

**PLANNING COMMISSION**  
TOWN OF EDINBURGH  
107 S. Holland St.  
Edinburgh, IN 46124

**STAFF REPORT**  
PC 2022 – 05  
January 12, 2023  
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## **STAFF REPORT**

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**CASE NUMBER:** PC 2022-05  
**CASE NAME:** O'Reilly's Auto Parts Signage

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### **GENERAL INFORMATION**

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Applicant:	BMW Orly, LLC. 449 S Ashland Ave. Lexington, KY 40502 (270) 331-1995
Property Owner #1:	Groub II LLC C/O Jay C Food Stores 710 West Drive Seymour, IN 47274
Property Owner #2:	BMW Orly, LLC 449 S Ashland Ave. Lexington, KY 40502
Acreage:	Property #1: 3.40 Acres (Irregular shape)  Property #2: 1.35 Acres (approximately 278' x 212')
Zoning District:	GB- General Business & Highway Corridor Overlay
Legal Description:	Property #1: Lot 1 - John C Groub Minor Plat (Q/22D)  Property #2: Lot 3 - John C Groub Minor Plat (Q/22D)
Parcel Number:	Property #1: 03-05-04-140-000.101-023  Property #2: 03-05-04-140-000.100-023

Current Land Use:	Property #1: Retail Store (Grocery) with Off-Street Parking
	Property #2: Retail Store (Automobile Supplies and Parts) with Off-Street Parking

## **PROPERTY DESCRIPTION**

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Property #1: This property is the existing Jay-C Food Store with a private street intersecting US-31 and S. Eisenhower Drive. This lot is located within the Highway Corridor Overlay District.

Property #2: This property is the new O'Reilly Auto Parts Store scheduled to open for business in December. Access to the site is from the private street located on the property owned by Jay-C Food Store.

## **SURROUNDING ZONING:**

## **SURROUNDING LAND USE:**

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North: GB:	Commercial/Residential (Do-it Best/ Simpson Residence
South: GB:	Commercial (Centra Credit Union)
East: GB:	Agricultural
West: R4:	Agricultural

## **LEGAL NOTIFICATIONS**

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## **CASE DESCRIPTION**

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This case comes before the Plan Commission as established in Division 3, §156.132 which requires approval by the Plan Commission for “any proposed or revised development plan or structure or structural alteration in the U.S. 31 and S.R. 252 Corridor Overlay Zone Districts”.

The board is to consider a petition by BMW Orly, LLC, for the installation of pole signs located Off-Premises in the General Business (GB) zoning district within the Highway Corridor Overlay District. The signs are 12' long x 6' tall mounted on the existing pole signs with the bottom of the signs approximately 15 feet above the ground owned by Jay C Foods Store.

The petitioner is requesting the Plan Commission to consider and approve its proposed development plans and waive requirements of the Town Subdivision Control Ordinance Division 3, §156.134 (6) & §156.209 (1).

The site of the O'Reilly Auto Parts is the formerly vacant lot existing immediately adjacent to the east side of JC Food Store, adjoining S. Eisenhower Drive.



## PART 1 – Off-Premises Sign.

**First, Highway Corridor Overlay District requirements:**

development of these highly visible corridors will dramatically change the image of Edinburgh. The visibility and accessibility of the land within the corridors is unique and therefore commands the highest standards of development which: stimulate substantial capital investments, encourage efficient land use, promote coordinated development, permit innovative site designs, establish development standards and preserve the integrity of the roadways within the corridors.”

3. **§156.132** Establishes the Plan Commission shall approve the “architectural design, landscaping, drainage, sewerage, parking, signage, lighting and access to the property shall be necessary prior to: (1) the establishment of any use of the land; (2) the issuance of any improvement location permit; (3) the erection, construction or structural alteration of any building(s) in the U.S. 31 and S.R. 252 Corridor Overlay Zone Districts; or (4) modification or revision of any site development plan.”
4. **§156.134(1)** Signage shall be designed to be an integral part of the architectural and landscaping plans. The colors, materials, and style of signage shall be architecturally compatible and accentuate the buildings and landscaping on the site. The colors, materials, and lighting of every sign shall be restrained and harmonious with the building and site to which it principally relates.
  - a. If the commission approves the off-premises sign, the sign appears to be harmonious with the architecture, color, materials, and lighting as required.
5. **§156.134(2)** *All signs, except private traffic direction signs, are prohibited in the required greenbelt areas.*
  - a. The fact that the installation of the off-premises sign increases the non-compliant condition of the existing sign is part of the reasoning the staff recommendation is to deny the petitioner’s request for a variance.
  - b. If the commission approves the off-premises sign, the Jay-C pole sign is an existing non-conforming sign structure. In conjunction with the approval of the off-premises sign, the commission should include a variance from this section.
6. **§156.134(3)** Not applicable.
7. **§156.134(4)** Not applicable.
8. **§156.134(5)** *Off premise signage shall be prohibited in the U.S. 31 and S.R. 252 Corridor Overlay Zone Districts.*
  - a. The installation of the O’Reilly Auto Parts sign on the pole sign structure on the Jay-C store property is a violation of the provision for the Highway Corridor Overlay District.
  - b. The Jay-C store pole sign now located on the O’Reilly Auto Parts property was permitted to stay and a pole sign for O’Reilly Auto Parts was approved as part of the original variance request for this project.
  - c. If the commission approves the off-premises sign, the staff recommends a variance from this specific section of the sign requirements of the Highway Corridor Overlay District provisions.

9. **§156.134(6)** *All on premise signage shall conform to the standards and requirements of the underlying districts of U.S. 31 and S.R. 252 Corridor Overlay Zone Districts.* In the U.S. 31 and S.R. 252 Corridor Overlay Zone Districts:
- a. No pole sign shall exceed twenty-five (25) feet in height.
  - b. There shall be a minimum spacing of one hundred feet (100) feet between any pole or ground signs located along (US 31 and SR 252).
  - c. In no instance shall pole signs for multiple businesses, strip commercial centers or strip business centers exceed two hundred (200) square feet of copy area.
- a. If the commission approves the off-premises sign, the sign appears to be in compliance with the three Highway Corridor Overlay District requirements of this section.
- b. See Part 2 for the underlying district requirements
10. **§156.134(7)** Every sign shall have good scale and proportion in its design and in its visual relationship to buildings and surroundings.
- a. If the commission approves the off-premises sign, the sign appears to have good scale and proportion in its design and in its visual relationship to buildings and surroundings. It is approximately the same size, similar color, and internally illuminated like the Jay-C Store sign.
11. **§156.134(8)** The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message and shall be composed in proportion to the area of the sign face.
- a. If the commission approves the off-premises sign, the sign appears to be in compliance with this section.
12. **§156.134(9)** Each sign shall be compatible with the signs on adjoining premises and shall not compete for attention.
- a. If the commission approves the off-premises sign, the sign appears to be in compliance with this section.
13. **§156.134(10)** Identification signs of standardized design such as corporation logos shall conform to the criteria of all other signs.
- a. If the commission approves the off-premises sign, the sign appears to be in compliance with this section.
14. **§156.134(11)** Exceptions to these requirements will be made on a case-by-case basis by the Edinburgh Plan Commission or its duly appointed or designated representative.
- a. If the commission approves the off-premises sign, the staff recommends that the variance be for this sign only. Changes to the sign must be approved as required.
15. **§156.134(12)** No portable or flashing signs shall be permitted in the overlay district.
- a. If the commission approves the off-premises sign, the sign appears to be in compliance with this section.

## **Second, the Underlying District requirements:**

As noted above both parcels are zoned General Business (GB). Pole signs are not permitted on General Business parcels. As noted above, the Jay-C pole sign is classified as an existing

nonconforming sign. Meaning that the sign was at this location prior to the establishment of the current zoning ordinance. The sign is permitted to remain unchanged in its current location.

**§156.209(1) Permitted Signs - CBD, GB and LB Districts.**

- (a) Ground Signs.
- (b) Wall Signs.

The Town of Edinburgh Zoning Ordinance allows pole sign in three specific zoning districts. The permitted use and requirements are as follows:

**§156.210(1) Permitted Signs - RB, OI and EI Districts.**

(a) Permitted Signs for Free Standing Buildings Including Free Standing Buildings Located at Strip and Enclosed Mall Shopping Centers.

- 1) Ground Signs - *Either one ground sign or one pole sign (but not both) indicating only the name and nature of the occupancy shall be permitted for each business place.* Such sign shall not exceed one hundred (100) square feet in area (except as permitted in § 156.210(2) and a pole sign shall not exceed thirty-five (35) feet in height. Such sign shall be installed in accordance with location criteria as explained in § 156.210(3). Such ground sign may be illuminated as provided in § 156.206.

(b) Permitted Signs for Strip Shopping Centers and Industrial Zones

- 1) Pole Signs - Pole signs at strip shopping centers and in industrial zones may be made a part of the site development plan or, if erected at a later date, shall be subject to the approval of the Edinburgh Planning Commission, and shall meet the following requirements:

- a. One pole sign shall be permitted along each street or highway right-of-way abutting such enclosed mall shopping center;
- b. Such sign shall indicate only the name and location of such enclosed mall shopping center or the business comprising the same;
- c. Such sign shall have a maximum surface area not exceeding three hundred (300) square feet; except as otherwise permitted in §156.210(3);
- d. Where an enclosed mall shopping center has in excess of six hundred (600) feet of street frontage along any given street or highway right-of-way, one additional pole (free standing pole) sign may be approved by the Edinburgh Plan Commission for placement along such public street, highway or road right-of-way provided that the distance between such signs along such street or highway right-of-way shall be not less than five hundred (500) feet;
- e. Such sign shall not exceed thirty-five (35) feet in height;
- f. Such signs may be illuminated as provided in § 156.206 or as provided by the Edinburgh Plan Commission.

## STAFF ANALYSIS

Sign #1 – Located on the Jay-C Store property:

1. Regarding Section 156.135(1) provides for the landscaping of the Greenbelt.
  - a. *“The Greenbelt shall be suitably landscaped and shall be otherwise unoccupied except for steps, walks, terraces, driveways, lighting standards, and other similar structures, but excluding private parking areas. Mounding and other innovative treatments are to be especially encouraged in this area.”*
  - b. *“The primary landscaping materials used in the Greenbelt and adjacent to buildings shall consist of one or a combination of the following: shade trees, ornamental trees, shrubs, ground covers, grass, mulches, etc.”*
2. Regarding Section 156.134(2), the existing pole sign is approximately 7.25' from the right-of-way line for US-31. The pole sign is an existing non-conforming structure. Section 156.171(1) provides that no existing structure shall be enlarged without bringing the structure into compliance or the permission of the Board of Zoning Appeals.
  - a. If the Plan Commission wishes to provide for the Greenbelt, enlarging the sign provides the opportunity to require the sign relocated.
  - b. The existing sign is permitted to stay if the Jay-C store remains in operation. Adding another sign from the poles might extend the non-conforming condition until both businesses cease operations at this location.
3. Regarding Section 156.134(6), pole signs are not permitted in General Business (GB) zoning districts. The petitioner requests that the pole sign be evaluated as if the Jay-C Store and O'Reilly Auto Parts property were a shopping center with a zoning designation of Roadside Business (RB) with a use of a strip Shopping Center. The proposed signage meets the requirements for an RB zoning district.



Staff recommends denying the variance as presented, based on the General Business zoning district requirements, the Highway Corridor Overlay District requirements, and the fact that signs approved as part of the original design for the O'Reilly Auto Parts store are visible from US 31.

### **PART 2 – Second Wall Sign on the Property.**

Plan Commission should review the following criteria when considering this petition: compliance with the requirements of the Commercial District Zoning for General Business.

1. **§ 156.200 Purpose.** The purpose of this Division is to regulate all signs in the incorporated area of Edinburgh, Indiana, so as to protect the general public and promote traffic safety and public health. The ordinance establishes on-premises sign standards for all zoning districts in the town and off-premise sign standards.
2. **§156.209 (1)(b)** Establishes the provisions for wall signs. *One wall sign shall be permitted on each building. Maximum sign area shall be one and one-half square feet for each lineal foot of building frontage; however, in no instance shall such signage exceed fifty (50) square feet for a single business.* All wall signs shall be flush-mounted on the building surface and shall not project above the roof line. *Such wall sign shall not be illuminated.* The face area may be increased by 75% if the sign is for two or three businesses, and may be increased by 100% if the sign is for more than three businesses.
  - a. The approved design for the construction project included one wall sign and the installation of a pole sign on the Jay-C sign structure that is located on the O'Reilly Auto Parts site.
  - b. The building is complete, and a second wall sign has been installed on the side of the building facing Eisenhower Drive.
  - c. The length of the building facing Eisenhower Drive (linear foot of building frontage) is 85'. At 1.5 SF per linear foot, the maximum area of a compliant sign on this face of the building is 127.5 SF. The area of the proposed (installed) second sign is 168 SF.
  - d. The sign is internally illuminated.

Application of the Sign Regulations for Roadside Business (RB) District.

3. **§ 156.210 (1)(a)(2) Commercial & Industrial Districts.** Wall Signs - One wall sign on a building shall be permitted per each business therein. Maximum sign area shall be four (4) square feet for each linear foot of building frontage; however, in no instance shall such signage exceed two hundred (200) square feet. Location shall be as explained in § 156.210(3). Such wall sign may be illuminated as provided in § 156.206. A freestanding building situated on a corner lot, or which has exposure to two streets, may have wall signs on both exposed walls (i.e., limit of two wall signs per building). The face area may be increased by 75% if the sign is for two or three businesses, and may be increased by 100% if the sign is for more than three businesses.
4. **§ 156.210 (3)(b) Location Standards.** Wall Signs - All wall signs shall be flush-mounted on the building surface and shall not project above the roof line.



## STAFF ANALYSIS

Sign #2 – Wall Sign on the O'Reilly Auto Parts Store facing Eisenhower Drive:



1. Regarding Section 156.209(1)(b), the installation of a second sign is a violation of the zoning ordinance. The sign installed exceeds the maximum size for a sign in the GB District. The sign installed is internally illuminated.
2. If the parcel were rezoned to RB, the sign would be compliant with the provisions for sign.
3. The original proposal and approval by the Plan Commission allowed for the front of the building to face the access drive. This left the blank wall of the east side of the building visible from Eisenhower Drive.
4. The plantings (20 Shamrock Inkberry Holly) are currently about 18 inches tall. When mature, these plants may be 5 feet tall and 5 feet wide. This will reduce the impact of the 17 feet by 85 feet blank canvas.

Staff recommends approval of the variance based on the application of the Roadside Business sign regulations, the fact that the sign provides some visual interest to the otherwise blank wall.



## STAFF RECOMMENDATIONS

### Sign #1 on the Jay-C Store property:

Based on these findings, staff recommends the Plan Commission to **deny** the installation of a new sign as submitted.

Alternatively, if the Plan Commission wishes to approve this request for a variance, the staff recommends the following conditions:

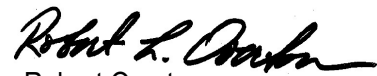
1. The greenbelt space within 30 feet of the pole sign be landscaped and maintained with shade trees, ornamental trees, shrubs, ground covers. The landscaping plan be approved by the staff of the Planning and Zoning Department,
2. The pole structure is to be painted white and maintained annually,
3. That this decision is only granted to the Petitioner, and any waiver of requirements granted will not be transferable to any other development of this property not directly associated with this plan submittal,
4. Plan Commission approves a waiver of the requirements of the Town Subdivision Control Ordinance **Division 3 §156.134(2)** to allow signage in the greenbelt,
5. Plan Commission approves a waiver of the requirements of the Town Subdivision Control Ordinance **Division 3 §156.134(5)** to allow an off-premises signage in the Highway Corridor Overlay District,
6. Plan Commission approves a waiver of the requirements of the Town Subdivision Control Ordinance **Division 6 §156.209(1)** to allow signage on this property to comply with the provisions for a pole sign under Section 156.210 for a Roadside Business (Strip Shopping Center),
7. Requiring adherence to all other developmental standards established in the Edinburgh Zoning Ordinances for development within the Highway Corridor Overlay District for which a waiver is not specifically granted, including sections 156.134(1), 156.134(3), 156.134(4) and 156.134(7) through 156.134(12),
8. That all aspects of this project development be compliant with all applicable Building Codes adopted by the State of Indiana for construction of Commercial Buildings, including the Indiana Electrical Code, and all developmental requirements of the Edinburgh Zoning Ordinances.

### Sign #2 on the O'Reilly Auto Parts property:

Based on these findings, staff recommends the Plan Commission to **approve** with the following conditions:

1. Plan Commission approves a waiver of the requirements of the Town Subdivision Control Ordinance **Division 6 §156.209(1)(b)** to allow signage on this property to comply with the provisions for a wall sign under Section 156.210 for a Roadside Business (Strip Shopping Center),
2. Requiring adherence to all other developmental standards established in the Edinburgh Zoning Ordinances for development or which a waiver is not specifically granted,
3. That all aspects of this project development be compliant with all applicable Building Codes adopted by the State of Indiana for construction of Commercial Buildings, including the Indiana Electrical Code, and all developmental requirements of the Edinburgh Zoning Ordinances.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Robert L. Overton". The signature is fluid and cursive, with a prominent initial "R" and a long, sweeping underline.

Robert Overton  
Building Commissioner  
Town of Edinburgh