

BOARD OF ZONING APPEALS DIVISION III

July 16, 2024

Case Number: 2024-DV3-018 (Amended)
Property Address: 3805 South East Street (approximate address)
Location: Perry Township, Council District #23
Petitioner: S & L Properties Indianapolis East LLC, by Lora Trent
Current Zoning: C-5
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a 10-foot tall monument sign within 300 feet of another freestanding sign, with a digital display within 600 feet of a protected district.
Current Land Use: Commercial
Staff Recommendations: Staff recommends approval for this petition
Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

ADDENDUM FOR JULY 16, 2024 BZA DIVISION III HEARING

- This petition was continued to the July 16, 2024 BZA Division III hearing to allow for changes to the site plan

STAFF RECOMMENDATION

- Staff recommends approval of this petition

PETITION OVERVIEW

- This petition would provide for the location of a 10-foot tall monument sign within 300 feet of another freestanding sign, with a digital display within 600 feet of a protected district.
- The 300-foot separation requirement of freestanding signs is in place for a variety of reasons. The separation requirement helps to promote orderly development, to preserve neighborhood aesthetics, to maintain visibility, and to limit the frequency of potential distractions for motorists and other road users. The 600-foot separation is in place to provide for an adequate buffer of potential nuisances from sensitive districts, such as residential districts.
- The petitioner's initial proposal called for a larger sign that represented not only a significant deviation from quality development, but also a potential nuisance to surrounding properties, and required more variances than the revised request. In effort to compromise with the future owner, Staff relayed to the

petitioner that Staff would be supportive of a proposal that calls for a sign that is located closer to the corner of South East Street and National Avenue, and calls for a monument sign of 10 feet in height, and with a digital display that meets the permitted sizing standards. A sign of this type and design would, in Staff's position, be significantly less obtrusive to nearby protected districts, better preserve aesthetics and orderly development, and provide for increased separation from the adjacent freestanding sign to the south. The petitioner has agreed to these changes, and has updated the proposed site plan and elevations of the sign to be in-compliance for sign type, sign height, and digital display size, leaving only the need for the two separation variances. While still representing less of a separation than required, this location would be a significantly smaller variance than initially requested. Staff sees the updated proposal as a minimal nuisance to nearby protected districts and to broadly meet the intentions of the separation standards, being that the revised proposal is shorter in height and contains a smaller digital display than initially proposed. Likewise, Staff sees the design to be more in line with development within the Compact Context Area that is more urban in nature. For these reasons, Staff is unopposed to the variances requested.

GENERAL INFORMATION

Existing Zoning	C-5	
Existing Land Use	Vacant commercial building	
Comprehensive Plan	Village Mixed-Use	
Surrounding Context	Zoning	Surrounding Context
North:	C-5	North: Commercial
South:	C-5	South: Commercial
East:	C-5	East: Commercial
West:	C-5	West: Commercial
Thoroughfare Plan		
South East Street	Primary Arterial	105 feet of right-of-way existing and 104 feet proposed
National Avenue	Local Street	30 feet of right-of-way existing and 48 feet proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	5/10/24	
Site Plan (Amended)	6/7/24	
Elevations	5/29//24	
Elevations (Amended)	6/7/24	
Landscape Plan	N/A	
Findings of Fact	5/10/24	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Marion County Land Use Plan pattern Book recommends the Village Mixed-Use typology for this site.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – SITE

2024DV3006, Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an eating establishment with the location of a drive through and stacking spaces within the front yard of National Avenue, **approved**.

ZONING HISTORY – VICINITY

2023DV3027; 3719 S East Street (north of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 40-foot-tall building addition (maximum 25-foot-tall buildings permitted along transitional yard), **approved**.

2023DV3002; 3620 S East Street (west of site), (Amended) Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of trash enclosures within the front yard of National Avenue, enclosed on three sides only (not permitted, four-sided enclosures required), **approved**.

2020CVR818; 3620 S East Street (north of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the replacement of an existing pole sign with a 36-foot tall, 260-square foot pole sign with a two-foot front setback from East Street (maximum 20-foot tall pole sign and five-foot front setback required), **approved**.

2015ZON091; 3604 Madison Avenue (north of site), rezoning of three acres from the D-A district to the C-7 classification to provide for truck and trailer repair, **approved**.

2013ZON053; 3800 S East Street (west of site), rezoning of 4.82 acres from the D-4 district and the C-5 districts to the C-5 classification to provide for automobile-related uses, **approved**.

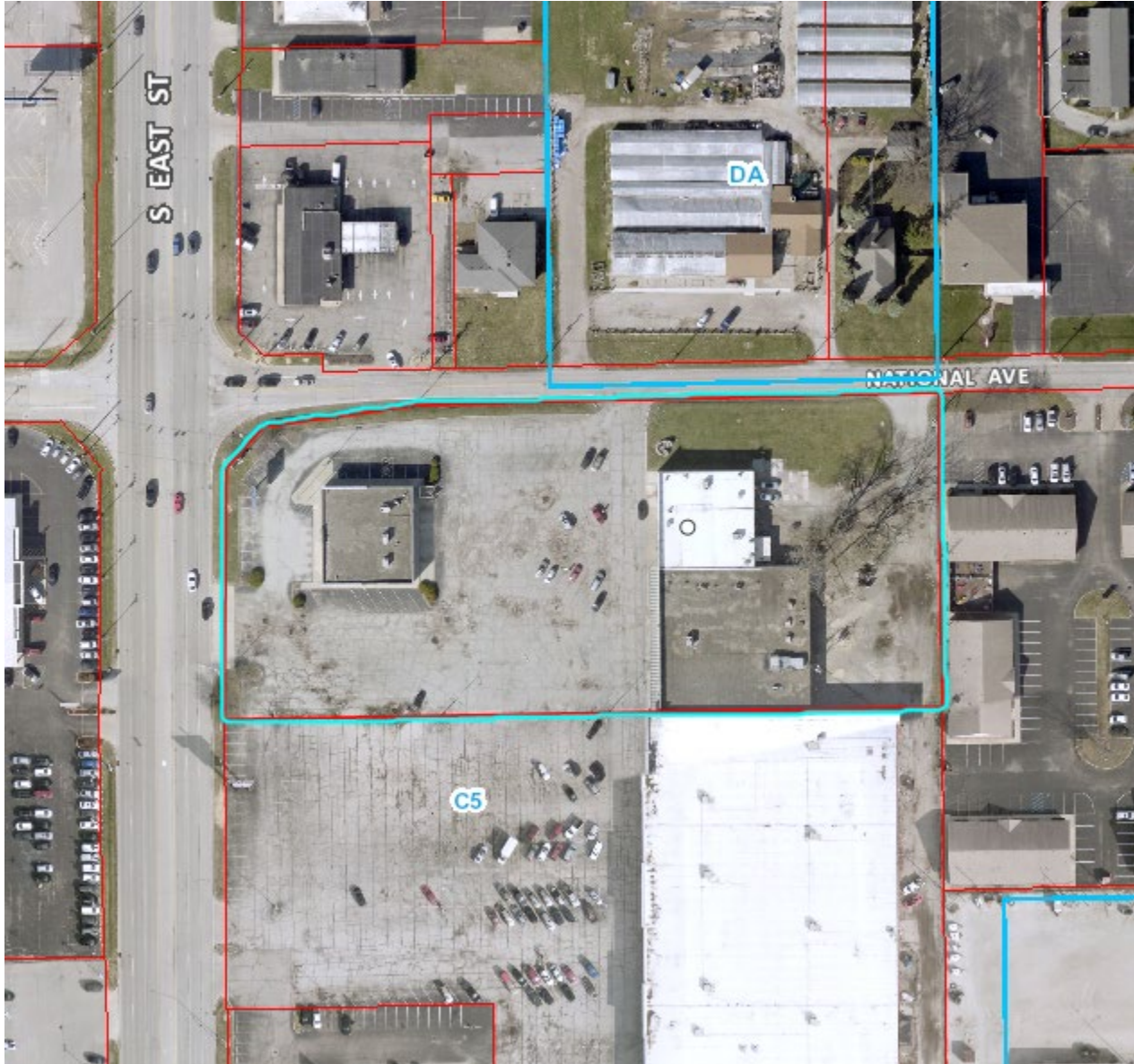
2011DV1056A/B; 3931 S East Street (south of site), Variance of development standards of the Sign Regulations to provide for a 40-foot tall, 360-square foot freestanding sign with a five-foot front setback (15-foot front setback required). Variance of development standards of the Sign Regulations to provide for a freestanding sign with an 80-square foot electronic variable message sign, within 300 feet of a D-4-zoned protected district (600-foot separation required), **approved**.

2003UV1007; 505 National Avenue (east of site), variance of use and development standards of the Commercial Zoning Ordinance to provide for a 100 foot tall freestanding wireless communication tower (not permitted as an accessory use, maximum 65 feet permitted), **approved**.

95-Z-189; 3715 S East Street (north of site), rezoning of 2.008 acres from the C-3 district to the C-4 classification to provide for sale of automobile parts and accessories, **approved**.

93-Z-97; 506 East National Avenue (east of site), rezoning of 0.13 acres from C-5 to SU-5 to provide for a radio broadcasting antenna and accessory building, **approved**.

EXHIBITS



ME-35 MONUMENT WITH EMC

ME-35-L-60X210-10-RGB

ME-35

Culver's sign cabinet of aluminum construction and internally illuminated with LED's

Thermofomed polycarbonate faces, embossed Culver's, 3M HP vinyl decoration

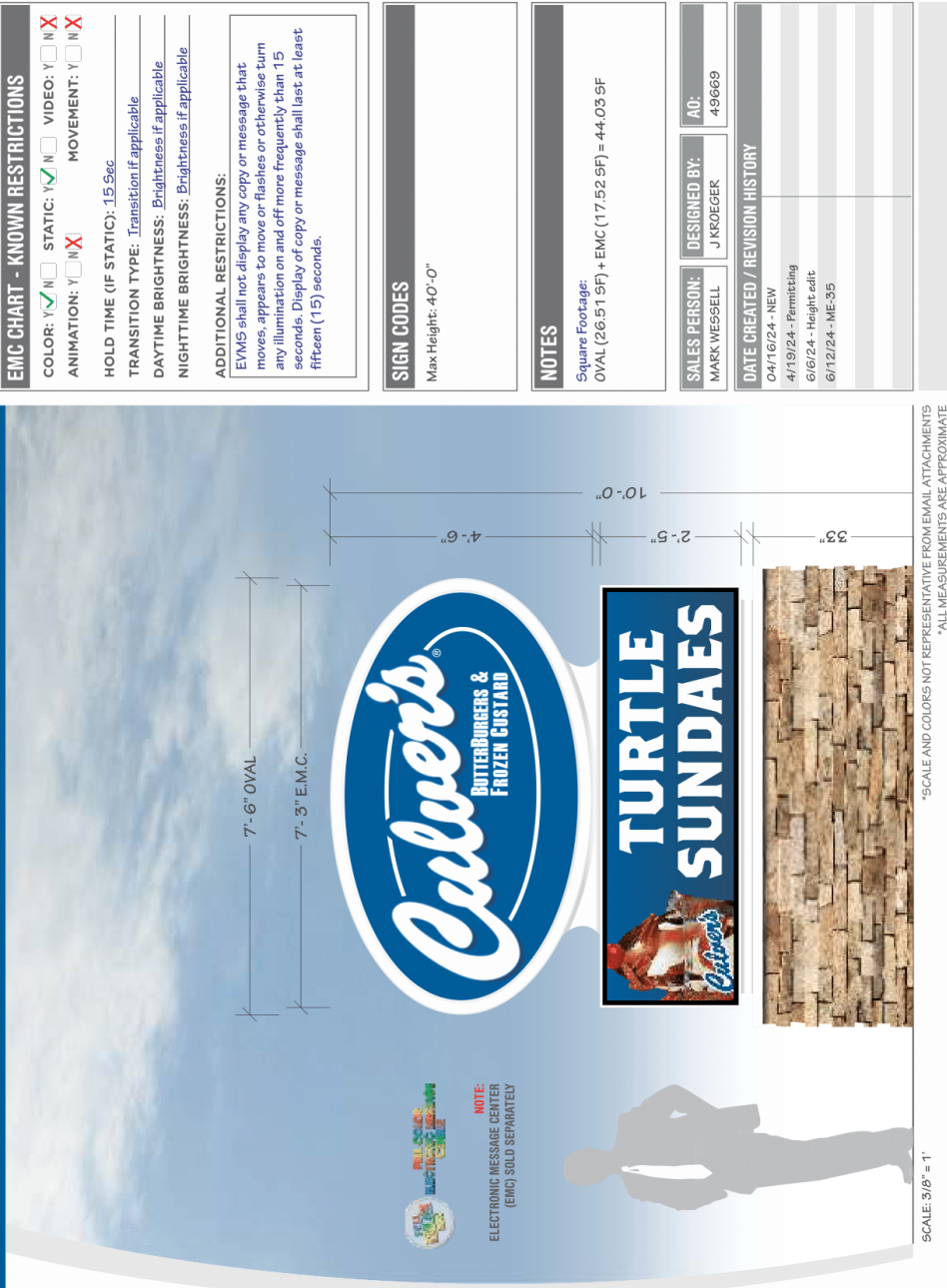
Watchfire 60x210 RGB full color 10mm Electronic Message Center (EMC) with RF wireless communication

Amber EMC option available

Broadband communication option available

UL marked product

1 - Watchfire sign by Time-O-Matic, Inc.



SCALE: 3/8" = 1"
 *SCALE AND COLORS NOT REPRESENTATIVE FROM EMAIL ATTACHMENTS
 **ALL MEASUREMENTS ARE APPROXIMATE

INDIANAPOLIS, IN

EMC CHART - KNOWN RESTRICTIONS

COLOR: N STATIC: N VIDEO: Y N X
 ANIMATION: Y N X MOVEMENT: Y N X

HOLD TIME (IF STATIC): 15.5sec

TRANSITION TYPE: Transition if applicable

DAYTIME BRIGHTNESS: Brightness if applicable

NIGHTTIME BRIGHTNESS: Brightness if applicable

ADDITIONAL RESTRICTIONS:

EMC shall not display any copy or message that moves, appears to move or flashes or otherwise turn any illumination on and off more frequently than 15 seconds. Display of copy or message shall last at least fifteen (15) seconds.

SIGN CODES

Max Height: 40'-0"

NOTES

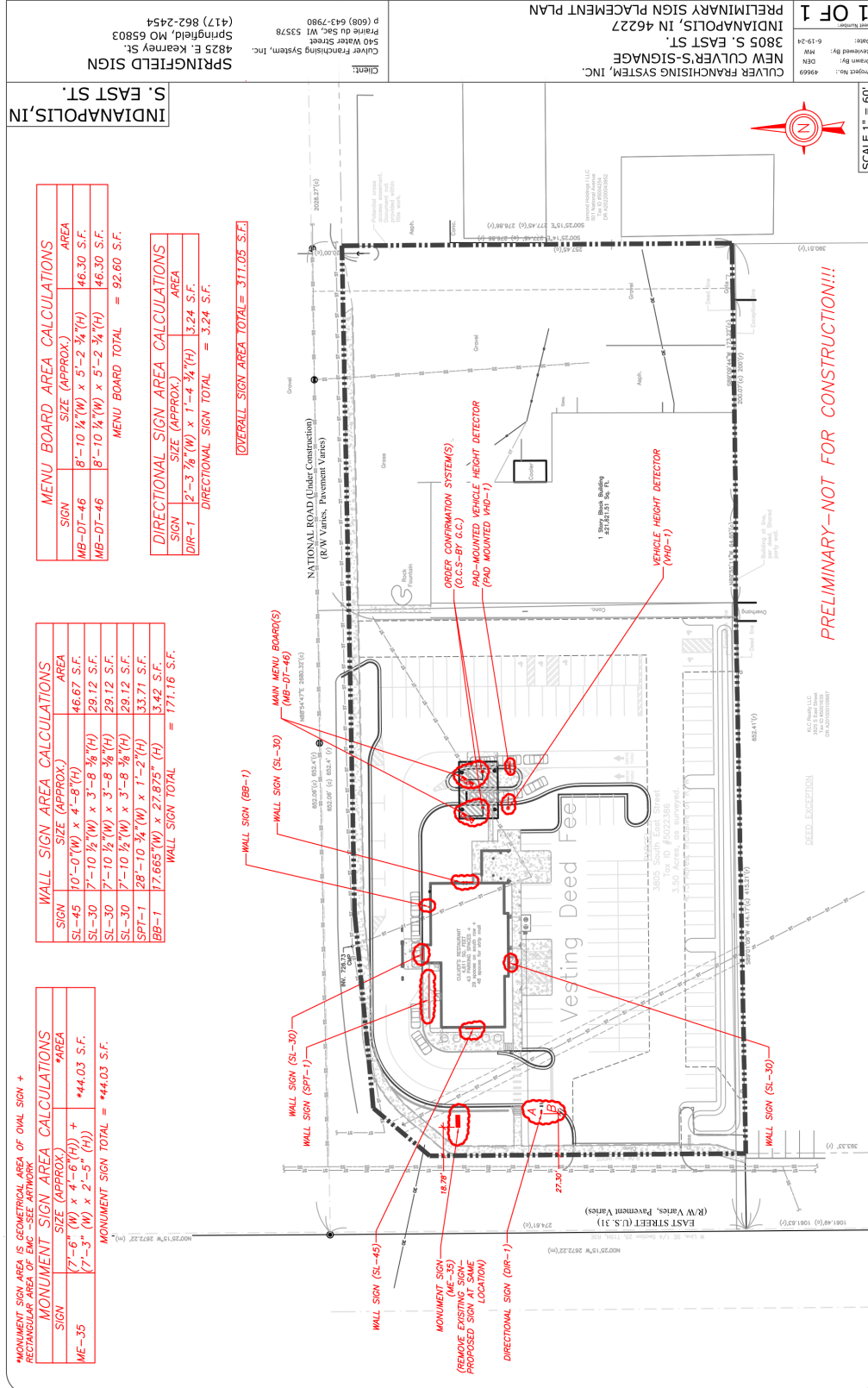
Square Footage:
 OVAL (26.51 SF) + EMC (17.52 SF) = 44.03 SF

SALES PERSON: MARK WESSELL
 DESIGNED BY: J KROEGER
 AD: 49669

DATE CREATED / REVISION HISTORY

04/16/24 - NEW
 4/19/24 - Permitting
 6/6/24 - Height edit
 6/12/24 - ME-35





*MONUMENT SIGN AREA IS GEOMETRICAL AREA OF OVAL SIGN + RECTANGULAR AREA OF ENG - SEE ANNOTATION

SIGN	SIZE (APPROX.)	*AREA
MF-35	(7'-6" (W) x 4'-6" (H)) + (7'-3" (W) x 2'-5" (H))	*44.03 S.F.

MONUMENT SIGN TOTAL = *44.03 S.F.

SIGN	SIZE (APPROX.)	AREA
SL-45	10'-0" (W) x 4'-8" (H)	46.67 S.F.
SL-30	7'-10 1/2" (W) x 3'-8 3/8" (H)	29.12 S.F.
SL-30	7'-10 1/2" (W) x 3'-8 3/8" (H)	29.12 S.F.
SL-30	7'-10 1/2" (W) x 3'-8 3/8" (H)	29.12 S.F.
SPT-1	28'-10 3/4" (W) x 1'-2" (H)	33.71 S.F.
BB-1	17.665" (W) x 27.875" (H)	3.42 S.F.

WALL SIGN TOTAL = 171.16 S.F.

SIGN	SIZE (APPROX.)	AREA
MB-DT-46	8'-10 1/2" (W) x 5'-2 3/4" (H)	46.30 S.F.
MB-DT-46	8'-10 1/2" (W) x 5'-2 3/4" (H)	46.30 S.F.

MENU BOARD TOTAL = 92.60 S.F.

SIGN	SIZE (APPROX.)	AREA
DIR-1	2'-3 1/8" (W) x 1'-4 3/4" (H)	3.24 S.F.

DIRECTIONAL SIGN TOTAL = 3.24 S.F.

OVERALL SIGN AREA TOTAL = 311.05 S.F.

Client: Culver Franchising System, Inc.
 540 Water Street
 Springfield, MO 65803
 4825 E. Kearney St.
 Springfield, MO 65803
 (417) 862-2454

Project No.: 49669
 Drawn By: DEK
 Reviewed By: MW
 Date: 6-19-24
 Scale: 1" = 60'
 Sheet: 1 OF 1
 PRELIMINARY SIGN PLACEMENT PLAN
 NEW CULVER'S-SIGNAGE
 3805 S. EAST ST.
 INDIANAPOLIS, IN 46227

