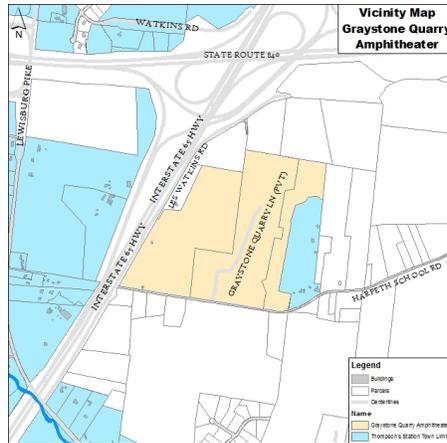


**Thompson's Station Board of Zoning Appeals
Staff Report - Item 1 (BZA 2019-001)
October 15, 2019**

Request for approval of a sign variance to permit a 35-foot-high, 498.75 square foot electronic message board located at 4520 Graystone Quarry Lane.

PROJECT DESCRIPTION

The applicant, Graystone Quarry is requesting approval of a sign variance to install an electronic message board with a height of 35 feet and a total sign area of 498.75 square feet with 105 feet of electronic messaging. The project site is located at 4520 Graystone Quarry Lane.



ANALYSIS

Project Site

The property is located at the northeast corner of Les Watkins and Harpeth School Road. Les Watkins runs roughly north-south parallel to Interstate 65 and Harpeth School Road runs roughly east-west terminating at Les Watkins Road. The project site is partially developed with an event venue and live music amphitheater. The surrounding area consists of single-family residences. The proposed monument sign is an electronic message board with a height of 35 feet will have a total of 498.75 square feet of sign area. The electronic message board on the monument sign is located approximately 15 feet above grade and has a sign area of 105 square feet. The sign will identify the business name and consist of electronic messaging to advertise the concerts and other events that will be held at Graystone Quarry.



Variance

A variance is a request to deviate from the strict adherence to the standards in the code. In this case, the sign variance is to deviate from the sign standards within the Land Development Ordinance, including to permit prohibited signage and to exceed the maximum height and sign area of a monument sign as follows:

1. Section 4.17.3 states that “electronic digital message signs, except as specifically authorized herein” are prohibited. Electronic message display or electronic signs are defined as “any sign that displays still images, scrolling images or moving images, including video and animation, utilizing a series or grid of lights that may be changed through electronic means, including but not limited to cathode ray, light emitting diode (LED) display, plasma screen, liquid crystal display (LCD), fiber optic or other electronic media or technology” (LDO Section 4.17.1).
2. Monument signs are permitted with a “maximum height of eight (8) feet and a maximum square footage of 80 square feet” (Section 4.17.4). In addition, two monument signs are permitted “for sites with more than one road frontage exceeding 750 feet and over five acres in size. Monument signs shall be separated by 150 feet” (Section 4.17.4).

The criteria set forth to determine if a variance request is necessary are as follows (as stated in the Town’s Zoning Ordinance, Section 6700).

Please note, the finding of fact in the Land Development Ordinance is italicized, followed by the applicant staff and the staff response.

1. The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this ordinance were carried out must be stated.

Applicant Response: The site has preserved a rural feeling on all traffic visible sites. However, we need a sign to identify the location of the business and the upcoming attractions. Without this it will definitely be hard for people to know which entertainment options coming.

Staff response: The site, 133 acres, has varying topography with the event venue constructed toward the top of the site with the parking located to the west of the event venue buildings with the amphitheater under construction in a former rock quarry located in the rear of the property. The corner of the property where the sign is proposed has less topography and high visibility from Les Watkins and Harpeth School Road. The site has less visibility from Interstate 65 given the location of the freeway, fencing between the freeway and Les Watkins Road and other impairments. The applicant has received approval for a monument sign that conforms to the Town’s LDO, however, the applicant would like the 35-foot, 498 square foot electronic message board for Interstate 65 visibility.

2. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district.

Applicant Response: The signage requested is typical for entertainment venues of this size and prominence. This Specific Plan property and the business use isn’t applicable to other properties.

Staff Response: The other properties within the vicinity are residentially zoned and occupied as residences and would not be permitted any signage, including an electronic message board, which may negatively impact the surrounding residences.

3. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other land structures, or buildings in the same district.

Applicant Response: This is a Specific Plan and it's only applicable to this line of business.

Staff Response: Electronic message boards are prohibited by the Town's LDO, therefore, granting a message board to the applicant would be allowing them to have a special privilege that would be denied to other property owners even within the Specific Plan zoning district.

4. The variance is the minimum variance that will relieve such difficulties or hardship and thereby make possible the reasonable use of the land, building, or structure.

Applicant Response: Yes. The sign has been designed for materials and style consistence with other structures at Graystone Quarry and in keeping with the rustic, all-natural feeling in Thompson's Station. The location for the sign is visible to traffic traveling North and South on Highway 65 and isn't seen from any other property. The sign is located out of any right of way and is situated approximately 7 BELOW the service road grade, so the sign has to be slightly taller to be seen from the highway. The screen portions of the sign are just largest enough to be read easily and safely by moving traffic. For point of reference, the screen size is approximately the same size as the blue-highway attraction signs; however, this sign is located approximately 100 feet from the closest travel lane so it will appear smaller.

Staff Response: The property does not have much topography at the corner of Les Watkins and Harpeth School Road which would make compliance with the code difficult or impractical. The applicant has received approval for the construction of a monument sign that does conform to the code. Therefore, Staff does not find that difficulties or hardship exists which create the need to permit a prohibited sign type in order to grant reasonable use of their land. However, given the distance from Interstate 65, Staff does not find an issue with permitting an increase in height or sign area for a monument sign provide additional visibility from the freeway, however, an electronic message board is a prohibited sign.

5. That the granting of the variance will not be detrimental to the public welfare, injurious to other property or improvements in the area in which the subject property is located, or a substantial impairment to the intent and purpose of the zoning district wherein such property is located or of the general provisions of this ordinance.

Applicant Response: This variance won't be detrimental to public welfare or to other property in the area. This variance is requested for this SP zoned property only. This property is on the outer edge of town separated from the rest of the town by Highway 65. See justification letter.

Staff Response: The event venue and amphitheater were permitted within the Specific Plan district with contingencies in place to protect the public welfare of the surrounding residential zone. Staff cannot confirm that by grating a 105 square foot electronic message board located in proximity to residences will not have detrimental impact to the public welfare. Given the proximity of the sign to residences and the size of the area of the electronic message board which

is 105 square feet, larger than the entire monument sign is permitted, Staff is concerned that light spillover from the electronic message board may occur.

6. That the proposed variance will not impair an adequate supply of light and air to the adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety.

Applicant Response: This won't impair light or air. The monument sign is only visible to highway 65 travelers. The sign informs people when upcoming events will happen so they can make entertainment plans in Thompson's Station. It also allows them to make alternative travel routing plans if they choose on concert days. Traffic Studies submitted to the town show only a nominal increase in traffic on concert days. Most concerts begin after 6 pm after most commute traffic.

Staff Response: The proposed variance will not result in any impairment as identified in this finding.

7. That the alleged difficulty or hardship has not been knowingly and intentionally created by any person having an interest in the property after the effective date of this ordinance.

Applicant Response: As the amphitheater plans have progressed and we've partnered with the largest music entertainment company, Live Nation, it's become clear to us how important this signage will be in informing the public of upcoming events in order to drive attendance at these concerts.

Staff Response: No self created hardship exists as identified in this finding.

RECOMMENDATION

Staff recommends that the Board of Zoning Appeals review the project and consider, in its discretion, some limited variance as to size and height but deny the request in all other respects, including the use of an electronic message board.

ATTACHMENTS

Applicant Justification Letter
Applicant Sign