

## STAFF REPORT

### Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number:** 2023-DV1-008  
**Address:** 8144 East Southport Road (approximate address)  
**Location:** Franklin Township, Council District #25  
**Zoning:** C-4  
**Petitioner:** DRGSF Surplus, LLC, by Russell Brown and Elizabeth Bentz Williams  
**Request:** Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of an outlot, including:

- a) The erection of a third freestanding sign along Southport Road, being 260 feet from an existing freestanding sign to the east (maximum of two freestanding signs permitted per frontage, 300-foot separation required);
- b) 51 162-square foot parking spaces provided (maximum 43 parking spaces permitted, minimum 180 square feet required); and
- c) A drive through with stacking spaces within the front yard of Southport Road (not permitted) and no exclusive bypass aisle (required).

### RECOMMENDATIONS

Staff **recommends denial** of the request.

### SUMMARY OF ISSUES

#### LAND USE

#### EXISTING ZONING AND LAND USE

C-4	Undeveloped out lot
-----	---------------------

#### SURROUNDING ZONING AND LAND USE

North -	C-4	Integrated Commercial Center
South -	D-A	Single-Family Dwellings
East -	C-4	Commercial restaurant
West -	C-4	Commercial office under development

COMPREHENSIVE PLAN	The Comprehensive Plan recommends community commercial uses.
--------------------	--

(Continued)

## **STAFF REPORT 2023-DV1-008 (Continued)**

### **VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ As a result of the petitioner's desire to build a multi-tenant building, with a drive-through restaurant, with a third frontage sign, excessive parking, and provide for a drive-through lane with stacking spaces in the front yard without an exclusive bypass aisle, multiple variances are being sought to provide for the proposed development.
- ◇ Standards of the Sign Regulations are intended to promote quality sign displays that are integrated with developments and reduce potential hazards to pedestrians and motorists. These standards include the number of signs, and separation requirements.
- ◇ The Sign Regulations allow two freestanding signs for an integrated center. In addition, a separation distance of 300 feet is required between individual signs. These requirements are designed to mitigate the proliferation of freestanding signs and the visual conflicts and negative aesthetics associated with multiple signs in close proximity to one another.
- ◇ This request would provide for the erection of a third freestanding sign along Southport Road, where a maximum of two freestanding signs are permitted, and being 260 feet from an existing freestanding sign to the east, where a 300-foot separation is required.
- ◇ The practical difficulty noted in the findings of fact for the third freestanding sign is due to the extreme length of the integrated center frontage, and the ability to safely identify the location of businesses.
- ◇ The primary sign for the integrated center contains approximately up to sixteen multiple tenant signs, plus the primary tenant sign. Allowing for the placement of this development's tenants on the sign. At the time of Staffs site visit, there were approximately 12 tenant spaces in the integrated center.
- ◇ The requested third freestanding sign could be replaced with an appropriate building or façade sign, providing the needed location identification for passing motorists. There is no obstructive buildings or structures in front of the proposed building that would restrict any potential building or façade signage. This would also reduce the potential hazard of additional freestanding signs and allow for the location of the business to be found safely.
- ◇ The requested 260-foot sign separation is a result of the petitioner's desire to locate the sign on the easternmost portion of the parcel, where other frontage is available that the sign could be located with a 300-foot separation. Therefore, the practical difficulty in locating the sign with less than a 300-foot separation is self-imposed.

(Continued)

## **STAFF REPORT 2023-DV1-008 (Continued)**

- ◇ This request would provide for 51 deficient sized parking spaces when the maximum permitted is 43 parking spaces. The practical difficulty noted in the findings of fact for exceeding the maximum parking spaces references the need for an additional user, and the national user
- ◇ No data has been submitted to the file to demonstrate the need for the additional parking supply, or substantiate the need for the additional parking during periods of high traffic.
- ◇ Staff would note that the site is part of an integrated center and adjacent to a larger parking area that is shared by the integrated center tenants. Therefore, additional parking spaces are already available without increasing the parking area for this site, and subsequently the amount of hard surface that contributes to stormwater runoff and the heat island effect.
- ◇ If the deficient sized parking spaces were re-sized to provide for the required 180-square feet, instead of the 162-square feet provided, then a reduction of parking spaces would occur, thereby reducing the need for additional parking spaces beyond the maximum.
- ◇ This request would also provide for a drive through with stacking spaces within the front yard of Southport Road, and no exclusive bypass lane.
- ◇ The request is a result of the design for new construction on the site. Approximately eight to ten parking spaces along the frontage of Southport Road could be removed, or changed to parallel parking, allowing the development to be moved forward ten to fifteen feet, which would allow for the stacking spaces to move behind the front building façade, provide for an exclusive bypass lane, and reduce the amount of parking spaces to meet the maximum allowed by the Ordinance.
- ◇ Since the site is undeveloped, the requested ordinances are a result of the specific design and development and not a result of the site. The site has no limiting factors, other than being too small for the proposed development, which is not a factor imposed by the Ordinance. Therefore, the proposed design can be changed to meet the requirements of the Ordinance without the need of the requested variances and provide orderly development as other adjacent developments have been able to do so. Therefore, Staff does recommend denial of the requested variances due to no practical difficulty being imposed by the site.

## **GENERAL INFORMATION**

THOROUGHFARE PLAN	This section of East Southport Road is classified as a primary arterial with a 90-foot existing and proposed right-of-way on the Official Thoroughfare Plan.
SITE PLAN	File-dated January 31, 2023
FINDINGS OF FACT	File-dated January 21, 2023, and March 1, 2023

(Continued)

## **STAFF REPORT 2023-DV1-008 (Continued)**

### **ZONING HISTORY**

**2020-DV2-012; 8120 East Southport Road (west of site)**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 139-foot setback and a double-loaded and single-loaded row of parking along Southport Road (maximum 85-foot front setback and one double-loaded row permitted), **granted**.

**2014-CZN-824A; 8120 East Southport Road** (includes subject site), Rezoning of 28.15 acres from the D-A district to the C-4 classification to provide for an approximately 98,500 square foot grocery store, a fueling station and integrated commercial center, **approved**.

**2014-CVR-824; 8120 East Southport Road (includes subject site)**, requested a variance of development standards of the Commercial Zoning Ordinance to provide for a grocery store, a gasoline station and commercial retail development, with outdoor seating and dining, with 500 square feet of outdoor storage on the fueling station parcel, and with 665 parking spaces, **granted**.

**2014-CZN-824B; 8120 East Southport Road** (west of site), Rezoning of 5.9 acres from the D-A district to the C-3 classification to provide for an integrated commercial center, **approved**.

**2014-CZN-824C; 8120 East Southport Road** (north of site), requested the rezoning of 12.5 acres from the D-A district to the C-S classification to provide for an integrated commercial center, **approved**.

**2014-CZN-824D; 8120 East Southport Road** (west of site), Rezoning of 6.7 acres from the D-A district to the C-S classification to provide for an integrated commercial center, **approved**.

RU

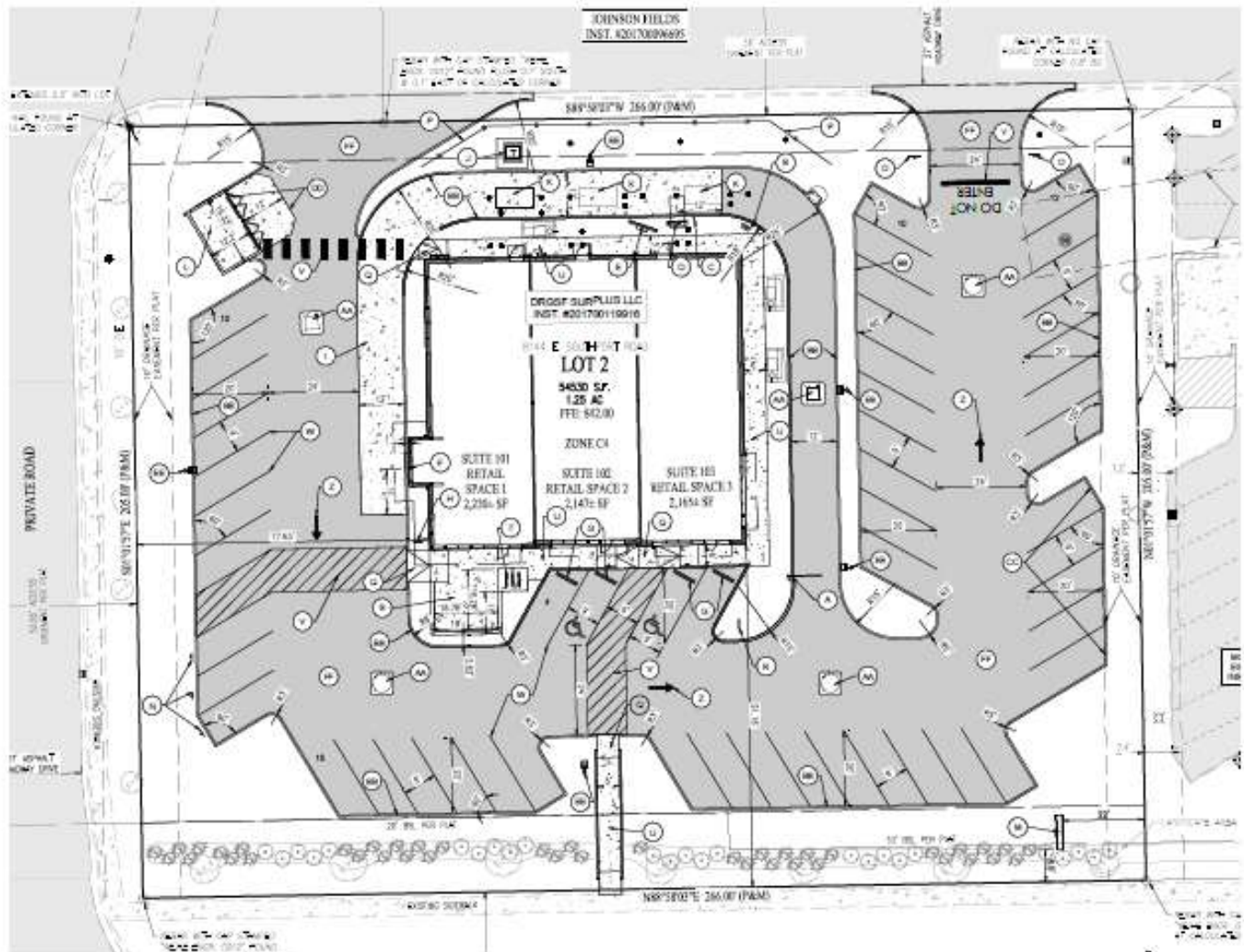
\*\*\*\*\*

**STAFF REPORT 2023-DV1-008 (Continued)**

**2023-DV1-008: Location Map**



## **2023-DV1-008: Site Plan**





**2023-DV1-008: Photographs**



View of subject site, looking north.



View of subject site, looking south from the integrated center.



View of proposed sign separation to the east.



View of adjacent integrated commercial center to the north





View of adjacent office commercial under development to the west, looking north.



View of adjacent single-family dwelling to the south