

BOARD OF ZONING APPEALS DIVISION I

November 7, 2024

Case Number: 2024-DV1-031
Address: 8040 East Southport Road
Location: Franklin Township, Council District #25
Zoning: C-3 / C-S
Petitioner: DRGSF Outlot One LLC, by Elizabeth Bentz Williams
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of a freestanding pylon sign, being the fifth freestanding sign along Southport Road (maximum of two permitted).

Current Land Use: Integrated Commercial Center under development

Staff Recommendation: Staff recommends Denial of this petition.

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was continued for cause from the October 1, 2024, hearing, to the November 7, 2024 hearing at the request of the petitioner.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- ◇ Standards of the Sign Regulations are intended to promote quality sign displays that are integrated with developments and reduce potential hazards to pedestrians and motorists. These standards include the number of signs, and separation requirements.
- ◇ The Sign Regulations allow two freestanding signs for an integrated center. This requirement is designed to mitigate the proliferation of freestanding signs and the visual conflicts and negative aesthetics associated with multiple signs in close proximity to one another.
- ◇ This request would provide for the erection of a fifth freestanding sign along this portion of Southport Road, where a maximum of two freestanding signs are permitted as part of an integrated center development.
- ◇ The practical difficulty noted in the findings of fact for the requested fifth freestanding sign is that Harrington Street is not determined to be a public street. If it was a public street, then the proposed sign would not be part of the integrated center and would be permitted.

- ◇ However, Harrington Street, was designed as a private street by the developer and is part of the overall development and rezoning, including the subject site.
- ◇ The requested fifth freestanding sign could be replaced with an appropriate building or façade signs, providing the needed location identification for passing motorists. With the building being an out lot, there is no obstructive buildings or structures in front of the proposed building that would restrict the existing three building and façade signs. This would also reduce the potential hazard of additional freestanding signs and allow for the location of the business to be found safely. A basic tenet of the 2019 Sign Code revision was to allow the use of a variety of sign types in Commercial districts, lessening the need and reliance on free-standing signage. Staff believes that a sign plan that promotes a variety of sign types is particularly helpful in reducing sign proliferation along the right-of-way.

The location of the sign is not appropriate due to it being over 300 feet from the entrance to the businesses. This could lead to confusion and possible motor accidents by turning at the sign and ending up in the retention pond.

- ◇ Since the site is under development, the requested variance is a result of the specific design and development and not a result of the site. The site has no limiting factors, therefore, the site can be designed to meet the requirements of the Ordinance without the need of the requested variance and provide orderly development as other adjacent developments have been able to do so. Therefore, Staff does recommend denial of the requested variances due to no practical difficulty being imposed by the site.

GENERAL INFORMATION

Existing Zoning	C-3	
Existing Land Use	Retention pond for integrated commercial development	
Comprehensive Plan	Office Commercial uses	
Surrounding Context	Zoning	Surrounding Context
	North:	C-S Undeveloped
	South:	D-P Single-Family dwellings
	East:	C-3 Commercial under development
	West:	D-A Undeveloped
Thoroughfare Plan		
East Southport Road	Primary Arterial	140-foot existing and proposed right-of-way.
Context Area	Metro area	
Floodway / Floodway Fringe	No	

Overlay	N/A
Wellfield Protection Area	No
Site Plan	September 4, 2024
Sign Elevations	September 4, 2024
Landscape Plan	N/A
Findings of Fact	September 4, 2024

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Office Commercial uses for the site.

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Office Commercial typology provides for single and multi-tenant office buildings. It is often a buffer between higher intensity land uses and lower intensity land uses. Office commercial development can range from a small freestanding office to a major employment center. This typology is intended to facilitate establishments such as medical and dental facilities, education services, insurance, real estate, financial institutions, design firms, legal services, and hair and body care salons.

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

2020-DV2-012; 6740 South Franklin Road (includes subject site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 139-foot setback and a double-loaded and single-loaded row of parking along Southport Road, **granted**.



2023-DV1-027; 8136 East Southport Road (east of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the erection of a monument sign, being the fourth freestanding sign along Southport Road, and located 295 feet from another freestanding sign, **granted**.

2023-DV1-008; 8144 East Southport Road (east of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of an out lot, including a) The erection of a third freestanding sign along Southport Road, being 260 feet from an existing freestanding sign to the east; b) Fifty-one parking spaces at 162-square foot each provided; and c) A drive through with stacking spaces within the front yard of Southport Road and no exclusive bypass aisle, **granted**.

2020-DV2-012; 8120 East Southport Road (east of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 139-foot setback and a double-loaded and single-loaded row of parking along Southport Road, **granted**.

2014-CZN-824A; 8120 East Southport Road (east of site), requested the rezoning of 28.15 acres from the D-A district to the C-4 classification to provide for an approximately 98,500 square foot grocery store, a fueling station and integrated commercial center, **approved**.

2014-CVR-824; 8120 East Southport Road (east of site), requested a variance of development standards of the Commercial Zoning Ordinance to provide for a grocery store, a gasoline station and commercial retail development, with outdoor seating and dining, with 500 square feet of outdoor storage on the fueling station parcel, and with 665 parking spaces, **granted**.

2014-CZN-824B; 8120 East Southport Road (includes subject site), requested the rezoning of 5.9 acres from the D-A district to the C-3 classification to provide for an integrated commercial center, **approved**.

2014-CZN-824C; 8120 East Southport Road (north of site), requested the rezoning of 12.5 acres from the D-A district to the C-S classification to provide for an integrated commercial center, **approved**.

2014-CZN-824D; 8120 East Southport Road (north of site), requested the rezoning of 6.7 acres from the D-A district to the C-S classification to provide for an integrated commercial center, **approved**.

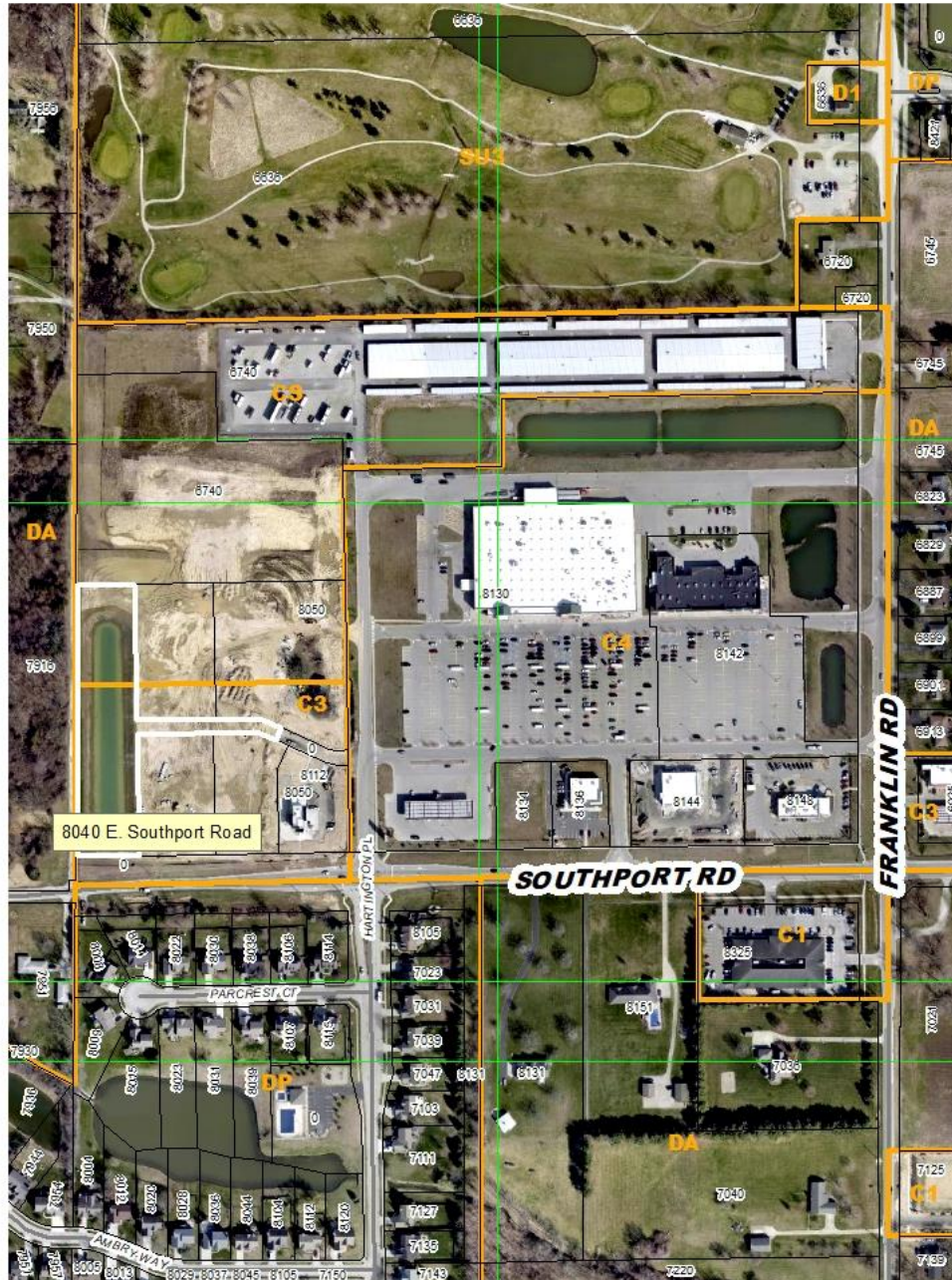
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EXHIBITS

Location Map Subject Site



Location Map Integrated Center





Findings of Fact

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 – Number of signs and distance between signs**

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE:

The subject property is zoned for commercial development. There are three existing free-standing signs to the east, the closest is approximately 586 feet from the proposed sign. There are no issues that would affect the public health, morals or general welfare of the community.

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 sign is designed as an integrated center sign and will be designated to allow other tenants west of Harrington Place space for identification. The request to add an additional sign with approximately 648 linear feet of site frontage, between Harrington Place and the west property line of the common area, is reasonable and needed. Due to the distance between signs and the fact that the sign will use only halo or external lighting, the grant will not cause any adverse effects, nor will it result in sign clutter. The sign is located on a separate parcel platted as Common Area "A" within a commercially zoned subdivision.

3. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE WILL RESULT IN PRACTICAL DIFFICULTIES IN THE USE OF THE PROPERTY BECAUSE:

Harrington Place is a private street, it is constructed to public street standards, and functions as a public street as well as a signalized-intersection at its intersection with Southport Road. Harrington Place is part of Block A in Johnson Fields Subdivision, as part of the Kroger lot. The ordinance definition of integrated center states:

"...any lot that abuts a lot determined to be an integrated center is also considered a part of the integrated center if the abutting lot shares vehicle access to a public street with that integrated center and does not have its own direct vehicle access to a public street."

If Harrington Place was a public street, this variance would not be required. Because the extreme length of the integrated center frontage along Southport Road, and the situation that only two signs are permitted, a practical difficulty is created for the successful and identification of development on property located west of Harrington Place. The variance would allow for the provision of general information to the patrons (and potential patrons) of the businesses safely identifying the location and accessing businesses within.

Photographs



Approximate proposed sign location, looking north



Approximate proposed sign location, looking northeast



Existing outlot development with two of three wall signs, looking northeast



Existing outlot development with two of three wall signs looking northwest



Adjacent integrated commercial development frontage with three existing signs, and two illegal signs, looking east.



Adjacent DA residential proeprty to the west, looking north.