

## STAFF REPORT

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

**Case Number:** 2023-DV3-011  
**Address:** 1855 North Shadeland Avenue (approximate address)  
**Location:** Warren Township, Council District #19  
**Zoning:** C-4  
**Petitioner:** MG Oil Inc., by Cindy Thrasher  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 23-foot tall, illuminated pole sign, within 10 feet of a protected district (maximum height of 20 feet permitted, illumination not permitted within 50 feet of a protected district).

### ADDENDUM FOR MAY 23, 2023

This petition was continued for cause from the April 18, 2023 hearing to the May 23, 2023 hearing at the request of the petitioner. No new information has been provided to the file.

Staff **continues to recommend denial** of this request.

### April 18, 2023

### RECOMMENDATIONS

Staff **recommends denial** of this request.

If the Board is inclined to vote against staff's recommendation, approval shall be subject to the installation of the illuminated sign within three months after the completion of commitment #6 of 2021-ZON-105 that calls for a pedestrian safety island and a pedestrian-activated crossing signal on Shadeland Avenue at the intersection of Shadeland Avenue and Pleasant Run Parkway South Drive.

### SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

### **LAND USE**

#### EXISTING ZONING AND LAND USE

C-4	Compact	Gas Station
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#### SURROUNDING ZONING AND LAND USE

North	D-4	Pleasant Run
South	D-4	Residential (Single-family dwelling)
East	D-4	Residential (Single-family dwelling)
West	C-5	Automobile Dealership

(Continued)

## **STAFF REPORT 2023-DV3-011 (Continued)**

### **COMPREHENSIVE PLAN**

The Comprehensive Plan recommends community commercial development on most of the site and office commercial along the southern property boundary.

- ◇ The 0.39-acre subject site is developed with a gas station and pole sign. The site abuts a single-family dwelling to the east, southeast, and south with a commercial use to the west.

### **VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ Table 744-901-1 of the Sign Regulations notes that internal lighting is permitted in the C-4 district, but no illumination is permitted on signs within 50 feet of a dwelling district without an intervening public or private street.
- ◇ As proposed, an internally illuminated sign would be located ten feet from a dwelling district to the south.
- ◇ Staff is recommending denial of the request since there is no practical difficulty with the use of the site as it is currently developed. The findings of fact note that the sign is an illuminated sign, but the photographs show it to be a manual changing sign. Instead, the existing sign could be replaced with non-illuminated sign faces.
- ◇ Additionally, the illuminated pole sign could be relocated to the northwest corner of the site where the proposed trees and shrubs could be rearranged since a minimum five-foot front setback is needed. This would ensure the illuminated sign would not be within 50 feet of a protected district and would eliminate the need for the variance.
- ◇ In staff's opinion, the height of the pole sign could be reduced to the maximum 20-foot height without any issue if a new sign were proposed at the northwest corner.
- ◇ Another option would be to propose a canopy sign along the western or northern canopy façades that would not be within 50 feet of a protected district.
- ◇ Staff determined that the use and value of the dwelling adjacent to the property included in the variance could be affected in a substantially adverse manner by having an illuminated sign immediately adjacent to it for 24 hours, seven days a week which could interrupt the resident's sleep pattern.
- ◇ The site is planned to be redeveloped per rezone petition 2021-ZON-105 but since there was no required timeframe for the installation of commitment #6 for a pedestrian safety island and a pedestrian-activated crossing signal on Shadeland Avenue at the intersection of Shadeland Avenue and Pleasant Run Parkway South Drive, staff would request that the installation of said items be completed prior to the installation of a new pole sign if approved. Staff understands the importance of signage for a business and would request a commitment for completion of commitment #6 to then allow for the installation of the proposed signage within three months of completion, if approved against staff's recommendation.

(Continued)

## **STAFF REPORT 2023-DV3-011 (Continued)**

### **GENERAL INFORMATION**

THOROUGHFARE PLAN	Shadeland Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial street, with a 149-foot existing right-of-way and a 104-foot proposed right-of-way.
THOROUGHFARE PLAN	Pleasant Run Parkway South Drive is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 70-foot existing right-of-way and a 48-foot proposed right-of-way.
SITE PLAN	File-dated March 3, 2023.
ELEVATIONS	File-dated March 3, 2023.
FINDINGS OF FACT	File-dated March 3, 2023.

### **ZONING HISTORY – SITE**

#### EXISTING VIOLATIONS

None.

#### PREVIOUS CASES

**2021-ZON-105; 1855 North Shadeland Avenue** (subject site), Rezoning of 0.415 acre from the C-3 district to the C-4 district, **approved**.

**97-V3-92; 1855 North Shadeland Avenue** (subject site), Variance of Development Standards of the Commercial Zoning Ordinance to provide for the placement of an illuminated canopy, measuring 24 by 71 feet, with a front setback of 1 foot along Shadeland Avenue (minimum 10 feet from the proposed right-of-way required), **granted**.

**93-V3-41; 1855 North Shadeland Avenue** (subject site), Variance of development standards of the Sign Regulations of Marion County to permit the placement of a pole sign with gasoline pricing panels (not permitted) located 4 feet from the right-of-way of Shadeland Avenue, **denied**.

**92-V3-62; 1855 North Shadeland Avenue** (subject site), Variance of development standards of the Sign Regulations of Marion County to permit the placement of a pole identification sign 3 feet from the right-of-way of North Shadeland Avenue (15 feet required) with pricing panels (not permitted), **granted with the condition that the pole sign be located 15 feet from North Shadeland Avenue right-of-way**.

**70-Z-204; 1855 North Shadeland Avenue** (subject site), rezoning of 0.45 acre from the D-4 district to the C-3 district, **approved**.

**70-V2-80; 1855 North Shadeland Avenue** (subject site), Variance of use and setback requirements to permit construction of a gasoline station with identification and display signs, **withdrawn**.

(Continued)

## **STAFF REPORT 2023-DV3-011 (Continued)**

### **ZONING HISTORY – VICINITY**

**2023-DV3-003; 1739 and 1795 North Shadeland Avenue** (south of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of an enclosed dumpster within the front yard of 18th Street (not permitted); a drive-through within 18 feet of a protected district without the required transitional yard landscaping and screening of service units (25-foot separation required, landscaping required), a stacking space within the front yard of 18th Street (not permitted) and zero-stacking spaces provided at the exit of the service unit (two stacking spaces required); a building with a 28-foot front setback from 18th street, a 12.8% front building line along 18th Street (maximum 25-foot front setback and 60% front building line required along Connector Frontage, ), and a 23.9-foot front building line along Shadeland Avenue (40% front building line required along Buffer/Suburban Frontages); on a lot with deficient landscaping, **withdrawn**.

**2012-HOV-015; 1752 North Shadeland Avenue** (southwest of site), Variance of Development Standards of the Sign Regulations to replace the cabinet of an existing freestanding sign (original approved by 97-HOV-12), with a 10-foot front setback along Shadeland Avenue, being within 80 feet of a freestanding sign to the north and 105 feet of a freestanding sign to the south, being the seventh sign along an approximately 750-foot long integrated frontage (300 feet of separation required, 300 feet of frontage required per sign), **granted**.

**2009-DV1-031; 6830 Industry Place and 6926 East 16<sup>th</sup> Street** (southwest of site), Variance of Development Standards of the Sign Regulations to provide for a 26.02-foot tall, 80-square foot Pole Sign with a ten-foot front setback from the existing right-of-way of Shadeland Avenue (minimum fifteen-foot front setback required), within 105 feet of a pole sign to the north within the same integrated center (minimum 300-foot separation between signs required), **granted**.

**2004-DV1-035; 1739 North Shadeland Avenue** (south of site), Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for the temporary location of the required handicapped parking space in an existing asphalt driveway (not permitted) until the construction of the proposed parking area is completed, **dismissed**.

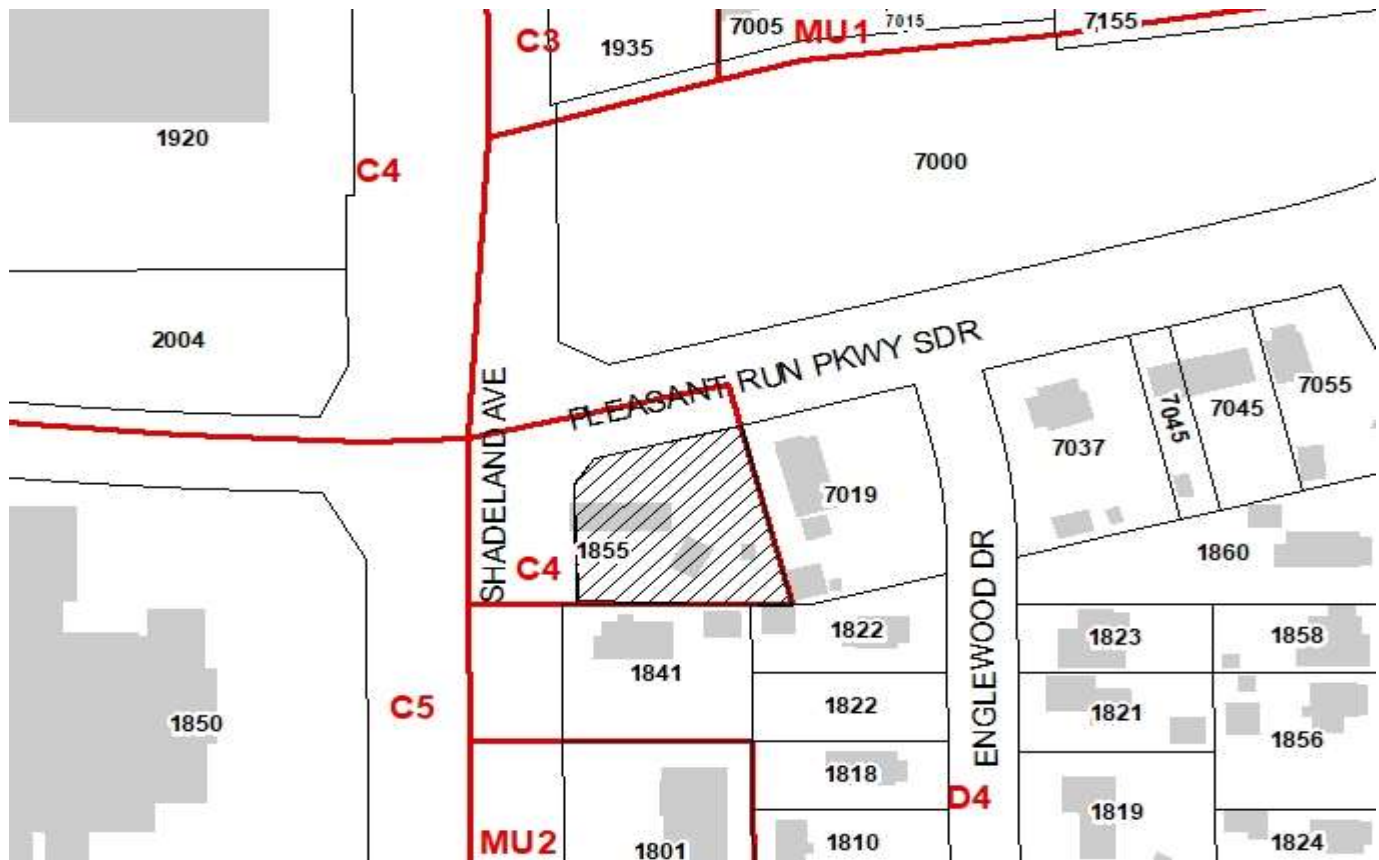
**97-HOV-12; 1752 North Shadeland Avenue** (southwest of site), Variance of Development Standards of the Sign Regulations to provide for a 9.5 by 21-foot sign, 40 feet in height, being located 10 feet from the right-of-way of Shadeland Avenue, in C-3, **granted**.

**72-UV3-76; 1811 to 1815 North Shadeland Avenue** (south of site), Variance of use to provide for a restaurant and retail sales in a D-4 district and a variance of development standards to provide for deficient setbacks and transitional yard, **granted**.

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## 2023-DV3-011; Location Map



## 2023-DV3-011; Aerial Map



[illegible]



2023-DV3-011; Elevations



ILLUMINATION VIEW



EXISTING



PROPOSED

NOTE : SR SURVEY NEEDED.

434 CITGO IN CABINET

434 - 2 PRODUCT PRICES CABINET  
12" PRICE VISION LEDS

334 TRICLEAN CABINET



SignResource  
CORPORATE & RETAIL

10101 W. 10th Street, Suite 100, Overland Park, KS 66211  
Phone: 913.241.1100 Fax: 913.241.1101  
Website: www.signresource.com

REVISION HISTORY

NO.	DATE	DESCRIPTION	BY	CHKD
1	10/10/23	INITIAL DESIGN & ELEVATION	MM	MM
2	10/10/23	REVISED TO ADD TRICLEAN LOGO	MM	MM

PARTS LIST

ITEM	DESCRIPTION
1	
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SCALE: NTS

THIS DRAWING IS INTENDED TO BE CONSIDERED AS A REPRESENTATION OF THE INFORMATION PROVIDED AND IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE DRAWING IS PROVIDED AS A GUIDE ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.

GENERAL NOTES

- 1. ALL DIMENSIONS ARE IN FEET AND INCHES.
- 2. ALL MATERIALS SHALL BE OF THE HIGHEST QUALITY AVAILABLE.
- 3. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL ELECTRICAL CODE (NEC) AND THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) 70B.
- 4. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL ELECTRICAL CODE (NEC) AND THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) 70B.

RENDERING

NO.	DATE	DESCRIPTION	BY	CHKD
1	10/10/23	INITIAL DESIGN & ELEVATION	MM	MM
2	10/10/23	REVISED TO ADD TRICLEAN LOGO	MM	MM

APPROVAL SIGNATURE

DATE

By signing, you are certifying the dimensions and graphics provided in SignResource and/or you are handling your own installation.

1 OF 1

**2023-DV3-011; Photographs**



West view of the existing pole sign



North view of the existing pole sign.





Photo of the ten-foot separation from the single-family dwelling to the south.



Photo of the existing fueling station and convenience store.



Photo of existing freestanding signs looking south along Shadeland Avenue.



Photo of existing freestanding signs west of the subject site.