

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-DV3-042
Address: 3510 South Keystone Avenue (approximate address)
Location: Center Township, Council District #12
Zoning: C-7
Petitioner: Richmond Acquisitions LLC, by David Gilman
Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 200-square foot, 40-foot-tall pole sign, with digital display, located within 250 feet of an existing freestanding sign and within 210 feet of a protected district (maximum 20-foot-tall pole sign permitted, digital display not permitted on pole signs, 300-foot separation from other freestanding signs and 600-foot separation from protected districts required).

ADDENDUM FOR NOVEMBER 22, 2022

This petition was continued from the October 18, 2022, hearing of Division III, to the November 22, 2022 hearing of Division III, at the request of the petitioner.

October 18, 2022

RECOMMENDATIONS

Staff **recommends denial** of this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

C-7	Metro	Heavy Commercial
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SURROUNDING ZONING AND LAND USE

North	D-5	Single-family dwelling / Interstate 65
South	C-7	Heavy Commercial
East	C-4	Commercial
West	C-7	Heavy Commercial

LAND USE PLAN

The Marion County Land Use Plan (2019) recommends Office Commercial development.

(Continued)

STAFF REPORT 2022-DV3-042 (Continued)

- ◇ The subject site is 3.37 acres, located in the Keystone 65 Business Park Subdivision in the University Heights neighborhood. The lot is located along the I-65 off-ramp for Keystone Avenue. The only and primary access to the subject site is from Keystone Avenue, which leads to the integrated center's access drives. The existing structure on the site was constructed in the late 1970s (as shown in Aerial images). There are eleven leased tenant spaces on the subject site, including commercial contractor uses. The subject site is surrounded by a range of commercial uses, including high intensity commercial to the west and south, community-regional commercial uses to the east, and residential to the north, across I-65.
- ◇ The subject site is zoned C-7 (High-Intensity Commercial District). The C-7 District is designed to provide specific areas for commercial uses which have unusually incompatible features relative to other commercial uses, such as major outdoor storage or display of sizeable merchandise and the outdoor parking and storage of trucks, materials, or equipment essential to the operation of these uses. Many of these uses generally are not visited by customers, but rather involve service operations from headquarters with some on-site fabrication of parts. The nature of operation or appearance are more compatible with industrial than retail commercial activities. Because of the character and intensity of these uses, this district should be appropriately located on major commercial arterial thoroughfares and near interstate freeways, but not in close association with those commercial activities involving shopping goods, professional services, restaurants, food merchandising, and the like. Due to the intensity of uses, location of this district should never be adjacent to protected districts.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The request would provide for a 200-square foot, 40-foot-tall pole sign, with digital display, located within 250 feet of an existing freestanding sign and within 210 feet of a protected district. A *pole sign* is defined as a freestanding sign, accessory to the primary use of land, that has as its support structure one or more poles anchored in the ground as it extends upward from grade level (744-902).
- ◇ Under Table 744-906-1, pole signs are permitted within the C-7 district. However, only a maximum of one pole sign per street frontage; if frontage to which the sign is oriented is greater than 500 feet of an additional freestanding sign is permitted (minimum 300 feet separation between freestanding signs on site). The proposed sign would be within 250 of an existing pole sign, located on the property to the east. Staff is wholly opposed to the request, where there is no practical difficulty resulting in the need for the proposed pole sign. Signage that is compliant with the Ordinance can be effective in advertising existing uses on the subject site, such as wall signs or monument signs. One of the main goals of the 2019 Sign Revisions was to reduce proliferation and increase the aesthetics of sign displays. This variance request is in direct conflict with the goals of the sign revisions.

(Continued)

STAFF REPORT 2022-DV3-042 (Continued)

- ◇ The maximum height for pole signs in commercial districts is 20 feet (Table 744-906-1). The proposed height of the pole sign would be 40 feet. Additionally, the proposed pole sign would have a digital display, which is not permitted on pole signs. Even in the instance that digital displays would be permitted, there are separation requirements between digital displays and protect districts. (No digital display shall be located within 600 feet of any protected district unless visibly obstructed from view from within that district; but in no instance may it be located within 400 feet of such a District, as per 744-907.C).
- ◇ Digital display panels feature the ability to rapidly change messages and typically produce lighter and glare than a conventional sign because all the sign's copy is produced by light. This sign, therefore, would clearly impact the protected district to the north because of its changing and/or scrolling display, brightness, and aesthetic impact. Staff is not supportive of this request, where the site plan shows the proposed pole sign would be visible across I-65, where the protected district (dwelling district) is located 210 feet away. In Staff's opinion, the request of the digital display component would degrade the quality of life in the area and because there is no practical difficulty that would justify the request, Staff recommends denial.

STAFF REPORT 2022-DV3-042 (Continued)

GENERAL INFORMATION

THOROUGHFARE PLAN

Keystone Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a freeway, with a 0-foot existing right-of-way and a 432-foot proposed right-of-way.

SITE PLAN

File-dated September 16, 2022.

ELEVATION

File-dated August 9, 2022.

FINDINGS OF FACT

File-dated August 9, 2022.

ZONING HISTORY – SITE

EXISTING VIOLATIONS: None.

PREVIOUS CASES: None.

ZONING HISTORY – VICINITY

2021-UV1-028; 3451 Developers Road, requested a Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 70-foot tall, 14-foot by 48-foot digital off-premise advertising sign, with a five-foot setback from Interstate 65, with a five-foot east and a six-foot south side setback, located 200 feet from a protected district, located adjacent to and exit roadway of Interstate 65, located within Interstate 465, and to allow for digital messages to display for minimum of eight seconds, **denied**.

2022-DV2-025; 3316 St Paul Street, requested a Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of single-family dwellings with private wells, **approved**.

(Continued)

STAFF REPORT 2022-DV3-042 (Continued)

2015-UV3-005; 7220 90th Street, requested a Variance of use and development standards of the Industrial Zoning Ordinance to provide for an automobile dealer, with indoor and outdoor vehicle display, with the construction of a 3,000-square foot addition, with an 18.5-foot north side setback, **approved**.

2010-DV3-013; 3451 Developers Road, requested a variance of development standards of the Sign Regulations to provide for a 54-square foot electronic variable message wall sign, within 265 feet of a protected district, **granted, subject to commitments**.

2005-UV1-010; 3555 Developers Road, requested a variance of use and development standards of the Commercial Zoning Ordinance to provide for a business that repairs, distributes, and manufactures tools, within an existing 59,628-square foot building, with a 6.9-foot rear yard setback, **granted**.

2005-DV2-023; 3740 South Dearborn Street, requested a variance of development standards of the Sign Regulations to legally establish a 25-foot tall, 89.91-square foot pylon sign with a 24.11-square foot electronic variable message component, located 130 feet from a protected district, **denied**.

94-Z-164; 3504 Developers Road, requested the rezoning of 3.5 acres, being in the D-4 and C-4 Districts, to the C-ID classification, to provide for a motor distribution operation, **approved**.

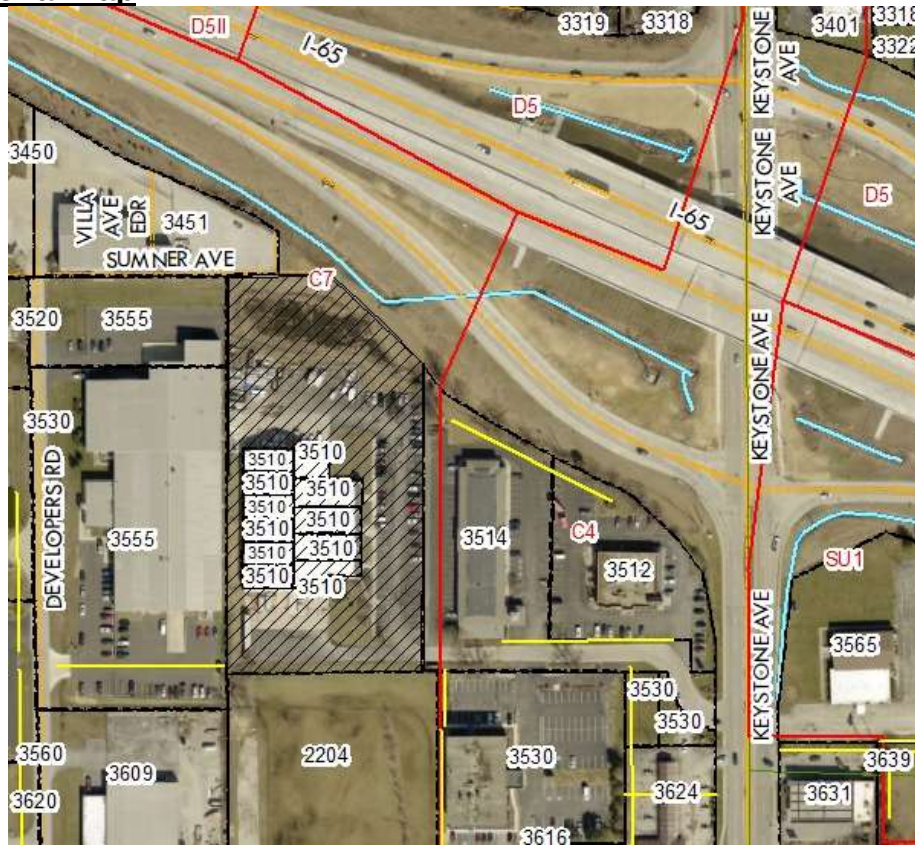
79-Z-75; 2120 Nation Avenue, requested the rezoning of 15.12 acres, being in the SU-1, Special Use district, to the C-ID classification, to provide for an air conditioning and heating business, **approved**.

GLH

(Continued)

STAFF REPORT 2022-DV3-042 (Continued)

2022-DV3-042; Aerial Map

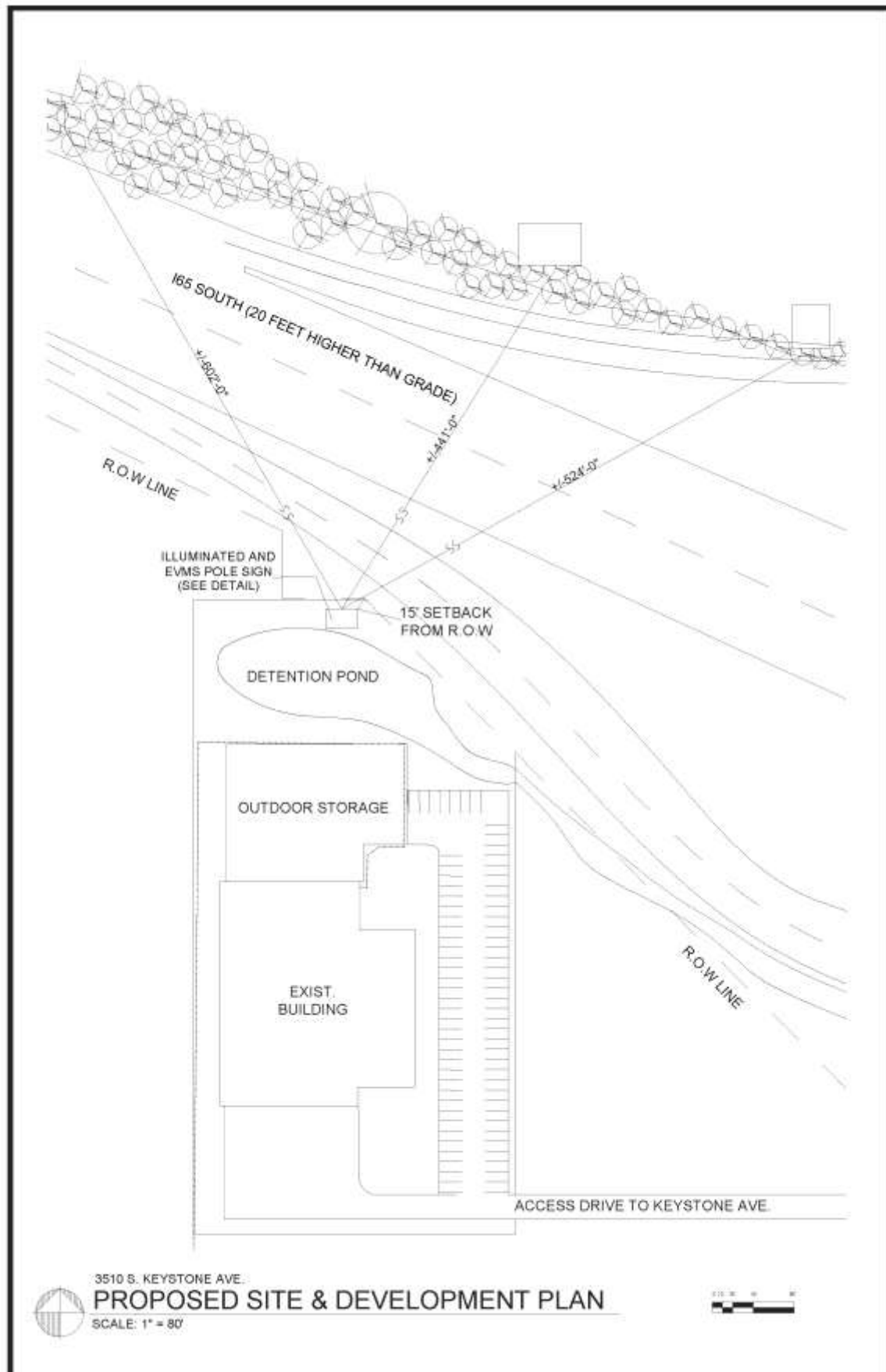


2022-DV3-042; Aerial Map (1978)

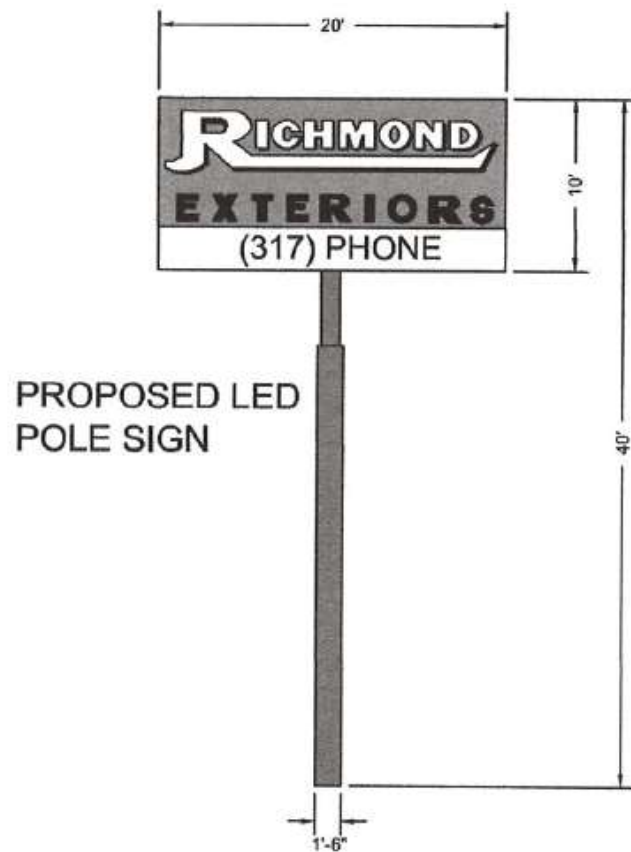


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2022-DV3-042; Site Plan



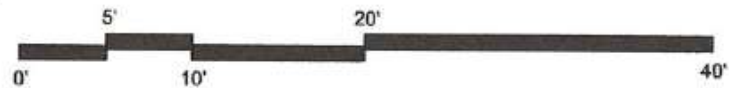
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3510 S. KEYSTONE AVE.

RICHMOND EXTERIORS

SCALE: 1" = 10'



(Continued)

Petition Number _____

**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 because:

The sign will be designed and installed by a professional sign company. The functionality of the graphic display will be designed in a manner not to be a traffic hazard. This sign will advertise business activities that are not immoral or injurious to the general public.

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:

There are other LED or illuminated signs in the general vicinity to promote the success of individual businesses.

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

The existing building has an excessive setback due to stormwater detention requirements. There are 3 to 6 businesses that will share the same LED sign. There is not direct access to the business from the major road frontage and the building is difficult to locate. The terms of the Sign Ordinance will make it difficult for businesses to advertise from the major frontage on I65S and only 1 sign is permitted.

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this _____ day of _____, 20 ____

2022-DV3-042; Staff Exhibit (google image)



Google image of subject site from off ramp. Proposed signage would be 40 feet, as opposed to the maximum height of 20 feet.

(Continued)

2022-DV3-042; Photographs



Photo looking south on Keystone Avenue. Existing freestanding signage for integrated center.



Photo looking east of subject site, across Keystone Avenue.

(Continued)

2022-DV3-042; Photographs



Photo looking north on Keystone Avenue, towards I-65 Keystone exit and overpass.



Photo of eating establishment east of subject site. Located in same integrated center, with different zoning district.

(Continued)

2022-DV3-042; Photographs



Photo of commercial business located southeast of subject site.



Photo of subject site.

(Continued)

2022-DV3-042; Photographs



Photo of subject site, existing parking lot.



Photo of hotel located east of subject site.

(Continued)

2022-DV3-042; Photographs



Photo of existing signage, east of subject site.



Photo of parking lot, facing I-65, where proposed sign would be.

(Continued)

2022-DV3-042; Photographs



Photo of subject site.



Photo of subject site, with existing structure.

(Continued)

2022-DV3-042; Photographs



Photo of subject site.



Photo of existing signage, east of subject site