

## STAFF REPORT

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

**Case Number:** 2023-DV1-027  
**Address:** 8136 East Southport Road (approximate address)  
**Location:** Franklin Township, Council District #25  
**Zoning:** C-4  
**Petitioner:** WMG Acquisitions LLC, by Tammy Rice  
**Request:** Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of a monument sign, being the fourth freestanding sign along Southport Road, and located 295 feet from another freestanding sign (maximum two freestanding signs permitted along a frontage, 300 feet of separation between freestanding signs required).

### RECOMMENDATIONS

Staff **recommends denial** of the request.

### SUMMARY OF ISSUES

#### LAND USE

##### EXISTING ZONING AND LAND USE

C-4	Dentist office / Undeveloped out lot
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##### SURROUNDING ZONING AND LAND USE

North -	C-4	Integrated Commercial Center
South -	D-A	Single-Family Dwellings
East -	C-4	Undeveloped / Commercial restaurant
West -	C-4	Automotive fueling station

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

### VARIANCE OF DEVELOPMENT STANDARDS

- ◇ 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.

(Continued)

## **STAFF REPORT 2023-DV1-027 (Continued)**

- ◇ This request would provide for the erection of a fourth freestanding sign along Southport Road, where a maximum of two freestanding signs are permitted, and being 295 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 fourth freestanding sign is a result of the 1,120 square foot of integrated center frontage, and the Ordinance restricts new businesses from advertising in the out lots within an integrated center.
- ◇ At the time of Staff's site visit, the primary sign for the integrated center still contained vacant space, allowing for the placement of this development's tenants on that sign.
- ◇ The requested fourth freestanding sign could be replaced with an appropriate building or façade sign, providing the needed location identification for passing motorists. With the building being an out lot, 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 295-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.
- ◇ Since the site is under development, 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, therefore, the site can be designed 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 May 21, 2023
SIGN ELEVATIONS	File-dated May 21, 2023
FINDINGS OF FACT	File-dated May 31, 2023

## **ZONING HISTORY**

**2023-DV1-008; 8144 East Southport Road (east of site)**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of an out lot, including a) The erection of a third freestanding sign along Southport Road, being 260 feet from an existing freestanding sign to the east; b) Fifty-one parking spaces at 162-square foot each provided; and c) A drive through with stacking spaces within the front yard of Southport Road and no exclusive bypass aisle, **granted**.

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**STAFF REPORT 2023-DV1-027 (Continued)**

**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, **granted**.

**2014-CZN-824A; 8120 East Southport Road (includes subject site)**, requested the 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)**, requested the 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**.

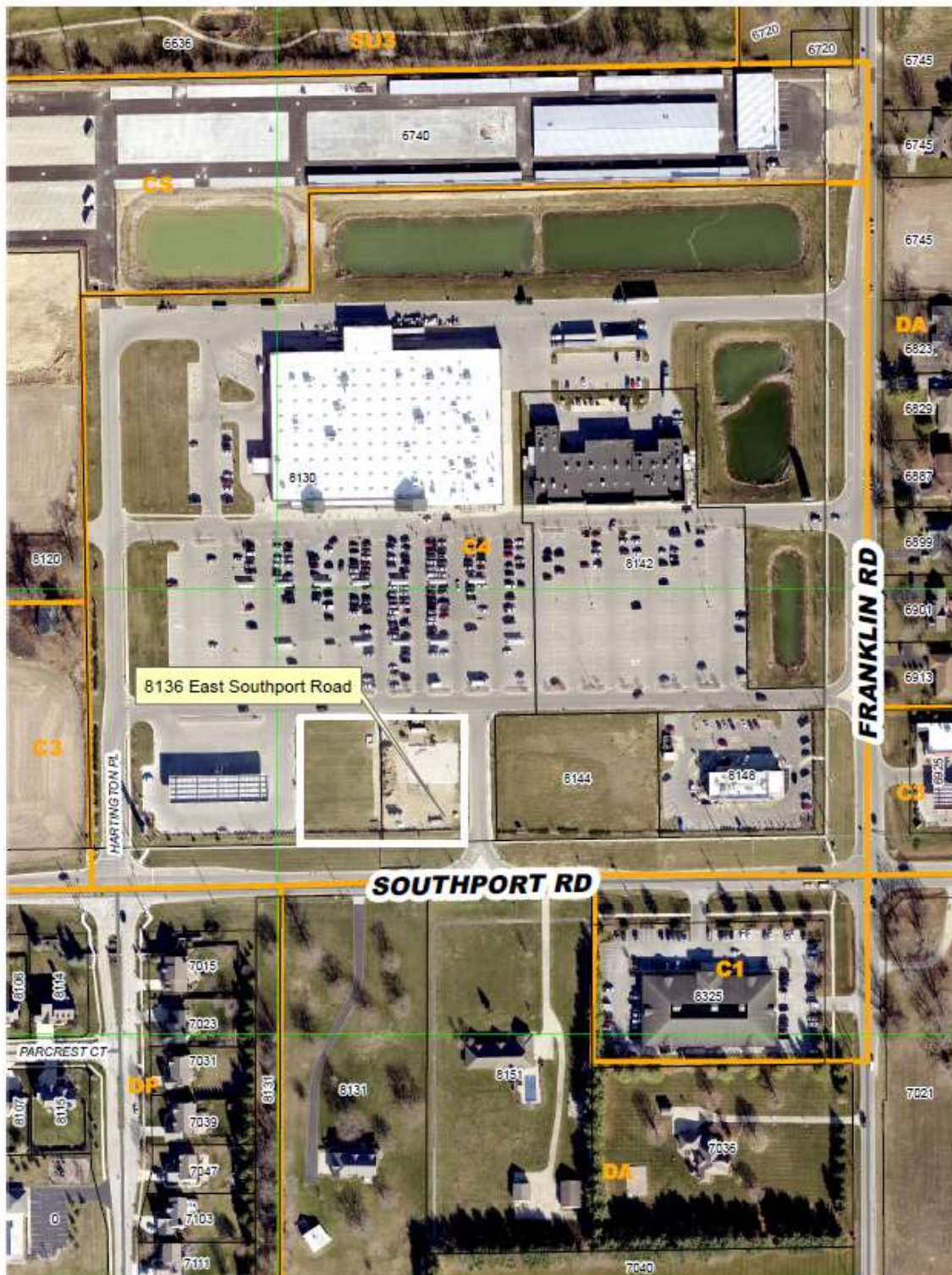
**2014-CZN-824D; 8120 East Southport Road (west of site)**, requested the rezoning of 6.7 acres from the D-A district to the C-S classification to provide for an integrated commercial center, **approved**.

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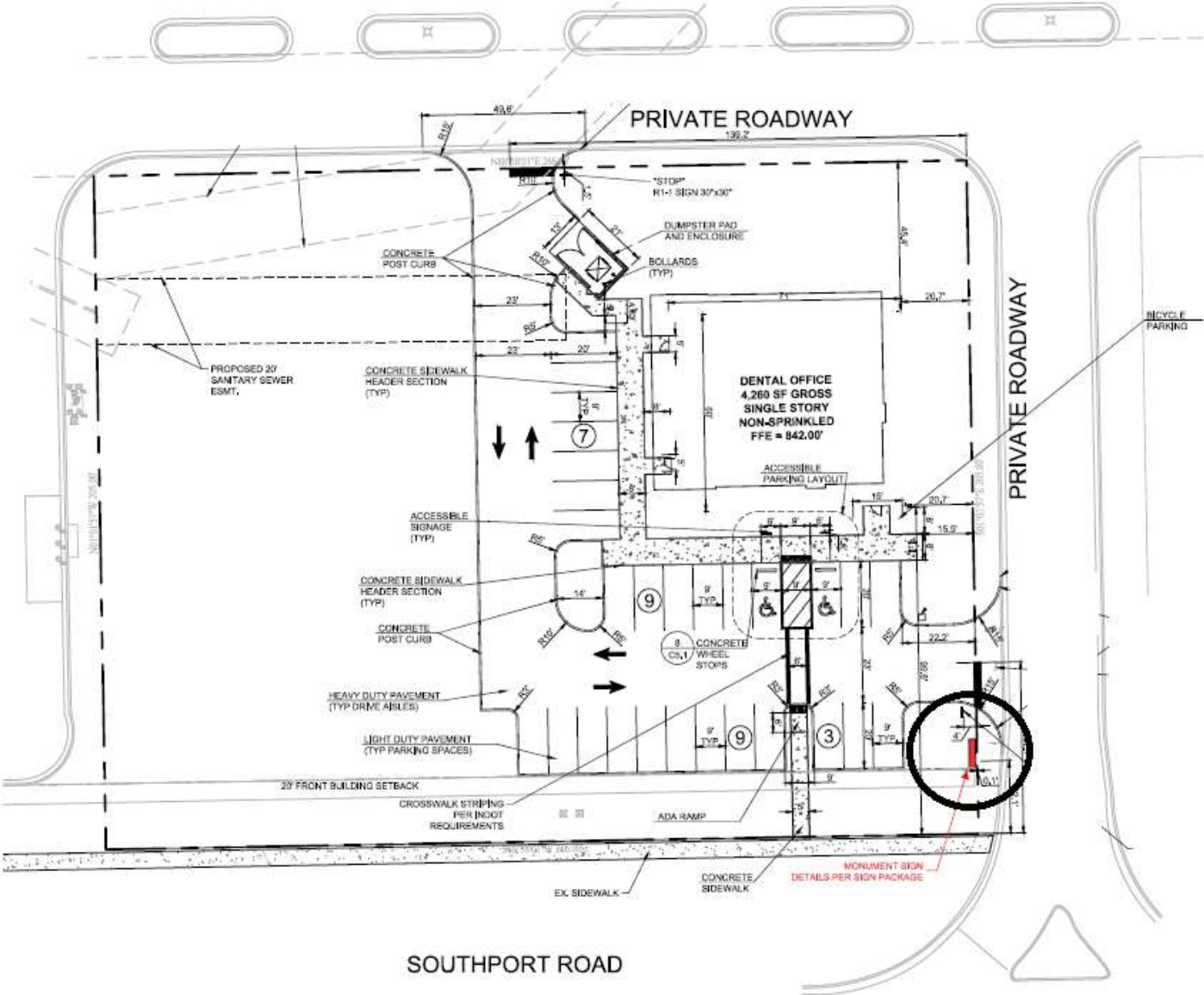
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**STAFF REPORT 2023-DV1-027 (Continued)**

**2023-DV1-027: Location Map**

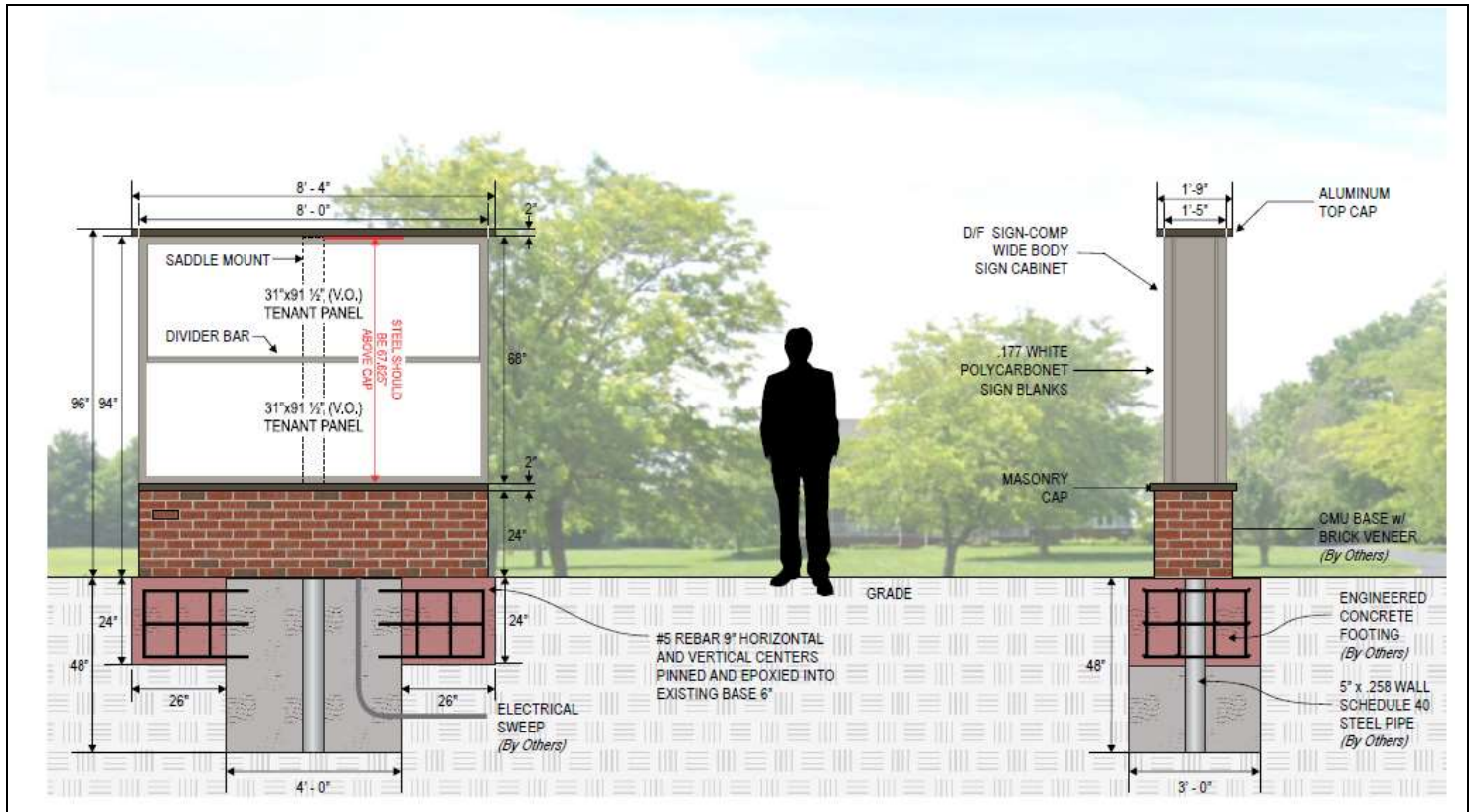


2023-DV1-027: Site Plan





## 2023-DV1-027: Sign Elevations



**2023-DV1-027: Photographs**



View of subject site, looking north.



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



View of adjacent integrated commercial center to the north



View of adjacent single-family dwelling to the south





View of adjacent automotive fueling station to the west.



View of adjacent out lot frontage to the east, with the second and third approved frontage signs.