

BOARD OF ZONING APPEALS DIVISION I

December 3, 2024

Case Number: 2024DV1039

Property Address: 5402 East Thompson (*approximate address*)

Location: Franklin Township, Council District #24

Petitioner: Kroger Limited Partnership I, by Laura Trendler

Current Zoning: C-4

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of two pump island canopy signs along the north and south elevations (one sign per side permitted).

Current Land Use: Commercial

Staff Recommendations: Staff recommends **approval** subject to a commitment.

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** subject to a commitment that the pump island canopy be limited to four total signs, (two on the southern elevation, two on the northern, and none on the western/eastern).

PETITION OVERVIEW

- 5402 East Thompson Road is currently improved with a large pump island canopy that covers eighteen fuel pumps and a small convenience store area. It is affiliated with the supermarket located to the northwest of the subject site, and the property is also bordered by a coffeehouse chain to the east, Thompson Road and an auto repair use to the south, a private access road and a tire shop to the west, and a multitenant commercial center to the north.
- Signage was installed on the pump island canopy in 2015; one tenant identification sign was placed on each elevation as well as digital price displays on the northern and southern facades. In 2019, the Indianapolis Zoning Ordinance was amended to limit pump island canopies to one sign per elevation. The petitioner is now seeking to remove and replace the tenant identification signage on each canopy façade with new branding for the same ownership while making no

changes to the digital price displays. This would require a variance since it would result in the placement of two signs on the northern and southern facades of the canopy.

- The subject site is zoned C-4 (Community-Regional District) to allow the development of major business groupings and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. Similarly, the Comprehensive Plan recommends it to the Regional Commercial working typology for general commercial and office uses that serve a significant portion of the county.
- Documentation provided by the applicant in support of this petition indicates that the proposed fuel canopy signs would be replacing signs that already exist and wouldn't result in a higher number of signs or signage in any new locations. They also indicate that both the tenant identification and digital price displays signs are necessary to inform customer of fuel center ownership and current pricing information for fuel, and that their unique need arises from the large size and width of the canopy.
- Rules about the number of total signs allowed on pump island canopies are in place to reduce oversaturation of signage while still allowing businesses to communicate information about their products and services. Staff feels that maintaining overall levels of signage consistent with ordinance is an important goal and offered the compromise of allowing two signs each on the northern and southern canopies while removing proposed signs on the shorter eastern and western facades. Staff would note that this canopy has a width of around 160 feet which is unusually wide for a pump island canopy, and the petitioner agreed to the proposed compromise.
- Staff feels that the proposed compromise is appropriate given the distance that would separate the signs on this canopy, the combined square footage of the two signs on these facades wouldn't exceed 25% of the overall façade area (maximum area allowed by ordinance), and that with removal of the side canopy signs there would be a total of four signs for the canopy's four elevations. Staff recommends approval of the petition subject to the commitment.

GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Commercial	
Comprehensive Plan	Regional Commercial	
Surrounding Context	Zoning	Surrounding Context
North:	C-4	North: Commercial
South:	C-4	South: Commercial
East:	C-4	East: Commercial
West:	C-4	West: Commercial
Thoroughfare Plan		
Thompson Road	Primary Arterial	150-foot existing right-of-way and 119-foot proposed right-of-way
Kroger Boulevard	Private Drive	50-foot existing road width

Context Area	Metro
Floodway / Floodway Fringe	No
Overlay	No
Wellfield Protection Area	No
Site Plan	10/06/2024
Site Plan (Amended)	N/A
Elevations	10/06/2024
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	10/06/2024
Findings of Fact (Amended)	11/24/2024

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 this property to the Regional Commercial typology to provide for general commercial and office uses that serve a significant portion of the county rather than just the surrounding neighborhoods. Uses are typically in large freestanding building or integrated centers, and typical examples include shopping malls, strip shopping centers, department stores, and home improvement centers. No specific guidance related to signage is provided.

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 – VICINITY

2024DV1010 ; 5435 E Thompson Road (south of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of a fourth primary freestanding sign along Thompson Road (maximum two permitted) with a front setback of 1 foot (5 feet required) and a separation of 40 and 245 feet from other primary freestanding signs (300-foot separation required), **denied**.

2022DV1019 ; 5329 E Thompson Road (south of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 25-foot tall, 300-square foot pylon sign, located 220 feet from another pole sign, being the third sign along an integrated center frontage (maximum two signs per frontage permitted, minimum 300-foot separation required), **approved**.

2021DV2015 ; 5330 E Thompson Road (northwest of site), variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the installation of a 20-foot tall pole sign within 190 feet of an existing freestanding sign (minimum 300-foot separation required) and being the third sign along the Thompson Road frontage (maximum two signs permitted), **denied**.

2020DV2053A ; 5255 E Thompson Road (southwest of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a six-foot tall monument sign within 200 feet of an existing freestanding sign (minimum 300 feet of separation required), **denied**.

2015HOV024 ; 5350 E Thompson Road (northwest of site), Variance of development standards of the Commercial Zoning Ordinance to provide for a pick-up area for on-line shopping, for a grocery store, reducing parking spaces to 542 (551 spaces approved by 2014-CVR-805; 824 parking spaces required by Ordinance), **approved**.

2015DV2001 ; 5407 E Thompson Road (west of site), Variance of development standards of the Sign Regulations to provide for a 35-foot tall, 93-square foot freestanding sign, within approximately 210 feet of an existing freestanding sign to the east and 250 feet of a freestanding sign to the west (300-foot separation required), **approved**.

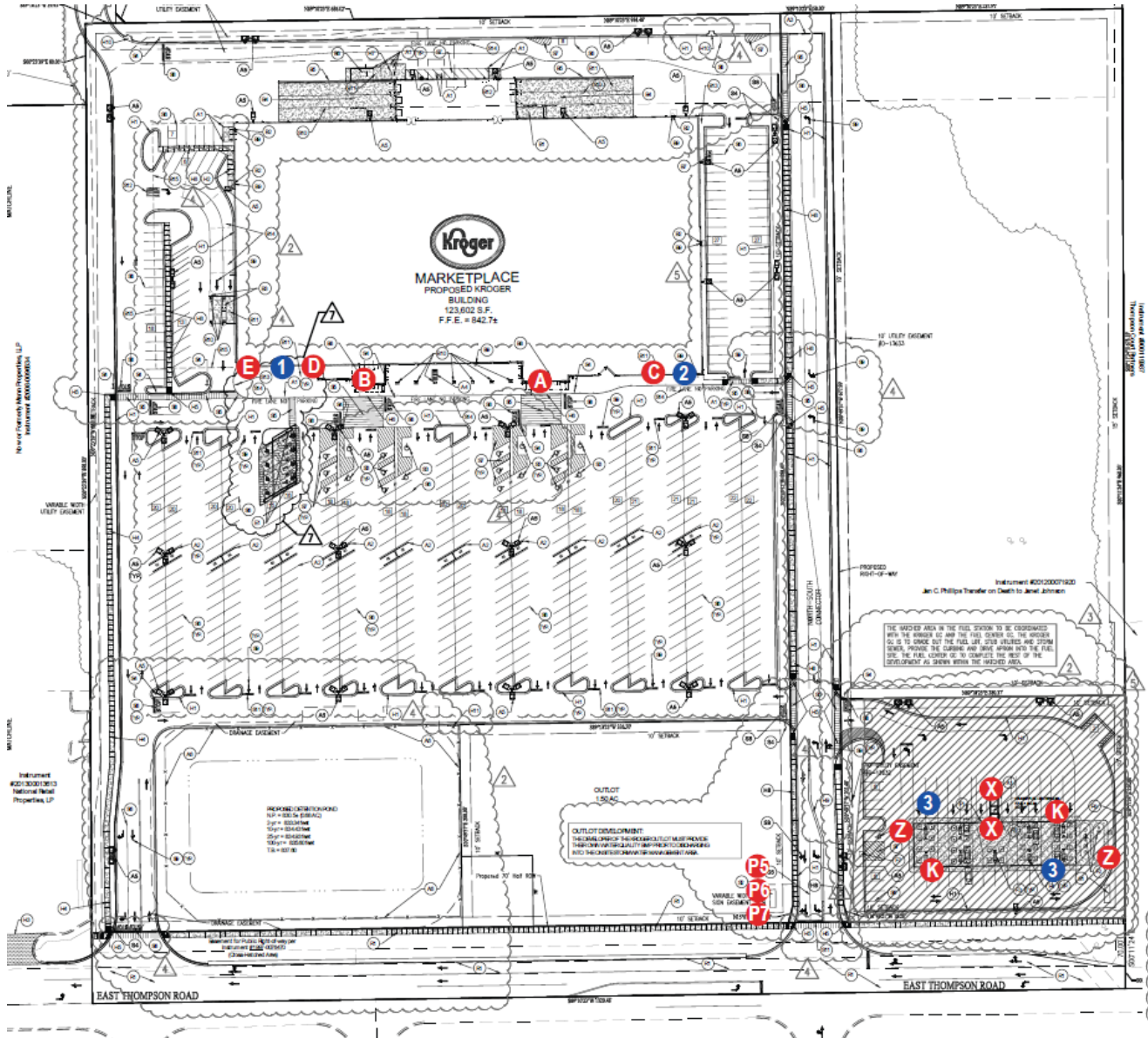
2014CZN805 ; 5414 E Thompson Road (northwest of site), Rezoning of 29.05 acres from the C-S District to the C-4 classification to provide for an integrated commercial center, with a grocery store, fuel station and other commercial uses, **approved**.

EXHIBITS

2024DV1039 ; Aerial Map

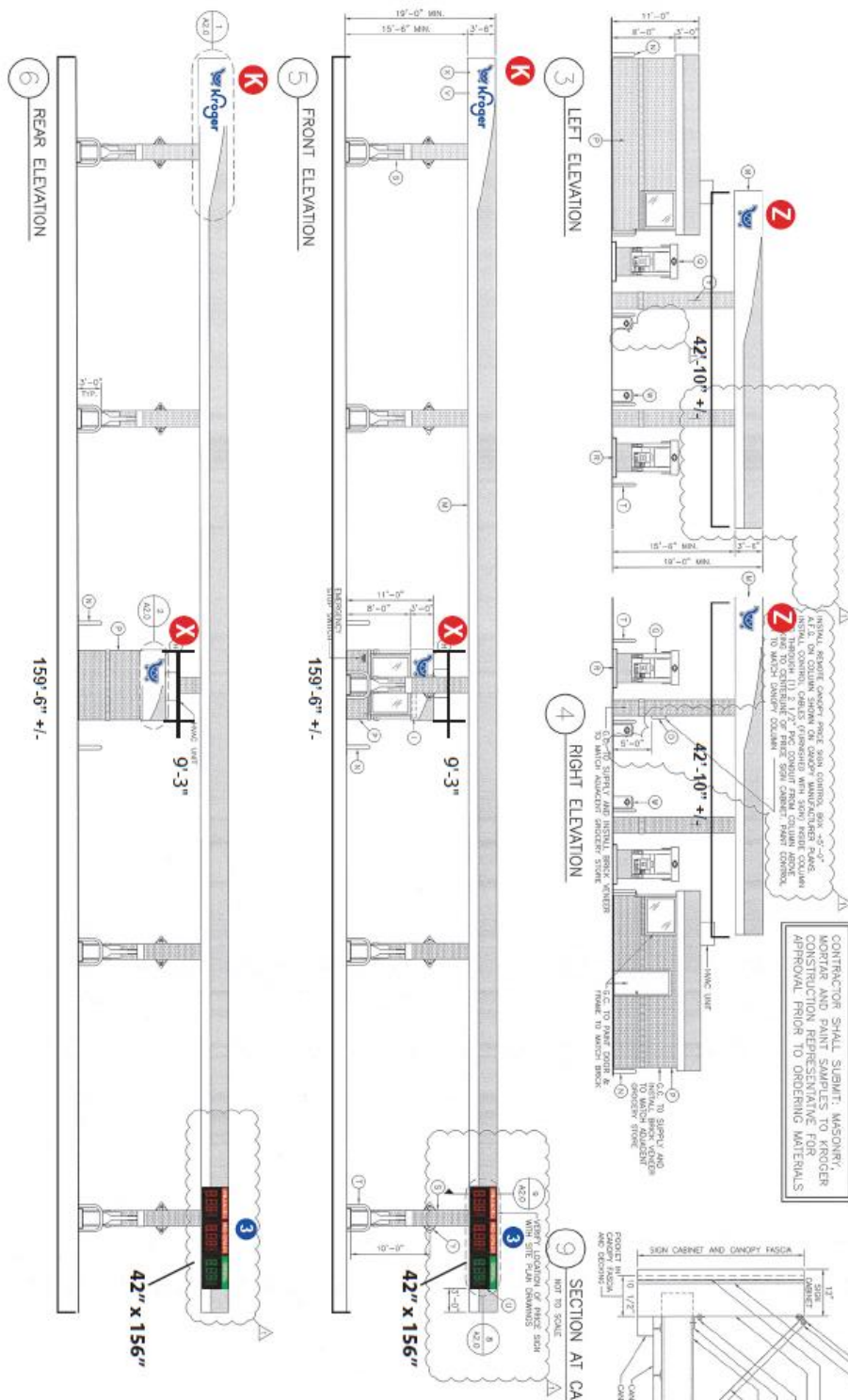


2024DV1039 ; Site Plan (Pump Island Canopy)

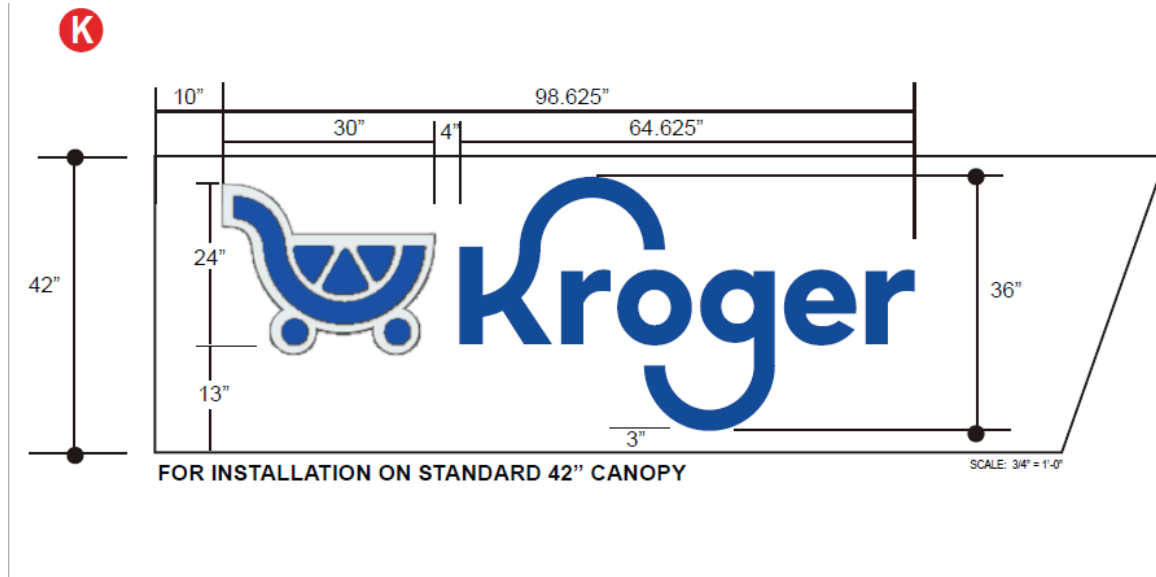


(Note: K represents new fuel canopy sign for N/S elevations, 3 represents existing price display panels to remain, Z represents new fuel canopy signs for W/E elevations that the petitioner has agreed to remove from the scope, and X represents fuel kiosk logo signs exempt from permitting)

2024DV1039 ; Pump Island Canopy Elevations



2024DV1039 ; New Pump Island Canopy Signage Detail



2024DV1039 ; Findings of Fact

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

The proposed fuel canopy signs are replacing signs that currently exist. The existing signs have not previously had a negative impact on the public health, safety, morals, and general welfare of the community. The proposed signs are modest and intended to display the brand of the fuel center and fuel prices to potential customers.

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 because:

The proposed number of fuel canopy signs is the same as what currently exists. The subject property is surrounded by other commercial uses, and the nature of the signs is consistent with the fuel center's surroundings. Kroger's proposed branding/ signage update will provide a more modern, sleek look. Approval of the requested variance will allow Kroger to improve their current facility, therefore the value of adjacent area will not be affected.

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

The proposed "Kroger" sign on the north and south canopy elevations allows potential customers, and people traveling along Thompson Road, to recognize that Kroger owns the Fuel Center. It is imperative that the price panels stay on both sides of the canopy, as well as the "Kroger" sign, to allow the community and potential customers to view the fuel prices before making a decision to refuel at Kroger. Further, the need for 2 signs arises from the large size of the canopy, especially the long length of the structure. While the signs exceed the maximum number of signs allowed, they are well within the maximum sign area permitted per side. Per code Section 744.908, the fuel canopy is permitted to have signage which takes up 25% of the façade of the canopy side which it is located. The two signs combined are equal to 20.8% of the façade.

2024DV1039 ; Photographs



Photo 1: Existing Pump Island Canopy & Pylon Sign



Photo 2: Existing Pump Island Canopy & Monument Sign (taken September 2024)

2024DV1039 ; Photographs (continued)



Photo 3: Existing Digital Price Display on Northern Elevation (to remain)



Photo 4: Existing Tenant Signage on Northern Elevation + Existing Monument Sign

2024DV1039 ; Photographs (continued)



Photo 5: Existing Digital Price Display on Southern Elevation (to remain)



Photo 6: Existing Tenant Signage on Northern Elevation

2024DV1039 ; Photographs (continued)



Photo 7: Adjacent Property to West



Photo 8: Adjacent Property to East

2024DV1039 ; Photographs (continued)



Photo 9: Adjacent Property to North



Photo 10: Adjacent Property to South