

BOARD OF ZONING APPEALS DIVISION I

May 6th, 2025

Case Number: 2025-DV1-012

Property Address: 8130 Rockville Road (Approximate Address)

Location: Wayne Township, Council District #17

Petitioner: Kroger Limited Partnership I, by Damiane' Handa

Current Zoning: C-4

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the alteration of an existing freestanding sign requiring compliance with the sign regulations, including being the third freestanding sign along Rockville Road and being within 210 feet of an existing sign to the east (maximum two signs permitted along a frontage, 300 feet of separation required).

Current Land Use: Commercial

Staff Recommendations: Staff is recommending **approval** of this variance petition.

Staff Reviewer: Kiya Mullins, Associate Planner

PETITION HISTORY

This is the second public hearing for this variance petition.

This petition was continued by staff at its first public hearing on April 1st to the May 6th Division I hearing due to an unexpected publication error that impacted the printing of this petition's information within newspapers as required by statute.

STAFF RECOMMENDATION

Staff is recommending **approval** of this variance petition.

PETITION OVERVIEW

- The petitioner is requesting updates to an existing freestanding sign that is within the 300-ft required separation from another freestanding sign.
- This parcel is the location of a Kroger Gas Station. The lot is 0.79-acre within a C-4 zoning district.
- The Ordinance requires 300 feet of separation between signs to avoid overcrowding of street frontages, right of way obstruction, and to prevent blocking the view of businesses or other buildings.
- According to Google Street View, the Kroger freestanding sign has been in this location since 2011, before the second sign to the east within the 300-ft separation appeared in 2022.

- The current sign is 25 feet and 8 inches high; the proposed alterations will reduce the height of the freestanding sign to 22 feet and 8 inches.
- Staff is recommending **approval** of this variance petition. The sign has been in this location for a long period of time, predating the sign to the east, which is within the required separation between signs. The alterations of the sign will reduce the overall height of the sign.

GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Commercial	
Comprehensive Plan	Community Commercial	
Surrounding Context	<u>Zoning</u>	Surrounding Context
	North: I-3	North: Light Industrial
	South: C-4	South: Community Commercial
	East: I-4	East: Office Commercial
	West: C-4	West: Community Commercial
Thoroughfare Plan		
Rockville Road	Primary Arterial	160 feet of right-of-way existing and 112 feet proposed
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	2/12/2025	
Site Plan (Amended)	N/A	
Elevations	2/12/2025	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	2/12/2025	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Community Commercial typology provides for low-intensity commercial and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated

centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces (pg. 20).

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

- N/A

ZONING HISTORY – SURROUNDING AREA

- 2007ZON136: 8121 Frito Lay Drive
 - Rezoning of 9.058 acres, from the I-3-S (FF) District to the C-4 (FF). Recorded Commitment number 2008-0077883.
 - AP
- 2009DV3007: 8150 Rockville Road
 - VARIANCE OF DEVELOPMENT STANDARDS of the Sign Regulations to provide for a 52-square foot electronic variable message sign component (not permitted), on an existing 25.5-foot tall, 215-square foot pole sign within 20 feet of a signalized intersection (minimum 125-foot separation from a signalized intersection required).
 - Dismissed
- 2012DV1037: 8301 Rockville Road
 - Variance of development standards of the Commercial Zoning Ordinance to provide for outdoor kennels and play areas (not permitted) for a pet hotel, pet daycare, dog grooming and training facility, with overnight boarding, with 44 parking spaces.
 - Approved
- 2016DV3031: 8301 Rockville Road
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a restaurant, with 75 parking spaces (maximum 43 parking spaces permitted), and to provide for a transparencies of 15% and nine percent on the two building facades, with public entrances (40% transparency required).
 - Approved
- 2019CZN833: 8301 Rockville Road
 - Rezoning of four acres from the I-3 (FF) district to the C-4 (FF) classification.
 - Withdrawn
- 2019CZN840: 8150 Rockville Road
 - Rezoning of 8.86 acres from the C-3 district to the C-4 district.
 - Approved
- 2019CVR860: 8301 Rockville Road
 - Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 85 parking spaces (maximum 70 parking spaces permitted).
 - Approved
- 2019CVR840: 8150 Rockville Road

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 120 parking spaces for a plasma center (maximum 96 permitted). Denial

EXHIBITS

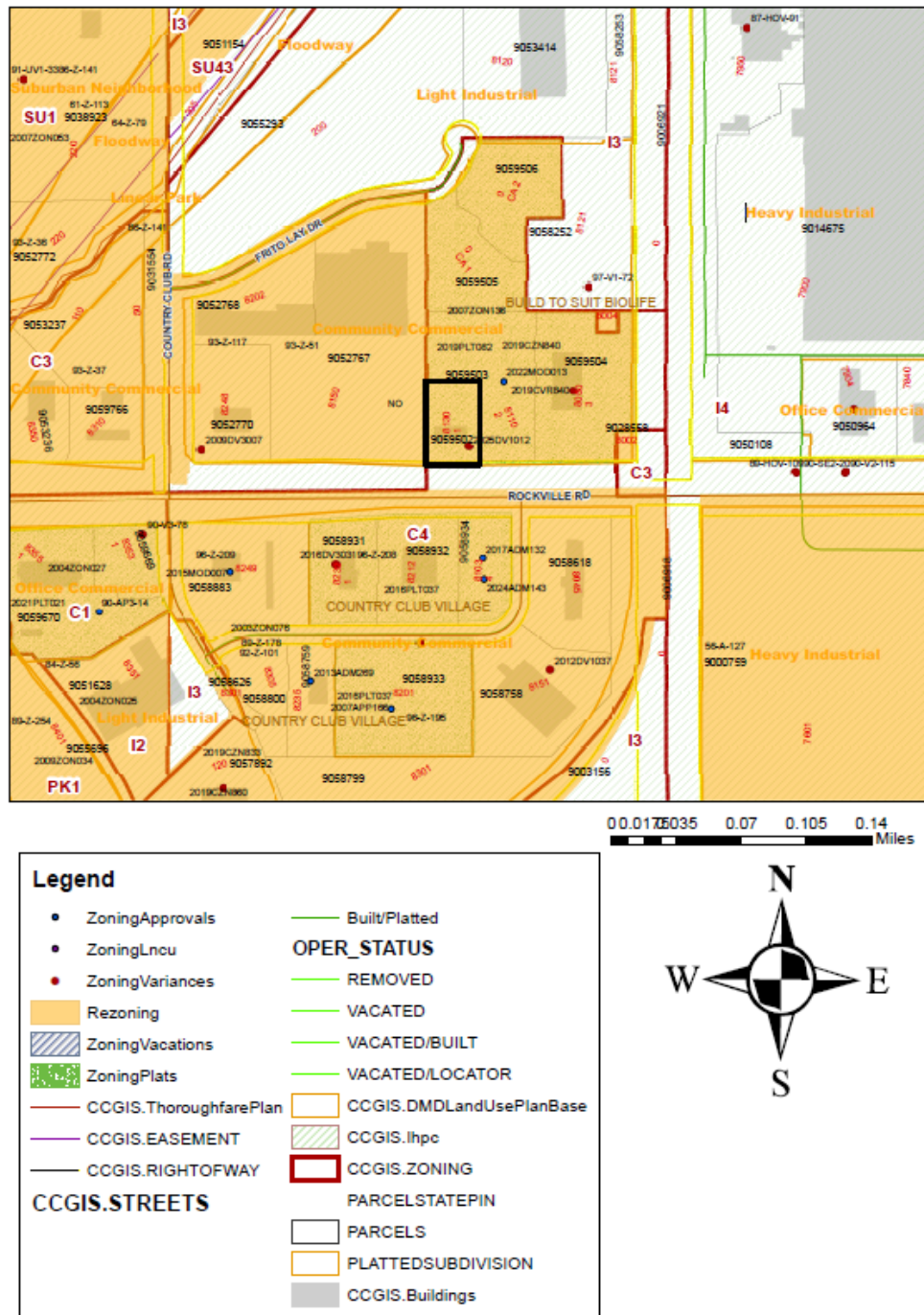


Exhibit 1: ArcGIS map of the subject site.

METROPOLITAN DEVELOPMENT COMMISSION

HEARING EXAMINER

METROPOLITAN BOARD OF ZONING APPEALS, Division _____

OF MARION COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the Community.

The sign is an existing pylon sign for Kroger and the gas station. The sign has plenty of clearance from the bottom of the cabinet to the grade to safely allow vehicles to see under the sign for the upcoming driveway. The existing sign is consistent with the pylon signs in the area and clearly identifies the Kroger gas station allowing vehicles traveling on Rockville Road time to safely make their turn into the fuel center.

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

The sign is necessary to identify the gas station in a clear and concise manner. The sign does not block the view of any other adjacent signs and the sign does not cause unnecessary glare or illumination that would impact surrounding properties. The variance will not alter the character of the neighborhood or district. The signage is compliant in size, height, illumination and setback.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

The adjacent property BioLife installed a sign closer than 300' to Kroger's existing sign. The Kroger sign displays gas prices and it is necessary for consumers to be able to identify the gas station at this property, make the decision to pull into the appropriate lane and have time to locate the entrance without disrupting the flow of traffic. The Kroger sign proposal does not produce sign clutter, it is in keeping with the overall intent of the Development Standards and the authorization of the variance would be necessary for motorists to be able to read the sign at the posted speed limits. Motorists need to make quick, decisive choices while safely driving. The changes to the existing Kroger sign requires that the sign be brought into conformance with the code.

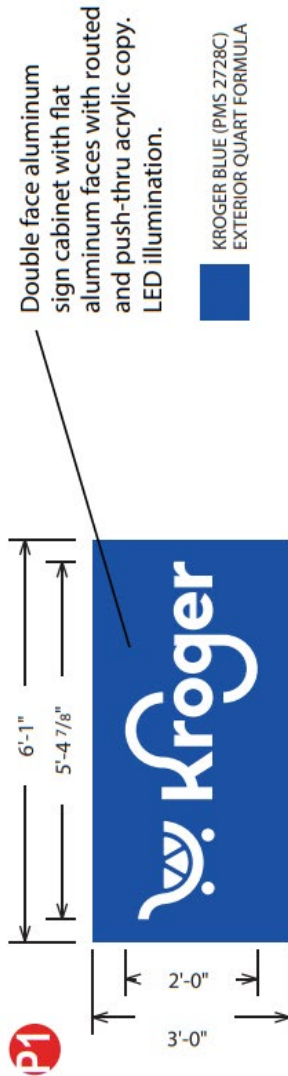
Exhibit 2: Findings of Fact Submitted by the petitioner.

Description of Work:

The property at 8150 Rockville Road is Zoned C-3. Kroger is long standing anchor tenant in the Westpoint Commons Shopping Center. The shopping center has a large street frontage along Rockville Road.

The applicant proposes to replace the top cabinet portion of the existing pylon sign containing the Kroger name and logo. The current sign measures 6.08 feet in width and 25.6 feet in height. The top of the current sign contains the Kroger name and former logo. Kroger is rebranding their logo and name in all stores. The new logo contains a shopping cart and the name "Kroger" with signature curves on the letter "K" and "g". The rebranding of all signs is necessary to help patrons identify Kroger when traveling in this area. Consumers familiar with the brand will be able to easily locate the store and its services, including fuel. Consumers not familiar with the brand will be able to easily identify that this location has fuel services included in the brand by listing the fuel prices on the sign. The new sign will remain 6.08 feet in width and the height will be reduced to 22.69 feet. The fuel price panels will remain the same size and display the unleaded, mid-grade and diesel prices. The Kroger/Fuel Price sign has been in place for over 10 years. When the adjacent property for BioLife installed a pylon sign within the past 4 years, it was placed less than the required 300 feet from Kroger's sign. The face replacement to the Kroger Sign requires the sign to be brought into conformance with the Development Standards. Kroger, wishes to keep their sign in its current location as it meets the necessary setbacks that are required for the sign.

Exhibit 3: Description of work submitted by the petitioner.



NOTE: POLES WILL NEED TO BE CUT OFF AT THE TOP TO ALIGN WITH THE TOP OF THE NEW CABINET.



Exhibit 4: Sign plans.

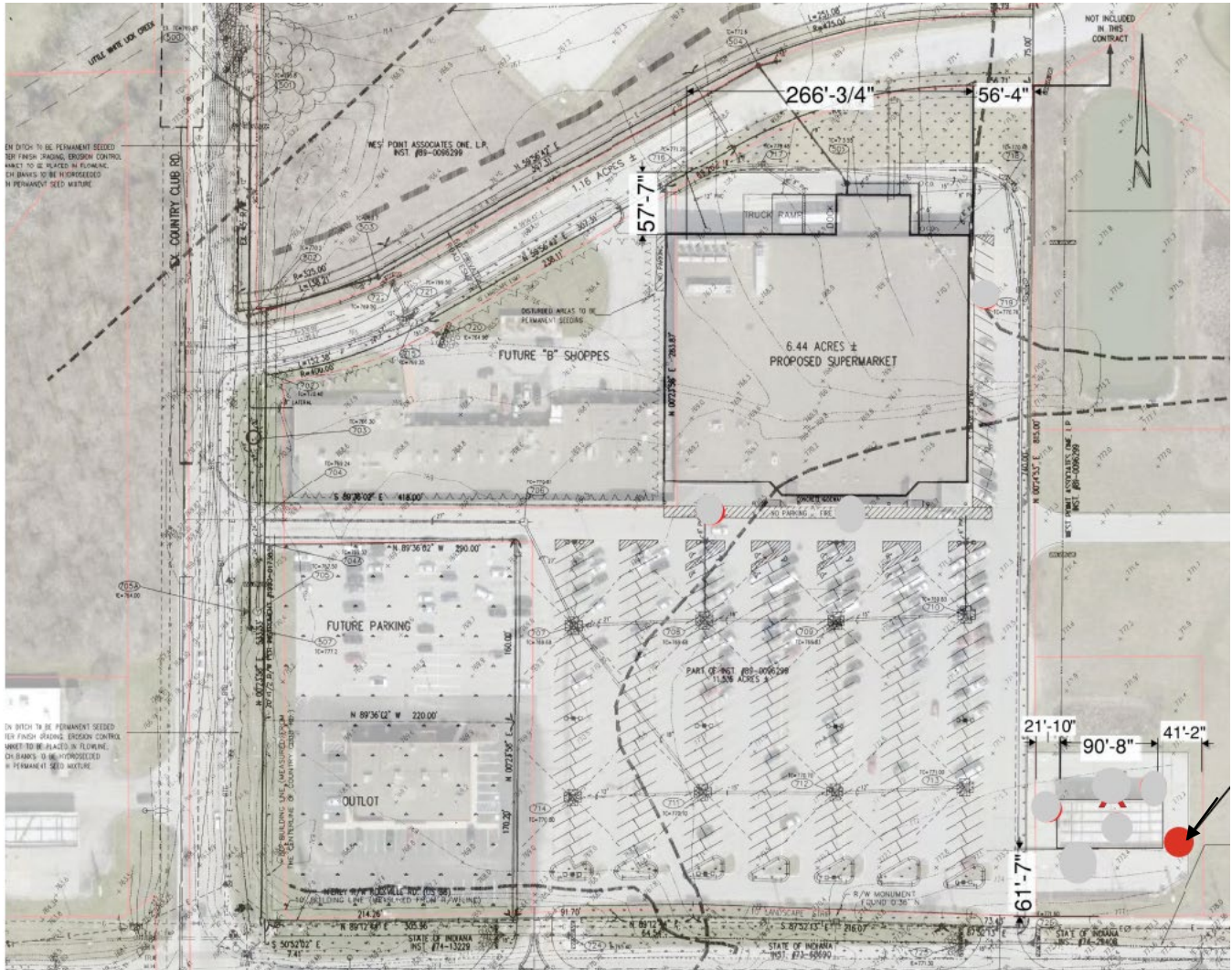


Exhibit 5: Site plan, location of the sign is indicated by the red dot.



Exhibit 6: Subject site.



Exhibit 7: Gas station on the site.



Exhibit 8: Current sign on the property that will be shortened, and the top panel will be replaced.



Exhibit 9: July 2011 Google Street view of the current sign.



Exhibit 10: Aerial of site from MapIndy.