



**Petition Number:** 1512-VS-17, 1512-VS-18, 1512-VS-19

**Subject Site Address:** 14921 Thatcher Lane (the "Property")

**Petitioner:** Huntington Bank by Expedite the Diehl (the "Petitioner")

**Request:** The petitioner is requesting a Variance of Development Standard to modify a previously granted variance to (i) allow for an increase of the permitted Sign Area for an Outlot; (ii) allow a Monument Sign to be placed on the Outlot's Thatcher Lane Frontage; and (iii) allow signs to be placed on the Outlot's accessory drive-through structures.

**Current Zoning:** SB-PD: Special Business / Planned Development District

**Current Land Use:** Retail, Low Intensity (bank)

**Approximate Acreage:** 1.42 acres +/-

**Variance History:** 88-V-9

**Exhibits:**

1. Staff Report
2. Location Map
3. Application
4. Proposed Sign Elevations
5. Proposed Sign Locations
6. Village Park Monument Sign Standards (per 88-V-9)
7. Recommended Findings: 1512-VS-17 (Sign Area)
8. Recommended Findings: 1512-VS-18 (Monument Sign)
9. Recommended Findings: 1512-VS-19 (Drive-Through Signs)

**Staff Reviewer:** Pam Howard

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### **PROPERTY LOCATION**

The Property is approximately 1.42 acres +/- in size and located at 14921 Thatcher Lane, an Outlot<sup>1</sup> within the Village Park Plaza shopping center (see **Exhibit 2**). The Property is zoned the SB-PD: Special Business / Planned Development ("SB-PD") District. Adjacent properties are also zoned the SB-PD District.

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<sup>1</sup> The UDO defines "Outlot" as "[a] Lot within a Nonresidential Center that typically abuts a Street on one Lot Line and either a Street or other vehicular access (i.e. Private Street) shared with other Lots within the Nonresidential Center on another Lot Line."



Village Park Plaza is an outdoor regional shopping center that received its original approval in 1988 under the SB-PD District, a zoning district that pre-dated the Planned Unit Development (PUD) District. A PUD District would typically be established today for a development of this nature.

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### **PROPERTY HISTORY**

**Variance of Development Standard:** In 1988, the Board of Zoning Appeals approved a Variance of Development (88-V-9) for signs within Village Park Plaza (the “Original Sign Variance”). In effect, the Original Sign Variance established its own set of sign standards for Village Park Plaza, with the exception of wall signs for Outlots, which defaults to the UDO’s sign standards, as amended. The Original Sign Variance permits a maximum of nine (9) monument signs for Outlots along U.S. Highway 31, which included permitting one (1) monument sign on this Outlot. The Original Sign Variance standards applicable to these monument signs is attached at **Exhibit 6**.

**Development Plan:** On January 20, 2015, the Plan Commission approved a detailed development plan (1501-SIT-01) to allow for the development of a Huntington Bank.

**Improvement Location Permit:** On August 3, 2015, the City issued the building permit (15-DEMO-022-483) to allow for the demolition of the previous TGI Friday’s restaurant. On August 6, 2015, the City issued the building permit (15-C-008-394) to allow for the construction of the new Huntington Bank, which is currently under construction.

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### **VARIANCE REQUESTS**

**Summary of Requests:** As summarized in the Petitioner’s Statement of Intent (see Application at **Exhibit 3**), there are three requested Variances of Development Standard, as summarized below:

1. **(1512-VS-17) Sign Area:** Request to modify a previously granted variance to allow for an increase of the permitted Sign Area for an Outlot (Article 6.17(J)(8)(a)).
2. **(1512-VS-18) Monument Sign Modification:** Request to modify a previously granted variance to: (i) allow for a Monument Sign to be permitted for an Outlot (Article 6.17(J)(8)(b)); and (ii) allow the Monument Sign along the Outlot’s Thatcher Lane frontage.
3. **(1512-VS-19) Drive-Through Structure Signs:** Request to modify a previously granted variance to allow signs to be located on the Outlot’s accessory drive-through structures.

**Sign Area (1512-VS-17):** The first requested variance is to modify the Original Sign Variance to allow for an increase in the permitted Sign Area for the Outlot. The UDO<sup>2</sup> provides:

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<sup>2</sup> Article 6.17(J)(8)(a) Sign Standards; Nonresidential Center Signs; Outlot Signage; Sign Area



Outlots of Nonresidential Centers shall be permitted one (1) square foot of Sign Area for each one (1) linear foot of building fronting on a Public Right-of-way.

The building has fifty (50) feet of frontage each on U.S. Highway 31 and Thatcher Lane, which permits a total Sign Area of one hundred (100) feet. The Petitioner is requesting a total Sign Area of one hundred and fifty (150) square feet for the Wall and Monument Signs. The wall signs are currently proposed at just over one hundred and six (106.2) square feet.

Furthermore, the UDO<sup>3</sup> states:

The total permitted sign area allocation may be divided between Wall, Awning, and Under Canopy Signs; however, all Sign Area shall be deducted from the total sign allocation for the Outlot. Outlots within a nonresidential center shall not be permitted Monument Signs.

Monument Sign (1512-VS-18): The second requested variance is to modify the Original Sign Variance's standards for the permitted monument sign (see **Exhibit 6**) to instead allow the monument sign depicted in **Exhibit 4**. The UDO<sup>4</sup> currently provides that "Outlots within a nonresidential center shall not be permitted Monument Signs"; however, the Original Sign Variance permitted a Monument Sign.

Specifically, the proposed monument sign would modify the Original Sign Variance's standards by: (i) allowing the sign along the Outlot's Thatcher Lane frontage instead of its U.S. Highway 31 frontage; (ii) modify the ratio of base width to sign width from 1:2 to allow 4:5; (iii) modify the sign height from 16' to 6'-6"; and (iv) modify the permitted Sign Area from sixty (60) square feet to forty-two (42) square feet

Drive-Through Accessory Structure Signs (1512-VS-19): The third requested variance is to allow signs (Huntington Logo and "Welcome" lettering) to be located on the Outlot's accessory drive-through structures. Although the Petitioner's request characterizes these as "architectural elements", the UDO defines these as Signs<sup>5</sup>; however, they are not recognized by the UDO as a permitted sign type. The closest sign type recognized would either be as Wall Signs<sup>6</sup> (though the

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<sup>3</sup> Article 6.17(J)(8)(b) Sign Standards; Nonresidential Center Signs; Outlot Signage; Sign Type

<sup>4</sup> Article 6.17(J)(8)(b) Sign Standards; Nonresidential Center Signs; Outlot Signage; Sign Type

<sup>5</sup> The UDO defines "Sign" as "[a]ny display or device placed on a property in any fashion which is designed, intended, or used to convey any identification, message or information other than an address number."

<sup>6</sup> The UDO defines "Wall Sign" as "[a] Sign attached to and/or integral with an exterior wall or window surface of a building, the face of which is parallel to the surface."



accessory structures doesn't necessarily qualify as a "building"<sup>7</sup>), or as exempt signs on an ATM<sup>8</sup> which restricts the signs to three (3) inches in height.

The Petitioner is requesting to allow four (4) logo signs with a Sign Area of 2.84 square feet each and eight (8) "Welcome" signs (4 on the fronts, and 4 on the rears of the structures) with Sign Areas of 2.94 and 1.3 square feet each respectively (see **Exhibit 4**), for a total sign area of 28.32 square feet. The Petitioner does not intend for these signs to be deducted from the Outlot's permitted total Sign Area.

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### **ANALYSIS**

**Factors to Consider:** The Department believes modifications to the UDO's sign standards and Original Sign Variance (subject to the criteria set forth in Indiana Code § 36-7-4-918.5 as summarized herein) may be reasonable for Village Park Plaza after taking into consideration the following:

1. Village Park Plaza was originally built as a one-sided shopping center, oriented towards U.S. Highway 31. Since its development, circulation patterns through and around the shopping center have evolved as a result of improvements to 146<sup>th</sup> Street and Greyhound Pass, the construction of the new Cool Creek Road, and the ongoing and planned improvements to U.S. Highway 31. These changes have resulted in a four-sided shopping center with road frontages on all four sides.
2. Village Park Plaza is currently the City's only outdoor regional shopping center. The UDO's sign standards were not uniquely crafted to accommodate the unique orientation and nature of such a development.
3. U.S. Highway 31 has recently been improved to a "freeway" status. This has resulted in traffic traveling past the shopping center at a faster speed than it had in the past, without traffic signals, and with limited access from U.S. Highway 31. Sign standards are traditionally written after taking into consideration the speed of traffic on adjacent thoroughfares and the anticipated frequency of access points to the development. There

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<sup>7</sup> The UDO defines "Building" as "[a] structure having a roof supported by columns or walls, for the shelter, support, enclosure or protection of persons, animals, chattels or other property."

<sup>8</sup> Article 6.17(D)(12) Sign Standards; Exception permits "[s]igns appearing on gasoline pumps and automatic teller machines (ATM), including credit card information, fuel information, and bank network information is exempted. The business name or logo is permitted if less than three (3) inches in height."



were no “freeways” in Washington Township when the City adopted the UDO’s sign standards.

Total Sign Area: Currently, the Outlot would be permitted one hundred and sixty (160) square feet of total Sign Area (100 square feet for Wall Signs and 60 square feet for Monument Sign). As proposed in total, the Petitioner is requesting one hundred and fifty (150) square feet (108 square feet of Wall Signs, 42 square feet for Monument Signs), exclusive of the Drive-Through accessory structure signs.

Monument Sign: The UDO does not currently permit Monument Signs for Outlots; however, the Department believes the requested modification for the Monument Sign is reasonable because of the unique circumstances to this shopping center (as noted herein) and is more desirable and functional to what is otherwise currently permitted by the existing Original Sign Variance.

Drive-Through Accessory Structure Signs: The UDO does not permit this type of Sign. The Department believes these Signs are inconsistent with the Purpose and Intent<sup>9</sup> of the UDO’s Sign Standards; more specifically, the statement that: “[t]he community wishes to balance the rights of businesses to identify themselves with the rights of the public to have uncluttered, safe and attractive public rights-of-way.” In addition, the Department believes these signs are inconsistent with the Comprehensive Plan, as noted below. This is primarily because the signs, when taken into consideration with the other proposed sign types and sizes, increases the undesired “franchise” architecture effect that the Comprehensive Plan deems unacceptable.

Comprehensive Plan: The Future Land Use Plan in the Westfield-Washington Township Comprehensive Plan (the “Comprehensive Plan”) identifies the properties as “Regional Commercial”. The existing commercial center meets many of Comprehensive Plan’s development policies for this area, including, but not limited to: (i) Reserve exclusively for regional commercial development; (ii) Permit regional commercial uses only in planned centers with consistent design and architectural style for each center; (iii) require that buildings be designed to enhance the community character; and (iv) required the size, materials, color, and design of buildings to be unique to Westfield. “Franchise” architecture that represents no effort to create a unique design that fits Westfield-Washington Township is not acceptable. The Comprehensive Plan is not law; rather, it is intended to serve as a guide in making land use decisions.

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<sup>9</sup> Article 6.17(A) Development Standards; Sign Standards; Purpose and Intent



## **PROCEDURAL**

**Public Notice:** The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Variance of Development Standards. This petition is scheduled to receive its public hearing at the December 8, 2015, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals' Rules of Procedure.

**Conditions:** The UDO<sup>10</sup> and Indiana law provide that the Board of Zoning Appeals may impose reasonable conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of the UDO upon any Lot benefited by a variance as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject Lot or upon public facilities and services. Such conditions shall be expressly set forth in the order granting the variance.

**Acknowledgement of Variance:** If the Board of Zoning Appeals approves this petition, then the UDO<sup>11</sup> requires that the approval of the variance shall be memorialized in an acknowledgement of variance instrument prepared by the Department. The acknowledgement shall: (i) specify the granted variance and any commitments made or conditions imposed in granting of the variance; (ii) be signed by the Director, Property Owner and Applicant (if Applicant is different than Property Owner); and (iii) be recorded against the subject property in the Office of the Recorder of Hamilton County, Indiana. A copy of the recorded acknowledgement shall be provided to the Department prior to the issuance of any subsequent permit or commencement of uses pursuant to the granted variance.

**Variance of Development Standard:** The Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the Unified Development Ordinance. A variance may be approved under Indiana Code § 36-7-4-918.5 only upon a determination in writing that:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property.

## **DEPARTMENT COMMENTS**

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<sup>10</sup> Article 10.14(I) Processes and Permits; Variances; Conditions of the UDO.

<sup>11</sup> Article 10.14(K) Processes and Permits; Variances; Acknowledgement of Variance of the UDO.



WESTFIELD-WASHINGTON  
BOARD OF ZONING APPEALS

December 8, 2015

1512-VS-17, 1512-VS-18, 1512-VS-19

Exhibit 1

Each petition requires separation action by the Board. As a result, attached hereto as **Exhibit 7** (Recommended Findings: 1512-VS-17 (Sign Area)), **Exhibit 8** (Recommended Findings: 1512-VS-18 (Monument Sign)) and **Exhibit 9** (Recommended Findings: 1512-VS-19 (Drive-Through Signs)) are the Department's two recommended findings for each petition (one if the Board is inclined to approve the petition, and another, if the Board is inclined to deny the petition).