

**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

**June 12 2025**

**Case Number:** 2025-MOD-003 / 2025-VAR-003

**Property Address:** 8302 Michigan Road (Approximate Address)

**Location:** Pike Township, Council District #1

**Petitioner:** Halle Properties, LLC, by Jennifer Wolfe

**Current Zoning:** C-S

**Request:** Modification of commitments related to 95-Z-172 and 96-Z-216, to modify Commitment 2. h. for a freestanding sign on an outlot (previous commitment permits wall signs and prohibits freestanding signs for outlots).  
Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for an eight-foot-tall freestanding monument sign, being the fourth freestanding sign within 300 feet along Michigan Street (minimum 300-foot separation between freestanding signs required).

**Current Land Use:** Commercial

**Staff Recommendations:** Denial

**Staff Reviewer:** Marleny Iraheta, Senior Planner

**PETITION HISTORY**

This petition was automatically continued from the May 15, 2025 hearing to the June 12, 2025 hearing at the request of a Registered Neighborhood Organization.

**STAFF RECOMMENDATION**

Staff **recommends denial** of the request.

**PETITION OVERVIEW**

**LAND USE**

The subject site is an outlot within an integrated center that was created through rezoning petition 95-Z-172. The integrated center includes a commercial shopping strip at the rear and a total of three (3) freestanding buildings along Michigan Road.

**MODIFICATION**

The request would modify Commitment 2.h. related to 95-Z-172 and 96-Z-216, which prohibits freestanding signs for outlots and limits signage to wall signs.

## **VARIANCE OF DEVELOPMENT STANDARDS**

The grant of the request would allow an 8-foot tall freestanding monument sign, being the fourth freestanding sign within 300 feet along Michigan Street.

The separation requirement between freestanding signs is 300 feet.

## **STAFF ANALYSIS**

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.

The findings note that “the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because it prevents the business owner from enjoying the same rights as other businesses within the city. Adhering rigidly to these zoning terms creates an uneven playing field, where this business is unfairly restricted compared to its peers. This disparity can hinder the business's ability to attract customers, effectively compete, and contribute to the local economy”.

Staff did not find that a practical difficulty is being demonstrated with this request, as appropriate signage for this site could be located on the site within the constraints of the C-S commitments.

Additionally, the subject building fronts along Michigan Road, which is a frequently traveled primary arterial street and is clearly identifiable from the street thus limiting the need for excessive signage. In Staff's opinion, the two (2) proposed wall signs issued through sign permit SGN24-00625 adequately identify the business location and promote customer awareness. The building elevations and proposed signs can be seen in Staff's Exhibit 1 of this report.

Staff finds that the strict application of the terms of the zoning ordinance would not result in practical difficulties in the use of the property since the Ordinance and C-S commitments permit wall signs. Furthermore, the use has existed on site since 1996 without the need for a freestanding sign.

Lastly, the proposal of an additional freestanding sign would clutter the street frontage without the required separation being met. There is an existing freestanding sign at 8290 Michigan Road which is another outlot of the integrated center, but there is no documentation of permits for the sign and would classify the sign as an illegal freestanding sign. Therefore, this should not give precedent for approval of the request.

For these reasons, staff is recommending denial of the requests.

## GENERAL INFORMATION

<b>Existing Zoning</b>	C-S	
<b>Existing Land Use</b>	Commercial	
<b>Comprehensive Plan</b>	Community Commercial	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
North:	Enter Zoning	Enter Land Use
South:	Enter Zoning	Enter Land Use
East:	Enter Zoning	Enter Land Use
West:	Enter Zoning	Enter Land Use
<b>Thoroughfare Plan</b>		
Michigan Road	Primary Arterial Street	102-foot proposed right-of-way and a 140-foot existing right-of-way.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	February 7, 2025	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	February 7, 2025	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	N/A	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	February 7, 2025	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

### Pattern Book / Land Use Plan

- The Comprehensive Plan recommends community commercial development.
- The Community Commercial typology provides for low-intensity commercial, and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.

- **Conditions for All Land Use Types**
  - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
  - All development should include sidewalks along the street frontage.
- **Small-Scale Offices, Retailing, and Personal or Professional Services**
  - Outdoor display of merchandise should be limited. If adjacent to residential uses or a Living Typology, outdoor display of merchandise is not recommended.
  - Should be located along an arterial or collector street.
  - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
- **Large-Scale Offices, Retailing, and Personal or Professional Services**
  - Should be located along an arterial street.
  - Outdoor display of merchandise should be limited.
  - If adjacent to residential uses or a Living Typology, outdoor display of merchandise is not recommended.
  - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
  - Should be no larger than 25 acres with 125,000 square feet of floor space and no more than three out lots.

#### **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)

- The site is part of the 2015 Central Indiana Regional Bikeways Plan.
- There is an existing off-street multi-use path from 86th Street to Westfield Boulevard along Michigan Road.

## ZONING HISTORY

### Zoning History – Site

**96-Z-216; 8302 Michigan Road** (subject site), Rezoning of 1.16 acres, being in the C-S district, to the C-S classification to provide for the construction of a freestanding building to be devoted to the installation, repair and service of tires and vehicles wheels, **approved**.

**95-Z-172; 8376 Michigan Road** (subject site) Rezoning of 9.86 acres, being in the C-1 and D-1 districts, to the C-S classification to provide for a retail commercial center with C-3 uses for the northern three-fourths of the site and C-1 uses for the southern fourth of the site, **approved**.

**76-Z-153;** (subject site) Rezoning to the D-1 classification, **approved**.

### Zoning History – Vicinity

**2006-VAR-846; 8404 Michigan Road** (north of site), Variance of Development Standards of the Commercial Zoning Ordinance to provide for the retail sale of alcohol, accessory to a grocery store use, within 93 feet of a protected district (minimum 100-foot separation required), **approved**.

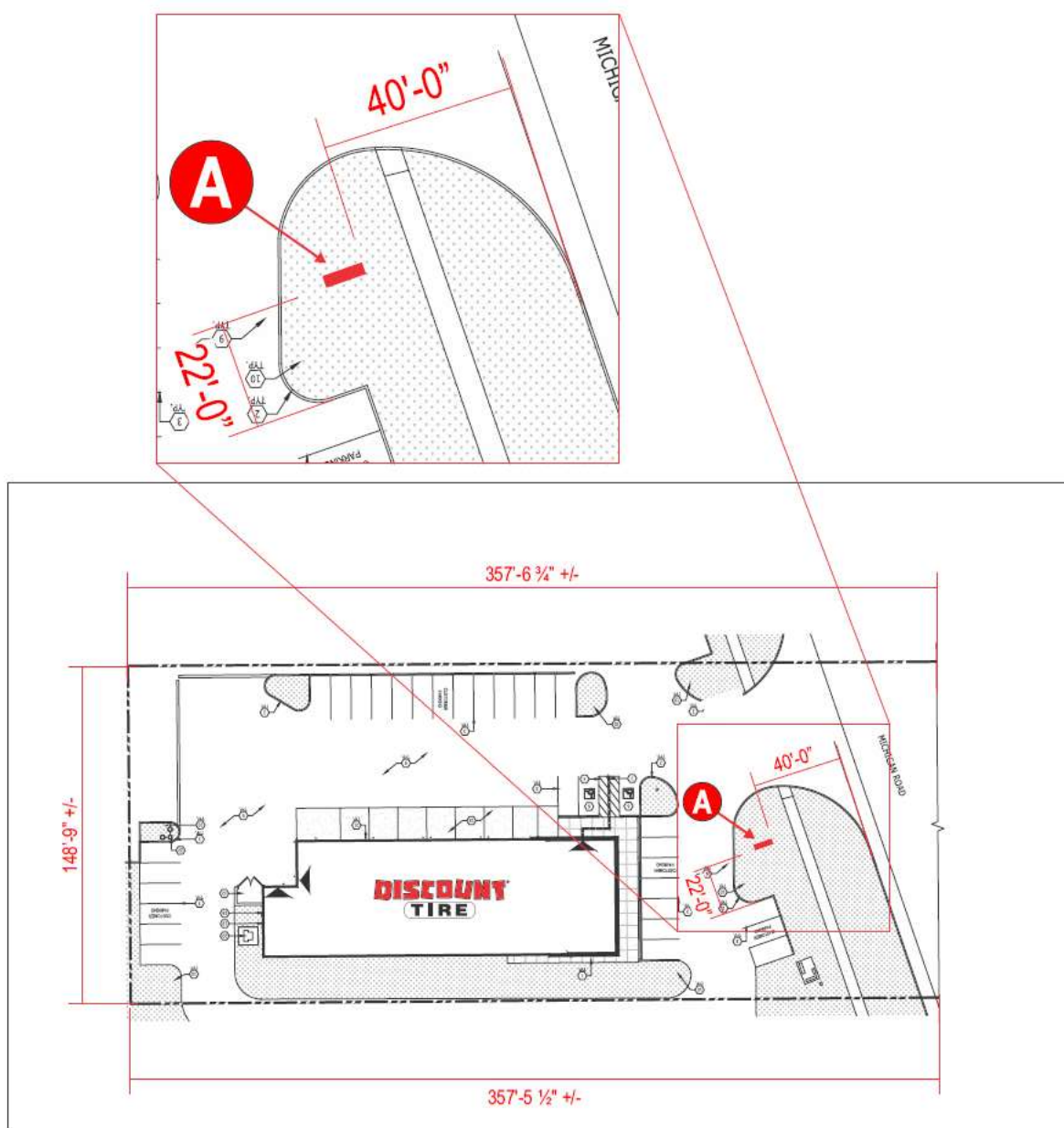
**94-V3-129; 8401 Michigan Road** (east of site), Variance of development standards of the Sign Regulations to provide for the placement of an eight-foot-tall ground sign (maximum four feet permitted), being the second freestanding sign along the Michigan Road frontage of an integrated center (maximum one integrated center sign permitted per frontage), **withdrawn**.

**86-HOV-14; 8301 North Michigan Road** (east of site), Variance of development standards of the Commercial Zoning Ordinance to provide for an office park with four parking spaces per 1,000 square feet or gross floor area (five feet per 1,000 square feet required), and without the required side and rear transitional yards, **granted**.



EXHIBITS





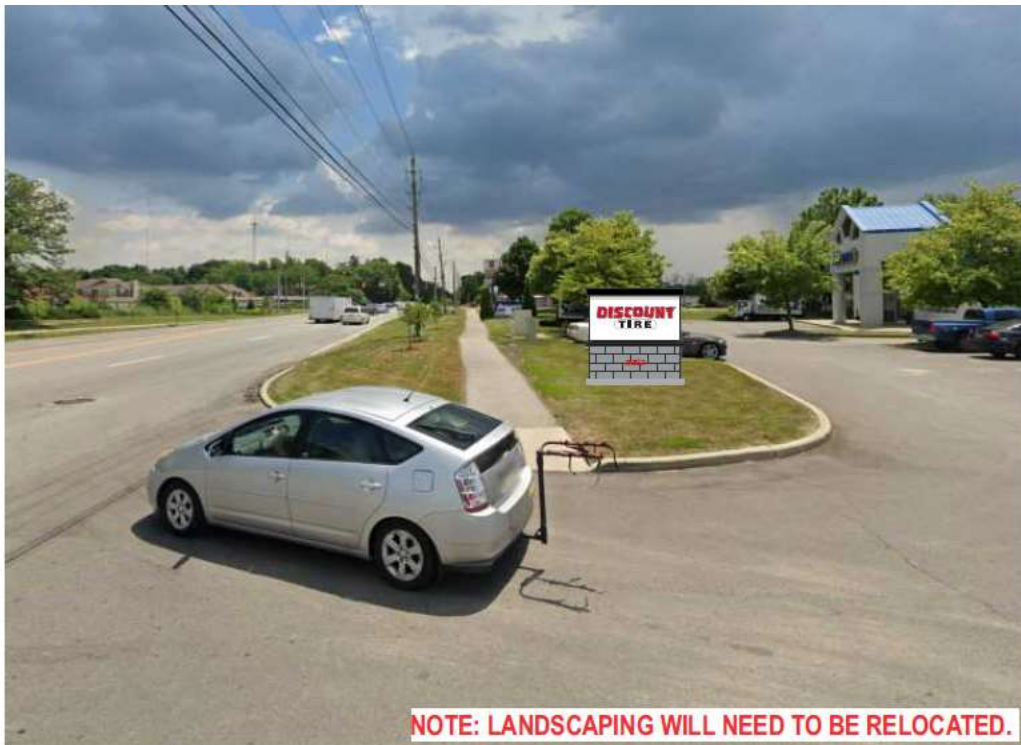
**SITE PLAN**

Scale: 1/64" = 1'-0"





PHOTO SURVEY OF EXISTING

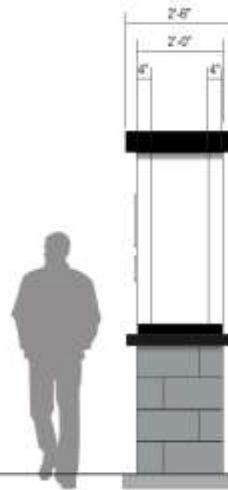


**A** PHOTO SURVEY OF PROPOSED





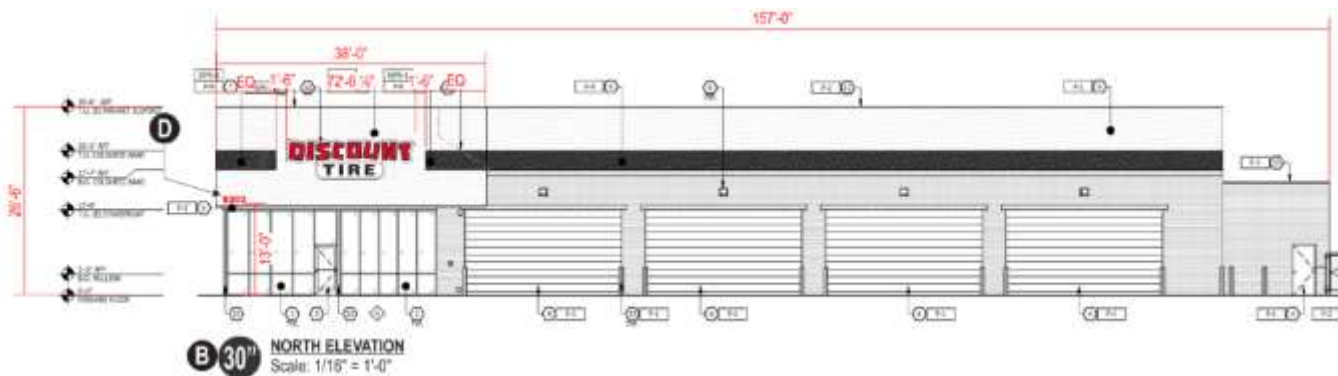
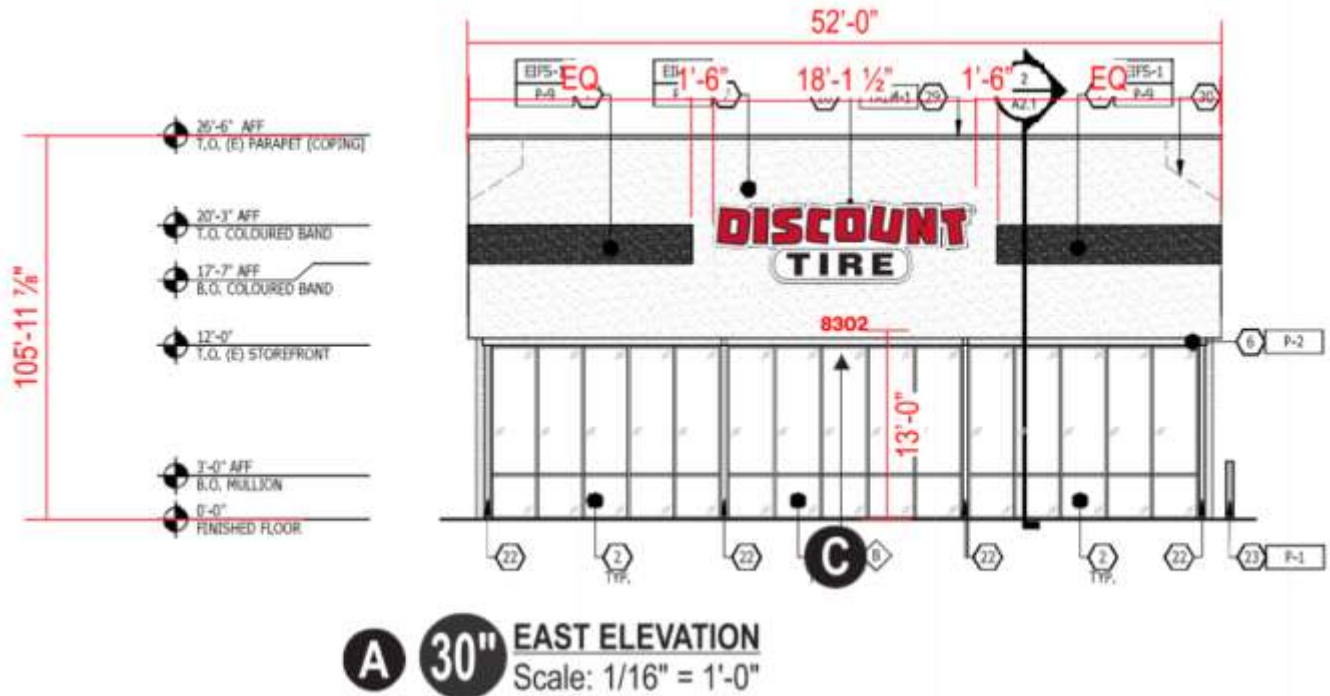
**A** DIF EXTERIOR MONUMENT SIGN (32 SQ FT) FACE OF SIGN  
 Scale: 3/8" = 1'-0"



NIGHT VIEW  
 Scale: NTS



Staff Exhibit 1: Wall signs per SGN24-00625





STATEMENT OF MODIFICATION OR TERMINATION  
OF COVENANTS OR COMMITMENTS

COVENANTS OR COMMITMENTS MODIFYING OR TERMINATING EXISTING COVENANTS OR  
COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN  
CONNECTION WITH AN APPROVAL PETITION, REZONING OF PROPERTY, A VARIANCE PETITION  
OR SPECIAL EXCEPTION PETITION

In accordance with I.C. 36-7-4-918.8 and I.C. 36-7-4-1015, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following modification(s) or termination(s) of covenants or commitments concerning the use and development of that parcel of real estate:

**Legal Description:** 8302 Michigan Road, Indianapolis, IN

SEE ATTACHED FOR LEGAL DESCRIPTIONS FOR SUBJECT PROPERTY

**Statement of MODIFICATION OR TERMINATION of Covenants or Commitments:**

1. Proposed Modification: Discount Tire, a tenant of Halle Properties based in Scottsdale, AZ, located at 8302 Michigan Road, seeks approval for a modification to permit the construction of an 8-foot high, internally illuminated, monument-style ground sign. The base and structure of this sign would be consistent with the materials used on the exterior of the Discount Tire storefront. This modification would apply solely to the Discount Tire outlot and would supersede the existing commitment that restricts signage on outlots to just wall signs.
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_



Department of Metropolitan Development  
Division of Planning  
Current Planning

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 grant will not be injurious to the public health, safety, morals, and general welfare of the community because signage is used for wayfinding purposes.  
The proposed sign is designed to enhance navigational ease and ensure that residents and visitors can find their way efficiently and safely.  
Additionally, the sign is not obtrusive or visually blighting; it has been thoughtfully designed to blend seamlessly with the community's aesthetic.  
This careful consideration in design ensures that the sign contributes positively to the community's environment rather than detracting from it.  
Thus, the implementation of the proposed sign will support the community's welfare by improving wayfinding without compromising the area's visual or moral standards.

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 use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because other freestanding signs already exist in this development area, establishing a precedent for such signage. The proposed sign will meet the setback requirements, ensuring it does not create any visibility obstacles, thereby maintaining clear sightlines for drivers and pedestrians. Moreover, the proposed sign is aesthetically pleasing and harmoniously designed to complement the development and surrounding businesses, enhancing the overall visual appeal of the area. This sign represents the minimum request necessary for a legible ground sign, which is crucial for increasing driver reaction time and facilitating safe ingress and egress to this establishment. Therefore, the proposed sign supports the functionality and aesthetic cohesion of the area without negatively impacting adjacent properties.

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

The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because it prevents the business owner from enjoying the same rights as other businesses within the city. Adhering rigidly to these zoning terms creates an uneven playing field, where this business is unfairly restricted compared to its peers. This disparity can hinder the business's ability to attract customers, effectively compete, and contribute to the local economy. Therefore, granting a variance would align this property with the standards and opportunities afforded to other businesses, ensuring equitable treatment and fostering a more balanced commercial environment.

DECISION

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



*Shannon  
10/1/96*

(14)

Commitments

95-2172

NOTE: Article VI, Section 3(b) of the rules of the Metropolitan Development Commission requires use of this form in recording commitments made with respect to zoning and approval cases in accordance with I.C. 36-7-4-607. Resolution No. 85-R-69, 1985 of the Metropolitan Development Commission requires the owner to make Commitment #1.

COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE  
 MADE IN CONNECTION WITH A REZONING OF PROPERTY OR PLAN APPROVAL

In accordance with I.C. 36-7-4-607, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of that parcel of real estate:

Legal Description:

See Exhibit 1A(1) through 1A(4) ("Real Estate") attached hereto and by reference made a part hereof.

Statement of COMMITMENTS:

1. The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".

2. The Real Estate shall be developed as an integrated retail development with uses permitted in the C-3 zoning classification and in accordance with the Statement of Commitments attached hereto as Exhibit 1, pages 1 through 4.

3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

These COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein; provided that Commitment #1 (Open Occupancy and Equal Opportunity Commitments) shall not be binding on an owner, subsequent owners or other persons acquiring an interest therein if such persons are exempt persons or are engaged in an exempt activity as defined on Attachment "A", which is attached hereto and incorporated herein by reference. These COMMITMENTS may be modified or terminated by a decision of the Metropolitan Development Commission made at a public hearing after proper notice has been given.

02/07/96 02:57PM JOHN A. ROBERTS, MARION CITY RECORDER \$5.00 PAGE: 14  
 Inst # 1996-0031079

EXHIBIT 1

COMMITMENTS RE: 95-Z-172

STATEMENT OF COMMITMENTS:

1. The owner agrees to abide by the open occupancy and equal employment opportunity commitments required by the Metropolitan Development Commission Resolution No. 85R69, 1985 which commitments are attached hereto and incorporated herein by reference as Attachment A.

2. The real estate described in Exhibit 1A(1) through 1A(4) attached hereto ("Real Estate") and shown on the site and development plan titled "Michigan Road Shops", filed with the Division of Development Services and approved by the Metropolitan Development Commission shall be developed as an integrated retail center not to exceed approximately 40,000 square feet in retail space and with not more than 3 retail outlots to be located approximately as depicted on such plan, with the Real Estate to be developed in accordance with the following development standards:

a. No alcohol shall be sold in the main building of the project, which for purposes of these commitments is the building outlined in the attached Exhibit 1B with the spaces marked A through D. However, the developer will have the right to sell or lease the outlots marked E and F to a full service restaurant which serves alcohol. The developer would agree to restrict the size of the bar area to a reasonable size, using as a example restaurants with smaller bar areas such as the Olive Garden, Black-Eyed Pea, Chili's, Applebee's or other sit down full service restaurants of a similar type which emphasize family dining with limited bar area.

b. The main building of the center shall be open from 7:00 A.M. till 11:30 and the outlots shall be allowed to remain open no later than 11:30 P.M.

c. The developer agrees to establish and maintain a fifty (50') foot wide greenspace buffer along the west property line of the Real Estate where it abuts Crooked Creek Heights, Sections 6 and 7 (Crooked Creek) as shown in Exhibit 1B. Within such area developer agrees to build an 8 foot high mound with a 10-foot high shadow box wood fence on the top of the mound. The developer shall file a petition requesting a variance of development standard to permit installation of such fence. The landscape berm on the west side of the mound will have 6- to 8-foot tall trees with a mixture of 3-inch caliper hardwood and pine trees. Subject to the neighboring Lowe's permission, the developer would connect the mound at the west side of the Real Estate with the mound that Lowe's has installed. The developer shall install one row of similar sized pine trees every 20' along the east side of the mound.



d. The wooded areas indicated on the preliminary plat shall be preserved to the greatest extent possible with consideration given to the requirements of drainage, utility, and street easements from DPW, DOT and other agencies. A tree preservation plan should be developed using the findings of a typical 20' by 20' area survey. The typical 20' by 20' area survey should indicate all trees large than 6" in caliper, with one survey being required for every 10 acres of wooded area. The final site plan, submitted for Administrator's approval, should indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and shall indicate a proposed method of protection of the trees during construction. A landscape plan, indicating spacing, species and size of landscape elements, shall be submitted for and subject to Administrator's approval prior to issuance of an Improvement Location Permit. Landscaping shall be completed in accordance with said approved plan and maintained at all times thereafter.

e. The developer agrees that no fast food requiring frying or grease cooking shall be prepared in the main building located closest to Crooked Creek but such prohibition will not prevent delicatessens, sandwich shop, coffee shop, bagel store, bakeries, ice cream or yogurt stores or other similar food sales establishments from occupying the main building. The developer further agrees that "Fast Food" businesses which may require frying or grease cooking, shall be limited to the two northern outlots which are to be approximately located as depicted in Exhibit 1B as Buildings "E" and "F". Nightclubs shall be excluded from operation on the Real Estate.

f. The owner and developer agrees that the south portion of the Real Estate consisting of approximately 75,000 square feet of the Real Estate and located approximately south of the line shown on Exhibit 1B shall be reserved for C-1 uses and exclude general retail uses. Neither the owner or the developer shall petition for a change in zoning in this area of the Real Estate to allow retail use, nor shall the owner or developer seek a variance of use to allow retail uses in this area of the Real Estate.

g. The developer shall install a landscaping median in the middle of the main entry of the development to create a boulevard effect. The main entry shall be located directly across from Cub Foods.

h. The main building depicted as A, B, C and D on Exhibit 1B shall be constructed with a finished facade (brick, masonry, stucco or split faced block) on all sides. The front of the integrated center building shall be staggered or additional architectural treatment shall be added to break up the "straight line" appearance of the integrated center. Additionally, the developer shall have the option of detaching space from the integrated portion of the project. The developer will agree that all signs along the

integrated portion of the building shall be wall signs individually lettered and internally illuminated advertising the businesses operated therein. The illuminated signage on the main building shall be limited to the east side of such building. The developer shall agree to have one integrated center pylon sign which shall be constructed of material used on the exterior of the center. Buildings constructed on the outlots shall be limited to wall signage only and such signage shall be limited to the north and/or east side of buildings constructed on the outlots.

i. In order to separate the development on the Real Estate from property to the south, the developer shall install a 4' high mound along the southern border of the Real Estate extending from the south end of the mound to be built along the western border to within approximately 60' of the western right-of-way line of Michigan Road. On top of such mound, developer shall install an 8' high wooden shadow box fence with masonry or brick posts not more than 20' apart and such fence shall extend to within 40' of the western right-of-way line of Michigan Road; provided, that the extension eastward of such mound and fence is subject to the Department of Capitol Asset Management's approval with regard to traffic safety issues, if any.

j. The developer shall use all reasonable efforts to connect a driveway along the northern border of its site to the Lowe's property to the north.

k. The following uses shall be prohibited from operation on the Real Estate:

1. Package Liquor Stores.
2. Bars or taverns, However, restaurants may be operated on the site and such restaurants may serve liquor.
3. Adult book stores.
4. Adult cabarets.

l. The western rear yard setback to any building shall be 70' from the rear western property line.

m. There shall be no lighting at the back of any buildings adjacent to the Crooked Creek subdivision including the south, west and north side of any such buildings other than wall mounted lights illuminating any doors.

n. The retail portion of the development shall be operated with delivery times restricted to 7:00 A.M. to 6:00 P.M.



o. Business on the Real Estate shall be operated with a restriction limiting trash pickup and removal and parking lot cleaning to the hours of 7:00 A.M. to 6:00 P.M.

p. All outside speakers shall be prohibited.

q. The developer shall develop the Real Estate as an integrated center which may be built in phases. The mounding on the Real Estate shall be constructed as various portions of the Real Estate are developed. All of the mounding and fencing described in these Commitments shall be completed within twenty (20) months after the commencement of development work upon the Real Estate.

r. The developer shall build any building on the Real Estate, including buildings on the outlots using a style of architecture reasonably compatible with the architecture of the main building as approximately depicted in an elevation filed with the Department of Metropolitan Development and hide any air conditioning units located on the roof of the main building. All structures built on the outlots shall be reasonably residential in character with finished facades on all sides consisting of materials such as brick or split faced masonry block, stucco or dryvit enhanced with decorative masonry or brick.

s. The developer shall install a vinyl clad chain link fence around any detention pond.

t. A 70' half right of way shall be dedicated along Michigan Road as per the request of the Department of Transportation (DOT). Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to acceptance of all grants by DOT. The right-of-way shall be granted within sixty (60) days after Petitioner purchases the Real Estate.

u. The developer shall not connect this development with any development to the south of the Real Estate unless requested to do so by the City of Indianapolis, Department of Metropolitan Development.

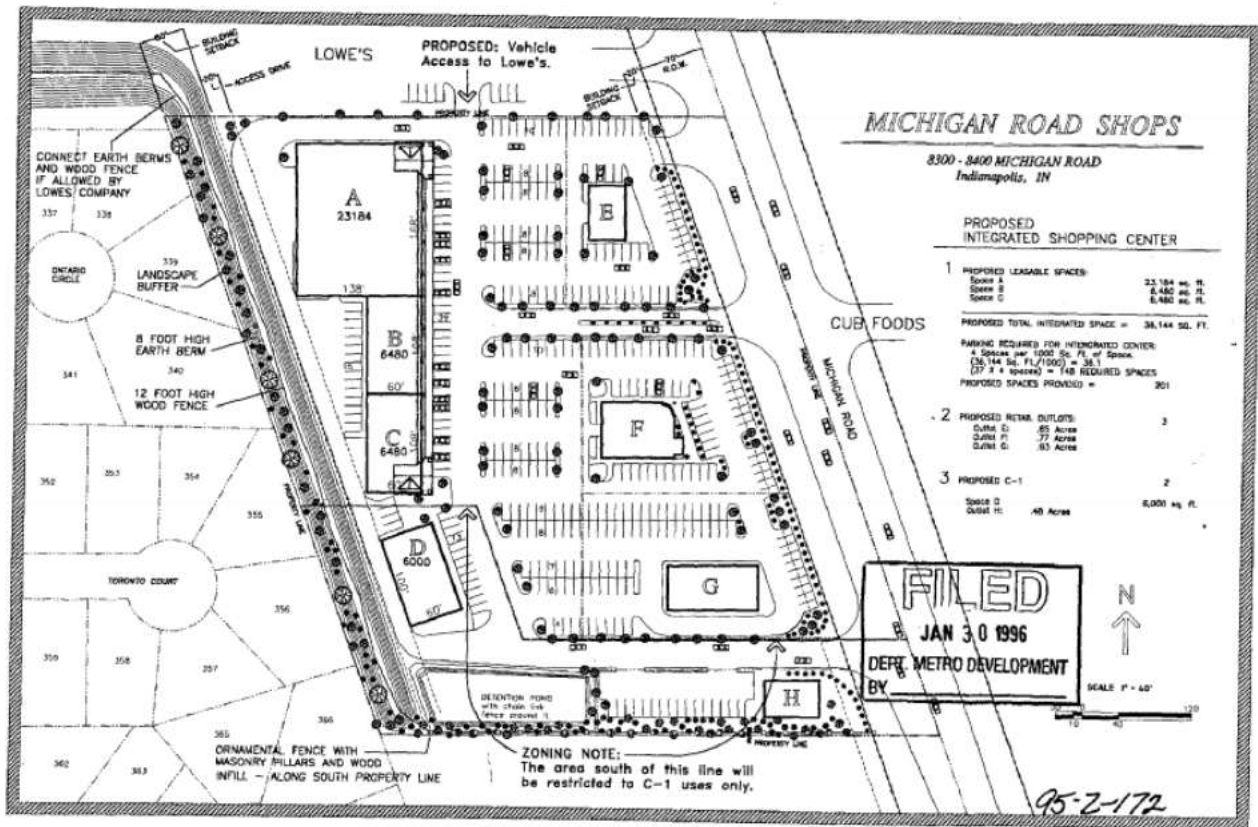




Photo of the subject site looking southwest.



Photo of the proposed location of the freestanding sign.





Photo of the commercial shopping strip west of the subject site.



Photo of the freestanding building north of the subject site.





Photo of the existing freestanding site for the integrated center.



Photo of an illegal freestanding sign south of the subject site and other sign further south.



Photo of the commercial shopping strip east of the subject site.