet in the MXR: Mixed-use Regional Center zoning district, to be permitted to construct a multi-tenant joint freestanding sign 65’-0” in height.*

Multi-Tenant Sign Area

6. According to Article 8, Chapter 3, Permitted Non-Residential Sign Chart, Multi-Tenant Joint Signs are permitted a maximum of 50 square feet of sign area per tenant.
7. *Petitioner is requesting a variance from the Maximum Sign Area for Multi-Tenant Joint Freestanding signs of 50 sq. ft. per tenant in the MXR: Mixed-use Regional Center zoning district, to be permitted 75 sq. ft. per proposed lot in the proposed Franklin Gateway Development subdivision.*

Multi-Tenant Variance History near Interstate-65

8. In February, 2008, the East King Street Convenience Center (2120 E. King St.; Marathon gas & Subway) requested variance approval for a multi-tenant freestanding sign 92 feet in height. The variance was denied, unanimously, with Board members indicating they would be willing to consider a proposal for lesser sign height.
9. In March, 2009, the East King Street Convenience Center (2120 E. King St.; Marathon gas & Subway), returned to the BZA to request variance approval for a multi-tenant freestanding sign 55 feet in height, with three tenants and 235 sq. ft. of sign area (~78 sq. ft. per tenant). The variance was approved, unanimously, with support for the decision criteria being that the sign would not be visible from Interstate-65 if it were constructed at a lower height.

Surrounding Zoning:

North:	MXR, Mixed-use: Regional Center & GW-OL RSN, Residential: Suburban Neighborhood
South:	MXR, Mixed-use: Regional Center GW-OL: Gateway Overlay District
East:	IG, Industrial: General
West:	MXR, Mixed-use: Regional Center GW-OL: Gateway Overlay District

Surrounding Land Use:

North:	Proposed Hampton Inn & Suites Paris Estates – Single-family Res.
South:	Former Red Carpet Inn property Vandivier Spirits
East:	Interstate 65; Agriculture field
West:	Fairfield Inn, Burger King, Marathon Gas/Subway

Comprehensive Plan

10. The 2013 Franklin Comprehensive Plan, Land Use Plan, identifies this area as Regional Activity Center. “Regional activity centers are intended to be similar to community activity centers, but on a scale that serves people outside of the immediate Franklin area. Regional activity centers are designed in recognition of Franklin’s role as a hub of commercial activity for some portions of Johnson County and its location along several major transportation routes. Regional activity centers are intended to provide for the goods and services needs of those passing through the Franklin area and traveling to Franklin for shopping and entertainment. Regional activity centers may include uses such as shopping centers, large-scale retailers and wholesalers, gas stations, hotels, and restaurants. Regional activity centers are designed to accommodate the needs of the automobile, however pedestrian travel should be integrated into this system through connections between individual businesses and with surrounding land uses.”

Interstate 65 Interchange Economic Development Plan

11. In June 2015, the Redevelopment Commission (RDC) approved the Interstate 65 Interchange Economic Development Plan (the “Interchange Plan”) for the Franklin/I-65 Integrated Economic Development Area. The City of Franklin Plan Commission and Common Council declared their support for the Interchange Plan in April & May 2015, respectively, prior to its final adoption by the RDC.
[See [Exhibit D: I-65 Interchange Plan](#)]
12. The subject property is identified in the Interchange Plan as an important “Short-Term Development Opportunity,” with Land Use recommendations for Commercial uses that better serve the local desire and traveler demand for services: “Specifically, there is a need for additional quality hotel/hospitality facilities, restaurant options, and grocery needs.”
13. The Interchange Plan included steering committee and citizen input on Development Preferences and extrapolated a “Development Character” for the area, including specific recommendations for the Architectural Style, Commercial Buildings, and Hotel/Hospitality.

14. The Interchange Plan states: “There is a strong consensus that the interchange needs its own, unique character yet still remain sensitive to being connected to the rest of Franklin. There is also a general understanding that this plan outlines, at a high level, the vision for the future of the interchange. This includes such concepts as consolidating commercial signage, creating consistent themes between buildings within the same development, encouraging the private sector to bring new design concepts forward for consideration, developing 360 degree architectural design, sharing access across properties and maximizing the efficiency of development to provide the best possible impact for assessed valuation growth and job creation.”
15. The Interchange Plan addressed the “Key Decision Metrics” potential retail and/or restaurant franchises use during their site selection, or elimination, process. The Interchange Plan states the “availability of signage” is one of ten key decision metrics for retail/restaurant uses. As an example, The Interchange Plan points out the Bob Evans restaurants franchising requirements include high rise signage. The requirements are highly varied among chains, but signage availability remains a key metric.

Zoning Ordinance

16. 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.
17. 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.

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 the proposed variances will not be injurious to the public health, safety, morals, or general welfare of the community, as the signage proposed is similar in nature to modern signage at interstate interchanges. Moreover, approval of this request will be consistent with prior Board decisions in the general vicinity. Furthermore, the proposed signage will increase the visibility of the future business locations, and provide a critical wayfinding point of reference for non-local travelers navigating the interchange exit. Therefore, staff finds approval of the requested variances will not injure the public health, safety, morals, or general welfare.

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 approval of the proposed variances will not adversely affect the use and value of adjacent property owners, as the freestanding signage for all eight proposed lots in the Franklin Gateway Development subdivision will be consolidated into one multi-tenant joint freestanding sign. Moreover, approval of the proposed larger consolidated sign at the interstate interchange will support the Sign Standards Intent by avoiding the proliferation of signage, by allowing a sign that is compatible with the scale of buildings and the surrounding features, and by eliminating potential hazards to motorists and pedestrians by utilizing a single-focused wayfinding reference point for non-local travelers navigating the interchange exit. Therefore, staff finds the use and value of adjacent properties will not be affected in a substantially adverse manner.

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:

Staff finds the strict application of the terms of the ordinance will result in a practical difficulty as the ordinance permitted sign area and height do not adequately serve a commercial subdivision of this type and size, nor one located adjacent to an interstate interchange. Specifically, the additional height and sign area are necessary and practical for the hotel/hospitality, retail and restaurant franchises that require long-distance clear visibility for a large portion of their customer base: non-local interstate motorists. Additionally, approval of this request will be consistent with prior Board decisions in the general vicinity.

STAFF RECOMMENDATION – DEVELOPMENT STANDARDS VARIANCES

Based on the written findings above, staff recommends **approval** of the petitions with the following conditions:

- a. Approval is limited to the proposed sign design, with a maximum height of 65 feet, four (4) sign cabinets of 150 sq. ft. each, and a maximum of 600 sq. ft. in sign area.
- b. No sign cabinet can exceed 150 sq. ft. in sign message area.
- c. Any additional sign area shall require separate Board review and approval.
- d. Sign permits shall be obtained prior to installation of all signage.
- e. Structural and wind load calculations required with sign permit application.
- f. As outlined by the City of Franklin Zoning Ordinance Article 8, Chapter 3, individual freestanding signs are prohibited on lots within the same primary platted subdivision.