

## STAFF REPORT

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

**Case Number:** 2023-DV2-021  
**Address:** 5000 Nowland Avenue (approximate address)  
**Location:** Center Township, Council District #12  
**Zoning:** SU-2 / D-5  
**Petitioner:** Roman Catholic Archdiocese of Indpl Properties Inc., by Chris Hyink  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of an 8.08-foot tall monument sign with digital display (maximum five-foot monument sign permitted, digital display not permitted).

#### October 10, 2023

On September 12, 2023, this petition was continued for-cause, at the request of the petitioner, to the October 10, 2023, hearing of Division II in order to address Staff concerns. No new information was provided; therefore, Staff continues to **recommend denial**.

#### SEPTEMBER 12, 2023

#### RECOMMENDATIONS

Staff **recommends denial** of this request.

#### SUMMARY OF ISSUES

##### LAND USE

###### EXISTING ZONING AND LAND USE

SU-2 and D-5	High School educational facility and associated recreational and competitive athletic fields
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###### SURROUNDING ZONING AND LAND USE

North -	D-5	Single-Family Dwellings
South -	D-5	Single-Family Dwellings
East -	D-5	Single-Family Dwellings
West -	D-5	Single-Family Dwellings

###### COMPREHENSIVE PLAN

The Comprehensive Plan recommends regional special uses for the site.

- ◇ The site is primarily zoned SU-2 which permits educational uses, and recreational and competitive fields as accessory uses. A small portion in the southwest corner of the site is zoned D-5.
- ◇ The proposal would allow for a taller than permitted monument sign that incorporates a prohibited digital display panel.

(Continued)

## **STAFF REPORT 2023-DV2-021 (Continued)**

### **VARIANCE OF USE & DEVELOPMENT STANDARDS**

- ◇ This proposal would allow for the erection of an 8.08-foot tall, monument sign, with digital display within 80 feet of a protected district. The digital display (EVMS) is not permitted in an SU district, and when allowed, it is not permitted within 400 feet of a protected district. The Ordinance has been constructed to limit these signs near protected districts, because of their scrolling displays, brightness and aesthetic impact on protected districts. The proposed sign would be within about 75 of a protected district located unobstructed to the south.
- ◇ The Sign Regulations “facilitate an easy and agreeable communication between people...and serve an important function.” The purpose of the Sign Regulations is to “eliminate potential hazards to motorists, and pedestrians; to encourage signs which, by their good design, are integrated with and harmonious to the buildings and site which they occupy; and which eliminate excessive and confusing sign displays.” Proliferation of signs causes those signs that are permitted and legal to become less effective and reduces their value. Additionally, the Sign Regulations preserve and improve the appearance of the City as a place in which to live and work.
- ◇ There are no buildings or landscaping that would obscure the proposed EVMS from the impacted dwelling districts. This sign, therefore, would clearly impact the dwellings to the south because of its brightness and aesthetic impact.
- ◇ The Ordinance was developed to limit the incidence of these signs near protected districts because of their scrolling displays, brightness, and negative aesthetic impact for 24 hours a day, 365 days a year.
- ◇ No practical difficulty in the use of this property would result from denial of this variance request., as the currently permitted sign could continue to be used. The petitioner’s proposed findings indicate that the sign is intended to promote enhanced aesthetics. However, in developing the Sign Regulations, it was determined that the impact of EVMS signs on protected districts outweighed the positive aspects of such signs. The proposed sign has no physical barriers that prevent the community from visually seeing the sign. There is no reason that a manual reader board, although not typically essential to the operation of a high school, could be used, along with social media and other alternative communication methods.
- ◇ Any practical difficulty is self-imposed by the petitioner’s desire to choose to not follow the ordinance for their purposes of providing consistent, aesthetically pleasing signage, by proposing a sign taller than the Ordinance allows and within the protected district separation which is not allowed.

(Continued)

## **STAFF REPORT 2023-DV2-021 (Continued)**

### **GENERAL INFORMATION**

THOROUGHFARE PLAN	<p>This portion of Nowland Avenue is indicated as a local street on the Official Thoroughfare Plan, with a 48-foot existing and proposed right-of-way.</p> <p>This portion of Dequincy Street is indicated as a local street on the Official Thoroughfare Plan, with a 48-foot existing and proposed right-of-way.</p> <p>This portion of Elliott Avenue is indicated as a local street on the Official Thoroughfare Plan, with a 45-foot existing right-of-way and a 48-foot proposed right-of-way.</p>
SITE PLAN	File-dated July 21, 2023
ELEVATIONS	File-dated July 21, 2023
FINDINGS OF FACT	File-dated July 21, 2023

### **ZONING HISTORY**

#### **Subject Site:**

**2022-DV2-038; 5000 Nowland Avenue;** requests variances of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for six-foot chain link and decorative fencing within the front yards and clear sight triangles of the intersections of Elliot Avenue, Dequincy Street and Nowland Avenue and the clear sight triangle of the driveway off of Nowland Avenue (chain link fencing not permitted in front yards, maximum height of 3.5 feet permitted, encroachment of the clear sight triangles not permitted); **granted.**

#### **Vicinity:**

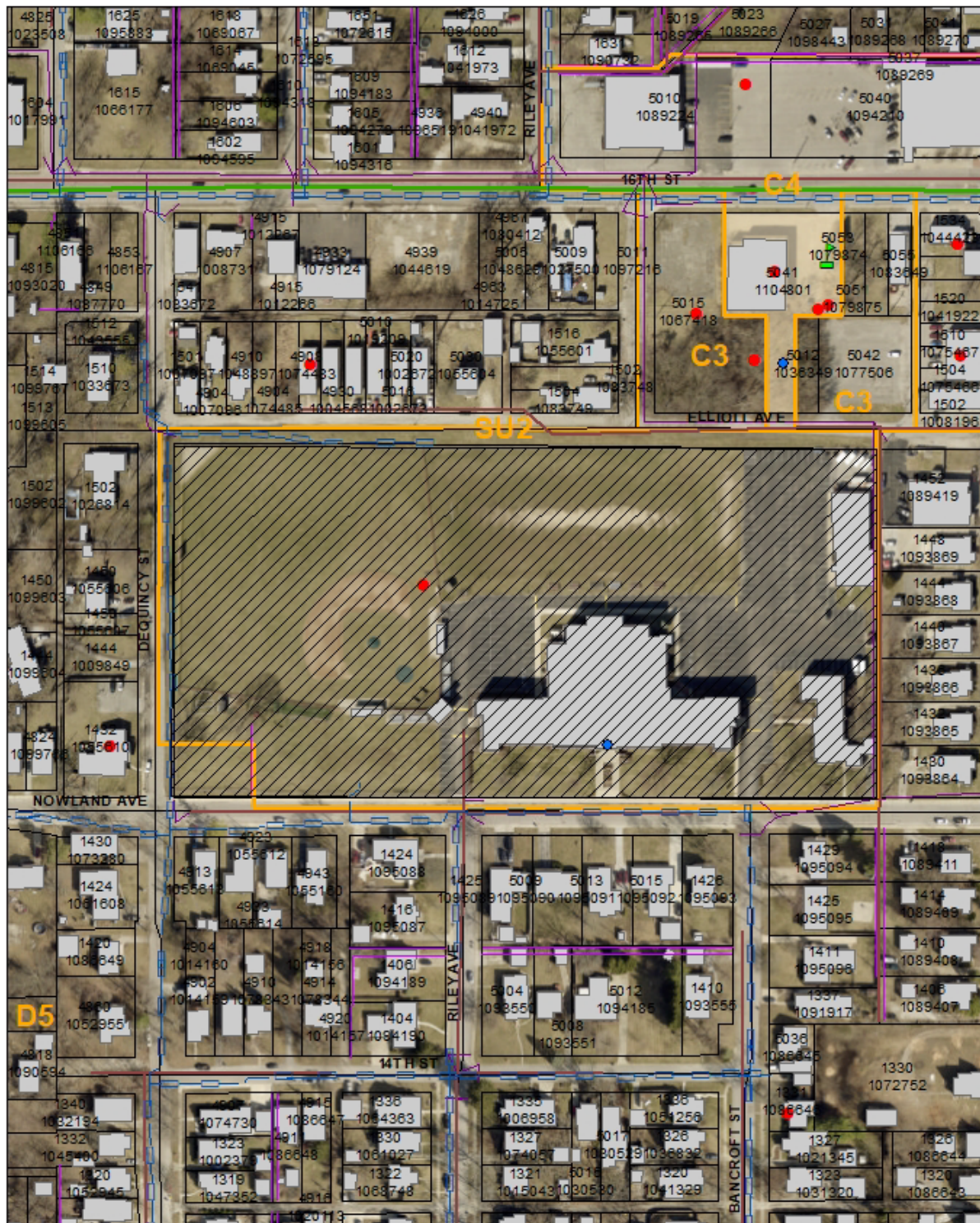
**2015-UV1-015; 5015 East 16<sup>th</sup> Street;** requests requested a variance of use of the Wireless Communications Zoning Ordinance to provide for a wireless communications facility, with a 150-foot tall monopole tower, with a 10-foot antenna, and accessory equipment cabinets; **denied.**

**2012-UV1-026; 1432 Dequincy Street;** requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for a transitional living program for up to eight people; **granted.**

**2003-UV3-010; 5041 East 16th Street;** requested a variance of use of the Commercial Zoning Ordinance to provide for religious uses; **granted.**

**99-UV2-122; 5041 East 16th Street;** requests a variance of use of the Commercial Zoning Ordinance to provide for a rental, leasing and repair facility, for automobiles and light trucks; **granted.**

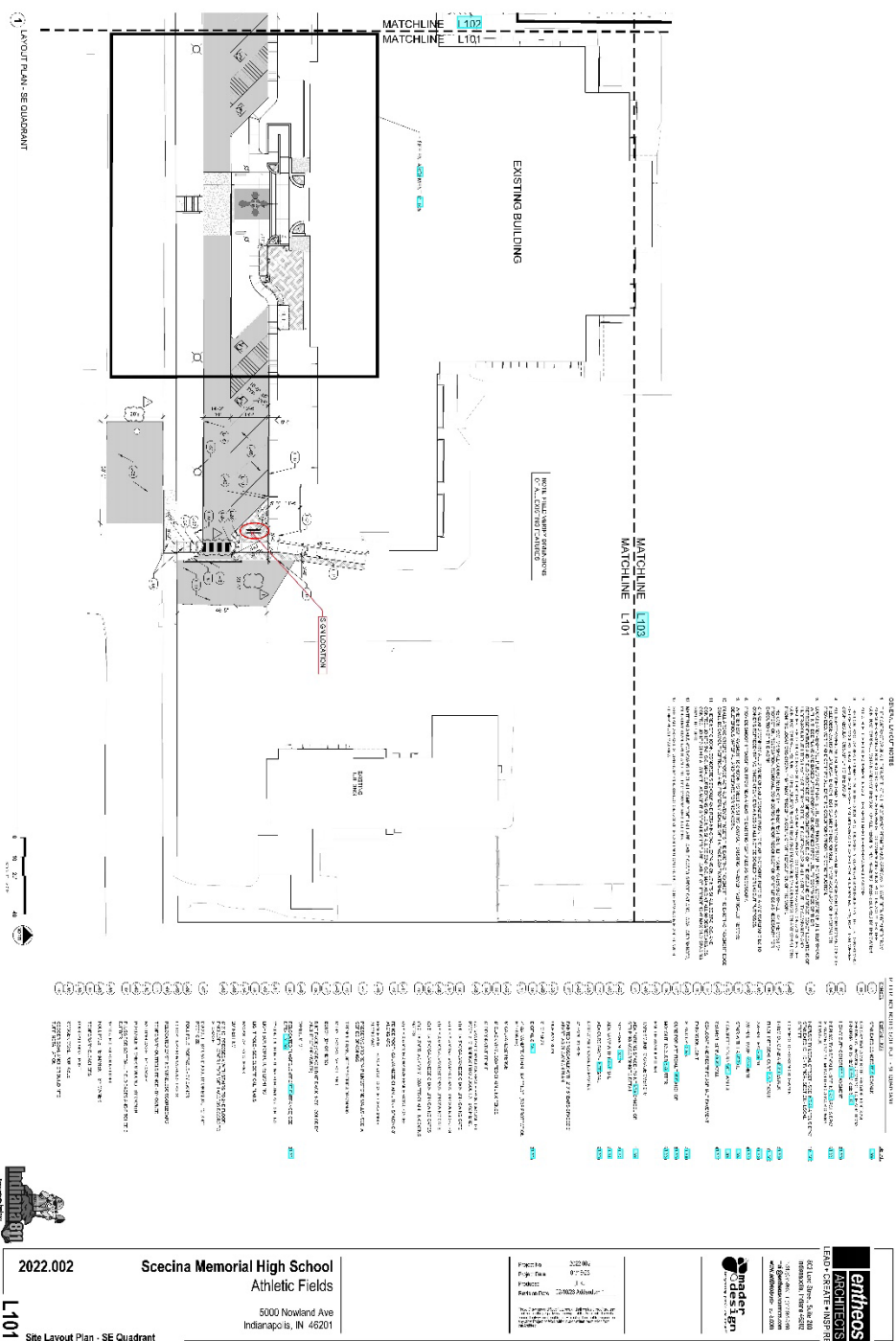
## 2023-DV2-021: Location Map

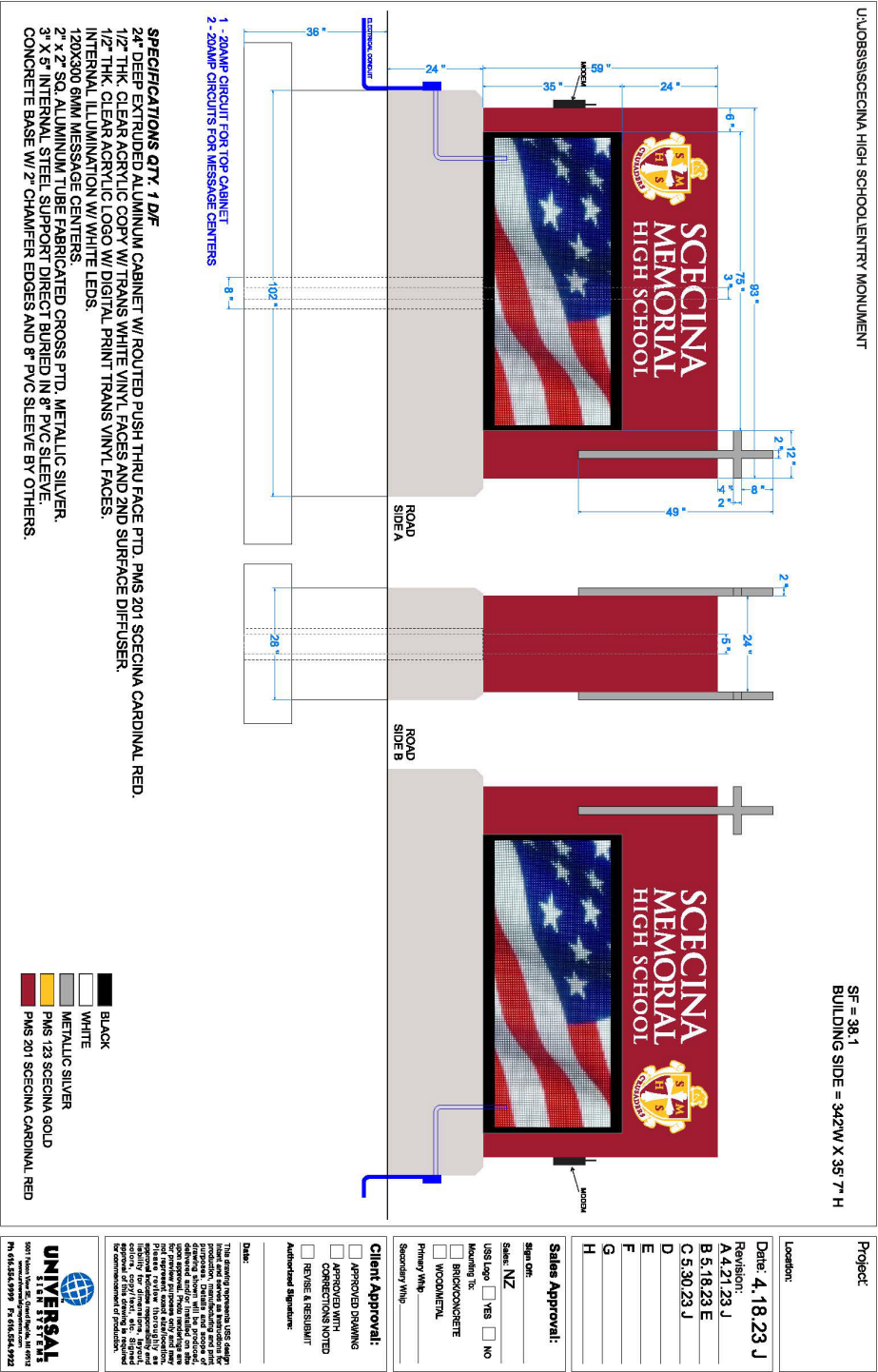


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## **2023-DV2-021: Site Plan**





**2023-DV2-021: Photographs**



Photo One: Looking West Along Nowland Avenue.



Photo Two: Facing East Along Nowland Avenue.



Photo Three: Front Façade of Subject Site.



Photo Four: Location of Proposed Sign.



Photo Five: Residential Neighborhood to the South, Across Nowland Avenue.