

## STAFF REPORT

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

**Case Number:** 2023-SE3-004  
**Address:** 7930 Castleton Road (approximate address)  
**Location:** Lawrence Township, Council District #3  
**Zoning:** C-5  
**Petitioner:** Outfront Media LLC, by Alan S. Townsend  
**Request:** Special Exception of the Consolidated Zoning and Subdivision Control Ordinance to provide for the relocation of a legally established Outdoor Advertising Sign due to a highway widening and improvement of I-465 and I-69 by a state agency.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the relocation of an existing 40-foot tall off-premise advertising sign within 260 and 650 feet of other advertising signs along I-465 (1,500-foot separation along expressways required), within 960 feet from an advertising sign (minimum 1,000-foot radial separation required), adjacent to an I-465 ramp (500-foot separation required from interstate ramp entries), with a 20-foot south front setback from an I-465 ramp (60 feet required).

### RECOMMENDATIONS

Staff **recommends approval** of the request.

### SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

#### EXISTING ZONING AND LAND USE

C-5	Metro	Undeveloped
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#### SURROUNDING ZONING AND LAND USE

North	C-7	Commercial Uses
South	C-5	Interstate 465 right-of-way
East	C-5	Undeveloped
West	C-S	Proposed Nickel Plate Trail

COMPREHENSIVE PLAN	The Comprehensive Plan recommends heavy commercial development.
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### LAND USE

- ◇ The subject site, zoned C-5, is undeveloped and surrounded by commercial uses to the north, Interstate 465 to the east and south, and the future Nickle Plate Trail to the west.

(Continued)

## **STAFF REPORT 2023-SE3-004 (Continued)**

### **SPECIAL EXCEPTION**

- ◇ The grant of the petition would allow for the relocation of an outdoor advertising sign within this property.
- ◇ An outdoor advertising off-premises sign is defined in the Ordinance as any off-premises sign that directs attention to any business, profession, product, activity, commodity, or service that is offered, sold, or manufactured on property or premises other than that upon which the sign is located. This limitation does not apply to the content of noncommercial messages. Same as billboard or advertising sign.”
- ◇ The 40-foot-tall outdoor advertising sign in its current location, has existed without any negative impact to adjacent property owners or interstate drivers. In staff’s opinion, the special exception for the relocation of the sign would not injure or adversely affect the adjacent area or property values in that are because of its historical presence.
- ◇ In 2017, the Indiana Legislature adopted I.C. 8-23-20-25.6, a new statutory provision imposing new obligations on local municipalities with respect to state highway projects that necessitate the removal or relocation of outdoor advertising signs. These new provisions supersede all local ordinances and state that when an existing outdoor advertising sign must be moved or removed as part of a highway improvement project, the owner of the outdoor advertising sign must be allowed to elevate or relocate the sign or to apply for a special exception. This provision further states that if the local municipality does not amend the zoning ordinance to allow for a special exception in such circumstances, the local municipality is responsible for the payment for just and full compensation to the sign owner.
- ◇ The City of Indianapolis adopted ordinance amendments on May 8, 2023, which require the applicant to file a special exception for the relocation of legally established Outdoor Advertising Signs with the requirement that they comply with all applicable development standards of the Ordinance.
- ◇ In staff’s opinion, the outdoor advertising off-premises sign would not materially or substantially interfere with the lawful use and enjoyment of adjoining properties because they are all heavy commercial uses that would not be visually impacted by the relocation of the sign. Additionally, the Comprehensive Plan recommends this site for heavy commercial development and is a permitted use in the C-5 district.

### **VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ The grant of the petition would also permit for the outdoor advertising sign to be located within 260 and 650 feet of other advertising signs along I-465, within 960 feet radially from an advertising sign, adjacent to an I-465 ramp, with a 20-foot south front setback from an I-465 ramp.
- ◇ Outdoor advertising signs are not permitted adjacent to entrance or exit roadways, not permitted radially within 1000 feet of an off-premises sign, and not permitted linearly along the interstate roadway within 1500 feet of an off-premises sign.

(Continued)

## **STAFF REPORT 2023-SE3-004 (Continued)**

- ◇ Staff understands that an outdoor advertising sign has existed on site at least 26 years since aerial images show it was constructed between 1995 and 1997. Additionally, the existing sign would have been installed through the approval of a permit. Therefore, the variance request would be to establish a new location of the proposed sign according to the updated standards of the Ordinance, which include some that the existing sign was not previously subject to.
- ◇ The owner has a government imposed practical difficulty due to the expansion of I-465 by INDOT, which would eliminate the sign's existing location on private property causing the relocation of the sign.
- ◇ Table 744-903-6 notes that commercial districts along freeways would require 60-foot setbacks for the location of outdoor advertising signs. The request would reduce the setback to 20 feet.
- ◇ The petitioner notified staff that the proposed location of the sign would be least likely to interfere with future development of the site regarding roads, landscaping, and potential buildings.
- ◇ Staff finds that given the limited 75-foot by 75-foot lease easement granted for the sign and the proposal to have it pushed back within the easement area warrants a deviation to ensure the ability to conduct maintenance to the sign while still being located within the constraints of the easement.
- ◇ For these reasons, staff is recommending approval of the request.

## **GENERAL INFORMATION**

THOROUGHFARE PLAN	This portion of Castleton Road is not classified in the Official Thoroughfare Plan for Marion County, Indiana.
SITE PLAN	File-dated July 18, 2023.
PLAN OF OPERATION	File-dated July 18, 2023.
FINDINGS OF FACT	File-dated July 18, 2023.

## **ZONING HISTORY – SITE**

### EXISTING VIOLATIONS

None.

(Continued)

## **STAFF REPORT 2023-SE3-004 (Continued)**

### **PREVIOUS CASES**

**2023-DV3-022; 7930 Castleton Road** (subject site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the relocation of an existing 40-foot tall off-premise advertising sign within 260 and 650 feet of other advertising signs along I-465 (1,500-foot separation along expressways required), within 960 feet from an advertising sign (minimum 1,000-foot radial separation required), adjacent to an I-465 ramp (500-foot separation required from interstate ramp entries), with a 20-foot south front setback from an I-465 ramp (60 feet required), **withdrawn.**

**2021-CAP-843; 8000 Castleton Road** (subject site), Modification of Commitments related to 93-Z-157 to terminate Commitment Seven to provide for C-5 uses (use restricted to an amusement park), **approved.**

**2021-CPL-843; 8000 Castleton Road** (subject site), Approval of a Subdivision Plat to be known as Castleton Park, dividing 9.838 acres into two lots, with a waiver of the maximum 500-foot cul-de-sac length, **approved.**

**2021-CVR-843; 8000 Castleton Road** (subject site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 75-foot-tall building, five projecting blade signs and a 5.83-foot-high parapet (maximum 65 feet height permitted, maximum one projecting blade sign permitted and maximum four-foot-tall parapet permitted), **granted.**

**93-Z-157; 7990 Castleton Road** (subject site), Rezoning of 18.244 acres, being in the I-2-S district to the C-5 classification to provide for a family entertainment center, **approved.**

### **ZONING HISTORY – VICINITY**

**2011-APP-014; 7960 North Shadeland Avenue** (east) Hospital District Two Approval to provide for an assisted living facility, with elevator additions and general site layout modifications, including drive connections, courtyard improvements, fencing and parking lot modifications, **approved.**

**2005-APP-820; 6405 Castleplace Drive** (northwest), Modification of Commitments related to petition 2001-ZON-817 to add religious uses to the list of permitted uses, **approved.**

**2005-APP-831; 5881, 5905, 6081, 6353, 6505, 6515, 6525, 6535, and 6609 East 82nd Street, 7999, 8021, 8041, 8060, 8085, 8115, 8120, 8125, and 8140 Knue Road, 7930, 7950, 8000, 8001, 8004, 8005, 8018, 8025, And 8050 Castleway Drive, 5920, 5960, 6220, 6410, 6415, and 6435 Castleway West Drive, 6360, 6405, 6406, 8032, 8110, and 8120 Castleway Court West, 6340, 6365, 6402, and 6405 Castleplace Drive, 8100 Center Run Road, 6345 Castleway Court, and 8035 Craig Street; and 6405 Castleplace Drive** (northwest), Modification of Commitments related to petition 2001-ZON-817 to modify Commitment Number Two to add religious uses to the list of permitted uses, **approved.**

(Continued)

**STAFF REPORT 2023-SE3-004 (Continued)**

**2005-UV1-011; 6405 Castleplace Drive** (northwest), Variance of use of the Commercial Zoning Ordinance to provide for religious uses (not permitted) within an existing 12,020.5-square foot building with 65 off-street parking spaces, **granted**.

**2004-UV1-042; 7950 Castleway Drive** (northwest), Variance of use of the Commercial Zoning Ordinance to provide for religious uses (not permitted), **withdrawn**.

**89-UV1-32; 8009 Bash Street** (northeast), Variance of use of the Commercial Zoning Ordinance to provide for the operation of an automobile engine repair business (with no body or fender repair) in an existing building, **granted**.

**84-HOV-58; 8007, 8009, and 8011 Castleton Road** (northeast), Variance of development standards of the Industrial Zoning Ordinance to provide for the construction and use of a 7976 square foot office and warehouse building within the required front and rear yards and with parking in the side and rear yards, **granted**.

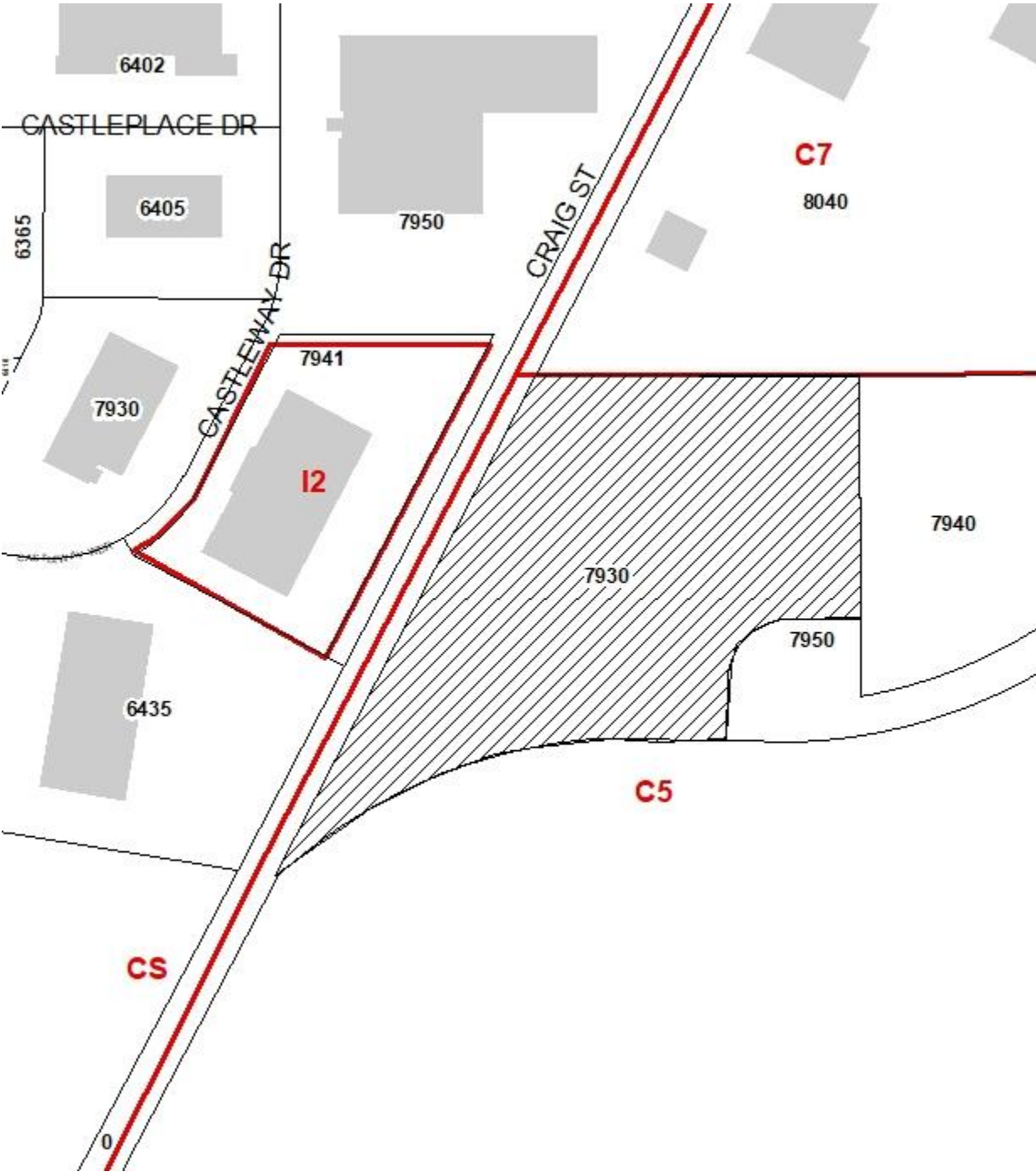
**83-HOV-104; 8015 Castleton Road** (northeast), Variance of front, side and rear development standards of the Industrial Zoning Ordinance to provide for an office warehouse on parcel A, **granted**.

**80-V1-26; 8011 Bash Street** (northeast), Variance of development standards to provide for a pole sign, the construction of an office and a storage building for a contracting business without the necessary public street frontage, **granted**.

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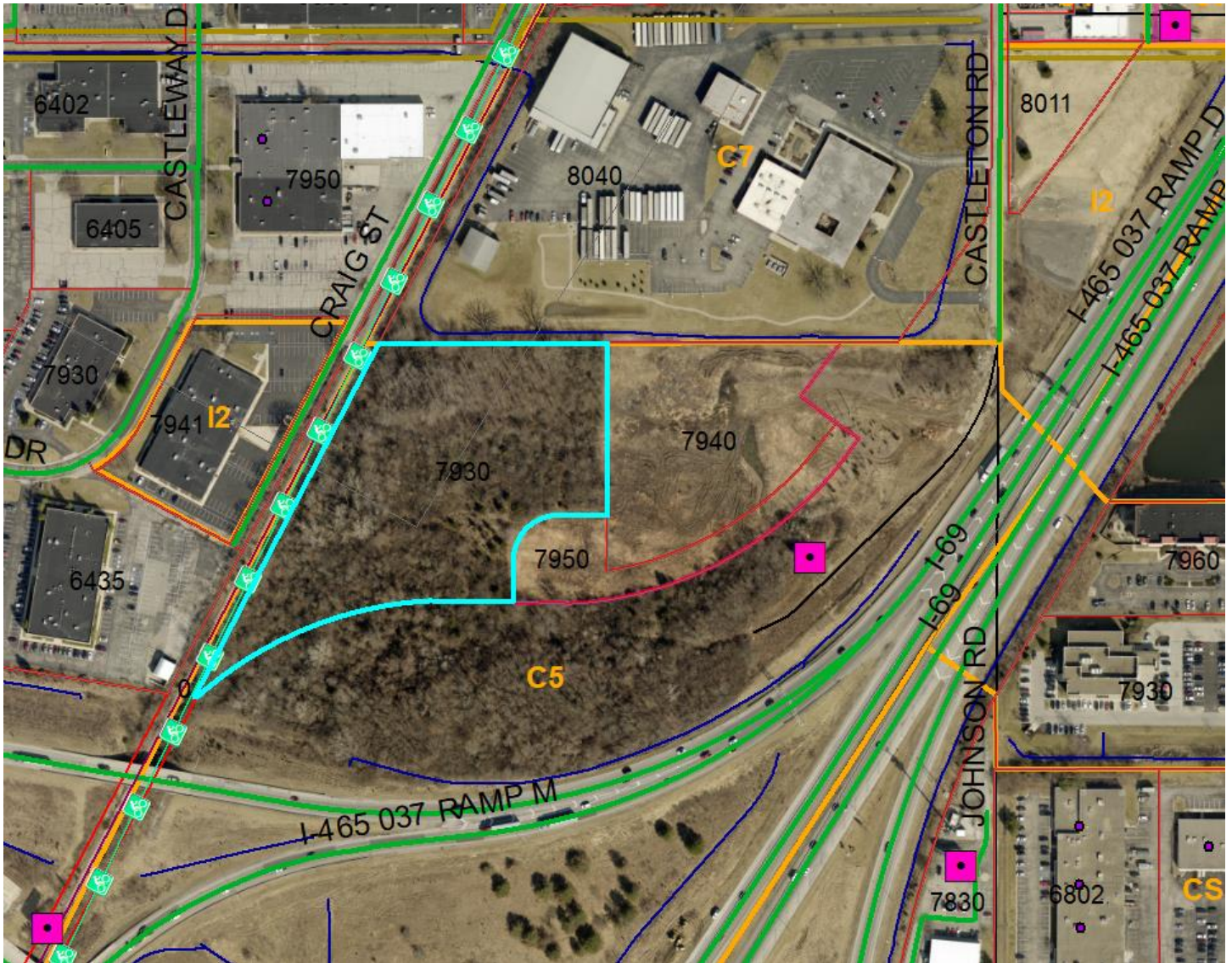
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**2023-SE3-004; Location Map**



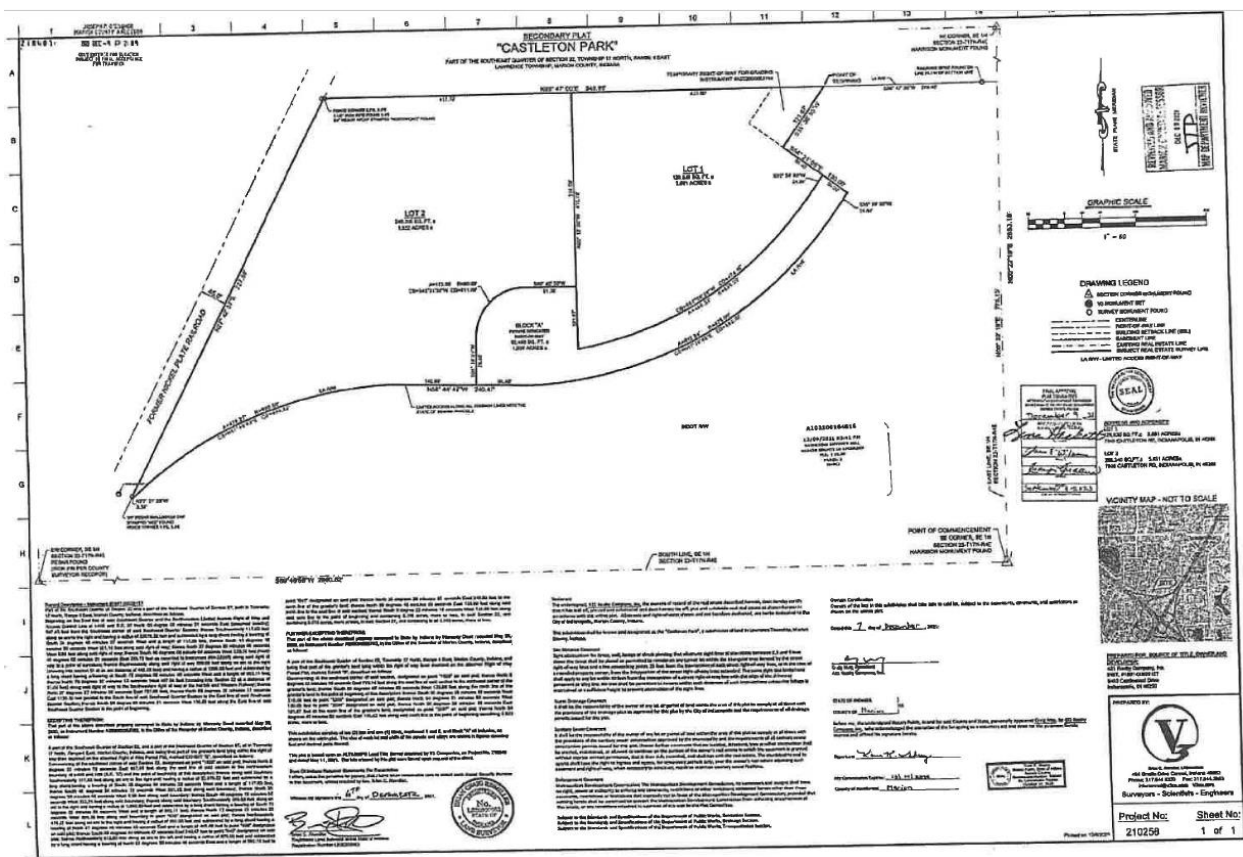
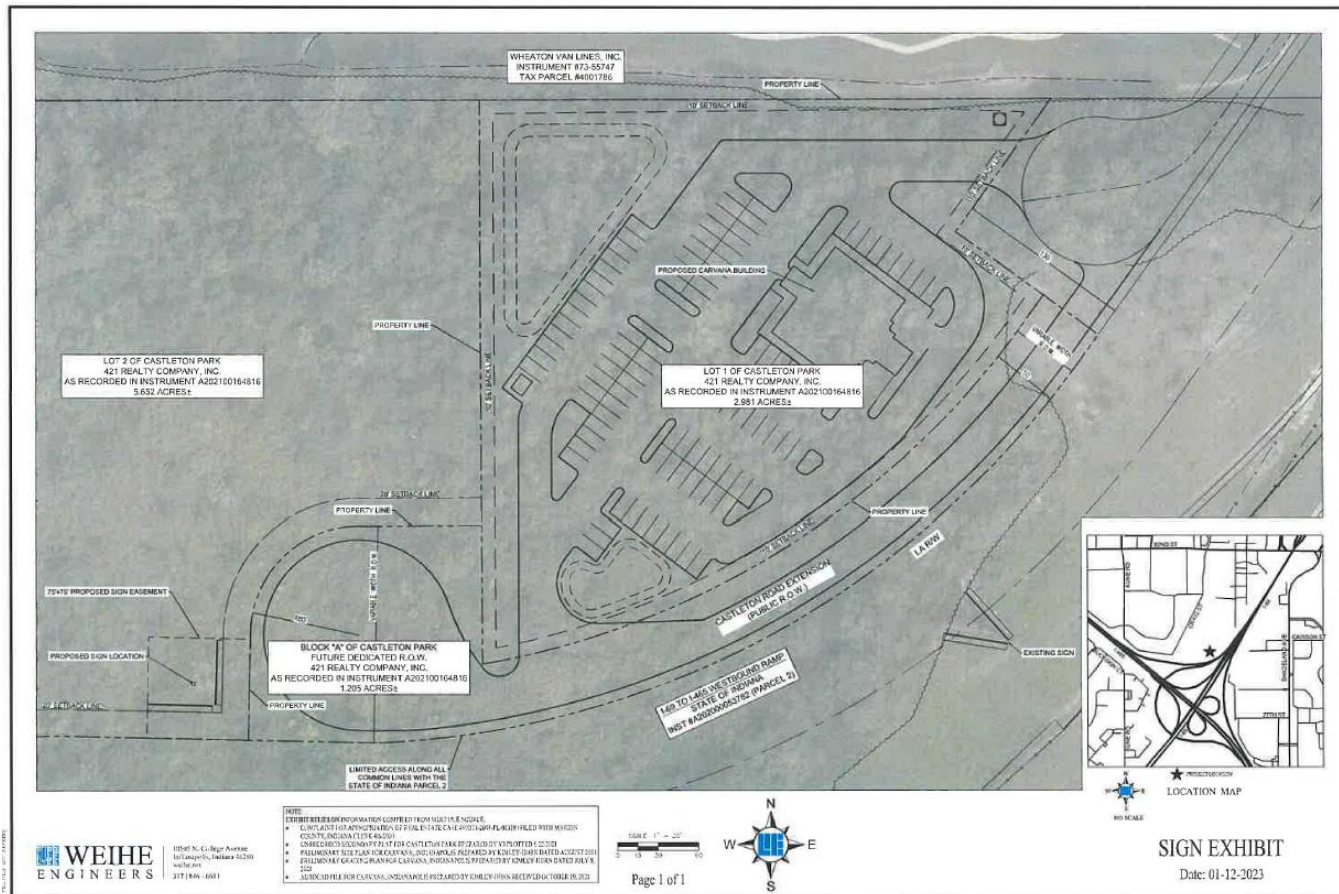


**2023-SE3-004; Aerial Map**





## **2023-SE3-004; Site Plan**

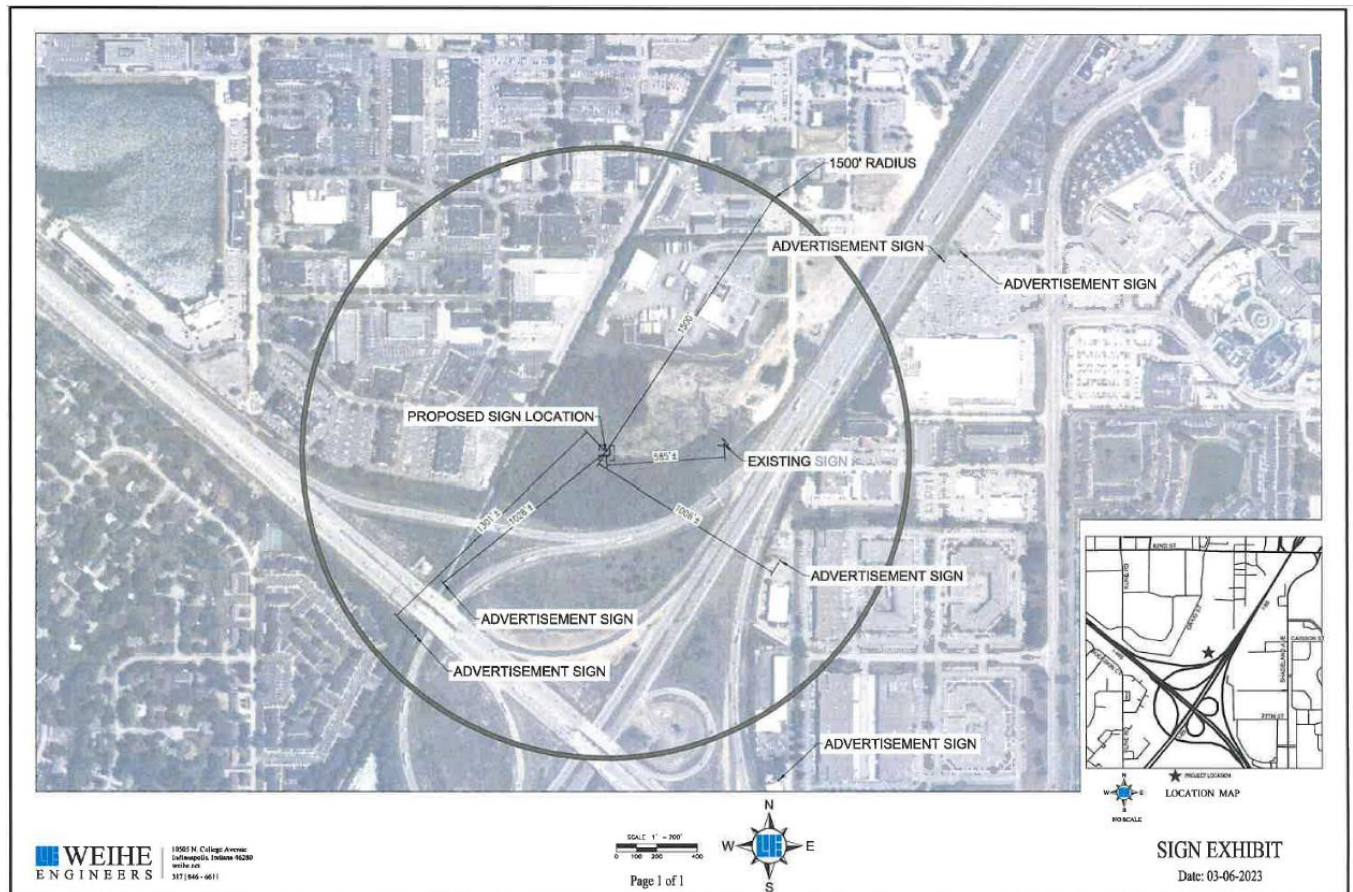




### 2023-DV3-022; Existing Sign Location



**2023-DV3-022; Proposed Sign Location**



## **2023-SE3-004; Plan of Operation**

### **Plan of Operation**

Founded in 1938, Outfront Media, LLC (“Outfront”) is one of the largest outdoor advertising companies in the United States. Outfront’s outdoor advertising signs are primarily located on the most heavily traveled highways and roadways in the United States. Outfront operates outdoor advertising signs in all of the 25 largest markets in the United States and approximately 150 markets across the United States and Canada.

In central Indiana alone, Outfront owns and operates outdoor advertising signs in Marion County, Hamilton County, Boone County, Hendricks County, Morgan County, Johnson County, and Hancock County. To reach the broadest audience, a significant portion of Outfront’s outdoor advertising signs in central Indiana are located on interstates and state highways. Outdoor advertising sign on interstates and state highways require a permit from the Indiana Department of Transportation.

Outfront offers its customers a variety of advertising formats, helping both national and local businesses reach broad audiences every day. As part of its business model, Outfront offers its customers access to traditional outdoor advertising signs together with a network of digital outdoor advertising signs. Outdoor also supports job creation in local communities.



**FINDINGS OF FACT  
PETITION FOR VARIANCE  
OF DEVELOPMENT STANDARDS**

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

the existing outdoor advertising sign that is being relocated pursuant to this grant of variance has been in place for many years without causing any injury to the public health, safety, morals, and general welfare of the community. The existing outdoor sign is being relocated to facilitate a road improvement project being administered by the Indiana Department of Transportation ("INDOT") known as Project Clear Path.

There is no evidence that the outdoor advertising sign has caused any injury, in any manner, to the public health, safety, morals, and general welfare of the community. The sign will conform to Federal, INDOT, and industry standards with regard to construction and safety. Additionally, the sign will remain oriented to Interstate 69.

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

the existing outdoor advertising sign that is being updated with digital faces pursuant to this grant of variance already has been in place since 1996 without affecting the neighboring properties in a substantially adverse manner. The location of the already existing sign is in an area of the City of Indianapolis appropriate for outdoor advertising signs.

Pursuant to this grant of variance, the outdoor advertising sign will be relocated to facilitate a road improvement project being administered by the Indiana Department of Transportation ("INDOT") known as Project Clear Path.

**3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property for which the variance is sought because:**

the existing outdoor advertising sign that is being relocated pursuant to this grant of variance already has been in place for many years without generating any adverse impact. The location of the already existing outdoor advertising sign is in an area of the City of Indianapolis (oriented to Interstate 69) appropriate for outdoor advertising signs. Without this variance, the strict application of the ordinance would generate an unfair result because Outfront Media, LLC would lose an existing outdoor advertising sign through no fault of its own. Indiana law contemplates relocating outdoor advertising signs in these circumstances.

## **2023-SE3-004; Special Exception Findings of Fact**

### **PETITION FOR SPECIAL EXCEPTION FINDINGS OF FACT**

1. The proposed use meets the definition of that use in Chapter 740, Article II because the existing outdoor advertising sign that is being relocated pursuant to this special exception has been in place for many years, and this area is zoned commercial. Further, this highly commercial area is compatible with signage, both on premise and off-premise.

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2. The proposed use will not injure or adversely affect the adjacent area or property values in that area because the existing outdoor advertising sign that is being relocated pursuant to this special exception already has been in place since 1996 without affecting the neighboring properties in a substantially adverse manner. The new, nearby location of the sign is in an area of the City of Indianapolis appropriate for outdoor advertising signs. Further, pursuant to this special exception, the outdoor advertising sign is being relocated to facilitate a road improvement project administered by the Indiana Department of Transportation ("INDOT") known as Project Clear Path.

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3. The grant will not materially and substantially interfere with the lawful use and enjoyment of adjoining property because the existing outdoor advertising sign that is being relocated pursuant to this special exception already has been in place since 1996 without affecting the neighboring properties in a substantially adverse manner. The new, nearby location of the sign is an area of the City of Indianapolis appropriate for outdoor advertising signs. Further, the sign will be located on the perimeter of the property so it will not interfere with future commercial development.

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4. The proposed use will be compatible with the character of the district, land use authorized therein and the Comprehensive Plan for Marion County because the location of the already existing outdoor advertising sign is in an area of the City of Indianapolis (oriented to Interstate 69) appropriate for outdoor advertising signs. Further, this area is zoned commercial, and it already is a highly commercial corridor.

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5. The proposed use conforms to the development standards in Chapter 744 applicable to the zoning district in which it is located because the outdoor advertising sign is being relocated to a nearby site appropriate for outdoor advertising signs. It will continue to be oriented to Interstate 69.

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**2023-SE3-004; Special Exception Findings of Fact (Continued)**

6. The proposed use conforms to all provisions of the Zoning Ordinance, including the performance standards in Chapter 740 and the development standards in Chapter 744 applicable to the zoning district in which it is located because

the outdoor advertising sign is being relocated to a nearby site appropriate for outdoor advertising signs. It will continue to be oriented to Interstate 69. It will continue to be 40 feet tall. It will be approximately 960 feet from another off-premise sign, adjacent to an I-465 ramp, with a 20-foot setback from an I-465 ramp.

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7. The proposed use conforms to all of the use-specific standards in Chapter 743 for that use, including any Special Exception standards for that use because

the outdoor advertising sign is being relocated to a nearby site appropriate for outdoor advertising signs. It is an area zoned and highly developed as commercial.

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**2023-SE3-004; Photographs**



Photo of the existing billboard to be relocated.



Photo of the existing billboard to be relocated.





Photo of the proposed location of the sign to the right .



Photo of the interstate expansion with the proposed relocation site at the background.



Photo of the interstate expansion with the proposed relocation site to the left.